APR 21 1972

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

VOLUME 117—PART 10

APRIL 28, 1971, TO MAY 5, 1971
(PAGES 12303 TO 13722)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1971

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord has made: Let us rejoice and be glad in it.—Psalms 118: 23.

Our hearts rejoice, our Father, for this new day Thou hast made and given to us. May we live through it with faith and hope and love alive within us. We thank Thee for the privilege of working together with Thee for things which matter most to our people. Prosper us in our planning, encourage us in our endeavors, and strengthen us as we step forward on behalf of our country. Let not any pettiness, any prejudice, or any pride get in the way of our accomplishments but with a passion for justice and truth may we pursue our upward way until the earth shall be fair with the brightness of brotherhood, the presence of peace, and the glory of goodness. In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1557. An act to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

RESIGNATION FROM BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER laid before the House the following resignation from the Board of Visitors to the U.S. Military Academy:

APRIL 27, 1971.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It has been a distinct honor for me to serve on the Board of Visitors to the United States Military Academy on a number of occasions. Since it will be impossible for me to attend the next regular meeting of the Board, I would like to resign as a member of the Board so that you may appoint one of the Members who may attend this important meeting.

With kind personal regards, I am,
Sincerely yours,
WILLIAM H. NATCHER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 4355(a), the Chair appoints as a member of the Board of Visitors to the U.S. Military Academy the gentleman from Missouri (Mr. HULL) to fill the existing vacancy thereon.

MENDEL J. DAVIS

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, there is good news for the country from South Carolina this morning. The voters of the First Congressional District of South Carolina are to be congratulated upon their selection of an outstanding young man to succeed our late beloved colleague, Mendel Rivers, as Congressman from that district.

MENDEL J. DAVIS, 28 years old, of Charleston, will be the youngest Democrat in the 92d Congress. He won his election yesterday against overwhelming Republican opposition and against a national effort on the part of the opposition that was almost unparalleled for that part of the country.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I would like to commend the gentleman and also his cochairman, the gentleman from Massachusetts (Mr. O'NEILL) and Ken Harding for the fine job they all did in the successful campaign of MENDEL J. DAVIS.

Mr. EDMONDSON. I thank the distinguished majority leader very much.

I would like to say this: That despite the fact that speakers of national prominence were called in to lead the Republican campaign, and despite the fact that the Republican Party heavily committed its prestige and financial support to this election, this fine young Democrat received 37,857 votes and scored an outstanding victory.

REPUBLICAN PROGRESS IN SOUTH CAROLINA

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, naturally I welcome the newly elected Member from South Carolina to the House of Representatives. The gentleman comes from a wonderful part of the country, and he succeeds one of our most able and beloved Members of this body, the late Mendel Rivers.

I would point out, however, to my friend, the gentleman from Oklahoma (Mr. EDMONDSON) that the figures as I saw them in the morning paper today were some 33,000 votes for the winner, and approximately 29,000 for the Republican candidate.

I suspect that those 29,000 votes for a Republican in a congressional contest in Charleston, S.C., is an alltime high, and that the percentage of the Republican vote in that congressional district contest is an alltime high. I would just say to my friend, the gentleman from Oklahoma (Mr. EDMONDSON) that we are making progress in South Carolina, and we are making progress nationally, and that my friend can crow this time, but he will be disappointed in the future.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, the figures given by the gentleman from Michigan (Mr. GERALD R. FORD) are not up to date. Mr. DAVIS had over 37,000 votes, and that is just a little over half of what Mr. GOLDWATER got in that same district a few years ago.

Mr. GERALD R. FORD. We are glad that Mr. GOLDWATER did very well in 1964, which I think is indicative of the kind of progress we are making, and that any of the figures he quotes should not give the gentleman from Oklahoma any pleasure or rejoicing.

The SPEAKER. The time of the gentleman from Michigan has expired.

INTERNATIONAL WALK FOR DEVELOPMENT WEEKEND

(Mr. HICKS of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS of Washington. Mr. Speaker, I take this time to express my support for House Joint Resolution 553 calling for the designation of May as Human Development Month, and the weekend of May 8 and 9 as International Walk for Development Weekend.

We are all aware of the excellent work the Young World Development and its parent organization, the American Freedom From Hunger Foundation, has been doing in the area of human resource development. This organization, made up primarily of young men and women, raises funds for domestic and international development through annual "walks" in local communities.

As was pointed out by our colleagues, Congressman SCHWENGEL and Congressman FRASER, last year walks were conducted in over 135 communities throughout our country, and some $2.5 million was raised. This year the foundation's walk weekend is scheduled for May 8 and 9, and the coordinator for the walk in Tacoma, Wash., has advised me that between 6,000 and 8,000 people are expected to participate in the Tacoma walk alone.

In my view, these young people are constructively demonstrating their concern for the poverty, hunger, disease, and other problems afflicting this Nation and the world. In addition, their efforts help make us all more aware of our own personal responsibility and commitment in helping solve these problems.

Mr. Speaker, the young people in the United States who walk on May 8 and 9 will be joined by others in over 40 nations around the world. As a cosponsor of the resolution before us today, I would urge that these efforts be formally recognized by this Congress.

PROPOSED DEPRECIATION REGULATIONS

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FREY. Mr. Speaker, with the Internal Revenue Service hearings being held next week on the new depreciation guidelines, I think it is timely to review what has happened since the termination of the investment tax credit and why the new guidelines are needed.

The productivity growth rate in the past 4 years has dropped from a 3-percent level since World War II to 1.7 percent. Since compensation per manpower rose at an annual rate of 7 percent during this same 4 years, the average increase in unit labor costs was 5.3 percent. This high increase in labor costs was a prime contributor to the inflationary surge and the consequent need for the restrictive fiscal and monetary policies that have produced the present economic slack and unemployment.

Moreover, the termination of the investment tax credit, together with inflation and depressed profits, have caused a 7-percent increase in obsolete manufacturing equipment and produced an alarming drop in the American balance of trade.

The asset depreciation range—ADR—will improve this situation. The ADR's will allow taxpayers to take as a reasonable allowance for depreciation an amount based on a period of years between 20 percent above and 20 percent below guideline lines established in 1962. The other major change is the termination of the "reserve ratio test" which has proved inequitable and administratively cumbersome.

Contrary to what its opponents say, the relative benefits of the ADR system are greater for small and medium-sized businesses than for big business.

Depreciation allowances are a major source of internal funds and, since these smaller businesses are less able to get internal funds, any increase in internal funds will improve the ability of these firms to invest.

The enactment of the Asset Depreciation Range will have the following beneficial affects:

First. Produce higher living standard for American worker through wage increases that can be absorbed by high productivity growth rates.

Second. Increase modernization of machinery and equipment.

Third. Improve U.S. balance of payments.

Fourth. Stimulate a higher rate of capital formation.

Fifth. Offset the inflationary erosion of the depreciation deduction.

Sixth. Enable firms to develop new technologies to prevent environmental damage.

PROVIDING FOR CONSIDERATION OF H.R. 2166, OLEOMARGARINE AMENDMENT TO FOOD, DRUG, AND COSMETIC ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2166) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 71]

Ashbrook
Ashley
Aspin
Baker
Baring
Begich
Bergland
Biaggi
Brown, Ohio
Burton
Carter
Celler
Chamberlain
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Corman
Coughlin
Davis, Ga.
Dellums
Denholm
Diggs
Dorn
Dowdy
Downing
Edwards, La.
Gallagher
Gray
Green, Pa.
Griffiths
Gross
Gubser
Halpern
Hanley
Hanna
Hébert
Jones, Ala.
Jones, Tenn.
Kee
Kemp
Lennon
Lloyd
Long, La.
McCulloch
McKinney
Metcalfe
Murphy, N.Y.
Patman
Pirnie
Podell
Pryor, Ark.
Rhodes
Rooney, N.Y.
Runnels
Scheuer
Slack
Stokes
Stubblefield
Symington
Thompson, N.J.
Vanik
Wolff
Wyatt
Young, Tex.
Zwach

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 70, RURAL TELEPHONE BANK

Mr. POAGE submitted the following conference report and statement on the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-165)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish assured and viable sources of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

SEC. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"SEC. 301. RURAL TELEPHONE ACCOUNT.—There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of so much of the net collection proceeds (as defined in section 406(a) of this Act) as may be necessary to provide for investment in the capital stock of the Rural Telephone

Bank in accordance with such section 406(a): *Provided,* That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the sale of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank.

"Sec. 302. Deposit of Account Moneys.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"Sec. 401. Establishment, General Purposes, and Status of the Telephone Bank.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"Sec. 402. General Powers.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided,* That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further,* That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"Sec. 403. Special Provisions Governing Telephone Bank as an Agency of the United States Until Conversion of Ownership, Control, and Operation.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United States and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however,* That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank;

"(c) the telephone bank shall be subject to the provisions of the Government Corporation Control Act, as amended (31 U.S.C. 841, et seq.), in the same manner and to the same extent as if it were included in the definition of 'wholly owned Government corporation' as set forth in section 101 of said Act (31 U.S.C. 846);

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"Sec. 404. Governor.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"Sec. 405. Board of Directors.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative role at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employees of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsection (c), (d), and (e), shall receive $100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title IV and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"Sec. 406. Capitalization.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1971 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equal $300,000,000: *Provided,* That on or before July 1, 1975, the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section and section 301, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1969, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law, in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1985, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided,* That the minimum amount of Class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000, shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loan funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations and public bodies eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers, corporations and public bodies, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of class B or class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"SEC. 407. BORROWING POWER.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called telephone debentures). Telephone debentures shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine: *Provided, however,* That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"SEC. 408. LENDING POWER.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telephone lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, or financial stability of the telephone system of the borrower, and in respect of exchange facilities for local services, the size of each acquisition shall not be greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made under this section shall be fully amortized over a period not to exceed fifty years.

"(2) Funds to be loaned under this Act to any borrower shall be loaned under this section in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. Notwithstanding the foregoing or any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provision shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Loans under this section shall, to the extent practicable, bear interest at the highest rate which meets the requirements set forth in paragraph (4), consistent with the borrower's ability to pay such interest rate and with achievement of the objectives of this Act; but not less than 4 per centum per annum.

"(4) Loans shall not be made under this section unless the Governor of the telephone bank finds and certifies that in his judgment (i) the security therefor is reasonably adequate and such loan will be repaid within the time agreed, and (ii) the borrower has the capability of producing net income or margins before interest at least equal to 150 per centum of the interest requirements on all of its outstanding and proposed loans, or such higher per centum as may be fixed from time to time by the Telephone Bank Board in order to allocate available funds equitably among borrowers or to improve the marketability of the telephone debentures: *Provided, however,* That the Governor of the telephone bank may waive the requirement of (ii) above in any case if he shall determine (and set forth his reasons therefor in writing) that this requirement would prevent emergency restoration of the borrower's system or otherwise result in severe hardship to the borrower.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term telephone service shall have the meaning prescribed for this term in section 203(a) of this Act, and the term telephone lines, facilities, or systems shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) No borrower of funds under section 408 of this Act shall, without approval of the Governor of the telephone bank under rules established by the Telephone Bank Board, sell or dispose of its property, rights, or franchises, acquired under the provisions of this Act, until any loan obtained from the telephone bank, including all interest and charges, shall have been repaid.

"(c) The Governor of the telephone bank is authorized under rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided, however,* That no adjustment shall extend the period of such loans beyond fifty years.

"Sec. 409. Telephone Bank Receipts.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"Sec. 410. Conversion of Ownership, Control and Operation of Telephone Bank.—(a) Whenever fifty-one per centum of the maximum amount of class A stock issued to the United States and outstanding at any time after June 30, 1985, has been fully redeemed and retired pursuant to section 406(c) of this title—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this title IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"Sec. 411. Liquidation or Dissolution of the Telephone Bank.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata.

"Sec. 412. Borrower Net Worth.—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions."

Sec. 3. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, is amended by inserting in lieu of the first word of said subsection "Except as otherwise provided in sections 301 and 406(a) of this Act, all".

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

Sec. 4. Section 201 of the Government Corporation Control Act, as amended (31 U.S.C. 856), is amended, effective when the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of the Rural Electrification Act of 1936, as amended, by striking "and" immediately before "(5)" and by inserting ", and (6) the Rural Telephone Bank" immediately before the period at the end.

Sec. 5. The second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), is amended, effective when the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of the Rural Electrification Act of 1936, as amended, by inserting "the Rural Telephone Bank," immediately following the words "shall not be applicable to".

Sec. 6. The right to repeal, alter, or amend this Act is expressly reserved.

Sec. 7. This Act shall take effect upon enactment.

And the House agree to the same.

W. R. Poage,
Frank A. Stubblefield,
Graham Purcell,
Thomas S. Foley,
Page Belcher,
William C. Wampler,
Managers on the Part of the House.
Herman E. Talmadge,
Allen J. Ellender,
George McGovern,
James B. Allen,
Jack Miller,
George D. Aiken,
Robert Dole,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to S. 70 struck out all after the enacting clause and inserted in lieu thereof the text of H.R. 7 as it passed the House.

The differences between S. 70 and the House amendment and their resolution by the conferees follow:

(1) The Senate bill provided for a rural telephone account consisting of as much of the net collection proceeds from outstanding Section 201 loans as the Administrator of the Rural Electrification Administration would determine necessary for the purchase of Class A stock in the bank.

The House bill provided for a rural telephone account consisting of all notes, collections, appropriations, and other funds and assets relating to outstanding Section 201 loans.

In both bills, Congress could appropriate not exceeding $30,000,000 annually to purchase Class A stock to fund the bank. These appropriations would have to come from the rural telephone account.

The conferees agreed to the Senate language with a modification which eliminated the authority of the Administrator of the Rural Electrification Administration to make a specific determination as to the amount of funds to be placed into the rural telephone account. The conferees felt that adequate funds should be made available to the rural telephone account to assure that Congress could appropriate the maximum $30,000,000 annually if it so desired, and provided for deposit in the account of so much of the net collection proceeds as may be necessary for that purpose.

(2) The Senate bill provided that the bank would be a wholly owned government corporation until such time as conversion to private control would occur. Under the Senate bill this conversion would take place after all government investment in Class A stock would be retired.

The House bill designated the bank a mixed-ownership government corporation. Conversion to private control would occur when the amount in stated value of Class B and C stock would equal two-thirds of the total stated value of Class A, B, and C stock.

Both bills required Treasury approval of the issuance and terms of the bank's debentures until conversion.

The conferees provided that the bank would be a wholly owned government corporation (as defined in Section 101 of the Government Corporation Control Act (31 U.S.C. 846)) until 51 percent of the Class A stock has been retired, thereby subjecting it to annual budgetary review by the Office of Management and Budget until conversion. Thereafter, the bank would be a mixed-ownership government corporation, thereby continuing to subject it to annual government audit but not budgetary review.

The conferees also provided that the bank's conversion to private control would occur at such time as 51 percent of the Class A stock is retired.

(3) The Senate bill provided that the rural telephone account would include proceeds from outstanding Section 201 loans beginning after June 30, 1969.

The House bill provided that the rural telephone account could be funded from such proceeds after June 30, 1970.

Since net collection proceeds are now about $30 million per year, the Senate version would make available an amount large enough for a supplemental appropriation to purchase Class A stock this fiscal year (fiscal 1971) and a regular appropriation for this purpose at any time in the new fiscal year starting July 1, 1971. The conferees therefore agreed to the Senate language in order to enable the rural telephone account to be funded as fully as possible, thereby giving the bank every opportunity to be established on a sound financial basis. It is anticipated that net collections from fiscal years 1969 and thereafter will be available for appropriation as provided in the bill without regard to whatever action may have been taken by the Treasury with respect to them, including covering them into the general fund of the Treasury, prior to the enactment of the bill.

(4) The House bill contained language to clarify the fact that public bodies eligible to borrow from the bank would be permitted to purchase Class C stock.

The Senate bill contained no such clarification.

The conferees agreed to the House language.

(5) The Senate bill provided that borrowers able to do so must obtain loans from the bank instead of 2 percent loans from Section 201.

The House bill contained no such provision.

The conferees accepted the Senate language. The conferees felt that Section 201 loans should be made available to those borrowers who are financially unable to afford the cost of bank loans. The conferees also agreed that, in instances where a borrower could afford to pay more than 2 percent interest but less than the bank's minimum rate of 4 percent, a combination of loans from the bank and Section 201 would be permissible. However, the conferees emphasize strongly that such a combination or blended loan should result in an interest rate of less than 4 percent and should not be made to borrowers who could afford to pay 4 percent or more.

(6) The Senate bill provided that bank loans must bear an interest rate based upon the borrower's ability to pay. Bank loans would be limited to borrowers with the capability of producing net income or margins, before interest, at least equal to 150 percent of the interest requirements on its outstanding and proposed loans. The Governor of the telephone bank could waive the 150 percent requirement in case of emergency restoration of the borrower's system or severe hardship. The Senate bill also provided for a minimum bank interest rate of 4 percent.

The House bill provided the bank with an intermediate interest rate on some loans at a maximum of 4 percent and an interest rate on other loans reflecting the cost of money and other expenses of the bank. The bank's authority to make intermediate loans would terminate on June 30, 1985, or any earlier date in which conversion would occur.

The conferees accepted the Senate language on these points.

(7) The House bill prohibited the use of bank loan funds to finance political activities prohibited under Sections 600, 601, 610, 611, and 612 of Title 18 U.S.C. The House bill required borrowers, prior to receiving a loan, to agree in writing not to engage in any such prohibited activity. Violation of such agreement would require full loan repayment within 30 days after the borrower receives notification from the Telephone Bank Board.

The Senate bill contained no such provision.

The conferees agreed to eliminate the House language in view of the fact that political activities are already covered by sections 600, 601, 610, 611, and 612 of title 18, United States Code, and there is no need for further provision in this bill with respect to them.

(8) The Senate bill provided that no borrower of Section 201 or bank funds could, without the approval of the Administrator of the Rural Electrification Administration, or the Governor of the telephone bank, respectively, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness to the Rural Electrification Administration or the telephone bank shall have been repaid. The Senate bill provided that any such approval of such transactions would be conditioned upon the new owner or entity agreeing to pay such rate of interest as would be required if a new loan were made to the borrower.

The House bill provided that any borrower of Section 201 or bank funds could not, without the approval of the Administrator of the Rural Electrification Administration, or the Governor of the telephone bank, as the case may be, dispose of its property, rights, controlling interest, or franchise, until it has repaid all of its indebtedness to the Rural Electrification Administration or the bank.

The conferees took the language in Section 7 of the Rural Electrification Act of 1936, as amended, which deals with the disposition of property, rights, or franchises, and applied it to the telephone bank. Under the agreement, a borrower from the bank must have the approval of the Governor of the telephone bank under rules established by the Telephone Bank Board before selling or disposing of its property, rights, or franchises before the repayment of indebtedness to the bank.

The conferees felt that the language in the existing Act has worked well. The conferees felt that the Governor should approve any such transaction unless it would tend to frustrate the purpose of this Act and the Rural Electrification Act of 1936, as amended.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
GRAHAM PURCELL,
THOMAS S. FOLEY,
PAGE BELCHER,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
Managers on the Part of the House.
HERMAN E. TALMADGE,
ALLEN J. ELLENDER,
GEORGE MCGOVERN,
JAMES B. ALLEN,
JACK MILLER,
GEORGE D. AIKEN,
ROBERT DOLE,
Managers on the Part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 2166, OLEOMARGARINE AMENDMENT TO FOOD, DRUG, AND COSMETIC ACT

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 388 provides an open rule with 1 hour of general debate for consideration of H.R. 2166 to amend the Federal Food, Drug, and Cosmetic Act.

The purpose of H.R. 2166 is to simplify the present requirements concerning notice to patrons in public eating places that colored margarine, or oleomargarine, is being served.

Existing law requires that a conspicuous sign must be displayed or that a statement must be on the menu, and that the establishment must mark each individual serving or cut it into a triangular shape.

This legislation provides that notice may be given in any one of three methods: A conspicuous sign must be displayed, or a statement must be placed on the menu, or each separate serving shall be labeled.

Identical legislation passed the House last year under suspension but was not acted upon by the Senate.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to amend the Federal Food, Drug, and Cosmetic Act relative to the serving in public eating places of colored margarine.

Current law requires such establishments serving margarine to do all of the following:

First, display a sign stating that margarine is being served, or so state on the menu; and

Second, each serving must be similarly marked or the serving must be in the shape of a triangle.

The bill does not eliminate the requirements of notification to customers. It changes them and simplifies them. Under the bill, notice will be given as follows:

First, a sign may be displayed; or

Second, a statement may be placed on the menu; or

Third, each serving must be clearly labeled.

Any one of the three methods may be employed.

The bill is supported by the Department of Health, Education, and Welfare and the Office of Management and Budget. There is no Federal cost involved.

There are no minority views. An open rule with 1 hour of general debate has been requested.

EISENHOWER STAMPS VERSUS F. D. R. STAMPS

(By unanimous consent, Mr. SISK was granted permission to speak out of order.)

Mr. SISK. Mr. Speaker, some men seek causes to support. Others more favored by fortune are sought out by the times and the principle.

I am not sure which was the case in the events I am going to relate. Certainly, though, the serious considerations which impelled the move merit the attention of all of us.

Some of our distinguished Republican colleagues have exchanged their entire office supply of certain 6 cent stamps. They have, I am informed, substituted for Franklin Delano Roosevelt stamps, those bearing the likeness of his illustrious European wartime battlefield commander, General Eisenhower.

While it is tempting to regard this exchange as purely partisan, I suggest those of my party resist this trap. After all, we will recall the earnest efforts of the Vice President to pull us together by cracking the heads of those journalists who express divisive thoughts.

Neither does logic permit us to regard this as a new, diabolically clever, scheme to subsidize the pay-as-you-go Postal Service. Otherwise there would have been no exchange but instead an additional investment.

Possibly it was an ingenious move to test the financial liquidity of the new service—trading in old stamps for new. Sort of a money back guarantee probe to test the willingness of the Post Office to stand behind an older issue.

Mr. Speaker, the motives for this exchange are baffling.

Who knows what the benefits will be and for whom? For humanity? The Postal Service? The Grand Old Party? Polishing the tarnish off the image?

Mr. Speaker, I have been woolgathering and have wasted a minute or two. The way to get to the bottom of the whole thing is to ask those who conceived it to put an end to our puzzlement. It might be, after all, in the interests of good government.

Except for one thing, I would suggest a quid pro quo exchange of Eisenhower stamps held by Democrats for F.D.R. stamps held by Republicans. I understand new Eisenhower stamps will be issued soon but in 8-cent denominations. The possibilities there boggle the mind.

I hope we will soon know the full meaning of this scheme.

Thank you, Mr. Speaker.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5674, COMMISSION ON MARIHUANA AND DRUG ABUSE AUTHORIZATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 389

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5674) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) and to myself such time as I shall consume.

Mr. Speaker, in 1969, the Select Committee on Crime introduced legislation that would have required the President to appoint a committee headed by the Surgeon General to make a final and definitive study of the marihuana problem in the United States. The Congress, instead, created the Marihuana and Drug Abuse Commission to not only concentrate on marihuana, but also to go further into the causes and significance of drug abuse.

The duties of the Commission are divided roughly into two parts. The first segment of the Commission's work will concentrate on the marihuana crisis in this country. It will examine the extent of marihuana use, the efficacy of present laws, the physiological and psychological effects of that substance, its relationship to crime, its relationship to use of other drugs, and the international aspects of marihuana control.

As you can see, the report of this Commission, which is to be filed within 1 year, will be an exhaustive and definitive work. The membership of the Commission insures that the work will be reasoned and well thought out. With the understanding that will be gleaned from this work, it is hoped we may chart an understanding path to the solution of the problem.

There is a second aspect of the Commission's work that is quite important. The Commission will also study the causes of drug abuse and their relative significance. In this 2-year study, the Commission will look at some of the psychological, emotional, environmental and physical causations for people taking drugs. Hopefully, when the Commission's findings are combined with other studies, such as the hearings being conducted this week by the Select Committee on Crime on research into cures and medical treatment for heroin addiction, we will be able to come up with plans for dealing with the spreading problem of drug abuse.

The causes of drug abuse are often overlooked in discussions of the problem, yet they are indeed necessary of understanding before we can deal effectively with legislation in this area. The Commission will concentrate on this area and provide us with this understanding.

On February 5, 1971, the Commission held its first meeting to handle administrative matters and concluded that, in order to operate effectively, it would require an increase in appropriations from its initial $1 million to the $4 million now requested in H.R. 5674. I think that, based upon the vast undertaking of the Crime Committee, this legislation should be adopted.

Mr. Speaker, I urge the adoption of House Resolution 389 in order that H.R. 5674 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to increase the ceiling on funding for the Commission on Marihuana and Drug Abuse created by the Comprehensive Drug Abuse Prevention Act of 1970.

That act set the funding ceiling for the Commission at $1 million. The bill increases the ceiling to $4 million. The increase is necessary because at the time the act was debated on the floor the scope of the study to be undertaken was substantially broadened and the period of study increased. However, no increase in the funding was provided. The bill will remedy that oversight.

Both the Office of Management and Budget and the Department of Health, Education, and Welfare support increasing the funds available to the Commission. Each, however, recommends that the expenditure ceiling be an indefinite amount.

There are no minority views. An open rule with 1 hour of general debate has been requested.

Mr. Speaker, I have no requests for time, and I reserve the remainder of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OLEOMARGARINE AMENDMENT TO FOOD, DRUG, AND COSMETIC ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2166) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2166, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 2166, a bill revising the Federal Food, Drug, and Cosmetic Act with respect to notification which must be provided customers in restaurants when oleomargarine is served.

This bill is identical to H.R. 12061, 91st Congress, which passed the House by voice vote under suspension of the rules on October 5, 1970.

Hearings were held during the last Congress, and all witnesses favored the legislation. Agency reports both in the last Congress and in the present one were all in favor of the legislation.

Existing law requires two separate forms of notification when oleomargarine is served in restaurants. There must be either a notice displayed prominently, or on the menu, that oleomargarine is served. In addition, each separate serving of oleomargine must be labeled or must be triangular in shape. The bill revises these two forms of notification, to provide that only one notice need be given, and it may consist of either a notice prominently displayed, or a notice printed on the menu, or each serving must be separately labeled as oleomargarine. We feel that the present requirement of dual notices makes enforcement unnecessarily complicated and is not needed. We urge the adoption of the bill.

Mr. SPRINGER. Mr. Chairman, near the end of the 91st Congress the Committee on Interstate and Foreign Commerce reported out a bill which would have changed the requirements for notification to the public that an eating establishment was serving oleomargarine. The bill did not receive attention in the Senate and therefore the measure died.

The bill we are bringing before you today is exactly the same measure that was passed by the House last year.

Up to this time the Federal law has required that a restaurant serving oleomargarine notify the public of that fact by using two out of three acceptable methods. The methods of notification are: First, a conspicuous sign on the wall of the establishment; second, a notice on the menu in type at least equal to other items on the menu and third, a distinctive marking on the serving of oleomargarine itself.

The committee has found that conformance with this requirement has been minimal. Enforcement has also been minimal. Perhaps the reason for this lack of enforcement has been a feeling that the requirements have been unreasonable.

This bill would simplify the notification requirement to one of the three methods described above. The public would still be informed of the fact that oleomargarine is being served and in a way which should logically come to the attention of any interested patron.

I recommend this bill to the Members of the House for passage.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding to me and want to express my appreciation to the committee for its expeditious handling of this legislation.

As the chairman indicated, this bill was passed by the House last year, on October 5, but it was too late in the session for action to be completed by the other body.

With this prompt action by the committee this year; however, we are hopeful that enactment can be achieved in the very near future.

The gentleman from Illinois (Mr. KLUCZYNSKI) and I were the original authors of the legislation. We are grateful to the subcommittee, headed by the gentleman from Florida (Mr. ROGERS); the ranking minority member of the subcommittee, the gentleman from Minnesota (Mr. NELSEN); the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS); the ranking minority member, the gentleman from Illinois (Mr. SPRINGER); and the other members of the committee for clearing this legislation in such expeditious fashion.

The provisions of H.R. 2166 establish a simplified notification procedure where yellow margarine is served in public eating places.

The existing, complicated law has proven both unworkable and virtually unenforceable, even in some Government establishments.

At present, an individual serving margarine to the public must, first, post a sign on the wall or make a suitable statement on the menu and, second, label each dish on which margarine is served, use appropriately marked paper covers, or serve it in a triangular form.

The double requirement is not necessary. The wall or menu notification alone will let the customer know that margarine is being served. Or, the establishment can serve the margarine pats with a labeled cover.

The Food and Drug Administration—the enforcement agency—says it cannot supervise the present double notification law because of lack of funds. To reduce the requirement to single notification would make enforcement simpler and would encourage uniformity among the various State laws on notification.

The bill involves no relaxation of consumer protection—in fact, it enhances it by making the law easier to enforce. And, restaurant managers would be relieved of a burdensome, unnecessary requirement on small business.

I want to emphasize, Mr. Chairman, that this is not a bill to promote one product over another. But, I think the public should have freedom of choice in determining whether they desire butter or margarine.

In conclusion, supporters of H.R. 2166 feel that one method of giving notification is sufficient and that the present law is unnecessarily burdensome. To my knowledge margarine is the only food product requiring such duplicate notification, and I would urge my colleagues to support this legislation designed to change that law.

Mr. SPRINGER. Mr. Chairman, I commend the distinguished gentleman from Illinois (Mr. MICHEL) for the interest he has shown in this bill all the time it has been before the committee and the Congress and for the excellent work that he has done on the bill.

Mr. MICHEL. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the bill.

Mr. Chairman, this measure, H.R. 2166, is not intended to deprive persons of the right to use oleomargarine—or to serve this substitute for butter in eating establishments.

However, the proposal requires an appropriate notice to purchasers and customers to assure that they are made aware of the product they are purchasing or consuming.

Mr. Chairman, this measure is designed to prevent deception, mislabeling, and any other unlawful substitution of oleomargarine for butter.

The dairy farmers who produce the butterfat from which butter and other products are manufactured, suffered great injury in the past when oleomargarine was substituted for butter. This measure will discourage any such substitution, and will prevent injury to the dairy industry in the future.

Mr. Chairman, in behalf of the dairy farmers whose interests I serve—as well as all other public interests—this measure appears to be highly meritorious, and I am pleased to support it.

Mr. Chairman, I take this occasion to remind my colleagues that the city of Harvard—in my congressional district—is a great dairy center, and is popularly known as the milk capital of the world. Accordingly, I have a special interest in backing this measure.

I compliment the committee for bringing this bill to the floor of the House, and I am pleased to support it.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407(c) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347(c)), is amended by deleting the language thereof and substituting the following:

"(c) No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place, or (2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed? If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2166) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes, pursuant to House Resolution 388, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

COMMISSION ON MARIHUANA AND DRUG ABUSE AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5674) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

The SPEAKER. The question is on the motion of the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5674, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Again, Mr. Chairman, I agree with the gentleman from Ohio (Mr. Latta) when I say that this bill should have been placed on the Consent Calendar, except for the fact that it does carry the additional sum of $3 million, the principal reason being to extend the life of this Commission.

Mr. Chairman, I rise in support of H.R. 5674, a bill reported unanimously by the Committee on Interstate and Foreign Commerce. This is a bill amending the Comprehensive Drug Abuse Prevention and Control Act of 1970 to authorize expenditures by the Commission on Marihuana and Drug Abuse up to a ceiling of $4 million, in lieu of $1 million ceiling provided in existing law.

Last year the Congress enacted Public Law 91-513, the Comprehensive Drug Abuse Prevention and Control Act of 1970. During our consideration of that legislation, an amendment was adopted to establish a Commission on Marihuana, which was to study the subject of marihuana and within 1 year make a report and recommendations to the President and the Congress. In that amendment, the total expenditures of the Commission were set at a level not to exceed $1 million.

Later, during the consideration of the bill, a further amendment was agreed to, broadening the duties of the Commission very substantially to provide that the Commission should study the overall subject of drug abuse, and its causes. This study, which was to be conducted concurrently with the original study on marihuana, was to be a 2-year study. No change was made in the expenditure limitation of $1 million at that time, and the bill became law with a $1 million expenditure ceiling.

It is obvious that the current ceiling on expenditures by the Commission is unrealistic, and the purpose of this legislation is to provide a more realistic expenditure limitation for the Commission.

At the hearings, the legislation was supported by the Executive Director of the Commission, and the Office of Management and Budget expressed support for an increase in the expenditure limitation. The OMB suggested an indefinite and unlimited authorization, but we do not authorize appropriations in that form. We believe that the $4 million provided in the bill will be sufficient to enable the Commission to make a thorough study and appropriate recommendations to us, and urge the adoption of the bill.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the distinguished gentleman from Florida (Mr. Rogers), the chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 5674, a bill to increase the appropriation authorization for the Presidential Commission on Marihuana and Drug Abuse. This Commission was established by the Comprehensive Drug Abuse Prevention and Control Act of 1970 to make a 1-year study of the extent and the effects of marihuana use, and efforts to control it. A maximum expenditure of $1 million was authorized to accomplish this task.

The section of the bill which established the Commission was later amended to expand the duties of this body. The final version of Public Law 91-513 provided for a 2-year study of the causes of drug abuse and their relative significance followed by a report and recommendations to the President. The provisions of H.R. 5674 would increase the authorized expenditures of the Commission from $1 million to $4 million. This increase is necessary if the Commission is to fulfill its expanded responsibilities under Public Law 91-513.

Mr. Chairman, the problem of drug abuse is one of the most serious problems facing our Nation today. It threatens to erode the very foundation of the Nation's strength, its youth. In the past, we have failed to place sufficient emphasis on this problem to the extent that we are now faced with a crisis of epidemic proportions. If this Congress is truly concerned with the future welfare of our Nation's young people, as I am sure it is, then I ask that this concern manifest itself as support for H.R. 5674.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I would be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding. I am one of those who is glad that this bill did not come up on the Consent Calendar, or under suspension of the rules, as indeed it is a poor time to come in and set the funds available at the $4 million area, rather than the $1 million area as originally authorized. And, albeit that the distinguished gentleman from West Virginia (Mr. Staggers) has explained that the duties of the Commission have been added to, I wonder, first of all, what the Commission has accomplished thus far. I wonder whether any report has been issued, whether the Commission has been organized, and whether it has completed any hearings, or even interim reports or otherwise, that may have been submitted as a contribution.

Mr. STAGGERS. Just to answer the distinguished gentleman from Missouri (Mr. Hall), the Commission has just gotten organized and has not yet held a hearing. They are ready to go, and they should be back here within the period of time that we have set with a report, but as yet they have not issued a report.

Mr. HALL. Has any part of the $1 million that we originally authorized in the original legislation been expended, or even obligated?

Mr. STAGGERS. Only for the day-to-day expenses of getting organized, and whatever might be necessary in the way of office help, and so forth.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's forthright answer, and if the distinguished gentleman would yield further, I wonder if the gentleman can give to this body any information about how much of the original funding is being obligated, or otherwise used by the other body of the Congress?

Mr. STAGGERS. On that I might say to the distinguished gentleman that there are two Members of the House of Representatives, and two Members of the Senate on this Commission who are about to make this study, and there has been no expenditure that I know of on the other side, and actually there could not be because this is a commission funded by the executive branch.

Mr. HALL. Mr. Chairman, I certainly would hope that the Members on the part of the House will be diligent in observing and, indeed, limiting obligations on the part of the other body. It is my information that a "windfall" has been "come by" out of the existing authorized funding by one or more Members of that body. And that brings me down to my final question, Mr. Chairman, and that is whether or not there is not duplication or, indeed, overlapping, if not more than duplication on the part of other commissions making the same type of study, to say nothing of existing bureaus within the Government that are making this type of study? And I have in mind, of course, specifically our own Committee on Armed Services investigation of alleged drug abuses in the armed services, as an example.

Mr. STAGGERS. In reply to the inquiry of the gentleman from Missouri, I would say that it could well be that there is some overlapping, but this is the only Presidential commission that has been appointed, really, to specifically handle the question of the causes of drug abuse. We have two of the most distinguished gentleman of the House who have been appointed as members of this commission, the distinguished gentleman from Kentucky (Dr. Carter) and the distinguished gentleman from Florida (Mr. Rogers) the chairman of our Subcommittee on Public Health and Environment.

I have absolute confidence in those two Members.

Mr. HALL. I, too, have complete confidence in our two Members, and I join with the distinguished chairman in that statement; but, I am still at a loss to know why this funding was increased by the committee, particularly inasmuch as the departmental report from downtown in no way indicated that there was a need to, not only double, but quadruple the amount of the funds authorized from a $1 million to $4 million spending limitation. How was this arrived at, and what was the basis for quadrupling the amount of authorized funds even before a report is submitted, or the committee is organized, or any great funding has been used out of the original authorization?

Mr. STAGGERS. I might say this to the distinguished gentleman from Missouri, the Commission's executive director appeared before the committee and urged the additional funds. The Director of the OMB proposed that we leave the authorization open ended—whatever money they needed. The committee discussed this and came to the conclusion that $4 million was a reasonable figure.

Mr. HALL. I think the gentleman is

exactly right. This committee is to be complimented on not permitting any such open-ended requests.

I read in detail in the committee chairman's own report about the recommendation of the Department that it be for "such sums as may be necessary," which is a famous cliche for backdoor raids on the Treasury—of open-ended funds. But I still cannot quite understand why we should go from $1 million to $4 million for the first year of a committee that is just getting underway. What was the basis for the judgment of the distinguished gentleman's committee?

Mr. STAGGERS. This is not for 1 year but is for 2 years. The fact is, as I tried to explain, when the first amendment was adopted last year to provide for a study on marihuana only, we thought $1 million was sufficient. But, afterward, there was an amendment adopted to provide for a study of drug abuse. This broadened the study to cover a 2-year period. As is obvious, the Commission would have to hire a lot more people if there was to be a complete study of the whole drug abuse problem, together with recommendations.

Mr. HALL. I thank the gentleman for his response.

I think excellent studies have been made in the Crime Subcommittee of another committee of this House, as well as the aforementioned one on military service, and in addition to all of that this is work that should be done by the very department themselves. This is automatic. I resent appointing a commission and telling them in advance that they should hire expensive consultants to do their work, findings, and reports. There is a great plethora of material on this subject available just for the reading at this time, therefore, I question this extra use of the taxpayers' money.

Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. STAGGERS. I appreciate the remarks of the gentleman from Missouri and in response I would just like to say that these other studies were all taken into consideration. This is a Presidential commission which can review all of these studies that have been made and come back and report to both Houses.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, $4 million is a great deal of money. Moreover, the question of whether marihuana is or is not a dangerous, harmful substance is an important question. If it is harmful, then effective steps should be taken to curb its availability and use. If it is not demonstrably harmful, then the Government has no proper constitutional basis for punishing people who use it.

The report of the National Commission on Drug Abuse is likely to be given great weight in future considerations of whether it should be a felony, a misdemeanor, or no crime at all to use marihuana. It is, therefore, extremely important that the Commission exercise the utmost care and effort to insure that its work is thorough and objective. The membership of the Commission includes such distinguished men as ex-Governor Shafer of Pennsylvania and Senator Hughes of Iowa. I am sure that they will make every effort to see that the study and the report are balanced and scientific. However, as one who has been privileged to sit on similar commissions in the past, I know how difficult it is for men who have so many other duties and responsibilities to spend the time they would like to poring over evidence and testimony and detailed studies. Ordinarily, and necessarily, the job of sifting through the original evidence is delegated to a full-time staff. Consequently, the internal recommendations and reports of the staff to the Commissioners are extmerely important. Because each of us has our own unconscious biases and limitations, there is a subtle but important coloring of the primary source material as a result of the staff input. That is why it is just as important that the staff of a study Commission be balanced and representative of all viewpoints as it is that the Commissioners be.

It is on this score that some concerns have been expressed, and I would hope that they can be aired and dealt with before the work of the Commission gets too far underway.

According to an article in the Washington Post on April 27, the Commission's staff director, Michael Sonnenreich, has been heard to say that his mind is already made up as to the dangerousness of marihuana, and that he could write the report now. If that is so, perhaps we should think twice about wasting $4 million in the interim. I ask unanimous consent, Mr. Speaker, that a copy of the Post article be included at the conclusion of my remarks for the benefit of my colleagues. The article also states that Mr. Stonnenreich refused the request of one group, the National Organization for the Reform of Marihuana Laws, that Ramsey Clark be permitted to testify before the Commission on their behalf. Apparently Governor Shafer has subsequently overruled Mr. Sonnenreich and has extended an invitation to Ramsey Clark.

This incident gave me cause for concern that the staff of the Commission might not be as receptive to all viewpoints as it should be, and my subsequent inquiries have not provided much reassurance. The staff director, Michael Sonnenreich, has been Deputy Chief Counsel of the Bureau of Narcotics and Dangerous Drugs since 1968. He is admirably frank in expressing his opinion that marihuana is indeed a harmful drug and that possession and use of marihuana should be outlawed. However, it is questionable whether such strong prejudgment is consistent with the receptivity and objectivity required for a $4 million scientific study on the effects of marihuana use.

In addition to possible bias at the staff level, I am also concerned about the possible lack of technical, scientific expertise of the staff. As far as I have been able to determine, only one staff member, Dr. Louis Bozzetti, is a member of the scientific community. Much of the data which the Commission will be called upon to study and evaluate consists of previous scientific studies regarding the physiological and psychological effects of marihuana use. A number of such studies have been conducted, and substantially differing conclusions have been reached. It is important that sufficient expertise exist within the Commission staff to analyze the methodology and conclusions of these earlier studies objectively.

In short, Mr. Chairman, I am concerned that before we blithely authorize an additional $3 million of the taxpayers' money, we satisfy ourselves and our constituents that the money will be used to gather and weigh pertinent data from all sides of the marihuana debate, and not merely to purchase studies which will substantiate the preconceived notions of Mr. Sonnenreich or anyone else.

The article follows:

Marihuana Story

The National Commission on Drug Abuse is about to swing into action with public hearings, but the man running the show is acting like he's already hooked on his own preconceived ideas.

The commission is supposed to produce an authoritative report based on a staff investigation, plus expert testimony from all sides. But the commission staff director, Michael Sonnenreich, has told at least two people that he could "write the report right now."

Although he denies saying he could write the report now and insists his mind is open, there is disturbing evidence he already has his mind made up and is simply going through the motions.

When Sonnenreich was asked by the National Organization for the Reform of Marihuana Laws, a small but responsible group, for permission to testify at the hearings in Washington next month, he summarily refused.

He told Keith Stroup, the organization's head, that the commission was interested in facts, not emotional appeals. Beside, he said, the hearing schedules were already complete, and there was no time available.

Stroup told him that former Attorney General Ramsey Clark had indicated a willingness to testify on behalf of the reform group. Would the commission be willing to hear Clark?

No, said Sonnenreich. Stroup argued that Clark had been in charge of the Justice Department when the Bureau of Narcotics and Dangerous Drugs was established. Wouldn't he have a contribution to make?

"I don't think Ramsey Clark has anything to add," Sonnenreich replied, according to Stroup.

Reached by us at his office, Sonnenreich insisted that the position held by Stroup and his group would be adequately covered by other witnesses.

He stressed also that the schedule was full. He acknowledged that he told Stroup that neither a regular representative of his group nor Ramsey Clark, appearing on the group's behalf, could testify at the Washington hearings.

By the next day however, our inquiries had apparently given the commission the jitters. Commission Chairman Ray Schafer, the former Pennsylvania governor, called Clark and told him: "We would like to hear from you at any time."

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when the Committee on Interstate and Foreign Commerce first considered drug abuse legislation the emphasis was upon barbiturates, amphetamines, and hallucinogens. These drugs which included those referred to as goof balls, speed, and LSD were the newest of the major drug menaces to appear. Hard narcotics had always been with us and were handled under an old and venerable law known as the Harrison Act which was administered by the Treasury Department. Marihuana, which came into some prominence but nothing like its present popularity, had been included with and administered with the law on hard narcotics.

Since that time the whole nature of the drug problem has developed along new lines. Also the legislative situation and the enforcement machinery has been drastically overhauled. It is universally recognized now that although not all drugs should be handled exactly the same for the protection of the public, that all of them together constitute the problem to be solved and that consequently they should be administered under one law and by one Government entity.

Marihuana has become the most popular and available drug lately. It somehow appeals to youth. It is also the drug about which we scientifically know the least. It needs prompt and thorough investigation in all its aspects—legal, medical, and social.

The 91st Congress struggled long and hard to put together a comprehensive drug abuse law, and I feel that it succeeded admirably. The legislation was the result of long hearings and longer executive sessions plus careful attention by the House at the time of passage.

During the course of consideration by the committee it was proposed that a study should be done on various aspects of marihuana use, and the amendment originally proposed along this line carried a price tag of $1 million for a 1-year study. As the matter was discussed in the markup sessions the scope of the study was expanded and the time provided for the study to be made was revised to 2 years. At this stage the committee had no hard information on the costs of such a study, and the $1 million figure as originally proposed was left untouched. This version of the study commission remained in the bill in basically the form agreed upon by the committee throughout the consideration by the House and in the conference between the two Houses.

Since the passage of the drug abuse legislation the Commission, consisting of two Senators, JAVITS and HUGHES; two Congressmen, TIM LEE CARTER and PAUL G. ROGERS; and nine Presidential appointees, has been formed. A preliminary look at the responsibilities of the Commission and the available methods to obtain the necessary information and make an adequate and meaningful report has been taken. From this it became immediately clear that the sum of $1 million for this task was entirely inadequate. The expenditure of the original figure would be wasteful because the job could not be done.

In addition, contact was made with the Canadian Government which has a study group much the same, and there it was found that at least $1.5 million was necessary to do the job. On the basis of this figure for the Canadian Government and the number of people involved, it would clearly cost considerably more to do the same thing for the American public. The Government departments concerned, including the Office of Management and Budget, agree with this finding.

It is the conclusion of our committee, therefore, that the sum of $4 million should make it possible to carry out the mandate of Congress in this regard, and it is for this reason that the committee brings to you this legislation for the one and only purpose of revising the authorization for the study of marihuana and drug abuse.

The Committee on Interstate and Foreign Commerce has unanimously endorsed this legislation, and I recommend its passage.

Mr. CARTER. Mr. Chairman, the bill before us is one I introduced to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970, to increase the appropriation authorization for the National Commission on Marihuana and Drug Abuse, which was established under that act, from $1 to $4 million.

The Commission was formally organized in January of this year and commenced work at the end of March. It will undertake a 1-year intensive study into all aspects of marihuana use in the United States and will submit a report of its findings to the President and the Congress no later than March of 1972. Simultaneously, the Commission will also undertake a 2-year study of the causes of drug abuse and their relative significance and will submit a report, including specific legislative recommendation, to the President and the Congress, no later than March of 1973. Presently, as the act is written, total expenditures for these two studies are not to exceed $1 million.

In the formative meetings of the Commission, at which time the areas of study and issues to be confronted were defined, it became apparent that the present authorization would be inadequate to allow the Commission to fulfill its statutory responsibilities—responsibilities which we the Congress have imposed upon it. The $1 million authorization will severely restrict the Commission's scope of investigation due to limited staffing capabilities, an inability to engage the services of experts in the field, and the inability to conduct national studies and surveys.

One reason for the Commission's present financial predicament can be traced to the history of the comprehensive act. During the consideration of this legislation by the Interstate and Foreign Commerce Committee, the bill was amended to increase substantially the duties of the Commission to provide that it should, in addition to the marihuana study, conduct a comprehensive study and investigation into the causes of drug abuse and their relative significance. At that time, no change was made in the total expenditures authorizations limited to the amounts originally determined to be sufficient to conduct a marihuana study. Thus, the Commission is now required to undertake two broad studies on a budget authorization that was originally intended to cover only the cost of a single study.

Mr. Chairman, the Commission might be able to function on a $1 million authorization. However, it would have to operate from a very narrow base and would not be able to delve into areas of the drug abuse and marihuana problems which are in sore need of exploration. With increased funding, the Commission can expand the scope of study, thus giving greater strength and objectivity to its findings and recommendations. This is the first time a commission of this kind has been established on a national basis, and I feel it is our responsibility to insure that adequate funds will be available to enable it to seek out the answers to the questions which have been plaguing all Americans for so long.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the ranking minority member of the Subcommittee on Health, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, my remarks will be very brief. I merely wish to emphasize the fact that our committee really worked on and passed the drug abuse bill, which I think is one of the most important pieces of legislation that was passed in this Congress.

In addition, it must be said that one of the most serious, very serious problems facing our country today is drug abuse. I do not know how we could determine accurately to a penny, a dollar, $1,000 or even $1 million, an estimate of what is needed. I hope as we proceed we will be very careful in what is done. I think we were rather inclined to be generous in this field, knowing the magnitude of the problem.

I believe that much can be done; much needs to be done. Therefore, our subcommittee and our full committee gave unanimous support to this piece of legislation. I urge passage of the bill.

Mr. KEMP. Mr. Chairman, some of our young people talk about experimentation with drugs and even the desirability of legalizing narcotics. To counter this, I like the approach of Christopher T. Bayley, prosecuting attorney, King County Courthouse, Seattle, who enlists the cooperation of selected junior and senior high school students to create peer group counterpressure to the attractions of drug use.

He points out:

> Just as in society at large, there is within the youth population a vast "middle class" which when mobilized can be much more effective in discouraging drug abuse than all the busts and prosecutions which we could possibly undertake.

Furthermore, Mr. Bayley really defines the issue when he says:

> What we are really talking about is the availability of materials which we know are doing great medical and social harm as well as placing intolerable burdens on our law enforcement resources.

Mr. Chairman, I support this legislation before us today which will increase the availability of materials on the dangers of drug abuse which can be used by the student counterpressure groups. More and more data is being made available and the most shocking is the report contained in the April 8, 1971, issue of the New England Journal of Medicine. Dr. Gabriel G. Nahas of the Columbia University College of Physicians and Surgeons reports on the death of a 23-year-old man in Bordeaux, France, from marihuana smoking. The article states:

> The lack of similar reports in the United States may be due to the lower potencies of cannabis preparations used in their country.

But just think of the potential consequences of this deadly experimentation.

Mr. Chairman, much of the controversy surrounding drugs begins with marihuana. For centuries, marihuana was widely used in India; chronic addiction was common; damaged health was reported for 42 percent of the users. India outlawed marihuana in 1959.

In Egypt, habitual use of marihuana reached an estimated 30 percent of the population and the Egyptian Government reported that "it is a thoroughly vicious and dangerous thing of no value."

In country after country, after years of bitter experience, marihuana has been outlawed. Here in the United States, there are those today who are calling for legalization.

Dr. Edward Bloomquist, a nationally recognized authority on marihuana and what it does to the body and brain, states that there is every reason to believe that marihuana has the potential to produce an equal, if not greater number of socially disturbed people than the Nation's 6 million victims of alcoholism.

Narcotics officers, who deal with marihuana users every day, tells us that out of every six kids who use "pot," at least one will go on to heroin.

Many today talk about a "generation gap" when maybe what we are really dealing with is a "credibility gap." When young people hear scare stories about marihuana on one hand and pleas for legalization on the other, we cannot blame them for their cynicism.

Too many young people know someone who has tried marihuana—if they have not tried it themselves—and they are prone to take these few experiments as evidence that nothing too awful will happen. Even more important, they can quote a certain body of professionals who claim there is no established proof yet of the bad effects. Some even say that it is no more harmful than alcohol or tobacco.

It might be noted that less than 100 years ago, the same thing was said about opium. One prominent person wrote in the London Times:

> Pro-opiumists maintain that opium smoking is no worse than gin or whiskey drinking.

While another pictured the habit "as harmless as twiddling your thumbs."

We know better now.

What is at stake here is the future of a generation. Extensive research will go a long ways toward filling the information vacuum which now exists concerning the physiological and psychological effects of marihuana.

For that reason, Mr. Speaker, I hope the Congress will give overwhelming support to this bill, H.R. 5674, and in the future take action to limit the availability of these deadly drugs.

An outstanding article concerning the effects of marihuana on adolescents and young adults appeared in the April 19, 1971, issue of the Journal of the American Medical Association. I commend it to my colleagues and I insert it at this point in the RECORD:

EFFECTS OF MARIHUANA ON ADOLESCENTS AND YOUNG ADULTS

(By Harold Kolansky, M.D and William T. MOORE, M.D.)

The large amount of marihuana smoking (12 million to 20 million people) in this country was reviewed, as well as some of the literature concerning adverse effects. Thirty-eight individuals from age 13 to 24 years, all of whom smoked marihuana two or more times weekly, were seen by us between 1965 and 1970, and all showed adverse psychological effects. Some also showed neurologic signs and symptoms. Of the 20 males and 18 female individuals seen, there were eight with psychoses; four of these attempted suicide. Included in these cases are 13 unmarried female patients who become sexually promiscuous while using marihuana; seven of these became pregnant.

The smoking of cannabis derivatives in the United States has now reached alarming proportions. Between 12 million (estimated by J. L. Goddard, MD, US Food and Drug Administration, in *Life*, Oct 31, 1969, p 34) and 20 million (estimated in *Drug Abuse: The Chemical Cop-Out*, National Association of Blue Shield Plans, 1969) adolescents and young adults are using, or have tried smoking, cannabis derivatives. In February 1970, a *Newsweek* survey (Feb 16, 1970, p 65) showed that 30% to 50% of all high-school students in this country had made marihuana an accepted part of life. Results of surveys of college students smoking marihuana are similarly high. In our own observations at local high schools and at several college campuses along the eastern seaboard, we have noted the openness of marihuana smoking, which may indicate a trend toward more universal use of the drug. All of this is in marked contrast to the situation as recently as four years ago when the COMMITTEE ON ALCOHOLISM AND DRUG DEPENDENCE of the American Medical Association reported that most experimenters give up the drug quickly or continue to use it on a casual basis.[1]

Literature in the United States describing the adverse effects of smoking marihuana is rather sparse. Among the more important communications was a report by Bromberg[2] in 1934, describing studies made while individuals smoked. Talbott and Teague[3] recently described 12 patients with acute toxic psychosis associated with cannabis smoking. Of special significance in their communication was the development of psychosis in each of the 12 upon the first smoking of marihuana. Ten of 12 were delusional, and all showed paranoid symptoms. Physicial symptoms, including evidence of neurologic dysfunction, were seen in some. Ten showed no history of premorbid personality disorder. The American Medical Association's COUNCIL ON MENTAL HEALTH, along with the National Research Council of the National Academy of Sciences,[4] and an editorial in THE JOURNAL in 1968[5] warned that cannabis is a dangerous drug and a public health concern. Also, there have been articles by Ames[6] and Allentuck[7] describing ill effects.

In the literature of clinical experiments, Isbell[8] and his associates showed that the isolated chemically-active ingredient of the cannabis group, (—) Δ^{9}-*trans*-tetrahydrocannabinol, caused psychotic reactions in humans tested at the Addiction Research Center in Lexington, Ky. Hartmann[9] and Wieder and Kaplan[10] described some psychological effects in 1969.

In the pharmacological literature, a detailed report and review by Gershon[11] in 1970 showed the many effects of marihuana on animals. He stressed that, in most animals extracts of marihuana induced stimulation and excitement followed by general depression. Gershon also called our attention to the marked diminution of oxygen uptake by the brain while the animals were intoxicated with marihuana.

We (both authors) are in separate, individual, private practices of child and adult psychiatry and psychoanalysis, and both of us have extensive consultative opportunities. In the period from 1965 to 1970, we began to note a sizeable increase in referrals of individuals who, upon investigation by history, showed an onset of psychiatric problems shortly after the beginning of marihuana smoking; these individuals had either no premorbid psychiatric history or bad premorbid psychiatric history or bad premorbid psychiatric symptoms which were extremely mild or almost unnoticeable in contrast to the serious symptomatology which followed the known onset of marihuana smoking. In our study, all in this group who smoked marihuana more than a few times showed serious psychological effects, sometimes complicated by neurologic signs and symptoms. In 38 of our patients, our findings demonstrate effects ranging from mild to severe ego decompensations (the latter represent psychoses). Simultaneously, we have examined and treated many other marihuana smokers who either had severe psychological problems prior to smoking marihuana or who also used lysergic acid diethylamide (LSD), the amphetamines, or other drugs; these patients had more complex findings and were not included in this study of 38 patients because we could not be certain that symptoms seen were related to marihuana alone. We have studied some neurotic individuals whose symptoms became more severe after smoking marihuana, but since their earlier symptomatology would becloud such a study as this, we did not include them. Still others who had a marked predisposition to psychosis and who became psychotic after beginning to smoke marihuana were not included in this series, since our purpose was to report only the effects seen as a consequence of marihuana smoking in those not showing a predisposition to serious psychiatric problems. We are currently studying the group with a known predisposition to determine whether marihuana acted as a catalyst to produce psychosis. The 38 patients described in this communication range in age from 13 to 24 years, and the group consists of 20 male and 18 female individuals. We have seen many patients older than 24 who have been smoking marihuana and who have similar symptoms to those we describe, but we have confined our present communication to those aged 24 and younger.

METHODS

Prior to 1965, we only occasionally saw patients who smoked marihuana. The 38 patients described are part of a consultation practice that included several hundred new referrals seen during the five-year period from 1965 to 1970, most of whom did not smoke marihuana.

To establish a diagnosis for the usual adult referred for consultation, we see the patient once or twice to determine his history and to examine his psychiatric status; following this, treatment recommendations are made. When children and adolescents are referred we see the parents two to five times to obtain a history; following this we examine the youngsters in one or two office visits. About one of four of our patients is also psychologically tested. Psychological testing is performed by clinical psychologists with long experience on those of our patients for

---

Footnotes at end of article.

whom our diagnostic impressions are that we are dealing with a psychosis, an ego disturbance, an organic central nervous system disorder, or a severe learning disability. We followed the same diagnostic procedures with those of our patients known to be smoking marihuana.

Formal neurologic examinations were not done, but there were gross indications of neurologic impairment in a few patients who smoked marihuana four or five times weekly for many months. This impairment consisted of slurred speech, staggering gait, hand tremors, thought disorders, and disturbance in depth perception (such as overshooting exits on turnpikes, misjudging traffic lights and stop signs at intersections, diminished ability to time catching a baseball, or undershooting a basketball net).

A diagnosis was established and treatment recommendations were made for each of our 38 patients. In some, psychotherapy or psychoanalysis was indicated, and in that group, further psychological understanding of the underlying causes of marihuana smoking was obtained. In others, the gamut of psychiatric treatment was instituted, which sometimes, of necessity, included hospitalization.

In each instance, only one of us diagnosed the condition and prescribed the treatment. In a few instances, diagnosis was made by one author and treatment was instituted by the other. In these few cases, there was agreement on diagnosis.

GENERAL PSYCHIATRIC CONSIDERATIONS

Most of the 38 patients in this study smoked marihuana two or more times weekly and, in general, smoked two or more marihuana cigarettes each time. These patients consistently showed very poor social judgment, poor attention span, poor concentration, confusion, anxiety, depression, apathy. passivity, indifference, and often, slowed and slurred speech. An alteration of consciousness which included a split between an observing and an experiencing portion of the ego, an inability to bring thoughts together, a paranoid suspiciousness of others, and a regression to a more infantile state were all very common. Sexual promiscuity was frequent, and the incidence of unwanted pregnancies among female patients was high, as was the incidence of venereal diseases. This grouping of symptoms was absent prior to the onset of marihuana use, except in 11 patients who were conscious of mild anxiety or occasional depression.

There was marked interference with personal cleanliness, grooming, dressing, and study habits or work or both. These latter characteristics were at times present in some patients prior to smoking marihuana, but were always markedly accentuated following the onset of smoking. In one subgroup, a clear-cut diagnosis of psychosis was established, and in these patients, there was neither evidence of psychosis or ego disturbance nor family history of psychosis prior to the patients' use of marihuana. Several in this group were suicidal. In some individuals, instead of apathy, hyperactivity, aggressiveness, and a type of agitation were common. In no instance were these symptoms in evidence prior to the use of marihuana.

A. Psychosis with suicidal attempts

Four individuals. two male and two female between the ages of 14 and 17, showed psychotic reactions directly attributable to cannabis derivatives, and each attempted suicide. In the usual type of adolescent psychosis, there is an antecedent history of very poor ego organization. In no instance was there a history of such earlier ego disorganization in our eight psychotic patients, nor prior to smoking marihuana was there psychosis, ego disturbance, family history of psychosis, fragile ego, or suicidal attempts.

Case 1.—A 17-year-old girl smoked marihuana daily for one year prior to consultation and for an additional year while she was in psychiatric treatment. By history from her parents and by observation during the year following entry into treatment, she showed a gradual regression in organizing thought. She continuously repeated phrases and had the delusion that she was a great actress, but saw life as through a veil. Speech and thinking slowed down, and she believed that she was living life in slow motion. Memory and perception became markedly impaired, thinking became tangential, and judgment became poor. This led to marked social and familial difficulties. Suicide was attempted while she was smoking marihuana, and despite the seriousness of the attempt, the patient was euphoric during and following the effort, with slurred speech, pleasant mood, absent judgment, and missing reality testing.

Case 2.—A 17-year-old boy was seduced homosexually after an older man gradually introduced him to marihuana smoking over a period of one year. His history showed no evident previous psychopathological condition, and his adolescent development appeared to be normal prior to smoking. Confusion and depression gradually developed, which led to psychiatric evaluation. He continued to smoke marihuana and gradually withdrew from reality, developing an interest in occult matters which culminated in the delusion that he was to be the Messiah returned to earth. He attempted suicide three times by wrist cutting. When he was hospitalized and marihuana was withdrawn, a slow and gradual reversal of the process described occurred.

Case 3.—Shortly after a 14-year-old boy began to smoke marihuana, he began to demonstrate indolence, apathy, and depression. Over a period of eight months, his condition worsened until he began to hallucinate and to develop paranoid ideas. Simultaneously, he became actively homosexual. There was no evidence of psychiatric illness prior to smoking marihuana and hashish. At the height of his paranoid delusions, he attempted suicide by jumping from a moving car he had stolen. He was arrested, and during his probation period, he stopped smoking and his paranoid ideation disappeared. In two six-month follow-up examinations, he was still showing some memory impairment and difficulty in concentration. Of note was the fact that he still complained of an alteration in time sense and distortion of depth perception at the time of his most recent examination.

Case 4.—A 16-year-old girl in whom there was no prior psychiatric difficulty smoked cannabis derivatives (marihuana and hashish) at first occasionally, and then three to four times weekly for a period of two years. She began to lose interest in academic work and became preoccupied with political issues. From a quiet and socially popular girl, she became hostile and quite impulsive in her inappropriate verbal attacks on teachers and peers. She dropped out of school in her senior year of high school, which led to phychiatric referral. She showed inappropriate affect and developed paranoid ideas about an older sister's husband having sexual interests in her. She refused to give up smoking marihuana and eventually became so depressed that she attempted suicide by hanging. After withdrawal from the drug, her depression and paranoid ideas slowly disappeared, as did her outbursts of aggression. Ten months of follow-up showed continued impairment of memory and thought disorder, marked by her complaint that she could not concentrate on her studies and could not transform her thoughts into either written or spoken words as she had once been able to do quite easily.

B. Psychoses without suicidal attempts

Four individuals, all male between the ages of 18 and 24, showed psychoses as a consequence of smoking cannabis derivatives. As with those who attempted suicide, this group showed no prior history of ego fragility predisposition to psychosis, or familial history of psychosis.

Case 1.—A married 24-year-old man who had shown no previous psychiatric illness or evidence of personality disorder met a group of new friends who taught him to smoke marihuana. He enjoyed the experience so much that he smoked it daily for two months, claiming that it did not interfere with his daily functioning. He even said that he could think more clearly. Gradually he began to withdraw from his friends and seemed suspicious of them. He developed ideas of reference, believing that his friends talked about him saying that he was impotent. (Impotence had actually occurred on several occasions after he had smoked a large amount of "good hash.") He also believed that he was developing heart disease as a result of "bad drugs." He had experienced palpitations and a feeling of his heart "jumping" in his throat on several occasions while smoking some Mexican marihuana. He believed that his friends were trying to do away with him in order to have his wife. At the end of the two months, he showed a full-blown paranoid psychosis and had delusions of grandeur. He believed that he had developed a superior intellect at the expense of a loss of his sexual life. He was the first member of a new "super race." After stopping his smoking, his delusional ideas disappeared and he returned to his normal functioning in his job and marriage.

This patient and the others in this subgroup, although delusional, were never hospitalized, since they adequately functioned in other ways. It was only after some acquaintance with the psychiatrist that each of these patients told of his delusional system. Characteristic of some of our long-term marihuana smokers who develop paranoid delusions is an ability to function for a period of time without others being aware of their illness, either because they join groups who share their aberrational thinking or because they keep their delusional thoughts to themselves.

We have also noted that, as these individuals withdraw from marihuana, the delusional system is given up more quickly in those patients who have been smoking for a shorter period of time; however, as better reality testing is achieved, these patients seem to be left with a residual of some memory difficulty and impairment of concentration. One patient has shown this for two years at the time of this writing.

Case 2.—A 20-year-old man developed delusions of omnipotence and grandeur six months after starting to smoke marihuana. He believed that he was in charge of the Mafia and that he was an Eastern potentate of the Ku Klux Klan. He began to collect guns and knives in addition to training his German shepherd dog to attack others. He had not previously smoked marihuana except experimentally on two occasions while in college. He graduated cum laude in business administration in less than three years by attending summer school. He worked in a family business and was doing creditably in his job as well as in his social life. He found his way into a "swinging" crowd that smoked cannabis derivatives regularly. He took up "the habit" and almost immediately noticed changes in his working pattern and a shift or decline in ambition. He gradually withdrew from a heterosexual relationship after a few episodes of impotence while "high" on hashish. He became apathetic and more of a "loner." and then finally became distrustful of his friends and family. At this point, he sought psychiatric treatment and told of his delusional thoughts, fearful that he was losing his mind. Upon withdrawal from the drug, psychotic symptoms disappeared, yet a residual of difficulty in thinking (which he described as "fuzzy") was still complained of in a one-year follow-up examination.

CASE 3.—An 18-year-old boy who smoked marihuana and hashish regularly for a three-year period became progressively withdrawn, confused, and depressed. His interest in astrology and Eastern religions increased. He became a vegetarian and practiced yoga. He had the delusion that he was a guru and eventually believed that he was the son of God who was placed on earth to save all people from violence and destruction. This patient gave a history of mild anxiety and headaches in his earlier adolescent years, as well as that of some difficulty in getting along with others. Prior to smoking marihuana, he had mild general and social anxiety and headaches for several years. He began smoking marihuana occasionally with friends at the age of 15, and over a two-year period, showed signs of ego decompensation. He did poorly in school, although he could "get along." When he increased the frequency of smoking, delusional symptoms began to develop. Consultation with one of us previously because of some of his adolescent difficulties made it easier for him to consult us again upon becoming concerned with his beliefs that he was God's son. He knew that his thoughts were not "right" and worried when a smoking friend told him of his own similar delusions. There was even a joke among his crowd that they knew "a guy had gone too far" when he thought that he was like a god. Persuasion could not convince this young man to give up cannabis, although he acknowledged that his symptoms resulted from drug use. After consultation, he moved to the west coast and continued his unproductive, aimless life, supported financially by his parents.

CASE 4.—A 19-year-old boy smoked marihuana for four months, gradually developing ideas of reference. Believing he had superhuman mental powers, he felt that he was able to communicate with and control the minds and actions of animals, especially dogs and cats. No one knew of his belief in his messianic powers and divine rights. He was referred for psychiatric consultation by his school because of a sharp decrease in his interest in his schoolwork. He seemed listless, apathetic, and depressed. Prior to smoking marihuana he had been outgoing and did well academically, but following the onset of smoking he shunned family and friends. He continued to maintain good grades on the basis of sheer momentum of accumulated academic experience, although there was decline in academic interest.

His most closely guarded secret was the belief that he was the Messiah, and although he believed this to be a "weird idea," he felt it to be true and thought that marihuana gave him this power.

Upon cessation of marihuana smoking, the delusional system disappeared, and he was able to return to a level of functioning similar to that of the days before marihuana smoking.

It was our impression in these cases that the use of cannabis derivatives caused such severe decompensation of the ego that it became necessary for the ego to develop a delusional system in an attempt to restore a new form of reality. It would appear that this type of paranoid reaction is a direct result of the toxic effects of cannabis upon the ego organization of those patients described in this study.

We have not included in this communication a large number of cases of psychosis due to the use of other psychotomimetic drugs in combination with cannabis derivatives. It is our impression that those patients who had been taking LSD or mescaline or both with marihuana appeared to have more acute psychotic reactions which were accompanied by greater panic and distress, resulting in more frequent need for hospitalization, than those smoking marihuana alone.

C. Borderline States (ego decompensation) in those on trial for possession of marihuana

Twelve adolescents (aged 15 to 18), nine male and three female, had smoked marihuana regularly for one or more years prior to being arrested for using marihuana. In each instance, the legal authorities asked for a psychiatric evaluation, and none of these individuals smoked marihuana immediately prior to the examination. All 12 showed evidence of ego decompensation and disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All 12 gave a history of steadily declining academic ability and class standing, and all felt isolated from others. Eight of this group complained of trouble converting thoughts into words, which resulted in a rambling, disjoined flow of speech with hesitation and circumstantiality. Memorized phrases were frequently substituted to mask the loss of speech and thought continuity.

Three of these adolescents had periods of depersonalization while *not* under the influence of the drug. They felt that they were watching themselves and others interreact, as if in a dream.

None of these 12 individuals showed evidence by history of psychotic disturbance prior to beginning to smoke marihuana.

Psychological testing performed on four patients in this group showed these patients to have regressed to early stages of psychological development and to be relying on omnipotent and grandiose fantasies as methods of psychological defense against anxiety. All of these patients showed impairment in control of impulses and judgment, and an inability to distinguish the subtleties of the feelings of others in social situations. Limited attention span and encroachment on reality testing, as well as generally impaired cognition, were evident in all.

The psychological tests were done without the psychologists' previous knowledge of cannabis use by the patients, but testing was not used to help determine whether cannabis was used or whether cannabis produced a specific effect. It was used instead to help determine the extent of ego decompensation.

A bright 16-year-old boy smoked marihuana for 18 months. He had a "B" average prior to smoking. He was well liked by teachers and peers, seemed happy, and appeared to have no more difficulties than other adolescents prior to smoking marihuana. He said that he began to smoke because his friends did. He felt that it was safe, believing marihuana was harmless. As he began to notice some apathy, loss of goal direction, and increasing depression, he still felt that marihuana was not harmful.

Upon examination, he attempted to win over the psychiatrist with a pleasant, willing, cooperative manner. There was, however, mild disorientation, feelings of omnipotence, and a feeling of isolation.

In psychological testing, he had bright-normal scores on the Wechsler-Bellevue intelligence scale. He showed poor attention span and concentration and poor retention of acquired, as well as of accumulated, knowledge. There was evidence of tenuous control of impulses. Reality testing was impaired. The psychologist reported "early signs of personality decompensation in that he retreated into himself. He functioned at a level of early childhood, believing in his own omnipotence. This state might result in further impulse-motivated behavior so that he would probably commit further asocial and/or anti-social acts prior to becoming severely depressed."

D. Borderline states (ego decompensation) not at first associated with marihuana

Six individuals 14 to 20 years of age, five male and one female, were seen in consultation. All of these individuals were seen because of the chief complaints of general deterioration in schoolwork, inability to concentrate or to pay attention in class, gradual decrease in academic standing, apathy, indifference, passivity, withdrawal from social activities, and limitation of interest. All showed the same evidence of ego decompensation as described in group C, including disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All felt isolated from others. Four of these individuals showed no prior history of these symptoms, while two showed some difficulty in concentration in school prior to smoking marihuana. In the latter two, the difficulty in concentration became far more pronounced following regular smoking of marihuana.

CASE 1.—A 19-year-old college freshman arrived on time for psychiatric consultation, dressed in old, torn, dirty clothes. He was unkempt, with long hair that was uncombed and disheveled. He talked in a slow, hesitant manner, frequently losing his train of thought, and he could not pay attention or concentrate. He tried hard to both talk and listen, but had difficulty with both. He had been an excellent high-school athlete and the highest student in his class in a large city. He was described as neat, orderly, and taking pride in his appearance, intellect, and physical fitness. During the last half of his senior year, he began casual (one or two marihuana cigarettes each weekend) smoking. By the time of the evaluation in the middle of his first college year, he was smoking several marihuana cigarettes daily. While in college, he stopped attending classes, didn't know what his goals were, and was flunking all subjects. He partook in no athletic or social events, and was planning to drop out of college to live in a young, drug-oriented group.

CASE 2.—A 19-year-old boy entered college with an "A" average. He began smoking marihuana early in the freshman year, and within two months of starting to smoke cannabis, he became apathetic, disoriented, and depressed. At the semester's end, he had failed all courses and lacked judgment in most other matters. Upon return to his home, he discontinued marihuana after a total period of 3½ months of smoking. Gradually, his apathy disappeared, his motivation returned, and his personal appearance improved. He found employment, and in the following academic year, he enrolled at a different university as a preprofessional student. His motivation returned, as did his capability. As with so many of our patients, this young man told his psychiatrist that he had observed changes while smoking marihuana; he even went to a college counselor and told the counselor that he felt he was having a thinking problem due to smoking marihuana. The counselor reassured him that the drug was harmless and that there was no medical evidence of difficulties as a consequence of smoking.

E. Ego impairment marked sexual promiscuity

Thirteen female individuals, all unmarried and ranging in age from 13 to 22, were seen in consultation with almost the same symptoms as those in groups C and D. (One in this group was psychotic and is listed as case 1 of group A. Thus, our total reported group of cases remains 38, not 39).

This group is singled out because of the unusual degree of sexual promiscuity, which ranged from sexual relations with several individuals of the opposite sex to relations with individuals of the same sex, individuals of both sexes, and sometimes, individuals of both sexes on the same evening. In the histories of all of these individuals, we were struck by the loss of sexual inhibitions after short periods of marihuana smoking. Seven patients of this group became pregnant (one on several occasions), and four developed veneral diseases. Each showed confusion, apathy, depression, suicidal ideas, inappropriateness of affect, listlessness, feelings of isolation, and disturbances in reality testing, and among the 13, all of whom attended junior high school, high school, or college, all showed a marked drop in academic performance. The decline in academic performance was in direct proportion to the frequency and amount of smoking. Most smoked three or more times weekly.

Five of the 13 were engaged in homosexual activities which began after the onset of smoking, and three attempted suicide.

In no instance was there sexual promiscuity prior to the beginning of marihuana smoking, and in only two of the 13 cases were there histories of mild anxiety states prior to smoking. We take these results to indicate marihuana's effect on loosening the superego controls and altering superego ideals.

ADOLESCENT DEVELOPMENT AND MARIHUANA

The nature of adolescent development is of importance in a discussion of marihuana. The adolescent may begin to smoke marihuana and then suffer damage in further psychological growth, development, and maturation.

In brief, adolescence has as its central driving force the organic, maturational establishment of puberty. Related to physical changes of adolescence are profound (normal) psychological changes.

Anna Freud [12] has described these psychological changes in the normal adolescent as follows:

> It is normal for the adolescent to behave . . . in an inconsistent and unpredictable manner; to fight his impulses and to accept them; . . . to love his parents and to hate them; . . . to thrive on imitation of and identification with others while searching unceasingly for his own identity; to be more idealistic, artistic, generous, and unselfish than he will ever be again; but also the opposite, self centered, egoistic, and calculating.

These psychological changes, according to Pearson,[13] are due to the unsettling effect of sudden, general bodily growth and the gradual changes in primary and secondary sexual characteristics, as well as to a final stage of myelinization within brain tracts which leads to greater perception of nuances of color and sound. Pearson also described the conflict of generations, and how lack of parental understanding further weakens the adolescent's ego, leading to the psychological changes already mentioned.

The normally developing adolescent compares the image of his body (often characterized by uneven growth spurts) to his preadolescent body (smooth and even), to those of his peers (different), and to those of adults (who are ambivalently admired), and feels himself lacking. He is bombarded by known sexual impulses related to the organic sexual changes, and he feels overwhelmed and at first unable to control or deal with these impulses effectively. He feels flooded by subtleties of color and sound never before perceived, but now very taxing to his mind. Typically, in efforts at management of these biologically induced phenomena, and also due to the struggle with his parents, he regresses psychologically and tends to handle these anxieties in paradoxical ways, as by immersing himself in glaring colors and loud sounds, by fighting with parents, or by dressing in a bizarre way which accentuates his body-growth disproportions.

The normal adolescent needs support and guided firmness from the parent. If this is missing, he may turn increasingly to drugs. The adolescent living in a ghetto has the added problem of the absence of daily necessities, making reality harsh and the appeal of drugs even stronger. When the adolescent is further exposed to equivocation by authorities in speech or writing on the innocence or dangers of marihuana, then his urge toward a drug solution for conflict may be enhanced, and if there has been a lack of support and interest in the child prior to adolescence and a lack of continuing interest, support, and benevolent firmness by the parent in the teen-age years, the adolescent may still more readily turn to drugs.

To illustrate the issue of lack of firm guidance, several of our patients had parents who talked to the adolescent of their own curiosity about the effects of marihuana, without emphasizing its dangers, or emphasized the discrepancies in the law, without insisting that the youngster must not use marihuana or other drugs because of the serious effects that would occur. We have found that equivocation by the parents has contributed to eventual drug experimentation.

Most often, the normal adolescent, weakened by his own rising sexual pressures, body changes, and disillusionment with parental ideals, seeks peer relationships to establish new ideals and thereby strengthen his own character. Among his peers today, he finds many smoking marihuana. He cannot tolerate the isolation from those who smoke. Also, the need to repudiate parental ideals is strong. In his desperation to find new ideals, he turns to those who use drugs. Even though their smoking frightens him, gradually he accepts their drug use. He cannot see any changes in his friends as a result of smoking cannabis (early changes are even difficult for the professional to detect). He identifies, however, with their rebellious attitude toward authority as expressed by their use of marihuana. He may then smoke. At first, he is puzzled and disappointed at not reaching a "high" (which he will not admit to his new friends), and he fails to see any adverse effect upon himself other than some exaggeration or distortion of sensory perceptions. He continues to smoke in an attempt to achieve an effect. His parents and others are thought to be alarmists; he can see no harm in "smoking a little pot." He is unaware that increased smoking over a period of time will likely deprive him of the ability to adequately resolve his internal conflicts.

When we examined the effects of marihuana on the adolescents in our study, we were struck by the accentuation of the very aspects of disturbing bodily development and psychological conflicts which the adolescent had been struggling to master. Marihuana accentuates the inconsistencies of behavior, the lack of control of impulses, the vaguenss of thinking, and the uncertainty of body identity which Anna Freud described.[12] Moreover, dependency and passivity are enhanced at a time when the more natural course would be to master dependent yearnings and to become independent. Rebellion toward parents and authority is increased while the adolescent is struggling toward abandoning such rebellion. His uncertainty about sex grows while he smokes marihuana. The desire to be independent diminishes while he is smoking with his peers.

While the adolescent is struggling to master his feelings about bodily growth surges, he is confronted with further changes in the mental image of his body if smoking marihuana. Also, while he is struggling to master new physical, intellectual, and emotional strengths, he is hampered by marihuana. This leads to further anxiety.

Moreover, while struggling to make order out of the sudden flood of new sounds and colors incident to normal brain maturation, he is inundated by the changes in sensory perceptions which are the hallmark of marihuana use. While valuing clear thinking, coherent speech, alertness of reasoning, good attention span, and concentration, he is now confronted with at least temporary interference with these activities.

Our study showed no evidence of a predisposition to mental illness in these patients prior to the development of psychopathologic symptoms once moderate-to-heavy use of cannabis derivatives had begun. It is our impression that our study demonstrates the possibility that moderate-to-heavy use of marihuana in adolescents and young people without predisposition to psychotic illness may lead to ego decompensation ranging from mild ego disturbance to psychosis.

Clearly, there is, in our patients, a demonstration of an interruption of normal psychological adolescent growth processes following the use of marihuana; as a consequence, the adolescent may reach chronological adulthood without achieving adult mental functioning or emotional responsiveness.

We are aware that claims are made that large numbers of adolescents and young adults smoke marihuana regularly without developing symptoms or changes in academic study, but since these claims are made without the necessary accompaniment of thorough psychiatric study of each individual, they remain unsupported by scientific evidence. No judgment on the lack of development of symptoms in large, unselected populations of students or others who smoke marihuana can be made without such definitive individual psychiatric history-taking and examination.

FOOTNOTES

[1] Dependence on cannabis (marihuana), COMMITTEE ON ALCOHOLISM AND DRUG DEPENDENCE and COUNCIL ON MENTAL HEALTH, *JAMA* 201: 368–371, 1967.

[2] Bromberg W: Marihuana intoxication: Clinical study of *Cannabis sativa intoxication. Amer J Psychiat* 91: 303–330, 1934.

[3] Talbott JA, Teague JW: Marihuana psychosis. *JAMA* 210: 299–302, 1969.

[4] Marihuana and society, COUNCIL ON MENTAL HEALTH. *JAMA* 204: 1181–1182, 1968.

[5] Marihuana thing, editorial. *JAMA* 204: 1187–1188, 1968.

[6] Ames F: A clinical and metabolic study of acute intoxication with *Cannabis sativa* and its role in the model psychosis. *J Ment Sci.* 104: 972–999, 1958.

[7] Allentuck S: Medical aspects, in *The Marijuana Problem in the City of New York, 1941,* reprinted in Solomon D (ed): *The Marijuana Papers,* New York, Bobbs-Merrill Co Inc, 1966, pp 269–284.

[8] **Isbell H. Gorodetzky C W, Jasinski D, et al:** Effects of (—) Δ^9-trans-tetrahydro-cannabinol in man. *Psychopharmacolognia* 11: 184–188, 1967.

[9] Hartmann D: A study of drug-taking adolescents, in Eissler S, Freud A, Hartmann H, at al (eds): *The Psychoanalytic Study of the Child.* New York, International Universities Press Inc, 1969, vol 24, pp 384–398.

[10] Wieder H, Kaplan EH: Drug use in adolescents: Psychodynamic meaning and pharmacogenic effect, in Eissler S, Freud A, Hartmann H, et al (eds): *The Psychoanalytic Study of the Child.* New York, International Universities Press Inc, 1969, vol 24, pp 399–431.

[11] Gershon S: On the pharmacology of Marihuana, *Behav Neuropsychiat* 1: 9–18, 1970.

[12] Freud A: Adolescence, in Eissler S, Freud A, Hartmann H, et al (eds): *The Psychoanalytic Study of the Child,* New York, International Universities Press Inc, 1958, vol 16, pp 255–278.

[13] Pearson GHJ: *Adolescence and the Conflict of Generations.* WW Norton & Co Inc, 1958, pp 1–186.

Mr. FRENZEL. Mr. Chairman, after reviewing the report to Congress on marihuana and health, I was struck with three specific impressions.

First, despite rather widespread use of marihauna in our society today, we know very little about the long-term effects of its use. The lack of data which can be considered scientifically accurate is frightening. At the same time, there seems to be solid evidence that Congress should initiate and oversee a continuing study which will positively determine the effect of marihuana use on intellectual development, motor performance, birth defects, and other physiological as well as psychological effects.

Second, it appears that Congress might consider additional legislation to aid in such a study. Some instances of interference from local and State officials were noted in the report. If we are not able to improve cooperation voluntarily at local and State levels, perhaps through congressional action we can provide the researchers with the necessary immunity to continue the study.

Finally, it seems to me very important that we consider legislation which will make the information gathered by this study available to the public through an effective drug education program.

H.R. 5674, which increases the maximum permissible level of expenditures by the Commission on Marihuana and Drug abuse, deserves the full support of this Congress. Its study must be completed as soon as possible, and H.R. 5674 is intended to give the Commission the ability to do so.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the increased authorization for the Commission on Marihuana and Drug Abuse.

In my judgment, the controversy surrounding the effects of marihuana, that it is, in fact, habit forming, degenerative, and so forth, is largely responsible for the wedge that is being driven between the young people of this country and its leadership. In my judgment, much of the generation gap could be closed if, in fact, definitive answers could be found to the thus far unanswered questions dealing with the use and possession of marihuana.

At recent meetings of medical groups, one eminent doctor advised that marihuana was, in fact, an extremely dangerous narcotic and that more severe restrictions on its use and possession were absolutely mandatory. At approximately the same time, another report was issued by yet another medical authority which stated, in effect, that the use of marihuana was not, in any respect, detrimental to the health and welfare of the user.

Not being a medical authority, I will not even attempt to respond to either side of the question since, in my judgment, there are entirely too many self-made "experts" now, who are causing much of the confusion that is present in the minds of most Americans regarding the use of marihuana.

Mr. Chairman, this issue can and must be resolved before further possible harm is done to the already shaky relationships between young people and the leadership of this country. Before we pass more restrictive legislation or eliminate that which is already law, we must, once and for all, determine the true facts of the situation. Additional rhetoric will lead only to further divisiveness, which is certainly the last thing this country needs at this juncture.

The current authorization for this Commission, $1 million, is simply not sufficient to adequately study the problem. Further incomplete and inadequate studies are just what we don't need.

In my judgment, we in the Congress have a responsibility to all Americans, young and old, to provide the facts that will finally resolve this complex and controversial issue that, in my opinion, is at the root of the present split between the generations in this country.

I strongly urge my colleagues to support the $4 million authorization as requested by the committee.

Mr. SCHEUER. Mr. Chairman, the Congress is considering today a topic of growing importance: Drug abuse. Today we vote on increasing the authorization for the Commission on Marihuana and Drug Abuse. When the Congress established the Commission last year, it recognized the need for an independent Commission composed of reasonable, fairminded men, free of institutional biases and associations, to provide the basis for factual and objective conclusions and thoughtful legislative action on marihuana. In doing so, the Congress acknowledged that it shares the general public confusion on this question, and that it is vitally interested in resolving the marihuana debate in a reasoned fashion.

Since that time in January of 1971, the National Institute of Mental Health of the Department of Health, Education, and Welfare issued a comprehensive survey of our medical and scientific knowledge on this question to date, titled "Marihuana and Health." This exhaustive study is not definitive, nor did it claim to me. It states clearly that much remains to be learned, much evidence is not yet in, and some of the most basic conclusions about the effects of marihuana remain to be drawn.

The Congress rightly expects the Commission on Marihuana to make a significant contribution to our knowledge in this field. To those of us who have been seeking solutions to the problems of drug abuse, it has become increasingly clear that the Commission will need more than its authorized $1 million in order to produce a sound, factually substantiated report. We must insure that the Commission has adequate funds to conduct the broad research and investigation to support its findings. It must be able to attract the contributions of the best minds and the most competent authorities in the field, and it will have to pay for quality.

Commissions are designed to operate outside the normal channels of the Federal Government so that they can seek answers unhindered by the prejudices and predispositions of established Government agencies. But with that freedom there is a concomitant responsibility. In its organization, operation, and final deliberations the Commission must leave no doubts about the fairness and the impartiality of its proceedings. If its work is to have a positive impact on the general problem of drug abuse it must merit the trust and confidence of the general public, and especially of our youth, who are already skeptical of official pronouncements about marihuana. The Commission is burdened with overcoming this ingrained cynicism and suspicion, developed by the exaggerations, prejudices, emotion-laden rhetoric and unfounded conclusions of official Government reports in the past. These overblown statements have destroyed the credibility we so desperately need if we are ever to convince our youth that psychedelics and narcotic drugs, which pose far greater dangers, must be avoided.

To merit that trust the Commission must have a membership and a staff that are capable, experienced, representative, without bias, and of an adequate size to meet the challenge which confront the Commission. If we approve this increased authorization today, as I am sure we will, it is incumbent on the Commission to acquire the scientific talent, the multidisciplinary skills in all the relevant fields that will enable it to produce an excellent, professional report. At the moment, four of the nine professional staff members of the Commission have previously been employed by the Bureau of Narcotics and Dangerous Drugs. This has given them valuable, relevant experience. I hope, however, that a balance of experience and expertise on the staff can soon be obtained. The recently appointed medical specialist should have his duties and responsibilities clearly defined, and he must be given clear authority in the areas of his responsibility.

The past few weeks should have clearly demonstrated to the Commission that its activities and its conclusions will be of high interest and visibility to a large portion of the public. It must take every step to insure the objectivity, the integrity and the scientific soundness of its operations, which will be indispensable to earning respect and credibility among the youth of this Nation.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(f) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 be amended to read as follows:

"(f) Total expenditures of the Commission shall not exceed $4,000,000.".

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California: Page 1, after line 7, add the following:

"SEC. 2. (a) Paragraph (c) of schedule II as set out in section 202(c) of such Act is amended to read as follows:

"'(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

"'(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

"'(2) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.'

"(b) Schedule III as set out in such section is amended by striking out subparagraphs (1) and (3) of paragraph (a) and by redesignating subparagraphs (2) and (4) of such paragraph as subparagraphs (1) and (2), respectively."

Mr. STAGGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. ANDERSON of California. Mr. Chairman, I commend you in your fight to eliminate drug abuse, and I know you are thoroughly aware of the problem I would like to discuss.

As you know, on March 29, I introduced H.R. 6825, a bill which would move amphetamines from schedule III to schedule II, thus severely restricting the production and abuse of this drug, known in the vernacular of the street as "speed."

Last year, during debate on the Drug Abuse Prevention and Control Act of 1970, I supported the amendment offered by our distinguished colleague, the gentleman from Florida (Mr. PEPPER), and cosponsored by my friend, the gentleman from California (Mr. WIGGINS), which would move amphetamines to schedule II.

While we were unsuccessful, we did grant "authority for the Attorney General to transfer drugs between schedules upon making appropriate findings and following the procedures prescribed in the legislation," and the conference report stated:

> It is the understanding of the managers that proceedings will be initiated involving a number of drugs containing amphetamines after the legislation has become law, but exceptions will be made for a number of amphetamine-containing drugs.

The Drug Abuse Prevention and Control Act was approved October 27, 1970, and now, almost 6 months later, amphetamines have not been moved to schedule II.

Mr. Chairman, I have an amendment which would move amphetamines to schedule II—an amendment which is, perhaps, nongermane, and which would not be necessary were it not for a lack of action by the administration.

Mr. Chairman, my reason for raising this point at this time is that first, I strongly feel that amphetamines have a high potential for abuse, and should be severely restricted; and second, to prod the Justice Department, and the Department of Health, Education, and Welfare into making this move administratively as quickly as possible.

First, Mr. Chairman, there is an overproduction of amphetamines. Amphetamines are being produced at a rate of 8 billion a year, according to the Committee on Crime, while there is a legitimate need for less than 500,000. Eight billion a year—that represents a month's supply of amphetamines for every man, woman, and child in the United States.

Second, doctors have testified on the dangers of amphetamines. Dr. John D. Griffith, assistant professor of psychiatry at Vanderbilt University School of Medicine, testified:

> The profession has now identified and recognized amphetamines abuse as being a major health problem—many times more serious than narcotic addiction.

Dr. Sidney Cohen, former Director of the Division of Narcotic Addiction and Drug Abuse in the National Institute of Mental Health, states:

> You have already heard enough of the horror stories about the "speed freak." Unfortunately, they are true. The panic and the paranoid states, the malnutrition, the prolonged nervous breakdowns, the infections that occur—all of these are well documented.

Under current law, amphetamines are under schedule III. Under this schedule, all that a manufacturer, distributor, or dispenser of amphetamines must do, is notify the Justice Department that they are dealing in amphetamines. In order to obtain amphetamines from a manufacturer, a dispenser has no order forms. He simply writes a letter on his own stationery. In addition, there is no limit on the production of amphetamines and, in order to import or export amphetamines, a dispenser simply is required to notify the Justice Department.

Under schedule II, first, a manufacturer, distributor, or dispenser of amphetamines would be required to register with the Department of Justice and prove that he has a legitimate operation and need for amphetamines. Second, in order to dispense amphetamines, a physician would be required to order them with Justice Department order forms. Thus, the Attorney General would be aware of who ordered how much. Third, the Department of Justice would give the manufacturer a production quota to coincide with the medical needs of the United States. Fourth, in order to import or export amphetamines, a dealer must obtain an authorization from the Department of Justice.

Thus, Mr. Chairman, under schedule III, we can readily see that amphetamine production and distribution is very loosely controlled. Whereas under schedule II, amphetamines would be limited to the legitimate needs of the medical community, and its use would be severely restricted.

Mr. Chairman, the Department of Justice in conjunction with the Department of Health, Education, and Welfare, has the authority to move amphetamines to schedule II. In early February, the Department of Justice recommended this to HEW. However, HEW has not acted.

Mr. Chairman, if the administration does not move, and move rapidly to control amphetamines, I suggest that the Congress enter the picture and place amphetamines in schedule II.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I am happy to yield to the gentleman from Florida.

Mr. PEPPER. I want to commend the able gentleman from California, now in the well, for bringing again to the attention of the House this most important matter.

Members of the House will recall that last year, when the comprehensive drug control bill was under consideration, the House considered this amendment offered by me and the other members of the House Crime Committee but did not adopt it, I believe largely in the belief that the executive branch of the Government anticipated taking some early action to put amphetamines under a quota system.

The other body did adopt this amendment, the same amendment we offered in the House last year, as now proposed by the gentleman from California.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. PEPPER, and by unanimous consent, Mr. ANDERSON of California was allowed to proceed for 1 additional minute.)

Mr. PEPPER. In conference, there was a slight modification made in the House version of the comprehensive drug abuse bill but the conference did not adopt this amendment, I believe in anticipation that there would be early executive action doing what the amendment sought to achieve.

If there is not early executive action on this critical matter, 8 billion—8 billion amphetamine pills are being produced and spewed out over this country every year, half of them going into the black market doing immeasurable harm to large numbers of users and producing the "speed" drugs, one of the most dangerous of all drugs taken by individuals and causing violent behavior and criminal action by the abusers.

I say, if the executive branch does not take early action on this matter I hope the distinguished Committee on Interstate and Foreign Commerce and the distinguished subcommittee of that committee, chaired by my able colleague from Florida will give the gentleman in the well and me and others who are introducing this amendment an opportunity to be heard.

I thank the able gentleman for giving me this opportunity to speak.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Missouri.

Mr. HALL. Aside from the question of actually putting the drugs within the diverse schedules, is the gentleman aware of the fact that the Department is now requiring of all physicians, researchers, manufacturers and so forth, if they have a narcotics registry number, that they apply and pay an additional $5 fee and receive authorization under all five schedules of drugs for their use or ownership or dispensing of them?

Mr. ANDERSON of California. The gentleman asking this question being a medical doctor, is a far greater authority in this field than I am. If he says it is so, I would agree.

Mr. HALL. I would say only that as of yesterday I executed my blank as a narcotics permit holder under the Internal

Revenue Service, and it applies to all Federal or State holders of all types of scheduled drugs permits that are registered with the Department of Justice and/or Internal Revenue Service narcotics service.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I insist on my point of order. I believe the amendment is not germane to the bill. This amendment deals with the existing law and this bill is simply for the authorization of additional expenditures. Therefore it is not germane.

The CHAIRMAN. Does the gentleman from California desire to be heard in opposition to the point of order?

Mr. ANDERSON of California. Just briefly.

Mr. Chairman, John J. Fitzgerald of New York, in 1914, in defining germaneness, said:

> The question to be answered is whether the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill.

My amendment adds a new section to the bill under consideration. Both my amendment and H.R. 5674 amend the Drug Abuse Prevention and Control Act. The committee bill amends section 601, dealing with the Commission on Marihuana; my amendment amends section 202, dealing with scheduling of amphetamines.

On September 29, 1919, the Chair ruled that—

> The rule on germaneness does not necessarily require that an amendment offered as a separate section be germane to the preceding section of the bill or to any other particular section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole.

Mr. Chairman, "the subject matter of the bill as a whole" is the Drug Abuse Prevention and Control Act. I seek to amend this act, as does the bill presently pending before us.

The CHAIRMAN (Mr. MOORHEAD). The Chair is prepared to rule.

The bill under consideration amends section 601 of the Comprehensive Drug Abuse Prevention Act of 1970 to increase the authorization for the Commission on Marihuana and Drug Abuse from 1 to 4 million. No other section of the basic act is amended by the bill.

The amendment, which is the text of H.R. 6825, proposes to amend section 202 of the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III to schedule II of the act.

Where a bill proposes to amend a law in one particular, it is well established that amendments relating to the terms of the law rather than to the bill are not germane. This bill contains only one section.

The Chair believes that the amendment goes to a subject not under consideration in the pending bill and sustains the point of order that the amendment is not germane.

Mr. MONAGAN. Mr. Chairman, I move to strike the requisite number of words.

There are commissions and commissions, Mr. Chairman. I think it is the function and the duty of the Congress continually to review the operation of these commissions, to examine their results, and to determine the validity of their continued existence.

This Commission has certainly one of the most valid objectives that any governmental commission could have, that is, to study and to report back to the Congress on this terrific problem that concerns all of us and which leaves no community in our country free from its injurious effects.

This is a domestic problem, it is an international problem, it is one that has local implications, State implications and national implications.

Therefore, Mr. Chairman, we have to pursue its solution simultaneously on all these fronts.

I recently had the privilege of serving as a Representative of this body at the meeting of the Interparliamentary Union in Caracas and was successful in persuading other countries, notably Thailand, France, and Turkey, to join with the United States in putting through a resolution urging our respective countries to increase our efforts on the international scene to control the drug traffic, to control the illegal production and manufacture of drugs, and to help bring about a solution.

Mr. Chairman, not the least important of the activities that we could pursue on an international scale would be the ratification of the Treaty on Psychotropic Drugs that just has been negotiated and is being circulated among various nations for ratification and in supporting amendments to the convention of 1961 which deals with opium and other narcotics.

So, Mr. Chairman, I welcome the initiative that we are taking today on the domestic scene and I enthusiastically support the bill.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I shall be happy to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I also was present at the conference in Caracas when the gentleman from Connecticut attended as a delegate to the Parliamentary Union. I want to commend the gentleman upon his contribution in getting support and cooperation from the parliamentarians from other countries with regard to the drug traffic.

It does seem to me with these communications that we have with the other elected representatives in these other countries, particularly those involved in the drug traffic, that we will be able to reduce the drug flow and hopefully some day eliminate the drug traffic and its great peril to the youth of our Nation.

Mr. MONAGAN. I thank the gentleman from Illinois for his kind remarks.

I would merely say further that I thought it significant not only that countries who share this problem with the United States where there are illegal producers or manufacturers, but also the countries behind the Iron Curtain who do not have the problem at least to the degree that we have it at the present time, joined in this action, because they recognized the international implications of this problem and the fact that it may come to them suddenly and without warning at some time in the future.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5674) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse, pursuant to House Resolution 389, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6444, RAILROAD RETIREMENT ANNUITY INCREASE

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 390

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6444) to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order under clause 7, rule XVI, the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390 provides an open rule with 1 hour of general debate for consideration of H.R. 6444 to amend the Railroad Retirement Act of 1937 and makes it in order to consider, without the intervention of a point of order, the substitute as an original bill for the purpose of amendment. The original bill would amend the Railroad Retirement Act of 1937; the substitute, in addition to amending the Railroad Retirement Act, would also extend the Commission which was established by Public Law 91-377. This is the reason points of order are waived against the substitute—nongermaneness.

The primary purpose of H.R. 6444 is to provide a 10-percent increase in railroad retirement benefits. The increase would be retroactive to January 1 of this year and a termination date is scheduled for June 30, 1972.

Historically railroad retirement benefits and social security benefits have been increased in comparable percentages at approximately the same time. Recently social security benefits have been increased 10 percent, retroactive to January 1, and a comparable increase in railroad retirement benefits is only equitable.

Benefit payments are being made from the account at a rate of approximately $154 million per month. A 15-percent increase in benefits was granted in 1970 and the annual cost is estimated at $132 million; the annual cost of this 10-percent increase is estimated at $117.6 million. These two increases total $250 million annual unfunded costs to the retirement fund.

In the legislation approved last August, a five-man Commission was established to make a study of the retirement system and make recommendations—as might be necessary to provide benefits on an actuarially sound basis—to Congress within 1 year. The Congress would then have 1 year to study the recommendations and make such changes in the system as it deemed necessary. However, the appointments to the Commission were not completed until early this year and this bill would extend the Commission's reporting time for 6 months, which will give the Commission 11 months in which to make its study and the Congress 6 months in which to study the Commission's recommendations.

The level of employment in the railroad industry has been declining for a number of years. At the present time approximately one and one-half as many people are drawing benefits as are paying into the account. The actuarial status of the account is uncertain at present and the increases proposed create further difficulties. It is expected that the Commission will submit adequate factual data and the Congress can then proceed to make necessary modifications in the system.

Mr. Speaker, I urge the adoption of House Resolution 390 in order that the bill (H.R. 6444) may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390 makes in order for consideration of H.R. 6444 under an open rule with 1 hour of general debate.

The purpose of the bill is to provide an increase in the benefits provided for retired railroad employees.

Public Law 91-377 provided for a temporary 15-percent increase in railroad retirement annuities. It also created a commission to study the retirement system and report its recommendations to the Congress by June 30, 1971. This legislation will extend the time of reporting to December 31, 1971; the extension is needed because the question of future funding of the system has proven more complex than expected. Both the existing temporary increase of 15 percent and the further one of 10 percent proposed by this legislation will expire on June 30, 1972. It is expected that Congress will have had sufficient time to study the report and take appropriate legislative action by that time.

The increase proposed in the bill is a direct result of the 10-percent social security increase recently signed into law. The annual cost is estimated at $118 million over and above the $132 million annual cost of the existing 15-percent temporary increase. The same economic facts of life which necessitated the recent social security increases are the root causes for this legislation.

As of March 31, 1971, the railroad retirement fund, out of which all benefits are paid, stood at $4,282 million. Each month some 1,600,000 retirees receive checks totaling about $154 million. If the existing and proposed temporary increases become permanent, the Chairman of the Railroad Retirement Board has estimated that the fund will be exhausted within 20 years. This is primarily because benefit levels continue to increase while employment levels on the railroads decrease. At the present time one and a half as many people receive benefits as there are paying taxes into the retirement fund.

For these reasons the report of the Commission created during the 91st Congress is eagerly awaited. This report is due no later than December 31, 1971, 6 months prior to the expiration date of the temporary benefit increases.

The administration supports the bill in its present form, as does the Railroad Retirement Board. There are no minority views.

I have no further request for time, but I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5066, AUTHORIZING APPROPRIATIONS TO CARRY OUT THE FLAMMABLE FABRICS ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague, the gentleman from Tennessee (Mr. ANDERSON), I call up House Resolution 407 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5066) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 407 provides an open rule with 1 hour of general debate for consideration of H.R. 5066 to extend the Flammable Fabrics Act.

The purpose of H.R. 5066, as reported by the legislative committee, is to extend for 1 year the Flammable Fabrics Act—originally enacted in 1953—and to authorize an appropriation of $4 million for fiscal year 1972.

In order to implement and enforce the act for fiscal year 1972, the Department of Commerce has estimated its cost at $1,337,000; the Department of Health, Education, and Welfare, $1,175,000; the Federal Trade Commission, $1,100,000.

The extension is for only 1 year because the Committee on Interstate and Foreign Commerce intends to consider the legislation further before making recommendations for ensuing years.

Mr. Speaker, I urge the adoption of the rule so that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, the purpose of the bill is to authorize the appropriation of $4,000,000 for fiscal 1972 to carry out the Flammable Fabrics Act.

The Flammable Fabrics Act, first enacted in 1953, has been extended several times since. At the time of each extension the scope of the act has also been enlarged so that now it applies to all articles of wearing apparel and to interior furnishings used in homes and offices. The 1967 extension authorized the Secretary of Commerce to set standards in the field of flammability, including testing. Standards have been promulgated in several categories and several others are expected to be issued before the year ends, covering small rugs, children's sleepwear, and bedding.

The bill as introduced provided for authorization of $6 million for each of fiscal 1971 and 1972, and "such sums as may be necessary" thereafter. The committee amended the bill to authorize funds only for fiscal 1972, totaling $4 million. This is because the committee intends to consider legislation to again extend the scope of the legislation and will at the same time consider authorizations for future fiscal years.

It is estimated that during fiscal 1972 the Department of Commerce will need $1,337,000 to carry out its responsibilities under the act. The Department of Health, Education, and Welfare, charged with the responsibility of making studies concerning death and injuries attributed to fabric design and construction, will expend $1,175,000 on such studies, and the Federal Trade Commission, the enforcer of the act estimates its cost at $1,100,000. These estimated costs total $3,612,000. The committee authorized an additional $388,000 to cover the costs of promulgation and implementation of new flammability standards slated to go into effect during fiscal 1972.

The bill was reported unanimously.

There are no departmental views contained in the report.

An open rule with 1 hour of debate has been requested.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RAILROAD RETIREMENT ANNUITY INCREASE

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6444), to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6444, with Mr. NIX in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require.

Mr. Chairman, I rise to urge the adoption of H.R. 6444, as reported by the committee, to provide a temporary 10-percent increase in railroad retirement benefits. The increase is retroactive to January 1, 1971, so that this increase is in the same amount, and with the same effective date as applied in the case of the social security benefit increases provided earlier this year.

As Members know, social security benefits and railroad retirement benefits are usually increased in the same amounts at approximately the same time. Earlier this year the Congress provided a 10-percent increase in social security benefits, retroactive to January 1, 1971. The purpose of this bill is to provide a similar 10-percent increase for all railroad retirement beneficiaries who did not receive an increase by reason of the social security amendments.

In view of the continuing inflation in the United States, I do not think it is necessary to state the reasons why this increase is needed, since all Members are aware of the problem created for persons living on fixed incomes.

Unfortunately, the railroad retirement system is operating today at a slight deficit and for this reason, it was necessary last year when we provided a 15-percent increase in benefits to make that increase a temporary one. In that same legislation, we established a Commission on Railroad Retirement to study the railroad retirement system and make recommendations to us concerning the best method of providing adequate levels of benefits, and financing for those benefits. The Commission was scheduled to report to us by July 1 of this year, which would then give us 1 year in which to take action on the Commission's recommendations prior to the scheduled expiration of the 15-percent increase.

The Commission has been rather slow in getting started, because of delays in appointments and provision for funding. It now appears that the Commission will not be able to meet the July 1 deadline, so this bill extends the reporting date of the Commission to December 31 of this year.

The bill also provides that the 10-percent increase provided in this bill will expire June 30, 1972.

This will give us 6 months from the date of the Commission's report to devise necessary financing for the railroad retirement system.

The problems of the railroad retirement system are many, but they arise primarily at the present time out of the steadily declining level of employment in the railroad industry. We are now in a situation where there are almost 150 people drawing benefits from the railroad retirement fund each month for every 100 people who are paying taxes into the fund. We feel that the recommendations of the Commission will be of great help to us in devising methods for the continuation of adequate levels of benefits under the railroad retirement program together with adequate financing for those benefits.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last year when the Congress saw fit to raise social security benefits by 15 percent it triggered action within the Interstate and Foreign Commerce Committee to make a similar change in the railroad retirement benefits. This has been done previously and seems only fair.

When the 15-percent raise was considered, however, it appeared that we had clearly reached a turning point in the fortunes of the railroad retirement system and its fund. Adding the benefits without raising further the already extremely high taxes on the employees would in a short time put the actuarial balance of the fund in peril. Several schemes were considered to cure or at least alleviate the situation but it was obvious that anything we could do at that time would be partial at best and would not give us a final solution. Especially was this true when we considered the fact that future changes in the social security system would undoubtedly be made.

Under the circumstances it was decided to make the 15-percent raise temporary, only running until July 1, 1972. At the same time a commission was authorized to study the long-range situation and come forth with recommendations for basic changes to meet present and future anticipated demands on the fund. The Commission was not to report until July 1 of this year, giving a full year for committee and congressional consideration and action.

As events turned out we did not have that much time. As you well know, a further 10-percent increase in social security has been approved, and clamor for a corresponding increase in railroad retirement was inevitable. Meanwhile, the study Commission had not been able to get going because of delays in the appointments and the necessary funds. It is ready to operate now and is doing so, but a deadline of July 1 for a final report is entirely unrealistic. The Commission as finally constituted is made up of two professors, one from Michigan and one from Georgia, two distinguished leaders of railroad labor and the chief negotiator for the Association of American Railroads.

Knowing full well that adding another 10 percent to benefits at this stage would complicate the problem by an additional $118 million per year, the committee decided to proceed. The benefits will be paid retroactively to January 1, 1971. They will expire, however, at the same time as the 15-percent payments expire, on July 1, 1972.

The Commission asked for an additional year to complete its deliberations and report. Actually this was a reasonable request. To agree to it would have necessitated changing the expiration date of the first raise and continue the burden of a full 25-percent increase for an entire additional year. It was felt that this was asking too much of the fund and accelerating its precarious position to a danger point. As a result, the bill before us today extends the reporting date by only 6 months and will require final recommendations by the end of this year. By doing this and maintaining the original expiration date of the two raises we are leaving ourselves only the first 6 months of the second session of this Congress to hammer out legislation which can make this system and its trust fund viable. A careful reading of the committee report will quickly convince you that this is no small task and that the problems of the railroad retirement system are real and they are immediate.

With all of these difficulties we feel that the bill presented to you by the committee for approval is the best possible solution at this time and that it should be passed by the House.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Tennessee, a member of the subcommittee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I want to congratulate the chairman of the committee and the ranking Republican member, as well as the chairman of the subcommittee and the ranking Republican member, for the work they have done in helping expedite this important legislation.

The gentleman from Illinois (Mr. SPRINGER) has pointed out the fact that this increase is temporary until we can get a report back from the committee which has been appointed to make a long and meaningful study as to what truly needs to be done to the trust fund for railroad employees.

I want to give my full support to this legislation and urge its immediate passage.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise to indicate my support for H.R. 6444 which would, in effect, bring the benefits under the railroad retirement system on a par with the recently approved increases in social security benefits. I know the situation facing the funding behind railway retirement benefits is precarious at best. But pending the receipt of the report of the Commission created by Congress last August, we, the elected representatives of the people, do have an obligation to see to it that the railway workers who have devoted their lives to a vital national industry should receive the increased benefits which Congress recently determined were necessary for those covered by social security. In supporting the increase today pending a final report by the Commission, I am accepting the recommendation of the Railway Retirement Board and rejecting the advice of the Office of Management and Budget in requesting that the increase not take effect until January 1, 1972. OMB is displaying this administration's usual concern for the inflationary impact on the economy where workers' benefits are concerned. I have yet to see any concern displayed over the inflationary impact of rising corporate executive bonus and pension systems and/or accelerated depreciation allowances. We in Congress have a responsibility to act even in the absence of administration leadership and continue to do what we have always done in the past and maintain the benefits of the railroad retirement system on a par with the social security system.

Mr. ANDERSON of Illinois, Mr. Chairman, unfortunately, a previous engagement in Illinois will prevent me from being present when the final vote is taken on H.R. 6444 which provides a temporary 10-percent increase in benefits for retired railroad employees. But I do want to take this opportunity to express my strong support for this legislation.

As you know, in the last Congress we authorized a temporary 15-percent increase for these retired railroad employees, and at the same time we established a commission to study the retirement system and report its recommendations to the Congress by June 30 of this year. The legislation before us today would extend the life of the Commission for another 6 months, and the 10-percent increase in this bill and the 15-percent increase authorized in the last Congress would expire on June 30, 1972. It is hoped that there will be sufficient time between the time the Commission reports its findings and the expiration date of these temporary increases, for the Congress to study those recommendations and take appropriate legislative action.

In the meantime, we owe it to the retired railroad employees to enact this temporary benefit increase legislation. This bill has the support of the administration, the Railroad Retirement Board, and I am confident that it will receive the support of the overwhelming majority in this body.

Mr. KEMP. Mr. Chairman, I rise in support of H.R. 6444 which provides for an increase in benefits comparable to that recently provided social security recipients and authorizes a 6-month extension of the time given the Commission on Railroad Retirement to conduct a thorough study of the entire railroad retirement system.

There is some concern that under the contracts signed by the railroads with Amtrak, the railroads can take unilateral action to dismiss and displace employees and to rearrange and assign forces prior to the execution of those contracts. The effect of this would be to forever deprive certain employees of their rights which they would secure under the implementing agreements.

For example, a dismissed employee evidently must exercise his option to resign and receive separation pay within 7 days of the date on which he is dismissed. Many employees may resign long before implementing agreements are executed.

It is probable that such implementing agreements would transfer the seniority rights of dismissed employees to seniority rosters following which they could bid on comparable positions and remain in the employ of the railroad thereby preserving the many benefits, such as railroad retirement benefits which they would forfeit by resigning and accepting separation pay.

Mr. Chairman, I urge the Commission to begin study of this matter immediately and to report to the Congress as soon as possible. In addition, I am hopeful that the findings of the Commission will allow the benefit increases we have voted today to be made permanent.

Sufficient retirement income is essential to the human dignity of those who have worked long years and contributed to a retirement system which they believed would adequately provide for them after their active working years were over. The economic security of all of us is protected by the economic security of those who have passed the age of active employment.

While I strongly support this bill, I hope additional legislation will correct an inequity. Retirees who have earned both railroad retirement and social security benefits, I believe, are entitled to receive increases authorized for both programs.

There is no justification for such a reduction in benefits and I am disappointed that this legislation does not correct the situation. I am hopeful that the Commission will also make an in-depth study of this matter for I am confident they will recommend that retired citizens deserve the full retirement compensation they have earned.

Mr. PRICE of Illinois. Mr. Chairman, railroad retirees today are victims of increasing inflation as are all persons who must live on fixed incomes. In light of the recent 10-percent increase in social security benefits, however, it is only just that railroad annuities be similarly increased. I urge, therefore, that this 10-percent temporary increase in railroad annuities be immediately implemented.

I wish to emphasize that this legislation is merely a temporary cure for a present need. The Railroad Retirement System has been operating at a slight deficit and is currently under examination by the five-man Commission. Hopefully, this Commission will be able to make recommendations as to how the Retirement System can provide adequate funding for benefits in the future.

This Commission was approved last August. Although the two congressional appointments to the Commission were made immediately, the administration postponed making its three appointments until early this year. Consequently, because of this and other delays, the Commission did not hold its first meeting until January 20 and has announced since that it will not be able to report on the scheduled date of July 1, 1971. Although the Commission can apparently overlook the urgency of this matter, Congress cannot and must not. We must make prompt provisions to alleviate the economic difficulties facing railroad retirees.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. SPRINGER Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(4) The annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 10 per centum."

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a)(3) of this Act" and inserting in lieu thereof "section 3(a) (3) or (4) of this Act";

(2) by inserting "(before any reduction on account of age)" immediately after "shall" in the first sentence of the last paragraph;

(3) by striking out the last sentence; and

(4) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased by 10 per centum. The preceding sentence and the next preceding paragraph shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding paragraph."

(b)(1) Section 2(i) of such Act is amended by striking out "the last paragraph" and inserting in lieu thereof "the last two paragraphs".

(2) Section 2(i) of such Act is further amended by inserting "or in that part of section 3(e) preceding the first proviso, or of the pension," immediately after "section 3 (a)(1)".

(c) Section 2(j) of such Act is amended by inserting ", or section (a) of this Act," after "this section".

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following subsection:

"(o) The annuity computed under the preceding provisions of this section shall be increased by 10 per centum."

SEC. 4. For the purposes of approximating the offsets in railroad retirement benefits for increases in social security benefits by reason of amendments prior to the Social Security Amendments of 1971, the Railroad Retirement Board is authorized to prescribe adjustments in the percentages in the Railroad Retirement Act of 1937, and laws pertaining thereto, in order that these percentages, when applied against current social security benefits not in excess of $275.80 a month, will produce approximately the same amounts as those computed under the law in effect, except for changes in the wage base, before the Social Security Amendments of 1971 were enacted.

SEC. 5. All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 10 per centum. All survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuities provided in section 2 of this Act are effective, be increased by 10 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act of 1937 and shall be reduced by the percentage determined in accordance with the election of such annuity.

SEC. 6. All recertifications required by reason of the amendments made by this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 7. (a) Section 7(c)(1) of Public Law 91–377 is amended by striking out "July 1, 1971" and inserting in lieu thereof "December 31, 1971".

(b) Section 7(g) of Public Law 91–377 is amended—

(1) by striking out ", not later than July 1, 1971" and all that follows down through "this section" in the first sentence and inserting in lieu thereof "submit to the President and the Congress an interim report of the study authorized by this section not later than July 1, 1971, and a full and complete final report of such study not later than December 31, 1971,"; and

(2) by striking out "such report" in the second sentence and inserting in lieu thereof "such final report".

SEC. 8. (a) The provisions of this Act shall be effective with respect to annuities accruing for months after December 1970 and with respect to pensions due in calendar months after January 1971; except that increases in benefits for months prior to the month of enactment of this Act shall be payable only to an individual who is entitled to an annuity or pension for the month of enactment, or who becomes so entitled in later months, on the basis of the same earnings record.

(b) The first six sections of this Act, and the amendments made by such sections (other than the amendments made by subsections (a)(2), (b)(2), and (c) of section 2), shall cease to apply as of the close of June 30, 1972. Annuities accruing for months after June 30, 1972, and pensions due in calendar months after June 30, 1972, shall be computed as if the first six sections of this Act, and the amendments made by such sections (other than the amendments made by subsections (a)(2), (b)(2), and (c) of section 2), had not been enacted.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 6444, to provide a 10-percent increase in railroad retirement benefits retroactive to January 1, 1971.

Each of us is certainly aware of the compelling need for this legislation. When we passed increased social security benefits earlier this year, it was because we recognized that the people hardest hit by inflation are those living on fixed incomes. The purpose of H.R. 6444 is to extend to those on railroad retirement the same benefits received by others under social security. We have in effect promised that railroad annuities would be increased as social security benefits are increased and today we must honor that promise.

I have long felt that these increases should be automatic so that our senior citizens, to whom we owe an immeasurable debt, would be spared the fear and burden of a shrinking fixed income. Automatic increases in the levels of both railroad retirement and social security, based on periodic changes in the national standard of living, are the only real solution. I am hopeful that such long overdue legislation will be enacted by this Congress so we will no longer be forced to resort to temporary corrective measures.

Because of the tremendous financial difficulties facing the railroad retirement program, the 15 percent annuity increase voted last year was provided on a temporary basis. The additional 10-percent increase before us today will impose another serious drain upon the railroad retirement system. In my testimony before the Interstate and Foreign Commerce Comittee last month, I pointed out that as a result of the recent social security legislation, the social security tax base will be increased to $9,000 a year starting next January. Under the law, the railroad tax base goes up automatically whenever the social security base rises. This, however, will pay for only part of the 10-percent increase. I would hope that the Commission on Railroad Retirement will come up with sound recommendations to solve the programs's financial dilemma.

In the meantime, Mr. Chairman, justice requires that we provide railroad retirees the equitable treatment they deserve. When we passed the 15-percent benefit increase last year, we did so without a single dissenting vote. H.R. 6444 should also be met with our unanimous support.

The CHAIRMAN. Are there any amendments to be proposed to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NIX, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 6444) to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities, pursuant to House Resolution 390, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. O'KONSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 379, nays 0, not voting 52, as follows:

[Roll No. 72]

YEAS—379

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray

Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion

NAYS—0

NOT VOTING—52

Anderson, Ill.
Anderson, Tenn.
Ashbrook
Aspin
Biaggi
Boggs
Brown, Ohio
Carter
Cederberg
Colmer
Conyers
Corman
Davis, Ga.
Dellums
Derwinski
Dorn
Dowdy
Downing
Edwards, La.
Erlenborn
Fisher
Gallagher
Green, Pa.
Gross
Gubser
Halpern
Hanley
Hanna
Hébert
Jones, Ala.
Jones, Tenn
Lennon
Lloyd
Long, La.
McCulloch
Madden
Pirnie
Pryor, Ark.
Rhodes
Rooney, N.Y.
Runnels
Smith, N.Y.
Stokes
Stubblefield
Symington
Teague, Tex.
Terry
Thompson, N.J.
Vanik
Wolff
Young, Tex.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Rhodes.

Mr. Boggs with Mr. Anderson of Illinois.

Mr. Teague of Texas with Mr. Gross.

Mr. Rooney of New York with Mr. Pirnie.

Mr. Fisher with Mr. Carter.

Mr. Hébert with Mr. Gubser.

Mr. Jones of Tennessee with Mr. Lloyd.

Mr. Wolff with Mr. Halpern.

Mr. Madden with Mr. Cederberg.

Mr. Hanna with Mr. Ashbrook.

Mr. Biaggi with Mr. Smith of New York.

Mr. Anderson of Tennessee with Mr. Erlenborn.

Mr. Colmer with Mr. Zwach.

Mr. Hanley with Mr. Terry.

Mr. Green of Pennsylvania with Mr. Derwinski.

Mr. Young of Texas with Mr. Brown of Ohio.

Mr. Lennon with Mr. McCulloch.

Mr. Gallagher with Mr. Stokes.

Mr. Conyers with Mr. Corman.

Mr. Pryor of Arkansas with Mr. Runnels.

Mr. Jones of Alabama with Mr. Vanik.

Mr. Symington with Mr. Dellums.

Mr. Dowdy with Mr. Aspin.

Mr. Long of Louisiana with Mr. Dorn.

Mr. Downing with Mr. Edwards of Louisiana.

Mr. Davis of Georgia with Mr. Stubblefield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 6444 and H.R. 5674.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AUTHORIZING APPROPRIATIONS TO CARRY OUT THE FLAMMABLE FABRICS ACT

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5066) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5066, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I would like to tell the members of the Committee of the Whole House on the State of the Union that this bill came out of the subcommittee unanimously and out of the full committee unanimously. All of the agencies concerned with it appeared before our committee and testified in favor of it, including the Federal Trade Commission, the Department of Commerce, and the Department of Health, Education, and Welfare.

Mr. Chairman, H.R. 5066, as amended by the committee, would authorize the appropriation of $4 million for fiscal year 1972 to carry out the Flammable Fabrics Act. The committee has reported out this legislation at this time so that funds may be appropriated before the beginning of fiscal year 1972. A 1-year authorization is provided in the authorization instead of the usual 3-year authorization usually reported from our committee because the committee intends to consider legislation as soon as possible which would substantially revise enforcement of the act. It is felt that a 3-year appropriation could more appropriately be considered in connection with such legislation.

Mr. Chairman, the Flammable Fabrics Act was first enacted into law in 1953. It was a response to a series of tragic deaths resulting from burns received from children's rayon pile cowboy chaps and brushed rayon "torch" sweaters. As enacted in 1953, the legislation only applied to wearing apparel—excluding hats, gloves, footwear, and interlining fabrics.

The test of flammability was fixed in the statute, but because of its rigidity, an amendment to the standard had to be enacted in 1954 to permit the marketing of apparel made from such sheer fabrics as tulle and organdy. From the date of its enactment, the Federal Trade Commission has been charged with enforcing the legislation.

It soon became apparent that the legislation standard of flammability was too rigid and in many instances too low; and, in applying only to certain articles of wearing apparel, the scope of the statute was too limited.

Accordingly, in 1967, the act was amended to apply to all articles of wearing apparel and to interior furnishings used in homes, offices, and other places of assembly or accommodation.

Under the 1967 amendments, the Secretary of Commerce was given the responsibility for determining appropriate flammability standards where he determined they were needed to protect the public against unreasonable risk of fire leading to death, personal injury, or significant property damage. He exercises these duties through the National Bureau of Standards.

Under this authority the Secretary of Commerce has published two standards. A standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) took effect on April 16, 1971. On December 29, 1971, a standard for the Surface Flammability of Small Carpets and Rugs will take effect.

A proposed standard for the flammability of children's sleepwear was published in November of 1970 and public hearings have been held thereon. Proceedings have also been instituted by the Secretary for the development of flammability standards with respect to bedding.

Other studies are being conducted with respect to such matters as the means by which flame-retardant treatments operate on fabrics.

As of this date only one standard has taken effect under the amendments to the act which became law on December 14, 1967.

The Secretary of Health, Education, and Welfare under the 1967 amendments to the act was given the responsibility for conducting a continuing study and investigation of deaths, injuries, and economic losses resulting from accidental burning of wearing apparel and interior furnishings. This responsibility of the Secretary is exercised through the Bureau of Product Safety of the Food and Drug Administration.

The Bureau through its study units in Boston, Cincinnati, and Denver; through the National Electronic Injury Surveillance System which ties together a statistically valid sampling of hospital emergency rooms throughout the Nation with a computer in Washington, D.C.; and through contracts with hospitals and educational institutions attempts to identify burn injuries resulting from burning fabrics and investigate, study, and analyze such injuries. Efforts are made to obtain samples of fabrics involved in burn accidents for analysis and reporting to the Department of Commerce.

It is estimated that there are annually between 3,000 to 5,000 deaths and 150,000 to 250,000 injuries from burns associated with flammable fabrics with a directly related financial loss of more than $250,000,000.

Enactment of this legislation is essential if the situation reflected by these figures is to be improved.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I can outline this very quickly.

First, the bill will authorize the sum of $4 million for fiscal year 1972. Now, it will be considered for further authorizations later. However, what we are trying to do now is to be sure that it is included in the regular 1972 appropriation.

Also, later consideration will include possible changes of a substantive nature as against the 1-year authorization only.

Mr. Chairman, the act applies to all weaving apparel, interior furnishings for homes and offices or assembly places.

There are three agencies involved in carrying out the provisions of the act. First, the Department of Commerce sets the standards; second, the Department of Health, Education, and Welfare studies and analyzes the injuries and burns resulting from burning fabrics and, third, the Federal Trade Commission enforces the act and has done so since its beginning.

This, in substance, is the act that was testified to before the subcommittee and the full committee. There was no opposition to the extension of it, and in my opinion, the extension thereof is in the public interest.

Mr. Chairman, I recommend the passage of this bill.

I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $6,000,000, and such sums as may be necessary for succeeding fiscal years, to carry out the purposes of the Flammable Fabrics Act, as amended (15 U.S.C. 1191 1204).

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following: "That section 13 of the Flammable Fabrics Act (81 Stat. 573) is amended by striking out '1968, and' and inserting '1968,' in lieu thereof, and by inserting immediately after 'June 30, 1970,' the following: 'and $4,000,000 for the fiscal year ending June 30, 1972,'."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose: and the Speaker having resumed the chair (Mr. ROBERTS) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5066) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended, pursuant to House Resolution 407, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EMBARGO CRISIS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, it is with the greatest concern that I join with the many leading Members of the House and Senate in voicing outrage against and introducing resolutions instructing the President to release more than $12 billion of funds which, at his direction, have been impounded by the Office of Management and Budget.

We all have stated our particular concern over the impounded Housing and Urban Development appropriations—$942 million for low-rent public housing, $200 million in basic water and sewer facility grants, and $583 million for Model Cities.

These are vital programs, the appropriations for which were passed by the Congress in recognition of the needs of the American people, to provide employment opportunities, to spur the economy and to make possible the long-awaited improvements in our rural and urban areas. The President, misleadingly, signed these appropriation bills with every indication he agreed with these goals of the Congress. Now, he has frozen these funds in apparent disregard for their benefit to our Nation.

Mr. Speaker, it is a matter of record the impact this embargo will have on community development efforts. You yourself presented to the House yesterday the report of the Housing and Redevelopment Association pointing out the proportion of the crisis.

I note from this report one quote from a small housing authority in Tennessee, my State:

> We have three projects that need immediate attention . . . the preliminary loan contract has been approved for some time now. The sites for these projects have been selected and approved . . . options were signed and will expire in a short time if we do not work fast. As you know, the price of land is growing by leaps and bounds, and it will be impossible to hold this property at our option price for an indefinite period of time.

And from a large southern city, whose application request for $6.3 million for urban renewal, was cut back to $1.4 million. The Executive Director stated:

> The life-blood of our Agency . . . is in severe jeopardy; it would be extremely difficult to tailor a $6.3 million program to $1.4 million program and still produce a meaningful and significant impact on the NDP area; and the confidence and support of the residents of the area . . . will be seriously eroded.

Mr. Speaker, the President must be brought to task. He must either release these funds or be made to answer for the chaos he creates.

VIETNAM VETERANS UNEMPLOYMENT BENEFITS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, I am pleased to have this opportunity to cosponsor legislation that will guarantee unemployed Vietnam veterans a benefit of $75 per week for up to 52 weeks.

Over 100,000 Vietnam veterans are presently receiving unemployment benefits in their respective States, on an average weekly income of about $50. And every month about 7,000 of these veterans draw their last paycheck.

At the end of World War I, the Congress of the United States passed special legislation, the first such legislation since the Revolutionary War, to provide World War I veterans with a bonus—to compensate troops for what they would have earned in civilian life had they not been drafted. In continued efforts to provide help for our returning veterans, Congress appropriated an additional $120 million to double jobs available on State road projects. At this time the Federal Government was spending almost one-fourth of its annual budget on veterans' benefits.

After World War II, Congress again came to the aid of our returning servicemen, with the passage of legislation to allow veterans to receive $20 per week for 52 weeks, the "52-20 Club."

Following the Korean War, special legislation was once more enacted to guarantee veterans a minimum benefit while they sought work. The Federal Government reimbursed State governments for benefits paid to veterans beyond those available under existing State programs.

No similar program is available to Vietnam veterans, and no legislation to set up such a special program has been proposed until today.

The long-overdue proposal being introduced into the House of Representatives today allows us the opportunity to show our respect to those men who have joined the Armed Forces, who have served this Nation in Indochina, and who must now return to a civilian economy distraught with rising prices and high unemployment.

This legislation allows for a program similar to that offered at the end of the Korean War, guaranteeing an unemployed veteran $75 per week in benefits for up to 52 weeks.

It is high time this body becomes responsive to the needs of our returning veterans, no matter what may be our feelings about the war they have fought.

TRUTH IN BROADCASTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MINSHALL) is recognized for 30 minutes.

(Mr. MINSHALL asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE TO EXTEND REMARKS

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MINSHALL. Mr. Speaker, Edmund Burke two centuries ago said that while there were three estates in Parliament, the Reporters' Gallery comprised a fourth estate far more important than all of them.

> It is not a figure of speech or a witty saying—

Wrote Thomas Carlyle of the fourth estate in 1831—

> it is a literal fact, very momentous to us in these times.

It is vastly more momentous in 1971 when the printed newspage is supplemented, even supplanted, by a form of journalism neither Burke nor Carlyle could foresee—the television-radio media.

Within the last two decades the power of television has grown so significantly that a Roper poll, released in 1969, reveals that 59 percent of all Americans rely in large measure on television as a source of news, and that 29 percent of our citizens—one out of three—depend on TV as their only source of news.

Today, and in large measure due to the visual impact of news on the video screen, the fourth estate in our Nation has attained the power of a fourth branch of government, despite the fact that it is responsible to no electorate and bound by no oath of office. Television networks today can make or break an individual, a cause, a political issue, even the moral fiber of a nation, simply by the manner in which they report the news. Such awesome power as this should be accompanied by a stern, yes, by a religious commitment to accuracy and truth. That full commitment is lacking.

All of us in Washington know that when television reports a controversial event, our mail loads immediately reflect public reaction and the public generally follows where television has led them. We may know, and even document, that the facts were slanted or staged by the media, but it is difficult to overcome a viewer's conviction that "seeing is believing." And he saw it on television. It becomes gospel. Slanting news, rearranging questions and answers out of context, hoaxing the public with staged events, all of these practices are commonplace on television.

But who can convince a viewer that his favorite news commentator, the sincere chap who looks him right in the eye from his TV screen, may be today's version of the old snake-oil salesman? Or that the realistic scenes from a purported documentary actually should win an Emmy award for play-acting—clever editing—rather than a Peabody for factual on-the-scene news coverage?

It seems almost gratuitous to say that freedom of the press is, and must always be, protected by the first amendment if we are to remain a free society. Of course this is true. It is not true, if I can make my voice heard over the anguished shrieks of the TV media, that my bill H.R. 6935, truth in news broadcasting, infringes on first amendment rights. This is pure nonsense and the TV media knows it.

The proposed truth in news broadcasting legislation merely requires that when and if broadcasters stage, edit or alter any news event, or alter interviews out of context, they must let the public know with a brief disclaimer that this they have done. Just as food manufacturers are required to label their products if artificial coloring or flavoring have been added, news broadcasters under my bill would be required to label their efforts if they have artificially colored or flavored the news. This is no infringement of the first amendment, they are free to continue manipulating news reports and documentaries to their hearts' content, just so long as they properly identify such actions.

I invite any member of the news media to show me the constitutional guarantee that sanctions fraud. It is fraud of the most serious kind when the television media attempts to deceive the public by tampering with factual reporting.

The hard facts are that television news reporters and their chieftains are loathe to relinquish the increasingly sophisticated techniques the media offers to subtly put across their own points of view under the guise of news. Thomas Whiteside, writing in the Columbia Journalism Review, Winter 1968–69, very perceptively pointed out that:

> **A television news director skilled at manipulating and juxtapositioning, in strong individual style, innumerable fragments of visual and aural reality into a sequential mosaic... will carry forward the present state of instantaneous electronic-image montage to an altogether new level. It will be an extraordinarily compelling and dangerous journalistic art form.**

We have seen that technique used to damaging effect at national political conventions, particularly in 1968 at Chicago. Like so many other sly television effects it is compelling. And it is very dangerous.

One of the more recent and notorious examples of TV playing footloose and fancy free with the facts is Columbia

Broadcasting's "Selling of the Pentagon." This program was in such flagrant violation of established journalistic practices of fair play that even the Washington Post condemned it. I am no apologist for the Department of Defense, far from it. Over the years as a member of the Defense Appropriations Subcommittee I have been one of its more severe critics, both of excessive spending and policy decisions. "Selling of the Pentagon" could have been a constructive critique had an honest story been told. But CBS further diminished its already fragile credibility by resorting to fraudulent reporting and editing in the documentary. No, Dr. Stanton, the end does not justify the means.

While "Selling of the Pentagon" was not the sole reason for introduction of my truth in news broadcasting bill, it was the final straw on a haystack of slanted broadcasts by the networks.

In 1968 we saw truth flee the scene in the reporting of the Democratic National Convention. The record is replete with examples of staged events by TV cameramen, biased film editing so that only one point of view was presented, and so on. The staff report of the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce was issued after careful study in July 1969. On page 25 of the report is this statement:

> To be specific, there appear to be questionable uses made of film editing and electronic intercutting techniques. In general, the public should probably be given more of a disclosure as to when these potentially distorting techniques are being employed in presenting television news.

Here is what the Federal Communications Commission had to say when it wrote to the three networks on February 28, 1969, and I quote from page 16 of the same report:

> The staging of news . . . is neither an area coming within the licensee's journalistic judgment nor even a gray area. Rather it is the deliberate staging of alleged "news events" . . . that is, a purportedly significant "event" which did not in fact occur but rather is acted out at the behest of news personnel . . . Such slanting of the news amounts to a fraud upon the public and is patently inconsistent with the licensee's obligation to operate his facilities in the public interest.

Not only has the law been bent, but actually broken in the staging of purported news events. WBBM–TV of Chicago, owned by CBS, presented a special news report, which, according to the script, was to show the use of marihuana on university campuses, and listeners were advised by the channel that their newsman had been invited to film the party for use within their newscasts. There followed a blast from Northwestern University, the campus involved, that the film report "was staged by the participants and others for the station's filming." The resulting investigation by the Special Subcommittee on Investigations turned up these conclusions, on page 5 of the March 1969 report:

> The record of the hearings before the special subcommittee indicates that the licensee contrived and staged the filming of "Pot Party", so as to enhance its news rating for the time period involved and thereby increase its advertising revenues . . . The FCC . . . has permitted a vast concentration of control of broadcast media to fall into the hands of a few networks and industrial and publishing complexes. An evil of such monopoly is the serious danger that listening and viewing audiences will be subjected to a constant drumfire of news and other programs designed to serve the private interest of the broadcast licensee rather than the public interest, which is the purpose underlying the free grant of such licenses.
>
> Accordingly, the special subcommittee suggests that Congress undertake a far-ranging study of the elements which now contribute to the objectivity and reliability of news events, commentaries, and other programs which may be endangered by private interests asserting more and more unrestricted control over the use of the public airwaves.

The report also concluded that:

> The licensee should not be permitted to hide behind the first amendment and obtain immunity from being held responsible for its deceptive broadcast.

As long ago as 1960, the Special Subcommittee on Legislative Oversight recommended in its House Report 1258, an investigation of regulatory commissions and agencies, that:

> It becomes the duty of Congress and the Commissions concerned promptly to enact and enforce measures which will insure that the public and not private interest is paramount in determining how licensed broadcasting facilities will be used.

This, the report said:

> Because the subcommittee feels that it is not reasonable to expect persons who have profited in the past from deceptive use of the airwaves . . . to become vigorous guardians of the public interest.

That statement of 11 years ago has proven sadly prophetic. Network newscasters not only have continued, but have actually stepped up, their arrogant abuse of the public trust to promote their own philosophies.

Viewed in this context, my truth in news broadcasting bill is both mild and reasonable. To repeat what I said earlier: my bill requires simply that just as a food manufacturer must label his product if artificial coloring or flavoring have been added, radio and TV broadcasters must label their news productions if they have been "artificially colored or flavored" by editing, staging, or rearranging questions and answers out of context. On radio this would be done through a disclaimer given by an announcer before and after the sequence; on television through a disclaimer superimposed on the screen during transmission of the sequence. My bill would not prohibit them—I emphasize would not prohibit them—from continuing to stage, dramatize or edit, it would merely assure that at the time of the broadcast such productions be labeled for what they are. As it now stands, the news audience has no way of knowing where truth leaves off and manipulation of facts takes over. The media already label "simulated" moon shots and state when a program has been "prerecorded." My bill is a logical extension of those policies. It would not turn over control of news reporting to the Government, or in any way infringe on freedom of the news media.

In fact, it seems remarkable to me that the networks do not voluntarily adopt my proposal. As honest reporters, it is an obligation they owe their audiences. As realists, they must know that a demand is rising for the FCC to give a long hard look before renewing their licenses to continue free use of the Nation's airwaves, and for Congress to enact far more stringent restraints on fraudulent news reports than my bill requires.

Until accurate, impartial reporting is given by the television-radio media, the American public will remain captives of a deceptive and monopolistic news system. There can be no greater mockery of the term "freedom of the press" than this.

Under leave to extend my remarks, I wish at this point to insert several pertinent articles in the Record:

[From the Plain Dealer, Mar. 19, 1971]

Credibility Gap on Television

The television industry creates a credibility gap between itself and the public when it allows false evidence to be presented as part of what is supposed to be a factual documentary.

The National Broadcasting Co.'s vice president of corporate information, Robert D. Kasmire, acknowledges this occurred in a January program, "Say Goodbye," dealing with the threatened extinction of various species. It purported to show the death of a female polar bear, shot from a helicopter, as its cubs watched the agony. But the scenes are of different bears at different times and the female bear was being tranquilized for scientific study, not staggering in death throes as depicted. In fact, it is illegal to kill a mother polar bear with cubs.

This splicing was by an outside producer, Wolper Productions, which supplied the program to NBC for its advertising client. But NBC transmitted it without the careful scrutiny documentaries deserve. Now NBC is developing new safeguards. Either a nature documentary discloses it is using a montage of different scenes instead of an actual pictorial event, or the network won't show it.

We think this should be expanded to include documentaries of all types, especially including the war, and all filmed news reports on all networks and stations. Last year NBC, determined to show Lake Erie was dying, used an old film of fish dying in the polluted Rhine River in Germany—and called it Lake Erie. Vice President Spiro T. Agnew last night raised serious questions of authenticity about two Columbia Broadcasting System documentaries.

The public easily can be misled emotionally by TV. The distinction between a reenactment or clever splicing or substituted scenes and the real thing should be made plain.

TV's credibility with the public is at stake.

Mr. Salant's Letter

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distortng effect in failing to report that certain statements were not unsolicited asertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does stimulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering question:

"ROGER MUDD. What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

"Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

This, on the other hand, is how Mr. Henkin *actually* answered the question:

"Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of simulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forced. I think it is very important that the American youth have an opportunity to learn about the armed forces."

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. HENKIN. No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

"Mr. MUDD. Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

"Mr. HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this." The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights in involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

[From the Washington Post, Apr. 2, 1971]

F.Y.I.

Something approaching a state of hostilities seems to be developing between us and the network news people over some comments we made last week about the CBS documentary, "The Selling of the Pentagon." In essence, we said that certain editing techniques employed in a particular taped interview in one segment of the show were of the sort which could result in "a material distortion of the record" and that it was a pity to jeopardize, in this fashion, the credibility of what was on the whole a "highly valuable and informative exposition of a subject about which the American people should know more—not less."

Not exactly fighting words, we would have thought. But Mr. Richard Salant, president of CBS News, thought otherwise and last Monday in a letter from him and in an editorial in this space we exchanged views. That might have seemed enough to end the matter, except that Mr. Reuven Frank, president of NBC News, who was nowhere mentioned in our editorial, apparently thought he had been attacked, presumably because his editing techniques are the same as Mr. Salant's. So today we are publishing a singularly strindent communication from him in the Letters space on the opposite page. Meanwhile, copies of their letters to us had apparently been distributed by both men to various other people, including Mr. Fred Friendly, the Edward R. Murrow Professor of Broadcast Journalism at Columbia University, and Time magazine, which obligingly praised Mr. Salant and Mr. Frank for having "effectively refuted" us before we had even received their letters, let alone put them into print. Mr. Friendly subsequently weighed in with a letter which also appears today.

Well, we seek no wider war. On the other hand, we do seek to be understood. And so, For Your Information, we would like to try to straighten out the tangle that has been made of the rather narrow issue at hand—by way of leading up to a broader and far more fundamental issue which these rebuttals raise.

As with Mr. Salant, Mr. Frank and Mr. Friendly both seem to think that we are proposing to surrender up some sacred journalistic right; that we are disinterested in the protection of editorial independence," as Mr. Friendly puts it; or that we are proposing to "deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important," as Mr. Frank puts it. Just to begin with, we were not even talking about public statements or speeches, and still less were we talking about newscasts or news stories—the run of the mill news fare. Both media of course reserve the right to exercise their own judgments about what to use and what to ignore, what to play up or down, how to paraphrase. And both are equally subject to errors of judgment in compressing material into limited time or space. But that, as any careful reading of the editorial in question would show, was not what we were talking about. There is no issue of "delegating the choosing process" here.

What we *were* talking about was what is called a question-and-answer interview (or "Q-and-A"), a technique common to both media whether it is reproduced in print or on film. Either way the "Q" is supposed to give rise to the "A." The reader or viewer is not only entitled, but positively encouraged, to believe that this is the case by the juxtaposition of the two. And what we were questioning was simply the practice of rearranging the "Q's" and the "A's" arbitrarily so as to destroy or to distort their original relationship—to present as the "A" something that didn't in fact arise from the original "Q." This, as we demonstrated in our reply to Mr. Salant on Monday, is precisely what happened in an interview with a Pentagon official in "The Selling of the Pentagon" and we think the official was quite right to protest.

Of course, the print media edit transcripts of "Q's and A's" to shorten them, to enhance continuity, or simply to make them more comprehensible. But it does seem to us that when this happens the reader deserves to be forewarned that what he is getting has been excerpted; in print this is done by dots or asterisks. Surely television, which can instantly tell us when we are getting "simulated" space maneuvers or "instant replays," and when we are getting it "live," could figure out an easy way to identify disjointed excerpts as such. Nor does it seem to us to be too large a surrender of rights, when there has been serious rearranging of the original material, to allow the subject to at least look at the product before it is printed or aired and to argue about it; we offered this as an option, an "and/or" proposition in special cases, on the theory that if the subject doesn't recognize or accept the validity of what he is represented as having said, it has no validity.

Obviously the network news people don't agree, which is fair enough. What is disturbing to us, however, is the notion implicit in Mr. Frank's letter that for those in our business to raise any questions about our performance is to "Agnewize" (his phrase). If this means anything at all, it means that he would have us surrender all discussion of the news business to others—to people like Mr. Agnew. For somewhat longer than the Vice President has been on the scene, it has been our feeling that this is a genuinely dangerous surrender; that we can no longer afford to hold ourselves beyond reproach and above scrutiny and immune from criticism by ourselves—even while directing scrutiny and reproach and criticism at everything else. That is why we were examining our own performance and practices, in this space, under the rubric F.Y.I., long before Mr. Agnew launched his quixotic assault against the media a little more than a year ago. That is why we regularly print commentary on the news business by Richard Harwood on this page.

We do it because we believe there has been a long-developing deterioration of public trust in the news media—as in other institutions—and that the way to deal with this is not to stand aloof but to talk about it; to deal with our business as we treat everybody else's business; to be a little less arrogant about conceding the bare possibility of a mistake every once in a while. Mr. Frank calls this "introspection." We think of it as a matter of simple equity. How can we not treat our own business the way we treat the government, or the courts, or the church—or, for that matter, the Pentagon? Mr. Frank finds this "boring," and that may be. But if it is all that boring, you have to wonder what the gentlemen of the network news business are so wrought up about.

[From the Washington Post, Apr. 2, 1971]

NBC News Chief Reuven Frank and Fred Friendly on Television

Your editorial of March 26 suggests that when television news uses excerpts of a speech or statement, it explain how such excerpting was done. If further suggests we ask the speaker to approve this use of some of his remarks, since we are not using all of them. This is admirable arrogance at a time of boring introspection, but I might wish you were more cavalier about your own practices and less about mine.

One can try so hard to appear to do one's job right as to be unable to do it right, and this is a good example. In television news film as in print, such remarks are excerpted for importance from material of less importance, for interest from material of varying interest, and for time because unlimited time, like unlimited space, is not available. To use up the time saved by explaining how and why is a little like allowing one's secretary, as Sam Goldwyn is reputed to have done, to throw away outdated files only if copies are made.

To deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important is to deny that reporters or editors are needed. Both political parties have their own publications wherein only the interested parties decide what should be used. It is frightening to think that the lead editorial in an important American newspaper should suggest that widely circulated news reports in another medium should delegate this choosing process to the most narrowly interested party, the man who made the speech.

All this suggesting is in your last paragraph, in which you elect to prescribe for our ills. Your penultimate paragraph, in which you say in effect that all news reporting is distorted but television news reporting is more distorted than most, I consider one more example of the standard lament of the editorial writer that his colleagues reporting for the news pages are too interesting.

But I had thought we were at least a decade past those days when newspapermen considered freedom to gather and transmit information freely according to the tradition of their craft was somehow a chemical component of ink. But when The Washington Post can Agnewize in this fashion I hear a bell tolling. I hope that on reflection you do too.

Reuven Frank,
President, NBC News.

New York.

No newspaper has done more than The Washington Post to stimulate serious broadcast journalism. But your "pox on both houses" editorial, "Mr. Agnew versus CBS versus DOD," struck me as an unfortunate shotgun indictment of all who have tried to build a mature and responsible broadcast profession. It also seemed curious that you should choose to overlook the common bond between good broadcasting and what my colleague, Norman Isaacs, calls good newspapering—fair and honorable editing.

That there is editing, "foreshortening and rearranging," in journalism is as evident to viewers of "The Selling of the Pentagon" as it is to readers of The Washington Post. Indeed, there may be even more editing and distillation in a single issue of The Post as in half a dozen documentaries or a month of Walter Cronkite news shows.

We can agree that responsible editing is essential both to intelligent broadcast and print journalism. Documentaries such as the Murrow-McCarthy broadcast in 1954, or "Harvest of Shame" or "Biography of a Bookie Joint," all praised by The Post, were the result of responsible editing as much as solid investigative reporting. The Annie Lee Moss broadcast which Mr. Murrow and I always considered a high point of our partnership, was the distillation of 20 minutes out of 90 minutes of hearings. The editing was painfully and carefully done with transcript in hand to preserve the meaning and tone of the original event.

Your editorial concedes the dangers of bad editing. But your remedy, that there be some indication "that something has been dropped and/or give the subject of the interview an opportunity to see and approve his revised or altered remarks," seems to imply that a double standard should exist—one for newspapers any one for broadcast. It has always been my understanding that one of the major points of newspaper independence has been never to permit a news source to review and/or edit what is to appear in the newspaper. Perhaps The Washington Post now operates under different rules, but I know that this protection of editorial independence is still a benchmark of broadcast news.

I can testify that the strongest motivation of a news producer or editor is to preserve original meaning. Producers often permit verbose politicians to continue endlessly in an effort to preserve the original, if redundant, meaning, only to be victims of newspaper reviewers critical of "talking heads." Indeed, this too, is a price of integrity. Implicitly, in a question and answer sequence, the original context must be preserved.

I do not mean to imply the "The Selling of the Pentagon" was without its imperfections. I have spent some time and had considerable correspondence with its producers and its detractors. In every discussion and in every letter, it has become clear that the imperfections do not mar the central thrust of the broadcast, i.e., that ". . . this gigantic and colossal propaganda machine on the banks of the Potomac . . . is still turned on," as Congressman F. Edward Hébert once put it.

We need more such documentaries, not fewer. We need more interpretive reporting, more news analysis, and this is precisely what the Vice President, the Federal Communications Commission and The Washington Post should be urging.

By equating film and tape editing with staging, I fear that your editorial tends to cloud the fundamental issue. It is akin to the Vice President charging that your reporters' copy is being distorted by your editors. I wonder what your response would be if one of your critics elected to focus on the "built-in problems" of those who deal in the permanence of the printed word.

Fred W. Friendly.

New York.

[From the Plain Dealer, Mar. 17, 1971]

NBC Explains About That Fake Mama Polar Bear Killing Scene

(By Bill Barrett)

Yep, the Mama Polar Bear Murder Case on television in January was an out-and-out fake, a film composite of a couple of unrelated incidents.

That means the producers of the TV documentary, "Say Goodbye," cut up and pasted together some pieces of stock film footage and came up with that heartrending, shocking scene.

The segment was shown on NBC-TV (Channel 3 here) the night of Jan. 8. It purported to show a mother polar bear staggering in her death throes and looking on helplessly while her babies were cubnapped.

Hank Andrews, outdoors editor of The Press, wrote about it yesterday on Page One. He told of the letter of protest sent the network by some rod-and-gun people who said the scene was a fraud. It sure was.

Robert D. Kasmire, vice president of corporate information at NBC, explained the matter in a letter. He noted, first of all, that the program was not an NBC program.

The program, he pointed out, was produced by Wolper Productions Inc., an independent outfit, and supplied to the network by an advertiser for broadcast.

"We asked the producer for the details of the polar bear sequence," Kasmire wrote a viewer who had voiced his suspicions in a letter. Kasmire's reply went on:

"He informed us the scene itself was not a photographic record of an actual event but a composite creation from stock footage.

"The footage that was edited and spliced together was the shooting of a male polar bear outside the territorial limits of the US and of a female polar bear which had been anesthetized and her cubs."

This was substantially what had been charged by Chester F. Phelps in a letter to Julian Goodman, president of NBC. Phelps is president of the International Association of Game, Fish and Conservation Commissioners.

Andrews' story yesterday in The Press detailed Phelps charge of fraud.

Kasmire passed on the explanation of the film's producer—that the best existent footage was used to represent known human encroachments upon polar bears Kasmire concluded in his letter:

"While we recognize the producer's argument that the purpose was to dramatize a general truth—the possible extinction of many forms of wildlife—and not to report specific incidents, we are actuely conscious of the fact that the montage technique can result in some viewers receiving mistaken impressions, as happened in this sequence."

Mistaken impressions, indeed. It goes deeper than that. So vivid was the scene, so skillful was the editor that many viewers were overwhelmed by the brutality—of a fake scene that wasn't represented as fiction.

It brought to mind the NBC–TV News documentary, as evidence of Erie's filth. "Who Killed Lake Erie?" last season. Represented—by implication, to be sure—as evidence of Eries filth was a stretch of the Rhine River. A few viewers caught that one, too.

That documentary won a number of awards.

[From the Falls News, Apr. 8, 1971]

KYC Commentator Comes Unglued

(By Lin Williams)

Does television have a constitutional "freedom" to manufacture news?

Ohio Congressman William Minshall thinks not.

He has introduced a bill in the House of Representatives to make it illegal for broadcast news programs to "stage" events, "rearrange" statements or "quote out of context" without informing the viewers of such distortion.

Predictably, television and radio commentators have reacted with red-hot rhetoric.

"Censorship!"

"Freedom of the press!"

"Intimidation!"

Not since Vice-president Spiro Agnew took the media to task two years ago have broadcasters so thoroughly lost their cool.

It is passing strange that the showbusiness personalities who pass themselves off as newscasters should object so strenuously. Congressman Minshall's bill only formalizes what should be normal practice.

Latest broadcaster to come unglued is Alan Douglas who conducts a sophomoric talk program over a regional radio network including KYC Cleveland. Local KYC news coverage is as complete and objective as anyone could expect. There seems to be something inherent in network procedures that turn journalists into entertainers.

Douglas' format is to condition his audience with ten minutes of personal opinion and then invite "backtalk" from his audience.

Callers who agree with him are well treated. Viewpoints contrary to Mr. Know-It-All seem to have difficulty getting past the station's switchboard. Douglas seems to delight in insulting callers who dare to disagree with him.

Thus, it came as no surprise that Douglas lost control of his professional restraint—it being tenuous anyway.

"Asinine" and "stupid" were the adjectives Douglas employed most often to cut down Congressman Minshall. One could sense the froth that Douglas uses for brains seeping down to the corners of his rather large mouth.

Douglas demanded hysterically that Representative Minshall "mind his own business"—that being to bug out of the "immoral" Vietnam war, cleanse our polluted environment and soothe social protestors.

Douglas' pet concerns certainly are the business of Congress, but so is the biased use of public property by very, very powerful; very, very rich; and very, very monopolistic broadcasters.

Broadcast channels are limited and therefore allocated as a public trust by the government. Only three networks control 95 percent of television. Competitors, by allocation of the channel franchise, are prohibited by law from setting up a transmitter and offering a different, free choice.

It is reasonable for Minshall and Agnew, or any other elected official, to expect that this valuable national resource be "balanced" and "responsible."

Minshall does not propose that the broadcasters be stopped from editing and selecting the news—only to warn when distortion of truth is possible.

We demand truth these days in packaging, lending, manufacture of foods and sale of automobiles. Newspapers are subject to libel laws, and wide-open competition. It is difficult to understand why broadcasters feel they should be exempted from responsibility that restrains all the rest of us.

Agnew did not even hint at government intervention in broadcast programs—only that they should present a "balanced" account inasmuch as the opportunities for contrary views are severely limited.

No one has suggested that the freedom of broadcasters to edit, slant, stage, rewrite and alter the news be curtailed—only that in addition it would be ethical to ease up their bias.

Bias, masquerading as news, is intolerable—whether in broadcast or print.

If the broadcasters find this too hampering, then Congress will be well advised to speed up cable television, long suppressed by the network lobby. Then this equivalent of the local, hometown newspaper can at least cry out in the wilderness.

Mr. DEVINE. Mr. Speaker, will the gentleman yield to me?

Mr. MINSHALL. I am glad to yield to the gentleman.

Mr. DEVINE. I would like to commend the gentleman from Ohio. It takes a certain kind of courage even to offer such remarks as the gentleman made in the well today when he tackled the media, particularly the networks. I presume you will get a response along the normal lines of screams of censorship, intimidation, and violation of the first amendment, violation of the freedom of the press, and violation of freedom of speech. The gentleman has a point. I suppose there will be claims of intimidation, as we have heard for so long now when anyone suggests that there may be a bias or twisting or bent coverage of the news.

I may say to the gentleman that yesterday I introduced a bill, H.R. 7756, that is not necessarily specifically related to the subject of truth in news, but it would suggest that we should study the advisability of possibly putting the networks under the jurisdiction of a regulatory agency like the Federal Communications Commission, because they are unregulated at the present time.

Again I commend the gentleman for facing up to this problem.

Mr. MINSHALL. I especially appreciate the remarks of the gentleman from Ohio, being an important member of the Committee on Interstate and Foreign Commerce.

The gentleman knows at firsthand of some of the background regarding the slanting of news by the TV news media.

Mr. Speaker, I want to emphasize that my bill in no way attempts to hamstring or restrict their operations, and the manner in which they are operating today. All I want them to do is to identify edited and staged news programs and let the public know through a disclaimer or a slide that goes on at the beginning and end of a program the true nature of the information presented.

Mr. Speaker, I emphasize that this bill would in no way stop them from continuing to edit or stage or take out of context anything they want to take. This in no way restricts the editing or other matters which I have mentioned.

Many of the news broadcasts today are cleverly put together and make them look as if it is all truth and gospel. In many instances it reflects the philosophy and thinking of the broadcasting networks.

I thank the gentleman for his remarks.

Mr. WILLIAMS. Mr. Speaker, I am pleased to be a cosponsor of the truth in news broadcasting bill introduced by my distinguished colleague, Mr. William E. Minshall.

This measure does not infringe upon, nor threaten, freedom of the press. Quite the contrary; it strengthens freedom of the press. It assures that persons in news broadcasting functioning under the dignity and protection of that first amendment guaranteed-freedom remain alert to their responsibility to that same freedom.

The truth in news broadcasting bill might, in all reality, be defined as a consumer protection bill. For it requires that news sequences that have been edited, staged, or otherwise altered must be so identified for the audience. This measure could not be more timely nor more apropos to certain peculiar conditions in national controversy at this moment.

Not the least element of that controversy is the recent CBS television presentation, "The Selling of the Pentagon." In inquiring into this matter in consideration of Mr. Minshall's truth in news broadcasting bill, the House Committee on Interstate and Foreign Commerce is acquiring some disturbing evidence of deceptive editing techniques employed in that same presentation. I would suggest, Mr. Speaker, that a deceptive editing technique, like a deceptive reportorial technique, is an abuse of freedom of the press. It is, in turn, an abuse of the public and its "right to know." It does not inform. It misinforms and confuses at best. It propagandizes and indoctrinates at worse.

I am advised, for example, that in "The Selling of the Pentagon," Correspondent Roger Mudd's filmed interview with Daniel Henkin, Assistant Secretary of Defense for Public Affairs, was cut from 42 minutes to just 2 minutes, 4 seconds. One question, completely mismatched with an answer to a question not even asked in the presentation, made Mr. Henkin appear an evasive, bureaucratic boob, rather than what he is: A competent public official who came to his position with a reputation as a sophisticated military reporter in his own right.

In short, I find no cause for anyone functioning under freedom of the press to object to warning an otherwise unsuspecting public when film clippers and producers are mutilating filmed interviews, statements, and reports into propaganda pieces against the responsible public officials who provided them.

DIFFICULTIES AHEAD FOR THE AMERICAN AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I have discussed the serious conditions in the steel, glass, and other industries.

Today I will point out the extreme dangers now facing the auto industry.

If we continue to follow our policies in trade pursued for the past decade we will be writing the death notice of the auto industry as we know it today.

The following material gathered by Newsweek is sufficiently clear for all of us to understand.

Japan's Big Drive in Autos

On the vast Honmoku wharf in Yokohama, 14,000 bright new autos reflected the rising sun. At the pier the Kanagawa Maru, a 27-000-ton red, white and blue freighter, was starting to load 1,900 Nissan Motor Co.'s Datsun cars for the month-long voyage to the East Coast of the United States. And all this activity one recent morning, ominously enough for the world's other automakers, was only a corner of the Japanese auto-export picture. In fact, Japanese producers maintain a fleet of twenty car-carrying ships that displace more tonnage than the whole Japanese Navy. They shipped more than 400,000 cars, trucks and buses to the U.S. last year, and exported more than 1 million all told. Bulging with its own economic miracle (Newsweek, March 9, 1970), Japan is mounting a massive invasion, almost overnight, of the world's auto markets.

The U.S., of course, is the main target. In the past five years, the sales of Japanese cars in this country have soared from a piddling 16,000 to 296,000—one of every four imports sold. As a result, the Japanese cut front-running Volkswagen's share of the import market from 64 to 46 per cent, or 569,000 cars last year. In the bellwether state of California, Toyota and Datsun between them captured 33 per cent of import sales, hot on the heels of VW's 37 per cent.

But it is not in the U.S. alone that Japanese cars are riding a groundswell of popularity. In fact, this country accounts for only 44.6 per cent of Japan's auto exports, which have risen since 1965 from slightly more than 100,000 to comfortably more than 725,000 last year. Southeast Asia is Japan's best customer after North America, but Japanese cars are also driving into parts of Europe, Africa and Central and South America. And Japanese automakers are apparently laying the groundwork for moving into the enormous potential of mainland China.

One sign of something stirring in China was the quiet purchase of several Japanese vehicles last month by officials accompanying the Chinese table-tennis team to Nagoya. Japanese automen were sure they were taking the vehicles back as samples. Trade with China could, however, be complicated by the fact that the Japanese do considerable business with both Taiwan and South Korea, mainly in auto and truck parts. Elsewhere in Southeast Asia, the Japanese have captured about 50 percent of the market in Indonesia and 36 per cent in Malaysia and Singapore. They have cut deep into the traditionally American preserve of the Philippines. In Hong Kong they account for about 30 per cent of all imports. And they are swarming into Australia with close to 7 per cent of the 5 million cars in that heavily motorized island continent.

In Europe, however, their success has been decidedly spotty. Till now, the Japanese threat to European automakers has been mainly as a competitor in export markets. On home ground, they are a cloud no bigger than a man's Honda.

The biggest sufferers at the hands or the Japanese are the automakers of Detroit. If it was simply a matter of head-to-head competition, the Americans argue, their compacts and subcompacts could easily hold their own—even though Detroit engineers do not dispute the quality of the Japanese newcomers (which have also been given high marks by Consumer Reports). But if the Japanese continue to flood the U.S. with cars and there is no flattening of the U.S. wage-price spiral, then, as Ford Motor Co. president Lee Iacocca puts it, "the Japanese are going to eat us alive."

Joiners: One way to avoid being eaten alive is to follow the old axiom: if you can't lick 'em, join 'em. And all of Detroit's Big Three are currently involved, at one stage or another, with Japanese auto companies. Chrysler is already marketing its so-called Dodge Colt, a sub-compact built in Japan by Mitsubishi Heavy Industries. General Motors chairman James M. Roche has just come back from a trip to Tokyo hopeful that the Japanese Government will approve a GM bid for a minority interest in Isuzu Motors, Ltd., Japan's sixth biggest, which specializes largely in buses and trucks. And Ford Motor Co. has been dickering for months with Toyo Kogyo, which is now offering its Mazda powered with the revolutionary Wankel rotary engine.

The Japanese have blossomed into an automotive power in an incredibly short time. It wasn't until the late 1950s that the industry embarked on its rapid expansion, with small trucks setting the pace. Passenger cars became dominant during the '60s, especially after 1965 when many Japanese could afford autos. In the passenger-car output rankings, Japan passed France in 1964, Britain in 1966 and Germany in 1967, becoming second only to the U.S. By 1970, Japanese production had reached a total of more than 5 million units—more than 3 million of them passenger cars

Of that total, nearly one-third was produced by Toyota, the clear-cut leader of the Japanese industry. Only 289,000 units behind Volkswagen in total production. Toyota is almost certain to overtake the West German firm this year with 2 million cars and trucks. That would make it No. 3 in the world, behind GM and Ford.

Ever since 1950, Toyota has been two separate companies—Toyota Motor Co., Ltd., and Toyota Motor Sales Co., a unique organizational structure among world automakers. "Our philosophy is that sales are the most important part of the auto business," says Shotaro Kamiya, president of the Motor Sales half and creator of the two-headed system.

Even Toyota's rivals heap praise on the idea, Masamachi Aiyama, an executive of second-ranking Nissan's International Division, says candidly: "In quality and performance, Datsun and Toyota are about the same. The difference is in organization. Their sales division can concentrate completely on sales without worrying about production. In Nissan, there is one single organization with 31 directors. The result is often compromise."

Even so, Nissan has hung close behind Toyota's growth rate and last year produced nearly 1.4 million vehicles vs. Toyota's 1.6 million. Some of its Datsuns also cause more excitement than Toyota's models—especially the dazzling new sports car 240Z. There are waiting lists in the U.S. of up to eight months for the Z-car, with new names added daily. Just two weeks ago, three 240Z's finished first, second and seventh in one of the world's toughest road test, the 3,840-mile East African Safari rally in Kenya.

Rivalry between the two giants is legendary; a visitor driving up to a Nissan plant in a Toyota is asked to leave his car outside the grounds. Overseas, however, there is a good deal of cooperation. "A Toyota representative abroad would never say anything bad about Datsuns," says Nissan's Aiyama. "And if Toyota failed in one country, Nissan would consider it a failure for all Japanese cars."

Parade: Behind the two leaders, nearly a dozen other automakers have joined the industry's expansion. Among the major producers, venerable Mitsubishi started gearing up for exports only last spring—but in 1970 it produced 457,160 vehicles, including 246,422 passenger cars. This year, Mitsubishi expects to export 36,000 subcompacts to the U.S. under the Dodge Colt label. Close behind Mitsubishi is Toyo Kogyo, which also hopes to increase its shipments of Mazdas to the U.S. The Honda Motor Co., though it is still far more famous for motorcycles than autos, has been producing passenger cars since 1963—concentrating on minis and sporty cars—and last year chalked up a total of 392,908 four-wheeled vehicles. There is also Fuji Heavy Industries, Ltd., which manufactures the low-priced Subaru, imported into the U.S. by a wholly American organization, New Jersey-based Subaru of America, Inc. Its two-cylinder minicar was one of the few Japanese imports to fall flat on its face when it was first introduced, but last year a new four-cylinder model began a solid comeback with sales of about 5,000.

How have the Japanese managed to move so quickly and effectively into the impressive position they enjoy?

The easiest answer, of course, is cheap labor; Japanese autoworkers are paid about one-fourth what an American autoworker earns. But there are a number of other factors. For one thing, there is as espirit de corps among Japanese workers that is sadly lacking in Detroit. A Japanese worker enters a company on a permanent basis and feels himself a part of it. "We have not had a strike in twenty years," says Toyota's Shotaro Kamiya.

Japanese automakers also have access to inexpensive basic materials, such as steel, tires, electrical circuits, glass and batteries, and their factories are among the world's most modern. Toyota's oldest plant was built in 1959 and Nissan's a year later. "Before we started building, we were able to absorb the best foreign techniques in the world," says Yuji Shimamoto, a Nissan director.

Perhaps most important, the paternalistic Japanese Government has taken pains to protect its domestic market through a duty and tax structure that virtually embargoes foreign competition. It is this, even more than cheap labor, that particularly galls Detroit. "It isn't fair of the Japanese to hide behind this great barrier," says Matthew S. McLaughlin, Ford's vice president of sales. "They can put a Toyota in the U.S. for $50 [in duties] while it costs us $450 [in duty and taxes] to put a Pinto in there. People sometime ask us why we gripe more about the Japanese than about the Germans. The answer is simple. We're permitted to compete in a free and open market in Germany. In Japan, we are not."

The Japanese are well aware that U.S. resentment over their import policies could lead to the imposition of retaliatory restrictions against Japanese cars—especially in light of the recent wave of protectionist sentiment in the U.S. regarding textiles, shoes, steel and electronic products. But top Japanese executives are reasonably confident that such action is not imminent. "As long as our prices are fair, as long as we cannot be accused of dumping, I don't believe there will be any import restrictions," says Nissan's president, Katsuji Kawamata.

Burden: Actually, Japanese automakers are more worried about pollution and safety regulations in the U.S. than they are about import restrictions. Industry spokesmen insist that the new rules will affect their small vehicles more adversely than the larger American models. "We will be able to meet the requirements in time," says Nissan's Aiyama, "but the problem will be the price. Since a great part of our appeal is our low price, the new regulations will be a relatively greater burden on Japanese cars." Detroit automen, however, are not impressed by such reasoning. "Sure, they're squawking," said one, "but remember they're still adding all those devices at one-quarter of the labor cost in the U.S.."

On the whole, leading Japanese automakers are convinced that their future in the United States will be rosy for some time to come. "Within three years," says Toyota's Kamiya, "we should reach an export level of about 500,000 cars to the U.S. After that, growth will level off." And Nissan's Kawamata adds: "I don't think we can keep up this sharp increase forever." Detroit, however, grimly expects them to continue doing well in the foreseeable future. Industry sources predict that imports from Japan will account for 630,000 sales this year—including cars, trucks and buses—and while some executives talk about stemming the tide, Ford's McLaughlin says frankly, "The possibility of a further price disparity has us worried. It sure as hell does."

The U.S. makers have good reason to worry. In addition to the acknowledged quality of their cars—privately, Detroit engineers rate Japanese cars as better value than most European imports—the Japanese have learned the pitfalls of a highly competitive trade and are backing their well-paced drive for the market with a solid dealer organization that offers relatively good service. Besides that, the U.S. makers are struggling to cope with the fact that the luxury automobile, as a status symbol, is fast losing its magic.

And thus far, Detroit's main counterattack—the American-made subcompact car—is not discernibly daunting the Japanese. Indeed, the GM Vega, Ford Pinto and American Motors' Gremlin would seem not only to be eroding sales of the bigger and more profitable U.S. models but entrenching the imports as well. As one West Coast executive of a Japanese firm puts it: "Pinto is chewing into Maverick the way Maverick chewed into Mustang." And it is a fact that since Ford introduced the little Pinto last September, the national sales of its slightly larger Maverick have fallen by a thudding 37 per cent from the 1970 pace. Another Japanese representative draws the clear lesson: "The American subcompacts are focusing more attention on the small-car market, and that means more customers for us. We are not in an import market anymore. We're in a subcompact market."

UNEMPLOYMENT BENEFITS FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, I have asked for this special order today to announce the introduction of legislation to provide special unemployment benefits to Vietnam era veterans. I am honored that 46 of our colleagues from both sides of the aisle have joined me today as cosponsors, and I hope others will join later, as they have an opportunity to study our bill.

Following World War II and following the Korean war, special legislation was enacted by Congress to provide much needed unemployment compensation to returning veterans who had difficulty finding work. For the Vietnam veteran, no such law is in effect. Today our veterans receive from the Federal Government only the level of unemployment benefits in effect in their States. These benefits currently average $52.15 per week.

There is great variation, State by State, for veterans who fought side by side in Vietnam. For example, the average benefit paid to an unemployed veteran in Florida is $39.03 per week; in Mississippi, $39.07 per week. In Colorado, the unemployed veteran receives an average of $59.69 per week while in Hawaii, the figure is $64.49.

Furthermore, the period for which unemployment benefits are paid varies from State to State, but rarely exceeds 26 weeks. Often, veterans use up their full period of unemployment compensation without being able to find a job. For the quarter ending in December 1970, the Department of Labor has informed me that 19.3 percent of those veterans who went on unemployment weeks or months earlier drew their last check without having found a job.

While unemployment is high on a national basis, averaging close to 6 percent, it is considerably higher for our veterans. Veterans in the 20- to 29-year-old age group have an unemployment rate of 10.8 percent while the figure is 14.6 percent for veterans aged 20 to 24. For minority group veterans, the figures are nearly double.

We have made special demands on our service personnel during our involvement in Vietnam. Whatever one may think of the justification for this tragic war, it is only right that we enact special unemployment benefits to ease their readjustment to civilian life, as we have for veterans of past wars.

Under present law, veterans are regarded as Government employees and may receive whatever unemployment benefits are paid by their particular State unemployment compensation program. The State is, in return, reimbursed by the Federal Government for the total amount expended by the State for benefits paid to former Federal Government employees, including veterans. In fiscal 1972, it is estimated that the Federal Government will spend $236 million to reimburse States for benefits paid to veterans.

The legislation we are introducing today would provide supplemental benefits to unemployed Vietnam era veterans to guarantee them a minimum weekly benefit of $75 for up to 52 weeks. The entire net cost of this program of supplemental benefits is estimated for fiscal 1972 to be $136 million, an amount which is less than we are currently paying for about 100 hours of fighting in Vietnam.

Mr. Speaker, the following Members of Congress are joining with me today in introducing this legislation:

COSPONSORS OF BINGHAM VETERANS UNEMPLOYMENT BENEFITS BILL

Herman Badillo, Democrat of New York.
James H. Scheuer, Democrat of New York.
Joseph P. Addabbo, Democrat of New York.
Joshua Eilberg, Democrat of Pennsylvania.
James W. Symington, Democrat of Missouri.
Alvin E. O'Konski, Republican of Wisconsin.
Jerome R. Waldie, Democrat of California.
Floyd V. Hicks, Democrat of Washington.
John E. Moss, Democrat of California.
William Clay, Democrat of Missouri.
John D. Dingell, Democrat of Michigan.
Seymour Halpern, Republican of New York.
Nick Begich, Democrat of Alaska.
Mrs. Julia B. Hansen, Democrat of Washington.
Claude Pepper, Democrat of Florida.
Don Edwards, Democrat of California.
William R. Cotter, Democrat of Connecticut.
Otis G. Pike, Democrat of New York.
Charles J. Carney, Democrat of Ohio.
Thomas M. Rees, Democrat of California.
Teno Roncalio, Democrat of Wyoming.
William S. Moorhead, Democrat of Pennsylvania.
William D. Hathaway, Democrat of Maine.
Frank Horton, Republican of New York.
Donald W. Riegle, Republican of Michigan.
Edwin B. Forsythe, Republican of New Jersey.
Ella T. Grasso, Democrat of Connecticut.
James A. Burke, Democrat of Massachusetts.
Henry B. Gonzalez, Democrat of Texas.
Ken Hechler, Democrat of West Virginia.
Mike McCormack, Democrat of Washington.
Abner J. Mikva, Democrat of Illinois.
William F. Ryan, Democrat of New York.
Robert F. Drinan, Democrat of Massachusetts.
Paul S. Sarbanes, Democrat of Maryland.
Marvin L. Esch, Republican of Michigan.
Bill Alexander, Democrat of Arkansas.
Benjamin S. Rosenthal, Democrat of New York.
Gus Yatron, Democrat of Pennsylvania.
Jack Brinkley, Democrat of Georgia.
Patsy T. Mink, Democrat of Hawaii.
Hamilton Fish, Jr., Republican of New York.
James Abourezk, Democrat of South Dakota.
Shirley Chisholm, Democrat of New York.
Fred Schwengel, Republican of Iowa.

Mr. Speaker, at this point I would like to include in the RECORD a table showing the range in weekly benefits and the weeks of coverage for each State under existing State laws, as follows:

U.S. DEPARTMENT OF LABOR

SIGNIFICANT PROVISIONS OF STATE UNEMPLOYMENT INSURANCE LAWS, JAN. 4, 1971

[Prepared for ready reference. Consult the State law and State employment security agency for authoritative information]

State	Weekly benefit amount for total unemployment (in dollars)		Weeks of benefits for total unemployment	
	Minimum	Maximum	Minimum	Maximum
Alabama	$12	$50	13	26
Alaska	18–23	60–85	14	28
Arizona	10	50	12	26
Arkansas	15	50	10	26
California	25	65	12–14	26
Colorado	14	77	10	26
Connecticut	15–20	82–123	22	26
Delaware	10	65	16	26
District of Columbia	8–9	73	17	34
Florida	10	47	10	26
Georgia	12	50	9	26
Hawaii	5	86	26	26
Idaho	17	59	10	26
Illinois	10	45–88	10–26	26
Indiana	10	40–52	12	26
Iowa	9	61	11	26
Kansas	15	60	10	26
Kentucky	12	56	15	26
Louisiana	10	55	12	28
Maine	10	57	12½–30	26
Maryland	10–13	65	26	26
Massachusetts	12–18	69–104	5–30	30
Michigan	16–18	53–87	11	26
Minnesota	15	57	13	26
Mississippi	10	40	12	26
Missouri	3	57	10–26	26
Montana	13	42	13	26
Nebraska	12	48	17	26
Nevada	16–24	47–67	11	26

U.S. DEPARTMENT QF LABOR (Continued)

SIGNIFICANT FROVISIONS OF STATE UNEMPLOYMENT INSURANCE LAWS, JAN, 4, 1971 (Continued)

State	Weekly benefit amount for total unemployment (in dollars)		Weeks of benefits for total unemployment	
	Minimum	Maximum	Minimum	Maximum
New Hampshire	$13	$60	26	26
New Jersey	10	72	12	26
New Mexico	12	58	18	30
New York	20	75	26	26
North Carolina	12	54	26	26
North Dakota	15	54	18	26
Ohio	10–16	47–66	20	26
Oklahoma	16	49	10	26
Oregon	20	55	11	26
Pennsylvania	11	60	18	30
Puerto Rico	7	46	20	20
Rhode Island	12–59	71–91	12	26
South Carolina	10	53	10	26
South Dakota	12	47	10–16	26
Tennessee	14	50	12	26
Texas	15	45	9	----------
Utah	10	56	10–22	----------
Vermont	15	61	26	----------
Virginia	18	59	12	----------
Washington	17	72	8–21	----------
West Virginia	12	58	26	----------
Wisconsin	11	72	14	----------
Wyoming	10	56	11–24	----------

Finally, Mr. Speaker, I would like to include a recent editorial by CBS radio in New York City, a recent article concerning the problem of unemployed veterans from U.S. News & World Report and the full text of the bill itself, as follows:

Jobless Veterans

When Johnny came marching home after World War II, the flags were out and nothing was too good for him. To a lesser degree, that was still true after the Korean war.

But not this time. The Vietnam veteran's educational benefits are less generous and public antagonism to the war itself is reflected in a reluctance to hire him.

For the young veteran without job experience before military service, job prospects in a continuously shrinking market are measurably worse than a year ago. And among black veterans the 1970 unemployment rate was double the figure for whites.

Last year the number of jobless veterans—black and white—in metropolitan New York more than doubled.

New York City departments and some of the major banks have active programs for the recruitment of veterans. They recognize the maturity and stability that most young men acquire during military service. And the federal government encourages companies to hire them by paying training allowances.

But with an expected one million servicemen released to civilian life this year, their job prospects are likely to deteriorate even further.

According to the Department of Labor's chief of veterans' employment for New York, the unemployment rate for veterans is significantly higher than for civilians in the same age group.

The nation has an obligation to these young men, a number of whom have been disabled by their war service. Every one of them is entitled to open-ended employment.

To offer them less is to invite dangerous disillusionment of the many thousands of young Americans who have more than met their own obligations to those of us who stayed safely at home.

Why Vietnam Veterans Feel Like Forgotten Men

Shift to civilian life is turning out to be a wrench for war-weary GI's. Scarcity of jobs is just part of a complex problem for those returning from "the loneliest war." Only now is the full story surfacing.

Veterans of the Vietnam era, now coming out of the armed services at the rate of 1 million a year, are starting to describe themselves as "forgotten Americans."

It's not because there are no flags or brass bands to greet ex-GI's when they get home. What bothers them far more is that there are not enough jobs, that veterans' benefits look better on paper than they do in reality—and that they often encounter a kind of inhospitable chill among fellow citizens.

On the books is a wide range of Government programs aimed at helping Vietnam veterans re-enter civilian life. Many of these programs, however, are now being criticized as inadequate and sometimes ineffective.

Members of Congress and veterans' organizations are hearing mounting complaints that not enough is being done for the young men who fought what has been called "the loneliest war in American history."

"NONHEROES?"

Gaining recognition, too, is the fact that Vietnam veterans are different from veterans of other wars, with special readjustment problems. Some are found to have guilt feelings about their involvement in Indo-China, regarding themselves as "nonheroes." Others resent bitterly having had to watch close friends die in a war that so many of their countrymen now feel was a mistake.

On arrival in the U.S., thousands of veterans are discovering they cannot take advantage of their Veterans Administration educational benefits because not enough money is provided to live on in today's inflated economy. Married veterans, hoping to buy homes with VA-guaranteed loans, keep running into high interest rates, if not an actual shortage of mortgage money in some areas.

Since 1964, some 4,750,000 servicemen of the Vietnam war period have returned to civilian life.

Biggest problem of all for the returning GI's is finding a job. The Labor Department reports that more than 320,000 veterans are out of work. Many are on welfare rolls. In the 20–24 age bracket, the unemployment rate is 12.4 per cent, compared with a national rate of 5.8 per cent. Among black veterans, and the disabled, the unemployment rate is estimated at 25 per cent or higher.

"One of the most unfair, unjust and unacceptable things occurring in our society at the present time," says Senator Alan Cranston (Dem.), of California, "is that the veterans of the Vietnam war, who have gone there willingly or not very willingly, and who have risked their lives and limbs, are coming back to this country and facing an unemployment problem that is directly related to the very war that they have been called upon to fight." Mr. Cranston was chairman of a Senate subcommittee which investigated the plight of Vietnam veterans.

Not only the Government but the general public is accused of forgetting about the veterans and their problems. Senator Cranston's committee was told that a climate of "ignorance, apathy and indifference" prevails in the country. Organizations attempting to help veterans were described as "trying to respond to problems they do not understand."

There is also a theory that many Americans are "afraid" of the returning GI's and what is thought of as their potential for violence—although there is little evidence that veterans have taken part in rioting on the streets or campuses.

Discussing the "fear theory" before Senator Cranston's committee, Dr. Gerald Caplan, professor of psychiatry at Harvard's medical school, said American society is driven by social and racial tensions, polarized by conflicts about law and order, and deeply divided in regard to the merits of the Vietnam war.

"The result of all these factors," Dr. Caplan testified, "has been a less-than-optimal reception for Vietnam veterans among the general public, and a widespread fear that they may unleash their violence on the home front because of resentment about their lot or because they may take sides in a community conflict, and by so doing upset our current precarious equilibrium.

"I have the impression that this fear sometimes leads to a defensive denial that the veterans have significant problems in readjusting to living back home, and this contributes to a lack of public initiative in providing services to help them deal with the transition, which in turn exacerbates their situation and increases their resentful hostility."

Coping with veterans of the Vietnam era will not be easy, Dr. Caplan warned. He explained:

"It appears that a significant proportion of Vietnam veterans, especially those who were extensively involved in active combat, have serious problems in readjusting to civilian life.

"These problems may last up to two or more years, and are manifested by job instability, difficulties in relating to other people, depression, social alienation, anger and resentment, emotional irritability, poor control over aggression, and alcoholism and drug addiction."

NO OPEN DOORS

Personal stories of veterans emphasize the disappointment and confusion they feel when they do come home.

"To me, I thought this was going to be easy to get a job, simply because I was a Vietnam veteran," said Oliver Jefferson, who served almost four years in the Navy. "Also I was under the impression that, being a veteran, doors would be opened up to me. Much to my surprise, I found this untrue. Still, day after day, I roamed the streets of Washington, D.C., going to every agency that deals with veterans and accomplishing nothing except for obtaining pamphlets advising me of my GI benefits, which I already knew about."

It took him five months to find work.

Another veteran, Meldon Hollis, 25, said he was "one of the lucky people," getting a job as an admissions counselor at the University of Maryland only five weeks after his discharge from the Army. He added:

"I am not at all convinced that we are taking care of returning veterans, and the fact that people walk into my office every day and ask me elementary questions about veterans' benefits reinforces my opinion."

Mr. Hollis said most veterans "felt that they had gone to combat to protect a nation, to protect a way of life, and they were very confused when they returned that no one seemed to be here to welcome them or to say, 'Well done.' "

Richard C. Janvrin of Seabrook, N.H., Army veteran, got back home last December and hasn't been able to find a job yet. "I got one offer starting eight months from now, but how can I support a wife and two kids until then?" he asked. "So I'm just helping out at the gas station until something turns up. This summer, I'll be doing some hot-topping. That's laying asphalt on sidewalks and driveways. And I buy and sell used cars."

Winston M. Anderson, 25, of Washington, said he thinks he has adjusted to civilian life better than some of his friends because he got a job soon after coming out of service. "But when I first got out," he added, "I felt I should have some preference for jobs because of the hell I had gone through overseas. I felt people didn't give a damn, though, about what I thought or what I did. Being a veteran just doesn't matter to the people here who didn't have to go to Vietnam."

HELP ON THE WAY?

Against this background of disillusionment and often despair, plans are taking shape in Congress and elsewhere to do better by the returning GI.

One proposal under consideration is a GI re-employment act that would widen work opportunities for veterans. "It seems to me we must consider whether or not our Government has a special obligation to provide employment," said Senator Cranston. "If the private economy cannot through some form of public service provide employment for veterans who cannot find jobs, the Government should."

Lavell Merritt, director of veterans' affairs for the Washington, D.C., Urban League, told the Cranston committee that "clearly Government has responsibility to be the employer of last resort."

"If we need to bring back the Civilian Conservation Corps or its equivalent, then we implore you to do just that," Mr. Merritt told Congress. "We cannot wait until unemployment reaches the 1 million figure, because in our judgment unemployment of disadvantaged veterans and other citizens at that level would be an invitation to violent revolution."

The U.S. Senate has just created a new Committee on Veterans' Affairs, under the chairmanship of Senator Vance Hartke (Dem.), of Indiana, which will devote its full time to solving the problems of the returning GI.

From the White House, President Nixon has launched a Jobs for Veterans program led by James T. Oates, Jr., retired head of the Equitable Life Insurance Company. Mr. Oates's group is charged with:

Making the nation aware of the veterans' plight.

Getting full use out of existing job programs.

Stimulating local groups to find work for veterans.

Encouraging all employers to give veterans a break.

"Through these and related efforts, we hope to change the present climate of ignorance, apathy and indifference toward the returning veteran," Mr. Oates said. "What we seek is a true national commitment to insure that the returning serviceman will enjoy over the long term a full, fair shake in the employment market."

A NEW "HEALING" METHOD

Another idea being looked at by Congress is that of a sort of psychosocial "decompression" process to prepare combat soldiers for their return to civilian life.

Murray Polner, associate professor of history at Suffolk Community College in Selden, N.Y., who has written a book about the problems of Vietnam veterans, said:

"It will require more than sporadic efforts, more than new VA programs, more than perhaps most of us can now suggest, to quicken their healing process. But it is something that must be done."

To stress the need for a "decompression" program, Dr. Charles Levy, lecturer in sociology at Harvard medical school, quoted one veteran he had interviewed.

"When we go into boot camp they take away our identity completely," this veteran said. "They tear us down to nothing and build us up. And I guess in the Army, Vietnam tears you down to nothing and builds you up. But it's going to take a complete tearing down again and making you a person."

Dr. Levy told the Cranston committee there is "an overwhelming need" for a boot camp in reverse, something that will help the men undergo what might be called "de-Vietnamization."

"One way of doing this would be for American troops in Vietnam to engage in a public-works and environmental program there before returning to the United States," he suggested. "This program would be no less ambitious than the one that created the need for it. Through rebuilding homes and reforestation, they will be helping to restore both Vietnam and themselves."

In the works is a concerted attack on the problem of widespread drug addiction among Vietnam veterans. The VA is opening up five drug-treatment centers and will establish 20 more in the fiscal year that begins on July 1.

Meanwhile, the VA is spending about 10 billion dollars a year to improve the lot of almost 28 million veterans of all wars. About 90,000 are being treated in VA or non-VA hospitals. Eighteen thousand disabled veterans are being given vocational rehabilitation training, and 3,192,174 are being paid disability compensation or pensions.

RECORD ENROLLMENT

VA officials estimate that GI-bill enrollments in colleges and trade schools this spring will be 1,090,000, a new high for the program.

Other benefits include on-the-job training allowances, flight and co-operative-farm training, and special educational aid for widows and orphans.

Although finding employment for veterans is not the primary responsibility of VA, it has promoted 14 Veterans Job Marts around the country since July, 1969, and succeeded in getting 2,862 men hired. By its 41 Assistance Centers, VA has obtained jobs for more than 32,000 veterans.

Donald E. Johnson, Administrator of Veterans Affairs, said VA has tried harder for Vietnam veterans because it recognizes that they "have not had the support of unity on the home front that has characterized our earlier wars, and they seldom return to a hero's welcome."

A few States are beginning to give veterans a financial boost with bonuses ranging upward from $10 for every month of service in Southeast Asia. Connecticut, Illinois, Massachusetts, New Mexico, Pennsylvania, South Dakota and Vermont are among the States now paying bonuses.

These efforts by federal and State government, and by private groups, are helping thousands of veterans to pick up the threads of their civilian lives. Evidence is growing, however, that more needs to be done if Vietnam veterans are to be made to feel that the nation that sent them to war has not forgotten them.

H.R. 7833

A bill to provide increased unemployment compensation benefits for Vietnam era veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans' Supplementary Unemployment Compensation Act".

Sec. 2. Supplementary Compensation for Vietnam Era Veterans Under State Agreements.—(a) The Secreatry is authorized on behalf of the United States to enter into an agreement with any State or State agency under which the State agency (1) will make, as agent of the United States, payments of supplementary unemployment compensation to any Vietnam era veteran in such State in accordance with the provisions of this Act, and (2) will otherwise cooperate with the Secretary, and with other State agencies, in making payments of supplementary unemployment compensation under this Act.

(b) Any such agreement shall provide that any determination by a State agency with respect to entitlement to supplementary unemployment compensation pursuant to an agreement under this section shall be made in accordance with the State unemployment compensation law and shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law.

(c) Each agreement shall provide the terms and conditions upon which it may be amended or terminated.

Sec. 3. Unemployment Compensation in Absence of State Agreements.—(a) In the case of a Vietnam era veteran who is in a State which has no agreement under this Act with the Secretary, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for supplementary unemployment compensation under this Act, make payments of supplementary unemployment compensation to him in the same amounts and for the same periods as provided for in this Act. Any determination by the Secretary with respect to entitlement to supplementary unemployment compensation under this subsection shall be made in accordance with the State unemployment compensation law of the State where the veteran is.

(b) In the case of a Vietnam era veteran who is in the Virgin Islands, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for supplementary unemployment compensation under this subsection, make payments of supplementary unemployment compensation to him in the same amounts and for the same period as provided for in this Act. Any determination by the Secretary with respect to entitlement to unemployment compensation under this subsection shall be made in accordance with the unemployment compensation law of the District of Columbia insofar as such law is applicable.

(c) Any Vietnam era veteran whose claim for unemployment compensation under subsection (a) or (b) of this section has been denied shall be entitled to a fair hearing in accordance with regulations prescribed by the Secretary. Any final determination by the Secretary with respect to entitlement to supplementary unemployment compensation under this section shall be subject to review by the courts in the same manner and to the extent as is provided in section 405(g) of title 42, United States Code, with respect to final decisions of the Secretary of Health, Education, and Welfare under subchapter II of such title.

(d) The Secretary may utilize for the purposes of this section the personnel and facilities of the agency in the Virgin Islands cooperating with the United States Employment Service under chapter 4B of title 29, United States Code. For the purpose of payments made to any such agency under such chapter, the furnishing of such personnel and facilities shall be deemed to be a part of the administration of the public employment office of such agency.

Sec. 4. Payments to States.—Each State shall be entitled to be paid by the United States an amount equal to payments of supplementary unemployment compensation made by such State under and in accordance with an agreement under this Act, and such payments shall be made subject to the same conditions and limitations which apply with respect to payments to States for compensation under section 8505(b) through (h) of title 5, United States Code.

Sec. 5. Information.—(a) All Federal departments and agencies shall make available to State agencies which have agreements under this Act or to the Secretary, as the case may be, such information with respect to military service of any Vietnam era veteran as the Secretary may find practicable and necessary for the determination of such veteran's entitlement to supplementary unemployment compensation under this Act.

(b) Each State agency shall furnish to the

Secretary such information as the Secretary may find necessary or appropriate in carrying out the provisions of this Act, and such information shall be deemed reports required by the Secretary for the purposes of paragraph (6) of subsection (a) of section 503 of title 42, United States Code.

Sec. 6. False Statements and Misrepresentations.—(a) If a State agency, the Secretary of Labor, or a court of competent jurisdiction finds that an individual—

(1) knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact; and

(2) as a result of that action has received an amount as supplementary unemployment compensation under this Act to which he was not entitled;

the individual shall repay the amount to the State agency or the Secretary. Instead of requiring repayment under this subsection, the State agency or the Secretary may recover the amount by deductions from supplementary unemployment compensation payable to the individual under this Act during a 2-year period after the date of the finding. A finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing, subject to such review as may be appropriate under section 2(b) of this Act.

(b) An amount repaid under subsection (a) of this section shall be—

(1) deposited in the fund from which payment was made, if the repayment was to a State agency; or

(2) returned to the Treasury of the United States and credited to the current applicable appropriation, fund, or account from which payment was made, if the repayment was to the Secretary.

Sec. 7. Regulations.—The Secretary is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The Secretary shall, insofar as practicable, consult with representatives of the State agencies before prescribing any rules or regulations which may affect the performance by such agencies of functions pursuant to agreements under this Act.

Sec. 8. Nonduplication of Benefits.—(a) Notwithstanding any other provision of this Act, no payment shall be made under any agreement under this Act, or, in the absence of such an agreement, by the Secretary under this Act to a Vietnam era veteran—

(1) for any week or any part of a week he is eligible (or would be eligible except for the provisions of this Act or except for any action taken by such veteran under this Act) to receive unemployment benefits at a rate equal to or in excess of $75 per week under any Federal or State unemployment compensation law; or

(2) for any period in which he receives a subsistence allowance under chapter 31, or an educational assistance allowance under chapter 35, of title 38, United States Code.

Sec. 9. Effective Period.—Supplementary unemployment compensation may be paid pursuant to this Act for weeks of unemployment commencing on or after the sixtieth day after the date of the enactment of this Act, but no such compensation may be paid to any Vietnam era veteran for any week beginning on a date which is more than (1) three year after the sixtieth day after such date of enactment, or (2) three years after the date on which such veteran is discharged or released from active duty if such discharge or release occurs after such sixtieth day. No benefit may be paid under this Act after a date which is three years after the date on which the Vietnam era is terminated pursuant to section 101(29) of title 38, United States Code.

Sec. 10. Definitions.—As used in this Act—

(1) The term "Secretary" means the Secretary of Labor of the United States.

(2) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(3) The term "State agency" means the agency of the State which administers its State unemployment compensation law.

(4) The term "State unemployment compensation law" means the unemployment compensation law of the State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

(5) The term "supplementary unemployment compensation" means cash benefits payable to Vietnam era veterans with respect to their unemployment in an amount necessary to increase the weekly benefit to which any such veteran is entitled under any State unemployment compensation law (including compensation payable pursuant to chapter 85 of title 5, United States Code, and extended compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970) to a rate of $75 per week for a total of 52 weeks.

(6) The term "Vietnam era veteran" means a person who is a veteran within the meaning of section 101(2) of title 38, United States Code, who served on continuous active duty for 90 days or more during the Vietnam era as defined in section 101(29) of such title.

(7) The term "week" means a week as defined in the applicable State law.

Mr. EDWARDS of California. Mr. Speaker, today I join the gentleman from New York in pointing out the unemployment difficulties of our veterans from Vietnam. These returning servicemen are truly the forgotten men of the 1970's. While efforts were made after previous American wars to provide assistance for war veterans, benefits for GI's from Vietnam are embarrassingly low.

The Vietnam veteran is faced with an unemployment problem that dwarfs our national average. Black veterans are hit the hardest with an unemployment rate that is twice that of their white counterparts; and the problem is compounded for the disabled.

While these men were serving their country in Vietnam, their peers have been attaining skills that give them a decisive edge in the job market. At a time when jobs are scarce and employers are further influenced by public opinion against the war, we must make further provisions to help veterans with their unemployment problems.

Mr. Speaker, the Vietnam Veterans Supplemental Unemployment Compensation Act, as proposed by the gentleman from New York (Mr. Bingham), would provide national standards of unemployment insurance for these veterans during the time they need to enter the job market, and I support him on this issue.

Mr. MIKVA. Mr. Speaker, I wish to commend my colleague from New York (Mr. Bingham) for his efforts on behalf of the veterans of the Vietnam war. These soldiers who have been dragged into the morass of Vietnam should not be made to pay for the errors of the leaders who sent them. Yet that is exactly what is occurring. There are few fates worse than that of the Vietnam returnee. Having survived a brutal, shattering 12-month tour of duty, he returns to the superficial serenity of the United States, only to find that inflation, unemployment, and the unpopularity of the war make him personna non grata. The vet all to often ends up embittered, angry, and out of work.

Unlike his counterpart of World War II and the Korean conflict, the returning Vietnam veteran is injected into a surplus labor force. The Department of Labor estimates that close to 130,000 veterans are presently drawing unemployment. This figure does not take into account the numerous veterans who have exhausted their unemployment benefits and are still unable to find jobs. The ultimate solution can only be an expanding economy, sufficient to provide jobs for all who want to work. But in the absence of such a situation, we can at least tide these brave Americans over. Congressman Bingham's proposal would do just that, increasing benefits from the present $52.15 a week to $75, and extending the duration of the benefits to 52 weeks. I urge all of my colleagues to support this measure.

There is another road open to the returning soldier, however. Instead of trying to find a job, he can go back to school and resume his education. The GI bill was intended to encourage veterans to complete their education, but the present benefit level is so far out of line with costs as to discourage returning to school. The post-Korea veteran who was a full-time student during the 1950's, unmarried and without dependents, received a monthly benefit of $110. The corresponding Vietnam returnee receives a benefit of $175—a 59-percent increase. And yet since 1958, the cost of going to college has more than doubled. Tuition at Syracuse University, for example, rose 111 percent from 1958 to 1968. At Stanford it rose 136 percent. Even such traditionally low-cost, State-supported schools as Alabama and Arizona underwent tuition increases of 94 percent and 236 percent respectively. A study undertaken by the U.S. Office of Education has predicted that college tuition costs will rise further by 30 percent for the period through 1976. Clearly the recent mediocre increases in veteran educational assistance are not sufficient to cover the costs of higher education. Something must be done to make educational improvement a practical alternative for the returning GI. I intend to introduce legislation soon to accomplish this end.

We have sent thousands of our young men thousands of miles away from home to fight in a tragic and futile war. There is no justification for our failure to provide them with meaningful opportunities upon their return, whether in a factory or a university. As a body that played a substantial role in sending them to Vietnam, the Congress also has the responsibility of providing for these young men upon their return. Legislation such as that proposed today by my colleague from New York is the least we must do in discharging that responsibility.

Mr. DRINAN. Mr. Speaker, I am pleased to cosponsor legislation introduced by the distinguished gentleman from New York (Mr. Bingham) with respect to benefits for unemployed veterans of the Indochina war.

These courageous men, Mr. Speaker, have been "caught right in the middle"—

subject to sustained and extreme personal risks on the battlefield and here at home. They often bear the physical, psychological, and, all to frequently, the economic scars resulting from service to their country. The incidence of unemployment among veterans of that war, compounded by the sagging economy which plagues us, has been shockingly high. The sad fact that many of our military personnel return from their tours of duty in Vietnam, having been subjected to every conceivable discomfort and dislocation of their lives, only to find joblessness at home, is one which should cause every American profound guilt.

Mr. Speaker, it seems only fair that benefits comparable to those granted to veterans of other wars, including the Korean war, be made available to these men. The proposed legislation would guarantee an unemployed veteran a benefit of $75 per week for up to 52 weeks. The veteran would be required to meet established State criteria with respect to availability for work.

Mr. Speaker, I fully subscribe to the view that our opposition to the continuation of this tragic war must in no way diminish our great respect for those who joined the Armed Forces when called, and who must return to a civilian economy beset with rising prices and high unemployment. To these brave men we owe, at the very least, passage of the proposed legislation.

Mrs. GRASSO. Mr. Speaker, it is a pleasure for me to participate in this special order and join my colleague, JONATHAN BINGHAM, in the introduction of legislation to provide Federal support for extended veterans' benefits.

Thousands of veterans are returning from Vietnam with no prospect of immediate employment. In past times, the returning veteran was not only the recipient of broad educational benefits such as the GI bill enacted after World War II, but he also entered an economy bursting with pent-up demand for consumer goods—an economy that could readily absorb many of their numbers in the labor force.

Today, veterans are returning from this dismal war in Southeast Asia only to find an equally dismal economy. Thousands of these men have exhausted their meager unemployment benefits and are still without jobs. I fully support the measure which was introduced today to guarantee an unemployed veteran a benefit of $75 per week for up to 52 weeks. I view this measure as a companion piece to the legislation I introduced earlier this week which will extend the Federal unemployment compensation program to 52 weeks, with special provisions for full Federal financing of the final 13-week period. As I pointed out in my remarks when introducing this bill, the jobless rate is not diminishing, and the number of unemployed workers who have exhausted their compensation benefits is steadily increasing. Unfortunately, no attempt has been made by the Government to keep accurate statistics on the number of persons who have exhausted their benefits and are still out of work, but the available figures indicate this group is growing. If it is growing within the regular civilian work force, it is clear that the situation is even more pressing among the returning veterans.

Of course, we must view the extension of unemployment compensation as an interim measure. Strong emphasis must be placed on securing meaningful employment for these men. While some returnees will be able to resume careers that were merely interrupted by military service, and some will be able to utilize service-taught skills in civilian occupations, the overwhelming majority are poorly equipped to compete for jobs in today's specialized work force. Through no fault of their own, they have few marketable skills. About one in five has less than a high school education. More than one in 10 is a member of a minority group. Many will be returning to urban centers where unemployment rates are already extremely high.

Adequate programs must be developed to insure full and meaningful employment for our returning veterans. In the meantime, however, quick action should be taken on the veterans' unemployment benefit compensation bill introduced today.

Mr. McCORMACK. Mr. Speaker, I welcome the opportunity of joining the gentleman from New York (Mr. BINGHAM) and others of our colleagues today to discuss the need for aiding discharged veterans of the Vietnam war—those who have performed their duty to themselves and their country, and are now, or will be in the near future, faced with the task of adjusting to civilian life.

Many are returning to school, and I hope more will take advantage of the educational benefits made available to them under the amended GI bill of rights.

Many others, however, want to return to civilian pursuits, and they are returning to the job market at a most inopportune time. Unemployment is high in most parts of our Nation. In my own State of Washington the rate is double and more the national average in many cities and towns. In the fourth district, every major city has unusually high unemployment.

There is little justice in asking these men to bear the burdens of war, then welcome them home to carry the yoke of unemployment. How can we ask these young people, whose education and professional careers were interrupted by military service, to be a part of the administration's "planned unemployment?" I say we cannot, in conscience, conscript these people into the fight against inflation by making them part of the highest unemployment rate in nearly a decade.

If national unemployment statistics hold true in my State, the rate for veterans, and particularly veterans who are members of minority groups, must truly be frightening. While the national rate is about 6 percent, for veterans between the ages of 20 and 29, according to the Department of Labor, the national unemployment rate is 10.8 percent—for those in the 20 to 24 age group it is 14.6 percent.

I am confident that the Congress will not permit returning veterans to wind up on welfare, and I commend the other sponsors of this legislation for coming forward with this bill at this time.

Mr. ESCH. Mr. Speaker, a cursory knowledge of American history tells one that America has never hesitated to do everything possible to help a returning veteran adjust to civilian life. Yet, for the veteran of the Vietnam war, there definitely is a departure from this norm.

Coming out of the military at the rate of 1 million annually, today's veteran, eager to find a job, often encounters only a cool reception at the personnel desk. Mustering out is really quite different than in the past, and is very likely the first chapter in a seemingly endless story resulting in apathy, indifference, and resentment.

Labor statistics clearly indicate the extent of this dilemma: 320,000 Vietnam veterans are without jobs. Many are on welfare and their rate of unemployment is double the national average—12.4 percent—and for black and disabled veterans, the unemployment figure approaches 25 percent. One Labor Department official recently commented:

> We have a lot of angry young men on our hands.

Civilian life is no mere bad dream for these young men.

Part of the difficulty is that today's veteran is younger and not as well trained as his predecessor of World War II or even Korea veterans. When these men were released from active duty, more often than not they had a comfortable niche in life to settle back into—such is not the case for the Vietnam veteran.

With that background, I feel it is both incumbent and imperative that we do an even more effective job than before.

Several proper and meaningful actions have been taken, but they are only a glimmer of what needs to be done. For example, the Veterans' Administration has initiated "job marts" around the country and has offered similar assistance through their other offices.

President Nixon has recently launched a jobs for veterans program. It is charged specifically with educating the general public to the seriousness of the veterans plight and encourage potential employers to give veterans a better break.

In the past week, I have taken two steps which I believe will be of significant help in aiding these young men. First, I have written language which has become part of the major public service employment bill just reported out of the House Labor and Public Welfare Committee. My amendment will guarantee that a Vietnam veteran will receive special preference in public service employment programs and related training and manpower training programs. These programs would be coordinated with current veterans counseling services and with private organizations and groups at the State and local level.

A second initiative I have undertaken is to join my colleague, the gentleman from New York (Mr. BINGHAM), in cosponsoring a bill that would guarantee an unemployed veteran a $75 weekly benefit for up to 52 weeks. It is similar to the GI bills enacted after the Korean war. Presently, the average weekly benefit is slightly over $50, but many veterans all too quickly reach the point where they draw their last check, and vast numbers of them are still without jobs and without hope.

Many of the Vietnam veterans with whom I have spoken emphasized the need for vocational and educational assistance to help them find their place in peacetime society. We have an obligation to make certain these boys we have sent to fight what has been referred to as the loneliest war in our history are given every opportunity to piece together a promising civilian life. To do less only makes a mockery out of those words: Welcome home soldier—the United States is proud of you.

Mr. BEGICH. Mr. Speaker, it gives me great pride to join with the distinguished gentleman from New York (Mr. BINGHAM) and a number of other colleagues in the introduction of a bill which will do so much good for the returning Vietnam veterans. This bill, which provides a range of unemployment benefits for Vietnam veterans much like the benefits provided for veterans of World War II and the Korean war, is a long overdue compensation for the men who had such an important period in their lives preempted by the Southeast Asia conflict.

The penalties for wartime service abroad by members of the American Armed Forces seem never to have been so great as for those men who have served in Vietnam. In article after article a story emerges of hardships veterans face as they seek employment following a return from military duty. At the present time, over 300,000 veterans are out of work, and the situation appears to be getting worse.

I find it unconscienable that this situation is allowed to continue unremedied. The legislation thoughtfully prepared by Mr. BINGHAM is but one of a number of necessary steps in the process of solution. Essentially, this legislation introduced today addresses itself to the immediate solution needed by unemployed veterans by offering Federal assistance in the provision of unemployment benefits. It recognizes the sad truth that the period of unemployment for returning veterans is longer than that for other citizens.

In coming weeks legislation will be considered which goes to the heart of the unemployment crisis for all citizens—the problem of the inadequate number of jobs. In addition, legislation is necessary to assist the personal readjustment period faced by all returning veterans, such assistance to include useful counseling and employment assistance services.

I am sorry that I am unable at this specific time to inform you, Mr. Speaker, of the specific situation in Alaska regarding veteran unemployment and I shall attempt to produce those figures in the near future. If the general unemployment crisis in Alaska is an indication, the job-seeking veteran in Alaska is in an unfortunate position.

I commend this legislation to your attention, and would hope it provides the first in a series of measures to benefit our returning Vietnam veterans.

GENERAL LEAVE TO EXTEND

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMERICANS OF ARMENIAN ANCESTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

(Mr. DANIELSON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, I should like to point out that I represent a district in California in which I have the honor of serving a very large number of Americans of Armenian ancestry among my constituents.

Mr. Speaker, as the world well knows, 56 years ago the Armenian nation was subjected to the first great genocide of this pathetic century. It is estimated that from one-third to one-half of all the Armenians who lived in the Middle East were then massacred.

Many of those who escaped, and who survived, came to the United States where in the following 56 years they have served to enrich our society, to add to our culture, to improve our economy, and to be exemplary American citizens.

It is customary during April of each year that on the Sunday nearest to April 24 there be a commemoration in the city of Montebello, Calif., at which the Armenian community gathers to commemorate, with due reverence and respect, those hundreds of thousands of their ancestors who were massacred, and to rededicate themselves to the principles for which this great country of ours stands.

I happen today to be wearing a lapel pin of the Armenian Martyrs Memorial, which represents the beautiful monument which the Armenian community has built from its own individual contributions on a hillside in a public park in Montebello. Each year we meet at the foot of that monument to pay our respects to the past, and our dedication to the future.

It has been our privilege during the past few years to have in attendance and as participants in these ceremonies various Members of this Congress, Governors of California, judges of the courts of California, Cabinet officials, county officials, the clergy, and many distinguished citizens. Along with that ceremony we are ordinarily favored by having the participation of some unit of our military services, the Army, the Navy, and the like. This year the little group which organized the ceremony sought and received the promise of the U.S. Marine Corps that a U.S. Marine Corps color guard would present the colors, and that a detail from the U.S. Marine Corps Band at El Toro would attend to play the Star-Spangled Banner. Invitations were issued, programs were printed advertising the event, and I am happy and proud to say that I was selected to give the address of the day.

You can imagine my surprise and disappointment when last Thursday, just 3 days before the event, I received a telephone call from my district telling me that the Marine Corps had just notified them that they had been instructed by the State Department that they could not participate because there might be some danger of a demonstration.

Mr. Speaker, I was not only offended, but my anger reached a point where I still have not calmed down—and I do not intend to for some time to come.

I checked with the Marine Corps. I asked them:

> How come you called off the Marine Corps Color Guard? There are Armenians who have won the Congressional Medal of Honor.

I was told—and please listen to this, Mr. Speaker:

> Well, it is possible that the President may be coming out to San Clemente, to the Western White House, and the band is going to have to rehearse.

Now, if I ever heard a false, weak, and palpably contrived excuse, that is it. Anybody who has ever played a band instrument of any kind knows that the more you play it the better you get.

So I checked further, and finally I reached a responsible official of the Marine Corps who told me that they were sorry, they were embarrassed, and they were ready, willing and able to play, but that the Department of State had instructed them not to.

Then I started at what seemed to me to be the appropriate level in the State Department, and sure enough, I was told:

> Yes, we are sorry we made that decision so quickly, but we made it because we are fearful there may be demonstrations, and that a certain other nation might resent it.

So I followed on up the line, I can assure you, Mr. Speaker, until I got to the top official of the State Department, Mr. William Rogers. Mr. Rogers affirmed this mistaken decision to deny to the Armenian-American community in California the right to have a U.S. Marine Corps Color Guard to escort the Stars and Stripes to the podium.

I asked—and I have been informed—that the decision was forwarded to the White House where, I am sorry to say, it was again affirmed.

Last Sunday on April 25, 1971, in Montebello in the Bicknell Park, the 56th annual commemoration of Armenian Martyrs Day was carried out. The incredibly bad judgment of the State Department did not deny to those Americans the chance to come together and with due reverance to respect their dead and to rededicate themselves to good American principles.

The only thing we really feel bad about is that these people, who have contributed so much to our country, were denied the privilege of having the American flag escorted to the podium by the Marine Corps Guard, and so many Armenians have served in that Marine Corps. No one suffered because the American Legion in Montebello provided the escort. I am sorry there was no Marine Corps Band to play the national anthem. We would have liked to have had the Star Spangled

Banner played that day. I am sorry that the Marine Corps Band could not play another selection, America the Beautiful—because somebody was afraid that there might be a demonstration where Americans were exercising their constitutional right of freedom of speech and reverently paying respect to their dead and to their heritage.

Why should the Secretary of State be so callous as to affront the Americans of Armenian descent? Is it because they are so few? Are these peaceful, intelligent, industrious, gentle people politically unimportant?

Mr. Speaker, I will append a copy of the program for Armenian Martyrs Day, 1971. Can anyone tell me that this is offensive to anyone?

I shall also append, Mr. Speaker, a copy of the address that I gave that day, and I challenge anyone, be he in the State Department or any other place, to show me something in that speech which could be offensive to any other American or to any other human being.

The material follows:

ARMENIAN MARTYRS DAY—56TH ANNUAL COMMEMORATION

MONTEBELLO, CALIF.,
April 25, 1971.

Hon. Harry C. Shepherd, Mayor, Hon. William Nighswonger, Mayor Pro-tem, Montebello City Councilmen: David H. Zimmer; Richard Tafoya; Andrew T. Lambo.

Sponsored by: Armenian Monument Council, Inc., 2428 West Whittier Boulevard, Montebello, California 90640.

PROGRAM

Presentation of Colors: United States Marine Corps Color Guard.

National Anthem: United States Marine Corps Band.

Invocation: Very Rev. Clement Morian, Pastor, Queen of Martyrs, Armenian Catholic Church.

Master of Ceremonies: George Mandossian, Armenian Monument Council.

Address: Hon. George E. Danielson, U.S. Congressman from California.

Musical Interlude: United States Marine Corps Band.

Proclamation.

Address: Hon. John A. Arguelles, Superior Court Judge.

Recitation: Helen Der-Boghossian.

Address: Gourgen Assaturian, Washington, D.C.

Presentation: Mr. Michael Minassian, President, Armenian Monument Council.

Benediction: Very Rev. Dirayr Dervishian, Locum Tenens, Armenian Diocese.

ARMENIAN MARTYRS DAY

(Speech by Congressman GEORGE E. DANIELSON)

Thank you, Mr. Master of Ceremonies, Father Morian, Reverend Clergy, Judge Arguelles, distinguished guests, my fellow Armenians and friends.

It is a real honor for me to be with you here today to participate in the commemoration of one of the great tragedies of our past, and to speak of the heroic history of the Armenian people, which serves as a great inspiration for our future.

It is said that the great French statesman, Talleyrand, when asked what he had done during the stormy years of the French Revolution and the Napoleonic Wars, replied, simply, "I survived." I wonder if those words might not be spoken with even more truth by the Armenian people, of their long, tragic, glorious history: We survived—survived attempted genocide, survived massacres, survived wars and rumors of war—survived, indeed, to bear witness wherever Armenians have gone, in lands beyond the seas, to the power of faith, courage, and heroic will.

Our gathering here today marks our solemn commemoration of those who perished half a century ago in the terrible holocaust which engulfed the Armenian people within the borders of the Ottoman Empire. That we are here this day is itself evidence of the fact of Armenian survival, survival in the face of the first attempt at genocide—the deliberate destruction of a whole people—in this century. Yet the greatness of the Armenian story is more than that of survival—it is survival to a purpose. It is the ongoing life of a great community, united by bonds which could not, can not, and—God willing—shall not be destroyed. In his autobiography, Yousuf Karsh, the great Armenian photographer, born 63 years ago in the little town of Mardin in Asiatic Turkey, tells the story of his childhood as an Armenian child in a Turkish community. As a youth he lived through the massacres, and in 1922 escaped to the safety of the new world, as so many others had. Recalling the suffering of his early days, he describes how hostile children in Mardin would take up stones to throw at him as he went to and from school. Tempted to respond in kind, he remembers the words of his mother, whom he describes as "One of the great Christians of our time. . . . A disciple of all that is good." She said these words to him, "It is just ignorance. You must not come down to their level. If you have to cast a stone, be sure to miss." No one can read Yousuf Karsh's life story and that tribute to his mother and to his family without realizing that there was and is a reason for Armenian survival. It is revealed in the character of the people themselves, deepened in suffering, sustained by faith, inspired by hope.

There are many in this assembly who survived those terrible days, many more whose families were touched by them. Here in Montebello the Martyrs' Monument speaks eloquently not only of those who sacrificed their lives but of all men and women who have been the victims of man's inhumanity to man. In honoring the memory of the 1,000 martyrs of April 24, 1915, we honor the memory of over 600,000 who were slain during that time. Of the estimated 1,750,000 Armenians in Turkey at the outbreak of the First World War, about a third were cruelly murdered, and other third deported. Their fate was a grim harbinger of the fate of so many peoples in our troubled century. In remembering them, we remember all people who have suffered from the fires of hatred and intolerance in our time and in every time.

The years of martyrdom have left a lasting impact. They have bound Armenians together throughout the world in a fierce determination to survive—and to survive with a heritage of Christian faith and life which is itself the secret of survival. It is hardly surprising that, although the story of those days will never be wholly known, they have inspired not only Armenians but all men with their record of heroic endurance.

To be sure, suffering was nothing new in Armenian history. Like many other peoples in the world, the Armenians had chosen a bad place to settle—a crossroads, torn between the opposing armies of great powers. We too easily forget how ancient the Armenian nation is. The Armenians are, indeed, the oldest Christian nation: It was in the year 303 A.D. that St. Gregory the Illuminator baptized Tiridates III and laid the foundations of Christian faith in Armenia, building on apostolic tradition. Yet already at that time Armenia was a great kingdom whose influence had extended far and wide in the Middle East. The very fact of Christianization, the source of constant struggle and conflict in later centuries, proved eventually to be the secret of Armenian endurance and survival.

In the 5th century, in a time dominated by such great figures as St. Sahag and St. Mesrob, inventors of the Armenian Alphabet and translators of the Bible and the Liturgy into the Armenian language, the strongly individualistic character and identity of the Armenian people found its unique expression in a flowering of national consciousness, culture and religious idealism. Yet, with all their talents, intelligence, and cultural vitality, the Armenians suffered continual blows from the imperial ambitions of the states around them—Rome, Parthia, Byzantium, Persia, and, finally, the Turks and the Russians. The last semi-independent king of Armenia died in exile in Paris in 1393. Politically speaking, the freedom of God's oldest Christian citadel had come to an end—yet the soul of Armenia survived, even through the terrible massacres of the First World War. In all history there is no more moving, tragic, or inspiring story than that of Armenia. Consider these words, written by a non-Armenian Professor, —"The more we fathom their distant past, the more we begin to realize the constructive and enlightening role played by the Armenians in the world history of civilization."

These words suggest our deeper theme here today—a theme of hope and renewal, of rebirth from the very midst of destruction. In remembering the Armenian martyrs, we are compelled to look forward to a new and better day which their sacrifices have hallowed. It was said of old that "The blood of the martyrs is the seed of the church"; so with the survival of the Armenian people and their great heritage. The story of the Armenian community here in America is a source of pride and hope for Armenians everywhere. Surely it is a part of our commemoration here, for it is a vital part of the ongoing Armenian story. With reverence for the past, with faith in the future, and with reliance on their own efforts, Armenian-Americans are writing a new and hopeful chapter in this nation.

You may not be aware of this, but Armenians came to this continent in British Colonial Days—and have been established as being here as early as 1618 in Virginia—during the time of Captain John Smith. The first Armenian of whom there is a record in America is "Martin Ye Armenian" whose name appears in the log of a ship at Jamestown Colony. "Martin the Armenian" is mentioned in several papers of Colonial Virginia from about 1618 to some time after 1623. Then history breaks off concerning the adventures and activities of this pioneer.

In 1653 we again pick up the history of early Armenians in America when it appears that two Armenians came here from the old country to develop the manufacture of silk in the Colony of Virginia. Armenians were considered expert cultivators of the silkworm, and the two who came here enjoyed a high reputation in their native land for their skill and experience. In December of 1656, the following resolution was passed by the Colonial Assembly of Virginia:

"That George the Armenian, for his encouragement in the trade of silk, and to stay in the country to follow the same, have four thousands pounds of tobacco allowed him by the assembly."

Christopher Der Seropian, a student, came to the United States in 1843 and attended Yale University where he is credited with inaugurating the class book system there. He also developed the black and green colors which even today are used on American paper currency.

Here in California, a man named Seropian arrived in Fresno in the autumn of 1881, as well as a person called "Normart" who came earlier but returned East. The story about Normart is quite interesting, and I'll discuss that in a moment.

The story about Seropian who arrived in Fresno in 1881 starts eleven years earlier when, in early 1870, Hagop, Garabed and Simon Seropian emigrated to the United States with some returning missionaries. They settled in Worcester, Massachusetts. When word came a few years later that their father had died, Garabed and Simon returned to Turkey to settle the estate, and stayed there for 5 years. Hagop remained here and ran a fruit, stationery and notions store in Worcester. Working long hours, he developed lung trouble. It appears that Hagop may have come to California during the mid-1870's, and later sent for his family and friends, telling them that the climate was very beneficial—with watermelons that grew "as large as boats."—and eggplants of 8 to 10 pounds. In any event, Hagop wrote his brothers and asked them to return so they could all come to California. Garabed and Simon, accompanied by their young half-brothers, George and John, once more landed at Ellis Island in 1880 and arrived in Fresno the following year. Simon Seropian died in Fresno in 1923, and in 1945 George Seropian was the only living member of the five Seropian brothers who had established Fresno's Seropian Bros. Packing House.

The Normart story relates to an immigrant who, upon landing in the United States, when asked his name, joyfully and gratefully said—in Armenian—that he was a "Nor Mart", literally a "new man", while he also meant a "new-born, free man." Relatives who later came to Fresno, especially the younger generation, continued to use the name "Nomart" as their surname.

Today there are some 150,000 to 200,000 Armenians in America, including those born in this country. Proportionally, our own State of California has the largest number, but they are to be found throughout the land, engaged in those peaceful pursuits of commerce, industry, farming, learning and the like which disclose the energy and enterprise of a great people. The cities with the largest number of Armenians reveal their geographic distribution: Fresno, New York City, Detroit, Boston, Providence, Philadelphia, Union City (N.Y.), Los Angeles, Watertown (Mass.), Worcester (Mass.), and Chicago—an impressive record when we recall that in 1910 there were only some 25,000 Armenians in the whole country.

Because so many Armenians have distinguished themselves in so many fields, it becomes a challenge to compile an up-to-date and accurate list. To name just a very few: A. H. Bulbulian is the co-inventor of the high altitude oxygen mask, Thomas Corwin was Congressman, Governor of Ohio, U.S. Treasury Secretary and Ambassador to Mexico, Haig Shakerjian was a Brigadier General in the U.S. Army, Lt. Ernest Dervishian won the Congressional Medal of Honor during World War II.

We are living at a time in which the various peoples who comprise America are rediscovering their unique identity and are emphasizing the things in which they may take just pride from their own distinctive heritage. No ethnic group can excel the Armenians in their special contribution and achievement. Indeed, they have set a pattern for all, for (as many scholars have noted) the Armenians have shown a greater adaptability to American society than have most other immigrant groups, largely because they have appreciated the value of education, while at the same time they have managed to retain their ancient ideals and heritage, perhaps because they have learned to cherish self-respect in their identity in the face of cruel persecution for so many centuries. Pride in their past and in the present is one assurance of hope and confidence for the future.

As we here today commemorate the martyrs of 1915—and all victims of oppression and tyranny in history—may we also take fresh hope and new resolve from the survival of the Armenian people and from their continuing story. May it be for us and for our whole Nation a source of inspiration and encouragement that a great people, once driven from their ancestral home, beaten down and broken, were able by the power of faith to rise again with renewed vitality and take their rightful place among the peoples of this Nation and in the world community. "Surely," in the words of the psalmist of old, "Surely, this is the Lord's doing, and it is marvelous in our sight."

NUCLEAR RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Hosmer) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, for purposes of establishing a record I have obtained unanimous consent for the republication below of an item issued by my office on April 22:

Storable Electricity

(Note.—Representative Hosmer is the Ranking Minority member of the Joint Committee on Atomic Energy. Set forth in full below is the final section of his April 22, 1971 speech to the Conference on Innovative Applications of Radiation sponsored by the Southern Interstate Nuclear Board at Dallas, Texas. Rep. Hosmer declines to state whether or not his remarks are a "put on" on the grounds that it might tend to encourage or discourage investigation of the subject.)

If you are going to wait for hydrogen fusion to hook into your utility buss bars you are going to wait at least 50 years for power that is neither much cheaper nor much cleaner than any other kind of nuclear power. Nature does not give up her secrets easily and the controlled thermonuclear reaction is one which she has guarded with most remarkable diligence. If we have to charge off on some long and expensive research scheme, let me suggest instead of CTR that we go in hot pursuit of an idea with an infinitely greater potential payoff.

I suggest what we ought to do is find a way to store electricity so it will be around later, when we need it. That, of course, is a crazy idea. You know very well that electricity cannot be stored. But this is a crazy world, too, and before you walk out on me, I hope you will stick around just long enough to give me a chance to plant a doubt. Remember—most Nobel Prizes in the physical sciences have been won by the very young who were too innocent to know that something could not be done, so they went out and did it.

Look at it this way: the principal disadvantage of electricity is that it cannot be stored, except for the small amounts that can be held in batteries and for hydropower, if you want to think of a water reservoir in terms of electricity in storage. If we could somehow store electricity in a tangible form suitable for being bought, sold and transported, the social, political and economic impact of such a scientific breakthrough would be monumental. Electricity manufactured on one continent in one year could be shipped and used on another continent in another year. The production of electricity would be removed from its place of use and the transmission line umbilical cord severed once and forever. A new and unique article of commerce would be brought into being creating an entire new world-wide market worth billions of dollars in cash and credit. Other possibilities boggle the mind.

Just how nutty is this idea? Well, it wasn't too many years ago that the notion that atoms consist of just two kinds of elementary particles, one positive (proton) and one negative (electron), was shot to pieces by the discovery of the neutron (neutral). Today we know there are many more such elementary particles out of which atoms are made and that they really aren't elementary at all, because in their turn they are composed of various subparticles.

The popular theory today is that these subparticles consist of three quarks and three anti-quarks, none of which have yet been discovered. But along has come Dr. P. C. M. Yock of the University of Auckland with a novel theory that there are really 12 subparticles, six subnucleons and six anti-subnucleons.

Dr. Yock says his subnucleons are electrically charged bodies as are the quarks, but that their charges are large multiples of the basic particle charge—that of the electron—whereas quark charges are mere fractions of this basic electron charge.

Yock's contention is that subnucleons possess charges approximately 10, 11, 20, 30, 40 and 41 times the electron charge. Proper combinations of the pluses and minuses of his 12 subnucleons, which are bound together by very strong electromagnetic forces, will get you the smaller charges we observe to be characteristic of the elementary particles.

Now, if you didn't get that—you can look it up later. I was just laying a foundation to emphasize that there may be a lot of vacant space inside atoms where electricity might be stored.

Since 1952 in addition to ordinary atoms and their parts and pieces, whatever they are, we have known of exotic, hydrogen-like atoms. The first to be discovered was a negative PI Meson (Mass 273) (instead of an electron) combined with a proton. We now inventory four additional exotics formed from MU Mesons (Mass 200), negative K Mesons (Mass 966), massive Sigma Minus particles (Mass 2340) and Antiprotons (same mass as protons). And, more than exotics, we are even today seeking to find or manufacture stable transuranium atoms in the range of currently non-existent elements numbered 116, 124 and beyond.

Such heady stuff means you just cannot be stuffy and rigid in your thinking about nucleonic structures and the possibilities for storing within them electron streams (electricity). I hope you are all paying attention because after this lecture there is going to be a quiz on subnucleonic structures.

So listen—if one electron mated with one proton makes a hydrogen atom and if you think of that atom as a container in which just these two elementary particles are being stored—and then if you remember that the mass of a proton is around 1800 times greater than that of an electron—you commence to wonder how good a storage container is this thing with only a one to 1800 efficiency ratio. Could it be made better? My hunch is that it could—and that someday theoretical and experimental work done with the help of the newer and more powerful atom smashers now and soon to become available, by you and some of your colleagues and students just may come up with a nucleonic means to store electricity as an easily transportable solid.

This would, indeed, be an innovative application of radiation—a goal you here seek. Good luck with it—I'm going out for a night cap.

THE WHITE HOUSE CONFERENCE ON YOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Schwengel) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, it was a privilege for me to have been invited by President Nixon to be a delegate to the White House Conference on Youth.

The Conference was held in Estes Park, Colo., from April 18 to 22.

Let me say at the outset, that participating in the White House Conference on Youth was a stimulating, exciting worthwhile experience.

It is a great credit to the leadership of the Conference and to this administration that an honest attempt was made to have a representative group of young people and adults at the conference. To put it bluntly, the conference was not "stacked", as some people apparently believed it might be.

As a result, every aspect, every facet, every part of any issue affecting today's youth which any of the delegates wanted to discuss was discussed. No one was denied the opportunity to be heard or present their case.

Many of the young people expressed deep feelings on the issues which were discussed. They articulated their thoughts and ideas very well. While occasionally shortsighted, the young people truly had the best interests of their Nation at heart.

The fact that one-third of the 1,500 delegates were adults helped to make sure the generation gap was minimized and narrowed during the conference. The young people respected the adults, asked for their comments and ideas, and were listened to with respect.

The fact that the conference was run with a minimum of disruption is due to the capable leadership of the conference and especially of the national chairman, Stephen Hess.

On December 5, 1969, President Nixon appointed Steve Hess as Chairman of the White House Conference on Children and Youth. He said when making the announcement:

> I have asked Mr. Hess to listen well to the voices of young America—in the universities, on the farms, the assembly lines, the street corners. I have known Steve Hess a long time and I know him to be a good listener.

President Nixon was so right. Steve Hess is a good listener, with a great sense of fairness and a terrific organizer.

He was largely responsible for giving good leadership to two White House Conferences—one for children—the other for youth.

This is the first time in history that a separate White House Conference on Youth has been held. The thousand youth delegates represented a microcosm of American youth. Drawn from every State, all ethnic and racial groups, and from different economic background, they reflected the diversity of youth.

Besides Steve Hess all of his aides were very helpful in the administration and direction of the Conference.

Special tribute must be paid to George Hooper. Like Steve, he was very sensitive to the interests and concerns of people—his tact, his sense of dedication, and his untiring efforts were superb.

Important to the Conference was the outreach program which allowed many young people to have a part in the work of the Conference while not actually serving as delegates. Of crucial importance to the work of the Conference were the efforts of the 10 task forces appointed prior to the Conference meetings.

The advisory task forces provided a point where discussion could begin—a point around which debate could evolve.

It must be made clear, however, that the Conference was in no way limited in its discussions to the task force areas or the reports of the task forces. Any topic, any issue, any idea advanced by any delegate was heard. No effort was made to stifle any initiative or the discussion of any issue.

The Conference held its first plenary session on Sunday, April 18.

I would like to draw the attention of the House to remarks made at this session by the Honorable Elliot Richardson, Secretary of Health, Education, and Welfare, and Steve Hess, conference chairman.

The remarks of both men emphasized the openness of the Conference. Delegates were assured that they would be allowed to speak freely and that they would be heard.

At this point, I place in the Record the remarks of Secretary Richardson and Mr. Hess so all Members of the House may read their excellent statements:

Remarks of Department of Health, Education, and Welfare Secretary Elliot L. Richardson

It is a pleasure to greet you on behalf of the President. This Conference you are holding is not only the first such conference devoted solely to the concerns of youth, but the first conference made up of youth. Such a conference comes at a time of challenge, a challenge to both the Federal government and to citizens. For the government it is a time to make all our institutions, especially those which seem hopelessly remote and mediocre, serve the will of the people. The challenge to us as citizens is to know what can and must be demanded of those institutions; and to know the difference between a demand that man's institutions be perfect and the demand that services long ago promised are finally delivered.

I dare say that at some time each of you has asked yourself: Why this Conference? In large part, this conference is a challenge to you and to the government: a challenge to know what can and should be done and what it will take to do it; and it is an effort, by your government to learn your deepest concerns.

We will listen to your recommendations and you may justly ask what that means. It means more than a quick consignment to the national archives; and it surely must mean more than an initial enthusiasm that dwindles off to apathy and then to nothing.

On May 12 I will meet with my senior advisers at HEW to study with care your recommendations to your Federal government. But this, of course, is only a beginning. To achieve in this society what you as a conference hope for will demand from you a certain kind of conference.

We need from you visions that are visions; not cloudy or vague shadows of the better society. But a dream in focus, sharply etched. We in government can then share that vision, for whether we agree or disagree with it, we can at least comprehend it, and its influence can then work on us as individuals and as a society.

Government in our society or in any society is charged with making visions a reality. It is an imperfect and frustrating process but an inescapable one; and one that can yield along with its many blunders some small improvement in our common lot.

Recommend with passion, but recommend, a course of action which is lucid and tough-minded. Ideas must compete with others; without that competition we would all be subject to someone's uncontested idea; and that, I fear, is the worst tyranny.

Examine our society with honesty but also with compassion. No society, least of all America, can benefit in the slightest from those who gloat over our faults as an act of patriotism; America needs tough critics; but critics who can also see our uniqueness in defining as a common goal what are the ideals of equality and freedom. Throughout its history America has encouraged the bitterest outrage that it has not in fact been ideal. So I ask that you respect at least that boldness which would make the highest ideals the measuring stick by which we judge our country. And now as always we must achieve those ideals. So give us as a conference clear and tough recommendations which can at least get us further as a people.

Excerpts of Remarks by Stephen Hess, National Chairman, at the Opening Session of the White House Conference on Youth

As one who has dreamed for a long time of bringing together young Americans from all backgrounds, colors, and points-of-view with the decision-makers of our country's institutions, and giving them the opportunity to look into our future and speak to the nation on what it should be, this is a very happy moment.

Welcome to the White House Conference on Youth. Here we are: the first time ever that the government has convened a conference devoted solely to the concerns of young people and at which the vast majority of the participants are themselves young people.

I'm Steve Hess, the Conference Chairman, and I would like to spend a part of this opening session telling you what I think this conference is about and what I think it is capable of accomplishing.

First of all, I should say that this is a terribly *complex* conference. I do not mean complex in terms of logistics and arrangements. I mean complex in terms of participants and topics.

Most conferences, as you know, are made up of the *like-minded*—conferences of doctors or lawyers, conferences of liberals or conservatives. These groups meet either to exchange information or to hammer out resolutions within a fairly narrow spectrum of opinion.

But this conference is made up of participants who are decidedly *un-like minded.*

While it might appear that for two-thirds of the delegates here the common denominator is youth; in fact, what this conference is likely to dramatically illustrate—and what desperately needs to be said—is that the youth population is not monolithic; that all youth are not cut from the same cloth; that you are rich in differences.

Although many of you happen to be of the same generation, you will find when you get to know each other that here are young people from the ghetto and the suburb, the farm and the city; young people who have dropped out or who have had serious drug experiences or who have been in correctional institutions. Then too there are other young people here who have already written best-sellers or been elected to high political office or have made a lot of money. There are here young people who live in communes; others who live in military barracks; still others who live within religious orders. Some have come here from job corps centers and others from college campuses. (151 different colleges are represented here.) Some of you are Vietnam veterans and others are conscientious objectors. There are teenage mothers—both wed and unwed. We are all colors and from all ethnic backgrounds. In short, we are all wonderfully unique.

Now the adults—the other one-third of the delegates. You have been chosen to represent the institutions of our society; business, labor, government, church, education, and so forth.

You were not chosen—I want to stress—because you necessarily agree with youth's views. Some of you come from businesses that many young people consider polluters, governments they consider repressive, unions they consider discriminatory, or educational institutions they consider unresponsive.

Most of the adults were chosen, frankly, because they represent *power;* because they are the type of people who must understand what young people believe if this conference is to move from recommendation to action; if something is going to happen *after* the conference.

I think it speaks well for the adults here, all busy people, that they have willingly and enthusiastically joined in this undertaking. You might be interested to know, for example, that on the Education Task Force alone there are nine college or university presidents and that there are ten judges on the Legal Rights and Justice Task Force. There are 13 members of the United States Congress here, as well as high-ranking members of the Federal Executive, Mayors, State Legislators, City Councilmen.

So this is one reason why this conference is complex. It is complex because we, the participants, are so diverse. The other reason this conference is complex is because we have chosen the *tough* issues, the *controversial* issues.

Too many youth conferences these days, in my opinion, devote themselves to nice questions of pop sociology. Recently a young man from Illinois wrote, "There has been much study on youth from many points of view; sometimes it is almost treated as a disease—or, on the other hand, as a state of ecstacy." Well, I can assure you that this conference is not meant to dissect the pathology of youth. We are here to deal with such questions as war, poverty, environment, racism. True, these are not exclusively youth problems. They are the issues that plague all society. But they are also clearly the issues of greatest concern to young people. To have dealt instead with other issues would have been a cop-out. Therefore, we are here to try to address ourselves to two types of recommendations: 1) can we confront the nation with a blueprint for action for this decade? As specifically as possible, can we decide upon an agenda for social change? and 2) can we confront the major institutions of America with a plan for how young people can have a greater voice in the decisions that affect their lives?

Thus we are building our conference on *diversity* and *controversy.* We hope that the press, who will be initially translating our story for the nation, will not misunderstand this and will not mistake diverstiy for dissension or controversy for contentiousness.

Controversy is not a dirty word. This conference can fail only if we fail to listen to each other. It will not fail simply because we do not agree with each other.

We are here dedicating our energies to the act of conferring. We are clearly not a legislative body; we do not pass laws. Moreover we meet at a time when it is fashionable to say, "What can another conference accomplish; what we need is action." I am not one who automatically accepts this view. I believe we need to confer *and* we need to act. The "What-can-a-conference-accomplish" position implies that we have all the answers, which, of course, we don't. And the answers we do have raise questions; and our new questions suggest new answers. And so we assemble today somewhere in this continuum of questions and answers. And "The awful truth seems to be", as Max Ways has written, "that as knowledge advances ignorance does not diminish. If contemporary man does not learn to live with this paradox he will come to despise both his knowledge and his practical achievements."

This hardly means that we should not act until we have all the answers—for then we would never act. Rather, it means that we must recognize that we must often act on imperfect evidence, while continuing to search for knowledge.

Today we are part of the thought phase. But we must also plan to act. It strikes me that for this conference to generate action there must be four elements present.

First, the conference must be structured for action. That is, people who are capable of taking action should be present (as they are); and then the conference must produce actionable recommendations. It is not enough, for instance, to declare that pollution is unhealthy; we must go on to state as precisely as we can what must be done. (It is significant that two of the task forces have hired consultants who are experts at drafting legislative bills.)

Second, we must be prepared to tell our story. This is why we are making a film of the conference for distribution to schools, organizations, and the media. This is why we will set up a Speaker's Bureau. This is why we are working with groups to hold follow-up meetings, such as the National Conference of Christians and Jews, which has already scheduled three regional meetings to review our recommendations. This is why we are negotiating with paperback publishers, so that hopefully, by next fall hundreds of thousands of reasonably priced editions of our report will be available on newsstands all over the country.

Third, we must try to institutionalize the response to our recommendations. In this regard, the President has requested an appropriation of $304,000 to underwrite follow-up activities of the Children and Youth Conferences and has agreed to a systematic review of our work within the Federal departments. We have also asked two Congressional committees to hold hearings. And every governor has accepted our invitation to send a personal representative to the conference as his observer. None of this, of course, guarantees action; but it is solid evidence that our work will be taken seriously.

And fourth, we as participants in the White House Conference on Youth should make a personal commitment to work to realize the goals of the conference *after* Thursday. The recommendations of this conference will be what the delegates agree to; we cannot expect others to act if we walk away from them.

Finally, as we come to the end of this session, I would like to quote from a remarkable speech by Daniel P. Moynihan in which he recalled the warning of the Swiss historian Jacob Burckardt, who foresaw that the 20th century would be the age of "the great simplifiers" and that "the essence of tyranny would be the denial of complexity." Moynihan called the tendency to oversimplify "the single great temptation of our time" and "the great corrupter." He said that what we need today is not great simplifiers but "great complexifiers."

I must say that what has pleased me most about many of the Task Force Advisory Reports has been the self-denial, the refusal to oversimplify: they did not seek to create their own demonology, to go on an emotional binge of blame-spreading; but rather they have often taken a far-sighted, systematic approach to their subject, an approach which makes those documents such useful launching pads for our discussions this week.

What we are about is very hard work, indeed—for some young delegates it could be intellectually the hardest work of their lives to date. I might predict that by tomorrow afternoon, having realized the enormity of the task, the diversity of opinion, and the shortness of time, many of you may feel very low and depressed. But I might also predict that a little later when you have defined what you can and cannot do, and have begun to thrive on and enjoy your differences, you may find this a very beautiful experience.

Youth will be joined in these deliberations by adults, who, it is hoped, may bring to the discussions experience, facts—and perhaps even wisdom. But if some of these adults choose to grind their own axes—then I think the youth delegates have every right to call them out of order.

On the other hand, I would hope that the adults would not patronize their younger fellow-delegates by deferring to their views when experiences tell them that what is being said is unworkable.

For, of course, the success of this conference can come only out of the blend of adult and youth wanting to share and wanting to build.

I remind you that this conference, your conference, is meant to be not a battlefield, but a meeting ground. You now begin. Good luck.

Mr. Speaker, during the first plenary session, it became evident many of the young people had something on their minds and were anxious to express their concerns.

After the regular program was concluded, some of the young people spoke to all of the delegates. A few sensationalized, but others movingly and sincerely demonstrated their desire to work within the Conference structure to really have an influence to make the changes they were seeking.

News reports exaggerated the feeling of discontent as to the location of the Conference. As might be expected, there were some rumbles, but after the Conference got underway, most people readily admitted the atmosphere at Estes Park was more conducive to sustained hard work without distraction than would have been the case in Washington, D.C., for instance.

Initially, the snowfall at Estes Park seemed to confirm the judgment of those who opposed the site. But the alertness of the leadership in providing parkas and overshoes to delegates gave all of us a sense of community that otherwise might not have developed.

Then as each person got involved in the work of his task force and subcommittees, the tone changed.

The tenor of the meeting became one of determination, of dedication to discuss, debate, and articulate the problems we face as a society.

Obviously, not all delegates agreed with each of the findings and recommendations made by the task forces and adopted by the Conference. This is shown by the close vote on many of the task force recommendations.

It is fair to say, however, that the recommendations of the Conference resulted from hard work and a real sense of dedication.

My work was done primarily in the area of ethics, values, and culture. I took part in the efforts of the Subcommittees on Religion and Political Activity.

What was encouraging to me was the unanimous expression by the young people that they are determined to work within the system to accomplish their goals and aims. In the Political Activity Task Force there was no sympathy for those who advocated the destruction of our system of Government. Yes; some of our shortcomings were discussed, but in the perspective of what can be done within the system to change it.

The work of the Subcommittee on Religion was also heartening and stimulating. I want to share the draft recommendations made by the subcommittee because I am confident that they will be as encouraging to the other Members of the House as they were to me:

Draft Recommendations

(Values, Ethics and Culture Task Force
Religion Discussion Group)

In developing its recommendations this Discussion Group identified the following points which outline a general approach to religion and provide a framework for our specific recommendations:

1. The Values, Ethics and Culture Task Force feels that this country's young people firmly support and desire diversity and freedom of religions in the United States and respect for all the religions and cultures of the world's peoples. Youth feels that every person has the right to worship and believe in any transcendent being or beings in any manner not detrimental to others, without fear of suffering in any way whatsoever, be it social, economic, or physical. We believe that a concensus of the most fundamental ethical values is indispensable to a viable society; without this, society becomes fragmented and chaotic, and herein lies a clear and present danger.

2. We believe that religion—which we define as the patterns of thought and the way of life stemming from faith and belief in a transcendent being or beings—tends to nurture, enrich, and strengthen ethical values, and therefore is urgently necessary to social progress and national welfare.

3. We believe a concensus does exist on the ideal level in American society on the deepest fundamentals taught by the great religious traditions known in American life: commitment to human brotherhood, the integrity and dignity of the individual, the fundamental worth and equality of all men, compassion for and a sharing with those in need, and freedom for the individual to work out his self-realization so long as he does not harm others. These values urgently need reawakening, clarification, and strengthening. They must not be lost or undermined in the further development of our crowded and technological society. We call upon religious leaders, decision makers, and every individual to make this ideal concensus a living reality.

4. We believe that youth seeks the following values in religion but too often finds them lacking in our religious institutions and teachings:

Leadership and guidance in coping with the problems youth faces, such as the draft, drugs, destruction of the environment, racism, and a sense of identity.

Relevance of religious teachings to the problems of present day society.

Realism in religious teachings, so as to provide teachings freed of meaningless dogma and credible for the individual in the modern world.

An influence that brings men together instead of separating them; fosters unity and brotherhood instead of division and prejudice.

Action that really offers solutions to our national problems, and a clear sense of national priorities, instead of adherence to outworn parochialism.

5. That the failures and negative influences traceable to religion stem not from the religious values themselves, but from failures to put these teachings into practice, and the hypocrisy that would use them to justify self-interest and prejudice.

6. That too much institutional self-interest is a danger to religion; that religion, in order to retain its integrity, must be thought of not just as an institution but as a spiritual force offering the individual a lasting value structure that will meet his personal needs. These needs include a sense of identity, a sense of worth, a sense of direction, a way of relating to others, and a standard of conduct. Religion must also prove itself as an influence helping to steer our society away from immoral acts and policies, or lack of policies.

II RECOMMENDATIONS

1. We are convinced social programs will be more effective when people are spiritually alive and awake, because spiritual awakeness encourages love for one's neighbor and caring for the disadvantaged. We call upon the religious institutions to foster more vigorously the spiritual health of the people, and to encourage their members to commit themselves and their resources more fully to meeting the total needs of the people.

This Task Force calls upon the President, the Members of Congress, the leaders of religious organizations, decision-makers at all levels in government, business, and education as well as individual citizens to vigorously seek a renewal of compassionate, practical, living religion in American life. This renewal should include a keener respect for individual conscience, a strengthening of the worship of God, and the other forms of religious experiences, and stronger adherence to the original ideals set forth for this nation. It should augment the sense of brotherhood, compassion, equality, and dignity that will harmonize the relations of Americans to each other and restore the quality of American life.

2. The Values, Ethics and Culture Task Force indicts organized religion for it, because it has too often shown a lack of courage to take the leadership in effecting societal change. By its silence it has condoned and is continuing to condone such evils as racism, war, poverty, sexism, and discrimination. Such hypocrisy cannot be supported by the youth of America.

Therefore we, while acknowledging the commitments of individuals and single churches to improve the quality of human life, believe this effort is minimal in view of the vast resources, financial and personnel, of the Religious Bodies.

The Youth of the National White House Conference strongly recommend:

(a) that the American churches seriously rearrange their priorities,

(b) that money not be spent on property and buildings or be kept stagnant; that is invested to provide a continual source of security for churches,

(c) that money be freed up and spent in programs which benefit the poor of the U.S. and especially minority groups.

(d) that money which is invested should be invested responsibly in companies whose ideas are in accord with religious principles such as the elimination of poverty, war, racism, pollution, etc.

(e) that church buildings, facilities, and personnel be made available to community groups and the total community for such programs as clothing distribution, breakfast programs, recreation, education, political action groups, drug programs, etc.

3. The hyprocrisy of organized religion to profess love, brotherhood, and the celebration of life, yet by their too frequent silence having condoned the atrocities, incidents of racial prejudice, and slaughter of Southeast Asian peoples has not gone unnoticed by the youth of America.

In order to correct this overwhelming paradox, The Values, Ethics and Culture Task Force calls upon all organized religions to officially demand immediate and total withdrawal of all American troops from Southeast Asia.

4. In the belief that the Church and the People are synonymous, the Values, Ethics, and Culture Task Force strongly urges that the governing board of churches be comprised of all segments of the membership. In particular, youth must have voice in all decisions.

5. Ignorance and misunderstanding of different religions and cultures has often led to persecution and suffering in our society.

Thus, in order to create better understanding among all members of our society, the Values, Ethics, and Culture Task Force recommend that optional courses in Diversity of Religion and Culture be offered at all high schools, and that programs of education in Diversity of Religion and Culture be made available for the media to reach large segments of the population.

In conclusion, Mr. Speaker, I again want to pay tribute to Steve Hess and his staff for the magnificent work they did in organizing the conference.

It is my earnest hope that the work of the conference will receive the close attention of the President and the Congress.

DEPRECIATION REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, when President Kennedy announced the far-reaching changes in regulations for asset depreciation contained in Revenue Procedure 62–21 of 1962, the economy was in much the same state of slack and uncertainty in which we find it today. In the previous year, unemployment had averaged almost 6.7 percent, a figure slightly larger than the rate of 6 percent that prevailed just prior to the announcement of the new ADR regulations by the Nixon administration last January.

Similarly, during the last full year before the Kennedy administration reforms, average utilization of industrial capacity was 78.5 percent compared with the 76.4 percent average during 1970. Finally, in both instances it was clear by the time the depreciation reforms were announced that the economy had been through the worst of the recessionary downturn, and that it would only be a matter of time before it began to move steadily back toward full production. The key question in both instances was what could be done to spur the revival along.

It is not surprising, then, that such similar economic circumstances and needs gave rise to similar policy responses. Following the completion of a special Treasury Department study, President Kennedy ordered a reduction of the guideline lives for depreciation contained in the old Bulletin "F" averaging about 34 percent. This meant a first year loss to the Treasury of around $1.5 billion. In 1971, President Nixon followed a similar procedure in announcing a further 20-percent reduction of guideline lives after receiving recommendations by a high-level Presidential task force that included two former Secretaries of the Treasury.

Now the interesting thing, Mr. Speaker, is that President Kennedy's policy was met with near universal acclaim by those on the other side of the aisle. Yet, when President Nixon embarked upon a similar policy in similar circumstances, spokesmen for the other party could not beat a path fast enough to the nearest network microphone to denounce the change as opening an outrageous "tax loophole" and an illegal usurpation of congressional power.

What is to explain this sudden about-face? Is it the case that we have had a fundamental change in the Internal Revenue Code in the interim so as to deny to the Treasury powers today that it apparently had in 1962? I must confess that I know of no such change. Have there been such basic alterations in the structure of the economy, or has there been such a sweeping revolution in our economic thinking that adequate capital consumption allowances are no longer considered vital to high-level economic performance? Again, I am not aware of any such development.

Mr. Speaker, I must reluctantly come to the conclusion, therefore, that the only thing distinguishing the situation today from that of 1962 is the fact that the President belongs to a different party. But are not the stakes involved too high, are not the implications for the future health and productivity of the American economy too great to reduce this important matter to a partisan political football?

To be sure, considerable effort has been made by opponents to show that the ADR proposal is unique, unprecedented, and therefore quite dissimilar to the 1962 changes. But I am afraid that upon examination these arguments prove to be more than a little transparent, and I am somewhat chagrined that they have been so unquestionably accepted in the press and elsewhere.

For example, Professor Bittker of Yale has made the following widely repeated assertion:

> I do not recall any action by the Treasury in prior years . . . with such momentous revenue consequences.

Translate this into newspaper headlines that suggest a $36 billion tax break over the next decade and the idea quickly gains currency that the Treasury has proposed an unprecedented tax give-away.

The fact is that only $1 billion, or 36 percent of the expected $2.8 billion first year loss to the Treasury stems from the shortened guideline lives. The remainder must be ascribed to the impact of the new modified first year convention that not a single critic has challenged on legal grounds. Moreover, this $1 billion loss represents only 3.3 percent of corporate taxes expected in 1971 whereas the first year loss under the 1962 change represented almost 7.2 percent of corporate taxes. That is, relatively speaking, the 1962 loss was twice as large as the current loss. While in later years, the percentages tend to even out, there certainly is no ground for concluding that the revenue loss is unprecedented.

Professor Bittker has also charged that—

> The sweeping goals of the ADR system, as announced by the President and the Treasury . . . to create jobs, promote economic growth, strengthen our balance of payments, increase productivity . . . extend far beyond the Treasury's legal authority to promulgate interpretive regulations.

In his view, the Treasury has strayed from its rightful administrative role into the field of broad policymaking.

While the history of depreciation policy does not at all suggest the Treasury is bound by such rigid constraints, it is even more interesting to note that the Kennedy administration used almost the same sweeping language in 1962. Announcing the changes, President Kennedy said:

> By encouraging American business to replace its machinery more rapidly we hope to make American products more competitive, to step up our rate of recovery and growth, and to provide expanded job opportunities for all Americans.

Secretary of the Treasury Dillon elaborated upon all of these points in his accompanying statement. Yet, in looking at the record I have encountered no charge that the Treasury was overstepping this "modest role for regulations" in 1962.

Mr. Speaker, there are still a number of other arguments made by the critics of ADR which at least by implication attempt to distinguish it from the 1962 reforms. I have attempted to answer these in a five page factsheet on ADR that I prepared for the members of the House Republican Conference and I will include it at the end of my remarks. The essential point I want to make, though, is that ADR can properly be viewed as a continuation of the reform that began in 1962. Indeed, Secretary Dillon almost pointed the way for ADR with these words:

> Our revision of depreciation guidelines and rules recognized that depreciation reform is not something that, once accomplished, is valid for all time. It reflects an administrative policy dedicated to continuing review and updating of depreciation standards and procedures to keep abreast of changing conditions and circumstances.

Certainly the inflation, declining profits, and termination of the investment credit during the last 3 years qualify as the kind of "changing conditions and circumstances" that make further reform in order. Yet what word do we hear today from those like Senator HUMPHREY who said in 1962:

> The new guidelines (are) of great significance to the well-being and the prosperity of the economy . . . the revisions will offer huge incentives for new capital investment . . . (and will have) a very salutary effect insofar as investment opportunities are concerned.

And who said further:

> This is but a first step, even though a vital one in the right direction. Other things need to be done.

Simply the following stubborn negativism: "This is the wrong move at the wrong time for the wrong reason. Accelerated depreciation in light of the present state of the economy, consumer demand, and utilization of industrial plant capacity is like giving a pair of track shoes to a cripple." Apparently, the Senator from Minnesota had not yet thought of imaginative metaphor when confronted with the same underutilization, unemployment, and economic sluggishness in 1962.

Mr. Speaker, at this point I would like to include a legal brief submitted to the Internal Revenue Service by Joel Barlow and two of his colleagues in the RECORD at the conclusion of my remarks. Mr. Barlow's excellent statement demonstrates that there is ample precedent for administrative action of the scope of ADR and that the "useful life" concept that has been bandied about so loosely by the critics has a broad and varied enough historical meaning to encompass ADR.

The material referred to follows:

FACT SHEET ON THE PROPOSED DEPRECIATION REGULATIONS—ASSET DEPRECIATION RANGE (ADR)

I. WHAT ADR WOULD DO

(A) Provide a choice to taxpayers to take as a reasonable allowance for depreciation an amount based on a period of years between 20% above and 20% below the guideline lives established by Revenue Procedure 62–21 in 1962. For example, the guideline life for the broad class of machinery used in the manufacture of lumber, wood products and furniture was pegged at 10 years in the 1962 regulations. Under ADR a taxpayer could pick a time period for depreciation between 8 and 12 years as a matter of right. The only requirements are that once an ADR period has been selected it cannot be changed during the life of the asset, and that if the ADR system is chosen during any tax year it must be applied to all assets put into service by the firm. ADR would not apply to structures or real estate improvements or to public utilities like electric, water, gas and telephones. It would apply only to assets put into service after December 31, 1970.

(B) Terminate the "reserve ratio test" established by the Treasury in 1962 for taxable years after December 31, 1970. This was a test designed to insure that shortened tax lives chosen by taxpayers conformed to actual service lives, but proved so inequitable and administratively cumbersome that it was never fully put into effect.

(C) Allow taxpayers electing the ADR system a choice of either the current half-year convention in which all assets placed in service during a taxable year are considered placed in service at mid-year for depreciation purposes, or a new modified first year convention in which assets acquired during the first half of the year would be treated as acquired at the first of the year and assets acquired during the second half of the year would be treated as acquired at mid-year. The only restriction is that the method chosen must be consistently applied to all assets put into service in any taxable year.

II. WHY ADR IS NEEDED

(A) To spur productivity growth through modernization of machinery and equipment

(1) In the past four years the productivity growth rate which averaged a little over 3% in the period since World War II dropped to a dismal 1.7%. Since compensation per man hour rose at an annual rate of 7% during this same four year period, the average increase in unit labor costs was 5.3%. This unprecedented increase in unit labor costs was a primary contributor to the inflationary surge of the past four years and consequently to the need for the restrictive fiscal and monetary policies that have resulted in the current economic slack and unemployment.

Since increases in real wages were almost negligible during the years of inflation, it is clear that American workers can only obtain the higher living standards they desire through wage increases that can be absorbed by high productivity growth rates. The alternative is the resumption of rising unit labor costs, higher pricing, and an endless treadmill of inflation. The general public will also benefit from high productivity growth because it will make possible rising wages without the inflationary pressures that necessitate restrictive economic policies.

(2) A 0.1% increase in the annual productivity growth rate translates into $1 billion of GNP in 1971. Assuming normal economic growth, this 0.1% increase would be $15 billion in 1980 or $60 billion of GNP for the entire decade. An increase of 0.4% in the productivity growth rate would mean $250 billion in additional GNP over the coming decade. These increases would provide both advances in real income for all Americans and significantly enlarged revenues for the Federal Treasury.

(B) *To halt the recent retrogression in the modernization of machinery and equipment*

(1) As a result of the depreciation liberalization of 1962, the investment tax credit and the period of stable economic growth during the mid 1960's, American business made tremendous strides in reducing the percentage of obsolete equipment. According to the authoritative McGraw-Hill survey, the percentage of obsolete manufacturing machinery and equipment was reduced from 20% in 1962 to 14% in 1968, a 30% drop. However, the termination of the investment credit, high levels of inflation and depressed profits have led to a reversal of this trend since then. Between 1968 and 1970, the percentage of outmoded manufacturing equipment increased over 7%. Whereas between 1962 and 1968 the percentage of obsolete equipment dropped for 12 of 13 categories of manufacturing industries, in the later period it increased in 11 of 13 categories as demonstrated by the following table:

Industry	Percent change	
	1962–68	1968–70
Iron and steel	—3	+2
Machinery	—7	—1
Electrical machinery	—3	+4
Autos, trucks, parts	—3	+1
Aerospace	—6	+6
Other transportation equipment	—14	+6
Fabricated Metals	—8	—6
Stone, glass, clay	—5	+1
Chemicals	+2	+5
Rubber	—6	+3
Petroleum and coal	—5	+5
Food and beverages	—9	+7
Textiles	—12	+5

Note: — means reduction in percentage of obsolete machinery; + means increase.

Source: How Modern is American Industry? Economics Department, McGraw-Hill Publications, Dec. 6, 1968 and Nov. 27, 1970

(D) *To bring the American business taxation structure into line with that of our industrial competitors and thereby help improve the balance of trade*

(1) There has been an alarming drop in the American balance of trade in recent years. For the period 1962–67, the average annual trade surplus was nearly $5 billion; between 1968–70 it declined dramatically to $1.5 billion, a 70% decrease.

These figures mean that American goods are becoming increasingly less competitive in both foreign and our own markets. In 1961, the U.S. exported 7½ times the amount of machinery that it imported; by 1969, it exported only a little over 2½ times the amount of machinery imported. In this period, imports expanded by 470% while exports only increased 75%. In such categories as textile and leather machinery we actually switched from being a net exporter to being a net importer.

(2) While many factors contribute to this decline in competitiveness, an important one is the significantly less favorable treatment afforded American business income relative to that of our competitors.

The following chart is taken from the Report of the President's Task Force on Business Taxation and indicates the considerably shorter cost recovery period allowed taxpayers in most other industrial nations. These shorter capital cost recovery periods both increase the cash flow of firms and hence the capacity to invest, and lower the cost of capital and hence its profitability—the other important factor affecting investment decisions. By shortening recovery periods, ADR would bring the American tax structure more into line with those of other industrial nations and make it possible for businessmen to replace economically and technologically obsolete machinery on a more rapid basis:

Country	Representative cost recovery period (years)	Aggregate cost recovery allowance (percentage of cost of asset)		
		First taxable year	First 3 taxable years	First 7 taxable years
Belgium	10	20.0	48.8	89.0
Canada	10	20.0	48.8	79.0
France	8	31.3	67.5	94.9
Italy	6	20.0	65.0	100.0
Japan	11	34.5	56.9	81.4
Luxembourg	10	28.0	60.4	101.9
Netherlands	5	10.0	42.4	77.1
Sweden	5	30.0	65.7	100.0
Switzerland	6⅔	15.0	58.4	90.0
United Kingdom	12	57.8	78.1	102.1
Western Germany	9	16.7	49.6	83.8
United States	13	7.7	33.9	66.1

(D) *To stimulate a higher rate of capital formation*

(1) If the United States is to enjoy noninflationary growth through improved productivity and greater competitiveness in international markets, we will have to considerably step up our rate of re-investment of GNP. By liberalizing tax treatment of business income, ADR will make a direct contribution to the attainment of this objective.

Currently, of the major industrial nations the United States reinvests the lowest portion of its GNP as the following table demonstrates:

Country	GNP (1967–68)	
	Percent reinvested in fixed assets	Percent reinvested in machinery and equipment
United States	16.6	6.9
United Kingdom	18.2	....
Italy	19.4	....
Germany	23.1	10.8
France	24.9	8.9
Japan	34.0	25.1

Source: OECD Observer, February 1970.

(E) *Partially compensate for effects of inflation*

(1) Current capital recovery allowances are based on the historic cost of the asset. Because of this, depreciation allowances represent a decreasing proportion of the cost of replacing facilities as their prices rise. In the last decade alone, the official price index rose 20%.

In 1940, for example, the cost of a 55 ton railroad car was about $2,550. In 1963, the price of the same car stood at $9,000. This means that over two thirds of the cost of replacement, a legitimate cost of doing business, would have had to have been taken out of profits on which tax had already been paid. Similarly a certain type of blast furnace that sold for $8 million in 1945 would have cost $26 million in 1963. Again the difference would have had to have been made up out of taxable profits. The obvious implication is that underdepreciation due to inflation results in the taxation of "phantom profits" or a levy on capital. One leading expert on depreciation, George Terborgh, stated the problem succinctly: "Taxation of capital consumption is not only inequitable (but) has one certain effect: the retardation of economic progress through curtailment of the funds available to industry for capital investment."

(2) The President's Task Force on Business Taxation estimated that this underdepreciation due to inflation amounts to over $7 billion annually for all non-financial corporations and to almost $10 billion annually if financial and unincorporated businesses are included. By shortening the cost recovery period, ADR provides considerable relief from the costs of chronic inflation. The acceleration of deductions provides that more deductions can be taken before any particular level of inflation has occurred and the acceleration advantage itself can partially offset the inflationary erosion by increasing the present value of the deduction.

(F) *To improve investment opportunities for small and medium business*

(1) While the ADR system is being criticized by opponents as an unwarranted windfall to big business, the relative benefits probably are greater for small and medium sized businesses. This is because these firms are least able to go to the capital market for *external funds* to finance investment. Anything, therefore, that increases the flow of *internal funds* improves considerably the ability of these firms to invest. Since the major source of internal funds has increasingly become depreciation allowances—in 1946 depreciation accounted for 36% of internal funds of non-financial corporations and in 1969 for 76%—liberalization of depreciation allowances will have a particularly favorable impact on the ability of small and medium sized firms to expand investments.

(G) *To help meet the costs of environmental restoration*

(1) The emerging national policy requiring the incorporation of environmental damage costs in product prices will force business firms to make heavy capital expenditures to develop and install pollution control technology. Production processes which have been considered acceptable in the past will suddenly become intolerable and many firms will be required to replace assets far sooner than imagined. By shortening capital cost recovery periods, ADR will assist in easing the transition into new technologies.

III. DOES THE TREASURY HAVE THE LEGAL AUTHORITY TO ESTABLISH ADR?

(1) In the principal legal paper relied on by the critics, Professor Bittker of Yale states: "I do not recall any action by the Treasury in prior years . . . with such momentous revenue consequences." This is simply a misinterpretation of the facts. While the first year loss to the Treasury would be substantial—$2.8 billion in 1971—the critics fail to note that a good part of the initial losses stem not from the shortened guideline lives but from the modified first year convention. In fact, only $1.0 billion or 36% of the expected first year loss stems from the shortened guidelines. The remainder stems from the modified first year convention—a change that not a single critic has challenged on legal grounds.

If we compare the loss to the Treasury resulting from the shortened guidelines lives under ADR with the loss that resulted from the promulgation of Revenue Procedure 62–21 by President Kennedy as a percentage of corporate taxes, we see that, relatively, the loss in 1962 was over *twice as large* as under ADR. Specifically, the first year loss under R.P. 62–21 was 7.5% of corporate taxes while the loss from the shortened guidelines under ADR is expected to be about 3.3% of corporate taxes.

(2) Professor Bittker charges that the sweeping objectives of the ADR system as announced by the President and Treasury, e.g., to promote economic growth, create jobs, strengthen our trade position, etc. constitute basic fiscal and economic policy not merely "interpretative regulations" for which the Treasury has authority. However, in announcing the new depreciation guidelines in 1962, President Kennedy suggested equally sweeping objectives: "By encouraging American business to replace its machinery more rapidly, we hope to make American products more competitive, to step up our rate of recovery and growth and to provide expanded job opportunities for all American workers."

(3) Critics such as Senator Bayh charge that ADR abandons the crucial "useful life concept" and that "Congress has established ample precedent—if any is needed—for the principle that any abandonment of the concept of useful life requires legislative action." The fundamental flaw of this argument is that "useful life" has had no consistent, enduring meaning over the last fifty years, but has undergone a long series of changes. Prior to 1931, the taxpayer had wide leeway as to the amount of depreciation he could write off each year. As one scholar has noted, "Depreciation rates . . . during the first 20 years . . . were generally based on estimated lives which turned out to be considerably shorter than the actual lives . . . of the assets being depreciated."

In 1934, with Treasury Decision 4422, the interpretation of "useful life" swung in the other direction toward a rigid notion of the useful *physical* life of an asset. In 1956 the Treasury promulgated new rulings which altered the meaning of useful life again to mean "useful life of an asset in the business." Finally, in 1962, assets were grouped into less than 100 broad guidelines lives categories (compared to the more than 5,000 categories under the previous regulation—Bulletin "F"). This switch to broad asset groupings permitted a substantial deviation between actual and guideline lives for many individual assets. The new guidelines also were made available during the first three years as a matter of right to the taxpayer. This meant that the taxpayer no longer had to prove to the IRS that his tax life conformed with his actual service life. To be sure, after 1965, the reserve ratio test was supposed to replace the traditional obligation to justify the depreciation period, but it never really became operative.

In light of this, the critics who charge that ADR departs from the "useful life" concept might be asked "which version?"

(4) Contrary to the assertions of the critics there is a long history of major administrative changes by the Treasury concerning depreciation allowances. In 1934, the Ways and Means Committee proposed an across-the-board 25% reduction in depreciation periods in order to increase revenues and eliminate alleged abuses of the liberal depreciation practices developed during the 1920's. However, Secretary of the Treasury Morgenthau argued against Congressional action on the grounds that the matter should be rested on *proper administration* rather than on *legislative action."* He then proceeded to increase depreciation periods by about 25% administratively, with the full support and acquiescence of the committee.

In 1954, the Internal Revenue bill originally passed by the House contained a section providing that IRS could not disturb a taxpayer's depreciation rate so long as it did not differ by 10% from what the IRS determined to be correct. Since in the previous year the Treasury department had provided for essentially the same thing in a set of new regulations, the Senate Finance Committee decided the House provision was not necessary and left the change to rest solely on administrative authority.

Finally, the reductions in guideline lives in 1962 were in many instances two or three times greater than the modest 20% reduction proposed by the Nixon Administration. The guideline life for textile machinery, for example, was reduced by 44%, for airplane manufacturing equipment the reduction was 47%, and for baking equipment it was 66%. Needless to say, ADR critics like Hubert Humphrey thought these 1962 changes to be fully "within the authority of the present tax law."

BEFORE THE DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, WASHINGTON, D.C., APRIL 12, 1971

IN THE MATTER OF: PROPOSED AMENDMENTS TO THE INCOME TAX REGULATIONS (26 CFR PART 1): ADDITION OF SECTION 1.167(a)-11 PROVIDING FOR DEPRECIATION BASED ON ASSET DEPRECIATION RANGES, 36 FEDERAL REGISTER 4885 (MARCH 13, 1971)

The purpose of these Comments is to put to rest assertions that the Treasury Department lacks authority to prescribe the regulations proposed in the Federal Register of March 13, 1971, providing asset depreciation ranges for various classes of assets first placed in service after December 31, 1970.

Proposed Section 1.167(a)-11 of the Income Tax Regulations provides an elective modified calculation of annual depreciation allowances for certain assets first placed in service after December 31, 1970. This alternative depreciation arrangement, described as the Asset Depreciation Range or ADR System, permits the taxpayer to elect to base depreciation of an asset on any number of years within the designated range of years for that particular class.

The ADR ranges are generally from 20 percent shorter to 20 percent longer than the present "Guideline" lives specified in Revenue Procedure 62-21, 1962-2 Cumulative Bulletin 418. In no case may an asset be depreciated below its estimated salvage value but a 10 percent tolerance in salvage estimation is included in the ADR rules. There are also special provisions dealing with retirements and repairs which are designed to simplify administration.

Strong criticism has been mounted against these proposed regulations, including attacks by distinguished members of law school faculties.[1] This criticism is unjustified. The facts are:

(1) That the statutory provisions from which the Treasury Department derives its power to prescribe depreciation regulations are sufficiently broad to encompass the instant proposed regulations.

(2) That there are at least three precedents in the history of our income tax laws where the Treasury has taken similar administrative actions in the field of depreciation, in each case with no greater statutory power than is now available to it and without Congressional or judicial challenge.

(3) That these proposed regulations are the inevitable, realistic and practical end-product of new depreciation policies instituted by administrative action, beginning in 1962, with express Congressional approval.

A. Statutory authority for the ADR system

Section 7805 of the Internal Revenue Code of 1954, as amended,[2] grants the Treasury the broad authority to promulgate all "needful rules and regulations for the enforcement of this title." Given the complexity of the Internal Revenue Code, it is not surprising to find that the Courts consistently and repeatedly uphold Treasury regulations under this Section. In ruling upon the validity of such a Section 7805 regulation in *Commissioner* v. *South Texas Lumber Co.*, 333 U.S. 496, 501 (1948), the Supreme Court observed that:

"This Court has many times declared that Treasury regulations must be sustained unless unreasonable and plainly inconsistent with the revenue statutes. . . ."

In the light of this attitude, the courts have struck down Section 7805 regulations only where there is an attempt to amend by regulation a clear, specific and unambiguous statute. *See, e.g., Koshland* v. *Helvering*, 298 U.S. 441 (1936); *O'Neill* v. *United States*, 410 F. 2d 888 (6th Cir. 1969); *F. H. E. Oil Co.* v. *Commissioner*, 147 F. 2d 1002 (5th Cir. 1945), *modified*, 149 F. 2d 238; [3] *Edmund P. Coady* 33 T.C. 771 (1950), *aff'd*, 289 F. 2d 490 (6th Cir. 1961).

The substantive statutory provisions governing the recovery of the cost of capital assets through depreciation deductions have always been expressed by Congress in broad language. Thus, Section 167(a) of the Code provides that:

"There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) of property used in the trade or business, or

(2) of property held for the production of income."

This language clearly compels interpretation. Although essentially this same provision has been in our income tax statutes since 1913, there has not been a settled and consistent interpretation of its meaning. The Treasury Regulations have employed the phrase "useful life" as the measuring standard of depreciation but that phrase itself has been the subject of varying meanings. Less than 11 years ago the Supreme Court was moved to say that:

"It is true, as taxpayers contend and as we have indicated, that the language of the statute and the regulations as we have heretofore traced them [to 1956] may not be precise and unambiguous as to the term 'useful life.' It may be that the administrative practice with regard thereto may not be pointed to as an example of clarity, and that in some cases the Commissioner has acquiesced in inconsistent holdings . . . ." *Massey Motors, Inc.* v. *United States*, 364 U.S. 92, 100 (1960).

When one contrasts this with the language of the Court in *Cammarano* v. *United States*, 358 U.S. 498 (1959), and in *Fribourg Navigation Co., Inc.* v. *Commissioner*, 383 U.S. 272 (1966), which Professors Domrese and Bittker cite respectively in support of the proposition that the "useful life" concept of the early regulations acquired the force of law by Congressional re-enactment in the face of long-standing consistent interpretation, it is apparent that the suit will not fit.

This is the Court's description of the *Cammarano* regulation:

"Here we have unambiguous regulatory language, adopted by the Commissioner in the early days of federal income tax legislation, in continuous existence since that time, and consistently construed and applied by the courts on many occasions to deny deduction . . . . In these circumstances . . . [re-enactment] 'was taken with knowledge of the construction placed upon the section by the official charged with its administration. If the legislative body had considered the Treasury interpretation erroneous it would have amended the section. Its failure so to do requires the conclusion that the regulation was not inconsistent with the intent of the statute [citations] unless, perhaps, the language of the Act is unambiguous and the regulation clearly inconsistent with it.' " 358 U.S. at 511.

Footnotes at end of article.

And Professor Bittker's quotation from *Fribourg Navigation* is as follows:

"Over the same extended period of years during which the foregoing administrative and judicial precedent was accumulating, Congress repeatedly re-enacted the depreciation provision without significant change. Thus, beyond the generally understood scope of the depreciation provision itself, the Commissioner's prior long-standing and consistent administrative practice must be deemed to have received congressional approval." 383 U.S. at 283.

In contrast to the regulations and practices before the Court in *Cammarano* and *Fribourg Navigation* the concept of "useful life" for depreciation purposes passed through several revolutionary phases, both before and since the last statutory enactment in 1954, responding to changing times and to complementary provisions in our tax laws.

The situation prevailing prior to the depression has been described as follows:

"Prior to 1934, the taxpayer had wide leeway as to the amount which he could write off each year against his current income as allowance for the cost of machinery, equipment and buildings. So long as his policy was consistent and in accordance with sound accounting practice, the tax authorities raised little question, realizing that the cost could be written off only once." Address by Under Secretary of the Treasury Marion B. Folsom, National Press Club Luncheon Meeting, March 24, 1954.

With the publication of the first "Bulletin F" in 1931 and its rigorous enforcement beginning in 1934, T.D. 4422, XIII-1 Cumulative Bulletin 58, standardized lives tied to the inherent physical endurance of the asset became the rule. In these depression years the Bureau of Internal Revenue was motivated to extend depreciable lives and thereby reduce depreciation allowances to protect the revenues.

Since salvage was the estimated value of the asset at the end of its useful life, a consequence of the physical life approach was to permit taxpayers disposing of assets before the expiration of their physical lives to depreciate below the anticipated actual recovery value of those assets. This was of no great concern prior to the Revenue Act of 1942 since in that period the excess of the disposition proceeds over the asset's adjusted basis was taxed as ordinary income, offsetting the earlier "excess" depreciation.

The Revenue Act of 1942 changed the asset disposition profits into capital gains. With this change and the 1954 accelerated depreciation provisions of the Code very much in mind, the Treasury Department redefined useful life in the 1956 regulations, rejecting the physical life approach in favor of the useful life of the asset in the business. The Commissioner was then successful in persuading a majority of the Supreme Court in the *Massey* case to apply the same interpretation to earlier years, for purposes of determining salvage values, in the absence of any prior inconsistent regulatory provision.

Since the critics of the ADR System rely heavily on the *Massey* case, it is appropriate to state here what that case holds and what it does not hold. Massey Motors, a franchised Chrysler dealer, set aside a number of new cars for company officials and employees to use in the business. It also rented cars to a finance company. These cars were sold after being driven from 8000 to 40,000 miles, well before they were physically exhausted. The issue before the court was whether Massey Motors could calculate depreciation by estimating the theoretical salvage at the end of the physical lives of the cars or was required to use higher salvage estimates based on the shorter lives actually experienced in the business. The Court's holding is most succinctly stated in the following paragraph from its opinion:

"Some assets, however, are not acquired with intent to be employed in the business for their full economic life. It is this type of asset, where the experience of the taxpayers clearly indicates a utilization of the asset for a substantially shorter period than its full economic life, that we are concerned with in these cases. Admittedly, the automobiles are not retained by the taxpayers for their full economic life and, concededly, they do have substantial salvage, resale or second-hand value. Moreover, the application of the full-economic-life formula to taxpayers' businesses here results in the receipt of substantial 'profits' from the resale or 'salvage' of the automobiles, which contradicts the usual application of the full-economic-life concept. There, the salvage value, if anything, is ordinarily nominal. Furthermore, the 'profits' of the taxpayers here are capital gains and incur no more than a 25% tax rate. The depreciation, however, is deducted from ordinary income. By so translating the statute and the regulations, the taxpayers are able, through the deduction of this depreciation from ordinary income, to convert the inflated amounts from income taxable at ordinary rates to that taxable at the substantially lower capital gains rates. This, we believe, was not in the design of Congress." 364 U.S. at 96–97.

What the Supreme Court did in the *Massey* case was to interpret the relevant provisions of the 1939 Internal Revenue Code, in the absence of any contrary interpretative regulation, to reach a result in the absence of which, because of the 1942 Revenue Act, taxpayers in somewhat unusual circumstances would have been able to trade capital gains for ordinary income.[4]

The 1956 regulations, defining useful life and salvage in accordance with the taxpayer's experience, interpreted, or re-interpreted, Section 167(a), a provision which was not new in the 1954 Code. They reflected the revenue concern which arose by reason of the capital gains disposition provisions of the Revenue Act of 1942. Their application to 1954 Code years was accepted by the Court in the companion case to *Massey*, *Hertz Corporation* v. *United States*, 364 U.S. 122 (1960).

The question before the Court in *Hertz* was whether the 1956 regulations were "valid" under the statute (364 U.S. at 126) not whether those regulations were unchangeable. By giving effect to the 1956 regulations in the face of a conflicting administrative practice prevailing at the time of adoption of the 1954 Code, under which the 1956 regulations were issued, the Supreme Court confirmed the broad power of the Treasury Department to interpret and reinterpret the broad statutory depreciation provisions of the Code.

"Useful life" underwent another profound change in 1962 with the adoption of the Depreciation Guidelines of Revenue Procedure 62–21. The guideline lives were new standardized asset lives grouped in broad categories. They were available as a matter of right to any taxpayer no matter how far they might depart from his own particular useful life experience. Furthermore, while they were promulgated after extensive industry studies, the Guideline lives were shorter than those which were actually justified by the experience of most taxpayers: "The new reform provides guideline lives, based on analyses of statistical data and engineering studies *and assessments of current and prospective technological advances*, for each industry in the United States."[5]

The words "useful life" remained, but their meaning had been substantially changed. True, the reserve ratio test was included as a technique for later adjustment to reconcile the new lives with experience, but subject to many qualifications. Broad asset groupings still would permit substantial deviations between actual and guideline lives for particular assets. Moreover, the test was subject to an initial moratorium and various transitional rules which modified and delayed its impact. There can be no dispute that useful life did not mean the same thing in practical application in 1962 that it did in 1961.

The enactment of Section 1245 in 1962, reversing the capital gains disposition result of the Revenue Act of 1942, was an important statutory development facilitating the adoption of the Guidelines with their new useful life concept. Section 1245 takes on special significance in the light of the background of the *Massey* case described previously. The need for restrictive interpretations of "useful life" was greatly diminished by the adoption of Section 1245 and this was fully known to Congress. Section 1245 opened the door for the major shift in administrative depreciation policies embodied in the Guidelines, precursor of the ADR System. See S. Rep. No. 1881, 87th Cong., 2d Sess. 95 (1962).

Two significant and new depreciation provisions, Sections 167(b) and (d), were added as part of the 1954 Code and deserve attention here, since both enlarged the foundation upon which depreciation regulations may be premised. Section 167(b) provides that:

"(b) For taxable years ending after December 31, 1953, the term 'reasonable allowance' as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods. . . ."

Section 167(d) provides that:

"(d) Where, under regulations prescribed by the Secretary or his delegate, the taxpayer and the Secretary or his delegate have, after the date of enactment of this title, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Secretary in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. . . ."

It is well recognized that statutory provisions such as these expressly delegating authority to make regulations, confer the broadest discretion. "Where the regulation is really legislative—that is, where it has been made pursuant to an actual and proper delegation of legislative power by Congress to the Treasury—then it would seem that the Treasury should have the same power to amend the regulation prospectively that Congress would have if it had enacted the legislation directly." Griswold, "A Summary of the Regulations Problem," 54 *Harv. L. Rev.* 398, 411 (1941); *see also* Surrey, "The Scope and Effect of Treasury Regulations Under the Income, Estate and Gift Taxes," 88 *U. Pa. L. Rev.* 556, 557–558 (1940); Eisenstein, "Some Iconoclastic Reflections on Tax Administration," 58 *Harv. L. Rev.* 477, 505, 527 (1945). Courts are bound to accept such legislative regulations if reasonable and within the delegated authority, irrespective of their own views.

The Depreciation Guidelines and their successor, the ADR System, each with their shorter, standardized lives and simplified administration, are fully consistent with the objectives Congress had in mind in adopting Section 167(b). Noting the difficulties inherent in interpreting Section 167(a)'s "reasonable allowance," the House Ways and Means Committee stated:

"Interpretation of the word 'reasonable' has given rise to considerable controversy between taxpayers and the Internal Revenue Service. The determination of useful life for a particular asset, or the average useful life

---

Footnotes at end of article.

for a group of similar assets, is a matter of judgment involving, in addition to physical wear and tear, technological and economic considerations. The method of allocating depreciation allowances to the years of use is also a matter of judgment. In many cases present allowances for depreciation are not in accord with economic reality, particularly when it is considered that adequate depreciation must take account of the factor of obsolescence. The average machine or automotive unit actually depreciates considerably more and contributes more to income in its early years of use than it does in the years immediately preceding its retirement.

"There is evidence that the present system of depreciation acts as a barrier to investment, particularly with respect to risky commitments in fixed assets. Comparatively slow rates of write-off tend to discourage replacement of obsolete equipment and the installation of modern, up-to-date machinery. Under long-run peacetime conditions, in the absence of the inflationary pressures existing in the forced-draft economy of the postwar period, present tax depreciation methods might depress business capital expenditures below the level needed to keep the economy operating at high levels of output and employment." H.R. Rep. No. 1337, 83d Cong., 2d Sess. 22 (1954).

The additional source of legislative authority for the ADR System derived from Section 167(b) seems to have been largely overlooked by the ADR's critics, although Professor Bittker seems to recognize the possibility of a Section 167(b) foundation in his comments. He seeks to overcome the consequences of this recognition by noting the presence of the phrase "useful life" in Section 167(b)(4) from which he concludes that Section 167(b) is as limited in terms of supporting the adoption of the ADR System as Section 167(a). But his construction of Section 167(b) is not supportable. Section 167(b) contains an explicit grant of authority to prescribe legislative regulations qualified only by the language of its concluding sentence that "Nothing in this subsection shall be construed to *limit or reduce* an allowance otherwise allowable under subsection (a)." (Emphasis added.) The phrase "useful life" is used only in Section 167(b)(4) which refers to depreciation methods other than straight line, declining balance and sum-of-the-years-digits. This phrase does not appear in Section 167(b)(1), (2) or (3). More important, the term "useful life" is not defined in Section 167(b) and, as we have seen, the meaning of that term had not been tied to the taxpayer's asset holding period experience by consistent administrative practice under Section 167(a) when Section 167(b) was enacted. Clearly the legislative regulation delegation of Section 167(b) is not so narrow as Professor Bittker contends.

Professor Bittker wholly overlooks Section 167(d) which authorizes agreements between the Revenue Service and a particular taxpayer on useful lives and depreciation rates. This provision was enacted to remove "sources of irritation and fruitless controversy in administering depreciation policy." H.R. Rep. No. 1337, 83d Cong., 2d Sess. 24–25 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 11 (1954). The same objective of reducing needless controversy and simplifying administration is one of the purposes of the new ADR System. See Treasury Department News Release, March 12, 1971, announcing publication of the proposed ADR regulations. Moreover, the proposed regulations expressly provide that "an election to apply this section [Section 1.167(a)–11 of the Regulations] to eligible property constitutes an agreement under section 167(d). . . ." Thus, Section 167(d) furnishes additional explicit statutory authority for the ADR System.

B. Administrative precedents

On at least three prior occasions the Treasury Department has effected important changes in depreciation allowances by administrative action without enabling legislation other than the broad and general statutory provisions previously described in these Comments.

As the depression deepened business depreciation deductions, theretofore largely determined at the discretion of the particular taxpayer, became a political target. Legislation was introduced in 1934 which would have arbitrarily reduced depreciation allowances by 25 percent for a three-year period. Secretary of the Treasury Henry Morgenthau, Jr., advised the Ways and Means Committee that this legislation was not required since the Treasury Department could achieve the same end by administrative action under Section 23(b) of the Revenue Act of 1932, the substantially-identical predecessor of Section 167(a). Secretary of the Treasury Morgenthau stated:

"It is intended that this end shall be accomplished, first, by requiring taxpayers to furnish the detailed schedules of depreciation (heretofore prepared by the Bureau), containing all the facts necessary to a proper determination of depreciation; second, by specifically requiring that all deductions for depreciation shall be limited to such amounts as may reasonably be considered necessary to recover during the remaining useful life of any depreciable asset the unrecovered basis of the asset; and, third, by amending the Treasury regulations to place the burden of sustaining the deductions squarely upon the taxpayers, so that it will no longer be necessary for the Bureau to show by clear and convincing evidence that the taxpayers' deductions are unreasonable. These changes will increase the revenue substantially, and, although difficult to estimate, records indicate that the amount of the increase in revenue will equal that which would result from the proposal of the Ways and Means Committee." Letter from the Secretary of the Treasury to the Chairman of the Ways and Means Committee, House of Representatives, January 26, 1934, in H.R. Rep. No. 704, 73d Cong., 2d Sess. 8–9 (1934).

Congress acquiesced in this administrative action and did not alter the depreciation statute. The Ways and Means Committee gave this explanation in its report on the Revenue Bill of 1934:

"Your committee believes that the plan of the Secretary will be the best course to pursue. It will give greater equity and increase the revenue by as great an amount as the subcommittee plan. Consequently, no changes in the existing law are recommended. It should be observed that it is proposed not only to reduce the rates where they may be excessive, but also to reduce the allowance by spreading the unrecovered basis of any asset over the remaining useful life. This method of applying the depreciation rate to the cost of the asset reduced by depreciation previously allowed has long been used in Great Britain. In the opinion of your committee, it will automatically effect large reductions in these allowances." H.R. Rep. No. 704, 73d Cong., 2d Sess. 9 (1934). *See also* S. Rep. No. 558, 73d Cong., 2d Sess. 11 (1934).

This 1934 action is of particular significance since it took place at a time when the recognition of administrative powers had not developed to its present state and long before the enactment of the legislative regulation provisions of Section 167(b) and (d). Congress expressly acquiesced in this administrative action despite the fact that it was equivalent to a 25 percent statutory reduction in depreciation allowances.

In 1953 the Treasury Department, moving away from the stringent burdens placed upon taxpayers by T.D. 4422, XIII–1 Cumulative Bulletin 58, which was the product of Secretary Morgenthau's 1934 letter, had issued Revenue Rulings 90 and 91, 1953–1 Cumulative Bulletin 43 and 44, in which it was stated that a taxpayer's depreciation would not be disturbed in the absence of a clear and convincing basis for a change. Congress was also concerned with the inadequacies of depreciation allowances under T.D. 4422. The 1954 Internal Revenue Code as originally passed by the House included a provision which would have become Section 167(e) providing that the Internal Revenue Service could not disturb a depreciation rate used by a taxpayer so long as the useful life determined by the Internal Revenue Service to be correct did not differ by more than 10 percent from the useful life used by the taxpayer.

Commenting upon this provision and the Treasury's new administrative depreciation policy embodied in the 1953 rulings, the Ways nad Means Committee Report on the 1954 Code said:

"The bill also provides that the Internal Revenue Service may not disturb a depreciation rate used by a taxpayer so long as the useful life determined by the Internal Revenue Service to be correct does not differ by more than 10 percent from the useful life used by the taxpayer.

"At the present time, the Internal Revenue Service has announced that, as a matter of administrative policy, internal revenue employees will not disturb depreciation deductions unless there is a clear and convincing basis for a change. The committee's bill is not intended to affect that particular administrative policy in any way nor is it intended to be a statutory substitute for that policy. However, if the Commissioner finds by clear evidence that the useful life of property as estimated by the taxpayer is too short, but the difference between the Commissioner's estimate and that of the taxpayer is 10 percent or less, the bill provides that no change can be made by the Commissioner. Moreover, should the Commissioner decide to withdraw present administrative policy, the bill provides statutory assurances to taxpayers that in no event will Internal Revenue Service employees disturb the taxpayer's estimate of useful life where judgment as to its duration differs by less than 10 percent.

"It is hoped that by providing a minimum statutory leeway for the taxpayer in making his estimates of useful life, most of the needless friction in this area will be eliminated." H.R. Rep. No. 1337, 83d Cong., 2d Sess. 24–25 (1954).

The Senate Finance Committee deleted the 10 percent statutory leeway since it concluded that the objective could and would be achieved by administrative action already taken. It said:

"Your committee has eliminated the '10-percent leeway' rule provided by the House bill, designed to assure a specific zone of administrative tolerance in the determination of service life. Under this provision, the Internal Revenue Service would not be permitted to disturb a depreciation rate unless the corrected rate differed by more than 10 percent from the useful life uses by the taxpayer. It appears that this provision would be considered inadequate and unsatisfactory by some taxpayers, and might be a substantial source of misunderstanding and distortion. The practical effect of eliminating this provision in assuring flexibility in administrative policy should not be great since policies already announced by the Internal Revenue Service under recent rulings should afford taxpayers freedom from annoying minor changes which would disturb the original estimate of service life." S. Rep. No. 1622, 83d Cong., 2d Sess. 28 (1954).

This Congressional recognition that a measure of tolerance in applying depreciation rules can be and should be achieved by administrative action rather than by statute has particular relevance to certain provisions of the ADR System, notably the 10 percent repair allowance deduction and the 10 percent salvage value minimal adjustment provision designed, in each case, to avoid irritation and fruitless controversy.

As previously noted, probably the most far-reaching changes in our tax depreciation policies were effected in the Depreciation Guidelines of Revenue Procedure 62–21, 1962–2 Cumulative Bulletin 418. No special statutory authority was sought or given in connection with these major changes, save the enactment of the depreciation recapture provisions of Section 1245. These major administrative changes were under consideration when the House Ways and Means Committee reported the Revenue Act of 1962. The Committee's Report stated:

"The Secretary of the Treasury has indicated that further depreciation revisions will be announced this spring. He has specified that the basic objective of these revisions is to provide realistic tax lives in the light of past actual practices and present and foreseeable technological innovations and other factors affecting obsolescence. The Secretary has stated that another facet of this objective is to achieve a more simple and flexible system of depreciation moving toward guideline lives for broad classes of assets used by each of the industries in our economy." H.R. Rep. No. 1447, 87th Cong., 2d Sess. 8 (1962).

By the time the Revenue Act of 1962 emerged from the Senate Finance Committee the Depreciation Guidelines had been promulgated. The Committee Report described the Guidelines in the context of the investment credit provisions of the 1962 Act. It deemed these to be complementary provisions:

"The Secretary [of the Treasury] pointed out that American industry today must compete in a world of diminishing trade barriers in which the advantages of a vast market, so long enjoyed here in the United States, are now being, or are about to be, realized by many of our foreign competitors. An increase in efficiency and productivity at a rate at least equal to that of other leading industrial nations is in the long run necessary, therefore, both from the standpoint of the U.S. balance-of-payments position and to continue to improve our standard of living. The investment credit as a form of investment stimulation already is in use by the United Kingdom, Belgium, and the Netherlands, and is in the process of being enacted by the Australian Parliament.

"To achieve an increased rate of capital formation, a two-pronged course of action is being followed in the area of capital formation. First, the Treasury Department has recently announced a series of depreciation revisions. The objective of these revisions is to provide realistic tax lives in light of past actual practices and present and foreseeable technological innovations and other factors affecting obsolescence. The new guideline lives are expected initially to result in an annual revenue reduction of $1.5 billion and to reduce depreciable lives in the case of corporations surveyed by 21 percent. Another facet of this objective is to achieve a more simple and flexible system of depreciation through the use of guideline lives for broad classes of assets used by each of the industries in our economy." S. Rep. No. 1881, 87th Cong., 2d Sess. 11 (1962).

The pattern of history is apparent from this experience. There can be no doubt as to the power of the Treasury Department to issue the proposed regulations embodying the ADR System. History suggests only that the wise and prudent course is for the Treasury Department to consult with the appropriate Congressional committees in advance of an important administrative change of this character. We understand that such consultations have been made.

C. Administrative necessity

Prior to Revenue Procedure 62–21 depreciable lives were determined on an asset-by-asset basis according to the taxpayer's particular asset-life experience following the precepts of "Bulletin F," an outgrowth of the depression, and Revenue Rulings 90 and 91, 1958–1 Cumulative Bulletin 43 and 44. Recognizing that "the determination of the useful economic life of an asset" on which depreciation deductions are premised under Section 167 of the Internal Revenue Code of 1954 "is a matter of judgment and estimate," Revenue Procedure 62–21 permitted taxpayers to adopt, at their option, new and generally substantially shorter lives for broad classes of assets. In announcing the new Depreciation Guidelines in July, 1962, the Treasury Department said:

"Revenue Procedure 62–21 provides basic reforms in the guideline lives for depreciation and in the administration of depreciation for tax purposes. It sets forth simpler standards and more objective rules which will facilitate adoption of rapid equipment replacement practices in keeping with current and prospective economic conditions."

* * * * *

"New guideline lives for machinery and equipment are set forth which, on the whole, average 30 to 40 percent shorter than those previously suggested for use by taxpayers. The new guidelines will automatically permit more rapid depreciation deductions than those presently taken on 70 to 80 percent of the machinery and equipment used by American business. They will not disturb the depreciation taken on the remaining 20 to 30 percent of business assets on which depreciation is now as fast as, or faster than, that provided in the new guidelines."

* * * * *

"The emphasis in this broad class approach is on achieving a reasonable overall result in measuring depreciation rather than a needless and labored item-by-item accuracy."

* * * * *

"The administrative revision of depreciation guidelines and practices contained in this Procedure is based on a recognition that depreciation reform is not something which can be accomplished once and for all time. It reflects an administrative policy dedicated to a continuing review and up-dating of depreciation standards and procedures to keep abreast of changing conditions and circumstances."[6]

The attractiveness of these new broad and shorter standard depreciation lives was lessened by the inclusion in the Guideline rules of a reserve ratio test. By the application of this test depreciable lives could be increased if future experience demonstrated that the taxpayer's replacement practices were not measuring up to the standards set by the Guidelines. Though intellectually appealing, the reserve ratio test has proved to be administratively impractical and has not in fact been put into widespread application.

The Treasury Department knew, in 1962, that if the reserve ratio test were applied with the Guidelines business would not elect to follow Revenue Procedure 62–21. So a three-year moratorium on the application of the test was embodied in Revenue Procedure 62–21 itself. Moreover, the test itself incorporated a substantial tolerance:

"An important feature of the reserve ratio test is the latitude it allows taxpayers in the determination of their depreciable lives, provided they meet reasonable standards. The margin of tolerance contained in the Reserve Ratio Table encompasses rates of replacement as much as 20 percent slower than the tax life used but only 10 percent faster. Thus the reserve ratio test will more quickly indicate the taxpayer's right to faster depreciation writeoffs than the possibility that longer tax lives should be used."

In addition to the moratorium and the tolerance built into the reserve ratio test itself, depreciation allowances were not to be subject to adjustment under Revenue Procedure 62–21 if the taxpayer was "moving toward" satisfying the test within the initial guideline life cycle. Finally, the taxpayer could justify his asset lives on the basis of "facts and circumstances" despite his inability to satisfy the test.

These ameliorations of the reserve ratio test proved inadequate. When the three-year moratorium expired in 1965 the Treasury Department was compelled to adopt two additional rules, the "transitional allowance rule" and the "minimal adjustment rule" of Revenue Procedure 65–13, 1965–1 Cumulative Bulletin 759. The combined effect of these rules was to preclude substantial adjustments by application of the reserve ratio test for approximately six more years or through 1970.[7]

The Treasury Department now finds itself in a very difficult dilemma. If it applies the reserve ratio test strictly in 1971 and future years, there will be widespread controversy with taxpayers, disparity of treatment, high administrative costs, painful adjustments and very unfortunate economic consequences. It may be contended at this juncture that this is the price which taxpayers (and the Treasury Department) must pay for having embarked upon the ambitious guideline program knowing they would eventually have to measure up to the reserve ratio test.

There is more to the present predicament than this. In particular, the inability of many taxpayers to satisfy the reserve ratio test may be attributable in large measure to circumstances largely beyond their control. Among these circumstances are:

(1) The suspension and subsequent repeal of the investment tax credit which was instituted with the guidelines and was expressly designed to stimulate the purchase of new machinery and equipment which, in turn, would help the taxpayer to meet the reserve ratio test.

(2) The credit squeezes of 1966 and 1968–9 which reduced the availability of capital to purchase assets.

(3) The tax surcharge of 1968–1970 which likewise reduced the availability of capital.

(4) The inflation and profit squeeze of 1968–1970 which depressed capital asset formation.

(5) The stock market decline of 1969–1970 which drastically reduced the supply of new equity funds.

(6) The business recession of 1970–1971 which was most severely felt by the capital goods industries.

(7) Shifting national priorities which have reduced the anticipated expansion of some segments of industry.

The ADR System is a measured and sensible answer to the depreciation dilemma of 1970. It is not the revolutionary give-away some of its critics would have us believe.[8] In contrast to the 30 percent to 40 percent shortening of depreciable lives of the Guidelines, it establishes a tolerance of 20 percent from the Guideline lives. This is a modest and reasonable advance considering the vast technological changes of the 1960's which tend to create ever-increasing obsolescence. Moreover, the United States is increasingly affected by economic developments outside its borders. It is no longer realistic or possible for business here to stay competitive without capital recovery allowances comparable to those of our major competitors in Europe and Japan. Even with the ADR System the United States will be last in rank in this respect and significantly lower than with the combined investment credit and Guidelines of 1962.[9]

Critics of the ADR System place great stress upon the elimination of the reserve ratio test, claiming that this is tantamount to the adoption of a capital recovery allowance free of the "useful life" concept which has acquired the force of a statute. We have already demonstrated that the "useful life" phrase itself has no immutable meaning.

The ADR System does not do away with "useful life." It simply re-interprets that

---

Footnotes at end of article.

phrase in today's world, just as the Depreciation Guidelines did in the world of 1962.

The period within which an asset is in use does not necessarily mean that it is useful, in a productive sense, for a like period. Congress recognized this when it granted statutory recognition to the obsolescence in the depreciation statute and when it provided for accelerated methods of depreciation and conferred broad authority to prescribe regulations in 1954 by enacting Section 167(b). In a shrinking, competitive world there is every reason to believe that useful lives will become more uniform, hence the shift to uniform lives for broad asset categories in the Guidelines and now in the ADR System.

The reserve ratio test was devised as a theoretically ideal instrument for reconciling standardized lives to actual experience in every instance. It proved, however, to be administratively unworkable. Its complexity and ever-present threat deterred many from adopting the Guidelines. It could not adjust to changing economic conditions and governmental and private-sector developments. It was, in any case, still a backward-looking device and far from perfect as a measure of what useful lives will be for assets currently in service.

The fact is that there is no simple means for perfectly measuring a taxpayer's useful life. The ADR System is an effort to achieve simplicity and to approach as nearly as practicable the equitable solution. There must be a measure of liberality for taxpayers for any such system to be effective. Otherwise it will not achieve widespread adoption which is one of the most important objectives.

Professors Bittker and Domrese assert that the revenue effect of the adoption of the ADS System would be unprecedented. In so asserting they cite the revenue estimates of the Treasury but neglect to mention the Treasury Department's statement that: "It is anticipated, however, that the increase in employment and business activity will provide substantial additional feedback revenues to offset these reductions." Treasury Department News Release, January 11, 1971, page 4.

Moreover, the overall revenue figures are misleading. A very substantial portion of the revenue reduction is attributable to the modified half-year convention for calculating depreciation allowances in the year assets are first placed in service by the taxpayer. Yet neither Professor Bittker nor Professor Domrese has objected to this feature of the ADR System the authority for which apparently is beyond legal challenge. Putting aside the convention, the revenue effects of the ADR System do not stand out as unprecedented in contrast to the $1.5 billion revenue loss estimated in 1962 from adoption of the Guidelines,[10] taking into account the very substantial economic expansion and inflation of the past eight years.

In any case, this estimable concern with revenues does not rise to the level of legal argument. The "instructive parallel" Professor Bittker finds in the unanticipated revenue loss following upon the enactment of Sections 452 and 462 of the 1954 Code is not instructive since, in contrast to this earlier experience, the Treasury has calculated and evaluated the revenue effects of the ADR System and is not rushing to Congress for corrective action.

Respectfully submitted,

JOEL BARLOW
JOHN ELLICOTT
JEFFREY H. HOWARD

FOOTNOTES

[1] See, e.g., Comments of Professor Boris I. Bittker, Yale Law School, sponsored by Taxation with Representation, and Comments of Robert J. Domrese, Harvard Law School, submitted to Senator Sam J. Ervin, Jr., Chairman of the Senate Judiciary Subcommittee on Separation of Powers by Ralph Nader.

[2] Hereinafter referred to as the "Code."

[3] Professor Bittker places considerable reliance upon the 1945 opinion of the Fifth Circuit in the F. H. E. Oil Co. case which invalidated a regulation permitting current deductions for intangible drilling expenses. As Professor Bittker points out in a footnote the opinion was later modified when the court determined that the taxpayer did not come within the scope of the regulation in any event.

Putting that aside, Professor Bittker correctly notes the conclusion of the Court of Appeals that expensing intangibles would be inconsistent with Section 23(a) of the Internal Revenue Code of 1939 prohibiting deductions for capital improvements. He does not note, however, that the court was equally motivated by its conclusion that statutory percentage depletion was inconsistent with the regulation and distinguished an earlier case upholding the regulation prior to the enactment of percentage depletion.

Thus, the F. H. E. Oil Co. case is not even a clear holding on the narrower ground for which Professor Bittker advances it—that deductions for repairs under the ADR System are inconsistent with Section 263 of the 1954 Code, successor to Section 23(a) of the 1939 Code. More important, Professor Bittker overlooks the nature and purpose of the ADR System repair deduction allowance which is very different from the deduction regulation at issue in the F. H. E. Oil Co. case. The repair allowance is not a 100 percent deduction as under the regulation at issue in the F. H. E. Oil Co. case, but it limited to one year's depreciation on the vintage account. Moreover, the allowance is a two-edged sword. If the repair rule is elected, otherwise deductible as well as otherwise capitalized expenditures must be subjected to the repair allowance with its ceiling on current deductions and requirement that expenditures exceeding the ceiling be capitalized. The evident and stated objective of the rule is to reduce needless administrative costs and controversy. Such provisions bear no resemblance to the regulation struck down in the F. H. E. Oil Co. case. The prohibitions of Section 263 are not so absolute as to preclude a flexible and reasonable application. *Cf.* Cincinnati, New Orleans and Texas Pacific Railway Co. v. United States, 70–1 CCH USTC ¶ 9344 (Ct. Claims, 1970).

[4] The proposed ADR System carefully avoids overturning the Massey holding. Salvage under the ADR System is "the amount which is estimated will be realized upon a sale or other disposition of the property in the vintage account when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service." Proposed Regulations § 1.167(a)–11(d) (1) (i).

[5] Revenue Procedure 62–21, 1962–2 Cum. Bull. 418, 463–64 (Answer to Question 3, emphasis added).

[6] *Depreciation Guidelines and Rules,* U.S. Treasury Department, Internal Revenue Service, Publication No. 456 (7–62), July, 1962, 1, 4.

[7] These rules were effective for a "transitional period" beginning, in most cases, with the year 1965, and equal to the guideline life. The guideline life for most machinery is twelve years. The transitional allowance rule provides substantial insulation from the reserve ratio test for the first half of the transitional period or through 1970 for such machinery. Thereafter the allowance diminishes rapidly.

[8] The ADR System incorporates some features which may not be attractive to the electing taxpayer. A taxpayer making an ADR election must do so on his tax return for the year; he may not do so retroactively when confronted with possible depreciation adjustments as in the case of the Guidelines. Moreover, in making the election the taxpayer must do so with respect to all eligible assets, including used property unless it exceeds 10 percent of the total, not merely with respect to assets falling into a particular guideline category. The taxpayer electing ADR must establish reasonable salvage values and can suffer adjustments if he fails to do so, a requirement not imposed by the Depreciation Guidelines, See T.I.R. 399, September 28, 1962, Question and Answer 46. The taxpayer electing ADR may not exceed the tolerances of the depreciation ranges regardless of his facts and circumstances, while he may adopt the Guidelines with lives longer or shorter than those prescribed under appropriate circumstances.

[9] See table accompanying statement of Paul W. McCracken, Chairman, Council of Economic Advisers, on President's Announcements of Changes in Depreciation Allowances, released January 11, 1971.

[10] See S. Rep. No. 1881, 87th Cong., 2d Sess. 11 (1962).

Mr. MAYNE. Mr. Speaker, I rise in support of the Treasury Department's proposal, as announced January 11, 1971, to amend regulations of the Internal Revenue Service in order to provide taxpayers the option of adopting a simpler and more modern system of depreciation allowances for equipment and machinery, the asset depreciation range or ADR.

Hearings will be held upon this change in regulations during this next week. I believe there is strong congressional support and widespread public approval for this timely initiative of the Nixon administration, and that the public interest demands its speedy adoption and implementation.

The ADR proposal would give taxpayers the option of taking as a reasonable allowance for depreciation of machinery and equipment put into service after December 31, 1970, an amount based on a period of years between 20 percent above and 20 percent below the guideline lives established by the Treasury in 1962.

The proposal would terminate the inequitable and administratively cumbersome "reserve ratio test" established by the Treasury in 1962 for taxable years after December 31, 1970.

It would permit taxpayers selecting the ADR system the choice of having all assets placed in service during the taxable year being considered placed in service at midyear for depreciation purposes, or of having assets acquired during the first 6 months of the taxable year being given a full year depreciation and assets acquired during the second half of the year being given one-half year depreciation.

There are precedents for this action by the Treasury going back to the 1920's. President Kennedy, for example, had the Treasury Department under his administration announce guideline life reductions for some asset categories two or three times greater than the present proposals.

These changes, through acceleration of depreciation deductions, will be helpful to the hard-pressed farmer and small businessman. It will encourage the farmer, the small businessman, and the manufacturer to modernize their machinery and equipment. The gain in demand for these capital goods will energize the drooping farm machinery manufacturers and manufacturers of other machinery and equipment, taking up much of the slack causing unemployment in those fields. Modernization of equipment and machinery will enable greater productivity, perhaps even enough to enable decreased costs through increased productivity to catch up to increased costs due to labor costs increases. Increased productivity and healthier farm operators and businesses mean less unemployment, and general improvement in our economy everywhere. High productivity growth makes possible rising wages without the inflationary pressures necessitating restrictive economic policies. It will also better enable American producers to meet competition from abroad and help improve our balance of trade, thereby strengthening the value of the dollar.

ADR furthermore, by shortening capital costs recovery periods, will assist in easing farmer's and manufacturer's transition to new technologies demanded by new antipollution laws and regulations. Some farmers and businessmen would be unable to make these improvements without this tax break.

I urge my colleagues to join in supporting this praiseworthy initiative by the Nixon administration, the ADR.

Similar, perhaps even greater, impact in promoting modernization of equipment and thereby increasing productivity, would be provided by restoration of the 7-percent investment credit for farmers and small businessmen. In my view, this would be a valuable complement, not a substitute, to ADR. In this instance, legislation amending the Internal Revenue Code would be required.

On the opening day of this Congress, January 22, I introduced such legislation, H.R. 712. I regret that the House Ways and Means Committee has not yet taken any action regarding this needed legislation to restore the investment tax credit for farmers and small businessmen, and I respectfully urge the committee to give the possibility of restoring investment tax credit the highest priority. Our farmers do not enjoy their fair share of the benefits of our national economy. They are entitled to better consideration.

EQUALIZATION OF BENEFITS FOR RETIRED MEMBERS OF THE DISTRICT OF COLUMBIA POLICE AND FIRE DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, yesterday the House acted to approve H.R. 2600, which would equalize the retirement benefits for those officers and members of the Metropolitan Police Department and the District of Columbia Fire Department who are retired for permanent disability. This legislation will reestablish the longstanding policy to maintain equal retirement benefits for all who retire at the same rank and with the same length of service regardless of their contribution to the relief fund. This practice was abandoned by Congress in 1957.

Those members of the Fire Department and the Police Department of the District of Columbia retiring after 1956 receive a minimum annual pension of 66⅔ percent of their last annual salary, while those retiring before 1956 yet receive an annuity not to exceed 50 percent of their last annual salary.

Certainly, these older retirees are just as entitled to the same benefits as those retiring after 1956. They have experienced the same hazards of duty and suffered the same physical loss. I concur with the committee completely in the view that the elimination of the percentage difference in their annuities is a matter of simple justice.

Only 156 retirees will be affected by this legislation. The cost to the Government will be minimal, yet the gain to these few individuals and their immediate families may result in their ablity to spend their remaining years a bit more comfortably. I am pleased to be a Member of this body which voted to put an end to the inequitable treatment of these public servants.

AVIATION TRUST FUND PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, last year the House Commerce and Ways and Means Committees developed legislation which was truly of historic significance. The Airport and Airway Development and Revenue Acts of 1970—Public Law 91–258—authorized a new and expanded program of financial assistance to public airport sponsors for essential safety development and increased funding levels for the modernization of our airways system. To pay the costs of updating our Nation's airport and airways systems, Congress increased existing taxes on the users—the airline passengers, aircraft operators, shippers, and the like—and created a new aviation trust fund to assure that these aviation tax receipts would not be used for other purposes.

From all indications, however, the Office of Management and Budget is not permitting the Federal Aviation Administration to implement this new self-financing law in the manner Congress intended. In the first 2 years of the program, administration requests for appropriations for the airport and airways capital programs are $425 million below the minimum levels authorized by Public Law 91–258. The statutory language developed by the Committee on Commerce states that "not less than" $280 million shall be available annually for making matching grant agreements with public airport sponsors for needed facility development. It also envisions that the airport and airways capital programs should have funding priority. In spite of these provisions, the administration has not interpreted the statute this way. Further, the Office of Management and Budget continues to propose that FAA's daily operational and administrative expenses be taken from user tax receipts in the trust fund and given greater or equal priority with the airport and airways capital programs.

In addition to recommending lower levels of airport program appropriations than were intended under the statute and attempting to improperly divert user tax revenues from airport and airway capital programs to cover FAA internal costs the administration is not using the contract authority provisions in Public Law 91–258.

As in the mass transit program, the Airport and Airway Development Act last year authorized the Secretary of Transportation to immediately commit $840 million for airport development projects, to be expended at not more than $280 million annually through fiscal year 1973. Since the program was being financed with an assured source of user funds, protected by a trust fund mechanism, there would be no reason to avoid some measure of longer-term financial assurance to airport sponsors who were planning major facility improvements. However, the Office of Management and Budget has restricted airport aid obligations to $170 million in fiscal year 1971 and $205 million in fiscal year 1972.

Other members of the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce have cosponsored legislation to assure adequate funding for the aviation safety needs of the 1970's and to protect the new aviation user taxes from being diverted to lower priority purposes. As a new member of that subcommittee, I am introducing similar legislation today to meet these objectives.

Mr. Speaker, I would like to append to my remarks a full copy of the bill for the benefit of my colleagues.

The bill follows:

H.R. 7858

A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Airport and Airway Development and Revenue Acts Amendments of 1971".

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 101. Section 14 of title I of the Airport and Airway Development Act of 1970 (84 Stat. 224; Public Law 91–258) is amended by adding at the end thereof the following new subsection:

"(e) PRESERVATION OF FUNDS AND PRIORITY FOR AIRPORT AND AIRWAY PROGRAMS.—

"(1) Amounts equal to the minimum amounts authorized for each fiscal year by subsections (a) and (c) of this section shall remain available in the trust fund until appropriated for the purposes described in such subsections.

"(2) No amounts transferred to the trust fund by subsection (b) of section 208 of the Airport and Airway Revenue Act of 1970 (relating to aviation user taxes) may be appropriated for any fiscal year to carry out the activities enumerated in subsection (d) of this section (relating to administrative, research and development, maintenance and operating expenses) unless at least the minimum amounts for airport development established by subsection (a) of this section and at least the minimum amount for airways facilities established by subsection (c) of this section have been appropriated for such fiscal year."

TITLE II—AIRPORT AND AIRWAY REVENUES

SEC. 201. Paragraph (1) of subsection (f) of section 208 of title II of the Airport and Airway Revenue Act of 1970 (84 Stat. 251, Public Law 91–258) is amended to read as follows:

"(1) AIRPORT AND AIRWAY PROGRAMS.—Amounts in the trust fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet the obligations of the United States authorized under title I of this Act."

A PROPOSAL TO COMBAT THE ILLICIT IMPORT OF HEROIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 30 minutes.

Mr. RANGEL. Mr. Speaker, I do not mean to sound alarmist, but while everybody has been talking about drug abuse, the heroin problem has just about gotten out of control. Law enforcement and customs officials scurry about making isolated arrests and seizures here and there, but outside the United States tons and tons of illicit heroin continue to flow unchecked toward our shores.

Most everyone has heard of what heroin does to our young people once it reaches them and how it torments their lives. Their entire waking existence is centered around stealing enough to pay for that fix and making that connection before their stomach turns over and withdrawal pains begin. Each day exposes them to disease, to viral hepatitis, inflammation of the veins, and pneumonia. Their emotional makeup becomes distorted, leading to personality decay and psychosis. They lose interest in all the normal concerns of life—work, school, family life, and friends. Their lives become living death, until they finally crumple to the floor of a hallway or bathroom dead and frothy white endema fluid begins oozing from their nostrils or mouth.

It was over 2 months ago when I explained how in my district, which is central Harlem that 12,000 of the 38,000 addicts there are adolescents and how, in New York City, death from heroin involvement is the leading cause of death for people between 15 and 35, exceeding any other cause including accidents, homicides, suicides, and natural diseases.

You may have heard of a recent study in Washington which found that in an area just six blocks north of the White House, extending east above Massachusetts Avenue, to within only four blocks north of the Capitol, over 24 percent of the young men between 15 and 19 and 36 percent of the young men between 20 and 24 are users of narcotics. In fact, it is conservatively estimated that in Washington alone there are over 16,800 addicts.

For too many of us, however, heroin is just a problem for New York and Washington black slum dwellers. Admittedly, statistical studies on the scope of the heroin problem in suburban and rural areas are scarce. What we do know, though, is that narcotics addiction exists all across the Nation in all sections of the country. The Bureau of Narcotics and Dangerous Drugs reports, for example, that addicts have turned up in such towns as Pasco, Wash.; Cermit, Tex.; Pueblo, Colo.; Gunnison, Colo.; and many other small or rural towns across the country. The problem is that for every addict that law enforcement officials encounter there are dozens more walking around.

Besides the terrible human toll that heroin takes on our Nation, there also exists a large toll in property as well. A heroin addict must steal to support his habit and must sell his "hot" goods at a cut rate. Abraham Beame, the New York Ctiy Comptroller, estimates that the average American addict must steal $150 daily in goods to pay for his $30 a day habit. This means that the Nation's 300,000 addicts are costing the American public $15 billion a year, which is one half the annual cost of the Vietnam war. This also explains why FBI figures show that 67 percent of all heroin users had an arrest for some other crime offenses prior to their first narcotic arrest.

The estimated percentage of crime induced by drug addiction is indeed startling: 60 percent of the robberies in New York City are attributed to persons on drugs; 75 percent of the burglaries in Albuquerque, N. Mex., are committed by addicts or those who have been addicts; and 75 percent of the robbery, burglary, larceny, and auto theft crimes in Fairfield County, Conn., are called narcotics connected.

Moreover, a few addicts can be responsible for a tremendous volume of crimes. The District of Columbia Police Department recently closed cases on 54 robberies after questioning one suspect with an estimated $60- to $70-a-day habit. Similar cases are reported in many other cities.

These cases only involve theft and larceny. It is, therefore, important to point out that addicts will engage in any and all crimes—prostitution, pimping, felonious assault, extortion, even murder to get money for a fix.

What, then can be done about this? In the first place, heroin does not grow in the United States. That means that it must be brought in from foreign countries. This is where the action must be taken: at the source. We can do an all-out job of suppression but we cannot stop narcotics by just beefing up our customs force. It is like trying to keep a lid on a boiling pot of water. We can keep it down, but in order to stop it, we must turn off the heat at the source. The Bureau of Narcotics and Dangerous Drugs reported to me that their agents seized in 1970 a total of 427 pounds of heroin, an increase, they cite, of 205 percent over 1969. But they estimate that 40 tons of illicit heroin enter our shores each year. Some persons in the Bureau of Narcotics and Dangerous Drugs have doubts it will ever be possible to stop the flow. The New York Police Department said last year that narcotics were pouring in so fast that even a record increase in arrests was not able to reduce an all-time high in supply. The commissioner on April 14, 1970 stated:

> We are never going to win this war. Every year we make more arrests. The customs people seize more junk but no one knowing anything about this thinks we are making headway.

Heroin arrests are doubling and tripling only because the police keep arresting and rearresting the same addicts. The courts have become revolving doors through which addicts pass on their way to prison where they pick up the criminal expertise they need to support their habits when they are dumped out on the streets again.

The fact of the matter is that as long as heroin is as readily available in the country as it is today, experimentation by a large number of young people and adults is inevitable. Once these people have become addicted, it is very difficult indeed to do much to help them. First, it is very hard for authorities to detect and locate most addicts. Second, only a few of the Nation's addicts get the chance to be treated at a rehabilitation center. Finally, of those who have been treated, only a few have been successfully rehabilitated.

A recent article in the Wall Street Journal proposes what I believe to be the major, most effective solution to the narcotics problem—elimination of poppies from production entirely, or at least, limiting production to small areas under strict national or international control. But, to quote the article directly:

> The obvious first objective in a rational effort to end narcotics is to deprive addicts of a supply. No heroin, no heroin addicts. The scale of the problem and the cost of treatment make long-term psychological treatment of re-conditioning impractical.
>
> Since the easiest way to attack the supply is to prevent poppies from being grown, it should be the unalterable moral and political position of the U.S. that no opium poppies should be grown anywhere. No moral government could disagree. If morphine is essential for medicinal purposes, it could be produced from plant to drug in compounds as controlled as Los Alamos, if necessary under multi-national sponsorship.

In attempting to cut down the production of opium in Turkey the United States has given grants of money to be spent converting farm lands, and retraining farmers to produce other products. In exchange for this financial assistance, Turkey was to cut back on the amount of land under cultivation in poppies. The New York Times reported in January that opium traffic in the black market and into the hands of pushers in the United States has been unaffected by the recent cutbacks in the number of Turkish provinces allowed to plant opium poppies. If there has been a cutback at all, it has been in the over-the-counter legal sale of opium. The Times article announced that agents purchasing opium legally were able to acquire last year less than one-half the amount purchased in 1969. According to the Times, experts contend that until opium growing is banned entirely, no control measures put into effect in Turkey can really stop the smugglers. Enforcement has proved relatively successful only in the areas where the crop has been banned entirely.

Turkey, of course, is not the only country involved. The sources and routes of illegal drugs crisscross the Middle East, Southeast Asia, Mexico, Peru, Bolivia, Eastern Europe, and the list seems endless.

The United States has made continuous and repeated entreaties to these countries individually and through the United Nations to eliminate this scourge from the world. Only a few weeks ago, the United States announced the payment of $1 million of a $2 million pledge to the United Nations. This money, and that donated by other nations, is to be used for research, trafficking controls, police training, replacement of opium crops, education and rehabilitation of addicts. Why have not these entreaties and the financial assistance offered to the various offending countries worked? One entire article of a series of articles in the Christian Science Monitor last year cited various instances of money being made in high places by traffic in illicit narcotics—a sister of a middle-eastern head of state, the owner of a major hotel in Istanbul, shippers, cabinet officials. Americans are not unaware of instances of political power in high places limiting the effectiveness of curbs on illegal dealings. Some of the major traffickers have a more complex espionage network, and better trained and paid security personnel than the governments supposedly controlling their activities.

At one point, U.S. Government officials considered action as drastic as buying up the entire poppy crop in Turkey to keep it out of the hands of traffickers. This was not done, according to officials, because it was feared that other countries would begin producing opium.

This leaves us with a substantial reason for introducing legislation such as the bill pending in Congress which I have introduced. H.R. 6882 amends section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States. But would this type of legislation put pressure on the producers of illicit narcotics? To a large degree, yes. The President's report on the foreign assistance program for fiscal 1969 stated that 87 percent of all economic aid funds were committed to 15 countries in fiscal 1969. In order of amount of aid received, these were Vietnam, India, Pakistan, Colombia, Indonesia, Laos, Korea, Nigeria, Turkey, Thailand, Chile, Ethiopia, Guyana, Panama, and Costa Rica. The list has not changed much since 1969. In fiscal 1971, four countries are slated to receive 71 percent of all U.S. military assistance: Korea, China, Greece, and Turkey.

Of these countries receiving substantial amounts of aid, Turkey is the most important source of illicit heroin brought into this country. Informed sources estimate that about 80 percent of all heroin reaching this country originates in Turkey. Other countries which also receive substantial aid and are sources or transit points for illicit drugs are Laos, Thailand, India, Iran, Afghanistan, Mexico, Lebanon, Bolivia, and Peru. Mexico is a primary source of a significant percentage of the heroin consumed by American addicts.

The bill I have introduced is a pragmatic one. It would empower the Comptroller General, as an agent of Congress, to make an annual determination by March 31 each year of the effectiveness of measures taken by each foreign government to prevent narcotics from unlawfully entering our country. Should the Comptroller General determine that a government has not undertaken appropriate steps, he would notify Congress, and after 90 days, foreign assistance will be terminated.

Following the determination by the Comptroller General, if the President finds that a government has subsequently taken sufficient measures or if the President felt that the overriding national interest requires that economic aid be continued, he could request that Congress waive the provisions of the act.

Additionally the President is authorized to utilize the various Federal agencies he may deem appropriate to help foreign governments to curb the flow of illicit narcotic drugs.

In each case, the legislative branch would make the final decision on whether or not to terminate foreign aid, instead of leaving this power to discretion of the President and the State Department. This makes for a core credible deterrent because if the authority were given to the President he would probably not, based on past experience, be inclined to use it.

As I said, the legislation I have introduced is pragmatic. Other remedies have not worked. It was not pragmatic to simply urge foreign governments to cut down on narcotic traffic. It was not pragmatic to beef up the police forces in the underdeveloped countries to stop narcotic production and smuggling. It is time that we now turn to protect the health and safety of our own people at home. We must let these foreign governments know that if cooperation from them is not forthcoming, then our foreign aid to them may not be forthcoming either. Only then will we see meaningful steps taken by these foreign governments to end this criminal and immoral trafficking in death and destruction.

Mr. Speaker, the following is the full text of the bill I have introduced:

H.R. 6882

A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(v) (1) The Comptroller General of the United States shall review and determine annually (A) the effectiveness of measures being taken by each foreign country to prevent narcotic drugs, partially or completely produced or processed in such country, from unlawfully entering the United States, and (B) whether that country has undertaken appropriate measures to prevent any such narcotic drug from unlawfully entering the United States. Not later than March 31 of each year, the Comptroller General shall make a report to the Congress of his review and determinations for the preceding calendar year.

"(2) Except as otherwise provided under paragraph (3) of this subsection, ninety days after the making of any such report to the Congress, any foreign country with respect to which the Comptroller General has reported a determination under paragraph (1) (B) of this subsection, that such country has not undertaken appropriate measures to prevent any such narcotic drugs from unlawfully entering the United States, shall thereafter receive no further economic assistance from the United States.

"(3) If the President finds that a foreign country referred to under paragraph (2) of this subsection has undertaken, after the determination of the Comptroller General, appropriate measures to prevent such narcotic drugs from unlawfully entering the United States, or finds that the overriding national interest requires that economic aid be continued, he may ask Congress to waive the provisions of such paragraph, and if the Congress concurs, the provisions of such paragraph shall not apply to that country unless the provisions of such paragraph would apply further to that country as a result of a subsequent report and determination.

"(4) The President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this paragraph.

"(5) No provisions of this or any other law shall be construed to authorize the President to waive the provisions of this subsection.

"(6) For purposes of this subsection—

"(A) 'narcotic drugs' has the same meaning as given that term under section 4731 of the Internal Revenue Code of 1954; and

"(B) 'foreign assistance' means any tangible or intangible item provided by the United States Government (by means of gift, loan, sale, credit sale, guaranty, or any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, and agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country".

SEC. 2. The provisions of this Act shall be effective on the first July 1 occurring on or after the date of enactment of this Act.

NEW BUSINESS DEPRECIATION RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, the Treasury's proposed, "new business depreciation rules" will liberalize the depreciation allowances of business by allowing depreciation lives not more than 20 percent shorter or longer than present guidelines, eliminating the unworkable "reserve ratio test" and allowing a full year's depreciation on assets installed during the first half of the year. They are commendable for several reasons. Briefly, they will contribute toward the reduction of domestic unemployment, promote economic growth, and increase the ability of U.S. business to compete abroad.

Most of us will agree these are desirable goals but some have doubts as to the ability of the Treasury's proposal—formally known as the asset depreciation range system—to effectively contribute toward the achievement of these ends. I think a clear understanding of how tax depreciation works will go a long way toward winning support for this proposal.

Assuming a company has taxable income, an increase in its tax depreciation will generate cash. This can be used to replace existing facilities and for business expansion, business activity that might not take place if a company had to borrow at unfavorable interest rates. The point to be noted here is that it is increased tax depreciation that will add impetus to a company's plans for replacement of obsolete assets and installation of productive facilities to take advantage of new technologies.

It is important to understand that a higher depreciation charge does not necessarily reduce a company's income. Commonly, the accelerated methods of depreciation calculation used on tax returns are not used for financial accounting purposes, therefore, greater depreciation is recorded on tax returns than is reflected on the company's books. Tax savings resulting from accelerated tax depreciation are credited to a reserve for deferred taxes. In practice, amounts carried in reserve to be payed in future years will not be called upon so long as the company continues to increase its investments in fixed assets.

Depreciation liberation as provided for in the "new business depreciation rules" would be neither a giveaway to business nor a massive stimulant to the economy. It would be a small but significant step along the path of orderly economic expansion.

ASSET DEPRECIATION RANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, the need to reform our tax laws governing depreciation deductions has become increasingly apparent in recent years. Since the investment tax credit was repealed the rate of increase in productivity has dropped sharply, so that it is now alarmingly low. In fact, over the last 4 years it has averaged 1.7 percent. This is too low to sustain the increases in the Nation's standard of living which we have traditionally maintained. It is also too low to enable the United States to compete successfully in international trade. The result is that imports are flooding the country, and pay increases are not being absorbed in productivity increases but rather in inflation.

The President's Task Force on Business Taxation, which explored this situation in depth, found that cost recovery allowances in the United States are lower in the United States than in any other major industrialized nation. The result of our policy, as compared to the more liberal policies of other countries, is clearly demonstrated in the dismally low increase in productivity per worker in the United States. If we do not reverse this present trend, the standard of living of all in this country is threatened, as is ultimately the job of all who can be displaced by imports.

The Nixon administration acts proposed new depreciation guidelines would be a good move in the right direction, and would help remedy a bad situation. In addition to encouraging greater capital investment and a resulting increase in productivity, the asset depreciation range—ADR—proposal would have the advantage of simplifying somewhat the present system. Under it, it will be possible to make depreciation schedules more nearly comply with actual depreciation of assets without as much complicated and wasteful haggling with the Internal Revenue Service. This would be particularly true with elimination of the complicated reserve ratio test.

I would personally prefer a more far-reaching reform of our depreciation system. There should be a new orientation toward encouraging the rate of capital investment this country needs to enable it to increase its productivity and standard of living without causing inflation or an imbalance in international trade. To accomplish this I would favor giving businesses a wide latitude in this area, to the extent that they could practically set their own depreciation schedules. We need to simplify our tax system and wherever possible remove areas where the IRS and the taxpayers engage in unnecessary warfare. Though it is doubtful the ADR proposal is enough to accomplish all we might wish, it is a sound step in the right direction.

I laud the efforts of Congressman JOHN B. ANDERSON in obtaining his special order, and in taking the lead in rallying support for the President's proposed reform of the depreciation schedules. This is just one of a number of areas where the administration has moved to make needed reforms. But as with the others, the response of many has been criticism, nitpicking, and negativism. In this area, the administration deserves praise for its efforts. So does JOHN ANDERSON, who has taken the initiative to demonstrate that this reform of depreciation has the support of Congress and of the Nation. He has ably taken charge of the situation and deserves credit for it.

To give a more detailed explanation of my reasons for supporting the President on this proposal. I enclose herewith a background statement prepared by the House Republican conference. This statement is well researched, well documented, and well reasoned. It avoids the partisanship which has prompted some of the attacks on the proposal, and deserves careful reading.

The background statement follows:

FACT SHEET ON THE PROPOSED DEPRECIATION REGULATIONS: ASSET DEPRECIATION RANGE—ADR

I. WHAT ADR WOULD DO

(A) Provide a choice to taxpayers to take as a reasonable allowance for depreciation an amount based on a period of years between 20% above and 20% below the guideline lives established by Revenue Procedure 62–21 in 1962. For example, the guideline life for the broad class of machinery used in the manufacture of lumber, wood products and furniture was pegged at 10 years in the 1962 regulations. Under ADR a taxpayer could pick a time period for depreciation between 8 and 12 years as a matter of right. The only requirements are that once an ADR period has been selected it cannot be changed during the life of the asset, and that if the ADR system is chosen during any tax year it must be applied to all assets put into service by the firm. ADR would not apply to structures or real estate improvements or to public utilities like electric, water, gas and telephones. It would apply only to assets put into service after December 31, 1970.

(B) Terminate the "reserve ratio test" established by the Treasury in 1962 for taxable years after December 31, 1970. This was a test designed to insure that shortened tax lives chosen by taxpayers conformed to actual service lives, but proved so inequitable and administratively cumbersome that it was never fully put into effect.

(C) Allow taxpayers electing the ADR system a choice of either the current half-year convention in which all assets placed in service during a taxable year are considered placed in service at mid-year for depreciation purposes, or a new modified first year convention in which assets acquired during the first half of the year would be treated as acquired at the first of the year and assets acquired during the second half of the year would be treated as acquired at mid-year. The only restriction is that the method chosen must be consistently applied to all assets put into service in any taxable year.

II. WHY ADR IS NEEDED

(A) *To spur productivity growth through modernization of machinery and equipment:*

(1) In the past four years the productivity growth rate which averaged a little over 3% in the period since World War II dropped to a dismal 1.7%. Since compensation per man hour rose at an annual rate of 7% during this same four year period, the average increase in unit labor costs was 5.3%. This unprecedented increase in unit labor costs was a primary contributor to the inflationary surge of the past four years and consequently to the need for the restrictive fiscal and monetary policies that have resulted in the current economic slack and unemployment.

Since increases in real wages were almost negligible during the years of inflation, it is clear that American workers can only obtain the higher living standards they desire through wage increases that can be absorbed by high productivity growth rates. The alternative is the resumption of rising unit labor costs, higher prices, and an endless treadmill of inflation. The general public will also benefit from high productivity growth because it will make possible rising wages without the inflationary pressures that necessitate restrictive economic policies.

(2) A. 0.1% increase in the annual productivity growth rate translates into $1 billion of GNP in 1971. Assuming normal economic growth, this 0.1% increase would be $15 billion in 1980 or $60 billion of GNP for the entire decade. An increase of 0.4% in the productivity growth rate would mean $250 billion in additional GNP over the coming decade. These increases would provide both advances in real income for all Americans and significantly enlarged revenues for the Federal Treasury.

(B) *To halt the recent retrogression in the modernization of machinery and equipment:*

(1) As a result of the depreciation liberalization of 1962, the investment tax credit and the period of stable economic growth during the mid 1960's, American business made tremendous strides in reducing the percentage of obsolete equipment. According to the authoritative McGraw-Hill survey, the percentage of obsolete manufacturing machinery and equipment was reduced from 20% in 1962 to 14% in 1968, a 30% drop. However, the termination of the investment credit, high-levels of inflation and depressed profits have led to a reversal of this trend since then. Between 1968 and 1970, the percentage of outmoded manufacturing equipment increased over 7%. Whereas between 1962 and 1968 the percentage of obsolete equipment dropped for 12 or 13 categories of manufacturing industries, in the later period it increased in 11 of 13 categories as demonstrated by the following table:

[In percent]

Industry	Change 1962–68	Change 1968–70
Iron and steel	−3	+2
Machinery	−7	−1
Electrical machinery	−3	+4
Autos, trucks, parts	−3	+1
Aerospace	−6	+6
Other transportation equipment	−14	+6
Fabricated metals	−8	−6
Stone, glass, clay	−5	+1
Chemicals	+2	+5
Rubber	−6	+3
Petroleum and coal	−5	+5
Food and beverages	−9	+7
Textiles	−12	+5

Note: Minus means reduction in percentage of obsolete machinery; plus means increase.

Source: "How Modern is American Industry?" Economics Department, McGraw-Hill Publications, Dec. 6, 1968 and Nov. 27, 1970.

(C) *To bring the American business taxation structure into line with that of our industrial competitors and thereby help improve the balance of trade:*

(1) There has been an alarming drop in the American balance of trade in recent years. For the period 1962–67, the average annual trade surplus was nearly $5 billion; between 1968–70 it declined dramatically to $1.5 billion, a 70% decrease.

These figures mean that American goods are becoming increasingly less competitive in both foreign and our own markets. In 1961, the U.S. exported 7½ times the amount of machinery that it imported; by 1969, it exported only a little over 2½ times the amount of machinery imported. In this period, imports expanded by 470% while exports only increased 75%. In such categories as textile and leather machinery we actually switched from being a net exporter to being a net importer.

(2) While many factors contribute to this decline in competitiveness, an important one is the significantly less favorable treatment afforded American business income relative to that of our competitors.

The following chart is taken from the Report of the President's Task Force on Business Taxation and indicates the considerably shorter cost recovery period allowed taxpayers in most other industrial nations. These shorter capital cost recovery periods both increase the cash flow of firms and hence the capacity to invest, and lower the cost of capital and hence its profitability—the other important factor affecting investment decisions. By shortening recovery periods, ADR would bring the American tax structure more into line with those of other industrial nations and make it possible for businessmen to replace economically and technologically obsolete machinery on a more rapid basis:

Country	Representative cost recovery period	Aggregate cost recovery allowance (percentage of cost of asset)		
		1st taxable year	1st 3 taxable years	1st 7 taxable years
Belgium	10	20.0	48.8	89.0
Canada	10	20.0	48.8	79.0
France	8	31.3	67.5	94.9
Italy	6	20.0	65.0	100.0
Japan	11	34.5	56.9	81.4
Luxembourg	10	28.0	60.4	101.9
Netherlands	5	10.0	42.4	77.1
Sweden	5	30.0	65.7	100.0
Switzerland	6⅔	15.0	58.4	90.0
United Kingdom	12	57.8	78.1	102.1
Western Germany	9	16.7	49.6	88.8
United States	13	7.7	33.9	66.1

(D) *To stimulate a higher rate of capital formation:*

(1) If the United States is to enjoy noninflationary growth through improved productivity and greater competitiveness in international markets, we will have to considerably step up our rate of re-investment of GNP. By liberalizing tax treatment of business income, ADR will make a direct contribution to the attainment of this objective.

Currently, of the major industrial nations the United States reinvests the lowest portion of its GNP as the following table demonstrates:

Country	GNP (1967–68)	
	Percent reinvested in fixed assets	Percent reinvested in machinery and equipment
United States	16.6	6.9
United Kingdom	18.2	
Italy	19.4	
Germany	23.1	10.8
France	24.9	8.9
Japan	34.0	25.1

Source: OECD Observer, February 1970.

(E) *Partially compensate for effects of inflation:*

(1) Current capital recovery allowances are based on the historic cost of the asset. Because of this, depreciation allowances represent a decreasing proportion of the cost of replacing facilities as their prices rise. In the last decade alone, the official price index rose 20%.

In 1940, for example, the cost of a 55 ton railroad car was about $2,500. In 1963, the price of the same car stood at $9,000. This means that over two thirds of the cost of replacement, a legitimate cost of doing business, would have had to have been taken out of profits on which tax had already been paid. Similarly a certain type of blast furnace that sold for $8 million in 1945 would have cost $26 million in 1963. Again the difference would have had to have been made up out of taxable profits. The obvious implication is that underdepreciation due to inflation results in the taxation of "phantom profits" or a levy on capital. One leading expert on depreciation, George Terborgh, stated the problem succinctly: "Taxation of capital consumption is not only inequitable (but) has one certain effect: the retardation of economic progress through curtailment of the funds available to industry for capital investment."

(2) The President's Task Force on Business Taxation estimated that this underdepreciation due to inflation amounts to over $7 billion annually for all non-financial corporations and to almost $10 billion annually if financial and unincorporated businesses are incuded. By shortening the cost recovery period, ADR provides considerable relief from the costs of chronic inflation. The acceleration of deductions provides that more deductions can be taken before any particular level of inflation has occurred and the acceleration advantage itself can partially offset the inflationary erosion by increasing the present value of the deduction.

(F) *To improve investment opportunities for small and medium business:*

(1) While the ADR system is being criticized by opponents as an unwarranted windfall to big business, the relative benefits probably are greater for small and medium sized businesses. This is because these firms are least able to go to the capital market for *external funds* to finance investment. Anything, therefore, that increases the flow of *internal funds* improves considerably the ability of these firms to invest. Since the major source of internal funds has increasingly become depreciation allowances—in 1946 depreciation accounted for 36% of internal funds of non-financial corporations and in 1969 for 76%—liberalization of depreciation allowances will have a particularly favorable impact on the ability of small and medium sized firms to expand investments.

(G) *To help meet the costs of environmental restoration:*

(1) The emerging national policy requiring the incorporation of environmental damage costs in product prices will force business firms to make heavy capital expenditures to develop and install pollution control technology. Production processes which have been considered acceptable in the past will suddenly become intolerable and many firms will be required to replace assets far sooner than imagined. But shortening capital cost recovery periods, ADA will assist in easing the transition into new technologies.

III. DOES THE TREASURY HAVE THE LEGAL AUTHORITY TO ESTABLISH ADR?

(1) In the principal legal paper relied on by the critics, Professor Bittker of Yale states: I do not recall any action by the Treasury in prior years . . . with such momentous revenue consequences." This is simply a misinterpretation of the facts. While the first year loss to the Treasury would be substantial—$2.8 billion in 1971—the critics fail to note that a good part of the initial losses stem not from the shortened guideline lives but from the modified first year convention. In fact, only $1.0 billion or 36% of the expected first year loss stems from the shortened guidelines. The remainder stem from the modified first year convention—a change that not a single critic has challenged on legal grounds.

If we compare the loss to the Treasury resulting from the shortened guidelines lives under ADR with the loss that resulted from the promulgation of Revenue Procedure 62–21 by President Kennedy as a percentage of the corporate taxes, we see that, relatively, the loss in 1962 was over *twice as large* as under ADR. Specifically, the first year loss under R.P. 62–21 was 7.5% of corporate taxes while the loss from the shortened guidelines under ADR is expected to be about 3.6% of corporate taxes.

(2) Professor Bittker charges that the sweeping objectives of the ADR system as announced by the President and Treasury, e.g. to promote economic growth, create jobs, strengthen our trade position, etc., constitute basic fiscal and economic policy not merely "interpretative regulations" for which the Treasury has authority. However, in announcing the new depreciation guidelines in 1962, President Kennedy suggested equally sweeping objectives: "By encouraging American business to replace its machinery more rapidly, we hope to make American products more competitive, to step up our rate of recovery and growth and to provide expanded job opportunities for all American workers."

(3) Critics such as Senator Bayh charge that ADR abandons the crucial "useful life concept" and that "Congress has established ample precedent—if any is needed—for the principal that any abandonment of the concept of useful life requires legislative action." The fundamental flaw of this argument is that "useful life" has had no consistent, enduring meaning over the last fifty years, but has undergone a long series of changes. Prior to 1931, the taxpayer had wide leeway as the amount of depreciation he could write off each year. As one scholar has noted, "Depreciation rates . . . during the first 20 years . . . were generally based on estimated lives which turned out to be considerably shorter than the actual lives . . . of the assets being depreciated."

In 1934, with Treasury Decision 4422, the interpretation of "useful life" swung in the other direction toward a rigid notion of the useful *physical* life of an asset. In 1956 the Treasury promulgated new rulings which altered the meaning of useful life again to mean "useful life of an asset in the business." Finally, in 1962, assets were grouped into less than 100 broad guideline lives categories (compared to the more than 5,000 categories under the previous regulation—

Bulletin "F"). This switch to broad asset groupings permitted a substantial deviation between actual and guideline lives for many individual assets.) The new guidelines also were made available during the first three years as a matter of right to the taxpayer. This meant that the taxpayer no longer had to prove to the IRS that his tax life conformed with his actual service life. To be sure, after 1965, the reserve ratio test was supposed to replace the traditional obligation to justify the depreciation period, but it never really became operative.

In light of this, the critics who charge that ADR departs from the "useful life" concept might be asked "which version?"

(4) Contrary to the assertions of the critics there is a long history of major administrative changes by the Treasury concerning depreciation allowances. In 1934, the Ways and Means Committee proposed an across-the-board 25% reduction in depreciation periods in order to increase revenues and eliminate alleged abuses of the liberal depreciation practices developed during the 1920's. However, Secretary of the Treasury Morgenthau argued against Congressional action on the grounds that "the matter should be rested on *proper administration* rather than on *legislative action.*" He then proceeded to increase depreciation periods by about 25% administratively, with the full support and acquiescence of the committee.

In 1954, the Internal Revenue bill originally passed by the House contained a section providing that IRS could not disturb a taxpayer's depreciation rate so long as it did not differ by 10% from what the IRS determined to be correct. Since in the previous year the Treasury Department had provided for essentially the same thing in a set of new regulations, the Senate Finance Committee decided the House provision was not necessary and left the change to rest solely on administrative authority.

Finally, the reductions in guideline lives in 1962 were in many instances two or three times greater than the modest 20% reduction proposed by the Nixon Administration. The guideline life for textile machinery, for example, was reduced by 44%, for airplane manufacturing equipment the reduction was 47%, and for baking equipment it was 66%. Needless to say, ADR critics like Hubert Humphrey thought these 1962 changes to be fully "within the authority of the present tax law."

DEADLINE ON A ROCKING CHAIR

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the veteran and colorful newspaper editors of Florida is Mr. Malcolm B. Johnson who is now the editor of the Florida (Tallahassee) Democrat, one of the Knight newspapers.

Malcolm Johnson has had a long and distinguished career as a newspaper editor. A self-proclaimed conservative, he has summoned and vented his eloquent wrath upon many a cause and politician whom he considered too far out or advocating too much pie-in-the-sky or, for that matter, championing programs he thought unrealistic or not in the public interest. I have been the victim of some of his disapproval, but through all the years, whether he opposed me or supported me, Malcolm Johnson and I have respected each other and we have been friends.

Malcolm Johnson has been a man of impeccable integrity and intellect as well as moral honesty through the years. He has been fair and he has been consistent. I am pleased that he has found some courses pursued by me in recent years which he could conscientiously approve. Malcolm Johnson measures up to the highest standards of a newspaper editor—able, honest, objective, courageous—dedicated to his great profession and to his responsibilities as well as to his philosophy of the public interest.

I am very pleased to have read a very interesting and informative article in the Miami Herald of April 18 about Malcolm Johnson by a very able writer of the Herald, Mr. Nixon Smiley. I ask, Mr. Speaker, that Mr. Smiley's article about Mr. Malcolm Johnson appear in the Record immediately following my remarks:

[From the Tropic, Apr. 18, 1971]

Deadline on a Rocking Chair

(By Nixon Smiley)

(Nixon Smiley is a Herald Staff Writer and a frequent contributor to TROPIC)

Each morning, with less than 60 minutes to deadline, Malcolm B. Johnson sits down to write one of Florida's most outspoken and influential opinion columns. It's all part of the day's routine for the staunch Independent who runs a newspaper called the "Democrat".

Malcolm B. Johnson may be the only editor in the United States who directs the operations of a daily newspaper—the *Tallahassee Democrat*—from a rocking chair.

And what could be more fitting than to be a rocking chair editor on a paper named *Tallahassee Democrat* that is located on Colonial Drive? Moreover, Johnson's office, which he designed himself, is of "Tallahassee colonial" architecture, like the newspaper building, and is decorated with authentic antique colonial future.

The rocking chair, which dominates the office, fits the scene, and Johnson fits the chair. A suave, relaxed, bushy-browed man of enormous bulk, Johnson has no idea how much he weighs above 200 and doesn't care.

Some readers among the *Tallahassee Democrat's* 35,000 subscribers will tell you that he fits the rocking chair mentally. This feeling is particularly shared by the young, who look upon him as an old mossback. And the more radical young may think of him as more than a conservative—as a reactionary. But there are hard-hats who look upon Johnson as "too liberal" for their stomachs.

Johnson, whose image has been created by his daily column in the *Democrat*, "I Declare," couldn't be more pleased about the mixed attitude toward him among his readers. Neither a Democrat nor a Republican, but a hard-core Independent, he writes what he thinks and what he believes.

He was one of Governor Askew's enthusiastic supporters because he admired him as a person and as a member of the legislature. But Johnson discusses Askew's tax program with a realism that has made some of the governor's supporters wonder if the editor hasn't already become disenchanted with him.

"On the contrary," said Johnson. "I thought that Askew would make a good governor, and now, I think he may make a better governor than I had figured he would. But his tax program is going to have some tough going and I don't see that anything would be gained by ignoring this."

Johnson, who has earned a reputation for being a conservationist, isn't adverse to taking after the conservationists' hides when he disagrees with them. He worries about the rapidly growing population of Florida and what it's likely to do to this state. And the way he takes after the developers and chamber of commerce thinking might give a hard-hat cause to worry that Johnson next will be espousing the cause of the Weathermen.

Instead, he confuses everyone by writing a column supporting his old friend Harrold Carswell and condemning the judge's critics who "done him wrong." Johnson thinks the nation missed an opportunity to get a good man on the U.S. Supreme Court bench when Carswell's appointment was turned down.

Despite the controversial image of its editor, the *Tallahassee Democrat* has a remarkable record in its recommendation of candidates for public office. Last November the *Democrat* endorsed three unknown Republicans, two of whom were running against virtually unbeatable incumbents—and all three won. As it now stands, every elected official in Leon County on every level had the *Democrat's* endorsement.

Then, to top this off, Tallahassee in February elected a Negro and a professional conservationist to the city commission, both of whom had the *Democrat's* endorsement. The Negro, James R. Ford, a teacher, and Loring Lovell, head of Conservation 70s, ran against two longtime members of the commission, who, under normal circumstances would have been certain winners.

But the *Tallahassee Democrat* backed Ford and Lovell, and Johnson, in low-key editorials, explained why the paper thought these were better candidates.

Johnson, 57, started out at the University of Florida to become a medical doctor, but decided after completing his pre-med requirements to go into journalism.

"I had a roommate who was studying journalism, and what he was doing seemed infinitely more interesting than what I was doing—so I switched to a journalism major," said Johnson.

He began his journalism career in 1935 on the *Jacksonville Journal* at a salary of $5 a week. It was during the Depression and the editor was forbidden to add anyone to his staff, so he paid Johnson's salary out of the postage stamp fund. The following year Johnson took a leave of absence to do publicity for Raleigh Petteway, who ran for governor against Fred P. Cone.

"It was a great experience," said Johnson. "I really learned the state, and I acquired a love for writing about politics that has remained with me ever since."

Johnson wound up working for the *Tallahassee Democrat* in 1937, but two years later shifted to the Associated Press. After a year in the AP's Jacksonville bureau, he was sent back to Tallahassee, where he has been ever since. After 14 years with the AP, Johnson went to the *Tallahassee Democrat* in 1954 as its editor.

Knight Newspapers, which purchased the *Tallahassee Democrat* in 1965, made no changes in Johnson's status, but sent William M. Phillips to Tallahassee to serve under him as managing editor.

Phillips thought that the *Democrat* needed a column, the kind of column he knew Johnson could write.

"Malcolm not only knew Florida politics," said Phillips five years later, "but he knew more politicians than any other newspaperman in Florida. And he was something of a personality himself. I couldn't see how there was any way for him to fail as a columnist."

Johnson agreed, provided Phillips would let him get a few columns ahead before he began running them.

"I got three ahead—and I've never even been one column ahead since," said Johnson. "I've always been a deadline writer—waiting until the very last before I could force myself to sit down to a typewriter."

The *Democrat*, being an afternoon newspaper, has a 9:15 a.m. deadline for Johnson's column. As Johnson will tell you, any sensible writer would write the column the day before. But Johnson waits until an hour before deadline to begin writing, finishing the last line on deadline and then quickly reading over the copy while a nervous copy editor stands over him waiting to grab the column and run.

Johnson writes about any and everything. When he learned that the St. Joe Paper Co. was planning to put heavy choppers into cut-over woods before planting the area in pines, Johnson realized that the wild azaleas growing there would be done-in. So he called Ed Ball and the heavy equipment was kept out of the woods until Johnson, through his column, could excite enough people to go into the woods, dig up the azaleas and remove them. The garden clubs, the Audubon Society and the City of Tallahassee Park Department got into the digging and transplanting.

He has talked the paper companies into preserving certain marginal areas of the woods where there are unusually fine stands of rare native trees or understory shrubs.

"The paper companies realize that conservation is today very important, and that it is good public relations to practice it," said Johnson.

Through his columns Johnson has had as many as 1,500 out on Saturdays and Sundays to transplant rare plants from the route being cleared for Interstate 10 highway which will pass near Tallahassee.

Johnson is a man of many hobbies, but most of them are related to nature—to plants and trees or wildlife. He and his wife, Dorothy, who is an expert on antiques, live in a house built to look old and mellow in its wooded location on North Meridian Road.

Johnson has a woodworking shop, but he also has the tools for working silver and pewter, and he wants to add bookbinding tools. He has tried painting, which both his wife and his daughter, Donna (now Mrs. Sam H. Moorer Jr.), do with considerable more ability. "My ego couldn't stand the comparison," said Johnson.

You can't tell where Johnson's hobbies end and where work begins, for he seems to go about his work on the *Tallahassee Democrat* as though it were a hobby. His office has the atmosphere a hobbyist likes to be associated with—the unusual pictures on the walls, the solid old antique desk with its massive legs pushed against the wall.

Since the retirement of Jerry Carter, Johnson is left as the oldest person, in years of service, still active in the Tallahassee political scene. Not even Chief Justice B. K. Roberts, who has been a member of the Florida Supreme Court since 1949, goes back as far as Johnson.

Johnson is a Cracker by adoption. Born in Wardner, Idaho, in 1913, he was taken by his parents to Alberta, Canada, at an early age to live on a homestead in that frigid area. In 1925, during the Florida boom, his father, James B. Johnson, decided to visit Miami, buying a round-trip ticket.

In Jacksonville, however, there was a long wait before the next train left for Miami, and the elder Johnson rented a taxi and drove about to look the place over. He never got farther south than Jacksonville. Instead of going on to Miami, he wired his wife to sell everything in Canada and bring the family to Jacksonville.

A GENERATION GAP?

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues an outstanding speech by a splendid young man from my State on the subject of student protests.

This fine young man, Douglas K. Silvis, was a student in the high school in Fort Lauderdale, Fla., where my sister has been a dedicated teacher for many years. He is now the president of the student government at Emory University in Atlanta, where I am sure he is making the same kind of outstanding record he made in high school.

Mr. Silvis, in a speech before the Greater Fort Lauderdale Chamber of Commerce, discussed the question of campus unrest. His remarks were entitled "Student Protest: A Generation Gap?"

In this stirring talk, this knowledgeable young man pointed out that there are real problems on our campuses which must be taken seriously by all of those who value education and the future.

The audience received Mr. Silvis' remarks with a standing ovation. I believe they deserve to be read widely and I am, therefore, very proud to include them at this point in the CONGRESSIONAL RECORD:

GENERATION GAP?

I understand that many good speakers really detest having to give breakfast speeches when everyone is groggy and unresponsive, including themselves. But never having been accused of being a good speaker, it doesn't bother me in the least. In fact, having just driven in from Atlanta after my last final exam, I'm probably more in danger of falling asleep than you are.

Actually, I think I'm going to enjoy myself this morning. At school, as president of the student body, I often find myself serving in the capacity of a devil's advocate. When I face students, I find I'm defending rationality and responsibility—the establishment views held by the school administration and external forces—as I try to channel students' energies into directions which will lead to political efficacy.

On the other hand, when I go before school administrators—who naturally, having seen me defend them before the students, they tend to see me as an ally or as "one of them" (which is, of course, the worst thing that can happen to me if I am to maintain rapport and confidence as a so-called student leader), I have to bend over backward to point out the fact that students do not protest simply for lack of entertainment, but there exist real problems which must be taken seriously on our campuses.

This morning, I am thankful for the privilege of having to take neither the radical nor the establishment position to the exclusion of the other. It's good to be home for Christmas and to face a friendly audience. Since you are friendly, and since I know many of you, I'd like to ask you a favor—to attempt to overlook the pluses and minuses of my presentation. For some of the things I have to say could be said by others, with more conviction. But I would like to expose part of you, perhaps for the first time, to certain of the ideas and arguments of student protestors. So what I am asking is that you simply engage in mental exercise of weighing the validity of arguments and ideas, comparing, attitudes I may present with your own, and then concluding for yourself whether or not today's youth—even the protestors, who are a distinct minority—are really so blameworthy as many would like to make them, and if they are, who or what has made them so and what must be done now for children growing up tomorrow?

But remember—for this exercise, impartiality is the key. If necessary, be ready to conclude as did Pogo in a recent Sunday comic strip, when he commented: "We have met the enemy, . . . and they are us."

SEARCH FOR TRUTH

Much of the criticism by today's youth is against the basic dishonesty of our modern society. The most prominent criticism of our government has not been that we are involved in protecting American interests in Viet Nam and around the world, but rather that we do it under the guise of compassionately helping other countries and their people. Ever since World War II and the Marshall Plan, Americans have busily embarked on a foreign aid program which they have continually patted themselves on the back for as having been an evidence of their compassion and nature as a "Christian Nation." But this kind of thinking is thoroughly contradictory. The Bible tells us that a Christian Nation will only exist after the second coming of Christ, and as for compassion, well, anyone who knows economics realizes that whenever we give another country's economy a shot in the arm it is basically for one of two reasons: either (1) to keep up the value of their currency so that the balance of world trade isn't upset, which of course effects America or, (2) to keep that country happy with a pro-American regime.

We wonder why even the recipients of our aid end up hating us, calling us "The Ugly American," but it becomes fairly evident to students when they study the reactions of other proud nations to our own condescending attitude. Other countries could save a lot more face if we honestly admitted both to their people and to ours that our foreign aid has our own self-interests at heart. Instead, by perpetuating the myth of the great benefactor—the United States—as many students see it, we are perpetuating 3 crimes (1) we convince other nations that we are either arrogant or stupid, neither of which gains us friends; (2) we contradict the standard of honesty supposedly held high in America; and (3) we succeed in duping many Americans into thinking that such a "Christian" nation must obviously be great and therefore anyone who suggests any changes in it is not only wrong but is also a Communist.

But even CIA activities, in helping to overthrow anti-American regimes in foreign nations, would never have been subject to such strong criticism by students were it not for the facts that first, we publicly abhor such intervention when initiated by Communistic "subversion" and second, we only step in to aid nations to be "Democratic" when the regime in power is not pro-American. After all, most of us realize it's necessary. Everyone knows it goes on. The movies and television portray it—but neither Democrats nor Republicans will admit it.

By the same token, another major criticism has been that we should fight a hot war in Southeast Asia without going first through the channels of congressional declaration. Of course, this is to me, personally, more easily justified than our foreign aid attitude, because formal declaration of war results in formal alignments by other nations, treaties being entered into, and other concomitant risks that this involves, but it is, nevertheless, an example of the lack of complete truthfulness exemplified by the nation and sometimes jumped on by students.

Still, our foreign policy, our foreign aid, and especially the war—(because of its direct effect or young people)—is only a common rallying point—another "symbolic act" if you will—it is only a sympton of our problem. As we all know, for we all can observe the hypocrisy in our home institutions. Even when we attend church, we ask everyone we meet how they are doing, but if they should happen to reply with some heartfelt problem, how many of us would really respond with love and concern? The best we might muster, would probably be a flippant, "Oh, that's too bad", or "I'm sorry to hear that"—and sometimes we might even be so preoccupied and perfunctory as to say "Good, glad to hear it."

One of the most flagrant examples of hypocrisy I ever experienced occurred when my honor society sponsor in high school refused to speak to me after the results of a cheating survey I'd administered were published in the paper.

The crux of this story is not so much now, as it was then, that students cheated and that perhaps our values and school grading systems needed re-evaluation, but rather the response of my honor society sponsor who refused to speak to me for the rest of the year because someone might have figured out that it was at our high school and in her honor society that there were imperfections. Rather than admitting a problem and seeking a cure, she simply was angry that someone had dared to admit any problem existed. This is one aspect of what students are now protesting today, and although I don't personally believe in the "demonstration" approach, I must still support their freedom of expression so long as it does not destroy or infringe unduly upon the rights of others, as unfortunately it sometimes does.

I think it speaks well for the youth of today, however, and should tend to give you all more confidence in my generation, that they still do respect truth and principle. Of course, in that, as in most other things, I'm sure we reflect some parental influence. Unfortunately, as you in business know, just as very few salesmen will admit for the sake of honesty the inferiority of their company's product, very few students practice the total honesty that they clamor for either. If we did, we'd admit more often that we weren't sure we had all the answers and we wouldn't go to such extremes to convince others they should listen to us.

But students and youth throughout the world today cannot be blamed for feeling a sense of urgency. We feel the pressure of the possibility of annihilation not only from the bomb, but also from pollution and the population explosion. Even in less advanced nations and continents there is turmoil and protest. In Africa and South America, education has fostered frustration commonly referred to as "the revolution of rising expectations." They are in the stage in which they see wealth and modernization in other countries or in their next door neighbors, and they are impatient to achieve similar advances. In the United States, conditions exist in certain geographical areas and among certain classes of people that are not too different, some of these areas spawn children who somehow become students—why they protest is obvious.

You ask, then, why are children of middle class and upper class homes also causing confrontation? Well, besides the fear of the bomb, pollution, and the population explosion, there is education itself. For years, colleges and universities have been accused of being ivory tower institutions, insulated from the realities of life. Businessmen have been known to complain that students were not prepared for reality by their college educations. But, since the early 1960's there has been more and more emphasis on a kind of relevance which has brought with it a new activism not seen since the 30's.

Many people today, who are most concerned with American tradition, forget or simply are unaware that the intercollegiate socialist alliance of the 1920's had the support of a greater percent of the student population than does the SDS today. They don't think about the fact that in the 20's there were campus protests vs—ROTC, denunciations of the curriculum for its support of the "established system", and attacks on America's "Imperialistic" foreign policy.

Of course, the number of students in college was much smaller then and there was no nation-wide TV coverage to facilitate the spread of protests, but polls showed that in the 1930's, 25% of college students were at least sympathetic to socialism and almost 40% said they would refuse to take part in war.

As the Scranton commission has noted, "It is not so much the unrest of the past half dozen years that is exceptional, as it is the quiet of the twenty years which preceded them." From the early 1940's to the early 1960's American universities and colleges were uncharacteristically calm. . . . But as the tensions of the cold war lessened, students felt less obligated to defend Western democracy and more free to take a critical look at their own society again."

And now having come down out of its ivory tower to find that it is threatened by possible annihilation, having found that we can send men to the moon but that thousands of Americans still go hungry—having seen classmates drafted, not to return, and not really sure that their efforts have saved democracy for a people so uneducated that they may not know what to do with democracy if they had it—having seen governors of free and democratic states stand in front of their restaurants with a shotgun or their state schools with the malitia to keep out Blacks—having seen John and Robert Kennedy and Martin Luther King assasinated, the first two on nationwide TV, the university coming down out of its ivory tower produces a small segment of students and professors who feel a sufficient sense of urgency to wake up the "silent generation" that has gone before them. That generation, they feel, in spite of all their accomplishments, which they admit, simply cannot sit back on its laurels like little Jack Horner who contentedly sat in his corner saying "What a good boy am I."

On top of all this, students are told not to rock the boat but to realize they are just part of a cycle in history—to see that democracy and the United States offer them a better life than has ever been offered before, and just enjoy it. In spite of the fact that they face annihilation possibilities from at least 3 sides most students can see apathetically squeaking through with a narrow victory over great odds as somebody else solves the problems—until they go a step further, with the idea that history repeats itself—and look at the democracy of Ancient Rome.

I read not long ago that five reasons commonly agreed upon by historians as major contributors to the fall of the Roman Empire were the following:

1. The breakdown of the family and the rapid increase of divorce.

2. The spiraling rise of taxes and extravagant spending.

3. The mounting craze for pleasure and the brutalization of sports.

4. The expanding production of armaments to fight ever-increasing threats of enemy attacks—when the real enemy was the decay of the society from within.

And

5. The decay of religion into myriad and confusing forms, leaving the people without a uniform guide.

Sound familiar? While our nation shows all five of these symptoms, is it any wonder that students searching for reality come up with some way-out ideas?

Perhaps the most important problem of all, as theologians must agree, is that where there is no God, there are no absolutes, no definite laws to define what is right or wrong. This may explain part of the current disregard for law and order.

Probably the most unfortunate thing about the "silent generation" those who went to school from the 40's to the 60's, is that while they were being educated quietly and industriously in preparation to making money, they were often educated to be obsessed with that aspect of life.

They learned the technique of cutting corners. They learned to be Sunday Christians who go to church Sundays before watching their football games, and then remember the football game to talk about it all week long, but forget their faith until next Sunday. . . . Their children have somehow noticed all this. . . . Parents often set one standard for their children and another for themselves. Meanwhile, the government responds by trying to soothe the national conscience with talk of fulfilling our duty as a Christian nation, and on the individual level, our own churches sometimes even imply that all is relative and there is no standard.

Quite naturally, the student hit full in the face in college with people questioning everything he thought he believed, begins to look around for something stable and tied down. If his own faith is not reinforced in his own mind, he becomes willing to follow someone else who has a purpose and seems to know where he's going.

Students are not always easily taken in, but as is pointed out in the book, "Push Comes To Shove" by Steven Helman, a Harvard student who calls himself a member of the "radical middle", too often truly concerned but confused students become exploited for the purposes of egotistical student radical leaders and professors. Students who are aware of a problem but not solution, are willing to try a new idea for waking up those who seem destined to slumber into oblivion.

But don't be too discouraged by the thought of unsuspecting, well-meaning students being sucked into the fold of those who would preach anarchy and violence. As a matter of fact, there is reason to be thankful for it.

As the Scranton Commission found in its report, an interesting phenomenon has grown up in the protest movements known as "the paradox of tactics". What this essentially means is that radical leaders, in order to gain the manpower and cooperation of the majority of those who are simply "liberals", i.e., they favor some changes within the system, often having to do with the running of the university—those radicals find that they have coopted students who refuse to accept violent methods and may be disuaded by one or two liberal leaders.

Let me give you a personal example. At Emory last spring a number of students demonstrated on the quadrangle. The impetus was gained when the president sent troops into Cambodia. Some proclaimed this to be an escalation of the war, which naturally would mean stepping up the draft call. You know what that means. Since the rallies were held at 12:00 noon in the very center of traffic between classes, hundreds of students became involved in observing the demonstration, if not participating.

Shortly thereafter, the Kent State incident occurred. Now, a lot of students failed to see why the National Guard was on a campus with rifles shooting at students and besides, everybody was willing to join in a day of mourning, so the participation grew.

Black students particularly used the opportunity to sound off about racism, questioning later why so much more was made over Kent State than Jackson State, a Black university where students were also killed.

Some simply enjoyed getting out of classes. Others used the chance to tie in Kent State to problems of university governance. For all different reasons, many people came together and enjoyed being in a "movement".

Finally, one night after a faculty meeting when the faculty had voted to postpone deciding what to do about ROTC, some radical students saw their chance to get things really moving. At a hastily called night rally at which I was not initially present, although I usually tried to keep my ear to the ground, some faculty members accused me of having sold out the students because it was I who had requested the faculty moratorium, until after a student referendum had been held, but things were twisted around until it was promulgated that I had simply defended ROTC on behalf of the whole student body, rather than that I asked to be given time to poll the students for their opinions.

Well, when I finally arrived after a friend had phoned me to hurry on over, the faculty member had disappeared. But, a few students called me a Facist pig as I walked to the microphone and there was a general hissing in the audience, so I knew the damage had been done.

Needless to say, I was somewhat frightened—knowing what crowds were sometimes like and realizing that the great silent majority who had elected me were safely tucked in their beds or studying. So, as usual, I prayed and the words came. And as I began by explaining first the misunderstanding about the faculty meeting, the hissers were quieted by those next to them. And more important, they listened. Later, when I pointed out somewhat angrily how one-sided and parochial their attitudes were in indulging in booing and hissing and name-calling, they still listened—and when I suggested that breaking into and occupying an empty building would not only accomplish little other than breaking a law, but would invite the entrance of police or outside intervention such as they were protesting against—they still listened. And not only that, but when some of the radical leaders attempted to press on with the occupation, other so-called leaders disagreed and took the more rational approach.

In the end, half the students followed one boy who was determined to lead somebody somewhere on a journey to wake up the president of the university and tell him what they had planned on saying by occupying the building, while the other half stayed on the quadrangle to have a discussion. The same thing apparently happened at scores of institutions, where the rational students drawn into the movement prevented others from violence—for only 5% of all universities which experienced protests engaged in any type of violent actions whatsoever.

When we think about crowd psychology and realize what could have happened, over a period of prolonged rallies, I think that's cause for thanksgiving. And especially realizing that major acts like bombings were almost invariably perpetrated by only a small group at night, or, as at Wisconsin, during the summer, when no crowds could be mustered, it's easy to see that the violent—those whom J. Edgar Hoover says are merely the first to runs out of ideas—are in a very distinct minority.

Well, you now have a conglomeration of a few of the speeches and bull sessions of a senior in college who has spent two years trying to figure out what the shouting was all about, one trying to decide whether to join it, and a good part of the fourth caught in the middle—between the student body and the administration.

I personally have been very fortunate, and I readily admit it. I've never had to cry myself to sleep because of having parents who didn't get along—as some of my friends and relatives have had to do; I've never gone hungry, but I've never had time to get into trouble; and I've always known where my parents stood—under God and above me.

Consequently, I didn't go into college feeling like a reject from a society that didn't want me, as did the boy who lived next door to me in my freshman year—a boy who tried SDS involvement, who tried the alcoholic-drug addict cop-out, and finally the ultimate cop-out, as he committed suicide.

But I now know what the shouting's about, and although I disagree with the analyses of some of the priorities, and I disagree with some of the tactics, I must admit to the urgency of many of the problems. I'm sure I don't have to tell you of student suicide rates to make you interested too.

PAUSE

But I'm not going to leave you with all of these minuses about students' outlooks on life. Not only would it be unfair, with Christmas almost here, but it would also be an untrue picture. In the first place, let me remind you that even last spring only 30% of campuses actually engaged in strike activity, and only 5% of all campuses experienced any incidents of violence. Remember, too, that even in the middle of all the activity last spring, a Harris poll survey indicated that 68% of the students said violence was totally unacceptable as a means of dissent—and that was when students in general were angry over Kent State.

Remembering, too, that in our system of democracy, we invite demonstrations by assuring the right of people to assemble. We also guarantee free speech. Consider how most interest groups, from labor unions to, well . . . the Chamber of Commerce, make themselves heard. Students by and large, can't hire lobbyists, but many of the problems they demand be faced are really important to the well-being of our nation—at least in their opinion—so they do what makes the news.

You may be comforted to know that schools like Wisconsin and Berkeley have had relatively conservative presidents elected, just as I was at Emory, on platforms of nonviolence and even a pledge to concern student government with the university—not national politics. It appears that average students are "reacting" against violence, much as the nation is, for they're coming out to vote and electing moderate leaders. Meanwhile, at least at Emory, last year's strike leaders have either flunked out of school, gotten married, or decided to study, all of which have conspired to give me a very peaceful Fall. Our biggest anti-war rally had only 18 participants.

Meanwhile at Emory everybody's become interested in a conservative idea—a student-sponsored public interest action group of lawyers and scientists to fight the major polluters in the state of Georgia—in the court room. Hopefully, several Georgia schools will band together in this effort.

There is only one thing that really scares me though. And that is exemplified by the emergence of the Right Angle, a new Emory newsletter, which is so far right it's almost coming around to the other side. Just to show you how much the campus is really a reflection of American society, this John Birch style paper has called our anti-pollution efforts a Communist plot . . . even though the Deputy Asst. Atty. General of the U.S., Bruce Wilson has given it his unqualified support.

With all of the name-calling and misunderstanding, with hard hats and police sometimes reacting violently to students, with even Federal Judges like Edward M. Curran publicly lumping the "hordes of long-haired youths and straight haired girls" and the "bearded bums" who make him a "tired American", I'm afraid there is too much reaction and not enough communication.

The essential problem, if it is possible to pinpoint such a thing, in my opinion is based on a mistake concerning responsibility. Present generation adults like to take credit for all the advances of modern science and technology and all the other wonderful accomplishments of our nation to date, and then make this statement: "The future is in the hands of our youth."—This may be a lie, or it may simply be a cop-out.—Everyone knows that the future has always been in the hands of the present generation. What worries adults is that they'll give youth a future and that their youth won't know what to do with it—based on the actions of college students today. And by the way, remember that students per se make up less than 16% of the 40 million young people between the ages of 14 and 24; 42% are working, 14% are housewives, 8% are in the military and many are unemployed according to Steven Hess, national chairman of the White House Conf. on Children and Youth.

Well, what do these youth, then, think about the present generation? Adults fear that they are much more hostile than they really are. Actually, most young people simply resort to tirades as children, and demonstrations as students, because it seems they have to be spectacular to get any attention. The feeling of helplessness about the world problems comes mainly because young people know their future is in the hands of adults—but they can't do much about it. A little concern, willingness to open channels even at the expense of swallowing a little pride (after all who are the "mature" adults anyway?), may do wonders. As a matter of fact, for most students, no generation gap exists. What does exist is a credibility gap.

If there truly is such a gap, it is nothing more than a forgetting by adults of the questioning insecurity of their own youth—plus a lack of faith, perhaps due to their own jobs as parents, that today's youth will come through their artificially extended period of adolescence without sound conclusions to their problems.

Let me say, as I draw to a close if my presentation has raised any questions, I suggest it might be more beneficial for you to ask your questions to your own sons and daughters and other young people. And make them believe you are sincerely interested in their views, by really being interested.

I'd like to have stood up here and told you all not to worry about future protests and problems, that such are just a passing fad. But I don't believe that. And I'd no more lie to you than to Emory students, whom I told quite frankly I oppose violence, and I felt their attacks on ROTC were nothing more than a witch hunt which threatened the rights of ROTC students simply for the benefit of a symbolic show. They respected honesty, as, by large I think students do everywhere, and as I know you do . . . in it lies the key to all our futures.

I close by telling you the same thing I recently told a meeting of the Emory Alumni Association, at which an old gentleman wanted to know why and how college officials could condone, and the student government could allow, people like Jane Fonda to speak to their student bodies. He was—not unusually—very skeptical of the abilities of college age young adults to avoid being duped by Miss Fonda.

Well, we were sorry we had allowed Jane Fonda to speak—not because of what she said, but because of what she didn't say. As opposed to the reaction to Ralph Nader, in which students exhibited a positive concern to do something about pollution and consumer fraud, about all anybody could say was "Well now I've seen Jane Fonda", she couldn't stand up to the barrage of questions asking her to document her statements, to give evidence, to prove she knew what she was talking about.

We're not gullible. You know that. As a matter of fact, part of the communication problem is simply based on fear that you won't have the answer to our questions, while we fear, simply that you don't know what we're asking. What we're all really saying is, we've got to find the solution together.

The statement is still applicable today: "All we really have to fear is fear itself."

RELEASE OF IMPOUNDED 1971 APPROPRIATIONS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday, my good friend and colleague, the honorable Democratic whip, TIP O'NEILL, introduced House Joint Resolution 577, which would instruct the President to release the 1971 appropriations that he has impounded. I commend my colleague for this action and support him fully on this matter. In fact, at his request, I, as whip of the Illinois Democratic delegation, am introducing a companion resolution in an attempt to demonstrate the widespread concern over the President's action—or rather, inaction.

My companion resolution has been cosponsored by all 12 Members of the Illinois delegation. We, as a group, feel strongly about the President's decision to hold back funds—a decision which is having devastating effects on our urban areas. Because our cities are sick and dying, I believe, as does our distinguished whip, that now is not the time for this administration to play politics with these desperately needed funds.

JOINT COMMITTEE ON THE ENVIRONMENT

(Mr. MOSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, the New York Times of April 23, 1971, commented editorially on the need for expeditious action on legislation to establish a Joint Committee on the Environment.

The Senate on March 16, 1971, approved legislation, Senate Joint Resolution 17, to establish such a committee and similar House legislation, House Joint Resolution 3, and identical bills, are before the Committee on Rules with 272 cosponsors.

So that my colleagues may have an opportunity to be aware of the New York Times views on this matter, I include the text of its April 23 editorial at this point in the Record:

Environmental Review

Buried in the unfinished business of the last session of Congress was a bill of such compelling good sense that it is hard to see why its enactment should be delayed another week. A proposal for a Joint Congressional Committee on the Environment, it was passed by the Senate a month ago, with Senator Muskie of Maine taking the lead.

A House version, sponsored by Representative Dingell of Michigan, now reposes in the Rules Committee of the House, and although there are hints that it is soon to emerge, the legislative record hardly warrants taking anything for granted. Introduced in varying forms for four consecutive sessions, the measure was passed by both houses last year only to die a frustrating death in a conference committee.

The bill would give Congress what it badly needs—a long-range committee concerned not with specific legislation but with giving the members a broad and continuing review of environmental matters. Its functions would be to identify problems as they emerge, keep track of successes and failures in governmental approaches to the environment, hold hearings on the annual report of the Council on Environmental Quality and, above all, enable the standing committees of Congress to act concertedly in this vital area, with a sense of coherence and priorities not always discernible in their legislative output.

Political and personal rivalries were a factor in holding up this legislation in the past. It must be plain by now that neither Congress nor the country can any longer afford that picayune luxury.

END OF REAL ESTATE TAXES FOR SCHOOLS

(Mr. DOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DOW. Mr. Speaker, yesterday I reintroduced my bill to encourage States to increase the proportion of their expenditures for public elementary and secondary education.

I am very pleased to be joined by 12 of my colleagues—the gentleman from New York (Mr. Badillo), the gentleman from Massachusetts (Mr. Burke), the gentleman from California (Mr. Burton), the gentleman from California (Mr. Edwards), the gentleman from Pennsylvania (Mr. Eilberg), the gentleman from New York (Mr. Halpern), the gentleman from Massachusetts (Mr. Harrington), the gentleman from Michigan (Mr. McDonald), the gentleman from Illinois (Mr. Mikva), the gentlewoman from Hawaii (Mrs. Mink), the gentleman from New York (Mr. Rosenthal), and the gentleman from California (Mr. Roybal). The number of my new bill is H.R. 7759.

This legislation would shift school tax burdens from the local property tax by reimbursing each State for 50 percent of the increased cost above the local share assumed by the State for public elementary and secondary education. The cost of Federal leverage to be applied would total about $5 billion over an indeterminate number of years, but no permanent dependence is created for Federal moneys.

In discussing the property tax problem with tax experts and educators I discovered a very broad interest in the use of a single State tax mechanism for elementary and secondary education financing, rather than continued reliance on the inelastic property tax administered at the local level.

I have written the commissioners of education of each of our 50 States to bring my bill to their attention and have been encouraged by the response. The letters I have received from these men and women lead me to believe that the approach taken in my bill is the correct one—that is, that State financing of education costs is an idea whose time has come. My formula was drafted to encourage, to give a Federal inducement to this concept, without putting the Federal Government in the business of permanently contributing to finance elementary and secondary education.

There is nothing sacrosanct about the formula of incentives for State assumption of the school tax burden. Other formulas, based on this legislative concept may prove to be more workable. Because of the very great disparity in the amount of tax effort between the States which is dramatically illustrated in the table included in my earlier remarks in the Congressional Record of March 23, 1971, at pages 7631–7634, the formula developed in this legislation is comprehensive enough to assist any State which increases its share of educational expenditures.

I have also been encouraged in the response the bill has received from others in the educational community who have followed the proposal for State financing of elementary and secondary education since its original proposal by Dr. James Conant, president emeritus of Harvard University, at the Education Commission of the States annual meeting in 1968. The Governor of Michigan, the Honorable William G. Milliken, has also moved in the direction proposed by Dr. Conant.

The Governor's proposal calls for a uniform and limited property tax for school operations. The total property tax levied throughout the State would, according to the Governor, be decreased substantially and the State income tax would be increased to offset the cut in tax on property.

Mr. Speaker, the State under my bill has the option of adopting any statewide revenue-producing tax. My bill offers a Federal incentive to bring this change.

The bill's formula is intended to reduce the local property tax, by some or all of the 55 percent of the total cost, nationwide, for public elementary and secondary schools which that tax is now bearing.

Taxes for support of elementary and secondary schools are historically levied on real estate. More and more, this regressive type of taxation is coming under widespread criticism that is not limited to any State boundary.

Coupled with problems in the method of assessment, is the gross disparity in the tax base available from one community to another. It deprives some children and perhaps even surfeits others. The Advisory Commission on Intergovernmental Relations in their April 1969 report entitled, "State Aid to Local Government," points out that the ratio of high to low ability to pay is as much as 66 to 1 in one of our States. In a number of other States the ratio is startling.

I find a widespread disenchantment everywhere in this country, with the heavy and inequitable burden represented by school taxes on real estate. Practically, this is a problem for each State to solve, yet the attitude of our taxpaying public in many States is such, and the inequities of the school tax so universal, that I urge a Federal inducement to move this incumbus which is so prevalent and to propose a release of localities from their ill-adjusted and inequitable school tax burden.

The principal objection I have heard to the plan contained in my school tax bill is the presumption that local school boards, if no longer responsible for raising school taxes, would lose control of their educational systems, and that there would be a State takeover. To this criticism, I reply that in my own State of New York the State now provides 45 percent of the school support. With that much leverage the State could exert immense influence on local school decisions, even today, but it does not. Why? It does not for one reason, because the State legislature made up of local representatives would not allow it and, second, that is not the nature of our educational system. Nobody wants it that way.

The respected Advisory Commission on Intergovernmental Relations has proposed this concept for the States. They are taking a look at the approach my legislation takes, as are others in the field of education. I fully appreciate the complexities of any gross shift in the responsibilities for education, but I am convinced that this approach, which would help the States to move and assume the education burden is a practical and effective means of achieving a result which must be taken sooner or later, State education financing.

S. SMITH GRISWOLD

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, with the death of S. Smith Griswold on April 20, this Nation has lost an irreplaceable guardian of the environment.

Today we are all concerned about the decay of our environment, as well we should be. But our present awareness of the problems of pollution was a long time in coming. Until very recently few persons had the concern and the foresight to bring our environmental crisis into proper perspective. S. Smith Griswold was one such person.

S. Smith Griswold was a pioneer—as the New York Times put it, a Daniel Boone—in the effort to combat air pollution. As head of the Los Angeles County Air Pollution Control District, he developed an agency with a staff of over 450 people and a budget of more than $5 million a year. His efforts persuaded the county government to ratify over 100 stringent restrictions on air emissions; he fought against some corporations all the way to the Supreme Court to make these ordinances stick; and he fortified an enforcement system that brought more than 30,000 offenders into court, with a conviction rate of 96 percent. His efforts in this area resulted in the elimination of over 80 percent of atmospheric contaminants from stationary sources in Los Angeles.

He left Los Angeles in 1965 to become chief of the Abatement Section of the National Air Pollution Control Administration. In that position he made a major contribution to air pollution control in the New York-New Jersey metropolitan area.

On November 24, 1966, New York City experienced an air inversion which within another 24 hours would have been a disaster, causing thousands of deaths by air pollution. In the midst of this dangerous situation, I called upon the Federal Government to "use its full power to insist upon control of interstate air pollution affecting New York and New Jersey." When the Secretary of Health, Education, and Welfare responded to my request by convening an air pollution abatement conference on January 3, 1967, S. Smith Griswold, as presiding officer, made that air pollution abatement conference an effective weapon in the struggle to establish a workable control program in the area, laying the foundations for many of the antipollution laws that are now in effect in the New York-New Jersey metropolitan area. Due to his firm insistence on action by the fuel industry, based upon evidence gained during the conferences in 1967 and 1968, New York was able finally to establish a program for lowering the sulfur content of fuels. Mr. Griswold's effectiveness in fighting air pollution by the use of the abatement conference procedure, which was provided for in the Clean Air Act of 1963, cannot be overstated.

S. Smith Griswold was one of the first to pinpoint the contribution of automobiles to pollution and one of the most steadfast critics of the industry. His research proved that control devices were developed long before the industry used them. It was, in fact, his efforts that led to the 1969 Federal indictment of automobile manufacturers for conspiracy to delay use of these devices. Not content with being a critic and using the law to stimulate control, he pursued every available method of persuasion, including growing public distress over pollution and encouraging other manufacturers to compete with the automobile industry in developing control devices.

More than any other single person, it is to the credit of S. Smith Griswold that the Congress was finally able to pass a strong law last year setting deadlines for the automobile industry to install effective control devices.

After he left Government service to become president of Sedra, an air pollution consulting firm, and later to establish his own consulting office, he continued to give unstintingly of his time and talent to aid those who shared his goal of a cleaner environment.

S. Smith Griswold was an honorable man, dedicated to his work, unswerving in purpose, just and fair in his judgments, but unsparing of enemies of the environment.

The Nation will miss his leadership.

At this point in the CONGRESSIONAL RECORD I include an article which appeared in the New York Times on April 22, 1971, describing the life and accomplishments of S. Smith Griswold:

[From the New York Times, Apr. 22, 1971]

S. SMITH GRISWOLD DEAD AT 62; EARLY FIGHTER AGAINST POLLUTION—LED LOS ANGELES' DRIVE ON SMOG—MILITANT FOE OF AUTO HEADED FEDERAL UNIT

WASHINGTON.—S. Smith Griswold, a pioneer in the fight against air pollution, died of cancer yesterday at the Naval Hospital in nearby Bethesda, Md. He was 62 years old.

Mr. Griswold leaves his wife, Ingeborg; a daughter, Mrs. Gary Swanson; his father, W. H. Griswold; a brother, W. H. Griswold, Jr., and a granddaughter.

FOUGHT AUTO INDUSTRY

The Federal law enacted Dec. 31 setting a six-year deadline for the automobile industry to develop engines that are virtually pollution-free is in a sense a monument to Samuel Smith Griswold. As Los Angeles' chief smog fighter from 1955 to 1965—long before the rise to prominence of Ralph Nader—he was the industry's most militant critic.

He was a tall, imposing, athletic-looking man with wavy straw-colored hair and the piercing gaze of a John Brown. His manners were impeccable, as might be expected of a captain in the Naval Reserve with bachelor's and master's degrees from Stanford University.

But Mr. Griswold made no bones about needling, heckling, taunting and badgering Detroit to reduce fumes from cars. His crusading led in 1969 to a Federal indictment of the manufacturers for conspiracy to delay antismog devices. (The case was settled by a consent decree.)

"Patent data," Mr. Griswold once said sourly, "shows that automobile pollution controls were available as far back as 1909."

SPURRED COMPETITION

Mr. Griswold employed some deft strategy to prod the carmakers into catching up: he encouraged accessory manufacturers to develop fume-suppressing attachments for cars; when they threatened to run away with the billion-dollar fume-suppressing business, the automakers suddenly discovered that they would be able to provide similar apparatus as original equipment.

When Mr. Griswold was not talking indignantly about the menace and stupidity of air pollution, he spoke in a deceptively soft Western drawl. He favored nonmatching, austere jacket-and-trouser combinations with a State Department aura. This, in combination with a deliberateness of speech and movement, created an impression of stately courtliness reminiscent of a wealthy and assured antebellum Southern planter.

His subdued manner enabled him to get away with heretical statements that might have gotten the average civil servant dismissed or relegated to obscurity.

"During the past decade," he said more than once with faint cynical irony, "the auto industry's total investment in controlling the nation's No. 1 air pollution problem—a blight that is costing the rest of us $11-billion a year—has consisted of less than one year's salary of 22 of their executives."

Mr. Griswold was probably the first public official to propound the now-widespread idea that if automotive fume control did not make a quantum jump quickly, the internal combustion engine would be headed for the museums.

"If you can't control about 99 per cent of what's coming out of cars now," he said, "the only answer for big cities is a different propulsion system."

Mr. Griswold was equally quick and emphatic in giving credit where it was due. Referring to an interstate smog abatement action his office, the National Air Pollution Control Administration, initiated, he remarked:

"I've rarely seen a more cooperative attitude by industry than in the action involving the two Kansas cities. All they wanted was a Federal catalyst."

LED LOS ANGELES OFFICE

Mr. Griswold was a sort of Daniel Boone in the story of air-pollution control. He took over direction of the Los Angeles County Air Pollution Control District at a time when stationary smog sources, like industry, were still considered the major cause of smog.

Using public indignation for leverage, he developed an agency with a staff of over 450 and a budget of more than $5 million a year; persuaded the county government to ratify some 100 stringent restrictions on fume emissions battled some recalcitrant corporations all the way to the United States Supreme Court to make the ordinances stick, and put starch in an enforcement system that in a decade hauled more than 30,000 offenders into court, with a conviction rate of 96 per cent and fines totaling more than $700,000.

The entire operation resulted in the elimination of upward of 80 percent of atmospheric contaminants from stationary sources in Los Angeles—a reform unfortunately offset largely by the emissions of Los Angeles' ever-growing horde of automobiles, which was the reason for Mr. Griswold's militance toward Detroit.

"You're going to continue crying for many years to come," he warned Los Angeles residents before he joined the Federal Government in 1967 to be in charge of air pollution abatement. "It will be very difficult for some time to offset the pollution from uncontrolled cars."

After Los Angeles travail in containing the smog menace, he commented, "it's utterly stupid for any other city to get itself in a similar predicament."

"Nationally, for the next 10 years we'll probably lose ground in the air pollution effort. With the growing load of contaminants, we're going to have to run like hell just to keep even."

GENERAL LEAVE TO EXTEND

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks with respect to my special order, yesterday, April 27.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rooney of New York (at the request of Mr. Miller of California), for Wednesday, April 28, 1971, on account of official business in his district.

Mr. Zion (at the request of Mr. Gerald R. Ford), for the week of May 3, on account of official business.

Mr. Carter (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

Mr. Corman, on account of official business.

Mr. Runnels (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Peyser) to revise and extend their remarks and include extraneous material:)

Mr. Hosmer, for 5 minutes, today.

Mr. Whalen, for 60 minutes, May 4.

Mr. Schwengel, for 30 minutes, today.

Mr. Anderson of Illinois, for 60 minutes, today.

Mr. Hogan, for 5 minutes, today.

Mr. Williams of Pennsylvania, for 15 minutes, today.

(The following Members (at the request of Mr. McEwen) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Metcalfe, for 10 minutes, today.

Mr. Rangel, for 30 minutes, today.

Mr. Metcalfe, for 10 minutes, on April 29.

(The following Members (at the request of Mr. McEwen) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Arizona, for 5 minutes, today.

Mr. Cleveland, for 5 minutes, today

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Carter (at the request of Mr. Springer), to revise and extend his remarks after those of Mr. Springer.

Mr. Mayne to follow the special order of Mr. Anderson of Illinois today.

(The following Members (at the request of Mr. Peyser) and to include extraneous material:)

Mr. Hall in two instances.

Mr. Derwinski in two instances.

Mr. Hosmer in four instances.

Mr. Bray in two instances.

Mr. Bob Wilson in two instances.

Mr. Steiger of Wisconsin.

Mr. Broomfield in two instances.

Mr. McCloskey.

Mr. Hansen of Idaho.

Mr. Veysey in three instances.

Mr. Conte.

Mr. Wylie.

Mr. Schwengel in two instances.

Mr. Michel in two instances.

Mr. Shriver in two instances.

Mr. Duncan in two instances.

Mr. Frenzel.

Mr. Dickinson.

Mr. Forsythe.

Mr. Harsha.

Mr. Belcher.

Mr. Wyman in two instances.

Mr. Kemp in two instances.

Mr. Carter.

Mr. Schmitz in three instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mrs. Hicks of Massachusetts in three instances.

Mr. Hamilton in eight instances.

Mr. Scheuer.

Mr. O'Neill in two instances.

Mr. Teague of Texas in eight instances.

Mr. Ashley.

Mr. Clay in six instances.

Mr. Rooney of New York in two instances.

Mr. William D. Ford.

Mr. Johnson of California.

Mr. Jarman.

Mr. Bergland in three instances.

Mr. Diggs in three instances.

Mr. Moorhead in five instances.

Mr. Pickle in three instances.

Mr. Albert in two instances.

Mr. Dingell.

Mr. Koch.

Mr. Fountain in two instances.

Mr. Kluczynski in two instances.

Mr. Anderson of California.

Mr. Stokes.

Mr. Edwards of California in three instances.

Mr. Roe.

Mr. de la Garza.

Mr. Whitehurst (at the request of Mr. McEwen) and to include extraneous matter.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1557. An act to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes; to the Committee on Education and Labor.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 1971; at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

634. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes; to the Committee on Foreign Affairs.

635. A letter from the treasurer, American Chemical Society, transmitting the annual report and audit of the society for calendar year 1970, pursuant to section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

636. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

637. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to the documentation of seamen; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of Conference. Conference report on S. 70 (Rept. No. 92–165). Ordered to be printed.

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 6993. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior (Rept. No. 92–166). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 7830. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates of the House of Representatives and the Senate, the Presidency, and the Vice Presidency; and to give the House Committee on Standards of Official Conduct, the Senate

Select Committee on Standards and Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. ASHLEY:

H.R. 7831. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a national lake areas system and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Public Works.

By Mr. BETTS (for himself, Mr. Collier, Mr. Conable, and Mr. du Pont):

H.R. 7832. A bill to restore balance in the federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Badillo, Mr. Scheuer, Mr. Addabbo, Mr. Eilberg, Mr. Symington, Mr. O'Konski, Mr. Waldie Mr. Hicks of Washington, Mr. Moss, Mr. Clay, Mr. Dingell, Mr. Halpern, Mr. Begich, Mrs. Hansen of Washington, Mr. Pepper, Mr. Edwards of California, Mr. Cotter, Mr. Pike, Mr. Carney, Mr. Rees, Mr. Roncalio, Mr. Moorhead, Mr. Hathaway, and Mr. Horton):

H.R. 7833. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Riegle, Mr. Forsythe, Mrs. Grasso, Mr. Burke of Massachusetts, Mr. Gonzalez, Mr. Hechler of West Virginia, Mr. McCormack, Mr. Mikva, Mr. Ryan, Mr. Drinan, Mr. Sarbanes, Mr. Esch, Mr. Alexander, Mr. Rosenthal, Mr. Yatron, Mr. Brinkley, Mrs. Mink, Mr. Fish, Mr. Abourezk, Mr. Schwengel, and Mrs. Chisholm):

H.R. 7834. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 7835. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Drinan, Mr. Roberts, Mr. Hansen of Idaho, Mr. Scott, Mr. Sisk, Mr. Sikes, Mr. Charles H. Wilson, Mr. Derwinski, Mr. Blackburn, Mr. Wright, Mr. Johnson of Pennsylvania, Mr. Quillen, Mr. Fisher, Mr. Aspin, Mr. Johnson of California, Mr. Slack, Mr. Moss, Mr. St Germain, Mr. Wyatt, Mr. Rogers, Mr. Schwengel, Mr. Matsunaga, Mr. Hogan, and Mr. Fulton of Pennsylvania):

H.R. 7836. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Pepper, Mr. Duncan, Mr. Addabbo, Mr. Murphy of New York, Mr. Mazzoli, Mr. Karth, Mr. Collins of Illinois, Mr. Hays, Mr. Minshall, Mr. Cleveland, Mr. Eshleman, Mr. Whitten, Mr. Byrne of Pennsylvania, Mr. Donohue, Mr. Begich, Mr. Hull, Mr. Abbitt, Mr. Hunt, Mr. Steed, Mr. Baker, Mrs. Chisholm, Mr. Patman, Mr. Fountain, and Mr. Gonzalez):

H.R. 7837. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Don H. Clausen, Mr. Latta, Mr. Pickle, Mr. Jones of North Carolina, Mr. Hastings, Mr. Conte, Mr. Hanley, Mr. Edwards of Louisiana, Mr. Staggers, Mr. Macdonald of Massachusetts, Mr. Lennon, Mr. Daniel of Virginia, Mrs. Hicks of Massachusetts, Mr. Bevill, Mr. Cabell, Mr. Anderson of Tennessee, Mr. Harvey, Mr. Baring, Mr. Roybal, Mrs. Hansen of Washington, Mr. Teague of Texas, Mr. Griffin, Mr. Madden, and Mr. Saylor):

H.R. 7838. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Waggonner, Mr. Blatnik, Mr. Bow, Mr. Symington, Mr. Roe, Mr. McMillan, Mr. Chappell, Mr. Melcher, Mr. Archer, Mr. Kee, Mr. Findley, Mr. McFall, Mr. Whitehurst, Mr. Burke of Massachusetts, Mr. Hanna, Mr. Flood, Mr. Biaggi, Mr. Collins of Texas, Mr. Hawkins, Mr. Bob Wilson, Mr. Gray, Mr. Mailliard, Mr. Sandman, and Mr. Dent):

H.R. 7839. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself, Mr. Smith of California, Mr. Dowdy, Mrs. Green of Oregon, Mr. Dow, Mr. Dulski, Mr. Mann, Mr. Hicks of Washington, Mr. Podell, Mr. Ashley, and Mr. Abourezk):

H.R. 7840. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 7841. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7842. A bill to provide that, after January 1, 1972, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the second Monday in November of each year; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Abourezk, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Begich, Mr. Bergland, Mr. Biester, Mr. Brinkley, Mr. Flowers, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Hamilton, Mr. Harrington, Mr. Hathaway, Mr. Johnson of Pennsylvania, Mr. Mazzoli, Mr. Melcher, Mr. Moorhead, Mr. Murphy of New York, Mr. Roncalio, Mr. Rosenthal, Mr. Roy, Mr. Sarbanes, Mr. Smith of Iowa, and Mr. Tiernan):

H.R. 7843. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

By Mr. CULVER (for himself, Mr. Flood, Mr. Foley, Mr. Jones of Tennessee, Mr. Link, Mr. Obey, Mr. Preyer of North Carolina, Mr. Purcell, Mr. Steed, and Mr. Wolff):

H.R. 7844. A bill to assist in community development, with particular reference to small communities; to the Committee on Banking and Currency.

By Mr. DINGELL (for himself, Mr. Abourezk, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Barrett, Mr. Broomfield, Mr. Burton, Mr. Carney, Mr. Cleveland, Mr. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Diggs, Mr. Dulski, Mr. Eilberg, Mr. Garmatz, Mr. Gibbons, Mrs. Grasso, Mr. Green of Pennsylvania, Mrs. Griffiths, and Mr. Halpern):

H.R. 7845. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the Untied States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. DINGELL (for himself, Mr. Hamilton, Mr. Hastings, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Jacobs, Mr. Johnson of California, Mr. Karth, Mr. Kastenmeier, Mr. Leggett, Mr. Long of Maryland, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Mollohan, Mr. Morse, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Podell, and Mr. Rees):

H.R. 7846. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. DINGELL (for himself, Mr. Rodino, Mr. Roybal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Seiberling, Mr. James V. Stanton, Mr. Stokes, Mr. Symington, Mr. Van Deerlin, Mr. Vigorito, and Mr. Yatron):

H.R. 7847. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and muncipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. FLYNT:

H.R. 7848. A bill to amend the Railroad Retirement Act of 1937 so as to permit individuals retiring thereunder to receive their annuities while serving as an elected public official; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 7849. A bill to amend section 13 of the Federal Water Pollution Control Act relating to the control of sewage from vessels; to the Committee on Public Works.

By Mr. HÉBERT (for himself and Mr. Arends):

H.R. 7850. A bill to amend section 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Air Force; to the Committee on Armed Services.

By Mr. HULL:

H.R. 7851. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

H.R. 7852. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 7853. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 7854. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. Adams, Mr. Buchanan, Mr. Dow, Mr. Fascell, Mr. Fraser, Mr. Garmatz, Mr. Halpern, Mr. Hawkins, Mrs. Hicks of Massachusetts, Mr. Matsunaga, Mr. Mazzoli, Mr. Mitchell, Mr. Nix, Mr. Preyer of North Carolina, Mr. Roybal, Mrs. Chisholm, Mr. Rangel, Mr. Harrington, Mr. Bingham, and Mr. Podell):

H.R. 7855. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 7856. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 7857. A bill to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. METCALFE:

H.R. 7858. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MINSHALL (for himself, Mr. Blackburn, Mr. Collins of Texas, Mr. King, Mr. Nichols, and Mr. Rarick):

H.R. 7859. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. Clark, Mr. Evins of Tennessee, Mr. Madden, Mr. Meeds, and Mr. Symington):

H.R. 7860. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

By Mr. PRYOR of Arkansas (for himself, Mr. Anderson of Illinois, Mr. Baring, Mr. Biaggi, Mr. Blackburn, Mr. Burke of Massachusetts, Mr. Conte, Mr. Hathaway, Mrs. Hicks of Massachusetts, Mr. Mikva, Mr. Pepper, Mr. Pike, Mr. Preyer of North Carolina, Mr. Rhodes, Mr. Rosenthal, and Mr. Vander Jagt):

H.R. 7861. A bill to protect ocean mammals from being pursued, harassed, or killed, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 7862. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 7863. A bill to provide for the creation of an authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

By Mr. SCHWENGEL:

H.R. 7864. A bill to provide that the value of survivor annuities payable under chapter 83, title 5, United States Code, shall not be taken into account for State inheritance tax or Federal estate tax purposes; to the Committee on Ways and Means.

By Mr. VEYSEY (for himself, Mr. Anderson of California, Mr. Bell, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Danielson, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hanna, Mr. Hawkins, Mr. Holifield, Mr. Hosmer, Mr. Leggett, Mr. McCloskey, Mr. McFall, and Mr. Mailliard):

H.R. 7865. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Salton Sea project, California; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY (for himself, Mr. Mathias of California, Mr. Moss, Mr. Pettis, Mr. Rees, Mr. Roybal, Mr. Talcott, Mr. Teague of California, Mr. Waldie, Mr. Wiggins, Mr. Bob Wilson, Mr. Charles H. Wilson, Mr. Miller of California, Mr. Rousselot, and Mr. Sisk):

H.R. 7866. A bill to authorize the Secretary of the Interior to engage in a feasibility study of the Salton Sea project, California; to the Commitee on Interior and Insular Affairs.

By Mr. WINN (for himself, Mr. Derwinski, Mr. Scott, Mr. Kuykendall, Mr. Whitehurst, Mr. Spence, Mr. Brinkley, Mr. Dickinson, Mr. Buchanan, Mr. Fisher, Mr. Schmitz, Mr. McMillan, Mr. Hall, Mr. Arends, Mr. Pirnie, Mr. Steiger of Arizona, Mr. Lennon, Mr. Smith of California, Mr. Eshleman, Mr. Dennis, Mr. Landgrebe, Mr. Young of Florida, Mr. Mann, Mr. Vander Jagt, and Mr. Michel):

H.R. 7867. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON of Tennessee:

H.J. Res. 580. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. RODINO:

H.J. Res. 581. Joint resolution to instruct the President of the United States to release cetrain appropriated funds; to the Committee on Government Operations.

H.J. Res. 582. Joint resolution to authorize and request the President to designate by proclamation the third week of May of each year, beginning May 16 through 22, 1971, as "The Week of the Young Child"; to the Committee on the Judiciary.

H.J. Res. 583. Joint resolution designating the last full week in July of 1971 as "National Star Route Carriers Week"; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI (for himself, Mr. Annunzio, Mr. Collins of Illinois, Mr. Gray, Mr. Kluczynski, Mr. Metcalfe, Mr. Mikva, Mr. Murphy of Illinois, Mr. Price of Illinois, Mr. Pucinski, Mr. Shipley, and Mr. Yates):

H.J. Res. 584. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. SCHWENGEL (for himself, Mr. Fraser, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Biester, Mr. Collins of Illinois, Mr. Cotter, Mr. Culver, Mr. Drinan, Mrs. Grasso, Mr. Hawkins, Mr. Hicks of Washington, Mrs. Mink, Mr. Moss, Mr. Pepper, Mr. Robison of New York, Mr. Ruppe, Mr. Symington, Mr. Widnall, Mr. McCormack, Mr. Mikva, Mr. Burke of Massachusetts, and Mr. Fascell):

H.J. Res. 585. Joint resolution to provide for the designation of the calendar month of May 1971 as "Human Development Month"; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 586. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY:

H. Con. Res. 281. Concurrent resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week"; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. Badillo, Mrs. Chisholm, Mr. Clay, Mr. Dellums, Mr. Eilberg, Mr. Halpern, Mr. Koch, Mr. Mitchell, Mr. Rangel, Mr. Riegle, and Mr. Rosenthal):

H. Res. 410. Resolution to provide for an investigation by the Committee on the Judiciary of the administration and operation of the Federal Bureau of Investigation; to the Committee on Rules.

By Mr. PERKINS (for himself, Mr. Thompson of New Jersey, Mr. Dent, Mr. Daniels of New Jersey, Mr. Brademas, Mr. O'Hara, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Mazzoli, and Mr. Badillo):

H. Res. 411. Resolution to disapprove reorganization plan No. 1 of 1971; to the Committee on Government Operations.

By Mr. PERKINS:

H. Res. 412. Resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Alabama:

H.R. 7868. A bill for the relief of Alfred C. Copeland; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7869. A bill for the relief of Daniel Chien-Sheng Lee; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7870. A bill for the relief of Jeptha P. Marchant and Joseph A. Perkins; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 7871. A bill for the relief of Robert J. Beas; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RAILPAX

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. MOLLOHAN. Mr. Speaker, many of us initially greeted the concept of Railpax as a creative and useful alternative to the hideous deterioration of rail passenger service. The disillusionment that has accompanied the choice of initial routes is now being reinforced with the decision of Amtrak in regard to the welfare of effected employees. Over the years, railroad management and labor have come to a workable solution with regard to employees whose jobs are affected by discontinuance of service or automation and consolidation

It was the common assumption last year that the crux of those provisions was incorporated into the legislation establishing Railpax and that this would be honored in the actual administration of the act. Today, we are again seeing that there is a substantial gap between the promise of Railpax or Amtrak and the realities. The Brotherhood of Railway and Airline Clerks has set forth its position on this controversy and I think it is one that the Congress should consider carefully in their evaluation of the potential and the performance of this new Federal corporation.

I am, therefore, placing in the RECORD the statement by C. L. Dennis, president of the Brotherhood of Railway and Airline Clerks, along with a brief analysis of the arrangements certified by the Secretary of Labor, and a history of the certification of employee protection arrangements by the Secretary of Labor under section 405(b) of the Rail Passenger Service Act of 1970:

STATEMENT BY PRESIDENT C. L. DENNIS

A most serious crisis faces thousands of railway employes because of the way plans are being made in connection with Railpax, now mysteriously and expensively renamed Amtrak. BRAC is directly concerned, because a very large proportion of the people affected are members of our union who work on passenger service functions.

These thousands of railroad people face a grim future: unemployment, demotion to lower-paying jobs, uprooting of families through transfers to new locations, and the prospect of lack of protection despite the law which many Congressmen felt would provide attrition.

This situation is caused by the proposed wide-scale discontinuance of passenger traffic, and by the apparent determination of the executive branch of the government to ignore or to by-pass the protections written into the Rail Passenger Service Act when it was written into law by Congress in 1970.

We are particularly concerned and angered by the certification issued by the Secretary of Labor on April 16, 1971. The Secretary's statement characterized it as a "fair and equitable arrangement to protect the rights of workers adversely affected by curtailment of inter-city passenger service." We in BRAC disagree.

The arrangement is unfair and inequitable. It ignores the will and intent of Congress. It threatens to write a chapter of mass misery, of tragic dimensions, for thousands of railroad workers' families.

It is time for the federal government to halt this travesty. If it does not, BRAC will soon make an appeal to Congress and to the courts to gain the legal protection which these loyal railway employees and their families certainly deserve. This activity will have the highest priority in our union in coming months.

The press release which accompanied Secretary Hodgson's certification of the layoff procedure for rail passenger employees alleges that displaced or dismissed workers will receive monthly cash payments "sufficient to provide them with an income equal to what they would have received had they remained on their former jobs" for up to six years.

What the Labor Department press release did not say is that previous arrangements worked out by BRAC and various railroads have provided for attrition protection for the life of the workers. In many cases there have been provision barring lay-offs altogether, and permitting a process of attrition to handle the situation.

Furthermore, the Labor Department statement for the news media made no mention of the fact that other provisions of the certification arrangement will effectively bar any protection whatsoever for most of the employes adversely affected by the discontinuance of much of our present intercity rail passenger service.

Secretary Hodgson's statement correctly identifies the certification document as in essence "the railroad plan." It is a plan by management for the protection of powerful stockholders, and if it were to be put into operation, it would flout the needs both of affected employes and the general public.

The railroad management plan, which the Secretary accepted, flouts and contradicts the advice given to the Secretary of Labor by the Interstate Commerce Commission.

The railroad management plan, it is interesting to note, also contradicts the advice given at first to the Secretary of Labor by the Department of Justice. But, amazingly, the Department of Justice then reversed itself completely, all in a time span of 24 hours. It made this rapid about-face after secret conferences, hurriedly arranged, between representatives of the Department of Justice and the obviously persuasive lobbyist-attorney for the Railpax Corporation.

As a result of all of this behind-the-scenes maneuvering and the sudden changes in legal opinions, the Secretary of Labor removed from the certification process a procedure for negotiating and implementing agreements protecting workers before rail service in a particular location is discontinued. This process is essential if workers are to gain the protection Congress promised them.

Once before, in railroad history, this process of advance negotiation was omitted from an agreement—and that time it was by an inadvertent mistake on the part of the ICC. It took five years of intense litigation to correct that error, which the ICC itself later admitted had had "a most devastating effect upon employees" and had resulted in a "callous disregard by the railroads for the established rights and interests of the employes."

In the present case the ICC specifically reminded the Secretary of Labor of the importance of the protective language. Yet with full knowledge of the results of omitting that language—not for some 1,600 employes, as in the earlier Southern-Central of Georgia case, but for tens of thousands of employes throughout the nation—the Secretary acted in accordance with the wishes of railroad management and their suddenly-converted allies in the Department of Justice.

What happened once before by error cannot be permitted to happen again, whether by complete error of judgment or by sinister lobbying by railroad management. The repetition is inexcusable and simply cannot be permitted to happen again.

Yet, incredibly, that is not even the whole mess. There is still more language to help railroad management evade its responsibilities.

The Secretary of Labor's plan, as we have pointed out, deletes essential prerequisite protection provided by the law. That, apparently, was not enough for the railroads. The Secretary's plan inserts additional provisions which virtually insure the railroads against responsibility in any case in which the railroads themselves determine that they will deny the claims of workers affected by discontinuance of service.

On the plea of railroad management, the Secretary of Labor's plan provides language which will permit railroads to argue before arbitrators that they can "prove that factors other than" discontinuance of rail passenger service resulted in the layoff. As a result the railroads can escape responsibility under the law.

After close study, BRAC is convinced, on the basis of its experience in this area, that the plan certified by Secretary of Labor Hodgson will result in depriving upwards of 80 percent of rail employes affected by discontinuance of passenger service of every protection under the law.

This is an intolerable plan coming from the head of a department which by statute is supposed to look out for the best interests of wage earners. We are at a loss to understand this complete appeasement of railroad management and the resulting sacrifice of workers' rights under the law.

Our experience with this personnel problem has reinforced in our mind many doubts about the whole philosophy of Railpax and Amtrak as it is presently contemplated. We know that a growing number of Senators and Representatives, who at first hailed Railpax as a constructive way of handling the passenger train problem, are concerned now about the path that is being followed for the future. They, like us, are coming to believe that Railpax-Amtrak is far less concerned with the needs of the country—for passenger trains, for vital transportation services, for convenience to travelers—than it is with the profit ledgers of the privately owned railroads.

But this is not the way to develop the kind of rail service that America needs for the remaining decades of this century and the years ahead. It is a time to give first priority to the nation's need for transportation service.

This requires retaining skilled and experienced workers, not dumping them into unemployment with little or any concern and less protection.

BRAC, as the representative of many thousands of these men and women, will take every action possible to prevent this tragic and blundering injustice. We shall appeal to Congress and to the courts to protect these rights and win fair treatment for these citizens.

BRIEF ANALYSIS OF ARRANGEMENTS CERTIFIED BY SECRETARY OF LABOR AS "FAIR AND EQUITABLE PROTECTION" FOR RAILROAD EMPLOYEES AFFECTED BY DISCONTINUANCE OF INTERCITY RAIL PASSENGER SERVICE PURSUANT TO THE NATIONAL RAIL PASSENGER SERVICE ACT OF 1970

The Secretary's letter of certification and the attached document identified as "Appendix C–1", containing the provisions for the protection of employees, contain no reasons for the elimination of benefits long established pursuant to Section 5(2)(f) of the Interstate Commerce Act. The Secretary also fails to explain the numerous language changes made from formulae established under Section 5(2)(f) or his reasons for the inclusion of several novel and vague additions to established protective formulae.

There are listed below obvious deficiencies in the Appendix which render it inferior to the so-called "New Orleans Conditions" imposed by the Interstate Commerce Commission under Section 5(2)(f). As a result of these deficiencies, the Secretary of Labor has certified to the Corporation as fair and equitable protection for employees a formula of benefits substantially less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act.

1. Section 4 of the Appendix eliminates the requirement for any notice to employees of the railroads prior to the discontinuance of intercity passenger train service proposed to be effected on May 1, 1971. The "New Orleans Conditions" by their adoption of Section 4 of the Washington Agreement require at least ninety (90) days advance notice.

2. Section 4(d) eliminates the requirements of Section 5 of the Washington Agreement as incorporated into the "New Orleans Conditions" that implementing agreements providing for the selection of employee forces involved to perform the remaining work following displacement and re-arrangement and providing for the assignment of employees to the remaining jobs must be executed prior to the displacement or rearrangement of the employee forces. Section 4(d) would permit the railroads to take whatever unilateral action they deemed necessary to dismiss and displace employees and to rearrange and assign forces prior to the execution of such agreements. The effect of this provision would be to forever deprive certain employees of their rights which they would secure under the implementing agreements.

For example, Section 7 of the Appendix requires a dismissed employee to exercise his option to resign and receive separation pay within 7 days of the date on which he is dismissed. Because of Section 4(d) many employees may resign long before implementing agreements are executed. It is probable that such implementing agreements would transfer the seniority rights of dismissed employees to seniority rosters following which they could bid on comparable positions and remain in the employ of the railroad thereby preserving the many benefits, such as railroad retirement benefits which they would forfeit by resigning and accepting separation pay. In addition, other employees may be required to exercise their seniority at distant points requiring them to sell their homes and move to distant cities. Implementing agreements very probably would eliminate many such moves but would be executed too late to protect employees who had already transferred.

The requirement that implementing agreements be executed prior to the effectuation of changes in employee forces has been considered by the Interstate Commerce Commission and all arbitrators who have considered the question under the Washington Agreement or the "New Orleans Conditions", as the most important single benefit or protection afforded employees by the Washington Agreement as incorporated into the "New Orleans Conditions".

3. Section 7 of the Appendix effectively eliminates the employee's option to resign and accept separation pay in lieu of the other benefits provided him because it allows an employee only 7 days following his dismissal in which to exercise his option. Section 9 of the Washington Agreement as incorporated into the "New Orleans Conditions" provides an affected employee 30 days within which to exercise this option. The 7 days provided by Appendix Section 7 does not allow a man sufficient time to assess his situation and make a considered decision on so important a matter. Indeed, it is probable that due to the short time allowed to them the dismissed employees affected by the proposed May 1 train discontinuance won't even be aware of the existence of this right in time to exercise it should they desire to do so.

4. Appendix Section 8 purports to protect employees against loss of their fringe benefits as does Section 8 of the Washington Agreement ("New Orleans"). However, the Washington Agreement protects an affected employee's fringe benefits so long as other employees on his home railroad enjoy such benefits whereas Appendix Section 8 protects an employee's fringe benefits only for 6 years following his adverse effect or as long as other employees have such benefits—whichever is the shorter period.

5. Appendix Section 9 eliminates a most valuable protection afforded employees under Section 10 of the Washington Agreement (New Orleans). Under the latter provision when an employee is required to move his place of residence he is reimbursed for his wage loss during the time necessary for him to transfer and for a reasonable time thereafter (not to exceed two working days) which he may use in securing a place of residence in his new location. Section 9 of the Appendix would restrict an employee's protection against wage loss to three working days regardless of the time necessary for him and his family to move to the new location and to secure a place in which to live.

6. Section 9 of the Appendix by virtue of one minor word change eliminates the protection which "New Orleans" affords employees who are required to move a second time due to the changes effected by the carrier. Section 8 of the Appendix provides that changes in place of residence "which are not a result of the transaction, which are made subsequent to the initial change *or* which grow out of the normal exercise of seniority rights" are not to be considered protected changes. By changing the word "and" as it appears in Section 9(c) of the Washington Agreement (New Orleans) to "or", the Secretary has effectively eliminated the protection to be afforded employees in subsequent moves caused by the changes put into effect by the railroads. It is interesting, and not a little confusing, to note that Appendix Section 12(b) which contains a similar provision with regard to loss on the sale of homes was adopted from the "New Orleans Conditions" without changing "and" to "or".

7. Section 10 of the Appendix eliminates retroactive protection for employees adversely affected in anticipation of the discontinuance of intercity rail passenger service by eliminating from the end of the sentence the words "as of the date when he was so affected". The quoted words are found in Section 12 of the Washington Agreement (New Orleans) and appear to be the only words which were removed from that provision when it was placed in the Appendix.

8. The arbitration provision set forth in Section 11 of the Appendix will be a source of continuing litigation because it is one of two arbitration provisions in the Appendix, both of which purport to govern disputes over the "application" of the provisions of such document. In addition, provisions for the constitution of the arbitration committee render the decisions of the committee within the strict control of the railroad party to the arbitration when more than one union is involved in the proceeding. Section 11(b) of the Appendix provides that when a dispute involves more than one labor organization, each such organization may have a representative on the committee in which event the railroad will have an equal number of members on the committee. Section 11(c) then provides that a majority vote of the committee shall be final. In any arbitration in which the unions involved may be in dispute with each other as well as with the carrier, the carrier members have the power of decision by merely determining with which of the unions it will cast its multiple vote. No arbitration provision in the railroad industry contains such an inequitable provision.

9. Section 11(e) deals with the burden of proof in an arbitration provision. The employee in an arbitration proceeding under the "New Orleans Conditions" has a virtually insurmountable burden of proving that he was affected by a particular transaction. The Appendix certified by the Secretary of Labor increases that burden to the point where it will be utterly impossible for virtually any individual employee to secure any monetary protection under the provisions of the Appendix if that employee's railroad denies his claim to protection. Section 11(e) would permit the railroad to prevail in any arbitration if it could "prove that factors other than a transaction affected the employee." A railroad can always prove that factors other than a train discontinuance were involved in the adverse effect visited upon any particular employee.

10. There are numerous other minor changes which, while they deprive employees of some measure of protection found in the "New Orleans Conditions", are not deemed sufficient to cite herein. However, there is contained in Appendix Section 3 a proviso which would apparently have the effect of depriving employees presently governed by other portective agreements from the benefits of those agreements as well as any benefits which they may have under the Appendix: ". . . provided further that the benefits under this or any other arrangements shall be construed to include the conditions, responsibilities and obligations accompanying such benefits."

This provision is inserted without explanation and is found in no formula of protection established pursuant to Section 5(2)(f). It could be interpreted to mean that an employee presently enjoying a guaranteed rate of pay under a protective agreement which provides that in the event of a decline in business his guarantee would cease would be restricted to that "protection" and upon the abolishment of his job as a result of the discontinuance of intercity rail passenger service he would be entitled to no protection under either formula.

Another word change which is unexplained and perhaps significant is found in Section 6(d) which would require an employee receiving a dismissal allowance to "accept a comparable position which does not require a change in his place of residence and for which he is qualified and eligible with the railroad from which he was dismissed . . . if his return does not infringe upon the employee rights of other employees under a working agreement." Section 7(g) of the Washington Agreement (New Orleans) requires such an employee to "return to the service of the employing carrier for other *reasonably* comparable employment for which he is *physically and mentally* qualified and which does not require a change in his place of residence, if his return does not infringe upon the employee rights of other employees under the working agreement." The deletion of the words underlined could well result in employees being required to accept demeaning jobs.

It was the absence of a requirement that the carriers execute implementing agreements prior to effectuating the transactions involved in the discontinuance of Central of Georgia work that resulted in the evil visited upon the employees of the Central of Georgia Railroad for over 5 years following its acquisition by the Southern Railway. The Commission in ultimately vindicating the rights of those employees described the application of protective conditions without preceding implementing agreements as "a callous disregard by applicants [the railroads] for the established rights and interests of the employees on the Central of Georgia". (331 I.C.C. at 185.) The Commission described the absence of pre-executed implementing agreements as "the most devastating effect upon employees". (331 I.C.C. at 172.)

In addition to the perpetuation of the evil described by the Commission in the *Southern-Central of Georgia* case, the Appendix certified by the Secretary contains the evils listed above particularly that which places an insurmountable burden of proof upon individually affected employees.

THE HISTORY OF THE CERTIFICATION OF EMPLOYEE PROTECTION ARRANGEMENTS BY SECRETARY OF LABOR UNDER *SECTION* 405(B) OF THE RAIL PASSENGER SERVICE ACT OF 1970

On April 16, 1971, the Secretary of Labor certified as "fair and equitable" an arrangement to protect the rights of employees affected by the curtailment of intercity rail passenger service proposed to occur on May 1, 1971, and thereafter. Section 405(b) of the Rail Passenger Service Act requires that such an arrangement "shall in no event provide benefits less than those established pursuant to Section 5 (2) (f) of the Interstate Commerce Act.

In his press release accompanying this document the Secretary describes the protection afforded in terms of full monthly cash payments to affected employees for up to six years.

What the Secretary does not reveal in his press release is the fact that perhaps 80% of the employees affected will receive no protection whatever due to the deletion from the "fair and equitable arrangement" of the single most important protection established under Section 5(2) (f) of the Interstate Commerce Act—the inclusion of Sections 4 and 5 of the Washington Agreement requiring notice to employee representatives and the execution of implementing agreements prior to effectuating changes in operations, etc. which affect employees.

The necessity of the inclusion of such vital provisions in any formula certified by the Secretary was confirmed independently and in writing to the Department of Labor by the Interstate Commerce Commission, which agency has administered Section 5(2) (f) for over 30 years, and also by the Department of Justice. Despite this counsel the Secretary has refused to include such protection.

The Secretary's certified arrangement has also provided the railroads with a means of avoiding payments to affected employees by merely demonstrating to an arbitrator "that factors other than" discontinuance of intercity rail passenger service were also involved in the adverse effects to employees.

A chronological summary of the events leading to this tragic act of the Secretary of Labor is set forth below.

1. March 10, 1971—The Secretary of Labor called joint meeting chaired by Assistant Secretary Usery. Representatives of rail labor, rail management and the National Railroad Passenger Corporation (Railpax) were present. Assistant Secretary Usery asked that those present work out a plan of protection for employees. Mr. John Gilhooley, an Incorporator of the Railpax, stated that this was a matter to be resolved by the Railroads and Unions and that Railpax would have and could have nothing to do with it. Railpax thereafter participated in no conferences between the Railroads and the Unions.

2. March 11, 1971—The first meeting was held between the Unions and the Railroads. The Railroads presented a proposal of "New Orleans" conditions as imposed by the Interstate Commerce Commission under Section 5(2) (f) in many cases but with three major modifications:

A. Deletion of the employees' right to a 90-day notice and the negotiations of implementing agreements determining the selection and assignment of forces to perform the remaining work as well as the designation of the employees' rights to bid on that work *prior* to any changes made by the railroads—as contained in Sections 4 and 5 of the Washington Agreement and incorporated into the "New Orleans Conditions" by the Interstate Commerce Commission in 1952.

B. A rapid arbitration procedure for settlement of all disputes under the protective formula.

C. Adjustments in the monetary protections to reflect the recently enacted Hours of Service Law.

The chief spokesman for the Railroads, Mr. John Hiltz, closed his presentation of the Railroads' proposal with the ultimatum that if the Union did not accept it as stated "this is the end of the road."

While the Unions had no objection to negotiating a reasonable arbitration procedure or adjustment in employee monetary protections to reflect the effects of the Hours of Service Law, they could not agree to waive the requirements of Sections 4 and 5 which their experience through five years of litigation in the *Southern Railway-Central of Georgia Railroad* Case and the Interstate Commerce Commission's ultimate decision in that case had confirmed to be the single most important protection afforded employees under a protective formula as it controls all employee rights and obligations thereunder. In the *Southern-Central of Georgia* Case the Commission found that the absence of Sections 4 and 5 had had "the most devastating effect upon employees" resulting in "a callous disregard" by the railroads "for the established rights and interests of the employees." (331 I.C.C. at 172 and 185.)

The Unions also had a proposal to offer at this initial meeting with the Railroads. The Unions sought a different type of protection for employees, so-called "attrition" protection. This type of protection had been established pursuant to Section 5(2) (f) in numerous railroad merger cases and was in effect on many railroads throughout the nation. It provided for the abolishment of jobs as attrition occurred through deaths, retirements, etc. The Unions believed that the attrition rates on railroads—between 5% and 15% per year—made such protection quite practical. In addition, it was the type of protection utilized by the government in the so-called "Firemen's Dispute".

The Railroads rejected the Unions' proposal and the initial conference adjourned.

3. March 22, 1971—The second meeting was held between the Railroads and the Unions. The Railroad stated they would refuse to discuss "attrition" protection. Counsel for one of the Unions present then suggested three points as a possible basis for continuing the talks: Adoption of the "New Orleans" conditions modified so as to shift the burden of proof in arbitration proceedings under the protective formula from the employee-claimant whom experience had shown cannot sustain such burden, to the party in whose possession are all of the facts involving the operational changes which affected the employee—the railroad employer; a dimissal or displacement allowance equaling the employee's railroad earnings to be provided the employee for ten years, less all outside income and railroad income if recalled to service within that time; and, the inclusion of the all-important Sections 4 and 5 with substantial restriction on time limits.

Following a private caucus lasting some 45 minutes, the Railroad representatives returned to the conference room and through their chief spokesman, Mr. Hiltz, stated the Unions had presented "three insurmountable obstacles" but that they would call the Unions if they had any further thoughts on the matter and would expect a call from the Unions if the Unions had anything further. In any event, said Mr. Hiltz, he was sure both parties would be available for further conferences at the call of the Secretary of Labor.

4. On Saturday, March 27, 1971, an official of the Department of Labor telephoned counsel for one of the Unions and informed him that the Railroads had drafted a formula of protection and presented it to representatives of the Railpax who in turn had given it to him. This official felt it was necessary to inform the Unions of this occurrence because he understood the Railroad-Union negotiations were still in progress and the formula appeared to afford much less protection than the "New Orleans" conditions.

Examination of the formula by Union counsel revealed that it had been virtually copied from the formula originally imposed in the *Southern-Central of Georgia* Case and which had resulted in the tragedies described above by the Commission after almost five years of ultimately successful litigation.

This act by the Railroads, of course, effectively terminated negotiations by the Railroads and the Unions.

5. On March 30, 1971, a meeting was held at the Hamilton Hotel with Assistant Secretary Usery and Union representatives. At this meeting Assistant Secretary Usery stated that he understood the need of the employees for a shift in the burden of proof to the railroad in arbitrations under the protective formula. He also stated that he realized the need of basing the monetary protection on a given period of years from the date an employee was affected as well as the need for gearing the protection an employee was to receive to subsequent general wage increases. At this meeting Secretary Usery requested the Unions to submit to him a formula of protection. The Union representatives stated that they believed that "attrition" protection was necessary for effective protection in the event of discontinuance of intercity passenger train service due to the fact that absent such protection numerous employees of the railroads who were actually affected by the discontinuance of such service would never receive the protections to which they were entitled because of the many intervening circumstances that would occur between the actual discontinuance of the trains and the effects upon employees, such as maintenance of way employees, signalmen, etc.

6. On March 31, 1971, a conference was held at the Department of Labor between Undersecretary Silberman, Assistant Secretary Usery, General Solicitor Peter Nash, Attorneys for the Unions and one other Union representative regarding the justification of the certification of attrition protection. The Unions presented to the Undersecretary a memorandum supporting their position and an overall formula which would accomplish their objectives. The Union representatives were informed that the Department was also conducting discussions with the Railroads and contact would be made with the Union representatives at a later date.

On the evening of March 31, 1971, General Solicitor Nash of the Department of Labor conferred by telephone with General Counsel Fritz Kahn of the Interstate Commerce Commission with regard to the "benefits established pursuant to Section 5(2) (f) of the Interstate Commerce Act" and whether those "benefits" included Sections 4 and 5 of the Washington Agreement as incorporated into the "New Orleans" conditions.

7. On April 1, 1971. General Counsel Kahn wrote to General Solicitor Nash confirming his telephone conversation with him of the previous evening and stating that "conditions insuring employees to notice and negotiation of implementing agreements, as provided by Sections 4 and 5 of the Washington Job Protection Agreement, are within the contemplation of Section 405 of the Rail Passenger Service Act of 1970." General Counsel Kahn quoted from the Commission's opinion in the *Southern-Central of Georgia* Case and cited several other Commission decisions.

The quotation from the Commission's decision in the *Southern-Central of Georgia* Case is from page 166 of Volume 331 of the I.C.C. Reports:

"The inclusion of provisions of the type contained in sections 4 and 5 of the Washington Agreement was required, in our opinion, in order to provide the employees the protection to which they were entitled under the statute. Whether spelled out in specific terms, or incorporated through reference to other recognized conditions, viz., the *New Orleans* conditions, the inclusion of conditions insuring the right of the employees here involved to notice and the negotiation of implementing agreements were *indispensable prerequisites* in effectuating a valid order of approval in the proceeding." (Emphasis supplied.)

Mr. Kahn's letter concluded as follows:

"These reports, in my view, permit of no doubt that sections 4 and 5 of the Washington Job Protection Agreement are within the contemplation of the protective conditions that apply under section 405 of the Rail Passenger Service Act of 1970."

8. April 2, 1971—A meeting was held with Assistant Secretary Usery and General Solicitor Nash and representatives of the Unions at the Department of Labor. At this meeting Assistant Secretary Usery informed the Union representatives that the Secretary of Labor would not certify "attrition" protection. General Solicitor Nash stated that the Department of Justice had been requested for an opinion as to whether Section 5(2)(f) required the inclusion of Sections 4 and 5 of the Washington Agreement in the "benefits established pursuant to Section 5(2)(f)". Assistant Secretary Usery informed the Union representatives that the Secretary would certify a formula of protection based upon the "New Orleans" conditions. The Unions thereafter were never requested to submit any ideas on a "New Orleans" type of formula. All further conferences on the formulation of this type of formula were held by the Secretary with the Railroad representatives and all such conferences were based upon the original Railroad formula given to Railpax.

9. April 5, 1971—The Department of Justice responded to the inquiry of the Department of Labor by letter. Counsel for the Unions was officially informed of the contents of this letter by an official of the Department of Labor who telephoned him and read the letter to him. The letter was quite long and confirmed, in all respects, the conclusions of General Counsel Kahn of the Interstate Commerce Commission as transmitted in his letter to General Solicitor Nash, dated April 1, 1971. This letter from the Department of Justice to the Department of Labor contained a notation at the bottom that a carbon copy of it had been furnished to Mr. H. Chapman Rose, Counsel for Railpax.

10. April 6, 1971—The Unions are informed that following the receipt of the conclusions of the legal staff of the Department of Justice on the requirements of Section 405, Mr. Rose spoke to officials at the Department of Justice and within 24 hours a second letter was dispatched from that Department reversing its first letter and, of course, also contradicting the conclusions of the General Counsel of the Interstate Commerce Commission to the effect that Sections 4 and 5 are necessary in any formula of protection imposed under Section 5(2)(f) and, therefore, under Section 405 of the Rail Passenger Service Act.

11. April 9, 1971—Counsel for the Unions was furnished with a copy of the further draft of the Railroads' proposal by General Solicitor Nash who also declared correspondence between Justice and Labor to be "privileged".

12. April 12, 1971—At the request of Assistant Secretary Usery a meeting was held with Mr. Usery, Mr. Nash and representatives of the Unions. At that meeting the Unions were given copies of the Railroad proposal which had been furnished Counsel for the Unions on April 9, 1971, and informed that this proposal was the basic formula with which the Department was working. The Union representatives stated that this proposal was not in the format of the "New Orleans" conditions and did not contain the essential Sections 4 and 5. They asked if they could present to the Department of Labor a formula which was based upon the "New Orleans" conditions with changes which the Secretary had indicated he was willing to make in it.

The Unions were informed that the certification would be forthcoming in a matter of hours. They informed Assistant Secretary Usery that they could not draft and clear a formula for presentation to the Secretary prior to Friday, April 16, 1971, and asked if they could be given that time in which to furnish their views on what a formula based upon the "New Orleans" conditions should be. Mr. Usery did not know whether such time was available.

13. On Wednesday, April 14, 1971, Counsel for the Unions was informed that the certification would be made momentarily and was provided with a copy of the latest draft which General Solicitor Nash had prepared and had returned to the Railroads for their consideration.

Although this draft as submitted to the Railroads by Solicitor Nash had effectively deleted Sections 4 and 5 of the Washington Agreement as apparently demanded by the Railroads and Mr. Rose of Railpax and as ultimately acquiesced in by the Secretary of Labor, it contained two provisions which would have been extremely helpful to employees in securing the protection to which they were entitled under the law. These provisions were as follows:

In Article I, Section 11(e) on burden of proof in arbitration proceedings the formula read:

"In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to reasonably identify the manner in which he believed he was affected. It shall then be the railroad's burden to prove, that he was not affected by a transaction."

In Article V, Section 1 the following language was contained:

"It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and exceed the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. Any ambiguity or uncertainty regarding the application of any term or terms of this Appendix are, thus, to be resolved in favor of employee protection."

14. Upon receipt of the formula submitted to them by General Solicitor Nash the Railroads made certain changes among which were changes in the above-quoted provisions which had the effect of increasing the burden of proof upon employees over and above that which they had had in prior years under the "New Orleans" conditions thereby effectively depriving thousands more employees of the protection to which they are entitled under the law. The provisions as modified and submitted to the Secretary and ultimately certified by him on Friday, April 16, 1971, are as follows:

"Section 11(e). In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to identify the transaction and specify the pertinent facts of that transaction relied upon. It shall then be the Railroad's burden to prove that factors other than a transaction affected the employee."

"Article V. Section 1—It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and are not less than the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. In doing so, changes in wording and organization from arrangements earlier developed under Section 5(2)(f) have been necessary to make benefits applicable to contemplated discontinuances of intercity rail passenger service affecting a great number of railroads throughout the nation. In making such changes it is not the intent of this Appendix to diminish such benefits. Thus, the terms of this Appendix are to be resolved in favor of this intent to provide employee protections and benefits no less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act."

The latter provision constitutes a contradiction in terms since as concluded by the Interstate Commerce Commission—the most experienced agency involved in the application of Section 5(2)(f)—and the Department of Justice—in its original decision in this matter—Sections 4 and 5 of the Washington Agreement are the single most important benefits established pursuant to Section 5(2)(f) and they are effectively removed in the very formula in which Article V, Section 1 appears.

15. Counsel for the Unions was informed by a telephone call from the Department of Labor on Thursday, April 15, 1971, that the final version of the formula had been received from the Railroads on that day and would be certified by the Secretary the following day.

16. At approximately 10:25 a.m., April 16, 1971, counsel for the Unions were telephoned by Mr. Nash and informed that the Secretary had just certified the formula and that copies of it were available at Mr. Nash's office.

ESKIMOS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, on March 26, 1971, the Blizzard, an outstanding newspaper in Dillingham, Alaska, published an article entitled "Eskimos" by Sandra Brannon. I believe this article to be a fine study of the Alaskan Eskimo. I am sure my colleagues will be interested in this article, and I include it in the RECORD for your consideration, as follows:

ESKIMOS

(By Sandra Brannon)

The Eskimos occupy nearly all the coastline from Greenland and Labrador in the east to the Bering Sea in the west, together with a short stretch of the Siberian shore in the vicinity of Bering Strait.

Most of the Greenland and Labrador Eskimos carry quite a bit of white blood in their veins. Many Greenlanders with their blue eyes and fair hair, could easily pass as Scandinavians if it weren't for their Eskimo tongue.

Because of diseases brought by the Europeans, many of the Eskimos have died. Smallpox was the first to come in the earliest times, later measles and, after World War I, influenza. In earlier days the Eskimos lived mostly on meat and fish which they had gotten from the sea.

Eskimos can easily be distinguished from Indians by their more Mongoloid features, by the smallness of their hands and feet and by a few less obvious traits such as shovel-shaped incisor teeth and narrow nose.

The Eskimos had to rely for their food only on fish, on the land animals (principally caribou, and also musk oxen, bears, hare and marmots) and the mamals of the sea (four or five species of seals and in certain regions, beluga, walrus and whales). In the winter the men set out each morning to harpoon seals over the open water in Kayaks. Others wandered off to hunt the bowhead whale, and still-frozen lakes or trapped the salmon trout that migrated inland from the sea at the breakup of the streams and rivers. Later on in mid-summer, most families hunted the caribou when the fur of that animal was in its prime, and some still carried on this hunt into the late autumn when the herds were migrating to new pastures which is often several hundred miles away. Then when winter came the families drew together again.

The Eskimos used the bow and arrow to kill land animals. (The rifle replaced it everywhere.) They used harpoons against sea mammals. Some Eskimos used rawhide nets for capturing seals, but never used them to catch fish. They also had made Kayaks and Umiaks to spear swimming caribou and harpoon seals. For their clothing they preferred the furs of the caribou and sometimes seal, polar bear, mountain sheep and hare. And in certain places, even bird skins. The suit included a coat, trousers, stockings and either shoes or boots, two of each garment being worn in cold weather. The inner with the fur against the body, the outer with the fur outside. The outer shoe or boot was nearly always made from sealskin because it does not spoil with dampness like caribou would. The women wore garments similar to those of the men but cut differently.

The log cabins that the Eskimo built was insulated on the outside with sod and illumined with sky lights made from gut. They entered through a trap door in the middle of the floor. When winter came the snow would pile up around the house and it would be warm, but in spring many of them became flooded with water and the occupants moved into tents that were made of seal or caribou skin. Where there was hardly any wood some families constructed houses of stone which they roofed with whale ribs and sod. From the Coronation Gulf to Labrador, the Eskimos spent the winter in round huts built from snow blocks known as igloos. They seem to have been invented by the Canadian Eskimos, since they were unknown in Alaska and used little in Greenland. The bottom of the igloo has a low pattern of snow, which they cover with mattresses of willow twigs and then lay caribou furs on top of that. When spring would come they would leave their snow huts and move into skin tents, because the sun melts their huts.

The Eskimos solved the problem of heat and light in their dwelling by burning animal fat nearly always seal blubber in shallow saucer-shaped lamps, made from pottery throughout most of Alaska and from stone somewhere else. They boiled their meat and fish over their lamps unless they ate their food frozen or dried.

The word "Eskimo" from a Cree Indian word means "eaters of raw meat". Their own name for themselves was inuit meaning "people."

In single roomed huts of logs or snow a man can not own many possessions except his dogs and the things he made for himself or derived either in trade or as gifts, from their makers, such as tools, and weapons, his only so long as he occupied it. He couldn't sell it nor prevent another family from taking it away from him after he had ceased to require it. The land belonged to all the Eskimos and food had to be shared in common, since fishing and the chase are precarious pursuits and no family dared deliberately allow its neighbor to starve when they themselves might face starvation a few days or weeks later. There were no written laws and no chiefs or police to enforce the traditional rules handed down from one century to another.

Men hunted and built the homes women cooked the food, dressed the skins and made the clothing. Both were so dependent on the other that celebacy was unknown and widows and widowers remarried as soon as they were able; those too old to remarry found shelter with relatives. A man usually had only one wife, but the more active and ambitious occasionally took a second and even a third, especially if the first wife was childless; and a woman occasionally had two husbands, though she seldom retained both more than a few weeks or months. Orphans found homes, preferably with near relatives, and were well treated. Old folk tales were told that sometimes the orphan was abused until he or she became old enough to fend for themselves. Most Eskimos were very fond of children, even though they did not hesitate to destroy newborn babies, especially girls. In a land where there were no vegetable foods and no roads. A mother had to nurse her child and carry it everywhere on her back until it was at least three years old; and the care of a second baby during that period was beyond her strength.

Their origin is a baffling matter, but by digging into the ruins of their ancient settlements scattered in considerable numbers from Alaska to Greenland archeologists have discovered that they have a long and complex history on the American continent.

THE SUPREME COURT UPHOLDS CONSTITUTIONALITY OF LOAN-SHARKING TITLE OF CONSUMER CREDIT PROTECTION ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. SULLIVAN. Mr. Speaker, Members of the House on both sides of the aisle who joined in the successful effort to include title II, dealing with criminal loan sharking, in the Consumer Credit Protection Act of 1968—Public Law 90–321, which also contains the Truth-in-Lending Act—will be pleased to know that the Supreme Court yesterday, in an 8-to-1 decision, upheld the constitutionality of the far-reaching provisions aimed at a major source of operating funds for organized crime.

Title II, known as the Extortionate Credit Transactions Act, was originally proposed in different form in two floor amendments to title I, the truth-in-lending title, offered separately by Representatives Poff and McDade. It was agreed to in Committee of the Whole House on the State of the Union and by a subsequent rollcall vote of 383 to 5; then was recast and redrafted as a separate title II as part of the conference substitute for the House-passed consumer credit protection bill submitted to the conference committee by the House conferees. It was one of many, many hard-fought issues which deadlocked the conference committee for 6 weeks, because the Senate's bill had been limited entirely to truth-in-lending disclosures.

Among those bitterly contested issues in conference, as the Members will recall, were the provisions of the House bill dealing with revolving credit; advertising of credit terms; inclusion of first mortgage credit; the rescission clause and the limitations on the "holder in due course" doctrine on home improvement loans, and so forth; to the garnishment title; and the establishment of the National Commission on Consumer Finance; as well as the criminal loan-sharking provisions, none of which had been in the Senate bill. Eventually, all of these House proposals were agreed to and enacted.

Mr. Speaker, without going into the differences between the Poff amendment, the McDade amendment, and the final version, I think everyone associated with this legislation will acknowledge the outstanding work done by Mr. Grasty Crews II, then an assistant legislative counsel of the House assigned to the Banking and Currency Committee, in redrafting and refining the legislation which eventually became title II, particularly in making it more feasible to administer and in removing the threat to legitimate businessmen of being held guilty of a Federal criminal statute by reason of a violation of a State usury ceiling. Representatives Poff and McDade both informed the House the conference redraft was an improvement over the amendments they had separately proposed and which formed the framework for the final draft.

DETAILS OF CASE ON WHICH SUPREME COURT ACTED

The following excerpts from the preliminary print of the opinion of Justice Douglas give this background of the case which precipitated the Supreme Court decision:

> Petitioner is one of the species commonly known as "loan sharks" which Congress found are in large part under the control of "organized crime". "Extortionate credit transactions" are defined as those characterized by the use or threat of the use of "violence or other criminal means" in enforcement. There was ample evidence showing petitioner was a "loan shark" who used the threats of violence as a method of collection. He loaned money to one Miranda, owner of a new butcher shop, making a $1,000 advance to be repaid in installments of $105 per week for 14 weeks. After paying at this rate for six or eight weeks, petitioner increased the weekly payment to $130. In two months Miranda asked for an additional loan of $2,000 which was made, the agreement being that Miranda was to pay $205 a week. In a few weeks petitioner increased the weekly payment to $330. When Miranda objected, petitioner told him about a customer who refused to pay and ended up in a hospital. So Miranda paid. In a few months petitioner increased his demands to $500 weekly which Miranda paid, only to be advised that at the end of the week petitioner would need $1,000. Miranda made that payment by not paying his suppliers; but, faced with a $1,000 payment the next week, he sold his butcher shop. Petitioner pursued Mi-

randa, first making threats to Miranda's wife and then telling Miranda he could have him castrated. When Miranda did not make more payments, petitioner said he was turning over his collections to people who would not be nice but who would put him in the hospital if he did not pay. Negotiations went on, Miranda finally saying he could pay only $25 a week. Petitioner said that was not enough, that Miranda should steal or sell drugs if necessary to get the money to pay the loan, and that if he went to jail it would be better than going to a hospital with a broken back or legs. He added "I could have sent you to the hospital, you and your family, any moment I want with my people".

Petitioner's arrest followed. Miranda, his wife, and an employee gave the evidence against petitioner who did not testify nor call any witnesses. Petitioner's attack was on the constitutionality of the Act, starting with a motion to dismiss the indictment.

PROVISIONS OF THE LAW

Following, Mr. Speaker, are the provisions of title II as enacted on May 29, 1968:

[From Public Law 90-321]

TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

Sec.
201. Findings and purpose.
202. Amendments to title 18, United States Code.
203. Reports by Attorney General.

§ 201. Findings and purpose

(a) The Congress makes the following findings:

(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

(2) Extortionate credit transactions are characterized by the use, or the express implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce.

(4) Extortionate credit transactions directly impair the effectiveness and frustrate the purposes of the laws enacted by the Congress on the subject of bankruptcies.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of chapter 42 of title 18 of the United States Code are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of bankruptcy.

§ 202. Amendments to title 18, United States Code

(a) Title 18 of the United States Code is amended by inserting the following new chapter immediately after chapter 41 thereof:

"CHAPTER 42—EXTORTIONATE CREDIT TRANSACTIONS

"Sec.
"891. Definitions and rules of construction.
"892. Making extortionate extensions of credit.
"893. Financing extortionate extensions of credit.
"894. Collection of extensions of credit by extortionate means.
"895. Immunity of witnesses.
"896. Effect on State laws.

"§ 891. Definitions and rules of construction

"For the purposes of this chapter:

"(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

"(2) The term 'creditor', with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

"(3) The term 'debtor', with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

"(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

"(5) To collect an extension of credit means to induce in any way any person to make repayment thereof.

"(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(8) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States.

"(9) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This paragraph does not impair any authority which any court would otherwise have to take judicial notice of any matter of State law.

"§ 892. Making extortionate extensions of credit

"(a) Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"(b) In any prosecution under this section, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a):

"(1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor

"(A) in the jurisdiction within which the debtor, if a natural person, resided or

"(B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was made.

"(2) The extension of credit was made at a rate of interest in excess of an annual rate of 45 per centum calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

"(3) At the time the extension of credit was made, the debtor reasonably believed that either

"(A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or

"(B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

"(4) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded $100.

"(c) In any prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (b)(1) or (b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practice is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

"§ 893. Financing extortionate extensions of credit

"Whoever willfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be fined not more than $10,000 or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be imprisoned not more than 20 years, or both.

"§ 894. Collection of extensions of credit extortionate means

"(a) Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means

"(1) to collect or attempt to collect any extension of credit, or

"(2) to punish any person for the nonrepayment thereof,

shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

"(b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

"(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b)(1) or the circumstances described in section 892(b)(2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

"§ 895. Immunity of witnesses

"Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this chapter is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

"§ 896. Effect on State laws

"This chapter does not preempt any field of law with respect to which State legislation would be permissible in the absence of this chapter. No law of any State which would be valid in the absence of this chapter may be held invalid or inapplicable by virtue of the existence of this chapter, and no officer, agency, or instrumentality of any State may be deprived by virtue of this chapter of any jurisdiction over any offense over which it would have jurisdiction in the absence of this chapter."

(b) This table of chapters captioned "Part I—Crimes" at the beginning of part I of title 18 of the United States Code is amended by inserting

"42. Extortionate credit transactions.. 891"

immediately above

"43. False personation................. 911".

§ 203. Reports by Attorney General

The Attorney General shall make an annual report to Congress of the activities of the Department of Justice in the enforcement of chapter 42 of title 18 of the United States Code.

EXPLANATION IN CONFERENCE REPORT

In House Report 90–1397, the conference report on the Consumer Credit Protection Act, the managers on the part of the House, Representatives Patman, Barrett, Sullivan, Reuss, Ashley, Moorhead, Widnall, Fino, Dwyer, explained the scope and purpose of title II as follows:

Title II—Extortionate Credit Transactions

Title II of the conference substitute is aimed directly at the activities of organized crime. This title, which passed the House as section 102 of the House's amendment to S. 5, makes it a Federal offense to make extortionate extensions of credit, to finance the making of extortionate extensions of credit, or to collect any extensions of credit by extortionate means.

An extortionate extension of credit is defined as any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

Similarly, an extortionate means is defined as any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

CONSTITUTIONAL BASIS

Article I, section 8, of the Constitution expressly empowers Congress to make "uniform laws on the subject of bankruptcies." In the exercise of this power, Congress has enacted the Bankruptcy Act, which confers on any debtor the statutory right, with certain qualifications, to be discharged of his debts by applying substantially all of his property toward their repayment. It is obvious, however, that obligations as to which there is an understanding that they may be collected by extortionate means, or which are actually so collected, are not susceptible of being "discharged" in bankruptcy in any meaningful sense. Such transactions thus deprive the debtor of a Federal statutory right, and at the same time defeat one of the principal purposes of the Bankruptcy Act, which is to afford insolvent persons the opportunity to make a fresh start. Thus, it seems clearly within the power of the Congress to protect the Federal statutory right, and to assure that the bankruptcy laws will be carried into execution, by enacting legislation to prohibit extortionate credit transactions. In addition, there is ample evidence that such transactions are being carried on on a large scale and that they have a substantial impact on interstate commerce. Section 201 of the conference substitute is an explicit statement of the foregoing rationale.

TECHNICAL STRUCTURE

Section 202 adds to title 18 of the United States Code a new chapter 42 consisting of sections numbered 891 through 896. Section 891 sets forth definitions and rules of construction, the most important of which are the definitions of extortionate extensions of credit and extortionate means, which are quoted above.

EXTORTIONATE EXTENSION OF CREDIT

Section 892(a) provides—

Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both.

The major difficulty which confronts the prosecution of offenses of this type is the reluctance of the victims to testify. That is, if they are in genuine fear of the consequences of nonpayment, they are apt to be equally or even more in fear of the consequences of testifying as a complaining witness.

PRIMA FACIE CASE

Section 892(b) provides that if certain factors are present in connection with an extension of credit, there is prima facie evidence that the extension of credit is extortionate. These factors are (1) the inability of the creditor to obtain a personal judgment against the debtor for the full obligation; (2) a rate of interest in excess of 45 percent per annum; (3) a reasonable belief on the part of the debtor that the creditor either had used extortionate means in the collection of one or more other extensions of credit, or that he had a reputation for the use of such means; and (4) that the total amount involved between the debtor and the creditor was more than $100.

In the light of common experience, the inference of the use of extortionate means from the foregoing factors seems strong enough to make it constitutionally permissible to put the burden on the defendant to come forward with evidence to show the innocent nature of the transaction, if such was the case. In arms length transactions, people simply do not lend sums of money at exorbitant rates of interest under circumstances where they cannot enforce the obligation to repay. Where the prosecution has shown the absence of legal means to enforce the obligation, it is a reasonable inference, in the absence of evidence to the contrary, that illegal means were contemplated. Any debtor who deals with a creditor under these circumstances, knowing or reasonably believing that the creditor has used extortionate means in the past, may be fairly surmised to know what he is getting into.

The debtor, of course, may be unavailable or, for reasons already discussed, unwilling to testify. Section 892(c) permits the court, in its discretion, where evidence has already been introduced tending to show either uncollectability or a rate of interest in excess of 45 percent, to allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension of credit. The trial court is in the best possible position to appraise the probative value of such evidence and to weigh that against its possible prejudicial effects. The ban on reputation evidence as part of the prosecution's case in chief has never been absolute, and where, as here, it is directly relevant to the state of mind of the parties in entering into the transaction, there will undoubtedly arise cases where it should very properly be before the trier of facts.

Finally, it is intended that the inference created by the presence of the factors set forth in section 892(b) may be weighed by the jury as evidence. It is not a mere rebuttable presumption, and is not to be treated under the rule adopted in some jurisdictions with respect to such presumptions, which are said to be wholly dispelled by the introduction of any direct evidence.

NONEXCLUSIVENESS OF SECTION 892(B)

It should be emphasized, however, that the offense under section 892, and the only offense, is the making of an extension of credit with the understanding that criminal means may be used to enforce repayment, or conspiracy to make such an extension. Where this offense can be proved by direct evidence, it may be unnecessary for the prosecution to make use of sections 892(b) and 892(c).

Section 892 is in no sense a Federal usury law. The charging of a rate in excess of 45 percent per annum is merely one of a set of factors which, where there is inadequate evidence to explain them, are deemed sufficiently indicative of the existence of criminal means of collection to justify a statutory inference that such means were, in fact, contemplated by the parties.

FINANCING EXTORTIONATE EXTENSIONS OF CREDIT

In organized crime, loan sharking is normally carried out as a multi-level operation. It is the purpose of section 893 to make possible the prosecution of the upper levels of the criminal hierarchy. It should not be supposed that the enactment of this legislation will suddenly do away with the immense practical difficulties which attend any effort to prosecute the top levels of organized crime. Nevertheless, in those instances where legally admissible evidence can be gathered to trace the flow of funds from the upper levels, the legal capability to prosecute the organizers and financiers of the underworld, as well as loan sharks at the operating level, would appear to be a worthwhile weapon to add to the Government's arsenal.

Section 893 has been carefully drawn to preclude the possibility of creating difficulties for legitimate lenders or those who furnish financing to them. It should be noted that no case is made out where it is shown that funds were advanced to a lender who subsequently collected an indebtedness by criminal means. To come within the prohibition of section 893, the financier must have had reasonable grounds to believe that it was the *intention* of the lender to use the funds for extortionate extensions of credit; that is, extensions of credit whose extortionate character is known to both the borrower and the lender at their inception.

EXTORTIONATE COLLECTION

Not everyone who falls into the clutches of a loan shark is necessarily aware at the outset of the nature of the transaction into which he has entered. Moreover, cases will arise where the use of extortionate means of collection can be demonstrated even though it cannot be shown that a bilateral understanding that such would be the case existed at the outset. Section 894(a) covers these situations by making it a criminal offense to collect an indebtedness by extortionate means, regardless of how the indebtedness arose. Section 894(b) merely codifies a principle of evidence which already appears to be recognized in the case law, but whose importance in this area is sufficiently great to make it desirable to leave no doubt whatever as to its applicability. It allows evidence as to other criminal acts by the defendant to be introduced for the purpose of showing the victim's state of mind. Section 894(c) is similar to section 892(c), discussed above, and was included on the basis of the same considerations.

COMPULSORY TESTIMONY

Section 895 authorizes the Government, in any case or proceeding before any grand jury or court involving a violation of this chapter, to compel the testimony of witnesses claiming the fifth amendment privilege against self-incrimination. This may be done, however, only when, in the judgment of the U.S. attorney, the testimony or evidence involved is necessary to the public interest, and then only by order of the court on the application of the U.S. attorney with the approval of the Attorney General or his designated representative. Any witness so compelled to testify or produce evidence is, of course, granted immunity from prosecution on account of the matters as to which he has been compelled to give evidence.

NO PREEMPTION OF STATE LAWS

Section 896 makes clear the congressional intention not to preempt any field in which State law would be valid in the absence of this chapter.

GENERAL APPLICABILITY

The full utility of chapter 42 as a weapon in the war on organized crime obviously cannot be assessed until it has been tested in battle. Some general observations, however, appear to be in order at this point. As noted above, it is not, and is not intended to be, a Federal usury law, nor does it have anything to do with interest rates as such. It is, rather, a deliberate legislative attack on the economic foundations of organized crime. Most of the business of the underworld, whether in loan sharking, gambling, drugs, "protection," or other activities, involves extensions of credit as defined in section 891 at one or more stages. The methods used in the enforcement of such obligations are notorious. Thus, a very large proportion of underworld financial transactions fall within the ban of one or more of the provisions of chapter 42. It may very well develop that this chapter will find as much usefulness in the investigation and prosecution of transactions entirely within the world of organized crime as it does in connection with transactions between those within that world and those who are otherwise outside it. Be that as it may, the conferees wish to leave no doubt of the congressional intention that chapter 42 is a weapon to be used with vigor and imagination against every activity of organized crime that falls within its terms.

REPORTS BY ATTORNEY GENERAL

Because of the far-reaching potentials of chapter 42, the conferees have added a final section to title II requiring the Attorney General to make an annual report to Congress on the activities of the Justice Department in the enforcement of its provisions.

NUMEROUS PROSECUTIONS UNDER TITLE II

The Department of Justice has initiated a number of successful prosecutions against underworld characters for violation of the Extortionate Credit Transactions Act, and convictions obtained under the law had been upheld in several different circuit courts, I believe, before the Supreme Court acted yesterday to sustain the constitutionality of the statute in the case of Perez against United States.

The petitioner in the case had been convicted of unlawfully using extortionate means in collecting and attempting to collect an extension of credit to a businessman. He challenged the constitutionality of the statute on the ground that Congress has no power to control local activity of loan sharking. Instead, the Court held, with Justice Potter Stewart dissenting, that title II "was within Congress' power under the commerce clause to control activities affecting interstate commerce and Congress' findings are adequate to support its conclusion that loan sharks who use extortionate means to collect payments on loans are in a class largely controlled by organized crime with a substantially adverse effect on interstate commerce."

The majority opinion was written by Justice Douglas with the concurrence of Chief Justice Burger and Justices Black, Harlan, Brennan, White, Marshall, and Blackmun.

TEXT OF SUPREME COURT MAJORITY OPINION

The preliminary print of Justice Douglas' opinion for the Supreme Court follows:

[Supreme Court of the United States]

Syllabus

PEREZ *v.* UNITED STATES

(Certiorari to the United States Court of Appeals for the Second Circuit)

No. 600—Argued March 22, 1971—Decided April 26, 1971

Petitioner was convicted of "loan sharking" activities, *i.e.*, unlawfully using extortionate means in collecting and attempting to collect an extension of credit, in violation of Title II of the Consumer Credit Protection Act, and his conviction was affirmed on appeal. He challenges the constitutionality of the statute on the ground that Congress has no power to control the local activity of loan sharking. *Held:* Title II of the Consumer Credit Protection Act is within Congress' power under the Commerce Clause to control activities affecting interstate commerce and Congress' findings are adequate to support its conclusion that loan sharks who use extortionate means to collect payments on loans are in a class largely controlled by organized crime with a substantially adverse effect on interstate commerce. Pp. 3–11.

426 F. 2d 1073, affirmed.

DOUGLAS, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACK, HARLAN, BRENNAN, WHITE, MARSHALL, and BLACKMUN, JJ., joined. STEWART, J., filed a dissenting opinion.

[Supreme Court of the United States—No. 600—October Term, 1970]

ALCIDES PEREZ, PETITIONER *v.* UNITED STATES

(On Writ of Certiorari to the United States Court of Appeals for the Second Circuit)

April 26, 1971

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The question in the case is whether Title II of the Consumer Credit Protection Act, 82 Stat. 159, 18 U.S.C. (Supp. V) § 891 *et seq.*, as construed and applied to petitioner, is a permissible exercise by Congress of its powers under the Commerce Clause of the Constitution. Petitioner's conviction after trial by jury and his sentence were affirmed by the Court of Appeals, one judge dissenting. 426 F. 2d 1073. We granted the petition for a writ of certiorari because of the importance of the question presented. 400 U.S. 915. We affirm that judgment.

Petitioner is one of the species commonly known as "loan sharks" which Congress found are in large part under the control of "organized crime." [1] "Extortionate credit transactions" are defined as those characterized by the use or threat of the use of "violence or other criminal means" in enforcement.[2] There was ample evidence showing petitioner was a "loan shark" who used the threats of violence as a method of collection. He loaned money to one Miranda, owner of a new butcher shop, making a $1,000 advance to be repaid in installments of $105 per week for 14 weeks. After paying at this rate for six or eight weeks, petitioner increased the weekly payment to $130. In two months Miranda asked for an additional loan of $2,000 which was made, the agreement being that Miranda was to pay $205 a week. In a few weeks petitioner increased the weekly payment to $330. When Miranda objected, petitioner told him about a customer who refused to pay and ended up in a hospital. So Miranda paid. In a few months petitioner increased his demands to $500 weekly which Miranda paid, only to be advised that at the end of the week petitioner would need $1,000. Miranda made that payment by not paying his suppliers; but, faced with a $1,000 payment the next week, he sold his butcher shop. Petitioner pursued Miranda, first making threats to Miranda's wife and then telling Miranda he could have him castrated. When Miranda did not make more payments, petitioner said he was turning over his collections to people who would not be nice but who would put him in the hospital if he did not pay. Negotiations went on, Miranda finally saying he could only pay $25 a week. Petitioner said that was not enough, that Miranda should steal or sell drugs if necessary to get the money to pay the loan, and that if he went to jail it would be better than going to a hospital with a broken back or legs. He added, "I could have sent you to the hospital, you and your family, any moment I want with my people."

---

[1] Section 201 of Title II contains the following findings by Congress:

"(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

"(2) Extortionate credit transactions are characterized by the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

"(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce."

[2] Section 891 provides in part:

"(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person."

Petitioner's arrest followed. Miranda, his wife, and an employee gave the evidence against petitioner who did not testify nor call any witnesses. Petitioner's attack was on the constitutionality of the Act, starting with a motion to dismiss the indictment.

The constitutional question is a substantial one.

Two "loan shark" amendments to the bill that became this Act were proposed in the House—one by Congressman Poff of Virginia, 114 Cong. Rec. pt. 2, pp. 1605–1606—and another one by Congressman McDade of New Jersey. *Id.*, 1609–1610.

The House debates include a long article from the New York Times Magazine for January 28, 1968, on the connection between the "loan shark" and organized crime. *Id.*, at 1428–1431. The gruesome and stirring episodes related have the following as a prelude:

"The loan shark, then, is the indispensable 'money-mover' of the underworld. He takes 'black', money tainted by its derivation from the gambling or narcotics rackets and turns it 'white' by funneling it into channels of legitimate trade. In so doing, he exacts usurious interest that doubles the black-white money in no time; and, by his special decrees, by his imposition of impossible penalties, he greases the way for the underworld takeover of entire businesses." *Id.*, at 1429.

There were objections on constitutional grounds. Congressman Eckhardt of Texas said:

"Should it become law, the amendment would take a long stride by the Federal Government toward occupying the field of general criminal law and toward exercising a general Federal police power; and it would permit prosecution in Federal as well as State courts of a typically State offense. . . .

"I believe that Alexander Hamilton, though a federalist, would be astonished that such a deep entrenchment on the rights of the States in performing their most fundamental function should come from the more conservative quarter of the House." 114 Cong. Rec. pt. 2, p. 1610.

Senator Proxmire presented to the Senate the Conference Report approving essentially the "loan shark" provision suggested by Congressman McDade, saying:

"Once again these provisions raised serious questions of Federal-State responsibilities. Nonetheless, because of the importance of the problem, the Senate conferees agreed to the House provision. Organized crime operates on a national scale. One of the principal sources of revenue of organized crime comes from loan sharking. If we are to win the battle against organized crime, we must strike at their source of revenue and give the Justice Department additional tools to deal with the problem. The problem simply cannot be solved by the States alone. We must bring into play the full resources of the Federal Government." 114 Cong. Rec. pt. 11, p. 14490.

The Commerce Clause reaches in the main three categories of problems. First, the use of channels of interstate or foreign commerce which Congress deems are being misused, as for example, the shipment of stolen goods (18 U.S.C. §§ 2312–2315) or of persons who have been kidnapped. 18 U.S.C. § 1201. Second, protection of the instrumentalities of interstate commerce, as for example, the destruction of an aircraft (18 U.S.C. § 32), or persons or things in commerce, as for example, thefts from interstate shipments. 18 U.S.C. § 659. Third, those activities affecting commerce. It is with this last category that we are here concerned.

Chief Justice Marshall in *Gibbons* v. *Ogden*, 9 Wheat. 1, 195, said:

"The genius and character of the whole government seems to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government. The completely internal commerce of a state, then, may be considered as reserved for the state itself."

Decisions which followed departed from that view; but by the time of *United States* v.*Darby*, 312 U.S. 100, and *Wickard* v. *Filburn*, 317 U.S. 117, the broader view of the Commerce Clause announced by Chief Justice Marshall had been restored. Chief Justice Stone wrote for a unanimous Court in 1942 that Congress could provide for the regulation of the price of intrastate milk, the sale of which, in competition with interstate milk, affects the price structure and federal regulation of the latter. *United States* v. *Wrightwood Dairy Co.*, 315 U.S. 110. The commerce power, he said, "extends to those activities intrastate which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end, the effective execution of the granted power to regulate interstate commerce." *Id.*, at 119.

Wickard v. *Filburn*, 317 U.S. 111, soon followed in which a unanimous Court held that wheat grown wholly for home consumption was constitutionally within the scope of federal regulation of wheat production because, though never marketed interstate, it supplied the need of the grower which otherwise would be satisfied by his purchases in the open market.[3] We said:

". . . even if appellee's activity be local and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as 'direct' or 'indirect.' " 317 U.S., at 125.

As pointed out in *United States* v. *Darby*, 312 U.S. 100, the decision sustaining an Act of Congress which prohibited the employment of workers in the production of goods "for interstate commerce" at other than prescribed wages and hours—*a class of activities*—was held properly regulated by Congress without proof that the particular intrastate activity against which a sanction was laid had an effect on commerce. A unanimous Court said:

". . . Congress has sometimes left it to the courts to determine whether the intrastate activities have the prohibited effect on the commerce, as in the Sherman Act. It has sometimes left it to an administrative board or agency to determine whether the activities sought to be regulated or prohibited have such effect, as in the case of the Interstate Commerce Act, and the National Labor Relations Act, or whether they come within the statutory definition of the prohibited Act, as in the Federal Trade Commission Act. And sometimes Congress itself has said that a particular activity affects the commerce, as it did in the present Act, the Safety Appliance Act and the Railway Labor Act. In passing on the validity of legislation of the *class* last mentioned the only function of courts is to determine whether the particular activity regulated or prohibited is within the reach of the federal power." (Italics added.) *Id.*, 120–121.

That case is particularly relevant here because it involved a criminal prosecution, a unanimous Court holding that the Act was "sufficiently definite to meet constitutional demands." *Id.*, at 125. Petitioner is clearly a *member of the class* which engages in "extortionate credit transactions" as defined by Congress[4] and the description of that class has the required definiteness.

It was the "class of activities" test which we employed in *Atlanta Motel* v. *United States*, 379 U.S. 241, to sustain an Act of Congress requiring hotel or motel accommodations for Negro guests. The Act declared that " 'any inn, hotel, motel, or other establishments which provides lodging to transient guests' affects commerce *per se.*" *Id.*, at 247. That exercise of power under the Commerce Clause was sustained.

". . . our people have become increasingly mobile with millions of people of all races traveling from State to State; that Negroes in particular have been the subject of discrimination in transient accommodations, having to travel great distances to secure the same; that often they have been unable to obtain accommodations and have had to call upon friends to put them up overnight . . . and that these conditions had become so acute as to require the listing of available lodging for Negroes in a special guidebook. . . ." 379 U.S. 252–253.

In a companion case, *Katzenbach* v. *McClung*, 379 U.S. 294, we ruled on the constitutionality of the restaurant provision of the same Civil Rights Act which regulated the restaurant "if . . . it serves or offers to serve interstate travelers or a substantial portion of the food which it serves . . . has moved in commerce." *Id.*, at 298. Apart from the effect on the flow of food in commerce to restaurants, we spoke of the restrictive effect of the exclusion of Negroes from restaurants on interstate travel by Negroes.

". . . there was an impressive array of testimony that discrimination in restaurants had a direct and highly restrictive effect upon interstate travel by Negroes. This resulted, it was said, because discriminatory practices prevent Negroes from buying prepared food served on the premises while on a trip, except in isolated and unkempt restaurants and under most unsatisfactory and often unpleasant conditions. This obviously discourages travel and obstructs interstate commerce for one can hardly travel without eating. Likewise, it was said, that discrimination deterred professional, as well as skilled, people from moving into areas where such practices occurred and thereby caused industry to be reluctant to establish there." *Id.*, at 300.

In emphasis of our position that it was the *class of activities* regulated that was the measure, we acknowledged that Congress appropriately considered the "total incidence" of the practice on commerce. *Id.*, at 301.

---

[3] That decision has been followed: *Beckman* v. *Mall*, 317 U.S. 597; *Bender* v. *Wickard*, 319 U.S. 731; *United States* v. *Haley*, 358 U.S. 644; *United States* v. *Ohio*, 385 U.S. 9.

[4] See n. 2, *supra*.

Where the *class of activities* is regulated and that *class* is within the reach of federal power, the courts have no power "to excise, as trivial, individual instances" of the class. *Maryland* v. *Wirtz*, 392 U.S. 183, 193.

Extortionate credit transactions, though purely intrastate, may in the judgment of Congress affect interstate commerce. In an analogous situation, Mr. Justice Holmes, speaking for a unanimous Court, said ". . . when it is necessary in order to prevent an evil to make the law embrace more than the precise thing to be prevented it may do so." *Westfall* v. *United States*, 274 U.S. 256, 259. In that case an officer of a state bank which was a member of the Federal Reserve System issued a fraudulent certificate of deposit and paid it from the funds of the state bank. It was argued that there was no loss to the Reserve Bank. Mr. Justice Holmes replied, "But every fraud like the one before us weakens the member bank and therefore weakens the system." *Id.*, at 259. In the setting of the present case there is a tie-in between local loan sharks and interstate crime.

The findings by Congress are quite adequate on that ground. The McDade Amendment in the House, as already noted, was the one ultimately adopted. As stated by Congressman McDade it grew out of a "profound study of organized crime, its ramifications and its implications" undertaken by some 22 Congressmen in 1966–67, CONGRESSIONAL RECORD, volume 114, part 11, page 14391. The results of that study were included in a report, The Urban Poor and Organized Crime, submitted to the House on August 29, 1967, which revealed that "organized crime takes over $350 million a year from America's poor through loan-sharking alone." See 113 Cong. Rec. 24460–24464. Congressman McDade also relied on The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and Administration of Justice (February 1967) which stated that loan sharking was "the second largest source of revenue for organized crime," *id.*, at 189, and is one way by which the underworld obtains control of legitimate businesses. *Id.*, at 190.

The Congress also knew about New York's Report, An Investigation of the Loan Shark Racket (1965). See CONGRESSIONAL RECORD, volume 114, part 2, pages 1428–1431. That report shows the loan shark racket is controlled by organized criminal syndicates, either directly or in partnership with independent operators; that in most instances the racket is organized into three echelons, with the top underworld "bosses" providing the money to their principal "lieutenants," who in turn distribute the money to the "operators" who make the actual individual loans; that loan sharks serve as a source of funds to bookmakers, narcotics dealers, and other racketeers; that victims of the racket include all classes, rich and poor, businessmen and laborers; that the victims are often coerced into the commission of criminal acts in order to repay their loans; that through loan sharking the organized underworld has obtained control of legitimate businesses, including securities brokerages and banks which are then exploited; and that, "Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce."[5]

Shortly before the Conference bill was adopted by Congress a Senate Committee had held hearings on loan sharking and that testimony was made available to members of the House. See 114 Cong. Rec. 14390.

The essence of all these reports and hearings was summarized and embodied in formal congressional findings. They supplied Congress with the knowledge that the loan shark racket provides organized crime with its second most lucrative source of revenue, exacts millions from the pockets of people, coerces its victims into the commission of crimes against property, and causes the takeover by racketeers of legitimate businesses. See generally CONGRESSIONAL RECORD, volume 114, part 11, pages 14391, 14392, 14395, 14396.

We have mentioned in detail the economic, financial, and social setting of the problem as revealed to Congress. We do so not to infer that Congress need make particularized findings in order to legislate. We relate the history of the Act in detail to answer the impassioned plea of petitioner that all that is involved in loan sharking is a traditionally local activity. It appears, instead, that loan sharking in its national setting is one way organized interstate crime holds its guns to the heads of the poor and the rich alike and syphons funds from numerous localities to finance its national operations.

Affirmed.

JUSTICE STEWART'S DISSENT

Justice Stewart's dissenting opinion, as released yesterday as a preliminary print, is as follows:

[Supreme Court of the United States—No. 600.—October Term, 1970]

ALCIDES PEREZ, PETITIONER, *v.* UNITED STATES

(On Writ of Certiorari to the United States Court of Appeals for the Second Circuit)

April 26, 1971

Mr. Justice Stewart, dissenting.

Congress surely has power under the Commerce clause to enact criminal laws to protect the instrumentalities of interstate commerce, to prohibit the misuse of the channels or facilities of interstate commerce, and to prohibit or regulate those intrastate activities which have a demonstrably substantial effect on interstate commerce. But under the statute before us a man can be convicted without any proof of interstate movement, of the use of the facilities of interstate commerce, or of facts showing that his conduct affected interstate commerce. I think the Framers of the Constitution never intended that the national Government might define as a crime and prosecute such wholly local activity through the enactment of federal criminal laws.

In order to sustain this law we would, in my view, have to be able at the least to say that Congress could rationally have concluded that loan sharking is an activity with interstate attributes which distinguish it in some substantial respect from other local crime. But it is not enough to say that loan sharking is a national problem, for all crime is a national problem. It is not enough to say that some loan sharking has interstate characteristics, for any crime may have an interstate setting. And the circumstance that loan sharking has an adverse impact on interstate business is not a distinguishing attribute, for interstate business suffers from almost all criminal activity, be it shoplifting or violence in the streets.

Because I am unable to discern any rational distinction between loan sharking and other local crime, I cannot escape the conclusion that this statute was beyond the power of Congress to enact. The definition and prosecution of local, intrastate crime are reserved to the States under the Ninth and Tenth Amendments.

HANOI RADIO SENDS SYMPATHY MESSAGE TO ANTIWAR DEMONSTRATORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RARICK. Mr. Speaker, Radio Hanoi's message from the Daily Report of Foreign Broadcast Information Service for Wednesday, April 21, should be illuminating to those Americans who wonder about all of the antiwar commotion which is provoking tension throughout our country.

Hanoi's Professor Giam, chairman of the Vietnam Committee for Solidarity with the American People, is said to have "sent a message to antiwar veterans in the United States to express warm sympathy with the new antiwar campaigns in the spring."

The text of Professor Giam's message to his "dear American friends" sounds more like a call to arms to a guerrilla army in the United States.

The North Vietnam propagandists, like their American friends, are interested in far more than such a noble purpose as ending war. They are after total U.S. defeat in disgrace and the destruction of the United States of America. Perhaps to their way of rationalization in a Communist prison cell there is no war and four gray walls could bring peace.

I ask that the Radio Hanoi broadcast and the Herald of Freedom publication containing "Revolution USA 1971," for April 16, 1971, follow:

HOANG MINH GIAM LETTER SUPPORTS U.S. ANTIWAR ACTIVITIES

Hanoi VNA International Service in English 1557 GMT 17 Apr 71 B

[Text] Hanoi VNA April 17—Prof. Hoang Minh Giam, chairman of the Vietnam Committee for Solidarity with the American People, has sent a message to anti-war fighters in the United States to express warm sympathy with the new anti-war campaigns in the spring.

"The nation-wide action," the message said, "together with the previous ones, are the high crests of the rising waves of indignation among the American people. They constitute an ever-growing force checking the advance of the Nixon administration's adventurous and war-like policies.

"Through concrete actions, you voice the aspirations of the majority of the American people, the genuine Americans who cherish freedom, democracy, and justice. You also contribute to consolidating and developing the solidarity and mutual understanding between our two peoples.

"In the last period, you have had to overcome many difficulties resulting from the U.S. administration's maneuvers of deception, division, and repression. The U.S. authorities have branded the peace movement 'unpatriotic' and have persecuted many of its fighters. Along with the repression of the Black Panther party and other organizations, they have framed up the Angela Davis case and are engineering the so-called 'Kissinger conspiracy' in an attempt to crush the Berrigan brothers and others.

"But the American people will not be ignored. Anti-war feelings, far from abating, are mounting higher and higher. The American people, the silent majority in America, have enough facts to compare the Nixon administration's words with its deeds. They can see the origin of the innumerable internal difficulties now facing the United States.

---

[5] Seen n. 1, *supra*.

"Mr. Nixon says he will wind down the war on his way to ending it. In fact, the war in South Vietnam is not only continuing and getting more and more ferocious, it is expanding to Laos and Cambodia and threatens to spread to North Vietnam. American lives, American people's wealth, are uselessly squandered in Vietnam.

"Mr. Nixon says the 'Vietnamization' policy is gaining success. But the movement of the people in the cities as well as in the countryside in South Vietnam is developing. Meanwhile, the puppet army and puppet administration are weakening, becoming more and more corrupt, as they go from one failure to another.

"Mr. Nixon talks about the Vietnamese people's right to self-determination. But he still clings to Thieu-Ky-Khiem and uses American and puppet troops to perpetrate abominable crimes in South Vietnam, crimes which offend the conscience of the people of America and the world and heap dishonor upon the United States.

"Mr. Nixon says he is giving priority to domestic affairs. But inflation, unemployment, and crime rates are spiralling in the U.S.

"Therefore, the majority of the American people have realized that there will be no solution to these difficulties so long as the war goes on. You are demanding that the U.S. administration put an end to the war, and set the date for total withdrawal of U.S. troops from South Vietnam before the end of 1971, that they discontinue support of Thieu-Ky-Khiem and respect the Vietnamese people's right to self-determination."

The message went on: "You have started to mobilize all the forces in the ethnic groups, religious communities, and different social strata to build for anti-war activities around the nation this spring. The 'people's peace treaty' which reflects the common aspirations of our two peoples, is commanding more and more endorsement and support. Your diversified activities, either centralized or decentralized, if able to stimulate and involve the peace forces, all contribute to checking the war policies of the U.S. administration, while preserving the interests of the American people and the honor of the United States. At the same time, they are a strong encouragement to the Vietnamese people in their fight for independence and freedom."

Revolution U.S.A., 1971

In the minds of most people the word "revolution" in the past has meant "overthrow of a government, form of government or social system with another taking its place" (Webster's Dictionary—College Edition—1957). Through a Pavlovian type process the word "revolution" in very recent years is being used in connection with changes in education, health care, correcting "social evils," and most recently was used by President Nixon in his State of the Union message as a projected program—"The New American Revolution." Thus the word "revolution" is so frequently used in connection with matters not having to do with the overthrow of governments that the word has attained respectability. When people now hear or read the word, it does not invoke the apprehension it did previously.

The fact is that a revolution is going on in the U.S. and has been for a number of years. It operates on two levels: from within the government, which can be described as the pressure from above and in the mass movements, constituting the pressure from below.

The mass movement (pressure from below) requires the support of a large portion of the population and, therefore, must be built around a cause with mass appeal. This recently has taken the form of the anti-war-in-Vietnam and anti-draft movement with numerous organizations participating, most of them Communist-controlled or influenced. Another popular mass movement is in the field of so-called "civil rights." Originally seeking equal rights, job opportunities, and integration, it has expanded to dozens of organizations with varying degrees of militancy, from civil disobedience advocates to inciters of riots, arsonists, and assassins. A third mass movement is in the area of expanded welfare through which literally millions of people who formerly supported themselves are now dependent upon the government and politicians. The welfare recipients have been organized nationally to perpetuate welfare, to present a voting block and to threaten the political future of candidates who oppose their demands. The organized student groups and associations constitute another mass movement and the leadership in this area is, for the most part, liberal, radical or pro-Communist. These groups are financed by foundations and the U.S. government, through various grants and surreptitiously through the CIA.

On the level of pressure from above, the government "yields" to the demands made by the groups mentioned above whose programs have been encouraged and financed in many cases by the government itself. In the guise of helping to solve the various problems as they arise, the government obtains more and more control over the people, which invariably leads to totalitarianism or dictatorship. Through financial grants the government secures more and more control of the educational institutions of the country and recently planned its control over the raising of children. Through the use of financial support, grants, handouts and now "revenue-sharing," the federal government (as it moves into a field of American life) also gets control . . . with the money go the strings. This applies to the last line of defense (police departments) where the government is making enormous grants supposedly to fight crime, but lawlessness in the streets is increasing and they know it. In the health and medical services, they are moving slowly but surely towards socialized medicine. In the field of transportation, railroads are becoming indebted to the federal government because of high taxes, improper unprofitable rate schedules, until before long the government will have control of much of the means of transportation. In the field of agriculture, there has been continuous control over many segments of farming since the days of the Roosevelt Administration. Farmers are paid not to plant, not to raise food at a time when food is needed. Regulations and subsidies have given the government a strong hold over agriculture. In addition, there is and has been under way, with foundation support and government approval, an effort to organize farm workers throughout the country so as to be able to further control the food supply.

Opposing the pressure from above and below are anti-communist individuals and organizations whom the government, spending billions of dollars allegedly "fighting communism," should be supporting. To the contrary, constant efforts are being made to see that such organizations do not have tax-exempt status and the controlled communications media consistently make an effort to discredit those individuals and organizations who oppose Communism. Conservative religious organizations are harassed and efforts are made to discredit their programs. Local police, who in the past had been able to control radicalism, subversion, riots and other lawlessness, have been subjected to civilian control, review boards, discrediting publicity and even assaults and assassinations. The military, also in the category of resistance, is being undermined through "little Nuremberg trials," adverse propaganda, publicity, liberalization of military discipline and government-sanctioned servicemen's "unions," underground press, left-wing coffee house programs, and organized activities to urge draft resistance and desertion.

During the past few years Americans have witnessed an unprecedented number of bombings, arson, property destruction and violence in the streets; that the Communist Conspiracy is involved in all of the above activities can no longer be concealed. The once-free their home. Whereas, in the past, cannunist sanctuary which the U.S. Government protects from interference from the U.S. based anti-Communist Cubans seeking to free their home. Whereas, in the past, candidates for Communist leadership and guerrilla warfare training traveled to Moscow or Prague, now the principal center for training in guerrilla warfare and subversion is Cuba. Since Castro seized power and established the Communist police state in Cuba, over 5,000 Americans have traveled there. Intelligence sources report that at least 1,500 are known to have been indoctrinated, trained, and funded in Cuba for revolutionary purposes. In addition to Cubans, there are Russians, North Vietnamese, North Koreans and Red Chinese instructors teaching Americans how to overthrow their government. Among nationally known revolutionaries who have been trained in Cuba are Tom Hayden, Dave Dellinger, Mark Rudd, Jerry Rubin, Bernadine Dohrn, Angela Davis, Robert F. Williams, Stokely Carmichael, Jacob Rosen, Eldridge Cleaver, Abbie Hoffman, Robert Scheer, Linda Sue Evans, Kathy Boudin and many, many others.

For several years, the top Communist, in charge of training Americans for revolution and guerrilla warfare in Cuba, has been Commander Manolo Pinero (also spelled Pinheiro), alias Barba Roja (Red Beard). This individual holds a high echelon position in the Cuban armed forces; he studied at Columbia University in New York City and is married to an American-born Communist whom he met while a student at Columbia U.

Among others who have been trained in Cuba for guerrilla warfare (who in turn were to instruct others) have been key individuals from the Students for a Democratic Society (SDS), Progressive Labor Party (PLP) Communist Party, USA (CPUSA), Young Socialist Alliance (YSA), Committee of Returned Volunteers (CRV), Student Non-Violent Coordinating Committee (SNCC), Black Panther Party (BPP), Revolutionary Action Movement (RAM), the Puerto Rican Independence Movement (PRIM) and a number of other organizations and splinter groups including the Weathermen. The group of revolutionaries, known as the Chicago Seven, convicted after trial in Chicago, have received permission from the judges of the U. S. Court of Appeals for the 7th Circuit to make some 40 trips outside the U.S. These trips were to the Soviet Union, France, Canada, Italy, Puerto Rico, Mexico, Sweden, Belgium, Finland, Denmark, Norway, Great Britain, Yugoslavia, and Iceland. In many cases, the revolutionaries met with other revolutionaries in these foreign countries and also raised funds.

In the U.S. they have lectured in colleges, received large honorariums, urged students to riot, in spite of the fact that they were convicted on February 18, 1970 of crossing state lines to incite a riot. Had the government wished, it could have had them rearrested, placed under high bail, and their movement restricted. Compare the treatment and freedom of these convicted revolutionaries with that of former Newark Mayor Hugh Addonizio who, while under indictment but not yet convicted and without any criminal record, was forbidden to travel from Newark to New York City to appear on television.

Some indicted revolutionaries have gone underground, others have left the country for sanctuary in Algeria. It is improbable that these young people can successfully evade the police and the FBI without assistance from the Communist underground. These revolutionaries are so well trained that they have been able to plant a bomb in the capitol of the U.S. and in police headquarters in New York, the largest city in the country. There have been approximately 5,000 bombings plus many more thousands of bomb scares; U.S. News and World Report of March 15, 1971 states that bombs are being set off at the rate of three a day across the U.S. Bomb targets have included business firms, colleges, military establishments, state and local government offices as well as federal buildings. Attacks on the police have also been increasing; in 1970, there were 97 policemen killed in criminal assaults and during the first two months of 1971 the National Association of Chiefs of Police reported about 23 police have been killed and 246 wounded.

Mass "pressure from below" is being planned by the National Peace Action Coalition which held a meeting in Chicago, Illinois at the United Packinghouse Workers Union Center between December 4 and 6 of 1970. Plans were initiated at this meeting of 1,200 anti-war activist delegates to begin massive anti-war action in Washington, D.C. and San Francisco, California on April 24, 1971. Additional proposals were made for nationwide demonstrations to take place on April 3 and 4 to commemorate the death of Rev. Martin Luther King, Jr. Sidney Lens, a member of the National Coalition Against War, Racism and Repression, urged participation in a massive protest on May 1. Attending the National Peace Action Coalition meeting were many well-known Communists and both Communist and Trotskyite literature was openly displayed on tables.

The National Peace Action Committee coordinators are Jerry Gordon, a Cleveland attorney who is one of the defense counsels for the 25 indicted students and faculty at Kent State University; Jim Lafferty, who is co-chairman of the Detroit Committee to End the War; Ruth Gage-Colby, veteran leader of Women's International League for Peace and Freedom; John T. Williams, vice president of the Los Angeles Teamsters Local 208, whose local was placed into trusteeship by the international office of the Teamsters Union because of a wildcat strike; Don Gurewitz, executive secretary of the Student Mobilization Committee.

On the Steering Committee of the National Peace Action Committee are Katie Baird, of the Peace Action Committee; Abe Bloom of the Washington, D.C. area Peace Action Coalition; Kay Camp of the Philadelphia branch of Women's International League for Peace and Freedom, Orrie Chambers, chairman of the Black Caucus of Newark Teachers Union, Local 481; Spec/4 David Cortwright of Ft. Bliss GIs for Peace; Bill Cirone of Atlanta Peace Coalition; Grady Glenn, president of Frame Unit Local 600, UAW; Fred Halstead of the (Communist) Socialist Workers Party; Carol Lipman, west coast coordinator of Student Mobilization Committee; Michael Lux of National Alliance of Postal and Federal Employees of Berkeley, Calif.; Ron Wolin, coordinator of N.Y. Peace Action Committee; Rachel Jacobs of the Chicago Women's Liberation Union; and Kate Moore of the Chicago NAACP.

The National Peace Action Coalition will sponsor a massive assembly at Washington, D.C. on April 24 and what was to have been a massive demonstration on May 1 has been changed to activities covering May 1 through May 5. Supposedly violence will be avoided on May 1 in order to encourage the largest possible participation. On May 1 there will be concerts, a rock festival, work shops and special meetings at Washington, D.C. (to attract the youth). On May 2, beginning at 11 a.m. there will be a mammoth assembly and demonstrations at which time demands will be made for a guaranteed annual income of $5,500, freedom for all "political" prisoners, and an end to the war in Vietnam. On May 3 and 4 the groups will concentrate on the military and a "People's Lobby," and on May 5 the direct action program of halting all business is scheduled. Participating in these programs will be the People's Coalition for Peace and Justice (newly formed), the National Peace Action Coalition, National Welfare Rights Organization, Southern Christian Leadership Conference and the National Farm Workers Organizing Committee. The Vietnam Peace Parade Committee, 17 E. 17th St., N.Y.C. has undertaken a campaign to encourage participation in the Washington demonstrations and the ones expected in principal cities throughout the country. The (Communist) Daily World of March 13, 1971 devoted an entire page to promoting the above activities.

Leftist actress Jane Fonda is also promoting the demonstrations. Speaking to 1,500 people at the Michael Community School in Milwaukee, she stated that May 1 would see strikes, boycotts, tax refusals, messing up the draft boards and turning ROTC buildings into child care centers; as well as mass marches and demonstrations.

Nationally known syndicated columnist Paul Scott stated in his March 8, 1971 release: (quote)

Violent-prone, pro-Hanoi anti-war groups have begun to set up their operational headquarters in the nation's capital for their massive April-May demonstrations to disrupt the federal government.

Boldness of their operations is clearly indicated by the decision to set up in advance command post on capital hill to coordinate legislative anti-war activities with those in the street.

Offices of several anti-war Congressmen, centering around Representative Ronald Dellums (D. Calif.), who traveled to Stockholm, Sweden, late last year to attend the Soviet-oriented anti-war strategy sessions, are being used by the far left activists.

These include David Dellinger and Sidney Peck, pro-red coordinators of anti-war groups and long-time figures in the street protest movement. The two activists are working closely with key strategists of John Gardner's "Common Cause" lobby to use the April-May demonstrations to mobilize nationwide opposition to using U.S. military forces to defend South Vietnam. . . .

Dellinger's and Peck's anti-war groups along with the National Welfare Rights Organization led by George Wiley, the Southern Christian Leadership Conference headed by Ralph Abernathy, and the National Student Association led by David Ifshin . . . (are) to organize and radicalize the street demonstrations, teach-ins and mass protest meetings . . . (end quote)

Mr. Scott obtained information from confidential sources that presidential adviser Henry A. Kissinger has been meeting privately with anti-war protestors and that Kissinger was "very friendly."

An indication of the point to which the revolutionary movement has progressed is the open association of congressmen, senators, civic leaders, theatrical personages, educators, and other prominent people with known Communists and revolutionaries. On March 7, 1971 a full page ad appeared in the New York Times, sponsored by an organization calling itself "People's Peace Treaty." The purpose of this group is to promote a peace treaty between the "people" of the U.S., South Vietnam, and North Vietnam without operating through the U.S. Government. The Treaty of Peace, drawn up by the National Student Association and student associations of North and South Vietnam calls for immediate and total withdrawal and turning over South Vietnam to a coalition government (which is the equivalent of handing it over to the Communists). The advertisement called for donations and support and among public officials who lent their names to the "People's Peace Treaty" were: Congresswoman Bella Abzug; Congressmen John Conyers of Michigan, Ron Dellums of California, Don Edwards of California, Parren Mitchell of Maryland, William F. Ryan of New York; and Senator Eugene McCarthy.

Among the clergy were Rev. Ralph Abernathy of Southern Christian Leadership Conference, Rev. Daniel Berrigan, S.J., his brother Philip Berrigan, SSJ, Rev. Malcolm Boyd, Rabbi Balfour Brickner, (revolutionary) Father James Groppi, Rev. Jesse Jackson of Operation Breadbasket, Sister Elizabeth McAlister, Sister Mary Traxler, Sister Jogues Egan; and seven Christian bishops, both Catholic and Protestant.

Ten of those supporting the "People's Peace Treaty" are also sponsors for the Committee to Defend the Black Panthers. They are: Dave Dellinger, Arthur Kinoy, Leon J. Davis, David Livingston, Stewart Meacham, Leon Quat, Gloria Steinem (one of Henry Kissinger's girlfriends), I. F. Stone, Dick Gregory, and Ralph Abernathy.

Other "prominent" Americans listed were Rennie Davis of the Chicago Conspiracy and May Day Collective; Joseph Duffey, national Chairman of Americans for Democratic Action; Jane Fonda; Betty Freiden and Kate Millett of Womens Lib; Black Panther lawyer Charles P. Garry; Charles Goodell, former U.S. Senator; revolutionary Tom Hayden; movie stars Rock Hudson, Jennifer Jones, Robert Ryan; Mrs. Martin Luther King, Jr.; millionaire Stuart Mott; former Miss America and Commissioner of Consumer Affairs in New York City, Bess Myerson; the inevitable Linus Pauling and Dr. Benjamin Spock; identified Communist Dalton Trumbo; Arthur I. Waskow of Jews for Urban Justice; George Wiley; and many others.

The People's Treaty movement was adapted by the New University Conference and Chicago Movement on January 8–10, 1971 and the proposed treaty was signed by representatives of the South Vietnam National Student Union, the North Vietnam Student Union, the South Vietnam Liberation Student Union (Vietcong) and the National Student Association. Signatures of the representatives were affixed in Saigon, Hanoi and Paris in December, 1970.

The federal government, supposedly responding to the people through various forms of financing, loans, and so-called "revenue sharing," is actually promoting a welfare state; in other words, Socialism. The word "Communism" is meticulously avoided . . . "Socialism" sounds more respectable. The Communist countries, however, actually refer to themselves as "Socialist States."

The revolution is in progress. Violence and lawlessness are prevalent. Communists, sympathizers and fellow travelers operate more openly, and only an awakened, informed and concerned public can halt the progress of the revolution. Freedom is up to you!

WAR ATROCITY HEARINGS: II

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DELLUMS. Mr. Speaker, in receiving testimony that I can only term best as "appallingly shocking," eight colleagues and I conducted the second of four hearings this morning in the Cannon Caucus Room concerning responsibility for American war atrocities in Southeast Asia.

Five witnesses recounted gruesome torture practices in Vietnam dating back to early 1963. It is hard not to be repelled by their descriptions of cold-blooded murder; of electrical torture; of killing by shock, by being thrown out of helicopters, by having a 6-inch dowel hammered through a suspect's ear; of dunking suspects in pools of excrement and urine; of locking suspects in rooms with snakes.

Yet, all these incidents took place. And as we found out today, they took place as standard operating procedure—as explicit policies of U.S. forces in Indochina.

In many ways it was hard to commend young men who have testified to these practices. But I am sincerely grateful—and moved—that these veterans were able to come before us and let Members of Congress and the American public know the realities of our tragic adventurism in Southeast Asia.

The hearings continue tomorrow when we shall hear nine veterans from the Americal Division—indeed from the same companies that Lt. William Calley served in, but a year later—describe military operations involving massive destruction of lives and property.

Throughout the first 2 days of testimony, time and again, my colleagues have noted that it is a pity that the first open congressional forum on responsibility for war atrocities have to be conducted on an ad hoc basis.

I agree.

There is no reason at all why the established committees of this body could not have acted before on these questions. Indeed, ever since this inquiry was announced, I and the other Members sponsoring these hearings, have received extraordinary pressure and harassment aimed at lessening the impact of these hearings.

But, we are not interested in the petty nature of those persons and institutions who stand in our way. The American public must know the realities of American policies in Indochina—and ultimately there is no way that the public will be kept from these facts.

The hearings continue through Thursday. Once again, I urge all Members of the Congress to participate.

At this point, I would like to insert in the RECORD a partial list of witnesses for Wednesday's session. Following that list is a proclamation by nine experts in international law and a review by Peter Barnes in the April 24 issue of the New Republic:

WAR ATROCITY RESPONSIBILITY HEARINGS, WEDNESDAY, APRIL 28—AMERICAL DIVISION TESTIMONY

Former members of C and D Companies, 1/20 Battalion, 11th Brigade, Americal Division will provide accounts of the systematic torture and murder of innocent civilians and the wholesale destruction of homes and property as standard operating procedure for their units in Vietnam. The witnesses will include:

Gary Battles, 21, E/4, APC driver, 11th Brigade, Americal Division, a College Park, Maryland resident, testifies to the frequent killing of civilians by personnel of the Americal Division.

For example on June 10, 1969, Gary's CO gave the order to throw an old woman and child in a well with two M-26 Fragmentation grenades. They were included in the body count.

On another occasion, during a sweep operation in February, 1970, between Landing Zones Liz and Bronco, his unit came across 5 Vietnamese, all unarmed in a bunker. Three were killed outright. Two others were still alive after being dragged out of the bunker. One was shot to death with a .45. The other was tortured and died shortly after. A Lieutenant, a Major, and 2 MI officers were present.

Charles David Locke, 20, Sp/4, Mortorman, 11th Brigade, Americal Division, a Wheaton, Maryland resident, served with Gary Battles and corroborates his statements concerning the frequent killing of unarmed civilians.

Locke witnessed the systematic destruction of 10 villages during his 18 months near Duc Pho. He also states that torture of suspects and mutilation of bodies was a common occurence within his unit.

Other members of the 1/20 Battalion and adjacent Americal units who will be testifying are:

Guadalupe G. Villarreal, 25, Sp-4, D Co. 196th LIB, Americal Div.

Steve Padoris, Sp-4, 1/20, 11th Brigade, Americal Div.

William Toffling, Sp-4, 1/20 Batallion, 11th Brigade, Americal Div.

Cliff Barger, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

Terry Mullen, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

Daniel Barnes, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

John Reconick, Sgt., 1/20 Bn., 11th Brigade, Americal Div.

These men will corroborate much of the testimony of Battles and Locke and describe how their day-to-day combat activities, governed by the tactical field policies and standard operating procedures, led to the widespread maltreatment of Vietnamese suspects and the indiscriminate killing of civilians.

PROCLAMATION BY EXPERTS IN INTERNATIONAL LAW

We, the undersigned, believe that B-52 pattern raids against undefended villages and populated areas, free fire zones, forcible removal of civilian populations, concentration camps, defoliation and crop destruction, search and destroy missions, and the torture and murder of prisoners, are all policies and procedures that have been persistently used in the Indochina War and have been designed and authorized at the highest level of civilian leadership and military command and that such policies and procedures constitute violations of existing rules and principles of international law as embodied in treaties binding upon the United States Government as the supreme law of the land.

As such, those men who occupy key decision making roles within the Government, the military, and the private sector of the American society are clearly accountable and may be criminally responsible.

On these bases, we urge the Congress of the United States to undertake a full-scale inquiry into war policies relied upon by the United States Government in Indochina, from the perspective of international law, not in the interest of meting out punitive measures, but rather for the purpose of exposing to full public scrutiny the stark reality of the criminal aspects of these policies as they affect the Indochinese people and American combat troops.

LIST OF SIGNERS

Richard J. Barnet, Esq., Co-Director, Institute for Policy Studies.

Joseph Crown, Esq., Co-Chairman, Lawyers Committee on American Policy Toward Vietnam.

Professor Richard A. Falk, Chairman, Consultative Council, Lawyers Committee on American Policy Towards Vietnam; Milbank Professor of International Law, Princeton University.

William Meyers, Esq., Chairman, Committee for New Priorities.

Professor John Herz, Chairman, Graduate Program in International Relations, City College of City of New York.

Professor Dennis Livingston, Case Western Reserve University.

Professor Saul H. Mendlovitz, Law School, Rutgers University.

William Standard, Esq., Co-Chairman, Lawyers Committee on American Policy Towards Vietnam.

Professor Burns Weston, Law School, University of Iowa.

[From the New Republic, Apr. 24, 1971]

WHAT'S TO BE DONE?

(By Peter Barnes)

"Crimes of War," edited by Richard A. Falk, Gabriel Kolko and Robert J. Lifton (Random House; $10); "War Crimes and the American Conscience," edited by Erwin Knoll and Judith Nies McFadden (Holt, Rinehart and Winston; $5.95 cloth; $2.95 paper); "Nuremberg and Vietnam: An American Tragedy," by Telford Taylor (Quadrangle Books; $5.95 cloth, $1.95 paper); "Conversations with Americans," by Mark Lane (Simon and Schuster; $6.95).

If there's one lesson that has seeped into our consciousness over the course of the 1960's, it is that Americans are no more immune to savagery than any other people. We've seen it on TV to the point of numbness, we've read about it in newspapers and periodicals, we've heard about it from young Vietnam veterans. Two years ago, even before we'd learned about Mylai, Clergy and Laymen Concerned published a book called *In The Name of America,* which recounted many of the horrible things Americans were doing in Southeast Asia. Now we are confronted with a flood of books about American war crimes (see *NR,* January 9, 1971 for an extensive listing). If there are any lingering doubts about America's capacity for wholesale violence in pursuit of illegitimate ends, these books should dispel them.

But now that the facts are available to those who care to know, what are we going to do with them? Most of the war crimes books touch upon the question, but stop short of clear-cut answers. Still, a number of approaches have been proposed. Here is a selection culled from the pages of four of the most recent war crimes books:

Robert H. Bower (one of the veterans interviewed in *Conversations with Americans*): "The people who should go on trial [for massacres such as Mylai] are Nixon and Laird and Johnson. It's the people in power in our government that should be tried for these crimes, not the people who carry them out."

Richard A. Falk (in *Crimes of War*): "We need a Presidential commission that has access to all records and witnesses, and is empowered to make a public report and recommendations for action. . . . On a world scale, it would seem desirable for the UN to mount an investigation of allegations of war crimes, especially in relation to Vietnam and Nigeria."

Rep. Henry Reuss (*in War Crimes and the American Conscience*): "I can see some utility in the creation of two different commissions. . . . The first would be a commission of jurists—American jurists because we are Americans—to make recommendations on a number of legal, juridical matters, including the development of legal instrumentalities, courts and tribunals. The second . . . could offer a forum to those returning soldiers and others who have something to say but who now have no recourse to existing bodies, including the regular committees of Congress."

Marcus Raskin (in *War Crimes and the American Conscience*): "I would propose a group of commissions—of Congress and scholars, of people at their work places and at town meetings—to define the personal and corporate responsibility which we demand of our government. Such commissions would begin to make clear that Secretaries of State, generals, and other high officials will have their missions critically examined."

Former Under Secretary of the Air Force Townsend Hoopes (in *Crimes of War*): "What the country needs is not retribution, but therapy in the form of deeper understanding of our problems and of each other."

What are we to make of these prescriptions? Most of them are tentative, ethereal, self-contradicting; but they are, it seems to me, a very important beginning. For it is not enough just to talk about war crimes, or to sicken people with their horror, as Mark Lane attempts to do in *Conversations With Americans*. Some national response must come forth. And aside from doing everything possible to stop the war the response must comprehend first the plight of the young who have been corrupted by the war, and second the sins of the policymakers.

By now more than two million Americans have served in Vietnam. Not all have taken part in war crimes, or even witnessed them, but none can escape the knowledge of what his buddies have seen and done. Robert Jay Lifton calls these youths "survivors of atrocity." Like the survivors of Hiroshima, they must struggle to find justification for having lived through their extreme experience, and beyond that, for having fought in a war that makes no sense. Their psychological burden is not the kind that a government program can readily lift; we can't pretend to ease their inquietudes (or our own) with Veterans Administration benefits. A much more humane and painful undertaking is necessary—a conscious effort by the rest of us, in and out of government, to clarify and—yes—to atone for what we have done to these men. And we must assure that a similar burden is not laid upon a future generation. One such step would be to provide for selective conscientious objection.

As for the policymakers, a myriad of problems present themselves. Where, first of all, do we look for those most responsible for criminal behavior? Telford Taylor, who was chief US counsel at Nuremberg, Richard Falk, a professor of international law at Princeton, and most of the contributors to *Crimes of War* (a collection of documents and articles) the *War Crimes and the American Conscience* (the edited transcript of a 1970 seminar sponsored by ten Congressmen) agree that the circle of responsibility is far wider than the handful of enlisted men and company-level officers that the Army has charged in the My Lai case. It's hard to dispute this; the burden of Nuremberg was precisely that, when specific criminal acts are the product of a broad national policy, the responsibility for those acts falls most heavily upon the policymakers.

Taylor, however, goes only so far. Cautiously, dispassionately, he builds his case against the military policymakers—General William C. Westmoreland, Lieutenant General Robert E. Cushman, General Creighton Abrams, Lieutenant General William B. Rossen and Admiral Ulysses Grant Sharp, Jr.—but he passes over the civilians in the Pentagon, State Department and White House. His reasoning is that the policies which led to My Lai and other battlefield crimes in Vietnam were essentially military policies—primarily the decision to fight a war of attrition.

Others are not so lenient. "There is no way to support the continuation of large-scale American participation in the Vietnam war without knowingly committing war crimes," writes Falk. If this is the case—and the evidence put forward in these books strongly indicates that it is—then the persons responsible for the war crimes committed in Vietnam are those at the highest levels of government who decided that an anti-Communist regime in Saigon had to be preserved at all costs. These policymakers cannot have been ignorant of the military tactics required to achieve their desired end: the pounding to bits of almost every suspected village, the widespread destruction of crops and farmlands in an ill-fed country, the torturing and killing of prisoners, the shooting of women and children who cannot be distinguished from the "enemy."

Yet even the most earnest pacifist is apt to hold back at this point, instinctively, refusing to think that Lyndon Johnson, Richard Nixon, Robert McNamara, McGeorge Bundy, Dean Rusk, Walt Rostow and the rest are war criminals. Townsend Hoopes, an apostle of mercy, makes this point. "Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense. And his principal advisers were, almost uniformly, those considered when they took office to be the ablest, the best, the most humane and liberal men that could be found for public trust."

But is this not precisely the problem of our era—the perpetration of great amounts of evil by men who are not in themselves evil-minded? We live in an age of overwhelmingly destructive technology, when killing is largely accomplished by pushing buttons and the decisions to kill are taken in secret by faceless bureaucrats and interagency committees.

The next problem is simpler: what specific crimes could the policymakers be held responsible for? Nuremberg established three categories of international crimes: crimes against peace (the planning of aggressive war), crimes against humanity (genocide), and the lowest category, war crimes (battlefield excesses). German leaders were found guilty at Nuremberg primarily of crimes against peace; Japanese leaders were held responsible primarily for war crimes. Jean-Paul Sartre makes the case in *Crimes of War* that America is guilty of nothing less than genocide in Vietnam; others contend that America is the aggressor and its leaders should be found guilty of crimes against peace. Telford Taylor takes a more restrained approach. It is arguable, he says, whether America is in fact guilty of aggression in Indochina; a case could be made that, as Dean Rusk said, the United States was actually attempting to halt aggression when it sent massive numbers of combat troops into South Vietnam. The question of genocide is similarily open to considerable debate. But there can be no doubt at this late date that there have been innumerable battlefield excesses. It is for these war crimes that American policymakers should be held responsible.

If legal and historical precedents are wanted, they can be found in the trials of Japanese leaders after World War II (more here than in the Nuremberg trials, since Nuremberg dealt primarily with the planning of aggressive war). The most notable case involving the responsibility of military leaders was that of General Tomayuki Yamashita, commander of Japanese forces in the Philippines at the time of MacArthur's triumphal return. As Japan's hold on the island chain slipped, the conduct of the Japanese occupation forces degenerated rapidly; there were numerous massacres of prisoners and civilians, as well as considerable looting and burning. Yamashita neither ordered nor approved of this conduct, nor was it even established that he was aware of it, or that had he been aware of it, he would have been capable of stopping it. Nevertheless, an American court-martial sentenced him to death by hanging, and the US Supreme Court upheld the sentence, on the grounds that he had "failed to provide effective control of his troops as required by the circumstances." American military leaders in Vietnam, by contrast, are fully aware that prisoners and civilians are frequently slaughtered; indeed, it is official policy to maximize the body count, and to kill civilians or anything else that moves in free-fire zones and in villages that have been told to evacuate. American generals, moreover, have not lost control of their troops as Yamashita did; they could put an end to criminal conduct if they wanted to. The implications are obvious.

Civilian leaders came off no better in the Japanese war crime trials. The Tokyo tribunal ruled that Cabinet members who had knowledge of war crimes committed by Japanese forces, and who failed either to take action to stop such crimes or to resign from the Cabinet, were criminally liable. This is a precedent that stretches a bit too far for contemporary tastes; one can hardly contend that a Secretary of HEW becomes a war criminal if he does not resign his post. But this Tokyo decision makes it harder to argue that the Secretaries of State and Defense, or the members of the National Security Council, should go scot free.

None of this, however, resolves the basic question: is it practical, or desirable, to try as criminals the top-level American policymakers? Legal precedents are unquestionably there, but should they be used?

As a practical matter, the obstacles seem insurmountable. What judicial body could properly hear criminal charges? Who among us is guiltless enough, or disinterested enough, to sit in judgment? The military is not. Congress? Most of its members supported the Tonkin Gulf resolution, as well as year after year of military appropriations. The Supreme Court has ducked every major constitutional issue affecting the war, and would hardly be inclined to tackle this one. That leaves the possibility of an international tribunal under UN auspices, but as Henry Reuss infers, the value of such a tribunal would be open to great question. Not only would international condemnation have the effect of undermining support within the United States for the UN; it would fail to serve the essential goal of therapy; which requires that America itself arrive at a judgment of its leaders' personal responsibility.

To these manifold practical difficulties I would add a socio-psychological one: I don't see any purpose to be served by a criminal process which winds up convicting and sentencing high-level American officials. It is one thing for a victorious nation to punish the leaders of a defeated foe; it is quite another for an unconquered country to punish its own leaders *ex post facto*. The former is a kind of shock therapy which, whatever its beneficial effects, at least does not have the harmful effect of greatly increasing the existing resentment between victors and vanquished. The latter is a form of extreme self-flagellation which would exacerbate to an unnecessary degree the divisions within an already divided nation.

The best course, it seems to me, would be for Congress to create a war crimes commission similar to the one proposed in a bill by Rep. Ronald Dellums (D-Calif.). Such a commission should have the power to subpoena witnesses and records; it could investigate anyone and anywhere, but it could not punish. It would in effect do what Falk recommends, "reinforce a boundary." That is exactly what has been lacking in the United States, and what is so desperately needed; a boundary upon the behavior of leaders—beyond which they cannot trespass without suffering the recrimination of their fellow citizens.

THE WAYWARD PRESS (TUBE DIVISION)

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WHITEHURST. Mr. Speaker, the following article appeared in the May 1971 issue of The Retired Officer, having been reprinted there from the April 1971 issue of Air Force magazine. It deserves the attention of my colleagues, as does the fine introduction by Chairman Hébert.

What is not now, nor ever has been, at issue is whether or not the Pentagon should be criticized. I have often taken the Department of Defense to task when necessary. There is one issue, and only one, and that is whether or not CBS distorted facts in its commentary. The evidence points irrefutably to the truth that CBS was less than factual in its presentation. Even the Washington Post, which has never been accused of parroting the administration line, has taken CBS to task for its failure to present accurate information.

I include the article as follows:

The Wayward Press

(By Claude Witze)

The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly 40 years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same 40-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine will ever duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be 34-year-old Peter Davis, who says he and his staff spent 10 months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with credibility gaps wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

Mudd. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

Mudd. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participation, the costs and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems and military affairs, as well as foreign policy.

Mudd. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Captain Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

Mudd. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the U.S. involvement in Vietnam'."

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Colonel John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MacNeil. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page 55 of the prepared, and approved, text of the briefing. Next sentence:

MacNeil. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page 36 and discussing an entirely different aspect of the presentation. Then:

MacNeil. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page 48 of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MacNeil. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page 73.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of 42 minutes of filmed conversation. Here is one breakdown:

Mudd. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

Henkin. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

Henkin. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words . . ." Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Major James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the anti-military tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked 34 questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the 34 questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste and a collection of calloused consciences.

MEMORIES OF AN ISLAND

(By Colonel Allan C. Dale, AUS-Ret.)

It was a trilogy of events that will remain forever in my mind. The events occurred within a short time frame either side of 2400 hours on February 18, 1945. One I merely watched happen, but did not give it more significance than the others, which it was ultimately to obtain. Another I both watched and listened to as it progressed; and, in the case of the third, I listened to the person who told me he was going to cause it to happen and I saw it after the fact.

I was then one of many soldiers who had been aboard an attack transport for almost a month. We had embarked at Honolulu and had moved out very deliberately. Actually we hung back in the mid-Pacific, loitering to the very last—until all preparations had been completed—when we went surely to our destination. And during the loitering period, we refueled at Ulithi Island and took on fresh provisions there; and, in a leisurely fashion, rendezvoused along our way with other transports and their warship escorts scheduled into our ever enlarging convoy. We were not told our destination until a few days before we were to arrive, but it is difficult to hide such matters from service men and we had long since surmised where this would be; there were no conflicting views on greater order and purpose—even calisthenics made much more sense. Detailed briefings became a daily affair and, on one Sunday morning, they passed around ammunition. Each member aboard who would disembark received an initial ammunition load for his weapon.

On the day before D-Day, our transport took its designated station offshore from the target area—among a host of ships of all sizes and categories. The contingent, to which I belonged aboard our transport, was t ground echelon of a Black Widow P–61 Night Fighter Squadron scheduled to disembark on D-Day plus three, a date we would never keep.

I could not sleep on the night of February 18 and left my bunk in the forward bowel of the ship for the coolness of the deck—and to think. Iwo Jima was almost constantly silhouetted against an illuminated sky by the bombardment it was receiving from our battleships, cruisers and destroyers—a softening-up process that had been going on continuously for the past few days. It was a magnificent night display, beautiful in its pyrotechnics but utter horror to those on the island who must stand and take the hot metal behind it. But, as I so casually watched, a colleague was doing a very dangerous business and my heart and mind were with him in the long night.

THE LIEUTENANT'S FLAG

After dinner in the early evening, a few of us who had become rather close during the month aboard our vessel, gathered in a knot along the ship's rail and chatted, speculated and wondered how this island invasion would come out, how we ourselves might come out of it. There was barracks room humor, of course, but not as much as usual; certainly there was no bravado this evening.

After a while the knot disintegrated as some left to start a game of cards, others to read or to get a cup of coffee in the ship's ward room. Eventually I found myself standing with a lieutenant junior grade, a member of the ship's crew. I was gazing out toward Iwo's shoreline, thinking about that line and how the U.S. Marines would swarm along its edge in the morning, bite into its beaches and inch themselves forward. I couldn't know then of the withering artillery crossfire they would receive from the highpoints at both ends of the island. The softening-up process would have left these artillery positions virtually intact.

The lieutenant by my side was very quiet, looking, as I was, out across the water to the beaches. I sensed that he wanted to say something to me but hesitated to bring it out. Then as we both looked back from the shoreline and our eyes met, he directed, "Look over there. Do you see that beached Japanese landing craft?" I had seen it. It was a wreck off to the right hand side of the shoreline selected for the invasion. Rusting out, its bow was well up on the beach and its stern rested in the sand in the shallow water offshore.

"Yes?" I queried with mild curiosity.

"Tonight late, when it's dark, or in the very early morning hours before light, I will leave our ship in a rubber boat and paddle over to that wreck and raise the American flag above it."

"Just like that!" I exclaimed, looking at him in amazement. "What in the world for?"

"So it will be flying when H-Hour comes tomorrow."

I nodded my head in understanding, but I did not understand. I could not imagine a more foolish gesture—if it were a patriotic one, I could think of no other. It seemed to me a suicidal thing to attempt. I shuddered inwardly thinking about his crawling in and around that old sea-rotted hulk and at last finding his way to the superstructure and then stringing a flag to some part of it—a flag pole somewhere—and all in the dark. The thing was probably booby-trapped. Who needed it? I did not want to ask him if this was his idea . . . or someone else's, and he had volunteered to do it. The obvious pride and enthusiasm he had shown for the project as he told of it stopped me from pressing the issue—as did a certain arcanum in which it seemed enshrouded.

I never saw the lieutenant again; but that is not to say that he perished in his excursion, for matters moved very fast after the start of the invasion and personnel were being shifted about. He could very well have been transferred to another ship. But, the next morning an American flag was flying from the superstructure of that old wreck! The thrill of seeing it was immense.

CHECKERS

H-Hour came on the morning of the 19th of February. Earlier on that morning the invaders had been loaded in landing craft and these were now maneuvering in great circles in a holding pattern in the cleared water between the invading ships at anchor and the shoreline, waiting for the signal that would start them for the beaches. At last it came and the rush was on. The first Marines ashore had not been there minutes when rumors began trickling through our ship that there were Japanese women on the beaches! Fantastic! How could this be? It is difficult to explain how such rumors get started, are given credence and then waft along at increasing speed. In times of stress the most level-headed can become gullible. This rumor turned out to be nonsense. It collapsed when we began receiving back some of the Marines we had thrown against the shore. These were the walking wounded picked up by the landing craft and brought out to the safety and succor of ships equipped to handle their wounds. "Women on the beach?" they responded incredulously when asked.

In the air over the island our Navy aircraft from nearby carriers zoomed down to bomb targets which were chiefly the artillery positions on Mount Suribachi and the high ground at the other end of the island which were giving the Leathernecks such a hellish pasting on the invasion beaches. But between bomb runs, a single TBM, a Navy torpedo bomber, did lazy eights over the island at a dangerously low altitude. Its pilot was seeking out targets that were not obvious, that could be pin-pointed in no other way.

The pilot's code name over the radio was "Checkers" and he was one of the bravest men I have ever observed. His aircraft was terribly vulnerable to the 75mm and lesser caliber anti-aircraft fire that the Japanese could bring against it. His single advantage was that to fire at him could put one's gun position out of business quickly and few of those, especially in the center portion of the island, were anxious to shoot too openly and disclose themselves to the terrible napalm bomb runs that would surely follow.

For what seemed hours, he winged in his lazy, slow fashion, picking up target information and relaying it back to the command carrier and then, at the last moment before the carrier bombers came in for their runs, he would peel off. Occasionally here and there a black puff of smoke just ahead or behind or on one side or the other of "Checkers" would show the earnestness of the Japanese; they were determined to get him. They were very patient, holding their fire and concealing their positions as best they could, waiting for exactly the right shot at the right moment. They had thrown up some very good shots—near-hits.

Aboard our ship I listened over the command radio net to the conversations transpiring at times between "Checkers" and the U.S. Marine Corps General "Howling Mad" Smith who was in charge of the Iwo Jima invasion. He personally directed "Checkers" in forays, asked for specific information on island localities, gave orders and even encouragement for his dangerous mission. The radio chatter between them was a little reminiscent of a father-son relationship and conversation. At one time "Checkers" announced that he was low on gas and would have to return to the carrier soon to refuel. He was also getting hungry, he said. It was just after this last snatch of chatter that I watched with heartache as his torpedo bomber was hit by anti-aircraft fire and went down trailing smoke.

MOUNT SURIBACHI

The time rolled by and the Marines moved slowly, but determinedly, from their pinned-down positions on the beaches to higher ground directly ahead—Motayama Airfield #1 in the center of the island which was the immediate objective. And now the heavier military equipment was being off-loaded on the beaches and moved along the makeshift roads of steel strips of landing mat laid over and up the soft sand terraces of Iwo's littoral. In the bright sunlight of a late afternoon I could see our tanks along the airfield's edge in the saddle and center of the island. Soon the Seabees would be bulldozing away the disabled Japanese aircraft that remained on the field; and their grading and rolling machines would begin to fill and smooth out the bomb-pocked strip for the first landings of our aircraft.

The airfield had been the immediate objective and it became the point of departure for the continuing advances the Marines would make for the ultimate conquest of the island. It was just then, however, that Mount Suribachi beckoned. It became the cynosure of all of us offshore, in the air and on Iwo as efforts were begun to take it. It was the mountain to climb and conquer, the place to plant the American flag. If this would not be symbolic yet of total victory, then it would be of that total victory that would eventually come, bringing with it release from the terrible ordeal they had endured, both Japanese and American, who remained alive after the holocaust—less the legions who already would have been released by death.

I watched the final stages of the flag raising on Mount Suribachi through a gunsight aboard our ship. On the cross hairs of the sight it came out a few ants struggling with a match stick, rag attached, in an effort to raise and place it atop a sand pile; and they finally accomplished it. From such a distance and seen through a gunsight, it appeared a detached and casual ceremony completely devoid of panoply; and so it must have seemed from any vantage point. But of just such things so casual and rugged is history made and remembered.

RED CHINESE MUST RETURN AMERICAN SERVICEMEN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SCHMITZ. Mr. Speaker, the following article by investigative reporter, Paul Scott, should be brought to the attention of all my colleagues. It makes the very valid point that prior to even considering any type of increased U.S. contact with the Chinese Communists the question of the return of the American servicemen being held by the Red Chinese must be settled.

The article follows:

RED CHINESE MUST RETURN AMERICAN SERVICEMEN

(By Paul Scott)

WASHINGTON, April 28.—The fate of those "forgotten Americans" languishing in Communist China's dungeons could become the first test of the soundness of President Nixon's policy of trying to improve relations with Peking.

These Americans are U.S. fighting men that Peking is illegally holding from the Korean and Vietnam wars—some of whom have undergone everything from brainwashing to torture for more than 20 years.

The highly explosive prisoner issue is being quietly raised by a group of influential members of Congress headed by Representative Cornelius E. Gallagher (D., N.J.), chairman of the House Foreign Affairs' Far East Subcommittee, and Representative H. R. Gross (R., Ia.), a member of the House Foreign Affairs Committee.

The lawmakers have demanded to know what President Nixon is doing, if anything, to free these men before going through with trade concessions to Red China or entertaining Peking's propaganda groups in the White House.

The unpublished demand was made during a private hearing that Gallagher's subcommittee held last week to hear testimony from State Department officials on President Nixon's new open door policy toward Communist China.

In quizzing Assistant Secretary of State Marshall Green, Representative Gallagher called on the Nixon Administration to test Communist China's intentions by demanding that American prisoners in China be released immediately.

The lawmaker reminded Green that Peking is known to be holding at least five Americans, and possibly several hundred additional U.S. fighting men from the Korean and Vietnam wars. One of those known to be a prisoner is Capt. Philip E. Smith, son of Mrs. Oscar Smith of Roadhouse, Ill.

Pentagon records list Smith as the first U.S. combatant of the Vietnam war known to have fallen into Chinese Communist hands. His F-105 Starfighter was downed on Sept. 20, 1965 while over the Tonkin Gulf. While American rescue planes stood helplessly by, Smith was picked up by a Chinese patrol boat and taken to the mainland.

Feeble diplomatic efforts by the Nixon and Johnson Administrations to obtain Smith's release so far have produced nothing. All that the State Department has been able to learn from Peking is that Smith is alive and being held in a prison in the Chinese Capital.

Although it isn't saying so in public, the State Department has hard evidence that the Chinese Communists are holding at least four more American fighting men. The Central Intelligence Agency says privately there are many more. Over the years, the CIA has gathered bits and pieces of information about a number of other "missing" U.S. military personnel believed to be prisoners inside China. Most of these are prisoners from the Korean war.

Showing their concern—Representatives Gallagher and Gross made it clear to Green that there is growing concern in Congress that President Nixon wasn't giving the prisoner issue a high enough priority in his new policy toward Peking.

The legislators warned that the President was giving away his bargaining power for the prisoners by making one-way concessions to Peking on trade without first obtaining an agreement to discuss their plight.

One subcommittee member said he couldn't understand how the President could welcome personally a delegation from Communist China without first getting assurances that Peking was ready to discuss the release of American prisoners.

"It looks like the President is conveniently forgetting the fact that the Chinese Reds are holding American prisoners of war," stated the lawmaker. "Some one must remind him that his first responsibility is to free these men; not provide the White House as a propaganda forum for Peking."

Green reportedly agreed to pass the lawmakers' warnings along to Secretary of State William Rogers and to the White House. He assured them that his views were close to theirs but could not speak for either Rogers or the President.

New pressure needed—If past negotiations with the Chinese Communists are any indicator, it will take a lot more than exchanges of ping-pong delegations to free American prisoners.

The State Department announced in August, 1955, that the U.S. had agreed to open the so-called "Prague-Warsaw Talks" with the Chinese Reds to discuss the fate of Americans being held in China.

Those off-and-on talks have dragged on for nearly 16 years. During that time, Peking released an American, a Catholic Bishop, imprisoned after the Communists took over in China. None of the American military men captured during the Korean or Vietnam wars have been freed.

In the U.S. Senate, several members led by Senator Strom Thurmond (R. S.C.), a member of the Senate Armed Service Committee, are planning to raise the prisoner issue. They are now seeking information from the Defense Department as to the number of American men still held by the Chinese.

The Thurmond group also wants to know the exact number of Americans (believed to be more than 20) that the North Vietnamese captured during the recent military operation in Laos. Nixon Administration officials will be asked to make known their plans for obtaining the release of these men and the more than 450 Americans known to be prisoners in North Vietnam.

By linking the Vietnam and Chinese prisoners' issue, the Thurmond group hopes to bring new pressure on President Nixon to spell out to the American people how he plans to obtain the freedom of these forgotten heroes. Many members of Congress believe the time is running out for these prisoners and that the U.S. must act soon if they are ever to see freedom again.

NEW ROLE FOR THE ARMY ENGINEERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, last year I introduced legislation to give statutory authority to a five-man, civilian Environmental Advisory Board in the Army Corps of Engineers. The Board would have been charged with the responsibility of conducting environmental reviews of all proposed and ongoing corps projects, and these reviews would be included with the environmental impact statements filed with the Council on Environmental Quality. My legislation would simply have formalized by law an initiative already taken by the corps in establishing such a Board, and would have given the Board more specific responsibilities.

I was pleased to read in the Sunday Star that additional initiatives have been taken by the corps to insure full consideration of environmental factors in the policy and decision process at the corps.

The corps has taken the lead in implementing the licensing scheme under the 1899 Refuse Act which deals with water pollution the corps has been assigned the chore of cleaning up the Nation's dirtiest river, the Cuyahoga; and the corps has upgraded the Board of Engineers for Rivers and Harbors as the "conscience of the corps" when it comes to environmental matters.

At this point in the Record I would like to include the full text of the article written by John Lannan for the Sunday Star. The article follows:

[From the Washington Star, Apr. 25, 1971]

Army Engineers Take New Role

(By John Lannan)

A longtime target of the environmentalist-conservationist, the Army's Corps of Engineers, is being moved into a position as a key environmental watchdog.

Three recent actions have changed the corps' status from that of "nature's wrecker" to one of its prime enhancers:

President Nixon's decision to have the corps fully implement a long-neglected pollution licensing scheme called for in the Refuse Act of 1899.

Assigning to the corps the job of cleaning up the nation's dirtiest river, the Cuyahoga. Draining an 800-mile watershed in the Cleveland area, it spews a stream of filth into dying Lake Erie and is so laden with industrial pollutants that it actually caught fire.

The corps' decision to upgrade its little-known project review agency, the Board of Engineers for Rivers and Harbors, sometimes called "the Conscience of the Corps."

CUYAHOGA IS MAJOR TEST

The permit program will be vested in the Corps with the Environmental Protection Agency having control over water quality.

The Cuyahoga effort is a major test. "It's one the Chief asked for," one of Lt. Gen. Frederick Clarke's aides said last week.

"He told Congress he wanted to clean up a river and show how political and regional differences can be resolved in the same way we've been resolving them in other public works projects for years.

"They gave him the dirtiest river they had."

The decision to upgrade the "conscience of the corps" also originated with Clarke.

"We had quite an in-house discussion about how to find out if our projects are environmentally sound," he said in an interview.

One result was the board's new status. Others included headquarters insistence that district engineers go out and find potential opponents to all its projects "to get the issues on the table early."

Still another was a whole new public hearing outlook. Instead of holding a single hearing, district engineers must now hold a whole series—one at each critical point in a project. And if a project has a long lapse between authorization and funding—a rather regular occurrence—Clarke has ordered new hearings to get the issues up to date and current opinion out of the table.

The Rivers and Harbors Board changes are probably the least visible result of the corps reviews, but the most significant.

Set up by Congress in 1902 to bring some consistency into the multitudinous public works projects it handled, the board now consists of five generals and a colonel.

It is located in a bedraggled building in a rundown end of Southwest Washington. It is geographically, physically and philosophically remote from—and totally independent of—Clarke's flossy headquarters in L'Enfant Plaza's sparkling new Forrestal Building.

Recently, the board acquired a "resident" rather than a visiting chairman, Maj. Gen. Willard Roper. It has long had a resident administrator. The current one is a hard-nosed, career engineer, Col. A. D. 'Al' Wilder.

NO PROJECT SACRED

He says he and his predecessors were specially selected from among men at the ends of their careers because they were "devoid of ambition and immune to fear."

No one's project is sacred, Wilder said. "We bounce them even when we know the chief has an interest in them," he laughs.

From 1902 until March 31, the Board approved 3,573 projects dear to one or another congressman's heart. It turned down 4,479.

Its decisions are made in private "so we can be free to criticize one another," said Roper. Though Roper doesn't see the board as a deliberate policymaker for the corps, he admits its decisions—such as those requiring an extremely new emphasis on environmental factors—create policy as they develop into trends.

And Clarke said that in the future the board "will, over a period of time, make more policy than almost anything we do."

STAFF TO EXPAND

He has authorized a major expansion of its 65-man staff. It now includes engineers, economists, environmentalists and even a resident critic.

This year's scholar in residence will be biologist Paul Kilburn of Illinois' Principia College, one of the corps' harshest critics.

Staff Ecologist Richard Macomber has already added two experts to his staff and is looking for more while at the same time setting up a panel of consultants from among the country's best professional ecologists.

Roper says the corps is suffering both real and factual image problems resulting from a wave of 1930-era insistence on flood control at any price.

"It made the current environmental pressures seem like a Sunday school picnic," he recalled.

As navigation, flood control, dams and channels expanded into flood plain management programs, water supply sources and hydroelectric plants with multibillion dollar price tags, Congress became increasingly watchful and imposed ever more stringent criteria for project justifications.

The result was a purely economic outlook; national, regional, and spinoff benefits in that order.

Then Congress began to look at recreation benefits, an intangible factor that causes more problems than imaginable because of the inability to translate human well-being into dollars.

Presently the corps is the federal government's largest single recreational agency. It had 267 million visitors to its lakes, ponds, waterways, parks and picnic areas last year—more than all the other recreational agencies combined.

"Remember," says Roper, "we have some early experience in the quality of life business. The corps acquired Yosemite and Yellowstone National Parks for Interior and we ran them until the Park Service was formed."

BEAUTIFICATION AUTHORIZED

Recently, Congress authorized the Corps to spend up to three percent of total project cost on beautification and access for the public, another loosening of the purse strings in the direction of human values.

Next, according to Wilder and Clarke, will be a step beyond environment: The total concept of quality of life. That is what the board and the corps are gearing up for.

"We intend to be out front on that one," said a staff aide. "We're tired of being the whipping boys. We're going to show what we can do on the Cuyahoga. We're the integrators, the buys who can pull the pieces together.

"We don't plan to take over, but we intend to play a major role in solving some of these big river basin system problems and, if we're right, we'll develop the methods for the air pollution people to use in handling their regionalized political, social and boundary difficulties."

ASIAN AMERICANS OPPOSE WAR, TWO-CHINA POLICY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DELLUMS. Mr. Speaker, last Friday I met with a delegation of Asian Americans who have began to take a more active role in dealing with the unique problems of their communities in America.

I was very impressed with the programs and efforts they are undertaking within the Asian-American community dealing with education, manpower, and social services.

But the main topic we discussed was international affairs and the general subject of Western and American imperialism and interventions in Asian affairs.

I believe these members of the Asian Coalition represent an ever-growing segment of the Asian-American community. Yet, if we listen to many of the "old China hands" amongst us, we would more probably get a perspective in which myths and fables of the 1940's and fifties are passed off as those prevailing in the Asian-American community.

That just is not so.

On April 18, members of the Asian Coalition wrote President Nixon because they felt that the real views of their community were being misrepresented. I received a copy of that letter, and I insert it into the RECORD because I feel that my colleagues also would be interested in knowing these ideas and opinions.

The letter follows:

APRIL 18, 1971.

RICHARD NIXON,
President of the United States of America, Washington, D.C.

DEAR MR. NIXON: We of the Asian Coalition believe that the comments of Washington Republican hostess, Mrs. Anna Chennault, necessitates clarification and rebuttal. According to Washington Post reporter, George Lardner, Jr., Mrs. Chennault praises President Nixon's efforts in regard to an Asian Foreign Policy specifically mainland China. She goes on to note that ". . . we (Asian Americans) should not be discouraged simply because Americans are trying to make some communications." These comments and reassurances imply that the Asian American community sympathetically if not politically stands behind the government of Nationalist China and her survival.

The reality, on the contrary is that Mrs. Chennault neither speaks for, nor represents the majority of Asian Americans.

First, we are encouraged and not discouraged by recent events. If Asian stability is to be achieved, the United States must give up the facade of merely dealing with a Nationalist Chinese Government.

Secondly, we would reserve our praise of President Nixon until he acknowledges that a two China policy is untenable. The political realities indicate that mainland China will be admitted to the United Nations and receive full international recognition. United States foreign policy must adapt accordingly, or we face the inevitability of conflict and confrontation.

Thirdly, perhaps Mrs. Chennault is discouraged and disappointed, but a cursory review of her past activities may indicate why. *In the Making of the President*, Theodore H. White reports that Mrs. Chennault, sabotaged the 1968 Paris Peace Talks. She has also been among the leaders of the small but tragically effective "China Lobby." . . . A lobby that perpetrates the myth of Nationalist China and creates a misguided paranoia of Mainland China.

One indirect implication of this effort, we feel is the "undeclared war" in Indochina . . . the bombing, burning and killing of the peoples of Southeast Asia. Our coalition supports immediate withdrawal of all United States troops from Southeast Asia.

We of the Asian Coalition say to our Government: Stop the killing. Stop the murder of Asians. No more Vietnams. No more Mylais. No more Anna Chennault!

HELEN HAYES,
Chairman, Asian Coalition, Wash., Va., Md.

FEDERAL-STATE EXTENDED UNEMPLOYMENT ACT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. GRASSO. Mr. Speaker, I am today introducing a bill which will amend the Federal-State Extended Unemployment Act of 1970 by extending Federal participation in unemployment compensation costs for an additional 13 weeks. This bill will provide for unemployment compensation coverage for 52 weeks as opposed to the 39-week limit now in force, with a provision that the Federal Government absorb the full cost of the coverage for the additional 13 weeks.

My bill is of utmost importance to Connecticut and, I am sure, to many other States.

Under the present extended unemployment compensation law which went into effect last fall, the individual States share in the increased Federal sharing program only when the level of insured unemployment in the particular State is above 4 percent, or if the jobless claims for each 13-week period are 20 percent higher than the claims for the corresponding 13-week period last year and the year before. The amendment I am proposing leaves the eligibility criteria intact.

Connecticut qualifies under both criteria. The figures tell the story in no uncertain terms. In 1969, Connecticut averaged from 30,000 to 40,000 claims for unemployment on a monthly basis. In 1970 the average claim load was 50,000 to 60,000 for most of the year, rising to 90,000 by December. Currently, over 100,000 unemployed workers are receiving compensation. As job availability continues to deteriorate, the number of claimants who have exhausted their benefits under the present 39-week Federal-State sharing program will increase. In 1969, 15,800 persons exhausted their full benefits. This figure rose to 28,500 in 1970, and may reach catastrophic proportions in 1971 as the job market tightens and more workers are laid off.

Against this background of an increased number of claims, the State unemployment compensation reserve fund is dwindling. At present the fund stands at $230 million. This fund will be depleted at an increased rate in Connecticut, as the State has a program now in operation for an additional 13-week coverage period funded completely by State moneys when the unemployed workers regular 39-week period is exhausted. Although at present only a small portion of the claimants receive benefits from this additional State plan, the full State funding it entails puts a heavy demand on the reserve.

Thus, we have a cycle of increasing claims and decreasing reserves. It is imperative that the Federal Government assume the full burden of funding for the final 13-week period in order to stave off an even greater fiscal crisis in States with high unemployment such as Connecticut.

I recognize that extension of unemployment compensation to provide at least a subsistence income for the jobless worker over the period of a year is treating the symptom rather than the disease. At this time, however, every remedy must be used.

We must continue to employ all the economic tools necessary to put the economy on the road to steady noninflationary growth. In the meantime, however, we must make sure that the workingman and his family are provided resources for the necessities of life.

I urge my colleagues to consider the swift enactment of this measure.

FARM VEHICLE REGULATIONS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference a bill to amend section 204 of the Interstate Commerce Act to exempt certain farm vehicles from its provisions. Although farm vehicle operators have been historically exempted from the motor carrier safety regulations with respect to driver qualifications, it was recently proposed that they be included, and regulations were published to that effect. Under the proposed regulations, which were to take effect on July 1 of this year, a farmer, member of his family or employee driving a truck in interstate commerce would have to be 21 years of age, have passed an examination in Federal safety regulations, and carry a medical certificate not more than 24 months old. In addition, an employee would be required to file with his employer at time of employment, and annually thereafter, a record of his traffic violations.

It is my understanding that a tentative agreement has been reached between the Departmnt of Transportation and farm groups to continue the exemption for lightweight farm vehicles, and an official announcement should be forthcoming momentarily. This is a most salutary development, and I commend all those involved in working out this most reasonable arrangement. I think it became apparent to everyone during the extended hearings on the proposed regulations what an extreme hardship they would work on most farmers who are dependent upon family members and young hired help to drive these farm vehicles.

The bill which I am introducing today would codify that agreement and that exemption to insure its permanence so that we are not faced a few years hence with another attempt to alter that exemption by regulation.

Mr. Speaker, I would be the first to concede that farmers should have to endure the inconvenience of these proposed regulations if there was evidence that they are involved in an inordinately high number of traffic accidents. But the evidence available to me indicates that the accident rate for farm vehicles is only one-third that of those vehicles in the regulated trucking industry, even though there are six times as many farm vehicles. And farm drivers in the 21-and-under age group have a driving record as good as or better than any other age group, and several times better than others in their age group who do not drive farm vehicles. It, therefore, does not seem fair to penalize the farmer on the basis of these statistics by denying him the help of drivers under 21 years of age, especially when he is so dependent on the help of younger members of his own family and hired high school and college help.

I am, therefore, pleased that the rule of reason has apparently prevailed and that an announcement will be made shortly to continue the current exemption for lightweight farm vehicles. I urge the Secretary of Transportation to give his final approval to the agreement which has been worked out, and I urge favorable consideration of the legislation which I am introducing today to formalize that agreement by law.

MEDICARE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, in the past several years the cost of hospital and medical care has risen to staggering proportions. The high costs often prohibit those most needing medical care from receiving adequate attention. With appropriate legislation the United States could see all of its citizens receiving the same comprehensive medical treatment through medical care insurance coverage of our families.

Until recently there have been few legislative proposals that provided the necessary medical care needed in light of today's problems. One such area includes a comprehensive drug insurance program for the 20 million Americans covered by medicare.

While medicare does help the individual in time of need, serious problems arise when patients must rely on their own personal finances when they require outpatient drug prescriptions for necessary care.

The people who would derive the most benefit from this program would be our senior citizens. These 20 million older Americans would have the comfort of knowing that they would be able to enjoy their later years free from care and worry—that if they could not afford necessary prescription drugs—should they become ill.

Under outpatient prescription drug benefits, participants would be reimbursed for prescription drugs and certain nonprescription drugs for life sustaining purposes and would permit each patient to choose his own pharmacists.

Financing the program under the part A portion of medicare means that an individual will pay for his drug insurance during his working years rather than later when his income is sharply reduced due to retirement. It also assures that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records, or file claims.

One of the basic obligations that any government has is that it assures each citizen the opportunity to receive the best possible medical and outpatient care. Under the Obey program citizens who could not otherwise afford this care will be able to receive proper medical care, and at the same time not deplete their savings due to unexpected illness.

I heartily endorse this program and I urge my colleagues to see that outpatient prescription drug costs be included under medicare.

COUNCIL ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality, in an effort to advise the public of the immense reservoir of data available on Government actions affecting the environment and to enable interested persons to comment on such actions, issues a monthly publication called the 102 Monitor. The 102 Monitor which takes its name from section 102(2)(C) of the National Environmental Policy Act, lists the draft and final environmental impact statements and comments received by the council in the previous month. This open Government policy has required initiative and persistence by the Council and has the full support of those of us who helped gain the enactment of the National Environmental Policy Act.

The 102 Monitor each month also explains in detail how individual agencies handle the 102 statement process. To date there have been highly useful descriptions of the procedures of the Army Corps of Engineers, the Atomic Energy Commission, and the Federal Power Commission.

The Council advises me that those interested in receiving the 102 Monitor on a regular basis should notify the editor of the publication, Gay Boyer, at the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

So that my colleagues and others might have an opportunity to be familiar with this very useful publication, I include the text of the first three issues of the 102 Monitor at this point in the CONGRESSIONAL RECORD.

[From 102 Monitor, February 1971]

THE 102 MONITOR

Section 102(a)(C) of the National Environmental Policy Act (PL 91-190) or "NEPA" is intended as an "action forcing provision" to make all Federal agencies take full account of the environmental aspects of their major actions. In essence it requires that, prior to recommending or reporting on legislation, or taking other major action significantly affecting the environment, the responsible Federal official shall prepare an environmental impact statement (a "Section 102" statement). This statement must detail the environmental impact of the proposed action, any adverse effects that cannot be avoided and the alternatives to the proposed action.

Federal agencies with relevant environmental expertise are to be consulted and the views of state and local agencies authorized to develop and enforce environmental standards are also to be invited. Most significantly, the 102 statements and the comments and views of the Federal, state and local agencies are to be made available to the public.

The National Environmental Policy Act is an innovative piece of legislation. Fulfillment of its objective will demand vigilance from all branches of government and particularly from concerned members of the public.

In order to facilitate comment on, and participation in this process, the Council will publish the 102 Monitor monthly. In the 102 Monitor all 102 statements (draft of final) that have been received will be listed with the names and telephone numbers of agency contacts from whom copies of these statements and comments thereon may be obtained.

Beginning with the next issue, we also plan to focus on different agencies each month, and describe each agency's procedures for handling its 102 statements.

The 102 Monitor is available on request with preference given to those representing groups with a continuing interest in the 102 process not restricted to a single project, e.g.—conservation and environment protection groups, Congressional staff, news writers specializing in environment news, law school groups, and State and local government officials.

PUBLIC LAW 91-190, 91ST CONGRESS,
S. 1075, JANUARY 1, 1970

An act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes

Be it enacted by the Senate and House of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings:

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5818). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5815).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

[Executive Order 11514]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

SEC. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

SEC. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget,", the following: "the Director of the Office of Science and Technology,".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "hereinafter referred to as the 'Citizens' Committee')".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

[From the Federal Register, Jan. 28, 1971]

COUNCIL ON ENVIRONMENTAL QUALITY—STATEMENT ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

Notice is hereby given that the Council on Environmental Quality proposes, as provided in the interim guidelines issued April 30, 1970, to revise its guidelines on the preparation of detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4322(2)(c)).

Prior to the adoption of the proposed revisions, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Council on Environmental Quality (722 Jackson Place, NW., Washington, DC 20006). Attention: General Counsel, within a period of 45 days from the date of publication of this notice in the Federal Register.

Dated: January 22, 1971.

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs so as to meet national environmental goals. The objective of section 102(2)(c) of the Act and of these guidelines is to build into the agency decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act.

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, no later than June 1, 1970 (and, with respect to requirements imposed by revisions in these guidelines, by May 1, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the approprite time prior to decision for the consultations required by section 102(2)(C), and the agency review processes for which environmental impact statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 12 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license certificate, or other entitlement for use;

(iii) Policy, regulations—and proceduremaking.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency will also be required.

(c) In addition to these rules, the Administrator of the Environmental Protection Agency shall comply with the provisions of section 309 of the Clean Air Amendments of 1970 (42 U.S.C. 1857 et seq.).

(d) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* At the earliest point at which possible action requiring an environmental statement has been identified but prior to agency decision as to that action, the Federal agency considering the action, on the basis of information for which it takes responsibility, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment involved);

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specially affecting the environment of their geographic jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended that the above listed departments and agencies establish contact points for providing comments on the environmental impact of proposed actions described in draft environmental statements and that departments from which comment is solicited, coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or statutory obligation of any Federal agency to special expertise is in addition to any specific coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than 30 days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make.

9. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments received thereon (when received), and ten (10) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the fullest extent possible, no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public pursuant to section 12 of these guidelines, or sooner than thirty (30) days after the final text of a statement (together with comments) has been made available to the Council and the public. With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement should be available to the Congress and the public in advance of any relevant Congressional hearings.

10. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional, and metropolitan clearing houses.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102 (2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* (a) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action.

(b) The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552) without regard to the exclusion of interagency memoranda therefrom. With respect to recommendations or reports on proposals for legislation, the environmental statement and comments should be made available to the public at the same time they are furnished to the Congress. With respect to administrative actions, except where advance public disclosure will result in significantly increased costs of procurement to the Government, the draft environmental statement should be made available to the public at the same time it is circulated for comment and furnished to the Council, and the final text of the statement and comments received should be made available to the public when furnished to the Council. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statements available to the public fifteen (15) days prior to the time of the relevant hearings. Agencies shall institute appropriate procedures to implement those requirements for public availability of environmental statements and comments thereon. These shall include arrangements for availability of the draft and final texts of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses.

13. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX 1

FORM OF THE SUMMARY SHEET WHICH SHOULD ACCOMPANY EACH DRAFT AND FINAL ENVIRONMENTAL STATEMENT

There should be a summary statement of no more than one page containing the following information:

1. Date of the statement.
2. Indication whether statement is draft or final.
3. A complete listing of all Federal, State, and local agencies from which comments have been received.
4. The first three items (environmental impact, adverse environmental effects which cannot be avoided, alternatives) of the five required under Section 102 (2)(C) should be briefly summarized.
5. The summary should show whether the proposed action is (a) legislative (proposed legislation or report on legislation) or (b) administrative.

APPENDIX 2

FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Environmental Protection Agency—
  Air Pollution Control Office.
Department of the Interior—
  Bureau of Mines (fossil and gaseous fuel combustion).
  Bureau of Sports Fisheries and Wildlife (wildlife).
Department of Transportation—
  Asistant Secretary for Systems Development and Technology (auto emissions).
  Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
  National Oceanic and Atmospheric Administration.
Department of the Interior—
  Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
  Water Quality Office.
  Air Pollution Control Office.
Department of Agriculture—
  Rural Electrification Administration (rural areas).
Federal Power Commission (hydro facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities and Government lands).

Natural Gas Energy Development Generation

Federal Power Commission.
Department of the Interior—
  Geological Survey, Office of Oil and Gas.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Health, Education, and Welfare—
  Food and Drug Administration.
  National Institutes of Health.
  Environmental Protection Agency.
Department of Agriculture—
  Agricultural Research Service.
Department of Defense.

Pesticides

Environmental Protection Agency—
  Office of Pesticides.
Department of Agriculture—
  Agricultural Research Service (biological controls, food and fiber production).
Department of the Interior—
  Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

Herbicides

Department of Agriculture—
  Agricultural Research Service.
  Forest Service.
  Soil Conservation Service.
Environmental Protection Agency—
  Office of Pesticides.

Transportation and Handling of Hazardous Materials

Interstate Commerce Commission.
Department of Defense—
  Armed Services Explosive Safety Board.
Department of Transportation—
  Federal Highway Administration Bureau of Motor Carrier Safety.
  Federal Railroad Administration.
  Federal Aviation Administration.
  Assistant Secretary for Systems Development and Technology
  Office of Hazardous Materials.
  Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Transportation—
  Coast Guard (bridges, navigation).
Department of Defense—
  Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).
Department of the Interior—
  Bureau of Sport Fisheries and Wildlife.
  U.S. Geological Survey (coastal geology).
  Bureau of Outdoor Recreation (beaches).
Department of Commerce—
  National Oceanic and Atmospheric Administration.
  Bureau of Commercial Fisheries.
Department of Agriculture—
  Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
  Water Quality Office.
Department of Housing and Urban Development (urban aspects).

Historic and Archeological Sites

Advisory Council on Historic Preservation.
Department of the Interior—
  National Park Service.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
  Agricultural Stabilization and Research Service.
  Soil Conservation Service.
  Forest Service.
Department of the Interior—
  Bureau of Reclamation.
  U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
  Army Corps of Engineers.

Mineral Land Reclamation

Department of the Interior—
  Bureau of Mines.
  Bureau of Land Management.
  U.S. Geological Survey.
Department of Agriculture—
  Forest Service.

Parks, Forests, and Outdoor Recreation Areas

- Department of the Interior—
  - Bureau of Land Management.
  - National Park Service.
  - Bureau of Outdoor Recreation.
  - Bureau of Sport Fisheries and Wildlife.
- Department of Agriculture—
  - Forest Service.
- Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

- Department of Agriculture—
  - Soil Conservation Service.
  - Agricultural Research Service.
  - Forest Service.
- Department of Defense—
  - Corps of Engineers (dredging, aquatic plants).
- Department of Commerce—
  - National Oceanic and Atmospheric Administration (national oceans survey).
- Department of the Interior—
  - Bureau of Land Management.
  - Bureau of Reclamation.

NOISE

Noise Control and Abatement

- Department of Transportation—
  - Assistant Secretary for Systems Development and Technology.
  - Office of Noise Abatement.
  - Federal Aviation Administration.
- Environmental Protection Agency.
- Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination and Food Products

- Department of Health, Education, and Welfare—
  - Food and Drug Administration (food, drugs, cosmetics).
- Environmental Protection Agency—
  - Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

- Department of Health, Education, and Welfare—
  - Food and Drug Administration.
- Environmental Protection Agency—
  - Office of Pesticides (economic poisons, e.g., pesticide residues).
- Department of Agriculture—
  - Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

- Department of Health, Education, and Welfare—
  - Food and Drug Administration.

Radiation and Radiological Health

- Atomic Energy Commission.
- Department of Health, Education, and Welfare—
  - National Institute of Environmental Health Sciences.
- Environmental Protection Agency—
  - Office of Radiation.
- Department of the Interior—
  - Bureau of Mines (uranium mines).

Sanitation and Waste Systems

- Department of Health, Education, and Welfare—
  - National Institute of Environmental Health Sciences.
  - Health Services and Mental Health Administration.
- Environmental Protection Agency—
  - Solid Waste Office.
  - Water Quality Office.
- Department of Transportation—
  - U.S. Coast Guard (ship sanitation).
- Department of the Interior—
  - Bureau of Mines (mineral waste and recycling, mine acid wastes).

Shellfish Sanitation

- Department of Commerce—
  - Bureau of Commercial Fisheries.
  - National Oceanic and Atmospheric Administration.
- Department of Health, Education, and Welfare—
  - Food and Drug Administration.
- Environmental Protection Agency.

TRANSPORTATION

Air

- Environmental Protection Agency—
  - Air Pollution Control Office.
- Department of Transportation—
  - Federal Aviation Administration.

Water

- Environmental Protection Agency—
  - Water Quality Office.
- Department of the Interior—
  - Bureau of Outdoor Recreation.
  - Bureau of Sport Fisheries and Wildlife.
- Department of Commerce—
  - National Oceanic and Atmospheric Administration.
- Department of Defense—
  - Army Corps of Engineers.
- Department of Transportation—
  - Coast Guard.

Land

- Department of Transportation—
  - Federal Highway Administration.
  - Federal Railroad Administration.
  - Urban Mass Transportation Administration.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

- Department of Transportation—
  - Urban Mass Transportation Administration.
  - Federal Highway Administration.
- Department of Health, Education, and Welfare—
  - Health Services and Mental Health Administration.
- Office of Economic Opportunity.
- Department of Housing and Urban Development.
- Department of the Interior—
  - Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

- Office of Economic Opportunity.
- Department of Housing and Urban Development (urban areas).
- Department of Commerce (economic development areas).
  - Economic Development Administration.

Rodent Control

- Department of Health, Education, and Welfare—
  - Health Services and Mental Health Administration.
- Department of Housing and Urban Development (urban areas).
- Department of the Interior—
  - Bureau of Sport Fisheries and Wildlife.

Urban Planning

- Department of Transportation—
  - Federal Highway Administration.
- Department of Housing and Urban Development.
- Environmental Protection Agency.
- Department of Commerce—
  - Economic Development Administration.

WATER

Water Quality and Water Pollution Control

- Department of the Interior—
  - Bureau of Reclamation.
  - Bureau of Mines.
  - Bureau of Land Management.
  - Bureau of Sport Fisheries and Wildlife.
  - Bureau of Outdoor Recreation.
  - Office of Saline Water.
- Environmental Protection Agency—
  - Water Quality Office.
- Department of Defense—
  - Navy (ship pollution control).
  - Army Corps of Engineers (Refuse Act permits).
- Department of Transportation—
  - Coast Guard (oil spills, ship sanitation).

Oceanography

- Department of Commerce—
  - National Oceanic and Atmospheric Administration.
- Department of Transportation—
  - Coast Guard.

WILDLIFE

- Environmental Protection Agency.
- Department of the Interior—
  - Bureau of Sport Fisheries and Wildlife.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

Agency and Contact

Department of Agriculture, Dr. T. C. Byerly, Office of the Secretary, 388–7803.

Appalachian Regional Commission, Orville H. Lerch, Alternate Federal Co-Chairman, 967–4103.

Department of the Army (Corps of Engineers), Colonel J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, 693–7168.

Atomic Energy Commission, For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, 973–7531.

Department of Commerce, Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, 967–4335.

Department of Defense, Dr. Louis M. Rousselot, Assistant Secretary of Defense (Health and Environment), 697–2111.

Environmental Protection Agency, Robert Hayward, Environmental Protection Agency, 632–7692.

Federal Power Commission, Frederick H. Warren, Commissioner's Advisor on Environmental Quality, 386–6084.

General Services Administration, Rod Kreger, Deputy Administrator, 343–6077.

Department of Health, Education, and Welfare, Donald Bliss, Assistant to the Secretary, 962–4742.

Department of Housing and Urban Development:[1] Charles Orlebeke, Deputy Under Secretary, 755–6960.

Alternate Contact, George Wright, Office of Deputy Under Secretary, 755–8192.

S. William Green, Regional Administrator II, Attn: Environmental Clearance Office, 26 Federal Plaza, New York, NY 10007 (212–264–8068).

Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106 (215–597–2560).

Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Office, Peachtree—Seventh Building, Atlanta, Ga. 30823 (404–526–5585).

Don Morrow (Acting), Regional Administrator V, Attn: Environmental Clearance Office, 360 North Michigan Avenue, Chicago, ill 60601 (312–353–5680).

Richard L. Morgan, Regional Administrator

---

[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attn: Environmental Clearance Office, Room 405, John F. Kennedy Federal Building, Boston, MA 02203 (617–223–4066).

VI, Attn: Environmental Clearance Office, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102 (817-334-2867).

Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Office, 911 Walnut Street, Kansas City, MO 64106 (816-374-2661).

Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Office, Samsonite Building, 1050 South Broadway, Denver, CO 80209 (303-837-4061).

Robert H. Baida, Regional Administrator IX, Attn: Environmental Clearance Office, 450 Golden Gate Avenue, Post Office Box 35003, San Francisco, CA 94102 (415-556-4752).

Oscar P. Pederson, Regional Administrator X Attn: Environmental Clearance Office, Room 226, Arcade Plaza Building, Seattle, WA 98101 (206-583-5415).

Department of the Interior, Jack O. Horton, Special Assistant to the Secretary, 343-6412.

Interstate Commerce Commission, Marten E. Foley, Assistant Managing Director, 737-9765 x 434.

Office of Economic Opportunity, Frank Carucci, Acting Director, 254-6000.

St. Lawrence Seaway Development Corporation, John B. Adams III, Chief Engineer, 962-1887.

Tennessee Valley Authority, Dr. Francis Gartrell, Director of Environmental Research and Development, 615-755-2002.

Department of Transportation, Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems, 426-4563.

Department of State, Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, 632-7964.

National Capital Planning Commission, Charles H. Conrad, Executive Director, 382-1163.

Advisory Council on Historic Preservation, Robert Garvey, Executive Director, 801 19th Street NW., Suite 618, 343-8607.

EVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY TO FEBRUARY 1, 1971

(To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202, unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement.)

APPALACHIAN REGIONAL COMMISSION

Contact: Orville H. Lerch, Alternate Federal Co-Chairman (967-4103).

Draft

Title and Date

Proposed research and demonstration project in Kentucky to determine new approaches to surface mining, September 24.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs (973-5391); for Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation (973-7531).

Draft

Title and Date

Application for a license to operate the H. B. Robinson Plant, Unit 2 by the Carolina Power and Light Company, South Carolina, June 5.

Operation by the Consumers Power Company of the Palisades Nuclear Power Station, South Haven, Michigan (Rec'd 2nd draft 10/19), June 8.

Statement on the CANNIKIN (Amchitka nuclear test) Alaska, June 17.

Proposed construction and operation of the Hutchinson Island Nuclear Power Plant by the Florida Power and Light Company, June 22.

Application for the Proposed Oceonee Nuclear Stations Units 1, 2, and 3 by the Duke Power Co., South Carolina, July 22.

Proposed Midland Plant Units 1 and 2 by the Consumer Power Co. Michigan, August 6.

Point Beach Nuclear Plant Unit No. 1 and 2 by the Wisconsin Electric and Power Company and Michigan Power Company, Wisconsin, August 11.

San Onofre Nuclear Generating Station Units 2 and 3, California, August 18.

Forked River Nuclear Generating Station by the Jersey Central Power and Light Company. New Jersey, August 19.

Application to operate the Vermont Yankee Nuclear Power Station, September 23.

Proposed Enrico Fermi Atomic Power Plant Unit No. 2 by the Detroit Edison Co. Michigan, October 6.

Pilgrim Nuclear Power Station by the Boston Edison Company. Massachusetts, October 12.

Proposed Joseph M. Farley Nuclear Plants Units 1 and 2 by the Alabama Power Company, October 15.

License to operate a uranium fuel element fabrication plant in Richland, Wash., by the Jersey Nuclear Company, October 20.

Three Mile Island Nuclear Station Unit 1 by the Metropolitan Edison Company. Pennsylvania, October 28.

Proposed Limerick Generating Station by Philadelphia Electric Company, Pennsylvania, November 17.

Radioactive Waste Repository, Lyons, Kansas, November 30.

Arkansas Power and Light Company, Nuclear, Unit 2, December 1.

Florida Power and Light Company Turkey Point Plants Unit Nos. 3 and 4, December 28.

Guide to the Preparation of Environmental Reports for Nuclear Power Plants, January 14.

Nuclear Rocket Development Station, Nevada, January 15.

Quad Cities Nuclear Power Station Units 1 and 2. Illinois, January 19.

Final

Title and Date

Operation and Construction by the Tennessee Valley Authority of the Sequoyah Nuclear Plant Units 1 & 2. Tennessee, May 1.

Operation by Northern States Power Company of the Monticello Nuclear Generating Plant (Unit 1). Minnesota, May 1.

Construction and Operation by the Duquesne Light Company, Pennsylvania Light Company, and Ohio Edison Company of the Beaver Valley Power Station—Beaver, Pennsylvania, May 12.

Operation by the Connecticut Light and Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and the Millstone Point Company of Millstone Nuclear Power Station (Unit 1). Connecticut, July 7.

Shoreham Nuclear Power Station Plant Unit No. 1 by the Long Island Lighting Company, New York, September 14.

Millstone Point Company's Application to construct the Millstone Nuclear Power Station Unit 2. Connecticut, September 15.

Barnwell Nuclear Fuel Plant by Allied-Gulf Nuclear Services. South Carolina, October 15.

North Anna Power Station by the Virginia Electric and Power Company, November 13.

Proposed construction and operation of the Trojan Nuclear Plant by the Portland General Electric Co., Oregon, November 18.

Construction of Davis-Besse Nuclear Power Station by Toledo Edison Company and Cleveland Electric Illuminating Co. Ohio, November 20.

Underground Nuclear Test Programs—Nevada Test Site, November 20.

Consolidated Edison Co. of N.Y. for Indian Point Nuclear Generating Unit #2, December 8.

Dresden Nuclear Power Station Unit 3 by Commonwealth Edison Co. Illinois, December 31.

Shirley Basin Uranium Mill, Wyoming, January 6.

DELAWARE RIVER BASIN COMMISSION

Contact: Mr. W. Brinton Whitehall, Secretary, Delaware River Basin Commission (609-883-9500).

Draft

Title and Date

Point Pleasant Diversion Plant, Bucks & Montgomery Counties, Pennsylvania, January 6.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byrely, Office of the Secretary (388-7803).

Draft

Title and Date

Action to restrict uses of the herbicide 2, 4, 5, T, June 16.

East Sector Whitewater River Watershed, Kansas (SCS), August 10.

Upper McKee Creek (North Fork) Watershed, Illinois (SCS), August 11.

West Sector Whitewater River Watershed, Kansas (SCS), August 12.

Lower McKee Creek (North Fork) Watershed, Illinois (SCS), August 13.

Work Plan for Snapping Shoals Creek Watershed, Georgia (SCS), August 14.

Kadashan Bottom Watershed, Oklahoma, August 28.

Ecleto Creek Watershed Work Plan, Texas, September 4.

Stone Corral Watershed, California, September 9.

Statement on Meat Inspection Regulations (Consumer and Marketing Service), September 15.

Perilla Mountain Watershed, Arizona, September 21.

Access to Mining Claims of Cougar Development Corp. near Labohn Gay Snoqualmie National Forest, Washington (SCS), September 24.

Lower Clear Boggy Creek Watershed, Oklahoma (SCS), October 1.

Red Lick Creek Watershed, Kentucky (SCS), October 14.

Deep Red Run-Coffin Creek Watershed, Oklahoma (SCS), October 15.

Work Plan for the Yantic River Watershed, Connecticut (SCS), October 28.

Management of French Pete Creek, Willamette National Forest, Oregon, November 6.

Proposed purchase and use of the insecticide Zectran to suppress outbreaks of the spruce budworm and Jack-pine budworm, Idaho, Montana, Maine, Minnesota, November 16.

Management proposal for the Magruder Corridor, Magruder Ranger District, Bitteroot National Forest, Idaho, November 27.

Work Plan for the Sweetwater Creek Watershed, Tennessee (SCS), December 9.

Imported Fire Ant southern States, January 15.

Final

Title and Date

Proposed FIFRA Amendments, May 12.

Water Bank Act (HR 15770), May 25.

Management Practices on the Bitteroot National Forest in Montana (FS), June 18.

28 Watershed work plans (prepared under authority of the Watershed Protection and Flood Prevention Act—PL 83-566), August 11 (all):

Bahala Creek, Mississippi.

Clear Creek, Illinois.

Clear Creek, Nebraska.

Crooked Arroyo, Colorado.

East Upper Maple River, Michigan.

Fish Stream, Maine.

Headwaters of the Chattooga River, Georgia.

Hog Creek, Texas.

Indian Creek-Bobo Bayou, Mississippi.*

---

*Project is a subwatershed of the Yazoo River Watershed Project authorized under the Flood Control Act of 1944—(PL 78-534).

Lake Verret, Louisiana.
Lost River, Indiana.
McClellan Creek, Texas.
McKay-Rock Creek, Oregon.
Newland Creek, Montana.
North Oconee River, Georgia.
Pine Valley, Oregon.
Pond Creek, Texas.
Rocky Creek, Arkansas.
Spadra Creek, Arkansas.
St. Mary's River, Maryland.
Tallaseehatchie Creek, Alabama.
Upper Cibolo Creek, Texas.
Upper Ouachita River, Arkansas.
Upper Petit Jean, Arkansas.
Upper Turtle River, North Dakota.
West Branch, Westfield River, Massachusetts.
West Carroll, Louisiana.
Wilson Creek, South Carolina.
Pulpmill installation at Echo Cove, Alaska, August 12.
Ni River Watershed, Virginia, September 16.
Sanderson Canyon Watershed, Texas, September 21.
Mill Creek Watershed, West Virginia, October 14.
Clarence Cannon Memorial Watershed, Missouri, October 22.
Middle South Branch Forest River Watershed, North Dakota, October 22.
Cedar Creek Watershed, Georgia, October 23.
Oak-Middle Creek Tributaries of Salt Creek Watershed, Nebraska, October 26.
Application for Minerals Prospecting by the Phelps Dodge Corporation in the Blue Range Primitive Area, Apache National Forest, Arizona, November 5.
Statement on Little Bigby Creek Watershed, Tennessee, December 7.
Timber Management Practices on National Forests in West Virginia, December 11.

DEPARTMENT OF ARMY (CORPS OF ENGINEERS)

Contact: Frances X. Kelley, Assistant for Conservation Liaison (ENG PA-P), Office of Public Affairs, Office of Chief of Engineers (693-6329).

Draft

Title and Date

Flood Control Projects—Pre-authorized Studies:
Peyton Creek, Texas, November 25.
Spring River and Tributaries, Missouri, Kansas, and Oklahoma, November 25.
Authorized Projects:
West Kentucky Tributaries, Kentucky, January 14.

Final

Title and Date

Flood Control Projects—Pre-authorized Studies:
Four Mile Run, Virginia, October 20.
Sabine River Basin, Texas and Louisiana, October 26.
Mill Creek, Ohio, November 3.
Posten Bayou, Arkansas, November 5.
Red Run Drain and Lower Clinton River, Michigan, November 6.
Arcadia, Oklahoma, November 6.
Mississippi River, Winona, Minnesota, November 9.
Point Place, Ohio, November 9.
Potomac River and Tributaries, Virginia, Maryland, Pennsylvania, West Virginia and District of Columbia, November 12.
Oahe Reservoir, Missouri River, North Dakota, no date.
Alabama—Coosa River, Selma, Alabama, November 13.
Arkansas—Red Rivers, Water Quality, Part II, Oklahoma, Texas, and Kansas, November 13.
Beals Creek, Big Spring, Texas, November 13.
Blue River, Kansas City, Missouri and Kansas, November 13.
Cottonwood Creek, California, November 13.
Des Moines River, Ottumwa, Iowa, November 13.
Eastern Rapides and South Central Avoyelles Parishes, Louisiana, November 13.
Ellicott Creek, New York, November 13.
Fort Chartres and Ivy Landing Drainage District No. 5 and Stringtown Drainage and levee District No. 4, Illinois, November 13.
Frio River, Three Rivers, Texas, November 13.
Goleta and vicinity, California, November 13.
Jack and Simmerly Sloughs Area, California, November 13.
Kaneohe-Kailua, Oahu, Hawaii, November 13.
Marion, Kansas, November 13.
Merced County Streams, California, November 13.
Mississippi River, Davenport Iowa, and Moline, Illinois, November 13.
Mississippi River between Columbus and Hickman, Kentucky, November 13.
Placer Creek, Wallace, Idaho, November 13.
Portugues and Bucana Rivers, Puerto Rico, November 13.
Reedy River, Greenville, South Carolina, November 13.
Running Water Draw, Plainview, Texas, November 13.
San Luis Rey River, California, November 13.
Scajaquada Creek and Tributaries, New York, November 13.
Sheyenne River, North Dakota, November 13.
Snohomish River and Tributaries, Washington, November 13.
Souris River, North Dakota, November 13.
Steele Bayou Basin, Mississippi, November 13.
Streams in vicinity of Fairfield, California, November 13.
University Wash and Spring Brook, Riverside Co., California, November 13.
Warm Creek, California, November 13.
Wenatchee, Washington, November 13.
Western Tennessee Tributaries, Tennessee and Kentucky, November 13.
Wild Rice River, Minnesota, November 13.
Zintel Canyon, vicinity and Kennewick, Washington, November 13.
Authorized Projects:
Bonneville, Washington and Oregon, September 28.
Harrisonville and Ivy Drainage, Illinois, November 2.
El Paso, Texas, November 9.
Ouachita River, Arkansas, November 18.
Crutcho Creek, Oklahoma, November 27.
Broad Creek, North Carolina, November 30.
Wood River, Illinois, December 2.
East St. Louis, Illinois, December 2.
Waurika Lake, Oklahoma, December 7.
Cache River Basin, Arkansas, December 7.
Ames Lake, Iowa, December 14.
Big Stone Lake—Whetstone River, Minnesota, December 18.
Pipestem Lake, North Dakota, December 18.
Guttenberg, Iowa, December 22.
Bloomington Lake, West Virginia and Maryland, December 24.
Sangamon River (Oakley Reservoir, Illinois, December 24.
Remedial work near the mouth of the Sangamon River (Oakley Reservoir), Illi-
Kaw Lake, Oklahoma, December 31.
Umatilla River, Oregon, January 14.
Little Rock Levee, Arkansas, January 14.
Turkey Creek, South Carolina, January 19.
Fremont, Ohio, January 19.
Gillham Lake, Arkansas, January 21.
LaFarge Lake, Wisconsin, January 25.
Lower Granite, Washington, January 28.
Navigation Projects: Preauthorized Studies:
Frenchboro Harbor, Maine, November 3.
Dunkirk Harbor, New York, November 9.
Northport Harbor, Wisconsin, November 9.
Atlantic Intercoastal Waterway Bridges, North Carolina, November 13.
Baltimore Harbor, Maryland and Virginia, November 13.
Black River Harbor, Alcona Co., Michigan, November 13.
Calcasieu River, Devil's Elbow, Louisiana, November 13.
C & S Florida-Small Boat Navigation, Florida, November 13.
Columbia River and Tributaries, Washington, November 13.
Coos Bay, Oregon, November 13.
Delaware Bay—Chesapeake Bay WW, Delaware, Maryland, and Virginia, November 13.
East River, New York, November 13.
Edgartown Harbor, Massachusetts, November 13.
Freeport Harbor, Texas, November 13.
Galveston Harbor, Texas, November 13.
Geneva-on-the-lake, Ohio, November 13.
Hoonah Harbor, Alaska, November 13.
Humboldt Harbor, Alaska, November 13.
Ludington Harbor, Michigan, November 13.
Manteo (Shallowbag) Bay, North Carolina, November 13.
Metlakatla Harbor, Alaska, November 13.
Missouri River, North Dakota, South Dakota, and Nebraska, November 13.
Mobile Harbor, Alabama, November 13.
Murrells Inlet, South Carolina, November 13.
Nawiliwili Harbor, Hawaii, November 13.
New Jersey Coastal Inlet and Beaches, New Jersey, November 13.
Ottowa River Harbor, Michigan and Ohio, November 13.
Ouachita-Black Rivers Navigation Project, Arkansas and Louisiana, November 13.
Pamlico River and Morehead City Harbor, North Carolina, November 13.
Pleasant Bay, Massachusetts, November 13.
Port Sutton, Florida, November 13.
San Leandro Marina, Alameda Co., California, November 13.
Tampa Harbor, Florida, November 13.
Texas City, Texas, November 13.
Waukegan Harbor, Illinois, November 13.
Authorized Projects:
Dredging and Water Quality Problems Great Lakes, March 18.
New Madrid Harbor, Missouri, August 27.
Replacement Lock and Dam No. 26, Illinois, October 2.
Tangipahoa River, Louisiana, November 18.
Kansas City, Kansas River, Kansas, (1962 modification) Project, December 2.
Harvey Canal—Bajou Bataria Levee, Louisiana, December 14.
Moline, Illinois, December 14.
Sergius and Whitestone Narrows, Alaska, December 24.
Cedar River Harbor, Michigan, December 30.
New Buffalo Harbor, Michigan, December 30.
Pithlachascottee River, Florida, January 13.
Adams Creek, South Carolina, January 19.
Cow Creek Channel, Kansas, January 22.
Beach Erosion Projects, Pre-authorized Studies:
Corpus Christi Beach, Texas, November 13.
Lee County, Florida, November 13.
Lido Key, Florida, November 13.
North Shore of Long Island, New York, November 13.
South Shore of Lake Ontario, Ft. Niagara State Park, New York, November 13.
Tybee Island, Georgia, November 13.
Revere and Nantasket, Massachusetts, November 13.
Authorized Projects:
Ocracoke Island, North Carolina, November 19.
Cliff Walk, Rhode Island, December 14.
Sunset Cliffs, California, January 12.
Proposed Harbor and Waterway Renewal Act of 1970, May 22.
Snettisham, Alaska, January 19.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE AIR FORCE)

Contact: Headquarters USAF (AFTREV) Attn: Chief, Environmental Protection Group (OX 7-1147).

Final

Title and Date

Luke Air Force Base, Arizona (fighter training base), October 30.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE ARMY)

Contact: Director of Installations, Deputy Chief of Staff, Logistics, Department of the Army (694-8122).

Draft

Title and Date

Operation CHASE (Ocean Disposal of Concrete Vaults Containing Chemical Munitions), near Florida, July 30.

Biological Demilitarization, Colorado, Maryland, Arkansas, November 25.

Operation Red Hat. Johnston Island, December 31.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE NAVY)

Contact: Director, Environmental Protection Division, Department of the Navy—OPNAV45 (695-9793).

Draft

Title and Date

Underwater Demolition of Ordnance, near the Island of Culebra, Puerto Rico, December 28.

DEPARTMENT OF THE INTERIOR

Contact: Office of Information Public Queries (343-3172).

Draft

Title and Date

Colorado River Basin Pilot Project, December 14.

Trans Alaska Pipeline, January 12.

Black Mesa Coal Mining Operation, Arizona, January 13.

Navajo Black Mesa Coal Haul Railroad, Arizona, January 13.

Navajo—McCullough Transmission, Arizona, January 13.

Navajo—Phoenix Transmission System, Arizona, January 13.

Final

Title and Date

Yukon River-North Slope Road Alaska, March 20.

Dyke-Marsh—George Washington Parkway Land Exchange, Virginia, June 10.

Cancellation of Oil Leases and Creation of a National Energy Reserve in the Santa Barbara Channel, California, June 11.

Narrows Unit, Missouri River Basin Project, Colorado (H.R. 6715), June 19.

Closed Basin Division, San Luis Valley Project, Colorado (H.R. 17067), July 15.

Loan application by the Central Oregon Irrigation Project, Oregon, July 17.

St. Johns National Wildlife Refuge in Brevard County, Florida, August 14.

San Pablo Bay National Wildlife Refuge in Sonoma and Solano Counties, California, August 14.

Loan application by the Roy Water Conservancy Subdistrict, Utah, August 19.

Geothermal Steam and Associated Geothermal Resources (H.R. 2370, 7481, 9508; S. 368), August 31.

Management of the Pribilof Islands, Alaska, September 2.

A possible future sale of oil and gas leases off the Coast of Western Louisiana under the Outer Continental Shelf Lands Act, October 16.

Tehachapi-Cummings County Water District in California (Loan under the Small Reclamation Project Act of 1959), October 22.

Polecat Bench Area, Shoshone Extensions Unit, Missouri River Basin Project, Wyoming, October 22.

Minot Extension of the Garrison Diversion Unit, Missouri River Basin Project, North Dakota (S. 2808, H.R. 16987), November 3.

Loan and grant applications by the Graham and Curtis Canal Companies, Arizona, November 27.

Revised Salmon Falls Division Upper Snake River Project, Idaho, December 21.

DEPARTMENT OF TRANSPORTATION

Contact: Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems (426-4563).

Title and date.

Coast Guard Bridge Permit Applications:

Application by the National Steel Corporation to build a bridge across the Ohio River from their plant in Weirton, West Virginia (Coast Guard), August 31.

Wills Hole Thorofare Crossing, Point Pleasant Beach, Ocean County, New Jersey (Coast Guard), September 22.

Vehicular Bridge over Ashley River and Dill Creek Charleston, South Carolina (Coast Guard), January 20.

FAA Airport Grants:

Atlanta, Georgia, October 28.

Lonesome Pine Airport, Wise County, Virginia, November 19.

Pender, Nebraska, December 1.

Plattsmouth, Nebraska, December 8.

Holdrege, Nebraska, December 10.

Fostoria, Ohio, December 31.

Clarion, Pennsylvania, December 31.

Fairfax County, Virginia, December 31.

Jekyll Island, Georgia, January 8.

Grand Junction, Colorado, January 8.

Ogallala, Nebraska, January 11.

Grove, Oklahoma, January 20.

Improvement of Navigation System Between the Strait of Juan de Fuca Ferndale, Washington (Coast Guard), December 22.

Use of lands from Leakin and Gwynn Falls Parks in Baltimore, Maryland, for I-70N, December 31.

Relocation of U.S. Route 20, Waterloo and Cedar Falls, Iowa, January 28.

Final

Title and Date

FHA 4(f) Statements:

Realignment of U.S. Route 90—Morgan City, Louisiana, May 1.

Relocation of State Route 237—Berea, Ohio, May 5.

Matter of U.S. Route 101—Ventura County, California, May 5.

Interstate 93—Franconia Notch, New Hampshire, May 20.

River Relief Route and I-81, Harrisburg, Pennsylvania, May 22.

Federal-aid Highway Project in Savannah, Georgia, June 4.

California I-5, Holiday Park, City of Carlsbad, June 16.

Grand Central Parkway-Alley Park, Queens County, New York, June 16.

Statement on Fort Niobrara National Wildlife Refuge, Cherry County, Nebraska, June 23.

Route to Corridor E of the Appalachian Highway System, Morgantown, West Virginia, July 2.

Montana, I-94, Request for use of parkland for highway purposes, July 15.

Tupper Lake, Adirondack Forest Preserve, New York, SR 30, September 2.

I-90 Summers Wildlife Management Area, Jackson Co., Minnesota, September 10.

I-80, Westwood Park, Sacramento County, California, September 15.

Ohio SR-261, Plum Creek Park in Kent, Ohio, September 15.

I-70, Genesse Park, West of Denver, Colorado, October 12.

SR 55, Charles W. Tewinkel Memorial Park, Costa Mesa, California, October 12.

I-80, Kerruish Park, Cleveland, Ohio, October 16.

Baer Field Expressway, Fort Wayne, Wyoming, October 20.

FAS 5735—County Road, Post Falls, Idaho, October 22.

SR-16—Octagon Park, Newark, Ohio, October 22.

I-88, Neawha Park, Oneonta, New York, October 22.

I-280, Newark (Essex Co.), New Jersey, October 28.

Cheney Park, Kingman County, Kansas (highway project), October 30.

US-169, Miami County, Kansas, October 30.

SR 14, Fenwick Island, Sussex Co., Delaware, October 30.

FAS Route 529, Phillips County, Kansas, November 6.

I-680, Village of Poland, Mahoning County, Ohio, November 6.

I-81, Warriors Path State Park, Sullivan County, Tennessee, November 13.

Burrstone Road Arterial Highway, City of Utica, New York, November 20.

SR S-1-A, Daytona Beach, Volusia County, Florida, November 20.

Northern Parkway, Chinquapin Park, Baltimore, Maryland, November 20.

Bergen Park, Sangamon County, Illinois, November 20.

I-5/SR 14, Fort Vancouver National Historical Site, Vancouver, Washington, November 23.

Mission Bay Park, Mission Bay Interchange, San Diego, California, November 30.

I-74, Mt. Airy Forest and Wayne Playground, Cincinnati, Ohio, December 3.

SR20, Fred Gannon State Park, Okaloosa County, Florida, December 3.

I5, Sickiyla County, California, December 7.

I-8, Glencliff Campground, San Diego, California, December 15.

Route 6, Marion, Massachusetts, January 4.

State Route 429, Eastview Park, Mercer County, Celina, Ohio, January 4.

SU-684, Phil Foster Park, Rivieria Beach, Florida, January 4.

FAS 946, Tumalo State Park, Deschutes County, Oregon, January 4.

I-90, Clear Lake Public Access, Jackson County, Minnesota, January 7.

SR M-99, Riverside Park, Lansing, Michigan, January 7.

SR 4, Washington Square Park, Stockton, California, January 7.

SR1, Westport Union Landing Beech State Park, Mendocino County, California, January 12.

SR-24, Franklin County, Russellville, Alabama, January 15.

I-95, Boynton Beach, Palm Beach County, Florida, January 18.

I-95, Dreker Park, West Palm Beach, Florida, January 18.

Pea Ridge National Military Park, Benton County, Arkansas for F-030-2, January 18.

Kansas Project I-35-3 (103), Coffey County, Kansas, Lebo Lake Recreation Area, January 19.

U.S. 341, Brunswick, Georgia, January 19.

SR-59 Ohio, Federal-aid project U-687 (13) in Kent, Portage County, Ohio, January 19.

FAA airport grants:

Laurel-Hattiesburg, Mississippi, Pine Belt Regional Airport, November 20.

Lexington, Mississippi, Holmes County, Lexington Municipal Airport, November 20.

Prentiss, Mississippi, Jefferson Davis County, Jefferson Davis Airport, November 20.

Pittsboro, Mississippi, Calhoun County, Airport, November 20.

Murray Field, Ureka, California, December 16.

Redding, California, December 16.

Bonifay, Florida, January 5.

Carrizzo, New Mexico, January 6.

Batesville, Arkansas, January 6.

Palmdale International Airport in California, June 12.

Highway Trust Fund Extension—Federal Aid Highway Act of 1970, August 12.

Patuxent River Bridge, Calvert County to St. Mary's County, Maryland, August 19.

Supersonic Transport Development Program, December 7.

Toll Bridge Permit Application: Southern Crossing, San Francisco, Bay (Coast Guard), January 5.

DEPARTMENT OF TREASURY

Contact: Richard E. Slitor, Assistant Director, Office of Tax Analysis (964–2797.)

Final

Title and Date

Statement on Effects of Proposed Environmental Control Tax on Lead in Motor Fuel Additives, June 4.

U.S. Mint Building slated for construction in Denver, Colorado, July 16.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality (386–6084).

Draft

Title and Date

Statement on the Proposed Electric Power Environmental Policy Act of 1970, October 14.

Portland General Electric Co., Oak Grove License Project #139 Oregon, November 17.

Blue Ridge Project, Appalachian Power Co., Project #2317 Virginia, January 26.

Final

Title and Date

Consolidated Edison Company of New York, Cornwall Pumped Storage Project No. 2338, Opinion No. 584, August 20.

The Empire District Electric Company, Ozark Beach Project No. 2221. Missouri, November 23.

Pacific Gas and Electric Company, Tule and Little Tule Fall and Pit Rivers in Shasta County, California Project No. 2687, November 23.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator (343–6077).

Draft

Title and Date

Consolidated Federal Law Enforcement Training Center, Beltsville, Maryland, July 28.

Proposed transfer of property formerly a part of Fort Miley Military Reservation, California, November 27.

Don-Ce-Sar Building, St. Petersburg Beach, Florida, November 27.

Disposition of Border Field, San Diego County, California, January 14.

HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary (755–6960).

Alternate Contact: George Wright, Office of Deputy Under Secretary (755–8192).

Draft

Title and Date

Proposed Park Forest South New Community, Will County, Illinois, December 4.

Noise Abatement and Control; Dept. Policy Implementation Responsibilities and Standards, December 16.

St. Charles Communities (New community), Charles County, Maryland, December 18.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

(United States and Mexico)

Contact: Joseph F. Friedkin, Commissioner (915–532–5476); or Office of Mexican Affairs, Department of State (632–1317).

Draft

Title and Date

Presidio-Ojinaga International Flood Control Project, January 7.

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Albert P. Crary, Division Director, Environmental Sciences (632–4274).

Draft

Title and Date

National Hail Research Experiment, Colorado, December 11.

Winter Orographic Cloud Modification Experiment in the Rocky Mountains of Colorado, December 11.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development (615–755–2002).

Draft

Title and Date

Gas Turbine Peaking Plant Addition, Thomas Allen Steam Plant, Memphis, Tennessee, August 14.

New Lock—Pickwick Landing Dam, Tennessee, December 23.

SUMMARY OF 102 STATEMENTS FILED WITH THE COUNCIL, AS OF FEB. 1

	Draft statements [1]	Final statements [2]	Total actions [3]
BY AGENCY			
Agriculture	21	42	63
Appalachian Regional Commission	1	0	1
Army (Corps of Engineers)	3	129	132
Atomic Energy Commission	22	14	36
Defense	4	1	5
Delaware River Basin Commission	1	0	1
Federal Power Commission	3	3	6
General Services Administration	4	0	4
Housing and Urban Development	3	0	3
Interior	6	17	23
International Boundary and Water Commission, United States and Mexico	1	0	1
National Science Foundation	2	0	2
Tennessee Valley Authority	2	0	2
Transportation	18	68	86
Treasury	2	0	2
Total	93	274	367
BY PROJECTS			
Airplanes	0	1	1
Airports	12	10	22
Beach erosion	0	10	10
Buildings/property	5	1	6
Bridges	3	2	5
Flood control	4	69	73
Forestry	2	3	5
Housing/urban problems	3	0	3
Insecticides/herbicides	3	0	3
Legislation	2	6	8
Meat inspection	1	0	1
Military disposal	4	0	4
Mining	3	2	5
Navigation	2	48	50
Nuclear industry	1	1	2
Nuclear testing	2	1	3
Oil	0	2	2
Parks, wildlife refuges	0	2	2
Pipeline	1	0	1
Power (nuclear)	19	12	31
Power (nonnuclear)	3	3	6
Power transmission	2	1	3
Railroads	1	0	1
Roads	2	55	57
Water resources	1	9	10
Watersheds	14	36	50
Weather modification	3	0	3
Total	93	274	367

[1] Draft statements for actions on which no final statements have yet been received.

[2] Final statements on legislation and actions.

[3] Total actions on which final or draft statements for Federal actions have been received.

[From 102 Monitor, March 1971]

THE ARMY CORPS OF ENGINEERS—PROCEDURES FOR HANDLING 102 STATEMENTS

(Along with its listing of environmental impact statements received during the previous month, the 102 Monitor plans to describe the way particular agencies handle their environmental impact statements and the types of agency activity most often requiring statements.)

The Army Corps of Engineers deals with both military and civilian activities. Environmental impact statements for military projects are processed through the Department of Defense and are subject to the Defense Department's Section 102 procedures. These will be discussed in a future issue of the 102 Monitor.

The civil works of the Corps, on the other hand, are subject to their own Section 102 procedures (p. 3). Corps of Engineers civil works projects may involve any navigable waterway within the United States. The Corps has responsibility for the planning, design, construction, maintenance and operation of improvements to rivers, harbors and other waterways. These improvements are usually in the form of dams, locks, reservoirs, levees, hurricane protective structures, and channel and beach modifications in the interest of navigation, flood control, hydroelectric power, outdoor recreation, fish and wildlife, water supply and water quality improvement.

The annual Corps budget for these types of civil works projects is around $1.3 billion.

As of 2/28/71, the Corps had filed 137 final 102 statements with the Council and 20 draft statements were pending for Federal and state agency comments. This is roughly one-third of the total number of statements received from all agencies. These statements fit into four categories: flood control projects, beach erosion projects, navigation projects and proposed legislation. In addition, the Corps will from time to time file environmental statements on certain of the dredge and fill and Refuse Act permits they issue under the Rivers and Harbors Act of 1899 and on legislation where the Corps is the principal agency affected.

The Corps of Engineers procedures for developing and handling their own 102 statements are among the most carefully developed of any agency. Even prior to the Council's revised guidelines, the Corps generally made draft statements available to the public.

The Corps is divided into 11 divisions covering 36 districts (map, p. 24). Each district office mails public notices of all projects being planned to interested groups in their district. If you wish to be on such a mailing list, contact your district office (p. 25). Corps procedures call for public meetings to be held during the planning and formulation of projects and at other times when they will be useful in obtaining views of interested organizations and citizens.

If you think that a 102 statement should be filed for a particular project, or if you feel that a statement that has already been filed is inadequate, write first to the District Engineer with a copy to the Division Engineer for the district. If there is still a problem, contact the Chief of Engineers with a copy, if desired, to the Council on Environmental Quality.

INVESTIGATION, PLANNING AND DEVELOPMENT OF WATER RESOURCES PREPARATION AND COORDINATION OF ENVIRONMENTAL STATEMENTS

(Circular No. 1120–2–56, expires March 31, 1971)

1. *Purpose*. This circular provides guidance for preparation and coordination of Environmental Statements as required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (PL 91–190).

2. *Applicability*. This circular applies to

all elements of the Corps of Engineers with civil works responsibilities for planning, development and management of water resource developments.

3. *References.*

(a) National Environmental Policy Act of 1969 (PL 91–190) (83 Stat. 852).

(b) EC 1165–2–84, National Environmental Policy Act of 1969, March 3, 1970.

(c) EC 1165–2–85, "Budget Material in Response to the National Environmental Policy Act of 1969 for Authorized Projects," April 22, 1970.

(d) EC 1165–2–86, "National Environmental Policy Act of 1969," April 30, 1970.

(e) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970 (35 F.R. 4247, March 7, 1970) (Copy attached to Appendix A).

(f) Interim Guidelines for Environmental Statements, Council on Environmental Quality, April 30, 1970 (35 F.R. 7390, May 12, 1970) (Inclosed as Appendix A).

(g) ENGCW–C M/L, June 2, 1970, subject, "Environmental Policy."

(h) ENGGC–J M/L, 9 July 1970, subject, "Utilization of Attorneys in the Implementation of Section 102(2)(C) of the National Environmental Policy Act of 1969 (PL 91–190)".

(i) EC 1120–2–55, "Public Meetings in Planning," 1 September 1970.

4. *Discussion.* Review of draft environmental statements has resulted in a better understanding of the scope and detail of information needed to properly present environmental consideration inherent in project proposals. Additional emphasis and clarification of several areas can make the statements more meaningful for review and decision making.

(a) Statements should describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. They should be simple and concise, yet should include all pertinent facts. Length would depend upon the particular proposal and the nature of its impacts and the environmental setting.

(b) Statements should be submitted as a separate document, not as an inclosure or appendix to other doucments such as preauthorization studies or design memorandums. Such reports and design memorandums must contain adequate background information to support fully the reporting officer's conclusions and recommendations on environmental matters. The statements should not be construed as a further means for assisting or supporting project justification.

(c) Statements should not be limited to ultimate conclusions, but should demonstrate that the Corps has adequately considered the potential impact of the proposal upon the environment. The statement should summarize information and cite sources of overall appraisals which are based upon judgments of complex matters (e.g., water quality by FWQA).

(d) Statements should include and comment on the views of those opposing the proposal for environmental reasons, if any. The summarized views of agencies having environmental responsibilities, and with which the proposals have been coordinated, should also be included.

(e) The statement should include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(f) Statements should discuss the proposal's impact on environmental resources of regional significance whenever the impact extends beyond the immediate area. For example, if anadromous fish spawn in the project area, discuss the relationship of the proposal to the anadromous fishery of the basin or region.

(g) Statements should discuss significant relationships between the proposal and other developments (existing and authorized). For example, a statement on a project which would convert a free-flowing section of a stream into a reservoir should contain information on the amount of flowing and flat water available in the area.

(h) Where possible, the statements should show an indication of the magnitude of the effect including short-term changes. This may include changes in flow in cfs for both peak and low-flow periods or changes in dissolved oxygen or temperature, which are key parameters for measuring water quality, and other factors vital to the ecology of the area.

(i) During preparation and review of these statements, the services of District and Division General Counsels are to be utilized to insure that statements are responsive legally to the requirements of the Act.

5. Planning Relationships.

(a) In the development of new projects or proposals, the rationale of the environmental statement and assessment of environmental considerations will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be made and fully discussed at the Checkpoint I conference or comparable early milestone in the study. When kept current, such an environmental assessment can provide valuable assistance in the investigation and study process.

(b) Beginning with the second public meeting or formulation stage meeting (reference EC 1120–2–55), all anticipated environmental impacts and effects of each solution under consideration will be identified and discussed. This may entail the preparation of an environmental information section or inclosure to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting. Views of interested citizens and citizen groups will be sought and considered. At the third or late stage public meeting, the environmental discussion regarding the proposal and alternatives will be specific and thorough regarding the environmental impacts and effects.

(c) On projects which were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the range of alternatives and the opportunity to study and evaluate them may be more limited. However, to the maximum extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate the environmental impact of all reasonable alternatives in coordination with appropriate Federal, state and local agencies prior to preparing a recommendation or an environmental statement.

6. Environmental Statements. The "Interim Guidelines" of the Council on Environmental Quality, Appendix A, and the guidance contained in Appendix B will be considered in preparing environmental statements, using the prescribed format.

7. *Coordination of Statement.* Coordination of the statement with Federal, state and local agencies, as well as organized citizen groups, will be in accordance with existing regulations and paragraph 7 of EC 1165–2–86 and the following clarification:

(a) *General Considerations.* Coordination with responsible agencies will include transmittal of preliminary draft environmental statements for their review and comment. Upon receipt, agency comments will be reviewed and, where appropriate, summarized in the statement. Copies of the agency comments will be included as an attachment to the statement when forwarded for further action. The agency comments and the views expressed should be no older than twelve months for new proposals nor older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes in the proposal or in the associated environment have occurred in the meantime.

(b) *Survey Reports.*

(1) Reporting officers will prepare a preliminary draft environmental statement for concurrent review with the draft report as part of the field coordination and agency review process. This statement may be provided, upon request, for review and comment to interested citizen groups and to groups which have actively participated in the project study. When transmitting the statement, information as to the status of proposals and alternatives under consideration must be clearly set forth, including the intent of the reporting officer to consider the views of all interested agencies, groups, and citizens prior to the forwarding of his recommendation and statement to higher authority.

(2) The preliminary draft statement, after appropriate modification resulting from field review and coordination, will be submitted to the Division Engineer concurrently with the District Engineer's report and recommendations. The Division Engineer will prepare the draft statement at the time he makes his recommendations and issues public notice. The draft statement may be provided interested agencies, groups and citizens. In certain cases, where critical and sensitive environmental effects and widespread public concern have been identified, the Division Engineer will request pre-announcement clearance. Requests will be supported by full recitation of the problems at issue with analysis of the pros and cons of the proposed and alternative courses of action.

(3) Formal departmental level review and coordination of the draft environmental statement with appropriate Federal and state agencies will be obtained by the Chief of Engineers through existing report review procedures.

(c) Studies Under Continuing Authorities. Reporting officers will accomplish all phases of coordination and review with responsible Federal, state and local agencies at field level. Coordination will include the inclusion of a draft environmental statement for agency review and comment. Copies of the draft statements will be furnished OCE, attention ENGCW–P for further processing concurrently with submission of detailed project reports. Draft statements may be provided to interested citizen groups as described in paragraph 7(b)(1) above.

(d) Authorized Projects. During pre-construction planning process the environmental statement will be kept current. Prior to submission of the General Design Memorandum, the environmental statement will be revised and updated to reflect DM recommendations. This updated statement will be coordinated with responsible Federal, state and local agencies at field level and will accompany the General Design Memorandum for further action.

For the Chief of Engineers:

J. B. NEWMAN,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

Two Appendices: APP A—Interim Guidelines for Environmental Statements (CEQ) * and APP B—Preparation of Environmental Statements.

---

* Note: Appendix A, the Interim Guidelines of the Council on Environmental Quality, is not reprinted here. Proposed revised guidelines were included in Vol. 1, No. 1 of the *102 Monitor* (p. 11).

APPENDIX B: PREPARATION OF ENVIRONMENTAL STATEMENTS

(EC 1120-2-56, September 25, 1970)

1. *General.* Preparation of environmental statements will be based on considerations discussed in EC 1120-2-56, the CEQ Interim Guidelines and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing the statements. These statements have several levels of importance with reference to the decision-making process, Corps relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the Corps insight into the particular trade-offs and commitments associated with the action. The general public, environmental action groups, trade and special interest associations, governmental agencies, and Congressional Committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how the agency views environmental factors and seeks to accommodate them. Since the statements must be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. *Working Papers.* In order to assure a comprehensive treatment of environmental concerns, a check list of pertinent environmental elements should be compiled by the environmental planners. A discussion of these elements should establish their importance, placing emphasis on whether they are unique, endangered, old, popular, etc.—in essence, explore the ecological, aesthetic, cultural and other values which appear to make the elements environmentally significant. The manner in which economic considerations affect those values should also be discussed. For projects on which initial formulation has been completed, much of the information needed to characterize the elements may already be contained in existing survey documents, design memoranda and project files. Conversely, the organization of working papers at an early stage in the planning process will assist in subsequent survey studies and post-authorization design. Planners should keep abreast of current literature and information sources to aid in compiling environmental data (see "Perspectives in Environmental Planning," OCE publication, April 1970).

3. *Environmental Elements.* Logical categories and sample elements for the working papers follow.

(a) Geological elements: land forms (mountains, canyons), rock and mineral features, paleontologic items (fossils), structures (faults, synclines).

Related: soils, erosion, strip mined areas, caves.

(b) Hydrological elements: lakes, reservoirs, estuaries, rivers, subsurface water, marshes, valley storage, spring.

Related: turbidity, pollutants, aquifer recharge areas, surf.

(c) Botanical elements: trees, shrubs, aquatic plants, microflora.

Related: seasonal colors, virgin forests.

(d) Zoological elements: mammals, birds, amphibians, fish, shellfish, microfauns.

Related: migration routes, breeding characteristics.

(e) Archeological/historical/cultural elements: ruins, artifact sites, ghost towns, battlefields, cemeteries, festival sites, ethnic colonies.

(f) Miscellaneous elements: scientific areas, National parks or forests, hunting clubs, wildlife refuges, contemporary human features (buildings, transportation systems).

It should be noted that the elements under the last two categories are relevant to the human environment and are not strictly environmental in nature. Their consideration is essential to assure treatment responsive to the full concern of the NEPA.

4. *Format.* Environmental statements will constitute a separate document from other Corps papers. It will include a cover sheet and be prepared on plain bond without letterhead. The cover sheet identifying the project will contain the following:

Date, Environmental Statement, Official Project Name, associated water feature, State, prepared by U.S. Army Engineer District or Division, City, State.

5. *Content of Statement.* The body of environmental statements will contain the following eight separate sections (and attachment containing coordination letters) with the length of each being adequate to identify and develop the required information.

(a) *Project description.* Describe the proposal by name, specific location, purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the project purpose and what the plan of the proposal entails.

(b) Environmental setting without the project. Describe the area, the present level of economic development, existing land and water uses, and other environmental determinants. Discuss the environmental setting without focusing only on the immediate area at the risk of ignoring important regional aspects critical to the assessment of environmental impacts. It is possible and often desirable to treat the project setting in relation to river basins, watersheds or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by an agency or organization.

(c) The environmental impact of the proposed action.

(1) Identify environmental impacts, viewed as changes or conversions of environmental elements which result from the direct and indirect consequences of the proposed action. A thoughtful assessment of the environmental elements under both a "with" and "without the project" condition should aid in determining impacts. For example, the filling of a portion of the wetlands of an estuary would involve the obvious conversion of aquatic/marsh areas to terrestial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestrial organisms, a change in the nutrient regime of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildland aesthetics to less-pristine attributes, perhaps the removal of some portion of popular duck hunting grounds or unique bird nesting area, etc. Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful treatment of the trade-offs involved. Quantitative estimates of losses or gains (e.g. acres of marshland, number of ducks nesting or harvested) will be set forth whenever practicable.

(2) Discuss both the beneficial and detrimental aspects of the environmental changes or conversions placing some relative value on the impacts described. A distinction should be observed here, whereby the *impacts* (changes) were initially detailed without making value judgments while at this point are discussed in terms of their *effects* (who or what is affected by the changes). Identify the recipient (environmental element, interest group, industry, agency) of these effects and the nature and extent of the impacts on them. Discuss these effects and the nature and etxent of the impacts on them. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed or ecosystem. In the example given, the loss of wetland might have relevance to different areas depending on the uniqueness of the filled area, the developmental plans and state of adjacent and regional wetlands, and the extent of the secondary effects of the filling (alteration of estuarine salinity wedge, sedimentation effects on adjacent shellfish, the modification of the surficial and groundwater hydrology of contiguous marsh and upland areas, etc).

(3) Identify remedial, protective, and mitigation measures which would be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project will be discussed in this section. The adverse effects which cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in the following section.

(d) Any adverse environmental effects which cannot be avoided should the proposal be implemented. Discuss the unavoidable adverse effects and the implications thereof, and identify the abatement or mitigation measures proposed to rectify these and the extent of their effectiveness. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value. Present and comment on the objectives of all concerned parties.

(e) Alternatives to the proposed action. Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. This latter alternative requires a projection of the future environmental setting if the project is not accomplished. Discuss both natural and man-induced changes. Discuss economically justified alternatives predicated upon standard evaluation methods, but additionally, insofar as possible, identify and evaluate other ways of providing functions similar to those provided by the proposed project but which were specifically formulated with environmental quality objectives in mind. For example, the environmental trade-offs involved in filling the marsh would be different for alternatives such as: utilizing an inland site rather than filling in the marsh, hauling fill material from an upland borrow pit rather than dredging it from the estuary, or providing construction on piles or floats rather than on fill material.

(f) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and ecosystems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain of the amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes are directly related to the degree that the losses are sizeable or unique.

(g) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another.

(h) **Coordination with other agencies.** List all government and private entities with whom coordination has been accomplished, as well as a discussion of public participation efforts and specific coordination measures with environmental interests. All views expressed, both pro and con, concerning the environmental effects of the proposal should be summarized, identified, and included. When formal coordination measures have been accomplished, a copy of all comments received concerning the proposal will be attached to the statement. If formal comments are not included, state what coordination measures have been taken and the resultant comments.

The Corps of Engineers issued an earlier interim version of their internal procedures for handling 102 statements on April 30, 1971. The following sections of that earlier statement remained unchanged, and should be considered as still valid, and as an implied part of the September 25 procedures.

6. *Agency Actions Requiring Statements.*

(a) Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects.

(b) Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army except for emergency measures under PL 99.

(c) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by the FY 1971 Appropriation Act.

(d) Budget submissions requesting funds for the initiation of construction or real estate acquisition on authorized projects. (See 7c(2) below).

(e) Budget submissions requesting funds for continuation of construction or for operation and maintenance of projects whenever there are unresolved conflicts concerning alternative uses of available resources. For items for which funds are requested for FY 1972, statements will be prepared on projects on which there are known unresolved conflicts. However, prior to initiation of submissions for FY 1973, all authorized projects and all projects under Federal operation and maintenance will be reviewed, in consultation with Federal, State and local agencies which are authorized to develop and enforce environmental standards. Submissions will contain a notation that there are no unresolved conflicts or will include the statement required by Section 102(2)(C) of PL 91–190.

(f) Issuance of permits for structures, dumping, and other actions in navigable waters of the United States whenever any of the Federal, State, or local agencies which are authorized to develop and enforce environmental standards certify or the District Engineer determines that the action which it is proposed to permit would result in significantly and adversely affecting the quality of the human environment . . .

7. *For permit applications.* As required by existing regulations, permit applications will be coordinated with Federal, State and local agencies which are authorized to develop and enforce environmental standards, unless granting of the permit could not possibly lead to adverse environmental effects. In addition, the responsible Federal official will carefully evaluate the impact on the environment of the proposed action. Objections from such agencies or from the responsible official will be presented to the applicant who will be given the opportunity to explain, withdraw, or modify his application so as to remove the cause for the objection. If the agency maintains its objection and certifies or if the responsible official determines that granting the permit would lead to significant environmental degradation and certifies or if the responsible official addressed (normally the District Engineer) will prepare the statement required by Section 102(2)(c) of PL 91-190. He may require the applicant to furnish the information required for preparation of the statement in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the permit is in the public interest. The officer will furnish a summary of the information on which his statement is based to the public in the Notice of Public Hearing and at the hearing, if one is held. In addition, he will forward the statement with other pertinent documents when the application is forwarded for review and approval.

ADDITIONAL PROCEDURAL INFORMATION

The following circulars, which explain some areas of Corps of Engineers procedures for handling 102 statements in greater detail, are available on request. Write: Department of the Army, Office of the Corps of Engineers; Washington, D.C. 20314.

Circular No. 1120–2–62: 18 November 1970. Expires 30 September 1971. "Investigation, Planning and Development of Water Resources." This circular reiterates and emphasizes the need to resolve policy problems and assure the adequacy of environmental considerations in the execution of Civil Works planning studies.

Circular No. 1165–2–91: 30 September 1970. Expires 30 June 1971. "Water Resource Policies and Authorities." This circular is to specify the reporting requirements with respect to implementation of Section 102(2 (C) of PL 91–190 for authorized projects on which Federal funds are being expended for Operation and Maintenance activities including navigation, local protection, flood control lakes, multiple-purpose lakes, locks and dams, and also protection of navigation, general regulatory functions, Section 3, Act of 1945, projects, removal of wrecks, and projects authorized under Section III of Act of 1968.

Circular No. 1110–2–109: 15 June 1970. Expires 30 June 1971. "Engineering and Design. Environmental Considerations in Construction Contracts." This circular furnishes guidance in preparation of plans and specifications to protect environmental qualities during construction of water resource development projects.

Circular No. 11–2–60: 6 May 1970. Expires 30 June 1971. "Army Programs. Civil Works Funding and Personnel Requirements due to the National Environmental Policy Act of 1969." This circular calls for inclusion in budget data prepared for the Fiscal Year 1972 budget of any increased funding requirements and personnel spaces necessary to implement the National Environmental Policy Act of 1969.

CORPS OF ENGINEERS DIVISION AND DISTRICT OFFICERS

Organization	Area code and telephone number		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineers Division, Huntsville: Mail address: P.O. Box 1600, West Station, Huntsville, Ala., Office location: 106 Wynn Dr., Huntsville, Ala.	205 895–5460, [2] 895–5150	837–6515	Maj. Gen. Robert P. Young	0745–1630 CST
U.S. Army Engineers Division, Lower Mississippi Valley: Mail address: P.O. Box 80, Vicksburg, Miss., Office location: Corner Crawford and Walnut Sts., Vicksburg, Miss.	601 636–1311 X–201, [2] 636–1311	636–4248	Maj. Gen. A. P. Rollins, Jr	0800–1645 CST
U.S. Army Engineers, Waterborne Commerce Statistics Center: Mail address: Post Office Box 6128C, New Orleans, La	504 865–1121, X-323	282–2835	Charles J. Huard	0745–1615 CST
U.S. Army Engineers, Memphis: 668 Federal Office Bldg., Memphis, Tenn	901 534–3221	397–7501	Col. John V. Parrish	0745–1630 CST
U.S. Army Engineers, New Orleans: Mail address: Post Office Box 60267, New Orleans, La Office location: Foot of Prytania St., New Orleans, La.	504 865–1121 X-200, [2] 865–1121	865–1041, 861–2203	Col. Herbert R. Haar, Jr	0800–1630 CST
U.S. Army Engineers District, St. Louis: 906 Olive St., St. Louis, Mo	314 268–2821, [2] 268–2817	618 452–7300 X-633	Col. Carroll N. LeTellier	0800–1645 CST
U.S. Army Engineers District, Vicksburg: Mail address: Post Office Box 60, Vicksburg, Miss Office location: USPO and Courthouse Bldg., Vicksburg, Miss.	601 636–1311 X-401, [2] 636–1311	636–7111	Col. John W. Brennan	0800–1700 CST

Footnotes at end of table.

CORPS OF ENGINEERS DIVISION AND DISTRICT OFFICERS—Continued

Organization	Area code and telephone number [1]		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineer Division, Mediterranean: APO N.Y. 09019 (Leghorn, Italy). Telephone: Call switchboard HQ 8th Logistical Command (Camp Darby), Livorno (Leghorn), Italy. Military Circuit, place call through Heidelberg, Germany Military, Ask for Camp Darby Military Civil Circuit. Civil number Livorno (Leghorn), Italy 93001 (Camp Darby switchboard).	57100 X-8305, X-8306	56018, 37663	Col. E. L. Waddell, Jr.	0800-1700 CMT
U.S. Army Liaison Detachment, 26 Federal Plaza, New York, N.Y.	212 264-0215, [2] 264-3311	YE 2-9779	Lt. Robert J. Danylo	0830-1700 EDT
U.S. Army Engineer District, Saudi Arabia: APO (Riyadh, Saudi Arabia) New York	Muraba 270		Col. Robert W. Reisacher	0730-1630 Saturday to Wednesday GMT and 3
U.S. Army Engineering Division, Missouri River: Mail address: P.O. Box 103, Downtown Station, Omaha, Nebr. Office location: USPO and Courthouse, 215 North 17th St., Omaha, Nebr.	402 221-1221 X-3001, [2] 221-1221	453-0202	Brig. Gen. J. W. Morris	0800-1630 CST
U.S. Army Engineering District, Kansas City: 700 Federal Office Bldg., 601 E. 12th St., Kansas City, Mo.	816 374-3201, [3] 374-3896	913 649-6086	Col. Reuben L. Anderson, Jr.	0745-1630 CST
U.S. Army Engineering District, Omaha: 7410 USPO and Courthouse, 215 North 17th St., Omaha, Nebr.	402 221-3900, [2] 221-1221	453-0202	Col. Billy P. Pendergrass	0745-1630 CST
U.S. Army Engineering Division, New England: 424 Trapelo Road, Waltham, Mass.	617 894-2400 X-220, [2] 894-2400	894-2404	Col. Frank P. Bane	0800-1630 EST
U.S. Army Engineer Division, North Atlantic: 90 Church St. New York, N.Y.	212 264-7101, [2] 264-3311	269-2491	Maj. Gen. Charles M. Duke	0830-1700 EST
U.S. Army Engineer District, Baltimore: Mail address: P.O. Box 1715, Baltimore, Md. Office location: 31 Hopkins Plaza, Baltimore, Md.	301 962-4545, [2] 962-3311	677-5702	Col. W. J. Love	0815-1645 EST
Baltimore Harbor, Supervisor of: Post Office Box 1715, Baltimore, Md.	310 962-4545, [2] 962-3311	962-4545, 825-8946	Col. William J. Love	0800-1645 EST
U.S. Army Engineer District, New York: 26 Federal Plaza, New York, N.Y.	212 264-0100, [2] 264-3311	825-1641	Col. James W. Barnett	0815-1700 EST
New York Harbor, Supervisor of: 26 Federal Plaza, New York, N.Y.	212 264-0100, [2] 264-3311	201 433-6110	Col. James W. Barnett	0730-1715 EST
U.S. Army Engineer District, Norfolk: Fort Norfolk, 803 Front St., Norfolk, Va.	703 625-8201 X-231, [2] 625-8201	622-7043	Col. James H. Tormay	0800-1630 EDT
Norfolk Harbor, Supervisor of: Fort Norfolk, 803 Front St., Norfolk, Va.	703 625-8201	622-7043	Col. James H. Tormey	0800-1630 EST
U.S. Army Engineers District, Philadelphia: U.S. Custom House, 2d and Chestnut St., Philadelphia, Pa.	215 597-4848, [2] 597-3311	649-5702	Col. James A. Johnson	0800-1645 EST
U.S. Army Engineers Division, North Central: 536 S. Clark St., Chicago, Ill.	312 353-6310, [2] 353-6385	646-2183	Brig. Gen. William W. Watkin, Jr.	0800-1630 CDTL
U.S. Army Engineers District, Buffalo: 1776 Niagara St., Buffalo, N.Y.	716 876-5454, X-12, [2] 876-5454, X-34	876-5454 X-34	Col. Ray S. Hansen	0800-1630 EST
U.S. Army Engineer District, Chicago: 219 S. Dearborn St., Chicago, Ill.	312 353-6400, 353-6405, [2] 353-6406	646-2183	Col. William G. Stewart	0815-1645 CST
U.S. Army Engineer District, Detroit: Mail address: P.O. Box 1027, Detroit, Mich. Office location: 350 Michigan Ave., Detroit, Mich.	313 963-1261 X-412, [2] 963-1261	568-2840	Col. Myron D. Snoke	0800-1630 EST
U.S. Army Engineer District, Rock Island: Clock Tower Bldg., Rock Island, Ill.	309 788-6361 X-224, [2] 788-6361	762-0658	Col. James E. Bunch	0800-1700 CST
U.S. Army Engineer District, St. Paul: 1210 U.S. Post Office and Customhouse, St. Paul, Minn.	612 725-7501, [2] 725-7506	922-7018	Col. Charles I. McGinnis	0745-1630 CDT
U.S. Army Engineer District, Lake Survey: 630 Federal Bldg. and U.S. Courthouse, Detroit, Mich.	313 226-6161, [2] 226-6161	568-2840	Lt. Col. James M. Miller	0800-1630 EST
U.S. Army Engineers Division, North Pacific: Mail address: 210 Customhouse, Portland, Ore. Office Location: 220 SW. 8th St., Portland, Ore.	503 226-3361 X-2500, [2] 226-3361	645-1077	Brig. Gen. Roy S. Kelley	0800-1645 PDT
U.S. Army Engineer District, Alaska: Post Office Box 7002, Anchorage, Alaska	907 752-9114 279-1132	863-6256	Col. A. C. Mathews	0730-1630 AST
U.S. Army Engineer District, Portland: Mail address: Post Office Box 2946, Portland, Ore. Office location: 2850 SE. 82nd Ave., Portland, Ore.	503 777-4441 X-200, [2] 771-4441	771-1305	Col. Paul D. Triem	0800-1645 PDT
U.S. Army Engineer District, Seattle: 1519 Alaskan Way, South, Seattle, Wash.	206 682-2700 X-300, [2] 682-2700	682-2700	Col. Howard L. Sargeant	0800-1630 PST
U.S. Army Engineer District Walla Walla: Bldg. 602, City-County Airport, Walla Walla, Wash.	509 525-5500 X-100, [2] 525-5500	525-3178	Col. Richard M. Connell	0730-1615 PST

Footnotes at end of table.

Organization	Area code and telephone number[1]		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineer Division, Ohio River: Mail address: P.O. Box 1159, Cincinnati, Ohio Office Location: 550 Main St., Cincinnati, Ohio	513 684-3002, [2] 684-3001	561-2085	Maj. Gen. W. L. Starnes	0800-1630 EST
U.S. Army Engineer District, Huntington: Mail address: P. O. Box 2127, Huntington, W. Va Office location: 502 8th St., Huntington, W. Va	304 529-2318 X-253, [2] 529-2318	525-8332	Col. Maurice D. Roush	0800-1645 EST
U.S. ArmyEngineer District Louisville: Mail address: Post Office Box 59, Louisville, Ky Office location: 600 Federal Pl., Louisville, Ky.	502 582-5601, [2] 582-5011	812 282-8961 X-3238	Col. John T. Rhett, Jr.	0800-1645 EDT
U.S. Army Engineer District, Nashville: Mail address: Post Office Box 1070, Nashville Tenn Office location: 306 Federal Office Bldg., Nashville, Tenn.	615 242-8321 X-5626, [2] 242-8321	242-2769, 352-2871	Col. John C. Bell	0730-1615 CDST
U.S. Army Engineer District, Pittsburgh: Mail address: 1828 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa Office location: Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa.	412 644-6800, [2] 644-3311	366-0947	Col. E. C. West	0730-1600 EST
U.S. Army Engineering Division, Pacific Ocean: Bldg. 96, Ft. Armstrong, Honolulu, Hawaii	808 543-2615, 422-0521	543-2936	Col. George Fink	0730-1600 HST
U.S. Army Engineering District, Far East: APO, San Francisco, Calif	2917-300, 2917-360, (Seoul, Korea)	293-4182	Col. Wesley Peel	0800-1700 KST
U.S. Army Engineering District, Okinawa: APO, San Francisco, Calif	51246	OKinawa 3-5235	Col. Franklin R. Day	0745-1630
U.S. Army Engineering Division, South Atlantic: 510 Title Bldg., 50 Pryor St., SW., Atlanta, Ga	404 526-6711, [2] 526-0111	233-7837	Maj. Gen. Richard H. Free	0745-1630 EDT
U.S. Army Engineering District, Canaveral: Mail address: P.O. Box 21065, Kennedy Space Center, Fla. Office location: Bldg. K6-1146, Kennedy Space Center, Fla.	305 867-2003	------------	Col. Gilbert H. Newman	0745-1630 EST
U.S. Army Engineer District, Charleston: Mail address: Post Office Box 919, Charleston, S.C., Office location: Federal Bldg., 334 Meeting St., Charleston, S.C.	803 577-4171, X-229, [2] 577-4171	766-5772	Col. Burke W. Lee	0080-1630 EST
U.S. Army Engineer District, Jacksonville: Mail address: Post Office Box 4970, Jacksonville, Fla. Office location: Federal Bldg., 400 West Bay St., Jacksonville, Fla.	904 791-2241, [2] 791-2011	285-6781	Col. Avery S. Fullerton	0745-1630 EST
U.S. Army Engineer District, Mobile: Mail address: Post Office Box 2288, Mobile, Ala., Office location: 2301 Airport Blvd., Mobile, Ala.	205 473-0311, X-411, [1] 473-0311	473-7362	Col. Harry A. Griffith	0800-1630 CST
U.S. Army Engineer District, Savannah: Mail address: Post Office Box 889, Savannah, Ga Office location: 200 E. Saint Julian St., Savannah, Ga.	912 233-8822 X-226, [2] 233-8822	233-8825	Col. John S. Egbert	0800-1645 EST
U.S. Army Engineer District, Wilmington: Mail address: Post Office Box 1890, Wilmington, N.C Office location: 308 Federal Bldg., U.S. Courthouse, Wilmington, N.C	919 763-9971 X-466, [2] 763-9971	762-7035	Col. Paul S. Denison	0800-1645 EST
U.S. Army Engineering Division, South Pacific: Mail address: 630 Sansome St., San Francisco, Calif	415 556-0914, [2] 556-9000	556-0914	Brig. Gen. Frank A. Camm	0745-1615 PDT
U.S. Army Engineers District, Los Angeles: Mail address: Post Office Box 2711, Los Angeles, Calif Office location: 300 North Los Angeles St., Los Angeles, Calif.	213 688-5300, [2] 688-5522	688-5522	Col. Robert J. Malley	0730-1600 PDT
U.S. Army Engineers District, Sacramento: 650 Capitol Mall, Sacramento, Calif	916 449-2232, [2] 449-2000	452-1535	Col. James C. Donovan	0800-1630 PDT
U.S. Army Engineers District, San Francisco: 100 McAllister St., San Francisco, Calif	415 556-3660, [2] 556-9000	556-3660	Col. Charles R. Roberts	0880-1630 PDT
U.S. Army Engineer Division, Southwestern: 1114 Commerce St., Dallas, Tex	214-749-3336, [2] 748-5611	241-6717	Brig. Gen. Harold R. Parfitt	0745-1630 CST
U.S. Army Engineer District, Albuquerque: Mail address: Post Office Box 1580, Albuquerque, N. Mex Office location: 517 Gold Ave., SW., Albuquerque, N. Mex.	505 843-2732, [2] 843-0311	264-5293	Col. Richard L. West	0730-1600 MDST
U.S. Army Engineer District, Fort Worth: Mail address: Post Office Box 17300, Ft. Worth, Tex Office location: 819 Taylor St., Ft. Worth, Tex.	817 334-2300, [2] 334-3011	451-4420	Col. R. S. Kristoferson	0800-1645 CDT
U.S. Army Engineering District, Galveston: Mail address: P.O. Box 1229, Galveston, Tex Office location: Santa Fe Bldg., Galveston, Tex.	713 763-1211 X-1301, [2] 763-1211	762-0314	Lt. Col. Nolan Rhodes	0745-1645 CST
U.S. Army Engineering District, Little Rock: Mail address: P.O. Box 867, Little Rock, Ark Office location: 700 W. Capitol, Little Rock, Ark.	501 372-4361 X-5530, [2] 372-4361	372-2011	Col. William C. Burns	0800-1645 CST
U.S. Army Engineering District, Tulsa: Mail address: P.O. Box 61, Tulsa, Okla Office location: 224 South Boulder, Tulsa, Okla.	918 584-7151 X-7311, 7312, or 7313, [2] 584-7151	587-0311	Col. Vernon W. Pinkey	0745-1630 CST

---

[1] DA Adjutant general duty officer will give OCE duty officer home telephone number, Area Code 202, 695-0163, local OXford 50163.

[2] To reach person whose extension is not known. Report any changes or corrections to Publications Division, OAS, extension 36396.

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Dr. Lynton K. Caldwell, Professor, Political Science, Indiana University, Bloomington, Indiana 47401.

Roland Clement, Vice President, National Audubon Society, 1130 5th Avenue, N.Y., N.Y. 10028.

Dr. Charles H. W. Foster, Executive Director, New England Natural Resources Center. *Also:* Research Fellow, Harvard University, 848 Charles River Street, Needham, Mass. 02192.

Harold Gilliam, Environmental reporter, San Francisco Chronicle.

Richard H. Pough, Chairman of the Board, Open Space Action Institute and America the Beautiful Fund. *Also:* American Scenic and Historic Presentation Society, 33 Highbrook Avenue, Pelham, N.Y. 10803.

Charles H. Stoddard, Environmental Consultant, 601 Christie Bldg., Duluth, Minnesota 55802.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY FROM FEBRUARY 1 TO 28, 1971

To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202, unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement. When a final statement has not been preceded by a draft, that fact is noted.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs (973-5391); For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation (973-7531).

Draft

Title and Date

National Accelerator Laboratory, Batavia, Illinois. Is being built to conduct experiments to study the basic forces and constituents of matter. 6,800 acre site; February 1.

Proposed construction of the Midland Plant units 1 and 2 by the Consumers Power Co. 2452 MW nuclear power reactors—pressurized water nuclear steam supply system. Michigan; February 10.

Radioactive waste repository, Lyons, Kansas. Plan to deposit such materials in bedded salt deposits; February 10.

Comments on 102 statement regarding nuclear rocket development station, Nevada; February 19.

Final

Title and Date

Oconee Nuclear Station, unit no. 1. Application for an operating license filed by Duke Power Co. This pressurized water reactor is located in eastern Oconee County, South Carolina; February 12.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary (388-7803).

Draft

Title, Description, and Date

Construction of Elk Mountain Road in the Santa Fe National Forest, New Mexico. A scenic 2-lane drive from Gallinas Canyon to Pecos Canyon; February 16.

Final

Title, Description, and Date

Upstream watershed project for Deep Red Run-Coffin Creek watershed, Oklahoma. (Northern Tillman County, southern Kiowa County, and southwestern Comanche County.) Construction of dams, spillways, etc., to prevent flooding of agricultural lands; February 11.

East sector, Whitewater River watershed, Kansas. Conservation treatment of this agriculturally oriented land includes 23 floodwater retarding structures and one floodwater retarding and recreational reservoir; January 29.

DEPARTMENT OF ARMY (CORPS OF ENGINEERS)

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, Washington, D.C. 20314 (693-6329).

Draft

Title, Description, and Date

Lake Cowanesque project, Pennsylvania. Construction of an earthfill dam embankment and 410 acre lake. For recreational and flood control purposes; February 3.

Beaver Brook Lake project, Keene, New Hampshire. Dam and reservoir for flood control, recreation; February 3.

Tocks Island reservoir project. Proposed construction of a dam and 12,400 acre reservoir on the Delaware River. Pennsylvania, New Jersey, New York; February 3.

Comments on this draft by the Sierra Club, Trout Unlimited, Delaware Valley Conservation Association, Save New Jersey's Natural Environment, and HEW are available; February 17 (comments).

Tioga-Hammond Lake project, Pennsylvania. Construction of two dams and reservoirs. One dam on the Tioga River, one on Crooked Creek. Purpose: flood control, some recreation. 7,144 acres are required for the project; February 3.

West Tennessee tributaries (modification of part of a larger project to enlarge and realign 127 miles of channels in the Obion River system and 114 miles of the Forked Deer system). Supersedes the statement forwarded to the CEQ July 31. (This authorized work is about 32% complete.) Statement proposes to modify original plans in the Obion and Forked Deer River basins in order to mitigate fish and wildlife losses; February 3.

Brazos Island Harbor, Texas. Portions of the modifications authorized by the River and Harbor Act of 1969. Widening 16,800 feet of the Brownsville Channel to improve navigation; February 8.

Corpus Christi Ship Channel, Nueces County, Texas. 45 foot navigation project—deepening and widening various channels and turning basins and constructing a turning point and 2 mooring areas; February 8.

Gulf Intracoastal Waterway navigation project, Port Isabel side channels, *Texas*. Deepening of channel and removal of submerged bars; February 8.

Corpus Christi Ship Channel, *Texas*. Port Aransas Breakwater. Purpose: to prevent wind and vessel generated waves from entering Port Aransas Harbor and causing damage; February 8.

Bayou Coden, *Alabama*, navigation project. An 8 by 10 foot channel for 3000 feet, and 8 by 100 foot channel for 2.3 miles across Portersville Bay, a turning basin; February 8.

Kalamazoo River flood control project, *Michigan*. Deepening, widening, straightening 10.5 miles of the Kalamazoo River and constructing a low flow control dam. Purpose: flood protection to the City of Kalamazoo and adjacent areas; February 10.

Paint Creek, Pax, *West Virginia*. Snagging and clearing project. Banks would be stripped of trees, underbrush, and channel cleared of debris, snags, underbrush for 20,900 feet. Purpose: to reduce flooding at Pax; February 12.

Elk Creek Lake, Rouge River Basin, *Oregon*. Constructing a rockfill embankment dam and a 6.2 mile lake behind it. Purpose: flood control, irrigation, municipal and industrial water supply, etc.; February 16.

Ice Harbor additional generating units, Lake Sacajawea, *Washington*. Installation of 3 additional generating units at this project on the Snake River; February 18.

Cascadia Lake, Santiam River Basin project, *Oregon*. Rockfill embankment dam and a lake 10 miles in length behind it. Purpose: flood control, navigation, etc.; February 23.

Final

Title, Description, and Date

Kays Creek, Layton, *Utah*. Channel enlargement for 3.5 miles between marsh area adjacent to Great Salt Lake and Interstate 15. Also intermittent channel clearing and enlargement in other areas. Purpose: to prevent flood damage to homes, businesses, roads, etc. No draft statement available; February 1.

Patoka dam and lake project, *Indiana*. (15 miles northeast of Jasper.) Reservoir of over 8,000 acres. Purpose: flood control, water supply, water quality, recreation, etc. No draft statement; February 4.

Smithland locks and dam, Ohio River, *Indiana, Illinois, Kentucky*. Replacement of existing locks and dams 50 and 51 will increase normal depths 4 and 14 feet respectively. About 4,000 acres will be inundated. No draft statement prepared; February 5.

Espanola Valley unit, Rio Grande Floodway, Espanola, *New Mexico*. Construction of 2.3 miles of levees along the east and west banks of the Rio Grande to form a floodway capable of conveying the spring standard project flood through the city. No draft statement prepared; February 12.

North Ellenville flood control project, Ulster County, *New York*. Straightening, clearing, snagging; and improving bridges, abutements and approaches to bridges; levee construction etc. along Beer Kill, Fantine Kill and Sandberg Creek. No draft statement prepared; February 16.

Chino Canyon improvement, Whitewater River Basin, Palm Springs, *California*. Project to build an unlined channel and revetted levee designed to retain flood and debris flow. No draft statement prepared; February 17.

Meramec Park Lake, *Missouri*. (65 miles southwest of St. Louis.) Construction of an earthfill dam on the Meramec River for flood control, recreation, etc. At normal pool, the reservoir will cover 12,600 acres. No draft statement prepared; February 23.

Dawson Creek, Palmlico County, *North Carolina*. Construction of a channel 6 feet deep and 60 feet wide from the mouth of the creek 1,550 feet to deep water in the Neuse River. Purpose: to provide a safer entrance to Dawson Creek and encourage use. No draft statement prepared; February 24.

Brunswick County beaches, hurricane and shore protection, *North Carolina*. Proposal to construct a dune with an elevation of 20 feet above sea level, and a 50 foot berm 15 feet above sea level. Purpose: to provide hurricane wave protection and beach stabilization. No draft statement prepared; February 25.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary (755-6960).

Alternate contact: George Wright, Office of Deputy Under Secretary (755-8192).

Draft

Title, Description, and Date

Flower Mound, proposed New Community, Denton County, *Texas*. The proposed action is an offer of commitment to guarantee up to $18 million of obligations, issued to partially finance the costs of land acquisition and development; February 1.

DEPARTMENT OF THE INTERIOR

(BUREAU OF RECLAMATION)

Contact: Office of Information, Public Inquiries (343-3172).

Draft

Title, Description and Date

Auburn-Folsom South Unit, Central Valley Project, *California*. Construction begun in 1967—10% complete. Unit plans include Auburn Dam and Powerplant on the North Fork American River above Folsom Lake, the Folsom South Canal, and construction of the Forest Hill Divide and Folsom-Malby development. Purpose: more water for irrigation and municipal and industrial uses, hydroelectric power, etc.; February 8.

Shortcut Pipeline: a modification of the Contra Costa Canal Unit, Central Vellay Project, *California*. Onsite work scheduled to begin March, 1971. Purpose: to provide water to meet increasing industrial needs; February 11.

Pyramid Lake pilot project in cloud seeding, *California* and *Nevada*. A main objective is to preserve Pyramid Lake which is dropping at the rate of a foot a year. Active seeding began during the 1970-71 winter season. Will be continued over a 5 year period; February 12.

Navajo Generating Station, Navajo Project, *Arizona*. Construction of this coal-fired, 2,300 MW generating station began April, 1970, on acreage leased from the Navajo Indian Tribe. Purpose: to meet growing demands for power in the Southwest; February 12.

Tehama-Colusa Canal, Central Valley Project, *California*. Construction began in 1965. Purpose: to provide water for irrigation, specifically to provide water to overcome the existing overdraft on the ground-water supply, and provide a water supply for lands now dry-farmed. 30% complete.

Comments on the Central Valley Project are contained in a report prepared by the Contra Costa Water Agency: "Preliminary Report on the Peripheral Canal." Report details this group's opposition to building a water conduit around the Sacramento-San Joaquin Delta. *California*. (415-228-3000, X2142); February 17.

San Luis Unit, Central Valley Project, *California*. Unit about 60% complete. Includes the San Luis Canal (complete), the San Luis Drain to the Delta (under construction), wetlands distribution and drainage system (under construction), and the Pleasant Valley Relift Pumping Plant (in operation); February 18.

Consumnes River Division, Central Valley, *California*. Involves construction of three dams and reservoirs: Nashville on the Consumnes Riv., Aukum on the South Fork, Pi-Pi on the Middle Fork. Purpose: to meet water supply needs of cities, industries, irrigation, etc.; February 19.

Yolo County Flood Control and Water Conservation District Small Reclamation Projects Act loan application, Woodland, *California*. Money would help build the Indian Valley Project (a dam and reservoir) located in Lake County on the North Fork of Cache Creek. Purpose: irrigation, flood control, etc.; February 24.

DEPARTMENT OF THE INTERIOR

(GEOLOGICAL SURVEY)

Contact: same as for Bureau of Reclamation.

Draft

Title, Description, and Date

Exploratory drilling operations on Federal oil and gas leases, Santa Barbara Channel off the *California* coast. Program began in 1967. 66 exploratory wells have been drilled. Proposed action is the issuance of permits to allow further such exploratory drilling; February 22.

DEPARTMENT OF TRANSPORTATION (FEDERAL AVIATION ADMINISTRATION)

Contact: Michael S. Cafferty, Deputy Assistant Secretary for Environment and Urban Systems (426-4563).

Draft

Title, Description, and Date

Airport project at Reidsville, Georgia. Land acquisition, airport and runway construction, etc.; February 1.

Airport project at Great Falls, Montana. Runway construction, etc.; February 2.

Airport project at Alma, Georgia. Expansion of runway and pavement overlay to accommodate executive jets; February 2.

Airport project at Reading, Pennsylvania. Extension of runway 13-31, etc.; February 9.

Airport project at Memphis, Tennessee. Final paving of runway 17R-39L, new taxiway, etc.; February 9.

Airport project at Loup City, Nebraska. Acquisition of land in fee simple title for initial development of an airport on the same site as the current airport. Construction of NNW/SSE runway, clear zones, taxiway, access road, etc.; February 12.

Airport project at Terry, Texas. Resurfacing and extension of runway, taxiways, etc.; February 22.

Reconstruction of the Houghton County Airport, Michigan. Runways will be extended, strengthened, additional taxiways, a new terminal facility, etc., will be built; February 23.

Airport project at Savannah, Georgia. Acquisition of 1,500 acres for a new runway, etc.; February 25.

Final

Title, Description, and Date

Redding Municipal Airport, Redding, California. Purchase of land for the primary runway clear zones, a 1000 foot extension to runway 16, etc.; February 19.

Pender Airport, Pender, Nebraska. Acquisition of a new site in fee, including clear zones, grading a NW/SE landing strip, taxiway and apron, etc.; February 19.

Murray Field, Eureka, California. Extension and lighting of a runway, etc.; February 19.

DEPARTMENT OF TRANSPORTATION

(FEDERAL HIGHWAY ADMINISTRATION)

Contact: same as for FAA.

Draft

Title, Description, and Date

Express busway on the San Bernardino Freeway, California, including bus routes to and from the 2-lane busway. Eleven miles, between Mission Road near the Santa Ana Freeway in Los Angeles, and Santa Anita Ave. in El Monte; February 1.

Georgia Interstate Highway Route I-75. I-75-3(3) 270 P.E. and I-75-3(3) 291 P.E. Cobb, Cherokee and Bartow counties. Purpose: to close the 20.3 mile gap that exists in I-75 from Roberts Toad in Cobb County to US 411 in Gordon County; February 10.

Relocation of Route 28 in Louisiana. (Vernon Parish.) About 10.13 miles of 2-lane road are planned from the junction of La 28 and La 1214, to a junction with La 465; February 17.

College-Beattie Street Connector project in Greenville, South Carolina. Length of project: 2700 feet; February 22.

US 20 and FAS 2202: Wyoming project F-034-4 (9), Thermopolis-Worland Road (Big Horn River Bridge), Washakie County. Purpose; improved access to Worland; February 22.

S.R. 42: Construction of 2.85 miles of 4-lane highway to replace a sub-standard section. Pickett County, Tennessee; February 22.

US 43: Construction of 6.26 miles of 4-lane highway in Washington-Clarke Counties, Alabama. (Project F-300.) February 22.

M-275: Construction of 8.48 miles (from M-59 North to I-75). Oakland County, Michigan; February 22.

I-69: Construction of freeway from I-96 easterly to Perry, Clinton and Shiawasse Counties, Michigan; February 23.

Construction of multi-lane freeway from intersection of US 67 and Loop 306 west of San Angelo to existing US 67 east of San Angelo 0.5 mile north of F.M. 380. (Total distance of 8.9 miles. Texas; February 23.

Project S-1705-A. Baldwin County, Gulf Shores, Alabama. Construction of a 2-lane road from intersection of Alabama 59 to Alabama 180, 3½ miles east of new canal bridge; January 29.

Final

Title, Description, and Date

I-90 (SR 90) West Snoqualmie to Tanner (North Bend Bypass) *Washington*. 6.87 miles of 6-lane freeway. Most of it will be through undeveloped forest. No draft statement was prepared; February 17.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f).

Title, Description, and Date

I-77: Request for use of part of the Bibley Ave. Playground for highway purposes. Charleston, *West Virginia*. February 1.

I-195: Highway construction requires use of lands from Humphrey Calder Playground and the Albert H. Hill School Playground in Richmond, *Virginia*. February 8.

I-105: Highway requires use of public lands from Imperial Village Park, Los Angeles County, *California*. February 8.

I-680: Highway construction requires use of public lands from Emma Prusch Memorial Park in Santa Clara County, *California*. 26 acres of the 87 acre parkland tract will be required. The highway will divide the parkland. February 11.

FAS 895: Highway construction requires use of 0.15 acre of Sheridan County Wildlife Managment Area (project S-984(5). *Kansas*. February 11.

I-635: Highway construction requires about 7 acres of City Park, Kansas City, *Kansas*; February 12.

I-485: Highway construction requires use of parkland in Orme Park, Atlanta, *Georgia*; February 12.

DEPARTMENT OF TRANSPORTATION

(Urban Mass Transportation Administration)

Contract: same as for FAA.

Draft

Title, Description, and Date

Tracked Air Cushion Vehicle Demonstration between I-495 and Dulles International Airport. 13.5 miles along the median strip of the federally owned Dulles Airport Access Road. *District of Columbia, Virginia*; February 25.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner (915-532-5476).

Alternate Contact: T. M. Martin, ARA/Mex., Department of State (632-1317).

Draft

Title, Description, and Date

Presidio-Ojinaga International Channel Relocations project. Another preliminary draft statement. Covers U.S. portion. Works necessary to implement U.S.-Mexico treaty in 1970 resolving boundary differences. One aspect is relocation of Rio Grande River in Presidio Valley area, *Texas*; February 10.

Please note the following corrections:

In Vol. 1, No. 1 of the *102 Monitor* we said that final statements had been received for the Department of Transportation (FAA) airport projects at Redding, California, and at Murray Field, Eureka, California (pp. 44-45). What were actually received on December 16 were *comments*. The finals were received in February.

Also: the Corps of Engineers flood control project titled Lower Granite, Jan. 28, FINAL; should have been listed as a DRAFT. Under Department of Defense, Operation Chase, July 30, DRAFT; should have been listed as a FINAL.

SUMMARY OF 102 STATEMENTS FILED WITH THE COUNCIL THROUGH FEB. 28, 1971

	Draft statements[1]	Final statements[2]	Total actions[3]
BY AGENCY[4]			
Agriculture	22	44	66
Appalachian Regional Commission	1	0	1
Army (Corps of Engineers)	20	137	157
Atomic Energy Commission	24	15	39
Defense	3	2	5
Delaware River Basin Commission	1	0	1
Federal Power Commission	3	3	6
General Services Administration	4	0	4
Housing and Urban Development	3	0	3
Interior	15	17	32
International Boundary and Water Commission—United States and Mexico	2	0	2
National Science Foundation	2	0	2
Tennessee Valley Authority	2	0	2
Transportation[5]	40	18	58
Treasury	2	0	2
Total	144	236	380
BY PROJECT			
Airplanes	0	1	1
Airports	21	13	34
Beach erosion	1	11	12
Buildings/property	5	1	6
Bridges	3	2	5
Flood control	14	74	88
Forestry	2	3	5
Housing/urban problems	4	0	4
Insecticides/herbicides	3	0	3
International boundary	1	0	1
Legislation	2	6	8
Mass transit	2	0	2
Meat inspection	1	0	1
Military disposal	3	1	4
Mining	3	2	5
Navigation	7	50	57
Nuclear industry	1	2	3
Nuclear research	1	0	1
Nuclear testing	2	1	3
Oil	1	2	3
Parks, wildlife refuges	0	2	2
Pipeline	1	0	1
Power (nuclear)	19	12	31
Power (nonnuclear)	5	3	8
Power transmission	2	1	3
Radioactive waste disposal	1	0	1
Railroads	1	0	1
Roads (not including 4-f's)	13	2	15
Water resources	9	9	18
Watersheds	14	38	52
Weather modification	3	0	3
Total	145	236	381

[1] Draft statements for actions on which no final statements have yet been received.

[2] Final statements on legislation and actions.

[3] Total actions on which final or draft statements for Federalist actions have been received.

[4] One nonagency statement has also been received (p. 44).

[5] 61 "4-f" statements have been received from DOT. They are not included in this listing.

[From 102 Monitor, April 1971]

THE ENVIRONMENTAL IMPACT STATEMENTS OF THE FEDERAL POWER COMMISSION AND THE ATOMIC ENERGY COMMISSION

It is difficult to find a facet of the American life style that is not dependent on energy from electricity or natural gas. How we produce this energy—and how much of it we use—has a great impact on our environment.

Two federal agencies, the Federal Power Commission and the Atomic Energy Commission, have regulatory responsibilities in this area. The Federal Power Commission is charged with regulating interstate natural gas pipelines and power generation from non-federal hydroelectric facilities, including pumped storage. The Atomic Energy Commission has the regulatory responsibility for assuring that the construction and operation of nuclear power plants (and the possession, use and disposal of radioactive materials used in them) meet public health, safety and defense needs.

The FPC estimates that by 1990 the United States will consume nearly 6 trillion kilowatt-hours of power annually (about 4 times our present demand). Today, about 1% of our electricity is generated by nuclear power. AEC estimates this will swell to about 50% by the end of the century. Conventional hydroelectric and pumped storage capacity presently represents about 16% of our electric power generation. Generation of electric power from fossil fuels (coal or oil) is not directly regulated by the Federal government, but the Corps of Engineers requires permits if (as is usually the case) there is a discharge or intake of cooling waters. (For Corps of Engineers 102 procedures see 102 Monitor Vol. I No. 2; March, 1971.)

Environmentalists have been active in cases before FPC and AEC over environmental consequences of dams, pumped storage facilities and nuclear power plants.

The government has published a study of the environmental problems arising from the location of power plants (Electric Power and the Environment, Office of Science and Technology, Government Printing Office, $0.75). The President's Environmental Message included legislation to require long-range planning of power plant sites and a mechanism to resolve the problems involved. (H.R. 5277, H.R. 5389.)

THE FEDERAL POWER COMMISSION

The FPC regulates the interstate aspects of the electric power and natural gas industries. It issues permits and licenses for non-federal hydroelectric power projects; regulates the rates and other aspects of interstate wholesale transactions in electric power and natural gas; issues certificates for interstate gas sales and construction and operation of interstate pipeline facilities; and prescribes and enforces the Uniform System of Accounts for regulated electric utilities and natural gas pipeline companies. It also regulates the securities, mergers and consolidations, and acquisitions of electric utilities.

Summary of FPC Procedures for Handling 102 Statements: The FPC follows the 102 process in granting licenses for hydroelectric and natural gas pipeline facilities within its jurisdiction. Relicensing of existing hydroelectric facilities is also included in these procedures. (Hydroelectric licenses are for a maximum of 50 years and the early licenses granted by the FPC are now coming up for renewal. There will be a growing number of them over the next several years.)

FPC procedures for a typical case are as follows:

1. An electric utility that wants to build a hydroelectric facility prepares a detailed application and files environmental impact information with the FPC. After a preliminary check by the FPC staff for coverage, this applicant's information is circulated to state and local governments and to Federal agencies with expertise in the area. It is also available to the public. At a later stage in both contested and non-contested cases the FPC staff prepares a draft environmental statement for circulation and comments (after the hearing if there is one).

2. In contested cases, hearings are held.

3. After hearings in contested cases, the hearing examiner's decision also customarily deals with all environmental matters including the requirements of Section 102. This decision is distributed to all interested agencies and parties.

4. In a non-contested case, if a final order is issued by the FPC it will incorporate a final environmental statement. Likewise, if a hearing examiner's decision in a contested case is followed by a final FPC order, it also will incorporate a final environmental statement.

As of March 31, the FPC had filed four draft and four final 102 statements with the CEQ.

THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission is also concerned with the regulation of power generation, but that is only one of its numerous responsibilities. The AEC also develops, makes and tests nuclear weapons; procures uranium and other raw materials and produces fissionable matter. It develops reactors for both civilian and military use and conducts a great deal of basic and applied research.

Different procedures are used in preparing 102 statements for the two different categories of responsibilities involved: regulatory procedures (p. 66) and operational procedures (p. 72). The AEC has filed 36 draft and 15 final 102 statements with the CEQ as of March 31, 1971. In most instances, these statements involve the proposed construction or operation of nuclear facilities licensed by the AEC. Other statements, however, involve AEC's operational and developmental responsibilities: e.g. a site for atomic wastes, a nuclear rocket development station, sites for underground test programs.

With respect to its regulatory activities, the AEC's initial policy statement for implementation of the NEPA was published April 2, 1970. A revised policy statement was published December 4, 1970.

The licensing process for nuclear power reactors, as well as other major nuclear utilization and production facilities, requires a series of technical reviews and public hearings. A construction permit application is first reviewed by the AEC's regulatory staff to determine that there is reasonable assurance that the proposed facility can be constructed and operated safely at the proposed site. The construction application is also given an independent technical evaluation by the Advisory Committee on Reactor Safeguards (ACRS) as required by section 29 of the Atomic Energy Act of 1954, as amended. The reviews are followed by public hearings conducted by an atomic safety and licensing board (ASLB) appointed from a qualified panel for each proceeding. The initial decision of the ASLB is subject to review by an appeals board and/or by the Commission. (An ASLB recently announced that it had denied Columbia University permission to operate a small nuclear reactor as they felt there was not enough information on its potential hazards.) The procedure is repeated later when the facility is ready for an operating license, except that public hearings are not held unless requested or the Commission, on its own initiative, schedules a hearing.

Summary of AEC's Procedures for Handling 102 Statements for Regulatory Responsibilities:

1. AEC regulations require each applicant that wishes to construct a nuclear power plant or fuel reprocessing plant to submit a report on the environmental impact of the proposed facility. To aid applicants in the preparation of this report, the AEC has prepared a draft "Guide to the Preparation of Environmental Reports for Nuclear Power Plants" which sets forth the specific type and kind of information which should be considered in preparing the report. (Copies of the Guide are available by writing to the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.)

2. The AEC reviews the applicant's report for completeness, and prepares a draft 102 statement. This draft statement is recorded in the 102 Monitor and, together with the applicant's report, is transmitted to appropriate Federal, State, and local agencies for comment. At the same time, a notice of the availability of the draft statement is published in the Federal Register.

3. At the conclusion of the comment period, the AEC prepares a final detailed statement, including a discussion of any comments or objections received, and transmits the statement to appropriate agencies for their information. Again, a notice of the availability of the statement is published in the Federal Register, and the statement accompanies the application through the Commission's licensing process. The availability of this final statement is also noted in the 102 Monitor.

4. At mandatory public hearings on applications for construction permits, matters discussed in the environmental statement may be raised and considered in accordance with the Commission's regulations.

5. At the operating license stage, the applicant is required to update its report to the extent that environmental considerations differ significantly from those considered in the earlier report, and essentially the same process is repeated, although a hearing is not mandatory at the operating license stage unless requested by an interested person.

Following are environmental impact statements received by the council from March 1 through March 31, 1971. (To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202 unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391; For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

Draft

Title, Description, and Date

Proposed issuance of an operating license to the Vermont Yankee Power Corporation for the Vermont Yankee Nuclear Power Station Vernon, *Vermont*. Single cycle, forced circulation boiling water reactor; February 24.

Radioactive waste repository, Lyons, Kansas. Comments on draft (2/10) from HEW; March 1.

Comments on the above statement from Kansas state agencies. More data on transportation, geological and site integrity, surveillance and monitoring and retrievability is asked; March 11.

Nuclear rocket development station, Nevada. Comments on draft (1/15) from DOD, DOT, and State of Arizona Atomic Energy Commission; March 1.

Comments on same draft from the Resources Agency of California; March 23.

Proposed issuance of an operating license for the Calvert Cliffs Nuclear Power Plant, Units 1 and 2 (pressurized water reactors) by Baltimore Gas and Electric Co. 1,135 acre site, 45 miles southeast of Washington, D.C. Maryland. No cooling towers on ponds are planned because of lack of sufficient land area and fresh water; March 12.

National Accelerator Laboratory, Batavia, Illinois. Comments on draft (2/1/71) from the Assistant Secretary for Health and Scientific Affairs and the Bureau of Radiological Health. Both request more data; March 24.

DEPARTMENT OF AGRICULTURE (CONSUMER AND MARKETING SERVICE)

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (388-7803).

Draft

Title, Description, and Date

Regulations for the Egg Products Inspection Act. Signed by the President 12/29/70. Provides for mandatory inspection of egg products in intrastate, interstate, and foreign commerce, etc; February 24.

DEPARTMENT OF AGRICULTURE (FOREST SERVICE)

Contact: same as for Consumer and Marketing Service.

Draft

Title, Description, and Date

Proposed regulations for the protection and conservation of surface resources in connection with prospecting, exploration, development, mining, etc. on National Forest land. Relates to 140 million acres of National Forest land which are subject to location and entry under the United States mining laws. Specific broad objectives: control of erosion, contributions to floods and the pollution of waters and air, isolation of toxic materials, reclamation of land, protection of wildlife, etc.; March 24.

DEPARTMENT OF AGRICULTURE (OFFICE OF THE SECRETARY)

Contact: same as for Consumer and Marketing Service.

Final

Title, Descriptiton, and date

Imported fire ant: cooperative federal-state control and regulatory treatments. Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas. Argues that the federal government should help these states control this stinging ant through the aerial application of mirex; March 18.

DEPARTMENT OF AGRICULTURE (SOIL CONSERVATION SERVICE)

Contact: Same as for Consumer and Marketing Service.

Draft

Title, Description, and Date

Watershed project, Winters Creek, Nebraska (Scotts Bluff and Sioux Counties). 89,700 acre watershed in predominately agricultural area. Involves construction of a dam, 7.2 miles of channel and drain improvement, land treatment measures. Purpose: reduction of soil erosion associated with agricultural irrigation; March 3.

Watershed project, Big Creek Watershed, Kansas (Coffey, Lyon, Greenwood and Woodson Counties). Involves conservation land treatment on 7,000 acres and 9 dams. Possible adverse effects described include elimination of 350 acres of croplands and grasslands due to inundation by the sediment pools; March 11.

Final

Title, Description, and Date

Watershed project, Snapping Shoals Watershed, Georgia (Rockdale and Newton Counties). Involves conservation land treatment, construction of floodwater retarding structure, one multi-purpose reservoir, channel enlargement, clearing and snagging, etc. Purpose: to prevent flooding and increase water supply to Conyers; March 17.

Lower and Upper McKee Creek (North Fork) Watersheds, Illinois (Adams, Brown and Pike Counties). Conservation land treatment on over 97,000 acres, 500 small grade stabilization structures, 12 dams and 4 reservoirs. 45 miles of stream channels will be inundated by structures and reservoirs. Purpose: flood control to reduce erosion, water supply, recreation; March 17.

Watershed projects, Stone Corral Watershed, California (Tulare County). Nine miles of pipeline, four miles of open channel, sump for temporary detention of floodwaters, wildlife plantings, conservation land treatment of 10,000 acres, etc. Purpose: to prevent flood damage to this agricultural land; March 19.

Watershed project, Kadashan Bottom Watershed, Oklahoma (Wagoner County). Conservation land treatment, six floodwater retarding structures and 5.6 miles of channel improvement. Purpose: increasing value of agricultural land by reducing erosion, floodwater and sediment damages; March 25.

DEPARTMENT OF DEFENSE; DEPARTMENT OF ARMY

Contact: Director of Installations, Deputy Chief of Staff, Logistics, Department of the Army, 694-8122.

Draft

Title, Description, and Date

Phase 1 deployment of the SAFEGUARD Ballistic Missile Defense System: Grand Forks, *North Dakota* and Malmstrom AFB, Montana. (System must be located close to Minuteman fields in N.D. and Mont. to protect them.) System consists of Missile Site Radar (MSR) and Perimeter Acquisition Radar (PAR), two types of interceptor missiles (SPARTAN and SPRINT), a high speed computer system, etc. Purpose: protection from ICBM attack. Information attached on community impact (several thousand persons will move into the communities to work on the system); March 19.

DEPARTMENT OF DEFENSE, DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, Forrestal Bldg., 1000 Independence Avenue, Washington, D.C. 20314, 693-6329.

Draft

Title, Description, and Date

Navigation project on the Columbia and Lower Willamette Rivers below Vancouver, *Washington* and Portland, *Oregon*. Slaughters Bar Reach. Deepening and widening of navigation channel, and construction of 2 turning basins. Purpose: to facilitate commerce by providing economical movement of materials by ship; February 12.

Survey report on the Edwards Underground Reservoir, Guadalupe, San Antonio, and Nuces Rivers and tributaries. Texas. Purpose: to find a way to recharge this aquifer as part of plans for flood control and water conservation. To do so a dam and reservoir would be constructed at Cloptin Crossing on the Blanco River, February 12.

Lakeview dam and reservoir, Mountain Creek, Trinity River Basin, Texas. Multipurpose lake for flood control, water supplies, recreation, etc. Will cover 9,510 acres, mainly cropland; February 22.

Ridgway and vicinity local flood protection project, Clarion River, Pennsylvania. Widening, deepening, realigning, etc. of 1.6 miles of the river; February 25.

Marianna and vicinity local flood protection project, Tenmile Creek, Pennsylvania. 1.4 miles of channel are involved. Widening, deepening, realigning will be done; February 26.

Platte River, Michigan: construction of a breakwater and deepening of a channel to meet need for a refuge along Lake Michigan's eastern shore and provide access to Platte River for recreational boating and fishing; March 5.

Charles River Dam, Boston, Massachusetts. Earth and concrete dam downstream of existing dam with river pumping facilities, 3 navigation locks, fish ladder, etc. Purpose: to eliminate danger of flood damage to properties, particularly in Boston and Cambridge; March 5.

Flood control project, Churn Creek, Shasta County, California. Improvement and clearing of channel, 1,500 feet of new channel for flood diversion, levees, etc. Purpose: to prevent nearby annual flooding of Churn Creek Bottom. Residential development is spreading to this area; March 10.

Candy Lake, Candy Creek, Oklahoma. Earth-filled dam and reservoir project. About 4,700 acres will be used. Purpose: flood control, water quality control, recreation, etc. 2,170 of these acres will be inundated; March 10.

Construction of a lake and earth dam at Birch Creek in Osage County, Oklahoma. Purpose: to reduce flood losses, improve the water supply and water quality control, etc. Would result in loss of approximately 1,137 to 2,340 acres of land which provide a source of food and cover for wildlife. Attached agency comments oppose some aspects; March 15.

Taylors Bayou, drainage and flood control project, Texas. Channel enlargements, construction of diversion channel, salt water barrier, etc. About 250 acres of valuable coast marsh will be lost in the spoiling operation. (To minimize impact, dredgings will be placed on dry land areas.) March 15.

Roseau River project, northern Minnesota. Involves enlargement and straightening, two short reaches of levee and a section of spoil bank, etc. Approximately 2,400 acres of right-of-way is required for construction. (43.7 miles of natural river will be channelized.) Purpose: to control flooding for benefit of agricultural production. Area is presently heavily used by waterfowl for nesting, breeding and resting. There are also many game fish; March 17.

Hurricane protection project, Stratford, Connecticut. Consists of earthfilled levees around Great Meadows area of Stratford and levees and floodwalls along Hcusatonic River and shoreline or Long Island Sound. Gated conduits in barrier at Lewis Gut. Will make salt marsh more attractive for landfill and industrial development; March 18.

Stillwater Creek and tributaries channel improvement project, Stillwater, Oklahoma. Work on Upper Boomer Creek involves concrete and earth channels and on West Boomer Creek an earthen channel with turf side slopes. Nonstructural measures on East Boomer Creek and Lower Boomer Creek, new concrete box culverts, span bridges, etc. Right-of-way will require 58.9 acres of fee land. Purpose: flood control; March 19.

Shidler Lake, Salt Creek, Oklahoma. Construction of earthfill dam and reservoir for flood control, water supply, water quality control and recreation. At top of flood control pool, 4,010 acres will be inundated. A native species to the area, the northern greater prairie chicken, is on the national rare and endangered species list; March 19.

Jefferson River, Three Forks, Montana. Earthfill levee, 14,700 feet long and 6-7 feet tall to protect town from flooding. Possibility exists that collector ditch will concentrate industrial, urban and agricultural pollutants; March 22.

Smithland Locks and Dam, Illinois, Indiana and Kentucky. Comments by the EPA on the draft environmental statement. (These comments arrived subsequent to receipt of the final statement [2/5]. The CEQ did not receive a copy of the draft.) EPA raises possibility that some sewage facilities may be inundated or adversely affected, and that the dissolved oxygen content of the water may be lowered; March 24.

Becknell-Crace coal-loading terminal, Gross Creek embayment of Lake Cumberland, Kentucky. Request by Becknell-Crace Coal

Company for Army permit to construct terminal. Principal features: a mooring float for a jumbo barge, coal transfer system, and a 100-ton coal storage hopper. Transportation of coal to John Sherman Cooper Steam Plant near Burnside, Kentucky (56 miles by water); March 24.

Final

Title, Description, and Date

Lower White River project, Clarendon, Arkansas. Enlargement of the existing 6.1 miles of levee. Purpose: flood protection. No draft statement received; March 2.

Beach erosion control project, Oxford, Tred Avon River, Maryland. Construction of 845 feet of sloped stone revetment from Morris St. to Mill St. No draft statement received; March 2.

Flood control project, Las Animas, Colorado. Involves 9.6 mile long levee on south bank of Arkansas River, mile long levee on north bank, etc. Purpose: protect the City of Las Animas and adjacent agricultural land from floods. No draft statement received; March 4.

Flood control project in Great Bend, Kansas. Involves construction of about 12 miles of leveed channel, 6 miles of channel improvements with levees, alteration or relocation of railroad bridges, etc. Purpose: protect area from Arkansas River floods. No draft statement received; March 4.

Navigation project, Kawaihae deep-draft harbor, Hawaii, Hawaii. Enlargement of harbor to 1,450 by 1,750 to accommodate the modified 633′ C-4 class vessels. No draft statement received; March 11.

Navigation project, Osceola Harbor, Arkansas. Construction will provide slackwater harbor channel for year-round access to barge transportation for a proposed industrial complex. No draft statement received; March 11.

University of Washington and Spring Brook, California. Completion of the coordination between federal agencies and local agencies. Latest correspondence and summary of comments from DOI, USDA, DOT, DHEW and State of California Resources Agency are included; March 11.

Dunkirk Harbor Project, New York. Completion of the coordination between federal and local agencies. Latest of these are HEW and DOT; March 11.

Flood control project, Pecos, Texas. Diversions and levees on tributaries of the Pecos River to protect the city. 15.3 miles of diversion levee would be constructed. No draft statement received; March 12.

Channel clearing and debris removal along 10 miles of the Entiat River, Washington. Purpose: to alleviate potential flood damage due to possible increase in runoff and debris, primarily logs, from burned area in Chelan, Okanogan and Kittitas Counties. No draft statement received; March 16.

Local protection project, Dodge City, Kansas. Construction of 6.9 miles of levees on both banks of Arkansas River and enlargement of the channel between the levees. Purpose: flood control. Will encourage urban development of some 540 acres. No draft statement received; March 24.

Marshalltown flood protection project, Marshall County, Iowa. Construction of 8.1 miles of new or improved earthen levees and concrete floodwalls on Iowa River, enlargement of Linn Creek channel, 3 sewage lift stations, a sewage-effluent pumping plant, etc. Purpose: flood protection in Marshalltown. No draft statement received; March 24.

Local flood protection project, Adkin Branch, Lenoir County, North Carolina. Includes 3.2 miles of stream-channel excavation, construction of 4 concrete drop structures, etc. Purpose: flood control and better outlets for storm sewers. No draft statement received; March 24.

Channel improvement project on Souris River, Minot, North Dakota. 20.8 miles of snagging and clearing, 7.3 miles of continuous channel enlargement, etc. Purpose: reduction of flood damage in Souris River Valley; March 25.

Lavon Lake modification and East Fork channel improvement, Texas. Deepening, widening, realigning or straightening 31.8 miles of river from its confluence with the Trinity River upstream to below the Rockwall-Forney Dam. Purpose: flood protection. The Lavon Reservoir modification is currently under construction. No draft statement received; March 29.

Big Hill Lake, Kansas. Construction of earthfill dam on Big Hill Creek about 4.5 miles east of Cherryvale. Initial lake capacity will be 23,900 acre-feet at the top of flood pool. (1,160 acres of pasture and timberland will be inundated.) Purpose: flood control. No draft statement received; March 30.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary, Washington, D.C. 20410 (755-8192).

Final

Title, Description, and Date

New Community of Park Forest South, Will County, Illinois. Located on 8,200 acres site 30 miles south of downtown Chicago. Eventual population of 118,000. Mixture of housing types and economic levels. Will be a racially balanced, high density community. About 800 housing units have been built or are under construction; March 23.

DEPARTMENT OF INTERIOR (BUREAU OF RECLAMATION)

Contact: Office of Information, Public Queries, 1th and C Streets N.W. Washington, D.C. 20240 (343-3172).

Draft

Title, Description, and Date

Third powerplant, Columbia Basin project, Washington. Construction of this powerplant with six 600 megawatt generators was begun before enactment of the NEPA. It will be part of Grand Coulee Dam. Purpose: to meet power shortage of the Pacific Northwest; March 1.

Archer-Weld transmission line: a 230 kv facility that will extend 57 miles from the Archer Substation east of Cheyenne, Wyoming, to the proposed Weld Substation west of Greeley, Colorado. Purpose: will interconnect public and private transmission facilities which will help prevent blackouts, March 8.

Pilot project in cloud seeding, McKenzie County, North Dakota. Distribution of silver iodide from airplanes. Purpose: to verify results of an earlier experiment and to develop decision-making criteria and processes for implementing weather modification projects in the northern Great Plains, etc.; March 9.

Colorado River Basin pilot project in cloud seeding. Comments on draft (December 14, 1970) from the Colorado Conservation Board, Colorado Geological Survey, National Science Foundation, DOD, Commerce, and the National Center for Atmospheric Research. Several of these agencies ask for more details; March 9.

Crystal Dam and Powerplant, Curecanti Unit, Colorado River storage project, on the Gunnison River, Colorado. The last of 3 dams to be completed in this unit. 6.8 miles of cold-water stream fishery habitat will be inundated, 2 miles of scenic beauty will be altered, etc. Purpose: power generation, irrigation, recreation, flood control, fishery enhancement where possible; March 11.

Columbia Basin project (except Columbia Basin third powerplant) in central Washington. Construction began before enactment of the NEPA and is 45% complete. Remaining work involves 6 additional giant pumps to lift water from the reservoir behind Grand Coulee Dam and irrigation facilities to serve some 500,000 additional acres. Purpose: irrigation, hydroelectric power generation, recreation, etc.; March 15.

North Platte pilot project in cloud seeding. Being conducted by the Atmospheric Resources Research Group at the University of Wyoming. Part of the Bureau's investigation to determine if cloud seeding can augment water supplies, and to learn its effect on the environment; March 15.

North Loup Division, Pick-Sloan Missouri Basin program; Nebraska. Involves irrigation service to 52,600 acres, construction of Calamus Dam and Reservoir on the Calamus River, Kent Diversions Works on the North Loup River, Davis Creek Dam and Reservoir, etc. Purpose: increased agricultural production, recreation, etc.; March 25.

Mt. Elbert pumped-storage powerplant. Fryingpan-Arkansas Project, Colorado. Located on the north shore of Twin Lakes, construction includes a 100 megawatt reversible pump-turbine-motor generator unit and preparatory work on a second unit. Powerplant structure equivalent to a 15 story building. Do not know what effect powerplant operation will have on marine life of Twin Lakes (a prize trout fishery is located there). Purpose: irrigation, hydroelectric power, flood control, industrial water, etc.; March 26.

DEPARTMENT OF TRANSPORTATION (FEDERAL AVIATION ADMINISTRATION)

Contact: Martin Convisser*, Director, Office of Special Projects, 400 7th Street S.W., Washington, D.C. 20590 426-4357.

Draft

Title, Description, and Date

Airport project at Russell Field, Rome, Georgia. Runway extension to enable corporate jets to have a greater margin a safety; February 25.

Airport project at Healdton, Oklahoma. Construction of new municipal airport and paved landing strip. Will also serve 3 nearby communities; February 25.

Airport project at Rexburg, *Idaho*. Involves land acquisition for clear zones, airport development, runway extension (on land between sewage lagoons) etc.; March 2.

Comments on this draft from the Office of Metropolitan Planning and Development of HUD; March 17.

Airport project at Norfolk, *Virginia*. Involves runway and taxiway extension, terminal building (including sanitary sewer and pumpstation system) botanical garden, etc.; March 2.

Airport project at Grand Rapids, *Michigan*. Involves building a 1000 by 100 foot runway extension and parallel taxiway, additional high-intensity lights, etc.; March 2.

Airport project at Harlingen, *Texas*. Involves extension of runway and taxiway, acquisition of land for future expansions and clear zones, etc. Purpose: safety and to avoid having to relocate people in the future.

Loup City Municipal Airport project, *Nebraska*. *Comments* from the EPA, Geological Survey. Draft was dated February 12, 1971; March 5.

Comments on above project from USDA; March 25.

Airport project at Truckee, *California*. Involves runway extension, land acquisition, apron floodlight system, etc. Purpose: to accommodate business jets and Electra aircraft, etc.; March 5.

Project at Glacier Park International Airport, Kalispell, *Montana*. Involves 1000 by 150 foot extension to instrument runway. Increased frequency of Air West flights not anticipated; March 8.

Airport project, Terry County, *Texas*. *Comments* on draft (February 22, 1971) from the Water Quality Office of the Environmental

---

* He will refer you to the correct regional office from which the statement originated.

Protection Agency in Dallas and the South Plains Assoc. of Governments; March 12.

Airport project at Salisbury, Maryland (Phase IV). Extension, marking and lighting of runway 13–31, acquisition of land, construction of taxiway, etc. Purpose: to provide all weather runway and increase the margin of safety; March 25.

Airport project at Jesup, Georgia. A 20-year expansion plan in 3 phases. First phase (immediate) consists of a runway expansion, partial parallel taxiway, land acquisition, hangar relocation, etc. Second phase (10 years) includes a further runway extension to accommodate executive jets. The third phase (20 years) involves extending parallel runway to full length of runway and development of terminal. Noise may cause protests; March 25.

Airport project at Ashtabula, Ohio. Land acquisition, runway extension from 4,200 to 5,200 feet, etc. Purpose: to accommodate turbine and jet aircraft as well as higher performance aircraft; March 25.

Airport project at Cambridge, Minnesota. Acquisition of land and replacement of a "half sod, half sand" landing strip with hard surface, lights, taxiway, etc.; March 25.

Airport project at Grand Canyon, Arizona. Extension of runway and taxiway, construction of a fire and rescue equipment building, etc., at Grand Canyon National Park Airport. Purpose: to enable Air West to use DC–9's instead of F–27's; March 25.

Airport project at Hancock, Michigan. Comments on draft (February 23, 1971) by USDA; March 25.

Final

Title, Description, and Date

Acquisition of 210 acre site in fee simple by sponsor to build airport in Plattsmouth, Nebraska; March 2.

Lonesome Pine Airport, Wise County, Virginia. Involves 1400 foot extension of runway. Airport is on former strip mine. Purpose: to allow planes to land which presently can't (Lear Jets and DC–3's already use facility); March 2.

Grove Municipal Airport, Oklahoma. Acquisition of land to construct a 60 by 3400 foot runway over a 3000 foot existing runway, an apron, parallel taxiway and medium intensity lights. Purpose: to accommodate more and larger aircraft year round; March 2.

Jekyll Island Airport project, Jekyll Island, Georgia. Grading, paving and lighting of an 800 foot extension to runway and taxiway; March 2.

Airport project at Holdrege Municipal Airport Holdrege, Nebraska. Extension and lighting of a runway, etc.; March 17.

DEPARTMENT OF TRANSPORTATION

(Federal Highway Administration)

Contact: same as for FAA. (NOTE: the contact will tell you the name of the appropriate FHWA division engineer. There is an office in each state.)

Draft

Title and description, and date

Construction of 4-lane highway from 1 mile south of Riverton to 1 mile east of Hudson, Wyoming. Purpose; to reduce high rate of pedestrian-vehicle and animal-vehicle accidents on existing local travel road. Project PSF–5895; February 24.

Inner Loop Freeway, Shreveport, Louisiana. This is a revised draft, correcting discrepancies in the original draft. Construction of 4-lane highway from the junction of I–20 and Buncombe Road to proposed Industrial Loop. Project F–419(7); February 25.

US–165: upgrading and improving existing 2-lane highway to a divided 4-lane highway. From south of the US–165—US–80 interchange in Monroe to S.R. 2 in Sterlington, Louisiana. Projects F–U–204(6), F–204(7), F–204(8); February 25.

LA–1: Relocation of LA–1 to improve alignment, construction of new Bayou Pierre bridge, Natchitoches Paris, Louisiana. Project S–48(4); February 25.

I–29: construction of 4-lane controlled access highway from S.H. 13 near Mooreton to the North Dakota, South Dakota border. Richland County, North Dakota. Project I–129–1(1)0; February 25.

US–90: relocation between LA–308 and Bayou Lafourche to US–90 at Gibson. Will be 4-lane, controlled access. Part of long-range program of relocating and upgrading US–90 from New Orleans to Lafayette, Louisiana. FAP No. F–155(9); February 26.

US–75: realignment through 2 miles in Coffey County and 6½ miles in Osage County, Kansas. Purpose: separation of traffic types to balance divergent needs of farming interests and to support anticipated recreational use. Project F–063–2(23), F–063–2(25), F–063–3(1), K–1035(4); March 1.

I–16–1: completion of construction between Macon and Savannah, Georgia. 164.90 miles of highway in Treutlen, Emanuel, Candler and Bulloch Counties. Much of this highway is already complete. Project I–16–1 (13) 77 (P.E.); March 2.

I–35: proposed 27.4 miles of highway in Wright and Franklin Counties, Iowa. Purpose: to link 2 existing sections of the Interstate system. Controversy over diagonal severance. Project I–35–6; March 2.

US–45: replacement of existing road in urban renewal section of Fulton, Kentucky. Purpose: to replace low, poorly-drained underpass. Statement questions need for this improvement. (Cp 12); March 2.

M–81: replacement of bridge crossing over Saginaw River, Saginaw, Michigan. Old bridge is deteriorating; March 2.

Industrial loop arterial in Shreveport, Louisiana. 4-lane divided highway from Flournoy Interchange on I–20 to the east terminus of the Inner Loop Expressway. Purpose: to aid growth of south Shreveport area. Project 700–06–93; March 2.

US–31E: replacement of old US–31E with new 4.75 mile section to the west. From Jefferson School Road in Allen County to new section of roadway south to the Barren River Reservoir. Purpose: improve access to reservoir and recreational area. Kentucky Project F–28(17); March 2.

State highway spur 484: 3.4 miles of controlled access highway along location of an existing road from proposed S.H. loop 9 near Belt Line Road to S.H. Loop 635. Dallas County, Texas. Purpose: to handle anticipated traffic between northern Dallas and the Dallas-Ft. Worth Regional Airport, Texas; March 2.

State highway loop 635: 9.1 miles of controlled access highway from S.H. 121 in Tarrant County to I.H. 35E at I.H. 635 in Dallas County. Purpose: to handle anticipated traffic between northern Dallas and the Dallas-Ft. Worth Regional Airport, Texas; March 2.

FAS–434: replacement of country road (but flatten curves) from a point 11.5 miles east of Dupuyer to a mile west of Conrad in Pondera County, Montana. Purpose: better, safer route. One alternative route would go through bird sanctuary. Project S–434(1); March 3.

Forest Highway 903(4), Verde Valley to Roosevelt Dam: a 130 mile highway in Arizona. Purpose: to make scenic areas more accessible, etc.; March 4.

I–95; 59 mile corridor in Palm Beach, Martin and St. Lucie Counties, Florida. Purpose: to provide location for I–95 along east coast of Florida. Crosses a rural, almost wild area. A route east of the turnpike would effect the Loxahatchee River and Jonathan Dickinson State Park. State Job #99060–7902; March 4.

Donaldson-New Orleans Highway and Killona-Sunshine Bridge Highway (Westbank Expressway), St. James, St. John and Ascension Parishes. Purpose: part of long-range plan to have a 4-lane highway from Shreveport to New Orleans, Louisiana. Projects F–420(1), F–320(2); March 4.

US–65: construction of 21.8 miles of 4-lane divided highway between Little Rock and Pine Bluff, Arkansas. Project F–025–2(24); March 8.

I–40: Pulaski County, Arkansas. Construction of a safety rest area adjacent to eastbound lane 3.5 miles east of Morgan interchange. Project I–40–3(59); March 8.

US–69: construction of between 2 and 3 miles of 4-lane highway within the cities of Overland Park and Lenexa, Kansas. Purpose: to accommodate an anticipated increase in traffic. Project 69–46 U–083–3(22) Part I & II; March 9.

K–61: construction of 0.9 miles of highway in Reno County, Kansas. Purpose: to complete the last segment of relocation and upgrading of K–61 through Hutchinson. Project U–030–1(13); March 9.

S.H. 64: construction of 3.9 miles of highway in the Mule Shoe Bend section in Coconino County, Arizona (within Navajo reservation). Purpose: to provide a new alignment replacing sub-standard section. Project FLH–033–1(1); March 10.

S.H. 7: reconstruction of 7.6 miles of Highway 7 from Highway 335 to a point 2.5 miles northwest of Smackover. Purpose: improve transportation between El Dorado and Camden and to bypass Smackover, Arkansas. Project F–019–1(9); March 10.

S.H. 298: widening and straightening 2.5 miles. East Forest Boundary, East Garland County, Arkansas. Purpose: to accommodate present and future traffic volume along this route and to provide access to recreation facilities; March 10.

Highway 7: Ouachita County, Arkansas. Construction of 2.5 miles of 4-lane highway Purpose: to relieve present congestion, etc. Project F–019–1(4); March 10.

Ala. 229: Elmore County, Alabama. Construction of 1.4 miles of 2-lane road. Purpose: to eliminate 3 unsafe horizontal curves and sub-standard bridge. Project S–2607 (101); March 11.

US–84: relocation from Andulasia to River Falls, Alabama. Right-of-way along existing route is narrow—widening would cause extensive damage to adjacent property owners Project S–1729–A; March 11.

US–78: construction of 7.7 miles of highway, Walker County, Jasper, Alabama. Purpose: to complete a 4-lane link for US–78 between Jasper and Birmingham. Project S–328–G; March 11.

US–27 (S.R.–1): Relocation of 4 miles of 4-lane highway in Walker-Catoosa Counties, *Georgia*. Purpose: to provide for future development of Chickamauga-Chattanooga National Military Park, and eliminate through traffic within the park. Project F–017–3(16); March 11.

M–62 and M–140: reconstruction of 7.4 miles between M–140 and Dowagiac, Michigan. Widened to 24 feet with 10 foot shoulders on improved horizontal and vertical route; March 11.

S.H. 40: Rapid City, *South Dakota* to Farmingdale, *South Dakota*. Rebuilding, flattening curves, widening, raising, etc. To accommodate higher traffic volume. Unprogramed project S–1041; March 11.

US–85: rebuilding (flattening curves, widening, raising grade) from North Dakota line south for about 8 miles to Ludlow, *South Dakota*. Includes new bridge and construction of channel change at Crooked Creek. Public hearing on April 22, 1971. Unprogramed project F–011–6; March 11.

US–12: from Bath corner through Groton to Andover, Brown and Day Counties, *South Dakota*. Relocation and rebuilding of 20 miles of US–12 to make a 4-lane highway (to Groton); a 2-lane highway along railroad alignment from Groton to Andover. Projects F–044–5 & F–044–6; March 11.

S.H. 50: rebuilding of ½ mile through

Wagner, *South Dakota.* Unprogramed project F–012–1; March 11.

S.H. 40: grading, minor drainage structures and interim surfacing of 6–7 miles near Cedar Butte, *South Dakota.* Unprogramed project S–1351; March 11.

US–18: rebuilding of highway from Winner, South Dakota to a point 43 miles southeast. (Tripp and Gregory Counties) Widening, flattening of some curves, etc. Purpose: to accommodate anticipated increase in traffic. Public hearing scheduled April 20, 1971. Unprogramed projects F–010–5 & F–010–6; March 11.

S.H. 63: Ziebach and Haakon Counties, South Dakota. Construction of new bridge across Cheyenne River and realignment of approaches for safety reasons. Public hearing on March 19, 1971. Unprogramed projects S–1262 & S–1263; March 11.

S.H. Spur 303: from F.M. 1382 in Grand Prairie, east to Loop 12 in Dallas, Texas. Purpose: to provide a fast, safe, efficient route between the Oak Cliff area of Dallas and Grand Prairie; March 11.

IH–1: Pearl Harbor interchange to Middle Street, Oaho, Hawaii. Construction of 2.65 miles of freeway to supplant existing Kamehameha and Nimitz Highways. Will reduce travel time. Project will require .11 acres from the Pacific War Memorial. (This requires a 4(f) statement, which is attached); March 12.

US–85: upgrading from 7.5 miles north of Redig, South Dakota to 5.0 miles south of Redig. Involves flattening curves, raising grade, widening roadway, etc. Unprogramed projects F–011–5 & F–011–6; March 12.

S.H. 37: reconstruction to provide a 4-lane divided highway. Length of project: 6 miles beginning at the Sanborn-Davison County line, South Dakota and continuing south along S.H. 37. A short channel change will be required. Location hearing scheduled April 27, 1971. Unprogramed project F–047–3; March 12.

US–81: rebuilding from US–212 in Watertown, *South Dakota* north on US–81 (for about 3 miles) then east to an interchange on I–29 (about 2.5 miles). Involves grading, curb and gutter and surfacing, etc. Purpose: to accommodate higher traffic volume. Location hearing scheduled April 28, 1971. Project F–053–7; March 12.

I–90: West Snoqualmie to Tanner (North Bend Bypass) *Washington*. Construction of 6.87 miles of 6-lane freeway through undeveloped forest and agricultural land. (Final statement was received earlier—February 17); March 12.

US–280: replacement of a 2-lane highway with a 4-lane highway between Birmingham and Chelsea, *Alabama*. Length of project is 5.6 miles. Purpose: safer and faster means of transportation. Approximately 162 acres, including forest and farm land, will be converted to highway use. Project F–214(19); March 15.

US–90: part of relocation of US–90 between Lafayette and New Orleans, *Louisiana*. This extends south to junction with US–90 east of Wax Lake Bridge; March 15.

Legislative Route 1126, Erie County, *Pennsylvania*. Purpose: to provide connection for Southern Tier Expressway to Interstate 90. Corridor's total length is 11.3 miles at a construction cost of $18,620.000. An alignment to be developed to avoid encroachment on State Game Lands.

S.C. Route 61: Improvement of 2.7 miles of existing route from S.C. Route 171 northerly to Ashley Hall Planation. Will be upgraded to 4-lanes. Purpose: to provide multi-lane arterial connection to the proposed location of the Inner Belt Freeway and the S.C. 61 Expressway. Charleston County, South Carolina; March 15.

S.R. 20: Lawrence County, Alabama Reconstruction of 6.72 miles of highway, from east of Town Creek to east of Courtland. Will be made 4-lane. Purpose: to improve a hazardous section. Project F–FG–237(5); March 16.

I–65: improvement project involves construction of 1.5 miles of 2 additional lanes (making it a 8-lane highway). Atlanta, Georgia. Parts of 3 educational institutions will be required for right-of-way. Pupose: to accommodate the increasing traffic volumes. Projects I–75–2(41) & UL–75–2(52); March 16.

Briley Parkway: joining the ends of Briley Parkway by construction of a 4-lane divided highway for 5 miles around the business section of Nashville, Tennessee. Purpose: to complete this circle route and provide a major urban arterial route. Project S–6326; March 16.

US–90: St. Landry Parish, Louisiana. Construction of 2.5 miles from Eunice Country Club to 12th St. in Eunice. Project F–199(15); March 17.

Route 750: Boone County, Missouri. Construction from Business Route 63, east to Route 63. Purpose: to provide better access to University of Missouri, and south part of City of Columbia; March 17.

California F.H. 100–4(1), Minarets Summit, Inyo National Forest, Madera County. Reconstruction (widening, improved surfaces) of 2.7 miles of dirt road to provide public access to Agnew Meadows, Red Meadows Campgrounds, Devils Postpile National Monument, etc. Conservationists have objected on grounds this is a "de facto" wilderness area. Project F.H. 100–4(1); March 18.

K–260: Upgrading of existing FAS 307 and FAS 451 in Moundridge, Kansas (identified as the Moundridge Loop). Length of projects from intersection of Christian Avenue and Cole Street north to I–35 and east to I–35 are 1.748 miles and 1.483 respectively. Projects 260–59 S–112(9) & 260–59 S–233(15).

Route E: 2 mile relocation project adjacent to north city limits of Granby, Missouri. Purpose: replace 1-lane bridge over Shoal Creek, construct new roadbed and bridge approaches and provide grade separation between highway and St. Louis and San Francisco railroad; March 18.

Lockport Expressway, sections I, II, III, Amherst, New York. Involves construction of 7 miles of freeway entirely within Amherst (from I–290 between the Niagraa Falls Blvd. and Millersport Highway interchanges to New Road. Purpose: relieve congestion; March 19.

US–72: Madison and Jackson Counties, Alabama. Construction of a 4-lane highway from west of Gurley, Alabama to .5 miles southeast of Paint Rock River. Present facility is two lanes. 4(f) determination attached as project will take land from the North Sauty Waterfowl Refuge (from 30 to over 288 acres, depending on which alternative is selected). Project F–235(12) & S–182–E; March 22.

S.R. 316: construction of 6.26 miles of 4-lane highway from 1 mile west of Lawrenceville to 1 mile west of Dacula, Georgia. Purpose: move direct route between Atlanta and Athens. Will aid industrial development. Project F–108–1(4); March 22.

S.R. 166 and 61: Carroll County, Georgia. The "Carrollton Bypass". Construction of about 6 miles of highway to relieve congestion on city streets; March 22.

Glasgow-Edmonton Road, Barren County, Kentucky. Realignment of 2.4 miles between new section in Glasgow to KY-80—US-68. Project F–543(4), March 22.

S.R. 54: widening existing road to dual lane, limited access facility from south of Fulton to Holt Summit, Missouri. Purpose: to relieve congestion, March 22.

S.R. 33 (Trenholm Road): upgrading of 3.1 miles from 2- to 4-lanes from point near Belt Line Boulevard to point near Rockridge Road, Columbia, South Carolina. Part of Columbia Area Transportation Study to meet transportation needs of Columbia, March 22.

Bryan Drive and Extension Project, Myrtle Beach (by-pass), South Carolina. Construction of 10.7 miles of 2-lane road. Purpose: to enhance traffic circulation in and around Myrtle Beach business district, March 22.

S.R. 5: Madison County, Tennessee. Construction of 4-lane divided rural highway for 5.16 miles along existing route. Purpose: to relieve present congestion on this section. Project F–005–2( ). March 22.

S.R. 65 (US–431): widening, straightening and leveling of 8.5 miles of highway between the Davidson County Line at Sycamore Creek, Tennessee and S.R. 11 (US–41) in Springfield, Tennessee. Length of project: 8.51 miles. Project F–005–4( ); March 22.

S.R. 5: Chester County, Tennessee. Construction of a 4.92 miles 4-lane divided rural section .7 miles south of S.R. 100 to the Chester-Madison County Line. All but 1.5 miles will be on the existing location. Project F–005–2( ); March 22.

S.R. 29: realignment from New River Bridge to 1 mile north of S.R. 63, Scott County, Tennessee. Length of project: 3 miles. Project 76001–0214–04; March 22.

S.R. 53: Jackson County, Tennessee. Begins at junction of S.R. 85 with S.R. 53 and extends northwesterly 8.6 miles to south of the Clay County line. Purpose: better alignment of existing road, to promote industrial and recreational growth of this economically depressed region. Project APD–063–2( ); March 22.

S.R. 62: West Knoxville, Tennessee. Construction of 3.1 miles of expressway from I-640 near Hinton Road, east to Oldham Avenue Interchange on I–75. Many families in slum-like neighborhood would be displaced. Project U–083–2( ); March 22.

Route 39 freeway: construction of from 15.9 to 18.4 miles of freeway from Lampson Avenue to Route 60 (Pomona) freeway. Los Angeles and Orange Counties, California. An 8-lane freeway is proposed. Construction not planned to start for over 10 years. Route is through urbanized areas. Some alternate routes would affect parks; March 23.

I–185–1: construction of 35 miles of freeway from north of Columbus to I–85, Troup, Harris, Muscogee Counties, Georgia. Purpose: to provide access from Columbus to the interstate highway system; March 23.

I–380: construction of highway from Waterloo to Cedar Rapids, Iowa. Statement outlines 7 alternate routes; March 23.

US–666/180: Springerville-Clifton Highway (Nutriosa-Alpine section). Corridor relocation and widening, etc. of 2½ miles of highway. Nutriosa, Arizona. Will require about 60 acres of a scenic meadow. Project F–051–1; March 24.

S.R. 88: Arizona secondary highway project S–214(8), Roosevelt Dam-Globe Highway (Apache Trail), Pinto Creek section. Maricopa County, Arizona. Involves improvement of 13 miles of scenic S.R. 88 to a 40 foot roadway. Project S–214(8); March 24.

F.H. 100: Minarets Summit, Sierra National Forest, Madera County, California. Extension of F.H. 100 by replacing 1-lane dirt road with 2-lane paved facility from Arch Rock to a point near the Clover Ranger Station. Length of project 7.5 miles. Purpose: to facilitate harvest of timber, improve access to recreation and scenic areas, etc.; March 24.

Athens East Bypass: 4-lane, 2 mile long highway beginning ¼ mile east of US–441 and West Whitehall Road, to a terminus with US–441 south of the Clarke-Oconee County line, Georgia. Project F–FG–055–1(6); March 24.

First section of new freeway from Hamilton, Ohio to I–71. All new location. This section is from I–75 in Butler County to I–71 in the vicinity of Western Row Road. Will require part of a golf course and the relocation of some homes and businesses. Unprogramed project BUT/WAR–129–15.32/0.00; March 24.

US–281: from Hidalgo-Brooks County line north to .8 mile north of the Brooks-Jim Wells County line. Plan to convert 34 miles of 2-lane highway to 4-lane divided highway. Texas; March 24.

I–20–1: completion of construction of 4-lane highway between the Alabama state line and S.R. 61 in Villa Rica, Georgia. Involves two projects, one is 11.4 miles long and the other is 12.3 miles. Purpose: to provide safe limited access highway for through traffic. Project I–20–1(2) 00; March 25.

South Midtown Freeway: Kansas City, Missouri. Construction of a limited access 8-lane highway to connect Route 71 with the Kansas City Freeway network (I–70, I–35 interchange). Acquisition of right-of-way will affect 559 residences and 2 businesses. Park lands that will be affected by the project are covered by a 4(f) submitted to the DOT regional office 1/6/71 for determination. Project U–UG–71–4(13); March 25.

From I–29 to S.R. 13: Brookings County, South Dakota. Reconstruction of 8.5 miles. Involves grading, widening, a new bridge over Medary Creek, etc. Purpose: to accommodate increased traffic. Project S–5271; March 25.

US–27S.R.1): Chattooga County, Georgia. Construction of 4.5 mile bypass from US–27 at end of S.R. 48 to point ½ mile north of Trion, Georgia. Purpose: provide alternative to congested travel through Summerville and Trion. Project F–017–3(17); March 25.

US–18 and 60: construction of a new crossing of US–18 and 60 over the Mississippi River between Marquette, Iowa and Prairie du Chien, Wisconsin. Consists of 2 large river structures over the 2 main channels, a causeway between, necessary approaches, removal of two existing bridges, etc. Length of project about 2 miles. Purpose: replace rusting, inadequate structures. Project will require lands from the Upper Mississippi Wildlife Refuge. A4(f) was submitted to DOT 1/29/71. Project F–017–1( ); March 25.

I–65 Chilton County, Alabama. 1.5 miles north of Alabama 145. Construction of rest areas with toilets, picnic areas, etc. on north and south bound lanes. Project I–65–2(18); March 26.

S.R. 59: project to make most of this route (from just south of Foley to S.R. 182) a 4-lane facility. Length of project: 9.39 miles. New intracoastal bridge will be built. Baldwin County, Alabama. Project S–0222( ); March 26.

US–231: widening 1.4 miles from a 4-lane to a 6-lane facility. From Drake Avenue intersection to Clinton Avenue intersection. Slip ramps to one way frontage roads are planned. Huntsville, Alabama.

US–231: widening to 4 lanes and from north of Wallsboro, Alabama. Includes new bridge over Sofkahatchee Creek. Project S–475–F; March 26.

US–43 and US–72: construction of a bridge over the Southern Railway in Sheffield, Alabama. Length of project is .34 miles. Purpose: to alleviate delays due to rail traffic. Project F–FG–196(16); March 26.

S.H. 13: Richland County, North Dakota. Construction of two additional lanes making a 4-lane divided facility to connect Wahpetan and Breckenridge with I–29. Project F–8–013 (02); March 26.

S.R. 642: upgrading of 7 miles to multilane divided highway from Ashley Phosphate Road in Dorchester County, South Carolina to location near Seaboard Coast Line Railroad in Charleston County. Will improve traveling between the proposed Outer Belt and Inner Belt Freeways, and improve access to Charleston Air Force Base; March 26.

S.R. 8 (APD J1–J4): new location for 12.8 miles with better alignment from S.R. 27 spur interchange via Falling Water Creek to 1 mile south of Sequatchie County line. Hamilton County, Tennessee; March 26.

S.H. 71: plans to develop existing section 4-lane divided highway from the east city limits of Bastrop to the Fayette County line. Bastrop County, Texas. Purpose: reduction of noise and air pollution in Smithville, etc.; March 26.

Lake St.-Jones St. Bridge: Eau Claire, Wisconsin. Replacement of Grand Avenue bridge over the Chippewa River structure and approaches. An approach street will be constructed on a portion of Owen Park. Project S 0150( ); March 26.

Moreland Avenue: widening and reconstruction of 4.07 miles from Thurmond Drive to Custer Avenue, Atlanta, *Georgia.* Purpose: to replace 2 bridges in critical condition, relieve congestion, etc. Highway construction will require 925 square feet of South River Park. Project F–037–2(11); March 29.

I–70: Baltimore, *Maryland.* Construction of an elevated structure from junction of I–70 N to Pulaski Street, crossing railroad into Franklin-Mulberry corridor. Length of project .92 mile. Right-of-way will require 17 acres of park land (to be replaced with 10 acres). 4(f) report was approved by DOT on December 17, 1970; March 29.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49 U.S.C. Section 1653(f).

Final

Title, Description and Date

Southern Avenue Southeast: project will connect existing sections of this avenue. Will require use of land from Suitland Parkway and Oxon Run Park. *Washington, D.C.;* February 25.

I–71: proposed 2.5 miles of 8–12 lane freeway requires use of Burwood Playground (Norwood) and parts of Evanston Playfield and Victory Park (Cincinnati), Ohio. Purpose: close last gap in Louisville-Cleveland link; March 1.

I–35W: highway construction requires use of lands from Wichita East High School, Willard Elementary School and McAdams Park. Purpose: to connect northern industrial area of Wichita with residential southern section. *Kansas;* March 3.

S.H. 11: highway construction requires use of 1.104 acres of Sulphur Springs Municipal Park, Texas. Purpose: to provide an efficient, safe, convenient route between S.H. 19 and the business district; March 3.

US–35: Ross County, Ohio. Use of lands from the Pleasant Valley Wildlife Area for highway purposes. 25 acres will be needed to straighten the highway. Other contiguous land may be substituted; March 3.

US–101: construction requires use of tiny Vinum Park in Arcata, California. Park used by about 50 children. City has endorsed plan to relocate park; March 3.

US–371: construction requires use of .48 acre of Pine River fairgrounds. Part of project to upgrade US–371 to 4-lane expressway. Pine County, Minnesota; March 3.

I–70–3: construction requires use of .75 acre from Rhodius Park—a small inner city park with playground, pool, etc. Purpose: to handle increased traffic. Indianapolis, Indiana; March 3.

I–10: proposed highway will cross Meginnis Arm Creek, a tributary of Lake Jackson (nationally famous fishing area). Leon County, Florida; March 9.

Revised 4(f) statement. Original dated 7/29/70. Comments from DOI and HUD prompted the revision. S.R. 802: new bridge and approaches will require land from golf course and Bryant Park. Palm Beach County, Florida; March 9.

Use of over 9 acres of Las Palmas Park in National City, San Diego County, California for highway purposes. (8.35 of these acres are in slope easement.) State will acquire 1.47 adjacent acres as replacement; March 17.

FAS 1301: request temporary use of 6 acres from the Delevan National Wildlife Refuge for a traffic detour while construction and removal work is done on bridges. Colusa County, California; March 19.

I–275: highway consrtuction requires use of public lands proposed for development as a future park from Livonia, Wayne County, Michigan; March 19.

DEPARTMENT OF TRANSPORTATION

(U.S. Coast Guard)

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 7th Street SW., Washington, D.C. 20591, 426–2274.

Final

Title and Description and Date

Strait of Juan de Fuca, Washington, navigation project. Involves establishing 5 lighted buoys and 2 lights and by improving 10 existing navigation aids. Purpose: to help safe transit of deep-draft oil tankers expected to commence operation early in 1971; March 2.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Chuck Fabrikant, Director of Impact Statements Office, 1629 K St. N.W., Washington, D.C. 20460, 632–7719.

Final

Title, Description, and Date

Environmental impact statements for the following legislative proposals of the EPA: the Water Pollution Control Act (proposed amendments), the Marine Protection Act, Toxic Substances Control Act, and the Pesticide Control Act. (Note: CEQ proposed revised guidelines do not require that draft statements be made public on *legislative* proposals. A draft of this statement was circulated to relevant agencies but it was not listed in the *Monitor*.) March 13.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G St. NW., Washington, D.C., 20426, 386–6084.

Final

Title, Description, and Date

FPC's findings and order on Transcontinental Gas Pipe Line Corp. (Docket No. CP71–30) and Eastern Shore Natural Gas Co (Docket No. CP71–48), after statutory hearing issuing certificates of public convenience and necessity and granting petitions for leave to intervene. The former company was granted a certificate to construct and operate facilities on and offshore *Texas* and to transport gas from *Texas to Pennsylvania.* Eastern Shore was granted a certificate to construct and operate facilities in *Delaware* and transport natural gas from *Pennsylvania to Delaware*; March 25.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (343–6077).

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343–4161.

Draft

Title, Description, and Date

Conveyance of 61.78 acres of the former Camp Adair Air Force Station in Benton County, *Oregon,* to the United States International University; March 2.

Disposal of property of the former U.S. Army Strategic Communications Command facility, Yolo County, *California.* Plans to transfer 643.05 acres to Deganawidah-Quetzalcotl University for educational purposes; March 2.

Addendum to above draft statement. Concerns proposed assignment to HEW of this acreage. GSA has assigned the facility to HEW for the purpose of permitting the property to DQU; March 4.

Negotiated sale of the former Sweetwater, *Texas,* Air Force Station and Family Housing Annex. The release of the interest of the U.S. in 16.38 acres leased from the city of Sweetwater is also involved. Purpose: to enable Sweetwater to provide a campus for the Texas State Technical Institute for the operation of a training school; March 15.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, 962–8107.

Draft

Title, Description, and Date

Langley Field Research Center, Langley Field, *Virginia*. Description of the Center and its mission as well as its impact on the environment. (Explains how radioactive waste is disposed of, etc.); March 1.

NASA Quiet Engine Program. The General Electric Company is doing this research for the NASA Lewis Research Center, *Ohio*. Aim of this 38 month program is to design, fabricate and conduct an aeronautical evaluation of experimental bypass fan engine of the 22,000 pound thrust class that is 15 to 20 PNdB quieter. (This is the same thrust as engines on the 707 and DC–8.); March 1.

Lewis Research Center, Cleveland and Plum Brook Stations, *Ohio*. Covers the impact of these facilities on the environment (how they dispose of radioactive wastes, etc.) as well as describing their work in pollution control and other areas; March 1.

John F. Kennedy Space Center, Cape Kennedy, *Florida*. Description of mission and the facilities and their environmental impact; March 1.

Space Shuttle Program. Purpose is to develop a reusable spacecraft to economically transport pay loads to and from orbit. Will be developed to meet needs of both DOD and NASA. Possible noise pollution and deposition of water vapor in upper atmosphere, etc.; March 1.

Ames Research Center, Moffett Field, California. Description of the facility, its mission, and possible environmental impact. Work is done with radioactive isotopes, toxic chemicals, etc., that are disposed of by a contractor. Exhaust from arc jets, sawdust accumulation in the carpenter shop and noise from the wind tunnel are mentioned; March 12.

Flight Research Center, Edwards, California. Description of facility and its environmental impact. Conduct liquid and solid propellant research. Noise from jets and rockets, sonic booms, air pollution from exhaust gases are potential environmental effects; March 12.

Goddard Space Flight Center, Greenbelt, Maryland. Description of facility and its environmental impact. Mentions air pollution from Central Utility Plant, and propulsion research facility; March 12.

Wallops Station, Wallops Island, Virginia. Description of facility, its mission, and environmental impact. Includes mention of planned release of a barium cloud at a high altitude. Conduct launch operations; March 12.

Jet Propulsion Laboratory, Pasadena, California. Operated for NASA under contract by the California Institute of Technology. Description of facility, its mission, its environmental impact; March 12.

Marshall Space Flight Center, Huntsville, Alabama. Describes facility, its mission, and its environmental impact including air pollution from plating facility (plans are to install scrubbers to remove toxic gases); March 12.

Apollo Program. Managed by NASA's Manned Space Flight organization (Washington, D.C., Huntsville, Alabama; Houston, Texas; Kennedy Space Center in Florida.) Description of launches and their environmental effect. Statement mentions a number of potential impacts on the environment, none thought to be serious by NASA. For example, a number of exhaust products are introduced into the atmosphere, about 5,000 gallons of residual fuel are dispersed in the ocean (it rapidly volatilizes) some hardware is dropped, about 170 pounds of toxic propellants are consumed by reaction control thrusters on reentry, there is the unlikely possibility of contamination from the moon, etc. A fuel capsule of 3800 grams of 238 Plutonium Dioxide is aboard. It is judged to be no hazard even if a mission aborts. Three more Saturn V missions are planned; March 12.

Skylab Program. Three phase project beginning April, 1973, and continuing for 8 months. Involves launching 3 separate 3-man crews to work in an earth orbiting workshop for periods of up to 2 months. Saturn V launch vehicle will have same possible environmental impacts as Apollo. About 100 pounds per day of wastes will be released to the exosphere from the workshop. No detrimental environmental effect on earth is anticipated. Purpose: to learn more about solar astronomy, space medicine, space physics, materials processing and earth resources; March 12.

Manned Spacecraft Center, Houston, Texas, and White Sands Test Facility, New Mexico. Describes environmental impact of these facilities and their current and planned activities. The test facility is in a remote location where NASA can run hazardous tests associated with development of the Apollo Spacecraft Propulsion Systems; March 23.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, (615) 755–2002.

Draft

Title, Description, and Date

Policies relating to sources of coal used by TVA for electric power generation. TVA's explanation of the environmental impact of their coal mining and the precautions they take in both strip and underground mining. *Kentucky, Tennessee, Illinois;* March 19.

INTERNATIONAL BOUNDARY AND WATER COMMISSION—UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner, (915–532–5476).

Alternate contact: T. M. Martin, ARA/Mex., Department of State, Room 3906A, Washington, D.C. 20520, (632–1317).

Draft

Title, Description, and Date

Hidalgo-Reynosa international channel relocation project. Proposed relocation of 1.6 miles of Rio Grande channel through land now in Mexico will transfer sovereignty of 481.68 acres to the U.S. as partial accomplishment of the objectives of the treaty signed November 23, 1970. *Texas;* March 16.

PLEASE NOTE THE FOLLOWING CORRECTIONS

In Vol. 1, No. 1 of the 102 Monitor we said that a final statement had been received for Corps of Engineers channel improvement for flood control on the Souris River at Minot, North Dakota (p. 28). What was actually received on November 31, 1970 was comments. The final was received this month (p. 18).

Also: The Department of Agriculture incorporated both the East and West Sector watershed projects of the White River Watershed, Kansas in the final sent January 29. In Vol. 1 No. 2 it referred only to the East Sector (p. 28).

[United States of America, Federal Power Commission (18 CFR Part 2, §§ 4.40, 5.1 157.14(a))]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, DOCKET NO. R-398

(Order No. 415, Adding Sections 2.80 through 2.82 to Part 2—General policy and interpretations—and amending parts 4 and 5, sections 4.40 and 5.1 of regulations under the Federal Power Act and subchapter E, section 157.14(a) of regulations under the Natural Gas Act (issued December 4, 1970)

Before Commissioners: John N. Nassikas, Chairman; Lawrence J. O'Connor, Jr., Carl E. Bagge, John A. Carver, Jr., and Albert B. Brooke, Jr

On September 17, 1970, the Commission issued a Notice of Proposed Policy Statement and Rulemaking (35 F.R. 14848, September 24, 1970),[1] wherein it proposed to amend Parts 4 and 5 of the Regulations under the Federal Power Act and Subchapters E of the Regulations under the Natural Gas Act as well as add Sections 2.80–2.83 to Part 2 of its General Rules, in order to implement the requirements of § 102(2)(C) of the National Environmental Policy Act, 83 Stat. 852, 853.

Eighteen responses were filed in this proceeding suggesting a variety of modifications and amendments in the proposed rules. All suggestions were carefully studied and several were adopted as indicated hereinafter.

The rules adopted set forth the policy and procedural guidelines that we will follow in exercising our responsibilities under the National Environmental Policy Act of 1969 with regard to the licensing of hydroelectric facilities under Part I of the Federal Power Act and the issuance of certificates of public convenience and necessity under Section 7(c) of the Natural Gas Act. Rather than formalizing specific rules to deal with our legislative environmental responsibilities at this time, we have decided to defer action in this area pending experience with the legislative procedures of the Council on Environmental Quality's Interim Guidelines and the Office of Management and Budget's Bulletin 71–3. We will, of course, continue to meet our responsibilities in the legislative environmental area as now prescribed by law.

None of the parties filing in this proceeding have questioned the propriety of the Commission adopting a policy and rules in compliance with the National Environmental Policy Act. Most of the critical comments were directed at various details of the procedural steps we proposed, such as, for example, the timing of filing environmental statements and responses thereto and the proper distribution of statements and comments filed with the Commission. A number of the comments were adopted. However, no beneficial purpose would be served, by a complete enumeration of the comments received and the action taken in response to them.

Comments dealing with the basic substantive principles of the proposed rules and requests for significant changes were filed in some cases. We do believe these points deserve special discussion.

The environmental criteria to be evaluated in the preparation of detailed environmental statements as prescribed in § 102(2)(C) of the National Environmental Policy Act, 83 Stat * * * rules we are adopting today. Since these are the specific criteria we are required to evaluate in the preparation of detailed environmental statements to accompany our major actions having environmental significance we believe it is proper to require applicants and environmental interveners in Commission proceedings to address themselves to these same considerations. We have, however, in response to some of the comments filed in this proceeding, revised § 2.80 as proposed to provide examples of the kinds of values and considerations that should be evaluated in the context of the five specific criteria we have incorporated from the National Environmental Policy Act. It should be emphasized that these examples are merely illustrative, and not an exhaustive listing of factors that should be considered in the preparation of detailed environmental statements.

The addition of these considerations also serves the useful purpose of further clarifying the scope and nature of a detailed environmental statement. The requirement of this kind of analysis in cases having environmental significance is in the public interest in that it helps assure the fullest possible examination of environmental values and assists us in complying with the statutory standards of the National Environmental Policy Act and our enabling legislation.

---

[1] On September 29, 1970, an amendment was issued (35 F.R. 16324, October 17, 1970).

The Commission's mandate under the Federal Power Act to fully evaluate environmental considerations is articulated in *Scenic Hudson Preservation Conference* v. *Federal Power Commission,* 354 F. 2d 608, (CA2, 1965), cert. denied sub nom *Consolidated Edison* v. *Scenic Hudson Preservation Conference,* 384 U.S. 941, and *Udall* v. *Federal Power Commission,* 387 U.S. 428 (1967). In *Scenic Hudson* the Second Circuit ruled that "[t]he Commission must see to it that the record is complete. The Commission has an affirmative duty to inquire into and consider all relevant facts." 354 F. 2d at 620. The requirements imposed by the rules we have adopted represent the kind of affirmative action we must take to assure a complete record. As the Supreme Court said in the *Udall* case, the Commission must satisfy the test that the proposed project is in the public interest. "And that determination can be made only after an exploration of all issues relevant to the 'public interest' . . ." 387 US at 450. We believe these rules will enable us to explore all such relevant issues.

The Commission fully recognizes and accepts its responsibilities under the comprehensive planning mandate of § 10(a) of the Federal Power Act, 16 U.S.C. 803(a), and the standards of § 102(2)(C) of the National Environmental Policy Act, 83 Stat. 853. The regulations we are adopting in this proceeding in no way diminish the burden placed on the Commission by those statutory provisions. Nor do these regulations in any way nullify the Commission's obligations to render decisions based on the fullest possible evaluation of all pertinent information. They also do not negate our duty and that of our staff to take all reasonable and relevant efforts to insure that our decisions are based on a complete record. Rather, the regulations adopted today help assure that all practicable avenues of information and evidence will be explored and developed prior to our determination of the merits of cases falling within the purview of these regulations.

In order to correct the misunderstanding of some who submitted comments, we have clarified our intent in §§ 2.81(c) and 2.82(c). We have deleted the requirement that environmental interveners submit detailed environmental statements pursuant to § 2.80, although we preserve their right to do so. The rules now make it clear that environmental interveners are required to file with the Commission at a time to be specified an explanation of the environmental position they are advancing including therein a discussion of that position in the context of the factors from the National Environmental Policy Act specified in § 2.80. We believe this requirement is in the public interest in that it helps assure exposure and consideration of all relevant issues by insuring that all environmental issues will be raised before the initial decision. Absent an affirmative duty on all parties to raise issues and supply evidence in support thereof during the evidentiary phase of a hearing, the Commission cannot be certain that a complete record is before them. To relieve some parties from this duty would be to encourage dilatory tactics.

We have, in response to comments filed by the Council on Environmental Quality on November 30, 1970, changed the procedures outlined in §§ 2.81(b) and 2.82(b) to include preliminary staff analysis of the detailed environmental statements supplied by applicants. Should this analysis of the statement reveal any deficiencies as to the sufficiency of its form, the staff will request the necessary revisions before the statement is made available to governmental agencies for comment. In this way, we can help assure that all relevant environmental factors will become part of the record at the earliest opportunity and subject to evidentiary proceedings as to content while insuring that applicants have given due regard for the environment before making an application.

Two respondents have urged that we change the scope of § 2.81(a) by requiring detailed environment statements to accompany applications for minor project licenses. One respondent has advocated restricting the application of the rules to projects with 10,000 h.p. capacity or more. It is our determination that neither of these suggestions is appropriate or in the public interest and that pending evidence to the contrary we will require the submission of detailed environmental statements with respect to hydroelectric matters only in conjunction with the applications for major project licenses and activities specified in § 2.81(a). In any event, it should be noted that all our jurisdictional activities with respect to hydroelectric facilities are subject to the comprehensive planning standard of the Federal Power Act.

In adopting these regulations we have adhered as closely as possible to the Council on Environmental Quality's Interim Guidelines governing the preparation of detailed environmental statements. (35 F.R. 7390, May 12, 1970). Pending experience in implementing the regulations and in the event of revisions in the Guidelines or amendments to the National Environmental Policy Act, changes may be indicated at some future date.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission are consistent and in accordance with all procedural requirements therefor as prescribed in 5 U.S.C. 553.

(2) The amendments to the Commission's regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act.

The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311, and 312 (41 Stat. 1065, 1068, 1069, 1070, 1072, 1353, 46 Stat. 798, 49 Stat. 839, 842, 843, 844, 856, 858, 859, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459; 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, P.L. 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) *orders:*

(A) Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations is amended by adding thereto the following:

(1) The table of contents at the beginning of Part 2—General Policy and Interpretations is amended by adding at the end thereof a new subdivision heading and section titles reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

2.80 Detailed Environmental Statement
2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act
2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act

(2) The text of Part 2 is amended by adding at the end thereof the following heading and new §§ 2.80 through 2.82 reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.80 DETAILED ENVIRONMENTAL STATEMENT.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

Therefore, in compliance with the National Environmental Policy Act of 1969 we will make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have such an environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 of this Part shall fully develop the five factors listed hereinafter in the context, among other relevant environmental factors, of such considerations as the proposed activity's direct and indirect effect on the ecology of the land, air and water environment of the project or natural gas pipeline facility, and on aquatic and wildlife, and established park and recreational areas as well as on sites of natural, historic, and scenic values and resources of the area, and the conformity of the proposed activity with all applicable environmental standards. Such statement should also deal with the justification of the proposed activity as compared to its alternatives. These factors are listed to merely illustrate the kinds of values that must be considered in the statement; in no respect in this listing to be construed as covering all relevant factors.

(1) the environmental impact of the proposed action,

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) alternatives to the proposed action,

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) A notice of all applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to down-stream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, or amendment to license proposing construction or operating change in project works will be transmitted by the Commission to the Council on Environmental Quality and to appropriate governmental bodies, Federal, regional, State and local with a request for comments on the environmental considerations listed in § 2.80 of this Part. Notice of all such applications shall also be made as prescribed by law.

(b) All applications covered by paragraph (a) of this section shall be accompanied by the applicant's detailed statement of the environmental factors specified in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply ten copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

(f) In the case of non-contested applications the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with one copy; each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 Under the Natural Gas Act.

(a) A notice of all certificate applications filed under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c), except abbreviated applications filed pursuant to Section 157.7 (b), (c), (d) and (e) of the Commission's Regulations, will be transmitted by the Commission to the Council on Environmental Quality. Notice of all certificate applications will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

(b) All applications within the scope of paragraph (a) of this section shall be accompanied by the information prescribed in paragraph 157.14 (6–d) of this Chapter and shall include an environmental analysis of the construction and operating program of the proposed project considered in its totality. If the Commission then concludes that a detailed statement will be required as part of the Commission's order, public notice will be given requiring the applicant to file a detailed statement as prescribed in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necssary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply ten copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an analysis of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

Furthermore, the Initial Decision of the Presiding Examiner in such cases should include an evaluation of the environmental factors enumerated in § 2.80 and the views expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(f) When the Commission determines that its action on an application which is otherwise subject to the Commission's non-contested procedures will have a significant environmental effect, the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with 1 copy; each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

(B) Section 4.40 in Part 4, Subchapter (b), Chapter I, Title 18, Code of Federal Regulations is amended by redesignating paragraph (1) as paragraph (m) and substituting a new paragraph (1) as follows:

§ 4.40 Contents.

(1) Those applications within the purview of § 2.81(a) of Part 2 of Chapter I must be accompanied by a detailed statement of the environmental factors enumerated in § 2.80.

(C) Section 5.1 in Part 5, Subchapter (B), Chapter I, Title 18, Code of Federal Regulations is amended by inserting a new sentence between the first and second sentences. As amended this portion of section 5.1 will read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of Chapter 1 shall apply to all applications for amendment of license as defined therein. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. * * *

(D) Paragraph (a) of Section 157.14, in Subchapter E, Chapter I, Title 18, Code of Federal Regulations is amended by adding a new subparagraph (6–d) to read as follows:

§ 157.14 Exhibits

(a) To be attached to each application.

(6) Exhibit F—Location of facilities.

(6–d) Exhibit F–IV—Statement by the Applicant concerning the requirements of the National Environmental Policy Act of 1969, Public Law 91–190, 83 Stat. 852, Title I, Section 102.

The applicant shall provide a brief statement concerning the following factors:

(i) the environmental impact of the proposed actions.

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(E) The amendments herein adopted shall become effective upon the issuance of this order.

(F) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

GORDON M. GRANT,
Secretary.

[From the Federal Register, Dec. 4, 1971]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(Title 10—Atomic Energy, Chapter 1—Atomic Energy Commission, Part 50—Licensing of Production and Utilization Facilities)

On June 3, 1970, the Atomic Energy Commission published for comment in the FEDERAL REGISTER proposed amendments to its regulations in 10 CFR Part 50. Appendix D, a statement of general policy that indicates how the Commission will exercise its responsibilities under the National Environmental Policy Act of 1969, Public Law 91–190, with respect to the licensing of power reactors and fuel reprocessing plants (35 F.R. 8594). The proposed amendments would revise Appendix D to reflect (1) the guidance of the Council on Environmental Quality, and (2) the enactment of the Water Quality Improvement Act of 1970.

REVISED APPENDIX D AS PUBLISHED FOR COMMENT

Under revised Appendix D set out in the notice of proposed rulemaking, applicants for construction permits for nuclear power reactors and fuel reprocessing plants would be required to submit with the application a separate report on specified environmental considerations. Applicants for operating licenses for such facilities would be required to submit a report discussing the same environmental considerations, to the extent that they differ significantly from those discussed in the report submitted at the construction permit stage.

Copies of such reports would then be transmitted by the Commission, with a request for comments, to Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate. A summary notice of availability of such reports would be published in the Federal Register, with a request for comment on the proposed action and on the report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards.

After receipt of the comments of the Federal, State, and local agencies, the Commission's Director of Regulation or his designee would prepare a Detailed Statement on the environmental considerations, including, where appropriate, a discussion of problems and objections raised by such agencies and the disposition thereof. In preparing the Detailed Statement, the Director of Regulation or his designee could rely, in whole or in part, on, and incorporate by reference, the appropriate Applicant's Environmental Report, and the comments thereon submitted by Federal, State, and local agencies, as well as the regulatory staff's radiological safety evaluation.

Revised Appendix D as published for comment provided that both the Applicant's Environmental Reports and the Detailed Statements would be required with respect to water quality aspects of the proposal covered by section 21(b) of the Federal Water Pollution Control Act, to include only a reference to the certification issued pursuant to section 21(b) or to the basis on which such certification is not required. License conditions imposed under Appendix D, requiring observance of standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved, would not apply to matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.

The types of materials licenses to which procedures and measures similar to those for nuclear power reactors and fuel reprocessing plant licenses would be applied were indicated in the notice of proposed rulemaking.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rulemaking in the Federal Register on June 3, 1970. The Commission has received a number of comments reflecting a variety of, and sometimes conflicting, points of view. All comments have been carefully considered. A number of the comments received are discussed below. Upon consideration of these comments and other factors involved, the Commission has adopted the revised Appendix D set out below.

SIGNIFICANT CHANGES FROM PROPOSED APPENDIX D

Before discussing the new or amended provisions of Appendix D as adopted by the Commission, it is considered appropriate to point out, by way of background, that the Commission, under the Atomic Energy Act of 1954, as amended, is required to hold a public hearing at the construction permit stage for, among other facilities, each nuclear power reactor and fuel reprocessing plant. This hearing is required whether or not there is a contest regarding the issuance of the permit. At the operating license stage there is opportunity for a further public hearing at the request of any person whose interest may be affected by the proceeding. A central purpose of these hearings under the Atomic Energy Act of 1954, as amended, is to provide an open, public review of the radiological effects of the facility on the environment.

In section 102 of the National Environmental Policy Act of 1969, the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in that Act. While this provision does not specifically refer to Federal licensing of private activities, the Commission has interpreted it to embrace licensing to the extent and in the manner described below. Consequently, in implementing the National Environmental Policy Act of 1969, attention has been directed to nonradiological environmental effects as well as radiological effects.

With respect to nuclear power plants, the principal environmental effects are radiological effects, and the thermal effects of cooling water discharges. There are other environmental effects as well—for example, in the areas of noise, recreation, esthetics, etc. In view of the Commission's new responsibilities under the National Environmental Policy Act of 1969, it has recognized that some environmental amenities and values are presently quantified and that some are as yet unquantified. The Commission has sought to give appropriate recognition to both categories, as well as to take into account the traditional role played by State and local governments in the protection of the environment.

The significant new or amended provisions of Appendix D as adopted by the Commission are:

1. The Commission believes that the preservation of environmental values can best be accomplished through the establishing of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. In the case of water quality, the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970, has established a system of federally approved State standards for water quality and a requirement that Federal licensing agencies be provided a certification from the appropriate State, interstate, or Federal authority that there is reasonable assurance that the activity to be licensed will be conducted in a manner which will not violate applicable water quality standards. The Commission urges the appropriate agencies to proceed promptly to establish standards and requirements for other aspects of environmental quality.

2. In a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or fuel reprocessing plant, any party to the proceeding may raise as an issue whether the issuance of the permit or license would be likely to result in a significant adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, consideration will be given to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis the growing national requirements for electric power.

With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose. In any event there will be incorporated in construction permits and operating licenses a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved.

3. In order to provide an orderly period of transition in the conduct of the Commission's regulatory proceedings and to avoid unreasonable delays in the construction and operation of nuclear power plants urgently needed to meet the national requirements for electric power, the issues described in paragraph 2 above may be raised only in proceeding in which the notice of hearing in the proceedings is published on or after March 4, 1971.

4. The issues described in paragraph 2 above would not apply to (a) radiological effects since radiological effects are considered pursuant to other provisions of Part 50 or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.[1] If any party raised any issue as described in paragraph 2 above, the Applicant's Environmental Report and the Detailed Statement would be offered in evidence.

5. If no party to such a proceeding, including AEC staff, raised any issue as described in paragraph 2 above, those issues would not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review process, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process.

6. If any of the issues described in paragraph 2 above were properly raised by a

---

[1] Under section 21(b) the Commission is generally prohibited from issuing a construction permit or operating license for a facility discharging effluents into navigable waters without having received a certificate from the State or interstate water pollution control agency or the Secretary of the Interior, as appropriate, that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards. (Under Reorg. Plan No. 3 of 1970, the function of the Secretary of the Interior in this regard will be exercised by the Administrator of the Environmental Protection Agency.) In addition, as noted in paragraph 7c, the AEC will include a condition in construction permits and operating licenses for power reactors and fuel reprocessing plants to the effect that the licensee shall comply with all applicable requirements of section 21(b).

party to the proceeding, the atomic safety and licensing board would make findings of fact on and resolve the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license could be granted, denied or appropriately conditioned to protect environmental values.

7. In addition, revised Appendix D will:

(a) Require, as soon as practicable, the filing of Environmental Reports by holders of construction permits and preparation of Detailed Statements in cases where a Detailed Statement has not previously been prepared;

(b) Provide for the inclusion of a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved, in construction permits and operating licenses previously issued which do not contain such condition;

(c) Provide for the inclusion of a condition to the effect that the licensee shall comply with all applicable requirements of section 21(b) of the Federal Water Pollution Control Act, in construction permits and operating licenses whenever issues;[2]

(d) Require the discussion of water quality aspects of the proposed action, whether or not covered by section 21(b) of the Federal Water Pollution Control Act, in Environmental Reports and Detailed Statements;

(e) Provide that, after receipt of an Environmental Report, the Director of Regulation or his designee will prepare a draft Detailed Statement which, with the Environmental Report, will be circulated to cognizant agencies for comment, and that a final Detailed Statement will be prepared after receipt of comments on the draft Statement and Report.

DISCUSSION OF COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING PUBLISHED JUNE 3, 1970

One comment raised questions as to the wisdom of the policy which Appendix D implements, and of the applicability of that policy to AEC licensing actions. The Commission is of the view that the National Environmental Policy Act of 1969 requires the AEC to take appropriate action to implement that Act, and that Appendix D, both in its proposed form and in the form adopted, expresses a reasonable, although not necessarily the only possible, technique of implementing the goals set forth in the Act.

The suggestion was made in the comments of the Calvert Cliffs Coordinating Committee, National Wildlife Federation, and the Sierra Club that the Commission should apply the requirements of Appendix D to holders of construction permits issued without consideration of environmental factors who have not yet applied for an operating license, and suspend the construction permits pending investigation of the environmental impact of the facility.[3] Those comments also suggest that the Commission require "backfitting" of facilities—that is, the addition, elimination, or modification of structures, systems, or components of a facility after a construction permit has been issued—if it finds that such action will provide substantial, additional protection of the environment.

Scenic Shoreline Preservation Conference, Inc., suggested that full compliance with the National Environmental Policy Act of 1969 be required for major Federal actions taken after January 1, 1971, and, with respect to Federal actions taken between January 1, 1970, and January 1, 1971, that the AEC issue to the license or permit applicant an order to show cause why that Act should not be fully enforced.

As noted above, the Commission has modified Appendix D to require, as soon as practicable, the filing of Environmental Reports by holders of construction permits who have not filed an application for an operating license, and preparation of Detailed Statements, in cases where a Detailed Statement has not previously been prepared. Paragraph 10 of proposed Appendix D (redesignated as paragraph 9) has been amended to provide that the condition described in that paragraph (requiring permittees and licensees to observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved) will also be included in permits and licenses previously issued which do not contain such a condition.

The suggestion that construction permits issued without prior consideration of environmental factors by the Commission be suspended pending the investigation of the environmental impact of the facility has not been adopted. Whether suspension is appropriate is a matter to be determined pursuant to Subpart B of the Commission's rules of practice, 10 CFR Part 2, in the light of requirements established in Appendix D as herein adopted.

The suggestion that "backfitting" be required for facilities under construction or already operating has also not been adopted. In the Commission's program for the regulation of facilities, the primary times of decisionmaking are at the issuance of the construction permit, and at the issuance of the operating license. The pattern for implementation of the requirements of the National Environmental Policy Act of 1969 outlined in revised Appendix D contemplates that consideration of environmental impact in the Commission's decisionmaking process will be given primarily at the construction permit stage so as to afford the greatest latitude for early, appropriate action. Environmental matters differing significantly from those considered at the construction permit stage, or when the first Environmental Report is filed as described in paragraph 7a above, would, however, be considered at the operating license stage. The Commission believes that this approach affords the full review of environmental matters in connection with agency decisionmaking required by the National Environmental Policy Act of 1969 and, together with the condition described in redesignated paragraph 9 of revised Appendix D, reflects a reasonable balancing of the various public interest considerations involved.

Calvert Cliffs Coordinating Committee, National Wildlife Federation, and the Sierra Club also urged that since the Water Quality Improvement Act of 1970 (Public Law 91-244) only requires certification of compliance with applicable water quality standards for projects for which construction was begun after April 3, 1970, the Commission is constrained, under the National Environmental Policy Act of 1969, to determine what water quality standards should be applied to facilities under construction before April 3, 1970, and whether the facility will conform to them. The Commission remains of the view that the requirements of section 21(b) of the Federal Water Pollution Control Act supercede pro tanto the more general environmental requirements of sections 102 and 103 of the National Environmental Policy Act of 1969. It should be noted, however, that Appendix D has been revised to (1) indicate that water quality aspects of the proposed action should be discussed in Applicant's Environmental Reports and in Detailed Statements and (2) provide for the inclusion in construction permits and operating licenses of conditions requiring compliance with the applicable requirements of section 21(b).

One comment urged that the atomic safety and licensing board should hear evidence concerning environmental matters pass on the adequacy of the Detailed Statement and make findings concerning environmental impact. Other comments pertained to the content of the Applicant's Environmental Report and the Detailed Statement, service of copies, notification of parties, and admissibility of such Reports. Statements, and other material relating to environmental protection in evidence. Under revised Appendix D. Environmental Reports, Detailed Statements, and other material dealing with environmental effects could be introduced in evidence and made a part of the record for decision in facility licensing proceedings under the above-described circumstances. If such material were offered and/or received in evidence, Commission rules pertaining to evidentiary material would, of course, apply. Copies of FEDERAL REGISTER notices of the availability of Environmental Reports and draft Detailed Statements and information pertaining to agencies receiving and requesting copies of such Reports and comments will be available on request, without specific provision in Appendix D.

It was also requested that the Federal, State, and local agencies having jurisdiction by law or special expertise with respect to environmental impact to which applicable Environmental Reports are submitted, and agencies authorized to develop and enforce environmental standards, be identified. The Commission does not consider it practical to do so in the regulation, since the particular agencies having expertise may not necessarily be the same in each case. With respect to State and local agencies, the notice provided in the FEDERAL REGISTER and the notice provided to the Governor of the State in which the facility is to be located are intended to assure that the appropriate agencies are notified.

Several comments evidenced some uncertainty concerning the statement in paragraph 5 of Appendix D to the effect that, with respect to the operation of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full power operation of the facility.

The intent of that statement was to identify the particular operating licensing action in connection with which the Detailed Statement would be omitted at the construction permit stage. This has been made clear in revised Appendix D set out below.

One comment suggested that the requirement for the submission of Applicant's Environmental Reports be modified to permit submission as soon after the submission of the application as practicable. In view of the desirability of an early resolution of questions related to the environment impact of nuclear facilities, as indicated in the interim guidelines published by the Council on Environmental Quality on May 12, 1970 (35 F.R. 7390), it is not considered advisable to extend the time for filing such Reports.

---

[2] The Commission intends to issue a separarate statement of general policy and procedure to indicate in greater detail how it intends to exercise its responsibilities under section 21(b) of the Federal Water Pollution Control Act.

[3] The suggestions of those commentators were also the subject of a petition for rulemaking by the same persons. The petition was denied in a notice published in the FEDERAL REGISTER on Aug. 6, 1970 (35 F.R. 12566). The notice of denial stated that the Commission would consider carefully, and address itself to the matter raised by the petition for rulemaking in the instant rulemaking proceeding. The same suggestions were also made by Scenic Shoreline Preservation Conference, Inc., in a petition for rulemaking filed July 13, 1970. The discussion herein is also applicable to the suggestions contained in that petition.

The Atomic Energy Council of the State of New York and the General Electric Co., in their comments, requested clarification of proposed Appendix D with respect to determinations as to the applicability and validity of, and compliance with, State standards and requirements for the protection of the environment. Paragraphs 11, 12, and 13 in revised Appendix D clarify those matters.

A suggestion was made that comments on Applicant's Environmental Reports at the operating license stage be solicited from Federal and State agencies only as to environmental considerations that differ significantly from those discussed in the Environmental Report previously submitted with the application for a construction permit. Paragraphs 3 and 4 of revised Appendix D provide that such comments will be requested only as to environmental matters that differ significantly from those considered at the construction permit stage.

It may be noted that the Commission would, as a matter of practice, routinely send a copy of Applicant's Environmental Reports and of Detailed Statements to the Governor of any affected State(s) or his designee(s). It should also be noted that the Commission intends to provide appropriate guidance as to the scope and content of Applicant's Environmental Reports.

In its consideration of Appendix D, the Commission has recognized the public interest in protecting the environment as well as the public interest in avoiding unreasonable delay in meeting the growing national need for electric power.

The public is demanding substantially more electric power, and it is expecting the power to be available, without shortages or blackouts. Electric power use in the United States has been doubling about every 10 years. If prevailing growth pattern and pricing policies continue, electric power capacity may need to triple or quadruple in the next two decades. Meanwhile during the coming winter and summer and for the next few years, there is a real electric power and fuel crisis in this country.[4]

Various authoritative statements and reports have stressed that the urgent near term need for electric power requires that delays be held to an absolute minimum. Also reports looking to the implementation of improved institutional arrangements on siting of power plants recommend procedures for expediting the process consistent with protection of the environment. Thus in the Report "Electric Power and the Environment" published by the Energy Policy Staff of the Office of Science and Technology in August 1970, in which all of the Federal agencies responsible for environmental and power programs participated, the Basic Findings stated:

New public agencies and review procedures must take into account the positive necessity for expediting the decision-making process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while protecting the environment.

The Commission believes that revised Appendix D takes into account the necessity for avoiding undue delays in order to provide adequate electric power and that it reflects a balanced approach toward carrying out the Commission's environmental protection responsibilities under the National Environmental Policy Act of 1969 and the Atomic Energy Act of 1954, as amended. Its main concern here has been to find out and strike a reasonable balance of those considerations in the overall public interest. The Commission expects that revised Appendix D will be implemented to that end.

Pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations. Part 50 is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the amendment to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given to such submission with the view to possible further amendments. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

(Appendix D is revised to read as follows:)

APPENDIX D—STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91–190)

On January 1, 1970, the National Environmental Policy Act of 1969 (Public Law 91–190) became effective. The stated purposes of that Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Section 101(b) of that Act provides that, in order to carry out the policy set forth in the Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources toward certain stated ends.

In section 102 of the National Environmental Policy Act of 1969 the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in the Act. All agencies of the Federal Government are required, among other things, to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on certain specified environmental considerations. Prior to making the detailed statement, the responsible Federal official is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

Since the enactment of the National Environmental Policy Act of 1969, the President has issued Executive Order 11514, dated March 5, 1970, in furtherance of the purpose and policy of that Act, and the Council on Environmental Quality established by title II of that Act has issued interim guidelines to Federal departments, agencies and establishments for the preparation of the detailed statements on environmental considerations (35 F.R. 7390, May 12, 1970).

On April 3, 1970, the Water Quality Improvement Act of 1970 (Public Law 91–224) became effective. That Act redesignated section 11 of the Federal Water Pollution Control Act as section 21 and amended redesignated section 21 to require, in subsection 21(b)(1), any applicant for a Federal license or permit to conduct any activity, including the construction or operation of a facility, which may result in any discharge into the navigable waters of the United States, to provide the Federal licensing agency a certification from the State in which the discharge originates, or from an interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates, or the Secretary of the Interior, in cases where water quality standards have been promulgated by the Secretary under section 10(c) of the Federal Water Pollution Control Act or where the State or interstate agency has no authority to give such certification, that there is reasonable assurance, as determined by such certifying authority, that the activity will be conducted in a manner which will not violate applicable water quality standards.

The Commission expressly recognizes the positive necessity for expediting the decision-making process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while at the same time protecting the quality of the environment. It expects that its responsibilities under the National Environmental Policy Act of 1969, as set out below, and the Federal Water Pollution Control Act, will be carried out in a manner consistent with this policy in the overall public interest.

Pending the issuance of further guidance by the Council on Environmental Quality and consistent with the public interest in avoiding unreasonable delay in meeting the growing national need for electric power, the Commission will exercise its responsibilities under the National Environmental Policy Act and the Atomic Energy Act of 1954, as amended, as follows:

1. Each applicant for a permit to construct a nuclear power reactor or a fuel reprocessing plant shall submit with his application one hundred and fifty (150) copies, including one reproducible copy, of a separate document, to be entitled "Applicant's Environmental Report—Construction Permit Stage," which discusses the following environmental considerations:

(a) The environmental impact of the proposed action,

(b) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(c) Alternatives to the proposed action,

(d) The relationship between local short-term uses of man's environment and the maintenance and enchancement of long-term productivity, and

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

---

[4] Chairman Nassikas of the Federal Power Commission stated, at hearings before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, on August 3, 1970: "The current situation is such that little leeway remains for additional delays if the country is to avoid critical future shortages in meeting anticipated real power needs."

In a "Statement on the Fuel Situation for the Winter of 1970–71," Paul W. McCracken, Chairman, Council of Economic Advisers, and General George A. Lincoln, Director, Office of Emergency Preparedness, said:

"We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern."

Each holder of a permit to construct a nuclear power reactor or a fuel reprocessing plant issued without the Detailed Statement described in paragraph 5 having been prepared, who has not filed an application for an operating license, shall submit one hundred and fifty (150) copies, including one reproducible copy, of an Environmental Report as soon as practicable.

2. Each applicant for a license to operate a nuclear power reactor or a fuel reprocessing plant shall submit with his application one hundred and fifty (150) copies, including one reproducible copy, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same environmental considerations described in paragraph 1, but only to the extent that they differ significantly from those discussed in the Applicant's Environmental Report previously submitted with the application for a construction permit, if any. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report previously submitted with the application for a construction permit, if any. With respect to the operation of nuclear power reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full-power operation of the facility.[1]

3. After receipt of any Applicant's Environmental Report, the Director of Regulation or his designee will analyze the report and prepare a draft Detailed Statement of environmental considerations. The draft Detailed Statement may consist, in whole or in part, of the comments of the Director of Regulation or his designee on the Applicant's Environmental Report. The Commission will then transmit a copy of the report and of the draft Detailed Statement to such Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate, with a request for comment on the report and the draft Detailed Statement within thirty (30) days.[2] Comments on an "Applicant's Environmental Report—Operating License Stage" and on the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ significantly from those previously considered at the construction permit stage. The Commission may extend the period for comment if it determines that such an extension is practicable. If any such Federal agency fails to provide the Commission with comments within thirty (30) days after the agency's receipt of the report and draft Detailed Statement or such later date as may have been specified by the Commission, it will be presumed that the agency has no comment to make.

4. Upon receipt of any Applicant's Environmental Report and preparation of a draft Detailed Statement[2] in connection therewith, the Commission will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the report and the draft Statement. (In accordance with § 2.101(b) of Part 2, the Commission will also send a copy of the application to the Governor or other appropriate official of the State in which the facility is to be located and will publish in the FEDERAL REGISTER a notice of receipt of the application, stating the purpose of the application and specifying the location at which the proposed activity will be conducted.) The summary notice to be published pursuant to this paragraph will request, within sixty (60) days or such longer period as the Commission may determine to be practicable, comment on the proposed action and on the report and the draft Statement, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. Comments on an Applicant's Environmental Report—Operating License Stage and the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ significantly from those previously considered at the construction permit stage. The summary notice will also contain a statement to the effect that a copy of the report and the draft Statement and comments of Federal agencies thereon will be supplied to such State and local agencies on request. If any such State or local agency fails to provide the Commission with comments within sixty (60) days of the publication of the summary notice or such later date as may have been specified by the Commission, it will be presumed that the agency has no comment to make.

5. After receipt of the comments requested pursuant to paragraphs 3., and 4., the Director of Regulation or his designee will prepare a final Detailed Statement on the environmental considerations specified in paragraph 1., including, where appropriate, a discussion of problems and objections raised by Federal, State, and local agencies and the disposition thereof. In preparing the Detailed Statement, the Director of Regulation or his designee may rely, in whole or in part, on, and may incorporate by reference, the appropriate Applicant's Environmental Report, and the comments submitted by Federal, State, and local agencies pursuant to paragraphs 3., and 4., as well as the regulatory staff's radiological safety evaluation. The Detailed Statement will relate primarily to the environmental effects of the facility that is subject to the licensing action involved.

Detailed Statements prepared in connection with an application for an operating license will cover only those environmental considerations which differ significantly from those discussed in the Detailed Statement previously prepared in connection with the application for a construction permit and may incorporate by reference any information contained in the Detailed Statement previously prepared in connection with the application for a construction permit. With respect to the operation of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility.[3]

6. With respect to water quality aspects of the proposed action covered by section 21(b) of the Federal Water Pollution Control Act, the Environmental Reports submitted by applicants pursuant to paragraphs 1., and 2., and the Detailed Statements prepared pursuant to paragraph 5. shall include a reference to the certification issued pursuant to section 21(b) or applied for or to be applied for pursuant to that section, or to the basis on which such certification is not required. Such reports and statements shall include a discussion of the water quality aspects of the proposed action, whether or not they are covered by section 21(b) of the Federal Water Pollution Control Act.[4]

7. The Commission will transmit to the Council on Environmental Quality copies of (a) each Applicant's Environmental Report, (b) each draft Detailed Statement, (c) comments thereon received from Federal, State, and local agencies, and (d) each Detailed Statement prepared pursuant to paragraph 5. Copies of such reports, draft statements, comments and statements will be made available to the public as provided by section 552 of title 5 of the United States Code, and will accompany the application through the Commission's review processes. After each Detailed Statement becomes available, a notice of its availability will be published in the FEDERAL REGISTER.

8. With respect to proceedings which take place in the transitional period required to establish the new procedures described in this appendix, it is recognized that the Detailed Statements may not be as complete as they will be after there has been an opportunity to coordinate those procedures, with the other agencies involved, and, further, that some period of time may be required before full compliance with the procedures themselves can be achieved.

9. The Commission will incorporate in all construction permits and operating licenses for power reactors and fuel reprocessing plants, whenever issued a condition, in addition to any conditions imposed pursuant to paragraphs 12 and 14, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to (a) radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license, or (b) matter of water quality covered by section 21(b) of the Federal Water Pollution Control Act since the requirements of section 21(b) supersede pro tanto the more general requirements of sections 102 and 103 of the National Environmental Policy Act of 1969.[5] This condition shall also not be constructed as extending the jurisdiction of this agency to making an independent review of standards or requirements validly imposed pursuant to authority established under Federal and State law.

10. The Commission believes that the preservation of environmental values can best be accomplished through the establishing of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. The Commission urges the appropriate agencies to proceed promptly to establish such standards and requirements.

11. (a) Any party to a proceeding for the issuance of a construction permit for an operating license for a nuclear power reactor or a fuel reprocessing plant may raise as an issue in the proceeding whether the issuance

---

[1] This report is in addition to the report required at the construction permit stage.

[2] A draft Detailed Statement will not be prepared in cases where the Applicant's Environmental Report has been transmitted to the cognizant agencies for comment prior to Dec. 4, 1970.

[3] This Statement is in addition to the Statement prepared at the construction permit stage.

[4] With respect to water quality aspects of the proposed action covered by said section 21(b), such a discussion need not be included in cases where the Applicant's Environmental Report has been submitted by the applicant prior to Dec. 4, 1970.

[5] Paragraph 14 provides for the inclusion of separate condition requiring compliance with applicable requirements of section 21 (b) of the Federal Water Pollution Control Act.

of the permit or license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, consideration will be given to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis the growing national requirements for electric power. The above-described issues shall not be construed as including (a) radiological effects, since radiological effects are considered pursuant to other provisions of this part or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. This paragraph applies only to proceedings in which the notice of hearing in the proceeding is published on or after March 4, 1971.

(b) With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

(c) In any event, there will be incorporated in construction permits and operating licenses a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved.

12. If any party to a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises any issue described in paragraph 11, the Applicant's Environmental Report and the Detailed Statement will be offered in evidence. The atomic safety and licensing board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license may be granted, denied, or appropriately conditioned to protect environmental values.

13. When no party to a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises any issue described in paragraph 11, such issues will not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review processes, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process.

14. The Commission will incorporate in all construction permits and operating licenses for power reactors and fuel reprocessing plants, whenever issued, a condition, in addition to any conditions imposed pursuant to paragraphs 9 and 12, to the effect that the licensee shall comply with all applicable requirements of section 21(b) of the Federal Water Pollution Control Act.

Nothing in this Appendix shall be construed as affecting (a) the manner in which the Commission obtains advice from other agencies, Federal and State, with respect to the control of radiation effects, or (b) the other, and separate, provisions of the construction permit and operating license which deal with radiological effects.

Procedures and measures similar to those described in the preceding paragraphs of this appendix will be followed in proceedings other than those involving nuclear power reactors and fuel reprocessing plants when the Commission determines that the proposed action is one significantly affecting the quality of the human environment. The Commission has determined that such proceedings will ordinarily include proceedings for the issuance of the following types of materials licenses: (a) Licenses for possession and use of special nuclear material for fuel element fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial. The procedures and measures to be followed with respect to materials licenses will, of course, reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. Ordinarily, therefore, there will be only one Applicant's Environmental Report required and only one Detailed Statement prepared in connection with an application for a materials license. If a proposed subsequent licensing action involves environmental considerations which differ significantly from those discussed in the Environmental Report filed and the Detailed Statement previously prepared in connection with the original licensing action, a supplementary Environmental Report will be required and a supplementary Detailed Statement will be prepared. (Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Washington, D.C., this 3d day of December 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[From U.S. Atomic Energy Commission AEC Manual, May 28, 1970]

ATOMIC ENERGY COMMISSION INTERIM OPERATIONAL PROCEDURES FOR IMPLEMENTING SECTION 102(2)(C) OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

The National Environmental Policy Act of 1969 (NEPA), Executive Order 11514 (E.O. 11514) dated March 5, 1970, and the Interim Guidelines (Guidelines) of the Council on Environmental Quality (Council) dated April 30, 1970, provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human evironment.

The following interim procedures have been adopted by the Atomic Energy Commission (AEC) to implement Section 102(2)(C) of the NEPA, E.O. 11514 and the Guidelines (copy of each attached).

These interim procedures are applicable to all units and organizations of the AEC reporting to or through the General Manager (GM) of the AEC.

PURPOSE

These procedures are intended to provide guidance for:

(1) Identifying those AEC actions requiring environmental statements;

(2) Obtaining information and internal AEC review required for the preparation of environmental statements;

(3) Designating the officials who are to be responsible for preparation, review and signing of the statements;

(4) Consulting with and taking into account the comments of appropriate Federal, State and local agencies; and

(5) Meeting requirements for providing timely public information on proposals for legislation and for other major actions having a potential significant adverse effect on the human environment.

INTERNAL REVIEW PROCEDURE

Budget process

(a) The requirements of the NEPA, E.O. 11514 and the Guidelines shall be met through the AEC budget process to the maximum extent practicable.

Proposed Project or Activity Resulting from Fiscal Year (FY) 1971 and Prior Annual Authorization and Appropriations Legislation

Each Program Division Director shall review such portions of the FY 1971 and prior annual AEC authorization and appropriations legislation for which he has programmatic or budgetary responsibility and identify, after consultation as appropriate with the Field Office Manager, Special Assistant for Environmental Affairs (SA/EA), the Assistant General Manager for Operations (AGMO,[1] and the General Counsel (GC), any proposed project or activity not yet undertaken which appears to have the potential to have significant adverse effect on the quality of the human environment. A draft statement should be prepared for each such project or activity for consideration by the Commission.[2] Preparation of such statement, to the extent practical, shall be in accordance with (1)(c) below.

Proposed Projects or Activities for Fiscal Year 1972 and Subsequent Fiscal Year Budgets

a. Field Office Managers shall promptly instruct all contractors participating in the AEC budget process to prepare and submit by July 31, 1970, brief analyses of any potential adverse environmental impact of proposed line items, major General Plant Projects (GPP) or equipment items, and other proposed new activities provided for in their respective budget submission for FY 1972. Such analyses shall be included as a part of each subsequent FY budget submission.

b. Such analyses shall be prepared by Field Office Managers (Directors of Program Divisions as appropriate) for such projects or activities to be conducted by AEC directly or through contractors not participating in the budget process.

(b) With respect to any such proposed project or activity (i.e., line items, major GPP or equipment items, or other activity, identified by B.*2a* or *b* above) which a Program Division Director decides to support for inclusion in the AEC budget, the Program Division Director, in consultation with the SA/EA, AGMO and GC, shall determine whether any such proposed project or activity has the potential to have a significant adverse affect on the quality of the human environment. Where such potential is determined to exist, the Program Division Director shall direct the preparation of a draft environmental statement. The statement shall be submitted for the review of SA/EA, AGMO [3], and GC.

(c) The draft environmental statement shall be prepared in accordance with Item

---

[1] The AGMO is authorized to delegate to or obtain assistance from any AEC unit or organization reporting to or through the GM in carrying out his responsibilities under these procedures.

[2] Commission means the Commission of five members or a quorum thereof.

[3] The AGMO will have the statement reviewed as appropriate by Divisions and offices having special expertise in environmental matters, e.g., Operational Safety, Biology and Medicine, and Division of Reactor Development and Technology.

7 of the Guidelines, except with respect to water quality aspects. In that case the statement should indicate compliance with the applicable standards of the Federal Water Pollution Control Act, as amended (see sec. 21(a) as amended by the Water Quality Improvement Act of 1970), or an explanation as to why those standards cannot be met.

(d) Following such review with respect to projects or activities proposed for inclusion in FY 1972 budgets and subsequent FY budgets, the initiating division will forward a draft statement to the Controller who will incorporate it as part of the information to be considered by the Budget Review Committee (BRC). The BRC will recommend to the GM whether or not such projects or activities should be included in the AEC budget. With regard to projects or activities so recommended for inclusion and for such other projects as the GM may direct, the AGMO will prepare a paper for discussion with the Commission, which will include recommendations concerning the following:

1. Whether or not a project or activity should be deemed to constitute a major Federal action which significantly affects the quality of human environment.

2. The method for obtaining comments of other Federal agencies and the agencies from which comments should be sought.

3. The method for obtaining comments of State and local agencies and the agencies from which comments should be sought.

4. Proposed public information program regarding each project or activity.

5. The content of the draft environmental statement.

(e) Projects or activities identified in (1)(a) (*1*) above as requiring a draft statement shall be prepared and forwarded by the Program Division Director to the AGMO who will prepare a paper for discussion with the Commission which will include recommendations concerning items *1* through *5* of (1)(d). The SA/EA will advise the GM with respect to the recommendations.

Major actions involving changes or additions to present operations

(a) Field Office Managers shall promptly instruct all contractors to prepare brief analyses of the environmental impact of any proposed major change in continuing projects or activities or of proposed new projects or activities, not identified by the process described in (1)(a) *1* or *2* above, which have a potential for a significant adverse effect on the quality of the human environment.

For AEC direct operations and those conducted through contractors not participating in the budget process the analyses shall be prepared by Field Office Managers (Directors of Program Divisions as appropriate). Analyses for which the Field Office Managers are responsible shall be submitted to the appropriate Division Director having program or budgetary responsibility.

(b) Where the potential for a significant adverse effect on the human environment is identified from the analyses prepared under (2)(a) above, the Program Division Director, after consultation as appropriate with the SA/EA, AGMO and the GC, shall prepare a draft statement and forward it to the AGMO who will follow the applicable procedures set forth in (1)(e) above.

Comment on environmental statements

(a) Except as otherwise provided by the Bureau of the Budget (BOB) the AGMO shall be responsible for obtaining comments of Federal agencies and State and local agencies in accordance with Item 9 of the Guidelines. Ordinarily comments of State and local agencies will be obtained by publication of the draft statement in the Federal Register.

(b) Time to be Allowed for Comment

1. Federal agencies—not less than 30 days.

2. State and local agencies—not less than 60 days.

Final environmental statement

After receipt of comments from Federal agencies and State and local agencies a final environmental statement shall be prepared taking into account such comments. This statement shall be prepared by the AGMO after appropriate consultation with the Program Director, SA/EA and the GC for a signature by the GM. Copies of the statement will be forwarded to the Council in accordance with (6) below.

Responsible official

All final environmental statements will be prepared for the signature of the GM who is hereby designated the "responsible official."

Distribution of statement to council

In accordance with Item 10(b) of the Guidelines.

Recommendations for reports on non-AEC proposed legislation

AEC reports on legislation initiated outside AEC shall be developed in accordance with Item 6 of the Guidelines and as provided by the BOB.

Staff papers

All papers on which Commission action is expected relating to proposed projects and activities shall include information on the anticipated environment impact.

AEC POLICY DETERMINATIONS

In addition to the criteria set forth in D. below for determining whether a proposed project or activity has the potential to significantly affect the quality of the human environment, the AEC has determined as a matter of policy that an environmental statement will be prepared in accordance with Sec. 102(2)(C) of the NEPA in connection with proposed projects or activities which involve the following:

(1) New AEC Power and Production reactors.

(2) Reactivation of existing AEC Power and Production reactors.

(3) Cooperative arrangements with industry for the construction of demonstration nuclear power plants.

(4) Establishment of long-term AEC waste storage facilities.

(5) Fuel Element Reprocessing facilities.

(6) Nuclear cratering tests conducted on the Nevada Test Site (NTS) or the Supplemental Test Site in Nevada (STS).

(7) Plowshare experimental projects not conducted at NTS or STS.

(8) Nuclear test conducted on the Island of Amchitka, Alaska.

(9) Nuclear test of more than one megaton conducted at NTS or STS. Statements will be prepared on an individual test basis.

(10) Nuclear test programs of one megaton or less conducted at NTS or STS. Statements will be prepared annually covering the total program.

CRITERIA FOR DETERMINING WHETHER A PROPOSED PROJECT OR ACTIVITY HAS THE POTENTIAL TO HAVE A SIGNIFICANT ADVERSE AFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT

(1) The interim Guidelines (*Federal Register* dated May 12, 1970).

(2) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases.

(3) Section 102(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment or serves short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH FEB. 28, 1971 (BY PROJECT TYPE)

Project	Draft statements[1]	Final statements[2]	Total actions[3]
Airplanes	0	1	1
Airports	26	18	44
Beach erosion	1	12	13
Buildings/property	8	1	9
Bridges	7	2	9
Defense systems	1	0	1
Flood control	26	85	111
Forestry	3	3	6
Natural gas transportation	0	1	1
Housing/urban problems	3	0	3
Hurricane protection	1	0	1
Insecticides/herbicides	2	1	3
International boundary	2	0	2
Irrigation	2	0	2
Legislation	2	7	9
Mass transit	2	0	2
Food inspection	2	0	2
Military disposal	3	1	4
Mining	4	2	6
Navigation	8	56	64
New communities	0	1	1
Nuclear industry	1	2	3
Nuclear research	1	0	1
Nuclear testing	2	1	3
Oil	1	2	3
Parks, wildlife refuges	0	2	2
Pipeline (oil)	1	0	1
Power (nuclear)	20	12	32
Power (nonnuclear)	8	3	11
Power transmission	2	1	3
Radioactive waste disposal	1	0	1
Railroads	1	0	1
Resource hauling	1	0	1
Roads (excluding 4(f)'s)	105	2	107
Water resources	9	9	18
Space program	14	0	14
Watersheds	10	42	52
Weather modification	5	0	5
Total	285	267	552

[1] Draft statements for actions on which no final statements have yet been filed.

[2] Final statements on legislation and actions.

[3] Total actions on which final or draft statements for Federal actions have been received.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAR. 31, 1971 (BY AGENCY)

Agency[1]	Draft 102's[2]	Final 102's[3]	Total actions[4]
Agriculture	19	49	71
Appalachian Regional Commission	1	0	1
Army	1	0	1
Army Corps of Engineers	36	151	187
Atomic Energy Commission	25	15	40
Defense	3	2	5
Delaware River Basin Commission	1	0	1
Environmental Protection Agency	0	4	4
Federal Power Commission	2	4	6
General Services Administration	7	0	7
Housing and Urban Development	2	1	3
Interior	23	17	40
International Boundary and Water Commission—United States and Mexico	3	0	3
NASA	14	0	14
National Science Foundation	2	0	2
Tennessee Valley Authority	3	0	3
Transportation	141	24	165
Treasury	2	0	2
Total	285	267	552

[1] "4(f)" statements received from DOT are not included.

[2] Draft 102's for actions on which no final 102's have yet been received.

[3] Final 102's on legislation and actions.

[4] Total actions on which final or draft 102 statements for Federal actions have been received.

PESTICIDES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MICHEL. Mr. Speaker, one of the important issues before Congress today is the question of national policy on the use of pesticides.

This is another of those areas in which unbridled emotionalism can prove highly damaging. I believe we can best serve the long-range national interest by seeking a balanced, reasonable approach, and—to quote the following editorial—by "long and careful study of all the facts."

I want to call to the attention of my colleagues this excellent editorial from the April 17 issue of the Prairie Farmer, which helps put the pesticide issue into better perspective:

THE LINK BETWEEN FARM CHEMICALS, FOOD PRICES

Recently we heard two views expressed on what were considered serious problems that confront America. On a national network radio program a newsman spoke of "rising public anger" over pesticide poisoning. He spoke apprehensively about the "200 people killed annually by pesticides." It's actually closer to 115, according to the American Medical Association. But he didn't say half of the deaths were children under 10 due to careless storage and that 30 were due to the much-criticized phosphates and chlorinated hydrocarbons. We could add that about 170 die each year from careless use of aspirin.

By inference, the speaker condemned the "farm bloc congressmen who are hindering efforts to ban pesticides." He wondered darkly how much longer the public would put up with it.

A national magazine questioning people about what irked them most said, "Food prices are galling to almost everyone." A Texas housewife said, "The prices of groceries thoroughly disgusts me." Said a Cleveland woman, "I swore I wouldn't blink an eye at the price, but when it (a rib roast) turned out to be $9 I cried inwardly all the way home."

What none of these speakers may have considered is what would happen to food prices if farm chemicals were banned. In 1969 an economist estimated that food prices at the grocery could rise 50% without farm chemicals. We doubt that the consumer would long tolerate such a development. Critics say we need to use new and safer compounds, and we agree.

But what company will research new compounds if there is little chance of their being used? The research and development time and cost required to put a new pesticide on the market is now about 10 years and $10 million.

Both house and senate committees have been critically examining the place of farm chemicals and their effect on the environment. There is an ever-present danger that emotion and ignorance will override common sense.

Obviously, the need for pesticides is critical, but congress just as clearly faces a serious decision in how they should be handled. By the same token, farmers should use restraint and discretion to avoid criticism and pollution of any kind.

We don't think any farm chemical should be banned at this time. However, we do see some merit in the suggestion that farm chemicals be classified, perhaps into 3 categories: (1) those that are harmless and can be used without restriction, (2) those that require a licensed custom operator, and (3) those that are mortally hazardous and can be used only by special permit.

The gap of misunderstanding between town and country grows wider as the farm population diminishes. Few in the cities understand the fragile price margins in agriculture and the enormity of the farmer's dependence on weather, chemicals, labor, and machinery as well as weed, insect, and disease control.

We trust that the decision on pesticide legislation will be made by congress only after long and careful study of all the facts. The superficial views of laymen offering flimsy evidence have no place in this decision.

ACTION ON THE ENVIRONMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHEUER. Mr. Speaker, our Nation is facing some crucial decisions in the years ahead regarding the future quality of each citizen's life. Our population and technology are in a period of explosive growth that has produced disastrous environmental fallout. In the air, on land and sea we are discharging pollutants that are accumulating with increasing speed. In New York State alone we generate about 20 million tons of solid waste a year. Before the end of this century, we will need an area of land equal to six islands the size of Manhattan on which to dump all this trash and garbage. In every major city, the air rapidly becomes less breathable as automobiles, powerplants, and factories discharge tons of wastes and fumes into the atmosphere. Our lakes and rivers and seas are the unhappy dumping grounds for millions of tons of garbage and sewage from counties and municipalities across the country.

We must search for programs and policies that can begin now to right the wrong we have done to the world around us. I have originated several bills in Congress and joined in supporting others which promise to provide solutions to at least some of the environmental crises we are facing.

In the area of solid waste, I have originated two bills which are gaining wide support in both the House and the Senate. One would require a deposit on new automobiles that would provide an incentive for final disposal. Over 7 million automobiles are abandoned on city streets and country roads every year. This bill would allow the final owner of a car to collect the deposit when he had submitted proof of the car's delivery to an authorized junk dealer.

The other bill would place a tax on nonreturnable bottles to encourage the use of deposit bottles. This bill would greatly reduce the litter and solid waste problem caused by one-way bottles. I have received some 11,000 unsolicited signatures on petitions supporting this bill.

I have also introduced legislation to tax leaded gasoline. Studies have shown that automobiles are responsible for about 40 percent of air pollution. Lead in gasoline is the main offender, and my bill would make this additive to gasoline so expensive that fuel manufacturers would be reluctant to use it.

I am cosponsoring Representative RYAN's bill to reduce noise pollution, one of the most painful and least discussed environmental problems faced by city dwellers. This bill would authorize grants for noise control programs to reduce if not eliminate the incessant, ever-present noise which assails us virtually 24 hours a day.

In the area of water pollution, I have joined with many other Congressmen in supporting a bill that would ban the use of dangerous chemicals in detergents. Every man, woman, and child in the United States uses 27.5 pounds of destructive detergents each year, poisoning our rivers and lakes, and destroying fish and natural resources. This legislation would prohibit the use in detergents of the most destructive element, phosphates.

I am also supporting legislation which would prevent the dumping of wastes into the ocean unless the person who wishes to dump them can demonstrate that his wastes will not endanger the natural environment and ecology of the area in which he plans to dispose of the matter.

There are other equally important measures I am supporting in the fight to save the environment. One would create a Joint Committee on the Environment in the Congress, uniting the expertise and experience that are currently spread over a large number of committees. The fractured distribution of responsibility for safeguarding the environment has greatly weakened the Federal effort to develop broad-ranging, multidisciplinary programs to cure and prevent our environmental ills. A joint committee would expand the activity and the responsibility of the Congress in seeking new methods and new resources to halt the deterioration of the quality of life in all 50 States.

I have cosponsored a bill to extend to ordinary citizens the right to file for damage done to the total environment by suing chronic polluters. Right now, for all practical purposes, only a governmental agency or prosecutor can file an antipollution action—and this authority is limited and frequently unused. This legislation would allow Bronx citizens to investigate and file suits against polluters in their own neighborhoods instead of going hat in hand to a governmental agency seeking help.

None of these measures promise easy answers or quick results in the battle to salvage our deteriorating environment. It is still necessary for each of us to examine our own day-to-day activities and the effect they have on the world around us. We are the polluters, each and every one of us, and it is up to us to make those changes in our way of life that will gradually bring us back to a cleaner, more livable world. I hope that the Congress' actions on the measures I have supported will help us reach that goal.

THE PRESIDENT AS COMMANDER IN CHIEF: ANOTHER VIEW

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. McCLOSKEY. Mr. Speaker, for some months now, we have considered and debated the respective responsibilities of the Congress and the President with respect to the war power. Following repeal of the Gulf of Tonkin resolution on December 31, 1970, the issue has drawn increasing attention from constitutional lawyers. This month's issue of the American Bar Association Journal contains a thoughtful article on the problem by Charles A. Blackmar, professor of law at St. Louis University and a special assistant attorney general of the State of Missouri. The article follows:

THE PRESIDENT AS COMMANDER IN CHIEF: ANOTHER VIEW

(By Charles B. Blackmar)

For more than a decade the United States has been involved in armed combat in Indochina. Several Presidents have dispatched hundreds of thousands of men, many of them involuntary inductees. There have been aerial bombing and naval operations, and these have been directed in several countries in support of strategic or tactical objectives.

Our forces first entered the Republic of Vietnam (South Vietnam) at the request of its government to aid in the suppression of an insurrection. It was evident that the insurrection was heavily supported by troops and materiel supplied by the Democratic Republic of Vietnam (North Vietnam) and, through that conduit, by other Communist nations. President Johnson ordered strategic bombing operations deep inside North Vietnam. These were suspended in the hope of facilitating the pending peace negotiations in Paris, but with reservation of the possibility of renewal if the negotiations did not proceed in a satisfactory manner. The Nixon Administration has asserted the authority to engage in aerial operations wherever these are considered necessary for the protection of American forces, and the President has directed bombing missions in North Vietnam, Laos and Cambodia.

North Vietnamese forces had made free use of the territory of Cambodia, which had a "neutral" government lacking either the force or the will to inhibit the operations. Then there was a change in the government of Cambodia, and the United States embarked on ground operations in "sanctuaries" along the border between Cambodia and South Vietnam. The new government apparently felt that it could not express approval of the operations, but it certainly did not protest. President Nixon stated that his purpose was to protect American forces in Vietnam, so that they could continue in the Vietnamization program and be withdrawn sooner. He promised a strict limitation on the venture, with obvious deference to American public opinion, but made it clear that the limitation was a voluntary one and that he might resume operations or probe more deeply if he thought it necessary.

The entire venture in Indochina has proceeded without any express declaration of war. The Presidents have taken the initiative. There have been consultations with Congressional leaders and committees, but the Presidents usually have been in the position of telling Congress what they are going to do rather than of seeking advice. Congress has shown virtually complete acquiescence, especially in the earlier stages of the operation. It has appropriated money and enacted draft laws and other supporting legislation, and at times it has prescribed severe penalties for unlawful manifestations of dissent.[1] The 88th Congress adopted the now repealed Tonkin Gulf Resolution, giving the President very broad authority for the use of ground and air forces in Southeast Asia.[2] Until late in 1967 the overwhelming weight of public opinion seemed to be behind the Indochina operations.

Then there was a dramatic change. The expected military successes did not materialize. Opposition to the war grew, both inside and outside Congress. Dissent became respectable. The war situation was surely the predominant factor in President Johnson's decision in 1968 not to seek another term. President Nixon promised the total withdrawal of American forces, while declining to specify a detailed timetable because of his fear of interfering with the Paris peace negotiations. Vocal opposition to the war became less intense, until the tranquillity was shattered, at least temporarily, by the entry of American ground troops into Cambodia in May of 1970.

Cambodia gave rise to a series of Congressional proposals designed to limit the scope and duration of operations in Indochina. For almost the first time in history there was substantial Congressional support for the enactment of restrictions that would affect the President in his direction of military operations. Defenders of Presidential authority not only challenged the merits of the restrictive proposals but asserted that they would amount to an unconstitutional interference with the authority conferred upon the President by Article II, Section 2, of the Constitution:

"The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States. . . ."

My purpose is not to argue the merits of our involvement in Southeast Asia, or its possible extensions, but rather to discuss the constitutional problems presented by such proposals as Cooper-Church,[3] McGovern-Hatfield[4] and other proposals that surely will be presented so long as American involvement in Indochina continues. The specific occasion for my writing is Eberhard P. Deutsch's scholarly article, "The President as Commander in Chief", in the January, 1971, issue of this *Journal* (page 27), in which he expresses the following conclusion:

"Whenever a state of war exists—*whether declared or undeclared*—the President of the United States has, under the Constitution, as commander in chief, full and plenary power to conduct military operations in prosecution of the war, unhampered by anything in the nature of strategic restrictions." (Empahsis supplied.)

Mr. Deutsch suggests that attempted limitations by legislative action and similar proposals that may be made in the future are in derogation of the President's constitutional authority. His analysis necessarily gives rise to corollaries, as follows: (1) The President may order the Armed Forces into action in any part of the world, in support of his conception of the national interest; (2) He may extend the scope of operations by means of aerial bombing, naval bombardment, firing of missiles or other means; (3) Congress is without power to restrict the President in the exercise of his powers respecting the deployment and operations of the Armed Forces, except by disestablishing the forces or failing to furnish necessary material and supplies.

These broad propositions are contrary to the concept of popular government. The legislature has a proper concern with any sustained military operation. Congress would be acting within the scope of its authority in proscribing operations in a particular nation or area. It would have the power to specify a date for the cessation of a particular military involvement. It could properly limit the dispersal of the Armed Forces and, especially, could restrict the areas in which drafted soldiers could be compelled to serve. The power to appropriate connotes the power to place restrictions on the appropriations in a manner designed to give effect to Congressional policies. Future debate over measures on the order of Cooper-Church or McGovern-Hatfield should deal with the merits of continuing, extending or restricting operations and not with fine points of constitutional authority or doctrine.

THE "INTENT OF THE FRAMERS" BALANCES PRESIDENT AND CONGRESS

Discussion of problems of constitutional interpretation logically begins with the language of the document and the available evidence about the intent of the members of the Constitutional Convention.

It perhaps proves too much to suggest that the framers would be horrified at the suggestion that the document they proffered would give the President the power to conduct a sustained military operation in a distant land, using what is essentially a conscript army, and without any authority in Congress to limit the scope or duration of the operation short of disestablishment of the Armed Forces. The framers had no conception of a situation in which there could be a military position bearing resemblance to Vietnam.

We must always remember, however, that the framers sought to design "a constitution, intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs".[5]

The constitutional language is quite emphatic in stating that there is a distribution of power between the executive and the legislature with regard to military matters. The "executive power" (Article II, Section 1) and "commander in chief" (Article II, Section 2) provisions are balanced by the language of Article I, Section 8, which gives Congress basic and substantial authority over military matters. Of prime importance, of course, is the express power to declare war. The power "to raise and support armies" is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than two years". No other power of Congress is restricted in this manner. The restriction, interestingly, does not apply to the provision giving Congress power "to provide and maintain a navy". The two-year restriction necessarily means that Congress was expected to exercise surveillance over the Army in operation and, inevitably, over the President's stewardship in his capacity of commander in chief. Congress would not be able, at the commencement of a President's term, to appropriate funds for Army purposes for the duration of that term. Nor could one Congress bind a future Congress to a program of appropriation for maintenance and support of armies.

The essential purpose of specifying that the President is to be commander in chief of the Army and Navy is to maintain civilian control over the military. The clause also prevents Congress from investing a rival to the President by designating some person other than the President as commander of the military forces. Nothing in this particular clause, however, may be construed as a limitation on Congress in the exercise of its express powers, nor does the language of the clause give the President the authority to determine the scope and extent of military operations free from Congressional limitation or control. The Constitution says, in effect, that Congress may determine the ends of military operation and that the President

---

Footnotes at end of article.

has control of the means. Available contemporary authority seems to support this conclusion.[6]

"COMMANDER IN CHIEF" IN HISTORY AND OPINION

The interpreters of a viable constitution must give account to history as well as to language. The expectations of the framers have not always worked out in practice. The elite electoral college, for example, became a puppet body, and any elector who departed from his voting pledge would surely be subject to severe criticism. President Washington made one futile attempt to secure the "advice" of the Senate in the negotiation of a treaty, and since that time he and his successors have done the negotiating themselves, through their chosen agents, and have then submitted the completed document for ratification.[7] Prescription plays an important role in constitutional history and constitutional interpretation.

History shows many instances in which Presidents have directed the Armed Forces to engage in hostile operations, without prior Congressional authorization. Such uses of force have generally been approved by Congress, by public opinion and by historians. There are cases in which advance approval is impracticable and is not a condition precedent. (Whether the use of force is justified, of course, is a question of judgment.) The historical incidents do not support the claim that the Presidential authority must necessarily be free from Congressional limitation. It will facilitate analysis to classify the several incidents.

1. Limited Operations: Presidents have often directed the use of armed force for specific and limited purposes. In the early days of our history there were incidents arising from the Napoleonic Wars, with attendant threats to American neutrality, and also the operations against the Barbary pirates.[8] During the first three decades of the twentieth century our forces were dispatched to Latin American countries with some regularity.[9] More recently, in 1962, President Kennedy proclaimed the missile blockade of shipments to Cuba, and President Johnson directed troops into the Dominican Republic in 1965 to maintain the status quo during a revolutionary uprising. The incidents in this category did not result in prolonged military operations, and there were no substantial attempts at restriction through Congressional action.[10]

2. Resistance to Invasion: It is evident that the President may use forces under his control to repel an invader. The Pearl Harbor raid is the prime example of hostile attack against American territory, but it furnishes little in the way of precedent since a declaration of war by Congress followed almost immediately and came before effective resistance could be offered to the invader. President Polk asserted hostile invasion as the occasion for commencing hostilities against Mexico.[11] The power to repel invasion undoubtedly includes the power to pursue the invader or to attack his homeland, especially under modern conditions. The President is not limited to beating the enemy forces back from our shores. But this is not the same thing as extending and maintaining foreign operations, when our country has not been invaded.

3. The Civil War: The Civil War, from the federal point of view, was an insurrection, which developed into a war. The courts have had difficulty with the resulting legal problems, and their answers have not been wholly consistent.[12] An insurrection is a treasonable act, but if it becomes widespread, then the rebels are normally accorded some of the rights of belligerents.[13] President Lincoln felt that his oath of office imposed the duty to preserve the Union and to use the Armed Forces in the discharge of this duty.[14] Although there was substantial contemporaneous opposition to his theory and practice, there are few today who would disagree with his conception of the Presidential duty. It is not helpful, however, to try to translate domestic precedents into authority for foreign operations.

4. Recent Undeclared Wars: President Truman ordered American troops into Korea in 1950 without prior Congressional authorization, and Congress never entered into a subsequent declaration of war. President Johnson, likewise directed massive ground forces to South Vietnam and instituted the bombing of military and industrial targets deep inside North Vietnam, without declaration of war.[15] Both the Korean and Indochina conflicts have all the external indicia of war. In both instances operations have been limited by barriers that may seem to be artificial from the military standpoint, but these have been imposed by Presidential decision rather than because of legislative restriction. Congress has generally acquiesced in whatever the Presidents in charge have thought necessary in these operations and certainly has not objected to the state of *de facto* war. Even though there was no advance approval, there has certainly been ratification of the situation which developed. There may be a state of war in fact without formal declaration, and Congress may effectively recognize the existence of a state of war by legislating in aid of the operation, although it makes no formal declaration. Under these circumstances the President may direct operations as commander in chief, on the basis of implied Congressional approval.

CONGRESSIONAL APPROVAL IS EXPRESSED OR IMPLIED

Incidents of the types described above have been the subject of litigation at various times. There have also been theoretical debates in Congress over the nature and extent of Presidential power. The general tendency of the judicial opinions and legislative discussions has been to support executive action. In almost all instances, however, there has been express or implied Congressional approval. There have been criticisms over details, but seldom has Congress sought to place restrictions on the President with respect to operations in progress. In recent years, particularly, the President has taken the initiative and Congress has usually acquiesced.[16] There is a dearth of authority about what Congress may lawfully do to restrict the President in the maintenance and extension of military operations. The problems that could arise, moreover, might not lend themselves to adjudicatory settlement.

It is clear that the President does not acquire power simply because he believes that a particular course of action is necessary or desirable in the efficient conduct of current hostile military operations. The *Steel Seizure Cases* arose in the setting of the Korean War. Steel production was interrupted by a labor dispute, and the President directed the Secretary of Commerce to take possession of the steel mills involved so that production would not be interrupted while Congress was considering possible legislative solutions to the problem. The majority of the Supreme Court (six to three) held that the President had acted in excess of his authority, since there was no legislative authorization for the seizure.[17] The several opinions spoke in eloquent terms about the division of governmental power as set out in the Constitution and about the binding effect of the separation of powers under all conditions. Even Chief Justice Vinson's dissenting opinion emphasized the authority of Congress and sought to justify the seizure on the basis of other expressions of Congressional intent. None of the Justices would have sustained the seizure in the face of an express Congressional prohibition.

There is neither legal nor historical support for the proposition that Congress would be trespassing on the Presidential prerogative if it should assume to forbid sustained military operations in particular areas or to direct that a specific military venture be brought to an end.

PRESIDENTIAL AUTHORITY SUBJECT TO LEGISLATIVE RESTRICTIONS

Questions of Congressional power to delimit or to terminate a war, declared or *de facto*, are not foreclosed by prior authority. They are open for consideration and should be considered in the light of the principles underlying the Constitution. It is fundamental that our government is a popular government, with power distributed among the several branches and with the legislature as repository of the public will.

The Nixon Administration opposed the Cooper-Church amendment on the claim that it interfered with the Presidential prerogative. It has sought, however, to comply with the literal terms of the inhibitions against use of ground forces and advisers in Cambodia.[18] If this resolution were in violation of the Constitution, there would be no need to observe it. The attempts at compliance indicate the legitimacy of the exercise of Congressional authority.

The Nixon Administration sought to justify the initial entry into Cambodia on the ground that it protected American troops in South Vietnam, and it indicates that it might take similar action in the future for this same purpose, if necessary. If a military operation were in progress with the express or implied consent of Congress and if American troops were threatened by hostile forces in a neutral nation, then the President undoubtedly would have the authority to direct operations against these forces, in the absence of legislative restriction. He, of course, would have to weigh the dangers of violating neutrality, but this is irrelevant in a discussion of the extent of Presidential power.

In Cambodia, however, the President could have eliminated any threat to the American troops by withdrawing them. The danger was not directly to the troops but to the "presence" which the administration considered it desirable to maintain. If the presence were lawful, then the President would have the right to protect that presence. It by no means follows that he would have the authority to maintain the presence in the face of a contrary Congressional direction.

Why should Congress not be able to say to the President: "We do not want any ground operations by American forces in Cambodia. If our troops in Vietnam are threatened by hostile forces in Cambodian sanctuaries, then you should withdraw them to safe positions, but should not go into Cambodia"? If Congress does not have authority to give this direction, then the President may sustain hostile operations in a remote theater in derogation of the popular will.

Congress, furthermore, should be able to direct the President to bring hostilities in a particular theater to an end. either immediately or within the confines of a specified schedule. Why should the power to declare or to recognize war not connote the power to call for the end of a conflict? The President has no inherent power to direct that a conflict be continued until it is "won"—in the sense that American objectives are fulfilled.

Nor would the presence of a treaty obligation inhibit Congress in the exercise of its authority. Treaties along with statutes are the "law of the land", but a treaty may be abrogated by legislative enactment.[19] The President may have the power to use military force to effectuate the obligations of an existing treaty, but his authority is clearly subject to legislative restriction.[20]

Footnotes at end of article.

COMMANDER'S AUTHORITY IS NOT ALWAYS EXCLUSIVE

No war, declared or otherwise, may be maintained without Congressional support. There must be provision for men and materiel. Congress may necessarily use its appropriation power in the control of military involvements and commitments. It may say that certain funds are to be used for urban renewal rather than for armament, and the President must comply with the instruction. It may forbid the use of an appropriation for a particular item of materiel, and the President could not violate the instruction even though he thought it unwise. It follows that Congress may say in so many words that its appropriations are not to be used for operations in specified nations or for operations in a particular theater beyond a designated date.

The decision to make and to sustain declared or undeclared wars is one properly referable to the popular will and to the legislature as the agent of the popular will. The President may direct operations as commander in chief, and Congress may not ordain or establish a rival. The commander's authority, however, does not connote exclusive power to determine the extent and duration of operations.

A conclusion that this authority is lodged in the President free from legislative control is inconsistent with the nature of popular government, and a power so maintained in the face of Congressional inhibition could be challenged as illegitimate.

FOOTNOTES

[1] See, *e.g.*, 50 App. U.S.C. § 462(b), prescribing a sentence of up to five years for burning or mutilating draft cards.

[2] This resolution, adopted August 7, 1964, because of information about attacks against attacks on American warships in the Gulf of Tonkin, gave the President the authority "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression".

[3] The ultimate form of this proposal is embodied in the Special Foreign Assistance Act of 1971 and reads as follows: "[Federal funds are not to be used] to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisors to or for Cambodian military forces in Cambodia."

[4] The purpose of this proposal, which assumed several forms in the 91st Congress, was to set a date for the termination of the involvement of American forces in Vietnam.

[5] *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819).

[6] The FEDERALIST No. 69 (Hamilton) states that the Presidential power is less substantial than the power of the British Crown because it does not include the power to "declare war" or to "raise armies". THE FEDERALIST No. 74 (Hamilton) emphasizes the need for unitary command of operations, as justification for the power.

[7] See CORWIN, THE PRESIDENT: OFFICE AND POWERS 209–211 (4th ed. 1957).

[8] See 1 MORRISON AND COMMAGER, THE GROWTH OF THE AMERICAN REPUBLIC, 373–374, 388–389 (3d ed., New York, Oxford, 1942).

[9] HERRING, A HISTORY OF LATIN AMERICA, 429–432 (1961), 429–432 (Haiti), 464–466 (Nicaragua), 473–478 (Panama).

[10] See *The Constitution of the United States of America, Revised and Annotated*, 540–542 (G.P.O., 1963).

[11] Corwin, *op. cit.* note 7, at 200–201. Congress declared that "by the act of the Republic of Mexico, a state of war exists between that Government and the United States". Morrison and Commager, *op. cit.* Note 8, at 592.

[12] In the *Prize Cases*, 2 Black 635 (1863), the Court recognized a right of "prize and capture" appropriate under the laws of war, saying: "As a civil war is never publicly proclaimed, *eo nomine*, against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. . . ." In *Texas* v. *White*, 7 Wall. 700 (1869), the Court held that Texas had never truly left the Union, and that the acts of its legislature in attempting secession were "absolutely null".

[13] See 2 WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 485–487 (1929). Case of Jefferson Davis, 7 Fed. Cas. 63 (No. 3621d.). Davis was never brought to trial on the charges against him.

[14] Corwin, *op. cit.* note 7, at 228–234.

[15] There is merit in Mr. Deutsch's suggestion that a declaration of war may be omitted because Congress does not want to indicate total commitment. As to North Korea and North Vietnam, moreover, there are theoretical problems because the United States does not recognize the existence of either as a separate nation.

[16] Corwin, *op. cit.*, note 7, at 171, 184–193, 201–204.

[17] *Youngstown Sheet & Tube Company* v. *Sawyer*, 343 U.S. 579 (1952). The Court gave substantial attention to the failure of Congress to include seizure authority in the Taft-Hartley Act of 1947, in spite of suggestions, and to the President's failure to make use of the methods provided in the act for avoiding strikes.

[18] It has been suggested that the administration has made use of legalism and subterfuge in trying to assist the Cambodian government, while maintaining apparent compliance with the restrictions on American ground forces and advisers. See Dudman, *U.S. Deception in Cambodia*, St. Louis Post Dispatch, January 28, 1971, at 1–C. As to the use of American troops in Laos, see TIME, February 22, 1971, page 24.

[19] *The Constitution of the United States of America, Revised and Annotated* (G.P.O., 1963), at 470–473; *Whitney* v. *Robertson*, 124 U.S. 190 (1888).

[20] It is going too far to assert that the President is necessarily bound to use military force in support of another nation pursuant to a treaty obligation. Surely he has the authority to consider the situation as it is presented at the time decision is necessary. Might he not conclude that available forces are inadequate in view of other commitments, or that conditions had changed since the adoption of the treaty so that intervention would not be in the national interest, or that the use of force should be considered by Congress?

MENNONITE DISASTER SERVICE RECEIVES RECOGNITION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHWENGEL. Mr. Speaker, for many years the efforts of the Mennonite Disaster Service have gone relatively unheralded.

The outstanding work of the Mennonite Disaster Service was recognized by the Congress last year when it was named for the first time in disaster relief legislation.

Last year Congress changed and improved the role of the Federal Government in disaster situations. The legislation directs the Office of Emergency Planning to coordinate relief activities of volunteer organizations. Only three organizations were specifically cited in the legislation. In addition to the Mennonite Disaster Service, the American Red Cross, and the Salvation Army are mentioned.

The inclusion of the Mennonite Disaster Service in the legislation last year was recognition of the outstanding and unselfish work done by the Mennonites when disasters occur.

The Iowa Mennonite Disaster Service has served admirably when needed. It has been very effective and helpful when disasters struck at Belmond, Olewein, Charles City, and Yorktown. They have helped when floods struck at Clinton, Davenport, Muscatine, Marshalltown, Cedar Rapids, and Chelsea.

The leadership of the Iowa Mennonite Disaster Service comes from the First District. The officers are Glenn Guengerich, president, Wellman; Mark Swartzendruben, Iowa coordinator, Kalona; and Wilbur Swartzendruben, chairman of Iowa field directors, Wellman.

We all owe the Mennonite Disaster Service a thank you for their work.

BOSTON INVITATIONAL SPECIAL OLYMPICS DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, at this time, I would like to call my colleagues attention to an event which will take place in Boston, Mass., in the 9th Congressional District, which I represent: the 1971 Boston Invitational Special Olympics conducted by the department of special classes and physical education of the Boston public schools.

Mr. Speaker, I insert in the RECORD a proclamation, as follows:

A PROCLAMATION 1971

(By Hon. LOUISE DAY HICKS, Member of Congress)

Whereas, The Department of Special Classes and Physical Education of the Boston Public Schools will this year conduct the Boston Invitational Special Olympics for special children, and

Whereas, This is another first for the City of Boston and the Ninth Congressional District, and, only the third time in the United States that a statewide meet of this nature has been held, and

Whereas, It is highly fitting that the Boston Invitational Special Olympics be observed by the United States in testimony of our country's concern for its special children, and

Whereas, through the Special Olympics, these youngsters are able to learn the spirit of good sportsmanship, teamwork and healthy competition which is an integral part of those qualities of today's youth which bode well for our country's future.

Now, therefore, I, Louise Day Hicks, Member of the United States House of Representatives, do hereby proclaim May 4, 1971, as Boston Invitational Special Olympics Day (Trainable) and further proclaim May 18, 1971, as Boston Invitational Special Olympics Day (Educable) and urge the citizens of the United States to take cognizance of this event and to participate fittingly in its observance.

Given on the Floor of the House of Representatives in Washington, D.C. this twenty-eighth day of April, in the year of Our Lord, One Thousand Nine Hundred and Seventy-One, and of the Independence of the United States of America, the One Hundred Ninety-Fifth.

THE QUESTIONS OF MY LAI 4

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. FORSYTHE. Mr. Speaker, one of my constituents, Mr. Fred Jago, has given a great deal of thought—as have many Americans—to the killings at Mylai and the sentencing of Lt. William Calley.

These tragic incidents have deepened the concern of many citizens of this Nation about the Indochina war and our role in it. Brought vividly to the attention of all Americans, they have shown the bloody waste that this war has brought.

Mr. Jago has written a well-documented statement concerning the Calley incident and the ravages of war. His statement follows:

THE QUESTIONS OF MY LAI 4

On 29 March 1971, a military court-martial found Lieutenant William L. Calley, Jr. guilty of the premeditated murder of 22 Vietnamese civilians on 16 March 1968 in an attack on the hamlet of My Lai 4. The verdict brings disgrace to the young officer and shame to our nation, our government, our army and our people. But more than that, the Calley trial has raised painful questions regarding the true and final responsibility for crimes of war.

As individual citizens or as a nation, we cannot condone what occurred at My Lai. But neither can we, in good conscience, permit just six superior officers to judge this as an isolated incident, the guilt and responsibility for which rests solely with Lieutenant Calley, when in fact the complete details and ultimate responsibility may never be justly determined.

War is the most repugnant act that mankind can inflict upon itself. It has spawned brutality and atrocities since the beginning of time, particularly with regard to innocent populations. Defenseless civilians have fallen prey to warring armies under the guise of reprisal for "aiding and abetting the enemy" or as object lessons for those who might be contemplating such aid. During the history of this great nation, our people and our government have contributed to or participated in many acts far more brutal than those for which Lieutenant Calley stands convicted.

Wholesale slaughter, for example, is no stranger to America. In 1637, while this country was still in its colonial childhood, Governor Vance sent orders from Boston that the Pequot Indians were to be exterminated. Captain John Mason, in obeyance to these orders, attacked the Pequot fort at what is now Groton, Connecticut and annihilated over 1,000 men, women and children. Captain Mason was applauded for his efforts.

In July, 1675, it was customary for uniformed armies to face each other on a field of honor, fire back and forth, rank upon rank, until the defeated army retired. But a drastic change was in the making. The colonists were exposed to the tactics of the true guerilla. The Indian, much like the Viet Cong of our times, slipped in and out of the vast wilderness to attack when ever they felt they had the advantage, then melted away again. Colonists had been horrified by the brutality of these raids and a unit under Captain Samuel Mosely responded in kind. After a fierce engagement with the Wampanoags at Swansea, Massachusetts, a young lieutenant took the first Indian scalps of the war and sent the grisly trophies to Boston. Scalping and mutilation of the enemy soon became an accepted after-action occurrence.

After the defeat of Metacomet, son of the famed Massasoit, one Captain Benjamin Church ordered the chief beheaded and quartered. Metacomet's head was sent to Plymouth, where it was displayed on a gibbet for 20 years as a reminder to other tribes. A hand was sent to Boston, while the rest of the body was left to rot because the Plymouth authorities would not permit it to be buried. Far from being accused of any wrong doing, Captain Church was hailed as a military hero.

In 1779, the father of our country, George Washington, ordered General John Sullivan to not only "overrun but destroy" the Iroquois nation. During the course of the ensuing massacre, a young Lieutenant and a fellow officer recorded the skinning of two Indians from the hips down for boot legs, "one pair for the Major, another for himself."

Fort commanders of the period developed their own special tactics. They would trade with the Indians under terms of peace, using blankets from the small pox hospitals as barter. The disease decimated more than one tribe with dreadful consequences among the women and children, but without comment from a grateful nation.

One can easily learn of Custer's Last Stand, where the vaunted hero of the Civil War and 212 of his men were killed in a military engagement against superior odds, an attack which the good General carried out in total disregard of published orders. With a good deal more diligent searching, one may also find that Custer also wiped out the sleeping village of Black Kettle prior to the encounter at Little Big Horn, and killed men, women and children, not to mention 700 ponies. Thirteen years later, the Army surrounded and disarmed the village of Chief Big Foot. The village was then fired upon with rifles, cannon and newly deployed machine guns. Over 300 men, women and children perished. One surviving squaw, interviewed by a government investigator, was found to have suffered 14 separate wounds. Oliver LaFarge, the noted historian, has commented how typically the incident at Little Big Horn is famous as the Custer Massacre, but the slaughter of Big Foot's village is known officially as the Battle of Wounded Knee!

Outrageous acts such as this were not limited to Indian engagements. They have occured in every war in which this nation has been involved. Official outcry, if any, has generally been reserved for treachery on the part of the enemy. Those north of the Mason-Dixon Line are familiar with the victorious General Sherman and the suffering of the Federal prisoners at Andersonville. Is there a single old family in Atlanta who holds Abraham Lincoln's prized General in regard? And what of the Confederate prisoners confined at Fort Mott or Fort Delaware? A tattered diary, a forgotten letter or scores of weed-covered graves must be found and consulted to balance the scales of justice.

Wanton destruction of civilians reached a zenith during the Second World War. The outrage of Pearl Harbor and the "Day of Infamy" is known by all. The Japanese have been condemned for using the tactical advantage of surprise to carry out a successful attack against a strategic if over-confident military target. The primary victims consisted of ships, airplanes and servicemen. The United States and indeed the world tries to reconcile the loss of civilian life at Hiroshima where 78,000 were killed during the first atomic bombing. A similar catastrophe met the inhabitants of Nagasaki. Few, however, remember that a much greater loss of life occurred in March, 1945, when another civilian target, Tokyo, suffered 94,000 killed in an Allied incendiary raid.

Mention the London Blitz and one gains instant sympathy for the 61,000 British civilians who died as a result of German bomber and missile sorties over a five-year period. The Allies, in return, inflicted over 305,000 civilian fatalities on the Germans while making 7½ million homeless. Approximately 80,000 of these died in a single allied fire storm at Hamburg in August, 1943.

How do these statistics compare with Lieutenant Calley's crime of killing 22 civilians. Can we justify a verdict of murder in light of what our government has not only sanctioned but ordered in the past? Can anyone who cheered V–E Day or V–J Day now assume the cloak of righteous indignation?

Lieutenant Calley has been sentenced to life imprisonment for his part at My Lai 4. How does his punishment compare with other war crimes against innocent civilians? Most have gone unpublished, untried and unpunished. In July, 1948, Alfried Krupp was sentenced to 12 years in prison and forfeiture of his property for the "murder, pillage, enslavement and cruel treatment of masses of people." Six years later, U.S. High Commissioner John J. McCloy freed him and restored his property, the disposal of which had never even begun. On the other hand, General Yamashita was condemned and hung by this country for atrocities committed during four years of Philippine occupation. Yet, the General had assumed command only nine days before the surrender. He paid for the guilt of high command with his life, while most of the actual perpetrators of the crimes were not prosecuted. What strange set of rules governs our involvement in war that orders acts on the magnitude of Hamburg and Hiroshima yet prosecutes Lieutenant Calley; frees Krupp and sentences the Lieutenant to life imprisonment; hangs General Yamashita and charges Colonel Oran Henderson only with attempting to cover up the incident at My Lai? Has America grown so large and powerful that it must address itself to a serious problem with, "Do as I say, not as I do?" At the same time, is our nation no longer big enough to accept responsibility for its actions except at the expense of a solitary subordinate officer?

America must not judge a single man for the cumulative wrongs of a nation. We cannot sacrifice Lieutenant Calley for what so many have already admitted doing and what so many more have done without public disclosure. A recent veteran wrote publically:

"I served in Vietnam at the same time as Lieutenant Calley. What that man and his men are being tried for was, and probably still is an everyday occurrence over there. . . . If I were to total all the men, women and children we shot because they looked like V.C. in the age group between 15 and 40, or were too scared to stand still when we approached, you could double the number killed at My Lai. . . . If the Army and the people must judge that man and his men then they had better judge me and the three million other men that pulled time in that hell-hole. . . ."

Captain Robert Marasco, a former Green Beret, outraged at the Calley verdict, has publically admitted the murder of a Vietnamese triple agent at the behest of the CIA and with the knowledge of "our chain of command."

Unquestionably, the pride of our elite forces has been diminished. Worse still, the laudatory if fanciful notion of a volunteer Army has suffered a severe setback. What encouragement remains for those willing to undertake a distasteful task if the shadow of indictment hangs over each act?

The heart and soul of any military establishment is obedience to orders. Countless hours are spent in basic training, drill and exercise to instill this obedience to command without question, without reservation, without hesitation. Some take orders, few give orders, the majority must do both. The responsibility for issuing an order has always been determined by one's position in the chain of command. Now, even the recipient of the order must assume great responsibility for carrying it out. The decision of Colonel Kelly and his tribunal has undermined the very foundation of command by making self-debate an integral part of the response to the order. The possibility of prosecution must now be weighed heavily before acting. But there is no time to debate morality with oneself in the jeopardy of combat, no time to make judgments on the legal consequences. Those who hesitate will die.

Baseball is a relatively slow-moving game with few "penalties", so to speak. Football is a contact sport involving an intricate system of penalties for infractions of the rules. Ice hockey is even faster and rougher, reflected in the seriousness of the penalties such as slashing, fighting and misconduct. Players are required to leave the game for varying durations to "cool off" rather than simply lose some distance to the goal. Warfare, and especially the "dirty" war of the guerilla is not conducted on a well marked field according to prescribed regulations. It is not a game, it is kill or be killed. The rule is survival, the penalty is death.

In the excitement and frustration of competitive sports, with nothing but pride, bruises or the final score in question, superbly trained athletes will strike out at friends wearing the uniform of the opponent. They will attack with the only weapons available; a fist, a foot, a hockey stick. Is it so shockingly incomprehensible then, that para-professionals, facing possible death or maiming of themselves or their comrades will react during armed conflict? When attacked by mortal enemies in the guise of friendly civilians who flaunt the so-called rules of warfare, is it wrong or unexpected that our soldiers respond with the weapons of war with which they have been equipped and trained?

In conventional warfare, the enemy can usually be identified by location, uniform, racial characteristics, language, weapons or similar means. Guerilla warfare adds a new dimension of uncertainty and raises the risk severely. Early Americans were fortunate in that the red-skinned man wearing feathers, loincloth and war paint while carrying a bow and riding a saddleless pony, was assumed to be the enemy. The guerilla of our time carries no flag or banner, wears no uniform, looks and talks like a great many others, is male or female and can be of almost any age. No battle lines are drawn across which all are foe. Have you ever watched a game played between two large teams without uniforms? Have you felt the confusion and frustration of not being able to identify your side? And they weren't even shooting at you!

In a firefight, friend and foe alike will perish because one cannot "sort and kill" any more than one can selectively cook only certain vegetables in a pot of boiling stew. The time honored "hands-up" of surrender has even become suspect, since the child running forward in apparent panic might be concealing a deadly hand-grenade or knife behind his "innocent" back. Lieutenant Calley didn't initiate these conditions, he inherited them.

It has often happened that ordinary people have reacted in extraordinary fashion under stress. Non-swimmers have attempted to save a drowning child, while other well balanced individuals have trampled each other in panic attempting to flee a burning building. Soldiers expose themselves to certain death to save a comrade. We reward such action with the Medal of Honor. Others, under similar stress, may display cowardice or flee the scene of action. We charge them with desertion and punish them. The majority of those committed to action just do the job at hand in a most acceptable manner. Lieutenant Calley does not deserve a decoration for valor for his action at My Lai, but neither can he be charged with cowardice under fire. Under sentence of the military court on one hand, the recipient of massive public sentiment on the other, the Lieutenant is neither fish nor fowl, guilty of a malicious act at worst, a crime of excess at best.

The history of man has proven and the law has granted that most men will kill in the defense of their life or the lives of loved ones. History has also proven that ordinary men can and have been trained to kill expertly in war when ordered to do so. Some men will kill for the sake of killing. If the sanction of the battlefield is not available to them, they will use the streets of our cities. Others of strict moral or religious belief refuse to kill under any circumstances. Under normal conditions, comprehensive testing determines those individuals who are suitable for military service. As a function of indoctrination, environment and training those chosen to do so become killers on commnad. Actual combat can and has changed all this in an instant, for better or for worse.

Combat can easily generate a maelstorm of emotion where after one attack, men will respond to ancient instinct and go to bed with the women of the fallen village, despite moral considerations, against authority and in violation of fraternization rules. Yet, during a later attack, these same men will respond to a new and volatile instinct by indiscriminately killing women and children without visible guilt.

If Lieutenant Calley were indeed a murderer, it would no doubt have been detected during the physical and mental screening process. If instead, and as maintained by the defense, he has been trained to kill by the Army, sanctioned to kill by the Government and deployed to kill by order of his superiors, how must we now judge the man?

If Lieutenant Calley issued the orders and committed these crimes of his own volition, we must investigate the system which grants him the authority of command as well as the system which trained him. If he only followed orders from a superior, we must investigate the issuing authority and the system which permitted him to respond as he did. If he was weak, should we blame him or the system which screened him and approved his appointment to the officer corps? If he made an error of judgment should we judge him so harshly? In any case, we must question the ambiguity of the chain of command, all the circumstances which surround the incident, all the individuals involved, the physical, psychological and moral aspects of combat and the unique pressures which can easily upset the delicate balance of these factors. Indeed, we must examine the very nature of war.

Was it an excess of skill? An accurate response to orders? A deficiency in judgment? A temporary loss of his rational thought process triggered by the action of the moment? Or as some have noted, does the incident reflect a total disintegration of the moral fiber of our nation? Who among us is qualified to make an unequivocal determination? Is there a single person, committee, tribunal or population equipped to assess the findings? Can anyone but God know for certain the mind of the soldier at the instant he kills?

It is comparatively easy for a nation to subscribe to international rules or sign agreements for limitation of war because death is far removed from the conference tables at Geneva. But death is very personal when administered at the end of a bayonet or by a screaming piece of shrapnel making its way through a steaming jungle of a foreign land. Would international negotiations be the same if the combatants and the diplomats exchanged places for a few weeks? Would the outcry be as vocal if our population were enduring a war such as Korea or Southeast Asia?

Until someone has experienced death and destruction from an enemy and has inflicted casualties upon him in return, he must not be too quick to judge another's action under stress according to "accepted rules of conduct." America has not witnessed war on its own land for 105 years this month. During the 1950's, the last survivor of the Civil War died, taking to the grave the final account of what it is like to fight for a home, a family, a government or an ideal on American soil. No one can truly counsel us in that respect, yet it is indeed a prime factor in any final analysis of warfare. But can we view this phenomenon through the eyes of another nation, another civilian population or another time? Can we reconstruct or simulate this experience any more than we can simulate death?

In a world shrunken by rapid communication, people form strong and immediate opinions. The government must weigh these opinions carefully if it is to maintain the respect of the people. Public sentiment must not, however, replace or negate the law. Neither must the law be used as grounds for abdicating the responsibility to protect the rights of our citizens. The government must lead the way in providing full disclosure of the circumstances and equal prosecution of all levels of guilt, regardless of national pride or embarrassment.

President Nixon has chosen to intervene in the My Lai incident with respect to Lieutenant Calley's conviction. He will make the final judgment in the case. This is a monumental responsibility for the Chief Executive. The President is uniquely qualified to weigh the evidence from many points of view. As the popularly elected head of state, he represents the people of this country and the opinions they express. As President, he represents the government which creates, maintains and deploys our armed forces; and which challenged the spread of Communism by committiing our troops to Southeast Asia. As the leader of the strongest free nation in the world, his diplomats have proposed and our country has ratified many of the agreements for limiting war, while championing the inalienable rights of the individual. As Commander-in-Chief of the armed forces, he commands all the Lieutenant Calleys who wear the uniform of the United States. Finally, as Mr. Nixon, citizen, husband and father, the President must look at My Lai through the eyes of a deeply religious, concerned American.

America must not allow the finger of fate to point to Lieutenant Calley for 300 years of combat atrocities. Even if the verdict is upheld, will one lifetime of hard labor atone for the sickness of war? For Lieutenant Calley, the accusation alone was a more severe punishment than he can ever overcome. In the eyes of a compassionate but naive world, he has been stripped of his uniform and his honor. What can confinement add?

Our nation has suffered a bruised image, the United States Army has exposed an occupational cancer, and Lieutenant Calley has been destroyed. Like Billy Mitchell and Douglas MacArthur, he will fade away in time, but it will hardly be the end. One small tumor was removed in a less than delicate battlefield operation, a greater threat remains. The condition of the patient has been made known to the world.

The jury has rendered its verdict and pronounced a harsh sentence. The public has been decisive in passing its own judgment. Lieutenant Calley accepted his sentence with a salute and the statement, "I'll do my best, sir." His country must do no less.

UNITED STATES OFFERS NEW POW PROPOSAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. YOUNG of Florida. Mr. Speaker, our Secretary of Defense, Melvin R. Laird, in a speech to the Capital Chapter of the Air Force Association has outlined a new plan to help ease the plight of American prisoners of war in Indochina.

The Secretary said prisoners of war from both sides could be interned in a neutral country. This would mean an end to the cruel and inhumane treatment American men are being subjected to at the hands of the North Vietnamese, and I for one wholeheartedly endorse this proposal.

Once again this Nation has shown its willingness to negotiate, to meet our enemies more than half way in the interests of peace, and in the hopes of bringing our men home.

Hopefully, the so-called "peace" group in this country will be as vocal in support of this humanitarian effort as they are in trying to tear down this Nation in the name of peaceful protest.

For the information of my fellow Congressmen, I am inserting in the RECORD the entire text of Secretary Laird's historic report:

REMARKS OF THE HONORABLE MELVIN R. LAIRD

It is an honor to receive the award that you have conferred on me. I accept it with gratitude deepened by my knowledge of your dedicated support for the cause of adequate national defense and your unflagging concern for American servicemen and women.

I want to take this opportunity to thank the Air Force Association for its dedicated efforts on behalf of our prisoners of war and missing in Southeast Asia, and I want to share with you today what to me is a hopeful development on this important issue.

This year the Air Force Association celebrates its silver anniversary. In 1946, when your Association was established by Jimmie Doolittle and other far-sighted citizens, our country was dismantling the military forces that had defeated aggression in Europe and in Asia.

The Air Force Association began its existence to combat the dangers of reckless reduction in the nation's armed strength. This is still a vital purpose of your Association. Today, the need to be on guard against allowing our power to deter war to wither is even greater than it was in 1946.

The great issue for debate and decision today is not whether to end U.S. involvement in the fighting in Indochina. On that, the decision has been made. Now the issue is what kind of military posture we shall have beyond Vietnam and whether, in partnership with other nations, that posture will give adequate support to the objective of President Nixon's foreign policy—achieving a generation of peace.

Our plans, as the President has said, call for total withdrawal of American forces from Vietnam. This withdrawal will be achieved just as each of the President's prior promises about troop reduction in Vietnam has been fulfilled. It will be achieved as rapidly as possible without forgetting the Americans who are prisoners of war and missing in action, without failing to provide for the safety of the steadily decreasing number of Americans who remain in Vietnam at any given time, and without leaving in a way that will increase the chances of war in the future.

Because the basic decision on Vietnam has been made and because we are successfully pursuing the course that leads to total withdrawal, it is time now to turn our attention to the problems of national security that lie beyond Vietnam. We must give our attention to preventing other Vietnams and achieving a generation of peace.

Let me return now to the heart of my brief comments as the Association accords me a high honor. I refer, of course, to the fact that not one of us in this room will rest until our prisoners of war have been returned to their homes and families. Until now, the appeals to Hanoi from all over the civilized world have not brought from the captors of these men any promise that they will be returned at any time. All that the representatives of North Vietnam have said is that return of the prisoners will be "discussed" after the United States announces a date for total withdrawal of its forces. To those who negotiate for the enemy, discussion carries with it no implication of agreement and no promise of action beyond endless talk.

No American should be deceived on this point: the North Vietnamese have so far refused in public and in private discourse to commit themselves to return American prisoners. No American should permit himself to be duped into believing that a promise only to discuss the release of prisoners of war has any value at all.

However, a new proposal relating to the prisoners was offered by the Republic of Vietnam and enthusiastically endorsed by President Nixon. This proposal calls for internment of prisoners in a neutral country. It would mean for them an end to the cruel and unjust treatment to which they are now subjected.

I can tell you that I have been personally assured that ships flying the flags of neutral nations would be made available for the immediate release of POW's on all sides or for their internment in a neutral country.

Such sea transportation could be provided to and from Haiphong, Saigon or any other appropriate port. I know that the Air Force Association and all Americans concerned about the welfare of our prisoners and their families will lend their moral support and whatever additional support may be necessary to carry out this proposal. The next step to begin the movement of the prisoners to a neutral country is the concurrence of the other side.

The United States, of course, continues to seek the immediate release of all war captives. Failing any acceptance of this humanitarian proposal by the North Vietnamese, the Pathet Lao and the Viet Cong, we urge the immediate internment of the POW's in a third country.

I accept your award today on behalf of the men and women in all our Services who have given their lives in the defense of their country and for our prisoners of war and missing in action and their families. What these men and women say to us, and what I say to you, is that we must, in the challenging years ahead, assure that our country always maintains adequate strength to prevent war and maintain peace.

OUTSTANDING SERVICE CERTIFICATES AWARDED

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. GARMATZ. Mr. Speaker, on April 21, 1971, the Veterans' Administration hospital in Baltimore held their 18th annual awards ceremony. This annual award ceremony was called to my attention by a constituent of mine, John Rupp, whom you will note received the Bronze Pin Award for 1,750 hours.

Certificates of recognition were awarded to individuals and organizations who have contributed outstanding and continuous service on behalf of our hospitilized veterans.

Certificates were awarded to the volunteers and organizations who are participating at the Day Treatment Center. These presentations of awards were made by Joseph E. Reahl, M.D., director of outpatient clinic.

Because of the hard diligent work and the many hours these organizations and individuals have given of their time, I would like to take this opportunity to call their names to the attention of my colleagues.

The list follows:

VAVS COMMITTEE—1971, REPRESENTATIVE, AND DEPUTY REPRESENTATIVE

American Gold Star Mothers: Katherine Mannion; Anna Defibaugh.

American Legion: Robert Manger; Vernon Schaff.

American Legion Aux.: Sarah Snyder; Carrie Milburn.

American Red Cross: Barbara Johnson; Joanne Jenkins.

Catholic War Veterans: Walter Moore; Henry Dows.

Catholic War Vets Aux.: Frances McFall; Catherine Long.

Daughters of the Am. Revolution: Jeanette Hostler; Mirian Stover.

Disabled Am. Veterans: John Kellam; Walter Hook.

Disabled Am. Vets Aux.: Isabel Buhner.

Gen. Fed. of Women's Clubs: Viola Wallace.

Grand Voiture 40 et 8: William Kenneally; Anthony Arrigo.

Jewish War Vets of U.S.: Theodore Naiman; Eugene Resnicoff.

Jewish War Vets Aux.: Shirley Vine; Bernice Meyer.

Jewish Armed Svcs Comm.: Ida Cohen.

Legion of Honor—Boumi Temple: Martin Stout; Learoyd Blattau.

Marine Corps League: Margaret Reese.

Masonic Service Assn.: Lewis Brandt; Edward Clough.

Military Order of Cootie: Leroy Hyland; W. Blickenstaff.

Natl. Catholic Comm. Svc.: James Lazatti.

Navy Mothers Clubs of Am.: Connie Fitzsimmons; Anne Shinnamon.

Order of the Eastern Star: Elizabeth Smith; Dorothy Synder.

Sup. Cootiette Clubs of U.S.: Naomi Hook; Catherine Erhart.

Sup. M.O.C. Aux.: Esther Tennyson; Genevieve Hines.

Teamsters Local Union #557: George Bosnak; Carrie Bosnak.

The Salvation Army: Maj. D. Carawan; Mrs. Capt. R. Greene.

29th Division Assn.: Reuben Moxley; John Braun.

29th Division Assn. Aux.: Katherine Clements; Janine Scally.

Veterans of Foreign Wars: Herman Ulbig; W. E. Balderson.

Veterans of Foreign Wars Aux.: Elizabeth Segal; Eleanore Gorman.

Veterans of WW I of U.S.: Nelson Hopkins; Joseph Burns.

WAC–Vets Association: Ethel Burk; Lillie Zimmerman.

CERTIFICATE OF APPRECIATION—100 HOURS

Moreen Clarke (ALA), Mary Dalesicky (ALA), Jack Freeburger (SAL), Margaret Macy (AGSM), Minnie Felsenberg (BB), Jeanette Hostler (DAR), Mary K. Smith (DAR).

Frances Turner (DAR), Herman Sodie (DAV), Jennie Borchini (ARC), Sharon Beckman (ARC), Hannah Boltz (ARC), Roger Collins (ARC), Henrietta Hoffman (ARC).

David Overturf (ARC), Cindy Wilson (ARC), Edward Disney, Jr. (MOC), David Lesser (JWV), Raye Lusk (29th), Max Setzke (MOC), Fred Miller (LH).

Edward Wockenfuss (MOC), Pearl Blake (VFWA), Florence Pritchett (VFWA), Ruth Fitzpatrick (USWVA), J. Raymond Cesar (UNAF), Helaine Freyer (UNAF), Genevieve Grape (UNAF).

Carol Hemric (UNAF), Bobbi Hucek (UNAF), Rosemary Kehoe (UNAF), Camille Marocco (UNAF), Paula Mihok (UNAF), Glen Powell (UNAF), Louis S. Mann, Jr. (UNAF), and James Burlas (UNAF).

CERTIFICATE OF MERIT—300 HOURS

Edith Chenoweth (ALA), Joseph Schuch (AL), Sarah Snyder (ALA), Terry Harrison (BB), Moir Koger (DAV), Dorothy Reiber (SCC), Miriam Stover (DAR).

Helen Lewin (ARC), Marianne Moxey (ARC), Sadie Somers (ARC), Madge Duvall (OES), Connie Fitzsimmons (NM), Carolyn Smith (UNAF).

Ann Wagner (29th), Rose Sapon (VFWA), Mark Bennett (UNAF), Toots Barger (UNAF), Scott Borgerdine (UNAF), Raymond Claiborne (UNAF), Ormond Davis, Jr. (UNAF).

Wayne Miskelly (UNAF), Nora Miller (UNAF), John Norfolk (UNAF), Mark Shillingburg (UNAF), Beth Shenefelt (UNAF), and Richard Wagner (UNAF).

500 HOURS CERTIFICATE OF OUTSTANDING SERVICE—

William Archer (AL), Ethel Murphy (ARC), Lewis Brandt (MS), Edward Clough (MS), Genevieve Hines (MOCA), Esther Tennyson (MOCA).

Elizabeth Segal (VFWA), Arthur Barry (UNAF), Margaret Jerrard (UNAF), Gary Mullis (UNAF), Jackie Norris (UNAF), and Craig Oliver (UNAF).

CERTIFICATE OF DEVOTION TO VOLUNTEER DUTY—1000 HOURS

Catherine Mannion (AGSM), Naomi Hook (SCC), Jose Arbelada (MOC), Ethel Jockel (VFWA), Ann Lyston (UNAF), Richard Varney (UNAF), and Virginia Weir (VFWA).

BRONZE PIN AWARD—1,750 HOURS

John Rupp (ARC), Sarah Tucker (ARC), Regina Keogh (VFWA), Dexter Beane (UNAF), and Mary Stapf (JWVA).

GOLD PIN AWARD—5,000 HOURS

Robert Manger (AL), John Rose (DAV), and Eleanore Gorman (VFWA).

VOLUNTEER HONOR ROLL, 1971

Leroy Bafford (AL) 6806, George Bosnak (AL) 8337, Ed Emery (AL) 1050, Howard Gates (AL) 7738, Walter Hook (AL) 1976), Robert Manger (AL) 5117, Ronald Reese (AL) 1341.

Marie Bambling (ALA) 2202, Carrie Bosnak (ALA) 11,303, Lillian DiDomenico (ALA) 1525, Rosa DiDomenico (ALA) 2883, Julia Hartlove (ALA) 3735, Marie Manz (ALA) 4791, Dorothy Saard (ALA), 1387.

Josephine Schueler (ALA) 6209, Pauline Tarlton (ALA) 2366, Alice Bozman (ARC) 2949, Eugene Blakely (ARC) 1577, Clarence Hartge (ARC) 1624, Charlotte Fankhanel (ARC) 4790, Joanne Jenkins (ARC 1375).

John Rupp (ARC) 1963, Sarah Tucker (ARC) 1728, Walter Moore (CWV) 8560, Catherine Mannion (AGSM) 1118, Naomi Hook (SCC) 1032, Jose Arbelada (MOC) 1331, Catherine Long (CWVA) 2300.

Frances McFall (CWVA) 1687, John Kellam (DAV) 8994, John Rose (DAV) 5006, Mary Murkey (DAVA) 2867, Ida Sisenwain (JWVA) 3292, Mary Stapf (JWVA) 2365, Rae Stern (JWVA) 3429.

Martin Stout (LH) 1588, Effie Baker (SA) 3405, Carroll Cottingham (USWVA) 3024, Alice Lease (USWVA) 1798, Mary Bauer (VFWA) 5980, Isabel Buhner (VFWA) 1643, Eleanore Gorman (VFWA) 5110.

Edith Jackson (VFWA) 2158, Ethel Jockel (VFWA) 1005, Regina Keogh (VFWA) 1756, Frances Popp (VFWA) 2155, Mae Provenza (VFWA) 1475, Margaret Schaffer (VFWA) 2846.

Roberta Weber (VFWA) 5802, Virginia Weir (VFWA) 1007, John Henneman (UNAF) 4081, John Krol (UNAF) 1406, Dexter Beanne (UNAF) 1964, Ann Lyston (UNAF) 1233, and Richard Varney (UNAF) 1053.

WHAT OUR SOLDIERS HAVE A RIGHT TO EXPECT FROM THEIR LEADERS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HALL. Mr. Speaker, the concept of zero draft calls, leading to the establishment of an all volunteer army, has of late, been the source of considerable debate.

Although the Committee on the Armed Services recommended and the House passed, legislation to increase, by a considerable amount, the pay—and allowances—of our military personnel; it is required for the development of a volunteer, yet elite, Military Establishment.

Other parts of the solution must lie in the selection of commanders who are properly fitted to command; a fresh look at the military code of justice; and the attitude of the military toward housing and protecting the soldiers who will serve, to name just a few.

Twenty-five years ago, Gen. Bruce C. Clark, a distinguished battlefield commander now retired, set forth in clear terms a short critique of "What our soldiers have a right to expect from their leaders."

Recently, the Daily Union newspaper of Junction City, Kans., printed that statement as part of an editorial about an all volunteer army.

The editorial and the statement is worth reading, and heeding by all:

DO YOU WANT A ZERO DRAFT?

The United States Army is doing everything practicable to encourage young men to enlist and young soldiers to reenlist. Our own 1st Infantry Division has been selected as one of the seven army units to enlist men in its area for duty with that famous Division at Fort Riley.

The concept of the way to handle soldiers in The Modern Volunteer Army is based upon this extract from a lecture General Bruce C. Clarke made some years ago to the Cadets at West Point.

WHAT OUR SOLDIERS HAVE A RIGHT TO EXPECT FROM THEIR LEADERS

(By Gen. Bruce C. Clarke)

Honest, Just, and Fair Treatment.

Consideration Due Them as Mature, Professional Soldiers.

Personal Interest Taken in Them as Individuals. Loyalty.

Shielding from Harrassment from "Higher Up." The Best in Leadership.

That Their Needs Be Anticipated and Provided For. All the Comforts and Privileges Practicable.

To Be Kept Oriented and Told the "Reason Why."

A Well-Thought-Out Program of Training, Work and Recreation.

Clear-Cut and Positive Decisions and Orders Which Are Not Constantly Changing.

Demands On Them Commensurate With Their Capabilities,

Not Too Small Nor Too Great.

That Their Good Work Be Recognized—And Publicized Where Appropriate.

* * * * *

We can have a zero draft as soon as we convince enough young men that service in the Army is an honorable thing to do for their country and convince them that our people appreciate their service to our country.

The points General Clarke makes that the soldiers have a right to expect from their leaders that the soldiers have a right to expect from their leaders are also applicable to what the soldiers have a right to expect from their congressmen, senators, educators, clergy press, local leaders, etc.

If all of us accorded our young men in the Army the consideration, treatment and honor that General Clarke, who has been a soldier for over 50 years and has risen from private to four star general, feels they deserve, zero draft calls would not be far away.

A BILL TO AMEND THE SMALL RECLAMATION PROJECTS ACT OF 1956

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. JOHNSON of California. Mr. Speaker, I rise today to introduce a bill to amend further Public Law 84–984, the Small Reclamation Projects Act of 1956. This program, which has proven extremely successful over the years, originally was designed to encourage State and local participation in the development of projects under Federal reclamation laws and to provide for Federal developments of similar projects in the Western States by non-Federal organizations.

Since first enacted in 1956, the original legislation has resulted in some $71 million in Federal loans which have made possible the completion of 35 projects. In addition to this, we have another 11 under actual construction and 13 others have been approved by Congress and now await funding.

In presenting the proposed amendments, I would like first to outline something about the existing program and why it has proven so successful.

First of all, the initiative must be with the local sponsors, either State or local governmental entities. Not only do they have to have the desire to start the planning for such a project, but also the money for the first $1,000 of the Federal costs for examining such an application must be advanced by the applicant.

The act now permits Federal loans to assist in both the design and construction of these projects. The loans may be supplemented by grants to cover costs allocable to fish and wildlife, or public recreation, under regular procedure for Federal water projects. Thus, the capital costs allocated to design and construction for irrigation, domestic and municipal water supply are loans to be repaid in full. One other point I would like to make, that is the planning efforts, and so forth, do not involve any buildup of Federal payrolls as both design and construction is accomplished by non-Federal organizations.

There are some limitations which are creating difficulties for the program, for instance:

The maximum size of project which can be considered under the act is $10 millions—a limit fixed in 1956. The limit should be raised, as construction costs have risen since 1956.

The size of loans—that can be authorized under the act—is less than the size of projects that can be approved; that is, any difference in dollars between size of project and amount of loan—plus grant, if any—must be raised outside of the Federal Government. At present the maximum loan is $6.5 million, being 65 percent of the $10 million ceiling on size of project.

The proposed amendments would fix the loan—plus grant, if eligible—to 65 percent of the $10 million as may be raised by updated cost indices. Thus, which the size of loan could rise as costs do, the loan—plus grant—could not exceed 65 percent of the project cost.

The act now authorizes a total appropriation—for all projects which may be approved under the act—of not to exceed $200 million. The total of projects approved, in process and otherwise in "paperwork" stages would exceed the $200 millions of authority.

To avoid "squeezing-off" projects in conceptual stages, the proposed amendments would raise the total authorizing ceiling by $100 million, to $300 million. However, not a cent of that $100 million would be appropriated for fiscal year 1972 or even fiscal year 1973; rather, the increased authority is to provide a future for prospective sponsors who would spend their money to prepare proposals, and who would advance to Uncle Sam the $1,000 to pay for processing their applications.

Certain clauses in the act have caused confusion. For example, the Secretary of the Interior is told to consider whether a project involves rehabilitation, or furnishing supplemental irrigation; but whether the project does or does not is immaterial. Also, clauses about the "primary" purpose, or use of water, are confusing—and out of date, considering that water development today is multipurpose, serving many objectives.

The proposed amendments would delete language either immaterial or confusing, and would instead state clearly the nature of water developments to be considered; that is, "the term project shall mean any complete water development or features thereof, as could be authorized for construction under reclamation law." Thus, the kind of work—which a committee of this body would review before the Secretary could proceed—would be tied to whatever the Congress is otherwise doing under reclamation law.

By this amendment, current actions of the Congress about the purposes of regular authorized reclamation projects would govern the granting of loans under the Small Reclamation Projects Act.

BOSTON UNIVERSITY WINS FIRST HOCKEY TITLE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, Boston University's hockey team captured the first national team championship in BU history Saturday night, March, 20, 1971, defeating the University of Minnesota 4 to 2 in the NCAA tournament at Syracuse.

It is fitting that the hockey team should be the first to win a national title, since, over the years, hockey has been the most successful sport at Boston University.

Despite past successes, however, a national championship has proved illusive to the Terriers who twice were defeated in NCAA games.

This year, BU, holding the best win-lost record in college hockey and ranked No. 1 going into the tournament, was not to be denied. They earned their way into the title game with a 4 to 2 victory over the University of Denver in the semifinals.

The Terriers were spearheaded by Capt. Steve Stirling, who scored two goals in the finals and played great two-way hockey in both games, and Goalie Danny Brady who performed brilliantly in the nets, making 23 saves the first game and 32 the second.

Brady was selected as the tournament's most valuable player and was named to the tourney all-star team along with Stirling, BU defenseman Bob Brown and BU winger Toot Caheon.

Both Stirling and Brown also have been named to the all-American team from the East.

Other goals for BU were scored by Bob Gryp, Ron Anderson, and Wayne Gowing. In winning the NCAA championship, Boston University proved the wisdom of the selection committee that picked BU to represent the East along with Harvard; an automatic qualifier after upsetting the Terriers and winning the eastern championship.

BU also proved it deserved its No. 1 ranking this year, and with only three seniors on the squad—Stirling, Gowing, and defenseman Peter Yetten—the Terriers should be hard to dislodge from that position for some time to come.

The team will be feted Saturday, March 27, 1971, at the annual break-up banquet at Valle's Steakhouse in Newton, Mass., sponsored by friends of Boston University hockey.

A list of Boston University National Collegiate Hockey Champs follows:

BOSTON UNIVERSITY NATIONAL COLLEGIATE HOCKEY CHAMPS, 1970–71

Head Coach: Jack Kelley.

Freshman Coach: Bob Crocker.

Manager: Saul Weiss.

Equipment Manager: Carl James.

Team Captain: Steve Stirling.

Dan Brady, Bob Brown, Stefen Brueckner, Guy Burrowes, Don Cahoon, Ray Cournoyea, John Danby.

Steve Dolloff, Pete Thornton, Dave Warner, Peter Yetten, Bill Fenwick, Paul Giandomenico, Wayne Gowing, John Grady.

Bob Gryp, Bruce Hattan, Ric Jordan, Mike LaGorde, Bob Murray, Olivier Prechac, Tim Regan.

THE RESULTS OF WINTER QUESTIONNAIRE BY CONGRESSMAN SCHMITZ

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, my constituents in the 35th District of California responded very well to my winter questionnaire, and I would like to place it, and the report of the response, in the RECORD at this point. Approximately 23,000 people responded, a 7-percent return, which is higher than normal for such a questionnaire:

QUESTIONNAIRE

Please check whichever one of the positions stated at the right comes closest to your own thinking on each issue mentioned:

1. Inflation is a continuing and increasing problem which in recent years we have been unable to solve, and which is constantly threatening to get out of control. What do you regard as the most effective way to fight inflation?

Mandatory Federal price and wage controls.

Non-mandatory Federal guidelines, with strong Administration prodding of both business and labor to stay within the guidelines.

Substantial reduction, and if possible, elimination of Federal deficit spending.

Tighter control of the money supply by the Federal Reserve Board.

Higher taxes to balance the budget.

2. The Supreme Court and lower Federal courts have been charged with manifesting greater concern for the criminal than for his victim in many of their decisions, and with rewriting the Constitution to suit themselves rather than abiding by it. Defenders of the Federal courts, on the other hand, say that they are simply recognizing the rights of persons accused of crime which were too long ignored, and that the Constitution needs to be reinterpreted to fit changing times. How would you characterize your view of the Federal courts today?

Great confidence.

Considerable confidence.

An equal balance of good and bad.

Decreasing confidence.

Little or no confidence.

3. For five years we have been fighting an undeclared war against Communist aggression and terrorism in Vietnam, but a decision seems not much closer now than at the beginning. What should we do?

Victory should be our objective and we should commit whatever military force is necessary to achieve it.

A stalemate should be our objective, with our troops being gradually withdrawn and replaced by Vietnamese.

We should recognize that our involvement in this conflict was a mistake and withdraw all our troops as rapidly as possible.

4. Defense Secretary Laird has stated that during the past five years the Soviet Union has more than tripled the number of its nuclear missiles, while during the same period the United States has not increased the

number of its nuclear missiles. According to Secretary Laird, this has put us "literally at the edge of prudent risk." How should we react to this new Soviet military strength?

We should regain superiority over the Soviet Union in nuclear missiles.

We should maintain equal strength with the Soviet Union in nuclear missiles.

We should give a lower priority to defense spending in the expectation that this would reduce international tensions.

We should give up nuclear weapons altogether on the view that it is our possession of nuclear weapons that impels the Soviet Union to stockpile theirs.

QUESTIONNAIRE RESULTS AND FOLLOW-UP ACTION

(Each question appears in abbreviated form, followed by the given choices for response and the percentage of people choosing each one, in numerical order, with an explanation of the actions I have taken or plan to take in Congress on the issue covered by the question.)

Question 1. What do you regard as the most effective way to fight inflation?

39.7%. Substantial reduction, and if possible, elimination of Federal deficit spending.

30.7%. Mandatory Federal price and wage controls.

25.8%. Non-mandatory Federal guidelines, with strong Administration prodding of both business and labor to stay within the guidelines.

2.0%. Tighter control of the money supply by the Federal Reserve Board.

1.8%. Higher taxes to balance the budget.

Action: (a) Commitment to vote for all reductions in non-defense spending necessary to balance the budget, and against all increases in such spending which would maintain or increase the deficit;

(b) Commitment to vote against any further increase in the national debt limit;

(c) Legislation in preparation to curb the power of labor unions to obtain inflationary wage increases.

Question 2. How would you characterize your view of the Federal courts today?

41.8%. Decreasing confidence.

28.0%. Little or no confidence.

11.7%. Considerable confidence.

10.3%. An equal balance of good and bad.

8.2%. Great confidence.

Action: Confidence in the courts is clearly at an all-time low among my constituents. I am preparing legislation to deprive the Federal courts of jurisdiction in cases involving State laws on drug abuse, welfare eligibility, pornography, abortion and sterilization, and prayer in public schools, and depriving the Federal courts of authority to hear appeals from State criminal convictions where the guilt or innocence of the accused is not in question, but only the police procedures before trial. If my bill passes, all cases of these kinds would be handled by State courts. In California State judges can be voted out of office if they do not do their duty.

Question 3. What should we do in Vietnam?

41.2%. Victory should be our objective and we should commit whatever military force is necessary to achieve it.

29.6%. A stalemate should be our objective, with our troops being gradually withdrawn and replaced by Vietnamese.

29.2%. We should recognize that our involvement in this conflict was a mistake and withdraw all our troops as rapidly as possible.

Action: This response makes me sincerely proud to represent the people of the 35th Congressional District of California. Despite years of frustration, the loss of so many lives without apparent result, and an unprecedented, sustained propaganda campaign for the false "peace" of surrender to Communism in Vietnam, a strong plurality of my constituents still choose victory and less than three in ten want to withdraw without victory. I have reintroduced H.J. Res. 71 providing that if the Communist dictators of North Vietnam do not, within 30 days of Congressional approval of the resolution, release our prisoners of war and begin large-scale withdrawal of their forces from the territory of their neighbors, Congress will formally declare war against North Vietnam and make every effort to win that war. For those who fear that this would produce a nuclear showdown with the Soviet Union, President Nixon's leading national security adviser, Dr. Henry Kissinger, has stated: "It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union."

Question 4. How should we react to new Soviet military strength?

We should regain superiority over the Soviet Union in nuclear missiles. 43.2%

We should maintain equal strength with the Soviet Union in nuclear missiles. 39.1%

We should give a lower priority to defense spending in the expectation that this would reduce international tensions. 14.2%

We should give up nuclear weapons altogether on the view that it is our possession of nuclear weapons that impels the Soviet Union to stockpile theirs. 3.5%

Action: More than four-fifths of my constituents reject the now-fashionable "re-ordering of priorities" downgrading defense, which has dangerously lowered our military capability relative to the Soviet Union and is now breaking up the finest pool of trained engineering manpower in the world, assembled in Southern California. I will continue to call attention at every opportunity to the most pressing needs of our national defense. President Nixon has my full support in his proposed $1.5 billion increase in military expenditures for the next fiscal year, and I have personally requested him to add to that sum for more strategic weapons systems, particularly the B1 bomber, the anti-ballistic missile (ABM) system, and nuclear submarines. Nondefense appropriations should be cut to match these increases in defense appropriations so as not to add to the Federal deficit.

Right to Life: The States now have the responsibility of defining the legal limits on abortion. However, by a mere exchange of bureaucratic memoranda last July, a policy amounting to abortion on demand was put into effect in U.S. military hospitals. I have re-introduced my bill (now H.R. 4257) to cancel that policy and require military hospitals to abide by the laws on abortion in the State where each military hospital is located, as they must also abide by other State laws pertaining to crimes against persons. We should remember that the most fundamental of all human rights is the right to life. When that is denied to anyone, however small and helpless, all our rights are put in jeopardy.

Air and Water Pollution: I am committed to support all necessary legislation to remove the serious threat to life and health now presented by air and water pollution. Very significant legislation for this purpose was passed last year (see "Action in Congress, Fall 1970" below) and more is proposed this year. The "ecology" issue should not be used as an excuse for greatly extending government control in areas other than the prevention of air and water pollution.

TAXES

The average person works more than four months each year to pay his taxes according to Library of Congress researchers.

In 1949, it took 13.5 weeks of work.

In 1959, it took 16 weeks of work.

In 1969, it took 17.6 weeks of work.

ACTION IN CONGRESS, FALL 1970

Clean Air Act: Signed into law December 31, 1970, the most far-reaching Federal anti-smog legislation ever enacted. Provides that automobile manufacturers must eliminate 90 per cent of the smog-producing pollutants now found in automobile exhaust, by the year 1975, or face heavy fines and long prison terms. It places similar restrictions on stationary sources of air pollution such as factories, and similar penalties for violation. Specifically allows the State of California to enforce even stronger anti-smog laws pertaining to automobiles. Voted yes.

Drug Abuse Prevention and Control Act: Signed into law October 27, 1970, it tightens regulatory controls helping to prevent illicit diversion of dangerous drugs; provides for more record-keeping and accountability for dangerous drugs and more rapid control of new drugs; increases penalties for repeat offenders illegally selling dangerous drugs. Voted yes.

Tariff and Trade Bill: Passed the House, defeated in the Senate. Would have set quotas on imports of shoes, textiles and oil, as well as requiring further limitations on imports when they exceed an arbitrary mathematical sales formula. The result would have been to raise the prices of many widely used consumer goods. Voted no.

Family Assistance Plan: Would have provided a guaranteed annual income for everyone, regardless of ability to work, at an estimated additional cost of $10 billion in the first year alone, adding an estimated 12 million people to the welfare rolls over and above the 10 million already receiving welfare. The bill passed the House before my election to Congress, but was defeated in the Senate, and will be reintroduced soon. Will vote no.

Supersonic Transport: The major issue before Congress during its closing weeks. The decision being made was not whether to build an entire fleet of supersonic transports at public expense, but only whether to finish two government-assisted prototypes already more than half built. As President Nixon has pointed out; simply closing down the project at this point would cost almost as much as completing it. Alleged dangers of damage to the environment from this aircraft have not been substantiated (so long as it would "break the sound barrier" only over oceans). Therefore I voted to finish building the prototypes. I will not support appropriation of public funds to build a fleet of this or any other aircraft for commercial use.

VEYSEY INTRODUCES NEW BILL TO SAVE THE SALTON SEA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, today I am introducing two bills to authorize the next step in saving the Salton Sea from death by salt strangulation. Thirty of my colleagues from the California delegation are joining with me to call for Federal participation in an urgently needed feasibility study of the best way to preserve the sea.

Authorization of the feasibility study will be one more milestone in the 6-year effort to keep California's largest body of water from dying.

In December 1965, as State assemblyman I began meeting with the broad spectrum of groups interested in saving the sea. We met every 3 months to develop legislative solutions to the alarming increase in salinity and nutrients that is suffocating the sea. The result was State legislation which established the California Salton Sea Advisory Committee.

The committee, the State of California, and the Federal Bureau of Reclamation conducted a major reconnaissance investigation to develop alternative plans to stabilize the sea level, limit the salinity, and control the nutrient problem. They also developed engineering and financial data on the project.

The reconnaissance report documented for the first time the extent of the camping, fishing, swimming, and water skiing recreation presently enjoyed at the sea. It estimates that if the sea can be kept alive it will support 4,804,000 recreation man-days a year by the year 2000.

The report concluded that—

> Further studies are necessary to determine the specific measures required to formulate a plan, and to evaluate its engineering and economic feasibility.

To end this, in my last term as an assemblyman I introduced A.B. 1487 which appropriated California's portion of the money for the feasibility study.

Mr. Speaker, the bills I am introducing today would authorize the Federal portion of the study. I urge my colleagues to join me in saving this magnificent recreation resource.

NARCOTICS, YOUR CHILDREN, AND YOU

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DE LA GARZA. Mr. Speaker, on the calendar for today is H.R. 5674, the Commission on Marihuana and Drug Abuse authorization bill.

I think it is especially appropriate at this time to comment upon a program conducted by the McAllen, Tex., High School. The Student Council of McAllen High School set up a seminar on drug education and abuse. These enterprising youngsters made arrangements with Mr. Art Linkletter to address some 1,500 representatives from student councils in the entire south Texas District Association. This district includes schools from Corpus Christi to Laredo and north to the Falfurias-Premont area. The seminar was conducted with the cooperation of the local banks and Jaycees.

Drug abuse information, which I was privileged to help this group obtain, was put in packets which were handed out to each student. The students, in obtaining a speaker with whom all age groups were able to relate, and in making available factual information to all who wanted it, performed, to my way of thinking, a service which will give many of our youngsters a different outlook on the problem of drug use and abuse.

It is my sincere hope that through legislation, through our own actions and examples, and through a combined effort of youngsters such as those at the McAllen High School and parents everywhere, we may eventually wipe out this evil which is sweeping our great country.

I know you and my colleagues join me in this hope, and I felt you would be impressed by what one group of youngsters is doing to achieve this goal.

INSIGHT IN THE NATURE AND DEPTH OF THE THINKING OF OUR YOUNGSTERS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the CONGRESSIONAL RECORD two editorials which appeared in the student quarterly publication at The Fessenden School, in West Newton, Mass. Their publication is called the Albermarle, and the editorials appeared in last February's issue.

What makes these editorials important is not solely their content, but the fact that one was written by a young man 13 years of age and the other by a young man 14 years old.

These two editorials give one an insight in the nature and depth of the thinking of our youngsters. One cannot but be inspired and encouraged to read them.

The editorials follow:

WAKE UP!

(By Robert M. Winer, 13 years old)

There is a crippling disease raging among American society today that is very basic in nature though generally unnoticed by most. The cure to this plague could greatly aid many other causes in areas such as health, ecology, and crime. I am speaking about the passive attitude and lack of true inward concern displayed by the average citizen. Need the silent majority be silent?

Too many Americans form superficial opinions about current political issues and stop there. For example, everyone agrees that environmental pollution must be curbed and earth, water and air should be de-polluted. However, many people have no willpower at heart to refrain from carelessly tossing away a beer can or candy wrapper, which they excuse as saying, "A little beer can (or wrapper) won't hurt any." If we all employ some willpower—don't litter, maybe pick up some papers, use our cars less—the environment would benefit and some government money could be channeled to other areas.

Politicians receive much unwarranted criticism along with that which is deserved. Measures for curbing inflation have already been suggested and it is the public who is also at fault when we forfeit low prices for the sake of convenience. We could also give politicians a boost in fighting crime and pollution. Too many people fear involvement. If they see an accident or robbery, they are reluctant to act as court witnesses. If a neighbor fouls the air by burning leaves, they are reluctant to report it.

It has been said that the shorter work week and mechanization give Americans more free time. This is the time that should be used to work toward constructive goals. More people ought to join organizations dedicated to helping man in various ways, such as stamping out use of harmful drugs or aiding impoverished families. More people could write up petitions or letters to politicians with constructive suggestions.

There are many more ways for the silent majority to speak louder than the "vocal minority"—giving blood, employing birth control (or limiting size of families), contributing money to cancer funds or birth defect funds. An active populace is the backbone of democracy, and a passive citizenry is on the road to internal destruction. The time is gone when one could say, "But I'm only one person. I can't change anything." Be forewarned!

MILITARY SECURITY AND THE UNIVERSITIES

(By Malcolm Magruder, 14 years old)

There is a current trend among the universities to divorce themselves from the problems of military security and national defense. The cause is obvious—our current involvement in a war especially unpopular among the student population. But is this trend justified?

National defense and military security are facts of life that must be faced. The manner in which we of today approach our national policies in these important areas will have a profound effect on this nation for generations to come. This problem needs the participation of the best minds that this country has to offer. Brushing the problems of military security under the rug and pretending they don't exist will not solve anything. It is more than probable that such an approach will only compound the problem for the future.

It has been said that freedom is a delicate plant requiring constant nourishment. Its enjoyment carries responsibilities.

During World Wars I and II the youth of this nation took pride in meeting the obligations of national defense. ROTC was established at Harvard University in response to the demands of the student body during World War I.

The need to involve universities in the problem of national defense is just as valid today as a generation ago. Considering the complexities of the modern world, national defense requires the active participation of the university community.

The current trend should be recognized as a "cop-out". Unless the campuses are willing to face up to the reality of history, they will leave the defense of freedom to less competent hands.

LOCAL BOARD COMPOSITION AND INSTITUTIONAL RACISM

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DIGGS. Mr. Speaker, numerous arguments have been offered both favoring and opposing continuation of the draft. One of the most convincing arguments, and one which has been presented by both sides of the draft question, is an appeal for racial justice.

In fact, however, although proponents of the draft have claimed that a volunteer army would be predominately poor and black they have overlooked the present situation—in which draftees are already disproportionately poor and black. These oppressed minorities will serve disproportionately under either arrangement, but at least under a volunteer army concept they can hope to receive better compensation for their enlistment.

Under the present draft system, blacks, other oppressed minorities, and the poor bear the greatest burden—for many reasons: Student deferments work to the advantage of white registrants; better draft counseling within the college community and college deferments enable white youths to develop philosophical and procedural sophistication needed to gain conscientious objector status; reliance on prior medical history in determining medical deferments works against minorities who have not received medical care, although their health may be, indeed, worse than whites who receive medical deferments.

In order that both proponents and opponents might become more enlightened as to the odious racial aspects of the present draft system, I submit for the RECORD an excellent study of this subject by Paul T. Murray, assistant professor of sociology at Fisk University, Nashville, which he wrote after extensive research:

LOCAL BOARD COMPOSITION AND INSTITUTIONAL RACISM

(By Paul T. Murray)

The draft is hardly a popular institution in contemporary America. It has been denounced from a wide variety of political perspectives: it facilitates American imperialism in Vietnam; it deprives young men of their personal liberties; it favors the rich at the expense of the poor; it places life and death decisions in the hands of a few middle-aged men who are unsympathetic with today's youth. In February, 1967, critics of the draft received new ammunition for their attack upon the Selective Service System. Not only was the System taking young men to fight an unjust war in Vietnam, it was also an instrument of American racism. Black militants such as Stokeley Carmichael and other members of the Student Non-Violent Coordinating Committee had made this charge in 1966, but when the report of the National Advisory Commission on Selective Service was released it was given official documentation. The report stated that in October, 1966, only 1.3% of the 16,632 local board members were black. As might be expected, this systematic exclusion of blacks was most prevalent in the South. Alabama, Arkansas, Louisiana, and Mississippi had no blacks serving on local boards. But this exclusion was not confined entirely to the South. Indiana, Kansas, and New Jersey also had no black representation.

The publicity surrounding the release of these findings generated much concern in the Selective Service National Headquarters. Not only was the news damaging its already tarnished public image, but the charge of systematic exclusion of blacks from local boards was being used as a legal defense by black draft resisters. Among others, Muhammed Ali and SNCC leader Cleveland Sellers had refused induction into the Armed Forces and were using the issue of black exclusion in their court cases. Drawing on the precedent of Supreme Court decisions on the systematic exclusion of blacks from jury duty, this approach seriously threatened to disrupt the operations of the draft. If the argument of systematic exclusion was upheld, the actions of many all-white local boards would be automatically invalidated and blacks would have a legally sanctioned reason for refusing induction.

In response to this threat, the Selective Service System suddenly discovered a strong commitment to equal opportunity for blacks. The System embarked on an earnest program to recruit blacks for local boards. Surprisingly, there was relatively little opposition to this effort. Even such previous strongholds of white supremacy as Georgia, South Carolina, Mississippi, and Alabama joined the rush to appoint black local board members. By June 30, 1970, there were 1,265 Negroes serving on local boards in the Selective Service System, or 6.7% of all local board members. Although not yet at the 12% figure of blacks in the total U.S. population, this number represents a six-fold increase since 1966 and is steadily increasing. Before long it appears that the Selective Service System will be successful in eliminating the systematic exclusion of blacks from local boards.

Aside from blocking a potential legal defense for black resisters and removing an embarrassing source of public criticism, what has been the effect of appointing blacks as local board members in the Selective Service System? Has their appointment eliminated all traces of racism in the operation of the draft? Does the black registrant now fare better in the draft than he did in 1966? One way to answer these questions is to look at the statistics on non-white inductions collected by the Department of Defense. If the absence of blacks on local boards increased the chances of black registrants being drafted, then the significant increase in black board members should result in a decrease in the proportion of black draftees. If the appointment of blacks to local boards insures equal treatment for all draftees, then blacks should not be drafted out of proportion to their numbers in the civilian population. These hypotheses, however, are not supported by the evidence. In 1966, when only 1% of local board members were black, 12.4% of all draftees were non-white. In 1970, when nearly 7% of local board members were black, 15.8% of all draftees were non-white. Instead of declining, the proportion of black draftees has dramatically increased from 1966 to 1970. While blacks were drafted in rough proportion to their numbers in the civilian population in 1966, blacks are now drafted substantially in excess of this proportion. Clearly, the appointment of blacks as local board members in the Selective Service System has not appreciably affected the racist operation of the System.

To explain this apparent contradiction, we must examine the position of local board members within the Selective Service System. The local boards meet once or twice a month usually for a period of two to three hours. At these meetings they spend most of their time deciding changes in draft classifications. A large majority of the cases which they act upon are of a routine nature and are automatically passed at the suggestion of the local board clerk. The bulk of board members' time is devoted to those cases in which the registrant is making a personal appearance to appeal his classification. Most of these appeals are made on grounds of conscientious objection, hardship, and, until recently, occupation. Thus, only a very small proportion of all reclassifications receive any close attention from local board members. In effect, they are made by the clerk of the local board. Although they can exercise wide discretion in certain cases, such as conscientious objection, the actions of local board members must follow the regulations of the Selective Service System. Although there may be variation from board to board, these classification decisions are primarily guided by national standards. Even a deliberate conspiracy on the part of local board members to draft as many blacks as possible would have little effect within the limitations of the guidelines established by the System. On the other hand, even if every local board was all-black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives. The reason for the disproportionate numbers of black draftees must be found in sources other than the composition of the local board.

The rapid increase in the number of black local board members is probably the best indication that this is a relatively powerless position. Most local board actions are routine and classifications are made by the clerk who is a full-time employee in contrast to the local board members who serve without compensation. Many observers have remarked that the clerk of the local board actually wields most of the power which is legally entrusted to the local board. However, the exclusion of blacks from the compensated positions within the Selective Service System has not received nearly as much attention as the exclusion of blacks from local board membership.

Selective Service figures on full-time compensated personnel as of November 30, 1970, indicate that 447 Negroes are employed full-time by the System out of a total of 6,527 full-time employees. This figure represents 6.85% of all full-time compensated personnel, approximately the same proportion of black local board members. However, there is a considerable difference in the geographic distribution of these employees. Three hundred and thirteen of the 447 black Selective Service employees (70%) are employed in New York, District of Columbia, Illinois, California, and Michigan. In the South blacks are still almost completely excluded. Of 1,779 compensated personnel in 12 Southern states, only 32, or 1.8%, are black. The System has had considerably greater success in appointing blacks to local boards. There are 448 blacks currently serving on Southern draft boards, 9.2% of all local board members.

The exclusion of blacks from compensated positions within the System may have a slight effect on the number of black draftees, but, as in the case of local board members, this is not a major reason. The cause of the disproportionate number of black draftees must be sought at the national level. Ultimately, it is the regulations of the Selective Service System and the standards of the Armed Forces which determine the number of blacks who will be drafted.

Within the Selective Service System, the major sources of institutional racism are the standards for deferment. It is generally recognized that the provisions for student deferments works to the advantage of white registrants. Since fewer blacks attend college or participate in apprenticeship programs, they are less able to use this means of avoiding the draft. Although many college students are forced to enter the Armed Forces following their graduation, they have been able to postpone military duty for four years. During this time, they have gained the necessary qualifications which will enable many of them to obtain officers' commissions. Others take advantage of this time to look for loopholes in the System. The college deferment has enabled many youths to choose their period of military service. Young men who were eighteen in 1966, when the Vietnam fighting was greatest, have been able to avoid the draft by going to college until their graduation in 1970 when the level of combat deaths had declined considerably. The elimination of deferments for graduate students has removed one source of racism in the draft, but this inequity will not be totally eliminated until all student deferments are abolished.

A second classification which works to the advantage of whites is the conscientious objector (CO) status. Although CO's are a small proportion of all Selective Service registrants, they are overwhelmingly white. Not only are the traditional pacifist churches almost entirely white in their composition, but the college deferment enables many white youths to develop both the philosophical and procedural sophistication needed to gain conscientious objector status. The nearly complete absence of draft counseling facilities on black campuses and in black communities compounds this inequity.

Hardship and dependency deferments are the final major classifications granted by the Selective Service System. Based upon the social and economic conditions of blacks in the United States, one would expect a large proportion of blacks in this category. However, the greater sophistication of draft age whites may affect even this source of deferment. Since the Selective Service System does not collect data by race, it is impossible to determine whether or not this classification also works to the advantage of white registrants.

The elimination of occupational deferments has removed one major source of racial inequity in the Selective Service System. However, as long as any deferments remain, they will probably be used to the advantage of white registrants. Middle class white college students have become highly skilled in manipulating the regulations of the System. Most blacks are excluded from the sources of this sophistication and accordingly suffer from any system of deferments.

A second major source of inequity in the draft lies in the medical standards for induction. Men who are considered to be physically unfit for military service are given either a I-Y or a IV-F deferment. In cases of obvious impairments, the local board may make this decision, but in most cases the men are forwarded for examintion to the Armed Forces Examination and Entrance Stations (AFEES). Here they are subjected to the military examination which has been immortalized by Arlo Guthrie in "Alice's Restaurant." Many medical surveys have shown that the poor receive much less medical care than affluent Americans and when treated they receive poorer quality of care. Thus, one would expect that since a large proportion of blacks are poor, more blacks would receive deferments for medical reasons. However, this is not the case. Whites consistently receive nearly fifty percent more medical deferments than do blacks. From 1950 to 1966, 21.9% of the whites were rejected at the physical examinations while only 14.5% of the blacks examined were rejected. In recent years, the total rejection rate has increased, but the racial disparity remains. For Fiscal Year 1970, 34.6% of the whites examined were rejected on medical grounds, but only 24.5% of the blacks examined were rejected for similar reasons. Bernard D. Karpinos of the Surgeon General's Office cites two reasons to explain this difference: 1) the less frequent exposure of lower class youth, i.e. blacks, to medical care which makes them less aware of their physical ailments and denies them the medical records on which many medical deferments are based, and 2) the greater sophistication of middle-class youths, i.e. whites, with regard to the medical standards for deferment. Ironically, the rate of medical disqualification increases in direct proportion to the educational level of the men examined.

Since the Army medical standards include a wide variety of ailments as grounds for rejection, nearly all resourceful young men can discover some medical condition which would be grounds for medical deferment. All that is needed is a knowledge of Selective Service requirements, a sympathetic physician, and sufficient money to purchase the services of a physician. On all three counts, black youth are at a serious disadvantage.

Only one source of deferments works to the advantage of the black registrant. This is the mental qualification for induction. Since 1950, all men entering the Armed Forces have had to make a score at a specific level on the Armed Forces Qualification Test (AFQT). Although the level for rejection has changed from time to time, the proportion of blacks who fail this test has consistently been four times greater than the proportion of white failures. From 1950 to 1966, 54.1% of the blacks examined were rejected for deficient education, but only 18.6% of the whites were rejected for this reason. Since 1965, the Armed Forces' educational standards have been lowered on several occasions. Although blacks are still rejected in larger proportions than whites, the total rejection rate has been reduced substantially. In Fiscal Year 1970, 5.3% of the whites examined were rejected for low scores on AFQT while 29% of the blacks were rejected for this reason. Despite this high rejection rate, the absence of other deferments insures that a large proportion of the draftees will be black. Among the men found physically and mentally qualified, more blacks are drafted. A 1964 survey conducted by the Department of Defense showed that among qualified men aged 26 to 34, 30.2% of the blacks had been drafted in comparison to 18.8% of the whites. If the same survey were conducted today, this disparity might be even greater due to the reduced educational standards.

Other Armed Forces' programs also contribute to the disproportionate number of black draftees. The virtual absence of blacks from the Army National Guard and Air National Guard gives white youths a monopoly on this means of avoiding the draft. The same is true for the various Reserve programs of each of the Armed Forces. The under-participation of blacks in the various ROTC programs and the absence of these programs on many predominantly black campuses is yet another reason for the disproportionate number of black draftees.

Although all but one of the above mentioned sources for avoiding the draft work to the benefit of white youths, they cannot explain the sudden and dramatic increase in the number of black draftees after 1966. The non-white induction figures shown in Table I reveal that from 1966 to 1967 the proportion of black draftees increased from 12.4% to 16.3%. Since 1967, the proportion of non-white draftees has remained at nearly this level. The major reason for this increase is Project 100,000. This program, begun in 1966, lowers the standards for induction and enlistment so that men who previously would have been rejected on medical or educational grounds are now accepted. Ninety-two percent of these "new standards men" came into the Armed Forces as a result of the lower educational standards. Of the first 246,000 men who were included under this program, 47% were draftees and 41.2% were non-white. Without Project 100,000 blacks would have been approximately 11% of all draftees. During this period the "new standards men" were 13% of all inductions.

TABLE I.—ARMED FORCES INDUCTIONS, JUNE 1952–NOVEMBER 1970

Calendar year	Total inductions	Nonwhite inductions	Percent nonwhite
1952 [1]	242, 602	37, 974	15. 65
1953	470, 545	60, 827	12. 92
1954	252, 785	22, 120	8. 75
1955	151, 943	13, 877	9. 13
1956	152, 651	15, 534	10. 17
1957	138, 339	17, 036	12. 31
1958	142, 009	16, 358	11. 51
1959	96, 094	10, 553	10. 98
1960	86, 395	11, 845	13. 71
1961	119, 020	17, 790	14. 94
1962	81, 319	14, 111	17. 35
1963	119, 159	18, 673	15. 67
1964	111, 955	16, 961	15. 14
1965	232, 014	31, 060	13. 38
1966	382, 396	47, 504	12. 42
1967	228, 743	37, 336	16. 27
1968	296, 251	44, 642	15. 06
1969	284, 924	45, 691	16. 03
1970 [2]	155, 404	24, 537	15. 78
Total	3, 726, 074	542, 293	14. 47

[1] June–December.

[2] January–November.

Source: Qualitative Distribution of Male Enlistments, Inductions, and Rejections, DD–M(M)663.

When Project 100,000 was introduced Secretary of Defense, Robert S. McNamara, explained that his plan to "salvage" 100,000 men a year through the Department of Defense was an important part of the anti-poverty effort. "The poor of America," he said, "can be given an opportunity to serve in their country's defense, and they can be given an opportunity to return to civilian life with skills and attitudes which for them and their families will reverse the downward spiral of human decay." Adam Yarmolinsky, the McNamara assistant who is often credited with originating the program, defended the program in similar terms. He concluded that the men who served under this program would return "to civilian life with new confidence in their ability to contribute to civilian society."

The noble rhetoric associated with the introduction of this program masked its primary purpose. At a time when the manpower needs of the Vietnam War were rapidly increasing, this program took the pressure of the draft off of the "more vocal" elements of the population. Although there was never a shortage of manpower, poor whites and blacks were inducted in the place of college students to reduce protests against the draft and provide the Armed Forces with a more manageable manpower supply. Any training these men received was purely incidental to their primary function to serve as combat soldiers. The "new standards men" received no special training. They were allowed greater time to complete the normal educational cycles, but after that time they were treated no differently than any other soldiers. The skills which these men acquired can be inferred from their military occupational specialties. Thirty-seven percent of the "new standards men" were assigned to combat specialties. This compares with 23% of the men in a control group. Among Negro "new standards men" in the Army the percentage in combat specialties reached 45%.

If this program was being implemented solely from altruistic motives, then it would not have been necessary to draft the "new standards men." But participation in this program has never been voluntary. Nearly half of the men who have entered under the lower standards have been draftees. Project 100,000 has always been primarily a method for enlarging the military manpower pool. This was done at the expense of the poor and the black to the advantage of the white and the affluent. Any social benefits which may result from this program will be completely secondary and entirely unrelated to its primary purpose of protecting the sons of the middle class from the draft and Vietnam.

The introduction of blacks to serve as local board members will no doubt reduce blatant examples of individual racism in the Selective Service System. The equitable representation of all segments of the population in the system is a worthy goal and should not be abandoned. However, those who are concerned about the fate of blacks in the draft should not abandon their efforts once an equitable proportion of blacks has been appointed to local boards. Another more important problem remains—the pervasive institutional racism of the draft. As we have shown, the actions of the local board members are of relatively little consequence in determining the number of blacks who are drafted. Even if all members of the Selective Service System were black, the number of black draftees would not be appreciably reduced as long as they followed the present regulations. To fight solely against the exclusion of blacks from local boards misdirects the energies of those alarmed about racism in the Selective Service System. Such individual efforts will have little more effect than a garden hose against a forest fire. Protests of individual cases will only be effective if they can serve as a means of education to transform the issue from one of individual racism to one of institutional racism.

Short of entirely abolishing the draft, several steps can be taken to relieve inequities in the current draft system. 1) A program of intensive lobbying should be conducted to support the proposal submitted to Congress to eliminate all student deferments. 2) Draft counseling facilities must be made as available to black youths as they are to white youths. This means the establishment of draft counseling centers on black campuses and in black communities. Draft age blacks must be made aware of the existing opportunities for deferment and appeal. 3) The Armed Forces physical examination should be seriously overhauled. Reliance on prior medical history should be made secondary to complete, thorough, and impartial examinations at the induction centers. Black physicians should be recruited to participate in these examinations. 4) Project 100,000 should be made completely voluntary. Men who are eager to enlist in the Armed Forces should not be prevented by an arbitrary educational standard. However, these men should be allowed to weigh the advantages of military service themselves.

Of course, the best way to eliminate this racism is to abolish the draft altogether. This one step would remove the need for several separate reforms. Those opponents of draft abolition who argue that an all-volunteer Army would be predominately poor and black fail to realize that the current draftees are also disproportionately poor and black. These men are now bound in a form of involuntary servitude. The pay they receive can hardly compare with their potential earnings in the civilian economy, even in a time of recession. Continuation of the draft would only perpetuate the handicaps forced on the poor and the black draftees. Simple justice demands that these men receive an adequate income, especially when all men do not have to serve. If the draft can be considered a tax in kind, it is an extremely regressive levy. Instead of falling most heavily on those able to pay, it penalizes those who can least afford it. Blacks and the poor should not be victimized any longer by this unjust system of taxation.

Many arguments support the abolition of the draft, but the elimination of institutional racism should be the most persuasive.

A FEW KIND WORDS FOR AMERICA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHWENGEL. Mr. Speaker, on March 21 of this year a distinguished Iowan, Mr. Gardner Cowles of the Cowles Publications, by invitation addressed the volunteer bureau of Des Moines. This address is so very pertinent and worth while that I deem it worthy of note in the Congressional Record so that my colleagues and all readers of the Record may have the opportunity to read, ponder on, and learn from the insights and conclusions of this distinguished Iowan.

The title of his address is "A Few Kind Words for America." How timely and worth while this subject is just now. His address, as you will note, deals with the broad question of what America has done, is doing, and will do. While I could not be present at the meeting, I have heard from reports of those who were there that it was a magnificent and needed dissertation and was presented by its author very effectively.

Mr. Speaker, I have read this speech several times and I, too, am thrilled by its message of insight, of understanding, of assurance, and of challenge. I believe this should be read by every American in every strata of American life. It can do much to help us better understand ourselves as we work for today and plan for tomorrow. The address follows:

A Few Kind Words for America

Des Moines Consistory,
March 23, 1971.

I am pleased to be included in this Volunteer Bureau luncheon, pleased to have the opportunity to help honor the outstanding volunteers of the year. Des Moines is a better city—a better place in which to live—because of the efforts of hundreds and hundreds of volunteers working on so many different community social problems.

If I may be permitted a personal reference, my thoughts this noon go back almost 40 years—to 1932—to the dark pit of the Great Depression. I was Chairman that year of the Annual Fund-raising campaign of the Community Chest. I was young. I was scared. But that job gave me the most valuable experience of my life. I came to know Des Moines—the problems of Des Moines—the people of Des Moines—their basic decency and generosity—their willingness to share—to help each other.

Volunteer work not only helps solve many social problems, but it benefits the volunteer by making him or her a better citizen, a more concerned citizen, a better-informed citizen. It adds a dimension to living beyond just holding a job or making money or raising one's own family. I think the thousands and thousands of non-governmental social agencies across this nation of ours is one of the main reasons America has grown to greatness.

It is fashionable these days to downgrade America—to view the future with alarm and despair. I don't feel that way. I believe America's finest hours lie just ahead. When I was a teenager, blind patriotism was the fashion—"right or wrong, my country" typifies the mood of a half century ago. Today I think the mood is better—like "when my country is right, I will support her. When my country is wrong, I will try to put her right."

The Vietnam War is a good example. The people have decided it is an immoral war. The people have decided it must end. The force of public opinion drove Lyndon Johnson from the White House. President Nixon has said if he hasn't substantially ended the Vietnam War by the summer of next year, there is no point in his even attempting to run for a second term. That war has prevented us from acting effectively on many vital domestic problems. Now we're going to have a chance to do many things which have needed doing over the last decade.

Take medical care, for example. Do you know that although the United States spends more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth, we have dropped in the last 20 years from seventh to sixteenth in the prevention of infant mortality. We have dropped from sixth to eighth in female life expectancy. We have dropped from tenth to twenty-fourth in male life expectancy. It is perfectly obvious we have a decrepit, inefficient, high-priced system of medical care. We must do something about it and we will.

Nor do I despair about pollution. It is a huge problem, but it can and will be solved. I do not know of a single large corporation that is not moving rapidly to eliminate or substantially reduce the pollution it is causing.

I was in Detroit two weeks ago and talked with a dozen of the corporate officers of General Motors, Ford and Chrysler. In a very few years, the new cars running on lead-free gasoline will cause only a small fraction of the pollution the older cars now cause.

Science is finding ways to re-cycle waste. There is no reason why a decade hence, we cannot again have clear air and clean water and cities not buried in refuse, dirt and grime. I even have hopes for New York City whose problems seem so monumental no possible solution can be imagined. But slowly I believe it will find a way to cope with its worst problems. What technology has done to the Earth, technology can cure.

I am not going to dwell on America's most shameful problem—her treatment for nearly three centuries of her black minority—for progress on this problem is obvious to all of us—in integration in schooling and housing, job opportunities, voting rights, and in eliminating dozens of discriminatory practices which should have been banned long, long ago. Much still remains to be done, but the trend is right. That is the important point.

Pessimists and cynics among us say that America, once the hope of the world, has now become the most disliked, distrusted, even hated nation. This is nonsense. Let me give you just one example.

Take France. We had our problems over many years with de Gaulle. But I was in Paris just a month ago. I read in the French press the results of a recent nationwide scientific poll—a la the Gallup poll here. The French people were asked: "What country in the world do you consider the best friend of France?"

The United States, a huge ocean away, got 25 per cent of the votes. One French man or women out of every four regards the United States as France's best friend in all the world. Belgium and Germany tie for second place with 9 per cent each—or less than one vote out of ten. Britain is fourth with 8 per cent, Canada fifth with 5 per cent, and Russia sixth with 4 per cent.

If that's anti-Americanism, let's have more of it.

Let's look at another frequently heard allegation. This is that U.S. Policy has somehow turned aggressive, or imperialist, or that our big-power role and set of alliances somehow endangers world peace.

How do the French feel about that? They were asked in a nationwide poll a few months ago: "Which are the three countries which could constitute a danger for France ten years to come?"

Results (in percent):

China	59
Arab countries	39
Russia	32
Germany	28
Japan	24

And only then does the alleged ugly American imperialist rear his head: only 7 percent of the French worry about any danger from the United States.

Or test America's standing another way. Who wants to emigrate to the United States? Well, the legally allowable quota comes in each year from virtually every nation, and thousands more sneak into the United States illegally.

Some statesman said years ago people vote with their feet. If we should drop all bars to immigration, it is obvious millions of foreigners would move to the United States each year. I say America is still the hope of the world.

The American economy right now is temporarily soft, or slow, or stagnant. This is *not* due to the fact that people lack money. Spendable income, after taxes, in the hands of the public was never higher. Savings in the hands of the people are at an all-time high. Credit is readily available. Interest rates are reasonable again.

The problem is: the public and businessmen have somehow lost confidence in the economy. They feel unsure of the future.

They are afraid of a depression. They want to keep their assets liquid.

This nervous feeling will pass in time. It always has. But the quicker confidence can be restored, the better for all of us. America is not going to hell in a handbasket.

We need to preach the philosophy of the famous line in President Jack Kennedy's inaugural address: "Ask not what your country will do for you—ask what you can do for your country."

I feel much better about America today than I did—say two years ago. Then—the Vietnam war was tearing America apart. Now everyone is agreed we must get out. The only question now is: how—and how fast?

Don't put blind faith in our military leaders. Let me illustrate with one personal experience. I was in Vietnam six years ago when the first contingent of U.S. Marines landed at Danang. The next evening I had dinner with General Westmoreland in Saigon. At that time I believe we had about 150,000 American troops in Vietnam. He said: "Cowles, if you can help me get another 100,000 troops over here, I can end this war with victory in one year." Well, he got not 100,000 additional troops but at least 350,000. But here we are, six years later, still mired down in Vietnam. And you all remember the numerous wrong predictions of Secretary of Defense Robert McNamara.

Now General Westmoreland and Bob McNamara are high-grade, intelligent, honorable men. But neither; like most of us, realized the tenacity of a people like the North Vietnamese who feel they are fighting for their homeland. Neither of them, like most of us, realized the problems of guerilla warfare in a country of rice paddy fields, swamps, jungles, and torrential rainy seasons—where you can't tell who is your enemy and who is your friend.

When the whole immoral, bloody mess ends, the American people are going to be unbelievably shocked by the story of corruption, and graft, and inefficiency, and waste, and sheer stupidity—to say nothing of dishonest official reports of the fighting issued from time to time by the high command and Washington—which will gradually come to light.

But the war is coming to an end. That is one of the basic reasons I feel better about America today than I did two years ago.

Another reason is that I think the young in our colleges have a more sensible attitude about America's problems. The voice of the fanatical radical fringe, who wanted to destroy the whole American establishment, is now less shrill. The young are beginning to work logically on practical solutions for America's problems.

This is true also in the top ranks of our great corporations. A few years back, the overwhelming attitude of corporate officials was that their sole job was to make money for their stockholders. Today this has vastly changed. Today, corporate officers realize they must end pollution—whatever the cost. They realize they can no longer abandon an old plant, or build a new one in some other area, without taking into account the effect of their decision on their employees and on the community as a whole. In other words, most of them now admit the corporation has an important social responsibility beyond sheer money-making.

America can solve her problems if we can just get the country united again—with patience and confidence.

Don't get too alarmed by today's unemployment figures. Most of us thought the United States did quite well in the eight years Eisenhower was in the White House. Well, the average per cent of unemployed during the Eisenhower years was almost exactly the same as the per cent of unemployed today.

One more thought and then I am through. We claim to be a peace-loving nation. Yet we have a national anthem talking of war—"bombs bursting in air"—"By the rocket's red glare" et cetera. Why not get a new national anthem not stressing the glories of war? Like "God Bless America"? That one we could sing with pride!

Thank you.

WHAT CAN MY COUNTRY EXPECT FROM ME?

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WYLIE. Mr. Speaker, each year the Washington-Perry Women's Republican Club sponsors what it calls a U.S. Government Award, for which the winner receives $100. The award is based on an essay along with scholastic achievement in courses dealing with our American history and government.

This year a delightful young lady from my district, Miss Deana Elliott, a senior at Dublin High School, Dublin, Ohio, won this contest. Young people such as Deana are the hope for the future of America. It is inspiring to see, reduced to writing, such an eloquent expression of love for country. So impressed was I with her essay, that I hereby insert Miss Elliott's essay in the CONGRESSIONAL RECORD:

WHAT CAN MY COUNTRY EXPECT FROM ME?

The internal rebellion in the United States is a prime concern of most interested and loyal Americans. I have reached a level of maturity that allows me to see and feel this near civil war. I do not want to see the United States torn apart and taken over by outside forces working within. Even if I am only one small person, I must try to save my country.

I will be a type of revolutionist myself, but I will not throw rocks through windows to draw attention to my cause. What is my cause? It is a cause to restore loyalty and respect in the hearts of Americans, a cause to restore faith and honor when the American flag is seen, and a cause to unite all the people in America to build a better country for ourselves and to help the entire world. My revolutionary activities will be peaceful means to accomplish my cause.

I doubt if my country can expect me to do something so great that my name would appear in history books, but it can expect me to do my best in anything that I undertake. I believe that helping Americans extends as far as trying as hard as I can in school to learn as much as possible. There is no place in the world that I can get a better education, and my country expects me to use this opportunity to the fullest. I feel that it is my duty to study and work as hard as I can in school or at any job I do. My country also expects me to take full adventage of the other opportunities that I have such as participation in the governing process. When I go to vote, I will inform myself on what I will vote for, and I will make sure that I vote for every issue no matter how unimportant the choice may seem. Since I will probably vote as an eighteen-year-old, I feel a new responsibility to prove to my country that eighteen-year-olds' are old enough and mature enough to vote as adult, not as irrational teenagers.

My country can expect patriotism from me. I believe that as an American and that as an active part of the government that I should stand behind the decisions of the leaders of my country. I know that I will not always agree, but we as Americans must stand behind our leaders or else our country will crumble on its very foundation. Patriotism means many things to different people such as carrying a flag, or cheering for the President, or voting in an election; but I know that patriotism is more than a flag, a cheer, or a vote. Patriotism is the belief in one's country that no matter what happens the country will survive. My country can expect me to firmly believe in it and stay loyal to it through many trying periods.

My country can also expect something else from me called love. I do love my country, and I know that I would never want to live anywhere else in the world. America has given me many things to love it for, but I think I love it most for my freedom. Other countries may have freedom, but not like that which I enjoy. I grew up knowing nothing but this freedom, and I really do not appreciate it as much as I should. One of the most important freedoms to me is freedom of religion. As I go to college next year, I will see freedom at work in many ways. One way is that I can choose the profession that I wish to pursue. I also love my country for the interest that it shows in each individual. Few countries have such medical advances ready to help them in sickness. Although some of our federal aid programs have faults, these programs show that this country is run by and for the people.

Last of all my country can expect me to pray to God for His help and guidance in my country's activities. This is the prayer that I pray for my country:

"Dear God: Please help us Americans guide ourselves through the times to come. We know that our path will not be an easy one if we are to succeed in saving our country from destruction. I promise to do my part to help my country, and I pray that others will do so. I pray for the strength that I need and that others need to fight for the United States of America.

"I pray for my country. Amen."

A LOOK INTO TOMORROWLAND

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SHRIVER. Mr. Speaker, an editorial written by William Krause, editor of the Peabody Gazette-Herald in Peabody, Kans., which literally speaks for itself. It serves as a timely warning that the United States today may be in danger of losing its technological leadership in aviation:

A LOOK INTO TOMORROWLAND

The time: 1976 or 1978, perhaps.

The place: the floor of the U.S. Senate, or an inauguration, or some very important nationwide gathering.

The speaker: Who Knows? Ted Kennedy, Ed Muskie, maybe even Hubert Humphrey or William Proxmire (no that is too, too much).

And the speech goes something like this.

My fellow Americans, we are facing the most serious international crisis since 1812. America, the world leader in industry, aeronautics and producing all manner of technological masterpieces, finds herself trailing badly in the most important areas for future development.

American airlines are flying Russian and French aircraft. Russian astronauts may be landing on Mars or Venus any day. America, once the world leader in both of these areas, now trails far behind.

Wake Up America, we are fast becoming a second rate nation. We will soon find ourselves at the mercy of the more advanced technocrats. Japan is now in the position of challenger to the leader, and we are not even challenging.

But, Fellow Americans, there is still time and there is still hope. However, to survive, we must act dramatically and we must act now—under my leadership.

Put me in the White House (or follow my leadership now that I am in the White House) and America can be saved.

(Does this all begin to sound familiar or interesting to you? Can you just sort of guess what comes next? Sure you can.)

But, to regain our lost pre-eminence in these vital fields we must act quickly and we must act now. And this means (and here it comes folks) a massive infusion of money into the dying aerospace industry now. We must appropriate important sums of money, we must search out our best scientific minds and this must have top priority.

And that speaker will hardly even refer to 1970 and 1971 as the years that the federal government tried to kill the flying machine business.

TRIBUTE TO THE LATE NOLEN BULLOCH

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to comment on the loss of a very dear friend of mine, Mr. Nolen Bulloch.

Nolen passed away yesterday in my home district of Tulsa, Okla., after a long bout with emphysema.

Nolen was a man who fought many battles in life; and I will always remember him as a close friend who in his quest for honest and factual news reporting worked tirelessly in that effort. He represented and epitomized the type of person who makes this country great. Nolen was a courageous reporter who always sought to keep the public informed of the truth no matter what the self-sacrifice entailed.

An example of his courage is demonstrated when we go back in time to the early 1930's. Nolen was working as a reporter for the Chicago Sun-Times and posed as a student at a small college and revealed that it was a Communist institution. As a result, when the students discovered his true identity, they severely beat him causing a leg injury which left him with a permanent limp.

I first became acquainted with this great man more than 25 years ago, when he first joined the Tulsa Tribune. In those years he covered political activity from the precinct level to the national level for both the Democrat and Republican Parties.

I believe Nolen demonstrated the type of person that he was when he was quoted in the Tulsa Tribune approximately a year ago as saying:

> It has been my reward even in exciting stories in telling the truth . . . continuing to be curious and tell the story, that is where you get your rewards.

Even with his devotion to his job, he found time to devote to his family and to serve as a vestryman for his church for many years.

He will be greatly missed by all who knew him as the great man that he was. I extend my deepest sympathy to his wife and children.

NUCLEAR MATTERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HOSMER. Mr. Speaker, there follows extracts from remarks I made on April 22 to Southern Interstate Nuclear Board's meeting in Dallas on "Innovative Applications of Radiation":

Environment radiation. It can be said without contradiction that this industry, the AEC, and the Joint Committee developed the world's first comprehensive environmental protection program of any kind, and, it is probable that this program is still, today, the only truly effective one ever devised. . . . If Federal, State and local governments had applied to air pollution or water pollution or solid waste disposal the same resources, discipline and foresight that 25-years ago the Atomic Energy Act applied to radiation protection, there would be no national environmental crisis today.

Private enterprise. Uncle Sam has long since gotten out of the business of financing light water power reactors. He is moving toward an era when he will sell his Plowshare peaceful services to industry on a regular commercial basis. Sooner or later we will also inevitably shift our way of running the uranium enrichment business from strictly public to predominantly private. The question is not whether it will be shifted, only when.

Radiation exposures. Actually, the typical natural background human body radiation exposure amounts to around 125 mr's per year, and maybe twice that in some places. . . . Compare this 5 to 10 mr with the 350 mr—almost triple the natural background—a person could theoretically receive by living for a year in Grand Central Station in New York City because the building is made out of granite.

Not too long ago, with the help of the AEC, I had a radiation survey made of the U.S. Capitol. As you might expect, the granite, brick and other stone in these buildings caused radiation exposures at levels somewhat above naturally occurring background for the Washington area. We found, for example, that the entrance to the Rayburn Building has a level of around 237 mr on an annual basis, and the stone facing of the New Senate Office Building is 324 mr above background. The hottest thing on Capitol Hill turns out to the granite base for Arizona's statue of its local hero, Jesuit missionary Eusebio Francisco King. Beneath the good Brother Eusebio's feet, the readout is 330 mr per year. Someone might point out that one would have to live with the good padre 24 hours a day, 365 days a year to get the 330 mr and I would point out that this is no more fantastic than expecting someone to live next to the fence of a reactor site for 24 hours a day, 365 days a year to pick up the crummy 5 to 10 mr's above background that some people seem unwilling to trade for an adequate supply of electricity.

I suppose whether the statutes at the Capitol have any particular biological consequences is not for me as a lawmaker to say. But I have during 20 years in the Congress observed some rather peculiar behavior on the part of some of my colleagues. For example, my being my own witness, I might be able to make a case that radiation exposure over a long period of time in Congress could have the following adverse consequences: (1) People become prone to fuzzy and sometimes illogical thinking; (2) Frequently men engage in prolonged periods of nonsensical talk; (3) They may tend to become excessively stubborn and vain; (4) They may suffer from delusions of grandeur; and (5) Sometimes they develop a condition that one of my medical friend's has diagnosed an egocentric monomania compounded by the Napoleonic complex. So, you see, the U.S. Capitol may be an awesome radiation hazard after all, but I do not recommend abolishing it. If somebody acted on that recommendation, it could cost me my job.

Plowshare. Industry is poised and anxious to bring Plowshare natural gas safely to the consuming public which needs it. AEC is poised, but seemingly not anxious to do so. It has offered a 5-year program to put this kind of gas into the pipelines, but doesn't want to start spending money on it for another full fiscal year . . . I think I am going to be successful in a move to get the program going now by adding $2.6 million to the Plowshare budget. This will provide enough cash to keep momentum up in our program to perfect low radiation, small diameter underground gas stimulation nuclear devices. It should let us carry forward the Rio Blanco gas stimulation project in Colorado as a simultaneously fired multiple explosion event. That will give us what we need to know to conduct the Wagon Wheel experiment aimed at creating an entire natural gas field with minimum seismic side effects by exploding a rippling series of several fully contained but interconected underground shots . . .

Enrichment. The United States has had a total security clamp down on the centrifuge since 1965 and no foreigner doing research with it is saying anything about his progress, either. But, if the centrifuge actually is going well, it will be a lot cheaper, simpler and quicker to go centrifuge than to build new diffusion plants. And, if we go the centrifuge route, the date to start avoiding a nuclear fuel gap is no longer 1973. It could be 1975 or '76 or even as late as 1977, depending not only on progress in centrifuge technology but also other variables like how much enriched uranium you preproduce before 1980, whether and when you decided to raise the tails assay in operating the existing diffusion plants—and soon . . . I feel reasonably confident this can of worms will be unraveled and we will avoid a nuclear fuel gap. And, I am certain that the first step to bringing order out of chaos is for President Nixon to release the $16 million he impounded from last year's appropriation that is needed to begin the cascade improvement program . . .

Breeder Reactors. We hope by 1985 to have demonstrated the breeders and by the year 2000 to be about half way into the transition from the light water economy to the breeder economy. From many standpoints, including the economic, keeping this approximate schedule for nuclear power development is highly critical. If we miss it badly, we will run into a period when uranium ore becomes short in supply and exceedingly expensive. In any event, each year we have to enrich uranium because we lack breeders is a year when we are not yet getting our nuclear fuel for nothing. For this and related reasons it is estimated that each year we make this time schedule is worth to the nation the tidy sum of $1.3 billion in benefits over cost . . .

So, here we are. Counting down $50 million already authorized as the Federal contribution to the first demonstration plant and holding for industry to come up with its share of the required megabucks, which could add up to around $450 million for the first plant alone . . .

Granted there are important differences between the SST and the fast breeder reactor, but there are enough similarities for reasonable concern over how well we are going to be able to support many kinds of scientific programs even though they hold out compelling promises of future benefits. It is not able that the single most damaging blow against the SST was its possible environmental impact. That, of course, is precisely where power opponents are concentrating their attacks today . . .

A 15-YEAR-OLD LOOKS TO THE FUTURE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following essay by a 15-year-old boy from North Attleboro, Mass.:

WHAT IS CHRISTIANITY'S GREATEST CHALLENGE TODAY?

(By Craig E. Heelen)

I think there are many challenges for Christianity today but I think the most important challenge is to prepare for a better world today and tomorrow. By this I mean we should all work together to have a more peaceful advanced safe place to live, in the world for our children and grandchildren. How would we achieve this? One way to accomplish a better world for tomorrow is a drive for world peace. Each day thousands of children are born into a world of war—war in Vietnam, on the college campus, in countries which are being wrecked by revolution.

Another thing that would have to be eliminated for a better tomorrow is poverty. The United States, China, India, and all the other countries have want and destitution. In America poverty are sharecroppers in Alabama, Indiana, and Florida. Sharecroppers so poor a family of eleven live in a one-room shack, people so poor they only earn about $30.00 a week, people so poor they do not eat properly or have a shirt on their backs. Poverty in India where the average family has nine members. Poverty in China where the population is so great, three out of every five people on this planet live there. These hordes of people are forced to live in tightly confined areas which are dirty and an invitation to many diseases. An enormous amount of food is needed which is never available to all. There is also a great need for medicine. Only the wealthy people can afford medicine while the poor must wait; yes, these are just a few forms of poverty. If we want a better world for our children poverty will have to be conquered.

War and poverty are only a couple of things that must be wiped away. Another is crime, by crime I mean things such as rape, murder, robbery, etc. It would be one thing for my children to be born into a world of peace and prosperity, but it would be another thing for my children unable to walk the streets safely. Everywhere we look there is crime, murder charges have increased greatly within the last decade so has rape and drugs. Drugs are a major problem now, many people have died from them. More and more kids are being hooked each day, just because they think they need grass, airplane glue, barbiturates, and amphetamines to survive, it is a medical fact that with the help of medicine and some therapy a person can overcome his hunger for certain narcotics over a period of time punishment for drug selling has been made prohibitive. In the state of New York they are considering giving rewards for information leading to dope peddlers. Our government is trying very hard to wipe out drug use. I sincerely hope if I have children someday that they are not born into a world of opium smokers and glue sniffers.

Don't get me wrong and think that I don't believe that people are really trying to solve the problems of crime, war, and poverty. It is just that we just don't seem to be getting anywhere. It is hard to believe that some people do not worry about the worlds problems, when you hear them say "why should I worry I'll be dead soon let the next generation worry about it." But this is true obviously these people won't admit they mean this when they are asked. I interviewed some fifteen people and I asked them how they felt about certain problems that have been discussed previously in this report. Some answered seriously and other laughed (obviously they don't think much).

I think the best answer came from a very elderly lady who lives down the street from me. "What do I think we can do to solve the problems of the world"? "I think we should work individually to help people out a little more, by showing a little more love in this world." That answer sounds pretty popular, but I think that lady means and does what she says, my curiosity won out, and I asked about this person. I was informed that on certain school days she goes to a nearby nursing home and does up some hairdo's for no payment involved. If you asked me I think this individual does her share of giving herself to others by showing a little love for others, she is making this world a little better place to live in. So far I have mentioned war, poverty, and crime. There is one other factor I would like to mention about making this place we live in better, and this is the ever growing problems of over population. Statistics tell us that if you grouped every person that ever lived or is living at the present time, into groups of five that four out of five are living this very minute within a forty year span, the population in the United States has increased from thirty three million to nearly three hundred million.

It is estimated that by the year 2000 there will be about 850 million people in the United States. People think there is no place left to go but they are wrong. Scientists say by the year 2000 there will be at least a dozen cities under the ocean. This is good but where do we go after the oceans are completely full some say the North and South Poles then underground then in mile high apartment buildings. After this then where—the moon? Mars? Possibly even different inhabitable star systems. Of course these are only theories, an alarming fact is the increased number of teen age girls who are having babies. The abortion laws aren't doing much either. This world is really beautiful, of late it is getting uglier and uglier each day. I would like to see the future generation born into a beautiful world full of fields, mountains, and fresh air, not polluted. A world free of crime, war, poverty and overpopulation. A world filled with people doing good for others in this life, yes. That is what I truly want for this generation. How about you?

WHO SHOULD BE INVESTIGATED

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BERGLAND. Mr. Speaker, the American people are becoming more and more concerned over how its public servants exercise their obligations and fulfill their responsibilities. The following editorial from the Fergus Falls, Minn., Journal illustrates the concern many of us share on the methods by which the Congress conducts its investigations. I insert the following:

[From the Fergus Falls, Minn., Journal, Apr. 24, 1971]

"SELLING OF THE PENTAGON"

The Columbia Broadcasting System created a furor with a documentary called "The Selling of the Pentagon." The controversial program was shown twice on the network and caused raised eyebrows by relating some of the tactics alleged to be used by the Pentagon to "sell" itself and its projects to the public.

Some congressmen have been incensed to think the program has shown the Pentagon in a bad light. A subcommittee of the House Commerce Committee, chaired by Rep. Harley Staggers, D-W. Va., is investigating the program. Rep. Staggers said at a hearing earlier this week that his panel was concerned with protecting the public from "deliberate staging and distortion of purportedly bona fide news."

His subcommittee has subpoenaed film, recordings, outtakes (unused film), transcripts, identification of individuals in the film and other material used in the production of the film. In other words, everything that did not appear when it was broadcast on television. So far CBS has not complied, and the network has made reference to "fundamental constitutional issues as to whether journalistic news judgments can be subjected to legislative surveillance."

Constitutional prerogatives notwithstanding, we can't understand this congregational investigation. If there is reason to believe "The Selling of the Pentagon" was misleading, then why don't the congressmen go directly to the Pentagon and ferret out the real story for themselves. They have their own investigators and federal law-makers surely have as much right as a television network to the records of a government department.

Then if the program content turned out to be substantially true and correct, the committee could berate the Pentagon. On the other hand, if it caught CBS with its facts down, it could give the network a black eye by publicly pointing out the inaccuracies.

WHITE HOUSE CONFERENCE ON YOUTH ENDORSES END TO DRAFT, CREATION OF ALL-VOLUNTEER FORCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, last week I had the privilege of attending the White House Conference on Youth as a delegate to the Task Force on the Draft and National Service. For our task force, the conference provided 5 days of meaningful dialog between a diverse group of young people and leaders of the Defense Department, Selective Service, and the Armed Forces.

Although there were disagreements on matters of timing, there was unanimous agreement on the need to end the draft, enhance the attractiveness of military life, and create a program of voluntary civilian service.

I believe that the conference's recommendations on draft reform, competitive military pay, and improvements in service life are very responsible, and can form the basis for meaningful legislative action. I particularly hope the other body will find this report useful in their consideration of the selective service law.

I commend this item to your attention:

DRAFT AND THE ALL-VOLUNTEER FORCE

The Task Force on the Draft, National Service, and Alternatives has endorsed an end to the draft and the establishment of an all-volunteer Armed Force. In arriving at our conclusions, we examined in detail the need for an adequate national defense, the inequities of conscription, and the feasibility and social desirability of an all-volunteer force and recommended policies needed to improve the Armed Services to achieve such a force. The Advisory Task Force report prepared by eight youth and four adult members analyzed these issues and served as the basis for our deliberations. In the course of our discussions at Estes Park, we have accepted most of these recommendations, revised others, and introduced some additional proposals. In this report, we present the recommendations of the full task force.

The draft has alienated many youth against their country, and many others against their peers who were able to avoid service; it has caused many young Americans to adopt life styles different from those which they would otherwise have chosen; and it has had untold effects on the many who have unwillingly served two years in the military. This is not to suggest that there are not many who truly volunteer or willingly serve when called, nor that many draftees do not benefit from their military service. However, the human cost that the draft has levied can never be measured. The irony of the draft is that such forced servitude, such compulsion, is unnecessary. For these reasons, the full task force unanimously supports our first and most important recommendation:

Recommendation I

We endorse the concept of an all-volunteer Armed Force. Some have expressed fears that an all-volunteer force would be socially undesirable, an army of the poor and the black, a professional army of mercenaries, a threat to domestic and international stability. Behind these questions of potential dangers is the tacit assumption that an all-volunteer force would be substantially different from a mixed force of draftees and volunteers both in its composition and in the way that it would be used. The Task Force found no evidence to support these alleged dangers and rejects them; we found instead that the socially desirable aspects of the all-volunteer force far outweigh the alleged dangers.

All of us believe that the draft must be ended, but when? Some members of our Task Force felt that in order to best insure the national security, the draft must be extended during a transition period. Such a transition period would allow sufficient time to implement the manpower policies needed to attract enough true volunteers to maintain necessary force levels. Without such an extension, manpower deficits might arise that would result in a re-introduction of the draft. The Department of Defense has, indeed, recommended a two-year extension and within this period they are confident that they can achieve the goal of an all-volunteer force.

The Advisory Task Force report argued for a one-year extension of the draft to put the necessary pressure on Congress, the Department of Defense, and the public to expedite the policies needed to end the draft. The one-year extension would further serve to demonstrate the nation's sincerity in its efforts to end the draft at the earliest possible date with no threat to our defense capability since Congress would still retain the authority to extend the law if such action became necessary.

Other Task Force members argued that the draft is a form of involuntary servitude, and such an abrogation of fundamental liberties can be justified only in time of grave national emergency. No such emergency now exists. Young people alone are directly affected by the draft, and if we do not speak out for our rights and liberties now, no one else will. We, therefore, favor an immediate repeal of the draft.

Although we endorse repeal of the draft, we cannot be sure that Congress will adopt our recommendation. Because the draft has such a profound impact on the lives of young Americans, we feel that it is imperative for us to propose recommendations that would minimize the inequities in who serves when not all serve. In recent years, the Selective Service System has been improved but it still discriminates against some racial minorities and favors the more educated who can find loopholes in the law. To achieve greater equity in our present lottery draft, the full Task Force strongly endorsed the following recommendation to improve the operations of the System:

Recommendation III

The existing practices of the Selective Service System must be changed as follows:

a. We endorse the President's intention to phase out the II-S student deferment, but feel that it is unfair to make it retroactive by taking away any II-S deferments that have been or might be granted before any new draft law becomes effective. We also support the President's effort to phase out the IV-D exemption for divinity students and urge that the IV-B exemption for certain elected officials also be phased out.

b. In order to achieve equal treatment in the granting of medical deferments, we recommend that physical examinations of black registrants must include a blood test for Sicle-cell anemia, a disease peculiar to blacks, and that the presence of the Sicle-cell anemia trait be accepted as the basis for a IV-F medical exemption. It should be noted that the Sicle-cell disease has already been accepted as the basis for medical exemption.

c. We recommend that the requirements for membership on local draft boards be modified as follows: First, local board members should live in the area over which they have jurisdiction. Second, local board membership should reflect the ethnic and economic composition of its constituency. Third, the age requirements for local board membership should be not less than 18 years of age and not more than 55 years of age with terms of service limited to a maximum of five years.

d. We recommend that the present appeal procedure be altered to give every registrant the right to have witnesses and legal counsel present during personal appearances. Moreover, we urge that every registrant have the right to a Presidential appeal in the event that his appeal is rejected by a state appeals board.

e. In order to correct the present practice on appeal for re-examination for medical fitness wherein the registrant is re-examined by the same doctors, we recommend that any registrant making such an appeal be allowed to be re-examined at a Veterans Administration hospital or at a different Armed Forces Entrance Examining Station.

All of these changes will require Congressional legislation in any new draft law, and we urge their adoption.

A continuing problem that has plagued the Selective Service System is that of determining who is a conscientious objector. Conscience is by its very nature, private, and no one can see inside the mind and heart of another. In order to mitigate the problems surrounding the granting of C.O. deferments, we recommend that the following provisions be adopted in any new draft law:

Recommendation IV

We recommend that the Selective Service System adopt the following practices with respect to conscientious objectors:

a. Recognizing the private nature of conscientious beliefs and the difficulties faced by Selective Service in determining the sincerity of a man claiming to be a conscientious objector, we recommend that any man claiming to be a conscientious objector be granted such status subject to his willingness to perform, if called, two years of civilian work in the maintenance of the community or national health, safety, or interest.

b. We believe that sincere selective objection as such be recognized along with objection to war in any form. We urge that local draft boards be informed immediately that the Supreme Court has recognized one form of selective objection, namely that young men who object now, but who do not know what they would do in a future hypothetical circumstance, can still qualify for C.O. status.

c. We strongly urge that opportunities for civilian alternative service should be expanded to better utilize the skills of C.O.'s. In addition, a C.O. should be allowed to perform his service in his own community instead of the present system requiring him to find work outside of his community. Further, we reject the punitive provision in the present House draft legislation (HR 6531) wherein a C.O. who fails to perform satisfactorily in his alternative job is inducted into the Armed Services.

One of the more emotional issues facing our Task Force was, "What should we do about those Americans who have knowingly violated the draft law, or who are now in exile to avoid conscription?" Some believe that those who knowingly violated the draft law, thereby transferring the burden of service to others, deserve to be punished. Because of their strong beliefs that the draft is immoral, others favored the following recommendation that was adopted by a vote of 51 to 35:

Recommendation V

As an act of compassion, we call upon the President, when the draft ends, to exercise his power to grant amnesty to all draft violators and exiles.

An important concern expressed by many in our Task Force was that when the draft authority is terminated, what machinery should be retained to provide for a flexible response to any contingency requiring force levels that cannot be met by the all-volunteer active and reserve forces? Some argued that no machinery should be kept because it would still entail compulsion and would make it easier to return to conscription. By a close vote of 46 to 42, the Task Force endorsed the following recommendation:

Recommendation VI

We recommend that when the draft is ended, standby registration authority should be established that (a) entails no physical examinations or classification of registrants; (b) requires only a simplified form calling for a minimum of personal information; and (c) can be accomplished at a post office or other local agency. Under this standby registration, the power to induct registrants can only be reinstituted by a joint resolution of Congress upon the recommendation of the President. We further recommend that this standby registration authority be instituted for a period of four years with a Congressional review to come at the end of the third year.

In his memorandum of August 21, 1970, Secretary of Defense Melvin Laird announced a new Department of Defense policy that the Reserves and Guards will provide the trained manpower in the event of any future emergency requiring the augmentation and expansion of the active duty forces. We concur with this policy, but in order to assure compliance, we support the following amendment:

Recommendation VII

When the draft is ended, Congress enact legislation to insure that no person be drafted until all Reserve and National Guard forces have first been activated.

Draft reforms and the establishment of standby draft registration are important parts of a well-designed plan in the transition to an all-volunteer force. The movement towards an all-volunteer force has progressed rapidly in the last two years. Many provisions in the recent House draft legislation (H.R. 6531) go a long way toward this goal. We would like to see these provisions included in the final military service law, and we therefore support the following recommendation:

Recommendation VIII

Whereas President Nixon has played an important leadership role in promoting the concept of an all-volunteer armed force; and whereas the President appointed a distinguished Commission of prominent Americans who recommended that the draft could be ended by improving the conditions of military life; and whereas military pay is currently so low as to force thousands of servicemen to depend on food stamps and public welfare for survival; and whereas the House of Representatives has overwhelmingly passed legislation which substantially implements the pay proposals of the Gates Commission; and whereas the President has asked this Conference to report to him on the draft and the volunteer force; Resolved: We, the Task Force on the Draft, National Service and Alternatives, of the White House Conference on Youth, urge the President to support openly the pay provisions of the House Bill (H.R. 6531) which is consistent with our recommendations.

Although many men are drafted, a majority of our men in uniform are volunteers who freely chose to enter and remain in the Armed Services in preference to alternative civilian jobs. Our studies have shown that the numbers of these volunteers are diminished by extremely low rates of military pay (especially for the first-term enlisted man), poor housing, and often irrelevant work. If we are to end the draft and establish a viable all-volunteer force fully capable of providing for the nation's defense, we must make some major policy changes. Towards this end, our Task Force endorsed by a unanimous vote that the provisions of the following recommendation be adopted:

Recommendation IX

To implement the concept of an all-volunteer force, we recommend that certain steps be taken:

a. Military pay levels: Funds should be appropriated to raise the military pay of first-term enlisted men and officers to levels that are competitive with civilian wages. The regular pay of a recruit (including the value of room and board) should be raised to at least $444 a month.

b. Military pay structure: The structure of military pay should be revised to establish pay differentials for first-term enlisted men who bring civilian skills to the military service, who volunteer for occupational specialties suffering manpower shortages, or who commit themselves to longer terms of service. Moreover, once an individual qualifies for a specialty pay, because he has a particular skill, he will continue to receive that pay as long as he possesses the qualifications and remains in the skill.

c. Recruiting: The recruiting organization should be modernized; authorized recruitor strengths should be expanded to produce the required number of volunteers; recruitors should be provided with petty cash funds and made eligible for higher rates of proficiency pay; and recruitment and advertising budgets should be increased. We further urge that precautions must be taken to insure that the Armed Forces adhere to strict standards of truth in advertising and recruiting, and that Armed Forces advertising budgets should never assume such proportions that the Defense Department could significantly influence the media in their news reporting or programming. Finally, we strongly recommend that military recruiting operations be regularly monitored in order to prohibit the use of unfair or unethical practices to enlist the uninformed, the disadvantaged, or those who are coerced to accept military service in lieu of prosecution.

d. Officer acquisition: ROTC scholarships should be increased to an annual rate equal to 10 per cent of the authorized non-medical officer strength with increases beginning on September 1, 1971. We further urge that in the awarding of these scholarships, particular emphasis be placed on providing opportunities for officer training to members of ethnic minorities that are now underrepresented in our active and reserve forces. The stipends paid to ROTC students should be increased to $100 per month.

e. Medical manpower: The comprehensive medical scholarship program recommended by the Administration should be adopted. Under this program, the Department of Defense would award 2,000 medical scholarships with annual stipends of about $10,000 for an obligation of one year of military service for each year of scholarship support. We also endorse the Gates Commission recommendations that (a) salaries of military physicians should be raised to a level comparable with those of non-military physicians in group practice, and (b) that the military should study the possibility of negotiating contracts with groups of non-military physicians to care for military patients. Adoptions of these provisions would operate to reduce the need for the doctor draft.

f. We urge that Reserve and National Guard units should make every attempt to reflect the racial and ethnic composition of the communities from which they are drawn. These steps would reduce the likelihood of a situation where an all-white Guard unit is called in to quell a civil disturbance in a predominantly black community.

g. Reserve and Guard Forces: Additional funds should be appropriated to procure modern weapons and equipment for the Reserve and Guard forces.

h. Reserve Training: Summer training exercises of reserve units should be conducted jointly with units of the active duty forces stationed at overseas bases. The adoption of these recommendations would eliminate the financial penalties that now discourage many individuals who might otherwise have considered a military service career, thereby expanding the flow of qualified volunteers for our Armed Forces.

The draft has encouraged the wasteful use of our nation's scarce manpower resources and discouraged the development of personnel practices that would make service life more attractive. Assistant Secretary of Defense Roger T. Kelley summarized the problem when he stated:

"The ability to reach into the draft well and pick out whatever numbers you need can cover a lot of sins, of under-utilization of manpower, of misuse of manpower, of poor management."

We applaud the efforts that the Department of Defense has made in the past two years to eliminate irrelevant make-work assignments, to provide better housing and to treat their men and women with respect. These steps that improve the image of our Armed Services and that raise the morale of our uniformed personnel are, in our opinion, essential for a truly viable all-volunteer force. We accordingly urge that the following recommendations be adopted:

Recommendation X

To effect a viable all-volunteer force, we recommend that at least the following steps be taken to improve the quality of military life:

a. The military social environment: we propose that a broad review be undertaken of the military rank and class structure, in particular, the enlisted-officer relationship; military regulations, especially the Uniform Code of Military Justice; traditional customs and courtesies; and all of those factors that contribute to the military social environment be undertaken, bearing in mind the dignity and the need for respect of *each* individual in the Armed Forces. Those elements of military life which do not contribute to the overall success of the mission of the Armed Forces should be eliminated or changed as appropriate.

b. Civil Rights: We recommend that a civil rights provision should be included in the Uniform Code of Military Justice to insure that anyone who believes that he has been discriminated against for reasons of race, color, or creed, would have a normal channel for appeal.

c. Equal Opportunities: Comprehensive manpower development and training programs should be enlarged and maintained to assist members of disadvantaged groups to obtain, within the Armed Forces, the skills and knowledge required to compete effectively for those assignments and opportunities for which their interests and aptitudes could reasonably be expected to qualify them. Among the objectives of this resolution is to minimize the likelihood of the burden of combat duty falling disproportionately on members of disadvantaged groups.

d. Women in the Service: Ceilings set on representation of women in the services now Congressionally imposed should be lifted, and all phases of military life should be equally accessible to members of both sexes.

We believe that our plan for an all-volunteer force offers a program that we regard as the only equitable solution to the problems of the draft. It specifies a target date, June 30, 1971, for ending the draft and identifies those policies that must be adopted to attract men to our Armed Forces on a truly voluntary basis. Moreover, it contains safeguards, in the form of the standby draft registration authority and a truly Ready Reserve, to insure that our national security will be protected in the event of any contingency.

Over twelve million young Americans have just received the franchise to vote and to actively participate in the legislative process of our Government. In his address before the University of Nebraska student body, President Nixon stated, "You have now the opportunity and the obligation to mold the world you live in. You cannot escape this obligation."

The draft has been in existence for all of our lives, and it is an institution that vitally affects us. The Task Force on the Draft, National Service and Alternatives believes that it is in the national interest to end the draft, and to move to an all-volunteer Armed Force.

NATIONAL SERVICE AND SERVICE-LEARNING

America's youth wish to serve their society. Every poll testifies to their desire. But our Task Force opposes a compulsory program of national service and opposes as well the creation of a large centrally-directed Federal program of voluntary national service. Instead, we recommend that under the auspices of the Action Corps, support be provided for volunteer service projects which are locally conceived and directed, projects which take their direction from people who serve in them and from the people in the communities who are served. We particularly recommend programs of service-learning which are designed not only to meet pressing local needs but which also promote the educational growth of those who serve.

We oppose a compulsory program for the reasons cited by the Scranton Commission on Campus Unrest:

"Whether in the form of pilot projects or a full-scale program, national service should be voluntary, and not, as some have proposed before this Commission and elsewhere, compulsory. In addition to its enormous cost, a compulsory national service program would be an unwarranted infringement on individual freedom of choice. Nor should national service be considered as a method for reforming or replacing the draft. Proposals to make civilian service available as an alternative to the draft fail to resolve compelling problems of equity that plague any attempt to compare civilian programs with military service."

Further, it would be hard to find proper work for unwilling civilian conscripts. And the devices whereby the affluent and well advised now find ways to escape the draft would be used as well to avoid compulsory civilian service.

Service, then, should be voluntary. It must stand on its own merits, attracting volunteers who seek the satisfactions of doing a needed job, of learning in the process and, hopefully, of helping accelerate some needed social changes.

Service-learning is a relatively new idea. It links school and community. It is like the work-study or cooperative education programs in which students work part-time, or leave school for periods of work, then return for more study. But the number of part-time paid jobs is limited, whereas there are almost unlimited service jobs, as tutors, aides in health centers, mental institutions, day care centers, drug abuse and environmental programs, as parole officer assistants and as interns in government agencies. But whether the program is paid work-study or unpaid service-learning, the objectives and the processes are much the same. Work or service is considered as much a part of education as studies in school or college. Academic credit is given for what a person learns. Students, teachers, and job supervisors agree on what is to be learned by the work or service and by what criteria success will be measured. For example, work in drug programs may include precise learning objectives in chemistry, sociology or the law.

Projects like these are well under-way in Urban Corps and College Volunteer programs. But, if they are to be expanded to other areas, money is needed for program development and for the training of project supervisors, who themselves may be volunteers who serve at subsistence pay for a year or two. Once under way, most of the costs of these programs can be borne by local schools and colleges, for service-learning would be a regular part of education which is designed to give meaning to formal studies, education which exposes the volunteer to future career opportunities, and education which breaks down the separation of school from community. The uses of society are learned by serving it. Academic credit at all times, from elementary school through college, is awarded in recognition of learning which takes place during service and in preparation for it.

Federal support can help launch these programs. But they can then be carried on by local schools and communities. The Task Force on Draft, National Service and Alternatives therefore believes strongly that national service should be voluntary and supports the following recommendations:

Recommendation I

We reject compulsory national service. We also reject those national service proposals which would utilize service as an alternative to the draft.

We believe that all young people who want to serve their fellow men have an opportunity to do so. We believe that programs of service have much to offer both to those who are served and to those who serve. Accordingly, we recommend the following:

Recommendation II

This task force endorses the creation of Action Corps to bring together volunteer service agencies (Peace Corps, VISTA, Teacher Corps, and other volunteer offices) to (a) expand opportunities available for full-time service and (b) to serve as an agency designed to further utilize part-time, non-paid volunteers.

Recommendation III

We further endorse an expansion of service-learning and work study opportunities in high schools and colleges. Specifically, we call for programs of part-time or temporary service which have precise learning objectives and for which appropriate academic credit can be given.

After considerable debate about the need for an additional administrative body, and by a narrow margin, the task force adopted the following resolution:

Recommendation IV

We believe that service activities should be directed and financed at the local level to the extent permitted by available resources, and should include projects organized and directed by young people. Service activities should be underwritten by a public foundation at the national level. This public foundation should be able to receive public and private funds and be governed by a board of directors with a majority of private citizens, including representatives from those who serve and from local communities, and be ultimately responsible to Congress.

In order to provide support for the initial start up of local projects of service-learning and in order to assess the effectiveness of service-learning as a means of education which might in time offer opportunities for service to almost half of all Americans from the upper elementary years through and beyond college age, we supported the following:

Recommendation V

That the President call for appropriations under existing Action Corps legislation sufficient to provide training for approximately 200,000 part-time volunteers and volunteer supervisors in order to test, over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work-study and service-learning. There should be several projects during this period with sufficient concentration of volunteers to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education, or comparable needs. Further, we recommend that the Director of the Action Corps undertake a program of research and evaluation to begin at the start of the above mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility of expanded Federal support for work-study and service-learning programs by June 30, 1973.

We are concerned that programs supported by the Action Corps be responsive to local needs and desires and we therefore advocated that the people who participate in projects and representatives from local communities served by Action Corps, share in establishing the policies and procedures of the Action Corps and in the development, administration and evaluation of local projects.

And we advocated that service-learning projects, including those for which Federal support is already available, such as the College Work Study and the Neighborhood Youth Corps programs, should serve the needs of local communities, particularly those in low-income areas.

TASK FORCE ON THE DRAFT, NATIONAL SERVICE, AND ALTERNATIVES—THE 1971 WHITE HOUSE CONFERENCE ON YOUTH

I. INTRODUCTION

The draft has affected your life and the lives of all Americans. It has disrupted the plans of many young men to attend college, to learn a trade, or to marry and start a family. Some who have been drafted have benefited from the training and other opportunities provided by the military; others have not. Many young men have spent much time and money to avoid or find an alternative to military service, while some who served returned with honor—or never came back.

We, the youth and adult members of this Task Force, were asked to think about these and other issues concerning our national security, to study them, and to prepare an advisory report on our findings and recommendations.

National security

The first critical consideration in our work was whether a defense establishment was needed at all. A minority of our group argued that unilateral disarmament by the United States, including a dismantling of our military forces, was the only path to lasting world peace. This, of course, would end the need for the draft. However, no matter how much we would wish it possible—and we deeply wish it were—our group reluctantly concluded that such unilateral disarmament would be unrealistic in our current world situation. The need for an adequate military force, therefore, was accepted as the fundamental basis for our deliberations.

Since 1940, this need has been filled in part by the draft—and by the threat of the draft. Although the draft may be necessary in time of grave emergency or national peril, we find it to be a form of compulsion that is oppressive to youth. While some accept it as a fact of life and willingly serve when called, the draft is resented by many, detested by others, and drives some to defiance and flight.

The draft is not only oppressive; we also know that it is unfair. In an attempt to correct the more obvious inequities, the Government, in 1969, established a lottery draft of 19-year-olds. In addition, the President has recommended that occupational, paternity, and undergraduate student deferments be eliminated. A lottery draft, even one that incorporated all of the proposed reforms, would still involve compulsion and be unfair. Under *any* system of *selective* service, including a lottery, the burden of the draft cannot be equally shared. The less-educated and the poor will often be forced to serve, while the sons of the affluent will more easily be able to avoid service by exploiting legal and medical loopholes.

Others seeking to reform the draft have proposed national service as an alternative. Under this scheme, a young man would be forced to choose between a military service liability and involuntary service at a government-approved civilian job. We find that this proposal would not in any measure solve existing problems. In fact, it would only serve to intensify the compulsive and unfair aspects of the system. The same number of men would still be compelled to join military service, while many others would be forced to take alternative national service jobs. This is clearly an additional form of involuntary servitude. Moreover, this scheme might be harmful to socially useful programs; these projects demand dedicated and knowledgeable workers, not those who serve only to avoid the draft.

We, therefore, reject national service as a way to reform the draft. However, we recognize that many young men and women want an opportunity to serve and learn. A real need exists for a voluntary program of work-study and service-learning that offers these opportunities to youth. We are persuaded that the ideas of work-study and service-learning, as discussed in Chapter V of this report, offer sufficient promise to warrant the appropriation of funds for a major test program as part of the President's proposal for a Volunteer Service Corps.

Our proposal

A Volunteer Service Corps, however, obviously does not solve the problem of the draft. The only real alternative to selective service, we find, is to end the draft altogether and establish an all-volunteer armed force. This we strongly urge. We *can* end the draft, consistent with our national security requirements. The budgetary expenditures for this program would be small when compared to the real human costs, the disruptions, and the inequities of the draft. We can make military service attractive to youth by paying a fair wage, by providing decent housing, by offering challenging jobs, by eliminating the "Mickey Mouse," and by according military personnel and the uniform they wear the respect they deserve. It is no wonder that the Armed Forces are unable to get enough volunteers today when they are offering a starting pay of only $259 a month. (Despite the low starting pay, some 250,000 true volunteers enlist annually. Only an additional 75,000 would have to volunteer to maintain the Armed Forces at the 2.5 million-man level.)

Regardless of whether we retain the draft or not, we recommend that military pay be raised to a level that is competitive with the civilian economy; we think it ironic that military service should impose a financial penalty on our men in uniform. Other recommendations to achieve an all-volunteer force are contained in the following chapters.

Some opponents of the all-volunteer force allege that it will be an Army of the poor and the black. There is no evidence to support these claims. Currently, blacks form 12.5 per cent of the population, but only 9.5 per cent of the armed forces (because of the higher disqualification rate for blacks compared to whites). Even if the disqualification rate of blacks were to drop to 50 per cent, and even if every qualified black were to enlist, these 125,000 men would comprise only about one third of the entry requirements of an all-volunteer force—and, of course, not all qualified blacks would volunteer.

The President's Commission on an All-Volunteer Armed Force (Gates Commission) projected that in the post-Vietnam era, a maximum 14 per cent of the enlisted force would be black if the draft were continued and a maximum 15 per cent in a volunteer force. The Commission also noted that those with poor alternatives in the civilian economy have already responded to military service opportunities. As compensation and benefits improve, military service will become relatively more attractive to others (more whites than blacks) who are presently discouraged by the low rates of entry pay.

We are exceedingly sensitive to the concern that no group be compelled to bear a disproportionate share of the defense burden. We are convinced, however, that the draft is less desirable in this regard than an all-volunteer force.

The brunt of conscription falls on the less educated Chicanos, blacks, and whites, who have carried a heavy burden of combat as reflected in high casualty rates. This unconscionable burden must be removed by providing the disadvantaged with better educational opportunities.

It should be remembered that in an all-volunteer force, men are simply paid an equitable wage—no one is compelled to join.

Opposition to ending the draft seems to stem from a rather paternalistic belief that the poor and the black are not competent to decide whether they would rather volunteer, be drafted, or not enlist at all. As Congressman John Conyers, a leading black spokesman from Detroit, told a critic of the volunteer force:

"It was a great step forward for civilization when the power of plantation masters and heads of state to exact involuntary servitude was eliminated. What was once so abhorrent has now become to many an accepted feature of our society . . . the basic tenets of our Constitution are called into question if this country continues to require military servitude when there is no clear and present threat to our national security, and when there are other methods of raising an army more consistent with the ideals of a supposedly free society."

The draft extension

Nearly everyone in the current draft debate agrees that in the long-run, an all-volunteer system is the only fair and equitable way of raising our armed forces. The Defense Department, through Project Volunteer, has initiated a significant number of policies designed to place a greater reliance on volunteers. In his message of January 28, 1971, the President endorsed the goal of "zero draft calls" by June 30, 1973. We support the steps he is taking toward this goal. But he also recommended that the draft authority be extended for two years. We oppose this provision. We believe that a one-year extension provides sufficient time to achieve an all-volunteer force. We believe that the extension must be limited to one year to put the necessary pressure on Congress, the public, and the Department of Defense to expedite the policies needed to end the draft. It will also more clearly demonstrate the Nation's sincerity in its efforts to end the draft at the earliest possible date. The youth of this Nation have too often seen government promises go unfulfilled.

The one-year extension is consistent with our national security requirements, because Congress will still retain the authority to reestablish the draft if needed to sustain our defense capability.

The standby registration authority

We should not only stop drafting people, but we should also insist that the power of conscription be returned to the Congress. There has been no clear policy's statement from the Administration on whether their plan for an all-volunteer force forsees this power continuing to rest within the Executive. We oppose Executive control of the induction authority, as this would distort the constitutional prerogative of the Congress to raise and support armies. We have accordingly recommended that when the one-year extension of the present draft authority expires, a standby draft registration authority be established which will lack the power to conscript except through a joint resolution of Congress upon the recommendation of the President. It will, however, retain the Selective Service machinery of registration and preliminary classification so that in the event of a clear danger to our national security necessitating the reintroduction of conscription, the Selective Service machinery will be available to expedite a smooth manpower mobilization.

We believe that our plan for an all-volunteer force offers a program that we regard as the only equitable solution to the problems of the draft. It specifies a target date June 30, 1972, for ending the draft and identifies those policies that must be adopted to attract men to our Armed Forces on a truly voluntary basis. Moreover, it contains the necessary safeguards, in the form of the standby draft registration authority and a truly Ready Reserve, to insure that our national security will be protected in the event of any contingency.

Over twelve million young Americans have just received the franchise to vote and to actively participate in the legislative process of our Government. In his address before the University of Nebraska student body, President Nixon stated, "You have now the opportunity and the obligation to mold the world you live in. You cannot escape this obligation".

The draft has been in existence for all of our lives, and it is an institution that vitally affects us. You must decide whether it is in the national interest to continue that institution or to replace it with another.

II. NATIONAL DEFENSE, THE DRAFT, AND THE RESPONSIBILITIES OF CITIZENSHIP

The defense of our Nation is the Government's first responsibility. The power to raise armies to provide for that defense is granted to Congress by the Constitution. At times, Congress has interpreted this provision to imply the power to conscript men into the Armed Forces. It did so, for example, in 1863 during the Civil War, in 1917 for World War I, and in 1940 for World War II. In these cases, Congress perceived a clear and present danger to the country and a consequent need for expanding the military through the draft.

Public reaction to the draft laws has varied widely. The public reacted violently, for example, to the Civil War draft, with bloody draft riots breaking out in New York City. The World War I draft also was beset by outright opposition and evasion, which led to several test cases before the Supreme Court and a 1918 High Court ruling that Congress' draft authority was constitutional in time of grave emergency or national peril. The World War II draft, however, was broadly supported, with instances of opposition and evasion relatively rare.

In 1948, during the "cold war" era, Congress again extended the draft, as it did in 1952 during the Korean conflict and on subsequent occasions, so that conscription is still with us today. The Supreme Court has never explicitly ruled on the constitutionality of this peacetime draft, which has prevailed for 25 years, and, until the mid-1960's, there was no significant opposition from the public.

This certainly is not to suggest that all those affected during these years welcomed the draft. Many harbored feelings of resentment described by Dr. Eli Ginsberg, the noted sociologist, in 1962:

"Young Americans, if and when they are called to duty, view it as an imposition, an annoyance, or a stroke of bad luck that they were caught while so many others escaped."

But by then the vast majority of Americans had come to accept the draft as a normal part of life; most had never known a time when there was no draft. Those young men who did object usually did so quietly, seeking deferments, medical disqualifications, conscientious objector status, or other legal means to avoid forced military service.

All this changed, however, with the escalation of the Vietnam war in the mid-1960's. While the majority of those called did serve, outright opposition by an active minority rose dramatically. Various Selective Service Boards were attacked and draft registration files destroyed. Some youth burned draft cards in opposition to the draft and to what they regarded as an immoral war. Others fled to Canada and Europe; it is generally believed that about 60,000 young Americans are now living in Canada to avoid the draft. Still others elected to be imprisoned for failure to comply with draft laws.

One form of draft opposition which has increased markedly in the past year or two is the simple refusal to honor induction notices. In Northern California, for example, more than 39 per cent of the 18,027 men who received notices between October 1969 and May 1970 failed to appear for induction into the Army. This was up from 24 per cent "no shows" a year and a half earlier. In both periods, a majority of the "no shows" had legitimate excuses, including hospitalization or being out of town, and appeared later for induction or had already enlisted in the Armed Forces. But there can be no doubt of an increase in those refusing to appear.

"If you want 1,000 men from California, you have to issue induction notices to 2,250," the California State Director of Selective Service remarked in a recent interview.

This trend is not limited to California; the press has reported similar "no show" increases in other parts of the country. Spokesmen from some draft resistance groups even claim that they will destroy the Selective Service System by getting a majority of draft registrants to ignore induction notices; in their view, the extension of the draft is an irrelevant question because they intend to "destroy the system." Almost all members of this task force disagree with this view; we feel that our system of military manpower procurement is exceedingly relevant and that major reforms are needed in it.

Another measure of growing draft resistance is the number of complaints forwarded by the Selective Service System to the Justice Department to enforce compliance with the law. According to statistics compiled by the United States Attorney Judicial Districts, these complaints climbed from 19,774 in 1967 to 26,225 in 1970, a 32 per cent increase over three years.

It is impossible to determine just how much of this growing resistance is due to opposition to the draft itself and how much to opposition to the Vietnam war. Certainly both factors have played a large role, with the war focusing more widespread attention on the inequities of the draft. But it is important to note that, as illustrated in Figure 2.1, the public over the past three decades has become more and more disenchanted with the draft itself; those thinking it fair declined from 93 per cent in 1941 to 60 per cent in 1953 and to 44 per cent in 1966. On the other hand, in recent years support for an all-volunteer military has increased substantially, rising from only 12 per cent in 1968 to 32 per cent in 1969 and to 52 per cent in 1970.

There can be little doubt that there is substantial opposition to the draft because it is unjust, in and of itself. The more fundamental ground upon which we oppose the draft, however, is that it is an unnecessary form of compulsion. Conscription is an uncalled-for abridgement of personal freedom and is contrary to the spirit of individual liberty that is the cornerstone of our Government. It forces every American male, within five days of his eighteenth birthday, to surrender partial control over his life and career to the local draft board. It causes uncertainties and disruptions in plans for education, jobs, marriage, and starting families. It affects many who ultimately do not enter military service as well as those who are drafted or who join because of the threat of being drafted. Some expend much time and energy on medical and legal ruses to avoid service; sometime such evasion tactics result in criminal records that follow a man throughout his life. It prompts others to flee the country. All this is to say nothing of those draftees who are ordered into combat with all its perils, including the ultimate one, death.

We do not mean to suggest that there are not many who willingly volunteer for the military and serve honorably, or that many others would not have joined even if they had not been drafted or threatened with the draft. These "true volunteers" comprise some two million men in today's Armed Forces, and the Nation owes much to them. What we do oppose is the *compulsion* of the draft. What we object to is *involuntary servitude*, particularly since we consider it unnecessary.

If involuntary service is bad, it is simply unconscionable that we have allowed our Government to maintain the absurdly low rates of pay for the young men who defend the Nation. The gross inequity in the pay of enlisted men was highlighted in a 1970 speech by Assistant Secretary of Defense Roger T. Kelley:

"The total military compensation of a recruit [including room and board] comes to $2,750. Now we use any comparison you wish—the $1.60 per hour Federal minimum wage which annualizes at $3,300, the annual pay of a Job Corps graduate of $3,900, or the common beginners pay for unskilled blue-collar work of $6,000—measured by any standard, military entry pay is much too low. So low, in fact that present pay levels keep people who would otherwise volunteer from enlisting in the Armed Forces."

A young blue collar worker who is drafted can thus expect to lose about $3,000 a year.

How did the American public allow this situation to develop? A succinct answer is provided by Harvard Professor John K. Galbraith:

"The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the impecunious young draftee. Freedom of choice here, as elsewhere, is surely worth paying for."

The draftee thus is subjected to an ironic double jeopardy. He is first compelled to serve against his will, and then made to suffer a financial penalty that is equivalent to a hidden tax. A clear statement of the latter argument is also provided by Chicago Professor Milton Friedman:

"Conscription is a tax in kind. That is, forced labor imposed on the young men who are drafted or who volunteer because of the threat of a draft, one of the greatest advances in human freedom was the conversion of taxes in kind to money taxes. A similar advance would be obtained now by repealing conscription and using voluntary enlistments to staff our Armed Forces."

Nor are low pay rates the only penalty incurred by those who serve the country. They also accept, among other things, inadequate housing, "Mickey Mouse" tasks, and to a larger extent today, disrespect for the uniform they wear.

A draft cannot be fair

By its nature, a draft cannot be equitable; some will serve while others will not. More than 35 per cent of all men fail to meet either the minimum mental or physical qualifications and are excused from their draft liability (see Figure 2.2). Those who are thus exempted are largely concentrated in the lowest socio-economic class. We cannot say, of course, that the draft thus favors those in the lowest socio-economic class; they would be unqualified under any system of military manpower procurement.

But the charge has been levied that, after allowing for normal disqualifications, the draft has discriminated against non-white minority group members. This finding is confirmed by other data presented in Figure 2.3 that shows the military service participation of men who had, for the most part, completed their period of draft liability. Of those who were qualified for military service, 27.4 per cent of whites and 42.7 per cent of nonwhites were drafted. It is also evident from Figure 2.3 that qualified whites were more likely to discharge their draft liability by serving as officers and reservists. Blacks currently account for less than 2 per cent of officers and 1 per cent of paid reserve forces.

FIGURE 2.2.—ADVISORY TASK FORCE REPORT TO THE WHITE HOUSE CONFERENCE ON YOUTH

[Percent disqualified for military service at preinduction examination (excludes reexaminations), by cause of rejection, 1950–69]

Year	Race	Total	Failed mental test	Failed medical	Failed mental and medical	Administrative reasons
July 1950 to December 1965	Total	39.4	17.8	17.6	2.8	1.2
	White	34.7	11.9	19.4	2.2	1.2
	Black	64.6	49.9	7.7	5.7	1.3
1966	Total	36.8	11.5	22.6	1.6	1.1
	White	34.1	7.9	23.9	1.2	1.1
	Black	58.6	41.1	11.6	4.5	1.4
1967	Total	37.9	9.8	25.2	1.6	1.3
	White	35.9	6.7	26.9	1.4	.8
	Black	51.1	29.9	14.7	4.6	1.9
1968	Total	40.0	10.4	26.8	2.0	.8
	White	37.7	6.6	28.9	1.4	.8
	Black	54.2	33.5	14.3	5.5	.9
1969	Total	42.6	10.0	29.6	2.3	.7
	White	40.4	6.4	31.6	1.7	.7
	Black	56.1	31.7	17.2	6.5	.7

NOTES

Mental test standards have been raised and lowered during this time period but were stable during 1967–69. The medical standards have been comparatively constant.

In order to arrive at the medical disqualification rate it is necessary to add the columns "Failed medical" and "Failed mental and medical."

Administrative failures are primarily men who did not meet the moral standards because of a record of civil court convictions.

The 1960–65 consolidation masks variations in rejection rates which occurred during this time period. Annual data by race were not readily available for use in preparing this table.

The overall disqualification rates are slightly lower because some men enlist, other men enter officer programs, and in these cases there is a much lower rejection rate.

Source: Department of Defense.

ADVISORY TASK FORCE REPORT TO THE WHITE HOUSE CONFERENCE ON YOUTH

FIGURE 2.3.—MILITARY SERVICE STATUS OF MEN, 26 TO 34 YEARS OLD, BY COLOR, 1964

[In percent]

Status	White	Nonwhite
Entered military service	65.9	49.2
Drafted	21.6	24.6
Enlisted	30.0	24.6
Officer programs	3.8	.4
Reserve programs	10.2	1.7
Unknown	.4	.1
Never served (estimate)	34.1	50.8
Unfit for service	21.4	42.4
Other deferred/exempted	12.7	8.2
Total manpower	17,501,000	2,282,000

PERCENTAGE OF MEN QUALIFIED FOR SERVICE, 26–34, BY COLOR

Status	White	Nonwhite
Qualified	100.0	100.0
Drafted	27.4	42.7
Enlisted	38.0	42.7
Officer programs	4.8	.007
Reserve programs	12.9	.03
Unknown		.0017
Deferred/exempted	17.4	14.2

Source: Data extrapolated from the table above. 13,755,786 white males were qualified for service (78.6 of 17,501,000) 1,314,432 nonwhites were qualified for service (57.6 of 2,282,000). Percentages of those who served in the various categories were found by dividing the percent of those who served in the various categories in the table above by the percentage of men qualified to serve. Example: White drafted were (above table) 21.6 percent divided by 78.6=27.4 percent of qualified whites.

These figures reveal the uneven distribution of the defense burden in terms of the numbers who served, but they conceal the similarly uneven distribution of how they served. That draftees are more likely to face combat is corroborated by Assistant Secretary of the Army William K. Brem, who stated, "Draftees tend to populate the hard core combat skills; 70 per cent of the infantry, armor and artillery are draftees." A very real consequence of this assignment policy is that draftees have accounted for 55 per cent of Vietnam battle deaths. A draftee's chances of being killed or wounded in Vietnam in 1969 were 23.4 per cent, compared with 13.7 per cent for regular volunteers. Casualty rates have also been higher for certain minority groups, notably blacks and Chicanos. The draftees, blacks and Chicanos are understandably upset that they have been required to assume the greatest risks. The explanation rests on the fact that the combat skills involve shorter training periods and demand less education than many of the technical occupational specialties. A two-year draftee is unlikely to be assigned to an electronics skill that requires a 16-month training course. Many blacks and Chicanos have been deprived of good schooling, and they find that they are only qualified for the less technical combat skills. The educational inequity levied against minority groups in our society is thus compounded by the draft, which forces the lesser educated whites, the blacks, the Chicanos, and other minority group members to serve at low rates of pay and incur greater casualty rates. We sincerely hope that steps will be taken to achieve true equality of economic and educational opportunities for all members of society.

In an attempt to reduce the inequities and human costs of conscription, the President introduced a lottery draft of 19-year olds on January 1, 1970. Although the lottery is preferable to the former draft system, it still falls short of achieving a fair distribution of the draft burden. Men can still be deferred as conscientious objectors, and under recent court rulings, an individual needs only to establish the sincerity of his beliefs (not necessarily religious beliefs) to be so deferred. Higher education enables an individual to more clearly articulate his beliefs and gives him a decided advantage over the less educated men. Medical and mental disqualifications that bestow 4-F and 1-Y deferments are presumably determined by Army doctors, but we learn that even these can be manipulated. The possibility for such manipulation was best described by an Army doctor when related:

"A white kid, a college student who came in with asthma, or an ulcer, or a psychiatric problem had usually been treated for his condition for years. He knew the doctor who saw him for asthma at age 15 and had a letter from the doctor. We might not be able to verify the condition, but we would still disqualify him. The typical black kid came from a ghetto or a rural area, and he might have had the same conditions, but he had never been treated for them and we never found out about them."

The opportunities to avoid the draft by finding irregularities in local board procedures or through other loopholes are clearly greater for the well-to-do youth who can readily obtain draft counseling or even hire a lawyer; draft lawyers today claim that they are winning over 90 per cent of their cases. It is clear that even with a lottery, the burden of the draft will still be carried by the less educated, physically qualified youths from the lower middle classes.

The impossible task of draft reform

A *fair and equitable draft,* like a *totalitarian democracy,* is a contradiction in terms that defies resolution. However, we recognize that in the transition to an all-volunteer force, it may be necessary to legislate a temporary extension of the draft authority, and accordingly, steps must be taken to reduce the inequities that presently characterize the system. Towards this end, the President has already implemented a lottery, and, by Executive Order, abolished occupational and paternity deferments. The President has further recommended two additional draft reforms requiring Congressional action, namely (a) that student deferments be abolished, and (b) that the present system of state quotas be replaced by a national order of call by lottery number. We endorse these recommendations and offer several additional reforms that, in our opinion, would reduce draft inequities.

The recent court rulings on deferments for conscientious objectors have bewildered many local draft board members who feel that they are not qualified to pass judgment on the sincerity of an individual's belief. Moreover, if a local board rejects a registrant's request for reclassification to CO status, he may appeal the decision but his request is forwarded to an Appeals Board where he is denied the right to make a personal appearance or to have a lawyer represent him. We do not believe that local draft board members should be asked to decide the merits of requests for CO deferments. We recommend that all conscientious objector cases be imediately forwarded to State Appeal Boards made up of individuals who are better qualified to evaluate these cases. Hardship deferment cases, however, can best be evaluated and judged on the local level, as they are at present.

In order to correct the present situation where a registrant making an appeal is denied the legal rights that ordinarily go with due process of law, we recommend the adoption of one of the following two alternatives: (a) that the registrant be entitled to a personal appearance, with legal counsel, or (b) that a Youth Advocate, to be appointed independently, will serve on each State Appeal Board with the express purpose of representing the interests of the draft registrants.

The local draft board clerks, who are typically Civil Servants in pay grade GS-5 with a starting salary of $6,548, are possibly the most powerful agents in the entire Selective Service System. As the sole full-time, paid employee on the local board, the local board clerk registers the individual, handles all correspondence, and prepares all of the information presented to local board members in case of a hearing for reclassification. She performs fully 85 to 90 per cent of the work and frequently uses her judgment in settling individual cases. The clerk thus becomes the expert that the part-time board members turn to for advice and guidance. In the light of these facts, we feel that the position should be upgraded, and the individuals occupying those positions be periodically reviewed by the national office.

The original design of the system, that the local board members would be friends and neighbors of the registrant and could rely on personal knowledge to judge individual cases, is clearly obsolete in a highly urbanized and mobile society. A major bone of contention is that the local boards are not representative of their constituency. Blacks who make up 11–12 per cent of the population account for only 6.6 per cent of local draft board membership, and the discrepancy is even larger in some states like Mississippi and Alabama. In addition to these racial imbalances, youths object to the fact that it is not their parents but is instead their grandparents who decide their future. Fully 61 per cent of board members were over 50 years of age in 1967, and given the present 25-year term of service, they are probably even older now. We would propose that the minimum age for membership on a local draft board be reduced to 26, and that the term of service be lowered to 10 years. We strongly urge that Selective Service take these steps to get local draft board members who are more nearly representative of their constituencies and more receptive to the attitudes and values of their draft registrants.

Our task force thus recommends that if a temporary extension of the draft authority beyond June 30, 1971 is required for our national security, the draft law should be amended to include the following provisions:

1. That the President's recommendations to end undergraduate student deferments and to institute a national order of call be adopted. We further recommend that all other deferments, except those for ROTC students and hardship cases, be eliminated.

2. That appeals for conscientious objector deferments be directed to special State Appeal Boards consisting of qualified individuals who are better able to make these determinations. That the appeal procedure be modified to permit the registrant either (a) to make a personal appearance with legal counsel, or (b) to be represented by a Youth Advocate.

3. That the minimum age for local draft members be set at 26, and the maximum age at 65, with terms of service limited to ten years. We further urge that the racial and ethnic composition of local boards more closely conform to that of the community they represent.

A draft, even one that incorporates all of our recommendations, will still be unfair because only a minority of the population would serve. A truly equal lottery system can only establish equality of *risk,* not equality of *service.* There is no way of equating the suspense of a single night waiting for the lottery drawing with the two-year loss of freedom suffered by a draftee.

Other draft reform proposals have been made—Universal Military Training (UMT) and Alternate National Service. Our task force rejects both of these measures. UMT, in which all physically and mentally qualified young men serve for shorter periods of time than the present two-year stint, is an expansion of unnecessary compulsion. *Universal* compulsion in no way rectifies the basic inequities of *any* compulsion. Furthermore, most military leaders agree that UMT, which would be prohibitively costly, is unnecessary in light of the technology of modern warfare which no longer calls for large land armies.

Alternate National Service similarly acts only to compound the problems of forced servitude as previously discussed in Chapter I. We believe that there is a better alternative—that of attracting men to freely choose military service instead of being ordered to serve—that would still provide the necessary forces for our national defense.

The need for adequate defense forces

In the last two years, there has been a definite change in our defense posture. Military manpower levels are being reduced. The President has asked our Allies to assume a larger share of the burden of mutual defense treaties. U.S. troops have begun withdrawing from Vietnam, and U.S. force reductions are planned for Korea, Thailand, Japan and the Philippines. The ultimate aim of the Nixon doctrine is to move from the cold war era of confrontation to an era of negotiation. We agree, of course, that every effort should be made to resolve world conflicts by negotiation rather than by war. However, we also believe that our military forces cannot be weakened to a point where aggression becomes tempting to an adversary. Although there are some hopeful signs, peace certainly is far from assured, and we must maintain sufficient military forces to deter attacks.

The force levels deemed necessary to maintain the Nation's security clearly affect our judgments on how to raise those forces. No one would favor a draft for a force of a million men, and few would endorse voluntarism if 10 million men were needed. Armed Service strength has declined from 3.5 million men in 1969 to just under 3 million at the start of 1971. According to the fiscal 1972 budget, our national security will require a force of only 2.5 million men by June 30, 1972. These reductions make it easier to end the draft and move to an all-volunteer force.

Cuts in active forces are being accompanied by Department of Defense plans to increase the readiness of reserve units. The Secretary of Defense has directed that reserve components will be the primary source of trained manpower in the event of a future emergency requiring expanded active forces. Implementation of this directive would mean that draft calls would not have to be used to provide flexibility in the defense capability of our active forces, at least within the range of trained manpower that can be supplied by paid reserve forces of a million men.

Policies adopted in the 1970's must be able to supply enough men for both the active and reserve forces needed for our security. Of the 2 million youth who reach age 19 each year, about 1.4 million will be physically and mentally qualified for military service. Our policies must direct some 700,000 young men to the active and reserve forces next year, and about 450,000 new entrants must be enlisted to sustain an active force of 2.5 million in the mid-1970's. These are the challenges we must meet to provide adequate defense forces.

III. THE SOCIAL DESIRABILITY OF AN ALL-VOLUNTEER FORCE

A military force that is staffed by men who serve of their own free choice is clearly feasible, but we recognize that the desirability of such a force has been questioned. Some point to the possibility that an all-volunteer force would exploit the disadvantaged, and that the Nation would be defended by an army of the black and the poor. Others fear that a voluntary force would be alienated from the rest of society, thereby distorting the existing relationship between the citizen and the military. Behind these questions of potential danger is the tacit assumption that an all-volunteer force would be substantially different from a mixed force of draftees and volunteers in its composition and in the way that these forces would be used in our defense posture. We have found no evidence to support the validity of these alleged dangers.

The professional army

It has been alleged that an all-volunteer force would be a professional military force whose values and quotas differ from those held by the rest of society. We would like to point out that under the draft, many men are true volunteers who freely choose a military service career, regardless of the draft. Around 2 million men can be considered true volunteers, and these include nearly all officers who determine military strategy and the top non-commissioned enlisted men who voluntarily reenlisted after they had satisfied their military service obligations. These men are professionals, and they will be in our Armed Forces with or without a draft.

The fear has been expressed that the absence of draftees and draft-motivated volunteers who return to civilian life after completing their obligated terms will result in a stagnant force isolated from the society they defend. The presumption is that everyone who volunteers will remain in the Armed Forces, but as the President's Commission on an All-Volunteer Armed Force wrote:

"The volunteer force must attract 325,000 men," the conscripted force 440,000 men. Further, the men who join the volunteer force will not all become long service professionals. An estimated 215,000 will leave after a single tour. As a result, about half the men in a volunteer force will be in their first tour of duty. The large infusion of new men will help insure that neither force becomes isolated from society."

There will be some reduction in personnel turnover, but we fail to see how a rapid turnover of first-term military personnel can influence military strategy. The majority of new recruits—volunteers and draftees—avoid direct confrontation with the military bureaucracy by simply obeying orders; their power to dissent is limited. The use of military forces is determined by the senior officers, and it is important that these officers are drawn from a broad cross-section of our society. We believe that an expanded ROTC scholarship program and in-service educational programs that permit enlisted men to be advanced to officers can provide the means to insure that the officers in a volunteer force will share the values of the rest of society and will not form a separate military class.

Some have argued that a volunteer force will be composed of *mercenaries*, which Webster defines as "serving merely for pay or sordid advantage," or "hired for service in the army of a foreign country." The charge totally ignores the previously stated fact that nearly 2 million men who serve now in our Armed Forces are true volunteers who entered or remained in military service for a variety of motives unrelated to the draft—to get training and educational benefits, to serve the nation, for career opportunities, to travel, etc. We grant that many men are currently discouraged from becoming volunteers because of the low levels of entry pay, but to overcome this by paying competitive wages can hardly be called mercenary. Likewise, the charge that a volunteer force would only attract individuals who are pathologically disposed to violence is absurd. To the extent that such men are in our society, they can enlist today, with or without a draft.

The technology of modern warfare has greatly civilianized our Armed Forces. During the Revolutionary War, fully 90 per cent of the soldiers were in combat infantry units that had no close counterparts in civilian life. Only 30 per cent of today's Armed Forces falls into these combat occupational specialties, and the remaining 70 per cent of our servicemen work at jobs very much like those found in civilian life—auto mechanics, X-ray technicians, clerks, cargo pilots, etc. Modern defense no longer calls for large land armies fed by a rapid turnover of young men, but demands a professional force whose productivity climbs with age and experience.

Domestic and foreign interventionism

It has been argued that the draft must be retained because an all-volunteer force is more likely to engineer a military takeover of our Government. We can find no historical evidence to support this argument. Napoleon and Franco both rode to power with conscripted armies. The Fascist governments of Germany and Italy, as well as those of all the communist powers, have all turned to a draft to raise the military forces that kept them in power. The military coups that established the dictatorships in Argentina and Greece were accomplished with armies raised by a draft. The presence of conscripted men in the Armed Forces offers no insurance against a military take-over.

On the other hand, Great Britain and Canada, two nations with political traditions quite similar to our own, presently rely on volunteers to staff their Armed Forces. There is no fear of a powerful military influence because both nations have retained civilian control of their defense establishments.

A more serious fear is that in the absence of a draft, our Nation will be involved in more foreign military adventures when all servicemen are true volunteers. These critics of an all-volunteer force often appeal to the warnings of our founding fathers against excessive military influence. Let us examine these warnings. Madison argued that "The greatest danger to liberty is from large standing armies." Notice that the fear he expressed was not against the way in which men are recruited into military service, but against the size and permanence of military forces. Edmund Randolph, a leading advocate of broad governmental powers, opposed the move to add the power of conscription to the Constitution because it would "stretch the strings of government too violently to be adopted." Indeed, the members of the Constitutional Convention could not forget that the Hessian mercenaries whom they had fought in the Revolutionary War were actually conscripted into service and sold to the British. Our founding fathers who stressed the importance of citizen-soldiers were primarily concerned with developing a citizen militia of part-time soldiers and not with conscripting men for standing armies.

Although Washington, Jefferson, and Madison all tried to get the power to draft, each was rebuffed by a Congress that jealously guarded its constitutional power to raise and support armies. In leading the opposition to President Madison's request for draft authority in 1814, Daniel Webster eloquently argued how the power of conscription could lead to military adventurism without the democratic consent of the people.

"In the present want of men and money, the Secretary of War has proposed to Congress a military conscription. For the conquest of Canada, the people will not enlist; and if they would, the treasury is exhausted, and they could not be paid. Conscription is chosen as the most promising instrument, both of overcoming reluctance to the service, and of subduing the difficulties which arise from the exchequer.

"Persons thus taken by force and put into the army, may be compelled to serve . . . according to the will and pleasure of the government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to the government at all times, in peace as well as in war, and it is to be exercised under all circumstances, according to its mere discretion . . .

"Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir, indeed it is not. The constitution is libelled, foully libelled. The people of the country have not established for themselves such a fabric of despotism . . . Where is it written in the Constitution . . . that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or wickedness of government may engage it?"

A century later, Congressman Carl Hayden underscored the connection between militarism and the power to draft when he stated:

"I am convinced that most of the propaganda in favor of a selective conscription is founded not so much upon a desire to win the war as it is to accustom the people to this method of raising armies and thereby to establish it as a permanent system in this country . . . Let us not pay Prussian militarism, which we are seeking to destroy, the compliment of adopting the most hateful and baneful of its institutions."

These statements clearly enunciate the danger of establishing an induction authority under the sole control of the Executive branch of Government. We strongly believe that if a draft is needed, Congress should exercise control over the power to draft, thereby assuring civilian control of our military forces.

Others who would agree that the draft is antithetical to our American tradition argue that we must keep the draft in this era of unusually large peacetime forces in order to retain civilian control. These critics of a voluntary force fail to recognize that the draft enables us to maintain these large forces by providing us with a cheap source of manpower, a point emphasized in the Webster quotation above. Moreover, by leaving the induction authority in the hands of the Executive, Congress relinquishes its civilian control over the size of the forces. This loss of Congressional control is expressed in the following statement by Senator George McGovern:

"Under a proper volunteer system which would permit a draft only with the approval of Congress, the increased manpower needed to fight a war could not be secured without explicit Congressional action to either reintroduce the draft or expand the incentives to recruit more men. In addition, most of the costs for the operation would be contained in the budget and would be open and explicit rather than being artificially disguised as through the present tax in kind paid by conscripts. This is of key importance to civilian control over the military. For the key problem has been Congressional approval of military budget requests without understanding what was being approved or why."

The views expressed by Webster, Hayden, and McGovern all argue that abolition of the draft and establishment of an all-volunteer force will return to Congress its Constitutional power to raise and support armies, thereby giving Congress greater civilian control over the size and deployment of our military forces.

Our nation has historically maintained a tradition of strong civilian control over the Armed Services. An end to the draft will not change this tradition because Congress and the President will determine the size of our military forces and the way that they are used. Our military leaders have always accepted this civilian control, and there is no reason to suppose that they will not accept it when men are no longer conscripted but are recruited on a voluntary basis. In short, we believe that civilian control would be even greater and military adventures fewer when the power to draft manpower has been abolished.

An army of the poor and the black

Perhaps the most unfounded allegation is that an all-volunteer force would be mainly staffed by the poor and the black. Simple arithmetic belies this contention. Consider an extreme case in which every *black* who is qualified for military service becomes a true volunteer. About half of the 250 thousand blacks reaching the age of 19 each year can be expected to be physically and mentally qualified for military service. If all volunteer, the annual input of 125 thousand blacks will still comprise only about one-third of the manpower rquirements for an all-volunteer force.

The projection of an all-black Army apparently originated in the mid-1960's when black soldiers accounted for 22.8 per cent of first-term Army reenlistments in 1965, raising the proportion of black non-commissioned officers leading white draftee troops. But the 1965 experience was atypical, and by 1969, only 11.8 per cent of Army first-term reenlistments were blacks. Department of Defense statistics show that in 1969 about 56 out of every 100 blacks failed their pre-induction physicals, as compared to 40 of every 100 whites. The qualified blacks have entered military service under the draft at a higher rate than qualified whites, but because there are proportionally fewer qualified blacks, the overall military service participation of blacks is below that of whites. Presently, blacks make up 12.5 per cent of the U.S. population but only 9.5 per cent of our Armed Forces.

The black population is growing, and according to Census projections, it is estimated that by 1980 blacks will comprise 14 to 15 per cent of the U.S. population. In the light of the population growth and the advancing educational attainment of blacks (tending to lower their disqualification rates), the Gates Commission estimated that under a continued draft, blacks can be expected to comprise at a maximum 14 per cent of the Armed Forces. It is alleged that the higher pay of an all-volunteer force (which, it will be remembered, only raises military pay to competitive civilian wages) will seduce the blacks and the poor to enlist in large droves. Many qualified blacks and members of other minority groups are already enlisting today as true volunteers because military service, even at today's low rates of pay, is often their best economic alternative; the numbers who remain to be seduced by higher pay are rather small. Given these considerations the Gates Commission projected that the maximum percentage of blacks in an all-volunteer force is estimated to be only 15 per cent.

We fully recognize that these projections are estimates, and we are sensitive to the concern that no racial, ethnic, or socio-economic group be asked to bear a disproportionate share of our national defense. The steps that are now being taken to enhance the educational and economic opportunities of minority groups will help to prevent the development of serious racial imbalances. An all-volunteer force offers recruits entry level pay rates that are competitive with civilian wages, and no one is compelled to join. Those individuals who endorse the draft as a means of avoiding an army of the poor and the black clearly hold the paternalistic belief that the poor and the black are incapable of deciding for themselves whether they should volunteer, be drafted, or not enlist at all. It is important to point out that the leaders of the black commuity do not share this fear of an all-black army. Such diverse black leaders as Senator Edward Brooke, Representative Shirley Chisholm, Ralph Abernathy of the Southern Christian Leadership Conference, Mrs. Martin Luther King, Roy Wilkins of the NAACP, and George Wiley of National Welfare Rights all support repeal of the draft. A recent statement of Representative **Parren Mitchell**, a black Congressman from Baltimore, Maryland, is extremely pertinent:

"The great majority of black leaders have spoken out in support of the voluntary army. It is personally irritating to me that there are those who would oppose this volunteer army on the basis of what it does to black people without consulting the very people about whom they are speaking. We are past the stage of noblesse oblige."

After reviewing the evidence, we must reject the alleged fears of a professional army, the loss of civilian control, and an army of the poor and the black. The senior officers who command our military forces today are true volunteers, and the presence or absence of a draft will have no effect on the composition of these officers. The propensity to engage in military adventures—either domestic or foreign—has been limited by civilian control of the Department of Defense, and we believe that if an all-volunteer force is established, it will lead to even greater civilian control. Finally, the argument that the black and poor will be seduced to enlist by the higher pay has no basis in fact. As we pointed out in the preceding chapter, the draft presently discriminates against the less educated and poorer blacks, whites, and Chicanos who qualify for military service. To the extent that many of these men would become volunteers in the absence of a draft, they would be doing so of their own free choice and will be paid at equitable rates of pay. In addition, many middle-class youths who are currently discouraged by low rates of military pay, would seriously consider a military service career that offers decent pay and stimulating career opportunities.

In the light of our deliberations, we have concluded that an all-volunteer force is a socially desirable means of raising our Armed Forces.

IV. A PLAN FOR THE TRANSITION TO AN ALL-VOLUNTEER FORCE

The steps that must be taken to end the draft will require a commitment and willingness on the part of the Congress, the Department of Defense, and the public to implement the necessary policy changes. The need to meet our military manpower requirements may necessitate a temporary extension of the draft authority when the present draft law expires on June 30, 1971. In the light of these considerations, we have developed a plan to bridge the transition to the time when our Armed Forces will be staffed by men who have freely chosen military service.

One-year extension of the draft authority

The inertia of the draft is exemplified by the fact that the last five laws have *all* extended the draft authority for four years, with virtually no Congressional debate about the choice of *four* years. In the brief House debate preceding passage of the 1967 Act, an amendment proposing only a two-year extension was overwhelmingly defeated. We recognize that forces are being withdrawn from Vietnam, that we are asking our Allies to assume a larger share of the military manpower burden for our mutual defense, and that, according to the Department of Defense announcement on August 21, 1970, we shall not use higher draft calls to augment the size of the active duty forces but will rely instead on the Reserves and Guards to supply trained manpower. All of these factors point to lower draft calls in the years ahead. But in the immediate short run of fiscal 1972, it is anticipated that, barring major personnel policy changes, Regular Army enlistments will have to be augmented by draft calls of almost 120,000 men to meet the Army's strength objectives.

The Department of Defense has announced its intention of placing greater reliance on volunteers to achieve the goal of *zero* draft calls by June 30, 1973. Toward this end, the Department's "Project Volunteer" has implemented some policies and proposed others designed to attract and retain more volunteers. Spokesmen for Project Volunteer argue that it will take time before their policies become fully effective; meanwhile they contend, the draft authority must be extended for at least two years. In their view, Project Volunteer seeks the same ultimate goal of an all-volunteer force, with the two-year extension of draft authority providing enough time for the pay incentives and other recruitment efforts to produce the necessary number of volunteers. Given the Project Volunteer effort, why do we recommend a one-year extension?

Our first reason deals with incentives for making the all-volunteer system work. The existence of the draft has dulled the Services' incentive to establish efficient recruiting organizations, to avoid morale-destroying and irrelevant discipline and make-work assignments, and to use available manpower efficiently. The longer the Services can fall back on the draft to meet strength deficits, the less the incentive for rapid execution of policies to attract true volunteers. The Armed Services and the Department of Defense are *not* the only ones susceptible to this weakness. It applies to the Congress as well. The demands for Federal funds are boundless: pollution, education, poverty, rapid transit, etc.—all compete for money. If the draft were extended for two or four years, Congress might easily delay appropriations for military pay raises required by the all-volunteer system in order to fund other domestic programs. The pressure to appropriate funds needed to raise the pay of first-term enlisted men and officers to equitable levels would be considerably greater if Congress were faced with an end to the draft in twelve months. A one-year extension would also improve the chances for rapid adoption of our other policy recommendations.

Second, the public as a whole and youth in particular have indicated through their actions and through survey responses that they are strongly opposed to the draft and increasingly favor the all-volunteer force. A pledge to implement programs that might achieve zero draft calls after this "last" extension of two years could well lack conviction. After all, the last five draft laws have espoused the principle that maximum reliance would be placed on volunteers. The low rates of entry pay and a less than enthusiastic recruiting effort evidence our failure to adhere to this principle over the last two decades. A two- or four-year extension of the draft authority could easily be interpreted as another extension that will be followed by another and yet another extension. A one-year extension would more clearly demonstrate our sincere desire to end conscription at the earliest possible date.

Our third reason acknowledges the fact that Congress and the President ultimately set public policy. A one-year extension of the draft provides us with an opportunity to evaluate the impact of pay raises and other incentives on the supply of volunteers. Some have expressed grave concern that supply estimates may be overly optimistic and that manpower shortages will result. It should be remembered that the draft law will still be in effect during this year. At the end of the year, Congress can review the performance of the Armed Services, and legislate another extension if it concludes that an extension is in the national interest.

In our plan, the draft authority that would be extended for one year would incorporate the draft reforms recommended in Chapter II—student deferments should be abolished, the appeal procedure for conscientious objection should be changed, and the composition of local draft boards revised.

A commitment to voluntarism

The House debate in May, 1967, produced a proposal that Congress endorse the principle of voluntarism, that the 1967 extension of draft authority was temporary, and that steps be taken to achieve an all-volunteer armed force. Opponents argued that the provisions of the proposal were understood, and that articulation of such an amendment would undermine the Selective Service System. The amendment was defeated even though it was never shown just how it could undermine Selective Service. Our task force believes that the 1971 extension of the draft authority must contain an explicit and firm statement endorsing voluntarism as the only fair and impartial means of raising our Armed Forces. This commitment to voluntarism should signal an end to the present draft authority, which would be replaced on June 30, 1972, by the standby draft registration described in the next section.

Manpower Policies Needed to End the Draft

The Armed Services would be sure to suffer a sharp reduction in the flow of volunteers if the draft were ended today with no accompanying changes in pay or other recruitment incentives. [The Gates Commission estimated the pay and incentives which would be adequate to attract enough men on a truly voluntary basis to staff active duty forces of up to 3 million men in the absence of a draft.] We have carefully studied the Gates Commission report and other studies on the cost of an all-volunteer force. We realize that the goal of ending conscription will require higher budgetary outlays and some sharp changes in military manpower practices. We believe that if the policies recommended in this section are adopted, the Armed Services will be able to meet their manpower needs on a voluntary basis, and that youth will no longer be asked to suffer the compulsion and inequities of a peacetime draft.

Manpower policies needed to end the draft

A soldier's pay is not an easy thing to measure. He receives part of it in cash and part in kind. Military compensation includes (1) basic pay, (2) value of quarters or cash allowance, (3) value of subsistence or cash allowance, and (4) the tax advantage received because quarters and subsistence allowances (or their money value if they are provided in kind) are not taxed. In addition to regular pay, many serviceman receive such special compensation as proficiency pay, reenlistment bonuses, hostile fire pay, jump pay, etc. (depending on particular assignments) and nearly all benefit from free medical care.

The unmarried youth entering the enlisted ranks today receives a starting monthly pay of only $259, well below the civilian minimum wage of $300 a month and even further below the $434 his peers average as civilians. His military pay will, however, rise quickly as he is advanced to higher pay grades. But the pay raises legislated by Congress during the last two decades have, for the most part, been directed at the men in the career force with more than two years of service. Congress has not seen fit to raise the pay of recruits, primarily because the Services could turn to a draft to obtain the needed supply of men. These absurdly low rates of pay have imposed a heavy hidden tax on those young men who have volunteered or were drafted for service. Equity alone calls for a major adjustment in the pay of first-term enlisted men and officers. As part of the plan to achieve zero draft calls, the Administration has recommended that the basic pay of a recruit be raised by $73 a month, effective May 1, 1971. We endorse this recommendation but urge that entry pay be further raised to levels competitive with civilian wages. The present and recommended regular military pay of single enlisted men are shown in Figure 4.1. The Project Volunteer recommendation refers to proposed pay rates that would become effective sequentially on May 1, 1971, and July 1, 1972. We urge that the pay of enlisted men be raised early in fiscal 1972, and preferably by August, 1971, to the levels recommended by the Gates Commission.

These higher pay rates would eliminate the financial penalty imposed on the young men in our Armed Services and would go a long way toward attracting larger numbers of volunteers when the draft is ended. Indeed, the Gates Commission estimated that at these pay rates, the Services could recruit enough men to staff active duty forces of up to 2.5 million men.

A major Department of Defense study, the Hubbell report, has recommended a salary system to simplify the structure of military pay and to enhance its appeal. Many Servicemen and civilians look only at basic pay when drawing comparisons with civilian wages, even though basic pay makes up only 50 to 70 per cent of regular military compensation, as previously discussed. The Hubbel report has shown that this misconception is an important factor in the poor retention of qualified men. We agree with these findings and recommend that the present structure of military pay be replaced by a full salary system that would enhance the perceived monetary attractiveness of a military career.

ADVISORY TASK FORCE REPORT TO THE WHITE HOUSE CONFERENCE ON YOUTH

FIGURE 4.1.—PRESENT AND RECOMMENDED MONTHLY RATES OF REGULAR MILITARY PAY (FOR SINGLE ENLISTED MEN WITH LESS THAN 2 YEARS SERVICE)

	Pay grade		
	E-1	E-2	E-3
Present monthly pay rates:			
1. Basic pay	$134	$149	$181
2. Quarters, subsistence, and tax advantage	125	127	128
3. Regular military pay	259	276	309
Recommended monthly rate of regular military pay:			
4. Gates Commission	444	454	471
5. Project Volunteer, effective May 1971	332	354	376
6. Project Volunteer, effective July 1972	416	453	479
Recommended increases in regular military pay:			
7. Gates Commission	185	178	162
8. Project Volunteer, May 1971	73	78	67
9. Project Volunteer, July 1972	157	177	170
Recommended percentage increases:			
10. Gates Commission	71	64	52
11. Project Volunteer, May 1971	28	28	22
12. Project Volunteer July 1972	61	64	55

Note: The above table reflects the situation as of March 1971, and includes a cost-of-living adjustment and the general pay increases in the entire Federal pay system which have been effected since August 1970, when the task force work began.

Source: Gates Commission rates for regular military pay are based on the basic pay rates in H.R. 4450 plus cash value of subsistence and quarters and Federal income tax advantage. The Project Volunteer May 1971 rates are based on S. 496 and H.R. 3496, plus similar calculations for allowances and tax advantage. The Project Volunteer July 1972 rates are based on current DOD planning estimates provided to the House Armed Services Committee "Executive Branch Proposals on Military Compensation" Committee Print No. 2, Feb. 24, 1971.

REGULAR MILITARY PAY FIGURES AS OF AUGUST 1970

	Pay grade		
	E-1	E-2	E-3
Present monthly pay rates:			
1. Basic pay	$125	$138	$168
2. Quarters, subsistence, and tax advantage	81	81	81
3. Regular military pay	206	219	249
Recommended monthly rates of regular military pay:			
4. Gates Commission	322	371	389
5. Project Volunteer	320	351	368
Recommended increases in monthly regular military pay:			
6. Gates Commission	116	152	140
7. Project Volunteer	114	132	119
Recommended percentage increases:			
8. Gates Commission	56	69	56
9. Project Volunteer	55	60	48

Source: "Review of the Administration and Operations of the Draft Law" House of Representatives, Committee on Armed Services, special subcommittee on the draft, HASC No. 91-80 (Washington, D.C. July 23, 1970). All figures were rounded to the nearest dollar and were taken from the tables appearing on pp. 12671-12677.

At the present time, a first-term enlisted man cannot be directly rewarded with pay differentials to reflect the skill requirements of his job or his job performance. To the extent that the most highly qualified men are more rapidly promoted, they earn nominally higher rates of basic pay. However, at the reenlistment point, the soldier completing his obligated term faces a considerably wider range of pay options. If he is in a highly skilled military occupational specialty that has a manpower shortage, he may be eligible for a Variable Reenlistment bonus that could reach $10,000.00, plus proficiency pay of $100 to $150 per month. When it comes to managing the men in the career force, the Armed Services have accepted the principle that substantial pay differentials should be used to reward the highly skilled men and to meet temporary manpower shortages. We believe that the same principle should be extended to first-term enlisted men. Individuals who bring transferable civilian skills to the Services or who volunteer for occupational specialties having manpower shortages should be awarded higher pay either in the form of proficiency pay or initial bonuses. It is argued that in the absence of a draft, the Army might not attract enough men to volunteer for the combat units. In this event, a system of pay differentials for new recruits could be used to offer added pay inducements to men volunteering for these units.

As a final pay-related matter, we recommend that the Army adopt the same pay schedule as the Navy, Marine Corps and Air Force, under which their members are paid twice monthly as opposed to the Army's present system of one pay day per month.

Terms of service and the retirement system

All recruits entering the Armed Forces incur a fixed initial obligated term of service, rarely found in civilian employment contracts, presumably because the Services must be assured of a minimum length of service to recoup the high training costs. A longer initial term means lower personnel turnover which, in turn, results in lower training costs. However, fewer men are willing to volunteer for six as opposed to four years unless they can receive higher pay for the added commitment. Recruits to the British Armed Forces who enlist for six- or nine-year terms earn an added commitment pay that is not paid to men who sign up for the shorter three-year tours.

The benefits of such longer terms are obviously larger for those occupations that entail higher training outlays. The system of variable reenlistment bonuses that is now available to men already in the force offers larger bonuses to those individuals who reenlist for longer obligated terms in occupations having high training costs and manpower shortages. An electronics technician whose training may cost $15,000 or more typically receives a three to four times larger bonus as a supplyhandler or truck driver. We recommend that the Armed Services develop an analogous system for new recruits entering military service, that recruits be offered a wider range of enlistment terms extending up to six or eight years, and that added commitment pay be paid to those men volunteering for the longer terms.

The current military retirement system offers extremely generous retirement benefits to the comparatively small number of men and officers who complete a full tour of twenty years active-duty service. Although officers who are involuntarily discharged prior to the twenty-year point are eligible for some separation pay, enlisted men not completing twenty years active duty get nothing except for the modest benefits under the G.I. Bill and Veterans Administration.

The Armed Forces do *not* want all enlisted men and officers to stay for the full twenty years. The optimum length of service varies, being shorter in those occupational specialties, like fighter pilots and airborne troops, which place a premium on youth and physical fitness; longer in those occupations where the individual's productivity climbs with age and experience. The optimum lengths in many specialties range between eight and twelve years. The retirement system should be flexible enough to attract some men for medium tours of duty and to reward them with meaningful separation allowances. We endorse the Hubbell recommendation that a vested retirement system similar to that used by the Civil Service be adopted by the military to replace the present non-vested system, thereby allowing men to leave military service with some retirement benefits before reaching the twenty-year point. The vested system would alleviate the unhealthy situations that now occur when men and officers serve only to wait out the remaining years to retirement.

Finally, the Armed Services in conjunction with the Veterans Administration should be urged to study more meaningful resettlement programs wherein an ex-serviceman can get the necessary retraining for civilian jobs in addition to the job information now provided by VA.

Recruitment

The draft has served as a disincentive to the development of a comprehensive recruiting effort. Over the last few years, the Army consistently failed to meet its old authorized recruiter strength of 2,969, often falling 300 to 600 men below this level. These shortages have undoubtedly resulted in fewer Army volunteers, thereby necessitating larger draft calls. We understand that as of January, 1971, the Army has eliminated these storages. In the past, recruiter strengths appear to have had little relationship to the requirements for new recruits; the Army assigned about the same number of men to recruiting duty in 1965 and 1968 even though the requirements for new accessions climbed from 204 to 533 thousand men in those years. This situation would be intolerable for an all-volunteer force that depends on an effective recruiting organization to meet its strength objectives. We recommend that the Services establish authorized recruiter strengths be determining the number of recruiters needed to produce the required number of volunteers. We are pleased to find that the Project Volunteer effort is recommending a substantial increase in recruiter strengths. We urge that in the transition to an all-volunteer force, recruiter shortages (in relation to the needed authorized levels) not be allowed to develop.

To establish effective organizations, the Services must offer better training and incentives to the men and officers assigned to recruiting duty. Until very recently, recruiters were only eligible for the $30 per month pro pay. Recruiters also incur out-of-pocket costs, such as buying coffee for prospective applicants, as well as higher living expenses because they often operate out of major urban centers. We recommend that recruiters be provided with a modest petty cash fund for normal out-of-pocket costs, and that the better recruiters be made eligible for superior performance pro pay in addition to the present $50 per month pro pay.

The advertising budget for recruiting has remained at low level for many years. We applaud the recent Project Volunteer efforts that have greatly expanded the advertising budgets. Part of these additional funds may be used to purchase prime T.V. time so that the Services may better present their opportunities to the youth of the Nation.

The effectiveness of the recruiting system has also been plagued by its rapid personnel turnover, which in some areas has reached 80 per cent per year. The good recruiter cannot rely solely on the walk-ins and simply assist them in filling out forms. He must establish lines of communication with the local high schools, youth clubs, and other hangouts. The Department of Defense has recognized this, and they have recently tried to make all recruiting assignments three-year tours. We are also favorably impressed by some recruiting practices of the all-volunteer British forces wherein retired military personnel are sometimes used to man recruiting stations, and teams of young enlisted men who recently joined the Services are sent out on recruiting trips.

Finally, the Armed Services must elevate the status of their recruiting organizations to the same level as that accorded to their strategic and general-purpose forces. It has been alleged that recruiting is a dead-end assignment; i.e. recruiters are rarely selected for rapid promotion to the top pay grades. If true, this is a damaging allegation that must be corrected. With or without a draft, the recruitment of qualified men is equally as important as their training and subsequent assignment to operating units.

Officer procurement and scholarship program

The recruitment of officers poses an important but smaller problem for an all-volunteer force. Aside from doctors and dentists, we must commission about 20 thousand new officers a year to staff a stable force of 2.25 million men. The three service academies and the ROTC scholarship programs are now budgeted to produce some 5 to 6 thousand officers each year; the remainder must be procured via the non-scholarship ROTC and officer candidate school programs.

The ROTC programs have been severely attacked on many college campuses, and there is some fear that ROTC will be unable to regain the same coverage of schools and support that it had in the early 1960's. Surveys reveal, however, that a majority of students, including those at Kent State, favor the retention of ROTC.

The Department of Defense also reports that there is a waiting list of colleges applying for ROTC programs. One of the primary values of ROTC is that ROTC officers are drawn from a broad cross-section of the United States population, thereby assuring a close and continuing link between the military and civilian sectors. An expansion of ROTC scholarships will enable some youths who could not otherwise have afforded to attend college to do so, and at the same time supply qualified officers to the all-volunteer force. These scholarship programs, however, entail long lead times of up to four years before they result in the production of officers available for active duty service. The ROTC officers who will be commissioned in the next two years are already in the pipeline. However, steps must be taken now to assure a continued supply of ROTC officers beyond this short horizon of two to three years. Although the number of ROTC scholarships has been increased, it still falls short of probable officer requirements in the years ahead. We recommend that ROTC scholarships be expanded to 10 per cent of the authorized non-medical officer strength beginning September 1, 1971, to insure a smooth transition to the all-volunteer force.

In addition to an expanded ROTC scholarship program, we urge that the Services study alternative officer programs and review the general requirement that all officers hold college degrees. Some positions that are now staffed with commissioned officers could be competently manned by warrant and limited duty officers who have less formal education. The Army has effectively utilized high school and junior college graduates as helicopter pilots, and Marine Corps enlisted men serve as navigators on some jets. Where experience and military training are more important than formal education (as they are for pilots and some technical jobs), we urge that the Services consider substituting warrant and limited duty officers for college graduates. An expanded warrant officer program would enhance the attractiveness of military service for the highly qualified enlisted man if he knew that he had a chance to be promoted to officer ranks.

Finally, it is feared that in the absence of a draft, the health services of the Armed Forces would be endangered by a shortfall in the supply of doctors. The care of dependents and retired military personnel accounts for a substantial part of the patient load handled by uniformed doctors. We urge that the Department of Defense study the possibility of transferring part of this patient load to comprehensive group health plans staffed by civilian hospitals and doctors.

Servicemen stationed in or near major urban centers could be given a medical allowance to purchase equivalent medical care coverage. In addition to these possible transfers that reduce the demand for uniformed doctors, steps must be taken to expand the supply of doctors when we can no longer rely on the threat of a doctor draft to recruit nearly half of the doctors graduating from medical schools. The military pay of a doctor, is well below what he could earn as a civilian, and pay raises should be adopted to correct this situation. A medical scholarship program would also provide a powerful recruitment incentive. At the present time, the Department of Defense awards some 446 scholarships to senior medical students who draw full officer's pay and allowances and tuition for a total of $10,838 each. These scholarship recipients and other medical students enrolled under the Berry medical education plan today are obligated to enter military service when they complete their medical training, thereby assuring a source of supply for the next year or two. However, steps must be taken now to expand the scholarship program to maintain a continued supply of doctors in the absence of a draft. The Project Volunteer plan has recommended that $20 million be appropriated in fiscal year 1972 to establish 2,000 medical scholarships that grant full officer's pay and allowances of approximately $10,000 a year in return for an obligation of one year of military service for each year of scholarship support. We heartily endorse the Project Volunteer proposal. This scholarship program, together with higher rates of military pay for doctors and other initiatives, should lead to higher retention in addition to more new entrants. These actions should assure the maintenance of the high quality of medical care now provided to our men in uniform.

Reserve forces

In the Department of Defense memorandum of August 21, 1970, Secretary of Defense Laird announced the policy that the Reserves and Guards will be the source of trained manpower in the event of a future emergency requiring the augmentation and expansion of the active duty forces. We wholeheartedly concur with this memorandum and agree that the necessary funds must be appropriated to modernize, train, and equip our reserve forces.

Some doubts have been voiced about the ability of the Reserves to attract enough volunteers in the absence of a draft liability. Surveys show that fully 70 to 80 per cent of first-term reservists are draft-motivated volunteers, but these figures exaggerate the magnitude of the probable manpower deficits. Under the draft, applicants have far outnumbered the available spaces in the Reserves, and the Reserves have understandably selected the cream from long waiting lists, taking the highly draft-motivated college and college-bound students. Many with less education were turned away. Individuals holding masters and doctorate degrees liberally sprinkle the enlisted ranks of many reserve units, and this overabundance of intellect may even have an adverse effect on readiness of reserve units.

The present size of our paid reserve forces of one million men was largely determined by Congressional fiat. In at least two instances, Congress overruled military judgment and legislated larger reserve requirements than the Department of Defense felt were needed for the national security. Congress appropriated the funds to train and pay these larger forces but sufficient monies to provide them with modern equipment were not forthcoming. As a result, the readiness and defense capability of this force of a million men fell short of expectations.

The pay raises that were recommended for active duty forces will also be extended to men in the Reserves, and these pay raises will help to expand the supply of volunteers. When reservists are finally supplied with modern weapons and informed about the importance of their role there should be a pronounced rise in morale, making it easier to attract volunteers. The lure of travel abroad that attracts some youths to the active forces can be used to draw volunteers to the reserves. The two-week summer training exercises could, on alternate years, be conducted jointly with units of the active duty forces stationed at overseas bases. Travel is an obvious recruiting incentive to both civilians and returning veterans, but equally important, the joint training exercises with units of the active duty forces that the reserve units would augment in the event of activation would definitely improve reserve readiness.

Currently, the Air Force appears to make the best use of their Reserves and Air National Guards by merging their training exercises with regular Air Force missions. Weekend reserve pilots and crews often carry out military airlift missions to Vietnam. We strongly recommend that overseas training on alternate years be made a part of the Reserve training program. Higher pay, overseas training, modern weapons, and improved readiness all operate to expand the supply of volunteers from both civilian life and the ranks of returning veterans. These steps should be sufficient to meet the strength requirements of our Ready Reserves.

Military manpower management

The presence of the draft has encouraged the wasteful use of military manpower and fostered a tendency to cling to existing management practices. Assistant Secretary of Defense Roger T. Kelley emphasized this point when he stated:

"The ability to reach into the draft well and pick out whatever numbers you need can cover a lot of sins of underutilization of manpower, of misuse of manpower, of poor management." (House Hearings, August 4, 1970, p. 12664)

We have seen very few changes in DOD policies pertaining to the recruitment and management of first-term enlisted men. However, we direct attention to a notable exception, Project 100,000 (the New Standards program launched in 1966) wherein the Armed Services accepted men who fell below the then minimum mental/physical qualifications standards, offered them remedial education, corrected minor medical defects, and modified military training to place more emphasis on manual rather than verbal skills. These New Standards men, who would have been ineligible for active duty service in 1965, convincingly proved that, if properly managed, they were capable of being effective members of our Armed Forces. We were pleased to learn that the New Standards program will be continued, for the men who volunteer under this program will make it easier to meet our recruitment goals for an all-volunteer force.

Pay is not the only thing that directs men into different occupational pursuits. The opportunity for self-improvement through training and education, the challenge of the job, a chance to travel, the comaraderie of an elite fighting unit, and the quality of housing are some of the non-monetary factors that affect a young man's decision to enlist and that can be influenced by management policies.

Many Servicemen have voiced the objection that they are unable to explain and justify much of their daily work and some forms of discipline. Policing parade grounds at night, inspections on weekends, training exercises that have no obvious purpose are but some of the examples of what servicemen regard as irrelevant, unnecessary work and discipline—the so-called "Mickey Mouse." Military discipline with respect to haircuts, beards, off-duty dress, etc. is often viewed as harrassment and engenders antagonism. As part of Project Volunteer—the drive to achieve zero draft calls—Army chief of Staff General William C. Westmoreland has instructed Army base commanders to avoid make-work assignments and to make greater efforts to understand the differing social mores of today's youth. We concur with General Westmoreland's instruction and recommend further that greater efforts be made to explain the reasons for the importance of military missions to the enlisted men. We urge that the Department of Defense continually review its Domestic Action program of work for a peacetime Army.

Surveys have shown that the educational and training benefits offered by the Armed Services are powerful recruitment incentives. Military training opportunities are, however, limited by the size and shape of the Armed Forces. For example, it would obviously be wasteful to train twice as many auto mechanics as there are jobs for them. Two relatively low-cost policies, however, could enhance the value of military training, thereby increasing the attraction of this recruiting incentive. First, the recruit could be informed about the relationship between specific military training courses and later civilian jobs; specifically, how many and what types of civilian jobs utilize skills that can be acquired from a particular training course. Second, the Armed Services could solicit the cooperation of union apprenticeship programs and employers to determine if minor modifications in military course curricula could achieve greater transferability to later civilian jobs. Under existing Department of Defense programs, a soldier, while in service, can complete his high school education, earn credits toward a college degree, and, at some bases, enroll in adult education courses. A small number of enlisted men, mainly in the Navy, are sent to college at Service expense in return for a longer obligated term. We recommend an expansion of such in-service educational programs, especially those that enable enlisted men to qualify for officer ranks.

The men in the Armed Forces constitute one of the Nation's most mobile populations and accounted for 4.5 million moves of persons and belongings in 1968. Although the rotation of men to overseas bases is a necessary part of military life, the real and psychic costs of these moves are high, and become nearly intolerable when moves are frequent and unpredictable. In addition to the rigors of the moves themselves, many U.S. servicemen are further subjected to below-standard living conditions overseas, as shown in a recent television documentary on the appalling conditions of housing for U.S. personnel in Germany. Some of our men were not provided sufficient funds to move their families, and were consequently forced to live in quarters grossly unfit for them. They clearly deserve better treatment. Accordingly, we recommend that travel allowances for the movement of their families and belongings be set at sufficiently high levels to insure that servicemen suffer no financial loss from moving their families. We further urge that a study be directed to develop more equitable rotation policies that maintain military effectiveness while minimizing the disruptive effects on the serviceman's family life.

It is generally agreed that the housing available to military personnel is inadequate and investments in more and better housing will enhance the attractiveness of service life. The needed improvements in base housing should be made irrespective of the extension or termination of the draft. We concur with the Administration recommendations under Project Volunteer that would appropriate 68 million dollars in fiscal year 1972 for much needed improvements in housing. We urge that the first consideration in this area should be the improvement of bachelor quarters for enlisted men. Many servicemen, however, live off-base, and to the extent that their pay is below civilian wages (as it is for first-term enlisted men), they cannot afford to rent adequate quarters. The adoption of our pay recommendations would raise military pay (including quarters and subsistence allowances) to comparable civilian wages, thereby alleviating the housing problem for those who live off-base. Housing costs are, however, not the same in all areas and the military pay structure should include provisions for regional cost-of-living differentials.

Under the draft, the military has used uniformed men for such chores as KP, garbage collection, chauffeur duty, and grass-cutting. The more challenging aspects of military service are thus denied to the men assigned to these non-military tasks. Hiring civilians for these jobs will not be as expensive and will reduce the requirements for uniformed personnel that must be met by an all-volunteer force. Other positions in the active duty force structure that are presently staffed by servicemen could be equally well filled by civilians at overall lower costs and with no loss in defense capability. Clerk-typists, drivers, doctors, and supply-handlers exemplify some of the positions that could be transferred to civilians.

The potential for civilian substitutions is limited to the extent that a certain number of jobs that can be filled by Servicemen returning from overseas bases and sea duty assignments must be retained. We must, however, carefully examine our military manpower requirements and shift the unessential non-military jobs to civilians if the Armed Forces are to offer stimulating and challenging career opportunities. We are encouraged by the recent changes in management practices initiated by Project Volunteer and urge that they be continued and expanded to incorporate the proposals recommended in our report.

The standby draft registration authority

A plan for the transition to an all-volunteer force must include provisions not only for the policies that must be adopted during the one-year extension of the draft, but also for machinery to cope with any contingencies that might arise after the draft authority expires on June 30, 1972. We have already recommended that the 1971 draft law explicitly enunciate a commitment to voluntarism when the draft authority ends at the termination of the one year transition period, and have also endorsed the Department of Defense policy that the Reserves and Guards will supply the manpower for temporary expansions of the active duty forces, thereby assuring flexibility in our defense capability.

Finally, however, we must provide for the national security in the event of a contingency of such an extreme that we are unable to muster sufficient force levels through either voluntarism or activation of the Reserves and Guards. (It should be noted, however, that throughout our history, the American people have responded quickly and *voluntarily* to situations which they viewed as endangering our national security.) Towards this end, we recommend the establishment of a standby draft registration authority that lacks the power to conscript except by a joint resolution of Congress upon the recommendation of the President. Under this standby draft registration all youths reaching the age of 18 will be required by law to register with their local draft boards and to keep their local boards informed of any changes of address, employment, marital status, and health.

The present Selective Service System organization of 4,092 local boards and individual files could be streamlined by reducing the number of local boards, simplifying the existing draft classification system, and moving to a computerized system of data storage, thereby reducing the administrative costs of registration and updating of records for the new Selective Service System. In the event of a clear danger to our national security that cannot be handled by the all-volunteer active and reserve forces, Congress could pass a joint resolution to re-establish the induction authority that can then turn to the Selective Service machinery of registration and preliminary classification for a rapid manpower mobilization.

We firmly believe that a sharp distinction must be drawn between the present draft authority that grants to the President the power to draft, and our standby draft registration authority that lacks the power to conscript without Congressional approval. No spokesmen have clarified the Project Volunteer position on the specifics of a standby draft once they achieve the goal of zero draft calls. The Administration has been equally vague about control over the power to draft—should it reside with the Executive as it now does or should it be held by the Congress as it would under our proposal?

Some of our task force members opposed even this residual authority and argued that it still imposes compulsion on youth, and would make it easier to reintroduce the induction authority. After considerable debate, a majority of the task force members agreed that nothing could be allowed to compromise the national security. The standby draft registration authority gives the Nation a safeguard to protect it against a major threat. We believe that an all-volunteer force staffed by men who are paid a living wage and backed by a truly Ready Reserve provides us with a wide range of defense capability. The standby draft registration authority constitutes the second line of defense by retaining the necessary machinery to call up large numbers of young men if they are needed to meet a major crisis. Our recommendation thus places the responsibility in the hands of Congress to legislate any reestablishment of the induction authority.

Summary of recommendations

The plan for the transition to an all-volunteer Armed Force that is recommended by our task force must include at least a minimum of the following provisions:

1. That the Military Selective Service Act of 1971 will (a) endorse the principle that an all-volunteer system of military manpower procurement is the only fair and impartial means of raising our Armed Forces, (b) extend the draft authority as amended by our recommendations on draft reforms for one year, to June 30, 1972, and (c) establish the standby draft registration authority to become effective on July 1, 1972.

2. That funds be appropriated to raise the military pay of first-term enlisted men and officers to levels that are competitive with civilian wages. The regular pay of a recruit (including the value of his room and board) should be raised to $444 per month.

3. That the structure of military pay be revised to establish pay differentials for first-term enlisted men who bring civilian skills to the military service, who volunteer for occupational specialties suffering manpower shortages, or who commit themselves to longer terms of service.

4. That the recruiting organization be modernized; authorized recruiter strengths expanded to produce the required number of volunteers; recruiters be provided with petty cash funds and made eligible for higher rates of proficiency pay; and recruitment and advertising budgets be increased.

5. That ROTC scholarships be increased to an annual rate equal to 10 per cent of the authorized non-medical officer strength with increases beginning in September 1, 1971.

6. That the comprehensive medical scholarship program recommended by the administration be adopted. Under this program, the Department of Defense would award 2,000 medical scholarships with annual stipends of about $10,000 a year for an obligation of one year of military service for each year of scholarship support.

7. That funds be appropriated to procure modern weapons and equipment for the Reserve and Guard forces.

8. That summer training exercises of reserve units be conducted jointly with units of the active duty forces stationed at overseas bases.

We are of the opinion that adoption of these recommendations, some of which have already been initiated under Project Volunteer, will bring forth the necessary numbers of true volunteers to staff an all-volunteer Armed Force and will achieve the long-awaited end to the draft by June 30, 1972.

V. NATIONAL SERVICE

There can be little doubt that the United States is in the midst of a depression of national spirit. As Cornell University's Andrew Hacker recently observed, "We have become a loose aggregation of private persons who give higher priority to our personal pleasures than to collective endeavors. Americans no longer display that spirit which transforms a people into a citizenry and turns territory into a nation." We are now a Nation which fears its cities, despoils its land, and poisons its air and water. And we are a Nation which distrusts and isolates its young.

All this can and must be reversed.

American youth have been called to service before, usually in times of war, and have performed well. We, the youth of America, now offer our services for the purposes of peace, for a vigorous campaign against the multiple social problems that have drained our country's spirits and robbed her of her common purpose.

Nothing could be more timely than a call to youth. Repeated polls show that two-thirds or more of American youth seek an opportunity to serve the Nation and the world. Previously, there was little opportunity to put this willingness to the test. Now there is.

The call to youth must be a call to national service, an invitation to help this Nation create a more progressive educational system, to meet our needs in family and health services, to fight poverty and crime, to revive the planning and restoration of our cities and our total environment, and to help solve so many other unmet problems. This service can be part of a new form of education which breaks the barriers that have separated school from society—education which helps the young learn the functions of society by helping solve its problems.

There are those who advocate a program of universal national service, a kind of peaceful draft in which everyone would serve his country for two years as a civilian alternative to military service. They see this universal national service as a way to overcome the inequities of the draft, under which some serve while others do not. These advocates also look back with nostalgia to times when common national purpose meant mobilization for war or against economic disaster.

But compulsory service of any kind has no place in this society except in times of clear and pressing threat to the Nation's existence. Compulsory service, whether military or civil in nature, is contrary to the principles on which the United States was founded.

The arguments against such service are persuasive. The American Friends Service Committee, in its book, *The Draft?*, concludes:

"It is wrong to attempt to resolve the injustices of the Selective Service System by establishing a second system that would duplicate the injustices of the first; to argue that a national service system could be the extension of compulsory education ignores the fact that the state's right to require young adults to attend school is not established."

The President's Commission on Campus Unrest (Scranton Commission) took a similar position:

"Whether in the form of pilot projects or a full-scale program, national service should be voluntary, and not, as some have proposed before this Commission and elsewhere, compulsory. In addition to its enormous cost, a compulsory national service program would be an unwarranted infringement on individual freedom of choice. Nor should national service be considered as a method for reforming or replacing the draft. Proposals to make civilian service available as an alternative to the draft fail to resolve compelling problems of equity that plague any attempt to compare civilian programs with military service.

"Participation in a national service program will not be an acceptable or practical alternative for all young people who do not want to attend college. Direct Federal sponsorship limits the activities of voluntary service programs, and of volunteers participating in them. Existing Federal volunteer programs—VISTA, the Peace Corps, and the Teacher Corps—will continue to attract substantial numbers of young people. These programs should be expanded if that is necessary to permit more qualified volunteers to serve, but the purposes of these programs should not be changed merely to suit the volunteer's preferences. Many young people interested in serving society will prefer to do so in some other way.

"Some might be more attracted to programs in which the Federal role was less direct or obstrusive, limited perhaps to providing financial assistance or to establishing a central clearinghouse for volunteer placement. The feasibility of such a Federal role should be studied."

Youth increasingly reject Big Government enterprise, the impersonality and inequity of a draft, the insolence of office, preferring universal civic service no more than universal military service. And compulsory national service would never be a workable alternative to the draft. There is growing difficulty in finding uses for unwilling soldiers. It would be far more difficult to find proper work for unwilling civilian conscripts. Labor gangs or other forms of involuntary servitude would hardly develop qualities of citizenship which would make this a better Nation. Further, the devices whereby the affluent and well-advised now find ways to escape the draft would likely be used as well to avoid a compulsory civilian service. Thus, rather than correcting the inequities of the draft, compulsory national service would compound them.

There is also the danger that universal national service would be an excuse to form another massive federal program. It must not be a super VISTA or a Jumbo Job Corps; nor can it be some updated form of the Civilian Conservation Corps camps of the Depression era. The cost would be staggering—about $20 billion a year for the estimated 4 million young men and women between 17 and 21 who would be expected to serve for two-year periods.

Furthermore, there is evidence that this approach would not only be costly but disastrous, radicalizing young people whose expectations of accomplishment would remain unsatisfied. The experience of recent years has demonstrated that Federally directed programs of even modest size have difficulty in matching the young to appropriate jobs and in providing adequate training and supervision.

Finally, it is doubtful that there are enough suitable full-time jobs for all those who might apply, and this would lead to the unfortunate necessity for either make-work jobs or for a lottery.

If national service is to work, it must be non-compulsory and it must earn its own way as a new form of education, as a source of voluntary service in areas of need, and, hopefully, as a means of accelerating necessary social change. Such programs are already well under way—programs of service-learning which link school and community.

Colleges and universities have led this movement, adopting work study or cooperative education programs in which students work for a time, then return for more study. More recently, secondary schools have begun to adopt comparable intermittent or part-time work programs which complement school study. But the number of part-time paid jobs in work-study programs is limited, whereas the number of service jobs for young people, in public and private agencies, is practically unlimited, particularly when the task of helping educate one another is included. But whether the program is paid work-study or unpaid service-learning, the objectives and the processes are much the same. The student's work or service is considered as much a part of his formal education as are his studies in school or college. He earns academic credit for what he learns.

In a typical case, the student and his teacher or adviser agree on a program of learning, what is to be learned by his work or service, and by what criteria his success will be measured. They agree on a work-study or service-learning program which will complement his formal studies and may help him decide on a career.

In Vermont's DUO program, for instance, high school students, with the help of a teacher or adviser, contract for learning during a semester or more in which they leave school for paid jobs or for non-paid service as hospital para-professionals, parole officer assistants and the like. In New Orleans, students receive academic credit and are paid for part-time work with the Community Relations Divisions of the Police and Fire Departments, as supervisors in day camps, and as pre-trial interviews in a juvenile courts project.

In a number of other programs throughout American, youngsters are tutoring each other in and after school; high school and college-age youth are helping to start and manage these tutoring programs. Similarly, Urban Corps programs now enlist some 20,000 college-age youth in part-time work in over 60 cities. And thousands more spend two to 20 hours a week in college volunteer projects modeled after that of Michigan State University, in which some 10,000 students have served as tutors; as advisers in scouting, YMCA and HI-Y programs; as junior probation officers; and as aides in inner-city schools, health centers or legal service programs. Furthermore, the Michigan State experience indicates that it is not just the white, middle-class young who volunteer; young blacks in comparable numbers have served without pay.

Department of Labor studies and data collected by the private National Service Secretariat indicate that there are service-learning opportunities for millions of young people in education, environment, health service, counter-delinquency programs, and thousands more work-study jobs in the private sector. Many of the techniques for training the young for these jobs and for training the adults and older youth who will administer the programs are well developed.

A major reform in American education is now possible if support can be provided for the trainers and supervisors who will direct service-learning and work-study projects. Many of these people can be volunteers themselves. Projects could begin now, utilizing VISTA or Teacher Corps volunteers who are carefully selected and trained for the job.

A significant portion of the administrative costs of work-study and service-learning projects would be borne by the schools themselves. For service-learning would be a form of education designed to give meaning to regular schooling. Academic credit at all levels, from elementary school through college, would be awarded in recognition of learning which takes place during the service and in preparation for it. Young people would serve from four to 15 hours a week, probably averaging about 10 hours weekly. Others would serve full-time for three to six months at a stretch.

Projects which will further test the service-learning idea will begin this spring for about 2,500 high school and college volunteers who will receive training and supervision under amendments added last year to Teacher Corps legislation. An additional 8,000 to 10,000 volunteers will join the program this summer.

Much testing has already occurred. Federal support has for some time been provided to a number of programs designed to enlist the services of the young in programs which serve international, national, and local interest. The Peace Corps, VISTA, the Teacher Corps, the Neighborhood Youth Corps, the National Study Program and others have all offered youth an opportunity to learn while they serve or work.

But these existing efforts are not enough. They accommodate too few of the young, and, as the experience of the National Student Association Tutorial Centers and of VISTA have indicated, the success of these efforts depends largely on the degree to which youth can train and supervise themselves. The experience of youth programs in the past few years suggests that the young seek freedom from manipulation. They seek an opportunity to help shape their society as well as to serve it. To attract youth and then provide the satisfaction they seek, the programs must be set up to support locally designed plans which call not only for service, but also for improvement in the operation of our institutions—plans which the young themselves help develop along with other members of the communities to be served. A Volunteer Service Corps, such as that suggested by the President in his speech to the University of Nebraska student body on January 14, 1971, could give youth a more effective voice in determining policies and programs for these activities.

Will youth be attracted to such programs? Can they play an effective role first in serving, then in shaping our society? Or are they increasingly turned off—victims to a "new sensibility" whereby, according to Harvard Professor Daniel Bell, a cult of experience "exposes everything to attack; authority, because no man is better than any other; and the past, because learning tells us nothing."

The recent experience of the Teacher Corps would argue that even the more dubious of the young seek to serve our society if they can play an effective and perhaps even an essential role in the revitalization of our institutions. This can be achieved, provided that the institutions in which youth serve truly seek revitalization and have a plan for its achievement. For example, where educational reform is sought, a plan can be developed jointly by a school system and a nearby university in collaboration with community groups and student representatives. The young who volunteer for service in such a project must see that they can be effective in helping to carry out the plans and also that they will benefit personally from the experience. The reason the young may be essential to a process of institutional revitalization is that local plans often depend for success on someone who serves as a "change agent," someone with charisma and zeal, someone who is not afraid of being fired, someone who, with help from the top, can cut through layers of bureaucracy, stir things up, and get consideration for new ideas. A temporary program which combines local professionalism with a cadre of young people carefully selected and trained for the job appears to provide, in the aggregate, the qualities looked for, but infrequently found, in an individual change agent. Thus, in a plan for the adoption of work-study or service-learning by a school system or community, a group of young people may find it easier than a teacher or middle-level bureaucrat to obtain the cooperation of the business community, to get a hearing from the mayor or the school superintendent, to stimulate newspaper stories and TV appearances. They may not play a dominant role in the development of the local plan, but they can perform a key role in shaping it and share major responsibility for making it work.

Later, as they assume greater responsibility in their communities, these early experiences will serve them well as members of school boards, associations of commerce, and other community groups, and especially as parents.

In essence, it is not a Federally dominated youth program which is called for but a new process of education, a process which calls upon capable young people to help link the schools with the world around—a process designed to encourage the young to inquire, to find confidence in themselves, to help them forge their own values and lead them to the acqusition of habits of learning and serving by which they will continue to grow.

Federal programs can help launch the process. It must then be taken up by local schools and communities.

The task force on the Draft, National Service and Alternatives, therefore, makes the following recommendations:

1. That the White House Conference on Youth reject national service as an alternative to the draft and endorse work-study and service-learning as a necessary reform in American education.

2. That the White House Conference on Youth endorse the creation of Volunteer Service Corps which would assist with the initial development and administration of service-learning programs, provided that the young people who serve in such programs share in establishing agency policy and in the development, administration, and evaluation of local projects.

3. That the President call for appropriations under existing legislation sufficient to provide training for approximately 200,000 volunteers and volunteer supervisors in order to test, over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work-study and service-learning. There should be several projects during this period with sufficient concentration of volunteers to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education, or comparable needs.

4. That, for the purposes of this two-year test program, VISTA and the Teacher Corps join forces in a task force under the directorship of the Director of the Office of Economic Opportunity or the Director of the Volunteer Service Corps, and that these agencies collaborate with other Federally supported programs, notably the President's Council on Youth Opportunity, the College Work-Study program, the Neighborhood Youth Corps, and local Volunteer Action Centers, to help launch programs designed to be taken over completely by local groups.

5. That the Director of the Office of Economic Opportunity or the Director of the Volunteer Service Corps undertake a program of research and evaluation to begin at the start of the above-mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility of expanding Federal support for work-study and service-learning programs by June 30, 1973.

THE BATTLEFIELD SHIFTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, T. E. Lawrence—Lawrence of Arabia—wrote:

> We had also to arrange the minds of the enemy, so far as we could reach them; then those other minds of the nations supporting us behind the firing line, since more than half the battle passed in the back; then the minds of the enemy nation awaiting the verdict; and of the neutrals looking on; circle beyond circle.

As the monsoon season approaches in Southeast Asia, bringing with it a partial respite from Communist attack for the people in that beseiged area of the world, the Spring Offensive in the United States has begun.

Commencing April 24 with a large demonstration and carrying on through May 5, when the Congress of the United States is supposed to be surrounded and kept in session until it meets the demands of the North Vietnamese Politburo, the city of Washington, D.C. will be the main battleground in the Communist drive to conquer Southeast Asia.

As the antifreedom movement, against freedom for the people of South Vietnam that is, has evolved over the years since the United States went to the defense of a small Asian ally, the Communist leadership and control of the movement has become more and more open.

The Chairman of the House Committee on Internal Security, Hon. Richard H. Ichord, reported to the Congress in a speech on the floor of the House 3 weeks ago that:

> The National Peace Action Coalition—NPAC—and the People Coalition for Peace and Justice—PCPJ—both of which are known to be operating under substantial Communist influence, are the two major organizations taking part in these forthcoming demonstrations. The immediate objective of the demonstration is, of course, to force a complete withdrawal of U.S. forces from Southeast Asia. The real objective of the leadership is not peace, but the humiliation of the United States, the promotion of a Communist takeover in Southeast Asia, and the general advancement of world communism.

Actually the so-called peace movement has been making no great effort to conceal where its sympathies lie. A case in point is the "Peoples Peace Treaty" brought back to the United States by representatives of the National Student Association upon their recent return from a visit to North Vietnam. This is the document which the Congress is supposed to ratify on May 5. Interestingly enough it coincides in all substantial points with the position advanced by the North Vietnamese Politburo and their front group at the Paris talks.

The substance of these ridiculous demands is that if the United States agrees to an immediate and total retreat from Southeast Asia, imposing a certain type of coalition government on South Vietnam on its way out, then the Communists will begin discussing the return of the American servicemen whom they are holding prisoner.

President Nixon has rightly characterized the enemy's coalition plan, in which they get to select one-third of the new government and have veto power over the other two-thirds, as "a formula for a guaranteed political takeover."

While the President rightly denounces the enemy proposals, the Department of Health, Education, and Welfare is having its facilities used for something known as the "Indochinese Film Festival." This is a series of North Vietnamese Communist propaganda films intermixed with referendums, rallies, and talks by individuals such as Rennie Davis who is currently appealing his conviction for crossing State lines to incite a riot at the 1968 Democratic Convention.

These activities within the Department of Health, Education, and Welfare, a mammoth consumer of Federal funds whose expenditures by 1973 are expected to run higher than those of the Department of Defense, are being conducted by two employee groups known as the HEW action project and the Thursday Discussion Group. It is bad enough that people of this type are employed by the Federal Government, and it is an absolute outrage that they are allowed the use of Federal facilities to openly disseminate the propaganda of an enemy responsible for the deaths of close to 45,000 Americans.

The last large "peace" demonstration in Washington, which took place in November of 1969, cost the taxpayer approximately $1,750,000 in damage to government property, and left hundreds injured. What the costs of this successor campaign will be in terms of both dollars and injuries no one can foretell. It can be stated, however, that all those who have lent their names and support to these demonstrations, no matter how many pious disclaimers are issued against the violence which is sure to occur, must bear a portion of the responsibility for what does, in fact, take place.

It is extremely unsettling to see men who are considered serious aspirants for the Presidency, for the position of Commander in Chief, lending their support to these activities organized to advance the cause of the North Vietnamese Communists.

FREEDOM OF CHOICE FOR FEDERAL EMPLOYEES

Freedom of association received a boost recently with the introduction of H.R. 2569, the "Federal Employee Freedom of Choice Act of 1971." The purpose of this legislation, as outlined in section I of the bill, is to assure that "Each employee of the Federal Government shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

The second section of the bill clearly prohibits joining a union which "asserts the right to strike against the Government of the United States or any agency thereof," or assisting or participating in any such strike. Strikes of this kind are illegal under present U.S. law. The bill also prohibits joining any organization which "advocates the overthrow of the constitutional form of government in the United States."

The bill is designed to establish, in the law, protection of Federal employees against the abuses of compulsory unionism. In other words, any Federal worker will be free to join or not to join a union—and this will have no bearing on his condition of employment with the Government. The legislation will avoid "agency shops" and will eliminate the hazard posed by the threat of crippling strikes at our highest level of Government.

Although this right exists at the moment, it is subject to change by Executive order—at the whim of the President. President Kennedy temporarily insured voluntary unionism for Federal employees by Executive order in 1961. President Nixon reaffirmed this policy with Executive Order No. 11491 in October of 1969. Nevertheless, until this basic freedom is codified in the law of the land by Congress, the assurance of voluntarism for Federal employees is subject to change at any time.

Voluntary labor-management relations have a strong basis in the tradition of our country. Nineteen States presently have "right-to-work" laws and the Congress recognized the right last year when the House decisively rejected compulsory union membership for postal workers. Postal workers represent 25 percent of the Federal work force, and I feel it is time to extend these permanent "right-to-work" guarantees to the other 75 percent of our Federal employees.

Another indication of widespread support for this legislation is the fact that the 25 Congressmen who have joined me in cosponsorship of the bill represent the maximum number of cosponsors allowed under House rules. Additionally, the Republican Party platform of 1968 unequivocally pledges "right-to-work" protection for Federal employees. President Nixon, as a candidate, made it clear that he intended to propose legislation to "recognize the right of a Federal employee to join an employee organization if he chooses to do so."

Considering the kind of support which has been indicated for the bill, I have high hopes that this session of Congress will see its enactment. To deny such protection to our Federal employees, to subject them to the vicissitudes of compulsory unionism, would be to slap the principles of freedom and voluntarism, on which this Nation was founded, squarely in the face.

THE UNITED STATES IN SPACE—A SURVEY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked to consider the NASA Authorization bill for fiscal year 1972. The Science and Astronautics Committee, in drawing up this bill, has based its final recommendation upon some 2,500 pages of testimony delivered by more than 26 expert witnesses in addition to field trips by Members and staff.

Past hearings of the committee have revealed that this country enjoyed a superiority in space which dates back almost to the very initiation of our space program. The many firsts the United States has recorded have so far outpaced the accomplishments of the other members of the international space community that this Nation has virtually taken for granted our preeminence in the field. I sometimes fear that we have progressed so far so fast that we will lose interest in the challenge and dedication to the cause. An injection of reality might be the precise solution—an injection similar to that which the foremost experts in space provided the Committee this year.

For the past 2 months, the committee heard a story of far different substance than the stunning successes of our lunar exploits. The testimony we were presented told of a public disenchanted with space, a space agency with a minimal and declining budget, and a nation headed for the day in which it will no longer be first. The emphasis was no longer a story of achievements; the message was more an indication of an intended retreat.

I, for one, cannot minimize the tragic shortsightedness in reducing the pace of our space activity. We now appear to be turning our back on a field of endeavor which has contributed as much to the economic growth, progress and welfare of our Nation as any other single element of activity. The space program is a positive program and can and should exist side by side with other positive programs aimed at curing the country's ills. I respect the opinion of those who want to further cut or totally abandon the space program. However, I feel that their opinion is based on a lack of information and understanding.

My hope, therefore, is to provide the other Members of this Congress the unique insight afforded me by my participation on the Science and Astronautics Committee. I do this as a means not only to express my concern to my colleagues, but as one measure by which to reverse this downturn in our space effort. What I intend to do is to include a series of articles in the RECORD over the next few weeks which will examine and explore our U.S. space program in order to provide a backdrop for the fiscal year 1972 NASA Authorization bill. As an integral part of the discussion, the various aspects of international cooperation in space as well as the technological benefits which we have enjoyed from our expenditures on space programs will be emphasized. Finally, I will offer my thoughts as to the status of our space program today and tomorrow and the nature of the support which must be provided in order to insure this country's continued leadership.

By way of brief introduction, my primary concern over this Nation's budget reduction for space stems from two causes. The first is the $38 billion this country has invested in space over the past decade. The experiments we have performed, the technology and techniques we have perfected can now be transformed into operational cost-saving, labor-saving, in fact, life-saving systems. In essence, we have the opportunity to turn from the experimental and exploratory use of space to the everyday, operational use of space. Within the framework of our space program, this Nation's taxpayers have funded the development of over 10,000 new products—a number which is growing exponentially with each passing day. Yet, this is only the most meager indication of the ultimate benefits of our work in this field. While the benefits of today are measured in terms of microminiaturized television sets and sharper dental X-rays, the dimensions of the next generation of benefits are telephone communications at one-tenth today's cost, the elimination of the mid-air aircraft crash, the accurate prediction of weather days in advance, of location of valuable earth resources and the detection of pollution sources. My concern is thus one of the American people failing to capitalize on technology a decade in the development—technology leading to a better tomorrow.

Finally, I am troubled by the many exploits and the sharply increased activity in space by our many international neighbors. The Soviet Union is the most obvious example.

Whether the race in space is contrived or real, meaningful comparisons can be made. The United States has enjoyed approximately 42 space "firsts;" the Soviet Union 31. Such numbers are important because they provide a measure of the relative state of technology in each country. But there are other comparisons. While we contemplate a domestic United States communication satellite system, the Russians have been offering such service for more than 6 years. While we plan to send unmanned missions to Mars in 1975, the Russians are expected to do so in 1973. While we are building hardware for an orbiting laboratory, the Russians are flying an operational system.

Although the achievements of the Soviets tend to be less publicized and less dramatic to the public, our experts on space spare no compliments at the duration of Russian manned flights and the sophistication of their space hardware. But my distress is not the result of present status—rather the developing trend.

Our space program reached a peak in 1966 in terms of both dollars spent and manpower engaged. Since then the United States budget has been halved. The manpower has been cut from 420,000 to less than 145,000. In contrast, the Russian program has yet to peak. Russia now spends more than 2 percent of its GNP on space compared to a U.S. rate of 1 percent. In 1970, the Soviets launched 88 spacecraft, manned and unmanned. The United States launched 36. This country launched twice the Russian rate in the mid-1960's. The Nation's decreasing emphasis; the Soviet's increasing emphasis will lead inevitably to a decline in U.S. influence in space. If permitted to continue, the world can anticipate no less than a major shift in the balance of global power.

The same Congress which dedicated itself to placing a man on the moon in the 1960's now faces the challenge of redefining the role of the space program for the 1970's. It is our decision—a decision calling for our most thorough and knowledgeable judgment. To proceed too fast is to waste dollars we urgently need elsewhere. To proceed too slow is to waste our fiscal, human, and technological resources and to throw away the opportunity to improve the quality of life on earth.

I look forward to your joining with me during the next few weeks in gaining a fuller understanding and appreciation of the United States in space.

REPUBLICAN TASK FORCE ON EDUCATION AND TRAINING MEETS WITH JOHN MACY, CORPORATION FOR PUBLIC BROADCASTING

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HANSEN of Idaho. Mr. Speaker, the House Republican Task Force on Education and Training has undertaken a study of public and educational television. We feel that public broadcasting has a tremendous potential for education—too important to be overlooked. Individuals can avail themselves of opportunities to learn in both a classroom environment as well as in their homes through television programs aimed directly at teaching and through programs which give information through a more indirect approach.

As one of our first activities, we invited John Macy, president of the Corporation for Public Broadcasting to meet with the task force. I would like to share his remarks at that occasion with my colleagues and place in the RECORD the minutes of that meeting, together with a memorandum describing the Corporation's plans for educational programing and the text of a speech made by John Macy recently:

RECORD OF BREAKFAST MEETING, JOHN MACY, JR., SPEAKER, APRIL 20, 1971

Guests: John W. Macy, Jr., President, Corporation for Public Broadcasting; George Linn, Director of Legislative Affairs, CPB; Bill Duke, Director of Public Affairs, CPB.

Members present: Orval Hansen, Clarence Brown, Bill Frenzel, James Hastings, Margaret Heckler, Walter Powell, William Whitehurst.

Staff attending: Steve Adams—staff of Robert Michel, M.C.; Connie Borkenhagen—staff of William Steiger, M.C.; Dan Denning—staff of John Myers, M.C.; Keith Hall—staff of Albert Quie, M.C.; Nancy Heim—staff of John Dellenback, M.C.; Dave Martin—staff of Earl Ruth, M.C.; John Simpson—staff of Charlotte Reid, M.C.; Don Wolfensburger—staff of John Anderson; Martha Phillips—Director, House Republican Research Committee; Jim Mann—Director, House Republican Conference; Rhonda Butterfield—staff of Republican Research Committee.

Mr. John W. Macy, Jr., President of the Corporation for Public Broadcasting, was introduced by Task Force Chairman Orval Hansen.

MACY. The Corporation was created by Congress in 1967 to provide national leadership in the development and growth of a system of public television and radio across the country. This act recognized that this mode of broadcasting could supplement the existing commercial broadcasting in assisting education and public service nationally. There were already in existence at that time over 100 educational television stations, and the pattern of growth continued—more and more communities sought licenses primarily to support the delivery of television programs into the classroom as a part of the educational enrichment across the country.

Prior to the creation of the Corporation, most of the national support had come from private foundations, particularly the Ford Foundation. In 1967, it was believed to be desirable to create a new and different institution that would provide this national leadership. A non-profit corporation, chartered in the District of Columbia, was created; insulated from the federal government in the development of programming for broadcasting. This insulation would also permit the use of private funds in the total system. The system as it stands today includes 203 television stations existing in all of the states except Montana and Wyoming. It includes some 400 radio stations, however, all but one hundred are of very low power and limited utilization, so there are for all practical purposes 100 qualified full-service stations that constitute public broadcasting today.

During the past two years, we have achieved the interconnection of the public television stations under the direction of another entity called the Public Broadcasting Service, which manages the interconnection and schedules the national programming that is made available over that network. In conjunction with this, we have invested funds in national programming that is prepared by eight different production centers, and all but one are associated with one of these public television stations. The one exception is the Children's Television Workshop, the producers of "Sesame Street," and this fall, producers of a half-hour reading show primarily beamed at those developing reading skills at the second grade level, but presumably it will be helpful for those who have reading difficulties at other ages as well.

Regarding public radio, starting the 3rd of May, there will be the interconnection of 100 full-service radio stations through an organization called National Public Radio, also funded by the Corporation for Public Broadcasting. That organization will produce 90 minutes a day of programming that can be fed to those stations. Presumably, that program provision will be expanded at a later date.

The Corporation is governed by a Board of Directors of fifteen, each having six-year terms, five of them rotating every two years. Presently, the chairman of the board is Frank Pace, Jr., who has been chairman since the board was initially appointed in 1968. The forward thrust of the Corporation is not only to develop these national services in the form of interconnection and programming, but also to reinforce the capability of the local station to serve the community to which it is licensed, so that our concern is not exclusively to provide programming from eight production sources, but to permit the station to augment its funding in such a way as to render a larger service to the school system and to its community. It is our objective to increase the level of funding for those particular stations as they come on the air and endeavor to serve the needs of their particular community.

Our primary objectives in the future are to secure a higher coverage of the entire population of the country. We now have the potential through the existing stations to reach about 75% of the television households in the country. We are in the process of determining the number of additional stations to raise that up to 90% or 95%. But clearly, we want to make available this service to those desiring it at the local level. The FCC makes the final decision as to whether any station goes on the air, but those in the community can indicate their willingness to receive local public broadcasting. It is our purpose to try to assist communities where stations do not exist and where a need has been established, to go through the process of obtaining a license.

We're also in the process of studying the future impact of the evolving technology on this particular system, and I know this is of particular interest to your committee. Our concerns are addressed really to three basic areas of technology at the present time.

One of immediate importance and impact is the whole matter of CATV and the utilization of the increased channel capacity that will be made available by CATV. The presence of 20, 40, or even 80 channels through such systems opens up the possibility of a greater flexibility in public service programming. One of the limitations on television at the present time is that there is but a single channel in most communities. This means that it is necessary to be very selective as to the educational services that are provided to the schools during the day. If there were increased numbers of channels, there could be increased programming.

Second is the whole matter of the domestic satellite system. At the present time, the Corporation is very much involved in reviewing the applications from several different organizations to the FCC in support of a domestic satellite system. We feel that at our particular stage of development, satellite delivery can constitute a particular beneficial means of distributing our program. We do not have the fixed system as yet in terrestial lines through the telephone company although we're in the process of trying to secure that. We're looking ahead with the planners on the satellite system to determine exactly what our future utilization can be.

The third area is that of the video cassette. The belief is that a video cassette, which is really a recording of a video program, can achieve a high utilization, particularly in the classroom service. This will make it possible for the teacher to use a particular program to illustrate points at his or her convenience and timing.

The objective of the Corporation is education in a broad sense of the word—learning in the home as well as in the classroom by extending the learning environment. "Our objective is to provide diversified programming." There is no reason why education cannot be entertaining as well as educational, as Sesame Street has proven so well.

We have a number of proposals:

(1) Preparation for the high school equivalency test (GED)—there are 60 million American adults without a high school diploma. Perhaps the visual medium can be a particular means for preparing these people to take high school equivalency exams.

(2) Education on issues that tend to fall outside the regular curriculum, such as our Drug Abuse program—"The Turned On Crisis"—a series of eight one-hour programs aimed at parents and children, to be viewed together at home; then a series for school teachers and administrators; and thirdly, six programs for use in junior high school classes—all of them interconnected in theme. The Corporation also provides funds for station promotion and community in-

volvement to stimulate local discussions. A curriculum with regard to environmental education is also on the agenda, as are health and nutrition programs.

(3) The Corporation has made an investment with funds in development of higher education off the campus, following the "open university" idea.

The Office of Education is very much interested in moving ahead with programming such as Sesame Street. The Corporation wants to provide a national inventory of programs for school boards to select from.

The central problem is, of course, money. In 1968, $5 million was allocated the first year (FY 69) of the Corporation's existence, with $2.5 million from private sources, especially the Carnegie Corporation and CBS. The second year (FY 70) $15 million was allotted, and the third year, (FY 1971), $20 million was appropriated, with $3 million for matching funds of non-federal money, for a total that year of about $27 million. The most recent authorization was a 2-year authorization for FY 71–72, which provided for $30 million definitely plus up to $5 million in matching funds for a total of $40 million for FY 72.

In 1967, our aim was to achieve long-range financing, eventually reaching our objective of $100 million annually. We did not secure this, and each year that appropriations and authorizations came under review, we have hoped the administration would make a request for such long-range financing. We would hope that hearings would provide a forum for discussion of appropriate modes of financing.

The Corporation believes there is a great potential for public service—not to compete with commercial broadcasting, but to supplement and extend it. The Corporation can be the means of providing leadership.

Hastings. What is your relationship with commercial networks?

Macy. We haven't had any conflict with commercial broadcasters—in fact, CBS has generously contributed to public broadcasting. Their attitude is that Public Broadcasting is filling a spectrum of broadcasting that they cannot cover.

In many cases, Public Broadcasting can be an area of innovation. I have been interested to see some of the techniques (e.g., Sesame Street) picked up by commercial television. The Corporation's objective is not to compete for a whole audience, but to a selective audience.

Heckler. What about Pay Television?

Macy. The closest thing to pay television will probably be cable tv. It is primarily attractive to viewers because it provides additional programs that won't cut into our audience. Cable tv will extend our audience. It is a very promising potential. We don't want a system where there is inadequate channeling.

Hansen. I was at the "open university" in England last week and was surprised to learn that they consider broadcasting a minor component to their concept. What relative part do you see broadcasting playing in this country.

Macy. I am hesitant about employing the British prototype because the British purpose was politically quite different from ours—the British were trying to get more people into higher education. The Labor Government wanted to give them a second chance.

Our approach is to work with a number of localities in order to study what the American model should be. Presently, educators in this country are concerned with the continuing investment in construction of facilities and the numbers of students in higher education. This is because if you look at our population statistics, you will see a steady growth in the numbers of potential college students over the next ten years, followed by a period of falling off. So we are interested in finding alternatives. There are certain phases of curriculum that can be handled by the medium and can be received by a large variety and number of students. Ratio, which costs only 10% of TV broadcasting, is another possibility.

But we want to make sure that the investment is not just in the material itself. We must also have a pre-planning and testing operation and a post-production evaluation. This was one of the strengths of Sesame Street, and although we may not find it as easy to quantify the results at the college level, these are nevertheless important components of a program.

Brown. I am interested in securing written information about the administrative control of local stations.

Macy. Generally speaking, there are four types of administrative governance in public television:

(1) Community stations in major metropolitan areas—there are about 40 of these. The accountable body in this case would be the "leadership community" which initiated and is responsible for the station.

(2) A Board of Regents of trustees of a state or public university is the second type of governance (with the exception of Brigham Young University in Utah, which is the only non-public school participating).

(3) Local, city, or county school boards are also licensed to operate public broadcasting stations.

(4) Separate commissions or authorities created by the state legislature for the purpose of operating public television stations are the final type. This is an increasing trend, and has led to the development of a number of state networks.

Brown. What about the funding?

Macy. Generally, the funds come two-thirds from state and local sources, while one-third are raised from private sources. These are all independent stations, and decisions are made by the stations on programming. We provide an inventory of programs which are available to the stations, and there is an interplay between the stations and the network in determining their scheduling.

Borkenhagen. To what extent is interference from the government a problem?

Macy. There are no strings attached—no interference by the federal government, particularly the executive branch. When the Corporation was first proposed, it was thought by some that public television might become a mouthpiece for the administration. But our stations have been quite free in commenting, and some think that we have been less than sympathetic. On the other hand, we have been called the "Corporation for Patsy Broadcasting" because we have been too accommodating of the administration. So you might say that we are on a tightrope.

The Corporation, however, is not the party that determines the format and content of a particular broadcast. We provide the funding to the producer to develop a program or series on a particular subject—drugs, for example—and then the decisions as to writers, directors, etc. are entirely up to the station that produces the programs.

Wolfensburger. If, for example, a local Junior Chamber of Commerce were interested in using "The Turned-On Crisis", could they contact you directly to arrange for it?

Macy. No, they would have to work through their local station. We try to enlist the cooperation of such groups as the JC's, however, in making the programs more effective and in disseminating them throughout the community.

Frenzel. The Corporation is a free-standing agency?

Macy. Yes, if free-standing means non-profit.

Frenzel. No, what I mean is that you are insulated from the President by your Board; and you are insulated from Congress also, if long-range financing is provided.

Simpson. What federal programs provide support?

Macy. The Office of Education at the present time is giving program support to the Children's Television Workshop, but no other program support beyond that. But OE has been important in supporting facilities through the Educational Broadcasting Facilities Act. This is a categorical grant program, in the current parlance, which provides funds to individual new stations to assist them in going on the air, or to existing stations to improve their facilities. $15 million was authorized for last year, and $11 million was appropriated by the House.

Denning. The Corporation for Public Broadcasting and the Office of Education are the two principal bankers. We make grants to production centers which are all associated with local stations (except for the Children's Television Workshop). In addition, a number of stations produce programs (primarily intended for local use) out of their own budgets.

Powell. Once you have the programs, how do you get the listeners, and how do you get the teachers to use educational television in their classes, particularly at the elementary and secondary levels?

Macy. It's not easy. Our educational system is decentralized—there are 24,000 school districts. But we try to assist the stations in their dealings with the school systems, particularly in developing programs. We are not satisfied with the quality of the programming that is being used in the school systems.

A recent study conducted by the Office of Education indicates that three-fourths of the schools have television facilities available.

But we need more promotion of materials, especially the quality products that are not made known to the public. Local origination is terribly important. Also, we hope that more VHF allocations will be made available, so that you won't have to have the fingers of a safecracker to tune in a program.

Corporation for Public Broadcasting,
Washington, Memorandum

April 7, 1971.

To: House Republican Task Force on Education & Training.

From: John W. Macy, Jr., Corporation for Public Broadcasting.

Subject: Telemedia Education Programming.

In the educational dilemma facing America today, we in the Corporation see a need on many sides for what we propose to call Telemedia Education. This is a process of serving many individuals with the versatile educational tools that now exist. We believe this is a process in which the Corporation must take part. Accordingly, the Corporation has presented the following outline of projects in Telemedia Education to our Board of Directors and to our Advisory Committee of National Organizations.

The recommendations we have proposed to the Board fall into four categories: General Educational Development, the Environment, Health Education, and the External College Degree Program. Over the next three years, we anticipate spending 10 million dollars on a total of twenty-one projects in these categories. The result should be an inventory of more than one hundred and forty hours of TV and radio programs, most of them useful over at least three years.

What, then, should the Corporation do for education over the next three years? *First,* we propose to put public broadcasting to work on behalf of the seventy-three million Americans over eighteen who have not received a high school diploma. We propose to offer these millions who are of sufficient literacy a way of preparing for the General Educational Development tests. Today, these are virtually standard through the 50 states and the territories, and last year, some three hundred and twenty thousand took them. I predict that by the spring of 1974, public broadcasting will be helping more than one million individuals to prepare for those exams.

The tests are administered nationally by "CASE", the Commission on Accreditation of Service Experiences, part of the American Council on Education. They tell us that sixty-two percent take the test for job improvement, thirty-five percent for advanced training or education, and three percent for their own satisfaction.

In G–E–D, they test for comprehension in five basic areas: Math, Natural Sciences, Social Studies, Literature and Expression, or Grammar.

I propose that the Corporation initiate and then manage the creation of top-quality broadcast and printed materials to educate Americans for those five tests. I see these steps:

First, I would want our own staff to review the standards, the slight variations between States, the testing procedures, the different ways the States manage G-E-D, and the materials and methods *already* in use.

Second, as soon as practicable, we would form a small Advisory Committee: several key academicians, representatives of public broadcasting, and creative and audience research specialists.

Third, we would study the potential students. We need to know so much about who they are. Not the least important question mark is what it will take to motivate them to return to semi-formal education.

Fourth, we would intensify discussions with certain public TV agencies about producing parts of the total course. In this connection we discerned that three agencies in Kentucky, Nebraska, and South Carolina have had plans of their own to produce a new G-E-D broadcast series. Our staff has already met with the General Managers of these agencies and determined that there is a very ready willingness among all of them to merge their interests into a national project managed by the Corporation.

Fifth, a meticulous process of curriculum design must be started. It is entirely possible that Reading Comprehension is the one area out of all five that we should stress. But this would be a decision for the capable academicians we hope to involve in the project. By working with several production agencies, we would expect to have three of the five potential courses in the studio by one-year from now. We would target them for completion by December, 1972, along with the ancillary materials. Then, the final two strands could be completed by September, 1973.

The one characteristic that all of these courses must have is top quality. Whether we are contributing to an individual's personal growth or helping him toward a better job, we must do everything our resources permit to deserve and hold his attention.

We believe there is a very natural link between G-E-D and the current, extensive need for vocational education. So we would propose that the Corporation initiate one experimental series in vocational education. This certainly is not undiscovered land for public broadcasters. Just as one example, the South Carolina ETV Center has at least fourteen vocational ed projects in the works or in prospect at this time, everything from training car-wash operators to fork-lift operators. And the need? The Bureau of Labor Statistics advises, for example, that the nation will require one hundred thousand more hospital attendants every year during this decade.

Now, our priority Number Two: series on issues of present concern to the American people. Last Fall's Lou Harris poll for the Public Broadcasting Environmental Center showed a greater concern about pollution than any other community problem: thirty-four percent listed it as the biggest threat of all.

Among our own constituents, three-fourths of the station managers were saying more than a year ago that their first educational job must be to, as they put it, "create a national passion" for clean air and water.

So, the problem is there, and the public is concerned. We propose to respond in the following ways, drawing on the pattern of "The Turned On Crisis."

First, we will invite a station to produce in 1972 a series of thirteen programs on the environment, for a general, at-home audience.

Second, we will contract with National Public Radio to produce a series of radio features, also during 1972. These will be for a general audience, also.

Third, we see the need for an in-school series of twenty-minute programs, fifteen in all, for Fourth through Sixth Graders. We expect that those programs can be completed by October, 1972.

Finally, a course for teachers: Six half-hours available by a year from now.

Surely if there is anything that will affect our environment, it is population overrun—a population doubling every thirty-seven years. We hold, along with the President's Commission on Population Growth and the American Future, that the fact of more and more people *must* be a national concern. And we cannot afford the luxury of thinking only of ourselves. Forty percent of the people in undeveloped lands are under fifteen. What happens when they have families? It's *already* happening in India: a billion people by the year two thousand! Two and a half million houses needed every year, to keep up.

And so, we recommend a block of series on population: a special television evening on the subject, proposed for next spring, an inventory of radio features and spot announcements to be produced by NPR for the secondary-school level and put into distribution next winter, and six half-hour programs for teachers. These would be planned this Fall, piloted, tested, and then produced in the Summer of 1972.

We want to respond to another very vibrant concern of the American people. This has to do with the fibers of law that bind their society. Opinion Research found that eighty-one percent of the public believe that the worst national problem is the breakdown in law and order. Lawlessness hurts, but it's only one facet of a broader subject area. Where does law fit in our community? In the lives of our children? How many of us really know our rights as tenants, as witnesses, as parents of a juvenile delinquent? There is need for a large educational job. We propose to contract for three series—eight half-hours for a general audience to be prepared by Fall, 1972; fifteen programs for elementary school to be available for broadcast that same Fall; and five programs for the in-service education of teachers.

Next, our third priority, one that touches every man, woman, and child. It is Health, what the World Health Organization considers "a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity."

In his health message of February 18, President Nixon laid out the problem:

"It is in the interest of our entire country," he said, "to educate and encourage each of our citizens to develop sensible health practices. Yet we have given remarkably little attention to the health education of our people."

Mr. Nixon sees the lack of a "national instrument" in this field. We propose that public broadcasting share in the efforts to fill this void.

First, ten programs for elementary-school children. They could be completed by October, 1972.

Next, the use of radio for a radio-oriented audience: the Junior High School Students. We propose the completion by a year from now of a campaign of radio spots. And we'd also recommend an in-school series for Junior High: ten programs, which could be "in the can" by September, 1972. And, here too, we recommend a short broadcast course for teachers. Ten units in all, which on a fast track could be finished by a year from this Summer.

Within Health Education, we see two other areas of concern—an obligation to keep hammering at the drug problem, and a need to counter America's nutritional deficits.

The "Turned On Crisis" drug project was an enormous success this Spring, and we hope it will hit even more vital areas this Fall.

But one series won't finish the job. So we urge the production of a new set of TV programs for adults. These should be distributed next Spring. And we would recommend radio spots and features designed for teen-aged radio listeners. These could be in circulation by Fall, 1972. For Nutrition Education, I am recommending a similar pattern: eight TV programs to be turned out in the Fall of 1972, and a variety of radio spot announcements for the junior high school level. These ought to be in distribution during the seventy-two—seventy-three school year.

Our final category has to do with something that has just become visible on the academic horizon: providing college degrees for those who cannot, or won't, attend college formally.

It's a vast, untapped area. And interest in it has sprouted in the offices of many an educator, from the Chancellor of the California State Colleges to the Chancellor of SUNY.

We believe CPB should take part in this process of defining and perfecting a new approach to higher education. We see a three-step project. First, an essential study of the potential, infinitely varied "student body." Then, a period of curriculum design. This would lead to production of one basic college course, made up of thirteen TV units. We would budget fifteen thousand dollars a piece for these programs.

The current departure in thinking about college-level education has received its greatest boost from Britain's Open University, which began this January 1. The combined efforts of BBC producers with professors, researchers, and "education technologists" have been harnessed to provide TV and radio college courses toward an accredited degree for a large percent of the British population who never had the opportunity to pursue higher education. This important project has been several years in the making and had generated great support in England. Of the 43,000 adults who applied for admission only 25,000 could be accepted. One in three of these students is a teacher, one in ten a housewife.

Looking back at all the projects we've recommended, I might mention, finally, the matter of distribution. At the most, five of the TV series would benefit from simultaneous broadcast through PBS. The balance—the school and teacher series—could just as well be sent down the line by PBS at off-hours for stations to tape and hold for local use later on.

"Channeling Education's Challenge"

(An address by John W. Macy, Jr., President, Corporation for Public Broadcasting, before the National Association of Broadcasters, Chicago, Ill., March 29, 1971)

Ladies and gentlemen . . . I am grateful for this opportunity to be here today and want to extend to you, on behalf of the 10,000 people who work in public broadcasting, my heartiest wishes for a successful convention and an even more successful year.

Like everyone else, I've read the proliferating stories about the gloom and doom supposedly prevalent in commercial broadcasting.

While I have read these stories, I have also read the statistics. And I simply cannot believe that any enterprise that occupies five hours and 50 minutes of the average family's time each day is breathing its last gasp.

I did not come here today, however, to pretend to know more about your business than you do, but rather to talk about the business I know best: public broadcasting. In this time, I hope to clear up some of the confusion that I know exists regarding public radio and television . . . to give you my conception of how your enterprise and mine relate . . . and—let there be no ambiguity about it—to seek your active support.

I firmly believe that the future of commercial and public broadcasting is inextricably entwined and that, to a large extent, we will rise or fall together. Neither of us wishes to fall and therefore I would like to indicate how I think we may jointly rise.

There are those who think that commercial and public broadcasting make a very odd couple who have no place on the same dial together. But if the profit motive and public service cannot thrive side-by-side on the airwaves, how can we expect them successfully to combine in the rest of our society?

Book stores and public libraries have both managed quite well in America since the beginning of our country, and both have contributed to the literacy of our people. The analogy speaks for itself, and I maintain that the contribution of broadcasting is greater than it would otherwise be because of its dual nature.

Public broadcasting has come far in the last two years, and to understand public broadcasting, I believe you should know some of the recent facts of our activity.

Fact One is that public broadcasting, 1971, is an extensive well-established system. Public television stations now number 203 and are located in every State except Alaska, Montana and Wyoming. Complementing these are 480 non-commercial radio stations, 104 of which meet standards that qualify them as "full-service" stations.

The stations are linked by two networking organizations: the Public Broadcasting Service, which provides "live" delivery of programming to 176 TV stations, and National Public Radio, which will begin May 3 to interconnect some 100 radio stations. Consequently, it can be said that—in size at least—the system of public broadcasting has grown up.

Fact Two is really not a fact, but an opinion. It is, however, an opinion widely shared; namely, that public broadcasting has matured in quality as well. Along with a number of commercial stations, we are the happy home of "Sesame Street," and in addition to this historic series, our lineup includes such programs as "Civilisation," "The Advocates," "Black Journal," "NET Playhouse" and "The French Chef." There is no need to elaborate on this programming, for I know you read the radio-TV pages as thoroughly as anyone.

Fact Three is that public broadcasting, in addition to growing bigger and hopefully better, has developed a sharpened sense of direction and purpose. We know better now where we are going, and we have begun to take the steps to get there.

When Congress wrote the Public Broadcasting Act of 1967, the legislation that authorized the establishment of the Corporation for Public Broadcasting, it stated that CPB should promote the growth and development of public broadcasting and foster the production of programming of quality obtained from diverse sources. It enumerated some specific duties, such as the establishment of interconnection, but in general, we were given considerable latitude in our mandate.

In interpreting this mandate, we have broken new programming ground, best symbolized by "Sesame Street," and have begun to test other frontiers through radio and TV experimentation centers and film projects.

We have diversified our sources of production by designating seven TV stations as national production centers and giving them the funding to enable them to become regular contributors to the national schedule.

We have operated general-support grant programs for stations to increase their local strength, and we have helped develop the production skills of many of these stations through program grant competitions.

We have begun to research our audience and our programming and, going in the other direction, we have reached out to the public to inform them of what we are doing.

But perhaps most importantly, we have conducted a fundamental, down-to-the-bones analysis of public broadcasting to determine what our proper role is and how we may best serve. And we have concluded—not surprisingly—that our chief value to the nation lies in education. Not only in education that complements classroom activity; not only in education for the young; not only in education tied to books—but education in all its forms; for the young, the old and the in-between; education both formal and informal, tied to the classroom in some cases and in others tied only to the question of what life is all about.

For a moment, put aside your role as broadcasters to examine, as citizens, taxpayers and parents, the disconcerting state of our educational system.

The word "crisis" is often bandied about carelessly, yet when applied to education, the weight of evidence indicates it is not being misused.

America, 1971, believes that the ideal of the fullest possible education for everyone is no longer acceptable simply *as an ideal;* thinking individuals agree it must become *fact*. The impulse arises not only from the spirit that says full education is a birthright in our affluent land, but also from the conclusion of hard-headed realists that our society will not continue to progress without a significant increase in the educational attainment of our population. Full education, in other words, is not only proper; it has become necessary.

We know, for example, that if we hope to halt the poverty cycle, we must train the young poor out of it. We must help give them the personal ability to capture and hold a worthwhile job, for this is the only true road to self-pride and self-sufficiency.

We take great pride in the fact that illiteracy has been slashed by 80 percent in this century, with the result that today only two Americans out of 100 cannot read or write. But grave questions have been raised about *how well* this "fortunate" 98 percent can read and write. Some experts have even suggested that as many as half of all adults may lack the competency to function successfully in our world of words. Regardless of the percentage, the fact is that vast numbers of our population cannot pass the intelligence tests for the armed services, cannot successfully fill out their income tax forms and cannot appreciate why they should continue to struggle within a society whose laws and justice they cannot understand and whose rewards they cannot share. Hence, the genesis of that phrase that is a road sign of our times: "The functional illiterate."

It has become well-established that a high school diploma is the minimum passport to economic well-being in the United States. Yet nearly half of our working-age population—some 60 million citizens over the age of 25—lack this passport. It is at the same time both frightening and instructive to note that *95 percent* of the inmates who enter our prisons are part of this number and that two-thirds of all mental patients in a sample state, New York, also fall in this category.

But dramatic examples tell only a small part of our educational dilemma. Everywhere we are witnessing a growing demand for *more* schools, *more* teachers and *better* education. Yet everywhere there is an equal demand that all this be done for less money. Everywhere we hear parents asking why Johnny can't read and, most everywhere, we read that another school bond has been defeated. Simultaneously, the catalogue of our educational needs grows and grows.

Research now clearly indicates that the pre-school years are critically formative in an individual's development—a time when most of a person's I.Q. will be established, for better or worse. If we are to be true to the principle of the fullest possible education, we must consequently improve and extend pre-school education.

Further, it *is* true that when Johnny continues into grade school he often can't read well. In fact, studies have shown that as many as half the nation's children between the ages of 7 and 10 may suffer from deficiencies in reading—the most fundamental learning skill and the foundation on which all subsequent education is built. And so, unquestionably, we must agree with President Nixon that the right to read belongs to all Americans. And somehow, at whatever cost, we must insure this right.

Slowly, too slowly, we are also recognizing that not everyone is suited for formal, academic education and that skilled plumbers are in as much demand as Ph.D.'s—and more so, if your pipe's sprung a leak. Somewhere along the line, our people have developed the false notion that dignity in one's work comes only with a white collar, and the millennia-old pride of craftsmanship has been lost. As a result, we curse when our auto sputters dead on the way from the garage, and if we want a long-term solution, we say that vocational education must be improved and made the equal of education in letters.

Then there are the social demands being placed on schools. Somehow, too, these must be accommodated. We need safe drivers and healthier, stronger youth, and the schools must do their part in training them. We need to warn youngsters of the dangers of drugs, and where better to teach this lesson than in school? We have come to recognize that before very long humankind may gas and poison our planet out of existence; we *most certainly* can't let that happen. So our youngsters must be taught constructive ways to make our environment not just last, but prosper. And this means yet another very legitimate task for the schools.

Clearly, our teachers must be "re-taught" themselves on many of these subjects. We cannot send them all back to college. But somehow we'll lick that problem, too.

And speaking of our colleges and universities, we must somehow greatly increase their capacity, for we all want our children to go to college. Yet our colleges, like the rest of our educational institutions, are hurting and hurting badly. It was, I thought, a revealing commentary on our times when Notre Dame broke its decades-old tradition of refusing post-season football bowl bids—not for athletic glory, but to help pay the bills for the whole university. In 1960, 2.6 million young people attended our colleges and universities. That number has since almost tripled, and the resulting strains are apparent. But we must make a college education available to all who have the ability. How? is the question.

The same cannonballing pace of our times constantly demands that people who have already completed school learn more. The burden on our policemen, for example, has become astounding, and they are called on to be, among other things, sociologist, minister and lawyer all in one. We must help increase their ability to fill this role. Similar "re-training" is also required by nurses and doctors, by technicians of all kinds, by businessmen and their employees, and so on the list goes.

These are some of the most urgent demands being imposed on our educational system today. They are imposing—almost overwhelming.

But stop for a moment and consider an even more overwhelming fact, namely, that by the year 2000 our nation will be the home of 100 million more Americans than are alive today and that each of the problems I have enumerated will be multiplied by this added factor.

I have obviously been leading up to a point and it is this, that public broadcasting can help considerably to bring the price of full education within our reach . . . without a sacrifice in quality. The question is: Do we want the fullest possible education badly enough to pay for it?

I believe that "Sesame Street" has shown that television must be used in meeting the educational challenge and that American education will never be quite the same because of this historic series. For it has forced us to the conclusion that if educational television can be effective at the preschool level, it can be just as effective at any level.

"Sesame Street" has given some 8 million children a headstart on learning; perhaps as important, it has demonstrated to these youngsters that education can be exciting. If this sense of learning excitement can be sustained, then I believe the effect of the program will be multiplied with coming years.

Next fall, the Children's Television Workshop will present a second program—a daily series to teach reading skills to the estimated 20 million youngsters who are considered "reading cripples." If this experimental program can successfully teach reading, there would then appear to be no limits to the usage of television in education.

On the national level, we are currently in the midst of another large effort—a three-part drug education project. This project was launched in February with eight hour-long specials in prime-time under the title, "The Turned On Crisis." This series, aimed at parents and youngsters, was followed this month by a six-part series for teachers and school administrators. And next fall, the third phase will bring yet another six-part series for junior high school students into the schools.

It is this common connection public broadcasting has with both the home and the school that I believe makes it so promising an educational instrument.

No less an authority than President Nixon holds with this position, and in his message to Congress on educational reform one year ago, he said we must cease confusing "schooling" with "learning."

"Our goal," he said, "must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach."

At the Corporation for Public Broadcasting, we currently have under study a detailed long-range program to apply our resources, in the manner of "Sesame Street," to new areas of educational need. We are particularly interested in whether we can develop a national system of high school preparation through public TV . . . and in education on the environment, on population and health, on the rights and responsibilities of citizenship and in higher education.

Before long, we hope to marshal sufficient funds and refine our plans enough to be able to announce the details of this new thrust in education.

I want to make clear that we do not intend to change the direction of our current evening schedule, but rather that we intend to supplement it with programming of more direct educational content. We continue to believe that education is a continuing process unto the day of death and that it encompasses the arts, current affairs, making things grow and, yes, even French cookery.

Without going into too much detail, let me say that our capacity to do these things will depend largely on events that occur in Washington during the next year and a half. For during that period, we hope that a scheme of more adequate, long-range financing for the Corporation for Public Broadcasting will emerge from the Administration and the Congress.

In the report of the Carnegie Commission on Educational Television, which has served as a guide to much of the course of public broadcasting, it was recommended that an annual budget of $100 million was needed for CBP if public broadcasting was to improve significantly in performance and service. In the current year, the Corporation is operating on a budget of $25 million. That is an appreciable amount of money, but it dwindles rapidly when spread over a system of several hundred stations.

We believe that the funds we seek will be returned manifold to the American people—and that the educational contribution we are making and intend to increase can be duplicated by other means only at a prohibitive cost. The nation currently spends $70 billion a year for education, and for two-tenths of one percent of this total, we believe we can perform a priceless service. Consider, for example, "Sesame Street," which costs less than one penny per program per child who watches. Is it worth it? The question answers itself.

Throughout recent years, commercial and public broadcasting have lived in peaceful co-existence, but I believe that is no longer adequate. I think we must enter a stage of active cooperation.

We in public broadcasting need more of your discipline, skill and professionalism, and in turn, I think we offer to you an ideal broadcast laboratory by virtue of our greater freedom to innovate. We should increase the instances of exchange of information, ideas and, yes, maybe even develop an exchange program for personnel.

It almost goes without saying that we also share common problems—of how best to utilize the emerging new communications technologies, of program standards and of balance and fairness. I think we serve neither ourselves nor our audience if we re-invent each other's wheels.

At the outset, I suggested we would rise or fall together.

Let us start a new ascent.

Thank you.

OKLAHOMA: STATE OF THE SEVENTIES

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ALBERT. Mr. Speaker, annually the Oklahoma State Chamber of Commerce sponsors an annual "Pride in Oklahoma" essay contest. This year, I am proud to report the first prize in the contest was won by Dennis Grundy, an 18-year-old high school senior from Comanche, Okla., in my congressional district. All Oklahomans are proud of young Dennis Grundy. The spirit of our great State is exemplified in his essay entitled "Oklahoma: State of the Seventies." His prize-winning effort brings great credit not only to him, but to his family, his community, and his State. I am pleased to include at this point in the RECORD the prize-winning essay of Dennis Grundy, "Oklahoma: State of the Seventies":

OKLAHOMA: STATE OF THE SEVENTIES

(By Dennis Grundy, Comanche High School, Comanche, Okla.)

You may have heard of me, or

You may have sung about me, or

You may have seen me, but I doubt it.

For you see, I am the hawk referred to in "Oklahoma", the state song of Oklahoma. You know, the one "makin' lazy circles in the sky."

Well, lately I've been doing more than making lazy circles in the sky.

I have been watching these Oklahomans since they became the 46th state when admitted to the union in 1907.

Evidently, they've taken their motto to heart, because in just 64 short years these Oklahomans have progressed from moccasins to space shoes, from wagons to jets, from teepees to skyscrapers, from dusty, never-ending, rolling prairies to wheat-yielding, cotton-producing, and cattle-grazing pastures; from wooden cabins to meat-packing, flour-milling, and textile-making plants; from buffaloes to a booming livestock state.

Well, I have been flying over Oklahoma now for many years, observing its 69,919 square miles of grass, trees, mountains, hills, lakes, rivers, canyons, mesas, pastures, plains, highways, turnpikes, and railroads, and have come to the conclusion that Oklahoma has really just begun to prosper.

One might say that I have a birds-eye view of the goings-on in the Sooner State, and can unbiasedly say that Oklahoma is "A State of the Seventies."

While sailing through Oklahoma's blue skies, bright sunshine, and pillowy clouds, I have begun to hear shouts across the land—

Restless, progressive people shouting, "Oklahoma: State of the Seventies."

Steady, industrious people shouting, "Oklahoma: State of the Seventies."

All of Oklahoma's people shouting, "Oklahoma: State of the Seventies."

Other people say, "Do you mean Oklahoma? Heart of the Dust Bowl. Land of buffalo, roving, paint-clad, warring Indians. Land of teepees and sod houses. This is the State of the Seventies??"

I say, "Yes, I mean Oklahoma!" Crossroads of America. Vacationland, USA.

Home of America's greatest—Will Rogers, Jim Thorpe, and Wiley Post, and now in the Seventies—John Bench, Steve Owens, Carl Albert, Jim Webb, and Mickey Mantle.

Land of the Red Man—One might think Indians have no place in a society of the Seventies. But Oklahoma does not, can not, and will not escape its Indian heritage, and is proud of it. For Oklahoma is "Indian Land", and the fact that it is, adds to the uniqueness of the state as it proceeds into a new, exciting, and promising decade.

As I fly over the Sooner State, I see nearly three million people who know and feel that Oklahoma is destined to become a greater state than it already is in the Seventies.

But just what *does* Oklahoma have to offer America and the world in the Seventies? Old sayings of Will Rogers? Pictures of old Indian chiefs? Statues? World's highest corn stalk?

All of this is good and fine, *but* this is the Seventies.

And if Oklahoma wants to become a state of the Seventies, as I know it does, it will have to look toward the stars (as all of modern man seems to be doing now.)

So just what has Oklahoma to offer? Just pick up a newspaper, turn on a radio, or tune in on the TV, and you'll see.

As American government proceeds into the Seventies, Oklahoma has Carl Albert to offer, Speaker of the House, and Democratic leader Fred Harris.

Turn on some music and hear Glen Campbell and the Fifth Dimension singing hit after hit song written by Oklahoma's own Jim Webb. Music has meant much to America, and Oklahomans Roger Miller, Patti Page, and Mason Williams are great artists in the music world.

In the sports scene, probably the brightest star in the Seventies will be Binger's John Bench, catcher for the Cincinatti Reds voted baseball's MVP at the age of only 23.

Oklahoma has great people to offer, and there are many more where these came from.

I've been makin' my lazy circles over Oklahoma for over 60 years now, and have yet to see all I have wanted to see. But one thing I know—in the Seventies, Oklahoma has something for everybody, from the cowboy to vacationers. A cowboy in the Seventies??

Yep, rodeoing is one of the biggest, most exciting sports in America today, as well as a money-making sport. Cowboys from all over America flock to the National Finals Rodeo held in Oklahoma City every year. The relatively-new National Cowboy Hall of Fame in the City attracts many every year.

For the vacationer and sightseer? The Seventies are surely to bring a time for recreation and leisure, and Oklahoma is the place to go for this.

10 million acres of forest

1,750 squares miles of water surface for fishing, swimming, boating, skiing.

22 state parks along with many other recreational areas. Situated all over the state near natural and man-made lakes and mountains, parks such as Black Mesa, Roman Nose, and Beaver's Bend serve many people each year.

And for the culture lover Oklahoma has over sixty art galleries and museums. The Cowboy Hall of Fame, Tulsa's Philbrook Art Center, and Will Rogers Memorial Museum are just a few. Mummers Theater and the Oklahoma City Symphony Orchestra will continue to bring pleasure to people in the Seventies.

And what has carried Oklahoma to the Seventies will carry her through the Seventies . . . industry and agriculture.

With large productions of wheat, hay, and cotton and broomcorn, and abundance of cattle, Oklahoma cannot lose.

With her oil and mineral wealth, Oklahoma cannot lose.

Here are some Oklahoma "Signs of the 70's":

Oklahoma's total personal income topped the 8 billion dollar mark last year for the first time in the state's history.

The Arkansas River navigation project will boost Oklahoma industry greatly.

Transportation improvements—Railroads, highways, airplanes, and trucking will be affected.

And greatly-needed changes in education.

The Seventies have been entitled "A Decade for the Young" and probably Oklahoma's greatest asset is her youthfulness. Young Oklahoma with her many untapped resources is a State of the Seventies.

Well, I have to go now, for you see, my days are numbered.

I'm not as spry as I once was, and it will take a mighty active hawk to keep up with Oklahoma.

WIND CAVE PRAISED

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ABOUREZK. Mr. Speaker, the following article from Soil Conservation, the official magazine of the Soil Conservation Service, recently came to my attention. This article discusses Wind Cave National Park which is in the district I represent. It describes planning to preserve this park for the more than 1 million visitors the park can expect annually. I am proud of the scenic beauty of South Dakota and would invite my colleagues to visit my State and share with me the pleasure of Wind Cave National Park.

The article from Soil Conservation follows:

WIND CAVE AT ITS BEST

(By John B. Farley)

The National Park Service, cooperating with Custer County Conservation District, has developed a conservation plan on the 28,059-acre Wind Cave National Park in the Black Hills of South Dakota.

Its purpose?—to help keep the park's soil, plant, and animal resources a showcase of good management for the million or more visitors each year.

Wind Cave National Park, created in January 1903, was the seventh national park in the United States. Visitors to the park see unspoiled rolling prairies and foothills with bison, pronghorn antelope, prairie dogs, and other wildlife in their natural habitat, essentially as seen by our pioneers crossing the Great Plains.

Wind Cave is the predominant geologic feature, with 10 miles of passages of crystalline mineral deposits including boxwood and frosting.

SCS conservationists helped inventory range and woodland conditions, made a soil survey, and recommended conservation practices. Forty-four soil mapping units were grouped into six range sites and three woodland sites.

Among practices planned are: Wildlife habitat management, proper grazing use (bison,) critical area planting (disturbed areas), noxious weed control, wildlife watering facilities, and recreation area improvements.

Park officials will keep a close eye on the key browse plants of deer, antelope, and elk. Sixteen photo points have been set up, where selected browse plants will be systematically photographed against a gridded backdrop to measure degree of use and vigor.

Park officials are favorably impressed with their cooperative experience in conservation planning at Wind Cave.

WHAT CORPORATE DONORS IN THE SEVENTIES EXPECT FROM EDUCATION IN EFFICIENCY AND EFFECTIVENESS

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. JARMAN. Mr. Speaker, Mr. William F. May, chairman and president of the American Can Co., recently made a very significant speech at a national conference on learning centers hosted by Oklahoma Christian College in Oklahoma City. Mr. May is a director of the Council on Financial Aid to Education and also serves on the President's Committee for Economic Development. I would like to share with my colleagues his comments dealing with an important theme for all American higher education—the necessity of using their financial resources in the most efficient and effective way possible:

WHAT CORPORATE DONORS IN THE SEVENTIES EXPECT FROM EDUCATION IN EFFICIENCY AND EFFECTIVENESS

(By William F. May)

Ladies and Gentlemen: Thank you for inviting me. I can say this honorably now, in light of the educational experience this conference has provided for me. In all candor, often in thinking about my remarks today I have been appalled at the presumption of a businessman who would tell professional educators what he expects from them in efficiency and effectiveness in the decade of the 70's. Yet this is what Dr. Baird has asked me to do, and to do it in full knowledge that educators have at least as good a track record in goal-setting and goal-achievement as business.

Perhaps I am made bolder by realizing that almost any educator worth his salt, or any of his students, would have no compunction whatsoever about describing in detail what he—and he would normally say—he and society expect from business over the next ten years.

As a matter of fact, the business executive and the college administrator have almost every problem in common. Each of us is a manager, for better or for worse, over the M's of modern management:

1. The management of money;
2. The management of men;
3. The management of machines;
4. The management of material;
5. The management of marketing.

The sixth M is our mutual concern for the human mind, its discovery, its nurture, and its fulfillment.

A concentrated analysis of the limited effectiveness of our management of money, men, machines, material and marketing—at least when compared to optimum effectiveness—is enough to make a strong man weep.

The world seems to be crashing down on educational and business executives. Human expectations of business and educational institutions seem to have no boundaries. Money is a prime factor in meeting these expectations, and the wherewithal with which to satisfy them is simply not available. In the case of educational institutions, whose income is derived—at least, in a large measure—from tuition income, the loss of students can be catastrophic.

I read last week of a private college in Georgia that normally at this time has 350 applications for entrance in the coming fall. This year, it has seven.

The time-honored art of grantsmanship has lost its charm and effectiveness in today's soft economy. For several years, elements from students and faculty alike have badgered the federal government for using universities and colleges in military research. Many of these programs are now withdrawn. and in some major universities, physics, chemistry, mathematics, and biological sciences have had their incomes cut as much as 50 per cent.

The catalog of bad news for educators is long, and you are more qualified to recite it than I am. I am reminded of an apocryphal briefing which the President is said to have sought from the Secretary of State on the conditions of world affairs.

It wasn't cheerful. The Mid-East was a powder keg. The Soviet Union had completed its nuclear submarine base in Cuba. Our former enemies and now strongest allies—Germany and Japan—were capturing U.S markets. Indo-China was devouring our men and resources. And much more.

The President listened glumly, and finally asked: "Isn't there any good news?"

The Secretary of State fumbled through his pockets, finally producing a crumpled memo. "Oh, yes," he chirped brightly. "The Aswam Dam is leaking!"

I don't think you asked me here to go on a crying jag with you. So, let's put our handkerchiefs away, take a deep breath, and face the future together with courage.

Let me state a thesis for your consideration. It is our mutual objective to bring optimum levels of professional skills to the management of money, men, materials, and marketing to the end that our joint services provide a total environment hospitable to the human mind, and to the attainment of human aspirations.

As a businessman, I honestly believe that the Seventies will see our system of higher education develop new and lasting strengths, new stability, new productivity toward human goals. It won't happen without immensely increased understanding and cooperation among three sectors: Education itself, industry and government. We all inhabit the same boat; if one end sinks, the other end won't stay afloat for long.

I believe that the ship itself will survive, with its crew, and sail on to new and exciting frontiers.

One major trend is clearly visible today and that is the demand for better management in every area. This demand is great, growing and worldwide. It affects not only business but government, education, and all other human enterprises and institutions. This conference today is living testimony to the search for better management.

To appreciate the force of this trend, it is necessary to recognize the changed, and changing, concepts which govern our view of management and its meaning. In earlier times, it was enough to say that the purpose of corporate management was the economical and efficient handling of money, men, machines, materials, and markets. The measurement of management's success was, very simply, profitability. Still essentially correct, these concepts are just the basic building blocks in the complex structure which we call the American economy today.

Winston Churchill once said: "It is a socialistic idea that making profits is a vice. I consider the real vice is making losses." This will forever remain true, if only because an addiction to red ink on the part of managers is a vice not freely forgiven by stockholders.

Most of us today, however, realize that there is a larger and better reason for profitability. It lies in the fact that the earnings of industry generate most of the wealth and the tax revenues which sustain and expand our public services—in government, education, health, recreation, the arts, and all the other components of a true civilization.

Both in quantity and quality, therefore, society's services to the citizen depend in large part on the efficiency and effectiveness with which our business enterprises are conducted. This is the new meaning of business management today. Better methods, systems, organization, and equipment are the tools. Innovation, sharpened by invention and spurred by competition, is the driving force. Increased productivity—the one real antidote to poverty—is the end result. The title you have assigned to me indicates your understanding that criteria for the private sector are deeply relevant to education.

None of this is to pretend for a moment that we have reached, or even approached, the pinnacle of performance. No system is any more perfect than the human—and therefore fallible—beings who man its controls. Nevertheless, American business management, with all its faults and all its failures, is one of the hopes of this world. Underprivileged nations cry aloud for its guidance and expertise. The more advanced economies profit from their association with it, much as they sometimes decry the "brain drain" it is said to create.

But now, having extolled the achievements of our economy, let me hasten to acknowledge its limitations. In a nation and a world hungering for material and social progress, we seem unable to keep up with the demand. This condition affects your institutions adversely, as it does the human condition itself.

Claimants to our gains in productivity are numerous and insistent and some of them are new. Education is only one. The cities, caught in the grip of urban crisis, are calling loudly for help from the states, the federal government, the business community, or any other possible source of assistance.

The complex of problems centered under the heading of "Ecology" has developed an urgent and vociferous public demand for prompt and vigorous attention. And, speaking for a corporation whose products and processes are deeply involved in environmental problems, let me say that business is keenly aware of its obligation to join heartily in the search for solutions. The new National Center for Solid Waste Disposal is among the foremost concerns of my company today.

Recycling is now an in-word. Let's look at it for a moment. Recycling is itself a matter of technology and the application of management skills. Louis Armstrong became famous in part by singing: "Everybody talks about Heaven ain't a-goin' there." Very few who talk knowledgeably about recycling have the foggiest notion what it entails in men, money, machines, materials, and marketing. Yet recycling is a social goal, and business and government simply must respond.

The need for innovation and improvement in the management of government was recognized by President Nixon in his State of the Union message where he outlined a sweeping organization plan for the federal establishment. The states, the counties and the cities face acute fiscal distress—but many of them suffer just as much from lack of organization, duplication and delay as they do from swelling budgets and shrinking incomes. So do we all.

It comes down to this, I think: When an institution, private or public, encounters a ceiling on its revenues while its costs—through circumstances beyond its control—increase, then that institution must look for solutions within its span of management control. This need not mean retrenchment in terms of personnel employed and services rendered. It does mean an earnest search for more efficient and effective ways of creating marketing and delivering its services.

It is always tempting at this stage of a speech to embark on a "Gee Whiz" prophecy of conditions as they will exist in the year 2000, or even in 1975. The basic fact of the matter is, however, that both business and educational leaders today have some difficulty in predicting accurately what is going to happen in the next quarter or next semester. Then, there is always the possibility that our predictions may simply omit the most important developments.

In 1953, for example, on the 50th anniversary of the Wright Brothers' first flight, some of the nation's foremost aeronautical engineers were asked by a scientific periodical to review the first half-century of aviation and look ahead into the next fifty years. The experts devoted themselves entirely to discussion of technical changes in existing aircraft, along with some speculation on the possibility of supersonic flight, but there was not a single mention of the exploration of outer space, and four years later Sputnik I went into orbit.

In 1960 a Presidential Commission published a report entitled "Goals for Americans—Programs for Action in the Sixties." Many of the Commission's findings were sound, well-reasoned and imaginative. In the field of higher education, for example, the report set goals which we are yet to reach. Its analysis of the financial problems of colleges and universities was acute, farsighted, and pertinent today.

But that report is also interesting because of some of the changes it did not anticipate. Some of you may have seen a recent cartoon in which a middleaged gentleman is saying to a friend: "Confused? Of course, I'm confused. I have a son at Vassar and a daughter at Yale!"

No 1960 Commission could possibly have visualized the long hair, whiskers, blue jeans, rock festivals, freakouts, teach-ins, sit-ins, and all the disruptions which last year led to a Presidential Commission on Campus Disorders.

The fact is that I don't have to venture too far into the realm of prophecy in describing what we may expect from education in efficiency and effectiveness in the Seventies.

We have already agreed that the management of money is one of our joint responsibilities.

When money is tight—and we should never assume that it is loose—there are two methods of utilizing money more effectively:

1. Make greater use of existing facilities;
2. Expand the market for what you have to sell.

Your host institution today is a frontrunner in the use of new technologies. It is famous far beyond Oklahoma for its use of recording tapes to extend the effectiveness of its teaching staff.

About two weeks ago I sat with the Dartmouth Overseers and heard its new president, John Kemeny, discuss Dartmouth's proposed complex schedule of term sessions with its increased use of facilities, and its more effective use of faculty talent on a year around basis to allow the student to obtain his undergraduate degree in 3½ years and, at the same time, provide the student with the opportunity to spend two six month periods on his own learning projects or in work outside Dartmouth. This experience gives him an opportunity to establish his life values, based on non-academic realities as part of his intellectual development.

Certainly the whole field of adult education will become at least as important, and perhaps more so, to the institutions you represent than the undergraduate training. I would suggest that the rapid obsolescence of knowledge is perhaps your greatest challenge. I think that you should ask business and industry to be your partners in overcoming this obsolescence.

When Francis Keppel was U.S. Commissioner of Education, he pointed out that industry alone is spending something in the order of $17 billion annually for educating its employees. One does not have to look into the distant future to see how closed-circuit television can be the medium for transmitting the skills and abilities of the academician to millions of workers as well as a means for sharing business-gained experience with the students on campus. We, and other firms in the Chicago area, are working on such a program now with Illinois Institute of Technology.

I have already mentioned recycling as it affects the general industry I represent. But I suggest that there is another form of recycling that offers market expansion opportunities to your managements: This recycling of students, whatever their age. Incidentally, I just read that in Maryland, two women legislators have introduced bills to make marriages good for only three years. In other words, to recycle marriage. Rest assured, I am taking no position on that issue.

But recycling the intellect is another matter. Scholars say increasingly that in today's pace of change, advanced degrees should be renewed at least each seven years. I see no valid reason why your facilities of brick, mortar, and talent shouldn't be used around the clock in recycling students, why your institutions shouldn't be the very heart of a perpetual intellectual and spiritual refreshment of the mind. If colleges and learning centers—using new communication techniques—don't rise to this challenge, other institutions will. It might even be business.

The extent of the college role in this recycling of the mind depends in large part on your own increased management innovation in extending both your products and your markets.

Please do not count me among those who entertain the comfortable assumption that all the colleges have to do is to install "business methods" of management and their financial woes will disappear into the night. But I do agree with Harold M. Williams, the new Dean of the Graduate School of Business Administration of the University of California at Los Angeles, who says: "The drying up of funds will put pressure on our public institutions to be much more businesslike and efficient." As a former Board Chairman of Norton Simon, Inc., Dr. Williams knows both sides of this particular table.

Dr. J. Douglas Brown, former Dean of Faculty at Princeton, supplements Dean Williams by saying:

"In the administration of a soap factory, the absence of a sense of economy soon results in bankruptcy. Profits and losses are obvious to an investor. In the administration of a college or university, the absence of a sense of economy can be camouflaged for years by low salaries, poor instruction, and wasted effort . . . yet, universities and colleges deal with the most precious resources a nation can possess—talented teacher-scholars and the potential leadership of future decades."

Dr. Douglas continues:

"Even though a wealthy country can afford to waste money on badly-managed soap factories, it cannot long afford badly-managed colleges. With the pressures now placed upon higher education to help the nation provide the talent and knowledge to adjust to dynamic change, it is high time that every effort be made to improve the management of every institution."

In recent months, this issue has been given major scrutiny throughout the country in the councils of some fourteen organizations concerned with the financial support of higher education. This is a heartening development for it brings educators and their business allies together in the analysis of their mutual hopes and expectations.

At this point, I wish to disavow any thought that corporate donors have a "right" to "expect" anything from the colleges. Since they contribute only about two percent of higher education's total costs, the corporations are sitting in the bleacher seats far beyond left field. But corporate contributions committees will give three cheers for every program designed to improve efficiency in college operations, again providing you communicate and market them.

When we speak of efficiency, we are obviously talking about much more than counting the spoons in the cafeteria or installing meters in the parking lot. When we get to the heart of the problem of good management, we have to talk about the more effective utilization of our human resources—the skills, talents and experience of qualified people. It is on such questions as this that college administrators will find ready listeners and staunch supporters among their friends in the world of business.

A study found wide variations in the ratio of administrative staff to enrollment. In a detailed comparison of two colleges, it was found that both had enrollments of about the same size, both were about equally well-regarded, both enrolled about the same number of freshmen—and both wound up with about the same deficit. Yet one had an administrative staff nearly twice the size of the other. Here, surely is a field for fruitful inquiry!

What I am urging, really, is closer communications between education and industry through mutual concern over matters in which one is expert and the other is not. If educators enlist the help of businessmen in solving their management problems, the businessmen will learn more about education. If educators accept the principle of accountability in managing their mundane affairs, they will find businessmen much more appreciative of their productivity in the realm of the relatively intangible, the realm of the mind.

Creative citizens, leaders, energizers—these are what the nation, not necessarily the business community, should expect of education in the 70's. People who can initiate meaningful change without being blown off course by the winds of aimless change—these are the people we will need at the command posts of all our institutions. We look to education to produce such people and we know, from the very beginning, that there can be no real reckoning, in dollars and cents, of the costs or the results.

This, then, is a matter of faith. America is the scene of the greatest experiment in mass education in human history. We are all committed to the belief that the doors of opportunity must be kept wide open. In this process, corporate donors must take their chances. We can, and we do, try to relate our support to our enlightened self-interest—through scholarships, research and other such programs. It is not so very long, after all, since it was believed that the law would frown on corporate support of even the most worthy of charitable and educational causes.

For the future, I, for one, believe that business must increase its contributions to higher education as one sure way of insuring the general progress of society. But I also believe that a stronger partnership between education and business will strengthen both institutions. Both business and educational institutions are constantly on trial. Neither is static nor permanent. If either fails in its mission, society will find ways of replacing it.

Let us hope, in short, that they take to heart the words of Alfred North Whitehead who said: "A great society is one in which its men of business think greatly of their function." I would modify the words of the noble philosopher by saying that a great society is one in which its men of business and education think greatly of their functions and use effectively all the resources with which they are endowed.

I'll conclude with the words of Dr. Dale R. Corson, spoken after one week as Cornell's president:

"Innovations must be weighed and tested, but innovation there must be.

"If there are any of you who believe that the future can be assured through business as usual; who believe that the ways of the past will suffice for the future; who believe that present institutions unmodified can serve the future adequately, I must tell you that your view is short and your understanding meager. If we are to survive we must have vision. We must have courage. We must be willing to change And we must realize that the time is short.

"Let us get on with the task."

MAJOR ISSUES FACING THIS CONGRESS AND THIS NATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, for the 7th consecutive year, I sent questionnaires this spring to each of the more than 140,000 homes in my 15th Congressional District of Michigan. I asked my constituents to express their views on more than a dozen of the major issues facing this Congress and this Nation.

The replies are still coming in, but when we reached the 12,000 level, the responses were tabulated by volunteers working in my district office. I am pleased at this time to announce the results:

MAJOR ISSUES FACING THIS CONGRESS AND THIS NATION

	Percent	
	Yes	No
The economy:		
1. Last year, the Congress granted standby authority to the President to use wage-price controls in the battle against inflation.		
Do you think the President should use this authority?	74	26
Should wage and price controls include "profits"?	66	34
Foreign policy:		
2. A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops from Southeast Asia before the end of this year.		
Do you favor this proposal?	61	39
3. The United States still maintains a large troop contingent in Europe, and suggestions have been made that American forces be committed to guarantee the existence of Israel.		
Do you favor reducing our military strength in Europe?	61	39
Do you favor the use of U.S. troops if necessary to protect Israel from aggression by Arab states?	24	76
4. For many years, the United States has led the effort to bar Red China from admission to the United Nations. Many nations which have supported us in the past no longer agree with this policy.		
Do you think Red China should be admitted to the U.N.?	64	36
Do you think we should recognize the Red Chinese government?	63	37
Domestic problems:		
5. Congress is considering a number of proposals to solve the nation's worsening health crisis. One proposal is to adopt a national health insurance plan modeled on the Social Security system.		
Would you favor such a proposal?	58	42
Would you prefer to maintain our present system, but with Federal subsidy of medical bills for low-income families?	37	63
6. Cancer continues to bring death, grief and suffering to millions of Americans each year. I have cosponsored a bill to spend up to $6,500,000,000 in the next decade in an all-out attempt to find a cancer cure.		
Do you favor massive use of Federal funds in such an effort?	79	21
7. Pollution of our nation's air and water continues to rank as one of our major problems. Lack of adequate funding is one of the big roadblocks in finding a satisfactory answer.		
Would you favor user fees and/or taxes on all polluters and users of water to fully finance Federal water-pollution abatement programs?	66	34
8. Crime continues to be a major concern of many Americans. Law enforcement agencies are overworked and underpaid. Prisons are inadequate, and court dockets are months and even years behind.		
Would you favor greater Federal expenditures to solve the growing problem of crime?	71	29
Would you favor higher state or local taxes to hire and train more policemen, buy modern equipment, build new prisons and expand our court system?	49	5
9. Drug abuse, particularly among young people, is fast becoming a major problem throughout the nation. Some contend that marihuana is no more dangerous than tobacco or alcohol, and should be legalized. Others say that penalties for violators should be made stricter. Do you think any of the following would help solve the problem?		
Legalize the sale and use of marihuana?	23	77
Harsher sentences for suppliers and users?	52	48
Harsher sentences for suppliers only?	72	28
More education for youngsters of the danger?	85	15

	Percent	
	Yes	No
National priorities:		
10. The problems of our nation's educational system continue to mount. Many grades are on half-day sessions, school taxes are becoming oppressive, and the quality of education is under attack. President Nixon has twice vetoed appropriations made by Congress for educational aid to local school districts, contending that the expenditure would be inflationary. Do you think the education of our children is sufficiently important to warrant increasing Federal aid, even in a time of inflation?	65	35
11. The Congress had delayed until March a final decision on the proposed expenditure of Federal funds to subsidize construction of the SST (Supersonic Transport). Opponents claim that the possibility of atmospheric pollution, the cost and the noise problem outweigh the benefits of reducing the time for intercontinental flights. Do you think the Federal Government should subsidize construction of the SST?	22	78
Selective Service:		
12. Proposals have been made to eliminate the military draft and recruit an all volunteer professional Army. Do you favor such a proposal?	56	44
13. Proposals have been made to give draft-age youths the alternatives of (1) enlisting in the Armed Forces or (2) serving in the Peace Corps, VISTA or similar nonmilitary service, or (3) taking their chances in a draft pool for military service. Do you favor such a proposal?	64	36
Electoral reform:		
14. The United States Supreme Court last year upheld the right of young people aged 18 to 21 to vote in all Federal elections—for President, Vice-President, Senators and Congressmen. Qualifications for State voting, however, were left up to State officials. Do you think complete voting rights should be given in Michigan to persons between 18 and 21?	56	44
15. The cost of campaigning has brought charges that public office will soon be limited to wealthy persons and those supported by groups with large sums of money to contribute. Would you favor encouraging more individuals to contribute to political campaigns by allowing a tax deduction for such contributions?	50	50
National Problems:		
16. What, in your opinions, are the three most important problems facing our country today? (1.) Crime (2.) War in Vietnam (3.) Inflation		

Mr. Speaker, I would like to comment briefly on each of these questions, and the responses I received.

In regard to wage-price controls, the Congress passed legislation on March 29 to temporarily extend the President's authority to implement controls over wages, prices, and rents. My constituents expressed their overwhelming belief that the President should use these controls in the fight against inflation. They also believe, as I do, that "profits" should also be controlled in our anti-inflation battle.

I was pleased that a sizable majority favor the withdrawal of all American troops from Southeast Asia by the end of this year. In my 1970 poll, 57 percent of those responding voted to withdraw all U.S. troops either immediately or by the end of 1970. In this year's survey, 61 percent favor withdrawal by the end of this year. Recent national polls show that 73 percent of all Americans also favor this plan. As a cosponsor of the Vietnam Disengagement Act of 1971, which seeks complete withdrawal this year, I am very pleased to see public opinion supporting our efforts.

Sixty-one percent of my people favor reducing our military strength in Europe, a move which I also favor, and 76 percent oppose use of American troops to protect Israel from Arab aggression, which also reflects my thinking. I believe the Vietnam tragedy should have taught us the futility of trying to be the world's policeman.

I was very interested in the response to my two questions involving Red China, since I had never asked these questions before. I agree with the majority of my constituents on both these issues. Recent events, including the visit of a U.S. ping-pong team to China, indicate that the long freeze in American-Chinese relations is undergoing a long-overdue thaw.

As a cosponsor of the national health insurance plan, I was gratified to see that this proposal is favored by a majority of my constituents. The American system of health care is very obviously in need of drastic overhaul, and I think this plan is the proper approach.

The 79-percent support for use of Federal funds in an all-out fight to find a cancer cure shows that the public agrees that this dread disease must be eliminated. I have cosponsored the Conquest of Cancer Act, which would establish a National Cancer Authority for the purpose of a sustained, large-scale attack on cancer. The act would authorize an immediate $400 million for research, and increase this allocation to $1 billion a year as soon as possible.

The response to question 7 emphasizes public concern over the problem of pollution. Sixty-six percent are willing to pay additional taxes for water use to finance Federal water-pollution abatement programs. A number of bills are pending before Congress to increase our antipollution efforts, and I intend to give them my full support.

The menace of crime is also of obvious concern to residents of my district, and 71 percent would favor greater expenditure of Federal funds to find solutions. A slight majority, however, opposes higher State and local taxes for this purpose, and it is evident that they look to the Federal Government for help. We have taken some steps in this direction, and more attention is needed in this critical area.

Drug abuse also is a matter of great concern, as well as confusion. A surprising 23 percent voted to legalize the sale and use of marihuana, while 72 percent favor harsher penalties for suppliers of drugs. I was a cosponsor of the Drug Abuse Education Act of 1970, which was signed into law last December. It is obvious, and my constituents agree, that education is the key to this growing problem.

Sixty-five percent of those responding thought that the education of our children is sufficiently important to warrant increased Federal aid, even in a time of inflation. I heartily agree with this position, and I intend to continue my efforts to increase the Federal education budget. President Nixon's two vetoes of additional education money last year, and his opposition this year, shows that this effort must come from the Congress.

I was particularly gratified to see the overwhelming support for my stand against Federal funding of the supersonic transport—the SST.

I have opposed such funding in the past, and voted against it last month when Congress voted to end all Federal subsidies. With so many problems crying for solution, we can ill afford to help finance a commercial venture that would benefit a relative handful of Americans.

Last year, 41 percent of my constituents indicated their support for an all-volunteer, professional army. This year's poll showed 56 percent in favor. I share their dislike for an unfair draft system, but I am reluctant to turn our armed forces over to completely professional, military control. I voted against the 2-year draft extension asked by President Nixon, and I hope that the Senate will limit the extension to 1 year. This will give us time for a realistic study of this truly complex problem.

I have polled my constituents for several years on the issue of lowering the minimum voting age to 18. Although I have favored this change for many years, my polls have showed that a majority of my constituents did not agree. Last year, for example, 54 percent were opposed. This year, for the first time, a majority—56 percent—voted in favor of the 18-year-old vote. A proposed constitutional amendment to set 18 as the voting age for all elections has already been approved by the Congress and by nearly 20 State legislatures. When three-quarters of the States—38—have approved it, the amendment will become effective.

My constituents spilt evenly, 50 percent each way, on the question of allowing tax deductions for political contributions. I am inclined to favor the idea, as a means of encouraging small donations from many persons, so that officeholders and candidates would not have to depend solely on large contributors for campaign expenses.

The final question on my form, both this year and last, called upon my constituents to list in order of importance the three most vital problems facing our Nation. Comparison of the 2 years' returns shows an interesting change of priorities and attitudes. In both years, crime was listed most commonly as the No. 1 problem. It was followed, in 1970, by pollution, the war in Vietnam, poverty, taxes, and inflation.

This year, the Vietnam war rose from third to second place, followed by inflation, which rose from sixth to third, and pollution, which dropped from second to fourth. Drug abuse, 11th in 1970, rose to fifth this year, while unemployment, not listed among the top 12 a year ago, was No. 7. Education, seventh in 1970, was sixth this year.

While the priority ratings have shifted somewhat, it is apparent that my constituents recognize the basic problems and challenges faced by the United States, and look to those who represent them at the Federal level for leadership and answers.

MOORHEAD LAUDS PITTSBURGH SCHOOLS DRUG EDUCATION PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MOORHEAD. Mr. Speaker, there are few who would debate the seriousness of the drug problem in the United States. We are faced with no passing aberration which, in time, will go the way of all flesh and disappear, to be replaced by some new fad.

Drugs, illegal and some legal, are a current menace and the extent of their use is reaching frightening proportions.

A massive drug education program, initiated as soon as youngsters respond to instruction, is obviously a necessity. This is not an attempt to scare young people, but to illuminate and create a discussion atmosphere in which the use of drugs and their effect can be put into perspective.

In this regard, I am pleased that the Pittsburgh public schools have adopted and implemented a drug education curriculum for children in kindergarten through the 12th grade.

The senior high program is important, but more so, I believe, are the lessons aimed at the younger children who may not have already developed ideas about drug use, ideas that cannot be changed, no matter how good the instruction.

For this reason, I would like to put into the RECORD the drug education curriculum for the Pittsburgh public schools, for grades one through six, and including kindergarten.

I hope that my colleagues will take note of Pittsburgh's progress in this respect and suggest to their own school boards and school districts similar programs.

The material follows:

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., April 5, 1971.

Hon. WILLIAM S. MOORHEAD,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MOORHEAD: Enclosed are copies of the newly developed *Drug Education Lessons* being implemented in the Pittsburgh Public Schools. Because of the interest and concern you have shown for this drug abuse problem, I thought you would like to have copies of these materials.

The lessons indicated in these curriculum guides will be taught during the spring term of the current school year. To prepare teachers for this activity, a number of inservice sessions have been conducted.

Thank you for your continuing interest in the activities of the Pittsburgh Public Schools.

Sincerely,

FRANCIS J. RIFUGIATO,
Director of Curriculum.

DRUG EDUCATION LESSONS: SAFETY WITH DANGEROUS SUBSTANCES — KINDERGARTEN TO GRADE 3

INTRODUCTION

These drug education lessons present learning objectives, concepts, and suggested activities for the teaching of "Safety With Dangerous Substances" for kindergarten through grade 3.

The seriousness of the drug problem requires special emphasis on objective, factual information. Lessons dealing with these topics must be taught. Although a minimum of six lessons is suggested, the curriculum materials contain enough concepts and activities so that a greater number of lessons on drugs and other dangerous substances may be taught.

At the primary grade level, the goal is to alert pupils to the potential dangers of many substances, some of which are commonly found in the home, as well as to introduce the dangers of experimentation and indiscriminately "following the crowd."

Scare tactics must be avoided. It should be continually stressed that substances which are potentially dangerous are also beneficial, if used properly by adults or under adult supervision.

The suggested activities and concepts are directed to the teacher. Supplementary activities, listed at the end of the unit, include pupil activities related to the content of the lessons.

(Minimum of 6 Lessons)

TOPICAL EMPHASES

Places in the home which may contain dangerous substances.

Dangers of eating or drinking any unfamiliar substance.

Specific physical damage which can be produced by certain substances.

Dangers of accepting any substance from a stranger.

Potential harm of joining groups and their activities without understanding their actions.

OBJECTIVES

The pupil will be able to:

List several places in the home where dangerous substances might be stored.

Explain why unfamiliar substances should never be tampered or played with.

List several household substances which can be dangerous if taken internally.

Describe one example of physical harm that can result from the eating or drinking of some dangerous substances.

Explain why children should never accept anything offered by a stranger.

Discuss the danger of joining groups and their activities without understanding their actions.

CONCEPTS AND SUGGESTED ACTIVITIES

Certain places in the home may contain substances which are potentially dangerous: Ask pupils to think of places in their home where medicines and cleaning solutions are kept. Show pictures of homes and have pupils point to these places. List these potentially dangerous locations, such as the medicine cabinet, kitchen cupboards, storage closets, basement workshop.

These substances can be helpful to adults, but harmful to children when used improperly: Using a chart with pictures of advertisements for medicines, cleaning solutions, etc., discuss with pupils the proper use of these and other household items. Stress that these substances are both beneficial and necessary for adults to run a home and keep their families healthy.

Unfamiliar substances must never be played with or taken internally: Explain that these substances, although beneficial to adults who can read the labels and control usage, can be very dangerous to children who might eat, drink, or otherwise tamper with these substances. Exhibit pictures of adults cleaning house, painting, etc. Ask class members if they have younger brothers or sisters who find their way into places which might contain dangerous substances. Discuss with the class how getting older and more mature means recognizing potential danger, for example, toddlers might touch a hot stove, but school age children usually know that stoves can burn them. List on a chart some common household substances which may be dangerous, such as glue, cleaning fluids, all medicines, paint, paint thinners, etc.

Eating or drinking such substances may result in physical damage: Describe and list on the above chart some simple examples of physical damage which can result from eating or drinking such substances. Contrast this with the many beneficial uses these substances have when properly used. For example, explain that too many aspirins may cause a person to lose consciousness, but that the right number of aspirins can take away a headache.

Caution must be exercised by everyone in handling certain substances: Bring to class a few empty, clean containers of medicines and cleaning solutions. Read caution warnings on the labels to the class, stressing that even adults must be very careful in handling such substances. Use several analogies to explain that many things can be helpful when used properly for their correct purpose and harmful when used incorrectly.

Any substance offered by a stranger should be considered dangerous: Discuss with the class the dangers of talking with or accepting anything from strangers. Explain that although something offered may look like a familiar object, it might be a dangerous substance wrapped in something familiar. Show the films "Dangerous Stranger" (SM 557.7) and "Strangers" (SM 557.16). Stress the importance of reporting to parents or the teacher any incident in which a stranger offers something to children.

Careful thought should be given to joining a group if their actions are questionable: Show pictures and discuss with pupils the various types of friends people have, such as best friends, classmates, acquaintances, older friends, younger friends. Explain the concept of a group; i.e., a few close friends who play together most of the time. Ask pupils if they think they should limit their friends to such a group, or if they should always try to make new friends. Discuss the dangers of joining a group and its activities without understanding the actions. Explain that a group that is playing with something dangerous may say that it is safe in order to have others join. Cite some examples of group activities which are obviously dangerous, such as running in front of cars. Explain how other actions might be just as dangerous, even if they don't appear to be. Define the term "dare." Discuss the dangers of accepting or offering dares. Ask pupils if they would want a person to be their friend solely on the basis of a dare.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by the teacher. They may be used as a followup to individual concepts, or as an integral part of the discussions.

Have pupils make displays and drawings illustrating safety necessary in the home to avoid harm from potentially dangerous substances.

Ask pupils to role play a talk with a toddler, telling him why he shouldn't open closets and cabinets and play with the things inside.

Have pupils make drawings which show how some substances can be harmful when used incorrectly and beneficial when used properly by adults.

Form a small group to present a skit on the danger of accepting anything from a stranger.

Have pupils tell what they think a good friend is. Talk about whether or not they would accept a dare, or role play situations about daring or accepting a dare.

DRUG EDUCATION LESSONS: DRUGS, ALCOHOL, AND OTHER DANGEROUS SUBSTANCES—GRADES 4, 5 AND 6.

INTRODUCTION

These drug education lessons contain learning objectives, concepts, and suggested activities for the teaching of units on "Drugs, Alcohol, and Other Dangerous Substances."

The first section contains lessons for grades 4 and 5. The second section, which begins after the yellow divider sheet, contains lessons for grade 6.

The seriousness of the drug problem requires special emphasis on objective, factual information. Lessons dealing with these topics must be taught. Although a minimum of six lessons is suggested, these curriculum materials contain enough concepts and activities so that a greater number of lessons on drug education may be taught.

At the intermediate level, specific effects of alcohol, tobacco, and drugs are introduced. Emphasis is placed on peer group pressure and adolescent motivations. The concepts of habituation and addiction are also introduced. In grade 6, greater emphasis is placed on the social and legal implications of misuse of these substances.

The concepts and suggested activities are directed to the teacher. Supplementary activities, which include individual and small group learning experiences for the pupil, are listed at the end of the units.

Grades 4–5

(Minimum of 6 Lessons)

TOPICAL EMPHASES

Health hazards associated with smoking.

Physical harm resulting from improper use of alcohol.

Alcoholism as a major social problem.

Harm of misuse of drugs.

Danger of misuse of certain household substances.

Risks of experimentation.

OBJECTIVES

The pupil will be able to:

Describe three health hazards associated with smoking.

List three ways in which improper use of alcohol can harm the body.

Explain briefly why alcoholism is a major social problem.

Describe several examples of drugs and medicines which can be beneficial when used correctly and harmful when misused.

List five substances commonly found in the home which can be dangerous if taken internally.

Explain the dangers of experimenting with any substance without knowledge of its purpose and effects.

CONCEPTS AND SUGGESTED ACTIVITIES

Definite health hazards are associated with smoking, and tobacco has been proven to have harmful effects on the body: List on the chalkboard several physical hazards of smoking. Include lung and other respiratory ailments, as well as heart disease. On a diagram of the human body, illustrate the effects of inhaling cigarettes; e.g., increased heartbeat, tar accumulation in the lungs, and effects on circulation. Prepare and distribute handouts which list health hazards of smoking. Bring in several empty cigarette packs and show pupils the printed warning, explaining who the Surgeon General is and the role his office played in discovering the dangers of smoking. Ask pupils to name some habits they have themselves or have observed in other people. Discuss the difficulty involved in breaking a habit once it is formed.

Improper use of alcohol can result in physical harm to the body: List on a chart the depressant effects of alcohol on the brain, nervous system, senses, heart, the blood pressure. Hand out samples of safety literature which illustrates the dangers of drunken driving. Discuss the problem this means for society. Stress in a discussion that alcohol must be classified with other potentially dangerous substances and that great quantities can cause unconsciousness or death.

Alcoholism is a major social problem: Explain that some people are dependent upon alcohol as a physical habit. Ask pupils what effects such a habit could have on the person and others around him. Discuss that the community has a responsibility to help persons suffering from this illness, and that several agencies exist which treat alcoholics.

Prescribed drugs and medicines have many beneficial uses: Make a bulletin board display which illustrates the many beneficial uses of drugs and medicines. Point out the difference between prescription medicines and those available to anyone. Bring in a few empty medicine containers and read warnings on the labels to the class. Stress that most drugs and medicines bear a caution not to exceed the recommended dosage and to see a doctor if symptoms continue. Discuss why these warnings are necessary.

The misuse of drugs and medicines can cause serious harm: Ask pupils to volunteer as many examples as they can of things they know to be dangerous, such as guns, knives, fire, etc. List these on the chalkboard. Then ask pupils to volunteer examples of things which can be dangerous if used improperly, but which have useful purposes, such as scissors, pencils, matches, automobiles, etc. Introduce the concept of misuse of drugs by asking pupils how they would list medicines. Explain to them that all drugs must be thought of as beneficial when used correctly and dangerous when misused. List on a chart the physical damage which can result from misuse of drugs and medicines.

The home contains many substances which are dangerous if taken internally: Display a collage of pictures showing common household cleaning or hardware solutions which may be harmful if taken internally. Discuss the common ingredients in many chemical solutions, such as lye and phosphates. Invite a science teacher to explain the effects of some of these chemicals. Stress that in addition to physical damage, eating or drinking of some substances could cause death.

Experimentation with any substance carries risks: Discuss the danger of taking internally any substance for which the purpose or effects are unknown. This can be reinforced by drawing analogies to familiar substances. Ask pupils if they would:—use perfume for a beverage—use a bad tasting medicine for a dessert. Emphasize that a substance may not look dangerous but could prove to be fatal. Ask pupils what advice they would give to a friend about to experiment with a substance which could be dangerous.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by a teacher. They may be used as a follow-up to individual concepts, or as an integral part of the discussions.

Form a student committee to write to the Public Health Service, Washington, D.C., asking for information on the dangers of smoking. Have the committee display the materials for the class.

Have pupils make drawings which warn of the dangers of one of the following:

Tobacco
Alcohol
Medicines Used Improperly
Household Substances

Form a small group to role play a family discussion on habits—how they are formed and the difficulty of breaking them.

Ask a few students to make a display which illustrates household substances which can be helpful when used correctly and harmful when misused.

Have pupils write brief essays in which they explain why smoking and alcohol are harmful to the body.

Have pupils describe a "safe home," one in which household substances are properly labeled, kept out of children's reaches, used correctly, etc.

GRADE 6

(Minimum of 6 lessons)

TOPICAL EMPHASES

Specific physiological and psychological effects of alcohol, tobacco, and drugs.

Physical, legal, and social implications of misuse of drugs and other dangerous substances.

Legal uses of over-the-counter drugs.

Social use of alcohol by adults; legal controls regarding minors.

Motivations of peer group pressures and the adolescent's desire to "follow the crowd."

OBJECTIVES

The pupil will be able to:

Describe the harmful effects of nicotine on the heart and lungs and alcohol on the brain and nervous system.

Describe the effects of two drugs.

Differentiate between use and misuse of drugs.

Explain the dangers associated with taking drugs which have not been prescribed by a doctor.

List several beneficial uses of over-the-counter drugs.

Describe two legal and social implications of misuse of drugs and other dangerous substances.

Differentiate between social drinking by adults and misuse of alcohol.

Contribute to a discussion of peer group pressures and the desire to "follow the crowd."

Evaluate in a paragraph the reasons for and consequences of an important decision he has made.

CONCEPTS AND SUGGESTED ACTIVITIES

Alcohol, tobacco, and drugs have harmful physical and/or mental effects: Prepare a handout which lists important terms for this concept, such as tar, nicotine, toxic and non-toxic alcohol, alcoholism, narcotics, addiction, habit, etc. Discuss these terms with the class. On a chart with a diagram of the human body, trace the effects of alcohol, tobacco, and drugs on the heart, circulation, respiration, the nervous system, and the brain. Use a different color for the effects of each substance. Ask pupils why people who smoke tend to become short of breath during strenuous activity faster than nonsmokers.

There are many disadvantages to smoking: Have pupils suggest what they think other disadvantages of smoking might be. Ask them to contrast these with any advantages they might see. Ask pupils what they think of the many cigarette commercials. Discuss the television ban on such advertising. Ask pupils why they think regulations are necessary for substances such as tobacco.

Alcohol, when misused, can be harmful both physically and mentally: List the names of the poisonous types of alcohol; i.e., methyl, denatured, wood. Explain that it is difficult to distinguish the poisonous and nonpoisonous, and that death may result from internal use. Conduct a class discussion on the dangers of experimenting with any substance when its purpose and effects are unknown. Discuss the use of alcohol by adults as a social aspect of entertaining. Ask pupils to remember the effects alcohol has on the body and then discuss why it is illegal for minors to drink alcoholic beverages. Lead a discussion on the dangers of accepting anything from a stranger or buying anything illegal from someone, even an adult.

Alcoholism is a major social problem: Ask pupils to name as many common illnesses as they can. Introduce alcoholism as a disease, stressing that it must be treated and its victims helped, as with other illnesses.

Misuse of drugs can result in physical and/or mental addiction: Write two columns on the chalkboard: "Narcotics" and "Other Dangerous Drugs." Under narcotics, list opium, heroin, morphine, and codeine. In the second column, list cocaine, amphetamines, barbiturates, and hallucinogens. Rather than giving a detailed explanation of the characteristics and effects of each drug, aim at establishing the idea that all of these drugs, if taken continually, can lead to dependence. Discuss habit formation, explaining that physical dependency and mental dependency can be equally harmful. Ask pupils what they would do if someone, even a close friend, offered them one of these drugs.

Misuse of legal drugs can be harmful: Explain that some drugs are illegal and that others do have legal uses, but are illegal when misused.

Scientists continue to conduct studies on marijuana: Discuss the unanswered questions about marijuana, such as its mentally addicting potential. Ask pupils if they would try something without knowing what would happen to them. Discuss the risks one takes when experimenting with anything questionable. Include a discussion of the misuse of over-the-counter drugs, asking pupils what risks are run when something is used for reasons other than its intended purpose.

Misuse of dangerous substances has serious legal implications: Discuss in simple terms how the government regulates and controls potentially dangerous substances. Ask pupils why they think punishment is worse for selling drugs than it is for possessing or using drugs. Introduce the concept of rehabilitation.

Peer group pressure and a desire to "follow the crowd" are factors which often motivate adolescents: Ask pupils what reasons they usually think of when making a decision to do or not to do something. List these on the chalkboard. Be sure that the following bases for decision-making are included: Something is good or bad, right or wrong; Parents or other adults will approve or disapprove; Any dangerous consequences which might occur; "The crowd" is doing it; Friends encourage it. Have the class agree on some rank order of what factors *should* be the most important. Ask pupils if they *actually* are influenced the most by these. Discuss the concept of a "crowd" and "peer group pressure." Ask pupils to define "growing up, becoming more mature" Discuss individuality and a person's ability to make his own decisions. Present a hypothetical instance of "the crowd" or close friends urging someone to do something he knows is dangerous. Ask each pupil what his reaction would be.

Every person must learn to honestly evaluate his motivations for his actions and to identify possible consequences: List several actions on the chalkboard, such as: Cheating on a test; Lying for a friend; Lying to parents; Accepting a dare; Do something dangerous because everyone else in the crowd is doing it. Ask pupils to think of possible reasons a person would have for each of these actions. Have pupils identify possible consequences of the actions.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by the teacher. They may be used as a follow-up to individual concepts, or as an integral part of the discussions:

Form three student committees. Assign each committee one of the following: alcohol, tobacco, and drugs. Instruct committee members to go to the school library and research sources on the effects of these substances on the body. Have each committee report its findings to the class.

Encourage pupils to write short essays on one of the following topics: "Why I Would or Would Not Smoke"; "Why Alcohol Is Illegal for Minors"; "Why Is It Dangerous to Use Drugs or Medicines which Have Not Been Prescribed."

Ask a small group of pupils to write to the Food and Drug Administration, Washington, D.C., and report to the class on how the government controls and regulates certain drugs and medicines which are legal, but liable to abuse.

Have pupils make bulletin board displays which illustrate the social implications of misuse of certain substances, such as parental and adult disapproval, legal aspects, etc.

Encourage pupils to write samples of public service messages warning of the hazards of misuse of the substances covered in the unit.

Ask pupils to prepare a collage of magazine pictures which illustrate social uses of alcohol. Pupils could be encouraged to write essays describing their opinion of the effects of advertising on people's smoking and drinking habits.

Have pupils write short stories about a person faced with a difficult decision.

RURAL DOCTOR SHORTAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the perceptive comments of Dr. Merritt Alcorn of Madison, Ind., concerning the shortage of physicians in rural America. His comments were given in a conference on community health problems held in Madison on April 24, which I had the pleasure of attending. They follow:

DOCTOR'S SHORTAGE IN RURAL AMERICA

Ask any citizen in almost any community in rural America what the major community problem is and he will very likely tell you that it is difficulty in obtaining the services of a physician. We need no statistics to document this acute problem. Often the seriousness of this problem is not fully appreciated because it is much greater than just the lack of medical care. It is *frightening* to be long distances away from medical care when a serious accident occurs or chest pains begin or there is the suddenness of labor pain. It is *expensive* and *time consuming* to have to travel a long distance in order to get routine care such as the immunization, etc. But probably the greatest problem of all that a community faces when it has lost all of its physicians, is that of economic decline. No industry can be brought to a community that is not complete in its services, and those industries that are present begin to leave, and we watch the loss of young families from the communities that could be the best environment for family life.

The physician shortage in Rural America is a result of some unfortunate interrelated problems that have never been given sufficient interest.

1. Each community has fine, young, intelligent men who come from families who have the resources for them to attend medical school and who are inspired and desirous of becoming physicians, but because they came from a rather poor high school environment and didn't make a "B" or better average in their college work are denied an opportunity to even try to become a physician. I seriously doubt that there is any one in this room that doesn't personally know of cases of young men and young women who had to face rejection from an opportunity to enter their chosen profession. This is heartbreaking and in and of itself a very serious problem. This problem is extending to other graduate training areas as well.

2. If a student is accepted to Medical School his training is oriented to the practice of medicine in a large, metropolitan, institution. This is perfectly natural since the physicians who teach him live in a metropolitan area. They practice and teach in large metropolitan hospitals and there is no real reason why they should have an understanding of the rural areas and the type of practice needed.

3. Because students are a selective, highly academic group, they tend to be oriented to research, teaching or specialties. A lot of the work of this country is done by good, hard-working, "C" students and we don't get them in medicine.

4. When he completes his training in medical school and goes into an internship he is wooed and offered special privileges by each of the clinical departments. So that once again the young man who might have wanted to be in Family Practice in a rural area has been pushed and guided toward the specialties. Only in recent years have some of the universities set up departments of Family Practice.

The pressure for larger medical school classes will be met by the cry "we need more money!" and "we must not lower standards!" Don't buy either of these arguments.

What is needed is a better use of money. I see large sums of research moneys virtually wasted and a new 20 million dollar building, but I don't see many good full time teaching professors in the medical school with which I am affiliated.

Indiana University, with support of a Governor's commission, has worked out a plan that would enlarge enrollment by 100 students (the equivalent of another medical school). The plan is great! The legislature should have doubled the $3,000,000 appropriation asked for and told them to enlarge the program. Instead they cut it in half. And the Federal Government should be looking at this program for use in other schools. Do larger classes lower standards? Maybe! but, if you look around us in adjacent counties, the only doctors we are now getting are from the Philippine Islands where the classes are larger. For us the question is academic.

Probably the greatest area of need in attracting physicians to rural communities is in the area of identifying the qualities of a community that would attract physicians. I do not believe this would be difficult to analyze but I am not aware of anyone who is really making an analysis of these needs:

1. It is obvious that a physician needs a modern, well-equipped place to practice (a scientist does not work in a garage). This needs to be a hospital. It would most likely be a very limited hospital that would be a satellite from a larger community hospital which would offer to the satellite administration, supervision of nursing, dietary service, etc. There are now laboratory corporations that can provide the fullest laboratory services into any community on an overnight basis. There is no reason why a community hospital should not have as good a laboratory as the largest metropolitan hospital, with laboratory services being just as prompt and probably less expensive. Electrocardiogram interpretation can be instantaneous by computer. Such facilities, *properly conceived*, could perform the function of being a modern place for a practice of medicine and at the same time be economically feasible.

2. A physician must, in this day and time, practice with the association of other physicians. He needs to have an internist, a surgeon, an orthopedist, and obstetrician, a pathologist, and a radiologist, available for consultation. He also needs the association of other physicians in discussion of patients and in formal study sessions of con-

tinuing education. This could easily be available through a close association with the medical staff of an adjoining larger community hospital.

3. The people of the community need to have a better understanding of the physician today. He is not like his predecessor. He is a highly trained scientist who is dedicated to his work but who also expects to have time with his family and time for recreation that is not interrupted. The community must recognize him as a human being and help protect him from many of the abuses that have driven physicians out of the rural community into the cities.

All together, the effects of the shortage of physicians in rural communities have not only been frustrating but at times almost chaotic. And, we see frustrated community citizens putting up signs for physicians, sending delegations in all directions and building poorly conceived clinic buildings and hospitals with what seems to be no direction from sources that could be of help; and, too, we see politicians taking advantage of the emotional issue with attempts to pass all sorts of laws most of which would only complicate the situation further; and thirdly, we see a real breakdown in rapport between the citizens in the community and the health organizations and institutions.

I believe there is an answer, I don't think it would be difficult if the problems would be carefully identified and solved in a calm, intelligent, manner. For this, we must look to our state and federal government because this is where the financial resources lay. We see massive programs of giving people financial assistance to pay for very expensive medical services when the medical services could be reduced in cost if money could only be spent in the right place for the right thing. Think for just a moment what might have happened had the money been spent for a different motive. Suppose federal funds were given to the medical schools in proportion to the number of MD's that were graduated with double bonuses for those MD's that went into Family Practice. What a difference this approach might have made, but there was no one pressuring for this approach. The pressure came for Research funds and for buildings.

I think it is time for us to stop blaming other individuals, other groups, other political parties, and blame ourselves for not being concerned and organized enough to bring pressure upon our representatives to identify the problems that we face and to help work out the solutions that we need. I wish to bring to you representatives three challenges.

1. I challenge you to work closely with us in identifying the problems that have caused shortage of physicians in rural America and to work closely with us in trying to find the solution to these problems. There are many times when we need help in getting ideas organized and presented properly so that they are effective.

2. I challenge you to be our voice that these ideas may be heard in the right places and help us to create pressure that we might get a response.

3. I challenge you to help us find resources Help us cut the maze of red-tape, to find the right categories of funds and to prepare the right kind of project requests. We lack the sophistication of large financial institutions, such as Medical Schools and large, metropolitan hospitals, and large research institutions. You can do us a great service by representing us and helping to overcome this limitation.

Basically, I am challenging you to work with us, and, at the same time, I am challenging us to work with you to do something about problems that are very important.

OVERINVOLVEMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROSENTHAL. Mr. Speaker, the recently retired American Ambassador to the United Nations, Mr. Charles W. Yost, described in a recent article in the Washington Post his efforts to outline a solution to the impasse on Vietnam peace negotiations both before and during his service at the United Nations.

While those efforts failed, Mr. Yost still believes that we can break that impasse today by setting a date for our withdrawal from Vietnam and by reaffirming the Geneva accords of 1954 and 1962. His arguments bear the most careful examination for, I believe, they are absolutely sound and eminently practical.

In an enlarged footnote to this article, Ambassador Yost, whose U.N. duty climaxed a distinguished career in the foreign service, defines most clearly the errors which led us to our present predicament in Vietnam. I include that part of his article below:

EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a complaint instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 percent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counter-insurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist agression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of *U.S. forces*, no matter how thoroughly trained for this purpose to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly *after* our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

THE ALTERNATIVE—IT MIGHT STAND ALONE BUT IT SURE STANDS TALL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BRAY. Mr. Speaker, not long ago a new magazine called the Alternative, the product of some graduate and undergraduate students at my alma mater, Indiana University, first appeared.

The following article from the April 16, 1971, Louisville Courier Journal describes this unusual magazine, and it will be my privilege and pleasure to insert excerpts from the magazine into the RECORD in the future:

CONSERVATIVE JOURNAL IS THRIVING AT INDIANA UNIVERSITY

(By Warren Buckler)

BLOOMINGTON, IND.—The Alternative published here by a group of undergraduate and graduate students at Indiana University, is a most unusual magazine.

To begin with, as a national journal of moderate and conservative student opinion it stands almost alone among a welter of

New Left, radical and revolutionary publications.

Now, consider some of The Alternative's other characteristics:

It takes a very skeptical view of the "youth movement" and the "generation gap" (which its voluble editor-in-chief, Bob Tyrrell, says was invented by the news media and institutionalized by Madison Avenue), and ridicules the notion that young people "think purer, more luminous thoughts than adults."

Its editorials argue that America is morally and culturally adrift and needs to anchor herself again in "reason and intelligence." Otherwise, a recent issue warns, the "humane values of American civilization will quietly fall away. . . ."

It delights in irreverent comment on liberal rhetoric and in learned critiques of New Left ideas.

Its style is intellectual, argumentative and satiric. The editors prefer discourse to dogma and multisyllabic to four-letter words.

It runs articles praising Vice-President Spiro Agnew and U.S. Sen. James Buckley of New York.

It has been the subject of a laudatory column by William F. Buckley Jr., the conservative sage and journalist.

Curious as to how a magazine recommended by Buckley is making out in liberal-infested academia, I recently paid a visit to Bob (R. Emmett) Tyrrell, who is working on his Ph.D in history in addition to editing The Alternative.

Tyrrell, 27, lives and works on the second floor of the magazine's editorial office, an old gray farmhouse called The Establishment, about five miles west of Bloomington. Downstairs are the business office, meeting and recreation rooms.

As he ushers you into the John Slidell room (named after a Confederate diplomat who "failed at everything he did"), Tyrrell points to the decor—a Russian flag, allegedly stolen at the 1960 Olympics by an IU swimming champ, and a South Vietnamese flag.

His office is cluttered with books, papers, periodicals and autographed photographs of political figures. A picture of President Warren G. Harding, comfortably seated, hangs over the window. Would-be president Eugene McCarthy stares at you quizzically from a poster on the back wall.

Tyrrell discusses complicated ideas and uses obscure words with all the zest and mental agility, if not the experience, of a Buckley. He is also a master of the put-on.

The Alternative, he tells you in his most serious, newspaper interview voice, has had a profound influence on America's political and intellectual life for five decades.

Presidents, from Harding to Nixon, have read and praised it, although they have usually rejected its advice. Tyrrell has framed letters written on White House stationery to back up his boast.

The founders, you eventually learn, were Truman Newberry, "the only man ever kicked out of the Senate for spending too much on his campaigns," and George Nathan, who "represents all that is awful in American life."

In its early years, however, The Alternative reached a limited audience, because—and here his tale begins to strain your credulity—Nathan and Newberry wrote their articles on restroom walls. Harding, for one, was said to have been quite content to read them there.

It wasn't until 1967 that Tyrrell and Jefferson Davis, a fellow IU student, made up their minds to print the magazine on paper.

Here the preposterous comic history ends and the serious talk begins.

"We decided campus unrest was here to stay and that it was going to be nasty," he recalled. "All the talk that young people would usher in an age of peace and gentleness was nonsense, we felt. In 1967, we said that radical students are not idealistic, but violent, anti-intellectual, anti-aesthetic and totalitarian.

"After our first issues, we were made out to be dangerous reactionaries. But most of what we said has come to pass."

The most influential spokesmen for the intellectual community, Tyrrell went on, "are attacking the entire system. So the system must develop its own supporters or crumble.

"The Alternative is an attempt to develop among young people intellectuals who will defend the values worth defending in the American system. And there are many values worth defending."

At first, The Alternative under Tyrrell circulated mostly in the Bloomington area. Typographically, it was not inspiring.

And then, just about a year ago, came Cambodia.

"Last spring was an outrage," Tyrrell recalled. "People were claiming the world was coming to an end just because of our Cambodian incursion. I wonder how they feel about it today? Students were shot, buildings were burned and university presidents were toppled. Everyone was making a perfect fool of himself . . . I was struck by the foolishness of the intellectual class."

So the editorial staff decided it "had to turn this magazine into a national review of events. We had to get a bigger audience."

Although The Alternative now has some 30,000 subscribers all across the country, it claims three main "colonies"—Bloomington, where it is edited, Chicago, where it is printed, and Harvard University, where it has a substantial following.

The format is somewhat reminiscent of the New York Review of Books, or of one of the tonier British journals of opinion. It is printed on newsprint. Political caricatures adorn its covers. And its columns are packed with articles, reviews, editorials, letters, and a monthly collection of excerpts from the "liberal" press called "Brayings from the Left."

The magazine has only a handful of advertisers, including The Young Americans for Freedom, a conservative student group, Sarkes Tarzian, a Bloomington businessman and publisher, and few others. But contributions from Hoosier businessmen keep the venture financially afloat.

The magazine's writers are students, faculty members, free lancers. Speeches by Daniel P. Moynihan, former counselor to President Nixon, are reprinted from time to time. A Harvard student reports regularly on "the latest enormities committed by the barbarians of virtue" in Cambridge, Mass.

But Tyrrell's irrepressible prose sets the tone and style.

He reserves some of his sharpest barbs for intellectuals who have developed a contempt for lawfulness and reason while "hot on the trail of justice."

"Their criticism of America's imperfections has been transformed into disregard and finally distaste for their country," he wrote in the latest issue. "The American intellectual has grown weary of debating principles and discriminating vices and virtues. Indeed, so dissipated has he become, that today the American intellectual is—at his best—a first-rate juggler of second-rate ideas, and—at his worst—a religious fanatic mindlessly intoning a litany of buncombe."

He is particularly offended by liberal professors who won't defend their liberalism now that it has "come under the assault of its own children."

"It served us well for 20 years, and they should defend it," he commented. "But they don't. They just stick their heads in the ground. There are many ostriches on campuses today in tweed suits."

When Tyrrell tangles with the radicals, he can draw on his own experience for ammunition.

In the early 1960s he was "culturally a hippie and politically a liberal"—if he paid any attention to politics at all.

Then, during a visit to New York's Greenwich Village, he discovered that many of his old friends had changed. First of all, they wanted to "politicalize" and change everything. Secondly, they had become attached to a "strange new religion—LSD."

"I saw LSD sweep through the Bohemian communities," he recalled. "It changed people incredibly. LSD didn't become the religion of the future, but turned out to be just another pestilence. And it ruined the lives of a lot of young people."

When he returned to Bloomington, he found that "ritualistic liberal professors at IU were praising LSD." He wonders now if any of them have any qualms of conscience about persuading kids to try the drug.

"This experience changed my perspective," he recalled. "I stopped and wondered if we shouldn't examine new trends more critically."

Here's what he has to say about two of America's leading politicians:

"Nixon is the most innovative president we've had since (Franklin) Roosevelt's first term. But he is utterly uninspiring to the intellectuals. He has tried very hard, but he can't work magic on the spirit, and that's what Americans need.

"Maybe The Alternative will come out for Teddy (Edward M.) Kennedy, because what America needs is something to believe in."

ADDRESS OF SENATOR HERMAN TALMADGE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DORN. Mr. Speaker, Senator HERMAN TALMADGE delivered a timely and superb address to the recent 22d annual meeting of the American Textile Manufacturers Institute. I highly recommend a careful study of this outstanding speech to my colleagues in the Congress and to the people of the entire country:

ADDRESS OF SENATOR HERMAN TALMADGE

Anyone looking over the program for this 22nd Annual Meeting of the American Textile Manufacturers Institute could not fail to be impressed with the scope and diversity of the subjects you have been considering this week.

As one who has had an abiding interest over the years in the well-being of the textile industry, I am pleased to see the way in which you are coming to grips with the problems that face you as businessmen and as good corporate citizens.

You have had some very fine presentations dealing with the economy in general, the need to preserve our environment and the ever-growing demands of the American consumer.

It is well that you have stepped back from the day-to-day problems of your business to give some hard thought to where both your industry and the nation are headed.

There can be little doubt that we are in the midst of one of the most critical periods in history insofar as allocation and utilization of both our human and natural resources are concerned.

Who among us did not feel great national pride when United States astronauts took that "one giant step for mankind" on the moon last year? But, after the original excitement died down, we started asking ourselves what we had accomplished. Many people began wondering if we should not reorder our priorities. Many asked if we should not start devoting more of our resources to solve some of the critical problems back here on earth. I for one believe we should.

No American housewife would be willing to give up her automatic dishwasher or clothes dryer. Not many businessmen would give up their air-conditioned offices. But we are now beginning to ask ourselves what doubling our electric generation every 10 years is doing to our environment.

Farmers found effective ways to fight crop disease with new sprays and powders. Then along came Rachael Carson with her "Silent Spring."

Government officials and private citizens alike are becoming concerned. We must determine how we can best use our human and natural resources as our population swells to 237 million in the next 10 years. No one wants to stand in the way of progress. But there can be little doubt that the time has come to give consideration to a new set of priorities.

However, we must move with care. Environmental problems must be tackled. We cannot shy away from them and pretend they don't exist or that they will go away. They are very much a part of the world we live in. And, instead of disappearing, they are going to get worse in the years ahead, unless we in government and you in business coordinate our efforts and put more of our resources to the task of finding ways and means for solving these critical problems.

What we must guard against, however, is extremism that serves only to inflame and further complicate an already difficult situation. We can and will go to work on these problems. But we can do a better job in an atmosphere of calm and responsible action—as opposed to fanaticism or demagoguery.

One of the most important matters before Congress right now is the question of how we are using, or misusing, our human resources. In recent years, the Congress has spent more money and more time on problems related to unemployment, underemployment and poverty, than ever before.

Just last week Congress up-dated the Social Security system by giving our retired folks a 10 per cent increase to help offset some of the inflation that erodes their incomes.

Our next step will be to focus on the chaotic welfare system. By almost any standards, it must be judged a dismal failure. We now have 13 million Americans on welfare. Welfare rolls increased by 20 per cent in the last year alone, and costs are soaring. The welfare program, at all levels of government, is completely out of control. It already is breaking cities. It is threatening to bankrupt states.

No one can estimate how many tax dollars spent on welfare are being lost in waste, inefficiency, or plain dishonesty. A recent survey showed, for example, that in Nevada, 22 per cent of those receiving welfare benefits were doing so illegally. The welfare mess in New York boggles the imagination. Newsweek magazine a while back reported the case of a 35-year-old man, educated at Harvard and Columbia in science, who turned to welfare, apparently, simply because he didn't want to work. There seems to be a growing army of people in this country who think going on welfare is the thing to do these days.

Welfare used to be something for dire emergencies only. It was a last resort for those who as a result of age, illness, disability, or other circumstances could not work for a living.

Now it has become a way of life. It has become one of our biggest businesses. It has attracted a whole new breed of politicians and political activists who feed off of it.

Unfortunately, it is a non-productive industry . . . a non-productive industry, where some feel they have a basic constitutional right to live off of the productive segment of the economy. And on top of that, they demand—not ask—but demand equal standing with the productive area of our society.

The welfare reform plan now before Congress is called the Family Assistance Plan. It is really a guaranteed income plan. By way of example, see how it would work in New York with a particular family:

A female-headed family of four with no income would receive the following benefits: A $1,600 federal cash payment, a guaranteed minimum payment; plus $2,156 in state supplements; plus $312 in food stamps; plus $1,153 in medicaid; plus $989 in public housing.

That comes to a grand total of $6,210.

Now if the family head went to work and earned $7,000, she would pay $971 in federal, state and Social Security taxes, leaving a net income of $6,209. By working she would get one dollar less than what she would get for doing nothing.

I guess that is what a "dollar a year man" means in today's society. It's someone who can take home a dollar a year more—or in some cases hundreds of dollars a year more—by *not* going to work.

Franklin D. Roosevelt, whom I don't ever recall being typed as a conservative, issued a warning in a message to Congress 36 years ago. He said, "continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit."

Today we have third and fourth generation welfare families. They know no way to live other than on welfare. Their children probably will know nothing else as long as we continue along the course on which we are now headed.

Apparently, in total ignorance of the mess we are already in, the Administration has come forth with legislation which, if approved in its present form, would add 12 to 15 million more people to the welfare rolls.

There can be no doubt that welfare reform is needed. Everyone in this room will agree to that. Every worker, every taxpayer in America would especially agree. But the reform we need must be directed toward training people and getting them off welfare, rather than just compounding mistakes of the past.

Both in the Senate Finance Committee and on the floor of the Senate, I have worked to build more work incentives into the welfare program. That is the way to real welfare reform.

In 1967, the Finance Committee designed the work incentive program, now a part of the Social Security Act. I supported that program in 1967. I continue to support its concept today.

In administering the program, however, the Labor Department has failed to meet the promise of the legislation. That promise was to help lead welfare recipients into useful, productive, independent lives. This just isn't being done under the present program.

Last year, as a constructive alternative to the wholly inadequate work training provisions of the Administration's welfare expansion bill, I introduced an amendment designed to make the work incentive program the kind of success we had all hoped for. My proposals were adopted by the Finance Committee and incorporated into the bill that passed the Senate last year by a vote of 81–0.

Unfortunately, the time ran out. The measure was never enacted into law. I have, however, re-introduced my bill, and I hope we will get something done on it this session.

The purpose of this bill is very simply. It would take the emphasis in the welfare program away from the dole and place it on work training.

Under my bill, the Labor Department would be required to spend at least 40 per cent of the expenditures in the work incentive program for on-the-job training and public service employment. As an incentive to employers in private business—to encourage them to participate in this practical job training program—we would offer a tax credit. No work incentive or job training program can ever be successful unless we have the full cooperation of private business.

The bill has a number of other provisions designed to put presently unemployable people—or those who may think they are unemployable—to work.

Incentive programs, employee training and enough jobs to go around in an expanding economy are the only means for reducing this horrendous welfare burden from our tax-paying citizens.

This leads me to a second important consideration where our human resources are concerned. I mean, of course, sustaining a healthy level of employment.

Last year when the so-called welfare program was being considered in the Senate, it became combined with trade legislation and the social security bill.

The liberal free trade press screamed to high heaven that it is a terrible thing to combine welfare and trade legislation.

I say nothing could be further from the truth. It is obvious to me that the problem of welfare, unemployment, job security, and international trade, cannot be separated.

When we talk about trade legislation, what do we really mean? We are talking about American jobs. We mean the protection of the American worker—the wage earner, the taxpayer—against being driven out of a job by unfair foreign competition.

Anyone who cannot relate trade problems with this country's unemployment, or with the fact that more and more people are being driven to public welfare, just does not have a very good grasp of the situation.

Let me put it this way. What good does it do to spend millions of dollars to train workers and prepare them to earn a decent living, and then turn around and literally trade off hundreds of thousands of American jobs—such as those that are now being exported in the United States textile industry, and in many other industries as well?

I submit, therefore, that America's monumental welfare program is very much directly related to the international trade picture and our ability to produce and furnish jobs for American people. And I mean more than just the ability to maintain jobs we already have. We have got to grow, and create more jobs, and train more and more people for these jobs. When we can do this, we will be heading down toward the end of the welfare road.

If there is one important point that I desire to make today, it is this. The wealth of a nation is determined by its ability to produce.

Welfare produces nothing. It, in fact, eats away at our economy and dissipates our strength and resources.

Why are other nations throughout the world getting rich—like Japan, which is well on its way to becoming number two in the world in gross national product.

Not because they have more ingenuity.

Not because they have more technological or scientific knowledge.

Not because they have more people.

Not because they have more money.

These nations are moving forward simply because they are producing.

It is one thing to talk about dividing wealth. It is quite another to talk about creating wealth.

Unfortunately, in recent years the United States has done too much of the former and not enough of the latter .

There are many, many significant lessons in history. The Roman Empire first got into trouble when the people learned they could vote themselves money from the public treasury. They did so and quit working. It took the Roman Empire some 300 years to go under. But nevertheless the lesson is there.

When there is insufficient production to provide the money people vote back to themselves, decay and atrophy set in. If the American people are going to persist in having more and more money voted back to them, there must be sufficient production to back up this action. So long as we continue to stymie industrial growth and to send American jobs overseas, we are not going to have the kind of production I am talking about.

This is simple economics. It is simply a matter of putting our own national interest above that of any other nation.

I don't think it is necessary to stand before you, of all people, and relate the problems our country has created for itself as a result of unrealistic and out-dated international trade policies.

We have already permitted imports of textiles and apparel to build up to the point where they displace the equivalent of 400,000 jobs. Textile and apparel employment in February was down 70,000 from last year.

Now we have the Japanese textile industry coming forth with an offer which would lock in that job displacement. In addition, they want a five and six per cent increase, compounded each year. That would displace another 20 to 25,000 jobs a year.

Many of these jobs that we are permitting imports to destroy are the same types of work we are trying to create with our welfare and job-training program.

Think about 400,000 new jobs scattered throughout Appalachia and apparel centers in New York and Pennsylvania—and across economically impoverished rural and small town areas. Think about what that would do toward reducing the cost of welfare.

More than 14 per cent of textile workers nationally are black—far ahead of the national average for manufacturing industries. In some mills and in some areas, black textile employment is as high as 50 per cent.

Forty-five per cent of the textile jobs, and nearly 80 per cent of the apparel jobs are held by women who provide support for their families or supplement the earnings of their husbands.

We simply can't afford to sacrifice this payroll to a blind commitment to some fuzzy notion about "free trade."

For more than two years, the Nixon Administration, with the strong backing of Congress, has been trying to negotiate voluntary agreements to save this payroll and bring about orderly trade in textiles.

We all know how hard Secretary of Commerce Stans has labored to bring about negotiated agreements which would be fair and reasonable.

But these efforts have failed. They have failed because the textile exporting nations—led primarily by Japan—have flatly refused to negotiate in good faith.

We tried to correct this problem by legislation last year, as you know. We almost succeeded.

The House passed the Trade Act of 1970 by an impressive margin. We voted it out of the Senate Finance Committee and got it on the floor of the Senate. Unfortunately, time ran out, and the measure never came to a vote.

I want to say right here and now—and I hope they are listening in Tokyo—that the patience of Congress is worn thread-bare. We have had enough of the dilatory tactics, and the arrogance, of the Japanese, who after two years of genuine compromise by our government and the textile industry, have now come forth with an utterly worthless offer.

The Japanese scheme is founded on the shaky premise of self-regulation by Japanese textile manufacturers. They have no interest whatever in the well-being of our 2.4 million textile and apparel workers.

The American textile industry is being told, in effect, to abandon its basic responsibilities, and let the future shape of our industry be determined in Tokyo.

The plan would start at the highest level of imports on record, a level which includes individual product penetration of as much as 50 per cent of the domestic market. They also want five and six per cent annual growth, compounded, whether or not growth actually occurs in the American market.

Their plan would encourage shifts and concentrations. It would permit them to zero in on any segments of the market with as many imports as they see fit.

There is no government-to-government involvement. They Japanese Textile Federation could back off at any time it saw fit.

This plan has been severely attacked by the 175 members of the informal House Textile Committee. Opposition is building in the Senate. President Nixon has forcefully rejected it.

Anyone who seriously studies the proposal would see it for just exactly what it is—an arrogant attempt to undercut the long efforts of Congress and the Administration to solve this problem in a fair and reasonable way.

We cannot and will not permit Japan and the other low-wage countries to continue to take bigger and bigger chunks of our textile market as a reward for their intransigence.

I am not going to attempt to detail here today what the next steps will be. Several possibilities are under consideration. I can tell you, however, that the Senate is not going to abdicate its responsibilities. We are not going to turn the future of this industry over to foreign manufacturers.

I also know that you, as leaders of one of our most basic and essential industries, are not about to abandon the four million Americans who earn all or part of their livelihood from textiles.

The people in the Congress who represent these four million people, likewise, will not give up on this cause until a fair and reasonable solution is found.

WHAT HAS HAPPENED TO PATRIOTISM?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. CARTER. Mr. Speaker, on the night of April 9 of this year, I was fortunate to be a guest of the county extension agents of my district. On that occasion I was greatly impressed by a speech given by Miss Diane C. Childress of Liberty, in Casey County, Ky. The message was so meaningful and so inspiring to me that I include it for the perusal of the Members of this body:

WHAT'S HAPPENED TO PATRIOTISM?

Go back in time with me approximately 190 years. Our country is in a strange sort of undeclared war against the forces of despotism, then as now. A young man volunteers to go behind the enemy lines to collect information. He is captured, tried as a spy, and publicly questioned.

Surrounded by the jeering foe, cut off beyond all hope of rescue, the rope already knotted around his bared throat and the pallor of approaching death already on his cheek, he breaks his steadfast silence. With the wind of another world cold upon his forehead, he speaks one short sentence, and his words echo down the corridors of time to us today; "I only regret that I have but one life to give for my country."

Nathan Hale's statue, with the throat still bared, stands today gazing with blind stone eyes across the green park in New York City—What were those blind eyes looking for a few years ago, I wonder, when for the first time in our history a number of young men sold out their fellow American soldiers, licked the boots of the brutal Chinese and North Korean invaders, and made tape recordings praising Communism.

What has happened to Patriotism—Nathan Hale's kind of patriotism?

Have we as a people become less idealistic, more sophisticated, less dedicated? I'm afraid that many of us have and it isn't a good thing for the country. The future belongs to people and nations who believe in themselves, in what they stand for, and what they are doing.

From the viewpoint of history, the years between World War I and World War II were an exceedingly short span of time. Yet even in that brief period General Eisenhower noted a change in the American G.I., a change which perplexed and saddened him. The American Army in the first World War was a singing army; in the second it was not. Though our fighting men did their job bravely and well, somewhere along the line they had lost the zest and enthusiasm of their fathers who fought "to make the world safe for democracy."

What is so different about the modern generation? Are they simply less gullible, more worldly-wise than their prodecessors? Is that why patriotism as we have known it in the past has suddenly become old fashioned?

Perhaps, but I truly doubt it. If recent generations are less patriotic than their predecessors, it is because we have made them so. Whether we like it or not, this is our doing, yours and mine. Consciously or unconsciously, patriotism has been de-emphasized in our schools and our society. Many of today's youth simply do not know enough about how our country came into being, what it stands for, and the courageous and noble things their fathers and forefathers did to preserve it. Without tremendous pride in their country, without a deep belief in its essential goodness and nobleness of purpose, why should they be willing to fight and die, if necessary, in order to preserve it? We have been so busy educating for "life adjustment" that we forgot that the first duty of a nation's schools is to preserve that nation.

Some people soft-pedal patriotism because they believe that love of country foments war. But love of country never caused a war yet. It's hatred of others that causes war, and hatred of others has never had a place in our American tradition. By failing to teach and emphasize patriotism we are weakening the very backbone of our nation.

Let's not pretend to our children that the United States has never been wrong, or that everything about our country is perfect. But let's be sure they also understand the tremendous contributions this country has made to the progress of mankind.

We may not always have been right, but we have always *tried* to do what we thought was right. In the development of moral consciousness on a national level, the United States has led the world.

Americans have fought and died for the cause of freedom all over the world. We are still doing it—helping people everywhere in their fight to get free or stay free.

When it comes to kindness and generosity, to lending a helping hand to people who need it, what nation in the world can hold a candle to the United States of America? There is none.

These are the BIG facts that our children should know, and know so solidly that minor criticisms of our nation are apparent for what they are—minor criticisms. Then and only then will patriotism come flooding back, a powerful torrent of idealism and devotion to carry our nation through the trials which lie ahead.

DR. JACK K. WILLIAMS INAUGURATED PRESIDENT OF TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to attend the inauguration ceremonies at Texas A. & M. University, College Station, Tex., my alma mater for their new president, Dr. Jack K. Williams. Dr. Williams delivered a most stirring inaugural address, and under leave to extend my remarks, I include the text of Dr. Williams' address:

INAUGURATION CEREMONIES: JACK W. WILLIAMS, PRESIDENT, THE TEXAS A. & M. UNIVERSITY SYSTEM

Governor Smith, Mr. Wells, ladies and gentlemen: I thank each of you for being here and I am especially grateful to those of you who have brought greetings. I am humbled by the kindness of your comments and strengthened by your faith.

I accept the presidency of Texas A&M University and of The Texas A&M University System, and I pledge to the Directors my fullest efforts and my total dedication to the accomplishment of the purposes for which this great land-grant university exists.

I am happy that you are all witness to this symbolic ceremony of my marriage to this university—with which I have been living in sin since last November 1. Hopefully, the ceremony will place a stamp of legitimacy on the job I have and will dispel any lingering doubts about the probity and fidelity of an A&M President who is not himself an Aggie graduate.

I am richly privileged to be president of this remarkable and effective university. Oldest of the Texas state-assisted colleges, its charter was signed 100 years ago, on April 17, 1871, less than a decade following the conclusion of the Civil War with its unspeakable devastation and misery.

As an aside, the same postwar legislature which established A&M offered an award of $4,000 for the arrest of the notorious outlaw John Wesley Hardin and delivery of his body dead or alive to the jail of Travis County. I offer this vignette of history not to connect Texas A&M with John Hardin, but to note that in a time of raw frontier sociology and grossly inadequate physical resources, still recovering from a catastrophic fratricidal war, the legislative leaders of Texas nonetheless had the vision to establish a college, calling it the people's gateway to tomorrow's greater opportunity and to a richer life. This is the remarkable heritage my fellow presidents and I have in Texas—and throughout our free nation, for that matter.

Despite this, there is today something less than green envy for university presidents. Indeed, there is abroad a measurable concern for the mental stability of one who accepts the presidency of a college. I have had from friends notes of commiseration on my promotion and various expressions, written and verbal, which range an emotional scale from condolences to abject pity.

This pessimism about the university presidency comes, I must say, from a variety of sources, including the presidents and ex-presidents themselves. One college leader has catalogued the position as a physical, emotional, and creative drain. Another has said that as president he was subjected not only to great pressures, but to personal abuse. A third (a president who had held office at two major universities) described his situation as one which did not so much drain his gas tank as burn out his bearings. And the chief officer of a large private university wrote that his resignation was due to the constant distractions he had, and to the savage demands made upon him and his family.

Henry King Stanford, of the University of Miami, has said that the only person who should be a university president is a friendless orphan, a bachelor, one skilled in tightrope walking and bronco busting.

I shall take a less jaundiced and a more cheerful view of the subject, and I hope my view is that of an increasing majority of my colleagues.

I hold that these may well be halcyon days for those who move into university administrations. For, despite the schizophrenic nature of the task—its fluctuations between light and dark, its moments of belief and incredulity, its encounters with great wisdom and with rankest foolishness—there exist nonetheless remarkable, unparalleled, and even unexpected opportunities for purposeful and satisfying accomplishment.

Never has the product of education been in higher demand. Never has the role and scope of education been subjected to a more detailed analysis. And never has the totality of the *modus operandi* of education been placed under a heavier mandate for improvement. To be active in educational administration these days is to share in the heady excitement of moving against unexplored territory, as it were—an undertaking which, while wholly within the American tradition, is not often associated with the management of colleges.

There are a number of reasons why I believe that I assume this presidency, as others in education assume theirs, at a time of promise and purpose.

For one thing, I believe that during the years ahead we will be witness to a geometric rise in the development and adoption of innovative techniques and programs in our work. When we can hear our critics through the shouting and tumult, the message is clear and unequivocable that today's students (and the clientele of education generally) are weary of archaic methodology and meaningless minutiae which too often crowd the pages of our academic rule books.

In matters large and small, the atmosphere of education is heavy with the smell of change. For some of us this is a heady perfume; for others, it is the pungent odor of brimstone. This is so because, while progress requires change, change comes hard in education. We who work in education teach change as a vital ingredient of life, but we sometimes deplore it because we are comfortable in our old ways and have them well mastered; or perhaps because change involves sailing into unchartered seas, and many of us have lost our zest for probing the unknown. But either we will sail the strange seas, benefited by whatever navigational experience we have and can command, or we will become passengers on educational vessels whose rudders are manned by others.

Momentous change is in the air, but so also is a return to stability in on-campus governance. I think we will see during the years ahead more business-like efficiency, more firmness and dispatch in decision-making on the part of college administrations. This will be so because the clientele of education speak with a single voice in urging such development.

Indeed, faculty, trustees, legislators, and friends of education generally are calling for an administrative mechanism which reflects responsibility, which has a clear design, and which works through consultation, advice, and suggestion rather than the voice-votes of various conglomerates.

University faculties especially have taken the lead in declaring that weak governance too often substitutes apathy and unpreparedness for measured discourse and sound managerial research. For faculty the costs of such governance are lost teaching time, marginal productivity of scholarship, and heavy increase in the possibility of gross error. Understandably, then, competent and thoughtful faculty seek a system of decision-making in which they participate meaningfully and responsibly—but which culminates in an authority empowered to prevent the university from falling into aimlessness, drift, or disunity.

A third transition calculated to improve all facets of education, I believe, is a return to reason in on-campus conduct. Certainly this is long overdue.

We may continue to have in some parts of our country disruption and violence by the ragtag of student and nonstudent activists, together with their camp followers and ego trippers. But while the day of building burning, indecency of speech and act, and unreasoned harrassment of administrative and faculty personnel may continue, we will witness a quicker reaction to episodes involving these indefensible maneuvers. Police in strength will be called without hesitation, those identified as leaders of felonious conduct and as inciters of riots will be moved off the campus and the injunctive process will be applied to prevent their reentry. The important news here is that such action will be openly and soundly supported by students themselves, and this will be a new and brighter day in educational matters.

When I speak of activists and protesters, I do not refer to those who offer legitimate petition against rules and regulations which are anachronistic—or to those who participate with legal base in the giant effort to end war, poverty, and the inhumanity of man against his fellowman. I do refer to the Trojan horse army of militant fanatics in our midst, and I believe that all who have interest in the welfare of education are demanding that these malcontents not be allowed to interfere further with the educational process.

The approaching changes in method and technique and in stability in government and decorum are three bright bands in the university president's rainbow. A fourth is the enlarged faith of alumni and the substantially greater commitment they now feel to their universities.

Certainly the president of Texas A&M University is blessed and thrice blessed with a legion of former students—tremendous Aggies, whose fierce loyalty to this university is no less material than it is vocal. (This being a formal way of saying that Aggie alumni put their dollars where their mouths are.)

Alumni these days, it seems to me, have developed an enlarged perspective about our problems and have gained a remarkable knowledge not only of our needs (economic and philosophic) but of our strengths and weaknesses. Armed with this information and perception, they are and will be invaluable allies in all we do.

The former students of Texas A&M, for instance, openly agree that the greatness of our university is not in the size of its student body or the growth of its complex of buildings, valuable though these may be. Rather, the true worth of this university is measured first by the humanistic qualities of its scholars-teachers and the vigor, boldness, and precision of their performance in the classroom; and, second, by the preparedness of its students, their motivation to learning, the maturity of their percipience and their mental quickness in separating the valuable from the worthless.

Such understanding by our alumni, coupled with unparalleled devotion, adds a welcome and warm dimension to the presidency, and I am grateful for it.

A fifth and major factor which I believe bodes well for the university president and for all of higher education is a reaching of agreement that no university can be all things to all the diverse echelons of society and that university can be politized and remain free.

I need not tell you that the role of higher education has undergone elaborate debate during the past decade. We have felt need to restate existing theses about education and this compulsion to restate has led to the complexitizing and compounding of university function. Indeed, the literature of higher education has become top-heavy in advice about what the university should be doing—to whom, for whom, and against whom.

I will offer three illustrations taken from articles written by educators during the past few years and indicating the alpha to omega nature of the problem.

One writer has insisted that "the critical function of higher education is not exhausted by the consideration of teaching and research. To the contrary, American universities must exercise their function by acting as watchdogs, defenders, Jeremiahs, and Cassandras of our society."

We are in the teaching business, or we should be. Whether in the classroom and laboratory, or in our extension activities, we are responsible as is no other institution for the preservation and dissemination of knowledge and for the development of new knowledge. This awesome responsibility means that we must offer our students the basic framework of fact and theory on which they can build and to which they can add. We must give our students the mental equipment with which they may think clearly as well as feel deeply.

Whatever else we do, we must remain the pivot point for the maturation of leadership because our graduates are the leadership group, whether philosophical, economic, cultural, political, or military. The direction of our social change, if it is to be reasoned progress rather than the chaos born of purposelessness, will be set by that leadership and not by the egocentric gadflies among us.

These, then, are illustrations (predictions, if you prefer) of why I believe we university presidents hold our offices at a propitious and promising time. I could and should add to the list the certain knowledge that the executive and legislative branches of this state's government are solidly and publicly committed to furnishing the resources required for a quality educational establishment. Testimony to that commitment is found in the presence at these ceremonies today of our Governor, Our Lieutenant Governor, the Speaker of our House, and numerous senators and representatives.

I could and should add to the list the fact that our congressional delegation is dedicated with equal vigor, collectively and individually, to the provision of federal assistance to educational development. That I believe is the meaning of the President's greeting brought to us by Senator John Tower, and attested to by the presence of our great Congressman, Olin "Tiger" Teague.

I conclude, Mr. Wells, on this note: I seek the guidance and assistance, and the good wishes and fervent prayers, of all who love this university—to the end that working together we will maintain a clear articulation for its direction; mediate successfully the counterclaims for its special services; enhance its traditions of service to man and the state and nation; enlarge the scope and effectiveness of its facilities and their teaching; and preserve and protect always its determination to commit the exposure of new ideas to the light of day.

DEFENSE OF BUSINESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BOB WILSON. Mr. Speaker, on February 2 of this year, I inserted in the RECORD a speech prepared for delivery by me before the American Advertising Federation's Conference on Public Affairs. In that talk, I took critical issue with the blatant and unfounded attacks on business by some of the prominent consumer activists, including Ralph Nader. Specifically, I challenged the assumption that his charges, in the most part superficial, have been in the best interest of the consumer and the country. I also called into question some of his tactics which often fall outside of the rules of fair play and constructive criticism.

I did not make those remarks lightly. As I said on that occasion, I was aware that I was attacking one of the so-called sacred cows of the consumer movement. Nevertheless, I felt, as I still do, that those criticisms are valid and someone should stand up and state them publicly. I shall admit that during the preparation of that speech I considered the possibility that I would be standing alone.

Those remarks, however, have received wide distribution and I have been pleased and somewhat surprised by the reactions I have received from people throughout the country who agree with and support the views I expressed. I also received a number of responses from persons who, independently, have had the courage to publicly make similar observations on the impact of careless and generalized attacks on business by Mr. Nader.

I am heartened by the number of people who agree that, while much remains to be done on behalf of the consumers' interests, they question whether the best way to remedy the situation is through the promotion of an atmosphere of suspicion and hostility toward business. We can correct many of the problems existing today without taking Mr. Nader's tack of finding a fault in some product or other and insisting it is all a diabolical plot to defraud the American public. That is just nonsense. But it is the type of nonsense that this ilk of "consumer protectionist" uses to get headlines and to denounce everyone who does not see everything exactly as he does.

Even the publisher of Mr. Nader's own hometown newspaper apparently has some misgivings about the end motives of recent irresponsible charges and campaigns launched by Mr. Nader. The following is a story carried by the United Press International on March 31, 1971:

> The publisher of Ralph Nader's hometown newspaper wonders if some of the consumer crusader's success has "gone to his head".
>
> In an editorial published yesterday, John W. Nash, publisher of the Winsted Evening Citizen, said, "For a long, long time, we have been reading about the wickedness of our corporations and about all the scoundrels who are responsible for running them".
>
> "Most of this comes from Nader and company," Nash said. "But we now stand at the point where we wonder if perhaps some of all this hasn't gone to his head," Nash said.
>
> The publisher complimented General Motors Corp. President James M. Roche for his characterization of social and business critics as the "adversary culture," and quoted him as saying they are "a covert danger we can no longer ignore".
>
> Nash told readers of the citizen in this town of 11,000 where Nader grew up and his parents still live, that the crusader's tactics are "all designed to build distrust and suspicion in the minds of all of us toward the ways of doing business in this country".
>
> "They would all but destroy free enterprise as we know it," Nash quoted Roche as saying.
>
> While briefly commending Nader, Nash said he complimented Roche "and other company executives in the past who have freely acknowledged that not everything is as it should be, but who are constantly working to correct their wrongs".

Mr. Nash is right. Most of the products which Americans purchase and use are the results of research, engineering, and development by free enterprise operating under on the theory that the way to succeed in business is to supply the best product at the best price. Yet, if business stands up to defend itself against unwarranted accusations, it is taken by some of our arrogant consumerists as a sign of guilt. There is inherent in this type of thinking the assumption that everything the activists do and say is good and all that business does or tries to do is bad. When, for instance, have we ever heard Mr. Nader express sympathy for a businessman who is plagued by shoddy workmanship by his employees? Or, as a recent letter to the New York Times stated, Mr. Nader:

> Espouses the cause of auto safety, but only as it applies to manufacturers—not a word has he had to say regarding the major causes of vehicular accidents which are drunken driving and licensing of unfit drivers.

I also was amazed to read recently that Mr. Nader is organizing a "whistle-blowing" organization which would encourage employees of companies to spy on their companies and report to Mr. Nader anything they might consider wrong. It is astounding that in this day and with our privacy already diminishing, that we could encourage and condone such a spy network. Is not this about the same thing we have condemned in totalitarian countries where they have informers in every factory and home? And, yet in the name of consumerism, it is being tolerated here.

Among the letters I have received, I would like my colleagues to take note of one sent by a leading member of the advertising industry which he wrote as an open letter to Ralph Nader:

> DEAR MR. NADER: I've clipped four articles from this morning's NEW YORK TIMES—one where you are virtually creating a gestapo, which action I hardly think worthy of you and your organization, or consistent with practices of which the American community—be it consumer or business—could be proud.
>
> But essentially, I would like you to look at three front-page articles which, of course, you must have seen without my calling them to your attention.
>
> Reading from left to right, the first deals with the problem our Defense Department has had in their negotiations with LOCKHEED, where there seems to be a slight $758-million dispute over costs, a mere bagatelle.
>
> The second is "Errors in Planning of Mail to Cost State $85-million.

Third is the article in the lower right hand corner in which you read "Pentagon Acknowledges that Americans Landed at Pnompenh Airport."

I so much respect some of your actions, Mr. Nader. But I would hope you would not, in your honest zeal, succeed in creating an attitude in this country which makes consumers wary of virtually all the merchandise they buy. This could very well lead to another major depression which would be as self-induced as the one we are undergoing right now.

I truly believe the current recession is a direct result of the misadventures of the Administration (and I voted for it).

Would it not be more fruitful for Nader's Raiders to tackle the bigger problems eating at the core of our country, and stop constantly pointing at the faults of business—which I acknowledge exists—but which I submit are nowhere near as serious as, for instance, the three appearing on the front page of this morning's Times.

If you want additional items, you have only to look at welfare, the horrendous drug problem (which is begging for more intelligent handling), the universities, the courts, the jails, the cost of medical care in this country, including the escalation of charges in hospitals—just to mention a few.

I fear wherever human beings exist, there will be a degree of sin. Could we not direct your huge talents where you could do the country the greatest good?

I hope I am not naive in hoping this letter will influence you even a little bit.

This is typical of the reactions I have received. I believe this gentleman may be a bit naive to believe that those who subscribe to, what may be called arrogant consumerism, is the least bit concerned with damaging effects of their attacks on business or the economy. In fact, it has occurred to me that only through this type of activity do they maintain their prominence. I am led to that feeling because I cannot believe that most of the problems they point to as injustices cannot be cleared up by reasonable and constructive criticism without resorting to harassment and emotionalism.

Again, I would acknowledge that there are bad business practices and poor products being foisted off on the American public, and moves should be made against them. But my point is that broad brush defamations weaken faith in all business. As I have stressed before, through the free enterprise system American business on the whole has served the consumer well by providing new and needed products at prices they can afford.

I do not want to appear to be trying to diffuse the consumer movement. I just hope we can add some sanity and realism to it.

FOLLOW THROUGH PROGRAM EXTENSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WHITEHURST. Mr. Speaker, on April 20, I introduced H.R. 7563, which would extend the principles of Headstart and Follow Through to all elementary and secondary school pupils.

The environment is not selective. It affects all who live in it. The environments of poverty, ill health, and physical decay do not spare the older children, but indeed have a compounding impact. There is no reason for this to remain uncorrected.

In 1964 Headstart was created to help counteract the deleterious effects of some environments. There should be no doubt in anyone's mind that this program has been a success. During the beginning years of Headstart, the public was given a rather harsh education concerning the devastating effects of the inner city environment on preschool and early age schoolchildren. Because of their cultural deprivation, most of these children were not able to take advantage of even the most fundamental work-play programs offered in the early years. As a matter of fact, most of the children from poverty areas were a year behind other children at the end of the first year of school, and tended to fall even further behind as time went on. Eventually Headstart corrected this situation, through intensive motivation and individual, affectionate attention.

However, as soon as the students were out from under the umbrella of Headstart and back under the full influence of the environment that Headstart was created to offset, they reverted to their former habits. While not a complete reversion, it was nevertheless a reversion. For this reason, Follow Through was created.

Follow Through was instituted to pick up where Headstart left off, and it has proven to be equally successful. It is the benefits of these programs that I believe should be made available to students in the higher grades, where they need such assistance at least as much as, and probably more than, the children in the lower grades. This is what my legislation will do.

It will give to those children who were unfortunate enough to have been born a few years too early the opportunity to receive the benefits of a program that has proven itself to be a success. Currently, Follow Through covers only eligible students through the fourth grade. My bill, H.R. 7563, will extend the Follow Through program from the first grade to high school graduation.

Mr. Speaker, I feel that this legislation is essential if we are to offer all students the opportunity to benefit from our educational systems.

LEGISLATION TO PRESERVE U.S. LAKES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation which would establish a national lake areas system to preserve the major U.S. lakes for future generations.

The precedents for this legislation are multiple. We have established the Redwoods National Park and other national parks, created national seashores on Cape Hatteras and Cape Cod, established the national wilderness system and taken measures to protect primitive or little developed rivers as part of a national wild and scenic rivers system.

These measures are based on the principle that there are certain natural resources whose value must be protected and carefully managed for future generations. We have acknowledged this principle with our protection of mountain areas, seashores, rivers, and other unique features of our country.

It is more than time we afforded this same protection to our lakes whose purity, scenic beauty, geology, history, and recreational value qualify them as resources well worth preserving.

The Great Lakes chain, of which about 60 percent lies in the United States, covers an area of over 95,000 square miles, holds 5,500 cubic miles of water, and includes 10,333 miles of shoreline.

In addition to the Great Lakes, there are in the United States 250 natural lakes with a surface area of 10 square miles or more, 20 major saline lakes, and many large reservoirs.

The estimates of population growth and industrial expansion insure that demands on these lake areas will increase dramatically. Our lakes must be protected and must remain accessible to the public.

Yet present trends reveal that shore property is less and less open to the public. Only about 5 percent of the total shoreline of the Nation's largest 250 lakes is Government property. The remaining 95 percent is privately owned. Moreover, only a few States have wetlands protection laws which require permits or other controls before alterations can be made to private coastal lands.

Tragically we have treated our lakes as if they were a limitless resource and we are paying a severe price in the form of rapid deterioration. Pollution of all kinds—from pesticides, oil, detergents, industrial waste, sewage, silt, agricultural fertilizers, and mercury—has greatly accelerated the normal deterioration process.

Lined with the refuse of the machine age, Lake Erie has aged more than a thousand years since the turn of the century and is on the verge of becoming the first major casualty of the age of pollution. Thousands of smaller lakes across the country are becoming so thick and murky with algae each summer that they resemble pea soup. And, now, even Lake Superior is threatened.

Everything that these lakes are and could be will face almost certain destruction unless we act to halt present trends. Suffice it to say that if these lakes are not given the proper care and attention, they will become little more than stinking cesspools, devoid of animal and plant life and of little use to man.

Pollution is a key problem. But the setting of strict water quality standards and the elimination of present sources of pollution are only part of the task before us.

Standards for land quality are as essential as the standards for water quality which our pollution control program is establishing. A comprehensive shoreline and lake use management policy is imperative.

My bill would establish such a policy by providing for action at the Federal, State, and local levels, using a broad range of land use management tools.

Under the bill, the Secretary of the Interior would be directed to conduct a nationwide study to determine what areas should be included in a national lake areas system. The Secretary would also appoint an advisory commission to make recommendations to him regarding inclusion of areas of this system.

In some instances, portions of lake shoreline would be acquired by the Department of the Interior as part of the national system, when authorized by act of Congress.

But, under the bill, particular attention would also be given to the role of State and local governments in the protection plans. The Secretary would be directed to encourage State and local governments to adopt master plans and zoning ordinances consistent with shoreline protection plans and to provide technical and financial assistance to governmental units for such plans.

The bill also directs the Secretary to support, assist, and encourage programs in lake area research. This would not be limited to scientific studies but would include economic, legal, and social studies. Further, the Secretary is instructed to work with colleges and universities to train undergraduate and graduate students in fields related to problems in lake preservation and development.

Mr. Speaker, there is a tremendous need for land use planning today. As President Nixon said in his environmental message last August:

> Today, we are coming to realize that our land is finite, while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning across the nation.

Mr. Speaker, if we do not adopt effective land use planning for our lakes soon, we will surely lose them. Therefore, I urge prompt consideration of this measure to preserve our lakes.

CHINA BOOSTERS SHOW NAIVETE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DERWINSKI. Mr. Speaker, the use by Red China of the U.S. ping-pong team as a means to establish contact with some Americans must be carefully studied. Obviously, the study must be objective and not emotional.

One of the most knowledgeable members of the fourth estate is Walter Trohan, bureau chief emeritus of the Chicago Tribune. His considerable experience as a foreign affairs observer permits him to thoughtfully analyze the Red China moves in his column in the Tribune on Friday, April 23.

The column follows:

CHINA BOOSTERS SHOW NAIVETE

(By Walter Trohan)

WASHINGTON, April 22.—Time will tell if Red China's adventure in Ping-Pong diplomacy achieves its goals in the United States and around the world. But if Americans assume, on the basis of the reports describing the excursion, that Chinese Communists have changed fundamentally, they will deserve booby prizes for innocence and credulity.

The smiling faces and warm hospitality described by the American visitors represented no thaw in the hostile attitude of the Peking government toward the American government.

The invitation to the United States table tennis team was nothing more or less than a Chinese Communist ploy to rejoin the world community lest Soviet Russia might decide to drop a nuclear bomb on Mao Tse-tung and his cohorts before Red China becomes a major nuclear power.

Chinese dreams of being a major world power and running the world could go up in a cloud of mushroom-shaped smoke. The Chinese know it and the Russians know it. The Russians have been temporizing, but the Chinese know the decision must be made in the next few years. Unquestionably they feel there is less danger of attack if they end their isolation and join the United Nations and establish diplomatic missions around the world.

In this the American Ping-Pongers who accepted the Chinese invitation played their role. Members of the delegation said their visit shows the Chinese Communists are a "very friendly people."

One was impressed by the seeming omnipresence of Mao, saying: "He's like Jesus Christ."

Few remarks could be more ridiculous than this comparison. Christ preached love. Mao has murdered millions of his own people in coming to power. He killed millions more in Korea and Viet Nam, including many American boys. The comparison is, in fact, no more or less than outrageous blasphemy.

One 18-year-old said he would "prefer the Chinese system if it could be set up in America."

A 16-year-old girl said the visit was an eye-opener. Any 16-year-old might say the same about any first visit outside the United States or outside any home town.

One young lad said he could find no criticism of Red China, but he didn't hesitate to downgrade his own country. A young girl confessed the visit made her realize that her parents were right in saying young Americans don't appreciate what they have.

But it took a 40-year-old English teacher at an Eastern university, who wants to bring Chinese opera and ballet to America, to say: "The single thing that struck me most is that Mao is Jesus Christ and it's like the Middle Ages." He added he sensed a "great psychic strength" among the Chinese.

"It's a force to be reckoned with," he continued. "Everyone comes together in this psychic discipline and unity." He might have added that if they don't they are killed or sent to jail. He could be more right than he knew by equating life in Red China with life in the Middle Ages.

If one could offer a suggestion to the professor, it might be well if he could reread the Sermon on the Mount. This might persuade him not to equate the gentlest Man who ever lived with a mass murderer.

A SALUTE TO THE WORLD CHAMPION HAWTHORNE, NEW JERSEY CABALLEROS SENIOR DRUM AND BUGLE CORPS ON THEIR 25TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROE. Mr. Speaker, it is my distinct honor and privilege to request you and my colleagues here in the House to join with me in commemoration of the 25th anniversary of the Hawthorne, N.J., "World Champion" Caballeros Senior Drum and Bugle Corps of my Eighth Congressional District in the State of New Jersey. Last year their musical excellence, marching proficiency, and sparkling exemplary performance in worldwide competition brought the most coveted world championship title to the borough of Hawthorne, the county of Passaic, the State of New Jersey and the United States of America.

The Caballeros were organized in 1946 under the sponsorship of the Hawthorne American Legion Memorial Post 199. Before winning the world title, they have won every championship it is possible for a drum and bugle corps to win including over 250 first place honors. They won 11 American Legion National Titles in the years 1951, 1953, 1954, and 1958 through 1966; captured the New Jersey State Title for 21 consecutive years from 1949 to the present; and took first place in the Canadian Championships for 1956 and 1957.

National recognition and the heartiest congratulations are in order for the members of the corps who are as follows:

> Justo Aleman, Frank Amalino, Gordon Barnum, Erwin Barre, John Bayko, Philip Beiganti, Victor Benfatti, Bruce Bennett, Donald Bergamini, Peter Bishop, Arthur L. Bowie, William Bridge, Edward Bullock.
>
> Joseph Burdett, James Campbell, Joseph Campos, Donald Carney, Charles Caruso, Blaise Castaldo, Anthony Catanzaro, J. Chiota, Charles Cook, James Costello, Sr., James J. Costello, Jr., Joseph Cowin, Bernard Crogan.
>
> George W. Cyr, Nicholas Dabbenigno, John Daigneauzt, James D'Amico, Anthony Demarco, Michael DeLucia, John DeValve, Philip Dumond, Eugene Dunn, William Durborow, Martin Erickson, Anthony Famelio, Anthony Ferrazzano.
>
> Timothy Fogg, Edward Ford, Paul Fostvedt, Frank Galo, Ronald Gamella, Edward Gaspartich, Thomas Gill, John Grada, George Grills, Charles Guess, Richard Harrington, Dennis Hayes, Thomas Hewitt, Alan Hopper.
>
> John Hughes, Michael Hull, J. James, Frank Jankech, Edward Jankowski, Edward Januszeski, Al Kaak, Anthony Kaplov, William Kennedy, John Kenny, Larry Kerchner, Robert Knapp, Frank Kubinak, Charles Lane.
>
> Francis Langton, Francis Latella, Robert Lehman, James Londino, Paul Lott, Michael Lia, Richard Luciano, Sal Macaluso, Clay Mason, Silvano Matera, Fred Matthews, Robert McCarthy, Ernest Miller, James Milliken.
>
> Joseph Montenegro, Eugene Morotta, Richard Muchen, John Munger, Robert Murray, Nicholas Muscara, Theodore Nabozny, Cipriano Newball, Robert O'Brien, William Oechsle, John Panico, Robert Peterson, Frank Pisillo, Vincent Plia.
>
> John Pugliese, John Rattenni, Joseph Rowek, Gus Rubel, James Russo, Kevin Savage,

John Scala, William Schanel, Raymond Schofield, Robert Schutz, James Shaw, Robert Shields, John Smith, Chris Sortino.

Andrew Sproha, J. Sternfels, Gary Stooke, Lou Storch, Fred Tarsitano, Douglas Taylor, George Tuthill, Gregory Verheck, Roger Vreeland, Robert Wagner, Ronald Walkotten, James Watson, Douglas Webber, Steve Williams, Ronald Zucker.

Special commendation and plaudits are extended to James Costello, director and drill instructor of the unit; Robert Murray, business manager; Larry Kerchner, music instructor and arranger; music instructing and arranging assistants Frank Pisillo, James Campbell, James D'Amico and Frank Kubinak; drum instructors George Tuthill and Robert Peterson; James Russo, drum major; and Robert Knapp, assistant drum major.

The mayor of Hawthorne, Hon. Louis Bay 2d, and all of the members of the governing body of the Borough of Hawthorne have always been stanch supporters of the Hawthorne Caballeros and it is significant to note that in recognition of the continuing source of pride and honor shared by the citizens of the Borough of Hawthorne for the untiring efforts of the Caballeros in achieving superiority and perfection as an American Legion Drum and Bugle Corps, the mayor joined with the commissioners of the Borough of Hawthorne in proclaiming the week of April 25 through May 1, 1971 as Hawthorne Caballero Week. The full text of his proclamation is as follows:

Proclamation

Whereas, the Hawthorne Caballeros have during the past 25 years constituted a continuing source of pride and honor to the citizens of the Borough of Hawthorne by their untiring efforts to achieve superiority and perfection as an American Legion Drum and Bugle Corps.; and,

Whereas, as a result of such spirit and dedication they have during the past 25 years been honored 11 times as the American Legion Drum and Bugle Corps. National Champions, 21 times as the New Jersey State Champions, won first honors in the Canadian Championships in 1956 and 1957, and in 1970 were first place winners in the National Drum Contest, and were also named world champions by the Drum Corps. Association; and,

Whereas, such achievements must be acknowledged as the result of a common effort by many persons whose contributions to the success of the Caballeros should not be unrecognized; and,

Whereas, the Caballeros have promoted a singular and unique spirit of unity and common purpose to all the citizenry of Hawthorne, which has promoted civic pride and interest by all citizens of the Borough of Hawthorne; and,

Whereas, the Hawthorne Caballeros are about to commence the celebration of their 25th Anniversary, it is fitting and proper that public acknowledgment and official endorsement be rendered to the Hawthorne Caballeros for their achievements for and on behalf of the Borough of Hawthorne;

Now therefore, I, Louis Bay, 2nd, as Mayor of the Borough of Hawthorne in the County of Passaic and State of New Jersey do hereby declare and proclaim the week of April 25th through May 1st, 1971, as Hawthorne Caballero week,

And further together with the Commissioners of the Borough of Hawthorne do hereby publicly acknowledge and congratulate the Hawthorne Caballeros upon their 25th Anniversary and their immeasurable contribution to the honor and good name of the Borough of Hawthorne,

And further I do hereby officially endorse and recognize the commemorative activity of the Caballeros during said Hawthorne Caballero week, including

(a) The reunion meeting and reception to be held Friday, April 30, 1971, at the American Legion Post 199.

(b) The parade to be held Saturday, May 1, 1971, to include visiting drum and bugle corps, paying honor and tribute to the Hawthorne Caballeros.

(c) A dinner dance to be held on Saturday evening, May 1, 1971, at the Teamsters Hall, West Paterson, New Jersey.

and call upon all good citizens of the Borough of Hawthorne to join in giving honor and tribute to the Hawthorne Caballeros throughout Hawthorne Caballero week, and participate in the functions and activities described above.

Signed/Louis Bay 2nd,
Mayor.

Sincere appreciation is also extended at this time to the families, supporters, and friends of the Caballeros for their encouragement and confidence over these many years.

May I also take this opportunity to express to American Legion Post Commander John F. McAuliffe our grateful appreciation to all of the members of American Legion Memorial Post No. 199 of Hawthorne for their many years of undaunted devotion and wholehearted support of the Caballeros whose outstanding contribution to our cultural enrichment is applauded by all of us during this 25th anniversary celebration.

EDWARD G. UHL, FAIRCHILD HILLER PRESIDENT, SPEAKS OUT IN AVIATION WEEK & SPACE TECHNOLOGY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BYRON. Mr. Speaker, Edward G Uhl, president of Fairchild Hiller Corp., recently wrote an article for Aviation Week & Space Technology's leadership forum which was published on March 15, 1971. I would like to share Mr. Uhl's thoughts from that article. His comments are far reaching and involve an analysis of problems in the Nation as a whole.

Leadership Forum

(By Edward G. Uhl)

All of us in the aerospace industry are concerned about reduction of R&D effort and the lack of public interest in new space and aircraft programs. It is easy to assume that our industry is being singled out by opponents in the Government. I believe rather that our problems are symptomatic of a more general and therefore more distressing national problem.

When one reads the newspapers today or listens to a television news program, he cannot help but become somewhat discouraged about the future of the United States (as well as the aerospace industry). Every form of media hammers incessantly at America's problems—the poor, the urban crisis, the Negro situation, the threats to the environment, the corruption among public and private officials—the list is endless.

Periodical literature, novels and in-depth studies of all sorts are examining consistently the flaws in the American system and character. The net effect of all this is that we are in danger of becoming a nation of critical self-analyzers rather than a nation of doers.

This trend toward self-criticism has had its impact on the business and Government leaders of our country. Before embarking on any venture, no matter how sound or ultimately useful to the country, our purported leaders agonize and strain over the possible criticism that may be made concerning their attempts. As a consequence, we have a leadership crisis in the country at the present time with no one willing to embark on risky but potentially worthwhile programs. Similarly, the desire to have a consensus approval of each new venture has rendered our forces for technological and social progress practically immobile. When one stands around waiting for each segment of the population to agree to a specific venture, he foredooms that venture either to be stillborn or to become a mediocre compromise.

Instead of focusing continually on what is bad for our society and worrying about possible criticism of a contemplated action, the United States must move forward in the direction of setting objectives and instituting constructive programs. This leadership should begin in our Government, but it should also be carried on enthusiastically by business, civic and cultural leaders. The accent must turn to the positive at all levels—from national commitments to individual business and social ventures. Our ultimate test as a nation will not be how we have analyzed our failings but what we have done to establish and attain new goals, thus making the future better than the past. To do that effectively, we obviously must examine the past; however, we cannot permit yesterday's sins to make us fearful and hesitant in moving forward on new programs and objectives for tomorrow.

LOOK AGAIN, MRS. KNAUER

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. SULLIVAN. Mr. Speaker, I have on numerous occasions publicly praised President Nixon's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, and I have enjoyed working with her on specific legislative or administrative projects, including the new Fair Credit Reporting Act, so I hope the remarks I am about to make on some recent remarks of Mrs. Knauer's will not be taken as either partisan or ideological criticism—and certainly not as personal criticism.

It is, instead, a matter of the facts.

In an article by Associate Press writer G. David Wallace which appeared in the St. Louis Globe-Democrat on April 15, Mrs. Knauer stated that she "just couldn't believe" that nine different Federal agencies had been given enforcement responsibilities under the Truth in Lending Act until her office had conducted a 2-year survey to find the location of all consumer programs in the Government.

Mrs. Knauer added:

I get worried when I see a program administered by as many as eight or nine agencies. When you have this diffused responsibility you cut down on the accountability.

Speaking specifically of the nine agencies administering truth in lending, Mrs. Knauer said:

> I just couldn't believe so many people had their fingers in it. It creates a bureaucratic mare's nest. I'm not saying this one is. But the potential is there.

A "MARE'S NEST"?

Yesterday, the Wall Street Journal, in an editorial entitled "Mare's Nest," commented on the remarks made by Mrs. Knauer on the multiplicity of agencies administering the Truth in Lending Act and said:

> Mrs. Knauer figures her efforts to promote more efficiency in consumer programs fits in with the administration plan to streamline the entire federal establishment, and we wish her well. Whatever they may accomplish for consumers, any steps to make Federal programs more rational are surely steps in the right direction.

I also noticed recently that in urging the establishment of an independent consumer agency of Government, some Members have used the argument that we need more centralization of consumer programs because "nine different agencies administer Truth in Lending."

Therefore, Mr. Speaker, I think some background information is due to Mrs. Knauer, to those Members of Congress who have expressed amazement at the truth in lending enforcement procedure, and to the Wall Street Journal, too, on how this arrangement came about.

Mrs. Knauer's comments were made in an interview discussing plans of her office to analyze the effectiveness of various consumer programs in the Government and to compare what they say their programs do with what the programs actually deliver. And that, of course, is an essential part of her job as Director of the Office of Consumer Affairs. I am sure all of the members of my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency want to encourage her in that work.

POLICY COORDINATION BY FEDERAL RESERVE BOARD

However, Mr. Speaker, I am disappointed that in singling out the enforcement-administration structure of the Truth in Lending Act as a potential "bureaucratic mare's nest" of probably overlapping, duplication, and diffusion of responsibility, Mrs. Knauer failed to note that, of the nine agencies involved in truth in lending, one agency alone—only one—the Federal Reserve Board—has exclusive, unshared, responsibility for setting the policies to be followed by all nine, permitting no variations by them in the enforcement policies under the act. All nine agencies are bound by the Federal Reserve's regulation Z and by the periodic amendments or interpretations issued by the Fed to that regulation. In writing the law, therefore, we were seeking to prevent exactly the kind of duplication and diffusion of responsibility Mrs. Knauer has referred to.

THE ROLES OF THE OTHER AGENCIES

Why, then, are eight other agencies involved? The answer is quite simple and, I believe, logical. The Truth in Lending Act applies to all lenders or vendors of consumer, agricultural, and residential real estate credit. Many of the lending institutions in this field were already strictly regulated—and regularly examined—by a variety of Government agencies; for instance, federally insured savings and loans are regulated on a day-to-day basis by the Home Loan Bank Board, national banks by the Comptroller of the Currency, member State banks by the Federal Reserve Board, State banks not affiliated with the Federal Reserve by the Federal Deposit Insurance Corporation, firms extending agricultural credit by the Department of Agriculture, and credit unions by another Federal agency, then located in the Department of Health, Education, and Welfare but now an independent agency, the National Credit Union Administration.

With virtually no increase in staff—no new bureaucracy whatsoever—the Government examiners who regularly visit and inspect the books and records and activities of the lending institutions under their normal jurisdiction are also assigned responsibility for expanding their auditing work to look into potential or actual violations of the Truth in Lending Act.

Furthermore, airline consumer credit transactions are regulated by the Civil Aeronautics Board and consumer credit extended by other carriers by the Interstate Commerce Commission.

Only one agency of the nine involved in truth in lending enforcement has had to expand its operations in connection with the enforcement of this statute, and that is the Federal Trade Commission—the ninth agency involved—which has jurisdiction under truth in lending over all retailers, mail order houses, automobile dealers, small loan companies, home-improvement contractors, door-to-door sales, and the rest of the credit firms in our economy not under day-to-day regulation by the other eight Federal agencies assigned truth in lending responsibilities.

ASSIGNMENT TO NATIONAL COMMISSION ON CONSUMER FINANCE

In addition, in writing the Consumer Credit Protection Act of 1968 which includes truth in lending as its title I, we created in title IV the nine-member National Commission on Consumer Finance to investigate the whole field of consumer credit, including enforcement under truth in lending, and to see what changes or improvements are needed in the law to make it more useful both to consumers and to legitimate business. Thus, I do not believe the architects of Public Law 90-321 can be held guilty of creating a nine-headed monster to be set free to pursue nine different, contradictory, unrelated, divergent and chaotic policies in the administration of this landmark law.

So I would urge Mrs. Knauer to look again at this matter. And we will do so, too—the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, where the act originated, will undoubtedly be holding "oversight" hearings soon on the operations of truth in lending and the other titles of the Consumer Credit Protection Act, and we will welcome any suggestions Mrs. Knauer may have for improvements she believes should be made in the coordination of enforcement work under truth in lending.

FEDERAL RESERVE'S WORK HAS BEEN OUTSTANDING

But, so far, I think the Federal Reserve has done a truly outstanding job on behalf of the consumer, and of business, too, in the promulgation of regulation Z and in the issuance of frequent interpretations and guidelines and of occasional amendments to regulation Z in improving its operation.

The Fed has done such a conscientious job, in fact, that the Board of Governors would now like to be relieved of the heavy policymaking responsibility it has been given to oversee the operations of truth in lending by all nine agencies. If the Fed had not done such a good job, I would be more than willing to hand this assignment to some other agency, but the fact is that its administrative supervision has been excellent.

FTC ALSO ACTIVE AND EFFECTIVE

The Federal Trade Commission, too, has carried out its broad enforcement responsibilities ably and vigorously. The other agencies have always responded to specific complaints I have called to their attention, but whether they have actively gone out looking for violations on their own is a subject I certainly want to pursue in any hearings we conduct on this matter.

The Subcommittees of Banking and Currency were not reestablished in this Congress until right before the Easter recess because of delays occasioned by new rules, and we have all been busy on full committee hearings since then, but I hope we can soon work out an agenda for the Consumer Affairs Subcommittee which will encompass the areas of our legislative responsibility, with particular reference to the operations of all six titles of the Consumer Credit Protection Act, including the newly enacted title VI dealing with credit reporting bureaus.

ASSOCIATED PRESS ARTICLE AND WALL STREET JOURNAL EDITORIAL

In the meantime, Mr. Speaker, I include as part of my remarks the AP article by G. David Wallace and the Wall Street Journal editorial referred to, as follows:

[From the St. Louis Globe-Democrat, Apr. 15, 1971]

CONSUMER CHIEF FEARS "AGENCY MARE'S NEST"

(By G. David Wallace)

WASHINGTON.—President Nixon's consumer adviser, who is preparing to measure the effectiveness of government consumer programs, says she's already suspicious of any program run by more than one agency.

"I get worried when I see a program administered by as many as eight or nine agencies," Virginia Knauer said in an interview. "When you have this diffused responsibility you cut down on the accountability."

She mentioned specifically the Truth in Lending Law, which is administered by the Federal Trade Commission, the Federal Reserve Board, the Agriculture Department, the Federal Deposit Insurance Corp., the Federal Home Loan Bank Board, the Bureau of Federal Credit Unions, the Controller of the Currency, the Interstate Commerce Commission and the Civil Aeronautics Board.

"I just couldn't believe so many people had their fingers in it," she said. "It creates a bureaucratic mare's nest. I'm not saying this one is. But the potential is there."

Mrs. Knauer bumped into the Truth in Lending maze set up by passage of the 1968 law after her office conducted a two-year survey to find all the consumer programs in the federal government. Overlapping and duplication make it impossible to determine the exact number of programs around, but the total has been estimated to be at least 300.

Now, Mrs. Knauer is in the process of hiring program analysts who will compare what various agencies say their programs do with what the programs actually deliver.

"Are those programs being responsive to consumers? This means we look into these programs from a specific point of view," said Mrs. Knauer. "This will be a continuing function. This will not be a one-shot affair."

[From the Wall Street Journal, Apr. 26, 1971]

MARE'S NEST

Mrs. Virginia Knauer, President Nixon's consumer adviser, has been looking into all the federal programs allegedly helping consumers. What she has found hasn't entirely pleased her.

As far as she and her aides have been able to determine in a two-year study, there are at least 300 federal consumer programs. The overlapping and duplication make it all but impossible to come up with an exact number.

Especially worrisome to Mrs. Knauer are programs administered by numerous agencies. She mentioned Truth in Lending, which is overseen by the Federal Trade Commission, the Federal Reserve Board, the Agriculture Department, the Federal Deposit Insurance Corp., the Federal Home Loan Bank Board, the Bureau of Federal Credit Unions, the Comptroller of the Currency, the Interstate Commerce Commission and the Civil Aeronautics Board.

"I just couldn't believe so many people had their fingers in it," she said. "It creates a bureaucratic mare's nest. I'm not saying this one is. But the potential is there."

Mrs. Knauer figures her efforts to promote more efficiency in consumer programs fits in with the administration plan to streamline the entire federal establishment, and we wish her well. Whatever they may accomplish for consumers, any steps to make federal programs more rational are surely steps in the right direction.

REPRESENTATIVE MOORHEAD RECOGNIZES RUMANIAN NATIONAL HOLIDAY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. MOORHEAD. Mr. Speaker, for 105 years the people of Rumania have recognized May 10 as the anniversary of the founding of the Rumanian dynasty, their first step toward self-government.

May 10 is still recognized by patriotic Rumanians as a symbol of their perseverance, despite foreign domination, to ultimately become free.

On this occasion, we in the Congress salute the brave Rumanians and the work of the members of the Rumanian National Committee in New York who have done so much to sustain their fellow countrymen and to speak out against tyranny, not only in Rumania but wherever people are held captive.

It is our hope—and our duty—to work for the day when all men will enjoy the right to choose their own way of life and their own government

---

PROJECT ALTERNATIVE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. KEMP. Mr. Speaker, the Amherst, N.Y., Central High School is undertaking a very ambitious project consisting of a 10-month field trip experience in which students and staff members become travelers across the United States not only to observe but to become involved in what is America. It is the intention of the students and staff to discover and study the facets of human interrelationships and relationships with the environment.

Another goal of Project Alternative is to provide opportunities to bring the knowledge learned in the classroom to bear upon observable reality, that is, to acquaint participants with problem-solving, decisionmaking procedures. The participants of the program intend to meet leaders of government on national, State, and local levels, scientists, artists, industrialists, labor leaders, conservationists, film producers, religious leaders, and others. In other words, America shall be the classroom. Students on the bus trip will learn of the complexities of modern society from the people who are vitally involved in the daily operation of it.

At this point, Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the Buffalo Evening News on April 1, 1971, by Bob Buyer concerning this Project Alternative, which has my total support. The article follows:

[From the Buffalo Evening News, Apr. 1, 1971]

AMHERST STUDENTS PLAN U.S. TOUR AS AN ALTERNATIVE TO CLASSROOM

(By Bob Buyer)

At Amherst Central High School they call it Project Alternative and if the 20 students and their faculty advisers carry it off, they will have added a new dimension to the educational process.

Project Alternative is a plan for a 10-month cross-country stop-and-go journey across the United States. It would begin next September.

The aims listed in a 13-page proposal are: (1) to discover the study the facets of human inter-relationships and relationships with the environment and (2) to provide opportunities to apply knowledge learned in the classroom to observable reality . . . to acquaint participants with problem-solving, decision-making procedures.

So far, the Amherst Board of Education has given a general approval of the idea, provided the students and teachers raise the required funds and meet other related obligations.

"We have an interim report for the Board of Education scheduled for April 12," said Richard A. McLaughlin, the school's learning resources center director who has guided the effort thus far.

Most of the 20 students who met Wednesday afternoon for their own conference said that their parents had consented to their participation. Each student would be required to pay $500 to cover daily contingencies.

To a vistor, the students described themselves as covering a wide spectrum of academic achievement.

"Our immediate aim," said one student, "is to raise money."

By their own estimates, the project will take from $24,100 to $63,750 to finance.

The Project Alternative proposal suggests that the school district's role would be largely the furnishing of supervisory personnel.

To raise the money, the students have sent a flurry of letters of foundations who support such projects, to church and educational institutions who might house them, to motor vehicle manufacturers who might supply them with a bus, to publications who might buy the story of their experience, etc.

In addition, the group recently held a book sale that netted $150 and this week-end its members are offering their services to local householders to build up their treasury more.

"We expect to work our way," a girl student said.

She listed the talents available for hire as restaurant worker, farm worker, carpenter, performer and arts and crafts.

"We had a letter from Gov. Ronald Reagan of California wishing us good luck," a student said, "But the California State parks director did better. He said that his agency would supply us lodging in exchange for some work in their state parks."

The plan is to move from area to area, staying in one place long enough to observe the area.

Teachers accompanying the students would stay with them on a two-week rotating basis, the proposal suggests.

Mr. McLaughlin made it clear that the student participants would not be taking a bus ride by day and doing "home work" at night.

"We feel that working all day, trying to understand the scene around them and performing daily living chores, is work enough," he said.

However, a system of regular film and written reports is planned as is a system of regular communication with home.

"Of course, we will be asking schools that we are near if they are interested in hearing and seeing any presentations of our experiences," he added.

The students said that the idea for Project Alternative was born last November and has been carried since then by the students.

Mr. McLaughlin sees the proposed trip as a step toward bridging the gap between students and the world and teaching students to adjust themselves to a group without loss of their individuality.

CINCO DE MAYO—A TRIBUTE TO MEXICAN VALOR

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, on May 5, the people of Mexico, and people of Mexican ancestrage around the world, will celebrate the 109th anniversary of one of freedom's greatest victories—the battle of Cinco de Mayo.

On May 5, 1862, a small volunteer force of Mexican patriots, led by Gen. Ignacio Zaragoza, turned back the massive, highly trained French army of Napoleon III at the small Mexican village of Puebla.

Napoleon's troops, bent on establishing an empire in Mexico City, were pushed back into the sea, and although the French later conquered Mexico City and set up a short-lived monarchy, the Battle of Cinco de Mayo remains for the Mexican people, a revered symbol of Mexican valor in the face of overwhelming odds. It stands as a monument to the profound love of Mexicans for their homeland, and to the indomitable Mexican spirit.

The message written into history on that memorable day in 1862, is of great significance to all the world, and especially to each of us in the United States. It served as a rallying cry for all Mexican patriots in the embattled years of foreign intervention which followed. It served as an appeal to the United States, which 4 years later, immediately after the Civil War, withdrew recognition from the French controlled monarchy and demanded that French forces leave Mexico.

Today, Cinco de Mayo stands as a tribute to all people of Mexican heritage, and as an inspiration to all of us who champion the cause of freedom.

It is with great pride that we join our Mexican friends in celebrating their independence, and in honoring their brave ancestors who fought and died for it on Cinco de Mayo, 1862.

FEDERAL FINANCIAL DISCLOSURE ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ANDERSON of California. Mr. Speaker, today I am introducing the Federal Financial Disclosure Act. This measure will require full financial disclosure on the part of Members of Congress, judges of the U.S. court system, Cabinet members, policymaking officials of the executive branch, and all officers or employees in the executive branch earning over $18,000 a year.

We, in the Congress, and in Government, are holders of the public trust—a very fragile trust that is occasionally eroded. We have the obligation to preserve the dignity and the respect for the Government that I feel she deserves, and I can think of no better way than to reveal to the public our holdings, and to report everything in which we might conceivably have a direct or indirect interest.

Mr. Speaker, I sincerely believe that the great majority of public officials are much more concerned with the affairs of the public than they are their own, however, we must insure that everyone is above reproach and is not in a position of influence simply for private gain.

The pay scales of those in the executive and legislative branch are at a level where outside income is not necessary to live comfortably. This is the way that it should be, first, so as not to limit Government service to only those wealthy enough to take the time to make our laws, and second, so that those in public office are working for the public and not for themselves.

Mr. Speaker, this act is simple. It calls for full financial disclosure by Members of the House of Representatives, Senators, Justices, and judges of the U.S. court system, the President, the Vice President, Cabinet members, and other policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission. Under the act, the following items must be reported:

First. Gross income of principal person and members of his immediate family.

Second. All honorariums and compensation payments, including names of sources and amounts—includes commissions, salaries, fees, and so forth.

Third. Gross income from business enterprises, including amounts, addresses, and names of businesses, and nature of the businesses.

Fourth. Itemization of gains from dealings in property, including names and addresses, and brief description of each transaction.

Fifth. Income from interest, including sources and amounts.

Sixth. Sources of income from rents, royalties, and dividends.

Seventh. Indebtedness, including names and addresses and aggregate amount.

Eighth. Itemization of income from partnerships or memberships in professional groups. Names and addresses for such payment that exceed $1,000.

Ninth. Itemization of income from estates or trusts in which principal has an interest, and nature of that interest.

Tenth. Report on all gifts exceeding $100 in value, including names and addresses of donors, amount or value of gift, and description thereof. Report shall also contain a list of gifts to the principal and his family which exceed $500 in value, including names and addresses of donors.

Eleventh. Report to contain list of assets held by principal and his immediate family. List to include value of each asset and brief description. Household furnishings and personal effects excluded.

Twelfth. Report to include names and addresses of each person or organization to whom the principal and his family owe at least $5,000. It also includes statement of total indebtedness.

Thirteenth. Report to include all funds used to defray expenses incurred by reason of his being an official member, candidate or judge, including names and addresses of all persons contributing to the funds, the amount of each contribution, the amount of each expenditure, and the purpose of each expenditure.

CRISPUS ATTUCKS: A MYTH OF THE BLACK STUDIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. RARICK. Mr. Speaker, faced with the latest changes in education to include the rewriting of many of our textbooks, our educators would do well to separate truth from fantasy and compensatory placation.

Those who promote black study courses eulogizing Crispus Attucks as a black hero of the American Revolution will be sorely disappointed to learn that Attucks was not a Negro and died in a riot 5 years before the Revolution began.

Research on Crispus Attucks was compiled by Mr. D. Stanton Hammond, past president of the New Jersey Society of the Sons of the American Revolution, and appeared in the April 1970, edition of the Jr. O.U.A.M. Councilor:

HISTORY OF THE AMERICAN REVOLUTIONARY WAR

In our study of the teaching of American History in our High Schools we had some schools suggest more teaching of Black History. We recently received the Following article which we submit for your perusal.

"The Revolutionary War seen historically after nearly 2 centuries presents many problems. The problems are still being discussed. One problem centers on the various elements composing our country's population today. Over the years, various parts of our conglomerate population have urged recognition of some special individual whose contribution in the Revolutionary War could be identified with that particular nationality. So we note the honoring of Lafayette, Steuben, Koscuiszko, Frank, DeKalb, Haym Solomon and many others. Each of these men—heroes, as you like it—have established niches in the Revolutionary War history and have long been accepted as such. This is highly proper.

Now due to the quite proper emergence of the present civil rights development, some would seek a similar hero for our colored citizenry's emulation and have begun to tailor the Revolutionary War history to find and fit such a hero. The so-called Boston Massacre occurred in 1770—5 years before the Revolution began. In that tragedy five rioters were killed, who named alphabetically were:

Crispus Attucks, colored mulatto from Framingham, Mass.

James Caldwell, white man of Boston.

Patrick Carr, immigrant Irish sailor.

Samuel Gray and Samuel Maverick, (White men from Boston docks.)

The court minutes of Suffolk County (Province of Mass.) of the Superior Court of Judicature at Boston are available, both in the records there and in some co-temporary books published in Boston. A copy is available in the Library of Congress and in the private libraries of serious students of Revolutionary War history. The record discloses that the shootings occurred in the course of defending the sentinel at the Government's Customs House. Eight British soldiers of the 29th Regiment were indicted by the Suffolk County Grand Jury for the 5 deaths. The Jury's verdict at the trial freed 6 of the soldiers, convicted 2 of manslaughter and sentenced them—with so called "Benefit of Clergy"—to a "Burning in the Hand in Open Court" in accordance with the "Law of the Land" of those times.

Now the move to make Crispus Attucks a national hero figure in Revolutionary War history is to establish very different criteria from whose which delineated Steuben, Lafayette, DeKalb, Frank et als., as such. To get an appropriate hero for the colored part of our populatiton to emulate, is a proper and laudable motivation. There are men of color—and women, too—in our history quite worthy of anyone's emulation. For instance—Booker T. Washington is outstanding. The colored regiment that fought in the Battle of Rhode Island, earning their personal freedom, thereby—and many others.

Crispus Attucks was not killed in the American Revolutionary War. His fighting partook more of today's philosophy of Rap Brown and Stokeley Carmichael. Let those interested in a colored hero seek out one—but not by re-writing history of the American Revolutionary War—glorious as it is and drab too but not needing spurious embellishment."

(NOTE.—We feel this very timely since there is presently in our Legislature, Assembly Bill No. 212 which amends the present

N.J. Statue 18A:35–1 which requires a 2 year course in American History in the High Schools of our State.

Bill No. 212 would amend 18A:35–1 to read The Superintendent of schools in each school district shall prepare and recommend to the Board of Education of the district, and the Board of Education shall adopt a suitable two year course of study in the History of the United States to be given to each student during the last 4 years of High School. Said course of study shall include materials recommended by the Commissioner dealing with the history of the Negro in America.

We feel this Bill is loosely drawn up and with the knowledge of the misguidance as shown in the article above. Manufactured history to suit the purpose of the present endeavors of certain groups might well lead to many untrue references. We oppose this Bill in the present form and ask that you urge your legislators to do likewise by having it recommitted to committee for revision.)

MASSACHUSETTS SMALL BUSINESSMEN OF THE YEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. CONTE. Mr. Speaker, last Friday, April 23, 1971, it was my great pleasure to speak at the spring meeting of the Massachusetts Advisory Council to the Small Business Administration in Springfield, Mass.

I was doubly honored at that time to be asked to present the award to the Massachusetts Small Businessmen of the year to two outstanding businessmen and community leaders from the Worcester area, Mr. Arthur L. Herring and Mr. Norman Shulman.

It would be superfluous for me to attempt to summarize the outstanding record that these gentlemen have made since they started their business careers back in 1953. Instead, I wish to call the attention of my colleagues to a brief account of their accomplishments that was put together by the New England regional office of the Small Business Administration. I am sure that all who read this account will be tremendously impressed by their record.

It is small businessmen like Arthur Herring and Norman Shulman who help to make this country great. As the senior Republican on the House Small Business Committee, I frequently have occasion to run into the many problems that individual small businessmen and our Government agencies have in attempting to do what they can to promote this vital sector of our economy. All too rarely do I have a chance to learn about the success stories. Surely this is one of them. Mr. Speaker, I know that you and all of my colleagues join with me in extending my heartiest congratulations to Arthur Herring and Norman Shulman for their outstanding record, and join with me in wishing them the best of luck in their future endeavors.

The material referred to follows:

MASSACHUSETTS SMALL BUSINESSMEN OF THE YEAR

In 1952, following the Korean War, three men in a 15' x 15' ground level store on a back street in downtown Worcester, with $150 in capital and $1,000 in borrowed funds, started in the business of buying, selling and installing aluminum storm windows and doors on a retail level directly to the home owner.

Thus, William Herring, his son, Arthur, and Arthur's boyhood chum, Norman Shulman, started the Modern Manufacturing, Inc. of Worcester.

From the small quarters on Spring Street, the partnership soon expanded to a factory loft on Front Street. On October 1, 1953, the partnership was organized into a corporation which has continued since then. At about this same time, the company began buying the window components known as "knock-downs" and set up its own assembling operation. In 1954, the young company made its third move to larger quarters as sales grew and more employees were added. In the larger quarters, on Casco Street, the company was able to begin the manufacture of complete windows. In 1957, a wholesale business was developed primarily in the window line. The company was now able to sell windows either assembled or "knock-down" just as they had been buying them only three or four years earlier.

With sales of $308,911 in 1957, the growth necessitated another move late in 1958—again to larger quarters on Brussells Street in Worcester. In December of 1959, an application was presented to the Small Business Administration, in participation with a local bank, for a loan in the amount of $50,000. The purpose of the loan was to enable the company to acquire new machinery and to increase working capital, all with the ultimate objective of manufacturing a "knock-down" line of doors to supplement the line of windows which the company was then manufacturing. Sales for the fiscal year 1959 were $280,322 and had climbed to $560,436 by 1961 thus requiring additional capital in order that the trend of volume expansion could continue and thus in July of 1961, again in participation with the same local bank, a second loan was granted by the Small Business Administration.

At the time of the second SBA loan, the principals forecast sales as a result of the loan to be over one-million dollars annually and that figure was reached in fiscal 1965, with sales in excess of $1,300,000.

In 1965, with sales rapidly growing, employees totaling 75, more space was vitally needed. The logical step was additional space at their present Brussells Street location, which was only possible if they purchased the entire mill complex. With the assistance of a local savings bank, the partners formed a real estate trust, purchased the building and today occupy 200,000 square feet of the plant.

Always aware of changing patterns in their business, Arthur and Norman became aware of the growing demands for pre-hung, pre-assembled wooden window units and in 1968 purchased the Franklin Window Company, manufacturers of wooden prime windows. Franklin was a natural ally to their aluminum door and window process and integrated into that operation.

With the rapid changes in architectural designs, changes in specifications, etc., the time came to think about Insulated Glass—Safety Glass and the processing of Insulated Glass Units into Tempered Glass. In 1968, together with a wholesale distributor of Glass and Glass Products, The Solomon Glass Co., Arthur Herring and Norman Shulman, (Arthur's father had retired in 1965 to enjoy the Florida fishing and sun), formed a new company—called Air Space, Inc. to manufacture Insulated Glass, a product of which Modern Manufacturing was a prime user. The success of Air Space, Inc. was instantaneous. From sales of $534,000 in their first year, 1968, they climbed to $907,967 in their third year, 1970.

With this growth came the demand for Tempered Glass—Glass that through a heating process becomes shatter-proof. The availability of this type of glass was limited, the demand for the glass was unlimited, thus it was only natural that steps be taken to produce their own tempered glass. A subsidiary of Air Space, Inc. was formed, Glass Guard Industries, Inc. An application was submitted to the Worcester County Development Company for an SBA 502 loan for a new plant to house Air Space Inc. and Glass Guard Industries, Inc. with provisions for the tempering of glass.

In 1970, the SBA 502 Program, together with a group of five Worcester area banks, granted a loan of $1,020,000 to the Worcester County Development Corp. to build a new 60,000 square foot plant in Webster, Mass.

Thus from a ground floor store with 225 square feet, no employees but Arthur Herring and his father and Norman Shulman and total sales of $25,000, Arthur and Norman have developed a business that occupies over 300,000 square feet in two locations, employ some 275 employees and will have total sales in 1971 of approximately 4 million dollars.

As the business grew, so grew Arthur Herring and Norman Shulman's interest in their community.

In cooperation with the Sheriff of Worcester County, they developed a Work Release Program for the inmates of the County Jail; men who had run afoul of the law were given a new opportunity.

Every day, morning and night, taxicabs paid for by Modern Manufacturing arrive at the County Jail, pick up ten to twelve inmates who then work a full day manufacturing doors and windows at the same rate of pay as all other Modern Manufacturing employees. At the end of the work day, the inmates are returned to the jail—to serve their sentence—their pay sent to the Sheriff to be forwarded to the families of the inmates. The record—no problems of any type.

Arthur and Norman also had long been interested in the problems of retarded children. Arthur had served as Chairman of the Worcester Area Society for Retarded Children Fund Drives and so it was only natural that the Worcester Area Occupational Center for Training the Mentally Retarded would ask their assistance in providing both training and employment for the mentally retarded. This they have done and again the results—no problems of any type.

At the New Tempered Glass Plant in Webster, a community that had a 10 million dollar industrial fire that resulted in the loss of some 1000 jobs, they have entered into an agreement with the National Alliance of Businessmen and the United States Department of Labor, to participate in a program called JOBS, which is designed to hire and train and re-train in meaningful jobs, disadvantaged people without regard to race, sex or creed.

To accomplish all that they have in eighteen short years has depended on the employee relations that are a vital key to their success. Few companies in existence today can state that they have not lost a key employee since their inception. Arthur Herring and Norman Shulman make that statement. Loyalty is derived from an inner sense of mutual respect between employee and employer. Modern Manufacturing boasts that it has the finest group of employees. Such devotion within the competitive world is rare, yet key employees have remained to find the satisfaction of challenging positions.

Herring and Shulman's application of the life philosophy in their business is also their way of life.

Arthur Herring and his wife, the former Ruth Feuer, are the parents of four children, Abby, Debbie, Jonathan and Zachary. Deeply interested in the problems of mentally retarded children, Arthur has served as Chairman of the Fund Raising Projects Committee of the Worcester Area Mentally Retarded Children's Society. He is also the Chairman of the Board of the Yeshiva School, Worcester, Mass.

Both Arthur and Norman are devoted to the civic activities of their community, both being active members of the Masons, Knights of Pythias, B'nai B'rith and contributing members of the Jewish Community Center.

While Arthur devotes considerable time to the causes of mental retardation, Norman Shulman and his wife, the former Gladys Perlow, who are also the parents of four children, Elaine, Ellen, Robin and Sandra, devote their time to the local Parent Teachers Association and are active participants in the affairs of the Community Chest.

Arthur Herring and Noman Shulman have the conviction that helping others help themselves is a responsibility each has to the other.

Modern Manufacturing, Inc. of Worcester and its affiliates, Air Space, Inc. and Glass Guard Industries is such a creation. Provided with Government funds and vitality, these two dedicated men have integrated their ideas and personalities into a constantly forward moving venture.

Throughout their participation in this venture, Arthur Herring and Norman Shulman have continually found ways to help others in the community, directing the benefits of their own help and success into other widening circles.

FEDERAL CITY COLLEGE CORRECTS INEFFICIENCIES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MIKVA. Mr. Speaker, as a member of the District of Columbia Committee, I recently received a letter from Dr. Harland Randolph, president of Federal City College. In his letter Dr. Randolph enclosed a copy of a recent article which appeared in the Washington Post discussing inefficiencies in recordkeeping at City College. As Dr. Randolph pointed out in a letter to the Washington Post, the article misrepresents the situation at City College to the point of inaccuracy. The article was based on a report written by Julius Hobson which was prepared in 1970. Some of the conditions stated in the report, and reported by the Post as though they were currently in existence, have been remedied already or are in the process of being remedied. In the hopes of correcting any misimpressions which may have been created among my colleagues as a result of the Post article, I am inserting in the RECORD Dr. Randolph's letter to me, a copy of the Washington Post article referred to, and a copy of Dr. Randolph's letter to the Washington Post explaining what progress has been made to correct the problems discussed in Mr. Hobson's 1970 report:

FEDERAL CITY COLLEGE,
April 7, 1971.

Hon. ABNER MIKVA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: On April 3, 1971, *The Washington Post* ran an article that did not include available information which would have changed the nature of the article.

The enclosed letter to the Editor provides the additional information. *The Post* article deals with a situation that has been corrected.

The inefficiencies cited no longer exist at the level stated in the article.

Sincerely yours,
HARLAND RANDOLPH.

HOBSON CITES INEFFICIENCIES AT CITY COLLEGE

(By Lawrence Feinberg)

A 64-page report, prepared by Julius Hobson, contends that Federal City College suffers from such "constant administrative inefficiencies" that its officials have little precise idea of what the school is doing.

Hobson, a former city school board member who recently lost a bid to become D.C. Congressional delegate, wrote the report under a $2,000 contract with the college administration.

Wednesday he held a press conference at which he emphasized the positive aspects of the report, most of which describes the origins and programs of the college and its expected economic and social benefits for the city. The report ends with an appeal for more funds for the 3-year-old institution that has received much less money than it asked for from Congress.

But the report also describes Hobson's major difficulties in getting information about the school.

"Such vital information as the current number of students majoring in each department was never located," Hobson wrote, "and no one could suggest where such data might properly be found . . . We were constantly sent from one administrative officer to another, always with the promise that the new person would be able to answer all questions. That, too, never happened."

In the report Hobson said some of the difficulty may have been caused by the college's unexpectedly rapid growth and limited clerical staff.

In an interview this week he was more sharply critical.

"I'm a friend of theirs," Hobson said. "I'm not trying to hurt them. But if they don't get some kind of organization the college isn't going to last. . .

"If Congress ever gets smart," he added, "and starts asking questions, they'll be in trouble."

James Brown, executive assistant to college president Harland Randolph, said Hobson's criticism was "nothing new." He said some of Hobson's difficulties in gathering data may have been caused "by the reluctance of people to talk to him because the college has always been under attack since its inception."

Brown emphasized Hobson's support for the college's general purposes.

Previously college officials have ascribed the poor record-keeping to problems in setting up a computerized accounting system.

In the report, Hobson said that "statistics we expected to find completely tabulated had to be compiled instead at our request.

"The very long delays and repeated inquiries on our part which followed such requests went unrewarded and unanswered however, and much of the specific information we sought, though repeatedly promised by certain dates, was never supplied.

"After what promised to be endless postponements, and delays," he wrote, "we were forced to resign ourselves to the limited data we had, despite the fact that frequently these numerical data were incomplete and inconsistent."

On Wednesday Hobson said he was calling the press conference because he wanted to make sure that "racists and Uncle Toms" did not use the report's findings to hurt the college. Hobson said he was afraid that the story in The Washington Post would be distorted.

Hobson was assisted in preparing the report by Toby Edelman, staff member of the Washington Institute for Quality Education, a private research group which Hobson formed in 1969. Before that, Hobson was an economist for the Social Security Administration for more than 20 years.

FEDERAL CITY COLLEGE,
April 6, 1971.

Mr. HARRY ROSENFELD,
City Editor, the Washington Post,
Washington, D.C.

DEAR MR. ROSENFELD: Your article, "Hobson Cites Inefficiencies at City College" (April 3, 1971), is misleading to the point of inaccuracy, particularly since currently available information about the condition of student records at Federal City College was not included.

The article leaves the reader with the impression that the Hobson Report refers to an examination of the College conducted in 1971. The public should know that his report was completed almost four months ago and that the work on the report was started in March, 1970. Since that time, much progress has been made to clarifying the College's student records.

The charge of inefficiency in the state of student records is reported as though it were brand new information in spite of the fact that the Post alone has run more than eight articles in September–October, 1970 informing the public that the records of the College have not been in proper condition.

When we asked Mr. Julius Hobson to develop a model for predicting or estimating the economic impact of the College on the District, we told him that hard data in an easy-to-secure form was not available. He was asked to develop a model that could be used once the information became available. During the entire time that Mr. Hobson was researching and writing his report, the College was taking action to correct inefficiency.

What is the current status of student records? Approximately 45 percent of the student records are now in operational condition. *By July 30, 1971, all student records will be complete.*

Your readers are entitled to information about the incomplete status of student records and about the reasons for this situation. Information that is normally expected to be a part of a student's record in an educational institution has always been available at Federal City College. However, because the College was not equipped with adequate centralized record-keeping capabilities in the beginning a considerable number of man-hours of work was required to reconstruct records for individual students by manual means.

Major problems were encountered in reconstructing the record of an individual student and converting this information into easily retrievable form: (1) Data was originally placed on a computer that was not correctly programmed; (2) In some cases, the information needed was not in the central office of Records and Research, but had to be obtained from files of the various departments or faculty members, and (3) In order to provide the data on all students for reports such as the one by Mr. Hobson, it was necessary to construct a complete, centralized records system.

We have taken the following actions to correct the situation: Student records in the Office of the Registrar, department files, and instructor folders have been collected and key punched. Several million bits of information have now been processed into individual student records.

The computer print-outs of individual student records are being associated with original documents and placed into individual student record folders. The Director of Admissions and Records and the Registrar informed me by memorandum dated March 23, 1971, that the record keeping and retrieval system will be completed by the end of July.

The major hurdle remaining is the man-hours required to get original documents into the individual student files so that computer records can be verified. The information that was not available for the Hobson Report is now available in a usable, easy-to-secure form.

While the College has had to work to get the records for undergraduate students in proper condition, the records for graduate students have always been in proper condition. Even during the period when a manual search of records was necessary to construct a student's transcript, the College was able to accomplish this for students who needed transcripts for graduation or transfer to other colleges.

A review of the current status of the records and the corrective actions that are now underway, might have changed the headline on your story from "Inefficiencies at City College" to "City College Corrects Inefficiencies".

Since the first of the year, more than fifteen professionals and authorities in the field of education have evaluated administrative units of the College. Their reports indicate that the College is either at or above standard for its stage of development. This does not mean that the College is performing as well as it should or as well as it desires. It does mean that the tone of the article, focusing on past inefficiencies without describing any present efficiencies, fosters a misinterpretation.

The institution about which a story is written and the writer of the story, often disagree about the content or the focus of the story. Such disagreement is normal, and is not the subject of this letter. However, I do believe that the public, and particularly Federal City College students themselves, should be provided current information and should be told that records for all students are available and will exist in easily-retrievable form early this summer.

Sincerely yours,

HARLAND RANDOLPH.

FREEDOM OF CHOICE FOR FEDERAL EMPLOYEES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, freedom of association received a boost recently with the introduction of H.R. 2569, the Federal Employee Freedom of Choice Act of 1971. The purpose of this legislation, as outlined in section I of the bill, is to assure that:

> Each employee of the Federal Government shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

The second section of the bill clearly prohibits joining a union which "asserts the right to strike against the Government of the United States or any agency thereof," or assisting or participating in any such strike. Strikes of this kind are illegal under present U.S. law. The bill also prohibits joining any organization which "advocates the overthrow of the constitutional form of government in the United States."

The bill is designed to establish, in the law, protection of Federal employees against the abuses of compulsory unionism. In other words, any Federal worker will be free to join or not to join a union—and this will have no bearing on his condition of employment with the Government. The legislation will avoid "agency shops" and will eliminate the hazard posed by the threat of crippling strikes at our highest level of Government.

Although this right exists at the moment, it is subject to change by Executive order—at the whim of the President. President Kennedy temporarily insured voluntary unionism for Federal employees by Executive order in 1961. President Nixon reaffirmed this policy with Executive Order 11491 in October of 1969. Nevertheless, until this basic freedom is codified in the law of the land by Congress, the assurance of voluntarism for Federal employees is subject to change at any time.

Voluntary labor-management relations have a strong basis in the tradition of our country. Nineteen States presently have "right to work" laws and the Congress recognized the right last year when the House decisively rejected compulsory union membership for postal workers. Postal workers represent 25 percent of the Federal work force, and I feel it is time to extend these permanent "right to work" guarantees to the other 75 percent of our Federal employees.

Another indication of widespread support for this legislation is the fact that the 25 Congressmen who have joined me in cosponsorship of the bill represent the maximum number of cosponsors allowed under House rules. Additionally, the Republican Party platform of 1968 unequivocally pledges "right to work" protection for Federal employees. President Nixon, as a candidate, made it clear that he intended to propose legislation to:

> Recognize the right of a Federal employee to join an employee organization if he chooses to do so.

Considering the kind of support which has been indicated for the bill, I have high hopes that this session of Congress will see its enactment. To deny such protection to our Federal employees, to subject them to the vicissitudes of compulsory unionism, would be to slap the principles of freedom and voluntarism, on which this Nation was founded, squarely in the face.

THE WHITE HOUSE CONFERENCE ON YOUTH IS NOT REPRESENTATIVE OF AMERICAN YOUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. RARICK. Mr. Speaker, the approximately 1,000 young delegates aged 14 to 24 in attendance at the recently concluded White House Conference on Youth are described by a Washington Post staff writer as a systematically selected and thoroughly certified cross section of American youth. The group was put together with "no little care" and was "placed on the Nation's docket by the President himself."

The reader is led to believe that this group speaks for the overwhelming majority of the young people of America by their declarations for legalizing pot, complete emancipation at age 18, sexual freedom, and for J. Edgar Hoover's scalp.

The article mentioned the names of only two participants. One of them was David Ifshin, president of the National Student Association. This organization has passed such Communist-backed proposals as the calling for abolition of the House Committee on Un-American Activities, admission of Red China to the United Nations, inclusion of the Vietcong—National Liberation Front—in any negotiations for a ceasefire, and supporting the free speech movement at the University of California at Berkeley—a movement which California legislative investigating committees and the Federal Bureau of Investigation have deemed as infiltrated by radical leftwing extremists.

The NSA actively supported the Student "Non-violent" Coordinating Committee (SNCC), the militant black nationalist student organization which coined the term "black power." The NSA also played a role in aiding Communist Algerian students to get into American universities where they received training to fit them for important roles in the revolutionary struggle against the West.

The national chairman who directed Nixon's White House Conference on Youth is Stephen Hess, a financial protege of the wealthy and notorious Stern family of New Orleans. Hess has been instrumental in revolutionary causes as an associate fellow of the infamous Institute for Policy Studies, financed by the Edgar Stern Family Fund, Ford Foundation, and Warburg fortune.

As Americans watch with disgust and outrageous indignation the disruptive tactics in the Nation's Capital by the shock troops of an alien ideology, many must wonder who is masterminding and bankrolling these morbid assaults against the decency and moral fiber of our people.

The Institute for Policy Studies is readily identified as the strategic command post of the planned violence and terror rampant in Washington, D.C. See CONGRESSIONAL RECORD, volume 116, part 28, pages 37417–37422.

Arthur Waskow, senior fellow of the Institute for Policy Studies, and Rennie Davis, a leader in the current anti-American disruptions in Washington, participated together in a conference of radical groups from all over the United States in Milwaukee the last weekend in June 1970.

The following information is taken from a documented report of the Church League of America, 422 Prospect Street, Wheaton, Ill.:

> At the Milwaukee conference, he [Waskow] and Rennie Davis (convicted in the Chicago conspiracy trial) took part in the Student Resistance Summer Conference Workshop and presented a detailed plan for "liberating" Washington, D.C., as a protest against the United States involvement in the war in Southeast Asia. The proposal was linked to five demands:
>
> 1. The immediate withdrawal of all U.S. troops from Southeast Asia.

2. The immediate provision of $5,500 a year guaranteed income for every family of four.

3. The immediate liberation of all political prisoners, including the Black Panthers, the Conspiracies, the draft resisters, and G.I. deserters.

4. The immediate liberation of the people of Washington from their special colonial status.

5. The immediate end of the complicity of all American institutions—colleges, universities, corporations, synagogues, churches—with the war machine and the machinery of police repression at home.

Preparations for the "liberation" action include the formation of "new liberation Collectives and Brigades, and strengthen those collectives already in existence so as to do local organizing against local institutions of genocide and to prepare for the Disruption/Liberation of Washington." The date the various brigades are to converge on Washington is as yet undetermined.

The Liberation Brigades intend to spend "at least a week" in Washington and to achieve their ends write that "stopping Washington" means:

1. Holding teach-ins with Federal employees, inside their agencies, on the real effects of their agency's policies.

2. Demanding to meet with the General Staffs of genocidal agencies like the Army, CIA, HEW, etc., so as to receive full disclosure, with documents, of their policies and decisions over the last 20 years—that demand to be enforced by closure of the agencies if necessary.

3. Holding public, televised interviews on the Capitol lawn of Members of Congress who have supported genocide at home or abroad—that process to be enforced by sit-downs at the Capitol if necessary.

4. Blocking the bridges and highways to the Pentagon and the CIA.

5. Halting the machinery of conscription and enlistment.

6. Stopping the collection of taxes for war and repression.

7. Opening up all the government's hospitals, cafeterias, etc., to all people.

8. Liberating some Federal agencies, as the Peace Corps was in May, to serve the real needs of real people.

9. Turning over military reservations to people who need housing.

And many, many other actions.

Throughout the process, the Movement will work and act not as an atomized mass of thousands of lonely individuals under the command of an Executive Committee, but as a multitude of collectives, each of which has decided how to carry out its own commitments. Some collectives may decide to act in classic Gandhian style, to fill the jails; others may seek to remain sufficiently mobile as to avoid arrest. But all will be dedicated to stop the work of genocide.

Doubtless this plan is designed to implement a Waskow theory published in the Saturday Review in 1965 when he wrote that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

We have gone into detail on Waskow because his appears to be the dominant voice of the Institute for Policy Studies. The plan he and Rennie Davis proposed at the Milwaukee conference will no doubt become IPS program.

The "representative" group of American youth, who attended the White House Conference on Youth and who are "fed up with the status quo and wanted change—indeed, even radical change," concluded their final conference report as follows:

Out of the rage of love for the unimplemented principles we here assert, we challenge the government and power structures to respond swiftly, actively and constructively to our proposals.

From the similarity of the demands for change made by President Nixon's White House Conference on Youth under the tutelage of Stephen Hess and I.P.S. and by the motley group of radicals presently agitating in the Nation's Capital as well as the likeness of the radical background of their leaders, it seems logical to conclude that the purpose of both groups is to provide pressure from below—grievances to justify implementation of their demands through more socialistic legislation by their counterparts in power at the top. The trap is set.

And today the House by voice vote passed H.R. 5674 to increase to $4 million the appropriations for the Commission on Marihuana and Drug Abuse. It is understood that a number of young people are to be appointed to serve as members of the Commission.

It remains to be seen what role the Institute for Policy Studies and Stephen Hess' "whiz kids" will play since one of the grievances of the White House Conference on Youth was to legalize "pot." The American people should not be surprised when the $4 million study on marihuana and dope investigation concludes with a finding that there is no proof that marihuana is harmful and a recommendation that it be legalized.

This is almost instant pressure from the top in reaction to the pressure applied from the bottom by the President's White House Conference on Youth.

A further reasonable deduction can only be that the White House Conference on Youth is most definitely unrepresentative of the great majority of young people of America.

I insert a news clipping to follow my remarks.

[From the Washington (D.C.) Post, Apr. 25, 1971]

The Grievances of "Junior" Middle America—The White House Conference on Youth

(By Eric Wentworth)

Estes Park, Colo.—It was, well, common knowledge that a certain modest fraction of young America was fed up with the status quo and wanted change—indeed, even radical change—in government policies, in laws, and in the institutions of their society.

But nobody was sure how big the fraction was, which made it convenient for President Nixon, or Vice President Agnew, to dismiss the campus malcontents as a trifling 2 per cent or so of the college population, and therefore of little consequence by comparison with the great majority of sensible young people, out there in the heartland of Middle America. They could even dismiss college students collectively as representing less than half of their 18–21 age group. The revolt of the young, we were told, had been distorted by the attention paid to a noisy few, by the media.

And that may be. But that is not the message from the White House Conference on Youth, which has just concluded its allotted four days at a rustic YMCA camp high in the Rockies. The point about this gathering, is that it was supposed to be something else; it was placed on the Nation's docket by the President himself, and it was put together with no little care.

The nearly 1,000 young delegates, aged 14 to 24, were billed in advance as a systematically selected, wall-to-wall sample of their entire generation: in demography, geography, ideology, family background, education, experience and lifestyle. Here, if anywhere, one would hear from Junior Middle America. The more than 400 adult delegates, who by and large joined fully in the intense, round-the-clock deliberations, were also supposed to be "rich in differences."

So what happened?

The answer suggests the need for a fresh appraisal of this country's youth—and for some drastic new arithmetic. For the fact of the matter is that large majorities of this thoroughly certified cross-section of American youth said loud and clear that they want Mr. Nixon to stop shooting and bombing in Indochina at once and to pull out every soldier by year's end. They want J. Edgar Hoover's scalp. They want legalized pot.

For themselves, they want the full legal privileges of adulthood—not just voting—at age 18. For all minorities, they want a government that responds, not one that represses. For every citizen, they want broader individual rights—including "the right to do whatever is necessary to preserve these rights."

David Ifshin, president of the National Student Association and an outspoken foe of the Indochina war, complained privately the first day that the delegates lacked "coherence." But in the course of four days, this diverse conclave proved to have remarkable coherence on the war and many other issues.

At the outset too, the Left protested that the whole conference was tainted by purported White House influence: picking a remote site, stacking the meeting with pro-administration delegates, and arranging the program to frustrate a full airing of major questions.

But the Left had scant grounds for complaint when the final task force recommendations and plenary session votes were added up. It was a tribute far less to any maneuvering on their part than to what proved to be the conference's dominant spirit.

One possible distortion in the youth representation was that most young delegates could be called activists: whatever their politics, they had made a name for themselves in one way or another.

Thus, though some delegates were tagged as "silent majority" spokesmen, whatever views may be held by politically and socially passive young people were less than fully represented.

Young activists of today, however, will more than likely be the adult movers and shakers of tomorrow. For that reason alone, results of this conference demand the President's—and the nation's—attention.

Some would gauge the conference's "success" by its mingling of young and old, Left and Right, black and white, and the broadened human understandings that might result.

On this score, results were mixed. Youths and adults easily bridged the generation gap on all but a very few issues such as sexual freedom. In meeting after meeting, young and old would line up together on each side of the issue at hand.

Less successful, to some, was the bewildering proliferation of caucuses: blacks, Chicanos, Indians, Italian-Americans, GIs, anarchists, women's liberationists, Future Homemakers of America, Appalachia residents and state delegations, among others.

"What we came here for was to unite American youth, not divide them," complained 24-year-old Stephen R. Frank of Los Angeles who heads a group called Voices in Vital America.

At night, however, young people of all colors danced together to a Wisconsin rock band called "Crank." And Jerry E. Cook, a 23-year-old white from California, found delight in his Puerto Rican cabin mates who played guitars and sang from midnight 'til breakfast.

A major reason for picking a site far from Washington was to convene influential adults in a setting where youths would have their undivided attention. Some failed to show. But one senator, Republican William Brock of Tennessee, and at least nine House members were here for part or all of the time—joined by assorted other government policymakers, university presidents, prominent church men, and industry leaders.

Actor Bill Cosby was reportedly kept away by the bad weather. But some people here saw the snow, which fell Monday and Tuesday and resumed Wednesday night, as a "plus" for the spirit of the conference. National Chairman Stephen Hess' staff won points by lining up hundreds of Army parkas, plus plastic bags and later boots for the feet, to help delegates cope with a common natural adversary.

Others would judge the conference's success by its product. Here the stacks of reports and resolutions, often written at frenzied speed in the wee hours, speak for themselves.

Some contain more rhetoric than substance, put forth hazy ideals instead of practical solutions. But many meet the "clear and tough minded" standard which Health, Education and Welfare Secretary Elliot L. Richardson called for at the opening Sunday night session.

And there is persuasive eloquence in what will be the preamble to the final conference report. "Out of the rage of love for the unimplemented principles we here assert," it concludes, "we challenge the government and power structures to respond swiftly, actively and constructively to our proposals. We are motivated not by hatred, but by disappointment over—and love for—the unfulfilled potential of this nation."

OUR DOUBLE STANDARD IN INTERNATIONAL TRADE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROSENTHAL. Mr. Speaker, I have been concerned for some time with the problem of the moral and legal responsibilities of the United States in protecting its overseas trading partners from hazards discovered in American food, drug, and cosmetic products. American domestic legislation unwisely exempts export shipments from many food and drug safety provisions.

Stanford Sesser, writing in the New Republic for March 6, 1971, mentions some of the shocking consequences of our failure to respond to this problem. I have, for some months, been preparing legislation to remedy this legal and moral gap in our trade law, and to extend to international trade at least the same consumer protection that we attempt, however inadequately, to provide for our own public.

Mr. Sesser's article, which I hope my colleagues will find useful in considering the proposed legislation, follows:

PEDDLING DANGEROUS DRUGS ABROAD—SPECIAL DISPENSATION

(By Stanford Sesser)

The hazards of Parke, Davis & Co.'s controversial antibiotic, Chloromycetin, are so well known by now that many physicians shudder at the mention of its name. Just a few years ago Chloromycetin was commonly used for treatment of infections; now, thanks to the reams of adverse publicity, its sales in the United States have declined sharply. The problem with the drug is that it can produce a frequently fatal blood disease, aplastic anemia, as a side effect. Aplastic anemia means that the bone marrow stops manufacturing blood cells; if treatment fails, as it often does, the patient dies. In 1967 the *Journal of the American Medical Association* reported that of 288 cases of aplastic anemia associated with Chloromycetin, 12 percent of the patients had been treated with the drug for a common cold.

Now, however, the Food and Drug Administration has forced Parke, Davis to make the hazards of Chloromycetin clear in its package inserts and in information supplied to doctors. The new insert warns of "serious and fatal" blood diseases, says that the drug "must not be used when less potentially dangerous agents will be effective" and cautions that Chloromycetin "must not be used in the treatment of trivial infections." Today it is recommended as a drug of choice only for typhoid fever.

In view of all this, one might legitimately wonder why the Defense Department purchased 10,642,200 capsules of Chloromycetin from Parke, Davis last year—enough to provide three doses for every single member of the armed forces. The answer will provide another nice little footnote to the history of our involvement in Southeast Asia. Very few of the capsules went to Defense Department hospitals, where use of Chloromycetin is carefully regulated. Instead, almost 10 million capsules were given to South Vietnam for use on South Vietnamese. About half of this went to the Vietnamese army, and the other half to the Ministry of Health for dissemination through civilian physicians.

The Defense Department has made no public statement on these purchases other than to say they're being reviewed. But one army medical officer, in response to inquiries from a medical trade publication, justified the purchases by speculating that "more lives are probably saved than lost with the drug." Besides, he added, the South Vietnamese could just buy it on the world market anyway.

This transaction provides an example of the dual standard practiced by American companies and the U.S. government in the sale of potentially hazardous products. Americans, at least on occasion, are offered protection from the merchants of these products, but the rest of the world is considered fair game. Thus while cyclamates are banned here, Libby, McNeil & Libby continues to ship thousands of cases of cyclamate canned fruits to West Germany, whose government, in the words of one Libby executive, is "more deliberate about judging momentary fads that are popular in the U.S. from time to time." While the U.S. government tries to discourage the smoking of cigarettes at home, it subsidizes the sale of American cigarettes abroad through low-interest loans to foreign governments. And while laws such as the Flammable Fabrics Act protect the American consumer, they say nothing about exports—so that many of the flammable fabrics pulled off the market in the United States end up being sold to Canadians.

But nothing speaks worse for the United States than the activities of Parke, Davis in its overseas sales of Chloromycetin. No one knows the full story of the abuses from this drug, but the reports coming back indicate a need for strong action by Congress if foreign governments fail to move.

Take the warnings for Chloromycetin as one example. The US package insert begins with the following statement: "Serious and fatal blood [diseases] . . . are known to occur after the administration of chloramphenicol [the generic name]. In addition, there have been reports of aplastic anemia attributed to chloramphenicol which later terminated in leukemia. Blood [diseases] have occurred after both short term and prolonged therapy with this drug."

Compare this with Parke, Davis' package insert for Italy. The company tells Italian doctors that "the fact that therapy with Chloromycetin is remarkably without secondary reactions is very signficant. The preparation has been tolerated well by both adults and infants. In the few cases in which reactions occur, these are generally limited to slight nausea or diarrhea and their severity rarely requires suspension of treatment."

The US warning states that Chloromycetin "must not be used in the treatment of trivial infections or where it is not indicated, as in colds, influenza, infections of the throat; or as a prophylactic agent to prevent bacterial infections." But in Italy, the section on uses of the drug begins: "Many infections have proved particularly responsive to Chloromycetin: Infections of the respiratory apparatus caused by bacteria and viruses . . ."

Parke, Davis' explanation for the discrepancy in warnings displays a cynicism perhaps unmatched in American corporate enterprise. A spokesman for the company began with the standard drug industry response to such queries: The warnings "are based primarily on what their governmental agency involved with health deem necessary," and "we are conforming to the specifications of those countries." When pressed on how the company could recommend a use for the drug in Italy that is expressly forbidden in the United States, he answered: "I'm certain they have not experienced what has been experienced here."

This reply recalls a 1967 exchange between Sen. Gaylord Nelson and Leslie Lueck, a Parke, Davis official, at a Senate drug industry hearing Sen. Nelson read the text of an ad for Chloromycetin in the British Medical Journal and noted that the ad had "no warning at all. How do you explain that?" Mr. Lueck responded that "Parke, Davis has always met all the requirements, the legal requirements of whatever country we distribute our products in."

Sen. NELSON. Well, the effect of the drug is the same on people in other countries as it is here; is it not?

Mr. LUECK. Largely.

Sen. NELSON. Do you know of some differentiation?

Mr. LUECK. Yes; there are some minor differentiations, but for the sake of this discussion, let us say they are the same.

What Parke, Davis concedes at Senate hearings—foreigners "for the sake of this discussion" are also human beings—apparently has no impact on its marketing. In Japan, for instance, the company sells Chloromycetin SF, a mixture of Chloromycetin with seven vitamins, and calls the compound "a remarkably ideal antibiotic." A long list of uses not recommended in the United States includes gonorrhea, measles, and "prevention against pre- and post-operative infectious diseases." The warnings, of course, are sparse, and just to make sure no possible sale is lost, the package insert makes the following point: "The Chloromycetin SF tablet is a beautiful two-layer tablet, sepia-colored on one side, and yellow on the other."

These are the official package insert warnings; no one knows what claims for the drug overseas are made verbally by the Parke, Davis detail men who sell it. One doctor told me he heard the detail men in the Philippines were pushing Chloromycetin as a cure for common colds. A company spokesman denies it.

No one has studied the impact on health of the widespread use of Chloromycetin overseas. Dr. Harry V. Shirkey, chairman of the pediatrics department at the University of Hawaii medical school, recently toured children's wards in hospitals of three Far Eastern countries and said in an interview that "it was striking that there would be so many cases of aplastic anemia, more than we treat in our wards here." The observation has no statistical validity, nor does it directly implicate Chloromycetin, but Dr. Shirkey says that when he asked doctors "if they weren't concerned if this was related to Chloromycetin, they said they didn't have the fear we had in the U.S."

The situation with Chloromycetin has become so scandalous that the State Department last year felt compelled to warn governments in Latin America of the drug. In a bulletin to all its embassies, the State Department urged that Latin American health authorities be warned that Chloromycetin is being sold "with labeling which is believed to constitute a hazard to health." The bulletin notes that the Spanish label makes no mention of the serious blood diseases, and "also contains indications for use in conditions where the FDA knows of no data to substantiate its effectiveness: measles, mumps, ulcerative colitis, chicken pox and infectious hepatitis. Many of the other indications listed are as well treated with other, safer antibiotics." This bulletin was dated May 1970—and there have been no reports of a change in Parke, Davis's marketing strategy since.

Depending on foreign governments to put a halt to Parke Davis's tactics isn't the ideal solution. If ten countries passed laws, it could simply shift its sales efforts to the hundred that didn't. What is needed is congressional action making American exports subject to the same safety and health regulations as products sold domestically.

UNRESTRICTED BLOCK GRANTS, SAYS MURRAY L. WEIDENBAUM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HALL. Mr. Speaker, the Assistant Secretary of the Treasury for Economic Policy, Murray L. Weidenbaum, has emerged as the President's chief spokesman for revenue sharing.

In a recent article, Mr. Weidenbaum attempts to settle some of the dust that has been raised by the proposal to share a percentage of the Federal revenues with the various State and local governments by answering a series of key questions.

For the enlightenment of my colleagues, who may be seeking these same answers, I offer Secretary Weidenbaum's article:

UNRESTRICTED BLOCK GRANTS, SAYS MURRAY L. WEIDENBAUM

(NOTE.—Murray Weidenbaum is assistant secretary of the Treasury for economic policy, and the Administration's chief spokesman on revenue sharing.)

We all like to talk about the need to strengthen our federal form of government, about moving government from Washington closer to the people. Most of the time, let us face it, that is just talk. However, we in the Nixon Administration are really trying to decentralize government and to take specific action to strengthen state and local governments so that they can meet the fiscal crisis which is now facing so many communities and taxpayers.

The idea that is at the heart of this effort is the program of sharing a portion of federal revenues with state and local governments to, in effect, truly federalize the income taxes collected by the Department of the Treasury. The mechanism that we have selected is financial because we believe that sharing responsibilities and work more effectively within the public sector requires a sharing of the fiscal resources necessary for the task—a sharing of public revenues.

Before getting into the details, one fundamental point needs to be made. We are not recommending just another program of sending federal dollars around the country; there certainly is no shortage of ways of doing that already.

We are proposing a shift of decision-making power to state and local governments. Revenue sharing is unlike any existing grant-in-aid program. Under revenue sharing, the money that state and local governments obtain from the U.S. Treasury becomes their money. The federal government does not tell them how to use the money. For example, revenue-sharing money can go into a county's general fund, and it is up to the county council to decide how to spend it.

"ABLE TO COUNT ON IT"

The following is an outline of the revenue-sharing proposal.

First, the annual size of the fund will be fixed by law at 1.3 percent of the federal personal tax base. States and localities will be able to count on it in their long-term planning. The annual amount will increase as the economy and the tax base grows.

Second, the distribution among states will be made according to each state's share of the national population, with a simple adjustment for relative revenue effort.

Third, the distribution within each state to the cities and counties will be established by formula clearly spelled out in the federal statute. The key point is that each city and county will be able to get its share as a matter of right and will not have to negotiate with the federal or state government. There will also be a local option in our plan, whereby the local governments and the state legislature in a given state can get together and set up an alternate plan for the intrastate distribution of the money.

Fourth, the allocation of the money to specific programs will be made by the state or local government receiving the money. There will be no plans to submit for federal reviews and no matching requirements.

Several key questions on how revenue sharing will work come up time and again. Here are some responses to the more serious points that have been raised regarding the program.

Will all the money go to the state governments exclusively?

The answer is no. Each city, county and town will get a portion of the revenue-sharing fund automatically. A guarantee has been developed which both protects the local governments and maintains the federal form of government.

It is true that initially the U.S. Treasury will make payments to the states but each state, in order to qualify for the federal money, will have to pass on to each city and county a predetermined share—the share spelled out in the federal law (unless the "local option" is exercised by the state and its localities). This provision is called the mandatory pass-through. It was developed in joint consultations with the National League of Cities, the U.S. Conference of Mayors, the National Governors Conference, the National Association of Counties, and other key organizations.

Will the proposal provide enough for the large urban areas?

The amounts will be quite generous, particularly in view of the national budgetary situation.

Our approach is to distribute revenue-sharing funds within a state to each city and county in proportion to general revenue collections. So-called "tax havens" with low tax collections and a narrow range of functions will receive very small shares. In contrast, cities with heavy program responsibilities and, hence, large tax revenues will get bigger amounts, even if their populations are the same.

In practice, nearly every large city will receive not just absolutely more money but also more per capita than its smaller neighbors. However, the large central cities will get more revenue-sharing money not just because they are bigger, but because they bear a larger fiscal burden.

Why bother to make the expensive "round trip" of tax dollars to Washington? Why not leave the money in those states and localities where it originates?

Actually, the Department of the Treasury has lower tax collection costs than any state or local government agency. Since revenue sharing will not require any new federal agency or bureau (all that is required is a simple check-writing procedure) the round trip will be quite economical.

Do we really have any excess federal revenue to share? Won't revenue sharing increase the budget deficit?

This question apparently results from some confusion over the purpose and operation of a revenue-sharing program. Revenue sharing is an expenditure for a basic national purpose—strengthening our federal system of government. We would not be sending back to the states "excess" revenues left over from federal program requirements, but rather rearranging existing federal program priorties.

NONINFLATIONARY ECONOMICS

Revenue sharing will not raise the existing federal tax burden. The alternative to revenue sharing is not a smaller federal deficit. The alternative is a higher level of federal spending in some other and, in our view, lower priority, program areas.

In modern federal budget-making, the levels of expenditures and revenues are determined as a part of the nation's overall economic policy. In general, federal expenditures are set at a level which makes a strong but noninflationary contribution to economic growth (noninflationary because keeping expenditures within the revenues that the economy generates at full employment—as we are trying to do—avoids inflationary pressures).

Hence, funding a revenue-sharing program in the context of the present-day budget means that we are selecting this program, rather than some other, for a major share of the automatic annual growth in federal revenues. We believe that this is a wise choice.

Are state and local governments competent to use revenue-sharing money effectively?

This question presents a real challenge. We believe that strengthening our federal form of government by helping state and local governments is an objective worthy of an investment of several billion dollars a year.

Frankly, no one can guarantee that all of the money will be used wisely. Of course, neither are we certain that all direct federal spending or indeed that all private spending is sensible. To be sure there is nothing inherent in the revenue-sharing concept which would encourage wasteful spending. Public responsibility must be tied directly to the individuals in charge of conducting government programs, regardless of the source of financing.

The revenue-sharing plan does provide that each state and local government receiving revenue-sharing funds will assure proper accounting for the payments received and will provide regular reports to the Secretary of the Treasury on the disbursement of the funds. There is no intention of "second guessing" a state or local jurisdiction's determination to spend the money on education or health or safety, etc. We do want to be able to assure the President and the Congress that the money was spent for a lawful governmental purpose. The ultimate success of revenue sharing, therefore, will depend on the ability of states and localities to make the most efficient and judicious use of these funds.

The Nixon Administration maintains a large measure of confidence in the ability and willingness of local government to respond positively to those particular local problems which require public solutions. A major purpose of revenue sharing is to enhance the financial ability of the levels of government closer to the people to respond effectively to the urgent problems that face us today. All governments are beset with problems, and the potential for effective management of social and public systems is high at the local level.

Does revenue sharing separate the responsibility for raising taxes from the act of spending tax revenue?

While this may appear to have a logical ring to it, I believe that it is misleading. It ignores two important facts. At the national level, we have the precedent that the federal government already "shares" $30 billion annually, in the form of categorical grants, with state and local governments. At the state level, there is the precedent that every state shares revenue with its local governments, many in a completely unrestricted manner.

The real question is the control over the funds. It seems quite clear to me that there will continue to be some separation of the taxing power and the spending power—via rising amounts of federal aid to the states, counties and cities. What revenue sharing does represent is an opportunity for state and local governments to have discretion over the allocation of a modest portion of these funds. In any event, the very real and present fiscal crisis facing so many states, cities, and counties makes updating political theory a very real political necessity and reality.

We believe that revenue sharing will help meet the current fiscal crises facing so many states and localities. Revenue sharing will also help to reduce the upward pressures on property taxes. Revenue sharing will, in addition, have a desirable employment impact—by providing the critical margin of additional funds, it will enable states and localities to hire and keep on the public payrolls more policemen, firemen, school teachers, and other key public employees.

In essence, revenue sharing represents a cogent response to today's problems—and a response which provides a durable, long-term solution to the challenge of providing essential public services without adding to the already heavy burden on the taxpayer.

NEW PASSENGER ROUTES COULD REGAIN TRADE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SHRIVER. Mr. Speaker, much debate has occurred during recent months over the consolidation of passenger train service scheduled for May 1, by the National Railroad Passenger Corporation. In the following excellent editorial from the McPherson Sentinel of McPherson, Kans., Mr. K. R. Krehbiel cogently demonstrates that mere consolidation will not prove a cure-all for the problems of passenger train service:

NEW PASSENGER ROUTES COULD REGAIN TRADE

The National Railroad Passenger Corporation (Railpax) has announced the routes of passenger trains to be continued. Many regions will lose even the minimum passenger service they had before the consolidation.

We in the McPherson region are fortunate that we will lose nothing. We had no passenger service through McPherson before the consolidation. To ride a train, we had to go to Newton. We can still do that because Newton is included in the new routes, if we want to ride a train.

Nationwide, the routes look quite sensible, but will they be patronized any better than before the consolidation?

That depends entirely upon how much Railpax will improve service. Passenger service has dwindled so badly that even many of the cars are old-style, poorly maintained and dirty. Passenger crews have become about as indifferent to the passengers' comfort as the airline crews.

If rail passenger service and comfort is brought back to where it was 10 or 20 years ago, there is hope of increased passenger patronage.

If service is not brought back to where it once was, the new plan will fail as dismally as the old system.

Passengers do like to be treated decently whether airline, bus or railroad. Many are likely to use the service which treats them the best, even though rail travel is slower than air.

CANCER AUTHORITY ACT SUPPORTED BY ANN LANDERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HAMILTON. Mr. Speaker, I was pleased to learn last week that the bill to create a National Cancer Authority has received some well-deserved publicity. The minimal funding of cancer research was the topic of an Ann Landers column on April 20.

I bring her column, and an article describing the response it provoked, to the attention of my colleagues:

ANN LANDERS

Dear Readers:

If you are looking for a laugh today, you'd better skip Ann Landers. If you want to be part of an effort that might save millions of lives—maybe your own—please stay with me.

Who among us has not lost a loved one to cancer? Is there a single person in my reading audience so incredibly lucky that his life has not been changed in some way by this dread disease? More Americans died of cancer in 1969 than were killed in the four years of World War II. Of the 200 million Americans alive today, 50 million will develop cancer. Approximately 34 million will die of it. Cancer claims the lives of more children under 15 years of age than any other illness.

How many of us have asked the question, "If this great country of ours can put a man on the moon why can't we find a cure for cancer?" One reason is that we have never launched a national campaign, a united effort, against this killer disease. Another reason is money. The funds designated for medical research in America are grossly inadequate. Government grants for medical research have virtually dried up. The lion's share of the tax dollar is going to defense.

The following statistics shook me. They tell an interesting (and shameful) story about the priorities in this country. In 1969, for every man, woman and child in the United States our government spent:

$125 on the war in Vietnam.
$19 on the space program.
$19 on foreign aid.
89 cents on cancer research.

Soon a bill will come before the United States Senate which calls for the establishment of a National Cancer Authority. This bill, S-34, will be sponsored by Sens. Edward Kennedy and Jacob Javits. The proposed National Cancer Authority would be an agency similar to the National Aeronautics and Space Administration (NASA) which put men on the moon. This Conquest of Cancer bill demands that the highest priority be given to devise better methods of prevention, diagnosis and cure of cancer at the earliest possible date.

Today you have the opportunity to be a part of the mightiest offensive against a single disease in the history of our country. If enough citizens let their Senators know they want Bill S. 34 passed, it will pass.

I urge each and every person who reads this column to write to his two senators at once—or better yet, send telegrams. If you don't know the names of your two senators, call your newspaper and ask the switchboard operator. Address your letter or telegram to: Senator ————, Senate Office—Building, Washington, D.C., 20510.

Your message need consist of only three words. "Vote for S. 34." And sign your name, please.

No one can do everything, but each of us can do something. It is entirely possible that this one small act could reshape the lives of millions. Get moving. My telegrams to Sens. Charles Percy and Adlai Stevenson went out last night.

Thanks—and God bless.

CANCER LETTERS

Sen. Charles H. Percy (R-Ill.), said he and his colleagues have been inundated with "vote for cancer legislation" mail the last two days from people responding to a newspaper columnist's plea.

Ann Landers, whose column responds to personal problems, in Tuesday's newspapers urged readers to write their congressmen and senators to vote for cancer research legislation.

Percy said he received about 3,000 letters and telegrams Wednesday and yesterday in response to the column.

Miss Landers said she had already sent her telegrams to her senators, Percy and Sen. Adlai Stevenson III, (D-Ill.).

A spokesman in Stevenson's office said he also had received close to 2,000 telegrams and letters so far, and they "were still pouring in."

Sens. Edward M. Kennedy, (D-Mass.), and Jacob Javits, (R-N.Y.), sponsors of the legislation, also have been getting "hundreds of telegrams" in favor of the cancer bill.

Miss Landers began her column by saying: "If you are looking for a laugh today, you'd better skip Ann Landers."

She quoted 1969 figures on per capita government spending: $125 on the Vietnam war, 89 cents on cancer research.

SURPRISE TRIBUTE FOR CLINT FURRER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HOSMER. Mr. Speaker, tonight at the Army-Navy Country Club in Arlington, dozens of admirals, generals, colonels, and other military men of many ranks, will gather to pay a surprise tribute to an old and dear civilian friend.

The occasion is the annual alumni dinner of the Armed Services Committee of the Long Beach Chamber of Commerce. The guest of honor tonight will be Clint Furrer, chairman of the committee and one of the most distinguished and selfless citizens of Long Beach.

Regrettably, Clint will not be on hand tonight. He was hospitalized recently and is now recovering at his home in California. However, a telephone speaker hookup has been arranged to enable him to share the evening's activities.

Two old friends, Adm. Norm Gillette and Adm. Jimmy James, have arranged a program of honors and tributes for his three decades of service to the men and women of the Armed Forces in the Long Beach area.

Clint's contributions to making his city a hospitable and cooperative home for Americans in uniform are legend. As an indication of this, in 1955 he received the Navy's highest civilian honor, the Distinguished Public Service Award.

That was over 15 years ago, but he has not stopped or slowed down since. He has helped Reserve officers obtain civilian employment in the area as they were released to inactive duty, he assisted the Marine Corps in getting a desperately needed water supply at the El Toro Air Station, he generated public support to build an Armed Forces YMCA, and he established a detailed program to improve military-civilian relations and service morale. These are but a few of his countless good works.

As a result of his efforts, America's Armed Forces look upon Long Beach as a friendly community where civilians and the military benefit the other.

Mr. Speaker, I am pleased to count myself among Clint Furrer's friends, and I join in this richly deserved tribute to "Mr. Navy" of Long Beach.

POLITICAL HOKUM STARTS DOWNHILL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DERWINSKI. Mr. Speaker, it has long been my opinion that journalists assigned to Washington become so engrossed in personalities and issues as they are seen here that they lose the balanced touch needed to report objectively. However, the journalist who looks at Washington from a distance, without his judgment being affected by emotions whirling through the capital, very often presents a more logical analysis of Washton, D.C.

I believe this is borne out by an editorial in the Tri-City Advertiser of Wednesday, April 21, in which Bob Shackleton, the publisher, very properly comments on the political motivation behind a few Washington issues.

The editorial follows:

POLITICAL HOKUM STARTS DOWNHILL

We are more certain than ever after following the election campaigns, especially on the national level, that the one vitally important thing the politicians have to consider is that they learn that the majority of the American voters, be they aged or young, are not a bunch of stupid idiots and that they are extremely capable of distinguishing between illogical campaign arguments, pure unadulterated political foolishness and nonsense.

The local village elections, when you read this, will have been settled and while the campaigns were along the usual lines, local citizenry were spared the crucifying ordeal of TV and picture exposure which by now, on the national level has become somewhat boring and one-sided. Our village campaign publicity was, as you appreciate, on the written and printed side giving us an opportunity to use the waste basket, if we so desired.

Again, locally, we have the opportunity of attending the village board meetings and inquiring at the village clerk's office for any pertinent information we may desire. That eliminates the process of making statements without hard fact proof. We can find out the facts and do not have to depend on wild statements made over the TV and radio, and the latter, unless refuted honestly, make it difficult for the common citizen to proceed in a search for truth.

However, it is now apparent that, on the national level the wild orgy of unjust accusations may be nearing an end.

Of late there has been a none too pure campaign of villification against the FBI and its Director. For us, we'll take his 47 years of devoted service to his country and his fellow men as sufficient proof of his integrity.

These protesters seeking his removal from office have been hurling accusations far and wide, many of which have been proven lies by those in a position to know. Some have been obliged to shut up.

And now comes Senator Sam Erwin (D., N.C.) who is regarded as one of the most adept and learned legal minds in Congress and served on high courts in his state. Bugged to proceed with an investigation of the FBI wire tapping he has announced he would proceed to investigate only when hard facts and evidence were presented to his committee of Congess.

Now, just Tuesday, he announced, publicly, that in his investigation of the Army and other government snooping on which he is now holding hearings, he has thus far seen no evidence that the FBI has done anything illegal. This comes from a Democratic statesman, held in high regard, and we are inclined to assess his views as being indicative that a lot of political hokum is going around.

And so we close our dissertation with a humorous, yet intensely used, statement appearing in the news media Monday when one reader wrote:

"Have you noticed that the party in the White House always has all the problems, while the party that's out always has all the solutions?"

So mote it be.

A CONGRESSIONAL TRIBUTE TO DOLORES HOPE—A GREAT AMERICAN

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, today I ask my colleagues to join with me in honoring a great American—one who, by personal choice, has remained in the shadow of her husband, another great American whom we all know and highly admire.

I am speaking of Dolores Hope, wife of Bob Hope. She has personified the ultimate in being a wife, a mother, and a contributor to bettering her fellow man.

Friday night, in Palm Desert, Calif., the heart of my 38th Congressional District, Dolores Hope will be honored for the third time as honorary mayor of that beautiful city—home of the famed Bob Hope Desert Classic Golf Tournament.

I call to the attention of my colleagues a few of the many contributions of this gracious lady.

One of her current projects is the Eisenhower Medical Center in Palm Desert, which is being constructed on an 80-acre plot donated by Bob and Dolores Hope. The proceeds of the Bob Hope Desert Classic are going into the center, as are $1.8 million raised by the Hopes at a $1,000-plate special benefit dinner held recently.

In 1964, Dolores Hope was named Lady of the Year by Notre Dame University; in 1966, Georgetown University awarded her the coveted Eleanor Darnell Carroll Award, for her contributions as a wife, as a mother, and to her community; in 1967, she was honored as the Outstanding Mother of the Year, by Helping Hand, a women's charity organization affiliated with Cedar's Sinai Hospitals; that same year, she was awarded the President's Medal by Loyola College of Baltimore; in 1968, St. Louis University named Dolores Hope Outstanding Catholic Laywoman; in 1969, she was recognized around the world for her contributions while traveling with her husband to entertain our troops in Berlin and Italy.

Her performances then, as well as during a similar tour with her husband in 1967 to Southeast Asia, endeared her to millions of Americans, who had the privilege to see her on nationwide television.

In 1970, the USO awarded Dolores Hope special honors for her contributions to our servicemen.

In addition, she holds existing scholarships at Georgetown University, St. Louis University, Immaculate Heart College in Los Angeles, and Loyola High School in Los Angeles.

Her active participation in civic organizations is another aspect of her contributions to the betterment of our society.

She is a founder and patron of the Los Angeles Music Center, and of the Los Angeles County Art Museum; she is a principal figure in the Los Angeles Zoo Association, the John Tracy Clinic for the Deaf, the United Fund, the Hollywood Family Adoption Service, and the National Parkinson's Disease Foundation; and she is active in the Christopher's and in the television program, Insight.

Mr. Speaker, few Americans have made greater efforts and sacrifices to improve the lives of those around them, than has Dolores Hope. This congressional tribute is but a token of our appreciation for her tireless dedication.

FARM TRUCKS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MICHEL. Mr. Speaker, I know that many of my colleagues who represent rural America are as concerned as I am about the Department of Transportation actions relating to drivers of farm trucks.

I think the following editorial from the April 17 issue of the Prairie Farmer sums up my feelings on this matter very concisely:

THIS FARM REGULATION DOESN'T MAKE SENSE

A Department of Transportation edict says that effective July 1 no youth under 21 can drive a truck. Farmers are understandably appalled at the stupidity of this ruling.

The weakness of such a blanket directive from Washington was never so obvious. Actually the ruling was directed at the trucking industry which generally involves large heavy tractor trucks engaged in interstate hauling. Few would argue that skilled mature drivers are essential for this work.

Unfortunately, the federal regulation indiscriminately covers farm youth driving small pickup trucks as well. There is method in this, madness, of course. Some safety regulation is good and necessary, but many grown men can remember driving farm trucks at an early age without mishap.

Farmers have a safer record as truck drivers than commercial teamsters. Farmers drive 3.7 million trucks, generally in short hauls and by family members as well as hired help. Insurance records show that they have only one-third of the bodily injury accidents for all nonfleet commercial vehicles.

The department of transportation has delayed its decision on this matter until July 1. We trust that Secretary John Volpe will see fit to extend the exemption to farm youth driving farm trucks. It makes no sense to entangle farmers further in more high-cost red tape.

HOUSE OF REPRESENTATIVES—*Thursday, April 29, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I trust in the steadfast love of God forever and ever.—Psalms 52: 8.

Most gracious God and Father of mankind, we give Thee our humble and hearty thanks for this good land in which we live and for which we labor, for the freedoms which are ours, for the privileges we enjoy, and for the opportunities open to us day after day. May we be conscious of the responsibilities laid upon us as a free people to so live and to so labor that freedom may continue to be the air we breathe and the atmosphere in which we do our work.

Bless and guide all who work for our country—our President, our Speaker, our Members of Congress, our judges, our Armed Forces, our prisoners of war, all who work on the earth, under the earth, and above the earth. May these labors be done for Thy glory and for the good of mankind. Thus may America be the enduring pattern of justice and peace in our world.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

HON. MENDEL J. DAVIS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina, Mr. MENDEL DAVIS, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MENDEL J. DAVIS appeared at the bar of the House and took the oath of office.

A CALL FOR THE RESIGNATION OF UMW PRESIDENT W. A. "TONY" BOYLE

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, a tremendous victory has been scored for the forces of decency within the United Mine Workers of America. The decision of the U.S. district court late yesterday confirmed the conspiracy charges against UMW President W. A. "Tony" Boyle involving the union, the UMW-controlled National Bank of Washington, and the UMW welfare and retirement fund.

This decision is great news for all coal miners, widows, and survivors who have been bilked out of their hard-earned investments through this giant conspiracy involving millions of dollars. The court made it clear that this welfare and retirement fund belongs to the coal miners and their families, rather than being the property of the union or Tony Boyle's whims.

One by one, all of the charges made by the martyred "Jock" Yablonski during his 1969 campaign for the UMW presidency are being proven true. I was proud to campaign shoulder to shoulder with Jock Yablonski during that turbulent campaign in an attempt to restore the rights of coal miners who have been kicked around and exploited too long.

Not long ago, Mr. Boyle was ordered removed as a director of the UMW-controlled National Bank of Washington. Now he has been ordered removed as a trustee of the UMW welfare and retirement fund. And I predict it will not be long before he is removed as president of the union itself.

Mr. Boyle ought to resign now and enable the coal miners to be represented by a strong, clean union which stands up for the rights of all miners throughout the coal fields.

CENSURE CALLED FOR ON MEMBERS' MISUSE OF MEETING ROOMS

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I rise to protest against the misuse of facilities and rooms of the Congress by certain Members purporting to conduct congressional hearings on so-called atrocities by members of the armed services of the United States. The use of rooms and facilities of the House to willfully undermine our Armed Forces, damage the reputation of the United States at home and abroad, as well as to make infinitely more difficult the release of our prisoners of war or a negotiated settlement in Southeast Asia, by Members of Congress without any committee authorization whatever, is a deliberate misuse of the facilities of the Congress.

Its continuation is a disgrace to the House and an affront to the authority of Congress itself. No such hearings have ever been authorized. The public is being misled.

A more contrived assault on both the reputation of our fighting men or the jurisdiction of the House Armed Services Committee, would be hard to find. It's hard to see how Congress can complain of permissivism in the Nation if it is to be itself permissive toward such misuse of its facilities and abuse of its standing committees.

Mr. Speaker, I urge that this activity be stopped and that it be made clear that in the future the facilities of the Congress may not be used lacking authority from the House. This sort of conduct while our men are fighting abroad is disgraceful. I believe it merits censure.

Because of the limitations of the 1-minute rule I shall extend these remarks further in the body of the RECORD.

GREEK GOVERNMENT MOVING TOWARD NORMALITY

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, when the present Government of Greece took control of the country in 1967, it was subject to a standard attack from the liberal establishment. Since then, the Greek Government has been subject to a constant barrage of emotional and exaggerated criticism.

I have consistantly maintained that the special cooperation by the Greek Government within NATO, the long history of friendship between the people of Greece and the United States, and the country's obvious geographic relationship to the Middle East, are such that it was practical for us to properly wait for the developments which the government had promised.

While the progress toward reintroduction of democracy has been less than speedy, it is obvious. For example, within the last few weeks the Greek Government has further liberalized provisions pertaining to detainees, closed down the last prison camps, and withdrawn a number of cases from the authority of the courts-martial, referring them to normal civil courts.

Mr. Speaker, of special interest should be the further easing of regulations pertaining to the press. When all these developments are carefully reviewed, even the critics of the Greek Government should grudgingly reach the point of view that slowly, but surely, the regime in Athens is moving toward the restoration of normal political conditions.

COMMENDATION OF PRESIDENT ON RELATIONS WITH COMMUNIST CHINA

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I rise today to do something that we in this House, and most assuredly those in the other body, do precious little of—commend our President for bold and progressive action.

I am speaking now of Mr. Nixon's wise and welcomed initiatives toward improving the long stalemated relations between this Nation and Communist China.

Everyone in this body knows that what has occurred during the past few remarkable weeks is no cause for widespread euphoria. Only an infant step has been taken by each country; tentative toes dipped into international waters to test the temperature. But, coming as it does after 22 years of no communication whatsoever, even this small beginning is praiseworthy.

Surely, there could be imagined no more innocuous beginning than smiles across a ping-pong table. Yet, how preferable this is to continued fear, distrust, and noncommunication.

Even such a small start demands a changed atmosphere from what we have known for nearly the past quarter century. Mr. Nixon has worked quietly over the past 2 years to help bring about this change.

When the invitation came, the President reacted swiftly and favorably with a lessening of trade restrictions and a cordial announcement that he would welcome visitors from Red China.

There has been no appreciable change in the size or complexity of the differences between the United States and Red China—and we would be deceiving only ourselves if we believed there had been. But, for once in a hostile world, two large powers are giving a try at a civilized approach.

For that, I commend our President highly and I pledge my support for a continuation of his efforts.

USE OF PUBLIC AREAS IN THE NATION'S CAPITAL

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, last night in the area between the Lincoln Memorial and 17th Street, south of the Reflecting Pool, there were several softball games taking place. At the far end of this area—about 500 yards from the game—were a group of people with some mule teams, apparently camping in. During the start of the softball games, one of which I was involved in, the police informed us that we could not play there because the entire area from the Lincoln Memorial to 17th Street had been reserved by this group and was closed to the public until May 10.

Now, I am all for people having the right to peacefully protest; however, it is getting ridiculous when we have to close down all our public places for less than the 50 people there last night. This was just a group of Americans, black and white, with their wives and children having fun in a public place.

Subsequently, I found out the full extent of this interference with recreational opportunities for intercity residents. The PCPJ—People's Coalition for Peace and Justice— will occupy the entire West Potomac Park until May 9 and the SCLC will occupy the area bounded by Independence Avenue, the Lincoln Memorial, 17th Street, and the south edge of the Reflecting Pool until May 5.

Between now and May 10, the use of all of these parklands will be denied to the public and, in particular, to the city's residents, mostly black, who use these areas for recreation. Nine softball diamonds and two cricket fields will be closed.

The District of Columbia Recreational Office told me today that they were very upset about this as it means that almost all recreational and group activities for the city's residents and for the public at large will come to a grinding halt—and, just when there is a great increase in use of these parklands by the city's youngsters and the public. The entire softball schedule, for instance, will be postponed during this time; 65 games have been canceled. The District of Columbia Recreational Office said that this will put the entire program for the spring and summer into disarray.

Mr. Speaker, what are we coming to? I would be among the first to guarantee to the SCLC and PCPJ the right to petition their Government and peacefully protest. But, we allow these demonstrators to prevent others from exercising their own right to use public parkland for recreation?

These parklands were designed for recreation—not to be used as a private campground. It is time that the rights of all the people should be considered and not just those of a vocal few.

AGITATION AND DISRUPTION BY ANTIWAR DEMONSTRATION HAS SERVED NO VISIBLE PURPOSE

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the agitation and disruption created by the antiwar demonstrators this week has served no visible purpose, as I see it, other than to alienate a great many people against the cause these dissenters claim to represent. We all want our troops to be brought home from Vietnam as quickly as possible. Well, the tearing up of park benches for firewood, the burning and desecration of the American flag, disrupting vehicle traffic, and moaning and groaning in the Halls of Congress certainly will not bring our troops home any sooner. I will tell you what it will do, though. It will create an increasing feeling of repulsion and resentment toward these malcontents from every freedom loving citizen of this Nation. And if that is what they want, they appear well on the road to bringing this about.

The cause of getting us out of Indochina is nothing new. These protestors have voiced their opinions a hundred times over. We have heard them. We have read them. And, frankly, I think most of us have had a stomach full of their rantings and ravings.

I believe President Nixon, Attorney General John Mitchell, and the Washington police should abandon their wait-and-see attitude immediately, and get on with the job of seeing to it that these irresponsible malcontents pack up and hit the road out of Washington without another day's delay.

U.S.S. "GLENARD P. LIPSCOMB," SSN-685

(Mr. HOSMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSMER. Mr. Speaker, Secretary of the Navy John H. Chafee is to be congratulated on his decision to name the Navy's first quiet submarine for our departed colleague, Glen Lipscomb.

Glen was among the strongest congressional supporters of our nuclear Navy, and particularly of the Navy's nuclear undersea arm. At the time of his passing in February 1970, he was the ranking minority member of the House Defense Appropriations Subcommittee.

The keel of the U.S.S. *Glenard P. Lipscomb*, SSN-685, will be laid June 5 in Groton, Conn., at the Electric Boat Division of General Dynamics Corp. The ship will feature a turbine electric drive and other advanced silencing techniques for quieter operation. It is expected to provide the Navy guidelines for developing newer and even better silencing techniques for its submarines.

A close friend of Mr. Lipscomb, Vice Adm. H. G. Rickover, is the guiding genius behind the nuclear Navy in general and the quieting of its ships in particular.

THREATS BY PEACE DEMONSTRATORS TO CLOSE THE DISTRICT OFFICE OF REPRESENTATIVE TEAGUE OF CALIFORNIA

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Speaker, I have just received notice that peace demonstrators will attempt to close down my California district congressional office 1 day next week.

Now, what in the world they think they are going to gain by doing this is more than I know.

I do not plan to be in the office at that time because of my duties here in the House of Representatives, but I do have three women employed there full time who take care of our casework consisting of cases of men who have returned from Vietnam, conscientious objectors, and all sorts of problems with which we have to deal.

Mr. Speaker, we are not going to close down the office.

Perhaps, the people who think they will accomplish something by this sort of activity will have second thoughts.

MEMBERS OF CONGRESS WHO HAVE CALLED HEARINGS ON WAR CRIMES

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, in response to the gentleman from New Hampshire who spoke a moment ago, the Members of Congress who have called and conducted the ad hoc hearings on war crimes have done so out of a sense of responsibility to themselves, to their constituents, and to the Nation.

If the gentleman from New Hampshire had attended those hearings, I am sure the gentleman would have learned a good deal, and the hearings might have had an effect upon his thinking about the war which continues to rage in Southeast Asia.

Mr. Speaker, we have offered to turn over to the Armed Services Committee the testimony which has been elicited, and the Armed Services Committee had an opportunity to have the witnesses come before it.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I shall yield to the gentleman from New Hampshire after I have finished my statement.

It is essential that Congress and the American people understand the nature of the war in Vietnam—the death and devastation visited among a civilian population, the brutalization of young American soldiers, the failure of command responsibility. The war must end. I hope that the hearings will help Congress to realize how wrong it has been.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Louisiana, the chairman of the Armed Forces Committee.

Mr. HÉBERT. Mr. Speaker, I think the gentleman from New York has made an inaccurate statement. The Armed Services Committee has had repeated correspondence with those individuals who want to hold rump sessions and have asked them to give the committee any evidence they have and we will look into it. However, to this date, we have not received one word.

Mr. RYAN. The full transcript will be sent to the chairman of the Armed Services Committee, and I urge him to use it as the basis for exhaustive hearings in order to fix ultimate responsibility for the way in which this war has been conducted.

The SPEAKER. The time of the gentleman has expired.

SUBPENAING OF TELEPHONE RECORDS

(Mr. HAYS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, it will be in the newspapers eventually anyway, but I would like to notify the Members of the Congress that it has come to my attention as chairman of the House Committee on House Administration that at least one former U.S. district attorney has undertaken to subpena telephone records of certain Members of the Congress, with a subpena signed by an assistant clerk of a Federal court. That is the only signature on it.

That gentleman will appear before the committee on next Tuesday to explain why these actions have taken place in the past. I can assure the House this—that I am making arrangements that subpenaing of phone calls of Members from now on will be only through the Clerk of the House. If there is any wrongdoing or suspected wrongdoing on the part of a Member those records could be subpenaed in the regular order; that is, by providing the Clerk of the House of Representatives with a subpena which he would then present to the House for the House to approve for turning those records over to a court. This would permit it to be known, and it would permit it to be done in an orderly fashion, but I can assure you that so long as I am chairman of the House Committee on House Administration that there is not going to be any back-door subpenaing of any private records of any Members of the Congress, because I am going to do all I can to preserve the separation of powers, even if we have to put in our own phone system around here.

The SPEAKER. The time of the gentleman from Ohio has expired.

MORATORIUM ON TROOP REPLACEMENTS TO VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, there has been an encouraging response to our call for signatures on discharge petition No. 2, which calls upon the President to impose a moratorium on the sending of any further troops to Vietnam. Under our proposal, as the troops are being rotated back home in the normal rotation system, they would not be replaced. I hope that the President will seriously consider such a moratorium at this time.

Between now and December 1, when the President's directive for reducing U.S. forces by 100,000 in Vietnam becomes fully effective, we will send to Vietnam only 31,930 replacements. This figure is arrived at by computing the total number of U.S. troops that will be rotated home during the next 7 months. This comes out to 131,930. Since President Nixon has ordered a troop reduction of 100,000 troops between May 1 and December 1, 1971, we will replace only 31,930 troops during that period. Therefore, I have reason to believe that a moratorium at this time would indeed lead the way to the release of our prisoners of war, and also lead the way to a cease-fire in Vietnam, so that we could ultimately get all our troops out of Vietnam.

Mr. Speaker, I ask all of our colleagues to support this discharge petition No. 2 but, more importantly, I hope our President will consider such a moratorium at this time as a means of opening up a new dimension for the peace talks in Paris. I believe since only 31,930 replacement troops are involved in the next 7 months, it is worth the risk that a moratorium would lead to release of our prisoners of war and a cease-fire.

The SPEAKER. The time of the gentleman has expired.

AUTHORIZING FUNDS FOR EXPENSES OF THE COMMITTEE ON INTERNAL SECURITY

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 274

Resolved, That (a) effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to clause 11 of rule XI of the Rules of the House of Representatives, incurred by the Committee on Internal Security, acting as a whole or by subcommittee, not to exceed $670,000, including expenditures—

(1) for the employment of investigators, experts, attorneys, special counsel, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to

section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;
shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and not to exceed $2,500 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Internal Security shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, this matter comes to the House from the Committee on House Administration. Am I correct in understanding that the rules under which this resolution will be debated provides for 1 hour of debate

The SPEAKER. The gentleman is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, the gentleman from New Jersey controls the time of 1 hour; is that correct?

The SPEAKER. That is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, am I correct in my understanding that no person will be recognized during debate for an amendment to the committee amendment, and there is a committee amendment on this resolution, or for an amendment to the resolution under the rules unless the gentleman from New Jersey yields for that purpose?

The SPEAKER. The gentleman is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, when will the vote on the committee amendment come? Will that be at the conclusion of debate or upon the adoption of the previous question, if the gentleman from New Jersey moves the previous question?

The SPEAKER. Upon the adoption of the previous question, the first vote will come on the amendment.

Mr. ICHORD. I thank the Speaker.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, strike out "$670,000" and insert in lieu thereof "$450,000".

The SPEAKER. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 274, which would provide the money for the Committee on Internal Security came before the subcommittee on accounts of the Committee on House Administration of which I am a member. The chairman of the Committee on Internal Security was invited to appear as was the ranking minority member, and we had what we considered to be a comprehensive——

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 73]

Alexander
Anderson, Tenn.
Ashley
Aspin
Boland
Broomfield
Camp
Carter
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Conte
Corman
Davis, Ga.
Diggs
Dorn
Edwards, La.
Esch
Fraser
Gallagher
Grasso
Gray
Green, Pa.
Gubser
Hagan
Halpern
Hammerschmidt
Hanley
Hansen, Wash.
Hawkins
Hébert
Hillis
Jones, Ala.
Jones, Tenn.
Keith
Kemp
Kluczynski
Landrum
Latta
Lloyd
Long, La.
McCulloch
Madden
Michel
Mills
Moorhead
Murphy, N.Y.
Patman
Pryor, Ark.
Quillen
Rees
Reid, N.Y.
Rosenthal
Runnels
Scheuer
Schneebeli
Springer
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Ullman
Waldie
Wiggins
Wilson, Bob
Young, Tex.

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING FUNDS FOR EXPENSES OF THE COMMITTEE ON INTERNAL SECURITY

The SPEAKER. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 274, funding the Internal Security Committee, came before the Subcommittee on Accounts of the Committee on House Administration. The chairman of the committee was invited, the ranking minority member, and such others as they wanted to bring along. We had a rather extensive discussion of the request.

Last year, the Internal Security Committee was authorized to spend $450,000. With that amount of money they had an average of 48 persons on the committee staff. They came before us asking for an additional $220,000—in other words, just about a 50-percent increase over the amount which they expended last year. Extended logically and reasonably, this would enable them to employ at least 24 more persons.

It was the judgment of a majority of the committee that the request was in excess of that which was justified and was in excess of that which is needed.

It is not my purpose to cripple the committee. I think the amount as reflected in the committee amendment will allow that committee to function as it has been functioning.

I might point out that the Committee on Internal Security does not have oversight jurisdiction as do most standing committees of the House. Legislation on emergency detention, which had been in their jurisdiction heretofore, has been transferred to the jurisdiction of the Committee on the Judiciary and is no longer a matter of concern of the Internal Security Committee.

The Internal Security Committee is now allowed two additional employees in accordance with the Legislative Reorganization Act.

In other words, I feel, and I feel sincerely after a very careful analysis, that the amount as set forth in the committee amendment is generous and fully enough for the operation of the committee at the same level on which it has been operated in the past. They are able, I might say, to do a rather remarkable amount of work with the 48 employees which they have averaged. They maintain, it is my understanding, 754,000 cards of names of individuals or organizations, each card representing a file. Only part of that information is available to Members of the House. It is not fully available. It is composed, according to my understanding, for the most part of public information relating to the 754,000 individuals or organizations.

Mr. ICHORD. Mr. Speaker, will the gentleman yield for a clarifying question?

Mr. THOMPSON of New Jersey. Yes; I yield to the chairman of the committee, the gentleman from Missouri.

Mr. ICHORD. The gentleman made the statement, if I understood him correctly, that the House Committee on Internal Security has no oversight jurisdiction.

Mr. THOMPSON of New Jersey. That is my understanding.

Mr. ICHORD. I would point out to the gentleman that under the rules establishing the House Committee on Internal Security, the gentleman is not correct in that statement.

Mr. THOMPSON of New Jersey. I will be glad to be corrected if the gentleman can do so briefly.

Mr. ICHORD. The rule reads as follows:

> All other questions, including the administration and execution of any law of the United States or any portion of law relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The committee specifically has oversight jurisdiction in the field of subversion.

Mr. THOMPSON of New Jersey. I am glad to be corrected. I am sorry I made a mistake. The gentleman's contribution is a very valuable one.

I might point out, in terms of production of legislation, there has been virtually none over the years.

I emphasize this: The Subcommittee on Accounts and the Committee on House Administration went into this matter, I believe, fairly, and certainly thoroughly. I, as chairman of the Subcommittee on Accounts, was not persuaded, although the committee has done some fine things, that it needs the additional moneys represented in the original request. It simply, as a matter of economics, was not established that there is a need.

I ask the Members of the House to support the work of the committee.

The SPEAKER. The gentleman from New Jersey consumed 7 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 7 minutes to the gentleman from Missouri, the chairman of the committee.

Mr. Speaker, I have yielded to the gentleman for the purpose of debate only.

Mr. ICHORD. How many minutes did the gentleman yield? I understood the very generous gentleman would yield me 10 minutes, rather than 7 minutes.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey used 7 minutes, and the gentleman from New Jersey yielded 7 minutes to the gentleman. Then let us see how we do.

Mr. ICHORD. Let me ask the gentleman from New Jersey a further question.

The gentleman from New Jersey, my very good friend, as the Speaker pointed out, controls all the time. If the gentleman moves the previous question, no Member can submit an amendment.

I believe the gentleman from New Jersey should inform the House as to how he intends to proceed.

Let me ask the gentleman from New Jersey if he will yield to me for the purpose of presenting an amendment to the committee amendment?

Mr. THOMPSON of New Jersey. No; I cannot do that.

Mr. ICHORD. Does the gentleman from New Jersey intend to yield to any Member in debate for the purpose of submitting an amendment either to the committee amendment or to the resolution?

Mr. THOMPSON of New Jersey. He does not.

Mr. ICHORD. Does the gentleman intend to offer any amendment to the committee amendment?

Mr. THOMPSON of New Jersey. He does not.

Mr. ICHORD. I thank the gentleman for the forthright answers.

Mr. Speaker, in view of the statement by the gentleman from New Jersey, I must oppose the committee amendment.

Mr. Speaker, as chairman of the House Committee on Internal Security, speaking in behalf of all the members of the committee except our colleague from Massachusetts, I want to urge the Members of the House to defeat the Committee on House Administration's amendment to House Resolution 274 which would strike $220,000 from the amount we initially requested. House Resolution 274 in its original form proposed an authorization of $670,000 for the operation of the Committee on Internal Security during 1971. The amendment offered by the Committee on House Administration would reduce the requested sum to $450,000.

House Resolution 274 will authorize expenditures for the committee to conduct investigations and studies pursuant to House Resolution 5, which was approved by the House on January 22, 1971. My letter to Chairman HAYS of March 5, which is set forth in full in the Committee on House Administration's report—No. 92–160—sets forth the proposed manner in which we would budget these funds. The letter further explains in great detail the committee's activities during 1970 and our program for 1971. I believe the objective reader will find ample justification in the explanation for the expenditure of the requested funds.

Last year the committee was allocated $450,000. The increase of $220,000 sought for 1971 is primarily due to, first, an anticipated increase of about $25,000 in expenses of travel, per diem, telephone, hearing reporters, and supplies; second, an increase of about $50,000 for the two 6-percent salary increases since the 1970 appropriation; third, $82,000 for additional employees; fourth, $25,000 to enable the committee to hire consultants; and, fifth, approximately $25,000 for contingency.

The sponsors of the amendment to cut the requested appropriation have argued that the recommended amount of $450,000 would keep the Committee on Internal Security operating at the same level as last year. This reasoning is fallacious. Expenses continue to escalate. The salary raises have added $50,000 to payroll expenses and $25,000 more will be needed for travel, per diem, telephone, and reporters. If the amendment is not defeated there will be no alternative but to reduce the committee staff and diminish our operations.

I know you are completely cognizant of the new requirement in the Legislative Reorganization Act which establishes minority staffing rights. This, of course, will necessitate additional funds.

The Committee on Internal Security has been mandated by the House to perform what is certainly a unique function. Some critics complain that the committee produces very little legislation in comparison with other standing committees. The analysis is valid but the complaint is not. In addition to the responsibility to report legislation, the committee is obligated to investigate and hold hearings concerning organizations which seek to establish a totalitarian dictatorship in the United States or to alter our form of government by force or other unlawful means. To accumulate evidence and testimony in this regard requires considerable time, effort, and money. Surely this committee and surely the House expect the Committee on Internal Security to exercise the highest degree of care and to be meticulously thorough in its inquiries, in the publication of transcripts, and in the preparation of reports. In dealing with this sector of our national life which must continually be weighed in balance against individual liberties, it would ill behoove us to be hasty, inaccurate, or superficial. The Congress cannot legislate intelligently in the field of internal security, nor act wisely in many related areas, unless it has up-to-date and reliable data. I would hope that the Congress would always desire to act upon the basis of knowledge rather than supposition. Who, then, is to develop such information and make it available for the Members of Congress if not the House Committee on Internal Security? To whom will the Congress turn if it does not equip itself? The executive branch? I think we have had ample demonstration of the exercise of executive privilege. For many and sundry reasons the executive branch is reluctant to furnish data in this respect to the Members of Congress. Thus, it becomes incumbent upon the Committee on Internal Security to furnish that information which the Congress as a whole desires, and which individual Members daily demonstrate they desire for their own assistance and for the aid of their constituents.

During 1970 the committee furnished responses to 1,057 requests from Members of Congress for information. How is this information acquired? In addition to keeping abreast of what is being written in numerous journals and periodicals, the committee investigates and makes a public record on such organizations as the size of the staff and available funds permit. During the 91st Congress the committee investigated four organizations of national importance: Students for a Democratic Society, Black Panther Party, Progressive Labor Party, and New Mobe. The committee favorably reported three very significant pieces of legislation: the defense facilities bill, obstruction of Armed Forces, and amendments to the Emergency Detention Act. The defense facilities bill was overwhelmingly approved by the House but was not acted upon in the Senate. The latter two bills did not receive action by the House. In all, 30 bills were referred to the committee.

During 78 days of hearings, investigative and legislative, the committee heard

175 witnesses, and recorded and published 8,150 pages of testimony and reports. I think this must be considered to be substantial achievement. I can tell you of the thousands of committee documents distributed to citizens, including Members of the House and Senate, in search of facts. There is, of course, no means to measure the ultimate value to them or of the ultimate significance of their impressions and actions upon digesting these facts. The list of publications during 1970 may be found on page 8 of Report No. 92-160.

I too feel there is a need for additional legislation within the committee's jurisdiction. It is my intention to give very serious consideration to a number of proposals this year. For example, the committee has already authorized and held hearings in April on the role of the Subversive Activities Control Board and the condition of the Federal civilian employee loyalty-security program. These hearings, begun last September, are in the nature of oversight. It is expected that a number of weaknesses and deficiencies will require remedial legislation. The committee has already on March 24 favorably reported H.R. 820, a bill to amend the Emergency Detention Act. The committee has already begun hearings to take a fresh look at the theory and practice of communism. Still other hearings contemplated are covered in my letter to Chairman HAYS.

The funds which the committee is requesting will be necessary for the staff to operate in a professional manner and at the level of activity established in the 91st Congress. As a mark of the efficiency with which the staff now operates, I want to point out that our entire activities during 1970 were reviewed in a 196-page annual report which was very promptly filed with the House on February 25, 1971.

The problems in the field of internal security are becoming very complex. Judicial decisions have impaired the effectiveness of a number of significant statutes and have declared others to be invalid. Dangers and threats to the national security are not being reduced. They are instead increasing and are perhaps more serious than ever before. The civil turmoil in the United States at the present time may be judged by history to be more severe than any we have experienced. There is a great proliferation of subversive organizations. The Congress must decide and by its vote on House Resolution 274 will determine, whether or not it desires to have the full capability of the Committee on Internal Security to analyze legislative needs on these important issues and to develop facts independently by investigation.

I earnestly solicit the support of my colleagues for the full amount of $670,000 in House Resolution 274 to insure that the Committee on Internal Security can continue to discharge its mandated responsibilities.

If the amendment of the committee is adopted, I have no choice except to dismiss employees of the House Committee on Internal Security.

Mr. Speaker, 8 years ago I went on the House Committee on Un-American Activities not at my own request but at the request of the gentleman from Massachusetts, the late Speaker of this House, John McCormack.

Mr. THOMPSON of New Jersey. Will the gentleman yield to me?

Mr. ICHORD. Will the gentleman yield me additional time? I am a little pressed for time. I will yield to the gentleman if he will yield me the additional 3 minutes as originally agreed upon.

Mr. THOMPSON of New Jersey. The gentleman will be glad to yield the gentleman from Missouri an additional 3 minutes.

Mr. ICHORD. Will the gentleman yield me at this time an additional 3 minutes?

Mr. THOMPSON of New Jersey. Yes.

Mr. ICHORD. Then, I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. According to the letter to Chairman HAYS which you wrote on March 5, 1971, giving a very detailed analysis of your expenditures, and so on—and it was a very well done letter—the 6-percent salary increases to which you referred would cost, in your own estimate $25,793, according to your own letter.

Mr. ICHORD. I will say to the gentleman from New Jersey that there was another 6-percent pay increase in 1970, after the committee authorization for 1970 was approved. I overlooked the preceding 6-percent increase. It is my estimate that it will cost at least an additional $50,000.

I refuse to yield any further at this time, because I do have a statement that I want to conclude.

Mr. Speaker, 8 years ago I went on the House Committee on Un-American Activities. This being a small committee of only five members, 6 years later I found myself, by reason of the resignation of one member, the death of another, and the defeat of another member, the chairman of the House Committee on Un-American Activities. Immediately thereafter I asked the House in effect to abolish my position as chairman. I submitted House Resolution 89 which set up the House Committee on Internal Security. That resolution was adopted by an overwhelming vote of 305 to 79.

The House Committee on Internal Security is given investigative and oversight jurisdiction over activities that would overthrow the Government by force, violence, and unlawful means. Is there anyone in this body—and I ask, is there anyone in this body—who will stand up and deny—is there anyone in this body who denies that this is a legitimate legislative responsibility? Is there anybody in this body who would deny the right of Congress to inquire into the financing, the objectives, the numbers of organizations that would destroy this form of government by force, violence, and unlawful means? This is the jurisdiction of the House Committee on Internal Security, and it is a responsible and necessary jurisdiction if this society is to preserve itself.

No one can legitimately dispute the mandate of the committee. The objection, Mr. Speaker, must go to specific investigations and procedures used by the committee. I am prepared to defend each and every one of those investigations and those procedures.

The truth is, Mr. Speaker——

Mr. RYAN. Mr. Speaker, will the gentleman yield to me?

Mr. ICHORD. I do not yield at this time.

The truth is, Mr. Speaker, that this legislative fight has been brought about by a national, well-organized, well-financed committee originally called the Committee to Abolish HUAC. As soon as the House Committee on Internal Security was formed that committee changed its name to the Committee to Abolish HUAC-HCIS. That same committee has undergone another name change. I think they call themselves the Committee Against Regressive Legislation. The Members of this House have received information from that lobbying group a communication urging the defeat of the funding of the committee was sent to every Member. These organizations change their name so fast that it is even impossible for me to keep up with them.

Mr. Speaker, I may have caused some of the Members of this House some chagrin by the statement that I made on the floor of the House on April 6, which received very little publicity by the Nation's press and none at all by the eastern press until the NPAC, the organization that sponsored the demonstration last Saturday called a press conference to dispute the statements I made. I warned the Members that they should look at leadership of NPAC and PCPJ before they publicly supported the demonstrations.

Mr. Speaker, I pointed out in the speech of April 6 that Communist elements in the Nation were supplying the principal leadership of NPAC and PCPJ. I revealed that four of the five national coordinators of NPAC were affiliated with the Socialist Workers Party.

Now, gentlemen, the Socialist Workers Party is not composed of ordinary Socialists like Norman Thomas that I suppose a large percentage of the Members of this body believe. The Socialist Workers Party are the Trotskyites Communists of this Nation. If you will examine that press conference, not one fact that I stated in my speech of April 6 was denied by NPAC. As a matter of fact, the only way they made their defense was to charge that I was engaged in Red baiting.

Mr. Speaker, we are living in a very trying period of our Nation's history. We have witnessed, particularly since the beginning of the very frustrating and divisive war in Vietnam, the proliferation of many subversive groups that would destroy this free system of Government.

The vote today will determine whether or not the House wants to continue the fight against these groups. That is the issue before the House.

I urge the defeat of the amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like the Members of the House to know that no House committee is dedicated to the abolition of the House Internal Security Committee. No outside force influenced the reduction of the money request made by the Commitee on House Administration.

We recognize fully the position of the gentleman's committee. However, I did not address myself critically to any of the issues which have been mentioned by the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, will the gentleman yield at that point?

Mr. THOMPSON of New Jersey. Not at this point.

I simply said on the floor a few minutes ago, and I repeat now, that the gentleman from Missouri showed us a justification for the amount of money reflected in the committee amendment. The gentleman did not persuade me for one second——

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 additional minute.

The SPEAKER. The gentleman from New Jersey is recognized for 1 additional minute.

Mr. THOMPSON of New Jersey. The gentleman from Missouri did not persuade me or the members of the subcommittee that the Committee on Internal Security needs all of this extra money. The argument here is not whether one is critical of equal or free speech or anything else. The argument here is simply that you have justified the amount reflected in the committee amendment and no more. Nothing you have said on the floor has indicated to me the slightest justification for any more than $450,000.

Mr. Speaker, I yield the gentleman from Ohio (Mr. Hays) 5 minutes.

Mr. HAYS. Mr. Speaker, this is not a very enviable position for me as chairman of the full committee. Unfortunately, when this matter was being voted upon, and I was called to the Committee on Rules to appear on a bill for the Committee on Foreign Affairs, which I had handled. I left my proxy, which was voted against the amendment. However, I would have voted for an amendment to cut some money from this committee had I been there.

I can understand that the gentleman from Missouri (Mr. Ichord) is in a rather unenviable position as chairman of the Internal Security Committee, he being attacked from the kooks on the right and the creeps on the left, and he is sort of in the middle.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes; I will yield to the gentleman.

Mr. ICHORD. Mr. Speaker, I certainly want to agree with the gentleman from Ohio (Mr. Hays), and I say this—that the people who are framing the issues for the Nation in the field of internal security are the kooks on the left and the kooks on the right, and altogether too often, Mr. Speaker, the liberals are going with the kooks on the left, and the conservatives are siding with the kooks on the right. The reasonable people are left to pick and choose their issues as they come, and we are losing ground in the fight against subversive organizations.

Mr. CONYERS. Mr. Speaker, will the genteman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. CONYERS. My friend, the gentleman from Ohio, does not mean in the Congress?

Mr. HAYS. No; of course not. You know I defend the Congress at all times. The gentleman heard what I had to say to the gentleman from Michigan on the other side of the aisle. I do not believe there are any kooks or creeps in Congress. I think every Member here does what he does because of a sincere belief, but I do not believe you could argue that there are not some kooks outside of the Congress.

Mr. CONYERS. Well, I would like to suggest to my good friend, the gentleman from Ohio, that perhaps some of the people who are arguing the same kind of arguments outside of the Congress may not be kooks, even though they are not in the Congress.

Mr. HAYS. Every Member of the Congress has a right to his own opinion, and I meant no inference about anybody in Congress.

But I would say further that I have not heard anybody in Congress attack the gentleman from Missouri (Mr. Ichord) here, as an individual—they may have had some reservations about how the committee has been run in the past, but just let me proceed for a minute to say that I have been here for a long time watching this committee, and usually voted to give it less money than it asked for.

I want to say that, as far as the gentleman from Missouri (Mr. Ichord) is concerned, that I think he has brought more order and more sanity with regard to the staffing of that committee than we have had in the past. You may not agree with what he does. You may think it is pretty bad. But you ought to have been around here in the days of some of the previous chairmen—and some of them are no longer on earth, and I do not want to talk about them—but when I first came here it was a lot worse than it is today, as far as not preserving the rights of people, and trampling upon the rights of people, and so forth.

What I really want to say here is that I am going to support the House Administration Committee because I feel, as chairman of the committee, I have to go along with the majority of the committee, although that was not exactly the way I would have had it. I talked to the gentleman from Missouri, and I told him that he could do as he liked as a Member of the House, the same as I, or any other Member, and if he wanted to fight the amendment on the floor that was his privilege. I told him that if he did not, and he came back at a later date to the House Administration Committee and could demonstrate any legitimate need for more money, that I would do the best I could to see that he got it.

I did not intend to be here today. I have delayed my departure for a speech, and I may be late getting there because I felt that I had to be here as chairman and say these things.

There is one thing that troubles me. If you have a Committee on House Administration to hear these matters and decide on them, and then the chairman of the committee requesting funds can come to the floor and overrule the decision, I would be in the position I think next year of telling every chairman to say how much money he wanted, and we will just put a rubber stamp on it and give it to him.

We have cut other committees this year, but we have told every one of those chairmen that if they find out that they cannot get along on what they have been given, and they will come in and show that they spent the money in a legitimate way, and that they need more, that the committee will be receptive to giving it to them.

I can make that same commitment to the gentleman from Missouri. If this amendment is sustained and he gets a smaller amount then I personally would be receptive to giving him additional money at a later date, if justified.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HAYS. Mr. Speaker, may I ask the gentleman from New Jersey to yield me 2 additional minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am very glad to yield to the gentleman from Ohio, the chairman of the Committee on House Administration, 2 additional minutes.

Mr. HAYS. I think they asked for too much money. I think the cut was too severe. You and I can have an honest disagreement about that.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I have told the gentleman from Missouri and every other committee chairman that if they justify any amount that is at all reasonable, I will request my subcommittee to report that amount. If the committee amendment is supported, and I hope it is—the gentleman can still come in at any time at all to present his justification for additional funds and I assure him he will get a complete and fair hearing.

Over the period from 1957 to 1970 the funds authorization to the Committee on Internal Security and before that the Committee on Un-American Activities has ranged from a low of $300,000 in 1964 to a high of $450,000 in 1970. In the year 1967 it was $350,000; in the year 1968, $375,000; in the year 1969, $400,000 and in the year 1970, $450,000.

I have yet to see a justification for 5 cents over the $450,000.

Mr. HAYS. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Speaker, there is one thing I do want to say—there was a controversy on this floor and it took a long time for me to find the record. It turned out to be back in 1968, about witnesses before this committee being paid under contract and paid by the Congress. I reread that today and I want to say that the gentleman from Missouri did not know that that was going on and he was not the chairman then. The staff man who did it was sitting here on the floor, and I brought the matter up to the then chairman and he turned to the staff man and the staff man said that it was not being done. Well, I knew that was a lie because I was chairman of the contracts subcommittee and I had inadvertently approved the contract.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, will the gentleman from New Jersey yield me 3 additional minutes.

Mr. THOMPSON of New Jersey. I yield the gentleman 3 additional minutes.

Mr. HAYS. Mr. Speaker, I hope that I can shed a little light on this although I just did not want to get into this. But I want to tell you that and the gentleman from Missouri, when he became the chairman, dismissed that employee and that matter was cleared up. I just wanted to let the House know that he has tried, in my opinion, to act in a responsible manner. I can assure him that if this thing is voted through the way it is and he needs more funds, he will get a receptive hearing later in the session.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. ICHORD. I thank the gentleman from Ohio, the distinguished chairman of the Committee on House Administration, for yielding.

I want to make a public confession at this time that I took issue with the gentleman from Ohio when he brought that matter before the House because I had been informed that that had not happened and the gentleman is correct in stating that that employee is not a staff member of the House Committee on Internal Security now.

Mr. HAYS. I thank the gentleman. I just want to say again, I am going to support the committee although I would not have voted for this deep a cut had I been there. But it is my committee and the majority wanted it that way. Again, I say, if this thing stands and the committee really needs more money, we will be glad to give them another hearing.

The SPEAKER. The time of the gentleman has expired.

The gentleman from Ohio has consumed 9 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 32 minutes remaining.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California for a unanimous-consent request.

Mr. GOLDWATER. Mr. Speaker, I would like to argue strongly against any effort by the Members of this House to cut the funding for the House Internal Security Committee.

I would suggest that any Member who feels disposed to reduce the committee's funds open his eyes to the situation in America today, a situation which demands careful monitoring by the Internal Security Committee.

I would suggest that any Member who feels the committee's existence is unwarranted take a careful look around him today. Let him look at the offices of those Senators who were invaded by the so-called "peaceful protestors," individuals who shoved around secretaries and threw red paint over office walls and furniture.

I would suggest that that Member take a look at the bomb damage to our Capitol, to hundreds of public facilities around the country, to the headquarters of major corporations, and to buildings on campuses of our great universities. Then let him tell me that there is no problem with internal security in America today.

We are not talking about nonviolent marchers and protestors any more. We are facing a direct threat from a coalition of groups whose openly avowed purpose is to bring the capitalistic system to a grinding halt. Down with the establishment is no longer a hippie phrase, it is becoming a literal physical threat.

During the course of this week, we have seen the operations of major governmental agencies seriously threatened by physical blockades of the demonstrators. Thousands of people are dreading the anticipated "stall-in" next week, when the protestors will follow up their activities on the New Jersey Turnpike by attempting to cut off access to Metropolitan Washington.

As far as I am concerned, this constitutes sabotage and treason, and is exactly as dangerous to the country as foreign infiltration and sabotage. The net results are the same—a threat to our internal security and the free operation of our system.

The Internal Security Committee is the agent of the American people which meets this threat and takes appropriate legislative action to counter it. It seems foolish in the extreme to me to cut funding for the committee at the very time when the need for its activities is greatest.

Mr. DICKINSON. I thank the gentleman from New Jersey for yielding.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yielded for debate only.

Mr. DICKINSON. Mr. Speaker, the situation as outlined by the gentleman from Ohio, the chairman of the full committee, is entirely correct. I should like to explain the parliamentary situation in the committee. A motion was made to strike all funds. That motion failed. An amendment was then offered to set the amount of the authorization at $450,000. I moved to amend that by way of a substitute which would reduce the funds from $670,000 to $570,000, reducing the amount by $100,000, because I recognized that there is some fat in the proposal. I agree with my colleague from Ohio (Mr. HAYS) that the amount was high.

I think the proposed cut is unreasonably severe. I believe the committee did make a case for some amount over what they were given last year. If, as has been pointed out on the floor previously, the committee is funded only to last year's level, it will, in fact, represent a substantial cut because there have been salary raises totaling 12 percent which would come out of this authorization and that were not in last year's budget.

It is not my intention at this time—and I would like to so inform the House—to offer any amendment on the floor to reduce the amount by $100,000 as I offered in the committee. In other words, if the bill as amended in committee is voted down then the full amount requested by the Committee on Internal Security of $670,000 is restored.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Missouri.

Mr. ICHORD. I advise the gentleman from Alabama that there will be no opportunity for any amendment, because the gentleman from New Jersey said that he is going to move the previous question and he will not yield for any amendment. If the gentleman from New Jersey would yield for an amendment, I think I could offer an amendment which would work this controversy out. But I do agree with the gentleman from Alabama that if this committee amendment is adopted, I shall have no choice but to lay off—which I shall do immediately—discharge employees of the House Committee on Internal Security, and we will take the matter from there.

Mr. DICKINSON. Just as long as the House understands the parliamentary situation, and I think I do, if the committee amendment is voted down, then the final vote will be on the full amount of $670,000, and we will vote that up or down.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I appreciate the gentleman's yielding and his explaining the parliamentary situation that occurred in the committee. Am I correct in saying that this particular result that we have on the floor of the House, and for which the chairman has expressed some regret, would never have occurred if there had not been proxy votes? It is an example of why I oppose proxy voting. Were they not decisive in the vote that resulted in the cut that has been characterized here as too drastic?

Mr. DICKINSON. As the gentleman knows, that was the deciding factor, the proxy vote, because most of us were there and voting.

Mr. CLEVELAND. Thank you. For the information of the Members an account of the committee action and the deciding role of the proxies may be of interest, as follows:

COMMITTEE VOTE

After considerable discussion Mr. Podell offered a motion to strike out the entire amount requested. Mr. Devine then offered a motion to table Mr. Podell's amendment. Mr. Abbitt seconded the motion. On a voice vote the motion carried.

Mr. Podell then offered a motion to reduce the amount to $450,000.

Mr. Dickinson then offered a motion to amend the Podell proposal to read $570,000. Mr. Gray seconded the motion. This motion failed to carry on a record vote, 9 ayes to 10 nays.

The next vote was on Mr. Podell's motion to cut the amount to $450,000. On a roll call vote there were 11 ayes and 7 nays.

The Committee then agreed to the amended ($450,000) resolution by voice vote.

AMENDMENT BY MR. DICKINSON TO REDUCE AMOUNT TO $570,000

Hays: Aye (Proxy).
Thompson: Nay.
Abbitt: Aye.
Dent: Nay (Proxy).
Brademas: Nay (Proxy).
Gray: Aye.
Hawkins: Nay (Proxy).
Gettys: Aye.
Bingham: Nay (Proxy).
Podell: Nay.
Annunzio: Nay.
Mollohan: Nay.
(4 ayes, 8 nays.)
Devine: Aye.
Dickinson: Aye.
Cleveland: Aye.
Schwengel: Nay.
Harvey: Aye.
Veysey: Aye.
Frenzel: Nay.
(5 ayes, 2 nays.)

AMENDMENT BY MR. PODELL TO REDUCE AMOUNT TO $450,000

Thompson: Aye.
Abbitt: Nay.
Dent: Aye (Proxy).
Brademas: Aye (Proxy).
Gray: Aye.
Hawkins: Aye (Proxy).
Gettys: Nay.
Bingham: Aye (Proxy).
Podell: Aye.
Annunzio: Aye.
Mollohan: Aye.
(9 ayes, 2 nays.)
Devine: Nay.
Dickinson: Nay.
Cleveland: Nay.
Schwengel: Aye.
Harvey: Nay.
Veysey: Nay.
Frenzel: Aye.
(2 ayes, 5 nays.)

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr. Speaker, in a colloquy with the gentleman from Missouri earlier, I said that I did not intend to yield to any Member for the purpose of offering an amendment. I have been requested by the chairman of the committee (Mr. HAYS) to yield for an amendment. I did not mean to deceive the gentleman from Missouri.

I now yield 2 minutes to the gentleman from Ohio for the purpose of offering an amendment.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Speaker, I have an amendment which I propose to offer. I want to read it to the House as the Clerk may have trouble with my handwriting.

Mr. PODELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Ohio yield for a parliamentary inquiry?

Mr. HAYS. Yes; I yield for that purpose.

Mr. PODELL. It was my understanding that the gentleman from New Jersey controls the time of the debate. It was my further understanding that at the outset of the debate the gentleman from New Jersey said that he would yield for no amendment to be offered by anyone at any time. By what authority does the gentleman from New Jersey now change the applicable rules of the debate in the middle of the debate?

The SPEAKER. The gentleman from New Jersey is in charge of the resolution.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Perhaps I can answer that by saying the gentleman used his prerogative, which is not only reserved for women, and changed his mind—at my request.

Mr. THOMPSON of New Jersey. I should like to emphasize that I yielded for amendment only.

Mr. HAYS. That is right. I am going to read my amendment.

Mr. THOMPSON of New Jersey. As soon as the gentleman mentioned women, I got a little frightened.

Mr. HAYS. Well, I am surprised by that. I thought that was the last thing on earth that would frighten the gentleman.

Mr. Speaker, I propose to read this amendment. As I was saying, I wrote it down in a hurry, and the Clerk might not be able to read my writing.

I propose to amend the amendment by striking out "$450,000" in line 6 and inserting "$570,000" which would be a cut of $100,000 from what the committee first requested. In my opinion they can get along with that amount of money.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

Mr. HAYS. Mr. Speaker, I yield to the gentleman for that purpose.

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Is the amendment now offered by the gentleman from Ohio before the House for its consideration?

The SPEAKER. It has not been reported. It has not been offered, so far as the Chair knows.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I am now offering the amendment. I wanted to read it so that the Clerk could decipher my writing.

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAYS: Strike out "$450,000" in line 6 and insert $570,000".

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes in support of the amendment.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. PODELL. Is not the $100,000 cut the gentleman from Ohio now proposes the exact amount of a cut that was proposed by the gentleman from Alabama (Mr. DICKINSON) which was defeated in the subcommittee?

Mr. HAYS. I was not at the subcommittee meeting, and I am not in a position to answer that inquiry.

Mr. PODELL. I may take the opportunity to enlighten the gentleman from Ohio. This is the exact amount proposed by the gentleman from Alabama, and it was defeated overwhelmingly in the subcommittee.

Mr. HAYS. Perhaps the subcommittee will now consider it made a mistake.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I guess we had better define the word "overwhelmingly" for the benefit of the House. The vote was 10 to 9; that is pretty close.

Mr. PODELL. Mr. Speaker——

Mr. HAYS. Just a minute. That was not in the subcommittee. The subcommittee does not have that many members. That was in the full committee.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. PODELL. It was in the full committee, and the vote was 11 to 7. The record, I think, indicates that.

Mr. HAYS. The press has asked for the poll of the committee, which they have a right to under the new Reorganization Act. I told them they could have it. They asked when, and I said, "The law says at a reasonable time." They wanted to know when that was, and I said, "About the first of June."

What I am trying to do here is to get some kind of a compromise, so we can get this over.

I think if we do not accept this cut, the whole thing will be voted down, and the committee will get the full amount requested. I think that is more than they ought to have, more than they can usefully utilize.

I have agreement from the minority and from the chairman. I think this is what we ought to settle on.

I am not trying to impose my will on the House. I think this is a reasonable compromise.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. ICHORD. I compromise very readily. I accept the amendment of the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

One point has not been made, and I will take 1 minute to explain it.

The gentleman's amendment helps to assure, I say to my fellow Republicans on this side, some equitable staffing for the minority which would not have been possible under the situation had the amendment of the committee stood.

I appreciate the gentleman's assistance. It will help the minority to have some staffing.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I thank the gentleman from Ohio for yielding.

As a member of the committee, I recently went through all of the archives and saw there before me the files of 750,000 American individuals and groups.

If the Members of this House vote for your increase today, they are voting for further surveillance by this House of Representatives. They will have more Americans on 3 by 5 cards in all of the rooms in the Cannon House Office Building. Furthermore, they will be voting for Government agencies, Federal agencies, without any authorization or any valid Executive order coming in there every day and taking this information and thereby precluding Federal jobs for these individuals. Furthermore, there will be a continuing impounding of individuals who have been elected to this House. The staff admits in a very secret, heavily impounded area they have files on Members who are now Congressmen and who as Americans were deemed by these professional or unprofessional people——

Mr. HAYS. Let me answer one or two of your arguments.

If they do not vote for my amendment here, there will be $100,000 more, even, to do what you say.

I am aware of this business about Congressmen. I suspect that if you could get my file and read it, it is probably the worst one in the whole bunch.

I am also realistic, Father, and I will say to you that I know what this House is going to do. You had better buy my amendment, or we are going to have $100,000 more than what I am even suggesting.

Mr. DRINAN. I am appealing to the reason and rationality of this House. Many of us have deplored the surveillance carried out by the executive branch. This is surveillance that is unauthorized by any statute carried out by the executive branch.

I do not demean this House of Representatives. I believe when they understand these facts, they will vote this down and say that we should not be in this business, and this committee which so defamed and disgraced the House over the years will be out of business. This will give to the House a unique opportunity today to bring the House of Representatives away from the shadow and shame of this committee. I suggest to you that the only thing that deters them is fear.

The distinguished gentleman from Ohio says he knows what they want to do. That is because they are still subject to this fear that political opponents back home will say that they are soft on communism. The time has come to rise above that and to say this committee has no place in this House.

Mr. Speaker, in a former hearing room of the Cannon Building of the House of Representatives there is a very large filing area which contains 754,000 3 by 5 cards all containing the names of individual Americans or groups. The names of these 754,000 individuals and groups were placed on these cards by nameless employees of the House Internal Security Committee; they extracted the names from unspecified magazines and newspapers which alleged that these individuals for unstated reasons were somehow a threat to the internal security of this country.

Members of the House who today vote to sustain any funds for the House Internal Security Committee vote in effect to continue the surveillance by a committee of this House over the lives and activities of an ever-mounting number of American citizens.

Any member of this House, moreover, who votes to finance the House Internal Security Committee today votes to continue to allow a large but undisclosed number of Federal agencies to inspect the 754,000 cards and utilize the information on them in any way that the personnel director of any Federal agency desires.

In the recent past I, as a member of the House Internal Security Committee, took a comprehensive tour of the several offices in the Cannon Building occupied by the staff of this committee.

In all candor I was distressed and frightened by the following disclosures made by the highest ranking member of the 49-member staff of the House Internal Security Committee:

1. Any Member of the Congress of the United States may request and receive a complete dossier on any individual on whom the House Internal Security Committee has a file. I have in my hand a 21-page single-spaced document acquired by me on the life and activities of a distinguished citizen of New York City. I have been assured by the professional staff of HISC that there is absolutely no ban on publication of any file acquired by a Congressman.

I have recently asked for the files of several other individuals and expect to send the material to them in order that they may know the secret file maintained on them not by the Department of Justice but by the Congress of the United States.

2. In addition to making available any file to a Member of the Congress the staff of the House Internal Security Committee makes at least the information on the 3-by-5 cards available to officials of the U.S. Civil Service Commission and an undesignated number of other Federal hiring agencies. It is not entirely certain what use the U.S. Civil Service Commission makes of the information acquired in this manner but it would seem clear that it can be and probably is used to preclude the hiring or the upgrading of prospective or present Federal employees.

The mere maintenance of such a file, composed of raw data taken both from right-wing journals and allegedly Communist publications, violates the letter and spirit of a bill pending before this House, H.R. 854, the Federal Privacy Act, now cosponsored by at least 114 Members of the House of Representatives. The Federal Privacy Act would require that the Government notify an individual if it is maintaining a record on such individual and that the Federal agency with such a file make a commitment that it will not disclose information from such a file except with the consent of the individual. In addition the Federal Privacy Act would require the agency maintaining a file on an individual to maintain a record of all persons given access to this file.

The 114 Members of the House of Representatives who have cosponsored the Federal Privacy Act cannot consistently finance a committee not merely of the Federal Government but of this very House of Representatives which violates every single provision and guarantee of the Federal Privacy Act. I appeal to the 114 Members who have cosponsored H.R. 854, a group which incidentally crosses party and philosophical lines, to apply the provisions of that act to the Congress itself by voting today to deny funds for the continued maintenance by this very House of more than 700,000 secret files whose unreliable information is made indiscriminately available to all Congressmen and to Federal agencies.

3. There is a special, highly secret and strictly impounded section of the files of the House Internal Security Committee where the files of individuals who became Congressmen are kept. The committee insists that it does not have in its active file any dossiers on present Congressmen. The number, however, of persons on whom the House Internal Security Committee did in fact have a file before they became Congressmen is not disclosed.

The staff of the House Internal Security Committee has informed me that not even the nine members of the House Internal Security Committee could give to a present Congressman any file that the committee impounded upon his election. To release such an impounded file would take a majority vote of the entire House of Representatives.

If the files of HISC are worth anything at all does it make sense to make them available to a Federal agency when this agency is thinking of hiring a person who has a file in HISC while impounding completely a file on a person after the people of this country have elected him to the Congress of the United States?

Any Member of this House who today votes to continue the maintenance of the files of HISC also votes to perpetuate the absurdity and hypocrisy of impounding those files of allegedly subversive American citizens as soon as these individuals are elected to the Congress of the United States.

4. Members of this House who today vote for the continued funding of the House Internal Security Committee will be approving of an appropriation which, at least in part, will be utilized to undertake a study, approved by the Committee on Internal Security, with this Member dissenting, just yesterday on April 28, 1971. This study, unprecedented in the entire history of the committee, will investigate allegedly subversive activities of individuals and groups who have sought to mobilize veterans against the military. In a truly incredible 13-page document issued by the staff of

HISC to justify this new adventure for the committee, the staff made it clear that it intended to investigate the lives and activities of virtually any American citizen who has had any contact with antiwar agitation inside or outside the military.

Aside from the uselessness of such an inquiry there is the added complication that HISC, as so often in the past, having no real clear jurisdiction of its own, is now colliding with the jurisdiction and objectives of the House Armed Services Committee.

5. Members of the House who today vote for any continued appropriations for the House Internal Security Committee are voting to maintain an unauthorized snooping and reporting service which provides the Executive branch of Government with alleged information about American citizens. There is no authorization for this service in Federal law. On March 25, 1947, Executive Order 9835 did in fact direct that each loyalty investigation of a person entering the Federal service should include a check of the files of the House Committee on Un-American Activities.

On April 27, 1953, however, Executive Order 10450 which superseded Executive Order 9835, above mentioned, does not mention the files of the committee. Despite the clear exclusion of the files of the House Un-American Activities Committee by Executive Order 10450, an order which is still in effect, the staff of the House Internal Security Committee have continued the clearly unauthorized and illegal practice of allowing the executive agencies to continue the practice initiated under Executive Order 9835 of checking the files of the committee in investigations of persons entering the Federal service.

Members of this House, therefore, who vote today for the appropriation for the House Internal Security Committee condone the practice unauthorized by law or Executive order of the staff and personnel of the House Internal Security Committee making its files available to Federal agencies in the Executive branch of Government. Those who vote, in other words, for the continuation of HISC vote to perpetuate the system by which the Executive branch gathers ambiguous information from a committee of this Congress and thereby besmirchs the reputation of the House of Representatives by utilizing the information which this House has collected from unnamed sources and faceless informers.

I submit that the House of Representatives cannot legally and should not morally continue to be an accomplice in this deplorable practice allowed by the House Internal Security Committee despite its prohibition years ago in Executive Order 10450 on April 27, 1953.

HISC DEFIES 175 YEARS OF CONGRESSIONAL HISTORY

On January 3, 1945, Congressman John McCormack argued vigorously and cogently against the establishment of the House Un-American Activities Committee as a permanent body within the House of Representatives. Congressman McCormack's words on that very first day of a new Congress are worth recalling:

> I hope that on this day we will view this Amendment from the angle of reason and from the angle of the legislative history of the very body of which we are members. I do not know when in the history of our country the national House of Representatives has ever provided by rule for a permanent investigating committee. Mark what we are doing. This is not a question of establishing an investigating committee to investigate conditions that arise from time to time; it is a question of amending the rules of the House to provide for a permanent Standing Committee.

Congressman McCormack went on to note that the action taken on that day of January 3, 1945, involved "a vote against the procedure that in 150-odd years of constitutional history" Congress had never established a permanent committee of the nature of the House Un-American Activities Committee. Congressman McCormack's hope that the amendment would be defeated was not realized when the Congress in a vote of 134 to 146 adopted the motion offered by Congressman John Rankin, of Mississippi.

The disrepute which the House Un-American Activities Committee has brought to this House through all of the years of its existence is too well known to elaborate. Congressman THOMAS O'NEILL, of Massachusetts, speaking on the floor of this House on February 18, 1969, stated it this way:

> Through the years the House Un-American Activities Committee has brought disrepute to the House of Representatives. The coverage and elevation of ridiculous and farcical groups has not enhanced the reputation or the influence of the Congress, but has instead made a mockery of the important legislative and investigative powers and responsibility.
>
> The serious and meaningful work of the Congress is delegated to a lesser position when equal standing and power are given to a committee that exposes for exposure's sake and gives priority to hearings rather than meaningful legislation.
>
> Yet we have allowed this Committee, which has only dabbled in legislation and completely ignored Constitutional guarantees, to continue unchecked and unabated.

Congressman O'NEILL stated on that day that—

> I have long believed that the activities and interests of the House Un-American Activities Committee rightly belong under the jurisdiction of the Judiciary Committee. The rules of the House and traditional practice have granted the Judiciary Committee jurisdiction over legislation dealing with espionage, sedition, crime, and punishment. The always-too-vague and all-embracing investigative powers of the HUAC have conflicted with that jurisdiction.

On the same day, February 18, 1969, Congressman EDWARD BOLAND of Massachusetts, recommended in this Chamber that the House Un-American Activities Committee be placed under the jurisdiction of the House Judiciary Committee. Congressman BOLAND stated that—

> The "past record (of HUAC) in this area stands as a shoddy testament to abuse of the investigation prerogative. But the stigma attached to this Committee makes it imperative that the House be done with it and that its functions be transferred to the Committee on the Judiciary.

Congressman BOLAND went on to say:

> Regrettably, the Committee on Un-American Activities has been guilty innumerable times of overstepping the legitimate boundaries of Congressional inquiry. It has exposed for exposure's sake. It has invaded the rights of free speech. It has laid itself open to disruptive, chaotic and embarrassing hearings by calling witnesses and attempting to compel from them testimony which the Committee knew full well would precipitate recalcitrant, anger and demonstration. Too often its policy has been one of deliberate provocation for the purposes of gaining publicity. Too seldom has its policy been designed to further the legitimate ends of Congressional inquiry.

Congressman BOLAND concluded that—

> The history of the Committee does not merit its continuance.

Members of this House are today asked to make a decision which in all candor would recognize that Members of this House in 1945 made a mistake in creating a permanent standing committee of the House Un-American Activities Committee. Members of this House are also asked today to concede that the change in the name of this committee agreed to by a vote of 262 to 123 by this House on February 18, 1969, has really made no difference in the activities or accomplishments of this committee.

Members of this House have, however, a very splendid and unique opportunity to cast a vote today against secret surveillance carried out by unnamed individuals who are accountable neither to the person about whom they inform or to the authority to whom they report. The House of Representatives has the opportunity today to extricate this House from the shadow and the shame of the files in the Cannon Building of which no Member of this House can be proud and of which, in my judgment, every Member of this House has reason to be ashamed.

A vote to continue the House Internal Security Committee cannot be justified because of any legislation which it has produced; the laws which this committee has proposed or enacted during the 26 years of its life are infinitesmally small. A vote on behalf of HISC cannot, furthermore, be justified on the basis of any education which it might have carried out with regard to subversive or Communist elements in this country; the education and the literature which this committee has issued in the recent past, as always, is one sided, unimpressive, undocumented, and in short almost useless for the scholar or the public.

A vote can be justified by a Member of this Congress on behalf of the House Internal Security Committee only because he fears that his vote to transfer the Committee on Internal Security to the Judiciary Committee will be caricatured by future political enemies as a vote which indicates that he is "soft on communism." How long must Members of this Congress be subservient to this craven fear? How much longer will Members of this House refuse to do what the Senate did years ago; namely, place the Internal Security Committee under the jurisdiction of the Judiciary Committee.

A vote to fund the Committee on Internal Security means inevitably that a number of Americans, perhaps a large number, will be damaged in their reputation during the next fiscal year because of the hearsay evidence of a derogatory nature transferred by a committee of this Congress to a Federal agency. A vote for HISC is a vote to continue an illegal and unauthorized practice of which I, as a Member of this Congress and of the House Committee on Internal Security, am ashamed.

I plead with you not to vote for further damage to come to the 754,000 persons and individuals whose names are on 3 by 5 cards in a former hearing room of the Cannon Building of the House of Representatives.

The SPEAKER. The House will be in order. The Chair must admonish the guests of the House in the galleries that they are to make no demonstration of approval or disapproval of any of the proceedings on the floor of the House. That is a part of the rules of the House.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would simply like to say that the eloquent argument just advanced in opposition to surveillance at least on occasion is without value because I am led to believe that it was because of surveillance that the Justice Department just made an arrest having to do with the bombing of the U.S. Capitol, and I applaud it.

Mr. Speaker, when it comes to the security of the country and its survival, I say we must have surveillance.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. ICHORD. I want to point out two errors made by the gentleman from Massachusetts.

First of all, there are not 750,000 names and the gentleman from Massachusetts did not see 750,000 names.

Second, there are no files maintained on any Member of Congress except one Member of Congress and that is the gentleman from Missouri, yours truly.

I am not surprised that my good friend, a member of the committee, the gentleman from Massachusetts——

Mr. HAYS. Would you answer a question for me right there?

When you became chairman there were files on Members of Congress; were there not?

Mr. ICHORD. There were files. Those files have been removed. There are no files now except one.

Mr. HAYS. Where are they?

Mr. ICHORD. I believe they are in the Archives.

Mr. HAYS. But they are still around, then. What you ought to do is destroy them.

Mr. ICHORD. But they are not in the committee.

I say to the gentleman I am not surprised that the gentleman from Massachusetts would make the statements that he did because he has been quoted as saying "I am seeking to collapse the committee from within."

But there are no files maintained by the House Committee on internal security at the present time.

Mr. EDWARDS of California. Will the gentleman yield for an observation?

Mr. HAYS. If I have the time.

Mr. EDWARDS of California. What the chairman of the committee, the gentleman from Missouri (Mr. ICHORD) said over and over is he has maintained no files on Members of Congress. And yet, on page 11181 of the April 21, 1971, CONGRESSIONAL RECORD, Senator GEORGE McGOVERN is referred to in a very derogatory manner out of the files of your committee, and then on pages 11192 and 11195 material from the committee files refers to our colleague, the gentleman from California (Mr. DELLUMS).

Mr. EDWARDS of California. Mr. Speaker, just last month the California Senate decided to do away with its un-American activities committee after the president pro tempore of the senate, Senator James Mills, of San Diego, discovered that the committee maintained a file on him.

I am suggesting that the House of Representatives do the same thing—eliminate the Internal Security Committee, for the California reason, and for many others.

We can only surmise from this outrageous disclosure that each and every Member of Congress may be included in the committee's files and that gossip and innuendo about any of us are disseminated on a worldwide basis.

Mr. Speaker, it is time for us to put our House in order like California has done and eliminate this committee. It is time to eliminate the committee because it is a holdover from another age—from the dark days of the McCarthy era when Americans accused other Americans of disloyalty because of different political opinions.

The purpose of the committee has nothing to do with the operation of a legislature in a democratic society. It investigates members of the public to determine if they have said the wrong thing, joined the wrong group, or attended the wrong meeting. It violates the Constitution because it asserts the right to call individuals before it whom it accuses of being disloyal. These individuals are given none of the procedural rights guaranteed in a free society; no grand jury; no right to know the specific charges; no right to counsel; no right to an impartial jury and neutral judge.

There is no indication that the committee has changed its purpose candidly stated in the past "to expose individuals to the pitiless glare of publicity." It returned to this practice recently in its illegal publishing of the names of allegedly radical speakers at college campuses, the purpose being to intimidate college administrators and alumni.

The committee uses a large portion of its funds in a totally unauthorized manner—the maintenance of a data bank and free reporting service.

I refer to the data bank as "public" because the information is available to all Members of Congress and their staffs. The Congressman can disseminate the information as he sees fit. In addition, more than 40 Federal agencies have access to the files with no apparent restrictions regarding public dissemination of the information.

The data bank consists of hundreds of thousands of dossiers on individual Americans and organizations. Derogatory information is collected from newspapers, magazines, letterheads, the committee's investigative files and presumably from unsolicited letters and telephone calls. I do not know if attempts are made to verify what is put in the files. What is clear is that the House of Representatives, a legislative body, is maintaining an unauthorized snooping and reporting service, providing the executive department and others with gossip about American citizens.

In recent months we have witnessed a rising tide of concern by the American people regarding Government snooping. Senator ERVIN's hearings have alerted us all to the need to establish checks on the Government's reckless use of data banks. Indeed, the chairman of the Democratic Caucus, Congressman OLIN E. TEAGUE, working with Congressman KOCH of New York is sponsoring a Federal Privacy Act that, if enacted, would have a great impact on HISC's data bank. Nearly 70 of our colleagues are cosponsors of this bill, H.R. 854. The bill has been introduced by Senator BIRCH BAYH in the Senate.

The committee has asked for an additional appropriation for this year of $670,000, a substantial increase over last year's $450,000. I refer to this request as "additional" because it is in addition to approximately $250,000 which HISC gets automatically as a standing committee of the House.

But these two sums, totalling nearly a million dollars for this year, do not begin to cover the fantastic annual expenditures in taxpayers' money chargeable to this committee.

Believe me, Mr. Speaker, the more money you give this committee, the more you burden the Department of Justice and the Federal Court system with hundreds of thousands of dollars in tedious and usually unnecessary criminal trials and law suits.

From January 3, 1945, to the present 187 contempt citations have been voted by the House of Representatives; 174 of these came from this committee or its predecessor, the HUAC. Of these citations, 142 failed in court, either in trial or on appeal. Just think of the money and effort the Department of Justice was forced to expend. And in more than 80 percent of the cases the actions of the House were not supported by the courts.

A distressing example is the Stamler contempt citation voted on October 19, 1966. There is no way to count the hundreds of thousands of dollars this case has cost the American taxpayer in the past 5 years, and the end is not in sight. It has been in a district court, twice before a three-judge court, twice to the court of appeals, twice to the Supreme Court, and back to the House of Representatives early this session for debate and a vote on the scope of the discovery to be permitted the Stamler lawyers.

The Hentoff case is presently in the court of appeals. It was also in this session the subject of lengthy debate and legislative action in the House. This lawsuit concerns a staff report issued by HISC entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." A district court judge found that the publication of the report serves no valid legislative purpose, consists of a "blacklist" of persons whose views are considered repugnant by the HISC, and interferes with the first amendment freedom of those persons named in it.

I am not here today to judge this case. I just want to point out that the preparation of this useless and illegal report is typical of the work of HISC, and if you give them more money, you are asking for more legislative and judiciary confrontations, more lawsuits and more millions spent in futile legal wrangling. One estimate is that this particular case has already cost the taxpayers between $50,000 and $100,000. This is another example of the hidden costs of HISC.

Mr. Speaker, I urge my colleagues to resist each and every attempt to increase the funds for the HISC and to vote against the appropriations on final passage.

Mr. ICHORD. Mr. Speaker, will the gentleman from Ohio yield further?

Mr. HAYS. I yield further to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, all of the information in the files reference section is public source information. These are not investigation files. I want to point out to the gentleman from Ohio and the gentleman from California, what would be the result of all this furor that has come about by the revelation of Army surveillance. If you take the FBI and the House Committee on Internal Security out of the field of subversion, you will have no one left in the United States looking into subversion, because the Supreme Court has held that State governments do not have the authority to deal with subversion.

Mr. EDWARDS of California. Oh, no.

Mr. HAYS. Mr. Speaker, I do not yield further.

The SPEAKER. The gentleman from Ohio refuses to yield further.

Mr. HAYS. Mr. Speaker, I did not intend to take this much time and did not intend to bring about all of this discussion. However, there is an old saying, "Blessed are the peacemakers," which I was trying to be. However, they usually get the stuffings kicked out of them.

Mr. Speaker, I move the previous question on the amendment to the committee amendment.

The previous question was ordered.

Mr. RYAN. Mr. Speaker, once again, the House is called upon to provide funds for the House Internal Security Committee. House Resolution 274, as amended by the Committee on House Administration, provides $450,000 for so-called investigations and studies. This is in addition to the sums—approximately $250,000—which the committee receives automatically as a standing committee of the House. And it appears that the committee may be handed an additional $120,000 by virtue of passage of an amendment to the committee amendment.

Since the inception of this committee's predecessor, the House Un-American Activities Committee, the House has sustained a body which has been inimical to the civil liberties embodied in our basic traditions. So long as we continue to sustain that committee—now operating under the rubric of the Internal Security Committee—we sustain a threat to those liberties.

This is a committee which nurtures guilt by association. This is a committee which panders to a paranoid fear of dissent. This is a committee which in blunt terms, does a disservice to America. And until the House ends the committee's existence, the House must bear the responsibility for allowing that disservice to survive.

I know that some of my colleagues, while dubious about the exercises of this committee, continue to sustain its existence despite their doubts. To them I would say—if the affronts to civil liberties committed by the committee are not enough—then look, in terms of money, at what this committee is and does.

This is a committee whose total staff ranks fourth in size of all the standing committees of the House. As of December 31, 1970, 48 staff members occupied positions on this committee. This is more than the staff of the Armed Services Committee whose jurisdiction extends over more than $70 billion of authorization. This is greater than the staff of the Ways and Means Committee, which has jurisdiction over the Nation's entire tax structure and social security laws. It is more than the staff of the Judiciary Committee, whose jurisdiction encompasses the basic issues of law and order.

A chart listing the staff sizes of the standing committees of the House, as of December 31, 1970, follows:

Committee	Staff	Rank
Education and Labor	76	1
Government Operations	60	2
Banking and Currency	49	3
Internal Security	48	4
Interstate and Foreign Commerce	43	5
Public Works	42	6
Armed Services	34	7
Post Office and Civil Service	34	8
Judiciary	32	9
House Administration	28	10
Science and Astronautics	25	11
Ways and Means	24	12
Foreign Affairs	21	13
Merchant Marine and Fisheries	19	14
Veterans' Affairs	18	15
Agriculture	17	16
Interior and Insular Affairs	15	17
District of Columbia	12	18
Rules	8	19
Standards of Official Conduct	5	20

If the committee were a hotbed of legislative activity, one might understand the large staff size and its enormous expenditures, even though no matter how much legislative activity was occurring, the committee's very existence still could not be justified. But, in actuality, the committee is virtually moribund, insofar as legislation is concerned. More than 20,000 bills were introduced in the 91st Congress; it is incredible, but true, that the grand total of 29 bills were referred to the Internal Security Committee. And of those 29, 22 were either identical to each other or similar. Thus, this committee, staffed by 48 people, had referred to it seven substantive pieces of legislation.

Just how expensive this offensive boondoggle is is seen by looking at the appropriations and expenditures of the standing committees of the House. Both in terms of appropriations and expenditures, the House Internal Security Committee ranked sixth—receiving an appropriation of 850,000—in addition to the approximately $250,000 it receives automatically as a standing committee—and spending $820,871.24 of that appropriated amount. Thus, each of these seven substantive pieces of legislation cost the taxpayers of this country, just by virtue of its being referred to the committee, $117,000.

The figures become even more astounding—and I commend these particularly to those Members who constantly decry the expenditures of taxpayers' dollars—when we find that of those seven pieces of legislation, only one reached the House floor. For that bill, the American public paid over $820,000. Finally, I would note that that bill—the Defense Facilities and Industrial Security Act of 1970, H.R. 14864, which passed the House on January 29, 1970, was never acted upon by the Senate.

There is an old saw about throwing good money after bad. So far as the House Internal Security Committee is concerned, the saw must be modified—the House continues to throw bad money after bad.

Following are charts listing the appropriations for each of the standing committees of the House in the 91st Congress, and the expenditures of these appropriated funds by each of them.

APPROPRIATIONS [1]

Committee	Funding	Rank
Government Operations	$1,750,000	1
Education and Labor	1,539,200	2
Panking and Currency	1,373,700	3
Biblic Works	1,073,000	4
unterstate and Foreign Commerce	1,060,000	5
Internal Security	850,000	6
Post Office and Civil Service	806,000	7
House Administration	800,000	8
Science and Astronautics	715,000	9
Judiciary	530,000	10
Armed Services	425,000	11
Foreign Affairs	350,000	12
Merchant Marine and Fisheries	310,000	13
Veterans' Affairs	250,000	14
Agriculture	200,000	15
Interior and Insular Affairs	195,000	16
District of Columbia	100,000	17
Ways and Means	50,000	18
Standards of Official Conduct	20,000	19
Rules	5,000	20

[1] Does not include the approximately $250,000 each committee automatically receives as a standing committee.

EXPENDITURES OF APPROPRIATED FUNDS [1]

Committee	Expenditures	Rank
Government Operations	$1,729,043.39	1
Education and Labor	1,371,359.02	2
Banking and Currency	1,281,164.86	3
Public Works	1,072,370.99	4
Interstate and Foreign Commerce	1,012,243.65	5
Internal Security	820,871.24	6
Post Office and Civil Service	763,047.46	7
Science and Astronautics	695,793.98	8
House Administration	620,325.01	9
Judiciary	520,893.54	10

Footnote at end of table.

EXPENDITURES OF APPROPRIATED FUNDS [1]—Continued

Committee	Expenditures	Rank
Armed Services	$343,012.59	11
Foreign Affairs	295,531.20	12
Merchant Marine and Fisheries	285,611.41	13
Veterans' Affairs	217,149.42	14
Agriculture	187,983.29	15
Interior and Insular Affairs	161,269.73	16
District of Columbia	103,953.55	17
Ways and Means	18,992.41	18
Standards of Official Conduct	5,996.62	19
Rules	2,851.37	20

[1] Does not include the approximately $250,000 each committee automatically receives as a standing committee.

What is the House Internal Security Committee spending its funds on? Certainly, 48 people are not diligently working on legislation—that is demonstrable by the ludicrous work product of the committee.

In fact, this money is being spent on hearings whose only function is to sustain the theme of guilt by association and to chill dissent. Only yesterday, the committee voted—not unanimously, I should point out—to conduct a study of allegedly subversive activities of individuals and groups who have sought to mobilize veterans against the military. Let me, for one, say right now that the majority of the veterans—particularly those organized as the Vietnam Veterans Against the War—who have come to Washington in recent days to express their opposition to the war have demonstrated a commendable sincerity and depth of feeling.

The committee's money—money provided by this House—is also being used to maintain a massive system of files, which are not only being used by the committee for its arcane purposes, but by the executive branch as well. How the House can condone, even if just by silence, this situation, is bewildering to me.

Particularly strange is the opening of these files to the executive. In the 1970 annual report of the committee, at page 166, it is stated:

> Some 25 departments and agencies of the Federal Government include a search of committee records in their security programs, under Executive Order. During the past year there were 1,348 visits to that section by authorized representatives of the Federal Government.

And in the 1969 annual report, it was stated that—

> (S)ome 25 departments and agencies of the Federal Government include a search of committee records in their security programs under Executive Order. During the past year there were 1,506 agency visits to the files section.

Of course there were, as I understand it, numerous inquiries by Federal agencies, in addition to "visits."

I find no authority for this state of affairs. Rule XI, paragraph 27(c) of the House of Representatives provides that committee files are the property of the House of Representatives, stating:

> All committee hearings, records, data, charts and files shall be kept separate and distinct from Congressional office records of the Member serving as Chairman of the Committee, and such records shall be the property of the House.

The chairman of the Internal Security Committee himself has expressed the view that he requires the authorization of the House to release files. This occurred on March 2 of this year, when the House was considering House Resolution 264, regarding compliance by the committee with a court order for discovery issued by the U.S. District Court for the Northern District of Illinois. At page 4585 of the CONGRESSIONAL RECORD, the chairman stated:

> Under the privileges of the House no document under the control and in the possession of the House of Representatives can by the mandate of process of the ordinary courts of justice be taken from such control or possession except by the permission of the House of Representatives. . . . I as the chairman of the House Committee on Internal Security do not have the authority to release these documents. No Member of the House has the authority to release these documents without the permission of the House of Representatives.

If a committee does not have the authority to comply with a valid order of a Federal court to produce files, unless the House consents to that compliance, how then does the committee have the authority, in the absence of any ostensible judicial compulsion, to open its files to the Executive? All I can find as possible authority is the committee's reference in its reports to an Executive order. However, an order of the Executive has no relevance to the workings of a coequal branch of the Government—the Congress. That Executive order is no authority for even opening the door to the committee office, let alone for opening up the files which the committee holds for the House.

The committee's filekeeping function alone—forgetting about the other affronts of the committee to civil liberties, forgetting about the exorbitant amounts this committee throws down the pit of repressive intentions—mandates the demise of the House Internal Security Committee.

But let me continue, and attempt to ascertain what substantive justification warrants this committee. After all, I suppose someone might make the claim that seven pieces of legislation have to be taken care of somehow. If the contention follows, however, that no other committee could do so and, therefore, the Internal Security Committee is necessary, then there is something very much wrong with this House. If we can sit to decide the most complex legislation on the floor, certainly we could devise language in the rules of the House to assure that this legislation would have a committee within which to lodge, without having to create an enormous committee just for those few bills.

The fact is, however, that the House is sufficiently able to tend to its own functions. The Committee on the Judiciary does have jurisdiction to handle the legislation which has been referred to the Internal Security Commitee, and that is the final nail which drives the fact of the continued existence of the Internal Security Committee into the realm of absurdity.

Let me briefly outline the nature of the seven substantive pieces of legislation which occupied 2 years of the committee's time.

H.R. 384, introduced on January 3, 1969, required the Attorney General to maintain a register of Communist-action, Communist-front, and Communist-infiltrated organizations. This bill, which has been introduced in each of the past several Congresses, has never been reported out of the committee. Meanwhile, numerous bills concerning subversive activities have been referred to the Judiciary Committee.

H.R. 959, introduced on January 3, 1969, proscribed two types of activity—obstructing movement of military personnel or supplies, and giving aid to nations with which the United States is engaged in armed conflict. Again, this bill could have been referred to the Judiciary Committee, as evidenced by the fact that an almost identical bill introduced by the same Member in the 89th Congress—H.R. 11864—was referred to that committee.

H.R. 11731 made Federal offenses of acts on college campuses—acts which actually should be handled by local law enforcement. The bill proscribed acts of force, threats of such acts, occupying of buildings, and "any other overt act in violation of any provision of law or any duly adopted rule or regulation promulgated by appropriate administrative authority of such federally assisted institution" willfully committed with intent to prevent, obstruct, or interfere with the orderly administration or operation of a federally assisted institution. This is another bill which the Internal Security Committee never reported out. Again, similar bills in the 91st Congress such as H.R. 10940 and H.R. 13842, which would "prohibit the disruption of the administration or operation of federally assisted educational institutions," were referred to the Judiciary Committee.

H.R. 11825, along with 15 other similar or identical bills, provided for the repeal of the Emergency Detention Act provisions of the Internal Security Act of 1950. A so-called compromise bill—H.R. 19163—was introduced by the committee chairman and the ranking minority member following hearings on the repeal legislation. The fact that this legislation—both the bills originally introduced for complete repeal, and the so-called compromise produce—were clearly within the jurisdiction of the Judiciary Committee is demonstrated by that committee's holding hearings this year on virtually the same legislation to repeal the Emergency Detention Act. Both the Internal Security bill and the Judiciary Committee bill have been reported out of committee in this Congress, and are currently lodged in the Rules Committee.

H.R. 14864, which was passed by the House on January 29, 1970, was entitled the Defense Facilities and Industrial Security Act of 1970. The Washington Post well characterized this piece of legislation in its editorial of January 29:

> Behind this malevolent and maladroit piece of legislation lies the misconception that lay behind the McCarthy hysteria of the

> 1950's—the misconception that the way to promote national security is to mistrust all Americans and to judge their suitability for employment in terms of the conventionality of their ideas.

Again, this bill should have been referred to the Judiciary Committee, as were other bills—such as H.R. 16554—which made unlawful certain acts which ostensibly fomented domestic disorder.

H.R. 18204, introduced on June 6, 1970, provided that under the Internal Security Act of 1950 the attorney general of a State or Commonwealth would have the power to initiate cases before the Subversive Activities Control Board—an attempt to provide some excuse for the continued existence of that moribund body. This was another bill which was never reported out of committee, and which could have been referred to the Judiciary Committee, as was H.R. 725, a bill concerned with strengthening internal security.

In sum, it is clear that the House Internal Security Committee is an albatross around the figurative neck of this body—an albatross which we could easily drop by terminating this committee's mandate and its money. The committee serves virtually no legislative function. It serves no legitimate function. Its continued existence is an affront to civil liberties.

Each year until this one its budget has increased. In 1967, the House appropriated $350,000 for HUAC; in 1968, the figure rose to $375,000. In 1969, HUAC's successor—the present Internal Security Committee—received $400,000. Last year, the figure rose to $450,000. Today, House Resolution 274, as amended by the House Administration Committee, provides $450,000. It may be that an additional $120,000 will be added today on the floor. Yet, while bad money follows bad, the basic nature and purposes of this committee persevere—hostility toward civil liberties the spread of the guilt by association, and the attempt to chill dissent.

The resolution before us today should be defeated, as the first step in the total dissolution of the House Internal Security Committee—a blot upon the House of Representatives and upon America.

Mr. MITCHELL. Mr. Speaker, I rise to speak concerning the 1971 budget request of the House Internal Security Committee for $670,000. This is supplemental to the sum of approximately $250,000 which the committee receives automatically as a standing committee of the House of Representatives.

Ideally, the burden of proof of need for these funds should lie with the body making the request. It should be the House Internal Security Committee which bears the responsibility for clearly demonstrating that its request for more than half a million dollars is financially sound, within the best interests of the Congress, and contributory to the progress and well-being of our Nation.

Can the Internal Security Committee provide one sound reason why it should be funded again this year? I, for one, have seen no proof of its positive function. Its negative achievements are, however, abundantly clear. In the past 25 years of its existence as a standing committee, its legislative record has been practically blank. It has spent more than $7 million, to ferret out of every nook and cranny, what it sees as Communist threats. It has labored to expose, harass, and discredit innumerable organizations, none of which could be seriously considered a substantial threat to our Government. When it was most effective in the 1950's HUAC–HISC irreparably damaged the reputations, careers and private lives of countless American citizens, and fostered a pervading atmosphere of fear and suspicion in our society. It has tied up the courts with more than 130 cases, only a small percentage of which have resulted in convictions, and even the convictions were only for contempt or, in two cases, for perjury. To the best of my knowledge, as a direct result of the committee's efforts, no single person has been convicted of substantive crimes and threats which the committee has claimed to investigate such as espionage, sabotage, and insurrection.

Thus, as a legislative unit the Committee indisputably has been a fiasco, producing no legislation in the past years which could not have emanated from the Judiciary Committee or another committee of the Congress. As an investigative unit, surely the best that can be said is that it is immeasureably less efficient than the numerous agencies such as the FBI, which concern themselves totally with the goal of domestic security. As a self-styled quasi-judiciary unit, it can only be viewed as a latter day Star Chamber. And, as a mechanism for warning the public of dangers to its security, surely it has propagated more fiction than truth. It has contributed all too substantially to the divisiveness in our society, and to the anti-Communist paranoia which has played a significant role in our counterproductive foreign policy during the past 25 years.

The dominant theme of the committee throughout its tumultuous history has been one of abuse—abuse of legislative authority, abuse of citizen rights, abuse of information and abuse of fundamental American beliefs and ideals.

Volumes have been written on this abuse. I wish today merely to stress the committee's repressive and harmful influence in three areas—foreign policy, civil rights, and congressional responsibility.

As America in the 1950's arrogated to itself the role of policeman of the world, so the House Un-American Activities Committee arrogated to itself the parallel role of policeman of "Americanism" at home. Its existence was predicated on the myopic and, I believe, irrational vision, which became so popular in the 1940's and 1950's, of a world threatened by monolithic communism.

That international vision led to the destructive belief that domestic dissent, especially radical dissent, was more dangerous to America than the committee's own desecration of such cherished ideals as freedom of speech; freedom of association, freedom of the press and freedom of assembly. The Committee pilloried a succession of often decent Americans, innocuous dissenters, and others who failed to conform to its narrowminded vision of what it means to be an American. By its narrow definition of the bounds of reasonable dissent, the committee contributed to the suppression of a fundamental and legitimate questioning of the premises of American foreign policy, and thereby helped to perpetuate a policy which increasingly appears very costly, unlikely of success, and at times, as in Southeast Asia, immoral.

It is precisely this rhetorical, defensively uncritical and self-righteous posturing regarding our foreign policy that has kept the blinders on a generation of Americans. It was relatively easy, for example, for many of us to recognize, as did then Majority Leader Lyndon B. Johnson in 1954, that the French were engaged in a colonial white man's war in Indochina. But in our self-protected image of our own conduct, fostered by HUAC–HISC, it has generally been considered subversive to suggest that perhaps America has been pursuing a singular course.

In the early days of our involvement in Southeast Asia, only a handful of men with incredible courage and moral conviction spoke out against our policy. They now have been joined by millions of Americans who strenuously protest our tragically misguided involvement in that part of the world. These Americans have reclaimed their right to dissent. Although they regard HUAC–HISC with ridicule, as an innocuous and irrelevant arm of Congress and although they no longer fear its subpena, HUAC–HISC remains a symbolic threat to their right to dissent—one which I cannot, in good conscience, support.

If we wish, in the near future, to come to a significant reappraisal of our foreign policy, particularly in Asia, then we must make it abundantly clear that those who advocate such a reappraisal cannot be labeled un-American, as they have in the past.

HUAC–HISC not only has operated to maintain an inept foreign policy, it has promoted internal insecurity in our Nation. This has been notable, since the fateful days of its inception, in the area of race relations. The committee has played a historic role in reinforcing and promoting prejudice, discrimination and racial persecution. Directly and indirectly it has impeded the movement for equality and it continues to pose a threat of repression.

Black Americans remember that during the civil rights movement of the 1960's the committee knowingly or unwittingly buoyed reactionary efforts in the South to suppress the legitimate struggle for equal rights under the law. Black Americans know something about the use of raw unevaluated data from HUAC–HISC files to defame civil rights leaders; something about the "little HUAC" committees which were formed in several State legislatures to uncover Communist influences; something about the attacks on civil rights organizations, such as the Atlanta Student Nonviolent Coordinating Committee, using HUAC–HISC information to substantiate charges of Communist infiltration. Black Americans know something about the 1963 effort of a Southern Congressman to bring dishonor to the NAACP and defeat to pending civil rights legislation by reading into the CONGRESSIONAL RECORD pejorative quotes from HUAC–HISC dossiers on leading black and white rights activists.

Black Americans know that 110,000 Americans of Japanese descent were wrenched from their homes and incarcerated in detention camps during the Second World War. They also know that no German-Americans or Italian-Americans were subjected to the same treatment. Although this tragedy occurred as a result of an executive action, it was the Congress that provided by law for a possible repeat. By the passage of the Internal Security Act of 1950, over the veto of the President, the Congress gave credence to the nightmares of a future rounding-up of undesireable citizens.

Bills to repeal the Emergency Detention Act have been referred to HUAC–HISC since 1968, but they have never been reported out. Rather, last session after extensive hearings, the committee favorably reported out its own bill for consideration, a piece of legislation which glosses over its evil content with a transparent sheen of respectability.

Black middle-class Americans still are uneasy about the charges by Black militants in 1967, that detention camps were being prepared for ghetto rioters. The emphatic rebuttals by civil rights leaders and government officials, that these charges were false rumors, were severely undercut by the committee. HUAC–HISC, in this period of racial turmoil, gave fuel to the fire and unwarranted credibility to the militant claims. In its May, 1968 report, "Guerilla Warfare Advocates in the United States," it suggested, among other outrageous proposals, the use of detention centers, provided for the McCarran Act, "for the temporary imprisonment of warring guerillas."

This is only one case in which public leaders have been obliged to undo severe damage done by the committee. Referring to the HUAC–HISC report, an editorial in the Evening Star of May 17, 1968 stated:

> It is doubtful that any enemy agent intent on sowing the seeds of discord and violence in American society, could not have done a better job than HUAC has done in this instance.

Black Americans have demanded and will continue to demand their rightful place in society. All but a handful are peacefully struggling within the system to achieve their constiutional rights and civil liberties. They know that what they are doing is right. And yet black Americans also know that any minority which wants change faster than the consensus is a threat to the status quo, as narrowly conceived. Such threats have been capitalized on in the past by the committee. It is not unreasonable to anticipate the HUAC–HISC might again use its abusive power in the future to frustrate this sort of legitimate challenge to the slow pace of change sanctioned by the committee.

Just as those advocating a change in our foreign policy must be guaranteed their constitutional rights to dissent, so those demanding racial equality and a fundamental change in our attitudes and policies at home must also be protected. HUAC–HISC symbolizes a threat to this protection.

In conclusion, I wish to discuss the question of congressional responsibility and complicity. Would the Congress today vote such a committee into existence? I think not. And yet for the past 25 years, it dutifully has voted to continue and increase HUAC–HISC appropriations, with apparently little substantive justification.

Are we also intimidated by the false power of the committee, or do we unequivocally support its goals? Do we grant it funds because its activities justify its huge budget or are we stymied by inertia and the desire not to rock the boat? These questions must be answered.

The committee appears to have been instituted out of fear and intimidation. It was made a standing committee on the first day of the 79th Congress by a skillful parliamentary maneuver, an amendment to the House rules. Although the amendment lost on the initial voice vote, it passed 208–186 when a rollcall was demanded. Thus, it seems that by 1945, the committee had already defined, even for the Congress, the meaning of un-American. It would have been un-American to be on record as having voted against the committee.

President Truman once said:

> The Committee on Un-American Activities is the most Un-American thing in America.

I find it shocking that this body has not confronted his statement in a straightforward manner. It is our responsibility either to fully justify the existence of HUAC–HISC, or to terminate its mandate. And yet annually, we sweep his statement under the rug, and annually, we tend to grant the committee's every wish.

The Rules Committee, for example, has bottled up legislation first proposed by a committee opponent in 1959, to abolish the committee or to transfer it to the jurisdiction of the Judiciary Committee. And yet, that same Rules Committee, in 1969 considered and favorably reported out the HUAC resolution, House Resolution 89, changing the committee's name and broadening its mandate.

Similarly, just last month, we supported the committee's refusal to comply with a Federal court discovery order, relative to the Stamler case. By approving House Resolution 264, we denied the defendants evidence which the Federal court indicated was crucial to their case. This despite the fact that House Resolution 9, passed on the opening day of the 92d Congress, authorized the committee and all other committees, to comply with court orders.

Although we are outraged by the disclosure that the Army compiled files on American citizens, including some of our distinguished colleagues, we silently tolerate the widespread use of the mumbo-jumbo HUAS–HISC files by individuals, organizations, businesses, and Government departments.

It is not enough to condemn the committee's actions in the privacy of our offices. It is not enough to deplore among ourselves its violations of constitutionally guaranteed rights. It is not enough to apologize for the embarrassment it has caused the Congress. So long as we continue to approve its requests for appropriations we are its indirect accomplices.

It is a House committee and it is, therefore, our responsibility to answer to constituents whose freedoms are stifled because of HUAC–HISC's ominous presence. It is our responsibility to explain to them why we propose in 1971, to spend $670,000 to provide for an investigation of the Progressive Labor Party and the theory and practice of communism, instead of to provide for the construction of new schools or low-cost housing units, or for medical school scholarships and food for the hungry. I, for one, cannot explain these priorities.

It is the genius of America that it can tolerate a wide variety of dissent and can allow the full exercise of constitutionally guaranteed freedoms. It is only when we question the strength of our guiding principles that our national purpose is jeopardized.

The committee was first proposed for a cause many at the time, found just. It was originally conceived of as a means to curb rightwing influence and investigate pro-Nazi propaganda in the 1930's. In retrospect, we can know the most serious implications of institutionalizing the repression of dissent, no matter how worthy the cause might seem at the time.

As Justice Hugo Black stated in 1961 in his dissenting opinion on the Wilkinson case.

> This country was not built by men who were afraid and it cannot be preserved by such men. Our constitution, in unequivocal terms, gives each of us the right to say what we think without fear of the power of Government. That principle has served us so well for so long that I cannot believe it is necessary to allow any governmental group to reject it in order to preserve its own existence. Least of all do I believe such a privilege should be accorded the House Un-American Activities Committee. For I believe that true Americanism is to be protected, not by Committees that persecute unorthodox minorities, but by strict adherence to basic principles of freedom that are responsible for our nation's greatness.

Gentlemen, we can no longer delay a thorough questioning of the committee's purpose and the underlying asumptions which guide it. Our Nation faces severe crises at home and abroad. It is essential that a serious reevaluation of our policies be made, and that creative innovative solutions to our problems be explored. These problems are too great to permit HUAC–HISC to impede free discussion of pressing social and foreign policy issues. It is the responsibility of the Congress to act now to encourage this discussion.

I therefore urge that the budget request of the House Internal Security Committee be turned down, or that full-scale public hearings on this question be held before the distinguished Committee on Administration makes its budgetary recommendation to the Congress.

Mr. SEIBERLING. Mr. Speaker, I would like to echo the sentiments of several of my colleagues in expressing concern about the proposed appropriation of $570,000 for this year's operations of the House Internal Security Committee. That figure is a 27-percent increase over the $450,000 appropriated for the committee last year, and is $100,000 more than the amount approved by the House Administration Committee.

Whether this committee receives $450,000 or $570,000, we are still talking about a lot of money for a committee that over the years has produced little legislation. In the 91st Congress, the House Internal Security Committee reported out just three bills, only one of which actually reached the floor of the House. More importantly, all these bills fell under the proper jurisdiction of the Judiciary Committee.

We all should be aware that the House Internal Security Committee does not spend most of its funds to draft and consider legislation. Most of its money goes to maintain the vast files inherited from the House Committee on Un-American Activities. Over the years this committee and its predecessor have spent an estimated $7 million to maintain these files which contain information on millions of Americans. These files are available to Members of Congress, their staffs, and hundreds of representatives from more than 40 Federal agencies.

I do not suggest that the Federal Government abandon its role of investigating and recording the activities of subversives. But I do suggest it strive to define this role more accurately and with recognition of the fact that the function of Congress is legislation, not law enforcement.

The FBI alone has enough files reportedly to fill up 12 football fields. Isn't that enough without the House spending millions to maintain its own data bank?

And this question leads us to another, larger question: Is it the proper role of Congress to keep dossiers on individual citizens at the public's expense, especially when there is no authorization for such activities in the House rules?

It seems to me that, with the problem of national priorities becoming more and more acute, there are better ways for Congress to spend substantial sums of money than in this unnecessary duplication of the work of other House committees and of the executive branch of the Government.

In recent weeks, our distinguished majority leader has quite properly questioned the scope of the FBI's intelligence activities. But our ability to call into question improper activities by the executive branch is impaired when the Congress itself is engaging in questionable surveillance of citizens.

To spend thousands of dollars on a committee that contributes nothing to the legislative, investigative, or oversight functions of the Congress strikes me as not only wasteful, but also improper.

Mr. HELSTOSKI. Mr. Speaker, today the House Internal Security Committee makes its annual pilgrimage through the taxpayer's pockets in search of funds to operate its activities for another year.

No matter what the amount of the funds authorized under House Resolution 274, I am opposed to further fundings of this committee. I hold that this committee has no justification for its existence and its work could well be turned over to the House Committee on the Judiciary.

In the last Congress it contributed nothing to the legislative achievements of the House of Representatives. In fact the actions of the committee detracted from the achievements of the House of Representatives.

The committee, in my estimation, has become the source of extensive informational doosiers assembled by all agencies of the government whose representatives search the committee files on both a regular and irregular basis. In releasing any information from its files to anyone is, in my opinion, an invasion of privacy completely disregarded by the Internal Security Committee.

This committee has the dubious distinction of going through the taxpayer's pockets faster than any other committee of the House, all of which perform far greater legislative tasks. With its nine committee members and a staff of about 50, it ranks No. 4 in staffing among all the House committees, with about five staff members for each committee member. To me, this appears to be a patronage haven for political appointees.

Mr. Speaker, I am firm in my belief that the House should deny the request of the committee for these additional funds. Not only will it show our regard to hold down expenses of the House but also express our feelings that this committee has no regard for personal and individual liberties and should be dissolved.

The House Administration Committee has used a knife to whittle down the request of the Internal Security Committee by $220,000, but it should have used "the big axe" to chop out the entire request of $670,000. But even $450,000 is far too much to be given to a Committee which has only a miniscule record of legislative achievement in this House.

Last year there were 52 Members of this House who voted against the funds requested by the Internal Security Committee. Today, I hope that this number will be increased at least fivefold and lead to a quiet demise of HISC.

Mr. Speaker, at this point in my remarks, I would like to place into the Record an editorial which appeared in the Washington Post this morning. It also expresses my views. I would like to share it with my colleagues who may have missed it earlier this day.

The editorial follows:

The Internal Security Sinecure

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its raison d'etre, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual autos da fe. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

In conclusion, Mr. Speaker, I hope that the action we take today will see an end to HISC's freedom to engage in unwise, unconstitutional, unproductive, and overly expensive pursuits. I urge a vote against this resolution.

Mr. FRENZEL. Mr. Speaker, I am a new member of the House Administration Committee. A few months' service on this committee, and in this Congress, does not make me expert in the affairs and operations of our committees. I do not pretend to be an expert. My comments with respect to committee operations and committee budgets must be evaluated from the standpoint of my own inexperience.

I have been quite surprised at the amounts of money and numbers of staff involved in the House resolutions providing additional funds for the operations of committees. Many times in committee I have voted either against the committee appropriations or in favor of amendments which sought to reduce the committee appropriation. I did not do so wantonly, but rather, in all cases, because I felt no showing had been made that additional responsibilities were being undertaken or that no other reasonable explanations for greater expenses had been furnished. For instance, I did not believe that the almost 50 percent increase for my own committee, Banking and Currency, was warranted under the circumstances presented.

House Resolution 674 asks for a similar increase of about 50 percent in funding for the Committee on Internal Security. In our full committee hearing, no evidence was presented to show that the committee was undertaking new functions or increasing old ones. Since the committee managed to get along on $450,000, less a slight return of funds, in the last session, I believe that we could do the taxpayers a favor by asking it to do the same this year.

I do not mean to be parsimonious with committee budgets. Where new assignments are undertaken, and are necessary, this Congress should spend what is needed to develop its programs and carry out its oversight responsibilities. Nevertheless, we should at the same time be mindful that we do not set a good example when we increase our budgets by large amounts, such as 50 percent, without apparent justification. It is much too easy for an employer or employee group to point to what we do when we ask them to use restraint in inflationary times.

In the case of House Resolution 674, in my judgment, we would be setting an appropriate example for the rest of our society in maintaining the budget at last year's level, and giving our overburdened taxpayers the break they deserve by being careful in the financial review of our own operations. Careful scrutiny here has lead me to the conclusion that no new moneys are needed.

Mr. WRIGHT. Mr. Speaker, I rise in opposition to the Thompson amendment which would so sharply reduce the appropriations for the House Committee on Internal Security and in favor of the Hays amendment which would restore a portion of those funds.

There probably have been times in the past when this committee or its predecessor has exceeded its statutory authority as alleged, and engaged in what might have been described as "witch hunts." Undoubtedly there have been times when the predecessor committee conducted its public hearings in a carnival atmosphere. But no fairminded person would seriously contend that the present committee has pursued any such policy in the past few years.

Most would agree, I think, that under the chairmanship of the gentleman from Missouri (Mr. ICHORD), the committee has conducted its business responsibly, with both restraint and dignified decorum, and with a keen and sensitive appreciation for the individual constitutional rights of every American.

Nor could it be said that the legitimate function of a Committee on Internal Security is invalid today. In fact, it may be more valid and more necessary than at any time since the depression days of the 1930's when the committee was created under another name.

We face an entirely new type of threat to the internal security of this Government and of this Nation. It is the threat of anarchy—deliberate disruption of the public services which any civilized society must provide for its citizens. The new threat may not be directed by Communists, but it is clearly directed by anarchists. They seem to have more in common with Guy Fawkes than with Karl Marx. But that does not reduce the danger to organized society. It may, in fact, increase it.

In this very city we face within the next few days the prospect of disruption of the civil functions of the Capital City of the Nation. The organizers of this forthcoming protest have boasted that they will close down all the bridges leading into Washington from Virginia so that the Government cannot function, and that they will physically shut down the Capitol Building of the United States 1 day next week.

The entire Nation was shocked and appalled earlier this year when this very Capitol was bombed. It was not the first such incident, unfortunately. Since the beginning of 1969, there have been 51 bombings of Federal buildings at various places in the United States and 918 overt threats of bombings.

I for one did not become a Member of the Congress of the United States to acquiesce in permitting a militant minority, whether of the right or of the left, to paralyze this Government. The oath of office to which each of us in this Chamber freely and solemnly swore obliges us to "support and defend the Constitution of the United States against all enemies, foreign and domestic."

Obviously the Congress and its Members have the clear obligation to know everything that can be learned concerning those who would subvert that Constitution and paralyze constitutional government. The orderly congressional entity created for this legitimate purpose of legislative surveillance is the House Committee on Internal Security. It performs a wholly valid and increasingly vital function.

If this amendment should prevail, that committee will be forced to curtail its operations. This clearly is not the time for the House to require for the want of $220,000 that this committee be weakened and its functions critically diminished.

Mr. PODELL. Mr. Speaker, Members of Congress have become increasingly critical of the daily infringement upon individual liberties by the executive branch. In the name of some ill-defined ends established behind a veil of secrecy, Army surveillance, extensive personal dossiers, and surreptious checks have become the all too common practice of certain agencies of our Government.

Such practices pose the serious threats to our most basic liberties—free speech, free thought, and the right of privacy. I believe that the same threats are present in the work of one of the House's own institutions—the Internal Security Committee.

If Congress is to be the institution that restores and safeguards liberty, then I believe it must engage in some serious housekeeping of its own. It must not trample freedom in the process of pursuing it. It cannot disregard means for the sake of ends. I therefore ask that the work of the Committee on Internal Security be discontinued and its jurisdiction be transferred to the Judiciary Committee where it is relevant.

Instead of strengthening our institution, the committee has, in past years, cast an ominous shadow on the work of the House. Its ambiguous mandate has been abused too often over the years with the most serious of consequences.

Lacking or ignoring the most fundamental safeguards of the rights of the individual, the committee has been cavalier in its treatment of these rights. Without regard to due process, the committee has ruined reputations of witnesses and robbed them of their dignity with resulting loss of jobs, friends, and family. Thus, although the House is given no constitutional authority to punish, it has, in fact, meted out the most harsh of all punishments. Using weapons of fear and intimidation, it has created an atmosphere inimical to the exercise of free speech and free conscience. In effect it is on a search-and-destroy mission.

In 1961, in Wilkinson against United States it was affirmed:

> The only real limitation upon the Committee power to harass its opponents is its own self-restraint.

Recent events, most notably, the publishing of a report entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities"—a list of speakers sometimes associated with organizations that were distasteful to the committee—have demonstrated that the committee will not in fact exercise such restraint. It was an attempt by the committee to bring pressures against these institutions—in violation of any conception of academic freedom. I believe it is now up to the House to take action.

Again in Wilkinson, Justice Brennan stated:

> The dominant purpose of the questions [asked the witness were] not to gather information in the aid of law-making or law-evaluation—but rather to harass the petitioner and expose him for the sake of exposure.

The legislative record of the committee affirms the validity of Justice Brennan's portrayal of the situation. Millions of dollars have been appropriated over the years for the committee's operations—but in 31 years of existence, only six HUAC–HISC bills have been passed. This is testimony to both a lack of legislative activity as well as a lack of House confidence in the committee's undertakings.

In 1969, 32 bills, of which 23 were identical, were sent to the House Internal Security Committee. This is in stark contrast to the total House committee average—which numbered greater than 1,200 bills per committee. Last year, 29 bills were referred to the committee—and of these 22 were identical. Only three were reported out and only one came to a vote and went as far as the Senate.

Although it is true that a legislative body cannot legislate wisely or effectively in the absence of information, the information gathered in hearings have not been used for legislative purposes—and the record of the committee bears out my contention.

We are being asked to fund a specific service that the committee performs which requires a substantial number of full-time staff people. I am talking about the collection and keeping of data banks, libraries, dossiers—call them what you will—on the activities, thoughts, and statements of individuals.

Some call this activity a service; I emphatically call it a disservice—both to this body whose purpose should be the promotion of liberty and to the individual on whom the information is kept. The information, is collected as a result of a fishing expedition with little distinction given to what is factual to what is rumor and innuendo.

The executive branch has access to

these files with few meaningful restrictions. Daily visits are made by departments and agencies of the Federal Government to probe these records. By voting to continue the work of the House Internal Security Committee, we will be voting to perpetuate the very things we criticize in the executive branch.

I believe the committee has outlived its usefulness. It is legislatively unproductive—and has spent its time and the sizable appropriations gnawing away at our most basic freedoms.

By asking for the abolition of HISC, I am not asking that we neglect "Internal Security." Rather I am asking that we pursue these tasks by adhering to the principles established in our Constitution and Bill of Rights, that we again become a government of means as well as ends. Internal security can best be promoted by caring for the well-being and the individual liberties of our citizens, and it is to that I ask the legislative body to devote itself.

Mr. ANNUNZIO. Mr. Speaker, I am utterly opposed to continued funding of the House Committee on Internal Security. I believe that this committee and its predecessor have been maintained on the assumption that unless the exercise of the first amendment rights of speech and association are supervised and controlled they will eventually destroy our liberties of speech and association.

This assumption, which is so contradictory, springs from fear of allowing people to speak their minds and to join together on the basis of common ideas and purposes. The framers of the Constitution had no such fear of liberty. Had they been afraid of liberty, they would never have placed the protection of the first amendment around the liberties of speech and press and assembly.

The mandate of the House Committee on Internal Security authorizes it to investigate the character and the objectives of certain kinds of groups. But the character and the objectives of any group are determined by the ideas which its members have in common. And this committee cannot investigate the character and objectives of any group without investigating the ideas which characterize the group and which define its objectives. And so inevitably the committee uses its power of compulsory process to violate the rights of thought and speech.

The first amendment says that "Congress shall make no law" limiting the rights of speech and assembly. And it is a clear principle of American government that Congress has the right to investigate only those matters about which it can legislate. It is inevitable that this committee uses its power to investigate matters which it has no authority from Congress to investigate.

The fifth amendment says that "No person" shall be "deprived of . . . liberty, or property, without due process of law." The predecessor of the present committee deprived individuals of liberty and property without due process of law by making them outcasts in society and by bringing upon them loss of jobs. And the committee imposed this legislative punishment—which is in violation of the Constitution—after acting as prosecutor, judge, and jury. In *Watkins* v. *the United States* (354 U.S. 178 (1957)), a case involving the Un-American Activities Committee, the Supreme Court said:

> "Abuses of the investigative process may imperceptibly lead to abridgment of protected freedoms. The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of governmental interference. And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reaction in the life of the witness may be disastrous. . . . Nor does the witness alone suffer the consequences. Those who are identified by witnesses and thereby placed in the same glare of publicity are equally subject to public stigma, scorn and obloquy."

By the very nature of its investigations the present committee must inevitably continue to impose the same kind of legislative punishment.

The Internal Security Committee claims jurisdiction with regard to overt acts aimed at the violent overthrow of the United States. But these are properly within the jurisdiction of the Judiciary Committee. The mandate of the Judiciary Committee already includes jurisdiction over espionage—the term "sabotage" should be added to its jurisdiction. And I should like to note, Mr. Speaker, that the antibombing legislation which was introduced in the 91st Congress was referred to the Judiciary Committee, not to the Internal Security Committee.

Congress is rightly concerned at the present time by reports that the Army and other executive agencies have been placing individuals under surveillance and compiling dossiers on them. We are more than apprehensive about this threat to personal liberty and privacy. But the Un-American Activities Committee and the Internal Security Committee have been compiling dossiers on individuals and transmitting such personal information to executive agencies for years. Indeed, the committee itself stated more than a decade ago that people from executive agencies "make from 10 to 12,000 file checks each year, tracing the history or background of both individuals and organizations whose records are in the committee files." (HCUA. The House Committee on Un-American Activities; What It Is—What It Does, 86th Congress, H. Doc. No. 118, 1958, p. 69.) The committee is collecting and distributing such information on individual persons today, Mr. Speaker. I think that this is no part of the business of Congress, and I think it constitutes as great a threat to personal liberty and privacy as does the Army's intelligence operation.

Two years ago, Mr. Speaker, the committee asked for $400,000. Last year it asked for $450,000. This year it asked for $670,000. The House Administration Committee is recommending $450,000, the same as last year. I should like to know why the committee needs this tremendous funding which exceeds by hundreds of thousands of dollars its requests in previous years.

The committee has announced that it intends to continue hearings on the theory and practice of communism. There are scholars engaged in studying this subject who do so for less than $670,000, or even $450,000.

The other subject which the committee has announced it will investigate this year is the Progressive Labor Party. The PLP is a pro-Chinese Communist group. Congress is already funding the FBI to keep tabs on such groups as PLP—and, indeed, the FBI has been doing so. No committee of Congress can compete with the FBI when it comes to investigations of this kind; it is a waste of the taxpayer's money to fund the committee for trying to do what it is the business of the FBI to do.

To conclude, Mr. Speaker, the Internal Security Committee is a threat to individual rights guaranteed by the First and Fifth Amendments. What is more, it undertakes investigations which belong to the Judiciary Committee on the one hand and to the FBI on the other. The House should refuse to continue funding the committee.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial which appeared in today's Washington Post entitled "The Internal Security Sinecure." This editorial, which urges abolishing the House Committee on Internal Security, follows:

THE INTERNAL SECURITY SINECURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre,* its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual *autos da fe.* But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mr. KOCH. Mr. Speaker, I rise in opposition to House Resolution 274, the funding resolution for the House Committee on Internal Security.

I want to congratulate the Members of the House Committee on Administration for having reduced the authorization for this committee from $670,000 to $450,000. This is the sixth time in the last 7 years that the Internal Security Committee's request has been cut. No other House committee has had its funds reduced so consistently.

These funding cuts are not the only indication of the committee's dubious value. In its 33-year history, the Internal Security Committee has reported only six bills which have become law. Since 1945, it has issued 174 contempt citations, 142 of which failed in court. In contrast, all other House committees combined have issued only 13 citations in that period.

The committee's stated purpose and activities are even more questionable. Last year it spent a portion of its time inventing new security screening techniques under the Defense Facilities and Industrial Security Act, despite the fact that nearly all the techniques it proposed have been held unconstitutional by the Supreme Court. It devoted time to embellishing the Emergency Detention Act of 1950, even though measures introduced in the 91st and 92d Congresses would repeal that Act—this year's measure is sponsored by 157, including myself. The Committee's judicially embroiled blacklist and its perennial investigations are notorious.

However, the most insidious of this committee's activities is its record-keeping on private individuals. It is not as though the committee were involved in simply accumulating objective data, such as traffic statistics; it is collecting information on people, much of which is very personal and subjective. Furthermore, the committee, by its own accounts, freely passes on the information it amasses to government agencies. What assurances do we have that the information flowing into and out of the committee is verified, and that it is not simply passing on unsubstantiated information that is ruinous to those who happen to have fallen under the committee's surveillance net?

The collection of information on individuals and the maintenance of personal dossiers are necessarily a threat to personal privacy. Whenever these activities are authorized, we have a special responsibility to be sure that: first, the information is needed, and second, that it is handled responsibly.

I have introduced two bills in the 92d to provide such safeguards. H.R. 854, which now has 121 House cosponsors, would require all government agencies to notify persons of files maintained on them and to allow such persons to examine their files. My bill H.R. 841 would extend these same disclosure requirements to the House Internal Security Committee.

At this point I would like to introduce into the RECORD my correspondence with Chairman Ichord of the Internal Security Committee.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 18, 1970.
Hon. RICHARD H. ICHORD,
Chairman, House Committee on Internal Security, Washington, D.C.

DEAR MR. CHAIRMAN: I am sure that you must be as concerned as I am over the recent revelations that Army intelligence agents in Illinois between sometime in 1968 and June 1970 collected information on public officials. Senator Sam Ervin, Chairman of the Senate Subcommittee on Constitutional Rights, said this week in the Senate that the Army's "intelligence net" during this time period was not limited to those with a "predilection for violence or illegal conduct" but was far wider and that the Army was "actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made."

He went on to note that apparently public officials and candidates in Illinois had fallen under Army surveillance simply because:

"They opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the Administration, or that they were in contact with or sympathetic to people with such views."

The problem of such dossiers being compiled by government agencies is one that has been the subject of public discussion for a number of years. Your Committee obviously is a collector of such information and I would appreciate knowing what categories of people are included in your files.

To be more specific, would you tell me whether your Committee automatically lists or prepares dossiers on the directors, members, and/or contributors to the American Civil Liberties Union, NAACP, American Friends Service Committee, Referendum '70, Moratorium, and the New Mobe—or those who have applied for Conscientious Objector status? While I would like to know your policies toward each of these groups, I should also appreciate your furnishing me with a list of organizations (not on the Attorney General's list as subversives), whose members would automatically be included in the files of your Committee.

At times, I have wondered whether my participation in an event such as standing on the steps of the Capitol with the Quakers who were seeking to petition the Congress by reading the names of the war dead (and who were arrested by the Capitol Police, to be later acquitted) would place me in one of your files. Indeed, I should appreciate knowing, Mr. Chairman, if my name does appear in any of the Committee's files, and if so, in what regard.

I would also like to know if your files contain dossiers on any Members of Congress. In the event that there are such files, is the Member apprised by your Committee that he or she is included?

It is not the Congressmen, myself included, nor other high elected officials who need the greatest protection, however. We are able to fight back, not always successfully, but at least we have a forum in the House or Senate. The average citizen has no such recourse, and an unknown number of decent citizens' reputations have been destroyed by malicious and false information appearing in the millions of dossiers held by government agencies.

To deal with this problem I have introduced H.R. 7214, a bill which would require that every government agency notify any citizen on whom it has a file of any kind. Furthermore, the bill would enable the citizen to inspect his file—subject to reasonable restrictions so as to protect the government in pending criminal investigations and national security matters—and add to it their own statements pointing out errors, if any, or provide explanations where necessary. The bill which I introduced last year covers all agencies except Congressional Committees. I am considering revising it so as to include our Committees and would appreciate your thoughts on this matter; a copy of the present bill is enclosed for your comments.

I would very much appreciate your responding to this letter as soon as possible since this is an issue of great concern to many of us.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., December 23, 1970.
Hon. EDWARD I. KOCH,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: With reference to your letter of December 18, 1970, please be advised that the Committee on Internal Security does not maintain lists or dossiers with particularity concerning individuals and organizations. However, the Committee does maintain a reference service containing public source material concerning certain individuals and organizations. This reference service is administered consistent with the rules of the House which require that information in the Committee's files be available for the use of the Members of the House. This courtesy is also extended to the Senate and to representatives of investigative agencies in the Executive Branch of the Government upon written request.

On February 18, 1969, by House Resolution 89, the records of the former Committee on Un-American Activities were transferred to the new Committee on Internal Security. Consistent with the new mandate of the Committee on Internal Security, the files and reference section has maintained these records and receives a constant influx of new material pertinent and essential to carrying out the responsibilities as mandated by the House.

The Committee's files and reference section is composed of printed, public source material obtained from such sources as hearings and reports of this Committee and other official governmental investigating agencies, general reference books, innumerable periodicals, newspapers, pamphlets, letterheads and leaflets issued by organizations which have been characterized as subversive by Federal authorities. You will note that in the Committee's Annual Report for the year 1969 the staff responded to 1,944 requests from Members; and searches were made concerning 2,747 individuals and 1,546 organizations. A copy of the Annual Report is enclosed for your use.

The Committee has sometimes been criticized by certain persons and groups for maintaining extensive files of publicly documented information on Communism and upon request making the information in these files available to the Members of Congress. The U.S. Court of Appeals for the District of Columbia in *United States* v. *Gojack* (280 F. 2d, 678–681) determined that the practice of the Committee in making these files available to Members of Congress was further evidence of the Committee's concern with its constitutional duty of assisting in the enactment of legislation rather than being an act for which the Committee was to be censured. The Court stated:

"A large collection of material and exhibits is maintained by the Committee in connection with its constituted duties in order to furnish reference service not only to the Committee's own Members and staff in its investigations and hearings, but also to every Member of Congress who submits a written request for information in that file."

In answer to your question as to whether the Committee automatically lists or prepares dossiers on the directors, members, and/or contributors to the American Civil Liberties Union, the NAACP, American Friends Service Committee, Referendum '70, Moratorium, and the New Mobilization Committee to End the War in Vietnam, or those who have applied for conscientious objector status, please be advised that the Committee with the exception of the New Mobilization Committee to End the War in Vietnam, has not authorized investigations and/or hearings into the activities of any of the aforementioned groups. The Committee did hold extensive hearings with regard to the New Mobilization Committee to End the War in Vietnam and a staff study was prepared concerning New Mobe and its predecessor organizations. I am enclosing copies of these publications for your information.

Further please be advised that the files and reference section of the House Committee on Internal Security does not contain any names or public source information concerning Members of Congress or government officials. It is noted for your information that the names of all witnesses appearing before the Committee in public session may be found in the cumulative index and are alphabetically listed at the end of each printed hearing.

With respect to your question concerning persons being advised as to whether or not their names are included in the files of the House Committee on Internal Security reference section, I would refer you to the Rules of the House, specifically Rule XI, 27 (m), which states as follows:

"If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

"(1) receive such evidence or testimony in executive session;

"(2) afford such person an opportunity voluntarily to appear as a witness; and

"(3) receive and dispose of requests from such person to subpena additional witnesses."

As Chairman of the Internal Security Committee, I have instructed the staff that it is incumbent upon them to be most judicious in insuring that innocent persons do not become the victims of misinformation which would tend to defame, degrade, or incriminate.

The authorty in establishing the constitutionality of the House Committee on Internal Security and the authority under which it operates can be traced to the Constitution of the United States under Article I, Sections 1 and 5, which give the House the power to legislate and make its own rules (i.e., create committees):

1. All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

5. Each House may determine the rules of its proceedings.

Though the House Rules govern the functioning of the various Committees of Congress and are not subject to change by your proposed legislation, I do not share your concern for the need for H.R. 7214 which would require every government agency to notify any citizen on whom the agency maintained a file. There is a keen awareness on the part of our Committee that there is on a daily basis an onrush of events throughout the United States which has critical significance to our Nation's internal security. In view of the proliferation of subversive organizations, the profusion of their activities, and the increase in the number of leaders avowedly seeking violent destruction of our democratic system, it is enormously difficult to keep currently abreast of important dangers to the stability of our government and to assess the importance of current information for future reference. It is imperative that this Committee which Congress has mandated to function in the field of internal security keep knowledgeable of surversive and revolutionary developments on a timely basis and to the fullest extent possible.

Congress, as well as Government officials, looks to this Committee for reliable information concerning subversive individuals and organizations without pausing to take into account the very small number of staff investigators we have available and without understanding that our primary business is legislative rather than the acquisition of information as an end in itself.

I have often said that Congress cannot legislate intelligently in a vacuum, and its Members must be kept informed so that they can judge the merit of proposed legislation in any given area before deciding how to cast their votes. In matters pertaining to national security not only the Committee's investigations and hearings and its published reports, but also its special individually prepared files and reference service reports assist in a vital informational area of the legislative process.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

Because of the Chairman's concern that "innocent persons do not become the victims of misinformation which would tend to defame, degrade, or incriminate them" he should welcome and suppport legislation such as H.R. 854 and H.R. 841.

Until the House Internal Security Committee gives a more complete disclosure of its activities and can show good reason why the Congress requires a standing committee to conduct continuous information collecting and surveillance activities, its budget—and thus necessarily its activities—should not be approved.

Because I believe that any legitimate functions which this committee might have could easily be handled by the Judiciary Committee, and because the history of this committee is so heinous, I am voting "no" on final passage of this authorization bill. I realize that even if this resolution is defeated, the Internal Security Committee will still receive the $247,000 automatically allotted to all standing Committees under House rules. Naturally I would like to deny the committee all funds, but because of procedural constraints, that will have to wait for another day.

The purpose of my vote today is twofold: to grant the Internal Security Committee the smallest amount possible and to indicate my belief that this committee should be abolished.

I would like to further amend my remarks with an editorial from today's Washington Post:

THE INTERNAL SECURITY SINECURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre*, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semiannual *autos da fe*. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mr. CLAY. Mr. Speaker, today, the House is scheduled to take action on House Resolution 274, providing an appropriation of $450,000 for the House Internal Security Committee. This figure represents a reduction of $220,000 from the committee's request and equals the amount of funds granted the committee last year. The $450,000 requested is in addition to approximately $250,000 which this committee receives automatically as a standing committee of the House. It is interesting to note that in 6 of the past 7 years the House Administration Committee has cut the committee's fund request. No other committee has so consistently had its request reduced.

I want to state my firm objection to the appropriation of these funds to the Internal Security Committee. The committee's record is poor at best. A look at its legislative record in the 91st Congress confirms this fact. Twenty-nine bills were referred to the committee of which 22 were identical or similar. None of these bills ever became law; only three were reported out, two of which never reached the House floor, and the third passed the House but died in the Senate committee.

Unfortunately, when the 91st Congress voted to change the committee's name from HUAC to Internal Security, it also broadened the committee's authority relating to its investigatory powers. The committee's mandate was no longer limited to investigation of propaganda but was extended into the activities of organizations and groups. The committee utilized this vague additional authority by holding hearings into the activities of such groups as the SDS, the Black Panthers, and the New MOBE.

The record of the hearings the committee held in the previous Congress further demonstrate its ineffectiveness. It held a total of 70 days of hearings dwelling on the most absurd subjects. Its targets and the amount of time it expended on some of them follow: 23 days of hearings on the SDS, 19 days spent on the Black Panthers, 7 days on the New Mobilization Committee to End the War, 3 days on the theory and practice of communism, and 2 days of hearings on the Federal employees loyalty-security program under the Subversive Activities Control Act.

It is about time the House realizes that the millions of dollars spent to maintain this committee over the years represents a total waste of money since this committee has produced no substantive legislative record. Its budget bears no relation to its legislative productivity. The committee since its inception has maintained an average staff of 46, at a cost of more than $6 million, and has produced only six pieces of legislation since 1945. Contrast this record with that of the Ways and Means Committee which operates with half as large a staff and has consistently considered a full 20 percent of the legislative output in each session of Congress.

Congress' own image is diminished when a committee such as this is allowed to operate and expose for exposure's sake while completely neglecting its main focus which should be providing meaningful legislation.

I, therefore, oppose the $450,000 appropriation to a committee which serves no useful purpose and hope that the House would instead abolish this committee by transferring its jurisdiction to the Judiciary Committee. The latter is made up of men with legal expertise who are better qualified to respond to any real threats to our internal security while at the same time protecting our heritage of civil liberties.

Mr. ROYBAL. Mr. Speaker, the time has come for we Members of Congress to categorically express our opposition to the intimidation of our fellow countrymen resulting from questioning their patriotism or loyalty to this great Nation. The upcoming vote on whether to continue funding for the activities of the House Internal Security Committee offers us an excellent opportunity to express our rejection of such McCarthyite holdovers of a less than honorable period in American history.

An equally great argument can be made against the Internal Security Committee for its failure last Congress even to perform its poorly conceived functions effectively. While receiving the sixth greatest appropriation from the last Congress for its operation only seven different legislative measures were referred to the committee with but one of these passing the House. In fact in its 33-year history the committee has only had six of its bills eventually become law. Yet the committee has significantly more staff per committee member—5.33 staff per member compared to 1.92 for the next highest committee—and spends much more per committee member—$79,444.44—than any other standing committee in the House.

A third major argument for voting against the continued appropriations for the Internal Security Committee is its invasion of privacy and total disregard for the reputations of those individuals whom the committee sees fit to investigate. While our society needs to protect itself against groups that constitute a threat to the Nations' security, the Internal Security Committee is the wrong way to accomplish this. Such responsibility on the Federal level, for example, should be handled by the Department of Justice. Whoever is authorized to perform this delicate function, however, must display great caution in its investigative and data compiling procedures in order to protect the privacy of our citizens. Unfortunately, over its entire 33-year history the House Internal Security Committee, formerly called the House Un-American Activities Committee, has failed to exercise the necessary restraint in such matters. Rather it has proven indiscriminate both in its investigative procedures and in granting access to its information files. I, therefore, call upon my colleagues in the House to remove this malignant tumor from our corporate body and seek out measures to assure our national security which are in greater conformity with our democratic traditions of free speech and the right to security against unreasonable searches. I direct my colleagues attention to a Washington Post editorial of April 29, 1971 which eloquently expresses the anachronistic character of this superfluous body:

> THE INTERNAL SECURITY SINCURE
>
> For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.
>
> What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre*, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semiannual *autos da fe*. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.
>
> Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mrs. CHISHOLM. Mr. Speaker, I rise today in opposition to House Resolution 274, which would fund the operations of the House Internal Security Committee. To invest as much as $670,000 in this committee is indeed a waste and a blatant disregard for both the priorities of this House and the Nation.

The Internal Security Committee—formerly House Un-American Activities—has a long history of unproductive existence. Some of the witch-hunts conducted by the committee indeed refresh our memories of the McCarthy era.

Let us just look at the record of this committee over the past 2 years. In that time period, after having been granted $850,000 in operating funds, 29 bills were referred to the Internal Security Committee, 22 of which were identical or similar; and all of which belonged in the Judiciary Committee. None of these bills even became law, Mr. Speaker, and only three were reported out . . . two of which did not even reach the House floor, and the third died in a Senate committee.

The Internal Security Committee held 70 days of hearings in a 2-year period, the results of which have still to be understood as having any constructive affect on our Nation's welfare.

I dare say, Mr. Speaker, that if any of the other 20 standing committees of this House were to carry such an unproductive record, that not only would their funding be drastically reduced, but their days in existence would be surely numbered.

In approving the current request of funds for this committee, the House would indirectly sanction the excesses and outrages of this committee. The time has now come for us in this body to establish priorities in governing both ourself as a body and our spending. I, therefore, urge my colleagues to join with me in voting against further funding of this unnecessary and burdensome arm of the House.

Mrs. ABZUG. Mr. Speaker, I wish to express my strong support for the amendment. I oppose any increase in the appropriations for the House Committee on Internal Security. In these times, the committee is anachronistic, wasteful and dangerous. Rather than being strengthened, this committee should be eliminated altogether.

The internal security of our country is truly threatened, as never before in our history. It is threatened, however, not by those exercising their constitutional right of free speech, but by those who would silence all speech. It is threatened by the growing unease of citizens who would protest but dare not, lest they too find themselves on some list of subversives. It is threatened by the increasing paranoia of a deeply divided nation, where spies and counterspies are turning friend against friend, brother against brother. These threats to the security of our Nation can only be increased by further funding of a committee devoted to intimidation.

Since the committee does exist as a standing committee of the House, it automatically receives some $250,000 per year. Last year it received an additional

$450,000. This year's request is for $670,000.

Of the 20 standing committees of the House, this Committee on Internal Security has the sixth largest budget and the third largest staff, 49 persons. Its present appropriation of $850,000 ranks it well above the Judiciary Committee—the legitimate guardians of our security—whose appropriation is $530,000 and whose staff numbers 32. The Committee on Internal Security fares much better, also, than the committees on Foreign Affairs, Science and Astronautics, Veterans' Affairs, Agriculture and other important areas of national concern.

Why? Let us look at the committee's performance record.

During the 91st Congress, 29 bills were referred to this committee, 22 of which were either identical or very similar. No bill became law. Three were reported out; two did not reach the House floor, while the third passed but died in Senate committee. In other words, the good sense of the Members of Congress prevailed to prevent these repressive, anachronistic measures from being passed into laws.

What else, then, did the 49-member staff of the Internal Security Committee do with its munificent appropriation? Surely it has done the least with the most.

It has held hearings "on aspects of life in Communist-run countries as described by refugees from the Soviet Union, Cuba, Czechoslovakia, together with information on Communist theory and practice from an American academician, expert in Communist affairs." We can read livelier testimony any week in our popular magazines, for about 50 cents. And it has little relevance to aspects of life in New York City or Washington or Nebraska, which are the concern of this Congress.

The committee has also conducted hearings in various cities on the activities of the Black Panther Party—long after the mass media reported these activities in far greater detail and depth.

Then, the committee has published such documents as "A Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities." I need not remind you of the justifiable furor that arose, as educators, students, and jurists called the inquiry an invasion of academic freedom, a none-too-subtle intimidation.

Another enlightening document is the committee's "Staff Study of Subversive Involvement in the Origin, Leadership and Activities of the New Mobilization Committee To End the War in Vietnam and its Predecessor Organizations." Here the individual bias of staff investigators is given a sheen of respectability, of official sanction, by bearing the imprimatur of the U.S. Government. Yet the charges and innuendos are undocumented and irresponsible. Individuals are listed, for example, as "identified members of the Communist Party USA", and a footnote refers the reader to the date of testimony by the "identifier"; the same tired old witnesses who have been around since this committee was set up as the House Committee on Un-American Activities. Yet on such flimsy innuendos are careers, reputations, and lives destroyed. Is this committee's appropriation being used to maintain perjured witnesses?

The committee also published a two-part report of its hearings on the New Mobilization. The volumes—which sell for $1.25—consist largely of publicly distributed flyers, announcements, minutes and planning memoranda—some of which are touchingly unsubversive. Discussing civil disobedience, for instance, New Mobe planners counsel that "to notify the police in advance can materially lessen the likelihood that the police will behave erratically, precipitately or violently. If the group provides the information, rather than bystanders of spies or reporters, the information will be accurate." Yet the overall tone of the Report, the mere fact of its existence, implies a taint of subversive conspiracy among the hundreds of people listed.

For such rehashed, editorialized "reports" the taxpayers spend $850,000 per year and are now asked to spend more.

The ludicrous aspects of the committee and its hearings could be laughed off if our country were in a state of health—which it is not, or if we could afford to waste dollars—which we cannot.

But the committee has a further unauthorized function which is genuinely dangerous. For years it has been collecting files on all kinds of individuals—files stuffed with just such amorphous, unproven allegations as we have mentioned. These files may well be the basis for the huge, computerized data banks we now discover are being maintained by both public and private agencies.

By what criterion are names put into these files? Does attendance at a march or rally brand one as subversive? Millions of Americans must now ask themselves this question before taking part in any dissent from the Government line. Does one dare write a letter to the editor—or to one's Congressman?

It has gone beyond that, gentlemen, the Congressman too may be in the files, along with candidates, State legislators, even Governors—as we are now learning, to our horror.

In 1967 this committee reported that its files were regularly searched 4 days a week, on a full-time basis, by representatives of Federal departments and agencies, ranging from the Defense Intelligence Agency to NASA to the Department of Health, Education, and Welfare. Reciprocally, the committee inspects income tax returns and other privileged data.

There are agencies of Government whose legitimate function is the protection of public servants and private individuals. But that protection must be based on the constitutional guarantees of freedom of speech and assembly, on a respect for privacy, on the right of advocacy of unpopular ideas.

Instead, Government and industrial snooping, intimidation and censorship is fast becoming an American way of life. It must not become an accepted way, for it runs counter to our deepest traditions.

Today's newspapers indicate that this committee intends to investigate the demonstrations on Saturday, April 24. Over 500,000 attended that outcry for an end to the useless slaughter in Indochina. A total of 73 percent of the American people have similarly called out for a withdrawal of all our troops from Vietnam before the end of this year.

To seek to investigate citizens exercising fundamental rights of free speech, assembly and petition for redress of grievances is, I submit, truly an act against the interests of this country, our democracy and the people.

If we would defend the internal security of the United States, we will not prop us the fearsome flappings of a scarecrow committee.

If we would defend the internal security of the United States, we will relieve the misery of its poor, provide the opportunities so desperately lacking, encourage the fullest expression of all ideas, and give the young fresh reason for faith in the institutions we cherish.

Mr. BADILLO. Mr. Speaker, today the House is considering House Resolution 274 which would provide the House Internal Security Committee—formerly known as the House Un-American Activities Committee—with an additional $450-000 for use during the first session of this Congress. I believe that the committee's past performance does not warrant an increase in its funding and furthermore, the committee should be abolished and whatever legitimate functions it has should be transferred to the Judiciary Committee.

Just within the last year, the committee has disobeyed a court injunction and was involved in a wasteful jurisdictional conflict with the Judiciary Committee. HISC also spent more money per committee member than any other House standing committee, but was one of the least active legislative committees.

What the committee does manage to accomplish is veiled in disregard for the most fundamental American rights of privacy, speech, assembly, association, and petition of the Government.

A bulk of the committee's funds are spent on the thousands of dossiers the committee maintains in order to prevent infiltration of the Government by "subversive" individuals and groups.

However, it has never been made clear as to the extent of the personal data collected, how that information is gathered, and whether any attempt is made to verify the accuracy of the files.

More than 25 Federal departments and agencies use the HISC records in their security programs. The Civil Service Commission has two fulltime employees checking the files. However, an individuals has no way of knowing what information has been collected about him and what data has been disseminated to outside sources.

I am disturbed that the House of Representatives should be engaged in such activities. There is no doubt that there is a need for the Government to collect necessary information, in order to insure the rights and freedom of all. However, in the process of collecting that information, we should not destroy the very rights and freedom we seek to preserve. That is exactly what HISC has been doing, operating in a manner which disregards the Bill of Rights.

The committee's legal philosophy was made explicit last year, when despite a court order against doing so, it published a list of 57 campus speakers considered to be "radical extremists." A U.S. district court declared that the list was an abridgment of the first amendment and that the report was merely a list of views HISC found repugnant, serving no legislative purpose. Apparently, the committee was not about to let laws or the courts get in the way of investigating "subversive" activities.

Congressman HENRY S. REUSS of Wisconsin recently charged that the FBI has no business compiling dossiers on "millions of Americans who are accused of no wrongdoing."

There can be no doubt that Congress should not take on that task either.

That is exactly what HISC has been doing and will continue to do with the funds they are requesting. In a time of great urban crisis it seems that this money could be better used for substantive programs in the areas of health, housing, and welfare.

Mrs. CHISHOLM. Mr. Speaker, I rise today in opposition to House Resolution 274, which would fund the operations of the House Internal Security Committee. To invest as much as $670,000 in this committee is indeed a waste and a blatant disregard for both the priorities of this House and the Nation.

The Internal Security Committee—formerly House Un-American Activities—has a long history of unproductive existence. Some of the "witch hunts" conducted by the committee indeed refresh our memories of the McCarthy era.

Let us just look at the record of this committee over the past 2 years. In that time period, after having been granted $850,000 in operating funds, 29 bills were referred to the Internal Security Committee, 22 of which were identical or similar; and all of which belonged in the Judiciary Committee. None of these bills ever became law, Mr. Speaker, and only three were reported out—two of which did not even reach the House floor, and the third died in a Senate committee.

The Internal Security Committee held 70 days of hearings in a 2-year period, the results of which have still to be understood as having any constructive affect on our Nation's welfare.

I dare say, Mr. Speaker, that if any of the other 20 standing committees of this House were to carry such an unproductive record, that not only would their funding be drastically reduced, but their days in existence would be surely numbered.

In approving the current request of funds for this committee, the House would indirectly sanction the excesses and outrages of this committee. The time has now come for us in this body to establish priorities in governing both ourself as a body and our spending. I, therefore, urge my colleagues to join with me in voting against further funding of this unnecessary and burdensome arm of the House.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the committee amendment.

The question was taken; and the speaker announced that the ayes appeared to have it.

Mr. PODELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 129, not voting 46, as follows:

[Roll No. 74]

YEAS—257

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dowdy
Downing
Dulski
Duncan
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers

Flynt
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
Kee
Keith
King
Kuykendall
Kyl
Landgrebe
Lennon
Lent
Lujan
McClory
McClure
McCollister
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish

Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.

Teague, Tex.
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts

Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright

Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—129

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Badillo
Begich
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Danielson
Dellenback
Dellums
Diggs
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer

Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Tenn.
Gallagher
Gaydos
Griffiths
Gude
Hamilton
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Howard
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
McDade
McKinney
Macdonald, Mass.
Mailliard
Matsunaga
Mazzoli
Meeds

Metcalfe
Mikva
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pike
Podell
Railsback
Rangel
Rees
Reuss
Riegle
Rodino
Roncalio
Rosenthal
Roush
Roybal
Ryan
St Germain
Sarbanes
Schwengel
Seiberling
Stafford
Stanton, James V.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
Wilson, Charles H.
Wolff
Yates

NOT VOTING—46

Alexander
Aspin
Bell
Camp
Carter
Clausen, Don H.
Collins, Ill.
Davis, Ga.
Dorn
Edwards, La.
Esch
Grasso
Green, Pa.
Gubser
Halpern

Hammerschmidt
Hanley
Hansen, Wash.
Hillis
Jones, Ala.
Jones, Tenn.
Kemp
Kluczynski
Landrum
Latta
Lloyd
Long, La.
McCulloch
Madden
Peyser

Pryor, Ark.
Quillen
Reid, N.Y.
Roy
Runnels
Scheuer
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Ullman
Waldie
Young, Tex.

So the amendment to the committee amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Runnels for, with Mr. Stokes against.

Mr. Latta for, with Mr. Collins of Illinois against.

Mr. Young of Texas for, with Mr. Green of Pennsylvania against.

Mr. Davis of Georgia for, with Mr. Scheuer against.

Mr. Stuckey for, with Mr. Reid of New York against.

Mr. Jones of Alabama for, with Mr. Waldie against.

Mr. Camp for, with Mr. Symington against.

Mr. Stubblefield for, with Mr. Halpern against.

Until further notice:

Mr. Jones of Tennessee with Mr. Hillis.

Mr. Kluczynski with Mr. Bell.

Mr. Edwards of Louisiana with Mr. Esch.

Mr. Long of Louisiana with Mr. Don H. Clausen.

Mr. Madden with Mr. Thompson of Georgia.

Mr. Ullman with Mr. Steiger of Arizona.

Mr. Alexander with Mr. Peyser.

Mr. Aspin with Mr. Gubser.

Mr. Dorn with Mr. Steiger of Wisconsin.

Mr. Hanley with Mr. Hammerschmidt.

Mr. Pryor of Arkansas with Mr. Kemp.

Mr. Roy with Mr. Lloyd.

Mr. Landrum with Mrs. Hansen of Washington.

Messrs. POWELL and MELCHER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the committee amendment, as amended, and on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER. The question is on the resolution.

MOTION TO RECOMMIT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. EDWARDS of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. EDWARDS of California moves to recommit House Resolution 274 to the House Administration Committee with instructions to hold public hearings on the necessity for this appropriation.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the years and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 275, not voting 53, as follows:

[Roll No. 75]

YEAS—104

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Badillo
Barrett
Begich
Bergland
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Conte
Conyers
Corman
Cotter
Culver
Dellums
Denholm
Derwinski
Diggs
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Foley
Forsythe
Fraser
Gallagher
Gaydos
Gude
Hamilton
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Jacobs
Karth
Kastenmeier
Koch
Leggett
Long, Md.
McCloskey
McCormack
McKay
Macdonald, Mass.
Matsunaga
Meeds
Metcalfe
Mikva
Mink
Mitchell
Moorhead
Morse
Mosher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Podell
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Rodino
Rosenthal
Roybal
Ryan
Sarbanes
Schwengel
Seiberling
Smith, Iowa
Stanton, James V.
Thompson, N.J.
Tiernan
Van Deerlin
Vanik
Vigorito
Whalen
Wolff
Yates

NAYS—275

Abbitt
Abernethy
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hicks, Mass.
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Kee
Keith
King
Kuykendall
Kyl
Kyros
Landgrebe
Lennon
Lent
Link
Lujan
McClory
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Melcher
Michel
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOT VOTING—53

Alexander
Aspin
Bell
Camp
Carter
Clancy
Clausen, Don H.
Collins, Ill.
Davis, Ga.
Dorn
Edwards, La.
Evins, Tenn.
Findley
Ford, William D.
Grasso
Green, Pa.
Gubser
Halpern
Hammerschmidt
Hanley
Hansen, Wash.
Hays
Hillis
Jones, Ala.
Jones, Tenn.
Keating
Kemp
Kluczynski
Landrum
Latta
Lloyd
Long, La.
McCulloch
McKinney
Madden
Mills
Moss
Peyser
Pryor, Ark.
Quillen
Reid, N.Y.
Runnels
Scheuer
Smith, N.Y.
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Waldie
Young, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Hays against.

Mr. Collins of Illinois for, with Mr. Hammerschmidt against.

Mr. Green of Pennsylvania for, with Mr. Runnels against.

Mr. Reid of New York for, with Mr. Evins of Tennessee against.

Mr. Scheuer for, with Mr. Jones of Alabama against.

Mr. Symington for, with Mr. Jones of Tennessee against.

Mr. Waldie for, with Mr. Stubblefield against.

Mr. William D. Ford for, with Mr. Carter against.

Mr. Halpern for, with Mr. Stuckey against.

Until further notice:

Mrs. Hansen of Washington with Mr. McKinney.

Mr. Alexander with Mr. Don H. Clausen.

Mr. Young of Texas with Mr. Hillis.

Mr. Mills with Mr. Quillen.

Mr. Pryor of Arkansas with Mr. Thompson of Georgia.

Mr. Davis of Georgia with Mr. Smith of New York.

Mr. Kluczynski with Mr. Keating.

Mr. Landrum with Mr. Steiger of Arizona.

Mr. Hanley with Mr. Peyser.

Mr. Edwards of Louisiana with Mr. Latta.

Mr. Moss with Mr. Bell.

Mr. Aspin with Mr. Camp.

Mr. Long of Louisiana with Mr. Steiger of Wisconsin.

Mr. Dorn with Mr. Lloyd.

Mr. Findley with Mr. Kemp.

Mr. Clancy with Mr. Gubser.

Messrs. DULSKI and FULTON of Pennsylvania changed their votes from "yea" to "nay."

Mr. RODINO changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. ICHORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 300, nays 75, not voting 57, as follows:

[Roll No. 76]

YEAS—300

Abbitt
Abernethy
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Bow
Brademas
Bray
Brinkley
Brooks

Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Carney
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hanna
Hansen, Idaho

Hansen, Wash.
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Kee
Keith
King
Kuykendall
Kyl
Kyros
Landgrebe
Lennon
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Melcher
Michel
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.

Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steele
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—75

Abourezk
Abzug
Anderson, Calif.
Annunzio
Ashley
Badillo
Barrett
Begich
Bingham

Boland
Bolling
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Celler
Chisholm
Clay
Collins, Ill.

Conte
Conyers
Corman
Culver
Dellums
Diggs
Dingell
Dow
Drinan
Eckhardt

Edwards, Calif.
Eilberg
Evans, Colo.
Fraser
Gallagher
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Holifield
Howard
Karth
Kastenmeier
Koch
Leggett
McCormack

Macdonald, Mass.
Matsunaga
Meeds
Metcalfe
Mikva
Mink
Mitchell
Moorhead
Morse
Nedzi
Nix
Obey
O'Neill
Podell
Rangel

Rees
Reuss
Riegle
Rosenthal
Roybal
Ryan
St Germain
Seiberling
Stanton, James V.
Thompson, N.J.
Tiernan
Vanik
Whalen
Wolff
Yates

NOT VOTING—57

Alexander
Aspin
Bell
Betts
Blatnik
Camp
Carey, N.Y.
Carter
Clancy
Clausen, Don H.
Danielson
Davis, Ga.
Dorn
Edwards, La.
Fascell
Ford, William D.
Goldwater
Grasso

Green, Pa.
Gubser
Halpern
Hammerschmidt
Hanley
Hathaway
Hays
Hillis
Jones, Ala.
Jones, Tenn.
Keating
Kemp
Kluczynski
Landrum
Latta
Lloyd
Long, La.
McCulloch
Madden

Mills
Moss
Nelsen
Peyser
Pryor, Ark.
Quillen
Reid, N.Y.
Runnels
Sarbanes
Scheuer
Sikes
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Waldie
Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Stokes against.

Mr. Teague of Texas for, with Mr. Carey of New York against.

Mr. Fascell for, with Mr. William D. Ford against.

Mr. Runnels for, with Mr. Reid of New York against.

Mr. Stuckey for, with Mr. Green of Pennsylvania against.

Mr. Keating for, with Mr. Scheuer against.

Mr. Sikes for, with Mr. Waldie against.

Mr. Edwards of Louisiana with Mr. Thompson of Georgia.

Mr. Madden with Mr. Hillis.

Mr. Young of Texas with Mr. Betts.

Mr. Stubblefield with Mr. Lloyd.

Mr. Jones of Alabama with Mr. Nelsen.

Mr. Jones of Tennessee with Mr. Steiger of Arizona.

Mr. Hathaway with Mr. Bell.

Mr. Aspin with Mr. Camp.

Mr. Blatnik with Mr. Kemp.

Mr. Alexander with Mr. Hammerschmidt.

Mr. Davis of Georgia with Mr. Don Clausen.

Mr. Mills with Mr. Carter.

Mr. Moss with Mr. Goldwater.

Mr. Danielson with Mr. Gubser.

Mr. Dorn with Mr. Quillen.

Mr. Kluczynski with Mr. Peyser.

Mr. Landrum with Mr. Halpern.

Mr. Clancy with Mr. Latta.

Mr. Sarbanes with Mr. McCulloch.

Mr. Long of Louisiana with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. BADILLO) may extend his remarks in the RECORD immediately before the vote on the resolution just agreed to, and further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to. House Resolution 274.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY RULE XI(8); COMMITTEE ON GOVERNMENT OPERATIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 303

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to rule XI(8), by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $1,032,600, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $100,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, the Committee on Government Operations returns for its annual expenditures a thousand times over each term of Congress. This is an important fact to remember when our budget request is considered. In fact, by doubling our budget and by careful management, we might be able to increase substantially the savings we help bring about. I am looking into this very carefully in my first year as chairman of the committee, and my findings will be reflected in our budget request for next year.

Meanwhile we have based our current request on our staffing level at the close of the 91st Congress with two small increases for reporting—which we must pay from our appropriation commencing this year—and for computerizing the committee calendar.

The amount of our request is $1,032,600. But this is only about one two thousandth of the $2,007,299,387 savings we estimate the Committee helped bring about in the 91st Congress.

I know that savings of over $2 billion sound fantastic. It did to me, too.

So I had each item checked and verified and I required the staff to prepare a written backup for each item for our presentation to the Committee on House Administration. I have the figures and backup statements here with me.

They show that the Office of Management and Budget verifies a 2-year savings of $521,600,000 in the acquisition and management of automatic data processing equipment as the result of the work of the Government Activities Subcommittee headed by our able colleague from Texas, the Honorable JACK BROOKS.

They also show that our efforts to secure a fair and realistic exchange rate in our dealing with the South Vietnamese Government saved the taxpayers over one and a quarter billion dollars in the past 2 years.

The fact that our committee originated a suggestion that retired Americans in Poland and Yugoslavia be paid their annuities from our vast stores of counterpart funds rather than in dollars saved the taxpayers $15,400,000 in the last 2 years. Our demanding competition in the procurement of rocket launchers saved over $2 million.

These are just a few of the specific items on our listed savings. They are based on solid computations with any doubts resolved on the conservative side. In fact, a number of savings items proposed by our subcommittees were rejected because the backup data was not considered to be beyond question.

Many of our activities have potentials for great savings, but have not been included in the table because they are not presently measurable. For example, our work in setting up the Commission on Government Procurement could, if it brings about only a 1-percent increase in procurement efficiency, save the taxpayers $550 million a year. Our work on military supply management and cataloging has similar potentials for savings.

Any way you look at it, the $1,036,400 we are asking the House to provide for the Committee on Government Operations will be one of the most solid investments the House can make.

ESTIMATED SAVINGS—91ST CONGRESS

The following table shows the estimated savings in which the Committee on Government Operations believes its activities played a substantial part during the 91st Congress. The table includes first, estimated savings from activities in the 91st Congress; and, second, estimated savings occurring during the 91st Congress from prior activities of the committee, but not previously reported under earlier Congresses.

The table follows:

Grand total	$2,007,299,387
Competitive procurement of rocket launchers	2,397,000
Additional billings for Government's cost in aiding commercial film	33,563
Procurement of combat cameras	111,660
Dairy products in Thailand	535,000
Additional savings in communication charges	24,164,220
Sale of the major portion of New York Naval Shipyard	3,000,000
Sale of Naval Shipyard, Quincy, Mass	500,000
ADP equipment management and coordination	521,600,000
Grain storage charges	46,301,000
Reduction in financing costs of export sales of agricultural products	208,762
Change in method of computing general research support grants (2-year projection)	10,000,000
Partial remedying of inequitable exchange rate in Vietnam (1969–70)	1,264,600,000
Reduction in delinquent postal debts to United States	5,874,182
Reduction in shipping and loading schedules (1 year)	70,000,000
Payment of U.S. annuitants in Polish and Yugoslavian counterpart funds	15,400,000
Increased collections of highway use tax (3 years)	30,000,000
Increased debt collection by Justice Department	10,414,000
Consolidation of Federal employee salary checks	160,000
Return of overseas excess property for further Federal use	2,000,000

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 243; COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 247

Resolved, That, effective January 3, 1971, the expenses of the studies, investigations, and inquiries authorized by H. Res. 243 incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $420,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail) and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $35,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 5, strike out "$420,000," and insert in lieu thereof "$380,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 317; SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 273 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 273

Resolved, That effective January 3, 1971, expenses incurred by the Select Committee on the House Restaurant, pursuant to H. Res. 242, not to exceed $43,000 including expenditures for the employment of clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the Select Committee on the House Restaurant shall furnish the Committee on House Administration information with respect to the activities of the select committee intended to be financed from the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 3, strike out "H. Res. 242," and insert in lieu thereof "H. Res. 317,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES AUTHORIZED BY HOUSE RESOLUTION 5 AND HOUSE RESOLUTION 19; SELECT COMMITTEE ON SMALL BUSINESS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 312

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 5 and H. Res. 19, by the permanent Select Committee on Small Business, acting as a whole or by subcommittee, not to exceed $530,000, including expenditures for the employment of inevstigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the permanent Select Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 12, strike out "$10,000" and insert in lieu thereof "$25,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES AUTHORIZED BY HOUSE RESOLUTION 115; SELECT COMMITTEE ON CRIME

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 337

Resolved, That, effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 115, by the Select Committee on Crime, acting as a whole or by subcommittee, not to exceed $750,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the House Select Committee on Crime shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulation established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "$750,000," and insert in lieu thereof "$675,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 142; COMMITTEE ON PUBLIC WORKS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 351

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 142, by the Committee on Public Works, acting as a whole or by subcommittee, not to exceed $1,072,670, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $75,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and the resolution be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the resolutions just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5208, COAST GUARD AUTHORIZATION, 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 406

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Merchant Marine and Fisheries now printed on page 6, line 9 through line 19 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. Speaker, House Resolution 406 provides an open rule with 1 hour of debate for consideration of H.R. 5208, the Coast Guard authorization for fiscal year 1972, and makes it in order to consider, without the intervention of a point of order, the amendment printed in the bill on page 6, lines 9 through 19. Points of order are waived against the amendment because of nongermaneness.

The purpose of H.R. 5208 is to authorize appropriations for the Coast Guard for fiscal year 1972 and to set the average active duty personnel strength.

For procurement and increasing capability of vessels, $132,446,000 is authorized; $32,614,000 is authorized for procurement and extension of service life of aircraft; $51,690,000 is authorized for establishment or development of installations and facilities; and $3 million is authorized for payment to bridge owners for the cost of alteration of railroad and public highway bridges.

The average active duty strength of the Coast Guard for fiscal year 1972 shall be 38,284. However, in the event the Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength would be increased to 38,851—567 men—except when the President determines that national security interests would be jeopardized.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to authorize appropriations for the Coast Guard for ships, planes, shore facilities and installations, aids to navigation, pollution control for fiscal 1972 and for the annual active duty personnel strength of the Coast Guard for fiscal 1972.

The following authorizations are included in the bill:

During the past 26 years the Wind-class polar icebreakers have been in continuous service in harsh polar environment, and are now in need of restoration. The sum of $5,200,000 is authorized for this purpose.

There is also needed improvement in seven 133-foot coastal and 25 western river bouy tenders operated by the Coast Guard. The sum of $1,290,000 is included for this rehabilitation.

The sum of $720,000 is authorized for continuing habitability and operational capability standards on the six 327-foot class high endurance cutters. In addition, there is $1,450,000 authorized to upgrade the oceanographic capability of the *Evergreen*, an 18-foot buoy tender, which has been operated as an oceanographic vessel since 1965.

Concerning aircraft acquisition, the bill provides $14,190,000 for the procurement of three C–130 long-range search aircraft and equipment. These aircraft are necessary to provide long-range search and rescue support in the Caribbean and Gulf of Mexico and also to provide support to the marine environmental protection program. The sum of $13,550,000 is also allocated to procure six medium-range recovery helicopters to replace three fixed-wing airplanes which will be retired.

For pollution abatement, $900,000 is authorized for the reactivation of six fixed-wing airplanes to be used as pollution surveillance aircraft. They are equipped with special electronic oil sensors and will be used to patrol for oil slicks.

To meet the standards of the Water Quality Improvement Act of 1970, $3,200,000 is allocated for alteration aboard 30 vessels to improve sanitation devices. In addition, $360,000 is needed to abate pollution from Coast Guard shore stations.

Most important is the expenditure of $1,600,000 to continue work on an air deliverable antipollution transportation system which will be based on the east coast.

Because of the evergrowing oil spills in open waters, there is $1,900,000 authorized to procure an open water oil slick containment system. This system is a barrier which can be quickly delivered to an oil spill to prevent the oil from spreading.

It is necessary to maintain continuing on-scene measurements of the state of our waters in the U.S. coastal zone areas to determine the condition of the waters, monitor changes—for better or worse—determine effectiveness of antipollution measures and to detect spills as they occur. The sum of $1,830,000 is authorized for pollution monitoring sensors, which will be installed on cutters, boats, fixed stations, and aircraft.

Regarding construction, $4,610,000 is authorized for the construction of a new radio station in Honolulu as a follow-on to the station approved for San Francisco in 1970. This is needed so that the Coast Guard will be able to communicate with all operating units in the Pacific.

Because the Coast Guard operates more than 45,000 waterways aids to navigation, their importance to the mariner necessitates rigorous maintenance. The sum of $1,400,000 is included to maintain these standards.

Whenever possible during the last decade, lighthouses have been converted to permit unmanned operation. The automation and modernization of these lighthouses reduces hardships and is believed to contribute to improvement in personnel retention rates. The sum of $1,000,000 is authorized for this project.

Another important item is funding for public family quarters. The sum of $5,740,000 has been allocated for fiscal 1972 for the construction of approximately 206 units.

The Coast Guard has the responsibility for the alteration of bridges over navigable waters. There is presently a backlog of 20 bridges which need alteration. The sum of $3,000,000 is included for the alteration of two bridges, one over the Calumet River in Illinois and also over Cape Fear near Wilmington, N.C.

There is also authorization for survey, development and design of various facilities.

In agreement with Mr. HÉBERT of the Armed Services Committee, annual active duty strength authorization is now under the jurisdiction of the Merchant Marine and Fisheries Committee. If the Coast Guard Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength is increased to 38,851.

The total cost of the legislation is $219,750,000.

The Department of Transportation and the Office of Management and Budget advise that the bill is in accord with the President's program.

There are no minority views.

An open rule with 1 hour of debate is requested.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. group of the North Atlantic Assembly the gentleman from Pennsylvania (Mr. JOHNSON) to fill the existing vacancy thereon.

PROVIDING FOR CONSIDERATION OF H.R. 6479, TOWING VESSEL LICENSING BILL

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 408

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6479) to provide for the licensing of personnel on certain vessels. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 408 provides an open rule with 1 hour of general debate for consideration of H.R. 6479, the towing vessel licensing bill.

The purpose of H.R. 6479 is to provide for the licensing of personnel on certain towing vessels, thereby promoting safer navigation.

The present law requiring inspection of tugboats, towing boats and freight boats has been interpreted as applying only to steam-propelled vessels. The navigation officers on such ships must be licensed.

This bill applies to uninspected towing vessels and requires that the officers navigating such vessels would be required to be licensed under regulations prescribed by the Secretary of the department in which the Coast Guard is operating.

The legislation limits the performance of duty of such licensed officers to 12 hours in any consecutive 24-hour period.

The license to operate would be issued for a particular geographic area, by type of vessel. For instance, different types of vessels would be operating under Great Lakes rules, western river rules and international rules.

Section 2 of the bill provides that the Secretary of Transportation shall make a study of the safety records of uninspected towing vessels and report not later than 10 months after enactment of the legislation.

Section 3 of the bill establishes the effective date of the legislation as January 1, 1972, or the 1st day of the 6th month after the month in which the regulations are promulgated, whichever date is later.

The cost of the legislation is estimated at $375,000 for fiscal year 1972 and $300,000 annually for the ensuing 4 years.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to create a system of licensing pilots who operate towing vessels upon the waterways over which the Coast Guard has jurisdiction.

Existing law provides for the inspection of tugs and towing boats and also requires that officers of such vessels must be licensed. Unfortunately the existing statute—an old one—has been construed to apply only to steampowered vessels. Such powerplants are almost nonexistent on today's lakes, rivers, and bays.

At the same time, the number of accidents is rising, and Coast Guard investigations reveal that most of these are the result of pilot error. In the period of 1965–68 casualties from such accidents totaled 109 and property damage exceeded $50,000,000.

The bill would add new language to existing law to require that a towing vessel, when underway, must be under the actual direction and control of a person licensed for that purpose by the Secretary of that department from which the Coast Guard is operating. Such license would be issued for operations in a certain geographic area—Great Lakes, inland waterways, and so forth—and by type of vessel, under regulations promulgated by the Secretary. Only towing vessels measuring 26 or more feet would be covered by the bill; vessels doing tow work in an emergency or on an intermittent basis are likewise not covered.

The bill also prohibits any licensed pilot to work more than 12 hours in any consecutive 24-hour period.

Finally, the bill requires the Secretary of Transportation to undertake a study and to report to the Congress as to whether or not such towing vessels should have on board engineering personnel in order to improve their safety record.

Cost estimates for fiscal 1972 through 1976 are as follows: 1972, $375,000 including $75,000 for the study; 1973–76, $300,000 annually.

Total cost of the legislation over a 5-year period is estimated at $1,575,000.

The bill is supported by the Department of Transportation.

There are no minority views.

An open rule, with 1 hour of debate is requested.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COAST GUARD AUTHORIZATION, 1972

Mr. CLARK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5208), to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5208, with Mr. Flynt in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Clark) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. Keith) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Clark).

Mr. CLARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this opportunity to express my strong support for H.R. 5208 which would provide funds for the Coast Guard to operate in its expanding scope of responsibilities.

This bill, H.R. 5208, "to authorize appropriations for procurement of vessels, aircraft, and construction of shore and offshore establishments for the Coast Guard" is generally referred to as the Coast Guard authorization bill. As the distinguished chairman of our committee just mentioned, we have added this year the responsibility for the average annual active duty personnel strength of the Coast Guard. In all the circumstances, it seems altogether fitting and proper that our committee should have this personnel authorization responsibility to go with the authorizations for hardware and installations.

This measure was reported by our committee in House Report No. 92–124 on April 13, 1971, with four amendments.

The original request in this authorization bill was in the amount of $99,500,000 and was personnel oriented in light of the Coast Guard's deteriorating personnel situation which manifests itself in some personnel retention problems. The House Committee on Merchant Marine and Fisheries increased this amount by $120,250,000 to cover items it believes are vital to the continued effectiveness of the Coast Guard. The total authorization in the bill as reported out is $219,750,000 broken down as follows: $132,446,000, vessels; $32,614,000, aircraft; $51,690,000, construction; and $3,000,000 for bridge alterations.

In summary, the most important projects to be funded in this bill are as follows, including the items added by committee amendments:

First, construction of a polar icebreaker which is second in a series of replacement icebreakers;

Second, construction of three high-endurance cutters;

Third, funding of $5,200,000 for the restoration of the existing *Wind*-class polar icebreakers which have been in service continuously for 26 years;

Fourth, $1,290,000 to rehabilitate and improve coastal buoy tenders;

Fifth, the procurement of three C–130 long-range search aircraft—$14,190,000;

Sixth, $13,550,000 to procure six medium-range recovery aircraft—helicopters;

Seventh, the greatly expanded pollution abatement control systems and equipment; and

Eighth, $5,740,000 for the funding for public family quarters.

Even though the members of our committee understood the reasons why this year's Coast Guard authorization bill was people oriented, we were nevertheless concerned that there were no funds for vessel construction. We were especially alarmed, because the polar icebreaker replacement program begun in fiscal year 1971 was being held up. In order to assure the continued presence of U.S. icebreaking capability in the polar regions, we added the funds for the second replacement polar icebreaker. I said polar rather than arctic to make it clear that the Coast Guard icebreaking capability is in all the polar regions and not just for one specialized area such as the Northwest Passage, if this area should ever develop. At present, the Coast Guard's aging icebreaker fleet operates in the Arctic, the Antarctic, and the Great Lakes region. The Coast Guard keeps one of its best icebreakers, the *Mackinaw*, on station in Sheboygan to service the Great Lakes.

Another item of great significance in this authorization bill is the pollution abatement systems. As the Members well know, we have had numbers of tragic oil spills in our own waters in recent years. I believe there are some 700-odd spills last year alone. Just to dwell for a moment on a current problem, within the last few months, there was a serious spill in San Francisco Bay resulting from the collision of two tankers. I would like to talk about this spill for a few minutes, because it is an excellent example of why we should support this authorization bill. For the past several years, our committee has been working on two very important pieces of Coast Guard legislation which bear directly on the unfortunate collision and resulting spill in San Francisco Bay. These bills are the bridge-to-bridge radiotelephone bill and the port and harbor safety bill. The House, in its wisdom, passed the radiotelephone bill on December 16, 1969, and I understand the Senate Commerce Committee is preparing to report out a modified version of this radiotelephone bill. The port and harbor safety bill is being redrafted in order to be a more responsive piece of legislation. The hearings which our committee conducted out in San Francisco immediately following the San Francisco collision and spill showed clearly the necessity of passing the radiotelephone bill.

I mention this unhappy incident and these two pieces of legislation because I believe they clearly show the importance of the work of the Coast Guard and the relationship of this work to the serious problems confronting us in the pollution area. The pollution abatement programs set up in this bill will, I hope, be discussed in a few minutes so I will not dwell on them at this time.

I do not think it necessary to take time now to point out to the Members the vast range of Coast Guard activities, nor do I feel it necessary to call your attention to the efficiency and competence of the Coast Guard.

I believe that this bill speaks for itself and we strongly urge the House to support this reasonable and far-reaching Coast Guard authorization of appropriations.

There are members of both the majority and minority of our committee who are present and who may wish to speak in behalf of this bill.

Mr. KEITH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to lend my full and strong support to those of my colleagues on your committee for passage of the bill H.R. 5208, authorizing appropriations for procurement of vessels and aircraft, and construction of shore and offshore establishments for the Coast Guard.

Entire new facets of the traditional role of the Coast Guard are taking shape, and vast new demands are being placed on this excellent arm of the Federal Government. Traditional roles of the Coast Guard are becoming more complex, yet in keeping with its historical tradition it is aggressively seeking new ways to better discharge its responsibilities to this Nation.

This authorization bill recognizes the importance of the Coast Guard and the services it provides. But two very old factors appear to be threatening its ability to perform with the high degree of expertise which this Congress and the Nation has expected and in which it has always taken pride. These two items are personnel and physical plant of the Coast Guard. The Coast Guard's personnel retention rates have been at a low ebb for some time and have reached a point where there is a shortage of experienced personnel. By way of example, the enlisted retention rate for March 1970 to March 1971, is only 10 percent of those eligible for their first reenlistment, whereas the retention rate for subsequent reenlistments is 87 percent.

The single most important asset which the Coast Guard has had over the years has been its personnel—whose expertise and dedication has given the American taxpayer the largest single return for each dollar he has spent of any program of which I am aware. The committee fully agreed with the Coast Guard that it was absolutely necessary to protect that asset, without which the Coast Guard could not continue to perform as it has—the only organization of its kind devoted to the protection of mankind and his environment in a wide and diverse range of endeavor. It is for this reason that the 1972 authorizations are devoted to the improvement of personnel-related facilities and other projects necessary for the better accomplishment of the Coast Guard's multifaceted mission.

This priority is even more apparent when you look at the 1971 authorizations and appropriations. For that year, out of a total authorization and appropriation of $99 million, only about $41 million was allocated to individual improvement projects. Of this amount, about $25 million was for Coast Guard installations and facilities, whereas H.R. 5208 under consideration now has $51,690,000 for these personnel-related items.

However, Mr. Chairman, although your committee recognized the philosophy behind this bill, we were concerned over the fact that there was not one item in it for vessel construction. In questioning Coast Guard witnesses we learned that the polar icebreakers and the high endurance cutter replacement program had been shelved.

The mission of the replacement icebreakers will be to provide logistic support for U.S. defense units and maritime commerce and scientific research, and, just as importantly, they will provide a modern and efficient back-up capability for our more northern coastal ports and waterways.

Mr. Chairman, every few years we have abnormally cold winters causing great areas of our shoreline to be icebound for many weeks. It affects not only the coastal communities but inland communities where much of our population depends on the fishing ports of New Bedford, Gloucester, and Portland as well as Juneau, Kodiak, and Ketchikan. This important productivity could cease to furnish the needs of our Nation. No agency of the State or Federal Government has the capability, nor the responsibility, for keeping our ports open, except the Coast Guard.

Our tired, old icebreakers are so infirm and aged that soon they will be unable to handle the hazards of a normal winter, to say nothing of the unusual and abnormal winters that we must anticipate.

Therefore, Mr. Chairman, I strongly endorse the authorization for this additional icebreaker and I would want the RECORD to show that our need for this capability is continuing and increasing. And I would also sincerely hope that the Appropriations Committee will sustain the request authorized in this legislation just as they supported the icebreaker authorized by this committee last year.

Additionally, Mr. Chairman, I support also the authorization for continuing the replacement program of high-endurance cutters. The Coast Guard has valiantly worked toward a 15-ship replacement program and 12 have already been funded in previous authorizations and appropriations. Three more vessels will now complete the present program.

These 378-foot vessels, with significantly greater capability, habitability, and operating characteristics, will replace 311-foot, World War II, flat bottomed, rough riding, thinskinned, ex-Navy seaplane tenders. They did their work well but were not designed for the heavy service required of Coast Guard vessels, and their useful life is just about over.

The new vessels will have diverse, broad-based missions including support of the ocean weather station program, law and treaty enforcement, fisheries protection, and continually increasing demands for search and rescue operations.

Again Mr. Chairman, I heartily endorse and strongly support the authorization for these three new vessels and I urge my colleagues to lend their support which through this bill can again give us an efficient, viable, and effective Coast Guard capability.

Mr. Chairman, another priority reflected in this authorization is increased cost of coping with pollution. With the growing awareness of the man's polluting the environment, the role of the Coast Guard in restoring and preserving the martime environment has increased. As time passes, the Coast Guard will be called upon on a more frequent and increasing basis. They will be called on to protect the people and our wildlife and natural resources from the potential ravages that come from marine disasters.

There were hundreds of oil spills last year and the Merchant Marines and Fisheries Commitee, knowing that some of the containment and clean-up methods were relatively primative, we solidly support the authorization levels for the various pollution abatement projects contained in this bill.

Until 1971, the Coast Guard was almost totally lacking the facilities to deal with oil spill situations. This committee and Congress partially funded an antipollution air transportable system in 1971. This bill authorizes $1,600,000 for completion of this system, which will be located on the east coast and will provide a similar capability on the west coast. Again, as I am sure you know, a major oil spill occurred in Puget Sound beginning just a few days ago involving an estimated 230,000 gallons of No. 2 diesel fuel.

In addition Mr. Chairman, the bill authorizes $1,900,000 to procure an openwater oil-slick containment system, which will consist of a barrier that can be quickly delivered to the scene and placed around the slick to prevent the oil from spreading.

Mr. Chairman, these are just a few of the more important pollution abatement projects provided for in the authorization bill. The report is fairly comprehensive in regard to the total range of projects in this area, but I cite these two items as being of significant importance. It is absolutely imperative that Congress give the Coast Guard the vessels, facilities, and technical equipment to immediately respond to such incidents as oil spills in view of the tremendous impact and heavy damage which even one major oil spill can cause to our ecological system and coastal environment. The importance of antipollution control devices cannot be overemphasized knowing that, last year alone, over 700 spills of various sizes and degrees occurred in our waterways or coastal waters.

There is a new feature in this year's authorization bill which has not been present in previous bills reported to the floor by your committee. I refer to the provisions establishing the average active duty personnel strength of the Coast Guard at a level of 38,284 men. In the past, this item was handled by the Armed Services Committee, but pursuant to an arrangement on this subject, jurisdiction in this area was transferred to the Committee on Merchant Marine and Fisheries consistent with the requirements of Public Law 86-149 and 91-144, providing that the personnel strengths beginning for fiscal year 1972 must be annually authorized by Congress. Your committee has fully analyzed the personnel requirements of the Coast Guard and feels that this strength level will adequately staff the Coast Guard in order to insure the full and rapid performance of its many missions and requirements.

Mr. Chairman, I sincerely urge the overwhelming passage of H.R. 5208.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from New York, a member of the committee (Mr. GROVER).

Mr. GROVER. Mr. Chairman, I should like to indicate my complete support for this bill.

I do want to bring to the attention of the Members the fact that the administration again this year has indicated its wishes to phase out the Coast Guard Selected Reserve. We do not have that subject under express consideration at this time, but it will come up at another time, under a subcommittee of the Committee on Armed Services.

I do want to point out my objections to phasing out the Selected Reserve, and in my remarks I shall indicate my reasons for objection.

Mr. Chairman, I join my colleagues in support of the bill, H.R. 5208, authorizing appropriations for the Coast Guard for fiscal year 1972.

The Coast Guard has performed faithfully each and every mission which has been assigned to it, even under the tremendous hardship of operating with somewhat outdated and technically outmoded equipment and facilities. This authorization measure received the unanimous support of your entire committee and recognizes the imperative need to continue and expand the support for the Coast Guard in terms of new vessels, planes, and facilities, in addition to increasing the capability of the Coast Guard to further combat the potentially damaging effects of oil spill pollution by authorizing funds for the procurement of various equipment systems under the Coast Guard's pollution abatement program.

I do not think there is a pleasureboatman alive, or a fisherman, or the captain of a commercial vessel, who has not lauded the services of the Coast Guard when it has responded to their calls of distress on our oceans and territorial waters.

Yet, at times, the reaction time of the Coast Guard, in responding on a search and rescue mission, has been slow—due to the outdated and worn-out propulsion systems on board many of its vessels. The authorization for three heavy endurance cutters recognizes the importance of fulfilling the final stages of this vessel replacement program started in previous fiscal years. The cutters are the workhorse of the Coast Guard and perform almost continuous service in accomplishing the Coast Guard missions of search and rescue, law enforcement, and antipollution patrols.

The President's budget for fiscal year 1972 proposes, for the second time, the elimination of the Coast Guard Selected Reserve. Last year an identical proposal was rejected by both Houses of Congress. The rationale for last year's proposal was one of economy. This year, the reason given is economy and reform; we are told that it is to be phased out and any functions now the responsibility of the Coast Guard Selected Reserve will be funded as an element of Naval Reserve appropriations at some unspecified future time.

The Coast Guard Selected Reserve provides the only trained and immediately available personnel resources to meet the mobilization requirements imposed on the Coast Guard during the early stages of mobilization, or build-up of forces in an emergency. The validity of the Selected Reserve mission has been confirmed through joint studies with the Navy and the Department of Defense. These functions include those imposed by law as well as others assigned by the Navy, and generally represent an intensification or extension of the functions performed by the peacetime Coast Guard. Thus, it is entirely consistent to retain these responsibilities for wartime execution with the agency that performs the functions, or closely related ones, in peacetime. One of the most important of these functions is port safety and security. In peacetime, only a small force is involved in this important function, so vital to our national security and economic well-being. During wartime or national emergency, this force must be rapidly expanded by trained personnel and deployed into the country's critical ports to provide the necessary protection from sabotage, fire, explosion, and to regulate maritime commerce, in general.

In order to assure the ability to protect our ports, and to carry out other vital functions, the Coast Guard needs a trained, equipped, and organized body of men available for call-up on short notice, notwithstanding statements which have appeared to the contrary, there is no adequate source of personnel within the Coast Guard, or elsewhere at this time, which can be provided in cases of national emergency within the timeframe in which they are required. This need is filled by the Selected Reserve. The cost of the program, about $30 million, is justified by the protection provided.

It is for these reasons that your committee has provided for the full administration of the program by the Coast Guard, by the addition of 567 men in the event the reserve program is continued, in the authorized strength levels of the Coast Guard as further outlined on page 1 of the committee report. I urge the continuation of this program by future favorable action of this body and strongly urge the passage of H.R. 5208 today, providing for fiscal year 1972 authorizations for the Coast Guard, as further evidence of this Nation's continued full support for the efforts of the Coast Guard in fulfilling its missions of mercy and assistance on our oceans, coastal, and other waters.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I rise to compliment the chairman and members of the Merchant Marine and Fisheries Committee for their action in adding

567 additional personnel to the manpower strength of the active duty strength of the Coast Guard. This was done so as to provide adequate manpower to run a program for the Selected Reserve of the Coast Guard at a strength of not less than 15,000.

As I am sure each of you are aware, the President had requested in his budget message funds to provide for a strength of only 5,000 for the Selected Reserve of the Coast Guard for 1972 in order that they may be phased out at the end of this coming fiscal year.

There is somewhat of a division of authority between the Merchant Marine and Fisheries Committee and the Armed Service Committee in regard to the Coast Guard. The Merchant Marine and Fisheries Committee handles the active duty Coast Guard while the Reserve of the Coast Guard comes under the jurisdiction of the Armed Services Committee. But, as you can see, there is a close working relationship between us.

We on the Armed Services Committee have recently concluded extensive hearings in regard to the Coast Guard Selected Reserve. We have found that the proposal to phase out the Selected Reserve of the Coast Guard was one initiated in the Bureau of Management and Budget without consultation with anyone in the Department of Defense, Department of the Navy, or Department of Transportation.

We have developed a clear record indicating, first, that the wartime mission now assigned to the Coast Guard is an essential one and must be continued; second, that the Navy is not now equipped or capable of undertaking that mission without impairment of capability; and third, there will be no cost savings by transferring these functions to the Navy. Evidence, on the other hand, indicates that it might cost more for the Navy to undertake that program than if it continued operation under the Coast Guard.

So, what we are doing today in this bill is the first of several steps that Congress must take in order to maintain the Selected Reserve of the Coast Guard at its present strength of 15,000. I am sure the next step in the House of Representatives will be a measure proposed by the House Armed Services Committee which will provide authorization for Selected Reserve of that number.

I urge your support of this legislation.

Mr. KEITH. Mr. Chairman, I yield such time as he may consume to the senior minority member of the committee, the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of H.R. 5208, as amended by this committee, authorizing appropriations for the Coast Guard.

Since its inception in 1790, the Coast Guard has performed its varied missions with dedication, enthusiasm, and skill. The Coast Guard's broad purpose is to insure that our water-borne commerce moves effectively and safely. It supervises our ports and waterways, establishes and maintains aids to navigation, and promulgates and enforces safety regulations. It performs a highly important function of performing search and rescue operations and last year carried out over 50,000 search and rescue missions, saving over 3,700 lives in the course of these missions. Such services benefit not only this country's commercial maritime interests but also the ever-popular and fast-growing form of recreation pleasure-boating.

The Coast Guard is also responsible for performing a national defense mission by providing a coastal peacekeeping and law enforcement force in time of war and armed conflict.

Of greater significance is the involvement of the Coast Guard in the detection and prevention of maritime pollution. In 1971, the Coast Guard assisted in the development of a national contingency plan to provide a coordinated response to marine pollution incidents; established regional response centers to monitor incidents and supervise containment and cleanup operations; and established special "pollution strike forces" which are trained and provided with specialized equipment to quickly react to any major pollution incident. Along these same lines, the Coast Guard participates in the monitorship of the design and construction of vessels which carry potential pollutants as well as establishing and monitoring certification and operation requirements for ship and shore personnel. This authorization bill provides for $10,730,000 for funding of various pollution abatement projects.

The Coast Guard has a reputation for being one of the most efficient and effective units within our Federal Government. Recent years have seen the assigned missions of the Coast Guard growing in size and complexity as the Federal Government begins to rely more heavily on their capabilities in a variety of areas. As the United States continues to develop and its needs increase, the Coast Guard must be in a position to adequately perform its current and future assigned missions.

H.R. 5208 recognizes the need for continued support of this fine branch of our Federal Government and emphasizes the need to provide the Coast Guard with sufficient funds to adequately solve such problems as major oil spills; ever-mounting demand for search and rescue assistance; severe equipment damage; efficiency-inhibiting deterioration of the physical equipment; and a growing and alarming shortage of skilled personnel. The bill reflects the new priorities which the Coast Guard has recommended by providing for a total authorization level of $219,750,000 in the areas of vessel and aircraft procurement, construction of shore and offshore facilities; and pollution abatement equipment. This amount represents an increase of $117 million by committee amendments over the original request of $99,500,000, consistent with the committee's reasoned analysis that procurement of additional vessels and aircraft are necessary for the Coast Guard to more adequately perform its varied and increasing missions.

Perhaps nothing speaks more forcefully for the necessity of this increased authorization than the fact that the Coast Guard's fiscal year 1972 preview estimates totaled $257,754,000, whereas the Department of Transportation's request to the Office of Management and Budget totaled $188,465,000, and the final amount approved by OMB and included in the fiscal year 1972 budget was only $99,500,000.

To a far greater extent than any other branch of our Government, the role of the Coast Guard demands constant readiness to answer the call of those in distress whether it involves a ship on the high seas, a drowning seaman, or the victims of floods and hurricanes. While the responsibilities of the Coast Guard have expanded, the facilities and vessels available to carry out these duties have not been augmented to the same degree.

H.R. 5208 contains an authorization for the construction of a second polar icebreaker to continue the replacement of the *Wind* class—which has been in continuous service for an average of 26 years in the harsh polar environment. Habitability and operational improvements which have been made to this class will enable them to continue in operation no later than the mid-1970's. It is expected that four of the new icebreakers will provide the equivalent capability of the entire *Wind* class. In 1971, funds were authorized and appropriated for the construction of one polar icebreaker.

These icebreakers employ a new power concept for such vessels by providing for conventional diesel engines for cruising and gas turbines for maximum power situations. This concept has been successfully employed in the 378-foot class high endurance cutters. Power combinations utilizing gas turbine systems are also being used by the Navy. Your committee has worked for a number of years to secure funding for the beginning of this program and remains firmly convinced that continuation of the program is necessary and warranted by the increased mission responsibilities of the Coast Guard in our Arctic regions presented by the discovery of oil on the Alaska North Slope, and the possibility that there will be large vessels navigating the Northwest Passage in the future in addition to an increase in technological, scientific, and oceanographic research programs in our Arctic regions.

The committee amendment to authorize an additional $57 million for the construction of three high endurance cutters of the 378 foot *Hamilton* class will complete the original plan of 15 ships to replace the World War II-built seaplane tenders, five of which are still operating on general Coast Guard duty. Nine *Hamilton* class vessels have been commissioned, and three more are in construction now. As a Representative from an area which is deeply concerned over fisheries and the protection of our fisheries zone, I am acutely aware of the great need to expand our Coast Guard's capability to patrol our fisheries zone, and to insure that the various international conventions which the United States has signed are adhered to by other parties. Recent events have seen the continued seizure and harassment of our fishing vessels off the coast of South

America and increased problems in protecting our Atlantic salmon and other fishery resources on both coasts. Coast Guard vessels assigned for law enforcement and surveillance duties are technologically outdated and are spread too thin in terms of areas of responsibility and coverage to be really effective in enforcing our laws pertaining to illegal fishing in our territorial waters and contiguous zones. These new vessels will insure that the Coast Guard has an immediate operational response to alleged foreign fishing vessel violations in addition to providing an increased capability in terms of search and rescue and prevention of oil spills and other forms of ocean pollution.

Significantly, in this regard, current proposals relating to the prohibition and regulation of the dumping of materials in our oceans, coastal and other waters, which are now being considered by your committee, envision an increased role for the Coast Guard in terms of surveillance and enforcement should Congress, in its wisdom, enact such legislation.

Mr. Chairman, the Coast Guard deserves the praise and support of this Nation, and I join my colleagues in urging the overwhelming passage of this authorization bill.

Mr. KEITH. Mr. Chairman, I have no further requests for time.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I want to say with all enthusiasm I rise in support of this authorization bill.

Many Members will remember the time when the Merchant Marine and Fisheries Committee, and particularly the Coast Guard Subcommittee, did not have the authority of authorization and was therefore never involved in the really basic needs of the Coast Guard.

This bill represents the consensus of the Coast Guard Subcommittee and of the full Committee on Merchant Marine and Fisheries. It is true it is somewhat over the budget level, but this authorization committee has the responsibility to dwell in depth and to determine not only the basic needs but also the priorities of these needs.

We urge all Members to enthusiastically support the legislation as brought forward by this committee.

I thank the gentleman for yielding.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. I thank the gentleman.

Mr. Chairman, I rise to say a few words in support of H.R. 5208, the Coast Guard authorization bill. I, of course, support all aspects of this legislation but I am especially interested in one facet of this measure, that is, the funding for the alteration of bridges over the navigable waters of the United States.

The Coast Guard presently has the responsibility for this bridge alteration. This duty was formerly the responsibility of the Corps of Engineers. H.R. 5208 authorizes $3 million for the alteration of two bridges—one over the Calumet River in Illinois, and the other over the Cape Fear River near Wilmington, N.C.

There were quite a few questions at the hearings on this authorization bill concerning this bridge alteration responsibility. In fact, the interest seemed to be quite out of proportion to the small amount of funds set out in the bill. Our questioning brought out the fact that the Coast Guard has a backlog of at least 20 bridges which require alteration. These orders to alter are issued by the Commandant of the Coast Guard and the basis for bridge alteration rests on such factors as the amount of traffic, the degree of risk, development on the waterways, environmental factors, et cetera.

I believe that this bridge alteration work is very important, because of its impact on our navigable waters and because of the safety factors involved. The $3 million for only two bridges seems like a small amount when compared to the overall problem. Hopefully, next year's authorization bill will include a much larger sum for the alteration of a larger number of the 20 bridges.

I have only commented on the bridge alteration aspect of this important legislation but I support and I urge the support of all the Members present for H.R. 5208.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Charman, as a member of the Coast Guard Subcommittee and of the full Committee on Merchant Marine and Fisheries, I heartily endorse this bill.

Mr. Chairman, I would like to say a few words in support of H.R. 5208, the Coast Guard authorization bill. It is true that this legislation calls for a fairly substantial amount of money; however, I believe such an expenditure is justified and I would like to take just a few minutes time to point out the various functions and duties of this proud and dedicated service.

As we all know, the Coast Guard is equipped, retained, and committed to carry out in wartime specialized duties as a separate service under the Chief of Naval Operations. A recent example of this military function is the Coast Guard's considerable contribution to Operation Market Time off the coast of Vietnam. In this connection, it might be worth mentioning that in World Wars I and II, the Coast Guard played an enormous role in antisubmarine warfare with its cruising cutters and escorts as well as its sea frontier patrols and pickets. In addition, Coast Guard duties included manning landing craft that hit the invasion beaches with assault troops.

The primary function of the Coast Guard, however, is that of a law enforcement agency. In fact, it is the primary law enforcement service of the United States on the high seas or in our territorial waters. The extensive body of law which the Coast Guard enforces is as follows: criminal law afloat, such as piracy and barratry, laws relating to oil pollution, Rules of the Road, motorboat safety legislation, and conservation laws and treaties dealing with deep sea fishing, fur sealing and whaling and sponge fishing. A great deal of the Coast Guard's time is spent on insuring that Japanese and Russian fishing operations in the waters off our shores are in accordance with our laws and the treaties we have with these nations.

I imagine that the Coast Guard is best known for its search rescue work. The Coast Guard has always extended its rescue operations without regard to the nationality of the distressed craft.

I would like to mention that the lighthouse service was combined with the Coast Guard in 1939 giving them the added responsibility of maintaining all of the maritime aids to navigation for the United States. The Coast Guard's $45,000 navigational aids include lighthouses, lightships, buoys, fog signals and radio beacons. Also, there are such electronic aids to navigation as the long-range aid to navigation system—loran.

The harbor advisory radar system established in San Francisco Bay about a year ago is an innovation worth mentioning. Basically, it is a system of radar surveillance of the harbor area and of advising incoming and outgoing marine traffic of weather conditions, traffic in the channels, and any other problems which may arise. It has worked well in the San Francisco area and the Coast Guard hopes to extend it to such other crowded ports as New York and Houston.

The Coast Guard also plays an important role in port safety and security which involves technical responses to problems of safety in the entire cargo system from loading terminal to the unloading terminal and interconnections with other modes.

The Coast Guard maintains ocean station vessels continuously at six locations in the Atlantic and Pacific Oceans which function for the purpose of weather observation, oceanography, and search and rescue. Also, I believe the Coast Guard's work in both domestic and international icebreaking is so well-known as to only merit mentioning.

In closing, I would just like to mention the Coast Guard's rapidly expanding roles in the area of maritime environmental protection and oceanography. We are all aware of the tremendous growth and importance of these two areas and it is perfectly obvious that the Coast Guard's duties and obligations in these areas can do nothing but increase.

In reviewing the various functions of the Coast Guard set out above, it becomes apparent that we should support the expenditures in H.R. 5208. It is obviously money well spent and an investment by the American taxpayer. Thus, I urge your wholehearted support for enactment of H.R. 5208.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our committee, the gentleman from Maryland, Mr. GARMATZ.

Mr. GARMATZ. Mr. Chairman, I rise to strongly urge the support of the House for H.R. 5208, a bill to authorize appropriations for the procurement of vessels and aircraft and the construction of installations for the Coast Guard.

In past years, the House Committee on

Merchant Marine and Fisheries has had the responsibility for authorizing the hardware communications systems, installations and specialized equipment of the Coast Guard. This year our Committee has new authorization authority for the annual active duty personnel strength of the Coast Guard. In other words, H.R. 5208 not only authorizes the hardware and installations used by the Coast Guard, but it is also authorizing the manpower to man the hardware and installations. This authorization for the annual active duty personnel strength of the Coast Guard is pursuant to Public Laws 86-149 and 91-441 which called for the authorization of the active duty strength of the Armed Forces beginning with the fiscal year which begins July 1, 1971. The authorization bill establishes a figure of 38,851 for the personnel strength of the Coast Guard for fiscal year 1972. In light of our existing authorization responsibility for hardware and installations, it seems logical, orderly and legally correct for the House Committee on Merchant Marine and Fisheries to have the authorization authority for the active duty personnel strength of the Coast Guard. We welcome this additional authorization responsibility.

When H.R. 5208 came before our Committee for hearings, it was apparent that the bill was people oriented, that is, a large portion of the total figure was devoted to personnel oriented programs. The testimony at the hearings indicated that this was personnel oriented due to the alarmingly low personnel retention rates in recent years. This unfortunate circumstance in which the Armed Forces apparently do not enjoy as high a status as heretofore.

While we understand the need to improve the circumstances relating to the Coast Guard's most valuable asset, its people, we were also somewhat dismayed to discover that there was no item in this authorization for the construction of vessels. It was the consenus of our committee that Coast Guard vessel construction should not be halted completely and that some building should go forward. For this reason, we added an amendment to the bill which calls for an expenditure of $60 million in order to provide funding for the second of four polar icebreakers which are planned to replace the six World War II-built *Wind* class polar icebreakers. The first of these replacement icebreakers was funded last year in the fiscal year 1971 Coast Guard authorization bill. I understand that the Coast Guard expects to receive bids on this first icebreaker sometime in June.

It was apparent at the hearings on the bill that if any vessel construction was to go forward in fiscal year 1972, this second replacement icebreaker was the highest item of priority.

I am aware of the many demands on Federal funds at this time and I am also aware that $60 million is a lot of money to spend for one vessel. I will not take the time of the House Members to recite all the vessel characteristics and purposes of these icebreakers as they are set out in the report, but I would like to point out that everything of this nature is expensive today and we are talking about a highly sophisticated piece of equipment which is of advanced design.

The only icebreaking capability which the Nation possesses is that provided by the Coast Guard and its present equipment has been in use for an average of 25 years in the polar regions and cannot last much longer. If steps are not taken now to assure the replacement of this icebreaking equipment, our ability to operate in the polar regions 5 or 6 years from now will have been virtually eliminated. Thus, it would seem to our best interest to carry out the replacement of these polar icebreakers even at the modest levels provided by the current and last year's authorization bills.

There are many other worthwhile items in this authorization bill such as pollution abatement systems, navigational aids and bridge alterations, but I will not take the time to go into these worthwhile projects since they are set out in the report.

I do not feel that the amount of money to be expended under this bill is excessive when considered in the context of the various and far-flung responsibilities of the Coast Guard and of the tremendous service of the Coast Guard to the people of the United States and the use of the Coast Guard by our population. Thus, I urge the passage of this important authorization bill.

Mr. CLARK. Mr. Chairman, I have no further requests for time.

Mr. KEITH. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1972 for the use of the Coast Guard as follows:

VESSELS

For procurement and increasing capability of vessels, $15,446,000.

A. Procurement:

(1) design of vessels.

B. Increasing capability:

(1) increase fuel capacity and improve habitability on high-endurance cutters of the three-hundred-and-twenty-seven-foot class.

(2) rehabilitate and improve selected buoy tenders.

(3) modernize and improve Wind class polar icebreakers.

(4) reweld hull and repair cutter (polar ice-breaker) Glacier.

(5) increase oceanographic capability of cutter Evergreen.

(6) modernize communications capability in selected vessels.

(7) replace radio teletypes in selected high-endurance vessels.

(8) install water pollution control equipment in vessels.

(9) install water pollution monitoring sensors in vessels.

AIRCRAFT

For procurement and extension of service life of aircraft, $29,364,000.

A. Procurement:

(1) three long-range search aircraft.

(2) six medium-range helicopters.

B. Extension of service life:

(1) repair outer wings on six HC-130 aircraft.

(2) replace center wing box beam on three HC-130 aircraft.

(3) reactivate six HU-16E aircraft.

(4) install water pollution monitoring sensors in aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $51,690,000.

(1) Newburyport, Massachusetts: rebuild Merimac River Station;

(2) Gloucester, Massachusetts: rebuild station;

(3) Marshfield, Massachusetts: construct barracks at radio station;

(4) Barnegat, New Jersey: improve station facilities (phase II);

(5) Wildwood, New Jersey: construct barracks at electronics engineering center;

(6) Yorktown, Virginia: construct barracks;

(7) Portsmouth, Virginia: relocate water main;

(8) Terminal Island, California: rebuild electronics repair building;

(9) Port Hueneme, California: relocate station;

(10) Portland, Oregon: relocation station;

(11) Westport, Washington: rebuild station;

(12) Honolulu, Hawaii: improve base facilities;

(13) Honolulu, Hawaii: construct new radio station;

(14) Boston, Massachusetts: improve base facilities (phase II);

(15) New London, Connecticut: construct science teaching facility at academy;

(16) Cape May, New Jersey: improve station facilities;

(17) Curtis Bay, Maryland: modernize yard facilities;

(18) Omaha, Nebraska: improve facilities at moorings;

(19) Miami, Florida: improve air station facilities;

(20) San Francisco, California: improve air station facilities;

(21) Guam, Marianas Islands: improve depot facilities;

(22) Various locations: abate pollution from stations;

(23) Various locations: transportable pollution control (oil recovery) equipment;

(24) Various locations: transportable pollution control (oil slick containment) equipment;

(25) Various locations: pollution monitoring equipment for offshore stations;

(26) Various locations: aids to navigation projects on selected waterways;

(27) Various locations: automate light stations;

(28) French Frigate Shoals, Hawaii: improve and modernize loran station;

(29) Various locations: modernize and improve tropical Pacific loran stations;

(30) Palau Island: repair airstrip;

(31) Various locations: develop and construct loran equipment;

(32) Pacific Islands: effect selected loran tower maintenance;

(33) Various locations: public family quarters;

(34) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

BRIDGE ALTERATIONS

For payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States, $3,000,000.

With the following committee amendments:

On page 1, line 7, delete "$15,446,000" and insert in lieu thereof "$132,446,000".

On page 2, under "A. Procurement:" after line 2 insert:

"(2) one replacement polar icebreaker.

"(3) three high endurance cutters."

On page 2, line 24, delete "$29,364,000" and insert in lieu thereof "$32,614,000".

On page 3 under "A. Procurement:" after line 3, insert:

"(3) One administrative aircraft.".

On page 6, after line 7, insert the following:

"ANNUAL ACTIVE DUTY PERSONNEL STRENGTH

"For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the average active duty personnel strength of the Coast Guard shall be 38,284. If the Coast Guard Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength is increased 567 men to 38,851; except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress on the basis of such determination."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bow: Page 2, after line 2 insert "None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States."

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his amendment.

Mr. BOW. Mr. Chairman, this is an amendment which I have offered on the authorization before. I believe in the present situation in our country it would be well to build all of these vessels in the United States. I have been assured perhaps the committee agrees with me.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. CLARK. We accept the amendment with pleasure on this side.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. KEITH. We on the minority side concur in the amendment.

Mr. BOW. I thank the gentlemen and I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask a question as to whether this replacement polar icebreaker is to be nuclear or conventionally powered.

Mr. CLARK. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CLARK. Diesel and gas turbines.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BOW).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 5208), to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, pursuant to House Resolution 406, be reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

TITLE AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Title amendment offered by Mr. CLARK: After the words "Coast Guard" in the title add the following words: "and to authorize the annual active duty personnel strength of the Coast Guard" so that the entire title reads: "To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TOWING VESSEL LICENSING BILL

Mr. CLARK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6479) to provide for the licensing of personnel on certain vessels.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6579, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. CLARK) will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time, I would like to make a few comments in support of H.R. 6479, a bill to provide for the licensing of the person operating uninspected towing vessels 26 feet or more in length.

The bill as it appears before us on the floor today is basically a very simple piece of legislation. It really does only two things:

First. It provides for the licensing of the operator in the wheelhouse, and

Second. It provides for a study by the Coast Guard concerning the need for engineers. This study is due 10 months after enactment of the bill. The field of towboat safety itself is more complex involving such complicated issues as the licensing of the engineer and the seamen on board these vessels as well as the problem of inspecting these tugs.

The House Committee on Merchant Marine and Fisheries has been struggling with this type of legislation since the 88th Congress and even before. Unfortunately, all our past efforts have always resulted in an impasse since we have never been able to arrive at any reasonable consensus on either the problem of licensing the engineer or on the issue of the need for the inspection of towing vessels.

Over the last 8 years, our committee has held a number of hearings on these general problems and in all this time, despite all our efforts, we have not been able to get the interested parties to reach any kind of satisfactory agreement on the issues in contention.

With this history of effort and legislative frustration in mind, the ranking Democratic and Republican members of our committee decided that some sort of responsible legislation in this area of towboat safety was long overdue. Because of the past difficulties we encountered, it was obvious that the only course open to us was to agree on some first legislative step. As a consequence, the leadership of our committee agreed on H.R. 6479 which basically requires the licensing of operators in the wheelhouse and provides for a study concerning the need for engineers. The licensing of the man in the wheelhouse was the one issue in this area of towboat safety upon which there was any kind of unanimity. This was, in fact, the one issue that most of the interested parties could and did agree on. This, of course, is the basic factor in the area of towboat safety, so it seemed to be the logical starting point and basic requirement for towboat safety legislation.

From the beginning, the question concerning the licensing of the engineer has been controversial and contentious. In the past, we attempted to reach a consensus on licensing the engineers by applying this requirement to horsepower, by linking it to the length of the vessel or to requiring it on a continuous voyage of over 24 hours. Unfortunately, none of these efforts prevailed and the study of the need for the engineer was included in H.R. 6479 as a necessary compromise device to resolve this sticky problem.

We are aware that this legislation is subject to some criticism, especially from those who desired licensing the engineer and imposing inspection requirements on these vessels. As is the case with most legislation that comes before this great body, the desires of none are met fully. We only intended that H.R. 6479 should be the necessary first step in the critical area of towboat safety. It is that first step.

So this legislation is a necessary beginning in the towboat area of marine safety; we urge your support for the enactment of H.R. 6479.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CLARK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding. I have read the committee's report in detail, and have studied this bill and, although not a member of the committee, there are two questions that I have about the legislation—and I do not want to prolong the session here this afternoon.

First: Is it not true that, acting here in the blessed and sacred name of greater safety, which we are all favorable to, that we are setting up a requirement for the Coast Guard-approved pilot in the pilot house, which I certainly would agree with, but in addition, setting up a study to perhaps in the future include engineers and other people on tows of certain descriptions to the point where we may some day find the Congress legislating in an area where it need not do so in the first place and, second, invite featherbedding, as we now have it, allegedly, on many of our trains and/or at least the power units thereof?

Mr. CLARK. I would say to the gentleman from Missouri that no, we believe that this is what we are trying to do, is to eliminate this. We do not believe this would happen with this legislation.

Mr. HALL. That is an interesting comment, but if you create the positions and require that they be certified, and knowing the power of the unions and the organizations, I wonder if the gentleman or some members of the committee could explain in just a little more detail to the Members, before we let this pass, probably by almost unanimous consent, as to why this would not evolve?

Mr. CLARK. In regard to that, I will yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I want to say that the 10-month study by the Coast Guard proposed in the bill is to study whether or not a licensed engineer is needed in the engineroom or on the vessel at all times. Neither the union nor the industry made their positions clear on what was needed, and we thought that the Coast Guard was the logical group that we could turn to for a study to judge the circumstances under which an engineer was needed.

We have talked time and again about the question of overmanning. I think it is perfectly clear that the committee will not favor any legislation requiring overmanning. But we feel an engineer may be necessary on certain types of vessels for voyages of certain lengths on the inland waterway. This is why the study is to be made.

Mr. HALL. Mr. Chairman, I appreciate my colleague, the gentlewoman from Missouri's statement, and I appreciate the reassurance that the committee will maintain surveillance and oversight in this area.

On the other hand, I am sure that my colleagues will be the first to agree with me that the more commissions and the more studies we have and the more Government bureaus that find for additional positions, the more likelihood there is to be a featherbedding. It has been my observation as we ply the intercoastal waterways that usually these tows are well manned. They are well manned in the engineroom. Most of the tugs have sleeping quarters aboard so they can run through the night. They are most courteous on the intercoastal waterway and they will even stop to lend aid when necessary. In this spirit, they are much the same as the over-the-road truckers who have established wonderful safety records.

My second question has to do with the cost. Certainly the cost of the legislation as stated in the committee report is none for the current fiscal year—although we are about out of the current fiscal year. But for the 1972 fiscal year the cost is estimated at $375,000 including $75,000 for the study that we just referred to, and thereafter $300,000 annually, for a total of $1,575,000 in the 5 years authorized.

Surely, it will not cost this much just to license the pilots, many of whom would be grandfathered in, as I understand it.

Why this total authorization of the cost in the bill?

Mr. CLARK. That is to authorize a Coast Guard study for the cost of $75,000.

Mr. HALL. The Coast Guard has testified before the distinguished gentleman's committee that it will cost that much to license this number of pilots per year?

Mr. CLARK. It is not to license this number of pilots per year.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CLARK. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, the figures cited by the gentleman from Missouri are not authorizations for appropriations. They are estimates by the committee of the cost of the Coast Guard study and of the estimated cost of licensing and enforcement. There was no departmental estimate submitted. Frankly, I cannot see how it could cost that much to issue licenses, but the committee has given its best estimate of the possible cost.

We received no testimony on the cost during the hearing. These figures were given to us later, informally. They are not authorizations. The legislation only calls for a study to be made, and licensing procedures to be developed and carried out, and these figures are just a guess at this point.

Mr. HALL. Well, these authorizations have a habit of coming home to roost when we take appropriations up later.

The word is we must always fund what has been authorized by the Congress. I think this is the place to make the legislative record. If indeed the committee will go along with the legislative record that is made here today and exercise their jurisdiction and see that the Committee on Appropriations is not asked for any more than it requires for this licensure, I think I have no objection, after the explanation that has been made.

Mr. Chairman, I appreciate the gentleman's statement.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 15 minutes.

The Chair recognizes the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, if I may have the attention of the gentleman from Missouri, I wish to point out that there is no authorization in the bill. The figure in the bill is merely an estimate of what the cost might be, and I would assume that the Appropriations Committee would demand a much closer justification for that estimate than we were able to get. But as I look at the bill, the authorization comes under the general authorization for the Coast Guard, and this would be a subject for consideration by the Appropriations Committee in any case. Our committee does not have authorizing authority in that particular part of the business.

Mr. Chairman, many of us have been very much concerned about this piece of legislation for a great many years, and it has been extremely difficult to come to grips with a problem where there was plenty of evidence to show that we needed an improvement in safety, and yet we were dealing with an industry that has great variables as to where it operates, whether it operates on the Mississippi River or whether tugboats are operated in New York Harbor or San Francisco Harbor, and we came to the conclusion that we had better take the step for which there was clearly demonstrated a need, and then take whatever time is required to develop the facts as to whether it is adequate or whether at some future date we should take a further step.

The committee has had great difficulty with this bill, and I think we have done as good a job in bringing out something, the justification for which is very, very clear, as we could have, leaving to the future the decision on whether this is actually sufficient.

Mr. Chairman, I rise in support of H.R. 6479, which I have cosponsored with our chairman (Mr. GARMATZ), the subcommittee chairman (Mr. CLARK), and other distinguished members of the Committee on Merchant Marine and Fisheries. I cosponsored similar legislation in the 91st Congress, and I am firmly convinced that the enactment of H.R. 6479 is urgently needed to improve safety on our inland and coastal waters and to protect the lives of men who sail these waters.

There are about 7,000 towing vessels employed in our domestic commerce. Over 18,000 men work on these vessels, and they transport over one-half billion tons of cargo each year. Your Committee on Merchant Marine and Fisheries began investigating the question of towing vessel safety in 1965. There was no clear data available at that time pinpointing the need for licensed pilothouse personnel. Since that time, however, the Coast Guard, the National Transportation Safety Board, and your committee have closely monitored the safety record of the towing industry. The overwhelming majority of accidents are indeed caused by human error on the part of the person piloting these vessels. The majority of accidents involve either collisions between tows or between tows and other types of watercraft, and strandings.

The waters in which towing vessels most frequently operate, our inland rivers, pose an exceptional challenge to the pilot. Strong currents, twisting channels, and frequent changes in the river bottom all combine to make the job of piloting river tows one of the most demanding in the transportation industry.

The nature of the tows frequently employed on the river systems of this country also complicate the job of the river pilot. These tows are frequently made up of many barges lashed together extending 1,000 feet from the bow of the lead barge to the pilot house of the towboat. They are ungainly but economical means of transporting large volumes of bulk commodities. The transportation of dangerous cargoes, including petroleum, fertilizers, and other toxic substances, has increased dramatically on the inland waterways of the United States. While the barges themselves are subject to Coast Guard inspection in many instances, the person charged with maneuvering these dangerous cargoes is not.

Under existing law dating back many years, steamboats of all types are subject to inspection and their masters must be licensed. The age of the steamship has long since passed. With a few exceptions, virtually all of our inland towing vessels and coastal towing vessels are diesel-engine-powered and are, therefore, exempt from the steamboat inspection and personnel licensing laws. Only in the case of a seagoing, motorized towing vessel of over 300 gross tons does the existing law apply.

In recent years, we have had a number of extremely serious collisions between barge tows and ocean-going vessels in what may be called the interface between the sea and other inland waters. Areas of this country such as the lower Mississippi River up to New Orleans are particularly critical because of the large number of ocean-going vessels on foreign voyages intermixed with river tows in this waterway. While the ocean-going vessels, many of them foreign-flag and foreign-manned, generally operate under the international rules of the road while at sea, they are required to adopt the inland rules while transiting the Mississippi River to and from New Orleans. One such collision between the SS *African Star* and a tow resulted in the loss of 21 lives. Another collision between the SS *Union Faith* and a river tow resulted in the loss of 25 lives. Each of these accidents could have been far worse but for the prompt action of other vessels in the area.

H.R. 6479 very simply requires that uninspected towing vessels of 26 or more feet in length while underway shall be under the direction and control of a person licensed by the Secretary of Transportation. The license shall designate the waterways in which the pilot may operate and the type of vessel he may command. As a further step to improve safety, the bill provides that the pilot of a towing vessel may not work in excess of 12 hours in any consecutive 24-hour period. This latter provision is important in view of the concentration demanded of a pilot in order to navigate safely within the confines of our river systems.

Since the beginning of your committee's consideration of the safety problem on our inland waters in 1965, the question of requiring licensed engineers on towing vessels has been considered. The same studies and statistics which so strongly recommend the licensing of the pilot do not support a requirement for licensed engineers. As I stated previously, virtually all of these ships are diesel-propelled. A great many of them have completely automated engine rooms and more are being automated each year. While engine breakdowns do occur on these vessels, there have been very few recorded instances of towing vessel casualties resulting in property damage or loss of life due to mechanical breakdown. The diesel engines which propel these vessels are extremely complicated pieces of machinery. They are not susceptible to emergency repair while underway, and when a breakdown occurs they must be shut down. There is, of course, always the risk that an engine failure could occur during a critical maneuver. It is highly unlikely, however, that the presence of a licensed engineer in the engineroom could affect the outcome of whatever disaster might follow such a breakdown.

Again in the interest of safety, however, your committee has provided in this legislation for another study of the need for licensed engineers on towing vessels. The Secretary of Transportation will submit to the Congress a report not later than 10 months after the enactment of this legislation. If this report indicates that safety may be enhanced by the presence of licensed engineers, I am sure that your committee will act promptly to implement that finding.

Mr. Chairman, this is an important bill, and I urge my colleagues to support it unanimously. I wish to commend the distinguished chairman of your Committee on Merchant Marine and Fisheries (Mr. GARMATZ) for bringing this important legislation to the floor.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I would like to state to the Congress that within the last 2 or 3 years there have been in my constituency alone unlicensed operators who, by their callousness or carelessness, have caused almost unimaginable hardship on the coastline of Cape Cod. In fact, just recently a claim was processed against a firm that employed one of these unlicensed operators who appeared to have run his tanker aground off Falmouth, Mass. The claim was settled in the amount of almost $300,000. Hopefully, this legislation will make a repetition of such an event less likely. I certainly am strong in my support of this legislation.

I thank the gentleman for yielding.

Mr. MAILLIARD. Mr. Chairman, I yield back the balance of my time.

Mr. CLARK. Mr. Chairman, I yield such time as she may require to the gentlewoman from Missouri.

The CHAIRMAN. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Chairman, as ranking majority member of the Committee on Merchant Marine and Fisheries and as the original sponsor nearly a decade ago—in January 1962—of the legislation which led to the bill now before us, I rise in support of H.R. 6479. But this bill is only a start on a much-needed safety program for the operation of motor-propelled towboats and barges on the inland waterways. It is, in fact, less than one-half of my original proposal, endorsed in 1963 by the Coast Guard, which was to license the responsible officers of the towboats, on the one hand, and also to require inspection for safety of the boats themselves and their equipment. This bill, however, deals only with licensing of masters and pilots.

To the extent that this will eliminate the use of untrained and incompetent officers in the wheelhouse, it will undoubtedly reduce accidents, and save lives and property. But it does not guarantee that accidents cannot and will not occur as these huge trains of heavily laden, or sometimes equally dangerous empty, barges move up and down our rivers to their destinations. But if the fault lies with a careless or untrained master or pilot, that person can be taken off the job through the lifting of his license, under this bill.

There are, however, many factors other than poor piloting which are behind the serious towboat accidents which have cost the American people millions upon millions of dollars and many lives. When the Coast Guard made a study of this matter in 1962 following the introduction of my first bill on this subject, it discovered that the situation was much worse than it had believed, and that legislation to license personnel and to inspect the vessels and their equipment was essential. Until that time, the Coast Guard had not seen any need for such legislation.

The Coast Guard report was made to our committee in 1963, and we have been arguing in committee ever since then on the scope of the proposed legislation now before us. A majority of the committee has endorsed the licensing of masters and pilots, and called for a study of the need for licensing engineers, but has rejected, at least for the time being, the proposal to require inspection and certification of the safety of the vessels and equipment.

Past studies have shown that when accidents occur, the barges themselves may have been in unsafe condition, or the horsepower of the engine was too low to control the huge train of barges, which may extend for a quarter of a mile and require tremendous space in which to be brought to a halt.

I have sailed aboard towboats on the Mississippi and seen the dangers which they encounter from a variety of sources—the weather, the condition of the river, the skill or lack of skill of the operators of a tow coming from the opposite direction, and the possibility of cargo shift or barge loading mistakes, as well as the condition of the equipment itself.

So I know how urgently we need some legislation in this field, and since this bill is the best we can get through the committee at this time, I support it. But I think the Members should recognize that it is a compromise which attacks only a part of the problem and that more comprehensive legislation will be needed. I intend to continue my efforts to get additional river safety legislation out of committee and before the House. While I am patient—it has taken, as I said, nearly 10 years to bring this legislation to House passage—I think it only fair to point out that further delay is costing lives, and millions upon millions of dollars worth of damage to property along the rivers, and to cargoes.

I do not agree, I might add, with the comment in the committee report accompanying this bill that—

> The facts elicited before the subcommittee did not demonstrate that the record of casualties to this type of vessel reflected any specific deficiencies in their construction, equipment, or manning levels.

I think the record of our hearings over the years has demonstrated many specific deficiencies which periodic inspection and certification by the Coast Guard could uncover and correct.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Byrne).

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise in support of H.R. 6479.

Mr. Chairman, I would like to take just a minute to speak in favor of H.R. 6479, a bill to require the licensing of the operators of towing vessels.

As has been already stated, one of the basic purposes of the bill is to contribute to marine safety on the inland waterways of the United States by licensing the operates and as to the "type of vessel." It is stipulated in the bill that the operator shall be licensed with respect to the "particular geographic area" in which he operates and as to the "type of vessel." It is contemplated that licensing as to the "particular geographic area" shall coincide with the application of the areas of differing sets of nautical rules of the road, for example, inland rules, Great Lakes rules, western river rules and international rules.

It is intended that the licenses should be as broad in area coverage as practical and that the examinations should insure an adequate knowledge of each set of nautical rules of the road for the area to which the license applies. With respect to this examination, it is noted that it may be oral rather than written to accommodate those who for legitimate reasons may request an oral instead of a written examination. The phrase "type of vessel" means those covered by the bill and envisions the possibility of the Coast Guard endorsing a license issued under other provisions of law to authorize the operation of vessels covered by this legislation.

It is obvious that there are a number of safeguards relating to the operator licensing requirement mandated by this bill. Since this is marine safety legislation applying basic operating requirements, I believe that it is in the Nation's general interest to support this legislation.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, I have consistently opposed this particular piece of legislation for many years.

First of all, I do not believe that the legislation is necessary. Second, I know it will be detrimental to the best interests of the hard-pressed towing industry. And, third, because it could mean increased consumer cost for the people who use products normally transported on barges.

During the course of our hearings on this bill, we heard detailed descriptions of maritime accidents on our navigable waters or ships piloted by unlicensed personnel. But there was no evidence that these accidents would have been prevented or minimized had the pilot been licensed. On the other hand, we also examined maritime accidents on vessels manned by licensed pilots. Most accidents resulted from human error—not because the pilot was unlicensed.

Pilots of tow boats—licensed or unlicensed—are highly trained knowledgeable and responsible men. If you owned a tow boat or expensive towing equipment, you are not going to turn over this valuable property to a person who was not qualified to handle it safely and properly.

As a protocol matter, if we require all tow-boat pilots it be licensed you are going to see fewer towing operations on our rivers and bays and many competent people are going to be unemployed.

The most economic transportation of bulk material on water is of course, by barge, already due to a scarcity of river pilots in the Chesapeake Bay area, much oil is having to be transported by land transportation and at a much greater cost. As these costs go up, the cost of the product to the consumer is also going up.

There is no need for this legislation and if it becomes law I believe it will cause great harm.

I know this is a compromise bill and that it will pass this house almost without objection. But that still does not mean it is good legislation. I hope the other body will refuse to approve it.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the Chairman of the full committee, the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, I would like to take this opportunity to strongly urge the support of the House for H.R. 6479, a bill to provide for the licensing of personnel on towboats.

The purpose of this bill is to promote safe navigation by requiring that while, under way, certain towing vessels shall be under the direction and control of personnel licensed under regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. In addition to this requirement that the operator in the wheelhouse be licensed, the bill requires the Secretary of Transportation to conduct a study and to submit to the Congress a report thereon together with any legislative recommendations concerning the need for licensed engineers on such vessels. This report is due 10 months after the enactment of this legislation.

Legislation of this general nature has been pending before the Merchant Marine Committee for the past 8 years or more. Several provisions of past bills were highly controversial in nature and, indeed, were the subject of differing views within the committee itself. Failure to agree on this important safety legislation led to impasse which resulted in no legislation being passed.

For example, previous proposals would have required that these towboats carry licensed engineers. Quite naturally, I suppose, the organizations most interested in sponsoring this type of proposal were the unions representing licensed engineers. However, the committee did not receive one shred of evidence that past casualties involving towboats could, or would have been, prevented by the presence on board of a licensed engineer. The same is true of any proposed requirement that certificated unlicensed personnel be carried.

Another issue involved is a requirement that all towboats be subject to inspection by the Coast Guard. But, there again, such a requirement would by nature confer upon the Coast Guard authority to prescribe manning scales and impose unnecessarily burdensome obligations upon the owners of these vessels.

Despite all our hearings over the years on variations of towboat safety legislation, no consensus was ever reached as to the need for extending the marine inspection laws to motor-propelled towing vessels. The facts brought out before the subcommittee did not demonstrate that the record of casualties to this type of vessel reflected any specific deficiencies in their construction equipment or manning levels.

It was only after many, many sessions within the committee that we were able to work out a compromise on this issue and the engineer licensing problem as represented by the bill you have before you. Statistics indicate that in the 1965–68 period, towboat vessel casualties resulted in 109 fatalities, an unknown number of personal injuries, and in excess of $50 million in property damage.

It has been apparent to the members of the Committee on Merchant Marine and Fisheries from the beginning that towboat safety legislation is necessary. However, parochial interests have frustrated all our attempts for such legislation over the past 7 or 8 years. Finally, we have been able to get reasonable consensus on the bill before you. It does provide for licensing the operator in the wheelhouse which is basic and primary to towboat safety. It also provides for a 10-month study on the controversial issue of licensing the engineer. Admittedly, this bill does not give all interested parties everything they desire, but what piece of legislation passing this body accomplishes that high standard? This initial step in the field of towboat safety is sufficient to justify our support. Thus, I urge all Members to vote in favor of H.R. 6479.

Mr. CLARK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 6479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4427 of the Revised Statutes (46 U.S.C. 405) is amended by inserting "(a)" immediately before the first word thereof and by adding at the end thereof the following new subsection:

"(b) (1) As used in this subsection—

"(A) the term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(B) the term 'towing' means pulling, pushing, or hauling alongside or any combination thereof;

"(C) the term 'towing vessel' means a commercial vessel engaged in or intended to engage in the service of towing which is twenty-six feet or more in length, measured from end to end over the deck, excluding sheer;

"(D) the term 'uninspected' means not required by law to have a valid certificate of inspection issued by the Secretary.

"(2) An uninspected towing vessel in order to assure safe navigation shall, while underway, be under the actual direction and control of a person licensed by the Secretary to operate in the particular geographic area and by type of vessel under regulations prescribed by him. A person so licensed may not work a vessel while underway or perform other duties in excess of a total of twelve hours in any consecutive twenty-four-hour period except in case of emergency."

SEC. 2. The Secretary of Transportation shall conduct a study concerning the need for engineers on uninspected towing vessels and shall submit to the Congress a report on this study, together with any legislative recommendations not later than ten months after the enactment of this legislation.

SEC. 3. The amendments made by the first section of this Act shall become effective on January 1, 1972, or on the first day of the sixth month which begins after the month in which regulations are first issued under section 4427(b) (3) of the Revised Statutes (as added by the first section of this Act), whichever date is later.

Mr. CLARK (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 3, line 3, "(3)" is deleted and "(2)" is inserted in lieu thereof.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6479) to provide for the licensing of personnel on certain vessels, pursuant to House Resolution 408, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROGRAM FOR WEEK OF MAY 3

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader, the gentleman from Louisiana, the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, we have completed the program for this week. We have completed all of the bills and resolutions on the whip notice for this week, so I hope to go over until Monday.

Next week, Monday is Consent Calendar day. Following that there are three suspensions:

H.R. 155, facilitating transportation of cargo by barges specifically designed for carriage aboard a vessel.

H.R. 135, distribution of unclaimed postal savings deposits to the States.

H.R. 6283, extending the Presidents reorganization authority.

Tuesday is Private Calendar day, following by S. 531, authorization for Post Office to prepare applications for passports. This will be considered under an open rule with 1 hour of general debate.

For Wednesday and the balance of the week: H.R. 4604, increasing the outstanding loan ceiling of the Small Business Administration. This is subject to a rule being granted.

Of course, conference reports may be called up at any time, and any other program may be announced later.

REQUEST FOR ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. PATMAN. Mr. Speaker, reserving the right to object, I hope the gentleman will let me finish my special order before making that request, if he will.

Mr. BOGGS. I will be very happy to, but I do not see why it makes any difference.

The SPEAKER. Does the gentleman from Texas object to having a request made at this time to go over to Monday after all business is completed?

Mr. PATMAN. Mr. Speaker, I was asking the gentleman to wait until after I finish my special order, and then there will be no objection as far as I am concerned. I just make that request, and I hope the gentleman will respect it.

Mr. BOGGS. Mr. Speaker, I will comply with the request although I do not see that it makes any difference.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Has it not been the custom that once special orders are embarked upon there is no business transacted of general interest to the House? I should think that this motion to adjourn until Monday would be of interest to the House.

The SPEAKER. The Chair can only respond that the custom is not to transact any business unless it is an emergency. Of course, the only business that is left is the question of when we reconvene.

Mr. GROSS. Yes. Which, it seems to me, is a rather important question from the standpoint of the Members of the House. But it comes at a time when special orders have been entered upon. I wonder why we must change a system and a custom that has worked rather well, which is that we do not transact any business of the House except in an emergency after special orders have been entered into. I cannot conceive why the gentleman from Texas would want to put off this agreement as to adjournment until after he consumes his special order.

The SPEAKER. The Chair is unable to respond to the gentleman on that question. This is a unanimous consent request, of course.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Could we have the assurance of the leadership that there will be no other business than to fix the date for reconvening the House on Monday?

The SPEAKER. The Chair knows of no other business this week of any kind.

If we meet tomorrow and if there is something, the Chair may be powerless to prevent it, but the Chair has no intention of authorizing anyone to call up any business on tomorrow.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, I stated in response to the inquiry of the gentleman from Michigan that there was no further business scheduled for this week.

The SPEAKER. The only thing is that should we adjourn without the request being granted, we would have to meet tomorrow.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. May I, Mr. Speaker, in the process of making that inquiry ask the distinguished gentleman from Texas, the chairman of the Committee on Banking and Currency, if I understood the gentleman correctly to the effect that at the end of his special order he would not object to the unanimous-consent request of the distinguished majority leader?

Mr. PATMAN. Mr. Speaker, if the gentleman will yield, I shall have no objection at all.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

INCOME TAX RELIEF FOR JOB-SEEKERS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, because of the current recession and the extremely tight job market, those seeking employment often must incur considerable expense in looking for a job, and must frequently extend their search over several weeks and months.

This situation is not improving. The March national unemployment figure of 6 percent was up 0.2 percent from the February figure. In New York City, the area with which I am most familiar, the figures are not as high, but the trend is the same. The 1970 unemployment rate for New York City was 3.9 percent. However, the rate for the first quarter of this year was 4.9 percent, compared to 3.5 percent for the first quarter of 1970.

The statistics also indicate that persons out of work spend a long period of time looking for a job. Last year persons in New York City who were eligible for unemployment compensation received benefits for an average of 13.1 weeks, or over 3 months.

I am today introducing legislation to amend the Internal Revenue Code to help ease the burden upon those seeking employment. Under present regulations, a jobseeker can deduct only the fee paid to the one employment agency which is successful in finding him a job which he accepts. Thus if an applicant pays three agencies to help him find work, he can only deduct the fee paid to the one successful agency, even though he has spent approximately three times that amount. If the job hunter searches on his own, any expenses he incurs, such as taxi or bus fares, are not deductible.

We need only constrast the job-hunter's predicament with the tax treatment of businessmen to demonstrate its unfairness. If a business man takes a prospective client to lunch, his expense is deductible, whether or not the prospective client decides to do business with the company. If an employment agency is unsuccessful in finding a job-hunter employment, he is left with no deduction and no job.

The authenticity of the job seeker's deduction can be demonstrated at least as easily as that of the businessman. Neither we nor the Internal Revenue Service know how much "business" is discussed at business luncheons, but we can be reasonably sure that an individual is looking for work if he pays fees to several employment agencies, has résumés prepared, and incurs transportation expenses to numerous job sites.

My bill would amend the Internal Revenue Code so that the deduction would include:

> All the ordinary and necessary expenses paid or incurred during the taxable year for the purpose of procuring employment, without regard to whether:
>
> First, the taxpayer is employed at the time the expense is paid or incurred, or
>
> Second, new employment is procured as a result thereof.

This change would become effective in taxable years beginning after December 31, 1970.

Because this deduction falls into the category of business expenses, a person would be able to take it whether he itemized deductions or took the standard deduction.

The present regulations need to be broadened so that expenses in securing employment can be accurately reflected in the taxpayer's deduction. I urge our colleagues to give consideration and support to this bill to aid those actively seeking employment.

THE SILENT CRY

(Mr. BRASCO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRASCO. Mr. Speaker, 7 years and 24 days ago, the first American prisoner was captured by the North Vietnamese. Since that time, some 1,500 Americans have been added to the enemy prison camps.

This is one element of the war that unites all Americans. Every heart in America hears the silent, ever-present cry emanating from the prison camps somewhere in Indochina. No one can escape from the voice which speaks out in every American conscience, calling for greater efforts on our part to obtain their decent treatment and release.

These men are honest Americans, sent abroad to fight a thankless war under the most difficult of circumstances. It was their fate to suffer the fortunes of war and fall into the hands of the other side. Since that time, little has been heard from them. This alone is cause for deep national concern. It is vital that the North Vietnamese and Vietcong understand how the American people feel on this question First comes our heartfelt desire to ensure that their captors abide by accepted rules of international behavior regarding treatment of prisoners.

Second comes our concern, just as fervently felt, concerning their rights to receive communications and necessities from home. Up to now, such leeway has been accorded them in only the most limited sense. Deprivation of communication with them has served to create the worst of all possible situations. Lack of any news as to their fate and condition have exacerbated the total condition almost beyond belief.

Our opponents must understand that the American people speak with one voice on our missing prisoners of war. We want them well treated. We want them to be allowed to communicate with their loved ones. We want them returned in good health as soon as possible—all of them. On this issue there can be no compromise. Their silent cry is being heard and responded to all across our land.

It is well to add here that this issue stands completely apart from all other debate over the conflict. Whatever else is at issue, and there is much, nothing can alter the facts and rights in this case.

THE NEED FOR PUBLICITY ON THE VANDALISM BY IRRESPONSIBLE DEMONSTRATORS

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I suppose that anytime 200,000 people gather in Washington to protest and cause no major outbreak of violence one should be everlastingly grateful.

However, I think it is regrettable that the incident which took place at our Washington Monument and the vandalism and threats of bodily harm unleashed by irresponsible demonstrators last weekend should go unreported by the authorities and the news media.

The American people have a right to know that they have been spoonfed glowing accounts of a peaceable assemblage on the Capitol Grounds and exaggerated reports of the postdemonstration cleanup by the National Peace Action Coalition.

What the people have not been told is that 34 U.S. Park Police officers and several park rangers were unsuccessful in efforts to protect the U.S. flags around the Monument and to avoid serious injury from an angry mob at 5:30 p.m. on April 24, took refuge inside the Monument behind locked doors. An attempt to rescue the besieged officers was stopped by the Chief of the Metropolitan Police

Department of Washington, D.C., possibly fearing that a confrontation might ignite into bigger trouble. As a result, the Park Police and rangers were locked in the Monument until 4 a.m. April 25.

What the people have not been told is that a $17,000 restroom trailer was destroyed by fire on the Monument grounds.

What the people have not been told is that demonstrators broke into the basement of the Monument and smashed electric light and heating meters, that most of the spotlights around the structure were destroyed and that the Monument grounds were defaced and vandalized.

What the people have not been told is that an estimated $75,000 in damage to property in and around the Monument occurred, that trees to beautify the grounds were chopped down for firewood, that a Department of Interior truck was vandalized and that garbage and trash collection crews have since had to work overtime to haul away the debris left by the demonstrators in this most magnificent of world capitals.

The one thing we have been told officially is that most of the park benches were broken up for kindling, that 10 of the 50 American flags around the Monument were forcibly torn down by the mob and that only because the Park Police risked physical harm to take down the remaining flags were 40 more not destroyed.

As these demonstrations continue, I want the American people to know the whole story—not just the erroneous propaganda put out by the extremists of the left and swallowed, hook, line, and sinker by their news media sympathizers. Just because 200,000 people come to Washington to protest does not mean the rest of our 200,000,000 people should be denied the facts about the demonstrations—both good and bad.

DISCHARGE PETITION NO. 1

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, I take this time to call attention to Discharge Petition No. 1 at the Speaker's desk. This motion concerns the prayer amendment, which has been before the Judiciary Committee since the 88th Congress.

The substantive language states:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Since the 92d Congress began, more than 100 Members of this body have sponsored a joint resolution to like effect. I find that many of you are still not aware of Discharge Petition No. 1. The petition has 40 signatures. I need only 178 more.

Supporters of this effort from around the Nation are beginning to become quite active. Only yesterday I received a release from Rev. Robert G. Howes, associate professor, the Catholic University of America and national coordinator of Citizens for Public Prayer. I find Father Howes' comments both timely and to the point and am having them inserted in the Record at this point.

SUPPORTERS OF FREE SCHOOL PRAYER AMENDMENT ENTHUSIASTICALLY ENDORSE HOUSE DISCHARGE PETITION NUMBER 1

On April 1, 1971, Congressman Chalmers P. Wylie of the 15th Congressional District in Ohio placed at the Speaker's desk House Discharge Petition #1. We enthusiastically endorse this petition and urge all Congressmen who have for nearly nine years backed the restoration of the civil right of free prayer in our public schools to sign it at once.

It is tragic, to be sure, that a matter which is so very clearly the will of a vast majority of the American people must be forced past a committee chairman. It is tragic that, in a subject area so very critical to the well-being of the nation, one must resort to a device so difficult to carry through successfully. Yet there seems no other way. Literally hundreds of bills calling for a constitutional amendment to reverse the two Supreme Court prayer-ban decisions have been introduced in both House and Senate since the first of these decisions back in 1962. None of these bills has reached the floor of either chamber at the conclusion of the normal legislative process—i.e., hearings, report, debate and vote. This despite continuing evidence that Americans in great number disagree with the Court and wish free prayer and spiritual Bible reading enabled again in their public schools! The latest poll, conducted for The Advocates TV program by Opinion Research of Princeton, New Jersey, in January of this year shows upward of 80% of the nation in favor of a return to the practice of free school prayer. In November of 1970, in the first official vote on the subject, voters in the State of Maryland endorsed a prayer amendment by more than 73%.

Faced with this incredible impasse, Congressman Wylie has proposed the only effective solution. It is now necessary that a total of 218 Congressmen sign Discharge Petition so that further action can be taken on the House floor to accommodate the national will.

Many other Congressmen, as has been indicated, have proposed amendment bills. There must, at this time, be no quibbling over the ownership. We strongly urge all Congressmen who have proclaimed their support of free school prayer to close ranks around this Discharge Petition. The text of H.J. Res. 191, to which the Petition is specifically directed is identical with the text of the prayer amendment resolutions introduced by the late Senator Everett Dirksen and by Senator Howard Baker, Jr. (in this session). We understand that some Congressmen have reservations about going the route of a discharge petition. We can sympathize with their procedural doubts. Still, this matter is so important, the will of the people has been so long denied, there is simply no other apparent way. We find it difficult to comprehend how any Congressional supporter of free school prayer can justify refusal to sign Discharge Petition #1 in this kind of context! Indeed a suspicion might lie that failure to sign is an indication that endorsement of a prayer amendment is only skin deep, that a Congressman who has his own prayer bill but will not sign the Petition is not really, deep down, concerned to see action in this matter!

We are urging all our members to begin a new campaign to convey to all Congressmen their conviction that a signature of Discharge petition #1 is the only way now to separate the men from the boys. The patience of the nation grows short after all these inactive years. We beg and pray that all Congressmen will come quickly to the Speaker's desk and will by their signatures force action in this session of the Congress. In any case, we have many reasons to believe that on no other issue is the nation more united than on the issue of the civil right of free school prayer. The time has clearly come for Congressmen to stand up and be counted.

NEIGHBORHOOD SCHOOLS MUST BE PRESERVED

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the U.S. Supreme Court seems bent on destroying the neighborhood school system in America. The latest evidence of this unprecedented assault on quality education came on April 20 when the High Court ruled that children must be forcibly bused out of their neighborhoods to attend schools a considerable distance away in the name of racial balance.

The Supreme Court action circumvents the will of Congress, as expressed in the antibusing amendment to the 1964 Civil Rights Act, and by decree seeks to deny the right of American children to attend their neighborhood school because of their color.

The only solution, I feel, is to cement this right into the basic document of this land, the U.S. Constitution, where it will be subjected less to the whims and caprices of nine men who seem to believe they are law unto themselves.

Therefore, today I am introducing a proposed constitutional amendment providing:

> (1) The right of students to attend the public school nearest their place of residency shall not be denied or abridged for reasons of race, color, national origin, religion or sex, and (2) The Congress shall have the power to enforce this article by appropriate legislation.

I strongly urge my colleagues to take prompt action on this measure before it is too late.

We are seeing the results already: The Congress is being asked to appropriate hundreds of millions of dollars in public funds to help communities try to solve school problems brought about by the discriminatory and senseless rules set down by the Court.

The double standard hammered out by the High Court serves to remind us that while the Civil War ended over a century ago, the punishment of the South seems destined to go on forever. The Court outlawed an all-black or an all-white school in the South, yet held such is quite proper and legal in the North.

For too long, the South had been the Nation's whipping boy on racial matters; for too long the rest of the country has eased its conscience over discrimination by loudly deploring the practice in the South.

The South has no Harlem. Its neighborhoods and schools are far more integrated than those of the North. Yet the attack on the South is unrelenting, and the so-called sins of several generations passed are visited upon the southerner of today. In the North, 57.8 percent of black schoolchildren now attend schools that are 80 to 100 percent black, compared to only 38.7 percent of the black youngsters in the South.

This sort of disparity, this inequal treatment is now the law of the land. As always, injustice is cloaked with the mantle of self-righteousness; wrong is done for the best of motives—in this case, the end of racially segregated schools in America.

The Court even recommends the clearly illegal gerrymandering of boundaries in the interest of evening up the racial mix in schools within a community.

Black parents want to send their children to schools in the neighborhood just as well as white parents. Black parents do not want their children bused for long distances just to serve as a statistic on some utopian planner's scale of racial balances any more than white parents.

What about the needs of the child? How can any of this benefit him; how can it help him get a better education or enrich his life in any fashion?

The neighborhood school system is uniquely American; we have devised the best system of public education in the world. That system is now being destroyed by nine men in black robes. Control of our local schools must be in the hands of our elected local officials.

The Tampa Tribune, one of the fine newspapers serving my home community, on April 21 ran an editorial on this matter that merits our thoughtful consideration:

> [From the Tampa Tribune, Apr. 21, 1971]
>
> NINE JUSTICES WRECK A SCHOOL
>
> The United States Supreme Court yesterday demolished the neighborhood school.
>
> In an opinion which subordinates educational practicality to social theory, the Court in effect gave Federal judges throughout the South the power to rearrange school districts to suit their fancies.
>
> The Constitution, the Court conceded, does *not* require "that every school in every community must always reflect the racial composition of the school system as a whole." But having made this concession, the Court then proceeded to uphold a District Court order requiring massive busing to achieve a ratio in Charlotte, N.C., schools of about 70 per cent whites to 30 per cent blacks.
>
> "It should be clear," said the Court at another point, "that the existence of some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still practices segregation by law."
>
> So saying, the Court reversed a ruling of the Fifth Circuit Court of Appeals which had approved a Mobile, Alabama, desegregation plan leaving eight all-black schools.
>
> In short, the Supreme Court pays lip service to reason while dynamiting the foundation of the neighborhood school.
>
> Anyone who hoped the high court would exercise restraint on district judges obsessed with theories of social reform can find no comfort in the unanimous opinion by Chief Justice Burger.
>
> There is, in fact, a particularly ominous passage regarding the location of new schools.
>
> Noting that some School Boards follow a policy of building new schools "in the areas of white suburban expansion farthest from Negro population centers in order to maintain separation of the races . . ." the Court said:
>
> "Such a policy does more than simply influence the short-run composition of the student body of a new school. It may well promote segregated residential patterns which, when combined with 'neighborhood zoning,' further lock the school system into the mold of separation of the races. Upon a proper showing, a District Court *may consider this in fashioning a remedy.*" (Italics ours.)
>
> This raises the question whether a School Board, in all good faith, could locate a new school in a white suburb, however much it might be needed there, for fear of "promoting segregated residential patterns."
>
> The Supreme Court, in our judgment, was following the intent of the Constitution when it held in 1954 that pupils could not be legally excluded from a school because of race.
>
> But it grossly distorts this rule, we think, when it holds in effect that the drawing of attendance districts and even the location of schools must be determined on the basis of racial effects. Educational practicality and legal principle both argue that if all children are assigned to the school nearest their homes, without discrimination, the Constitution is fully served.
>
> Before yesterday's decision, Southern school systems were enveloped in a fog of conflicting court rulings and Federal agency interpretations as to what constitutes legally acceptable integration. The fog now has been burned away—and the ruins of the neighborhood school tradition are starkly visible.

THE FBI—A GREAT AMERICAN INSTITUTION—J. EDGAR HOOVER, A GREAT AMERICAN CITIZEN

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, several Democratic Members of Congress are waging a vicious campaign designed to destroy the credibility of the FBI and its Director, J. Edgar Hoover. By crying "wolf" this time, however, these FBI critics are attempting to create a paranoid fear of police state tactics which simply do not exist and are trying to undermine the cause of justice rather than to serve it. In addition, the charges leveled against Mr. Hoover, personally, unjustly discredit a most dedicated man who has contributed almost half a century of distinguished service in the law-enforcement field.

All in all, it augers conspicuously of political opportunism at the ultimate expense of the American public.

Hoover has long been an unwavering adversary against crime. He came into the FBI in 1924 facing the prospects of setting this new organization in order first by cleaning up internal corruption and by establishing high standards for FBI agents. From then on, the record speaks for itself, and it speaks well. With the help of the FBI, kidnapping and gangster crime waves of the 1930's subsided. In the 1940's, the FBI played a vital role in averting Nazi espionage and subversion in the United States before and during World War II and in battling Communist infiltration which Hoover maintains still exists today. Since then, the FBI has dealt with rising crime rates, mounting civil rights strife with extremists on both sides, street violence, organized crime and terrorist bombings.

The record is one of achievement, public service and protection. It is a far cry from the Gestapo-like police force today's critics would have us believe it to be. Quite the contrary, Director Hoover has repeatedly spoken against the idea of a Federal or national police force. Instead, Hoover has advocated cooperation when necessary between local officials and the FBI:

> That is the American way of avoiding any resemblance of national control or of a national police system to which, as I say, I am very much opposed.

This does not sound like the kind of person commandeering a "Big Brother" type of police force. In fact, it was not until 1934—10 years after Hoover took over as head of the FBI—that Congress granted the power of arrest and the right to bear arms to FBI agents.

Another charge against the FBI is that its methods of investigation and surveillance invade the privacy of innocent individuals. However, the same critics who decry the FBI for snooping needlessly are curiously silent on other matters. I cite specifically the theft of over 1,000 documents from the FBI office in Media, Pa. Only 14 of the stolen papers were released because they were supposedly detrimental to the FBI. Here we have an actual crime, a theft of Government documents, but none of the so-called crusaders against the FBI have spoken out against the theft. Apparently, they must think it acceptable when the crime serves their purpose.

This purpose, however, as I have said before, does not serve that of the American public. One Senator is crying because the FBI supposedly had agents at the Earth Day rallies last year. But, the Senator has yet to provide any specific evidence that these FBI activities were unwarranted or in any way illegal. Why this FBI activity is so terrible is beyond me. In this day and age when extremists seize any opportunity they can to turn a public gathering or peaceful demonstration into confrontation and violence, I see nothing wrong with having the FBI checking out any possible situations which could lead to violence. And, I do not find the presence of the FBI at such functions in any way incriminating against those attending the functions; it is merely a precaution. Probably, had violence occurred, these same critics would be complaining that the FBI was not doing its job.

The fact is, the FBI has been doing its job. However, as is any Government agency, it is not above error or without the need for revision and improvement. The same holds for its Director as it does for any Government official or Member of Congress. But looking at the record, the FBI has a most remarkable one of achievement for almost 50 years. It has consistently been working for the law-abiding American public—protecting its rights and freedom, not usurping them.

If, indeed there are changes to be made in the FBI, there are more constructive means of achieving them than by making personal attacks on the Director or by deliberately undermining the credibility of this important investigative bureau. Because of its many contributions to maintenance of law and order over the years, I shudder to think of what the country would be like had it not been for the FBI.

ISRAEL'S INDEPENDENCE

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, today we are observing the 23d anniversary of the independence of the state of Israel.

Time is on Israel's side. During my recent visit to Israel and Egypt, I was impressed by the progress the Israelis are making in spite of the war. Their GNP is now equal to Egypt's, even though they have one-tenth the population. In another 20 years Israel will be three or six times the economic power it is now. Last year Israel's GNP was $5.2 billion—giving the 3 million Israelis a per capita output of $1,800, compared to $180 for the average Egyptian.

The American people have made a tremendous contribution to Israel's economic and military position. Our private Jewish community has given Israel $4.7 billion through the United Jewish Appeal, Israel bonds, and personal remittances. The U.S. Government has provided $1.615 billion in economic loans and grants. Since 1967 we have provided almost $1 billion in military assistance, including the sale of more than 150 aircraft, electronic equipment, and munitions.

In addition, West Germany has paid $1.7 billion in restitution to individuals, has paid the Israeli Government $775 million in reparations, and provided $180 million in development loans. Total: $9,970 billion.

Egypt, on the other hand, is showing little economic progress. Their rapidly growing population of 33 million is a drain rather than a help. The country is saturated with unabsorbed labor.

Economic growth is only slightly greater than what is needed to feed, clothe and house the growing population. During my recent visit, President Sadat told me that all the resources needed for development are going for war, and that Egypt is paying the Russians in "hard cash" for manning their SAM sites.

Foreign Minister Abba Eban was skeptical of President Sadat's desire for peace. He and Finance Minister Phinhas Sapir both commented, "Of course, the Egyptians want peace. Everyone wants peace if he can get what he wants."

Abba Eban told me that Israel would be firm on keeping control of Sharm El Sheikh, possibly unless an arrangement similar to the United States-Japanese agreement over Okinawa could be reached. He also stressed the importance of retaining the Golan Heights and on keeping the East Bank of Suez demilitarized. He did indicate that the West Bank of the Jordan and the Sinai Peninsula were otherwise negotiable. He was vague on the Old City of Jerusalem, but from my own observation of the construction of apartment houses for Jews, going on in the part of the city formerly held by Jordan, it would appear that the Israelis intend to remain there.

In conclusion, Mr. Speaker, I salute the Israeli nation on its 23d anniversary and hope it will enjoy progress and peace in the future.

TAX REFORM MEASURES TO AID ELDERLY AMERICANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, I am introducing today three tax reform bills that will help our elderly Americans cope with their financial problems in an inflationary economy.

My bills would provide an exemption for the first $5,000 of retirement income, permit those over 65 to deduct all their medical expenses and permit a taxpayer with an elderly dependent to claim an exemption regardless of the dependent's income.

With over 25 percent of all Americans over 65 living in poverty, these measures should be approved as soon as possible. The undesirable alternative could be increased welfare costs.

My first bill to exempt $5,000 of retirement income will free many of our elderly Americans from the burden of taxation. First, the measure applies upon retirement to any civil service pensioner with respect to his public retirement payments. This aspect of the bill is similar to many provisions already enacted at the State level.

Then for all other retirees it would apply at age 65. Retirement income from all sources would be considered in computing the exemption.

The medical expense deduction provided for in the second bill was in the law up until 1965 when the medicare program was enacted. At that time, the thinking of the Committee was that Medicare would sufficiently provide for the elderly person's medical needs. We all know that has certainly not been the case. So now with further Medicare cuts on the horizon, I believe this provision ought to be reinstated in the law.

This measure is particularly important when one considers that the elderly American spends a far greater proportion of his income on medical expenses than does the rest of the population. Many are plagued with exhorbitant bills and little money to pay for them. This legislation would help them meet their medical obligations.

The third bill I am introducing will permit a taxpayer who has an elderly parent or relative living with him and who provides more than 50 percent of that person's support to claim him as a dependent for exemption purposes despite the fact that the person may have an income over $625.

A similar exemption is already permitted if the dependent is under 19 or attending college. Certainly the person who takes on the obligation to provide the substantial share of support for an elderly person should be granted some tax help. If this person were unwilling or unable to take on this burden, in all likelihood the elderly dependent would be forced on welfare.

This type of concern for one's own parents and relatives has been diminishing in recent years. If we can encourage such proper humanitarianism by modifying the tax laws, then we should do it.

I am pleased to say that almost 50 of my colleagues have joined me in introducing these three measures. They, too, have recognized that the plight of our elderly Americans cannot be ignored.

While the elderly are waiting for the extensive social reform legislation touted as the answer to their problems, these measures I am introducing will bring some quick and needed relief. The elderly American can no longer be shuffled off as a forgotten human being. Let us give them the wherewithal to live life in dignity after years of toil to keep this country great.

PROPOSAL BY ATOMIC ENERGY COMMISSION TO ESTABLISH NUCLEAR WASTE DUMP IN LYONS, KANS.

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute to revise and extend his remarks and to include extraneous material.)

Mr. SKUBITZ. Mr. Speaker, the proposal by the Atomic Energy Commission to establish a nuclear waste dump in Lyons, Kans., has aroused considerable feeling among many Kansas residents. From the Governor down, there has been resentment over the AEC's high-handed attitude, its minimum concern over the safety factors and the possible effects on human beings of the burying of highly lethal radioactive wastes, and its arrogance over the rights of a State to make its own decisions on such important matters.

Recently, the Kansas League of Women Voters formally went on record by adopting a resolution proposing a temporary suspension of the installation of the atomic waste depository. A story relating this fact appeared in the Kansas City Times of April 23, and I wish to insert it in the RECORD at this point:

WOMEN VOTERS ASK DELAY ON LYONS DUMP

SALINA, KANS.—The Kansas League of Women Voters adopted a resolution yesterday calling on members of the joint committee on atomic energy to seek temporary suspension of plans to locate a radioactive waste disposal at Lyons, Kans.

The resolution, adopted at the league's state convention here, was incorporated into a brief letter addressed to Rep. Chet Holifield (D-Calif.), chairman of the 18-member committee.

It requested that the Atomic Energy commission "cease all activity related in any way to the proposal to create a repository for radioactive waste at Lyons, Kans."

The league asked the delay until further independent research was conducted to assure "the citizens of the U.S. of complete safety in the transportation, handling and storage of these wastes."

FOREIGN ASSISTANCE

(Mr. ROUSH asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I would like to express my utter dismay at the President's foreign assistance message this past week, which called for some $3.2 billion to be spent in fiscal year 1972 under a new U.S. bilateral assistance program to implement the Nixon doctrine.

I am deeply concerned over the President's request for these funds in light of his withholding some $12 billion fiscal 1971 appropriations.

It is the historic privilege of the Congress to appropriate public funds. Lengthy hearings, debates, in both the House and the Senate, and many hours of time are spent in carefully and judiciously weighing all the alternatives to a bill. The President, constitutionally, has the right to veto any bill sent him by the Congress, and the Congress has the constitutional right to override such a veto with a two-thirds majority. It is the responsibility of the executive branch to administer the expenditure of funds in compliance with the purposes specified in the authorizing legislation. It is reprehensible to think that this procedure, as set forth by the Constitution, can be dispensed with by executive whim. An item veto, for which Congress has no effective recourse, negates the constitutional system of checks and balances that we have abided by for over 180 years. It renders the Congress unable to fulfill its role as set forth by the Constitution and forbids any reordering of national priorities.

Presently, over $7 billion is being withheld in Federal assistance for transportation. Some $6 billion of this amount in highway construction moneys alone, has been frozen with no word as to the reason for the freeze. These funds help sustain local business and employment levels, while solving an acute need that will not wait. Two hundred million dollars in mass transit moneys have been withheld. Is this consistent with the current needs of the country, or with the President's own words when he stated that, and I quote:

> The need for fast, convenient, economical, public transportation is greater than ever before.

It is hard to reconcile this statement with the impounding of mass transit funds.

At least $1 billion in Federal aid to cities has been frozen. The U.S. Conference of Mayors charges that this freeze will have a crippling effect on vital city programs. Is there any one of us who does not realize the crisis of our large urban centers? Even the President himself has stated that, 24 million Americans still live in substandard housing at a time when acres of valuable urban renewal land lie vacant or cluttered with decayed buildings. How does this withholding of millions of dollars of HUD funds help us to accomplish anything? How does it help us to accomplish the task of providing adequate housing or constructing modern water and sewage facilities for our cities.

Daily I receive letters from concerned people in my district, in my home State of Indiana, and since I became a member of the Appropriations Committee, I have received letters from distraught citizens throughout the country. They attest to the problems I have already stated and they bring my attention to other areas of concern where the release of Federal funds, already authorized, could do a great deal to solve some of our national problems. The elderly are concerned with federally funded programs for the aged, educators are concerned with library facilities and funds needed to educate handicapped children. Residents of rural areas want to know why over $600 million appropriated for the Farm Credit Administration, the Farmers' Home Administration, and other agricultural funds have not been released. I do not have the answers for these rural residents who heard the President propose in his March 10 message to the Congress that the "Federal Government rethink America's rural development needs and dedicate itself to providing the resources and creative leadership those needs demand."

The list is long and the letters are many. The answer lies in the fact that the Congress has exercised its responsibilities on the ordering of national priorities and I ask the executive branch to do the same.

Although I am a freshman Member of the 92d Congress, I was a Member of this body for 10 years previously. My 2 years away from the Congress, with the people, has made me especially aware of the problems that plague the country; I can only hope that the administration is not holding back these dollars to serve as a fund to pump up the economy in 1972 with full employment before the election. Why wait? Right now the economy is in a deplorable state and needs the boost these funds will provide.

I ask the executive branch to live up to its own rhetoric and release these impounded funds. National priorities cannot be deferred until 1972, an election year, they must be addressed now.

AD HOC COMMITTEES

(Mr. HÉBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HÉBERT. Mr. Speaker, with reference to the colloquy just recently had between the gentleman from New York (Mr. Ryan) and myself, he has just told me that I misunderstood what he said. He said he meant to say that he would make the testimony available to the committee. He did not mean to suggest that he had already given it to the committee. And I accept that explanation. We have said repeatedly, "Give us any evidence you have, and in our own regular manner in which we have conducted every investigation, we will conduct this one." Perhaps the following exchange of correspondence between Mr. Eckhardt and myself will serve to clarify the committee's position on this subject, if, indeed, further clarification is needed:

Congress of the United States,
House of Representatives,
Washington, D.C., March 8, 1971.
Hon. F. Edward Hébert,
Chairman, House Armed Services Committee, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: News stories over the past few months concerning alleged war crimes in Southeast Asia have opened up all sorts of questions that are yet to be publicly investigated by a House committee. Too many Americans believe that facts are being glossed over, covered up and kept from both the American public and from those of us who serve the public. Complete candor on the part of both the military and the government is needed. A formal public airing of the serious charges of war crimes in Southeast Asia is called for if the American people are to maintain confidence and trust in those who guard this country's security.

We urge you, Mr. Chairman, to schedule as rapidly as is feasible, full-scale public hearings before the Armed Services Committee on this subject. Public hearings—with full participation by individuals involved at every level and on every side of the question—ought to clear away the smoke surrounding the accusations and produce an accurate assessment of what exactly has occurred in Southeast Asia.

An open investigation would be an invaluable contribution to the national security. Once and for all it would be established whether or not policies are being pursued in Southeast Asia that constitute war crimes as some have alleged. The facts must be revealed.

The national interests are at stake. We are confident that your committee—as the watchdog of the military—is as anxious as we are to see that this situation is publicly aired.

We look forward to your response.
Sincerely,
Bob Eckhardt.

March 9, 1971.
Hon. Bob Eckhardt,
House of Representatives,
Washington, D.C.

Dear Mr. Eckhardt: I have your letter of March 8, 1971, signed by you and 10 other Members of Congress, requesting full-scale public hearings before the Armed Services Committee concerning alleged war crimes in Southeast Asia.

I am intrigued by your suggestion that we conduct such full-scale hearings into this matter. I presume, of course, that you have reference to the crimes committed by the North Vietnamese and the Viet Cong against the people of the Republic of South Vietnam and against American troops. These atrocities committed by the communist forces have never been thoroughly investigated nor exposed to the American people. Of course, alleged crimes committed by American military personnel in Vietnam are under constant investigation as is publicly evident from a daily reading of the newspapers.

The Committee on Armed Services, through its Investigating Subcommittee, which I chaired, completed an extensive investigation of the My Lai incident. However, should the Committee find the means and time to conduct an investigation of the crimes committed by the communists against our Allies and our own troops, I can assure you we will do so.

Thank you for bringing this matter to my attention.
Sincerely,
F. Edw. Hébert,
Chairman.

Congress of the United States,
House of Representatives,
Washington, D.C., March 19, 1971.
Hon. F. Edward Hébert,
Chairman, House Armed Services Committee, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: Thank you for the prompt response to our letter of March 8. We believe, however, that you have misconstrued our request. While we concur with your opinion that any "crimes committed by the North Vietnamese and the Viet Cong against the people of the Republic of South Vietnam and against American troops" should be a subject of vital concern to your committee and to the American public in general, that is an area where we would have little influence to bring about changes.

There is, of course, no question but that the commission of atrocities by North Vietnamese and the Viet Cong is an established fact that should not be disguised or avoided. But as United States Representatives, we are deeply concerned about allegations of violations by U.S. personnel of U.S. military law and international law in Southeast Asia. As you will undoubtedly agree, this is an area in which the exercise of congressional responsibility can have a direct influence.

Since your letter of March 9 does not indicate any possibility of placing such matter on the agenda of your committee, and since we still strongly believe that it is in the interest of justice and national security to establish whether or not policies are being pursued by *any* authority in Southeast Asia that deprive persons of their rights and sometimes their lives, we intend to provide a forum for such an inquiry.

We have requests from many individuals formerly in Vietnam to be given an opportunity to tell their story concerning this matter. Perhaps some of the facts which are developed might be of future use to the Armed Services Committee, in which case they would be made available to your committee.

Sincerely,

BOB ECKHARDT.

INVESTIGATING SUBCOMMITTEE,
March 22, 1971.

Hon. BOB ECKHARDT,
House of Representatives,
Washington, D.C.

DEAR MR. ECKHARDT: Thank you for the letter addressed to me by you and ten other Members under date of March 19, stating that you intend to provide a public forum for certain individuals "to tell their story" about alleged "violations by U.S. personnel of U.S. military law and international law in Southeast Asia."

Whatever your motivation might be for pursuing such a course of action, it can hardly be the one you suggest, namely, that you are doing it because my letter of March 9 "does not indicate any possibility of placing such matter on the agenda" of my Subcommittee. That is strictly your conclusion and finds no support in my letter. As a matter of fact, my Investigating Subcommittee has investigated and continues to investigate all substantial allegations of the type to which you refer. However, the very nature of such charges requires the application of House Rule XI (26) (m) which reads in part: "If the Committee determines that evidence or testimony at any investigative hearing may tend to defame, degrade or incriminate any person, it shall—(1) receive such evidence or testimony in executive session;".

This Rule does not impede us since we are seeking justice and such corrective action as might be necessary rather than publicity. That this is a proper and effective way of proceeding was amply demonstrated by our investigation of the My Lai incident.

If you have any specific allegations of possible war crimes or related incidents and care to submit them to me, I will see that they receive the immediate attention of the Investigating Subcommittee staff.

Sincerely,

F. EDW. HÉBERT,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 30, 1971.

Hon. E. EDWARD HÉBERT,
Chairman, Armed Services Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In view of your assurance that the Investigating Subcommittee of the Committee on Armed Services is continuing actively to investigate all substantial allegations of violations by U.S. personnel of U.S. military law and international law in Southeast Asia, we would prefer to make witnesses who have approached us available to your committee rather than providing any independent Congressional forum for their presentations. Any preliminary discussion with the individuals who have approached us on this matter would be limited to ascertaining the broad nature of the complaints and would envisage submitting the specific allegations to your subcommittee. With respect to these specific allegations, in view of your letter, we are confident the subcommittee will give them prompt consideration and we are hopeful that you will be able to see your way clear to schedule them as soon after the Easter recess as your calendar permits.

Far from having any compunction against admitting error in construing your previous letter we are delighted that we were wrong.

Sincerely,

BOB ECKHARDT.

As a responsible committee we must abide by the rules. We do not change the rules. As you know, the rules of the House provide that evidence or testimony which may tend to degrade or incriminate any person shall be received in executive session. The rule is firmly based on justice and fair play and does not in any way impede or obstruct an investigation by a duly authorized competent committee.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Does the so-called ad hoc committee to which public reference has been made here this morning have any authority in this Congress to hold any hearings anywhere to the gentleman's knowledge?

Mr. HÉBERT. To my knowledge, any individual Member may, on his own initiative, conduct an ad hoc proceeding or whatever he wants to call it—but in doing so he is not entitled to challenge the whole committee system of this House. Our rules have grown out of many years of experience and are designed to promote the most effective and efficient conduct of the business of the House. They properly establish lines and boundaries of jurisdiction and those who wilfully ignore or disregard them do no service to the Congress or the country.

The SPEAKER. The time of the gentleman has expired.

THE PEOPLE'S PEACE TREATY

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, today seven of my colleagues and I are introducing a concurrent resolution expressing the sense of the House entitled "The People's Peace Treaty." We do so because of the wide support the treaty has received among many Americans, especially the young. We believe the Congress has the power to end the war in Vietnam. We believe the Congress will and must do so by passing the Vietnam Disengagement Act calling for the withdrawal of our troops before the end of this year.

This People's Peace Treaty is a very deeply moving expression of the yearning of people throughout this Nation and Indochina to see this war end by their own actions in the face of nonaction by this body.

This treaty has been endorsed by tens of thousands of Americans from all walks of life. Prominent American labor leaders, clergymen, educators, and mayors, student bodies and college student governments, churches and community groups have ratified the treaty. The names of some of the organizations and individuals who have endorsed the treaty are listed below. The treaty has been introduced into the Vermont State Legislature and the Cambridge, Mass., City Council. On April 27, the Detroit City Council approved the treaty. In the coming weeks the City Councils of Pueblo, Colo., Cleveland, Ohio, and Madison, Wis., will be asked to ratify it.

Because of the widespread support this treaty is receiving, we bring it to the attention of our colleagues in the Congress in the form of a supporting resolution. It is our belief that this treaty is being offered by the people to their Government as yet another testament of their will that we in Congress act immediately to end this war. In addition to the lists of individuals who have endorsed the treaty, Mr. Speaker, I am appending the text of the concurrent resolution and the text of the People's Peace Treaty:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE PEOPLE'S PEACE TREATY

Whereas the efforts to attain a negotiated settlement of the Indochina conflict at the Paris peace talks have been unsuccessful for many months; and

Whereas a direct and equitable solution to the war is now possible; and

Whereas the principles of the Peoples' Peace Treaty form the basis for a just and honorable end to the war in Indochina:

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the People's Peace Treaty embodies the legitimate aspirations of the American and Vietnamese peoples for an enduring and just peace in Indochina.

A JOINT TREATY OF PEACE BETWEEN THE PEOPLE OF THE UNITED STATES, SOUTH VIET NAM & NORTH VIET NAM

INTRODUCTION

Be it known that the American and Vietnamese people are not enemies. The war is carried out in the name of the people of the United States, but without our consent. It destroys the land and the people of Viet Nam. It drains America of her resources, her youth and her honor.

We hereby agree to end the war on the following terms, so that both peoples can live under the joy of independence and can devote themselves to building a society based on human equality and respect for the earth. In rejecting the war we also reject all forms of racism and discrimination against people based on color, class, sex, national origin and ethnic grouping which form a basis of the war policies, present and past, of the United States.

PRINCIPLES OF THE JOINT TREATY OF PEACE

Americans agree to immediate and total withdrawal from Viet Nam, and publicly to set the date by which all U.S. military forces will be removed.

Vietnamese agree to participate in an immediate ceasefire with U.S. forces, and will enter discussions on the procedure to guarantee the safety of all withdrawing troops, and to secure release of all military prisoners.

Americans pledge to stop imposing Thieu, Ky and Khiem on the people of Viet Nam in order to ensure their right to self-determination, and to ensure that all political prisoners are released.

Vietnamese pledge to form a provisional coalition government to organize democratic elections, in which all South Vietnamese can participate freely without the presence of any foreign troops, and to enter discussions of procedures to guarantee the safety and political freedom of persons who cooperated with either side in the war.

Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia.

Upon these points of agreement, we pledge to end the war in Viet Nam. We will resolve all other questions in mutual respect for the rights of self-determination of the people of Viet Nam and of the United States.

As Americans ratifying this agreement, we pledge to take whatever actions are appropriate to implement the terms of this joint treaty of peace, and to ensure its acceptance by the government of the United States.

ENDORSERS OF PEOPLE'S PEACE TREATY

(Partial listing)

Ralph Abernathy, President, Southern Christian Leadership Conference.

Congresswoman Bella Abzug, New York.

Barbara Ackermann, Cambridge City Councilwoman.

Barbara Avedon, San Francisco.

Congressman Herman Badillo, New York.

Richard Barnet, Co-director, Institute for Policy Studies.

Rev. Daniel Berrigan, S.J.

Rev. Philip Berrigan, S.S.J.

Joseph Betheil, Albert Einstein School of Medicine.

Julian Bond, State Representative, Georgia.

Rev. Malcolm Boyd.

Allan Brick, Fellowship of Reconciliation.

Rabbi Balfour Brickner, Union of American Hebrew Congregations.

Wagner H. Bridger, Albert Einstein School of Medicine.

Allan Brotsky, Attorney.

Robert MacAfee Brown, Stanford University.

Roscoe Lee Browne, actor.

Timothy Butz, Vietnam Veterans Against the War.

Godfrey Cambridge, actor.

Kay Camp, Women's International League for Peace and Freedom.

Noam Chomsky, MIT.

Kenneth Cockerel, Attorney.

Rev. William Sloane Coffin, Jr., Yale.

Judy Collins, singer.

Congressman John Conyers, Jr., Michigan.

Rt. Rev. Daniel Corrigan, Dean, Colgate Theological Seminary.

Bishop William Crittenden, Erie, Pa.

Bishop C. Edward Crowther, Santa Barbara.

Rt. Rev. William Davidson, Episcopal Bishop of Western Kansas.

Leon J. Davis, President, National Union of Hospital and Nursing Home Employees, ARWDSU/AFL–CIO.

Rennie Davis, May Day Collective.

Rt. Rev. Robert L. DeWitt, Bishop of Pennsylvania.

Dave Dellinger, People's Coalition for Peace and Justice.

Congressman Ron Dellums, California.

Joseph Duffey, National Chairman, Americans for Democratic Action.

Jane Dudley, mother of P.O.W.

Congressman Don Edwards, California.

Joseph & Helen Eisner, New York.

Ronnie Eldridge, New York.

Gerhard Elston, National Council of Churches.

Sister Joques Egan, Religious Order of the Sacred Heart of Mary.

Daniel Ellsberg, Center for International Studies, MII.

Richard Falk, Princeton.

Jules Feiffer, artist.

Abe Feinglass, Amalgamated Meat Cutters and Butcher Workmen of North America.

Rev. Richard Fernandez, Clergy & Laymen Concerned About Vietnam.

Thomas Flavell, Manager Local 169, Amalgamated Clothing Workers of America.

Jane Fonda, actress.

Henry Foner, President, Fur, Leather & Machine Workers Unions Joint Board.

Moe Foner, Executive Secretary, Local 1199, Drug and Hospital Workers Union.

Betty Friedan, author.

Charles P. Garry, attorney.

Alan Geyer, editor, Christian Century.

Ben Gazzara, actor.

Senator Charles E. Goodell, New York.

Dr. Carleton Goodlett, San Francisco.

Mitchell Goodman, author.

Patrick Gorman, Secretary-Treasurer, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

Cleve Gray, artist.

Francine du Plessix Gray, author.

Dick Gregory, actor.

Father James Groppi, Milwaukee.

Thomas J. Gumbleton, Roman Catholic Auxiliary Bishop, Archdiocese of Detroit.

Julie Harris, actress.

Mrs. Philip Hart, Washington.

Dave Hawk, Vietnam Moratorium Committee.

Tom Hayden, Berkeley.

Karl Hess, Institute for Policy Studies.

Abbie Hoffman, WPAX, New York.

Al Hubbard, Vietnam Veterans Against the War.

Ericka Huggins, Black Panther Party.

Rock Hudson, actor.

David Hunter, Deputy General Secretary, National Council of Churches.

Rev. Jesse Jackson, Operation Breadbasket.

Rafer Jackson, athlete.

Jennifer Jones, actress.

Bernard Kelly, Roman Catholic Auxiliary Bishop, Providence, R.I.

Kenneth Kenniston, Yale.

Arthur Kinoy, attorney, Rutgers University.

Mrs. Martin Luther King, Jr.

Jerome Kretchmer, administrator, Environmental Protection Agency, New York City.

William Kunstler, Center for Constitutional Rights, New York.

Rabbi Arthur Lelyveld, Cleveland.

Denise Levertov, poet.

Robert Z. Lewis, Staff Council, United Electrical Workers.

Robert Jay Lifton, Yale.

Roz Lichter, Assistant Commissioner, Economic Development Administration, NYC.

David Livingston, President, District 65, New York.

Salvatore E. Luria, Institute Professor, MIT, Nobel Laureate.

Sister Elizabeth McAlister, Religious Order of the Sacred Heart of Mary.

Senator Eugene J. McCarthy.

Rev. Richard McSorley, Georgetown University.

Francis J. McTernan, attorney.

Stewart Meacham, American Friends Service Committee.

Charles E. Merrill, headmaster, Commonwealth School.

William & Ruth Meyers, New York.

Kate Millett, author.

Jonathan Mirsky, Dartmouth.

Congressman Parren Mitchell, Maryland.

Ashley Montagu, anthropologist.

Rt. Rev. Paul J. Moore, Jr., Episcopal Bishop Coadjutor of New York.

Stewart Mott, New York.

Bess Myerson Grant, Commissioner of Consumer Affairs, NYC.

Ngo Vinh Long, Vietnamese Students for Peace, Harvard.

Grace Paley, author.

Linus Pauling, Stanford University.

Sidney Peck, People's Coalition for Peace and Justice.

Ben Peckin, Business Executives Move for Peace, Chicago.

Marcus Raskin, Co-director, Institute for Policy Studies.

Rev. Peter Riga, St. Mary's College.

Catherine G. Rorback, attorney.

Janice Rule, actress.

Robert Ryan, actor.

Congressman William F. Ryan, New York.

Irwin Salk, Salk, Ward & Salk, Chicago.

Roberta Salper, Visiting Distinguished Professor of Women's Studies, San Diego State College.

John P. Scanlon, Assistant Administrator, Economic Development Administration, NYC.

Berta Scharrer, Albert Einstein School of Medicine.

Franz Schurmann, University of California, Berkeley.

Bobby Seale, Chairman, Black Panther Party.

Erich Segal, Yale.

Sam Seifter, Albert Einstein School of Medicine.

Sol Silverman, President, Local 130, Bedding, Curtain & Drapery Workers Union.

Marge Sklencar, Vietnam Moratorium Committee.

Burt Schneider, Los Angeles.

Benjamin Spock, New York.

Gloria Steinem, author.

I. F. Stone, journalist.

Paul M. Sweezy, editor, *Monthly Review*.

Amy Swerdlow, editor, Women Strike for Peace *Memo*.

Joseph Tarantola, President, Local 1, Internal Jewelry Workers Union.

Studs Terkel, author.

Sister Margaret Traxler, chairman, National Coalition of American Nuns.

Dalton Trumbo, author.

Jackie Vaughn, III, State Representative, Michigan.

George Wald, Nobel Laureate, Harvard.

Mr. & Mrs. James Warner, parents of P.O.W.

Arthur Waskow, Jews for Urban Justice.

Salome Waelsch, Albert Einstein School of Medicine.

Cora Weiss, Women Strike for Peace.

George Wiley, executive director, National Welfare Rights Organization.

Melvin Wulf, American Civil Liberties Union.

Ron Young, Youth Work director, Fellowship of Reconciliation.

Trudi Young, National Coordinator, Women Strike for Peace.

American Friends Service Committee Peace Education, Clergy and Laymen Concerned About Vietnam, National Lawyer's Guild, New University Conference, People's Coalition for Peace and Justice, Women's International League for Peace and Freedom, Women Strike for Peace.

STUDENT BODY PRESIDENTS AND COLLEGE NEWSPAPER EDITORS RATIFYING THE PEOPLE'S PEACE TREATY

** Indicates titles and schools are listed for purposes of identification only*

Mitch Abidor, Editor, Kingsborough Comm. College (NY) *.

John Adam, Student Body President,* North Central College (Ill).

Paul Adams, sbp, Texas Southern Univ.

Thomas Adams, Editor, Univ. of Virginia.

Gregg Allinson, Editor, Lassen Comm. College (Calif).

Tim Anderson, sbp, Boston College.

Marshall Anstanding, sbp, Hope College (Mich).

Edward Arnold, Editor, Rose-Hulman Inst. of Tech. (Ind).

David Alward, Editor, Dartmouth College (NH).

Frederick Ayre, sbp, Drury College (Mo.).

T. J. Azieman, sbp, Southern Oregon College.

Joseph Bakes, Editor, Seton Hall Univ. (NJ).

Maxwell Banner, sbp, Stillman College (Ala).

Winston Barclay, sbp, Drake Univ. (Iowa).

Robert Barkdull, sbp, Oakland Univ. (Mich).

Phillip Barton, Editor, Davis & Elkins College (W.Va.).

Bonnie Bates, Editor, Flint Comm. Jr. College.

Rudy Bates, sbp, Portland St. Univ. (Ore).

Michael Bausch, sbp, Carroll College (Wis).

Robert Beller, sbp, Univ. of Iowa.

Michael Berkey, Editor, Boston College.

John Berlet, Editor, Denver University.

Jim Bernthal, Editor, Valparaiso Univ. (Ind).

Peter Berner, sbp, Maryknoll College (Ill).

Maryann Bird, Editor, Trenton St. College (NJ).

Winona Black, Editor, Framingham St. College (Mass).

Rita Blome, Editor, Univ. of Houston.

Frank Bodenmiller, Editor, Grand Valley St. College (Mich).

Ron Boisvert, Editor, Keene State College (NH).

Bruce Botelho, Willamette Univ. (Ore).

Murray Bowles, Editor, Harvey Judd College (Calif).

Michael Boyle, sbp, San Diego St. College (Calif).

Lisa Boynton, sbp, Roosevelt Univ. (Ill).

Su Brown, Editor, Central Conn. St. College.

Rob Burfield, Editor, George Mason College (Va).

Gregory Butcher, Editor, Cornell College (Iowa).

Debbie Calkins, Editor, Kellog Comm. College (Mich).

Brian Callaghan, Editor, St. Norbert College (Wis).

John Cangilos, sbp, College of the Holy Cross (Mass).

Alan Carroll, Editor, Lake Forest College (Ill).

Evelyn Jae Carroll, Editor, Manhattanville College (NY).

Patrick Cavanagh, sbp, Carnegie Mellon Univ. (Pa).

Myron Chenault, sbp, Manchester College (Ind).

Frederick Christian, Editor, Va. Polytech. Inst. & St. Univ.

Marcel Cinguina, sbp, Siena College (NY).

Danny Clodfelter, sbp, Davidson College (NC).

John Colgreen, sbp, National College of Education (Ill).

Patrick Conn, Editor, Univ. of Minnesota.

John Cook, Editor, Wagner College (NY).

Steve Cook, Editor, University of Chicago.

Steve Cooper, sbp, Western Wash. St. College.

Frank Coote, III, Editor, Univ. of Kentucky.

Phil Corso, Editor, St. Mary of the Plains Coll. (Kan).

Jack Crisp, sbp, Boston Univ.

Glenn Croshaw, sbp, East Carolina Univ. (NC).

Jim Dawson, Editor, No. Va. Comm. College.

Michael Dean, Editor, Christian Brothers Coll. (Tenn).

Richard Dell'Aria, sbp, Suffolk Univ. (Mass).

Thomas Dempsey, Jr., Editor, La Salle College (Pa).

Dennis Denaxas, Jr., sbp, Pratt Inst. (NY).

Dennis De Snoo, sbp, Syracuse Univ. (NY).

John DiSarno, Editor, Univ. of N.C. at Wilmington.

James Doherty, sbp, Wheeling College (W. Va).

Iris Dominey, Editor, Valdosta St. College (Ga).

Robert Donin, Editor, Colgate Univ. (NY).

James Dooley, Editor, Univ. of Calif. at Davis.

Aurora D'Souza, Editor, Barat College (ILL).

Ron Eachus, sbp, Univ. of Oregon.

Steve Early, Editor, Middlebury College (VT).

Bill Ebert, sbp, Univ. of Kansas at Lawrence.

Chuck Edwards, Editor, Kutztown St. College (Pa).

Stephen Eimer, sbp, Univ. of Missouri at Kansas City.

James Elam, sbp, Va. Commonwealth Univ.

Barry Elkin, sbp, Brandeis Univ. (Mass).

Glenn Elters, sbp, Univ. of Mass. at Amherst.

Robert Emerick, sbp, Albright College (Pa).

Walter Enloe, sbp, Fla. Presbyterian College.

Joe Errington, sbp, Howard Payne College (Texas).

——— ———, sbp, Ottawa Univ. (Kansas).

Dan Evans, Editor, Univ. of Kansas at Lawrence.

Edward Ezeliat, sbp, Dana College (Neb).

Bob Faltermeyer, sbp, Gonzaga Univ. (Wash).

Frank Farmer, sbp, Ind. Univ. Southeast.

Bart Fisher, sbp, Univ. of Calif. at Davis.

Mike Fleming, Editor, DePauw Univ. (Ind).

Michael Fowler, sbp, University of Chicago.

William France, II, sbp, Webb Inst. of Naval Architecture (NY).

Eileen Friars, sbp, Simmons College (Mass).

James Gaertner, sbp, Saginaw Valley College (Mich).

Michael Gannon, sbp, Univ. of Ala. in Huntsville.

Tom Gavin, sbp, Wisc. St. Univ. at River Falls.

Frederick Giel, sbp, St. Joseph's College (Ind).

Anthony Godboldt, sbp, Bethune-Cookman College (Fla).

Bill Graham, sbp, Washington Theological Coalition (D.C.).

Gregory Graves, sbp, Univ. of the Pacific (Calif).

Paul Green, Editor, Beloit College (Wis).

Ron Gremore, sbp, Ind. St. Univ.

Carroll Griffin, sbp, Union Univ. (Tenn).

Sean Griffin, sbp, U.S.I.U.-Calif. Western Univ. Campus.

David Gui, sbp, Elizabethtown College (Pa).

Dana Gunnison, sbp, Union College (Ky).

June Habeck, Editor, Radford College (Va).

John Hanson, sbp, Northeastern Univ. (Mass).

Marc Harris, Editor, Curry College (Mass).

Ann Haskins, Editor, Univ. of Calif. at Los Angeles.

Jack Hatch, sbp, Drake Univ. (Iowa).

Sandy Hawthorne, sbp, Va. Polytech. Inst. & St. Univ.

Cookie Helbling, sbp, Fontbonne College (Mo.).

Sam Hemingway, Editor, Syracuse Univ. (NY).

Beth Hiner, sbp, Oklahoma Baptist Univ.

Ted Hobson, Editor, Middlebury College (Vt).

Peter Hoffman, sbp, Drew University (NJ).

David Hollander, Editor, Harvard University.

Edwin Holmberg, Jr., sbp, Arkansas College.

Dan Hopp, Editor, Aurora College (Ill).

John Hopkins, sbp, Benedict College (SC).

Mark Hucklebridge, Editor, Pacific University (Ore).

Sam Hurst, V, sbp, Univ. of So. Calif.

Susan Ifft, Editor, Butler Co. Comm. Coll. (Pa).

Tony Imperato, Editor, Comm. College of Delaware Co. (Pa).

Joseph Jackson, sbp, College of the Mainland (Texas).

Louis Jacob, Editor, Sarah Lawrence College (NY).

Mike Jaliman, sbp, Univ. of Wisconsin at Madison.

Bob Jameson, Editor, Los Angeles Pierce College.

Eva Jefferson, sbp, Northwestern University (Ill).

Dave Johnston, sbp, Iowa Wesleyan College.

Jeff Jones, sbp, Univ. of Texas at Austin.

Madison Jones, sbp, Univ. of Maryland.

Steve Joseph, sbp, Eastern Oregon College.

Rick Kedvierski, sbp, Central Michigan Univ.

Pat Knight, Editor, Lake Superior St. College (Mich).

Young Kim, Editor, Shimer College (Ill).

Richard Kiser, sbp, Chicago St. College.

Don Johnson, Jr., sbp, Carthage College (Wis).

Gary Kisner, Editor, Bridgewater College (Va).

Alan Kluger, sbp, Bryant College (RI).

Ron Knowles, sbp, Louisiana St. Univ. at New Orleans.

Ken Kobayashi, Editor, Univ. of Hawaii.

Kit Konolige, Editor, Haverford College (Pa).

Ted Kourtis, sbp, Calif. St. Polytech. College—Pomona.

Don Kramer, sbp, St. Mary of the Plains College (Kan).

Lou Krupnick, Editor, Univ. of Ala. at Huntsville.

David Kunhardt, sbp, Middlebury College (Vt).

Marc Kurzman, sbp, New York Univ. Law School.

Randy Laird, sbp, Hampden-Sydney College (Va).

Blake Lange, Editor, Case Western Reserve (Ohio).

Cheryl Languirand, Editor, Southeastern Mass. Univ.

Winn Legerton, sbp, College of William & Mary (Va).

Brett Leif, sbp, Wis. St. Univ. at Oshkosh.

Le Roy Levan, sbp, Penn. St. Univ.—Capitol Campus.

Andrew Loewi, sbp, Grinnell College (Iowa).

Linda Luke, sbp, Univ. of Hawaii.

Joan MacLeod, Editor, Rockland Comm. College (NY).

Rick Macpherson, sbp, Univ. of Minn.

Elliot Maggin, Editor, Brandeis Univ. (Mass).

Michael Malone, Editor, Univ. of Nevada—Las Vegas.

Kevin Mannix, sbp, Univ. of Virginia.

Larry Martindale, sbp, Calif. Baptist College.

John Mauldin, Editor, Rice Univ. (Texas).

Anthony Mauro, Editor, Rutgers Univ.

Rudolph Maxa, Jr., Editor, Ohio Univ.

Robert Mayfield, sbp, Carson Newman College (Tenn).

Kevin McAuliffe, Editor, Fairfield Univ. (Conn.).

James McCarthy, sbp, Northern Arizona Univ.

Mark McClafferty, sbp, Univ. of Delaware.

Charles McGinnis, III, sbp, Baldwin-Wallace College (Ohio).

Harold McGinnis, sbp, Fla. Inst. of Technology.

Michael McGovern, Editor, Athens College (Ala.).

Daniel McIntyre, Editor, Yale.

Joseph McKenzie, Editor, College of the Holy Cross (Mass.).

J. Robert McLaughlin, sbp, West Chester St. Coll. (Pa.).

James McLeod, sbp, S.U.N.Y. at Fredonia.

Chuck McNeal, sbp, Southwestern-at-Memphis (Tenn.).

Tom Medrano, sbp, Rio Hondo College (Calif.).

W. Russell Merritt, Jr., Editor, Davidson College (N.C.).

James Millard, Editor, Transylvania Univ. (Ky.).

John Molitor, Editor, Ind. Univ. at South Bend.

Jessie Murkow, sbp, Univ. of Col.

Edward Murphy, sbp, Richmond College (N.Y.).

Bob Nachshin, sbp, Bucknell Univ. (Pa.).

Eric Nelson, sbp, Univ. of N. Mexico.

Linda Neufeld, Editor, Bernard Baruch College (N.Y.).

Paul Nelson, sbp, Lewis & Clark College (Ore.).

Robert Nolan, Editor, Univ. of Scranton.

Harry Nusdord, sbp, Queens College (N.Y.).

Lourene O'Brien, Editor, Columbia Basin College (Wash.).

William O'Connor, sbp, St. Ambrose College (Iowa).

Frank O'Neill, Editor, Metropolitan St. College (Col.).

Stephen Orlov, sbp, Colby College (Ma.).

James O'Rourke, sbp, S.U.N.Y. at Birmingham.

Roy Osborne, Editor, Clackamas Comm. College (Ore).

John Otto, Editor, Eastern Mennonite College (Va).

Michael Palcie, sbp, Univ. of Calif. at San Diego.

Patrick Palmer, sbp, George Mason College (Va).

Keith Parker, sbp, Ind. Univ. at Bloomington.

Robert Parry, Editor, Colby College (Maine).

Charles Peale, sbp, Univ. of New Haven (Conn).

Eric Pearson, sbp, Athens College (Ala).

Henri Pelletier, Editor, Newton Jr. College (Mass).

Christopher Pence, Editor, Whitman College (Wash).

Paul Peters, sbp, Univ. of Missouri at Columbia.

John Phillips, sbp, Univ. of Vermont.

Barry Pierce, Editor, Univ. of Md., Balto. Co.

Ed Pinto, sbp, Univ. of Illinois.

Gerald Pipho, sbp, Wartburg College (Iowa).

Dennis Pionte, sbp, Aurora College (Ill).

Josh Posner, sbp, Brown Univ.

Eugene Pratt, II, Editor, Eureka College (Ill.)

Lynn Ramey, Editor, Southern Oregon College.

Robert Randels, sbp, Adrian College (Mich).

Mark Rasenick, sbp, Case Western Reserve Univ. (Ohio).

Howard Reich, Editor, Salem College (W. Va).

Marc Reisner, Editor, Population Institute (Wash., D.C.).

Mark Rice, sbp, Rensselaer Polytech. Inst. (NY).

Bill Richardson, sbp, Humboldt St. College (Calif).

Vincent Ritchie, sbp, Framingham St. College (Mass).

Anthony Robinson, sbp, Univ. of Rhode Island.

Charles Jon Rose, Editor, Livingston College (NJ).

Dennis Rosenblum, Editor, Saginaw Valley College (Mich).

Lawrence Rothstein, Editor, Northeastern Univ. (Mass).

Judy Rousuck, Editor, Wellesley College (Mass).

John Rowell, sbp, Moorhead State College (Minn).

Skip Rudzinski, sbp, Butler University (Ind).

John Russ, sbp, Hampden-Sydney College (Va).

Peter Salgo, Editor, S.U.N.Y. at Binghamton.

Steve Samer, Editor, Wisconsin St. Univ. at Oshkosh.

Rosemary Scanlon, Editor, Penn. St. Univ.-Capitol Campus.

John Schambach, Editor, Baldwin-Wallace College (Ohio).

Keith Schiller, sbp, Univ. of Calif. at Los Angeles.

Jack Schmidt, Editor, Bucknell Univ. (Pa).

Ken Schulman, Editor, Drew University (N.J.)

Scott Schultz, sbp, Wisc. St. Univ. at Stevens Pt.

Nathan Showalter, sbp, Eastern Mennonite College (Va).

Richard Silverman, sbp. Univ. of Washington.

Edward Smith, Jr., sbp, Morgan St. College (Md).

Steve Sorenson, Editor, Luther College (Iowa).

Gerald Spessard, sbp, Bridgewater College (Va).

Marie Spinizzi, Editor, Iowa Wesleyan College.

Nick Stark, Editor, S.U.N.Y. at Alfred.

David Stolarski, sbp, St. Mary's Univ. (Texas).

Morris Stutzman, spb, Bluffton College (Ohio).

Suzanne Suively, sbp, Reed College (Ore).

Jack Tai, Editor, Rensselaer Polytechnic Inst. (NY).

Jeffrey Tarlo, Editor, Queens College (NY).

Jimmy Terrell, Editor, Brewton Parker College (Ga).

James Thomas, sbp, College of Wooster (Ohio).

Richard Thomley, sbp, Univ. of Wisconsin at Green Bay, Manitowoc Campus.

Dave Thurmond, sbp, Bellarmine-Ursuline College (Ky).

Stephen Tiwald, sbp, Univ. of Nebraska at Lincoln.

Larry Tomczak, sbp, Cleveland St. Univ.

Tom Tosdal, sbp, Univ. of Calif. at Santa Barbara.

Hutch Traver, sbp, Duke Univ. (NC).

Ronald Turner, sbp, Wheaton College (Ill).

Steve Uhlfelder, sbp, Univ. of Fla.

Richard Underwood, sbp, Ind. Univ. at Kokoma.

David Van Landschoot, sbp, St. John's Univ. (Minn).

David Vander Meulen, Editor, Wheaton College (Ill).

Scott Vanderhoef, sbp, Alfred Univ. (NY).

Paul Vasconcellos, sbp, Southeastern Mass. Univ.

Ethan Vinson, sbp, Western Mich. Univ.

Rebecca Volkman, sbp, Green Mountain College (Vt).

Ralph Wafer, sbp, Tulane Univ. of La.

Robert Watson, sbp, Univ. of Minn. at Morris.

Joseph Webb, sbp, D.C. Teachers College.

Mark Wefers, sbp, Univ. of New Hampshire.

Philip Wiatrak, sbp, St. Martins College (Wash).

Edward Wickham, Editor, Suffolk Univ. (Mass).

Steve Wild, sbp, Univ. of Nebraska at Omaha.

Marvin Wilson, Jr., Editor, College of San Mateo (Calif).

Nathaniel Wordell, sbp, Barrington College (RI).

Kaf Woytek, Editor, Texas Lutheran College (Texas).

David Wren, Jr., sbp, Univ. of Calif. at San Fran.

Robert Yeargin, Editor, Bellarmine-Ursuline College.

Eleanor Zarinsky, sbp, Alverina College.

Robert Beechman, sbp, Nebraska Wesleyan Univ.

Jeanne Blum, Editor, Emmanuel College (Mass).

Dave Connaroe, sbp, Rangely College (Col).

Martha Corrigan, Editor, Mt. St. Mary College (NH).

Dave Curtis, sbp, Whitman College (Wash).

Al Flesh, sbp, Monmouth College (Ill).

Jack Foard, Editor, Fla. Presbyterian College.

Gay Frederickson, Editor, Westmar College (Iowa).

Richard Galant, Editor, Brandeis Univ. (Mass).

John Green, sbp, Creighton Univ. (Neb).

Darriel Johnson, sbp, Univ. of Puget Sound (Wash).

Rollin Kirk, sbp, Princeton Theological Semin. (NJ).

Les Kurtz, sbp, Westmar College (Iowa).

Michael McCulley, Editor, Univ. of N.C. at Charlotte.

Darwin McKee, sbp, Austin College (Tex.).

Ron Mora, sbp, La. St. Univ. at New Orleans.

Nancy Parker, Editor, Univ. of Md. at College Park.

Michael Peterson, sbp, St. Olaf College (Minn).

Ray Potter, Editor, Onondaga Comm. College (NY).

Leonard Smith, sbp, Brevard Comm. College (Fla).

Paul Van Valkenburg, sbp, Alma College (Mich).

W. Larry Wallace, sbp, Vanderbilt Univ. (Tenn).

Bill Yacker, sbp, Gettysburg College (Pa).

Angelo Zingales, sbp, St. Leo College (Fla).

Teresa Landwehr, Editor, College of St. Benedict (Minn).

George Adams, sbp, St. Marys College of Md.

F. L. Bailey, sbp, Pace College (NY).

Fred Barden, sbp, Appalachian State Univ. (NC).

Kathleen Barlow, sbp, St. Mary's College (Ind).

Felicity Barringer, Editor, Stanford (Calif).

Gene Beaudoin, sbp, Univ. of Vermont.

William Brooks, sbp, Olivet College (Mich).

Garry Brown, sbp, Univ. of Redlands (Calif).

Michael Bushey, sbp, Bowdoin College (Maine).

Chip Casteel, sbp, Univ. of Missouri at Columbia.

Bruce Chessen, sbp, West Los Angeles College.

Roger Cochetti, sbp, Georgetown Univ. (Wash., D.C.).

Edward Farley, sbp, Lake Forest College.

H. T. Francis, sbp, Kalamazoo College (Mich.).

R. Denning Gearhart, sbp, Eisenhower College (NY).

Dennis George, sbp, Penn. State, Delaware Campus.

Ken Hambleton, Editor, Doane College (Neb).

Dave Holmquist, sbp, Cyprus College (Calif).

Gerry Hough, sbp, Clemson Univ. (S.C.).

Charlie Impagli, Editor, Georgetown Univ. (Wash., D.C.).

Ed Johnson, sbp, Morningside College (Iowa).

Bro. Bernard Kinlan, sbp, St. Anthony College (NH).

Ellen Knop, sbp, Mt. St. Agnes College (Md).

Lerry Lacey, sbp, Chabot College (Calif).

Tom Lai, sbp, City College of San Francisco.

John Lane, sbp, General Theological Seminary (NY).

Jay Levin, sbp, Conn. College.

Roy Lott, sbp, Colgate Univ. (NY).

Charles Loveless, sbp, Calif. State College.

Paul Newfeld, sbp, Ohio Univ.

Jim Stetson, sbp, Bridgewater State College (Mass).

Randy Surbaugh, sbp, Wisc. St. Univ. at Eau Claire.

Petty Wittman, sbp, Reed College (Ore).

Campus Ratifications and Actions on the People's Peace Treaty

(Partial listing)

Adelphi Univ. (NY)—organizing around the Treaty with teach-ins, a newsletter, a faculty group, draft counseling; coming to Washington, D.C. for April 24, march.

Alverno College (Wis.)—holding referendum on Treaty April 28 and seminars and films on April 22.

American University (Wash. D.C.)—Treaty ratified in referendum; Student Senate ratified Treaty; Political Consciousness Day held on April 21; preparing for April 24–May 7.

Antioch College (Ohio)—organizing support for the Treaty.

Austin College (Ohio)—holding a referendum on April 21.

Baldwin-Wallace College (Ohio)—conducting a sign-up/canvass campaign around the Treaty; presenting Treaty to student senate & faculty group.

Bellarmine-Ursuline College (Ky)—holding a referendum.

Boston College (Mass)—Undergraduate Student Council ratified Treaty; holding a referendum April 22–23.

Brevard Comm. College (Fla)—holding a referendum April 19–24 and conducting a sign-up/canvass campaign for Treaty; coming to Washington, D.C. for spring actions.

Brewton Parker College (Ga)—conducting a sign-up/canvass campaign.

Bridgewater College (Va)—holding a referendum on April 19–20.

Brown University (RI)—conducting a sign up/canvass campaign on Treaty.

Bryant College (RI)—Student Senate overwhelmingly ratified Treaty; holding a student referendum.

Butler Univ. (Ind)—student senate ratified Treaty.

Colgate Univ. (NY)—Treaty ratified in referendum on April 21; taking Treaty to student senate last week in April; held large teach-in on April 17; more than 200 coming to D.C. for April 24th march and a lot for May actions; several campus organizations have ratified the Treaty.

California St. Polytechnic College at Pomona—organizing support for the Treaty; held teach-in in late March.

Case Western Reserve Univ. (Ohio)—Treaty ratified in student referendum; holding Winter Soldier Investigations and National Welfare Rights hearing on May 2nd; presenting Treaty to Cleveland City Council on May 3 with other groups in city.

Clarke College (Iowa)—organizing around the Treaty.

Colby College (Maine)—student government ratified Treaty.

College of St. Benedict (Minn)—organizing around Treaty; sending 3–4 buses to D.C. for spring actions.

College of the Holy Cross (Mass)—organizing support for the Treaty.

College of William & Mary (Va)—Student Association unanimously ratified Treaty; held Peace & Justice Day on March 11.

Concordia Teachers College (Neb)—Treaty was ratified in referendum.

Creighton Univ. (Neb)—holding referendum on April 23.

Cuyahoga Comm. College, Western Campus (Ohio)—holding a teach-in April 22.

DeKalb Univ. (Ill)—conducting a sign-up/canvass campaign around Treaty.

DePaul Univ. (Ill)—conducting sign-up/canvass campaign; held Peace Treaty teach-in on April 20.

Drake Univ. (Iowa)—conducting a sign-up/canvass campaign.

Drew Univ. (NJ)—organizing support for Treaty and April 24 March.

Duke Univ. (NC)—Treaty was ratified in referendum.

Eastern Mennonite College (Va)—Treaty was ratified in referendum; organizing around Treaty.

Eastern Washington State College—organizing around Treaty.

Emmanuel College (Mass)—conducting a sign-up/canvass campaign.

Emory & Henry College (Va)—conducting a sign-up/canvass campaign

Everett Comm. College (Wash)—organizing support for Treaty.

Fairfield Univ. (Conn)—student senate ratified Treaty.

Florida St. Univ.—ratified Treaty in referendum 5600–400.

Fordham Univ.-Uptown (NY)—organizing support around Treaty.

Framingham St. College (Mass)—holding referendum on Treaty; organizing also in surrounding community.

George Mason College (Va)—student council ratified Treaty; holding a referendum in April; supporting April & May actions.

Gettysburg College (Pa)—conducting a sign-up/canvass campaign; holding rallies for the Treaty.

Goddard College (Vt)—The Goddard Assembly, a student-faculty-staff-administration group, not only ratified the Treaty, but also mandated that space be set aside in the 1971–72 school year for students from South Vietnam who have been thrown out of college by the Thieu-Ky-Khiem regime for advocating peace & withdrawal of U.S. troops from their country. The group also recommended that similar arrangements be made for students from liberated areas of N & S Vietnam at the end of hostilities in Indochina.

Greensboro College (NC)—Student Government Assoc. ratified Treaty.

Florida Presbyterian College—organizing support around Treaty on campus and in community.

Grinnell College (Iowa)—holding a campus-wide referendum; conducting a sign-up/canvass campaign.

Hampden-Sydney College (Va)—conducting a sign-up/canvass campaign; organizing to come to D.C. for April and May actions.

Haverford College (Pa)—conducting a sign-up/canvass campaign.

John Carroll Univ. (Ohio)—all day activities on Treaty on April 22, including peace vigil in front of ROTC building and a rally with David Dellinger in the evening.

Lake Forest College (Ill)—conducting a sign-up/canvass campaign.

Lake Superior St. College (Mich)—holding a referendum on Treaty; sending 21 to Washington for spring actions.

Lewis and Clark College (Ore)—student senate ratified Treaty; organizing Young Voters for Peace, seeking to obtain 1 million pledges from 18–21 year old voters not to vote for candidates who don't insist on immediate and total withdrawal of US forces from Indochina, as well as pledge to vote in 1972 election.

Long Beach City College (Calif)—student senate ratified Treaty.

Los Angeles Pierce College (Calif)—conducting a sign-up/canvass campaign.

Louisiana St. Univ. at New Orleans—organizing support for Treaty on campus and in the community.

Luther College (Iowa)—holding a referendum on April 26.

Manchester College (Ind)—community council ratified Treaty; held Peace Treaty Signing Day on March 1; going out to community churches with success.

Metropolitan St. College (Col)—holding a referendum on May 5–6.

Middlebury College (Vt)—holding a referendum on Treaty; have held student and faculty seminars on Indochina.

Monmouth College (Ill)—conducting a sign-up/canvass campaign.

Montgomery Jr. College (Md)—held Peace Treaty and May Day rally on April 1; organizing around Treaty; taking Treaty to Rockville City Hall on April 23.

Moorhead State College (Minn)—Treaty was ratified in referendum (75% yes and 25% no); student senate ratified Treaty.

Mt. St. Mary College (NH)—conducting a sign-up/canvass campaign; organizing to bring people to D.C. for spring actions.

Nebraska Wesleyan Univ.—organizing around Treaty.

Newton Jr. College (Mass)—held a referendum on Treaty.

Northhampton Co. Area Comm. College (Pa)—holding a referendum April 27–28.

No. Va. Comm, College—organizing around the Treaty; supporting Vietnam Veterans Against the War actions in D.C.

Northeastern Univ. (Ill)—conducting a sign-up/canvass campaign around Treaty (out of 8000 students, already have 3000 signatures.

Northwestern Univ. (Ill)—holding a referendum on April 21; canvassing in community also; organizing to come to D.C. for spring actions.

Oakland Univ. (Mich.)—an implementation referendum was held; 11 of 12 questions were supported, including: using the billboard on I 75 for anti-war purposes; having the university support demonstrations against war manufacturers, withhold the 10% war tax on the phone, publicize an anti-war position, and boycott services and products of all companies that profit from the war; the referendum was open to the university community, and steps will now be taken to implement the results; previously, the university congress ratified the Treaty.

Ohio University—organizing around the Treaty.

Ottawa University (Kan.)—student senate ratified Treaty; holding a referendum on April 28.

Penn State Univ.—student senate ratified Treaty.

Pacific Univ. (Oreg.)—conducting a sign-up/canvass campaign.

Princeton Theological Seminary (N.J.)—holding a referendum on May 3.

Radford College (Va.)—organizing around Treaty.

Rangely College (Colo.)—holding a referendum on April 27; conducting a sign-up/canvass campaign also.

Richmond College (Va.)—College Senate ratified Treaty; holding a referendum on April 27; bringing people to D.C. for April 24 march and May actions.

Rio Hondo College (Calif.)—holding a referendum on April 23; conducting a sign-up/canvass campaign.

Roosevelt Univ. (Ill.)—Treaty was ratified in campus-wide referendum (78% yes to 22% no); organizing to bring people to D.C. for April 24.

Rutgers Univ. (N.J.)—Treaty was ratified in referendum by 5–1 margin.

St. Lawrence Univ. (N.Y.)—student senate ratified Treaty.

St. Leo College (Fla.)—student senate ratified Treaty.

St. Mary of the Plains College (Kansas)—student council ratified Treaty; Treaty also ratified in referendum by vote of 418–40 (out of 600 students in the college); have gotten military recruitment banned from the campus; planning activities in the community on April 23 and 24; on April 24 they will picket Senator Robert Dole's place and sit-in in his office; planning local actions for May Day.

St. Olaf College (Minn.)—conducting a sign-up/canvass campaign.

Salem State College (Mass.)—holding a referendum on April 20–23; organizing around Treaty and bringing in speakers and coming to D.C. for spring actions.

Sarah Lawrence College (N.Y.)—student senate ratified Treaty; organizing around it through sign-up/canvass campaign and in the community; supporting spring actions in D.C.

San Diego St. College (Calif.)—Assoc. Student Council ratified the Treaty.

San Fernando Valley St. College (Calif.)—Treaty was ratified in referendum; student senate also ratified Treaty.

Siena College (NY)—Treaty was ratified in student referendum (75% yes to 25% no); student senate also ratified.

Smith College (Mass)—teach-in open to five-college community and townspeople, as well as educational workshops on Treaty and political situation in Asia; will be organizing around Treaty on campus and in community.

Sonoma State College (Calif)—organizing around Treaty.

South West Baptist College (Mo)—conducting a sign-up/canvass campaign, especially during the student convocation on April 22.

Southern Illinois Univ.—organizing around Treaty; launching movement against the Center for Vietnamese Studies (CVS)—trying to force the University to sever its contract with USAID, which administers programs there to train American advisors for the South Vietnamese government and police force; in May, will be launching non-violent, civil disobedience aimed at the CVS and the AID grant; working through dorms, fraternities and sororities, and using teach-ins and rallies.

S.U.N.Y. at Alfred—organizing around Treaty; coming to D.C. for spring actions.

Temple Univ. (Pa)—Treaty was ratified in referendum.

Texas Christian Univ.—holding a referendum on May 5.

Towson State College (Md)—holding a referendum on April 20–21; held teach-ins on April 19–20; circulating Treaty.

Tulane Univ. (La)—holding a referendum on April 27, co-sponsored by the student senate and the New Orleans Peace Action Center.

University of Akron (Ohio)—holding a referendum on April 22.

University of Alabama at Huntsville—conducting a sign-up/canvass campaign; mass actions planned for April 24 & May.

University of Arizona—organizing around Treaty and April 24.

University of Bridgeport (Conn)—organizing around Treaty.

University of California at Berkeley—organizing around Treaty; conducting a sign-up/canvass campaign; supporting April 24 & May actions in D.C. & California; gathered enough signatures to place the Treaty on the past city-wide elections, but the courts ruled that it was out of the jurisdiction of the city.

University of California at Los Angeles—organizing around Treaty & spring actions; conducting a sign-up/canvass campaign.

University of Cincinnati (Ohio)—organizing around the Treaty.

University of Hawaii—organizing around the Treaty.

Unversity of Illinois at Circle Campus—conducting a sign-up/canvass campaign; held 3 day teach-in.

University of Illinois at Champaign—Urbana—holding a referendum on April 27–29 as part of their Peace Treaty Week actions during the last week of April; 1 busload at least coming to D.C. for April 24; some for May also; rally on April 26 with Rennie Davis; May 5–6 strike on campus with rally in community; also organizing around Treaty in community.

University of Iowa—student senate ratified Treaty.

University of Kentucky—student senate ratified Treaty.

Univ. of Kansas at Lawrence—conducting a sign-up/canvass campaign.

Univ. of Md. at College Park—conducting a sign-up/canvass campaign.

Univ. of Mass. at Amherst—student senate ratified Treaty; holding a referendum; organizing to come to D.C. for spring actions.

University of Missouri at Columbia—held university-wide referendum on April 19; student senate ratified Treaty; also conducting a sign-up/canvass campaign.

University of North Carolina at Charlotte—trying to hold referendum on May 6–7.

University of North Carolina at Chapel Hill—organizing around Treaty; held activities all day on April 14.

University of Oregon—Treaty was ratified in referendum by 2–1 margin; presenting Treaty on April 22 to state legislature and Governor Tom McCall; asking Eugene City Council on April 21 to adopt an immediate withdrawal resolution; organizing around Treaty in community also; supporting April and May actions on the West Coast, with Vietnam Veterans Against the War leading many of their activities locally.

University of Puget Sound (Wash.)—Central Board (legislative body of Associated Students) ratified Treaty; participating in Peace Week during April 17–24, as well as local and national activities in May.

University of South Alabama—organizing around Peace Treaty.

University of Southern California—student senate ratified Treaty overwhelmingly; holding a referendum on April 21; organizing for April 24 March in San Francisco.

University of Texas at Arlington—holding a referendum on April 28.

University of Texas at Austin—held referendum on Treaty; organizing around it.

University of Vermont—organizing around Treaty on campus and in community; had the Treaty introduced into the State Legislature with the support of the Speaker of the House; Treaty was reported out of committee favorably, but lost in the House on a close vote; organizing people to come to D.C. for April and May actions.

University of Virginia—student senate ratified Treaty; conducting a sign-up/canvass campaign (already have over 2000 signatures); establishing a fund to be used to rebuild Vietnamese towns destroyed by the U.S.; circulating the Charlottesville Pledge, whereby people commit themselves to noncooperation with the Selective Service System when 100,000 others have signed a similar pledge; in addition to draft resistance, are organizing tax resistance as a means of implementing the Treaty.

University of Md. at Balto. Co.—organizing around the Treaty.

University of Washington—Treaty was ratified in referendum by vote of 2759 to 939; trying to adopt sister cities in North and South Vietnam; planning actions against the local draft induction center.

University of Wisconsin at Madison—organizing around Treaty; helped get the Treaty introduced into Madison City Council; sending people to Washington, D.C. for April & May actions.

Vanderbilt University (Tenn)—Treaty was ratified in a referendum and through a sign-up/canvass campaign.

Virginia Commonwealth University—student senate ratified Treaty.

Virginia Polytechnic Inst. & St. Univ.—organizing around Treaty and spring actions.

Wabash College (Ind)—organizing around Treaty.

Wartburg College (Iowa)—student senate ratified Treaty.

Wesley Seminary (Wash., D.C.)—holding a referendum on April 21.

West Virginia Union of Students—ratified the Treaty.

West Virginia University—student senate ratified Treaty.

Western Washington State College—holding a referendum on April 30; student legislature ratified Treaty; participating in Peace Action Week on April 19–23; scheduling a march on May 5.

Westmar College (Iowa)—organizing around Treaty; coming to D.C. for April 24.

Whitman College (Wash)—conducting a sign-up/canvass campaign.

Wichita St. Univ. (Kansas)—conducting a sign-up/canvas campaign; holding a campus rally; scheduling a People's March for Peace in support of the Treaty on May 5.

Willamette University (Ore)—student senate ratified Treaty; taking Treaty with Univ. of Oregon to State Legislature and Governor McCall on April 22.

Wisconsin State Univ. at Oshkosh—Treaty was ratified in referendum; Student Government Association has ratified Treaty; organizing on campus and in the community.

Yale University (Conn)—conducing a sign-up/canvass campaign; organizing on campus and in community.

4/21/71

(NOTE: Updated and additional information since 4/21/71 is attached.)

Appalachian St. Univ. (NC)—holding a referendum on the Treaty.

Bowdoin College (Maine)—organizing support for Treaty.

Bridgewater State College (Mass)—holding a referendum on April 22–3, as well as canvassing for the Treaty.

California St. College—holding a referendum on May 5–6, as well as conducting a sign-up/canvass campaign.

Chabot College (Calif)—organizing around the Treaty.

City College of San Francisco—organizing around the Treaty.

Clemson University (SC)—conducting a sign-up/canvass campaign.

Concordia College (Minn)—student senate ratified Treaty.

Conn. College—conducting a sign-up/canvass campaign.

Cornell Univ. (NY)—have been conducting a sign-up/canvass campaign since February; pushing for April 24 & MayDay.

Doane College (Neb)—conducting a sign-up/canvass campaign.

Edgecliff College (Ohio)—organizing around the Treaty.

Eisenhower College (NY)—organizing around the Treaty.

General Theological Seminary (NY)—conducting a sign-up/canvass campaign.

Georgetown University (Wash., D.C.)—Undergrad. Student Govt. ratified Treaty; holding a referendum on April 29; providing housing for spring actions; organizing for spring actions.

Kalamazoo College (Mich)—holding a referendum on April 20.

Lake Forest College (Ill)—conducting a sign-up/canvass campaign; already one third of student body has signed the Treaty.

Morningside College (Iowa)—holding a referendum on May 5.

Mt. St. Agnes College (Md)—conducting a sign-up/canvass campaign; will also be conducting a voters registration drive where new voters will pledge never to vote for an administration that continues war (similar to drive in Oregon).

Ohio Northern Univ.—organizing around Treaty.

Olivet College (Mich)—holding a referendum on Treaty; also conducting a sign-up/canvass campaign; sending students to D.C. for spring actions.

Pace College (NY)—organizing around Treaty.

Penn State—holding a referendum on April 21 & 22; held a teach-in & march on April 19.

Penn. State, Delaware Campus—conducting a sign-up/canvass campaign; April 21 was a day for the Harrisburg Six case.

Reed College (Ore)—conducting a sign-up/canvass campaign; doing other organizing around the Treaty; participating in Young Voters for Peace (see Lewis & Clark College).

St. Anthony College (NH)—holding a referendum on April 25; holding a Prayer Service for Peace.

St. Mary's College (Ind)—organizing around Treaty; supporting a Refugee Aid

Program; organizing people to go to D.C. for spring actions.

St. Mary's College (Md)—conducting a sign-up/canvass campaign; holding a rally and planning teach-ins; sending people to D.C. for spring actions.

Southern Colorado State College—conducting a sign-up/canvass campaign; leafletting on campus and in community; presenting Treaty to Pueblo City Council on May 2nd; taking Treaty to churches during the next week and the beginning of May.

State Univ. College at Fredonia—Treaty was ratified in a campus-wide referendum (86% in favor of Treaty and immediate end of war in Indochina and 14% against); Student government ratified Treaty; gearing actions to May in Washington, D.C.

Stanford (Calif)—Treaty was ratified in a referendum on April 7–8.

University of Cincinnati (Ohio)—planning to come to Wash., D.C. for May actions; holding rally on May 4th to start strike on May 5th.

University of Maryland, College Park—Student Govt. Assoc. ratified Treaty; holding a referendum on April 27; organizing for spring actions in Washington; held rally for SCLC mule train at noon on April 27.

University of Missouri at Columbia—Treaty was ratified in university-wide referendum by margin of 7–1; also conducting a sign-up campaign.

University of Puget Sound (Wash)—holding a referendum on May 3–6; have conducted a sign-up/canvass campaign.

University of Redlands (Calif)—organizing around Treaty.

University of Southern California—Treaty was ratified in referendum on April 21 (60% yes to 35% no, with 5% abstaining); organizing for May actions on West Coast.

University of Tennessee at Knoxville—organizing around Treaty.

Valparaiso Univ. (Ind)—conducting a sign-up/canvass campaign; participating in Solidarity-Vietnam Days with films, speakers, etc.

Wesley Theological Semin. (Wash., D.C.)—Treaty ratified in referendum.

Wellesley College (Mass)—organizing around Treaty; held World Peace Conference on April 14–23.

West Los Angeles College (Calif)—holding referendum on May 6.

Western Washington St. College—trying to put anti-war resolution on city ballot in September.

Whitman College (Wash)—conducting a sign-up/canvass campaign.

Wis. St. Univ. at Eau Claire—held a referendum on Treaty on April 19–21.

University of Wis. at Madison—helped get passage of resolution urging immediate withdrawal of U.S. forces from Indochina during the local election held this past month.

"THE WILLIAM McCHESNEY MARTIN BUILDING"—AN ATTEMPT TO MEMORALIZE HIGH INTEREST RATES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, secretly, the Federal Reserve Board has decided to build a monument to high interest rates and tight money.

The Board—meeting behind closed doors—voted the monument on November 7, 1969. Word of this marble edifice to memorialize high interest rates leaked out despite the Board's desire for secrecy.

The monument—which is to be an annex to the Federal Reserve Building on Constitution Avenue—is to be called the William McChesney Martin Building.

This will be a building which can be viewed by the thousands of tourists who come to Washington each year. They will be able to see a building that has been dedicated to a man who cost the American people more than any other public official in its history. They will be able to see a building memorializing the man who engineered the highest interest rates in the history of the United States.

Many of these tourists undoubtedly will be the same people who from time to time were thrown out of work—and placed in the unemployment lines—by the man who is memorialized in this new Federal Reserve Building.

Mr. Speaker, it is a mark of the arrogance of William McChesney Martin that he was able to arrange to have this building designated in his name while he served as Chairman of the Federal Reserve Board. Few buildings in Washington bear the names of individuals and there has not been a single edifice constructed by the Federal Reserve over its 58-year history which was designated in the name of a person either living or dead.

Yet, we are to have a building named after a living former Chairman of the Federal Reserve Board and a man who is highly active in the business world, serving on numerous boards of directors of giant U.S. corporations with combined assets of $40 billion.

I trust that William McChesney Martin will not demand that all of his current business affiliations be listed on the cornerstone of the building—such corporations as American Express, IBM, the Riggs National Bank, Dow Jones & Co., Caterpillar Tractor, Eli Lilly & Co., Royal Dutch Petroleum, United States Steel, General Foods.

Mr. Speaker, such an outlandish scheme could be carried out only by the Federal Reserve System—an institution which operates in secret, which does not come to Congress for appropriations, which is not audited by the General Accounting Office, and which receives billions of dollars in interest payments from the U.S. Treasury to finance its farflung operations. Any other agency which sought to memorialize its chief in such a manner would have heard from Congress in no uncertain terms. The Appropriations Committees of the House and Senate would never have allowed a Cabinet officer or agency head or other public official to be memorialized through the construction of a new building.

While the Federal Reserve now claims that Mr. Martin did not participate in the deliberations, it is a fact that the decision to name the new annex the William McChesney Martin Building was made almost 3 full months before he left as Chairman of the Board.

Names of individuals for permanent structures have been used rarely and carefully by the Federal Government throughout its history. Such honors have been normally reserved only for the most distinguished public servants who have benefited the entire Nation.

But this practice has never been used to honor a public official who has cost the Nation vast sums of money. There is no excuse for the Congress and the administration to allow the Federal Reserve System to build a monument to high interest rates down on Constitution Avenue.

This act—naming the building after William McChesney Martin—is prime evidence of the high-handed tactics engaged in daily by the Federal Reserve System.

Mr. Speaker, many may criticize me as being too harsh on Mr. Martin, but all that I ask is that these critics take a look at the record that this man compiled from April 2, 1951, to January 30, 1970. For just short of 19 years, William McChesney Martin controlled the monetary affairs of this Nation and played an essential role in many of the basic economic decisions, particularly those of the Eisenhower administration.

When William McChesney Martin was sworn in as Chairman of the Federal Reserve Board on April 2, 1951, the prime interest rate charged by commercial banks stood at 2½ percent. When he walked out of the Federal Reserve Building as Chairman for the last time on January 30, 1970, the prime interest rate was 8½ percent.

During his 19 years as manager of monetary policy, the prime interest rate soared 340 percent.

When William McChesney Martin took over as Chairman in 1951, the yield on long-term Government securities was 2.57 percent. When Mr. Martin left the Federal Reserve, the yield had risen to 6.86 percent.

In 1951, when Mr. Martin started managing our monetary affairs, the Treasury Department—that is, the taxpayer—was required to pay only 1.552 percent on short-term borrowings. After Mr. Martin's 19 years of mismanagement, the taxpayers were being stuck with 7.67 percent interest on the Treasury's short-term borrowings.

Between 1951 and 1970, the total public and private debt approximately tripled. But the interest paid on the debt was nearly seven times greater when Mr. Martin left office than when he assumed the chairmanship in 1951.

The American people were paying about $17.7 billion in various interest charges on the public and private debt in 1951, but with steady interest rate increases throughout the Martin years this interest bill had soared to more than $120 billion by the time the Federal Reserve got a new Chairman in February, 1970. This interest bill of $120 billion is a staggering burden for the American people. These Martin interest rate charges simply take too much out of the earnings of the average American—in many cases, so much that a family cannot afford the basic necessities of life.

As a result of the interest rate increases engineered and allowed by the Federal Reserve—under the management of William McChesney Martin—the American people paid nearly $350 billion in excess interest charges between 1951 and 1970. These are interest charges above and beyond the charges that would have been required had William Mc-

Chesney Martin kept interest rates at the levels existing when he took office.

Mr. Speaker, these are dollars and cents—cold figures—but the cost in terms of human misery was much higher. The tight money and high interest policies pursued by William McChesney Martin delayed progress throughout this great Nation.

Millions of homes were not built because of high interest and tight money. Hundreds of urban slums were not eradicated because local communities could not raise the necessary funds during periods of high interest and tight money. Hundreds of small rural communities faded from the scene under the pressures of these high interest policies. Thousands of legitimate small businessmen closed their doors, sold out by the Martin policies. Thousands of deserving youth never reached the college doors, because they were unable to borrow the funds necessary to finance a higher education.

Three times in the Eisenhower administration, the high interest, tight money policies pursued under the Martin Federal Reserve Board pulled the country into severe recessions. Unemployment increased sharply as the economy stagnated. Today, we have 6 percent unemployment—and massive economic troubles—and much of this can be traced back to the policies pursued before William McChesney Martin left office in February of 1970.

This is the man who the Federal Reserve says should be memorialized with a William McChesney Martin Building—a monument to high interest rates, mistaken monetary policies, and classic disregard for the wishes and needs of the American people.

Mr. Speaker, the Federal Reserve should voluntarily rescind its resolution designating the annex as the William McChesney Martin Building. I urge the Federal Reserve Board to do this.

However, if the Federal Reserve does not come to its senses, it is the responsibility of the Members of Congress to take the necessary steps to correct this error. We simply cannot allow the construction of a monument to high interest rates in the Capital of the United States.

Mr. Speaker, it is also incumbent on the Congress to prevent the commercialization of public buildings. I object to any of the public buildings—whether they are constructed in the name of the Federal Reserve or any other agency—being named after persons who are currently active in the business community promoting commercial projects and Government contracts. As I have noted earlier, William McChesney Martin is an active director on the boards of at least eight major U.S. corporations, many of which have extensive dealings with the U.S. Government. He is also an adviser to at least one major commercial banking institution. Mr. Martin is also the former head of the New York Stock Exchange and has recently renewed his connections with the exchange in an advisory role.

This memorial being proposed by the Federal Reserve can only enhance Mr. Martin's farflung relations with the big business and big banking community.

If we are not careful, we will soon see giant corporations advertising the fact that they have buildings in Washington named after illustrious members of their boards of directors. Mr. Martin has latched on to some of the biggest and most powerful corporations in the world since departing from the Federal Reserve. For example, he is a director of International Business Machines, a $7 billion corporation; United States Steel, a $6 billion corporation; Caterpillar Tractor, a $1½ billion corporation; American Express, a $1.8 billion corporation; Royal Dutch Petroleum, an $18½ billion corporation; General Foods, a $1 billion corporation; Eli Lilly, a $0.5 billion corporation; and Dow Jones & Co., a $72 million corporation. Mr. Martin is also an adviser on domestic and international banking matters for the Riggs National Bank of Washington, D.C., a $1 billion banking institution.

Mr. Speaker, William McChesney Martin has left the Federal Government and entered the biggest of the big corporations boardrooms. We should leave him to enjoy the fruits and profits of his long and close relationship with the giants of the American business and banking community. Mr. Martin is obviously receiving all of the awards he needs from his big business friends and he does not need a "William McChesney Martin Building" to comfort him.

And certainly, Mr. Speaker, the Federal Government has absolutely no need for a William McChesney Martin Building in Washington, D.C., or any other monuments to high interest rates. The people have enough sad memories of the high interest years of Mr. Martin.

ADJOURNMENT OVER TO MONDAY, MAY 3, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE PRESIDENT'S GOVERNMENT REORGANIZATION

The SPEAKER. Under previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 15 minutes.

ORDER OF BUSINESS

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. WINN. I am glad to yield to my colleague from Iowa.

Mr. GROSS. Mr. Speaker, it is my hope that the heavens will open and an angel will descend to earth one day soon and explain the procedure that has just taken place by which two of the four Members of the House were compelled to stay on the floor and listen to a speech on a subject on which they were not in the least interested.

I hope that some day the mystery of this act on the part of the gentleman from Texas (Mr. PATMAN) will be explained to the Members of the House.

I thank the gentleman for yielding.

Mr. WINN. Mr. Speaker, over the past several years America has seen its resources, both natural and manmade, drain away—much of it because of outright waste and misuse. Our money has followed the same road.

Our Diamond Jim Brady image has been rapidly wearing away, though that is not bad news by itself. But, the reason we no longer seem to have enough money to go around—to do all the things that need doing—is because we have squandered our money. And, there is no doubt that past attitudes toward spending public moneys indiscriminately have contributed greatly to the problem.

America at the crossroads is a trite, but true phrase which fits our country's situation today.

We have the decision at hand to change things—to change our attitudes and our practices regarding the spending of the citizen dollars which are needed to keep our country going.

This administration, under the leadership of Richard Nixon, is going all out to see that Federal money is spent wisely. The President said, in a memorandum to department and agency heads last May:

> We must exert at least as much—and sometimes even more—effort to save the taxpayers money as we do to spend it.

This was not just rhetoric. The President has been working for results. Instead of turning off the lights of Government, he has directed a beam of light across the full spectrum of Government under his authority.

The Ash Council on Executive Reorganization has become well known, but so too should the President's Advisory Council on Management Improvement. This group, under the leadership of retired Air Force general, B. A. Schriever, has been doing an outstanding job in developing new ways to improve the operation of the Federal Government.

It is up to the President and General Schriever to reveal the details of projects, but I can personally attest to the quality of the membership of the council and the dedication and hard work which exemplify their efforts.

I would also like to pay a special tribute to Dwight Ink, the man who heads the Government's Management Improvement efforts. This man is one of the hardest working in Government service. He is also one of the brightest and most capable. Under his dynamic leadership, and with the help of assistants like Brian Usilaner, the Office of Management and Budget is making fantastic inroads in helping the Federal bureaucracy become more responsive to the public's needs as well as more efficient.

Their emphasis is not on cost reduction per se, but on getting a greater value out of the citizen-dollar.

I not only approve and applaud administration efforts in this regard, but I have also tried to help as an individual Member of Congress where I could. For those who might be interested, but not to blow my own horn, I am inserting an outline of my most recent activities in this general area. I am rather proud to have had a hand in generating considerable savings in the Federal Government through a constructive and positive approach.

I am also inserting for your information a copy of the first management improvement newsletter put out by the OMB. It was released last Thursday. I would like to call your attention to a couple of items in the newsletter.

Last September the OMB sponsored the first Federal Management Improvement Conference, which was well attended by Federal Government employees. I was privileged to be one of three Members of Congress to be recognized during the presidential awards banquet of that conference.

An article in the OMB newsletter announces that this will now become an annual event, and will have presidential support and participation, I would hope. Shortly after last September's conference I wrote George Shultz suggesting a similar action. I am pleased that others agreed and are moving ahead with plans for the second annual conference to be held this coming September.

Also in the newsletter is a rather definitive article about a cost savings technique variously known as value engineering or value analysis. Now, I would not try to go into a detailed discussion of it—you can get that detail from reading the newsletter article—but I would generally define the technique as an organized method for eliminating unnecessary costs. I want to point out that the Civil Service is moving ahead with plans to teach value analysis to Federal employees, with courses beginning in September.

Such a course will help a greater number of Federal employees to work as hard at saving tax dollars as they do to spend them. I am proud to have had a hand in this course becoming a reality.

This brings me to my last point.

As I remarked earlier, the President is doing some fantastic things helping to make Government more effective and more responsive to the needs of its people. Once again, I can only applaud and praise administration efforts to hold the line on costs and improve the management of the Federal Government's bureaucracy.

The blot on the administration's record is that the Department of Defense is shelving its value engineering personnel and reducing that cost savings technique to a hit or miss basis.

Value engineering, the program that saved $464 million in fiscal 1970 is being severely crippled by the Defense Department.

Yes, that is right. The Defense Department is severely crippling its most successful cost savings program.

The teeth of the program have been pulled out through leadership reductions in the Navy, Air Force, and the Office of the Secretary of Defense.

The Air Force Systems Command, which has had the most outstanding savings effort through value engineering, had 57 personnel in the program in 1967 and beginning July 1 will have none. That is right, none.

The lead value engineering man under the Chief of Naval Materiel has had his position abolished effective July 1 and the Navy also suffers from a number of unfilled VE vacancies.

The clincher was the recent disestablishment of the Value Engineering Directorate in the office of the Secretary of Defense. This occurred in the last couple of months.

Remaining VE personnel are now being scattered throughout the Defense Establishment with questionable overall control being exercised.

All of this while the Nation is crying for a greater emphasis on saving tax dollars instead of spending and wasting them and while other Federal agencies and departments are initiating value engineering programs.

Last month I wrote Secretary of Defense Melvin Laird over the dismantling of his Department's value engineering effort.

The response only served to disillusion me further on this point. The return letter was signed by Assistant Secretary Barry J. Shillito.

Now, I do not believe Mel Laird sanctioned this response. As a matter of fact, the Shillito letter was so seeping with whitewash that I had to hang it out to dry before I could read it. It was not satisfactory. to say the least.

You do not have to take my word for it. I am enclosing a copy of our letters for the Record. You can examine them and decide for yourself.

By the way, I am very sorry to hear of the discomfort of my friend and former colleague, Mel Laird, I wish him a speedy recovery.

When he is recovered, I hope that he will personally look into my remarks and the deemphasis of the value engineering program. I will, of course, be writing him again in the next few days and calling his attention—once again—to this situation.

Let me reemphasize that I have not come before you today to cast a shadow over this administration's efforts in improving the management of the Federal Government, but to praise those efforts.

I sincerely hope that this blot on an otherwise outstanding record will be removed.

With the economic troubles which have besieged our country in the recent past, it is particularly significant that America's government is being reorganized, and new management procedures being implemented, in order to get the greatest possible value for the citizen's tax dollar. This could well be one of our President's greatest contributions to American government.

The material referred to follows:

Congress of the United States,
House of Representatives,
Washington, D.C., March 18, 1971.

Hon. Melvin R. Laird,
Secretary of Defense, The Pentagon,
Washington, D.C.

Dear Mr. Secretary: About a year ago I queried our federal government's major departments and agencies on their cost reduction activities, especially as to the degree of utilization of the technique called value analysis or engineering.

My survey revealed that the Department of Defense had by far the most outstanding value engineering program in the federal government, but that it could be beefed up considerably with a resultant substantial increase in savings to the taxpayers of America.

I advised the President's Advisory Council on Management Improvement, chaired by retired Air Force General, B. A. Schriever, of my survey and conclusions suggesting that the technique of value analysis/engineering be applied on a government-wide basis.

Following a follow-up study by the Council, they recommended to O.M.B. that value analysis/engineering be integrated into the government's management improvement program.

Since that time, formalized programs and plans for same have begun to surface in other departments and agencies, namely G.S.A. and H.E.W.

One of the basic conclusions drawn from my original survey was that, for maximum effectiveness, such VA/E programs should be formalized and concentrated and have top-management support and involvement.

In light of that conclusion, I have become somewhat disillusioned with activities in your department.

In fiscal year 1970 your value engineering department saved the taxpayers $1-million per assigned full-time man. That record is great, but as I indicated in my report to the President's Council, Defense Department efforts in this regard should be greatly increased.

Instead, I discover that the program is being cut back considerably. Cutbacks will, of course, tend to reduce total realized savings.

I have been aware for some time that the Air Force Systems Command, which has had the most outstanding value engineering savings effort, was being cut to shreds. And, more recently, I have become aware of further reductions in status and manpower taking place in the Defense Value Engineering Directorate.

Most alarming is that savings goals are being eliminated by some departments at Defense in favor of a do-what-you-will approach.

It is inconceivable to me, that just at the time when this technique and its multi-possibilities for hard audited citizen-savings is being fully appreciated, that your department is reducing its own leadership and savings effort.

I can understand personnel cutbacks for cost sake in nonproductive areas, but I cannot understand cutting back personnel who are producing net savings of an estimated million-dollars per man-year.

In the near future, I intend to take the floor of the House to discuss government cost reduction and management improvement efforts. I hope that I will have something more constructive to report concerning your department's activities in this area, especially in light of your $30-billion in defense procurements.

I'll be looking forward to hearing from you soon.

Most sincerely,
Larry Winn, Jr.,
Member of Congress.

Assistant Secretary of Defense,
Installations and Logistics,
Washington, D.C., April 13, 1971.

Hon. Larry Winn, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Winn: This is to acknowledge your letter of March 18, 1971 concerning Value Engineering in the Department of Defense. There is no question that the proper application of VE can help stretch defense dollars.

In considering the current status of VE in the Department of Defense, certain basic factors must be considered. First, the DoD is making a major effort to reduce reporting requirements and the size of the Office of the Secretary of Defense staff. Second, the role of the OSD staff is being centered on policy guidance and review, with day-to-day decision-making delegated to the Departments wherever practical. Third, participative management techniques are being used more extensively to involve more people in the decision-making process. Fourth, cost is being given more equal priority with performance and schedule in new defense systems.

Most of the specifics you cite are due to the need to realign the VE Program with the above changes in defense management philosophy and practices. A major reduction in the frequency and detail of reporting has already been implemented. This reduction has in turn permitted a reduction in the number of personnel formerly concerned with VE reporting at various staff levels, including the Office of the Secretary of Defense. However, because of your specific comment concerning the Air Force Systems Command, I am asking the Assistant Secretary of the Air Force (I&L) to advise you of the status of VE in that Command.

I appreciate your concern about goal setting. It is true that, under decentralization, the Departments may elect to eliminate some VE goals. This flexibility must be viewed in the perspective of other steps to improve cost control. Actions such as the new priority on cost, the establishment of the Defense System Acquisition Council Review, and Selected Acquisition Reporting are examples of high level attention to this area. These constitute a direct stimulus to Departmental personnel to use cost control methods, such as VE, wherever possible.

The proper use of VE has Department of Defense top management support. This was re-emphasized by Mr. Packard in a recent letter to the Secretaries of the Military Departments. Its importance will be emphasized in appropriate DoD directives now being restructured as a part of the simplification of the Directives System. The Office of the Secretary of Defense staff will continue to review departmental efforts. A senior OSD official is scheduled to review the program's policies and effectiveness near the end of this month.

My office will continue to exercise leadership in Value Engineering to insure its fullest use in support of current actions aimed at improved cost control in the design, development, production, and maintenance of defense materiel.

Sincerely yours,

HARRY J. SHILLITO,

Assistant Secretary of Defense (Installations and Logistics).

BACKGROUND INFORMATION ON REPRESENTATIVE LARRY WINN'S INVOLVEMENT IN VALUE ANALYSIS/ENGINEERING

Surveyed major federal departments and agencies (March 1970) on cost reduction programs and use of value analysis/engineering. Concluded that cost reduction in general and VA/E in particular were not being utilized consistently on government-wide basis. Further investigation revealed that administration was moving ahead to up-grade general cost reduction and management improvement areas.

Recommended to the President's Advisory Council on Management Improvement that VA/E be used on government-wide basis.

Council agreed (July 1970) and recommended to O.M.B. that VA/E be integrated into the over-all management improvement effort.

(Aug. 1970) Winn estimates savings from government-wide use of VA/E of "up to one billion dollars a year."

Winn, one of three members of Congress honored at the first Federal Management Improvement Conference (Sept. 1970). Other two: Rep. Chet Holifield (D.-Calif.) and Rep. John Erlenborn (R.-Ill.).

Cited in first O.M.B. Management Improvement Newsletter as initiator of broader use of value analysis in the federal government.

Management Sciences Training Center of Civil Service, which has scheduled government employee courses in value analysis beginning in September, says of Winn's involvement:

"Value analysis in the management systems area received its major thrust in the Federal Government by Congressman Larry Winn of Kansas. He recognized its potential for improvement in the management of government programs. The Office of Management and Budget has also recognized its potential and is attempting to instill interest in value analysis among government managers."

MANAGEMENT IMPROVEMENT NEWSLETTER

Issued from time to time by the Office of Management and Budget to communicate informally with the management staff of other Government agencies and exchange information that will help reduce costs and increase efficiency in the Federal Government.

PREFACE

This is the first in a series of Management Improvement Newsletters to be issued by the Office of Management and Budget, Executive Office of the President.

It is a vehicle for the "idea interchange" mentioned in paragraph 5, OMB Circular No. A-44, dated February 16, 1970. Its purpose is to spread the word on good management and to exchange ideas—to be an interesting, useful, and informative link between OMB and other Government agencies.

We are sending this newsletter to the management offices of all Federal agencies. Please distribute it internally as you see fit.

We urge everyone to read this first issue carefully. Publication of this newsletter will be continued only if you find it useful, so we would appreciate your comments on this first issue. If you have any questions about the contents, any recommendations for making it a more useful means of communication, or if you have some good ideas that might interest other management people, please get in touch with Brian Usilaner of my staff at (IDS code 103) 395–4850.

DWIGHT A. INK,

Assistant Director.

FEDERAL PRODUCTIVITY TO BE MEASURED

The Office of Management and Budget, the Civil Service Commission, and the General Accounting Office have established a joint project to determine the use of measurement systems in the Federal Government. It is divided into three phases as illustrated in Figure 1.

The first phase is a pilot study effort which got underway April 5, with a meeting of representatives from seventeen Federal agencies to find out the extent to which productivity and work measurement systems are now being used in the Federal Government. Phase 1 is scheduled to be completed by May 27, 1971.

At the meeting agency representatives were given an 8-page "Measurement Systems Questionnaire", with instructions to submit a brief description of measurement systems in use in their agencies, together with representative samples of how those systems are being applied. A summary of manpower coverage is also to be included, showing the number of positions, by type, that are covered and not covered by specific measurement systems.

Four categories of measurement systems have been defined for this project: Overall Productivity Indexes, Work Measures, Unit Cost Measures, and Manpower Planning Measures.

"Overall Productivity Indexes" show the ratio of an organization's physical outputs to its physical inputs. They are derived by dividing labor costs and other significant costs into the number of physical outputs produced each year. The resulting quotient, or productivity index, can then be computed from year to year in terms of constant dollars.

"Work Measures" are based on the individual work units produced within an organization. They are used to compare physical output over given periods of time. The number of pieces of first class mail processed by a Post Office in one hour, for example, can be measured against a given standard to see whether the average output is gaining or declining.

"Unit Cost Measures" are computed by dividing the number of physical work units produced into the total operational costs of a work center.

"Manpower Planning Measures" are a means of forecasting manpower requirements. They are based on workload statistics, activity rates, peakload requirements, safety standards, etc. An example is FAA's practice of staffing Air Traffic Control towers on the basis of peak hour traffic and human stress factors.

Phase 2 is a prototype effort using information gathered during phase 1. It will begin July 1 and continue during fiscal year 1972. Its purpose is to determine the best measurement techniques to use in the Federal Government. These techniques will be tested during fiscal year 1972 for feasibility in selected agencies.

If these measurement techniques are found to be feasible, phase 3 will then consist of the development of guidelines, policies, and instructions for establishing and using basic measurement systems throughout the executive branch on a continuing basis beginning in fiscal year 1973. Phase 3 guidance will be based on the experience gained during the one-year prototype phase.

ANNUAL MANAGEMENT IMPROVEMENT CONFERENCE OKAYED

Mr. George Shultz, Director of the Office of Management and Budget, has approved annual sponsorship by his office of the Federal Management Improvement Conference and the Presidential Management Improvement Awards presentation.

The 1971 Conference will be held in Washington, D.C., September 27 and 28. Invitations are scheduled to go out in July asking Federal agencies to nominate participants.

Theme of the 1971 Conference will be "Presidential Management Objectives." According to Mr. Shultz, the format this year will be changed somewhat "to permit a greater focus on specific management problems."

"Last year's Conference," he said, "confirmed that there is no single, simple solution to the management needs of the Federal Government. The concerted efforts of all are needed to attack the numerous problems facing us."

This year, panels of distinguished and highly capable executives will meet for discussion with small audiences of selected participants. In these discussions, as well as in the plenary sessions, emphasis will be on defining management problems and suggesting solutions. Readers are invited to forward suggestions for Conference topics to: Mr. Brian Usilaner, Office of Management and Budget, Executive Office of the President, Washington, D.C. 20503.

The Presidential Management Improvement Awards ceremony will take place this year on the first day of the Management Improvement Conference, September 27.

OMB Bulletin No. 71-7 of April 7, 1971, specifies nomination procedures to be followed by agencies. Nominations are due to OMB by July 16.

Proceedings of the 1970 Conference have been distributed to all participating agencies. One copy should be given to each participant in last year's Conference. Extra copies should be widely disseminated among other agency management personnel. If more copies are needed, they can be ordered direct from the Government Printing Office (GPO No. 410-609).

OMB CIRCULAR NO. A-44 UNDER REVISION

The Office of Management and Budget is now in the process of revising OMB Circular No. A-44. This is the Circular that establishes a formal Government-wide management improvement program. It was last revised in February 1970. The new version is scheduled to be issued in June of this year. Agencies will be given an opportunity to comment on the Circular in draft form before it is formally issued.

Mr. Norman Peterson of OMB says "the Circular will be broadened to emphasize an agency's 'total management process' ". It will provide agencies with a comprehensive interpretation of the statutory responsibilities of OMB and agencies for management improvement. Improvement of an agency's total management process will be encouraged through the provision of OMB guidelines concerning the various management systems an agency must develop and use as an integral part of its total management process.

The guidelines to be provided by OMB will be in the form of benchmarks which agencies and OMB can use in evaluating progress with the development and use of management systems and related improvement techniques. In evaluating the progress of agencies against these benchmarks, OMB will use a variety of review techniques emphasizing direct and positive feedback to agencies resulting from OMB review. If an agency's management systems and related improvement techniques are meeting appropriate benchmarks, then the agency will be considered to have satisfied applicable statutory requirements.

For example, OMB has statutory responsibility to issue regulations concerning the review by each agency of its operations. The revised Circular will specify in detail the benchmarks which must be satisfied by agency review programs. In addition, the Circular will describe how such a program fits into an agency's total management process and related management systems.

In those cases where guidance on specific management systems and related improvement techniques is already available, the Circular will provide a cross reference to the appropriate authority and requirements.

PAPERWORK REDUCTION PROJECT ENDS JUNE 30

The Government-wide Project to Improve Federal Reporting and Reduce Related Paperwork ends June 30, 1971. Agency reports on savings are due into OMB by September 30.

After review by GSA and OMB, agency accomplishments will be summarized in a report to the President. This report may also offer recommendations concerning the need for continuing efforts in this area, including recommendations for strengthening reports management and control.

An Interagency Steering Group chaired by Mr. W. L. Johnson, Jr., Assistant Administrator for Administration of GSA, has been advising OMB on this project. Other members are Messrs. George Bergquist (DOD), Frank Elliott (USDA), Larry Jobe (Commerce), Ben Posner (USIA), and Charles Sparks (CSC).

A Task Force set up under the auspices of the Steering Group has been reviewing the adequacy of the organizational arrangements, statements of functions, and resources for managing reports and developing reporting systems.

The Task Force is chaired by Mr. Everett Alldredge, Assistant Archivist for Records Management of GSA. The Task Force has worked primarily on developing guidelines for the reports management function. Its recommendations will be reviewed by the Steering Group before being submitted to OMB for possible issuance in the form of a directive.

It is expected that the results of the present Government-wide project and the Task Force's findings will identify what actions must be taken to sustain and extend improvements achieved during the Governmentwide project. Such actions will have to focus adequate attention on the organizational arrangements, functions, and resources for managing reports and reporting systems.

The Interagency Steering Group is establishing four committees composed of selected agency representatives to review the interagency reporting requirements of OMB, CSC, GSA, and Treasury. These committees will take an independent look at this reporting from the viewpoint of agencies that prepare reports for OMB, CSC, GSA, and Treasury. The Steering Group will receive recommendations from these committees which will be passed on to the appropriate agency for consideration.

VALUE ANALYSIS PAYS OFF

At the request of Congressman Larry Winn (Kansas), an investigation was made by the Office of Management and Budget on the potentials of Value Analysis (Engineering) for reducing costs of Government operations. The investigation disclosed that significant savings had been achieved in the procurement of hardware like aircraft, ships, and weaponry. In addition, it was found that sizable reductions can be obtained in technical documentation, reporting systems and related paperwork.

The concept of value analysis was developed during World War II when materials were difficult to obtain and the resulting shortages forced the introduction of many substitutes. The use of substitutes at General Electric, using a functional approach led to the development and incorporation of value analysis techniques into the field of product design. These methods were then adopted to other production processes.

Value Analysis was initiated as early as 1954 within the Department of Defense by the Department of the Navy, Naval Ships Systems Command. The Department of Defense Cost Reduction Program has led to further expansion and utilization of these principles within the Federal procurement field. At this time, many Federal, State, and local agencies have adopted or are considering the advantages of formal programs in their activities.

Value analysis is an organized approach to obtain optimum value for every dollar spent. Through a system of investigation, unnecessary expenditures are avoided or removed and the result is improved value and economy. The approach is a creative effort directed towards the analysis of functions. It is concerned with the elimination or modification of anything that adds cost to an item but is not necessary to its basic function—that is performance, safety, appearance or maintenance. During this process all expenditures relating to procurement, maintenance, operation and replacement are considered. Through the use of the latest technical information regarding new materials and methods alternate solutions are developed for specific functions.

Conventional cost reduction methods are augmented by value analysis. In contrast to simple cost-cutting by making smaller quantities or using less or cheaper materials, an item is analyzed by asking such questions as: What is it? What must it do? What does it cost? What other material or method could be used to do the same job? What would the alternative material or method cost? To arrive at the answers to these questions, an organized methodology and job plan are used.

Federal agencies that have a good Value Analysis program report savings of up to three percent of their operating budget each year. The Department of Defense, for example, has realized over $2 billion in audited savings since 1965.

In 1970 alone, DOD's use of incentive contracts netted savings of more than $72 million. Through incentive contracting, the Government rewards contractors for identifying unnecessary provisions in Government contracts and having them removed.

Savings that result when Value Analysis is applied to large-scale procurements can more than offset the cost of a Value Analysis program.

The following agencies have recently started or augmented a Value Analysis program:

General Services Administration, Public Buildings Services.

Department of Health, Education, and Welfare, Facilities Engineering and Construction Agency.

Department of the Interior, Bureau of Reclamation.

Department of Transportation.

National Aeronautics and Space Administration, Office of Facilities.

Veterans' Administration, Office of Construction.

Next fall the Civil Service Commission plans to conduct a 5-day training course on Value Analysis.

Mr. Charles Peterson, Associate Director of Management Sciences Training Center, U.S. Civil Service Commission, advises that the course will provide an introduction to Value Analysis. It will be directed toward the improvement of management systems (software) rather than hardware. It is intended to provide the student with a practical knowledge of the steps in Value Analysis through experience gained in workshop sessions.

The first course will begin September 27 and run through October 1. Announcements on the course will be released in the spring.

GOOD IDEAS

The following examples of management effectiveness and cost reduction have been culled from management improvement reports submitted by Federal agencies for fiscal year 1970. They have been selected to foster idea interchange. Some show commendable progress toward an agency's goal. Some show keen insight into the selection of performance indicators. Many of them may be useful to other Government agencies. We publish them here in the hope that they will stimulate all agencies to improve the effectiveness of their operations and come up with innovations in economy and efficiency.

The Food and Nutrition Service (FNS) of the Department of Agriculture is working closely with state and local officials to assure free or low-priced lunches for needy children—particularly those who attend schools that lack kitchens or cafeterias. During fiscal year 1970 the number of children who directly benefited from this program rose from 3.9 million to 5 million. A goal of 6.6 million has been set for 1971, and progress to date indicates that it will be met.

The Export-Import Bank of the United States uses as one indicator of its management effectiveness the number of loan applications approved each year. This indicator is also used to figure the average number of applications approved by each loan officer in a year's time. During FY 1970, the Export-Import Bank approved 150 loan applications, an increase of 63 over FY 1969. At the same time, the efficiency of loan officers increased by 87% as they raised the number of loan applications approved from an average of 2.23

in 1969 to 4.17 in 1970. Goals for 1971 have been set at 275 applications approved; and 6.55 per loan officer.

The Post Office reports that management is being strengthened by delegating authority downward to the 15 regional directors and local postmasters. It is a direct result of the Postmaster General's determination "to make the regional offices focal points of efficient business management . . . rather than merely administrative offices following orders from Washington." The Post Office reports good progress in eliminating multi-layering and reducing reports to higher headquarters.

NASA reports an innovative device developed by a technician at NASA's Lewis Research Center. The Federal Water Pollution Control Administration had over 300 oceanographic instruments in use. Each one contained an electro-mechanical timing mechanism. After four or five months of service, one out of every three of these mechanisms was found to be inoperable because of electrical contact deterioration. Replacement of the instruments cost $85 each until a technician at Lewis devised an electronic recruiting system that prolongs the life of reconditioned and new contacts almost indefinitely. The necessary repair now costs about $1.00 per instrument.

The Agency for International Development reports a saving of $181,000 in the cost of transporting jeeps. Competitive airlines estimated that it would take 9 plane loads to fly 50 jeeps to Nigeria using the DC-8 Stretch Jet. An AID employee devised a means of unloading the jeeps sideways rather than lengthwise, which permitted them to be airlifted in only 3 plane loads. The estimated cost dropped from $316,000 to $135,000.

By using cardboard furniture instead of conventional or plywood furniture for its temporary 1970 census offices, the Census Bureau saved $148,000 last year. Almost 30,000 cardboard desks and tables were designed, field tested, and subsequently used at a cost of less than $4.15 each. Plywood units would have cost about $9.00 and the cheapest conventional furniture, almost $25.00 per unit. For this saving, Presidential Management Improvement Certificates were awarded to five Census Bureau employees: Robert Long, Robert Mackoff, Cecil Matthews, Jefferson McPike and Robert Rountree.

While clearing debris behind the Dworshak Dam in order to raise the level of the reservoir, the Army Corps of Engineers came up with a unique idea that is expected to save the government over a million dollars. The conventional method of clearing reservoirs is to cut the growth, collect it, and burn it in place. This is particularly difficult in the precipitous canyon of the Clearwater River. So the Engineers decided to use the flotation method. Trees and other growth will remain where felled until the pool level is raised. As debris floats to the top, it will be swept together by boat and moved to an area where it can be removed and safely burned.

HUD reports that in order to preserve quality, it used to buy toners for copying machines directly from the machine manufacturer. Tests of competitive toners have proved that a lower-priced product will work satisfactorily. A blanket order arrangement with the new supplier now gets quantity discounts on all departmental orders. Annual savings amount to about $10,000.

The Navy Department reports this improvement in telecommunications management. To remove chassis corrosion from Ground Control Approach equipment, all electronic components and wires used to be stripped and completely disassembled. The chassis was immersed in stripper and bright-dip solutions before components and wiring were reassembled. A new dry honing process has been developed which uses a very fine glass-bead abrasive under low blasting pressure to remove all corrosion and clean delicate components. With this method, the Navy cleans large assemblies intact, without endangering circuit elements. The costly steps of disassembly, reassembly, and rewiring, have been eliminated, at annual savings of approximately $289,000.

The Navy reported savings of over $2¾ million in FY 1970 through a new method of loading, blocking, and bracing rail shipments of 500-lb. bombs. The new method allows 36 pallets, each holding six bombs, to be shipped in a box car. Under the former method, only 21 pallets could be accommodated.

The Atomic Energy Commission reports that one of its Quality Assurance survey teams in Albuquerque found that a contractor was making a 100% inspection of all dimensions of three small subcomponents. The team recommended a statistical sampling technique that was put into effect in March 1970. As a result, only 195 of the remaining 46,000 parts which would ordinarily be subject to 100% inspection will be examined. Savings: over $52,000.

Through its own research efforts, the Bureau of Engraving and Printing has developed a new, inexpensive ink for printing food coupons. It is expected to save some $72,000 annually. The Bureau expects to save another $223,000 annually by changing its trimming and perforating operations. These changes will reduce the number of personnel formerly required by 13 and, at the same time, increase the rate of production.

When NASA requested proposals for its Lunar Rover Vehicle, about 30 contractors responded. The cost of printing and distributing the documentation needed by each of these contractors would have run close to $30,000. By sending each contractor a microfilm copy instead of a hard copy of all data, NASA saved $23,350 on this contract alone, and intends to follow the same procedure on future procurements, when appropriate.

At Goddard Spaceflight Center, whenever the head of a tape transport wore out, the Data Processing Branch ordered an entire record-and-reproduce head assembly as a replacement. When one of the technicians found this out, he persuaded the manufacturer to provide head stacks alone. The difference in cost amounted to $850 apiece. An initial saving of $15,880 was realized; there will be savings of about $14,660 per year hereafter.

NASA's facility at Langley has worked out an arrangement with the local electric utility that saved over $35,000 last summer. In exchange for an offer by Langley to relinquish one hour of its peak daily load during June, July, and August, the utility company agreed to provide up to 150,000 KW of off-peak demand at no charge. Test tunnel operations were scheduled from 11 p.m. to 7 a.m. in order to take advantage of the saving.

The use of a magnetic tape typewriter has eliminated a major typing burden for HUD's San Francisco Region. Standard paragraphs are stored on tape and inserted into contracts as the need arises. Rental cost of the machine is $3,000 a year, but its speed and accuracy of reproduction resulted in a 1.8 man-year savings during FY 1970.

The Internal Security Division of the Justice Department expects to save at least ½ manyear (approximately $3,274) with the help of an electronic information retrieval system. The system will not only provide for more complete, error-free research into the backgrounds of individuals and organizations, but will free division personnel to perform other important functions.

Instead of hiring additional guards, the Justice Department is using an electronic guard system to protect the classified contents of certain rooms. This should result in savings of about $14,000 for FY 1971.

The FAA's National Aviation Facilities Experimental Center (NAFEC) at Atlantic City, New Jersey, recently began using a commercially operated semi-automatic $.75 car wash in lieu of the old fashioned $2.50 "sponge-and-bucket" type. With 63 GSA vehicles at NAFEC, this economy produced an estimated annual saving of $4,100.

The average annual cost for AEC contractors to maintain their own record centers is $2.40 per cubic foot, compared with an average of $.57 for storage in Federal Records Centers operated by GSA. In FY 1970, the Albuquerque operations office saved almost $2,000 by transferring about 1,000 cubic feet of contractor records to Federal repositories.

The Arms Control and Disarmament Agency has a new system for controlling Top Secret documents that may be of use to State Department, CIA, and other agencies that handle classified information. For each Top Secret document, a master punch card is prepared, identifying the document by number, title, subject, and originating agency. From the master card, transaction cards are prepared automatically by machine. Several copies of these cards stay with the document at all times. When it is transferred, the recipient always signs one of the cards as a receipt. Receipts, therefore, no longer have to be typed; inventories are prepared automatically; and when someone wants to find out what documents are on the same subject, he can do so in a hurry by machine processing.

Readers are encouraged to contact applicable agency management officials listed at the end of this Newsletter for additional information on any of the items described above.

THE MANAGEMENT EFFECTIVENESS PROGRAM—A REVIEW OF INITIAL REPORTS

The Government-wide Management Improvement Program is based on the following premises:

It is an inherent obligation of each department and agency to strive to maximize the benefits achieved through use of the public resources.

A corollary of this responsibility is the manager's obligation to strive to improve his organization as an even more effective instrument of its functions.

Opportunities for further gains in effectiveness of the organization are ever present and improvement is always possible.

Our review of the initial reports on the management effectiveness segment of the Government-wide Management Improvement Program indicated that, despite the "learning curve" frustrations and difficulties which traditionally affect the quality of first efforts, agency reports, in the main, were in consonance with the above stated premises and responsive to the requirements of Circular A-44. Certainly, the initial groundwork has been laid for rapid progression toward full development and implementation of a realistic and responsive management effectiveness program. It was especially significant to note that some of the smaller agencies, with their limited missions and highly specialized scope of activity, were particularly adept at selecting key areas for evaluation, identifying governing performance indicators and assigning realistic objectives or improvement goals.

Reports from a few of the agencies indicated not only a clear need for further review of the purpose, intent, definitions and guidelines contained in Circular A-44, but also the need for further explanation or amplification of these factors by OMB. For example, the *purpose* and *intent* of the management effectiveness program is to achieve *overall improvement* in the effectiveness and efficiency of Government operations in *significant areas* not necessarily susceptible to measurement or evaluation in terms of dollars saved. Note that emphasis is on achievement of gains in effectiveness of operations as well as on the attainment of efficiency benefits.

Therefore, to be fully responsive to the purpose and intent of Circular A-44, implementing systems and procedures should provide managers with a comprehensive picture of both resources consumed (inputs) and the outputs produced for selected programs and activities (to the extent that inputs are identifiable and measurable against output accomplishments). Analysis of results can then provide a realistic basis for a two-pronged attack on the management problem at hand, i.e., maximizing benefits or performance, and minimizing the cost or resources applied to achieve the specific level of desired performance.

Selection of areas

As defined in Circular A–44, "An area represents a *priority* problem or activity which has been *selected* for coverage under the program." This definition specifies that the areas included in the report should be carefully selected from among those functions or activities which are of most concern to senior managers of the reporting agency. Ideally, they should reflect those key activities directly associated with the basic mission or major program established to carry out the mission.

In selecting areas, it is most important to keep organizational objectives foremost in mind. The advantage in being highly selective in area identification is obvious. Top management need be concerned only with those problems of primary significance; they are brought to the attention of the people with authority to initiate necessary corrective action; results either confirm the validity of current policies or point to need for policy revisions; the responsible managers are aware that their programs are under surveillance by their superiors and react accordingly, and the overall reporting workload is held within reasonable limits.

Such areas as "Suggestion and Incentive Awards Program," "Employee Sick Leave," "Travel," etc. found in some of the reports are areas which, while of certain significance to the agency concerned, are not considered appropriate for management effectiveness reporting to OMB. (Page 28, 1st paragraph, "Proceedings of the Federal Management Improvement Conference," provides additional guidelines on selection of areas.)

Goal-setting

Goals are defined as "approved quantitative objectives representing the desired performance to be achieved during the current fiscal year for a specific area." (This subject is well covered in the Panel 4 portion of the "Proceedings of the Federal Management Improvement Conference," pp. 82–86). Among the goals included in the agency reports were a few that are identified here to illustrate how goals can be sharpened and made more useful.

One area used as a goal was, "Congressional Inquiries Received." This goal is not a valid objective or performance target since the associated workload input is outside of agency control. Further, the comparable performance indicator reflecting the number inquiries received, while a measure of administrative workload, would not provide a measure of effectiveness in handling this type of correspondence. If this workload, in fact, represents a significant portion of the agency's mission, then an appropriate goal could be based on progress in handling these actions, or the processing time involved, e.g., "percent answered within 'X' days," "Congressional actions on hand over 'X' days," etc. A further refinement might be made by considering inputs, i.e., "Replies completed per Action Officer." A similar example was revealed in an agency's goal expressed as "loan requests," which could also be converted to a meaningful goal by the above procedure.

A few goal assignments merely accommodated "business as usual" levels of performance, or projected a reduced level of effectiveness. All goals should contain a built-in incentive for improvement representing a gap between what is customarily achieved and the agency's aspirations for progress. They should reflect the maximum performance that can be expected by the application of sound management procedures and the efficient utilization of existing and programmed resources. In setting goals, it is important that they be challenging but reasonably capable of attainment. A shorting of "progress voltage" becomes quickly apparent when goals are set so high as to be clearly out of reach.

Performance indicators

The selection of realistic and meaningful performance indicators is perhaps the most difficult task involved in implementing the management effectiveness program. Yet, it is the most important because they must adequately reflect the progress and managerial health of the selected areas, and also determine the nature and parameters of goals to be associated with them. Circular A–44 defines performance indicators as "a significant quantitative measure of performance in the problem area which provides the best perspective of the total management effort being applied to the problem or activity." Indicators should be selected in a manner which assures that priority attention is concentrated where the greatest needs exist. They should be carefully selected with an objective of identifying the smallest possible number essential for reflecting an accurate picture of the current level of effectiveness and overall status of progress for a specific area.

Difficulty in selection of representative and governing indicators appeared as the most common problem among the reports evaluated. The following were identified in the annual reports as typical of the problems encountered: Some reports used as performance indicators the full range of report elements included in the feeder report for the area. Others furnished only a ratio or percentage without providing at least one of the two base figures necessary for identifying the scope of the measurement involved. While rates, ratios, percentages, order of rank, range of numbers—all these variations of quantitative expression can be highly meaningful and valid indicators of performance, they are relatively impotent when standing alone.

Conversely, it was noted in a few reports that two or more indicators were used to reflect base data which were ideally suited for conversion to more meaningful ratios or percentages. Additionally, goals were assigned to each indicator, although conversion, as indicated above, would permit elimination of the separate goals in favor of a single goal associated with the resulting ratio or percentage. Further, there was noted a tendency to assign goals to each report element even though, in some instances, the goals were counterproductive, i.e., one goal could not be achieved without missing the other. In these situations, only the most significant and governing indicators should be assigned goals.

Although occurring in only isolated instances, there was some evidence of a lack of understanding or misinterpretation of the term "performance indicator." Perhaps the best way to clear this up is to associate the term with a few of the more common indicators we are confronted with in our everyday life such as the Dow Jones averages, Unemployment Rate, Gross National Product, Consumer Price Index, etc. Moving a step closer to indices of more concern to us as individuals, consider "par" for the golfer, "averages" for the bowler, "price/earnings ratios" for the investor, and "miles per gallon" for the motorist. The significant feature of all of these is their universal ability to present the relative standing or current status of a given area of concern in simple and meaningful terms without recourse to large numbers of reports and volumes of associated data.

Some reports reflected inputs and related outputs separately with goals assigned to each, thereby missing an opportunity to strengthen the report, provide a better indicator, and reduce goals and reporting workload by the simple procedure of reducing the two elements to a single indicator. Using an example, here is how it could be done. Let's say an agency has a fleet of aircraft and, as would be expected, persons responsible for keeping the aircraft in flyable condition. The benefit or product from the aircraft can be measured in terms of "flight hours" in use. A key input to this accomplishment would be the number of maintenance manhours required.

Here we have manhours (inputs) and flight hours (outputs) which are actually two independent but related variables and both can be measured. A simple conversion of these two elements of data into "maintenance manhours per flying hours" (MH/FH) produces a more meaningful performance indicator. Now we have an indicator that represents a measure of effectiveness considered significant in support of a fleet of aircraft. An undesirable MH/FH value, as measured against the assigned goal or targeted standard of performance, signals to management and support elements that corrective action must be taken so that a more desirable manhours per flight hour value can be achieved.

Summary

In summary, the purpose of this article is to give agencies the benefit of our findings from our review of the initial report, and without resorting to a cook-book procedure, provide constructive guidance to assist the agencies in a self-analysis of their management effectiveness program so that implementing systems and procedures may be strenghtened to provide meaningful reports which reflect progressive gains in effectiveness. In this way, top management from the levels of the President, the agency heads and their major division heads can get a clear and concise picture of the major problems hindering effective accomplishment of functions and objectives, validity of policies currently in effect, actions needed to overcome deficiencies, and the degree of progress being made in resolution of the identified problems.

Top management must know how the organization is doing. In Government, especially, even the smallest agencies have to know whether they are merely marking time or moving fast enough in the right direction. No manager in any department or agency can afford to live in a vacuum. One that claims he can get by without performance data, or insists that all possible improvements have already been made, is simply not managing. He is reacting. He cannot plan without data—he cannot make sound decisions without data. That means reports. It does not mean unnecessary reports. It does not mean reporting trivia. It does mean relevant reports. It does mean careful selection of areas, establishment of challenging but realistic goals, and reporting in terms of a small number of meaningful performance indicators.

As stated earlier, a good start has been made in implementation of the management effectiveness program. With continuation of the enthusiastic and conscientious response evidenced thus far, it is clear that progressive improvement can be expected in subsequent reports with resultant gains in Government-wide management effectiveness.

SELECTED BIBLIOGRAPHY

A list of titles that are representative of current thinking in the field of management nd the improvement of management systems, as well as papers reflecting current management policies of the Administration are provided in the following annotated bibliography.

Ash, Roy L. "Reorganizing the Executive

Branch for National Economic Growth." (In *Conference Board Record*, April 1971, v. 8, p. 7–9.)

The Chairman of the President's Advisory Council on Executive Organization reviews existing Executive Branch organization for economic affairs and discusses the Council's proposal for a Department of Economic Affairs.

Ash, Roy L. "Why the Federal Government Needs Restructuring." (In *Fortune*, March 1971, v. 83, p. 64+.)

The Chairman of the President's Advisory Council on Executive Organization outlines the attributes of an Executive Branch structure suited to the needs of the present and the reforms proposed by PACEO to restructure Federal agencies to conform to these attributes.

Downs, Anthony. *Inside Bureaucracy*. Boston, Little, Brown, 1967. 292 p. $6.50.

Offers a set of propositions about how bureaus and bureaucrats behave. "While much of the theory is familiar, it is expertly organized and presented . . . Some portions are highly original and valuable, including . . . some much-neglected subjects such as the life cycle of bureau, the five types of bureaucrats and their incidence and behavior, bureau territoriality, and bureau ideology."

Drucker, Peter F. *The Age of Discontinuity: Guidelines to Our Changing Society*. New York, Harper & Row, 1969. 394 p.

"Four major areas of 'discontinuity' are cited: the explosion of new technology that will produce major new industries; the change from an international to a world economy; a new 'society of organizations'; mass education and its implications for work and leisure. Singled out as the most important is the changed position and power of knowledge, which has become America's central resource, its true factor of production."

Federal Management Improvement Conference, Washington, D.C., 1970. *Proceedings*. Sponsored by the Office of Management and Budget, Washington, U.S. Govt. Print. Off., 1971. 184p. $1.00 GPO No. 410–609.

Papers and discussion deal with management demands of the future, the impact of technology, labor-management relations in government, applying the systems approach to management problems, establishing goals and measuring effectiveness, evaluating agency management, managing organization change and motivation.

Ink, Dwight A. "The Challenge of Management in the 1970's." (Paper presented at the *United Nations Interregional Seminar* on the use of Modern Management Techniques in the Public Administration of Developing Countries, Washington, D.C. 27 Oct.–6 Nov. 1970. Washington, Office of Management and Budget) 1970. 14p.

Examines elements of management which need special emphasis in the new decade. Focuses particularly on the need for receptiveness to change, the contribution of systems analysis, and the importance of new technology, organizational flexibility, and managerial responsiveness.

Kast, Fremont E. and James E. Rosenzweig. *Organization and Management: A Systems Approach*. New York, McGraw-Hill, 1970. 654p. $10.95.

Provides "in-depth understanding of how a systems approach can provide a framework for unifying traditional thought, management science, and behavioral theory." Discusses goals and values of organization, decision-making processes, the role of technology, and its relation to organizational structure and management.

U.S. President. (Richard M. Nixon) "Executive Reorganization: the President's Message to the Congress" . . . March 25, 1971. (In *Weekly Compilation*, Mar. 29, 1971, v. 7, p. 545–560.)

For remarks by the President, Secretary of the Treasury, John P. Connally, and Associate Director of the Office of Management and Budget Arnold R. Weber at a news briefing on the message, see p. 541–545 of the same issue.

In addition to these books that may be available in your libraries as well as from the publisher, the following pamphlets and periodicals are put out by various agencies for the purpose of publicizing their own management improvements and passing the ideas on to others. Copies may be obtained by calling the respective departmental representatives listed at the end of this issue.

Department of Defense, *Ideas for Managers*. A summary of thousands of tested savings ideas.

Department of Defense, *Defense Management Journal*. Presents as a regular feature a select group of cost reduction and management improvement ideas for both crossfeed and motivational purposes.

National Aeronautics and Space Administration, *NASA BITS*. Brief Ideas, Thoughts, and Suggestions concerning management improvement, along with identification of responsible individuals and activity location.

Department of the Treasury, *Progress in Management Improvement*. This is an annual report pamphlet. It provides some crossfeed items and includes a section entitled "Better Way."

Atomic Energy Commission, *Cost Reduction Abstracts*. Purpose is primarily to stimulate ideas and innovation, but also contains a number of actions appropriate for idea interchange.

REFERENCE LIST OF MANAGEMENT IMPROVEMENT OFFICIALS

We are furnishing this list in order to encourage direct communication among agency management staffs. The following officials have been identified as having either a policy or operating role in their agencies' management improvement efforts.

Agency, official, and telephone

Agency for International Development: Lane Dwinell, 632–8298; Manlio F. DeAngelis, 632–0216.

Agriculture, Department of: A. Devlin, 737–6275; Ken Hatch, 737–6111.

American Battle Monuments Commission: William Ryan, OX3–6067.

Arms Control and Disarmament Agency: Stamford Mentor, 632–9472; Richard Durham, 632–9504.

Atomic Energy Commission, Bill Slaton, 973–5414; Wade Palmer, 973–4293.

Central Intelligence Agency: John M. Clarke, 351–5477.

Civil Aeronautics Board: Troy B. Connor, 382–4248; Oscar Disler, 382–7624.

Civil Rights, Commission on: Bert Silver, 382–3411; John Birkel, 382–2416.

Civil Service Commission: Ray Mondor, 632–4596; Michael Hinds, 632–4596.

Commerce, Department of: William Rapp, 967–3707.

Defense, Department of: Harrell Altizer, OX5–2221.

Economic Opportunity, Office of: Robert C. Cassidy, 254–5330; Brent Peabody, 254–6174; Edward F. King, 254–6168.

Emergency Preparedness, Office of: Gaston Choniere, 395–5706.

Equal Employment Opportunity Commission: Martin Alexander, 343–9385; Sally Crocker, 343–9385.

Export-Import Bank of the United States: Francis Collins, 382–1168.

Farm Credit Administration: E. A. Jaenke, 388–6937.

Federal Communications Commission: B. Kahn, 632–7513.

Federal Home Loan Bank Board: Dick Griebenow, 386–6145.

Federal Maritime Commission: Andrew Drance, 382–3496.

Federal Mediation and Conciliation Service: Lowell M. McGinnis, EX3–3511.

Federal Power Commission: Marsh H. Moy, 386–3531; Afton P. Mitchell, 386–6296.

Federal Trade Commission: John Delaney, 962–8581; Monroe Day, 962–8581.

Foreign Claims Settlement Commission: Francis T. Masterson, DU2–2902; Donald H. Baxter, DU2–2902.

General Services Administration: David Levine, 343–2989.

Health, Education, and Welfare, Department of: Leo Holland, 963–5472; Russell Hess, 962–4065; Phil Asher, 963–7981.

Housing and Urban Development, Department of: Ward Elliott, 755–6102; John Richie, 755–5294.

Indian Claims Commission: David Begelow, 382–6433.

Interior, Department of the: John Pearson, 343–5915.

Interstate Commerce Commission: M. D. Jackson, 737–9765, X–434.

Justice, Department of: Leo Pellerzi, 739–3101; Herman Levy, 739–3267.

Labor Department of: Edward Salner, 961–2721; Arthur M. Leib, 961–2485.

Management and Budget, Office of: Brian L. Usilaner, 395–4850; Norman S. Peterson, 395–4850.

National Aeronautics and Space Administration: Ray Einhorn, 963–3241.

National Aeronautics and Space Council: Russell W. Hale, 395–3556.

National Council on Marine Resources and Engineering Development: E. L. Dillon, 395–3104.

National Foundation on the Arts and the Humanities: Paul P. Berman, 382–7504.

National Labor Relations Board: Clarence Wright, 382–5263.

National Mediation Board: Thomas A. Tracy, 343–8771.

National Science Foundation: Jack Kirsch, 632–4026.

National Water Commission: Robert Baker, 557–1964.

Panama Canal Company: W. M. Whitman, 382–6453.

Peace Corps: John Donahue, 382–2496.

Post Office Department: James Hargrove, 961–8223; Roland Wendel, 961–8444.

Railroad Retirement Board: Jeremiah Walsh, RE 7–1780.

Renegotiation Board: Harold Stone, 382–7073; Harry Geserick, 382–7073.

Securities and Exchange Commission: William E. Becker, 755–1114.

Selective Service System: John D. Dewhurst, 343–7725; Capt. Donald Russell, 343–7135.

Small Business Administration: Robert Belloni, 382–4961; Bronnie Lowey, 128–5027.

Smithsonian Institution: John Jameson, 381–5221.

State, Department of: James Falsone, 632–3484.

Subversive Acts Control Board: Margrette Burgess, DU2–6251.

Tariff Commission: Kenneth Mason, 628–1272.

Tennessee Valley Authority: Jacob Vreeland, 343–4537.

Transportation, Department of: John McGruder, 426–4774; Don Keil, 426–4747.

Treasury, Department of the: Elton Greenlee, WO4–5621.

U.S. Information Agency: Walter W. Jones, 632–4946.

U.S. Soldiers' Home: Raymond A. Gritton, 726–9100; X–331.

Veterans' Administration: John J. Williams, DU9–3473.

ETHNIC HERITAGE STUDIES

The SPEAKER pro tempore (Mr. EDMONDSON). Under a previous order of the House the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, I would

like to take this opportunity to recognize and commend my colleagues who have united in an effort to broaden the base of "black studies" in our schools to include the cultural heritages of all ethnic groups in our Nation, beginning in the elementary schools and extending throughout our secondary levels.

This business of living together begins very early in life, if I may be permitted to bring that profound observation again to our attention, and all who live together need to know about each other in order to relate harmoniously in a heterogeneous society such as ours. The experiences of group interaction and emotional adjustment which most of the people in our country share during their school years constitute some of the most important influences in the shaping of the character of our Nation. Therefore, everyone should have the opportunity, beginning early in life, to study and learn about his own heritage as well as the cultural heritage of all the different groups that make up the ethnic fabric of this great country.

There is evidence in every section of our country that many of our schools on the college and graduate levels are now including "black studies" as required or elective courses, and they are endeavoring to teach American history as it has happened and as it is continuing to happen—with the black American more in perspective. I am sure, for the highest good of America, we all hope this trend will continue to grow with all deliberate speed, for as one black educator has put it:

> Teaching about the blacks in American History is no longer a question of relevancy; it's a question of survival.

American history in the past made of the black American a nonentity. In fact, as far as the pages of American history are concerned, black Americans almost became invisible between the Reconstruction period and the advent of the civil rights movement of the past two decades.

"American History" written without naturally and factually including full and accurate reference and respect for the evolutionary involvement and the unique unfolding of all of its ethnic counterparts makes the designation not only a misnomer, but an absolute mockery. It otherwise represents but an elaborate diary or chronology of activities of the favored majority whose emissaries for self-aggrandizement wield the pen.

History is history, and American history is American history, and those who write it and those who teach it must "tell it like it is," or it is not what it is said to be, and everyone is the loser for it.

There is no black, red, brown, yellow or white history. There is however one history of all the people of this Nation.

I submit that courses, in "Negro History" and "black studies" have come about because of the systematic exclusion of blacks from the mainstream of American life and from the books and historical accounts of the development of our country; also because of the vitally needed effort to repair the resulting damage done to the moral, social, and economic fibre of the country.

However, the job of restoration and reeducation can only be partially done on the college and graduate level. There, in addition to self-enlightenment, we can at least hope to provide specialized courses for teachers, who we hope will realize the importance of the subjects and with dedication will teach, guide, and direct our children in the elementary and secondary social studies curricula and history courses required of every child in our public schools.

The children of today are America's hope for the future. Therefore, each child must be given, early in life, the opportunity to experience the past through the pages of history—truly recorded. That opportunity, hopefully, will form the basis for a resulting privilege—that of experiencing the present in harmonious relations with fellow citizens and with mutual respect for the cultural heritage of each other, which a true knowledge of the past actually affords.

True knowledge not only informs but inspires. Stated differently, true knowledge of the past stimulates awareness of one's own cultural heritage and provides a philosophical premise on which all citizens can meet the challenges of the day in peace and with respect for each other. Herein lies a great hope for greater achievements in the future for a stronger, more creatively productive, and unified America.

Mr. Speaker, I wish to join those of my fellow Members of Congress who share this great vision for our country and who previously cosponsored legislation so described and designed to achieve this great purpose. In that legislation I would recommend but one change.

The title of the bill presently reads:

> To provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation.

The change I recommend is that the word "all" be substituted for "the major" in reference to ethnic groups in the Nation.

And so at this time, I would like to introduce this identical legislation, except for the aforementioned one-word substitution, and append to my remarks a full copy of the bill with the change shown therein for others of our colleagues who, I trust, will join in this pursuit of happiness in America as a realizable objective through education.

H.R. 7897

A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of all ethnic groups in the Nation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Ethnic Heritage Studies Act of 1971."

Sec. 2. The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE STUDIES

"STATEMENT OF POLICY

"Sec. 901. This title is enacted in recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace. It is further enacted in recognition of the principle that all students in elementary and secondary schools of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group. It is the purpose of this title to assist schools and school systems in affording each of their students an opportunity to learn about the nature of his own cultural heritage, and those in which he has an interest, and to study the contributions of these forebears to the Nation.

"ETHNIC HERITAGE STUDIES PROJECTS

"Sec. 902. The Commissioner is authorized to arrange through grants to public and private nonprofit educational agencies and organizations for the establishment and operation of a number of ethnic heritage studies projects, reflecting the readily identifiable ethnic groups represented in the population of the United States. Each such project shall carry on activities related to a single culture or regional group of cultures.

"AUTHORIZED ACTIVITIES

"Sec. 903. Each project provided for under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools which deal with the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group with which the project is concerned, and the contributions of that ethnic group to the American heritage.

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools throughout the Nation, and

"(3) provide training for persons utilizing or preparing to utilize the curriculum materials developed under this title.

"ADMINISTRATIVE PROVISIONS

"Sec. 904. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of museums and of colleges and universities, (2) the special knowledge of ethnic groups in local communities, and (3) the expertise of elementary and secondary school teachers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of funding and operating the projects, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 905. There is authorized to be appropriated to carry out this title for the fiscal year ending June 30, 1972, the sum of $20,000,000, and for the fiscal year ending June 30, 1973, the sum of $30,000,000."

AMERICA OWES A DEBT OF GRATITUDE TO THE DEDICATED AND COURAGEOUS POLICE OFFICERS OF OUR NATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, today, more than at any time over the past century, we all owe a debt of gratitude to the dedicated and courageous police officers of our Nation.

For all too long now, they have been the primary targets of the law violators and the subversives. And more and more, they are being required to perform their jobs in an atmosphere of growing hostility from all segments of American society. Unfortunately, there is widespread conviction among many policemen that they are the unappreciated scapegoats for society's ills, and that, if they do not stand up for themselves, nobody will stand up for them.

Well, I want to stand up for them today.

There is far too little public recognition of the strain and assault under which police live and operate. Their work has grown increasingly dangerous over recent years. They have been criticized, verbally attacked, scorned, termed "pigs," not only by dissidents, but far too often by members of the community who ought to know better.

Given the danger of their work, given their indispensable importance to society, they are often seriously underpaid and all too often are subjected to malicious charges of "police brutality."

In more personal terms, the policeman is an American citizen, a human being, and a man or woman undertaking a difficult professional career. The 99.9 percent or more who honor their oath, respect their badge and uniform, and do credit to their force and to community standards, vastly more than offset the small percentage who disgrace themselves and their fellow officers by committing crimes on their own. A very small fraction of policemen ever discredit the uniform or misuse the public trust.

A policeman today is a composite of many qualities. He is the most wanted, while at the same time, he would like to be the most unwanted; one of the most underpaid, while expected to be the most honest; he must understand intricate Supreme Court decisions that even lawyers do not understand; he must maintain his composure while those around him are losing theirs; he must have patience, courage, good temperament and all the rest and, frankly, I do not know how he does it.

He must settle differences between warring individuals so each party believes that he won the battle. He must know how to stop bleeding, start breathing, revive the near-dead, bind up wounds, splint broken bones, and act as father confessor. He must measure up to the sternest standards of society.

If he is polite, he is pegged as an easy mark; if he is hard-nosed, he is called a Fascist; if he is overly friendly, he is "on the take"; and if he is not friendly, he is called discourteous.

Physically, a policeman must be able to subdue persons twice his size without soiling the suspect's clothing or being brutal. If you hit a policeman, he is a coward. If he hits you after you bounce a brick off his skull, he is a bully.

And then when some young punk shoves his dirty beard and foul breath into an officer's face and calls him a "Fascist," a "pig," or some other abusive name, or spits in his face, he must control his patience and be able to look calmly over the head of his antagonist.

And after all is said and done about cutting his pride and character up into little pieces, a policeman's only reward is to know that he stood tall through the dull monotony and deadly danger, to protect those persons who cherish human life from those who degrade it.

If we turn into a nation that does not care about dignity and respect for law and order and does not care about the brand of protection our police can offer, then we deserve nobody's sympathy.

The debt and obligation that all law-abiding Americans owe their policemen is one that we can only partially pay by giving them our continuous cooperation and good will.

WITHHELD FUNDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, on April 27, the distinguished majority whip, Mr. O'NEILL, took the well of the House to sharply criticize the Nixon administration for withholding about $12 billion in funds appropriated by the Congress. He charged by withholding these funds the President is showing a callous indifference to the critical problems of our cities, to the high levels of unemployment and other difficulties which currently plague the economy, and to the rights and prerogatives of the Congress.

In rising in response to the gentleman from Massachusetts, I certainly do not propose to defend every last penny of appropriations that have been frozen by the administration nor to argue about the complicated question of executive authority to impound funds. Rather, my purpose is to point out that in pressing this issue so vocally and indignantly, the leadership of the other party has fallen into no small amount of contradiction, confusion, and, I might even say, hypocrisy.

To begin, the distinguished majority whip complains with an air of incredulity that President Nixon "now refuses to spend this money and, in effect, vetoes these important programs without telling the American people that he has done so. He gives the appearance of supporting these vital projects and yet destroys them while refusing to fund them."

The implication is that President Nixon is engaged in some unprecedented, devious scheme to mislead the American people about his true intentions. Yet, surely the distinguished gentleman knows that impounding of funds, right or wrong, is a practice of longstanding by Presidents both Republican and Democrat. In fact, President Roosevelt probably used this tool more aggressively than any other President.

Nor is the $12 billion being withheld by the administration unprecedented in terms of the amount involved. Mr. Speaker, I have checked the figures for the last 10 years and find that as a percentage of Federal expenditures, and surely this is the most relevant figure for the purposes of comparison, President Nixon is withholding no more money than did his Democratic predecessors. Yet, I recall hearing no cries of Executive usurpation when President Kennedy withheld funds amounting to 6 percent of the Federal expenditures in 1962 or when President Johnson withheld funds amounting to 6.7 percent of expenditures in fiscal year 1967. I include a chart indicating funds impounded both in dollar amounts and as a percentage of overall expenditures be included at this point in the RECORD. I think it clearly indicates that President Nixon is doing nothing so unprecedented or misleading as the distinguished gentleman would have us believe:

Year	Expenditures (billions)	Funds withheld (billions)	Percent
1962	$106.8	$6.5	6.07
1963	111.3	4.5	4.04
1964	118.5	4.2	3.50
1965	118.4	5.6	4.70
1966	134.6	8.7	6.50
1967	158.2	10.6	6.70
1968	178.8	9.9	5.02
1969	184.5	9.6	5.60
1970	196.6	11.5	5.80
1971	212.8	12.8	5.40
Average			5.43

Mr. Speaker, in order to veil the partisan motivations behind this attack on the administration, the other party has loudly championed the needs of our decaying urban centers, implying that withholding the $12 billion is a direct blow to efforts to find solutions. The gentleman said:

> There is not a person in the country that does not acknowledge the fact that our cities desperately need help, and if they are not helped soon, life in our urban centers will become unbearable and the cities will—in our lifetime—fall . . . (yet) the Office of Management and Budget has withheld billions of dollars of funds for the cities.

The clear implication is that by withholding these funds, the President is clearly indicating that his priorities are badly out of line with the needs of troubled urban areas.

Mr. Speaker, I recently had occasion to read a document published by the Urban Coalition entitled "Counterbudget." I think there can be little dispute that the Urban Coalition is one of the major spokesmen for the needs of urban America and that Counterbudget is one of the most sophisticated documents available on how the priorities of the Federal Government could be reordered to more fully reflect urban needs. To be sure, there is much in that document with which I disagree, but the point I want to make is that it expresses quite well the viewpoint and priorities of those who champion urban interests.

I found it interesting to note that the authors of this document did not simply cry for a reordering of national priorities in the usual, vague, rhetorical manner, but identified specific areas of expenditure in which substantial reductions might be made in order to obtain additional revenues for higher priority programs in other areas. In particular, they singled out the following "low priority" areas: military and defense; agricultural subsidies; maritime subsidies; public works on inland waterways; impacted aid—education; highways; and space.

Now what is striking about this list is

that almost 61 percent of the funds currently being withheld are for programs in these areas. Thus, we get the strange anomaly of the leadership of the other party demanding, in the name of urban America, immediate expenditure of funds, 61 percent of which have been identified by the leading pro-urban lobby as of "low priority" for urban needs.

In pointing this out, I am not suggesting that the Counterbudget has the final word on urban priorities, but I think these figures indicate that the banner of urban needs under which the Democratic leadership has loudly marched in this latest attack on the administration is a pretty transparent banner indeed. I ask that the following chart, demonstrating the amount of money being withheld in areas identified by Counterbudget as being of "low priority" for urban needs be included at this point in the RECORD:

Counterbudget "low priority" program	Amount currently being withheld (millions)	Percent
Military and defense	$1,527	
Farm subsidy	46	
Maritime subsidy	109	
Inland waterway public works	57	
Impacted aid (education)	10	
Highways	6,071	
Space	20	
Total	7,840	61.62

Mr. Speaker, the gentleman further asserts that the impounded funds should be spent to reduce current economic slack and unemployment. I would certainly agree with the gentleman that when we are faced with economic conditions like those at present, there is need for a fiscally stimulative budget. But I would also contend that there is need for fiscal discipline, and that the notion of a balanced full-employment budget is the best way to reconcile these two needs.

In his budget message, President Nixon stressed that his administration has adopted "the idea of a full-employment budget in which spending does not exceed the revenues the economy could generate under the existing tax system at full employment." This full employment balance provides a convenient measure of whether further spending or more restraint is needed at any particular time. It also provides a good benchmark for determining whether funds withheld by the executive can be justified in terms of their impact on fiscal policy. If spending is already at the full-employment budget level, the case can be made, I think, for withholding funds in order that an inflationary full-employment budget deficit is not incurred. At the same time, if we are running a full-employment budget surplus in a time of slack and unemployment, the withholding of funds that could bring spending up to the full-employment balance would be much more difficult to justify from a fiscal point of view.

Mr. Speaker, in the early sixties the economy was in much the same condition in which we find it today; in both situations, economic conditions clearly indicated need for a full-employment balance in order to provide fiscal stimulus. The following chart compares the Kennedy and Nixon administration's policies in terms of spending and the full-employment budget. It clearly indicates that President Nixon has withheld funds that if spent would throw the full-employment budget far into deficit. I find it interesting to note that funds withheld by President Kennedy came at a time when there was both considerable economic slack and a high full-employment surplus. Therefore, if we accept the notion that spending ought to equal the full-employment balance, his failure to spend available appropriations had much less fiscal justification. Of course, we heard nothing from the other party then on how impounding funds represented callousness and indifference to unemployment and economic sluggishness.

Mr. Speaker, I would ask that the following chart be included in the RECORD. The first column indicates the full employment surplus for fiscal years 1962–64 and 1970–71. The second indicates the amount of funds withheld by the executive as of June in which the year ended. The third column indicates the amount that could have justifiably been withheld in order not to exceed the full-employment balance. And the final column indicates the percentage of funds withheld that could be justified on fiscal grounds; that is, column three as a percentage of column two. The clear conclusion is that the Nixon administration is on much more solid fiscal basis in its spending policy.

In making this point, I in no way mean to imply that in order to maintain a full-employment balance, the executive has the arbitrary right to impound funds. But if there is indeed authority to withhold funds, and this seems to be a longstanding practice, then fiscal considerations are important.

The chart clearly shows that most of the funds—82 percent and 100 percent for fiscal year 1970 and 1971—withheld by the Nixon administration indicate clear fiscal considerations. The same cannot be said for the Democratic administration in 1962, for example, in which only 2 percent of the funds withheld could have been justified on the grounds that their release would have thrown the budget into a full-employment deficit.

Year	(1) Full-employment surplus (billions)	(2) Funds withheld (billions)	(3) Funds withheld in excess of full-employment balance	(3) as percent of (2)
1962	2.4	6.5	4.1	63
1963	4.4	4.5	.1	2
1964	2.1	4.2	2.1	50
1970	2.1	11.5	9.4	82
1971	0	12.8	12.8	100

Finally, Mr. Speaker, the gentleman from Massachusetts charged that rather than promising $5 billion in revenue-sharing tomorrow in order to meet the needs of our cities, the President should release the impounded $12 billion today. Yet, a very small portion of the funds being frozen have anything at all to do with city budgets. The three major programs which are oriented to urban needs—model cities, public housing, and water and sewer grants—amount to only 12 percent of the total. And of this, $942 million is for public housing which is funded through a separate housing authority not usually included in the cities operating budget, and another $200 is for long-term facilities. But the real fiscal crisis in our cities today is the fact that day-to-day operating expenses for schools, police, fire, sanitary, and the like cannot be met. It is in this area that revenue-sharing money is most critically needed. As with so many other proposed "alternative" to general revenue sharing, the release of currently impounded funds would not bring relief where it is most needed.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Fifty-one years ago, 102,128 cases of smallpox and 498 deaths from smallpox were reported in the United States. Due to the advancement of medical technology not a single case has been reported in the United States since 1949.

AMERICAN VOLUNTARY ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, in our consideration of foreign assistance programs, one type of aid is frequently overlooked: the efforts of many American voluntary organizations in carrying out humanitarian projects overseas preceded the Federal Government's efforts, which are generally dated from the time of World War II.

As is apparent, the needs of our fellow nations are varied—needs rooted in economic underdevelopment, in the deprivations caused by natural disasters, and in the disruptions of wars—and the work of voluntary agencies has been structured accordingly. Of great interest is that the agencies operate a broad range of programs, from agricultural development, education, vocational training, and community development to family planning, health services, and nutrition.

The work of our voluntary organizations in meeting the needs in these areas not only makes available to the recipient countries our more abundant resources but also makes manifest the concern of individual American citizens for other peoples of the world. Representing the interest and support of millions of Americans, these organizations include the overseas arms of major religious groups as well as other programs such as CARE and Project Hope.

On May 14 of this year, the Advisory

Committee on Voluntary Foreign Aid completes 25 years of service as an intermediary between voluntary aid agencies and the U.S. Government. On April 7, I introduced House Concurrent Resolution 264, expressing the sense of the Congress that the American voluntary aid agencies be commended for their humanitarian efforts to relieve distress and to create a better life for less fortunate peoples of other nations. The resolution also urges the President to designate the week of May 10, 1971, as "Voluntary Overseas Aid Week." It is my hope that Congress will act favorably on the resolution, thus recognizing the excellent work and the dedication of many Americans in making voluntary foreign assistance possible.

STOP ILLEGAL DRUG IMPORTS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, Representatives RANGEL, DELLUMS, and I have been joined by 61 of our colleagues in the introduction of H.R. 7821, a bill to prohibit economic assistance to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States.

INTRODUCTION

If heroin was produced in this country, we could take those measures necessary to shut off the source of the narcotic. But the opium poppy, the plant from which heroin is made, is not grown in the United States. An estimated 40 tons of heroin is smuggled into the United States each year. This heroin comes from opium grown in the Middle East, Mexico, and, to a lesser extent, the Far East. The more than 100,000 Turkish farmers engaged in poppy growing will be harvesting another crop in a month or so.

To avert disaster we must find ways to choke off at the source the illicit flow of narcotics.

A halt in our economic assistance to some foreign governments can be an effective tool in halting the flow of illegal narcotics. The very nations that have failed to stop the illegal traffic of narcotics across their boundaries into the United States are major recipients of our aid.

Need for this legislation according to a top American narcotics agent:

> We're dealing with an epidemic.

There are estimated to be more than 200,000 narcotics addicts, with the number constantly growing. The price of addiction to hard drugs is staggering. In terms of health, drug abuse is the major cause of death in New York City for those in the 15 to 35 age category. In terms of thefts, the Justice Department estimates that approximately $1.5 billion was stolen in 1969 to pay for the hard drugs used by addicts.

If we accept this figure, it is more than 10 times the $135 million the Federal Government will spend in 1971 to combat all forms of drug abuse. The cost of crime related to illegal hard drugs even exceeds the cost of all forms of Federal law enforcement: the Federal courts and prisons, the FBI, and all activities of the Justice Department.

Drug addiction is estimated to cause half of the crimes committed in the District of Columbia—the Nation's Capital. The District of Columbia Government has found that, only four blocks from the White House, 36 percent of all young men between 20 and 24 are heroin addicts.

EFFECTIVENESS OF PRESENT U.S. CONTROL EFFORTS

The head of the Bureau of Narcotics and Dangerous Drugs at the Justice Department, John Ingersoll, has pointed out that the only limitation on the smuggling of illegal narcotics into this country is the imagination of the smuggler. It has been estimated that there are 32,000 places on a freighter where drugs could be hidden. Similarly, there are about 220 million people passing through our ports each year, hopelessly more than the number of customs agents hired to inspect their baggage.

In 1970, 3,383 pounds of opium were seized compared with 290 pounds in 1969. Yet, these are tiny amounts when matched against the 40 tons estimated to be entering the country each year, smuggled in everything from ski poles to the official diplomatic mail.

It is clear that increased narcotics and customs personnel, no matter how efficient will not be able to stem totally the flow of illicit heroin into our country. Harvey Wellman, special assistant for narcotics matters to the Secretary of State, recently said that even with the most effective law enforcement program conceivable, only about 10 percent of the illegal drug traffic could be stopped.

EFFECTIVENESS OF INTERNATIONAL CONTROL EFFORTS

If the drug import problem is beyond the control of our own law enforcement agencies, what of international control efforts?

Countries which legally produce raw narcotics are obliged to keep the International Narcotics Control Board, a part of the United Nations, informed of estimated production and stockpiles. The Board also keeps close tabs on legal requirements throughout the world. When production exceeds demand, the Board is supposed to negotiate cutbacks with the producing countries involved.

Valuable though all this may be, it does nothing to touch the vast illegal narcotics production. This production, according to the INCB, is extensive and amounted to some 1,200 tons in 1965.

Though the U.N. agencies may have done good work, they are powerless. The U.N. is no more than a collection of diverse governments. Despite cajoling, nudging, and snapping by the U.N., it is upon individual governments that the responsibility for cutting back narcotics production primarily falls.

EFFECTIVENESS OF OTHER COUNTRIES' CONTROL EFFORTS

A quick rundown of the major opium-producing countries' efforts to control illicit production and export does not leave much grounds for optimism concerning their ability to stop the drug flow unassisted.

Turkey: Turkey is the source of about 80 percent of the opium used in the United States. The Turkish opium farmer must sell his legal output to the Government. For whatever he can divert and sell to the illegal buyers, however, he gets about three times the legal rate. Efforts to wipe out this illegal production are proceeding slowly, but have become bogged down in internal politics, according to John Ingersoll, Director of the BNDD.

Iran: Hand in hand with a new crackdown on smuggling, the Iranian Government recently permitted peasants to start opium production again after a 13-year ban. Foreign critics argue that, despite Iran's good intentions, a substantial amount will seep away onto the illegal market.

Mexico: The Mexican Government has pledged itself to eliminate opium crops and cut back the narcotics flow into the United States. But these good intentions have gotten snarled in bureaucracy and politics. So far there has been no significant decline in drug traffic across the border.

Southeast Asia: Burma, Laos, and Thailand grow the bulk of the opium crop which comes out of this area each year. In Burma the Government is incapable of halting production, while in Laos the army is engaged in the opium traffic and the air force helps transport the crop. The Thai Government, according to a U.S. report, is "alive to the problem," a response many deceased New York junkies would fail to appreciate.

I agree with the statement of a U.S. narcotics agent that:

> The time has come to stop being nice guys around the world. This problem is too serious.

WHY ACTION BY CONGRESS?

It is possible, given a determined government, to control the growth of the opium poppy closely enough so that practically no opium seeps into the illegal trade. India is a case in point, with its strict licensing system and severe punishment provisions for violators.

If the United States made it known that we intend to stop giving economic assistance to nations that fail to exercise adequate controls over illegal drug production, those nations would institute effective drug control measures. In Turkey alone we are giving each year more than 10 times as much in economic assistance as the total value of the legal and illegal opium crop produced.

If the deterrent is to be credible, it cannot be left to the President to invoke. Congress has written a plethora of laws of this kind in the past, leaving their application to the discretion of the Executive. They just have not been used, and there is no reason whatever to expect a different result in this case. The culprit governments have long since concluded that our executive branch lacks the will to invoke any realistic sanctions against the drug traffic.

The time has come for the Congress to take action on its own right.

WHAT THE BILL DOES

Accordingly, I am today introducing a bill to amend the Foreign Assistance Act, which empowers the Comptroller General, as an agent of the Congress, to make an annual determination as to which foreign governments have failed to take appropriate steps to stop the flow of narcotics from their countries into the United States.

Should he determine that a given government has failed to take such steps, he would notify Congress and, after 90 days, no further foreign assistance would be available to the government in question.

Following the determination by the Comptroller General, if the President finds that the government in question has subsequently taken steps to curb the flow or if he finds that the overriding national interest requires that foreign aid be continued, he may ask Congress to waive the provisions of the act. Congress must concur in his request in order for a waiver to be effected.

The bill also authorizes the President to utilize such agencies as he deems appropriate to assist foreign countries in their efforts to curb the flow of narcotics.

Currently no one has authority under the Foreign Assistance Act to curtail aid because of illicit drug imports. I believe this bill, which leaves the final decision on termination of foreign aid to the Congress instead of to the President, vests this authority in the most appropriate place.

CONCLUSION

Mr. Speaker, this is a tough bill, but so is the problem with which it deals. Since the cause of drug addiction comes from beyond our borders, so must the cure. It is unfortunate that such blunt prompting as aid termination is necessary, but the extent of drug addiction is even more unfortunate.

A list of cosponsors follows:

COSPONSORS

Bella S. Abzug of New York.
Brock Adams of Washington.
Herman Badillo of New York.
Walter S. Baring of Nevada.
Alphonzo Bell of California.
Frank J. Brasco of New York.
James A. Byrne of Pennsylvania.
Shirley Chisholm of New York.
William Clay of Missouri.
James C. Cleveland of New Hampshire.
George W. Collins of Illinois.
John Conyers, Jr., of Michigan.
Ronald V. Dellums of California.
Charles C. Diggs, Jr., of Michigan.
John D. Dingell of Michigan.
Thaddeus J. Dulski of New York.
Marvin L. Esch of Michigan.
Walter Fauntroy of the District of Columbia.
James G. Fulton of Pennsylvania.
Nick Galifianakis of North Carolina.
Joseph M. Gaydos of Pennsylvania.
Sam Gibbons of Florida.
Kenneth J. Gray of Illinois.
Seymour Halpern of New York.
Lee H. Hamilton of Indiana.
Michael Harrington of Massachusetts.
August F. Hawkins of California.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
David N. Henderson of North Carolina.
Elwood Hillis of Indiana.
Lawrence J. Hogan of Maryland.
Frank Horton of New York.
Andrew Jacobs, Jr., of Indiana.
William J. Keating of Ohio.
James Kee of West Virginia.
Ralph H. Metcalfe of Illinois.
Abner J. Mikva of Illinois.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
William S. Moorhead of Pennsylvania.
Robert N. C. Nix of Pennsylvania.
David R. Obey of Wisconsin.
Carl D. Perkins of Kentucky.
Otis G. Pike of New York.
Bertram L. Podell of New York.
Richardson Preyer of North Carolina.
Charles B. Rangel of New York.
John R. Rarick of Louisiana.
Donald W. Riegle, Jr., of Michigan.
Teno Roncalio of Wyoming.
Dan Rostenkowski of Illinois.
J. Edward Roush of Indiana.
William R. Roy of Kansas.
Edward R. Roybal of California.
Harold Runnels of New Mexico.
Philip E. Ruppe of Michigan.
William F. Ryan of New York.
Fred Schwengel of Iowa.
Louis Stokes of Ohio.
Lionel Van Deerlin of California.
Charles H. Wilson of California.
Lester L. Wolff of New York.
Roger H. Zion of Indiana.

"FREE CALLEY NOW," SAY THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the calloused sentencing of Lieutenant Calley to life imprisonment as a result of the verdict finding him guilty of premeditated murder shocked the consciences of millions of Americans and has rekindled the patriotic spirit. The Calley incident may have conveniently disappeared from the national news scene but is not being forgotten in the hearts and minds of the American people.

Petitions and letters from my constituents as well as from citizens of other areas continue being received by my offices.

This week I received petitions bearing signatures of 9,105 citizens of the metropolitan Detroit area. The petition drive was spearheaded by the following three pro-American, anti-Communist groups: Breakthrough, Box 3061, Detroit, Mich. 48231; Christian Defense League, P.O. Box 322, Madison Heights, Mich. 48071; and Greater Detroit Student Anti-Communist Coalition. Other patriotic groups such as Chapter No. 86 of the Disabled American Veterans assisted in securing signatures.

The Detroit petition demands not only the reversal of Lieutenant Calley's conviction but also victory over international communism in Vietnam and elsewhere in the world.

In addition, I received petitions containing 7,860 signatures from the Committee for Support of Lieutenant Calley, Post Office Box 6434, Odessa, Tex. The committee is comprised of the following local Odessans: Mr. H. D. Horton, Mr. Ray Shook, Mr. Robert Frias, and Mr. Jim McMillen.

The Odessa committee felt that the conviction of Lieutenant Calley was unjust in that it punished him for actions he took while carrying out orders in the line of duty. The petition demands full restoration of Lieutenant Calley's privileges and rank in the U.S. Army.

These petitions along with others are being forwarded to our President, who as Lieutenant Calley's Commander in Chief was responsible for convening the court martial and has the authority to exonerate Lieutenant Calley.

I insert a letter from Mr. Donald J. Lobsinger, chairman of Breakthrough; the text of the Detroit petition to free Lieutenant Calley; the text of the Odessa petition; and several interesting accounts of implications arising from the Calley case:

BREAKTHROUGH,
Detroit, Mich., April 21, 1971.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Capitol Building, Washington, D.C.

DEAR CONGRESSMAN RARICK: During the past two weeks our organization, working together with the Christian Defense League and the Greater Detroit Student Anti-Communist Coalition, has circulated throughout the metropolitan Detroit area petitions identical to the one enclosed in support of Lieutenant William L. Calley.

Within that space of time we have collected or had returned to the Post Office boxes listed on the petition a sum total of 8457 signatures (as of this date), with many still to be returned, I am certain. There is no way to determine how many more have been sent directly ahead to the President rather than to us as an intermediary. The signatures on this petition represent persons of every race, creed, and color and signers are from every area of the city and suburbs.

We ask you to note that the Petition does not limit itself to a mere defense of Lt. Calley, however. Rather it goes much further than that. For in addition to a reaffirmation of "faith in our own country and the principles of freedom and individual liberty under God upon which it was founded" (Point #1), and the demand "that Lt. Calley's conviction be reversed, that he be freed forthwith with all medals, honors, benefits and privileges restored and his name thus cleared in the eyes of his fellow soldiers and countrymen" (Point #2), the Petition calls upon "our government officials (to) abandon our present no-win policy in Vietnam and embark immediately upon a pro-American course of decisive victory against International Communism, not only in Vietnam but around the world."

Because of your uncompromising stand in behalf of our country and against Communism, we are mailing these signed petitions to you—under separate cover—and ask you to forward them to the President, Richard M. Nixon, after you have made maximum use of them on the floor of the Congress, if you so desire.

We would appreciate hearing from you concerning your receipt of these petitions just as soon as possible.

Thanking you for your kind attention to our request, and offering you every encouragement to continue your outspoken resistance to the tyrannical forces at large in our country, we are

Very sincerely yours,
DON LOBSINGER,
Chairman.

A PETITION TO THE PRESIDENT OF THE UNITED STATES: FREE LIEUTENANT CALLEY

Whereas those responsible for the war in Vietnam are the leaders of the International criminal Communist apparatus, and more particularly the Communist governments of the Soviet Union, China and North Vietnam.

Whereas the responsibility for the prolongation of that war, together with its consequent rise in death toll and other casualty rates, must fall equally upon our own governmental officials and policymakers, who in their foolish attempt to co-exist with these criminals, have refused to pursue a policy of decisive victory against Communist tyranny, terror and aggression, not only in Vietnam, but in other parts of the world as well.

Whereas Lieutenant William L. Calley, Jr., was acting under orders when he committed the alleged "atrocities" in My Lai.

Whereas Lt. Calley's conviction for premeditated murder and sentence in this case can only abet the cause of the enemy by serving to demoralize our men in the armed forces, encourage insubordination in their ranks and thus contribute to the further disintegration of our nation's military defense arm.

Whereas much of the widespread publicity given the alleged massacre in My Lai and this particular court martial, by its very nature and content, is intended to (1) degrade our country in the eyes of the world (2) distract from or otherwise offer apology for the systematic terror and far more brutal, numerous and outrageous crimes of the Communists (3) further undermine the faith of our young people in particular in their own country, and (4) psychologically disarm the American people by instilling them with such feelings of guilt and so weakening their will to resist as to render them incapable of defending not only their country, but themselves, against continued Communist aggression from without and Communist-inspired revolution from within aimed at the achievement of ultimate Communist victory and world conquest.

We, the undersigned:

(1) Reaffirm our faith in our own country and the principles of freedom and individual liberty under God upon which it was founded.

(2) Demand that Lt. Calley's conviction be reversed, that he be freed forthwith with all medals, honors, benefits and privileges restored and his name thus cleared in the eyes of his fellow soldiers and countrymen.

(3) Demand that our government officials abandon our present No-Win policy in Vietnam and embark immediately upon a pro-American course of decisive victory against International Communism, not only in Vietnam but around the world.

(Every American citizen is eligible to sign this petition. Signed petition should be returned to Post Office Box below as soon as possible.)

TEXT OF THE ODESSA PETITION TO THE PRESIDENT OF THE UNITED STATES

Inasmuch as Lt. Willliam Calley and thousands of other American boys are being asked to defend our country and endanger themselves in a conflict that our governmental leaders have never intended to win:

We the undersigned protest the actions of the military court which has "convicted" Lt. Calley as a result of the no-win, undeclared war in Vietnam.

We demand the full restoration of Lt. Calley's privileges and rank in the United States Army.

[From the Metro News, Apr. 13, 1971]

MYLAI HINTS GENOCIDE TRAP

(By Jo Hindman)

William Calley, Jr., U.S. Army, charged with premeditated murder, was sentenced to life imprisonment 3/31/71 for the killing of 22 alleged Vietnamese civilians in My Lai in 1968. At the time, he was fighting, not in defense of his country, but for United Nations' purposes in Viet Nam.

It is apparent how that sort of verdict can damage the morale within the Army and recruitment to keep up Army strength in the future.

Public revulsion was instant. Draft board members resigned around the nation protesting the conviction. An American Legion Post began a national campaign to raise the appeal fund for Calley.

The United States never has declared war on Viet Nam. Abetting the insane situation, the U.S. Supreme Court by a vote of 6 to 3 refused 11/9/70 to rule directly on a Massachusetts legislative move declaring the Vietnam war illegal.

In another litigant case, U.S.A. vs. Charles Robert Muncaster (1969) in Alabama, the principals long have insisted that any soldier-caused death under conditions as they are now (no lawful declaration of war) can be classed as premeditated killing. The Calley-My Lai murder conviction furnishes dramatic corroboration of that charge.

Why is the U.S. Army doing the United Nations' fighting in Viet Nam? The U.S.-ratified Southeast Asia Treaty (SEATO), part of the United Nations' international regional system, has entangled the U.S.A. in the U.N. global "police action."

Consider the Convention of Genocide (treaty), a U.N. world government noose not yet tied on the United States. During the Calley trial, One-Worlders made another urgent push to ram the U.N. Genocide treaty through the U.S. Senate, but failed.

Genocide is defined in the treaty as "a crime under international law, contrary to the spirit and aims of the United Nations . . . and means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: a) Killing members of the group;" . . . etc.

Killing either soldiers or civilians can be a Genocide crime. Had the Genocide treaty been in force with the United States as a contracting party, Calley probably could have been charged before a world court with the crime of Genocide. A signed treaty was lacking. The kill was defined by a U.S. military jury as a crime of murder.

The My Lai scandal began as a research study funded by a tax-exempt foundation, the Stern Family Fund headed by Philip Stern, an heir to the Sears-Roebuck fortune. For more My Lais under the Genocide Treaty with convictions and punishments, all that would be needed would be international research teams to dig up charges against soldiers fighting in the line of duty.

If universally signed, the terms of the Genocide Treaty could politically disarm every nation on earth, neutralizing armies, leaving citizens unprotected against the United Nations "police force." Remember its bloody slaughterings.

Was Lt. Calley marked to become the first American soldier convicted under the Genocide Treaty? If so, what impairment would wreck the future effectiveness of the U.S. Armed Services?

Did Mis-timing (treaty not yet signed by the United States) cause the My Lai incident to backfire?

[From the FI-PO News of Los Angeles, February 1971]

Who Is To Say?

(By George Putnam)

Decent Americans do not condone killing—least of all, women and children. But the question must be asked—who put Vietnamese women and children in the front lines? Who put them there? Which government is it that uses as part and parcel of its official policy, the terrorization of men, women and children—their own civilians—until they are stomped into submission? Which government is it that moves into the hamlets of Vietnam, killing, beheading, torturing, raping, murdering its own people?

How many courtmartials have been held to seek out the guilty in the massacre of thousands at the old capital city of Hue? These questions must be asked in weighing the American GI's presence in Vietnam—not as aggressor, but as the protector of the freedom loving people.

It is this reporter's opinion that the tragedy of Lieutenant William Calley at My Lai results from the fact that he was placed in a war setting, where the first rule learned is—kill or be killed, and where man is reduced to the least common denominator—a fearsome struggle for his very survival.

Lieutenant Calley is the end product of a system that molds a civilian into a fighter—who learns not to question the command, but to follow it under any and all circumstances. And from the very moment the rifle and the bayonet is placed in his hands, he knows that it is all that stands between him and death

And then he is sent to a far-off land to fight a war that he will not be allowed to win—against an enemy that is determined to win. And he is subjected to a guerrilla type war unlike any ever faced by Americans before. And in the words of his squad commander, the enemy is a faceless man, woman or child—each and all capable of killing.

Who is to say where the responsibility lies? Is it with the bombardier, dropping hundreds of tons of bombs on villages below, killing men, women and children? Is it with the fighter pilot, strafing them to death? Is it with the one who scatters napalm, burning them to death? Is it the helicopter crew with deadly rockets? Or is it the foot soldier with the rifle, who must look the enemy straight in the eye before he pulls the trigger?

Who is to say which is the most deadly? Which is just or unjust? Which is without conscience?

This reporter has walked along bunkers where dead Japanese lay buried by our bombs in Guadalcanal and Saipan and Guam—walked through the blocks of blasted ruins in Germany, with civilians by the thousands buried there—saw the horrible devastation of England, with thousands of English killed by the Nazi bombs, women and children as well—civilians burned to death in the blasts at Hiroshima and Nagasaki—hundreds buried in the hollows of the good ship Arizona at Pearl Harbor.

Yes, who is to say which is the most devastating act of war?

Lieutenant William Calley was sent to do a job—our job. He made the decision to kill on the spot at the moment. He said it was his men—or the enemy. And yet, Calley now stands alone as the number one villain in this miserable, dirty, no win war.

Is Lieutenant William Calley on trial only as an individual—or is he on trial as a symbol of the anti-militarism that is simply convulsing this nation?

And all but lost in the world's conscience, as it probes deeper and deeper to expose America's jugular—is the horrible treachery of the North Vietnamese—the Communists, the Viet Cong. All but lost is the fact that it is the Communists who invaded Vietnam, Laos, Cambodia, Thailand. And that Americans like Lieutenant Calley were sent to the aid of those who long for freedom, because they asked for help.

Yet now, we are being held up to scorn and ridicule in this incredible era of upsidedownism—that's what it is, upsidedownism—where too often the innocent is guilty and the guilty is innocent—the liberator is labeled the oppressor, and the oppressor is called the liberator.

But overshadowing all this is the unchallenged fact that wars—once joined—wars are to be won. And the quicker wars are won, the fewer the complications, the less enervating, the sooner the return to that state of normalcy that we choose to call peace.

We say, you and I, that we could not pull the trigger on a woman or child. But you see, we did not stand beside Calley and his troops. We did not witness our fellow soldiers blown to hell by women, and grenade-laden children, driven against our troops by their men.

Each of Calley's men thought that he would never come back alive. And each was reduced to that least common denominator, kill or be killed, live or die.

But tragic as Lieutenant Calley's story is, should we not be equally concerned with some of the broader implications? Is there a concerned effort to destroy the morale of every fighting man who represents us, an obvious effort to emasculate our government at home, a planned conspiracy to destroy this nation—from the President to the school kid, a mass all-out effort to make the finest, kindest, most generous nation in all the history of the world appear to be self-seeking, and bloodthirsty, and imperialistically aggressive?

Now tragically, too large a segment of America is beginning to believe all this and to accept this myth as fact. And there appears to be a horrible masochistic desire on the part of a segment of our Senate, and Congress, and intellectual establishment that longs to see our great country brought right down to its knees.

Lieutenant William Calley and the conduct of the war in Southeast Asia, our international display of weakness, all of this petty politicking over such issues as the SST, narcotics, crime and permissiveness, the anti-police activity, pornography and obscenity—all the rest—my friends, these are earmarks of a nation decaying at its very heart. And a people and a nation in their death throws is a very tragic thing to behold.

God gave us a magnificent nation, the closest thing to a perfect dream in all the history of man. But the good Lord also gave us free agency—and the power to destroy ourselves.

[From the Manion Forum, South Bend., Ind., Apr. 18, 1971]

PSYCHIATRIST ANALYZES PUBLIC REACTION TO CALLEY VERDICT

(Dr. David Crane)

DAN MANION. A prime topic for discussion among all Americans recently has been the trial and conviction of Lieutenant William Calley. Is he a hero or a scapegoat? We are extremely fortunate to have with us a man who both observed the trial and participated in it as a professional witness. Our guest today is Dr. David Crane, who is both a psychiatrist and an attorney. He is also a veteran of Viet Nam where he served as a psychiatrist for the 25th Infantry Division. Dr. Crane, welcome to the Manion Forum.

Dr. **CRANE.** Thank you, Dan. It's a pleasure.

DAN MANION. Dave, as someone who has been a psychiatrist in a combat zone and also someone who has interviewed Lieutenant Calley, do you think his conviction was legitimate or is he really a scapegoat, as many people try to imply?

Dr. **CRANE.** Well, I find the verdict very offensive in that I think it was concretely a mistake. I think it is a mistake primarily because of the evidence that was brought out in that trial.

Lieutenant Calley is a very average young man—a very ordinary sort of citizen. But the events that led up to My Lai 4, the events on that particular date, were such that this young man could not have been able to fulfill the necessary legal requirements for first degree murder. The one fundamental issue is whether he could plan, think out and contrive the committing of murder on that particular date. I don't think he was guilty to that degree.

DAN MANION. You say he couldn't be guilty of first degree murder, what would it require for such a conviction?

Dr. **CRANE.** In order to be guilty of first degree murder, according to the Uniform Code of Military Justice, an individual has to think through beforehand that he is going to take the life of another and do so unlawfully. I do not think that Lieutenant Calley had that capacity on that particular date.

DAN MANION. The question that most people bring up, Dr. Crane, is that there were many innocent civilians involved; that they had no defense, and yet Lieutenant Calley, with some of the men in his platoon, I guess, admittedly killed them, is it just tough or is it murder?

Dr. **CRANE.** I think we should look a little at the background on Lieutenant Calley. In high school he graduated 666th out of 731. He subsequently went to Junior College where he in fact failed. He then bounced around from job to job until he enlisted in the service in Albuquerque, New Mexico, where his car had broken down. He finally began to function reasonably well in the service. He was asked to go into OCS, where he graduated 120th out of 156. So his career record was not particularly a good one. He never had done much of anything right.

In Viet Nam he got into a combat setting where stresses are much greater than they are in a civilian setting. My Lai was particularly stressful, compounded by the fact that half of his platoon had been wiped out just a few weeks preceding the events on March 16th. So, this young man was functioning, I believe, in a very limited capacity, in terms of his being able to decide, think through and plan, and these are necessary ingredients to be guilty of first degree murder.

So, the people in My Lai as such did not constitute civilians in the eyes of this young man. They were, in fact, enemies, and having been there, you know the general distrust that all Americans begin to develop for Vietnamese. They are all essentially the same in our eyes. I think that this distrust was just compounded on the events of March 16th.

DAN MANION. They call it a free fire zone, I believe. If these people were there, did that make them the enemy anyway? We refer to them as civilians, but are they the enemy?

Dr. **CRANE.** According to Lieutenant Calley, he went into a free fire zone in which you can shoot anything that's visible. You don't have to sustain fire, you can fire at anything that moves. This village, according to Lieutenant Calley, was considered VC. They were told that anyone left in the village, again, according to the Lieutenant, was considered enemy. So, he went through that village and there was a very realistic problem, as he described it, and that was that if they preceded on through that village, they were going to leave themselves vulnerable to being fired upon from the rear.

He said that he had been admonished by Captain Medina that if any American troops were killed it would be his responsibility. So I think he was being expeditious; he was trying to be as practical as he could even though it seemed or seems—particularly back here—that it was a particularly alarming kind of event. He was trying to get through there as quickly as he could.

DAN MANION. For fear of being shot by one one of those so-called civilians?

Dr. **CRANE.** Right, and you know you can't tell the innocent civilians from the enemy over there.

DAN MANION. What is the national guilt that everyone seems to be talking about? Are we as a nation guilty because of the war or who is guilty in this situation? Someone must be.

PUBLIC RELATES TO CALLEY

Dr. **CRANE.** We've heard a lot of our elected leaders saying that the reason the American people are responding so remarkably to Lieutenant Calley's conviction is that we feel a kind of national guilt about this immoral war. I do not think that that is the case. I think the American people are responding to Lieutenant Calley's conviction because Lieutenant Calley is a very ordinary young man. Most of us know that we have limited talents and that Lieutenant Calley in being a very ordinary fellow could represent either a brother, a son or a father to most of us.

That means that if after going into the service, swearing that he would give allegiance to this country—and in fact went over there in defense not only of this country but in defense of the free world indirectly—and is now being convicted of first degree murder and could have his life taken as a result of acting in what he thought was the performance of his duty, I think the American people find that so patently offensive that they will not tolerate that kind of a verdict.

DAN MANION. Since you did testify and talked with the jury and the others who testified, what do you think will be the long range effect of this conviction on the nation and on the army?

Dr. **CRANE.** The biggest problem in that regard that I see is that this verdict has now come down and acts as law. Precedents constitute law and part of our legal jurisdiction. This verdict means that a young man going to Viet Nam today is going to have to decide every act before he commits that act. He has to have a full appreciation of the potential legal consequences of that act—whether it's right or wrong—and on the basis of making that decision he will then move.

In a combat setting he can, in fact, be killed long before that decision ever comes about. The significance of that to me is that if I had a son going to Viet Nam today I wouldn't want him to go because his life is in greater jeopardy now as a result of this verdict than it was just a few weeks ago.

I think it significantly jeopardizes the entire military structure as it has been known in the past, and I think that this has to be corrected. One of the problems in this area is now a young man gets into a tight situation and he says if I act in this particular situation, I might be convicted of murder; if I do not act, I might be convicted by General Court Martial for refusing an order in the face of the enemy, and I might also be executed. So he is damned if he does and he's damned if he doesn't.

DAN MANION. Apparently that is true. I notice in *U.S. News & World Report* where they are now teaching that if it becomes a final choice between whether or not there is an accomplished mission or to shoot a prisoner, they say don't accomplish the mission. You and I were told differently I think.

Dr. **CRANE.** That's exactly correct. One of the things that is kind of ironic about this is that many of these decisions are being made in a very calm, protected community, but in a combat setting like that where your life is at stake, when a bullet is coming at you, these decisions take on a very different meaning. In a combat setting it means it's your life versus the enemy, and you don't have time for the rule book under those conditions.

DAN MANION. The President, of course, has stepped in and said that he will be the one that will make the final decision. And yet some correspondents are saying that maybe he has reacted to something like mob rule or maybe he is just being political. What should the President do under these conditions or situation, or what does anyone do?

NIXON'S ACTION IS PROPER

Dr. **CRANE.** I think this raises a very interesting and important question. My answer to that is, first of all, the President is an elected official. So any act that he commits represents the American people. Now, we as American people know that he is our elected representative and ask him to do certain things in answer to us, and, I think, legitimately so. In the course of the history of this country, in our Constitution, we granted him special powers, powers that he could in fact pardon on Federal offenses.

That means that we have said legally that he can on rare occasions make rare decisions.

I think clearly that the Lieutenant Calley case is a rare circumstance, and if he elects to use those powers, I think it takes a great deal more courage than not to use them. He is saying to the American people, "I am responding to you because you in fact have given me the power to come to this conclusion." Should he use those powers, they are just as legal, just as valid, as that jury coming up with that first degree murder verdict.

Dan Manion. So he wouldn't be too far off base in stepping in?

Dr. Crane. No. The problem here is getting what I consider bad law changed. This conviction constitutes bad law, but this is equally incorporated in our legal system, that bad law does not survive. Prohibition was passed, but the American people said we do not accept that as good law and they had it reversed. The same principle can apply in the Lieutenant Calley verdict.

Dan Manion. Others have said or implied that this is bad law. For instance, the Governor of Indiana, Governor Whitcomb, said that he too would be guilty of murder if it were to be compared to what he did in World War II, or ————————, who was a bombardier in World War II and has admitted killing, he was sure, innocent civilians. Take Nagasaki or Hiroshima and others, do you think that this conviction would convict the men who carried out these attacks?

Dr. Crane. If this law is carried to its logical conclusion, and if we followed the precedent as set at Nuremberg, which I also do not think is good law, we would have to go back and pick up everyone who commits an act in killing innocent civilians—and that would include the thousands that were killed in Dresden, the hundreds of thousands apparently that were killed in Hiroshima and Nagasaki. That means even our own Governor in the State of Indiana, who admitted to strafing innocent civilians in China because they were trying to show the Chinese that the Japanese could not defend them. Well, these people would be vulnerable.

The significance of this is that in military setting, in wartime, the rules that are set up and the rule books are not necessarily applicable. Nuremberg, clearly, is a separate situation from what happened to Lieutenant Calley. At Dachau and Auschwitz they could determine with plenty of time whether to take the lives of people, and they subsequently elected to take the lives of innocent civilians—that's very different. There's a temporal difference, time difference, than what we see in a combat setting where you have to decide instantaneously.

Dan Manion. Dr. Crane, a lot of the American people are asking what they can do about Lieutenant Calley. What can you tell them?

Dr. Crane. I think the most important thing for them to do is make sure that their elected officials know precisely how they feel. Let them know that they do not think that this is a just decision and emphatically impress upon them how strongly they feel. By putting those pressures on, they can in fact bring about changes, and these are not illegal changes, they are legal changes as determined by our Constitution. I think they should do it.

Dan Manion. Thank you, Dr. David Crane.

Ladies and gentlemen, Dr. Crane has testified at Lieutenant Calley's trial, now it's your turn to testify.

WE SHOULD BROADEN OUR PERSON-TO-PERSON ACTIVITY RATHER THAN GOVERNMENT-TO-GOVERNMENT ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, everyone knowledgeable in the field agrees that the ideal goal in our relationship with the countries that share our destiny in the Western Hemisphere is to broaden the person-to-person rather than the government-to-government, activity.

Private enterprises has been looked to by such men as President Kennedy, Nelson Rockefeller and many more.

But either we hear little of this involvement or else little enough is being done.

But I am happy to report that one of our great private institutions, one that epitomizes the best in American private business enterprise, know-how and department store expertise, Sears and Roebuck is doing something and doing it well and successfully.

I have recently read an article in Business Latin America entitled "Sears Displays a Model Way to Boost Exports of Latin Manufacturers." I was so impressed with the enlightened approach taken by Sears, Roebuck and Co. in its international operations that I would like to bring this article to the attention of my distinguished colleagues.

SEARS DISPLAYS A MODEL WAY TO BOOST EXPORTS OF LATIN MANUFACTURES

How to increase exports is one of the most compelling questions in Latin America today, both to governments that suffer chronic weakness in their balance of payments and to planners of multinational companies who recognize that a contribution to export expansion could go a long way toward rewiring the nationalistic attitudes menacing their activities. One company formulating an answer to the question is Sears Roebuck, which has designed a program aimed at putting Latin American manufacturers of non-traditional products within easy reach of the US consumer. Sears' export program could serve as a model for other companies operating in Latin America, particularly those which are willing to postpone immediate tangible profits and concentrate on building goodwill.

Sears' role in the program is essentially that of organizer and traffic coordinator. On the Latin side, the company is concentrating on developing a range of quality products that can be marketed abroad in limited quantities, such as fashion clothing for women, fine handcrafted jewelry, unusual textiles and decorator home furnishings, as well as products that lend themselves to high production volumes, such as shoes and clothing. In the area of marketing, Sears is trying to build up interest for Latin American products on the part of U.S. department stores and other retail outlets.

To get the products in shape for the market. Sears is providing the manufacturers with production technology, specifications, quality control standards, and other sorts of expertise. Many of the manufacturers are suppliers for Sears' local operations that have been encouraged to broaden operations. Others have no ties with Sears but have been attracted to the program in the hopes of developing export capability. The most far reaching effort to attract non-Sears suppliers has been undertaken in Brazil. There Sears has opened an export promotion office that advertises the program through newspapers and other media and invites manufacturers to investigate whether they might be able to profit from it.

The retailing part of the program is a significant departure for Sears. The company already has a program to develop and encourage local manufacturers to produce for home consumption by selling through Sears' local retail outlets. This local program has enabled Sears to raise the level of local sourcing to over 90% in most of its Latin American stores.

Under the export program, Sears will retail some of the products through its US chain of stores, but the company wants its participation in this phase to be minimal to avoid the taint of "tied" buying. The basic objectives are to create confidence on the part of the Latin American producer to enable him to penetrate the US market and create an awareness among the US public of Latin products and export capabilities. Over the long-term, of course, the intention is that Latin manufacturers will develop worldwide marketing capabilities.

Sears has been working quietly for the past year to develop the program. A promotional boost is taking place this week. Sears has lined up dozens of Latin American manufacturers and a wide array of products that are being unveiled this week in Washington in conjunction with Pan-American Day celebrations. In addition to trade displays from Brazil, Colombia, Mexico, Peru, and Puerto Rico, Sears has arranged a show of high fashion clothing that blends sophisticated designs and a Latin flair. Over 60 designs ranging from beachwear to wedding gowns from seven Latin countries are in the collection.

Close to 500 persons, including merchandise buyers, were invited to view the collection and approximately 40,000 people are expected to witness the entire trade display. To give sustained followup to this promotion, Sears will permanently maintain in its Chicago offices a press officer whose sole responsibility will be to assist Latin manufacturers to export to the US.

Although still in its infancy, the program has already scored some successes. Thanks to Sears' good offices a New York store has arranged to purchase 2,000 ponchos from a Colombian manufacturer—the largest order ever received by that company. A Honduran manufacturer of children's clothing, whose business took on a whole new scope when Sears began a retail operation there, has expanded to the point where it now employs over 300 people and sells some of its production to Macy's in New York and another department store in Miami. With Sears' help, a variety of Brazilian shoe manufacturers are being encouraged to increase volume so as to be able to sell in the US and elsewhere.

A REPORT ON THE PEOPLE, CULTURE, GOVERNMENT, AND AIMS OF COSTA RICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. Dent) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, it is not often that I have the time to read testimony presented to any committee other than those on which I serve. I did, however, have the good fortune to read the testimony presented to the Committee on Agriculture by Miss Dina Dellale in behalf of the Costa Rican Board of Trade, and I want to bring it to the attention of my colleagues.

Her presentation is, in reality, a report on the people, culture, government, and aims of Costa Rica. If other nations, especially in the Latin American complex, would try to become as self-reliant, and self-sufficient as this small independent nation, and would fight harder to attain similar goals, our problems would be less harrassing and the results of our trying to help our Latin American neighbors would be less disappointing.

I would like to call to the attention of the Members of Congress this young lady's suggestion to include in the new Sugar Act a worldwide appeal for reason. Miss Dellale suggests that the amendment read:

> Whenever there are deficits to be allocated special consideration will be given to those countries who do not receive military assistance aid from the United States.

Mr. Speaker, I had the pleasure of visiting Central America during the early 1960's, and upon my return to Congress I presented the observations I had made.

I learned that Costa Rica maintains no military establishment, having no provisions in its budget for modern weaponry. Preference is given to the expenditure of funds for social security, agricultural experimentation, and nationwide education.

The total armed forces, if they can be called that, were a combination of police and firefighting units totaling 1,000 men. Ordinary sidearms were the largest weapons in their arsenal and the few rifles in existence were strictly for parade purposes.

When I came home I suggested that we cut out all foreign aid, military and otherwise, to every country that allocated more than 5 percent of its budget for defense or military procurement. My proposal received little or no attention.

I do believe, however, that the proposal advanced by Miss Dellalé is quite a refreshing one which can aid this Nation and the world in their reach for a reasonable state of peace and prosperity. I congratulate the nation represented by this witness for its refusal to be budged from a course of action aimed at the welfare of its people, and not being panicked by the bogyman of brandished swords and thundering cannons. If our Nation would consider a very simple fact, we might well reach a point where we can honestly start out on a road to peace and international understanding. Without profiteering trade and other unlimited credits, very few nations could buy or produce the weaponry necessary to both cause and wage wars.

I strongly recommend that my colleagues read the following statement, and give particular attention to the accompanying chart which describes the budgetary allocations of all Latin American countries. They will note that only one nation does not earmark funds for defense, while two fail to authorize funds for education, and five make no allocation for health.

The material referred to follows:

Statement on Behalf of the Costa Rican Board of Trade

(By Dina Dellalé)

Mr. Chairman and Members of the Committee, my name is Dina Dellalé. I am the Executive Director of the Costa Rican Board of Trade. Costa Rica, it is true, is one of those little Latin American countries that has been discussed here but there is a difference as far as we are concerned, and it is that difference I would like to present to this Committee.

The Republic of Costa Rica is bordered by Nicaragua, Panama, the Pacific Ocean, and the Caribbean Sea. Its land is fertile and productive. There are active ports on both oceans to facilitate its international trade and the economy is primarily agricultural. The country historically has been called a nation of small farms. In this era of upheavals, riots, and revolutions, Costa Rica has long been known for the stability of the Government, the political maturity of its population and the freedom and honesty of its elections. It is one of the few Latin American countries with a firmly established democratic process and a national life based on concepts of equality and the dignity of labor. The political forces are direct and uncomplex, with few special interest or pressure groups. Public opinion is an influential factor.

While democracy in action has become a mere slogan in many parts of the world, here you can find it operating daily with responsibility. The President walks the streets of the capital, San Jose, without fear or bodyguards. The widespread distribution of wealth, a vigorous agrarian reform that finds one out of every five Costa Ricans owning his land, and the intensive expansion of educational facilities as the foremost national aim, are the keys to why Costa Rica is different.

May I give you an unusual example. Costa Rica is one of the few nations in the world that has renounced the maintenance of an army. With a great sense of the practical, the Constitution of 1949 decreed that money formerly invested in a military establishment would go to building schools, and all weapons were exchanged in the United States for plows and tractors. With no army, navy or air force, security is limited to town and village police and the Civil Guard. It is clear to all, Costa Rica has no aggressive intent or military pretensions and the country has escaped dictatorships, turbulence and anarchy. It has earned a respected place in the family of nations. No Costa Rican president ever built a monument to himself or a lavish building in which to live. To be a citizen is a source of pride and that spirit is reflected in their leaders.

The country's relations with other nations have been placid and friendly. Two principal bulwarks of its foreign policy are its commitment to Western democracy and rejection of dictatorial or undemocratic governments. Costa Rica is against all forms of despotism, whether of the right or left, and has been willing to take a forceful stand in support of its convictions. It was the first nation in the Western Hemisphere to declare war in World War II. Relations with the United States have traditionally been warm and cordial, attributed in large part to a sincere mutual respect for shared democratic traditions. The two countries have never had a major disagreement and Costa Rica has consistently supported United States policies.

Costa Rica's greatest resource is its people. This stable and sturdy country is best expressed through them. No one can fail to be impressed with the intelligence of its citizens. There has never been any large wealthy aristocracy or marked class differences to generate dislike. Rather, the national climate is one that fosters decency, generosity and concern for others. The influence of its own history can be seen in the value placed on work and education. The favorite character is not the aristocratic conquistador but the independent, middle-class worker who toils his own land.

I have stressed the character and behaviour of the Costa Rican people to show the Committee that there exists a real difference, politically and socially. Now I will present the economic difference.

As a country with an overwhelmingly agricultural economy, the major part of their income is derived from the exports of what is produced. Commerce and foreign trade are efficiently organized, and transportation facilities are well developed and continually expanding. The United States is the primary trading partner. Revenues do not constitute the patrimony of a few but belong to the majority of the population since the distribution of land and wealth is more equitable here than elsewhere in the Hemisphere. Costa Rica has experienced one of the highest population growth rates anywhere in the last several decades—the combination of a consistently high birth rate and an ever declining death rate. Its economy is also one of the fastest growing in the world for they are compelled to produce on a larger scale, to extend their markets, and to follow, perhaps more quickly than most Latin countries, the pace of progress. It, therefore, became necessary many years ago to substitute the monoculture of coffee with a diversification of agricultural activities to maintain and increase their standard of living which is the highest in Central America.

Sugar is considered the most important food crop in the country. It provides more energy to the diet and more income to the farmer than any other food. Exports began in 1958, at which time Costa Rica became one of the countries participating in the U.S. Sugar Act. Since then sugar has become one of the country's major export dollar earners with half of all production being exported. All exported sugar has gone to the United States even when the price was higher elsewhere. During 1963 and 1964 when prices soared in the World Market, this small nation, at a tremendous financial sacrifice, *was the first of all quota countries* to speak up, pledging her entire exportable production of approximately 72,000 tons to the U.S. consumer. The integrity of the Sugar Industry of Costa Rica demanded such action, for to them the Sugar Act is a two-way street, entitled to a mutual respect that is especially important in relations between large and small nations.

Sugarcane is grown mostly on small farms, in contrast to other Latin Countries where large sugar farms exist. There are more than 37,000 sugar farmers in the country, over 16,000 of whom have less than 8 acres planted in sugar. Some 53 percent of these farms are less than 34 acres and 90 percent are less than 170 acres. There are 29 mills. Counting the families of the sugarcane farmers and employed laborers, *one-tenth of the population* depends on sugar for a livelihood. Stable and reasonable wages cannot be attained without an assured and growing place in the U.S. Market—this place not to retreat from the one we have earned by consistent and full performance.

When I ask the Committee to consider the difference of Costa Rica, I respectfully request you to consider Costa Rica singly on her own merits and performance. We have come before this Committee since 1960 truthfully putting our plans for controlled expansion in your hands. Camouflage has never been needed to cover any unethical practices. Since the beginning of the new Act in January 1966 to the present day, all the basic quota and allocated deficits given to Costa Rica have been filled fully. We are grateful for the Committee's assistance during the past years in making the sugar industry of Costa Rica, a vital growing force in the economy of the country. Without it, there would have come unemployment, poverty and stagnation.

The year 1950 was the last time the country had a favorable balance of trade; imports have exceeded exports ever since. On a per capita value basis Costa Rica is the third largest importer from the United States in Latin America. The framework of the future has firmly been put in place but this year and next, and the year after, and some years more, Costa Rica needs every dollar agricultural exports bring to buy manufactured goods in the U.S. To wage Trade not War is the goal of the nation.

Before placing our quota request before the Committee, Costa Rica asks the Committee to include the following provision in the new Sugar Act: *Whenever there are deficits to be allocated special consideration will be given to those countries who do not receive military assistance aid from the United States.* Such a provision is in the interests of all countries dedicated to a better life for its citizens.

Mr. Chairman, Costa Rica has come before you and this Committee believing in the genuine understanding of its problems and hopes, and that visible evidence will result from our mutual friendship. We have always spoken with truth, with facts and figures and with future plans. We want to continue to buy from the United States, but we want to pay for what we purchase with money that is earned; not borrowed. A quota of 110,000 tons for Costa Rica in the new legislation will bring many mutual advantages and her Sugar Industry will continue to contribute to the welfare of its country and to the price protection of the American consumer.

Mr. Chairman, Members of the Committee, Costa Rica is a small nation but her capacities are large for democracy, for work and for friendship. I thank The Committee for its attentions.

[Dollar amounts in millions]

Country	Year	GMP	Income of Government	Total expenses	Expenses in— Education Amount	Education Percent [1]	Health Amount	Health Percent [1]	Defense Amount	Defense Percent [1]	Population (2)	Population (3)
Argentina	1965	17,204	2,024.0	2,506.0	245.0	9.78	26.0	1.04	302.0	12.05	24.0	104.42
Bolivia	1969	901	96.2	162.7	25.1	15.42	3.1	1.91	14.9	9.16	4.5	36.16
Brazil	1968	29,320	6,467.0	6,885.0	660.0	9.59			1,223.0	17.76	90.9	75.74
Columbia	1968	5,784	678.0	870.0	82.0	9.43	18.0	2.07	123.0	14.14	20.5	42.44
Costa Rica	1969	813	116.5	163.1	36.1	22.13	20.0	12.26			1.7	95.94
Chile	1967	4,148	993.0	1,043.0	162.0	15.53			87.0	8.34	9.4	110.96
Ecuador	1968	1,475	308.7	326.3	34.7	10.63	4.8	1.47	26.2	8.03	5.9	55.31
El Salvador	1969	948	127.3	134.3	27.5	20.48	13.0	9.68	9.7	7.22	3.3	40.70
Guatemala	1969	1,650	155.3	167.8	29.3	17.46	17.4	10.37	16.2	9.65	5.2	32.27
Haiti	1967	[4] 324	31.1	35.6	3.3	9.27	3.2	8.99	7.2	20.22	5.1	6.98
Honduras	1968	621	69.0	85.5	16.9	19.77	5.9	6.90	8.5	9.94	2.6	32.88
Jamaica	1968	1,040	181.0	209.0	22.0	10.53	15.0	7.18	5.0	2.30	1.9	110.00
Mexico	1969	28,940	2,320.0	2,576.0	504.0	19.57			184.0	7.14	48.9	52.68
Nicaragua	1969	735	73.0	84.0	17.0	20.24	5.0	5.95	11.0	13.10	1.9	44.21
Panama	1968	823	119.0	127.0	33.0	25.98	16.0	12.60	1.0	.79	1.4	90.71
Paraguay	1968	498	57.6	84.9	9.1	10.72	2.4	2.83	9.8	11.54	2.3	36.92
Peru	1969	5,100	749.0	788.0	171.0	21.70			171.0	21.70	13.2	59.70
Republica Dominicana	1968	1,132	176.8	190.8					50.3	15.88	4.1	46.54
Uruguay	1968	1,542	391.0	454.0					45.0	9.91	2.9	156.50
Venezuela	1969	9,700	1,937.0	2,513.0	290.0	11.54	162.0	6.45	198.0	7.88	10.0	251.35

[1] Percentage of expenses in relation with the total outlay of the Government.

[2] Referring to 1969, in millions of people.

[3] Expenses per person in relation with total outlay of the Government.

[4] Estimate.

Source: AID, Economic Data Book, Latin America, 1970.

CONGRESSMAN BIAGGI ADDRESSES WALL STREET GATHERING ON POW ISSUE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. BIAGGI) is recognized for 10 minutes.

Mr. BIAGGI. Mr. Speaker, yesterday I addressed a large crowd gathered in Wall Street to protest the continued failure of the North Vietnamese to release all prisoners of war. Those gathered there were demonstrating their firm commitment not to let these men be forgotten.

Because of the great importance of the POW issue and the possible implications of the Red Chinese overtures in connection with their release, I am including my remarks in the RECORD at this point for the interest of my colleagues:

ADDRESS BY CONGRESSMAN BIAGGI

It used to be said that the prisoner of war for all his difficulty was in a privileged status. For him, at least, the fighting was over. If ever there was any truth to that, it certainly is not valid today. The captive American in Vietnam fights a daily battle of sacrifice and survival that equals any challenge or danger of the battlefield.

We must never forget that the man who braves the discomfort, the loneliness, the uncertainty and the agency of the prison camp remains an unredeemed pledge of these United States until he is returned to liberty. We must remember it. And Hanoi must be made to understand it in no uncertain terms.

Our prisoner of war lives on hope. Willingly, he bears the pain of isolation, confident that his country has not forgotten him. Confident that his country is doing all in its power to liberate him. His wife, his family, his friends, live on that same hope, confidence that he will be returned. We, as a nation, must live up to that confidence.

The fact is, we have all been so concerned with the war itself, that we have not cried out loud enough for the return of our prisoners of war.

Resolutions and petitions alone will not do the job. Negotiations have a way of stretching out. A way must be found to free these men without further delay.

Lately, we have seen a slight opening of the Bamboo Curtain. Red China is seeking to open the curtain further and carve out a new role for itself in the family of nations.

If there is to be a wider role for Red China in the Far East, let them now take a meaningful first step toward developing that new role.

Just yesterday, Secretary of State Rogers said "the United States should encourage Red China to be constructive rather than destructive."

If so, then, in addition to everything else, President Nixon should call on Peking to use its new found ping-pong diplomacy in obtaining the release of all P.O.W.'s in Southeast Asia. Certainly, the Chinese can exert sufficient influence in North Vietnam to accomplish this.

As another initiative, the President should call on the International Red Cross to select the one hundred most seriously wounded North Vietnamese prisoners and return them to their country. Then, let Mr. Nixon issue a challenge to Peking and Hanoi to do the same.

Our American prisoners of war must come home—they will come home—each one of them has sacrificed much in the service of his nation. Each one of their lives must not be allowed to be snuffed out as a forgotten memory. Each one of us owes them at least that—and more;

Some say that demonstrations to end the war will hasten its conclusion. If so, then demonstrations such as this one, should multiply in number and grow in volume until they are heard in the councils of Hanoi.

Just a few blocks down the street in the Trinity churchyard lie the bones of another group of prisoners of war. These men suffered in the holds of British ships anchored in the East River during the revolution.

The monument over their final resting place is a lasting tribute to their valiant service in the cause of this nation's independence.

History will not let them be forgotten.

Lest we forget, let me remind you—it has been seven years and thirty-three days this very day since the first of 1600 of our fellow Americans was captured in Southeast Asia.

Let us resolve that they, too, shall not be forgotten.

IMMIGRATION AND NATIONALITY ACT HEARINGS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that on Wednesday, May 5, 1971, Subcommittee No. 1 on Immigration and Nationality, Committee on the Judiciary, will continue hearings on revision of the Immigration and Nationality Act.

Hon. Raymond F. Farrell, Commissioner of the Immigration and Naturalization Service of the Department of Justice, will be the witness before the committee at 10 a.m. in room 2237, Rayburn House Office Building.

The purpose of the hearings is to review general enforcement of the immigration laws, and to analyze the problems that have developed in the administration of the law. Further hearings will be announced at a future date.

PERSONAL EXPLANATION

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Ohio. Mr. Speaker, yesterday, April 28, when the vote was taken on H.R. 6444, providing for a 10-percent increase in railroad retirement annuities, I was unavoidably absent because I was downtown meeting a speaking commitment. While I had arranged to be notified of any votes, I arrived downtown to find that the vote had begun shortly after I departed the Hill. Had I been present, I would have voted "yea" on H.R. 6444. I also missed the first and only quorum call yesterday, because I was temporarily occupying the chair in Joint Economic Committee hearings in the Senate Office Building and was in the midst of questioning when the roll was taken.

IMPROPER USE OF CONGRESSIONAL FACILITIES

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I rise to protest against the misuse of facilities and rooms of the Congress by certain Members purporting to conduct congressional hearings on so-called atrocities by Members of the Armed Forces of the United States. The use of rooms and facilities of the House to willfully undermine our Armed Forces, to damage the reputation of the United States at home and abroad, and to make infinitely more difficult the release of our prisoners of war or a negotiated settlement in Southeast Asia, by Members without committee authorization is deliberate misuse of the facilities of the Congress.

Its continuation is a disgrace to the House and an affront to the authority of Congress itself for no such hearings have ever been authorized to be held by these Members. The public is being misled into believing that they have and that what is going on involves official congressional action. Today's Washington Post accords front page publicity describing the activity of Members who are abusing their office in this matter as the "atrocities panel."

On April 7, 1971, I protested the prospective misuse of official rooms of the Congress for such activity at the expense of the national security in a letter to the Speaker, pointing out that Members so conducting themselves—whether self-described as an ad hoc committee or not—derived no authority from the House and were in fact misusing their position as Members by giving the public a false and misleading impression that congressional action was to be involved. The Speaker replied on April 20 that "all Members have the right to discuss any proposition in any room that is available in which Members may meet."

What has gone on here goes way beyond discussion. The witnesses who are appearing before these Members had to be arranged for, planned for, their testimony reviewed, and their travel paid by someone. A more contrived assault on both the reputation of our fighting men or the jurisdiction of the House Armed Services Committee would be hard to find.

It is difficult to see how the Congress can properly complain of an excess of permissivism as contributory to domestic unrest in the United States if it is itself permissive toward such misuse of its facilities and abuse of its standing committees.

I believe that those Members of Congress who are deliberately engaging in this unauthorized activity are willfully undermining their country's Armed Forces and disgracing the House of Representatives to boot. If they wish to conduct this sort of vendetta against America in privately owned or supplied facilities I believe it would still be within the power of the Congress to censure, but certainly the House can and should put a stop to such continuing misuse of its own facilities by so-called ad hoc committees operating without any authority from the Congress whatsoever.

Mr. Speaker, of significance in a broader context is the fact that this is not the first instance of recorded objection to misuse of congressional facilities by Members in this 92d Congress. On March 1 of this year, Congressman WILLIAM MINSHALL of Ohio, in a speech discussing the need for greater security on Capitol Hill, said on the floor:

> In this connection I would like to point out the growing concern many of us feel over unauthorized persons using office facilities in the House. I do not know what the situation is on the Senate side, but it is a fact that one House Member presently permits use of his office as headquarters for a private organization lobbying against the war in Vietnam. Another group issues a news bulletin called "Leadership Letter" out of 1709 Longworth Office Building, a two-room suite assigned as "additional space" to a House Member. I understand that the House leadership is aware of these abuses of taxpayers' property but allegedly is at a loss as to what to do about it. The steps to be taken are clear enough and on the books. No Member has authority to turn over office space to further the lobbying efforts of any private organization no matter how worthy may be their goals.

Mr. Speaker, I respectfully renew my request that this activity be stopped; that it be made clear that no Member or Members may use the facilities of the Congress under the misnomer of so-called committee action without authority from the House. Such conduct, when this Nation has fighting men abroad risking their lives to help a small nation to which we are committed by agreement, is disgraceful. I believe it merits censure.

I include in the RECORD at this point my correspondence with the Speaker, an announcement relative to these hearings, and two newspaper accounts to date.

APRIL 7, 1971.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The proposal reported in the enclosure distresses me deeply. I do not believe I am alone in this feeling.

It seems to me to go beyond the proper authority of Members of the House to undertake to cast discredit on the House and dishonor on the Nation by a process of conducting ad hoc hearings on any subject, much less on America's blameworthiness in a time of war, declared or undeclared.

Members so conducting themselves derive no authority from the House to mislead the public into believing that congressional action is involved. This would clearly be aggravated by the conduct of any such proceedings in a House Office Building.

I hope that it will be possible to discourage this sort of thing before it happens inasmuch as I believe very deeply that it disgraces the House and is harmful to the United States.

Sincerely,

LOUIS C. WYMAN,
Member of Congress.

[From the Washington Post, Apr. 7, 1971]

FOUR CONGRESSMEN TO HOLD INQUIRY ON WAR CRIMES

(By William Chapman)

An unofficial inquiry into alleged U.S. war crimes in Vietnam will be held during four days this month on Capitol Hill, four congressmen announced yesterday.

The hearings, beginning April 26, are expected to deal in large part with testimony of war veterans recounting actions in which they took part and orders they received from superiors.

The four congressmen said they plan to look into military orders that may have led to such alleged atrocities as the killing of unarmed civilians, torture of prisoners of war and destruction of villages.

Rep. Ronald Dellums (D-Calif.), organizer of the inquiry, said it will center on policies that produced free-fire zones in South Vietnam, search and destroy missions, "indiscriminate bombing (and) the body-count mania."

Dellums said that high-level officials, including the Joint Chiefs of Staff, would be asked to testify, but the ad hoc committee will have no subpoena power.

The hearings, which will be held in the Canon Office Building opposite the Capitol, are termed a substitute for official hearings by the House Armed Services Committee. That committee's chairman, Rep. F. Edward Hébert (D-La.), has indicated that no open hearings will be held as requested by a group of congressmen headed by Rep. Bob Eckhardt (D-Tex.).

Meanwhile, Sen. Mark O. Hatfield (R-Ore.) yesterday urged that testimony of Vietnam veterans given two months ago at informal hearings in Detroit be investigated by congressional committees and by the State and Defense Departments.

He also suggested an independent commission to investigate allegations of war crimes and to assess "the moral consequences of our involvement in Indochina."

Hatfield cautioned against trying to pin guilt for illegal actions on any individuals who made war policy or carried it out. Such a process, he said, "could extend almost endlessly to individual after individual."

Dellum's ad hoc group, on the other hand, plans to delve into orders issued by specific military commanders. One prospective witness, Ronald Bartek, a former Army captain, said at a press conference yesterday that he heard one division commander order his troops to increase the body count. Bartek said his battalion, in effect, was assigned a quota of 50.

Rep. John Conyers (D-Mich.), a cosponsor of the hearings, said they would not be intended to "slander" anyone but that individual names undoubtedly would be cited. Dellums said the main purpose would be to "raise questions of policy," not to implicate individuals.

Sponsoring the hearings with Dellums and Conyers are Reps. Parren J. Mitchell (D-Md.) and Bella Abzug (D-N.Y.).

U.S. House of Representatives,
Washington, D.C., April 20, 1971.
Hon. Louis C. Wyman,
House of Representatives,
Washintgon, D.C.

Dear Louis: Thank you for your letter and enclosure. My Secretary who handles the assignment of rooms to Members advised that she had a routine request from Ronald Dellums if the room was available. It was and it was therefore assigned to him. No mention was made of the purpose for which it was to be used.

Thereafter the question of the legality of this usage was raised and I took it up with the Parliamentarian. He advised me that the group who contacted us have no official status but that all Members have a right to discuss any proposition in any room that is available in which Members may meet.

Sincerely,

Carl Albert,
The Speaker.

House of Representatives,
Washington, D.C., April 22, 1971.

Dear Colleague: Because of the intense current interest in U.S. involvement in Southeast Asia, once again we wish to invite you to participate in hearings on command responsibilities for war atrocities. These hearings will take place in the Cannon Caucus Room beginning at 9:30 am on April 26, 27, 28 and 29.

The hearings will be an open forum for Congress and the public. Following is a brief description of the topics covered and witnesses scheduled to testify:

April 26. Five West Point graduates—four captains and a major—will give detailed testimony on encouragement of policies leading to atrocities and the initiation of specific directives to commit war crimes by high level command personnel.

April 27: Five former military intelligence special agents and POW interrogators describe systematic torture employed by their units.

April 28: Nine former Americal Division members will provide accounts of torture and murder of civilians and wholesale destruction of homes and property as standard procedure.

April 29: Overview of the air war, pacification and forced urbanization. Included will be the first public documentation detailing destruction of hundreds of villages in Laos.

We respectfully request your participation in these important hearings so that you may hear the testimony and ask any questions to the witnesses. For further information, contact M. J. Duberstein on extension 55500.

Sincerely,

Bella Abzug,
Herman Badillo,
John Conyers, Jr.,
Ronald V. Dellums,
Charles C. Diggs, Jr.,
Don Edwards,
Parren Mitchell,
John Seiberling.

[From the Washington Post, Apr. 29, 1971]

Ex-GI Tells Atrocities Panel He Saw Another U.S. Massacre Near Mylai

(By William Greider)

Choking back tears, a 22-year-old former staff sergeant told a congressional audience yesterday that he witnessed another U.S. massacre in Vietnam—the shooting of about 30 people in a village not far from the now-famous hamlet of Mylai.

"I just couldn't believe it," said Danny S. Notley, of St. Paul, Minn. "These guys did this so systematically, like they'd done it many times before."

Notley's account, presented to an unofficial hearing on U.S. war crimes, described the action of an infantry squad on or about April 19, 1969, in a village called Troungkhanh 2, northwest of Ducpho in Quangngai Province, less than 20 miles from Mylai, which was wiped out by American troops 13 months earlier.

Notley served as a rifleman in Echo Company of the 4th Battalion, 21st Regiment, in the 11th Brigade of the Americal Division—the same brigade in which Lt. William L. Calley Jr. served when he and his men hit Mylai.

Notley, now a journalism student at the University of Minnesota, asserted that the incident was known by unit officers up to the battalion commander, a lieutenant colonel, but no action was taken.

"He gave us a well-done," the ex-GI said.

There is no immediate way to confirm or refute the details of Notley's account, but he did provide a copy of his Army separation papers, an honorable discharge which indicates that he did serve in Vietnam in Echo Company at the time.

The Pentagon had no comment on his accusation, but noted that the Army policy has been to investigate any allegations of misconduct if they appear to have substance. In this case, an Army spokesman said, that will be determined when a copy of Notley's remarks is obtained.

According to Notley, the reconnaissance platoon in which he served was angered because a popular GI in the unit was killed by a booby-trap near the village the evening before.

"The lieutenant (whom Notley did not identify) said, 'there's a ville over there and there's people in it and they're responsible for it . . . I want you to go in there,' and he said, 'I want some kills,' " Notley said.

After one squad went through and found nothing, the unit called in white-phosphorus artillery rounds, Notley said. Then he went in with a second squad of eight to 10 American soldiers. They first encountered a group of about 10 women and children, he said.

"As we moved into the village," Notley told a half-dozen congressmen, "nothing was said, you know, nobody said anything. But all of a sudden, these guys started shooting. Women and kids. I was in a state of shock."

Notley paused and choked on tears. The witness was one of 10 veterans of the Americal Division who appeared yesterday before the informal hearings chaired by Rep. Ronald V. Dellums (D-Calf.). The other vets recounted other brutalities—the torture and murder of prisoners, the general mistreatment of Vietnamese civilians—which they insist were typical of the war.

"If you want to know the truth about it," said Notley, "this is the first time I've ever been able to talk about it. I didn't tell my wife about it till last night."

Notley said he was stunned by the shooting, but the other soldiers moved farther into the hamlet.

"I'll never understand," he said, "why the rest of the people didn't run. Why didn't they run after the first 10 were killed?"

Notley said he was carrying an M-79 grenade launcher, loaded with a new type of anti-personnel canister that he had never fired.

"My squad leader looked at me and told me there was a time to get involved. 'This is a good time to try out your canister round.' He said, 'If you're not one of us, you're one of them' and I was actually afraid for my life."

Notley said he fired one round at the people about 20 meters away, but at the last instant deflected the weapon downward so that the grenade skidded along the ground. He doesn't know he said, whether his shot killed anyone or not.

"As soon as I did that," he said, "the rest of the people opened up and killed all the people . . . In all, there was about 30 people."

The platoon radioed in a "body count" of 13 Vietcong, according to Notley, who said the platoon leader "saw what happened and didn't say anything."

Notley's account was corroborated, in part, by another Americal Division veteran who appeared before the congressmen yesterday. John Beitzel, of Philadelphia, who served in another infantry company operating a few kilometers away that day, heard the "body count" confirmed by one of his unit's platoons and said the men later gossiped about how the people had been killed by Echo Company.

Notley said he assumed at first that his unit was in trouble for what it had done, since there was no hostile fire from the village prior to the killings. "They told us the battalion commander was coming and I thought, wow, somebody's going to jail."

Instead, he asserted, the commander, also unnamed in his testimony, commended the unit for their "body count." The commander, he said, questioned a Vietnamese child who survived and the child told him that the Vietcong were responsible. "I guess that's why they didn't run away, they didn't expect that from us," Notley said.

Notley said he fixed the approximate date of the action by a letter he had written to his wife on the morning his squad attacked the people. The letter, he said, recounted the death of the GI killed by a booby-trap.

Rep. John Conyers (D-Mich.) characterized the killings as "a massacre" and asked Notley what superior officers knew about it. The witness said the battalion commander "must have known. He was in the village the next day. Unless he couldn't smell. You could smell the bodies. Unless he was stone-blind."

Notley said he could identify four or five enlisted men who did the shooting.

But the Citizens Commission on Inquiry Into U.S. War Crimes, the anti-war group that organized this week's testimony, opposes the prosecution of individual soldiers, including Lt. Calley and the men involved at Mylai. Their position is that public scrutiny should focus instead on the policies and strategies of the war and on the top military and civilian leaders who drew them up.

THE FBI NEEDS IMMEDIATE INVESTIGATION

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, on Tuesday I rose on behalf of 10 of my colleagues to introduce a resolution calling for an investigation of the Federal Bureau of Investigation by the House Committee on the Judiciary. The investigation is more imperative now than it was 3 weeks ago when I introduced my original resolution. Since I introduced my original resolution in the midst of a flurry of publicity about the FBI, that publicity has not abated but increased; the bizarreness of the administration of the FBI has become not less evident but more so; the demand of the American people for some kind of investigation by their elected Representatives has not decreased but become more insistent judging by the mail I have received.

Three weeks ago it was charges of wiretaps that were hitting us closest to our congressional hearts. But I pointed out then as I point out now, that was only the closest to home. Since then we have seen increased bolstering up of the faulty indictment obtained against the Berrigan brothers and some coworkers in the Catholic peace movement. At least two dozen more people have been subpenaed to appear before the grand jury in Harrisburg, prompting one of the lawyers involved to remark, "Usually they investigate before they issue indictments; here they have reversed it." That is precisely the issue I raised in my original remarks—that the indictment was returned based on questionable evidence to shore up accusations made before an Appropriations Committee of this body bolstering up requests for increased moneys. It is this questionable administration of laws and use of the judicial process that my colleagues and I urge the Judiciary Committee to investigate.

Since 3 weeks ago, the Senator from Maine has suggested that FBI agents surveilled so unseditious an event as Earth Day last year. How many other events are they surveilling? It is the activities of the agents that our resolution asks the Judiciary Committee to investigate, including how they select the "special" cases, how they gather evidence, what they do with what they gather, what kinds of files they maintain on Congressmen and their daughters, on John Q. Citizen and his sons.

Since 3 weeks ago the lack of quantity and quality of work has come increasingly to light with the release of more of the documents from the FBI office in Media, Pa. And the closing down of several of the field offices has brought about the disclosure that one of the doors at the Media office was secured only by a file cabinet pushed up against it.

In my remarks 3 weeks ago, I referred to the firing of the agent who criticized the agency during a classroom seminar; in those 3 weeks we have witnessed the firing of two young girls from their unclassified jobs because they believe in ending the war and worked for a peace group in their off-duty hours. I introduced my original resolution with a great sense of urgency; I find my feelings more intense now than I did 3 weeks ago. The Judiciary Committee has a duty under the rules of the House to watch the executive agencies who carry out laws within the jurisdiction of the committee.

My colleagues and I call upon the Judiciary Committee to execute this duty of watchfulness over this increasingly peculiar body of the executive branch—to recoup congressional control over this agency so long out of its purview—to allay the increasing fears of the American people and Members of this House. We urge an immediate investigation by that committee most able and most duty bound to investigate all facets of the FBI administration, law-enforcement procedures and personnel policies.

At this point I include a copy of the resolution—and ask your support.

RESOLUTION

To provide for an investigation by the Committee on the Judiciary of the administration and operation of the Federal Bureau of Investigation.

Resolved, that the Committee on the Judiciary, acting as a whole or by subcommittee is authorized and directed to conduct a full and complete investigation of the Federal Bureau of Investigation, including but not limited to the following areas:

(a) the quality of the administration of the Federal Bureau of Investigation, including but not limited to investigation of the ability of the Director;

(b) the activities of the agents of the Federal Bureau of Investigation and their supervisors including but not limited to;

(1) the manner of selection of cases with particular attention to the reasons for the FBI's special public emphasis on certain recent criminal conspiracy cases;

(2) the methods used to gather evidence and the reasons for choosing one method rather than another in specific cases;

(3) the uses made of the evidence gathered with particular attention to the F.B.I. practice of maintaining massive dossiers on individual citizens;

(c) the quality, quantity and type of work done plus the accuracy of the statistical reports of such work;

(d) personnel policies and practices.

For the purposes of carrying out this resolution, the committee is authorized to sit and act during the present Congress, subject to clause 31 of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary. Subpoena may be issued under the signature of the Chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress, but not later than forty-two days after the date of the adoption of this resolution, the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

RECYCLING OF INDUSTRIAL WASTE BY GEORGIA-PACIFIC'S BELLINGHAM PLANT

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, in this time of justified concern over the pollution of our air, water, and landscapes, it is refreshing to learn of plans for the recycling of industrial wastes.

An example of such recycling are the plans to be carried out by the Georgia-Pacific Corp.'s Bellingham plant.

Expanded recycling of the leftovers from printing paper and facial tissues will soon help to increase the supply of vanilla flavoring, cosmetics, medicine, soil conditioners, adhesive and even the dispersants for strengthening high-test concrete, bricks, and gypsum wallboard.

Construction of expanded facilities to further process spent sulfite liquor, once a pulp and papermill water pollution problem, will start immediately, and the marketing program is already underway. According to John Dudkak, Georgia-Pacific Corp. vice president in charge of the Bellingham operation, the company has allocated $2.5 million in 1971 for the initial expansion phase.

The project, developed by a research team of 35 experts in the forest byproducts field, has been given the encouragement of State of Washington pollution control officials.

Some of the unusual products have been manufactured and marketed, initially on a test basis, since 1945. Improved processing and refining techniques now make a substantial expansion on a full commercial basis feasible.

Most exotic of the new products, currently being manufactured on a small scale from synthetic vanilla, is L-Dopa for treatment of Parkinson's disease and aldimet for heart disease. Need for these drugs is expected to triple in 1971 and the new Georgia-Pacific facility will supply the raw material from which the synthetic vanilla is made. It in turn is the raw material for these drugs produced by pharmaceutical manufacturers.

A distillery, which already produces purified ethyl alcohol from the sugar extracted from spent pulping liquor, also will be expanded. New distillation equipment has been designed to broaden that byproduct's use into "literally hundreds of markets."

The new program at Bellingham also will include a modernized packaging and warehousing department to handle the former pollutants. Dunkak said:

> By being able to merchandize what would ordinarily be a pollutant we have created a plus factor which otherwise would be reflected in pollution control costs borne by customers and stockholders.

The Bellingham scientific group is the same team that last year won international credit for developing the successful mercury recycling process for chlor-alkali manufacturing. It required several years of research that included joint experiments with other scientists in England and Scandinavia.

ISRAEL ON HER 23D ANNIVERSARY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, April 29 marks the 23d anniversary of the creation of the State of Israel. Israel continues to demonstrate, by the intelligence, courage, and initiative of her people, a remarkable example for the world. She is thriving in a barren land, amid hostile neighbors. And she will continue to thrive.

Why is Israel of such strong emotional significance to so many Americans? I think this a relevant question to ask, not only because we are now commemorating her creation, but also because it is a fact that Israel, and the Israeli people, do arouse our empathy and our concern for her well-being.

It seems to me that Israel in many respects embodies those principles and characteristics we so proudly esteem in our national character. She has demonstrated an independent self-reliance we perceive as existing in our own Nation's infancy and youth. She is populated by a brave people, who remind us of what we like to think is a basic attribute of our own national character. She is marked by a commitment to democratic institutions which we share and similarly espouse.

Emotion is no small factor in the politics of nations, and that empathy which binds our two peoples is a powerful element in our relations, as it should be. But, aside from emotion, there are other legitimate factors, as well, which compel our support for Israel.

Geographically, Israel is very small among the nations of the world. But, her particular location makes her of integral importance. Astride the juncture of two continents, she forms a natural path between Africa and Asia, between the Mediterranean and the Indian Ocean, and between Europe and the East.

Politically, Israel represents fully developed Western democratic institutions. I make no claim that such institutions suit all nations, but insofar we regard these institutions as offering a vehicle for maximizing individual freedom and expression, we look to Israel as embodying those ideals we espouse.

Philosophically, Israel represents an approach to the world which appears to offer the hope of bettering the lot of peoples similarly lacking in natural resources. By demonstrating a determination to reshape their land to make it fertile and productive, the Israelis have exhibited a positivism which is an encouragement to other nations. A certain hard pragmatism, uplifted by idealism, has combined to find solutions to difficult natural adversity.

We cannot look at Israel, however, without recognizing a certain, very special aspect which her people possess. As I said, there is a tie of emotion which binds the United States and Israel. But this bond is broader than just a perception of the similarity of our two nations. This bond is founded, also, on the holocaust of World War II, which took so many millions of lives. The Nazi plan of genocide for the Jews has left an indelible mark, not only upon the survivors of that obscene scenario, but on all civilized men and women. Because Israel became the refuge for Jews, we mark her existence with a special meaning.

Particularly, now, all of these factors combine to emphasize our regard for and concern about Israel. In the Soviet Union, Jews are being subjected to religious and cultural repression. For many of them, Israel is their desired haven. In a very real sense, the perseverance of the Israelis and of Israel is a beacon to these hapless people.

In a more direct sense, the continued fear of war in the Mideast maintains our concern. Almost 4 years have passed since the 6-day war of June 1967. Yet peace still eludes Israel. The constant threat of renewed, full-blown war remains.

Because of this threat, it is essential that U.S. support for Israel be uncompromising. There are numerous reasons why this is so—the emotional bond between our two nations, the continuing friendship of Israel, Israel's strategic importance.

Make no mistake. Just as this year we celebrate Israel's anniversary, so will we next year do the same. And the year after that, and the year after that. Israel will thrive and she will prosper.

THE NEED FOR DEPRECIATION REFORM

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, I would like to congratulate my good friend, the gentleman from Illinois (Mr. ANDERSON), for bringing to the attention of Members of this House the important matter of the Treasury Department's new guidelines allowing expanded depreciation for equipment and machinery.

The gentleman has provided a distinct service in calling this to our attention during his special order yesterday.

As was pointed out so well yesterday, these new guidelines establish what is called the asset depreciation range, or ADR. This allows depreciation lives of not more than 20 percent shorter or longer than present guideline lives, eliminates the unworkable "reserve ratio test," and allows a full year's depreciation on assets installed before midyear.

Current balance of trade and unemployment difficulties, coupled with small productivity growth, make depreciation reform necessary.

Back in 1962 when President Kennedy announced certain guideline life reductions for some industries, I supported it as a step in the right direction.

This was during my freshman term in the House, and I had, prior to the President's announcement, introduced legislation that would have provided similar tax depreciation revisions.

Unemployment then was near 7 percent, and it was obvious to all that the then-administration's spending program to create more jobs would be unsuccessful.

When the President proposed the reduction in 1962, he had only to look to 1954, when President Eisenhower led a move to cut taxes by some $6 billion. As usual, there were the "doom and gloom experts" who predicted that the country could not stand that kind of a tax revenue loss.

But, the $6-billion loss was more than compensated for by industrial expansion and a large increase in the gross national product.

With the enactment of the Tax Reform Act of 1969, which placed higher taxes on the investment sector of our economy, and the repeal that year of the investment tax credit, there can be little doubt that American industry was placed at a serious disadvantage.

Today, a growing chorus of critics has used the argument that the asset depreciation range is an infringement on congressional tax-levying authority and that it is an unwarranted tax break for business.

But, when we examine the record, we find that it is neither one.

Under section 7805 of the Internal Revenue Code of 1954, as amended, the Treasury is granted the broad authority to promulgate all "needful rules and regulations for the enforcement of this title." It is interesting to note here that the courts have repeatedly upheld Treasury regulations under this section.

The Supreme Court, in the Commissioner against South Texas Lumber Co. case in 1948 ruled:

> This Court has many times declared that Treasury regulations must be sustained unless unreasonable and plainly inconsistent with the revenue statutes . . .

Congress has always expressed in broad language statutory provisions that govern the recovery—through depreciation—of the cost of capital assets. And section 167(a) of the Internal Revenue Code expressly provides that "there shall be a reasonable allowance for the exhaustion, wear and tear of property used in trade or business, or of property held for the production of income."

The very language of this section compels interpretation—and interpretation provides for a delegation of authority.

In 1954, two significant depreciation provisions, sections 167 (b) and (d), were added to the code, both enlarging the foundation upon which depreciation regulations were premised, and authority expressly delegated to the Secretary of the Treasury.

These sections applying to depreciation guidelines and their successor, the asset depreciation guidelines, are consistent with the objectives Congress had in mind when applying them. This legislative authority seems to be completely overlooked by critics.

Precedents exist. In 1934, legislation was introduced which would have reduced depreciation allowances by as much as 25 percent over a 3-year period.

Then-Secretary of the Treasury Henry Morgenthau told the Ways and Means Committee that the legislation was not necessary since the Treasury could obtain the same result under section 23(b) of the 1932 Revenue Act. Congress acquiesced. It did not alter the depreciation statute. Ways and Means agreed, explaining that it believed the plan of the Secretary to be "the best course to pursue."

In 1953, Treasury moved away from the 25-percent statutory reduction in depreciation allowances by stating that a taxpayer's depreciation would not be disturbed in the absence of a clear and convincing basis for a change. This, in essence, provided that IRS could not disturb a depreciation rate as long as the useful life projected by IRS and the taxpayer did not differ by more than 10 percent.

The House, in 1954, amended the Internal Revenue Code to include a provision that would become section 167(e) to provide this, but the Senate Finance Committee deleted the 10-percent leeway, since it concluded that the objective could and would be achieved by administrative action already taken.

Congressional recognition of the validity of administrative action has particular significance in view of the argument used against ADR.

Also to be considered are economic factors which carry a high priority on the domestic scene. Everyone is talking about inflation, for almost everyone has been affected by it in one way or another.

The increased depreciation schedule can help offset the shrinkage in the purchasing power of the dollar. This adjustment will yield a larger amount of deductions over so-called remaining lives than would be obtained from the conventional original-cost writeoff. Resulting tax benefits are a clear gain. The funds made available by earlier tax benefits can be put to work in the taxpayer's business and can earn a return pending their absorption by additional tax liabilities later on.

A liberalization of depreciation allowances is nothing more than a change in the timing of a tax liability. Such a policy allows a business to reduce tax payments now—at a time when additional purchasing power is needed. Past experience demonstrates that depreciation liberalization will stimulate spending on new plants and equipment.

When this is done the result is more jobs. Only last week this body voted for legislation providing funds to make more jobs available through public works programs in areas of substantially high unemployment.

It is only a matter of logic that tax policy should join with other economic policies to create more jobs.

Accelerated depreciation will bring increased demand for machinery and equipment that will directly provide jobs for workers in plants which make machinery and equipment. Further increased jobs will arise from the opening of new plants and expanding old plants. To some extent the increase in jobs can be immediate as orders are placed for more investment goods and producers start work on these goods.

Jobs will be created for the presently unemployed, as well as young people just joining the labor force.

Furthermore, the ADR system, with its 20 percent optional shortening of the 1962 guideline lives, appropriately reflects the faster pace of economic and technological change which seems to be developing in the 1970's.

The liberalization of depreciation allowances is one of the simplest and least costly means of helping to revive capital spending. Through this program, business will receive a much needed infusion of funds, the Nation's economy can receive a boost, and the unemployed can go back to work.

CONCEPTS OF A STATE "FOUNDATION PLAN"

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, the Ohio State Medical Association has suggested a foundation plan which has been given a great deal of study by that organization. I am enclosing a copy of an article which appeared in the Ohio State Medical Journal recently on this subject and offer it for consideration of my colleagues.

CONCEPTS OF A STATE "FOUNDATION PLAN"— A METHOD OF HEALTH CARE DELIVERY

The medical profession is under attack by many segments of society because of the spiraling costs of health care in this country. The medical profession therefore, has become the "fall guy" for this spiraling cost which could result in the destruction of the health care system as we know it today. We all know the physician has control over some aspects of health care, but for many areas this escalating cost factor is beyond the physician's control. The other major point of criticism which is being hurled at the profession is that of the distribution of health care, with particular reference to the ghetto and rural areas.

We do have the capability of providing solutions to the cost factors and distribution of medical care. Without our guidance and influence, legislators, government leaders, labor leaders, bureaucrats and health and social planners will completely alter the health care system by using these two major factors as an executive for a radical and complete change. Why not treat the "patient" professionally instead of permitting non-professionals to institute a treatment that would be worse than the disease itself.

Therefore, it is imperative that the medical profession clearly recognize the problems that exist today and come up with a program that will resolve both the short term problems and the long term needs of the profession and the people that it serves. Dr. Richard Fulton, OSMA President, and the OSMA Council determined the need for an evaluation and for recommendations to solve the short and long range problems in the Financing and Delivery of Medical Care. They have established an Ad Hoc Committee on Health Care Delivery Systems. This is a report of that committee.

When you review the proposals and concepts that are offered by all of the "experts" in this field you must recognize several common denominators. These are that the service must be available to everyone and that it must be at a reasonable cost. It is essential that medical care be provided at a high quality level to all and the physician should be responsible for the quality care in all segments of the health care field. We agree that the costs must be reasonable but that this cost factor should apply not only to the physicians but to facilities and the other elements of the health care industry. It is only reasonable that the profession should manage such a system of care in that they are in the best position to evaluate the efficiency and the productivity of the delivery system.

Considerable discussion is going on throughout the country regarding the formation of health care foundations. The foundation concept was initiated by Henry Kaiser in the construction of the Grand Coulee Dam in 1938 for comprehensive medical care on a capitation basis and founded by Dr. Sidney Garfield. This Kaiser Foundation concept was expanded during World War II in the Kaiser shipyard facilities. It is now a large program covering two million people in several of our states with over twenty hospital facilities and many outpatients clinics. The Kaiser plan is a prepaid full coverage capitation plan with a limitation of the choice of physician and of facility to those within the plan. The physicians are salaried and the patient's choice limited. As a counter measure to the closed panel pre-payment Kaiser system, particularly in California, local "foundation" plans have been established. Most of these were created by county medical societies to offer a competitive system. These latter medical care foundations offer free choice of physician, of those physicians participating in the program (90% to 95%), and on a usual, customary and reasonable basis. One of the first of these was the San Joaquin Valley program and now over thirty of these exist in the State of California. A study of these local foundation plans reveals many alternate approaches to the problem; but there is a definite control of the program by the physician members. Several of our sister states are currently formulating plans for similar foundations or "modified foundation programs." There are variations, of course, to these proposals but the primary objective of all is quality care and reasonable cost.

Your OSMA committee, in evaluating these varied programs and in contemplating the future of health care, believes that the Ohio State Medical Association should be the catalyst to the formation of a state-wide "foundation" concept. It would be necessary to establish a parallel organization to the OSMA in order to carry out such a function. We view the role of this foundation as one which would serve as the agent for the physician membership of the organization and in so doing would assure any third party, whether it be governmental, labor, management, insurance carriers, patient groups, individual patients, etc., that quality medical care would be delivered. This agency would also assure the third parties and its provider members that this care would be delivered on a usual customary and reasonable fee basis. The foundation would process all claims and payment hopefully through contracts with established carriers, assure prompt reasonable payment and make this payment of both facilities and providers on the principal of the usual, customary and reasonable basis. The foundation would carry out utilization review within both the facilities and providers areas and it would also carry out peer review of the providers.

The criteria for both utilization review and peer review should be established by another physician group. If the Bennett Amendment that was formulated by the Senate Finance Committee in the late 1970 is finally enacted by the present Congress, a State PSRO (professional Standards Review Organization) could be established by the OSMA to formulate the guidelines for utilization and peer review and also be responsible for the implementation and supervision of these criteria. Each hospital utilization committee would function as of now, but they would be required to perform to the prescribed standards. Peer review committees would be organized on a county or regional basis, and likewise they would be required to function according to the PSRO standards.

Physicians and other providers, as well as facilities, would participate on a voluntary basis and would agree to adhere to the rules and regulations of the foundation. Those not electing membership would receive payment for their services through their patients who would be reimbursed at a limit to be established by the foundation. This brings up the problem of the individual nature of medical practice as it has traditionally existed. It would seem at this time that there are three possibilities available to the profession. One—a national health service as has been advocated by some which would be restrictive, inflexible system. Two—remaining totally independent of all organized systems and excluding one's self from the vast majority of people who will be under either a voluntary health plan or a compulsory nationalized health plan. Three—participation in a physician oriented and organized structure that would inherently have some restrictions but would in general follow the pattern of patients free choice of physician and fee for service on the usual, customary and reasonable basis.

A great advantage to the physician operated foundation could be the establishment of a self-contained professional liability program that would hopefully reduce the liability costs that the provider now is burdened with through the high premiums paid to liability insurance companies. It seems only reasonable that through proper peer review, the "bad risk" provided would either be excluded from such a program of delivery, or if he were a participant he would be under sufficient control to markedly reduce the liability exposure.

Because of the existant health care areas within our state, each area should have its own functioning organization to carry out the everyday mechanics of the program. However, to insure a large base from which to negotiate it seems advisable that there be an overall state organization which establishes basic policies. A large voluntary membership representing the vast majority of practicing physicians within the state would be an effective instrument in representing the physicians' viewpoint.

What does this offer to the patient or an organization seeking a health care "package" for their members? Primarily, it assures them of the best available care at a quality level and at a reasonable cost. The consumer or his organization would negotiate with the foundation as to the allowable benefits, deductibles, or other criteria to be established that gives the consumer representation in the formulation of their own plan. The implementation of the plan, however, would be carried out by the foundation as professionals, employing the appropriate review techniques.

This agency or foundation would also be in a position of responding to the manpower needs of given areas by the establishment of health care clinics, by establishing mobile health care facilities and other innovative systems that would hopefully be able to answer some of the pressing needs in the area of abnormal distribution.

A unique opportunity is now available to organized medicine in one of our rural counties. The only practitioner is leaving after 25 years of devoted service to the community. The committee recommends that a modified group-type practice be established under the leadership of OSMA to meet the needs of this county. This could be a demonstration project. It would provide many answers to a difficult problem pertaining to the organization and functional status of such a facility.

There are certainly many points of controversy and many areas that represent a radical departure from the past thinking of many members of the profession. But there must be an immediate progressive, realistic approach made to the present and future problems facing the profession if the basic tenets of the care for sick people, as well as for the prevention of disease are to be retained. Great thought must be given to these problems but at the same time there is urgency to the need for action.

The committee recommended to the Council and Officers of the OSMA the formation of a State Foundation of Medical Care. This recommendation is presently under consideration by The Council.

Respectfully submitted,

AD HOC COMMITTEE ON HEALTH CARE DELIVERY SYSTEMS,
ROBERT HOWARD, M.D.,
Chairman.
JAMES GOOD, M.D.
SOL MAGGIED, M.D.
H. WILLIAM PORTERFIELD, M.D.

LET US BE MORE NEIGHBORLY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in leading the commemoration in the House of Pan-American Day on April 20, I called for a reordering of our foreign policy priorities in regard to our relations with Latin America. Having just returned from a meeting of the Interparliamentary Union held in Caracas, Venezuela, I am particularly aware of the need for improved understanding between the United States and Latin American countries. We have often failed to recognize the legitimate needs and ambitions of these countries as we have sometimes failed to recognize the intensity of their national sensibilities.

In light of the need to improve communication between the United States and Latin American nations, I asked the House to reaffirm its dedication to solving our common hemispheric problems through collective cooperation. I was pleased to find editorial support in the Fifth District of Connecticut for my position. I should like to include at this point in the RECORD a thoughtful and well-reasoned April 23 editorial from the Meriden Morning Record. It is gratifying to find such a prompt and favorable reaction to my suggestion and I am sure that Latinos will be pleased at the editorial response of this respected journal.

The editorial follows:

LET'S BE MORE NEIGHBORLY

Rep. John S. Monagan's reminder that the United States should pay more attention to the Latin-American nations is justified. The Congressman who represents Meriden, Wallingford, and Cheshire, among other towns in the Fifth Congressional District, addressed the House Tuesday on Pan American Day commemorating the 81st anniversary of the founding of the Union of American Republics, now known as the Organization of American States.

For too long the Latin American nations have been either ignored, treated with disdain, or regarded as poor relations by Uncle Sam. Simple self-interest would dictate more considerate treatment, let alone considerations of friendliness and fairness.

No one likes to be taken for granted, neither an individual nor a nation. Yet all too often Uncle Sam has taken for granted his Latin American neighbors until suddenly some crisis erupts—a Soviet missile base in the Caribbean, or the election of a Marxist president in Chile. Then Uncle Sam sits up and takes notice.

Such "crisis government," however, is not in the best interest of either the United States nor Latin America. There should be a continuing give and take at every level—diplomatic, political, economic, scientific, and cultural—among the nations of the Western Hemisphere. All of them, including the United States, recognize this; over the years there have been attempts at establishing such relationships. There was the "Good Neighbor" policy, and the Alliance for Progress, and there is the Organization of American States, all commendable undertakings, but somehow, somewhere, they bog down and the old pattern of indifference sets in—until the next crisis.

Rep. Monagan has done well to point out the folly and the dangers of drifting. Latin America is changing. No longer is it a continent of what has been contemptuously called "banana republics." Today Latin America is bestirring itself, like a giant awaking. The nations south of the border hold great riches; they are also beset with grave problems—a rapidly mounting birth rate, abysmal poverty; a widening gap between rich and poor; restiveness in the Church; political instability, and a vague awareness on the part of the populace that their lives need not be so miserable after all.

Congressman Monagan calls for a recognition of the need for mutual understanding and interdependence among all the nations of the Western Hemisphere. The old order has changed; today the nations and continents are linked by satellite communications and spanned by jet aircraft. The time has come to put aside provincialism and parochialism and think in terms of the common interest, according Latin America the place it deserves as a next door neighbor.

REGULATION OF TAX RETURN PREPARERS—FORM AND SUBSTANCE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, April 15 has now come and gone. Although the decibel level of taxpayer protest over the level of taxes and the complexity of the forms appeared not to be any higher this year than in previous years, few will disagree that we need improvement on both counts.

With regard to substantive tax reform I stand by my March 1969 proposal to the Ways and Means Committee. I stated then that a broad gage minimum income tax offers an equitable means by which to partially achieve two objectives. First, to assure that all taxpayers regardless of the preferential tax provisions to which they are entitled pay some income tax. I proposed a minimum tax of 20 percent. Unfortunately the Tax Reform Act of 1969 imposed a minimum tax of only 10 percent and even that minor safeguard of tax equity is apparently not sufficient to assure that all citizens pay even a token share of taxes. Recent analyses of the 1969 tax statistics indicate that escape from income taxation has not been foreclosed by the so-called minimum tax. Congress should act to expand and increase the minimum tax to at least 20 percent.

The second objective that a realistic and effective minimum tax would help achieve is a broadening of the tax base. This in turn would enable the Congress to provide a greater tax relief to the middle income taxpayer who continues to carry a disproportionate tax burden.

I intend to introduce appropriate legislation after I have received income and reporting statistics for the 1970 tax year which just passed.

The middle-income taxpayer suffers not only as a result of substantive inequities in the tax laws, but also from the complex forms which he must follow and procedures with which he must comply. As I stated recently, more than half of the 75 million taxpayers who filed returns in 1969 received preparation assistance. The great majority of those who sought assistance had adjusted gross incomes of less than $10,000. We must conclude, then, that a sizable portion of the tax savings that the 1969 act afforded to such a taxpayer is used as payment to persons who assist in tax form preparation.

To provide taxpayers with some relief in the procedural areas of our tax administration, I believe a two-pronged attack is needed. First, the Internal Revenue Service must expand and improve the quality of its taxpayer assistance programs. Currently the IRS expends approximately 10 percent, or $110 million, of its annual budget on programs which are directly related to taxpayer assistance. This includes, among other items, preparation and publication of technical information, answering taxpayer queries at IRS offices and by telephone, and certain audit and collection activities. What this figure does not include is the amount of uncollected revenue which results from the tax deductions allowed for fees paid to persons assisting the taxpayer in tax form preparation.

Second, tax forms and procedures must be simplified. It is an unfortunate fact of life that form is intertwined with substance. As a result, the complexity of our laws is a proximite cause of the complexity of the tax forms. This is not the only cause, however. I believe that the IRS can and should do more in this regard notwithstanding the complex laws.

To perform this task effectively a single focal point within IRS should be charged with carrying out this function. Currently, a number of constituent units of the IRS are, in varying degrees, involved in work related to form simplification and taxpayer assistance. More effective coordination of the work of these units and greater reliance on taxpayer attitudes and opinions would be two meaningful steps that could lead to a reversal of the unwillingness of taxpayers to prepare their own forms.

So that Congress may more effectively evaluate the efforts of the IRS to provide taxpayer assistance, I have introduced H.R. 7590. This bill amends the Budget and Accounting Procedures Act of 1950 by requiring the Secretary of the Treasury to furnish information on the taxpayer assistance programs of the IRS and on the revenue consequences resulting from itemized tax deductions for fees paid to persons or firms who provide assistance to taxpayers in preparing Federal income tax forms.

The bill also authorizes the Secretary of the Treasury to promulgate regulations governing the recognition of persons who engage in Federal tax return preparation and qualifications, rules of practice, and standards of ethical conduct required of such persons. As I have previously stated, the burgeoning tax return preparation industry is virtually unregulated despite the highly sensitive nature of the work its members perform for the general public. Nor is there a coherent national policy on the role of the Federal Government in promulgating qualification or fee standards for the more than 200,000 tax form preparers currently doing business in the United States.

This bill, which is now before the House Government Operations Committee, seeks to fill that void by defining and clarifying the role of the IRS in assisting taxpayers and by authorizing promulgation of regulations to govern tax preparers.

The House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair, has oversight jurisdiction of the Department of the Treasury including the IRS. For some time it has been concerned with the quality of services provided by these firms and by their qualifications and fees. Following is an editorial from the Bridgeport Post of April 16, 1971, on my proposal to regulate the commercial tax service industry.

MAKE IT SIMPLE

Congressman John S. Monagan of Waterbury has proposed federal legislation to regulate what he calls the multi-million dollar commercial tax service industry.

Congressman Monagan cites statistics that indicate more than half of the 75 million Americans who filed income tax returns in 1969 sought assistance in the preparation of the forms. And the congressman thinks they should have the protection of regulation of the tax firms to which they pay fees.

There is no argument here on the proposal considering the present circumstances.

But a proposal of Senator Charles McC. Mathias of Maryland is nearer and dearer to our heart.

Mr. Mathias wants the official language of the Internal Revenue Service to be "common, everyday American English."

So he is introducing legislation to form a 15-member commission to simplify Internal Revenue Service tax forms for Americans.

Said the senator:

"Although the Internal Revenue Service—contrary to popular belief—does not deliberately make its forms obscure and its instructions baffling, I believe that substantial improvements are badly needed."

His commission would represent all tax brackets, age groups, job categories, and regions of the country. In short, he says, tax forms would be submitted to "a panel of average taxpayers before the materials are printed by the millions and released to the general public."

With the horrendous struggle with Form 1040 over for this year, haggard, worn and weary taxpayers can only wish the senator the best of luck in his quest for simplicity.

AMENDMENT TO THE CONSTITUTION

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to offer an amendment to the Constitution, specifying that no public school student shall be assigned to, or required to attend, any particular school on the basis of race, creed, or color.

Offering an amendment to so honored and cherished and complete a document as our Constitution is not a step to be taken lightly, or in haste, or without very good cause.

But I believe that in light of the Supreme Court's recent decision in the case of Swann against Charlotte-Mecklenburg Board of Education, declaring that the forced busing of schoolchildren away from their neighborhoods is an acceptable tool in achieving racial balance, there is no other recourse to be taken.

Regular legislation, such as a bill I introduced in the 91st Congress and again in the 92d, can no longer obtain my desired result, and that is the restoration of reason and the redirection of purpose in American education.

But this desire is not mine alone. Rather, it is shared by millions of people in our cities and towns and rural areas who long for a return to the consideration that once was and still should be paramount in our Nation's schools—and that is to provide an education of high quality for every American child.

And this desire is not limited to the people of the South, or to any region. It is not confined to proponents of any one political or social philosophy; it is shared by all.

The spectre of racism has not inspired this action, nor has it motivated the millions who feel that forced busing—or forced anything—is not consistent with the free society we profess to be.

This strong belief in freedom, the greatest force in this Nation's history, is what is at issue here. This, and the fact that millions genuinely and sincerely believe that the education of their children may be seriously impaired as a result of the Court's decision.

Rising costs plague us all, but they threaten to destroy hundreds of school systems throughout the country. We read of teachers striking for higher pay, of school buildings crumbling in disrepair, and of acute shortages in so many kinds of educational equipment.

When funds for these pressing needs cannot be supplied even now, how shall the cause of quality education be served by imposing overwhelming additional costs for purchasing and maintaining fleets of new buses?

In our admirable desire to provide a quality education for all, will we make it impossible to provide a quality education for any? This need not—it must not—be the case.

The Court has ruled on this matter, and the Court's decision should rightly be considered the law of the land. And the law of the land must always be respected and followed.

But where law is found to be unjust, or destructive of its own ends, it must be changed.

For that reason, I am introducing this constitutional amendment today, and I am pleased and honored to have as a cosponsor my distinguished colleague in the North Carolina delegation, Mr. JONAS.

It is significant that Mr. Jonas should serve as a cosponsor of this measure, because it is in his district that the Court's directive will be immediately effective.

Mr. Jonas believes as I do, and as many millions of Americans do, that this amendment is needed, for the sake of our schools, for the sake of our children, for the sake of our freedom.

I urge its immediate consideration by the appropriate committee, its rapid approval by the Congress, and its final ratification by the States.

The amendment follows:

H.J. RES. 593

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this Joint Resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation."

SMASHING VICTORY FOR COAL MINERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, earlier today I indicated that the U.S. District Court decision in the Tony Boyle-UMW Welfare and Retirement Fund-National Bank of Washington conspiracy represented a great victory for the coal miner, widows, and survivors.

In the CONGRESSIONAL RECORD, volume 115, part 17, pages 22623–22638, I included the text of the complaint.

Because of the historic nature of the decision handed down yesterday in the U.S. District Court for the District of Columbia, I include the complete text of the opinion by U.S. District Judge Gerhard A. Gesell. Included following the opinion are two news articles on the decision. The opinion follows:

[U.S. District Court for the District of Columbia]

[Civil action No. 2186–69]

WILLIE RAY BLANKENSHIP, ET AL., PLAINTIFFS, V. W. A. (TONY) BOYLE, GEORGE TITLER, EDWARD L. CAREY, THE UNITED MINE WORKERS OF AMERICA, BITUMINOUS COAL OPERATORS' ASSOCIATION, THE UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND OF 1950, THE NATIONAL BANK OF WASHINGTON, C. W. DAVIS, JOSEPHINE ROCHE, GEORGE L. JUDY, HENRY S. SCHMIDT, WILMER J. WALLER, BARNUM L. COLTON, DEFENDANTS.

MEMORANDUM OPINION

This is a derivative class action brought on behalf of coal miners who have a present or future right to benefits as provided by the United Mine Workers of America Welfare and Retirement Fund of 1950. Plaintiffs have qualified under Rule 23.2 of the Federal Rules of Civil Procedure. Jurisdiction is founded on diversity and on the general jurisdiction of this Court, 11 D.C. Code § 521, in effect at the time suit was filed.

Defendants are the Fund and its present and certain past trustees; the United Mine Workers of America; and the National Bank of Washington and a former president of the Bank.[1]

Plaintiffs seek substantial equitable relief and compensatory and punitive damages for various alleged breaches of trust and conspiracy. Defendants oppose these claims on the merits and in addition interpose defenses of laches and the statute of limitations. The issues were specified at pretrial conferences, and after extensive discovery the case was tried to the Court without a jury. Following trial, the case was fully argued and detailed briefs were exchanged. This Opinion constitutes the Court's findings of fact and conclusions of law on the issues of liability and equitable relief.

I. BACKGROUND

A. Organization and purpose of the welfare fund

The Fund was created by the terms of the National Bituminous Coal Wage Agreement of 1950, executed at Washington, D.C., March 5, 1950, between the Union and numerous coal operators. It is an irrevocable trust established pursuant to Section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. § 186(c), and has been continuously in operation with only slight modifications since its creation.

The Fund is administered by three trustees: one designated by the Union, one designated by the coal operators, and the third a "neutral party designated by the other two." The Union representative is named Chairman of the Board of Trustees by the terms of the trust. Each trustee, once selected, serves for the term of the Agreement subject only to resignation, death, or an inability or unwillingness to serve. The original trustees named in the Agreement were Charles A. Owen for the Operators, now deceased; John L. Lewis for the Union, now deceased; and Miss Josephine Roche. The present trustees are W. A. (Tony) Boyle, representing the Union; C. W. Davis, representing the Operators; and Roche, who still serves.[2]

Each coal operator signatory to the Agreement (there are approximately fifty-five operator signatories) is required to pay a royalty (originally thirty cents, and now forty cents per ton of coal mined) into the Fund. These royalty payments represent in excess of ninety-seven percent of the total receipts of the Fund, the remainder being income from investments. In the year ending June 30, 1968, royalty receipts totalled $163.1 million and investment income totalled $4.7 million. Total benefit expenditures amounted to $152 million.

In general, the purpose of the Fund is to pay various benefits, "from principal or income or both," to employees of coal operators, their families and dependents. These benefits cover medical and hospital care, pensions, compensation for work-related injuries or illness, death or disability, wage losses, etc. The trustees have considerable discretion to determine the types and levels of benefits that will be required. While prior or present membership in the Union is not a prerequisite to receiving welfare payments, more than ninety-five percent of the beneficiaries were or are Union members.

The Fund has maintained a large staff based mainly in Washington, D.C., which carries out the day-to-day work under policies set by the trustees. Roche, the neutral trustee, is also Administrator of the Fund serving at an additional salary in this full-time position. Thomas Ryan, the Fund's Comptroller, is the senior staff member next in line.

The trustees hold irregular meetings, usually at the Fund's offices. Formal minutes are prepared and circulated for approval. In the past, a more detailed and revealing record of discussions among the trustees has been prepared and maintained in the files of the Fund by the Fund's counsel, who attended all meetings. The Fund is regularly audited, and a printed annual report summarizing the audit and other developments was published and widely disseminated to beneficiaries, Union representatives, and coal operators, as well as to interested persons in public life.

From the outset the trustees contemplated that the Fund would operate on a "pay-as-you-go" basis—that is, that the various benefits would be paid out largely from royalty receipts rather than solely from income earned on accumulated capital. Always extremely liquid, the Fund invested some of its growing funds in United States Government securities and purchased certificates of deposit. It also purchased a few public utility common stocks, and in very recent years invested some amounts in tax-free municipal securities. The chart attached as Appendix A reflects in a general way the growth of the Fund's assets and its investment history until June 30, 1969.

From its creation in 1950, the Fund has done all of its banking business with the National Bank of Washington. In fact, for more than twenty years it has been the Bank's largest customer. When this lawsuit was brought, the Fund had about $28 million in checking accounts and $50 million in time deposits in the Bank. The Bank was at all times owned and controlled by the Union which presently holds 74 percent of the voting stock. Several Union officials serve on the Board of Directors of the Bank, and the Union and many of its locals also carry substantial accounts there. Boyle, President of the Union, is also Chairman of the Board of Trustees of the Fund and until recently was a Director of the Bank.[3] Representatives of the Fund have also served as Directors of the Bank, including the Fund's house counsel and its Comptroller. The Fund occupies office space rented from the Union for a nominal amount, located in close proximity to the Union's offices.

B. The responsibilities of the trustees

The precise duties and obligations of the trustees are not specified in any of the operative documents creating the Fund and are only suggested by the designation of the Fund as an "irrevocable trust." There appears to have been an initial recognition by the trustees of the implications of this term. Lewis, who was by far the dominant factor in the development and administration of the Fund, stated at Board meetings that neither the Union's nor the Operators' representative was responsible to any special interest except that of the beneficiaries. He declared that each trustee should act solely in the best interests of the Fund, that the day-to-day affairs of the Fund were to be kept confidential by the trustees, that minutes were not to be circulated outside the Fund, and that the Fund should be soundly and conservatively managed with the long-term best interests of the beneficiaries as the exclusive objective. While he ignored these strictures on a number of occasions, as will appear, his view is still accepted by counsel for the Fund in this action, who took the position at oral argument that the duties of the trustees are equivalent to the duties of a trustee under a testamentary trust. Counsel stated, "You can't be just a little bit loyal. Once you are a trustee, you are a trustee, and you cannot consider what is good for the Union, what is good for the operators, what is good for the Bank, anybody but the trust." (Tr. 2590.)

This view, which corresponds with plaintiffs' position, is not accepted by all parties. While acknowledging that a trustee must be "punctilious," counsel for some of the parties urge that trustees as representatives of labor or management may properly operate the Fund so as to give their special interests collateral advantages (e.g., managing trust funds so as to increase tonnage of Union-mined coal), and that this is not inconsistent with fiduciary responsibility since such actions ultimately assist beneficiaries by raising royalty income. But there is nothing in the Labor-Management Relations Act or other federal statutes or in their legislative history which can be said to alleviate the otherwise strict common-law fiduciary responsibilities of trustees appointed for employee welfare or pension funds developed by collective bargaining. Indeed, the statute under which the 1950 Fund is organized was designed expressly to isolate such welfare funds from labor-management politics. In *Lewis* v. *Seanor Coal Co.*, 382 F.2d 437, 442 (3d Cir. 1967), the court indicated that Congress was motivated by the example of the UMWA's pre-1950 Fund:

> "This provision was written into the statute because of the special concern of Congress over the welfare fund of the United Mine Workers of America, which already was in existence and which Senator Taft described as administered without restriction by the union so that 'practically the fund became a war chest . . . for the union.'"

See also United States v. *Ryan*, 350 U.S. 299, 304–05 (1956).

It is true that trustees are allowed considerable discretion in administering a trust as large and complex as the Fund. In determining the nature and levels of benefits that will be paid by a welfare fund and the rules governing eligibility for benefits, the trustees must make decisions of major importance to the coal industry as well as to the beneficiaries, and their actions are valid unless arbitrary or capricious. *E.g., Roark* v. *Lewis*,

---

Footnotes at end of article.

130 U.S. App. D.C. 360, 401 F.2d 425, 426 (1968); *Kosty* v. *Lewis,* 115 U.S. App. D.C. 343, 319 F.2d 744, 747 (1963). On these matters, trustee representatives of the Union and the Operators may have honest differences in judgment as to what is best for the beneficiaries. Congress anticipated such differences in enacting § 302(c) of the Labor-Management Relations Act, and sought to temper them by the anticipated neutrality of the third trustee. The congressional scheme was thus designed not to alter, but to reinforce "the most fundamental duty owed by the trustee": the duty of undivided loyalty to the beneficiaries. 2 *Scott on Trusts* § 170 (3d ed. 1967). This is the duty to which defendant trustees in this case must be held.

C. Conduct of the trustees

Before dealing in detail with the specific breaches of trust alleged, a general comment concerning the conduct of the trustees is appropriate to place the instances of alleged misfeasance into proper context. It has already been noted that the trustees did not hold regular meetings but only met subject to the call of the Chairman. There was, accordingly, no set pattern for deciding policy questions, and often matters of considerable import were resolved between meetings by Roche and Lewis without even consulting the Operator trustee.

The Fund's affairs were dominated by Lewis until his death in 1969. Roche never once disagreed with him. Over a period of years, primarily at Lewis' urging, the Fund became entangled with Union policies and practices in ways that undermined the independence of the trustees. This resulted in working arrangements between the Fund and the Union that served the Union to the disadvantage of the beneficiaries. Conflicts of interest were openly tolerated and their implications generally ignored.[4] Not only was all the money of the Fund placed in the Union's Bank without any consideration of alternative banking services and facilities that might be available, but Lewis felt no scruple in recommending that the Fund invest in securities in which the Union and Lewis, as trustee for the Union's investments, had an interest. Personnel of the Fund went on the Bank's board without hindrance, thus affiliating themselves with a Union business venture. In short, the Fund proceeded without any clear understanding of the trustees' exclusive duty to the beneficiaries, and its affairs were so loosely controlled that abuses, mistakes and inattention to detail occurred.

II. ACCUMULATION OF EXCESSIVE CASH

A. The breach of trust

The major breach of trust of which plaintiffs complain is the Fund's accumulation of excessive amounts of cash. A basic duty of trustees is to invest trust funds so that they will be productive of income. *E.g., Barney* v. *Saunders,* 57 U.S. (16 How.) 535, 542 (1853); *Spruill* v. *Ballard,* 36 F. Supp. 729, 730 (D.D.C. 1941); *In re Hubbell's Will,* 302 N.Y. 246, 97 N.E. 2d 888, 892 (1951); 2 *Scott on Trusts* § 181 (3d ed. 1967). It is contended that the trustees failed to invest cash that was available to generate income for the beneficiaries, and in total disregard of their duty allowed large sums to remain in checking accounts at the Bank without interest. It is further claimed that this breach of trust was carried out pursuant to a conspiracy among certain trustees, the Union, and the Bank through its President, and that all these parties are jointly liable for the Fund's loss of income resulting from the failure to invest.

That enormous cash balances were accumulated and held at the Bank over the 20-year period is not disputed. The following figures are representative.

Fiscal year	Amount of cash in demand deposits at end of year	Percentage of cash to the fund's total resources
1951	$29,000,000	29
1956	30,000,000	23
1961	14,000,000	14
1966	50,000,000	34
1967	75,000,000	44
1968	70,000,000	39
1969	32,000,000	18

The significance of these huge sums has greater import when two factors are considered.

First, not only did the trustees have a duty to invest but the early minutes of the Fund clearly reflect the trustees' knowledge that income could be earned by investment in Government securities without sacrificing desired liquidity. The safety and practicality of using excess cash in this manner were also fully appreciated. Yet the money remained at the Bank on demand to the Bank's advantage but earning nothing for the Fund. This practice continued in spite of suggestions from successive Operator trustees that the money should be used to earn income for the beneficiaries.

Second, the Fund could easily have met its obligations with only a fraction of the cash maintained in its checking accounts, as the most cursory examination of its accounts clearly shows. The income and outgo were constant and unusual demands on the Fund could in any event always be anticipated sufficiently to liquidate Government securities should this have been unexpectedly necessary. Over the years the Fund paid out monthly approximately $10 million to $14 million for medical and pension benefits and administrative expenses. Against these obligations the Fund has a predictable steady income in the form of monthly royalty payments which, for each month in the years 1967, 1968 and to the date of the complaint in 1969, always totaled from $10 million to $14 million. In addition, there was regular, predictable investment income in the range of $2 million to $3 million per annum. Plaintiffs' Exhibit No. 1627, annexed hereto as Appendix B, charts the cash which was held in the General, Pension and Administrative checking accounts by month from 1953 to June 1969, and reflects the regularity of the Fund's income and outgo. It will be immediately noted that cash balances greatly in excess of the Fund's day-to-day needs were permitted to accumulate from the outset. Even the formula of having two to two-and-one-half times monthly expenditures in cash, a formula urged by the trustees as appropriate but without apparent justification, was ignored in practice.

The beneficiaries were in no way assisted by these cash accumulations, while the Union and the Bank profited; and in view of the fiduciary obligation to maximize the trust income by prudent investment, the burden of justifying the conduct is clearly on the trustees. *Cf. Pepper* v. *Litton,* 308 U.S. 295, 306 (1939).

Three explanations were seriously presented in justification of the cash accumulations: the trustees' general concern as to the future course of labor relations and other developments in the coal industry which might make it necessary to have money readily at hand on short notice; tax factors; and what was characterized as inadvertence or accident. None of these explanations will withstand analysis.

(a) *Uncertainty about the future.* Prior to 1950, strikes and labor disputes had caused mine shutdowns, placing heavy demands on the then-existing welfare programs. Any repetition of these or similar conditions would have shut off royalty payments, perhaps for a considerable period. While this factor could therefore justify the trustees in maintaining a substantial, highly liquid reserve, it affords no justification for the failure of the trustees to put the large accumulations of excess cash to work for the beneficiaries. Roche testified that she favored maintaining an amount equal to several months' expenditures in cash, because "that is the only way you can be sure." Such naiveté by a trustee is unacceptable, particularly in light of the trustees' knowledge that short-term Government securities, which the evidence showed were redeemable on one-half hour notice, for example, were readily available and would have generated substantial income for the Fund while still assuring maximum liquidity.

This reliance on future uncertainty must also be weighed in the light of conditions existing in the coal industry in the latter years of the Fund's history under review. These were succinctly epitomized by a Union economist at the trial. In brief, it appears that beginning around 1960 the industry was profitable and increasingly stable, with encouraging prospects for the future, all of which was reflected in the increasing amount of coal mined and the favorable progress of the Union in its effort to organize increasing numbers of miners for work at the Union scale. Prosperous conditions made any reoccurence of the pre-1950 experience far less likely.

(b) *Tax considerations.* The Fund has from the beginning been competently advised by experienced outside tax counsel. Naturally its return was examined by field audit from time to time. The Fund first sought an exemption from income tax as a charitable trust. This was denied in 1954, after a long delay while the requested ruling was being processed at the Treasury Department. This negative ruling was prospective, and thereafter the Fund understood that it would have to pay taxes on any amount of investment income that exceeded its administrative expenses. In fact, investment income never exceeded administrative expense and indeed was usually well below. In one year the spread was $2.4 million. It was obvious that even if income exceeded expenses and taxes became due on the excess, the Fund would have profited to the extent of its after-tax income.

An additional latent worry was apparently the possibility that royalties would be treated by the Internal Revenue Service as income, which would have been disastrous for the Fund. Tax counsel advised that royalties were not income, and they were so reported. The Internal Revenue Service agents conducting audits seemed interested in the point, but took no action. The Fund never asked for a ruling, preferring to let the Internal Revenue Service make the first move. When the question arose as to another welfare fund, the Anthracite Fund, the IRS eventually ruled that royalties were not income. Significantly, the Fund's representatives, although familiar with the Anthracite Fund's problem, were not sufficiently concerned even to inquire as to the final ruling of the IRS in the matter.

Thus none of these tax considerations can justify the trustees' failure to invest.

(c) *Accident or inadvertence.* There was no proof to support this desperate theory which the Fund itself does not advance and which in any event is in effect an admission of failure to adhere to minimum fiduciary standards of care and skill in administering the trust. 2 *Scott on Trusts* § 174 (3d ed. 1967). The Fund's Comptroller stoutly denies accident or inadvertence, and the proof shows that the trustee well knew at all times that cash was steadily accumulating.

Under the most charitable view, this accident theory can help to account only for the staggering accumulations of cash in the period 1966 to 1968, when Lewis was in failing health and the trustees met infrequently.

Footnotes at end of article.

However, as is clear from the discussion of the conspiracy aspects of this case, *infra*, these accumulations were only an extension of a conscious, longstanding policy of the trustees.

The following testimony by Roche is revealing:

"Mr. Lewis felt very strongly, sir, the necessity of having a good deal beyond what we could invest without raising the taxation problem, keeping it very much in a situation where we could get at it at once. He did not feel enthusiastic for a long time over tax-exempt securities such as municipals.

"I talked to him frequently about it personally, aside from the general discussions we had. And I finally in '67–'68 realized how strongly I probably had been mistaken myself on anything that had to do with minute fiscal things. And I said, you know, Tom Ryan we both have the utmost confidence in, and he feels we ought to get some of this money out, make it earn money. Now let's think again about municipals. And he did. . . . And finally he definitely agreed in '68, he said, Yes, we better go ahead, go ahead.

* * * * *

"So it was really a long-delayed decision which really probably, and I know completely from the point of view of a financial expert, that there is no excuse perhaps for it at all. To us who had felt that need, too, but felt these other things so terribly imminent, it is not the brightest chapter that we have, but we did some other things that perhaps made up for it a little bit.

* * * * *

"[T]he fiscal requirements certainly didn't justify what we had on deposit. I know that perfectly well."

(Transcript pp. 957–60.)

Considering this testimony, and the enormous cash balances which existed in 1966 through 1968, the following excerpt from "A Statement by United Mine Workers of America Welfare and Retirement Fund," printed in the United Mine Workers Journal on May 1, 1969, in answer to growing criticism of the trustees' policies, takes on special significance:

"*The criticism:* 'Large' bank deposits drawing no interest."

"*The record:* At most times during our existence, our bank balances were not nearly so high as we would like to have them in relation to our monthly expenditures."

"In January of 1965 the Trustees made substantial improvements in the benefit programs which had the effect of increasing our expenditures by over $45 million annually. As a consequence, as income permitted, our cash balance was allowed to build up somewhat. Our cash balance on June 30, 1968, was actually no greater in relation to our monthly and annual expenditures than it had been at times in the past when expenditures were at a lower level.

"With the conclusion of negotiations for a new three-year contract between the Union and the operators in October, 1968, the potential need for cash reserves has lessened and these balances have been reduced considerably."

This statement was signed by Roche, Ryan, and Welly K. Hopkins, General Counsel of the Fund. It is not only lacking in candor, as was much of Ryan's testimony at trial, but actually misleads.

The trustees well knew that cash deposits at the Bank were unjustified. It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested. It remains to be determined whether the Union, the Bank, or certain individual defendants are also responsible for the breach of trust.

B. The Conspiracy as to Cash Deposits

Plaintiffs contend that the Union and the Bank conspired with the trustees to maintain the excessive cash at the Bank for their respective benefit. On this phase of the case the applicable law is well established and need here only be briefly summarized.

A conspiracy is an agreement between one or more persons to accomplish an unlawful object or to accomplish a lawful object in an unlawful manner. *American Tobacco Co.* v. *United States*, 328 U.S. 781, 809 (1946); *Edwards* v. *James Stewart & Co.*, 82 U.S. App. D.C. 123, 160 F.2d 935, 937 (1947). The gist of a civil conspiracy, however, is not the agreement itself, but the civil wrong alleged to have been done pursuant to the agreement; the allegation of conspiracy bears only upon evidentiary and other formal matters. *Edwards* v. *James Stewart & Co., supra; Ewald* v. *Lane*, 70 App. D.C. 89, 90, 104 F.2d 222, 223 (1939); *Martin* v. *Ebert*, 245 Wis. 341, 13 N.W. 2d 907, 908 (1944).

The civil wrong here is a breach of trust; and it is settled that where a third person "has knowingly assisted the trustee in committing a breach of trust, he is liable for participation in the breach of trust." 4 *Scott on Trusts* § 326 (3d ed. 1967); *see Jackson* v. *Smith*, 254 U.S. 586 (1921). If the third person's participation in or inducement of the breach is pursuant to an agreement with one or more of the trustees, he is liable as a conspirator.

That there was opportunity to conspire as to the cash balances cannot be doubted. There is, however, no direct evidence of an agreement, no unguarded admissions of conscious impropriety. Lewis, the dominant actor in these events, is dead and the named individual defendants contest charges of conspiratorial participation. Plaintiffs rely on documents, circumstantial evidence and inference to support the claim.

Despite the denials, there is clear and convincing proof that there was an agreement among Lewis, Roche, and Colton made contemporaneously with the creation of the Fund and the Union's acquisition of a controlling interest in the Bank, to use the Bank as the sole depository of Fund moneys and to maintain large sums in interest-free accounts at the Bank without regard to the Fund's needs. Late in 1949, Lewis, through an agent, solicited Colton to become president of the Union's newly acquired Bank. At their second meeting, Lewis discussed with Colton the transfer of both the Union and the Fund accounts from previous depositories to the National Bank of Washington. As early as April 30, 1950, the Fund had over $36 million on deposit in checking accounts at the Bank, and the balance remained near or above this level for more than a year thereafter. Over the next twenty years the trustees' decision to leave cash in the Bank without interest greatly benefited the Bank and the Union as the Bank's majority shareholder. At all times these sums well exceeded the immediate cash needs of the Fund, as the previous discussion has shown.

This banking arrangement met strong objection from the Operators' trustee, Owen, who at a trustees' meeting as early as August 1950, demanded that all moneys of the Fund be withdrawn from the National Bank of Washington. He stated:

"It is undoubtedly the law that a trustee should not deposit trust funds in a bank which he controls or in which he has a substantial participation. Amongst other criticism, he may cause the dividends upon his stock to be enhanced by the Bank's use of a large deposit of his trust's funds for loan purposes. Also, conflicting interests may arise; or, losses may occur."

The trustees' minutes through 1950 and 1951 reflect that Lewis and Roche, rather than replying to Owen's repeated complaints on this score, ignored his protests altogether and Lewis even equivocated as to his interest as a trustee holding bank stock for the Union.[5] In March of 1951, Owen included the Fund's relationship with the Bank as one of four matters on which he believed his proposals had been rejected, "utterly without justification," by Lewis and Roche "acting jointly."

The formal minutes of the Fund reflect practically none of this crucial discussion held at trustee meetings. Mitch, the Fund's attorney, attended the meetings, however, and thereafter prepared what he designated a stenographic draft of the proceedings based on copious contemporary notes. The stenographic drafts are in evidence. These were reviewed by Roche and possibly others and a truncated, far less informative formal minute was developed. Roche struck out most of the informative detail. No satisfactory explanation was offered as to why this was done, and the inference is unavoidable that Lewis and Roche had a conscious desire to conceal the actual embarrassing discussions that had taken place.

Lewis and Roche chose, without taking legal advice in the face of strong objection to the legality of their actions, to advance the interests of the Union and the Bank in disregard of the paramount interest of the beneficiaries who were entitled to receive the benefit of prudent investment of their funds.

The Union urges that Lewis kept his own conscience, acted solely as a trustee and after 1960, when he became President Emeritus, an honorary position, was wholly removed from any executive authority in the Union's affairs. Hence, it is claimed, the Union cannot be held responsible for Lewis' actions, neither prior to nor especially after 1960. This position cannot be squared with the facts. Lewis totally dominated the Union both before 1960 and to a large extent thereafter, especially as to financial matters, including the Fund. Other Union officers knew of Lewis' actions with regard to the Fund and the Bank, but uttered not a word of protest. While Boyle, in the period after 1960, often suggested that Lewis raise pensions, which would have had the effect of reducing the Fund's bank balances, neither Boyle nor any other officer sought to break the longstanding practice of retaining Fund moneys in non-interest-bearing checking accounts at the Bank rather than in investments. When the Welfare Fund agreement was renegotiated in 1964, 1966 and 1968, the Union could have designated another representative to act as trustee, had it been unwilling to accept the benefits of the course that Lewis had so obviously set.

The inference is also unavoidable that Lewis made more than a mistake of judgment as a trustee. He acted to benefit the Bank and to enhance its prestige and indirectly the prestige of the Union, not simply to keep money needed by the Fund in a safe place. The minutes show that he knew the large demand deposits were unnecessary for any legitimate purpose of the Fund. Moreover, he was not lacking in financial sophistication. He had been president of a bank himself and the record shows his many financial dealings and the manner in which, as President of the Union, he utilized the considerable financial resources of the Union for the Union's benefit. The conclusion is clear that Lewis, in concert with Roche, used the Fund's resources to benefit the Union's Bank and to enhance the Union's economic power in disregard of the paramount and exclusive needs of the beneficiaries which he was charged as Chairman of the Board of Trustees to protect.

Lewis acted for the Union when he entered into the conspiracy.[6] A conspiracy once formed is presumed to continue; to escape continuing liability, a party must affirmatively withdraw from the conspiracy and seek to avoid its effects. *See Hyde* v. *United States*, 225 U.S. 347, 369 (1912); *South-East Coal Co.* v. *Consolidation Coal Co.*, 434 F.2d 767, 784

Footnotes at end of article.

(6th Cir. 1970). The Union did not withdraw from the conspiracy; it had full power to end this breach of trust, yet it knowingly perpetuated the breach and continued to reap the benefits thereof.

Any doubt as to Lewis' motivation is fully dissipated by other evidence showing respects in which the Fund was used to benefit the Union during Lewis' chairmanship, to be discussed later. There is no suggestion that Lewis personally benefited, but he allowed his dedication to the Union's future and penchant for financial manipulation to lead him and through him the Union into conduct that denied the beneficiaries the maximum benefits of the Fund. A finding of conspiracy to maintain excessive cash at the Bank, justifying an award of damages against the Union in favor of the beneficiaries, is required.

The Bank, for its part, contends it played no conscious role in these arrangements and that it merely acted as a responsible banker handling the Fund's business in accordance with sound conservative banking practice. To be sure, the Bank did not overreach in any manner. It treated the Fund fairly. It performed extensive services for the Fund free of charge. There is no showing that the Bank conducted its business on the premise that the cash would not be summarily withdrawn. It was always highly liquid—indeed more liquid than other comparable banking institutions. Moreover, it did not receive any pressure from the Union to increase dividends for the Union's benefit, and dividend levels were in accord with the general parsimony that conservative bankers usually display toward shareholders at dividend time. There is no evidence that the Union or anyone connected with the Fund ever required the Bank to loan money to a friend or associate without adequate security and no such loans were made. Nor did the Bank show any favoritism toward the Union or the Fund contrary to proper banking standards.

While the measure of the benefits the Bank received from this relationship is unclear, and certainly not as monumental as the size of the deposits suggests, the Bank was in a position to make money on the Fund's large demand deposits and in fact did just that. The deposits enhanced the Bank's earnings and its prestige and position in the banking community.

It is likely that the initial agreement among the Union (acting through Lewis), Roche, and the Bank (acting through Colton), to maintain trust accounts in a bank substantially owned by a Union whose president was a trustee, and the losses of income to the beneficiaries caused thereby, are sufficient without more to hold the Bank liable in conspiracy for damages under the special circumstances of this case.[7] This was not the theory on which plaintiffs proceeded, however, and the Court need not make such a finding.

The Bank recognizes, as does the Court, that the above facts, plus a showing of actual knowledge on its part that the funds maintained by the trustees in non-interest-bearing accounts were substantially in excess of the Fund's need for cash, will render it liable. The Bank vigorously denies that any such actual knowledge may be inferred from the facts established at trial. A review of those facts leads the Court to a contrary conclusion.

The Bank knew, from the time of the 1950 meeting between Lewis and Colton, that the accounts came to the Bank without solicitation at the initiative of the Chairman of the Board of Trustees of the Fund who was also President of the controlling shareholder of the Bank. The Bank knew that these were trust accounts, and from its own extensive experience in acting as trustee knew of the high standards governing the conduct of trustees. The Bank knew the actual dollar amounts in the Fund's various interest-free accounts, and the percentage of the Fund's total assets that these accounts represented. The offices of the Bank, the Union, and the Fund were in close physical proximity. There were a number of interlocking relationships among the Union, the Bank, and the Fund throughout the twenty-year period.[8] Colton, the President of the Bank, was well aware of the propensity of the Union to use the Bank for Union objectives, as witnessed by his remarkable personal financial dealings with the Union, the Bank's loans to coal operators backed by Union collateral, and the unusual financial relationships between the Union and Cyrus Eaton, which the Bank aided.

The Bank strongly urges that it was ignorant of the terms of the trust agreement, the needs of the Fund for liquidity, or the possible tax consequences of enlarging the Fund's investment income, and hence that it had no way of knowing whether or not the obvious failure of the trustees to invest constituted a breach of trust.[9] Any inquiry into these matters would, of course, have revealed their total irrelevance to the startling size of the cash deposits continuously maintained by the trustees over almost twenty years. In the face of its full knowledge as to the size of the deposits and the relationship between the Union and the Fund, the Bank could hardly have assumed that the deposits were justified by any such possibilities. Its lack of inquiry into these suspicious matters is only further evidence of the Bank's awareness of the real reason for the deposit benefits it was receiving year after year.

Never in this entire period, Colton testified, did he ever discuss the Fund's accounts with anyone, inquire as to the Fund's needs or plans, or question the propriety of what was taking place. Not even casual inquiries were addressed to the interlocking directors and the nature or future prospects of the account were never mentioned at a single Board meeting. Since the Fund's business with the Bank accounted for over twenty percent of the Bank's time deposits and grew to over thirty percent of its demand deposits, this disinterest in the Bank's principal account is indeed more than remarkable. Perhaps this may be accounted for by incompetence, but Colton did not exhibit this characteristic on the stand. His explanations are unacceptable. In the light of all the facts and circumstances this silence and disinterest buttress the sole inference permissible on the totality of all the facts: that the Bank knowingly accepted and participated in a continuing breach of trust that redounded substantially to its own benefit.

This conclusion draws strong support from the cases which hold that where a bank enters into a transaction with a trustee, with actual or construction knowledge that the transaction is in breach of the trustee's fiduciary duty, the bank may be held liable for the resulting loss to the trustee. *See, e.g., Union Stock Yards Bank* v. *Gillespie,* 137 U.S. 411, 416 (1890); *Anacostia Bank* v. *United States Fidelity & Guaranty Co.,* 73 U.S. App. D.C. 388, 119 F.2d 455 (1941); *American Surety Co.* v. *First National Bank,* 141 F.2d 411 (4th Cir. 1944); *Restatement of Restitution* § 138 (1937); 4 *Scott on Trusts* §§ 324 et seq. (3d ed. 1967). It is true, as the Bank suggests, that the Uniform Fiduciaries Act, 21 D.C. Code § 1701 et seq., modifies the law in this jurisdiction to limit a bank's liability for transactions with a trustee to cases in which the bank has actual knowledge of a breach of trust or knowledge of such facts that its action amounts to bad faith. In *Colby* v. *Riggs National Bank,* 67 U.S. App. D.C. 259, 92 F.2d 183 (1937), the Act was construed to require "actual knowledge of misappropriation," and misappropriation was taken to mean "wrong appropriation, or the use of a fund to a different purpose from that for which it was created; but not necessarily a dishonest purpose." 67 App. D.C. 259, 270. As the foregoing discussion demonstrates, the Bank knew that the money deposited in the Fund's checking accounts was being used for an improper purpose over a twenty-year period.

The Bank and the Union seek support from *United States* v. *Falcone,* 311 U.S. 205 (1940), and *Direct Sales Co.* v. *United States,* 319 U.S. 703 (1943). Both those cases dealt with the sufficiency of the evidence to support an inference of conspiracy. The decisions stand, at the most, for the proposition that the act of selling morphine in large quantities to a doctor known to be selling drugs illegally is sufficient to support a finding of conspiracy to violate the narcotics acts; while the act of selling sugar in large quantities to a known bootlegger is not necessarily sufficient to support a finding of conspiracy to violate the alcoholic beverages acts. This distinction, which counsel for the Union correctly labeled "a question of how bad the fish smell," is irrelevant in this case; for it is not only the nature and size of the deposits involved, but also the close and interlocking relationships among the Fund, the Union, and the Bank, the evidence of the original understanding between Lewis and Colton, and the long course of dealing to mutual advantage that irresistibly support a clear inference of conspiracy here.[10]

To summarize this aspect of the case, the Court finds: an agreement among Lewis, Colton and Roche to maintain on deposit at the Bank substantial sums in interest-free accounts, without relation to the real needs of the Fund for liquidity or otherwise, for the benefit of the Union and the Bank and in disregard of the best interests of the beneficiaries; knowing participation in the breach of trust by the Union and the Bank, beginning in 1950 and continuing at least until this lawsuit was filed; and resulting injury to the beneficiaries measured by the loss of income on funds wrongfully maintained in interest-free accounts.

III.—OTHER BREACHES OF TRUST

Plaintiffs specified at pretrial six categories of conduct, in addition to the excessive cash balances, allegedly constituting breaches of trust and claimed that as to each the Union, the Bank, and the individual defendants conspired. Some of these claims were abandoned in whole or in part as proof developed in the course of the trial, and only those fiduciary issues remaining at the end of trial need to be considered in this opinion. The Court is satisfied that plaintiffs have by clear and convincing evidence established conduct which violates the trustees' fiduciary duty to the beneficiaries in all respects still urged, except with regard to the claim that the trustees failed to collect or properly to determine delinquent royalty payments. The Bank and Colton are not shown to have conspired as to any of these breaches, and no participation by the Union was proved except as hereinafter indicated.

A. Withholding health cards

The proof on this issue reflects a serious impropriety by the then-trustees of the Fund which has now apparently been rectified. Coal miners entitled to benefits are issued health cards which are used to obtain appropriate medical and hospital services directly from local physicians. When certain marginal coal operators in some sections of the country failed to account properly for royalties, and hence were in flagrant violation, the health cards of miners employed by those operators were revoked by the trustees, apparently on the theory that this action would lead the operators to pay up to avoid wildcat strikes. This practice was highly improper, for the benefits owed the miners as qualified beneficiaries could not, under the terms of the Fund, we cancelled solely because their

---

Footnotes at end of article.

particular employer was in default on his royalty payments. This policy was of limited duration. Initiated in 1962, it was terminated by 1966 and affected some 7,000 card holders. It was arbitrary and capricious, and hence constituted a breach of trust. There is no proof, however, that this action was taken by the trustees to assist the Union in the conduct of labor disputes, nor is there any other proof of conspiracy on this aspect of the case.

B. Use of misleading application forms

The proof showed that the Fund called on Union locals to assist beneficiaries and potential beneficiaries of the Fund in preparing pension applications, and to carry out other administrative functions. It should be understood that the Fund as a practical matter is required to work through the locals in processing applications. The expense of establishing field offices exclusively for the Fund would be enormous, and in any event information from Union records may be required as a cross-check on the applicant's representations. This arrangement, however, has been seriously abused, and the trustees must be held at least partially responsible.

The trustees sponsored an application form which incorrectly implies that Union membership and Union approval is necessary before an application will be processed. The Application for Pension, for example, carries at its foot a space for certification by the local and by the district that the applicant "is currently a member of Local Union No. —" and "is a member of District No. —." There is ample documentary and testimonial evidence that applicants were improperly led by this form and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as "back dues" to reinstate their Union membership. The full extent of illegal collection of back dues by the Union through this device is unknown.

There is no proof that the trustees had actual knowledge of these improper practices by Union locals. In delegating certain functions to the Union local and district offices, however, they should have recognized the potential for abuse of the benefit application process where non-Union member beneficiaries were concerned. In continuing to use patently misleading forms which encouraged applicants to believe that a paid-up Union membership was a prerequisite to receiving benefits, the trustees were grossly negligent, to an extent that constitutes breach of trust. The trustees have apparently not acted decisively even to this date to terminate use of these misleading forms.

No cause of action was pleaded against the Union for fraud in collecting back dues from individual beneficiaries. Although the Union knowingly used the trustees' neglect to its own advantage, damages are recoverable only by individual beneficiaries who were defrauded, not by the trust itself. Since this action is only derivative, relief on this aspect of the case will be limited to an injunction to terminate the improper use of application forms in the future.

C. Investment in utility stocks

This issue relates to the Fund's purchases of stock of certain electric utility companies, principally Cleveland Electric Illuminating Company and Kansas Ctiy Power & Light Company. While these stocks are on the list approved for trustees, the propriety of these investments is challenged on the ground that they were made primarily for the purpose of benefiting the Union and the operators, and assisting them in their efforts to force public utilities to burn Union-mined coal. The investments have declined in value and are said to have been in violation of the trustees' duty of undivided loyalty to the beneficiaries.

In the late 1950's and early 1960's, the Union was engaged in a vigorous campaign to force public utility companies to purchase Union-mined coal. Public relations and organizational campaigns to this end were pressed vigorously in several cities. Lewis, then a trustee, worked closely with Cyrus S. Eaton, a Cleveland businessman. It is undisputed that between February and April 1955 the Fund purchased 30,000 shares of Cleveland Electric, and in March of that year the Union loaned Eaton money to enable him to buy an additional 20,000 shares. Eaton then went on the Board of Directors of Cleveland Electric. Similarly, between January and March 1955 the Fund purchased 55,000 shares of Kansas City Power & Light, and in June of the same year the Union loaned Eaton money to buy an additional 27,000 shares. In each of the years from 1955 to 1965 the Fund gave a general proxy for all of its shares in Cleveland Electric and Kansas City Power & Light to Eaton. The Union and Eaton were pressing the managements of each company to force them to buy Union-mined coal. The Fund purchased both Cleveland Electric and Kansas City Power & Light stock on the recommendation of Lewis, who was then fully familiar with the Union's activities affecting these companies and proxies were given to the Union by the Fund at Lewis' request.

Schmidt, who became a trustee of the Fund in 1958, was president of the principal coal operator standing to benefit from Cleveland Electric's additional purchases of Union-mined coal. He was acquainted with the activities of the Fund and of the Union with respect to Cleveland Electric, and actively encouraged them. When the Union's campaign to push Union-mined coal focused on Cleveland Electric in 1962 and 1963, the Fund purchased an additional 90,000 shares, with the hearty approval of Schmidt.

Further indication that these particular challenged stock purchases were made primarily for the collateral benefits they gave the Union is found in a general course of conduct. Lewis and Widman, the Union man spearheading the efforts to force utilities to buy Union-mined coal, discussed some seventeen utility companies on the Fund's investment list, looking toward the possibility of obtaining proxies from fifteen. Proxies were in fact given the Union by the Fund not only on Cleveland Electric and Kansas City Power & Light, but on the shares the Fund held in Union Electric, Ohio Edison, West Penn Electric, Southern Company and Consolidated Edison. The intimate relationship between the Union's financial and organizing activities and the utility investment activities of the trustees demonstrates that the Fund was acting primarily for the collateral benefit of the Union and the signatory operators in making most of its utility stock acquisitions. These activities present a clear case of self-dealing on the part of trustees Lewis and Schmidt, and constituted a breach of trust. Roche knowingly consented to the investments, and must also be held liable. The Union is likewise liable for conspiring to effectuate and benefit by this breach of trust.

D. Collection of royalties

The Fund followed a set routine to make sure royalties were current and fully paid. Reports filed by operators with state and federal authorities were carefully checked and correlated with any information available from the Union. Delinquency notices were sent to any operator in arrears, and if payments were not brought into line the matter was referred to counsel. Numerous suits were filed when the controversies could not be resolved by negotiation. Collection techniques were vigorous and persistent.

It was inevitable over a twenty-year period that some operators would fail to pay royalties on time. This was particularly likely in the case of marginal operators confronting financial difficulties of one kind or another, but occasionally larger operators were also in default. Some delinquencies reflected honest differences as to the amount owing. There was never a time, however, when overdue royalty payments represented more than a small fraction of the operators' royalty obligations. Royalties were delinquent in amounts ranging from $5 million to a high of $9 million per annum. These figures contrast with annual royalty receipts in the range of $170 million to $185 million. Moreover, collection efforts were in progress on many of these delinquencies.

Two specific situations were highlighted by the proof. Plaintiffs leveled particular criticism at arrangements made by the trustees to collect royalties from some small operators by dealing with associations representing those operators, and also at the Fund's failure promptly to collect royalties from West Kentucky Coal Co., a large operator controlled by the Union in conjunction with Cyrus Eaton and defendant Colton, then President of the Bank. Admittedly the trustees had to make difficult business judgments in each of these situations, but the evidence of breach of trust is not clear. In the first instance the actions of certain locals[11] and the inadequacy of available records of coal mined made effective collection impractical. The cost of pursuing some of these small operators would undoubtedly have exceeded the royalty sums, if any, that would by legal or other means ultimately have been collected.

In the instance of West Kentucky, a substantial dollar delinquency, as high as $700,000 in 1961, was tolerated over a period of time. This company, a large but marginal operator, in 1963 eventually made its royalty payments current with aid of an ear-marked loan from the Union, and its royalty payments to the Fund eventually exceeded $40 million. Difficult judgments had to be made by the Fund's representatives during the period of deficiency, but these were made honestly and the decision temporarily to tolerate substantial non-payment ultimately redounded to the benefit of the Fund.

The Union's heavy stock interest in West Kentucky (acquired as early as 1954) should have disqualified Lewis from any participation as a trustee in decisions involving royalty collections from that company. He wholly ignored the conflict of interest. The Fund was placed in an indefensible position of having to deal with a Union-controlled operator. The royalties were eventually paid, however, and no substantial dispensations were granted West Kentucky which were not granted other flagrantly delinquent operators. Thus the West Kentucky episode reflects the loose standards of fiduciary responsibility which governed Lewis' conduct rather than a breach of trust by any other trustee.

E. Pension increase

One of the principal subjects of inquiry at the trial involved the circumstances under which monthly pensions were raised from $115 to $150 on June 24, 1969. This $35 increase was not without consequences, since it involved an additional annual disbursement from the Fund of approximately $30 million. Plaintiffs do not seek a rollback of the pension increase, but assert that the motives for which it was made, and the manner in which it was made, are grounds for removal of Boyle as a trustee, and for monetary relief from Boyle, Judy, and the Union for any injuries the Fund may suffer as a result of the action. A full discussion of the incident is required.

Roche broke her hip early in June, 1969, and for most of that month was recuperating at the Washington Hospital Center. She was

---

Footnotes at end of article.

nonetheless in frequent contact with her office by telephone and although immobile was otherwise fully functional. Lewis, still a trustee, was at home in Alexandria where he had remained more or less continuously for many months. He was alert but his health was failing. No trustee meeting had been held since February, 1969. Schmidt, the Operator trustee, had resigned on that date and a vacancy existed. On June 4, 1969, defendant Judy was installed as Schmidt's successor at a brief semi-social meeting held at Lewis' home. Roche, already hospitalized, knew of the meeting and approved of Judy's designation, but could not attend.

Lewis died on June 11, 1969, and Boyle, who had been president of the Union since 1963, was designated as the Union's trustee representative, and hence Chairman of the Board of Trustees of the Fund, at a meeting of Union officials on June 23. Boyle had received some general information concerning the Fund's operations which led him to feel that a sizable pension increase could be financed. As an energetic Union leader, he was confident that if additional money were needed, the operators could be forced to increase their royalty payments when the next collective bargaining agreement was negotiated. He felt the unexpended balance of the Fund was far too large, and that a pension increase was long overdue. Indeed, at Union meetings and elsewhere he had promised that if he ever had anything to do with the matter he would increase pensions at the earliest possible opportunity Boyle had urged Lewis to raise the amount of the pension but Lewis had refused to act.

When Lewis died and Boyle was named trustee, an election contest for presidency of the Union was looming.[12] Boyle undoubtedly recognized that if he delivered on his pension promises to the rank and file, his position would be strengthened in the campaign. These election considerations account for the timing of his actions, but they were not the primary factor motivating Boyle. He genuinely believed that a pension increase should be made in the interests of the miner beneficiaries. Boyle knew that Roche was opposed to a persion increase, but with her hospitalized he was in a position to force the issue with Operator trustee Judy, and undoubtedly felt that the end—that is, the increase in pensions—justified the means. Even if Judy refused to go along, the Union's position in subsequent bargaining would be strengthened. Thus, Boyle decided to see if he could bully it through. As soon as he was designated trustee, Boyle called a meeting of the trustees for the next day at his offices at the Union.

Judy approved the increase in a private session with Boyle immediately before the formal meeting, under circumstances which will be mentioned later. The increase was formally approved a few minutes later and an announcement was thereafter sent out over Boyle's name to all pensioners and potential beneficiaries.

This action was taken in unnecessary haste. The trustees did not adequately consider the implications of their action, and while the increase was not wholly irresponsible it was not approached with adequate regard for the trustees' fiduciary obligations. Roche was not consulted or even advised of the action in advance, and in fact continued vigorously to oppose the pension increase. No detailed projections of the Fund's long-term ability to pay were made, nor were possible alternative changes in benefit payments considered.[13] The trustees took no contemporaneous steps partially to offset the added payout by eliminating unnecessary administrative expenses or by investing cash in income-producing securities. In short, the increase was handled as an arrangement between labor and management with little recognition of its fiscal and fiduciary aspects.

Prior to June 24, Judy had never attended a meeting of the trustees except for the pro forma session at Lewis' home earlier that month. He was president of the BCOA and well familiar with the negative attitudes of some operators towards higher benefits. He had some general knowledge of the Fund's fiscal position. Before he entered the meeting he had been warned by the Association's lawyer that matters of substance might be raised by Mr. Boyle, and it had been suggested he not act without further consultation. He failed to call Roche for her views or to question Boyle as to his representations, and after making some hasty mental calculations proceeded on the basis of his own generally favorable attitude. At the trial he took the position that money to support a pension increase was available, that the miners deserved the increase, and that he approved of it on the merits. He testified that he had no obligation to consult the operators, pointing out that his predecessor had never consulted them.

After the action had been taken, however, he was called on the carpet by the operators, some of whom violently opposed the pension increase. He made little, if any, effort to justify his action on the merits. He rather argued that he had simply been placed in an impossible position at the meeting because Boyle had advised him that he, Boyle, had Roche's proxy and that the neutral trustee was in Boyle's pocket.

Thus two explanations are suggested for Judy's conduct: that he voted to increase pensions because he believed it was the correct thing to do, and that he voted for the increase because he was led to believe Boyle and Roche were for it.

While Judy undoubtedly felt that the miners needed a pension increase and that there was money available to pay it, this was not solely why he acted. Judy would not have voted for the increased pensions at the June 24 meeting on the spur of the moment, without advance warning, against the advice of counsel, knowing that the royalty payments of the coal operators might be affected, if he had not been falsely led to believe by Boyle that Boyle had Roche's proxy. It was a serious error of judgment for Judy to have accepted Boyle's representations and for Judy not to have checked with Roche, at least by telephone. While Judy was forced to resign under pressure a few days later when the operators learned that Boyle did not have Roche's proxy, and while he was but a passing participant, his conduct fell below the standard of care and skill required of a trustee. He acted hastily and without taking the normal precautions requisite for responsible fiduciary actions.

Boyle of course also proceeded without regard to his fiduciary obligations in pushing through the pension increase. He failed even to notify the neutral trustee of the meeting or of the contemplated pension increase which was itself in neglect of the duty of a co-trustee. *See Wilmington Trust Co.* v. *Coulter*, 41 Del. Ch. 548, 200 A.2d 441, 451 (1964); Bogert, *Trusts & Trustees* § 554 (2d ed. 1960). He brought about the action by a hasty power play, fortifying his position by falsely indicating that Roche supported his proposal. Unlike Judy, Boyle remains a trustee. It has been shown by testimony and by Boyle's demeanor at the trial that he considers the Fund in effect the property of the Union to be used in whatever manner the immediate and long-term objectives of the Union warrant. As Boyle's conduct in this instance demonstrates, such compulsions of militant Union leadership are inconsistent with the dictates of prudent trusteeship.

The most revealing document in this entire episode is the full text of the press release which the Fund's public relations man issued on the day of the pension increase. It reads as follows:

"Washington, D.C.—W. A. "Tony" Boyle, President of the United Mine Workers of America, succeeded John L. Lewis today as the Chief Executive Officer and Trustee of the Union's Welfare and Retirement Fund, and immediately boosted the pension of retired soft coal miners from $115 to $150 monthly.

"The new pension rate will be effective August 1. It was voted at the first session of the Trustees attended by the Union chief. He was chosen trustee at a meeting of the International Executive Board yesterday, and as chief executive officer of the Fund, as set forth under the UMWA contract with the bituminous coal industry, called a meeting of the trustees, and the pension boost was adopted. Other trustees are George Judy, for the coal operators, and Josephine Roche, also director of the Fund, as the neutral.

"Pensions now are going to approximately 70,000 retired soft coal miners. Last year, the Fund paid out $96 million in this benefit alone. Other benefits are complete hospital care for miners and their families, and death benefits to widows and survivors.

"Chairman Boyle also called for an immediate in-depth study of all benefits of the 23 year-old fund, with complete analysis of the entire program for miners, their widows and families. He has received scores of suggestions for possibly improving the benefits at a series of rallies in the coal fields of West Virginia, Pennsylvania, and Illinois in recent months.

"The new chief executive of the Fund, like his predecessor, will accept no pay for serving as Trustee."

Nothing could more blatantly expose the realities of what had occurred in this instance and had been occurring for some time. However correct or incorrect the pension increase decision may have been, it reflected the Union's influence over Fund policy and the loss of independence that the Fund's continuous deferences to the Union's self-interest had by this time achieved.

IV.—THE INDIVIDUAL DEFENDANTS

Before considering the involvement of each of the named individual defendants, a brief statement of the applicable legal standards is required. The elements of conspiracy or participation in breach of trust discussed earlier with respect to the Union and the Bank are equally applicable to the individual defendants. An officer of a corporation or other entity found to have participated in a breach of trust is not liable simply by reason of his officership, but an officer is liable if he personally knows of the breach of trust and participates therein or fails to take action to correct it. *See Strauss* v. *United States Fidelity & Guaranty Co.*, 63 F. 2d 174 (4th Cir. 1933); 4 *Scott on Trusts* § 326.3 (3d ed. 1967). It is not necessary to prove that the individual personally profited from the transaction. And one who knowingly joins a conspiracy "even at a later date takes the conspiracy as he finds it, with or without knowledge of what has gone on before." *Myzel* v. *Fields*, 386 F. 2d 718, 738 n. 12 (8th Cir. 1967), *cert. denied*, 390 U.S. 951 (1968).

Josephine Roche. Roche had a distinguished public career before joining the Fund, and she has played a unique role in the affairs of the Fund since its inception. She has been both the neutral trustee and the Administrator, a full-time salaried position. While she has had a long interest and commitment to the welfare objectives of the Fund and has contributed substantially to many of its unique welfare successes, her business experience was more limited. She did not profit personally in any way by any of the actions taken. She idolized John L. Lewis and felt entirely confident to follow his leadership in financial matters, apparently without independent inquiry. She was an active participant in each breach of trust except the pension increase. Indeed, without her affirmative approval they probably would not have occurred. She accepted without question the accumulations of excessive cash at the Union's Bank even when the propriety of

---

Footnotes at end of article.

depositing these balances was raised at trustee meetings, and in the face of advice that the cash could be invested without impairing the liquidity of the Fund. Perhaps she failed wholly to recognize the full implications of her actions, but naivete and inattention cannot excuse her conduct. She violated her duty as trustee in all the respects previously discussed, and she must be said to have knowingly furthered the conspiracies as to the cash and the utility company investments.

W. A. (Tony) Boyle: Boyle was not a party to the original conspiracy, and never adopted its ends. He was not responsible for the accumulation of excessive cash at the Bank, although he knew about it. From the moment he became President of the Union in 1963, and indeed earlier, he sought to persuade Lewis to have the Fund pay out larger benefits, which would have had the effect of reducing cash balances. Boyle also insisted that various loans and other financial involvements engineered on behalf of the Union by Lewis in cooperation with the Fund and the Bank be terminated, and this was done. This did not disentangle the Union from the conspiracy as to the cash balances, but it is action inconsistent with individual participation by Boyle in any conspiracy. The failure of the Union to supplant Lewis after Boyle became president cannot, on the evidence before the Court, be considered sufficient to hold Boyle as an individual conspirator although the agreement was renegotiated after 1963 and Lewis could have been removed.

Boyle, however, violated his duty as trustee in several particulars. His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards. In addition, he continued to serve as director of the Bank and member of its Executive Committee after becoming trustee, a relationship which conflicted with that degree of independence required of a trustee under the circumstances of this case. He took only limited action to modify the inappropriate application forms that encouraged improper cash levies by the Union on applicants as a condition precedent to receiving pension benefits.

George L. Judy: Judy is guilty of poor judgment but not of conduct that violated his duty as trustee. He should have consulted the independent trustee before acting hastily at Boyle's insistence and without adequate information in approving a pension increase which had substantial effect upon the long-term operations of the Fund. No relief is required as to Judy, since he is no longer a trustee and there is no likelihood he will be one in the future. He was a trustee for only six weeks, and did not participate in any conspiracy. The case as to him is dismissed.

Barnum L. Colton: Colton was a party to the original conspiratorial agreement to place excessive cash in the Bank, and as the chief executive of the Bank he participated in carrying out that breach of trust. His collaboration with the Union was far more than that which followed merely from his office.

C. W. Davis: Davis, the trustee representative of the Operators, is a nominal defendant named to assure proper implementation of any equitable relief against the Fund. He is not shown to have engaged in any improper conduct. All the events here reviewed occurred prior to his designation as trustee.

V.—RELIEF

All defendants contend that the doctrine of laches bars any relief for the claimed breaches of trust, and alternatively that the statute of limitations bars any claim for damages by reason of events occurring more than three years prior to the filing of this suit. Plaintiffs assert that laches, not the statute of limitations, is applicable to all causes of action herein, and urge that they have not been guilty of any unreasonable delay which would bar relief.

It is clear that an action to redress a breach of trust sounds in equity, and that the statute of limitations is applicable to such a suit in the District of Columbia. *See Naselli* v. *Millholland,* 88 App. D.C. 237, 188 F. 2d 1005 (1951); *Haliday* v. *Haliday,* 56 App. D.C. 179, 11 F. 2d 565, 569 (1926); *Nedd* v. *Thomas,* 316 F. Supp. 74, 77 (M.D. Pa. 1970); 3 *Scott on Trusts* § 219 (3d ed. 1967). Nor is the statute of limitations strictly applicable to the cause of action against the Union or the Bank, for it is the breach of trust they conspired to carry out, not the conspiracy itself, which is the gist of the action. See cases cited page *supra; Restatement of Trusts* 2d § 327 (a), Comment k. It is true that courts customarily follow the statute of limitations even in equity cases where essentially legal relief, such as damages or an accounting, is sought. *Columbian University* v. *Taylor,* 25 App. D.C. 124, 131 (1905). This rule, however, is not strictly followed in this jurisdiction. *Haliday* v. *Haliday, supra,* 56 App. D.C. 179, 11 F. 2d 565, 569 (1926). The guiding principle is that "laches is not like limitation, a mere matter of time; but principally a question of the inequity of permitting the claim to be enforced. . . ." *Holmberg* v. *Armbrecht,* 327 U.S. 392, 396 (1946).

The Court is mindful of several factors which bear upon the equity of awarding damages for the excessive cash accumulations at the Bank going back to 1950. The actual size of the deposits was never concealed, but was regularly reported in the annual reports of the Fund which were widely distributed. The relationships of the Union and the Fund with the Bank were mentioned on numerous occasions in the Mine Workers Journal and elsewhere. Certainly by reasonable diligence most, though not all, of the relevant facts as to the cash deposits could have been readily ascertained. The delay has prejudiced the defendants in that some of the major participants in these events are now dead, and if damages were assessed for the Fund's loss of investment income over the full twenty years, both the Union and the Bank, whose resources will necessarily feel the major impact of the judgment, would be seriously injured. In assessing the reasonableness of the delay, however, the Court must consider the impecunious nature of the beneficiaries, the obstacles of Union discipline which could well have intervened, the fact that the class of beneficiaries was continually changing, and the fact that as late as May, 1969, the Fund through a statement in the Union newspaper disingenuously represented that the large cash balances were necessary for the operation of the Fund. Thus the delay is not inexcusable, but it must be taken into account in determining the period for which damages will be assessed.

Moreover, the Court notes that while the beneficiaries have suffered as a result of the Fund's loss of investment income, they have benefited to some extent from the Union's activities over the past twenty years. In the longer view of matters, the Union's strength protects the interests of the beneficiaries, past and prospective; the Union should not be weakened to a point where its stance at the bargaining table will be substantially impaired.

Balancing these factors, and recognizing the similarity between this action in equity and one at law for damages, the Court will adopt the three-year limitation provided by 12 D.C. Code § 301(8) as to the damages aspect of this case.

No considerations of equity intervene to bar prospective remedies for mismanagement of the Fund by its trustees. The Fund has been seriously compromised. It has failed to develop a coherent investment policy geared to immediate or long-term goals. It has collaborated with the Union contrary to the trustees' fiduciary duties, and has left excessive sums of money on deposit with the Union's Bank in order to assist the Union. In their day-to-day decisions, the trustees have overlooked their exclusive obligation to the beneficiaries by improperly aiding the Union to collect back dues and by cutting off certain beneficiaries unfairly.

Alongside these serious deficiencies must be placed the pioneer role of the Fund, which by constant effort has led in the development of a broad program of welfare benefits for a distressed segment of the working population. The many beneficial and well-motivated actions cannot, however, excuse the serious lapses which have resulted in obvious detriments to many beneficiaries. There is an urgent need for reformation of policies and practices which only changes in the composition of the Board of Trustees, an adjustment of its banking relationship, and other equitable relief can accomplish.

Further proceedings must be conducted on the measure of damages, but as the Court indicated before trial it is desirable at this stage to establish the nature of equitable relief which must be taken for the protection of the beneficiaries. Equitable relief shall take the following form.

Neither Boyle nor Roche shall continue to serve as a trustee. Each shall be replaced by June 30, 1971, under the following procedures. A new trustee must first be named by the Union. Consonant with the provisions of the Agreement, the new Union trustee and the existing trustee representing the Operators shall then select a new neutral trustee. The neutral trustee shall be designated on or before June 15, 1971, and the designation will then be submitted for approval by this Court before the new trustee takes office on June 30.

The newly constituted Board of Trustees selected as required by the decree shall then immediately determine whether or not Roche shall continue as Administrator of the Fund. No trustee shall serve as Administrator after June 30, 1971.

Upon the selection of a replacement for Boyle and the neutral trustee, the newly constituted Board of Trustees shall be required to obtain independent professional advice to assist them in developing an investment policy for creating maximum income consistent with the prudent investment of the Fund's assets, and such a program shall be promptly put into effect.

The Fund shall by June 30, 1971, cease maintaining banking accounts with or doing any further business of any kind with the National Bank of Washington. Following termination of this relationship, the Fund shall not have any account in a bank in which either the Union, any coal operator or any trustee has controlling or substantial stock interest. No employee, representative or trustee of the Fund shall have any official connection with the bank or banks used by the Fund after June 30, 1971. The Fund shall not maintain non-interest-bearing accounts in any bank or other depository which are in excess of the amount reasonably necessary to cover immediate administrative expenses and to pay required taxes and benefits on a current basis.

A general injunction shall be framed enjoining the trustees from the practices here found to be breaches of trust and generally prohibiting the trustees from operating the Fund in a manner designed in whole or in part to afford collateral advantages to the Union or the operators.

Counsel are directed to confer and prepare a proposed form of decree carrying out the equitable relief here specified. This proposed decree shall be presented to the Court and any disagreements as to form settled on May 13, 1971, at 4:00 p.m. On May 21, 1971, plaintiffs shall furnish the Court and defendants with a precise statement of the amounts of compensatory damages and attorneys' fees and expenses claimed in light of this Opinion, a statement of the method used to compute the claims, and a list of witnesses to be called at the damages phase of this proceeding. No punitive damages will be awarded. A hearing as to compensatory damages is set for June 21, 1971, at 9:30 a.m.

Gerhard A. Gesell,
U.S. District Judge.

April 28, 1971

FOOTNOTES

[1] The Bituminous Coal Operators Association and two individuals named defendants, Carey and Titler, were dismissed at the close of plaintiffs' case for lack of proof.

[2] Lewis and Boyle have been the only Union trustees. There has been a succession of Operator trustees. Owen served until 1957, followed in sequence by Henry Schmidt, George Judy, Guy Farmer and C. W. Davis.

[3] Boyle resigned from the Bank board after the record in this case was closed and following his indictment for other alleged misconduct.

[4] In one instance, Roche was momentarily troubled by Ryan's going on the Bank board but when she took this up hesitantly with Lewis he "just smiled," and Roche let the matter drop.

[5] The stock of the Bank owned by the Union was held by the three Union officers named trustees for the Union. Lewis and later Boyle were each a trustee during their respective service as President of the Union.

[6] The Union claims that it cannot be held liable for the acts of Lewis except upon "clear proof" that the membership of the Union actually participated in, authorized, or ratified his actions. This position is based upon Section 6 of the Norris-LaGuardia Act, 29 U.S.C. § 106. Section 6, however, applies only to actions taken in the course of a labor dispute. By no view of the facts in this case can the management of the Welfare Fund by its trustees be termed a "labor dispute" as that phrase is defined in 29 U.S.C. § 113(c). See Columbia River Packers Ass'n v. Hinton, 315 U.S. 143, 146–47 (1942).

[7] This theory of the case would present the question whether it was a breach of trust for the trustees to deposit any money whatsoever in the Union's bank. There is a conflict among the cases as to whether a trustee may under any circumstances deposit trust funds in a bank in which he has a substantial interest. See the full discussion in 2 Scott on Trusts §§ 170.18, 170.19 (3d ed. 1967); *compare* Caldwell v. Hicks, 15 F. Supp. 46 (S.D. Ga. 1946) (deposit improper), with In re Sexton, 61 Misc. 569, 115 N.Y.S. 973 (1908) (deposit proper). It is universally held, however, that any such deposits will be subjected to the closest scrutiny for signs of self-dealing or negligence where the bank fails or the funds are left on deposit uninvested for an excessive period of time. *See, e.g.,* In re Culhane's Estate, 269 Mich. 68, 256 N.W. 807, 811 (1934). And where the bank has notice that the trustee is acting in breach of trust in allowing such deposits to be made, it is liable along with the trustee for losses to the trust. *See* Olin Cemetery Ass'n v. Citizens Savings Bank, 222 Iowa 1053, 270 N.W. 455, 459 (1936). Where the initial deposits are upwards of thirty million dollars and form a substantial percentage of the bank's business, as in the case of the Fund, it would be an extreme principle which would absolve the bank from any responsibility for resulting losses to the trust.

[8] In considering the interlocks between the Bank and the Fund, two individuals involved occupied positions of special significance. Ryan, the Fund's comptroller, knew full well that the cash deposits were excessive and, in effect, at one stage had so advised the trustees. He was named to the Advisory Board at the Bank in 1963, and became a director in 1965. He was also an honorary member of the Union. Hopkins, initially inside general counsel of the Union and later inside general counsel of the Fund, was a director of the Bank and of course fully familiar with the provisions of the Trust and the legal responsibilities of the trustees. He attended trustee and Bank meetings. The knowledge of Ryan and Hopkins, insofar as it arose from their duties at the Fund, is not strictly imputable to the Bank. See Arlington Brewing Co. v. Bluethenthal & Bickart, 36 App. D.C. 209 (1916); 3 Fletcher, Cyclopedia of Corporations §§ 793, 808 (Rev. ed. 1965). Their knowledge was, however, continuously available to the Bank throughout the period.

[9] The only reference in the testimony to any communication on these matters between Lewis and the Bank is the following from the cross-examination of Colton:

Q: Did Mr. Lewis ever tell you anything about the need of substantial balances in the fund accounts?

A: It seems to me that in the early '50s they had some difficulties and Mr. Lewis made the statement to me in one of our meetings that he would like to feel that the fund always had sufficient funds on hand to protect several monthly payments to miners so they shouldn't be in the position of being short of money. [Transcript p. 197.]

[10] The finding of an agreement between Lewis and Colton in 1950 is not an essential element of the cause of action against the Bank and Colton as to the later years of the period under review. For whatever the nature of the understanding at the time the account was opened, the continuous maintenance of huge sums of money in demand deposits over the years was more than sufficient to convey to Colton and the Bank knowledge that the Bank was benefiting from a breach of trust.

[11] In the period 1959–1964, the trustees were hobbled in collecting royalties from some 16 to 18 small operators because Union organizers had told the mines they didn't have to pay full royalties. This practice by the Union organizers was improper, but the evidence failed to show complicity by the trustees of the Fund.

[12] Joseph Yablonski had announced his candidacy on May 29, 1969. Boyle had relieved him of his position with the Union's Nonpartisan League on June 9.

[13] The range of alternative increases in benefits was indicated by Ryan in a report to the Union's Executive Board on March 14, 1968. Besides a pension hike, Ryan noted that the following changes were among those being urged on the trustees: broadening eligibility for pensions to include totally disabled miners with ten years' service, regardless of age; making miners' widows eligible for medical care benefits until the age of 65; providing additional medical benefits for incapacitated children of miners; paying Medicare premium for beneficiaries over the age of 65; extending benefits for unemployed or disabled miners; and increasing widows' and survivors' benefits. According to Ryan's estimates, the additional cost of these modifications would eventually amount to over $35 million annually.

[From the New York Times, Apr. 29, 1971]

Mine Union Found Liable In Civil Suit Over Funds

(By Ben A. Franklin)

Washington.—A Federal district judge today held the United Mine Workers of America, its multimillion-dollar welfare and retirement fund and the union-owned National Bank of Washington jointly liable for millions of dollars in damages.

The judge Gerhard A. Gesell ruled that the damages, the exact amount to be determined later, were payable to rank-and-file coal miners and miners' widows. Judge Gesell upheld the plaintiffs' assertions that the defendants participated in a 20-year conspiracy to enrich the union and the bank at the miners' expense.

In a 45-page opinion, the judge agreed with virtually every contention of wrongdoing alleged in a $75-million breach-of-trust suit filed here in 1969 by a group of miners and widows.

He also ruled that W. A. Boyle, the 66-year-old president of the mine union, must retire by June 30 as a trustee of the U.M.W. Welfare and Retirement Fund, Inc.

The month-long trial of the suit, without a jury, ended last Feb. 26.

Judge Gesell agreed today with the plaintiff's lawyers that, in a sense, it was John L. Lewis, who died on June 11, 1969, who had chiefly been on trial.

The judge found that Mr. Lewis, the union's president for 40 years until his nominal retirement in 1960, had been repeatedly guilty of "more than a mistake of judgment," of "a clear case of self-dealing" and of initiating a conspiracy for which others must now pay heavy penalties.

Judge Gesell delayed fixing the exact amount of damages to be assessed against the union, the bank and possibly some of their individual officers until a penalty hearing June 21.

His opinion said that because the culpability of the defendants was so great, "both the union and the bank, whose resources will necessarily feel the major impact of the judgment, would be seriously injured" if the damages were assessed for 20 years of misconduct without some arbitrary limit.

Accordingly, Judge Gesell said that, although he was denying the defendants' contention that they were protected by the statute of limitations from liability for wrongs committed as long ago as 1950, he would adopt a three-year rule in assessing cash damages.

FOR FUND'S BENEFICIARIES

Lawyers said the damages still would "run into the millions." The final award, minus court costs and lawyers' fees, is to be paid to the welfare fund treasury for the benefit of the fund's 70,000 beneficiaries.

The basic conspiracy of which Judge Gesell found all the main defendants guilty involved the "excessive accumulation" over 20 years of large cash deposits, paying no interest, by the $160-million-a-year welfare fund in the union-owned bank, to the benefit of the bank and thus of the union.

He held that the effect was operation of the welfare fund by union and bank officers "so as to give their special interests collateral advantages" while at the same time denying the fund's beneficiaries the millions of dollars in increased payments that could have flowed to them from more profitable investments.

Of the National Bank of Washington, this city's third largest, the judge said it "knowingly participated in a continuing breach of trust that has rebounded substantially to its own benefit."

WILL LOSE DEPOSITS

Among the other effects of Judge Gesell's order today will be the complete withdrawal of all mine union and welfare fund deposits from the bank by June 30. In the past, these funds have totaled as much as $75-million, 30 per cent of the bank's deposits.

Judge Gesell said that Mr. Boyle's testimony "and demeanor at the trial" had shown that "he considers the fund, in effect, the property of the union to be used in whatever manner the immediate and long-term objectives of the union warrant."

The opinion specifically held that Mr. Boyle had "violated his duty as a fund trustee" by "bullying through" in a "hasty pow * * *

[From the Washington Post, Apr. 29, 1971]

JUDGE SLAPS UMW FUND, OUSTS BOYLE AS TRUSTEE

(By George Lardner Jr.)

A U.S. District Court judge yesterday upheld charges of mismanagement and conspiracy against the United Mine Workers' pension fund and ordered UMW president W. A. (Tony) Boyle to step down as a trustee.

In a toughly worded opinion, U.S. District Judge Gerhard A. Gesell also ordered the fund to take all of its money out of the union-owned National Bank of Washington by June 30.

The UMW's 21-year-old Welfare and Retirement Fund still has some $20 million in non-interest bearing checking accounts at the bank, according to testimony in the recent non-jury trial. In addition, it has long held $50 million in certificates of deposit. The National Bank of Washington's total deposits, including the pension fund money, amount to about $457.1 million.

The fund's long-standing practice of keeping huge cash deposits in the bank, initiated by the late UMW president John L. Lewis, was, the judge ruled, an illegal conspiracy that bilked the union's pensioners and other beneficiaries of investment income that could have been earned.

"The trustees (of the fund) well knew that cash deposits at the bank were unjustified," Gesell said in a 45-page ruling. "It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested."

Boyle came under sharp fire for rushing through a $35-a-month pension increase in June of 1969 at his first meeting as Lewis' successor on the fund's three-member board of trustees.

Judge Gesell called it a "hasty power play" by the UMW leader, which was brought about "partly by misrepresentation."

Starting out on a controversial campaign for reelection as UMW president, Boyle won the increase with the support of George L. Judy, then the coal industry's representative on the board of trustees. The neutral trustee, Josephine Roche, 84, was in the hospital at the time with a broken hip.

Judy claimed that he voted for the increase partly because Boyle told him that he had Miss Roche's proxy in his pocket anyway. Boyle denied this, but Judge Gesell's findings amounted to a terse rejection of the UMW president's protests. Miss Roche, a longtime friend and ally of UMW president-emeritus Lewis, testified at the trial that she would have voted against the higher pensions as precipitous.

Under Gesell's decree, however, Miss Roche, too, will have to step down from the board for her role in the management of the pension fund since 1950.

Although she did not profit personally from any of the improper steps that were taken and although she unquestioningly followed Lewis's lead, the court said, "naivete and inattention cannot excuse her conduct. She violated her duty as a trustee . . . and she must be said to have knowingly furthered the conspiracies . . ."

In ordering a new board of trustees for the pension fund, the court decreed that Boyle and Miss Roche must both step down by June 30. Gesell said the need for reform of fund practices is "urgent."

The ruling stemmed from a $75 million conspiracy damage suit by more than 70 members of coal-mining families in August, 1969, some two months after Lewis' death.

Gesell said he would hold a hearing June 21 on what compensatory damages should be awarded. He ruled out the prospect of any punitive damages and said he would confine any cash award to claims for the three years immediately preceding the filing of the lawsuit by Washington attorney Harry Huge.

He said that while the beneficiaries of the UMW pension fund have suffered from the loss of investment income, "the union should not be weakened to a point where its stance at the bargaining table will be substantially impaired."

In sustaining the conspiracy charges stemming from the non-interest bearing deposits at the National Bank of Washington, Gesell ruled that they were the result of an agreement between the now-dead Lewis, Miss Roche and Barnum L. Colton, who was picked by Lewis to head the bank shortly after the UMW bought control of it in 1950.

Colton retired as the bank's president in 1969, but before that, the court declared, "his collaboration with the union was far more than that which merely followed from his office."

At the trial, Colton said he maintained a complete disinterest in the pension funds accounts at the bank during his tenure. But, the court said, "since the fund's business with the bank accounted for over 20 per cent of the bank's time deposits and grew to over 30 per cent of its demand deposits, . . . his (Colton's) explanation are unacceptable." The bank, Gesell concluded, had a knowing hand in "a continuing breach of trust that redounded substantially to its own benefit."

Gesell also found several of the fund's trustees, including Lewis and Miss Roche, along with the UMW itself, liable for a conspiracy involving investment of pension fund money in several utility companies, such as Cleveland Electric Illuminating.

The court noted that one pension fund purchase of 50,000 shares of stock in CEI in the early 1960s coincided with a UMW campaign to force the utility to buy union-mined coal, which was eventually purchased from a company headed by then pension fund trustee George Schmidt. Gesell called this "a clear case of self-dealing . . ."

THE NEW TIGER CAGES OF CON SON

(Mr. ANDERSON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, the cracks and crevices in our Nation's judgment on morality and justice in Vietnam grow broader and deeper.

On January 7, 1971, the U.S. Navy Contracts Office, Republic of Vietnam, issued to RMK-BRJ—Raymond, Morrison, Knudsen, Brown, Root and Jones—an order to proceed on a $400,000 contract for the construction of three new blocks of isolation cells on the penal island of Con Son—copy to follow.

According to a News Service International report, RMK-BRJ's work will be primarily of a supervisory and materials furnishing nature. Prison labor will be used at pay scales from 55 cents to 72 cents per week.

Mr. Speaker, the question is, Why in Heaven's name is the United States rebuilding "tiger cages" for the political prisoners of South Vietnam?

The distinguished gentleman from California (Mr. HAWKINS) and I recently received a letter from long experienced Vietnam social worker-correspondent Don Luce. Mr. Luce enclosed a copy of a letter to President Nixon from representatives of relatives of prisoners in South Vietnam—copies to follow. From these letters it is quite evident that the system of justice and the treatment of political prisoners by the Thieu government remains barbaric.

We have absolutely no business supporting this government, much less building new political prisons for it.

On receipt of information regarding U.S. participation in this ridiculous construction project my staff made extensive telephone inquiries of the Department of Defense and the U.S. Agency for International Development to determine the reason for the construction and the source of funding. As happens more and more often in congressional dealings with this administration, we got the run around.

Finally, I addressed written inquiries of DOD and AID. The replies were clearly evasive, particularly in regard to the source of money for the new "tiger cages." Reference was made only to "local currency piaster funds," implying that no U.S. funds are involved.

Mr. Speaker, DOD and AID can evade, but they cannot escape these facts:

Except for printing press piasters designed to make up for deficit spending—a prime source of inflation and economic instability in South Vietnam—67 percent, roughly two-thirds of the Saigon government's budget, is U.S. generated.

Mr. Speaker, the two-thirds figure is extremely conservative in that it does not take into account considerable Saigon tax revenues derived from U.S. purchase of local goods and services. We all know U.S. expenditures for these purposes are enormous.

It follows, therefore, Mr. Speaker, that at least two-thirds of $400,000 for the new cells is coming out of the U.S. taxpayers' pockets—a minimum of over $266,000.

I would like to see a national poll on how many hard-pressed American taxpayers would choose to spend over $266,000 for new prison facilities in South Vietnam to hold under barbaric conditions uncharged, untried, unsentenced citizens whose sole offense may have been to protest the war, or who are said to protest the war, or who may not support President Thieu in his bid for reelection.

This is not all, Mr. Speaker. Telephone conversations with DOD officials and the written response from that Department evade the cost to our Government of administering this contract. This is a miracle. If all in Government could find out how to administer contracts without overhead we could save several billions annually.

Mr. Speaker, the cracks and crevices of judgment, morality, and justice—and I add, credibility—grow broader and deeper.

APRIL 21, 1971.

Congressman WILLIAM ANDERSON,
Congressman AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN ANDERSON AND HAWKINS: Last night I received some information about the high school girl that we met in the Tiger Cages at Con Son. According to her mother, both Thieu Thi Tao and her younger sister Thieu Thi Tan are suffering from lung disease (probably TB) and are at the Tan Hiep prison.

Thieu Thi Tao was the girl from Marie Curie high school who spoke excellent English and you talked with for a long time. She was arrested in 1968 and sentenced to three years imprisonment for anti-war work. She was 17 when she was arrested. Her little sister was 15 when she was arrested at the same time. She was sent to court but did not receive a sentence. However, she has been in prison since 1968.

I am enclosing a letter from her mother to President Richard Nixon. Mrs. Nguyen Thi Binh (*not* the Foreign Minister of the NLF!), her mother, is on the Committee for the Improvement of the Prison System in South Vietnam. She and Mrs. Hoa signed the enclosed letter as representatives of the relatives of those imprisoned in South Viet Nam's jails. Congressmen McCloskey and Waldie were given the letter to give to President Nixon. But because you met her daughter and were influential in getting both her daughters moved back to the mainland, Mrs. Binh asked me to send the letter to both of you (this is how I found out about the condition of her daughters).

As you may know, I have received a letter from the Ministry of Interior telling me that I must get out of Viet Nam before May 15, so I hope that I will be able to see you when I am in Washington in mid-May.

Sincerely,

DON LUCE.

SAIGON, *April 12, 1971.*

President RICHARD MILHOUS NIXON,
The White House,
Washington, D.C.

MR. PRESIDENT: Knowing that you share the responsibility for the severity of the prison regime in South Vietnam, knowing that you are paying special attention to all people deprived of liberty since many times in the past you have asked for the liberty of the Americans imprisoned by the North Vietnamese, we, the relatives of the Vietnamese arrested and incarcerated in detention camps and in prisons throughout South Vitnam, are sending this letter in order to present to you the painful realities of the prison regime in South Vietnam and ask you to take urgent action:

1. Throughout South Vietnam, U.S. intelligence agencies have been participating in the incarceration of the Vietnamese and are using systematically all the refined and scientific methods of torture in order to extract forcefully declarations of guilt and thus encroach upon human dignity and oppose the Declaration of Human Rights. As a result, many Vietnamese have become sick or disabled, died or secretly killed, the facts being hidden to the public through a curtain of secrecy.

2. The interrogation centers belonging to the security system of the Republic of Vietnam government are now incarcerating the suspects, arrested without any proof of guilt or with the only proof of being guilty for "loving their country and fighting for peace in Vietnam." These people are tortured in an utterly savage manner in order to obtain their declaration and constituting their file or false proofs of guilt are devised against them and sent to the tribunal.

3. The prisoners are ill-treated, repressed and brutally beaten throughout South Vietnam. The South Vietnamese administration is using the means provided by the U.S. aid, such as tear gas, tear gas rockets, acid, etc. in order to repress the prisoners. Many prisoners have died or become sick or disabled because of these repressions.

4. Prisons are too narrow, dirty and too crowded, with not enough air for breath. In many prisons, typical of which are the tiger cages in Con Son, the prisoners are shackled day and night so that some of them have become paralysed. Presently your government is helping with money and other means in the construction of new tiger cages in Con Son. This has disturbed and angered us as well as the people of Vietnam.

5. The communication between us and our relatives in prison has been limited to the minimum or forbidden completely. Many of us have been denied to visit our relatives or to receive letters from them. Our demands are ignored by the government, sometimes we have been repressed (for example, the repression occurred on March 19, 1970 in front of the Lower House).

6. The food in prisons is too poor, composed mainly of rotten rice and bitter dry fish. Medicines are lacking. As a consequence, the majority of prisoners have lung disease, mental disease, paralysis or beri beri.

7. Many people have been arrested and incarcerated for months or for years without trial or sentence or continued to be imprisoned under the regime of detention without any valid reason or they may be imprisoned or deported although they are under probation.

8. There are people who are tortured or repressed to death and people who die of sickness in prison without their family being notified.

We have been presenting to you the real happenings in the prisons throughout South Vietnam. From this presentation, you may refer to the prison regime in your country as well as in other civilized countries in the world. You will see what your aid in human and material resources have contributed to the people of Vietnam.

Presently most prisons in South Vietnam have advisors from your country and have received physical aid from U.S.A. If the material aids serve a useful purpose, we will never forget your kindness and humanitarianism in helping us against poverty and backwardness. On the contrary, the prisons in South Vietnam being considered as inhuman, we wonder whether your effort and the effort of your administration provoke in us gratefulness or resentment?

Thus we, the suffering Vietnamese, appeal to your sense of fairness and your sense of responsibility and request you to meet the following demands:

1. Order the employees of your government to end their participation with the government of the Republic of Vietnam in maintaining a prison regime contrary to the conscience and humanitarianism of men and women in the world.

2. Intervene with the government of the Republic of Vietnam in satisfying our following demands:

a. Free all people detained illegally or without evidence for the purpose of terrorizing and repressing the Vietnamese peace-loving patriots. Free the people who are detained without sentence or with expired sentences, the people who are on probation, the people who are old, sick and the small children.

b. Follow a policy of treating the prisoners with humanitarianism, change completely the present erroneous approach as regarding food, living facilities, clothes, medicines, spiritual activities, the methods of repressing, terrorizing and brutalizing the prisoners.

Anxious to safeguard the rights to live of our relatives, with the conviction that the right and the humanitarian will be accomplished, we wish you to accept our sincere thanks.

Respectfully yours,
NGUYEN THI BINH,
HUYNH THI HOA,
The representatives of relatives of prisoners in South Vietnam.

FPO SAN FRANCISCO, *January 7, 1971.*

Refer to: 323A/JNP: tt (4285) S623/70. Ser: 334D–1064.
From: Officer in Charge of Construction, Republic of Vietnam.
To: General Manager, RMK–BRJ, Saigon.
Subject: Project S623/70, Notice to Proceed, NBy 44105, MACCORDS Facilities, Con Son.
Reference: (a) MACCORDS-PS Ltr to OICC, Subject: Project S623/70, Isolation Compound, Con Son, Dated 1 Jan 71. (Not held by RMK-BRJ).
Enclosure: (1) Scope of Work for Project S623/70.

1. In accordance with the changes article of the contract, the Contractor is directed to proceed immediately with the construction of the project authorized by reference (a), as described below:

Project No.	Catdress	Description	Scope	Funds	Seq.	Funds package
S623/70	47300088	Corr fac conson	LS	$VN27, 688, 858 ($234, 651. 33)	10	$755–007
S623/70	47300089	do	LS	$VN14, 611, 589 ($123, 827. 02)	20	B741–002
S623/70	47300090	do	LS	$VN 4, 899, 553 ($41, 521. 63)	30	C739–403

2. The Contractor is directed to prepare an estimate for Change-Order Negotiations.

3. Construction shall be in accordance with enclosure (1) and instructions from the ROICC Phu Quoc.

4. The net effect of this letter increases the Contractor's obligational and expenditure authority in Bureau Project A755–007 by $VN27,688,858 ($234,651.33), B741–002 by $VN14,611,589 ($123,827.02); and C739–403 by $VN4,899,553 ($41,521.63). Obligations and expenditures of these funds will not be exceeded and are chargeable to: A755–007 (FY 68 PG U31) MACCORDS AIK CY68 OC 25B. MACCORDS'S–NLD MIPR 64–68. B741–002 (FY 69 PG U31) MACCORDS AIK CY69 OC 25B. MACCORD'S–NLD MIPR 24–69. C739–403 (FY 70 PG U31) MACCORDS CY69 OC 25B. MACCORDS MIPR 63A–69.

Receipt acknowledged:

J. B. KIRKPATRICK,
General Manager, RMK BRJ, Saigon.

By Direction:

L. M. CAVENDISH.

SCOPE OF WORK FOR PROJECT S623/70

Sponsor: MACCORDS.
Local: Con Son.
Contact: Mr. William Secor, MACCORDS–PS. Telephone: USAID 4291.

The scope of work is the completion of three cellblocks, each partitioned into 96 isolation cells, an outer compound wall of concrete block; a barbed wire perimeter fence with security gates; kitchen and dispensary.

Construction is to be similar to isolation cell currently under construction as a self-help project, however, contractors' suggestions for changes in materials, construction and details shall be permitted subject to the approval of the ROICC.

Dated: 7 January 1971.

MOTHBALL FLEET—THE NATION'S NAVAL ATTIC

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. PRICE of Illinois. Mr. Speaker, I have just read a very informative article, entitled "Mothball Fleet—The Nation's Naval Attic," written by one of my good friends, Robert J. Boylan. Mr. Boylan is a retired foreign service officer who is now doing free-lance writing. He was a naval gunnery officer in World War II and is now a retired commander. My friendship with Mr. Boylan goes back many years to the time we were both newspaper men. I highly commend the reading of this article to the Members of the House.

I ask unanimous consent that Mr. Boylan's article be inserted at this point.

[From the Navy Magazine, April 1971]

MOTHBALL FLEET—THE NATION'S NAVAL ATTIC

(By Robert J. Boylan)

They lie silent in the water, waiting for a call that may never come. There are 879 of them, ships and craft of varying sizes and types including the last four battleships the Navy owns—the 45,000 ton World War veterans *Iowa, New Jersey, Wisconsin,* and *Missouri.*

The size of the reserve or "mothball fleet" has grown from 720 in 1969, reflecting the reductions of approximately 30 per cent that have been made in the active fleet. During the same period the active fleet has been cut from a total of 937 ships to a current figure of about 700 and a projected figure of 658 is aimed at by the end of FY '72.

In addition to the ships laid up in the reserve fleet, a total of 71—three attack carriers, five escort carriers, 22 destroyers, 18 destroyer escorts, 13 submarines, four LST's, four heavy cruisers, eight light cruisers, and four seaplane tenders have been stricken from the Navy list either for scrapping, use as targets, or given to our allies, in the past two years.

Among the ships recently stricken from the Navy list are the carriers *Boxer, Princeton* and *Valley Forge* and the heavy cruisers, *Fall River, Macon, Oregon City.*

The expanded mothball fleet is maintained in a state of as close to readiness as possible at seven bases—three on the West Coast, two on the East, one on the Gulf of Mexico, and Pearl Harbor.

A KIND OF INSURANCE

The ships of the reserve fleet have clearly proven their real and potential value as a kind of insurance against the recurring crises and conflicts of the 50's and 60's. The Navy reactivated 60 ships at the time of the Berlin crisis, most of them auxiliaries to start supplies on their way to the airlift and support of the blockaded city. First Korea and then Viet Nam drew on the reserve fleet to great advantage—the NEW JERSEY has only recently returned to inactive status after serving with distinction, bombarding enemy positions. One reason the Navy gives for retaining some ships in the reserve fleet is the time required for building many of the projected new additions. It can take up to seven years to build a nuclear-powered carrier, of which there is only one in the active fleet now. Other building times by classes are: nuclear powered submarines, up to five and one-half years; missile carrying destroyers, four years; faster new auxiliaries, also four years.

The composition of the reserve fleet is under constant review and subject to continuing change. Ships that can no longer prove a potential value are sold for scrap, which returns only a fraction of their original cost. And when a ship of the active fleet is declared surplus to current needs it joins the mothball fleet.

There is no announced decision—and considerable disagreement—within the Navy as to what the future size of the inactive fleet should be. One argument is that with the active fleet so greatly reduced, the number of inactive ships kept as near ready as possible should be maintained at the present levels—well above those of two years ago. Others contend, however, that many of the ships which have been and are being laid up are so worn out and old that they should be scrapped.

FAIRLY CONSTANT LEVEL

One reason why the inactive fleet may remain at a fairly constant level is that actual maintenance expenses are fairly modest—the current budget item is $5,526,000 for a year. Of course, in addition there are the expenses of deactivation—a long, unglamorous task of months for big ships—and of reactivation, another question of months.

Ships have to be sandblasted to remove rust and then treated with a preservative coating before going into mothball status. All removable topside gear has to be stowed below decks and dehumidifying equipment installed for constant rust protection. Steel covers have to be fitted, protection for above decks equipment that cannot feasibly be removed or stowed. Steel replaced the plastic cocoons earlier in use as a more practical, durable covering.

What is the Navy's defense of the inactive fleet?

"Maintaining the fleet reserve is like keeping up your life insurance", observes Rear Admiral Ben B. Pickett, Director of Plans and Programs for Fleet Operations in Naval Operations.

"You may not want it, you may not like to think about it or pay for it, but you have to have it if you are going to be realistic about the uncertainties of the present and the future."

One of the youngest ships in the inactive fleet is the nuclear-powered picket submarine TRITON, which made nautical history by circumnavigating the globe submerged. A pioneering ship, which had carried extensive experimental gear, it was declared surplus to current needs because of lowered need for early warning craft and placed in reserve. High costs render it unlikely to ever see active duty again. Other ships range up to 31 years in age and include a total of 214 destroyers and destroyer escorts from the World War II period of 1940-45.

Fourteen of the World War II heavy cruisers including the *Baltimore, Pittsburgh,* and *Helena,* have been deactivated. Seven of the World War II *Essex* class carriers, a type which formed the nucleus of the fast carrier task forces in the Pacific, are inactive. They include the *Essex* itself, *Randolph, Antietam, Yorktown, Hornet, Bennington,* and *Kearsarge.* The *Bon Homme Richard* is in the process of deactivation and the *Shangri-La* has been designated for the inactive fleet in fiscal year 1972.

Six of the *Essex* class—*Lexington, Hancock, Oriskany, Wasp, Ticonderoga,* and *Intrepid* are still in the active fleet.

Of the other ships in the inactive fleet about 15 per cent are amphibious warfare ships, 15 per cent are auxiliaries and about 10 per cent are mine warfare ships. In a number of instances there is only one ship of a type in reserve.

AGE NOT ONLY FACTOR

Age is not the only deciding factor in deactivation. Three of the *Alaska* class battle cruisers of the World War II period—32,500 tons and equipped with nine 12-inch guns—were scrapped, the *Alaska* and *Guam* in 1961 and the *Hawaii* two years earlier—before it had even been finished. The ships were not considered feasible for retention even in the reserve fleet.

"One reason we have to maintain some ships in the inactive fleet is to have adequate numbers available in some classes", Admiral Pickett said. "You have to keep in the mind the time lag between the appropriation of funds and the date a ship is actually commissioned.

"One other problem with the reserve fleet is that we have to maintain a great diversity of ships", Admiral Pickett said. "Right now, among the ships in reserve, there are many, many different types. Not all ships can be in the glamorous combatant class. We have to have ships of all types and responsibilities, ready for patrol and escort, ready for all kinds of onerous duties, ready for all conceivable kinds of service."

When questioned about the value of retaining the four battleships, after all other battleship types including the *North Carolina* and *South Dakota* had gone, Admiral Pickett replied:

"The battleship is a superb weapons carrier. There are some kinds of attack which it can do with its firepower that no other type of ship can do. And we have to be ready for every possible kind of operation."

What is the history of reserve fleets generally?

For reasons of defense (along with economy, nostalgia, and innate forms of squirreling) navies for centuries have had some forms of ship preservation as they moved from war to peace and then on to other wars. The ingenuity of the preservation methods for the periods of peace matched the initiative, skills and resources of the period—strip ships, maintain hulls as sound as possible, and hope for the best.

Even highly developed countries later realized it was no longer possible and feasible to retain active fleets including ships of all possible classes and types at full war-time strength. Therefore reserve fleets had to be developed.

A reserve fleet, at best, is a kind of compromise—a combination of putting together the strongest first team you can afford to field, inheriting the best available second team from the major league and weeding out the has-been with a minimum of sentiment.

It has been mentioned earlier that the actual maintenance cost of the inactive ships by a force of 1,720 Navy and civilian staff, representing a variety of skills, is a relatively modest budget item. However, a considerable amount of time and talent goes into the continuous research and development of ways and means of more efficient (and ideally) more economical means of preserving ships and shortening, if possible, time required for deactivation and reactivation.

A NEW APPROACH

One of the newest approaches to topside protection has been the development by the Naval Ship Research and Development Center in Annapolis of a design for a plastic cocoon which would envelop a ship from the top of the foremast down to the water-line.

A contract has been awarded to Birdair Structures, Inc. of Buffalo, N.Y. for design and fabrication of the envelope, which is to be installed on the 12,000-ton cargo ship *Betelgeuse* at the Philadelphia Naval Ship Yard this summer. The ship is now at the Yard undergoing preparation for deactivation.

If the experiment is successful, the plastic envelope could greatly simplify the processes of deactivating and re-activating ships. No longer would radio and radar antennae and other topside equipment have to be taken down and stored below decks.

Other recent developments in the constant battle to maintain the readiness of the reserve fleet include a flooding alarm. This was a suggestion by a Navy seaman at the Philadelphia Yard, who received a cash award for his idea from the Navy.

The alarm consists of a styrofoam ball placed in the bilge of a ship. If and when water reaches a certain point a metal tip of the ball closes an electric circuit and sets off an alarm.

In another development, ships are marked on the bow with a white "V" with the bottom part even with the correct water-line. Any change can be immediately spotted.

ELECTRICAL PROTECTION

The latest development in resisting corrosion of the hull is the use of electricity—

only 9/10ths of a volt is required—in surrounding the hull. Presence of this small amount of electricity is sufficient to protect the hull from chemical reactions.

Until recent years an inspection, which is a daily requirement in the maintenance of reserve ships, meant going inside, a time-consuming process. However, now the dehumidifying equipment is housed on the weather deck. In addition there have been improvements in the use of lighted panels and more efficient means of signaling the presence of problems: e.g., a green light indicating excessive humidity (the optimum on steel ships is 35 per cent); red light indicating a flood alarm.

A future step, based on the success of the topside cocoon, is development of a plastic container for protection of the hull. Means of joining the topside and underside cocoons are the subject of further research.

Meantime the maintenance force of 1,720 representing a variety of skills, continues to keep the inactive ships in a feasible state of readiness. Each ship, upon entry into deactivation, has been thoroughly examined to determine the contents of an "activation package"—a list of desirable modifications which should be made in bringing it up to maximum capability.

Time required for preparing ships for return to the active fleet varies with size and the complexity of equipment, and the modernizations recommended in the "activation package." However, in emergencies, reactivation can be greatly accelerated with the use of multiple shifts.

Total numbers of ships at each of the seven bases: Bremerton, 104; Vallejo, 169; San Diego, 130; Pearl Harbor, 54; Philadelphia, 131; Norfolk, 120; and Orange, 171.

In addition to the reserve fleet, the Navy also has the added advantage of the almost immediate availability of many of the 60 ships now assigned to active Naval Reserve units. Nearly half of these are destroyers and destroyer escorts, 18 are minesweepers, and 15 are submarines.

So far, the size and composition of the mothball fleet has been examined, along with some present and proposed maintenance procedures. Comments on its necessity have been recorded and speculations made on the future size of the reserve fleet in the early 70's with the assumption that the size may remain relatively the same until newly authorized ships join the fleet.

But that is the period when the propulsion gap between the ships of the 40's and 50's and the nuclear and gas turbine powered ships, the high speed, smaller ships, the hydro-foil (air cushion) or surface effect ships will be at its greatest. How many of the older, less sophisticated ships will continue to be kept in near readiness?

That is a question which awaits future study, review, and re-examination. As the nation's Naval attic continues into the last third of the century; perhaps not a totally satisfactory operation but one nobody can say for certain is pointless.

H.R. 4207 REINTRODUCED BY REPRESENTATIVE CASEY TO CURB URBAN BLIGHT, CREATE NEW JOBS, NEW MARKETS AND SALES

(Mr. CASEY of Texas asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, 106 of my colleagues joined with me as cosponsors in introducing what we believe to be a far-reaching, progressive bill which can curb urban blight, create new jobs, new markets and sales—and at the same time, bring the benefit of tax relief to the overburdened American homeowner.

I refer specifically to H.R. 4207, which I reintroduced yesterday.

Under this bill, homeowners would be permitted to deduct up to $750 annually from their income tax for the cost of repair and maintenance of their residence. Rental property owners would be permitted a fast tax writeoff through rapid amortization over a 5-year period for the cost of such repair or rehabilitation.

At a press conference yesterday morning prior to introduction, I was privileged to have with me our distinguished colleagues: Representative George W. Collins, of Illinois; Representative Jim Wright and Representative Clark Fisher from my own State; and Representative Jamie Whitten, of Mississippi. They believe, as I do, that this bill can provide the answers to many of the serious problems plaguing our economy and be of direct and immediate benefit to the homeowner.

Because so many of my colleagues have expressed deep interest in this legislation, I am placing in the Record at this point, excerpts from the press release I issued along with a list of cosponsors, and statistical data:

Washington.—A massive bipartisan campaign to fight urban blight and create jobs by permitting a $750 tax deduction for home repair opened in Congress today.

One hundred and six House Members joined as co-sponsors of the bill to accomplish this purpose introduced by U.S. Rep. Bob Casey (D., Texas).

Casey has been a leading advocate for enactment of such legislation for the past 13 years.

He stated that in addition to the co-sponsors, other House Members advised him they will introduce their own companion bill, or otherwise expressed support for his efforts.

More than a score of major national and regional organizations, including labor, contracting and trade associations, have supported Casey's bill in the past.

At a press conference attended by many of the co-sponsors prior to introduction, Casey announced that another longtime advocate, Rep. Seymour Halpern (R., N.Y.) would serve with him as a co-chairman of a coordinating committee to gain additional national and Congressional support for the bill.

Casey outlined the need for such legislation, stating:

"I find it incredible, and pathetic, that in this day of great technological progress—and in spite of the many housing assistance programs enacted by Congress—the 1970 census gives us the grim fact that 4,677,526 housing units lack hot and cold water, flush toilet and bath facilities inside the structure.

"But the full story on the sad state of our housing, how much of it is deteriorating or dilapidated, will not be available for many months. The Census Bureau has not yet compiled those figures," he said.

Under the terms of Casey's bill, a homeowner would be permitted to deduct up to $750 a year for the cost of repair or improvement of his residence. Rental property owners would be permitted rapid amortization over five years for the cost of rehabilitating rental housing. Additions increasing the floor space would not be covered, Casey pointed out.

"I am convinced that this legislation can reach five major goals," the Houston Congressman said.

"It can create thousands of needed jobs in the home repair and allied fields in this period of excessively high unemployment. It can help curb the spread of urban blight in our cities and towns. It can generate vast new markets for the home repair and housing industry. It can bring badly-needed tax relief to our hard-pressed homeowners. And in my judgment, it can generate enough tax revenue through new jobs, new sales and increased profits to more than pay for itself.

"We must have 2.2 million housing units per year to meet our national needs," Casey emphasized. "In the past three years, we have averaged only 1.5 million units.

"It is imperative that if we are to meet the demanding need of good housing for our people—we must conserve, protect and rehabilitate existing housing units," he added. "In fiscal 1970, only 32,000 housing units were rehabilitated under all federal housing programs.

"When you consider the 1960 census showed nearly 11 million units as substandard, and 1.3 million as dilapidated, then it is obvious we are not making enough headway on this critical problem," he said.

"While many substandard units have been bulldozed for freeways and urban renewal projects, others have aged and fallen into disrepair to take their place," Casey said.

Casey pointed out that in 1961, the home repair market expenditures totaled $13.8 billion, of which $6.1 billion was for maintenance or repair. In 1969, it totaled $13.5 billion, with $5.4 billion for repair.

"Inflation, the high cost of labor and materials, means we are buying far less housing repair than is mandatory," Casey said. "Experts state we must have an annual expenditure of about $7 billion for repair and maintenance to conserve existing housing and meet our needs."

"This is not a problem confined to big urban cities," Casey said. "It is just as critical in small towns and in rural areas."

Casey said the tremendous support given by House members in co-sponsoring his bill should insure its consideration by the tax-writing House Ways and Means Committee.

"All we want is an opportunity for us, as sponsors, and for experts in the housing and home repair field, to present the facts and make our case before the Committee," he said. "I believe we can fully justify the need for this progressive legislation."

Casey pointed out that special efforts have been made by the Congress in recent years for rehabilitation of rental housing. He cited Section 115 of the urban renewal statute, whereby federal grants of up to $3,500 may be made to homeowners with incomes of up to $3,000 for housing rehabilitation. Section 312 provides for below market cost loans of three percent to upgrade housing to local standards, with priority going to persons with low or moderate incomes. Under both programs, during fiscal 1969, 11,000 units were rehabilitated.

He pointed out that in addition, the 1969 Tax Reform Act adopted a portion of his bill to provide an incentive for rehabilitation of rental property through a five-year amortization of costs. This provision, however, applied only to rental units housing low and moderate income families.

"All of these programs are fine and helpful," he stated.

"But the huge percentage of our housing is owner-occupied by taxpayers who cannot qualify for federally-subsidized assistance to rehabilitate or upgrade their homes. And it is here that we must begin our effort, if we are to meet our housing needs," he stated.

"As one colleague wrote me: 'This bill sounds so good that it must have something wrong with it,'" Casey related. "If there is—I can't find it, and neither could he, for he agreed to co-sponsor it."

"This bill has the strong support of labor, management, business, industry and the people," Casey said. "The only opposition in the past has been from the Treasury Department, which can see only the initial tax revenue loss—and not what can be generated through new jobs, higher profits and new markets."

"I am writing Treasury Secretary John Connally, asking that he take personal cognizance of our bipartisan effort, and that his Department, in its report on this bill to the Committee, give heavy consideration to the five factors I've outlined.

"I am, at this point, extremely optimistic about our efforts," Casey said.

COSPONSORS OF H.R. 4207

ALABAMA

Tom Bevill (Jasper, Dem.)

ALASKA

Nick Begich (Anchorage, Dem.)

CALIFORNIA

Don H. Clausen (Crescent City, Rep.)
Harold T. Johnson (Roseville, Dem.)
John E. Moss (Sacramento, Dem.)
John J. McFall (Manteca, Dem.)
B. F. Sisk (Fresno, Dem.)
Edward R. Roybal (Los Angeles, Dem.)
Charles H. Wilson (Los Angeles, Dem.)
Richard T. Hanna (Fullerton, Dem.)
Augustus F. Hawkins (Los Angeles, Dem.)
Bob Wilson (San Diego, Rep.)
William S. Mailliard (San Francisco, Rep.)
H. Allen Smith (Glendale, Rep.)

FLORIDA

Robert L. F. Sikes (Crestview, Dem.)
Bill Chappell, Jr. (Ocala, Dem.)
Paul G. Rogers (W. Palm Beach, Dem.)
Claude Pepper (Miami, Dem.)

GEORGIA

Ben B. Blackburn (Atlanta, Rep.)

HAWAII

Spark M. Matsunaga (Honolulu, Dem.)

IDAHO

Orval Hansen (Idaho Falls, Rep.)

ILLINOIS

Edward J. Derwinski (So. Holland, Rep.)
George W. Collins (Chicago, Dem.)
Paul Findley (Pittsfield, Rep.)
Kenneth J. Gray (West Frankfort, Dem.)

INDIANA

Ray J. Madden (Gary, Dem.)

IOWA

Fred Schwengel (Davenport, Rep.)

KENTUCKY

Romano L. Mazzoli (Louisville, Dem.)

LOUISIANA

Joe D. Waggoner, Jr. (Plain Dealing, Dem.)
Edwin W. Edwards (Crowley, Dem.)

MARYLAND

Lawrence J. Hogan (Hyattsville, Rep.)

MASSACHUSETTS

Silvio O. Conte (Pittsfield, Rep.)
Robert F. Drinan (Newton, Dem.)
Harold D. Donohue (Worcester, Dem.)
Torbert H. Macdonald (Malden, Dem.)
Louise Day Hicks (Boston, Dem.)
James A. Burke (Milton, Dem.)

MICHIGAN

James Harvey (Saginaw, Rep.)

MINNESOTA

Joseph E. Karth (St. Paul, Dem.)
John A. Blatnik (Chisholm, Dem.)

MISSISSIPPI

Jamie L. Whitten (Charleston, Dem.)
Charles H. Griffin (Utica, Dem.)

MISSOURI

James W. Symington (Clayton, Dem.)
W. R. Hull, Jr. (Weston, Dem.)

MONTANA

John Melcher (Forsyth, Dem.)

NEVADA

Walter S. Baring (Reno, Dem.)

NEW HAMPSHIRE

James C. Cleveland (New London, Rep.)

NEW JERSEY

John E. Hunt (Pitman, Rep.)
Robert A. Roe (Wayne, Dem.)
Charles W. Sandman, Jr. (Cape May, Rep.)

NEW YORK

Joseph P. Addabbo (Ozone Park, Dem.)
Shirley Chisholm (Brooklyn, Dem.)
John M. Murphy (Staten Island, Dem.)
James M. Hanley (Syracuse, Dem.)
James F. Hastings (Allegany, Rep.)
Mario Biaggi (Bronx, Dem.)
John G. Dow (Grand View, Dem.)
Thaddeus J. Dulski (Buffalo, Dem.)
Bertram L. Podell (Brooklyn, Dem.)

NORTH CAROLINA

Walter B. Jones (Farmville, Dem.)
L. H. Fountain (Tarboro, Dem.)
Alton Lennon (Wilmington, Dem.)

OHIO

Delbert L. Latta (Bowling Green, Rep.)
Frank T. Bow (Canton, Rep.)
Wayne L. Hays (Flushing, Dem.)
William E. Minshall (Lakewood, Rep.)
Thomas L. Ashley (Waterville, Dem.)

OKLAHOMA

Tom Steed (Shawnee, Dem.)

OREGON

Wendell Wyatt (Astoria, Rep.)
Edith Green (Portland, Dem.)

PENNSYLVANIA

James A. Byrne (Philadelphia, Dem.)
Edwin D. Eshleman (Lancaster, Rep.)
John P. Saylor (Johnstown, Rep.)
Albert W. Johnson (Smethport, Rep.)
James G. Fulton (Pittsburgh, Rep.)
Daniel J. Flood (Wilkes-Barre, Dem.)
John H. Dent (Jeannette, Dem.)

RHODE ISLAND

Fernand J. St Germain (Woonsocket, Dem.)

SOUTH CAROLINA

John L. McMillan (Florence, Dem.)
James R. Mann (Greenville, Dem.)

SOUTH DAKOTA

James Abourezk (Rapid City, Dem.)

TENNESSEE

James H. Quillen (Kingsport, Rep.)
John J. Duncan (Knoxville, Rep.)
LeMar Baker (Chattanooga, Rep.)
William R. Anderson (Waverly, Dem.)

TEXAS

Wright Patman (Texarkana, Dem.)
Ray Roberts (McKinney, Dem.)
Earle Cabell (Dallas, Dem.)
Olin E. Teague (College Station, Dem.)
W. R. Archer (Houston, Rep.)
J. J. (Jake) Pickle (Austin, Dem.)
James C. Wright, Jr. (Fort Worth, Dem.)
Henry B. Gonzales (San Antonio, Dem.)
O. C. Fisher (San Angelo, Dem.)
Bob Casey (Houston, Dem.)
James M. Collins (Dallas, Rep.)
John Dowdy (Athens, Dem.)

VIRGINIA

G. William Whitehurst (Norfolk, Rep.)
Watkins M. Abbitt (Appomattox, Dem.)
W. C. (Dan) Daniel (Danville, Dem.)
William L. Scott (Fairfax, Rep.)

WASHINGTON

Julia Butler Hansen (Cathlamet, Dem.)
Floyd V. Hicks (Tacoma, Dem.)

WEST VIRGINIA

Harley O. Staggers (Keyser, Dem.)
John M. Slack, Jr. (Charleston, Dem.)
James Kee (Bluefield, Dem.)

WISCONSIN

Les Aspin (Racine, Dem.)

ORGANIZATIONS WHICH SUPPORTED CASEY HOME REPAIR BILL

1. National Paint, Varnish and Lacquer Association.
2. Building and Construction Trades Council, AFL–CIO.
3. Painting and Decorating Contractors of America.
4. Brotherhood of Painters, Decorators and Paperhangers.
5. Plumbing, Heating and Cooling Contractors Association.
6. Contracting Plasterers and Latherers International Association.
7. National Association of Home Builders.
8. National Electrical Contractors Association.
9. National Federation of Independent Business.
10. Paint and Wallpaper Association of America.
11. Southern Paint and Wallcovering Association.
12. National Lumber and Building Material Dealers Association.
13. Tile Contractors Association.
14. National Forest Products Association.
15. National Bureau for Lathing and Plastering.
16. Structural Clay Products Institute.
17. National Home Improvement Council.
18. Bricklayers and Plasterers International Union.
19. The National Remodelers Association.
20. National Association of Wholesalers, and others.

SUBSTANDARD HOUSING

Census Bureau cannot give current figures for substandard housing, however, this is from the 1960 report]

	Housing units	Percent dilapidated, lacking 1 or more plumbing facility
New England:		
Maine	364, 617	32.1
New Hampshire	224, 440	19.3
Vermont	136, 307	21.8
Massachusetts	1, 690, 745	11.7
Rhode Island	286, 757	15.5
Connecticut	818, 544	9.2
Middle Atlantic:		
New York	5, 695, 431	10.3
New Jersey	1, 998, 796	8.5
Pennsylvania	3, 581, 642	13.5
East North Central:		
Ohio	3, 040, 915	14.7
Indiana	1, 503, 180	19.2
Illinois	3, 275, 566	15.3
Michigan	2, 548, 363	13.7
Wisconsin	1, 288, 318	18.7
West North Central:		
Minnesota	1, 119, 271	23.8
Iowa	905, 295	21.9
Missouri	1, 491, 169	27.7
North Dakota	194, 597	35.1
South Dakota	216, 449	31.7
Nebraska	472, 950	19.5
Kansas	740, 343	18.3
South Atlantic:		
Delaware	143, 725	13.7
Maryland	934, 554	12.5
District of Columbia	262, 641	9.8
Virginia	1, 170, 515	28.9
West Virginia	574, 357	35.0
North Carolina	1, 322, 957	37.2
South Carolina	678, 379	39.9
Georgia	1, 170, 001	35.2
Florida	1, 776, 591	16.5
East South Central:		
Kentucky	925, 572	41.2
Tennessee	1, 084, 365	36.5
Alabama	967, 595	39.8
Mississippi	628, 945	49.2
West South Central:		
Arkansas	586, 552	44.9
Louisiana	978, 452	31.4
Oklahoma	815, 685	23.4
Texas	3, 152, 657	22.3
Mountain:		
Montana	233, 310	23.1
Idaho	223, 533	17.4
Wyoming	113, 096	18.8
Colorado	594, 527	16.2
New Mexico	281, 976	23.1
Arizona	415, 834	15.9
Utah	262, 670	8.5
Nevada	101, 623	11.9
Pacific:		
Washington	1, 009, 519	12.3
Oregon	622, 861	12.9
California	5, 464, 786	7.2
Alaska	67, 193	33.9
Hawaii	165, 506	20.6

THE MONDALE-FRASER HOME IMPROVEMENT ACT

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, today I am introducing H.R. 7882, a bill to establish a new home improvement loan program. Joining with me as a Senate sponsor of this legislation is my colleague from Minnesota, WALTER MONDALE.

Our bill will enable homeowner-occupants to obtain federally subsidized, FHA-insured loans of up to $15,000 for home improvements and the installation of basic appliances included in a general improvement program.

The interest rate for the borrower would be set at 6 percent. A subsidy to the lender would be provided which equals the difference between this rate and the standard FHA rate established by the Secretary of Housing and Urban Development. As an aid to the borrower, we would prohibit the lender from charging a special discount—or points. A special subsidy of 0.375 percent would be provided to the lender, however, to compensate for the elimination of points.

No income limits would be imposed on the borrower. Instead, we would limit the loans to those homes whose values do not exceed $30,000 after improvements are made. In this way luxury housing would be excluded from the program.

The main purpose of this new loan program is to conserve probably our country's most important housing resource—the older, owner-occupied home. According to the 1970 census, 45 percent of all housing in the United States is more than 30 years old and 40 percent of the homes in this age category are owner-occupied.

The following table, based on U.S. census data, provide a useful profile of the age and value of owner-occupied housing, nationally as well as in Minnesota:

TABLE I.—SELECTED CHARACTERISTICS OF OCCUPIED HOUSING UNITS—1970

[In percent]

Year built	Total	Owner occupied
1960 or later	21	22
1950 to 1959	19	24
1940 to 1949	15	15
1939 or earlier	45	40
Total	100	100

TABLE 2.—VALUE OF OWNER-OCCUPIED HOUSING UNITS (FROM 1970 CENSUS OF HOUSING, ADVANCE REPORT, FEBRUARY 1971)

	Minneapolis		Minneapolis-St. Paul SMSA		Minnesota		Total United States	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	68,211		324,793		617,253		31,867,883	
Less than $5,000	81	0.1	750	0.2	26,120	4.2	1,935,883	6.1
$5,000 to $9,999	2,599	3.8	9,215	2.8	79,217	12.8	4,964,570	15.6
$10,000 to $14,999	16,801	24.6	44,003	13.5	118,416	19.2	6,398,130	20.1
$15,000 to $19,999	24,463	35.9	84,828	26.1	143,052	23.2	6,430,245	20.2
$20,000 to $24,999	13,378	19.6	79,610	24.5	113,624	18.4	4,670,003	14.7
$25,000 to $34,999	8,002	11.7	69,263	21.3	91,144	14.7	4,431,780	13.9
$35,000 to $49,999	2,188	3.2	26,705	8.2	33,193	5.4	2,042,545	6.4
$50,000 or more	699	1.0	10,419	3.2	12,487	2.0	995,052	3.1
Median	18,000		21,500		18,000		17,000	

Many of our central cities, particularly in the midwest, are filled with modest but well-built one- and two-family homes that are beginning to show signs of age. New improvement efforts on a broad scale can do much to preserve this important housing stock.

There are, of course, a number of housing programs now on the books that are intended to deal with this problem. Unfortunately, the current programs are caught up in excessive redtape and are not making the impact we had hoped they might.

Our bill attempts to remedy the deficiencies in the earlier programs by streamlining home loan procedures and eliminating many of the restrictions that are built into so many Government-financed efforts.

Some may question the lack of income restrictions in our loan program in view of the fact that a small Federal subsidy is provided. We feel strongly, however, that the 6-percent loans should be available to all homeowners regardless of their income as long as luxury housing is excluded. If provision of good housing for all Americans is an important national goal, we should be willing to provide a small subsidy to a broad group of middle income families to help us achieve this goal. The subsidy principle is already well established in agriculture, transportation and other areas of national life.

A relatively small investment of Federal subsidy funds in this program, about $25 million the first year, could generate close to a $1 billion in home improvement construction activity.

HEALTH AND AID

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, recently, a brief article in the University of Iowa Spectator quoted a graduate of the university's hospital and health administration program on the necessity of health programs in our foreign assistance efforts. James W. Hendley, of Nashville, Tenn., wrote in his doctoral thesis:

> One of the major impediments to progress in the lesser-developed nations is widespread preventable and curable diseases among their populations.

This is quite true. The question of health is basic to development. Progress—whether it be political, economic, or social—is difficult, if not impossible, if the people involved suffer from disease and malnutrition, and lack the necessary energy.

This is not to say that we lack encouraging achievements:

More than 900 million people in developing countries have been protected against malaria in the past 20 years.

More than 105 million people in central and west Africa have been vaccinated against smallpox.

Seventeen million children have been vaccinated against measles in Africa, where the disease kills 10 percent of the children infected.

More than 7,000 doctors and 4,000 nurses have been trained since foreign assistance became a part of U.S. relations with the developing countries.

These are impressive statistics, but much more must be done. Ponder these statistics:

Fifteen million children, who might be saved, die each year.

Millions more are permanently maimed, both physically and mentally, by malnutrition.

Ninety percent of the people in developing countries, mainly rural, have no convenient access to modern health services of any kind, permitting diseases, for which science has already found cures and relief, to kill and debilitate.

Of those who survive, life expectancy is 20 years shorter than in developed countries.

It is ironic that the very countries that need healthy, energetic people to carry on the development process are the ones that cannot afford the necessary health and nutrition programs.

That is why there is still a need for assistance. In this decade of the 1970's we have a chance to speed this work. The proposals for making our aid programs more effective can do this. The multilateral approach proposed by the President is particularly applicable to health programs.

We have the opportunity through our new assistance programs to improve the quality of millions of peoples' lives; to directly affect the welfare of children; to give hope to families—and ultimately to provide the environment for attaining the goals of world peace.

50 YEARS OF WORK IN BIRMINGHAM

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to join in the recognition of one of my constituents, Dr. A. G. Gaston, this year's winner of the Birmingham Bar Association's Liberty Bell Award. Dr Gaston was nominated for this honor by the Birmingham Urban League which cited him for his 50 years work and service in behalf of Birmingham, particularly in more recent years when his calm, clear voice in the midst of many stormy conditions urging obedience of law, helped bring about change in a lawful and orderly manner.

Recently, this distinguished black businessman authored a book entitled, "Green Power," an endorsement of our free enterprise system which gave him the opportunity to become one of our leading citizens. In addition to his presidency of the Citizens Federal Savings and Loan Association, Dr. Gaston operates the Booker T. Washington Insurance Co., and the Booker T. Washington Business College.

He has also had a personal hand in the formation and development of the A. G. Gaston Boys Club, named in his honor, which is now a strong factor in reducing juvenile crime in the Birmingham area.

Through his efforts, scholarship funds have been established at the University of Alabama School of Law in Tuscaloosa and Cumberland School of Law at Samford University in Birmingham to help deserving students, particularly blacks, obtain a legal education.

This years Liberty Bell Award could not have been presented to a more deserving American who embodies all the award symbolizes.

ISRAEL'S 23D BIRTHDAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as the State of Israel enters upon its 24th year, it is no longer a frail infant, no longer a gangling adolescent, but a sturdy adult nation.

The Israelis themselves are courageously cool in their assessment of the current ambiguous situation. They hope that fighting will not erupt again between them and their Arab neighbors, but they are prepared to face it if it comes. They are quite properly insisting that a permanent peace can be arrived at only by negotiation between those directly concerned, and cannot be imposed from outside. They are prepared to ease tensions by entering into a partial agreement which would permit the Egyptians to reopen the Suez Canal and the Russians, among others, to use it. Meanwhile they are going about the business of constantly strengthening their own defense capabilities and their own economy, and of demonstrating through their administration of Gaza and West Jordan that Arabs and Jews can live and work side by side, not only in peace but in growing prosperity.

The Israelis are not in a panic about the lack of a peace settlement in the Middle East. They are properly concerned about the obvious intent of the Soviet Union to increase its influence in the eastern Mediterranean and the Middle East, but they do not believe the Soviet Union or any one else wants a major war in the area.

Would that the Nixon administration would show the same degree of cool courage as the Israelis. As I have said time and again in the past, the main fault I have to find with our State Department on this issue is that it is overeager to achieve a settlement, without enough regard for the underlying conditions that would make a settlement viable in the long run.

But basically I am optimistic about the future of Israel, for I believe the Israelis have not only the capacity to build a great future for themselves and, if permitted, for the whole Middle East, but also the wisdom and the patience not to let themselves get pressured into any settlement, total or partial, that would be fraught with peril.

And so I say "Happy Birthday" to this gallant and inspiring democracy, and many happy returns.

DR. HERMAN P. MANTELL IS DEAD

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Dr. Herman P. Mantell, president of the Council of Jewish Organizations in Civil Service, passed away on April 14. Dr. Mantell was a dedicated public servant—a former public school principal and special deputy controller of New York City. His contributions to his community were manifold.

Throughout his career he led many organizations which were concerned with the public welfare. He served as a governor of the Foundation for Child Mental Welfare and was a member of the New York City Coordinating Committee of Religious Leaders.

He also served at one time or another during his distinguished career as president of the Beacon Civic League, president of the Council of Civic Leagues of New York City, and as president of the Interfaith Movement, Inc., which honored him with its Gold Medal Award in 1963, 1964, and 1965.

Dr. Mantell was a tireless and dedicated citizen who will be greatly missed. I extend my deepest sympathy to Mrs. Mantell and his two sisters.

I include in the Record an article from the New York Times of April 15, 1971, describing the life and accomplishments of Dr. Mantell.

[From the New York Times, Apr. 15, 1971]

Dr. Herman P. Mantell Is Dead; Led Jewish Civil Service Group

Dr. Herman P. Mantell, president of the Council of Jewish Organizations in Civil Service and for many years a school principal here, died of cancer yesterday in Mount Sinai Hospital. He was 66 years old and lived at 246 West End Avenue.

Dr. Mantell also was chairman of the Civil Service-Independents Party, which in 1969 endorsed Controller Mario A. Procaccino, a Democrat, for mayor and obtained a second line on the ballot for him.

Last August the party obtained approval for a second line on the ballot for Governor Rockefeller and Lieut. Gov. Malcolm A. Wilson, Republicans.

IN SCHOOLS DISPUTE

At a hearing on school decentralization in 1966—marked by a dramatic walkout by Superintendent of Schools Bernard E. Donovan—Dr. Mantell, speaking as president of the Jewish Teachers Association, touched off a demonstration when he remarked that a woman outside the building was distributing anti-Semitic literature.

Angry shouts, jeers and derisive handclapping caused Dr. Mantell to cut short his remarks, commenting, "I can't get a fair hearing here."

In 1962, Dr. Mantell was appointed special deputy controller and assistant finance director under Controller Abraham D. Beame. He took office April 30, 1962. He also served as head of the Bureau of Excise Taxes.

To take the city post he left a position as principal of Public School 87 in Manhattan, where he had served for 13 years.

He was a lawyer as well as an educator and administrator. He also was vice chancellor of Philathea College, London, Ontario.

Dr. Mantell received a B. S. in social science at City College, an M.A. in education and a Ph.D. from New York University and a J.D., a doctor of humane letters and a doctor of laws from New York Law School.

He also was a governor of the Foundation for Child Mental Welfare and a member of the education committee of the New York City Coordinating Committee of Religious Leaders.

Dr. Mantell was president of the Beacon Civic League and of the Council of Civic Leagues of the City of New York and president of the Interfaith Movement, Inc., which gave him its gold medal award for 1963, 1964 and 1965.

Dr. Mantell helped to organize the Federation of Negro Civil Service Organizations, and was given a scroll naming him an honorary member of the Sentinel Society, which is made up of Negro officers and civil service agents of the Customs Service.

Dr. Mantell was a Knight of Malta and received the Pope Paul Merit Award in 1968.

He leaves his wife, the former Pauline Schwartz, and two sisters, Mrs. Pauline Brandfonbrener and Mrs. Frances Lampbel.

A funeral service will be held at the Riverside, Amsterdam Avenue at 76th Street, on Sunday at noon.

COMPULSORY BUSING OF SCHOOLCHILDREN BY SUPREME COURT DECISION COMES AS QUITE A SURPRISE

(Mr. ARCHER asked and was given permission to extend his remarks at this point in the Record.)

Mr. ARCHER. Mr. Speaker, the recent Supreme Court ruling that compulsory busing of schoolchildren is constitutional came to me as quite a surprise. Arguing with an incredible logic, the Court said that neighborhood schools are preferable for some areas of the country, but that busing to achieve a racial balance is necessary, and constitutionally justified, in others.

I think we all recognize the inherent

wrong of forced segregation; we must undertake every effort to eliminate the last vestiges of it. But busing is not the answer.

Transporting young children across town just for the purpose of meeting some racial quota can serve no useful purpose. It will not, as some persons think, force an upgrading of inner city schools. To the contrary, where busing has been used, it has led to the deterioration of schools and the aggravation of racial tension and incidents.

I firmly believe that the taxpayers' money could more wisely be spent in programs to improve all schools and the quality of education itself, than in busing schoolchildren. But the Supreme Court has taken this out of our hands. Through some mystical interpretation of the Constitution, they have upheld lower court directives to bus.

Frankly, I can find no provision in the 14th amendment or any other part of the Constitution that permits or justifies forced busing. But the Supreme Court does, and that leaves the people and their lawmakers with no recourse short of an amendment to the Constitution. Therefore, I am introducing today a resolution calling for a constitutional amendment to prevent assignment of any child to a particular school because of his race, color, or creed.

In this way, we can guarantee the rights of all citizens, regardless of race.

PROPOSAL TO DISMANTLE THE DEPARTMENT OF AGRICULTURE

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, in a recent mail I received a copy of a resolution adopted by the 32-member board of directors of the Midcontinent Farmers Association which had been unanimously adopted on April 7, 1971.

In a subsequent telephone conversation with the president of that association, Mr. Fred V. Heinkel, I asked his permission and consent that this statement of position be made a part of the Congressional Record. He gave his consent. Let me add that it has been my observation in the 12 years I have been a Member of Congress that Mr. Heinkel is one of the most knowledgeable persons in America on farm problems and particularly the family farm.

A careful analysis of this resolution shows that to propose to scatter out the Department of Agriculture is not only ridiculous but becomes a matter of concern not only to farmers but to all the people.

Mr. Heinkel also sent along in the same mail a resolution concerning revenue sharing which he indicated in his opinion would not only downgrade, but do injury to the American farmer. It was interesting that he pointed out that at the present time farm programs are directed by local people such as the county extension programs and the county ASCS committees.

A careful reading of the resolutions adopted by the Midcontinent Farmers Association, in my judgment, will provide food for thought for all Members of Congress:

Proposal To Dismantle Department of Agriculture

The proposal to split up and scatter out the U.S. Department of Agriculture is on the face of it ridiculous, and when the facts are considered the proposal becomes a serious threat not only to farmers but to all the people.

When the Department of Agriculture was established, there were 31 million people in the United States. Today the population is in excess of 206 million.

Farmers with the assistance of research and information provided by and through the Department of Agriculture with the assistance of the Land Grant Colleges and Experiment Stations have developed the most efficient and productive agriculture to be found anywhere in the world. Nobody needs to go hungry because of a shortage of food. Farmers have always produced plenty.

New and developing nations invariably establish as one of the first functions of government a department of Food and Agriculture.

Contrast this action with the proposal to dismantle our Department of Agriculture.

If the Department is split up into four pieces and scattered out in four big departments, then we lose the right of one strong voice for farmers at Cabinet level.

As if this was not enough to downgrade and discredit farmers, we also need to take a look at:

REVENUE SHARING

Much effort is being put forth by White House people to foist a "revenue sharing" proposal on farmers and other rural people. But it has a "sleeper" in it.

While $1.1 billion is being offered to be split up among the fifty states—more than fourth-fifths of this amount would be taken away from existing programs most of wich are directly related to farmers and rural communities.

This major portion of the proposed revenue sharing funds to come from existing programs would be dumped into the "hopper" with a little new money, and then let farmers see if they can get these funds back. Assuming we could get these funds back, which is very doubtful, it would be a case of "robbing Peter to pay Paul."

One pitch being made to sell the proposal is: "You people at the local level can do a better job with these funds than the bureaucrats in Washington."

The facts are present programs are being directed by local people. ACP funds have been administered by the County ASCS Committees, County Extension programs are guided by a County Extension Council; FHA has County Operating Committees; Soil Districts have a County Board of Supervisors; and REA has a Board of Directors for each Association.

So, we have plenty to lose and nothing to gain from the so-called "revenue sharing" proposal.

Therefore, we the Board of Directors of Midcontinent Farmers Association for the above reasons are opposed to both the Revenue Sharing Proposal and the "dismantling" of the Department of Agriculture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Runnels (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Kemp (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Scheuer (at the request of Mr. O'Neill), for today, on account of attending a funeral.

Mr. Jones of Tennessee (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pettis) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Anderson of Illinois, for 5 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Schwengel, for 5 minutes, today.

(The following Members (at the request of Mr. Boggs) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Hamilton, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Dent, for 30 minutes, today.

Mr. Biaggi, for 10 minutes, today.

Mr. Rangel, for 10 minutes, today.

Mr. Rodino, for 15 minutes, today.

EXTENTION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield (at the request of Mr. Thompson of New Jersey) immediately prior to the passage of House Resolution 303 today.

Mr. Randall in three instances and to include extraneous matter.

(The following Members (at the request of Mr. Pettis) and to include extraneous matter:)

Mr. Biester.

Mrs. Heckler of Massachusetts in two instances.

Mr. Kemp.

Mr. Gude in three instances.

Mr. Robison of New York.

Mr. Hosmer in two instances.

Mr. Frey.

Mr. Camp.

Mr. Schmitz in two instances.

Mr. Rousselot.

Mr. McClory.

Mr. Derwinski in two instances.

Mr. Vander Jagt.

Mr. Landgrebe in two instances.

Mr. Collins of Texas.

Mr. Miller of Ohio in six instances.

Mr. Grover.

Mr. Wyman in two instances.

Mr. Veysey in two instances.

Mr. Frenzel.

Mr. Bray in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Fish.

Mr. Pelly in two instances.

Mr. Wiggins.

Mr. Gerald R. Ford.

Mr. Buchanan.

Mr. Conte.

Mr. Baker.

Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. Boggs) and to include extraneous matter:)

Mr. Harrington in two instances.

Mr. Brademas.

Mr. Annunzio in three instances.

Mr. Badillo in four instances.

Mrs. Chisholm.

Mr. Fauntroy.

Mr. Carney.

Mr. Dingell in five instances.

Mr. Mazzoli.

Mr. Rees.

Mr. Brinkley in two instances.

Mr. Mathis of Georgia in two instances.

Mr. Scheuer in two instances.

Mr. Rodino in three instances.

Mr. Andrews of Alabama in two instances.

Mr. Ryan in four instances.

Mr. Celler.

Mr. Rarick in three instances.

Mr. William D. Ford in two instances.

Mr. Gallagher.

Mr. Fraser in three instances.

Mr. Karth in two instances.

Mr. Bennett in three instances.

Mr. Murphy of New York.

Mr. Eckhardt.

Mr. Gonzalez in nine instances.

Mr. Fascell.

Mr. Byrne of Pennsylvania in two instances.

Mr. Chappell in five instances.

Mr. Rosenthal in two instances.

Mr. Hanna in two instances.

Mr. Price of Illinois.

Mrs. Abzug.

Mr. Patten in two instances.

Mr. Anderson of California in three instances.

Mr. Anderson of Tennessee in three instances.

Mr. Biaggi in 10 instances.

Mr. Begich in three instances.

Mr. Foley.

Mr. Griffin.

Mr. Boland.

Mr. Edmondson in two instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 1971 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

638. A communication from the President of the United States, proposing supplemental appropriations for the fiscal year 1971 and amendments to the request for appropriations transmitted in the budget for fiscal year 1972 (H. Doc. No. 92–101); to the Committee on Appropriations and ordered to be printed.

639. A communication from the President of the United States, transmitting 14 proposals to add to the national wilderness system (H. Doc. No. 92–102); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

640. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting the 25th Report of the Commission, May 1970, pursuant to section 603 of Public Law 402, 80th Congress (H. Doc. No. 92–100); to the Committee on Foreign Affairs and ordered to be printed.

641. A letter from the Special Assistant to the Secretary of Labor for Legislative Affairs, transmitting a report on compliance, enforcement, and reporting in 1970 under the Labor-Management Reporting and Disclosure Act; to the Committee on Education and Labor.

642. A letter from the Chairman, National Labor Relations Board, transmitting lists containing (1) the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, (2) cases heard and/or decided by the Board, and (3) the fiscal statement showing total obligations and expenditures for fiscal year 1970, pursuant to section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

643. A letter from the Secretary of Health, Education, and Welfare, transmitting a preliminary report entitled, "Ten-State Nutrition Survey in the United States, 1968–1970," pursuant to section 14 of Public Law 90–174; to the Committee on Interstate and Foreign Commerce.

644. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 26, 1970 (84 Stat. 884); to the Committee on Merchant Marine and Fisheries.

645. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

646. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy; to the Committee on Post Office and Civil Service.

647. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to designate Interstate Route I–70 from Washington, D.C., to Denver, Colo., Interstate Route I–25 from Denver to Cheyenne, Wyo., and Interstate Route I–80 from Cheyenne to San Francisco, Calif., as the Dwight D. Eisenhower Highway; to the Committee on Public Works.

Received From the Comptroller General

648. A letter from the Comptroller General of the United States, transmitting a report on an evaluation of information from contractors in support of claims and other pricing changes on ship construction contracts with the Department of the Navy; to the Committee on Government Operations.

649. A letter from the Comptroller General of the United States, transmitting a report on the effective conversion of National Guard technician positions to Federal positions in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 7500. A bill to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general (Rept. No. 92–167). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 7872. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.R. 7873. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY (by request):

H.R. 7874. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. BLANTON:

H.R. 7875. A bill to amend the Airport and Airway Development Act of 1970 to extend the time within which the Aviation Advisory Commission must file a final report; to the Committee on Interstate and Foreign Commerce.

By Mr. BRASCO:

H.R. 7876. A bill to provide for the sharing with State and local governments of a portion of the tax revenue of the Federal Government and to authorize Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7877. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

H.R. 7878. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

H.R. 7879. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 7880. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Drinan, Mr. Eckhardt, Mr. Fascell, Mr. Murphy of New York, and Mr. Roy):

H.R. 7881. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 7882. A bill to expand the home improvement loan program under sections 203 (k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns; to the Committee on Banking and Currency.

By Mr. GARMATZ (for himself, Mr. Mosher, Mr. Clark, Mr. Grover, Mr. Downing, Mr. Keith, Mr. Murphy, of New York, Mr. Snyder, Mr. Long of Louisiana, Mr. Anderson of California, Mr. Kyros, and Mr. James V. Stanton):

H.R. 7883. A bill to amend the Merchant Marine Act, 1936, and the Maritime Academy Act of 1958 to enlarge the mission of the U.S. Merchant Marine Academy and to assist in enlarging the mission of the State maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mr. HOGAN:

H.R. 7884. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 7885. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7886. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH (for himself, Mr. Adams, Mrs. Green of Oregon, and Mr. Dow):

H.R. 7887. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 7888. A bill to amend section 162 of the Internal Revenue Code of 1954 with respect to the deductibility of expenses for the purpose of procuring employment; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. Pepper):

H.R. 7889. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 7890. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

H.R. 7891. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 7892. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $120,000; to the Committee on Ways and Means.

H.R. 7893. A bill to repeal provisions of the Tax Reform Act of 1969 which place a limitation on the capital gains treatment in the case of total distributions from qualified pension, etc., plans; to the Committee on Ways and Means.

H.R. 7894. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MEEDS (for himself, Mr. Drinan, Mrs. Chisholm, Mr. Clark, Mr. Hechler of West Virignia, Mr. Rees, Mr. Rooney of Pennsylvania, Mr. Fish, Mr. Koch, and Mr. Scheuer):

H.R. 7895. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 7896. A bill to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. METCALFE:

H.R. 7897. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of all ethnic groups in the Nation; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. William D. Ford, Mr. Eckhardt, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Koch, and Mr. Roe):

H.R. 7898. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.R. 7899. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

By Mr. NATCHER:

H.R. 7900. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 7901. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Virginia:

H.R. 7902. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; to the Committee on Armed Forces.

By Mr. ROBISON of New York:

H.R. 7903. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 7904. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder; to the Committee on Education and Labor.

By Mr. SANDMAN:

H.R. 7905. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SCHEUER (for himself, Mr. Badillo, Mr. Blackburn, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Collins of Illinois, Mr. Cotter, Mr. Drinan, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Halpern, Mr. Horton, Mr. Metcalfe, Mr. Mikva, Mr. Morse and Mr. Rees):

H.R. 7906. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. SHOUP (for himself, Mr. Hansen of Idaho, and Mr. Saylor):

H.R. 7907. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 7908. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; to the Committee on Education and Labor.

By Mr. WHITE:

H.R. 7909. A bill to amend the Federal Reserve Act to require member banks to utilize a certain percentage of funds for loans to small businesses; to the Committee on Banking and Currency.

By Mr. WRIGHT:

H.R. 7910. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

H.R. 7911. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

H.R. 7912. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

H.R. 7913. A bill tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 7914. A bill to amend the Social Security Act to permit payment of title 19 recipients for certain medical and dental services; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 7915. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

H.R. 7916. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 7917. A bill to amend title II of the Social Security Act to permit payment of interest on certain delayed payments of benefits and assessment of interest against certain unrefunded overpayments; to the Committee on Ways and Means.

By Mr. BARING (for himself, Mr. Rarick, and Mr. Williams):

H.R. 7918. A bill to provide that hereafter the Director of the Federal Bureau of Investigation in the Department of Justice shall be appointed by the President, by and with the advice and consent of the Senate, from among career officers or employees of such Bureau; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. Addabbo, Mr. Hawkins, Mr. Eilberg, Mr. Harrington, Mr. King, Mr. Derwinski, Mr. Roe, Mr. Dowdy, Mr. Lujan, Mr. Symington, Mr. Fulton of Pennsylvania, Mr. Rodino, Mr. Brasco, Mr. Gallagher, Mr. Roybal, Mr. Badillo, Mr. Wright Mr. Rangel, Mr. Gray, Mr. Aspin, Mr. Mitchell, Mr. Halpern, Mr. Roncalio, and Mr. Morse):

H.R. 7919. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Burke of Massachusetts, Mr. Collins of Illinois, Mr. Rosenthal, Mr. Yatron, Mr. Nix, Mr. Schwengel, Mr. Metcalfe, Mr. McCloskey, Mr. Rees, Mr. Forsythe, Mr. Eckhardt, Mr. Hays, Mr. Garmatz, and Mrs. Chisholm):

H.R. 7920. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Addabbo, Mr. Hawkins, Mr. Eilberg, Mr. Harrington, Mr. King, Mr. Derwinski, Mr. Roe, Mr. Dowdy, Mr. Lujan, Mr. Symington, Mr. Fulton of Pennsylvania, Mr. Rodino, Mr. Brasco, Mr. Gallagher, Mr. Roybal, Mr. Badillo, Mr. Wright, Mr. Rangel, Mr. Gray, Mr. Aspin, Mr. Mitchell, Mr. Halpern, Mr. Roncalio, and Mr. Morse):

H.R. 7921. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Burke of Massachusetts, Mr. Collins of Illinois, Mr. Rosenthal, Mr. Yatron, Mr. Nix, Mr. Metcalfe, Mr. McCloskey, Mr. Rees, Mr. Eckhardt, Mr. Hays, Mr. Garmatz, Mrs. Chisholm, Mr. Kyros, and Mr. Forsythe):

H.R. 7922. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Addabbo, Mr. Hawkins, Mr. Eilberg, Mr. Harrington, Mr. King, Mr. Derwinski, Mr. Roe, Mr. Dowdy, Mr. Lujan, Mr. Symington, Mr. Fulton of Pennsylvania, Mr. Rodino, Mr. Brasco, Mr. Gallagher, Mr. Roybal, Mr. Badillo, Mr. Wright, Mr. Rangel, Mr. Gray, Mr. Aspin, Mr. Mitchell, Mr. Halpern, Mr. Roncalio, and Mr. Morse):

H.R. 7923. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Burke of Massachusetts, Mr. Collins of Illinois, Mr. Rosenthal, Mr. Yatron, Mr. Nix, Mr. Metcalfe, Mr. McCloskey, Mr. Rees, Mr. Eckhardt, Mr. Hays, Mr. Garmatz, Mrs. Chisholm, Mr. Daniel of Virginia, Mr. Forsythe, and Mr. Schwengel):

H.R. 7924. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7925. A bill to provide additional protection for the rights of participants in employee pension and profitsharing-retirement plans, to establish minimum standards for pension and profitsharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 7926. A bill to amend chapter 55 of title 10, United States Code, to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 7927. A bill to authorize the conduct of certain research and development through the Coast Guard in order to develop an effective electronic guidance system; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAPPELL (for himself and Mr. Frey):

H.R. 7928. A bill to establish the Canaveral National Seashore in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLENBACK:

H.R. 7929. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DICKINSON:

H.R. 7930. A bill for the relief of the living descendants of the Creek Nation of 1814; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE (for himself, Mr. Jacobs, Mr. Mikva, Mr. Link, Mr. Nelsen, Mr. Smith of New York, and Mr. Broyhill of Virginia):

H.R. 7931. A bill to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 7932. A bill to amend title 10 of the United States Code in order to defer or exempt members of the Armed Forces from combat zone duty under certain conditions; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 7933. A bill to amend title VII of the Public Health Service Act to substantially increase Federal assistance to schools in the health professions for the construction, operation, improvement, and expansion of their facilities, to make available increased financial assistance to students, to provide incentives to expand training capacity, and to encourage the establishment of additional schools in health manpower shortage areas, and for other purposes; to the Commission on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself and Mr. Pucinski):

H.R. 7934. A bill to extend and amend the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. Pettis:

H.R. 7935. A bill to establish certain policies with respect to certain leases or permits issued by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL (for himself, Mr. Wydler, Mr. Hosmer, Mr. Garmatz, Mr. Gallagher, Mr. Collins of Illinois, Mrs. Abzug, Mr. Brown of Michigan, Mr. Goldwater, Mr. Gude, Mr. Gubser, Mr. Waldie, and Mr. Roe):

H.R. 7936. A bill to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes; to the Committee on Government Operations.

By Mr. ROYBAL:

H.R. 7937. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H.R. 7938. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. SCOTT (for himself, Mr. Gross, Mr. Hogan, Mr. Rousselot, Mr. McClure, Mr. Young of Florida, Mr. Powell, Mr. Charles H. Wilson, Mr. Wampler, Mr. Broyhill of Virginia, Mr. Saylor, Mr. Schmitz, Mr. Abbitt, Mr. Daniel of Virginia, Mr. Duncan, Mr. Whitehurst, Mr. Smith of New York, Mr. Williams, Mr. Nix, Mr. White, Mr. Robinson of Virginia, Mr. Winn, Mr. Brasco, Mr. Purcell, and Mr. Hunt):

H.R. 7939. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMITZ:

H.R. 7940. A bill to prohibit preferences on account of race, color, religion, national origin, and sex in connection with certain programs and activities of agencies of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 7941. A bill to amend the act of June 15, 1912 (37 Stat. 134), to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON (for himself and Mr. Gubser):

H.R. 7942. A bill to amend title 10 of the United States Code to provide more equitable retired pay for servicemen, and for other purposes; to the Committee on Armed Services.

By Mr. ARCHER:

H.J. Res. 587. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools because of race, creed, or color; to the Committee on the Judiciary.

By Mr. ASPIN:

H.J. Res. 588. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 589. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

H.J. Res. 590. Joint resolution proposing an amendment to the Constitution of the United States providing that prayer on a voluntary basis shall be permitted in public schools and educational institutions; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 591. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. KEITH:

H.J. Res. 592. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in religious services in public schools and buildings; to the Committee on the Judiciary.

By Mr. MIZELL for himself and Mr. Jonas):

H.J. Res. 593. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORGAN (for himself, Mr. Barrett, Mr. Flood, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Dent, Mr. Nix, Mr. Moorhead, Mr. Green of Pennsylvania, Mr. Rooney of Pennsylvania, Mr. Vigorito, Mr. Eilberg, Mr. Gaydos, and Mr. Yatron):

H.J. Res. 594. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. PURCELL:

H.J. Res. 595. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.J. Res. 596. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the 25th anniversary of the Battle of Bastogne; to the Committee on Post Office and Civil Service.

By Mr. SATTERFIELD:

H.J. Res. 597. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 598. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. STUCKEY:

H.J. Res. 599. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 600. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. BADILLO, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. MITCHELL, and Mr. SCHEUER):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the Peoples' Peace Treaty; to the Committee on Foreign Affairs.

By Mr. PURCELL (for himself, Mr. ANDREWS of North Dakota, Mr. ABOUREZK, Mr. OBEY, and Mr. MELCHER):

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress that investigations be conducted into existing law regarding the determination of the parity price for commodities and the parity ratio; to the Committee on Rules.

By Mr. PERKINS:

H. Res. 413. Resolution urging the President to summon a national conference on unemployment and inflation; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

146. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to reforestation; to the Committee on Agriculture.

147. Also, memorial of the Legislature of the State of Kansas, relative to the supersonic transport; to the Committee on Appropriations.

148. Also, memorial of the Legislature of the State of Washington, relative to continuation of the employment supplement program; to the Committee on Appropriations.

149. Also, memorial of the Legislature of the State of Nevada, relative to a new multipurpose gymnasium at the Stewart Indian School; to the Committee on Interior and Insular Affairs.

150. Also, memorial of the senate of the State of Oklahoma, relative to driver regulations for trucks used on farms and ranches; to the Committee on Interstate and Foreign Commerce.

151. Also, memorial of the Legislature of the State of Washington, relative to the merger of the El Paso Natural Gas Co. with the Pacific Northwest Pipeline Corp.; to the Committee on the Judiciary.

152. Also, memorial of the Legislature of the State of Oklahoma, relative to declaring southwestern, central, and western Oklahoma a major disaster area; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 7943. A bill for the relief of Loo Bing Sun; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 7944. A bill for the relief of Kwok Hung Fong; to the Committee on the Judiciary.

H.R. 7945. A bill for the relief of Theodora Gouloumis; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 7946. A bill for the relief of Jerry L. Chancellor; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 7947. A bill for the relief of Jean Albertha Service Gordon; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 7948. A bill for the relief of N. H. Winterstein; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

69. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to the U.S. public debt, which was referred to the Committee on Ways and Means.

SENATE—*Thursday, April 29, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our Fathers and our God, watch over this Nation in the agony and turbulence of our times. Keep us close to Thee and mindful of Thy precepts lest we go astray. May our strength rest in the virtue and goodness of the people. Grant to all leaders in the Government a wisdom which transcends their own because they are committed to Thee and to the ways of Thy kingdom. Make plain to their understanding what they ought to do now. Correct past errors. Overrule our mistakes and guide us when we cannot guide ourselves. Guard this Nation from that disobedience to Thy law and that degeneration of character which first corrupts and then destroys a people. Break down all that divides us. By Thy grace unite us firmly in fidelity to Thy divine law and to the higher values of justice, righteousness, and mercy which belong to Thy kingdom.

And to Thee shall be all glory and thanksgiving. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 26, 1971, the following reports of a committee were received on April 29, 1971:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 81. A resolution authorizing supplemental expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 92–82);

S. Res. 88. A resolution authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document (Rept. No. 92–83);

S. Res. 97. A resolution authorizing the printing of additional copies of the "Report of the Joint Economic Committee" (Rept. No. 92–84);

S. Res. 107. A resolution authorizing supplemental expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92–85);

S. Res. 110. A resolution authorizing the printing for the use of the Committee on Public Works of additional copies of House Document 92–70, entitled "Control of Hazardous Polluting Substances" (Rept. No. 92–86); and

S. Res. 111. A resolution to pay a gratuity to Florence H. Loudermilk.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments.

S. Res. 45. A resolution to authorize a study of national fuels and energy policy (Rept. No. 92–87); and

S. Res. 105. A resolution increasing the limit of expenditures for hearings before the Committee on Armed Services (Rept. No. 92–88).

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 26, 1971, the following favorable executive report of a nomination was submitted:

On April 29, 1971:

By Mr. MATHIAS, from the Committee on the Judiciary:

Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 26, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 4355(a), the Speaker had appointed Mr. HULL, of Missouri, a member of the Board of Visitors to the U.S. Military Academy, to fill the vacancy thereon, vice Mr. NATCHER, excused.

The message further announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 2166. An act to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.R. 2598. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5066. An act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act;

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse;

H.R. 5765. An act to extend for six months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia;

H.R. 6105. An act for the incorporation of the Merchant Marine Veterans Association; and

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 5066. An act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act; to the Committee on Commerce.

H.R. 2598. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; and

H.R. 6105. An act for the incorporation of the Merchant Marine Veterans Association; to the Committee on the District of Columbia.

H.R. 2166. An act to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 percent increase in annuities; to the Committee on Labor and Public Welfare.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 567) making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes, and it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the executive calendar will be stated.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nomination of Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia.

Mr. SCOTT. Mr. President, I have known Mr. Richey very well for quite a period of years. He is an extremely able lawyer, very well qualified, and will be an adornment to this court.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REFERRAL OF S. 382 TO COMMITTEES ON RULES AND ADMINISTRATION, AND FINANCE

Mr. MANSFIELD. Mr. President, on January 28, 1971, S. 382, the "Federal Election Campaign Act of 1971," was referred to the Committees on Commerce, Rules and Administration, and Finance with instructions that the bill, after being reported first from one of these three committees, would commence the running of a 45-day period in which the remaining two committees must report their recommendations, if any.

The Committee on Commerce will report S. 382 this Friday. To facilitate the deliberations in the Rules and Administration and Finance Committees, I ask unanimous consent that the version of S. 382, as amended by the Commerce Committee, be referred to the Committees on Finance and Rules and Administration with instructions that it be reported back within 45 days.

Mr. SCOTT. I have no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION OF THE JOURNAL

Mr. MANSFIELD. Mr. President, on January 28, 1971, S. 382 was simultaneously referred to the Committees on Commerce, Finance, and Rules and Administration under instructions. The CONGRESSIONAL RECORD clearly reflects this action.

I ask unanimous consent that the Journal of Proceedings of January 28, 1971, be corrected to reflect the action of the Senate on S. 382.

The PRESIDENT pro tempore. Without objection, the correction of the Journal will be made as requested.

VIETNAM WAR RESHAPING DRUG TRADE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Christian Science Monitor for April 28, 1971, entitled "Viet War Reshapes Drug Trade."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIET WAR RESHAPES DRUG TRADE

SAIGON.—Vietnam's long, agonizing war has had an unexpected side effect that is entirely unrelated to the conflict. It has significantly altered the pattern of the world's illicit narcotics trade.

Prompted by the addition of hundreds of thousands of young Americans stationed in Vietnam before the troop withdrawals began, the Vietnamese market has become so lucrative that time-honored traditional smuggling routes have been altered.

This is to keep an ever-increasing stream of opium, morphine, heroin, marijuana, and the newer chemical drugs—LSD, amphetamines and barbiturates—flowing into South Vietnam.

Opium and its derivatives—morphine and heroin—have been traditionally smuggled from the remote reaches of north Thailand, Laos, and Burma's Shan states southward to Bangkok. From there it is shipped to Hong Kong or carried overland to Penang or Singapore, and from these ports is distributed throughout the Far East, Southeast Asia, Australia, and the U.S. West Coast.

Now a large slice of this supply is being diverted from Bangkok to South Vietnam resulting in minor but noticeable "shortages" of the narcotics in other Asian ports.

Saigon itself has become a distribution center—not only for Vietnam—but for the United States and Europe.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 78, S. 860.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 860, relating to the Trust Territory of the Pacific Islands.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, after line 12, strike out the following:

Each loan shall bear interest (exclusive of premium charges for insurance and service charges, if any) at a rate per annum that is not less than the average yield on comparable marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon request. Premium charges for the insurance and guarantee of loans shall be established at rates which will be adequate to cover expenses and probable losses related to the loan guarantee program.

On page 3, line 13, strike the word "fund";

On page 11, in line 23, strike out "claims," and insert in lieu thereof "claims covered by either chapter 1 or chapter 2 of this title,";

On page 12, after "claims" insert "covered by either chapter 1 or chapter 2";

On page 13, in line 15, strike out the word "chapter" and insert in lieu thereof "title";

On page 15, line 19, strike "(b)" and insert "(b),"; strike out "and"; at the beginning of line 21 insert "(d); and (e).";

On page 16, after line 11, strike out the following:

(c) If, with respect to any article, the President determines that the underlying economic factors affecting the production and trade of the Trust Territory of the Pacific Islands has changed so that the application of paragraph (a) results, or threatens to result, in substantial injury to the competitive trade of any contracting party to the General Agreement on Tariffs and Trade, he shall, by proclamation, suspend, in whole or in part, the application of paragraph (a) with respect to such article for such period or periods as he specifies in such proclamation.

And insert in lieu thereof:

"(c) If, with respect to any article, the President determines that the underlying economic factors affecting the production and trade of the Trust Territory of the Pacific Islands has changed so that the application of paragraph (a) results, or threatens to result, in substantial injury to the competitive trade of any contracting party to the General Agreement on Tariffs and Trade, he may, by proclamation, suspend, in whole or in part, the application of paragraph (a) with respect to such article for such period or periods as he specifies in such proclamation.

(d) Paragraph (a) shall not apply with respect to textile articles classified under schedule 3 of the Tariff Schedules of the United States, except: (1) those articles classified under items 300.10 through 300.50, 304,04, 304.10, 304.12, 304.14, 304.20, 304.22, 304.44, 306.00 through 307.40, 308.10, 309.60 through 309.75, 360.05 through 360.15, 361.44, and 390.10 through 390.60, inclusive of such schedules; and (2) articles cut, sewn, and otherwise fabricated by hand in cottages of the cottage industry and certified to be native handicraft items by a local government official in the Trust Territory.

(e) Any duty-free treatment proclaimed pursuant to paragraph (a) shall, for purposes of title III (tariff adjustment and other adjustment assistance) of the Trade Expansion Act of 1962 (19 U.S.C. 1901 to 1991), be treated as a concession granted under a trade agreement.;

On page 17, line 23, strike out "(d)" and insert in lieu thereof "(f)";

On page 18, line 5, after "TITLE V—" insert "NATIONALS AND"; so as to make the bill read:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ECONOMIC DEVELOPMENT OF TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec.101. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

Sec. 102. The grant authorized by section 101 shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

Sec. 103. No loan or loan guarantee shall be made under this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amout which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of this title, or 25 per centum of the funds appropriated pursuant to section 101. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

Sec. 104. The plan provided for in section 102 shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

Sec. 105. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this title.

Sec. 106. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

TITLE II—CONTRIBUTIONS TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Chapter 1.—Ex Gratia Contributions

Sec. 201. The Congress recognizes and declares that—

(1) certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, now administered by the Secretary of the Interior, hereinafter referred to as the "Secretary", pursuant to the Act of June 30, 1954 (68 Stat. 330), as amended (48 U.S.C. 1681), suffered from the hostilities of the Second World War and the military occupation thereafter;

(2) the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

(3) the Governments of the United States and Japan have agreed to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services; and

(4) payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, and settlement of postwar claims, will meet a longstanding Micronesian grievance and will promote the welfare of the Micronesian people.

Sec. 202. (a) There is hereby authorized to be appropriated and paid into a Micronesian Special Fund the sum of $5,000,000, which shall be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended.

(b) Funds approximating $5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with section 2 of the Act of June 30, 1954, as amended, shall be paid into a Micronesian Special Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds, together with the sum appropriated pursuant to subsection (a) of this section, shall constitute the whole of the Micronesian Special Fund.

Sec. 203. (a) There is hereby established a Micronesian Special Commission, hereinafter referred to as the "Commission", for the purpose of determining the Micronesian inhabitants who are entitled to ex gratia contributions from the Micronesian Special Fund. The Commission shall be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No Commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for completing the work of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other Department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* That the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business: *Provided further,* That an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(c) The Commission shall complete its work as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this title.

Sec. 204. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates the various islands of Micronesia were secured by United States Armed Forces.

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this title as a person who—

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under subsection (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

(c) When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment from the Micronesian Special Fund as provided in this section, except that as to claims based on death up to $1,000 shall be certified to the Secretary and paid immediately upon adjudication.

(d) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives concerning its operations under this title. The Commission shall, upon completing its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount allowed thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(e) In the event that funds remain in the Micronesian Special Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Special Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims exceed a total of $10,000,000, the Secretary shall make pro rata payments.

(f) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

Sec. 205. There are authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Commission and the Foreign Claims Settlement Commission under this Act.

Sec. 206. In view of the fact that the agreement for the payment of the ex gratia funds authorized by this chapter was negotiated by the Governments of the United States and Japan, and personnel appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands in filing all claims covered by either chapter 1 or chapter 2 of this title, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either chapter 1 or chapter 2 shall exceed, in total, 1 per centum of the amount paid on such claim or claims, pursuant to the provisions of this title. Fees already paid for such services shall be deducted from the amounts authorized by this title. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

Chapter 2.—Postwar Claims

Sec. 207. In order to promote and maintain friendly relations by the settlement of meritorious postwar claims, the Micronesian Special Commission established by section 203 is authorized to consider, ascertain, adjust, and determine all claims by Micronesian inhabitants of the trust territory against the United States or the government of the Trust Territory of the Pacific Islands on account of damage to or loss or destruction of private property, both real and personal, or personal injury or death, including claims for a taking or for use or retention of property where no payments or inadequate payments have been made therefor, when such damage, loss, destruction, or injury was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, or military personnel or United States Government civilian employees, or employees of the trust territory government acting within the scope of their employment: *Provided,* That no claim shall be considered by the Commission unless it is presented in writing within the time provided in section 203(d) and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further,* That any such settlement made by the Commission and any payments made by the Secretary under the authority of this *title* shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall not be subject to review.

Sec. 208. There are authorized to be appropriated $20,000,000, which shall be in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, and which shall be used by the Secretary to pay the claims allowed under section 207.

Sec. 209. Any funds appropriated for the purposes of this chapter which remain after the settlement of claims under the provisions of this chapter shall be covered into the Treasury of the United States.

TITLE III—FREE ENTRY OF CITIZENS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec. 301. The Act of June 27, 1952 (66 Stat. 163), as amended, is further amended by adding at the end of title II thereof the following new section 293:

"Sec. 293. (a) Nothing contained in this title, except for sections 212(a), (27), (28), and (29), 215, and 241(a) (1), (6), and (7) shall be construed to limit, restrict, deny, or affect the coming into or departure from the United States of a citizen of the Trust Territory of the Pacific Island who presents a valid identity certificate issued by the High Commissioner of such territory: *Provided,* That nothing contained in this section shall be construed to give or to confer upon any such citizen any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"(b) The High Commissioner of the trust territory shall issue an identity permit, upon request, pursuant to such regulations as he may prescribe, to any citizen of such territory who resided in the territory on July 18, 1947, including a citizen temporarily absent from the islands on that date, and to any citizen of such territory who was subsequently born or naturalized there, if after that date or after his birth or naturalization he continued to reside in the trust territory or in the United States, its territories or possessions, and has taken no affirmative steps to acquire foreign nationality.

"(c) Any person who comes to the United States pursuant to the provisions of this section shall, upon completion of the residence and physical presence requirements of section 316(a) of this Act, be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such coming, for the purpose of petitioning for naturalization."

TITLE IV—TARIFF SCHEDULES RELATING TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec. 401. (a) The general headnotes of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following new headnote:

"13. Treatment of Trust Territory of the Pacific Islands as Insular Possession.

"(a) Except as provided in paragraph (b), (c), (d), and (e), the Trust Territory of the Pacific Islands shall, for purposes of these schedules, be treated as an insular possession of the United States.

"(b) Paragraph (a) shall not apply with respect to fishery products processed in the Trust Territory of the Pacific Islands from fish or fish products landed in the trust territory under conditions which would preclude such landings in ports of the United States under subsection (a) of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251). For purposes of the preceding sentence, any vessel sailing under the flag of the trust territory and manned by a crew two-thirds of which are nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101 (a)(22)) or citizens of the trust territory shall not be considered to be a foreign-flag vessel.

"(c) If, with respect to any article, the President determines that the underlying economic factors affecting the production and trade of the Trust Territory of the Pacific Islands has changed so that the application of paragraph (a) results, or threatens to result, in substantial injury to the competitive trade of any contracting party to the General Agreement on Tariffs and Trade, he may, by proclamation, suspend, in whole or in part, the application of paragraph (a) with respect to such article for such period or periods as he specifies in such proclamation.

"(d) Paragraph (a) shall not apply with respect to textile articles classified under schedule 3 of the Tariff Schedules of the United States, except: (1) those articles classified under items 300.10 through 300.50, 304.04, 304.10, 304.12, 304.14, 304.20, 304.22, 304.44, 306.00 through 307.40, 308.10, 309.60 through 309.75, 360.05 through 360.15, 361.44, and 390.10 through 390.60, inclusive, of such schedules; and (2) articles cut, sewn, and otherwise fabricated by hand in cottages of the cottage industry and certified to be native handicraft items by a local government official in the Trust Territory.

"(e) Any duty-free treatment proclaimed pursuant to paragraph (a) shall, for purposes of title III (tariff adjustment and other adjustment assistance) of the Trade Expansion Act of 1962 (19 U.S.C. 1901 to 1991), be treated as a concession granted under a trade agreement."

(f) The Secretary of the Treasury is authorized to prescribe such rules and regulations as may be necessary to carry out the purpose of this headnote."

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this title.

TITLE V—NATIONALS AND CITIZENS OF TRUST TERRITORY OF THE PACIFIC ISLANDS SERVING IN ARMED FORCES

Sec. 501. Section 3253(c) of title 10, United States Code, is amended to read as follows:

"§ 3253(c). Army: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Army unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

Sec. 502. Section 8253(c) of title 10, United States Code, is amended to read as follows:

"§ 8253(c). Air Force: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Air Force unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

Mr. BURDICK. Mr. President, the pending bill, S. 860, relating to the Trust Territory of the Pacific Islands, represents the culmination of many years of effort to design legislation necessary to resolve several longstanding problems in the territory.

In 1968, Senators Metcalf and Moss and I made an extensive tour through the territory, and upon our return to Washington drafted several bills to meet the pressing economic and social needs of the Micronesian people.

The trust territory is comprised of 2,100 islands in the western Pacific. These islands were, up until World War II, under the administration of Japan through a League of Nations mandate. The islands were captured during World War II, and in 1947 the United States became the administering authority under a trusteeship agreement with the Security Council of the United Nations. For some 25 years it has been our responsibility to improve the economic, political, educational, and social conditions of the 100,000 people who inhabit Micronesia. Until very recent years we have not done as much as we could to provide an adequate infrastructure of capital improvements, schools, and other necessities for that community. It is the purpose of S. 860 to meet some additional unmet needs through omnibus legislation.

Title I of the bill would authorize the appropriation of up to $5 million for an economic development loan fund. At the present time a loan fund exists and approximately $1 million has been appropriated for it, but the fund is exhausted. If the economy of Micronesia is to become viable, there must be seed money provided with which to develop it. There is virtually no private capital from savings or private sources within the territory, nor are the prospects good for obtaining outside capital.

Under the bill, there would be appropriated to the Secretary of the Interior to be paid to the trust territory government not to exceed $5 million. Before these funds are made available to the territory, the Secretary of the Interior must approve a plan for the use of the funds, including the policies and procedures to be followed in promoting the economic development of the territory. This would be done through a program of loans and loan guarantees to promote private industry and private enterprise. This would be a revolving loan fund operation, and the legislation provides the duration of such loans and requires the payment of interest at rates that would assure the continuation of the fund.

Economic resources in Micronesia are not extensive, but there are opportunities for development in agriculture, fishing, construction, and particularly in tourism. This provision of S. 860 will provide what Micronesia patently needs most—a mechanism to help establish a sound economy, which in turn will expand the tax base and thereby reduce the need for Federal grant funds upon which the territory is now almost completely dependent.

Another problem which has not been faced concerns the settlement of wartime claims and postwar claims of the Micronesian people. As is well known, many of the islands in the territory, such as Saipan and Peleliu, were virtually devastated during the Second World War. The Micronesians lost their homes, possessions, and many lost their lives as innocent victims of war. For many years the Governments of the United States and Japan have been negotiating a means whereby the claims of the Micronesians could be paid, and on April 18, 1969, a formal agreement was signed by which the two nations agreed to make an ex gratia contribution to the people of Micronesia in the amount of $10 million. Title II of S. 860 implements the executive agreement between the United States and Japan and authorizes the adjudication of wartime claims and, in addition, those claims arising during the post secure period from actions of members of the armed services of the United States. There is established a Micronesian special commission responsible for determining the validity of claims, and there is established a Micronesian special fund.

The bill authorizes the appropriation of $5 million to be paid into this fund by the United States as its share. As the products of Japan and the services of the Japanese people, for an aggregate value of $5 million, are made available to the government of the trust territory, the equivalent of such products and services to the extent of $5 million will be transferred from funds regularly appropriated to the trust territory into the Micronesia special fund. Thus there will be a total of $10 million available for the settlement of wartime claims.

The Special Commission which will adjudicate the claims will consist of five members—two of whom will be Micronesians—and will be under the control of the Chairman of the Foreign Claims Settlement Commission. All of the claims must be filed within 1 year after the appointment of the Commissioners, and thereafter there will be a 3-year period during which the Commission will complete its task. If all of the claims exceed $10 million the Secretary of the Interior will prorate payments, and if there are any funds remaining after all the war claims are paid the balance will be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people.

Title II of the bill also authorizes the Micronesian Special Commission to consider, adjudicate, and make payments to the full satisfaction of Micronesians making claims against the United States as a result of damage to or loss or destruction of private property, and personal injury or death of inhabitants resulting from acts of members of the U.S. Armed Forces. These are claims that arose between the date of securing the islands and July 1, 1951. A total of $20 million is authorized for making payments on this category of claims, which we are advised is adequate to meet the claims that may be filed.

Title III of S. 860 amends the Immigration and Nationality Act to permit citizens of Micronesia to enter the United States freely without regard to the quota and visa provisions now applicable to them. For nearly 20 years it has been necessary to regulate both the entry of persons into the Trust Territory and the departure from that area of its citizens. Until 1963 even the entry of U.S. citizens into the territory was restricted. It is time that these barriers were removed and the people of Micronesia afforded an opportunity to enter this country in order to attend our schools and to receive training and skills that are essential for the development of their economy. There are only 100,000 people in the entire territory, and it is very unlikely that any great number of these persons will come to the United States except as short-term visitors.

Title IV of S. 860 amends the Tariff Schedules of the United States by adding a new general headnote which extends to articles entering on or after the date of enactment from the trust territory the duty-free treatment now accorded articles coming from the U.S. insular possession—Guam, American Samoa, and the Virgin Islands. As administering authority under the trusteeship, the United States has an obligation to promote economic development in the trust territory. Providing duty-free entry in the U.S. market of articles grown, produced, or manufactured in the trust territory is consistent with and supports existing programs to promote the economic advancement and self-sufficiency of the Micronesians. Exceptions to the duty-free treatment have been made in order to prevent the establishment of commercial operations in the trust territory which might prove detrimental to the overall interests of American industry and commerce or which might abridge our obligations as a contracting party to the General Agreement on Tariffs and Trade.

Paragraph (b) of title IV excludes from the duty-free treatment fish or fish products processed in the trust territory but landed in the trust territory from vessels which are not sailing under the flag of the trust territory and two-thirds manned by nationals of the United States or citizens of the trust territory. The Committee on Interior and Insular Affairs recognizes that the ocean and its living resources represent an important potential source of income to Micronesia and that fishing and fish processing should be given a high priority in the economic development of these islands. The committee believes that the limitations of this paragraph and the relief from injurious imports provided by paragraph (e) assure that such an economic development program would not have an adverse effect on U.S. fishing and fish canning industries nor permit the establishment of fishing operations which would enable another nation to reap the major benefits from these efforts or to circumvent U.S. tariff treatment which would otherwise apply to that nation.

Paragraph (c) of title IV, by authorizing the President to suspend duty-free treatment with respect to any article, would preclude the need for enactment of special legislation whenever the underlying economic factors affecting production and trade of the trust territory change as a result of the duty-free treatment and cause substantial injury to the competitive trade of any contracting parties. This provision is consistent with an understanding between the United States and other contracting parties to the General Agreement on Tariffs and Trade as embodied in a waiver obtained by the United States in 1948. As originally written, the bill would have required the President to take action under such circumstances. To provide flexibility in the use of this provision, the committee amended the provision to make Presidential action discretionary rather than mandatory.

Paragraph (d) of title IV excludes from duty-free treatment textile articles other than native handicraft items, raw fibers, certain rugs, scrap cordage, and rags. This paragraph recognizes the special problem of textile imports. The administration has strongly supported enactment of import quota legislation to deal with the problem. Granting duty-free treatment to all textiles would conflict with that policy. Extending the duty-free treatment would create a loophole through which foreign-made textiles, with a minimum of processing in Micronesia, could avoid the tariff or other import restrictions. At the same time, however, paragraph (d) recognizes the economic needs of Micronesia by permitting duty-free access in the United States market for those handicraft products for which Micronesia is interested in expanding sales. This provision was added by the committee following receipt of the views of executive branch agencies.

Paragraph (e) of title IV assures that in the event duty-free shipments from Micronesia cause or threaten to injure any domestic industry, firm, or group of workers, the same remedies as those available under title III of the Trade Expansion Act—tariff adjustment and other adjustment assistance—will apply. Under the procedures of that act, petitioners may request tariff adjustment and other adjustment assistance. Following a thorough Tariff Commission investigation and a finding that increased imports are the major cause of serious injury to an industry, or threat thereof, relief would be made available by imposition of a duty or other restriction. In the case of injured firms, relief would be in the form of technical, financial, or tax assistance. In the case of unemployed or underemployed workers, relief would be in the form of unemployment compensation, job retraining, and relocation. Thus, for purposes of these import relief provisions, duty-free shipments from Micronesia would be treated the same as imports subject to reduced duties under the trade agreement program. This provision also was added to the bill following receipt of the views of executive branch agencies.

Title V amends two sections of title 10 of the United States Code to make those persons who are nationals of the United States or citizens of the territory acceptable for enlistment in the Army or the Air Force. Under present law, enlistments in these two branches of the service are limited to persons who are citizens of the United States. Enlistment in the Navy, Marine Corps, and Coast Guard is not so restricted.

As a practical matter, many Micronesians, as well as nationals from American Samoa, are presently serving in the Navy and with the Marines, and the amendment in title V would simply permit individuals from Samoa and the trust territory to enlist in these additional armed services if they wish to do so.

Mr. President, I ask that there be included in the RECORD certain excerpts from committee report No. 92–76, giving further explanation of the purpose and intent of S. 860.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND

The islands which form the trust territory lie in three major archipelagoes to the north of the Equator in the western Pacific. The land area totals less than 700 square miles, but it is scattered over almost 3 million square miles of open ocean. About 97 of the more than 2,000 islands are inhabited; they range from low-lying coral atolls to high islands of volcanic origin. The Marianas Islands, which stretch to the north of Guam, and the western Caroline Islands, are typically high islands, although coral atolls, such as Ulithi, do occur. The eastern Caroline Islands are similiarly a mixture of high islands and coral atolls. The Marshals are entirely low coral atolls, usually a loose string of narrow sandy islands surrounding a lagoon.

These islands were governed between World War I and World War II by the Japanese as a League of Nations mandate. Converted into military bases by the Japanese, they were captured by allied forces during World War II and placed under Navy military government. Japanese colonists and military personnel were returned to their homeland after the war and in July 1947 the United States placed the former mandate under the newly established United Nations trusteeship system. In recognition of the defense value of these islands, the provisions of the United Nations Charter relating to strategic areas were brought into play, and the trusteeship agreement was concluded between the United States and the Security Council. Under the trusteeship agreement, the United States has undertaken to promote the educational, social, political, and economic development of the people of the territory.

Administrative responsibility was first vested by the President in the Navy but was transferred to the Secretary of the Interior on July 1, 1951. In 1952, administrative responsibility for the northern Mariana Islands was reassigned to the Navy, and the dual administration continued until July 1, 1962. On that date the Marianas were returned to Interior supervision, and the headquarters of the trust territory government were moved to Saipan as provisional capital of the territory.

U.S. authority is vested in a High Commissioner, who is appointed by the President, by and with the advice and consent of the Senate. The High Commissioner's legislative authority was granted to the Congress of Micronesia on the day of its first session in 1965, but the High Commissioner retains veto power over measures passed by the Congress of Micronesia.

Six administrative districts, which roughly conform to geographic and ethnic divisions, have been established and have formed basic elements in American administration of the area.

During the period of July 1, 1951, through the end of fiscal year 1970, more than $250 million has been appropriated to the Department of the Interior for administration of the area, including capital improvements. (This total is exclusive of funds appropriated to the Navy for the northern Mariana Islands during the years 1953–62.) For fiscal years 1952 through 1962 the annual appropriation ranged from $4,271,000 to a high of $6,304,000 in fiscal year 1962. These funds were within the $7.5 million authorization approved in 1954, and provided minimal basic services to a people who were largely on a subsistence economy.

Enactment of Public Law 87–541 in 1962 increased the Federal appropriation authorization for the trust territory from $7.5 to $15 million for fiscal year 1963 and $17.5 million thereafter.

Enactment of Public Law 90–16 in 1967 further increased authorization for the territory from $17.5 to $25 million for fiscal year 1967 and to $35 million for fiscal years 1968 and 1969. The act of October 21, 1968 (Public Law 90–617) resulted in additional increases to $50 million for fiscal years 1970 and 1971.

By Public Law 91–578 enacted in 1970, Congress again increased authorizations for the Territory to a level of $60 million for each of the fiscal years 1971, 1972 and 1973, in order to provide essential funds to better discharge the responsibilities assumed by the United States for this Pacific area.

NEED

While grant funds to the Trust Territory have risen steadily in recent years, the fact remains that many other needs of the Territory and desires of its citizens have gone unmet. It is the intent of S. 860 to provide additional tools to aid the territory in improving its economy and the welfare of its inhabitants through several devices, including the settlement of longstanding claims arising from the conflict between the United States and Japan.

ECONOMIC DEVELOPMENT

In February 1967, a comprehensive economic study of the trust territory, prepared by the internationally known economic consulting firm of Robert Nathan Associates, was submitted to the High Commissioner. This study shows that economic resources of the trust territory are limited, yet with suitable guidance and assistance the potentials that exist can be developed. At the present time most of the population is in a subsistence economy. However, at least in the district centers and on Ebeye in the Marshall Island district, this pattern is changing and there is a significant movement into a limited cash economy.

During January 1968, Senator Burdick, chairman of the Territories Subcommittee, along with Senators Metcalf and Moss, made an inspection through Micronesia. Aside from a new fish freezing plant in the Palau district, a large cattle ranching enterprise on Tinian and a new first-rate tourist hotel on Saipan, both in the Mariana district, the subcommittee found almost no economic development in the territory. For the most part, the people of Micronesia rely on a subsistence agricultural and fishing economy, or on government input for cash. Economic resources in Micronesia are not large, however, opportunities for development do exist in agriculture, fishing, construction, wholesale and retail trade and services, tourism and travel, and air and sea transportation. These possibilities can only be realized if capital is made available with which to develop them.

The economic consultants have pointed out that local private capital from savings or from present private or governmental borrowing cannot meet the total needs. Nor are prospects of obtaining outside capital investment good, in view of the uncertainty of the political future of Micronesia.

Section 3 of Public Law 88–487 granted approximately $369,000, which represented the balance in an existing revolving fund, for loans to private trading companies in the Trust Territory, to the government of the Trust Territory "for use as a development fund within the Trust Territory of the Pacific Islands." This fund has been augmented by appropriations until it has reached a current capitalization in excess of $1,000,000. The effect of the bill would be to increase the fund to $5,000,000 and to provide useful guidelines for basic lending policies.

Title I of S. 860 will provide what Micronesia patently needs most—an economic mechanism to help develop a viable economy. The bill authorizes to be appropriated to the Secretary of the Interior, to be paid to the government of the trust territory for the purposes of the act, not to exceed $5 million. Prior to the time the authorized funds are made available to the territory, a plan for the use of the funds is to be submitted to the Secretary and approved by him. It must set forth the policies and procedures to be followed in promoting the economic development of the territory through a program of loans and loan guarantees to promote private enterprise and private industry, and make provision for a revolving fund for such purposes.

The term of any loan made under this title would not exceed 25 years, and the maximum term is not to be granted except in cases involving projects requiring substantial construction of buildings, et cetera. Otherwise, the duration of loans should range from a period of 15 to 25 years, as is presently required by the act governing the Small Business Administration. All loans would require payment of interest at rates that would assure the continuation of the fund.

Section 103 provides that no loan or loan guarantee shall be made under this act to any applicant who does not satisfy the agency administering the plan that financing is otherwise not available on reasonable terms. This section also makes clear that the maximum participation in the funds made available, with respect to all loans, shall be limited to that degree of participation that is prudent, but in no event shall more than 25 percent of the funds actually appropriated be devoted to any single project; with respect to loan guarantees, to a guarantee of 90 percent of any loan. A further provision with respect to loan guarantees requires that the reserves maintained for the guarantee shall not be less than 25 percent of the guarantee.

Section 104 requires that the plan provided for in section 102 shall contain such fiscal and accounting procedures as will assure proper disbursement and repayment of all loans.

Sections 105 and 106 require that the High Commissioner of the Trust Territory shall make an annual report to the Secretary of the Interior on the administration of the title, and authorize the Comptroller General of the United States to audit the agency, or agencies, administering the loan program.

CONTRIBUTIONS TO CERTAIN MICRONESIANS

Title II contains two chapters. Under Chapter 1 there is established a five-member Micronesian Special Commission to adjudicate claims of Micronesian inhabitants of the trust territory resulting from the hostilities of the Governments of the United States and Japan during World War II. It will establish also a Micronesian Special Fund, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund. The Secretary of the Interior is authorized to create and manage the Fund and shall pay such meritorious claims as are adjudicated by the Micronesian Special Commission to the defined Micronesian inhabitants of the Trust Territory of the Pacific Islands.

Section 202 authorizes the appropriation of $5 million to be paid into a "Micronesian Special Fund," which sum is separate from funds appropriated and subject to the limitation on appropriations contained in section 2 of the act of June 30, 1954, as amended. As the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the government of the trust territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred from the funds regularly appropriated to the trust territory for supplies or capital improvements to the Micronesian Special Fund. These funds, together with the funds authorized to be appropriated, shall constitute the whole of the exgratia contributions in the Micronesian Special Fund.

Section 203 establishes a Micronesian Special Commission to be composed of five members, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Other subsections of section 203 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning, and authorize the promulgation of necessary rules and regulations and set final dates of filing claims (not more than 1 year after the appointment of the Commission). The Commission shall proceed as expeditiously as possible and shall conclude its affairs no later than 3 years after the expiration of the time for filing claims.

Section 204 gives the Commission authority to receive and adjudicate claims of the Micronesian inhabitants of the trust territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States.

Six months after its organization, and annually thereafter, the Commission shall report to the Congress concerning its operations, and upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

In the event funds remain in the special fund after all war claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the trust territory. If all adjudicated claims exceed $10 million, the Secretary shall determine the necessary proration and make payments accordingly. Settlement of the claims shall be by a full release to the United States and Japan in respect to the liability of either or both.

Section 205 authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Special Commission.

Section 206 as amended imposes a limitation upon attorney's fees which is applicable to both wartime and postwar claims.

Chapter 2 of Title II authorizes the Micronesian Special Commission to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction of final settlement of all the claims of Micronesian inhabitants against the United States arising as a result of damage to or loss or destruction of private property, both real and personal or personal injury or death of the inhabitants of the Trust Territory of the Pacific Islands as a result of acts by members of the U.S. armed services, employees of the U.S. Government including employees of the trust territory, who were acting in their official capacities. The claims to be considered by the Micronesian Special Commission must be presented in writing within 1 year after the effective date of the act. Only those claims that arose prior to July 1, 1951, will be considered by the Commission.

Any settlements made by the Commission and any payments made by the Secretary as a result of those settlements shall be final and conclusive and not subject to review.

Section 208 of title II authorizes the appropriation of $20 million for use by the Secretary for the purpose of making payments on claims adjudicated by the Micronesian Special Commission for postsecure damages.

Section 209 of title II provides that any funds appropriated for the purposes of Chapter 2 which remain unexpended after settlement of all claims provided for under Chapter 2 shall be returned to the Treasury of the United States.

COMMITTEE COMMENT

The committee has been advised by the Interior Department that the amounts set forth in Chapter 2 of this title are believed adequate to adjust known claims outstanding. Further, the committee wishes to make clear that the Special Commission shall only consider the valuation placed on these claims as the value of the property at the time of its loss or destruction. The payment of interest on awards is not authorized.

IMMIGRATION

Title III of S. 860 amends the Immigration and Nationality Act to permit free entry of citizens of the Trust Territory of the Pacific Islands into the United States. It adds a new section, section 293, to the Immigration and Nationality Act, as amended (66 Stat. 163) which will permit citizens of the Trust Territory of the Pacific Islands to enter the United States freely, without regard to the quota and visa provisions of the Immigration and Nationality Act—which are now applicable to them—and subject only to those sections of that Act providing for the exclusion and removal of subversives.

This title does not extend to Trust Territory citizens the privileges of counting residency in the territory toward the residency requirements for naturalization. It does provide, however, that any person permitted to enter the United States pursuant to its provisions, and subsequently residing in the United States, will be considered to have been lawfully admitted for permanent residence for the purpose of petitioning for naturalization. The title specifically provides that nothing contained in the new section added to the Immigration and Nationality Act shall be construed to give or to confer upon citizens of the territory any other privileges, rights, benefits, exemptions, or immunities under the Immigration and Nationality Act which are not otherwise specifically granted by the provisions of the Act.

For nearly twenty years, because of the state of development which existed in the Trust Territory following World War II, it was necessary to regulate both the entry of persons into the Trust Territory and the departure from the area of its citizens. Up until mid-1963, even the entry of United States citizens into the Territory was restricted. These restrictions no longer exist.

Title III would remove the requirement for obtaining a student visa and the attendant restrictions presently applicable to Trust Territory students, thus permitting any Trust Territory student to attend the school of his choice, if he is otherwise qualified, with a minimum of difficulty. It would also permit students lacking adequate funds greater freedom in seeking gainful employment for the purpose of financing their education. Further, removal of these restrictions will greatly facilitate entry of Micronesians into the United States to obtain training in skills so vital to the economic development of the territory.

The United States, as the administering Nation, has opened the Trust Territory to Americans, and in the interest of comity it is believed we likewise should open the United States to the citizens of the Trust Territory. By reason of education, financial status, and social customs, it is not likely that any great number of these persons would come to the United States except as short-term visitors or students.

TARIFF

Title IV of S. 860 as amended amends the general headnotes of the Tariff Schedules of the United States to treat the Trust Territory of the Pacific Islands as an insular possession of the United States for the purposes of the United States Tariff Schedules with certain exceptions. For example, an exception is made as to fishery products processed in the Trust Territory from fish or fish products landed in the Trust Territory by foreign-flag vessels. Any vessel sailing under the flag of the Trust Territory and manned by a crew two-thirds of which are nationals of the United States or citizens of the Trust Territory shall not be considered to be a foreign-flag vessel.

The Committee has adopted several amendments recommended by the Department of Commerce. As amended, title IV contains safeguards against the possible development of trade with the Trust Territory that might be harmful to American industry. The Department of Commerce has pointed out that in recent years duty free entry of articles such as buttons, watches and watch movements, and shower-proofed wool fabrics from insular possessions has created serious import competition to U.S. producers, and has necessitated the enactment of legislation restricting the entry of these items.

In order that there may be administrative means of dealing with such problems in the Trust Territory should they occur, language has been included in the bill providing that any duty free treatment afforded the Trust Territory shall, for purposes of title III (tariff adjustment and other adjustment assistance) of the Trade Expansion Act of 1962 (19 U.S.C., sections 1901 to 1991) be treated as a concession granted under a trade agreement.

Another amendment suggested by the Commerce Department and adopted by the Committee would preclude the duty free entry of foreign-made textiles from the Trust Territory into the United States.

A final amendment recommended by Commerce and incorporated into title IV (headnote 13(c)) makes that headnote conform to the language of the waiver in the General Agreement on Tariffs and Trade with regard to tariff treatment of the Trust Territory. Rather than "require" the President to suspend the duty free privilege in whole or in part when he determines that production and trade of the Trust Territory threatens to result, or results, in substantial injury to the competitive trade of any contracting party, to the General Agreement on Tariffs and Trade, he is "authorized" to make such suspension.

United States Development policy in the Trust Territory has been to encourage Micronesians to establish commercial and industrial enterprises. Some such enterprises have been established but there is no large-scale industrial activity. However, potential exists for the upgrading of the Micronesian economy in the development of tourist-related enterprises, marine resource processing and marketing facilities, handicraft and the copra industry. Trade preference for the Trust Territory of the Pacific Islands could make an important contribution in developing the economy and the standard of living in the area.

VOLUNTARY SERVICE IN U.S. ARMY AND AIR FORCE

Title V of S. 860 allows citizens of the Trust Territory of the Pacific Islands to serve in two additional armed services.

Title V amends sections 3253(c) and 8263 (c) of Title 10, United States Code, to make those persons who are nationals of the United States and who are citizens of the Trust Territory of the Pacific Islands acceptable for enlistment in the Army and Air Force of the United States.

Under existing law, enlistment in the Army and in the Air Force in peace time is limited to persons who are citizens of the United States, or who are aliens who have been lawfully admitted to the United States for permanent residence. Enlistment in the Navy (including the Marine Corps) is not restricted in this manner (see 10 U.S.C. 5532). Similarly, enlistment in the Coast Guard is not restricted (see 14 U.S.C. 351).

As a practical matter many Micronesians and American Samoans are presently serving in the U.S. Navy and Marine Corps. Enactment of Title V would permit these people to volunteer in two additional armed services of the United States if they wish to do so.

A formal request to allow the citizens of the Trust Territory of the Pacific Islands to serve in the Armed Forces of the United States was made by the Eighteenth Saipan Legislature in its Resolution No. 18–3–66 of January 28, 1966.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I move to reconsider the vote by which S. 860 was passed.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTICE OF CONSIDERATION OF A BILL

Mr. MANSFIELD. Mr. President, for the information of the Senate, around 1 o'clock p.m. today, the Senate will take up Calendar No. 74, S. 646, a bill to create a limited copyright in sound recordings.

FARM VEHICLE DRIVER QUALIFICATIONS

Mr. MANSFIELD. Mr. President, those of us in the Congress representing States with large agriculture interests have been receiving hundreds and thousands of letters opposing motor carrier safety regulations for farm vehicle operators. This group has been historically exempted. The new regulations, if approved, would require that every farmer, member of his family, or employee driving trucks in interstate commerce would have to be 21 years of age and meet a number of other requirements. I find it difficult to understand why this group is being brought under these regulations. It would place a great financial burden on the small farmers and ranchers. Traditionally, farmers have depended upon family members and young people hired to drive farm vehicles. It must be remembered that these young people are raised with the proper respect for the operation and use of these vehicles. In fact, I think the safety record is quite high in this area. At a time when we are attempting to place additional responsibilities on our young people, the Department of Transportation is working in the opposite direction.

I have addressed myself to the Secretary of Transportation on this matter and I ask that my letter by printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, the farmers and ranchers of the Nation are faced with some extremely difficult problems today. The agricultural economy has not kept up with the rest of the Nation and yet the Department of Transportation wants to place some additional burdens on these people. I understand that some of the farm groups are attempting to work out a compromise in this matter, and I do hope that the Department will, at the least, agree to an exemption for lightweight farm vehicles.

In conclusion, I ask unanimous consent to have an editorial from the Park County News of April 14, 1971, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANOTHER PENALTY FOR FARMERS

American ranchers and farmers likely will get "clipped" again, will have to pay more, go through a lot more "red tape" and some will be prohibited from driving their own trucks, regulations, effective July 1, 1971 of the U.S. Department of Transportation's Department of Motor Carrier Safety, indicate.

The Enterprise is indebted to Mr. and Mrs. J. E. Frame of Wilsall for calling this to our attention. Stiffening state driver license regulations make sense, but to add these new Uncle Sam regulations hardly makes sense at a time when Agriculture and Ranching are finding it more and more difficult to make ends meet.

The new regulations include: Drivers must be at least 21; must carry a medical certificate evidencing they meet prescribed physical requirements; must pass a road test; must take a federal safety rule test; farmers or ranchers must see that employees' records of accidents, requirements are on file at all times.

The American Farm Bureau, National Grange and other farm organizations have protested, but there needs to be a "grass roots movement"' to protest, via the Congressional delegations, for relief from such stupidity.

The Farm Bureau terms the proposed regulations "Unwarranted" on the basis of the safety record of farmer-drivers, citing actuarial data of the National Association of Independent Insurors that the amount of bodily injury claims paid per farm truck policy is about one-third the amount paid per policy for all non-fleet trucks.

Before the Federal Bureaucracy hangs another noose around your neck to hamstring farmers and ranchers it is up to them to fight. Write a letter or send a copy of this to Senators Mike Mansfield and Lee Metcalf and Congressmen Dick Shoup and John Melcher in Washington. Do it today. Don't wish you had protested after it is too late.

EXHIBIT 1

APRIL 29, 1971.

Hon. JOHN VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: In recent weeks I have received hundreds of letters from farmers, ranchers and other citizens in Montana protesting the new driver qualifications being considered by the Department of Transportation. The regulations, as I understand them, would bring farm vehicles under the motor carrier safety regulations and would require that a farmer, members of his family or employee driving a truck in interstate commerce would have to be 21 years of age and have met a number of other requirements.

The adoption of this rule would place an extreme hardship on many farmers and ranchers in a State like Montana. As you know, many farm families have relied upon their sons for help after they had met the State driving qualifications. To bring farm vehicles under the Federal regulations would make it very difficult and would place additional financial burdens on this small type of operation.

It seems strange that at a time when we are lowering the voting age and giving adult privileges to young people at the age of 18, the Department of Transportation would turn around and impose this 21-year-old restriction. I am not aware of any statistics indicating that young drivers of farm vehicles are any more irresponsible than their elders. We must not forget that these young people living on farms and ranches are brought up with proper knowledge and respect for the equipment.

I am informed that, because of the volume of complaints brought about by the proposed regulations, an effort is underway to bring about an accommodation between the Department and representative farm groups. I support this effort and believe that there should be an exemption at the least, for lightweight farm vehicles. Farmers and ranchers of my State are finding it difficult to compete economically under present conditions, and I see no reason why we should add these additional burdens.

I support efforts to impose reasonable driver qualifications in the interests of safety, but I feel that, in this instance, it is uncalled for and merely an extension of zealous, bureaucratic procedures. Your intercession with the Bureau of Motor Carrier Safety would be most appreciated.

With best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

Mr. MANSFIELD. Mr. President, I agree completely with the distinguished chairman of the Committee on Agriculture and Forestry.

Let me reiterate that what we are doing is trying to break down established and needed patterns in the development of the farm economy. I use the word "development" advisedly because our farm economy and our farm population is decreasing. The trend is toward the urban areas.

Mr. TALMADGE. Mr. President, will the distinguished majority leader yield at that point?

Mr. MANSFIELD. I am happy to yield to the distinguished chairman of the Committee on Agriculture and Forestry.

Mr. TALMADGE. I congratulate the distinguished minority leader on the statement he has just made. I concur fully with him in that regard.

When it was called to my attention that the Secretary of Transportation was about to make some drastic regulations in this regard, in my capacity as chairman of the Committee on Agriculture and Forestry, I wrote the Secretary of Transportation protesting and asked him to reconsider the regulations that he proposed to issue.

As the able majority leader knows, most farm vehicles are used on the farms and are not used on paved roads of any kind. If the Secretary of Transportation applies regulations to members of farm families that drive their trucks incidentally on interstate highways, it will do irreparable damage to the agriculture of this Nation.

AMTRAK

Mr. MANSFIELD. Mr. President, coincidentally with the discussion of the proposed regulations to be issued by the Secretary of Transportation on drivers of farm vehicles, there has come from the Department of Transportation the question of Railpax, which takes away from the State of Montana the main passenger line, which is the Northern Pacific, and also the main short line running from Butte, Mont., down to Salt Lake City, Utah, through southern Idaho.

It is my hope that the Committee on Commerce, which I understand is in session today, will report a resolution seeking to undo what Railpax or Amtrak as it is now called, is supposed to do on May 1, this coming Saturday.

If that resolution is reported, it is my intention, if I can get the unanimous consent of the Senate, to call up that resolution for immediate consideration because time is wasting.

May I say that I have a great personal regard and affection for Mr. John Volpe, the Secretary of Transportation, but having this matter of farm vehicle driver qualification and Railpax affecting the State of Montana coming out of that department gives me cause for grave concern.

Mr. SCOTT. As far as Amtrak is concerned, I can only say at this time that I fear that postponement would not result in improvement of the economic situation of the railroads over the next 6 months and that likely their condition will only worsen.

I suspect that the only way to save the railroad passenger service at all is to begin with Railpax and the Amtrak which have already been signed rather than to lose everything.

I am from a State in which we particularly deplore the loss of service to Erie, Johnstown, Allentown, York, Bethlehem, and other communities.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, may I say that the effort to implement Railpax, now called Amtrak, as far as the State of Montana is concerned should be called Halftrack. If it does not go into operation on Saturday, the railroads will continue. However, if this plan goes into operation on Saturday, it means that the State of Montana can lose the service of the Northern Pacific which covers 85 percent of the State and 80 percent of the population. We have 148,000 miles in the State of Montana. We need this transportation.

I am getting a little bit fed up with all the attention being paid to the urban centers and none to the rural areas. We are a part of the Union of the United States, too. When those railroads came out they were given land grants. Now they have huge forest areas. They have oil areas. One railroad, the NP, has a vice president for oil.

They got these possesions on the basis of grants from the Federal Government. They were given to the railroads to open the West and furnish service to the people. And if they cannot furnish service to the people, I say that we should take away the land grants from them and return them to the people and use them for education and other purposes.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Ohio.

Mr. MANSFIELD. And Cleveland.

The PRESIDING OFFICER (Mr. PELL). The 3 minutes of the Senator from Montana have expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I be recognized for 3 minutes in my own right.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SCOTT. Mr. President, I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I would like to point out that the statement that the Railpax was designed for the industrial urban centers has not proven to be the case when one thinks that the cities in northern Ohio, beginning at Toledo and continuing to Cleveland and Youngstown, which contain more population than several Western States, have been completely left off. For a person from Cleveland to avail himself of railroad transportation requires that he travel to Crestline or Canton, where he would find a train that would go to Pittsburgh and connect up with others to the east or west.

I might point out that the city of Detroit, Mich., has access only to the West. He would have absolutely no access to the usual routes to the east.

I cannot believe they are sincere about trying to serve people. I realize there will be extreme difficulty in getting people to ride the trains. I know there are many difficult situations involving the cities. However, unless an effort is made to run the trains where the centers of population are, then I cannot help joining with the Senator from Montana in deploring a situation in which people are not going to be served by what has been for years basic transportation.

Mr. MANSFIELD. Mr. President, I point out that there is no north-south line between Chicago and the west coast. However, as far as the east coast and the west coast are concerned, they are well taken care of. Those of us, however, who live in the heartland of America, the areas which produce the wealth of this Nation so that people can come to the urban areas, should not be left out in the cold.

The least that can and should be done is a 6-month postponement in putting Amtrak, as it is now called, into operation.

The people in the heartlands of America are entitled to consideration.

Mr. ALLEN. Mr. President, I might say at the outset that I am in complete sympathy with the distinguished Senator from Montana, the distinguished majority leader of the Senate in his plea that some attention be given to rural or agricultural areas in Government programs.

I applaud, too, his statement that his great State of Montana is part of these United States and that it should be treated as such.

The junior Senator from Alabama has stood here on the Senate floor and pled—along with other Members of the Senate from our section of the country—for equal treatment for the people of our area and specifically for a uniform Federal policy on public school desegregation. We have pled for equal treatment. We have pled that some consideration be given to the rural areas of our country and to deemphasize some of the attention that is being given to the large cities and great urban areas of our country under Federal programs.

I do not say they should not be considered jointly and in connection with each other, but some little consideration should be given to some areas of the country other than the large urban centers.

Mr. President, in the same connection, my remarks today have to do with the unfairness and shortsighted nature of the agricultural program of the administration, particularly as it affects cotton.

REQUEST FOR FURNISHING EARLIER INFORMATION TO MINORITY COMMITTEE MEMBERS OF COMMITTEE INTENTIONS

Mr. SCOTT. Mr. President, some of the minority members of the Committee on Commerce have indicated they would appreciate the courtesy of earlier information on rather sudden actions of the committee at times. I am not speaking critically. I was not there, but I understand that a nomination was to come up at 10 o'clock this morning. Members of the committee were advised at 9:15. I believe that with respect to an executive session on legislation, notice was received in less than a timely manner.

I simply suggest that it would be better if the minority were to have an opportunity to know well enough in advance so that they might prepare themselves for the legislation.

I am sure that the distinguished majority leader would feel the same way. However, it becomes very difficult when one is asked to confirm someone on 45 minutes' notice. I know of no objection to the gentleman at all.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for not to exceed 15 minutes.

THE 1971 COTTON PROGRAM

Mr. ALLEN. Mr. President, on March 15 and 16 the Subcommittee on Agricultural Research and General Legislation held hearings on major provisions of the 1971 cotton program. These hearings were held pursuant to the request of the chairman of the full committee, the distinguished Senator from Georgia (Mr. TALMADGE), who is making a record as an outstanding chairman of the Committee on Agriculture and Forestry, who is devoted to the interests of the farmers of this country, and who has served with distinction on the Committee on Agriculture and Forestry since coming to the Senate.

These hearings were held as a means of affording spokesmen for all segments of the cotton industry, as well as representatives of the U.S. Department of Agriculture, an opportunity to present their views on the impact of the new program as announced on December 8, 1970. More specifically the views of these spokesmen were sought with respect to three major areas of interest: First, the income of the producer; second, anticipated production; and third, levels of consumption by our domestic and export customers.

Individuals representing wide-ranging viewpoints testified at the sessions, and it is my feeling that the record of these proceedings is representative of the general attitude of the overall industry at the present time.

Now, based on the record of such hearings, I would like to make a few observations concerning what we might reasonably anticipate the general conditions to be in cotton during the 1971 producing and marketing year, and also concerning the general approach being taken by the U.S. Department of Agriculture.

Mr. President, I assure you that this Department's position, while completely amorphous a year ago, when we were attempting to draft a new farm law, has now begun to take a very definite shape; one that, in all too many instances, can only be characterized as rigid and inflexible.

Thus far the USDA has exhibited an

almost complete unwillingness to admit the possibility of a mistake having been made in its 1971 cotton program.

Yet the preponderance of the evidence submitted at the hearings last month might be summed up with one forewarning: Either cotton income will undergo a substantial reduction in 1971, or we are going to lose—and probably lose irreparably—valuable, even crucial, markets for our cotton.

Therein lies one of the chief defects of the program of the Department of Agriculture; that with an enforced scarcity of the production of cotton we are going to lose our foreign markets. The Communist nations are exporting more and more cotton, and they will seize these markets if we do not produce enough cotton to satisfy world demand.

In view of this situation, the Senate might wonder what has been the reaction of those in authority at the Department of Agriculture.

At best it has been one of complete complacency; at worst total nonchalance.

On March 19, following the hearings before our subcommittee, I wrote Secretary Hardin to inquire what, if any, action the Department contemplated to safeguard farm income adequately; and asked that certain of administrative decisions be reviewed. Although this was more than 4 weeks ago, Secretary Hardin has neither responded to my letter nor to a similar request which was directed to him by the chairman of the full committee, the distinguished Senator from Georgia.

Secretary Hardin's failure to reply is somewhat indicative of USDA's current "Why worry?" attitude. Repeatedly during our hearings departmental spokesmen blithely assured us that market prices would average above the loan of 1971, and that farm income would thus be adequately protected.

It is interesting to note that while the USDA's 1971 price support loan is the lowest for middling one-inch cotton since 1942, departmental spokesmen confidently express the opinion that it will not have an adverse effect on market prices.

Repeatedly they have stressed the point that in 1971 market prices should average considerably higher than the loan.

What they omit from that statement is the fact that if such averages occur, it will be the result of an inadequate supply of cotton—not USDA policy.

Also they provide no answer whatever for one extremely important question: if market prices are expected to average far above the loan, then why not place the loan at a higher level?

Would not this help stimulate production?

Would not this give added production incentive to producers?

Would not such a policy be especially wise in a period of short supply?

To questions such as these the Department has but one response, and that is silence.

Mr. President, the cotton situation in this country today has become quite serious.

First, even if there is good weather this year—and already major producing areas of Texas and Oklahoma are beset by drought—the U.S. cotton crop will total far short of anticipated demand.

As early as March, when its official estimate of acreage to be planted was released, Department officials knew that participation would most likely be much too low to insure adequate production. Yet they refused to act.

That report on intended acreage was released at the exact time our subcommittee held its hearings on administration of the 1971 cotton program—hearings at which a substantial body of evidence was accumulated. Had departmental officials evaluated and examined this material on an objective basis, they would certainly have learned that producers of cotton are being provided totally inadequate incentive to produce.

Therein lies the chief defect in the program of the Department of Agriculture.

The price support loan is too low.

Farmers feel the new requirement on net weight trading is going to cost them money.

Arguments for using set-aside acreage to produce needed cotton have overwhelming merit.

Each of the foregoing provisions were promulgated administratively; each could be changed. Certainly USDA cannot be blamed entirely for the present unfortunate situation. However, there is no doubt in my mind that USDA has contributed substantially to the problem; that in effect, departmental inertia coupled with misguided thinking have exacerbated an already bad situation.

First the Department set a loan level at the absolute minimum, and in so doing USDA has managed to discourage people who would otherwise prefer to produce cotton. What has happened is that producers have been discouraged and demoralized about the outlook for cotton to the point that they do not even want to grow the crop.

Actually the Department's own spokesmen do not deny that more incentive could have been provided, that the loan could have been set considerably higher.

The Agricultural Act of 1970 stipulates that the price-support loan for upland cotton shall be 90 percent of the world price.

Consider, now, the manner in which the 1971 loan was set.

As required by law, the Secretary must establish the world price for the past 2 years at major world markets such as Bremen, Germany; Liverpool, England; and Osaka, Japan. He must then deduct from the quotations the cost of transporting, storing, handling, et cetera, our cotton to those world markets. Once these deductions have been made, what is left, in effect, is the world price "backed off" 'to average location such as Lubback, Memphis, or Fresno.

The loan must be set at 90 percent of this figure.

Superficially at least there would appear to be no difference in the way USDA made these computations in 1971 than in other years.

Of course, in previous years it was on an estimated world price. For 1971 it was the actual world price for the 2 years preceding. It so happened that the Department of Agriculture always found the estimated world price was large enough to permit a loan of 20¼ cents, and this time set it at the equivalent of 18¼ cents.

However, on close scrutiny we find that the figures in 1971 were adjusted to arrive at a present level, that is, the Department for the first time in history subtracted 77 points, or almost eight-tenths of a cent, as an adjustment for a difference between U.S. grading standards and those used in foreign countries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I yield 5 additional minutes of my time to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished chairman of the committee for yielding me an additional 5 minutes. I shall conclude in that time.

The so-called adjustment becomes stranger still when compared to the manner in which USDA compensated farmers for converting from gross to net weight trading. The Department announced that in 1971 all price support loans would be made on a net weight basis which simply means that farmers will not be compensated for the 21 pounds of wrapping on a 500-pound bale of cotton. In its announcement, USDA said the 1971 loan had been adjusted upward by 80 points, eight-tenths of a cent, to compensate for the change.

Is it merely coincidental that the Department reduced the loan via an arbitrary 77-point downward adjustment, and then raised it by 80 points for yet another adjustment? If USDA has, in fact, compensated the producer for his bale wrapping, which cost $5.77 apiece on a national average, then according to my calculations they have given him three-one-hundredths of a cent.

There is no question that the Department had considerable latitude in setting the loan. Administrator Kenneth E. Frick of the Agricultural Stabilization and Conservation Service testified before our subcommittee that:

> . . . the Department has the right to change it—price support loan—or it could have set it at some 39 [points] higher . . .

On this point, there was no equivocation.

However, there are a great many more facts of a highly disturbing nature concerning the 1971 cotton program.

For example, yesterday USDA released its final tabulation of figures on the program signup period ending on April 9. The figures are cause for considerable concern:

Only 297,208 farms have been enrolled in the program, compared to 476,887 last year. The tremendous reduction in number of participating farms is attributed to several factors, but it results primarily from the strict limitation of the special payment for the small farmer. It is only fair to point out that USDA actively promoted the change of this feature of the program during deliberations last year on the Agricultural Act of 1970. In effect, it means that many small farmers, who already are hard pressed—who are still being forced from their farms to migrate to already overcrowded cities—will suffer a serious loss in income.

Consider just how the situation has been permitted to deteriorate.

Compare the situation today to an analagous situation in 1967 when an inadequate cotton drop brought about higher prices, but also brought about a sudden loss of cotton markets. In 1967 the price of cotton rose by almost a full 5 cents over 1 year earlier—from 20.84 cents to 25.59 cents. As a result of these high prices domestic mill consumption fell from 9 million bales to 8.1 million bales; in addition, our exports fell sharply from 4.2 million bales to 2.7 million bales.

Yet despite current higher spot cotton quotations farmers plan to plant less cotton this year than they planted last year.

The question: "Why?" is indeed a sobering one; it is a question that officials of the U.S. Department of Agriculture should be attempting to answer—if they do not already know.

The answer is that farmers must have more incentive to produce, and that incentive can be provided if—

The price support loan is raised.

The new net weight trading requirement is abandoned.

Farmers are permitted to grow cotton on set-aside acres.

There is widespread support for these recommendations; there is also widespread concern about the future of cotton.

The most recent issue of the American Cotton Grower contains the following statement in its Outlook section, under the heading, "Kiss the Markets Goodbye?"

> Has the USDA sunk cotton's chance to revitalize itself after years of frustration and declining markets?
>
> We would hate to think so, yet the fact remains that the USDA has restricted some growers' desires to produce more cotton. We refer to the Department's refusal to allow producers to plant cotton on up to 100% of the cotton set-aside. The USDA's own planting survey revealed that no increase indicated in 1971 . . .
>
> One would think therefore, that the USDA would like to ensure the future of the cotton industry by providing for an adequate supply of cotton so it could tap the increasing demands. Not so. It has refused to believe that there is risk of a shortage which could drive prices up a la 1967–68—it could be kissing these potential markets goodbye.

Mr. President, unless the program is changed, these markets will be lost.

If relief is not granted, income will be reduced needlessly, and to a substantial degree.

Such exhortations as "freedom-to-plant" and "market orientation" are as worthless as the paper they are written on in view of the situation I have attempted to outline in these remarks.

In concluding, I would like to comment too on a matter that I find especially troubling; one that, with the passage of time, becomes more and more difficult to understand.

President Nixon proposed in a message to Congress on March 25 a plan of executive reorganization under which many major agencies in the U.S. Department of Agriculture would be combined with a number of other agencies in a Department of Economic Affairs.

It is my understanding of the proposal that while USDA would become something on the order of an agency within a department, its basic mission, that of representing farmers, would remain unchanged. After all, the mission of the Department quite properly has not changed since it was formed during Lincoln's Presidency expressly as a means of assisting the American farmer.

When this proposal was first made, I did not feel that provisions of it relating to USDA were in any way a reflection of the fact that today our farm population has dipped to an all time low; nor did I suspect that the proposal emanated from a view that the farm segment of our population no longer need be represented by a separate department.

Today, however, we have disturbing cause for wonder.

We have disturbing cause for wonder because of recent actions taken by the Department of Agriculture with respect to commodity program administration.

And while the name of the Department has not yet changed, there is some evidence to suggest that its mission is rapidly changing.

Thus it is possible that USDA now seeks more than the proposed change in chain of command, and in line of reporting authority.

The question thus arises, and it is one of overriding significance: Does USDA seek, more exactly, a change of constituency?

Is this executive department no longer content to represent farmers?

Does it really seek to aggrandize itself through a broadened and enlarged base, one including other food and fiber production segments and consumers as well?

That basic and troubling question clearly is raised by recent action taken by the Department with respect to the 1971 cotton program. I am not fully familiar with whether the same situation exists with respect to other basic commodities, because I have not followed the actions affecting them as closely as those taken in regard to cotton.

I would add only this final point: It is a grave mistake to interpret criticism of the cotton program on a strict and narrow political basis.

Cotton is apolitical.

The income problems of those who grow the crop are apolitical, particularly when they are translated into the practical realities of stark tragedy for thousands of men, women, and children whose hopes and aspirations for a decent standard of living are inseparably tied to the soil.

These problems and this program should be viewed in an economic context—and for the time being in that context alone.

I thank the distinguished chairman of the committee for yielding this time to me. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia (Mr. TALMADGE) is recognized. He has 10 minutes remaining.

Mr. TALMADGE. Mr. President, first permit me to express my deep appreciation for the generous personal references by the Senator from Alabama. I want to commend him for the hearings he has held as chairman of his subcommittee and for the good work he has done in exposing all of the controversial provisions of the 1971 upland cotton program to public view. This is a new program, provided for by the Agricultural Act of 1970, a law which was not to my liking. It was supported by the administration; but the evidence available to me indicated that it would result in a reduction in income to cotton farmers and consequently I did not sign the conference report.

As announced, the 1971 cotton program, on its face, showed a reduction of slightly over 2 cents per pound in the income guaranteed cotton farmers. In 1970 the loan was 20.25 cents per pound and the payment was 16.80 cents, making a total guarantee of 37.05 cents per pound. In 1971 the loan is 19.50 cents per pound and the payment is a minimum of 15 cents plus up to another half cent if necessary to provide a minimum average return from the market price and the payment of 35 cents per pound. However, as the hearings conducted by the Senator from Alabama brought out, there was a further, not so apparent reduction, resulting from the change to a net weight basis. In the past loans have been computed on the gross weight of the bale, including about 21 pounds of bagging and ties.

On the new net weight basis, the farmer will receive no return for these 21 pounds. Mr. Emmett Reynolds, President of the Georgia Farm Bureau, pointed out that this means a loss of about $4 per bale or over $1 million to the farmers of my State. Mr. Reynolds is a cotton farmer and knows how the cotton farmers in my State feel. They write him that they are taking a cut of $10 per bale as a result of the reduction in the guarantee from 37.05 cents to 35 cents per pound. They do not understand why they should be penalized an additional $4 per bale in this manner.

Mr. President, in conducting these hearings, the Senator from Alabama has brought light on all of the provisions of the 1971 cotton program, including those which may be hidden in procedural changes. They have been helpful to cotton farmers and others who need full and correct information on which to base our actions. They are a fine example of an exercise of the legislative oversight functions delegated to our committee by the Legislative Reorganization Act of 1946.

Mr. President, farmers, the administration, and the Senate can be assured that the Committee on Agriculture and Forestry will continue to exercise careful oversight with respect to this program. The income of the American cotton farmer is at stake, and the administration will be called to strict account for any deficiencies that may develop in this program.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a speech I made on the floor of the Senate on Thursday, December 31, 1970, relating to the cotton program.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE COTTON PROGRAM

(Speech of Hon. HERMAN E. TALMADGE)

Mr. TALMADGE. Mr. President, I am dismayed at the U.S. Department of Agriculture's actions in regard to the cotton program for 1971. I regret that this administration forced its unfavorable farm program on the Senate of the United States. At the time the Senate debated the conference report on H.R. 18546, the general farm bill, I pointed out that this was not good legislation—that its only virtue was that it was preferable to no farm bill at all.

I explained that I did not sign the conference report on the farm bill because I had concrete figures to show that the administration bill would mean a sharp reduction in income to cotton farmers.

However, I did express the hope that the Department of Agriculture would administer the new cotton program in such a manner as to avoid disastrous drops in cotton income.

My hopes were given a sharp jolt when the Department of Agriculture issued a press release announcing the new cotton program on December 8. While I realized that a fair implementation of the new law would mean a reduction in cotton income, I did not think that this administration would add insult to injury by using its administrative discretion to reduce cotton income even further.

The administrative action to which I refer is the change from gross weight to net weight in making cotton loans.

For years, farmers have been selling their cotton on a gross weight basis, which means simply that they are paid for the full weight of the bale, including the bagging and ties. After all, since the farmer pays about $4.50 for the bagging and ties, it is only fair that he regain some of the expense when he sells his cotton.

Actually, he does not now recoup all of his outlay. The average weight of these packaging materials is about 21 pounds. So if the farmer sells his cotton for 20.25 cents per pound, he presently gets back only $4.25 when the cotton is sold on a gross weight basis.

Now that the USDA has announced that price support loans will be made only on a net weight basis, farmers will get back nothing for the cost of the bale wrappings. This applies not only to cotton placed under loan with the Commodity Credit Corporation, but also to all cotton moving in normal trade channels.

As I pointed out on the Senate floor on November 19, cotton farmers will suffer a marked reduction in income because of the lower guarantee of the House bill. In 1970, cotton farmers realized a return of 38.55 cents per pound on middling 1-inch cotton. That was due to the fact that the cotton farmers received a 20.25 cent per pound loan level and payments of 16.80 cents per pound under the old law. These two figures total 37.05 cents per pound. In addition, the market price exceeded the loan level by 1½ cents per pound, which means that the cotton farmers received a total of 38.55 cents per pound for middling 1-inch cotton.

As I stated, the new administration bill—which guarantees the farmer only 35 cents per pound—could mean a reduction in cotton income of more than 10 percent.

In the December 8 press release, the Department of Agriculture stated that the loan rate would be set at 19.50 cents per pound, and that the farmer would be guaranteed a payment of 15 cents per pound, with a guarantee that the farmer receives a total of at least 35 cents per pound for his cotton. Of course, it is hoped that the market price will exceed the loan rate to an extent that the farmer will get more than 35 cents per pound for his cotton.

However, the Department of Agriculture press release failed to emphasize a number of factors which will mean a substantial reduction in the price that the farmer receives for his cotton. One factor is that under the old law the farmer who produced cotton of average micronaire received a premium of .45 cent per pound. This premium for micronaire 3.5 through 4.9, is eliminated under the new program.

Mr. President, the Department of Agriculture has stated that it cost the American farmer an average of 35.8 cents per pound to produce cotton in 1969. I was opposed to the administration bill, which guarantees only 35 cents per pound, for I don't believe we should expect the American farmer to grow cotton at a loss. However, the 35 cent guarantee of the administration was better than no guarantee at all.

I must strenuously object, however, to administrative actions which reduce the farmer's guarantee even further. Because of the USDA's arbitrary action in changing to net weight trading, cotton farmers over the land will lose over $4 per bale. During the debate on the farm bill in the Agriculture Committee, I had my staff, together with independent experts, compute income projections for actual farms in cotton growing States over the Southeast. These examples showed that many cotton farmers would suffer a reduction in farm income as much as 25 percent, and some would suffer a reduction in cotton income of 50 percent. The administration's only response to my examples was that all of these cotton farmers would be better off to grow soybeans and forget cotton. The administration's action in regard to net weight trading indicates that it intends to force all cotton farmers in my State and the Southeast into the soybean business.

If there were any useful purpose to be served by transfering to net weight trading, the Department's decision would be easier to understand. However, I see no benefit other than the possibility of easing the bookkeeping load at the Department of Agriculture. Unfortunately, I don't believe that bureaucratic convenience is an adequate justification for action which would take millions of dollars out of the farmers' pockets.

Ironically, this change will cost the USDA money since they own or have loans on over 3 million bales of cotton—which was acquired on a gross weight basis. If this decision is not changed, the cotton will be sold on a net weight basis.

During the Senate debate on the farm bill on November 19, I stated that I would be looking over the Department of Agriculture's shoulder to see that the new farm bill was administered in a manner favorable to farmers. I pledged that the Department of Agriculture would hear from me loud and often. Therefore, I strongly object to the Department's decision with regard to net weight trading and I hope that the Secretary of Agriculture will reconsider this unfortunate decision.

Mr. SYMINGTON. Mr. President, I associate myself in every way with the remarks of the able Senator from Alabama.

Under the able direction of our distinguished colleague from Alabama, and his distinguished chairman, the senior Senator from Georgia, the Subcommittee on Agricultural Research and General Legislation has brought to light many important facts about the manner in which the 1971 cotton program is being administered. May I congratulate the Senator and the subcommittee for the emphasis they have given this important matter; and also for having documented the serious economic problems in this segment of agriculture.

What has brought about this unfortunate situation? First, the 1971 cotton program apparently has been shaped administratively by the U.S. Department of Agriculture with one guiding principle: "Let's cut costs;" and so doggedly have USDA administrators pursued this policy that they have given little or no thought to just what impact their decisions will have on farm income.

The folly is compounded when the issue is viewed on a longterm basis, because in the long run these policies will end up costing the Government far more money.

In effect, the American cotton farmer is currently confronted with administrative policies which might be described as: "Heads I win; tails you lose." As a result, in 1971 cotton producers are faced with either a heavy cut in income due to market prices which hover near the new low loan, or high market prices stemming from inadequate production.

If the former occurs, the farmer loses outright; if the latter—and it now appears this will be the actual case—he will simply lose the income later because markets for the fiber will be lost—perhaps forever.

Testimony as to the problem in Missouri was presented at the subcommittee hearings by two knowledgeable cotton producers in our State.

Whether this year or next, the low loan and net weight trading will reduce net farm income many millions of dollars; and reduced returns can only result in further reductions in acreage, plus the continuation of an unfortunate cycle tied directly to these unrealistic policies.

Already the futures market for new crop cotton has reacted sharply to the supply situation; and meanwhile, as these market prices increase, cotton becomes less and less competitive with other fibres, the direct result of the cotton policy of this administration.

I invite special consideration of the impact of this program on one geographic area in the southeast section of my State, as well as in adjoining counties in Tennessee and Arkansas.

As a result of continuing adverse weather, for 5 years farmers in the Mississippi River cotton counties of these three States have sustained unusually high crop damage. In two of the past 5 years, weather conditions were characterized as disastrous; and there was a sharp drop in production.

As a result, our cotton farmers have experienced economic conditions which constitute a painful reminder of depression-style income.

When making adjustments for abnormal yields, the Department of Agriculture will not adjust to an amount greater than 80 percent for such year; but in order for a crop failure caused by a natural disaster not to affect the payment base for future years, we believe the maximum adjustment should be to 100 percent of the total of the payment yield rather than only 80 percent.

In recent years the number of farmers annually leaving this section of Missouri has been around 5 precent.

In 1970 every cotton-producing county in Missouri was declared a disaster county. In many areas farmers failed to get "a stand," therefore they simply plowed their cotton under.

It would appear that more equitable

treatment is in order, but instead of granting needed relief, with estimated farm yields continued through disaster years, the Department is, in effect, assessing an additional penalty on those already penalized by the natural disaster referred to.

Some help was given to this declared disaster area on April 9, when the Department of Agriculture announced a change in the regulation which would permit a farmer to receive total payment in the event he loses his cotton crop as a result of a natural disaster, or is unable to plant because of adverse weather conditions and the Secretary of Agriculture has declared the area in question a disaster area. This change was appreciated but the Department still stands behind the regulation which cuts estimated yields to 80 percent.

The county committeemen in this area of my State estimate that this regulation will result in an average cut of 100 pounds per acre in the 1971 payment yield to our cotton farmers.

In addition, the Department does not allow the cotton farmer to use his set-aside acreage for production of cotton and other crops which the Department contends are in short supply.

When this administration counts "skips" in skip-row planting as set-aside, that is but an added discrimination against those cotton farmers who are in areas not adapted to skip-row planting.

For 5 years the farmers of southeast Missouri have been penalized by the vagaries of the weather. Now, in 1971, those farmers are to be penalized by the vagaries of bureaucratic thinking that is unworkable, unmanageable, and unfair.

Thanks to the constructive work of the able Senator from Alabama, a record of this unfortunate problem was made in the hearings before the Senate Agriculture Subcommittee on Research and General Legislation; and we respectfully urge that further corrective administrative action be taken, now, so as to amend the cotton program in an effort to achieve a sound cotton economy.

Mr. TALMADGE. Mr. President, let me conclude by saying that I concur with the views of the distinguished chairman of the subcommittee, the distinguished Senator from Alabama (Mr. ALLEN). I compliment him on his hard work and his diligence in heading up the subcommittee and looking after the interests of the farmers, not only of Alabama but of the entire Nation.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to express my sincere and deep appreciation to the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), for his very kind statements. It is an honor and a privilege for me to serve on this committee under his chairmanship and his leadership. The close watch that the chairman keeps on the interests of the farm population and the rural population of this country is indeed an inspiration to the junior Senator from Alabama. I enjoy serving on this committee, and I appreciate very much the example of leadership that the distinguished chairman of the committee has set for the other members of the committee.

Mr. TALMADGE. I am grateful, indeed, to my colleague and friend from Alabama.

Mr. President, I yield 2 minutes to the distinguished Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I want to commend the distinguished Senator from Alabama (Mr. ALLEN) for the excellent series of hearings he held as chairman of the Agricultural Research and General Legislation Subcommittee on the administration of the new cotton program.

As he is well aware, this is a matter of the most serious concern in southeast Missouri, and we are deeply disturbed that the administration has thus far failed, with one exception, to respond to the very legitimate grievances of our growers.

The exception, which was undoubtedly due to the hearings, simply put cotton farmers on equal footing with other farmers by insuring their right to plant a nonquota crop on cotton land without penalty if their cotton crop were struck by a "major disaster."

The fundamental fact in Missouri is that we have had an unprecedented string of cotton crop disasters over the last 5 years. In this context, the administration's decision to limit cotton yield adjustments to 80 percent of the 1970 projected yield promises to make the economic damage of the last 5 years a permanent fact of economic life for an important Missouri industry. It is worth noting, I think, that every one of the ASC county committeemen from Missouri cotton counties has appealed to the Secretary for authority to adjust cotton yields for 1970 to 100 percent of the 1970 projected yield.

This is but one of the critically important issues which have cropped up in southeastern Missouri—and, I might add, our neighboring States as well—under the new cotton program.

The problem of net weight cotton loans is another with which my colleague from Alabama is entirely familiar. This, coupled with a loan rate 2 cents lower than last year's even though the world market is actually higher, means a cut in cotton farm income which cannot be disguised as anything else.

At the time the new farm bill was passed, I warned that it contained unprecedented arbitrary authority for the Secretary. I voted against the bill, but it passed. I am prepared—as I am sure the vast majority of Missouri farmers are prepared—to live with it and try to make it work. But we simply must have a flexible, creative response from the Department of Agriculture. It is unfair and unacceptable to ask the kind of sacrifice which is now being imposed upon the cotton farmers of my State.

Let me emphasize, once again, on behalf of the producers in Missouri, our deep appreciation to the Senator from Alabama (Mr. ALLEN) for his support and help in this matter.

Mr. TALMADGE. I yield 1 minute to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished chairman for yielding to me.

Mr. Hilton Bracey of the Mid-Continent Farmers Association, in Columbia, Mo., has pointed out some of the disaster provisions in the present law that are inequitable. Mr. Bracey says:

> The provision that has been in effect for the past 5 years * * * permitting farmers to grow non-quota crops on acres where cotton could not be planted or was lost due to circumstances beyond the control of the farmer has been nullified by the USDA. Under the latest USDA regulation, cotton farmers will be penalized by about one-third of their cotton payments or some $25 per acre if they suffer a disaster and have to plant a non-quota crop on cotton land. In addition, they would lose 20 percent of their cotton yield for the year involved and further would not be allowed to count their lost cotton acres as set-aside. These regulations would amount to a "triple-whammy" against cotton farm income in the event of a natural disaster.

Mr. President, I commend the distinguished Senators from Missouri (Mr. SYMINGTON and Mr. EAGLETON) for their participation in this colloquy and the fine remarks that they have made. They are certainly to be commended. I appreciate the leadership that these two distinguished Senators have given in this matter, and the interest that they are taking in the rural areas of our country and the farm population of this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remaining portion of the time allotted under the previous order to the distinguished Senator from Missouri (Mr. SYMINGTON) now be vacated, he having already made his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. PELL). Pursuant to the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements of each Senator recognized therein limited to 3 minutes.

THE PRESIDENT'S REORGANIZATION PLAN NO. 1

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in behalf of the Senator from New Jersey (Mr. WILLIAMS), to have printed in the RECORD a statement prepared by the Senator from New Jersey on the subject of the President's Reorganization Plan No. 1.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S REORGANIZATION PLAN NO. 1

(Statement of Senator WILLIAMS)

Mr. President, on March 24, 1971, President Nixon transmitted Reorganization Plan No. 1 of 1971 to the Congress. By the terms of Chapter Nine of Title Five of the U.S. Code, which deals with Executive Reorganization, this Plan shall be adopted, barring Congres-

sional objection, 60 days from the date of its initial introduction into the Congress.

Over half of this period has now elapsed, and with approximately one month remaining, it is essential that the Congress, as is its duty, examine this plan quite carefully to determine whether or not it comports with the provisions of the law, and whether or not the Congress should register its disapproval.

This first Reorganization Plan, which would amalgamate several voluntary action programs into a single new agency, called Action, is one about which I have grave misgivings. The message accompanying its transmission was vague and platitudinous, the section outlining its provisions was lacking in detail and specificity, and the further exposition and rationale on its behalf which might ordinarily be expected has simply not been forthcoming from the Administration.

Moreover, because there are so many unanswered questions about the proposed new agency, because a large number of the persons to be most directly affected by the merger have emphatically expressed opposition to it, and frankly, because it is the most practical way of insuring that the plan obtains the necessary degree of scrutiny from Congress, I have introduced S. Res. 108, a resolution of disapproval to Reorganization Plan No. 1.

My own objections to the proposal are best categorized on two levels. First, I find it difficult to justify on a theoretical basis, the grouping together of organizations simply because they contain the common element of voluntarism. Voluntary action should be a means to an end, not a virtue to be glorified and institutionalized per se. I say this without intending to slight in any way the efforts of hundreds of thousands of volunteers all over America who are performing extremely valuable services for many less fortunate individuals. However, as these individuals would be among the first to acknowledge, the most important consideration for the "true volunteer" is not the fact he is volunteering, but the fact that he is genuinely assisting in the solution of a problem. An organization which stresses "the volunteer" and seeks to find new ways for people to express their altruistic impulses cannot possibly be as successful in its activities as the organization dedicated to one single function, however general.

President Nixon has maintained that the new Agency will assist "in directing those who wish to volunteer services to areas and endeavors in which their services are needed". I find it difficult to believe that at a time of so many urgent domestic problems, it would be necessary to provide such a degree of guidance to would-be volunteers. I believe that an individual who is genuinely interested in carrying out his altruistic impulses will have little trouble in finding and enlisting in the volunteer efforts he deems worthwhile. For those individuals who do wish assistance in donating their services, however, some form of guidance can be provided in the form of a clearing house for volunteer activities, at far less expense than the new agency would entail.

Second, on a pragmatic level, the proposed Action agency does not pass several of the rather elemental tests of a recommended reorganization. The provisions of Title 5, U.S. Code, Chapter 9, which set forth the President's power of Executive Reorganization, also list six purposes considered to be justification for Presidential changes in government organization. While the President is not required to make a reorganization plan conform to all of these points, they are certainly guidelines which he should attempt to follow. There are three, however, which this proposed agency could not by any stretch of the imagination fulfill. For example, the changes should:

Reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government (Section 901(a)2),

Group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes (Section 901(a)4), and

Reduce the number of agencies by consolidating those having similar functions under a single head—(Section 901(a)5).

The fact of the matter, however, is that Reorganization Plan Number One would actually:

Call for an additional $20 million above the budget requests already submitted by the President for the component agencies.

Group functions of the Government not by major purposes but by some rather vague concept of shared motivation, and

Would consolidate agencies having quite dissimilar functions under a single head.

It is also very unlikely that the other three purposes of Executive Reorganization, which relate to efficiency, will be accomplished when one considers that the new agency must handle the recruitment, training and placement of individuals as different and specialized as the young VISTA volunteer and the retired S.C.O.R.E. executive.

Additionally, major objection can be raised to the reorganization plan itself because of the effect the plan is expected to have on the constituent organizations. In particular, it is likely to affect the Vista program, which I have always considered among the finest of the volunteer efforts since it entailed some of the greatest sacrifices and hardships while offering fewer compensations in terms of foreign travel or prestige.

VISTA has compiled an excellent record of community involvement. VISTA volunteers have not only distinguished themselves in their community projects in housing, health, education and manpower, but have also become deeply involved in assisting the disadvantaged to help themselves, both individually and collectively. Despite its contributions, however, the VISTA program has occasionally, and I think unfairly, been criticized and, as certain disclosures from within the Administration have revealed, plans have been proposed to dismantle it or to dilute its influence. In December of 1970, O.E.O. officials had publicly acknowledged the authenticity of an Administration document which envisioned a cutback of over $200 million in O.E.O. and the elimination of VISTA. Although it was denied at the time that this plan was a final one, anothed memo circulated by the White House in early March indicated that within the proposed merger, to which I have now introduced a resolution of disapproval, VISTA would not continue as an entity, but would disappear, to be replaced by four new corps. These new corps would be concerned with public safety, health, ecology and education, and according to some accounts, would embrace only a small part of VISTA's present activities in behalf of the poor.

The same objection to the President's plan—that of a loss of identity—has been raised by other organizations as well. The Steering Committee of S.C.O.R.E. (the Service Corps of Retired Executives) has passed a unanimous resolution of disapproval of the proposal. The Teacher Corps interns, as volunteers within that agency are known, approved a resolution opposing the merger at a recent convention in Atlanta, and the National VISTA alliance, an organization of more that 2,000 dues-paying VISTA volunteers, is whole-heartedly and vociferously opposed to the merger.

Other opposition is beginning to surface as well, without the aid of these Congressional hearings, may not coalesce before the new plan goes into effect. I am therefore, anticipating the present hearings in the House and forthcoming hearings in the Senate as an opportunity for all of the constituent agencies to make known their views, and those of their membership, as well as an opportunity for the Administration to explain more fully the roles envisioned for the new "Action Corpsmen." With the current crises confronting our Nation's cities, we do not need a program focusing on the concerns of volunteers, we need programs which continue to stress the plight of the poor and the disadvantaged.

There are a number of articles concerning the proposed reorganization that I would like to insert into the Record at this point, for the information of my colleagues.

[From the Washington Post, Dec. 18, 1970]

OEO Memorandum Reveals Plans To Eliminate VISTA

(By Nick Kotz)

"Meet me in the little park at 18th and M streets," said the anonymous caller from the Office of Economic Opportunity. "I will have some interesting papers wrapped as a Christmas present."

The package, given to a National VISTA Alliance worker, contained internal documents from the Nixon administration describing tentative plans to dismantle large sections of OEO or to cut severely agency funds.

On another occasion, the purloined papers were left under a tree in Farragut Square. More conventionally, they sometimes are mailed.

These cloak-and-dagger activities by OEO employees represent a deadly serious effort to save threatened OEO programs by disclosing the Nixon administration's tentative plans to dismantle them.

The latest exploit came Wednesday when members of the National VISTA Alliance made public an internal OEO memorandum describing tentative proposals from the White House's Office of Budget and Management to disband VISTA and cut OEO's 1972 budget by 23 per cent.

In this instance, super-secrecy precautions taken by the Nixon administration to debate privately OEO's fate failed because an administrative assistant left a copy of the document in a Xerox machine.

Questioned about this latest document describing plans to cut back OEO activities, OBM Deputy Director Casper Weinberger provided the standard response:

"We haven't made any recommendations that are final. The budget is the President's budget and it's not final until he approves and signs it."

Nevertheless, the time for final budget decision-making draws near and supporters of threatened OEO programs grow more worried.

OEO public affairs officers confirmed the authenticity of the latest document, prepared by the staff of John Wilson, assistant OEO director for planning, research and evaluation.

Wilson protested OBM's proposed cutback of OEO funds from $894 million in fiscal 1971 to $689 million in fiscal 1972. He said the cutbacks would result in 60,000 persons being fired, including 65 per cent who otherwise would be living in poverty.

Questioning the motive behind the deep budget cuts, the Wilson memorandum stated: "If the residual OEO is to be merely a bureaucracy engaged in self-liquidation, then I would strongly urge that this not be done through a series of yearly budget reductions."

Wilson questioned the political feasibility of eliminating the VISTA Volunteers program.

He described the proposed cuts for various programs as: 41 per cent for research and development, 17 per cent for community action, 18 per cent for health and nutrition, and total elimination of VISTA and the rural loan program.

He said that a 41 per cent cutback in research funds would "negate" the President's assignment to OEO of leadership in social research and experimentation.

"I seriously doubt whether the agency could survive cuts such as these," the memorandum states.

[From the Evening Star, Apr. 9, 1971]

OPPOSITION TO MERGER RISES IN TEACHER CORPS

(By James Welsh)

Opposition is being voiced within the Teacher Corps to President Nixon's plan to merge the corps into a new voluntary service agency.

The plan, which eventually would consolidate the Peace Corps, VISTA, Teacher Corps and several other voluntary groups, now is before Congress.

It already has aroused the strong opposition of the National Vista Alliance, an organization of active and former volunteers in the VISTA program.

On a somewhat quieter note, the Teacher Corps interns, as the volunteers in that agency are called, appear ready to join the young people of VISTA in resisting consolidation.

Earlier this week, at a convention in Atlanta, interns representing most of the Teacher Corps' 70 nationwide projects approved a resolution opposing the agency's inclusion in the new volunteer organization.

They did so following a meeting with several representatives of the VISTA Alliance.

Following the resolution's approval, the National Field Council, a 30-member advisory group for the Teacher Corps, also expressed dissatisfaction with consolidation.

"This shouldn't be overdramatized," said a Teacher Corps official today. "It's not an angry set of demands, or anything of that sort.

"But it is an indication that people don't like what's being proposed. Many of the interns and the people from the outside who are represented on the Field Council believe things are going very well, that it's a good program. They don't see that any change would be for the better."

In their resolution, the interns stated:

"There seems to be a likelihood that reorganization would serve to compromise the integrity, the effectiveness, the autonomy and the unique character of the Teacher Corps."

The administration plan, the interns further argued, "is not congruent with the professional orientation of the Teacher Corps."

The Corps, with 3,000 interns and a $30 million budget, now is administered by the Department of Health, Education and Welfare.

The Nixon plan does not call for the immediate inclusion of the Teacher Corps in the new voluntary agency, Action. But once the agency is in existence following consolidation of the other groups, legislation would be sent to Congress seeking transfer of the Teacher Corps too.

[From the New York Times, Mar. 12, 1971]

NIXON ENVISAGES ABOLITION OF VISTA IN MERGER PLAN

(By Jack Rosenthal)

WASHINGTON, March 11.—The White House has circulated a confidential plan that would dismantle VISTA, the embattled domestic volunteer service agency. The plan, a copy of which was obtained today, outlines how President Nixon's proposed merger of volunteer agencies would operate. While the Peace Corps would continue as an entity within the new agency, VISTA—Volunteers in Service to America—would disappear.

It would be replaced by four new corps—for public safety health, ecology and, later, education. But these corps, knowledgeable officials said today would embrace only a small part of VISTA's present activities in behalf of the poor.

And unlike VISTA, they said, the outline for the new agency focuses on the concerns of volunteers rather than on the needs of the poor.

The merger plan, which was circulated on March 5 to affected agencies for comment, is not final. According to senior officials believe, the plan is have to be resolved personally by the President. But, other officials believe, the plan is unlikely to be adopted, at least in major part.

The final plan will go to Congress, perhaps as soon as next week, as a formal executive reorganization proposal. Unless the plan is modified, Congressional observers said today, heated criticism is probable.

The merger plan covers 10 separate units that now engage in voluntary service. These range from the Peace Corps, with some 8,000 volunteers around the world, and VISTA, with about 4,500 around the country, to Green Thumb, which involves 2,900 older men in park and beautification work.

TWO MAJOR DIVISIONS

According to the plan, circulated by the President's Office of Management and Budget, these units would be organized into two major divisions, national and international.

The latter would consist principally of the Peace Corps, which "would continue in name and function overseas," the plan says.

In the national programs division, the merger plan says "VISTA as presently constituted would evolve into a series of 'corps' and supporting services."

The four corps proposed by the plan, however, appear to account for volunteer activities in only one of VISTA's six program fields—housing, community planning, social services, economic development, education and manpower, and health.

Housing, community planning and social services do not appear to be covered at all by the four proposed corps. Another new component would deal with economic development, but in a more limited way than does VISTA.

LIMITED EDUCATION UNIT

The merger plan includes an education component, but this is limited to the work of the Teacher Corps and does not encompass VISTA's work with street academies, tutoring and other education programs.

The only VISTA area of emphasis that is covered is health, one official said today, "and that is quite different."

VISTA's health efforts focus on community organization for health centers and volunteer medical help. The Health Corps proposed in the merger plan focuses on providing paramedical workers and trained assistants to communities with a shortage of health personnel.

It is unclear how this proposal would relate to the national Health Service Corps, including physicians as well as paramedical personnel that has been proposed by the Department of Health, Education and Welfare.

Inclusion of the Teacher Corps in the merger plan has aroused the Office of Education, where it is now located. After a controversy, it was decided that such a transfer would not be included in the reorganization plan. Such plans go into effect automatically in 60 days unless disapproved by either the House or Senate.

LEGISLATION PLANNED

Instead, the Teacher Corps shift is to be proposed in legislation that will permit full debate, a decision some officials believe is tantamount to killing the transfer proposal.

The proposed Public Safety Corps would put volunteers to work in police-community relations, "half-way houses" for prisoners, counseling and other nonhazardous activities

The Ecology Corps would provide skilled volunteers to advise public and private efforts in that field, it would provide full-time workers in such projects as management of agricultural waste and trail maintenance.

The merger plans also includes several proposed experiments. One would provide short-term service opportunities for "laid-off space engineers and other unemployed, but highly skilled, individuals, who have been affected by the vicissitudes of the economic conversion."

Another experiment proposes sabbatical leave for Federal employes who wish to work in community programs. The plan describes this as an extension of the Administration's revenue-sharing principle.

THE LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES,
Washington, D.C., April 20, 1971.

To: Senator Harrison A. Williams, 352 Old Senate Office Building.

From: Cynthia Hannum, Action Chairman, League of Women Voters of the United States.

Re: Joint Statement on the Future of the Office of Economic Opportunity.

For the past several months, the League of Women Voters has been the convenor of an ad hoc coalition which is concerned about people trapped in poverty conditions. The coalition came together out of common interest in the preservation of poverty programs nurtured by OEO. We met in the first instance last December in response to news about pending administrative and budgetary decisions relating to OEO and some of its more notable component programs—Community Action, Legal Services and VISTA.

At our most recent meeting, members of the ad hoc coalition prepared a statement on the future of OEO (see enclosed). The statement delineates six recommendations:

OEO program components, especially community action programs, should not be terminated or transferred to another agency without prior Congressional approval.

Strengthen and expand OEO by extending the EOA Act for at least two years.

OEO should receive increased funding.

The legal services program should be strengthened and expanded.

The VISTA program should be preserved and maintained in OEO.

The local share for community action and other OEO programs should not be raised to 25 percent.

The following organizations have joined in signing the enclosed statement:

Action for Legal Rights.
Actors Equity Association.
Adult Education Association of the U.S.A.
African Methodist Episcopal Church.
Alliance for Labor Action.
American Association of University Women.
American Baptist Convention.
American Ethical Union—Washington Office.
AFL–CIO Industrial Union Department.
American Federation of State, County, and Municipal Employees.
American Humanist Association—Washington Office.
American Institute of Architects.
American Institute of Planners.
Hyman Bookbinder, American Jewish Committee.
American Jewish Congress.
Americans for Democratic Action.
American for Indian Opportunity Action Council.
Anti-Defamation League of B'nai B'rith.
B'nai B'rith Women.
Central Conference of American Rabbis.
Center for Community Affairs.
Church Women United—Greater Washington.
City Wide Tenants Union.
Common Cause.
Council for Christian Social Action, United Church of Christ.
Day Care and Child Development Council of America.

Environmental Action, Inc.

Friends Committee on National Legislation.

Hadassah.

The Independent Foundation.

International Union of District 50, Allied and Technical Workers.

International Union of Electrical, Radio and Machine Workers, AFL–CIO.

Japanese American Citizens League.

Jewish War Veterans.

League of Women Voters of the U.S.

Mennonite Central Committee—Peace Section.

Nash United Methodist Church.

National Assembly for Social Policy and Development.

National Association for the Advancement of Colored People.

National Association of College Women.

National Association for Community Development.

National Alliance of Postal and Federal Employees.

Al Whitney, National Association of Government Employees.

National Association of Market Developers.

National Association of Social Workers.

National Bar Foundation.

National Beauty Culturist League.

National Conference of Catholic Charities.

National Council on Aging.

National Council of Catholic Women.

National Council of Churches.

National Council of Negro Women.

National Council of OEO Locals.

National Dental Association.

National Farmer's Union.

National Federation of Settlements and Neighborhood Centers.

National Jewish Welfare Board.

National Legal Aid and Defender Association.

National Medical Association Women's Auxiliary.

National Rural Housing Coalition.

National Urban Coalition.

National Urban League.

Ntional Sharecroppers Fund.

National Student Association.

National Tenants Organization.

National Vista Alliance.

National Welfare Rights Organization.

OEO Local 2677 American Federation of Government Employees.

Pioneer Women—The Women's Labor Zionist Organization of America.

Planned Parenthood—World Population.

Southwest Council of La Raza.

Synagogue Council of America.

Union of American Hebrew Congregations.

Unitarian Universalist Association—Washington Office.

United Auto Workers—Womens Department.

United Methodist Church, Womens Division.

United Presbyterian Church of the U.S.A.

U.S. Catholic Conference, SW Regional Office, Division for the Spanish.

David Dorn, U.S. Youth Council.

United Steel Workers of America—AFL–CIO.

Vernon Jordon, Exec. Director, United Negro College Fund, Inc.

Washington Office of the National Board of YMCA's.

Washington Research Project—Action Council.

Women's International League for Peace and Freedom.

Workers Defense League.

National Board of the YWCA of the U.S.A.

Zero Population Growth, Inc.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed International Voluntary Standards Cooperation Act of 1971

A letter from the Acting Secretary of Commerce, submitting a draft of proposed legislation to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities and for other purposes (with accompanying papers); to the Commitee on Commerce.

Proposed Seamen's Documentation Act

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to revise and improve the laws relating to the documentation of seamen (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Northwest Atlantic Fisheries Act of 1950, as Amended, the North Pacific Fisheries Act of 1954, as Amended, and for Other Purposes

A letter from the Assistant Secretary for Congressional Relations, Department of State, submitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes (with accompanying papers); to the Committee on Commerce.

Report of Statistics of Privately Owned Electric Utilities in the United States, 1969

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report entitled "Statistics of Privately Owned Electric Utilities in the United States, 1969" (with an accompanying report); to the Committee on Commerce.

Proposed National Health Insurance Partnership Act of 1971

A letter from the Secretary of Health, Education, and Welfare, submitting a draft of proposed legislation to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations by prohibiting state law interference with such organizations providing such services, and for other purposes (with accompanying papers); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for interagency consideration of applications for investment surveys and guaranties involving potential displacement of U.S. agricultural exports, Agency for International Development, Department of State, Department of Agriculture, Overseas Private Investment Corporation (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effective conversion of National Guard technician positions to Federal positions in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on evaluation of information from contractors in support of claims and other pricing changes on ship construction contracts issued by the Department of the Navy (with an accompanying report); to the Committee on Government Operations.

Report on the Anthracite Mine Water Control and Mine Sealing and Filling Program

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the anthracite mine water control and mine sealing and filling program (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Amend the Act of September 26, 1970

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to amend the act of September 26, 1970 (84 Stat. 884) (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposal Regarding the National Wilderness System

A letter from the President of the United States, transmitting proposals which would add to the National Wilderness System vast areas where nature still predominates (with accompanying material); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Establish Age Limitations for Certain Appointments

A letter from the Attorney General of the United States, submitting a draft of proposed legislation to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Increase the Retirement Benefits of Referees in Bankruptcy

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy (with accompanying papers); to the Committee on the Judiciary.

Ten-State Nutrition Survey in the United States

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Ten-State Nutrition Survey in the United States, 1968–1970" (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the General Assembly of the State of Iowa; to the Committee on Agriculture and Forestry:

"Senate Concurrent Resolution 34

"Whereas, the United States Department of Agriculture Veterinary Biololgics Division Laboratory situated at Ames, Iowa, is ideally located in the feeu grains and livestock center of the United States and adjacent to the National Animal Disease Laboratory and the Veterinary College of Iowa State University; and

"Whereas, the successful continuation and coordination of its work is vitally important to the basic industry of Iowa, and the loss of the employment of some one hundred persons with a payroll of one million dollars annually would be a severe economic depressant to the city of Ames and the state of Iowa; and

"Whereas, recent news articles have reported on the possibility of transferring the laboratory from Ames, Iowa, to Fort Detrick, Maryland, which follows by only two years a proposal to move this facility to Lincoln, Nebraska, now therefore.

"Be it resolved by the Senate, the House concurring, That the General Assembly deplores and opposes any plan or proposal to move the United States Department of Agriculture Veterinary Biologics Division Laboratory from its present location in Ames, Iowa; and

"Be it further resolved, That copies of this Resolution be directed to the President and

Vice President of the United States, the Secretary of Agriculture of the United States; and that copies of this Resolution combined with the General Assembly's expression of appreciation for efforts in this regard be directed to the Iowa delegation in the United States Congress, and to the Governor of Iowa."

A joint resolution of the legislature of the State of Kansas; to the Committee on Appropriations:

"House Joint Resolution No. 1002

"(A Joint Resolution memorializing the Congress of the United States to reconsider its actions on funding development of the supersonic transport.)

"Whereas, The state of Kansas has long been a leader in the aerospace industry; and

"Whereas, The city of Wichita in Sedgwick county is the home of many thousands of highly skilled, dedicated and experienced aircraft workers, scientists, technologists and engineers and is the site of large aircraft manufacturing plants; and

"Whereas, In the city of Wichita there is situated a large unit of the Boeing Company, a manufacturing plant which has contributed magnificently to the military efforts and peaceful activities of the United States and the free world; and

"Whereas, The economy of Wichita, its surrounding area and the state of Kansas are grievously depressed, unemployment is high and the economy weak; and

"Whereas, The skills and talents of the people of Wichita must be preserved now and for the future; and

"Whereas, The United States will lose markets and suffer losses of prestige should it not be competitive in the world markets: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas, the Senate agreeing thereto:*

"Section 1. The legislature of the state of Kansas hereby respectfully petitions the Congress of the United States to reconsider its actions on denial of funds for design, prototype construction and flight demonstrations of the supersonic transport. The legislature further urges that all conclusions as to the effect by the supersonic transport upon the environment be held in abeyance until after ample test flights have been made.

Sec. 2. The secretary of state is hereby directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health Education and Welfare, the Secretary of Defense, the Secretary of Labor, each member of the Kansas delegation to the Congress of the United States and to the Governor, the President of the Senate and the Speaker of the House of Representatives of the state of Washington, Olympia, Washington 98501.

"Sec. 3. This joint resolution shall take effect and be in force from and after its publication in the official state paper."

A resolution of the Senate of the State of Oklahoma; to the Committee on Commerce:

"Enrolled Senate Resolution No. 33

"A resolution relating to driver regulations for trucks used in the transportation of farm or ranch products under proposed new driver regulations of the Department of Transportation; petitioning the Secretary of Transportation to devise and adopt certain exemptions to regulations that hinder the production of agricultural crops; and directing distribution

"Whereas, the economy of the State of Oklahoma is dependent to a large extent upon agriculture; and

"Whereas, transportation is vital to agricultural production, and more specifically the operation of trucks and other motor vehicles weighing up to 40,000 pounds gross weight is an indispensable part of today's mechanized system of farming and ranching; and

"Whereas, the agriculture segment of the economy continues to face a diminishing labor supply and it is difficult for the employing farmer and rancher to hire individuals, let alone those possessing certain age and physical qualifications as required by the new driver regulations for farm truck operators.

"Now, therefore, be it resolved by the Senate of the 1st session of the 33rd Oklahoma Legislature:

"Section 1. The Secretary of the Department of Transportation is respectfully urged to enact regulations providing for exemptions from such regulations that prohibit a farmer, rancher or custom operator from hiring a person under the age of twenty-one, and from requiring an ICC physical examination of such hired person but otherwise qualified in all respects, for the purpose of operating a farm truck, weighing up to 40,000 pounds gross weight, for hauling supplies or products to or from the place of sale or purchase.

"Section 2. Be it further resolved that authenticated copies of this Resolution be transmitted to:

"1. The President of the United States;

"2. The Presiding Officers of the United States Senate and House of Representatives;

"3. Each member of the Oklahoma Congressional Delegation; and

"4. The Secretary of the Department of Transportation.

Adopted by the Senate the 20th day of April, 1971."

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Rules and Administration:

"House Concurrent Resolution No. 1041

"A Concurrent Resolution memorializing the congress of the United States to return the statue of George W. Glick, presented by the state of Kansas for placement in Statuary Hall and to accept in return, for placement in Statuary Hall, a statue of Dwight David Eisenhower

"Whereas, By act of congress, each state is invited to provide and furnish statues, not exceeding two in number, of deceased persons who have been citizens thereof and illustrious for their historic renown or from distinguished civic or military services, such as the state shall determine to be worthy of national commemoration in a national statuary hall; and

"Whereas, The state of Kansas has had one citizen, Dwight David Eisenhower, who stands alone in the history of this state in achievement of a distinguished career in both the civic and military services, a man whose destiny led him from a boyhood home in Abilene, Kansas, to lead the armies of his nation and those of the free world in one of the greatest and most historic military engagements of all time and to lead the people of his nation in peace as the 34th president of the United States; and

"Whereas, Dwight D. Eisenhower, citizen of Kansas, General of the Army, President of the United States and honored and respected friend of presidents, kings and leaders and peoples of the free world is eminently worthy of national commemoration in a national statuary hall; and

"Whereas, The state of Kansas in years past did provide for the placing of two statues of distinguished citizens of Kansas in statuary hall; and

"Whereas, One of such statues is of the Honorable George W. Glick, a man who although he did not hold national office or win national or international acclaim, was a most honored and distinguished governor and legislative and civic leader in the state of Kansas; and

"Whereas, Governor Glick can best be honored by the placing of his statue in the Memorial hall of the Kansas state historical society among the paintings, photographs, artifacts, mementos, materials and objects illustrative of the history of the state in which he played such a distinguished part: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature of the state of Kansas respectfully requests that the congress of the United States return the statue of George W. Glick presented by the state of Kansas for placement in Statuary Hall and accept in return, for replacement in Statuary Hall, a statue of Dwight David Eisenhower, a citizen of the free world, and worthy of national commemoration in Statuary Hall.

"*Be it further resolved:* That the secretary of state is directed to transmit enrolled copies of this resolution to the president of the Senate of the United States, the speaker of the House of Representatives of the United States and to each member of the Kansas Delegation in the congress of the United States."

A resolution of the City Council of Chino, Calif.; to the Committee on Finance.

A letter from certain employees of the Argonne National Laboratory, Argonne, Ill., requesting protection for the people of East Pakistan (East Bengal); to the Committee on Foreign Relations.

A resolution of the Common Council of the City of Evansville, Ind.; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McINTYRE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1260. A bill to amend the Small Business Act (Rept. No. 92–90).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

H.R. 4246. A bill to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization (Rept. No. 92–89).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable executive reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Catherine May Bedell, of Washington; David Walbridge Kendall, of Michigan; and John A. Volpe, Secretary of Transportation; to be members of the board of directors of the National Railroad Passenger Corporation, for a term of 2 years;

Frank S. Besson, Jr., of Virginia, David E. Bradshaw, of Illinois; and Charles Luna, of Ohio; to be members of the Board of Directors of the National Railroad Passenger Corporation, for a term of 3 years; and

John J. Gilhooley, of New York; and Roger Lewis, of New York; to be members of the Board of Directors of the National Railroad Passenger Corporation, for a term of 4 years.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT (for himself, Mr. HART, Mr. MATHIAS, and Mr. KENNEDY):

S. 1664. A bill to authorize appropriations for the Commission on Civil Rights. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia for Mr. WILLIAMS (for himself, Mr. BEALL, Mr. PELL, Mr. MUSKIE, Mr. MATHIAS, Mr. RANDOLPH, and Mr. MONDALE):

S. 1665. A bill to amend the Rail Passenger Service Act of 1970 in order to prevent the discontinuance pursuant to such act of intercity rail passenger service which provides service for a substantial number of regular commuter passengers. Referred to the Committee on Commerce.

By Mr. CHURCH (for himself, Mr. MANSFIELD, and Mr. METCALF):

S. 1666. A bill to provide for the transportation of mail by the National Rail Passenger Corporation. Referred to the Committee on Post Office and Civil Service.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 1667. A bill for the relief of Antonio Costanzo. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1668. A bill to establish a Lufkin Division in the eastern district of Texas, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. BAKER, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOMINICK, Mr. FONG, Mr. GRIFFIN, Mr. PERCY, Mr. SCHWEIKER, Mr. SCOTT, Mr. TAFT, and Mr. TOWER):

S. 1669. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern. Referred to the Committee on Labor and Public Welfare.

By Mr. TALMADGE (by request):

S. 1670. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (by request):

S. 1671. A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 1672. A bill to amend section 312 of the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1673. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S. 1674. A bill for the relief of Josefa V. Aquino. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 1675. A bill for the relief of Antonio Plameras. Referred to the Committee on the Judiciary.

By Mr. FONG:

S. 1676. A bill for the relief of Lucilo Mejia Bolaoen;

S. 1677. A bill for the relief of Rodolfo Evangelista Corpuz;

S. 1678. A bill for the relief of Zosima Batoon;

S. 1679. A bill for the relief of Elpidio D. Ybarzabal, Junior; and

S. 1680. A bill for the relief of Angel Gamo Enriquez. Referred to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. MCGEE):

S. 1681. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; and

S. 1682. A bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. BENTSEN:

S. 1683. A bill for the relief of Natan Levy, Isabel Aron Josub Levy, Elias Levy, and Jane Esther Levy. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. COTTON) by request:

S. 1684. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 1685. A bill to provide for the establishment and enforcement of certain interim safety standards for power rotary lawn mowers. Referred to the Committee on Commerce.

S. 1686. A bill for the relief of Mrs. Vimala Subbiah, A18 981 208, Miss Meena Kumari Subbiah, Miss Ponni Subbiah, Miss Komathi Subbiah. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1687. A bill for the relief of Tait Stevedoring Co., Inc. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1688. A bill to authorize the granting of mineral rights to certain homestead patentees who were wrongfully deprived of such rights. Referred to the Committee on Interior and Insular Affairs.

S. 1689. A bill to authorize the payment of a special death gratuity to the widow, children, and parents of members of the Armed Forces who lost their lives on the U.S. ship *Scorpion*. Referred to the Committee on Veterans' Affairs.

By Mr. GURNEY:

S. 1690. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 1691. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON (by request):

S. 1692. A bill to provide for the development or approval of test methods for consumer products;

S. 1693. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes;

S. 1694. A bill to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of one year;

S. 1695. A bill to authorize appropriations to carry out the Standard Reference Data Act;

S. 1696. A bill to require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; and

S. 1697. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968. Referred to the Committee on Commerce.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 1698. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for seven months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for seven months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes.

(Second reading objected to. See debate thereon which appears later in the RECORD.)

By Mr. MAGNUSON (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. CANNON, Mr. CHILES, Mr. CRANSTON, Mr. FANNIN, Mr. GRAVEL, Mr. GURNEY, Mr. HARRIS, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. JORDAN of North Carolina, Mr. INOUYE, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PEARSON, Mr. PERCY, Mr. RANDOLPH, Mr. STEVENS, and Mr. TUNNEY):

S. 1699. A bill to establish a National Environmental Bank, to authorize the issuance of United States Environmental Savings Bonds, and to establish an Environmental Trust Fund. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. TOWER, and Mr. BENNETT):

S. 1700. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. METCALF (for himself, Mr. MANSFIELD, and Mr. CHURCH):

S. 1701. A bill to amend the Rail Passenger Service Act of 1970 in order to give the States and consumer organizations certain rights under such Act. Referred to the Committee on Commerce.

By Mr. BURDICK (for himself and Mr. YOUNG):

S. 1702. A bill to authorize the Secretary of the Interior to accept trust title to lands within the Fort Totten Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL:

S. 1703. A bill for the relief of Maria Margarida Machado de Lemos;

S. 1704. A bill for the relief of Jaime Machado de Lemos;

S. 1705. A bill for the relief of Virginio Da Costa Medeiros;

S. 1706. A bill for the relief of Antonio Machado de Lemos;

S. 1707. A bill for the relief of Antonio Ponte;

S. 1708. A bill for the relief of Rosa Ponte;

S. 1709. A bill for the relief of Leonardo Manuel da Camara Pacheco;

S. 1710. A bill for the relief of Terezinha de Jesus Mota Alves do Couto Pacheco;

S. 1711. A bill for the relief of Sandra Pacheco;

S. 1712. A bill for the relief of Jacinto Vasconcelos Franco;

S. 1713. A bill for the relief of Delino da Conceicao Cunha;

S. 1714. A bill for the relief of Odete Fernandes de Oliveira Cunha;

S. 1715. A bill for the relief of Maria Luciana de Oliveira Cunha;

S. 1716. A bill for the relief of Maria de Fatima Oliveira Cunha;

S. 1717. A bill for the relief of Elisio Antonio de Oliveira;

S. 1718. A bill for the relief of Maria Madalena Machado Oliveira;

S. 1719. A bill for the relief of Maria Isabel Ponte Almeida;

S. 1720. A bill for the relief of Manuel Machado Cardoza dos Santos; and

S. 1721. A bill for the relief of Antonio Fernando Toste de Sousa. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1722. A bill to provide Federal financing for the provision, by States the law of which provides for the payment of extended un-

employment compensation, of payments of unemployment compensation for an additional period (up to 26 weeks) in the case of individuals whose entitlement, under State law, to unemployment compensation has been exhausted.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 1723. A bill to declare Leech Lake, Cass Lake, and Winnibigoshish Lake in the State of Minnesota to be nonnavigable waters for certain purposes. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 1724. A bill to expand the home improvement loan program under sections 203(k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of the owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE (for himself, Mr. EAGLETON, Mr. MCGOVERN, and Mr. MOSS):

S. 1725. A bill to accelerate the effective dates of individual income tax reductions provided by the Tax Reform Act of 1969; to restore the investment credit for small business enterprises; and to provide for the payment of federally financed extended unemployment compensation under Federal-State agreements.

By Mr. HATFIELD:

S.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of Senators and Representatives in Congress. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself, Mr. HART, Mr. MATHIAS, and Mr. KENNEDY):

S. 1664. A bill to authorize appropriations for the Commission on Civil Rights. Referred to the Committee on the Judiciary.

Mr. SCOTT. Mr. President, I am pleased to join the senior Senator from Michigan (Mr. HART) in introducing this bill to increase the authorization for appropriations for the U.S. Commission on Civil Rights to $4 million. This proposed increase has already been approved by the Office of Management and Budget.

To bring the Senate up to date in this matter, the 91st Congress increased the authorization for the Commission by $750,000. This was the first increase granted the Commission since 1968 when the authorization was fixed at $2,650,000 and was intended to restore the Commission to its operating capacity of that year. Now the Office of Management and Budget has approved a modest increase in the appropriations request to enable the Commission to widen its program to take in new subjects of civil rights concern and to open a field office located in an area convenient to the center of the American Indian population.

The amount of the appropriation requested for the Commission in the budget is $3,800,000. This amount is $400,000 in excess of the current authorization for appropriations. Thus, authorizing legislation for the increased appropriation requested for the Commission is necessary. In addition, the Office of Management and Budget approved an authorization figure of $4,000,000—$200,000 in excess of the requested appropriation—to enable the Commission to request supplemental appropriations should that become necessary later in the fiscal year.

I can recall quite vividly the origins of the Civil Rights Commission. In fact, I cosponsored and voted for the bill to create it while serving in the House of Representatives in 1957. Since that time, I have supported every effort to extend its life and to expand its activities. The bill I am sponsoring today is merely another step in the direction of full equality for all Americans.

Mr. President, I ask unanimous consent to insert, at this point in the RECORD, several items documenting more fully the proposed budget and activities of the Commission. In addition, I wish to include a letter of transmittal to the Vice President written by the Commission's Chairman, Theodore M. Hesburgh, and a letter of approval submitted by the Office of Management and Budget.

Mr. President. I introduce this bill for appropriate reference and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1664

A bill to authorize appropriations for the Commission on Civil Rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e) as amended, is further amended to read as follows: "For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $4,000,000, and for each fiscal year thereafter until January 31, 1973, the sum of $4,000,000."

U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST BY OBJECT CLASSIFICATION

[In thousands of dollars]

		Fiscal year—		
		1971 estimate	1972 estimate	Increase
	Personnel compensation:			
11.1	Permanent positions	2,094	2,381	287
11.3	Positions other than permanent	136	149	13
11.5	Other personnel compensation	32	32	
11.8	Special personal service payments	2	2	
	Total personnel compensation	2,264	2,564	300
12.1	Personnel benefits	164	191	27
21.0	Travel and transportation of persons	238	280	42
22.0	Transportation of things	9	9	
23.0	Rent, communications, and utilities	202	232	30
24.0	Printing and reproduction	146	167	21
25.0	Other services	236	270	34
26.0	Supplies and materials	49	54	5
31.0	Equipment	15	33	18
99.0	Total obligations	3,323	3,800	477

Note: The $200,000 difference between the $3,800,000 appropriation request and the $4,000,000 authorization request would be used as authority for the Commission to be included in any governmentwide supplemental appropriation requests made necessary by mandatory Federal salary increases.

U. S. COMMISSION ON CIVIL RIGHTS—PROPOSED NEW PROJECTS FY 1972

1. A study of political participation by minority group members in selected states during the Spring of 1972, including the evaluation of the effects of the extended Voting Rights Act.

2. A study of equal protection of the laws in State, local, and Federal correctional institutions effecting prisoners generally and minority group prisoners particularly.

3. A study of equal opportunity in the military service.

4. A study assessing the effectiveness of Government efforts to eliminate restrictive employment practices required or supported by unions and internal restrictive union practices which limit minority employment, promotion, and union participation.

5. A study examining the extent to which health services are provided to minority citizens on a nondiscriminatory basis.

6. Current discussion guides to be used by adult groups dealing with specific civil rights issues in such fields as education, housing, and employment.

7. A publication describing examples of successful use of civil rights laws to achieve equal opportunity.

8. Two films dealing with Mexican Americans and the general topic of racism.

9. A seventh field office covering the North and Central Plains and Mountain States will be opened. This office will be located where it can service a large proportion of the American Indian minority.

Washington, D.C., April 1, 1971.

The VICE PRESIDENT,
United Staates Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal with regard to the appropriations authorization for the Commission on Civil Rights.

Congress established the Commission on Civil Rights in the Civil Rights Act of 1957. Its reports and recommendations have provided a basis for legislation and executive action taken during the past fourteen years to assure equal rights. In 1964 Congress authorized a civil rights clearinghouse function for the Commission. Since then the Commission has engaged in a vigorous program of fact dissemination to inform the American people concerning the dimensions of the problems of civil rights and the nature of the remedies required to solve these problems.

It is now generally recognized that civil rights problems are more complex than they were once thought to be. An impressive array of civil rights laws and programs have been enacted. Progress has been made, yet the goal has been furthered by the independent critical appraisal of Federal laws and policies respecting denials of equal protection of the laws exercised by the Commission on Civil Rights. In the months and years ahead the Commission's role as an independent critic will continue to be of use to Congress and the Executive, as well as the Nation.

In 1967, the life of the Commission was extended to 1973. At the same time, based on the needs of the Commission as of 1968, a ceiling was set on its authorizations. Last year, Congress acted for the first time in three years to raise that ceiling by a modest amount which was intended to restore the Commission to its operating capability as of 1968.

This proposal would raise the Commission's authorization from $3,400,000 to $4,000,000. The amount requested to be authorized reflects an additional $400,000 requested to be appropriated for the Commission on Civil Rights in the Budget for Fiscal Year 1972 plus $200,000 for supplemental appropriations requests, if such become necessary.

Accordingly, it is recommended that the Congress promptly consider and enact this legislation.

The Office of Management and Budget has advised that there would be no objection to the submission of this proposal and that its enactment would be consistent with the Program of the President.

Sincerely,

THEODORE M. HESBURGH,
Chairman.

Enclosures.

EXECUTIVE OFFICE OF THE
PRESIDENT, OFFICE OF
MANAGEMENT AND BUDGET,
Washington, D.C., March 4, 1971.

Mr. HOWARD A. GLICKSTEIN,
Staff Director, Commission on Civil Rights,
Washington, D.C.

Attention: Mr. Jonathan W. Fleming.

DEAR MR. GLICKSTEIN: This is in reply to your letter of February 9, 1971, requesting advice on a draft bill "To authorize appropriations for the Commission on Civil Rights."

There is no objection to the submission of this draft bill to the Congress and its enactment would be consistent with the Administration's objectives.

Sincerely,

WILFRED H. ROMMEL, *Assistant Director for Legislative Reference.*

By Mr. BYRD of West Virginia for Mr. WILLIAMS (for himself, Mr. BEALL, Mr. PELL, Mr. MUSKIE, Mr. MATHIAS, Mr. RANDOLPH, and Mr. MONDALE):

S. 1665. A bill to amend the Rail Passenger Service Act of 1970 in order to prevent the discontinuance pursuant to such Act of intercity rail passenger service which provides service for a substantial number of regular commuter passengers. Referred to the Committee on Commerce.

TO PRESERVE COMMUTER RAIL SERVICE UNDER AMTRAC

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in behalf of the Senator from New Jersey (Mr. WILLIAMS) to introduce a bill to amend the Rail Passenger Service Act of 1970 to prevent the discontinuance pursuant to such act of intercity rail passenger service which provides for a substantial number of regular commuter passengers. I further ask unanimous consent to have printed in the RECORD the bill and a statement prepared by Mr. WILLIAMS in connection therewith, entitled "To Preserve Commuter Rail Service Under AMTRAC."

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

S. 1665

A bill to amend the Rail Passenger Service Act of 1970 in order to prevent the discontinuance pursuant to such Act of intercity rail passenger service which provides service for a substantial number of regular commuter passengers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404 of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new subsection as follows:

"(c) Notwithstanding any other provision of this Act nothing in this Act shall authorize the discontinuance of any intercity rail rail passenger service between any two cities which was provided prior to May 1, 1970, if during the year preceding such date on an average basis at least 50 per centum of the passengers using such service were regular commuter passengers to either such city."

Mr. WILLIAMS' statement is as follows:

TO PRESERVE COMMUTER RAIL SERVICE UNDER AMTRAC

Mr. President, I have just introduced a bill to amend the legislation which established the National Railroad Passenger Corporation—commonly referred to as Amtrac. This bill is necessary in order to correct an unfortunate adverse effect the basic Amtrac legislation is having on commuter rail service.

An examination of the legislative history of the Amtrac legislation reveals that it was designed to affect intercity passenger service only. Briefly, Amtrac is supposed to decide what basic passenger service is to be provided between various cities, and it is then supposed to see that such service is provided, generally by contracting with the individual railroads. The railroad would then be allowed to discontinue all other *intercity* service between the cities in question. It was not intended that these railroads be allowed to discontinue commuter service. Unfortunately, however, it is possible for them to discontinue service which is, in fact, commuter service simply because the train involved happens to run between two different cities. It is, therefore, an intercity train within the definition of the legislation.

It is not certain at this time exactly how many trains fall in the category of which I speak. One specific instance has been brought to my attention in which the lives of a large number of people will be seriously affected by the discontinuance of a so-called intercity train which has in fact been used by a large majority of its passengers as a commuter train for many years.

While this is only one specific example, I am afraid there may be a great many more instances in which vitally needed commuter service is being disrupted because the train involved runs between two or more cities.

Mr. President, as our urban areas become ever more congested; as they become ever more choked by their own traffic jabs; it becomes increasingly clear that we must provide more and more high speed ground transportation by which people may get from their homes to their jobs. I have long fought for programs which would increase the available amount of mass transportation services. I cannot now stand idly by and watch Amtrac cause a *decrease* in commuter rail service in the name of improving intercity service.

Mr. President, my bill would make it impossible, under the Amtrac legislation, for the railroads to discontinue any service where more than 50 percent of the passengers are commuters. I urge the Senate Commerce Committee to take immediate and favorable action on this bill. Not to so act will adversely affect the lives of many people. It will be a setback in our continued efforts to increase commuter rail service.

By Mr CHURCH (for himself, Mr. MANSFIELD, and Mr. METCALF):

S. 1666. A bill to provide for the transportation of mail by the National Rail Passenger Corporation. Referred to the Committee on Post Office and Civil Service.

LET US PUT MORE MAIL ON PASSENGER TRAINS

Mr. CHURCH. Mr. President, one of the most serious problems facing the new National Rail Passenger Corporation is adequate revenue to assure that the system can be truly national in scope.

One action which Congress can take to enlarge the revenue of AMTRAK would be to require the Post Office Department to give priority to AMTRAK trains in the shipment of mail. Accordingly, on behalf of myself and the distinguished Senators from Montana, Mr. MANSFIELD and Mr. METCALF, I introduce legislation which, if enacted, would achieve that goal.

Mr. President, I ask unanimous consent that my recent testimony before the Surface Transportation Subcommittee of the Senate Commerce Committee, which discusses this possibility and other related matters, appear at this point in the RECORD, along with the text of the bill I am introducing this morning.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1666

A bill to provide for the transportation of mail by the National Rail Passenger Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5203(c) of title 39, United States Code, is amended—

(1) by striking out "The" and inserting in lieu thereof the following: "(1) Except as otherwise provided in paragraph (2) of this subsection, the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, in any case where adequate service in the transportation of mail is offered by the National Rail Passenger Corporation, the Postal Service shall give priority to the use of such service for such transportation."

STATEMENT BY SENATOR FRANK CHURCH

AMTRAK

Mr. Chairman, I would like to thank this Committee for the opportunity to testify on the National Rail Passenger System at these oversight hearings. Before proceeding further, I should like to make clear my position on the proposed system—whether it is called RAILPAX or AMTRAK, the label attached most recently to the system established by Public Law 91–518. Perhaps I should say the system established by the Department of Transportation and the incorporators of the National Rail Passenger System, for I feel that it bears little resemblance to what Congress envisioned when it passed the law in question.

I support improvement and preservation of this nation's rail passenger system. I support innovative programs to increase ridership. I support research to make high speed train travel in our nation economically feasible and practically sound. I will support legislation which may be necessary in the future to achieve these goals for I strongly feel that rail transportation must become an integrated part of an adequate national transportation system.

I do not support AMTRAK as it is presently constituted. It is in clear derogation of the expressed purpose of Congress in passing the Rail Passenger Service Act of 1970 that the system proposed by the Secretary of Transportation and established by the Incorporators of AMTRAK be "national" in scope. The actual proposal leaves six states totally devoid of any rail passenger service. Idaho is left with only token service furnished to the town of Sandpoint in the northern panhandle of the State. Totally ignored are the three major population areas of the State—Pocatello, Twin Falls and Boise, the State Capitol. Boise is 440 miles from Sandpoint, Pocatello, 534 miles, and Twin Falls, 573 miles. Thus, the system leaves no service whatsoever to that part of Idaho where most of the people live.

As one Senator, I can assure this Committee and the incorporators of AMTRAK that, unless service is extended to all of the 48 contiguous states, and meaningful service is provided to states like my own, I will oppose any funds for this system.

Mr. Chairman, I have received hundreds of letters from concerned Idahoans asking that rail service be preserved. In response to their pleas, I introduced, on February 26 of this year, S. 1018, a bill which would require the Secretary of Transportation to designate, and the Incorporators to implement, an extension of the basic system to include at least one major population center in each of the contiguous 48 states.

I feel this would be a sound approach inasmuch as it leaves considerable discretion in the hands of the Secretary to choose the most feasible routes, and treats with equity all of the states involved in the system. It would aid immensely in making the network the truly *national* system which Congress envisioned in the passage of the Act.

I am aware that the distinguished Senator from Ohio, Mr. Taft, has also introduced legislation which would enlarge the public subsidy to AMTRAK to cover the cost of adding certain designated lines, one of which would run through the southern portion of Idaho. When I introduced S. 1018, I stated that I was not wedded to any particular formula. Should this Committee favor the approach of Senator Taft, I certainly would support his legislation. It is not important whose bill succeeds; it is only important that the public, including the people of Idaho, be assured adequate rail passenger service.

In addition, Mr. Chairman, there are other approaches available to strengthen the financial prospects for AMTRAK. The Post Office Department could be directed to use AMTRAK trains to the maximum extent feasible in transporting mail. This Committee wisely provided for such a possibility when it enacted the Rail Passenger Service Act. Section 305 of the law authorizes the Corporation to carry mail. According to the Committee Report on S. 3706, rail mail transportation amounted to $204 million in revenue to the railroads in 1969. The Union Pacific Railroad, which serves my state, had mail income of $13,378,676, of which $10,926,926 was carried by freight trains, and $2,451,750 by passenger trains. Since AMTRAK is designed to carry passengers to many of our largest population centers, it would certainly seem feasible for more mail to be carried by these passenger trains. This could significantly enhance the income to AMTRAK and enable it to expand its passenger system.

There is another possibility. It is obvious from reading the *Congressional Record* that there is serious disagreement over the action of the Department of Transportation and the Incorporators of AMTRAK. Considerable difficulty is being encountered in setting up the system and in seeing to it that workers affected by the proposal are adequately protected. A number of legislative remedies have been introduced. Accordingly, I hope the Committee will give thought to the possibility of delaying the final implementation of AMTRAK for at least 60 days to give Congress time to work its will on the proposals which have been presented.

The damage done will be severe if trains are discontinued before Congress can act upon these proposals. A 6 month extension of existing service will avoid the problem of starting again from scratch those discontinued services which might be reinstated As this Committee wisely noted, in its report on the original bill:

"Once passenger service on any given route is discontinued, stations, terminals, signals and necessary trackage are abolished shortly thereafter; sales and marketing organizations are disbanded; travel is diverted to other modes and must be lured back to the trains from scratch."

Mr. Chairman, I ask that these remedial proposals be given careful scrutiny by this Committee. We need a viable rail passenger transportation network for the whole country. Congress should come to the rescue of the states that have been left out.

By Mr. TOWER:

S. 1668. A bill to establish a Lufkin Division in the eastern district of Texas, and for other purposes. Referred to the Committee on the Judiciary.

LUFKIN DIVISION IN THE EASTERN DISTRICT OF TEXAS

Mr. TOWER. Mr. President, today I am introducing a bill which provides for the establishment of a new division of the U.S. district court for the eastern district of Texas to be located in Lufkin. At present the areas which would be served by a Lufkin division are located in the Tyler division and the Beaumont division. There are six divisons in the eastern district of Texas and of these, the Tyler and Beaumont divisons serve approximately 63 percent of the population and over 50 percent of the geographic area of the district. A new division in Lufkin would distribute this burden more evenly.

Last December, I wrote to the Administrative Office of the U.S. Courts presenting this proposal. I understand that it has been referred to the Committee on Court Administration of the Judicial Conference of the United States for study and recommendation. I have also written to presidents of the county bar associations and county attorneys of the counties which would be included in the proposed new division. All the response which I have received has been favorable.

The counties which I propose be included in the new Lufkin division are as follows:

Angelina, Shelby, Tyler, Cherokee, San Augustin, Nacogdoches, Trinity, Jasper, Sabine, Houston, Polk, Newton.

Two of these counties, Trinity and Polk, are presently located in the Houston division of the southern district of Texas but both counties border on Angelina and are by far closer to Lufkin than to Houston.

I believe that this new division would provide a more equitable geographic balance and improve the administration of justice in the area of east Texas. There has recently been created a third judgeship for the eastern district of Texas and, with this additional judge, and the removal of a percentage of the cases from the Tyler and Beaumont divisions to Lufkin, all litigants would be insured of a more speedy trial.

This proposal has the broad support of the legal profession and the citizens in the area of east Texas it will affect. At this period, when the dockets of the Federal courts are increasing considerably the establishment of this new division will be of immense benefit to the citizenry of the area and to the cause of justice.

By Mr. PROUTY (for himself, Mr. Baker, Mr. Bennett, Mr. Brock, Mr. Buckley, Mr. Dominick, Mr. Fong, Mr. Griffin, Mr. Percy, Mr. Schweiker, Mr. Scott, Mr. Taft, and Mr. Tower):

S. 1669. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern. Referred to the Committee on Labor and Public Welfare.

EDUCATION REVENUE SHARING ACT OF 1971

Mr. PROUTY. Mr. President, on behalf of myself and Senators Baker of Tennessee, Bennett of Utah, Brock of Tennessee, Buckley of New York, Dominick of Colorado, Fong of Hawaii, Griffin of Michigan, Percy of Illinois, Schweiker of Pennsylvania, Scott of Pennsylvania, Taft of Ohio, and Tower of Texas, I am introducing today, for the President, the President's proposed Education Revenue Sharing Act. I ask unanimous consent that a copy of the bill, a section-by-section analysis of the bill, and a summary of the bill be printed in the Record at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. As the ranking Republican on the Education Subcommittee of the Committee on Labor and Public Welfare, I am particularly concerned that the well-intentioned efforts of Congress in recent years have resulted in a maze of elementary and secondary education programs, which while noble in their intent are cumbersome in their implementation.

In his April 6 message on education revenue sharing, President Nixon depicted the problem by pointing out that "Under the present piecemeal system of Federal aid, education grants are available to local schools under 38 separate authorizations for 'instruction,' 37 separate authorizations for low-income students, and 22 separate authorizations for reading instruction."

I am sure each Senator has on many occasions sought to guide his constituent school districts through this maze.

Some school districts have felt compelled to hire experts in grantsmanship, full-time Federal aid coordinators.

It is clear that the burdens placed on State and local educational agencies, which wish to implement these various education programs, is often intolerable.

Guidelines, regulations, matching fund requirements ensnarl the educator in time-consuming trivia which is counterproductive to the educator's primary role—education.

For the small school districts in my State of Vermont inflexible guidelines and regulations often preclude Federal assistance, which Congress clearly intended to be available to all districts.

Clearly, remedial action is necessary to make Federal aid to education more responsive and less cumbersome.

If we review the history of our education programs, we see that, as each problem area was discerned and defined, we responded with a separate education program responsive to the particular problem. We in Congress moved rapidly in the 1960's to respond to a multitude of education problems. At the outset, categorical programs were necessary to precisely target Federal aid.

However, now that Federal support for elementary and secondary education is well established, it is time to move from categorization to consolidation in such a way that the goals of educational quality and opportunity are met.

Mr. President, this bill responds to the need for consolidation and streamlining of our Federal educational programs in a responsive way.

It is a good, but not perfect, bill and I must, in all candor, say that I find several problems in the measure as it is now drafted.

But I do commend the bill to Senators as excellent in its basic concept and direction.

The Education Revenue Sharing Act would make funds available to States and local educational agencies in five areas of our longstanding concern—education of the disadvantaged, education of the handicapped, vocational education, education of federally connected children, and supporting materials and services. Funds would flow to States and localities on the basis of an automatic formula. The bill authorizes advanced funding so that local officials would know in advance the amount they could expect to receive and, thereby, plan ahead.

Funds derived from the presence in a school district of children whose parents live on Federal property and children from low-income families would be passed through by the State directly to the school district. Other Federal funds would be distributed among local educational agencies by the State administering agency, on the basis of their relative needs for assistance in the areas of education of the handicapped, vocational education, and supporting materials and services. The State administering agency would be given the flexibility to transfer up to 30 percent of the funds from any one category to any other category, with the exception of those funds passed through to local educational agencies. This could mean, for example, that additional funds could be made available for education of the handicapped if the State felt that this was of high priority.

The State's plan for distribution of Federal funds would be developed in consultation with a State advisory council appointed by the Governor, broadly representative of public and private educational interests and members of the public. In addition, the State's plan would be published and interested persons would be given an opportunity for comment. However, no Federal approval of the plan would be required. This is a major change from present law. It means that a State will be able to plan for its own needs, rather than trying to adapt to some preset Federal format.

As the President noted in his message:

> Non-public schools bear a significant share of the cost and effort of providing education for our children today. Federal aid to education should take this fully into account.

Education revenue sharing expands the opportunities available to children in nonpublic schools by requiring that they be allowed to participate on an equitable basis in public school programs of education for the disadvantaged, education of the handicapped, vocational education, and supporting materials and services. The act provides that, in cases where State law prohibits such participation, the Secretary of Health, Education, and Welfare shall provide similar services to nonpublic schoolchildren and shall pay the costs out of the State's allotment.

Education revenue sharing would offer State and local education officials far greater flexibility in making program decisions responsive to the needs of their students. Funds could be allotted among areas of use and among local educational agencies according to their specific needs, rather than according to some rigid Federal mandate. As the President said:

> I believe we must recognize that the Federal Government cannot substitute its good intentions for the local understanding of local problems, for local energy in attacking these problems, and for local initiatives in improving the quality of education in America. We must also recognize that state and local authorities need Federal resources if they are to meet their obligations and if they are to use the peculiar advantages of state and local knowledge, responsibility and authority to their fullest potential. Education Revenue Sharing accommodates the federal role in national education to both these realities, and it lays the foundation for a new and more productive Federal-State relationship in this area of vital national concern . . .

I agree with the President's observation and I am hopeful Congress will respond by following a course of consolidation for existing educational programs as we embark on a new era of experimentation through the proposed National Institute of Education.

We have much to learn about how we teach and it is clear that the Federal Government must serve as a catalyst for educational innovation and experimentation. We must continue to develop categorical programs for new areas of concern and commitment.

As I look ahead at the course of Federal aid to education, I envision alternate eras of categorization and consolidation.

As we move ahead in categorical programs of educational innovation and experimentation, I foresee times when we shall need to consolidate educational concepts thus developed in revenue sharing programs.

The lessons once learned must be applied through flexible mechanisms which respond best to the needs of our elementary and secondary school pupils.

We have learned much in recent years and the lessons of bureaucratic ensnarlments in education programs should not be lost on Congress. We should know that it is a time to move toward consolidation of proven education programs. Toward this end, I recommend the Education Revenue Sharing Act as a conceptually excellent proposal that is worthy of our careful study.

It is not a perfect bill as now drafted but we should promptly begin to explore its concepts and seek to perfect it.

I hope that Senators will look at the problems in this bill as challenges to be met not as insurmountable obstacles to further consideration.

With this hope, I commend to Senators the Education Revenue Sharing Act.

EXHIBIT 1

S. 1669

A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Revenue Sharing Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that, while public education is primarily the responsibility of the States and local communities of this country, the Federal Government has a responsibility to assist them in meeting the costs of education in areas of special national concern. The Congress finds, however, that prior programs of Federal financial assistance for elementary or secondary education are too narrow in scope to meet the needs of State and local school systems.

(b) It is therefore the purpose of this Act to replace certain current programs of Federal assistance to elementary or secondary education by a system of Federal revenue sharing for education designed to meet such needs, to encourage innovation and development of new educational programs and practices, to provide for educationally disadvantaged children an education comparable to that available to their classmates, to provide the special educatonal services needed by the physically and mentally handicapped, to encourage greater attention to the vital field of vocational and career education, to assure to children whose parents live or work on Federal property an education comparable to that given to other children, and to provide State and local educational officials with the flexibility and responsibility they need to make meaningful decisions in response to the needs of their students.

AUTHORIZATION OF APPROPRIATIONS AND PLANNING PAYMENTS

SEC. 3. (a) For the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there are authorized to be appropriated, to be available without fiscal year limitation, such sums as may be necessary for carrying out this Act.

(b) There are also authorized to be appropriated such sums as may be necessary to enable the Secretary to make, during the period beginning January 1, 1972, and ending with the close of June 30, 1972, payments to States to assist them in planning for the transition from the system of categorical grants authorized by the statutes and parts thereof repealed by section 21 to the system of revenue sharing for education authorized by this Act. Such payments shall be made on such terms and conditions as the Secretary specifies for the purpose of carrying out this subsection.

ALLOTMENT AND USE OF SHARED REVENUES

SEC. 4. (a) From the sums appropriated pursuant to section 3(a) for any fiscal year and not reserved pursuant to section 11, the Secretary shall allot to each State an amount equal to 60 per centum of the average per pupil expenditure in the United States multiplied by the number of children in average daily attendance in the public elementary or secondary schools of such State during such year who resided on Federal property, which amount shall be available for any educational purpose.

(b) From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the sum of the products determined under paragraphs (1) through (3) of this subsection with respect to such State bears to the total of the sums of such products with respect to all States. Such products for any State shall be—

(1) 1.0 multiplied by the number of children aged five to seventeen, inclusive, in such State who are in low-income families:

(2) .6 multiplied by the number of children in average daily attendance in the public elementary or secondary schools of such State during such fiscal year who (A) resided on other than Federal property with a parent employed on Federal property, or (B) had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code); and

(3) .1 multiplied by the number of children aged 5 to 17, inclusive, in the State.

(c)(1) That portion of each State's allotment derived from application of the provisions of paragraph (1) of subsection (b) shall be available only for programs and projects designed to meet the special educational needs, at the preschool or any other educational level, of educationally disadvantaged children—

(A) who reside in school attendance areas having high concentrations of low-income families;

(B) who are migratory children of migratory agricultural workers; or

(C) who are neglected or delinquent children for whose education the State, rather than a local educational agency, is directly responsible.

(2) That portion of each State's allotment derived from application of the provisions of paragraph (2) of subsection (b) shall be available for any educational activity.

(3) Except as provided in section 6—

(A) one-sixth of that portion of each State's allotment derived from application of the provisions of paragraph (3) of subsection (b) shall be available only for programs and projects at the preschool or any other educational level designed to meet the special educational needs of handicapped children;

(B) one-third of that portion of each State's allotment derived from application of the provisions of paragraph (3) of subsection (b) shall be available only for vocational education activities; and

(C) one-half of that portion of each State's allotment derived from application of the provisions of paragraph (3) of subsection (b) shall be available only for supporting materials and services.

(d) Programs, projects, or activities assisted under this Act may include construction.

(e) In the event that any State is not eligible to receive funds under this Act for any fiscal year, or notifies the Secretary that it does not desire to receive such funds, the allotment of such State for such fiscal year derived from any provision of subsection (b) shall be available for reallotment from time to time, on such date or dates during such year as the Secretary may fix, to other States in proportion to the original amount of the allotment to such other States which was derived from any such provision for that year. Any amount for a fiscal year so reallotted to a State under this subsection shall be deemed part of its allotment derived from the same provision of subsection (b) for such year.

(f) The amounts appropriated and allocated pursuant to this Act shall be paid to the States at such intervals and in such installments as the Secretary may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by States shall be minimized.

(g) For purposes of this Act, the Secretary shall determine average daily attendance, average per pupil expenditure, and numbers of children, and in doing so he shall use the most recent satisfactory data available to him, referrable with respect to data used for each purpose to the same time period for all jurisdictions. All determinations and computations by the Secretary under this section shall be final and conclusive.

DISTRIBUTION OF SHARED REVENUES WITHIN EACH STATE

SEC. 5. (a) Each State shall pay to each of its local educational agencies for a fiscal year an amount equal to the sum allotted to such State pursuant to section 4(a) for such year on account of the number of children in average daily attendance who resided on Federal property in the school district of such agency.

(b)(1) Except for any sums retained, from the amount allotted to it for any fiscal year by application of the provisions of section 4(b)(1), by a State for meeting, in accordance with the provisions of section 4(c)(1), the special educational needs of neglected or delinquent children described in section 4(c)(1)(C), such State shall also pay to each of its local educational agencies for a fiscal year an amount equal to the sum allotted to it pursuant to section 4(b) for such year on account of the number of children in the school district of such agency who are in low-income families, but only if (A) such amount is at least $10,000, and (B) the services provided in each of the schools of such agency with funds other than funds received under this Act have been determined, by the State agency (designated pursuant to section 8(a)) in accordance with such criteria as the Secretary may prescribe, to be comparable with the services so provided in all of the other schools of such local educational agency.

(2) Any portion of an allotment which is not, but would be except for clause (A) or (B) of paragraph (1), paid to a local educational agency shall be paid by such State, in accordance with its plan developed under section 8(b), to other local educational agencies within such State to which funds are required to be paid under paragraph (1) for use in accordance with the provisions of section 4(c)(1), except that no such other agency shall be paid more for any fiscal year pursuant to this subsection than 200 per centum of the amount required to be paid to it under paragraph (1) for such year.

(3) If no local educational agency within such State which would otherwise be paid funds under this subsection has been so determined, by such State agency, to provide such comparable services, the amount allotted to such State by application of the provisions of section 4(b)(1) shall be reallotted to other States in proportion to the amounts originally allotted to such other States by application of such provision. Any portion of an allotment which is not, but would be except for paragraph (2), paid to local educational agencies within a State, shall be reallotted to other States in proportion to the amounts originally allotted to such other States by application of the provisions of section 4(b)(1). No State shall be reallotted for any fiscal year pursuant to this subsection more than 200 per centum of the amount originally allotted to such State for such year by application of the provisions of section 4(b). Any amount reallotted to a State pursuant to this subsection for any fiscal year shall be deemed to be part of its allotment for such fiscal year derived from application of the provisions of section 4(b)(1).

(c) The remainder of each State's allotment shall be available—

(1) for use, in accordance with the provisions of sections 4 and 6 and the plan developed pursuant to section 8(b), by the State agency designated pursuant to section 8(a); and

(2) for distribution, for use by them in accordance with the provisions of sections 4 and 6 and such plan, among the local educational agencies of such State on a basis reflecting the relative needs of each of such agencies for the types of assistance for which appropriations under this Act are available; except that not more than 30 per centum of such allotment derived from application of the provisions of section 4(b)(2), relating to the presence within the State of children with a parent employed on Federal property or with a parent on active duty in the uniformed services, may be paid to local educational agencies not having any of such children in average daily attendance in their schools; and except that in determining the relative needs of each of such agencies for the types of assistance for which appropriations under this Act are available, funds paid to such agencies under subsection (b) of this section shall not be taken into account.

TRANSFERS AMONG PURPOSES

SEC. 6. (a) Thirty per centum of that portion of each State's allotment which is available for the purposes described in clause (A), (B), or (C) of section 4(c)(3) may be made available for any of the other purposes described in section 4(c).

(b) The 30 per centum limitations in subsection (a) may be exceeded if the State demonstrates to the satisfaction of the Secretary that such action will achieve more effectively the purposes of this Act.

PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

SEC. 7. (a) The State agency designated pursuant to section 8(a) shall provide that—

(1) except as provided in subsection (b), children enrolled in nonprofit private elementary or secondary schools will be given an opportunity to participate, on an equitable basis, in activities for which funds are made available under paragraph (1), or clause (A), (B), or (C) of paragraph (3), of section 4(c); and

(2) title to and control of funds received under this Act and other property derived therefrom will remain in one or more public agencies.

(b) If the Secretary determines that provisions of State law prevent any State agency designated pursuant to section 8(a) from complying with subsection (a), the Secretary shall, if he finds that the State is otherwise eligible to participate in the program under this Act, permit such State to participate, but in such case he shall—

(1) arrange, by contract or otherwise, for children enrolled in the nonprofit private elementary or secondary schools within such State to receive, on an equitable basis, services similar to those provided from the funds made available under paragraph (1) or clause (A), (B), or (C) of paragraph (3) of section 4(c) to public school children within such State; and

(2) pay the cost thereof out of that portion of the allotment to such State for carrying out each such paragraph or clause.

STATE ADMINISTRATION

SEC. 8. (a) The chief executive officer of each State which desires to participate in the program under this Act shall designate a State agency which shall be the single State agency for administration (or supervision of the administration) of such program in such State, except that this requirement may be waived in accordance with the provisions of section 204 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4214).

(b) The State agency designated pursuant to subsection (a) shall, for each fiscal year, develop and publish a plan for the distribution of funds available therefor under paragraph (2) of section 5(b) and under section 5(c), and for the expenditure of funds retained under paragraph (1) of section 5(b) and under section 5(c)(1) for use by such State agency or distributed under section 5(c)(2) for use by local educational agencies. Such plan shall be developed after consultation with the advisory council appointed pursuant to section 9, shall not finally be adopted by such State agency until a reasonable opportunity has been given to interested persons for comment thereon, and shall be made available to the Secretary.

(c) In administering the program under this Act, the State shall comply with the provisions of this Act and with regulations prescribed by the Secretary pursuant thereto.

STATE ADVISORY COUNCIL

SEC. 9. (a) The chief executive officer of each State which desires to participate in the program under this Act shall appoint an advisory council which shall be broadly representative of the education community in the State and of the public, including at least one person representative of the public elementary or secondary schools of the State; at least one person representative of the nonprofit private elementary or secondary schools of the State; at least one person representative of each of the various populations in the State which will be affected by the activities authorized under section 4; at least one person who has special competence in the planning and evaluation of education programs, and in the assessment of the effectiveness of activities authorized under section 4; and at least one person who has special competence in each of the educational areas described in section 4(c)(1), 4(c)(3)(A), and 4(c)(3)(B).

(b) The State advisory council shall—

(1) advise the State agency designated pursuant to section 8(a) on the preparation of, and on matters of general policy arising in the administration of, the plan developed under section 8(b);

(2) evaluate activities assisted under this Act;

(3) advise State or local officials who have responsibility for carrying out activities assisted under this Act with respect to the planning, evaluation, administration, and assessment of such activities; and

(4) prepare and submit to the Secretary not less often than annually a report of its activities, recommendations, and evaluations, together with such comments thereon as the State agency designated pursuant to section 8(a) and the chief executive officer of the State deem appropriate.

TREATMENT OF FEDERALLY CONNECTED CHILDREN

SEC. 10. The State agency designated pursuant to section 8(a) shall provide that children attending school within the State who reside with a parent on Federal property, who reside with a parent employed on Federal property or have a parent who is a member of the uniformed services, will receive public elementary or secondary education on a basis comparable to that provided to other children in the State.

SPECIAL PAYMENTS BY THE SECRETARY

SEC. 11. (a) From the sums appropriated for any fiscal year pursuant to section 3(a), the Secretary may reserve not in excess of 10 per centum for use under this section.

(b) Funds reserved under subsection (a) shall be available to the Secretary for making payments to any State to assist it in carrying out activities described in section 4 which are designed to further the achievement of national policy objectives in the field of education.

RECOVERY OF FUNDS

SEC. 12. (a) If the Secretary determines that a State has failed to comply substantially with the provisions of this Act, he shall—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) after reasonable notice and opportunity for hearing to the State agency designated pursuant to section 8(a), notify the State that if corrective action is not taken within sixty days from the date of such notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the provisions of this Act; or

(3) take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1) of this section, the Attorney General may bring civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c)(1) Any State which receives notice, under subsection (a)(2), of reduction of revenues shared may, within sixty days after receiving such notice, file with the United States court of appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

CIVIL RIGHTS

SEC. 13. Revenues shared under this Act shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

ADVANCE FUNDING

SEC. 14. To the end of affording the responsible State, local, and Federal offices concerned adequate notice of available Federal financial assistance under this Act, appropriations for carrying out this Act are authorized to be included in the Appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same Appropriation Act or otherwise) of appropriations for each of two consecutive fiscal years.

LABOR STANDARDS

SEC. 15. All laborers and mechanics employed by contractors or subcontractors in any construction which is federally assisted, which shall include revenues shared, under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

ANNUAL REPORT

SEC. 16. The Secretary shall make an annual report to the President and the Congress pertaining to the effectiveness of assistance under this Act in meeting the educational needs of children and adults.

AVAILABILITY OF SHARED REVENUES FOR PAYING NON-FEDERAL SHARE UNDER OTHER PROGRAMS

SEC. 17. Payments made pursuant to this Act shall be available, subject to the provisions of this Act, for paying the non-Federal share of expenditures under other Federal programs.

RECORDS, AUDITS, AND REPORTS

SEC. 18. (a) All revenues shared with States under this Act shall be property accounted for as Federal funds in the accounts of such recipients.

(b) In order to assure that revenues shared under this Act are used in accordance with its provisions, each State shall—

(1) use such fiscal and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such amounts;

(2) provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and

(3) make such reports to the Secretary as he may reasonably require.

INTERSTATE AGREEMENTS

SEC. 19. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

DEFINITIONS

SEC. 20. For purposes of this Act—

(1) The term "adult education" means services or instruction below the college level for individuals (A) who have attained the age of 16, (B) who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, (C) who are not currently required to be enrolled in schools.

(2) The term "average per pupil expenditure in the United States" means the aggregate current expenditures of all local educational agencies in the United States for any fiscal year, plus any direct current expenditures by the States in which such agencies are located for the operation of such agencies during such year (without regard to the sources of funds from which either of such expenditures is made), divided by the aggregate number of children in average daily attendance to whom such agencies provided public education during such year.

(3) The term "construction" means the erection, acquisition, alteration, remodeling, or improvement of facilities, including the acquisition of land necessary therefor, and the cost of construction includes the cost of architect's fees.

(4) The term "current expenditures" means expenditures for public education, but not including expenditures for community services, capital outlay, and debt services, or any expenditures made from funds allotted under this Act.

(5) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(6) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any States or is leased by the United States, or by the District of Columbia. Such term includes (A) real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or tribes which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include (D) any real property used for a labor supply center, labor home, or labor camp for migratory farmworkers, (E) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (F) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 871 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

(7) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special educational services.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "low-income families" shall be defined by the Secretary in accordance with such criteria as he may prescribe, which criteria shall take into account migratory children of migratory agricultural workers, neglected or delinquent children, and such matters as family size and urban-rural differences.

(10) The term "nonprofit", as applied to a school, means a school owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(11) The term "revenues shared" means payments under this Act.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(14) The term "State" includes, in addition to the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(15) The term "supporting materials and services" means such materials and services as the purchase of school textbooks, library resources, and educational equipment; the provision of supplementary educational centers and services, of school pupil personnel services, of adult education, and of school meals; the training or retraining of teachers, teacher aides, and other school personnel; the strengthening of State or local educational agency capabilities and of educational planning at the State or local level; the support of the advisory council appointed under section 9; and the administration at the State level of the program carried out under this Act.

(16) The term "vocational education" includes vocational or technical training or retraining (including field or laboratory work and remedial or related academic and technical instruction incident thereto and work-study programs for students who need the earnings from work in order to commence or continue their education) conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations generally considered professional or which required a baccalaureate or higher degree; and such term also includes vocational guidance and counseling in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; and the training of persons engaged as, or preparing to become, teachers in a vocational education program or teachers, supervisors, or directors of such teachers.

REPEAL OF PROGRAMS REPLACED BY THIS ACT

SEC. 21. (a) Effective with respect to appropriations for fiscal years beginning after June 30, 1972, the following statutes and parts of statutes are repealed:

(1) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a–241e);

(2) title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 821–827);

(3) title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 841–848);

(4) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 861–870);

(5) part B of the Education of the Handicapped Act (20 U.S.C. 871–877);

(6) the Smith-Hughes Act (20 U.S.C. 11–15, 16–28);

(7) sections 3 and 4 of Public Law 81–874 (20 U.S.C. 238–239);

(8) title III of the National Defense Education Act of 1958 (20 U.S.C. 441–455);

(9) subpart 2 of part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1108–1110c); and

(10) the Vocational Education Act of 1963 (20 U.S.C. 1241–1391).

(b) Effective with respect to appropriations for fiscal years beginning after June 30, 1972, the Adult Education Act is amended by—

(1) striking out "reserved in section 304(a) for the purposes of this section" in section 309(a) and inserting in lieu thereof "appropriated pursuant to section 312(a)"; and

(2) striking out sections 304, 305, 306, 307, 308, and 310, and subsection (b) of section 312.

(c) Public Law 81–815 (20 U.S.C. 631–647) is amended by inserting "(a)" immediately after "Section 1." and by adding at the end of such section the following:

"(b) Notwithstanding any other provision of this Act, appropriations under this Act for fiscal years beginning after June 30, 1972, shall be available only for carrying out the provisions of sections 9, 10, 14, and 16.".

(d) Effective with respect to appropriations for fiscal years beginning after June 30, 1972, the Child Nutrition Act of 1966 (42 U.S.C. 1771–1785) is amended by—

(1) striking out sections 5 and 7;

(2) striking out "through 7" in section 6 and inserting "and 4" in lieu thereof;

(3) striking out "through 5" in section 11 and inserting "and 4" in lieu thereof; and

(4) striking out "section 4" in section 4(b) and inserting "section 11" in lieu thereof.

(e) Effective with respect to appropriations for fiscal years beginning after June 30, 1972, the National School Lunch Act (42 U.S.C. 1751–1761) is amended by—

(1) striking out sections 4, 5, 7, 8, and 10;

(2) (A) striking out "the amount apportioned by him pursuant to sections 4 and 5 of this Act and" in paragraph (2) of section 6 and (B) by striking out in such paragraph "sections 4, 5, and 7" and inserting in lieu thereof "section 4";

(3) striking out "section 10" in the last sentence of section 9 and inserting "section 11" in lieu thereof;

(4) striking out subsection (d) of section 11 and inserting in lieu thereof the following: "(d) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified."

(5) striking out in paragraph (g) of section 11 ", including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching,";

(6) striking out in section 11(h)(1) "to extend the school lunch program under this Act to every school within the State, and (C)"; and

(7) striking out paragraphs (4), (5), and (6) of section 12(d) and renumbering paragraph (7) as paragraph (4).

SECTION-BY-SECTION ANALYSIS: EDUCATION REVENUE SHARING ACT OF 1971

SECTION 2. FINDINGS AND PURPOSE

Subsection (a) of section 2 states that the Congress has found current Federal education assistance programs too narrow in scope to meet the Federal government's responsibility to help States meet the costs of education in areas of special national concern.

Subsection (b) of section 2 sets forth the purpose of the bill, which is to replace certain existing Federal education assistance programs with a system of revenue sharing, thereby encouraging innovation in education, providing help to educationally disadvantaged and handicapped children, strengthening vocational and career education, and assuring that children of parents living or working on Federal property receive educational opportunities equal to those given other children.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS AND PLANNING PAYMENTS

Subsection (a) of section 3 authorizes necessary appropriations to fund the revenue sharing program, effective for the fiscal year ending June 30, 1973.

Subsection (b) of section 3 authorizes appropriations to enable the Secretary of HEW to make payments to States during the period January 1, 1972, to June 30, 1972, which will assist the States in planning for transition from the existing system of categorical educational grants to the revenue sharing system provided for in the Act.

SECTION 4. ALLOTMENT AND USE OF SHARED REVENUES

Section 4 prescribes the amounts of revenue to be shared with each State and how such revenue is to be used.

Subsection (a) of section 4 directs the Secretary of HEW to allot to each State, from funds appropriated under section 3(a), 60% of the average per pupil educational expenditure in the U.S. multiplied by the average daily attendance of children in public elementary or secondary schools of such State who resided on Federal property. Such amount may be used for any educational purpose.

Subsection (b) of section 4 sets forth a formula for computing a State's pro rata share of the remaining sums appropriated under section 3(a). A State's formula is derived by adding together the products of three separate multiplications:

(1) 1.0 times the number of school-age children from low-income families in the State;

(2) .6 times the number of children in average daily attendance in the State's public schools who do not live on Federal property but who have a parent who works on Federal property or is on active duty in the uniformed services;

(3) .1 times the number of school-age children in the State.

Subsection (c) of section 4 prescribes how the States may spend shares computed in accordance with subsection (b). That portion derived from the (b)(1) calculation may be used only for meeting the special educational needs of disadvantaged children who reside in areas with high concentrations of low-income families, or who are migratory children of migratory farm workers, or who are neglected or delinquent children being educated directly by the State. That portion derived from the (b)(2) calculation may be used for any educational purpose. That portion derived from the (b)(3) calculation may be used for three purposes: one-sixth for handicapped children, one-third for vocational activities, one-half for materials and services. Section 6, however, permits 30% (or more, under some circumstances) of (b)(3) money to be used for any purpose described in subsection (c) of section 4.

Subsection (d) of section 4 authorizes use of shared revenue for construction of education-oriented facilities.

Subsection (e) of section 4 permits the Secretary to reallot to other States, on a pro rata basis, funds declined by a State or funds not shared with a State by reason of the State's ineligibility to receive them. Such reallotment is at the discretion of the Secretary. Any amount so realloted shall be deemed part of a State's allotment derived from the same provision of subsection (b) which gave rise to the funds in question.

Subsection (f) of section 4 authorizes the Secretary to time the disbursement of allotted funds to the States as he sees fit, bearing in mind the desirability of minimizing delays in the use of disbursed money.

Subsection (g) of section 4 states that the Secretary shall determine average daily attendance, average per pupil expenditure, and numbers of children, using the latest data. Such determinations are final.

SECTION 5. DISTRIBUTION OF SHARED REVENUES WITHIN EACH STATE

Subsection (a) of section 5 directs that funds received by the States under section 4(a) be "passed through" to local educational authorities in accordance with the number of children in average daily attendance who resided on Federal property in the school district of such authority.

Subsection (b) of section 5 directs that funds received by the States under section 4(b)(1) be "passed through" to local educational authorities in accordance with the number of children in the district of such authority who are in low-income families. The State may, however, retain any part of such funds which are needed by the State to discharge its duty of directly educating neglected or delinquent children. Moreover, no funds are to be "passed through" to local authorities unless the amount involved is at least $10,000, and all schools in the district provide comparable educational services. If a given district is ineligible to receive funds under this subsection, the State may reallot such funds to other districts. If no district in a State is eligible to receive funds under this subsection, such funds may be reallotted, on a pro rata basis, to other States.

Subsection (c) of section 5 provides that the remainder of a State's allotment may, in accordance with sections 4 and 6 and the plan developed pursuant to section 8(b), be used by the State agency designated under section 8(a), or given to local educational authorities in accordance with their needs. However, not more than 30% of funds derived from application of the calculation in section 4(b)(2), relating to children with a parent employed on Federal property or in the uniformed services, may be paid to a district not having any such children in average daily attendance. Moreover, when determining needs of local agencies to which funds are given under this subsection, funds paid to such agencies under subsection (b) of section 5, relating to the educationally disadvantaged, are not to be taken into account.

SECTION 6. TRANSFERS AMONG PURPOSES

Section 6 allows States to use 30% of funds derived from the calculation of 4(b)(3) to be used for any of the purposes described in section 4(c). The 30% limitation may be exceeded upon a demonstration satisfactory to the Secretary that such action will be more effectively achieve the purposes of the Act.

SECTION 7. PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

Subsection (a) of section 7 directs the State agency designated pursuant to section 8(a) to give children enrolled in nonprofit private schools an opportunity to participate in activities for which funds are made available under paragraph (1), or clause (A), (B), or (C) of paragraph (3), of section 4(c), and to provide that title to and control of funds received under the Act will remain in one or more public agencies.

Subsection (b) of section 7 provides that, if the Secretary determines that a State is unable to comply with subsection (a) of section 7 by reason of State law, he must himself arrange, by contract or otherwise, for private school children to participate as contemplated in subsection (a), and pay for such participation out of funds allotted to the State for such purposes.

SECTION 8. STATE ADMINISTRATION

Section 8 provides for the designation of a State agency which will be the single agency administering the revenue sharing program established by the Act (unless the single agency requirement is waived pursuant to 42 U.S.C. 4214). The designated agency is required to develop annually in consultation with the advisory council appointed under section 9 a plan for the distribution of funds received by it under the Act. Interested persons are to be given time to comment on the plan before its adoption.

SECTION 9. STATE ADVISORY COUNCIL

Section 9 directs the chief executive officer of each State participating in the program under the Act to appoint an advisory council which shall be broadly representative of the State and the public. The section indicates certain areas of experience and competence which shall be represented on the council. The council is to assist the State agency designated pursuant to section 8(a) in the preparation of the plan, to advise it on general policy matters to evaluate activities assisted under the Act, to advise State or local officials on various mattters pertaining to the program, and to prepare and submit to the Secretary, at least annually, a report of its activities, recommendations, and evaluations.

SECTION 10. TREATMENT OF FEDERALLY-CONNECTED CHILDREN

Section 10 provides that the State agency designated pursuant to section 8(a) will require that children attending school within the State who reside with a parent on Federal property, who reside with a parent employed on Federal property or who have a parent who is a member of the uniformed services, will receive public elementary or secondary education on a basis comparable to that provided to other children in the State.

SECTION 11. SPECIAL PAYMENTS BY THE SECRETARY

Section 11 allows the Secretary to reserve up to 10% of the funds appropriated under section 3(a) to make payments to States to assist them in carrying out activities described in section 4 which are designed to further national policy objectives in the field of education.

SECTION 12. RECOVERY OF FUNDS

Subsection (a) of section 12 authorizes the Secretary, if he determines that a State has failed to comply with the provisions of the Act, to refer the matter to the Attorney General for appropriate civil action, or, after notice and opportunity for hearing, to notify the State that if corrective action is not taken within sixty days, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amount of funds which were not expended in accordance with the Act, or to take such other action as may be provided by law.

Subsection (b) of section 12 authorizes the Attorney General to bring civil action in any appropriate district court for any appropriate (including injunctive) relief.

Subsection (c) of section 12 prescribes the court procedure to be followed in the event that a State receives notice under section 12 (a)(2) of reduction in revenues. The State may file a petition for review of the Secretary's action in a court of appeals for the circuit in which it is located, or in the United States Court of Appeals for the District of Columbia. The Secretary must then file in that court a record of the proceeding on which his action was based. The court may affirm, modify, or set aside in whole or in part the action of the Secretary. Upon filing the record with the court, the jurisdiction of the court shall be exclusive and its judgment final save for review by writ of certiorari from the Supreme Court.

SECTION 13. CIVIL RIGHTS

Section 13 states that revenues shared under the Act shall be considered Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964.

SECTION 14. ADVANCED FUNDING

Section 14 provides that appropriations for carrying out the Act may be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

SECTION 15. LABOR STANDARDS

Section 15 provides that laborers and mechanics employed in any construction assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality.

SECTION 16. ANNUAL REPORT

Section 16 provides that the Secretary shall make an annual report to the President and the Congress on the effectiveness of assistance under the Act in meeting the educational needs of children and adults.

SECTION 17. AVAILABILITY OF SHARED REVENUES FOR PAYING NON-FEDERAL SHARE UNDER OTHER PROGRAMS

Section 17 provides that payments made pursuant to the Act shall be available, consistent with the provisions of the Act, for paying the non-federal share of expenditures under other Federal programs.

SECTION 18. RECORDS, AUDITS, AND REPORTS

Section 18 provides that revenues shared with States under the Act shall be properly accounted for as Federal funds in the accounts of such States. Each State is directed to use such fiscal and accounting procedures as may be necessary to assure proper accounting for payments received by it and proper disbursement of such amounts, to provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require, and to make such reports to the Secretary as he may reasonably require.

SECTION 19. INTERSTATE AGREEMENTS

Section 19 provides that the consent of Congress is given to agreements between States when necessary to realize the full benefit of provisions of the Act.

SECTION 20. DEFINITIONS

Section 20 of the Act sets forth the following definition:

(1) The term "adult education" means services or instruction below the college level for individuals (A) who have attained the age of 16, (B) who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (C) who are not currently required to be enrolled in schools.

(2) The term "average per pupil expenditure in the United States" means the aggregate current expenditures of all local educational agencies in the United States for any fiscal year, plus any direct current expenditure by the States in which such agencies are located for the operation of such agencies during such year (without regard to the sources of funds from which either of such expenditures is made), divided by the aggregate number of children in average daily attendance to whom such agencies provided public education during such year.

(3) The term "construction" means the erection, acquisition, alteration, remodeling, or improvement of facilities, including the acquisition of land necessary therefor, and the cost of construction includes the cost of architect's fees.

(4) The term "current expenditures" means expenditures for public education, but not including expenditures for community services, capital outlay, and debt services, or any expenditures made from funds allotted under this Act.

(5) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(6) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State. Such term includes (A) real property held in trust by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this Act, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State. Notwithstanding the foregoing provisions of this paragraph, such term does not include (D) any real property used for a labor supply center, labor home, or labor camp for migratory farmworkers, (E) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (F) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 871 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

(7) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special educational services.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "low-income families" shall be defined by the Secretary in accordance with such criteria as he may prescribe, which criteria shall take into account migratory children of migratory agricultural workers, neglected or delinquent children, and such matters as family size and urban-rural differences.

(10) The term "nonprofit", as applied to a school, means a school owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(11) The term "revenues shared" means payments under this Act.

(12) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(13) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(14) The term "State" includes, in addition to the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(15) The term "supporting materials and services" means such materials and services as the purchase of school textbooks, library resources, and educational equipment; the provision of supplementary educational centers and services, of school pupil personnel services, of adult education, and of school meals; the training or retraining of teachers, teacher aides, and other school personnel; the strengthening of State or local educational agency capabilities and of educational planning at the State or local level; the support of the advisory council appointed under section 9; and the administration at the State level of the program carried out under this Act.

(16) The term "vocational education" includes vocational or technical training or retraining (including field or laboratory work and remedial or related academic and technical instruction incident thereto and work-study programs for students who need the earnings from work in order to commence or continue their education) conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations generally considered professional or which require a baccalaureate or higher degree; and such term also includes vocational guidance and counseling in connection with such training for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; and the training of persons engaged as, or preparing to become, teachers in a vocational education program or teachers, supervisors, or directors of such teachers.

SECTION 21. REPEAL OF PROGRAMS REPLACED BY THIS ACT

Subsection (a) of section 21 repeals the following statutes and parts of statutes effective with respect to appropriations for fiscal years beginning after June 30, 1972:

(1) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a–241l);

(2) title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 821–827);

(3) title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 841–848);

(4) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 861–870);

(5) part B of the Education of the Handicapped Act (20 U.S.C. 871–877);

(6) the Smith-Hughes Act (20 U.S.C. 11–15, 16–28);

(7) sections 3 and 4 of Public Law 81–874 (20 U.S.C. 238–239);

(8) title III of the National Defense Education Act of 1958 (20 U.S.C. 441–455);

(9) subpart 2 of part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1108–1110c); and

(10) the Vocational Education Act of 1963 (20 U.S.C. 1241–1391).

Subsection (b) of section 21 amends the Adult Education Act effective with respect to appropriations for fiscal years beginning after June 30, 1972 by:

(1) striking out "reserved in section 304 (a) for the purposes of this section" in section 309(a) and inserting in lieu thereof "appropriated pursuant to section 312(a)"; and

(2) striking out sections 304, 305, 306, 307, 308, and 310, and subsection (b) of section 312.

Subsection (c) of section 21 amends P.L. 81–815 (20 U.S.C. 631–647) by inserting "(a)" immediately after "Section 1." and by adding at the end of such section the following:

"(b) Notwithstanding any other provisions of this Act, appropriations under this Act for fiscal years beginning after June 30, 1972, shall be available only for carrying out the provisions of sections 9, 10, 14, and 16."

Subsection (d) of section 21 amends the Child Nutrition Act of 1966 (42 U.S.C. 1771–1785) effective with respect to appropriations for fiscal years beginning after June 30, 1972, by:

(1) striking out sections 5 and 7;

(2) striking out "through 7" in section 6 and inserting "and 4" in lieu thereof;

(3) striking out "through 5" in section 11 and inserting "and 4" in lieu thereof; and

(4) striking out "section 4" in section 4(b) and inserting "section 11" in lieu thereof.

Subsection (e) of section 21 amends the National School Lunch Act (42 U.S.C. 1751–1761) effective with respect to appropriations for fiscal years beginning after June 30, 1972 by:

(1) striking out sections 4, 5, 7, 8, and 10;

(2)(A) striking out "the amount apportioned by him pursuant to sections 4 and 5 of this Act and" in paragraph (2) of section 6 and (B) by striking out in such paragraph "sections 4, 5, and 7" and inserting in lieu thereof "section 4";

(3) striking out "section 10" in the last sentence of section 9 and inserting "section 11" in lieu thereof;

(4) striking out subsection (d) of section 11 and inserting in lieu thereof the following: "(d) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified."

(5) striking out in paragraph (g) of section 11, "including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching,";

(6) striking out in section 11(h)(1) "to extend the school lunch program under this Act to every school within the State, and (C)"; and

(7) striking out paragraphs (4), (5), and (6) of section 12(d) and renumbering paragraph (7) as paragraph (4).

SUMMARY OF EDUCATION REVENUE SHARING BILL

The first section of the bill provides a short title—the "Education Revenue Sharing Act of 1971."

Section 2 contains the findings and purpose provisions.

Section 3(a) authorizes the appropriation, for fiscal year 1973 and thereafter, of such sums as may be necessary, to remain available until expended. Section 3(b) authorizes the appropriation of such sums as may be necessary to enable the Secretary to make payments to States during the period January 30, 1972, to assist them in planning for transition to the new system of revenue sharing.

Section 4 provides for allotment among the States of the funds appropriated and not reserved for the Secretary's use under section 11. Appropriated funds are to be used for 5 purposes: education of the disadvantaged; education of the handicapped; vocational education; assistance for schools in Federally-affected areas; and supporting materials and services. Any of the funds may be used for construction. The entire amount allotted to the State on the basis of children living on Federal property must be "passed through" to the local educational agencies in which those children live, and, except for any amount reserved by the State for education of neglected or delinquent children, the amount alloted to the State for education of the disadvantaged must also be "passed through" to local educational agencies in which those children live.

Thirty per cent of each of the amounts allotted to any State for vocational education, education of the handicapped, and supporting materials and services may be made available for other educational purposes (§ 6). The State may exceed these 30 per cent limitations if it demonstrates to the satisfaction of the Secretary that doing so would further the purposes of the Act. Not more than thirty per cent of the amount allotted to a State on the basis of numbers of children whose parents work on Federal property or are in the uniformed services may be paid to local educational agencies which do not have any of those children in their districts (§ 5(c)).

States are required to provide equitable treatment of private school children in the activities carried out under the bill, but if they are unable to do so because of limitations of State law the Secretary is required to provide services to such children, paying the cost thereof out of the State's allotment (§7).

Under § 5 amounts for the disadvantaged will be "passed through" to any local educational agency only if that agency meets a "comparability" requirement—i.e., if the services provided in each of its schools with funds other than funds under this bill are determined by the State administering agency to be comparable to the services so provided in its other schools.

The Governor of each State is required to designate a single State agency for administration (or supervision of the administration) of the program. That agency will develop a plan for the distribution of funds not "passed through" to local educational agencies, and for the expenditure of such funds. The distribution must be made on a basis which takes into account the relative needs of the local educational agencies in the State for the types of assistance for which the funds may be used, but in doing so the amount "passed through" to local educational agencies for education of the disadvantaged may not be taken into consideration. In developing the plan the agency must give an opportunity for comment thereon to interested persons, but there is no requirement of Federal review or approval of the plan (§ 8).

The Governor of each State is required to appoint an advisory council which is to advise the State agency on the preparation and administration of the plan and to evaluate activities assisted under the bill (§ 9).

Each State must provide education for Federally-connected children on a nondiscriminatory basis (§ 10).

Ten per cent of the funds may be reserved by the Secretary for direct payments to States to assist them in carrying out activities under § 4 (§ 11).

Title VI of the Civil Rights Act is made applicable to the program (§ 13).

There is an advance funding provision (§ 14), a provision for an annual report by the Secretary to the President and the Congress (§ 16), and a provision permitting funds under the bill to be used to match other Federal funds available for educational purposes (§ 17).

There is also a provision permitting interstate agreements (§ 19), a provision concerning records, audits, and reports (§ 18), and a provision concerning the recovery of funds (§ 12).

PERCY COSPONSORING SPECIAL EDUCATION REVENUE-SHARING BILL

Mr. PERCY. Mr. President, I am honored in joining the distinguished Senator from Vermont (Mr. PROUTY) in cosponsoring the administration's special education revenue sharing bill. President Nixon's plan for education revenue sharing would revitalize the relationship between the Federal Government and the State and local governments. It would bring together more than 30 major Office of Education programs representing approximately $2.8 billion in grants in the 1972 budget. No State would receive less under this plan than it receives under the present grant system. Broad citizen participation in the allocation of these Federal resources would be insured by the appointment of advisory councils representative of the public and the education community. States and local school districts would have greater flexibility in deciding how funds should be spent in serving national priorities. And all safeguards against infringements of civil rights would be preserved.

Although I strongly commend this special education revenue sharing bill in concept, I recognize that it still has imperfections. I am especially concerned about the 30-percent transferability allowance for the four categories of handicapped, impacted aid, vocational education, and supporting materials. However, I am cosponsoring this bill in the hope that it will insure an early hearing for this bill and because HEW assures me that it will assist us in correcting the imperfections in the bill.

By Mr. SPARKMAN (by request):

S. 1671. A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING INSTITUTIONS MODERNIZATION ACT OF 1971

Mr. SPARKMAN. Mr. President, I am introducing, by request, the proposed "Housing Institutions Modernization Act of 1971."

This bill, submitted to the Congress by Preston Martin, chairman of Federal Home Loan Bank Board, would amend Federal laws relating to Federal savings and loan association, the Home Loan Banks, the Federal Savings and Loan Insurance Corporation and the Federal Home Loan Mortgage Corporation, all of which are part of the Home Loan Bank System which supports the nation's savings and loan program. The bill is intended to broaden the powers of savings and loan associations to improve their effectiveness in meeting the home mortgage credit needs of the Nation.

The bill has many interesting and significant features which I believe should be made available for study and consideration of the Senate. Some of these would have far-reaching effects on the future of savings and loan associations and their relationship to other financial institutions in supplying mortgage credit for home financing. Some of the provisions are controversial and will, I believe, require negotiation and adjustments if the bill is to receive the approval of Congress. Some open the door for riskier and broader real estate investments which we need to study for economic soundness.

I have not yet had the opportunity to study all of the provisions in detail and cannot say at this time to what extent I can support them.

I have strongly supported the savings

and loan system over the years and have seen it grow from its infancy to its giant stature today as the principal supplier of home mortgage credit throughout the Nation.

We have legislated over the years to give more and more investment authority to savings and loan associations in the home financing field and in a limited way to related real estate activities. The broadened authority has been given on a gradual basis with due concern about soundness of the system and the adherence to its principal function of encouraging local savings and providing local credit for home financing.

In recent years, several major leaps have been made in legislative authority enabling the associations to step out of their traditional mold into new and riskier fields, such as equity financing nationwide mortgage purchasing, closer access to capital market, nonresidential financing, subsidized lending, and discounting in the secondary mortgage market.

As I read the bill, additional authority is being requested along these same lines. The provisions in title I of the bill providing for the conversion of Federal mutual associations to Federal stock associations is a case in point. This is not a new proposal. It has been rejected in the past, probably more on idealistic grounds than on economic or grounds of social benefits. I believe we should weigh the proposal on its merits and listen to the arguments of the Federal Home Loan Bank Board that Federal stock associations would add greatly to the power of the system to compete in today's financial world for the funds needed to finance the expanded future housing needs. Experience has been accumulated under State-chartered stock associations which the Congress should study and compare with the experience of nonprofit mutual associations. We also need to look at the advantages and disadvantages of converting to a highly motivated profitmaking institution in light of the fundamental purpose of savings and loan associations to promote savings and provide home financing credit.

Another provision in title III of the bill, seeking broader purchasing authority for the newly established Federal Home Loan Mortgage Corporation seems premature. The Corporation was only established last year and has not yet issued its regulations or forms in carrying out its secondary market operations. The process in drafting the legislation for the new Mortgage Corporation in 1970 was one of caution to move forward into the secondary market for conventional mortgages at a conservative pace. We wanted to give both the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation the opportunity in dealing in the less risky conventional mortgages before plunging too deeply into an area where the experience has been so limited.

The Congress will need to have justification for a change in this thinking before proceeding to grant wider purchasing authority.

A controversial provision in title II of the bill regarding conflict of interest will probably require adjustment before the Congress would approve the bill in view of the several approaches to this subject now before the Congress. The Senate may want to wait before it acts to receive the results of the House action on this subject. Last year, the House had agreed to a conflict of interest provision and tighter supervisory requirements, but the Senate conferees turned these provisions down in conference for lack of proper hearings and study. The provision before us will give the committee the opportunity to look into the subject in more detail and obtain the views of the industry and other witnesses in public hearings.

There are many other provisions of the bill which the Banking Committee will want to study and explore fully before taking action.

The bill will give the Banking Committee an opportunity for a review of the savings and loan program and the functioning of the Home Loan Bank System as it has been updated in recent years. Aside from last year's Emergency Home Finance Act, most of the legislation relevant to wider investment authority for savings and loan associations has been written as amendments to omnibus housing bills. This is somewhat less than satisfactory because it fails to give the committee the opportunity for a full oversight review and public discussion of the issues at stake and the effectiveness of the system in carrying out its responsibilities in the home credit field. This year we have the opportunity to use this bill as a vehicle for a full and open hearing on the expanding plans of the Federal Home Loan Bank System.

Mr. President, I ask unanimous consent that the bill and a section-by-section summary thereof be printed in the Record at this point in my remarks.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1671

A bill to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Institutions Modernization Act of 1971".

TITLE I—FEDERAL SAVINGS AND LOAN ASSOCIATIONS

ISSUANCE OF CAPITAL STOCK

Sec. 101. Section 5 of the Home Owners' Loan Act of 1933 is amended (1) by striking out in paragraph (1) of subsection (b) "and all of which shall have the same priority upon liquidation", and (2) by changing "except capital stock" to "including capital stock" in paragraph (2) of subsection (b).

FINANCING IN URBAN AREAS

Sec. 102. The twelfth sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended (1) by striking out "in subsection (a) of section 110 of the Housing Act of 1949" and substituting therefor "by the Board"; and (2) by striking out the figure "5" and inserting in lieu thereof the figure "10".

PROPERTY IMPROVEMENT LOANS

Sec. 103. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out the figure "$5,000" in the fourth and sixth sentences thereof and inserting in lieu thereof the figure at each such place "$10,000".

REAL PROPERTY

Sec. 104. Subsection (c) of section 5 of the Home Owners' Loan Act of 1933 is amended by adding to said subsection, immediately before the last paragraph thereof, the following paragraph: "Without regard to any other provision of this subsection, but subject to such prohibitions, limitations, conditions, and restrictions as the Board may prescribe, an association may invest in real property, including interests in real property, located within one hundred miles of its home office or within the State in which such home office is located, for the purpose of acquiring, developing, and/or improving such property or interests therein for primarily residential usage, and may hold, sell or otherwise dispose of, lease, improve, and operate any such property or any interest therein, but an association shall not make any investment under this sentence in the acquisition of real property or any interest therein if its aggregate outstanding investment under this sentence (determined as prescribed by the Board), exclusive of any investment which is or at the time of its making was otherwise authorized, would thereupon exceed 3 per centum of its assets."

LOANS FOR CONSTRUCTION

Sec. 105. The paragraph added to subsection (c) of section 5 of the Home Owners' Loan Act of 1933 by section 805(c) of the Housing Act of 1959 is amended (1) by substituting "10 per centum of assets" for "5 per centum of such withdrawable accounts", and (2) by substituting ", development, and/or improvement of land or interests therein" for "and development of land".

TITLE II—FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Sec. 201. Section 8a of the Federal Home Loan Bank Act is amended by substituting "nine" for "six".

SUITS INVOLVING FEDERAL HOME LOAN BANKS

Sec. 202. Section 12 of the Federal Home Loan Bank Act is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Notwithstanding section 1349 of title 28 of the United States Code or any other provision of law, (1) each Federal Home Loan Bank shall be deemed to be an agency included in sections 1345 and 1442 and the first sentence of section 2408 of said title 28; (2) all civilian actions to which a Federal Home Loan Bank is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and (3) any civil or other action, case, or controversy in a court of a State, or in any court other than a district court of the United States, to which a Federal Home Loan Bank is a party, may at any time before the trial thereof be removed by such Bank, without the giving of any bond or security, to the district court of the United States for the district (and the division, if any) embracing the place where the same is pending, or, if there is no such district court, to the district court of the United States for the district (and the division, if any) in which the principal office of such Bank is located, by following any procedure for removal of causes in effect at the time of such removal. No attachment or execution shall be issued against a Federal Home Loan Bank or any of its property before final judgment in any State, Federal, or other court."

CONFLICTS OF INTEREST AND RELATED MATTERS

Sec. 203. Section 17 of the Federal Home Loan Bank Act is amended by adding thereto the following new subsection:

"(c) (1) The Federal Home Loan Bank Board is authorized, to such extent as it may deem necessary or appropriate to prevent materially adverse effects as to any member, or for the protection of the Federal Savings and Loan Insurance Corporation, to regulate or prohibit any member (which term as used in this subsection shall include any insured institution as defined in section 5A) or any director, officer, controlling person, or employee of, or any attorney or appraiser for, or any person occupying a fiduciary relationship with, or any other affiliated person of, any member from engaging or participating in any business or financial transaction conducted on behalf of or involving any member or other financial institution which would result directly or indirectly in a conflict of his or its financial interests with those of the member.

"(2) The provisions of subsection (f) of section 5A and of subsections (b) and (c) of section 5B, all as now in effect, are extended to include this subsection, and for purposes of this sentence the references in said subsections to those sections shall include this subsection, the references in said subsection (f) to provisions of the National Housing Act shall be deemed to be references to those provisions as now in effect, and the references in said subsections (b) and (c) to institutions and nonmember institutions shall include members and shall include affiliated persons.

"(3) In or in connection with the exercise of any function vested in or exercisable by the Board under this Act or otherwise, the Board (which term as used in this paragraph includes the Federal Savings and Loan Insurance Corporation) is authorized (A) to act through any corporate or other agency or instrumentality of the United States and utilize information, services, facilities, and personnel thereof, and any such agency or instrumentality is authorized to provide the same as requested by the Board, (B) to make payment therefor, and any expense under (A) or (B) hereof or in connection with any similar action rendered by the Board to any such agency or instrumentality shall not be considered as administrative expenses, and (C) to impose and collect fees and charges for the provision by the Board of information, services, facilities or personnel to any person, and for purposes of this subsection the references in the last two sentences of subsection (b) of section 5B as now in effect to penalties shall be deemed to be references to such fees and charges. Any such payment or collection may be in advance or by reimbursement or otherwise."

ILLINOIS BANK FOR SAVINGS AND LOAN ASSOCIATIONS

SEC. 204. Section 916 of the Housing and Urban Development Act of 1970 is amended by adding the following immediately before the period at the end thereof: ": *Provided*, That after the date of enactment of this proviso, no deposits in such bank shall be considered assets for such purposes at any time when (1) such member or insured institution does not have its principal office in the State of Illinois (except that this requirement shall not apply to any deposits held on such date by an institution which on such date is a member or an insured institution as defined in this sentence, as long as such deposits are held by such institution and no addition is made thereto), or (2) there is outstanding a determination by the Federal Home Loan Bank Board (A) that the facilities or condition of such bank are not consistent with the liquidity of deposits in such bank, or (B) that it does not possess sufficient information to make the determination specified in clause (A) above".

ADVANCES

SEC. 205. The Federal Home Loan Bank Act is amended by substituting "twenty" for "twelve" in section 6(c) (2) (ii) thereof and in the first place that it appears in section 10(c) thereof.

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

REPURCHASE OF MORTGAGES

SEC. 301. Paragraph (1) of subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act is amended by inserting after the period at the end of the first sentence thereof, a new sentence as follows: "Where a mortgage or an interest therein is sold by the Corporation, the Corporation may thereafter purchase such mortgage or an interest therein from any holder or owner."

PERCENTAGE LIMITATION ON 1 YEAR MORTGAGES

SEC. 302. Paragraph (2) of subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act is amended by striking out the figure "10" in the third sentence thereof and inserting in lieu thereof the figure "25".

LOAN-TO-VALUE RATIO

SEC. 303. Paragraph (2) of subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act is amended by striking out the figure "75" in the first sentence thereof in each place that it appears therein and by inserting in lieu thereof the figure "80" in each such place.

COMMITMENTS

SEC. 304. Paragraph (2) of subsection (a) of section 305 of the Federal Home Loan Mortgage Corporation Act is amended by deleting the second sentence thereof.

ELIGIBILITY AS PUBLIC INVESTMENTS

SEC. 305. Section 303 of the Federal Home Loan Mortgage Corporation Act is amended by adding a new subsection (f) at the end thereof as follows:

"(f) Subject to any regulatory authority otherwise applicable, obligations of the Corportation and (to such extent as the Corporation may prescribe) other securities of the Corporation except stock shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public, private, or other funds the investment or deposit of which shall be under the authority or control of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, any public, private, or other corporation incorporated by or under any law of any of the foregoing, any county or municipality of any of the foregoing, any political subdivision of any of the aforesaid, any court or any corporate or other agency or instrumentality of any of the preceding, or any officer or officers, employee or employees, or agent or agents of any of the above."

FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 306. Section 302(b) (2) of the National Housing Act is amended—

(1) by inserting after the period at the end of the first sentence thereof, a new sentence as follows: "Where a mortgage or interest therein is sold by the corporation, the corporation may thereafter purchase such mortgage or an interest therein from any holder or owner.";

(2) by striking out the figure "10" in the fourth sentence thereof and inserting in lieu thereof the figure "25";

(3) by striking out the figure "75" in the second sentence thereof in each place that it appears therein and by inserting in lieu thereof the figure "80" in each such place; and

(4) by deleting the third sentence thereof.

TITLE IV—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION ADJUSTMENTS IN ASSETS

SEC. 401. Section 403(b) of title IV of the National Housing Act is amended by adding at the end thereof the following sentence: "The Corporation shall have power to require such adjustments as it deems necessary or appropriate in the amounts appearing in the books, records, reports, or other documents of insured institutions in order that their financial condition or operations may be fairly stated."

DEFINITION OF AFFILIATE

SEC. 402. Section 407(m) (1) of title IV of the National Housing Act is amended by deleting the last sentence thereof and by adding the following sentence at the end thereof: "For purposes of this subsection, the term 'affiliate' shall have the same meaning given to it in section 408(a) of this title."

SAVINGS AND LOAN HOLDING COMPANIES

SEC. 403. Section 408(d) (4) of the National Housing Act, as amended, is further amended by striking out all which follows "(2)" and substituting therefor, the following: "property previously owned, legally or beneficially, by any savings and loan holding company or affiliate thereof, other than the parent holding company of such service corporation or any affiliate of such holding company."

MERGERS

SEC. 404. Title IV of the National Housing Act is amended by adding at the end thereof a new section as follows:

"SEC. 412. (a) Except with the prior written approval of the Corporation, no insured institution shall—

"(1) merge or consolidate with any other institution;

"(2) assume liability to pay any deposits, share accounts, or similar liabilities of any other institution;

"(3) transfer assets to any other institution in consideration of the assumption of liabilities for any portion of the deposits, share accounts, or similar liabilities of such insured institution.

"(b) Notice of any proposed transaction for which approval is required under subsection (a) (referred to hereafter in this section as a 'merger transaction') shall, unless the Corporation finds that it must act immediately in order to prevent the probable failure of one of the institutions involved, be published—

"(1) prior to the granting of approval of such transaction,

"(2) in a form approved by the Corporation,

"(3) at appropriate intervals during a period at least as long as the period allowed for furnishing a report under subsection (c) of this section, and

"(4) in a newspaper of general circulation in the community or communities where the main offices of the institutions involved are located, or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto.

"(c) In the interests of uniform standards, before acting on any application for approval of a merger transaction, the Corporation, unless it finds that it must act immediately in order to prevent the probable failure of one of the institutions involved, shall request a report on the competitive factors involved from the Attorney General. The report, or in the alternative a notification indicating that no report will be submitted, shall be furnished within thirty calendar days of the date on which the report is requested, or within ten calendar days of such date if the Corporation advises the Attorney General that an emergency exists requiring expeditious action.

"(d) The Corporation shall not approve—

"(1) any proposed merger transaction which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize any type of business in which insured institutions engage in any part of the United States, or

"(2) any other proposed merger transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"In every case, the Corporation shall take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served.

"(e) The Corporation shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the Corporation has found that it must act immediately to prevent the probable failure of one of the institutions involved and the report on the competitive factors has been dispensed with, the transaction may be consummated immediately upon approval by the Corporation. If the Corporation has advised the Attorney General of the existence of an emergency requiring expeditious action and has requested the report on the competitive factors within ten days, the transaction may not be consummated before the fifth calendar day after the date of approval by the Corporation. In all other cases, the transaction may not be consummated before the thirtieth calendar day after the date of approval by the Corporation.

"(f) (1) Any action brought under the antitrust laws arising out of a merger transaction shall be commenced prior to the earliest time under subsection (e) at which a merger transaction approved under subsection (d) might be consummated. The commencement of such an action shall stay the effectiveness of the Corporation's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented.

"(2) In any judicial proceeding attacking a merger transaction approved under subsection (d) on the ground that the merger transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the Corporation is directed to apply under subsection (d).

"(3) Upon the consummation of a merger transaction in compliance with this section and after the termination of any antitrust litigation commenced within the period prescribed in this subsection, or upon the termination of such period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this section shall exempt any institution resulting from a merger transaction from complying with the antitrust laws after the consummation of such transaction.

"(4) In any action brought under the antitrust laws arising out of a merger transaction approved by the Corporation pursuant to this section, the Corporation, and any State supervisory agency having jurisdiction within the State involved, may appear as a party of its own motion and as of right, and be represented by its counsel.

"(g) The Corporation may make such rules and regulations as it may deem necessary or appropriate for the purpose of carrying out the provisions of this section.

"(h) For purposes of this section, the term 'antitrust laws' means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1–7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12–27), and any other statutory provisions in pari materia therewith."

PAYMENT OF INSURANCE

SEC. 405. Title IV of the National Housing Act is amended—

(1) by adding the following two sentences at the end of section 405(b) thereof:

"The surrender and transfer to the Corporation of an insured account in any institution in default shall subrogate the Corporation with respect to such insured account and all rights incident thereto, and the insured member shall retain only those rights incident to any uninsured portion of his account. Upon the payment of insurance by the Corporation to the insured members of the institution in default, the Corporation shall become entitled to interest on the withdrawable or repurchasable amount of the accounts surrendered and transferred to it, computed at a rate determined by the Federal Savings and Loan Insurance Corporation, as of the date of default, based upon the average market yield on the Federal Savings and Loan Insurance Corporation's investments in obligations of, or guaranteed as to principal and interest by, the United States, commencing upon the date of default and continuing until the date or dates on which the Corporation's claim for the aggregate withdrawable or repurchasable amount of all such accounts is paid in full by the conservator, receiver, or other legal custodian of such institution: *Provided,* That such rate shall not be less than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity, adjusted to the nearest one-eighth of one per centum; *And provided further,* That no such interest shall be payable to the Corporation until payment or provision for payment has been made with respect to the expenses of administering the institution in default, including tax liability, and all creditor claims against such institution, including the full withdrawable or repurchasable amount of all account claims."

(2) By inserting a period after the words "Section 405" in section 406(b) thereof and deleting the remainder of said section 406 (b) following said period.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED "HOUSING INSTITUTIONS MODERNIZATION ACT OF 1971"

TITLE I

Section 101—Issuance of capital stock

Section 101 makes two amendments to section 5 of the Home Owners' Loan Act of 1933.

Amendment (1) would amend the first sentence of paragraph (1) of subsection (b) of said section 5. That sentence provides that a Federal savings and loan association may raise capital in the form of "such savings deposits, shares, or other accounts, for fixed, minimum, or indefinite periods of time (all of which are referred to in this section as savings accounts and all of which shall have the same priority upon liquidation)" as are authorized by its charter or by regulations of the Federal Home Loan Bank Board as therein set forth.

The language "all of which shall have the same priority upon liquidation" constitutes a serious limitation on the flexibility and workability of the provision. It prevents, for example, the providing of liquidation priority for deposits over shares, or for deposits of public funds over other deposits, and it equally prevents the issuance, for example to institution investors, of accounts having deferred status upon liquidation. Accordingly amendment (1) would delete the quoted language "all of which shall have the same priority upon liquidation."

Amendment (2) would amend paragraph (2) of subsection (b) aforesaid, which now provides: "To such extent as the Board may authorize by regulation or advice in writing, and association may borrow, may give security, and may issue such notes, bonds, debentures, or other obligations, or other securities (except capital stock) as the Board may so authorize."

The parenthetical language "except capital stock" prevents the adoption for Federal savings and loan associations of the more modern method of operation known in various jurisdictions as the permanent-stock, guaranty-stock, or reserve-stock method, under which the savers are protected by the issuance of capital stock which typically is nonwithdrawable and is, upon liquidation, deferred to the claims of the holders of savings accounts. Amendment (2) would change this parenthetical language to "including capital stock", thus making this more modern method available to Federal savings and loan associations.

If this amendment were enacted, the Federal Home Loan Bank Board would have complete and effective regulatory authority as to the extent and manner of the use of this method of operation under existing provisions of subsection (a) of section 5 of the Act, which authorizes the Board, under such rules and regulations as it may prescribe, to provide (among other things) for the organization, operation, and regulation of Federal savings and loan associations. This regulatory authority would include, but would not be limited to, the required amounts of capital stock, the terms on which it could be issued, and the conversion of existing associations to the new type of operation, including the assurance of adequate protection to existing savings-account holders in the event of such conversion.

Federal savings and loan associations have no outstanding ownership equities except those represented by deposits. There are no shares of stock. The Charters of these institutions provide that in the very unlikely event of a liquidation of the institution, the excess funds, remaining after the payment of deposits, of interest, and of other obligations, will be distributed to the depositors who are customers of the association in which respect they resemble consumers.

The Bank Board must have authority to assure that the rights of the depositors to these benefits which are over and above the amount of deposits and interest, are preserved. That authority should be sufficiently flexible so that the full proceeds of the sale of stock representing ownership go to the depositors, and to protect against mass last minute deposits by insiders and other devices to water down or take away benefits that belong to the depositor. Present statutes are not adequate for this purpose. Amendment is urgently necessary.

If the savings and loan industry is to provide the housing financing needs of the country as they have in the past, and survive in a highly competitive savings market, they must benefit from all economies of scale. Since these economies do exist, it is advantageous and necessary for mergers of small associations to occur. These mergers would be greatly facilitated if the associations were in stock form prior to the merger.

Highly related to the question of providing financing needs is the question of obtaining capital in times of rising interest rates and in areas which traditionally are capital short. Even though little new equity capital is raised by stock associations in the aggregate, it is primarily raised by associations located in capital short areas from investors located in capital surplus areas. This is definitely a way of distributing funds across the country in an efficient manner to provide housing.

Section 102—Financing in urban areas

The twelfth sentence of section 5(c) of the Home Owners' Loan Act of 1933 authorizes a Federal association to invest not more than 5 percent of its assets (1) in *real property* located within urban renewal areas designated as such by the Secretary of Housing and Urban Development under section 110(a) of the Housing Act of 1949 (42 U.S.C. 1460 (a)); (2) in *interests* in such property; and (3) in *obligations* secured by first liens on such property. The twelfth sentence also restricts investment in such *real property* and such *interests* to 2 percent of assets.

Section 102 would make two amendments. First, it would raise the 5 percent limitation to 10 percent. Second, it would permit the Board to define areas for the purposes of investment by Federal associations under the twelfth sentence.

This second amendment would make the twelfth sentence more workable and flexible since, under section 110(a) of the Housing Act of 1949, the Secretary's authority to designate an area as an urban renewal area is limited to approving the area as appropriate for an "urban renewal project", which latter term is itself subject to the complicated definitional provisions of section 110(c) of that act. While those provisions may be appropriate for determining the eligibility for loan and grant contracts under title I of the Housing Act of 1949 (42 U.S.C. 1451 *et seq.*) we believe they are not needed for the purpose of enabling Federal savings and loan associations to make loans to assist in rehabilitation operations.

Investment by Federal savings and loan associations in redevelopable and rehabilitatable real estate outside urban renewal project areas would enable these institutions to forestall urban blight and conserve the existing housing stock prior to its decay. The FHLBB would of course continue to support HUD projects by designating all such areas following the Secretary's designation. The intent of the Sec. 102 amendment is to complement HUD efforts and to utilize the comparative advantage of savings and loan associations, many of whom have large volumes of outstanding loans and thus experience in "gray areas" proximate to HUD-designated project areas.

Section 103—Property improvement loans

Section 103 would raise to $10,000 the $5,000 limitation on the maximum dollar amount of property improvement loans contained in the fourth and sixth sentences of section 5(c) of the Home Owners' Loan Act. This dollar limitation has been successively raised over the years; in 1954, from $1,500 to $2,500; in 1956 from $2,500 to $3,500; and in 1964 from $3,500 to $5,000. Changed economic circumstances have made the 1964 figure increasingly unrealistic.

In order to avoid wasteful and time-consuming piecemeal legislation, and in view of the natural limits placed on such loans by reasonable lenders and homeowners, a good case could be made for eliminating the dollar limitation entirely. It is believed, however, that a fixed $10,000 dollar figure will serve to check occasional excess and should render further amendatory legislation unnecessary for the indefinite future.

Section 104—Real property

Under present law, Federal associations may invest directly in real property only to the extent permitted under the twelfth sentence of section 5(c) of the Home Owners' Loan Act (discussed above under § 102). In a number of states, notably California, state-chartered associations may invest in real property up to some percentage of assets or some similar base or limitation. Section 104 would correct this competitive inequality by authorizing Federal associations to invest no more than 3 percent of their assets directly in real property. In addition to this percentage-of-assets limitation, section 104 would impose limitations as to the location of the property and the purpose of the investment in the property. The location of the property must be within one hundred miles of the association's home office or in the State in which such home office is located, and the purpose of the investment must be "for primarily residential usage".

Section 104 would also authorize Federal savings and loan associations to "warehouse" land for development with small percentage of assets and would facilitate housing production, including "New Towns".

Section 105—Loans for acquisition, development and improvement of land

Section 105 makes two amendments to the paragraph added to section 5(c) of the Home Owners' Loan Act of 1933 by section 805(c) of the Housing Act of 1959.

That paragraph now provides that, without regard to any other provision of subsection (c) of section 5 of the Act except the area restriction, any Federal savings and loan association with general reserves, surplus, and undivided profits in excess of 5 percent of its withdrawable accounts may invest not exceeding at any one time 5 percent of such withdrawable accounts in loans to finance the acquisition and development of land for primarily residential usage, subject to such rules and regulations as the Board may prescribe.

The object of the paragraph, as set forth (at p. 628) in the House Housing Subcommittee hearings on the Housing Act of 1959, was to provide for the development of housing sites. The term "development" is defined in section 545.6–14(d) of the Board's regulations. Loans for the construction of the housing must be made under other authority and subject to different percentage and other limitations. This fragmentation is unduly complex, prevents the paragraph from being as effective a tool for housing finance as is desirable, and is largely the result of the process of piecemeal amendment which has produced the present text of section 5(c).

Section 105 of the bill would eliminate this fragmentation by permitting loans to be made under the paragraph for the improvement of the property as well as for its acquisition and development, or any combination thereof. The section would also change the percentage limitation on such loans from 5 percent of withdrawable accounts to 10 percent of the association's assets. This would make a reasonable increase in the permitted amount of loans under the paragraph and bring this paragraph in line with the other lending limitations in section 5(c), which are based on percentages of assets rather than percentages of withdrawable accounts.

TITLE II

Section 201—Federal Savings and Loan Advisory Council

Section 8a of the Federal Home Loan Bank Act (12 U.S.C. 1428a) establishes a Federal Savings and Loan Advisory Council to consist of one member elected by the Board of Directors of each Federal Home Loan Bank (currently 12) and six members appointed by the Board. Section 201 would raise the number of appointed members to nine. It has been apparent to the Board for some time, but especially since the creation of the Federal Home Loan Mortgage Corporation, that the Council needs to be expanded to provide representation to industry groups which do not now have an institutional voice on the Council.

Section 202—Suits involving Federal home loan banks

Under existing law, the Federal Courts have original jurisdiction over suits involving the Federal Savings and Loan Insurance Corporation (12 U.S.C. 1730(k)(1)), the Federal Home Loan Mortgage Corporation (§ 303(e), P.L. 91–351), and the Federal Reserve Banks (12 U.S.C. 632). The purpose of these provisions, and similar provisions involving other Federal instrumentalities, is to insure uniformity and consistency of treatment. Section 102 would give the Federal courts comparable jurisdiction over suits involving Federal Home Loan banks.

Section 203—Conflicts of interest and related matters

Section 203 would add a new subsection (c), consisting of three paragraphs, to section 17 of the Federal Home Loan Bank Act (12 U.S.C. 1437). Paragraph (1) of the new subsection would clarify the authority of the Board to regulate conflicts of interest involving insured institutions and would extend this authority to conflicts of interest involving member institutions. Paragraph (2) would provide for enforcement by extending to this subsection the remedies available to the Board under other acts which it administers. Paragraph (3) would authorize the Board to charge user fees and to utilize and to make payment for services of other agencies in the implementation of this subsection and other statutory provisions administered by the Board.

Section 204—Illinois Bank for Savings and Loan Associations

Section 913 of the Housing and Urban Development Act of 1970 as reported by the House (H.R. 19436), reads as follows:

"SEC. 913. The provision numbered (2) in the first sentence of subsection (b) of section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a) is amended to read as follows: '(2) unpledged deposits in a Federal Home Loan Bank or in a State bank performing similar functions and in operation on February 6, 1970, and to such extent as the Board may approve for the purpose of this section, time and savings deposits in commercial banks, and'."

In a letter to the Chairman of the House Committee on Banking and Currency the Board stated its objections to the enactment of section 913 in the following terms:

"*Sec. 913, H.R. 19436. Liquidity of Institutions.* Section 5A of the Federal Home Loan Bank Act, as amended in 1968, requires each institution which is a member of a Federal Home Loan Bank or insured by the Federal Savings and Loan Insurance Corporation to maintain certain types of assets in amounts fixed by the Board, but not less than 4% nor more than 10% of its withdrawable accounts and short-term borrowings as therein set forth or, in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable.

Under the statute, these assets include cash and, to such extent as the Board may approve, time and savings deposits in Federal Home Loan Banks and commercial banks. By section 523.10 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10), the Board has limited eligible deposits to demand and time deposits in a Federal Home Loan Bank and demand and time deposits in an "insured bank", defined as a bank insured by the Federal Deposit Insurance Corporation which is not under the control or in the possession of a supervisory authority. However, time deposits in an insured bank are eligible under the regulation only if (1) the total of the member's time deposits in the same bank does not exceed the greater of (a) one-fourth of 1% of the total deposits of the bank (calculated as therein set forth) or (b) $20,000, (2) no consideration other than discounting to a current market rate of interest is received by the member from a third party in connection with its making or acquisition of the deposit, and (3) the deposit is negotiable and not over one year in remaining maturity or, if not withdrawable without notice, the notice period does not exceed 90 days.

In the administrative proceedings prior to the issuance of the regulation, an Illinois corporation known as the Bank for Savings and Loan Associations, incorporated in 1966 under the general banking laws of Illinois and not a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation, but all of whose capital stock was owned by Illinois savings and loan associations, took the position that demand and time deposits made in it should be eligible on the same basis as those in a Federal Home Loan Bank. It indicated that its ends would not be served if it were placed on the same basis as that proposed for insured banks, asserting that the provision limiting the total time deposits of a member in the same insured bank to one-fourth of 1% of the total deposits would have serious effects on it.

The Board did not grant the requested relief, and the same result is now apparently being sought directly by statute, through section 913 of H.R. 19436. The Federal Home Loan Bank Board objects to that section, for reasons briefly summarized below.

First. For a bank to qualify under section 913, it must be, *and must continue to be,* a State bank "performing similar functions" to a Federal Home Loan Bank. It is not clear how institutions making or acquiring deposits in the Bank for Savings and Loan Associations, or the Board and its examiners and other staff members, could obtain current, dependable information as to what functions that Bank was performing at any time or from time to time.

Second. The liquidity resources of the Bank for Savings and Loan Associations cannot be compared with those of Federal Home Loan Banks. It could not borrow from the Treasury, its obligations are not eligible for open-market purchase by the Federal Reserve Banks or as security for advances by those banks as obligations of the Federal Home Loan Banks are, and there is no provision of statute by which fiduciary trust, or public funds under the control of the United States could be invested in its obligations.

Third. The lack of deposit insurance and Federal Reserve membership means that the Bank for Savings and Loan Associations is not under effective supervisory, regulatory, or enforcement authority of any Federal agency. If it got into difficulties the Federal Deposit Insurance Corporation could not render with respect to it the financial assistance by loans or purchases of assets which that corporation is authorized to render as to insured banks.

Fourth. The provisions of the Board's regulation as to time deposits in insured banks are designed to restrain undue concentration of deposits and to assure ready availability. Section 913 of H.R. 19436 is obviously intended to escape those safeguards in the case of the Bank for Savings and Loan Associations. There is even danger that in other States (or in Illinois itself) State banks which were in operation on February 6, 1970, might claim that they were performing similar functions to a Federal Home Loan Bank and were entitled to the same treatment as the Bank for Savings and Loan Associations.

Finally, we note that the word "unpledged," which now appears in the regulation but not in the statute, would be carried into the statute by section 913 of the bill. We believe that situations might later develop in which it would be desirable to permit some pledged deposits to be counted as eligible, and we consider it unwise to incorporate that word in the statute.

In light of the foregoing, the Board opposes the provisions of section 913 of H.R. 19436.

The following section 916 was adopted in conference, and ultimately by the Congress, in lieu of section 913:

"SEC. 916. Unpledged deposits in the Bank for Savings and Loan Associations, Chicago, Illinois, maintained by any institution which is a member of a Federal Home Loan Bank or is an insured institution as defined in section 401(a) of the National Housing Act, shall be considered assets for purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b))."

This section 916, while an improvement over section 913, still suffers from the fundamental defects in section 913. Section 204 of the proposed bill is an effort to remedy two of these defects.

The first paragraph of section 204 would limit the applicability of section 916 to members located in the State of Illinois. This would eliminate the serious imbalances in distribution of mortgage funds which would result if capital from the rest of the States continued to flow into one State. The second paragraph would enable the Board to insure the full liquidity of the reserves of institutions under its supervision.

Section 205—Advances

Section 10 of the Federal Home Loan Bank Act, which provides for advances by the Federal Home Loan Banks to their members on the security of home mortgages or obligations of or fully guaranteed by the United States, provides in subsection (c) that at no time shall the aggregate outstanding advances made by any Bank to a member exceed twelve times the amounts paid in by the member for outstanding capital stock held by it. Section 6(c)(2)(ii) provides in effect that the Federal Home Loan Bank stock held by a member shall not be reduced if the effect would be to cause the aggregate outstanding advances, within the meaning of this provision of section 10(c) or within the meaning of Board regulations defining that term for the purposes of the provision, to exceed twelve times the amounts so paid in by the member. It has been the Board's experience that the 12-to-1 ratio acts as an excessive restriction on the Board's power to assure stability in the housing sector during periods of economic downturn. The Board believes that a 20-to-1 ratio is fully justified, and section 205 of the proposed bill would so provide.

TITLE III

Section 301—Repurchases of mortgages

The alteration made by section 301 in the authority of the Federal Home Loan Mortgage Corporation to conduct secondary mortgage market operations is indicated fairly plainly by the text of the section. One point is worthy of note, however. The added language means that the Corporation could purchase an interest in a whole mortgage which it had sold, and could purchase the whole of a mortgage where it had sold an interest in that mortgage. This authority is in addition to the obvious authority for the Corporation to purchase a whole mortgage where it had sold that whole mortgage, and to purchase an interest in a mortgage where it had sold that interest.

Section 302—Percentage limitation on 1 year mortgages

The third sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act provides:

"The Corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation."

Section 302 would raise the 10-percent limitation to 25 percent and would thereby increase the flexibility of Corporation's secondary-market operations in conventional mortgages.

Section 303—Loan-to-value ratio

Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act prohibits the Corporation, except under certain specified circumstances, from purchasing a conventional mortgage under that section "if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage". The customary maximum limit on conventional home mortgages, under statutes and regulations quite generally in effect, is 80% rather than 75%, and section 303 of the proposed legislation would accordingly raise this loan-to-value ratio in the Federal Home Loan Mortgage Corporation Act to 80 percent.

Section 304—Commitments

The first and second sentences of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act provide:

"No conventional mortgage shall be purchased under this section if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the Corporation. The Corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence."

The effect of the second sentence is to prevent the Corporation from making forward commitments for participations. The Board believes that this restriction, while perhaps arguably justifiable on grounds of caution at the inception of the Corporation's existence, no longer serves any good purpose. The removal of the restriction would enable the Corporation to achieve greater stability and predictability in its secondary-market prices.

Section 305—Eligibility as public investments

Section 305 of the proposed bill would add a new subsection (f) to section 303 of the Federal Home Loan Mortgage Corporation Act. The new subsection (f) would provide that, subject to regulatory authority otherwise applicable, obligations and securities of the Corporation except its stock shall be lawful investments and security for fiduciary, trust, and public or other funds whose investment or deposit is under the control of the United States or its possessions, or under the control of corporations incorporated under the laws of the United States or such possessions.

There are ample precedents for this type of legislation.

One such precedent is section 15 of the Federal Home Loan Bank Act, which provides that obligations of the Federal Home Loan Banks, and it may be noted that those are not guaranteed by the United States, shall be lawful investments and security for fiduciary, trust, and public funds whose investment or deposit is under the authority or control of the United States or any officer thereof.

Another precedent is section 409 of the National Housing Act. That section provides that savings and share accounts of institutions insured by the Federal Savings and Loan Insurance Corporation shall to the extent they are so insured be lawful investments and security for public funds of the United States, fiduciary and trust funds under its control, and the funds of all corporations organized under the laws of the United States, subject to any regulatory authority otherwise applicable.

Still another precedent is section 311 of the National Housing Act which provides that all obligations, participations, or other instruments issued by either the Government National Mortgage Association or the Federal National Mortgage Association—and the latter's securities are not guaranteed by the United States except in the special case of those which are GNMA-guaranteed—shall be lawful investments and security for fiduciary, trust, and public funds whose investment or deposit is under the authority and control of the United States or any officer or officers thereof.

Section 306—Federal National Mortgage Association

Section 306 of the proposed bill would amend section 302 of the National Housing Act to grant to the Federal National Mortgage Association the same new powers which would be conferred on the Federal Home Loan Mortgage Corporation by sections 301–304 of Title III of the proposed bill.

TITLE IV

Section 401—Adjustments in assets

Section 401 would add the following sentence to section 403(b) of Title IV of the National Housing Act: "The Corporation shall have power to require such adjustments as it deems necessary or appropriate in the amounts appearing in the books, records, reports, or other documents of insured institutions in order that their financial condition and operations may be fairly stated." It has long been the position of the Board that the Federal Savings and Loan Insurance Corporation already possesses the authority intended to be conveyed by section 401 and the Board has long had a regulation (12 CFR 563.17–2) implementing that authority. However, this position represents a construction of general language found in various places in Title IV and the validity of this construction is open to possible challenge.

The Board believes, especially in view of the expansion of lending authority intended to be accomplished by Title I of the proposed legislation, that the possibility of challenge should be clearly foreclosed.

Section 402—Definition of affiliate

Section 407(m) of Title IV of the National Housing Act provides for the examination of affiliates of insured institutions. The last sentence of section 407(m)(1) defines "affiliate" as follows:

"For purposes of this subsection, the term 'affiliate' shall have the same meaning as where used in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a(b)), except that the term 'member bank' in said section 2(b) shall be deemed to refer to an insured institution."

Section 2(b) of the Banking Act of 1933 provides:

"(b) Except where otherwise specifically provided, the term 'affiliate' shall include any corporation, business trust, association, or other similar organization—

(1) Of which a member bank, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 per centum of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a member bank who own or control either a majority of the shares of such bank or more than 50 per centum of the number of shares voted for the election of directors of such bank at the preceding election, or by trustees for the benefit of the shareholders of any such bank; or

(3) Of which a majority of its directors, trustees, or other persons exercising similar functions are directors of any one member bank; or

(4) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a member bank or more than 50 per centum of the number of shares voted for the election of directors of a member bank at the preceding election, or controls in any manner the election of a majority of the directors of a member bank, or for the benefit of whose shareholders or members all or substantially all the capital stock of a member bank is held by trustees."

The essential effect of section 402 of the proposed bill is to substitute for the 50 percent requirement in section 2(b) the 25 percent requirement found in the Savings and Loan Holding Company Act provisions relating to affiliation. It is the experience of the Board that effective control, and therefore affiliation in fact, frequently exists in cases of less than 50 percent control. Hence, section 402 would bring the Board's supervisory authority over affiliates of insured institutions more into line with corporate reality.

Effective use of the lending and investment authority of the sort intended to be conveyed in Title I of the proposed bill commonly involves activity by affiliated persons and businesses. The Board believes that expansion of its regulatory authority over such persons and businesses is desirable to insure that this proposed lending and investment authority will be used safely and wisely.

Section 403—Savings and loan holding companies

Section 403 would make certain minor technical and clarifying changes to section 408(d)(4) of Title IV of the National Housing Act.

Section 404—Mergers

Section 404 of the proposed bill would add a new section 412 to Title IV of the National Housing Act. New section 412 would clarify the authority of the Board regarding mergers, consolidations, and similar transactions involving insured institutions and would provide procedures for the exercise of that authority which would be comparable to those applicable in the field of commercial banks.

The proposed section 412 as modeled very closely upon the Bank Merger Act, as amended (12 U.S.C. 1828(c)(1)). Under the section, insured savings and loan associations would have available to them all the protections available to banking institutions under the Bank Merger Act, and at the same time, comparable standards and procedures, particularly in the antitrust area, would be established for all financial institutions. It will be noted that new section 412 does not contain provisions comparable to 12 U.S.C. 1828(c)(9) relating to inclusion of a description of each merger transaction in the responsible agency's annual report. Comparable provisions would duplicate in large measure the existing annual report requirement specified in the second to last sentence of section 17(b) of the Federal Home Loan Bank Act under which the Board now describes merger transactions in its annual report to the Congress.

Section 405—Payment of insurance

Both section 405(b), which applies to Federal and State savings and loan associations, and section 406(b), which applies only to Federal associations, of Title IV of the National Housing Act envision that the Federal Savings and Loan Insurance Corporation, upon its insurance settlement payments incident to the default of an insured association, shall become the owner of, and succeed to all the rights in, the insured portion of the accounts of the insured members of the association in default, and that the insured members shall retain only those rights relating to the uninsured portion of their accounts. However, the present sections 405(b) and 406(b) use different terminology to describe such result. In order to achieve uniformity, section 405 of this bill would amend sections 405(b) and 406(b) of Title IV of the National Housing Act by deleting the subject provision with respect to the Corporation's insurance payments from said section 406(b) and by adding a new sentence to section 405(b) restating more precisely the present rights of the Corporation and the uninsured account holders, as follows:

"The surrender and transfer to the Corporation of an insured account in any institution in default shall subrogate the Corporation with respect to such insured account and all rights incident thereto, and the insured member shall retain only those rights incident to any uninsured portion of his account."

Section 405 of the bill also would amend the present section 406(b) of title IV of the National Housing Act by deleting all reference to the Corporation paying the valid creditor obligations of the defaulted association. The deleted language is both ambiguous and superfluous since the Corporation in any event would be obligated to pay all creditor obligations of the defaulted association, out of such institution's assets, when it acts as a liquidating receiver; however, the Corporation would not necessarily pay such obligations if it merges the association in default with another existing association or with a newly organized Federal association.

Section 405 also would add the following sentence to the end of section 405(b) of Title IV of the National Housing Act:

"Upon the payment of insurance by the Corporation to the insured members of the institution in default, the Corporation shall become entitled to interest on the withdrawable or repurchasable amount of the accounts surrendered and transferred to it, computed at a rate determined by the Federal Savings and Loan Insurance Corporation, as of the date of default, based upon the average market yield on the Federal Savings and Loan Insurance Corporation's investments in obligations of, or guaranteed as to principal and interest by, the United States, commencing upon the date of default and continuing until the date or dates on which the Corporation's claim for the aggregate withdrawable or repurchasable amount of all such accounts is paid in full by the conservator, receiver, or other legal custodian of such institution: *Provided,* That such rate shall not be less than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States or comparable maturity, adjusted to the nearest one-eighth of 1 per centum: *And provided further,* That no such interest shall be payable to the Corporation until payment or provision for payment has been made with respect to the expenses of administering the institution in default, including tax liability, and all creditor claims against such institution, including the full withdrawable or repurchasable amount of all account claims."

This provision is declaratory of the present law but the inclusion thereof in title IV of the National Housing Act is deemed advisable in order to avoid in the future unnecessary litigation concerning the matter of the type involved in past receiverships. Said provision also is intended to make clear that the obligation to pay such interest to the Corporation becomes a continuing liability of the insured association upon its default even though the interest is not payable until payment or provision for payment has been made with respect to the specified expenses and other creditor claims. In order to achieve uniformity and consistency in the event of receiverships in different States, such interest is to be paid to the Corporation in accordance with the formulae stated in the last quoted sentence. These formulae are consistent with OMB Circular A-70 and are commonly employed in other Federal statutes. In the event of a surplus, other creditors of the association in default, including the holders of its uninsured accounts, also would receive interest on their claims, but at the rate or rates allowable by governing law or regulation.

By Mr. BENTSEN:

S. 1672. A bill to amend section 312 of the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

EXTENSION OF THE IMMIGRATION AND NATIONALITY ACT

Mr. BENTSEN. Mr. President, in 1952, the Immigration and Nationality Act was amended to permit alien applicants for naturalized citizenship, who were 50 years of age and had resided in the United States for a period of 20 years, an exemption from the requirement of understanding the English language, including the ability to read, write, and speak it, in order to qualify for naturalization. Instead, they would be permitted to make the citizenship exam in their native language, being orally tested as to their knowledge and understanding of the fundamentals of the history and of the principles and form of Government of the United States.

Eighteen years have passed since the cutoff date in the 1952 legislation. This new bill would extend the exemption to applicants for naturalization who have attained the age of 50 and have resided in the United States for 20 years as of the date of filing the petition for naturalization.

Many aliens who qualify in age and years of residence and who, because of family obligations, the need and urgency of making a living, as well as the unavailability of English language and citizenship programs to aid them, have been unable to acquire and develop a reading and writing ability of the English language.

Many of these aliens have children who are not only U.S. citizens but many who have served in our Armed Forces and some who have died for their country.

These new citizens would simply be helped to overcome the language barrier in their efforts to become U.S. citizens.

By Mr. KENNEDY:

S. 1673. A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF THE PLYMOUTH ROCK NATIONAL MEMORIAL

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes. I ask unanimous consent that the bill be included in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, during this past year we have celebrated the 350th anniversary of the landing of the Pilgrims at Plymouth Rock. The courageous initiative and leadership of those Pilgrims is a cherished reality to every student of our national history. Seldom have we as a people been in such need of the example of valiant and dedicated leadership. Each of us as Americans cherish the unique meaning of the Pilgrim landing at Plymouth Rock. And the bravery which characterized their survival in this new world.

Plymouth Rock is a sign of hope and promise for all Americans. It is a part of our heritage and tradition as a Nation. The bill which I am introducing is a recognition of that fact. We have reached that time in our lives as Americans when we need to reach back into the past and recognize with appreciation those who provided the dynamism for the creation of our Nation.

Annually during our traditional Thanksgiving Day celebration we laud the bravery and valor of the Pilgrims. It would seem fitting to make that praise into a permanent tribute. Over 1 million tourists visit Plymouth Rock each year in recognition of their origins as Americans. How can we continue to neglect to include this site in our national park system. It would seem only appropriate to recognize the national significance of Plymouth Rock and insure its preservation as a national memorial and tribute to the spirit which motivated our founding.

As we enter the decade of the seventies, let history remember this time as the era in which we sought to rediscover our sense of national purpose and renew that vibrant and noble spirit of those who laid the foundations for our Nation. I urge the Congress to act on this measure as soon as possible.

EXHIBIT 1

S. 1673

A bill to provide for the establishment of the Plymouth Rock National Memorial, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the landing of the Pilgrims in the New World at Plymouth Bay, Massachusetts, in 1620, the Secretary of the Interior may acquire by gift, purchase with donated or appropriated funds, exchange, or otherwise, not to exceed fifteen acres of land (together with any buildings or other improvements thereon), and interests in land at Plymouth Harbor in the town of Plymouth, Massachusetts, for the purpose of establishing thereon a national memorial: *Provided,* That property owned by the Commonwealth of Massachusetts may be acquired only with the consent of the owner.

SEC. 2. The property acquired pursuant to the first section of this Act shall be established as the Plymouth Rock National Memorial, and shall be administered by the Secretary of the Interior subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. PACKWOOD:

S. 1675. A bill for the relief of Antonio Plameras. Referred to the Committee on the Judiciary.

Mr. PACKWOOD. Mr. President, I bring before the Senate today a heartwarming, but potentially tragic, situation involving an orphaned child in the Philippines and a loving woman who wants to adopt him, but has been thwarted by technicalities in our immigration laws.

Antonio Plameras spent his first several months in a Manila foundling home, from which babies are either adopted—if they are very lucky—or moved after 1 year to an orphanage. According to Miss Dorothy Person, a long time employee of the Agency for International Development, who is now stationed in Manila, her mother started doing volunteer work at the foundling home through an AID service organization. Tony Plameras came to her attention immediately because at 6 months he neither wriggled, cried, nor showed any signs of normal infant development. With understandable concern, Mrs. Person asked to bring Tony to their home, and this permission was granted. He was thoroughly examined by a pediatrician for possible illness, but the only prescription needed for this child was "lots of love and affection." Dorothy Person and her mother filled that gaping void in Tony's life, and now are the foster parents of a healthy, happy, normal 18-month-old boy.

Miss Person applied through Philippine and United States officials to adopt Tony, and this is where the difficulties have developed. Under Philippine law, she may not adopt Tony in the Philippines, but she may bring him to the United States for adoption.

If Dorothy Person were married, this would be perfectly routine, but being unmarried, she has so far been prevented from securing the necessary permission to bring Tony back to the United States for completion of the adoption procedures. I say with great sadness that this is just another example of the discrimination against single people which exists throughout our laws. In this case, however, the discrimination does not just affect the single person herself, but it also affects the life and well-being of a young child, who has come to accept and love a single person as his parent. If this generous woman has enough love in her heart for Tony, how can we in Congress deny him this greatest of all gifts?

The bill I introduce today, Mr. President, would prevent this tragic inequity by permitting Tony entrance as a prospective adoptive child without regard to the "spouse" requirement.

I cannot imagine that this Congress, in drafting our immigration laws on the adoption of children abroad, ever intended to prevent a fine, stable, loving, woman like Dorothy Person from adopting an orphaned child like Tony, and I therefore urge my colleagues to give this bill their favorable and expeditious consideration.

By Mr. FONG (for himself and Mr. McGEE):

S. 1681. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities. Referred to the Committee on Post Office and Civil Service.

Mr. FONG. Mr. President, I introduce for myself and the distinguished chairman of the Senate Post Office and Civil Service Committee (Senator McGEE), a bill affecting the computation of annuities for certain Federal retirees. This legislation would allow employees eligible for retirement before a cost-of-living annuity increase goes into effect to retire after that date and still included in the computation of their annuities that cost-of-living increase.

Under present law, an employee must retire and his annuity must commence on or before the effective date of a cost-of-living annuity increase in order to have it applied in the computation of his annuity.

The present provision in law does not give to an employee who retires soon after the effective date of a cost-of-living annuity increase that increase. This, therefore, forces him to retire before the effective date of that cost-of-living annuity increase in order to receive it.

This severely hampers the administration of the civil service retirement system because present law results in bunching of retirements immediately before the effective date of every cost-of-living annuity increase. It accelerates the retirements of employees who had been planning to leave within 6 months or so after that date. For example, the last such increase, effective August 1, 1970, produced about 19,000 retirements in addition to the approximately 5,000 that occur in a normal month. In August 1969, the effective date of a similar increase, there were 25,000 retirement applications. This same type of bunching similarly occurred in the four previous occasions when cost-of-living annuity increases went into effect.

This peaking disrupts annuity payments and causes serious delays when so many retirements that would otherwise have been evenly spaced over a period of several months occur at the same time.

Work within the employing agencies is also disrupted because an inordinate number of employees decide to retire immediately before a cost-of-living annuity increase. Many of these retirees, if they are willing, must be reemployed as annuitants to complete the projects on which they were working.

The administration fully endorses this proposal and I am hopeful that the Senate Post Office and Civil Service Committee can act expeditiously on this bill so that it can be acted on by the House of Representatives and sent to the President before the next scheduled cost-of-living annuity increase goes into effect at the end of next month.

By Mr. FONG (for himself and Mr. McGEE):

S. 1682. A bill to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. FONG. Mr. President, I introduce for myself and the distinguished chairman of the Senate Post Office and Civil Service Committee, Senator McGEE, a bill to establish the Federal Executive Service. This measure was initially drafted by the U.S. Civil Service Commission after over 4 years of intense and critical review of the existing Federal supergrade system.

The proposal I am introducing today is the result of detailed and candid discussions conducted by the Commission with personnel experts in every executive agency.

As a member of the Senate Committee on Post Office and Civil Service Committee for the past 11 years I have come face to face with many of our Government's management and personnel problems. These problems are becoming more acute with the ever-increasing types and numbers of programs which our Federal Establishment is being required to bear.

Our top management staffing system must be modernized and restructured if Federal agencies are to carry out their responsibilities efficiently and effectively.

I believe the measure I introduce today points the way to solving the problem of responsiveness voiced many times over by the American public, Cabinet officers, personnel experts in and out of Government, and Members of Congress, as one of the most critical flaws in our Federal Government's organization.

I am confident the Congress will study in detail this proposal. However, I hope that committee consideration and floor debate on this subject can be expedited so that the essential top management reforms required by our growing Federal Establishment can be implemented as soon as possible.

I ask unanimous consent that a supporting paper drafted by the U.S. Civil Service Commission, entitled "A Proposal for Improving Federal Executive Manpower Management," be printed in the RECORD at this time.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE FEDERAL EXECUTIVE SERVICE: A PROPOSAL FOR IMPROVING FEDERAL EXECUTIVE MANPOWER MANAGEMENT

SECTION I: SUMMARY OF KEY FEATURES OF THE PROPOSED FEDERAL EXECUTIVE SERVICE

I. Coverage (Ref p 14)

The Federal Executive Service will include the approximately 7,000 civilian executives, with certain exceptions, now in grades GS-16, -17, and -18 and their equivalents in the executive branch. (The Appendix describes the size and make-up of the current civilian executive workforce.)

II. Size (Ref p 16)

Centralized position classification by the Civil Service Commission will be eliminated and each agency will apply a position management approach best suited to its own agency needs.

Agencies will annually review their executive manpower needs and request a specific number of executives.

The Civil Service Commission will review agency requests in collaboration with the Office of Management and Budget and authorize the number of executives for each agency.

The authorizations will be reported annually to Congress and become effective in 90 days.

III. Career and noncareer categories of executives (Ref p 19)

Appointments to the Federal Executive Service will be in two categories: Career and noncareer.

Noncareer appointments will be for executives whose employment will likely be of a temporary nature.

Career appointments will be for executives whose general employment outlook and expectations will be oriented toward Federal service.

Each category will have a different type of appointment with different conditions of employment.

Noncareer executives will be appointed and removed at the pleasure of the agency head.

Career appointments must have prior approval of a Qualifications Board.

IV. Establishing and controlling career and noncareer relationships (Ref p 21)

The Civil Service Commission after collaboration with the Office of Management and Budget will authorize a career/noncareer ratio for each agency based on individual agency requirements.

The aggregate Government-wide number of noncareer executives will be limited to no more than 25% of the total Federal Executive Service.

V. Compensation arrangements (Ref p 22)

Agency heads will have authority to set and adjust salaries of career and noncareer appointments within a range corresponding generally to that encompassed by GS-16 through GS-18 positions. Salaries may be raised but not reduced.

The Civil Service Commission will establish a Government-wide executive salary dollar figure which may not be exceeded by the average executive salaries of individual agencies.

VI. Assignments (Ref p 24)

Agencies may assign and reassign executives to any duties within the scope of the Service.

There will be no externally administered position classification system.

Career and noncareer executives may be used interchangeably.

VII. Qualifications boards (Ref p 25)

Qualifications Boards operating as agents of the Civil Service Commission must approve the qualifications of *career* executives prior to their initial appointment.

Members of Boards will be appointed from within and outside the Federal service.

VIII. Employment agreements for career executives (Ref p 27)

Employment of career executives will be governed by employment agreements.

Initial agreements will be for a period of three years. Agreements will be renewable for three-year periods.

When an employment agreement expires and an agency does not offer the executive a renewal, or makes such an offer and it is declined by the executive, the agency may involuntarily separate the executive from the service if he has completed 30 years of service and is otherwise eligible for an annuity.

If an agreement is not renewed and the executive is not separated under the "30 years of service" provision described above, the executive must be offered a GS-15 appointment in the competitive service with salary saving for two years. Thereafter, he will receive appropriate GS-15 salary with time in grade credit for his service at GS-15 and above.

In addition, if the agency does not offer an agreement renewal, the executive will be eligible for discontinued service retirement, if he meets the criteria or for severance pay.

During the period of an employment agreement the agency agrees to assign the executive to appropriate duties, to provide training and development opportunities, not to reduce his salary, and not to retire or remove him except for offenses calling for adverse action procedures.

The executive agrees to serve where needed and to participate in training and development activities. He may resign at any time.

He may appeal assignments to duties or locations which he believes were made for reasons other than the efficiency of the Government.

If a geographical move would result in undue hardships, the executive may decline and has the following options: GS–15 employment with 2-year salary savings; discontinued service retirement if eligible; or severance pay.

The executive may transfer to another agency to complete the period of an existing employment agreement.

IX. Appeals (Ref. p. 31)

Career executives may appeal inappropriate assignments, violations of conditions of employment, and removal on charges to the Civil Service Commission which has authority to direct corrective action.

X. Reports (Ref. p. 32)

The Civil Service Commission will submit an annual Stewardship Report to the Congress with current executive authorizations and projections for the coming year. As a minimum, the Report will contain for each agency and government-wide the number authorized for the Federal Executive Service and the career/noncareer ratio.

XI. Effective date (Ref. p. 34)

The Service will become operative no later than one year after enactment of legislation.

During this period, operating procedures and regulations will be developed.

XII. Transition (Ref p 34)

Executives with career appointments will be offered initial employment agreements without the requirement of qualifications approval.

Career executives who do not accept initial employment agreements may continue in their current appointments.

Some executives now serve under noncareer executive assignment (NEA) appointments. They will be given noncareer appointments in the Federal Executive Service.

Other executives now serve in positions which are expected from the competitive service for a variety of reasons. Examples are: Attorneys in Schedule A positions; scientists and administrators in positions excepted by law.

At their option, agencies may offer employment agreements to these executives without the requirement of qualifications approval. If the individual accepts an employment agreement, he will receive a career appointment in the Federal Executive Service.

If the agency does not offer an agreement or if the executive does not accept the agreement, he may remain in his present appointment, retaining his current rights and privileges.

XIII. Excluded groups of executives (Ref p 35)

Agencies within the executive branch having excluded groups will be encouraged to review and adopt appropriate features of the Federal Executive Service.

Agencies outside the executive branch having excluded groups will be required to establish their own executive services.

SECTION II

Background

In 1966, the executive branch took an important first step to establish a modern executive manpower program for the Government. This effort, the Executive Assignment System, established by Executive Order 11315, November 17, 1966, was designed to meet the need for personnel of the highest attainable qualifications to staff General Schedule positions at grades 16, 17, and 18 in the executive branch.

The Executive Assignment System was introduced to bring about improvements as rapidly as possible within the legal authorities already available to the President and the Civil Service Commission. In addition, as charged under the Executive order, the Commission initiated a study of operations under this System with a view to recommending basic changes for its improvement, including changes in legislation if necessary.

The objectives of the Executive Assignment System emphasized the responsibility of top agency management for hiring, assigning, and developing Government executive. Within this policy, the program was designed to assure a systematic aproach to:

Agency and government-wide planning to meet present and future executive manpower requirements.

Providing the means whereby agency heads could select the most capable candidates available from the entire Federal service or from outside Government.

Giving incumbent executives and rising professionals greater opportunity to achieve their full potential for contributing to our Nation's progress and for career advancement, personal recognition, and success.

Encouraging the development of executives committed to the overall purposes of Government as a whole as well as to those of a single agency or program.

These were sound objectives. The joint efforts of agencies and the Civil Service Commission to find executive talent and expand development opportunities have produced results beneficial to both management and the executives themselves.

One critical need was an ability to find and compare high quality people quickly to fill executive vacancies or to staff new programs.

This capability now exists through the Federal Executive Inventory. It is an automated government-wide inventory containing background information on more than 30,000 executives in grades GS–15 through GS–18 and their equivalents in other salary systems. Since it was established in November 1967, over 4,400 individuals have been referred to agencies for their consideration in filling about 1,200 positions.

The Executive Inventory also provides a unique source of information for understanding the composition and characteristics of the Federal executive workforce. It makes possible a variety of analyses as a basis for planning to meet the Government's future executive staffing needs.

While these results are a good beginning, many problems remain and new challenges are emerging. The increasing complexities and rapid changes facing society bring new responsibilities to Government executives.

There is a growing recognition that one way to insure the success of public programs is to enhance the effectiveness of the men and women who manage them; and there is increasing concern that more should be done to improve the authorities under which the Federal Government manages its executive manpower. The calls for review come from many quarters: Administration spokesmen, members of Congress, political executives, career executives, Federal personnel managers and the academic community.

In response to this concern, and drawing on 3 years of operating experience with the Executive Assignment System, the Civil Service Commission conducted a comprehensive study of current executive manpower practices and results. The study was conducted with the assistance of an advisory committee of agency personnel directors. The results of the study are:

A restatement of objectives for a modern executive manpower program.

An analysis of the problems to be overcome in meeting these objectives.

A proposal for a new approach to the management of executive resources requiring legislative change.

SECTION III

Objectives

The goal of Federal executive manpower management must continue to be to provide the right number of executives with the right skills and attitudes, in the right places, at the right time, motivated to perform in the most effective way. Operating experience with the current program and recommendations of interested publics demonstrate the need for a redefinition of objectives within this broad goal.

To meet the Government's leadership needs in today's world, an effective executive manpower program must:

Require that top agency executives carry out their responsibility for executive manpower management and assist them in doing so.

Insure that executives who have responsibility for Government programs have commensurate authority over their executive resources in proper balance with the needs of the Government as a whole and the long-run needs for a career workforce.

Provide the quantity and quality of talent required by: forecasting needs; recruiting and developing potential talent at all levels; maintaining a pool of talent; and keeping it motivated.

Insure that the executives in the Federal Government are responsive to public policy as enunciated by the President and the Congress and responsive to the top political management of the Government, at all times.

Provide individual executives with opportunities to achieve their full potential for contributing to the Nation's progress and for personal growth, recognition, and work satisfaction.

Assure that high quality employees at entry level and at the mid-management level perceive that they can rise to the top and get important and influential jobs with reasonable security.

Provide a central source to review, analyze, and make recommendations on all aspects of executive manpower management, including a means for the President to hold agency heads accountable for the management of their executive manpower resources.

Major problems

The study highlighted several problems as barriers to effective executive manpower management. Not all agencies face all these problems, nor do they exist in the same degree in the agencies which do have them.

If it is agreed that these are the major executive manpower problems facing the Government as a whole, then it is essential that action be taken to correct them. Any changes in the ways in which executive manpower is managed must address itself to these problems.

The problems are:

1. Government executives (both career and noncareer) must cope with a variety of constraints on their decisions to organize programs and on hiring, assigning, and removing their key subordinates (both career and noncareer). While such restrictions may have served a purpose in the past, today they frequently inhibit the executive from accomplishing his objectives. New systems are required which remove the unneeded constraints and let executives operate more effectively, recognizing that the Congress will continue to serve as an "overseer."

Over a dozen personnel programs govern the selection, pay, assignment, and tenure of executives. Many agency heads must deal with several of these personnel programs. They may receive manpower authorizations under a number of different laws and regulations. They may pay executives under different pay systems. They often must consider a variety of career rights when they want to take any actions affecting their key subordinates. The results are:

Opportunities for friction among members of different programs.

Difficulties in assigning people into and out of different programs.

Unnecessary administrative loads.

Continuing frustrations for new executives who try to understand and use these systems.

Another problem is that each personnel program carries a number of prescriptive and restrictive requirements that greatly reduce the executives' staffing options and unnecessarily restrict his authority to decide how programs will be administered. These requirements affect every aspect of personnel management: position authorizations, position classification, qualifications of nominees, pay, promotions, assignments, and retirement. Many of these rules no longer serve the best interests of the public. The results are:

Difficult distinctions among grade levels at GS-16, -17, and -18.

Undue emphasis on prestige and status factors in determining grade levels.

Meaningless distinctions among *positions* designated as career or noncareer.

An unwillingness of agency heads to fill important executive posts labeled as "career" with individuals whom they don't know well and whom they fear will become "locked in."

An appeals system for reduction-in-force actions unsuited to the executive workforce.

Inflexible authorities for paying executives that lead to inequities in individual situations within an agency or across agency lines.

Finally, agency heads are faced with severe limitations on the numbers of executives they may hire because of the various quotas limiting the number of executive positions. These ceilings do not allow the Civil Service Commission or the agencies to assign executive resources to changing program needs on a timely and rational basis.

2. Executive manpower planning is grossly inadequate. There is almost a complete lack of planning to identify and meet future executive manpower needs and to explore and develop sources of supply. Both short-range and long-range planning are needed at the agency level and for the Government as a whole.

This lack of planning hampers executive recruitment and executive development efforts. With only a few exceptions, agencies are not forecasting executive needs—either to replace the executives they now have, or to meet changing demands resulting from modifications in program size or emphasis. For example:

Agencies have only general ideas of the number and kinds of executives to be replaced over the next five years because of retirement, death, transfer, or resignation.

The sources of supply to meet future executive needs on either a short- or long-range basis have not been identified. Legislation for new programs is typically proposed and approved with no analysis of the sources of the necessary management talent.

Executive manpower resource planning is not incorporated into program planning. Program and financial plans are not supported by the appropriate analyses of executive manpower requirements.

3. Political executives, Congress, the general public, and academics express concern that the bureaucracy (both the system and the people) is not responsive to new political and program direction.

The issue is "how to insure that the bureaucracy reflects public policy expressed through the political process."

Unnecessary friction between career and political executives frequently accompanies changes in Administrations or administrators.

The new agency head is confronted by complicated and constraining personnel systems. He finds it difficult to look immediately to the career "bureaucracy" to help him with these problems because rightfully or not, he sometimes perceives them as part of the problem.

New agency heads perceive that many of their key subordinates are "locked in," and that they have no control over who does what work. Moreover, they feel they cannot appoint new men because they cannot easily establish new positions.

Past staffing actions tend to undermine the confidence of new agency heads, especially where career employees have been placed into political jobs and political "types" into career jobs.

Present personnel systems do not adequately recognize the value of providing to agency heads a reasonable number of "their own men" to serve as advocates. This is not necessarily a partisan issue, but it is essential to building a unified and harmonious management team.

4. Agency heads must confront a great variety of pressures concerning whom they choose for their executive positions.

The growing trend to the greater professionalization of top management continues to have an increasing impact on manpower management at the executive level. Alliances develop among professionals in and out of Government to:

Influence program direction and size.

Maintain professional credentials in the staffs of agencies.

Other staffing pressures come from such sources as:

Interest groups, for their advocates.

Partisan sources, to reward party faithful.

Congress, for constituent representation.

While on the one hand these pressures are designed to influence staffing so that programs will be conducted in ways that agree with the desires of the groups exercising the pressures, on the other hand, the success of programs frequently depends upon the support of the pressure groups. Therefore, the agency head needs some way to accommodate to these pressures.

5. The Government has no assurance that the best available executive talent is being identified, developed, and utilized. It is generally agreed that the demand for high quality leadership talent in the society as a whole is already greater than the supply. Some leaders feel that important public programs frequently do not meet their objectives partly because some of the executives in those programs lack sufficient managerial skill. The Government must be prepared to develop the talent it needs now and will need in the future.

This problem has several important dimensions:

Many career executives feel frustrated because they cannot look ahead confidently to progression and career growth in the programs or organizations that interest them and to which they believe they can make their best contributions. Neither can they or their agencies assess their opportunities or plan their development and training.

Closely related to the above is the lack of clearly identified career fields, promotion ladders, or career development programs. Thus, clear career goals are not available as a basis to recruit, develop, and train executives.

A meaningful way has not been found to assess and communicate the quality of an executive's performance or to predict future performance. Thus, agency heads who are trying to fill executive vacancies frequently cannot identify potentially high quality talent and systematically develop this potential.

In most agencies systematic training and development of executives has not been made an integral part of the total management process. Thus, executive development frequently lacks institutionalized continuity and adequate attention by top agency executives.

6. Currently, there is inadequate centralized leadership and responsibility for management of executive resources. Under present arrangements, the President undoubtedly finds it difficult to hold his appointees accountable for this. The Government as a whole lacks a system to insure effective, integrated, and coordinated management of executive manpower resources across agency lines. The causes underlying this problem are:

Manpower resources, particularly executive resources, do not receive the degree and level of management attention that is devoted to financial resources. No single agency has responsibility for monitoring the total results of executive manpower management. The Civil Service Commission's responsibilities do not encompass several important personnel program areas; moreover, the Commission has only limited responsibility for other programs.

There is no systematic review and analysis to determine the government-wide effectiveness of the management of executive manpower. The President does not receive periodic reports of the stewardship of this resource, nor does he receive systematic recommendations for needed improvements.

SECTION IV: A PROPOSAL FOR A NEW FEDERAL EXECUTIVE SERVICE WITH PURPOSES AND JUSTIFICATION

To respond to the deeply felt needs for major improvements in the use of the Government's executive manpower resources, it is proposed to establish a Federal Executive Service with the features described below.

Coverage

The Federal Executive Service will include all civilian executives now in the range of the General Schedule grades 16, 17, and 18 and certain other executives falling within the same range under other pay authorities. This coverage will include about 7,000 current executives. (The Appendix describes the size and make-up of the current civilian executive workforce.) From this base, future adjustments of the size of the Service will be made and justified.

The coverage of the Service will be based on level of duties and on salary levels, not on individually classified jobs. It will include all present and future groups of civilian executives in the executive branch, *except* those specifically excluded in the statute establishing the Service and those subsequently excluded by the President.

The coverage will be extremely broad in order to correct, as far as possible, the existing fragmentation of present appointment authorities and personnel systems.

This broad coverage and elimination of duplication will:

Allow new executives to understand easily and quickly the personnel management system governing their executive manpower.

Simplify and reduce the variety of redundant administrative procedures which now accompany executive staffing.

Eliminate differences in rules governing pay, rights, fringe benefits, and recruiting which often cause misunderstandings among executives in the same organization.

Eliminate the preferential treatment previously given to some programs in requests for executive manpower resources when needs no longer exist.

Foster a government-wide career outlook on the part of executives and potential executives.

Increase opportunities for executive mobility among agencies and programs.

Permit the Administration and the Congress to exercise a more comprehensive and systematic overview of executive manpower management.

Many of the personnel systems which now operate under special authorities will be included in the new Federal Executive Service. These special authorities were originally established to give particular agencies flexibilities for special purposes at specific points in time. The new Federal Executive Service will contain enough flexibilities to make it appropriate to encompass these separate systems.

Exclusions within the executive branch

Seventeen groups of executives within the executive branch will be excluded from the Federal Executive Service, because they have unique problems or needs that make their inclusion under a general Federal Executive Service infeasible at this time. The groups are:

Executive Levels I–V.

The Foreign Service of the United States.

The Foreign Information Service.

The Peace Corps.

The Postal Field Service.

U.S. Attorneys, and the Federal Bureau of Investigations, Department of Justice.

Hearing Examiners.

Atomic Energy Commission.

Central Intelligence Agency.

Tennessee Valley Authority.

The National Science Foundation.

The Council of Economic Advisers.

The Department of Medicine & Surgery, Veterans' Administration.

Federal Deposit Insurance Corporation.

Federal Reserve Board.

Panama Canal Company.

Canal Zone Government.

The Office of the Comptroller of the Currency, and the Office of the Assistant Secretary (International Affairs), Treasury Department.

Agencies outside the executive branch

In addition, executives in agencies outside the executive branch will be excluded. They are:

General Accounting Office.

Library of Congress.

Government Printing Office.

Architect of the Capitol.

Botanic Garden.

Tax Court of the United States.

Administrative Office of the United States Courts.

District of Columbia Government.

These will be excluded because the Federal Executive Service:

Will be established to provide a more unified, capable, and harmonious management team for the President in his role as head of the executive branch.

Assumes the need for a total coordination of executive resource management with the management of other resources in relation to the programs being managed—a task the President cannot perform for the agencies outside the executive branch.

In addition, for positions now subject to Civil Service Commission purview in agencies outside the executive branch, the proposal contemplates establishing an Executive Service in each agency to be administered by that agency.

This will permit flexible interchange of executives among all branches of the Government even though the executive branch does not have operational responsibilities for the other systems.

Size of the Federal Executive Service

The Federal Executive Service will initially consist of approximately 7,000 individuals. The size of this group will change from time to time because of changes in program requirements. No changes will result solely from establishing the new Service.

Centralized position classification by the Civil Service Commission will no longer be used as a basis for authorizing executive resources, establishing pay grades for individuals, controlling assignments, or establishing qualifications of individuals. This will:

Eliminate the existence, in practice, of two personnel systems, one for positions and one for people, which frequently are not in harmony with each other.

Permit an agency and the Administration to consider the overall leadership needs of the agency or program rather than individual position requirements.

Allow more equitable distribution of executive resources among agencies.

Permit the utilization of executives on the basis of broad career qualifications rather than on the basis of narrow professional specialization.

Eliminate grade as a status factor and substitute the prestige of membership in the Federal Executive Service.

Permit each agency to assign individuals flexibly to whatever duties are required and appropriate.

In lieu of centralized position classification, the agencies and the Civil Service Commission in collaboration with the Office of Management and Budget will have the responsibility to plan for and relate executive manpower requirements to overall program needs and priorities.

Agencies will annually review their executive manpower needs and request an authorized number of executives. The Civil Service Commission will review these requests in collaboration with the Office of Management and Budget and authorize a number for each agency.

These reviews will consider each agency's total requirements, not just changes. There will be no assumption that the same needs continue from year to year.

The annual request of the agencies; the joint review of the Civil Service Commission and the Office of Management and Budget; and the Civil Service Commission's final authorizations will be based on such factors as:

The current level of program and budget.

The current level of executive staffing.

Anticipated program and budget requests.

Pending legislation.

The level of work to be done.

The Commission will annually report the authorizations to the Congress. The authorizations will become effective 90 days after the report.

The purpose of this arrangement of request, justification, and review will be to:

Require that the Civil Service Commission, in conjunction with the agencies, relate executive manpower requirements to expanding or contracting needs.

Require that all program changes and legislation be accompanied by plans for meeting executive manpower requirements.

Assure that agency executive manpower planning is in consonance with the agency's program and financial plan as approved by Office of Management and Budget in the program review and budget process.

Assure that both within the agencies and government-wide, executive manpower is more effectively allocated in accordance with the program priorities established by the President and the Congress.

The new and comprehensive reporting system to the Congress will be provided to:

Permit the current Administration to improve and make more meaningful the overview of executive manpower management.

Allow the appropriate Committees of the Congress to offer guidance to the agencies and the Administration through the legislative oversight process.

The Civil Service Commission after collaboration with the Office of Management and Budget will also have authority to adjust the size of the Service authorized any agency for one year for emergency purposes. This authority will be subject to the following controls:

Changes may be made only for special circumstances clearly unanticipated at the time of the annual authorization.

The Commission must notify the Congress of its use of this authority and give its reasons.

The Commission may not increase the authorization in any one year by more than 1% of the total authorization.

Career and noncareer categories of executives

The members of the Federal Executive Service will be in two appointment categories; career and noncareer.

Each category will have a different type of appointment with different conditions of employment.

Noncareer

A noncareer category will be established in the Service to accommodate the agency's need for three different kinds of executives whose employment will likely be of a temporary nature as described below:

Executives whose relationships to the agency head require an interdependence based on such factors as program philosophy, political agreement or personal confidence.

Executives who work on relatively short-term projects.

Executives whose employment is more oriented toward their professions or occupations than to particular employers. These are the highly mobile people who move freely in and out of private employment, universities, private practice, and government in pursuit of their specialized interests (the so-called "in and outers").

Noncareer appointments will be made at the discretion of the agency head and serve at his pleasure.

Such appointments will not be subject to prior approval or review by a qualification review board (see later discussion).

Agency heads will be given the authority to approve the qualifications of noncareer executives so that they will have the flexibilities they need to:

Accommodate to a reasonable degree the many staffing pressures they face.

Hire a limited number of assistants with political or personal relationships or who agree on program philosophy.

Career

The career category will be composed of executives whose general employment outlook and expectations are oriented toward Federal service generally.

The majority will probably come from lower levels of Federal career employment through the promotion process.

A small number will enter laterally from outside the Federal career service expecting to make Federal employment a career in the future.

To make long-term Government service attractive and highly prestigious, considerable emphasis will be given to strengthening career appointments and to establishing an open and public review process for entry into the Service.

Career appointments will be made strictly on the basis of merit and fitness.

Provision will be made for merit entry into the career category from all sources; i.e., from the ranks of the General Schedule, from other Federal Government personnel systems, from the noncareer category, and from outside the Federal service.

All career appointments will be reviewed and approved by a Qualifications Board prior to appointment (see later discussion).

Assignments will not be designated as career or noncareer. This will overcome the following difficulties:

It is very difficult to make realistic distinctions between career and noncareer assignments.

Drawing clear lines between policy development and administration of policy on an individual position basis frequently cannot be done realistically.

There are tremendous pressures to exempt positions from the career service despite the real content of the jobs, especially when new positions in new programs are established on a projected basis.

Designation of positions as noncareer has restricted job opportunities for career executives.

In many agencies, noncareer positions have been grouped at the top of the executive structure with the career positions grouped at the lower levels.

Many competent career executives consider assignments to noncareer positions undesirable because of the complete loss of security that goes with such assignments.

Designation of positions as career and noncareer curtails the use of a flexible management structure and the flexible use of people within that structure.

Establishing and controlling career and noncareer relationships

In lieu of designating an authorized position or list of duties as career or noncareer, each agency will be authorized a ratio of career/noncareer executives.

This will be done to allow an agency to build a management team that includes:

Executives to provide the continuity and experience needed by modern Government programs.

Executives in whom management has special confidence because of a personal or political relationship, or because of the executive's program philosophy.

Executives with specialized skills for short-term public projects or with only a temporary interest in a Government assignment or program.

The use of the career/noncareer ratio will accommodate a wide variety of problems now faced by agency heads. It will provide:

A mix of the skills of career professionals and appointed officials.

An opportunity for agency heads to make reasonable accommodations to requests for appointment of political party constituents, interest group advocates, academics, and professional group members.

A means for the Congress and the Administration to ensure that the executive staffs of the agencies can be made responsive to the public will expressed through the political mandate.

The Civil Service Commission after collaboration with the Office of Management and Budget will authorize a career/noncareer ratio for each agency based on individual agency requirements.

The aggregate government-wide number of noncareer executives will be limited to no more than 25% of the total Federal Executive Service.

Agencies will annually review their current ratios and justify continuing or changing them.

After a review of the requests and justifications, the Commission will authorize specific agency ratios.

The Commission will not apply a uniform or set ratio to all agencies.

The ratios of individual agencies will vary greatly depending on the type of program involved, the characteristics of the executive workforce, and the degree of involvement in controversial and sensitive public programs.

As with size authorizations, the ratios will become effective 90 days following the Commission's annual report to Congress.

The present ratio of career to noncareer executives in the General Schedule is approximately 76% to 24%. Experience indicates that limiting the percentage of noncareer appointments to not more than 25% of the executive workforce will provide a very satisfactory and realistic arrangement to meet executive staffing requirements on a government-wide basis.

It will permit a wide variation of the ratio from agency to agency in recognition of program needs.

It will provide a mix of career and noncareer executives throughout the top organizational structures of agencies rather than a bunching of the career group at the bottom of the executive levels as it is now in many agencies.

COMPENSATION ARRANGEMENTS

Agency heads will have authority to set and adjust the salaries of career and noncareer appointments to the Federal Executive Service according to their judgment of the value of the individual to the organization and the responsibilities and duties he carries.

This will allow the Government to be competitive in attracting and keeping high talent.

It will remove the restriction on entry pay rates.

It will allow the career executive appointed from a lower level within Government to be paid on a comparable basis with those appointed from outside the Government.

It will allow salaries to be set within broad limits in accordance with the estimate of a person's worth and how the agency intends to use him.

It will allow pay increases to reward outstanding performance.

It will recognize the need at the executive level for a different pay concept than the present automatic, periodic pay increases.

It will eliminate the disparities in compensation systems and requirements affecting similar types of executives in the same agency.

Agency heads may increase salaries. However, as an inducement to potential career executives inside and outside of the Government to accept the conditions applicable to the Federal Executive Service, the salaries may not be reduced.

This pay protection will be part of the compensation for the obligation to serve wherever assigned either organizationally or geographically.

It will provide a stability of income to make the Service more attractive.

It recognizes that in those salary systems where agencies can presently reduce salaries, they practically never do so.

Agency authorities will be limited to an authorized salary range for the Federal Executive Service.

The Civil Service Commission after collaboration with the Office of Management and Budget will recommend the range as part of its overall salary recommendation.

This range will approximate that which has been encompassed by General Schedule positions in grades GS–16/18 in the past.

In addition, agencies will be required to manage their executive salaries so that an average salary will be maintained within the limits designated by the Civil Service Commission after collaboration with the Office of Management and Budget.

The Civil Service Commission after collaboration with the Office of Management and Budget will establish a dollar figure within the executive salary range for application to all agencies. Without specific authorization this dollar figure may not be exceeded by the average salary levels within individual agencies.

The Commission after collaboration with the Office of Management and Budget may authorize exceptions to this requirement for particular agencies which have special executive staffing circumstances, such as:

Agencies with only a few executives so that an average becomes meaningless.

Agencies which have unique responsibilities that have resulted in average executive salaries near the top of the present GS–16/18 range.

This salary device:

Will prevent escalation of all salaries to the top of the range.

Will achieve reasonable equity and uniformity throughout the Government.

To provide equity for the Federal Executive Service, executives will automatically receive comparability pay increases and other fringe benefits when they are authorized for other Federal employees.

Assignments

Agency heads may assign and reassign career and noncareer executives to any duties anywhere (organizationally or geographically) which properly fall within the scope of the Service (duties higher than those classifiable at GS–15 or the equivalent).

The Federal Executive Service will not provide for a government-wide system of position classification. Agencies will devise and operate their own organization and position management systems.

Duties to which executives are assigned will not be designated "career" or "noncareer." Career and noncareer executives will be used interchangeably.

Executives may appeal, to the Civil Service Commission, reassignments to duties or locations which the executives believe were made for reasons other than the program efficiency of the Service.

In this way agencies will have the flexibility to use people based on where they are most qualified to serve or most needed, rather than on salary structure, position structure, tenure rules, or classification distinctions.

It will allow a mix of career and noncareer executives above the GS–15 level throughout the organizational structure of agencies.

Executives may be used on the basis of broad career qualifications rather than on the basis of narrow professional specialization or political background. Thus, agency heads will be able to accommodate to shifting personal relationships in accordance with individual talents and qualifications.

Agencies will be able to organize and structure executive relationships to accommodate to the needs of particular agency programs.

QUALIFICATIONS BOARDS

The Federal Executive Service will give particular attention to the needs for special arrangements to insure high quality appointments to the career service.

Agency heads will continue to select their career executives, but their appointments will be subject to the prior approval of a Qualifications Board.

This feature will insure that the Federal executive manpower management program:

Recognizes the long-run implications of career appointments for carrying out public programs.

Maintains the confidence of the public that decisions on career executive appointments will be based only on objective consideration of the needs of the Government and not to favor special groups or individuals.

Encourages agency heads to select on the basis of the best qualified.

Gives agency heads a means to resist unreasonable interest-group pressures on staffing.

Assures high quality membership in the Federal Executive Service by screening out weaker nominees.

Makes appointment to the Federal Executive Service a matter of high prestige.

The Civil Service Commission will establish the Qualifications Boards. These Boards, acting as agents of the Commission, must give prior approval to agency selections for initial career appointment in the Federal Executive Service.

The approval of a Board will *not* be required for:

Noncareer appointments

Renewals of employment agreements (discussed later).

Assignment or reassignment to duties within the agency

Transfers to the Federal Executive Service in another agency.

Incorporation into the Federal Executive Service of present career executives upon implementation of this proposal.

The Boards will be established as agents of the Civil Service Commission in order that they may be appointed and serve as objectively as possible.

Members will be highly qualified experts in their own occupations and generally known and accepted as such.

Members will be appointed from within and outside the Federal service so that varying points of view will be represented and so that the decisions of the Boards will not be unduly influenced by any particular groups. Outside members will be paid for their services.

A number of separate Boards based on broad career programs or occupational areas will be established so that each Board will be composed of adequate program and professional expertise.

Board members will provide a high degree of personal knowledge of the kinds of people needed, who should be considered for career appointments in the Federal Executive Service, and where they are located.

The Qualifications Boards will be charged with the responsibility for insuring that initial career appointments are made with a view to the long-run needs of the Service. They will take into account:

The potential of the individual for long-term contributions in broad career areas.

Short-term staffing pressures will not be allowed unduly to influence career selections; these should be met through appointments to the noncareer category.

Such broad and thorough career consideration at the time of appointment will make it unnecessary for the Qualifications Boards to review subsequent reassignments of members of the Federal Executive Service.

The nominee's past and present performance to insure that he has as great a likelihood of being successful in the Federal Executive Service as possible.

Employment agreements for career executives

The employment of a career executive in the Federal Executive Service will be governed by an employment agreement between the executive and the agency.

This agreement will recognize the special nature of career appointments and the need to provide attractive and stable career opportunities for the career service as viewed by entry-level and mid-level employees.

The agreement will be founded upon mutually understood conditions of service agreed to by the agency in offering employment and by the career executive in accepting the employment.

A fixed-term employment agreement will be provided to:

Avoid the perception on the part of agencies and executives that incumbents are "locked in" to particular jobs or levels.

Assure that retention of executives is based on merit rather than tenure and longevity by providing periodic reviews of incumbents at the termination of their employment agreements.

Establish a clear obligation on the part of the Government to use executives productively during the period of their agreements regardless of the types of sensitive or controversial programs with which they have been or are involved.

Give executives realistic and practical employment and salary protection for fixed periods of time and to avoid:

The perception that reduction-in-force actions can be and are designed to get around the legalistic procedures now used to provide security.

Unrealistic situations where executives must appeal against the management team of which they are a part.

Give agencies a greater means of assuring that executives are responsive to public policy.

Assure that high-quality employees at entry level and at the mid-management level perceive that they can rise to the top and get important and influential jobs with reasonable security.

The initial employment agreement will be for a period of 3 years.

Initial agreements will be made without regard to the person's age or eligibility for optional retirement (age 62 with 5 years of service; age 60 with 20 years of service; age 55 with 30 years of service).

Unless three years would carry the executive past the time of mandatory retirement (age 70 with 15 years of service), in which case the initial agreement would terminate on that date.

A period of three years will be provided:

To insure that the initial agreement period will be long enough to attract high quality people and long enough to allow reasonable productivity on the part of the incumbent.

To provide a reasonable time for management to observe the performance of incumbents and reach a judgement as to whether their employment should be continued.

During the period of an employment agreement the agency will agree:

To assign the career executive for the whole period to duties properly falling within the scope of the Service.

Not to reduce the career executive's salary.

Not to remove the career executive except for offenses calling for adverse action procedures. A career executive may not be removed in consequence of a reduction-in-force or reorganization.

To provide training and career development opportunities based on individual and organizational needs, the program of the President, and congressional concern and interest.

This provision recognizes the need for the continuing, long-term development of executives to meet the Government's needs and helps overcome the short-term perspective of many agencies faced with immediate pressures for program success.

The career executive who accepts appointment into the Federal Executive Service will be governed by a number of features designed to encourage positive executive manpower management.

To allow mobility, and preclude unnecessary restrictions on personal employment choices, the career executive may:

Resign from the Federal Executive Service at any time.

Transfer to any agency or employment group excluded from the coverage of the Federal Executive Service.

Transfer to the Federal Executive Service in another agency. In this case, to insure periodic review of all Federal Executive Service appointees, his new agreement may only be for a period of time equal to the remaining time of his old agreement. Thereafter, his employment agreement may be renewed by the new agency.

Retire or be retired for medical disability.

Retire if eligible.

The executive recognizes that he will be required to serve in whatever capacity he will be needed in the organization and wherever he will be needed geographically.

He will be protected by a requirement that any duties he is given must fall properly within the scope of the Federal Executive Service.

He may appeal assignments to duties or locations which he believes were made for reasons other than the efficiency of the Government.

If the acceptance of a geographical move results in undue hardship, an executive will be able to decline the move and choose one of the following options:

GS–15 employment with 2 years salary saving.

Discontinued service retirement if eligible.

If not eligible for retirement benefits, he may resign and receive severance pay.

If an employment agreement is not renewed after a geographical move, the executive will be able to move back at the expense of the Government to his location at the time he entered into his initial employment agreement.

By his entry into the Federal Executive Service, the executive will accept the responsibility to continue his development both as an executive and as a professional within his field. At the time of his consideration for an employment agreement renewal, the agency will take into account the effort and progress the executive has made in his own continuing development.

Agencies will be encouraged to strengthen their executive manpower management program by establishing boards within the agencies to assist them in reviewing nominees for initial executive appointments or renewal of agreements.

Renewal of employment agreements

A number of specific arrangements will be provided to give the agency flexibility in continuing the employment of a career executive upon the expiration of an employment agreement and for protecting the individual should he or the agency not wish to renew the agreement.

To give the agency as much flexibility as possible, it may offer an employment agreement renewal for three-year periods until the executive becomes eligible for mandatory retirement.

The agency may offer renewal, and the executive may decline. In that case:

If the executive has completed 30 years of service and is otherwise eligible for an annuity, the agency may involuntarily separate the executive from the service.

If the executive is not separated from the service under the "30 years of service" provision described above, the agency must offer the executive a bona fide continuing position for which he is qualified at the GS–15 level in the competitive service.

This offer may not cause adverse actions to any employee already serving in a GS–15 appointment.

The agency must (as under present statutes) continue paying the employee for two years at the rate of his last salary in the Federal Executive Service.

The agency may choose not to renew an agreement. In that case:

If the executive has completed 30 years of service and is otherwise eligible for an annuity, the agency may involuntarily separate the executive from the service.

If the executive is not separated from the service under the "30 years of service" provision described above, the agency must offer the executive a bona fide continuing position for which he is qualified at the GS–15 level in the competitive service with two years of salary saving.

If the executive does not accept the GS–15 appointment, he will be separated by the expiration of his agreement. This will be considered an involuntary separation.

If he will be eligible for discontinued service retirement, he will be entitled to those benefits (age 50 with 20 years of service, any age with 25 years of service).

Otherwise, he will be eligible for "severance pay" benefits.

If the executive accepts GS–15 employment:

He will have two years of saved salary.

When the saved salary period expires he will continue in his GS–15 employment at whatever salary step would be appropriate on the basis of total time served at grade GS–15 or above.

While serving at GS–15, he will be subject to all protections and conditions of employment applicable to all other GS–15's serving in the competitive service.

Appeals

As with all personnel systems, the Federal Executive Service will have a means, independent of management, for its members to appeal and seek relief if they feel the agency has not met its obligations or its acting contrary to official requirements.

The present rights to appeal adverse actions and involuntary disability retirement will be included.

In addition, for those rare cases when an executive feels that the agency has not met its obligations under the employment agreement regarding assignments, utilization or conditions of employment, the executive may, as a last resort, seek adjudication and redress.

To assure an independent and objective hearing the appeals will be made to the Civil Service Commission which will be given final administrative authority to take corrective action if it finds the appeals should be sustained.

Stewardship report to the Congress

A provision for a stewardship report to Congress and a congressional review will be made in recognition of the historical and appropriate interest of the Congress in the authorization and allocation of executive resources and in the general management of the Government's executive manpower.

An annual report of agency and government-wide authorizations including career and noncareer ratios will provide the Congress with periodic opportunities to review and influence the Government's executive manpower program.

This report will also be the means by which the general public will be periodically informed of the actions its Government is taking in the management of executive resources. The report will provide the openness of information that is the foundation of an effective merit system.

The Civil Service Commission will make this detailed report showing the following information *for each agency and government-wide.*

The current and projected size of the Federal Executive Service.

The current and projected ratios of career to noncareer appointments within the Service.

The current and projected salary cost of the Service.

The current and projected distribution of salaries and the average salaries.

The Civil Service Commission's actions and supporting justifications in authorizing appointments for emergency needs.

Information on the overall programs for management of the Government's executive manpower resources which might be helpful to the Congress in exercising its general oversight.

Career development activities.

Training activities and plans.

Analytical studies.

After 90 days following the submission of the report to Congress and in the absence of contrary action decided upon through the legislative oversight process, the agency size and ratio authorizations may be implemented.

SYSTEM RESPONSIBILITY PLACED IN THE CENTRAL PERSONNEL AGENCY

The administration of the Federal Executive Service will be placed in the Civil Service Commission for the following reasons:

To fix leadership responsibility for the development and operation of a positive personnel program for the upper levels that will:

Interrelate manpower management throughout all levels from professional entry to the executive levels by defining career fields and patterns of progression and insuring that developmental and training opportunities required for career progression will be provided.

Insure that manpower resources, particularly executive resources, will receive comparable top management attention to that given other resources so that:

Manpower requirements will be related to program plans, priorities, and pending legislation.

Staffing needs will be projected and sources of supply will be developed.

To enlarge the overview of the central personnel agency and give it more responsibility for stewardship and responsiveness to Congress and the Administration. This will:

Establish a single focal point for the President to manage and control the utilization of the great majority of the Government's executive resources.

Provide a unified source that will:

Be a single authority accountable for executive resource stewardship.

Assure government-wide consistency in the application of the various regulations of the Federal Executive Service.

To encourage a government-wide outlook on the part of agency management so that there will be:

A government-wide approach to executive manpower-management.

Increased opportunity for mobility of executives and potential executives among agencies and programs.

Effective date

The Federal Executive Service will come into being and the operating provisions will become effective no later than one year after enactment of the proposed legislation. During this period, operating procedures and regulations will be developed.

The Civil Service Commission will be authorized to issue such regulations as will be necessary to carry out the legislation.

Transition to the Federal Executive Service

Executives with career appointments

To give present career executives maximum opportunity to participate in the Federal Executive Service, all present career executives will be offered employment agreements.

All career executives may take 3-year agreements if that does not carry them beyond mandatory retirement. If they are subject to mandatory retirement before three years, they may take agreements for periods up to mandatory retirement.

Career executives accepting employment agreements will be exempt from the requirement of qualifications approval provided the agreement offer is accepted within a reasonable time to be established by implementing regulations.

To insure that any rights or protections presently enjoyed by career executives will be preserved, executives:

May choose not to take an employment agreement, but to continue under their current appointments with all of their rights and privileges.

Thus, incumbents will not be forced to make a change.

In the event of reduction in force, there will be no competition between executives in the Federal Executive Service and those holding other types of appointments.

To avoid inequities and hardship, the Civil Service Commission will have authority to regulate the details of the transition and to correct administrative errors and oversights in complying with its regulations.

Executives with excepted appointments:

The status of executives now serving under noncareer executive assignment (NEA) appointments will not change. They will be given noncareer appointments in the Federal Executive Service.

All of the protections of other executives serving in positions which are excepted from the competitive service will be preserved:

Because some of these appointments are actually career types of appointments (e.g., some attorneys in Schedule A), the agency, at its option, may offer individual executives career appointments with employment agreements without the requirement of qualifications approval.

Those other executives who may not be offered an employment agreement and those who do not accept an agreement, will be protected by being allowed to remain under their present appointments. They will retain all of the rights and privileges of those appointments.

Application to excluded groups

Because the features of the Federal Executive Service merit consideration for executive manpower management programs throughout the Federal Government, executive branch agencies with excluded groups will be encouraged to consider the adoption of appropriate features.

Because the Civil Service Commission now has responsibilities for certain personnel functions for executives in agencies outside of the executive branch, provision will be made for those agencies to establish their own executive services, with the agency head as the regulatory, administrative, and reporting authority.

This will be done because:

Executive manpower management should be integrated with the management of other resources in relation to the programs being managed. Since, outside of the executive branch, the agency head will determine his program plans and receive his resource authorizations in a direct relationship with Congress, it is more appropriate for that agency head to deal directly with the Congress on the administration of his executive service.

Similar executive services in the executive, judicial, and legislative branches will facilitate the exchange of executives throughout the Government.

There no longer will be new positions at GS–16, –17, or –18 established anywhere in the Federal service, in or out of the executive branch.

Appeals will continue to be heard and finally adjudicated by the Civil Service Commission.

So that any Federal agency will be able to have the benefit of the best executive manpower management services available, the services to be provided by the Civil Service Commission, such as the Executive Inventory, will be made available to any agency.

SECTION V: OPERATION OF THE FEDERAL EXECUTIVE SERVICE

Determining the size of the FES would begin within individual agencies, where reviews of executive manpower needs would be conducted annually. To make their request for executives consistent with the relative importance and priority of agency programs, agency reviews would be based on such factors as:

Current level of program and budget;

Current level and nature of executive staff;

Anticipated program and budget requests;

Pending legislation;

Nature and level of the work to be performed.

Agencies would submit to the CSC on or about February 1 their requests for:

Number of executives required;

Career/noncareer ratio;

Proposed average salary.

The CSC, after collaboration with OMB, would authorize a maximum number of executives, a career/noncareer ratio and an average salary ceiling for each agency.

The ratio of noncareer could not exceed 25 percent of the authorized FES total government-wide, but it would vary from agency to agency.

Except as specifically authorized, the average salary for an individual agency could not exceed the government-wide figure.

The CSC would report its authorizations to Congress on April 1. The authorizations would become effective in 90 days, unless Congress acted to the contrary.

Agencies could appoint (hire) executives from inside or outside of Government up to the numbers authorized and in accordance with the career/noncareer ratio.

Agencies would not have to justify appointment of individual executives based on centrally approved position classifications—instead, agencies would develop tailored position management systems.

Individual executives could be paid salaries anywhere within the salary range for the Federal Executive Service—but the agency would have to stay within its authorized average salary ceiling.

Agencies would have complete authority to hire and remove *noncareer* executives.

Agencies would appoint *career* executives according to the following procedures:

Following an intensive search based on merit principles, the agency would make a selection subject to approval by the CSC.

Agencies would be encouraged to establish and utilize internal boards for recruiting and qualifications review.

Candidates from both inside and outside Government could be selected.

Within the CSC, selections would be presented to the appropriate qualifications board for approval prior to formal appointment by the agency head.

There would be 15–20 qualifications boards, based on occupations.

As agents of the CSC, each board would operate government-wide for the occupations within its cognizance, and be composed of recognized leaders in the Government, academic and private sectors.

The boards would review the agency's selectee in terms of:

How the agency identified likely candidates;

The selectee's potential for long-term contributions to the Federal service;

The appropriateness of his qualifications compared to the qualifications needed to carry out the agency's programs (and the qualifications on which recruiting was based); and

His professional qualifications and stature in the occupation.

Qualifications boards would not review assignments following appointment, or renewal appointments.

Agencies would have maximum flexibility in the assignment of executives.

Career and noncareer executives could be assigned to duties interchangeably—positions or duties would not be designated as career or noncareer.

All executives could be assigned wherever needed, regardless of the nature of the duties, or their organizational or geographic location, provided the duties were of executive calibre, and assignments were not made arbitrarily or capriciously. There would be a procedure whereby executives could appeal if they felt these latter provisions were not met.

Career appointments would be made on the basis of 3 year, renewable employment agreements, which would obligate the agency:

Not to reduce the executive's salary for the three-year period (although increases would be allowed at the agency's discretion).

Not to separate the executive except for cause, or to demote him from executive status by reduction-in-force or assignment of inappropriate duties.

(The executive would agree to serve wherever needed, as described above and could resign or retire (if eligible) at any time.)

When the agreement expired, the agency would have the option of offering the executive a renewal—for 3 years. The number of renewals would be limited only by the executive's reaching the mandatory retirement age.

Each agency would administer the renewal process in the manner most appropriate to its needs.

A formal review would not be mandatory; renewals could be handled informally.

Agencies would be encouraged to set up advisory boards to advise and assist the agency head as to the renewal of individual employment agreements.

If the agency chose not to offer a renewal, or if such an offer were made and declined by the executive, the agency may involuntarily separate the executive from the service if he has completed 30 years of service and is otherwise eligible for an annuity. In all other cases, the agency would have to offer the executive a continuing GS–15 position in the career service (without displacing any other employees). He would then be paid for two years at the rate of his last FES salary, before reverting to the appropriate rate of the GS–15 schedule.

Executives who chose not to continue employment as an executive or as a GS–15 and are not separated by the agency under the "30 years of service" provision, could elect optional or discontinued service retirement, if eligible, or separation with severance pay.

NOTE: This proposal presupposes maximum emphasis on the use of talent files within the agency and on a government-wide basis; on a greatly increased attention to managerial and professional development of executives; and on a much improved system of effective executive appraisal. These program approaches are not detailed as part of the FES proposal since their accomplishment does not depend on legislative system changes.

THE FEDERAL EXECUTIVE

(Under Current Personnel Systems)

There is always some confusion about who is a Federal executive. No adequate definitions exist, but salary level is a frequently used criterion. Thus, "Federal executives" could mean all of the full-time employees of the executive branch who earn as much as the beginning salary ($26,547) of a General Schedule grade 16. The table below shows the numbers of civilian executives for various personnel programs who would meet that criterion.

TABLE 1

[As of Oct. 1, 1970]

Personnel program	Number	Percent
Executive level (levels I–V)	580	5
General Schedule [1] (GS 16–18)	5,679	52
Public law type [1] [2]	1,244	12
Foreign Service (FSO and FSR levels 1 and 2)	2,117	19
Other [3]	1,265	12
Total	10,903	100

[1] The focus of attention of the existing Federal executive manpower program and the Executive Assignment System is on the 6,941 general schedule and public-law-type positions which comprise 64 percent of the total. The nature of this universe of 6,941 positions is better understood when they are broken down by type of authorization (governmentwide quota, nonquota, etc.) and by career/noncareer. Of the 1,244 public-law-type positions, 814 are in the competitive career service. The distribution of the 5,697 positions in the general schedule is shown in table 2.

[2] Certain limited scientific and professional positions involved in research and development activities requiring the services of specially qualified persons and paid at special salary rates not less than GS–16 or more than GS–18.

[3] Consists primarily of positions in TVA, AEC, Department of Medicine and Surgery of VA, and the Postal Field Service.

TABLE 2.—GENERAL SCHEDULE POSITIONS IN GRADES 16–18 [1]

[As of Oct. 1, 1970]

Authorities	Total		Competitive career	Excepted/noncareer				
					Schedule			
	Number	Percent		NEA	A	B	Other	Total
Governmentwide quota	2,734	48	1,839	491	339	3	62	895
Defense quota	407	7	320	34	48	5		87
Nonquota	1,953	34	1,831	35	44	11	32	122
Special authorities	603	11	344	1	11		247	259
Total	5,697	100	4,334	561	442	19	341	1,363

[1] GS–16=4,054 (71 percent); GS–17=1,175 (21 percent); GS–18=468 (8 percent).

Note: Explanation of terms:

Competitive/Career: The Competitive Service refers to those positions where the rules of the Civil Service Act regarding entry into service must be followed. The Career Service is a generic term used to refer to those positions and incumbents governed by Civil Service Commission rules and regulations concerning recruitment, development, promotion, and tenure. This narrow definition does not take into account many career type personnel systems or positions which are excluded from the Civil Service Act. All positions are considered to be Competitive/Career unless specifically exempted under the various procedures for doing so.

Excepted/Noncareer: Those positions and incumbents specifically exempted from the competitive service by law or regulation.

Governmentwide quota: The number of positions authorized by the Congress and allocated to agencies by the Civil Service Commission. It is a ceiling on the number of positions which may be established.

Defense quota: A special allocation of positions for exclusive use by the Defense Department.

Nonquota: Congress has authorized certain types of positions that may be established outside the governmentwide quota. These nonquota positions may be authorized for professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine.

Special authorities: These are positions specifically earmarked by legislation for particular programs or organizations.

By **Mr. MAGNUSON** (for himself and Mr. COTTON) (by request):

S. 1684. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, the administration's bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities and for other purposes. This legislation was part of the program announced in the President's environmental message on February 8, 1971, and was transmitted to the Congress by Dr. Edward David, the Director of the Office of Science and Technology on February 10.

The proposed legislation deals with a most crucial problem confronting the Nation today and in the years ahead—finding practical solution to the frequently conflicting demands for environmental protection and for electric power. Both of these demands are essential in their own right but increasingly we find more and more examples of conflict and impasse which fail to serve either purpose. When environmental groups succeed in stopping or delaying an individual powerplant or transmission line, their victory in the courtroom may be hollow since it is frequently too late to select alternate sites and the only result is to impair the reliability of electric power supply. On the other hand, when the utilities brush aside the concerns of the environmentalists, the air, water, and the landscape may suffer irreparable damage. In either case, the public loses through power shortages, unnecessarily higher rates, environmental degradation, and the uncertainty of the whole process.

The public and the Nation as a whole can no longer tolerate this form of brinksmanship choosing between brownouts on one hand and pollution on the other. I have not yet had an opportunity to evaluate every implication of the administration's bill, but it is clear that legislation is required in this area to insure that these decisions are reached by open long-range planning and administrative processes where workable compromises can be found to meet both of these important needs. If we do not take such a step now, future brownouts could lead, fairly or unfairly, to public repudiation of some of our recently enacted environmental protection measures to the detriment of us all.

Powerplant siting and adequacy of power supply are not new subjects to the Congress. Numerous bills have been introduced in Congress during the past 2 or 3 years dealing with various aspects of the question in a variety of ways and the Commerce Committee has conducted hearings on several aspects of the problem.

Some of the individual States have taken the initiative in developing legislation and new institutions in this area. I am especially proud to note the leadership role that the State of Washington has played in this respect. It has recently enacted a thermal powerplant siting act establishing a thermal powerplant evaluation council which provides the type of decisionmaking body which the administration's bill apparently contemplates for all States and regions of the Nation.

The administration bill I have been asked to introduce would expand this type of decisionmaking body at the State, regional, or Federal level to all new powerplants or transmission lines. These decisionmaking bodies would be involved in the long-range planning and preconstruction review of such facilities.

I am impressed by the fact that the administration's bill is the result of an extensive interagency study effort sponsored by the President's Office of Science and Technology, headed by the extremely able S. David Freeman, in which all of the Federal agencies concerned with electric power and the environment participated. It is also of interest that the study was made in cooperation with concerned State and local officials, industry and conservation groups. The results of this study were published last fall as a report entitled "Electric Power and the Environment." This report provides the documentation for the legislation I am introducing today. The Commerce Committee expects to give this legislation the early attention it deserves.

I ask unanimous consent that the text of the bill and the letter from the Director of the Office of Science and Technology, together with the Conclusions and Recommendations from "Electric Power and the Environment," be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1684

A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Power Plant Siting Act of 1971."

SEC. 2. The Congress, in furtherance of the national environmental policy as set forth in the National Environmental Policy Act of 1969, 83 Stat. 852, and the national electric energy policy as set forth in Section 202(a) of the Federal Power Act, 16 U.S.C. 824a(a), hereby finds and declares the national public interest in the environment, the interest of interstate commerce, the interest of public and private investors in electric utility facilities, and the interest of consumers of electric energy require:

(a) that bulk power supply facilities adequate to the Nation's need for a reliable electric power supply be constructed upon a timely basis, and in a manner consonant with the preservation of important environmental values and wise comprehensive use of the Nation's air, land and water resources for all beneficial purposes, public and private;

(b) that in order to avoid undue delays in the construction of needed bulk power supply facilities and to provide for full and timely consideration of environmental consequences well in advance of such construction, all of the Nation's electric entities should be required to engage in adequate long-range planning, and that certifying bodies be established for the preconstruction review of bulk power supply facility sites and all related bulk power supply facilities;

(c) that the siting of bulk power plants and high-voltage transmission lines be treated as a significant aspect of land use planning in which all environmental, economic and technical issues with respect to a bulk power supply project at the State or regional level should be resolved in an integrated fashion;

(d) that Federal, regional and State government authorities be authorized and empowered to act expeditiously in coordinating reviews to assure protection of environmental values and certifying the construction, operation or maintenance of bulk power supply facilities, all to the end of assuring for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land and water resources for all beneficial purposes, public and private;

(e) that a mechanism be established to provide Federal guidelines for the functioning of these certification procedures by State, regional, or Federal certifying agencies;

(f) that long-range planning be carried out through the electric reliability councils voluntarily established on regional and national bases and open to all systems comprising the various component parts of the electric utility industry, investor owned, publicly owned and cooperatively owned, and by participation of these councils in the work of the Federal Power Commission under Section 202(a) of the Federal Power Act, 16 U.S.C. 824a(a); and

(g) that a program be undertaken by the Federal Government to assist in the development of new approaches or methods of locating or grouping bulk power supply facilities within particular geographic areas, at surface or subsurface levels, or in conjunction with the location of physical facilities used in other types of energy, transportation or communications services which may be available to the general public through public or private suppliers.

SEC. 3. As used in this Act—

(a) "electric entity" means any individual or corporation which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned or cooperatively owned, including a "State" or a "municipality" as defined in section 3(6) and 3(7) of the Federal Power Act, 16 U.S.C. 796, but not the United States or an agency, authority or instrumentality thereof, of any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities;

(b) "Federal electric entity" means the United States, an agency, authority or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities;

(c) "bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of 300,000 kilowatts or more, or any sizeable additions thereto as defined by the appropriate certifying body, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of 230 kilovolts or more, between phase conductors for alternating current or between poles for direct current, or any sizeable additions thereto as defined by the appropriate certifying body, except that any facilities subject to licensing pursuant to Part I of the Federal Power Act, 16 U.S.C. 792–823, shall not be subject to the provisions of Sections 6 and 8(c) of this Act;

(d) "Federal certifying agency" means such Federal agency, agencies or department as may be designated by the President;

(e) "State or regional certifying body"

means the State or regional agency, authority or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected.

(f) "Regional" means the Governments of two or more States;

(g) "Commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other pre-construction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4 (a). Each electric entity and Federal electric entity shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal Power Commission within 90 days after enactment hereof, upon the advice of interested State and Federal agencies. These plans may be part of a single regional plan and shall

(1) describe the general location, size and type of all bulk power supply facilities to be owned or operated by such entity and whose construction is projected to commence during the ensuing 10 years or during such longer period, but not to exceed a total of 15 years, as the Federal certifying agency may determine to be necessary, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) identify the location of tentative sites for the construction of future powerplants as defined in section 3(c), including an inventory of sites for all plants on which construction is to be commenced in the succeeding five years, and the general location of the routes of transmission lines as defined in section 3(c), and indicated the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized.

(3) reflect and describe such entity's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the electric power needs of the region;

(4) reflect and describe such entity's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(5) supply such additional information as the Federal certifying agency upon the advice of interested State and Federal agencies may from time to time prescribe to carry out the purposes of this Act.

(b) Each electric entity and the Federal electric entity, shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans together with its projections of demand for electricity that the facilities would meet with the appropriate Federal, regional, or State certifying agency, with the Federal Power Commission and the Environmental Protection Agency, and with such other affected Federal, State, regional and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans.

SEC. 5(a). The several States, within 24 months from the date of enactment hereof, may designate or establish a decisionmaking body at the State or regional level, which may be an existing or newly created body, for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying bodies shall be designated or established and administered in accordance with the requirements of this Act and in accordance with the guidelines to be prepared and published, pursuant to section 9 thereof, which guidelines may be revised from time to time. Each State or regional certifying body shall provide for participation in its decisionmaking processes by environmental protection, natural resource, and planning components of the State government or governments involved, and provide for participation also by components of such governments having responsibility with respect to provision of electric power service. Such body may also provide for participation by members of the public.

(b) The Governor of each State which designates or establishes such a decisionmaking body and procedures, either as a State or regional entity, shall notify the Federal certifying agency of that fact, and thereupon the Federal certifying agency, if it finds such authorities and procedures to be in accord with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, shall issue a Certificate of qualification of procedure with respect to each such State, which Certificate shall be revoked by the Federal certifying agency if the State or regional certifying body fails to abide by said requirements and guidelines, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of section 6 hereof, for such time period as the Certificate remains effective.

(c) If, within twenty-four months from the date of enactment hereof, a decisionmaking body and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such Certificate of qualification of procedure is later revoked, the Federal certifying agency shall have exclusive authority to issue a Certificate of site and facility with respect to any bulk power supply facility of any electric entity within any said State or States applying Federal standards only. With respect to each such State the authority of the Federal certifying agency shall continue until such State or States have qualified pursuant to subsection (b) hereof. Any proceedings for the certification of sites and bulk power facilities which are pending before the Federal certifying agency on the date of issuance of any Certificate of qualification of procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of the Federal certifying agency and shall require a Federal certificate before construction shall commence, except that the Federal certifying agency may in its discretion transfer such proceeding to the appropriate State or regional certifying body.

(d) The Federal certifying agency, prior to denying or revoking a Certificate of qualification of procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying body's authorities or procedures fail to comply with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, and shall afford each State affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a Certificate of qualification of procedure as referred to in subsection (b) may appeal to the United States Court of Appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation; *Provided,* That any findings of fact of the Federal certifying agency supported by substantial evidence shall be conclusive; *And provided further,* That any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Section 1254 of Title 28, United States Code. Upon the filing of an appeal, the Clerk of the Court of Appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in Section 2112 of Title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

SEC. 6. (a) Effective 24 months from the date of the enactment hereof, no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States, unless it has obtained from each such State or States a Certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying body and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a Certificate of site and facility with respect to those facilities. If after 24 months from the date of enactment hereof, there is no qualified State or regional certifying body in one or more of the several States, no electric entity shall commence to construct or begin operation of bulk power supply facilities within said State or States unless there shall have been obtained from the Federal certifying agency such a Certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the Certificate. Applications for Certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying body, and Certificates shall be granted for any application showing a sizeable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying body, solely on a showing that all permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject to any reasonable actions or conditions that may be later required by the appropriate certifying body. No Certificate is required for bulk power facilities already in operation on said effective date, but such Certificates are required for sizeable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a Certificate of site and facility from a State or regional certifying body or Federal certifying agency or by a Federal electric entity from a Federal certifying agency shall be filed with the certifying body or agency not less than two years prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans may be subject to reasonable modification during the period of review. As a prerequisite to such filing, the electric entity or Federal electric entity shall have complied with the provisions of Section 4 hereof; and with respect to power plants and transmission line routes, except for good cause shown, shall have complied with the requirement that the site selected is from among those sites in the electric entity's or Federal electric entity's 5-year inventory of sites approved by the relevant State, regional, or Federal certifying body pursuant to Section 8(c) hereof and that it will utilize the general transmission line routes identified in the electric entity's or Federal electric entity's long-range plans.

(c) It is the intent of Congress that any State or regional certifying body or Federal certifying agency shall complete action on each application filed pursuant to the authority of this Act within the two-year period prior to construction as provided under the procedures of subsection (b). The guidelines published pursuant to Section 9 hereof shall, to the maximum extent possible, facilitate the accomplishment of these objectives. For a period of 48 months from the date of enactment hereof, any of the provisions of Section 6 may be waived by the certifying body or agency in respect to filed applications of electric entities and Federal entities for good cause shown. Compliance with the procedures of Section 4 hereof in respect to planning and filing requirements shall constitute prima facie evidence of timely disclosure of construction plans in support of petitions for expeditious proceedings involving the bulk power supply facilities in all courts and administrative agencies of the United States and of the several States.

(d) The provisions of Section 5 and subsection (a) of this Section notwithstanding, any electric entity may petition the Federal certifying agency for a Certificate of site and facility based upon the entity's showing to that agency of a failure of a State or regional certifying body or bodies to act upon a timely or conclusive basis with respect to any application of such electric entity for a State or regional certification; and that as a result thereof the public interest in an adequate and reliable regional bulk power supply imperatively and unavoidably requires a decision with respect to such certification. The Federal Power Commission shall prescribe by regulation the facts necessary to constitute the basis of such showing, giving due consideration to the effect upon adequacy and reliability of electric supply of the lack of timely, or of inconclusive, action by the State or States concerned. Such applications shall be referred to the Federal Power Commission, and if it makes a finding, upon the advice of the interested Federal agencies, that adequate and reliable regional bulk power supply will be materially impaired by reason of the fact that a State or States certifying agency shall, effective upon the date of such finding, have jurisdiction to act in these circumstances, removing from the State or States concerned any basis upon which to proceed further in respect of State or regional certification of the affected bulk power supply facilities. The Federal certifying agency shall accord priority to all petitions for Certificates of site and facility filed under this subsection and shall resolve them in accordance with the provisions of Section 7 but applying Federal standards only.

SEC. 7 (a). The State, regional and Federal certifying bodies are hereby empowered and authorized, pursuant to Section 6 hereof, to issue Certificates of site and facility for bulk power supply facilities, if such bodies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such Certificates if the applicant officials to conform with the requirements of this Act. The judgment of the Federal, State or regional certifying body shall be conclusive on all questions of siting, land-use, State air and water quality standards, public convenience and necessity, aesthetics, and any other State or local requirements but the Certificates shall be granted only after the appropriate certifying body has ascertained that all applicable Federal standards, permits, or licenses have been satisfied or obtained. The Certificates shall show acceptance thereof by the applicant and agreement to comply with the requirements of this Act including a showing of the applicant's action to meet the objectives of Section 202(a) of the Federal Power Act, 16 USC 824a (a), regarding reliability and adequacy of electric service.

(b) In the consideration of applications for Certificates of site and facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the Certificate. In the issuance of such Certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such Certificates, when issued, shall be final and subject only to judicial review.

SEC. 8. Each State, regional and Federal certifying agency is hereby empowered, authorized, and directed—

(a) To review and comment on the long-range plans prepared and filed pursuant to Section 4 hereof and make the information contained therein readily available to the general public and interested governmental agencies.

(b) To compile and publish each year a description of the proposed power plant sites and general locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the electric entities and Federal electric entities pursuant to Section 4(a)(2), identifying the location of such sites and the approximate year when construction is expected to commence, and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies.

(c) To conduct mandatory public hearings with respect to any proposed power plant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the electric entity's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified.

(d) Upon the receipt of an application for a Certificate of site and facility pursuant to Section 6 hereof, to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (power plant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the Certificate of site and facility applied for.

(e) To require such information from electric entities and Federal electric entities as it deems necessary to accompany applications for Certificates of site and facility and to assist in the conduct of hearings and any investigations or studies it may undertake.

(f) To conduct any studies or investigations which it deems necessary or appropriate to carry out the purposes of this Act.

(g) To issue such rules and regulations, after public notice and opportunity for comment, as may be required to carry out the provisions of this Act.

SEC. 9. The President upon the advice of interested Federal agencies, and after public notice and opportunity for comment shall publish the guidelines for Federal, regional and State certifying bodies, which guidelines may be revised periodically as needed and shall include—

(a) criteria for evaluating effects of proposed sites and facilities on environmental values;

(b) criteria for use in evaluating the relative environmental impacts of alternative sites;

(c) criteria for evaluating the projected needs for electric power;

(d) procedures to ensure full public participation in the certification procedures through public notice and opportunity for public hearings, consultation with appropriate citizens' groups, rights of intervention and appeal from decisions of the certifying body and other safeguards;

(e) procedures with respect to the formation of regional certifying bodies;

(f) procedures to assure proper consideration of multi-State impacts in certification proceedings;

(g) requirements with respect to staffing and technical and professional competence of State and regional certifying bodies.

SEC. 10. An electric entity holding a Certificate of site and facility as referred to in Section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by Sections 258a, 258b and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said Section which are applicable to the United States when it files a declaration of taking hereunder.

SEC. 11 (a). The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereon, and for the establishment of such authorities or agnecies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional certifying agencies in the planning of bulk power facilities and in their review of applications for Certificates of sate and facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which affect bulk power supply facilities.

SEC. 12. Each State or regional certifying body qualified pursuant to a Certificate of qualification of procedure and the Federal certifying agency are hereby authorized to assess and collect fees, including filing fees, in just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said body, such assessment and collection to be in an amount not in excess of the cost of administration of the qualified body's certification program, including the cost of all necessary studies and the cost of personnel.

SEC. 13. The Federal certifying agency, in cooperation with other interested Federal agencies and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional and local governmental authorities and the electric entities. The Federal agencies shall make public the results of their studies.

Sec. 14. All departments and agencies of the Federal government are authorized to cooperate with the State, regional, and Federal certifying bodies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make available to the various certifying bodies, staff experts, information and technical assistance upon request or as provided for in the guidelines published pursuant to Section 9 hereof. Upon the request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal department or agency, said department or agency are authorized to undertake such study in cooperation with other interested Federal, State and local agencies and make its findings available to all concerned.

Sec. 15. The orders or decisions of the Federal certifying agency pursuant to this Act shall be subject to review pursuant to the provisions of 5 U.S.C. 701–706. The orders and decisions of the State or regional certifying agencies pursuant to this Act shall be subject to review pursuant to applicable State law.

Sec. 16(a). The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality or the requirements of the National Environmental Policy Act of 1969, 83 Stat. 852, except that the detailed statements required by Section 102(2)(c) thereof, where the certifying agency has followed a substantially comparable procedure, shall not be required for any Federal actions with respect to bulk power supply facilities which require a Certificate of site and facility pursuant to Section 6 of this Act;

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, or the Federal Power Commission under the Federal Power Act of 1935, as amended.

Sec. 17(a). Whoever:

(1) without first obtaining a Certificate of site and facility, commences to construct a bulk power supply facility after 24 months after the enactment of this Act; or

(2) having first obtained a Certificate of site and facility, constructs, operates or maintains a bulk power supply facility other than in compliance with the Certificate; or

(3) causes any of the aforementioned acts to occur; shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation or for each day of a continuing violation, or imprisoned for not more than 1 year, or both.

(c) In addition to any penalty provided in subsections (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisions of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

Executive Office of the
President, Office of Science,
and Technology,
Washington, D.C., Feb. 10, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: I am pleased to transmit herewith legislation proposed by the President on February 8 in his environmental message to facilitate the siting of electric power plants and high voltage transmission lines and to assure that environmental protection is made an integral part of the planning, construction and operation of these facilities.

This legislation will provide the nation with a coordinated system of state, regional and federal certifying agencies to assure that all substantive environmental protection requirements are met before power plants and transmission lines can be built. It would also assure that if these environmental concerns are satisfied construction could proceed in a timely fashion to meet the nation's growing needs for electric power.

The legislation will implement the recommendations of an interagency task force sponsored by the Energy Policy Staff in my Office which studied this problem for over a year in cooperation with concerned federal, state and local officials, industry and conservation groups. Our report entitled "Electric Power and Environment" was released to the public last October.

The legislation includes the following provisions to resolve environmental problems in meeting growing power demands:

*Requires the nation's electric utilities to engage in long-range planning and to prepare and publish general plans for their system expansions at least ten years in advance of construction.

*Provides that each state or region may establish a decision-making body that will review alternatives in order to assure that optimum sites for power plants and large transmission lines are selected, and will assure, prior to construction, that adequate environmental protection features will be employed.

Provides that if a state or region fails to establish such a decisionmaking body in accordance with federal guidelines, then the federal government would exercise the review and approval responsibility until such time as a decision-making body is established on a state or regional level.

Requires that proposed power plant sites and general locations of transmission line routes be disclosed at least five years prior to construction and that public hearings on the plant sites be held at that time. Detailed applications for construction of power plants and transmission lines must be filed at least two years in advance and a public hearing held in which all interested persons can participate.

Provides that the decision of the state or regional power plant siting body shall be conclusive on all matters of state or local law and thus consolidates the various approvals now required at the state and local level.

Applies the foregoing requirements to all bulk power facilities regardless of ownership except that small plants and lower voltage transmission lines would be exempt.

The Administration believes that the open planning process required by the legislation will go far toward resolving many of the conflicts over the selection of power plant sites and transmission lines routes. But the best of planning may leave some important issues unresolved. The bill, therefore, establishes a mechanism whereby major electric power plants and transmission lines proposed by any utility—whether owned by private, cooperative, municipal or federal power entities—must be subjected to public hearing and certified by the siting authority before construction begins.

In keeping with the approach taken in the Air and Water Quality Acts, the actual certification should generally take place at the state or regional level. The bill provides for the establishment of federal guidelines for these state and regional agencies and for a federal certifying agency to oversee their implementation. The President intends to designate the Department of Natural Resources as the federal certifying agency after it is established. The federal certifying agency would issue certificates in cases where state or regional certifying agencies have not been established or where they fail to act. In addition, it would review and certify all federally-owned facilities.

The state and regional certifying bodies will provide for participation by the respective environmental protection agencies and others concerned with siting as well as agencies concerned with adequacy of power supply. The certifying bodies would play a continuing role in the planning process by commenting on the long-range utility plans and reviewing proposed sites after holding early hearings five years before construction timetables. Two years before scheduled construction, the certifying bodies would receive the detailed plans for any proposed power facility. After holding public hearings, the state or regional certifying body would decide whether the site should be approved.

This bill would provide the public with an early voice in the planning process and participation in the ultimate selection of sites and routes, but it would also enable facilities to be built at approved locations and with proper safeguards.

After obtaining such a certificate and any necessary federal licenses or permits, the utilities would be authorized to begin construction using the federal powers of eminent domain provided for in this bill if necessary to obtain the land.

To help resolve siting problems in the longer term, the bill authorizes studies of new and evolving siting concepts such as offshore islands and energy centers.

The power shortages experienced in the past year remind us that we live in an age of energy. But no one doubts that power plants and transmission lines present major environmental problems. The institutional arrangements proposed in this bill will enable us to minimize delays in the construction of new facilities and to avoid unnecessary degradation of the environment. The Administration, therefore, urges speedy enactment of the legislation herein transmitted.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the President's program.

Sincerely,

Edward E. David, Jr.,
Director.

Executive Office of the President,
Office of Science and Technology,
Washington, D.C., April 6, 1971.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
United States Senate,
Washington, D.C.

Dear Mr. Chairman: In accordance with the requirements of Section 102C of the National Environmental Policy Act of 1970, I am transmitting the attached statement concerning the environmental impact of the Power Plant Siting Act of 1971. I transmitted a draft of this legislation to the President of the Senate on February 10, 1971, and it was referred to your committee.

We would be pleased to provide you with any additional material you may require in this regard.

Sincerely,

EDWARD E. DAVID, Jr.,
Director.

ENVIRONMENTAL IMPACT STATEMENT, POWER PLANT SITING ACT OF 1971

1. NATURE OF THE PROPOSED ACT

The proposed Power Plant Siting Act of 1971 seeks to establish the institutional framework within which can be resolved the environmental questions that arise in connection with the location and construction of bulk electric power facilities. To this end, the Act would authorize State, regional, and Federal agencies to determine how best to locate those facilities necessary for reliable electric power with the least possible adverse environmental effects. The agencies would provide forums for the timely consideration and resolution of all environmental questions in cooperation with existing state and Federal agencies with environmental responsibilities.

The Act is an outgrowth of an interagency task force under the direction of the Office of Science and Technology, which recently completed its work with the publication of the report entitled "Electric Power and the Environment" (available through the U.S. Government Printing Office). This legislation was prepared to implement the recommendation in that report. All interested Federal agencies—OST, the Council on Environmental Quality, Council of Economic Advisers, Office of Management and Budget, Department of the Interior, Department of Health, Education, and Welfare, the Atomic Energy Commission, Federal Power Commission, the Rural Electrification Administration, and the Tennessee Valley Authority—participated in the deliberations and concurred in the report. In the preparation of the final report, meetings were held with representatives from the electric power industry, State and local governments, and various citizens' environmental groups to obtain their views. All these representatives were given the opportunity to comment on a draft of the report, and many of their suggestions are reflected in the final report.

Key provisions of the proposed Act would require open long-range planning by all electric utilities, with rolling ten-year projections of power needs and additional required facilities for its generation and transmission. Annual reports incorporating this and related information would be readily available to the publc. Advance review of tentative sites for power plants would be held at a point five years prior to possible commencement of construction on the site; the reviewing agency would be empowered to pass judgment on such tentative sites on environmental grounds. And approved sites would be listed on the utility's inventory of possible sites. Finally, a pre-construction review would require each utility to apply for certification of each bulk power plant or major transmission line two years prior to commencement of construction. Certifying agencies would be established at the State or regional level for other than Federally-owned utilities; the latter would be regulated under the Act by a Federal certifying agency to be designated by the President. The Act would supplement and complement existing federal environmental standards applicable to bulk power facilities such as the Air and Water Quality Acts by providing a legal mechanism under which pre-construction compliance with air and water quality standards are assured for all such facilities and are considered early in the planning process in conjunction with site selection. All certifying agencies would be established and would operate according to guidelines promulgated by the President.

2. ENVIRONMENTAL IMPACT OF PROPOSED ACT

The bulk generation and transmission of electric power inherently has a potentially adverse impact on the environment surrounding the power plant sites and transmission line routes. Much of the concern has centered about discharges into the air and water as a result of generation. Sulfur oxide and other emissions into the air and heat and effluent discharge into waters have been most often cited as dangers to life and the proper use and enjoyment of our resources. Also, there is growing recognition that the deterioration of the land resource, particularly by transmission lines, is increasing at an alarming rate. Both electric power generating facilities and transmission lines use large acreages of land, although to some extent transmission rights-of-way can be used simultaneously for other purposes. The fragile interrelationships of natural air, land and water systems are becoming better understood, and all three are influenced directly by the construction of electrical power supply facilities.

The proposed Act is designed to assure that these potentially adverse impacts on the environment are minimized. At the same time, passage of the Act would result in a certification process that would resolve firmly and expeditiously any conflicts of environmental and electric power reliability goals. The result would be less costly delay in the construction of needed electric generation and transmission facilities and increased reliability of service. Like the protection of air, land and water resources, the provision of an adequate electric power supply is a significant factor in the quality of the human environment.

Assurance that the certifying bodies will carry out their functions in an effective manner would be provided by the guidelines promulgated by the President. These would include criteria related to the composition, staffing, and necessary powers of certifying agencies, as well as to the full range of environmental considerations related to the siting of power plants and the routing of transmission lines.

In summary, enactment of the proposed legislation would enhance environmental quality in three significant ways. It would provide adequate safeguards to minimize the adverse environmental effects of power plants and transmission lines. The long-range planning provisions would aid in the development of a reliable electric power supply as well. And the certification procedures would assure timely resolution of environmental issues related to each site and route, so that a decision to proceed or to seek another alternative could be made in an ordered fashion without presenting the "build or brown-out" set of alternatives.

3. ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

Since one of the purposes of this Act is to facilitate the construction of needed bulk power facilities and they have a potentially adverse effect on the environment, the Act could be alleged to cause some adverse environmental effects. The procedures in this Act, however, are specifically intended to minimize any potential adverse environmental effects through public and government review of proposed plans while there is adequate opportunity to modify them, and thus to put an end to the present situation in which pre-construction review as to the adequacy of environmental protection often fails to occur. Of course, to the extent that bulk power facilities are not now being constructed on a timely basis because of environmental objections, the delay in building them results in short-term protection from environmental degradation. However, without adequate means to resolve disputes, as this Act would provide, such delays will only cause precipitate action in the future in order to avoid power shortages, and will in the end be clearly harmful to environmental quality. The proposed Act, through its long-term planning provisions and its requirement of timely resolution of environmental questions, would minimize the unavoidable environmental effects caused by needed bulk power facilities.

4. ALTERNATIVES TO THE PROPOSED ACT

The most obvious alternative to the proposed Act is to do nothing. This would lead to more adverse environmental consequences as well as seriously jeopardize the Nation's electric supply system. Only to the extent that local laws required environmental reviews or Federal actions such as licensing or financing were involved (necessitating 102(2)(C) statements) would bulk power facilities receive environmental reviews. Even when such reviews take place they are often incomplete and lack a mechanism for enforcement of their recommendations prior to construction of the facility. The reviews by all levels of government and the public well in advance of construction with the authority to require actions to protect environmental values as provided by the proposed Act are designed specifically for electric power facilities and are designed to provide better results than the (at best) haphazard present arrangement.

Other alternatives primarily involve different agencies or levels of government performing the environmental review licensing. The primary distinctions are administrative and legal rather than environmental and choices made are intended to facilitate the most effective means for conducting the reviews outlined in the Act.

As with any legislation which seeks to balance two potentially conflicting goals, it can be argued that the proper equilibrium should be struck more to one side or the other. The proposed Act recognizes the need for a reliable power system throughout the Nation; a dependable energy supply is in itself an enhancement of the human environment. Yet it seeks to assure attainment of that goal with minimum adverse impact on the environment.

Alternative standards could have willingly jeopardized either environmental quality for the sake of electric power, or a dependable electric power supply for the sake of total preservation of the natural environment. The balance struck in the proposed legislation seems the most beneficial for all environmental goals as set out in the National Environmental Policy Act.

Finally, an alternative approach would have been to establish a totally Federal certification procedure. Such an alternative would be undesirable on a number of points; it would interfere with an area of traditional state regulation; it would overturn the many positive acts taken by several states in recent years to establish needed controls over the siting of power plants; and it would tend to remove many factual issues from the forum in which they could best be resolved by informed citizens and utilities working with government at all levels.

5. RELATION BETWEEN LOCAL SHORT-TERM USES AND LONG-TERM PRODUCTIVITY OF THE ENVIRONMENT

The procedures of this Act, especially long-range planning, are designed to facilitate an explicit, conscious balancing of long and short-term uses of the environment. Continuation of the present degree of conflict and delay in the construction of bulk power facilities for purposes of environmental protection may bring the short-term benefits of inaction. However, current and potential energy needs will require the construction of additional facilities, and as the need for power becomes more critical, proper consideration of environmental factors will become relatively less critical, unless the proper institutional framework is established.

6. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Since the Act only establishes governmental entities, review procedures and study policies, it makes no commitments involving natural resources. Relatively small financial commitments will be required to implement the Act. These will be used primarily to establish and maintain appropriate offices and staff for the certifying agencies.

SITING ACT OF 1971

SECTION 1.—Short title.

POLICY PREAMBLE

SEC. 2.—Congressional findings and public policy reasons for this Bill

To further national environmental policy set forth in National Environmental Policy Act of 1969

To further national electric energy policy of the Federal Power Act

To act in the interests of the environment, interstate commerce, investors and consumers.

2(a)—Finding that bulk power facilities needed for reliable power supply be constructed in a timely basis in consonance with environmental and natural resource values;

2(b)—Determination that in order to meet objective of 2(a) utilities should engage in long-range planning and bodies should be established to certify bulk power facilities prior to construction;

2(c)—Finding that the siting of bulk power facilities is a significant land use issue which should be resolved on a State or regional level;

2(d)—Finding that Federal, regional and State authorities should act expeditiously in reviewing and certifying bulk power facilities;

2(e)—Determination that Federal guidelines are needed for the Federal, regional, and State certifying agencies;

2(f)—Determination that the long-range planning should be carried out through the National and regional reliability councils, which are voluntary groups open to all systems in the industry; and that these councils participate in the work of the FPC under Section 202(a) of the Federal Power Act;

2(g)—Determination that the Federal government assist in the development of new siting approaches for power plants and in the multiple use of rights of way and facilities for other utilities and public services.

DEFINITIONS

SEC. 3—Definition section covering particular terms used in the Bill.

3(a)—Describes one of two types of regulated parties, "electric entities" which are all non-Federal systems which own or operate "bulk power supply facilities"; "electric entities" include States, municipals, individuals, corporations, cooperatives and any other types of organizations;

3(b)—Describes the other type as "federal electric entity"; e.g., the Tennessee Valley Authority and the Bonneville Power Administration;

3(c)—Identifies "bulk power supply facilities" as electric generating equipment of 300,000 kilowatts or more and transmission lines of 230 kilovolts and higher, together with associated facilities; but any facilities licensed under Part I of the Federal Power Act shall not be subject to the jurisdiction of the certifying bodies established under this Act;

3(d)—States that the "Federal certifying agency" will be such Federal agency, agencies or department as may be designated by the President (after its establishment it is intended that the Department of Natural Resources be designated the Federal certifying agency);

3(e)—Identifies the State or regional agencies who may certificate sites and facilities;

3(f)—Defines "regional" as two or more States; and

3(g)—Defines the "commencement of construction" in terms of site preparation which would adversely affect the natural environment but excludes temporary recreational use, preconstruction testing and monitoring to establish site suitability.

LONG-RANGE PLANNING

SEC. 4.—Establishes a statutory requirement that all "electric entities and Federal electric entities" prepare coordinated regional long-range plans for bulk power supply facilities and that the plans be made available to government and the public;

4(a)—Requires each "electric entity and Federal electric entity prepare annually, long-range plans for bulk power facilities in accordance with FPC guidelines and permits these to be part of a single regional plan;

4(a)(1)—Requires the plans to identify the general location, size, and type of facilities whose construction is to begin during the following 10 years or longer (not to exceed a total of 15 years) if determined to be necessary by the Federal certifying agency and also to indicate any facilities which may be removed from utility service during the period or as a result of the completion of the new facilities;

4(a)(2)—Requires that the plans identify tentative alternative sites for power plants over 300,000 kilowatts and the general location of routes for transmission lines over 230 kilovolts at least 5 years in advance of construction and that they indicate the environmental effects and how potential adverse effects may be avoided or minimized;

4(a)(3)—Requires that the plans indicate how the bulk power facilities are coordinated on a regional basis to meet the electric power needs of the region;

4(a)(4)—requires that the plans indicate how environmental protection and land-use planning agencies have been involved in the planning process to minimize environmental problems;

4(a)(5)—Requires that the plans provide such additional information as the Federal certifying agency upon the advice of interested State and Federal agencies may prescribe;

4(b)—Requires that each "electric entity and Federal electric entity" file annually, copies of the long-range plan, including projections of the electric demand they are intended to meet, with appropriate government agencies at the Federal, regional, State and local levels and with interested citizens groups requesting them.

CERTIFYING AGENCY JURISDICTION AND QUALIFYING PROCEDURES

SEC. 5—Establishes a system for the certification of large electric power plants and high voltage transmission facilities prior to their construction;

5(a)—Affords the states an initial period of two years in which to establish a decision-making body at the State or regional level to certify the sites and related bulk power facilities of non-Federal utilities. These decision-making bodies would be either an existing agency of state government such as a natural resource agency or the public utility commission, or a newly created power plant siting agency or decision-making body;

Requires that the State or regional certifying agencies provide for the participation in the decision-making process by environmental protection, natural resource, planning and electric power service agencies of the State government and for participation by the public;

Requires that the State or regional certifying agencies be established and administered in accordance with the requirements of the Act and guidelines and any subsequent revisions thereto to be prepared and published in accordance with Section 9;

5(b)—Provides for notice to the Federal certifying agency by the governor of each State which establishes a certifying agency, review of the authorities and procedures by the Federal certifying agency, and issuance of a Certificate of qualification of procedure if they are in compliance with the Act including the guidelines established in accordance with Section 9;

Requires the Federal certifying agency to revoke the Certificate of qualification if the State or regional certifying agency fails to observe the requirements of the Act;

Provides that the Certificate of qualification shall constitute conclusive evidence to exercise the provisions of Section 6;

5(c)—Authorizes a Federal certification procedure applying Federal standards only with respect to electric entities in any State which does not establish and qualify its procedures within this two year period or has its qualification of procedure revoked; such Federal certification to continue in any State until the latter has a qualified certification procedure;

Authorizes transitional procedures which the Federal certifying agency may adopt in transferring pending matters to State or regional certifying agencies which so qualify;

5(d)—Requires that the Federal certifying agency consult with the Governor of each affected State before denying or revoking a Certificate of qualification of procedure, affording the State time for responsive action; and

5(e)—Authorizes judicial review of the Federal certifying agency action denying a Certificate of qualification or revoking an effective certificate; jurisdiction being in the United States Court of Appeals, with venue stated; and provisions for subsequent judicial review by the United States Supreme Court;

CERTIFICATION IMPLEMENTATION ELECTRIC ENTITIES AND FEDERAL ELECTRIC ENTITIES

SECTION 6—Implements the certification requirements for bulk power supply facilities of all non-Federal and Federal electric systems by State, regional or Federal certifying agencies;

6(a)—Prohibits the commencement of construction or the beginning of operation of non-Federal bulk power supply facilities two years after enactment unless a certificate of site and facility is obtained from the qualified State or regional certifying agency or lacking such a qualified agency from the Federal certifying agency;

Prohibits the commencement of construction or beginning of operation of Federal bulk power supply facilities two years after enactment unless a certificate of site and facility is obtained from the Federal certifying agency;

Requires that certified facilities be constructed, operated and maintained in accordance with the Certificate;

Establishes transitional certification requirements and procedures for facilities under construction two years from enactment providing that if sizeable investments applicable only to the site in question were already made certification would be granted if all necessary permits and licenses had been obtained prior to commencement of construction; and if no such investments were made that operation of these facilities may proceed pending certification subject to any reasonable actions or conditions later required by the certificating body;

Provides that facilities operational two years from enactment need not be certified but that sizeable additions thereto must be;

6(b)—Requires that all applications for a certificate of site and facility be filed at least two years prior to the commencement of construction;

Establishes as a prerequisite for such filing that Federal and non-Federal electric entities comply with the long-range planning requirements of Section 4; that, except for good cause, the site chosen be from the list of approved sites in accordance with Section 8(c) and the transmission line routes follow the general routes identified in the long-range plans;

6(c)—Expresses the intent of Congress that State, regional, or Federal certification proceedings be completed within the two year period prior to construction;

Requires that the Federal guidelines established in accordance with Section 9 facilitate a decision on applications for certification within 2 years;

Authorizes waiver of the certification requirements in Section 6 for good cause during the first 4 years after enactment;

States a statutory presumption that compliance with the long-range planning and filing requirements of Section 4 constitutes prima facie evidence of timely disclosure of construction plans for administrative and judicial proceeding;

6(d)—Permits any non-Federal electric entity to petition the Federal certifying agency for a Certificate of site and facility if the qualified State or regional certifying agency fails to act in a timely manner on the application for that facility and if the adequacy and reliability of the regional bulk power supply system imperatively and unavoidably requires a decision;

Authorizes the Federal Power Commission to prescribe by regulation the factual bases upon which to determine whether circumstances require the Federal certifying agency to assume jurisdiction;

Requires that for the Federal certifying agency to assume jurisdiction the Federal Power Commission must first find that adequate and reliable regional bulk power supply will be materially impaired by reason of failure of State action upon a timely basis;

Directs the Federal certifying agency to accord priority consideration to such situations and to do so under the provisions of Section 7 applying only Federal standards;

PROVISIONS FOR CERTIFICATION

SEC. 7.—Establishes the provisions and certain procedures to be used by Federal, State and regional certifying agencies when certifying bulk power facilities;

7(a)—Authorizes certifying agencies to issue Certificates of site and facility if after considering available alternatives they find the site or route will not unduly impair environmental values and will be reasonably necessary to meet electric power needs; or otherwise to deny the certificate;

Provides that the judgment of the agency is conclusive on all questions of siting, land use, state air and water quality standards, public convenience and necessity, aesthetics and any other State or local requirements but requires that Federal standards, permits or licenses must have been satisfied; the intent of this section is to provide a complete one-stop final decision on all approvals necessary at the State or local level of government. The guidelines to be established pursuant to Section 9 will attempt to coordinate and integrate any reviews of these facilities under Federal law with this decision-making process so as to achieve as close to a complete one-stop procedure as is possible;

Requires that the Certificate indicate agreement by the applicant to comply with the requirements of this Act and Section 202(a) of the Federal Power Act regarding reliability and adequacy of electric service;

7(b)—Require that the certifying agency assure full public review and give adequate consideration to all environmental values including the impact on adjacent States;

Authorizes the certifying agency to impose terms and conditions when issuing certificates;

Directs that the certificates be final and subject only to judicial review;

POWERS AND DUTIES OF CERTIFYING AGENCIES

SEC. 8.—Delineates the duties and authorities of State, regional and Federal certifying agencies;

8(a)—Requires certifying agencies to comment on the long-range plans submitted by Federal and other electric entities in accordance with Section 4 and to make these comments public;

8(b)—Requires certifying agencies to publish in each local newspaper in the affected area annual lists describing proposed power plant sites and general transmission line routes including the approximate year when construction is expected to begin;

8(c)—Requires certifying agencies to conduct mandatory public hearings promptly on any sites proposed 5 years in advance of construction and to decide if they should be included on the inventory of approved sites and establishes as a basis for decision whether or not construction of any plant on that site would unduly impair important environmental values;

8(d)—Requires certifying agencies to publish promptly in each local newspaper in the affected area pertinent details concerning applications for Certificates of site and facility and to hold public hearings prior to issuance of the Certificate;

8(e)—Authorizes certifying agencies to require Federal and other electric entities to provide necessary information and to assist in the conduct of hearings, investigations and studies;

8(f)—Authorizes certifying agencies to conduct any necessary studies or investigations;

8(g)—Authorizes certifying agencies to issue rules and regulations necessary to carry out this Act after public notice and comment;

GUIDELINES FOR CERTIFYING AGENCIES

SEC. 9—Requires the President upon the advice of interested Federal agencies and after public notice and comment to issue and revise as necessary guidelines for Federal, regional and State certifying agencies which shall include;

9(a)—Criteria for effects on environmental values;

9(b)—Criteria for evaluating relative environmental effects of alternative sites;

9(c)—Criteria for evaluating projected electric needs;

9(d)—Procedures for ensuring full public participation through consultation and hearing;

9(e)—Procedures for forming regional certifying agencies;

9(f)—Procedures for dealing with multi-state impacts;

9(g)—Personnel requirements for State and regional agencies;

EMINENT DOMAIN QUICK TAKE

SEC. 10—Authorizes non-Federal systems holding certificates of site and facility (electric entities) to utilize eminent domain procedures in Federal or State courts to acquire needed non-Federal property; and where the Federal courts are used, quick take procedures apply;

COMPACTS AND JOINT ACTION

SEC. 11—Encourages and facilitates cooperation among the States in carrying out the provisions of this Act;

11(a)—Gives advance consent of Congress to the negotiation and implementation of agreements or compacts to effectuate the certification procedures of the Bill through authorities or agencies, joint or otherwise, as to non-Federal systems;

11(b)—Expresses the intent of Congress that State certifying agencies are to be encouraged to cooperate in planning of bulk power supply facilities and that States adopt compacts, cooperative procedures and joint actions to coordinate and resolve environmental considerations which affect bulk power supply facilities;

FEE ASSESSMENT

SEC. 12—Authorizes each qualified Federal, regional or State certifying agency to assess and collect fees from electric entities and federal electric entities operating within its jurisdiction to cover the agency's costs of administration, necessary studies and personnel;

ADVANCED SITING AND ROUTING CONCEPTS

SEC. 13—Authorize the federal certifying agency in cooperation with other interested federal agencies and the electric power industry to develop a coordinated program of studies of new and evolving power plant siting and transmission line routing concepts.

FEDERAL AGENCY COOPERATION

SEC. 14—Authorizes all federal departments and agencies to cooperate with the Federal, regional and State certifying authorities in carrying out the purposes of the Act; specifically to provide staff experts, information and technical assistance and to undertake studies of the environmental impact of bulk power facilities upon request;

JUDICIAL REVIEW

SEC. 15—Subjects the orders and decisions of federal certifying agency pursuant to this Act to review under provisions of 5 USC 701–706;

Subjects the orders and decisions of State or regional certifying agencies pursuant to this Act to review under applicable State laws;

RELATION TO OTHER LAWS

SEC. 16(a)—States that the Act does not alter the jurisdiction of the CEQ or the requirements of the National Environmental Policy Act except;

Federal agencies are not required to prepare detailed statements pursuant to Section 102(2)(C) of the National Environmental Policy Act for bulk power facilities certified under Section 6 of this Act. Federal agencies will re-examine procedures after enactment of this Act to utilize the findings of the State, regional and federal certifying agencies and thus achieve as close to a complete one-stop procedure as is possible;

16(b)—States that this Act does not relieve persons or governments from the requirements or authority of the Atomic Energy Act of 1954 as amended or the Federal Power Act of 1935 as amended or from any other federal law;

PENALTIES AND ENFORCEMENT

SEC. 17—Provides for civil and criminal penalties for violating the provisions of the Act;

17(a)—Establishes civil penalties up to $10,000 per day for failure to obtain a required certificate of site and facility prior to construction of a bulk power facility or for failure to comply with such a Certificate once issued or for causing one of the above acts to occur;

17(b)—Establishes criminal penalties up to $1,000 per day or one year imprisonment or both for knowingly and wilfully violating subsection (a);

17(c)—Permits the Attorney General to seek a civil injunction or temporary restraining order in the United States district court when the Federal certifying agency determines that a person is violating or is about to violate the provisions of subsection (a).

By Mr. HUMPHREY:

S. 1685. A bill to provide for the establishment and enforcement of certain interim safety standards for power rotary lawnmowers. Referred to the Committee on Commerce.

LAWNMOWER SAFETY

Mr. HUMPHREY. Mr. President, there were some 140,000 injuries caused by power lawnmowers in 1969. About 70 percent of these injuries were lacerations, amputations, and fractures resulting from the cutting and crushing action of whirling blades.

Tips of the cutting blades often spin over the grass at speeds in excess of 200 miles an hour. Solid objects like pebbles, wire, glass, nails, and bottlecaps struck by high-speed blades can be propelled out of the blade housing, usually through the discharge chute, at high velocities.

There are 27 million power mowers in use in the United States today, and more than 90 percent are of the rotary type. Statistics indicate that the rate of injuries has continued to increase as the number of machines in use has increased, and current industry sales figures leave little doubt that the number of rotary mowers in the hands of consumers will continue to climb for some years to come.

The National Commission on Product Safety reported:

> Injuries from power mowers have increased in proportion to the numbers and use of these machines.

A study by the Commission showed power mowers "topping the list of products causing injuries."

The Commission concluded that industry self-regulation tends to permit the least responsible segment of an industry to retard progress and thus reduce the standard to the lowest common denominator.

Voluntary development and/or enforcement of safety standards by any trade association or group of manufacturers cannot fully protect the consumer for a number of reasons:

First. As long as membership is voluntary, there is no way to include all producers and thus make certain that each one will subscribe to a suitable set of standards.

Second. Even if a producer voluntarily joins the association and accepts the established standards, he may elect to exclude one or more of his products from the safety program.

Third. After standards have been agreed upon by all members, there is no workable, legal method for inspecting production models to determine if specifications are being met, or for enforcing compliance when obvious violations are found.

Fourth. Since developing and testing procedures inevitably involve additional expenditures of money which may tend to force the cost of some "budget-priced" models slightly higher, some manufacturers claim there is added sales resistance when they introduce new safety features, and thus they tend to shy away from either making improvements on their own, or cooperating in the introduction of safety standards developed by others.

Fifth. Unless there is establishment of safety standards that can be legally enforced on a nationwide basis, unreasonable hazards to the consumer will continue to exist and the toll in medical costs, time lost and emotional damage will continue to climb annually.

Mr. President, today I propose legislation to establish safety standards for power rotary lawnmowers. This is not the ultimate answer, only a first step. But it represents a major advancement over the present situation of voluntary compliance with industry standards.

This bill directs the Secretary of Commerce to establish, within 90 days of enactment, safety standards for power rotary mowers. The standards shall be consistent with those adopted by the Outdoor Power Equipment Institute in January 1971.

Any person or company manufacturing or selling a power rotary lawnmower which fails to meet the standards after they take effect could be liable for fines up to $50,000 or 6 months in jail or both.

This would be interim legislation that would fill in until the Congress enacts a broad product safety law, such as S. 983, the Consumer Product Safety Act of 1971.

I am a cosponsor of that bill because I support the principle of establishing an independent, new agency to set and enforce product safety standards.

Tough standards alone are not the answer. Certainly not all product-related injuries are directly attributable to faulty construction or poor design. Some are the result of careless or improper handling, which no manufacturing could have avoided.

Nevertheless, all the evidence indicates a large percentage of these accidents could have been prevented, or their effects at least minimized by some modifications or changes in the design of the consumer product involved—or in some cases by the mere addition of permanently affixed instruction plates or adequate safety warnings.

I hope the Commerce Committee and the Congress will give prompt consideration to this measure in time to help prevent another summer of needless injuries from power rotary lawnmowers.

By Mr. MOSS:

S. 1688. A bill to authorize the granting of mineral rights to certain homestead patentees who were wrongfully deprived of such rights. Referred to the Committee on Interior and Insular Affairs.

EQUITY FOR HOMESTEADERS

Mr. MOSS. Mr. President, I send to the desk for appropriate reference a bill I am introducing which would enable certain homesteaders or their successors in title to obtain equity from their Government.

The bill would accomplish this purpose by authorizing a homestead title holder who has been wrongfully deprived by the Government of the minerals in his land to apply to the Secretary of the Interior for conveyance to him of those minerals. The homesteader shall submit proof that the withholding of the minerals was the result of error, whether intentional or not, and that he was unduly pressured into waiving his mineral rights through ignorance or fear; or that there was some other wrongful or mistaken act on the part of the Federal officials involved in the issuance of the homestead patent.

When the homestead title holder's proof is accepted, the Secretary is to convey the minerals to the surface owner.

As was pointed out in the recent report of the Public Land Law Review Commission, a great many laws were enacted in years gone by under which a citizen could go out on vacant, unappropriated public lands, make an "entry," and by performing certain work and complying with specified procedures, he could get title to a given tract, the size of which might vary from 160 acres to 640 acres.

Under certain of these homestead laws, title to the minerals passed with the surface to the homesteader, provided the land had not been classified as having known mineral values. Under other laws, the Government was required to reserve coal, oil, and gas deposits whether or not there was any reason to believe such deposits did in fact exist.

The variety of laws, procedures, and situations led to a great deal of confusion and there were instances in which a homesteader did not get the minerals in his land to which he was rightfully entitled under the law and facts as known at the time he acquired title to the surface. On occasion, Congress has passed and the President has signed private laws for the relief of individual homesteaders or for specified groups, such as the Kenai homesteaders in Alaska.

The bill I am introducing today is for a general law to provide for rectification of this situation and enable homestead titleholders to obtain equity if they were wrongfully deprived of the minerals in their lands. No existing rights acquired by others, such as those of a Federal lessee on the land, would in any way be interfered with or invalidated.

By Mr. GURNEY:

S. 1690. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes. Referred to the Committee on the Judiciary.

TRIAL AND REVIEW OF CRIMINAL ACTIONS INVOLVING OBSCENITY

Mr. GURNEY. Mr. President, as a result of its inability to provide an adequate definition of obscenity, the Supreme Court has become more a censorship board than a high court on the obscenity question. This is objectionable both for the Supreme Court and for the public, first, because it ties the Court to decisionmaking on specific works, and second, because it deprives the local community of its right to determine what will, and what will not be permitted in its locale. A solution lies close at hand, however.

On September 18, 1968, the late Senator Dirksen, in behalf of himself and Senator MANSFIELD, introduced S. 4058—a bill "With respect to the trial and review of criminal actions involving obscenity." The bill was referred to the Criminal Law and Procedure Subcommittee. Congress adjourned without any action having been taken on Senator Dirksen's bill.

In the 91st Congress Senator Dirksen again introduced his bill. It was referred to the Judiciary Committee and then to the Criminal Law and Procedure Subcommittee with a request that the Attorney General forward a report to that committee. Again Senator Dirksen's bill came to nothing without the benefit of being reported to the floor of the Senate. I believe that this bill deserves a better hearing.

The conditions that prompted Senator Dirksen to submit his bill have not been ameliorated in the short time since the Senator's death. On the contrary, there is a greater need than ever to equip the States and localities with the ability to protect themselves from hard-core pornography. Since 1968 when Senator Dirksen first introduced his bill, the pornography business has grown to the proportions of a national scandal.

Senator Dirksen submitted this bill in an attempt to prevent the conditions that exist today: Legitimate theater has been forced to debase itself to compete with so-called "art theaters." Most sizable cities have been forced to put up with "peep shows" and the sale of pornographic material; and the neighborhood theater is no longer able to survive unless it offers the most degraded films available. Various factors encourage continued deterioration of the situation. Major American movie companies have moved into hardcore pornographic market; a sort of Gresham's law is working: dirty movies are driving clean movies out of circulation. Movie owners cannot get decent products for exhibition no matter how hard they try. This bill would give to the States the right to prevent the spread of pornography within their borders.

In *Roth* v. *United States*, 354 U.S. 476 (1957) the Court ruled that obscene material is not constitutionally protected speech or press under the first amendment. As a result of this and later cases, individuals could be prosecuted for violation of State and local obscenity statutes. The Roth case, further established the now classic definition of obscenity:

> Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appears to prurient interest.

Under this ruling, we thought that the Court had established the right of the jury to determine the obscene nature of the material with which it dealt. It has not worked in this fashion. This bill is intended to reinforce that decision, or at least to allow it to become operational again.

Since the Roth decision the Court has continued to hear cases on appeal concerning the obscenity of specific articles. This practice has in effect undermined the basic tenets of the Roth decision. It is our contention that it is not within the purview of the Supreme Court to determine which particular article is and which is not obscene. The Supreme Court is a court of law and not a court of fact. As the Court itself set forward in Roth, the obscenity of a particular piece must be determined by the jury involved in the initial prosecution.

Although juries throughout the country are attempting to perform this function at present, the pornography dealers continue to thrive as they use the appeal process as a delaying and obfuscating tactic.

Stated simply, the problem is this: the Roth decision declared that obscene materials are not protected by the first amendment to the Constitution. The difficulty since the Roth case, however, has been in defining obscenity. For Federal courts this should not be so, as Roth provided a clear and reasonable definition of obscenity. State statutes defining obscenity, however, have not dealt adequately with the constitutional issues of law.

The most common cause of constitutional difficulty in State law has been the problem of vagueness. Generally, State and Federal statutes that attempt to legislate against obscene materials are rules to be "unconstitutionally vague." As a result of the States' inability to enact constitutionally sufficient legislation, the pornographers flourish and the courts struggle. Blount against Rizzi, decided earlier this year, makes this quite clear.

In deciding Blount against Rizzi, the Supreme Court never actually dealt with the question of obscenity. Rather, it was forced to act on other grounds thus further delaying and confusing the central issue of pornography. This bill would not prohibit appeal on other grounds, but it would make it possible for lower courts to determine what constitutes obscenity and have that decision stick.

But we have it in our power to stop the sale of filth in our communities. We can transfer permanently to the trier of fact—the jury or the judge—the power to make binding decisions as to what is, and, in fact, what is not, hardcore pornography.

This bill would make a fact of State and local control of obscenity issues.

By this bill, the question of obscenity is returned to the realm of fact where it belongs. That is, the jury would make the final determination as to whether or not a specific work is obscene. Each State and municipality, thus, would have the power to determine which films would be shown and what articles would be sold within its borders. As a result, the local community could regulate its moral atmosphere—as a community is entitled to do.

The legislation I propose would make it possible for communities to accomplish that end. On obscenity issues, the Supreme Court must be a court that considers questions of law, not of fact. Determinations of fact in obscenity cases should be made by lower level Federal and State juries. This legislation would make the question of the obscenity of a particular book, movie, et cetera, a fact. Each jury, then, would determine the question of obscenity in its individual jury room. A further result would be that the Supreme Court would not have the authority to review the jury decision that a specific article.

This bill is intended as a curb on hardcore pornography. To avoid the vagueness problem, of course, the States would be required to use caution and circumspection in passing obscenity legislation. By so doing, however, they can set standards for their legislative districts and effectively halt the present, overwhelming flow of pornography.

The legal result of this bill would be to prevent an appeal from a conviction where the determination of a jury as to the obscene character of the material is at issue. In the future, if it were enacted, appeals could be made on all matters of law and procedure of the case. Obscenity, however, would be treated as a question of fact determined by the jury, and not subject to review by the appellate courts.

I recognize that such a proposal raises significant issues in regard to constitutionality: First, we must inquire whether the Congress has the power to regulate the jurisdiction of the lower Federal courts? Second, does the Congress have the power to regulate the appellate jurisdiction of the Supreme Court? Investigation indicates that not only does the that it has exercised them in the past.

Article III of the Constitution conveys to the Congress the right to "ordain and establish" such inferior courts as it sees fit. In reference to the lower courts the Supreme Court has long upheld Congress' power to limit the jurisdictional scope of such inferior courts. Such an interpretation has rested on the Judiciary Act of 1789—viewed as a contemporary interpretation on the Constitution by Congress. The first Congress, in writing the first judiciary act, determined the jurisdiction for the Federal district courts it created and determined which categories of cases involving the Constitution, Federal laws, and treaties were to be heard in Federal courts and which matters were to be left to the State court systems. In *Turner* v. *Bank of North America* 4 Dall. 8, 9 (1799) the Supreme Court stated:

> The judicial power (except in a few specific instances) belongs to Congress. . . . Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal courts, to every subject, in every form which the Constitution might warrant.

Thus it falls within the rights of Congress to enlarge or limit the scope of review of Federal district or circuit courts.

In 1943 the Supreme Court staunchly defended this right in *Lockerty* v. *Phillips* 319 U.S. 183 (1943) by upholding the right of Congress statutorily to restrict the issuance of injunctions restraining price regulation. In this decision, the Court stated that there "is nothing in the Constitution which requires Congress to confer equity jurisdiction on any inferior Federal court." Emphasizing congressional power as conferred by article III of the Constitution, the Supreme Court stated that Congress could establish inferior courts "with jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."

The significance of such pronouncements in relation to this bill is apparent. First, the Supreme Court properly recognizes that Congress possesses the power to review the decisions of a Federal jury as to determinations of obscenity. Second, it insures that rulings of State courts in regard to a determination fact on the question of obscenity will not be overturned by Federal courts on appeals.

Also significant are those instances in the past that Congress has statutorily withheld powers from the Federal courts. A recent example is the Voting Rights Act of 1965. The Court held that Congress could, indeed, limit the inferior courts in their ability to hear broadly based attacks on the act. The Court insured this right under the "ordain and establish" clause of article III. There appears little doubt, then, that the Congress does have the power to limit the right of inferior courts to review determination of obscenity.

Just as important as jurisdiction for lower court review is the question of Supreme Court jurisdiction and review. Article III, section 2 of the Constitution states:

> In all cases affecting ambassadors, other public ministers and consuls and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases . . . the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exception and under such regulations as the Congress shall make.

Our antiobscenity bill, of course, would not attempt to enter the area of original jurisdiction. Instead, it acts in regard to the plenary power provided Congress by article III of the Constitution.

Rulings by the Court have established that Supreme Court review is based not on constitutional direction, but on affirmative bestowal of jurisdiction by the Congress. This principle was first determined in *Wiscart* v. *Bauchy,* 3 Dall. 321 (1796). The Court acknowledged that in the absence of a prescribing statute, the Supreme Court lacked jurisdiction. The Court went on to indicate that were there such a rule for procedure, it could not fail to follow it. In its decision in *Ex Parte McCardle,* 6 Wall. 318 (1868), the Court further confirmed this trend by stating:

> Without jurisdiction the Court cannot proceed at all in any case. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

The Court felt that congressional acts of jurisdiction were "acts granting jurisdiction and not as making exception to it."

Further, the decision of the *Francis Wright,* 105 U.S. 381 (1882), determined that entire classes of cases could be kept out of the jurisdiction of the Court to review. In the 1964 case of *Jacobellis* v. *Ohio,* 373 U.S. 184, 187–190 (1964), Chief Justice Warren stated:

> I would reiterate my acceptance of the rule of the *Roth* case: Material is obscene and not constitutionally protected against regulation and proscription if "to the average person, applying contemporary community standards, the dominant theme of the material as a whole appeals to prurient interests." I would commit the enforcement of this rule to the *Roth* rule. . . . This is the only reasonable way I can see to obviate the necessity of this Court sitting as the super-censor of all the obscenity purveyed throughout the Nation.

From the Wiscart decision to the present, then, the court has acknowledged the strength of the exceptions and regulations clause in limiting the jurisdiction of the Supreme Court. This bill would come within the areas defined over the years by the Court as proper for congressional legislation. The Supreme Court, then, can and, in my judgment, should be deprived of the need to pass on questions of fact in obscenity cases. In the Jacobellis case Chief Justice Warren stated further that—

> Protection of society's right to maintain its moral fiber and the effective administration of justice require that this Court not establish itself as an ultimate censor.

Since Supreme Court appellate jurisdiction rests on a congressional rather than on a constitutional grant, it is within the power of Congress to determine what the limits of such jurisdiction shall be. In my view, the Congress must exercise its obligation to the country on the question of obscenity. This bill would fulfill that obligation, since it would give to localities and municipalities the right and the ability to halt any unwanted flow of pornographic or obscene materials into their territories.

The major provisions of this bill are, in brief, that in any action of a criminal nature arising under the United States Code on obscenity, the jury shall determine whether or not an article is in fact obscene without instruction by the Court. Second, in any criminal action under any statute of the United States no appellate court of the United States shall have the power to set aside any determination of obscenity made by a jury pursuant to the above section. Finally, in any criminal action initiated under any State statute, no Federal court shall have the power to reverse the determination made by any State court in regard to the obscenity of any particular article, matter, thing, device, or substance.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1690

A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact.".

SEC. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.

"3001. Judicial review.

"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivison of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity.....3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"476. Actions involving obscenity.....3001".

By Mr. FANNIN:

S. 1691. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

HOUSING RIGHTS ACT OF 1971

Mr. FANNIN. Mr. President, the American people have long been accustomed to quality housing.

In recent years skyrocketing land prices, excessive construction wage increases, and an increasing multitude of technological impediments to efficient construction have forced the price of decent housing to astronomical levels. Several noted economists have gone so far as to say that the low-priced home is a thing of the past. One of the greatest roadblocks to efficient housing production is building codes.

There are some 80,000 separate jurisdictions controlling housing construction throughout the country. These codes, which are in large part instigated and maintained by the building trades unions, hit hardest in low- and moderate-income housing. In some cases they can add nearly $2,000 to the price of a home.

Today I am introducing legislation designed to help remedy this situation. The bill would cut through overlapping and impractical building codes. This would allow full use of modern construction technology, including prefabrication and modular construction. The legislation would prohibit restrictions on the use of modern technology which now denies adequate housing to a substantial portion of the American people. I am pleased to note that 28 Congressmen in the House of Representatives, both Republicans and Democrats, have sponsored similar legislation.

Mr. President, in the Philadelphia pre-cut door case, the Supreme Court, in April 1967, indicated that unions could lawfully bar the use of prefabricated products in order to protect so-called customary on-site work. The Court said that the normal prohibitions of law against secondary boycotts and hot-cargo restrictions do not apply.

In another case at that time, the Supreme Court also upheld the union's refusal to install prefabricated insulation. The same grounds were cited:

> That product restrictions only "preserve work traditionally performed by members of the union, and resulting cessation of business relations was beside the point."

The cost impact of codes must be measured not only in terms of available technology which is denied usage, but also in terms of technology not attempted due to the frustrations and financial limitations posed by the restrictive codes.

The financial impact is more pronounced for manufacturers of low and moderate income housing than for those of middle and upper income housing. Sixty percent of the low and moderate income group report significant added costs resulting from the necessity to build to varied standards. Only 30 percent of the higher income groups report the same problems.

My bill seeks to encourage the new technology and industrialization which, it should be evident, are basic ingredients for housing progress.

The acceptance of industrialization can do much to erase labor and code enforcement product boycotts.

Even some segments of organized labor favor the industrialized approach to home building. Peter Fosco, General President of the Laborers' Union, has said:

> The Laborers' International Union of North America stands 100 percent behind the Government's efforts to encourage the development of new methods of industrialized homebuilding and promote their use. We see the emergence of factory-built housing as a necessary means toward catching up with the Nation's accelerating housing demands.

Industrialization should also make it more acceptable to achieve the proper balance of skilled and unskilled labor. Today, HUD officials estimate that the combined code and union rules force the use of skilled laborers for unskilled tasks equal to a 25-percent cost increase per building project.

For example, in New York City, it requires a master electrician to unload and plug in a new refrigerator.

These many problems and constraints have fragmented the housing industry to the point that 95 percent of the tens of thousands of single-family home builders build fewer than 100 units a year and 85 percent build fewer than 50 units a year. Further, 50 percent of the multifamily home builders build fewer than 100 units a year. Under these situations, very little research has been done to improve the building process. Very few companies have the financial capacity to do research. The incentive for risk in the development of new, higher-volume production approaches has not been present. And there has generally been no encouragement for upgrading the process of housing development.

Summing up the situation, the case against locally developed codes is that they add to housing costs, delay construction, block volume production, bar modern materials, inhibit creative design, and lack uniformity in requirements and administration and enforcement. They are often outdated and procedures for modernizing them are slow. We must make it possible to use such devices as prefabrication and modular construction.

Mr. President, I introduce this bill for appropriate reference.

By Mr. MAGNUSON (by request):

S. 1692. A bill to provide for the development or approval of test methods for consumer products. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for the development or approval of test methods for consumer products, and ask unanimous consent that the letter of transmittal, statement of purpose and need and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 1692

A bill to provide for the development or approval of test methods for consumer products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Test Methods Act".

SEC. 2. DEFINITIONS. For purposes of this Act—

(a) "Secretary" means the Secretary of Commerce.

(b) "Agency" means an executive agency as defined in section 105 of title 5, United States Code but does not include the General Accounting Office; and "responsible officer" refers to the head of an agency designated by the Secretary pursuant to section 3 of this Act, or the officer designated by the head of such agency to perform the functions under this Act.

(c) "Person" includes corporation, partnership, organization, or individual.

(d) "Supplier" means any person engaged in the business of making consumer products available to consumers either directly or indirectly.

(e) "Consumer product" means any tangible personal property normally used for personal, family or household purposes; consumer product includes personal property intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

(f) "Product characteristics" mean, with respect to consumer products, those important features of the product relating to functional use (including performance, safety, content, operating cost, and durability) that are measurable.

(g) "Test method" means a method or procedure by which product characteristics may be measured.

SEC. 3. PURPOSE. The purpose of this Act is to assist consumers in making informed judgments by providing suppliers with test methods which they can voluntarily utilize to afford consumers reliable and meaningful information on the performance characteristics of consumer products.

SEC. 4. IDENTIFICATION OF PRODUCTS BY THE SECRETARY. The Secretary shall, in consultation with the Office of Consumer Affairs:

(a) Assist consumers in obtaining reliable and meaningful information regarding consumer products by promoting the development, approval, and use of methods for testing objective characteristics of such products and by identifying classes of consumer products for which reliable information on product characteristics would be in the interests of consumers.

(b) Designate (with its consent), as to each class of consumer products so identified, an agency responsible for the performance of the test method development and other functions set forth in this Act giving due regard to the statutory missions and capabilities of the several agencies in relation to the consumer products involved.

(c) Establish priorities among consumer products for consideration by the designated agencies. In fixing priorities, the Secretary shall give consideration to the requests of other officers of the Government, consumers, and suppliers; to the technical complexity, economic impact, and importance of such products to consumers; and to such other factors as he may deem relevant.

SEC. 5. APPROVAL OF TEST METHODS. For each class of consumer products, with respect to which an agency has been designated pursuant to section 3(b), the responsible officer in the designated agency, after conferring and consulting with consumers, private organizations, and laboratories where appropriate and after providing interested persons an opportunity to participate and comment upon the activities covered under this section, shall:

(1) identify product characteristics that are measurable and that can and should be tested;

(2) approve test methods that will adequately measure these characteristics if such exist;

(3) encourage private organizations and laboratories to develop adequate test methods where such methods do not exist, under procedures established by the responsible officer, consistent with such guidelines as may be promulgated by the Secretary;

(4) develop and approve adequate test methods if he finds that no adequate test method exists with respect to a product or class of products, and that expeditious development of adequate test methods through qualified private organizations or laboratories is not feasible; and

(5) cause to be identified or published in the Federal Register all identified product characteristics and approved test methods.

SEC. 6. ACCREDITATION. (a) The Secretary is authorized to develop a system of accreditation to assist qualified persons in the competent performance of testing according to approved test methods. Such accreditation and all associated services will be made available on a reimbursable basis to those persons desiring to voluntarily participate in such systems. The accreditation system shall include appropriate safeguards to insure that imported consumer products do not suffer competitive disadvantage from its operation.

(b) Before the accreditation system authorized by this section may be instituted, the Secretary shall promulgate appropriate rules and regulations governing the operation of such system.

SEC. 7. ADVERTISING TESTED PRODUCTS. (a) The designated agency shall promulgate, subject to such guidelines as may be promulgated by the Secretary, rules and regulations governing the manner in which:

(1) test programs utilizing voluntary test methods approved under this Act must be

conducted to assure that the test results advertised are reasonably accurate;

(2) suppliers may advertise the results of tests and the fact that such tests were conducted according to test methods approved under this Act; and

(3) suppliers may advertise that consumer products have been tested by any person accredited pursuant to section 5.

(b) Such rules and regulations shall prohibit false and misleading representations and include a requirement that all such advertising fully and fairly disclose the complete results of such testing.

SEC. 8. UNLAWFUL ACTS. (a) It shall be unlawful for any person to induce or encourage the purchase of any consumer product:

(1) by falsely representing that any consumer product has been tested in accordance with methods approved pursuant to this Act;

(2) by making any false or misleading statement or omitting to state any material fact necessary to make any statement not misleading with respect to the test results on any consumer product represented as having been tested in accordance with such methods;

(3) by making any statement regarding a consumer product which does not comply with an applicable rule or regulation issued pursuant to the Act; or

(4) by falsely representing that he or any other person is credited pursuant to a system developed under the provisions of section 5 of this Act.

(b) It shall be unlawful for any person to whom a consumer product has been submitted for testing pursuant to test methods approved under this Act:

(1) to falsely represent that such product has been tested in accordance with test methods approved pursuant to this Act;

(2) to make any false or misleading statements or to omit to state any material fact necessary to any representation concerning test results obtained by that person; or

(3) to falsely represent that he or any other person is accredited pursuant to a system developed under the provisions of section 5 of this Act.

(c) No publisher, television or radio broadcast licensee, or agency or medium for the dissemination of advertising, except the supplier or packer of the commodity to which the violation relates, shall be liable under this section by reason of the dissemination of any advertisement or statement in violation of this section, unless he has refused, on the request of the Attorney General, to furnish the Attorney General the name and post office address of the person who caused him to disseminate such advertisement.

(d) With respect to advertising of consumer products from a foreign supplier or which were tested by persons outside the United States, the importer of such products shall be responsible for any violations of section 7 of this Act.

SEC. 9. ENFORCEMENT. (a) The Attorney General is authorized to bring actions in the district courts of the United States to prevent and restrain unlawful acts under section 7 of this Act.

(b) Any affected person may bring an action in the district courts of the United States to prevent and restrain unlawful acts under section 7 of this Act. *Provided*, that no less than 30 days prior to commencement of such action, such affected person shall give notice by registered mail to the Attorney General and to the intended defendant. Such notice shall state the nature of the alleged violation, the relief to be requested, and the court in which the action will be brought. No separate suit shall be brought under this subsection if the same alleged violation is the subject of a pending action brought by the Attorney General. *Provided further*, that in any action under this subsection, such affected person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees. In such cases, the court shall, in addition to granting other relief as may be appropriate including costs, award to the prevailing party reasonable attorney's fees.

(c) The district courts of the United States shall have jurisdiction over suits for equitable relief authorized by subsection (a) and (b) of this section.

(d) Unlawful acts as defined in section 7 of this Act shall be unfair or deceptive acts or practices within the meaning of section 5 of the Federal Trade Commisison Act (15 U.S.C. 45).

(e) Any person who willfully violates any provision of section 7 shall, in the case of a natural person, be punished by imprisonment for not more than one year or by a fine of not more than $10,000 or both, or in any other case, be punished by a fine of not more than $100,000.

(f) The provisions of Section 13(b) of the Act of September 26, 1914, as amended (15 U.S.C. 53(b)), shall apply to the grant of equitable relief under this section.

SEC. 10. ADDITIONAL AUTHORITY. In carrying out the responsibilities conferred upon him under this Act, each responsible officer may:

(a) To the extent necessary and not inconsistent with other law, add personnel, acquire or establish additional facilities and purchase additional equipment for the purpose of carrying out such responsibilities.

(b) Request any federal agency to supply (on a reimbursable basis if appropriate) such statistics, data, testing methods, progress reports, and other information as he deems necessary to carry out such responsibilities.

(c) Subject to such general guidelines as may be promulgated by the Secretary, issue, amend, and revoke such rules and regulations as he deems appropriate to carry out such responsibilities.

SEC. 11. CONSUMER INFORMATION. The Secretary, in consultation with the Office of Consumer Affairs, is authorized to conduct appropriate information programs to assist consumers in understanding the significance of the information that may be furnished by suppliers pursuant to this Act.

SEC. 12. INTERPRETATION. Nothing in this Act shall supersede any other law relating to consumer products or any rule or regulation promulgated thereunder.

MARCH 18, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "Consumer Product Test Methods Act," together with a statement of purpose and need and a section by section analysis thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that its enactment would be in accord with the program of the President.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

THE STATEMENT OF PURPOSE AND NEED FOR LEGISLATION PROVIDING FOR CONSUMER PRODUCT TEST METHODS DEVELOPMENT

The purpose of this bill is to provide for the development or approval of test methods for consumer products. These test methods when followed will produce reliable and meaningful test results relating to the performance characteristics of such products. By voluntarily utilizing such test methods, suppliers can then furnish consumers with valuable information to assist them in making informed marketplace decisions.

Experience has revealed to those members of the Federal Government concerned with consumer protection that because of the large number of technically sophisticated products on the market today it is difficult for the consumer, through his own efforts, to understand their performance characteristics. This is particularly so in the case of items which, although they represent a large portion of his budget, are purchased infrequently by the consumer.

The private sector already has the necessary resources to test and evaluate the many consumer products on the market. There are almost 900 private testing laboratories in this country and countless other qualified testing facilities connected to various segments of industry. Most of these resources have been used in the past to measure the performance of industrial products, thereby aiding the buyer and seller in the "industrial" marketplace. The methods used in this effort have proved themselves but the average consumer has not been the direct benefactor of these efforts. These same resources can and should be mobilized for the direct benefit of the consumer. Some segments of the private sector have already begun this effort and this bill should reinforce that activity.

Under the bill it would be the role of the Federal Government to mobilize these private resources and apply them to aid in the development of test methods that can be used for consumer products. It should be understood that it is not the function of the government under the bill to test consumer products. Nor would the government become a repository for test results about individual consumer products. The bill does not establish a system for the establishment of mandatory tests or test methods.

The goal of this bill is to create a system which will make it possible for the forces of the marketplace to take hold and provide the consumer with reliable and understandable information about the products he buys. The use of uniform test methods to meet this goal will benefit all segments of the economy because the objective basis for comparison that can be furnished to the consumer by this system will stimulate more effective competition in the private sector.

This legislation is needed:

(1) to authorize the federal government to develop test methods for consumer products where adequate privately developed methods do not exist and cannot be expeditiously developed;

(2) to provide test methods for suppliers to assist them in obtaining test results which they can furnish to consumers. This information will assist consumers in understanding and evaluating important product characteristics;

(3) to authorize the advertising by a supplier of the results of tests in a manner that will encourage him to furnish consumers with a means of objectively evaluating products, thereby providing both supplier and consumer with a basis for increased confidence in advertised product performance;

(4) to authorize the accreditation of manufacturers, laboratories or other suppliers performing testing in pursuance of the bill; and

(5) to authorize the government to develop information programs to assist consumers in understanding the significance of test results produced by approved test methods, thereby enabling the consumer to make informed judgments in the selection, purchase and use of consumer products.

SECTION BY SECTION ANALYSIS

Section 1 of the bill contains definitions of the terms used in the bill to include "supplier", "consumer product", "product characteristics", and "test method".

Section 2 of the bill states that the purpose of the bill is to assist consumers in making informed judgments by developing or approving test methods which suppliers may use to provide consumers with reliable and meaningful information about the performance characteristics of consumer products.

Section 3 provides that the Secretary of Commerce shall, in consultation with the Office of Consumer Affairs, promote the development, approval, and use of methods for testing objective characteristics of consumer products and shall identify classes of consumer products for which information on such characteristics would be in the interest of consumers. They shall then designate, as to each class of products so identified, an agency which will be responsible for the test evaluation and other functions prescribed in this bill. Additionally they shall fix priorities among the products to be considered by the designated agencies, taking into consideration requests from others, the technical complexity of the task, the economic impact of the product or class of products, the importance of such products to the consumer and any other relevant factors.

Section 4 outlines the duties of the agency designated to deal with such products or classes of products as the Secretary deems appropriate. Each agency designated by the Secretary shall confer, when appropriate, with consumers, private organizations and laboratories familiar with such products and afford interested parties an opportunity to participate and comment upon the activities covered by this section. The agency will then identify the product characteristics that are measurable and can and should be tested. Should there be test methods which adequately measure such characteristics, they may be approved by the designated agency. The Secretary will encourage the development of needed test methods. If there are no adequate methods in existence and expeditious development of test methods cannot be accomplished through qualified private organizations or laboratories the designated agency shall develop test methods. Finally, the designated agency shall identify or publish in the Federal Register all identified product characteristics and approved test methods.

Section 5 authorizes the Secretary to develop an accreditation system for laboratories or other facilities which may desire guidance in performing tests according to test methods approved under this bill. This service would be available to anyone who wants to voluntarily participate. Participants would reimburse the Secretary for services provided under this section.

Section 6 provides that the designated agency, following guidelines of the Secretary, shall issue rules and regulations prescribing (1) the conduct of test programs utilizing voluntary test methods approved under this bill to ensure that the test results advertised are reasonably accurate and (2) the manner in which suppliers may advertiser concerning test results, the fact that tests were conducted following approved test methods and that persons accredited pursuant to section 5 have tested the products. These rules and regulations shall, among other things, ensure that full and fair disclosure is made of the complete results of such testing and that false and misleading representations are prohibited.

Section 7 provides that it shall be unlawful to induce or encourage the purchase of any consumer product (1) by making false representations that the product has been tested in accordance with approved test methods; (2) by making false or misleading statements or omitting to state material facts concerning test results obtained using approved test methods; (3) by violating rules and regulations developed pursuant to this bill; and (4) by falsely representing that he or any other person is accredited pursuant to section 5 of this bill. Further, any person to whom a consumer product is submitted for testing pursuant to this bill is prohibited from (1) falsely representing that such product was tested; (2) making false or misleading statements or material omissions concerning the test results obtained; and (3) falsely representing that he or any other person is accredited pursuant to section 5 of this bill.

Members of the advertising media are exempted from sanctions under this section unless they refuse to divulge the name and address of the person causing publication of material violative of this bill to the Attorney General upon request. With respect to consumer products manufactured or tested outside of the United States, importers are made responsible for violations of Section 7.

Section 8 authorizes the Attorney General to judicially enforce this bill in the district courts of the United States and criminal penalties are provided. Pursuant to conditions prescribed in this section, any affected person may bring an action to prevent or restrain unlawful acts under Section 7 and such action may include a request for reasonable attorney's fees. Administrative enforcement is vested in the Federal Trade Commission under that Commission's power to restrain unfair or deceptive acts or practices.

Section 9 allows the designated agency to acquire equipment or establish the facilities required to carry out its responsibilities under the bill and to request other Federal agencies' assistance. The agency is also given the power to issue such rules and regulations as may be necessary to carry out its responsibilities.

Section 10 authorizes the Secretary, in consultation with the Office of Consumer Affairs, to conduct information programs to assist consumers in understanding the information that suppliers may furnish regarding the results of tests according to test methods approved pursuant to this bill. This program would assist the consumer interpret the test results in order to make informed judgments in the selection, purchase and use of consumer products.

Section 11 provides that this bill will not supersede any other law concerning consumer products.

By Mr. MAGNUSON (by request):

S. 1693. A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes. Referred to the Committee on Commerce.

TRANSPORTATION REVENUE SHARING ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1693

A bill to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asesmbled, That this Act may be cited as the "Transportation Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The satisfactory movement of people and goods within our urban areas and across our State boundaries vitally affects the commerce, welfare and prosperity of our Nation. The purpose of this Act is to improve the Nation's capacity to meet the demands of interstate commerce by enhancing the ability of State and local governments to meet their most pressing transportation needs by replacing a number of Federal assistance programs to States and localities with an improved system of sharing Federal revenues. Federal assistance through sharing of revenues is necessary to permit State and local governments to develop, operate, and maintain transportation systems, facilities, and equipment capable of providing for the fast, safe, convenient, and efficient movement of persons and goods, as determined in accord with State and local priorities.

Transportation can and should be a means for improving the quality of life. Transportation shapes communities and contributes significantly to environmental quality. It is declared to be national policy that the development of transportation systems developed under this Act shall assist in implementing community development plans and programs.

DEFINITIONS

SEC. 3. As used in this Act, unless the context otherwise requires—

(1) The term "consortium of governments" means any association which is (i) formed by general purpose governments located within a metropolitan area the combined population of which constitutes at least 75 per centum of the total population of the metropolitan area, and (ii) recognized by the Secretary, with the concurrence of the Governor of the applicable State, as an appropriate entity to act for the metropolitan area for the purposes of this Act, except that if any portion of the population comprising the 75 per centum minimum population set forth in clause (i) is located in more than one State, the concurrence of the Governor of each such State shall be necessary.

(2) The term "equipment" includes vehicles, vessels and rolling stock.

(3) The term "facilities" includes land or any interest therein, ways, terminals, devices designed for assisting or facilitating the movement of traffic or pedestrians and parking facilities.

(4) The term "Governor" means the chief executive officer of the jurisdiction involved.

(5) The term "mass transportation activities" means the acquisition, construction, reconstruction, or improvement of facilities or equipment (but not including public highways) for use in mass transportation service in urban places, and expenditures for purposes described in sections 9 and 11 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.).

(6) The term "metropolitan area" means a standard metropolitan statistical area defined by the Office of Management and Budget.

(7) The term "population" means the total resident population based on the most recent data compiled by the Bureau of the Cen-

sus and referable to the same point or period in time.

(8) The term "recipient" means any State, unit of general local government, Guam, or the Virgin Islands.

(9) The term "Secretary" means the Secretary of Transportation.

(10) The term "State" means any State in the United States; the District of Columbia; and the Commonwealth of Puerto Rico.

(11) The term "State Development Plan" means a plan for the obligation of shared revenues to be received under this Act by a State except for those amounts committed under sections 7(a) and 7(d) of this Act.

(12) The term "State Development Planning System" includes a State Development Planning Advisory Commission (hereinafter called the "Commission") whose duty it shall be to advise the Governor with respect to the formulation of the State Development Plan. The membership of the Commission shall be composed of representatives of each government planning board, as described in section 8(c) of this Act, together with the Governor of the State.

(13) The term "transportation activity" means (i) the acquisition, construction, reconstruction, improvement, operation, or maintenance of transportation systems, facilities, or equipment (including safety facilities and equipment); (ii) planning, training, research, development and demonstration activities, and highway safety program activities; (iii) the provision of matching shares for Federal-aid transportation programs; (iv) mass transportation activities; and (v) beautification, relocation, and environmental protection activities associated with any activity set forth in clause (i), (ii) or (iv) of this paragraph.

(14) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; and includes any consortium of governments.

(15) The term "urban place" means an urban place as determined by the Bureau of the Census.

BASIC AUTHORITY; TRANSPORTATION ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 4. The Secretary is authorized to make revenue sharing commitments and liquidating payments to recipients to carry out transportation activities in accordance with the provisions of this Act. Recipients are authorized to use revenues shared under this Act for transportation activities carried out by a governmental, quasi-governmental, or private entity, if such activities are performed for the public need and benefit as determined by the recipient.

AUTHORIZATIONS

SEC. 5.(a) There shall be available to the Secretary for obligation through revenue sharing commitments under this Act $1,285,000,000 for fiscal year 1972, and $2,800,000,000 for each of the fiscal years 1973, 1974, and 1975.

(b) There are authorized to be appropriated such sums as may be necessary for the liquidation of obligations incurred under this Act. Such sums shall be appropriated from the general fund of the Treasury, except that, to the extent that funds are available therein, (1) for fiscal year 1972, not more than $855,000,000 shall be available for appropriation from the Highway Trust Fund, and not more than $110,000,000 shall be available from the Airport and Airway Trust Fund; and (2) for each fiscal year after fiscal year 1972, there shall be available for appropriation from the Highway Trust Fund an amount equivalent to the amount obligated by recipients under this Act during the preceding fiscal year for highway related transportation activities, and for appropriation from the Airport and Airway Trust Fund an amount equivalent to the amount obligated by recipients under this Act during the preceding fiscal year for aviation related transportation activities.

ALLOCATION OF SHARED REVENUES

SEC. 6. As soon as possible after the effective date of this Act for fiscal year 1972 and not less than 90 days prior to the beginning of fiscal years 1973, 1974, and 1975, the Secretary shall allocate the amounts made available under section 5(a) of this Act as follows—

(a) The first $635,000,000 ($263,000,000 for fiscal year 1972) shall be allocated solely for mass transportation activities and apportioned as follows—

(1) Eighty per centum to those States containing in whole or in part, one or more metropolitan areas having a population of 1,000,000 or more in the ratio which the State's population in such areas bears to the total population in such areas in all States; and

(2) Twenty per centum to those States containing, in whole or in part, one or more metropolitan areas having a population between 50,000 and 999,999 in the ratio which the State's population in such areas bears to the total population in such areas in all States.

No State shall be apportioned less than $250,000 under this subsection.

(b) Of the remaining $1,022,000,000 for fiscal year 1972 and $2,165,000,000 for fiscal years 1973, 1974, and 1975, ninety per centum shall be allocated for transportation activities and apportioned as follows—

(1) Thirty-five per centum in the ratio which the population in urban places in each State bears to the total population in urban places in all States;

(2) Twenty-five per centum in the ratio which the population of each State bears to the total population of all States;

(3) Twenty per centum in the ratio which the area of each State bears to the total area of all States; and

(4) Twenty per centum in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all States at the close of the next preceding calendar year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary.

No State shall receive less than one-half of one per centum of each year's total allocation to the States under this subsection: *Provided,* That Guam and the Virgin Islands each shall receive $1,000,000 and $2,000,000 for fiscal years 1972 and 1973, respectively, and these amounts shall be deducted from the amounts to be allocated under this subsection prior to making an allocation; and

(c) The remaining ten per centum shall be available for commitment by the Secretary at his discretion, except that if a consortium of governments shall be the recipient of shared revenues apportioned under section 7(a) or 7(d), the Secretary shall make additional commitments to that consortium equal to ten per centum of the shared revenues received by the consortium under such sections. In addition, the Secretary may commit these funds to recipients at his discretion for any transportation activity he deems appropriate but shall give priority to assisting recipients in developing and implementing comprehensive transportation plans, establishing consortia of governments in metropolitan areas having powers to implement comprehensive transportation plans for the various jurisdictions comprising the consortia, financing research, development and demonstration projects in all phases of transportation activities, and emergency relief repairs and reconstruction of serious damage resulting from natural disasters over a wide area and catastrophic failures from any cause.

(d) Not less than three months prior to the beginning of any fiscal year commencing with fiscal year 1973, the Secretary shall publish in the Federal Register (1) the amounts apportioned to each State under sections 6(a) and 6(b), respectively; and (2) the units of general local government determined by the Governor under section 7(f) to receive commitments of shared revenues under sections 7(a) and 7(d) and the amounts to be apportioned to such units by the State under such sections. All computations and determinations by the Secretary under this subsection shall be final and conclusive.

COMMITMENT OF REVENUES

SEC. 7. (a) The Secretary shall commit one-half of the shared revenues apportioned to a State pursuant to section 6(a)(1) to that State which will apportion directly to the State's units of general local government within metropolitan areas that have a population of 1,000,000 or more and that are contained in whole or in part in that State, in the ratio which the population of each such unit bears to the total population of all such units in all such metropolitan areas within the State.

(b) The remaining one-half of the shared revenues apportioned to a State pursuant to section 6(a)(1) shall be committed by the Secretary to that State for use by the State in its discretion solely for mass transportation activities in or benefiting metropolitan areas that have a population of 1,000,000 or more and that are contained in whole or in part in that State.

(c) The Secretary shall commit the shared revenues apportioned to a State pursuant to section 6(a)(2) to that State for use by the State in its discretion solely for mass transportation activities in or benefiting urban places.

(d) The Secretary shall commit the shared revenues apportioned to a State pursuant to section 6(b)(1) to that State which will apportion directly to units of general local government within the State, which are urban places. This amount shall be committed to each of these units of general local government in the ratio which its population bears to the total population of all those units of government within the State.

(e) The Secretary shall commit the shared revenue apportioned to a State pursuant to sections 6(b)(2), 6(b)(3), and 6(b)(4) to that State for use by the State in its discretion for transportation activities.

(f) As soon as possible after the effective date of this Act for fiscal year 1972 and not less than 120 days prior to each fiscal year thereafter, the Governor of each State shall determine, and notify the Secretary as to, the units of general local government within that State that are to receive commitments of shared revenues under sections 7(a) and 7(d), and the amounts to be apportioned by the State to such units under sections 7(a) and 7(d). Notwithstanding the foregoing provisions of this subsection, if the Secretary determines with the concurrence of the Governor or Governors, as the case may be, that a consortium of governments shall be the recipient of revenue sharing commitments pursuant to section 7(a) or 7(d), that consortium shall receive a commitment for an amount equivalent to the sum of the commitments which would otherwise have been received separately by the component units of government comprising the consortium.

(g) Until such time as a unit of general local government is authorized under State or local law and is eligible to receive funds and carry out activities under this Act, or in the event a unit refuses to accept funds, the shared revenues to which it would have been entitled shall be added to the apportionment of the State in which it is located for use by that State in its discretion solely for the same general purposes for which they were originally intended.

(h) Until such time as a State is authorized under State law and is eligible to receive a commitment and carry out activities under this Act, or in the event it refuses to accept funds, the shared revenues to which it would have been entitled shall be available to the Secretary for commitment under section 6(c) of this Act.

(i) The Secretary shall make payments to recipients to liquidate obligations incurred under this Act at such intervals and in such installments as the Secretary may determine, taking account of the objectives that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by a recipient shall be minimized: *Provided*, That the Secretary shall, with the concurrence of the Director of the Office of Management and Budget, prescribe regulations for the purpose of avoiding an inordinate rise in Federal outlays in fiscal years 1972, 1973, 1974, and 1975 resulting from concurrent disbursements pursuant to (i) funds provided prior to December 31, 1971, under the provisions of law (or predecessor statutes thereto) referred to in sections 18(a) and 18(b) of this Act and (ii) revenues shared under this Act.

(j) Advance payments made prior to and including December 31, 1971, and unearned at the close of business on December 31, 1971, shall be either returned promptly to the Federal agency concerned, or offset against the first shared revenues to which the same unit of government becomes entitled under this Act.

DEVELOPMENT PLANS

SEC. 8. (a) Commencing with fiscal year 1973 as a condition precedent to receiving a commitment of shared revenues under this Act, the Governor of each State shall publish and make available to the Secretary prior to the beginning of each fiscal year a State Development Plan formulated through the State Development Planning System: *Provided*, That the Secretary may, upon request of the Governor, accept an alternative State planning system which assures consultation and coordination with units of general local government within the State. Amendments to the State Development Plan may be submitted to the Secretary at any time prior to the termination of the fiscal year to which the Plan relates. This Plan and amendments thereto shall not be subject to approval by the Secretary.

(b) The State Development Plan shall set forth the specific program for transportation activities which are proposed to be undertaken or continued with the shared revenues received for obligation and expenditure by the State under this Act, and shall take into consideration the varying transportation objectives, needs and requirements of the several areas of the State, and the counties, municipalities and other localities within the State; and the coordination of transportation systems with those of each adjoining State to form an integrated network. This Plan shall also describe the degree to which there is coordinated use of all transportation resources and funds available for use within the State, and its counties, municipalities and other localities.

(c) For the purpose of formulating the State Development Plan, each State shall establish multi-jurisdictional government planning districts, which together shall encompass the geographic area of the entire State. Each planning district shall have a planning board to be composed of elected officials from units of local general government within such district, who shall be designated by these units. The duties and authorities of planning boards within the State shall be determined by the Governor of the State. In addition to such duties and authorities, it shall be the duty of each planning board to advise each unit of local general government which receives shared revenues under sections 7(a) and 7(d) of this Act as to the multi-jurisdictional effects and the relationship of the State Development Plan to the local plans prepared by each local government within the planning district. Representatives of each planning board, who shall be members of such board, shall be selected by the members of the board for membership on the State Development Planning Advisory Commission.

For the purposes of formulating the State Development Plan, the Governor of each State shall consult with his State Development Planning Advisory Commission, with other non-transportation development planning bodies within the State, and with the adjoining States.

(d) Prior to the receipt of any funds under this Act, commencing with fiscal year 1973 (and at least two months prior to the beginning of the appropriate fiscal year), each recipient unit of general local government shall publish and make available to the Secretary, the Governor of its State and the planning board of its multi-jurisdictional planning district, a general local government development plan which shall describe the transportation objectives and projected uses of shared Federal revenues received under this Act. The purpose of such plans shall be to permit public examination and appraisal of transportation activities carried out under this Act, to encourage the public accountability of recipients of shared Federal revenues and to facilitate coordination of activities at different levels of government. The general local government development plan shall reflect the degree to which activities under such plan relate to other State and area-wide programs and activities for transportation. Amendments to the local government development plan may be submitted to the Secretary, the Governor and the planning board at any time prior to the termination of the fiscal year to which the plan relates. Such development plan and amendments shall not be subject to approval by the Secretary, the Governor or the planning board.

RECORDS, AUDIT AND REPORTS

SEC. 9. (a) All revenues shared with recipients under this Act shall be properly accounted for as Federal funds in the accounts of the recipients.

(b) In order to assure that revenues shared under this Act are used in accordance with the provisions of this Act, each recipient shall

(1) Use such fiscal and accounting procedures as may be necessary to assure (i) proper accounting for obligations incurred and payments received by it and (ii) proper disbursement of such amounts;

(2) Provide to the Secretary, on reasonable notice, access to, and the right to examine any books, documents, papers, or records as he may reasonably require; and

(3) Make such reports to the Secretary as he may reasonably require.

RECOVERY OF FUNDS

SEC. 10. (a) If the Secretary determines after giving reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with the provisions of this Act, he shall—

(1) Refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; or

(2) Notify the recipient that if corrective action is not taken within sixty days from the date of notification, revenues shared with it will be reduced in the same or succeeding fiscal year by an amount equal to the amounts which were not expended in accordance with the provisions of this Act; or

(3) Take such other action as may be provided by law.

(b) When a matter is referred to the Attorney General pursuant to subsection (a)(1) of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c) (1) Any recipient which received notice of reduction of revenues shared under subsection (a)(2) of this section may, within sixty days after receiving notice of such reduction, file with the United States Court of Appeals for the Circuit in which such recipient is located or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the Court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the Court unless the objection has been urged before the Secretary.

(3) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole shall be conclusive. The Court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the Court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

RULES AND REGULATIONS

SEC. 11. The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

ANNUAL REPORT

SEC. 12. The Secretary shall make an annual transportation report to the President and the Congress pertaining to transportation requirements and to the effectiveness of programs authorized under this Act.

CIVIL RIGHTS

SEC. 13. Revenues shared under this Act shall be considered as Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

AGREEMENTS BETWEEN THE STATES

SEC. 14. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to the States to enter into agreements.

LABOR STANDARDS

SEC. 15. All laborers and mechanics employed by contractors or subcontractors in any construction, alternation, or repair, including painting and decorating of projects, buildings, and works which are Federally assisted, which shall include revenues shared under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C.

276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267, 5 U.S.C. appendix) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

RELOCATION ASSISTANCE

SEC. 16. Notwithstanding the provisions of section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), no Federal contribution in addition to revenues shared under this Act shall be proivded for relocation payments and assistance for those displaced by transportation activities assisted under this Act.

FEDERAL USE OF AIRPORT FACILITIES

SEC. 17. Whenever any airport, or any part of an airport, is acquired, constructed, reconstructed, or improved with revenues shared under the Act—

(1) All the facilities of the airport developed with such assistance and all the facilities thereof usable for landing and takeoff of aircraft shall be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used; and

(2) The airport operator or owner shall furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the airport operator or owner as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes.

EFFECT ON OTHER STATUTES

SEC. 18. (a) Upon the effective date of this Act, all of the unobligated balances available to the Secretary for carrying out the following provisions shall be rescinded—

(1) Section 14(b) of the Airport and Airway Development Act of 1970 (84 Stat. 224); and

(2) Section 4(c) of the Urban Mass Transportation Act of 1964, as amended (84 Stat. 965).

(b) Upon the effective date of this Act, one-half of the obligational authority for fiscal year 1972, and all of the obligational authority for fiscal year 1973 available to the Secretary under the following provisions shall be rescinded—

(1) Sections 105(a)(1), (2), (3), (4), (12), and (13) and 112(c) (1) and (2) of the Federal-Aid Highway Act of 1970 (84 Stat. 1715);

(2) Section 7(b) of the Federal-Aid Highway Act of 1966, as amended;

(3) Sections 202(f) (1) and (3) of the Highway Safety Act of 1970; and

(4) Sections 125, 131(m), 136(m), 143, and 144 of title 23, United States Code.

(c) The provisions of this Act supersede the provisions of section 208 of the Airport and Airway Revenue Act of 1970, and section 209 of the Highway Revenue Act of 1956, to the extent provisions of those sections are inconsistent with provisions of this Act.

(d) No condition, restriction, or requirement contained in the Airport and Airway Development Act of 1970, the Urban Mass Transportation Act of 1964, or title 23, United States Code, shall apply to this Act unless expressly made applicable by this Act.

(e) Revenues shared under this Act shall be considered as Federal funds within the meaning of section 308 of the Federal Aviation Act of 1958 (49 U.S.C. 1349).

(f) Nothing in this Act shall be interpreted as repealing the requirements in section 402(a) of title 23, United States Code, respecting the establishment by States of highway safety programs approved by the Secretary. For the purposes of the sixth sentence of section 402(c) of title 23, United States Code, the phrase "Federal aid highway funds apportioned" shall mean funds apportioned pursuant to section 104(b)(5) of title 23, United States Code.

EFFECTIVE DATE

SEC. 19. The effective date of this Act shall be January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

SECRETARY OF TRANSPORTATION,
Washington, D.C., April 6, 1971.

Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill

"To provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes."

The bill is in implementation of the President's recent message to Congress on a new Special Revenue Sharing Program for Transportation. Its basic thrust is to provide for the return of Federal tax dollars to the States and local communities for investment in transportation with a minimum of Federal controls and restraints.

At present the Department of Transportation makes available to State and local governments a substantial amount of financial aid through the Federal-Aid Highway Program, the Urban Mass Transportation Program, Highway Safety Grants, and the Airport Development Assistance Program. Under the proposed bill, most operations under these programs would be phased out and over the period extending from January 1, 1972 through fiscal year 1975, the Secretary of Transportation would be empowered to commit to State and local governments a total of nearly $10 billion for transportation activities. Of that amount, $2.2 billion could be used only for mass transit activities. The remainder could be used as recipients of the funds see fit to carry out any transportation activity performed for the public need and benefit as determined by those recipients. This would include the operation and maintenance of facilities and equipment used in all modes of transportation, as well as the acquisition and construction of new systems and facilities. Nearly all the funds for these activities would be apportioned to State and local governments each fiscal year according to an allocation formula set out in the bill. Ten percent of the funds for general transportation activities would be made available to such governments at the discretion of the Secretary.

The bill authorizes the use of certain funds from both the Highway Trust Fund and the Airport, and Airway Trust Fund to meet obligations incurred under the bill. The Highway Trust Fund would continue to be used to finance the program for the completion of the National System of Interstate and Defense Highways which would not be included under revenue sharing, and the Airport and Airway Trust Fund would continue to be used in part to finance the Department's operation and support of the Federal airway system.

The new funding authorization provided for in the proposal represents a commitment to extend through 1975 funding for transportation activities at a level commensurate with the highest aggregate annual level that could be reasonably expected under the existing categorical grants that would be replaced.

As indicated in the President's message, special revenue sharing should strengthen our transportation efforts in many ways without sacrificing the strengths of our present programs. Three areas of utmost concern in our operations are safety, planning, and environmental protection. Certain provisions of this bill and of existing law should suffice to preclude any derogation of our efforts in the safety field. Provisions on planning are also included in the bill and require the coordination of transportation planning at the various levels of state and local government and provide for a single planning mechanism for various areas covered by special revenue sharing legislation.

It is our full intention to take whatever actions are necessary to carry out Federal responsibilities with regard to protecting the environment. These actions will be separate from revenue sharing legislation.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

——— ———.

By Mr. MAGNUSON (by request):

S. 1694. A bill to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of 1 year. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of one year, and ask unanimous consent that the letter of transmittal, statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1694

A bill to authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of one year.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations of the Department of Commerce, other than appropriations specifically for salaries and expenses, are hereby authorized to be available without fiscal year limitation, or for periods in excess of one fiscal year, whenever so provided for in an appropriation act.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 10, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations of the Department of Commerce to be available until expended or for periods in excess of one year," together with a statement of purpose and need in support thereof.

We have been advised by the Office of

Management and Budget that there would be no objection to submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

This legislation would provide authority for appropriations for the Department of Commerce to be made available for periods longer than one fiscal year without being subject to a point of order.

The authorizing legislation for a number of the Department's new programs has authorized appropriations to be available until expended. However, few of the older programs of the Department contain such authority. Despite this fact the Congress on a number of occasions has enacted appropriations for periods longer than a single fiscal year without specific substantive authority to do so. However, on some occasions when we have sought no-year or multiple-year authority in an appropriation act our right to request such provisions has been questioned.

The proposed legislation would make it possible for the Appropriations Committees to consider appropriation requests for all programs of the Department on a uniform basis and to approve proposed language for no-year or multiple-year appropriations whenever in their judgment such action would promote efficiency and economy by providing more effective planning and management of the programs involved.

Projects which are in the nature of a single job extending over several fiscal years, such as construction of facilities, procurement and installation of major items of equipment, the taking of censuses, and participation in fairs and expositions, require a continuity of planning and financing to achieve the most efficient and effective management. Implementation, control, and replanning can be carried out best in the context of total operation, rather than being conducted separately for each year.

The ideal practice in programs of these types is to appropriate incremental amounts each year, with language which allows each increment to remain available in a single appropriation account beyond the end of the fiscal year in which the funds are appropriated. Where funds have been appropriated in this manner it has proved to be an important factor in achieving savings and cost reductions through better planning and management of operations, particularly in periodic censuses. In addition, providing a single appropriation symbol for the entire operation has simplified recordkeeping and reduced accounting and bookkeeping costs. With respect to Census operations, the information collection phase and certain other early stages are subject to many circumstances which can result in delays or unpredictable increases in costs. Examples include unusually severe weather conditions during field collection, problems of respondent cooperation, inaccurate and incomplete reporting of data, and the like.

The appropriation carryover provision permits adjustments in the financial plan and rescheduling the work in a way to meet the overall timetable and budget goals to an extent not possible if the funds lapse at the end of each fiscal year. Without this flexibility work schedules are interrupted pending acquisition of supplemental funds.

Specific authority does not exist for Census' appropriation structure, however, and each census is threatened with loss of this most effective way of financing its work.

Similarly, appropriations for participation in U.S. Expositions, for research plant and equipment and facilities and satellite operations in NOAA, and plant and facilities appropriations for NBS have been made available for periods longer than one fiscal year without specific authority. The proposed bill would provide this authority. Appropriations for construction, plant improvement, and for purchase and installation of major equipment items should also be available without fiscal year limitation, or for multiple years.

Research projects typically require extensive negotiations to assure that the recipient of a research grant or contract will be able to make available its best talents and facilities and to clarify most carefully the objectives to be achieved, research procedures to be followed, etc. Such negotiations cannot always be completed within the time available after an appropriation is made until the end of the fiscal year in which it is made. If funds are available until expended, pressures to complete negotiations before the end of the fiscal year are avoided.

Multiple or no-year appropriations also provide opportunities for greater economies and efficiencies in negotiation of contracts for procurement of large equipment items and construction of facilities, as well as for research. Such projects are often carried out at least in part by Departmental personnel when satisfactory contracts cannot be negotiated and it is quite important that the funds be available for the entire cost of a project before it is initiated, in case it cannot be finished the first year. If the separate annual appropriation procedure were used, and an item could not be finished or contracted for by June 30, when the annual appropriation expired, a supplemental request might be required, or it might be necessary to delay the work until funds can be requested through the regular budget process. Delay of a year, for example, would no doubt result in cost increases.

Multiple and no-year appropriations, while providing needed flexibility, would still be subject to annual Congressional review and control.

By Mr. MAGNUSON (by request):

S. 1695. A bill to authorize appropriations to carry out the Standard Reference Data Act. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to authorize appropriations to carry out the Standard Reference Data Act, and ask unanimous consent that the letter of transmittal, statement of purpose, and need be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1695

A bill to authorize appropriations to carry out the Standard Reference Data Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1972 and succeeding fiscal years to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290–290f; 82 Stat. 339).

THE SECRETARY OF COMMERCE,
Washington, D.C., March 22, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations to carry out the Standard Reference Data Act," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to submission of the draft bill to the Congress and further that enactment would be consistent with the Administration's objectives.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The Standard Reference Data Act (P.L. 90–396 approved July 11, 1968; 15 U.S.C. 290–290f; 82 Stat. 339) declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. Under the terms of the Act the Secretary of Commerce is assigned the primary responsibility in the Government for providing for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data. Section 7 of this statute precludes the enactment of any appropriations for the purposes of the Act after fiscal year 1969 unless previously authorized by legislation. Public Law 91–131 approved December 1, 1969 (83 Stat. 273) authorized the appropriation of sums not to exceed $6 million for fiscal years 1970 and 1971. The purpose of this bill is to authorize appropriations for fiscal year 1972 and for succeeding fiscal years so that the Secretary of Commerce may continue to carry out the responsibilities charged to him under the Act.

The Standard Reference Data Act authorized, at the time of its enactment, the appropriation of $1.86 million for fiscal year 1969, and that amount was allocated by the National Bureau of Standards; for the purpose of this Act, out of funds appropriated by the Congress. While Public Law 91–131, mentioned above, authorized a total of $6 million to carry out the purposes of the Act for fiscal years 1970 and 1971, the appropriations to NBS for these years permitted actual obligations during fiscal year 1970 of only $2.384 million, and it is estimated that about $2.4 million will be obligated in fiscal year 1971.

When the Standard Reference Data bill was under consideration by the Congress before its enactment in 1968, a considerably higher funding level was projected than has actually been realized. Therefore, the full benefits of the program have not been achieved. Nevertheless, the output of the program has demonstrated its value in many areas of science and technology, and it is increasingly being recognized as the source to turn to for authoritative data on the properties of substances. The operation of a number of Data Evaluation Centers has been placed on a routine basis, and a steady output of data compilations and critical reviews has been achieved. A total of 58 publications containing 8,500 pages of evaluated data have been produced since the establishment of the program. About 100,000 copies of Standard Reference Data publications have been distributed by the Superintendent of Documents. Sales of the documents are steadily increasing as the scientific and technological community become ever more aware of their quality and reliability.

In addition to providing reliable reference data for use by the entire scientific and technical community, the program serves another important function. Through the critical evaluation process, the generation of data in the laboratory is strongly influenced; standards of measurement are upgraded, and the reporting of results in the scientific literature is improved. This serves to increase the effectiveness of the national investment in scientific research. At a time of severe restrictions on science funding, this benefit from the Standard Reference Data program may be equal in importance to the benefits derived from the availability of the data.

As mentioned earlier, the Act precludes the enactment of appropriations to carry out this program unless such appropriations are previously authorized by legislation. This procedure has been followed from 1968, when the Standard Reference Data Act was enacted, to the present time. This program has now become firmly established as an ongoing activity of the National Bureau of Standards. Fiscal planning and management for this program can therefore be more effectively accomplished if the enactment of appropriations were not dependent upon the previous enactment of authorizing legislation. Accordingly, the legislation proposed by the Department would eliminate the need for periodic authorization of specific appropriations for the Standard Reference Data Act.

Although no specific amount is being requested in this bill, it is estimated that approximately $2.4 million will be obligated in fiscal year 1972, the same level as mentioned for fiscal year 1971. The activities supported by this authorization include many projects which improve the nation's capability to respond rapidly to the need for reducing air pollution, improving energy sources and distribution, developing new products, and strengthening technology and science in the United States. These benefits are derived through having good data readily available as needed to solve the technical problems associated with these areas of national need. Emphasis will be shifted to provide maximum usefulness to high priority national problems. Some continuing projects are to be strengthened while others are to be phased out. New techniques of data and information processing are to be employed to increase the efficiency of internal operations.

Section 5 of the Standard Reference Data Act authorizes the Secretary of Commerce to recover some of the costs of the program through sale of data at appropriate prices. Ultimately, data will be sold in a variety of forms—magnetic tape and other machine readable records as well as printed documents. However, the market for computerized forms is developing more slowly than was envisioned at the time the original legislation was submitted, and the financial return for the foreseeable future will largely come from sales of printed publications. The economics of the technical publication industry indicates that proceeds from such sales will be modest. Arrangements already established with both commercial and not-for-profit organizations have demonstrated this to be true. A policy of full cost recovery for special services to individuals or small groups is maintained.

Technological problems of the highest importance are now being attacked on a nationwide basis. Most of these problems will require technological solutions. The National Standard Reference Data System, a broad-gauge effort to assemble the results of completed scientific research for effective application to the solution of scientific and technological problems, is an essential resource for our nation at the present time.

By Mr. MAGNUSON (by request):

S. 1696. A bill to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes. Referred to the Committee on Commerce.

INTERNATIONAL VOYAGE LOAD LINE ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1696

A bill to require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the International Voyage Load Line Act of 1971.

SEC. 2. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this Act and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the Bureau of Customs to enforce this Act and the regulations established hereunder.

SEC. 3. DEFINITIONS.—As used in this Act—

(1) "new ship" means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

(2) "existing ship" means a vessel which is not a "new ship".

SEC. 4. APPLICABILITY.—(a) This Act applies to vessels which—

(1) arrive at any port or place within the jurisdiction of the United States from foreign ports;

(2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or

(3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) This Act does not apply to—

(1) ships of war;

(2) pleasure craft not used in trade or commerce;

(3) fishing vessels;

(4) existing ships of less than one hundred fifty gross tons;

(5) new ships of less than seventy-nine feet in length;

(6) vessels which navigate exclusively on the Great Lakes; or

(7) vessels operating on sheltered waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) A vessel which voluntarily obtains load lines shall be treated as a vessel subject to this Act until its load line certificate is surrendered and its load line marks removed.

(d) This Act does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the International Convention on Load Lines 1966, and to which the United States is a signatory.

SEC. 5. DETERMINATION OF LOAD LINES; ISSUANCE OF CERTIFICATE; PROHIBITION.—(a) The Secretary shall prescribe load lines, the marking thereof and associated condition surveys for vessels subject to this Act to indicate the maximum safe draft to which each may be loaded, giving due consideration to, and making differentials for the service, type, and character of each vessel.

(b) Load lines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the load line is positioned and marked in the manner prescribed, the Secretary shall issue a load line certificate, to the master or owner of the vessel, which shall be carried on board the vessel

(c) A load line shall not be established or marked which is above the actual line of safety.

SEC. 6. APPOINTMENT OF SURVEYORS; REVOCATION.—The Secretary may—

(1) appoint the American Bureau of Shipping, or any other United States non-profit-making corporation or association for the survey or registry of shipping, to determine that a vessel's condition is satisfactory and whether its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate;

(2) at the request of a shipowner, appoint a corporation or association for the survey or registry of shipping, or an officer of the United States, to determine that a vessel's condition is satisfactory and its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate; and

(3) revoke an appointment under this section at any time.

SEC. 7. EXEMPTIONS.—When a vessel subject to this Act is shown to be entitled to an exemption from the provisions of this Act by an international agreement to which the United States is signatory, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 5 of this Act.

SEC. 8. RECOGNITION; NONAPPLICABILITY.—(a) When it is found that the law and regulations in force in a foreign country relating to load lines are equally effective as this Act and the regulations hereunder, or when a foreign country subscribes to an international load line agreement to which the United States subscribes, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this Act and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Subsection (a) does not apply to vessels of foreign nations which do not similarly recognize the load lines prescribed under this Act.

SEC. 9. LOADING RESTRICTIONS; RECORDATION.—(a) No vessel subject to this Act may be so loaded as to submerge the prescribed load line, or to submerge the point where an appropriate load line under the Act and the prescribed regulations should be marked.

(b) The master of a vessel subject to this Act shall, after loading but before departing for a voyage by sea from any port or place in which this Act applies, record in the official log book or other permanent record of the vessel a statement of the relative position of the prescribed load line mark applicable at the time in question with respect to the water surface, and of the actual drafts of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

SEC. 10. DETENTION OF VESSELS.—(a) When the Secretary has reason to believe that a vessel is about to leave a port in the United States or its possessions in violation of this Act or the regulations hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance required by section 4197 of the Revised Statutes, as amended (46 U.S.C. 91), shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review, including results of any required independent surveys he shall affirm, set aside, or modify the detention order.

(e) The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this Act or the regulations hereunder.

SEC. 11. PENALTIES FOR VIOLATIONS.—(a)

Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this Act or the regulations thereunder, are each liable to a civil penalty of not more than $1,000 for each day the vessel is in violation.

(b) Each person, if the owner, manager, agent, or master of a vessel who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of subsection 9(a) of this Act or the regulations thereunder, is liable to a civil penalty of not more than $1,000 plus an additional amount of not more than $500 per inch of unlawful submergence.

(c) For any violation of subsection 9(b) of this Act or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than $500.

(d) Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 10 of this Act, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(e) Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 5 of this Act and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than $2,000 or imprisoned not more than two years or both.

(f) For any penalty under this section the vessel is also liable.

(g) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

SEC. 12. Act, March 2, 1929, C. 508, 45 Stat. 1493; May 26, 1939, C. 151, 53 Stat. 783; and section 1 of Act, August 31, 1962, Public Law 87-620, 76 Stat. 415, are hereby repealed.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 30, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes."

The draft bill is submitted to implement the provisions of the International Convention on Load Lines 1966, which the United States has accepted and which came into force on July 21, 1968. The convention recognizes developments in the maritime industry since the drafting of the International Convention respecting Load Lines 1930, and the new regulations annexed to the 1966 Convention reflect these changes. The enclosed draft bill would provide for the implementation of these changes in the United States and to this end would replace existing authority commonly referred to as the "Foreign Load Lines Act", which would be repealed.

The existing law which requires load lines on certain vessels of 150 gross tons or more, would be supplanted for new vessels, by load line requirements based on a vessel's length. This is the major substantial change in the bill The proposal follows the 1966 Convention in setting forth the vessels to which the load line requirements are applicable and in enumerating vessels excepted. With the exception of a new section dealing with certificates of exemption as provided for in the Convention, the remaining provisions of the draft bill parallel existing sections 2 through 8 of the Act of March 2, 1929, which were generally in need of editorial revision.

The draft bill would authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations for determining load lines. He would also be responsible for enforcing the provisions of the Act, and to this end use of the officers of the Bureau of the Customs with the consent of the Secretary of the Treasury, is provided for. Provision is also made for the determination of the position and manner of marking of load lines by the American Bureau of Shipping or other United States nonprofitmaking organizations for the survey or registry of shipping and for the recognition of load line certificates issued by other nations which extend reciprocity to U.S. load line certificates.

Other provisions of the draft bill make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft provided under the regulations and permit the detention of a vessel about to depart in an overloaded condition. The master of a vessel subject to the Act is required to record the ship's draft and position of the load line mark prior to the departure of a vessel from any port or place to which this Act applies.

Civil penalties are provided for violation of the Act or any regulations issued thereunder. The Act would also make it a crime to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

In the preamble to the 1966 Convention, the contracting governments state their intention "to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea". The proposal being submitted therefore, does not apply to vessels which engage in coastwise trade, or which navigate exclusively on the Great Lakes, and existing authority requiring load lines on vessels engaged in these trades would not be affected.

The enactment of this proposed bill would not impose any additional budgetary requirement upon this Department.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

By Mr. MAGNUSON (by request):

S. 1697. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 1697

A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1972 and succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968 (Public Law 90-259; 82 Stat. 34).

THE SECRETARY OF COMMERCE,
Washington, D.C., March 26, 1971.
Hon. SPIRO T. AGNEW.
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations to carry out the Fire Research and Safety Act of 1968," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to submission of our draft bill to the Congress and further that enactment would be consistent with the Administration's objectives.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

Title I of the Fire Research and Safety Act of 1968 (P.L. 90-259; 82 Stat. 34) calls upon the Secretary of Commerce to undertake a national fire research and safety program. This endeavor includes the gathering of comprehensive fire data, the establishment of a comprehensive fire research program aimed at reducing death, personal injury and property damage caused by fires, providing education and training programs related to fire, and conducting demonstrations of new approaches and improvements in fire prevention and control. The Act authorizes the Secretary to carry out this work directly or through the issuance of contracts or grants.

During hearings on the Act there appeared to be general agreement that the program ultimately should be funded at a level of at least $10 million annually to be fully effective. Progress toward this objective has been slow. Section 104 of the Act authorized a total of $5 million to be appropriated to cover the period from the date of its enactment to June 30, 1970. Although appropriations for fiscal years 1969 or 1970 were not adequate to permit a substantial implementation of the Act, the National Bureau of Standards reprogrammed funds to establish an office to plan and develop the larger program. The total level of effort in fiscal year 1970, including the ongoing program of research in the fundamental nature of fires in buildings, amounted to approximately $300 thousand.

A bill which would have authorized the appropriation of $5 million for fiscal years 1971 and 1972, plus such sums as required thereafter, had been favorably reported and was pending when the 91st Congress adjourned. However, the appropriation to the National Bureau of Standards for fiscal year 1971 included funds for fire research and safety which have permitted the program to operate at a level of about $1.03 million this year. The appropriation requested for fiscal year 1972 would maintain this program level.

The purpose of this bill is to authorize appropriations for fiscal year 1972 and for succeeding fiscal years so that the Secretary of Commerce may continue to carry out the responsibilities charged to him under the 1968 Act. The funds obtained through the authorization sought under this bill would be used to implement more fully the purposes of the Act. Initially, priority will be given to four areas; (1) data and information collection; (2) fire research; (3) innovation in fire fighting equipment; (4) fire service training and education.

(1) *Data and Information Collection*—Available fire records are inadequate and do not indicate reasons for our present high life and property losses or the extremely high injury rates for firefighters.

For example, in 1967, 12,200 lives were lost as a result of fire. Direct monetary loss because of fires is estimated at $2.1 billion annually. Firefighter injury rates in 1970 exceeded those for all other categories reported including miners. Hence, knowledge as to why these heavy losses are occurring is essential for determining the short-term and long-term steps which should be taken in research, provision of more effective protective equipment, development, of the techniques of fire fighting, fire detection, fire service training, and the like.

Two cooperative data collection programs have been started and must be continued and expanded with the funds requested. One involves a study of firefighter injuries and deaths and is being conducted with the assistance of local fire departments, and firefighter organizations. A start has been made, but the major part of the effort is still ahead. The other program is directed at understanding factors related to civilian injuries and property losses from fires, and is being conducted in cooperation with fire departments, county and state fire marshals and the National Fire Protection Association. Data processing and analysis, development of training aids and the training of reporting personnel is being supported with NBS funds. This work is, in part, also being supported by the Department of Housing and Urban Development. The findings of these studies will also provide a means for directing the fire research and safety programs within a cost-effectiveness framework.

(2) *Fire Research*—Present knowledge about building fires and life hazards of fire does not provide a sufficient basis for fire-safe design. To remedy this, a comprehensive fire research program, to be conducted at NBS and through contracts or grants is proposed. This program would include studies regarding the growth and spread of fire in and damage to buildings and the nature and hazard of smoke and toxic gases. Special emphasis would be given to techniques of fire detection and control.

(3) *Fire Fighting Equipment*—Tools and equipment used in firefighting and the protective clothing and equipment used by firefighters are in many instances outmoded. Funds are being used to stimulate innovation in firefighting. The first step has been to determine the kinds and severity of accidents peculiar to firefighting. A standard national firefighter's injury reporting system has been developed and is now being established. This is a part of the data collection program discussed above. Based on these findings, better performance criteria are being established for firemen's equipment and protective devices. Development of improved items is simultaneously being carried on through a cooperative effort with other Federal agencies, especially NASA, manufacturers, research laboratories, and other groups. New safety items developed will be introduced on a trial basis for fire service evaluation. Those which are truly useful will thus be able to demonstrate their value.

(4) *Fire Service Training and Education Needs*—The training of firefighters and the education of fire officers needs improving. Present programs are often fragmented and of uneven quality. It is intended to use part of the funds requested to determine the educational and training needs of fire services and to develop ways to attain improved fire service through training. One new training program for fire officers is being demonstrated. This effort must be expanded in both depth and breadth to fully meet the needs of the fire services.

Broad format educational programs to inform the public of fire hazards and fire safety techniques will be costly to execute. Moreover, their effectiveness might prove difficult to evaluate with existing statistical data on fires. Therefore, it is planned to develop a satisfactory technique and data base to evaluate their effectiveness. The funds requested would also be used in part to develop the necessary data, and to mount carefully designed pilot projects for testing prior to any large-scale educational programs, and partly to conduct educational programs directed at particular high interest problem areas and small, well defined segments of the public.

By Mr. MAGNUSON (for himself, Mr. Anderson, Mr. Bayh, Mr. Brooke, Mr. Cannon, Mr. Chiles, Mr. Cranston, Mr. Fannin, Mr. Gravel, Mr. Gurney, Mr. Harris, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Jordan of North Carolina, Mr. Inouye, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pearson, Mr. Percy, Mr. Randolph, Mr. Stevens, and Mr. Tunney):

S. 1699. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. Environmental Savings Bonds, and to establish an Environmental Trust Fund. Referred to the Committee on Banking, Housing, and Urban Affairs.

ENVIRONMENTAL FINANCING ACT OF 1971

Mr. MAGNUSON. Mr. President, on October 13 of last year, I introduced the Environmental Financing Act to give citizens a new opportunity to insure a clean environment and to give State and local governments an additional source of funds to avert ecological degradation. The Environmental Financing Act was designed to help cities and States overcome the gap between growing environmental needs and a growing inability to meet those needs.

Events of recent months have demonstrated an intensification of this whipsaw-like problem. On the one hand, the need and the costs of essential environmental projects have risen dramatically. The National League of Cities—U.S. Conference of Mayors in a comprehensive nationwide survey estimate that $33 to $37 billion is needed over the next 6 years to effectively combat water pollution. The Council on Environmental Quality calculates that the cost of clean air for the next 4 years requires $4.5 billion. The Bureau of Solid Waste Management estimates that a minimum of $4.2 billion in new money is needed between now and 1975 to modernize trash collection systems, to eliminate open dumps, and to improve incinerators.

Yet, on the other hand, while the need and costs have been soaring, the ability of States and cities to financially meet these needs has plummeted. States and cities have been faced with record high interest rates, with voter rejection of bond issues, with poor bond ratings, and with statutory interest rate ceilings. Many communities have reached the legal limits of their taxing authority. The combination of these factors has led to what some deem a fiscal crisis. In this fiscal crisis—where authorities estimate that during this year alone State and local governments will have a $10 billion deficit—that State and local governments face this year, raises ominous implications for the environment.

Environmental programs have always been the stepchild of the budget allocation process, and in times of tight money demands for health, welfare, education and salary cost of living increases have all but precluded adequate funding of environmental programs. However, such a secondary status for the financing of environmental needs is a luxury of the past that can no longer be tolerated or supported in the present. Time is growing short to reclaim the environment.

When the cost of cleaning up the environment has been placed at $71 billion, a new effort by the Federal Government in the battle for survival is imperative. When State and local taxes have increased 262 percent over the last two decades yet State and local debt has increased more than 454 percent, a new program of Federal assistance to State and local governments is imperative. And when citizens across the Nation are crying out for clean air and clean water, a new option for direct citizen involvement and participation is imperative. Accordingly, Mr. President, today on behalf of myself and the 29 cosponsors, I am reintroducing the Environmental Financing Act which I believe to be the new program that the environmental future of our country demands.

The Environmental Financing Act consists of three integrated parts: a National Environmental Bank, an Environmental Trust Fund, and United States Environmental Savings Bonds. The National Environmental Bank will assist cities and States and other governmental entities by providing 25-year loans at a maximum interest rate of 3 percent for the construction of waste treatment plants, for the separation of combined storm-sewer systems, for the establishment and enforcement of air and noise pollution standards, for the creation and maintenance of solid waste disposal programs, and for other urgently needed programs that preserve, protect or enhance the environment. While loans could be made to States and cities for individual programs and for research and development into such critical areas as recycling, I would like to point out that the principal intent of the Bank is to assist States and cities in financing the non-federal share of existing grant programs. Viewed in this light then, the National Environmental Bank would complement and supplement existing grant programs and thereby make it easier for States, cities and other governmental entities to materially meet their pressing environmental needs.

The environmental trust fund is designed to foster proper planning by instituting an ongoing, guaranteed source of funds. In too many instances cities and States have been faced with what one Governor termed billion-dollar promises and million-dollar realities. The result has been that many governmental units, already strapped for funds, have been forced to prefinance the Federal share—only to find out later that the Federal share was impounded, delayed, or less than promised. Currently the Federal Government owes 19 States more than $800 million for prefinancing of the Federal share of waste treatment facilities. Instead of the 55 cents per dollar authorized by Congress, one State estimates that it has been receiving only 7 cents per dollar promised. Such an additional burden on our already financially beleaguered States and cities is insufferable, and the environmental trust fund will mitigate perpetual, insured and growing source of funds guaranteed for one and only one purpose—trying to save our environment.

Initially funds will be used to underwrite the difference between what the Environmental Bank loans money out at, and what the bank borrows at. However, the trust fund is not limited to this use alone, for Congress can so decide that funds should be appropriated for other ecologically essential purposes The environmental trust fund then is a vehicle for immediate action now and a protection and insurance for the future against the poor planning and haphazard action that jeopardizes our limited resources.

U.S. environmental savings bonds will offer each and every citizen an unparalleled and unique opportunity to directly invest in the future of his environment. For the first time there will be an outlet and a new option for the citizen who wants to do more. For the first time there will be an answer to the frequent question of "What can I do?" With passage of the Environmental Financing Act, the individual citizen will be able to invest his money directly in U.S. environmental savings bonds and be secure in the knowledge these moneys will be placed in the environmental trust fund. In his first annual report on the state of the environment, the President stated that "the direct involvement of our citizens will be the critical test whether we can indeed have the kind of environment we want for ourselves and our children." I submit that U.S. savings bonds are the ideal instrument to challenge citizens to this direct involvement and to open up new previously untapped sources of funds that are so desperately needed in our fight to preserve a livable environment.

Since I introduced the Environmental Financing Act last year, widespread and enthusiastic support for the bill has developed. At the December quarterly meeting of the national board of directors of the Sierra Club, the Environmental Financing Act received the formal endorsement of that prestigious conservation group, and I quote:

> The Sierra Club supports legislation that would establish an environmental trust fund, an environmental bank, and an environmental savings bond program, with the qualification that such a program would be strictly supplemental to full funding under the various federal environmental programs and would not be used as a substitute for adequate appropriations.

Mr. President, the Sierra Club is correct in emphasizing that the Environmental Financing Act must be above and beyond existing programs. As I mentioned earlier in my remarks and as I have stated to mayors and Governors throughout the Nation, the environmental financing gap between needs and the ability to meet those needs is growing daily. A new, extraordinary program must be developed to give States and cities additional assistance, and to this end I developed the Environmental Financing Act.

The Federation of American Scientists has also written a letter endorsing the bill. Two other potent environmental groups, the Citizens for Clean Air and the Citizens Committee on Natural Resources have also written letters of encouragement and support. The Sport Fishing Institute, one of the most successful forces in our Nation for clean water, has recognized the impact that the Environmental Financing Act can have on a situation where more than 95 million Americans drink water of inferior or unknown quality and that group has also endorsed the bill. The Air Pollution Control Association, one of the oldest and most active groups in the fight for clean air, recently wrote that the Environmental Financing Act could play a significant role in the battle against air pollution.

The cost of ill health from the environment has been placed at more than $35 billion by Dr. Paul Kotin, Director of the National Institute of Environmental Health Sciences. The other day I received a letter from the National Environmental Health Association endorsing the Environmental Financing Act as a means to meet these costs.

In addition to favorable editorials in Oceanography and the San Francisco Examiner and the support of diverse groups throughout the Nation that are concerned over the fate of our environment, I have received scores of letters from private citizens, academicians, environmentalists, Government officials, and businessmen supporting the Environmental Financing Act. While I will not burden the RECORD with all these letters, Mr. President, I would like to include a partial listing of some of the individuals who have written in support of the bill:

Mr. W. H. Ferry, former Dean of the Center for the Study of Democratic Institutions, Santa Barbara, California.

Professor A. Starker Leopold, Berkeley, California, former President of the National Wildlife Society.

Doctor Arthur D. Hasler, Professor of Limnology, University of Wisconsin.

Mr. Harold P. Koenig, President of the Ecological Science Corporation, Miami, Florida.

Doctor Paul Ehrlich, Professor of Biology, Stanford University.

Professor Richard S. Caldecott, Dean, College of Biological Sciences, University of Minnesota, St. Paul, Minnesota.

Mr. Tom O'Connor, private citizen, Bronx, New York.

Mr. John Cairns, Jr., Director, Center for Environmental Studies, Virginia Polytechnic Institute and State University, Blacksburg, Virginia.

Doctor Joe A. Edmisten, Director, Office of Environmental Studies, University of West Florida, Pensacola, Florida.

Mr. J. Marc McGinnes, Attorney at Law, Santa Barbara, California.

Mr. Vincent Schaefer, Director Atmospheric Sciences Research Center, State University of New York at Albany.

Mr. Herbert C. Storey, Associate Deputy Chief of the Forest Service, Department of Agriculture, Washington, D.C.

Professor Edward S. Deevey, Past President, Ecological Society of America, Halifax, Nova Scotia.

Mr. David M. Gates, Director of the Missouri Botanical Garden, St. Louis, Missouri.

Mr. Norman L. Dobyns, Director, Government Relations, American Can Company, Washington, D.C.

Doctor Lynton K. Caldwell, Professor of Political Science, Indiana University, Bloomington, Indiana.

Mrs. Edward T. Coopa, private citizen, White Plains, New York.

Mrs. Janet Miller Ehrmantraut, private citizen, Lexington, Kentucky.

Mr. Walter Taylor, Chairman, Citizens' Task Force on the Environment, Claremont, California.

Former Secretary of the Interior, Walter Hickel, conceptually endorsed the bill when he came forward with a similar proposal, calling for issuance of Environmental Savings Bonds.

Put simply, Mr. President, the Environmental Financing Act cuts through rhetoric and gets down to reality. The pollution bill is conservatively placed at $71 billion and State and local governments face a $10 billion deficit. The National Environmental Bank strikes at the heart of both of these problems with an authorization of up to $10 billion in long-term, low-interest loans. Nearly 30 million people participated in Earth Day last year and if just two-thirds of these had bought a $25 U.S. environmental savings bond, $500 million in new capital would already be generated toward cleaner air and cleaner water.

Citizens want to do more and the Federal Government must do more if we are to win the battle of survival. Individuals and groups throughout the Nation have recognized that the Environmental Financing Act can be a potent weapon for this battle, and I would hope that the Congress would similarly recognize the need and potentiality for the Environmental Financing Act and expedite its legislative passage.

The battle for a clean environment demands no less.

I ask unanimous consent that the letters from the Federation of American Scientists, the Sport Fishing Institute, the Air Pollution Control Association, and the Environmental Health Association, be placed at the conclusion of my remarks along with the full text of the Environmental Financing Act.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 1699

A bill to establish a National Environmental Bank, to authorize the issuance of United States Environmental Savings Bonds, and to establish an Environmental Trust Fund

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "National Environmental Financing Act of 1970".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress makes the following findings:

(1) There is an increasing need for funds to finance State, regional, and local programs designed to insure a livable environment for the present and for the future.

(2) Inflation, tight money, high interest rates, and strained tax bases make it increasingly difficult for State and local governments to financially meet critical environmental needs.

(3) The inability of the States and the localities to finance needed environmental programs jeopardizes the environment and thereby constitutes a clear and present danger to the public health and welfare.

(4) It is necessary and in the national interest for the Federal Government to assist State and local governments in financing needed environmental programs.

(5) It is necessary to encourage and stimulate greater citizen participation in the environmental future of our country.

(6) It is essential to increase the investment in our Nation's ecological future so that man and nature can live in mutually productive harmony.

(7) An ongoing, guaranteed source of funding for environmental programs is in the national interest.

(b) It is the purpose of this Act to establish a National Environmental Bank to make and guarantee long-term loans to State and local governments and other agencies authorized by law to finance environmental programs to control or abate pollution. It is the further purpose of this Act to authorize the issuance of Environmental Savings Bonds to increase citizen investment and participation in environmental programs. It is the further purpose of this Act to establish an Environmental Trust Fund to provide a perpetual and guaranteed source of funds for environmental programs of the present and the future.

DEFINITIONS

SEC. 3. As used in this Act—

1. The term "bank" means the National Environmental Bank established by section 4.

2. The term "bond" means the Environmental Savings Bond established by section 19.

3. The term "trust fund" means the Environmental Trust Fund as established in section 20.

4. The term "environmental program" means the construction of waste treatment plants, the establishment and enforcement of air pollution standards, the creation and maintenance of solid waste disposal programs, the establishment and enforcement of noise pollution standards, and other programs and services which will preserve, protect, or enhance the environment as designated by the board of the directors of the National Environmental Bank.

5. The term "local public body" means any State, county, municipality, or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake the environmental programs for which assistance under this Act is sought.

6. The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF BANK

SEC. 4. There is hereby created a body corporate to be known as the National Environmental Bank.

MANAGEMENT OF THE BANK

SEC. 5. (a) The management of the bank shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the Secretary of the Interior, Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture (or the designees of the respective Secretaries), the Director of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, the Director of the National Oceanic and Atmospheric Agency, and six other persons who shall be appointed by the President with the advice and consent of the Senate. Persons so appointed shall include representatives of State and local governments, private enterprise, and members of the general public. In making such appointments the President shall select persons who, among other relevant considerations, are knowledgeable in the field of environmental needs and problems.

(b) The terms of the directors appointed by the President shall be four years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term.

(c) Members of the Board who are otherwise compensated by the United States for full-time service shall serve without compensation in addition to that received for their full-time service. Other members of the Board shall receive compensation at the rate of $125 per day for each day engaged in the performance of their duties as directors. All directors shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by law.

APPOINTMENT OF OFFICERS AND EMPLOYEES

SEC. 6. The Board shall appoint a president of the bank and such other officers and employees as it deems necessary to carry out the functions of the bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the bank shall be an ex officio member of the Board and may participate in meetings of the Board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the bank. No officer of the bank shall receive any salary or other remuneration from any source other than the bank during the period of his employment by the bank.

CONFLICT OF INTEREST

SEC. 7. (a) No director, officer, attorney, agent, or employee of the bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

GENERAL CORPORATE POWERS

SEC. 8. Except to the extent inconsistent with the provisions of this Act, the bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

PRINCIPAL OFFICES: BRANCHES

SEC. 9. The principal office of the bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

CAPITAL STOCK

SEC. 10 (a) The bank shall have capital stock of $500,000,000 subscribed by the United States, payment for which shall be subject to call in whole or in part by the Board.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board, shall purchase stock in amounts designated by the Board up to a total of $500,000,000.

BORROWING AUTHORITY

SEC. 11. (a) The bank may issue notes, debentures, bonds, and other evidences of indebtedness in such amounts and on such terms and conditions as the Board may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the bank at any time, including contingent liabilities on outstanding guarantees, may not exceed twenty times the paid in capital stock of the bank at that time.

(c) The obligations of the bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the fact thereof.

(d) In the event that the bank is unable to pay upon demand, when due, any of its lawful obligations, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

LOANS TO CARRY OUT ENVIRONMENTAL PROGRAMS

SEC. 12. (a) The bank may make or guarantee loans (including the purchase of obligations) to local public bodies to finance environmental programs. Financial assistance under this section shall be provided in accordance with standards and criteria established by the Board to insure a priority of assistance with respect to those programs where the need is most critical or which involve new and improved methods of waste disposal or pollution, or which directly abate the pollution of the environment.

(b) The effective interest rate for financial assistance extended under this section shall not exceed (1) 3 per centum per annum.

(c) Loans made or guaranteed by the bank shall have maturities not exceeding twenty-five years; except that the bank may in its discretion extend the period of payment on any loan.

(d) Loans made or guaranteed by the bank shall be of such sound value or so secured as reasonably to assure repayment.

TECHNICAL AND OTHER ASSISTANCE

SEC. 13. (a) The bank may provide to borrowers whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

(b) To assure fulfilling the purposes of this Act, the bank shall direct an adequate number of staff members to seek out and confer with the representatives of local public bodies to provide information about the services furnished by the bank and to provide whatever assistance is necessary for the utilization of such services.

TAXABLE STATUS

SEC. 14. The bank, its property, its franchise, capital, reserves, surpluses, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

INVESTMENT STATUS OF OBLIGATIONS OF BANK

SEC. 15. All obligations issued by the bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer thereof.

PURCHASE OF ASSETS BY TREASURY

SEC. 16. The Secretary of the Treasury is authorized to purchase from the bank any asset of the bank at such price as may be agreed upon between the Secretary and the bank.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 17. The General Accounting Office shall audit the financial transactions of the bank and for this purpose shall have access to all its books, records, and accounts.

ANNUAL REPORT

SEC. 18. The bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

ENVIRONMENTAL SAVINGS BONDS

SEC. 19. The Second Liberty Bond Act is amended by inserting after section 22B a new section as follows:

"SEC. 22B. (a) In addition to the United States savings bonds, and retirement and savings bonds authorized under sections 22 and 22A, respectively, the Secretary of the Treasury is authorized to issue from time to time United States Environmental Savings Bonds, the proceeds of which shall be deposited in the trust fund established by section 20. Such bonds shall bear interest at such rates, be issued in such forms and in such manner, be offered in such amounts (subject to the overall debt limitation imposed by section 21) and be subject to such other terms and conditions (including restrictions on transfer) as the Secretary of the Treasury may from time to time prescribe."

ENVIRONMENTAL TRUST FUND

SEC. 20. There is hereby established within the Treasury of the United States an Environmental Trust Fund. All proceeds from the sale of bonds under section 19 shall be deposited in the fund.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 21. There are authorized to be appropriated from (1) the Environmental Trust Fund, and (2) to the extent that there is an insufficiency of sums credited to such fund, from any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act. Any sums so appropriated shall remain available until expended. Sums appropriated under this section shall be available, as specified in appropriation Acts—

(a) to enable the Secretary of the Treasury to carry out his functions under sections 10(b) and 11(d);

(b) to enable the bank to pay the difference, if any, between the interest paid by it on its obligations and the interest received by it on its loans; and

(c) to pay the administrative and operating expenses of the bank in carrying out its functions under this Act.

SPORT FISHING INSTITUTE,
Washington, D.C., November 17, 1970.

Senator WARREN MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to you further pursuant to my letter of November 3, in response to your letter of October 28 with respect to our views on your bill S. 4465, to establish a National Environmental Bank and Trust Fund. I can now assure you that the principle of your proposal has the support of the Sport Fishing Institute, although it is our view that capitalization ought to be at a level several times the amount you are proposing.

Enclosed are copies of two Resolutions of this Institute's Board of Directors that bear on this issue. The first of these, adopted in May, 1969, proposes establishment of a CLEAN WATER TRUST FUND having annual revenues of at least one billion dollars for the particular environmental facet of clean water, alone. The second of these, adopted in November, 1970, advocates creation of special imaginative new financing devices to provide needed ENVIRONMENTAL DEFENSE FUNDS—by implication, thereby supporting your proposal (S. 4465) in principle.

Sincerely yours,

RICHARD H. STROUD,
Executive Vice President.

AIR POLLUTION CONTROL ASSOCIATION,
Pittsburgh, Pa., November 27, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MAGNUSON: Thank you for your letters dated October 28, 1970 and October 29, 1970, in which you request the reaction of the Air Pollution Control Association to your Environmental Financing Act.

As an organization with a general interest in improving the environment, we would certainly support the purposes and intent of your proposed legislation. I think the main thrust of your suggestion would be to assist in construction of waste treatment plants, water purification and solid waste disposal programs which usually require capital outlay by government entities.

On the other hand, the planning, training, and ongoing enforcement of air pollution standards is directly contingent on the ability of state and local governments to finance the nonfederal share of existing grant programs. Since these governments are faced with earmarked funds and uncontrollable demands on strained tax bases, the Association believes that your Environmental Financing Act could play a significant role in the battle against air pollution. Therefore on behalf of the Air Pollution Control Association, I am pleased to endorse and support the principles of your Environmental Financing Act.

Sincerely yours,

D. A. JENSEN,
President,
Air Pollution Control Association.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., December 10, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Thank you for sending me a copy of S. 4465, the National Environmental Financing Act of 1970, with your covering letter of October 28, asking for comments or suggestions.

The bill is necessary, ingenious and timely, and politically promising. It is necessary because the costs of substantially improving our environment obviously go far beyond what can be financed in ordinary ways. It is ingenious and timely in suggesting, in effect, "Environmental War Bonds"—a solution that reflects a shift in national public concern from foreign to domestic priorities. It is also politically promising because it proposes a method for public financing of environmental improvement costs that avoids higher taxation.

We do wonder whether people will buy the war bonds in required amounts and question whether the inclination to do so is as high as some illustrtaive examples provided by your office suggest. Since savings bonds are becoming something of a joke to the sophisticated, it may be that you will want to permit local areas (states or cities) to reorient the ongoing publicity associated with U.S. savings bonds so that the publicity emphasizes environmental concerns. Indeed, the Treasury might consider this a way of enhancing overall sales of bonds.

In any case, your bill has our support and, within the resources available to us and consistent with your needs, we will try to help.

Sincerely,

JEREMY J. STONE,
Director.

NATIONAL ENVIRONMENTAL HEALTH ASSOCIATION,
Denver, Colo., February 11, 1971.

Senator WARREN MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: A couple of weeks ago we were outlining our activities for the 35th Annual Educational Conference on Environmental Health, and it came to mind that awarding "Environmental Bonds" for prize winning essays by youth attending our conference would be an excellent way to recognize their awareness. It also came to mind the tremendous potential of an Environmental Bond program similar to the old "War Bond."

After brainstorming the idea with a few of our peers, we sent a letter to President Nixon (copy enclosed) asking that an environmental bond program be established whereby we could finance education of needed environmentalists, improved air and water pollution control and solid waste management, to assist mass transportation systems, highway safety programs, and the hundreds of other needs in environmental improvement.

Now, in researching the possibility of such a program, we have come across the bill you introduced last October (S4465) which would create an Environmental Bank, an Environmental Trust Fund, and Environmental Savings Bonds. This bill is such a well written, clearly thought out, and logical piece of legislation that we want to help you and your constituents in getting it passed. We believe that selling environmental stamps to children to fill books and turn them in for bonds would be an excellent way to increase their awareness of the environment and of financial matters. What is the status of this bill and are you still working on it?

Perhaps you recall that you were scheduled to appear before the 34th Annual Educational Conference on Environmental Health which was held last June in Las Vegas, but being unable to attend, sent your deputy, Eric Redman who presented your statement.

The National Environmental Health Association is vitally interested in better environmental control which must come through citizen involvement. Our association wants to help create and promote the environmental bond program. Please let us know what we can do to help.

Sincerely,

NICHOLAS POHLIT, R.S., M.P.H.
Executive Director.

JANUARY 29, 1971.

Mr. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We know that you are interested in solving the environmental crisis and that you are working through the Environmental Quality Council and the new Environmental Protection Agency to accomplish your stated goals.

The United States helped to win World War II by issuing War Bonds. All citizens, from the smallest school age child to the highest industrial executives participated in this program, ranging from 10 cent stamps to high payroll deduction programs, and it worked. Now, we have another crisis on our hands—the environmental crisis. We, the National Environmental Health Association, propose that an "Environmental Bond" program be established by the United States government to be implemented in the same way as the old War Bond program.

Through such a program, we could finance education of environmental technicians, four year environmental health programs, and graduate programs to produce specialty administrators in environmental control. Funds could be used to improve air pollution control, water pollution control, and solid waste management. They could be used to assist mass transportation systems that would cut down on automobile use in heavily populated areas and to improve highways and implement safety measures to cut down on highway accidents and resulting deaths. There are thousands of needs in environmental improvement which could receive attention through such a program.

Through an Environmental Bond program, every citizen of the United States could participate in creating a cleaner, safer, more healthful environment for themselves and the coming generations. We urge your consideration of such a program.

Sincerely,
NICHOLAS POHLIT, M.P.H., R.S.
Executive Director.

SPORT FISHING INSTITUTE,
Washington, D.C., November 3, 1970.

Senator WARREN G. MAGNUSON,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: Thank you for your letter of October 28, about your new proposal for the Environmental Financing Act of 1970. I appreciate your thoughtfulness in forwarding by supplementary note a copy of the text (S. 4465) of the proposed Act and your accompanying introductory remarks.

I believe, Senator, that your proposal is a constructive one, reflective of the kind of imaginative new thinking that will be required if the promise of the new environmental thrust is to become implemented in a significant manner.

This is a problem that has greatly disturbed the conservation community as well as many farsighted civic leaders and legislators like yourself.

I cannot at this moment commit the Institute to support of S. 4465 because of a pending meeting of the SFI Directors. However, this kind of special funding approach will be the subject of some discussion and I anticipate adoption of a generalized policy under which such support can be forthcoming.

I shall be pleased to communicate with you further on this matter following any action in this regard on the part of the Institute's Board of Directors.

Sincerely yours,
RICHARD H. STROUD,
Executive Vice President.

By Mr. METCALF (for himself, Mr. MANSFIELD, and Mr. CHURCH):

S. 1701. A bill to amend the Rail Passenger Service Act of 1970 in order to give the States and consumer organizations certain rights under such Act. Referred to the Committee on Commerce.

Mr. METCALF. Mr. President, with my colleagues, Senator MANSFIELD and Senator CHURCH, I offer today a bill to modify the National Railroad Passenger Act.

As enacted, section 307 provides that only the Attorney General of the United States or "in a case involving a labor agreement" an employee or his duly authorized representative may petition the district court of the United States if the Amtrak Corporation "refuses, fails or neglects to discharge its duties and responsibilities."

Mr. President, we believe that this section should be enlarged to permit petition by the Governor of a State, by a public service commission of a State or by a consumer organization or any aggrieved person and our bill so provides.

It seems to me that section 307, taken with section 301, which says that "The Corporation will not be an agency or establishment of the United States Government" sets a dangerous precedent by foreclosing judicial review except by petition of the Attorney General or, in limited fashion, an employee or labor representative.

I question the constitutionality of attempting to exclude other representatives of the people of this Nation from access to our judicial system, in matters of dispute between them and a "beyond the law" private corporation whose funds come in part from the peoples' pockets. I do not believe the Congress should wait for the issue to be tested in the courts. I believe we should act now to correct what appears to me to be a gross error that violates our most fundamental traditions of equal justice before the law.

By Mr. PELL:

S. 1703. A bill for the relief of Maria Margarida Machado de Lemos;

S. 1704. A bill for the relief of Jaime Machado de Lemos;

S. 1705. A bill for the relief of Virginio Da Costa Medeiros;

S. 1706. A bill for the relief of Antonio Machado de Lemos;

S. 1707. A bill for the relief of Antonio Ponte;

S. 1708. A bill for the relief of Rosa Ponte;

S. 1709. A bill for the relief of Leonardo Manuel da Camara Pacheco;

S. 1710. A bill for the relief of Terezinha de Jesus Mota Alves do Couto Pacheco;

S. 1711. A bill for the relief of Sandra Pacheco;

S. 1712. A bill for the relief of Jacinto Vasconcelos Franco;

S. 1713. A bill for the relief of Delino da Conceicao Cunha;

S. 1714. A bill for the relief of Odete Fernandes de Oliveira Cunha;

S. 1715. A bill for the relief of Maria Luciana de Oliveira Cunha;

S. 1716. A bill for the relief of Maria de Fatima Oliveira Cunha;

S. 1717. A bill for the relief of Elisio Antonio de Oliveira;

S. 1718. A bill for the relief of Maria Madalena Machado Oliveira;

S. 1719. A bill for the relief of Maria Isabel Ponte Almeida;

S. 1720. A bill for the relief of Manuel Machado Cardoza dos Santos; and

S. 1721. A bill for the relief of Antonio Fernando Toste de Sousa. Referred to the Committee on the Judiciary.

Mr. PELL. Mr. President, on March 3 of this year a delegation from New Bedford, Mass., visited my office here in Washington on behalf of a group of approximately 150 Portuguese aliens who are facing deportation from the United States. I should like at this point to ask unanimous consent to have printed in the RECORD a communication of Mr. Antonio A. Costa of New Bedford, Mass., and a statement by Gov. Francis W. Sargent in reference to the visit of the delegation from New Bedford.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

GRAY COMMUNICATIONS, INC.,
New Bedford, Mass., March 9, 1971.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: On behalf of George Gray, president of Gray Communications, Inc., and Paul Andrade, a director of the South End Council of ONBOARD, Inc., I thank you for scheduling a meeting for us with your administrative assistant, Paul Goulding, at your Washington office on March 3, 1971.

We regret not meeting with you personally, however, Mr. Goulding treated us with a great deal of understanding and concern. He clarified many of the details regarding legalized residency for the Portuguese aliens, enabling us to continue our work in the proper direction with the approximately 150 individuals who turned to WGCY as their last resort. Although our principle aim was, in fact, to submit legislation in behalf of these aliens, we are aware of the difficulties involved and would be grateful for any alternative solution which would prevent their deportation.

As requested by Mr. Goulding, I am enclosing a list of the names and addresses of those aliens who actually reside in Rhode Island. Since a number of them are subject to deportation in the very near future, your intervention in obtaining a restraining order to stay their deportation is absolutely necessary. Can we rely upon your cooperation in this matter?

Additionally, we are presently compiling all the information and documentation for the special case-by-case review to be conducted by the Immigration and Naturalization Service. Please understand that we are working as quickly as possible in order to supply the authorities with accurate translations and detailed files for each alien.

In the meantime, I can assure you that the Portuguese-American Community of Rhode Island is fully aware of your unselfish support of our plea for compassion towards these alien visitors and of your determination to obtain favorable consideration for them. We are pleased that you share your beloved father's sympathy and love for Portugal.

Sincerely,
ANTONIO A. COSTA,
Vice President/General Manager.

GOVERNOR'S PRESS OFFICE,
STATE HOUSE,
Boston, March 3, 1971.

Governor Francis W. Sargent today announced his support of the Portuguese delegation from the New Bedford community which went to Washington today. The group has appointments with members of the Massachusetts and Rhode Island Congressional delegations to request that Congress and the President grant permanent resident alien status to approximately 128 Portuguese. These people are threatened with deportation after paying thousands of dollars in good faith to a lawyer who had promised to obtain citizenship for them.

The Governor said, "individuals who have acted in good faith in their desire to become American citizens, and who have already contributed to their adopted country, should not be deported because they have been victimized."

Mrs. Ellen Weiss, of the Governor's staff, will be accompanying the group to convey the Governor's support for their request.

Mr. PELL. Mr. Costa is vice president and general manager of WGCY–FM, a Portuguese language radio station in New Bedford. The relatives and friends of these unfortunate Portuguese aliens had communicated with Mr. Costa via his "Open-Line" radio program. Unfortunately, it would appear that these Portuguese aliens are victims of an alleged citizenship fraud.

In this regard, Mr. President, I ask unanimous consent to have printed in the RECORD at this time an article from the Boston Sunday Herald of February 28 pertaining to the plight of these Portuguese aliens.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORTUGUESE VICTIMS OF ALLEGED CITIZENSHIP FRAUD: 128 ALIENS FACING DEPORTATION

(By Bob DiIorio)

Ten thousand persons have signed a petition calling on President Nixon and Congress to remove the threat of deportation hanging over 128 Portugese aliens, most of them living in New Bedford, its sponsors said last night.

The aliens were reported to have paid a lawyer thousands of dollars on his promise to get them U.S. ciitzenship. They had entered the U.S. on visitors' visas.

The petition, which asks the President and Congress to grant permanent resident alien status to those involved, will be presented—possibly later this week—to the Massachusetts and Rhode Island Congressional delegations.

A federal grand jury investigated the case last December for possible action against the lawyer, but no report has been filed.

The reason, a federal official confirmed in Boston last week, is that no violation punishable under federal law occurred.

However, the official said the government will press a federal disbarment action against the lawyer and will refer the case to state Atty. Gen. Robert H. Quinn. The federal official, who would not permit himself to be identified, said there "appear to be grounds for state action."

The lawyer, who reportedly had offices in Boston, New Bedford, Washington and Miami, is said to have collected $1,000 fees from scores of Portuguese on promises that he could legally transform their visitors status into full citizenship within a matter of weeks.

The lawyer had the aliens—most of them living in New Bedford; some in Fall River and Rhode Island—sign documents renouncing their Portuguese citizenship, telling them such action would speed up the issuance of naturalization papers.

On one day—last Oct. 16—104 people in New Bedford signed such a document and paid the lawyer $300, a total of $31,200. They were told to expect their citizenship papers within 10 to 15 days.

One of those who signed such a renunciation document was Antonio Gomes Cruz, the Portuguese fisherman whose scheduled deportation was averted Feb. 20 when Atty. Edward F. Harrington, the former New Bedford Mayor, won a restraining order after a plea before U.S. Court of Appeals Chief Justice Bailey Aldrich at the jurist's home.

At a hearing Thursday Harrington told the court that Cruz showed the various notices he received from the Immigration and Naturalization Service (INS) to his former lawyer and was told not to worry, that the lawyer would take care of it. Harrington said Cruz was completely surprised when the INS took him into custody.

The court, however, dismissed Cruz' petition for a review of his deportation order, saying that even assuming that this all happened, "which we do assume for present purposes, it does not warrant sustaining the petition . . . The laws of this country are not changed by the receipt of bad legal advice . . . However lacking in legal acumen he (Cruz) may have been, or whatever the advice, he knew long before he had received this advice that he had come here on a temporary visa, and that it forbade his working. He also, without doubt, knew that by violating these provisions, he had inserted himself in line, without any possible justification, ahead of his fellow citizens, who were as anxious as he was to immigrate here, but who had not violated the law . . ."

Cruz, his wife, and their three children—Tony, 14; Maria, 15, and Candida, 18—are back in their third-floor tenement at 88 Ruth St., New Bedford, Harrington says he "has reason to believe" they are being allowed to remain here because they may be witnesses in future court action—presumably against the lawyer.

George Gray, president of Gray Communications, Inc., which operates WGCY–FM, a Portuguese-language radio station in New Bedford, and Antonio A. Costa, vice president and general manager of the station, are coordinating the work of circulating the petition. Costa says he has appointments in Washington Wednesday with Sen. Edward W. Brooke (R-Mass.,) and Senator Claiborne Pell (D-R.I.) He said he hopes legislators from Massachusetts and Rhode Island will support a special bill that will remove the deportation threat.

The petition appeals to the President and the Congress "to express this true carriage of justice, moral obligation, upholding of the American image and traditionally American compassion for the human being. . . ."

Costa says it has been signed by notable figures in both Massachusetts and Rhode Island. He made available copies of supporting letters from Joseph E. Fernandes, president of Fernandes Super Markets, Inc., who was an unsuccessful Republican candidate for Massachusetts state treasurer in 1966, and from Dr. Manuel Luciano DaSilva of Bristol, R.I., president of the Portuguese-American Federation.

Costa conducts an "open line" radio program on WGCY. The deportation proceedings have been a consistent topic in recent weeks.

Gray says many Portuguese people look upon the station as their "court of last resort" and have come there seeking help. As a result Gray and Costa say they have in their possession statements from scores of people detailing their dealings with the lawyer.

Many have made available receipts they received from the lawyer when they paid him money. Gray and Costa said only one of the receipts now in their possession is hand written. It is dated March 9, 1970 and acknowledges the receipt of $500 "as a payment for her immigration case from — — — — — —," giving a woman's name. The receipt bears what is said to be the lawyer's signature.

The radio executives have copies of two other receipts executed in printing, even to the name of the lawyer acknowledging the payment. The name is spelled differently on one receipt. One of these acknowledges receipt of $300 on Oct. 18, 1970 from a man "on his and wife's case." The other is for $500, dated Aug. 4, 1970.

The prospects for action by the Congress in the case are uncertain. Earlier this month a Filipino couple, Mr. and Mrs. Apolinario Gregorio, were deported. They had come to the United States in 1968 on visitors' visas which had been extended 12 times. The Gregorios were unable to have a special bill filed for them.

Did the Portuguese aliens know they were violating the law by staying here after their visitors' visas expired?

Said one New Bedford resident, born in New Bedford of Portuguese parents: "In Portugal a lawyer is a very important man, highly respected, referred to as doctor. It would be unthinkable for these people to question his word."

Costa, who came to this country from Lisbon 22 years ago, and Gray, who left Hungary for the United States in 1927, share this view.

"Most people were told the lawyer knew a short-cut to citizenship, but a legal short-cut," Gray said. "Admittedly, we're on fairly flimsy legal grounds, but it's a question of human justice vs. legal justice."

Mr. PELL. Mr. President, I will not dwell on all the circumstances concerning this alleged citizenship fraud for this matter is now in the U.S. Federal courts and I do not believe it would be appropriate for me to do so. However, after Mr. Costa and the delegation visited my office, I asked for a list of those Portugese aliens who reside in Rhode Island in order that I might try and be of assistance to them. In this regard, Mr. President, I should like to ask unanimous consent to insert into the RECORD at this point an editorial from the Bristol Phoenix of April 16, a communication from Dr. Manuel Luciano DaSilva, president of the Portugese-American Federation, Inc., dated February 18, and a petition which was signed by over 10,000 persons on behalf of these Portugese aliens.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SCANDAL WHICH NEEDS MORE LIGHT

The tragedy of immigrants being jailed and shipped back to Portugal because of underhanded practice by agents in this country is a matter which needs full airing. Only last night a local man was jailed by the U.S. Immigration Service in one of many cases where immigrants have been found to be in this country under false pretenses.

Let us not be naive about the motivation in this scandal. The immigrants involved (who invariably cannot speak English) are part of a wave of immigration which has taken place because the Congress of the United States saw fit to open the doors of this country to widespread immigration. Suddenly, because of a slowdown in the economy, the federal government has come under pressure to slow this immigration. Now, because of the forced showdown, a number of people have been caught in the middle of an apparent racket perpetrated by American lawyers in cahoots with Portuguese advisors and subconsuls.

The Immigration Service is apparently "just doing its job" in hustling the victims out of the country. But there is more to it than this. There is a story of victimization, racketeering and poor consulor service which needs to be brought out.

Certainly Senators Pell and Pastore, who are among the sponsors of the recent wave of immigration to this country, should be concerned with seeing that the truth of this racket is made known.

THE PORTUGUESE-AMERICAN FEDERATION, INC.,
Bristol, R.I., February 18, 1971.

Mr. ANTONIO COSTA,
General Manager, WGCY,
New Bedford, Mass.

DEAR MR. COSTA: You should be commended for your public campaign on the behalf of those unfortunate Portuguese-Americans who are about to be deported.

We sympathize fully with the desperate situation of our fellow immigrants and for their families.

You realize that these good people have been misled into sincerely believing that they could remain legally in the United States. Consequently they set out to make America their home by obtaining permanent jobs, buying homes, furniture, and automobiles, and even participating actively in community life. Now they have been told that they are to be deported.

Judging from the public reaction expressed in your "Open Line Program" there are many thousands of your listeners whose hearts go out to these people. Certainly this support of so many people will persuade the President and the U.S. Congress to pass legislation that will allow these people to remain in America, their new home.

I have confidence that the compassion of the Americans will be extended to these immigrants.

Sincerely yours,
MANUEL LUCIANO DASILVA, M.D.,
President.

A PETITION TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

The below listed persons, all good sound people, interested in the betterment and welfare of these United States and more especially interested in the true carriage of American justice, do hereby petition you ladies and gentlemen, to express this true carriage of justice, moral obligation, upholding of the American image, and traditionally American compassion for the human being, by joining and acting together now for complete committal of a merciful act which will once again demonstrate this traditionally American compassion for our fellow human beings.

We, the undersigned, state to you that;

Whereas scores of innocent people and their families appear to be finding themselves in a position of extreme hardship, and;

Whereas these same people have already commited themselves and started to adjust themselves to our American way of life, and;

Whereas these same people have in great part already poured tax money into our American way of life, and;

Whereas these same people have, in part, bought property, furniture, automobiles and made investment into these United States in a manner of living a normal life, and;

Whereas these same people have completely severed ties, for the most part, with their homelands, and;

Whereas these same people have, in great number, disposed of their assets, belongings, etc., at great loss in their homelands, and;

Whereas these same people for the most part, have no jobs, life, or manner of living to return to, and;

Whereas a large number of these same people have already incurred great amounts of debt which will be physically and humanly impossible to repay if deported, and;

Whereas these same people are pleading for one thing only—and that is the opportunity to become good, solid and sincere Americans with the utmost desire to work for and love these United States, and;

Whereas this great country was built on the premise of immigration with an opportunity offered to all in justice and sincerity and;

Whereas because of the extremely unusual circumstances surrounding their arrival and stay here, and;

Whereas we feel that these United States are bound by a moral obligation to repair the damage caused intentionally or otherwise, and;

Whereas we are not asking for any expenditures on the part of our government in this case, and;

Whereas we are asking our President and Congress to provide an opportunity for life for these people, and;

Whereas to refuse to do this, you would then be sentencing so very many people to financial, educational, and economical death by forcing their deportation with a denial of a favorable act as is being requested;

Then be it resolved, by the undersigned to petition our President and Congress to act with mercy, leniency, clemency, and moral fortitude in granting that all persons presently involved in these circumstances, be immediately and without question granted the right to remain in these United States as permanent resident aliens and further that the Department of Immigration and Naturalization be commanded immediately to get right on with the business of releasing prisoners from jail, ceasing deportation proceedngs against these folks, and issuance of alien identification cards to these folks.

The undersigned extend great thanks now for your anticipated cooperation in this matter of extreme and crucial importance.

Mr. PELL. Mr. President, upon receiving a list from Mr. Antonio Costa of the 19 Portuguese aliens residing in Rhode Island who were victimized in this alleged citizenship fraud, I communicated with the Commissioner of Immigration and Naturalization, Raymond F. Farrell. While I was awaiting a reply from the Immigration and Naturalization Service there was an incident in which Mr. Antonio Sousa, one of those citizens of Portugal, was picked up at his Bristol home on April 13 by Immigration agents and transferred to the Charles Street Jail in Boston where he was being held for deportation on April 18. After my office drew to the attention of Mr. Farrell the unfair way in which it appeared Mr. Sousa and his fellow countrymen had been victimized, the Commissioner ordered a release of Mr. Sousa from the Charles Street Jail and stayed his deportation order until May 1. It has been pointed out to me that almost all of these immigrants paid large fees to their attorney and in many cases went into substantial debt in order to raise sufficient funds to pay these fees. At this point I would like to ask unanimous consent to insert into the RECORD an article from the Providence Journal of April 16 concerning a stay of deportation of Mr. Antonio Sousa.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRISTOL MAN'S DEPORTATION STAYED

(By John Kiffney)

The federal government's top immigration officer has intervened to stop the immediate deportation of a Bristol resident who says he is one of 154 Portuguese citizens victimized by a Boston attorney into believing they could stay in the United States without a visa.

Raymond J. Farrell, commissioner of immigration and naturalization, ordered in Washington on Wednesday that Antonio Sousa of 63 Mount Hope Ave., Bristol, be released from the Charles Street jail in Boston, where he was being held for deportation Sunday.

Mr. Farrell, a native of Lincoln, ordered that Mr. Sousa's deportation order be stayed until May 1 for further investigation.

Mr. Sousa was picked up at his Bristol home Tuesday night by Providence immigration agents.

Antonio Costa, general manager of New Bedford radio station WGCY, which specializes in Portuguese programs and has taken up the cause of the illegal immigrants, said Mr. Sousa called him just before the agents came to his home.

Mr. Costa said Mr. Sousa told him an agent had kept him on the phone for about 30 minutes, telling him to report to the Providence immigration office the next morning.

"They apparently pretended they didn't understand him and kept him on repeating his name and address," Mr. Costa said.

Mr. Costa heard of the arrest on Wednesday and phoned Sen. Claiborne Pell, who called Mr. Farrell, who issued his stay the same day. Mr. Farrell ordered that Mr. Sousa be released in custody of his sister, who lives in Bristol.

Mr. Costa said that Mr. Sousa is one of 19 Rhode Islanders in the group of 154 immigrants allegedly victimized by the Boston lawyer. He said that for fees ranging from $800 to $2,000 they were told all details of their citizenship would be taken care of.

One family of five in the group was deported in February. No others, except for Mr. Sousa, are believed to have been arrested.

Mr. Costa said an Acushnet woman is scheduled for deportation next Wednesday, and he is hopeful either Sen. Edward M. Kennedy or Sen. Edward Brooke will be able to postpone this.

Mr. Costa said that all the immigrants realize they will have to return to their homeland, but the hope is that legislation will be passed delaying for a while their immigration.

"They want to stay temporarily to straighten out their lives and pay their debts," he said. "They should at least leave voluntarily without the humiliation of deportation, and without having to owe everyone money."

Edward F. O'Brien, acting director of the immigration office here, said he and another agent drove to Bristol and made the arrest after he talked briefly to Mr. Sousa on the phone. He said the time lapse between the call and the arrest was much longer than five minutes.

He said he didn't know why Mr. Sousa thought he was to report in the morning, but noted there were great language problems. He said the office had been looking for Mr. Sousa for several months, since he had not responded to a deportation order.

Mr. Costa also argued that they should be allowed to stay until they have had a chance to try in the courts to get the money back that they paid to the Boston lawyer.

A petition filed by the federal government in U.S. District Court, Boston, would bar the lawyer, Murray H. Rittenberg, from practicing in the federal courts. The petition alleges he collected $23,200 from Portuguese citizens in the United States on visitor's visas.

Mr. PELL. Mr. President, because of the compassionate nature of these Portuguese aliens' situation, because they were apparently victimized, and because of the many debts they have incurred in attempting to become citizens of the United States, I believe it only fair and just that I should take positive action to insure that they will not be deported immediately. Therefore, I am introducing legislation for the relief of these 19 Portuguese aliens in order that they shall have time to either legally adjust their position under the present Immigration law or so they might be in a position to pay their debts and depart from the United States in an orderly manner.

As you know, Mr. President, it has been the custom of the Immigration and Naturalization Service not to deport aliens while private legislation is pending in their behalf. Therefore, with this thought in mind, I should like to ask unanimous consent at this time to introduce legislation on behalf of the following 19 aliens and I ask unanimously to have the 19 bills printed in the RECORD at this point:

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1703

A bill for the relief of Maria Margarida Machado de Lemos

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Margarida Machado de Lemos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1704

A bill for the relief of Jaime Machado de Lemos

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jaime Machado de Lemos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1705

A bill for the relief of Virginio Da Costa Medeiros

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Virginio Da Costa Medeiros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1706

A bill for the relief of Antonio Machado de Lemos

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Antonio Machado de Lemos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1707

A bill for the relief of Antonio Ponte

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Antonio Ponte shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1708

A bill for the relief of Rosa Ponte

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rosa Ponte shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1709

A bill for the relief of Leonardo Manuel da Camara Pacheco

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Leonardo Manuel da Camara Pacheco shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1710

A bill for the relief of Terezinha de Jesus Mota Alves do Couto Pacheco

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Terezinha de Jesus Mota Alves de Couto Pacheco shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1711

A bill for the relief of Sandra Pacheco

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sandra Pacheco shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1712

A bill for the relief of Jacinto Vasconcelos Franco

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jacinto Vasconcelos Franco shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1713

A bill for the relief of Delino da Conceicao Cunha

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Delino da Conceicao Cunha shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1714

A bill for the relief of Odete Fernandes de Oliveira Cunha

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Odete Fernandes de Oliveira Cunha shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1715

A bill for the relief of Maria Luciana de Oliveira Cunha

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Luciana de Oliveira Cunha shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1716

A bill for the relief of Maria de Fatima Oliveira Cunha

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria de Fatima Oliveira Cunha shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1717

A bill for the relief of Elisio Antonio de Oliveira

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Elisio Antonio de Oliveira shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1718

A bill for the relief of Maria Madalena Machado Oliveira

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Imimgration and Nationality Act, Maria Madalena Machado Oliveira shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1719

A bill for the relief of Maria Isabel Ponte Almeida

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Isabel Ponte Almeida shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1720

A bill for the relief of Manuel Machado Cardoza dos Santos

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Manuel Machado Cardoza dos Santos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

S. 1721

A bill for the relief of Antonio Fernando Toste de Sousa

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Antonio Fernando Toste de Sousa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

By Mr. PELL:

S. 1722. A bill to provide Federal financing for the provision, by States the law of which provides for the payment of extended unemployment compensation, of payments of unemployment compensation for an additional period—up to 26 weeks—in the case of individuals whose entitlement, under State law, to unemployment compensation has been exhausted.

FEDERAL EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1971

Mr. PELL. Mr. President, in the past two elections there was much rhetoric about the administration's concern for the workingmen. The labor movement was told that if it supported President Nixon and the administration in the elections, the workingmen's worries about law and order would be relieved. What the workingmen were not told, however, was that they would also be relieved of their jobs.

Today there are 5 million unemployed in the Nation, that is a 6-percent unemployment rate. In my own State of Rhode Island, there are over 29,200 unemployed, and that is a phenomenal 7.4 percent of the working force that is unemployed.

These unemployment statistics, despite the impact of the Vietnam inflation of 1967–68, must now be directly attributed to the present administration which has now been in control of the Nation's economic machinery for 2½ years. In the period it has been in power, the economic situation has become worse. We have had what economists thought was an impossible phenomenon, increasing unemployment rates simultaneous with an increasing rate of inflation.

When the administration should have been pursuing an easy money policy in 1969, it was pursuing a tight money policy which resulted in a cutback in plant investment and a reduction in jobs in 1971.

Although the Congress gave the administration authority to impose the wage and price controls needed to curb inflation, the administration refused to utilize that authority, and thus inflation became worse, consumer demand dropped, and more persons became unemployed.

The impact of the administration's economic policies in my own State of Rhode Island have been very harmful.

As the result of the administration's tight money policy in 1969, and its refusal to impose wage and price controls, there has been an unusually long period of unemployment in Rhode Island.

Despite the fact that the State extended the unemployment compensation program for an additional 13 weeks beyond the traditional 26 weeks, unemployment compensation for many persons has now been expended. Nearly 400 persons a week are exhausting their unemployment benefits, that means 5,495 persons have now completely exhausted their benefits; and many of these people are now being forced to apply for welfare benefits, and thus the State's budgetary crisis is being further aggravated as an indirect result of the administration's economic policies.

Extended benefits for the emergency 13 weeks which are now expiring for many persons have been financed by a 50–50 funding agreement between the State and Federal Government.

Due to the impact of the Federal Gov-government of Rhode Island, and the State governments of many other States are no longer capable of funding extended unemployment compensation benefits.

I am therefore introducing today a bill to allow States to enter into an agreement with the Federal Government through which unemployment compensation benefits would be extended in a State for an additional 26 weeks through 100-percent Federal funding. Those 26 weeks would be in addition to the 13 weeks already being provided through 50-percent funding by the Federal Government.

I believe the financing of additional extended unemployment compensation benefits must be a Federal responsibility for the following reasons:

First, the planning of the general economy is the responsibility of the Federal Government. Unemployment in the States is the result of errors in planning by the Federal Government, and it should bear the responsibility for the results of its policies.

Second, the administration has announced its support of bills that would provide more financial aid to the States and would help relieve them of some welfare costs. By providing extended unemployment compensation benefits, the number of people going on the welfare rolls can be reduced and the costs to State government can be held down, and thus the administration's goals in their other bills can be reached.

Mr. President, my fellow colleague from the State of Rhode Island in the House of Representatives, Congressman FERNAND ST GERMAIN, has also introduced an excellent bill to extend unemployment compensation benefits. I would hope that consideration could be given to Congressman ST GERMAIN's bill in the House and to my similar bill in the Senate as soon as possible. For each day the Congress delays in acting on a measure such as my own, there are more workingmen being forced to go on welfare because of the expiration of their unemployment benefits.

I believe that the passage of the bill I introduce today together with the bill which I cosponsored to establish a public service unemployment program and the imposition of wage and price controls would provide the country with effective ways of ending inflation, promoting economic recovery, and helping our workingmen. I know these steps have the support of many of my colleagues; I would also hope that my colleagues on the other side of the aisle would see fit to translate their party's rhetoric of past elections into a similar support for these measures.

It would be my hope that the most recent changes by the administration directed toward a reduction of the high interest rates and the full employment budget result in an improved economic situation. In fact, there are some signs that these recent too long delayed changes will bear fruit in the coming year. I hope these signs come into full bloom soon.

Mr. President, I ask unanimous consent that my bill and the two articles from the Providence Evening Bulletin regarding unemployment benefits and welfare payments be printed in the RECORD at this time.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1722

A bill to provide Federal financing for the provision, by States the law of which provides for the payment of extended unemployment compensation, of payments of unemployment compensation for an additional period (up to 26 weeks) in the case of individuals whose entitlement, under State law, to unemployment compensation has been exhausted

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Extended Unemployment Compensation Act of 1971".

DEFINITIONS

SEC. 2. For purposes of this Act—

(a) the term "Secretary" means the Secretary of Labor;

(b) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(c) the term "extended benefit period" shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970;

(d) the term "further extended compensation" means the compensation payable pursuant to an agreement under this Act; and

(e) the term "qualified State" means a State the State law of which provides for the payment of extended compensation.

AGREEMENTS WITH STATES

SEC. 3. (a) (1) Upon the request of a qualified state, the Secretary shall enter into an agreement under which the payment (by the State agency of such State) of further extended compensation will be made—

(A) for any week of unemployment which begins in—

(i) the individual's period of eligibility; and

(ii) a period which, in the case of such State, is an extended benefit period (as determined in accordance with section 203 of the Federal-State Extended Unemployment Compensation Act of 1970);

(B) to individuals who—

(i) have exhausted all rights to compensation (including both regular compensation and extended compensation) under the State law;

(ii) have no rights to compensation (including both regular compensation and extended compensation) with respect to such week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(iii) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada.

(2) For purposes of paragraph (1) (B) (i), an individual shall have exhausted his rights to—

(A) regular compensation under a State law when—

(i) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(ii) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed; and

(B) extended compensation under a State law when no payments of extended compensation can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(3) For purposes of paragraph (1) (A) (i), an individual's period of eligibility under any agreement with a State under this Act means the 26-week period commencing with—

(A) the first week in which he meets the conditions specified in clauses (A), (B), and (C) of paragraph (1); or

(B) if the week referred to in clause (A) occurs prior to the first week that the agreement with the State under this Act is effective, the first week for which such agreement is effective.

(b) For purposes of any agreement under this Act—

(1) the amount of the further extended compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) which would have been payable to him under the State law if he had not exhausted his rights to regular compensation under such law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this Act or regulations of the Secretary promulgated to carry out this Act) apply to claims for further extended compensation and the payment thereof.

PAYMENTS TO STATES

SEC. 4. (a) (1) There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 per centum of the further extended compensation paid to individuals by the State pursuant to such agreement.

(2) No payment shall be made to any State under this subsection in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this Act.

(b) There shall be paid to each State which has entered into an agreement under this Act, either in advance or by way of reimbursement under the provisions of any Federal law other than this Act.

(b) There shall be paid to each State which has entered into an agreement under this Act, either in advance or by way of reimbursement (as may be determined by the Secretary), such sum as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[From the Providence Evening Bulletin, Apr. 10, 1971]

Seven and One-Half Percent of R.I. Population on Welfare

Nearly one out of every 13 Rhode Islanders is now on welfare and officials are wondering how the state is going to support them all.

Statistics released today by the state Department of Social and Rehabilitative Services continue to show an increase in welfare caseloads. An increase of 639 in the number of persons on welfare was reported for February, the latest month for which figures are available.

There are now 71,099 Rhode Islanders receiving some form of public assistance. The state's 1970 population was 949,723, according to the U.S. Census Bureau.

That means about 7½ per cent of the state's population is on welfare. Figured another way, that is three persons out of every 40, or nearly one in 13.

Since February of 1970, the total welfare caseload has increased by 13,759 persons. Since the fiscal year began last July 1, the increase is 13,301. In the relatively halcyon days of last summer, a shade over 6 per cent of the state apparently was on welfare—not quite one person in 16.

Joseph F. Murray, chief of special services in the state Department of Social and Rehabilitative Services, attributed the increase to "the present state of the economy."

"Layoffs are continuing and unemployment benefits are starting to run out," Mr. Murray explained. Asked where the state was going to find the money for the various welfare programs, he said, "that's a real problem."

"We're frankly in a quandary now about our present circumstances all around," he said.

He noted that the General Assembly has mandated a $1,000,000 cut in special supplemental welfare payments and that U.S. District Court has restrained the department from reducing the special needs payments.

"Therefore, we are now spending at a rate which may exceed our present appropriation," he said.

"I think the important thing is that within the next few weeks we have to develop a new program which will meet both the mandate of the General Assembly and the Federal requirements," Mr. Murray commented.

He expressed confidence that both the state and federal demands could be met.

"But," he added, "I think it will mean some far-reaching changes in making payments to people." He said the department is currently trying to determine whether such changes will include reduced welfare payments.

The department is "exploring the impact" of several possible alternatives, he said. He declined to give details.

"I suspect we have not finished with federal litigation yet," he added. However, he said, "the department is considering new programs with which federal officials agree."

Other statistics released by the department this week include the following:

A total of 12,154 families with 31,448 children received aid for families with dependent children (AFDC) the largest of the state-federal welfare programs.

This was a decrease of 10 families and 85 children over January but an increase of 3,458 children and 1,697 families since last July.

There are two categories of AFDC—the so-called regular program where the father is dead, divorced, separated or physically or mentally incapacitated, and the unemployed AFDC program, where there are two parents in the home and need is due to lack of employment.

From the end of January through February, the number of families receiving AFDC for the unemployed increased by 115 to 1,542 for a total of 2,303 children. In the same category of the unemployed, there was an increase of 887 families from February, 1970.

Expenditures in all categories of assistance totaled $4,700,000 in February, an increase of $123,000 over the prior month. Sixty per cent of this was paid by Rhode Island and about 40 per cent by federal funds.

[From the Providence Sunday Journal, Apr. 18, 1971]

More Than 350 Exhaust Jobless Pay Each Week

Between 350 and 400 unemployed Rhode Islanders are exhausting their regular unemployment benefits each week, double the number that were using up the maximum 26-week entitlement as late as September of last year.

Thanks to action by a special one-day session of the General Assembly last October, however Rhode Islanders are eligible for a special extension of benefits for up to 13 weeks.

Through March 31, the state has paid out a total of 4.5 million dollars in extended payments, according to Miss Mary C. Hackett, director of the state Department of Employment Security.

Miss Hackett said that the timely legislative action has helped greatly to lessen the effects of the state's economic problems on unemployed workers.

The extension likely has had a bonus effect of slowing the rush of families onto the welfare rolls once unemployment payments stop coming in.

In January, however, unemployed workers also began exhausting their extended benefits at a rate somewhat below the 350 to 400-a-week rate, Miss Hackett said. A natural flow of applicants between employment security offices and welfare offices began at that time.

But Miss Hackett emphasized that not all workers leaving the employment security rolls automatically go on welfare rolls. And many people, especially those with large families, are eligible for supplementary welfare support while collecting unemployment insurance, she said.

Some unemployment insurance recipients are married women who were laid off and never go back to work after their entitlement runs out, Miss Hackett said.

Other recipients take new jobs, often at a lower wage rate than they were earning previously, as soon as their unemployment payments stop coming in, she said.

Rhode Island regulations allow an unemployed person the maximum 26 weeks of entitlement if he has worked at least 42 weeks during the preceding year. A person employed 20 weeks during the preceding year, the minimum employment necessary to collect any insurance, would get 12 weeks of benefits.

After the regular entitlement is exhausted, the special entitlement allows payments for half as many weeks as the regular entitlement.

Rhode Island's maximum payment is $71 a week, with an additional dependency allowance of $5 per child to a maximum of four.

The basic payment is determined according to the average salary while working, and the average payment in the state presently is about $51. This compares to the nation's low of $29.54 in Puerto Rico, and the high in Hawaii of $61.53.

All payments during the regular entitlement come out of the state's employment security fund, sustained by employer contributions. During the extended period, state payments are matched by federal funds.

No state general funds, where welfare money comes from, are used for unemployment payments, Miss Hackett said.

© N.Y. TIMES NEWS SERVICE

WASHINGTON.—Thousands of Americans have exhausted their unemployment insurance benefits and the number is rapidly increasing as the unemployment situation continues to stagnate.

One result is that a swelling number of people who were members of the work force before the recession began now are going on the already crowded welfare rolls or receiving other forms of public assistance.

There is no precise estimate of the number of people who are now without work and who have exhausted unemployment insurance because there is no record of those who eventually find jobs. But the monthly totals of those exhausting their benefits rose sharply through 1970 and into 1971.

In December, 1970, the last month for which complete figures are available, 150,905 people used up their unemployment benefits, according to Department of Labor statistics. This was more than double the number in December, 1969.

By Mr. MONDALE:

S. 1724. A bill to expand the home improvement loan program under sections 203(k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of the owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. MONDALE. Mr. President, today I am introducing the 1971 Home Rehabilitation Act which will amend sections of the National Housing Act to include interest subsidy payments on behalf of owners of modest homes who make major improvements. This bill, which provides a long-awaited and much-needed expansion of the home improvement loan program, will help to preserve and restore the residential character of neighborhoods in cities, villages, and towns. The intent of the act is to provide for the rehabilitation of some 500,000 homes, each year, for the next 10 years.

I feel that the importance of this act, and its potential impact on the rehabilitation of our Nation's homes, can hardly be overstated. It will help to eliminate much of the redtape which has so often discouraged people from making home improvements, and it will encourage home rehabilitation and make it financially feasible for most homeowners. This legislation will help protect against the deterioration and evacuation of homes in all parts of our cities and towns.

There is a need for this new legislation because the present property improvement loan programs are inadequate. Under the title I program, the maximum loan available is only $5,000 and longest term is 7 years. When you couple the high interest rates of the last few years with the short repayment period it is easy to see why these payments are too high especially if the homeowner is also paying on a first mortgage.

There is also the 203(k) and the 220(h) programs that make loan insurance for major home improvements available at an interest rate that is set by the Secretary of the Department of Housing and Urban Development. Even though these loans have a 20-year repayment possibility and a $12,000 maximum, there is still a problem with the high interest rate that must be charged in order to attract money to this program. The bill that I am introducing today will amend these two programs so that an interest subsidy is provided for interest above 5½ percent plus the ½ percent insurance fee.

This legislation will provide that the subsidy to the financial institution be the difference between 5½ percent and the maximum rate of interest established by the Federal Housing Administration for other FHA insured mortgages plus three-eighths of 1 percent. The three-eighths of 1 percent is to be paid to the mortgagee instead of discount points and in fact, points that are not directly related to the closing costs will be prohibited under this program. The mortgagor will also be required to pay the customary one-half of 1 percent insurance fee and thus the net result will be a 6 percent home improvement loan with a 20-year repayment period if the economic life of the property justifies it. The maximum loan available for single family dwelling will be $15,000.

Loans can go to any person, regardless of income, so long as the house being improved is the primary residence, and the value of the home after rehabilitation does not exceed $30,000, in the case of a one-family dwelling. In addition the legislation provides that the homeowners may include essential appliances—such as stove, refrigerator, washer, dryer, carpet, and so forth in the initial loan. Rather than being forced to go to the store and buy these items at an 18 percent interest rate, persons can include such items in rehabilitation costs at the 6 percent rate of interest.

If the completed property is to exceed $30,000 in value this program can still be used but without the interest subsidy feature. In other words the mortgagor would have to pay the market rate of interest but the mortgage would still be insured by FHA and available for up to 20 years.

Mr. President, today our Nation's housing program has reached a critical stage. We must take every opportunity to check and reverse the exodus from our cities which leaves them to the fate of decay and deterioration. The 1971 Home Rehabilitation Act will make more people eligible for loans at lower rates of interest and with a longer repayment period. This bill will play an important part in our efforts to rehabilitate and improve these areas which are now reasonably stable, from becoming the waste and renewal areas of tomorrow.

Mr. President, I, therefore, submit the 1971 Home Rehabilitation Act, and respectfully request that my colleagues will give it every consideration and their support. I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1724

A bill to expand the home improvement loan program under sections 203(k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of the owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220(h) of the National Housing Act is amended—

(1) by inserting before the semicolon in subparagraph (1)(B) the following: ", and includes the provision of necessary fixtures and equipment approved by the Secretary";

(2) by striking out "$12,000" in subparagraph (2)(i) and inserting "$15,000" in lieu thereof;

(3) by striking out "three-quarters of" in subparagraph (2)(iv);

(4) by inserting after paragraph (3) a new paragraph as follows:

"(4) The security for any home improvement loan insured under this subsection may include a second mortgage in any case where there is outstanding a first mortgage on the property to be improved."; and

(5) by adding at the end thereof a new paragraph as follows:

"(12)(A) The Secretary is authorized to make, and contract to make, interest subsidy payments to the holder of any home improvement loan insured after the date of enactment of this paragraph under this subsection, if—

"(i) the loan is made to an individual or family (hereinafter referred to as the 'borrower') to effect improvements in a one- to four-family dwelling in which the borrower has his principal residence; and

"(ii) the estimated value of the property, as determined by the Secretary, after the proposed improvements are made will not exceed $30,000 in the case of a property upon which there is situated a one-family dwelling; $40,000 in the case of a two-family dwelling; $52,500 in the case of a three-family dwelling; or $60,000 in the case of a four-family dwelling.

"(B) Interest subsidy payments under this paragraph (12) shall be equal to an amount representing the difference between the amount which the borrower would be required to pay on his home improvement loan if the loan bore interest at the rate in effect for such loan, plus three-eighths of 1 per centum per annum, and the amount which the borrower would be required to pay on such loan if the interest rate applicable thereto was 5½ per centum per annum.

"(C) The Secretary shall condition the making of interest subsidy payments with respect to any home improvement loan upon the submission of proof satisfactory to him that no charges or discounts in the nature of points have been demanded or received in connection with the making of such loan."

Sec. 2. Section 203(k) of the National Housing Act is amended—

(1) by inserting "(1)" after "(k)"; and

(2) by adding at the end thereof a new paragraph as follows:

"(2) The Secretary is further authorized to make, and contract to make, interest subsidy payments to the holder of any home improvement loan insured after the date of enactment of this paragraph under this subsection in accordance with the provisions of paragraph (12) of section 220(h)."

Sec. 3. There are authorized to be appropriated such sums as may be necessary to enable the Secretary of Housing and Urban Development to make interest subsidy payments under contracts entered into under sections 203(k)(2) and 220(h)(12) of the National Housing Act. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $60,000,000 during the first year of such contracts prior to July 1, 1972, which amount shall be increased by an additional $60,000,000 during the first year of an additional number of such contracts on July 1 of each of the years 1972 and 1973.

By Mr. MONDALE (for himself, Mr. Eagleton, Mr. McGovern, and Mr. Moss):

S. 1725. A bill to accelerate the effective dates of individual income tax reductions provided by the Tax Reform Act of 1969; to restore the investment credit for small business enterprises; and to provide for the payment of federally financed extended unemployment compensation under Federal-State agreements.

Mr. MONDALE. Mr. President, over the past 6 months, we have been paying the mounting price of a mindless economic policy.

The administration assures us we are not in a "recession." That is a cruel joke to those who are the victims of the administration's economic "game plan"; to the 5 million people out of work throughout the country; to teenagers who are now experiencing their highest unemployment since 1963; and most of all to Vietnam veterans who come back from the horror of war only to stand in an unemployment line—in the 3-month period ending in January, almost 10 percent of veterans aged 20 to 29 were out of work.

The ultimate national shame is in the enormous waste of this unemployment; $60 billion is lost in goods and services; 25 percent of our plant and equipment goes unused.

This means $30 billion of personal income and $20 billion of Federal revenues down the drain. It means a loss of $150 for every man, woman, and child in the Nation.

For all State and local governments, the revenue loss is $3 billion—full employment would return almost as much money to State and local governments as the President's revenue-sharing program.

In his budget for 1972, the President proclaimed an expansionary policy. That was a major departure, and I applaud him for it. But the rhetoric and the hope cannot conceal one fact: The President's budget for fiscal 1972 is about as expansionary as his program for this fiscal year—a year during which unemployment has risen by a million people.

Some recent measures by the Congress moved us in the right direction. The 10 percent social security increase will give a $3.5-billion stimulus to the economy. The Emergency Employment Act which just passed the Senate would create up to 200,000 new jobs—many of them for unemployed engineers and scientists.

But I believe that more is needed. As Herbert Stein of the Council of Economic Advisors said on March 25:

> We don't believe we have an economy wound up to run to achieve the nation's growth goals without further stimulus.

A year ago the problem was the high interest rates. Since then, interest rates have dropped dramatically. Although I would like to see further reductions, I think monetary policy has been doing its share to stimulate recovery. We now need a comparable boost from fiscal policy.

Therefore, I am proposing today that we alter fiscal policy to stimulate the sagging economy. My bill has three main features. It will:

First. Cut personal income taxes by increasing the personal exemption to $750 and the standard deduction to 15 percent. These cuts are presently scheduled to take place in 1972 and 1973. My proposal would move them up to this year.

Second. Create an interim program extending unemployment compensation benefits by 13 weeks. This program would be 100 percent federally funded, thus allowing the 13-week extension to be implemented in all States now when the need is greatest.

Third. Establish a 7-percent tax credit on the first $25,000 of investment in plant and equipment. This tax credit would take the place of the administration's depreciation changes—which I strongly oppose.

My tax credit proposal is geared to bringing relief to the small businessman and the farmer, who are among those hardest hit by the high interest rates and low consumer demand of the past year and a half. The administration proposal would cost four times as much; it would represent a $36 billion gift to business that we cannot afford. And at a time when firms are using three-fourths of their capacity, it is hard to understand why the new rules would result in much new investment, as claimed by the administration.

This is not the only policy that should be reversed. In particular, I am concerned that the President refuses to spend almost $13 billion that the Congress has appropriated. In my judgment, this represents a serious disregard for the expressed will of Congress and the people it represents.

Moreover, the President should end his opposition to jawboning and adopt a consistent, even handed wage-price policy which applies to all industries, and which covers prices, profits, and credit as well as wages.

But I believe that the prime ingredient in a successful economic recovery over the next year and a half is a more vigorous fiscal policy now. That is what my bill calls for.

In recent months a number of arguments have been employed against a more expansionary policy. These arguments must be faced squarely.

First, the argument has been made that economic stimulation will lead to more inflation.

At present, with the economy operating $60 billion below capacity, there is no reason to believe that inflationary pressures are threatening. Prices continue to rise, but the inflation is of the cost-push variety.

The real danger is in late 1972 and beyond when we should be approaching full employment. My bill would result in a revenue loss to the Treasury of $5.9 billion in 1971, $3.1 billion in 1972, and $0.9 billion annually thereafter. Thus, its effect would be to stimulate the economy now when it is needed, and to fade out later when we near full employment. This is just the opposite of the President's liberalized depreciation program which will reduce Treasury revenues by $2.5 billion in fiscal 1972, rising to a peak of $4.1 billion in fiscal 1976, at about the time that demand inflation is most likely to confront us again.

Second, it has been argued that additional stimulation would give us a full employment deficit.

Actually, the President has already implicitly accepted a full employment deficit for fiscal 1972; the social security increase which he signed recently guarantees such a deficit.

But the real answer to this argument is that at a time of high unemployment there is nothing intrinsically desirable about a full employment balance, any more than there is about a regular budget balance. The new dogma is infinitely preferable to the old dogma, but it is still dogma.

What we need now is a budget that will help bring economic recovery without creating renewed inflationary pressures. Given present conditions, this requires a full employment deficit. As Hobart Rowen has written in the Washington Post:

> Getting so "locked" into the concept of a "full employment balance", rejecting a "full employment deficit" was neither good politics nor good economics.
>
> It is going to be difficult for Mr. Nixon to explain, after his advisors have made such a solid case against a "full employment deficit", why they happen to be running one.

Third, the argument is made: With all our unmet social needs, how can we afford to cut taxes?

The case against cutting taxes is a strong one. Those of us who have been arguing that more money must be spent for our cities, for education, health and the environment, cannot responsibly advocate large tax cuts. That is one reason why I have vigorously opposed the new depreciation rules which amount to a 7-percent tax break for business.

My bill does not effect permanent tax changes—except for the small tax break for small business and farmers. Its essential feature is to alter the timing of changes presently scheduled for 1972 and 1973. Moreover, my bill would bring relief directly to those in greatest need—the unemployed, the small businessman and the farmer. In this sense, it does affect some of our highest priority areas.

Finally, the argument has been made that the economy does not need stimulation because it is now recovering.

The evidence on this is mixed. First quarter GNP grew by a sizable 12 percent over the last quarter of 1970. However, much of this growth simply reflects inflation—"real" GNP grew by only 6.5 percent. Moreover, as much as half of this 6.5 percent was due to the rebound of the automobile industry. Had there been no auto strike in the fourth quarter of 1970, real GNP would have grown by only 3 to 4 percent in the first quarter of 1971.

This is better than the 1970 performance. But we must remember that the economy's potential output grows annually at 4 to 4½ percent. Thus, we actually fell further behind in the first quarter. The gap between potential output and actual output increased.

In the face of this mixed record, the administration insists that the economy is recovering—"a good solid expansion" in the words of Budget Director Shultz.

I had hoped for a more cautious response. The administration has embarrassed itself so often in the past by making euphoric predictions based on fragmentary evidence that one might have expected it to have learned a lesson.

In any event, I hope we can be forgiven for being highly skeptical about these predictions. Nor is our confidence in them increased by administration efforts to hide the economic facts, as when it muzzled BLS economists by canceling their regular press briefings.

But the issue now is more important than misplaced optimism and lost credibility. It has to do with the burdens of the current economic stagnation. The administration continues to adhere to a "wait and see" attitude. But while the administration is waiting and seeing, what are the families of America's 5 million unemployed to do? Where are they to turn for help?

I think we must act now to reverse the do-nothing policy of this administration, and get the economy moving again.

Mr. President, I ask unanimous consent that a summary of the provisions and a text of my bill be printed in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 1725

A bill to accelerate the effective dates of individual income tax reductions provided by the Tax Reform Act of 1969; to restore the investment credit for small business enterprises; and to provide for the payment of Federally financed extended unemployment compensation under Federal-State agreements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Recovery Act of 1971".

TITLE I—INCREASE IN PERSONAL EXEMPTIONS AND STANDARD DEDUCTION

Sec. 101. Personal Exemptions.

(a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of personal exemptions) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "$750".

(b) Section 6013(b)(3)(A) of such Code (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out "$650" wherever it appears therein and inserting in lieu thereof "$750", and by striking out "$1,300" wherever it appears therein and inserting in lieu thereof "$1,500".

(c) Subsections (c) and (d) of section 801 of the Tax Reform Act of 1969 are repealed.

Sec. 102. Percentage Standard Deduction; Low Income Allowance.

(a) Section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Percentage Standard Deduction.—The percentage standard deduction is an amount equal to 15 percent of the adjusted gross income, except that such deduction shall not exceed $2,000 ($1,000, in the case of a separate return by a married individual).

"(c) Low Income Allowance.—The low income allowance is $1,000 ($500 in the case of a separate return by a married individual)."

(b) Section 802(e) of the Tax Reform Act of 1969 is repealed.

Sec. 103. Filing Requirements.

(a) Section 6012(a)(1) of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended—

(1) by striking out "$600" each place it appears therein and inserting in lieu thereof "$750";

(2) by striking out "$1,700" each place it appears and inserting in lieu thereof "$1,750"; and

(3) by striking out "$2,300" each place it appears and inserting in lieu thereof "$2,500".

(b) Section 941(d) of the Tax Reform Act of 1969 is repealed.

Sec. 104. Collection of Income Tax at Source on Wages.

(a) Section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) is amended—

(1) by striking out "January 1, 1972" in paragraph (3) and inserting in lieu thereof "the 15th day after the date of the enactment of the Economic Recovery Act of 1971";

(2) by striking out paragraph (4) and by renumbering paragraph (5) as (4); and

(3) by striking out "after December 31, 1972" in paragraph (4) (as renumbered) and inserting in lieu thereof "on or after the 15th day after the date of the enactment of the Economic Recovery Act of 1971".

(b) Section 3402(b) of such Code (relating to percentage method of withholding) is amended by striking out the table contained therein and inserting in lieu thereof the following:

"Percentage Method Withholding Table

"Payroll period	*Amount of 1 withholding exemption:*
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10."

(c) Paragraphs (3) and (4) of section 805(b) of the Tax Reform Act of 1969 are repealed.

Sec. 105. Effective Dates.

(a) The amendments made by sections 101, 102, and 103 shall apply to taxable years beginning after December 31, 1970. The amendments made by section 104 shall apply with respect to wages paid on or after the 15th day after the date of the enactment of this Act.

TITLE II—PARTIAL RESTORATION OF INVESTMENT CREDIT

Sec. 201. Credit for $20,000 of Investment a Year.

(a) Section 49 of the Internal Revenue Code of 1954 (relating to termination of investment credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies";

(2) by inserting after "any property" in subsection (d) the following: "(other than property to which subsection (e) applies)"; and

(3) by adding at the end thereof the following new subsection:

"(e) Small Business Exemption.—

"(1) In General.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is completed on or after the date of the enactment of the Economic Recovery Act of 1971, or

"(B) which is acquired by the taxpayer on or after such date.

and which is constructed, reconstructed, erected, or acquired for use in a trade or business, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $20,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsection (c) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 47(a) (4) shall not apply. In applying section 46(c) (1) (A) in the case of property described in subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection on or after the date of the enactment of the Economic Recovery Act of 1971.

"(2) Special Rules.—

"(A) Married Individuals.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $10,000 in lieu of $20,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) Controlled Groups.—In the case of a controlled group, the $20,000 amount specified in paragraph (1) shall be reduced for each component member of the group by apportioning $20,000 among the component members of the group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to such term by section 1563(a), except that the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1563(a)(1).

"(C) Partnerships.—In the case of a partnership, the $20,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) Other Taxpayer.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f) shall be applied for purposes of this subsection."

(b) The amendments made by subsection (a) shall apply to taxable years ending on or after the date of the enactment of this Act.

TITLE III—EXTENDED UNEMPLOYMENT COMPENSATION

AGREEMENTS WITH STATES FOR PAYMENTS OF EXTENDED UNEMPLOYMENT COMPENSATION

Sec. 301. (a) Any State which is able and willing to do so may enter into an agreement with the Secretary of Labor (hereinafter in this section referred to as the "Secretary") under which—

(1) the State agency of such State will make payments of extended compensation in such State in like manner as if—

(A) the State law of such State contained a currently effective requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970; and

(B) the "4 per centum" contained in section 203 (e) (1) (B) of such Act read "3.5 per centum"; and

(C) The "4.5 per centum" contained in Section 203 (d) of such Act read "3.5 per centum"; and

(2) payments will be made to the State in like manner as if—

(A) the State law of such State contained the requirement referred to in clause (1) (A); and

(B) the "one-half" contained in section 204 (a) (1) of such Act read "100 percentum".

(b) Any agreement entered into by a State under this section shall be effective for sucn period as may be specified by such State except that no such agreement shall be effective—

(1) for any period after December 31, 1971; or

(2) for any period beginning prior to—

(A) in case such agreement is with a State which, prior to the date such agreement is entered into, had included in its State law a requirement that extended compensation be payable thereunder as provided by the Federal State Extended Unemployment Compensation Act of 1970, the effective date of such requirement; or

(B) in case such agreement is with a State other than a State described in clause (A), the date such agreement is entered into.

(c) As used in this section, the terms "extended compensation", "State", "State agency", and "State law" shall have the meaning prescribed therefor under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(d)(1) There shall be paid to each State, which has entered into an agreement under this section, either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under such agreement for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency.

(2) If any State having an agreement entered into under this section has, in its State law, a requirement described in subsection (a) (1) (A), the amount otherwise payable to such State under this section with respect to any payments by it of extended compensation shall be reduced by any amount paid to such State on account of such payments under the Federal-State Extended Unemployment Compensation Act of 1970.

(e) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used by the Secretary for the making of payments to States having agreements entered into under this section. There are hereby authorized to be appropriated to such account such additional sums as may be necessary to assure a sufficiency of funds in such account for the making of the payments authorized by this section and by section 204 of the Federal-State Extended Unemployment Compensation Act of 1970.

Summary of Provisions of Economic Recovery Act of 1971

Title I would move forward to 1971 the income tax cuts presently scheduled for 1972 and 1973—by increasing the personal exemption to $750 and the standard deduction to 15%. These changes would go into effect retroactively to January 1, 1971. They would cost the Treasury approximately $4.5 billion in 1971, and $2.2 billion in 1972.

Title II would grant a 7% tax credit on the first $25,000 of investment in plant and equipment. This is similar to Amendment No. 326 to the 1969 Tax Reform Act which passed the Senate but was deleted in conference. The estimated cost to the Treasury is $900 million.

Title III would provide an additional 13 weeks (beyond the traditional 26) of unemployment insurance payments. The Employment Security Act of 1970 provides for such payments effective January 1, 1972 (and in a few states July 1, 1972). This provision is not an amendment to the 1970 Act, but an interim program designed to fill the gap until this Act's effective dates. The extended benefits would be available if the national insured unemployment rate was above 3.5% or if the rate in any state was above 3.5%. At present, this would affect the unemployed in 32 states. Since it is 100% federally funded, it would not require action by the state legislatures and would go into effect immediately. Estimated net cost (above what would be spent in the absence of this measure) is $500 million.

By Mr. HATFIELD:

S.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of Senators and Representatives in Congress. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, I am today introducing a joint resolution to amend the Constitution of the United States to limit the tenure of Senators and Representatives in Congress.

I have discovered that many regard this proposal as unwarranted and even "radical." A Representative who introduced similar legislation in the House of Representatives several years ago had the unusual pleasure of seeing his bill placed on lists of "legislation least likely to succeed." Naturally, it is difficult for those of us whose careers are directly affected to take an unbiased look at this concept; yet, if we do, it is possible to see that the idea has merit and precedence.

Briefly, my bill would limit the terms of Senators and Representatives to 12 consecutive years of service—two terms in the Senate and six in the House of Representatives. After a period of 2 years, or "sabbatical leave," Members of Congress would be able to seek office again.

Historically, it appears that the framers of our Constitution ignored the problem of tenure simply because they could not imagine anyone willing to serve indefinitely, and becoming entrenched in office. Originally a term of 9 years for Senators was proposed. Gen. Thomas Pickney opposed the reduction from 9 years to 6 and favored 4-year terms. In the Records of the Federal Convention, General Pickney states:

> If Senators should be appointed for a long term, they would settle in the State where they exercised their functions; and would in a little time be rather the representatives of that than of the State's appointing them.

Mr. Elbridge Gerry stated:

> A longer term would defeat itself. It would never be adopted by the people.

The final vote on the length of Senatorial service being 6 years was seven ayes and four nayes.

Similarly, the Federal Convention originally placed service in the House of Representatives at 3 years, but changed this to 2 with serious consideration given to the possibility of annual elections. As Mr. Peyton Randolphe put it, he would "have preferred annual to biennial, but for the extent of the United States and the inconveniency which would result from them to the representatives of the extreme parts of the Empire. The people were attached to frequency of elections."

Note, then, that tenure was a deeply contested issue in the Constitutional Convention and the actual number of years in the terms established was less than first proposed—6 years from an original 9 in the Senate, 2 years from 3 in the House.

Today we must realize that the median age in the United States is 27.7 years—the median age of the Congress, on the other hand, is 52.7 years. However, a more radical difference is noted when one realizes that the median age of Senate committee chairmen is 67 and that of House committee chairmen is 69. Henry Clay served as Speaker of the House when he was 33 years old. Speaker McCormack just retired at 78. Emphatically, I would agree that age need not disqualify a person. Speaker McCormack's contributions to the House, Justice Black's service on the Supreme Court, and many others in the history of the Congress provide examples of experienced people who offer our country seasoned service. At the same time, our country, a young country, has been making a plea for participative government. Can we really imagine a 33-year-old Speaker of the House in our present tradition-bound Congress? One way to keep Congress responsive, one way to insure that new and young blood enters the national legislative arena is to put a limit on service, providing the turnover to insure such opportunities.

Consider, too, that the activities of the Federal Government that are conducted in each congressional district are greater than those of the entire Federal Establishment during Washington's years as President. Yet, Congress itself has not made itself a 20th-century institution capable of dealing with contemporary problems.

Congress' chief power, perhaps, is the power of the purse; however, its procedures and structure hopelessly frustrate a rational, reliable approach to funding the activities of our Federal Government. The authorization-appropriation process struggles through 18 committees in the House and 15 in the Senate. The system duplicates itself four times and obviously causes great delay. This is all further complicated by the fiscal year beginning on July 1. Last July 1, at the beginning of the 1971 fiscal year, no Federal department or agency knew how much money it would have that year, or what projects would be approved. Not a single authorization or appropriation had been made by Congress and the agencies were forced to rely on supplemental appropriations which do not allow old and poor programs to be cut or urgently needed programs to be initiated. It was not until November or December of 1970 that the appropriations process was completed for most departments—half way through the fiscal year. Obviously, this makes rational planning and budgeting impossible. Congress' cumbersome structures and inefficiencies frustrate the entire budget procedure.

Civics classes teach that Congress is run by the democratic principle of majority rule. In reality, the situation is very different. The filibuster procedure in the Senate enables any one-third of the body to thwart the will not just of a majority, but of up to two-thirds of the Senate. Committee chairmen can also deny majority rule—often they can decide what does and does not reach the floor for a vote and in what form. And finally, the system of seniority insures that power goes to those who are the oldest, those from "safe" districts, often one-party districts. No other free world legislature and no State legislature is bound by the seniority system.

Seniority is not intrinsic to our system. In fact, the official rules of the Senate, adopted in 1789, state:

> All committees shall be appointed by ballot and a plurality of votes shall make a choice.

Yet, the unwritten rule of the Congress for committee assignments, chairmanships, and even office space is the dictate of seniority.

Since my proposal would allow Members of Congress to run again after a sabbatical of 2 years, it would still be possible for experience and seniority to have a part in the legislative process. However, seniority could not dominate the system to the extent it does today. With its debilitating presence removed, it seems likely that other necessary reforms would follow.

The sabbatical concept has long been employed by colleges and universities who recognize the healthy aspects of allowing, or even forcing, personnel to refresh their knowledge and not to become insular. Many industries are coming to employ the same reasoning and sending their personnel on sabbaticals that take them abroad or into government or back to school. The healthy effects of an enforced sabbatical for Members of Congress would surely be reflected in a better awareness of their constituencies and a better awareness of their world. Washington, D.C. is, after all, a company town and the company is the Federal Government. It is in the interests of keeping the Government responsive to the people that we should require Members of Congress to reacquaint themselves with their State, their district and their constituents, and to be removed periodically from the daily pressures of congressional life, gaining new perspectives and ideas.

The limitation of service as a means to control power and to insure responsiveness is hardly a new thought. We already limit the terms a President may serve. Eighteen States limit the tenure of their Governors. I ran for the office of Governor in Oregon knowing that my service was specifically limited by State Constitution to two terms. This had no effect on my desire to serve, nor gave me any misgivings about what I could accomplish in office.

Limitation of tenure produces an opportunity for public service, pure and simple. We are all too well aware that the demands on a Senator or Representative are unreasonable—there is never enough time. Committee meetings, voting and hearings—the business of Congress—suffer most. In all candor much of the congressional day is spent pursuing those tasks essential to reelection—heavy concentration on mail, press activities, meeting lobbyists and constituents, and speaking before numerous groups on every imaginable subject. Of course, these are immensely important tasks. Yet, the pressures of perpetual reelection push them to unrealistic lengths. Unfortunately, what often suffers is the time devoted to the actual legislative process. The simplest solution is to limit tenure and thereby insure that a portion of the legislative body would be relatively free from the demands of reelection to concentrate on legislative activity.

There is a groundswell of feeling that we need to make our Government more attuned to citizen needs—that somehow it has gotten out of hand. George Wallace threatens to throw the bureaucrats into the Potomac. Gene McCarthy rallied his supporters with a more poetic vision of similar action. Even President Nixon has called for a new American revolution. In essence what these diverse people have called for, and what my legislation would provide, is citizen government, a government attuned to the needs and desires of the people. Though this proposal may not be greeted today with any great enthusiasm here in the Congress, I believe the people of our country would give it their decisive support. They feel estranged from us, their elected representatives.

Mr. President, I am proud to put forth this proposal as one means to return to the people the control of their Republic.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 10

REVITALIZATION OF RURAL AND OTHER ECONOMICALLY DISTRESSED AREAS

Mr. PERCY. Mr. President, as the acting ranking member of the Government Operations Committee, I am pleased to join the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), our chairman, in cosponsoring S. 10. S. 10 would establish Federal programs to revitalize rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity.

As the opening hearings on S. 10 demonstrated, our rural areas are continually loosing economic strength and vitality as against metropolitan areas. Because of declining economic activity in rural America many of our citizens are forced to move to urban America, where community facilities are already overburdened and beset by exceptionally complex problems.

Though S. 10 as presently drafted has flaws, it is a valuable vehicle for exploring these problems—for investigating the causes of rural economic stagnation and outmigration, and for helping us draft programs to revitalize rural areas and stem the population outflow. Additional hearings in Washington will be valuable in shaping appropriate legislation, but hearings in the field—where the problems and people are—are even more important. Thus I am very pleased that the Rules Committee has agreed to a unanimous resolution offered by the members of the Government Operations Committee for a modest amount of additional funds for such hearings.

I also want to point out the relationship between S. 10 and the proposals of the Ash Council on Executive Organization for reorganizing the Federal Government. A major finding of the Ash Council was that the effectiveness of Federal Government programs is blunted by overlapping regional administrative structures. I think we will find as we explore the effectiveness of Federal programs for rural development that there are close relationships between S. 10 and the proposed Department of Community Development—S. 1430—and its proposals for grouping all Federal community development programs and organizing an effective new field structure to implement them. I look forward to the beginning of hearings on S. 1430 and the President's other departmental reorganization proposals.

S. 685

At the request of Mr. PACKWOOD, the Senator from New Jersey (Mr. CASE), the Senator from Maryland (Mr. BEALL), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 685, the Humane Seal Protection Act of 1971.

S. 717

At the request of Mr. PACKWOOD, the Senator from New Jersey (Mr. CASE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 717, a bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon and Washington.

S. 976 AND S. 986

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON), the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 976, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes; and of S. 986, a bill to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes.

S. 983

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 983, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

S. 1188

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Idaho (Mr. JORDAN) were added as cosponsors of S. 1188, a bill to amend the Foreign Aid Assistance Act.

S. 1392

At the request of Mr. MONDALE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1392, a bill to provide certain services for Government employees in order to assist them in preparing for retirement.

S. 1483

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE) I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOPER), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Illinois (Mr. STEVENSON) be added as cosponsors of S. 1483, to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1592

At the request of Mr. MCGEE, the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1592, a bill to establish a commission to investigate and study the practice of clear-cutting of timber resources of the United States on Federal lands.

S. 1615

At the request of Mr. BIBLE, the Senator from New Jersey, (Mr. WILLIAMS) was added as a cosponsor of S. 1615, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1618

At the request of Mr. SPARKMAN, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 1618, a bill to provide Federal revenue to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities.

S. 1649

At the request of Mr. Bible, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 1649, a bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws.

SENATE JOINT RESOLUTION 8

At the request of Mr. Mansfield, the Senator from Florida (Mr. Chiles) was added as a cosponsor of Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 48

AFTER PING-PONG, WHAT?

Mr. CHURCH. Mr. President, cold war barriers separating the United States and China are beginning to crumble, thanks to President Nixon's willingness to encourage the interchange of citizens with Peking, as well as China's own diplomatic initiative in inviting American ping-pong players and journalists to the mainland. These are very welcome developments. They represent the first steps toward counteracting the antagonisms and frigidity between the two countries over the past 23 years.

Much more, however, needs to be done before the relationship returns to civility and normalcy. Relaxing the military confrontation between the United States and mainland China is the place to start. To encourage this, the distinguished Senator from Maryland (Mr. Mathias) and I introduced, on February 23, a measure to repeal the Formosa Resolution of 1955 which gives the President the unilateral right to involve American forces in a conflict between Nationalist and Communist China.

Mr. Darius S. Jhabvala, diplomatic correspondent of the Boston Globe here in Washington, reported recently that the repeal of the Formosa Resolution "is bound to impress Peking of America's intentions to reestablish friendly relations." Mr. Robert W. Barnett, an experienced China-hand and now director of the Washington chapter of the Asia Society, argued the same way in a Washington Post article. He wrote:

> The United States should, by revoking the Formosa Resolution of 1955, bring to an end dangerous uncertainty as to whether the United States would lend assistance to Republic of China defense of positions and forces on the off-shore islands. We should let both Taipei and Peking know that we will not fight over Quemoy.

So far, 12 Senators have asked to cosponsor the repeal of the Formosa Resolution; the Committee on Foreign Relations will hold hearings on it later this year. I hope that more Senators will join in this congressional move not only to restore congressional participation in any decision committing American forces to a war in the Formosan Straights, but also to help stimulate the long overdue thaw in Sino-American relations. I ask unanimous consent that Senate Joint Resolution 48 be reprinted at this point in the Record and that the names of Senators Inouye, Packwood, McGovern, Moss, Hughes, Hart, Eagleton, Pell, Case, Cranston, Stevenson, and Gravel be added to it as cosponsors.

The PRESIDING OFFICER. Without objection, the joint resolution will be printed in the Record and the names of the Senators mentioned will be added as cosponsors.

S.J. Res. 48

Joint resolution to repeal authorization for the employment of Armed Forces for the protection of Formosa and the Pescadores.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores, and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

Additional Cosponsors

Mr. Inouye, Mr. Packwood, Mr. McGovern. Mr. Moss, Mr. Hughes, Mr. Hart, Mr. Eagleton. Mr. Pell, Mr. Case, Mr. Cranston, Mr. Stevenson and Mr. Gravel.

Mr. CHURCH. I ask unanimous consent that Mr. Jhabvala's article in the Boston Globe of April 21, 1971, and Mr. Barnett's article in the Washington Post of April 25, 1971, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Boston Globe, Apr. 21, 1971]

An Opening to the East

Washington.—President Nixon's decision last week to remove some of the "needless obstacles" to improved trade with China is, indeed, a bold and significant gesture.

And so, a chance has been created for a reopening to the East. So that the momentum would not dwindle into inaction, the next step has to be the political arena and there is no reason why Washington should not take the initiative.

It can begin by repealing the Formosa Resolution, an act that is bound to impress Peking of America's intentions to re-establish friendly relations.

That resolution was adopted by Congress in 1955 and it authorizes the President to use the armed forces of the United States to protect Formosa, the Pescadores and related positions and territories against armed attacks.

A week after the resolution was passed, the Senate gave its advice and consent to the Southeast Asian Treaty and seven days later the President signed the Mutual Security Treaty with the Republic of China.

The explicit purpose of the two agreements and the resolution was to give the executive a free hand in dealing with any Communist Chinese military moves against Taiwan.

But implicitly it sought to create an armed cordon to isolate the mainland.

Those actions may have been justifiable in 1955. But, as Sen. Frank Church pointed out recently, "Conditions have changed since then."

In a speech to the Senate earlier this year, the senator claimed that "the threat of Communist invasion of Formosa has dwindled." He based his assessment on testimony that was offered to the Symington subcommittee by the US ambassador in Taipei, Walter P. McConaughy.

The ambassador said that "over the past five years" the government of the Republic of China "has been more active than the Communist Chinese in conducting low level small scale military actions against the Mainland China for both military and political reasons."

Hints of change in Peking's attitude were also revealed by John Roderick, the Associated Press Correspondent who recently toured the mainland with the American table tennis team.

He said he was given the impression by Communist officials that the question of Taiwan could be resolved without use of force.

The Administration has taken the position that "Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet it."

It stated furthermore that "In the event of a new crisis in the Formosa Straits this Administration would not view the continued existence of the Formosa Resolution as a source of congressional authority."

Sen. Church has pointed out that the repeal would leave intact not only the SEATO Treaty, "but more important in the case of Formosa it leaves intact our Mutual Security Treaty with the Republic of China."

The latter contains an unequivocal promise that an attack on Formosa would be considered dangerous to the US "peace and security."

Sen. Church has offered an appealing rationale for the repeal. "Practically and factually, it is important to recognize the world as it exists in 1971 and not to continue basing our policies on the world of 1955. Politically, it is important that we move toward an opening to the East which hopefully will replace armed confrontation with more normal relationships," he explained.

[From the Washington Post, Apr. 25, 1971]

After Ping-Pong, What?

(By Robert W. Barnett)

What we have heard from the China mainland in the last two weeks, and our own response to it, has revealed a longing, far wider than we might have supposed, for a lighter, more relaxed way of talking about China. We should welcome the relief of ping-pong, but there remains serious business, particularly the issue of Taiwan, and the moment has come for an urgent appraisal of how Washington should respond to the new opportunities for rearranging U.S.-China relations.

The United States must normalize relations between Washington and Peking on a basis that offers promise that both will resolve present and future disputes without resort to war. This is, I believe, a national goal set forth in President Nixon's State of the World Message of 1971, and most Americans applaud it. Here, boldly oversimplified, are the tactics I believe required to achieve that agreed goal:

The United States should remove its military presence on the island of Taiwan, and terminate assistance to the Republic of China's military establishment; it should commence this process without awaiting U.S. troop withdrawal from Vietnam, or completion of the reversion of Okinawa to Japan.

The United States should welcome admission of the People's Republic of China into the United Nations and other international organizations. At the same time, the United States should support Republic of China membership in these organizations. Some will claim that these two aims are contradictory, mutually canceling, but the United States should not take that contention for granted. If it be so, the United States should accept, gracefully, the will of the international community as a whole, expressed in the United

Nations and elsewhere, on the "membership" issue. Nonmembership does not mean extinction. Switzerland, West Germany and South Korea know this.

The United States should continue ambassador-level talks with Peking, and be prepared to proceed towards establishment of normal diplomatic relations with the People's Republic of China, while continuing to recognize the Republic of China on Taiwan as the legitimate government over the area it effectively controls.

The United States should join with both Taipei and Peking in looking to a day when Taiwan will be a province of China, insisting only that timing and terms of arranging that reunification should be decided peacefully by the Chinese people. Meanwhile, the United States should honor the commitments made to the Republic of China in the Mutual Defense Treaty of 1954, and thus help to forestall resort to force by either party in the disputes that Peking and Taipei could have with each other. The United States should, by revoking the Formosa Resolution of 1955, bring to an end dangerous uncertainty as to whether the United States would lend assistance to Republic of China defense of positions and forces on the off-shore islands. We should let both Taipei and Peking know that we will not fight over Quemoy.

Over the coming months we must learn to talk about Taiwan without proprietary interest. We must not act as though it were primarily our affair—belonging to us, if not as a colony, then as our uniquely agonizing moral and strategic dilemma. Also, we cannot act as though it did not exist.

How can we begin to look at Taiwan afresh, more realistically, and in historical perspective? It might help to listen to the men whose voices matter: to Generalissimo Chiang Kai-shek, a towering personality who has earned his place in history, and to Chairman Mao Tse-tung, with his own sense of mission in shaping China's destiny. In all respects, Chiang and Mao reject the wisdom and legitimacy of all that the other believes in and aspires to, with one exception: they both agree that Taiwan is a province of China.

As Taiwan's former colonial masters and as leading trading partners with both Taiwan and mainland China, the Japanese also have a special concern that was recognized in the 1969 Nixon-Sato communique. Japanese newspapers suggest that Japan would like to resolve the Taiwan Strait confrontation by moving toward a One China, One Taiwan situation. Japanese officials are more ambiguous, perhaps fearing that both Peking and Tapei would construe announcement of that preference as a Japanese neocolonial appeal to Formosan nationalism.

Other influential Asian leaders think about Taiwan: Suharto, Marcos, Indira Gandhi, Thanom, Razak and Lee Kwan Yew. For most of them, any practical arrangements for Taiwan that diminished generally the possibility of war and insurgency would be acceptable.

THE TAIWANESE PERSPECTIVE

Chiang Kai-shek lives among people who have mixed and conflicting views about the future of Taiwan. Madame Chiang, for example, speaks year after year about return to the mainland as a practical prospect, with what appears to be total sincerity. The leadership of the Formosan independence movement, largely underground in Taiwan but quite articulate in places like Tokyo, Honk Kong, New York, San Francisco and St. Louis, rejects the notion of "homeland" at all. Senior officers in Chiang's military establishment will embroider plans for defending Taiwan with preparation of targets of opportunity on their "homeland." However, the rank and file of Chiang's military establishment is now largely Taiwan-born and for them such operations would be invasion of a foreign country. These particular anomalies in mainland-Taiwanese attitudes are largely absent in the community of businessmen and bureaucrats, industrialists and farmers who, collectively, have been responsible for the so-called Taiwan success story.

Taiwan's social and economic successes have taken place, astonishingly, during a span of time when Chiang devoted, year after year, around 10 per cent of Taiwan's gross national products to his military establishment. Possibly it is the most highly militarized area of all Asia; still, only Japan and Hong Kong have achieved greater economic development successes over the past decade. It is true that Taiwan has received some $1.7 billion in U.S. economic aid and almost $3 billion of military assistance, but U.S. economic aid ended in 1965 and U.S. military assistance has dropped to very low level.

I must not yield to the temptation to analyze at length the secret of Taiwan's economic achievements: I suspect that part of it is that *Chinese* enterprisers live there. Some intimation of what their achievements have been can be seen in Taiwan's 10 per cent per year growth rate over the past decade. Comfortable reserves, a stable currency, a skilled labor force, intelligent and vigorous managers and submanagers, a generally cooperative bureaucracy, and other features have attracted foreign investors to Taiwan from all over the world.

The real international relationships created by the Taiwanese responsible for these achievements are far-flung, diversified, and becoming less and less ideological. Chinese from Taiwan participate in technical, scientific, and economic meetings everywhere, even in East European Communist countries.

President Nixon's State of the World Message of 1971 states that we will honor our commitments to the Republic of China on Taiwan while trying to normalize our relations with the People's Republic of China. What is striking is that implicit in President Nixon's message is abandonment of the time-encrusted premises which underlay most of U.S. attitudes and policies throughout the 1950s and the 1960s. There is no homogeneous "Communist world" any longer. There is no longer expectation that the Chinese Communist administration on the China mainland is a passing phenomenon. There is no intimation that Chiang's claim of sovereign authority over the Chinese people on the mainland is plausible. Even less, there is no suggestion that Taipei, on the strength of its sturdy tradition of anti-communism, knows better than Washington, for this reason, what is best for the United States to do in rearranging its policies, priorities, and purposes in the Pacific area as a whole.

I am not blind to the fact that some 12 million Taiwan-born Chinese call Chiang a tyrant who subordinates the interests of the majority to the purposes of a willful, wishful handful of discredited exiles; they charge that he does not let them be first-class citizens, and they do not want to return to the mainland, or go anywhere else with him. But these Taiwanese would also view with horror, I think, the prospect of a decision made in Taipei, or somehow by the international community, to subject the population of Taiwan, without its having any participation in the decision, to the Cromwellian authority of Peking.

Knowing this, I still embrace the concept—or, perhaps put more loosely, the ultimate prospect—of One China, as contributing to lasting peace in the Pacific area, because I believe that on Taiwan there is at work a dynamic—now social and economic, and bound later to be political—which will heal and ultimately eliminate present strains between "Formosans" and mainlanders. This evolving community promises, even under present conditions, to have the power to make Taiwan the most modern and vigorous of East Asia's developing countries.

With international approval of Taiwan's right to separate existence—but not as "China—and to choose the moment it wishes to become associated with what I believe will always be at a very deep level of popular consciousness the "homeland" of China Taiwan can help to become, in important ways, pacemaker and catalyst for change in Peking. Itself meeting standards and expectations of the general international community, Peking will then have earned the right to welcome home a lost but willing province into the large system of historic China. This may take many years to be achieved.

On the other hand, international "recognition" in an "independent" Taiwan, is, in my opinion, a way to perpetuate endless and dangerous irredentism, and a way to tempt Japan to throw over Taiwan a protective arm that could provoke Peking to mount a major war. Whatever may be the nomenclature and practical arrangements for keeping Taipei and Peking separate for awhile, these dangers exist. But the separation has different strategic connotations, I believe, if separation is *legal*, or merely *de facto*.

For both the Chinese living on Taiwan, whose present scope for creative enterprise may soon seem to them too small, and for Chinese whose mainland world, one early day, may seem too enclosed, promise of an ultimate One China can give challenging common purpose in differing present endeavors. Taiwan's military "return to the mainland" is an absurdity. However, in cultural and political terms a peaceful "return to the mainland" would be the best hope we have for lasting peace in the Pacific, provided all show—not least the United States—steadiness, compassion and patience, as preparatory changes occur in the separate territories now governed by the Republic of China and the People's Republic of China.

SENATE CONCURRENT RESOLUTION 22—SUBMISSION OF A CONCURRENT RESOLUTION DESIGNATING VOLUNTARY OVERSEAS AID WEEK AND HUMAN DEVELOPMENT MONTH

Mr. HUMPHREY. Mr. President, I submit, for appropriate reference, a concurrent resolution calling upon the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May 1971, as "Human Development Month."

There is profound truth in the well-known statement that "Development is the new word for peace." But I wonder if we really understand that truth as our Nation continues its involvement in the tragedy of war and as the two major world powers are caught up in a nightmarish race in strategic nuclear weapons.

The month of May will provide the American people with opportunities to clearly and constructively demonstrate their commitment to a world peace that means not only the urgently required end to international violence, but also a world peace built on the foundations of freedom, justice, and opportunity for all peoples. For too long, these foundations have been undermined by hunger, illiteracy, disease, and poverty, where populations are denied the right to live in reasonable security, and in an environment of decency and promise. For too many people in America and throughout the world, life continues to mean nothing more than the constant struggle to survive.

Millions of Americans have made a substantial voluntary contribution to the continuing effort to correct this international condition of human injustice. The vital work of American voluntary agencies in overseas relief and development assistance will be recognized in May on the occasion of the 25th anniversary of the Advisory Committee on Voluntary Foreign Aid which has operated to coordinate governmental and private programs in the field of foreign relief. Attached to the Agency for International Development, the Advisory Committee maintains a register of 82 voluntary agencies. In fiscal 1970, commodities and funds sent abroad in support of programs of U.S. voluntary agencies were valued at $467,636,689.

During my previous service in the Senate and as Vice President, I worked to promote voluntarism in humanitarian activities and maintained a close associa- with many of these agencies. These agency activities include training citizens of the host countries in rural and urban development, cooperatives, small industries, basic education and vocational training, health, basic sanitation, nutrition, material-child health, and population control.

But the fact remains that a great deal more needs to be done if a vigorous attack is to be waged on the causes of domestic and international poverty. That is why the International Walk for Development Weekend, May 8–9, 1971, is so important. Sponsored by the American Freedom From Hunger Foundation, in cooperation with Young World Development, this walk will involve the active participation of young and older citizens in more than 300 towns and cities nationwide in a program of public education and contribution solicitation for the continuing war on poverty, both at home and abroad. I strongly endorse this intensive effort to address the critical needs of human development.

Mr. President, I ask unanimous consent that the full text of the resolution be printed at this point in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 22

Whereas the month of May, 1971, marks the 25th Anniversary of the major American voluntary programs of overseas relief and development assistance carried out under the guidance of the Advisory Committee on Voluntary Foreign Aid;

Whereas the International Walk for Development has been organized for the second weekend in May, 1971;

Whereas the American people and their Government have consistently supported the humanitarian work of the voluntary agencies to the end that people throughout the world can be free from hunger, illiteracy, and disease and poverty; and

Whereas these agencies are to be commended for their outstanding work in the area of humanitarian relief and the International Walk for Development for its planned program to focus attention on the tremendous need to continue the work of human and economic development; Now, therefore, be it

Resolved by the Senate (the House concurring), That it is the sense of the Congress that in recognition of the 25th anniversary of the American voluntary foreign aid programs and the International Walk for Development that the President should designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971, as "Human Development Month."

(The remarks of Mr. Humphrey and the ensuing debate when the resolution was agreed to appear later in the Record.)

SENATE CONCURRENT RESOLUTION 23—SUBMISSION OF A CONCURRENT RESOLUTION WITH RESPECT TO MOTOR VEHICLE INSURANCE AND AN ACCIDENT COMPENSATION SYSTEM

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, a concurrent resolution to express the sense of Congress with regard to the importance of adoption by the States of "no-fault" automobile insurance and accident compensation systems; and requesting that the Secretary of Transportation assist and interact with the States with respect to the adoption of such "no-fault" automobile insurance and accident compensation systems, thereafter reporting results to Congress. I ask unanimous consent that the letter of transmittal be printed in the Record along with the text of the concurrent resolution.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution and letter will be printed in the Record.

The concurrent resolution (S. Con. Res. 23), which reads as follows, was referred to the Committee on Commerce:

S. Con. Res 23

Whereas the existing system for compensating motor accident victims results in the unavailability of any benefits to many persons sustaining loss arising out of motor vehicle accidents, including many seriously injured persons and the dependents of many persons killed in such accidents; and

Whereas the existing system's uneven allocation of compensation benefits results in the excessive compensation of many persons sustaining only minor loss, and whereas by contrast many persons with severe and permanently crippling injuries recover only a fraction of their losses in compensation benefits from the system; and

Whereas administration of the system consumes an inordinate amount of resources which might be put to better use in compensating accident victims; and

Whereas the system's benefits tend to be ill-timed and unresponsive to victims' needs both because of long delays in payment and because benefits are predominantly in the form of lump sum payments, and whereas effective rehabilitation of the accident victim tends to be a practical impossibility under the system; and

Whereas the system is supported by, and dependent upon, compulsory insurance or financial responsibility laws which exert varying degrees of compulsion upon motorists to purchase liability insurance without invariably assuring motorists of the availability of automobile insurance; and

Whereas the counterproductive regulatory pressures placed by the system on insurers has led to the development of socially undesirable competition in risk selection accompanied by arbitrary and capricious declinations of insurance, cancellations and refusals of renewal with the consequent growth of a high-risk automobile insurance market serviced in some cases by insurers of questionable financial stability; and

Whereas the system has imposed intolerable burdens on State officials responsible for regulating the rating, underwriting and claims practices of insurers and responding to consumer complaints relating thereto; and

Whereas the system has placed an unreasonable workload on the Federal and State courts which have been forced to devote a disproportionate part of their time and resources to motor vehicle accident civil litigation; and

Whereas the system has resulted in the denial of substantial and equal justice to seriously injured accident victims who are unable to withstand the financial burdens consequent upon long court delays and who are, therefore, forced into inadequate settlements of their claims; and

Whereas the existing liability insurance system renders it impossible rationally to allocate insurance premium costs so as to reflect the ability of a motor vehicle to protect its occupants from serious injury in the event of a crash or to reflect differing costs of repairing motor vehicles; and

Whereas, however, prompted by the Automobile Insurance and Accident Insurance Study mandated by Congress, the Hearings of Congressional committees and the various hearings and studies conducted by many State legislatures, it is now almost universally conceded that there is an imperative need for prompt and far-reaching reform; and

Whereas one State, the Commonwealth of Massachusetts, has taken the lead by enacting the first partial no-fault plan in the country and many of the State legislatures are even now considering far-reaching reforms suited to the needs of their constituencies; and

Whereas the principal problems and abuses with respect to automobile insurance clearly stem from defects in the system for compensating accident victims and from the compulsions upon motorists to obtain the insurance which sustains and upholds that system rather than from defects in the insurance institution or in its regulation by the several States; and

Whereas assumption of the present comprehensive State regulatory authority over automobile insurance by the Federal Government would be fraught with great and grave consequences giving rise to issues and problems of great magnitude, and is highly undesirable; and

Whereas mere speculation without actual observation of experience with a new plan is an inadequate basis for massive, uniform national reform; and

Whereas one State, Massachusetts, has taken an important step toward the principles endorsed herein, and others promise to do so soon so that variants of the plan we endorse will, in the laboratory of the several States, soon be proved and perfected by experience. Now therefore be it

Resolved, That it is the sense of the Congress that the regulation of insurance should, in general, continue with the States, subject to the admonition, however, that Congress cannot, and will not, long ignore the need for evolving new and updated approaches to insurance and accident compensation.

That it is the further sense of the Congress that there must evolve at the State level a rational, equitable and compatible reparation system for motor vehicle accident victims supported and sustained by a similarly rational, equitable and compatible private insurance system, such combined system to be built upon the following principles:

1. Basic benefits should be forthcoming to the injured person on a first-party, contractual basis to the end that such person would be receiving benefits from the insurer with whom he has contracted and to whom he has

paid his premiums and to the further end that competition among insurers would take the form of competition to provide prompter and more effective compensation for the premium payer.

2. Basic benefits under the reparations system should be payable to all accident victims without regard to fault, excluding, of course, those who willfully injure themselves.

3. Such benefits should provide compensation for all economic loss, subject to reasonable deductible and limits, and the tort lawsuit should be eliminated, at least *pro tanto,* avoiding the adversary process for the mass of accidents.

4. The function of the reparations system should be to afford adequate, but not excessive, compensation to the accident victim at minimum cost. Therefore, the benefits obtainable by the accident victim from other benefit sources should be coordinated and meshed with those obtainable from the automobile accident reparations system with a view toward internalizing automobile accident loss costs by making automobile insurance the primary benefit source whenever feasible.

5. Maximum choice should be afforded the motorist in selecting his insurance source provided the coverage complies with the principles for the required minimum mandatory coverage.

6. Rehabilitation, avocational as well as vocational, should be a primary function and objective of the compensation system.

That it is the further sense of the Congress that the Secretary of Transportation be authorized and directed to request that the Council of State Governments, using the appropriate instrumentalities, develop model legislation for submission to the States for their consideration. The Secretary is further authorized and directed to analyze the actions of the States, their legislatures and insurance regulatory officials to determine to what extent such States act hereafter to bring about motor vehicle insurance and accident compensation systems consistent with the intent of this resolution; to provide technical assistance to and interact with such States, their legislatures and insurance regulatory officials in effecting in all the States compensation systems consistent with such principles, and to report such progress as has been made, or is being made, in effecting such compensation systems, with a final report to be made by the Secretary not later than 25 months hereafter detailing the action taken by each State in moving toward or providing an automobile accident compensation system consistent with these principles; the experience of the States with these systems; and, concluding with the Secretary's views regarding the feasibility of attaining a satisfactory and compatible motor vehicle accident reparations system without further Federal legislation.

The letter submitted by Mr. Magnuson follows:

The Secretary of Transportation,
Washington, D.C., March 18, 1971.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed concurrent resolution expressing the sense of the Congress with respect to motor vehicle insurance and an accident compensation system.

In May 1968, the Congress enacted a joint resolution (P.L. 90–313), authorizing the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses. It also required the Secretary to submit a final report containing a detailed statement of his findings, conclusions, and recommendations based on this study and permitted him to propose whatever legislation or other action he considers necessary to carry out such recommendations.

This study has been made, and the report has been submitted today to the Congress and the President. It expresses our best judgment as of this point in time as to the kind of reform in our reparations system which holds the most promise for meeting the needs of all our citizens. Suffice it to say that the present system needs change badly and needs it now.

We recommend that after the Congress has had the opportunity to review the report and consider the views of other interested parties, it consider enacting a concurrent resolution similar to the proposed resolution submitted herewith. The proposed resolution sets forth the "principles" of a reparations system toward which we believe the individual States should strive, and states the intent of the Congress and the Executive to review the States' progress toward these goals over a reasonable period of time. We further propose that after analyzing the experience of the States under new systems, recognizing these suggested "principles", there should be a reexamination of the whole question of auto accident compensation reform and of the need or desirability of any further Federal action.

We have been advised by the Office of Management and Budget that enactment of this concurrent resolution would be consistent with the program of the President.

Sincerely,

John Volpe.

SENATE CONCURRENT RESOLUTION 24—SUBMISSION OF A CONCURRENT RESOLUTION PERTAINING TO PARITY OF FARM PRICES

Mr. HUMPHREY. Mr. President, I submit, on behalf of myself and Mr. Burdick, for appropriate reference, a concurrent resolution stating the sense of Congress that to enable farmers to receive parity prices for their products, the Senate Agriculture and Forestry Committee and the House Agriculture Committee should conduct investigations of the implementation of existing law relating to the determination of the parity price and ratio for commodities, and of whether the ratio statistic recently employed by the U.S. Department of Agriculture discriminates against farmers in their effort to improve economic conditions on farms of the Nation. An identical resolution is to be introduced in the House by Representative Graham Purcell of Texas.

By January of this year farm income had dropped to 67 percent of the fair-price parity formula—the lowest level since the depths of the depression in 1933. I have been deeply concerned about what appears to be a disguise of this decline in farm income through the employment by the administration of a ratio calculation, utilizing a 1967 base period and reflecting the ratio of the index of prices received by farmers to the index of prices paid, interest, taxes, and wage rates. By contrast, the formula applied under Federal statute utilizes a 1910–14 base period, a time during which farm prices and costs were considered to be in balance. The administration's new ratio formula constituted a paper increase in the January parity index of 23 points.

But our farmers have not been deceived. The fact remains that American farmers are suffering from an economic depression, unparalleled since the days of Herbert Hoover. They need help now; not new formulas, but better prices. To this end, Congress must assure that a useful indicator of farm prices and costs is employed and clearly identified in USDA reports, to promote the effective implementation of Federal support of farm product prices.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed at this point in the Record.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The concurrent resolution (S. Con. Res. 24), which reads as follows, was referred to the Committee on Agriculture and Forestry:

S. Con. Res. 24

Whereas, under the present Administration prices received by farmers for their products have consistently averaged below 75 per centum of parity, costs of farm production have steadily increased, and the resulting cost-price squeeze has been accompanied by a severe loss of farms and farm population; and

Whereas, the Congress of the United States has declared it to be a national objective that marketing conditions for agricultural products be such as to enable farmers to receive parity prices for their products; and

Whereas, Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended by Section 302 of the Agricultural Act of 1948, states that the powers conferred upon the Secretary of Agriculture are to be exercised to "establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish, as the prices to farmers, parity prices as defined in the Agricultural Adjustment Act of 1938;" and

Whereas, the USDA, at the urging of the Office of Management and Budget and without legislative approval, is attempting to obscure the true level of the parity ratio, by publishing a statistic called Ratio, which is based on a 1967 level and reflects the ratio of the index of prices received by farmers to the index of prices paid, interest, taxes and wage rates; Now, therefore, be it

Resolved, That it is the sense of Congress that investigations be conducted by the Senate Agriculture and Forestry Committee and by the House Agriculture Committee, the purposes of which shall be (1) to determine whether the provisions of existing law as related to the determination of the parity price for any commodity and the parity ratio, are being implemented, and (2) to determine whether the new basis of calculating and reporting the new ratio discriminates against farmers in their effort to improve economic conditions on farms of the nation and (3) to examine the provisions of existing law relating to the goal of parity for our farmers and to determine whether such provisions maintain fair and equitable standards for calculating parity prices and indexes.

ECONOMIC STABILIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 62

Mr. PACKWOOD. Mr. President, I am today submitting an amendment which I regard as the single most significant way in which Congress can demonstrate to the American people whether or not it wants to reassert its historic constitutional role as a coequal branch of Government.

For a number of years, we have seen many Members of Congress criticize the handling of foreign policy by the President. Many of these same Members have insisted that Congress must reassert itself as a vital force in the determination of American foreign policy. At the very same time, however, that these Members have insisted on congressional reassertion of foreign policy power, they have also been willing, unfortunately, with the acquiescence of the majority of the rest of Congress, to give to the President substantial control over our domestic economy.

On August 15, 1970, Congress gave sweeping powers to the President to implement wage and price controls. Since then, the Congress collectively and individually has grumbled and second guessed the President on what should or should not be done about the economy in general and wage and price controls specifically. Some urged that he enact wage and price controls. Others urged that he not. But what was never mentioned was the fact that the imposition of wage and price controls is the single most important economic action that could be taken at anytime by either a President or Congress. The decision to exercise such broad powers, which have such a fundamental effect on the operation of the American economy, should be made by Congress. It is time that Congress quit delegating power to the President and then criticizing the President for his actions or lack of them. It is time for Congress to make the decisions at the time they have to be made and not second guess the President after he has made them. I am therefore offering an amendment to House bill 4246 which will be considered Monday. This amendment will prohibit the President from exercising general wage and price controls until Congress by current resolution authorizes him to do so.

Mr. President, in conclusion, let me put it simply: If Congress wants the general imposition of wage and price controls it is a decision which Congress itself should have the courage to make.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966—AMENDMENT

AMENDMENT NO. 63

Mr. MAGNUSON. Mr. President, today I offer an amendment to S. 976, the "Motor Vehicle Information and Cost Savings Act," on behalf of Senator Hart and myself, which would prohibit the disconnecting or turning back of odometers with the intent to defraud purchasers of motor vehicles.

I am introducing this amendment so that interested parties may be informed of its contents and be given the opportunity of testifying on this amendment at the hearings before the Senate Commerce Committee during the week of May 3 and May 10.

It is a well established fact that consumers buying a car rely heavily upon the odometer reading to determine its fair value as well as to evaluate the likely safety characteristics of a car based upon its apparent use. Yet, today more than 1 million cars yearly are sold which have had odometers turned back to show mileage much lower than the mileage those cars have actually been driven.

Presently some 17 States have enacted legislation to curb this practice. However, States without such legislation have found this practice on the increase, especially when a neighboring State has an odometer law. This results in the practice of odometers being turned back in States without odometer laws and being subsequently marketed for inflated values in States with such laws. Thus, State odometer laws are easily circumvented and people in a State with such a law suffer because of this practice.

Federal legislation at this time would establish a uniform and equitable solution to this problem. It should be emphasized that this amendment would not preempt any State odometer law unless the State law is inconsistent with the proposed Federal law.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 63) was referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the text of this amendment and a brief analysis of its provisions and other explanatory materials be printed at this point in the Record.

There being no objection, the amendment and analysis were ordered to be printed in the Record, as follows:

AMENDMENT NO. 63

On page 19, following line 15, insert the following:

VI—Odometer Requirements

Sec. 601. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining the safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this bill to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

Sec. 602. As used in this title—

(1) "person" means any individual, a sole proprietorship, partnership, corporation, or business trust;

(2) "motor vehicle" means any vehicle driven or drawn by mechanical power for use on the public streets, roads and highways;

(3) "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation;

(4) "repair and replacement" means to restore to a sound working condition by replacing the instrument or any part thereof or by correcting what is inoperative;

(5) "transfer" means to acquire ownership by purchase, gift, bequest or any other means.

Sec. 603. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes the odometer to register any mileage other than the true mileage driven. For the purpose of this section the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

Sec. 604. It is unlawful for any person or his agent to disconnect, reset or alter the odometer of any motor vehicle with the intent to reduce the number of miles indicated thereon.

Sec. 605. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

Sec. 606. No person shall conspire with any other person to evade the intent and purpose of this Act.

Sec. 607. Nothing in this Act shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before said service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal of such notice so affixed shall be unlawful.

Sec. 608. It shall be unlawful for any person to transfer ownership of a motor vehicle unless such person:

(1) enters on a form prescribed by the Secretary of Transportation or as prescribed by state law the mileage said motor vehicle has been operated. Said form as completed shall then be attached to the instrument evidencing transfer of ownership; or

(2) enters upon such form "true mileage unknown" in the event that the odometer mileage is known to such person to be less than such motor vehicle has actually traveled; or

(3) enter the total cumulative mileage on the form in the event that it is known that the mileage indicated on the odometer is beyond its designated mechanical limits.

It shall be a violation of this Act for any person to give a false statement to a transferee under the provisions of this section provided, however, that no person shall be in violation of this Act where a vehicle has been resold in reliance on the required statement of the prior owner made pursuant to this section.

Sec. 609. "Any person who, with intent to defraud, violates any requirement imposed under this Act shall be liable in an amount equal to the sum of

"(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

"(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court."

Sec. 610. An action to enforce any liability created under this Act may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

Sec. 611. This Act does not annul, alter, affect, or exempt any person subject to the provisions of this Act from complying with the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, except to the extent that those laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

Sec. 612. This Act shall take effect ninety calendar days following the date on which this Act is approved.

ANALYSIS OF THE PROPOSED FEDERAL ODOMETER LEGISLATION

Prior to drafting this proposed odometer legislation, NADA's Legal Department reviewed all state odometer statutes, amendments and pending bills. A list of states with such enacted laws is attached hereto.

Many states have excellent odometer laws enacted. Thus, in NADA's attempt to establish uniformity in this area, several of the states' provisions have been incorporated into this draft.

The following section by section analysis will explain the intent and effect of this draft.

Section 100—sets forth the Congressional findings that purchasers rely on the odometer reading as an index of the condition, value, safety and reliability of the motor vehicle; and are entitled to rely on that odometer reading as an accurate indication of the miles traveled by the motor vehicle.

In light of these findings, the purpose of this bill is to prohibit any acts which result in the disconnecting, tampering with, or turning back of odometers with the intent to defraud.

Section 101—sets forth definitions for key words as used in the proposed bill.

Section 102—is aimed at eliminating the practice of selling, or advertising for sale, using or installing devices which change the actual mileage registered on an odometer.

Section 103—is aimed at eliminating the practice of disconnecting, or tampering with, in any way the odometer with the intention of reducing the actual mileage registered on that odometer.

Section 104—is aimed at eliminating the practice of operating a motor vehicle on any public roadway knowing that the odometer is disconnected or inoperative with the intent to defraud.

Section 105—eliminates conspiracies established to evade the intent and purpose of the Act through the use of authorized agents.

Section 106—maintains the right of any person to have an odometer serviced, repaired, or replaced so long as the mileage of that odometer remains the same. If this cannot be accomplished, the odometer should register zero and a written notice should be attached to the left door frame of the vehicle by the owner or his agent. This notice must specify the mileage prior to the actual repair or replacement of the odometer as well as the date on which it was repaired or replaced.

Section 107—sets forth the basis upon which a person can transfer a motor vehicle by complying with one of the following provisions:

(1) by entering upon the appropriate form the mileage of the vehicle as it appears on the odometer at the time of transfer;

(2) by entering "true mileage unknown" on the appropriate statement if the odometer mileage is known to be less than the motor vehicle actually traveled;

(3) by stating the total cumulative mileage on the proper statement in the event that the odometer has traveled beyond its designated mechanical limits.

This section further sets forth the fact that if any person gives a false statement under the provisions of this section, such person shall be in violation of this Act. However, if such statement was given in reliance on the required statement of the prior owner which was made pursuant to this Act, then such person will be exempt from prosecution under this Act.

Section 108—sets forth the penalties for violating any of the provisions of this Act.

Section 109—sets forth the area of proper jurisdiction as well as the time element limiting one's right to bring a cause of action accruing under the provisions of this Act.

Section 110—sets forth the standard Federal preemption provision which allows Federal law to prevail where any State law is inconsistent with the provisions of this Act.

Section 111—sets forth the time period in which this Act would become law.

(This form, which is presently used in New York, would be presented to the Secretary of Transportation as the suggested form to accompany the bill.)

USED CAR ODOMETER MILEAGE STATEMENT

(Required by Sec. 392–e, General Business Law)

Make
Body Type
Year
Model
Color(s)
Number of Cylinders
Vehicle Identification Number
Last Plate Number

The mileage appearing on the odometer of the motor vehicle described above at the time of transfer to ——— was as follows:

1. ——— miles.
2. ——— total cumulative miles (if over 100,000).
3. ( ) True Mileage Unknown.

(Seller's name: Please print) ____________
(Seller's address) ______________________
(Seller's signature) _____________________
(Signature of witness) ___________________
Date of this Statement___________________

STATES WITH ODOMETER LEGISLATION AS OF FEBRUARY 22, 1971

State, Date Enacted, and Copy

1. California, August 12, 1969; copy on file.
2. Connecticut, January 28, 1969; copy on file.
3. Delaware, copy on file.
4. Florida, January 1, 1971; copy on file.
5. Hawaii, May 13, 1969; none.
6. Kansas, July 1, 1969; copy on file.
7. Kentucky, July 15, 1963; copy on file.
8. Maryland, April 19, 1970; copy on file.
9. Massachusetts, October 30, 1966; copy on file.
10. Michigan, July 23, 1970; copy on file.
11. New Jersey, 1957; copy on file.
12. New York, April 16, 1969; copy on file.
13. Oregon, June 10, 1969; copy on file.
14. Rhode Island, April 6, 1969; none.
15. Washington, June 12, 1969; copy on file.
16. Wisconsin, 1939 (amended 1953); none.
17. Vermont, March 19, 1970; copy on file.

PROPOSED STATE ODOMETER LEGISLATION

(State, status, and copy)

1. Arizona, introduced January 4, 1971; copy on file.
2. Colorado, to be introduced January 1971; copy on file.
3. Iowa, introduced February 10, 1971; copy on file.
4. Montana, introduced January 4, 1971; copy on file.
5. Utah, introduced February 19, 1969: copy on file.

PENALTY PRESCRIBED BY STATE LAWS

1. Arizona (B)—misdemeanor.
2. Connecticut (L)—misdemeanor—first offense $10 to $50; second offense $50 to $100—30 days.
3. Delaware (L)—misdemeanor—$100 to $300 each offense.
4. Florida (L)—misdemeanor—$1,000 or 6 months or both.
5. Kansas (L)—conviction leads to $1,000 or 6 months or both.
6. Kentucky (L)—$100 to $500 per offense.
7. Maryland (L)—misdemeanor—$500 or 6 months or both.
8. Massachusetts (L)—misdemeanor—$100 fine.
9. Michigan (L)—misdemeanor.
10. Montana (B)—misdemeanor.
11. New Jersey (L)—misdemeanor—$100 each offense.
12. Ohio (B)—misdemeanor—$500 or 6 months or both.
13. Oregon (L)—misdemeanor.
14. Vermont (L)—misdemeanor—first offense $100 or 6 months or both; second offense $500 or 3 years or both.
15. Washington State (L)—Plaintiff recovers court costs and attorney's fees upon showing tampering with odometers.

(B) Proposed bill.
(L) Enacted law.

MILITARY SELECTIVE SERVICE SYSTEM ACT OF 1967—AMENDMENT

AMENDMENT NO. 64

NO DRAFTEES IN COMBAT

Mr. NELSON. Mr. President, I submit today an amendment to prohibit the assignment of draftees to combat in Southeast Asia.

The worst of the burden of the Indochina war has been borne by draftees. At the end of 1970, the latest available tabulation, draftees comprised 31 percent of the Army's enlisted ranks worldwide and 37 percent of the Army's enlisted ranks in Vietnam. But during 1970 they accounted for 57 percent of the combat deaths and 57 percent of the wounded within the Army enlisted ranks in Vietnam.

In our draft and enlistment procedures there is a process of natural selection which pushes the draftee toward the hazardous job of combat soldier in Vietnam. First, throughout the war the draft has been used to supply manpower primarily for the Army. Currently all draftees go into the Army. Second, within the Army, those who voluntarily enlist for 3 years may select a special training program and occupation, for example, being a mechanic or an electronics technician. Few volunteer for what the Army calls the "combat arms"—armor, infantry, and artillery. As a result, these combat arms assignments are filled mostly with draftees plus men who voluntarily enlisted, generally for 2 years, but who chose no training specialty. Some 60 percent of Army casualties in Vietnam are in these combat arms branches. About 67 percent of the Army's combat infantrymen are draftees.

I have opposed the Indochina war throughout. In recent years what once was a small minority of opinion against deepening involvement in the war has become national policy. The policy of withdrawal has been accepted. The issues have been how this will be done and how fast.

In this context, in a war from which we are withdrawing, we have no moral right to draft young men to fight and perhaps die in Indochina. It would be best to get out of Indochina right now. To this end, I have supported the Vietnam Disengagement Act of 1971, which calls for withdrawal of U.S. forces by December 31, 1971.

But if the Congress does not vote to end the war that soon, at least we can take the step I am proposing. There is no moral justification for continuing to compel combat service in a war that has been rejected by the Nation, while the politicians flounder around seeking a face-saving pretext to step out. No young man should be required to risk his life to "save face" for the political leaders who blundered into this mistaken war in the first place. I would not ask my son or any other young man to risk his life for such a flimsy cause.

Because it will take some time to readjust U.S. forces to such a new policy, I have made the effective date of this amendment December 31, 1971, the same date as the McGovern-Hatfield disengagement bill. I am well aware that the Army would have to solve a number of manpower planning problems to put this amendment into practical effect. Indeed objections are already made by the Pentagon that it cannot be done in the near future. I submit that it can be done, given a national policy directive to do so. It is also clear that questions of interpretation as to what is a "combat role" could arise under this amendment in a war like that in Vietnam. But a good faith compliance with the intent of the amendment can certainly be made.

Congress, in the months ahead, will be considering both the war and the draft. They are closely linked, and many including myself strongly wish we could immediately end both. If we can, fine. If not, then this amendment will remove one of the major injustices involved in both the war and the draft.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 64) was referred to the Committee on Armed Services.

NOTICE OF HEARINGS BY SENATE SUBCOMMITTEE ON REORGANIZATION PLAN NO. 1 OF 1971

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent to insert in the RECORD a statement with respect to hearings on Reorganization Plan No. 1 of 1971.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RIBICOFF

Mr. President, the Senate Subcommittee on Executive Reorganization and Government Research of the Committee on Government Operations will hold hearings on Reorganization Plan No. 1 of 1971, which would consolidate various voluntary action programs into one agency called "Action." The hearings will be held next Wednesday and Thursday, May 5 and 6 at 10:00 a.m. in Room 3302 of the New Senate Office Building. The hearings will be open.

NOTICE OF HEARINGS ON S. 1229 AND H.R. 5765—COMMISSION ON THE ORGANIZATION OF THE DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, I wish to announce that the Committee on the District of Columbia will hold public hearings on S. 1229 and H.R. 5765, to extend for 6 months the life of the so-called Little Hoover Commission, on Tuesday, May 11, 1971, at 9:30 a.m., in the Committee Hearing Room, 6226 New Senate Office Building. Anyone wishing to testify at this hearing should notify the committee office.

POSTPONEMENT OF HEARINGS OF JUDICIARY COMMITTEE

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent to have printed in the RECORD a notice of postponement of hearings.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

POSTPONEMENT OF HEARINGS

The hearings originally scheduled to commence at 10:30 A.M., Wednesday, May 5 before the Internal Security Subcommittee, have been postponed to 10:30 A.M., Tuesday, May 11. The Subcommittee will hear witnesses on the six bills introduced by the Chairman of the Judiciary Committee, Senator James O. Eastland, and dealing with various aspects of Internal Security matters.

These bills are, respectively:

S. 1499. A bill to amend title 18, United States Code, with respect to certain offenses against the security of the United States;

S. 1500. A bill to amend the Immigration and Nationality Act, and for other purposes;

S. 1501. A bill to amend titles 18 and 28, United States Code, with respect to proceedings before committees of the Congress, and for other purposes;

S. 1502. A bill to amend the Internal Security Act of 1950, and for other purposes;

S. 1503. A bill to amend the Foreign Agents Registration Act of 1938; and

S. 1504. A bill to provide for the internal security of the United States Government, and for other purposes.

The hearings will continue from day to day as the convenience of the Subcommittee permits until all those wishing to testify have been heard. A witness may desire to submit a statement on any one or more of these six bills at the time of his appearance before the Subcommittee; but a separate record with respect to the testimony on each bill will be maintained.

All those desiring to testify should communicate with the Chief Counsel of the Subcommittee at Room 3234 New Senate Office Building. The attention of prospective witnesses is called to the Rule of the Committee requiring that any witness desiring to read a prepared or written statement should file a copy of such statement with the Counsel or Chairman of the Subcommittee twenty-four hours in advance of the hearing at which the statement is to be presented.

"MAY DAY" DEMONSTRATORS

Mr. BYRD of West Virginia. Mr. President, I would like to comment briefly on the events of recent days as they relate to the so-called May Day protesters. The remarks which follow are in no way intended to apply to any person or persons who have engaged in legitimate dissent; they are meant to apply only to those persons who have taken part in deliberately disruptive activities.

On Monday, a number of these individuals visited the Senate. Many of them behaved in a manner which was crude, disrespectful, and unlawful. This should not surprise us, inasmuch as their leaders have been saying for some time that their avowed purpose is to "stop the Government." Rennie Davis, for example, has said that, if the Government does not stop the war, then his followers will stop the Government.

Mr. President, as a result of this group's activities here on Monday, the police made 31 arrests. These have included destroying Federal property, destroying private property, unlawful entry, and violations of Public Law 570, which includes disruptions of Congress by a variety of means. It seems to me that there is no doubt as to the unlawful intent of these demonstrators. Their pronouncements and their literature are replete with references to such an intent. The May Day tactical manual—a handbook for disrupting the Government—specifically outlines a program for forcing Congress to remain in session until it ratifies the so-called People's Peace Treaty.

In view of these facts, I hope the U.S. attorney for the District of Columbia will prosecute those arrested to the full extent of the law. Yesterday, I sent a telegram to the U.S. attorney, urging that that be done.

Throwing paint, destroying property, forcing one's way into an office and frightening and intimidating employees at their work cannot, in my opinion, be classified as nonviolent acts. Willfully disrupting and harassing Congress as it conducts its business is a serious matter and should be dealt with as a serious matter.

Mr. President, I know that the police are charging violators under the appropriate statutes which reflect the gravity of the offenses I have described. I just hope that the Government prosecutors do not in this instance—as they have done in the past—reduce the charges.

I also hope that judges, themselves, will act accordingly. If these individuals end up being charged with disorderly conduct, and allowed to forfeit nominal collateral, they will have made a mockery of Congress. I, for one, want them prosecuted as charged, and I hope the Government will spare no effort in obtaining their convictions.

There has been some talk that new statutes are needed to deal with the type of protests to which I have referred here. There are sufficient laws already on the books. What is needed now is the will to enforce those laws and the penalties they carry—a fine not exceeding $500, or imprisonment not exceeding 6 months, or both. And I think the punishment ought to be both.

What is really involved here—especially in the long run—is the ability of the legislative branch to openly and freely conduct the people's business and to be protected from interference of that function.

Mr. President, I ask unanimous consent to have printed in the RECORD section 9-123(a) and (b)—"unlawful conduct on Capitol Grounds or in buildings"—of title IX of the District of Columbia Code, and also, that there be printed in the RECORD section 9-125, "prosecution and punishment of offenses," together with a copy of a telegram which I sent yesterday to the U.S. attorney of the District of Columbia, and an April 15 news ticker story that thousands of antiwar demonstrators plan to occupy the Halls of Congress and stay in the Nation's Capital until the war is ended.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 9-118b, 9-125.

§ 9–123. Unlawful conduct on Capitol Grounds or in buildings.

(a) It shall be unlawful for any person or group of persons—

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosives or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

(b) It shall be unlawful for any person or group of persons willfully and knowingly—

(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

§ 9–125. Prosecution and punishment of offenses—General laws not superseded.

(a) Any violation of section 9–123(a), and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both.

(b) Any violation of sections 9–119 to 9–122, 9–123(b) and 9–124, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding $500, or imprisonment not exceeding six months, or both.

(c) Violations of this Act, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of this Act. Where the conduct violating this Act also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 9–123(a) or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of this Act may be in the Superior Court of the District of Columbia. Whenever any person is convicted of a violation of this Act and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be imposed for such violation is the highest penalty authorized by any of the laws for violation of which the defendant is convicted. (July 31, 1946, 60 Stat. 719, ch. 707, § 8; July 8, 1963, Pub. L. 88–60, § 1, 77 Stat. 77; Oct. 20, 1967, Pub. L. 90–108, § 1(c), 81 Stat. 277; July 29, 1970, Pub. L. 91–358, title I, § 155(a), 84 Stat. 570.)

April 28, 1971.

Hon. Thomas A. Flannery,
U.S. Attorney,
U.S. Courthouse,
Washington, D.C.

On Monday, 26 April, 31 individuals were arrested on the Senate side of the Capitol charged with disrupting the work of the Congress by various means. It is my understanding that in each of these instances the defendants were charged under the appropriate provisions of the statutes relating to the protection of the Capitol grounds and buildings.

I hope that you will direct your assistants to prosecute these cases to the fullest extent of the law and to avoid reducing the charges to disorderly conduct or some other lesser offense unless such reduction can be shown to be justified beyond any question.

I intend to speak to this matter on the Floor of the Senate on Thursday, and I request of you a report on each of these cases and its ultimate disposition.

Robert C. Byrd,
U.S. Senator.

Durham, N.H.—Antiwar leader Rennie Davis says thousands of demonstrators planning to march on Washington May 1 will occupy the Halls of Congress and stay in the Nation's Capital "until the war is ended."

"If the Government of the United States does not stop the war in Vietnam, we will stop the Government of the United States," Davis told students at the University of New Hampshire yesterday.

"We are going to Washington with 8,000 Vietnam veterans, surrounding Congress, going into the halls on simulated search and destroy missions," he said.

"This time we are going to stay. And stay. And stay until the war is ended."

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAR CUTTING ON FOREST LANDS

Mr. PACKWOOD. Mr. President, we have recently seen a substantial impact on both the private and public sectors concerning the issue of the clear cutting of forests on national timberland.

I ask unanimous consent to have printed in the Record an editorial entitled "Legal Clear-Cut Ban?" published in the Medford Mail Tribune of April 19, 1971, which I think puts the issue of clear cutting in the best perspective possible.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Legal Clear-Cut Ban?

Despite the prettied-up pictures published by some of the forest products industry giants, a clear-cut is not a thing of beauty and a joy forever.

No one will ever convince us that a clear-cut, with the great forest giants and their small brothers all gone and the ground bare and charred, is more to be desired, from a visual and recreational standpoint, than the forest that originally stood there.

There is a movement in Congress to ban by law the use of clear-cutting as a method of timber harvest. But, despite the sentiments expressed above, we think it is wrong-headed and inappropriate legislation, and should be shelved.

The fact is that clear-cutting is a tool of forest management that in some places and at some times is the proper one. This is true in the Douglas fir rain-forests along the coast and in some cases on the western slopes of the Cascades.

These are even-aged stands of trees, and they are trees that, in the climate in question, do best when the seedlings are not shaded by other trees. In these limited situations, clear-cutting is the most efficient method of harvest, as well as the one that provides the optimum conditions for regeneration.

At the same time, long years of experience have shown increasingly that real care and sensitivity must be used by professional foresters in selecting the method for harvest.

Here in southern Oregon, for instance, both the Forest Service and the Bureau of Land Management (as well as some private timber companies) have come to the conclusion that clear-cutting is not the best way in most cases. Something less than 10 per cent of current harvests in this area are now clear-cuts, and this may, and probably should, decline even more.

This area is classed as semiarid, and it has hot summers. It has mixed standards of trees, with a variety of species and ages. In such conditions, selective cutting is the method of choice. Properly done, it also looks a whale of a lot better than clear-cutting, to. Regeneration of clear-cuts in southern Oregon has proven to be extremely difficult.

The point of all this is that determination of what method to use is, and should be, a professional one, based on knowledge and experience, and on the factors on the ground.

It is not a proper subject for all-embracing prohibitory legislation, and we think the proposed measure should be defeated.

At the same time, we're glad to see the national discussion and criticism of clear cutting, for, while it is appropriate in some situations, it may be that it is inappropriate in many more situations than some gung-ho foresters and loggers would have us believe.

We have a high degree of respect for professional foresters, and the best of them will tell you honestly that a lot remains to be learned about the best way to harvest and to grow trees.

Although clear-cutting should not be banned by law, it should be used sparingly, and when it is used, the burden of proof that it is appropriate should be borne by those who advocate its use.

Someone would have to be awfully persuasive to convince us that those ugly clear-cuts on the mountains to the south of Medford were necessary, proper or desirable, for any reason.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MONTOYA ON THURSDAY, MAY 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Thursday next, May 6, 1971, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, MAY 3, 1971

Mr. MANSFIELD. Mr. President, after looking at the calendar and finding out that with the disposal of the bill which will soon be pending before the Senate, the calendar will again be clear so far as items are concerned: I ask unanimous consent, at this time, that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to adjourn until 12 noon tomorrow.)

ADDITIONAL STATEMENTS

DAV DAY IN CONGRESS REPRINTS

Mr. HUMPHREY. Mr. President, it is my intention to have reprints made of the remarks made in the Senate relating to DAV Day in Congress. If any Senator objects to the reprinting of his remarks in booklet form, please contact my office or the CONGRESSIONAL RECORD clerk in the Capitol within 5 days. I make this statement in accordance with the rules of the Joint Committee on Printing with regard to reprinting the remarks of other Senators.

RECENT EVENTS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I recently received a letter from a physician who worked in East Pakistan under USAID. He gives a good account of the recent events in East Pakistan. As you know, I objected last year to the sale of $15,000,000 worth of military equipment to Pakistan because I feared the tragic consequences of this action. I have just cosponsored Senate Concurrent Resolution 21 which urges the suspension of our military assistance to Pakistan until the conflict is resolved.

I ask unanimous consent to have printed in the RECORD the letter from Dr. John E. Rohde because I feel that Senators should have the benefit of his insight.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HUDSON, OHIO,
April 17, 1971.

Hon. WILLIAM B. SAXBE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SAXBE: Two days ago my wife and I were evacuated from Dacca, East Pakistan where I have been posted for the past three years as a physician under USAID. I am certain that you are aware of the political events preceding the army crackdown on March 25th. As a result of complete censorship and the expulsion of journalists, banning of the major political party in Pakistan, and repressed information about the military campaign against the civilians of East Pakistan, it must have been difficult to obtain a clear picture of events since that date. From the outset of the army action, the American Consul General and his staff in Dacca, have continued to send detailed factual accounts enumerating first hand reports of the situation. These reports have been carefully collected and verified before transmission to the State Department. Publicly the State Department claims they do not have enough facts; but I have seen the factual reports sent daily from Dacca. The American Consul in Karachi stated to me that they only recently began to receive the accounts about the situation in East Pakistan, when the Consulate in Dacca has been transmitting information from the very start of the action.

Although Consul Blood's reports contain a more detailed account of the current situation, I wish to bring to your attention the observations I have made in the past weeks in Dacca. My wife and I watched from our roof the night of March 25th as tanks rolled out of the Cantonment illuminated by the flares and the red glow of fires as the city was shelled by artillery, and mortars were fired into crowded slums and bazaars. After two days of loud explosions and the continual chatter of machine guns, we took advantage of a break in the curfew to drive through the city. Driving past streams of refugees, we saw burned out shacks of families living by the railroad tracks, coming from Gulshan to Mohakhali crossing. A Bengali friend living close by had watched the army set fire to the hovels, and as the families ran out, he saw them shot down "like dogs." He accepted our offer to take him and his family of twelve into our home. In the old city we walked through the remains of Nayer Bazaar, where Moslem and Hindu wood cutters had worked, now only a tangle of iron, and sheet and smouldering ruins. The Hindu shopkeepers and craftsmen still alive in the bombed ruins of Shankari Bazaar, begged me to help them only hours after the army had moved in with the intention to kill all inhabitants. One man had been shot in the abdomen and killed only one half hour before we arrived. Others were lying in the streets rotting. The day before we were evacuated, I saw Moslem names in Urdu, on the remains of houses in Shankari Bazaar, previously a totally Hindu area. On the 29th we stood at Ramna Kali Bari, an ancient Hindu village of about two hundred fifty people in the center of Dacca Ramna Race Course, and witnessed the stacks of machine-gunned, burning remains of men, women and children butchered in the early morning hours of March 29th. I photographed the scene hours later.

Sadarghat, Shakaripatti, Rayerbazaar, Nayer Bazaar, Pailpara, and Thataribazaar are a few of the places where the homes of thousands are razed to the ground.

At the University area on the 29th, we walked through Jagannath Hall and Iqbal Hall, two of the student dormitories at Dacca University shelled by army tanks. All inmates were slaughtered. We saw the breach in the wall where the tank broke through, the tank tracks and the mass grave in front of the hall. A man who was forced to drag the bodies outside, counted one hundred three of the Hindu students buried there. Outside were the massive holes in the walls of the dormitory, while inside were the smoking remains of the rooms and the heavily blood-stained floors. We also saw evidence of tank attack at Iqbal Hall where bodies were still unburied.

The two ensuing weeks have documented the planned killing of much of the intellectual community, including the majority of professors of Dacca University. These include: Professor G. C. Dev, Head of the Philosophy Department; Professor Maniruzzaman, Head of the Department of Statistics; Professor Jotirmoy Guhathakurta, Head of the English Department; Dr. Naqvi, and Dr. Ali, Head of the Department of History. Professor Innasali, Head of the Physics Department and Professor Dr. M. N. Huda, Head of the Economics Department, former Governor and Finance Minister were shot in their quarters, injured and left for dead. Many families of these professors were shot as well. Full documentation of the people is difficult due to the army's thorough search leaving Dacca. Complete censorship was facilitated when three prominent mass circulation dailies were burned: The People, The Ittefaq, and the Sangbad.

Military action continued after the attack of the first two days. We listened as the early morning of April first was wracked for two hours by artillery pounding Jinjira, a town across the Buriganga from Dacca, that had swollen in size with an estimated one hundred thousand civilians fleeing terrorized Dacca. Radio Pakistan continued to broadcast that life in Dacca had returned to normal but we witnessed a nearly deserted city.

In Gushan, one of the suburban areas of Dacca, where we lived, we witnessed the disarming of the East Pakistan Rifles, stationed in the Children's Park across the street, the army looting the food supplies from the market nearby, and finally the execution of several EPR as they were forced by Punjabi soldiers onto a truck to be "taken away". The mass execution of several thousands of Bengali policemen and *East Pakistan Rifles* is already documented. We also witnessed from a neighbor's house, army personnel fire three shots across Gushan Lake at several little boys who were swimming. Nearly every night there was sporadic gunfire near our home adding to the fear of twenty-six refugees staying with us. During the day Pak planes flew overhead to their bombing missions.

It would be possible for me to chronicle many specific atrocities, but we have left close friends behind whose lives might be more endangered. It is clear that the law of the jungle prevails in East Pakistan where the mass killing of unarmed civilians, the systematic elimination of the intelligentia, and the annihilation of the Hindu population is in progress.

The reports of Consul Blood, available to you as a Congressman, contains a more detailed and complete account of the situation. In addition, he has submitted concrete proposals for constructive moves our government can make. While in no way suggesting that we interfere with Pakistan's internal affairs, he asserts, and we support him, that the United States must not continue to condone the military action with official silence. We also urge you to read the Dacca official community's open cable to the State Department. It is for unlimited distribution and states the facts about the situation in East Pakistan.

By not making a statement, the State Department appears to support the clearly immoral action of the West Pakistani army, navy, and air force against the Bengali people.

We were evacuated by Pakistan's Commercial airline. We were loaded on planes that had just disembarked full loads of Pakistani troops and military supplies. American AID dollars are providing support of military action. In Teheran, due to local support of Pakistan, I was unable to wire you the information I am writing.

Fully recognizing the inability of our government to oppose actively or intervene in this desperate oppression of the Bengalis, I urge you to seek and support a condemnation by Congress and the President of the United States of the inhuman treatment being accorded the seventy-five million people of East Pakistan.

No political consideration can outweigh the importance of a humanitarian stand, reiterating the American belief in the value of individual lives and a democratic process of government. The action of President Yahya banning the democratically elected majority party, who had ninety-eight percent of the East wings electorate backing them, ought to arouse a country which prides itself on the democratic process.

We urge you to speak out actively against the tragic massacre of civilians in East Pakistan.

Sincerely yours,

JON E. ROHDE, M.D.

NASA SKYLAB AND SPACE SHUTTLE PROJECTS ESSENTIAL

Mr. ALLEN. Mr. President, the events that have taken place in the Soviet Union's space program during the past few days give us ample notice that they have not dropped out of the manned space flight field. Any such idea has now been shown to be nothing but wishful thinking.

There is plenty of positive evidence, indeed, that the Russians are now about to put into action a new and powerful effort aimed at placing a very large manned space laboratory into earth orbit.

On April 19, the Soviet Union launched an unmanned "orbital scientific station" called Salyut, or in English, Salute, into earth orbit. As is the usual Soviet custom, they did not give us very much information at the time, either about the spacecraft itself or about its intended mission. However, as the days go by and additional events take place, the pattern is beginning to become fairly clear.

The original announcement by Tass, the Soviet news agency, simply stated that the craft Salute was aiming to perfect elements of design and on-board systems and conduct scientific research and experiments. Its size and weight were not mentioned, but there were some interesting hints. Soviet journalists had been telling Western correspondents for days that one or two manned spaceships would soon be launched.

We had also been given a few other pieces of the jigsaw puzzle. Last month the chief designer of Soviet spacecraft, who has not to my knowledge ever been identified by name, made some interesting statements. Among other things, he said that the U.S.S.R. was preparing another long duration manned flight as a prelude to the creation of a permanent orbiting space laboratory. He told a newspaper reporter that the Soyuz vehicles had undergone necessary modifications to insure fulfillment of a long and extensive program.

He added that the crew of the next Soyuz spacecraft would test what he described as "mobile mechanical devices," improved porthole windows, and other instruments needed on future flights.

Two days after Salute was launched, the Soviet trade-union newspaper Trud quoted the senior cosmonaut of the Soviet Union, Gen. Georgi Beregovoi, as saying that orbital space stations would be a normal development in the 1970's, and predicting that a multistory international station would be put into an extensive orbit that would encompass both the earth and the moon.

Perhaps even more interesting, from our national point of view, is the fact that before Salute was launched, Soviet sources had reported that it would be "the biggest unit ever sent into orbit." From the way the statement was phrased, however, it was not clear whether this would be the result of assembly work in space. As I have said, there has been no official Soviet announcement about the weight and size of Salute itself, and they have given only the most limited details about the craft.

On Friday, April 23, came the important announcement that the Soviet Union has placed in orbit a three-man spacecraft called Soyuz 10. Again, there were not too many details—just the announcement that the craft was to conduct joint experiments with the Salute unmanned spaceship already in orbit. We can only speculate about the success of the mission, which was quite short. Soyuz 10 stayed in space for only 2 days before returning to earth. But while some of our experts think the Russians may have run into unexpected difficulties, West Germany's Dr. Heinz Kaminski has suggested that the flight might have been deliberately short, its prime and only mission being an engineering test of the docking mechanism.

The real point is, however, not whether this particular mission was a complete success. At this point, that is immaterial. What we have is clear-cut evidence of Soviet intentions to build a large orbiting space station, and we can be sure they will succeed before too much longer.

These major Soviet efforts, at a time when our own space program has been so heavily curtailed, are extremely alarming. I am growing increasingly concerned about our Nation's long-term position in space relative to the Soviet Union. I can only hope that we are able to profit from the lessons of history. Surely, this country cannot so soon have forgotten the tremendous shock we faced in 1957 when the first Sputnik went beeping around the world to give us warning that another country was challenging our position of technological leadership. It took us many years of hard work and unflagging effort to regain that position of leadership, and today we see it again being strongly challenged. What I am most strongly concerned about—and I agree wholeheartedly with NASA's acting administrator, Dr. George Low, on this—is that if we lose our position of leadership again, we may not have the capacity to catch up. As he has pointed out, for a period of at least 4 years after our Skylab program is completed, there will be no Americans in space. During that rather long period of time, we can be quite sure that the Russians will continue to make major advances in manned space flight, and specifically, space station technology.

That is why I think it is of the utmost importance that we of the legislative branch give our strong support to the U.S. space program of the next decade. Even more than that, I feel we must urge that all steps possible be taken to strengthen it, to keep us from falling too far behind.

Skylab will be a good beginning, and fortunately, it is already well under way. As I am sure you know, this will be our first experimental space station, scheduled for launch early in 1973. It should give us a lot of valuable experience on the problems of long-term manned flight. This is an area where we need much more knowledge, of course, and that is why the plans call for the lab to be visited three separate times by three-man crews of astronauts, who will stay aboard for periods of as long as 2 months. From Skylab, we will be learning much about man's physical reaction to long-term space flight—particularly the prolonged conditions of weightlessness. At the same time, the crews will be performing important scientific and applications experiments.

But important as Skylab is, it will be coming to an end all too soon, and it is the gap between the end of that experiment and the time that the space shuttle is developed and made ready to fly that we must really be concerned about.

That is why the space shuttle rocket plane—the craft Dr. Wernher von Braun calls the DC–3 of space transportation—is of such key importance to our future. This craft, designed to fly to orbit from the surface of the earth and back down again, would be used and reused many times. For the first time it will be possible to convert space travel to a low-cost airline mode of operation.

This vehicle would take off and carry up to orbit perhaps 10 to 20 tons of payload and a dozen or so passengers. With this kind of capability, it offers the best possible support for our own plans to place a large permanent space station in orbit around the earth.

But that is just one of the many possibilities the space shuttle will offer. If NASA should decide to orbit, for example, a spacecraft carrying an unmanned astronomical observatory, there will no longer be any risk of losing this highly expensive item through technical failure, as has sometimes happened in the past.

This is the way the system would work: the shuttle will carry the craft into space, deploy its antennas, start up and check out its systems, and when it has been assured everything is functioning properly, it will be left in orbit.

If for any reason something goes wrong, the technicians simply fold it up again and return it to laboratories back on earth for further checkout. As Dr. von Braun puts it:

> In essence, the shuttle system will remove what we call the activation hurdle.

But there are many other advantages as well. One problem our space program has had to face from the beginning has been the necessity for project scientists to make their plans as much as 5 years in advance. In no other way was it possible to have all the experiments worked out and the hardware ready at time of launch. Then, all too soon, the scheduled experiments would all be completed according to the program that had been set up. The instruments might still be perfectly good, and operating as well as ever. But there would really not be much of anything left for them to do.

With the shuttle, it would be quite easy to retrieve such satellites, return them to earth, check out and renew their operating systems, and put in new experiments designed to obtain totally different information from that gathered on the earlier mission.

At the same time, the need for planning and building experiments so many years in advance would be eliminated. Replacement experiments could be designed and built even while earlier experiments were still flying and functioning. Thus, the useful lifetime of each satellite could be extended over a much longer period. Where we could fly perhaps 10 experiments by present methods on such a satellite, by using the space shuttle it would become readily possible to fly 50 or even a 100 over a period of time.

The same kind of approach could be used with earth resources satellites, permitting the scientists to design and fly a whole catalog of multispectral sensors to perform all kinds of tasks—from detecting sources of pollution to spotting forest fires—from locating diseased trees to indicating the best times to harvest crops.

Even more important than any of these things however, is the fact that the shuttle is going to increase enormously the opportunity for scientists to go into space and perform experiments there. Only the actual flight crews—that is to say, the men actually piloting the shuttle craft—will have to be astronauts who have undergone the rigorous training that characterizes that demanding profession.

While they are on the flight deck, there will be plenty of room in the passenger compartments for scientists and technicians with no special flight training. These men and women can ride up, spend as much time in orbit as necessary, and then return to earth on another shuttle flight.

This will remove the one barrier that has created so much dissatisfaction in the ranks of scientists up until now—the necessity for their having to undergo full-time, demanding astronaut training. By splitting functions, the space shuttle will wipe out this limitation completely.

The shuttle's economy is readily demonstrable. As Dr. Paine, NASA's former Administrator, liked to point out, even a Volkswagen would be expensive if you had to throw it away after it was used once. The reusable shuttle is expected to drop the cost of a given launch by tenfold or more. Of course, its economy will be closely related to the number of flights it makes, and how often it is scheduled to fly. Like an airliner, it will not be economical if it just sits on the ground.

Thus, while any single flight could conceivably be made more economically if it were launched by another system than the shuttle, over the long haul, the total savings will still greatly favor the shuttle in multiple missions.

For all of these reasons, I hope it is clear why I believe that strong support of the national space program, and particularly, the space shuttle, is absolutely essential to our continuing leadership in space.

It is hard for me to imagine that this country would be willing to dissipate and abandon the great technological dexterity that we have managed to build up during the last decade. But such things have been known to happen before, notably in the case of the airplane. Even though the first successful airplane was an American invention, by the time World War I came along, the United States had lagged far behind many other countries. Our American pilots were forced to fly their aerial combat missions in French and English planes. Even Mexico had many more aircraft than we did.

We cannot afford to make such mistakes again. The entire Free World looks to this country for leadership, on Earth and in space. We have proved, with our policy of openness, what we can do when we put our minds to it. The whole world watched and applauded when our Apollo astronauts landed on the Moon.

Now, again, we must look to our laurels. If we will only commit ourselves to the task, I know we can do the job.

INVESTMENT TAX CREDIT BILL

Mr. TOWER. Mr. President, I invite the attention of Senators to the recent speech by the distinguished Secretary of the Treasury, Hon. John B. Connally, delivered to the annual meeting of the U.S. Chamber of Commerce. The Secretary observed in that speech that the economy is growing in strength, that the rate of increase in consumer prices is lower, and that output is increasing. The Secretary also noted that the principal inflationary pressures we face today are wage increases in excess of productivity increases, which I think we should be more aware of during consideration of future strike-settlement questions in Congress.

In his remarks, the Secretary discussed the investment tax credit concept in connection with our productivity problems, a concept in which I myself place a great deal of credence as an incentive for improving our productivity. The Secretary noted that business investment should be encouraged by the Government, rather than frightened off by the prophets of economic despair. I have introduced a bill, S. 1647, calling for the restoration of the investment tax credit to help do just that, and I am pleased to see the Secretary indicate that the administration, the Ways and Means Committee, and the Finance Committee would support retroactivity of restoration to at least April 1, 1971, if the question is actually taken up and favorably acted upon this year. This would encourage businesses to go ahead with any equipment investment plans they may now have, rather than artificially postponing such investment in hopes of catching the tax credit later. We need continual updating of our capital equipment in order to maintain our competitive position in world trade and to maintain our high wage levels and high employment levels in this country.

In this same connection, I note that there is current criticism of the President's program of improved tax depreciation schedules as "unwarranted and unlawful" by some in Congress. I suggest that the administration and Secretary Connally are more fully informed of both the wisdom and the lawfulness of these provisions for improving our economic structure than are any of the critics in Congress.

Mr. President, I ask unanimous consent that the text of Secretary Connally's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE JOHN B. CONNALLY

The goals of Administration economic policy are well known: To take up existing economic slack in the months ahead—to raise output and reduce unemployment—while at the same time continuing to make real progress in the battle against inflation.

This strategy is working, and working well. The rate of increase in consumer prices is much lower than a year ago. A healthy renewal of economic expansion is becoming a reality rather than an expectation.

Despite this progress, there are still those in the business community and elsewhere who believe that our goals of expansion and greater price stability are incompatible. These people are wrong.

There are also those whose words and actions are making our economic goals more difficult to achieve. These observers are hurting the very people they profess to protect—the workers and consumers of this Nation. I shall return to this point. Let me first speak about the compatibility of our economic goals as I see them.

Far from being contradictory, the twin goals of renewed economic expansion and continued progress against inflation now reinforce each other. The source of price increases today is not that of two years ago, when "too much money was chasing too few goods." Then prices were being pulled up by excessive demand. Now the problem is one of wage increases far in excess of any possible increase in productivity.

But on the other hand productivity tends to rise rapidly in a business recovery. Consequently, the next year or so could well be a period of high productivity increases. If so, the rise in unit labor costs should slacken. This would be translated into reduced price pressures at both wholesale and retail levels.

Needless to say, this transition to stability would be greatly assisted by more reasonable wage settlements in industry.

I am not worried about resumption of economic overheating so long as significant slack remains in the economy. But we must be concerned about the future, as well as today. As unemployment declines and plant utilization rises, we shall have to be increasingly careful about the continuing amount of fiscal and monetary thrust. Concern over the "re-entry problem"—moving back into the full employment zone—is fully justified. If we want to avoid re-creating the very conditions that led to inflation in the first place, we must take care as to how hard we press the accelerator and avoid locking it into position.

In this respect, let me emphasize a very important qualification. We know that some types of fiscal actions affect the economy quickly, but that monetary moves have their major impact many months later. This means that the adequacy of monetary actions taken recently cannot be judged solely in terms of today's movements in the economy. It also means that the danger of overshooting is always present.

The view that I have expressed—that economic recovery and continued progress against inflation are compatible goals—is gaining increasing acceptance in the business and financial community. Nevertheless, there are many who obscure this large measure of agreement by playing games with numbers—will the Administration achieve its professed GNP target for 1971 or not?

I have absolutely no interest in engaging in such a game with aspirants for high office or politically-oriented economists who were once close to power and long to return. The fact is that the first quarter GNP results were a record-breaking increase. It was both solid and satisfying, an important first step on the road back to high employment, with better price performance. Whether or not it was sufficient to achieve some specific dollar GNP figure for 1971 is not of consuming interest.

We are determined *not* to depart from the path of balanced and sustainable growth, or to risk re-igniting the fires of inflation, in an effort to achieve a particular figure.

My reading of the first quarter figures convinces me that no additional monetary or fiscal stimulus (other than the final implementation of the new depreciation rules) is at this time called for. In fact, Congress, by enacting big spending legislation that threatens to raise outlays far beyond full employment revenues, may be pushing the fiscal engine into too high a gear.

However, nothing is certain when it comes to the economy—the strong upswing which I expect later this year is a promise rather than a sure thing. Things may change. If so, I will not hesitate to recommend appropriate steps to the President. Above all, let me emphasize: The economy is not a Polaroid Camera which you snap, and then pull the results out in a minute. The economy is vastly complicated. Results take work, time, cooperation and patience.

I, for one, am confident that if we concentrate on the job to be done, business, labor and consumers will make the decisions that will sustain an economic advance. An extra dividend from such an effort is that a solid and sustainable type of recovery is fully consistent with our international financial responsibilities.

Recently, large amounts of dollars have left this country in response to the pull of higher interest rates overseas. These movements have caused some concern, and corrective steps have been taken both here and abroad. Obviously, however, it is neither feasible nor desirable to put the U.S. economy through the wringer in order to stop this type of capital outflow. A sluggish U.S. economy—in addition to all of its other difficulties—is prone to encourage large capital outflows.

This does not mean that we can conduct our domestic affairs with a cavalier disregard for the crucial role that the dollar fulfills in the international monetary system. Far from being a matter to be handled with "benign neglect," restoration of lasting equilibrium in our underlying balance of payments has been—and continues to be—in the highest order of national priorities.

I see no irreconcilable conflict between our domestic and international goals. The path that we have charted is giving us much better cost performance than in most other industrial nations. And that path will lead us to an output and employment situation which is both sustainable and in the best interests of workers and employers alike.

I referred earlier to some observers who, for political reasons or out of ignorance, are engaging in actions or making statements that could make our economic tasks more difficult to achieve. I also stated that these people could well be hurting those workers and consumers whom they profess to want to help. Interestingly, but not surprisingly, they include some of the same people who poor-mouth the solid economic advance of the first quarter. This combination of viewpoints would normally seem most unusual—were it not for the fact that the 1972 Presidential campaign already seems to be underway.

I refer to the attacks on the proposed revision in depreciation policies, as announced by President Nixon on January 11. Some people have said these outcries are "orchestrated." The fact that most of them were delayed for more than three months following the original announcement may lend some support to this view.

Thorough hearings on the proposed regulations will start on May 3 and I shall not comment on the legal and administrative basis for our proposed actions, which were thoroughly considered before the proposals were made. Suffice it to say that we are convinced that we are on solid ground. But I feel compelled to comment on the economic case.

The essence of the criticism is that the proposed changes will represent a massive "giveaway" to business. Nothing could be further from the truth. This charge would be a mystery to me, if it were not for the fact that political considerations can sometimes cause otherwise reasonable people, who really know better, to let their rhetoric rule their reason.

Most businessmen will reinvest the proceeds from the accelerated depreciation in new equipment. That's one of the major purposes, along with much needed simplification, for the proposed new regulations. And it is in evaluating the impact of the reinvestment and additional investment that we discern the true impact on workers, consumers, and the economy.

The simple truth is that investment in new equipment increases productive capacity, which provides more jobs for our growing labor force, or it increases efficiency, which helps the consumer by dampening the rate of inflation. Perhaps in most instances new investment enhances both capacity and efficiency.

The critics have completely ignored these public benefits, but they would do better to "tell it like it is." Instead, they insist upon trying to drive a wedge between the legitimate, common interests of management and worker by foisting age-old and discredited dogma upon the public.

In truth and fact, management, labor and the consuming public *all* realize major benefits from greater efficiency and a high level of economic activity in the United States.

The really unfortunate result of all this is that uncertainty has been raised in the minds of some businessmen as to whether proposed changes will become effective. We have carefully tested the water in the Congress—we did that even before the original announcement in January—and see no likelihood of any legislation. As to the courts, I repeat that we are convinced we are on sound legal and administrative ground.

But to the extent the so-called orchestrated outcry has caused any businessman to go slower than he otherwise would in ordering new equipment, then it's the unemployed men and women in the capital goods industries who bear the biggest burden—and who can least afford to do so.

One other uncertainty that may be dampening a revival of spending on equipment results from the belief in some quarters that the investment tax credit may be restored. The Administration does not at this time have any intention of making such a recommendation to the Congress. However, in any event, I have been assured by the chairmen and ranking members of the tax-writing committees that any such restoration would at least be retroactive to April 1, if not earlier.

There is therefore no gain to be had by withholding new equipment purchases at this time.

Let me close on a broad matter which has serious implications for our nation as a whole, as well as the economy. I refer to the crying need for more effective, statesmanlike leadership—leadership such as President Nixon is providing—at all levels of government, and in business, finance, and labor.

The type of leadership in the private sector that we so sorely need and are not getting would result in all groups—workers, management, stockholders—exercising restraint to permit a stabilization of inflation and a further expansion of the economy to everyone's benefit.

And, in referring to business leadership, I cannot help but express my disappointment that this very group which I am addressing has *not* supported the President on two vital aspects of his program to lead this nation out of its troubles—general revenue sharing and welfare reform.

I urge you to reexamine those positions in the light of the alternatives available. To say that they both may be less than perfect is to ignore the fact that we now and always will live in a less-than-perfect world. And when you discuss alternatives, remember that merely proposing them does no good—they have to be enacted by the Congress.

One man, sitting in the White House, regardless of talent, regardless of staff, cannot do it alone. The genius of the American system lies precisely in the effective harnessing of a wide range of groups, some similar and some diverse, to work for the public good.

We know the problems, we know the pitfalls, we know the range of solutions. We know the huge magnitude of the tasks. I say let's get on with the job—by exercising the type of leadership that has served us so well in the past and must again in the future.

LET US COME OUT TOGETHER—ADDRESS BY SENATOR CHURCH

Mr. CHURCH. Mr. President, on April 20, 1971, I presented the John F. Kennedy and Robert F. Kennedy Memorial Lecture on International Affairs at the Johns Hopkins University, in Baltimore. I ask unanimous consent that my address, entitled "Let Us Come Out Together," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LET US COME OUT TOGETHER

(By Senator FRANK CHURCH)

Being invited to deliver the John F. Kennedy and Robert F. Kennedy Memorial Lecture on International Affairs, here at Johns Hopkins University, presents challenge enough, without making the war in Vietnam the principal focus of these remarks.

Prior to his assassination in 1963, President Kennedy had begun to question the very involvement of the United States in Indochina which he, himself, had so substantially enlarged. His brother, Robert, before being struck down by another assassin, had become an impassioned opponent of the war.

Both men, with that capacity for detached judgment for which each was known, would readily have understood what James Madison meant, when he once explained the perils of foreign policy in these words:

"The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government, because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of people are less capable of judging and are more under the influence of prejudices on that branch of their affairs, than any other."

Madison's admonition provides us with a sobering perspective of our protracted ordeal in Vietnam, now the longest war in our history; a war three American Presidents have found repugnant and yet would not repudiate; a war waged for nearly a decade in search of a reason.

When American involvement in Vietnam began in earnest, during the Presidency of John F. Kennedy, our intervention was explained within the larger concept of our cold-war mission. Communism, as we envisioned it then, was seen as one great octopus; the American responsibility was to cut off its tentacles, one by one, each time it ventured to reach out. Otherwise, we told ourselves, the red monster would eventually envelop the earth and squeeze us to death.

In this context, North Vietnam was viewed as a tentacle of communism reaching out for South Vietnam. Our duty, therefore, was to cut the tentacle off, thus demonstrating to the monster—described by conservatives of the day as "the international communist conspiracy" and by liberals as the "Sino-Soviet bloc"—that we would resist its wars-by-proxy, knowing full well that Vietnam was but a segment of a seamless strategy to engulf the world.

But as the war proceeded, Ho Chi Minh stubbornly resisted the proxy role we assigned him. He danced neither on the strings of Moscow nor Peking. No one's puppet, he was, rather, an authentic Vietnamese hero, in the South as well as the North, the leader of their common struggle for national independence against the French. And when we replaced the French, his legions fought on against us, not out of abject obedience to foreign masters, either Russian or Chinese, but out of a fierce indigenous will to drive the hated foreigner from their land.

Their zeal against staggering odds played havoc with our simplistic view of communism. If a reunited, independent Vietnam was the driving dream of Ho Chi Minh, how did his national goal differ from that of Tito? Why, if we could have amicable relations with a communist Yugoslavia, must we fight against a communist Vietnam? If North Vietnam were not a pawn in the global game of power politics, how could such a small country possibly pose a threat to the United States? How were our vital interests involved, anyway?

These questions must have deeply disturbed President Kennedy as he groped for a line to draw against an open-ended commitment by the United States to fight in Indochina. In a television interview given at Hyannis Port on September 2, 1963, John F. Kennedy reminded his audience that the American pledge was to assist the Government of South Vietnam, not fight the war for it. "In the final analysis," he said, "it's their war. They're the ones who have to win it or lose it. We can help them, give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam, against the Communists."

We shall never know, for sure, what President Kennedy would have done, had he lived. Kenneth O'Donnell, intimate friend and confidant of both John and Robert Kennedy, tells us of sitting in on a conversation between the President and Senator Mike Mansfield in the Spring of 1963. O'Donnell recalls that Kennedy told Mansfield that he "agreed with the Senator's thinking on the need for a complete military withdrawal from Vietnam." Then he quotes the President as saying: "But I can't do it until 1965—after I'm re-elected."

1965 never came for John F. Kennedy. The re-election he anticipated turned out instead to be a landslide victory for his successor, the man who campaigned on the pledge never "to send American boys 9 or 10 thousand miles away from home to do what Asian boys ought to be doing for themselves."

By 1965, in the teeth of his landslide victory, Lyndon Johnson had already foresworn his pledge to the American people. He had decided to send an American army to southeast Asia, and he needed a new reason to erect and embellish, with which to justify our escalating participation in the war.

"Why are we in South Vietnam?" President Johnson asked rhetorically at this very university on April 7, 1965. "We are there" he said, "because we have a promise to keep. Since 1954, every American President has offered support to the people of South Vietnam. We have helped to build, we have helped to defend. Thus, over many years, we have made a national pledge to help South Vietnam defend its independence. And I intend to keep that promise."

This new theme—that a pledge made to the American people must be broken in order that a promise made to others might be kept—was entrusted to the Secretary of State, Dean Rusk, to propagate. He cloaked it in the language of diplomacy, calling it "the sanctity of the American commitment."

If we didn't soldier on in South Vietnam, he argued, who would trust us when it really mattered! To promote this theme, he traveled extensively on one of the strangest diplomatic treks in modern history.

I recall visiting West Germany shortly after Rusk had delivered his extraordinary message in that country. With puzzled expressions, Germans asked me if it were true that they couldn't trust us to stand with them at Berlin if we didn't persist in the war in Southeast Asia. Apparently, it had never occurred to them to equate Berlin with Saigon until our own Secretary of State insisted on it!

However, the new rationale for the war soon fell short of bridging the credibility gap that had begun to plague the Johnson years. To start with, those promises we had to keep, kept growing with the war. Eisenhower's original pledge of conditional aid, extended in the hope that the Saigon government would "be so responsible to the nationalist aspirations of its people, so enlightened in purpose and effective in performance" as to discourage its enemies, gave way to Johnson's sweeping substitution of an American shield. "To any armed attack," President Johnson declared, "our forces will reply."

In such manner, the civil war in Vietnam was converted into a full-scale American engagement on the mainland of Asia. As the world looked on with increasing apprehension and disbelief, an American army of half a million men was dispatched across the vast Pacific to quell Vietnamese insurgents in their own land. Shackled to a government whose adversaries were often indistinguishable from the people, American forces groped for an elusive enemy who kept surfacing from nowhere and then disappearing again. In our frustration, we defoliated the jungles that gave him cover, struck at his long supply lines from the air, and rained down more bombs upon him than we had ever dropped on all our previous enemies combined. The war became a nightmare of napalm, herbicides, electronic sensors, hovering helicopters, everything our advanced technology could hurl into a medieval quagmire. Yet there we found ourselves stuck fast, a giant engaged in an unseemly struggle with a dwarf.

So the war we fought to prove we'd keep our word, far from reassuring our allies, actually filled them with alarm. Even those "dominoes" which were supposed to fall, would not stand with us on the battlefield. They extended no more than token support to our war effort and for that we had to pay extravagantly.

At last, an aroused world opinion turned against us, the moral leadership we once enjoyed evaporated, and even at home spreading opposition to the war led, in 1968, to the abdication of Lyndon B. Johnson.

His successor, Richard Nixon, the man with the secret plan to end the war, came up instead with a new reason for remaining in it. "Our essential objective in Vietnam," he explained on May 14, 1969, is to furnish the South Vietnamese people with the opportunity "to determine their own political future without outside interference." The "outside interference," of course, was not meant as a reference to our own, but rather to that of other Vietnamese fighting against the Thieu-Ky regime.

Of all the reasons offered as window-dressing for this misbegotten war, self-determination for the people of South Vietnam is the most hypocritical. How can there be self-determination in a land occupied by a foreign power, where the government is spoon-fed from a foreign treasury, and defended in the field with foreign troops? Is there no limit to our capacity for self-delusion?

Besides, even if it were possible for us to assure another people of a "free choice" in their own land, since when has this become the objective of American policy abroad? Do we concern ourselves about self-determination for the conquered people of Taiwan, the oppressed people of Greece, or the disenfranchised people of Spain, Czechoslovakia, Cuba, Brazil, or East Bengali? If guaranteeing free government for other people were ever to become the governing principle of American foreign policy, we would soon lose free government for our own. Nothing could bury and bankrupt us faster. The awful price we've paid in Vietnam alone should be proof enough of that: over 50,000 young Americans dead, some 300,000 maimed and wounded, 120-billion dollars blown!

The bitter truth is that no nation, including our own, is entitled to summon its sons to battle in foreign wars unrelated to its vital interests. And Vietnam has always been unrelated to the vital interests of the United States, which is to say, the freedom and safety of the American people. Whether or not the Thieu-Ky regime survives, our country will be little affected. We are not dependent on whether the two Vietnams stay divided or on whether South Vietnam remains non-communist. We have preferences, to be sure, and our pride is at stake after involving ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for seven long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

Why, then, have three American Presidents refrained from ending our participation in this war? Why have they, each in his turn, sought in vain to find some new argument with which to convince the people that we must keep on fighting? The answer to this riddle cannot be found in the geopolitics of Southeast Asia, as it lies, instead, deeply imbedded in the domestic politics of the United States.

Like Kennedy and Johnson before him, Richard Nixon is haunted by the fear of being charged with losing. He has reason to remember how he, himself, became Vice President in 1952, after a harsh campaign of indictment against the Democrats for having "lost China." Nor does he need to be reminded of the turn-about in 1960, when John F. Kennedy narrowly defeated Nixon for President in a campaign which held the Republicans accountable for the "loss" of Cuba.

I do not mean to imply that three Presidents have waged war in Indochina out of selfish, political motives, far from it. Lyndon Johnson, after all, chose to give up the Presidency, rather than give up the war.

But Presidents, like other men, learn from experience. Their views are shaped by their recollections. Richard Nixon remembers the epidemic of hate after Korea which all but tore this country apart. He knows that the accusation of "losing Vietnam"—or simply "losing a war"—could rally again the hounds of a new McCarthyism and set them loose upon the country. Even though he once ran with that pack, I believe he sincerely wants to forestall another such calamity. What else did he mean when he warned the nation, in his first major Presidential address on Vietnam, that we must come out of the war in such a manner as to avoid "inevitable remorse and devisive recrimination that would sear our spirit as a people."

Thus, President Nixon faces the same dilemma as his predecessors: how to leave the war without being charged with "losing" it. He can't be sure that his formula, "Vietnamization," will work, yet he isn't prepared to take upon his own shoulders the risk of its failure. So, even as he withdraws American troops from Vietnam, he invades Cambodia, lunges into Laos, and fudges on the question of our future role.

The American people are left to wonder whether the war is being wound down or widened out; whether we really mean to leave or to find a new way to stay. A permanent American garrison, to be left in Vietnam, called a "residual force," is talked about. No one knows how long American participation in the fighting is to last, how many more years we shall remain committed to giving air, artillery, naval and logistical support to South Vietnamese forces.

Total withdrawal is rarely mentioned by the President. Nor does he even claim anymore that "Vietnamization" will end the conflict, but says only that, if it doesn't, it won't be our fault! Listen to his words: "If Vietnamization leads to perpetuating the war, it is not by our design, but because the other side refuses to settle . . ." Yet he admits that the other side has "the manpower, the logistical network and the dedication to continue the fighting . . ." But if they do, the President goes on to say, "I will take strong and effective measures to prevent the enemy from jeopordizing our remaining forces."

Small wonder that the American people are bewildered; or that the debate over the war rages on; or that the latest public opinion polls disclose that barely a third of those questioned were willing to give the President a favorable rating on the war issue. The confusion is compounded by critics who accuse Mr. Nixon of trickery and bad faith, while the President strikes back with a haymaker of his own, castigating his critics as "neo-isolationists."

Meanwhile, with the repeal of the Gulf of Tonkin resolution last year, no Congressional authorization remains to sanction continued American participation in the war. A Constitutional vacuum has been created which Congress has the duty to fill.

A great opportunity is thus presented, a chance to fill that vacuum with an end-the-war policy that could help pull the country together again. Having fought the war so deeply divided, it may be possible to end it—at least our part in it—in a manner that most of us, erstwhile hawks and doves alike, could support.

Quite aside from whether we should have gone into Vietnam in the first place, the fact is that we have done all we went there to do. With our own men, we prevented the forceable overthrow of the Saigon Government. In the process, we built up a South Vietnamese army of over a million strong. They now possess the means, if they have the will—something we can never furnish them no matter how long we stay—to successfully defend themselves.

So, without doubt, the time has come to transfer the war back to the Vietnamese, a process the President himself has started. Nearly all of us could get together on that process if three things were settled and made clear:

First, it must be settled that our purpose is to withdraw all American forces—land, naval and air—from Indochina, including the return of all American prisoners of war. The notion of a residual force to be left behind must be rejected. Obviously, our prisoners will never be released, and nothing in the long run will be gained, by attempting to retain an American garrison in South Vietnam, at the door-step of China.

Second, the President should agree to fix a date for the completion of the withdrawal. It is unlikely that Congress will ever force a date upon the President but it is possible that the President, himself, can be persuaded to negotiate a final date with the enemy in exchange for the release of our prisoners of war.

Agreement on a deadline for our withdrawal could thus become a lifeline to our prisoners. As the French learned before us, the release of prisoners does not precede, but follows, the commitment to withdraw.

Thirdly, it must be provided that, as we withdraw from South Vietnam, American armed forces shall not participate, directly or indirectly, in any invasion of North Vietnam, nor in any more incursions of Laos or Cambodia, and that any further fighting in South Vietnam be restricted to defensive action found necessary to protect our troops as they withdraw.

Here, then, are the elements of an end-the-war policy which could command majority support from both Republicans and Democrats in Congress, furnishing, at long last, a legislative perch on which hawks and doves could come together again. If it took the form of a joint resolution, passed by both Houses of Congress and signed by the President, the Constitutional vacuum which now exists would be filled.

No longer would it be necessary for the President alone to shoulder all the risks of withdrawal, should the South Vietnamese army subsequently falter and collapse. The policy would be one of shared responsibility in which the Congress fully participates. This is the indispensable basis for any lasting bipartisanship in foreign affairs. The lack of it in the past, both with respect to Korea and Vietnam, has opened a gulf between the legislative and executive branches which must be closed.

Most of all, the passage of such a joint resolution, embracing both political parties, would go far toward avoiding, in the aftermath of Vietnam, another epidemic of Joe McCarthyism like that which poisoned the country following the Korean War. Timely action now, embracing the largest possible consensus, might well prevent a post-war era of bitter recrimination, about which the President has correctly expressed his apprehension.

We could thus come out of Indochina, largely reunited as a people. What could serve the county better than that?

Whatever happens, one day, in one way or another, we will put Vietnam behind us. When we do, and find the time to reflect back upon it, I hope we recognize that the United States is not the first great power to have been victimized by the excesses of a faulty foreign policy.

John Bright, the noted Nineteenth Century English critic of empire, described the folly of his country's overextension during the disastrous Crimean campaign. "I believe," Bright said, "If this country, seventy years ago, had adopted the principle of nonintervention in every case where her interests were not *directly and obviously assailed*, that she would have been saved from much of the pauperism and brutal crimes by which our Government and people have alike been disgraced. This country might have been a garden, every dwelling might have been of marble, and every person who treads its soil might have been sufficiently educated. We should have indeed had less of military glory. We might have had neither Trafalgar nor Waterloo. But we should have set a high example of a Christian nation, free in its institutions, courteous and just in its conduct toward all foreign states, and resting its policy on the unchangeable foundation of Christian morality."

TECHNOLOGICAL ADVANCES RESULTING FROM SPACE PROGRAM

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record a very interesting statement written by a group of aerospace scientists and engineers, brought to my attention by Mr. Richard Bollich of LaPorte, Tex. The paper deals with the various technological advances brought about by the U.S. space program, many of which go unheralded. The space program has its own direct advantages for our future use of the resources of our solar system, not the least of which will be the conversion of solar rays to electrical energy. But the whole program carries more immediate spin-off benefits which greatly increase the value of the space program to the everyday concerns of our Nation and the world. Some of these are described in this interesting paper, and I hope that Senators will review these accomplishments closely in considering space program funding in the new budget.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Benefits of Space Exploration and Utilization

EXISTING BENEFITS

A. Medical

1. The "telemedic" device is used for immediate electrocardiograms. It is connected to the telephone in one's home and monitored at the hospital, clinic, or doctor's office.

2. The "sling" used to acquaint astronauts with lunar gravity conditions was developed. It is currently in use at Texas Institute of Research and Rehabilitation. It reduces the gravitational pull on a body. The "sling" is used in handling handicapped people.

3. The Space Program developed integrated circuitry used to modify tracheotomy tubes to ease breathing. When the tube becomes clogged, an alarm is set off and the patient is immediately attended. This procedure eliminates full time patient supervision.

4. A wireless patient monitoring system with central display from 64 hospital beds has been developed. This system monitors heart beat, body temperature, and blood pressure continuously, thus saving lives that might need immediate attention before a nurse can make routine "bed checks."

5. Accelerometers developed to study acceleration effects in space travel are being used to study the protective value of football helmets, the tremor pattern in patients afflicted with Parkinson's disease, and how injuries are produced in automobile accidents.

6. A switch operated simply by eye movements was developed for NASA and has now been adapted for use in a motorized wheelchair. The sight switch, properly relayed, enables a paraplegic to control the wheelchair without moving his body or limbs. The same switch could be adapted for use as a mechanical pageturner or to enable a patient to control lights, thermostat, radio, or television set without moving.

7. The use of foamed splints for broken limbs would be a great boon. Lightweight but sufficiently rigid, foamed supports can readily replace the heavy plaster casts now used to protect limb fractures.

8. Physiological monitoring systems have been installed in hospitals and are being marketed commercially. The systems include bedside consoles and oscilloscopes, two multiplexers used to display several traces simultaneously on each scope, strip chart recorder, magnetic drum recorder, and an audio alarm. Also, biological sensors used to monitor astronauts can now provide vital information pertaining to a patient's condition so that it can be radioed ahead to a hospital from an ambulance.

9. A six-legged walking vehicle devised as a remotely controlled instrument carrier for automated exploration of the Moon has been adapted for use as a walking chair for limbless or otherwise crippled individuals. It can be controlled either by a chin strap or by hand and it can negotiate terrain, such as curbs and beaches, that would be impossible for an ordinary wheelchair.

10. A telemetry unit designed for cardiac monitoring of astronauts has been modified for marketing to hospitals for use in intensive care units.

11. Medical monitoring requirements of space flight have results in microminiaturized electronics now used in cardiac pacemakers and assist devices; electroencephalographic sensor systems; and other compact, reliable, medical monitoring, and recording equipment.

12. Techniques for automatically recording the blood pressure of astronauts and pilots have been adapted to commercial use in a portable automatic bloodpressure recorder. It gives consistent results even when used by untrained persons, and thus frees trained nurses for other duties.

13. Medical training, diagnosis and consultation on a real-time basis are now possible internationally and were demonstrated in the following transmissions: The Relay 1 satellite transmitted an electroencephalogram from the Burden Neurological Institute in Bristol, England, to the Mayo Clinic where it was processed by a computer. After diagnosis was made, the analysis was sent via satellite immediately to the doctors in England.

14. A pressure transducer, used to measure Apollo impact during drop tests, is being used in the Rancho Los Amigos hospital, Downey, Calif., as a standard for checking other similar instruments.

15. An automatic living-cell analyzer for recognizing patterns of possible life forms on Mars can be modified for significant uses in counting blood cells on Earth. In the event of an atomic disaster, it would be imperative to the nation to identify quickly those who could be saved. This automatic analyzer can provide almost instantaneous blood counts reflecting the degree of radiation damage incurred, and thus the relative chance of recovery.

16. Laser technology, developed for defense and space, has led to delicate and precise use in surgery, especially eye surgery. Such surgery can be painless and bloodless in many cases.

17. A sensor, smaller than the head of a pin, can be inserted into a vein or artery to measure blood pressure without interfering with circulation. The probe is inserted through a standard hypodermic needle. The sensor was originally developed to provide pressure distribution measurements over the surfaces of small wind tunnel models.

B. Materials

1. An ultra-thin high strength aluminum foil, developed for a communications satellite, is used for packaging quick-freeze-dried food and sensitive pharmaceuticals.

2. Aluminized plastic only half a thousandth of an inch thick, created initially for superinsulation in space, is now being sold commercially for use in blankets for emergency rescue and similar purposes. The material has unique heat-reflecting properties and surprising strength despite its thinness. It is made into full-size blankets that can be folded into pocket-size packages. The blankets can also serve as stretchers, windbreaks, or water containers.

3. "No defect" welding techniques developed for the 33-foot-diameter Saturn V second stage are now used by a number of welding industries. The perfect welds are accomplished automatically by machine with 100 percent penetration.

4. Beta fabric, woven of pure glass, resists temperature as high as 1500 F. and is as soft and resilient as conventional woven materials. Developed in support of the Apollo program, it can be used for everything from waste containers to sleeping covers to thick mattress-like batting used in couches, upholstery, flame protection around rubber parts, theater drapes, tents, slips, etc.

5. Foamed resins have also been used to refloat sunken ships by displacing the water in flooded compartments with the air-containing foamed cells. Foamed materials are also being studied for instantly inflatable life jackets.

6. Another Apollo material, the thermal control coatings employed to maintain a viable temperature in manned spacecraft during space voyages by dissipating internal heat and rejecting solar radiation, has an excellent potential as a universal temperature conditioner. Coatings with thermal behaviors similar to those of Apollo external-coated surfaces can lower temperatures of cars, trains, trucks, buses, homes, and factories by as much as 10 degrees.

7. High-speed ground and ocean transportation is benefiting from the use of materials and construction methods that stem from aerospace advances. Railroad tankcars weighing one-half as much as steel cars are being produced from the lightweight plastics developed for NASA for use in its rockets.

8. Adhesives developed for the Apollo program are now in more mundane service. An adhesive-bonded car that is as strong as conventionally joined autos is the dream of virtually every automobile manufacturer. Elimination of the hole machining in body panels and the assembly operations associated with mechanical fasteners represent substantial savings. Further, water and salt that cause extensive corrosion cannot enter without holes and other opening. One auto maker uses adhesives to eliminate fasteners on body trim. Another auto manufacturer used the adhesive to bond a racing car in the Grand Prix.

9. In the field of industrial technology, the foamed-in-place, freon-filled polyurethane covering that insulates super-cold liquid hydrogen tankage and prevents hydrogen boiloff is being applied to ships. A 200-foot-long tuna clipper has applied the foam in place of cork coated with asphalt. The foam is about five times lighter than cork. This same foam is being considered as insulation for freight cars, tankers, trucks and houses.

10. One more Apollo-generated material development has stimulated great interest among designers of fire-resistant structures. The novel material is a glass-fiber-reinforced composite that will not burn in a 100% oxygen atmosphere. It is ideal for autos, trucks, aircrafts, or installations where fire constitutes a major hazard.

11. Development of a high-temperature plastic, when at high temperature is stronger than aluminum and compares with stainless steel alloys, has application as structural members of aircraft, electric motor winding, printed electronic circuits, etc.

C. Transportation

1. Newly assembled automotive brake cylinders are being automatically tested under fluid pressure. The test fixture is an outgrowth of techniques devised for testing the Saturn 18 hydraulic components prior to launch.

2. Many treacherous sections of highways and airports are safer as the result of a discovery by NASA test pilots in high speed planes. They found that cars and airplanes "hydroplane" when water builds up under their tires. A grooving technique has been developed by NASA allowing water to drain off a wet pavement and runways preventing skidding. The study of "hydroplaning" phenomenon has also led to improved tire tread design.

3. Air traffic control system has been devised to eliminate aircraft collisions using satellites with computers. The system provides 60 times more accuracy than current systems in plotting the aircraft's position.

D. Energy and natural resources

1. Thermal mapping and infrared photography can detect and map fires, classify

vegetation, measure water transpiration, and detect insects and insect migration.

2. Stress devices developed for measuring thrust of rocket engines are being used to monitor internal stresses in dams, bridges, and buildings provide scientists with previously unavailable information about changes in the structures due to earthquakes, faulty construction, and aging, new Castaic Dam in California is equipped with devices.

3. An advanced nuclear plant is developed to produce power and make fresh water from the sea.

4. The fuel cell, which was lain dormant for many years, was activated to supply electrical power for spacecraft in orbit. Twenty-eight natural gas companies now have a $20 million program for adaptation of the fuel cell for home power plants.

5. Infrared photographs of the Gulf Stream taken from a meteorological satellite show promise of being of tremendous value to the commercial fishing industry as well as to weather forecasters. Because of the Gulf Stream being about 10 degrees warmer than surrounding waters, it shows up clearly in the infrared spectrum. NASA scientists and Navy oceanographers were able to locate its northern boundary near Cape Hatteras very distinctly. Fishing experts say that they would know consistently where to find several species of fish if they could accurately plot the daily wanderings of the Gulf Stream. A better understanding of the Gulf Stream's shape and almost constantly shifting course would also be of great importance to weather prediction.

6. Fresh water photography from satellites have enabled scientists to evaluate their biology, chemical, sediment, and pollutant content, locate where fresh water escapes along coastlines, detect growth and decline of glaciers, and locate areas of water trapped by faults in the earth's crust.

7 The use of a T.V. camera system designed to visibly detect escaping hydrogen during testing of the J–2 rocket engine has led geologists to discoveries in Gemini photographs about possibilities of detecting oil and mineral deposits in remote areas of the globe.

8. A two-gas-breathing technique using gaseous helium originally developed for space use is now being used in underwater activities. This two-gas system allows the user to stay down for longer periods of time without being connected to an above surface system.

9. Underwater vehicles currently utilize silver zinc batteries and fuel cells developed for spacecraft and space vehicle applications. Nuclear powered electric systems developed for space are being utilized as non-tended long term power sources for underwater use.

E. Urban affairs

1. Space-oriented planning techniques developed for the Apollo program are now helping point the way to a better life for the 60,000 residents of Turtle Creek Valley, Pa. Turtle Creek Valley is participating in the Department of Housing and Urban Development Model Cities Program. Turtle Creek Valley has adopted space age reporting techniques including organization charts, and a form of "systems engineering" for planning the community's rehabilitation.

2. One aerospace corporation has cited that chemicals can be used for marketing a vehicle which allows police officers to "sniff" and follow the car chemically. The chemical will also determine if narcotics are in a house without entering.

3. Aerospace systems analysis techniques have been applied to the simulation of the California criminal justice system on a computer. This determined how well the system functioned and how changes would affect its functioning. It would have taken years of actual practice to achieve the same results. The state of California then awarded a contract to analyze the state's social welfare system.

4. Another aerospace company has developed a new method for construction of low-cost housing. The dwellings are rapidly built from prefabricated sections in a mobile on-the-spot factory.

F. Meteorological

1. An aerospace company performed a research program utilizing information from the National Hurricane Project. Data was compiled from all physical factors about a hurricane and the magnitude and stability of forces which hold the hurricane together and what causes it to seek its course was determined. This data is being analyzed and methods of altering a course or reducing the intensity of the hurricane are expected to be available in the near future.

2. A laser beam system used to measure and detect small earth tremors as a means of predicting earthquakes has been developed. The system can provide advanced earthquake warning.

3. A system has been derived to enable meteorologists to predict, through the use of aerospace technology, anticipated occurrences, preventing and controlling of storms.

4. The benefits of the Space Program in weather prediction and warning have touched the lives of many people. For example, early warning by weather satellites is estimated to have saved 50,000 people through evacuation from the devastating hurricane Camille.

5. Since the launching of the TIROS program in 1960, ten TIROS satellites have contributed approximately one-half million usable pictures that have helped to identify, observe, and track 93 typhoons and 30 hurricanes. Cloud analyses were drawn (approximately 20,000), 2,500 important storm warnings were broadcast worldwide, and 750 improvements attributable to TIROS satellite observations were shown.

G. Communications

1. Americans made 200 billion telephone calls in 1969 compared to 18 billion calls in 1960. The Space Program has developed communication satellites that will economically solve this urgent domestic problem.

2. Communications satellites are not affected by violent disturbances in the atmosphere and ionosphere and are not limited in reaching people all over the globe as is the case with undersea cables and short-wave radio. These satellites are undisturbed and transmit to all areas of the world.

3. International television coverage has been provided through communication satellite.

4. A battery-powered TV camera, the size of which is 4″ x 3″ x 1.5″ and weighs 16 ounces was developed to observe Saturn stage separation. It is now being sold on the commercial market.

5. Medical training, diagnosis, and consultation by satellite on a real-time basis is now possible. An electrocardiogram was transmitted from Burden Neurological Institute. After diagnosis was made, the analysis was sent via satellite immediately to doctors in Bristol, England.

EXPECTED BENEFITS

A. Space manufacturing

1. Precision Metallurgy—Eliminate contamination of the melt by heating material while free-floating in space.

2. Crystal Growth—Stresses induced in a growing crystal by its own weight cause minute imperfections in structure, and limit total size. Zero-gravity environment eliminates these stresses.

3. Precision Casting—Molten material can be held indefinitely in a stress-free environment, so a) controlled cooling allows control of internal structure, b) eliminates stratification and convection in partially frozen stock, c) minimizes external stresses during final phases, e.g., optical blanks, ball bearings.

4. Precision Surfaces on Castings—Using electrical fields, magnetic or static, free-surface finishes and zero contamination can be attained.

5. Biologicals: Production of some vaccines requires mixing of culture and medium. Buoyancy tends to separate and stratify the liquids, altering the growth pattern.

6. New Materials Structure: a) Disperse fibres through molten metal under zero-gravity (no buoyancy) to fabricate composites. b) Infuse inert gas into molten metal to optimize strength-to-weight ratios in metallic foam.

7. Improved Welding and Brazing: Achieve uniform material dispersion and diffusion.

8. Produce ultra-thin films—Blow bubbles in zero-gravity.

B. Agriculture and forestry

1. Aerial observation from space will be excellent means for gathering information about resources management of our continental land mass and environment.

2. Measuring of land use, detection of disease, insect infestation, drought, assessing crop and timber stands for tabulating future yields, determining soil characteristics, are some observations about our earth to be made in future exploration.

3. Methods to map the perimeter of forest fires will be used.

4. Food preservation methods to support men for several months in space will apply for people in remote areas where it is currently difficult to get food to without spoiling. For example, fresher seafood can be imported further inland to areas where seafood is an uncommon food.

C. Geography/geology

1. Provide national land use maps of forest cover, cropland, pastureland, urban area development, major transportation routes.

2. Aid in predicting and planning various agricultural crop yields and their distribution.

3. Mapping of new mineral and oil deposits.

4. Infrared data depicting geothermal power sources and also detecting subterranean fires.

5. Data analysis allowing quicker prediction of land slides, earthquakes, and volcanic eruptions.

6. Map making—Accurate photographs can be made of the countryside. Currently, most maps of our country are inadequate and obsolete and will take ten years to piece together. Future space photography will provide more accurate maps to be pieced together in 17 days.

D. Pollution control

1. Infrared photographs to provide understanding of distribution and dispersion of water pollutants.

2. Mapping of atmospheric pollution (CO) for control measures.

3. Earth orbiting pollution monitoring system that can provide coastal watch for oil slicks.

4. Detection of air pollutant violators by sensing the type, amount, and location of an escaping gas.

E. Water resources/marine species

1. Data providing knowledge about near-shore processes and how they affect the production of marine life and the catches of oceanic fishes.

2. Accurate location and prediction of fish schools.

3. Development of repetitive and timely mapping of sea-surface roughness and ocean surface wind conditions on a world wide basis to optimize marine transportation.

4. Detection of underground fresh water springs.

5. Map instrusion of salt water into fresh water streams.

F. Medical

1. Provide a new dimension of heart analysis by using 3-dimensional vectorcardiograms to give a picture of the heart's electrical activity. This technology will provide a new category of data to assess heart performance in the future.

2. Develop predictive methods to anticipate probable cardiac disorders using standardized exercise programs along with correlating subject historical data, and establish better physiological baseline data. Astronauts and space program managers are used as subjects in organized exercise programs.

3. Obtain better understandings of the human cardiovascular deconditioning (and resulting cardiac problems) process which is created when proper, continuing physical exercise is suddenly terminated after satisfactory achievement. These understandings will apply to all physically fit persons such as athletes, some physical laborers, as well as astronauts.

G. Atmospherical science

1. Currently weather can be predicted with relative accuracy 24 hours in advance using weather satellites. If weather could be predicted three days in advance, enough warning could be given to more livestock, protect crops, brace structures, and evacuate people. Prevention of impending disaster will result in a savings of billions of dollars annually.

H. Space communications

1. A single satellite over the U.S. could provide a link for a network of high speed computers for business—banking, management information, and education.

2. ATS-F will provide *India* with a means of direct broadcast of educational programs to its ½ billion population on vital subjects of farming, family planning, conservation, reading, and writing.

McCARTHYISM

Mr. SCOTT. Mr. President, a recent column by noted writer Richard Wilson is worthy of note. I commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Mar. 29, 1971]

"MCCARTHYISM"—KEEP THE DEFINITION STRAIGHT

(By Richard Wilson)

It was bound to come sooner or later. The political left is eager to pin the McCarthy (Joseph R.) label on the Nixon administration and tries to do so at every opportunity.

A scholarly author who was 17 years old when Sen. McCarthy flourished, now compares the Red-hunting Wisconsin senator to Vice President Agnew in manner and style because both adopted a flat and unemotional tone in presenting their arguments and accusations.

That is far off the mark to those who knew McCarthy's wild and careless nature, his sinister scowls, and oily mannerisms. But, never mind, it serves the intellectual community's interest to make Agnew and Nixon appear as latter day McCarthys, insensitive to all human freedoms, hounding college students on the campus, intimidating the news media, and persecuting rebel Catholic priests.

Bemoaning the "McCarthy era," and comparing it to the present, will not change certain historical facts with which McCarthy had nothing to do. A brief reference to these facts might be helpful to budding authors who were in their teens in the late '40s and early '50s.

An influential State Department adviser was convicted of lying in denying he had supplied a Communist courier with significant documents for transmission to Moscow. Critical American atomic secrets were stolen and handed over to the Russians in a plot first exposed by a thorough-going and to this day unchallenged Royal Canadian commission. A Justice Department stenographer was found to be turning over documents to a Communist courier, and convicted in court.

There was convincing evidence of Russian collaboration by a prominent sub-Cabinet officer, who denied it but died before the evidence could be tested out. A Communist cell with links to Moscow admittedly existed in one government department. A high official denied this, recanted and publicly confessed he had been a Communist and member of the group all along.

McCarthy had nothing to do with any of this. He played a different game in congressional hearings. Television carried the terrible monstrosity of it to the public, leading to his disgrace and death.

But that does not change the fact that there were established and significant instances of Communist penetration and espionage in which American officials participated, as well as terribly bad judgment on the part of others who were duped and used.

So, there was a lot more to the "McCarthy era" than McCarthy, and that should not be lost sight of now while the Nixon administration tries to cope with young revolutionists who blow up campus buildings, kill innocent people, claim they bombed the U.S. Capitol, and raid FBI offices to steal significant classified documents concerning ongoing investigations.

These are criminal acts. It is also a criminal act to try to immobilize the operation of government departments and kidnap a high White House official as a hostage.

The stolen FBI documents, however, are being presented to the public as revealing a sinister plot by J. Edgar Hoover to repress justifiable public dissent. The criminal acts which Hoover is investigating, including the theft of the documents, is excused.

The documents in fact show a lively regard by Hoover for avoiding intimidation and repression. He was after those who were planning riots and bombings.

Certainly by now it should be admitted that Hoover also has ample cause to investigate Black Panthers who kill each other, and policemen in line of duty, more often than policemen kill them. The point is raised that Hoover has been investigating any organization containing the name "freedom" in a militant context. And why not? Such organizations have a long and unenviable record of creating civil strife.

If this is "McCarthyism" then it was also "McCarthyism to expose, prosecute and convict those inside the government and out for what amounted to participation in Communist penetration and Soviet espionage.

Today's leftist does not like to be reminded that the "witch hunt" a score of years ago turned up spies, saboteurs, and informers for a foreign power, duly tried and convicted.

Nor does he like to be reminded today that scores of bombings and extensive violence have preceded the investigations the FBI is making.

As for Agnew, his political expletives are no more McCarthy-like than those of opponents who are currently trying to rival him.

EXTENSION OF THE DRAFT

Mr. KENNEDY. Mr. President, I have just read accounts of the action taken by the Senate Armed Service Committee yesterday on the draft. I want to congratulate the chairman for his outstanding leadership in undertaking a comprehensive review of the Selective Service System and our military manpower needs. I believe that, for the first time, we have had a full examination of the issues surrounding extension of the draft in the Senate committee hearings with an opportunity given to all viewpoints to be heard.

I was particularly pleased to note the 150,000 ceiling imposed in the induction authority of the President. That provision was included in the draft reform bill I introduced earlier this session. However, the strength of the limitation on the President's authority has been greatly weakened by the addition of an executive escape clause.

Under the committee version, the President can issue an Executive order declaring there are urgent national security reasons for lifting the ceiling. Once more, the President would be given the authority and power to acquire unlimited manpower to commit to foreign policy adventures. Once more, Congress would be voting away its powers and responsibilities under the Constitution. Once more, a President would be able to unilaterally commit troops somewhere, knowing that he could maintain that commitment by increasing the number of inductees. To prevent this, I intend to introduce an amendment to require congressional concurrence to any Presidential request for the removal of the induction ceiling.

There is considerable historical justification for this action. Limits were placed on the power to induct in 1940 and again in 1941. The President was barred from posting draftees outside the Western Hemisphere, restricted by the bill to a ceiling of 900,000 men, and given a limited 1-year induction authority.

As evidence that Congress can act quickly when a national emergency occurs, we can simply note that all of those limitations on the President's authority were removed 6 days after Pearl Harbor. It should be emphasized that the draft ceiling would not unduly hamper the President's ability to deal with national emergencies. He has control over all those already in the armed services as well as the Reserves. Also, since the timelag between induction and combat readiness is some 5 months, the need to ask Congress to remove the ceiling would not directly affect the President's ability to respond to true emergencies. But, in unmistakable legislative language, we would be telling the President that there are definite limits on his ability to commit this Nation to questionable long-term foreign policy actions. We cannot endure another Vietnam.

The need for reasserting congressional control over the size and use of the military has been underlined by the tragedies of the past 7 years. In 1964, there was a draft of 107,000 men. A year later, as the President escalated our Vietnam involvement, inductions rose to 233,200. In 1966, calls totaled 364,700 and never dropped below 200,000 for the following 3 years.

The critical question is whether Congress has the option of debating Presidential decision to commit this Nation to the use of military forces abroad. By setting a ceiling at 150,000 men and then requiring the President to return to the Congress to lift the ceiling, we would have the opportunity to concur or reject any major new foreign commitment. The Constitution gives Congress the power to raise and support the armies and the time is long overdue for the Congress to fully wield that power.

In that context, the committee's decision to reduce the end year strength of the total Armed Forces to 2.4 million men by June 1972 is remarkable. It is the first time in recent history that the committee has submitted the manpower rationale of the Department of Defense to close scrutiny. That alone is deserving of praise. However, I would hope that additional questions will be raised in the debate about the justification even for 2.4 million men. I believe that the United States may well be able to maintain its commitment and preserve its security with a smaller standing Army.

I also believe there are substantial questions remaining concerning the pay proposals approved by the committee. I stated in my testimony before the committee earlier this year that the proposal for a combat bonus—of up to $6,000—was particularly repugnant. I continue to view the bonus as an effort to lure the less advantaged members of the society not only into military service but directly into the trenches of combat. It is a blood bonus that I shall seek to remove from the bill by amendment.

But there is more about this bill to praise than to condemn. I want to commend the chairman for his leadership in reducing the term of the draft from 4 to 2 years. I believe that the goals of congressional control and draft reform can best be served by annual reviews of the President's power to induct. It is with these objectives in mind, that I shall support a 1-year extension of the draft.

With regard to the fairness of the draft, the chairman and the committee should be commended for the decision to end the remaining inequity of the undergraduate student deferment and for rejecting the administration's request for retroactivity.

The prohibition of future student deferments means that the impact of the draft will fall more evenly across all segments of the population requiring a greater sharing of the burden of military service than currently exists. This removal of new student deferments formed part of my draft reform bill this year. However, I would have preferred that the committee establish an end to deferments as part of the statute rather than leaving it to the President's discretion.

I have similar objections to the committee's grant of Presidential discretion in the matter of establishing a national call for induction. My bill again would mandate a national call which would require that individuals with the same birthdate to face the same risk of induction.

However, there is much in the committee actions to laud. I refer specifically to the decision to reject the punitive addition of an extra year of service for conscientious objectors contained in the house bill.

The committee decision to accept the lowering of age requirements for local board members to 18 also is worthy of support. However, I strongly feel that the requirement for representation of all groups on local boards should have been retained. The numbers of minority group members on local and appellate boards continues to be far below their percentage of the total population and far below the proportions in which they are asked to serve in the Armed Forces.

I shall join with others to seek to amend the bill to require such representation.

In addition there are other areas of procedural reform and structural reform which I believe are necessary to produce a system that is as equitable as possible. Most of these measures were recommended by the Marshall Commission and included in my bill this year. They include the right to counsel, the right to a personal appearance before all classification and appellate boards, the requirement that all decisions be written, and a requirement that quorums of all boards be present for final action. There are basic rights that should be accorded to registrants. The selective service process is perhaps the most important that any young man faces during his lifetime and he surely should be afforded these procedural safeguards.

I also shall join with others who desire to reorganize the selective service system along the recommendations of the Marshall Commission. This would end the patchquilt system of policymaking that currently exists. The 4,000 local boards, with their 20,000 unpaid volunteer board members make uniform national policy almost impossible. Although there is justification for maintaining most of these boards as a first court of appeals, the basic classification decisions should be taken out of their hands.

I strongly urge the Senate to support the many positive contributions made by the Senate Armed Services Committee but at the same time to examine the other reforms that would promote greater congressional control and greater fairness within the system. With so many in the Nation urging an immediate shift to an all-volunteer army, those of us who are opposed to that concept during wartime must be able to point to a system of conscription that is as internally equitable as men can conceive.

WHY END THE DRAFT

Mr. HATFIELD. Mr. President, within 2 weeks the debate within the Senate will begin on the draft. Numerous groups have come out in opposition to the extension of the President's authority to induct beyond June 30, 1971. One such group is the American Civil Liberties Union. For the April 1971 edition of the ACLU's publication "Civil Liberties", Aryeh Neier, executive director of the ACLU, wrote an article describing the ACLU's reasons for opposing extension of the draft law. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOLUNTEER ARMY: WHY END THE DRAFT

(By Aryeh Neier)

The ACLU is engaged in a campaign to end the draft. Unless Congress acts to extend the present draft, Presidential authority for conscription will end on June 30.

While ACLU members are virtually unanimous in viewing the draft as a severe intrusion on civil liberties, a substantial number of ACLU members are also fearful of a "professional" armed force. The purpose of this article is to argue that these fears, legitimate as they may be, should not get in the way of an all-out campaign to end the draft.

Whether or not the draft is ended, we are probably going to have, for the foreseeable future, a "professional" armed force. At the post-World War II high point, during the Korean War, our armed forces numbered 3.56 million men. For the years immediately ahead, our armed forces will probably number something under 3 million men. President Nixon has stated that, after Viet Nam, active duty force levels should be stabilized at a level of 2.0 to 2.5 million men.

The President's Commission on an All Volunteer Armed Force (the Gates Commission) estimated that, of the men presently serving in the armed forces, about 2.1 million are true volunteers—that is, volunteers other than those who enlisted because of the draft. Even without dramatic improvements in military pay scales, this figure is likely to be stable. Using the median figure of 2.5 million men to estimate the future size of the armed forces (as the Gates Commission did), the draft, if it is maintained, would account for something like 16 per cent of the total number of men in the armed forces.

BOTTOM OF HEAP

How much chance is there that the conscripted 16 per cent would counteract the dangers of a "professional" armed force? Not much. Many of the draftees would share the political views of the volunteers. All of the draftees would be transients at the bottom of the military heap without access to planning and decision-making. All of the draftees would live their lives subject to the almost total control and discipline of the men with longer service and higher rank and would be vastly outnumbered by the professionals.

One of those fearful of an all volunteer army is Sen. Edward M. Kennedy. According to Kennedy, if we end the draft "we face the risk of muting the most articulate and most resourceful voices in this land, voices that have proved vital in dissent and effective in causing some change in the direction of the war's escalation."

One assumption on which this argument rests is that persons not threatened by the draft are less deeply engaged in anti-war activities. In the ACLU, for the past several years much of our work has involved the defense of war opponents. Our experience suggests that there has been no discernible difference in the degree of anti-war action of those faced with the draft and such exempt groups as ministers, divinity students, women and those who are over-age.

Senator Kennedy's argument might also refer to the dissident activity of draftees within the armed forces. If that was his intention, then he may be right in suggesting that an end to the draft would reduce dissidence within the armed forces.

PROFESSIONALS DISSENT

An end to the draft would not, however, *eliminate* military dissent. Such ACLU clients as former Air Force Captain Dale Noyd and West Point graduates Louis Font and Cornelius Cooper had embarked on careers as professional officers. (See Mr. Karpatkin's article in this issue.) In the case of Noyd, he became a selective conscientious objector because the conduct of the war in Viet Nam was sharply at odds with the conception of the role of American armed forces which had led him to a military career. Font and Cooper, like many young men, formed their antiwar views a little later than the early age at which a decision on a military career is made. Dissidence arising out of shifts in American policy and out of maturing personal philosophies would undoubtedly continue.

An end to the draft would probably result in increased dependence by the military on civilian labor. There are no good reasons for military men to be employed as cooks or doctors at military bases in the United States—except that the draft makes available cheap manpower for these purposes. Civilian employees of the military would be much freer to engage in dissident activity than conscripts and, therefore, would probably do so.

Another point that Senator Kennedy may have overlooked is that in order to attract the volunteers who would be needed to replace the conscripts, the armed forces might have to end some of the most annoying and arbitrary features of military discipline. For example, soldiers might have to be allowed to have lockers that could not be searched by their superiors and publications that could not be censored. Healthy dissent may be encouraged by ending some of the most repressive aspects of military life.

ENGINEERING

But even assuming that an end to the draft would reduce dissent within the military, is this really an argument for perpetuating the draft? Are we prepared to send people into prisons and mental hospitals in order to generate dissent within those institutions? I should think not. Only if one is willing to sacrifice an individual's right to freedom to some larger design for social engineering does one think in such terms.

Interestingly, some of the same people who argue that an end to the draft would mute dissent also argue that an all volunteer armed force would be poor and black. The Gates Commission's exhaustive study makes it clear that an all volunteer armed force would approximate the present force in economic and racial background. But assuming the Commission is wrong, in this day and age is it really consistent to suggest that a volunteer armed force would be both more heavily composed of minority groups and less dissident?

The draft has been with us almost continuously for 30 years. Each year it deprives hundreds of thousands of young men of virtually all of their civil liberties. There are few larger intrusions on freedom in the nation. The unfolding of the story of the army's surveillance practices is quite enough to suggest the dangers in a professional army. But it is hard to see how those dangers would be mitigated by the perpetuation of military conscription.

ANOTHER PREPAID GROUP PRACTICE IN RHODE ISLAND

Mr. PELL. Mr. President, many times in the past I have commented about the pride I have in the progress that is being made in my own State of Rhode Island toward making adequate health care available to all its citizens.

In Rhode Island we have one statewide department of health which is able to plan and control the development of health facilities throughout the State. We have an excellent set of nine storefront OEO neighborhood health centers in Providence. The Rhode Island AFL–CIO is establishing a fine and imaginative prepaid group practice program in Providence. And a common health statistics information system is being developed in the State through the quasi-public health care corporation, Search.

I am proud today to note another step forward in the improvement of health care services in Rhode Island. Under the untiring leadership of Dr. Charles Millard, president of the Bristol County Medical Associates, a program to make available comprehensive health services in Bristol County through an experimental prepaid group practice arrangement with Blue Cross and Blue Shield was filed last week with the State department of business regulation.

Dr. Millard, who is also much appreciated in his community for his efforts in assisting youngsters with drug problems, is to be commended for his fine work in making this innovative form of health care services available to the citizens of Bristol.

Mr. President, I ask unanimous consent that a news release describing the Bristol health plan be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Bristol Health Plan

Rhode Island Blue Shield and Blue Cross today filed with the Department of Business Regulation an innovative new program that would make available virtually complete health care services to families in the Bristol County area for a set annual fee.

The experimental Prepaid Group Practice Program is being made available through an agreement with the Bristol County Medical Associates. In explaining the program, Arthur F. Hanley, chief executive officer of Blue Shield and Blue Cross, said that physicians at the Medical Center have agreed to provide or arrange for all the necessary health services needed by members, ranging from preventive services such as office visits and immunizations to acute services such as hospitalization and major surgery. The cost of the comprehensive care would be insured by Blue Shield and Blue Cross for individual rates of $17.10 per month, and $43.00 per month for complete family coverage.

Dr. Charles Millard, president of Bristol County Medical Associates, said the program means that subscribers "essentially have no worries as far as medical expenses are concerned."

"The program we have developed," Doctor Millard said, "represents evolution, not revolution, in making changes within the health care delivery system. We are working within the present structure, and this is most important. What we have developed isn't a final answer to the medical problem, but it is a very important step. We are striving to attain first-class medical care for less money."

Mr. Hanley said the Plans hope to offer the program to companies in the Bristol area as early as possible this summer. "Subscribers will be given a choice of Group Practice or the traditional fee-for-service system where physicians bill Blue Shield for each service performed."

Enrollment will be limited to 4,000 subscribers during the first year of the experiment.

Mr. Hanley said that the pilot project will pivot around contracts between the subscriber, Blue Shield and Blue Cross, and the group of physicians and their associates of the Medical Center, which is located on Hope Street in Bristol.

"Upon enrollment, the subscriber chooses a family physician from those participating in the Medical Group, creating a dual responsibility. The subscriber agrees to look exclusively to the Medical Group and its consultants for his family's health care needs, and the physicians assume the responsibility of fulfilling those needs," he said. "With minor exceptions for emergency situations and out-of-area services, all benefit coverage evolves around these arrangements."

The combined Blue Shield-Blue Cross agreement provides subscribers with a comprehensive range of benefits whenever services are rendered or directed by physicians in the Medical Group, including:

Hospitalization—Full coverage will be provided for 365 days of care in a semi-private room, including all routine and special services, when admitted to a short-term general hospital, and for 45 days in other hospitals, such as mental and tuberculosis facilities.

Hospital Outpatient Care—Full coverage for the initial visit to a hospital accident room within 72 hours of a traumatic or poisoning accident. And, full coverage for use of hospital outpatient facilities for minor surgery.

Services of physicians at the Medical Center, at home or in the hospital—to include the services of both the Medical Group and their consulting staff. Subscribers will pay $2 per visit to the Medical Center, and there will be a somewhat higher co-payment for house calls.

Maternity Benefits—Full coverage of hospital charges in a semi-private room for the care of the mother, including charges for nursery care of the newborn. All Medical Group physicians' services will be provided for pre- and post-natal care, delivery and new baby care.

Diagnostic services—including x-ray, laboratory, radium and radioisotopic services.

Therapeutic services including physical therapy.

Preventive services for health maintenance, including physical examinations.

Specified immunizations for pediatric patients.

Eye examinations—with a co-payment of $2 for each exam.

Ambulance service.

Emergency Care—coverage will also be provided for necessary hospital care and physicians' services due to accidential injuries and emergency illnesses while the subscriber is outside the Bristol County area or out of state.

FINANCIAL ARRANGEMENTS

Mr. Hanley said that subscribers' premiums will be allocated to three sources: Blue Cross for hospitalization coverage, Blue Shield for the coverage of emergency, out-of-area and other special services which cannot be provided by the Medical Group, and a monthly payment to the Medical Group based on the number of subscribers enrolled.

He said that financial incentives are also built into the program to promote the most economical use of hospital facilities.

He explained that the Blue Cross portion of the premium is based on the projected use of 834 days of inpatient hospital care per 1,000 subscribers. "To the extent that the Medical Group can reorganize the delivery of health services to an office or outpatient basis, there should be a corresponding savings on the dollars needed for inpatient hospital benefits.

"Any savings that result will be placed in a special Utilization Incentive Fund, of which the Medical Group will share if the use of inpatient hospital care is lower than the projected rate of 834 days."

In a covering letter to the Director of Business Regulation, Mr. Hanley said the Group Practice Program is specifically designed to avoid the costly creation of new medical facilities and recruitment of physicians by allowing existing groups to participate for a portion of their patient volume. "We feel that this economical approach is essential to the future development of Prepaid Group Practice on a statewide basis.

"Additionally, the use of existing medical groups should result in minimum disruption of the established relationships between subscribers and community physicians.

"The comprehensive scope of benefits and corresponding changes in the method of financing care are all intended to promote more judicious use of costly inpatient services with the resulting savings being used to help finance the extended range of outpatient services."

In conclusion, Mr. Hanley said that physicians of the Bristol County Medical Center have been instrumental in developing the program, "and are as enthusiastic as we are about the potential this alternative method of health care delivery offers to our subscribers."

AN AMERICAN PRESS COUNCIL

Mr. SCOTT. Mr. President, the continuing nature of today's debate over press responsibility prompts me to take note of a highly responsible article entitled "Can the Press Police Itself?" The article, which appeared in America magazine of April 24, 1971, provides a thoughtful explanation of preparations now being made by the press to formalize self-criticism. Almost 200 years ago, Thomas Jefferson said:

> Our liberty depends on the freedom of the press, and that cannot be limited without being lost.

If these efforts by America's Fourth Estate to rectify legitimate grievances are successful, our free press will be the stronger.

Mr. President, I ask unanimous consent that the article entitled "Can the Press Police Itself?" published in America for April 24, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can the Press Police Itself?

(By Bill Francois)

A number of signs point to first-time preparations by America's Fourth Estate to formalize self-criticism in its use of the great powers of the press.

Since the earliest days of our republic, the press has been regarded as a means of protecting the public from a multitude of dangers and evils. But a growing number of citizens, to judge from the results of public opinion polls showing support for Vice-President Agnew's fiery criticism of certain segments of the Fourth Estate, are disillusioned with their "watchdog" and would like to find some ways to tame it. While there is no one reason for this growing dissatisfaction, there is the feeling among some that the press too often ignores just criticism of its operations or reacts too defensively when there are legitimate grievances about shoddy journalism.

For example, journalists failed to respond constructively to a wave of indignation that followed the appalling behavior of press representatives after the kidnapping of Charles Lindbergh's son in 1932. And outright hostility is the only way to describe the Fourth Estate's reaction to recommendations made in 1947 by outstanding citizens who comprised the Commission on Freedom of the Press.

"Professional standards are not likely to be achieved," the commission reported, "as long as the mistakes and errors, the frauds and crimes, committed by units of the press are passed over in silence by other members of the profession. . . . If the press is to be accountable—and it must be if it is to remain free—its members must discipline one another by the only means they have available, namely, public criticism."

Since then there have been substantial criticisms of the press by the American Bar Association, stemming from interference in the fair trial process guaranteed to every citizen, and by the Warren Commission in its report following the assassination of President Kennedy.

Even the out-going president of the American Society of Newspaper Editors (ASNE) could not convince his fellow editors of the need for the machinery for self-criticism when he addressed four hundred of them on May 14, 1970. "We cannot go on insisting on the right to criticize everything and everyone, and hold ourselves immune," said Norman E. Isaacs, then executive editor of the Louisville *Courier-Journal* and now editor-in-residence at Columbia University's School of Journalism.

The ASNE decided not to establish a committee or council to hear complaints about the performance of the American press.

Such intransigence is all the more surprising because a successful model already exists. In 1949—two years after the report of the Commission on Freedom of the Press—a Royal Commission in Great Britain urged the press to create the machinery for self-criticism. There was foot-dragging and a parliamentary warning to act—or else—before the British Press Council was established in July, 1953.

Since the council had no power to apply sanctions against an errant newspaper, one critic warned that "it will fail hopelessly." There were other dire predictions, none of which materialized.

A recent survey of British editors showed that more than two-thirds of them approved of the council. And when the prestigious Lord Devlin left the council's chairmanship in September, 1969, after serving for six years in that position, he could say: "My predecessor . . . claimed no more for the Press Council in 1963 than that . . . it has survived. He put it too modestly. Drawing on his period of office as well as my own, I think I can now claim on behalf of the council that it succeeded."

The prominence of Lord Devlin and of his successor, Lord Pearce, both eminent jurists when they became chairmen of the council, is a major reason why the council has gained approval from the public and press alike. In addition, the inclusion of five prominent lay members as council members in 1964, joining with 20 journalists representing eight organizations, gave the public a voice in the consideration of newspaper ethics.

Equally important was a decision by most of the newspapers in England and Scotland to give the power of publicity to council decisions. These newspapers showed foresight and fortitude by agreeing to publish reprimands of journalistic wrongdoings even when the newspapers themselves were the objects of such reprimands.

In a typical year, between 350 and 400 complaints will be handled by the London-based council, with adjudications numbering between 60 and 75. In 1969, for example, 25 complaints about journalistic misdeeds were upheld by the council and 36 were rejected.

Adjudications have dealt with allegations of inaccurate reporting, complaints about the editing of letters to the editor, advertising, matters of good taste and objections to the use of certain words or the conduct of journalists. The result has been a kind of "case law" for ethical practices as well as declarations by the council of certain principles, such as: "No payment should be made for feature articles to persons engaged in crime or other notorious misbehaviour where the public interest does not warrant it"; or that a "reasonable right of reply" must be given to persons and organizations attacked in print.

Even critics have been able to praise the council's work. John Gold, editor of the one million circulation *Evening News* in London, had kind words for the council during an interview on Aug. 14, 1970—eight days after the council had upheld a complaint against language by an *Evening News* columnist who had written, "Go to it, Israel, and push those Egyptian bastards into the Qattara Depression."

The council declared: "The expression of controversial views is an important function of a free press and matters of taste are, in general, matters of opinion. But in this case the Press Council deplores the use of abusive and inflammatory phraseology which can contribute nothing to the calm consideration of a serious international situation."

Although criticizing this particular action on the grounds that matters of taste "should be left to the discretion of the editor," Gold said the council is performing a valuable service "as a sort of umpire"—giving persons who feel "abused by the press the feeling that they are not beating their fists against what they regard as the fortress of the press."

Another editor, Harold Evans of the *Sunday Times* in London, assessed the council in this way: "The strength of the council is that, with its lay membership, it has established a reputation for fair dealing between the public and the press. It has helped to improve press conduct . . . It does not have any power of fining, but the powers of publicity are considerable, especially when a newspaper values its good name."

Evans concluded with this observation: "If there were not a Press Council in England, I think it would be necessary to invent one."

Signs of "inventiveness" are springing up in the United States—harbingers, perhaps, of the news media getting the message that they must act to put their own house in order.

The current ASNE president, Newbold Noyes Jr., editor of the Washington *Star*, has appointed a special Ethics Committee to study the feasibility of a press-council type of organization. This committee probably will recommend regional or statewide machinery for dealing with grievances against the press, rather than a national committee or council.

The National Institute of Public Affairs in Washington, D.C., is investigating the possibility of establishing a press council. So are two committees of the Association for Education in Journalism, with one committee already on record as "supporting activities leading toward programs for the appraisal of the work of the mass media. . . ."

In addition, Victor Elting Jr., chairman of the American Advertising Federation, has called for the creation of an independent Advertising Review Council with an annual budget of $1.5 million, to be financed by an assessment against advertising expenditures.

And the Minnesota Newspaper Association announced in early 1971 the creation of the Minnesota Press Council which will hear grievances directed at newspapers in that state. The 18-member council includes nine members drawn from the public and nine representing newspapers in the state.

Thus, for the first time in the history of American journalism, indications abound that the Fourth Estate is preparing to answer to the public for the use it makes of its great powers.

The creation of grievance procedures in the 1970's would go a long way toward convincing the nation that journalists are prepared to act responsibly or suffer the consequences of public censure.

[Bill Francois, currently a professor of journalism at Drake University, Des Moines, Iowa, was a newspaperman for ten years.]

THE ADVERSARY PROCESS—WHO NEEDS IT?

Mr. RIBICOFF. Mr. President, our present social, judicial, and correctional systems are challenged by the rise of crime in this country. The need for reform increases every day—we need new jails, better court management, and more judges.

But we must not be stampeded into devising solutions which offer only short term relief.

Hon. David L. Bazelon, the distinguished chief judge of the U.S. Court of Appeals for the District of Columbia Circuit, discussed these matters last week in a speech about the need for court reform. His address, "The Adversary Process—Who Needs It?" was the 12th annual James Madison Lecture at the New York University School of Law.

As Judge Bazelon states in his address—

> As long as our system of justice is imperfect, it is critically important that we keep that system in public view, so that the imperfections and injustices will not escape detection, but will be brought out into the open where something can be done about them.

To further that goal, I ask unanimous consent that the complete text of Judge Bazelon's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ADVERSARY PROCESS—WHO NEEDS IT?

(By David L. Bazelon, Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit)

I am honored tonight to be giving the twelfth annual James Madison lecture on constitutional law. Frankly, I have always thought that asking a judge to talk about constitutional law is sort of like asking a hypochondriac how he feels today—you may get a little bit more than you bargained for. At least when a judge like me is writing opinions, he has at least two colleagues—not to mention the Supreme Court—to keep him in line. My own colleagues are pretty good at that. But speeches are another matter. I hope, though, that I can live up to my reputation for judicial restraint and keep this one within bounds.

I want to speak to you tonight about the American system of criminal justice—how it is defined by the Constitution, and how it works in practice. Of course I can't pretend that a single lecture could even skim, let alone exhaust the questions suggested by those topics. What I would like to do, therefore, is say a few words about what I consider to be both fundamental and critically important features of our system of criminal justice as it is supposed to be, and then return to the real world and discuss how some aspects of criminal law as it is actually applied either serve or defeat those features. For the American public and the legal profession have just discovered that our system of criminal justice is in a state of crisis, and I think that there is a real danger that in our urge to implement much-needed reforms we may solve problems in the easiest way there is—by shoving them under the rug and ignoring them. I think that our system of criminal procedure has, during the last twenty years, taken some giant steps towards rationality and fairness. But one of the consequences of this is that we have brought to the light some pretty difficult problems that are now clamoring for solution. I think it would be tragic if the difficulty of finding solutions should lead us to turn back the clock and hide the tough problems again.

I

The Constitution leaves a lot of room for fair disagreement over what its provisions mean. Whenever we think that any problem of constitutional interpretation has been forevermore resolved, we find a few years later that we are faced with a host of new questions we never imagined could exist. Only forty years ago, **Felix Frankfurter** told his readers in the *Harvard Law Review* that some constitutional provisions were written in such explicit language that there could be no disagreement about their meaning. As an example, he cited the Fourth Amendment. But I think that there are some notions that can fairly be said to be firmly embedded in our constitutional fabric. One of these notions is that, however much room there may be for experimentation and play in the joints, the Constitution commits both the States and the Federal Government to a system of criminal justice that is basically adversary in nature. Due process, in the field of criminal law, means an adversary process. But due process means something more than that, as well. A massacre is an adversary process, but not too many of us would like to think that Custer's Last Stand provides a working model for a criminal trial. And so I think that an inseparable corollary of our constitutional commitment to an adversary system of criminal justice is a constitutional commitment to balancing the scales, so that the adversary system can work as it is supposed to do. A good case can be made for the proposition that much of the work of the Supreme Court since *Brown v. Mississippi* back in the 1930's has been devoted to precisely that task—evening out the balance of power between the State and the accused. I don't pretend that we have yet struck the perfect balance. In fact, one of the points I have to make is premised upon precisely the contrary assumption—the assumption that our system of justice is not yet, in reality, a Platonic ideal. And as long as our system of justice is imperfect, it is critically important that we keep that system in public view, so that the imperfections and injustices will not escape detection, but will be brought out into the open where something can be done about them.

II

With these points in mind, I would like to take a look at some of the current proposals for judicial reform. From all sides we are assailed by cries of a crisis—a crisis of crime in the streets and congestion in the courts. We hear the cry that we can reduce both street crime and court congestion by increasing the efficiency of the courts. In the name of efficiency, many proposals for reform have been advanced. Some of these proposals are ones with which I think it would be hard to quarrel. But others would change the system in some very fundamental ways. In considering these proposals, it is important to keep in mind some of the serious costs that we may have to pay.

One type of proposal relates entirely to management techniques. The courts are urged to experiment with new ways of managing their calendars, and new ways of expediting the flow of paper through the court system. Certainly any such reforms that can help the courts cut into their backlogs are long overdue. For there are many good reasons for reducing delay in the judicial process. Delay impairs the accuracy of factfinding at trial: witnesses move away and disappear, and memories fade. Delay often results in serious injustice before a case is tried. A defendant who cannot make bail may be imprisoned for six months or more without even the opportunity to assert his innocence. In consequence, the effort to reduce court backlogs is important for its own sake. We are greatly indebted—both to the present Chief Justice and to his predecessor—for persuading the public that court management reforms are worth their initial cost in tax dollars.

But I think there is a grave danger that we have been oversold on the benefits of judicial efficiency. In a great burst of wishful thinking, many of us seem to have decided that cutting down on court backlogs will cut down on crime. The theory seems to be that would-be criminals are more likely to be deterred by the threat of swift punishment than by the threat of remote punishment. But in reality we know next to nothing about the way deterrence really operates. We haven't bothered to find out. I am myself pretty dubious about the proposition that the threat of punishment, whether swift or slow, has any deterrent effect on the man at the bottom of society's ladder. These are people with nothing to lose from a life of crime, and much to gain. And these are the people who commit the violent street crimes that produce the public clamor for swifter justice. There is simply no evidence that speeding up the judicial system is likely to make a measurable dent in the crime rate. Our criminal justice system is slow and inefficient, and there are many good reasons to reform it. But we are only courting public disillusionment if we try to sell such judicial reforms to the public as a cure for crime.

First, if the public is led to expect such miracles from judicial reforms, we may put the more important reforms on the back burner. It would be a serious mistake to think that it is more important for us as a nation to repair our judicial machinery than to repair the institutions that provide housing, inadequate health care, and insufficient food to the people who commit the crimes that concern us. Even if we were to dispense with trials altogether, and simply lock up every person who was not discharged at his preliminary hearing, we would still have a serious crime problem. For every criminal we take off the streets, a dozen more will come of age until we do something about the conditions that force people into a life of crime. As lawyers and judges, we are naturally eager to set our own house in order. But ours is not the only house on the block. We can not forget that many reforms in the quality of life can do far more than court reforms to reduce the incidence of crime.

Second, there is another danger inherent in allowing the public to expect too much from judicial reforms. That is the danger that in our enthusiasm we will be willing to pay an inflated price for judicial efficiency. In the name of efficiency, we are urged to rely ever more heavily on guilty pleas, to eliminate "frivolous" appeals, and to pare to the bone collateral review of criminal convictions. Devices like these may cut down court backlogs. But we should not forget that problems come to the courts only when every other social mechanism we have has failed to solve them. Almost by definition, these problems are hard problems—cruelly hard problems. Speeding up the process of decision doesn't make them any easier to solve. And devices like those just mentioned will speed up decision only at the cost of short-circuiting the process established by the Constitution for the administration of criminal justice.

III

I think that we are already relying far too much on acceptance of bargained guilty pleas. In hopelessly backlogged courts, most defendants are convicted without any trial at all. Some of our most vital decisions about guilt and sentence are made not out in the open, but behind the scenes. Equal adversaries do not compete in public before an impartial judge and jury—instead, the two sides meet in secret in a test of nothing more than raw bargaining power.

Today the practice of plea bargaining is widely regarded as indispensable for the operation of our system of criminal justice. We are told that the courts would collapse into chaos if every defendant exercised his right to a trial. If so, we are in a sorry state indeed, for the continued existence of the judicial system is dependent upon the good will of criminal defendants. But if they continue to have our best interests at heart, and the practice of plea bargaining is to continue, at the very least we should bring it out into the open and surround it with safeguards. The charade that often accompanies the acceptance of guilty pleas—where the defendant and the prosecutor solemnly aver that no bargains have been struck, no promises of leniency have been made, and the judge with a straight face purports to believe what he knows to be an egregious lie—cannot continue. The American Bar Association and other groups have made important proposals in this regard. The courts of the District of Columbia, I am happy to say, are presently experimenting with devices intended to put such plea bargains as are made on the public record.

But no safeguards can eliminate the fundamental problems inherent in plea bargaining. When the government actively encourages defendants to forgo the very rights that government is established to secure, it may not offend the Constitution but it certainly raises some pretty basic problems. With one hand we offer the defendant a public adversary trial, and with the other we rush him out of the courtroom and into the bargain basement, where he can buy a short sentence by pleading guilty. One result of the bargain system is that the resulting sentences are based less on any rational or consistent policy than on the fluctuating demands of the marketplace.

We like to tell ourselves that, in these enlightened times, our sentencing policies are based on the hope of rehabilitating defendants, so that they will return to society less likely to transgress again. I sometimes wonder whether a person who is sent to the prisons we have today comes out more or less able to cope with the problems that led him into crime in the first place—or indeed, whether rehabilitation on any large scale is possible in any prisons at all. The need for prison reform has recently captured some public attention. With a little luck and a lot of work, we may be able to make our prisons conform to common notions of human decency. Cleaning up our prisons, like cutting down our court backlogs, has much to recommend it. Yet I am not convinced that prison reform can be any more effective than court reforms at reaching and repairing the root causes of crime.

Whatever may be our concept of rational sentencing policy, however, it is hard to square with the concept of plea bargaining. To begin with, a prosecutor negotiating a plea simply doesn't have before him the information necessary to make any sort of informed judgment. He usually knows almost nothing about the defendant. He often has as little as 10 or 15 minutes to reach his decision. And in any event, his options are severely limited by the economics of the marketplace. For in order to buy a guilty plea, he has to offer something in return. What he offers is a sentence significantly shorter than a defendant would expect to receive if he were found guilty after a trial. If that short sentence is sufficient to serve whatever ends we seek to serve through the sentencing process, then it must be true that sentences handed out to defendants who go to trial are too long. Conversely, if the defendants who go to trial are, by and large, getting sentences of the proper length, then the sentences resulting from the plea bargaining process are too short. If, as I suggested above, the basic aim of our sentencing policy is to rehabilitate defendants, then the result of our commitment to plea bargaining must be either that the prisons are clogged with people who should have been out on the streets a long time ago, or else the streets are clogged with people who should still be receiving rehabilitative treatment. It is a false efficiency indeed that speeds up the criminal process in order to speed up an unrehabilitated defendant's return to the streets. Indeed, it would seem that the process would be more rational if we paid for guilty pleas not by shorter sentences, but by simple cash payments. If the idea seems repugnant, I suggest that the fault is not in the form of payment—we don't normally consider money to be inherently evil, and cash payments would at least help alleviate the burden on those who may have depended on the defendant for support. The fault I suggest, is in the plea bargaining process itself.

In order to speed people through the system, then, we are running a bargain counter that may tempt even innocent people to plead guilty. For any defendant—innocent or guilty—must pay a high price for asserting the right to go to trial. We may be confident that not many innocent defendants are convicted, but we know that imperfections in the factfinding process must mean that some are. And one ironic quirk of the plea bargaining process is that it gives the heaviest sentences to the group most likely to include some innocent people—the group with close cases. For an innocent defendant is most likely to resist the pressure to plead guilty, and insist on going to trial. Some of these people will be convicted—after all, no system of justice is perfect—and those innocent people will get the heavy sentences reserved for people who insist on trials.

The problem is even worse in the context of the delays that presently beset the criminal system. For court backlogs increase the pressure on all defendants, innocent or not, to give up and plead guilty. The price of a trial is not only a longer sentence for defendants who are found guilty. For defendants unable to make bail, insisting on trial may increase the time they spend in jail in another way as well. In many jurisdictions, the usual sentence on a plea of guilty to a misdemeanor is "time served"—the amount of time spent by the defendant in jail before the plea was entered. Since it usually takes a longer time to get a trial than it does to get a plea taken, the price of a trial is several extra months in jail even for an innocent defendant. *Life* magazine recently told a story that makes the point. One defendant, in jail for ten months, was approached by his lawyer with the suggestion that he enter a guilty plea; he could probably get a one-year sentence which, with credit for time served and good behavior, would put him right out on the street. If he insisted on trial, on the other hand, he would have to spend a few more months in jail before he could get one, and would get a stiff sentence as well if he lost. The poor defendant could hardly believe it. "You mean if I'm guilty I get out, but if I'm innocent I stay in jail?" But that's the way the system works.

That story makes clear, I think, that court backlogs and bargained pleas are both damaging to our system of criminal justice. If we can only reduce backlogs by increasing bargains, it's hard to see what we gain. Criminal trials are too valuable to sacrifice for the sake of efficiency. But there may be other matters that could be removed from the courts at far less cost to society. Automobile negligence cases come immediately to mind. Or Congress—and the state legislatures—could cut down on the judicial burden by providing more efficacious means of challenging criminal prosecutions under statutes that are unconstitutional on their face. At present, it seems that the only way to challenge an unconstitutional statute is often to violate it and wait for trial. Where large-scale political demonstrations are involved, the result may be that literally thousands of people are arrested, processed, and brought to trial before there is ever an authoritative declaration of unconstitutionality. Yet if such statutes could be wiped off the books by a single proceeding before they were ever enforced, the saving in times of crisis could be substantial.

In any event, however, we should bear in mind that even now some jurisdictions manage to try a significant number of their criminal defendants. It has been widely reported that guilty pleas represent 90% of all the criminal convictions in this country. But in Philadelphia a few years ago, as the District Attorney there proudly pointed out, the figure was closer to 27%. In Washington in recent years it's been about 62%. If we take steps to clear the courts of unessential matters—and more important to do something about the causes of crime rather than its results—we may be able to move toward a world in which we mean what we say, a world in which every defendant who wants one can have what the Constitution is supposed to guarantee him—a fair, speedy, and public trial.

Plea bargaining operates to deprive many defendants almost entirely of the benefits of our public adversary system of criminal justice. But even the defendant who goes to trial is often in little better position. For the adversary system falls on its face when a defendant is not effectively represented by counsel. That we provide most defendants with an attorney tempts us to congratulate ourselves on that and never look to see whether counsel is doing an effective job. The courts in particular have paid far too little attention to the right to *effective* counsel, with devastating results. I think there are two principal reasons for this lack of attention. First, a misplaced concern for the feelings and reputation of counsel often causes us to set the standard too low. We confuse the question whether defendants have received the effective assistance of counsel with the question whether they have received the assistance of effective counsel, and answer the second question rather than the first. In addition, courts often remain blissfully ignorant of an attorney's ineffective performance at trial unless it leaps out of the record. For appeals in criminal cases are often handled by the lawyer who represented the defendant at trial. It would be surprising if all of them recognized their own errors. It would be even more surprising to find them urging their own mistakes upon an appellate court.

My own court has long followed a policy of appointing new counsel in criminal appeals. There are many reasons for this. Until this year, our local public defender was not authorized to do appellate work. Many of our local trial lawyers are unwilling or unable to handle an appellate case. When private counsel have been appointed to defend a client for no or a limited fee, we have sought to spread the burden by asking someone else to shoulder the load of appeal. And finally, we have found it helpful to have new counsel look with a fresh eye at the proceedings at trial. But now our policy is under severe attack in the name of judicial efficiency. We are urged to appoint trial counsel to prosecute the appeal wherever possible. The argument is that trial counsel will need less time to prepare the case, because he will know without studying the transcript what points to raise. It is said in addition that trial counsel, having expended considerable effort on the case, will feel less obligation than new counsel to manufacture an appealable claim, and that he will therefore not clutter the courts with frivolous claims.

I find these arguments less than convincing. The briefs I have seen where trial attorneys have handled the appeal are ample demonstration that trial attorneys are as able as anyone else to argue endlessly on points devoid of merit. Only a foolish attorney would think that he can serve his client effectively without reviewing the transcript before he takes an appeal. And in any event, since an attorney has the duty to file an appeal if requested by his client, and to argue it in any doubtful case, there is little reason to believe that frivolous appeals would be reduced. In my view, there is only one important difference. Trial counsel will almost never explicitly urge that his client was deprived of the effective assistance of counsel. Nor is he likely to raise the issue implicitly by arguing new points that he did not raise at trial. The resulting saving of time is wholly illusory. If the defendant raises either a previously ignored constitutional claim, or the issue of inadequate assistance of counsel, on habeas corpus, the result is more litigation, not less. And if the issues are never raised at all, what have we gained? One thing, and one thing only. We've swept a few more problems under the rug. The result is that we injure not only the individual defendant, but the whole criminal justice system. For when appellate courts correct errors in past trials, they are preventing similar errors in the future by making trial courts and lawyers more sensitive to the proper handling of difficult issues. And in the long run, the second function may well be far more important.

I would not spend so much time on this subject if my years on the bench had not convinced me how serious a flaw ineffective assistance of counsel may be. In the District of Columbia, some defendants are represented by our exceedingly able Public Defender Service, and others by equally able counsel from the private bar. But too many defendants are represented by appointed—or hired—counsel who lack either the ability or the experience to handle what is in many ways the most difficult and specialized problem in the law—the defense of a criminal charge. Defendants have been represented by patent lawyers and other attorneys who, for all their virtues, have never handled a criminal case. If a paying client walked into their office and asked them to defend him, they would immediately send him down the street. But they know that criminal lawyers are in short supply, and so when asked to take a case for little or nothing they try to do what they can. The trouble is that it often isn't enough. And yet appellate courts continue to shut their eyes to errors raised for the first time on appeal. Like spectators watching the emperor in his new clothes, they are afraid to see the obvious. My court recently heard a case in which the defendant, a narcotics addict, had sought to defend against charges of possession of narcotics by asserting that the Eighth Amendment prohibited criminal conviction of an addict in possession solely of narcotics for his own use. He had been defended at trial by two court-appointed patent attorneys, one of whom began the trial by addressing the court as follows:

"Your Honor, at this time I would like to point out that [my partner] and myself are patent lawyers and we are relatively unfamiliar with criminal procedure. I apologize in advance for any procedural errors we may commit in this courtroom."

The trial judge, of course, said he was sure they would do a fine job and he wouldn't hold any technical mistakes they made against their client. And frankly, I think the trial judge was right. Those two patent lawyers did a pretty good job of presenting the argument that their client was a narcotics addict, and that the drugs he had on him were for his use only. And they asked for a jury instruction that if the jury so found, they should acquit him. But the trial judge refused the instruction. When the case came to us on appeal, we refused to decide the question. A majority of the court held that it should have been raised by a motion to dismiss the indictment, and since that hadn't been made they wouldn't consider the question. I thought that the question had been properly raised below. But even if it hadn't, it is hard to see why the defendant should be blamed because the court appointed attorneys raised the question the wrong way. I agree that there is value in the doctrine of avoiding difficult constitutional questions when it is unnecessary to decide them. But what has been the result of avoiding this constitutional decision? The defendant in this case can still raise the question on collateral attack. Since this is a federal case, that means that the same question will be presented to the same trial judge who has already decided it. And the case will come up to us again. In the meantime, the trial courts are getting narcotics cases every day, and they don't know what to do. Some of them are deciding the question one way, some of them another. Since the rule we handed down was that the question should be raised on a motion to dismiss, and buttressed by a little trial at which the defendant should demonstrate as a matter of fact that he was an addict and that the drugs were for his own use, dozens of little hearings are going on. Under *United States* v. *Sisson*, I think it is a serious question whether a decision favorable to a defendant in such circumstances is appealable at all. And since the constitutional defense is closely related to the defenses of insanity and duress, on which defendants are entitled to trial by jury, if the trial judge decides against the defendant that same evidence will be repeated a second time before the jury. The point is that by shutting our eyes to the question of ineffective assistance of counsel we haven't saved any time at all. We've simply buried our head in the sands—and in so doing we've stirred up a sandstorm.

But aside from the problem of lawyers who, for one reason or another, are unable properly to present the issues in a particular case, there is also the problem of lawyers appointed in criminal cases who view their appointments as part-time commitments. Understandably, many feel that they must devote the major portion of their time to their "real" work—the work that sustains their office. But effective representation in a criminal case is a full-time job. This was pointedly observed by Dr. Benjamin Spock, himself a criminal defendant in a recent and well-publicized case. He was recently asked by a law student what his experience had taught him about the administration of justice. He said that the most striking thing was how hard and how long lawyers had to work to prepare a case adequately. In his case, six lawyers worked from 8 a.m. until nearly midnight every day during his month long trial and many days before and after. The lawyers were working only for him, not for the other defendants. They explored every issue in depth from the manner in which the jury was selected to the form of the judge's instructions. He wondered, to this law student, how the normal defendant—who had not written a million dollar bestseller—could begin to get an adequate defense, if that is what it took. Well, of course most cases do not take six lawyers working from morning to midnight. But they do take more than—considerably more than—the few hours often allocated by assigned—and sometimes paid—counsel.

Our criminal justice system contemplates that every important issue in a criminal case will be explored and contested by well-matched adversaries, under the searching eye of the public. It is primarily to make that process work that the defendant needs the assistance of counsel. If an important issue escapes without exposure to that public adversary process, then it is fair to say that the assistance of counsel has been ineffective, in the sense that it has failed to produce a full-fledged public adversary trial.

The time has come to stop thinking of "ineffective assistance" as a judgment on the motives and abilities of counsel. Counsel may occasionally be ineffective because he is incompetent or uncaring, but it is far more likely that he is ineffective because he simply hasn't had the requisite experience in criminal litigation. We would not ask a pediatrician to perform brain surgery, even though he has an M.D. Modern legal practice is just as complicated and fragmented as medicine. Moreover, trial counsel may be prevented from operating as he should by factors wholly beyond his control. We wouldn't ask a brain surgeon to operate with a hatchet, but we often ask an attorney to try a criminal case without the investigative resources necessary to develop and explore critical issues. And then when his presentation is inadequate, we look at the record and say "Well, it wasn't the attorney's fault." And we think that answers the question.

The point is that whether a defendant received the effective assistance of counsel does not depend on whether the attorney did something that should subject him to censure. The question of blame would arise in a tort suit against the attorney, or in a disciplinary proceeding against him. But a claim of ineffective assistance should be neither. It should merely be a claim that, for whatever reason, the adversary system has failed to function properly. Maybe we need a new term, one that implicates not the attorney but the system. Maybe instead of "ineffective assistance of counsel," we should speak of "failure of the criminal process." But whether or not we change the label, we cannot afford to let the lawyer's feelings weigh more heavily than the defendant's liberty. My own feelings are as tender as anyone's; but I would certainly have trouble sleeping if I thought the Supreme Court had ever affirmed a judgment denying somebody his liberty or even his life not because the judgment was correct, but simply because my feelings would be hurt by reversal. The key question, after all, is whether the defendant was "deprived of the essence of a substantial defense," and not to deprived him. The Constitution gives defendant the right to a full adversary trial. That fight has been denied whether the fault lies with the defense attorney, the prosecutor, the judge—or with no one at all.

Of course we will never achieve the perfect trial in an imperfect world. We can only promise a trial that affords substantial justice. Some people may say that it is neither fair nor efficient—O magic word!—to subject the trial lawyer to the Monday-morning quarterbacking of another lawyer on appeal. Or (you should forgive the expression), of an "activist" appellate judge. But the doctrine of harmless error makes it unnecessary for appellate courts to concern themselves with errors that could not have affected the result of the trial. That doctrine is highly susceptible to abuse, as Justice Traynor recently reminded us in his excellent little book. But properly confined, it serves the important function of limiting our attention to the errors that matter. These deserve attention at the appellate level, no matter what their source.

Perhaps I can make my point with a few examples. As you may know, I come to my concern for the adversary process at least in part through my longstanding interest in the issue of criminal responsibility—the insanity defense. In case after case I have watched the system deprive the defendant of his right to a full exploration of that fundamental issue, through a public adversary proceeding. At first I blamed the psychiatrists, and then I came to blame the lawyers. Finally I concluded that it matters little who is at fault—the important thing is to find a way to make the public adversary process work.

Consider the case of a defendant with a very low I.Q., charged with the senseless murder of a small child. Surely there is at least a question about criminal responsibility in this case. But if no one requests a pretrial mental examination, there is no information before the jury on the issue of criminal responsibility. If no one ferrets out the relevant information on such an important issue, surely that reflects a breakdown in the system. I don't care whether we blame counsel for failing to ask for an examination, the court for failing to order one, or nobody at all—the fact remains that the system failed.

The system often works as badly even when the defendant does get a pretrial examination. In the typical case, the indigent defendant is committed to the public mental hospital for his examination. If the hospital files a report finding no mental illness, there may be a minority of staff members who disagree. What happens if the defendant's lawyer fails to seek out those dissenting doctors and subpoena them to testify at trial? In one case, the lawyer didn't discover until the day of trial that the dissenting doctor was out of town. The trial judge was exasperated—how could responsible attorneys have a witness in a case and not know he was out of town? Defense counsel had a simple answer: the witness was a government doctor, wasn't he? Well, then, counsel assumed it must be the government's job to get him to trial! Who should pay for this naivete? The defendant?

Finally, the system may fail even if the dissenting doctor appears to testify for the defense at the trial. For the doctors frequently testify in utterly conclusory terms. The lawyer or the judge may ask for the underlying information behind the diagnostic labels, but the doctor is often unwilling or unable to provide or explain it. In that case important information is kept from the jury. I don't know whether the fault lies with the doctor, the lawyer, or the judge—or with no one at all. But it's clear that the defendant is deprived of a fair trial on the issue of responsibility.

Failures like this rob the insanity defense of meaning, no matter how neatly a court states its test of criminal responsibility. You may know that the question how the test should be phrased is presently before my court, so I can hardly talk about substance at this time. The point I can make, however, is that there is another matter far more important than the substantive test. The most important thing is that the trial process must produce for the jury a thorough explanation of the defendant's behavior and its causes. For if it does not, the test can be neither applied nor improved. The words of the test are far less important than the quality of the information presented at trial, and the manner in which it is presented.

V

I have discussed the problem of effective assistance at some length because I think a new approach to that problem is indispensable if we are ever to give our constitutional commitment to a public, adversary process a fair trial. And it is surely worth the effort to make that happen. For the individual defendant is not the only one who benefits from the process of a public adversary trial.

We ordinarily think of the criminal justice system primarily as a set of safeguards for the individual defendant. And of course it has an important role to play in that regard. The adversary process still provides the best method yet devised for reliable factfinding, consistent with individual liberty. From that point of view, the important part of the system is its adversary character—the clash of counsel, and the privilege against self incrimination. The public aspect is important for the defendant primarily as a searchlight, a safeguard against secret arbitrary action.

But almost as important, perhaps, is the service the system performs for the rest of us, who are not on trial. For the criminal justice system created by the Constitution provides the general public with an unparalleled opportunity to participate in the administration of justice. First the jurors, as representatives of the community, have the opportunity to inject into the proceedings at hand their sense of the standards that prevail in the community. And second, not only the jurors but also the general public, through the mass media, derives from the proceedings the kind of information and understanding that leads to intelligent change in the criminal laws, if necessary, or hopefully even to change in the social conditions associated with crime. These benefits of our public adversary proceedings are far too precious to sacrifice on the altar of the Great God Efficiency.

When citizens serve on a jury, they are told simply to find the facts and apply the law according to the instructions of the judge. And jury studies show that by and large they make a conscientious effort to follow the instructions. But it is an awesome experience for citizens to sit in judgment on their peers. And in the process, they must somehow square what they are doing with their own sense of justice. If they feel the rules of law require an unjust result, then they are likely to try to avoid that result if they can.

In its most general form, this impulse of the jury to do justice raises the important issue of jury nullification. The jury clearly has an untrammeled power to disregard the law, to refuse conviction even though the law plainly requires it. But does the defendant have the right to appeal to that power? To introduce evidence, or ask for an instruction on the point? A few years ago, my court had a case in which the defendant pleaded guilty to robbery, and then sought to withdraw the plea. He wanted to explain his robbery to the jury. He only did it, he said, to get the money he needed to "take care of his sick wife." The court refused to let him withdraw his plea. It is interesting to consider whether the jury's power of nullification should be treated as an unavoidable evil, or a useful escape valve. I cannot comment on the issue, because precisely that point is involved in a case presently pending before my court.

But putting aside the broader question of jury nullification, there is a large class of cases in which it is clear that the jury has both the power and the duty to bend the law to suit the case at hand. These are the negligence cases involving "reasonable care," and all the other cases that turn on broad terms whose meaning is evolved only in their application to particular facts. When the lawmakers are unable or unwilling to devise a precise verbal formula, they use broad terms that invite the jury to look for guidance to prevailing community standards of acceptable conduct and of fault. In cases like these, Learned Hand astutely observed that each jury verdict is really a small bit of legislation ad hoc.

Giving a jury that kind of power, of course, raises its own problems. Our commitment to the jury system cannot excuse a failure to recognize the problems that such a system may create. And so we surround the system with safeguards designed to insure that juries are acting on something more than their personal feelings about the particular parties before them. Years of experience in certain areas have led to the development of general rules. Juries are carefully instructed on the factors they are to take into account in reaching their decision. Trial judges exercise substantial control to keep the process within bounds by setting aside jury verdicts and, equally important, by ordering remittiturs of excessive judgments. Appellate courts review the cases as well, seeking to refine the general rule applied, and striving for more consistent judgments. Finally, when problems develop we try at least to bring them out in the open for legislative correction. Dissatisfaction with the results of the judicial process was a substantial element in the development, for example, of workmen's compensation legislation. But in the end, if we want to apply the community's value judgment to distinguish among a myriad of closely similar cases, we must ask a jury to make that judgment.

Here again my views grow out of my experience wtih the insanity defense in the District of Columbia. In 1954, as you may know, my court adopted a new test of criminal responsibility in the case of *Durham* v. *United States*. Since that time, we have been engaged in a continuous process of revising and refining our test, and I have every reason to believe the process will continue—especially since the rule is presently under reconsideration by the full court en banc. But I think I can safely discuss its history without violating any canons of judicial propriety.

Before 1954 the test of criminal responsibility in the District was the English rule, set forth in the case of Daniel M'Naghten. A defendant was excused from criminal responsibility only if he was suffering from a mental illness that obliterated his capacity to distinguish right from wrong. Like many American jurisdictions, the District had grafted onto the test another one—the defendant was also excused if his mental illness obliterated his power to control himself, creating an "irresistible impulse." Both these tests sounded like clear legal definitions. There was just one small problem. The psychiatrists who had to testify about the defendant's mental condition insisted that the tests we were using had no basis in reality. They said that mental illness could be disabling in a variety of ways that ought to amount to excusing conditions, but that it virtually never destroyed the abstract capacity to distinguish right from wrong—or if it did, the psychiatrist had no way of knowing that fact, except in the case of the drooling idiot, who never was involved in the process at all. The court was finally persuaded that the existing tests were unsatisfactory, that they didn't correspond either to psychiatric reality or to commonly held notions of responsibility and excuse. But no one had a very clear idea of what to substitute for the old test. It would have been nice to find a new formula, one that more clearly expressed what was wanted as a matter of law. But we didn't quite *know* what we wanted. All we knew was that we needed more information about human behavior.

So we decided to try a rule that sounded very simple. In *Durham* we said that a defendant is not responsible if his act was the product of mental illness. That left it to the psychiatrists to testify in the terms they knew best, and to tell the jury as much as they could.

Durham was frankly an experiment—and we embarked on that experiment knowing full well that experience might later lead us to refine or abandon the rule. Putting the merits of the rule aside for the moment, I have always been particularly proud of the court in those days for that willingness to experiment. For it was clear to almost all of us that the old test for responsibility was inadequate. And yet we could not with confidence announce the perfect alternative. In those circumstances, surely it is wrong to continue with a bad rule merely for want of one guaranteed to be better. Too often a court fees obliged to do just that—to preserve its image of infallibility, and speak only in the tones of revealed Truth. That approach may help in some small way to maintain the public's respect for the court. But it denies the judicial system its most important opportunity for growth, for learning, for improvement. A static system in a changing world is hardly worthy of respect.

The immediate impact of our *Durham* experiment was to open the courtroom door to a wide range of information bearing on the question of criminal responsibility. With a broader legal test, more information became relevant to the question. But we soon found that by casting the test wholly in terms of mental illness, we had unwittingly turned the question of responsibility over to the psychiatric profession. For mental illness is a very loose term, with different meanings for different psychiatrists. When the only expert witnesses at trial testified that the defendant was mentally ill, according to their own unstated definitions of that term, the court felt strong pressure to direct a verdict of not guilty by reason of insanity. And when the only witnesses at trial had a narrow notion of mental illness, and they testified that the defendant was not mentally ill, the court had no basis for rejecting that conclusion either. When the experts disagreed, the jury was left to choose between them without any standard for evaluating their testimony. As the *Durham* years progressed, the insanity defense seemed increasingly to be entirely in the hands of experts involved in the particular case. That state of affairs pleased no one, and we began to attempt to make our test more precise. We made "mental illness" a legal term of art for the purposes of the insanity defense, and told juries and judges they could find mental illness where the psychiatrists found none—we said it is any "abnormal condition which substantially impairs mental or emotional processes and substantially impairs behavior controls." Then we instructed psychiatrists to stop worrying about whether the defendant's condition amounted to a mental illness, and whether it produced his act. Those questions, we said, are for the jury. The job of the expert is to give the jury the basic information it needs to make that decision—to tell the jury all he can about the defendant's mental and emotional processes and behavior controls, about how he came to do his unlawful act. And with that change in emphasis, we turned the whole thing back to the jury. We announced that directed verdicts on the issue of insanity would rarely be required, because of the complicated nature of the issue, and the jury's unique qualifications for resolving it. Criminal responsibility, we said, involves an intricate intertwining of legal, medical, and moral elements—and the jury, representing the voice of the community, is better qualified than either psychiatrists or appellate judges to make that judgment.

In some 17 years of experimentation with the insanity defense, we've been unable to devise a simple scientific test that may be mechanically applied. Many of us have been forced to conclude that criminal responsibility, like negligence, is at bottom a concept that can only be determined by reference to prevailing community standards. And we are not alone in that view. Almost every modern test of criminal responsibility recognizes that mental disability is a question of degree, and uses some general term like our own requirement of "substantial impairment." And when it comes to determining what is "substantial," we have to depend on the jury—on the full exposition of the public adversary trial—for a just result.

Psychiatric experts and others can provide information that will guide the jury in its decision, but ultimately the jurors must decide in light of all the available information about the defendant's mental condition and the causes of his behavior, whether by prevailing community standards the defendant was at fault. Thus the public adversary trial offers the public the opportunity, within limits, to adjust the broad requirements of the criminal law to the demands of justice in particular cases.

VI

The trial process also has important effects beyond the courtroom walls. It can be an extremely potent force for change in our society. For the public adversary trial can focus public attention on both the substantive criminal law, and the conditions that lead to crime. That attention may be the first best hope of improvement in each.

It's easy for the public to ignore an unjust law, if the law operates behind closed doors and out of sight. But when jurors have to use a law to send a man to prison, they are forced to think long and hard about the justice of the law. And when the public reads newspaper accounts of criminal trials and convictions, they too may think about whether the convictions are just. As a result, jurors and spectators alike may bring to public debate more informed interest in improving the criminal law. Any law which makes many people uncomfortable is likely to attract the attention of the legislature. The laws on narcotics and abortion come to mind—and there must be others. The public adversary trial thus provides an important mechanism for keeping the substantive criminal law in tune with contemporary community values.

Finally, I come to the function of the public trial that has always seemed to me to offer the greatest long-range hope of contributing to the control of crime. The public trial offers an unparalleled opportunity for ordinary citizens to explore the causes of crime, as a first step toward deciding what to do about them. In any case involving the insanity defense—or the different degrees of homicide—and in many other cases as well—the jury may be presented with a great deal of information about the defendant tending to show how he came to commit his crime. They should only convict him after they have absorbed all that information, and decided that it was blameworthy for *this man* in *these circumstances* to do what he did. In the course of grappling with the available information about the defendant, there is a chance that the jury will come to understand something about why he did it. For this purpose it is unimportant whether they convict or acquit—the important thing is that they confront the information and struggle to make some sense out of it. For out of the collective experience of many jurors we have some chance of extracting some new insights into the causes of human behavior.

Why, you may ask, should we devote precious time and resources into converting our courts into miniature laboratories in behavioral science? The question is not unreasonable—for our courts are already overburdened with legal tasks, and it would be hard to justify their use as a behavioral science laboratory. But I would impose no new task upon the courts—their mandate already requires them, for good and sufficient reason, to try criminal cases in a public adversary proceedings. If we make that system work, we may enjoy a very valuable byproduct and we may learn some useful principles about the causes of human behavior.

In each courtroom, unlike the behavioral science laboratory, the process does not end with glittering generalities or inconclusive speculations. The jury must decide between guilt and innocence, blame and compassion, and their decision will determine what is to be done with the——in the dock. I am convinced that the terrible necessity for making such decisions brings forth more information about human behavior. Then we are likely to glean from a great many scientific studies, our criminal justice system may provide the best opportunity at hand we learn enough about crime to enable us to deal with it with any kind of real efficiency.

The recent court-martial of Lieutenant William Calley offers a striking example of my thesis. I make no comment at all on the outcome of that trial—on whether the conviction should stand. The process of public involvement is what interests me here. The newspapers report that the jurors in Calley's case struggled long and hard to determine not only what Calley did, but also—and more important—how he came to do what he did, and whether he can justly be held responsible. The jurors have said they were unable to reach a verdict without great soul-searching and moral agony. And the issues that troubled them are now troubling the whole nation. Surely the nationwide debate will have profound and lasting effects. It has already produced a heightened public sensitivity to the meaning of guilt and of criminal responsibility—to the problem of distinguishing between the act and the actor. As a result it may produce changes in the rules of war crimes, if the public feels Calley should not be held responsible. It may produce changes in our military institutions. And it may produce changes in many of the underlying conditions that helped to bring about Calley's acts.

The public debate in the Calley case arises from a deep concern over the reasons for Calley's conduct, and the relevance of those reasons to the issue of criminal responsibility. If he was actually following direct orders, then that presents one question of responsibility. Another question arises if there were no direct orders, but his training led him to think his behavior was appropriate. Yet another question arises if the behavior is viewed as a response, not to orders or to training, but to the stresses of the battlefield. And so the debate goes on.

If we brought the same kind of concern to the street crime that is plaguing the nation today, we might make some headway in our effort to control it. For there are reasons behind every robbery too—and those reasons may well be as complex as the questions in the Calley case. Whether those reasons result in an acquittal for the robber—or for Calley—or both—that is not at the moment my concern. The important point is that we cannot decide whether to convict or acquit—we cannot make the necessary moral judgment—until we understand much more than we ordinarily do about what happened, and why it happened. And our understanding is absolutely essential for any constructive treatment of the defendant, and with others like him.

If we brought to the trial of robbers, muggers, and rapists the kind of concern that has been brought to bear on the Calley case, that would itself be a giant stride toward dealing effectively with our crime problem. It's a false efficiency indeed that would shut the door on that kind of opportunity.

CREDIT FOR THE PING-PONG GAME

Mr. SAXBE. Mr. President, our recent ping-pong diplomacy with the People's Republic of China has created a great deal of public comment, both pro and con. I am pleased to know, however, that most of it reflects the realization that 800 million Chinese, no matter what their form of government, cannot be ignored.

I am sure that many segments of the United States and many groups of its citizens will view with some lifting of the eyebrows what may appear, to them, as a sudden shift in the traditional direction of our diplomacy. But they should ponder a moment; the history which they have experienced, and from which they perforce must draw their judgments, is that of only the past 20 or 30 years. If they will look back a little farther in time they will see that before World War II America for many years was China's best friend in the international area. In the early 1900s, for instance, when China was required to pay a large indemnity for damage done to foreigners during the Boxer Rebellion, the United States returned a major portion of the indemnity to China in the form of educational scholarships for Chinese students. Until 1947, 24 years ago, we counted ourselves a friend of China and had no doubt that when the vicissitudes resulting from World War II had finally been adjusted we would once again find ourselves able to renew the old relationship.

So, to people who have had some knowledge of China, some regard for its culture and some compassion for the tremendous suffering that country has endured in virtually all of this century, it comes not as a shock but as a warm thing that we are once again, as a Nation, expressing our long-held—if temporarily muted—regard for the people of China.

One of the most thoughtful analyses of this subject was recently published by Life magazine in its April 30 issue. In an editorial entitled "Reopening the Door to China," Life points out this now famous ping pong tournament is merely the beginning of a long and tortuous road. Such matters as the status of Taiwan, the question of her admission to China to the U.N., the disposition of China's seat on the Security Council are all weighty things to be very carefully worked out. Resolving them will take a long time, but we have at last made a beginning.

I congratulate President Nixon on having finally begun a move that, in my opinion, will prove to be a significant contribution to his often-stated goal: a generation of peace. As the Life editorial says, although the Chinese Premier has been taking most of the credit for the opening of "a new page" in our relationship with China:

> If there is credit to be found (and we think there is) in ending the U.S. isolation of mainland China, it belongs in good part to Richard Nixon.

Mr. President, I want to associate myself with this editorial, for it is a clear statement of a situation which holds much promise for the peace and content of the world. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Reopening the Door to China

Chou En-lai has been taking most of the bows for the Ping Pong coup. He is a clever man all right, and his timing and choice of first American visitors were inspired. But if there is credit to be found (and we think there is) in ending the U.S. isolation of Mainland China, it belongs in good part to Richard Nixon.

Here were two of the most important nations on earth, one with a fourth of humanity and the other with a third of world industrial output, shunning contact with each other. The Chinese themselves had withdrawn into xenophobic seclusion. For our part, we continued to treat the People's Republic as a wartime enemy, even though actual fighting between Chinese and Americans ended at Panmunjom, Korea, two decades ago. Until as late as the summer of 1969, it was even forbidden that American tourists should bring home "tainted" Red Chinese wares from Hong Kong.

In the euphoria of any break with past policy, it is customary to question the earlier validity of the policy. U.S. attitudes undoubtedly did stay frozen too long, but our original hostility was well grounded in the ruthless Communist seizure of power in China in 1949, with its attendant jailings and mistreatment of foreigners—including American clergy, teachers, businessmen—and the expropriation of foreign-owned property. (In the immaculate world of diplomatic theory, other nations may deplore but do not concern themselves with what regimes do to their own peoples.) The triumph of Communism in China could in those days also be regarded—with plenty of confirmation in Communist propaganda—as a major victory in Moscow's ambition to dominate the world. The possibility that our quarantine might frustrate the Communists from consolidating their control of the mainland was basic to American policy. By the 1960s, our policy might well have eased, but for the Vietnam war. Certainly now, after 22 years, Communist control of China cannot be disputed and this reality underlies our changed policy.

Perhaps only a Republican President, and one with a long record of anti-Communism at home, could have undertaken the series of initiatives that made the Chinese Ping Pong invitation possible. In Romania, 20 months ago, President Nixon signaled to China that the U.S. would deal with Communist countries on the basis of their foreign policy and not their internal politics. Last February, in his State of the World message, the President, using the official name People's Republic of China, rather than the old style Communist China, declared that "we are prepared to establish a dialogue" and regretted that China continued "to cast us in the devil's role."

The decreasing U.S. involvement in Vietnam undoubtedly played a part, too. The pace of disengagement is maddeningly slow to many Americans, but it is apparently fast enough to diminish whatever worries Peking may have had about a permanent U.S. military presence in Southeast Asia. The Chinese were probably only minimally preoccupied with Nixon's political fortunes. He had some troubles inside his own administration; Vice President Spiro T. Agnew went to astonishing lengths to let the public know of his opposition. But though many citizens will go on protesting Nixon's Vietnam policy, it becomes harder to accuse the President of cold war inflexibility.

It takes two to improve relations, of course, and there are many reasons why China should now want to do so. One is Peking's cold war with neighboring Russia and another is the growing economic power of another neighbor, Japan. With two powerful rivals at its doorsteps, China can no longer afford the isolation of the late 1960s. Moreover, events may be building toward an international conference to settle the Indochinese war; China may want to be in on the proceedings. Another reason could be that China's internal affairs are somewhat tidied up. The turmoil of the Cultural Revolution is over, and production is on the upswing.

Everybody familiar with Western "cultural exchanges" with Communist nations has long since learned that tours of ballet companies or Ping Pong teams are gestures easily revoked, and that true contact between antithetical societies comes slowly if at all. And, as the Chinese have taken pains to point out, friendship for the American "people" does not mean friendship for the U.S. government. While the table-tennis team was still in China, the *People's Daily*, official newspaper of the Chinese Communist party, referred to "the reactionary White House clique" and "the fascist rule of the American government." And the Peking regime still holds in solitary confinement four American citizens.

Yet beyond such concerns lie the basic opportunity and need to rebalance that unsteady tripod of great powers, China, Russia and the U.S. The enmity between the other two, both ideologically and territorially, is in some respects more volatile than the differences between either of them and us. Russia has for too long been able to assume us automatically "pro-Russia" vis-a-vis China. Superficially, it may seem tempting to play one off against the other, but not when any final testing of strength would be nuclear. President Nixon wisely says that "we will do nothing to sharpen that conflict—nor to encourage it." The Nixon Doctrine foresees a stable Asia depending on the balancing of interests between four great powers, Russia, China, Japan and the U.S.

The biggest obstacle to setting up normal diplomatic relations between Washington and Peking is our support of the Chinese Nationalists on Taiwan. The issue will have to be faced in the U.N. next fall. The U.S. can probably no longer keep Peking out of the Security Council, but as we urged in a recent editorial (Life, March 12), the U.S. should work to keep a seat for Taiwan in the Assembly (Taiwan's population is bigger than that of two thirds of the members of the U.N.)

Premier Chou is correct to proclaim the opening of "a new page." Underlying conflicts remain, but what diplomats call the "atmospherics" have suddenly improved enormously. In this new climate, all sorts of official U.S.-Chinese contacts can take place. *Any* contact at all would be salutary, for there is a whole generation of Chinese leaders—the men who will take over from Mao Tse-tung and Chou En-lai—who have had little contact with, and too little true knowledge of, the outside world. In some day to come, the strength of an ancient, subtle and great culture will also have something valuable to add to the contemporary world.

LAKE CHARLES POW RESOLUTION

Mr. ELLENDER. Mr. President, at a time when the Nation is so divided over the fighting in Vietnam, there is one issue on which we can all stand united. That is our common concern for the American prisoners of war in Southeast Asia.

In southwest Louisiana, the concern for these men is so great that the city of Lake Charles set aside a day to remember American prisoners of war. As Mayor James E. Sudduth said in his proclamation:

> The least we can do for these unfortunate members of our fighting forces is to formulate a veritable wave of expression as to our concern for them and then, through proper channels, to see that the Vietnamese are fully informed as to our feelings.

Mr. President, I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

Proclamation

Whereas, the terrible consequences of war among nations become even more noxious when we realize the suffering that is borne by the prisoner of war; and

Whereas, as a nation of democratic and humane people, we are greatly disturbed and concerned at the present time for the plight of American Prisoners of War in the hands of the North Vietnamese government; and

Whereas, it is of vital importance that we institute and join in a nationwide movement to alert public opinion as to the conditions of North Vietnamese prisoner-of-war camps and as to the treatment of Americans who are confined in them. If enough of this public opinion can be generated the possibilities are very great that it will have a genuine and lasting effect on the treatment that is being accorded American Prisoners of War; and

Whereas, the least that we can do for these unfortunate members of our fighting forces is to formulate a veritable wave of expression as to our concern for them, and then through the proper channels to see that the Vietnamese are fully informed as to our feelings;

Now, therefore, I, James E. Sudduth, Mayor of the City of Lake Charles, in the sovereign State of Louisiana, do hereby proclaim the day of April 28, 1971, as "P.O.W. Day" and I earnestly request that the citizens of Lake Charles and Southwest Louisiana join with millions of Americans throughout our nation and the world in taking an active part in programs across the country, reaffirming their support of our gallant fighting men.

CONCERN OVER ATTACK ON FBI

Mr. BEALL. Mr. President, a constituent of mine, Mr. W. P. Morrison, from Oldtown, Md., which is located in the western part of my State, is very much concerned over the recent attack on the FBI. He wrote a letter to the editor which was printed in the Cumberland Times of April 22. In his letter to me he said:

> I am hopeful that you might insert this in the Record to help express that a majority of Americans not only admire Mr. Hoover and respect the Bureau, but resent any attempt to destroy any of the two.

Pursuant to his request, I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letter to Editor: FBI Attack

Dear Sir: Politics has reached a new low with the vicious attack on the FBI and its director, J. Edgar Hoover, by men and women who are supposed to have the interest, security and welfare of our country at heart.

I am speaking of men and women who are elected members of our Congress. One of the most vocal attackers of Mr. Hoover and the bureau is a presidential hopeful, Senator Muskie of Maine. Senator Muskie, who is searching wildly for an issue to propel his campaign, has emerged as the top kick in the current attempt by the "radical left" to discredit the FBI. Muskie appears to be using this only as a tool to aid him in his bid for the Democratic nomination.

However, I am sure that the members of the far left, who for some reason are dedicated haters of Mr. Hoover, are frantic with delight over these attacks. If these attacks succeed in diminishing the stature of the FBI the American people will suffer because we will have lost an astute investigative team and a great leader. I am sure these people want to see an FBI that resembles a lazy old bloodhound who has long since lost his teeth and responds only when they want him to. I suppose that the only important issue to consider is if forty some years of dedicated service to the American people equals a good television profile and an ability to snow the folks.

I wonder how Senator Muskie can justify his attack on the FBI when the strength of his assault depends on stolen information. When on April 19 the senator spoke of trust at the "dump Nixon" rally in Providence, R.I., Muskie suggested that we pick new leaders, people we could trust.

It would have been easier for me to trust Senator Muskie if he had returned the stolen FBI document to its proper place and explained how he came to receive it. He also said nothing about the act of breaking and entering and theft of documents from the FBI office which I am sure the Senator knows is against the law of the land—law that he has taken an oath to uphold. No more on trust if you please senator.

William P. Morrison.

Oldtown.

PRISONERS OF WAR DAY IN MISSOURI

Mr. EAGLETON. Mr. President, the National POW Day Committee has designated April 28, 1971, as the national day of support for our American prisoners of war in the hands of the North Vietnamese.

We all, I know, share our concern for their safety and health.

By proclamation of Gov. Warren E. Hearnes, today has been declared Prisoners of War Day in Missouri. I ask unanimous consent that Governor Hearnes' proclamation declaring April 28, 1971, Prisoner of War Day be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation of the State of Missouri

Whereas, the National P.O.W. Day Committee has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, this amounts to a call for humane treatment of these prisoners of war if not for their direct release; and

Whereas, we must show more concern for the plight of American prisoners of war:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim April 28, 1971, as "Prisoners of War Day" in Missouri, and urge all citizens to reaffirm their support of these valiant men.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 2nd day of March, 1971.

Warren E. Hearnes,
Governor.

Attest:

James C. Kirkpatrick,
Secretary of State.

DEDICATION OF ANNENBERG CENTER FOR COMMUNICATION ARTS AND SCIENCES

Mr. SCOTT. Mr. President, a new center for communication arts and sciences was dedicated at the University of Pennsylvania on April 8.

The center is known at the Annenberg Center for Communication Arts and Sciences, honoring the present Ambassador to the Court of St. James, Walter Annenberg.

Mr. President, I ask unanimous consent that a message by President Nixon and remarks by Miss Nancy Hanks on the occasion of the dedication be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The White House,
Washington, April 6, 1971.

The dedication of the Annenberg Center for Communication Arts and Sciences is a proud milestone in the history of the University of Pennsylvania, and an event of great national significance.

It is another illustrious achievement in the life of a great American citizen whose enduring civic contributions have earned him the admiration and gratitude of countless men and women.

I know that this exciting new Center will be a lasting tribute to the vision of its distinguished benefactor, and a major instrument in the progress of American arts and culture for many years to come.

Richard Nixon.

Dedication Remarks at the Annenberg Center for Communication Arts and Sciences, April 8, 1971

Ambassador and Mrs. Annenberg, President Meyerson, Dean Gerbner, Trustees of the University, ladies and gentlemen:

We are indeed all honored to be here on the occasion of dedicating the Annenberg Center for Communication Arts and Sciences.

While there are many centers in the country, this is one with several important differences.

Among other things, it incorporates science as well as the arts in its purpose.

This Center will have the most meticulous regard for science and infuse it with the most imaginative concepts of the essence of art in its formulation and presentation.

Truly, we can say—and see around us—that it is possible to combine the arts and sciences into one world. They are not at cross purposes. Art and science can work together for the joining, and not the forcing apart, of society.

Through theatre, music, dance and the electronic arts, with the resources of a great university, this Center will contribute—and lead—to the enrichment of life in America.

It will add, through its concentration on the communication arts and sciences, another dimension to the more conventional performing arts centers. Its focus will be on the transference of ideas.

And, beneath and beyond the programs explored and presented will be an intense concentration on research and the use of the social sciences looking deeper into cause and effect of the arts in human life and motivation.

The Center, too, is designed to benefit the community, the campus, and especially the students and faculty by surrounding dramatic experience with the intellectual research and scientific resources of the University.

A play or film program sponsored by the Center becomes an organic part of a diversified University experience. It is produced not just to indulge a few, but to touch the lives and minds of many.

The artistic and technical innovations are to be prototypes for all the living arts. Research conducted into the deeper meanings of the dramatic experience is to enhance our understanding of communication through the arts.

It is a total and glowing concept. It attempts a very large view of a very basic part of the lives of people living together. And, although it is the first time that such an encompassing concept has been given shape and substance, there is a very fundamental idea in back of it. It says that communication is civilization. It says that a great university should be concerned with communication—should be concerned with communication arts and sciences.

It has in common with all good ideas the attendant question of why wasn't it done before. There are many answers to that question.

First, and *simply*, we all know it is not easy to get new ideas rolling. But we know too that, if they are good ones, they will gather momentum. Others will follow. I firmly expect that we shall see other centers such as this in other universities. We most certainly shall if we can find a way of discovering other Walter Annenbergs.

But, as important as they are, Walter Annenbergs cannot, and should not, carry the burden by themselves. Many others have helped and many more will be needed to carry on the work to make this Center live. We are privileged to be celebrating here, but we are celebrating *only* a beginning.

We need, too, other Martin Meyersons. Mr. Meyerson was suggesting concepts such as we see crystallized here long before he came to this University.

In 1967 some of us met in a series of discussions to explore art critic Harold Rosenberg's belief that "If a new beginning (in the arts and education) is to be made, the key to it lies within the university."

President Meyerson, who was then President of the State University of New York at Buffalo, even then, jumped with both feet on the prevailing belief, a mythology, he called it, of the two cultures. The second of which, the arts, he said, was often referred to as "hobby-lobby" in common rooms and faculty clubs of the University.

That notion, elaborated by a lot of pedantic language and hardened views, he said, had resulted in "two separate academic worlds." The mythology was "that a university and a conservatory are at inevitable odds with each other."

That notion, he went on to say, "is being perpetuated in our universities and is acceptable with delight by university admission people. It gives them a rationale for excluding the potential artist. It has resulted in two separate academic worlds.

"A student who wants intensive education in the performing arts cannot find it in our universities. Let me say quite emphatically that I do not believe this should be the case. I think the artist will be the better for his exposure to the climate of the university and the university, very obviously, the better for having had exposure to the artist."

This Center in this University will serve to prove the value of President Meyerson's words. And I doubt the admissions people of this particular University will do anything to perpetuate the myth of separateness by keeping the student body free of artists.

What an exciting and lively vista confronts the imagination when you think of this Center going about its business everyday. What thrilling and profoundly valuable things can come out of it. And, I suppose, failures as well. But they should not discourage us. And, I expect, some pretty good controversies as well. But the vision of the Center will not be lost in our attempt to reach it.

The Center is a springboard, an exploring place and a productive place. Is there anything more impressive than the simple glorious idea of it? the shape of it? the people who planned it? those who made it possible? Yes, indeed, more important are those who will live in it and with it every day of the year. Those will bring support to keep it alive and those who will bring ideas to make it live.

I was very proud to be invited here. And I was thinking about this and thinking about the Center and thinking of where it is, and why, and it struck me that it is most suitable, and not at all surprising, that it should be here.

As the first capital of the country, remember, Philadelphia was known as the Athens of America. It has always, from our earliest time, from before the time we became a nation, been a most hospitable and fertile soil for artists.

Philadelphia was outstanding, early, in commerce, in law, in banking. But, by the 1750's, it was also the most active artistic center in the colonies.

Its early great families made frequent trips to Europe and returned with art books, prints, drawings, copies of great paintings, and great paintings themselves. They brought back antiquities and neoclassic sculpture.

And, they also brought, because of the city's fine reputation for hospitality to the arts, artists, many who arrived before the Revolution. Charles Willson Peale, Matthew Pratt and Thomas Sully set up permanent studios in the city.

In 1794, twenty-nine artists headed by Charles Willson Peale organized an academy for the "protection and encouragement of the Fine Arts," to be operated by the artists themselves. There were quarrels, however, and eight artists resigned in protest of "the inconsistent and indecent motion" to have students draw from living models in the absence of casts.

Still, that organization sponsored the first public exhibition of contemporary art to be held in the country, and it gave Peale the idea of a museum or an academy for the city for the encouragement of the arts.

In 1871, 70 Philadelphians assembled in Independence Hall to draw up a constitution for an academy. That was the beginning of the Pennsylvania Academy of Fine Arts. In its way the Academy was a communication center. It had a purpose of communicating art beyond the confines of Philadelphia. It became the parent of the loan or traveling exhibit.

In 1823 it loaned a number of paintings to the Charleston Museum, then the South Carolina Academy of Fine Arts. By the middle of the century, the practice of borrowing pictures became well established.

In time, the Pennsylvania Academy became a guiding institution to the younger ones which followed in the smaller communities of the Eastern seaboard.

And I believe that in time, and not so long a time, this Center will extend the same guiding hand to other universities who are looking ahead to the full use and encouragement of the arts as part of their purpose and function.

Some will be fortunate enough to have a Walter Annenberg and grateful to have the continuing support of the university and the community. Because only then will they too be able to have Centers for Communication Arts and Sciences. It is an idea and a way of operating it that can grow.

Meanwhile, to the long list of thanks to Ambassador Annenberg, and the others who made this visionary but hardheaded concept a fact, I would like to add my own.

LAOS AND THE CREDIBILITY GAP

Mr. CHURCH. Mr. President, the credibility gap is again widening. Testimony by a Deputy Assistant Secretary of State before Senator KENNEDY's Subcommittee on Refugees last week, regarding the serious refugee problem in Laos, is being refuted, interestingly enough, by official Americans in Vientiane. Our Government here in Washington has claimed that American bombing operations in Laos have not contributed in any significant way to the movement of refugees from northern Laos. Yet, as reported by the Evening Star's Tammy Arbuckle from the Laotian capital, where most of the refugees are now camped:

> Americans here, most of them in middle-level posts, recalled a joint U.S.-Lao operation, called Operation About Face, in August 1969 which, they said, bombed towns around the Plain of Jars area "out of existence."

Mr. Arbuckle said that the United States accelerated the bombing of northern Laos after the American elections in 1968 and after "Phou Pathi, a radar station in the north fell to enemy hands."

In May 1969, Mr. Arbuckle continued:

> American planes razed the town of Xieng Khoung on the Plain of Jars, causing an estimated 200 civilian casualties.
>
> In August, U.S. planes hit virtually every village in the Plain of Jars area, in particular destroying the town of Phon Sevan to clear the way for joint U.S.-Lao helicopter operations there.
>
> These Americans said several private surveys of refugees from the Plain of Jars supported the charge that bombing drove the refugees out. The U.S. Embassy's own survey, carried out by Frank Albert of the U.S. Information Service at the behest of Ambassador G. McMurtrie Godley, concluded:
>
> Bombing is clearly the most compelling reason for moving.

Mr. President, I ask unanimous consent that Tammy Arbucle's dispatch from Vientiane of April 28, be printed in the RECORD.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Apr. 28, 1971]

REFUGEE TESTIMONY DISPUTED IN LAOS

(By Tammy Arbuckle)

VIENTIANE.—Testimony by a State Department official to a Senate subcommittee playing down the role of bombing by American planes in contributing to the movement of refugees from north Laos is disputed here by knowledgeable officials.

The testimony came from William H. Sullivan, one-time ambassador to Laos who is now deputy assistant secretary of state for East Asian Affairs, in an appearance Thursday before the Refugee subcommittee of Sen. Edward M. Kennedy, D-Mass.

Americans here, most of them in middle-level posts, recalled a joint U.S.-Laos operation, called Operation About Face, in August 1969 which, they said, bombed towns around the Plain of Jars area "out of existence."

Americans who have interviewed refugees from the Plain of Jars area said there were at least 190 civilian casualties during this period and virtually all refugees interviewed gave American bombing as the reason they left their villages.

15,000 LAOTIANS INVOLVED

Sources said between 15,000 and 18,000 people were involved.

In his testimony, Sullivan said the facts did not bear out charges by Rep. Paul N. McCloskey, R-Calif., that American air attacks, particularly since the cessation of the bombing of North Vietnam, have displaced large numbers of Laotians.

Sullivan said that when bombing was shifted from North Vietnam to Laos, the attacks were concentrated on the area of the Ho Chi Minh Trail in southern Laos, not in north Laos.

"In north Laos," said Sullivan, "the sortie level continued almost exactly as it was from November 1968 through February and early March of 1969. It was only in late March of 1969 and subsequently through the military campaigns which rolled over the Plain of Jars from then until early 1970 that there was an augmentation of air activity in northern Laos."

"UNFORTUNATELY CAUGHT"

The military struggle for the Plain of Jars, said Sullivan, "resulted in the westward movement of some 17,000 people out of the total of approximately 150,000 people who were forced to move westward during that North Vietnamese offensive.

"These 17,000 were unfortunately caught up in the very center of major military activity, both ground and air. This sort of fighting was an unusual exception to the normal pattern of military activity which has prevailed over the past several years in northern Laos."

Sources here, however, said the U.S. accelerated the bombing of north Laos from November 1968, when Phou Pathi, a radar station in the north, fell to enemy forces.

In May 1969, they said, American planes razed the town of Xieng Khoung on the Plain of Jars, causing an estimated 200 civilian casualties.

In August, U.S. planes hit virtually every village in the Plain of Jars area, in particular destroying the town of Phon Sevan to clear the way for joint U.S.-Lao helicopter operations there.

These Americans said several private surveys of refugees from the Plain of Jars supported the charge that bombing drove the refugees out. The U.S. Embassy's own survey, carried out by Frank Albert of the U.S. Information Service at the behest of Ambassador G. McMurtrie Godley, concluded: "Bombing is clearly the most compelling reason for moving."

When I visited the Plain of Jars in February 1970, hilltops were cratered with bombs which only U.S. planes could have dropped.

Sullivan's contention that the shift in bombing from North Vietnam to Laos was almost exclusively directed against the Ho Chi Minh Trail area apparently contradicts testimony received by the Senate Foreign Relations Committee in 1969.

On Page 464 of the published hearings, Col. Robert Tyrell said, under questioning by Sen. Stuart Symington, D-Mo., that U.S. air strikes in north Laos had accelerated and strikes against the Ho Chi Minh Trail had decreased.

The attempt to disguise events in Laos occurs here as well as in Washington. In the presence of reporters, McCloskey, during his visit here earlier this month, had to exert considerable pressure to get copies of the embassy document finding that refugees had moved because of American bombing.

Even after McCloskey had a copy and had shown it to reporters, the embassy refused to permit reporters to see it. Asked about the document's contents, Andrew P. Guzowski, the embassy spokesman, said he had not read it.

Godley said he "did not approve" of the finding in the study, a comment people here do not find surprising since he is responsible for clearing each bombing mission in Laos and the document shows villages were struck which had no enemy troops in them.

Godley does not shirk responsibility for U.S. actions here, and it is certain the bombing of the villages was not a willful action to strike civilians. Rather it is the result of faulty intelligence which reported enemy troops in the villages.

Any request for the bombing of inhabited areas, Sullivan told the subcommittee, is "carefully examined in advance by the embassy in Vientiane, and the strike has to be personally approved by the ambassador. These rules of engagement, which are designed to protect the civilian population, have been in effect since 1965 and, with respect to this safety feature, have not been altered."

American officials here say this "rule of engagement" is more in theory than in fact. If the ambassador approved every bombing, they said, he would not have time for any other duties.

Outside of the Plain of Jars, most of the Lao refugees have been caused because they were caught in the fighting between opposing forces, in artillery duels or by other factors brought on by the war—high prices, food shortages and fear of conscription as porters by the Communists or as soldiers by both sides.

PROGRESS IN SOLVING HEALTH PROBLEMS

Mr. BEALL. Mr. President, during recent field hearings held in New York, the Senator from Colorado (Mr. DOMINICK), the ranking Republican on the Health Subcommittee, made a statement outlining the progress that has been made in recent years with respect to the health problems of the country and urged a National discussion on the health care crisis based on "facts rather than myths."

Senator DOMINICK quoted H. L. Mencken's warning with respect to simple answers to complex problems when he stated:

> For every human problem, there is a solution that is simple, neat, and wrong.

We must make certain that the solution that we reach with respect to the health care crisis is not the wrong one.

I ask unanimous consent that Senator DOMINICK's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETER H. DOMINICK, APRIL 15, 1971

Mr. CHAIRMAN: As the Health Subcommittee begins its field hearings on the subject of "The Health Care Crisis", I believe it is important to point out to the witnesses that the jurisdiction of this Subcommittee is quite broad. The rules of the Senate provide that legislation will be referred to the parent Labor and Public Welfare Committee if it involves the public health. In fact, this means that the Health Subcommittee has jurisdiction over the Public Health Service and also over a wide range of federal health programs. In the last Congress under the chairmanship of Senator Yarborough, this Subcommittee acted on a wide range of health legislation. Much fine legislation was enacted into law which will help immeasurably in providing better facilities and more manpower to meet our problems. The Subcommittee recommended and the Congress enacted legislation which provides grants to schools of public health, assistance for migrant agricultural workers health programs, federal aid to community mental health centers, federal assistance to medical libraries, federal dollars for vaccination programs, an extension of the Regional Medical Program which funds projects across the country in health education and delivery to control heart disease, cancer, stroke and now kidney disease.

This Subcommittee also acted on legislation during the last Congress to extend and strengthen comprehensive health planning, to provide additional aid to fight mental retardation and help children with developmental disabilities, to extend and improve the training programs for allied health professions, to establish a landmark program for prevention and treatment of alcoholism, and to authorize the use of Public Health Service personnel in areas where there are shortages of physicians.

Additionally, we acted on legislation to provide help to persons desiring family planning information, and the Congress passed occupational health and safety legislation, Clean Air Act amendments, the Child Protection and Toy Safety Act and the Federal Coal Mine Health and Safety Act, as well as the Lead-Based Paint Poison Prevention Act and the Air Pollution Control Standards Act.

In this Congress, some 30 odd bills and resolutions covering a broad range of health matters have already been referred to the Labor and Public Welfare Committee for initial consideration by this Subcommittee. Some of the most important of these deal with urgent problems related to the shortage and maldistribution of health manpower. For example, the Health Professions Educational Assistance Act, which provides federal assistance to schools and students of medicine, dentistry, osteopathy, podiatry, pharmacy, optometry, and veterinary medicine, will expire July 1 this year. Several bills which would extend and modify that authority are pending action before this Subcommittee. Also pending is legislation to assist in the training of acutely needed nurses and other allied health personnel.

As everyone knows, several "national health insurance" proposals have been introduced this Congress. These raise significant issues because they represent the first comprehensive approach to improving the quality and accessibility of health care in the United States.

Several weeks of this Subcommittee's time this year have been spent listening to testimony directly related to these proposals. While such testimony is undoubtedly helpful to this Subcommittee, I think it should be kept in mind that the various "national health insurance" proposals are not before us. Since they have revenue raising features they have been referred to the Finance Committee. In summary, this Subcommittee has pending before it considerable legislation dealing with urgent problems which fall within its broad jurisdiction. For that reason, I think the scope of these field hearings should be confined to those problems.

As we go into these field hearings, I think it is important to put a few facts into the record and to comment on some misconceptions which have been apparent in previous hearings or in the discussion of the health care situation in the country.

Let's look at the use of statistics by some of the witnesses who have appeared before this Subcommittee. Some would have us believe that the United States is providing second-rate medical care because other countries have lower infant mortality rates. In truth, infant mortality is for the most part a social rather than a medical problem. Factors such as poverty, malnutrition, poor housing, poor education and racial or ethnic differences are much more highly correlated with infant mortality than such factors as the number of physicians or hospitals.

Moreover, comparisons of international statistics on infant mortality are not very meaningful. The Demographic Yearbook of the United Nations spends five pages pointing out why statistics from one country are not necessarily comparable to statistics from another country, especially in the field of infant mortality.

There also seems to be a popular misconception that the United States is the only major industrial nation in the world that does not have national health service or a program of nationalized health insurance. This claim was made last month on the floor of Congress, and the idea is widely shared, even among some health "experts". Those who hold this view seem to have in mind the British and Eastern European model in which health services are not the typical Western European model. In fact, continental health-insurance schemes are predominantly financed by employer-employee contributions and operate within the framework of national standards.

It has been said, "In the analysis of the health care crisis, there is an acute and worsening shortage of all kinds of health personnel, especially doctors." The truth is that we have one of the highest ratios of doctors per capita in the world, and the number of physicians is growing at a rate faster than our population. In 1950, the population to physician ratio was 711 to 1. Now it is 630 to 1.

The number of medical schools and medical students is showing unparalleled growth. In the school year 1966–67 there were 89 medical schools and just over 33,000 medical students. It is anticipated that by next year—just five years later—there will be 114 schools and over 43,000 medical students—an increase of 25 schools and 10,000 students.

This is not to say that we don't need more medical schools and more doctors. We do. But the basic problems are maldistribution—too few doctors in crowded urban slums and in rural America—and a tendency to specialize. Steps are being taken by the medical profession, by the states and by the Federal Government to counter this trend toward specialization, to deal with the maldistribution problem, and to take some of the load off of doctors by training more allied health personnel.

While it is clear that this country has critical health problems, I think we should keep the magnitude of those problems in some sort of perspective. Listening to the hearings in Washington as I have day after day, I could almost conclude that we are about to come apart at the seams and that we are a nation ill-clad, ill-fed, ill-housed and ill-cared-for from Maine to California and North Dakota to Florida. Therefore, I would like to point out that infant mortality, for instance, is down 66 percent in this country since 1900. That male life expectancy is up 45 percent in the same period. That in the United States we have virtually no polio, small pox, diphtheria, typhoid fever, and have the means in hand to eliminate measles. Despite the problems we have, America is, in general, healthier than ever.

Having had the problem areas in health care identified repeatedly to this Subcommittee, I am hopeful that in these hearings we will start discussing some solutions. For instance, when we are speaking of infant mortality, I believe it would be useful to identify the reasons for the gap between the death rates of whites and blacks. Last year the national infant mortality rate declined as it has every year for some years. The black rate was not only higher than the white rate, the black rate increased slightly. A perceptive comment of this fact was made by Doctor Rowland Scott, Professor of Pediatrics at Howard University in Washington. Speaking of that city's infant mortality figure—in a city which is about 73 percent black—Doctor Scott said, "This high mortality is not taking place in the hospitals—they are not too bad. It's what happens when these babies go home to the ghetto." So, better medicine is not the only answer. An effective solution will require broad socio-economic changes.

What I am trying to point out is that health problems are complex, and it would be unrealistic to place too much faith in simple solutions. Certainly we have made great progress. Certainly much more progress must be made. But there is no simplistic answer; no one scheme or program can do it all. In the words of H. L. Mencken, "For every human problem, there is a solution that is simple, neat, and wrong."

In conclusion, I think the press has a special and constructive role to play, reporting on these hearings and reporting on health care programs. It can help in our effort to promote a national discussion based on facts rather than myths. We need such a discussion if we are to continue to improve the quality and accessibility of health care for Americans. If I may quote from a Washington Post editorial a few weeks ago on health care programs, "The health care problem is so monumental in scope and so intricate in detail that every idea is entitled to a full hearing *on its own merits*. Somewhere, out of such a free debate, a national consensus must develop, a consensus *that rests on facts and solid theory*, not on the whims of doing something to improve the situation or on notions of reaping political credit for the final product."

PROBLEMS OF THE RETURNING VETERAN

Mr. SCOTT. Mr. President, much has been written about the problems facing the returning veteran. Some of these young men, who have met with me, claim their benefits and the programs offered by the Government are insufficient to meet their needs. In Pennsylvania, a program has been developed to help our returning servicemen. An editorial written by Mr. Robert Kotzbauer, of the Philadelphia Bulletin, details the fine work that already has been accomplished in Pennsylvania and outlines future plans for national application of the program. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAVE: A COMEBACK FOR VIET VETERANS

(By Robert Kotzbauer)

Like some other World War II veterans who got through college on the GI Bill, I've had trouble understanding why more Vietnam veterans don't take advantage of their educational benefits "like we did."

Only about 26 percent are doing so, compared to 50 percent after the "big war," and this despite the tight job market facing ex-GIs today. The current unemployment rate for returning servicemen is about 12 percent. About 352,000 are without jobs.

Robert D. Ford, who heads the Pennsylvania Program to Advance Veterans Education (PAVE), put me straight. If he can get the same message across to others, in government, at universities, and to veterans there could be some real changes.

For one thing, universities practically turned their campuses over to veterans in 1946. In fact, the GI Bill is responsible for building many of the great institutions we have today.

Not that colleges don't welcome ex-GIs today, but it's not the same. The campus atmosphere is strange to a guy who has been tramping the paddies. Everything seems geared to people who have been planning for college since before high school and escaped the draft by staying there.

RODEO CIRCUIT

A grunt is likely to feel out of place in such a crowd. Some are unsure if they can cut it, what they want to do, or how to apply. And Bob Ford himself is a case in point.

After graduating from high school in Duncannon in 1957, second in his class (second from the bottom, that is), Bob bummed around the rodeo circuit for a time, then joined the Marines. Three years later, about to be discharged, he figured he'd give college a try.

"I wanted one of those papers that all the officers had," he said.

But his letter to Penn State fizzled. "It must have been like nothing," he recalls, "because they didn't even send me an application. I got a polite letter saying they didn't have anything I was interested in. I figured that was it. I couldn't go to college because the letter said so."

REMEDIAL COURSE

Bob began bartending, and that was it until 1966 when, at 26, he decided time was running out and he ought to try again.

"I wandered onto the Harrisburg Community College campus," he said. "Someone directed me to the admissions office, and I wound up with an application. I didn't even tell my wife because I didn't want to appear stupid."

Asked what he wanted to take, he chose business "because I didn't understand what all those other things were, like liberal arts."

He was assigned to remedial courses in English and math. Yet later, Bob Ford wound up on the dean's list at both Harrisburg CC and Penn State's Capitol campus where he got his degree.

And this brings up what PAVE is all about. "A lot of veterans want to go to college," he believes, "and ex-GIs would be the backbone of the campus just as they were after World War II, if someone would only show them how.

HELP OTHERS

"I was just about to wind up my sophomore year in 1968, when I stayed awake all one night thinking how fortunate I was, and how many guys out there were like I was, and I decided to do what I could to help them get started."

He went to ex-GI clubs at the community college and Penn State branch and put his idea to them, of having veterans in college volunteer to answer questions and help others get in. They went for it.

Later, after reading former HEW Secretary Robert Finch's remarks about how few veterans were using the GI Bill, Bob Ford wrote to him and described his idea. Philadelphian Stewart Feldman, then on Mr. Finch's staff, called Mr. Ford and suggested they discuss the program with Governor Shafer's staff. PAVE was born, and after graduation, Bob Ford joined the state administration to head it. Governor Shapp kept him.

PAVE now coordinates 43 veteran counseling centers, at as many colleges and training institutions. Perhaps 1,800 ex-GIs in Pennsylvania are giving their time to helping former buddies enroll in school.

VETERANS' FAIR

It's an idea whose time has arrived. The program is now going national, sponsored by the National League of Cities and U.S. Conference of Mayors, and funded with $1 million from the Federal Government.

Bob Ford has been offered a position with the national program but he would like to see PAVE fully operational first. This week it gets its acid test.

"Veterans at Temple," with the help of PAVE and ex-GI Counselors from 14 othet Philadelphia-area institutions, are holding a Veterans Education Fair at Temple's student activities center tomorrow and Saturday.

It's free and open to any ex-serviceman around here who thinks he might like to work for "that piece of paper." Nobody will tell those who turn out where to go to college, Bob Ford promises; only how.

(Mr. Kotzbauer is a member of the editorial page staff.)

THE NEW 1-DAY AIRMAIL DELIVERY

Mr. TALMADGE. Mr. President, the U.S. Postal Service last week inaugurated a program to assure 1-day air delivery within a 600-mile radius.

As newspapers are sometimes prone to do, the Atlanta Constitution took it upon itself to test the new program by mailing airmail letters to selected cities.

The results were very good as duly reported by the Constitution.

I commend the Postal Service on this new program which, I understand, is working equally well across the country.

I bring the Atlanta Constitution article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT WORKS—AIRMAIL PUT TO SPEED TEST

(By Sam Hopkins)

Memo to U.S. Postmaster Winton Blount: Hey, it really worked! But not perfectly.

I'm talking about that new improved air mail service the U.S. Postal Service started this week that assures one-day delivery within a 600-mile radius.

To test your new plan, we sent air mail letters from Atlanta to seven persons in Georgia, Alabama and South Carolina and had them send letters to Atlanta the same day.

You batted six for seven one way and seven for seven the other. Which is probably not bad for the post office.

The seven letters from Atlanta were mailed at 12:45 p.m. Thursday in the old Post Office in Forsyth Street.

They were sent to Macon, Augusta, Albany, Savannah, Jekyll Island, Columbia, S.C., and Montgomery, Ala.

On Friday afternoon long distance telephone calls were made to see if they all had arrived. It was a good show. They all got there Friday morning.

But here in Atlanta, the letter mailed from Jekyll Island never did arrive at The Atlanta Constitution city room Friday, although the person at Jekyll said the letter was placed in the post office there at 11 a.m. Thursday.

All in all, Mr. Blount, it looks like a pretty good thing the Post Office has started.

At least the person we corresponded with in Savannah will probably be impressed.

She wrote, "I do hope that the postal department's commitment to provide 24-hour air mail delivery within that radius will be forthcoming. Not long ago, I sent an air mail letter to Washington. It took 13 days to get there!"

OSCAR S. STAUFFER RECEIVES WILLIAM ALLEN WHITE AWARD

Mr. DOLE. Mr. President, recently a distinguished Kansas journalist, Oscar S. Stauffer, was honored by the William Allen White Foundation at a breakfast in New York City. Mr. Stauffer, chairman of Stauffer publications and publisher of the Topeka Capital-Journal, was among nine outstanding men in the fields of publishing and journalism who received the foundation's medallion on the 21st anniversary of its establishment.

Kansas has a great tradition of public spirited and fiercely independent newspapermen, and Oscar Stauffer has certainly contributed to that tradition. I I have had the pleasure of knowing him for many years, and wholeheartedly agree with his selection as one of the year's recipients of the William Allen White Award.

The press in Kansas and throughout the Nation has grown and achieved its stature through the tireless efforts and dedication of men like William Allen White and Oscar Stauffer. Their achievements exemplify the highest practice of journalism and set an example to all who follow in their profession.

Mr. President, I ask unanimous consent that an article published in the Topeka State Journal of Monday, April 19, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE AWARD TO STAUFFER

LAWRENCE (Special)—Oscar S. Stauffer, chairman of the board of Stauffer Publications and publisher of The Capital-Journal, is among nine journalists who will receive the William Allen White Foundation's medallion at a special breakfast Tuesday in New York.

His son, Stanley H. Stauffer, president of Stauffer Publications and president of the William Allen White Foundation, will confer the medallions at the breakfast at the Waldorf Astoria Hotel.

The award, made annually since 1950, is to persons who exemplify White ideals in service to profession and community.

James Reston of the New York Times was the first to receive the White citation and delivered the first White Memorial lecture at the University of Kansas. The most recent national recipient of the award is Vermont Royster, former editor of the Wall Street Journal.

Citations also are made to distinguished Kansas journalists.

Those receiving their medallions Tuesday will be Ernest K. Lindley, former Washington editor of Newsweek; Norman Isaacs, former managing editor of the Louisville Times; Paul Miller, president of Gannett Newspapers and the Associated Press; Clark R. Mollenhoff, Washington bureau chief for Cowles Publications; Gardner Cowles, editor-in-chief of Cowles Communications, Inc. and president of the Des Moines Register and Tribune; Wes Gallagher, general manager of the Associated Press; Mark Ethridge, long-time publisher of the Louisville Times and Courier-Journal, and Walter Cronkite, CBS news correspondent.

ADMINISTRATION REVERSES POSITION ON OLDER AMERICANS ACT FUNDING

Mr. EAGLETON. Mr. President, the administration's budget recommendations for fiscal 1972 contained a series of funding reductions for programs under the Older Americans Act. Specifically, President Nixon recommended reducing funds for the title III community grant program by $3.65 million, for the foster grandparent program by $3 million, and for the research and training programs by $2.15 million.

On March 25, 29, 30, and 31, the Senate Special Committee on Aging, presided over by the Senator from Idaho (Mr. CHURCH), and the Subcommittee on Aging of the Labor and Public Welfare Committee, of which I am chairman, held joint hearings at which public witnesses testified to the serious consequences that would follow from these funding reductions.

On Tuesday of this week, this series of hearings was concluded with testimony from Secretary of Health, Education, and Welfare Richardson. At that time Secretary Richardson announced that the administration has reversed its position on the funding of these programs and will now recommend that the title III community grant program, the Foster Grandparent program, and the research and training programs be funded at their fiscal 1971 levels.

This is indeed welcome news, and I commend the administration for reconsidering its previous untenable position.

There is, however, no cause for euphoria. The administration's revised budget requests amount simply to a status quo budget for these existing programs which have proven so popular and successful and which I believe should be expanded. The increase of $7.5 million over fiscal 1971 in the total budget for the Administration on Aging is for the purpose of implementing two new programs authorized by Congress in 1969—the areawide model projects program and the retired senior volunteer program.

In other words, the administration's revised budget represents not so much a step forward for older Americans as a decision not to move backward. Clearly the task of obtaining a higher priority for the needs of senior citizens remains before us.

Nevertheless, the elderly citizens of the Nation have had a minor victory, and I want especially to commend Senator CHURCH, chairman of the Special Committee on Aging, for organizing the series of joint hearings which I believe contributed substantially to this result.

Mr. President, I ask unanimous consent that the 1971 appropriations, the original and revised budget requests for fiscal 1972, and the 1972 authorizations for Older Americans Act programs be printed in the RECORD.

There being on objection, the table was ordered to be printed in the RECORD, as follows:

OLDER AMERICANS ACT FUNDINGS

Program	Fiscal year 1971 appropriations	Fiscal year 1972—		
		Original budget request	Revised budget request	Authorization
Title III:				
Community programs	$9,000,000	$5,350,000	$9,000,000	$30,000,000
State agencies	4,000,000	4,000,000	4,000,000	5,000,000
Areawide model projects	2,200,000	4,000,000	5,200,000	10,000,000
Titles IV and V:				
Research and development	2,800,000	1,800,000	2,800,000	20,000,000
Training	3,000,000	1,850,000	3,000,000	
Retired senior volunteer program	500,000	5,000,000	5,000,000	15,000,000
Foster grandparent program	10,500,000	7,500,000	10,500,000	25,000,000
Total	32,000,000	29,500,000	39,500,000	105,000,000

WIRETAPPING AND GOVERNMENT SURVEILLANCE OF PRIVATE AND PUBLIC CITIZENS

Mr. BAKER. Mr. President, I was impressed by what seemed to me an unusually even-handed and thoughtful column by Robert L. Bartley in today's Wall Street Journal. Mr. Bartley addressed himself to the recent spate of charges and countercharges on the issue of wiretapping and other forms of Government surveillance of private and public citizens.

As Mr. Bartley points out, there have been excesses on both sides, and it is precisely in these excesses that Mr. Bartley perceives a long-term danger to the bonds that hold our society together. He notes with regrettable accuracy that "rhetorical exaggeration is a standard instrument of politics," and it would be naive of me or anyone else to hope that this might cease to be the case.

But I do believe quite strongly that as elected public officials we have a special responsibility to nurture and protect those forces that tend to hold the society together. This does not mean that we should avoid the unpleasant features of our national life or that we should feel any inhibition to speak out forcefully in support of programs and policies that we feel, as individuals, would work to make a better America.

But at a time of great national stress—which this certainly is—it may be that some of us do damage to those causes in which we most deeply believe when we seek to draw attention to them with exaggerated rhetoric.

Words are among the most important tools of a practicing politician. Words can lose a great deal of their meaning and usefulness if they are not used with care and precision.

I commend Mr. Bartley's article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LISTENING IN ON SOME SLIPPERY RHETORIC

(By Robert L. Bartley)

WASHINGTON.—The threat to privacy in an electronic world has been all too clear from the first, and two weeks of charges and counter-charges have added little. If the last two weeks have clarified anything about spying and wiretapping, it is the danger of too little circumspection with charges that cut too close to the heart of our governmental and social system.

Now that the charges seem to be in, at least for the moment, the obvious things remain. Technological advances in eavesdropping and information exchange are frightening. J. Edgar Hoover is very powerful, very old and often overbearing. The administration is asking for a lot of power in unaudited wiretapping for national security purposes. Government officials are often carelessly sweeping in denying accusations against them. There is even one new idea, Sen. Edmund Muskie's suggestion for a board to review all surveillance, well worth thinking about.

It is perfectly possible to handle these wrenching concerns with clean hands, reasonable evidence and careful conclusions, as Sen. Sam Ervin has shown in his studious probes of Army intelligence excesses and data banks. But in these last two weeks, the more the debate has progressed, the more the charges have seemed reckless.

DUBIOUS ASSUMPTIONS

Rep. Hale Boggs offered precious little substantiation for his wiretapping charges, and evidence is also lacking for a key part of **Sen. Muskie's complaint about Earth Day** observations. In both cases there are highly dubious assumptions and excessive rhetoric. That the charges nonetheless have been widely circulated and apparently fully credited is not surprising given our current national mistrust of government. Yet the question arises: How much of this mistrust results from reckless charges, and how much of it can a functioning society stand?

Rep. Boggs' hour-long speech to the House last Thursday was a moving theatrical performance, but notably short in the promised proof that the Federal Bureau of Investigation had tapped his telephone. Rep. Boggs said that on his request a telephone company serviceman checked his home phone and said that while no tap was present, one had been there. He said a subsequent letter from the company stated that no tap had been found but he added that the company's **policy is to deny taps if they have been placed by the FBI.**

Rep. Boggs did not give the serviceman's name, nor say how he could tell that a previous tap had existed. Former FBI agents now in the House immediately rose to say there is no way to detect a tap once it is removed, and to praise Mr. Hoover, their former chief.

A spokesman for Chesapeake & Potomac Telephone Co. says that servicemen did check the Congressman's phone, that they found no evidence of either a present or former tap, that they told this to the Congressman's "representative," that they did not talk to him personally, that if a tap is found the company's policy is to inform both the customer and law enforcement agencies and that "we make no exception for the FBI."

Rep. Boggs also related a long list of incidents or rumors of suspected wiretapping or bugging on Capitol Hill, including one in **which he said radio transmission had been** detected from beneath a carpet, but when the carpet was raised two days later the bug had mysteriously disappeared. His speech was also notable for its indignation about FBI investigations involving Rep. John McCormack, though that investigation led to the conviction of a McCormack aide, and of Rep. John Dowdy, who is under indictment on charges of taking a $25,000 bribe.

No one denies that the FBI has in fact investigated Rep. Boggs, for that matter, though the government denies it tapped his telephone. Last June a U.S. District Court judge in Baltimore released a summary of grand jury proceedings after the Justice Department declined to proceed with the indictment of a building contractor who had pending claims arising from a contract for House Office Building parking construction. The allegations included one about the contractor's hoping to gain Rep. Boggs' good will by arranging for his house ot be remodeled at a below-cost price.

Rep. Boggs' thin evidence contrasts sharply with the rhetorical pitch of his allegations. He says, "The FBI adopts the tactics of the Soviet Union and Hitler's Gestapo." He concludes, "The way Mr. Hoover is running the FBI today, it is no longer a free country."

A similar, though less drastic, rhetorical overkill permeates Sen. Muskie's charges about Earth Day 1970. The Senator did produce an authentic FBI document on the Washington demonstration he had attended, but he charged that the FBI also reported on 40 to 60 similar meetings across the nation. When the agency denied widespread Earth Day operations, he challenged it to open its confidential files to prove him wrong.

The question of whether the Earth Day surveillance was widespread seems critical to the Senator's accusation. It is at the very least open to argument whether the FBI report he put in the Congressional Record supports his portrait of the government spying on people who couldn't conceivably want anything except to end air pollution.

In fact, the report shows that Sen. Muskie was the only speaker at the evening rally to restrict himself to the anti-pollution theme, with the possible exception of folksinger Pete Seeger's "remarks about ecology and cleaning up society and the Potomac River." The rest all coupled their messages with antiwar themes, which had previously led to disturbances in the capital.

The report pays the most extensive attention to a speech by Rennie Davis, one of the convicted defendants in the Chicago conspiracy trial. He viewed ecology as a cop-out, and said people shouldn't allow it to distract them from the important things, like ending the war and going to New Haven "to stop" the trial of Black Panther leader Bobby Seale.

Now, it's entirely possible to argue that an event of this tenor is no proper concern of the FBI. Yes, it was not strictly anti-pollution, and yes, you had a crowd of 2,500 being addressed by someone once convicted of crossing state lines with the intention of inciting riot. But no one seriously anticipated any rioting, this time, still less having to call federal troops, so perhaps matters could better have been left to the District police.

It seems far harder to argue that the FBI is guilty of anything worse than a misjudgment, if that, in watching gatherings in Washington whose speakers included radicals with past associations of violence. Yet Sen. Muskie's press release argues that the operation represents "more than excessive zeal. It is a threat to our freedom." If these phrases mean anything at all, they mean the FBI had some sinister purpose beyond its assigned mission, a conclusion that by no means follows from the document he presented.

LITTLE SUPPORTING EVIDENCE

Nor, unless you assume all anti-pollution rallies and political life have the same tenor the Washington gathering did, does his evidence really support his rhetorical question, "If anti-pollution rallies are a subject of intelligence concern, is anything immune? Is there any citizen involved in politics who is not a potential subject for an FBI dossier?"

Rhetorical exaggeration is a standard instrument of politics, of course, and in this debate Justice Department officials clearly have done some exaggerating of their own. They said the department did not use "electronic surveillance" of Congressmen. After the facts of the Dowdy case came out, they were left to explain that this denial does not exclude recording conversations between an informer who consents to the recording and a Congressman who knows nothing about it.

In drawing a distinction between recording when one party consents and bugging unknown to anyone concerned, though, the department was by no means merely dreaming up something to reconcile its statements. The distinction has a clear basis, since once an informer is ready to relate a conversation the use of a recording instrument would seem to make little moral difference. The distinction is also well recognized in law, since the courts generally exclude electronic evidence but permit it when it was gathered by a consenting informer. This distinction was reaffirmed by the Supreme Court as recently as April 5, though Justice Department officials really should have known it would not be obvious to a layman.

More seriously, the Justice Department is pressing a sweeping view of its powers to tap phones without court authorization in "national security" cases. It claims an "inherent right" for a government to defend itself, and it defines "national security" as embracing not only foreign spies who might steal military secrets but also domestic radicals who might plot a bombing or assassination. Certainly this contention, to say the least, provides plenty of material for searching debate.

The debate in the last two weeks has not focused on any such narrow issue, though, but has instead painted a picture of a government that uses electronic surveillance against Congressmen and Senators and spies on anyone who even attends an anti-pollution rally. There have been partisan overtones, with Democrats giving Rep. Boggs standing applause while Republicans sit in stony silence, and with Rep. Boggs saying on "Face the Nation" that "there's hardly a member of the House—I say certainly on our side, or Democratic side, who isn't fearful about using his telephone."

THE "CREDIBILITY GAP GAMBIT"

So far there has been little proof of this shocking picture beyond what might be called the Credibility Gap Gambit: Critics make gruesome accusations against the government; shocked government officials respond with sweeping denials; critics find some exception to the denials which, while defensible enough in itself, can be used to prove that the original gruesome charge must be true because the government lied in denying it.

This heady tactic is enormously destructive, especially when coupled with an emotional issue like an image of "1984." It draws additional force from the substantial band of radicals intent on proving American society is "repressive," and from the far larger number of good people who somehow feel virtuous about such denunciations. But such destruction can seldom be confined to limited targets; it hits the bonds of minimal trust and decency that hold a society together.

The image of malevolent men prying into the lives of citizens and their political foes cannot in the end be confined to a message that you can't trust J. Edgar Hoover, John Mitchell and Richard Nixon. The message will be instead that you cannot trust your government, whether Republican or Democratic, conservative or liberal. Already so impeccable a liberal as Ramsey Clark, tainted by former service as Attorney General, is reduced to denying his complicity in spying—"I don't care what the documents show."

Similarly, no politician whose objective is to win office and lead society should imagine that the Credibility Gap Gambit will not be turned against him if he succeeds. Such politicians might do well to ponder whether some charges are so destructive that they must be handled in terms that stick strictly to the available evidence, wheher there is a danger of falling into tactics of winning the government by destroying it.

FLIGHT OF JOBS TO THE SUBURBS

Mr. RIBICOFF. Mr. President, an article by Richard Reeves in the New York Times of April 28 and an article in the April 25 Washington Post describe the continuing movement of businesses from central cities into the suburbs. Thousands of jobs for low- and middle-income workers are being transferred into areas in which adequate housing is unavailable for them.

The New York Times article documents the active competition between suburban areas for the location of new industry. Any city that seeks to derive the benefits of industrial location should also be required to assume the responsibilities of providing adequate housing for the workers associated with such businesses.

I have, therefore, introduced S. 1282, the Government Facilities Location Act, which would require Federal agencies and companies with Federal contracts to insure that adequate housing exists for their low- and middle-income workers before they locate or expand in any area.

Providing housing in the suburbs to those with jobs there would be a major step toward bridging the increasing gap between our impoverished central cities and the affluent suburbs that surround them.

Senators CRANSTON, MONDALE, and BROOKE, members of the Banking, Housing, and Urban Development Committee, are cosponsors of this legislation. I hope that the committee will soon begin hearings on this entire matter.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 28, 1971]

CONCERNS IN MANY CITIES LEAVING FOR THE SUBURBS

(By Richard Reeves)

When the General Dynamics Corporation announced two months ago that it was moving its national headquarters out of the city, New York's loss appeared to be St. Louis's gain as the company announced:

"St. Louis is well-located, offers excellent facilities at reasonable cost and provides major living advantages for our people."

But St. Louis gained almost nothing.

General Dynamics has since decided to move to Clayton, Mo., a St. Louis suburb of 16,000 people that has been pulling business out of the Missouri city for 10 years, just as Greenwich, Conn., has pulled business from New York and a Southfield, Mich., has pulled business from Detroit.

The exodus of business from downtown to suburb—a subject much discussed here because of corporate moves in recent months—is not a New York phenomenon, but a national pattern, according to reports from correspondents of The New York Times in 10 cities.

In fact, in Detroit the exodus has reached such proportions that two prime symbols of civic identity, the Detroit Lions football team and The Detroit News, are moving out, the Lions to a new stadium in Pontiac and The News to a new satellite printing plant in Sterling Heights.

With that, a banner at the last banquet of the Detroit Press Club facetiously made one request: "Will the last company to leave Detroit please turn off the lights?"

In St. Louis, which like other cities has a local group—Downtown St. Louis, Inc.—trying to hold or expand downtown business, the number of merchant licenses has decreased from 6,302 in 1969 to 5,608 this year, and manufacturing licenses from 1,270 last year to 1,210 this year.

There are breaks in the pattern, however, especially on the West Coast. The economic development agencies of Los Angeles and Portland, Ore., for example, report no visible movement of business away from their cities.

"We are still bringing industry in," said Howard Chappell, president of the Los Angeles Economic Development Board. And John Kenward, executive secretary of the Portland Development Commission, added: "We just have a freshness and vitality in the central city that is refreshing when compared to the Midwest and East."

Kansas City, Mo., has also managed to hold its position as the unchallenged business center of its area, by extending city boundaries into unincorporated suburbs. The area of the city has grown from 60 square miles to 317 in the last 25 years.

Thus, at the moment, Kansas City has something that the Mayors of New York or Detroit will never have again—100 square miles of undeveloped land.

The need for land to expand is a primary factor that drives corporate offices, manufacturing and assembly plants, and even athletic teams, out of central cities.

SPACE AND COSTS CITED

"We've contacted firms and asked why they moved," said a spokesman for the Boston Economic Development Industrial Commission. "The prime reason is lack of space and the high cost of space. Only a handful—less than 10 per cent—even list crime, vandalism, congestion or taxes."

But, in other cities—particularly Detroit—city officials and businessmen do tend to talk about the spectrum of urban problems. The vice president of a Detroit insurance company, who asked not to be identified, said several major moves had been based on "insidious institutional racism."

The insurance executive reported:

"A vice president of [he named a prominent organization] told me that they wanted to move for one reason—to get rid of low-echelon workers, like file clerks and typists. These days in Detroit those workers have to be black."

Some urban spokesmen—New York's Economic Development Administrator, Ken Patton, is one—believe the decisions of companies to move to the suburbs often reflect the feelings of one or two men at the top of the business.

They point to the General Dynamics move and the fact that the company's new chairman, Donald S. Lewis, is moving the headquarters a few minutes driving time from his home near Clayton. When he resigned as president of McDonnell-Douglas, Inc., in St. Louis last year to join General Dynamics in New York, Mr. Lewis's family stayed in the St. Louis suburbs, and now he will be rejoining them.

Clayton itself is an example of what older downtown areas, with all their problems, are competing with. The St. Louis suburb, which calls itself "the Executive City," has aggressively recruited business to its grassy land since World War II. It now has offices with jobs for more than 40,000 people, and its 16,000 residents have not had local taxes increased since 1954. The business that has left St. Louis pays the tax bill.

HOW IT LOOKS ELSEWHERE

The situation in other cities surveyed by correspondents of the New York Times follows:

New Orleans

"This is a very serious problem for us, if for no other reason than because it reduces our city sales-tax collection," says Robert E. Develle, the city's Finance Director.

New Orleans does not compile statistics on its suburban exodus, but it has lost the Elmer Candy Company, the Diebert-Bancroft Machinery Works, automobile dealers and numerous distributors of national products. Most companies have moved to Tangipahoa Parish, which offers tax-exempt bonding for industrial construction.

Atlanta

Despite the construction of 10 million square feet of office space in downtown Atlanta in the last 10 years, the city has lost many major corporate offices to suburban office parks, including Sinclair Oil, Shell Oil, the Continental Can Company, Avon Cosmetics, the Piedmont Life Insurance Company, and Monsanto Chemical Company.

Chicago

"A lot of industries have moved out, but they've been replaced with commercial-type businesses," says Dever Scholes, director of research of the Chicago Association of Commerce and Industry.

The association compiles industrial and commercial development statistics, which show that the number of new industrial projects and industrial expansions have steadily decreased in the city and now total only 24 per cent of similar suburban projects.

But office-building, warehouse and financial-institution projects have increased in Chicago in recent years, and are now growing at about the same rate as similar suburban projects.

Boston

The Mayor's Economic Development Industrial Commission reports business loss is a "serious, but manageable, problem." As in many other cities, Boston officials say that they are losing small and medium-sized manufacturing concerns—perhaps 100 in the last five years—but that new office jobs have helped the city "weather the storm."

Milwaukee

"We've lost very few companies to the suburbs," says Harvey Hohl, chief economist of the Division of Milwaukee Development. "When we lose them, they normally go to the South or West; they pull out altogether."

Mr. Hohl estimates that his city has gained as much business as it has lost, even though the Jos. Schlitz Brewing Company and other major local companies are building new facilities in the suburbs, because they have run out of space to expand their city operation.

[From the Washington Post, Apr. 25, 1971]

SUBURB JOBS SAID DOUBLED IN 10 YEARS

The number of people employed in Washington's suburbs more than doubled in the last decade and the number of suburban jobholders increased at a rate better than four times in the District of Columbia, according to figures obtained from the Bureau of Labor statistics.

As a result, the percentage of metropolitan Washington's labor force employed within the District dropped to about 59 per cent at the end of 1970. It was 72 per cent 10 years earlier.

In every category established by the Bureau, except government employment, the growth in new suburban jobs exceeded the number of new jobs in the District.

While the District still provides over one-half of the area's nonfarm jobs, the growing employment opportunities in the suburbs dramatically refute the lingering myth that suburban jurisdictions are basically bedroom communities for people who work in the city and demonstrate, instead, the increasing independence of the suburbs.

Nowhere is this more evident than in retail operations. While the suburban shopper now takes such centers as Montgomery Mall and Tyson's Corner for granted, both were built less than six years ago.

The phenomenal growth in suburban shopping is clearly reflected in the Bureau's statistics. In December 1960, 89,400 persons were employed in either retail or wholesale operations in the District. In December 1970, the number had dropped to 87,400.

On the other hand, in the city's suburbs, the number of persons employed in wholesale or retail operations jumped from 68,900 in December 1960, to 149,900 a decade later.

Over all, the number of jobs in the District increased from 549,500 in 1960 to 692,100 in 1970, a rise of 26 per cent. In the suburbs the increase was from 213,000 jobs in 1960 to 466,400 jobs in 1970, an increase of 118 per cent.

Of the 142,600 new jobs in the District, 95,500 were in government employment and 44,700 were in a wide variety of service occupations such as laundries, hotels, photography, repair work, architectural and engineering work and health services.

The 95,000 new government jobs represented an increase of about 35 per cent over the December, 1960, figure of 270,100. During the same period, 37,700 new government employees (at the federal, state and local levels) were added in the suburbs, an increase of 126 per cent over the 29,800 government jobs in the suburbs in December, 1960.

While the 44,700 new service jobs in the District were a major increment in the District's total job increase, they were far outnumbered by a 153 per cent increase in service jobs in the suburbs—from 44,300 in December, 1960, to 112,200 ten years later.

The 1960's also saw an increase in District jobs categorized under "finance" by the Bureau of Labor Statistics. Such jobs include employment by banks, credit agencies, insurance agencies, and real estate firms.

However, the increase was relatively modest—4,900 jobs. And once again it was completely overshadowed by an increase of 21,000 similar jobs in the suburbs.

THE NEED FOR UNRWA FUNDING

Mr. HATFIELD. Mr. President, the United Nations Relief and Works Agency—UNRWA—has been responsible over the past 20 years for caring for the health, sanitation, housing, and food needs for the 1.5 million Palestinians living in refugee camps in the Middle East. Last year in Congress an effort was made to restore U.S. funding of UNRWA to levels equal to pre-1967 levels. The effort was only partially successful. UNRWA now faces a $5 million deficit and sever cutbacks will result if its budgetary needs are not met. To give further insight and understanding to this problem and the functions of UNRWA, I ask unanimous consent that two April 1971 articles, published in the UNESCO Chronicle and the UNESCO Courier, respectively, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[UNESCO Courier, April 1971]

EDUCATIONAL AID FOR THE PALESTINE REFUGEES

(Appeal by Mr. René Maheu, Director-General of UNESCO)

There are one and a half million Palestine refugees in the world and they demand justice.

In whatever manner these demands may be met on a political level, as part of a peaceful settlement between States, we know that there can be no true and effective justice for these refugees, or for all men and women everywhere, that is not based on the recognition of their human rights. These rights are inalienable and on no account can be denied.

The right to education is one of these rights.

For over 20 years, Unesco has been associated with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in order to provide these refugees with the education to which they have a right.

This action, which began without resources or adequate preparation, has developed and become progressively better organized and equipped until, despite the continued precariousness of the refugees' position and of the status of the Agency itself, and despite a psychological atmosphere continually upset by violence, it has become the most ambitious educational undertaking under international administration. Even in the territories occupied as a result of the events of June 1967, this action continues in circumstances as near normal as possible.

At present, the 500 schools which UNRWA has established and which it administers with technical assistance from Unesco, in Lebanon, in the Syrian Arab Republic, in Jordan on both banks of the River Jordan and in the Gaza Strip, accommodate 192,000 pupils for primary education alone, to whom must be added the 35,000 pupils who attend public and private schools in the host countries, thanks to UNRWA subventions. For secondary education the figures are, respectively, 53,000 and 30,000, with 2,500 for technical education. Finally, over 800 students have been awarded scholarships to continue their studies at university level.

In terms of numbers, the percentage of Palestine refugees receiving education is among the highest in the Arab countries, while from the point of view of quality a constant improvement has been noted, thanks in particular to the systematic effort which has been made to train teachers—almost all Palestinians—who, at the rate of 2,700 a year, are admitted to five teacher-training schools and to the Institute of Education established at Beirut for primary teachers already in service.

And now the continuation of this humanitarian work, a signal example of international co-operation, is endangered by the precariousness and insufficiency of the resources available to UNRWA as the agency responsible for financing the project.

These resources, as we know, are derived entirely from voluntary contributions, which are decided upon each year and are supplied by a small number of States. To meet the requirements of an ever-increasing population, the Agency has recorded, for several years now, a deficit which is continually increasing and which in 1970 will have reached $5,300,000 for a budget of $47,800,000. This chronic deficit has up till now been covered by drawing on the Agency's working capital fund, but this is now so seriously depleted that it would be risky to have recourse to it again.

In these circumstances—as Secretary-General U Thant pointed out to the General Assembly of the United Nations—short of a substantial and regular increase of resources, major reductions in the activities of the Agency will become necessary. And as it is impossible for the reductions to affect the medical and health services, which are prime necessities, or the food rations, amounting as they do to 1,500 calories a day, i.e. the bare minimum for subsistence, the Commissioner-General, Mr. Michelmore, has regretfully reached the conclusion that it is in the education appropriations that the inevitable cuts must be made.

These cuts, which will become effective as from the coming school year, beginning September 1, 1971, may amount to as much as 20 per cent of the appropriations envisaged for that year, and will have to be decided on in April at the latest if additional contributions are not forthcoming before that date.

In the face of this possibility, whose serious effect on the morale of the refugees needs no emphasis, the Executive Board of Unesco has authorized me to appeal to the spirit of international solidarity with a view to collecting the funds necessary for maintaining and the United Nations has urged all governments to respond generously to this appeal.

It is this appeal to international solidarity which I formally launch in virtue of the authority and backing thus accorded me.

I turn first to governments who have the power, as it is their duty, to work for the establishment of justice and peace. I ask them to consider by reference to other expenditures, the immense value deriving in human terms from the few million dollars—

ten million would be enough for the time being—which are necessary to pursue the work of education on which we have embarked.

The money I am seeking can be paid either into UNRWA's general fund or into a deposit account specially opened by Unesco for the education of the Palestine refugees. According to the wishes of the donors it can either be allocated to the UNRWA-Unesco programme as a whole or earmarked for a particular undertaking or a particular sector of that programme.

But I also appeal to private bodies and movements—in a word to all men and women of goodwill—for justice and peace are the common possession of all mankind and the concern of everyone.

And it is in virtue of the rights of all men and women that I make this appeal. Human rights are a universal cause and no one could possibly remain indifferent and inactive in the face of the derelictions or violations to which these rights are, alas, subject in so many ways and so many places throughout the world. We must act while there is yet time.

At the start of a New Year which leads us to reflect on the passage of time and the use we have made of our lives, at a time which Pope Paul VI asks us once more to devote to ardent meditation and courageous resolves in regard to the problems of peace, as we again discern the hope of a peaceful settlement of the conflict which has ravaged the Near East for twenty-five years past, the international community cannot disregard an essential aspect of the problem of the Palestine refugees on whom the whole of that conflict centres.

In these circumstances may there be widespread and generous response to Unesco's appeal on behalf of the noble cause of the right to education.

[From the UNESCO Chronicle, April 1971]

THE UNRWA/UNESCO EDUCATION PROGRAMME

In connexion with the appeal made on 1 January by the Director-General for educational aid for the Palestine refugees,* the following article is intended to present some facts concerning the financial, administrative and educational aspects of the work carried on by UNRWA and Unesco during the past twenty years in this domain.** A recent illustration of the value of this was seen in September 1970, when 8,000 Jordanian students were able to sit for their examinations in the Gaza Strip;*** in this area also, as well as in the occupied territories on the right bank of the River Jordan, the serious situation regarding school textbooks has been considerably improved as a result of action taken by the Director-General.

SOME FACTS ABOUT UNRWA

Background

The violent hostilities which broke out in Palestine in 1948 provoked the exodus of hundreds of thousands of Arab refugees. When hopes that they would rapidly return to their homes did not materialize, the United Nations General Assembly decided to create the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), a subsidiary organ which began work in May 1950. The main emphasis of UNRWA's activities was necessarily directed to relief—food, shelter, clothing and medical care. But as years went by and in the absence of a political solution of the refugee problem, UNRWA has been obliged, on the recommendation of the United Nations General Assembly, to devote an increasingly large part of its funds to the education and training of young refugees. Considerable progress has been achieved in this domain and this had already begun to have a noticeable effect on the social and economic condition of the refugees.

Financial situation

Unfortunately this encouraging development was interrupted by the events of June 1967 and their aftermath, and the present troubled state of the region has profoundly affected UNRWA's operations, aggravating the agency's already precarious financial situation. The total expenditure and commitments for 1970 are estimated at $47,800,000, compared with $40,600,000 in 1967 and in 1966 only $37,500,000. Income has also increased, from $36,300,000 in 1966 to an estimated $42,500,000 in 1970, but it has not kept pace with the expenditures required to maintain the basic relief, health and education programmes.

In 1969, UNRWA suffered a further financial deficit (the sixth in seven years), expenditure exceeding income by some $3,800,000. On 31 December 1969, working capital amounted to $10,500,000, representing the agency's "pipeline" of supplies and cash holdings of only $5,500,000. The $5,300,000 deficit in 1970 reduced the agency's working capital at the end of the year to little more than the amount required to finance supplies in stock and in the pipeline. The position has become critical and the agency's operations are threatened with a breakdown. The main element in the increase in expenditure is the rapid growth in the number of school age refugees, which has added more than $5,000,000 to educational costs since 1966–1967.

The Commissioner-General of UNRWA has therefore issued a warning that expenditure and income must be brought into line. Unless income can be increased, this will mean a reduction in services to refugees which would certainly have a very bad effect on people who have already suffered increased hardships and psychological tensions over the past three years.

EDUCATION AND TRAINING

One of the most useful tasks performed by UNRWA is to provide education and training which enable young refugees to serve their community. Despite the disadvantages of their refugee status—or perhaps because of it—these young people are intelligent and adaptable, eager to learn and ready to seize any chance life may offer them. They are growing up in an age of social change and technological development in the Arab world, an environment in which education is the key to success and advancement, and can to a great extent compensate for their initial handicap.

Since 1950, education services have been provided jointly by UNRWA and Unesco, the latter being responsible for technical aspects of the programme which is financed and administered by UNRWA. Twenty years ago, the task of educating the children and young people of the Arab refugee population in the areas bordering on their homeland in Palestine began in conditions of great difficulty. Classes were held in the open air, in tents or in rented premises with such furniture, equipment and teaching aids as were available. Few of the teachers engaged in those days had any previous experience or training. The budget for education, during the first year, was $400,000.

By 1970, the education programme had become the agency's main activity absorbing $21,600,000 or 45% of the budget. During the 1969–1970 school year, UNRWA provided education and training for 289,959 young people out of a total registered refugee population of 1,409,659, whereas in 1966–1967 the figure was 254,500 out of a total population of 1,330,077 registered refugees.

The problems involved in the normal growth of the programme were exacerbated by the renewal of hostilities in June 1967. The mass exodus of Palestinian refugees from the west to the east bank of the River Jordan left many UNRWA/Unesco schools empty in places like Jericho, and made it necessary to create new school facilities for some 20,000 additional children in east Jordan.

The UNRWA/Unesco education services are at present spread over Jordan (east and west banks), Syria, Lebanon and the Gaza Strip. The joint programme conforms as closely as possible to the education system in force in each of these territories so that it consists of four allied but different systems for the refugee children, with four different curricula and four sets of textbooks. Although the state of affairs poses problems, it has the overwhelming advantage of enabling children in UNRWA/Unesco schools to sit for State examinations, to qualify for upper secondary education in government and private schools and to enter universities in the region on an equal footing with the nationals of the different countries. The close collaboration of the host governments has contributed materially to the success of the programme, and virtually all the 6,700 teachers in the UNRWA/Unesco elementary and preparatory school system are Palestine refugees themselves.

General education

The main effort in the educational domain is understandably focused on the provision of general education. The 485 UNRWA/Unesco schools offer all young refugees six years of elementary education, and three years of preparatory schooling to all who complete the elementary cycle satisfactorily. Enrolment for the 1969–1970 school year was 219,378, and for 1970–1971 is 245,213. In addition, some 65,000 refugee children attend government or private schools including upper secondary schools at a cost to the agency of $1,000,000.

Apart from formal classroom teaching, the joint programme has developed handicraft training for boys and domestic science training for girls. This training is now only given in the preparatory cycle, in which 55 handicraft units and 27 home economics units operate, reaching a total of 21,400 boys and 8,000 girls. Lack of funds has unfortunately prevented the extension to all refugee children in the preparatory cycle of this invaluable addition to formal education.

Some $16,300,000, of the $21,600,000 spent on education in 1970, were devoted to the operation of elementary and preparatory education.

Vocational and technical training

There are ten UNRWA/Unesco training centres offering, during the 1970–1971 school year, 37 different vocational and technical courses to more than 2,500 students and pre-service teaching training to over 1,200. Since the training programme was launched in 1953, initially with help from ILO, more than 12,000 young men and women have graduated from these centres, most of which are residential. The refugees are scattered among the four host countries and, for reasons of economy and efficiency, courses are grouped in centres which consequently recruit from a wide area. Moreover community life in pleasant and healthy surroundings has a beneficial effect on the development of young people coming from the often depress and stultifying atmosphere of a refugee camp.

An encouraging development has been the generous provision of technical assistance funds to help finance educational and training activities. The Governments of Denmark, the Federal Republic of Germany, Sweden and Switzerland are at present helping to meet the operating costs of these centres. More recently, the United States has pledged additional support for the expansion of the vocational training programme.

---

* See Unesco Chronicle, Vol. XVII (1971), No. 2, p. 45.

** See Unesco Chronicle, Vol. XV (1969), No. 9, p. 295.

*** See Unesco Chronicle, Vol. XVI (1970), No. 12, p. 510.

Vocational training in the UNRA/Unesco technical centres is geared to the demand for particular skills. While secondary education is required for certain courses, others are open to youngsters with only nine years of basic education. The courses involve 10 to 11 months of study per year and generally last two years, after which the great majority of graduates very quickly obtain employment. A small number of graduates are selected for further training abroad which may in turn lead to a fourth year of higher technical training in a UNRA/Unesco training centre in the Middle East as a technical instructor or middle level technician. To date, nearly 1,000 trainees have gone abroad under this programme. The training is carried out under the direction of a small team of international specialists who draw up the curricula, introduce new courses and train and supervise Arab instructors.

The courses fall into three categories: trade courses, semiprofessional courses and teacher training.

The trade courses offer a range of 19 specialties in the building, electrical and mechanical trades (for example, builder/shutterer, plasterer/tilesetter, auto-electrician, radio/TV mechanic, blacksmith/welder, refrigerator and air conditioning mechanic). Students spend from 70 to 90% of their time in well-equipped workshops where they learn basic principles and gain practical experience. The remaining time is devoted to studying English, practical mathematics, applied science and technical design.

In the semi-professional sector, the number of courses has increased in the past few years so that a young man may now train to become an architectural draughtsman, assistant pharmacist, construction technician, engineering draughtsman, medical laboratory technician, land surveyor, public health inspector, quantity surveyor or vocational training instructor, or he may study business and office practice. These courses, part of which consists of on-the-spot training, place more emphasis on theory than the trade courses, although students still obtain considerable practical experience.

Recognizing the need for women with professional training in the Arab world, in 1962 UNRWA opened a residential centre for girls at Ramallah, near Jerusalem, the first of its kind in the Middle East. About half the students are taking vocational training courses. Since the 1967 hostilities, the centre has only been accessible to students from the west bank and from the Gaza Strip, and in 1971 it is planned to open a joint vocational and teacher training centre for both men and women near Amman.

On the vocational training side, courses for young girls include secretarial training, clothing production, hairdressing and beauty culture, home economics and child care and medical laboratory techniques.

Pre-service teacher training, designed to improve the staffing of UNRWA/Unesco schools, is provided at three centres. In addition, since the 1967 hostilities, two temporary centres have been created in the Amman region which will this year be replaced by the joint centre in Amman, mentioned above. Since the pre-service training of teachers began, slightly over 3,700 teachers (including 1,198 women) have graduated.

In-service training

The UNRWA/Unesco Institute of Education was established in January 1964. Its main aim is to improve the quality of education in the UNRWA/Unesco schools, and the principal method of achieving this so far has been to provide in-service training courses for the professionally underqualified or unqualified teachers employed in these schools: Since October 1964, the institute, as its first phase of operation, has been providing basic in-service courses for primary school teachers. At the beginning of the 1967–1968 school year the institute began the second phase of its operation by organizing-in-service training courses for preparatory level school teachers. Both these activities are still being carried on.

To date, 3,450 primary level teachers and 1,034 teachers in the preparatory cycle have completed or are following in-service courses. The number of teachers receiving training at the institute has been maintained at about 1,500 a year.

The institute's budget for 1970 amounts to about $410,000 of which Unesco is providing about $73,000 (in services of loaned staff) and the Government of Switzerland about $116,000, leaving a balance of over $221,000 to be contributed from other sources.

University education

University scholarships are awarded to the best qualified secondary school graduates, who are needy refugee students. These scholarships are tenable only at universities in the Near East and for the first degrees. They are awarded for one year but are renewable from year to year for the duration of the course of study chosen by the students, provided they successfully pass the end of year examinations. The value of the scholarship varies according to the financial situation of the student's family but is normally limited to a maximum of $500 per annum. Eight hundred and thirty of these scholarships were awarded in 1969–1970, of which 370 were financed by special contributions.

The diversity and scope of all these activities naturally entails heavy expenditure, resulting in the present financial problems. But it is to be hoped that the importance and implications of the task carried on by UNRWA and Unesco in the Middle East for more than 20 years now will provoke a generous response to the Director-General's appeal and provide the means to continue this essential effort.

MEDICARE SHOULD BE BOLSTERED, NOT CUT BACK

Mr. CHURCH. Mr. President, the New York Times of April 4 published a useful summary of recommendations made by the Social Security Advisory Council in the latest of the valuable reports made every 2 years by that statutory body.

One of the major points made by the article is that the Advisory Council is recommending broadening of medicare at the very time that the executive branch is advancing proposals which would seriously reduce the effectiveness of that program.

Briefly, the administration is proposing reduction of the hospitalization period under which medicare would pay the costs and higher deductible for the medical portion—part B—of medicare.

The Social Security Advisory Council, on the other hand, proposes extension of medicare to include payment for some out-of-hospital prescription drugs; an increase in hospitalization from 60 to 120 days; and extension of medicare to those receiving disability benefits under social security.

It is gratifying to me, as chairman of the Senate Special Committee on Aging, that the Advisory Council recommendations are similar in important respects to those made by the committee in its latest annual report, issued this week.

Mr. President, I ask unanimous consent to have printed in the RECORD two perceptive articles written during the past few days by Marjorie Hunter of the New York Times. In addition to her report on medicare she also describes recommendations made by the Advisory Council on Social Security. Here again, there are similarities to recommendations made by the Committee on Aging.

One final comment is prompted by the two news reports.

Recently, the Senate Committee on Aging took testimony on proposed administration cutbacks under the Older Americans Act, and we were told bluntly by witness after witness that the reductions would cause widespread setbacks to promising programs. Now we are given additional evidence of administration determination to reduce beneficial programs for older Americans. The Committee on Aging has a responsibility to document the far-reaching retreats now being conducted by the Nixon Administration on many fronts of direct importance to the elderly. We will do all in our power to live up to that responsibility.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 4, 1971]

BROADER MEDICARE URGED BY U.S. ADVISORY COUNCIL

(By Marjorie Hunter)

WASHINGTON, April 3.—A Federal advisory council proposed today that Medicare be expanded to cover partial payment of prescription drugs for the nonhospitalized elderly.

The council also proposed that the entire Medicare program—including the part for which the elderly now pay $5.30 monthly premiums—be financed jointly by employers, employees and the Federal Government.

These were among the many broad changes recommended in Social Security and Medicare by an advisory council named two years ago to review the programs, as required under the Social Security Act.

The 12-member council was headed by Arthur S. Flemming, a Secretary of Health, Education and Welfare during the Eisenhower Administration.

The council report, released by Elliot L. Richardson, the present secretary, has been sent to Congress.

The report comes at a time when the Nixon Administration is pushing for legislation to curb Medicare, not expand it.

Thus, the report is expected to become an issue in the fight that has already broken out within the House Ways and Means Committee over planned cutbacks in Medicare benefits.

The committee rift came after tentative approval last Thursday of Administration proposals to shift much of the burden of hospital bills to the elderly.

The committee chairman, Wilbur D. Mills, Democrat of Arkansas, is expected to mount a drive to reverse the committee action and revamp the Medicare cutbacks to have a less adverse impact on the elderly.

But while at apparent odds with the President over whether Medicare should be curbed or expanded, the advisory council endorsed the Administration's proposal that increases in Social Security benefits be geared automatically to rises in the Consumer Price Index.

Such automatic increases would be coupled with increases in the wage base on which Social Security taxes are now paid.

Chairman Mills has consistently opposed automatic Social Security increases, insisting that Congress should retain authority to set the levels of benefits, taxes and wage base. He was overridden on this last year by the

House, but the bill containing the automatic escalator failed to clear Congress.

With the Ways and Means Committee now writing a new Social Security bill, the issue of automatic increases is still a vital one.

ADDITIONAL CHANGES

The Flemming advisory council also proposed these changes:

The wage base on which Social Security taxes are based should be raised to $12,000 in 1974. Congress recently raised the base to $9,000.

Medicare should be extended to those receiving disability benefits under Social Security.

Medicare should be expanded to include prescription drugs for out-of-hospital use, with beneficiaries paying a flat $2 for each new prescription and $1 for each refill. Such out-of-hospital drugs are not now covered.

The number of "lifetime reserve" days for which inpatient hospital benefits may be paid should be increased from 60 to 120 days, with the patient paying a fourth of such daily costs instead of the present half. Such a lifetime reserve—designed to aid those with long illnesses—is in addition to the 90 days of hospital care available to patients.

MEMBERS ARE LISTED

Members of the council, in addition to Mr. Flemming were:

Bertha S. Adkins, former Under Secretary of H.E.W.; J. Douglas Brown, provost and dean of the faculty, emeritus, Princeton University; the late Whitney M. Young Jr., executive director of the National Urban League; Walter J. Burke, secretary-treasurer, United Steelworkers of America; Kermit Gordon, president, the Brookings Institution.

Also, Gabriel Hauge, chairman of the board, Manufacturers Hanover Trust Company; Arthur Larson, director, Rule of Law Research Center, Duke University; Bert Seidman, director of the Department of Social Security, American Federation of Labor-Congress of Industrial Organizations.

Also, Charles A. Siegfried, vice chairman of the board, Metropolitan Life Insurance Company; Joseph P. Tonelli, president-secretary, International Brotherhood of Pulp, Sulphite and Paper Mill Workers; Robert C. Tyson, director, United States Steel Corporation, and Dr. Dwight L. Wilbur, past president, American Medical Association.

[From the New York Times, Apr. 3, 1971]

House Unit Split on Medicare Cut—Mills Is Expected To Battle Nixon Plan To Curb Costs

(By Marjorie Hunter)

Washington, April 2.—A major fight loomed today within the House Ways and Means Committee over planned cutbacks in Medicare benefits.

The rift within the committee came after tentative approval yesterday of Administration proposals to curb Medicare costs by shifting much of the burden of hospital bills to the elderly.

The Administration has estimated that the proposed cutbacks would trim $350-million annually from the over-all costs of Medicare.

The fight to reverse the cutbacks is expected to be led by the committee chairman, Representative Wilbur D. Mills, Democrat of Arkansas, who has been at odds with the Administration over such other issues as revenue sharing and trade policies.

The major change proposed by the Administration and tentatively approved by the committee would reduce from 60 to 15 days the period during which a hospitalized beneficiary pays only the first day's cost, now about $60.

Under the plan, the patient would receive just 14 days of cost-free hospitalization, instead of the present 59-day limit. Between the 16th and 60th days, the patient would be billed one-eighth of the daily cost, or about $7.50 a day.

AVERAGE STAY FOR ELDERLY

This would not mean costlier hospital stays for many of the elderly. Government figures show that the average hospital stay under Medicare is 13 days.

However, the burden of increased medical bills would fall heavy on elderly patients with long- or medium-length hospital stays. For those hospitalized up to 60 days, the additional cost would be—at today's rates—more than $250.

The committee also tentatively approved another Administration proposal that could result in slightly higher medical costs for the elderly enrolled in the optional portion of Medicare, which pays doctor bills.

At present, a patient covered under the optional plan (known as Part B) pays the first $50 before Medicare assumes the cost of doctor bills.

Under the tentatively approved proposal, the Department of Health, Education and Welfare would be authorized to increase this $50 deductible in proportion to increases in the general level of doctor's fees.

For instance, if a doctor's fees increased 10 per cent, the deductible could be set at $55, an additional $5 cost to the patient.

Acting on its own, and not at the request of the Administration, the committee also tentatively approved a provision to set limits on increases in the monthly charges that the elderly pay for such Part B coverage.

Under the committee plan, any future increases in the monthly charges could be no larger proportionately than increases in old-age payments under Social Security.

Monthly charges for the doctor-payment part of Medicare have risen from $3 when the program first began to $5.60, effective this July 1.

It is considered likely that Mr. Mills, perhaps the most influential committee chairman in Congress, will succeed in reversing the committee's tentative adoption of the Administration's cutback proposals before sending a bill to the House floor.

There was speculation in some quarters that Mr. Mills had raised only token opposition to the proposals, so that he might later revise them to have less of an economic impact on the elderly.

If so, this could be another round in the continuing clashes between President Nixon and Mr. Mills over fiscal and trade policies.

NOLEN BULLOCH—A RARE REPORTER

Mr. SAXBE. Mr. President, on behalf of the distinguished Senator from Oklahoma (Mr. Bellmon), I ask unanimous consent that a statement by him entitled "Nolen Bulloch—a Rare Reporter" be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Nolen Bulloch—A Rare Reporter

(Statement of Senator Bellmon)

Mr. President, Oklahoma suffered a serious loss in the death of one of its most dedicated and respected newspaper reporters on Tuesday. Nolen Bulloch had, during his 44 years as one of the Nation's most aggressive and incisive reporters, contributed significantly to the understanding and interpretation of public affairs in our state.

To a great extent, the ability of a people to govern themselves depends on the availability and accuracy of information they receive.

The nation's news gathering men and women therefore play a vitally important role in the governmental process. This is especially true of the investigative reporter, whose determination to ferret out the facts is matched only by his zeal for exposing to the public any instances of wrongdoing uncovered by his inquiries.

A reporter with the wisdom, the courage and the sense of fairness required to render such a public service is rare. Perhaps that word best describes Nolen Bulloch.

During his eventful career of 26 years with the *Tulsa Tribune,* Nolen Bulloch has exemplified the highest ideals of the journalism profession. Whether he was writing about city hall politics or members of Congress, Nolen's creed has been: get the news and tell it to the people without fear or favor.

Until emphysema slowed him down, Nolen set a pace that younger news reporters were hard pressed to match. He was not content to cover a story from behind a desk; he preferred to be on the scene, where the action was. And no matter how big or how small the story was, he approached his assignment with energy and enthusiasm.

Mr. President, reporters like Nolen Bulloch do not come along too often. But when they do, they inspire greatness in other members of a great profession. Also they require Public officials to live up to the challenge and responsibility of their offices, and when they are gone, their loss is shared not only by family and friends, but by all members of a free society. I join with a host of others in paying tribute to and in mourning the passing of a great reporter and a good friend—Nolen Bulloch, of Tulsa.

JOINT RESOLUTION OF THE NORTH CAROLINA GENERAL ASSEMBLY MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO TAKE STEPS TO RESTORE ORDER TO INTERNATIONAL TRADE IN TEXTILES AND WEARING APPAREL

Mr. ERVIN. Mr. President, on April 13, 1971, the General Assembly of North Carolina adopted a joint resolution memorializing the President and Congress to take steps necessary to restore order to international trade in textiles and wearing apparel.

I ask unanimous consent that a certified copy of such resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Joint Resolution 574

A joint resolution memorializing the President and the Congress to take steps necessary to restore order to international trade in textiles and apparel and commending the President for his rejecting the unsatisfactory Japanese proposal to unilaterally restrain textile exports to the United States

Whereas, the importation of textiles and apparel from foreign nations is seriously undermining the whole economic structure of the State of North Carolina, and

Whereas, thousands of North Carolinians have lost their jobs or, because of short-time operations, are earning below their normal wages, and

Whereas, the revenues of the State are seriously jeopardized, which may result in a decrease of services, thereby affecting all citizens in the State, and

Whereas, foreign competition markets its textiles and apparel in this country under conditions which are illegal in the State of North Carolina and the United States, and

Whereas, the Japanese have offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States, and

Whereas, the Japanese proposal has been rejected by the President of the United States, by many Members of Congress, including Senators and Representatives from North Carolina, by the American Textile Manufacturers Institute, by the North Carolina Textile Manufacturers Association, by numerous newspaper editorials, and by many others, and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the governments representing the major textile exporters to this country rigidly protect their own markets against American textile exports, and

Whereas, in the United States we have numerous laws and regulations which affect the cost of American textiles while our foreign competitors are not subject to any such regulations by their governments, and

Whereas, the recent Japanese offer is based upon imports at the highest level in history, and

Whereas, the Japanese plan destroys the vitally important concept of categories and government-to-government agreements, and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II, and

Whereas, the Japanese proposal would undercut the long-term arrangements on cotton textiles that have been in effect for ten years, and

Whereas, the wages in the American textile industry are approximately two dollars an hour more than they are in the Japanese textile industry, with the difference being considerably more in some other Asian nations, and

Whereas, the General Assembly and the people of North Carolina are not willing to see these most unfair conditions continue to weaken their largest industry which, together with its numerous suppliers and related industries, have been good responsible corporate citizens over the years, and

Whereas, these unfair conditions have largely been created by a combination of policies of our Federal Government; Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power, through legislative and administrative action, to see that order is restored to the chaotic textile and apparel import situation; and

Sec. 2. That the General Assembly of North Carolina express to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave strong support to the textile quota legislation (H.R. 20) now pending before the Congress, and, also, express to the Members of the North Carolina Congressional Delegation, and other Members of the Congress who continue to work for a solution to this problem, its deep appreciation for their dedication to this vital effort; and

Sec. 3. That copies of this resolution be forwarded to the President of the United States, to each United States Senator, and each Member of the House of Representatives from North Carolina, the Secretary of Commerce, the Secretary of State of the United States, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Clerk of the United States Senate, and the Clerk of the House of Representatives of the United States.

Sec. 4. This resolution shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1971.

"DEVELOPMENTS IN AGING: 1970" ASSESSES NATIONAL ISSUES RELATED TO WHITE HOUSE CONFERENCE

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has issued its annual report, "Developments in Aging: 1970." In addition to fulfilling the function suggested by its title, the report this year also summarizes progress made since the White House Conference of 1961 and suggests issues that should receive careful consideration before, during, and after the 1971 White House Conference on Aging.

This conference, which begins on November 28, should be a summons to accelerate and intensify a national effort to better the lives of aged and aging Americans. It is, therefore, imperative that it have the widest possible support and attention from the private sector and government, including the Congress.

The Committee on Aging has a responsibility, in my opinion, to contribute to congressional input to the White House Conference. Our report does provide such an input, and I hope that it will receive attention by all who are involved, not only in conference preparations, but in any activity related to older Americans.

The committee is also making another contribution to the conference by conducting hearings evaluating the effectiveness of the U.S. Administration on Aging. In cooperation with the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare, the Committee on Aging has taken testimony from witnesses who are sharply critical of what they regard as the downgrading of the Administration on Aging.

The AOA, establishing by the Older Americans Act of 1965, is responsible for the conduct of the White House Conference. If the administering agency is under a cloud, it stands to reason that the conference will be subject to doubts about its purposes and effectiveness.

Mr. President, I believe that all Americans, young or old, have a stake in the success or failure of the AOA and the White House Conference on Aging. I, therefore, ask unanimous consent to have reprinted in the Record my preface to the Committee on Aging report. That preface is written in the form of a message to all who participate at the White House Conference on Aging and in preliminary activities.

In addition, I ask unanimous consent to have printed in the Record a summary of the committee report, together with its major recommendations and conclusions. Even in abbreviated form, this summary provides a good picture of the many issues and problems that affect older Americans today.

There being no objection, the items were ordered to be printed in the Record, as follows:

Preface

A Message to All Who Participate at the White House Conference on Aging and in Preliminary Activities.

"In spite of the many surveys, books, and conferences on aging, the greatest accomplishment to date has been the output of words." The Honorable John E. Fogarty, U.S. House of Representatives, January 8, 1958 (in introducing H.R. 9822, calling for a White House Conference on Aging in 1961).

Representative Fogarty, when he made the comments excerpted above, perhaps had more reason for impatience than do present Members of Congress.

Today, after all, we have made considerable progress since the 1961 White House Conference on Aging. Congress has enacted Medicare, Medicaid, some Social Security improvements, widely-varying housing programs, promising new pilot programs for employment for men and women past age 55, the Age Discrimination in Employment Act, and a few grant programs which offer services to the elderly.

Nevertheless, as this Nation approaches another White House Conference on Aging, we must ask ourselves the question suggested by the late Mr. Fogarty's comment:

Will conferees merely contribute to the output of words, or will they shape a genuine strategy for action on clearcut goals during the next decade?

Congress has a direct interest in the answer to that question, and the Senate Special Committee on Aging has special reasons for wanting the answer to be the right one.

It was through legislation originated by individual members of this Committee that the authority for the Conference was granted. The Committee, fully in support of the Conference, has dedicated much of its work since September 28, 1968—when the bill[1] was signed—to obtain and to present facts that should receive careful attention before and during the conference.

Thus, late last year, the Committee concluded 2 years of hearings and task force activity with publication of a report on the "Economics of Aging: Toward a Full Share in Abundance."

A report on "Old Americans and Transportation: A Crisis in Mobility," was also published; it told of a problem which has become one of the most crucial now facing aged and aging individuals.

In these final months before the White House Conference, the Committee will continue to issue reports on subjects of direct importance to older Americans, such as: unique problems of minority groups, the elderly in rural areas, usefulness of the model cities program to older Americans, alternatives to institutionalization in State hospitals, trends in long-term care, opportunities for nonprofit sponsors to assist in government programs, and housing needs.

Our purpose, of course, is not to instruct, or even to appear to instruct, the conferees. We recognize that Conference activities are subject to many inputs: from the Administration on Aging and other units of the Executive Branch, from national organizations, from State offices on aging, from the elderly who have already spoken out at community forums and who will speak out at later events, from technical committees, and many more sources.

But Congress must make an input, too. It must put into as sharp a focus as possible its view of the progress, or lack of progress, made thus far through legislation. It must also express, in some way, suggestions for additional action that will contribute to a working national policy on aging.

In the report which follows, the Congressional Committee assigned by the Senate to keep abreast of developments and legislative opportunities related to aging makes one contribution to the Congressional input. Each chapter, in addition to describing events that transpired in 1970, also summarizes issues and recommendations as seen in 1961—recommendations, incidentally, which were never translated into the "blueprint for action" so often requested by Representative Fogarty and others. In this way, the Committee is attempting to fulfill its obligation to the Senate and to the public during this White House Conference year.

---

[1] P.L. 90-526.

In addition, I am including, in this preface, the following questions which may merit the attention of those who participate not only in the Conference itself, but in the preliminary intra-State and State conferences planned for this spring, to those task forces that will analyze the recommendations emanating from the States, and to those who are directing all of these functions:

One.—As now designed, the Conference plan lays great stress upon *reducing* the number of final policy recommendations to a limited, manageable few. This is a laudable objective, but there may be some danger that in "priority-setting" the conferees will be led to make arbitrary and perhaps meaningless choices. Instead of synthesizing, they could tend merely to sift.

If—as has been said so often within recent months—the goal of the Conference is to develop a national policy on aging, shouldn't the directors of the Conference make a greater effort to produce mechanisms which will promote cohesion and depth in final decisions of the conferees? Unrelated or conflicting recommendations, however limited in number, would produce not a policy, but a new sampling of limited objectives.

Two.—Closely related is the growing concern about the adequacy of pre-White House Conference assembling of "hard facts" which represent present knowledge about aging. In its report on the "Economics of Aging," for example, this Committee asserted that the conferees might easily become deadlocked about a vital issue—the contribution that private pensions can make to retirement security [2]—unless more facts are rooted out between now and November. The report suggested that task forces of experts from various disciplines immediately be convened—without regard to political affiliation—to define the reasonable limitations of future retirement income from private pension plans. The report on Transportation and the Elderly made similar recommendations for multi-agency cooperation in certain fact-finding missions.[3]

Unless the directors of the Conference make all possible efforts to assemble readily obtainable information *in advance* of the Conference, we can be almost certain that needless argument or confusion will result.

For this reason, it is deeply disturbing that Technical Review Committees—established to analyze and improve technical papers prepared by knowledgeable authors—are now months behind in progress toward previously announced goals. It is even more disturbing that political considerations are said to have had an influence upon the selection of members of those committees.

Three.—There is a danger that the Conference could be unduly swayed by attempts to shape allegiance to an "income strategy" to the exclusion of a "service strategy." The case for the income strategy has been advanced by former Presidential advisor Daniel Moynihan and others, and at first glance it seems persuasive when it argues:

> The way to help people to the services they need is not for government to provide the services, but to help them have sufficient income to purchase the services of their choice.

But as is so often the case, it's not a simple "either-or" proposition. Older Americans certainly *must* have major advances in retirement income. But their need for services is great and in some cases may be even more acute than the need for dollars. If a semidisabled widow, for example, can't find a homemaker to perform essential chores for her, she may become institutionalized. Lack of transportation, particularly for those in rural areas, can and does cause bitter isolation. Quite often, the lack of a less expensive kind of service—such as regular health checkups—can lead to more expensive alternatives, such as hospitalization.

Four.—The Conference will take place at a time when debate may be fiercely intense on two concepts which have become the heart of President Nixon's domestic program. They are revenue sharing and sweeping governmental reorganization.

Revenue Sharing.—Walter Heller first advanced this concept 7 years ago while serving as Chairman of the Council of Economic Advisors. He and others, however, see revenue sharing as one component in a more general program intended to rearrange financing responsibilities among Federal, State, and local governments. The Advisory Commission on Intergovernmental Relations, for example, in December, 1970, called for revenue sharing as merely one part of a package which would also include: Assumption by the Federal Government of all costs of public welfare and Medicaid; assumption by State governments of substantially all local costs of elementary and secondary education; encouragement of a high-quality, high-yield State tax system through a Federal income tax credit for State income taxes paid; and creation of a more manageable and streamlined categorical aid system through consolidation and joint funding of existing Federal grant programs.

The Advisory Commission recommendations are mentioned in this preface to illustrate the complexities involved in the practical application of revenue sharing. Any attempt by the White House conferees to solve the knotty problems related to revenue sharing as a means of increasing funds available for programs meant to serve older Americans would almost certainly be foredoomed, though the temptation to engage in such speculation may well be strong.

Executive Branch Reorganization.—Much the same is true of President Nixon's proposals for reorganization of the Executive Branch. The Intergovernmental Advisory Commission says that the 500 existing categorical grant programs comprise a bewildering proliferation. But even while calling for efforts to give States and municipal governments more flexibility in meeting their needs, the Commission says that, where appropriate, Federal *consolidation* should take place; i.e. federalization of Medicaid. The White House Conferees will deal with government organization in one of the most important of the study areas assigned to them. But, instead of devoting too much of their time to the "grand design" of future governmental reform, they might simply ask: What could we lose if reorganization is too sweeping, what could we gain by improving on what we have? Regardless of administrative method, how do we assure adequate attention to the problems of the elderly?

Five.—The White House Conference on Aging has come under a cloud because the very agency responsible for its administration has been, in the opinion of many, downgraded by reorganizational changes in recent years. The latest blow to the Administration on Aging was a fiscal year 1972 budget request which substantially reduces funds available for vitally-needed programs. It will be up to the Congress to overrule the Administration on this issue during the next few months. But the Executive Branch should also be called upon to explain recent actions which raise serious questions about the level of priority which this Administration places upon Federal action on behalf of older Americans. Less than 2 years ago, an official of cabinet rank said that programs for the elderly resulted in very little "payoff." This was a reference to the fact that a man of 65 obviously has less longevity than a boy of 12, and therefore, investment in youth would result in more "payoff." But why should such a choice have to be made? Why not recognize the importance of providing exactly what aid is needed to help all Americans live independent, fulfilling lives, no matter what their ages? The point was made by one witness who told this Committee:

> The narrow economic cost-benefit analysis which has hitherto prejudiced public action in favor of the young is misleading in determining priorities or the base for action. It reflects the qualification of limited number of cost and benefit variables. A wider range of considerations of social costs and benefits, some of which can only be qualitatively described and appraised would make it evident that the net gains from such productive services to all branches and groups in the society would be highly profitable. Of course, the services would have to be adjusted to the needs of each group. Among the social factors to be considered in the impact of such aids to the aged and older persons, are the effects upon the individual; and national local and family morale by preventing widespread dependence in old age. These words should be heeded by all who take part in what should be a national dialogue: our White House Conference on Aging.

In spite of the cautions expressed thus far in this preface, I believe there is more reason to look to the Conference with optimism than with foreboding.

Older Americans, speaking out at community conferences all over the Nation last September, made it clear that they have the will to be heard.

State conferees, meeting just a few weeks from now, can add to the momentum initiated by the elderly. Ten years ago, when there was no Older Americans Act, there were only a handful of State agencies on Aging. Now, there is an agency in every State in this Nation; and their influence can be a powerful force for an exciting and productive White House Conference on Aging.

Finally, during the past 10 years, the field of aging has become far too dynamic to serve as a tame subject for an inconsequential Conference. Too many issues have been raised since the 1961 Conference to be submerged. Too many solutions are only partial, though promising.

And finally, too many older Americans know that this is *their* Conference. The participants will be *their* spokesmen. If the Conference or the conferees fail them, they will want to know why.

FRANK CHURCH, *Chairman,*
Special Committee on Aging.

INTRODUCTION AND SUMMARY

Older Americans spoke out in community forums throughout the Nation during September 1970 to begin a national dialogue which will culminate late this year with the White House Conference on Aging.

Their comments, as reported by State agencies on aging, were centered largely upon recurring and sometimes intensifying problems: income inadequacy in the face of inflation and high medical costs and rising property taxes, cutbacks in the care provided by Medicare, transportation deficiencies, housing shortages, and much more.

Documentation for many of their criticisms are provided in the pages of this report and in reports issued by this Committee late in the year on "The Economics of Aging: Toward a Full Share in Abundance," and "Older Americans and Transportation: A Crisis in Mobility."

---

[2] Economics of Aging: Toward a Full Share in Abundance, Report No. 91–1548, pp. 5–6.

[3] Older Americans and Transportation: A Crisis in Mobility, Report No. 91–1520, pp. 55–57.

In the "Economics of Aging" study, the Committee once again called for broad immediate and long-term action on retirement income, with clearcut goals set before and after the White House Conference.

In the report on transportation, the Committee identified mobility problems of the elderly as a leading cause of other problems ranging from health breakdowns to isolation and melancholy.

In the report, "Developments in Aging: 1970" the Committee reports on other problems, including a housing shortage which has resulted in an estimated 6 million elderly Americans living in substandard conditions. Nursing home regulatory difficulties, too, continued during 1970 and caused intensified congressional attention.

On the positive side, every State in the Union now has a State unit on aging; many promising programs grew or were begun under the direction of the Administration on Aging, the Office of Economic Opportunity, the Department of Labor, and the Department of Housing and Urban Development. And public attention to aging seemed to mount as the White House Conference came closer and closer.

Nevertheless, as 1971 began, new concern was caused by announcements of cutbacks in budget requests for the Administration on Aging and by increasing criticism over the conduct of the White Houhe Conference itself.

I. MAJOR LEGISLATIVE AND ADMINISTRATIVE ACTIONS

Despite frustration of Congressional intentions to pass a major Social Security reform bill during 1970, the year was marked by some progress in the following areas:

Approval of a Senate amendment to the Labor-HEW Appropriations law to provide an additional $650,000 to pay for the delegate expenses of older Americans for the 1971 White House Conference on Aging.

Funding for the first time for the Retired Senior Volunteer Program, as well as increased appropriations for the Foster Grandparent program and the Age Discrimination in Employment Act.

Enactment of legislation to protect 1.6 million veterans and widows receiving nonservice-connected disability pensions from loss of benefits because of the 15-percent Social Security raise in 1969.

An increase, ranging from 8 to 12 percent, in the monthly compensation payments for more than 2 million veterans with service-connected disabilities.

Passage of a 15-percent increase in Railroad Retirement benefits which will provide an additional $140 million for approximately 700,000 annuitants, dependents and survivors.

A new and potentially far-reaching provision in the 1970 Housing Act which will broaden public housing coverage to include central dining facilities for aged persons who are unable to move around well enough to cook for themselves.

Passage of legislation to authorize the President to designate the first week in May as "National Employ the Older Worker Week."

A last minute rescue of the successful Section 202 housing for the elderly program by providing $10 million in funding to continue such projects.

Approval of a "pass-along" provision to assure that adult categorical recipients—the aged, blind, and disabled—will benefit by at least $4 per month from the 15-percent Social Security increase enacted in 1969.

Adoption of a measure to allow a retired Federal employee to designate a new spouse as a survivor if his first wife predeceases him.

Expansion of the Food Stamp Act to enable aged persons to exchange food stamps for meals prepared and served by certain nonprofit sponsors, provided these elderly individuals do not have cooking facilities or reasonable access to them.

Provision for extending periods of unemployment insurance during times of high unemployment.

II. COMMITTEE AND SUBCOMMITTEE STUDIES

Members of the Senate Special Committee on Aging were involved in many of the developments listed above. In addition, the following hearings were conducted during 1970:

Economics of Aging: Toward a Full Share in Abundance:

Part 10A. Washington, D.C., Pension Aspects, February 17, 1970.

Part 10B. Washington, D.C., Pension Aspects, February 18, 1970.

Part 11. Washington, D.C., Concluding Hearing, May 4, 5, and 6, 1970.

Trends in Long-Term Care:

Part 4. Washington, D.C., Marietta, Ohio, fire, February 9, 1970.

Part 5. Washington, D.C., Marietta, Ohio, fire, February 10, 1970.

Part 6. San Francisco, California, February 12, 1970.

Part 7. Salt Lake City, Utah, February 13, 1970.

Part 8. Washington, D.C., May 7, 1970.

Part 9. Washington, D.C., August 19, 1970 (Salmonella).

Part 10. Washington, D.C., December 14, 1970 (Salmonella).

Part 11. Washington, D.C., December 17, 1970.

Older Americans in Rural Areas:

Part 7. Emmett, Idaho, February 24, 1970.

Part 8. Boise, Idaho, February 24, 1970.

Part 9. Washington, D.C., May 26, 1970.

Part 10. Washington, D.C., June 2, 1970.

Part 11. Dogbone-Charleston, W. Va., October 27, 1970.

Part 12. Wallace-Clarksburg, W. Va., October 28, 1970.

Sources of Community Support for Federal Programs Serving Older Americans:

Part 1. Ocean Grove, N.J., April 18, 1970.

Part 2. Washington, D.C., June 8–9, 1970.

Income Tax Overpayments by the Elderly: Washington, D.C., April 15, 1970.

Legal Problems Affecting Older Americans: St. Louis, Mo., August 11, 1970.

Hearings before the Special Subcommittee on Aging of the U.S. Senate Committee on Labor and Public Welfare, available from the Special Committee on Aging:

Older American Community Service Employment Acts—S. 3604—Fall River, Mass., April 4, 1970; Washington, D.C., June 15–16, 1970.

Extended Care Services and Facilities for the Aging, Des Moines, Iowa, May 18, 1970.

III. CONCLUSIONS OR RECOMMENDATIONS

Timid tinkering or stop-gap proposals will fall far short in solving the present or future retirement income problems. Bold, imaginative, and far-reaching action is needed now on several fronts. This Committee again expresses its strong support for the short-range and long-term recommendations in the Economics of Aging report, and urges that:

Congress speedily enact the Social Security Amendments adopted by the Senate, modified to include the House-passed provision for financing cost-of-living increases.

The 92d Congress give early attention to major changes in Social Security benefit levels that are needed to provide meaningful economic security for those now retired and to assure that workers retiring in the future will realize their full stake in retirement security.

Serious consideration be given to the use of general revenues in the financing of the Social Security System, with the share identified through a formula spelled out in the legislation.

The Federal commitment to the elderly undertaken through the Family Assistance Plan be translated into a wholehearted commitment, with 100-percent Federal financing and Federal administration.

Immediate attention be given to the special problem of safeguarding the retirement income of workers who lose their jobs as a result of plant shutdowns, commonly after long service and who—like the deteriorating plants that are first to be shut down—are likely to be middle-aged and older.

The 92d Congress give prompt consideration to legislation establishing an Institute on Retirement Income.

Further, this Committee recommends that:

Prompt action be taken to increase retirement benefits for Railroad Retirement annuitants and Civil Service pensioners.

Income limitations for veterans receiving nonservice-connected disability pensions be raised to take into account Social Security increases passed by Congress.

The retirement income credit be modernized to provide more meaningful tax relief for retired teachers, firemen, policemen, and other government annuitants.

The record of 1970, while largely responding to criticisms of Medicare and Medicaid through cutbacks, does hold forth significant hope for improved medical care for the elderly. The hope lies in the surge of support for nationwide development of Health Maintenance organizations which would provide comprehensive, coordinated health care through prepaid group health plans that emphasize regular servicing and other health maintenance practices.

Prospect of a national health insurance program

The Committee on Aging has said, in recent annual reports, that one way to assure acceptance of a national health insurance program for all age groups is to perfect the Medicare program and to apply the lessons learned from this program to more general coverage.

In addition, this Committee suggests that appropriate congressional units consider the possibility of establishing—on whatever basis is most appropriate and consistent with the jurisdictional responsibilities of those units—a task force which will, within a specified time period (such as 6 months) assemble analyses of various proposals, cost estimates of these proposals, evaluations of the adequacy of existing technical knowledge about subproposals designed to increase the efficiency of our health care delivery system, and other issues closely related to the fundamental questions which will face any legislator who considers national health insurance, namely, (A.) "What will the new demands for service be under widely extended public insurance coverage, and (B.) what more must be done to assure that our medical resources are capable of meeting that demand?"

Urgently needed steps to improve medicare

We must also expand and improve Medicare, particularly by including prescription drugs essential for the treatment of the chronically ill, and by covering disabled beneficiaries.

It is imperative that Parts A and B of Medicare be merged and that costs of Part B be financed through taxes on rising payrolls and general revenues rather than from premiums paid by aged persons living on low fixed incomes.

The 92d Congress should give serious consideration to removing the requirement of 3 days of prior hospitalization as a condition for extended care benefits.

Medicaid should be improved—Not weakened

We therefore recommend that the 92d Congress retain the provision in the Social Security Act which would require States to have comprehensive Medicaid programs by 1977 and that other necessary steps be taken to improve the Medicaid program.

Translating health care into social care

We recommend that an intensive educational campaign be conducted toward the acceptance that programs to provide "a proper environment in which to regain health" are valid health, expenditures which will, in the last analysis, save public funds and prevent needless drains upon the fixed income of elderly individuals.

HUD and FHA should reinstitute the 202 program as is functioned through 1968. Transfer to Section 236 by sponsors after initial application should be permissible but not mandatory. The Congress should appropriate the $150 million yearly atuhorized for this program to provide needed housing for the elderly.

The new congregate housing provisions for the elderly under the 1970 Housing Act should be fully funded and promptly implemented.

With these innovative approaches, more urgently needed housing can be built for the aged—not merely to "store" them, but to restore them to a more active life in their communities and reduce costs of care that might otherwise be required.

The new communities proposal is potentially of great value to the elderly and the Department of Housing and Urban Development should carefully monitor developers so that ample and appropriate provisions are made for the elderly within the new communities.

Rent supplements and low-rent public housing represent the Federal Government's efforts to provide housing for large numbers of the 24 million (5 million elderly) Americans with incomes below the poverty line. The President's Committee on Urban Problems in its report, "A Decent Home," emphasized the need to do much more indicating the immediate need of 6 to 8 million units for the poor in 10 years or 600,000 to 800,000 units a year. Since the elderly constitute 20 percent of the Nation's poor they need 120,000 to 160,000 housing units per year.

Sections 231 and 202 are the only two programs designed exclusively for the elderly. It is imperative therefore that existing flaws in the 231 program be corrected and that 231 along with 202 continue to provide much needed housing for older Americans.

Older Americans continue to have limited opportunities to change their housing to suit their needs. The avenue of home purchase in later life is virtually blocked with the exception of mobile homes and some 235 purchases; this problem is aggravated today when apartments are in short supply.

Although present HUD housing programs today have shown considerable progress in locating the elderly within the community mainstream and have increased the number of units designed specifically for the elderly from 1,100 in 1960 to 180,000 in 1970, higher priority must be given to these questions of planning and design in future years. Federal commitments for housing research continue to be unimpressive with only $30 million allocated in 1970 at a time when HUD is attempting to implement the most impressive and significant research program in its history called "Operation Breakthrough." "Breakthrough" will provide approximately 2,800 units for the elderly.

While there has been substantial progress in meeting the institutional needs of the 1 million institutionalized elderly, there continue to be serious problems. The needs of this group have been assigned low priority and the programs which have developed are often piecemeal, inappropriate, illusory and short-lived. What is reflected is a lack of a firm policy for the infirm elderly. At some point the elderly need to know what is the American policy; the rhetoric speaks of care and concern but the reality resembles confusion, high costs and, too often, poor care or no care at all for those who need it.

1. The Conference should endeavor to establish a policy with regard to treatment of the infirm elderly. This policy should consider the total needs of the individual including medical, dental, residential, social and psychological services.

2. States should be encouraged to require comprehensive planning for hospitals and nursing homes. No new health facility should be built except after a certification of need by the State Health Department.

3. That the Department of Health, Education, and Welfare, working together with the American Medical Association should develop programs with the goal of increasing physician participation in the care and activities of nursing homes. For example, physicians might be required to spend 6 months of their residency in a nursing home.

4. A Federal program should be established which would provide medical corpsmen discharged from the Armed Services with the necessary skill and training to function as medical assistants in nursing homes.

5. Federal matching funds should be available to help the States establish in-service training programs for nurses aides and orderlies.

6. The present State licensing and inspection system should be improved either by creating a cadre of Federal inspectors who would make unannounced inspections or by an HEW training program for State inspectors.

7. HEW should encourage States to adopt the "points system" such as functions in Connecticut for their Medicaid programs. Instead of a flat rate, nursing homes would be compensated according to "grades" they receive from the State Health Department. These ratings or "grades" should be a matter of public record as a guideline for patients and their families.

8. To control overutilization of Medicaid facilities, States should rely upon programs of utilization review and medical review. Section 225(a) is an undesirable method of accomplishing this goal and this section of the present House Social Security bill, H.R. 1, should be deleted.

9. No single interest should be allowed to dominate the licensure boards required under the Kennedy amendment, which required the licensing of nursing home administrators.

10. Consumer groups should be established on the State level to monitor the care and performance of State nursing homes and to publish ratings of these institutions for the benefit of the public.

11. The waiver category, "in substantial compliance," which allowed the participation of many nursing homes in Medicare's ECF programs without meeting necessary requirements should be eliminated; nursing homes should be required to be in full compliance.

12. The Medicare nursing home program (ECF) should be redefined and revised to eliminate confusion and problems in administration. New regulations under the program should be announced only *prospectively* not retroactively.

The need for a pre-White House Conference Special Study on Consumer Issues Affecting Older Americans is acute and readily apparent. Special attention should be paid to nutritional needs and the limited success thus far in implementing recommendations made by the Panel on Aging of the White House Conference on Food, Nutrition, and Health of 1969. The Administration on Aging should give some thought to convening—during this spring or summer—a multi-agency workshop on consumer problems, similar to that conducted on transportation in 1970. Special efforts, however, should be made to assure adequate consumer representation at any such meeting. In addition, Conference Task Forces and Technical Review Committees should be encouraged to identify and discuss consumer issues related to their subject areas.

The Committee urges that legislation be enacted to provide for interim payments for Social Security beneficiaries when there is reasonable certainty that the applicant's claim will be approved, and the time lapse between application and approval is necessitated by the practical difficulties in obtaining evidence concerning the individual's age, quarters of covered employment, or amount of benefits. It is further recommended that the interim payment would be equal to the minimum monthly benefit under Social Security.

Projects such as the Council of Elders provide clear and convincing evidence of the effectiveness of elderly lay advocates. It is strongly urged that additional OEO funding be available to support projects providing similar services.

It is recommended that HEW regulations be modified to provide for prior hearings before Social Security benefits can be terminated or reduced. In the absence of such action, it is urged that legislation be enacted to provide this procedural safeguard.

Equally important as the right to a full and fair hearing, is the right to be represented by counsel—regardless of an individual's economic status. A denial, termination or reduction of Social Security or welfare benefits can represent a severe hardship for persons living on limited, fixed incomes. In such cases it is recommended that the Social Security or welfare offices provide written notice to the claimant informing him of the availability of legal aid and where such services can be obtained without cost.

Instead of reducing efforts on behalf of older Americans, OEO should be strengthening legal services. The effectiveness of the Legal Research and Services demonstration program for the elderly has been proved beyond doubt. The Committee strongly urges that funding for this program be expanded in 1971.

By the year's end, more than 1 million persons 45 and older had lost their jobs, 68 percent more than in January.

At the end of the year, one out of every four unemployed mature workers—in contrast to one in six for younger individuals similarly situated—was out of work for 15 weeks or longer.

And their very long-term joblessness (27 weeks or longer) was even more serious, increasing more than 100 percent in the past 12 months. At the end of the year, 126,000 mature workers had been without work for more than 6 months, more than 38 percent of the total number.

If current labor force participation trends continue, one out of every six men in the 55 to 59 age category will no longer be in the work force by the time he reaches his 65th birthday. Ten years ago this ratio was only one in eight. And the one in six ratio is only for the short run. Unless major policy changes are instituted, this ratio will accelerate during the 1970's.

Only a relatively small percentage of the Nation's training and retraining efforts have focused upon persons 45 and older. During 1970 they accounted for only 4 percent of all enrollees in manpower programs.

There has long been a need to establish a comprehensive national effort to meet the employment, training, counseling and supportive services requirements of middle-aged and older workers. At present, few, if any, of the existing programs are providing a truly effective, overall approach for their unique and growing problems.

Without specific statutory direction, the outlook for improvement is not encouraging. For these reasons, the Committee renews its recommendation that a Middle-Aged and Older Workers Employment Act be promptly enacted to provide a comprehensive and well balanced approach to assure that adequate resources for employment opportunities, training and supportive services are devoted to the pressing needs of mature workers.

Despite the age discrimination law, many middle-aged and older workers are finding themselves involuntarily retired because of subtle forms—and in some cases overt acts—of age bias. Increased funding is still urgently needed to provide added personnel to achieve full compliance with the provisions in the act. The Committee also urges that the study relating to institutional and other arrangement giving rise to involuntary retirement be undertaken expeditiously.

The enthusiastic acceptance of existing community service pilot programs strongly suggests that there are many low-income older persons in virtually every community who are ready, willing and able to perform services. Greater utilization of their skills, experience and wisdom would benefit not only the elderly job seeker but the public as well. The Committee recommends early enactment of legislation—similar to the Older American Community Service Employment Act—to establish a national service program for older Americans.

Older Americans may provide a valuable source of manpower for operation of day care centers. Several programs—such as Foster Grandparents have already amply demonstrated the natural empathy between the olderly and younger children. In acting on day care legislation during the 92d Congress, it is recommended that consideration be given to: (1) establishing a policy to encourage employment of older persons in day care centers or (2) authorizing training of such persons for day care aides.

Recent findings by Kirschner Associates provide clear and convincing evidence of the effectiveness of senior opportunities and services projects. The Committee strongly urges that full funding be provided for SOS programs during the next fiscal year.

With the unemployment rate reaching its highest level in 9 years, older workers—and especially the disadvantaged aged—are finding it increasingly difficult to locate work. For the long-term jobless, Mainstream has literally been a lifesaver. For the coming fiscal year, the Committee urges full funding of Operation Mainstream to provide increased employment opportunities for the chronically unemployed poor who have limited prospects for jobs because of age or other disadvantages.

The Committee plans to issue a report on the rural elderly in time for the 1971 White House Conference on Aging. Because of the high percentage of aged persons in rural areas and the unique characteristics of some of their problems, this subject should receive thorough consideration by the delegates at the Conference.

The Committee again urges that the 12-point plan—proposed in its Transportation Report—be acted upon promptly and favorably by congressional units and Federal agencies.

Current data on the black aged and other minority groups is very sparse. But if a national policy for all older Americans is to be formulated, this information will be essential to take into account the unique problems of minority groups. The Committee urges that the Social Security Administration prepare a special report, as expeditiously as possible, on the characteristics of aged recipients from minority groups.

Issues raised by the President's Task Force and by the Group for the Advancement of Psychiatry should receive careful attention by qualified practitioners and by representatives of laymen before the 1971 White House Conference on Aging in a manner going far beyond the mere discussion of technical papers by technical review committees and task forces now at work in preparation for that Conference. The G.A.P. proposal for an interim report by a presidential commission may be the most practical approach. Congress should weigh the advisability of a legislative mandate calling for such a commission and such an interim report.

Despite the passage of the Older Americans Act 5 years ago, services for the elderly still continue to be fragmented. And existing successful programs face the prospect of wholesale termination when Federal funding ends, since many States lack the necessary resources to continue these vital services. Because of the complexities of the issue and its overriding concern to the elderly, the Committee urges that delegates at the 1971 White House Conference on Aging recognize the vital need to develop a sound and coordinated approach for the organization and delivery of social services for the aged. An "income strategy," even one which provides truly adequate economic security for the elderly, will not eliminate the need for service delivery systems far superior to any that now exist.

Uncertainty of commitment continues to hamper the Model Cities program. Responses to a questionnaire prepared by the Committee also indicate inadequate funding threatens the very existence of the program.

The Committee renews its strong support that the Model Cities program be continued. In addition, the Committee will hold further hearings on the "Usefulness of the Model Cities Program to the Elderly" and issue a report later in the year.

In addition, White House Conference on Aging Task Forces on Housing, on Environment, Transportation, and Services should develop mechanisms by which the full potential of the Model Cities program—or a truly adequate successor program—can be explored.

The Committee strongly urges that appropriations be increased significantly during the next fiscal year for the Foster Grandparent program.

The soundness of the concept of volunteer services by older persons has been clearly demonstrated time and time again—not only for the localities served but also for the elderly participants. The Committee urges that adequate appropriations be provided for RSVP during the coming year to permit increased service opportunities for persons 60 and older. With realistic funding to cover their out-of-pocket expenses, this corps of retired volunteers can provide many valuable services, including tutoring of school children; helping elderly persons prepare their tax returns; assisting schools as lunchroom supervisors, playground monitors and teacher aides; and rendering services in hospitals and nursing homes.

Recent cutbacks in funding for community programs on aging represent a serious setback for elderly persons in need of supportive services. In terms of cost savings, this reduction appears to be shortsighted. Services under these projects have been provided economically and efficiently. Furthermore, these services have enabled thousands of elderly individuals to remain in their homes, rather than being institutionalized at a much higher public cost.

Important but still unanswered questions about growing old present compelling reasons for expanding research and demonstration efforts. Understanding and learning how to deal effectively with the inevitable aging process is crucial for all Americans—the young as well as the old. Moreover, R & D efforts in aging, limited though they have been, have repeatedly proved to be a sound investment.

The Committee expresses strong support for the Task Force on Aging's recommendations for stepped-up funding for Title IV (Research) and Title V (Training) of the Old Americans Act. In addition, the Committee urges the establishment of a national policy for aging research and demonstration—with clearcut goals and profits

Federal leadership is also essential if older Americans are to be served by competently trained persons. In addition, a dynamic and comprehensive national training program is urgently needed—as recommended in "The Demand for Personnel and Training in the Field of Aging"—not only to meet existing demands but future ones as well. From an economic standpoint additional funds for training would be a prudent national investment in terms of insuring that a greater proportion of retirees will be healthy, independent adults.

Existing policy to deal with the broad range of problems and goals of older Americans continues to be fragmented and haphazard. A clearcut line of responsibility for coordinating Federal activities and priorities is also lacking. Moreover, recent program realignments raise serious questions about the future role for AoA to serve as the focal point on aging.

This Committee recommends that thorough consideration be given, before and during the 1971 White House Conference on Aging, to constructive proposals to enable AoA to fulfill the vital responsibilities assigned to it by law. It is further recommended that administration proposals for renewing the Older Americans Act, changing it, or developing an entirely new approach be submitted at least 1 year before the renewal date of the act (June 30, 1972)—to allow delegates at the White House Conference, experts in the field of aging, and lawmakers to have ample time to consider all related issues.

The Committee recommends that a Federal Employees Preretirement Assistance Act be enacted promptly. For Federal employees, this could represent a significant step forward in making crucial adjustments necessary for retirement. In addition, the Federal Government, as a model employer, could provide the impetus for other employers to institute such helpful practices for their employees.

As the length of the period of retirement grows and the level of educational attainment increases for the older Americans of tomorrow, much greater attention should be given to continuing education in the later years. The Committee recommends the enactment of a comprehensive Adult Education Act—not only to help enrich the later years with new opportunities for increasing one's knowledge but also to provide more information for leisure opportunities for persons now retired.

For many Americans, the most satisfying experiences in their lives are those spent helping their fellow man. And older Americans provide a readymade talent for providing these services to persons in their localities, whether in the form of volunteer activities or part-time community service employment.

The Committee strongly urges that increased attention be given to expanding volunteer activities for retired persons—such as "SCORE" or "RSVP"—and opportunities for community service employment for older persons who need to work to supplement their retirement income.

Earlier in the chapter, the Committee took a look into the future—to the year 2000—to project what retirement patterns and life would be like at that time. Today less than 30 years remain for adjusting to these far-reaching changes in retirement and for the future older American. Thus, the activities of the 1971 Conference take on a double meaning—not only for the retiree of today, but also because the activities in 1971, as well as the policies formed during the decade of the 70's, will take us one-third of the way to a substantially different retirement life for the aged at the turn of the century

ADDRESS BY SENATOR MILLER BEFORE INTERPARLIAMENTARY UNION

Mr. SCOTT. Mr. President, at the recent spring conference of the Interparliamentary Union, which was held in Caracas, Venezuela, one of the members of the U.S. delegation, the distinguished Senator from Iowa (Mr. MILLER), delivered an important statement during the debates which occurred within the economic committee, of which he was a member. The statement is important because it puts in perspective the vital role played by the United States in multilateral aid to the developing countries of the world. It also underscores the importance of the right of self-determination of the developing countries as a foundation for development—a right which the United States has strongly and consistently maintained.

I ask unanimous consent that Senator MILLER's statement be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JACK MILLER, U.S. DELEGATE

Mr. Chairman.

For the most part, the statements made by the various delegates who are members of this Committee have been very much on the point of the agenda item, the Second Development Decade and the problems pertaining thereto.

However, I regret that the delegate from the Soviet Union saw fit to weave into his remarks some references which are really quite irrelevant to the subject at hand. They should be responded to in order that the work of the committee maintain the perspective which I am confident the members of the committee desire.

A point was made that capitalistic countries exploit developing countries whereas socialist countries extend credit to developing countries and, therefore, do not exploit them.

I believe that the developing countries are sophisticated enough to understand that deprivation of social justice through exploitation can take place in many ways. The form of the exploitation is not important. What counts is the substance.

There can be exploitation through the device of credit just as well as through the device of investment. And there can be good development through the device of investment just as well as through the device of credit. What is important is that there be a fair exchange—fair to the developing country and its people, and fair to the investor of capital, whether the investor is capitalistic or socialistic.

It is no doubt true that some of the problems of the developing countries exist because of exploitation of investment. It is also true that some of the problems exist because of selfish and improvident leadership somewhere in the country's history. And it is further true that some of the problems in some of the developing countries have arisen because of unrest and even war fomented by other countries which really do not wish the local people to exercise their right of self-determination. The aggressive war perpetrated against the Republic of South Vietnam is a classic example.

Developing countries which have properly become the focus of attention of the developed countries need capital investment in order to develop their human and natural resources. Hopefully that investment will be on a fair basis, whether it comes from socialist countries or capitalistic countries. But most important of all, these countries need an atmosphere of peace with justice and self-determination if they are to achieve social justice within the family of nations.

The United States has been a leader in promoting multilateral aid to developing nations, and one reason has been to encourage more of the socialist nations to bear their fair share of the burden of achieving social justice in the world. We are pleased that the Soviet Union and some of the other socialist countries have evidenced a willingness to do so. That willingness must, of course, be matched by deeds; and it is the deeds—not the words—that will determine the success of the program for the second development decade.

ALASKA'S FUTURE

Mr. CHURCH. Mr. President, the discovery of the oil pool on the north slope of Alaska that faces the Arctic Ocean will lead Americans to areas of the Arctic and subarctic that have seen few humans in the past. We stand poised at a major milestone in the history of Alaska. The course that we take in the future must be charted now.

The Senator from Alaska (Mr. GRAVEL) has had the foresight to see the need for an Arctic policy. As we enter the Arctic on a major scale, we need to know what we and other nations can do there without destroying the magnificent resources that now exist. We need to know what cooperative arrangements with other nations are required to protect the Arctic and subarctic environment. whether it be under the Danish, Canadian, Russian, or American flag. We also need to pull together, to coordinate the arctic programs that exist in the different agencies and departments of our Government so that we know whether we are handling this area effectively.

Senator GRAVEL has made a number of very interesting suggestions on this problem in a speech at Alaska Methodist University. I ask unanimous consent that the text of his speech be printed in the RECORD. It is a thought-provoking piece well worth reading. Senator GRAVEL is to be commended for his excellent statement.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NEEDED: A COMPREHENSIVE PROGRAM AND NATIONAL POLICY STATEMENT FOR THE ARCTIC

(By Senator MIKE GRAVEL)

I have looked forward for some time to giving the talk I prepared for you tonight, and your university institute provides a good occasion. The turn of events in Alaska of, say, the last six months points up even more sharply the need for what I am proposing: That the President prepare a national policy statement on the arctic and subarctic and a comprehensive agency program to go with it.

If we had done a thorough analysis of this in the past, I believe we would be a lot further along and have a better grasp of what we should be up to in Alaska and how to get there.

Instead we have the settlement of Alaska Native land claims still outstanding with only sporadic movement and little sense of urgency in parts of the Congress. We have felt the paralysis of the divisive pipeline issue as the pulling and hauling and polarized positions cancel out constructive moves toward accommodation and reconciliation. The orderly development of our forest products industry is now foundering in the courts as conflict and contests become seemingly the order of the day. We are in the 3rd year of the so-called land freeze which effectively prohibits the State from carrying out its land selection rights granted it with the statehood act.

I believe there would be a lot less strife and controversy in and about Alaska if we had a well prepared and well articulated National policy for our region and a full-blown agency program to support it. Let me set out my case in the folowing remarks.

The United States does have special interests in the Arctic, but the nature, exent, and changing character of those interests have not been comprehensively defined nor publicly articulated. Physically the U.S. has territory in the Arctic and Subarctic with a resident citizenry; The U.S. shares a common arctic border with Canada and a sea border with the Soviet Union, and has as additional members of the circumpolar community, the territories of Denmark and Norway, and moreover the U.S. has a couple dozen Federal agencies "doing business" there in various fields.

No major international crises in the area are now apparent, but we know that interest in the arctic and its attendant issues are increasingly coming to the fore. What is missing as we think about the area is a set of national objectives, an ordering of priorities, and a time frame of development in the region.

It is not often in a country's history that it has the opportunity to plan out its role carefully in a relatively untouched region "before the fact", as it were, and therefore, with a minimum of contraints and fixed positions. Whatever its specific content and emphasis, a national policy statement and comprehensive program for pursuing U.S. interests in the Arctic would be a major step forward in rationalizing our present and prospective activities there.

More specifically the importance to the United States of the Arctice generally, and the arctic and subarctic Alaska in particular, needs to be assessed from several standpoints and the various assessments interrelated and compared. Most important are the elements of:

1. National security interests;
2. Social and economic interests;
3. Political and environmental interests; and
4. Scientific interests.

These activities are interrelated; and the specific content of U.S. national interests in each of them will vary with such developments as (A) changes in the world balance of political and economic power; (B) changes in the awareness of the social and economic potentialities of present and future inhabitants of the territory; (C) changes in technology that affect security, economic, and social conditions and interests; and (D) international developments that affect both the problems and capabilities of basic science and research.

In recent months, some of these areas of interest have been thrown into sharp relief. Major discoveries of oil on the North Slope have altered the resource picture, and point to new urgencies in solving problems of living, working and transporting in an extreme environment. As we all are painfully aware, efforts to exploit these oil resources are bound to affect other economic and social situations, as well as the issues of national security and of preservation of the environment. What is needed is a rational plan. The current controversy raging over the construction and operation of an 800-mile oil pipeline from the Alaska Arctic to open water is "Exhibit A" of the case in point.

The social situation has been highlighted by recent attention, with both political and economic repercussions, to the conditions under which Alaskan Natives are living—conditions which are among the worst in the

Nation. Action by the Congress in settling the land claims of the Alaska Eskimos, Indians and Aleuts would go a long way toward alleviating their distress and frustration. While it won't be an easy task, we should accomplish this in this session of Congress, and my committee is bending every effort to do so.

Escalating inflation poses critical problems for the economic underpinnings of Alaskan development and enterprise—as well as the position of labor and consumers. Statewide averages of some 12% unemployment are among the highest in the Nation, and 60–80% unemployment is not unknown in bush areas. The fact that over 95% of Alaskan territory is still federally owned means that problems of State-Federal relations take on new complexity, and calls for thinking that may not be included within the ordinary rubrics of Federal-State (or other intergovernmental) relations.

The Public Land Law Review Commission recognized this in some of its recommendations pointed toward Alaska. One of these is the establishment of a joint Federal/State Natural Resources and Land-Use Planning Commission—a recommendation which Governor Egan and I am supporting. We intend to give legislative life to this idea very soon.

Typically, however, the interest of the United States in the Arctic has been thought of mainly in military terms. Receiving a good deal less attention have been the scientific and socio-economic aspects and (until recently) the environmental ones. This was not surprising, given the Cold War and World War II.

A coordinated scientific effort in the fields of ecology, geological and geodetic survey and mapping, in ice research and oceanography, meteorology, and atmospheric phenomena of the Arctic should be of special benefit. We really don't know as much as we should about the High North—despite the length of time we've been here. Furthermore I see this as providing an opportunity for international co-operation with other members of the Circumpolar community, and we surely have room for some new initiatives of this sort. I am thinking particularly of the Canadians, but also the Norwegians, the Danes and the Soviets.

While research and development by the military has already produced the technology for effective year-round operations in the Arctic, this was generally done without special regard to cost or environmental preservation. The building of a cost-effective Arctic society requires more and different research approaches. I make particular reference to construction and service activities, e.g., docks, roads and airports, power and communication facilities and operations. We must not restrict our thinking to the old ways of how we've done it elsewhere: instead we should devise fresh ways of getting in harmony with the high north environment and harness it to our needs. Temperate zone solutions may not apply to Alaska problems, and the trick is to turn apparent adverse conditions into advantageous ones, like ice packs becoming loading docks.

Situated on the shorter air routes between Asia and Europe and the shorter air and sea routes between other parts of North America and Asia our area enjoys prime transportation advantages. When the northwest passage is fully conquered, as technologies allow, the seaway advantage may be added to its preferred position. Despite its difficulties the recent voyage of the *Manhatten* tanker struck one blow in this direction. In any event the orderly development of an efficient, economical transport system for the region is an essential element in any concerned national effort in the Arctic.

What I am calling for is for the administration to direct its attention in a concentrated way toward preparing a national policy statement on the U.S. arctic and subarctic (Alaska) and a comprehensive program to go with it. One without the other is obviously meaningless.

Agreement on the approach and scope of such an analysis should come from the appropriate parts of the National Security Council, the Bureau of the Budget, the National Science Foundation and other interested agencies and departments, such as Interior, Transportation, Commerce, and NASA. The advantages and indeed necessity of agency involvement must be balanced against the contrary danger of the analysis being constrained and confined by legacies of the agencies' old habits of thought and frames of reference about the arctic.

For purposes of a national policy statement and program, I would see the arctic defined as (1) the Arctic Ocean basin and adjacent seas, and (2) Arctic Alaska and the Alaskan Continental Shelf.

The analysis should proceed from identifying U.S. objectives in the arctic to preparing alternative program strategies to carry out those objectives. This should be followed by an evaluation of the implications (cost and otherwise) of those alternatives, and the provision of a system for testing progress toward each. Alternative levels of program efforts including costs, should be related to expected benefits. Though the vantage point for the Federal Government properly is that of the *national* interests, any policy program should take into consideration the *regional* (International) and *State* of Alaska interests to find where these coincide or diverge and, in the case of the latter, where they can be reconciled.

As an early step we should describe clearly the kind and degree of present U.S. involvement in the Arctic, for this will indicate a series of implicit (if not explicit) policies. And with some 20-odd agencies operating in the region there obviously is a range of existing programs to consider as to the direction and level of effort. In short, the task is to move from a set of goals to a program for achievement commensurate with their relative urgency, and to underpin all this with a clear and compelling national policy statement by the administration.

While it is the basic assumption behind my proposal, I am aware that it is not enough merely to assert that there is a need for a concerted national policy and comprehensive program for the Arctic. The fact must be demonstrated by considering the military and national security aspects, the science and research aspects, the social, economic and the political aspects.

At least three general conclusions should flow from this and be counted on the benefit side of the equation. One is that U.S. public and private activities in the Arctic have now reached a level of size, complexity and diversity with every prospect of acceleration that a comprehensive national policy statement and an integrated national program for the region seems entirely in order. A second is that given the present and prospective degree of Federal involvement in the Arctic, a statement and program which knit together national concerns for the area would be especially helpful for agencies to pin their individual program and planning activities. Finally, if it can be assumed that identifying and capitalizing on opportunities which the Arctic may present for international cooperation is a national goal, these should be clearly enumerated as an important part of establishing the need for an explicit policy toward these ends.

The analytical task I am proposing is neither small nor simple. Necessary distinctions would have to be made between those interests relating to Alaska statewide and those to Arctic Alaska and the Arctic generally. Also, breakouts would be required in the case of the economic dimension as to monies expended in the Arctic as opposed to on the Arctic: For example, Federal annual expenditures on Alaska are estimated at some $750 million, but probably not more than half of that amount is spent in Alaska and a very much smaller proportion in Arctic Alaska. On the other hand, we can expect that increasing amounts of oil industry expenditures will be sticking to Alaska's economic ribs.

Complementary and contradictory interests and programs, i.e., national/State, national/regional, national/private, would have to be identified and made explicit. By way of possible examples, it might be in Alaska's interest to have a major military complex of installations, but the national interest might dictate a contrary policy; it might be in the region's interest to have the exportation of its commodities supplant U.S. imports of the same commodities from foreign sources, but it might be in the national interest to maintain these sources of supply; and it might be in the private interest of the oil industry to extract oil as rapidly as possible with the minimum concern for local employment and preservation of the environment, but it might not be in the national interest to do so.

For purposes of rough comparison, we should determine the interests and levels of effort of other members of the circumpolar Arctic community—the Soviet Union, Canada, Denmark, and Norway; and perhaps the U.S. effort in the Antarctic as opposed to the Arctic. If, for example, it is a national goal that the U.S. be preeminent in the Arctic, then what other countries are doing there becomes of obvious importance.

I would see the completed package of what I am proposing as consisting *first* of the demonstrated need for a national policy statement and program on U.S. interest in Alaska and the Arctic and an articulation of those interests; *second* a brief comparative analysis of U.S. levels and directions of effort with those elsewhere; and *third* a program outline for matching U.S. levels and directions of effort with its degree of national interest there. From these findings should flow a national policy statement on U.S. interests and activities in the Arctic, appropriate to Presidential pronouncement.

I believe we have a real opportunity here, and I hope the administration at its most senior levels will give my proposal the hearing which I feel it deserves. At a time when the U.S. presence is under criticism in many parts of the world we should be especially alert to chances for constructive cooperation in the relatively neglected areas of the globe. The region of the High North is one such case and truly provides us with a golden opportunity.

Thank you for your attention.

IN MEMORIAM

Mr. HATFIELD. Mr. President, the month of April has brought public focus to alleged war crimes committed by U.S. military personnel in Southeast Asia. But the month of April has historical significance and import for the entire world. There are lessons from our past that must be learned and man's potential for evil must not be forgotten nor put out of perspective. All too often we forget what man has perpetrated against himself. Violence and atrocities are not limited to certain nationalities, races, or societies.

In April 1934, the Gestapo was formed. In April 1941, 72,000 Jews were deported to the Warsaw ghetto. In April 1943, the Warsaw ghetto was destroyed. And in April 1945, Buchenwald, Bergen-Belsen, and Dachau concentration camps were liberated by allied troops. Bertolt Brecht writing of the horror of the concentration camps said "Let others speak of their shame, I speak of mine" poignantly describes the responsibility that we as individuals have for each other as brothers and sisters, and the tragic consequences that can befall us if we lose touch with our common humanity.

In the introduction to his book entitled "The Yellow Star," Gehard Schoenberner writes:

> Belated moral condemnation and humane regret are not enough. The historical facts must be made known, the social causes that made them possible must be understood, and we must become aware of our own responsibility for what goes on around us. We do not escape the past by thrusting it to the back of our minds. Only if we come to terms with it and understand the lessons of those years, can we free ourselves of the legacy of Hitlerite barbarism. Policies are not preordained by fate. They are made by people and people can change them.

Although this was directed at the German people in a book written for them, there is a lesson here for non-Germans as well. During this month, the anniversary of the liberations of three concentration camps in Germany, we should all take special pause and look within our hearts to examine the lessons we should have learned from our history and our personal relationships with other individuals. For it is on this base that the future of mankind is based. The tragedies of World War II, most particularly the horrors of the concentration camps and pogroms directed against the Jews, were experienced by many of us firsthand. But memories dim with time. For the sake of the future we must not forget the past.

GET OIL OUT OF THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, I am delighted that the administration has come forward with a proposal to ban further oil development on half the Federal leases in the Santa Barbara Channel. The administration's recognition that oil development is environmentally dangerous and the expansion of the administration's bill from 20 to 35 leases both auger well for the long overdue enactment of legislation by Congress. However, the administration bill is silent on the other 35 leases, and it is these other 35 leases which pose a far greater threat to the channel.

The Los Angeles Times last Sunday endorsed S. 373, the bill which I introduced with my distinguished colleague from California (Mr. Tunney). In its editorial, it did an excellent job of summarizing both bills.

Mr. President, I ask unanimous consent that the Los Angeles Time editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Protection for Santa Barbara Channel

> The Interior Department has announced that it will ask Congress for legislation to allow cancellation of 35 oil leases on federally owned lands in the Santa Barbara Channel and adjacent areas, with appropriate compensation to be paid to the lease holders. The plan goes beyond anything the Nixon Administration has so far proposed. But in terms of providing the protection needed against possible environmental damage to the California coastline it does not go far enough.
>
> There are currently more than 70 leases in the channel area, and about half of them would not be affected by the Interior Department's proposed ban. That would keep very much alive the possibility of other disastrous accidents, like the huge oil blowout of January, 1969, which released millions of gallons of oil into the channel and smeared 20 miles of beaches.
>
> A sounder approach as far as California's welfare and environment are concerned is contained in a bill cosponsored by the state's two Democratic senators, Alan Cranston and John Tunney.
>
> That measure calls for canceling 38 of the federal leases and placing a five-year moratorium on drilling in the remaining sites. The ban could not be lifted until underwater production systems had been developed which would insure against environmental damage. Like the Administration's plan it would leave it up to the courts to determine fair compensation for the leaseholders whose sites would be bought back and in sanctuary areas.
>
> The Administration's idea is to pay for the repurchased leases through sales on the open market of oil from the Navy's Elk Hill reserves, in Kern County. The Cranston-Tunney measure does not specify such a site, but does provide for a special compensating funds derived from sales of other federal oil taken from on-shore drilling areas.
>
> The value of the Cranston-Tunney measure, we think, is that it would provide equity for the Santa Barbara Channel lease holders and virtually assure environmental protection for the people of California. It is a full-step at a time and a place where half-steps can no longer be considered acceptable.

VIOLENCE AND TELEVISION

Mr. PERCY. Mr. President, anyone who has suffered the agony of losing a child knows that there is no comparable tragedy in one's experience. When the death results from disease or some other cause which neither could have been anticipated nor prevented, the parents' grief is painful enough. But when it appears that the death might have been prevented, the sense of loss must be further magnified.

Recently I received a letter from one of my constituents, Mr. Norman F. McCrimmon of Batavia, Ill., in which he attributes the death of his only son, aged 13, to violence his son saw on television.

Mr. President, I shall not describe Mr. McCrimmon's letter in detail. His spare, eloquent words describe his tragic loss much more movingly than I could hope to. I have recently talked to Mr. McCrimmon and, with his approval, I ask unanimous consent that his letter be reprinted in the Record at the conclusion of my remarks today. I strongly urge my colleagues to read his letter and to join me in an effort to find an answer to the problem of television violence.

This is not a new problem, but Mr. McCrimmon's letter poignantly reminds us that our attempts to find a solution have been inadequate. In its report issued in 1969, the National Commission on the Causes and Prevention of Violence issued conclusions drawn from its study of violence on television. I believe that excerpts from the Commission's report are appropriate here:

> Each year advertisers spend $2.5 billion in the belief that television can influence human behavior. The television industry enthusiastically agrees with them, but nonetheless contends that its programs of violence do not have any such influence. The preponderance of the available research evidence strongly suggests, however, that violence in television programs can and does have adverse effects upon audiences—particularly child audiences.
>
> Television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of civilized society . . .
>
> The television industry has consistently argued that its standards for the portrayal of violence and its machinery for enforcement of these standards are adequate to protect the public interest. We do not agree . . .
>
> We believe that the television networks, network affiliates, independent stations, and other members of the broadcasting industry should recognize the strong probability that a high incidence of violence in entertainment programs is contributing to undesirable attitudes and even to violence in American society. It is time for them to stop asserting 'not proved' to charges of adverse effects from pervasive violence in television programming when they should instead be accepting the burden of proof that such programs are not harmful to the public interest. Much remains to be learned about media violence and its effects, but enough is known to require that constructive action be taken at once to reduce the amount and alter the kind of violent programs which have pervaded television.

Mr. President, I am writing to the presidents of the three major television networks, men who I know are deeply interested in serving the public interest, to tell them of the tragedy suffered by the McCrimmon family. I ask unanimous consent to print their replies in the Record.

Nothing we can say will minimize the loss suffered by Mr. and Mrs. McCrimmon. But we must urge the networks to take prompt action to insure that this tragedy is never repeated.

There being no objection, the items were ordered to be printed in the Record, as follows:

Batavia, Ill.

Senator Charles H. Percy,
Senate Office Building,
Washington, D.C.

Dear Senator: I watch television twice a week on the average. During the middle of February my son saw a hanging on a program and asked his mother and me why they only showed the bottom half when that happened.

We explained that they were just acting and the actors would not take a chance by actually hanging before the cameras because it's too dangerous. We told him that when the cameras are turned off the actor drops down and goes home. We also said it was too gruesome and gory and the sight of it would make some people sick and others could not sleep nights if they saw it.

Less than two weeks later my son missed his supper and we were concerned. After supper on the way to my basement washroom I found him hanging from a doorway in front of a mirror. He had both feet on the floor with his knees bent. You see, a 13-year-old doesn't realize that a rope will cut off his circulation to the brain and cause him to faint before the loss of air becomes uncomfortable. Once unconscious the rope will do the rest.

This day is March 26, and I have seen 3 more hangings on prime time. I wish you could have been in my living room Tuesday night when a jailer opened a cell door and there was a full-length picture of Robert Wagner hanging by the neck. At that time I wish my 5-year-old daughter would have turned and looked into your eyes instead of mine.

It's too late for me now, but I wish that I could do something to prevent other people from suffering this kind of sorrow. There must be millions of other inquisitive 13-year-olds in front of a T.V. who might do something foolish like this to satisfy their curiosities.

I do not want sympathy or consolation but, if this were your only son instead of mine, what would you do to try to encourage T.V. programmers to turn away from the violence?

Sincerely,

Norman F. McCrimmon.

HARRY E. GOULD, SR.

Mr. RIBICOFF. Mr. President, on March 8, 1971, Harry E. Gould, Sr., died in New York City. Harry was an old and dear friend, and a true gentleman in every sense of that word. He is deeply mourned by his wife, children, and friends.

At the funeral service on March 11 at Temple Emanu-El, a eulogy to Harry was delivered by his son, Harry, Jr. This eulogy was so sensitive and touching, because it came from an intimate father-son association and caught so well the personality of a great and decent human being. I would like to share these thoughts and appreciation of Harry Gould, Sr. with my fellow Senators.

I ask unanimous consent that the eulogy be printed in the Record.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Eulogy to Harry E. Gould, Sr.

How can a son thank his father?—Thank him for a thousand and one things easily remembered, and more that somehow escape the mind in your very personal grief.

So many of his friends have come today—for which our family will always be grateful. So many who knew the full range of his accomplishments—business, civic, and charitable. Yet, I merely want to thank him for being my dad.

As a father, he could numb your backside if you woke him up playing cowboys and Indians with your kid brothers too early on a Sunday morning, yet, he could find the time for putting on a catcher's mitt at the end of a ten-hour workday because you were going to pitch in a big game the next day.

He could casually ask you if you thought you could have done any better if you came home joyously telling him you had just received a 3.8 average for the semester, yet, he could find the time to send you a letter telling you how proud he was to have you as his son.

He could disagree with you to the point of distraction, yet, he would tell a close friend how much he respected what you had to say. It was his way of testing how strongly you held your opinion.

He could drown you in a flood of follow-up memos, yet, you learned to leave nothing to memory and to chance.

He could spend thirty minutes bawling you out for spending $4.95 on lamb chops at Locke-Ober's while you were in school at Cambridge; yet, you developed a strong sense of values and what it took "to earn a buck," as he used to say. And so you, too, thrived upon a ten- to twelve-hour workday.

He could take five "mulligans" a hole and still never break a hundred in over fifty years of playing golf, yet, you learned the importance of never accepting the word "can't." And so you, too, established excellence as your goal in all endeavors.

He could only play two pieces on the piano, and both could have been bought from ASCAP for 98c. Yet, he could tell you who were the first four "leads" in the 1931 production of "The Bandwagon." And so you, too, began to share his great love for the performing arts.

He would demand that you visit at least 25 Chevrolet dealers when you were going to get your first car so that the cheapest price would be obtained, yet, when the day came to buy it, he thought that a Pontiac or Oldsmobile would be nicer. So, as you grew up, you gradually began to realize that beneath that authoritative exterior was a warm, generous human being to whom you could always go with all your troubles.

He could spend hours away from home each week worrying about other people's problems. Yet, we didn't feel cheated. On the contrary, we were closer than any family I ever know.

In essence, he was basically a simple, eloquent man. He may not have been right all the time, but there weren't too many times that he was wrong. You may not have agreed with everything he said, but you knew that he knew what he was talking about. And so, somehow you learned all the necessary lessons in life—to enjoy life to its fullest, to be considerate, to respect hard work, to strive for excellence, to be active politically and charitably, to be a gentleman, good and pure in heart, and, above all, to jealously guard that special commodity—love of family.

I guess you could say he was like most men—with good points and bad, with strengths and frailties—except to us he seemed a cut above the rest. People would frequently tell you that, but we already knew it.

And so, Dad, how else can I thank you except by saying that I was proud to be your son and to have been your friend.

I shall be eternally grateful that I got back in time to kiss you good-bye at the fight. For the time being, I guess we'll have to postpone our weekly get-together. But John O'Hara once wrote of Gershwin's passing: "I don't have to believe it if I don't want to." Well, Dad, we don't have to believe it either.

We can take consolation in the words of the great English poet, John Donne:

Death, be not proud, though some have called thee
Mighty and dreadful, for thou art not so:
For those whom thou think'st thou dost overthrow
Die not poor Death; nor yet canst thou kill me.
From Rest and Sleep, which but thy picture be,
Much pleasure, then from thee much more must flow;
And soonest our best men with thee do go—
Rest of their bones and soul's delivery!
Thou'st slave to fate, chance, kings and desperate men,
And dost with poison, war and sickness dwell;
And poppy or charms can make us sleep as well
And better than thy stroke. Why swell'st thou then?
One short sleep past, we wake eternally.
And death shall be no more: Death, thou shalt die!

For us, too, death will die, having no cause to be proud. For Peggy, Aunt Sallee, Robert, Peter, myself, and Mom, thank you for having been so much a part of us. You shall always live in our hearts, having touched each of us in your own special way.

OKLAHOMA STATE UNIVERSITY TOPS IN WRESTLING

Mr. SAXBE. Mr. President, on behalf of the distinguished Senator from Oklahoma (Mr. Bellmon), I ask unanimous consent that a statement by him entitled "Oklahoma State University Tops in Wrestling" be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Oklahoma State University Tops in Wrestling

(Statement of Senator Bellmon)

Mr. President, collegiate athletics in the United States typify the competitive spirit that has been characteristic of our nation since its founding. Regardless of its size, almost every college in the country has an athletic team of some kind that generates enthusiasm among both students and alumni.

Some schools excel in football, others in basketball or other sports. In the case of Oklahoma State University—the home of basketball's coaching great, Henry Iba—the sport of wrestling has achieved major prominence.

Throughout an illustrious history spanning a period of more than 50 years, Oklahoma State's wrestling teams have piled up a remarkable set of records.

Ed Gallagher began wrestling as a sport at the Stillwater, Oklahoma institution in 1916. Since that time, OSU wrestlers have won 337 dual matches, lost 24 and tied 15.

OSU coaches have produced 90 national champions in 43 years of NCAA competition, capped by their 27th NCAA title last March. At that tournament, the Cowboys crowned three individual champions, claimed the outstanding wrestler trophy, and scored an OSU-record total of 94 points.

Oklahoma State has dominated Big Eight Conference wrestling over the years, and in defeating Iowa State this year crowned a record seven champions in winning the conference title.

This is indeed an impressive record; it probably is the best record by any college in any sport.

As an OSU alumnus, I take great pride in these achievements. The coaches and the outstanding young men who have been responsible for this record are to be highly commended for their successes.

PUBLIC WORKS ACCELERATION ACT

Mr. MOSS. Mr. President, last week the House of Representatives passed H.R. 5376 establishing a $2 billion public works acceleration program.

The House-passed bill contains not only the titles which were included in the bill the Senate passed earlier—S. 575—which extends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, but adds a new and very effective title amending and extending the Accelerated Public Works Act of 1962 to make Federal funds available, on a stepped-up basis, to high or persistent unemployment as well as low income areas.

My colleagues will remember that it was the public works program of 1962 which gave our economy a substantial shot in the arm in the first half of the

1960's by stepping up Federal funding for a vast array of community projects—waste treatment facilities, sewer systems, hospitals, roads and highway improvements, and the construction of needed public buildings, to mention only part. These projects not only improved community living and facilities but also created thousands of jobs throughout the country and put many of our unemployed back on payrolls.

Now we again have high unemployment. It is estimated that over 6 million heads of families are looking for jobs throughout the Nation, primarily in the large urban areas. There are now over 50 labor and industrial areas reporting "substantial unemployment," meaning over 6 percent. The fact that unemployment is growing rather than decreasing is shown by the fact that last fall there were only 35 major labor areas in the substantial unemployment list.

These areas could be revitalized by the initiation of public works projects which have been upon the shelf for some time, but for which there are actually studies and blueprints completed. They are ready to go. In many instances, public bodies have applied for funds to Federal agencies, but none are available. We should get these projects moving.

The House-passed bill (H.R. 5376) and the Senate bill (S. 575) will, I hope, soon be in conference. The House has already appointed its conferees, and I trust that the Senate soon will do the same. My purpose in speaking here today is to urge that those who represent the Senate at the conference accept title I, the Public Works Acceleration Act of 1971, as passed by the House.

I realize that the Nixon administration has not been in favor of this title, and I hope this does not mean that if the Congress adopts it, that the President will veto it. For this is a bill which will help build America, improve our economy, and make jobs.

I would point out that many of those of us who were running for public office last fall, and many of those who were speaking for the executive branch of the Government as well, promised to do everything possible to improve economic conditions and provide jobs for the unemployed as quickly as possible. I suggest that enactment of this bill is one way to make good on those promises.

There are a large number of Utah counties and areas which would be eligible for assistance under the provisions of title I of H.R. 5376. The total cost of the Utah projects is over $25 million. Federal funding would range from 50 to 80 percent of the cost of the projects. All are short-term projects, with completion periods of less than 18 months.

I ask unanimous consent to have printed in the RECORD at this point a partial list of Utah projects, by counties and towns, in high unemployment areas, for which applications have been received by the appropriate Federal agency, together with the type of project for which funding is sought, and the total cost of each project.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Examples of public works projects in Utah which could be funded by Federal contributions of between 50 and 80 percent of costs under the Public Works Acceleration Act

	Estimated cost
Beaver County:	
Beaver City: Waste treatment facilities	$300,000
Milford: Waste treatment facilities	300,000
Box Elder County:	
Bear River City: Waste treatment facilities	75,000
Tremonton: Waste treatment facilities	10,000
Carbon County:	
Clear Creek: Waste treatment facilities	50,000
Helper: Sewage collection system	74,000
Hiawatha: Waste treatment facilities	50,000
Davis County:	
Clearfield: Sewage collection system	316,000
Kaysville: Sewage collection system	247,474
Layton: Sewage collection system	760,000
Duchesne County: Roosevelt: Waste treatment facilities	50,000
Emery County:	
Castle Dale: Waste treatment facilities	100,000
Ferron: Three debris basins and a diversion structure (for soil conservation)	450,000
Huntington: Waste treatment facilities	50,000
Juab County:	
Eureka: Waste treatment facilities	75,000
Nephi: Waste treatment facilities	19,800
Piute and Sevier Counties:	
Monroe Annabella Watershed Project: Debris basin, Streambank protection diversion structure and small irrigation reservoir	302,000
Summit County: Kamas: Sewage collection system	320,000
Sanpete County: Ephraim: Waste treatment facilities	300,000
Uintah County: Vernal: Waste treatment facilities	500,000
Utah County:	
American Fork-Dry Creek: Watershed project: Irrigation pipeline and canal lining	35,000
City of American Fork: Waste treatment facilities	300,000
Lehi: Waste treatment facilities	400,000
Lehi: Sewage collection system	349,000
Mapleton: Sewage collection system	150,000
Pleasant Grove: Sewage collection system	300,000
Provo: Waste treatment facilities	955,000
Provo: Sewage collection system	400,000
Spanish Fork: Waste treatment facilities	500,000
Wasatch County: Heber City: Waste treatment facilities	500,000
Washington County:	
Hurricane: Waste treatment facilities	70,000
St. George: Waste treatment facilities	700,000
Warner-Draw: Watershed project concrete canal lining	55,000
Weber County: Clinton: Sewage collection system	206,000

Mr. MOSS. Mr. President, similar lists of projects could be compiled, of course, for all other States.

In addition to the immediate advantages in terms of the current unemployment problem, funding these projects would lead to the construction of facilities with significant economic and environmental importance. Under similar legislation in 1962, the State of Utah completed projects in water and sewage treatment, conservation and wildlife preservation, fisheries development, and land treatment amounting to over $10 million. At the same time, 7,375 man-months of employment were created.

More than any other immediate relief measure, Mr. President, accelerated public works gets to the heart of our national unemployment problem. While our economy as a whole continues to suffer from an unemployment rate of approximately 6 percent, the jobless themselves are 100 percent unemployed. This bill would offer quick employment to these very men who are looking for work but cannot find it.

Furthermore, this act would have a strong expansionary effect. The $2 billion it would provide nationally would be spent in areas whose manpower and physical resources have long been underemployed. Wages earned in accelerated public works would go to families with long-overdue basic consumer needs. Local businessmen, who have been sharing in the economic downturn in these areas, would benefit from the increased purchasing power of customers who are not now receiving regular paychecks.

By entering the economy where it is most needed, this money would circulate rapidly giving a major boost to the entire country.

I ask Senators to accept title I of House-passed H.R. 5376.

NOW IS NO TIME TO WEAKEN THE FBI

Mr. CURTIS. Mr. President, today there is turmoil in our country in many places. There is an uneasiness in Washington because there are those who threaten to disrupt the entire Government. Now is no time to weaken the position of the Federal Bureau of Investigation. The FBI has a long record of serving the country well. I ask unanimous consent to have printed in the RECORD an editorial from the Omaha World-Herald of April 23, 1971.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE EARTH DAY SCARE

A subtle and effective way to disparage the FBI is to keep referring to its activities on Earth Day last year, when agents monitored some of the antipollution observances.

To keep drumming on the FBI's interest in Earth Day gatherings is to foster the impression that the bureau has turned paranoid and sees every birdwatcher as a bomb-thrower.

This impression—that the FBI regards the environmental movement as a threat to national security—is devastating to the agency's reputation. Unfortunately, it is the impression one might receive if exposed only to the thinner accounts of the incidents.

A somewhat more detailed examination, including a reading of the FBI report on Earth Day in Washington, helps put the Great FBI Scare into different perspective.

One of the Earth Day organizers in Washington was a man who has been publicly identified as a Communist party functionary, the FBI report said. His activities on behalf of an organization called the Emergency Committee on the Transportation Crisis had led to a number of arrests.

Another "environmentalist" involved in Earth Day planning was identified as a former SDSer. One of the speakers was a Navy man then being court-martialed for seditious conduct. Pete Seeger, folksinger who frequently supports leftist causes, also was on the program.

And Rennie Davis was there—Rennie Davis of the Chicago Conspiracy.

Davis told the ecological gathering that the Conspiracy was joining with such forces as Women's Lib, black militants and environmentalists to fight to end the Vietnam war. He said he opposed all pollution except "light up a joint and get stoned."

"One way to fight for ecology is to go to New Haven on May 1 to stop Bobby Seale's trial," Davis said. Seale, a Black Panther leader, was scheduled for trial in New Haven on murder charges.

This is a sample of some of the participation that led the FBI to keep tabs on 1970 Earth Day in Washington. Considering the inflammatory potential provided by some of the planners and speakers, there is nothing sinister about the FBI surveillance that we can see.

But there is something that seems sinister about the demonstrated intent of radical groups and individuals to get involved in the environmental movement.

Perhaps the highly publicized concern of Democratic presidential aspirant such as Sen. Muskie would more effectively be directed toward seeing that the movement for a cleaner America does not become a Trojan horse for advocates of political pollution.

There are many who would like to make the popularity of ecological interest a vehicle for the advancement of The Revolution. It seems that the FBI sees this more clearly than the politicians who complain so much about the agency's intelligence gathering.

Speaking of Sen. Muskie, here is a footnote on his part in Earth Day and the Great FBI Scare:

Muskie has raised a lot of dust about the fact that he was "subject to FBI surveillance" during his participation in the event last spring. Listening to the furor Muskie has touched off, one would believe he was the FBI's No. 1 target for snooping on that occasion.

For the record, here is what the FBI's Earth Day watcher had to say about Muskie, out of a report of approximately 3,000 words:

"Shortly after 8 p.m., Sen. Edmund Muskie, D-Maine, arrived and gave a short antipollution speech."

Some of us taxpayers don't mind if the FBI throws in one innocuous sentence on Ed Muskie, as long as the agency continues to keep a close watch on the likes of Rennie Davis.

ELDERLY ARE TARGET OF MONEY-AT-HOME SCHEMES

Mr. CHURCH. Mr. President, it appears to be a common misconception nowadays for people to believe they are safe in entering into "earn money at home" or "special offer" arrangements through ads in the classified sections of newspapers and periodicals. Perhaps they believe the Government is protecting or will protect them from fraud.

As we enact better protective legislation, the unscrupulous promoter of the "something for nothing" scheme is forced to devise new and more appealing methods of exploiting those who have not been forewarned.

It has been reported that with the rise in unemployment and loss of income the incidence of such schemes has been on the increase.

These schemes, especially the "work in your home" variety, appear to have singled out the elderly as a primary target. Because the elderly are often poor and live in enforced idleness they are particularly susceptible.

Mrs. Elizabeth Koontz, of the Department of Labor, disclosed in a hearing conducted by the Senate Special Committee on Aging last year that many widows are among the victims.

> In the Women's Bureau we receive numerous letters every year from middle-aged and older women seeking help to enter or reenter the labor force. Many are in dire economic circumstances—some recently widowed, others finding the monthly social security payment totally inadequate to meet bare necessities at a time of spiraling costs for food, shelter, transportation, and medical care. Many, unfortunately, have, already been victimized by fraudulent advertisements inviting them to earn money by addressing envelopes at home. They do not know where to turn to supplement their meager incomes.

The elderly, the unemployed, the widows, the handicapped: All are at the same time the most victimized and the least able to afford the losses. Those tempted by these ads would do well to consult their Better Business Bureaus, or State consumer agencies.

Mr. President, as chairman of the Subcommittee on Consumer Interests of the Elderly, I am especially grateful to the Rocky Mountain Better Business Bureau for drawing our attention to this matter and its devastating effect upon our older citizens. I commend their timely article—published in a recent newsletter—to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Rapid Increase in "Homework" Schemes

The combination of unemployment, inflation and enforced idleness has spawned a rapid increase in "homework" schemes. BBB has received over 1,000 consumer requests for reliability reports on such promotions in the past six months.

World Field Research, Mineola, N.Y., is dominant in both inquiries and complaints to BBB. This firm advertises for "research panelists" to supply opinions on products to be furnished by the company. It claims it will pay from $1 to $100 for each "opinion". Applicants must pay a $10 registration fee.

Complaints to BBB include those who paid the fee but failed to receive any test products, others who failed to receive payment for opinions rendered, and those who are unable to get the "guaranteed money back" refund of their fee. The company uses various techniques to stall refund requests. These vary from no response at all, to blaming its computer or scolding the panelist for not including an identification number. The company offers to pay some complainants with funny-money called "FROMS"—(Field Research Opinion Money) which is only good for purchase of products sold by the affiliates of the firm.

Some 400,000 homeworkers are said to have paid the company for this employment.

Other homework schemes are closer to home. ABC Publications, operating from a Post Office Box in Colorado Springs, advertises in Denver newspapers an offer of $25 for a thousand envelopes addressed at home and asks applicants to send $3 for a list of firms employing such addressors. The $3 "list" contains the names of other homework promoters to whom the applicant can send another fee for similar information.

Also nearby is SUN-COL Enterprises whose identity is hidden in a Post Office Box in Aurora. It charges homeworkers $3 for a "List of People Who Want to Buy My Services". One complainant to BBB wrote the well-known national firms listed thereon and was advised in response that they had no such employment for home workers.

In total, homework schemes are a multimillion dollar business, thriving in these times on victims who can least afford their losses—the handicapped, the elderly, the unemployed, the housewife seeking to supplement her husband's income. We suggest that newspapers and magazines crusading for consumer protection might well apply their editorial philosophy to their own classified ad columns.

Woe unto them that call evil good, and good evil . . . Isaiah.

JOINT TREATY OF PEACE

Mr. GURNEY. Mr. President, it has recently come to my attention that representatives of a well known student group, the National Student Association, went to Hanoi and returned with a draft of a "People's Peace Treaty." The NSA claims that representatives from "nearly every student association" later met in Ann Arbor, to discuss the "treaty." No rollcall was taken, but the representatives said it looked like nearly every college and university was represented.

I understand that the NSA is now passing this treaty around to various colleges and universities in Florida and other States for "ratification" by the various student senates. I understand the "treaty" is frequently being pressured through student governments with scanty discussion and no alternate opinions allowed in the reports of the bill and certainly no student referendums.

I have seen hundreds of copies of a "shortened version" of this treaty scattered through the streets of Washington during the recent protests. I am confident that some time in the coming weeks or months, we in Congress will be inundated with copies of this "treaty" in the form of petitions. The persons who sign such petitions will not be aware of the treaty's origins, nor of its real intent.

The central observation that I have to make is that the treaty was drafted in Hanoi, supposedly because the representatives of the National Student Association were denied visas to Saigon. I have no way of knowing whether they were actually denied visas to Saigon, but I ask why Hanoi was the only other alternative? The treaty places all the blame for all the troubles in Vietnam, Laos, and Cambodia squarely on the shoulders of the United States. North Vietnam and the Vietcong are neatly omitted. They are not mentioned as the instigators of the war, nor are they given any hand in the continuation of it.

Fortunately, not all of our students are gullible enough to fall for this shabby trick. I have received many letters from students who are outraged at this whole caper. One is in the form of a petition from a number of students at the University of South Florida. These students, representatives of student government at that school, were denied a right to speak. In denying this right, the excuse was, of all things, "freedom of speech." Supposedly, the student radicals would be denied that right if the members of any dissenting group of the student senate were permitted to speak. This twisted logic is characteristic of the proceedings around the country in connection with this bogus document.

I ask unanimous consent to have printed in the RECORD the text of some of the correspondence I have received on this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GAINESVILLE, FLA.

Senator E. GURNEY,
Capitol Building,
Washington, D.C.

DEAR SENATOR: Just for the record, do not get the wrong impression by the seemingly unanimous approval of the "Peoples' Peace Treaty" from the students of the University of Florida. There was no student referendum, just a simple majority approval by the Student Senate, nothing more. I hate the war exceedingly, but would not be sucked into supporting such a phony political contraption authored and censored in Hanoi.

I support "Vietnamization" as the last recourse left to Saigon (and the U.S.) if they are to ever salvage democracy in Indochina—although it may be too late. I hope it is not too late, for then it was all in vain. I urge you to support your own conscience in the matter not some emotional, foreign-oriented lobby which plans to bring you a copy of the "treaty."

Yours sincerely,
JOHN M. HICKEY,
Student, Returned Peace Corpsman, Ex-Serviceman (U.S.A.)

UNIVERSITY OF SOUTH FLORIDA,
Tampa, Fla., February 19, 1971.

Office of Senator GURNEY,
Washington, D.C.

DEAR SENATOR GURNEY: I am a member of the student government at the University of South Florida.

Thursday night, February 11, 1971, a bill was passed supporting a "peace treaty" drawn up by three Vietnamese student organizations, the South Vietnam Student Union, the North Vietnam Student Union, and the South Vietnam Liberation Students Union, and eleven American students who were denied visas to Saigon and were, therefore, "forced" to go to Hanoi to draft the said "treaty".

The discussion on the "pros" and the cons of the bill lasted for approximately two and one-half hours. Several questions were asked about the validity of the claims made in the treaty and the parties who had put the bill on the floor could not answer these questions. It became necessary to suspend the parliamentary procedure for a "limited amount of time at the presiding officer's descretion" to allow an "expert", Mr. Ed Deaton, student radical, to answer the questions. Mr. Deaton had just returned from a "conference" in Ann Arbor, Michigan, where representatives from "practically every student organization in the United States" (it was admitted that no roll call was taken, it "looked like" representatives from every student organization) had attended a rally to voice the reactions of their particular groups to this "treaty". However, Mr. Deaton was also unable to answer the questions.

At the end of the two and one-half hour "circus", a roll call vote was taken, the results being twenty-seven yea, seven nay, and one abstention.

The parties who had voted against the bill were denied the right to include a report on their feelings to be included in the bill. They were also denied the right to be parties to the "explanatory letters" which were to be sent to selected governmental officials along with copies of the bill and the treaty.

As a result of the censorship of our Constitutional rights to free speech (by the advocates of free speech for everyone), we, the under signed, have decide to write explanatory letters of our own to the selected governmental officials.

I am including, with the letter, a correctly amended copy of the bill, a copy of the "treaty", and a copy of the questions and the answers given.

We would appreciate it very much if you would regard the "treaty" as *not* meaningful on the behalf of the majority of students at the University of South Florida.

Thank you very much for your time.

Sincerely,
DEBORAH ANDREWS,
Commuter Representative, University of South Florida Student Legislature.

Orville Renner Jr., Walter H. Tomlinson, Jr., Commuter Representative, President, Veterans Club; Kervin W. Herbert, 3ACC, Susan E. Matthews, Gingers Matthews, James A. Settles, Commuter Representative.

Steven E. Shaw, Commuter Representative; R. Arthur Gonzalez, Representative; Charles R. Brooks, Commuter Representative; Edward J. Bugel, Commuter Representative.

John Beasley, Charles J. Traina, University Senator, College of Liberal Arts; George E. Zink, Commuter Representative; Michael Dunlap, Engineering Representative; Sheldon Wind, Business Representative to Student Government.

BILL NO. 11

Whereas: In November and December of 1970, a delegation of student body presidents of American Universities, organized by the United States National Student Association, met with representatives of the South Vietnamese National Student Union, the North Vietnam Student Union and the South Vietnam Liberation Students Union, and formulated a treaty to effect a cessation of hostilities in Vietnam,

Whereas: Attempts were made by the South Vietnamese government to stop the meetings between the various representatives,

Whereas: The United States government still maintains a vast military structure in South East Asia and the threat of becoming involved in another land-war engagement in other South East Asian countries is increasing,

Be it therefore resolved: That the Student Government Legislature of the University of South Florida place itself on record as ratifying the said treaty, and

Be it further resolved: That copies of this resolution be sent to the United States National Student Association in Washington, D.C.

Be it further resolved: That copies of this resolution, the treaty, and explanatory letters be sent to U.S. Senators Chiles and Gurney; the task of composing the letter to be placed by the legislature.

Respectfully Submitted, Steve Mims—Senator, John Kilcrease — Representative, Arges, David Cipolloni—Representative, Basic Studies, Rod Presley—Representative, Basic Studies, York Harris—Representative, Fontana, Rob Hightower—Senator, Jeff Smith—Senator.

Suggested amendment by external affairs: be it therefore resolved: (1) on record as supporting the efforts of any organization or group working to bring a just peace to the peoples of S.E. Asia; (2) Omit the last be it further resolved

A resolution for cessation of hostilities in Vietnam to be passed by student government legislature.

THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF SOUTH VIETNAM AND NORTH VIETNAM

INTRODUCTION

In November and December, 1970, a delegation of student body presidents of American Universities, organized by the United States National Student Association, exchanged views by mail and in person with representatives of the South Vietnam National Student Union, the North Vietnam Student Union, and the South Vietnam Liberation Students Union. An American student trip to Vietnam was organized as a result of a mandate of the 1970 National Student Congress. The purpose was to explore the possibilities of a peace treaty that would put an end to the war on terms that would satisfy the honor and safeguard the interests of the people of the United States and Vietnam.

Fearing that this democratic initiative would lead to formulation of peace terms that could readily be adopted by the American and Vietnamese people, the Thieu-Ky-Khiam regime denied visas for the American students to enter Saigon. Ironically, some of the students denied visas were veterans of the Vietnam war. An advance representative of the delegation, however, was already in Saigon and was able to meet with official representatives of the South Vietnamese National Student Union. From this meeting came the Joint Declaration of Peace with the South Vietnamese Students.

Meanwhile the entire delegation of eleven American students traveled to Hanoi and met with official representatives of the North Vietnamese National Student Union and the South Vietnamese Liberation Students Union, whose representatives have traveled to Hanoi for this meeting. This conference produced a Joint Declaration of Peace, signed by representatives of the three groups.

Based on the areas of agreement between the Saigon document and the Hanoi document and after discussion with Vietnamese in Paris, a common declaration of peace has been written and agreed to by the three Vietnamese groups and the Americans. This document will be submitted to a wide range of organizations in the United States and Vietnam. Wherever possible it will be submitted for ratification either by referendum or by the vote of the official governing body in cities, towns and states and by religious, labor and civic organizations, in the schools and universities, womans' groups, professional groups, business groups, the organized poor and any other groups whose integrity or life is threatened by continuation of the war.

It is expected that many groups will draft their own preambles to reflect their special concerns or experiences. In addition, both official and unofficial groups and bodies are encouraged to append their own statements of the methods by which they intend to try to implement or enforce the treaty so that it will become necessary for the U.S. Congress and the Nixon Administration to follow the lead of the people in making it a reality.

JOINT TREATY OF PEACE BETWEEN THE PEOPLE OF THE UNITED STATES, AND THE PEOPLE OF SOUTH VIETNAM AND NORTH VIETNAM

Be it known that the American and Vietnamese people are not enemies. The war is carried out in the names of the people of the United States and South Vietnam but without our consent. It destroys the land and people of Vietnam. It drains America of its resources, its youth and its honor.

We hereby agree to end the war on the following terms, so that both peoples can live under the joy of independence and can devote themselves to building a society based on human equality and respect for the earth.

1. The Americans agree to immediate and total withdrawal from Vietnam and publicly to set the date by which all American forces will be removed.

The Vietnamese pledge that as soon as the U.S. Government publicly sets a date for total withdrawal:

2. They will enter discussions to secure the release of all American prisoners, including pilots captured while bombing North Vietnam.

3. There will be an immediate cease-fire between U.S. forces and those led by the Provisional Revolutionary Government of South Vietnam.

4. They will enter discussions of the procedures to guarantee the safety of all withdrawing troops.

5. The Americans pledge to end the imposition of Thieu-Ky-Khiem on the people of South Vietnam in order to insure their right to self-determination and so that all political prisoners can be released.

6. The Vietnamese pledge to form a provisional coalition government to organize democratic elections. All parties agree to respect the results of elections in which all South Vietnamese can participate freely without the presence of any foreign troops.

7. The South Vietnamese pledge to enter discussion of procedures to guarantee the safety and political freedom of those South Vietnamese who have collaborated with the U.S. or with U.S.-supported regime.

8. The Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia in accord with the 1954 and 1962 Geneva conventions and not to interfere in the internal affairs of these two countries.

9. Upon these points of agreement, we pledge to end the war and resolve all other questions in the spirit of self-determination and mutual respect for the independence and political freedom of the people of Vietnam and the United States.

By ratifying the agreement, we pledge to take whatever actions are appropriate to implement the terms of this joint Treaty to insure its acceptance by the government of the United States.

Questions and Answers Concerning the Bill

1. Who are the South Vietnam National Student Union, the North Vietnam Student Union, and the South Vietnam Liberation Students Union?

Answer. They are students.

2. Are eleven American students representative of the millions of college students in the United States?

Answer. We feel that they are.

3. Why was the treaty drawn up in Hanoi?

Answer. It wasn't.

4. It was suggested that paragraph three of the introduction to the treaty be read in reference to the above question. "Meanwhile the entire delegation of eleven American students traveled to Hanoi and met with official representatives of the North Vietnam National Student Union and the South Vietnam Liberation Student Union, whose representatives had traveled to Hanoi for this meeting. This conference produced a Joint Declaration of Peace, signed by representatives of the three groups.

Reply. They were denied visas to Saigon and therefore, were forced to go to Hanoi.

5. Have any results been received from the other groups who were to be contacted? If so, what were the results?

Answer. All the student organizations in the United States support it.

6. Is this the information from Ann Arbor?

Answer. Yes.

7. Was a roll call taken?

Answer. No.

8. If no roll was taken, how could you tell that all the student organizations in America support the treaty?

Answer. It looked like all the representatives from all the organizations were there and they all supported the treaty.

9. If this war is being carried on in the name of the United States and South Vietnam why is North Vietnam being left out? If they hadn't been acting as the aggressor toward South Vietnam, we would not have been asked by the French to "interfere".

In the 1954 Geneva Convention, Quan Twei, the representative for North Vietnam, agreed that if Vietnam could be split into two countries, the South being a free state and the North being a Communist state, that North Vietnam would stop its aggression toward South Vietnam. This has not happened. Why is nothing mentioned in this treaty that Red China also withdraw its aid from North Vietnam?

Answer. Apparently you have done a bit of homework but you are unable to understand what you read. Vietnam was not divided into two countries. It was declared to be one country with the Demiliterized Zone separating the North and South with a provisional government until such time that a free election could be held to elect a president.

10. Why is nothing mentioned in this treaty about Red China withdrawing its aid from North Vietnam?

Answer. Red China has no forces in North Vietnam. (That was not the question. At this point, no one could answer the question, although several people kept proclaiming that Red China had no forces in North Vietnam. Eventually, someone admitted that Red China, North Vietnam, and Russia were not mentioned because the authors of the treaty didn't want to mention them.)

At this point Ed Deaton was allowed to answer questions from the legislature. After Mr. Deaton had made several comments on the status of South Vietnam's "bureaucratic regime", since the early 1940's, someone asked what his qualifications as an authority of the war and the history of Vietnam were. (This question was ruled out of order by the presiding officer.)

In response to Mr. Deaton's statement to the effect that the Diem regime had prevented the elections from occurring:

11. When was the last election held in Vietnam?

Answer. In 1949, the Diem regime put a stop to all the free election attempts.

12. Since Diem has been deposed, who has been the oppressor against the allegedly free elections which have been attempted by the people of Vietnam? Has South Vietnam's government been the oppressor?

Answer. No elections have been attempted involving both the North and the South.

INFLATION AND THE ELDERLY

Mr. CHURCH. Mr. President, we are all aware of the harmful effects of inflation on the economic welfare of our citizens, especially when inflation is occurring with rising unemployment.

Perhaps no segment of the Nation is so hard hit by this crisis as is the person living on a fixed retirement income.

A report on the Economics of Aging, issued by the Senate Special Committee on Aging, has dramatically pointed out the peril this situation presents to the aged, retired person who must live on an income level for many years that became fixed at the time of retirement.

Such a person is caught on a treadmill, trying to keep pace with a galloping rate of inflation.

Even with a 15-percent increase in social security benefits in 1969, 4.8 million Americans aged 65 and over lived below poverty levels in December of that year. This figure represented an increase of 200,000 compared with 1968.

As inflation continues to climb, the problem grows more acute. In 1971 the crisis reached such proportions that another increase in social security benefits totaling 10 percent was found necessary.

This increase, so long in coming, is at best a stopgap measure of limited usefulness.

Soon another crisis will arise and we will again be faced with the need for an increase in benefits.

This sporadic, stopgap, and piece-meal approach to solving the economic problems of the elderly must stop. What is needed is more comprehensive reform on all fronts as suggested by the report on the Economics of Aging.

The need for such reform is only too apparent. Already it is receiving nationwide attention.

Mr. President, a column written by Sylvia Porter, published recently in the Idaho Statesman, provides compelling arguments for a new approach to this continuing crisis. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Your Money's Worth: Effects of Inflation on Income of Retired Poses Big Trouble

(By Sylvia Porter)

Unless we take drastic steps to prevent it, the U.S. will be up against another explosive crisis as this decade rolls on—the crisis of the retiree.

And this crisis, mind you, will cross all the others: blacks against whites, urban deterioration, pollution, law and order, etc. Thus, it could be among the most convulsive of them all.

You read the reasons why just in the figures I submitted in a recent column tracing what your cost of living will be only 14 years from now, assuming inflation continues at an annual rate of 5 per cent, 4 per cent or 3 per cent.

Despite the outlook, you, a younger union member or businessman or self-employed can look forward to keeping in step and coming out ahead. It won't be easy; at a 5 per cent annual rate, by 1985 you'll need $20,000 simply to buy what $10,000 buys today: even at a modest 3 per cent annual rate, you'll need $15,000 to stay even. But while it won't be easy, you can anticipate managing it.

How, though, can a retired person hope to double his income and keep up? What's more:

The population of persons over 65 is growing rapidly and, equally important, our lifespan is lengthening. Many more are reaching the age of 80 and 85—at which age they are 15 to 20 years beyond the date on which the value of their retirement stipends was fixed. In fact, Fabian Linden, director of consumer economics of The Conference Board, narrows the coming explosion to "the crisis of the octogenarian."

—The consumption gap between the relatively young and the no-longer-young will widen to critical proportions—just because the real purchasing power of the retired is being slashed while the living standard of the still active segment is doubling.

—These elderly people have and will have clout. They will not be befuddled, as so many young may be about what they want. They'll be zeroing in on one target: decent living conditions and dignity in old age. They will have power, they will vote, they will use their power as never before.

Of course this underlines the likelihood that will make pension hikes automatic as living costs rise and extend the hikes to the previously retired, too. It dramatizes the significance of work-for-pay which will be tailored to the older person.

Above all, it screams for a more imaginative and aggressive attack on inflation than the Nixon Administration has made to date.

Now, here are your figures. First, assuming that as in the past inflation will be much steeper in the services than in goods, only 14 years from now services will be up 117 per cent, non-durables will be up 62 per cent and durables will be up 32 per cent.

EXTRADITION FEARS UNFOUNDED

Mr. PROXMIRE. Mr. President, on Monday the Washington Post published an article concerning the status of the Genocide Convention in the U.S. Senate. The Post story indicated that one possible obstacle to Senate ratification was the concern that U.S. citizens would be subject to extradition to foreign nations whose constitutional safeguards might be weaker than our own.

Last week I addressed myself to this question. I again state that these fears are not justified in any way.

First, there are no extradition treaties now in force that make genocide an extraditible offense. The Genocide Convention is not self-executing and therefore poses no threat of jeopardizing the rights of our citizens abroad or here at home.

Second, the Foreign Relations Committee stated in its report of last year on the Genocide Convention that the "U.S. Government understands and construes article VI of the convention in accordance with the agreed language of the report of the Legal Committee of the United Nations General Assembly that nothing in article VI shall affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state."

Thus it is quite clear that the United States has the perfect right to try its own nationals for crimes committed abroad, in accordance with the language of the Legal Committee of the United Nations General Assembly.

A major factor in any decision to negotiate an extradition treaty is whether the judicial process of another country affords the persons who may be extradited a fair trial. In testimony before the Foreign Relations Committee last April 24, the Deputy Legal Adviser to the Department of State, George Aldrich said:

> First, any extradition treaty will require the State requesting extradition to produce sufficient evidence to persuade both a United States Court and the Executive that the person sought would be held for under United States law if the offense had been committed here; second, any extradition treaty will assure the person sought the right to the remedies and resources provided by the law of the requested State . . . for example, habeas corpus . . . [third], any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

The negotiating record of the Genocide Convention makes it clear that the trial for acts committed in a foreign country may be held in the state of which the offender is a national. Mr. Aldrich emphasized that implementing legislation should cover not only acts committed in the territory of the United States, but in addition, acts committed anywhere by American nationals.

There is also the fear that after we ratify the Genocide Convention, governments around the world may accuse the United States of genocide and that U.S. citizens abroad will be subject to arbitrary persecution.

We will not prevent these charges from being made by failing to ratify this human rights convention. The way to prevent such charges from being made is by striving to achieve the goals of the U.N. Charter. Former Ambassador Arthur Goldberg said that there is nothing in the Genocide Convention that would provide warrant for charges by other governments or nations against our citizens. Any country can make these charges—true or false, unfounded or founded, any time of night or day—and we cannot prevent this nor insure it by our ratification of the Genocide Convention.

Do those who oppose this convention for these reasons really feel that by not ratifying this convention, we will protect ourselves from such trumped-up charges? I hardly think so.

It is unfortunate that the merits of this convention, are obscured by these questions. The main thrust of this convention is to expand the dimensions of international law to protect fundamental human rights.

One way in which we can take a modest step toward achieving the rule of law among nations is by ratifying the Convention on the Prevention and Punishment of Genocide.

Mr. President, I ask unanimous consent that the article on the Genocide Convention published in the April 26 edition of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 26, 1971]

GENOCIDE, POISON GAS PACTS IN PERIL

(By Spencer Rich)

Disputes over the Calley conviction and herbicide use in Vietnam have left very little chance that the Senate this year will ratify either the U.N. Genocide Convention or the Geneva Protocol against poison gas. Prospects for action next year are only a little better.

Although the Nixon administration has asked for Senate endorsement of both agreements, there has been a growing feeling for weeks that the two treaties are in serious difficulty. The Chief obstacle to the Genocide Convention is the fear, now fanned by the Calley case, that the treaty somehow will be used by other governments to prosecute U.S. soldiers who fought in Vietnam. Opposition to the poison gas treaty results from administration insistence that it doesn't bar U.S. use of tear gas or herbicides in Vietnam.

Senate Majority Leader Mike Mansfield (D-Mont.) must decide whether to bring the treaties to the floor once they are formally reported by the Senate Foreign Relations Committee.

And he says he has no intention of calling up the measures unless they are assured of the required two-thirds vote for approval.

The genocide treaty, Mansfield said, "is in deep trouble. I don't know whether it has the votes." The convention against poison gas, he said, is also in trouble, and there is no prospect of bringing it to the floor for a while."

U.S. diplomats, particularly at the United Nations, have long been embarrassed that their country is one of the few in the world declining to ratify the 1948 treaty making genocide an international crime and the 1925 Geneva Protocol barring the use of poison gas and bacterial agents in warfare.

Now Vietnam war controversies have placed additional obstacles in the pathway to Senate approval.

The Genocide Convention, approved by a 55-to-0 vote of the U.N. general assembly in 1948, defines genocide as acts intended to destroy, in whole or in part, a national, religious, ethnic or racial group. It makes genocide committed by rulers, officials or individuals, whether in wartime or peacetime, an international crime. It provides for extradition of an accused person for trial in the country where the alleged crime was committed. First sent to the Senate in 1949 by President Truman, the treaty has never reached the floor.

Even before the Calley conviction, the Genocide Convention faced substantial opposition from the American Bar Association, a traditional foe, and from a bloc of senators led by an astute and effective tactician, Sam J. Ervin Jr. (D-N.C.). They fear it would subject U.S. citizens to extradition for trial in foreign courts where defendants' safeguards may be inadequate, would enlarge the power of the World Court over the United States and would erode the powers of state governments.

Sen. Jacob K. Javits (R-N.Y.), a supporter of the Genocide Convention, said March 30—the day the Foreign Relations Committee approved it by a 10-to-4 vote—that the extradition problem would be solved by making clear in implementing legislation that U.S. courts could exercise jurisdiction even when the alleged crime had been committed outside. But critics say this protects persons only inside the United States and would be no help to Americans seized by foreign governments overseas.

The Calley conviction has driven home this point with great impact. The fear is that some foreign government will seek to try Americans on charges of genocide in Vietnam. Several senators, including John Sherman Cooper (R-Ky.), have alluded to the possibility that North Vietnam would seek to put American soldiers or prisoners on trial.

"There was a lot of opposition even without Vietnam. Vietnam will add to it," said Mansfield when questioned on this point.

The controversy over the Geneva Protocol, barring the use of poison gas and germ warfare, centers squarely on U.S. use of herbicides and tear gas in Vietnam. The U.N. General Assembly voted 80 to 3 last year, with 36 abstentions, for the proposition that the Protocol bars the use of herbicides and tear gas as well as more lethal agents. But the State Department, in sending the treaty to the Senate for ratification last August, said it interpreted it as permitting herbicide and tear gas use.

A large bloc of Senators, including Gaylord Nelson (D-Wis.), Foreign Relations Chairman J. W. Fulbright (D-Ark.) and a majority of the Foreign Relations Committee are flatly opposed to this interpretation. They want herbicides and tear gas banned. The Committee has agreed to hold up action on the treaty and ask the administration to reconsider.

Nelson has introduced an amendment to the proposed resolution of ratification stating that "the terms of the protocol prohibit the use in war of chemical herbicides."

"If the (treaty) is reported out and the Nelson amendment is offered, it will carry," said Mansfield. In all likelihood, other sources predicted, an anti-tear gas amendment would also be offered and might carry also.

If these amendments didn't carry, the Nelson group probably would have enough votes—one-third—to block ratification. If they did carry, the administration might decide to fight the revised treaty. Either case would be a severe embarrassment to the United States in the eyes of world opinion—something Mansfield would rather avoid.

DEPARTMENT OF TRANSPORTATION REGULATION OF MOTOR VEHICLE DRIVER LICENSING

Mr. CURTIS. Mr. President, unless Congress does something about it, the grasping hand of bureaucracy is going to wreck our country. This is true in many situations but today I especially refer to the Department of Transportation, which is wrongfully, unwisely, and without any justification whatever, usurping the power to say who can drive a vehicle on our highways.

Mr. President, throughout the years it has been the States that have issued drivers' licenses. It has been the States that have revoked drivers' licenses. This is as it should be. There has been no law passed transferring this authority to the Federal Government.

Yet the Department of Transportation, because of its desire for authority and to extend its jurisdiction, is threatening to create total havoc in the rural areas of Nebraska. The Department should abandon its entire project.

It is up to the States and not the Federal Government to say whether or not someone can drive an automobile, a truck, or some other vehicle on the highways at a given age. This attempt to try to bar all drivers under the age of 21 from driving necessary farm trucks and other vehicles to and from market is unwarranted. It will bring to a standstill many farm operations.

An individual in western Nebraska who is very knowledgeable of the situation said this:

> Farmers and livestock men generally must have the assistance of young people and the farmer's wife to drive trucks in to market and bring the supplies from the market to the farm or ranch. Here in the sugar beet country the farm wives haul more than 50% of the beets from the farm to the unloading station, and if these regulations are imposed, it will absolutely wreck the farming industry.

Another Nebraskan writes me as follows:

> We're going to have to give up. Last year it was Canadians. This year we hoped to do something with our combines. But now they've passed a law no one under 21 can drive our trucks and move our combines on the road.
>
> We had to take college boys for our hired help. Now we will not be able to get help. We have three new combines—it took us twenty years to get them paid up to where we could have something left and hoped to run them till we are 65. I am 59 now. Too old to start anything new. So the Government has ruined us with all their laws.

Also, I might add that this grasp for Federal power in the field of transportation has created other problems. The men and boys who transport livestock and farmers' products cannot conform to the usual limited hours of employment. Anyone familiar with farming and ranching knows this to be true. In addition, in the normal travel to and from market, it is necessary for many people to cross a State line.

Another case has been laid before me that merits the consideration of a just government. I have a letter from a man who has done trucking for 20 years. He only has one eye. We all know that nature compensates in such cases. This man by long training and experience has become a safer and more alert driver of trucks than almost anybody else on the highways. He is getting along in years, yet a bureau in Washington threatens to take him off the roads and highways. These highways and roads do not belong to the Department of Transportation in Washington. They have been paid for in part by the taxes of the people who are now being pushed around, their relatives, their friends, and their neighbors.

Mr. President, if Congress wanted the bureaus to take over the licensing of drivers, it would have done so directly. This it has not done. This usurpation of power must stop. Drivers' licenses and their revocation should continue to be handled by the States.

Any claim that this grasp for power is done in the interest of safety is a sham and a fraud. One-half of highway accidents are caused by drunken driving. This will not be cured by harassing, attacking, and denying the livelihood to law-abiding citizens.

INDOCHINA—ANOTHER VIEW

Mr. HUMPHREY. Mr. President, last Thursday evening on the ABC television and radio network, the Democratic National Committee presented "Indochina: Another View," the Democratic Party's response and commentary to the recent statements by President Nixon on U.S. policy in Indochina.

Six members of the U.S. Senate participated: the Senator from Indiana, BIRCH BAYH; the Senator from Iowa, HAROLD E. HUGHES; the Senator from Washington, HENRY M. JACKSON; the Senator from South Dakota, GEORGE MCGOVERN; the Senator from Maine, EDMUND S. MUSKIE; and the Senator from Minnesota, HUBERT H. HUMPHREY. Lawrence F. O'Brien, chairman of the Democratic National Committee, opened and closed the program.

We attempted to present our differences with the administration policy, and to offer constructive alternatives to this policy. But we also recognized explicitly the difficult burden of the Presidency and our strong feeling that the war in Indochina should not be a political issue in the 1972 presidential campaign.

This program was made possible by the American Broadcasting Co., in response to a request from Chairman O'Brien following President Nixon's April 7 address to the Nation on Indochina. The American Broadcasting Co. is to be commended for giving the loyal opposition this opportunity to present its views in a constructive, responsible manner.

"Indochina: Another View," was produced by John G. Stewart of the Democratic National Committee, and directed by Don Mischer.

I ask unanimous consent that the transcript of "Indochina: Another View," be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

"INDOCHINA: ANOTHER VIEW"—THE DEMOCRATS RESPOND ON THE WAR

WASHINGTON, April 22.—Following is the transcript of "Indochina: Another View", a 30-minute presentation by the Democratic National Committee to be broadcast on nationwide television and radio by the American Broadcasting Company at 9 p.m. EST tonight.

Participants are Democratic National Chairman Lawrence F. O'Brien, Senator Hubert H. Humphrey of Minnesota, Senator George S. McGovern of South Dakota, Senator Birch Bayh of Indiana, Senator Henry M. Jackson of Washington, Senator Harold E. Hughes of Iowa, and Senator Edmund S. Muskie of Maine.

The program was videotaped this week at ABC studios in Washington.

O'BRIEN: This program is coming to you tonight from the ABC studio in Washington, D.C.

It is called Indochina: Another View.

The participants are six members of the United States Senate: Birch Bayh of Indiana, Harold Hughes of Iowa, Hubert Humphrey of Minnesota, Henry Jackson of Washington, George McGovern of South Dakota and Edmund Muskie of Maine.

All are Democrats. . . .

. . . And I am Lawrence O'Brien, Chairman of the Democratic National Committee.

This is a unique television program, and I think you should know the reason why the Democratic Party asked ABC for the time to put it on. We want to discuss with you—frankly, openly, candidly—our views on the seemingly endless war in Vietnam—views that differ considerably from the policies and actions of the Nixon administration.

In assembling the program, we naturally had to answer the question: "Who speaks for the Democratic Party?" These men—our six senators—are leading Democrats. One of them, George McGovern, is an announced candidate for the party's nomination next year. The other five are considered by many as serious contenders for it. Politics being what they are, it may be that all six will be in for a surprise next year, but, as of tonight, we think it's appropriate and fair for them to represent the party.

In characteristic Democratic fashion, they all do not agree on everything—but, as in the country at large, there is a growing unanimity in their feelings about where this war has taken us—and where we must go.

HUMPHREY. My five colleagues and I are here tonight as Democrats, and we are here as public men. But mostly we are here as *Americans*.

All of us know President Nixon. Some of us know him quite well. All of us have respect for the presidency, and we understand that it is easier to criticize than it is actually to carry the load. If this matter were of less importance to this nation, we would not be here at all.

The President said in his television speech on April 7th that when he left Washington in January of 1961 after eight years as vice President, there were no American combat forces in Vietnam, and that no Americans had died in Vietnam.

Now, these statements are all true. But

the implication—and it is inescapable—is that the major responsibility for involvement is exclusively Democratic. That is to say, John Kennedy began the war, Lyndon Johnson escalated it, and that the Democratic mess was dropped into the Republican lap. We believe that an alternate view carries a larger measure of truth.

The circumstances that led to this war began back in the time of Harry Truman. Our commitments began after the Geneva Conference in 1954 during the administration of Dwight Eisenhower. And Richard Nixon, as Vice President supported them. Kennedy and Johnson supported them. By passing the Tonkin Resolution, by an almost unanimous bipartisan vote, the Congress supported them. As Vice President, I too supported them.

So the responsibility for our involvement was a national responsibility—not a partisan one. And our disengagement, it seems to me, must also be the task of all of us.

Last month, I went up to New Jersey and spoke to about a thousand students at the State College in Jersey City. I spoke on our substantial domestic problems but the point I emphasized most was the urgent need for withdrawal from Vietnam this year.

I must be honest about this: it is not a speech I could have given three or four years ago. The change in my views has come slowly—with changing circumstances and our understanding of them—and it has come with considerable heartache. But it *has* come—for me and for millions of other Americans.

After almost two decades of American assistance, I believe our commitments to the South Vietnamese now have been more than fulfilled.

But a decision to withdraw our military forces from Vietnam this year does not mean, as the President has suggested, that the United States is entering a new era of isolationism. To the contrary, we have extensive international responsibilities, and we will honor them. Indeed, the end of our Vietnam obsession will free the United States to assume a far more balanced and productive role in the world community.

Above all, this is no time for recriminations. There will be risks in withdrawing. But there are greater risks in staying. For too long, this war has divided Americans from each other, distorted our view of humanity, and diverted us, as a nation, from getting on a constructive path of our own.

The question is before us tonight: What must we do—what *can* we do—to get out?

McGovern. Ever since September of 1963, I have opposed our military involvement in the affairs of the people of Vietnam.

There has scarcely been a day in the last eight years that my heart has not literally ached for that bloody conflict.

Never in our history, it seems to me, has the gap been so painful between our professed aims and the actual results of our policy.

The very soul of this nation now demands that we end our intervention in this destruction in Southeast Asia.

The best course now available to the United States is to terminate all further funding for U.S. military operations in Indochina. That is the formula of the McGovern-Hatfield Amendment. That is the formula which 73 percent of the American people have endorsed in a Gallup poll. That is the formula which the other side has said can lead to the release of our prisoners and assurances as to the safety of our forces while they are being withdrawn.

On the other hand, President Nixon's Vietnamization formula does not lead to the release of American prisoners.

It does not end the danger to our forces in South Vietnam.

It does not break the negotiating stalemate in Paris.

And it does not end the destruction of the countryside and the people of Indochina.

It only expresses the hope that by reducing our forces on the ground we can thereby reduce American casualties.

The President's Vietnamization policy virtually guarantees that our prisoners will remain in their cells, that our troops will remain in danger, that the negotiations will be stalled, and that the killing will continue.

I submit that America will be a greater nation if we now end our involvement in this conflict which we know is wrong.

The McGovern-Hatfield Amendment to End the War would require all of our forces to be withdrawn before the end of this year.

It would limit the further funding of American operations in Indochina to these purposes: first, arranging the security of our forces during the withdrawal process; second, arranging for the release of our prisoners, and thirdly, arranging for asylum for those Vietnamese who might feel threatened by our disengagement.

It is argued by some that the McGovern-Hatfield Amendment has a weakness in that the deadline serves to alert the other side that we are definitely coming out.

But that is precisely what the situation demands if we wish to end this terrible war.

The other side has said repeatedly that the only way negotiations can be started for the release of our prisoners and the safe exit of our forces is for us to agree to a definite deadline for the withdrawal of all American troops.

The logic of that course is made clear when one realizes that it is in the selfish interest of the other side to release our prisoners and to agree to the safety of our forces during their withdrawal, once we make a clear commitment to total disengagement.

What now blocks the negotiating process, what blocks the release of our prisoners, what continues our forces in danger, is the Administration's insistence that we keep a residual force in being, backed by the American Air Force in support of the Thieu-Ky regime in Saigon.

There is no risk-free way to end this terrible war.

But I am willing to be judged in history on the assertion that if we will make a flat commitment to withdrawal of all of our forces by the end of this year, we can break the negotiating stalemate in Paris, we can get discussions started on the release of our prisoners, we can secure assurances as to the safety for our forces while they are being withdrawn.

That, I believe with all my heart, is the sensible course for this great nation to follow.

Bayh. During the 1968 campaign, Richard Nixon told the American people he had a plan for peace in Vietnam. Now, two and a half years later that terrible war still drags on and on.

Each day the war continues, 5 to 10 Americans die. Another 50 to 80 Americans are wounded, many so seriously that they will spend the rest of their lives in hospitals.

Each day means a further diversion of our energy, attention and resources from our own pressing needs here at home. Each day means $27 million that could otherwise help to provide better health care, better education, better housing, better transportation, and a better environment.

Each day means a continuation of the divisions within our own society, divisions that threaten to tear us apart.

And each day that passes without an end to our involvement means one more day in captivity for our prisoners of war. Make no mistake about it, in war, prisoners are not exchanged until the end of the fighting. It is a cruel hoax to create the belief that our prisoners will be returned before we end our involvement in the war. This is the only way our men can be returned to their families.

We should set a specific date for withdrawal of American troops and then actively pursue negotiations for the release of our prisoners.

We are told by the President that he intends to make the war a non-issue by 1972. But why wait? Unless the President hopes to enhance his own re-election prospects there is nothing to be gained by delaying an end to our involvement until 1972. I believe we should rule out domestic politics when considering our course in Vietnam. Our guide, and the President's guide, should be what is best for America. And what is best for America is an end to our involvement in Vietnam.

The President has said that his Vietnamization program is the way out of Vietnam. He has also said that the recent expansion of the war into Laos was a victory that proved Vietnamization a success. Like many Americans, I do not accept the President's assessment of the Laotian invasion. If Laos was the success the President has said it is, then why aren't we getting out of Vietnam more rapidly?

By the end of this year we will still have 184,000 Americans in Vietnam. That is 184,000 too many.

The President's desire to ensure the survival of the Thieu-Ky regime, unfortunately, seems to have been a major factor in postponing withdrawal. I do not believe we have any commitment to the Thieu government—or to any particular government in South Vietnam. Nor should we. I believe we have fulfilled whatever commitment we might have had to the people of South Vietnam. We have no commitment to the generals. We have already given them the most precious gift in our possession, 53,000 American lives. We have spent more than $125 billion in Vietnam already and have trained and equipped a one-million-man army.

Whether we leave South Vietnam on Christmas Day, 1971—or on election eve 1972, no one can be certain what might happen in South Vietnam when we depart. But I am much more concerned about what might happen in the United States if we do not.

Even the President's closest advisers admit that there is no stemming the rising tide of public opinion, that we are on our way out of Vietnam. The only question is how soon. I say it should be now. There is no honor to be won and no glory to be gained by continuing. There are only more lives to be lost.

Jackson. For too long now the war in Vietnam has absorbed too much of the time and energy and resources of this country. We all want to end the war in Vietnam and withdraw American troops as soon as possible.

Our government should be making a vigorous diplomatic effort to achieve a mutual cease-fire, a return of American prisoners of war and an end to all the killing in South Vietnam—not simply an end to American involvement in it.

We must insist on a far more affirmative and positive approach to a mutual, internationally supervised, standstill cease-fire—even when the North Vietnamese turn the idea down. Communist governments have changed their positions when our government pressed a sensible idea with perseverance and conviction. If the Administration were to pursue a cease-fire in Vietnam with the decisiveness and dedication this proposal merits, there is a chance that the killing could be stopped in the quickest possible way.

I have not favored a public announcement of a date certain for the total withdrawal of our forces from Vietnam. The President, in executing the withdrawal of our troops, should have certain dates in mind. If I thought that legislating a publicly announced deadline would hasten an end to the conflict or the release of our prisoners

I would advocate such a policy. But it is my view that this would weaken the bargaining leverage we should be exerting on the governments of North and South Vietnam.

While I do not support the immediate announcement of a deadline, I understand how many Americans have come to focus on that proposal because of a lack of confidence in past assurances.

It is very important that the Administration provide the American people with a continuous public accounting. This means reporting the failures as well as the successes, the setbacks as well as the progress. There will be both as we try to end this terribly costly and difficult war.

I have confidence in the good judgment—the sound common sense—of the American people. Our people will measure up to great responsibilities at home and abroad if we in government join with them in a frank, unvarnished presentation of the truth.

Hughes. The President has indicated that he insists on disengagement from Indochina with honor—and we agree.

But to us the course of honor, as well as of humanity, is to set a specific timetable now and withdraw our entire military presence.

American fighting men have fought long and well. They have done what can be done. What the President has called Vietnamization has been achieved as far as it can be achieved, unless we elect to keep a military presence in Southeast Asia indefinitely.

The American people do not elect to do this.

Because of our very strength we can afford to take the initiative for peace.

There is no honor in prolonging this dreadful war another week. There is no honor in sacrificing more American lives, even at a reduced rate. There is no honor in slaughtering tens of thousands more Asians, including untold numbers of innocent civilians—men, women and children. There is no honor in reducing their homelands to a charred and cratered wasteland.

The wise, honorable, and humane course is to announce a date for withdrawal, to end the killing, to instruct our negotiators at Paris to offer plans for the exchange of prisoners, and to join with the nations which met at Geneva in 1954 and 1962 in neutralizing all of Indochina.

Nearly a decade ago, the military forces of the United States went into Vietnam to save its people from the yoke of Communism. Unable to identify the enemy, unfamiliar with the language, unable to fight a traditional war with a clearly defined front, we have resorted to bombing, burning, shooting, and strafing the very villages we were committed to save.

The American people are capable of subduing any enemy in a cause in which they believe. But the people have now rejected the intervention in Southeast Asia, as a human body rejects an unsuited alien heart.

It is ironic that the brave men who have fought this war honorably and valiantly must live with the nightmares of My Lai and Ben Tre, the village that was destroyed so that it might be saved.

There is honor, I believe, in binding the wounds of our domestic society and making America a strong nation again.

There is honor, I believe, in realistically assaulting the evils of poverty, racial discrimination, hungers and malnutrition, galling unemployment, and debilitating inflation in our own society.

You don't have to be an isolationist to see the tragedy in allowing our society to deteriorate from within, while we pour our human and economic resources into a civil war involving rival dictatorships 10,000 miles from home.

The goal of peace is not beyond our reach. We are a strong people. We are a decent and peace-loving people. We are a people who want this war ended, as many in the nation's capital will again say to our government this weekend.

Sophocles, 500 years before Christ, spoke the words we need in this hour:

"All men make mistakes, but a good man yields when he knows his course is wrong, and he repairs the evil. The only sin is pride."

Muskie. The heart of the matter before all of us tonight is not only a reply to the man who is now President. It is an appeal. It is an appeal to him . . . to national reason . . . and to the American conscience.

This war is wrong. The American people know it is wrong. And we want to end it.

Each of my colleagues has forcefully described different aspects of the tragedy of this war:

The bloodshed and terrible human suffering;

The devastation of the lands of Indochina;

The waste of our resources desperately needed here at home;

The doubts it has created about the wisdom and word of our government.

Tonight you have heard compelling reasons for setting a date and bringing all our men home by the end of this year.

We have done as much for the South Vietnamese government as anyone could reasonably have asked of us. It is not unreasonable now to ask that government to test its own ability to survive.

We can use the date we set for our withdrawal to negotiate matters which are of importance to us. We are getting nothing now from the other side in return for the withdrawals we are making.

We can, and must use this date to negotiate the prompt release of our prisoners. It is the only way to bring them home.

We must use this date to negotiate the *safe* withdrawal of our troops. There is no other way to *insure* their safety.

We must set a date to make real negotiations possible. Only negotiations can bring an early end to all the fighting.

As Senator Humphrey said at the outset, we are not speaking about Johnson's war . . . or Nixon's war. This tragedy is the responsibility of every public official who allowed it to happen.

Whatever you or I or any of us now think about the war, I believe we all agree on one terrible price it is making us pay. It is the price of division, fear and hatred in America. We *must* not go on like this.

We saw in the trial of one man, Lieutenant Calley, how deeply the war has scarred us.

Now is the time to say, "Enough".

Now is the time to end this war.

Now is the time to reunite this country. And the last few months have made it clear that this is what more and more Americans want their government to do. A growing majority wants our men at home . . . this year.

Some have said that we Democrats want the war as an issue in the 1972 campaign. That is nonsense. Every one of us here tonight wants this war over, before 1972.

We hope not just for a *campaign* in 1972, but for a *country*, free at last of the burden and the curse of this conflict. Thus, and only thus, can we, as a people be talking about, and arguing about . . . not the death behind us, but the life before us . . . not the blame for war, but the hope for healing.

Every one of us here wants the next election to be fought on the issues of how America should be led in peace—

—how we can save our cities and rural communities;

—how we can build a healthy economy;

—how we can clean up our air and our water;

—how we can stop the spread of crime and drugs;

—how we can save our children and insure their future in a decent and whole society.

These are the things that will make America strong.

We can go on to those tasks, together, only after we have put behind us the nightmare of Indochina.

The road out of Vietnam need not be a long or winding road. The road is clear. It is here before us. And we *must* take it.

O'Brien. The Democratic National Committee has presented Indochina: Another View.

As this program frankly recognizes, there is no single formal Democratic Party position on all aspects of the Vietnam war. But there *is* a growing belief among Democrats—expressed in various ways by the Democratic Policy Council and the Democratic members of the U.S. Senate and House of Representatives—that our government should announce a date for the total withdrawal of all American troops from Indochina. We further believe that a substantial majority of the American people share this view out of a deeply held conviction that this war must end.

The conflict in Indochina is surely the strangest—as well as the most tragic—war that we have ever fought. It did not begin in the traditional, constitutional way by a congressional declaration of war. We have not thrown the total weight of the nation's resources into it. We have not even been able to define what the nation's victory might be. We have not written a single song that celebrates this war. And too many Americans have treated the Vietnam veterans—the courageous young men who have returned alive—with disinterest and disdain I share these concerns—along with the two and a half million other families whose sons have borne the Vietnam burden.

The six Democratic senators on this program tonight have proposed no policy that will endanger the courageous Americans who have *not* returned—the prisoners of the North Vietnamese. To the contrary, we have proposed the path of negotiations as the only realistic way to return these brave men to their families—negotiations that would commence when a date for the total withdrawal of American forces is announced. But under *no* circumstances would our prisoners be abandoned if these negotiations failed to produce the result we believe is possible.

As we have tonight, the Democratic National Committee will continue to make similar requests for time on television—not only from ABC but from NBC, CBS, and public television—so we may continue to bring you responsible Democratic party views, not only on the war but on the overriding problems that face the nation. It is only through healthy, constructive, and continuing dialogue that *both* parties can truly serve the interests of the two hundred and eight million citizens of this democracy.

CITIZEN'S COMMITTEE FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, on April 21 James M. Roche, chairman of the General Motors Corp., Terry Sanford, former Governor of North Carolina, and Dewey Bartlett, former Governor of Oklahoma, announced the formation of the Citizens Committee for Government Reorganization, on which they serve as cochairmen. John Robson, former Under Secretary of the Department of Transportation, now a member of the distinguished Chicago law firm of Leibman, Williams, Bennett, Baird, and Minow is vice chairman of the new committee, and Walter N. Thayer, president of Whitney Communications Corp., is finance chairman.

The purpose of the committee is to help to inform the public as to the importance of reorganizing the Federal executive branch, and to develop in leaders and opinionmakers a commitment to the goal of an executive reorganization.

Mr. Roche stressed the nonpartisan nature of the reorganization effort:

> This program for reorganization is politically non-partisan. It is neither for nor against any government policy, neither for nor against any public cause or purpose. It cuts across political, social and economic lines; it is designed to help all of us by making our government more responsive to our society's needs and desires, and better able to achieve tehm.

The roster of members of the committee demonstrates its strictly nonpartisan nature. These men, distinguished Americans of both political parties, all are well-known to myself and my colleagues for their personal achievements and capacities. They are to be commended for their commitment to the goal of government reorganization that membership on the Citizens Committee represents. They have accepted the highly important job of articulating the need for reform of the present Cabinet structure and developing a nationwide constituency for this reform.

On behalf of the 18 cosponsors of the bills to create the new Departments of Community Development (S. 1430), Human Resources (S. 1432), and Economic Affairs (S. 1433), and the 21 cosponsors of the Department of Natural Resources bill (S. 1431), I wholeheartedly welcome the support of the Citizens Committee. I know that Senator Ribicoff, chief cosponsor of all four bills and chairman of the Executive Reorganization Subcommittee of the Government Operations Committee, will particularly welcome the contributions of members of the Citizens Committee to our discussions about these bills.

My own position on the reorganization bills is clear. As acting ranking Republican on the Government Operations Committee and chief Senate sponsor of the reorganization bills I intend to do all that I can to secure their enactment. And I am very pleased that an excellent, bipartisan cross-section of our Democratic and Republican colleagues have joined in this effort. In his remarks on cosponsoring the four bills Senator Ribicoff said:

> One of our central tasks must be to restore confidence in Government. Reorganization of the executive branch is a vital step in this direction which will allow us to change the way we do things, and to do them better.

Senator Javits said:

> The President has been bold and proposed a major plan to make the Federal Government more efficient.

Senator Moss said:

> As they become familiar with the details, the American people will wholeheartedly support this reorganization.

Senator Jordan of Idaho said:

> I believe that all concerned will recognize that these basic proposals make sense and that it is high time to adapt our outmoded, patched-up governmental structure to fit the needs of today.

Senator Brock said:

> The time for reform is now, because the American people are eager to see this Federal system work and they are not going to tolerate a Congress that stalls such a basic improvement.

Senator Dominick called the proposed reorganization "a plan representing the culmination and consolidation of reorganization reports prepared under Republican and Democratic administrations since 1937." Senator Saxbe said:

> It is time to streamline and overhaul our tired and worn bureaucratic machine.

Senator Roth said:

> A general restructuring of programs and agencies of the Federal Government is no longer simply desirable, but absolutely essential.

Though they will be modified and refined in the course of the legislative process the thrust of the reorganization bills is correct, and their purpose is vital. Senator McClellan, chairman of the Government Operation Committee has promised early and full hearings for those landmark bills.

One of the great concerns of the American people today is that their government is unwieldy, overlapping, inefficient and ineffective. We can respond to this concern and make a major contribution to the responsiveness and utility of our system by studying, improving and acting on these bills in a strong, bipartisan effort.

Mr. President, I ask unanimous consent that the statements of Mr. Roche and Mr. Sanford, cochairmen of the Citizens Committee for Executive Reorganization, a press announcement, and a list of the members of the committee, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

STATEMENT BY JAMES M. ROCHE

The President's government reorganization program offers a timely and promising opportunity with one prime objective—to enable the federal government to do a better job of serving the diverse needs of our society. This purpose was never more urgent or important. As our society becomes more complex, there is an increasing need for the government to function more efficiently. To assist in this program we have organized the citizen's committee we are announcing today.

Our democratic form of government and our free economic system—and each depends on the other—have already achieved results beyond man's imagining, not only in terms of material prosperity, but in the more important human values of advancing the welfare of all of us and the quality of our lives. And the future promises far greater achievements than those of the past.

There is nothing new or original, to be sure, about the idea of restructuring our government to meet changing and growing needs more efficiently and at less cost to the taxpayers. It is probably our oldest national issue.

On the other hand it is of increasing contemporary importance because our population and our economy are growing faster than ever before.

While our committee is dedicated to support the concepts of government reorganization, we are not advocating or taking a partisan position on any or all of the specifics contained in the report of the President's Council on Executive Organization. The specific proposals are properly subject to public debate and legislative decision. Our committee's objective is broader—to give the public the broadest possible understanding of what government reorganization is all about, and why it is so desperately needed at this time.

We are convinced that anyone who looks thoughtfully at the organization of the Executive Branch will agree that there are great opportunities for improvement. So much remains to be done to meet our public needs and preserve the values of our society. "We believe all Americans can wholeheartedly endorse the over-all purpose of the reorganization proposals, and we believe the reports of the President's Council provide a rational basis for major improvements in our government's service."

Reorganization should enable our government to accomplish what our society—as determined by our elected representatives—wants to achieve, and to do it more effectively, more efficiently, and more economically. It should achieve more economy in our federal government, and assure the taxpayer his dollars are well-used. Through greater efficiency it should help provide the resources for meeting new needs.

This program for reorganization is politically non-partisan. It is neither "for" nor "against" any government policy, neither "for" nor "against" any public cause or purpose. It cuts across political social and economic lines; it is designed to help all of us by making our government more responsive to our society's needs and desires, and better able to achieve them.

Summed up in a sentence—the purpose and promise of reorganization is to enable our government to tackle our bigger domestic problems in a better way, and more successfully.

Each committee member is dedicated to extending public awareness of the program and assisting in the implementation of the program.

We urge all Americans to join in our efforts.

STATEMENT BY TERRY SANFORD

The tragedy of the massive, scrambled, overlapping maze of national government is not its inefficiency, but its ineffectiveness. It is bad enough to waste money. It is inexcusable to waste opportunities, especially human opportunities.

Government agencies, bureaus and departments have been created helter-skelter from time to time in continuing attempts to deal with some public need, but understandably without much regard for a master plan and with almost no recognition of a master program. As a matter of fact, this is a natural way for government to grow, just as a natural forest grows, but every now and then we need to prune the trees and thin the forest.

Time and again I have observed agency personnel more concerned with programs than with people. Time and again I have observed conflicts and jealousies and petty competition that got in the way of Congressional intent. Time and again I have seen the good of the agency take precedence over the good of the people, or the good of the program, or the good of the country. Time and again I have seen the determined intentions of the President caught up and lost and worn out in the undergrowth of the federal bureaucracy.

The people can hold responsible the executive who is answerable to them. They cannot identify or hold responsible a vast bureaucracy. The bureaucracy must be responsive to the executive if he is to be responsible for their results. As it now stands, the cabinet members have so little clout even in their own departments that they are virtually compelled to join in the protection of each separate little segment. They cannot reorganize and they cannot manage, and they cannot put together the jigsaw pieces of the departments, because in truth the pieces do not fit.

The way to make government manageable is to reorganize along the lines of general purpose, to establish clearly the lines of authority and to make the agencies responsible to the people. I see these four department heads, for natural resources, for human resources, for economic development, for community development, as positions with presidential authority to plan, inaugurate, execute and direct the purposes of government. I see them essentially as assistant presidents, who sitting down with the President, can move forward to the goals of our government, without the present bickering, the undercutting, or the necessity for hundreds of different coordinating committees.

Congress may have the most to gain from such reorganization. Forget the vanities involved in legislative committee reshuffling, and you see this reorganization as the best means to insure that Congressional purposes are not drowned in the inefficiencies and ineffectiveness of governmental structures.

The only way that the people can run their own government is to make it responsive to their needs. This proposed reorganization will make government responsive, and in making it responsive, will compel it to be efficient, effective and concerned directly and constantly with the people it serves.

The roots of this reorganization go back to bipartisan sources. Most recently President Johnson's Task Force on Organization and now President Nixon's Tack Force on Organization of the Executive Branch formed the foundation for the recommendations of the Ash Committee (the President's Advisory Council on the Executive Organization) which this Citizen's Committee now enthusiastically supports in principle.

Press Release—Citizens Committee for Government Reorganization

Washington.—A group of prominent citizens announced the formation of a nonpartisan Citizens Committee for Government Reorganization at a press conference here today. The Committee will work to inform the public of the importance of a rational reorganization of the executive branch of the federal government.

Co-chairmen of the committee will be James M. Roche, Chairman of General Motors Corporation; Terry Sanford, President of Duke University and former Governor of North Carolina; and Dewey Bartlett, Partner in Keener Oil Company and former Governor of Oklahoma. Vice Chairman will be John Robson, Chicago attorney and former Under Secretary of Transportation.

The Committee members are leading national figures, including former federal, state and local officials, businessmen, and leaders of civic and professional organizations.

Announcing the committee's goals, Mr. Roche declared that reorganization "should achieve more economy in our federal government and assure the taxpayer his dollars are well used. Through greater efficiency, it should help provide resources for meeting new needs."

Mr. Roche emphasized the group is nonpartisan and dedicated to support the concepts of government reorganization. He said its members believe the reorganization proposals submitted to Congress by President Nixon and the report of the President's Advisory Council on Executive Organization "provide a rational basis for major improvements in our government's service."

Governor Sanford described the committee as 'a broad-based, bipartisan group of American citizens who are deeply concerned about the American system of government and our country's future. We believe the time has come for reform, before the growing frustration of the American people with our government reaches a crisis stage."

Governor Bartlett said that "the key to effective reorganization is to change the thrust of the federal bureaucracy from constituency to purpose. Major departments would be organized to fulfill the needs of all the people in specific areas of concern, rather than to represent special interests or particular segments of the nation. We feel that this is a most laudable and important reform in government."

Mr. Robson noted that "a great many people who have served in the federal government share my deep concern that the present organizational structure of the executive branch does not provide the framework to enable officials to do the jobs entrusted to them. The irrationalities in executive branch organization result in program overlap, scattering of executive responsibility and accountability, improper allocation of resources, conflicts in policy and a nightmare of attempted inter-agency coordination."

"Many of our nation's problems are difficult," Mr. Robson said. "But this is one we can and should solve. The reorganization proposals announced by the President in his State of the Union message provide the opportunity for meaningful public discussion of these issues."

The Committee will open an office at 1750 K Street, N.W., Washington, D.C. 20006.

Citizens Committee for Government Reorganization

COCHAIRMEN

James Roche, *Chairman of the Board, General Motors.*

Hon. Terry Sanford, *President, Duke University, Former Governor, North Carolina.*

Hon. Dewey Bartlett, *Former Governor, Oklahoma.*

VICE CHAIRMAN

Hon. John Robson, *Former Under Secretary, Department of Transportation.*

FINANCE CHAIRMAN

Walter N. Thayer, *President, Whitney Communications Corporation.*

ORGANIZING MEMBERS

Carter L. Burgess, *Chairman, National Corporation for Housing Partnerships.*

Hon. Joseph A. Califano, Jr., *Former Special Assistant to President Johnson.*

A. W. Clausen, *President, Bank of America.*

Hon. Wilbur J. Cohen, *Dean, School of Education, University of Michigan; Former Secretary of Department of Health, Educatin and Welfare.*

Francis Coy, *President, The May Company of Cleveland.*

Betty Furness, *Chairman and Executive Director, New York State Consumer Protection Board.*

Hon. Kenneth Gibson, *Mayor, Newark.*

Hon. Kermit Gordon, *Former Director, Bureau of the Budget.*

Hon. Bryce Harlow, *Former Special Assistant to President Nixon.*

Ben Heineman, *President, Northwest Industries, Inc.*

Hon. J. Erik Jonsson, *Mayor, Dallas.*

Franklin A. Lindsay, *President, ITEK.*

Hon. Leonard Marks, *Former Director, USIA.*

Arjay Miller, *Dean, Graduate School of Business, Stanford University.*

Hon. Newton Minow, *Former Chairman, FCC.*

Lauris Norstad, *Chairman, Owens-Corning Fiberglass Corp.*

Richard Paget, *President, Cresap, McCormick and Paget.*

Jack S. Parker, *Vice Chairman of the Board, General Electric Company.*

James J. Reynolds, *President, American Institute of Merchant Shipping.*

Allen Stults, *Chairman, American National Trust Company of Chicago.*

Cynthia Wedel, *President, National Council of Churches.*

Roy Wilkins, *President, NAACP.*

Edward L. Wright, *President, American Bar Association.*

Andrew J. Young, Jr., *Chairman, Community Relations Commission, Atlanta.*

EXECUTIVE DIRECTOR

Jim Finch.

AFRICAN-AMERICAN DIALOGS—ADDRESS BY SENATOR MUSKIE

Mr. McGEE. Mr. President, on March 8 the Senator from Maine (Mr. Muskie), while attending the annual African-American Dialogs in Lagos, Nigeria, made an important address which I wish to bring to the attention of the Senate.

As Senators know, I have just returned from an extensive month-long trip through Africa. This trip impressed upon me the need to show more attention to Africa in this country and in Congress as well. Thus, I am particularly pleased that Senator Muskie has at this time shown such an interest in Africa.

In his statement, Senator Muskie has identified several points with which I heartily agree. These are:

First. America should raise the level of development aid;

Second. America should act to stabilize commodity prices, eliminate trade barriers, and establish tariff preferences for goods from developing nations;

Third. America should encourage responsible private investment and local private investment in Africa;

Fourth. America should face the challenges of population growth in Africa; and

Fifth. America should emphasize that racial oppression in Africa and elsewhere is against our best interests.

I commend Senator Muskie's views on these and other issues treated in his speech to Members of Congress.

I ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Senator Edmund S. Muskie

AFRICAN-AMERICAN DIALOGUES

It has taken me much too long to make this trip to Africa.

I have looked forward to coming.

I am glad to be here.

I would like to see Africa achieve its potential.

I would like to know what America can do to help.

I want to hear what Africans have to say on that subject.

I suspect that, given the present mood of Africans, it might be better for an American—especially on his first visit—*to listen* rather than to speak.

I hope when I have finished, I will not be vulnerable to a criticism which Churchill once addressed to a parliamentary critic in the House of Commons, when he said:

> "He can best be described as one of those orators who before they get up do not know what they are going to say; when they are speaking, do not know what they are saying; and when they have sat down, do not know what they have said."

With that reservation, there are some observations I would like to make, as one who has been long interested in Africa, and as an American who has had some responsibility for American policy toward Africa.

An American poet once wrote: "There is

only one man in the world and his name is all men."

We are meeting here this week to help translate these words into economic and political facts.

We all remember the fresh beginning of African independence in the 1960's: It was a time when a new relationship between Africa and America seemed inevitable. It was a time when Americans, who had won their independence from a colonial power nearly two hundred years earlier, responded sympathetically to the African struggle for independence and freedom and self-respect. It was a time when we thought we could see the end of colonialism.

We should not be surprised that colonialism has not ended easily, and we should not be surprised that independence has not made nation-building an easy task.

America won her independence through a revolution which did not produce a stable government until eleven years had passed. Seventy-one years after the inauguration of our first president the country was torn apart in a civil war. Our early growth was largely dependent on capital resources from Europe. Today, after two hundred years, we are still struggling with deep and divisive questions about freedom, equality, opportunity and justice.

The process of achieving nationhood—of establishing a country in which men and women can live with freedom from fear, freedom from suspicion and mistrust, freedom from want and disease, and freedom to grow and achieve their natural potential—that process can be long and painful.

We who knew this from our own national experience knew also that struggling nations need help to grow. We took some steps to help, but the promise was easier than the reality. Once independence was achieved, once the new constitutions were adopted and the new flags were raised, once the difficult task of building new nations really began, our support fell short of what it might have been. It is not that the United States could—or should—have tried to manage and solve the problems of Africans. That would have been unwise and impossible. But, looking back, we can see how much more we might have done to help.

America was diverted by her own troubles. We had gone to war in Indochina. Our attention was divided between that war and our internal problems. I am not here to tell you that this has changed. I cannot promise that there will be an upsurge in material support and assistance for African countries. We are still involved in a tragic war, and even if we end our military involvement in Indochina—as I believe we must—many Americans will be reluctant to assume any involvement elsewhere in the world.

The problems in our country, in our cities and towns and small communities, are enormous. They demand and they deserve a far greater share of our attention and our total resources than we have given them in many years.

Nevertheless, we do have concerns and responsibilities in the rest of the world. We have them here in Africa. Out of our traumatic experience in Southeast Asia we are seeking wiser ways to play our proper role in the affairs of mankind. I believe we can do more on this continent than we have been doing. I believe we can do so together with those who seek understanding, respect and friendship. I think the American people have a desire to do so.

This is not because of any direct security interest we may have in Africa, or because we should wish to compete for favors with other great powers. It is simply because we cannot be faithful to fundamental American values, unless we show our concern for the human condition wherever men and women live.

We should, all of us, realize by now that the problems of mankind and the promise of mankind are two sides of the same coin.

What, then, should America do?

First, I believe America should raise, and not reduce, the level of development aid: That aid should respond both to the needs for individual country assistance and to arrangements for regional development. Our support for regional and multilateral efforts should be no excuse for cutting our overall aid commitment, and it should not be a substitute for supporting assistance to specific countries where it is needed.

America's resources for foreign assistance are not unlimited. I would suggest that one of the most productive uses of this conference would be to discuss how these resources might be allocated. For example, the so-called "brain drain" has been a serious and continuing problem for many nations, especially in the field of medicine. Our programs in the 1960's for training men and women in the United States have been partly responsible. I believe the time has come to reinforce the capacities of educational institutions in Africa so that her people may receive the medical training they need on their own continent. We should assist African countries to develop health care systems suited to their needs.

We should also consider the critical importance of long-term improvements in the quantity and quality of food supplies. The Institute for Tropical Agriculture here in Nigeria is an example of what can be done. I believe we should undertake additional cooperative efforts to help meet the growing requirements for basic foods in tropical areas.

Second, I believe America should do more than express her sympathies for the need to stabilize commodity prices, to eliminate trade barriers, and to establish tariff preferences for goods from developing nations. We should use this conference to discuss how we can act on these matters together.

Third, I believe America should encourage private investment in the independent countries of Africa, wherever it can help, and particularly where it will tend to stimulate local investment. We must do so with the understanding that when local capital becomes available, it has a right to participate in a meaningful way.

Fourth, I believe America should be ready to help where she can to meet the challenges of population growth and distribution. In too many instances in the United States and elsewhere, we have seen the pressures of increased populations causing problems in education, housing and the environment, undoing the benefits of economic development. We should not presume to suggest population policies, but we can help support the population policies African nations decide to pursue. Above all, we in America must be without preconceptions as to what African countries need. We must listen to African definitions of what should be done in African nations. That is one of the basic reasons why I am here.

If peace and progress in Africa depended only on friendly assistance, we could be satisfied with addressing ourselves to the practical problems of health, education, housing, food, employment and the conservation of natural resources. But aid alone cannot ensure peace or defend the dignity of man. We know from our experience in the United States that relations among men depend on more than economic development. They also depend on mutual respect and equality.

That is why we must address ourselves frankly and openly to the problems of freedom, justice, discrimination and racial oppression. I did not come here to tell Africans how to solve these problems. As an American, I cannot tell you that our country has yet solved its own problems of racial injustice and racial discrimination. Indeed, before I left for Lagos, a student wrote me in these words: "Senator, please don't be the usual politician who tells it like he wants it rather than how it really is."

More and more Americans are coming to recognize racial injustice for what it is. More and more Americans understand that no society can really be at peace so long as it sustains racial injustice. More and more Americans are committed to equal opportunity, in law and in fact.

But concern with the human condition cannot stop at our nation's borders. Every form of tyranny—wherever it occurs—is an outrage; and none is more evil than the oppression of a man because of the color of his skin. That is why I believe apartheid is wrong. That is why I believe white supremacy is wrong. That is why I believe colonial domination is wrong. These are not simply intellectual conclusions. They are convictions rooted in the experience and circumstances of my own life and background.

They are convictions which lead me to the conclusion that support of racial oppression in other countries by words or by silence, is against the best interests of the United States.

I know it is not easy to deal with these questions in terms of our relations with other countries. They are complex and they involve decisions of great difficulty, but they are questions which deeply affect the future development of this continent, and its capacity to achieve peace and justice for all its people, of all races.

How does one deal with questions of apartheid, white supremacy, and colonial interference with the rights of self-determination, particularly if you are a large and powerful nation such as the United States? The easy answer to some might appear to be massive intervention. But we have learned from our experience in Indochina that intervention, even by a powerful country, does not produce the results we may want.

My strong opposition to the military involvement in Vietnam, Cambodia and Laos is a reflection of my conviction that we have seen too much direct interference in the affairs of other nations by the so-called great powers. There has been too much exertion of military power in international affairs, with nations attempting to bend other nations to their will.

Does this mean that we should stand aside, ignoring what is happening in South Africa, in Rhodesia, in Namibia, or in the Portugese colonies? We cannot, if we are to do justice to our moral concerns. There should be two guidelines for our policies toward South Africa:

First, we must maintain our own arms embargo, and seek to persuade our allies to do likewise.

Second, we must recognize that a relations-as-usual, business-as-usual, communications-as-usual approach is inadequate. A neutral attitude, whatever its intent, may in fact contribute to support of apartheid. We need communication with South Africa, if we are to have a positive influence. But it must not be communication which gives a badge of respectability to oppressive regimes, or which is only one-way, or which is only with the dominant minority.

Adopting these guidelines does not give us an automatic answer to the question of what actions would be both realistic and right. The last decade has shown that Americans and others have not yet found that answer. The years since the Sharpeville massacre have been marked by much talk outside South Africa; the tragedy within is no less cruel than before.

We in America cannot ignore that tragedy. It is a matter of importance, and it is urgent. It is no longer enough to try to deal with this festering and explosive situation merely by incantation or by ignoring it.

We must seriously re-examine our policies and practices with respect to South Africa. The conscience of an America determined to solve a racial problem of her own must explore ways and means of stimulating and supporting genuine changes in South Africa's racial practices.

The objective of this re-examination must be to identify every present relationship and form of cooperation which may have the effect of aiding and abetting the present denial of equal rights to all South Africa's citizens. The United States cannot and should not try to solve the problem—which is the right and responsibility of Africans. But it must not—even inadvertently—make their problem worse.

Unless men can find the answer to this problem of relations among races—which spreads across the face of this planet—there can be no peace. It is the problem of all nations. If South Africa were on the road to justice for all its races, it would move us all down the road toward peace and understanding throughout this continent and the world.

The Rhodesian situation continues to be troublesome for all of us. We hope the United Kingdom can work out a settlement to prevent the creation of another South Africa in Rhodesia. But until and unless a settlement respecting the rights of black Rhodesians is achieved, we should be completely scrupulous in fulfilling the obligations we have assumed under the economic sanctions imposed by the United Nations.

In the case of Namibia, I believe the right course for the United States is to support peaceful efforts under the United Nations to stop this spread of apartheid and to make international responsibility for the area effective.

The question of the Portuguese colonies in Africa presents other problems for the United States. We have treaty commitments with Portugal, primarily through the North Atlantic Treaty organization. Those commitments are related to the general defense system developed between the United States and its Western European allies. They are not commitments which can be taken lightly by any responsible American leader.

They represent one side of the Portuguese colonial issue for the United States. The other side of the issue is represented by our concerns and interests in Africa. For too long some Americans have held that only our European commitments and only our military-strategic interests are important. According to that view of the world, at any time they intersect with other interest or concerns, narrowly defined military-strategic interests should prevail.

If the world is going to survive, and if American society is not to be ripped to shreds in dissension and disillusion, this way of viewing American interests in the world must be changed. We do have interests and responsibilities in Europe, but we also have interests and responsibilities in Africa. These interests must be given their full weight and importance in our policy choices.

Some of those interests relate to our increased economic investments in Africa. Some relate to the importance of avoiding the horrors of war and its impact on the world community. More important still are our interests in the principles of human freedom and national independence. We do have an obligation to set an example in human decency, generosity and concern for the rights of others.

How, then, do these general principles apply to our relations with Portugal and the issue of her African colonies? Some of us thought a new government in Lisbon might pursue new policies in Africa. But no real change is apparent. Instead, we have seen a continuation of the fighting to preserve colonial control. We have seen indications that planned movement of more Portugese settlers to Africa will further complicate the problem. We have seen no break in her determination to withhold the right of self-determination from 15 million Africans.

I believe the United States has a duty to itself as a nation committed to the principle of self-determination to make our views known to the Portugese government in no uncertain terms. I believe we have a duty, as a friend of African independence and peaceful development, and as an ally of Portugal, to work as hard as we can to persuade Portugal to change her colonial policies.

We have an obligation to try to persuade Portugal to see the wisdom and necessity of bringing to a prompt end her military activity in Africa and to grant the right of self-determination to all people in her overseas territories.

If Portugal refuses to end her colonial policies in Africa, we may be confronted with a hard choice between our treaty relations with Portugal and our interests in the peaceful development of self-determined nations in Africa. I hope they change their policies, and we are not faced with that choice. But if we are, then we must not operate on the automatic assumption that these relations with Portugal are more important than our African interests and responsibilities.

I have spoken at some length of the negative actions the United States must take or consider in opposition to racial injustice and oppression in Africa. Such actions are important, but they are not all we can or should do to encourage the growth of freedom and equality in Southern Africa and throughout the continent. Our commitments must include economic and technical assistance to help strengthen the promise of independent Africa.

Americans do not have all the answers in a troubled world. We, know, however, that peace and the dignity of man cannot be maintained in isolation from other nations.

More than ten years ago, before he was President, John Kennedy said that "Every American is now involved in the world."

Our involvement with Africa provides us with an opportunity. We have an opportunity on this continent to prove that cold war politics need not be the basis for American foreign policy. We have an opportunity to prove that compassion and conviction and moral obligation can and should be the moving forces of that policy.

I do not believe we can expect change to be apparent overnight, but I believe relations between Africa and America can be strengthened in the 1970's. I believe they will be strengthened, provided we have the courage always to speak honestly and to continue our dialogue in friendship.

UNVEILING OF STATUE OF SENATOR E. L. "BOB" BARTLETT IN CAPITOL ROTUNDA

Mr. STEVENS. Mr. President, on Tuesday March 27, several hundred friends of the late Senator E. L. "Bob" Bartlett, including our majority leader, Senator Mike Mansfield, and his wife, and many Members of the Senate and House, gathered in the Capitol rotunda to witness the unveiling of a statue of the Senator. His widow, Vide, unveiled the likeness, the work of Viennese-born artist Felix de Weldon. I ask unanimous consent that the proceedings of the ceremony be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Proceedings at Unveiling of Statue of Senator Bartlett

Congressman Begich. Mrs. Bartlett, Distinguished Senators and Representatives, Ladies and Gentlemen:

The people of Alaska have made their first designation of an illustrious citizen worthy of commemoration in Statuary Hall. Today, we honor Bob Bartlett and his immeasurable contribution to Alaska and her people.

May I now call upon the Joint Armed Services Color Guard and the United States Coast Guard Academy Band. Please rise.

(The Colors were presented by the Joint Armed Services Color Guard, while the Coast Guard Academy Band played the National Anthem.)

Congressman Begich. I am pleased to call upon the Reverend Edward Elson, Chaplain of the United States Senate, for the Invocation. Dr. Elson was the guest chaplain at the Senate on June 30, 1958 and gave the prayer on that wonderful day when the Senate passed the Statehood bill for Alaska.

INVOCATION

Rev. Edward L. R. Elson, D.D. (Chaplain of the U.S. Senate). God of our Fathers and our God, who hast made and preserved us a nation, we thank Thee that in every age Thou hast brought to the service of the people leaders of high vision, lofty idealism, prodigious energy and sacrificial devotion. We offer unto Thee the thanksgiving of our hearts for the life and labor of Thy servant, Bob Bartlett and for all the sacred memories and hallowed recollections which cluster about this hour.

We thank Thee, O Lord, for his faith which brought to consummation a new state, for his steadfast devotion to all the people, for the genuineness of his patriotism, for his legislative and executive talents, and for his enduring statesmanship.

We thank Thee for the qualities of his manhood, for the discipline of his mind, for his selfless labor for others, for the warmth of his friendship, and for all the gentle and human graces which endeared him to the multitudes of his fellow citizens.

May he now witness from this place in the lives of those who succeed him. May we who follow lay hold upon the higher ways of the spirit and the enduring values of Thy kingdom, to serve as he served, to be loyal as he was loyal, good as he was good. Send us forth to be steadfast, unmovable, always abounding in the work of the Lord, knowing that our labor is not in vain in the Lord.

In the Master's name we pray. Amen.

Congressman Begich. I introduce Senator Mike Gravel who will give the welcoming remarks.

REMARKS OF SENATOR GRAVEL

Senator Gravel. Vide Bartlett, friends of Bob Bartlett, honored guests:

The memory so many of us have of Bob Bartlett as a warm and generous human being, totally committed to public service—that is his monument.

Statehood—a turning point for the North that will have such far-reaching implications for the future of all the people of the United States—that is his monument.

Bob Bartlett has many monuments—achievements that flowed from his years of brilliant public service.

The memories and the laws, and the policy direction are memorials Bob Bartlett gave to us.

While he lived, Alaskans and his congressional colleagues gave Bob Bartlett their love and trust. And now, together, we honor his memory for all time.

Those who will not have known Bob Bartlett, those whose lives did not cross his, will view the statue we unveil today and measure the affection and esteem that we, his contemporaries, had for the man known as Bob Bartlett.

It is a small tribute, but it is one we offer with love and respect.

Friends, it is my pleasure to welcome you here today. I do so in the name of all Alaskans, for Alaska's heart resides here from this day forward.

Congressman BEGICH. It is fitting and we are lucky to have with us today, Mrs. Bob Bartlett who will unveil the statute that commemorates the man who was her husband. In addition, we have with us today the two Bartlett daughters, Doris Ann Riley of Anchorage and Sue Petersen of Washington. As Bob's wife and dear friend, there was no one closer to Bob than Vide. It is my great pleasure to introduce a great person in her own right—Mrs. Vide Bartlett. Mrs. Bartlett will be accompanied to the statue by Hugh Wade, Bob's close friend and Alaska's first Secretary of State.

It is my privilege to introduce the next speaker, the Honorable Senior Senator from the State of Washington, Warren G. Magnuson. Senator Magnuson and Bob Bartlett served in the Congress together when Bob first took his seat as the Delegate from Alaska in 1945. Prior to Statehood, Senator Magnuson was referred to as the Senator from Alaska because he worked so closely with Bob during those last territorial years and was a leader in the fight for Statehood in the Senate. When Bob came to the Senate in 1959 he wanted a seat on the Commerce Committee which Senator Magnuson chaired. He got that seat and eventually became chairman of the Merchant Marine Subcommittee. May I introduce a man who was not only a colleague, but a very good friend of Bob Bartlett's—Senator Warren G. Magnuson.

REMARKS OF SENATOR MAGNUSON

Senator MAGNUSON. It is the greatest pleasure to have the opportunity of speaking on this occasion in honor of my late friend, Bob Bartlett, U. S. Senator from Alaska, 1959–1968. In selecting this man as a subject for tribute, the Legislature of the State of Alaska has acted in keeping with the great, ennobling traditions of Statuary Hall. For surely, of all the men and women associated with the long, arduous, and finally triumphant struggle for statehood, none can be said to surpass in achievement the work of Bob Bartlett, a man of many talents and, for many years, a leader in Alaskan affairs.

Born in Seattle, Washington, in 1904, Bob Bartlett was brought by his parents to the Alaskan mining town of Fairbanks when he was only one year old. He had just passed his second birthday when the bill giving Alaska an elected delegate to Congress became law in 1906. The Organic Act was voted through only six years later, and Bob Bartlett grew to maturity in company with the Alaska Territory.

A graduate of the Fairbanks High School, in 1922, he attended the University of Washington and the University of Alaska and then entered into journalism, taking a position as a reporter on the staff of the Fairbanks News-Miner. Three years later, he became an associate editor and a highly regarded commentator on the Alaskan political scene. In the Territorial elections of 1932, the Democratic candidate for Congressional Delegate was Anthony J. Dimond, who defeated the Republican incumbent in the Democratic landslide of that year. A major supporter of Delegate Dimond's fortunes in this contest was Associate Editor Bartlett of the News-Miner; and when the victory was won, Bob came to Washington as administrative assistant on the Delegate's staff. Arriving in the early days of the New Deal, Bob Bartlett attracted considerable attention for his knowledge of Territorial problems and, in 1935, was appointed Assistant Director for Alaska of the Federal Housing Administration.

In 1939, Bob Bartlett was again rewarded for ability by appointment as Secretary of Alaska at the direction of President Franklin D. Roosevelt. In four years at this position, he served as Acting Governor on numerous occasions, including the opening of the Alaskan International Highway, and was a member of the Alaska War Council from 1942 to 1944. When his friend and benefactor, Anthony J. Dimond retired from Congress in 1944 to accept a Federal judgeship, Bob Bartlett resigned as Secretary to run for Congress and was elected by a wide margin.

Upon entering Congress in 1945, he was instantly appointed to seven committees, on all of which he performed with remarkable ability, either writing or successfully promoting a number of bills designed to bring Federal funds to Alaska, to expedite relief of the housing shortage in Alaska, and other projects. In the following the Congress—the 80th—he served on the Committee on Public Lands, the Agriculture Committee, and the Armed Services Committee; for all of which he wrote more successful bills than any other Member, no fewer than thirteen of his measures becoming law. He also was impressive in defeat. In 1947, he introduced a bill providing statehood for Alaska; and the House Committee on Public Lands took up the issue with enthusiasm. At the urging of Bob Bartlett, hearings were held in Alaska at Anchorage, Fairbanks, Seward, Kodiak, Nome, Barrow, Cordova, Juneau, Petersburg, Wrangell, and Ketchikan; and arguments were advanced in great numbers pointing up the major importance to the Territory of Alaska and her natural resources.

The foes of Statehood for Alaska had many arguments of their own, all of which Bob Bartlett was forced to overcome. Many Congressmen were seemingly alarmed about the lack of geographical connection between Alaska and the rest of the United States. They said it would be difficult to govern and defend a state so far away. A large number of Alaskan businessmen, fearing an influx of economic competition under statehood, threw their weight against the Delegate and his allies, with considerable effect.

Alaska's largest commercial force—the canned salmon industry—joined issue with the anti-statehood cause, hoping in this manner to stave off the threat of increased vigor in the implementation of Federal conservation laws relating to fish traps in Alaska waters. Other Congressmen, opposing the entrance of Hawaii to the Union, largely on grounds of racial prejudice, regarded Alaskan statehood as one step removed from Hawaiian statehood and stood opposed to both. Although Bob Bartlett's Alaskan Statehood Bill was reported favorably in the House, it failed of adoption by the 80th Congress. But the struggle had now begun in earnest, and Bob Bartlett was clearly in the forefront of that struggle.

Returned to Congress in the Democratic sweep of 1948, he sponsored the adoption of the Alaskan Public Works Act of 1949, making available some $70 million in Federal matching funds for reconstruction and rehabilitation of community facilities. He also was active in achieving passage in 1949 of the act creating the Alaskan Housing Authority, with credits of $15 million, for housing and loans. When the House passed the Alaska Statehood Bill of 1950 by a 40-vote majority, the force behind the action was largely provided by Bob Bartlett. Yet the voice of reaction prevailed in the Senate, and the bill was there defeated.

Turning to the people for support, Bob Bartlett inserted argument after argument for Alaskan statehood in the Congressional Record, answering the charges of the enemies of statehood year in, year out, until at last the pressure thus created broke the log-jam in the Senate and statehood became a fact, January 3, 1959.

Logically and properly, the people of Alaska responded appreciatively to the long and noble services of this outstanding Alaskan; and, in the first Senatorial campaign, conducted in 1958, he was duly elected, in partial tribute to his many years of service. Drawing the short term, he was required to stand for re-election in 1960 but was once again elected without difficulty.

As a member of the Senate, Bob Bartlett revealed those same strong qualities as a man and uncommon human being for which he had been known during his many years of service in the House. As a member of the Commerce Committee and, later on, the Appropriations Committee, he established himself as a recognized expert in economic matters of all kinds and was so regarded through the final decade of his life.

Two editorials from Alaska newspapers speak most eloquently about Bob Bartlett:

"The people of this state who loved him are known for their individualism, divisiveness, sectionalism, arrogance, and clannishness. Yet he held them united behind him for 24 years—a longevity in public office that is unequaled in Alaska.

"On ten different occasions the stubborn, unmanageable, belligerent, and politically erratic populace of Alaska handed him the crown with election returns as much as 81 percent in his favor. No one in all the states' history has ever enjoyed such frequent and solid support from Alaskans."

Another editorial was most perceptive about this man among men:

"Bob Bartlett was many things, sometimes paradoxically so. He was a humble man, but one who was terribly proud—of his state, his friends, of the loyalty he felt to those who had earned his respect. He was nonpolitical, but a master politician. He was sensitive and shy, but practical and bold. He was quiet, yet with a gifted wit. He was no great orator, but a charming public speaker who could enthrall an audience."

As I said in the beginning, this is a great pleasure to me personally to be able to take a part in this ceremony and tribute to Bob Bartlett. For over a third of my life, he and his lovely wife Vide were close personal friends. In the truest meaning of friendship, they both were friends of Jermaine and myself.

Our Nation is filled with men of distinction in science or industry, in government or the military. Our society is filled with its heroes, its stars and super-stars—often very transitory.

Rare indeed is the man or woman who is called friend by all who pass his way; whose service is not self-serving; whose dedication seeks no personal glory; whose heart is moved in modest wonder at the things that goodness can achieve. A good man, a nice man, can finish first. And Bob Bartlett did just that.

Bob Bartlett established during his life and public career a standard that shall set the tone for Alaska politics for many years to come. The people of Alaska have much to be proud of in that record of the man who rightly can be called the Founding Father of their state. Bob Bartlett stood first in the hearts of the people of Alaska. His statue now joins those who are an inspiration to all Americans and will ever be a special inspiration to all of us who knew and loved him.

Congressman BEGICH. I call upon Lieutenant Governor H. A. "Red" Boucher who was sent to represent Governor Egan and will make the presentation of the Bartlett statue in behalf of the people of Alaska.

REMARKS OF LIEUTENANT GOVERNOR BOUCHER

Lt. Gov. H. A. "RED" BOUCHER. Mrs. Bartlett, Distinguished Guests, Sons and Daughters and Friends of Alaska.

It is with a great deal of pride and joy that I present to our Nation today in behalf of Governor Egan a gift from the people of the Sovereign State of Alaska, in the form of a bronze statue of one of her most distinguished citizens. Bab Bartlett has been deemed worthy of a place of honor among the greatest men in the United States. I think Bob would be amazed that a statue of him would be enshrined with George Washington, Daniel Webster, Andrew Jackson, Sequoya, Henry Clay and scores of other great men and women whose lives formed the foundation stones of America. Bob, however, did that in Alaska and that is why it is so right that his likeness be placed in our Nation's Capitol.

This statue represents a gift from the people of Alaska. As representatives of the people, the Alaska Legislature authorized that Alaska's first hero in statuary hall be of Bob Bartlett. The selection of the artist was left up to the Alaska State Council of the Arts.

The selection of Bob Bartlett was not difficult. His life which began in the early part of this century and ended just two and one-half years ago, was to coincide with the most important years of Alaska's history. When Bob Bartlett died, an era ended in Alaska. An era full of anticipation for statehood, tenacity for its achievements and the final glorious moment in 1959 when Alaska's star, the 49th, joined the United States of America. Bob Bartlett and the Statehood Movement were one. As Alaska's Delegate to Congress from 1945 to 1958, he was in Washington working for statehood. His great capacity for friendship made friends for Alaska. The friends grew in number and, at last, there were enough on June 30th, 1958, when the statehood Bill passed the Senate. After statehood, Bob became the senior Senator from Alaska. The last decade of his life was spent in the Senate, the legislative body he grew to love.

The millions who will visit this statue this year and in the years to come will see in the DeWeldon statue of Bob Bartlett the face of a man who gave his service and life to Alaska. A hero to those who did not know him well and even more of a hero to those who knew him best.

Today, we give to the United States in this statue, in the life of Bob Barlett, a lasting remembrance of a great Alaskan and a great man.

Congressman Begich. I now introduce Senator Ted Stevens who will accept, on behalf of the Capitol, the Bartlett statue.

ACCEPTANCE SPEECH FOR BARTLETT STATUE

Senator Stevens. It is proper and fitting that Bob Bartlett's statue should rest here in the Capitol of our great Nation. Bob belongs here, loved being here, and in turn, was loved by all who were touched by him.

The elevator operators and maintenance men still speak of Bob, their friend, the man who was more than just a Senator. Never self important, always self effacing, Bob Bartlett was bigger than life. The fact that a friend's wife or child was ill was of as much concern to him as the headlines in the morning paper. He loved life, and loved men; and all men brushed by him felt this love and returned it.

A long list of his accomplishments reflect this concern for and love of men. It has been estimated by the Library of Congress that he had more bills passed into law than any other Member in the history of Congress. Bob Bartlett was responsible for the nine-mile contiguous fishing zone, for the Federal Fish Protein Concentrate Program, for the inclusion of fish products in the Food for Peace Program, for the Commercial Fisheries Research Act, for the Radiation Safety Bill which sets sweeping safety standards for all radiation emitting equipment from television sets to X-ray machines, and the Bartlett Act, which provides that all federally funded buildings be constructed so as to provide easy access and use for the physically handicapped.

All these bills related to making men healthier, happier, a little closer to the "good life" that Senator Bartlett felt this great Nation should and must furnish to its people.

I had the honor of working with Bob on his greatest dream, the battle for Alaska's statehood. On June 30, 1958 after 14 years of service as Alaska's sole delegate to congress, Bob saw this dream materialize. But, his work was not done. Statehood was just a beginning. The infant mortality rate, the irradication of TB and ear disease, the poverty of Alaska's native population, the high rate of unemployment and the vulnerability of Alaska defenses were the new battles to be fought. Bob once stated that "If, during my service in congress as delegate from Alaska, I accomplish nothing else than to assist in some small measure in making sure that TB would never again take so many lives and cause such heartache and anguish, I should feel that my contribution had been worthwhile".

When, on December 11, 1968 Senator Bartlett died, his battle against disease, death and poverty had been joined but not yet won.

To Moses, scripture says, the Lord spoke on Mount Nebo saying: "I have let you see it with your own eyes, but you shall not go over there".

But, it also says of Him: "His eye was not dim, nor his natural force abated".

Bob Bartlett saw Alaska gaining its rightful place in the sisterhood of this union, its people strong and proud, its resources developing, its clean air and water the envy of others. He was not to live to see all the battles won, but knew the fight he started against intolerance and disease and poverty would be won.

Bob's eye has not dimmed for natural force abated for a good man never dies and the ideas he spawns live forever. As James Whitcomb Riley said: "A good man never dies . . . who lives for you and me—lives for the world he tries to help—he lives eternally, a good man never dies."

Future generations will remember Alaska's Bob Bartlett and be able to see his likeness in the Nation's Capitol. This fine statue was done by Felix de Weldon, whose U.S. Marine Corps War Memorial has immortalized the flag raising at Iwo Jima.

The Viennese-born artist, who came to this country in 1937, served in the Navy during World War II and became a citizen in 1945. He spent 10 years working on the marine memorial . . . a self-assigned task.

Felix de Weldon's works are found in many countries and include statues of many famous persons . . . George Washington, Simon Bolivar, India's (Jawaharlala) Nehru, Sergeant York, Andrew Jackson and Arctic explorer Richard E. Byrd.

It was most fitting that a man of Felix de Weldon's ability was chosen to create the Bob Bartlett statue.

I am deeply honored to accept the statue of my predecessor, the late Senator E. L. "Bob" Bartlett in the name of the United States Senate. He was and is loved by all Alaskans and by all others who knew him. His deeds, words and inspirations shall never die. When Bob was buried in Fairbanks in 1968 his favorite poem was read. I can think of nothing more appropriate than to repeat it now.

"Under the wide and starry sky, dig the grave and let me lie. Glad did I live and gladly die, and I layed me down with a will.

"This be the verse you gave: Here I lie where I long to be; home is the sailor, home from sea, and the hunter home from the hill."

Congressman Begich. We are particularly glad to have the Coast Guard Academy Band and its director, Lt. Commander Broadwell here to perform today. As chairman of the Merchant Marine Subcommittee, Senator Bartlett was a good friend of the Coast Guard. He recognized the fine contribution made by the Coast Guard in Alaska and he was, in fact, referred to on the Hill as "Mr. Coast Guard." May I call upon the United States Coast Guard Academy Band for "Alaska's Flag," the song that was once the territorial song and now is the State Song of Alaska.

The people of Alaska have honored the memory of Bob Bartlett, a great and good man, an Alaskan who will be remembered always by the presence of his statue in Statuary Hall.

May I call upon Dr. Elson to give the benediction.

BENEDICTION

Dr. Elson. Now unto Him who is able to keep you from falling and to present you faultless before the presence of His glory with exceeding joy; to the only wise God, our Savior, be glory, dominion and power, both now and ever.

Go in peace: Be strong in the Lord and in the power of His might, and may the blessing of God's love go with you and remain in you this day and evermore. Amen.

NASA SHOULD NOT FUND THE SPACE STATION

Mr. PROXMIRE. Mr. President, on Saturday the New York Times published an editorial about the latest Soviet effort in space. The editorial makes a cogent argument that either there should be no space stations, or if there are to be stations, they should be under international auspices.

Mr. President, I could not agree more. And I would hope that the first alternative can prevail—no stations in space, certainly not in the forseeable future. The costs of such an effort are certain to be fantastic: Upward of $7 billion for the station itself, another $6 to $9 billion for the space shuttle to get there. And for what benefits? I have asked NASA repeatedly to justify the space shuttle-space station program, and they have yet to come up with any tangible benefits for us earthlings.

The only conceivable nonmilitary benefit I can think of is to use the shuttle/station system as the first step toward a manned landing on Mars. But if that is to be the justification, then we are not talking about costs of $13 to $16 billion; we are talking instead about costs in excess of $100 billion. That gigantic figure represents an expenditure of $2,000 for every American family. No doubt most of us could come up with better ways to spend $2,000 of our money.

If there must be space stations, though, they should be under international auspices. Not only would this defray the huge costs, and further the cause of international comity, but it would also forestall the use of such a facility for military purposes. As the Times points out:

> The possibility that some future space platforms will really be military bases in orbit cannot be ignored. These dangers are inherent in the concept of nationally created and nationally controlled space stations to which the rest of the world has no access.

Mr. President, I ask unanimous consent that the editorial entitled "Station in Space," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Station in Space

The latest Soviet space spectacular follows a long series of indications by Kremlin leaders that their present priority in manned space flight is establishment of a longlasting station in space. This latest experiment seems an important—as well as expensive—step on the road toward that objective.

Evidently many functions could be served by such an orbiting platform. Most discussion has tended to emphasize useful, peaceful objectives. These goals range from creation of astronomical laboratories whose telescopes would be free of the atmospheric haze and distortion that plague terrestrial telescopes to providing a site for study of earth's ecology and resources with cameras and other sensors that operate most efficiently hundreds or thousands of miles above ground level.

Unfortunately, there is no guarantee that space stations will be restricted to benign purposes. Soviet and American employment of unmanned espionage satellites is already well-established, and presumably the military surveillance capabilities of long-term manned satellites will be even greater. Moreover manned space stations can also carry weapons presumably including rockets and nuclear arms. Whatever the limitations set by present international agreements, the possibility that some future space platforms will really be military bases in orbit cannot be ignored. These dangers are inherent in the concept of nationally created and nationally controlled space stations to which the rest of the world has no access.

Logically, there should be no national stations in space. All such facilities should be operated by the United Nations employing crews from many nations and they should all be open to appropriate international inspection. In a modest way, the principle involved has already been recognized in the Antarctic where the presence of Soviet scientists in American bases and American scientists in Soviet bases has a long, useful and honorable history. With the latest Soyuz and Salyut vehicles in orbit, the sensitive issues raised by space stations must be faced in the nearest future.

THE CONTINUING MISSION OF THE FBI

Mr. GURNEY. Mr. President, while the frequently partisan attacks on the Federal Bureau of Investigation mount and the accusations continue from people who should really know better, the FBI continues patiently and quietly to do the work we in Congress have charged it to do: Guarding the security of our country; isolating the fanatics, left and right, who are interested in the destruction of our institutions; and, of course, prosecuting the war on organized crime.

The Director has properly declined to answer many of the shotgun charges leveled against him personally and against the Bureau which he has headed since its inception; indeed were he to do so, he would have very little time left over for the conduct of Bureau business.

I can illustrate this point with a story published in the Wall Street Journal of Tuesday, April 27. The article, by Monroe W. Karmin, details the events leading up to the recent conviction of Sam "the Plumber" De Cavalcante. Sam and nine members of his "family" were sentenced to prison in March by a Federal judge in Newark, N.J., on charges of violation of Federal gambling statutes. It was the first time that the Federal Government, under one indictment, successfully prosecuted a Costa Nostra family chieftain and his principal lieutenants.

The article describes the attack on organized crime using the strike force technique—putting under one man's direction agents from the FBI, BNDD, U.S. Attorney's Office, and IRS who, by cooperating with one another and working a case from beginning to end, can achieve a good deal more than the same agents working independently and without unified direction.

The score in Newark since January 1969, has been 37 indictments involving 179 defendants and thus far 53 convictions. The work, of course, is continuing.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Crime and Punishment: How "Mama" and "Andy" Helped To Break Up a Mafia Organization

(By Monroe W. Karmin)

Newark, N.J.—How do you break a Mafia organization?

By getting help from people like "Mama" and "Andy." They used to work for Sam "the Plumber" De Cavalcante, identified by a congressional committee in 1969 as boss of the biggest New Jersey-based crime syndicate. Now the Plumber is in jail, convicted on gambling charges growing out of a numbers racket. And Mama and Andy are living under assumed identities far from Newark. By spilling the inside story of a $20 million-a-year gambling business, the former employes and other witnesses enabled an elite crime-fighting corps to net its fattest catch yet.

In mid-March a federal judge handed out prison terms and fines to De Cavalcante and nine of his Mafia "family" as the capstone of nearly two years of effort by Attorney General John Mitchell's Newark strike force against organized crime. "It's the first time that a family have been convicted in one indictment," declares John Bartels, the attorney in charge of the strike force.

NEWARK FORCE FAR OUT IN FRONT

The verdict thrusts the Newark strike force far out in front of its 16 counterparts in other cities. The Newark score since creation of the force in January 1969; 37 indictments, involving 179 defendants. Of these 53 have been convicted. Among those indicted but not so far convicted is a second Mafia family chieftain, Joseph "Bayonne Joe" Zicarelli.

This record highlights the burgeoning success of an innovative law-enforcement approach begun under President Johnson and expanded greatly by President Nixon. The strike force approach teams up agents from various federal law-enforcement agencies including the Federal Bureau of Investigation, the Internal Revenue Service and the Narcotics Bureau. This combined effort, it is agreed, is proving to be a much more effective way of attacking the organized crime that gnaws at the nation's cities.

A step in easing urban problems is elimination of rackets, says Will Wilson, the assistant attorney general in charge of the Justice Department's criminal division. The rackets, he says, "keep people in poverty and exact a toll on all moneys expended to aid them."

ADVANTAGES OF A STRIKE FORCE

Besides Newark, strike forces are at work in Philadelphia, Baltimore, Pittsburgh, Cleveland, Chicago, Detroit, Buffalo, Miami, New Orleans, St. Louis, Kansas City, Los Angeles, San Francisco and Boston, with two in New York City. In each city, a federal attorney, freed from the demands of a trial docket, is directing his multi-agent team into deep probes of suspected Mafia operations and municipal corruption, with these tactical advantages over ordinary law enforcement:

First, concentration of effort. In the De Cavalcante case, Mr. Bartels and his agents singled out the Plumber's Mafia family as a target and aggressively searched for evidence of illegal activity until they uncovered a break. Beginning in June 1969, they were able to obtain an indictment in six months and a conviction in less than two years. (The defendants pleaded guilty, but, because a separate extortion case against them was dismissed for insufficient evidence, they are asking the court to let them withdraw the guilty plea.)

Second, cooperation among normally separate and competing law-enforcement agencies. Many crime investigations fail simply because jealous sleuths won't share information with others or because interagency red tape hinders teamwork. The strike-force technique brings a variety of specialized investigators (the Newark force has about 80) under a single command, swapping information and informants freely. The De Cavalcante case was developed initially by a narcotics agent who turned Mama over to the FBI, all under the guidance of Mr. Bartels.

Third, the persuasion of family insiders to come around and cooperate with the law. "The code of silence in the Mafia is a great myth," Mr. Bartels declares. "When the squeeze is put on the little guys, they end up as willing to talk as anybody. So will the ordinary citizen who has been victimized by the Mafia, if he knows he will be protected." Protection for the crucial witnesses, starting from from first contact with federal agents and continuing even after the case is closed, is the essential ingredient. The strike force, because of its command position, is especially adept at convincing witnesses that they will be secure.

RELOCATING MAMA AND ANDY

Not only does the force grant these witnesses immunity from prosecution but it also practices a law-enforcement art known as relocation, giving the witness and his family a new home, a new job and a new identity (in some cases, even plastic surgery).

Simple though it may appear, this technique hasn't been used extensively in the past. But in 1967, President Johnson's Commission on Law Enforcement and Administration of Justice did recommend greater use of the tactic, and President Nixon's strike forces are following this advice.

Relocation is what Bartels & Co. arranged for Mama and Andy, both of whom worked in the De Cavalcante numbers racket and tattled. They are living under assumed identities elsewhere in the country, but their stories—and the story of how the Newark strike force broke the De Cavalcante family—can now be told. Mama's comes from the agent who found her and kept her "thinking straight" until the sentences were handed down. Andy's comes from Andy himself via telephone from his new home.

Mama's story starts with a narcotics agent who can be called John De Stefano, a fictitious name he sometimes uses. One day in 1969, as a member of the newly-formed Newark strike force, he slipped behind the wheel of his government auto for a drive to the state prison in Trenton, where a young man picked up in Rhode Island for auto theft had been shipped to face various New Jersey charges.

> Because he couldn't make bail, the prisoner asked to see an agent in hopes of trading information for freedom. Because the prisoner said he "knew people in junk," narcotics agent De Stefano was dispatched to conduct the interview. During an hour-long conversation in the prison chapel, Mr. De Stefano recalls, the young man offered to be "helpful" in a number of crime areas but especially in illegal drug traffic.
>
> Promising the prisoner nothing, agent De Stefano arranged for his release in his custody. Together they "worked the streets" of Newark for more than two months; the idea was that the young would lead the agent to drug pushers and help pin incriminating evidence on them. But, Mr. De Stefano says, "we came up with goose-eggs." In retrospect, the agent declares:
>
> "He was a bull-thrower. He told me anything I wanted to hear just to get out of the can. But after two months in the street with him, we got nothing. In our last interview, he told me he 'really knew' the guys he said he did, but he didn't want to hurt them."
>
> ### THE EFFORT PAYS OFF
>
> As things turned out, however, the effort wasn't fruitless. Several weeks after the young man was returned to prison, agent De Stefano received a phone call from the prisoner's mother. "I want you to help my son," she demanded. Agent De Stefano, thoroughly disgusted with him, refused. But then Mama dangled a plum.
>
> "Do you want Sam De Cavalcante?" she teased. Figuring Mama wasn't any better than her son. Mr. De Stefano refused again. But Mama called insistently several times thereafter, and finally the agent, bringing a colleague with him, decided to visit her home.
>
> "She turned out to be a 'sitter' (or banker) for the De Cavalcante numbers racket," Mr. De Stefano relates. "She had been getting about $150 a week to record the bets taken on numbers in various locations in New Jersey and New York. But she had gotten sick and had quit. When we walked in, she handed us a telephone book with all the code names and numbers of the people she did business with including the name of her replacement as sitter."
>
> "Now will you help my son?" Mama asked. Again no promises, but agent De Stefano turned the case over to the FBI members of the strike force who, with the help of Mr. Bartels, obtained a court order to tap the telephone lines mentioned in Mama's book.
>
> "The FBI took over the case, but not my informant," Mr. De Stefano recalls. "I had to put up with her, and she's a rough broad, to keep her thinking the way we do until she testified." The agent also was in charge of Mama's relocation and security.
>
> He found her a house in another part of the country, arranged a new name for her and her family, shipped them all to their new home, got her a job, and, because of her illness, arranged government medical attention and supplies.
>
> ### THE PROBLEMS OF A DOG
>
> The caper almost became a cropper over a little detail, however. Mama refused to leave Newark unless her dog went along, and government regulations didn't provide for the cost of shipping pets. "So I paid the money to crate and ship the damn dog out of my own pocket," Mr. De Stefano relates.
>
> Mama posed another problem. Because she no longer had a husband, she called upon Mr. De Stefano to assume a protective role—long-distance. "She called me constantly—every time a strange car appeared in the neighborhood or something disturbed her," the agent reports. "Once she heard a 'ping-ping-ping' in her backyard and called me, saying excitedly that 'they're coming to get me.' I called local agents who checked and found it was her kid shooting a BB gun."
>
> While federal agents were tapping the De Cavalcante syndicate's telephone lines, good fortune provided the strike force with additional evidence. Enter Andy, whose real name, Andres De La Portilla, was made public in the De Cavalcante indictment.
>
> Andy served as a "comptroller," or bet collector, for the De Cavalcante racket. He turned himself in to local police because, as he tells it, "it was either that or blow my brains out." His is a classic tale of a poor boy caught in the clutches of the Mafia.
>
> Andy's introduction to the numbers game came at his mother's grocery store, where the neighborhood youths congregated. They bet on the numbers and induced Andy to do likewise. Soon Andy began to carry bets for others, and the syndicate man, "Big Ralph," offered him the "comptroller's" job to solicit bets in his neighborhood.
>
> ### EXPANDING THE FIELD
>
> Successful in the neighborhood, Andy expanded his bet-collecting to his job at the General Motors assembly plant in Linden, N.J. But as he devoted more and more time to collecting, his GM superiors grew suspicious. So he quit to open a gas station to serve as a front for his gambling activities.
>
> Then the trouble began. Andy, big-time now, plied his illegal trade with honesty; he paid off winning bets promptly. The syndicate, however, grew slower in its reimbursements. "I was a sucker," he snaps. "I paid out of by own money, when I needed to, to the winners, and collected later from the syndicate. They dragged on me."
>
> It got so bad, and Andy had so little luck in persuading the syndicate to pay what it owed him, that he decided to raise a mortgage on his home. The syndicate explained its "dragging" by saying that it, too, had been hit hard by winners and was in a hole. And it offered to help.
>
> The syndicate graciously put Andy in contact with a finance company that lent him mortgage money at exorbitant rates. The company was controlled by the De Cavalcante family, but Andy didn't know that.
>
> "The whole thing was nothing but a vicious circle," Andy now says angrily. "I was the only jerk who didn't know what was going on."
>
> Meantime the syndicate continued to "drag" on Andy. Bettors were demanding payment, and so was the finance company. "It all got out of hand," he remembers. "What I owed the people in the streets plus what I owed the Shylock amounted to more than I could handle. I bought a rifle and was going to blow my brains out."
>
> ### GETTING IN TOUCH WITH AUTHORITIES
>
> A cooler head, his wife's, prevailed. She persuaded Andy to contact the police. Eventually he was turned over to the strike force, which arranged to have first his family and then Andy relocated. "They found me a job, a place to live, a new name, a new life, a second chance," Andy says now. "I'm a human being again, and I don't have anything to do with gambling."
>
> Andy has been living his new life for about 15 months now, and there's evidence that the underworld still seeks him out. Reports have come to strike-force headquarters that "anonymous inquiries" have been made at the New Jersey school that Andy's children attended before they were whisked away.
>
> "The first thing the Mafia will do to track down someone is check the schools," Mr. Bartels says. It will have no luck at the school Andy's children attended; the FBI, not the school board, transferred the records.
>
> In all, Mr. Bartels figures it cost the government about $7,000 to relocate Mama and Andy, and he considers that a bargain price to break a $20 million-a-year numbers racket. But is the racket really wiped out?
>
> Probably not, Mr. Bartels concedes. "The backbone of the De Cavalcante family has been busted," he declares. "Now there'll be a fight for power to determine who'll take over the remains. You'll never wipe out gambling or narcotics entirely, but you can control it by continually striking at them."

Mr. GURNEY. Mr. President, in this same connection, I should like to quote from an article by Mr. John P. Roche which appeared in the Washington Post yesterday, April 28, 1971, under the heading "The Surveillance Mess." Mr. Roche says:

> The press has finally picked up the story, revealed here some time ago, that former Attorney General Ramsey Clark was responsible for the surveillance operations of the United States government from 1966 to 1969. Since these operations included a massive display of lunacy by military counter-intelligence, it is understandable that Clark and his deputy, Warren Christopher, have been eager to get out from under. In the process, they have issued blanket denials that they were ever aware of military involvement, Clark going so far as to say that "I don't care what the documents say." From a distinguished lawyer, this is certainly a novel approach to probative evidence.

A novel approach indeed, but Ramsey Clark is given to the novel approach. Mr. Roche continues:

> The difficulty, one suspects, is that Clark was not aware of the mad capers of the counter-intelligence crew. Theoretically they were working for him because he had been charged by President Johnson with anticipating riots, and the President directed all relevant branches of the government to cooperate fully in the effort. It was a legitimate mission and a certain amount of surveillance, under close control, was a necessary component of the job. Keeping an eye on dangerous characters is hardly an outrage to American freedom. Indeed, in the light of events over the last decade, one could wish that somebody had been watching Lee Harvey Oswald, Sirhan Sirhan, and James Earl Ray. In short, a President who did not take energetic action to head off civil disorder would have been guilty of gross incompetence, and the Department of Justice was the logical place to establish the command post. This was done by Clark, and a small outfit known as IDIU (Interdivisional Intelligence Unit) was set up to establish a coordinated intelligence assets of the government responsibilities, that is, it drew upon the intelligence assets of the government including those in the Justice Department such as the FBI and those elsewhere like the Secret Service (which is in the Treasury Department) and the Department of Defense.

I think Mr. Roche's principal contribution to this discussion comes at this point:

> But now for a moment, we will push the calendar back to January, 1968, and attempt to re-create the mood in the White House and the administration. There had been savage riots in the summer of 1967 and with a Presidential election looming, and anti-war sentiment boiling over among groups of militants, 1968 was not a year to look forward to with joyous anticipation. Then came the murder of the Rev. Dr. Martin Luther King, Jr., and attendant violence in the nation's captial and in other cities and then the murder of Sen. Robert Kennedy. The word was out that the militants planned to make the Democratic National Convention into a shambles.
>
> President Johnson ordered a doubling of precautions: Presidential candidates were given security. (Robert Kennedy refused it and it probably cost him his life: The first place the Secret Service would have swept was the kitchen where Sirhan was hiding.) The existing intelligence units were simply unable to cope with the task and turned to

the Department of Defense for additional assistance. (If memory serves, the Provost Marshal lent military police to help the Secret Service guard the candidates.) Army Secretary Stanley Resor was now in the operational slot so far as military assets were employed, but Clark was in overall command.

I have to agree with Mr. Roche's assessment. I have to agree with the notion that a President who did not take "energetic steps to head off civil disorders would have been guilty of gross incompetence" and I might add dereliction of duty. It is not unreasonable to expect that the President of the United States, whoever he may be, will take seriously his oath to defend the republic from all enemies, foreign and domestic. I must say, Mr. President, that I find very many of the recent criticisms of the FBI and its direction to be narrowly partisan and, as the President recently said, "cheap shots." Many of these attacks we know have come from men who want to be President. I suggest seeking to climb to office by defaming an agency as sound and as honorable as the FBI will not and cannot succeed. The people will simply not tolerate it. I think reasonable Americans will agree that there is a need for a certain amount of domestic surveillance in these troubled times. As Roche said, we can also wish with hindsight that there had been tighter security and retroactive surveillance of people like Lee Harvey Oswald, Sirhan Sirhan, and James Earl Ray.

I suggest, Mr. President, that the people who are leading this chorus of brickbats directed at the FBI and at J. Edgar Hoover know this—and that knowledge is what makes those attacks so hollow, so unfair. I suggest that a man who cannot recognize the need for such activity by the Government does not really deserve to be considered for the office of President of the United States. And if these same people in their hearts know that such activity is a necessary and proper function of government that knowledge makes their attack so much more reprehensible.

I ask unanimous consent that Mr. Roche's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SURVEILLANCE MESS

By John P. Roche

The press has finally picked up the story, revealed here some time ago, that former Attorney General Ramsey Clark was responsible for the surveillance operations of the United States government from 1966 to 1969. Since these operations included a massive display of lunacy by military counter-intelligence, it is understandable that Clark and his deputy, Warren Christopher, have been eager to get out from under. In the process they have issued blanket denials that they were ever aware of military involvement, Clark going so far as to say that "I don't care what the documents say. From a distinguished lawyer this is certainly a novel approach to probative evidence.

The difficulty, one suspects, is that Clark was not aware of the mad capers of the counter-intelligence crew. Theoretically they were working for him because he had been charged by President Johnson with anticipating riots, and the President directed all relevant branches of the government to cooperate fully in the effort. It was a legitimate mission and a certain amount of surveillance, under close control, was a necessary component of the job. Keeping an eye on dangerous characters is hardly an outrage to American freedom. Indeed, in the light of events over the last decade, one could wish that somebody had been watching Lee Harvey Oswald, Sirhan Sirhan, and James Earl Ray.

In short, a President who did not take energetic action to head off civil disorder would have been guilty of gross incompetence, and the Department of Justice was the logical place to establish the command post. This was done by Clark, and a small outfit known as IDIU (Interdivisional Intelligence Unit) was set up to establish a co-ordinated intelligence assets of the government responsibilities, that is, it drew upon the intelligence assets of the government including those in the Justice Department such as the FBI and those elsewhere like the Secret Service (which is in the Treasury Department) and the Department of Defense.

Still nothing wrong. On the contrary, it was a very sensible effort to rationalize the intelligence-gathering operation. But now for a moment, we will push the calendar back to January, 1968, and attempt to re-create the mood in the White House and the administration.

There had been savage riots in the summer of 1967 and with a Presidential election looming, and anti-war sentiment boiling over among groups of militants, 1968 was not a year to look forward to with joyous anticipation. Then came the murder of the Rev. Dr. Martin Luther King Jr. and attendant violence in the nation's capital and in other cities and then the murder of Sen. Robert Kennedy. The word was out that the militants planned to make the Democratic National Convention into a shambles.

President Johnson ordered a doubling of precautions: Presidential candidates were given security. (Robert Kennedy refused it and it probably cost him his life: the first place the Secret Service would have swept was the kitchen where Sirhan was hiding.) The existing intelligence units were simply unable to cope with the task and turned to the Department of Defense for additional assistance. (If memory serves, the Provost Marshal lent military police to help the Secret Service guard the candidates.) Army Secretary Stanley Resor was now in the operational slot so far as military assets were employed, but Clark was in overall command.

Still nothing wrong. As of this point in time, no one could fault the President or the Attorney General. The IDIU was working away issuing weekly summaries of potential trouble spots, and one recalls that they were sober careful assessments hardly in the James Bond tradition. The fact that the military were cooperating was known by all hands involved. What was not known was the fantastic dimensions of the military operation.

DEATH OF S. SMITH GRISWOLD

Mr. NELSON. Mr. President, on April 20, S. Smith Griswold, one of the pioneer environmentalists of our time, died at Bethesda Naval Medical Center at the age of 62.

Long before the environmental movement achieved the national recognition and momentum it now has, Mr. Griswold had earned the well-deserved reputation as "Mr. Air Pollution Control," an expert in the initiation, implementation and administration of air pollution abatement and enforcement programs. This reputation derived first of all from his remarkable role in building the first effective governmental air pollution program in the United States. As air pollution control officer of the Los Angeles County Pollution Control District from 1954 to 1965, S. Smith Griswold initiated a series of actions which made the California program the uncontested leader and model of tough air pollution programs.

These actions included setting up the first motor vehicle laboratory for the testing of air pollution emissions from automobiles, the establishment, and vigorous enforcement of abatement procedures covering virtually every stationary source of air pollution in the Los Angeles basin, and giving impetus to the first governmental or private program of automobile emissions control.

This record of achievement and innovation in air pollution control was expanded to a national scale from 1965 to 1968 when Mr. Griswold served as the chief abatement officer for air pollution control with the U.S. Department of Health, Education, and Welfare and the National Air Pollution Control Administration. Impatient when the Federal commitment to clean air appeared to stagnate, "Gris" took his energy, experience and talents into the private sector and, as a private consultant, broadcast his clean air message to public and private organizations throughout the world.

S. Smith Griswold recognized that controlling air pollution was not merely an engineering problem; it was primarily a people problem which required the development and application of a forceful public commitment for a clean environment. In a 1964 speech at the annual meeting of the Air Pollution Control Association in Houston, Tex., Mr. Griswold recounted his frustrating experience in California in overcoming the automobile industry's unconscionable opposition and delaying tactics and getting them to apply already existing technology and emissions control devices:

> Everything that the industry has disclosed it is able to do today to control auto exhaust, was possible technically 10 years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least a half century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems. Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry.

This speech and the facts of the California experience with the auto industry set forth by Mr. Griswold came to the attention of a young fellow by the name of Ralph Nader, became the basis of a national legal and legislative battle, and sparked a public drive to get the automobile industry to provide the public with a "clean" automobile. Six years later, S. Smith Griswold was still out front fighting for a decent environment and a nonpolluting automobile. Just before his fatal illness, Mr. Griswold gave valuable counsel and assistance to the efforts which led to the passage last fall of the Clean Air Act of 1970, Federal legislation which has delivered a public ultimatum to the auto industry to come up with a low-emission vehicle within the next several years, and told other industries to put an end to their polluting ways.

In a recent letter, Dr. Arie J. Haagen-Smit, professor of biochemistry at the California Institute of Technology, and chairman of the State of California Air Resources Board, wrote:

> Air pollution control is like a real battle. There will be attacks on certain fronts after preliminary skirmishes have weakened the opposition of the enemy. The attack is then moved to other fronts and the same will happen over and over again until the enemy is licked.

Long before the quest for clean air became a priority concern for the entire Nation, S. Smith Griswold was leading these initial attacks and pointing the way for concerned public action.

We should all be grateful for his dedication and impressive record of achievements. Mr. Griswold would be most honored, I believe, if the public he helped alert would maintain the momentum and complete the job.

Mr. President, I ask unanimous consent that the text of S. Smith Griswold's 1964 speech and an article published in the Washington Post of April 21, 1971, describing Mr. Griswold's life and achievments, be printed in the RECORD.

There being no objection, the speech and article were ordered to be printed in the RECORD, as follows:

REFLECTIONS AND PROJECTIONS ON CONTROLLING THE MOTOR VEHICLE

(By S. Smith Griswold)

As a past president of this organization, and as one who has just completed a decade of service as director of a governmental agency concerned with a somewhat notorious community problem, it is a pleasure for me to be invited to reflect upon the past, and speculate about the future of the automotive aspect of the air pollution problem.

We in Los Angeles have had a long and intimate connection with the series of events leading to the recent announcement by the automobile industry that cars of the 1967 model year will conform with the present requirements of the State of California in regard to exhaust contaminant emissions.

I recall that late in 1950, research by the Los Angeles County Air Pollution Control District directed by Dr. Arie J. Haagen-Smit, revealed that hydrocarbons were capable of reacting with oxides of nitrogen under the influence of sunlight to produce photochemical smog.

By 1953, we had established that the automobile was the largest source of air contaminants in our area, and the principal source of smog-forming hydrocarbons. The APCD then undertook a program of basic research into automobile operation, local driving conditions, and the composition of gasolines to ascertain the effect of these factors on smog formation.

From the earliest time information became available, we made efforts to induce the automobile industry to accept its share of the responsibility for the exhaust problem. As a result of extended discussions, the automobile industry in late 1953 took official notice of the existence of the automotive contribution to air pollution, and established the Vehicle Combustion Products Sub-Committee of the Engineering Committee of the Automobile Manufacturers Association.

During early 1954, this committee met in Los Angeles, and in conjunction with the APCD and other organizations, worked out a program of investigation and research. We set a target date for installation of what then appeared to be a promising method of control, induction system devices that controlled the emissions of hydrocarbons during deceleration. The objective was to have these devices on the 1958 models, out in 1957.

I recall visiting Detroit in 1956, and being shown an array of induction devices for various makes and models of cars.

Later that year, the Air Pollution Control District and the Air Pollution Foundation called a meeting in Pasadena of leading firms and figures in the chemical and automobile accessory fields, with the aim of stimulating their interest in the development of catalytic or other types of exhaust controls.

Our District set up an automotive combustion laboratory, and built environmental test chambers to evaluate approaches to vehicle emission control. After being developed for years, that automotive test facility and its trained personnel were turned over to the State of California. It is now the principal test center for the State program.

Due primarily to the efforts of the Board of Supervisors of Los Angeles County, the legislature of the State of California was prompted to occupy the field of automotive control and in 1960 enacted the legislation that is now in effect. To administer the program, the legislature created the State Motor Vehicle Pollution Control Board. As part of this program, California has established the first Standards for Air Quality and for Motor Vehicle Emissions.

In 1959, the automobile industry announced that crankcase emissions were a significant source of smog-forming hydrocarbons, and at the same time offered a means of controlling approximately 80% of emissions from this source. The Los Angeles County Air Pollution Control District immediately undertook a pilot installation on cars of its own fleet to prove that the "closed system" constituting 100% control of crankcase blowby might be preferable, and whether there might be negative effects. The study afforded a basis for full-scale installation upon the entire fleet, and provided experience to guide the State Board. Subsequently, the State Board acted to make such installations mandatory on cars sold in California, and today all cars manufactured in the United States can have the "closed" crankcase emission control rather than the less efficient "open" system.

During the many years this was going on, the APCD followed up another lead, the regulation of fuel composition. After thorough investigation, we enacted our Rule 63 which restricts the amount of olefins that may be contained in gasoline sold in Los Angeles County. This has reduced the eye-irritating characteristic of gasoline vapors and exhaust hydrocarbons and consequently has reduced the severity of eye irritation experienced in Los Angeles County.

The most recent action of the State Board has been to certify four exhaust control devices: three have been accepted only for new cars, and one has been accepted for both new and used cars. As the law is now written, new cars sold in California in 1966 must be equipped with one of these devices, or perform equivalently.

The knowledge that this action was coming undoubtedly prompted the automobile industry to come forward with its announcement that the 1967 cars would conform to the California standard without the necessity of these new devices.

The industry announcement also may have been motivated partially by the policy adopted by the County of Los Angeles, of buying new vehicles only if they meet specified restrictions upon exhaust emissions. This action was commended by formal resolution of the Los Angeles County Medical Association.

Only one manufacturer is sufficiently advanced in exhaust control technique to be able to produce a car to these specifications, and the policy has drawn bitter objections from dealers whose lower bids were turned down because their cars could not qualify. This blow to the pocketbook, and the militant evangelizing of this policy to other governmental jurisdictions and operators of large fleets, is perhaps the clearest message: the great delaying action is at an end and it is time for Detroit to move.

I term it a great delaying action, because that is what I believe that auto industry has been engaged in for a decade. Everything that the industry has disclosed it is able to do today to control auto exhaust, was possible technically ten years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least a half century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems.

Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry. Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comebacks on the warranty. To people interested in profits, expenditures for the development and production of exhaust controls are liabilities.

For nearly a decade, the auto industry has been telling us they have been spending a million dollars a year on air pollution control. Their announced expenditure has totalled about nine million dollars during that period. This provides an interesting contrast with a recent survey which revealed the earnings of the 44 highest paid executives in the country. Of these, one-half, 22, are employed by the auto industry. Their combined 1963 earnings were about nine and one half million dollars. In short, during the past decade the industry's total investment in controlling the nation's number one air pollution problem, a blight that is costing the rest of us more than eleven billion dollars a year, has constituted less than one year's salary for 22 of their executives.

The industry is spending over one billion dollars to change over its models this year. Their annual expenditures for air pollution control development is one-tenth of one per cent of one billion dollars. For that, the industry has bought ten years of delay and unhampered freedom to pour millions of tons of toxic contaminants into the atmosphere. This has caused unmeasurable misery, and undoubtedly has seriously impaired the health of many.

What has the industry accomplished during these ten years?

Until recently, very little. In 1953 a pooling of efforts was announced. Through an agreement to cross-license, progress by one would be progress by all. How has this worked out? Apparently it has served to guarantee that no one manufacturer would break ranks and bring into the field of air pollution control the same kind of competitive stimulus that spokesmen for the industry frequently pay homage to as the force that has made them what they are today. It has induced a complaisance, such as that demonstrated early in 1962 when Chrysler let it be known that it had devised a method of engine modifications, which was proving fruitful. The County of Los Angeles immediately obtained twenty of these clear air packages and tested them. General Motors and Ford each took one. Or, another example: oxides of nitrogen are acknowledged as the next problem to be solved in automotive emissions. Five years ago there were public reports of successful reduction of oxides of nitrogen by recirculation of exhaust. All that this work has drawn from the auto industry so far is cat-calls; instead of pursuing this lead, industry spokesmen have criticized its advocates at professional meetings, such as this one, and exhibited indifference to its potential.

In May, the California State Department of Public Health held a hearing to consider the adoption of an air quality standard for oxides of nitrogen. Ford and General Motors sent their leading air pollution experts. Their contribution was to challenge the need for any control of this contaminant and to abuse the Department. These experts assailed the lack of experimental evidence to support the proposition that control of oxides of nitrogen would be beneficial, yet they produced only a fragment of experimental data of their own to controvert it. What makes this particularly striking is that the greatest achievement in air pollution control proffered by General Motors to account for its years of effort is the construction of an environmental study chamber, in which they have been duplicating much of the work that has led to the conclusion that auto exhaust is the basic ingredient of photochemical smog. So far there is little evidence of constructive contributions to existing knowledge or techniques.

Apparently, not everyone in Detroit has yet read the message. I am prompted to suggest that what is good for the rest of the country may be good for General Motors.

We are all a little bored and disillusioned with the past, so let us venture into the future. In order that some future speaker will have a basis to measure progress, I would like to submit a few predictions:

1. Exhaust control devices will be on the 1966 model automobiles sold in California rather than the 1967 models as the industry has announced. I base this upon the fact that the State of California has certified more than two devices that can meet the California State Standard, and the law automatically requires that cars sold in 1966 have this equipment, or perform with equal effectiveness. One company has already demonstrated that it can meet this standard of performance without such devices. This leaves the remainder of the manufacturers faced with the choice of accelerating installation of their own systems or of buying for production line installation one of the devices certified by the California State Motor Vehicle Pollution Control Board

2. California's allowed hydrocarbon emission standards will be lowered, perhaps down to 180 ppm for the official driving cycle, and the 1968 models will have to meet this standard. I base this upon the fact that such a level of control is attainable by a reasonably priced combination of existing devices and methods, and there is no excuse for delay.

3. There will be a standard set reducing oxides of nitrogen at least 80 percent, and by 1970 automobiles will come equipped with a control for this contaminant.

4. I predict that no later than 1968 new models will have closed fuel systems that will end fuel tank evaporation and slop-over as well as hot soak losses from carburetors and manifolds. I base this upon the fact that closed systems already existing and in operation can stop this, and that existing open fuel systems:

(a) Contribute significantly to air pollution,

(b) Waste natural resources,

(c) Are a needless economic loss to motorists through wasted fuels, and to communities in unnecessary erosion of streets and parking areas due to corrosion by gasoline spilled on them.

In my opinion, closed fuel systems would be on all models today if real competition existed between automobile manufacturers to reduce or eliminate contamination from their product.

5. If catalytic converters come into widespread use, either by themselves or in combination with engine modification systems, then lead as a gasoline additive will be replaced by other methods of increasing octane rating.

6. I also predict that before the end of the year there will be some top level executives of the auto industry appearing before Congressional committees to answer some pertinent and perhaps embarrassing questions.

7. Finally, I predict that the toxic emissions from motor vehicles will be brought under tight control at the national level, and there will be an end to air pollution from this notorious source.

S. S. Griswold, Pollution Fighter Dies

(By Colman McCarthy)

S. Smith Griswold, a leading pioneer figure in the nation's struggle against air pollution, died yesterday at Bethesda Naval Medical Center at the age of 62 after a long fight against cancer.

He learned his trade in what was then the smog capital of the western world, Los Angeles, a title other cities might dubiously claim. From 1954 to 1965, Mr. Griswold served as the air pollution control officer for the county of Los Angeles.

During those eleven years, Mr. Griswold, who had a low tolerance for stalls and put-offs, brought thousands of pollution cases to court, getting convictions or guilty pleas in 96 per cent. No pollution control officer anywhere in the country has matched this record.

Known as a plugger, Mr. Griswold was hardnosed about his facts and had a flinty impulse to say what he thought. He made a speech in Houston in 1964 that was an early pump on the brake of public opinion that is now trying to stop the runaway problem of automobile pollution.

"Everything that the industry is able to do today (1964) to control auto exhaust was possible technically 10 years ago," he said. "No new principles had to be developed; no technological advance was needed; no scientific breakthrough was required."

Mr. Griswold depicted the auto makers as people crusted with "arrogance and apathy" who had "bought 10 years of delay and unhampered freedom to pour millions of tons of toxic contamination into the atmosphere."

Mr. Griswold said that to people interested in profits, spending for the development and production of exhaust controls was a liability. "Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comebacks on the warranty."

At the time of the speech, Mr. Griswold estimated that the industry was spending only $1 million a year for pollution control. He contrasted this sum with the total combined earnings in 1963 of 22 auto company executives and with the $1 billion being spent for 1965 model changes.

"In short," concluded Mr. Griswold, "during the past decade the industry's total investment in controlling the nation's No. 1 air pollution problem, a blight that is costing the rest of us more than $11 billion a year, has constituted less than one year's salary for 22 of their executives."

Mr. Griswold's position became the genesis of a Justice Department civil anti-trust suit filed in January, 1969. The government charged the four major U.S. auto manufacturers and their trade association with conspiring to delay development and installation of devices to curb automotive air pollution. The case was eventually settled by consent decree.

In 1965, Mr. Griswold left Los Angeles to become abatement and control chief at HEW's Office for Air Pollution Control. He soon discovered that Washington, like Los Angeles, was an atmospheric cesspool.

"I had an apartment on Massachusetts Avenue," he recalled last year, "and the living room had white curtains. In six months' time, they were filthy. In California, your draperies last four or five years and usually the sun rots them before they need a cleaning."

Mr. Griswold's actions and thoughts at HEW helped in the passage of the 1967 Air Quality Control Act. Soon, however, Mr. Griswold came to believe that the abatement efforts he had built up were being diluted or ignored. He left the government in late 1967 and became a private consultant in Washington.

Although aggressive and raw-edged in his public life, Mr. Griswold was privately gentle, easygoing and wry. Interviewing reporters found Mr. Griswold extremely modest about his accomplishments in Los Angeles and Washington. He once said he was unaware that his 1964 speech laid out the essentials of an antitrust case.

Nothing might have happened had not Ralph Nader, then an obscure volunteer worker in the Labor Department, happened onto the speech and perceived its potential explosiveness. Nader interested Justice Department lawyers in the facts set out by Mr. Griswold.

On becoming a free-lance consultant Mr. Griswold was in demand. Officials in places as diverse as Maine and Puerto Rico called him in. "They want industry," he explained, "but they want it clean."

"When the public gets outraged at the air pollution all around them, the politicians and lawmakers won't be afraid to act forcefully and stop the polluters. Nor will they be hesitant to raise and spend the money for pollution control, because the politicians love a safe and popular issue."

Mr. Griswold is survived by his wife, Ingeborg, of Monterey Park, Calif., a daughter, Mrs. Gary Swanson, and his father, W. H. Griswold, both of the Los Angeles area, a brother, W. H. Griswold Jr., of Ypsilanti, Mich., and one granddaughter.

CONSTRUCTIVE ACTION TO STOP DRUG USE

Mr. COOK. Mr. President, we are all aware of the drug abuse crisis facing this country. It has been the subject of many speeches, campaigns, and promises.

This year we have begun to see some constructive action. Starting last February, over 200 public television stations across the country began broadcasting "The Turned-on Crisis," public television's long range community action drug abuse education series. This series, which is probably the most comprehensive series on drugs in the history of broadcasting, was funded by the Corporation for Public Broadcasting. It is the first major education project of nationwide scope undertaken by the corporation.

The objective of "The Turn-on Crisis" is to reach and present to all the principals involved in the drug crisis a majority of viewpoints about the legal and social implications of drug abuse.

The series is divided into three distinct but related television program groups: The first, broadcast in February, was directed toward the general evening viewing audience; the second, shown in March, toward teachers, school administrators, and others in the educational community; and the third, to be broadcast next fall, toward junior high students.

The series examines drug addiction, its causes and affects; explores the traumas of rehabilitation, and emphasizes the alternatives available to both parents and teenagers in decisionmaking about drugs.

Featured in "The Turned-on Crisis" are such guest participants as Arnold Palmer, David Susskind, O. J. Simpson, the Surgeon General of the United States, ex-junkies, and school kids involved in today's drug scene. The series presents a montage of information on drugs, statistics, attitudes, documentaries on drug action projects, dramatic presentations, and a variety of special programing.

"The Turned-on Crisis" attempts to reach communities across the country with its message and devotes much time to encourage community action and involvement in drug abuse prevention.

The series was received with great enthusiasm in Kentuckey and received endorsements from State officials, community organizations and private businesses.

Statewide interest in the problem had been stimulated by a Governor's Conference on Drug Awareness which met in December, and the formation of drug education coordinating committees in each of the State's 120 counties.

"The Turned-on Crisis" was welcomed by these drug education committees and it was given strong endorsement by the Kentucky Department of Mental Health. Under the department's auspices, mental health center directors, and drug coordinators met to plan the promotion and utilization of this series in their communities. They organized the distribution of buttons, flyers, posters, and other materials, coordinated viewing and discussion groups at schools, and worked with local media for publicity. In addition, the Kentucky Crime Commission gave a grant of $5,000 to the Department of Mental Health to cover the cost of Statewide media coverage and special teacher guides.

In many communities local advertising agencies donated space for billboards, bus and taxi cards and poster displays, and local businesses helped distribute other promotional materials to their customers. Many community groups mailed information on this series to their members and affiliate groups.

Because of the fine quality of the national programing, and the excellent promotion and utilization campaign put together by the Kentucky Educational Network, I am pleased to say that the series has already proven most successful in stirring community involvement in the drug problem.

Regional meetings of the county chairmen are scheduled this month to plan efforts to continue community interest which developed as a result of the series. Also, regional workshops for teachers, students, law enforcement personnel and others will continue these next few months. Several community colleges, State universities, and school systems have recorded the programs for classroom viewing and community meetings.

"The Turned-On Crisis" has served as an excellent catalyst for bringing together people and organizations interested in educating their communities about the dangers of drugs. I commend all who joined in this effort and want to give special praise to the Kentucky Educational Television Network for their fine work in coordinating with State efforts to spread drug awareness to as many people as possible. The network performed an invaluable public service for which we are all indebted.

I would also like to commend the Corporation for Public Broadcasting for making this series possible. Not only did the Corporation fund the production and distribution of the series, but working with CPB's Advisory Committee of National Organizations, the Corporation was able to reach thousands of local leaders and enlist their support for this drug project, making this task much easier for the local stations.

The objective of public broadcasting is to serve the public, and programing like "The Turned-On Crisis" is what public broadcasting is all about. Indeed, it is a precedent-setting example of how television can be used to attack a social problem.

I ask unanimous consent to have printed in the RECORD a list of the organizations in Kentucky, both public and private, which donated much time and services in promoting "The Turned-On Crisis."

I also ask unanimous consent to have printed in the RECORD editorials from three Kentucky newspapers which are but a sample of the press coverage received by the series.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMMUNITY ENDORSEMENTS AND SUPPORT

The Kentucky Department of Mental Health spearheaded a major promotion and utilization campaign through a network of 22 mental health centers and 120 county drug education chairmen. (See narrative.)

A grant from the *Kentucky Crime Commission* to the Department of Mental Health paid for statewide media coverage and teachers guides for the TOC project.

Kentucky Broadcasters Association sent spots to 125 radio stations and videotape promos to a dozen television stations with cover letter urging promotion:

State office of Methodist Churches.

Kentucky Kiwanis.

Bartlett Queen Outdoor Advertising Agency in Owensboro.

Turner Outdoor Advertising in Covington.

Kentucky Press Association devoted a breakfast meeting of their annual convention to the TOC preview tape during the same week the 250 newspapers received a thirty-page press kit.

Kentucky Department of Public Information, (under the Crime Commission grant) wrote, printed and distributed press kits to all of the state's newspapers and broadcasters. Kit included stories and pictures on each program with emphasis on contacting county drug education chairmen for local stories on town meetings.

Kentucky School Boards Association endorsed the series and mailed information to 2,100 school board members, school board attorneys and superintendents.

Kentucky Congress of Parent-Teachers Association endorsed the series and mailed info to 1,000 PTA Presidents, encouraging them to take part in local viewing/discussion groups.

Kentucky Council of Churches endorsed series and in its newsletter to 5,000 urged announcement of the series in Sunday bulletins.

Kentucky Jaycees endorsed TOC and sent letter and flyer to 125 local presidents.

Broughton's Dairies overprinted 10,000 brochures, dropped off with milk deliveries.

Convenient Food Marts displayed posters in their 125 outlets across the state.

State Board of Pharmacy distributed posters and flyers to drug stories in many communities.

Lexington Advertising Club arranged for quarter-page ads in each of the cities dailies, for a month's space on six billboards, and for three back pages in weekly issues of TV Review (weekly circulation 20,000).

Cincinnati/Newport/Covington Transit Co., donated large outside space on 90 busses for the month.

Fayette County Medical Auxiliary addressed, stuffed and zip-coded 12,000 pieces of mail; carried stacks of flyers to doctor's offices and a dozen schools; put posters and flyers in local drug stores. The mailing went to:

2000 superintendents, principals, and supervisors of instruction.

500 agriculture extension agents.

300 women's clubs presidents and program chairmen.

100 Young Republican Clubs.

75 Young Democrat Clubs.

150 Democratic Clubs.

30 League of Women Voters Club.

190 Chambers of Commerce.

200 Councils on Veterans of Foreign Wars.

400 Knights of Columbus.

200 State legislators.

100 Governor's staff.

300 American Association of University Women members.

120 Kentucky Forum for Education.

Uncounted medical auxiliaries, Ky. Medical Association members.

75 High school newspaper editors.

60 Kentucky Arts Commission.

300 Kentucky Association of Children Under Six.

15 Boy Scouts Executive for Kentucky.

75 Homemakers Association.

600 Children's mailing list (fans of ETV).

400 Kiwanis—past presidents and new members.

100 KET Authority, Advisory Committee to KET, Council on Higher Education.

20 Kentucky Education Board of Directors.

300 Kentucky Training & Development Advisory Committee.

4500 Bar Association of Kentucky Lions.

College Newspaper Editors.

[From the Richmond (Ky.) Register, Jan. 28, 1971]

KET TO BE OF REAL SERVICE IN FIGHTING ILLICIT DRUGS

Kentucky Educational Television is weaving into its most commendable programming a three-pronged project on drug abuse, a problem very evident in our state and one which must have the full ear of the public if it is crushed.

"The Turned on Crisis" is phase No. 1 of the project and is made up of a series of eight programs which will be presented on KET every Tuesday and Thursday beginning on Feb. 2 and ending Feb. 25. This initial phase will be for the general public.

The second segment of the project will consist of six episodes titled "Because We Care" and is scheduled for educators and school administrators in March. The third series for junior high students is titled "Nobody But Yourself" and will be aired in the fall.

KET's participation is a portion of a statewide campaign designed to lash out at drug abuse and to serve as an effective follow-up of Governor Nunn's Special Session on Drug Awareness, recently held in Louisville.

This campaign is providing follow-up information and sponsoring listening and discussion groups throughout the state, and the Department of Mental Health is coordinating efforts with all county drug education chairmen and the regional comprehensive care centers.

It is urged that all public sessions scheduled in this community be attended so that the citizens—young and old—of Madison County will get the full picture of the problem of drug abuse, and anyone having a television set should not miss KET's informative offerings.

[From the Eastern Progress, Feb. 11, 1971]

BROADCAST PROVES PROVOCATIVE

Kentucky's Department of Mental Health has a new, sophisticated approach of assessing the modern drug problem. It's called "The Turned On Crisis," and it takes a mature, academic attitude toward the hows and whys of drug use and abuse.

In eight one-hour television broadcasts carried on 200 stations including WLKE, Channel 46, during February, a hard look will be given to drugs, and the use and dependence upon drugs in today's world. It is not designed to "slap the hands" of the users, nor is it "the old condemning the young."

Many varied opinions from a variety of sources attempt to determine the danger in drug usage. The final telecast on February 25 features a debate on marijuana use. (The dates and topics of the shows appears on page 1 of the February 4 issue of *The Progress*.)

The entire spectrum of "drugs" is taken into consideration from coffee to "grass" to "hard stuff."

One would have to say that the first three programs are definitely informative and provocative. They merit attention by all persons.

[From the Lexington (Ky.) Leader, Feb. 2, 1971]

KET CHANNEL 46: THE TURNED-ON CRISIS

Feb. 2: Because that's my way: Noted psychologist Carl Rogers leads ten people from different backgrounds in a 16-hour encounter session.

Feb. 4: The first dimension: A multi-level barrage of facts and attitudes on drug abuse forms a basis for dialogue.

Feb. 9: Say what we feel, not what we ought to say: Barriers to communication between youth and adults are revealed as they deal with threats of closing a city's controversial youth center and of policing the high school for drug users.

Feb. 11: Shade of a toothpick: David Susskind hosts a survey of drug prevention programs across the nation.

Feb. 16: To keep it you have to give it away: Lexington's federal Clinical Research Center is one of several drug rehabilitation projects visited.

Feb. 18: The concept: Dramas performed by ex-addicts at New York's Daytop Village as part of their therapy show their lives inside and outside the rehabilitation center.

Feb. 23: Why can't you hear through the noise in your ear? A music/rap session featuring top recording groups puts the meaning of contemporary music in perspective for adults.

Feb. 25: High is not very far off the ground: Debate centers around the controversy of marijuana use.

CREDIT REPORTING LAW PUBLICIZED

Mr. PROXMIRE. Mr. President, the Fair Credit Reporting Act that became law last Sunday has been greeted around the country as a major help to the consumer. The evidence is the number of news items, articles, and editorials that have been published about the new law.

Mr. President, I ask unanimous consent that some of the items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Apr. 26, 1971]

TALK BACK TO YOUR CREDIT FILE

In the highly mobile, buy-now-pay-later economy in which we live, some means of gathering and passing on information about credit applicants is undeniably essential for businessmen. Equally undeniable, however, is that many credit bureaus, reporting agencies or individual creditors have abused their right to such confidential information by filing and disseminating unverified or erroneous information—often nothing more than idle gossip—without regard for the effect it might have on a person's or family's economic and personal life.

A person could have his application for credit or an insurance policy or a job denied and have no way of knowing why—or of setting the matter straight if he thought that the denial might have been based on false information. Many an American, in such a situation, has felt himself to be the victim of a faceless bureaucracy, against which he was powerless to strike back. The credit file had the last word; the consumer had no opportunity to argue or respond.

Starting this week, however, the consumer will have some power—and the bureaucracy will have gained a face. Under provisions of the Fair Credit Reporting Act, described in detail by columnist Sylvia Porter recently, Americans will have the right to obtain all the information in their credit files, as well as the names of those who have received reports based on them. They will be able to arrange for a reinvestigation of items they question and to have such items deleted if they are false or cannot be verified. They will even be able to put their sides of the story on record if a reinvestigation fails to settle a disputed point.

The new law, in short, gives Americans the right to know who's saying what about them, and to whom, along with the right to challenge what's being said. It provides them with a valuable means of protecting their financial and personal reputations. Moreover, it should encourage credit agencies to be more careful about the kind of information they gather and pass on.

[From the National Observer, Apr. 26, 1971]

HOW FAULTY CREDIT DATA BLOCKED ONE MAN'S LOAN

(By Patrick Young)

Ever wonder about what's in your file at a credit-reporting service?

I did. What I found made me a believer in a new Federal law, effective April 25, that requires a credit agency to supply you, on request, with a summary of nearly all information in your dossier.

It was more than mere curiosity or a reporter's instinct that sent me searching for credit files on me and my wife. I had applied for a loan last January from my friendly, full-service bank, where I had obtained similar loans before. I expected a telephone call saying the loan was approved.

It didn't happen that way. The bank wanted to know about the $20,000 law suit pending against me. So did I. No one had told me about it.

For two days the bank refused to tell me where it had learned of the suit, what it involved, or where it had been filed. But it did say that if I was being sued, sorry, no loan—even if I had insurance to cover any judgment against me.

Finally the bank informed me the report had come from Stone's Mercantile Agency Co. Stone's told me where the suit had been filed and my lawyer quickly checked. I, indeed, had been sued on July 20, 1970. The suit involved, apparently, a medical claim from a minor traffic accident, total damage to both cars, $148. And the suit, settled by my insurance company, had been dismissed on Sept. 4.

With that cleared up, I got my loan. But I began wondering who else had files on me, and what they contained. And so I started looking in early April, and gained some knowledge about what credit-agency reports contain. I did wonder, since the law had not gone into effect, what co-operation I would get. I didn't get much at a couple of agencies, but from others I got plenty—too much in fact.

ACCURATE BUT DULL

I checked first with Stone's. A young man read me my file, which took up a single sheet of yellow paper. It was accurate and dull: my employer, one previous employer; two previous addresses; my wife's maiden name; and the fact that the law suit had been dismissed. I also learned that three credit checks had been run on me through Stone's since 1969.

I was out on the street before a thought struck. No one had asked me for identification. That did make me wonder just how confidential my file was.

My next stop came at the Credit Bureau, Inc., which did check for identification. Here was what I sought. They still had me being sued, seven months after the suit had been dropped. I made arrangements to clear that up. And I learned five department stores thought I did just fine paying my bills.

Finally I visited Retail Credit Co. They found no record on me.

I next called nine of the agencies listed in the telephone-book Yellow Pages. One was out of business, two were collection agencies only, and the others said they had no files on me.

O'Hanlon Reports, one of the agencies that snoops for insurance companies, refused to tell me whether they had a file unless I made an appointment and came into their Washington, D.C. office.

But I had more success at the American Service Bureau, which recently investigated me for a life-insurance company. They had a file, and even offered to read it over the phone. "All the entries are favorable," I was told. Very nice. But again I wondered about confidentiality.

ON THE PRACTICAL SIDE

The new Fair Credit Reporting Act for the first time gives all consumers some protection from the shadowy and intrusive activities of the nation's 2,500 credit-reporting agencies. No longer is it up to an agency to set its own rules on divulging file contents that may be blocking a crucial loan or other form of credit.

THE IMPORTANCE OF CREDIT

Today credit is a necessary and an almost universal part of American commerce. "We must realize that the old cliche that credit is a privilege and not a right makes no sense in the mid-Twentieth Century America," Arthur R. Miller, professor of law at the University of Michigan, told a Senate subcommittee investigating credit agencies.

The nation's credit agencies play a vital role in the nation's credit system. But several congressional investigations, which disclosed abuses and patently unfair practices, forced Congress to enact the new law to regulate the industry.

Credit agencies gather information that indicates the risks involved in granting people credit, and many check out a man's personal life. They readily exchange this data with other agencies, and sell summaries to businesses, insurance companies, and employers. Government agencies, such as the FBI, also have access to their files.

Much of the information comes from consumers themselves, through such things as credit and loan applications. The agencies also check public records and court dockets But, as I can testify, they can be lax about following court cases to their conclusion.

Careless record-checking can and does cause trouble. A Wisconsin couple was refused a bank loan, but not told why. A relative eventually obtained a credit report for them. The credit agency had confused the husband with a man having a similar, but not identical name, who had a court judgment against him.

More damaging to reputations can be personal investigations, often done for insurance companies and employers, that contain hearsay information gathered from neighbors, acquaintances and "friends."

AN ALCOHOLIC?

A Pennsylvania man was repeatedly denied medical insurance for his wife for 11 years. He finally learned through a friend that his wife, whom he testified took perhaps five drinks a year, was listed by a credit agency as an alcoholic.

Previously, most credit agencies barred banks, insurance companies, and businesses from revealing them as the source of derogatory data. Nor would they discuss a person's file until he signed a release freeing them from any court action for circulating false and libelous information. Indeed, Retail Credit Co. long had a policy of neither confirming nor denying to a person that it held a dossier on him.

The Fair Credit Reporting Act became law, over strong opposition from credit-agency lobbyists and their friends in Congress, largely through the efforts of Sen. William Proxmire, Wisconsin Democrat, and Rep. Leonor L. Sullivan, Missouri Democrat.

It provides these protections:

Credit agencies must disclose the nature and substance of all information in their files on an individual to him, except medical data. They do not, however, have to let a person see his file. Most will read the material or provide a written summary.

If a person's credit application is rejected, or he is turned down for insurance or employment because of an adverse report, he must be told the name and address of the agency involved. The agency does not have to reveal the names of people providing it with hearsay information, but provisions exist for obtaining the names through court action.

Credit agencies must reveal to whom they have provided credit information in the previous six months and what potential employers have received reports in the previous two years.

Credit agencies must recheck disputed information "within a reasonable period of time," but not if they have "reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant." If derogatory material is removed from a file, an agency, upon request, must notify anyone receiving a credit report within the previous six months or an employment report within the previous two years. If an agency refuses to remove information, a person may include a 100-word statement, giving his side. This must be included in future reports.

When someone asks for a report on an individual's character and reputation, the subject must be told.

The law limits the circulation of adverse information more than 7 years old, except bankruptcies, which may be included for 14 years. No limit exists, however, for persons who seek loans or life-insurance policies over $50,000, or who seek jobs with annual salaries over $20,000.

Credit agencies can be sued if they willfully circulate false data with a malicious intent to harm someone. And if an agency violates the Fair Credit Act and causes an individual financial harm, it can be sued. Both, however, are difficult to prove.

With some 2,500 agencies preparing credit reports, learning exactly who has files on you is hard. The Yellow Pages list 28 entries under "Credit Rating & Reporting Agencies" covering Washington, D.C., and its suburbs. Some of the larger agencies—Retail Credit Co., Hooper-Holmes Bureau, Inc., and O'Hanlon Reports, Inc., for example—are not among them.

[From Home Furnishings Daily, Apr. 16, 1971]

Consumer Gets A Look: New Law Opens Credit Info Files

(By Robert Barr)

Washington.—Retail stores and private credit reporting agencies will have new responsibilities to consumers under the Fair Credit Reporting Act of 1970 which becomes effective April 25.

The fact that this law will begin operating shortly has stimulated freshmen Congressman William Cotter (D., Tenn.) to demand that the Federal Government be required to follow much the same rules about information kept on file about consumers.

Under the Fair Credit Reporting Law, any store which rejects a credit application or increases the charge for credit on the basis of a private credit agency report, must advise the consumer involved of the name and address of that private credit agency.

The private credit agency itself, under the law, will be required to disclose to any person who requests it, what information the agency has on file about that person.

The credit agency must disclose the nature, substance and source of its file information, but need not include any data acquired from an investigative report for employment purposes.

The credit agency that is asked by a person about any files it has on that person must reveal the names of any other persons to whom copies of the file information have been sent.

Cotter has sponsored a bill to require Federal agencies to notify citizens if they have any dossiers on them.

The Government would not have to disclose files that involved national security or investigations involving criminal prosecutions.

However, under the Cotter bill, the Government would have to notify a person that he could inspect the file kept on him, make copies of it and supplement it.

Also the Government agency with any such files would have to keep a record of all persons who have inspected such a file, and those files could be opened to other persons only when legally required or with the consent of the person who is the subject of the files.

[From Consumer Trends, Apr. 16, 1971]

Confidentiality of Credit Information Under the Fair Credit Reporting Act

When the Fair Credit Reporting Act becomes effective on April 25, it will be a foolish credit granter who does not follow the advice of the firm's own legal counsel with regard to compliance with this new law. *But unfortunately, during recent weeks "CT" has seen in print expressions of opinions by attorneys which have been made publicly which demonstrate inadequate understanding both of the law and consumer credit operations* and which are disturbing the relationships between more competent attorneys and their clients in the industry. Most of this bad advice centers around the law's regulation of consumer reporting agencies.

One frequent statement we see is that "the first thing a creditor must do is to decide whether or not he is going to be a consumer reporting agency under the provisions of the law." *This is like a lawyer asking his client, "Have you stopped beating your wife?"* If creditors have been functioning secretly as cerdit reporting agencies up until now, they should not have because *in any consumer credit relationship there is an implied contract between the creditor and the customer that information with regard to his account will be held in confidence.*

While the laws covering other areas of credit regulation usually have not spelled out this obligation on creditors, the state laws regulating banking have usually been explicit on this point. *In general, state banking laws do not permit a bank to indiscriminately act as a "credit agency" for third parties.* And according to The American Bankers Association, "A bank should, as a general policy, consider information concerning its customers as confidential, which it should not disclose to others without clear justification." And further, suits in the banking industry make it clear that in some instances banks should release information to third parties only in response to a court order. This is what legal research by "CT" shows.

But there is nothing in either the Fair Credit Reporting Act or in the state laws which places unreasonable legal restraints upon banks or any other type of credit granter, even credit unions, from providing ledger information on consumer credit accounts either to a credit bureau or on direct inquiry from another credit granter as long as this is done in a confidential and reasonable manner. In fact, *while Section 604 of the new law was intended only to set out the permissible uses of consumer reports to set boundaries on consumer reporting, its provisions offer an excellent legal guide to the credit granter on giving out information to any third party with propriety.*

[From the American Banker, Apr. 21, 1971]

Formal Regulations on Fair Credit Reporting Will Not Be Issued by Fed

The Fair Credit Reporting Act is an amendment to the Consumer Credit Protection Act but not an amendment to truth-in-lending; consequently, the Federal Reserve Board does not have the responsibility for writing regulations with regard to this act, according to **Griffith L. Garwood, attorney, truth-in-lending**, Federal Reserve Board division of supervision and regulations. In an address to the American Bankers Association's 30th national installment credit conference in Miami Beach, Mr. Garwood, who said he was not speaking as a representative of the Fed or as a regulator, acknowledged that the application of the law to bank activities is "so uncertain" that the Fed is faced with the need for preparing information for its examining staffs and for the other banking agencies.

I do appreciate the opportunity to speak to you on this topic that is timely for you all and which is also timely for us, because we've got to educate our examiners in a short period of time in the particularly difficult and confusing Fair Credit Reporting Act as it applies to financial institutions.

But before I begin talking about fair credit reporting, I want to say one word about truth-in-lending, which is my primary area of responsibility. There have been references made to a practice which has shown up in the past two weeks of banks advertising in bold print the add-on rate, which is so contrary to the spirit and the intent and the language of the statute as to be astounding.

While we and the other banking agencies are doing whatever we can to stamp out that practice, I think it was extremely unfortunate and it gives some indication of why Washington at times overreacts to problems and the practice certainly should be discontinued immediately.

On April 25 the Fair Credit Reporting Act goes into effect. Many of you know that, a good number of you are worried about it, but I suspect that the impact of this act on banking practices is not well known by many of you. This is particularly disturbing because it affects the collection of information and the use of information and the referral of information on consumers for credit purposes and insurance purposes and employment purposes. I would imagine that each of you in this room is engaged in one of those activities from time to time and you need to be familiar with this act.

It applies to banks as credit granters, as employers, as purchasers of dealer paper and as credit card issuers. And under the act banks may even become what we've known as credit reporting agencies in the past and which under this act are called consumer reporting agencies. Now the act is an amendment to the Consumer Credit Protection Act, the major title of which was truth in lending. But the act is not an amendment to truth in lending, so the board's responsibility for writing regulations are not present with regards to this act.

The act does not specifically direct any agency to write implementing regulations and this may be one reason why it kind of crept up on the industry unawares. Now it may be that the banking agencies have general authority to write regulations to implement the act, but the congressional intent is quite clear that Congress believed that the statute could stand on its own and wouldn't need regulations.

However, its application to banking activities is so uncertain that we are faced with the need of preparing information on it for our examining staff and also the other banking agencies. It's my belief that this information, which is presently being developed by the saff, will be distributed to banks, at least to give them an idea of how the agencies view the act and give some guidelines for developing procedures. But I should caution you that because of the difficulties of the language in the act, the actual impact as determined by court decisions may not be known for some period of time. I want to emphasize that I am speaking not as a representative of the board on this act and not as a regulator; I'm not giving the views of the board at this stage because, frankly, they're unknown. I'm just speaking as an individual who is familiar with the act and familiar with banking practices to a certain extent. My purpose is to encourage you to become familiar with the act yourself and to consult your counsel about it. I would like to walk you through it and give you some of my interpretations of it as a basis for developing your proceures, because time is very short before the effective date.

A word about the purpose of the act. It is designed to insure fair and accurate reporting of information regarding consumers. It restricts the use of those reports to legitimate uses, it requires the deletion of certain old information, obsolete information, and most important for banks, it requires notice to a consumer when credit is denied or the cost is increased, based upon information from a credit reporting agency from another bank or from any third party. The bank will have responsibilities as a user of credit information. The act also entitles consumers to know about the information that is in their files, that are in files of consumer reporting agencies and, as I mentioned, a bank in some instances may be a consumer reporting agency, which would mean that the bank would have to make that information available to consumers.

This is an age which is filled with almost daily reports of invasion of privacy by both public and private institutions. And I think few of us would quarrel with the basic aims of this legislation. The problem for bankers is to know how to comply with the technical requirements of this act.

Now there may be a good deal of uncertainty and discussion as to how it applies to certain phases of banking operations. But there is no question at all but that banks have responsibility as users of information on consumers. Banks in many cases routinely obtain credit reports and they may continue to obtain those reports in connection with legitimate business purposes. There is nothing in this act that prohibits a bank from obtaining those reports. New procedures, however, are set forth in the act for obtaining the reports. The bank must file a certification with the credit reporting agency certifying that it will use the report for only one of the specified authorized purposes. It's my view that it need not give a certification each time that it requires a credit report, that a blanket certification will be appropriate.

Now I mention again that, under some circumstances, a bank may be a credit reporting agency and in that situation of course, you would have to certify to that other bank that you were going to use its information for an authorized purpose.

The most important part of the user's responsibility has to do with responsibility to the consumer. If a bank denies credit or increases its cost based even partially on information in a consumer report from a consumer reporting agency, it's got to tell the consumer the name and address of that agency. The reason is clear: there are other statutory provisions which allow the consumer then to go to the agency and see what's in his files and give him an opportunity to correct any erroneous information. But when a bank turns down credit, or increases the cost, based upon information from a credit reporting agency, it must give the name and address of that agency to the consumer. It must also advise him that the report contributed to or caused that denial of that credit or the increase in cost.

Well, that's not too difficult, but it becomes more difficult when a bank turns down or increases its cost because of information from someone other than a credit reporting agency, from an employer, or from another bank, or from a finance company. When it increases the cost, or if it turns down the credit, based upon information from one of these other sources, it must tell the consumer that he has a right to ask for the nature of that information. And if he does ask for the nature of the information, if he makes a written request for it, the bank has got to give it to him. They've got to tell him, for example, that his credit history with another financial institution is poor, or that his income is not what he represented it to be, or that he has not been employed or lived at the address for the specified period claimed in the application, or that his debts are greater than he represented, or that the statement in his application that his debts are current is inaccurate.

This would all be information that the bank would have determined from a third party who is probably not a credit reporting agency, and if it turns down or increases the cost based upon that information, it must first advise the consumer that he has a right to request the nature of the information. If he does request it in writing, then you've got to give him the information that caused the turn down or the increase in cost.

One of the questions that I believe will arise is what happens if the turndown is based upon information on a coworker, or a guarantor or surety. The statute is unclear, but it seems to me that you ought to follow these rules that I have just mentioned if the turndown or increase in cost is based upon information on a co-maker, guarantor or surety. I want to emphasize that the bank need make no disclosures whatsoever if it denies credit or increases the cost because of information it has in its files, solely as to its own prior transactions with the customer or based upon information in the customer's own credit application or based upon its general credit policies.

It must only make these disclosures when it uses information from a third person, either a credit reporting agency or an employer or another bank or finance company. I want to emphasize that a bank may continue to make enquiries about a customer to prior creditors and credit reporting agencies and others. The only responsibilities are to the consumer if there is a turndown.

Now there are special responsibilities if the bank makes what is called a "request and investigative credit report," or "investigative consumer report" and this is just what it sounds like. It's a report involving personal interviews with neighbors, friends, associates, others, about the individual's general character, mode of living and so forth. It's probably not likely that a bank will make that kind of request in connection with an extension of credit, but it might very well do so in connection with employment. Well, if it does request one of these reports, it's got to tell the customer or the prospective employee within three days of making that request and it must inform him that you will tell him the nature and scope of the investigation, the type of questions asked, and the type of people to whom they were directed.

What changes should you consider today to comply as a user of credit information? First of all, you recall that a certification is required to each credit reporting agency. Now the primary responsibility falls on the credit reporting agency to obtain that certification, but you ought to be aware that one will be required. You'll need to instruct your employees that consumer reports can be obtained for certain permissible purposes: in connection with the extension of credit, the review or collection of an account, for employment purposes, underwriting insurance or other legitimate business purposes. You cannot, for example, request a credit report on your prospective son-in-law that is, unless you view it as a business transaction! Otherwise, you can't do it any more. Another procedure: you should establish procedures and instruct your employees to make sure that these disclosures I mentioned are made to consumers when there's a turndown or the charge is increased. You recall that you have to disclose the name and address of the consumer reporting agency or the right to request the nature of the information when it comes from a third party.

Now, you've got to establish procedures to maintain records of information you get from third parties so that if the customer requests the nature of the information, you'll have it available and can make the disclosure to him. You'll also need forms to disclose that you're making an investigative credit report, if you're doing so.

The real controversy arises as to whether a bank may be a consumer reporting agency. The issue is an important one because a consumer reporting agency must make its files available, must make the information in its files available to consumers under certain prescribed rules. It also is important because you remember the responsibility of the user depends upon whether he gets the information from a credit reporting agency or not. So you as one banker should be interested in whether another bank from whom you get information is a consumer reporting agency.

Now a consumer reporting agency is defined as, among other things, any person who on a cooperative, nonprofit basis regularly engages, in whole or in part, in assembling or evaluating information on consumers for purposes of furnishing consumer reports to third parties. It doesn't say for the purpose or the sole purpose or the primary purpose of furnishing consumer reports to third parties; it just says for purposes of furnishing consumer reports to third parties. It's a little bit vague as it applies to the interchange of information. Congressional history suggests that it was the intent of the majority of the members at least who were knowledgeable about the bill that this would apply to banks in any situation in which they exchanged information other than solely as to transactions or experiences that they have had with the consumer.

It seems to me that, as long as a bank does not record information it picked up from employers, does not report information it picked up from other creditors, does not pass on information obtained in a credit report, it will not be a consumer reporting agency. Now to be cautious, I wouldn't pass on information that was contained in the consumer's own credit application. I think I would limit what you pass on—if you wish not to be a credit reporting agency—to information simply as to the transactions, loans deposits, and so forth, or experiences with the consumer.

Now you could disclose, for example, that the consumer had a history of delinquency with you, or was current, or you could give other information as to the status of loans or deposits with you. If you are regularly furnishing other than information relating to transactions or experience, you've had it with the consumer.

Now is the time to decide if you wish to continue that practice and be a consumer reporting agency—and some banks may very well wish to be—or not be a consumer reporting agency.

In making that decision, let me talk about some of the requirements imposed on a consumer reporting agency. You recall the certification. A consumer reporting agency would have to obtain certification from all the users of its reports that they will be used for the permissible purposes. So you as a bank that is a consumer reporting agency would have to obtain agreements from the recipients of your information that they will use it only for permissible purposes. Now, in addition, you cannot use obsolete information in any reports that you furnish, and the act tells you what is obsolete information. Basically, it is information about bankruptcies, that are over 14 years old, or any other adverse information that is 7 years old. This would include suits and judgments, paid tax liens, accounts placed for collection, arrests, indictments, convictions. All this material would have to be deleted from the file and not passed on. Now you as a user of reports, who is interested in and required by law to determine whether a prospective employee has been convicted of crime. may be thwarted in your efforts because the information you get from a credit reporting agency won't tell you whether he's been convicted over seven years ago. I don't know what the resolution of that problem will be.

I might mention that these restrictions on passing on obsolete information do not apply in the case of the extension of credit for $50,000 or more, or in connection with an application for employment at $20,000 or more a year.

Well, then, what must a bank do which is a consumer reporting agency. It must maintain procedures to insure that the information is not released except where permitted: these large transactions of $50,000 or more. This would require periodic review of files to delete obsolete information and, of course, instruction of employees. Procedures must be developed to insure that information is given only for the permissible purposes. Again, if you as a credit reporting agency give out information on that prospective son-in-law, you have violated the law and it can be serious. You have to obtain certifications and so forth.

Well, the point of all this really is to give the consumer an opportunity to come in and correct erroneous information in his files. And a bank as a consumer reporting agency has a number of responsibilities to a consumer. You recall that when the user of your report denies credit he must give out your name and address and under the statutory scheme the consumer then comes to you. Upon his request and proper identification, you've got to disclose the nature and substance of all the information in your files on him, except medical information.

Not only must you disclose the information in your files, you must disclose the sources of that information, except under certain very limited circumstances; but in general you would have to disclose the sources of all the information in your files. You've also got to disclose the recipients of information from that file for employment purposes within the last two years, and for any other purposes within 6 months. So obviously the bank which is a consumer reporting agency has got to keep records of every telephone inquiry in response to which information is furnished on the consumer so that it can then disclose the recipient of that information if he asks for it.

Now I might mention that if information is removed from this file before April 25, which is the effective date of this act, then the sources and the recipients of that information need not be disclosed if the consumer requests it. I think this is in recognition of the fact that information was given in the past on a confidential basis, and you do have an opportunity to remove that information from your file before the effective date of the act and in that circumstance you need not disclose the sources or the recipients of the information. Now when the consumer comes to you he has a right to disclose during normal business hours on notice, in person, or by telephone, as long as he pays for the call. He's permitted to be accompanied by someone else, you can require him to give you written permission to disclose the information to that other person. You've got to supply trained personnel to give him the information in his files and I think any bank which is a consumer reporting agency is going to have to draw together from all its departments the information it might have on a particular individual, or certainly set up procedures so that it can readily draw that information together so that if a customer requests it, a disclosure can be made to him.

All this disclosure to the consumer of what's in his files is of course to allow him to correct or dispute information in that file. And if he asks you to, you've got to reinvestigate and record the current status of any information that he disputes in the file. This is, unless you consider the request frivolous or irrelevant, but I think a bank should be very, very cautious about ignoring any consumer's request to reinvestigate on the grounds that it is a frivolous or irrelevant request, and I might mention that the status says that simply because there is contradictory information in your files, contradictory to his allegation, this is not a grounds for assuming that his request is frivolous or irrelevant.

Now if it reinvestigates, if the financial institution reinvestigates, and it can't reconfirm that information, it's got to delete it from the file right there if it can no longer be verified, it must be deleted. Now what happens where reinvestigation confirms the information in the file? Well, in that circumstance the consumer is entitled to file a brief statement of his side of controversy. And unless again, that statement of the controversy is frivolous or irrelevant, all subsequent consumer reports must contain a brief statement, this statement, or a codification or a summary of it. In other words, the consumer will be telling his side of the story when future consumer reports are distributed.

Not only that, but he can request that you notify prior recipients of the report of his dispute and those same provisions, two years in the case of requests for employment purposes, six months in the case of other recipients applying. Anybody who has received information that the consumer reports in that period must be notified of the correction or statement that the consumer is furnishing. And the bank of course would have to clearly indicate to the consumer his rights, all these various rights I've indicated, these rights to make a request.

Well, let's assume that this has scared you off from being a consumer reporting agency. There is an extremely unclear portion of the statute which will affect every single bank in this room and that has to do with activities with regard to dealer paper. Let me give you my reading of this provision which certainly can be proved wrong in the future, but let me take a crack at it for you. Assume the financial institution wishes to avoid becoming a consumer reporting agency. In that situation, any time there is a call-around by a dealer, before the contract is signed, to inquire whether the bank will accept the deal, will extend the credit, and the bank turns it down or increases the cost because of information in a consumer report or from third parties, disclosures must be made by the dealer to the consumer and by the bank to the consumer.

Let me go over that again. This is if you want to avoid becoming a consumer reporting agency. On a call-around situation, if the financial institution does not accept the deal or increases the cost—again even partially because of information from a third party, whether it's a credit reporting agency or employer, or prior creditor—disclosures have to be made both by the dealer and by the financial institution to keep the bank from becoming a consumer reporting agency. Now the dealer must advise the consumer of the name and address of the bank, and the bank then must follow normal procedure of a user of reports, and you recall that if you're using a consumer report from a consumer reporting agency, you've got to give the name and address of the consumer reporting agency. If you're using information from a third party who is not a consumer reporting agency—an employer, a finance company, another bank—then you've got to disclose to the consumer his right to make a request to be informed of the nature of that information. Then you've got to disclose the nature of that information if he makes a written request within 60 days. Again, on the turndown, the dealer has got to disclose to the consumer your name and address and you have to disclose to the consumer either the name and address of the consumer reporting agency you used or his right to request the nature of the information when it came from a third party.

Now although this second responsibility falls directly on the bank. to me that the easiest way to comply is to have the dealer as your agent and on your behalf make those disclosures for you. Unfortunately, you run a good deal of risk that he might not do it. So I think strict, tight procedures would have to be developed if you took this approach to insure that you got copies of any disclosures made by the dealer on your behalf. He's got the customer before him, presumably you can tell him what to say on the phone, he can fill out the form on your behalf, hand it to the customer and that should handle your responsibilities.

I might mention, I have talked to some bank counsel this week who feel that they are not willing to advise their banks to take that risk and they will presumably require the customer's name and address from the dealer so that they in turn can make the disclosures directly to the consumer.

I'd like to talk briefly about the responsibilities of a bank as an employer, or one who furnishes information to others on consumers for employment purposes. The act has direct application to your operations in these two situations. Again, there is nothing in the act that prohibits you from giving out information that may be in your files on a consumer when somebody calls to find out about him for employment purposes, but again I must caution you that if you give out anything other than your own transactions or experiences you may find yourself in the role of a consumer reporting agency. If you are a consumer reporting agency, and you're passing on information which includes information of public record which may have an adverse affect on this person's ability to obtain employment, for example liens and judgments, pending law suits, arrests and convictions and so forth—at the time you pass that information on, you've got to tell the consumer of the name and address of the person to whom you gave it. Now the alternative is to make sure that that public record information is absolutely up to date, that you check the courthouse and the suit that was filed has gone to judgment, has been dismissed, whatever the absolute up-to-date disposition of it is. If you do that, you need not tell the individual the name and address of the person to whom you reported the information.

Now in evaluating a potential employee, a bank may continue to obtain the consumer report and it can continue to make inquiries from previous employers, for example. You will recall, though, that if you make an investigative credit report, you've got to tell the consumer that you're making that investigating report and disclose his right to know the nature and scope of the report. This does not apply if it's a job for which he has not specifically applied, if you're doing it on the sly, so to speak. But if he's applying for the job and you make an investigative report, you've got to make these special disclosures to him.

A word about liability. There is plenty of it in the statute. Willful noncompliance, actual damages, punitive damages, court cost, attorneys' fees for the successful litigant. Our experience in truth-in-lending where there is also provision for court costs and attorneys fees for successful litigants is that there are a lot of litigants trying to be successful right now. So I think there is real exposure, under these provisions, for negligence. They dropped the punitive damages but you can still be subject for actual damages.

Let's go back to that son-in-law and let's say you really want to obtain a report on the son of a guy, but you're aware of this act so you call up a consumer agency and suggest that you need it because you want to lend him some money. Well, that could land you in jail and it could also cause you to be fined $5,000. Let's say your brother-in-law works in the consumer reporting agency and he knows doggone well why you want the report, why he could also go to jail and you could spend the time there together. You can't release or obtain information for unauthorized purposes.

In conclusion, the Fair Credit Reporting Act is a complicated statute. It applies in one way or another to every single bank represented in this room, it becomes effective on April 25. I think your first job is to determine whether you want to be a consumer reporting agency or not and adjust your procedures accordingly. In any event you will have to develop new procedures for disclosures as users of information. Time is short, the responsibilities are substantial, the penalties are severe, and I suggest you all become acquainted with the act.

[From the Chicago Daily News, Apr. 20, 1971]

STRETCH YOUR MONEY: WHAT NEW CREDIT LAW MEANS TO YOU

(By Dan and Michele Miller)

A North Side Chicago family has been trying for a year to convince a big mail-order house that they never ordered or received 7 sheets and 14 pillowcases. But the bills, with increasingly ominous warnings, keep coming.

A south suburban couple is having similar problems with a credit-card company that insists they took a two-week vacation last year in Barcelona, Spain, and financed it with a credit card. The couple haven't been outside Cook County in two years.

And other families are being threatened with maiming of their credit rating because of unpaid bills from record clubs, book clubs and art clubs they never joined.

Frustration is one of two results in communicating with a computer. The other is usually irreparable damage to a credit rating.

But beginning next Sunday, credit-using consumers will wield a little more clout when trying to correct inaccuracies in their credit dossiers.

The Fair Credit Reporting Act goes into effect April 25 and it spells out some basic rights consumers have in protecting their reputations. Here are the main provisions:

The next time a company turns down your request for credit because of a bad report from a credit-reporting agency, the company must tell you the name and address of the agency. The same applies to an insurance company that rejects you for a policy or to an employer who refuses to hire you on the basis of a credit report.

You have the right to know the "nature and substance of all information" in your file at the credit-reporting agency, except for medical information. You can't paw through the file yourself, but a trained employee must explain to you what's in your file. You have a right to know the sources of almost all information, but not the sources used in an investigation of your life-style. You can find out, for instance, the name of a record club that has given you a black mark, but not the names of your neighbors who complained to credit investigators about your personal affairs or general character.

Credit-reporting agencies must reinvestigate disputed information "within a reasonable period of time," unless the agency has "reasonable grounds to believe that the dispute . . . is frivolous or irrelevant." If the dispute is unresolved, you can tell your side of it in a brief statement that will become part of your record and be included in any future reports. It will also be forwarded to agencies that received the disputed information in a credit report.

Even if you aren't turned down for credit by a company, you can find out what is in your credit file by requesting the information from the appropriate credit bureau. The same provisions for reinvestigation and disputed information apply, but the credit-reporting agency can charge you a "reasonable" fee for examining your file.

Certain kinds of information in your file cannot be reported to anyone. These include bankruptcies over 14 years olds, suits and judgments over 7 years old or the time allowed under the statute of limitation (10 years in Illinois), whichever is longer, or any other adverse information over 7 years old. But the embargo doesn't apply if you are being investigated for an insurance policy for $50,000 or more or a job that pays more than $20,000 a year.

You are entitled to know if someone has ordered an "investigative consumer report" on you. That kind of report on your personal life is based on interviews with your neighbors, friends and associates. But you won't find out if someone is checking on you through your past or present creditors—unless the information results in denial of a job, credit or life insurance.

Details of the Fair Credit Reporting Act can be obtained from Sheldon Feldman, Bureau of Consumer Affairs, Division of Special Projects, Federal Trade Commission, Washington, D.C., 20580.

[From the Capital, American Bankers Association, Apr. 13, 1971]

CREDIT REPORTING

Banks have been warned to study the Fair Credit Reporting Act of 1970 so they will be ready to comply with the new law when it goes into effect April 25.

The new statute, enacted as a rider to last year's foreign bank secrecy law, applies "in one way or another to every single bank," Federal Reserve Board attorney Griffith Garwood declared at ABA's National Installment Credit Conference in Miami Beach last week.

"I think your first job is to determine whether you want to be a consumer reporting agency or not and to adjust your procedures accordingly," he advised bankers. "In any event, you will have to develop new procedures for disclosures as users of information."

"Time is short," he continued. "The responsibilities are substantial. The penalties are severe. And I suggest you all become acquainted with the Act."

Garwood also said that under the new law the Fed is not required to issue implementing regulations. And the agency may not even issue guidelines for banks to follow before the law takes effect, he added

Emphasizing that his views were his own and not an expression of Fed policy, Garwood said the law will apply to banks "as credit granters, as employers, as purchasers of dealer paper and as credit card issuers."

The law restricts the use of information and requires deletion from files of certain obsolete information. It also entitles consumers to know why a loan request is refused or the cost increased.

However, Garwood stressed, "the bank need make no disclosures whatsoever if it denies credit or increases the cost because of information it has in its files solely as to its own prior tranactions with the customer or based upon information in the customer's own credit application or based upon its general credit policies."

A bank "must only make these disclosures when it uses information from a third person, either a credit reporting agency or an employer or another bank or finance company and so forth," he said.

Under the law, Garwood suggested that the crucial question for a bank will be to determine whether it desires to be a consumer reporting agency itself.

If so, the bank "would have to obtain agreements from the recipients of your information that they will use it only for permissible purposes," he said. "In addition, you cannot use obsolete information in any reports you furnish."

As a consumer reporting agency, the bank would also have to disclose, if the consumer requests, information filed on the consumer as well as the sources of the information.

And the bank would have to disclose recipients of information for employment purposes from a consumer's file in the past two years and for any other purposes in the past six months.

Any information removed from files before April 25 is exempt from these rules, Garwood said.

"All of this disclosure is aimed at giving the consumer a chance to correct or dispute information in his file," he said.

If a consumer requests, a bank must reinvestigate material in its file, he said. If the information is not confirmed, it must be removed from the bank's file. And even if it is confirmed, the consumer has the right to enter his own explanation in the file.

To avoid being a consumer reporting agency, Garwood advised that a bank not record information obtained from employers, not report information obtained from other creditors and not pass on information obtained from credit reports.

"To be cautious," he added, "I think I would limit what you pass on—if you wish not to be a credit reporting agency—to information simply as to the transactions, loans, deposits and so forth or experiences with the consumer."

[From the Phoenix American, Apr. 7, 1971]

Consumer Rights: Bad Credit Reporting Open to Inspections

Almost every American adult has his or her name on a file in the 2500 credit bureaus and local merchants' associations in the U.S. On April 25 a new law called the Fair Credit Reporting Act goes into force which gives consumers some rights against use of erroneous data in these files.

The Consumer's new rights under the Fair Credit Reporting Act are:

1. A company that turns down your credit application because of a bad report must give you the name and address of the bureau. The same applies to an insurance company that rejects your application for a policy or an employer who refuses to hire you because of a bad credit report.

2. The Credit Bureau must then disclose to you "the nature and substance of all information" in its file, except medical information. You do not, however, have the right to know the sources of hearsay evidence about your character or personal life

3. The credit bureau must also tell you the names of any firms that received your credit record during the previous six months.

4. Ordinarily, you must go to the credit bureau in person, but at written request and with proper identification over the telephone, information can be given to you over the telephone.

5. The credit reporting agency must delete any data that is shown to be "inaccurate or unverifiable," and must send notice to all who have received an inaccurate report within the past six months (2 years for employment purposes.)

6. If you cannot prove your claims, about having paid a bill for example, the law gives you the right to put in the file a statement of 100 words giving your side of the argument.

7. The bureau is not permitted to charge for disclosing what's in your file or for making corrections, deletions, additions or notifications required by law.

8. As a consumer, you have the right to find out what's in your file at any credit bureau even though you may not have been notified of an unfavorable report.

"The Credit Bureau of Phoenix," according to Nielsen, General Manager, "has always had an 'open door policy.'" Nielsen says that an average of 15 persons come in for a file check every day in Phoenix and this number of checks has remained consistent for the past several years. With a coverage of 100 million files, Nielsen says, that's a low percentage of possible complaints about false information. Other cities of comparable population average about 45 file checks per day.

Nielsen's biggest gripe about the Fair Credit Reporting Act is that the title of the law singles out credit reporting bureaus rather than investigative agencies. The Credit Bureau of Phoenix is a member of Associated Credit Bureaus and is a non-profit member-owned association. The Credit Bureau's competitor in Phoenix is Retailers Commercial Agency, Inc. The bureau serving Mesa is Credit Bureau Services. All the other listings given in the Mountain Bell Directory under Credit Reporting Agencies are either commercial credit bureaus or collection agencies.

Information held by credit bureaus flows two ways. Information is freely sold to clients for credit reports, hiring references, insurance applications and even for mailing lists. Stores and financial institutions buy credit reports. They also send to credit bureaus the vital statistics and repayment records of consumers.

TWR Information Services, Inc., on a fully computerized system, has predicted that it can store data in its computer memory on every credit-using American by 1973. The Credit Bureau of Phoenix may participate in TWR's fully automated system, now under study, by housing a terminal in the Phoenix office hooked to memory storage units in Anaheim, Calif.

[From the Toledo Blade, Apr. 4, 1971]

Extension of Credit Law Tightens File Protection—Rules To Be More Stringent on Reliability of Information

(By George Zielke)

Washington.—Over the years many a person has wondered about what's in his credit file, especially if some event—loss of credit, for instance, or failure to obtain a particular job—has been traced to misinformation.

Congress listened to some horrendous stories of what had happened to unwitting victims of mistaken "facts" in somebody's files—and then determined to take the mystery out of such files.

Come April 25, when another major section of the Fair Credit Reporting Act of 1970 goes into effect, credit investigators will be required to tell you if they're making an inquiry and will have to tell you all that they know—or think that they know—about you.

If there's something wrong in the credit report, you can demand a correction—and retraction—where misinformation has been passed along.

If a consumer reporting agency or its customer (the user of the information) willfully or negligently violates the law, you can sue for damages.

Also, there's a criminal penalty (fines up to $5,000, a year in prison, or both) for willfully obtaining information from a credit reporting agency under false pretenses or for a report by any employee of a consumer reporting agency who knowingly provides an unauthorized person with information from a consumer file.

Under the new law, when any reporting agency begins an investigation into a consumer's character, reputation, or mode of living compiled from personal interviews with the subject's neighbors, friends, associates, or anyone with knowledge of these facts, the agency must give the individual written notice—and tell him of his right to submit a written request for disclosure of the nature and scope of the inquiry.

Where employment is concerned, the reporting agency is required to tell the individual that the report is being prepared—and who will receive it—if it contains information from the public record (liens and judgments, for example) that is likely to have an adverse effect on the individual's chances of getting the job.

Basically, the consumer is entitled to find out all the information in his file. To do so, he must notify the credit reporting agency in person or by letter. He may bring along one person (an attorney or anyone else) to see the report.

The credit reporting agency is required to provide trained personnel to explain the nature and substance of the report on the individual and to give the sources of information, except for the names of persons interviewed in compiling the investigative report.

Consumers are entitled to be told who has received this report within the previous two years for employment purposes or within the previous six months for any other purpose.

The reporting agency may make "a reasonable charge" for providing the information, the Federal Reserve Board (which wrote the regulations) says.

When a consumer questions the accuracy or completeness of any information in his credit report, the reporting agency must investigate and, if the information can't be verified, it must be deleted from the file.

If the investigation doesn't resolve a dispute over the facts, the consumer will be entitled to file a statement of his objections to the report information, and the reporting agency must provide this statement to anyone receiving the credit report.

If information is deleted, the consumer may request that all who have received the report for employment purposes within the previous two years, and anyone receiving it for any other purpose within the previous two months, be sent notice of the deletion.

To begin with, the new law states that a consumer reporting agency is permitted to furnish a report only upon request for specified reasons.

These include a court order, a consumer's request for his own report, or another person's request when the information is to be used in connection with credit, employment, insurance, government license, or other legitimate business transaction involving the consumer.

However, the reporting agency may provide a government agency with the individual's name, address, former addresses and places of employment—but nothing else—even though the government agency doesn't meet the test on the purpose of the request.

In other words, if a government agency wants to look at what's in your credit file—for any reason other than employment or a government license—it will have to get a court order.

Besides misinformation, another concern of the law is "stale" information. The law requires deletion from a file of certain types of information after stated periods of time:

Bankruptcy after 14 years.

Suits or judgments after seven years or at the expiration of the statute of limitations, whichever is longer.

Paid tax liens after seven years.

Past due accounts after seven years.

Arrest, indictment, or conviction of a crime after seven years from date of disposition, release, or parole.

Any other adverse information after seven years.

However, if the credit report is requested in connection with a credit or insurance transaction for $50,000 or more, or employment at a salary of $20,000 or more, all information may be reported, no matter how old.

The law will require all consumer reporting agencies to maintain reasonable procedures to remove "stale" information and to make sure that only appropriate persons obtain copies of a consumer's credit report.

These procedures must include a requirement that users of such information identify themselves, certify the purposes for which the information is sought, and declare that it will be used for no other purpose.

[From the Toledo Blade, Apr. 4, 1971]

Credit Act Takes Effect in Steps

Washington.—The Fair Credit Reporting Act has taken effect in several steps.

As of last Oct. 26, when President Nixon signed it into law, the act banned sending of a credit card (except for a renewal) to anyone who didn't ask for it.

Effective last Jan. 25, the law limited the liability of a credit card holder to $50 for unauthorized use of the card, and decreed that there is to be no liability at all if the issuer didn't provide a self-addressed, no-postage-required notification statement to mail in case of loss or theft or possible unauthorized use of the card. Major card issuers haven't complied with this provision—so millions of card holders currently face no liability for any unauthorized use.

The "consumer bill of rights" section, dealing with credit information, takes effect April 25.

[From the Milwaukee Courier, Apr. 3, 1971]

Federal Law Helps Consumers Fight Unfair Credit Ratings

What do you do if your credit rating goes bad? A new federal law, the Fair Credit Reporting Act, that goes into effect April 25 gives consumers some rights against the use of erroneous data in the files of credit bureaus.

Dossiers on almost every adult American are kept in the files of some 2,500 credit bureaus and local merchants' associations.

Credit bureaus freely exchange information from their dossiers and sell it to their clients for credit reports, hiring references, insurance applications, and even for mailing lists. But prior to the new law there was virtually no way for the consumer to protect his financial standing, and perhaps even his personal reputation.

The new law means that after you have been told that a credit bureau report has hurt your credit, insurance or employment status you have the right to obtain from the bureau "the nature and substance of all information" about you in its file. The exception is medical information.

TOLD SOURCES

You also have the right to be told the sources of almost all information except hearsay evidence about your character or reputation.

When a credit bureau tells you what's in your file, it must also tell you the names of any firms that received your credit record during the previous six months. It must tell you who received your record of employment purposes in the previous two years.

Ordinarily, you must go to the credit bureau for this information, but at your written request and after taking proper precautions about identifying you, the bureau is allowed to give you the information over the telephone.

Suppose you find out that the credit bureau has false, incomplete or inaccurate information about you. What does the Fair Credit Reporting Act do for you then?

Disputed information must be reinvestigated by the credit bureau "within a reasonable period of time" unless "it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant." Consumers Union, the nonprofit consumer-advisory organization, says that unfortunately weasel words like those quoted may sabotage enforcement.

DELETE DATA

But if the credit bureau doesn't try to weasel out, it must promptly delete any data found to be inaccurate or unverifiable. And at your request, it must send notice of the deletion to any or all those who received your report in the previous six months, or the previous two years if the inquiry was for employment purposes.

If the credit bureau's investigation doesn't settle the dispute, you are entitled to have your statement of 100 words included in your file. That means that your side of the story must be told in any future report, and if you wish, your statement must also be sent to those who have already received the disputed information.

If you go to the credit bureau within 30 days of receiving official word of the bad report, the law says that all of the services required of the bureau must be performed without charge to you.

You have a legal right to know what's in your credit bureau file even if you haven't been told there may be information there against you. In that case, you may be charged a "reasonable" amount. But if you find wrong or incomplete information in your file, the credit bureau must make correction and also send corrective notices without charge.

MAY SUE

The Fair Credit Reporting Act generally forbids bureaus to send out adverse information more than seven years old. The exceptions include bankruptcy, which may be reported for 14 years, and there is no time limit on information in reports on those who apply for a loan or a life insurance policy of $50,000 or more or those who apply for a job with an annual salary of $20,000 or more.

There are occasions on which you can sue a credit bureau, but Consumers Union says the law limits a consumer's right. You'd have to prove the credit bureau had willful intent to injure you or that a bureau or user of its information violated the Fair Credit Reporting Act.

Consumers Union believes the threat of law suits may prove to be the only effective enforcement. This is because the credit bureau lobbyists managed to win a provision hobbling the authority of the Federal Trade Commission to enforce the new law.

[From the San Antonio Light, Mar. 30, 1971]

"Truth in Lending" Laws Said Best Safeguards for Consumers

(By Ed Castillo)

The truth in lending laws enacted in 1969 are among the best safeguards that have been furnished American consumers—if they will only take advantage of them.

This is the opinion of Ferdinand Luna, San Antonio, member of the Federal Trade Commission's consumer protection bureau.

Luna, speaking at a one-day seminar sponsored by the Mexican-American Legal Defense and Education Fund (MALDEF), at the Gunter Hotel, Monday, said in too many instances, the consumer can be his own worst enemy by not taking proper and common sense measures of self-protection in purchasing or making loans.

Luna pointed out businesses dealing in credit sales must, in accordance with the law, give the consumer all the information required in a time payment plan, including all costs of credit. "Credit is never free," Luna said, adding, "The sad part of it is the people that can least afford it are usually the ones who abuse it the most."

Luna also told of the changes taking place in credit card operations and of the laws passed to protect consumers using them. The FTC official said the "flooding" of consumers with credit cards has been stopped, and a store or bank cannot legally send a credit card to a consumer unless he applies for it.

Luna said many consumers pay a higher rate of interest because of a bad credit history. "Many seek places that will give them credit knowing they are a bad risk," he declared.

A person who has had a bad credit rating in the past, but has maintained a good credit standard for seven or more years, can have his bad record removed from credit reporting agency files, Luna explained.

Luna said a person who has committed a felony or filed for bankruptcy can also regain good credit standing if he has maintained good credit for 14 years after the offense or bankruptcy petition was filed.

Another speaker at the seminar was James R. Shanklin, inspector, San Antonio office of the U.S. Food and Drug Administration.

Shanklin said FDA had been responsible over the years for safeguarding consumers from contaminated foods, dangerous drugs or cosmetics and devices that might harm the user.

The official pointed out FDA also has taken a stronger stand with more recent legislation concerning labeling of items. Safeguard laws have also been passed to protect children from dangerous toys, he added.

Shanklin said it is up to the consumer, in many instances, to aid in the regulation of existing laws by informing FDA promptly of any food item, drug, cosmetic, or device he may consider dangerous.

Other speakers at the seminar were C. A. Sanborn, FTC consumer protection bureau, who warned of fabrics that are "supposed to be fireproof but aren't," or "fire resistant" material which might not be, and Barney McCoy, legislative assistant to State Sen. Joe J. Bernal, sponsor of a recent consumer protection bill in the Texas senate.

[From U.S. News & World Report, Apr. 26, 1971]

News You Can Use in Your Personal Planning

You now have the legal right to find out what is in your credit-bureau file—and to have any erroneous information corrected.

Credit-Bureau file. The Fair Credit Reporting Act, effective April 25, entitles you to get a report on "the nature and substance" of any information in your file, although you do not get an exact copy. You may take another person with you to inspect the credit report. And the bureau is required to provide trained people to explain the contents of your file.

Disputed accounts. An important feature of the new law gives you an opportunity to present your case in a dispute with a creditor. You are entitled to find out whether a creditor, and which one, has filed an adverse report on you in a disagreement over the amount you owe, if any.

You can request that any disagreement be investigated by the bureau. If that does not clear up the problem, you are entitled to have your statement on the dispute placed in the file. Any prospective creditors asking for your credit record must receive a copy of your statement.

Other protections. To safeguard your privacy, the new law provides that reports from your record may be made only for specified reasons. In general, reports must be in connection with credit, employment, insurance, government license, or other legitimate business transactions. A seven-year limit is applied to reports from your file of certain types of adverse information.

More information. A detailed explanation of your protection under the new law is contained in a pamphlet entitled, "Consumer Credit Bureaus and the Fair Credit Reporting Act." It's available free from Associated Credit Bureaus, 6767 Southwest Freeway, Houston, Tex. 77036.

NEW BREED OF CAPITAL TOURIST

Mr. SAXBE. Mr. President, in tonight's Washington Star, columnist Smith Hempstone has written an extremely thoughtful and timely piece about the new breed of tourist so rampant in our Capital these days. I like the piece and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Breed of Tourist Comes to Washington

Spring is tourist time in Washington, bringing Americans in the tens of thousands to visit their national monuments, to recapture the roots of their past.

A new breed is with us now and has been these past 10 days. And their banners (with apologies to Longfellow) bear some passing strange devices. They want an end to the war in Vietnam (who does not?). They want free abortions on demand, clean water, gay liberation, union lettuce, Nixon's political scalp, jam on Thursdays. They want, they want. They want everything, these babies who were always picked up when they cried, and they offer so little aside from the spectacle of themselves clustered lemming-like in the streets.

Their spearhead was a group of about 1,200 Vietnam Veterans Against the War, who put on demonstrations of their version of search-and-destroy missions, ending up by discarding their decorations. To this observer's knowledge, no reporter in this city of reporters made a serious effort to discover how many of the 1,200 actually had served in Vietnam or to validate the decorations they said they held.

Many of them, including their leaders and the badly wounded ones, unquestionably were genuine. Perhaps, as in the case of all those Black Panthers "killed" by the police, some enterprising writer for the New Yorker will put the record straight.

Then came Saturday's emote-in down Pennsylvania Avenue to the Capitol. There were the usual hirsute patriots carrying the flags of North Vietnam and the Viet Cong, the placards of Mao Tse-tung and Leon Trotsky, chanting obscenities. They were, it is true, peaceful, although nothing really is more insulting than to praise a man for doing what he ought to do.

Finally, after five hours of rambling, repetitious speeches and folk music, the crowd of 200,000, largely white and young, trickled off to do its thing. Medical personnel were kept busy dealing with drunkenness and overindulgence in narcotics. End of Phase Two.

Now we are in the middle of Phase Three. We have in town a sizable group of ladies and gentlemen who call themselves the Peoples Coalition for Peace and Justice. One of their leaders is a philosopher named Rennie Davis, who once was involved in some litigation in Chicago.

These worthies are here to rap (as they say) with federal employes in an effort to persuade them to join in a general strike and to sign a made-in-Hanoi "Peoples Peace Treaty" to end the war. On Monday and Tuesday, "tribesmen" of the May Day Movement, a group of militants associated with the Coalition, have promised to extend our political education by attempting to block early-morning commuter traffic at 21 key points in downtown Washington and suburban Virginia.

And it is, of course, gratifying in the extreme to know that the Nixon administration, in its wisdom, has put at the disposal of the Coalition a portion of federal parkland here to use as a training ground and assembly area for people who have announced their intention to break the law. It is probable that the whole shebang will cost the taxpayers not less than $1 million, and possibly a good deal more (the tab for the three-day 1969 Vietnam War Moratorium was $688,714).

Now the people of this country have the right to assemble here peacefully to petition their government. But they do not have the right to interfere with the lawful activities of other citizens. They do not have the right to plot (however sophomorically) the overthrow of their government or to try to interfere (however ineffectually) in the process of government. There is a place for such people and it is called jail.

This cup, of course, will pass from us. Rennie Davis & Co. are not going to become the government of this country. Mrs. Sallye Davis (Angela's mama and one of our speakers last Saturday) is unlikely to become attorney general. While Rep. Bella Abzug has, admittedly, a certain entertainment value, I do not see her as a future secretary of state.

Meanwhile, a few home truths which should not go unsaid: While 1,200 veterans demanded an immediate end to the war, 2.49 *million* others did not cry out for peace at any price; while 10 senators and 29 representatives endorsed Saturday's rally, 90 senators and 406 representatives did not; while 200,000 Americans chose to take their politics into the streets last week, nearly 200 million others did not.

Which is not to say that the Vietnam veterans who did not come to town, the congressmen who did not endorse the demonstration, the Americans who did not choose to spend Saturday listening to David Ifshin and Peter, Paul and Mary, like the war.

It means merely, I like to think, that they want the war ended without a scuttle, that they prefer ballots to ballyhoo, that—when all is said and done—they desire a democracy rather than a mobocracy.

And so they must unless the prophecy of W. B. Yeats—"Things fall apart; the centre cannot hold; Mere anarchy is loosed upon the world."—is to come to pass. Unfortunately, it *can* happen here.

EXEMPTION OF CHROME ORE FROM LIST OF MATERIALS SUBJECT TO RHODESIAN EMBARGO

Mr. CANNON. Mr. President, on March 29, the distinguished senior Senator from Virginia (Mr. Byrd), introduced the bill S. 1404 which, if enacted, will exempt chrome ore from the list of materials subject to the Rhodesian embargo and thus end our dependency upon the Soviet Union for this highly important commodity.

Under the Byrd proposal, the President could not ban the importation of a strategic material from a free world country if the importation of the same material is permitted from a Communist-dominated country. The importance of this proposed measure was brought forcibly to my attention within the past few days. My Subcommittee on the National Stockpile and Naval Petroleum Reserves currently has under consideration some 28 administration proposals to release excess materials from the national and supplemental stockpiles. One of these—S. 773—if approved, would permit the disposal of 1,313,600 short dry tons of metallurgical grade chromium—chrome ore equivalent—from the Government stockpiles. This constitutes about 30 percent of this material we now have on hand to assure an adequate supply in case of emergency.

Mr. President, this proposal creates somewhat of a problem. There is no domestic production of the type of material in question and we are dependent upon foreign sources to supply our requirements. Based upon the present rate of consumption, the amount to be disposed of would supply our total requirements for a period of less than 2 years. Testimony before my subcommittee left it unmistakably clear that while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be short-lived. The principal importation sources in calendar year 1970 in descending order, were the U.S.S.R., Turkey, and South Africa, with the Soviet Union supplying about 60 percent of our needs. Rhodesia was formerly a prime source of supply, providing about 40 percent of our annual requirements. However, as you know, United States imports are currently banned in conformity with the United States observance of the mandatory U.N. sanctions against Rhodesia.

To further illustrate the shifting of our dependency upon the Soviet Republic as a source of supply, in calendar year 1965 and prior to imposing sanctions against Rhodesia, 36 percent of our imports came from Rhodesia and about an equal amount from the Soviet Republic. As might be expected prices have risen accordingly. The price per ton of ore imported from the U.S.S.R. in 1965 was $25 as opposed to $72 in calendar year 1971. This is an increase of about 288 percent. It is apparent therefore that while the release of the metallurgical grade chromite covered by the bill S. 773 would serve a temporary expediency, there can be no permanent relief until the importation of chrome ore from Rhodesia can be resumed.

Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

SAFE RETURN OF AMERICAN PRISONERS FROM NORTH VIETNAM

Mr. COOK. Mr. President, I ask unanimous consent that Senate Joint Resolution 89, a joint resolution that the Senator from Alaska (Mr. Stevens) and I introduced last Friday be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

> A joint resolution expressing a proposal by the Congress of the United States for the safe return of American Prisoners of War and the accelerated withdrawal of all American military forces and equipment from South Vietnam.
>
> Whereas the Government of the United States has financially assisted the non-communist forces in Indochina since 1954; and
>
> Whereas this assistance has evolved into complete military, economic and diplomatic support for the people of South Vietnam; and
>
> Whereas the Government of the United States has contributed over 120 billion dollars and the lives of over 44,000 of its finest young men in support of the people of South Vietnam; and
>
> Whereas it is the intention of the Congress of the United States that all American military personnel be withdrawn from South Vietnam consistent with the time reasonably necessary for completion of the program of Vietnamization and in conformance with the Nixon Doctrine as announced on July 25, 1969; and
>
> Whereas the President's program of Vietnamization which is designed to give the people of South Vietnam a reasonable opportunity of defending themselves from aggression has moved to the point of successful completion; and
>
> Whereas the Government of the United States has thereby honorably fulfilled its commitment to the people of South Vietnam; and
>
> Whereas the remaining objective of the Government of the United States is the release of its Prisoners of War:
>
> Now Therefore be is Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that upon an agreement between the Government of the United States and the Government of North Vietnam as to the

release of American Prisoners of War, the Government of the United States shall declare a cease fire-in-place, and withdraw all of its military forces and equipment from South Vietnam in a time certain not to exceed nine months from the date of the adoption of the Prisoners of War Agreement.

BREEDER REACTORS AND THE DANGER OF PLUTONIUM

Mr. NELSON. Mr. President, the Senator from Alaska (Mr. Gravel) recently discussed the proposed breeder reactor development program in a speech before the National Newspaper Association.

In the address, Mr. Gravel warned of impending dangers to the health and safety of a potentially large number of individuals and to the environment unless this program is subjected to intensive examination.

Mr. Gravel raises the question whether section 102(c) of the National Environmental Policy Act is applicable to the breeder reactor development program. There is little question in my mind that the section is applicable.

I ask unanimous consent that the text of the address by Senator Gravel be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Should We Back, Or Sack, The Breeder?

(By Mike Gravel, U.S. Senator from Alaska)

I am going to do everything I can to help focus national attention on President Nixon's decision to back the breeder. The breeder will be a new kind of nuclear reactor costing the taxpayers about $3 billion to develop.[1]

What will we get for that massive investment?

We will get another way to boil water for making electricity, and we'll get more radioactive plutonium out of the breeder reactor than we put into it.[2] This bonus-plutonium can be fashioned into fuel to boil some more water.[3]

One pound of plutonium can produce as much energy as 3 million pounds of coal.[4] It is not enough, however, to marvel at this singular aspect of plutonium; it has other interesting aspects.

One pound of plutonium can also produce an explosion with a force equal to 20 million pounds of TNT.[5]

Furthermore, one pound of plutonium is a poison so powerful that it represents the maximum "permissible" amount *for 700 million people.*[6] Breathing or swallowing a bit of plutonium about the size of a common dust particle can give a person his full "permissible" amount.[7]

By 1980, we will be making 60,000 pounds (not particles—pounds) of new plutonium every year in this country with the current nuclear technology, unless some present policies are changed very soon.[8] That plutonium-figure will leap even higher if we develop and deploy breeder reactors.

Promoting a "plutonium economy", as plutonium-discoverer Dr. Glenn Seaborg calls it,[9] is gambling that man can confine every bit of this toxic and tricky material—tricky because it catches fire so very easily. The plutonium fires at the Rocky Flats warhead factory are not a good omen.[10]

Half of any plutonium particles which escape into the environment by fire, flushing, or other accident, will remain as a radioactive hazard for 24,000 years.[11]

Plutonium's complete confinement is something you naturally wonder about when you look at the AEC's own "Plutonium Production Flow Diagram," and see how many handlings are required just to produce what the diagram calls a "Finished Plutonium Item." [12]

In some laboratories, all forms of plutonium are kept in hermetically sealed enclosures; in other labs, most of the work is performed within glove boxes. Workers wear protective clothing which must be cleaned in a laundry with special facilities, and they must use special air-supplied masks if the contamination-level is high.[13]

Just a few pounds of plutonium can form a critical mass and explode, if the confinement is close and rapid.[14] That is how nuclear warheads go off. Therefore, in a plutonium production plant, where large quantities of plutonium are handled, what the AEC describes as "elaborate precautions" must be taken to prevent accidental nuclear explosions.[15]

Plutonium will someday be handled in every country of the world, if the breeder reactor is allowed to become man's prime energy source for the future. Carelessness somewhere just seems inevitable.

Since plutonium escaping into the environment will travel freely around the planet, the breeder, by its very nature, is an international problem. Furthermore, this country is not alone in its breeder research; Britain, Italy, France, Germany, Belgium, the Netherlands, Japan, and Russia are also conducting breeder research.[16] The efforts may be a civilian variant on the arms race; perhaps no country dare not to "breed" its very own plutonium for the "plutonium economy" of the future.

Deadly accidents releasing massive amounts of radioactivity from nuclear power plants are a possibility—perhaps a probability—which deserves our most vigorous investigation, both with regard to the breeder and to the reactors already going into operation.[17]

Clearly a growing number of informed Americans *are* wondering about that hazard, as you can tell by efforts in California, Minnesota, Oregon, and New York City to prohibit further construction of nuclear power reactors.[18]

Also notable is the audience response to the television program, "The Advocates." In mid-February, one of the subjects was Should There Be a Moratorium on the Construction of Nuclear Power Plants? There are over a million viewers, who may vote by mail. Obviously there are sometimes attempts to stack the mail, but the program tries to recognize and announce them. In the fourth largest vote in the history of the show (which is in its second season), the vote was as follows:

3702 in favor of a moratorium.

3154 against a moratorium.

Plus 2435 additional votes against a moratorium identified as "bloc voting from concerted lobbies," including General Electric. Organized votes are those on form-letters, letters with identical wording, and letters sent in bulk from the same address. Most of the lobby-vote came from Louisiana and Alabama; Alabama sent in 1378 votes against a moratorium, and 24 votes for a moratorium.[19]

When the organized vote is discounted, the majority of viewers favored a moratorium. I am not saying that "The Advocates" audience is typical.

However, the vote is yet another signal that there is plenty of deep concern in this country about radioactive power plants. It would be foolish if President Nixon were to imagine the matter could be settled simply with his budget decision.

His decision might inadvertently seal the fate of all mankind, and such a decision deserves, at the very least, as much public debate as the SST airplane. An administration decision to push this country—and probably the world—into a plutonium economy without first inviting, encouraging, and stimulating the most profound public discussion, reveals a conceit which I find astonishing.

I hereby, today, before this group of newsmen, call upon the President, his science advisors, his four AEC Commissioners, the breeder-backers at Westinghouse, General Electric, and North American Rockwell, to explain and justify this project of theirs in open forums, domestic and international.

The strategy used so far to make utilities, also, invest in the breeder makes me uneasy. It comes as no surprise to me that the utilities were not contributing much to the breeder;[20] utilities spend about eight times more money on advertising than on any research, good or bad.[21] What surprises me is the kind of encouragement which the AEC, deeply anxious for help with the breeder, may be extending to the utilities.

In a speech about "truly advance technology," like—specifically—the breeder, AEC Commissioner Johnson hinted darkly last September about the peril to our social fabric and democratic institutions if we don't have plenty of electricity, and then he closed by saying this:

"There is substantial truth in the old adage, 'He who pays the piper calls the tune.' In my personal view, this could well prove to be a prophetic admonition to our utility industry . . . If this industry, with a sympathetic government, can not devise ingenious ways to bring about the kind of truly advanced technology that the coming decades demand, then ways will nevertheless be found to meet our national needs, and they may prove to be insensitive to the traditional independence which has characterized decision making in this pluralistic industry." [22]

Barking for the breeder occurred also at the annual conference of the American Nuclear Society and the Atomic Industrial Forum, where it was admitted that sufficient unity of will and action in favor of the breeder program had not yet been achieved. The necessity of informal meetings and plain talk with key leaders in and out of government was described.

That conference was in November, 1970. Now the President's budget is showing a 46% increase in the breeder-effort—up from $95 million last year to $139 million this year.[23]

Who are those key leaders in and out of government who are promoting the breeder? They have names, and yet you and I and the public—we don't know who they are. It seems likely that bankers are involved, that strategists who might like control over most sources of energy are involved, as well as other individuals in very high finance.

After all, billions of dollars have been invested in nuclear power plants, the program might collapse for lack of fuel without the breeder, and that's enough to make key leaders resolutely blind to the safe alternatives like solar, geothermal, wind, and fusion energies, and techniques to remove pollutants from fossil-fuels and to repair damage from strip-mining.

If the American people do not want a plutonium economy, is there a justifiable price-tag for stopping it? I believe this is a reasonable and crucial question. In my opinion, it would be naive and self-defeating not to start insisting on some open answers.

A policy committing us all to a radioactive economy deserves the attention of the whole country—not just of the President, the AEC Commissioners, and a handful of others. I favor vigorous and public discussion with those key leaders and with others from coast to coast.

One place we could start is right here, in the Appropriations Committees of Congress. The National Environmental Policy Act re-

---

Footnotes at end of article.

quires the Administration to submit detailed "environmental statements" for scrutiny before money is appropriated for federal projects with possibly adverse environmental impacts; such statements must discuss alternatives to the proposed project, too.[24]

We also need to hear from independent voices in engineering, medicine, ecology, and alternative methods for making electricity, as well as from the workers who would be called on to process the plutonium in a breeder-economy. We need to encourage a great national debate:

Should we back the breeder, or sack the breeder?

FOOTNOTES

[1] The government has invested an estimated $1 billion in the breeder already; research began with the Clementine project in 1946.

Dr. Glenn Seaborg says, "To successfully achieve the LMFBR (breeder) program objectives, the AEC will have to spend in excess of $2 billion in addition to the large industrial expenditures. The program will take over fifteen years of intense and consentrated effort."

(Statement in Hearings before the Senate Appropriations Committee on H.R. 14159 (Public Works), Fiscal Year 1970, Part 7, page 7142.)

[2] A simple description of this process is to be found in the *New York Times,* March 8, 1971, " 'Clean' Reactors Delayed in Drive for Atom Power," by Walter Sullivan.

[3] Gas-cooled breeder reactors might have the potential for advancing beyond water-boiling into direct-cycle gas-turbine generation of electricity, according to Gulf General Atomics. However, the Nixon decision is to subsidize the water-boiling liquid metal fast breeder reactor (LMFBR).

[4] See the booklet, "Plutonium," by William N. Miner, Aug. 1968. It is one of the AEC's "Understanding the Atom" series, available from the AEC Division of Technical Information, Oak Ridge, Tenn. 37830. The coal-equivalence is illustrated on page 5.

[5] "Plutonium," page 1. See note No. 4.

[6] The "maximum permissible body burden, or the total amount of plutonium that can be accumulated in an adult without eventually producing undue risk to health, has been set at 0.6 microgram" ("Plutonium," page 37; see note No. 4.).

A microgram is one-millionth of a gram. There are about 450 full grams to a pound.

[7] Also from "Plutonium," page 37. See note No. 4.

"Hot" particles of plutonium-oxide in the lung may pose a special danger; an interesting paper on the subject is "Plutonium and Public Health," by Dr. Donald P. Geesaman, 1970; it is available in "Underground Uses of Nuclear Energy," Part 2, Hearings before the Senate Subcommittee on Air and Water Pollution, August 5, 1970, page 1523.

Dr. Geesaman concludes, "The health and safety of public and workers are protected by a set of standards for plutonium acknowledged to be meaningless. Such things make a travesty of public health, and raise serious questions about a hurried acceptance of nuclear energy."

[8] These figures derive from testimony of T. C. Runion, President of Nuclear Fuel Services, Inc.; see "Environmental Effects of Producing Electric Power," Part 2 (Vol. I), Hearings before the Joint Committee on Atomic Energy, January and February 1970, pages 1704–5.

His forecast for U.S. spent-fuel in 1980 is almost 3,000 tons for that single year; he estimates that there are 10,000 to 12,000 grams of plutonium in every ton of "spent" nuclear fuel. A total of 30 million grams of plutonium works out to roughly 60,000 pounds.

[9] Speech by Dr. Glenn Seaborg, October 5, 1970, entitled "The Plutonium Economy of the Future;" delivered to the Fourth International Conference on Plutonium and Other Actinides.

[10] The most serious plutonium fire (costing $45 million) occurred there on May 11, 1969. According to *Science News* (Nov. 29, 1969, page 496), "Plutonium is a diabolical element: unpredictable, difficult to handle and as a result dangerous. In fact, because it combines so readily with oxygen, small plutonium fires are almost an every day occurrence in Atomic Energy Commission plants that handle it."

[11] The physical half-life of plutonium-239 is 24,000 years. Physical half-life means the time required for half of the radioactive atoms to decay to non-radioactive forms. After ten half-lives (which makes 240,000 years for plutonium-239), one thousandth of the original amount of radioactivity still exists.

The biological half-life of a radioactive substance is the time required for half of it to leave the body. "Once in the body, plutonium is eliminated so slowly that as much as 80% of any amount taken in will still be there 50 years later" (from "Plutonium," page 37; see note #4.).

[12] See "Plutonium," pages 14–15 (note #4). Plutonium operations include: cooling tank storage, dissolver, chemical processing, precipitation, hydrofluorination, reduction, pickling, fabrication; also chemical washing, dissolving incinerating, and chemical processing to produce a plutonium nitrate solution; also waste disposal.

[13] From "Plutonium," pages 37–39 (see note #4).

[14] From "Plutonium," pages 34–35 (see note #4).

The amount necessary for a critical mass is only 13.2 pounds, according to an article called "Please Don't Steal the Atomic Bomb," in *Esquire* magazine, May 1969. That article also asserts that a black-market for plutonium is considered a serious danger by Dr. Glenn Seaborg, Dr. Ralph Lumb (who is the AEC's expert on this particular matter), Dr. Ralph Lapp, Dr. Albert Wohlstetter, Dr. Theodore Taylor.

[15] From "Plutonium," page 35 (see note #4).

[16] A chart called "Liquid Metal Cooled Fast Reactor Projects" (international) is to be found in "Cost-Benefit Analysis of the U.S. Breeder Reactor Program," WASH–1126, April 1969 from the AEC Division of Reactor Development and Technology; page 98.

[17] See, for instance, an interview in the January 1970 issue of *Power Engineering* with M. A. Shultz, Professor of Nuclear Engineering at Pennsylvania State University.

He says, "Better gear notwithstanding, when we talk about 50 reactors, the statistical probability of something going wrong and an accident occurring is an absolute certainty . . . Mathematically, this is a certainty, and in a short finite period of time. I'm not talking about maximum credible accidents. I'm saying that there will be accidents. My feeling is that they will be minor accidents. The industry's safety record to date is perfect. I am going to argue on the basis of (John) Garrick's studies and some of my own work that, when there are 500 plants on the line, we will have to do considerably better or our perfect safety record disappears."

Refer also to warnings from AEC experts in "Concern over Nuclear Power Plant Safety," *Congressional Record,* March 19, 1971, pages 7203–7207.

[18] A nuclear moratorium bill in the Minnesota legislature is being introduced by State Senator Coleman.

Two bills are in the Oregon Senate:

SB 51, sponsored by Senator Hallock.

SB 218, sponsored by the Senate Committee on Environmental Affairs at the request of the Oregon Environmental Council.

A bill in the New York City Council was sponsored by Councilman Theodore Weiss.

In California, an active citizens' initiative is underway to put a 5-year nuclear moratorium on the 1972 California ballot;

It is section No. 16 of a long, environmental petition sponsored by the People's Lobby, Hollywood, California.

[19] As reported in *Nucleonics Week,* March 11, 1971, pages 4–5.

[20] See, for instance, speech by AEC Commissioner James T. Ramey, December 10, 1970, "The Breeder Reactor: Need for Greater Utility Participation." Also a speech by Rep. Chet Holifield, November 18, 1970, "The Need for a Comprehensive Energy Program."

[21] Senator Lee Metcalf (Montana) says the 1969 figures were $323.8 milion on sales and advertising, and $41 million on research and development; as reported by Ralph Lapp in *The New Republic,* January 23, 1971, page 18.

[22] Speech by AEC Commissioner Wilfred E. Johnson, September 22, 1970, "Energy for Tomorrow."

[23] Fiscal 1971: $85 million for technical development. $10 million for work on a demonstration plant.

Fiscal 1972 (requested): $103 million for technical development. $36 million for work on a demonstration plant.

In making comparison, an inflation factor of about 5% should be considered.

[24] National Environmental Policy Act of 1969, Public Law 91–190, Title I, Section 102.

COMMENTARY ON WORLD ATTITUDES

Mr. MONDALE. Mr. President, on March 14, 1971, Sidney H. Scheuer made the following statement on radio station WQXR in New York City. Mr. Scheuer is head of Scheuer & Co. and Intertex International, Inc., as well as a group of affiliated industrial companies. He is chairman of the National Committee for an Effective Congress, treasurer of the International Humanist and Ethical Union, and a trustee of the Ethical Culture Society of New York and the Ethical Culture Schools. He was executive director of the Foreign Economic Administration during World War II and was a U.S. delegate to many international conferences. He also was a member of U.S. economic missions to Japan and Germany during occupation.

In his distinguished public career, Mr. Scheuer has given much of his time to improving the quality of American life. I commend the following example of his valuable knowledge and insight to the Senate.

Mr. President, I ask unanimous consent that Mr. Scheuer's article "Is Coexistence Enough? A Commentary on World Attitudes," be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Is Coexistence Enough? A Commentary on World Attitudes

(By Sidney H. Scheuer)

In 1960 I appeared as a witness before a Senate Committee holding hearings on East-West trade. I had reported on some significant contracts consummated by companies with which I was associated. These called for the erection of large industrial plants in the U.S.S.R. as well as the supply of many types of equipment. One of the Senators asked me how I happened "to open up trade with them." In itself this is a revealing question as if this were an amazing rather than a normal undertaking. My answer was: "I had a feeling that we were not making too much progress in fostering diplomatic relations or enlarging their or our understanding and that perhaps by day-to-day working relationships, (knowledge and mutual respect could be advanced)." I have since confirmed this view and have come to know some of the leaders of that country and dozens of officials in their agencies and have developed understanding not otherwise accomplishable. Through practice rather than theory one gains knowledge and much diplomatic activity smacks more of theory than understanding. All other countries but ours have recognized the validity of the approach I have outlined and consequently have made mutually desirable progress.

As you know, all communist activities are centered in the State; i.e. diplomatic, planning, commercial, industrial, educational, public services, scientific. Everything is owned by government. To maximize normalization of personal and official relationships with a people who have lived for 50 years in a closed society, calls for a mental and psychological awareness which Westerners sometimes find difficult. The lack of such sensitivity is painfully apparent in United States-U.S.S.R. relationships.

The philosophy of international "co-existence" was suggested by the Russians. If this means anything, it is respect for the rights of others to conduct their affairs without outside interference—surely not the dominance of one nation by another or the forcing of changes in the government of another country. In practice, however, all large nations have violated this—in some instances flagrantly, in others less objectionably. The major violations are too familiar to require enumeration. If capitalism and communism continue as important concepts for the foreseeable future, as I believe they will, amendments and corrections will be made as they have been and are being made. We must never forget that all governments are operated by human beings (and therefore they function no better than the values and abilities of their officials.) It is the people who lead and operate governments and societies who in large measure determine their conduct and goals.

The communist system enjoys many theoretical advantages but practice has disclosed that influences necessary to maximum accomplishment are missing. The complete structuring of life and the controls which dominate all activities seem to reduce incentives which are stimulative of creativity and responsibility. By this I do not mean to suggest that such elements are totally absent, far from it. Many great and gifted people hold important positions in the U.S.S.R. and in all communist countries but the communist systems have not overcome this central defect and, as a consequence, they fail to search out and elevate such citizens.

In our country we have preserved many of the freedoms and values with which we started but I fear materialism, acquisitiveness and individual aggressiveness have overwhelmed the moral emphasis which was fundamental to the founding fathers. The bigness mania which has dominated has put a premium upon sophisticated manipulation and has bred serious injustices and distortions. More often than not, these have impeded and diverted the effectiveness of capitalist industrial society. Indeed, I could devote all the time available to me to this subject.

Inflation is an inevitable consequence of malfunction in capitalist societies. It evidences failure which need not occur. There are many classical economic explanations for inflation but all such overlook the fact that irresponsible conduct in political and economic affairs encourage excesses. These cannot be overcome by classical measures alone be they that of increasing the supply of money or the legislating of deficit budgets. The current United States inflation can in my judgment be corrected only by a change in emphasis in political, economic and social activities. A greater sense of individual responsibility is the obligation of free men; without it our relatively unstructured society becomes a prey. A legal lawlessness is indulged which has yielded advantage to the individual at the expense of society. The rigors of correction have only begun to be felt; they must be worked at and worked out, and no economic and financial manipulations will substitute for this necessity. I mention inflation because it is an infection which impedes international well-being.

If we contemplate the state of international relationships and compare them with the promise envisioned after World War II, what we find is hardly to be credited. The start was auspicious—the United Nations, the World Bank, the International Monetary Fund and dozens of volunteer efforts, all expressive of worthy intent. Our own great Marshall Plan, our assistance to Japan and other nations evidenced our faith in the potentialities of peaceful reconstruction. Despite these significant actions, contention, confrontation and wars have dominated. Unless the great powers had encouraged or supported these, they could not have been pursued. All could have been avoided, minimized or adjudicated if the major powers had had the wisdom, not to say integrity, to exert their influence to such ends.

In searching for reasons one cannot avoid placing primary responsibility on the overemphasis given to ideologies. The mutual fears and the accompanying suspicions these breed tend to encourage demagogy and downgrade statesmanship. The increase in understanding of peoples which cooperation might have yielded has been given lip service. Accusations, denials, distortions, inflexibility, technical manipulations and economic pressure have served as substitutes for creativity.

One prime example is the Aswan dam. Our country withdrew its support for this project because we could not gain the political accommodation we required. As you know, the U.S.S.R. quickly replaced us and constructed the dam and financed it. It is difficult to appraise all the consequences of this action but it is clear that United States stature and influence could have become a balancing force in the Middle East had we made a wiser determination. A more constructive example of statesmanship is the Marshall Plan which produced enormous benefits to mankind and yielded moral and material gains of which we can be proud.

The largest nations—the U.S.S.R., U.S.A. and China—are the chief contributors to this unhappy world spectacle. Had these countries had greater confidence in their concepts and their way of life, they would have looked inward and been less preoccupied with dangers outside and, as a consequence, their progress would have been more significant. Had they recognized that the undermining of their country could not be accomplished by outsiders but by their own inadequacies, the world situation would now be vastly different. The threats which they imagined were inherent in the policies of other nations were in fact exaggerated and used sometimes to influence domestic support. The esteem of mankind which every nation desires and to which most humans respond has largely escaped these great nations.

It would be difficult for communist countries to accept the thesis that their advance, as well as that of their so-called adversaries, would have been enhanced had good faith and fair dealing dominated relationships, had each been willing to take the risks of trust instead of mistrust. The merits of individual theories and dogmas of Communist China or the U.S.S.R., Yugoslavia or Rumania and, indeed, our country would have been more fully and fairly tested had international conduct been more seemly.

Obviously, had the large and powerful nations outgrown or amended some of their obsolete fixations such as spheres of influence, military domination, regional pacts, zones of security, they would have been the better for it. All these subtly and sometimes not so subtly violate the stated objectives of "co-existence." The fact is mankind has been and is encumbered with obsolete tactics which at best accomplish only short-range advantage.

While statesmen have persisted in clinging to these theories and habits, world opinion has attained to challenging dimensions and has passed them by. The peoples of the world are heartsick and burdened and they increasingly reveal an awareness that governments have been grossly mismanaged.

Another concern of men everywhere is secrecy and espionage which have dominated governments since World War II. In our country total expenditures necessary to operate military and naval intelligence, CIA, domestic criminal investigatory activities are not disclosed but we know they are staggering and have never been greater. Increasing dependency upon espionage and intelligence has become an obsession.

The U.S.S.R. has maintained large domestic and foreign intelligence establishments and perhaps a government created by revolution necessitates this. Moreover, there is much in Russian history which is supportive of espionage. They feel a hostility surrounding them which they tend to overestimate and which to a degree is of their own making. The U.S.S.R. has not overcome the conviction that it lives in a world of enemies, as if little has changed between 1920 and 1971. We have not made the Russians feel any more secure by our attitudes nor they us by theirs though to do so is one of the essentials of statesmanship. In this both countries have failed.

Despite the fact that some of the greatest mistakes made by governments have been caused by their dependency upon espionage, all have clung to it. Secrecy begets secrecy and frequently serves as a cover up of errors which might never have occurred, had appraisals and policies been based on publicly available data. All too often secrecy has become a substitute for wisdom and statesmanship.

The United States has been imitative in this indulgence; in effect, whatever the U.S.S.R. does, we must do on a greater scale. If Russia needs the reassurance which such activities seem to give them, why do we? Have we not become too dependent on this resource? Secrecy is the plaything of fear! It has become an area of activity which always expands and is rarely questioned or fully reappraised. It gives an emphasis to Executive activities and policies which puts a premium on undisclosed considerations which must be accepted on faith. It makes a travesty of international negotiations because they are necessarily approached with the mistrust which makes espionage indispensable. It perpetuates one of the worst aspects of contemporary international life.

Though the controlling figures in and out of governments who have failed to create a sane world will for a time continue to function, internal pressures and necessities of all countries have and are certain to force accommodation and change. The overthrow of governments, military takeovers, political protests, the relaxing of rigidities all evidence dissatisfaction—all are caused by governmental default. Inevitably the realization by their constituencies that new and more effective statesmen are indispensable is being expressed. Men holding recognizably different values will emerge and will gain support. I suspect that this will occur much sooner than might now seem possible. Such men will bespeak a grander vision of man's potentialities; they will recognize that morality is not to be honored in the breach and will offer promise that the remainder of the 20th century will accomplish new heights. The cynics will discount this potential—they will refuse to believe that in all countries qualified people exist or that they will become increasingly influential.

Magnanimity has been an asset to the United States—our Lend Lease and our AID activities are examples but I fear our military preoccupations have trapped us into adventures which in large measure have nullified these. The U.S.S.R. has undertaken aid to other countries but in high degree this has involved ideological and political considerations. More recently, China, too, has also granted aid but only with distinctly political motivations. Thus worldwide awareness of the desirability for sharing is a plus even if it is somewhat adulterated by political and military considerations. This is a post World War II phenomenon. The imposition of domination or control by nations granting aid is and will be increasingly resisted and benefactors will learn that gratitude will not be accompanied by subservience!

Our country is now engaged in critical negotiations with the U.S.S.R.; the SALT talks appear to be following the same tactical patterns which have characterized such negotiations in the past. While it must be recognized that many highly technical considerations are involved, such discussions need not exclude much broader concerns. These meetings allow little room for the give and take which characterize normal relationships. The delegations of both countries continue to be operated by complete remote control. Ultimately, an agreement of sorts will be worked out which will reflect a high degree of wariness and mutual distrust. Thus what might have been hoped for will not be accomplished but it will at least evidence recognition that the arms' race needs some curbing.

Unhappily, such an agreement will serve to confirm that hideous weapons of destruction will continue to dominate and adulterate international relations. Apparently these serve as a reassuring necessity to the present leaders of both countries. Clearly neither seems capable of risking their abandonment. This must ultimately change and will but only when the new men I have described attain to authority.

Frequently negotiations do not prosper because of the inadequacies of the delegates. The judgment required for selection of government officials and representatives reflect the qualifications and judgment of the appointing Executives. Our country's record in this leaves much to be desired but we are not alone in this. With governments everywhere playing an overwhelming role in the lives of men, it is all the more important that standards of selection be elevated and appointments be more carefully reviewed. If ordinariness dominates, a downgrading occurs and a veritable Gresham's Law takes over international relationships.

You will understand in brief discussion of so vast a subject one is forced to omit supporting data. Perhaps at the conclusion of the broadcast my views can be amplified.

The one-world concept first suggested by Wendell Wilkie has finally become a fact of contemporary life. It is certain to dominate all future international considerations. What then are some of the realities involved in international conduct? I will mention but a few.

There is no master race and should not be.

Cultural diversity of mankind is a fundamental basis for a world order.

People of the world need one another and this is an image which must never be overlooked.

Gradually the myth of effectiveness of propaganda will explode. Monopolistic propaganda will be increasingly ineffective because it is monopolistic.

Emotional preparation of people everywhere for tolerance must be a constant process if statesmen are to fulfill their mission.

The peacemaker must work with psychological materials which exist and this involves an understanding of the image a nation holds of itself. The eyes with which the British, the Russians or other nationals see themselves and by the same token an understanding of ourselves and, of course, how others see us. It should be recalled that the Declaration of Independence called for a decent respect for the opinions of mankind.

National pride can be the springboard to understanding and mutual confidence but it also can be presumptuous and harmful.

There is a point at which determination becomes obstinacy and fails to reflect statesmanship.

Peaceful "co-existence" then is not only a goal; it is unavoidable. Despite crisis and conflict and posturing, Armageddon will not occur. There is no reason to despair. The flaws of government, national and international, are increasingly apparent and, as I have suggested, this in itself insures betterment and change and at a faster pace than the world has yet known. Even the most self-seeking and cynical politicians in and out of government, begin to recognize this. They will accommodate to it even though their preferences might be in other directions. And so I view the defaults of the past as stimulants for a more promising world. This is the wave of the future though it may at the moment only appear to be a ground swell.

ADDRESS BY HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION

Mr. BEALL. Mr. President, Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, on March 21, 1971, addressed the Maryland Historical Society in Baltimore. Helen Bentley has the reputation of being one of the Nation's authorities on maritime affairs. She traces the maritime developments in Baltimore and other parts of the Nation and notes that cities will only succeed and prosper because of their "capacity for staying ahead of the times." Baltimore has done that.

I ask unanimous consent that her excellent speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY MRS. HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION, BEFORE THE MARYLAND HISTORICAL SOCIETY, BALTIMORE, MD., MARCH 21, 1971

Ladies and gentlemen: There are two things I enjoy more than anything in this world. The first is traveling; and the second is coming home. When President Nixon nominated me as Chairman of the Federal Maritime Commission he gave me ample opportunity to do the first. Today you have given me the best reason anyone could think of for doing the second.

For Baltimore is more than just a home to me. It's the place where I began my career as a maritime reporter and the base from which I have operated for most of my adult life. Yet it's also an adopted home for me—I came here originally from Nevada—and I can tell you that no matter how far away you go, Baltimore is a good place to come back to.

This is Baltimore, harmonizing, as it were, in tune with the season, moving with the tide and keeping abreast of the changing directions of 20th Century America, blending the old with the new in a world of constant turmoil, in a society existing in a perpetual state of flux.

For Baltimore is changing: its character, its appearance, its outlook. My home is to the north of the city, and as I drove downtown today I became increasingly aware of the many physical changes that have occurred in Baltimore, particularly in recent months and years. For one thing, the Maryland Historical Society is no longer cramped into its former headquarters down the street. You have this fine, new building to exhibit your collections, for the enjoyment of the public and for the benefit of scholars.

Farther into the city is the Charles Center development, with its modern office buildings and ultramodern Morris Mechanic Theatre. And then, of course, there's the Inner Harbor Redevelopment Project, with plans for offices, apartments, theaters, hotels, marinas, and a multitude of shops and boutiques, places to go, things to see.

Baltimore is no longer the World War II town of the forties, as I first knew it, but a diversified, thriving metropolis at the heart of the Eastern Seaboard, a 20th Century center of culture and learning, of commerce and industry. True, Baltitmore's experiencing growing pains, and at times the pains have been very sharp—but it's doing its best to channel expansion in the right directions—and it's succeeding. The one-time Liberty and Victory Ship capital of the war years has come a long way.

An area where Baltimore's greatest change—possibly its most significant, and certainly it's least noticed—has taken place, is the port. Commerce that once centered on Pratt Street and along the Inner Harbor has moved to modern, new marine terminals, such as Dundalk and the old passenger terminals of Light Street have gone the way of the bay steamers, down the pages of history, locked forever in memories, never to be heard from again.

Development is the order of the day in this Port That Built a City, but this time the process is reciprocal. Just as the city is expanding, so too is the port; and as the port is improved, tht economy of the city—and state as well—is simultaneously enriched.

The value of Baltimore's foreign commerce during 1970 has been tentatively set at $2.6 billion, with import and export tonnages totaling over 31 million—an impressive record—third in foreign tonnage for 1970. And when you consider the business and industry thriving on this mass movement and the countless numbers of jobs it creates, the figure becomes even more impressive. Who knows how many truck drivers, trainmen, dock workers, seamen, ship chandlers, steamship agents, freight forwarders, tugboat operators, line handlers, and all sorts of support personnel—maritime and otherwise—owe their livelihoods to the port? The number extends well into the thousands.

But what of the average citizen, the man or woman not connected with the marine industry? This person profits as well, because a Maryland economy made healthy by a leading world seaport is thus able to provide for the state's several million inhabitants such benefits as improved social services, parks and recreational facilities, cultural activities, modern transportation, and a multitude of advantages most of us have become accustomed to taking for granted.

Much of what we have in this state we owe to the port. And in order to make certain that we continue to enjoy the benefits of such prosperity, port interests have been taking steps to insure that the maritime industry in Baltimore will continue to flourish. To this end, massive development and expansion have been under way for some time, and large sums of money are being invested.

In the decade of the sixties, some $50 million in public funds were expended on port facilities in Baltimore excluding such major projects as channel improvements and private waterfront industrial development. In the first six years of the seventies, some 70 additional millions will be spent.

The Maryland Port Authority alone is spending approximately $87 million on a 10-year port improvement plan, with more than $8 million of that sum being spent during the current fiscal year. In fiscal 1972 the Port Authority plans to invest some $24 million more.

The money is going into new piers for containerization and break bulk cargo, for new development in such areas as the south side of Locust Point and possibly Hawkins Point, and to continue the expansion at Dundalk Marine Terminal, the former municipal airport which has become one of the most spectacular port successes in the United States.

When the Port Authority took over Harbor Field from the city just 11 years ago, there were skeptics who predicted that one white elephant was merely being turned into another, that the ambitious project would never bear fruit. We know today that they couldn't have been further wrong: the expansive marine terminal leads the world in the importation of automobiles—some 275,000 having moved through during 1970—and was instrumental in placing Baltimore second among the East Coast ports last year in container shipments.

There was a period during the initial days of the container revolution when it appeared that Baltimore was going to be left far behind in the new era. And it was particularly during that period that Baltimore was grateful to the activities of Rukert Marine Terminals, headed by Captain W. G. N. Rukert, who had attracted diversified cargoes to this port by offering many specialized services and Captain Rukert, who is here today and is the dean of our port, deserves much credit for the personal investment he has made in the port over the years—and his continuing interest.

New York, of course, heads the list of U.S. container ports, but Baltimore finished a strong second, with well over a million containerized tons handled during the decade's initial 12-month period. The ports of Hampton Roads were a distant third, with just over 870,000 tons in containers.

Philadelphia, the remaining member of the four top U.S. ports, was far out of the picture, having entered the decade with no container operations other than those combined with break bulk carriers. Only within the last year, in fact, did that city get its first full container service: Hapag-Lloyd, shipping between Philadelphia and Northern European harbors.

But the Pennsylvania port is rapidly making up for its slow start in this revolutionary mode of shipping, with three new container terminals in the planning and construction stage, and the Delaware River's initial container berths newly operative.

These first container berths are at Philadelphia's Packer Avenue Marine Terminal, which is being enlarged by 43 acres to provide full containership handling capabilities and increased storage capacity. Future plans at Packer Avenue call for construction of two additional marginal berths equipped with a large container crane, and a slip berth for roll-on/roll-off cargo.

Philadelphia's newest facility is the Tioga Marine Terminal complex, which went into partial operation last year and is designed to handle unitized, break bulk and roll-on/roll-off cargoes as well as containers. The facility is similar in concept to Baltimore Dundalk Marine Terminal, which also is capable of handling a variety of cargoes and is equipped with a roll-on/roll-off platform for ships with stern-door loading and unloading capability.

In the way of supporting facilities for container operations, Dundalk has had a 65,000-square-foot consolidation shed in service since 1969, and the Port Authority just recently let contracts for two similar structures which will give the terminal a total of 195,000 square feet of enclosed container-packing space by the middle of 1972. The Tioga facility has one 300,000-square-foot transit shed and 52 acres for storage. Its two slip berths are equipped with a single container crane, and the terminal has about 70 acres of paved backup area. The slip berth at the downstream end of the property is suitable for bulk handling, including lumber, and for roll-on/roll-off activities.

Philadelphia's third major terminal is to be located on 123 acres at the mouth of the Schuylkill River. But this is currently still in the planning stage, with nothing concrete at the present time.

Baltimore also has plans for another major container center—at Locust Point. Last summer, the Port Authority acquired 50 acres of land and 92 acres of riparian rights on the north and south sides of the point, stretching from Port Covington to Fort McHenry. Eleven of the 50 acres are to be used for storage and backup at the existing Locust Point Marine Terminal. But the state agency has earmarked more than $13 million for a redevelopment project on the south side, adjacent to the Western Maryland Railway's Port Covington facility. The new terminal will emphasize containerization, providing three marginal quay-type berths in addition to two finger piers, one of which is currently being operated by United Fruit Company for the importation of bananas. Acquisition of the $3 million Locust Point property, long considered a prime area for port expansion, had been under negotiation for over four years.

Yet publicly-financed facilities are not the only ones responsible for Baltimore's massive container tonnage during 1970. Better than a third of the shipments were accounted for by Sea-Land Service, Inc., the pioneer container carrier which operates its own terminal in the Canton area of the port built by the Canton Railroad for Sea-Land. In fact, it was Sea-Land's more than 400,000 tons of container cargo, added to the Dundalk total of 692,452, that put Baltimore over the million-ton mark last year.

But Sea-Land has not centered its operations in Baltimore. Far from it. The line is headquartered at Elizabeth, New Jersey, in the Port of New York complex, where it handles the bulk of its United States shipments; and recently it began direct weekly sailings to Northern Europe from Hampton Roads. Using four ships and working a 28-day term, Sea-Land is calling each Sunday at Portsmouth Marine Terminal as its last U.S. port of call on the service.

Until about a year ago, Sea-Land did not go to the Virginia ports at all. Thus this new European service underscores the line's desire to expand in the Hampton Roads area, where it also provides direct service between Portsmouth and the Mediterranean, including Spain, France and Italy.

At present, Portsmouth has two berths devoted to containership handling. But because both are of the marginal quay-type variety, they are also used for break bulk and straight bulk cargoes. Located in the Pinners Point sector of the Hampton Roads complex, the Portsmouth container operation is on a 125-acre tract equipped with a container crane, heavy-lift gantrys, transit shed, covered warehouses and hard-paved open surfaces. Because there is ample space—including another 375 undeveloped acres—the terminal rarely has to stack containers, and even then, only two high.

Space also presents little problem here at Baltimore, with containers at Dundalk rarely piled more than two high. Such stacking at the Baltimore terminal is accomplished by five large straddle carriers specially designed for containers.

Just as Dundalk was formerly a municipal airport, the container facility at Norfolk—Norfolk International Terminals—used to be an Army base. The first phase of the container development there started in 1967 with the rebuilding of 750 feet of marginal berthing space, installation of a 30-ton rail-mounted crane, and in the summer of 1969, the addition of a second, 50-ton crane to serve the terminal's second container berth—which was then opened in February 1970. And four rail-mounted straddle cranes big enough to span a stack of containers three tiers high and five wide, were installed during the first half of last year.

Phase Two of the Norfolk development plan calls for construction of an additional 3250 linear feet of marginal berthing space service by an appropriate number of cranes, and the ability to handle another five vessels. Looking to the future, the Norfolk terminal operators are considering the use of computers for the purpose of developing an accurate picture of exact lengths of time required for freight consignments of individual shippers to move through the port's facilities.

But if the Virginia state legislature doesn't start appropriating some massive sums of money for container development at its ports, Norfolk and its adjoining Hampton Roads sisters are going to lose out in this all-important race. Already Baltimore has the jump on both Norfolk and Portsmouth, and Newport News isn't even in the running. In addition, Baltimore is taking good advantage of its inland location—the Maryland port is up to 200 miles closer to the industrial Midwest than any other East Coast port. But Hampton Roads is closer to the sea, some nine hours steaming time nearer New York. And when you add the extra hours it takes a ship to come up the Chesapeake Bay in rough weather, and fog, the Virginia time advantage becomes even more pronounced.

Yet Hampton Roads' biggest hangup is consolidation—not of containers, but of the various port areas themselves. If Norfolk, Portsmouth and Newport News ever wise up and join forces instead of fighting each other like they've been doing in recent decades, they could give Baltimore and New York and all the other would-be contenders on the East Coast a real run for their container money. Such a consolidation effort has been under way now for some time, and these rival ports would be well advised to keep close tabs on the outcome.

In the area of cruise business, Norfolk last month put into operation a newly refurbished passenger terminal which it hopes will attract additional cruise vessels to the Virginia port. Some $30,000 was spent to remodel the former Army Port of Embarkation pier to accommodate cruise-goers with future upgrading to include escalators and other facilities if regular service becomes a reality.

At Baltimore, where eight Caribbean cruises and the first transatlantic crossing since the war years, are underway and on tap this month and next, passenger facilities have been nonexistent since the heyday of the Chesapeake Bay packets ended some two decades ago. But—off the record—there's talk of a new terminal possibly being built here in the not too distant future, perhaps in the Dundalk or Locust Point area. Matter of fact, there's a spot at Locust Point that would be just right for such a passenger facility.

But that's speculation at this juncture, particularly in view of the problematic future of the entire passenger industry in this country, an industry which saw the last of the American-flag cruise vessels on the East

Coast—the S.S. Santa Rosa—recently laid up for lack of ability to compete with the foreign lines.

There's still some U.S.-flag cruise business on the West Coast, but it won't be long before that disappears too. In the meantime, the European operators seem to be doing pretty well, and no less than three cruise ships from as many different countries will call at Dundalk terminal before the end of April.

But back to containerization. At Dundalk, container improvements have been going on almost constantly since the terminal handled its first box more than three years ago. Increasing containerized tonnages at the Baltimore facility—from 77,455 tons in 1968, to 229,948 in 1969, to the record million-ton-plus figure in 1970—have necessitated the addition of two more bridge-type container cranes currently under construction, and the signing of contracts for four similar Japanese-built models, to be operative before the end of 1972. Not counting the huge Paceco at Sea-Land's terminal, the port will thus have seven giant container cranes in public use in about a year and a half. Total cost of these units is well over 7 million dollars, and when fully operational, they will afford Baltimore container handling capabilities unequaled on the U.S. side of the North Atlantic, with the exception of New York.

Lately, however, it appears that the American ports are not the ones most likely to present the biggest challenge to New York and Baltimore for the lead in the container race, but the Canadian ports of Halifax and, possibly, St. John's.

These two areas, in fact, threaten all the U.S. North Atlantic ports by virtue of ocean freight rates to the U.K. and continental Europe that are $20 to $30 a ton cheaper for general cargo, and the advantage of a heavily subsidized rail system. Canadian railroads, for instance, are able to offer container unit train rates to Windsor, Ontario, and thence via Detroit to the American heartland, far below the Plan II piggyback rates now applicable between our own North Atlantic ports and the Midwest. And if and when the English seaport of Falmouth comes into being, the Halifax advantage will likely become even more pronounced.

As the capital of Nova Scotia, Halifax is already well advanced commercially, as is St. John's, the capital of Newfoundland. I submit, therefore, that the real threat to the container existence, not only of Baltimore, but of all the East Coast American ports as well, lies in these emerging Canadian maritime centers.

At present, Halifax presents the major threat, though St. John's cannot be discounted as a factor in the future.

So what are we in the United States to do? Sit back as we have in the past and let the foreign interests take over? Acknowledge defeat without a fight? Certainly not! There are many things we can do. We can make every effort to remain technologically ahead of the competition. Barring that, we upon finding that our shippers or ports are discriminated against by the shipments can make such adjustments in rates or changes in order to remove such discrimination. We can take a bit more pride, too, in the services offered by our American ports instead of favoring the foreign operators because they're able to undercut our costs. And if all else fails, we can begin to look foreign competition in the eye for what it is—undercutting of our strength—and react accordingly.

Shippers in other nations don't run immediately to the competition; and if they do so at all, it's only when the savings are overwhelming. So why should we? Or, to be more precise—why do we? Ladies and gentlemen: I don't have the answer to that question. If I did, I'd be able to tell you why the American merchant marine finds itself in the deplorable state it's in today.

But that's a whole other story. Nonetheless, I can tell you that where the Canadian ports are concerned, we had better wake up and do something before it's too late. Because if we don't, we're to find ports like Halifax and St. John's not only laying claim to cargo we've always thought was ours, but taking it away from us and keeping it as well.

Once a shipping pattern is established, it's hard to break. So what we've got to do is prevent Canada from capitalizing on our weaknesses by eliminating those weaknesses beforehand. In effect, we've got to shut the door on the Canadians before they can shut it on us.

Of course, we still cannot be sure exactly how the container picture is going to shape up. Whether in the final analysis there will be true "leader ports" and "feeder ports" as many industry observers predict remains to be seen. But it stands to reason that the ports with the best facilities, lowest rates, and fastest turnarounds will get the lion's share of the business. And the others just might fall by the wayside.

For the name of the game in the merchant marine of the 1970's is speed. And economy. Keeping the cargoes moving, and the ships moving as well. That's what containerization is all about. If you can't get one big box on and off a ship faster and more economically than a bunch of little boxes, then what good is it?

And if you can't get the massive, new container carriers in and out of port in a fraction of the time it takes to turn a smaller ship around, then they're not much good either. To this end, the new vessels are getting progressively bigger and (hopefully) better than their predecessors, spending more of their time at sea carrying cargo from one port to another, and fewer days—or hours, in the case of the fastest ships—loading and discharging.

Yet containerships are not the latest innovations on the maritime scene: they have been upstaged by the LASH ships, or barge carriers, if you will. LASH stands for lighter-aboard-ship, and the concept involves a huge vessel that comes into a port area—without berthing, if possible—discharges some of its barges in a protected harbor, and then goes on to its next port of call to repeat the process. The barges either propel themselves or are towed to a pier where they are then loaded or unloaded, and wait for the mother ship to return to pick them up.

The concept has many distinct advantages, notably the fast turnaround of the ship, and the relative ease and efficiency of the handling operation. Moreover, berthing space for the huge vessel is not required—in the concept's ideal operation—thus the potential for a lessening of harbor congestion in busy port areas.

There are only four such vessels in existence at the present time, and unfortunately none of these operates under the ideal conditions envisioned in the original concept. The world's first LASH ship, the Acadia Forest, carries mostly paper and seems to be making out pretty well—under foreign registry. But the second, the Prudential-Grace Line's Lash Italia, has been beset with labor problems and is just now beginning to move ahead, hopefully at full steam.

The remaining LASH vessels are not yet operational, and construction is planned or under way on eight more of the Lash Italia variety. In addition, Lykes Brothers Steamship Company, of New Orleans, has three ships of a similar design, designated as Seabarge Carriers, or Seabees, on order and being built in Quincy, Massachusetts. The Seabees differ from the LASH vessels most noticeably in that their barges are to be self-propelled, and will be handled by means of a stern elevator instead of being lifted in and out of the water by shipboard crane. Maybe by the time these are completed, the problems confronting the LASH will have been long resolved.

Which concept will prove more desirable is indeterminate at this point. What is important, is getting the ships finished and into operation. It's ironic, isn't it? that this nation of ours, which invented the container and the barge ship, is the one benefiting from these advances the least, because this country has so encumbered itself with a variety of difficulties stemming from the deplorable American tradition of entangling all things good in a web of red tape, both through labor agreements and legislation. And as we dawdle and vacillate and spend long hours attempting to defeat ourselves, the rest of the world reaps the benefits of our labors.

You might even say that the container and barge ship are backfiring on America, for though both are capable of producing untold benefits in all areas of shipping, it is the foreign countries that are reaping the biggest rewards, not the United States. We have invented for the world the means by which nations can move their goods quickly and easily, and most countries are taking advantage of the situation. Only here, in our U.S. ports, do we become our own worst enemy.

For what is the advantage of fast turnaround if you can't get anyone to put the cargo on your ship? And what is the sense of having a container to carry a lot of small items direct from origin to destination if it's going to be torn down and restuffed at each stop along the line? And what's the good of building efficient new vessels if you don't have crews who will sail them? The rush of technology in this industry, in this country, can only bear fruit when labor and management resolve to put their differences aside and work together for the common good.

As is so evident, the rapid development of containerships, the further dislocation of conventional vessels in some key ocean trades, the arrival of the barge carriers and mini-containerships on the rivers, and the consequent impact on established port operations, are elements vital to the future content of waterfront labor negotiations.

Baltimore has been fortunate in this area. Our port has a long history of good labor-management relations. And the longshore force in Baltimore is considered among the best in the country. Local dock workers have a reputation for honesty and efficiency, and are known to be more careful and dependable than their counterparts in most other port areas. We are indeed fortunate in this regard.

But looking good because others look bad is not enough. If Baltimore is to remain a leading world port, its longshoremen must continue to strive for excellence; they must maintain their high productivity level. They must not go the way of the New York dockers, for example, many of whom are content to receive pay under guaranteed annual wage agreements even though they might not work all the hours they're supposed to.

Another vital factor involving Baltimore's position as a leading seaport is the ability of its channels to handle the massive new vessels currently in operation, as well as those on the drawing boards. Container and LASH ships are measuring well over 800 feet in length, with displacements approaching 50,000 tons. And the Doctor Lykes, the first Seabarge vessel, now about halfway finished, will be the world's largest dry cargo ship, 875 feet and a displacement tonnage of 50,900.

Tankers, of course, are even bigger, what with the Japanese turning them out in the 300,000-deadweight-ton range and planning to build some as heavy as 500,000 tons. The largest of these will never come to Baltimore, but we do have bulk carriers in the 75-to-100,000-ton range serving the port.

And recently Bethlehem Steel Corporation revealed design specifications for construction of a new type ship called an OBO, which the firm plans to build at some future date here at Sparrows Point.

The OBO is a new variation of an old concept. Its name is an acronym drawn from the words ore, bulk and oil, the three types of cargo the vessel can handle on consecutive voyages in a triangular service. A number of OBO's are already operating in world trade, most of them constructed in Japan, but none has yet been built in American yards or registered under the U.S. flag.

The Sparrows Point designs are for vessels in the 77-to-80,000-deadweight-ton class, ships which certainly should be able to call at Baltimore. But at least one yard has applied for subsidy to build what might be termed super OBO's of some 165,000 tons, and who is to say that even larger units might not be forthcoming in the future?

If the Port of Baltimore is to remain competitive in the container, barge-carrying, supertanker age, it must have the capability of handling these larger, modern vessels. Our marine terminals are meeting the challenge, but they cannot do the job alone. The ships can't be worked here unless they can get here. And the massive vessels that are the wave of the future won't be able to come to Baltimore unless and until we widen and deepen our access facilities.

One of Baltimore's great advantages is its dual routes to the sea, via the Virginia Capes and the Chesapeake & Delaware Canal. The canal, as you know, is being widened and deepened under a $104 million U.S. Army Corps of Engineers project. The improvements are better than 80 percent complete, but all will go for naught unless the project is carried out to conclusion. Various stumbling blocks have been thrown in the way of this important endeavor, designed to extend the canal's depth from 27 to 35 feet, and until the work is finished, the controlling depth will remain at 27 feet.

The future of the main shipping channel is even more in doubt. Currently 42 feet deep throughout, the channel is to be dredged to 50 feet and widened from its present 600 to 1,000 feet. The project will comprise some 35 miles of channel, including a 20-mile stretch from the Chesapeake Bay Bridge to Baltimore.

Authorization for funding of the five-to-seven-year undertaking is included in the $600 million Omnibus Rivers and Harbors Act of 1970, recently approved by Congress and signed by President Nixon. Under this bill Baltimore stands to receive $40 million to begin work on the channel, with more funds promised later on to finish what will eventually become a $100 million project.

Like the C. & D. Canal, the work on the channel will not bear fruit until fully completed, because the shallowest depth will always remain the controlling factor. Thus a 50-foot channel 99 percent complete won't be any better than the present 42-foot channel until the work is 100 percent finished.

And once the project gets under way, Baltimore will have to begin thinking about deepening the channels in the Northwest Branch of the Patapsco, into areas such as Dundalk and Canton and Locust Point, where controlling depths currently vary from about 34 to 40 feet.

Port interests had also better keep watch to be sure the funding for the channel project doesn't get bogged down in further congressional maneuverings. Authorization for a program is one thing, but actually getting the money for it is quite another. And Baltimore doesn't have George Fallon as Chairman of the House Committee on Public Works to count on anymore to help get the funds appropriated.

In the final analysis, however, Baltimore seems to be doing a pretty fair job of keeping in step with the changing maritime picture. Its terminals and facilities are being kept up-to-date, and it's spending the money necessary to expand and modernize for the future. The port appears well prepared for any contingency.

Back in Colonial days two communities that were situated near the head of Patapsco River withered and died on the vine before the third, and present Baltimore, was founded in 1729. These two predecessors to the east of the existing city failed because they were unable to change with the times. Modern Baltimore has succeeded and prospered because of its capacity for staying ahead of the times.

And in this fast-moving world of the seventies, where the competition it cutthroat—and the inability to keep pace could likely be fatal—that's no mean achievement.

THE IMPLICATIONS OF BIOMEDICAL RESEARCH AND TECHNOLOGY

Mr. MONDALE. Mr. President, last month I introduced Senate Joint Resolution 75 to create a National Advisory Commission on Health Science and Society. I am glad to say that the resolution now has 20 cosponsors from both parties. In my introductory remarks, I referred to a number of articles which demonstrated the need for a study of the ethical, social, and legal implications of advances in biomedical research and technology.

In the short time since the introduction of Senate Joint Resolution 75 four more significant articles have been published. I think this demonstrates two things. First, there is a growing awareness and concern throughout the country about the implications of biomedical advances. Second, significant breakthroughs may be very imminent. Science is not waiting for us, so we must move now if these issues are to receive the thorough examination they require.

The first article appeared in the March 28 New York Times. I think it summarizes the general topic rather well, and shows how action on Senate Joint Resolution 75 is needed.

The second is from the April 14 Wall Street Journal and explains the medical profession's attempts to deal with some of these difficult questions by means of medical ethics panels. The article gives us a good idea of the day-to-day ethical problems which must be faced by physicians and hospital officials as they try to improve their capacity to minister to our health needs without taking unwarranted risks with fellow human beings.

The third article is a special section in the April 19 issue of Time magazine. It provides a comprehensive examination of the promise and perils that biomedical research holds in store for the body, the mind, and the spirit of man.

Finally, a two-part article appears in the May issue of the Atlantic. The first part, entitled "The Obsolescent Mother" summarizes developments in test tube fertilization and discusses the possibilities for development of a completely artificial fetal environment. It illustrates very well some of the ethical and social dilemmas which these possibilities will present. The second part, by the Nobel Prize-winning geneticist, Dr. James D. Watson, alerts us to the potential birth of a duplicate human being or "clonal man" sometime within the next 20 to 50 years. Dr. Watson states:

> I would thus hope that over the next decade wide-reaching discussion would occur, at the informal as well as formal legislative level, about the manifold problems which are bound to arise if test-tube conception becomes a common occurrence.

Mr. President, because I think these articles will add measurably to our understanding of this important matter, I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times]

Ethics Debate Set Off by Life Science Gains

Scientists and doctors, theologians and legislators and a host of other professionals around the country are showing an intense new interest in the moral dilemmas created by innovations in the life sciences.

The growing ethical concern, which amounts to a movement, arises from such recent developments as heart transplants and new drugs to alter emotions and behavior. It is also prompted by such future possibilities as the creation of test-tube babies and the manipulation of genes to "improve" the human race.

Unless thought is given to such matters now, said James Watson, the Nobel Prize-winning geneticist, "the possibility of our having a free choice will one day suddenly be gone."

Last week Senator Walter F. Mondale, Democrat of Minnesota, and 17 bipartisan cosponsors introduced a bill in the Senate to establish a two-year National Advisory Commission on Health Science and Society to explore the moral, social and legal implications of devlopments in biology and medicine.

The new interest has already given rise to a number of institutions that are investigating the ethics of biology and medicine, a rapidly proliferating literature on the subject and a burgeoning number of scientific conferences on ethical issues.

Under attack are many of the traditional assumptions that underlie not only biology and medicine but all science and technology. Among them are the beliefs that scientific progress is automatically good, that what is medically beneficial to the individual is necessarily good for society, and that scientists are the best judges of the direction in which their research should go.

At this point "agreement is far greater on the questions than the answers," said Dr. J. Russell Elkinton, editor of the Annals of Internal Medicine. But, he added, at least a responsible debate is under way.

The debate is focused upon discoveries capable of radically affecting the quality of life, altering the structure of society and even changing the very nature of man himself.

Doctors have already developed drugs and elaborate machinery capable of prolonging the lives of countless millions of people suffering from terminal illnesses.

When should the plug be pulled? Does a person have the right to ask that he be left untreated to die in peace? Should the physician, in some cases, speed the end to the patient's suffering? Where do the rights of society come in when physicians, funds and hospital beds used to keep terminal patients alive are in short supply?

Similarly, the first transplant of a human heart in December, 1967, created a host of still unresolved ethical questions. When is a person dead? How can a limited organ supply be fairly used in face of an overwhelming need and demand? Can society justify the costly treatment in view of other pressing medical needs?

As the American Friends Service Committee put it in a recent report: "A single heart transplant costs $20,000 to $50,000. How many individuals could be rehabilitated with glasses, hearing aids, or dental care for the cost of one heart transplant?"

A BROADER MENACE

Dr. René Dubos, bacteriologist and scientific humanist at Rockefeller University, sees a broader question of social commitment than simply the either-or questions within traditional medicine.

"Why become excited about a few hundred organ transplants when every day in New York City 30,000 children are exposed to the possibility of permanent handicaps from lead poisoning and no one is doing anything about it?" he asks.

On the horizon are science-fiction sounding discoveries that would create a vast array of brand-new ethical dilemmas. Scientists have already been able to take a cell from an adult frog and, by placing its nucleus into a frog egg, create a new frog that is a genetic carbon copy of the original adult. Although the same feat in mammals is technically far more difficult, some geneticists expect it to become a human reality within a decade or two.

This process, known as cloning, has already raised questions. Does an individual have a right to his uniqueness? What would be the psychological effects of seeing one's genetic blueprint played out in advance if, for example, the person one was cloned from developed muscular dystrophy at age 35?

BEETHOVEN MULTIPLIED

For musical reasons, it might be nice to have a whole conservatory of Beethovens, but the societal effects of so many persons with Beethoven's temperament might be disastrous. What would be the effect on family structure if scores of American men could order their own copy of Raquel Welch? And what if cloning had been a reality when Hitler was in power?

Other future ethical problems are expected to grow out of the increasing ability of neurologists to define precisely the areas of the brain that control certain aspects of behavior. Questions will clearly arise, too, from a rapidly growing array of potent drugs that can change behavior, raise or lower intelligence, enhance or impair memory and affect specific kinds of learning.

Should criminals be forced to accept rehabilitation that would involve direct electrical or chemical stimulation of their brains, or even brain surgery? Such techniques are already being tested in man.

Would the use of a drug that raised the general level of intelligence create a society of persons unwilling to do essential menial chores? Would man twice as smart as he now is still be human?

ON A NARROW BASE

Until now consideration of such ethical and social questions has generally been confined to a few isolated individuals in science and religion.

Recently, however, a number of institutes have sprung up to pursue such issues on a formal interdisciplinary basis and in anticipation of scientific advances wherever possible.

Set in the tranquil beauty of Hastings-on-Hudson, N.Y., the Institute of Society, Ethics and the Life Sciences, now two years old, has recruited 70 persons in fields ranging from philosophy to biochemistry to serve on task forces in the areas of population control, genetic engineering, death and dying, and behavior control.

In dealing with population problems, said the institute's director, Daniel Callahan, a Roman Catholic philosopher, "our job is not to provide easy answers but to spell out the ethical acceptability of various approaches—such as mandatory abortion or birth control incentives—that might be adopted as government policy."

A second major organization, the Institute of Religion, operates in the midst of Houston's huge Texas Medical Center. The institute promotes interdisciplinary discussions of ethical problems that arise out of medicine and research, including the heart transplants for which the center is famous.

BUSES TO POOR DELAYED

Kenneth Varrett, an economist at the Xerox Center for Health Care Research in the Houston complex, noted in an interview that largely as a result of discussion with the Rev. Kenneth L. Vaux of the institute staff, his center had postponed plans to put experimental diagnostic equipment on buses and send them out into poor areas.

"We realized that it would be unethical to screen people for illnesses and raise expectations of their being helped until we were also prepared to offer them treatment," he explained.

Several smaller institutes recently created include the Center for Human Values in the Health Sciences in San Francisco and the Institute for Theological Encounter with Science and Technology at St. Louis University. Dr. Leon Kass is heading a new 15-member committee on Life Science and Social Policy, a part of the National Academy of Sciences.

Some theologians specializing in ethics are trying to acquaint themselves with the facts and future of biology and medicine. Paul Ramsey, professor of religion at Princeton University, for instance, recently spent a sabbatical year studying genetics and ethics at Georgetown Medical School and has since written widely on the ethical problems of genetic engineering.

PANELS IN CENTERS

In the last few years committees have been set up at virtually all medical centers to review proposed human experiments.

Such panels, which would, for example, prevent an experiment that would involve injecting cancer cells into persons incapable of understanding the nature of the experiment, are now mandatory for federally financed research.

And medical schools throughout the country, often under pressure from students, have started to set up courses on ethical issues.

Dr. Willard Gaylin, a 46-year-old psychiatrist who is helping to develop an ethics program at Columbia College of Physicians and Surgeons, recalls that in his medical school days, "ethics meant what size shingle a doctor should hang outside his office." "Today's students," he says, "are grappling with such sticky questions as whether to let a 10-year-old girl with a terminal illness die in peace as her mother requested or whether to try to prolong her life."

WHO WILL DECIDE

Underlying the new ethical concern is a conviction that the authority of science, like that of universities, the churches and the military, must increasingly come into question.

Scientists and others are now asking whether scientific progress necessarily serves the good of man and, in cases where it obviously does, whether scientists should be the only ones to determine the direction it takes. There is, in short, a growing consensus that the consequences of science are too important to be left to the scientists.

"We're talking about changing the bodies and minds of men," remarked Dr. Kass, himself a biochemist. "Scientists are not peculiar repositories of wisdom on these matters."

He and other individuals and institutions concerned with the new ethics would like to see critical scientific questions, such as whether to create carbon copies of people—posed on an interdisciplinary basis.

Dr. Robert Francoeur, an embryologist at Fairleigh Dickinson University and a married Roman Catholic priest, favors an "international consortium of scientists, physicians, sociologists, economists, lawyers, theologians and others" to deal with such matters.

The Mondale proposal would set up a 15-member committee appointed by the President from the areas of medicine, law, theology, biology, sociology, physics, the humanities, government, public affairs and health care.

LEGISLATORS OR PROFESSIONALS

How can the ethical question they discuss ever be resolved? There is a consensus that some problems—the definition of death, perhaps, or the use and distribution of organs for transplants—might be best dealt with through legislation. Others, however, such as policies governing euthanasia, may be more appropriately handled through professional guidelines and the evolution of a public consensus.

Among the new ethicists there is general agreement that some way must be found to involve the public. Dr. Ramsey would like to see the public represented even on fairly technical interdisciplinary boards.

"Some people might be simply stunned and overwhelmed," he said, "but their symbolic presence would put the professions on notice that society does have a concern."

Yet many scientists on the firing line are nervous about having the public looking over their shoulders. One fear is that the public is antiscience and will inhibit research.

SCIENTISTS' FEARS

When Senator Mondale first introduced a resolution to establish a national commission on medical ethics three years ago, he expected scientists to welcome it.

Instead, he recalled the other day, "I was disappointed and appalled by the almost unexplainable fear on the part of some scientists about the public being involved. Their attitude was, 'It's none of the public's business.' Others said, 'Do it, but keep it within the profession'."

The senator said: "Research has more to gain from the public process than to lose. Secrecy could do a lot of harm."

Dr. Kass said: "Instead of raising the bogy man of interference, scientists should help legislators and the public discriminate between the technology we should scrutinize and that we should leave alone."

Another fear of scientists is that the long process of public deliberation might grind scientific research to a halt.

THE PENALTY OF TIME

Dr. Robert White, a neurosurgeon at Western Reserve University who studies brain and body transplants in dogs and monkeys, said he welcomed the new sensitivity to ethical concerns. But he added: "If we were starting now, open heart surgery would take two or three times longer to develop than it actually did because universities, hospitals and doctors themselves are very much more sensitive to what they're doing to patients."

Implementing the ideas of the biomedical ethicists presents a number of difficulties.

"For one thing, there's no lobby group," said Robert Veatch, a pharmacologist, theologian and medical ethicist at the Hastings Institute. "No one organizes around the fact that he's sick. What we really need is a Ralph Nader for medical ethics."

Another serious limitation is money. Dr. Callahan's group found that few foundations that support research have thus far shown interest in the area and have difficulty fitting requests for funds for medical ethics into their traditional categories.

TERMS IT CHEAP

Dr. Kass noted, however, that "the kind of research and thought needed is cheap compared to the cost of what produces these problems" and suggested a routine budgeting of 1 per cent of research funds for study of the ethical consequences of the research.

A third difficulty is that there are no real answers to ethical questions, and in most cases the choice is not between good and evil but between relative goods.

"We're not dealing with solvable problems in the usual sense of the word," said Dr. Kass. "In a fragmented, pluralistic society, you're not going to come to agreement on matters that have divided the best of human minds since antiquity."

Yet the growing consensus is that the thinking must be done and done now. "What man can do is becoming more obvious," said Dr. Elkinton. "What man ought to do is yet a dark enigma."

[From the Wall Street Journal, Apr. 14, 1971]

MEDICAL-ETHICS PANELS ARE SET UP TO RESOLVE DILEMMAS ON RESEARCH

(By Liz Roman Gallese)

BOSTON.—Antonia, a pretty, blue-eyed five-year-old, is slowly dying of leukemia at Massachusetts General Hospital. Doctors here are working on a new drug that has a chance—though only a remote one—of curing her and many other leukemia patients. But the drug is so potent that it might also suddenly trigger severe liver damage.

Should the little girl be given the drug?

This sort of agonizing dilemma confronts medical researchers across the country almost every day. The dilemmas have become so controversial within the medical profession that individual doctors are no longer formulating the answers.

Instead, medical-ethics committees, usually made up of doctors who are neither involved in testing a new drug nor directly responsible for the care of the patients, are trying to make independent decisions. In some cases, however, these decisions are themselves sparking controversy.

A BID TO BALANCE INTERESTS

Some hospitals have had ethics committees for many years. But the real impetus to establish them came in 1966, when the National Institutes of Health decided not to award research grants to hospitals or other institutions that don't have such panels. In that year there were 371 committees; today there are more than 1,900. The NIH made grants totaling $872 million in 1970, thus financing a major part of U.S. medical research.

Everyone agrees that the ethics committees' job isn't easy. Bernard Barber, a Columbia University sociology professor, who has studied the committees, says that frequently their task is to try to balance a patient's rights to have the best possible treatment against society's interest in medical advancement.

"Sometimes cases are difficult, if not impossible, for the committee to decide, and members must act on insufficient knowledge of the risks and benefits involved," Prof. Barber says.

The committees, composed of from three to a dozen or more top doctors at a hospital, meet once a week or once a month to check projects proposed by researchers and physicians. In many cases, a project wins approval without running into any obstacles.

ANTONIA'S DRUG APPROVED

Antonia, for example, has taken five doses of the experimental drug since the Massachusetts General ethic committee gave a go-ahead to the research project that included her. The drug hasn't caused any liver damage in the girl. On the other hand, there isn't any evidence it has cured Antonia's leukemia, either. Doctors still figure there's a 90% probability her disease will prove fatal.

In cases where a project is questioned, ethics committees and researchers often work out compromises. One technique is to alter the study somewhat, sometimes by varying a drug dosage.

Seeking a way to treat excess facial and body hair and acne in adolescent girls, a researcher at one Eastern hospital recently proposed a five-milligram dose daily of the hormone stillbestrol. The ethics committee, however, questioned the dose because the hormone was suspected of retarding growth in adolescents. The researcher says the committee was also concerned about the possibility of blood clotting resulting from five milligrams of the hormone, an estrogen drug.

The researcher, after checking earlier experiments, found the committee correct on both counts, although the blood clotting had occurred in women in their 30s, usually after childbirth. Now, with the committee's approval, the researcher is using a two-milligram dose in the experiments and, as an added precaution, is using it only on tall girls.

CASES OF SHARP CONFLICT

In some cases, however, researchers trying to achieve medical breakthroughs are coming into sharp conflict with ethics committees worried about patients' welfare. After several years of conflict, Dr. Adrian Kantrowitz, a noted heart surgeon, left Maimonides Medical Center in Brooklyn late last year for Sinai Hospital in Detroit. With him went a group of 20 surgeons, nurses and researchers and $2,500,000 of federal funds for heart research.

"I was ready to perform a heart transplant a year or so before Dr. Christiaan Barnard (the South African physician)," Dr. Kantrowitz says. But the Maimonides ethics committee refused to grant approval because "it had never been done before," Dr. Kantrowitz contends. When the committee finally approved the proposal about a year later, he says, Dr. Barnard had already done the world's first heart transplant, on Dec. 3, 1967 Dr. Kantrowitz did his first heart transplant three days after Dr. Barnard's operation.

Dr. Jacques Sherman, acting director of Maimonides, denies Dr. Kantrowitz's description of events and says his transplant proposal was approved a year or so before he performed the operation.

Another and more recent clash at Maimonides involved Dr. Kantrowitz's attempts to use a mechanical pump to aid in bringing heart attack patients out of shock. The mechanical pump was to supplement the heart's own pumping action.

"There's usually a 95% mortality rate for these patients, but I was able to bring 60% of them out of shock," although not all of them survived, Dr. Kantrowitz says. After initial experiments, the Maimonides ethics committee rejected further work "because I couldn't save all my patients," Dr. Kantrowitz says.

Again Dr. Sherman of Maimonides differs. He says the ethics committee rejected the research only at first because the proposal failed to contain an adequate definition of heart patients in shock. He adds that once the proposal was rewritten, it was approved.

Ethics committees have also become involved in the controversy surrounding patient consent. Medical ethics require—and most doctors agree—that a patient be fully informed and his consent obtained when he is a subject in a research project. Both the National Institutes of Health and the Food and Drug Administration require such patient consent, and ethics committees routinely check to see that it is obtained.

But the committee checks are sometimes too routine, it is charged. At Johns Hopkins Hospital in Baltimore, a researcher sent a letter to parents telling them their child—all those involved were juvenile delinquents in state institutions—"has been included" in a study. The letter described the project merely as involving "a special diagnostic genetic (chromosome) study" and concluded by saying "please sign" the consent form.

The study was actually aimed at determining whether the delinquent youngsters had an extra chromosome, often called the XYY chromosome arrangement, which researchers speculate may lead to criminal activity.

"The Hopkins' form did not advise that participation was purely voluntary and it did not reveal that the existence of any XYY chromosome pattern might be related to criminal behavior," the American Civil Liberties Union charged. The ACLU also feared that the research results wouldn't be kept confidential and that individual youngsters could be stigmatized as having a "dangerous" XYY pattern. "In addition, correctional and parole officers were being utilized to obtain the consent of parents of institutionalized boys, a situation which smacked of coercion," the Civil Liberties Union said.

CONSENT FORM REVISED

The hospital denies that parole officers were specifically used to gain parental consent. Rather, it says, the officers were informed of the details of the experiment, which they could pass on to the parents if asked. The hospital says it still isn't using the officers to obtain consent.

The hospital temporarily suspended the research project and revamped its consent form to satisfy the ACLU's objections. Dr. Gordon Walker, chairman of the hospital's research committee, concedes that the committee didn't review the written form the researcher used at first, but he says committee members asked the researcher what information he would orally give his subjects.

"The researcher told us he would explain all medical implications of the study to his subjects and their parents," Dr. Walker says. He adds that the ethics committee didn't delve into the issue of confidentiality because "we're not lawyers."

In some cases, obtaining fully informed consent is very difficult if only because giving a patient full details about his disease and about the risks of experimental treatment might unduly upset him, ethics committee members argue. This is especially so in the case of cancer, they say.

"Real, informed consent would send patients into acute anxiety and terrify them," says Dr. John E. Plager, an ethics committee member at Roswell Park Memorial Institute, a cancer research center in Buffalo.

THE PROBLEM WITH CHILDREN

In cases involving young children, especially those who are mentally retarded and unable to understand a research project, obtaining patient consent is all but impossible, ethics committee members also say. The consent of both young patients and their parents is often required. Yet research with such children is practically the only way to obtain certain scientific information.

The ethics committee at Massachusetts General recently wrestled with the dilemma. Scientists know that certain types of cancer trigger a high level of calcium in the blood that can kill the patient far faster than the cancer itself. They also suspect that the amount of calcium in a person's blood may be at least partly regulated by calcitonin, a recently discovered hormone produced by the thyroid gland. This opens the possibility of using calcintonin to control calcium levels and thus greatly prolong the patient's life Scientists also suspect that calcitonin may have other and as-yet undefined therapeutic value.

But first scientists are trying to nail down the fact that calcitonin does indeed control calcium and how it does so. To prove this, the scientists need a group of normal children whose thyroids produce calcitonin and a group of children without thyroids producing this hormone so that the two groups can be compared.

PANEL QUERIES RESEARCHER

Dr. Alberto Hayek, a Harvard University researcher who is working on the calcitonin study, proposed using mentally retarded children in an institution affiliated with Massachusetts General for the group without thyroids. This upset the ethics committee. During a committee meeting to consider Dr. Hayek's written proposal, members posed question after question.

"Why does he wish to use mentally retarded children?" one ethics committee member asked.

"Why use institutionalized children, who constitute a captive group?" another member asked.

"Can't other subjects be found who are intelligent enough to give consent to the study?" a third member asked.

The committee framed its questions in a letter.

In a written reply to the committee and in a later interview, Dr. Hayek said other subjects aren't suitable.

"Only one in every 30,000 babies is born without a thyroid gland and more than half of these have an IQ far less than 90. The result is that many of the members of this very tiny group are in institutions for the mentally retarded. There is virtually no place else to find them."

Dr. Hayek also emphasized that the study, while tedious, would pose very little risk to the children. The project involves three-hour calcium infusions into the bloodstream and blood samples taken every half-hour to check calcitonin levels so doctors can assess the relationship between the two chemicals.

THE PHYSICIAN-ADVOCATE

The ethics committee finally agreed to approve the project but only after appointing a physician-advocate—a move that is increasingly being used at research hospitals.

The physician-advocate, who is not one of the researchers, is named to represent the children's interests. His duty is to make sure that full information is given to parents when their consent is asked, that undue risks are avoided and that every safety precaution available is taken. He can withdraw the patients he represents from a research project if he thinks they are taking too great a risk.

In rare cases an ethics committee may have a physician-advocate peering over a researcher's shoulder to make sure all is well. In one big hospital, for example, a brain surgeon is seeking to use electrodes to stimulate the brains of patients undergoing surgery for various reasons.

The surgeon's project is based on discoveries that short bursts of electricity into certain parts of the brain can cause persons to "see" things, raising hopes that an artificial seeing device might someday be devised for the blind. As preliminary research, the surgeon intends to ask the patients, under local anesthesia, what they "see" as he stimulates their brains.

The hospital's ethics committee recently approved the project when the researcher clarified his intention that the electrodes be placed only on the surface of the brain. But the committee was deeply worried lest an electrode be pushed into the brain itself, a move that might cause permanent brain damage.

The project is approved, the committee stated, only so long as the physician-advocate in the case is present in the operating room to make sure an electrode doesn't penetrate into the patient's brain.

[From Time magazine, Apr. 19, 1971]

MAN INTO SUPERMAN: THE PROMISE AND PERIL OF THE NEW GENETICS

Reshaping life! People who can say that have never understood a thing about life—they have never felt its breath, its heartbeat—however much they have seen or done. They look on it as a lump of raw material that needs to be processed by them, to be ennobled by their touch. But life is never a material, a substance to be molded. If you want to know, life is the principle of self-renewal, it is constantly renewing and remaking and changing and transfiguring itself.—Doctor Zhivago by Boris Pasternak.

Perhaps it was simply a matter of chance, a random throw of the molecular dice. Perhaps some greater, transcendent force was at work in the earth's primeval seas. Yet from the moment of its miraculous genesis three billion years ago, life has been continually renewing and remaking itself, an evolutionary process that has led to the appearance of a unique creature quite unlike any of those before him. Thinking, feeling, striving, man is what Pierre Teilhard de Chardin called "the ascending arrow of the great biological synthesis."

Now, only some 35,000 years after the birth of modern man—a brief interval on the evolutionary time scale—the arrow is pointing in a dramatic new direction. Not only has man begun to unlock the most fundamental life processes, but he may soon be able to manipulate and alter them—curing such killer diseases as cancer, correcting the genetic defects that account for perhaps 50% of all human ailments, lessening the ravages of old age, expanding the prowess of his mind and body. Says Caltech's Robert Sinsheimer, one of the architects of the biological revolution: "For the first time in all time, a living creature understands its origin and can undertake to design its future."

To an extent, man has already altered himself and his planet. Scientists can only guess at the genetic toll from radioactive fallout, chemical contamination and other assaults on the environment. Even man's noblest impulses are apt to offend against nature. While improved medical care assures the survival and reproduction of those with genetically caused mental and physical defects, it also ensures that an increasingly larger percentage of the population will be heir to these illnesses in years to come. Geneticist Theodosius Dobzhansky succinctly expresses the ethical dilemma. "If we enable the weak and the deformed to live and to propagate their kind," he says, "we face the prospect of a genetic twilight. But if we let them die or suffer when we can save or help them, we face the certainty of a moral twilight."

The biological revolution could make some of the choices easier. In the future, defective genes may be excised by pinpoint laser beams and replaced by viruses acting as man's genetic messengers in the body. Anguished man may also find his mental burdens lightened, as he turns to anti-aggression and knowledge pills, or learns to stimulate his brain's pleasure centers with electrodes.

But other advances may only increase man's moral agony. By growing life in artificial wombs, for instance, or even rearranging enough molecules to create life itself, man will invoke comparison to the legendary Faust. He attained the power to create life—the tiny test-tube man, or homunculus—but only after he had bartered away his soul to the devil. If the new knowledge is used recklessly, Faustian man of the future may wonder if he, too, has not made a pact with dark forces.

In the long history of evolution, 100 million species of plants and animals have inhabited the earth.

Of these, 98% are now extinct, unable to survive the challenges of a changing environment. Man himself may face such a life-and-death test. Unlike his predecessors on the evolutionary ladder, he has the capability to meet it—and to fail it even more grandiosely than did creatures with lesser brains and imaginations.

Astonishingly, this capacity has been acquired only recently with remarkable advances in the life sciences. On the following pages, TIME describes the advances, including their promises and dangers. Some are distant, others close at hand. Together they may eventually shape *Homo futurus*, a creature resembling the Superman of the Nietzschean and Shavian dream—or at least one whose powers will be dramatically different from contemporary man's.

THE CELL: UNRAVELING THE DOUBLE HELIX AND THE SECRET OF LIFE

Wildly excited, two men dashed out of a side door of Cambridge University's Cavendish Laboratory, cut across Free School Lane and ducked into the Eagle, a pub where generations of Cambridge scientists have met to gossip about experiments and celebrate triumphs. Over drinks, James D. Watson, then 24, and Francis Crick, 36, talked excitedly, Crick's booming voice damping out conversations among other Eagle patrons. When friends stopped to ask what the commotion was all about, Crick did not mince words. "We," he announced exultantly, "have discovered the secret of life!"

Brave words—and in a sense, incredibly true. On that late winter day in 1953, the two unknown scientists had finally worked out the double-helical shape of deoxyribonucleic acid, or DNA. In DNA's famed spiral-staircase structure are hidden the mysteries of heredity, of growth, of disease and aging and in higher creatures like man, perhaps intelligence and memory. As the basic ingredient of the genes in the cells of all living organisms, DNA is truly the master molecule of life.

The unraveling of the DNA double helix was one of the great events in science, comparable to the splitting of the atom or the publication of Darwin's *Origin of Species*. It also marked the maturation of a bold new science: molecular biology. Under this probing discipline, man could at last explore—and understand—living things at their most fundamental level: that of their atoms and molecules. Once molecular biology was sardonically defined as "the practice of biochemistry without a license." Now it has become one of science's most active, exciting and productive arenas, taking the limelight (and some of the best talent) from that longtime favorite, nuclear physics.

Using laboratory skills that were unheard of a generation ago, scientists have isolated, put together and manipulated genes, and have come close to creating life itself. In 1967 Stanford University's Arthur Kornberg synthesized in a test tube a single strand of DNA that was actually able to make a duplicate of itself. Kornberg's "creation" was only a copy of a virus, a coated bit of genetic material that occupies a twilight zone between the living and inanimate. But many scientists have become convinced that they may eventually be able to create functioning, living cells.

Molecular biology, in part is rooted in the science of genetics. Ever since Cro-Magnon man, parents have probably wondered why their children resemble them. But not until an obscure Austrian monk named Gregor Mendel began planting peas in his monastery's garden in the mid-19th century were the universal laws of heredity worked out. By tallying up the variations in the offspring peas, Mendel determined that traits are passed from generation to generation with mathematical precision in small, separate packets, which subsequently became known as genes (from the Greek word for race).

Mendel's ideas were so unorthodox that they were ignored for 35 years. But by the time the Mendelian concept was rediscovered at the turn of the century, scientists were better prepared for it. They already suspected that genetic information was hidden inside pairs of tiny, threadlike strands in cell nuclei called chromosomes, or colored bodies (for their ability to pick up dyes). During cell division they always split lengthwise, thereby giving each daughter cell a full share of what was presumed to be hereditary material.

A few years later, the suspicions were dramatically confirmed by the pioneering geneticist Thomas Hunt Morgan in Columbia University's famed "Fly Room." Through ingenious crossbreeding experiments with the fruit fly *Drosophila melanogaster*, Morgan and his students were able to map the relative positions of the genes along the insect's four pairs of chromosomes. Still, the gene's physical nature remained as great a mystery as ever. DNA had been discovered in the nuclei of cells by the Swiss biochemist Friedrich Miescher a few years after Mendel did his work on peas. But since the chromosomes in which the DNA was found also contained proteins—the basic building blocks of life—few scientists had any inkling that DNA might be playing an even more central role to life.

By the 1940s, however, the molecular biologists had come on the scene, and they insisted that fundamental life processes could be fully understood only on the molecular level. In their investigations, some used the electron microscope, which revealed details of structure invisible to ordinary optical instruments. Others specialized in X-ray crystallography, a technique for deducing a crystallized molecule's structure by taking X-ray photographs of it from different angles. Physicist Max Delbrück turned to nature for his investigative tools; bacteriophages (literally, "bacteria eaters"), tiny parasite viruses that invade their host bacteria and rob them of their genetic heritage.

But the honors for making the breakthrough discovery went to a traditional bacteriologist. Taking purified DNA extracted from the chromosomes of dead pneumonia bacteria, Rockefeller Institute's Oswald T. Avery and his associates showed that it could transform other, normally harmless bacteria into virulent ones. The experiment indicated that it was DNA, and not protein, that carried the genetic message. So unexpected was that finding that even Avery was at first unwilling to accept it. Eight years later, Alfred Hershey and his assistant Martha Chase demonstrated that a virus' DNA could, by taking over a bacterium, also nullify the cell's genetic instructions and replace them with its own. Only then was DNA finally accepted as the magic substance of the genes.

Inspired by these experiments, Watson, then a young Ph.D in biology from Indiana University, decided to take a crack at the complex structure of DNA itself. The same thought struck Crick, a physicist turned biologist who was preparing for his doctorate at Cambridge. Neither man was particularly well equipped to undertake a task so formidable that it had stymied one of the world's most celebrated chemists, Linus Pauling. Watson, for his part, was deficient in chemistry, crystallography and mathematics. Crick, on the other hand, was almost totally ignorant of genetics. But together, in less than two years of work at Cambridge, these two spirited young scientists showed how it is possibly to win a Nobel Prize without really trying.

In 1968 Watson himself produced a highly irreverent, gossipy bestseller, *The Double Helix*, which revealed the human story behind the discovery of DNA's structure: the bickering, the academic rivalries, even the deceits that were practiced to win the great prize. Out of Pauling's earlier work, Watson and Crick got the idea that the extremely long and complicated DNA molecule might take the shape of a helix, or spiral. From the X-ray crystallography laboratory at King's College in London, where Biochemist Maurice Wilkins was also investigating the molecule's structure, they quietly obtained unpublished X-ray data on DNA. Relying as much on luck as logic, they constructed Tinkertoy-like molecular models out of wire and other metal parts. To everyone's astonishment, they suddenly produced a DNA model that not only satisfied the crystallographic evidence but also conformed to the chemical rules for fitting its many atoms together.

Out of the architecture of their precisely constructed double helix emerged the secret of DNA's awesome powers. The banisters of the staircase were fashioned of long links of sugars and phosphates; the steps between them were made of pairs of chemicals called bases, weakly joined at the center by hydrogen atoms. Only four different bases were used—adenine (A), thymine (T), cytosine (C) and guanine (G). But their sequence could vary so widely along the length of the staircase that they made up an almost limitless information-storage system, like the memory bank of a computer. In addition, because the bases were chemically complementary—that is, A paired off only with T, and C only with G—one side of the staircase was in effect of genetic mirror image of the other. Watson and Crick quickly recognized from the structure of their model how DNA worked. But their 900-word announcement in *Nature*, the international weekly published in Britain, concluded with one of the more coy statements in scientific literature. "It has not escaped our notice," they said, "that the specific pairing we have postulated immediately suggests a possible copying mechanism for the genetic material."

In a second letter, they described that mechanism: how the DNA molecule unwinds and unzips itself right down the middle during cell division, its base pairs breaking apart at their hydrogen bonds. Then by drawing on the free-floating material surrounding them in the nucleus of the cell, the two separated strands link up with complementary base-and-strand units along their entire length, forming two exact copies of the original double helix. Thus DNA faithfully passes its genetic information on to new cells and to future generations.

Ingenious as the theory was, scientists still demanded proof that the molecule actually replicated itself. That proof was quick to come. By 1956, Arthur Kornberg, then at Washington University in St. Louis, discovered an enzyme, or natural chemical catalyst (which he named "DNA polymerase") that was apparently critical to some of the activities of the double helix. Once he obtained enough of the enzyme, he placed it in a test-tube brew with a bit of natural DNA, one of whose strands was incomplete, the four bases (A, T, C, G) and a few other off-the-shelf chemicals. True to his expectations—and the Watson-Crick theory—the incomplete segment picked up its complementary nucleotides from the brew to form a complete double helix.

Implicit in the Watson-Crick model were the workings of DNA's other essential function: how it orders the production of proteins. These are also long and twisted helical molecules, but they are the actual building blocks rather than the genetic blueprints for living things. As such, proteins are immensely varied; there are many thousands of different kinds in the human body alone. The distinctive proteins that make up the cells of the eye, for example, differ from those of the kidneys or muscles. Despite their variety, however, all proteins are built from some of only 20 smaller and simpler molecules, called amino acids. How then, scientists asked themselves, did the isolated double helix, locked in the nucleus of the cell, direct the assembly of amino acids into protein in other parts of the cell?

Scientists suspected that DNA had a helper, a single-stranded chemical first cousin called ribonucleic acid (RNA). Most of the cell's RNA is found in ribosomes. These are globular bodies in the material outside the cell's nucleus that seem to be highly active centers of protein synthesis. But if this ribosomal RNA played a role in protein making, how did it obtain and execute the instructions from the master molecule DNA inside the nucleus?

In 1955, after wrestling with the question, Francis Crick postulated (and Harvard Biochemists Paul Zamecnik and Mahlon Hoagland confirmed) a second form of RNA, which was later found to carry specific amino acids floating in the cytoplasm to the ribosomes; this substance became known as transfer RNA. Then in the early 1960s, biologists discovered a third kind of RNA—shortly after its existence had been theorized by Jacques Monod and Francois Jacob of France's Pasteur Institute. Called messenger RNA, it provided the missing piece in the molecular puzzle. It was formed on an uncoiled strip of DNA in the nucleus, imprinted with the particular "message" encoded in that portion—or gene—of the staircase, and then sent off with these instructions to the protein-making ribosomes.

Neat as it was, this scheme still left unanswered one more question: How could DNA or RNA choose from among 20 amino acids to produce complex proteins by using an informational system that had only four code letters—the four bases—at its disposal? An answer to this intriguing problem was suggested by Physicist George Gamow, who likened the four bases to the different suits in a deck of playing cards.

If the cards are dealt one at a time, disregarding the order of the cards within the suits, the player encounters only one of four possibilities on each draw (a heart, diamond, spade or club); nearly, if DNA's code worked this way, there would not be enough choices to encode 20 amino acids. If the cards are dealt in pairs, the number of combinations increases to 16 (since each card may combine with its own kind or one of three other suits). But such a two-unit system also would be inadequate. So Gamow reasoned that DNA's four bases had to be taken at least three at a time: this would yield 64 possible combinations (4 x 4 x 4), more than enough to code for the existing amino acids.

In 1961, Crick's team at Cambridge proved Gamow's ingenious "triplet" theory. They demonstrated that RNA formed from only one or two base units could not effect the manufacture of proteins. But when they added a third base unit, protein formation began immediately. It remained, however, for an unknown young biochemist named Marshall Nirenberg, at the National Institutes of Health, to crack the code itself. That same year Nirenberg had succeeded in building up short, synthetic strands of RNA out of only one type of base. Invariably, this artificial RNA induced the manufacture of chains of proteins consisting of only one type of amino acid, phenylalanine. The conclusion was inescapable: in the genetic code, Nirenberg's triplet had to signify phenylalanine.

Using this clue as their Rosetta stone, Nirenberg and other researchers eventually found one or more three-letter code words, or codons, that could call up every single amino acid—plus other words that acted as punctuation, marking the start or completion of a message ordering the production of a protein. Even more remarkable, they learned that the code was universal: the same four letters, taken three at a time to form a single genetic word, code the same amino acids in all living things. Thus by the mid-1960s, scientists finally understood how DNA passes on genetic information with exquisite precision, and the way it orders up the fabrication of new cellular protein.

That process, shown in the accompanying color chart, was summarized by Crick in a series of rules that became known as the Central Dogma. Most scientists interpreted the key rule of that dogma to be that genetic information flowed in one direction: from DNA to RNA to protein. To the surprise of many molecular biologists, however, it has recently been shown that part of the process can sometimes be reversed. This finding, in the opinion of molecular biologists like Columbia's Sol Spiegelman, may offer an important clue to the workings of cancer cells (*see box, page 44*).

DNA is as complex as the system it directs. Even after two decades of intensive study only about one-third of the genes have been mapped along the length of DNA in the chromosome of so elementary a creature as the digestive tract bacterium *Escherichia coli*. The reason: just a teaspoon of E. coli DNA has information capacity approximately equal to that of a computer with a storage capacity of about 100 cu. mi.

Man, for his part, is even more generously endowed—with 1,000 times as much DNA as one *E. coli* in each of his reproductive cells. Even so, the cells of such relatively primitive animals as salamanders, lungfish and even certain one-celled algae contain far more DNA than man's. Does this mean that such lowly beasts have a richer genetic capacity than man?

The Carnegie Institution's Roy Britten and David Kohne, after much painstaking investigation, may have found the answer to that embarrassing question. A few years ago they discovered that in the DNA of higher organisms many genes seem to be repeated. In calf cells, they calculated, up to 40% of the DNA consists of segments that are repeated as many as 100.000 times apiece. As a result of this work, some scientists are now convinced that in this seeming redundancy of genes, rather than in the total number, lies the secret of the genetic sophistication of higher organisms.

How would such genetic repetition help man? Some theorists suspect that the "spare" DNA plays a regulatory role, perhaps switching other genes on and off at just the right moment during the involved process of protein manufacturing. Harvard Biochemist Charles Thomas, however, supports a more radical idea. He thinks that the repeated segments are actually "slaves" of a "master" gene from which they have been copied. Working in tandem, explains Thomas, such "slaves" could produce proteins more quickly and efficiently—though, he admits, not necessarily in greater diversity.

Molecular biologists are also probing ever more deeply into the process of cell differentiation. It has long been known that the DNA in every body cell of an individual organism is identical; this DNA contains all the information necessary to construct the whole organism. Why then, in a human being, for example, is a liver cell so different from a hair cell, a heart cell so different from a skin cell? The answer, Jacob and Monod theorized in 1961, is that only a small percentage of the genes in any cell are giving instructions for the operation of that particular cell. The rest are "turned off" by protein repressers, which wrap themselves around long stretches of DNA and prevent them from transferring their coded information to messenger RNA.

A number of such repressers have since been found in bacteria. Scientists have also isolated enzymes that turn the genes back on. These inducers, as they are called, work by unlocking the repressers on the segment of DNA. But even in *E. coli*, such switching can become bafflingly difficult; the repressers and inducers, for example, require controlling enzymes of their own. These enzymes, in turn, apparently need the help of still other molecules, such as the recently discovered sigma, rho and psi factors, in recognizing the appropriate genes. In fact, it is because of the very complexity of these processes that leading molecular biologists like Crick find the questions arising from cell differentiation so fascinating. How in the human embryo, for instance, are certain genes switched on so that by the end of the first week after conception identical cells have begun to grow into cells with differing characteristics?

So far these fundamental questions are largely unanswerable, although some clues have been uncovered. For one thing, it is thought that in higher, multicellular forms of life, repressers may be a special class of proteins called histones; these are not found in bacteria. When histones are removed, Rockefeller University's Vincent Allfrey has found, RNA production soars by 400%, evidence that formerly repressed segments of DNA have become active. In addition, it has been learned that the cell membrane itself appears to play a crucial part in switching genes on and off. When a membrane is merely brushed by certain hormones—a large class of molecules that serve as intercellular messengers—the membrane will respond as though jolted by an electric probe. It will instantly send off a signal to the nucleus, triggering RNA production by the genes. That finding could eventually have medical application for diseases—like diabetes—resulting from vital genes that are inexplicably turned off.

Many more puzzles remain unsolved. Why are there small bits of DNA located outside the nucleus in energy-producing cell centers called mitochondria? Does this mean that there are other, unknown repositories of hereditary information? In spite of such questions and complications, the basic structure of DNA postulated by Crick and Watson 18 years ago has withstood the test of time remarkably well. More important, it has given man a profound new understanding of basic life processes—and the means to control and alter them.

THE BODY: FROM BABY HATCHERIES TO "XEROXING" HUMAN BEINGS

The remarkable advances in molecular biology during the past two decades have given man an understanding of the basic processes that shape his life and have placed within the realm of possibility medical achievements undreamed of a scant few years ago. As more and more of the once-mysterious life forces within the cell are defined in the logical language of chemistry, the way is being opened not only for permanent cures of genetic diseases but also for drastic changes in man's genetic makeup. The acquisition of the power to eliminate genetic imperfections and engineer entirely new characteristics for humans is, for all of its promise, a frightening prospect for those who believe that man should not tamper with his inheritance. Yet even before the structure of DNA was defined and the genetic code broken, doctors had begun, mostly by trial and error, to develop techniques of genetic medicine.

Man today is heir to a host of inherited imperfections, ranging from diabetes to degenerative nerve disease. Each individual, geneticists have determined, carries between five and ten potentially harmful genes in his cells, and these flawed segments of DNA can be passed down to his progeny along with the messages that determine whether a child will have red hair or blue eyes.

Nature itself takes care of the worst genetic mistakes. One out of every 130 conceptions ends before the mother even realizes she is pregnant because the defective zygote, or fertilized egg, never attaches itself to the wall of the uterus. Fully 25% of all conceptions fail to reach an age at which they can survive outside the womb, and of these, at least a third have identifiable chromosomal abnormalities. Still, as many as five out of every 100 babies born have some genetic defect, and Nobel-Prize winning Geneticist Joshua Lederberg believes the proportion would be even higher were it not for nature's own process of quality control.

The most obvious deformities result from chromosomal abnormalities. Down's syndrome, or mongolism, which occurs once in every 600 births, is caused when one set of chromosomes occurs as a triplet rather than a pair. Hydrocephalus, or water on the brain, and polydactyly, the presence of extra fingers or toes, also result from faulty genes.

But the majority of genetic stigmas have somewhat more subtle symptoms and occur when defective genes fail to order the production of essential enzymes that trigger the body's biochemical reactions. Phenylketonuria (PKU) is caused by the absence of the enzyme necessary for the metabolism of the amino acid phenylalanine; as a result, toxins accumulate in the body and eventually cause convulsions and brain damage. Cystic fibrosis, which causes abnormal secretion by certain glands and respiratory-tract that can lead to death by pneumonia, is the most common inborn error of metabolism; it is believed to be caused by a deficiency in a single gene.

Most people are unaware that they are carrying defective genes until they have a deformed, diseased or mentally retarded child. While medical science has not yet developed the techniques for repairing the bad genes, it can increasingly determine that they are present. Genetic counselors can thus advise prospective parents on the possibilities that their offspring will be born with genetic diseases. Properly informed, a couple that runs a high risk of producing a defective child may well decide to forgo having children.

If both parents carry genes for diabetes, for example, the chances are one in four that their children will inherit an increased risk for developing the disease. If either parent actually suffers from diabetes, the odds are even worse. Members of one large South Dakota family afflicted with a rare degenerative nerve disease have been advised, for example, that the odds are 50-50 that any children they have will suffer loss of balance and coordination and die, probably of pneumonia, by age 45 (Time, Jan. 25).

Genetic counseling once relied more heavily on mathematics than medicine to predict the chance of hereditary handicaps. But it is now possible for doctors to identify and catalogue chromosomes. If there are certain chromosomal abnormalities, the prospective parents are informed that they will almost definitely produce deformed offspring. While this knowledge may take some of the mystery and romance out of procreation, it also eliminates much of the uncertainty. As one geneticist puts it, "There is nothing very romantic about a mongoloid child or a deformed body."

An even more important technique enables physicians to examine the cells of the unborn only months after conception and to determine with accuracy whether or not the infant will inherit his parents' defective genes. The procedure is known as amniocentesis, from the Greek *amnion* (membrane) and *kentesis* (pricking); it is performed by inserting a long needle through the mother's abdomen and drawing off a small sample of the amniotic fluid, the amber liquid in which the fetus floats. Physicians then separate the fetal skin cells from the fluid and place the cells in a nutrient bath where they continue to divide and grow. By examining the cells microscopically and analyzing them chemically, the doctors can identify nearly 70 different genetic disorders, most of them serious.

Amniocentesis, performed between the 13th and 18th weeks of pregnancy, is not without some risk to both mother and baby.

But in cases where family history leads them to suspect genetic defects, physicians feel that the benefits more than justify the danger; for the tests, which have been carried out on more than 10,000 women in the U.S. alone in the past 40 years, have proved extremely accurate. Using amniocentesis, Dr. Henry Nadler, a Northwestern University pediatrician, diagnosed mongolism in ten of 155 high-risk pregnancies tested. Subsequent examination of the fetuses showed that his diagnosis was correct in all cases.

At present, the woman who learns through amniocentesis that she is carrying a seriously deformed fetus has only two choices: abortion or the heartbreak of delivering a hopelessly defective infant. But the mother whose unborn baby is found to have one of several hereditary enzyme deficiencies has a more acceptable alternative, for medicine has developed techniques for treating many such illnesses. An amniotic test for fetal lung maturity, for example, has helped warn doctors when a child may be born with hyaline membrane disease, which blocks proper breathing. In those cases, birth can be delayed by sedation until tests show the baby ready to breathe on its own. Tests that permit prompt postnatal detection of PKU give doctors an opportunity to place babies so affected on special diets that prevent the accumulation of the deadly toxins and allow them to live relatively normal lives.

Some treatments are even possible before birth. Physicians routinely perform intrauterine transfusions on fetuses suffering from Rh disease, a genetic condition that results from the incompatibility of maternal and fetal blood.

Artificial insemination, once the exclusive province of livestock breeders, also offers escape from some genetic mishaps. An estimated 25,000 women whose husbands are either sterile or carry genetic flaws have been artificially inseminated in the U.S. each year, many of them with sperm provided by anonymous donors whose pedigrees have been carefully checked for hereditary defects. Some 10,000 children are born annually of such conceptions.

Doctors also see possibilities in artificial inovulation, a procedure in which an egg cell is taken directly from the ovaries, fertilized in a test tube and then reimplanted in the uterus. By carefully scrutinizing the developing embryo in the test tube, doctors could spot serious genetic deficiencies and decide not to reimplant it, thus avoiding an abortion later on. If the embryo is normal, it could even be reimplanted in the womb of a donor mother and carried to term there, enabling the woman either unable or unwilling to go through pregnancy to have children that were genetically her own.

Even test-tube babies, once the stuff of science fiction, are now not only possible, but probable. Dr. Landrum Shettles of Columbia University and Dr. Daniele Petrucci of Bologna, Italy, have shown that considerable growth is possible in test tubes. Shettles has kept fertilized ova growing for six days, the point at which they would normally attach themselves to the lining of the uterus. Petrucci kept a fertilized egg alive and growing for nearly two months.

Indeed, only development of an "artificial womb" capable of supporting life stands in the way of routine ectogenesis, or gestation outside the uterus, and now even this problem may yield to solution. Scientists at the National Heart Institute have developed a chamber containing a synthetic amniotic fluid and an oxygenator for fetal blood, and have managed to keep lamb fetuses alive in it for periods exceeding two days. Once their device is perfected, the baby hatchery of Aldous Huxley's *Brave New World* will be a reality and life without birth a problem rather than a prophecy.

Man may eventually be able to abandon sexual reproduction entirely. That startling and perhaps unwelcome possibility has been demonstrated by Dr. J. B. Gurdon of Britain's Oxford University. Taking an unfertilized egg cell from an African clawed frog, Gurdon destroyed its nucleus by ultraviolet radiation, replacing it with the nucleus of an intestinal cell from a tadpole of the same species. The egg, discovering that it had a full set of chromosones, instead of the half set found in unfertilized eggs, responded by beginning to divide as if it had been normally fertilized. The result was a tadpole that was the genetic twin of the tadpole that provided the nucleus. Gurdon's experiment was also proof of what geneticists have long known: that all of the genetic information necessary to produce an organism is coded into the nucleus of every cell in that organism.

Man, say the scientists, could one day clone (from the Greek word for throng), or asexually reproduce himself, in the same way, creating thousands of virtually identical twins from a test tube full of cells carried through gestation by donor mothers or hatched in an artificial womb. Thus, the future could offer such phenomena as a police force cloned from the cells of J. Edgar Hoover, an invincible basketball team cloned from Lew Alcindor, or perhaps the colonization of the moon by astronauts cloned from a genetically sound specimen chosen by NASA officials. Using the same technique, a woman could have a child cloned from one of her own cells. The child would inherit all its mother's characteristics including, of course, her sex.

Dramatic as cloning may be, it is overshadowed in significance by a technique that may well be practiced before the end of this century: genetic surgery, or correction of man's inherited imperfections at the level of the genes themselves. When molecular biologists learn to map the location of specific genes in human DNA strands, determine the genetic code of each and then create synthetic genes in the test tube, they will have the ability to perform genetic surgery.

Some molecular biologists envisage using laser beams to slice through DNA molecules at desired points, burning out faulty genes. These would then be replaced by segments of DNA tailored in the test tube to emulate a properly functioning gene and introduced into the body as artificial—and beneficial—viruses.

The concept is not as farfetched as it sounds. Real viruses are merely segments of DNA (or RNA) surrounded by largely-protein sheaths; they penetrate the cell nucleus (leaving their sheaths behind) and take over the cellular DNA.

The potential of the technique is already being tested by an international research team in the treatment of two children whose hereditary inability to produce the enzyme arginase had resulted in severe mental retardation. The team infected the youngsters with a natural virus, the Shope papilloma, which contains DNA that triggers arginase synthesis. Although the experiment is expected to produce no improvement in the children's mental condition, it may belatedly trigger the production of the missing enzyme and prove that viruses can carry beneficial messages to the cells.

There is other evidence that the beginning of genetic surgery is not far off. Dr. Sol Spiegelman of Columbia University has synthesized an artificial virus that is indistinguishable from its natural model and has used it to infect bacteria and produce new viruses. He and his colleagues have little doubt that they will also eventually create "friendly" viruses and use them to cure disease rather than cause it—by using the viruses to stimulate the production of the chemical products upon which health and life itself depend.

Prophylaxis is important, but man's molecular manipulations need hardly be confined to the prevention and cure of disease. His understanding of the mechanisms of life opens the door to genetic engineering and control of the very process of evolution. DNA can now be created in the laboratory. Soon, man will be able to create man—and even superman.

Researchers have found that they can increase the life span of laboratory animals by underfeeding them and thus delaying maturation. This phenomenon, they believe. occurs because a smaller intake of food results in the formation of fewer cross linkages—connecting rods that link together and partly immobilize the long protein and nucleic acid molecules essential to life. If scientists can retard cross linking in man, they may well slow his aging process. Scientists also hope that they can some day do away with disease, genetically breeding out hereditary defects while breeding in new immunities to bacterial and other externally caused ailments. Finally, they look forward—in the distant future and with techniques far beyond any now conceived—to altering the very nature of their species with novel sets of laboratory-created genetic instructions.

Current predictions about the appearance of re-engineered man seem singularly uninspired. Some scientists argue that man's head should be made larger to accommodate an increased number of brain cells. They do not, however, explain what man would do with this additional gray matter; there is good reason to believe that man does not use all that he presently possesses. A few others note that the efficiency of man's hands could be increased by an extra thumb and his peripheral vision enhanced by protruding eyes—improvements that seem unnecessary in the light of man's expanding technology.

Some favor less obvious alterations. They have suggested that man be given the genes to produce a two-compartment stomach (a cow has four) that could digest cellulose; that mutation could be advantageous if man fails to increase his food supplies fast enough to feed the planet's growing population, but superfluous if he does. They also want man programmed to regenerate other organs, such as he now does with the liver, so that he can repair his damaged or diseased heart or lungs if necessary.

Others call for even more specialized humans to perform functions that in reality will probably be done better by machines. British Geneticist J.B.S. Haldane called for certain regressive mutations to enable man to survive in space, including legless astronauts who would take up less room in a space capsule and require less food and oxygen (larger and more powerful spacecraft would seem to be an easier and less monstrous solution). Haldane also suggested apelike men to explore the moon. "A gibbon," he said only half-jokingly, "is better preadapted than a man for life in a low gravitational field."

Eventually, scientists fantasize, man will escape entirely from his inefficient, puny body, replacing most of his physical being with durable hardware. The futuristic cyborg, or combination man and machine, will consist of a stationary, computerlike human brain, served by machines to fill its limited physical needs and act upon its commands.

Such evolutionary developments could well herald the birth of a new, more efficient, and perhaps even superior species. But would it be man?

THE SEARCH FOR A CANCER CURE

At present there are only three main ways of treating cancer, which will kill more than 335,000 in the U.S. alone this year. Doctors can cut tumors out with a knife, burn them out with radiation or kill them cell by cell with drugs. Though these treatments can be effective in combination, each has its drawbacks. Now, cancer researchers have turned to molecular biology, which shows promise of providing new and more effective means of dealing with the disease.

No one really knows what causes cancer, which is actually more than 100 distinct diseases, all sharing two common characteristics: rapid cell growth and a terrifying tendency to spread from one part of the body to another. Most researchers agree, however, that the villain is a virus, a miniature packet of nucleic acid with a membranous coat that was shown as early as 1911 to cause tumors in animals.

Unable to reproduce themselves, viruses invade normal cells and use their hosts' chemical mechanisms to produce more viruses. Eventually, the infected cell ruptures, releasing the newly formed viruses to affect other cells. Dr. Howard Temin of the University of Wisconsin has shown that some tumor viruses behave differently. They reverse the normal order of genetic transmission, and with the aid of a recently discovered enzyme, use their RNA messenger molecules to produce DNA, the double-helix master molecule. In a way not yet understood, this triggers the cellular genetic machinery to order cell division, causing the cancerous growth that is then perpetuated in succeeding cell generations.

The new enzyme associated with Temin's discovery was at first believed to be unique to cancer cells infected by viruses. Thus when Columbia University's Sol Spiegelman and the National Cancer Institute's Robert Gallo found high enzyme activity in the cells of leukemic patients, medical science had a solid clue that leukemia might be caused by a virus. Even more important, some researchers speculated that if the Temin enzyme was found only in cancer cells, the spread of cancer might be halted simply by inhibiting the enzyme.

Their hopes for an immediate cancer cure were short-lived. The NCI's George Todaro and other researchers have since found similar enzyme activity in normal cells as well. They have also found evidence of these enzymes in human and animal embryonic tissues, thus helping to confirm the views of many scientists who believe that cancer is probably an aberration of normal cellular growth.

If it is, Temin thinks he knows why it occurs. According to his hypothesis, normal cells manufacture RNA, which moves to neighboring cells in the form of a protovirus, or template, and stimulates the production of a new form of DNA. But, theorizes Temin, if this wandering RNA somehow transmits the wrong message after entering the cells, it can cause the production of altered DNA that orders the cells to grow abnormally.

Dr. Robert Huebner of the NCI speculates that cancer is caused by a noninfectious virus that is a normal part of every living thing. According to Huebner, the virus, which he has labeled the "C particle," is a part of everyone's genetic heritage, a tiny bit of RNA that is passed vertically from one generation to another and perhaps helps normal development by causing the cells of an embryo to grow. The C particle should become inactive as the fetus matures; if it fails to do so, the result is the rapid cell growth that characterizes cancer.

Many researchers believe that the best method of attacking cancer is to use the body's own genetic mechanism to order cancerous cells to stop growing. Transmitting such orders may be difficult. DNA programmed to carry the command would be digested almost immediately by the body's enzymes if it were injected into the bloodstream, thus making conventional methods of administering medication impractical. But the RNA viruses, which produce DNA, have proven their ability to move directly into the cells and could easily carry such communications. Scientists speculate that benign viruses could be made in test tubes with proteins and synthesized RNA. The viruses, injected into the body, would home in on the cancerous growth and shut down the cells' runaway reproductive mechanism.

Avenues other than virology are also being explored in the search for a cancer cure. Researchers have long been aware that animal cells growing a culture medium will stop multiplying once they come in contact with one another. But in some recent experiments at Princeton, Biochemist Max Burger found that when he stripped normal mouse cells of their membranes, they continued to grow wildy—as do cancer cells—even after they had touched. Burger thus speculates that the loss of a cell's protective coating, possibly as a result of viral infection, could lead to cancer by exposing a sensitive area that signals the cells to continue growth. If the protective covering could be restored, he suggests, it might be possible to stop the genes of cancer cells from ordering further growth.

It may even be possible to use the body's immunological mechanism, which now helps to protect it against other diseases, to combat cancer. Some researchers note that organ transplant recipients, who take large doses of drugs to suppress their immune reactions and prevent the rejection of foreign tissue, may develop cancer. Also, the immune system often fails to respond to many cancer cells, although they have unique antigens that should alert the body to their presence. Accordingly, doctors have begun exploring ways of beefing up the body's defenses and immunizing man against cancer in the same way that he can now be vaccinated against polio and other viral diseases.

In a unique series of experiments, Dr. Loren Humphrey of Atlanta's Emory University inoculated patients with a vaccine made, at least in part, with tissues taken from tumors similar to their own. He then followed up the inoculations by cross-injecting the patients with white blood cells from fellow patients who had presumably been sensitized to the tumor antigens. Though only long-term testing will tell if Humphrey's approach is effective, the preliminary results appear promising. One patient with bowel cancer has been free of the disease for three years, while three others have evidenced definite remissions.

THE MIND: FROM MEMORY PILLS TO ELECTRONIC PLEASURES BEYOND SEX

In all of his 35,000-year history, Homo sapiens has found it harder to fathom the depths of his mind than to unlock the secrets of his body. But the discoveries of molecular biology may well show the way to a new comprehension; they may make it possible, through genetic engineering, surgery, drug therapy and electrical stimulation, to mold not only the body but also the mind.

Man cannot wait for natural selection to change him, some scientists warn, because the process is much too slow. Yale Physiologist José Delgado likens the human animal to the dinosaur: insufficiently intelligent to adapt to his changing environment. Caltech Biophysicist Robert Sinsheimer calls men "victims of emotional anachronisms, of internal drives essential to survival in a primitive past, but undesirable in a civilized state." Thus, by his own efforts, man must sharpen his intellect and curb his aboriginal urges, especially his aggressiveness.

To most laymen, the idea of remaking man's mind is unthinkable: "You can't change human nature," they insist. But many scientists are convinced that the mind can be altered because it is really matter. Explains Physicist Gerald Feinberg: "What sets us apart from inanimate matter is not that we are made of different stuff, or that different physical principles determine our workings. It is rather the greater complexity of our construction and the self-awareness that this makes possible."

That self-awareness resides in the brain, the organ about which scientists have the most to learn. To Physiologist Charles Sherrington, the brain's 10 billion nerve cells were like "an enchanted loom" with "millions of flashing shuttles." For some functions, M.I.T. Professor Hans-Lukas Teuber explains, brain cells are pre-programmed with "enormous specificity of configuration, chemistry and connection." Some are sensitive only to vertical lines, others only to horizontal or oblique ones. "Each of these little creatures does his thing," Teuber says.

In the hope of deciphering this staggering variety, hundreds of scientists, including molecular biologists, in the U.S. and abroad, are now turning to brain research. One day in the distant future, their discoveries may help man to improve his already remarkable brain—for despite its dazzling versatility and subtlety, it is not without limitation. "Computers slashing from circuit to circuit in microseconds can cope with the input and response time of dozens of human brains stimultaneously," Biophysicist Sinsheimer laments. Besides, the brain can call up only a limited amount of stored information at a time to focus it on a particular problem. And while it can grasp as many as 50 bits of visual information at once, it cannot file away more than 10 of them per second for later reference.

To most scientists, this reference system, or memory, is one of the most important tools of man's intelligence. Long before the development of molecular biology, Marcel Proust pondered the mystery of memory in *Remembrance of Things Past*. About a man's own past, he wrote that "it is a labor in vain to attempt to recapture it: all the efforts of our intellect must prove futile. The past is hidden somewhere beyond the reach of the intellect." In *Swann's Way*, it was a tea-soaked *petite madeleine* that touched off the hero's long-forgotten childhood memories. In the scientific world, the stimulus is sometimes a surgeon's probe. Montreal Surgeon Wilder Penfield, for example, while performing operations under local anesthesia, by chance found brain sites that when stimulated electrically led one patient to hear an old tune, another to recall an exciting childhood experience in vivid detail, and still another to relieve the experience of bearing her baby. Penfield's findings led some scientists to believe that the brain has indelibly recorded every sensation it has ever received and to ask how the recording was made and preserved.

Initially, some brain researchers believed that memories were stored in electrical impulses. But scientists could not comprehend how a cranial electrical system, however complex its interconnections, could accommodate the estimated million billion pieces of information that a single brain collects in a lifetime.

Their doubts increased when they found that a trained animal generally remembered its skills despite attempts to disrupt its cerebral electrical activity by intense cold, drugs, shock or other stress; only short-term memory—of recently learned skills—was impaired. There was an obvious conclusion: while short-term memory may be partly electrical, long-term memory must be carried in something less ephemeral than an electric current.

That something, theorists believed, was chemical. Scientists had long known that chemical as well as electrical activity goes on in brain neurons: these cells carry on metabolism and protein synthesis like other body cells. Researchers soon learned that the leap of message-carrying nerve impulses across the gap between one cell and another takes place only with the help of chemical transmitter substances. One of these, acetylcholine, was promptly identified, and investigators began to look for other brain chemicals, specifically for varieties that might contain memories.

Their reasoning was that just as DNA carries genetic "memories," so other molecules might encode and carry information plucked from transient electrical impulses. Some early researchers proposed the idea of a separate brain molecule for each memory. The hypothesis of Swedish Neurobiologist Holger Hydén of the University of Göteborg was a bit more sophisticated; he thought that RNA was the key to memory formation and was encouraged in his belief by the results of his experiments with rats. When he taught them special tasks, he discovered that the RNA had not only increased in quantity but was different in quality from ordinary RNA. In short, what Hydén did was to lay the groundwork for a molecular theory of memory.

As Hydén's rat experiments demonstrated, RNA itself does not store memories; instead, it may play an intermediary role, stimulating the brain to produce proteins that are perhaps the actual repositories of memory. In one experiment inspired by that theory, University of Michigan Biochemist Bernard Agranoff taught goldfish to swim over a barrier, then injected them with puromycin, an antibiotic that prevents protein synthesis. When the injection was given hours after learning, it had no effect, suggesting that memory proteins had already formed. Injected just before or just after training, the drug prevented learning.

Other experiments based on the RNA-protein theory may demonstrate actual chemical memory transfer. Among the most publicized are those of University of Michigan Psychologist James McConnell and Neurochemist Georges Ungar of the Baylor College of Medicine. McConnell works with planaria, or flatworms, conditioning them by electrical shock to contract when a light is flashed. He then grinds them up and feeds them to untrained worms. Once they have cannibalized their brothers, the worms learn to contract twice as fast as their predecessors. What may happen, McConnell theorizes, is that the first batch of worms form new RNA, which synthesizes new proteins containing the message that light is a signal to contract. Having consumed these memory proteins, the second group of planaria presumably do not need to manufacture so much of their own; they have swallowed memory, as it were.

Ungar's experiments are similar. Using shock, he conditions rats to shun the darkness they normally prefer, then makes a broth of their brains. This he injects into the abdominal cavities of mice, which seem to react with a parallel unnatural aversion to the dark. Moreover, the more broth Ungar injects, the faster the mice seem to learn this fear. His theory: the memory message (that darkness should be avoided) is encoded by the rats' DNA-RNA mechanism into an amino-acid chain called a peptide, a small protein that Ungar managed to isolate and then synthesize. His name for it: scotophobin, from the Greek words for "darkness" and "fear."

The experiments done by both men are hard to repeat, and investigators are still trying to decide whether the few apparent replications are sound. There is controversy, too, over the meaning of results: critics say it is hard to interpret the behavior of worms and other lower creatures objectively. Some say that Ungar may have discovered not a memory molecule but a molecule that blocked a normal response (to seek darkness) instead of teaching a new reaction (to seek light). Most investigators doubt that a single memory molecule will be found, but they believe that molecular biology will eventually reveal the secret of memory. If so, the blue-sky possibilities are limitless. It might be possible to develop "knowledge pills" that woud impart instant skill in French, tennis, music or math. McConnell jokingly proposes another idea: "Why should we waste all the knowledge a distinguished professor has accumulated simply because he's reached retirement age?" His solution: the students eat the professor.

Many less frivolous proposals for improving memory and other apsects of mental life are emerging from molecular biology and genetics. It is known that genes do not cause behavior. But they influence it and set limits to physical structure, temperament, intelligence and special abilities.

Psychiatrist Alexander Thomas of New York University finds that babies show a characteristic style (easy, difficult or slow-to-warm-up) from their earliest days. While he admits that this temperament may develop in the months after birth, he does not rule out the possibility that it is inborn. Other life scientists warn that "when we strive for equality of opportunity, we must not deceive ourselves about equality of capacity." For example, it is believed that genetic influence is especially great in such areas as mathematics, music and maybe acrobatics. Unless genetic potential is tapped by the environment, it will not develop: kittens prevented from walking will not learn normal form and depth perception. Says Geneticist Joshua Lederberg: "There is no gene that can ensure the ideal development of a child's brain without reference to tender care and inspired teaching."

This interaction between environment and heredity is one of the factors that make it so difficult to change human characteristics. Another is that nearly all behavioral traits are polygenic—dependent on several genes. But even so complex a trait as intelligence may eventually come under the control of molecular biologists. Some scientists fantasize that supergeniuses will some day be produced by increasing brain size, through either genetic manipulation or through transplantation of brain cells to newborn infants or to the fetus in the womb. (Such cells might be synthesized in the laboratory or developed by taking bits of easily accessible tissue from a contemporary Newton or Mozart and inducing them to turn into brain neurons.)

Another prospect is to alter genes so that babies will be born with rote knowledge—language skills, multiplication tables—just as birds apparently emerge from the egg with genetic programs that enable them to navigate. Some researchers hope to develop shared consciousness among several minds, thus pooling intellectual resources.

Most observers continue to feel that reining in man's aggressiveness is as important as spurring his intelligence. Harvard Neurosurgeon Vernon Mark advocates a non-genetic approach. "There are basic brain mechanisms that will stop violent behavior, and we are born with them," Mark asserts. To tap those mechanisms, scientists would like to develop an anti-aggression pill (estrogens, or female hormones, have already been used experimentally to inhibit aggressive behavior). Until they do, Mark and two Harvard colleagues—Psychiatrist Frank Ervin and Surgeon William Sweet—are fighting aggression by using surgery to destroy the damaged brain cells that sometimes cause violence in people with specific brain disease. Typical of their patients is a gifted epileptic engineer named Thomas, who used to erupt in rages so frenzied that he would hurl his children or his wife across the room. First, Mark and Ervin sent electric current into different parts of Thomas' brain; when the current sparked his rage, the doctors knew they had found the offending cells. Surgeons Mark and Sweet then destroyed them, and in the four years since, Thomas has had no violent episodes.

Physiologist Delgado has developed even more dramatic methods of aggression control in animals. In one famous experiment, he implanted electrodes in the brain of a bull bred for fierceness. Then, with only a small radio transmitter as protection, he entered the ring with the bull and stopped the angry animal in mid-charge by sending signals into what he believes was its violence-inhibiting center. Similarly, Neuroanatomist Carmine Clemente of U.C.L.A. has shocked cats into dropping rats they were about to kill. But neither man sees any early prospects for remote control of human aggression.

Other mental problems may well succumb to molecular biology. Many therapists resist the idea that emotional problems have biochemical equivalents; yet Freud himself believed that they do and that they would one day be identified. Researchers are already convinced that schizophrenia has some genetic basis, although, as Psychologist David Rosenthal explains, it is not the disease that is inherited but a tendency to it. As a match must be struck before it will burn, so must the tendency be triggered by something in the environment. No one is yet sure whether the trigger is cultural or familial, electrical or chemical, but some investigators back the chemical theory on the ground that certain drugs enable schizophrenics to live outside institutions, at least for short periods. To date, drugs for schizophrenia have been administered on a trial-and-error basis; as molecular biologists learn more, it will become possible to use specific drugs to achieve specific ends.

Further research may provide a bonus of new genetic, chemical and electronic ways to enhance sexual pleasure. Physicist John Taylor, in fact, professes to fear that sex will become so much fun that people will want to give up practically all nonsexual activities. Author Gordon Rattray Taylor predicts that it may become possible to "buy desire," or switch it on or off at will; the playboy might opt for continuous excitement and the astronaut for freedom from sexual urges during space flight.

Unlikely as it may seem, there are researchers who claim to have discovered something better than sex. At McGill University in Canada, Psychologist James Olds used electrodes to locate specific "pleasure centers" in the brains of rats, and then allowed the animals, electrodes still in place, to stimulate themselves by pressing a lever. Given a choice, the rats preferred this new pleasure to food, water and sex. Some pressed the lever as many as 8,000 times an hour for more than a day, stopping only when they fainted from fatigue.

Such experiments lead Herman Kahn of the Hudson Institute to predict that by the year 2000, people will be able to wear chest consoles with ten levers wired to the brain's pleasure centers. Fantasizes Kahn: "Any two consenting adults might play their consoles together. Just imagine all the possible combinations: 'Have you ever tried ten and five together?' couples would ask. Or, 'How about one and one?' But I don't think you should play your own console; that would be depraved."

Author Taylor, on the other hand, sees nothing wrong with solitary pleasure. Some day, he writes, a man may be able to put on a "stimulating cap" instead of a TV set, and savor a program of visual, auditory and other sensations. He and other futurists envision "experience centers" or "drug cafés" that would replace bars and coffeehouses. There, perhaps with the help of "dream machines," one might order a menu of "enhanced vision, sensory hallucinations and self-awareness." One might also be able to experience the mental states of a great man, or even of an animal. Molecular Biologist Leon Kass of the National Academy of Sciences projects a world in which man pursues only artificially induced sensation, a world in which the arts have died, books are no longer read, and human beings do not bother even to think or to govern themselves.

Some life scientists see even greater perils in man's new knowledge. "I would hate to see manipulation of genes for behavioral ends,' warns Stanford Geneticist Seymour Kessler, "because as man's environment changes, and as man changes his environment, it is important to maintain flexibility." Professor Gerald McClearn of the Institute for Behavioral Genetics at the University of Colorado agrees, explaining that a gene that is considered "bad" now might become necessary for survival in the event of drastic environmental change. "It is foolhardy to eliminate genetic variability," he says. "That is our evolutionary bankroll, and we dare not squander it. Species that ran out of variability ran out of life."

Such worries are probably premature. To some experts, the more radical forms of behavior control, especially genetic modification, belong to the realm of science fiction. Yet others believe that biological predictions are always too conservative, and that man will soon proceed, and succeed, with his experiments. If he does, he must prepare himself for a social and moral revolution that would affect some of his most cherished institutions, including religion, marriage and the family. With such possibilities in mind, Nobelist George Beadle has warned that "man knows enough but is not yet wise enough to make man."

THE SPIRIT: WHO WILL MAKE THE CHOICES OF LIFE AND DEATH?

The quantum leap in man's abilities to reshape himself evokes a sense of uneasiness, a memory of Eden. Eat of the forbidden fruit, God warns, and "you shall surely die." Eat, promises the serpent, and "you shall be like God."

That temptation—to be "like God"—is at the root of the ethical dilemmas posed by molecular biology. In one sense, the new findings have continued the work of Newton, Darwin and Freud, reducing men to even tinier cogs in a mechanistic universe. At the same time, it was man himself who deciphered the code of life and who can now, in Teilhard de Chardin's phrase, "seize the tiller of the world." If he is only a bundle of DNA-directed cells, more sophisticated but hardly dissimilar from those of animals and plants, he can at least use that knowledge to improve, even to re-create himself. But should he?

In his persuasive 1969 book *Come, Let Us Play God*, the late biophysicist Leroy Augenstein argued that man takes the role of God by default or design and has always done so. Ecologically, he changes the very face of the earth: first with plows, then with dams, insecticides and pollution, he has seriously upset the balance of nature. His humane instincts and scientific curiosity team up to preserve life so well that the world faces a population crisis. Moreover, by extending the lives of those with defective genes, science increases the chance that damaging genes will be passed down to ever-larger portions of succeeding generations. Germany's preeminent Protestant ethicist, Helmut Thielicke, notes that men must recognize how "the act of compassion to one generation can be an act of oppression to the next." Thielicke argues that men must be willing to make hard choices. If society intervenes to keep alive the hereditarily ill (as he believes it should), then it must also be willing to intervene again, perhaps even sterilizing some with hereditary diseases.

This is only one kind of ethical problem raised by the new genetics, and it is already close at hand. Other problems are still in the far future, but how the dilemmas of population control are handled will set important patterns for later issues.

Population pressures increase the likelihood of widespread government drives, or even coercion, to limit births. Couples who are warned by genetic counseling that they risk producing deformed offspring would face far greater pressure than they do now to avoid having children; those with defective genes could become, in effect, second-class citizens, a caste of genetic lepers.

One current example illustrates the problem. Amniocentesis can now quite accurately predict whether a fetus is mongoloid; women carrying such abnormal fetuses are now encouraged, where it is legal, to have abortions. Already a number of medical planners are pointing up the cost-effectiveness of abortion in those cases. Unless the birth rate of mongoloid children is reduced, their care by 1975 may well cost some $1.75 billion nationally.

Methodist Paul Ramsey, Professor of Religion at Princeton and one of the top Protestant ethicists in the U.S., protests the aborting of such abnormal fetuses as an unjustified taking of human life. But he does not think moral men can avoid the problems of population and genetic crises. Indeed, he urgently recommends that society develop an "ethics of genetic duty." The right to have children can become an obligation not to have them, Ramsey asserts; it is shocking to him that parents will refuse genetic counseling and take the "grave risk of having defective children rather than remain childless." Dead set as he is against abortion in all but the most serious cases, Ramsey would prefer to see one parent undergo voluntary sterilization. "Genetic imprudence," he says, "is gravely immoral."

To Ramsey and others, genetic surgery—repairing, replacing or suppressing a "sick" gene—could be profoundly moral. Depending on the defect, genetic surgery before or after birth could prevent abnormality, and also insure that it was not passed on. Moral Theologian Bernard Häring of Rome's Accademia Alfonsiana applauds basic remedial intervention as "corrective foresight."

But Häring is one among many, both scientists and ethicists, who find it considerably harder to justify "positive" genetic engineering, restructuring the genes to make the "perfect" man. The prospect suggests apocalyptic possibilities: M.I.T. Biologist Salvador Luria approaches it "with tremendous fear of its potential dangers." Biologist Joshua Lederberg of Stanford University disowns such Utopian aims as a proper goal for serious biology, and even doubts that techniques sophisticated enough to achieve them could be perfected in the near future. But the possibility nonetheless tantalizes: Who would decide what qualities to preserve, and by what standards? Even remedial genetic engineering could pose a distressing problem if it achieved the ability to remove "undesirable" behavior tendencies. Asks Thielicke: "Would one try to eradicate Faust's restlessness, Hamlet's indecision, King Lear's conscience, Romeo and Juliet's conflicts?"

Human cloning, the asexual reproduction of genetic carbon copies, raises similar questions. Who shall be cloned, and why? Great scientists? Composers? Statesmen? When Geneticist Hermann J. Muller first broached the idea of sperm banks in *Out of the Night* (1935), he suggested Lenin as a sperm donor. In later editions, Lenin was conspicuously absent, replaced on Muller's list by Leonardo da Vinci, Descartes, Pasteur, Lincoln and Einstein. Society could well be as fickle—or worse—about cloning. It might create a caste of subservient workers, as in *1984*, or a breed of super-warriors out of a "genetics race" between the U.S. and the U.S.S.R. An even more hideous nightmare would be the "clonal farm," where anyone could keep a deep-frozen identical twin on hand for organ transplants.

Such fanciful fears tend to obscure deeper ethical and practical objections to cloning. The process could be used, for example, to allow a woman to produce a child without passing on her own or her mate's defective gene. A cell nucleus from the genetically sound parent could be substituted for the nucleus in her egg. But even that quite reasonable application could introduce a novel set of complications. Would the cloned child develop a sibling rivalry with its biological parent? Would he face a severe identity crisis, being someone else's "duplicate"? Beyond such considerations, a number of scientists and ethicists would list cloning among those things that men should never do, even if they can. Says Embryologist Robert T. Francoeur, author of *Utopian Motherhood:* "Xeroxing of people? It shouldn't be done in the labs, even once, with humans."

To many critics cloning is only one of several biological developments that threaten what Paul Ramsey calls "a basic form of humanity": the family. Ramsey thinks that artificial insemination by a donor, which is already fairly common, has opened the door to further invasions of family integrity. In his recent book *Fabricated Man*, he mentions other possible developments: artificial inovulation (the "prenatal" adoption of someone else's fertilized egg), "women hiring mercenaries to bear their children," and "babies produced in hatcheries." Beyond finding some of the possibilities repellent, Ramsey argues that they violate "covenant-fidelity," a bond of spiritual and physical faithfulness, between wife and husband or parent and child.

Francocur, on the other hand, feels that the new embryology can lead to a fresh flexibility in the family structure. He favors host mothers (Ramsey's "mercenaries") because some women want children but cannot carry them to term. In an opposite way, artificial inovulation could be the means for a sterile mother to bear a child, even if not from her own egg. But he draws the line at artificial wombs, which, he says, "would produce nothing but psychological monsters." Others emphasize that the family itself must survive to fill important psychological needs. Molecular Biologist Leon Kass, who left the research labs to become executive secretary of the National Academy of Science's Committee on the Life Sciences and Social Policy, puts it effectively: "The family is rapidly becoming the only institution in an increasingly impersonal world where each person is loved not for what he does or makes, but simply because he is. Can our humanity survive its destruction?"

Beyond population control, beyond "Xeroxing" and patterning people, beyond the survival of the family lies the ultimate ethical question: the sanctity of life itself. The move toward new knowledge requires experimentation. The new generation of experiments, however, involves human life, and many moralists suggest that many of those experiments are intrinsically evil because they toy with life. They point, for example, to the experiments by Italian Biologist Daniele Petrucci, who in 1961 announced that he had kept a fertilized egg alive for 29 days in vitro (in the glass) before letting it die because it is monstrously deformed. Another Petrucci embryo lived for 59 days before it died because of a laboratory mistake. The Vatican, which sternly forbids all experimentation with fertilized eggs, demanded that Petrucci cease his investigations. He agreed to comply.

In a recent experiment conducted by Landrum Shettles at Columbia University, a 100-cell human embryo growing in a petri dish was unceremoniously pipetted in a salt solution onto a glass slide. For those who believe that human life begins with fertilization, Shettles' simple laboratory procedure was an act of unjustifiable killing, even though such experiments might help perfect a morally justified technique like genetic surgery. Even in the case of laboratory mistakes that might produce monsters, argues Bernard Häring, only those that are clearly inhuman should be destroyed. A number of scientists, on the other hand, subscribe to an alternate ethical view that an embryo is not human until later in its development—perhaps as early as two months or as late as six months.

Most scientists, naturally, fight what they see as arbitrary limits on their right to experiment. But not all. Testifying before the House subcommittee on science in January, Molecular Biologist James Watson took time off from his cancer investigations to express concern about developments in embryo research. Predicting that many biologists would soon join Britain's R.G. Edwards in experimenting with human eggs, Watson suggested that one course of action could be to prohibit all research on human cell fusion and embryos. Failing that, he proposed international agreements limiting such research before it becomes widespread and irresponsible, and before "the cat is totally out of the bag."

Watson is not alone in his worries. Last summer Biologist James Shapiro, one of three young scientists who successfully isolated a bacterial gene, gave up his promising career to take up social work because he feared government misuse of genetic achievements. An Episcopal priest, Canon Michael Hamilton of Washington (D.C.) Cathedral, called Shapiro's action a "loss of nerve." Yet the looming issues are enough to test the nerve of any thoughtful man. Central is the question: Who will decide? Who will make the choices not only of life and death, but what kind of life?

To consider such issues, Roman Catholic Lay Theologian Daniel Callahan and a number of like-minded ethicists and scientists have set up the Institute of Society, Ethics and the Life Sciences. Among the 70 members are Geneticist Theodosius Dobzhansky, Psychiatrist Willard Gaylin, Theologian John C. Bennett, and U.S. Senator Walter F. Mondale of Minnesota, who three years ago introduced a bill to establish an interdisciplinary committee to examine new scientific problems. It did not pass, but Mondale is trying again this year. "There may still be time," he says, "to establish some ground rules."

The long-term goal of the institute, says Callahan, is "legitimizing the problems," making the study of ethical issues a respectable part of the scientific curriculum. Too many scientists, says Gaylin, "see this as something mushy, something for Sunday morning, beyond the realm of science." To change that situation, the institute is trying to educate legislators on the importance of ethical considerations, and is encouraging universities to offer a solid background in ethical studies for "every scientific professional." At the Texas Medical Center in Houston, a similar interdisciplinary effort has been started by the Institute of Religion and Human Development and the Baylor College of Medicine. The Sunday School Board of the Southern Baptist Convention has developed a thorough adult-education course on biomedical issues as one of its electives for this spring.

Cancer Researcher Van Rensselaer Potter of the University of Wisconsin has suggested in a new book, *Bioethics,* that the U.S. create a fourth branch of Government, a Council for the Future, to consider scientific developments and recommend appropriate legislation.

Indeed, some form of super-agency may be the only solution to the formidable legal problems sure to arise. Already, laws relating to artificial insemination by a donor are in confusion; developments such as donor mothers and cloning will raise even more complicated questions. If a mother had herself cloned without her husband's permission, for only one example, would he be legally responsible for the child?

Some scientists, however, frankly believe that laymen are ill equipped to discuss issues with them, let alone share control of what they do. The matters, they contend, are technical and should be decided by the technical men who understand them. Even if government does enter the field, points out Daniel Callahan, much of the success of any ethical policy will depend on a responsible professional code. "If you depend solely on laws, sanctions and enforcements," says Callahan, "the game is over." Molecular Biologist Francis Crick is confident that basic morals and common sense will prevail. Some of the wilder genetic proposals will never be adopted, he claims, because "people will simply not stand for them."

Some ethicists and scientists argue that the worries, the plans and the proposals are premature, that ethics has always been an *ad hoc* thing, dealing with the world as it is, not as it might be in the future. Given the enormousness of the new problems and the speed of change, that attitude may be a luxury.

Beyond the sanctity of human life, the single criterion that ethicists most often mention as an absolute, or nearly one, is human freedom. Scientific advances, as they see it, can either promote freedom or inhibit it, but the distinctions are not always obvious or easy. The danger is that a democratic society might therefore fail to act at all, and by default pass the problems—and the solutions—to a small, uncontrolled elite, leading perhaps ultimately to a totalitarian government. The late author C. S. Lewis warned more than a quarter century ago that "man's power over Nature is really the power of some men over other men, with Nature as their instrument."

Despite the urgency, there can be no single ethical approach to the problems posed by the new genetics. The mechanists may want simply to deal with the facts of molecular biology, exploiting its discoveries as well as they know how, but not quite willing to look beyond to spiritual considerations.

Among many religious thinkers, there is an affection for the futurist philosophy of Teilhard de Chardin, who wrote glowingly of a coming scientific age when men would exult in "fathoming everything, trying everything, extending everything" on their road to an ultimate Omega Point of shared godhood. Finally, there are those, believers and unbelievers, who know man to be a victim of what might still be called original sin. Those in the religious community, especially Roman Catholics, warn that man must not tinker with such sacred values as life and the family for fear of disturbing the natural order of things. Those in the scientific world, more pragmatically, tend to mirror Potter's warning about "dangerous knowledge"—knowledge that accumulates faster than the wisdom to manage it.

There is hardly a chance for complete consensus among the three schools, but it may help to borrow a lesson or two from each. From the mechanist, his conviction that there is an order in the physical world, discoverable and manageable if it is approached with enough humility to comprehend its mysteries. From the Teilhardians, the confidence that God, whoever he is, has something to do with the future and may yet meet man there. From those who still believe in man's propensity for error, the willingness to put on the brakes a bit and reflect on values and consequences—but also, as Helmut Thielicke counsels, the courage to act despite almost certain knowledge that man will make serious mistakes.

As they look back toward the time when man stood on the threshold of a biological revolution, troubled and uncertain, but determined to push ahead, what will the beings of the future say about their ancestors? Caltech Biologist Robert Sinsheimer suggests an optimistic—and poignant—answer in his essay "The Mind of Pooh": "Perhaps, when we've mutated the genes and integrated the neutrons and refined the biochemistry, our descendants will come to see us as we see Pooh: frail and slow in logic, weak in memory and pale in abstraction but usually warmhearted, generally compassionate, and on occasion possessed of innate common sense and uncommon perception."

[From the Atlantic, May 1971]

THE OBSOLESCENT MOTHER

(By Edward Grossman)

"Did you know that a woman can now have children without a man?"

"But what on earth for?"

"You can apply ice to a woman's ovaries, for instance. She can have a child. We are no longer necessary to humanity."

At once Ella laughs, and with confidence. "But what woman in her senses would want ice applied to her ovaries instead of a man?" Doris Lessing. *The Golden Notebook*

In a German woodcut from the sixteenth century, a woman is giving birth. She squats on a birthstool, something that looks like a portable three-legged toilet, various models of which turn up in mosaics, drawings, and paintings all the way from Rome until the early 1800s in America. This German woman (or rather girl: the flesh of her placid face is rounder and firmer than the saggy jowls on the midwives who attend her) grasps with her left hand the bottom of the stool while with the right she presses down on the swelling under her clothes. She is fully dressed, like the others in the picture, one midwife (perhaps the assistant) standing behind her, holding her up by the armpits, while the senior hag sits on a very low chair facing the girl's spread legs, her arms thrust up the girl's voluminous skirts, giving the artist a chance to show off his technique with light and shadow on folds, and exposing the girl's feet.

These feet—they are bare, muscular, contorted. They are in contrast with the rest of the picture, which is stylized, with little except formal lines of tension. They are just about the only sign that in real life the scene was not serene, but hectic, noisy, painful, with sweat and juices running, screams, moans, and curses, and in the air a possibility of death. If this girl died in labor, or her child from infection in the first few days of life, it was as unremarkable as the father of her child being slaughtered in the wars of religion.

Other animals don't seem to feel pain or run much risk in giving birth: their bodies take on a casual attitude, the mother doesn't need help. The human mother is an exceptional case that it took the whole progress of evolution to produce. For almost as long as Man has been human, birth has been a big event, a disturbance, and more or less a shock, so much so that at least one mythology has accounted for the pain of it as punishment for an original sin against Almighty God. Considering how long Man has been human—defined biologically or mythologically—it is just yesterday that childbirth began to be mitigated. For thousands of years the experience of women was pretty much that of the German girl. It was against the law to dissect, and no one understood the reproductive organs. Obstetrical tools were scarce and clumsy, and midwives relied on the cunning of their (dirty) hands. There was no pain-killer, so women went through the thing wide-awake, unless they were lucky enough to faint. An ordeal, and one which thoughtful men must have been happy to be spared.

Yet the transformation of childbirth from painful and dangerous event to safe and efficient routine was thanks to men, to the energy of males. The beginning of this transformation dates only from a little before the time when drawings and paintings start to show men, instead of women, working around the swollen body of the woman in labor. What part of this male energy, channeled into ingeniousness, derived from a curiosity separate from feeling, what part from compassion, or guilt? Leonardo's drawings of the fetus may well be just an expression of his need to find nature out and record it; yet without such anatomical study, childbirth could not have changed. Peter Chamberlen, inventor of the forceps in the year Shakespeare published *Love's Labour Lost,* kept the details of his simple and great invention secret, haggling for a price and with his colleague-rivals while women suffered. In contrast to him, there have probably been any number of doctors of whom we could think that their sympathy for women was at least as active as their desire to get rich or be famous. Maybe it is true that the motives of most of the doctors were mixed, and that only the humble practitioners were pure.

In 1842, James Young Simpson, professor of midwifery at the University of Edinburgh, at the age of thirty became the first to use anesthesia to help women in labor. Before he got any honor for it, he had to contend with the gloomy abuse and doubt of the people who ran the medical and religious Establishments—that is, other men. Ministers, for example, objected to Simpson because:

"Pain during operations is, in the majority of cases, even desirable! Its prevention or annihilation is, for the most part, hazardous to the patient. In the lying-in chamber, nothing is more true than this: pain is the mother's safety, its absence her destruction. Yet, there are those bold enough to administer vapor of ether, even at this critical juncture forgetting it has been ordered, that 'in sorrow shall she bring forth.'"

This combination of bad moralizing and bogus medicine was not considered stupid or cruel; it sounded convincing to most people, even women. Some of the letters Dr. Simpson got from his colleagues were better informed, but even agnostic medical men were apt to believe that (a woman's) pain was somehow necessary, without bothering to prove it. While women couldn't have begun to be liberated from the special pains and dangers of their biology without the help of certain men, there have always been, at each "critical juncture," other men opposing this liberation, or at least the technical means of achieving it.

Simpson's answers to the reactionaries and the skeptics radiate good sense and also concern for the suffering of women. He has to remind a Dr. Meigs of Philadelphia, one of his critics, that the fact is "the contractions of the uterus, and not pain, is the essential to the progress of labor." But aside from the medical facts, he is obliged to go in for some moralizing, too:

"Like other physicians you deem it, I doubt not, your duty to wield the powers of your art, in order to free those that submit themselves to your medical care, from these and from other similar sufferings. But if it is right for you to relieve and remove these pains, why is it not right for you also to relieve and remove the pains accompanying the act of parturition? I cannot see on what principle of philosophy, or morality, or humanity, a physician should consider it his duty to alleviate and abolish, when possible, the many minor pains to which his patients are subject, and yet should consider it improper to alleviate and abolish, when possible, pains of so aggravated a character, that, in your own language, they are absolutely indescribable and comparable to no other pains. 'Pains for which there is no other name but Agony.'"

Even Simpson was not entirely altruistic, however. During the time it took for painkillers to be accepted by the medical Establishment and acquiesced in by the Church (about twelve years, until Queen Victoria's much-publicized labor under chloroform), he fretted, not only about the women who continued to go through childbirth cold-sober but also about his professional reputation and whether he would get the glory coming to him. Innovators, great benefactors of women like Simpson, have generally had complicated feelings, their sympathy being sharpened by ambition. Only women, once they have realized the meaning for themselves of these innovations, have displayed uncomplicated enthusiasm, which finally proves more effective than anything else in overcoming tradition. The first woman on whom Simpson tried chloroform, in 1848 (until that time he had been making do with ether), was so grateful, and perhaps unconsciously clear about the improved future of her half of the human race, that she had her girl-child christened "Anesthesia."

Other men made further advances: antisepsis in surgery, antibiotics, refinements in diagnosis and delivery. Because of this accumulation of knowledge, to have a child in an industrial country today is no longer dangerous. The process may be bothersome and uncomfortable for many, but very few women die in childbirth anymore. However, despite this, it is still not possible to say that we take birth as casually as animals do. A tinge of mystery remains; the things still seems formidable, perhaps least to obstetricians, more to women, and most to men.

As long as men have had the artifice to represent, they have made the image of the beatific Madonna and Child, an image that speaks to some profound need, love, guilt, fear, or reverence, or all of these together subsumed under awe. Today, medical knowledge has grown, and conception and childbearing are apparently less mysterious than they once were. It is understood that the egg when it bursts from its follicle in the ovary is about as big as the period at the end of this sentence; that if it happens to be fertilized during its journey down the fallopian tube (in Latin, *oviduct*), the genetic material from it and the sperm combine and rearrange, and the new organism (an embryo) divides, and divides again, and again, until it arrives in the uterus looking something like a segmented soccer ball, and implants itself into the mucus lining of the uterus, where about two weeks after fertilization there begins to arise between the embryo and its mother one of the most complicated structures in nature: the placenta. This is an entire environment, a universe for the embryo alone, separating it from and connecting it to its mother by membranes so fine that blood cells pass through undamaged, bringing the embryo nourishment and carrying away poisons. For the next eight months, so long as she eats, breathes, and excretes for herself, the mother eats, breathes, and excretes for the embryo, then fetus, which develops from a plasm with creases, to a mollusk, to a fish, to a pig, and attains the morphology (Greek, *morphe,* "form") of a human being, with two clear and open jelly eyes which rapidly move in movements associated with dreaming. Then, in a normal pregnancy, about nine months after conception, the gigantically stretched uterus begin to contract and expel, and birth takes place.

All this is known today, yet the process of childbearing, with its final event as if something were coming to inexorable term, still has about it a sense of prehistory, savage and elemental, even though it is surrounded by rubber gloves and stainless steel. It is a spectacle that impresses the civilized no less than the savage mind as awesome, and together with the other striking biological events associated with a woman's body, may lead a man like Sigmund Freud to write, "Anatomy is destiny." However, this epigram, with its numerous social, sexual, economic, and political implications, has had its portion of incontrovertible truth reduced in the years since it was written, and again, this has been thanks to men. The female's circular, periodic, excitable, "destined" biology of the male as a result of new knowledge of the chemistry of sexual differentiation and functioning, and the technology that this knowledge has made possible—above all, the Pill.

But a stubborn remnant of biological fact and cultural myth, that men and women alike are affected by, persists. So long as we reproduce ourselves, we also reproduce the spectacle of a woman withdrawing into herself, becoming huge, and in blood and tumult bringing forth the succeeding generation.

This is the stuff myths are made of, customs (such as the French custom of kissing a lady's hand, which originated not as a compliment to her but a symbolic gesture of gratitude to all women together for what they endure in childbirth) and practice (such as the practice of the mother, rather than the father, caring for children, because for nine months it was impossible to decide whether she and the child constituted two organisms or one).

Even the mother may experience this mystic awesomeness, so strange and somehow at odds with the present and the future. Yet it is only the remnant of a myth, and technology, which has gone part of the way toward destroying it, may yet destroy the rest.

II

According to the Nobel Prize Committee, the great advances in the science of biology in the years from the middle fifties to the middle sixties involved advances in knowledge of the genetic code. The most famous hypothesis put forward and confirmed was Crick and Watson's model of DNA, but also of importance was later work, identifying, under tremendous magnification, individual genes. Biologists say that with the cracking of the genetic code and the visualization of the smallest unit in genetics, a period of intense exploration and significant discovery has come to an end; the work remaining is not speculative, but by way of filling in and reconfirming. There is a sense, among younger men, that the "excitement" has gone out. Many have shifted their attention to the closely related field of embryology, which is rich in tantalizing problems. For example, the knowledge of how the basic genetic material reproduces itself has been helpful to the embryologist, but he still does not know exactly how the genes themselves dictate the orderly development of a fertilized egg into a complicated and highly differentiated multicelled organism: what makes an eye an eye, and an arm not an eye, and what puts together limbs and organs so as to make an individual creature? Not only are such questions of "pure" interest, but since they go to the center of the reproductive process, the answers to them promise to have practical application to problems of genetic defect and birth control, two worldly matters much on the minds of scientists and nonscientists alike.

The research of the last few years in embryology, or molecular and reproductive biology, has already yielded a number of interesting hypotheses, as well as laboratory experiments, such as the one called "cloning." Theoretically, since every cell of an animal carries a load of genetic information unique to that individual, it ought to be possible, by destroying (with radiation) the female complement of chromosomes in the nucleus of an unfertilized frog cell, say, and implanting in its place an entire nucleus lifted out from another cell of a second frog, to fertilize the first cell and fabricate an embryo which would grow, be born, and mature into an adult frog that would not merely resemble the donor frog but would be its absolute replica. In cloning, this theory has living proof. A whole crowd (or *clone;* Greek, "a throng") of identical creatures has been bred in the laboratory, literally and predictably identical in every way to the donor frog except that some of the copies are older than others. Among other things, this shows that an individual creature, previously unique and mortal, may be rid of its uniqueness and have immortality conferred on it. The experiment is dazzling, and some of the knowledge gained ("spinoff") may eventually have practical human application, but so far the major interest has been "pure": no one suggests that humans can be immortal, or that there is any good reason why they should be. Much the same thing can be said of experiments in parthenogenesis, or the asexual fertilization, by mechanical means, of mammalian eggs. The first reports of such "immaculate conception" in lower animals in the laboratory came many years ago, when the French biologist Jacques Loeb caused "traumatic parthenogenesis" by touching a sea urchin egg with dry ice, but recently the accuracy of the method has been improved, and it has been made to work on mammals such as rabbits. Again, however, the direct human application is not apparent for many reasons, among them that human eggs fertilized by parthenogenesis always deteriorate and die; that because of the chromosome business, only females are conceived; and that, taking a long view, parthenogensis is undesirable because the machinery of adaptive evolution requires sexual reproduction.

There are many embryologists at work in many laboratories, and much going on besides cloning and parthenogenesis. Some of it focuses right on the human egg, sperm, and embryo. This work has closer applicability to human affairs; indeed, the money that pays for it comes mostly from funds allotted not for "pure" research, but for applied—specifically, research to be applied to real and actual problems of contraception, fertility, sterility, and birth defects. To gain knowledge which would lead to new and better technology and social programs in these areas of daily concern, embryologists have needed to observe, measure, and experiment with the first phases of human reproduction, which they have long suspected are crucial in many respects (such as genetic defect), but which they have had mostly to speculate about, since the events were hidden in the female body. Now, these first phases, including culturing of the human egg, its fertilization by sperm, and development as an embryo, have been carried out under the microscope, or in the scientific terminology, *in vitro*, "under glass."

There were an unusual number of obstacles that had to be overcome before this was accomplished. The first and by no means least was that human eggs suitable for experimentation were hard to get. While there has never been a problem of getting sperm (the current rate of remuneration for a sample by masturbation is $25), eggs could only be obtained, until very recently, either from fresh cadavers or from ovarian tissue cut out during gynecological survery and given by the surgeon to the embryologist as a favor. Both methods were unsatisfactory, yielding few and often damaged, stale, or immature eggs. It was much easier to get eggs from mice, rabbits, and hamsters, which could simply be killed at the right time in the egg-maturing cycle, and their eggs picked out of the follicles of the ovary or flushed from the oviduct. The first experiment of this kind was conducted by the German Schenik, who in 1878 put some rabbit eggs in a culture dish and added sperm; nothing happened, however. For about fifty years a small number of biologists in scattered laboratories fitfully persisted in trying to fertilize mammalian eggs outside the body. In 1934 an American, Dr. Gregory Pincus, later one of the developers of the Pill, published findings that suggested he might have succeeded in fertilizing rabbit eggs. In 1940, Dr. John Rock, another American, who was to play an important role in legalizing and propagandizing birth control, said that he had put some human eggs, which he had managed to get, into the presence of sperm, and that a small number of the eggs had been fertilized and had actually divided. Ten years later, Landrum Shettles, an obstetrician at Columbia-Presbyterian Hospital in New York, also claimed to have gotten fertilization and growth of the human egg *in vitro*, this time to a stage where the embryo was a solid mass of cells.

There was considerable skepticism, however, about the validity of Pincus', Rock's, and Shettles' results. One of their fellow scientists who was most skeptical, and offered the most persuasive criticism, was M. C. Chang of the Worcester Foundation for Experimental Biology in Shrewsbury, Massachusetts. Chang said that if you take an egg out of the body and just leave it alone in a culture dish, as likely as not it will show signs of "dividing"—signs that will inevitably prove misleading, for in fact, the egg will be deteriorating and dying. The events described by Pincus, Rock, and Shettles, Chang more than implied, could just as well have taken place without the presence of sperm, and therefore, the case for fertilization was unconvincing. Furthermore, Chang reminded biologists that the very definition of fertilization had still not been agreed on (this was in the mid-fifties). He advanced the view, which has since been accepted by everyone, that fertilization, rather than being a single event which happens instantaneously (the mythical "moment of conception"), is a process which takes place over several hours. Fertilization, in other words, is not the simple penetration of the sperm into the outermost layer of the egg; rather, it includes a whole series of events and reactions which probably cannot be said to be complete until the division (or cleavage) of the egg into two cells, each carrying a load of maternal and paternal chromosomes in its nucleus.

Chang now set out to make a thorough study of the process of fertilization in mammals, with the goal of eventually devising and carrying out an experiment whose meaning no one could dispute. His diligent work during the fifties rescued this sector of embryology from the realm of the exotic. One of Chang's first and most important discoveries while working with rabbits was that the sperm had to have something happen to it while it was in the female reproductive tract before it would penetrate an egg cell: the sperm had to be "capacitated." The precise mechanism of this physiological change in sperm is even now not completely understood, but exploiting what he had learned, and after extensive investigation in timing and mapping egg development, Chang was finally able, in 1959, to fertilize a mammalian egg outside the body, using "capacitated" sperm recovered from the uterus of a female rabbit killed soon after coitus. Chang's evidence was beyond dispute, because he took the egg he had fertilized and implanted it in the uterus of another rabbit, certified not pregnant, which was segregated from males and in due course gave birth.

In the next few years Chang's experiment was successfully repeated by at least two other research teams. The reports quickened activity in *in vitro* fertilization in several countries. In 1961 a physiologist at the University of Bologna, Dr. Daniele Petrucci, said that he had fertilized a human egg *in vitro*, cultured the embryo for twenty-nine days ("a heartbeat was discernible"), and then destroyed it because "it became deformed and enlarged—a monstrosity." He said that as a womb substitute he had used a silicone container filled with amniotic fluid (liquid material that separates the growing embryo from the innermost membrane of the natural placenta), which he extracted from pregnant women. Petrucci, who professed himself a good Catholic, told the Italian newspapermen that his aim was just to find a way to culture organs that would resist the rejection phenomenon when transplanted. A couple of days after the story was printed, the Vatican's *L'Osservatore Romano* ran an editorial which read in part, "God surrounded the act of creation of a human being with the most supreme assistances of love, nature, and conscience. It would be monstrous to violate these conditions," which suggested to some that certain pressures had been put on Petrucci to stop. Another kind of reaction came in an editorial in *Jenmin Jin Pao*, the paper of the Chinese Communist Party:

> These are achievements of extreme importance, which have opened up bright perspectives for similar research. . . . Nine months of pregnancy is no light or easy burden and such diseases as poisoning due to pregnancy are detrimental to health. If children can be had without being borne, working mothers need not be affected by childbirth. This is happy news for women.

The Russians were also impressed. Petrucci was invited to Moscow and spent two months at the Institute of Experimental Biology, returning to Bologna with a Soviet medal. Presumably, he gave the Russians the benefit of his expertise, and since then, while he has desisted from further work, there have been rumors from time to time that professors Anokhin and Maiscki in Moscow have followed up on Petrucci, "and have got even further than he did."

But rumors only. In another context, writing about "The Ethical Basis of Science," Bentley Glass, professor of biology at the State Univerity of New York and former president of the American Association for the Advancement of Science, said:

> A full and true report is the hallmark of the scientist, a report as accurate and faithful as he can make it in every detail. The process of verification depends upon the ability of another scientist, of any other scientist who wishes to, to repeat the procedure and to confirm the observation.

Dr. Petrucci offered no photographs; he never even published a report in a scientific journal to describe how he had far surpassed anything that had ever been done before. Because of this, among biologists in the West who understand science roughly as Glass does, Petrucci's "experiment" is said to be "incompletely documented," which seems to be a polite formula for saying, not that there is an honest difference of opinion as there was between Shettles and Chang, but that Petrucci is a fraud.

Meanwhile, more serious men, many quite young, were initiating projects whose findings appeared in the *Journal of Embryology and Experimental Morphology*, *Science*, the *International Journal of Fertility*, and other sober and reputable publications. Their work would converge, toward the end of the sixties, in successful *in vitro* fertilization and growth of the human egg. Three of the most important projects were run by Americans.

Joseph C. Daniel, Jr., professor of biology at the University of Colorado, used rabbits, ferrets, and mink to investigate the development of the embryo just before it implants in the uterus. He found that certain proteins and other compounds are crucial at this phase. Professor Daniel was supported by grants from the National Institutes of Health and the Atomic Energy Commission.

Ralph Brinster, professor of veterinary medicine at the University of Pennsylvania, perfected a combination of nutritive substances (the "medium") in which eggs can be cultured best. He also described the changing biochemistry of the embryo during the time from fertilization to implantation, and devised an efficient incubator and culturing chamber for *in vitro* work, hooked up to CO_2 gas and maintained at 37° centigrade. Professor Brinster's work was also sponsored by the NIH.

Dr. Wesley Whitten of the Jackson Laboratory at Bar Harbor and Dr. John Biggers of

Johns Hopkins cultured mice eggs from fertilization to just before implantation. For the first time, they observed the whole development of the embryo in this crucial stage when it is "free," not yet attached to the mother, and can be manipulated *in vitro* and reimplanted without apparent harm to the offspring. The work of Whitten and Biggers was supported by the National Institute for Child Health (in addition, Biggers' work was supported by the Population Council).

With the knowledge and experience gained from these and other experiments available to him, Dr. Robert G. Edwards of Cambridge University was ready in 1969 to try to achieve convincing *in vitro* fertilization of the human egg. He had been making various preparations for this for ten years. Among other things, he and his group had plotted out the stages a human egg must go through on its own between the time it leaves the ovarian follicle and the time it is ready to be fertilized. Edwards would not have been able to do this preliminary research, let alone achieve fertilization, had he not exploited a new method of obtaining large numbers of usable human eggs.

Women volunteers were injected with a hormone, gonadotrophin, which caused them to "superovulate" many eggs (usually only one egg matures per menstrual cycle). Thirty hours after the injection, the volunteer would undergo an operation called "laparoscopy" (Greek, *lapara,* "flank" or "abdomen"), performed by a surgeon in Edwards' group, Patrick Steptoe. Two small punctures were made in the woman's side, into the ovary. Through one of these openings Dr. Steptoe introduced a slender hollow suction tube, and through the other an ingenious miniature optical device with a tiny flashlight which allowed him to look into the ovary. While he held the optical image steady in his left hand, with his right he maneuvered the suction probe from follicle to follicle, sucking out the eggs. In this way the Edwards group has been able to collect the basic, unsubstitutable, natural material they needed, which no other investigators had ever had in such quantity and quality.

In 1969, the eggs were incubated and washed, and three hours after collection, each one in its separate dish was put in the presence of sperm, which the volunteer woman's husband had contributed. The ratio of nutrients in the dish, the regulation of temperature, gas, and acidity followed closely the work of the Americans on mice, rabbits, and hamsters; Edwards counted, as it turned out only partly correctly, on the uniformity in timing and chemistry among eggs, sperm, and embryos of all mammals. As for "capacitation" of the sperm, Edwards was relieved to find that it would not be necessary to ask the volunteers to have intercourse, and then to operate to recover sperm from the uterus; the masturbated sperm could be capacitated simply by adding to the medium of the culturing dish some serum from the blood of a lamb fetus.

Having put eggs and sperm together, Edwards and his colleagues watched through microscope to see what would happen. "Suddenly," Edwards was later to recall, "to our unbounded delight, the sperm started penetrating the eggs." In a minority of the dishes, there was to be definite proof of the first stage in fertilization, defined by the formation of "pronuclei" and the expulsion from the center of the egg of something called the "second polar body." Edwards was entitled to his emotion, for this was a considerable success, but there was still no evidence that he had been able to push the process of fertilization to its acknowledged completion: the cleavage of the egg into two cells each having its own nucleus and full number of chromosomes. Possible reasons for this failure suggested themselves, and the Edwards group prepared another series of experiments under somewhat different conditions. It was decided to take the eggs from the volunteers before they were ovulated, and to mature them in *vitro*, so that the timing in placing them with sperm could be exact.

In 1970, the laparoscopies were repeated, the eggs and sperm placed together under new conditions, and by thirty-eight hours after this *in vitro* insemination, many eggs had undergone a cleavage into two cells; by forty-six hours and some had divided again into four cells; by sixty-two hours, some had divided again into eight cells; by eighty-five hours a few had divided again into sixteen cells. According to the report of the Edwards group published in the English journal *Nature,* none of the embryos matured past sixteen cells. When no cleavages had been seen to occur for two days, the embryos were removed from their dishes.

The photographs published in *Nature* show a clear, jellylike mass, not much like a soccer ball, more like a bunch of grapes.

These photographs and other data are substantial evidence that true fertilization and development took place *in vitro*. The evidence is not, however, indisputable. A determinedly skeptical embryologist might still insist, even in the face of the symmetry and regularity of the cleavages, that there is a chance the eggs were simply deteriorating all the time; he would not be convinced unless, as in Chang's experiment with rabbits, an egg was put back into the uterus of one of the volunteer women, she was then segregated from her husband, and eight and three quarters months later she gave birth. It should be noted that no embryologist has expressed such doubts formally; Edwards' colleagues in the field seem to be convinced by the evidence available. Yet this is not the end of it.

One or more embryos [Edwards wrote in *Nature*] have been produced from twenty-nine of the forty-nine patients under treatment in this work. The normality of embryonic development and the efficiency of embryo transfer cannot yet be assessed, although conditions for implantation in the treated patients should be favorable.

Edwards thus indicates that when it is taken, the next step for his group will in effect duplicate Chang's absolute test with rabbits. The question is, When will that step be attempted?

Indeed, the question may be asked, Why have Edwards and his group been at their work with human eggs, sperm, and embryos at all? Has it been just for the satisfaction of research and discovery? Edward's answer is a definite "no." His answer, in interviews and statements, is that he wishes to relieve the suffering of the women who come to his laboratory as volunteers. These women are sterile; they have tried, and failed to have babies. Their husbands have adequate sperm, but there has been no conception. They and their husbands are very unhappy to be childless, and much preferring to follow any hope of conceiving their own child rather than adopt one, they have been referred by obstetricians and gynecologists to the lab in Cambridge. Edwards says, "We tell these women, 'Your only hope is to help us.'" Because of their motives, his success in fertilizing and culturing eggs cannot be the end of it; rather, it is a first step, which makes them eager for the obvious next one.

It is known that roughly a fourth of sterile women fail to conceive because their oviducts are either blocked or nonexistence, thus preventing sperm from reaching the egg. In the technique used by Chang, and by now routine in lower mammals, the egg is fertilized *in vitro;* it completes *in vitro* the divisions it would normally undergo in the oviduct; then the embryo is implanted in the uterus, where its presence provokes the growth of a placenta within which it matures into a fetus that is eventually born and is normal. The infertility that most of Edwards' volunteers are suffering from is attributable to blocked or absent oviducts. They come to Edwards for one reason only, to be cured of their barrenness. And the money which pays for Edwards' work (American money, Ford Foundation) is specifically awarded for research in fertility. This is why the next step is obvious.

And yet the decision to take it is not easy. What makes him hesitate, Edwards says, is that much testing remains to be done on the *in vitro* embryos to make sure that the manipulation of eggs and sperm does not damage the chromosomes, which would show up in more or less serious birth defects. "The last thing we want is abnormal babies." In order to do this minute checking up on the genetic material in the nuclei of the cells, a procedure called "karyotyping" (Greek, *karyo,* "nucleus"), the embryo has to be removed from its dish, which endangers its survival.

According to the published reports, all the genetic work has been done on embryos which spontaneously stopped growing. In fact, officially, the problem of deciding to take the next step is postponed and somewhat eased by the report that none of the embryos has survived *in vitro* past the sixteen-cell stage, while only an embryo developed well past that stage can successfully implant itself or be implanted into the uterus. However, when the Edwards group does succeed in culturing embryos to the implantation stage, the decision to implant a given embryo will have to be based on statistical evidence, and on hope—it will not be possible to karyotype the embryo itself. As Edwards' colleague, Dr. Steptoe, says, it will call for a "brave decision."

Toward the other end of the process of child-bearing, or gestation (Latin, *gestare,* "to bear," "to carry"), other researchers, quite independent of the sort of *in vitro* embryological work being done by Edwards, have been devising ways to save babies when a woman's natural machinery fails and the fetus is born too soon. This new branch of medicine is called "fetology." The fetus, its umbilical cord to the natural placenta having been cut, is placed in an incubator which supplies heat and oxygen. There it is fed intravenously, and its breathing is forcibly assisted by an iron lung. By such means, doctors are now able to save most seven-month-old premature babies (average weight two pounds), some six-and-a-quarter- to seven-month-old "premies," and a very few under six and a quarter months. Incubators, which have been in use for a long time, substitute for many of the functions of the womb or placenta in order to permit the premature baby to gain size and weight. However, the baby is indeed a baby, and not a fetus anymore, because the umbilicus has been cut and the lungs are working. Some fetuses are expelled from the mother's body even earlier in gestation, and they die in an incubator. The challenge is to build an environment that duplicates the ordinary environment of a fetus, in which it will not have to do things for which its body is unready. Fetologists are trying various approaches. Dr. Robert Goodlin at Stanford has put fetuses born less than six months after conception into a thick steel chamber where a saline solution saturated with oxygen is kept under a pressure of 200 pounds per square inch, roughly the same experienced by a deep-sea diver at a depth of 450 feet. This immense pressure drives the oxygen through the skin of the fetus, sparing its lungs the need to work. But Goodlin has not solved the problem of buildup of carbon dioxide and other poisonous wastes, and no fetus has lasted more than forty-eight hours. Dr. Geoffrey Chamberlain, a British scientist then in Washington, D.C., on a year's research scholarship, has kept alive some much younger fetuses, weighing only 300 to 980 grams, which were obtained during Cesarean section for therapeutic abortions. Chamberlain's method is to save the umbilical cord and connect it to a combination heart-lung-kidney machine. In a report in the *Ob-Gyn Observer* on his most successful experiment, Dr. Chamberlain wrote, "A brisk spontaneous flow [of blood] was noted 22 minutes postpartum; the fetus was kept on the circuit for 5 hours and 8 minutes. Only when a cannula slipped out by accident and could not be reintroduced was the experiment halted."

Earlier during gestation (when the organism is still actually an embryo), Dr. D. A. T. New of the Strangeways Laboratory in England has cut out from their mothers mice only 2 millimeters in length and cultured them on drops of blood plasma and nutrient solution. The embryos have rudimentary hearts and nervous systems. During the time they continue to grow in Dr. New's experiment, they quadruple in length, their hearts begin to beat, their brain, spinal cord, eyes, ears, guts, and kidneys develop, and their limbs begin to bud. However, as in Goodlin's experiments with human fetuses, the lack of a placenta or placenta-substitute to draw off poisonous wastes has been fatal to the mice within forty-eight hours. Perhaps the most promising of all the approaches so far is that of Drs. Warren Zapol and Theodor Kolobow at the National Heart Institute, Bethesda, Maryland. Zapol and Kolobow separate a lamb fetus from its mother at a gestation age of 125 days. The complete gestation cycle in sheep is 147 days, so the equivalent human fetus would be seven and a half months, an age at which the ordinary incubator is pretty adequate. However, instead of incubating the premature lamb, causing its lungs to function, Zapol and Kolobow keep it alive by what they call "extracorporeal perfusion." This involves placing the fetus in an unpressurized bath of solution resembling amniotic fluid (the same stuff used by the Italian Petrucci in his "experiment"). The lamb's umbilical cord is attached by a catheter (segmented polyurethane Lycra, Du Pont Corporation) to a circuit of machinery including a pump, a bag of adult-sheep blood, a silicone membrane lung (Medical Division, Dow Corning Corporation), and a bottle of antibiotics and nutrients. As the fetus is removed from its mother, the system is attached and the lung and pump are put to work to take over. The significant thing about this method is that it seems to achieve both nutrition and carrying-off of waste products. The levels of various chemicals in the lamb's body seem to stay fairly constant: in technical language, ". . . the fetus remains in a metabolically stable state lasting several days." Nor is death, after several days, caused by poisoning: "During perfusion, the fetus rested quietly in the artificial amniotic bath. About once each hour it moved its head or legs spontaneously. It exhibited a strong sucking reflex as well as a withdrawal reflex when pinched. After 55 hours of perfusion, the fetus abruptly underwent cardiac arrest." Apparently Zapol and Kolobow have problems remaining to contend with. But perhaps these are not insuperable.

The editorialist of the *New Scientist* has said, ". . . the development of the 'perfect' artificial placenta can only be a matter of time."

III

Early in 1970, the National Academy of Sciences published the results of a study undertaken by a panel of distinguished scientists, at the request of the federal government, on "The Consequences of Technology." The scientists were asked to estimate when various technological developments could be expected to take place. One of these developments was described as the "capability of fertilizing a human ovum *in vitro* and implanting it in a surrogate mother." (Surrogate motherhood will mean either a kind of space-age wet-nursing, or prenatal adoption, the principle in both cases being that an embryo from the egg of one woman may be implanted in the uterus of another woman at the right moment of her menstrual cycle.) At the time this panel of experts was asked for its estimate, the Edwards group had already succeeded in getting the first stages of *in vitro* fertilization, and was on the verge of getting cleavage to sixteen cells and perhaps beyond. Yet the average estimate of the panel for the date of achievement of this technology was 1995.

It was not the first time that those who are relied on for advice and prediction have failed to see how imminent the future is. The reasons for this failure are not clear, but perhaps the general bewildering multiplicity of events and reports has something to do with it. Also, a panel entrusted with technological forecasting may be under strains of advocacy and opposition that are eased by pushing the future safely into the next century, or to the very end of this century. However, in a democracy it is not only the experts who prepare the way for the future.

Two familiar phenomena of democratic societies are the *respected opinion-maker* and the *public opinion poll*. Anyone who is interested in the social setting of embryological research should consult the evidence from respected opinion and public opinion; while the amount of it is not substantial yet, it does invite some working conclusions to be drawn.

The New York *Times*, under the headline, "Test Tube Babies Ahead?" published an editorial about the Edwards experiments praising the hope they hold out for childless couples. Then the *Times* said:

> Ultimately the prospect looms of human babies engendered by fertilization and development completely outside any woman's body—test tube babies, in the most literal sense. . . . Abuses are easy to envisage, but it is encouraging that so far at least there is no evidence of such abuses in the use of artificial insemination to help women conceive. The real question even now is whether—and how—people can develop the sense of social responsibility that will be required if, by the year 2000 or earlier, women are able to have children without any of the morning sickness, special diets and other discomforts and dangers pregnancy now entails.

The *Times* mentions artificial insemination. At least 20,000 babies are conceived by mechanical means in the United States each year, and there may be a million Americans now alive who were so conceived. This indicates a widespread acceptance of the technique, though a recent Harris poll on "New Methods of Reproduction" had only 5 percent of the sample knowing what artificial insemination is. However, once it was explained to them, 49 percent of men and 62 percent of women approved insemination with the husband's sperm in cases of infertility; 24 percent of men and 28 percent of women approved insemination with anonymous donor sperm. The poll-takers also explained other techniques still not in existence, and got opinions on these. Thirty-two percent of men, 39 percent of women would approve of embryo implants of the sort planned by Edwards—37 percent of men, 48 percent of women said they "would feel love" for a baby of their own conceived in this way. The poll-takers then asked about "test-tube babies," babies who at no time would be inside the mother's body. Thirty percent of men, 35 percent of women were of the opinion that "this would be justified if wife might die or be crippled from childbirth." However, if "a woman just wanted to skip pregnancy and have a baby too," more than 90 percent of men and women would disapprove. Forty-seven percent of men, 53 percent of women said they "would feel love" toward such a "test-tube baby" of their own (for some reason, the percentage here, for both men and women, was higher than in the case of the embryo implant). Fifty-five percent of men, 61 percent of women said they believed a "test-tube baby would feel love for [its] family." A striking aspect of the results of the poll is that women invariably display a greater readiness to consider "new methods of reproduction" than men. This readiness is enhanced when the responses are broken down by age group: for example, of the women under thirty, fully 57 percent approved embryo implants. And yet, there was confusion too. Many of the men and women who approved of the new methods, including "test-tube babies," said they saw in them a way to bolster the ideal of monogamous marriage by ensuring that no couple need be childless; yet it was admitted that the new methods might have exactly the opposite effect—that is, of undermining further the ideal of the family.

The *Times* editorial and the Harris poll seem to show that there is important "public" enthusiasm for the goals, both official and possible, of the embryological research now under way, even if this enthusiasm is qualified by some doubts and fears. Indeed, it may be debatable how long the vociferous reaction in the case of a deformed baby from embryo-implant would persist, stifling grants and research. And if exquisite care is taken choosing the first embryo for implant, and the baby is born apparently sound, the excitement and enthusiasm will probably overwhelm doubts and criticism. The whole idea of "new methods" will be given a boost, and methods which had seemed fit only for science fiction will undergo a strange metamorphosis: "test-tube babies," for example.

Leaving aside for the moment the question whether such a method is desirable—is it feasible? The answer would have to do with technology, with whether ways could be devised to transfer the embryo fertilized *in vitro* to an artificial placenta which would duplicate for eight and a half months the environment of the natural placenta. The complexity of this invention of nature has already been hinted at. It has taken scientists five years just to get to understand the physiological process involved in the diffusion of oxygen and carbon dioxide across the placental membrane of the pig. How other substances—amino acids, vitamins, sugars, proteins—are passed is still a mystery. In addition, it is known that just a bit too much of a substance, or too little, too late or too early, can cause peculiar things to happen to embryos, whether they are mammalian and placental, or lower down on the phylogenetic scale. For example, if lithium chloride or magnesium chloride is added to fish eggs, the fish that are hatched will be Cyclopean. So it would be, at the least, a delicate, painstaking, and drawn-out task of plotting the career of a human embryo and fetus in the placenta from minute to minute, and then fabricating the machinery to duplicate the placenta and a computer to monitor and direct it and oversee the piping-in of nutrients and carrying-off of wastes. The technological problems here are formidable, as fetologists working on the margins already known; but are they more formidable than those involved in, say, Apollo 11? Probably not, and using Apollo as a hackneyed but serviceable example, it might be said that for the United States, there is no technological project that is not assured of success provided the decision is made to invest whatever talent and money are necessary; provided also that there is a strong enough sense of national priority so that any misfortune (such as the death by fire of three astronauts on the pad at Cape Kennedy) does not endanger the life of the project itself. It would be too much to expect an artificial womb to "work" the first time, and people would have to be ready to accept the death of a fetus, even though, in contrast with Gus Grissom, the fetus never volunteered.

What reason would there be to make the development of an artificial womb a national priority? Once they are compiled, the specific and predictable benefits of an efficient artificial womb make an impressive list:

1. Fetal medicine would be much improved. By being able to monitor growth and development continuously, fetologists would be able to catch, and perhaps treat, sickness that occurs in the natural womb but does not show up until after birth.

2. Likewise, fetologists would be able to immunize a child for the diseases it would be likely to contract in the world, but while it is still in the sterile safety of the womb.

3. Tissue samples could be taken from the fetus, cultured, and frozen for storage, which would resist the rejection phenomenon should the human born ever require organ transplant.

4. An efficient artificial womb, far from increasing the incidence of birth defects, would reduce them by keeping the fetus in an absolutely safe and regular environment; safe, for example, from infection by German measles or drugs taken by the mother. There are now thousands of babies born in the United States each year with defects, ranging from relatively minor ones like harelip, to deformed limbs and congenital diseases of the nervous system. Whatever the magnitude of the defect, it is disastrous: doctors say that the immediate and overwhelming response of the parents is not love or pity, but anger; they are angry at the doctor, and angry at their deformed child for choosing them as its parents. This behavior is evident on the part of both parents alike: there is no special redemptive mother-love. Some parents will reject the child, or, after a guilty reaction, some will gird themselves for the job of lifelong sacrifice, of being "noble."

5. The same new conditions that would allow fetologists to prevent birth defects would allow geneticists eventually to be able to program a fetus' development for some superior trait on which society could agree: larger brain capacity, for example. This would seem to be the direction that is being taken anyway now, with genetic counseling. The artificial womb would lift such work out of the realm of the haphazard.

6. An artificial womb would make "sexing" (choosing the sex of the embryo) a simple matter.

7. That part of the population which would use the artificial womb would not have to worry about illegitimacy or doubtful paternity. For the first time it will be possible to prove beyond a shadow of a doubt that a man is the father of his children.

8. Women who are prone to miscarry, or who because of body structure or constitution run a danger of injury in childbirth, would be spared the unhappiness, disappointment, and danger. Other women would be spared the discomfort.

9. Women who decided to have children by the artificial womb might choose to undergo the operation in which the fallopian tubes are tied. This would not affect fertility, but it would be an instant, guaranteed, and permanent barrier to conception from sexual intercourse. No other "birth control" would have to be exercised, and the Pill, together with its harmful and unknown side effects, could be dispensed with. Of course, these women would never have to have abortions, either.

It would seem that from the development and use of an artificial womb, all of society would benefit, but women would stand to gain the most. The artificial womb would set about breaking to pieces the stubborn remnant of biological fact and cultural myth that makes all women pay. The invidious question whether women are different from men in some ultimate and irreducible metaphysical way, whether as a result they should be set and should set for themselves different goals and different styles of life, would be removed from the context of biological difference, which has so far complicated its resolution with gratuitous factors, and would be set in a context of biological equity. Culturally, if the artificial womb "catches on," it will mean that the awefulness associated with pregnancy and childbirth will have nothing to feed on, and motherhood, if it continues to excite any awe at all, will not do so more than fatherhood. This will have its inevitable effect on the relation of women to men, women to their children, and the society or state to children. Once a woman has no more difficult or lengthy role in reproduction than a man (or not much more difficult or lengthy: she will still have to undergo laparoscopy once, when several dozen eggs will be collected and put into cold storage), she will find that society does not expect her to have a special relation to her offspring that takes up years of her life, and also she will not expect it of herself. Too, a society that can grow fetuses in a laboratory will be more disposed to have meaningful day- and night-care centers and communal nurseries on a large scale, for the state, being a third parent, will wish to provide for the maintenance and upbringing of its children.

Natural pregnancy may become an anachronism. The two tiny laparoscopy scars, exposed by a bikini on the beach, will be as ordinary as our smallpox vaccination, but women will no longer have lost their figures in childbearing. The uterus will become appendixlike, though the ovaries will be as crucial as before. At the age of twenty, each girl will be able to choose to be superovulated and her eggs collected and frozen, as it is known that babies conceived by young women are less likely to suffer from mongolism and other birth defects. If there are advances in prenatal care, it may not be necessary to prohibit natural childbearing in the interest of public health and eugenics. In that case, the women who wish to put up with the old style and all that it implies will be free to do so. But it will be a throwback and increasingly rare as the manifest advantages of the artificial womb make it likely to win the competition.

Most, if not all, of its *disadvantages* might be more apparent to us than real to the next generations. We bear it in mind that a man-made mutation like this, finishing what the Pill started unprecedented in evolution perhaps since sea creatures grew lungs and came out on land or apes developed the ability to touch thumb to forefinger, must have its effect on the body and mind of everyone in society, men not much less than women. Might not everyone, and particularly women, also *suffer* from the artificial womb? The myth of the beatific Madonna has, after all, among its various sources the fact that some women do experience unusual well-being when they have a baby. A more recent myth is that women on the Pill for a long time, who have much sex but never a baby, suffer the opposite of the bodily and psychic happiness of the Madonna. Does this mean the body has its own wisdom and that for women to be given access to an artificial womb would be to go against the deepest instincts provided by nature?

Again, the question may be invidious. In the first place, as a matter of fact, for every beatific mother in our society there is at least another with "post-partum blues." To propose a "fundamental nature" for women (or men) to which it is immoral or unwise to offer an alternative may be to support a fallacy which is really old-fashioned. The well-being of the Madonna, her rosy complexion, may have as simple an explanation as that during pregnacy and lactation, her body's production of estrogen has shot up: maybe a woman having a baby by the artificial womb might take estrogen orally.

But won't women be "alienated," as we say, from their children, causing further distance to be put between all of us from the crucial beginning, which is not what we need? Again, perhaps an invidious question. In the 1840s, opponents of Dr. Simpson asked whether (actually they claimed that) anesthesia during labor would make children "strangers" to their mothers. Has this proven true? Maternal love does not seem to be connected with the pain of childbirth, or even with childbirth; we know that some women beat the children they have borne, while others love the children they have adopted.

However, by "creating life" won't we be raising ultimate questions that we are not prepared to answer, such as "What is a human being?" The effect may well be to raise such questions. As for "creating life," that is to misunderstand what the artificial womb will do. It will not "create" life, for the materials which contain all the factors for differentiation, growth, and genetic coding—the egg and sperm—will not be created or fabricated: they will only be given another environment in which to work out their process. Sexual reproduction will be preserved; only intercourse and reproduction will be separated, once and for all.

The "ultimate" questions will be harder to ignore perhaps. But this has been predicted. Jean Rostand, the French biologist and Nobel Prize winner, has considered what life will be like and what questions people will have to face up to when the artificial womb and other "inevitable" technologies become a reality:

People will live for two hundred years, or even more. There will be no more failure, no more fear, no more tragedy. Life will be safer, easier, longer. But will it still be worth living? . . . How shall we contrive to exercise the formidable powers allotted to us? . . . How . . . shall we avoid finding ourselves on the perilous slope and yielding to the abuses of a Promethean intoxication?

Well, Rostand says, "our task will be to improvise the solution, taking account of the collective mentality, of the social and moral situation [and remembering Bacon's warning], 'Knowledge, if it be taken without the true corrective [charity] hath in it some nature of venom or malignity.'"

Rostand assumes the artificial womb and other such innovations are "inevitable": that seems a pecular idea. He also predicts that when the womb arrives it must have a universal effect. Here he is evidently right. If there is a single prototype artificial womb made and successfully tested, it is unlikely that it will turn out—as the Apollo missions might—an exorbitant stunt without consequence for "the man in the street." Because it will literally be down to earth, an artificial womb will have the potential to change the life of every person. But is the artificial womb "inevitable," as Rostand says? "Inevitable" seems to imply that something will come to pass without our doing anything or despite our intervention, which in the case of an artificial womb is nonsense. And yet there is a meaning of "inevitable" which, in this context, is not ridiculous. This is the meaning which in effect asks to what extent human beings exercise free will, and to what extent they are determined by forces forever beyond them. A very ancient question. Yet is it conceivable that if Dr. Simpson, in 1842, had not decided to give anesthesia to a woman in labor, anesthesia would not be routinely used in labor today? It is not conceivable. If he had not done it, some other doctor would, driven by the combination of curiosity, sympathy, and ambition which many men, not just a single indispensable man, are endowed with. The picture of the solitary scientist breaking ground may be excessively romantic. Without denying the medical scientist in particular his glory, his Nobel Prize, and the gratitude of the people whose suffering he has eased, it may be said that the scientist is far from being on his own, that he is, as we all are, an agent of something, determined by a force, a momentum which blurs distinctions between "it has become possible to do it," "it should be done," "it must be done," and is resolved in the inevitable: "it will be done."

Looked at in this light, it would not seem to make much difference (except, obviously, to the volunteer childless couples at Cambridge) whether Dr. Edwards decides to implant an embryo: the operation is going to take place pretty soon whatever he decides or does. Likewise the question whether what is about to be done in embryology, and what is about to be done in fetology, will ever come together in its logical consummation. If it becomes a national priority, it will be achieved sooner; if unlimited money and support are not forthcoming, it will be achieved later. But it is hard to imagine it not being achieved at all.

Certainly it would take more exertion, over the long run, to prevent it than to achieve it, and why prevent it? Who is to say that Monsignor Vallainc, the Vatican press officer who branded the Edwards experiments "immoral acts and absolutely illicit," is not the hapless spokesman of cruelty and stupidity, our contemporary version of the ministers who damned Simpson? In any case, it is not the thirteenth century anymore, and the centers of research happen not to be in Russia or in Roman Catholic theocracies. There is no forbidding most things and no arresting Dr. Edwards and charging him with murder. More than this: the research is conducted quietly, indoors; it does not require the vast hardware of an Apollo project, and there are no thunderous blasts and clouds of smoke. The expunging of perhaps our foremost Myth, with its ancient, numberless effects of inspiration and practice, habit and suffering, may be accomplished both inevitably and quietly—which leads to the ironic part, that whether anyone, or any movement, comes out for the artificial womb, or not, will make little difference in the end. The only difference it might make—and perhaps this is no small thing for the race—is that at least we will be able to say that our liberation did not catch us by surprise.

Moving Toward the Clonal Man—Is This What We Want?

(By James D. Watson)

The notion that man might sometime soon be reproduced asexually upsets many people. The main public effect of the remarkable clonal frog produced some ten years ago in Oxford by the zoologist John Gurdon has not been awe of the elegant scientific implication of this frog's existence, but fear that a similar experiment might someday be done with human cells. Until recently, however, this foreboding has seemed more like a science fiction scenario than a real problem which the human race has to live with.

For the embryological development of man does not occur free in the placid environment of a fresh-water pond, in which a frog's eggs normally turn into tadpoles and then into mature frogs. Instead, the crucial steps in human embryology always occur in the highly inaccessible womb of a human female. There the growing fetus enlarges unseen, and effectively out of range of almost any manipulation except that which is deliberately designed to abort its existence. As long as all humans develop in this manner, there is no way to take the various steps necessary to insert an adult diploid nucleus from a preexisting human into a human egg whose maternal genetic material has previously been removed. Given the continuation of the normal processes of conception and development, the idea that we might have a world populated by people whose genetic material was identical to that of previously existing people can belong only to the domain of the novelist or moviemaker, not to that of pragmatic scientists who must think only about things which can happen.

Today, however, we must face up to the fact that the unexpectedly rapid process of R. G. Edwards and P. S. Steptoe in working out the conditions for routine test-tube conception of human eggs means that human embryological development need no longer be a process shrouded in secrecy. It can become instead an event wide-open to a variety of experimental manipulations. Already the two scientists have developed many embryos to the eight-cell stage, and a few more into blastocysts, the stage where successful implantation into a human uterus should not be too difficult to achieve. In fact, Edwards and Steptoe hope to accomplish implantation and subsequent growth into a normal baby within the coming year.

The question naturally arises, why should any woman willingly submit to the laparoscopy operation which yields the eggs to be used in test-tube conceptions? There is clearly some danger involved every time Steptoe operates. Nonetheless, he and Edwards believe that the risks are more than counterbalanced by the fact that their research may develop methods which could make their patients able to bear children. All their patients, though having normal menstrual cycles, are infertile, many because they have blocked oviducts which prevent passage of eggs into the uterus. If so, *in vitro* growth of their eggs up to the blastocyst stage may circumvent infertility, thereby allowing normal childbirth. Moreover, since the sex of a blastocyst is easily determined by chromosomal analysis, such women would have the possibility of deciding whether to give birth to a boy or a girl.

Clearly, if Edwards and Steptoe succeed, their success will be followed up in many other places. The number of such infertile women, while small on a relative percentage basis, is likely to be large on an absolute basis. Within the United States there could be 100,000 or so women who would like a similar chance to have their own babies. At the same time, we must anticipate strong, if not hysterical, reaction from many quarters. The certainty that the ready availability of this medical technique will open up the possibility of hiring out unrelated women to carry a given baby to term is bound to outrage many people. For there is absolutely no reason why the blastocyst need be implanted in the same woman from whom the preovulatory eggs were obtained. Many women with anatomical complications which prohibit successful childbearing might be strongly tempted to find a suitable surrogate. And it is easy to imagine that other women who just don't want the discomforts of pregnancy would also seek this very different form of motherhood. Of even greater concern would be the potentialities for misuse by an inhumane totalitarian government.

Some very hard decisions may soon be upon us. It is not obvious, for example, that the vague potential of abhorrent misuse should weigh more strongly than the unhappiness which thousands of married couples feel when they are unable to have their own children. Different societies are likely to view the matter differently, and it would be surprising if all should come to the same conclusion. We must, therefore, assume that techniques for the *in vitro* manipulation of human eggs are likely to become general medical practice, capable of routine performance in many major countries, within some ten to twenty years.

The situation would then be ripe for extensive efforts, either legal or illegal, at human cloning. But for such experiments to be successful, techniques would have to be developed which allow the insertion of adult diploid nuclei into human eggs which previously have had their maternal haploid nucleus removed. At first sight, this task is a very tall order since human eggs are much smaller than those of frogs, the only vertebrates which have so far been cloned. Insertion by micropipettes, the device used in the case of the frog, is always likely to damage human eggs irreversibly. Recently, however, the development of simple techniques for using animal cells has raised the strong possibility that further refinements of the cell-fusion method will allow the routine introduction of human diploid nuclei into enucleated human eggs. Activation of such eggs to divide to become blastocysts, followed by implantation into suitable uteri, should lead to the development of healthy fetuses, and subsequent normal-appearing babies.

The growing up to adulthood of these first clonal humans could be a very startling event, a fact already appreciated by many magazine editors, one of whom commissioned a cover with multiple copies of Ringo Starr, another of whom gave us overblown multiple likenesses of the current sex goddess, Raquel Welch. It takes little imagination to perceive that different people will have highly different fantasies, some perhaps imagining the existence of countless people with the features of Picasso or Frank Sinatra or Walt Frazier or Doris Day. And would monarchs like the Shah of Iran, knowing they might never be able to have a normal male heir, consider the possibility of having a son whose genetic constitution would be identical to their own?

Clearly, even more bizarre possibilities can be thought of, and so we might have expected that many biologists, particularly those whose work impinges upon this possibility, would seriously ponder its implication, and begin a dialogue which would educate the world's citizens and offer suggestions which our legislative bodies might consider in framing national science policies. On the whole, however, this has not happened. Though a number of scientific papers devoted to the problem of genetic engineering have casually mentioned that clonal reproduction may someday be with us, the discussion to which I am party has been so vague and devoid of meaningful time estimates as to be virtually soporific.

Does this effective silence imply a conspiracy to keep the general public unaware of a potential threat to their basic ways of life? Could it be motivated by fear that the general reaction will be a further damning of all science, thereby decreasing even more the limited money available for pure research? Or does it merely tell us that most scientists do live such an ivory-tower existence that they are capable of thinking rationally only about pure science, dismissing more practical matters as subjects for the lawyers, students, clergy, and politicians to face up to?

One or both of these possibilities may explain why more scientists have not taken cloning before the public. The main reason, I suspect, is that the prospect to most biologists still looks too remote and chancy—not worthy of immediate attention when other matters, like nuclear-weapon overproliferation and pesticide and auto-exhaust pollution, present society with immediate threats to its orderly continuation. Though scientists as a group form the most future-oriented of all professions, there are few of us who concentrate on events unlikely to become reality within the next decade or two.

To almost all the intellectually most adventurous geneticists, the seemingly distant time when cloning might first occur is more to the point than its far-reaching implication, were it to be practiced seriously. For example, Stanford's celebrated geneticist, Joshua Lederberg, among the first to talk about cloning as a practical matter, now seems bored with further talk, implying that we should channel our limited influence as public citizens to the prevention of the wide-scale, irreversible damage to our genetic material that is now occurring through increasing exposure to man-created mutagenic compounds. To him, serious talk about cloning is essentially crying wolf when a tiger is already inside the walls.

This position, however, fails to allow for what I believe will be a frenetic rush to do experimental manipulation with human eggs once they have become a readily available commodity. And that is what they will be within several years after Edwards-Steptoe methods lead to the birth of the first healthy baby by a previously infertile woman. Isolated human eggs will be found in hundreds of hospitals, and given the fact that Steptoe's laparoscopy technique frequently yields several eggs from a single woman donor, not all of the eggs so obtained, even if they could be cultured to the blastocyst stage, would ever be reimplanted into female bodies. Most of these excess eggs would likely be used for a variety of valid experimental purposes, many, for example, to perfect the Edwards-Steptoe techniques. Others could be devoted to finding methods for curing certain genetic diseases, conceivably through use of cell-fusion methods which now seem to be the correct route to cloning. The temptation to try cloning itself thus will always be close at hand.

No reason, of course, dictates that such cloning experiments need occur. Most of the medical people capable of such experimentation would probably steer clear of any step which looked as though its real purpose were to clone. But it would be short-sighted to assume that everyone would instinctively recoil from such purposes. Some people may sincerely believe the world desperately needs many copies of really exceptional people if we are to fight our way out of the ever-increasing computer-mediated complexity that makes our individual brains so frequently inadequate.

Moreover, given the widespread development of the safe clinical procedures for handling human eggs, cloning experiments would not be prohibitively expensive. They need not be restricted to the superpowers. All smaller countries now possess the resources required for eventual success. Furthermore, there need not exist the coercion of a totalitarian state to provide the surrogate mothers. There already are such widespread divergences regarding the sacredness of the act of human reproduction that the boring meaninglessness of the lives of many women would be sufficient cause for their willingness to participate in such experimentation, be it legal or illegal. Thus, if the matter proceeds in its current nondirected fashion, a human being born of clonal reproduction most likely will appear on the earth within the next twenty to fifty years, and even sooner, if some nation should actively promote the venture.

The first reaction of most people to the arrival of these asexually produced children, I suspect, would be one of despair. The nature of the bond between parents and their children, not to mention everyone's values about the individual's uniqueness, could be changed beyond recognition, and by a science which they never understood but which until recently appeared to provide more good than harm. Certainly to many people, particularly those with strong religious backgrounds, our most sensible course of action would be to de-emphasize all those forms of research which would circumvent the normal sexual reproductive process. If this step were taken, experiments on cell fusion might no longer be supported by federal funds or tax-exempt organizations. Prohibition of such research would most certainly put off the day when diploid nuclei could satisfactorily be inserted into enucleated human eggs. Even more effective would be to take steps quickly to make illegal, or to reaffirm the illegality of, any experimental work with human embryos.

Neither of the prohibitions, however, is likely to take place. In the first place, the cell-fusion technique now offers one of the best avenues for understanding the genetic basis of cancer. Today, all over the world, cancer cells are being fused with normal cells to pinpoint those specific chromosomes responsible for given forms of cancer. In addition, fusion techniques are the basis of many genetic efforts to unravel the biochemistry of diseases like cystic fibrosis or multiple sclerosis. Any attempts now to stop such work using the argument that cloning represents a greater threat than a disease like cancer is likely to be considered irresponsible by vitually anyone able to understand the matter.

Though more people would initially go along with a prohibition of work on human embryos, many may have a change of heart when they ponder the mess which the population explosion poses. The current projections are so horrendous that responsible people are likely to consider the need for more basic embryological facts much more relevant to our self-interest than the not-very-immediate threat of a few clonal men existing some decades ahead. And the potentially militant lobby of infertile couples who see test-tube conception as their only route to the joys of raising children of their own making would carry even more weight. So, scientists like Edwards are likely to get a go-ahead signal even if, almost perversely, the immediate consequences of their "population-money"-supported research will be the production of still more babies.

Complicating any effort at effective legislative guidance is the multiplicity of places where work like Edwards' could occur, thereby making unlikely the possibility that such manipulations would have the same legal (or illegal) status throughout the world. We must assume that if Edwards and Steptoe produce a really workable method for restoring fertility, large numbers of women will search out those places where it is legal (or possible), just as now they search out places where abortions can be easily obtained.

Thus, all nations formulating policies to handle the implications of *in vitro* human embryo experimentation must realize that the problem is essentially an international one. Even if one or more countries should stop such research, their action could effectively be neutralized by the response of a neighboring country. This most disconcerting impotence also holds for the United States. If our congressional representatives, upon learning where the matter now stands, should decide that they want none of it and pass very strict laws against human embryo experimentation, their action would not seriously set back the current scientific and medical momentum which brings us close to the possibility of surrogate mothers, if not human clonal reproduction. This is because the relevant experiments are being done not in the United States, but largely in England. That is partly a matter of chance, but also a consequence of the advanced state of English cell biology, which in certain areas is far more adventurous and imaginative than its American counterpart. There is no American university which has the strength in experimental embryology that Oxford possesses.

We must not assume, however, that today the important decisions lie only before the British government. Very soon we must anticipate that a number of biologists and clinicians of other countries, sensing the potential excitement, will move into this area of science. So even if the current English effort were stifled, similar experimentation could soon begin elsewhere. Thus it appears to me most desirable that as many people as possible be informed about the new ways of human reproduction and their potential consequences, both good and bad.

This is a matter far too important to be left solely in the hands of the scientific and medical communities. The belief that surrogate mothers and clonal babies are inevitable because science always moves forward, an attitude expressed to me recently by a scientific colleague, represents a form of laissez-faire nonsense dismally reminiscent of the creed that American business, if left to itself, will solve everybody's problems. Just as the success of a corporate body in making money need not set the human condition ahead, neither does every scientific advance automatically make our lives more "meaningful." No doubt the person whose experimental skill will eventually bring forth a clonal baby will be given wide notoriety. But the child who grows up knowing that the world wants another Picasso may view his creator in a different light.

I would thus hope that over the next decade wide-reaching discussion would occur, at the informal as well as formal legislative level, about the manifold problems which are bound to arise if test-tube conception becomes a common occurrence. A blanket declaration of the worldwide illegality of human cloning might be one result of a serious effort to ask the world in which direction it wished to move. Admittedly the vast effort, required for even the most limited international arrangement, will turn off some people—those who believe the matter is of marginal importance now, and that it is a red herring designed to take our minds off our callous attitudes toward war, poverty, and racial prejudice. But if we do not think about it now, the possibility of our having a free choice will one day suddenly be gone.

DIRECTORY OF FEDERAL PROGRAMS FOR THE HANDICAPPED

Mr. DOLE. Mr. President, on April 14, 1971, I addressed the Senate on the needs and potential of handicapped Americans. In this speech, I referred to many of the Federal agencies concerned with the welfare of the millions of disabled citizens of this country.

Preparation for this speech revealed that a comprehensive listing of Federal programs for the handicapped was not available. In an effort to provide a source of information on Federal programs for the handicapped to those in need of the services, and in an effort to recognize the great progress that has been made toward the realization of the potential of the disabled, I requested through the Library of Congress the compilation of a directory of Federal programs for the handicapped. Mr. President, I ask unanimous consent that the directory be printed in the RECORD at this point.

There being no objection, the directory was ordered to be printed in the RECORD, as follows:

FEDERAL PROGRAMS FOR THE HANDICAPPED

The following is a compilation of all Federal programs designed specifically to serve physically and mentally handicapped persons. This includes programs in vocational rehabilitation of the handicapped, education for handicapped, programs for disabled, veterans, welfare programs providing aid to the blind and to the permanently and totally disabled, social security programs for the disabled, mental health and mental retardation programs, programs for the blind, and health programs to prevent and treat handicapping conditions. This does not include all programs that are serving the handicapped, just those that are specifically designed to serve them. For instance, in the area of veterans programs, disabled veterans, of course, are eligible for veterans programs, of general applicability, including education and health care services, but this compilation just lists those programs that apply particularly to disabled veterans. The same is true with Office of Education programs, this compilation does not include all general education legislation that happen to be helping some handicapped persons.

This compilation provides, as far as it has been possible to obtain, five types of information for each program, as follows:

1. A brief description of the program, including the type of grant it provides, if it provides a grant and the purpose for which the grant is to be used. If the program does not provide grants then the description tells what it does.
2. Authorizing legislation for the program.
3. Fiscal data for the program, including, whenever possible, obligations or expenditures for fiscal year 1970, appropriations for fiscal year 1971, and the budget request for fiscal year 1972.
4. Program data for the program, including number of grants awarded, number of persons being served by the program, and whatever other accomplishments of the program that seem relevant.
5. Name and address of the Federal agency administering the program.

Data on the programs included in this compilation have come from several types of sources. Descriptive information and authorizing legislation were obtained from the Office of Economic Opportunity's April 1970 *Catalog of Federal Domestic Assistance* and from assorted publications of the various Federal agencies administering programs for the handicapped. Fiscal and program data were obtained from the Appendix of the fiscal year 1972 Budget of the United States Government and from telephone conversations with personnel of the various agencies administering the programs for the handicapped.

VOCATIONAL REHABILITATION SERVICES

Basic support

A program of formula grants to State vocational rehabilitation agencies to provide and support the following types of rehabilitation services for handicapped persons: (1) comprehensive evaluation, including medical study and diagnosis; (2) medical, surgical, and hospital care, and related therapy to remove or reduce disability; (3) prosthetic and orthotic devices; (4) counseling and guidance services; (5) training services; (6) services in comprehensive or specialized rehabilitation facilities, including adjustment centers; (7) maintenance and transportation as appropriate during rehabilitation; (8) tools, equipment, and licenses for work on a job or in establishing a small business; (9) reader services for the blind and interpreter services for the deaf; (10) recruitment and training services to provide new careers for handicapped people in the field of rehabilitation and other public service areas; (11) the construction or establishment of rehabilitation facilities; (12) the provision of facilities and services which promise to contribute to a group of handicapped people, but which do not relate directly to the rehabilitation plan of any one individual; (13) services to families of handicapped people when such services will contribute substantially to the rehabilitation of the handicapped client; (14) other goods and services necessary to render a handicapped person employable; and (15) placement services, including follow-up services, to assist handicapped individuals to maintain their employment.

Funds under this program are also used for the initial establishment, management, and State agency supervision of vending stands for the blind authorized by the Randolph-Sheppard Act.

Vocational Rehabilitation Act as amended by P.L. 90–391 and extended by P.L. 91–610, Section 2; Randolph-Sheppard Act, P.L. 75–732.

Fiscal Year 1970 Obligational Authority—$436 million.

Fiscal Year 1971 Appropriation—$436 million.

Fiscal Year 1972 Budget Request—$518 million.

In 1970, the Vocational Rehabilitation program served 875,911 persons. 266,975 persons were rehabilitated.

Rehabilitation Services Administration, Social and Rehabilitation Service, Department of Health, Education and Welfare, Washington, D.C. 20201.

Innovation grants

A program of project grants to State vocational rehabilitation agencies to support innovation projects which either introduce new techniques, or are designed specifically to increase services for physically or mentally handicapped persons with particularly severe disabilities.

Vocational Rehabilitation Act as amended, Section 3.

Fiscal Year 1970 Obligational Authority—$3.2 million.

Fiscal Year 1971 Appropriation—$3.2 million.

Fiscal Year 1972 Budget Request—None, see data for Expansion Grants Section 4(a)(2)(A).

The program is being phased out, but in FY 1969, 39 new project grants were awarded, and 66 continuation grants as well.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Research and demonstration projects

A program of grants to provide support for projects which hold promise of making a substantial contribution to the solution of vocational rehabilitation problems which are common to all or to several States, and problems related to the rehabilitation of the mentally retarded. Research projects are aimed at discovery of new principles and concepts necessary for the understanding of the rehabilitation process. Demonstrations test the effectiveness of new rehabilitation procedures and, if successful, provide a guide for their widespread use.

Vocational Rehabilitation Act as amended by P.L. 83–565, Section 4(a)(1).

Fiscal Year 1970 Obligations—$20,003,000.

Fiscal Year 1971 Appropriation—$20,955,000.

Fiscal Year 1972 Budget Request—$14.3 million.

In FY 1971, this program is supporting 229 projects, of which 19 are concerned with the mentally handicapped.

Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Support for training rehabilitation personnel

A program of project grants to educational institutions and agencies dealing with the handicapped, with the objective to increase the supply of personnel in the rehabilitation fields by helping training programs to expand and by offering scholarship assistance to students, to work with professional groups to improve the quality of preparation, to facilitate communication and working relationships among the professional fields, and to give rehabilitation workers opportunities to improve their skills. Grants are made in the fields of rehabilitation, counseling, medicine, nursing, occupational therapy, physical therapy, prosthetics and orthotics, psychology, speech pathology and audiology, dentistry, social work, recreation, sociology, rehabilitation facilities administration, rehabilitation of the deaf, the blind, public offenders, the mentally ill, the mentally retarded, and related human services.

Vocational Rehabilitation Act as amended by P.L. 83–565, Section 4(a)(1) and 7(a)(2).

Fiscal Year 1970 Obligations—$27.7 million.

Fiscal Year 1971 Appropriation—$27.7 million.

Fiscal Year 1972 Budget Request—$14,650,000.

In FY 1970, the program supported 460 long-term teaching grants and 5,563 long-term traineeships, as well as 69 short-term teaching grants and 6,994 short-term traineeships.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Research and training centers

A program of special project grants to provide partial support of special research and training centers for rehabilitation medicine, vocational rehabilitation, mental retardation, and rehabilitation of the deaf. These grants are awarded to universities or other university-affiliated institutions with programs of research and training in rehabilitation.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 4(a)(1).

Fiscal Year 1970 Obligations—$9,761,000.

Fiscal Year 1971 Appropriation—$10,275,000.

Fiscal Year 1972 Budget Request—$10,275,000.

This program is supporting 19 centers, 3 of them concerned with rehabilitating the mentally retarded.

Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Rehabilitation of the mentally retarded

A program of project grants to pay part of the cost of organized, identifiable activities which are undertaken to contribute to the rehabilitation of mentally retarded individuals generally not eligible for vocational rehabilitation services. Grants provide for expansion or establishment of programs serving the mentally retarded, application of new techniques for rendering services, coordination of resources and information, and for increasing the number and types of specialized personnel working with the retarded. The Student Work Experience and Training (SWEAT) program is the major program supported.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 4(a)(1).

No separate funding, but funding is included under other Section 4(a)(1) program.

In fiscal year 1970, 46 service projects in 27 States received support under this program. Students were hired for summer work with retarded persons in 72 projects in 35 States, the District of Columbia, and Puerto Rico.

Rehabilitation Services Administration, Social and Rehabilitation Administration, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

SPECIAL RESEARCH PROJECTS IN MENTAL RETARDATION

A program of project grants to support applied research activities designed to discover and develop new knowledge for the increased efficiency of services and to help plan, conduct, evaluate, and coordinate a comprehensive nationwide program of care for the mentally retarded.

Public Health Service Act as amended, Section 301.

Fiscal Year 1970 Obligation—$113,000. No longer being funded.

One project was funded in FY 1970. The program is no longer being funded separately, but research concerning mental retardation is being carried out under the Vocational Rehabilitation Act, Section 4(a)(1) research programs.

Rehabilitation Services Administration Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare Washington, D.C. 20201.

MENTAL RETARDATION HOSPITAL IMPROVEMEN PROGRAM (HIP)

A program of project grants to stimulate the upgrading of services to mentally retarded persons living in State-operated residential institutions. The projects funded under the program may include demonstrations of new techniques in services, innovative approaches to the organization or delivery of services, or a combination of these and others.

Public Health Service Act as amended, Section 303.

Fiscal Year 1970 Obligations—$6,730,642.

Fiscal Year 1971 Appropriation—$9.3 million (includes both HIP and HIST programs).

Fiscal Year 1972 Budget Request—$6.5 million (includes both HIP and HIST programs).

In FY 1970, 91 Hospital Improvement Programs were funded at amounts up to $100,000 a project.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

MENTAL RETARDATION HOSPITAL IN-SERVICE TRAINING (HIST)

A program of project grants to upgrade the skills of technical and attendant personnel in residential institutions for mentally retarded persons. Types of training which may be supported are: orientation and refresher training, continuation training, supervisory training, and instructor training.

Public Health Service Act as amended, Section 303.

Fiscal Year 1970 Obligations—$1,659,358.

Fiscal Year 1971 Appropriation—See data for HIP program.

Fiscal Year 1972 Budget Request—See data for HIP program.

In FY 1970, 82 In-Service Training programs were funded at amounts up to $25,000 a project.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

DEVELOPMENTAL DISABILITIES GRANTS TO STATES FOR PLANNING, ADMINISTRATION, SERVICES AND CONSTRUCTION OF FACILITIES

This new program of formula grants to States replaces existing authority for the construction and staffing of community mental retardation facilities with a broad program to assist the States in developing and implementing a comprehensive plan for meeting the needs of persons with developmental disabilities. States may use these funds to construct facilities, provide services, support State and local planning, administration, and technical assistance, train specialized personnel, and develop and demonstrate new service techniques. The term "developmental disability" is defined to include mental retardation, cerebral palsy, epilepsy, or other neurological conditions originating in childhood which are closely related to mental retardation and require treatment similar to that required for the mentally retarded.

The Developmental Disabilities Services and Facilities Construction Act of 1970, P.L. 91–517, Title I.

Fiscal Year 1970 Obligations—$16.87 million for construction projects and $7.3 million for initial staffing grants.

Fiscal Year 1971 Appropriation—$11,215,000.

Fiscal Year 1972 Budget Request—$11,215,000.

Under the community facilities for the mentally retarded program, 370 projects had been approved as of December 1970. Ninety-eight facilities were completed and in operation at that time, and 110 additional facilities were under operation. These facilities will provide care and treatment for approximately 95,000 retarded persons. In FY 1970, 78 new construction projects and 222 initial staffing grants were approved.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

UNIVERSITY-AFFILIATED FACILITIES FOR THE DEVELOPMENTALLY DISABLED

A program of project grants to assist universities or affiliated facilities in the construction of special facilities capable of demonstrating exemplary care, treatment, education, and rehabilitation of the developmentally disabled. These facilities provide comprehensive services, train specialized personnel, or demonstrate new techniques of specialized services.

Developmental Disabilities Services and Facilities Construction Act of 1970, P.L. 91–517, Title II.

No appropriations for fiscal years 1970 and 1971, and no budget request for fiscal year 1972.

Since first authorized in 1963, the program has assisted in the construction of eighteen centers.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

CRS–17

DEVELOPMENTAL DISABILITIES DEMONSTRATION AND TRAINING GRANTS

A new project grants program to cover the costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to individuals with developmental disabilities. Funds are available only to institutions and agencies operating university-affiliated centers with priority given to applicants who have made arrangements for junior college participation.

Developmental Disabilities Services and Facilities Construction Act of 1970, P.L. 91–517, Title II.

No funds requested in Fiscal Year 1972 budget.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

CRS–18

VOCATIONAL REHABILITATION SERVICES

Expansion grants

A program of project grants to State rehabilitation agencies, and to other organizations to expand services for disabled persons in order to increase the number of persons rehabilitated. The projects help bring increased rehabilitation services to persons with many types of disabilities, including victims of heart disease, cancer, and stroke, as well as the disabled poor, the blind, the deaf, the mentally ill and retarded. The grants also provide for evaluation units and additional staff in rehabilitation facilities, and new approaches to cooperative programs between State rehabilitation agencies, schools, and private and public hospitals.

Vocational Rehabilitation Act as amended by P.L. 90–391; Section 4(a)(2)(A).

Fiscal Year 1971 Appropriation—$12.8 million.

Fiscal Year 1972 Budget Request—$38,660,000. (Included $10.1 million for Regular Expansion Grants, $2.2 million for continuation of Sec. 3 Innovation Grants, and $26,360,000 for projects serving public assistance recipients.)

This program is being expanded to include continuation of innovation grants, as well as a new thrust in rehabilitation public assistance recipients. In Fiscal Year 1972, it is expected that about 60 projects will be funded to serve about 45,500 public assistance recipients, rehabilitating 8,000 of them into paid employment during the fiscal year.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

Contracts or cooperative agreements

A program of project grants to allow contracts or jointly-financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped people for gainful employment in the competitive labor markets. The handicapped people are provided training and employment in a realistic work setting, along with other services which are necessary for them to continue to engage in employment.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 4(a)(2)(B).

Fiscal Year 1970 Obligation—$450,000.

Fiscal Year 1971 Appropriation—$1 million.

Fiscal Year 1972 Budget Request—$1 million.

In FY 1970, this program funded 3 arrangements with industry.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

New career opportunities in vocational rehabilitation

A program of project grants to State vocational rehabilitation agencies and other agencies to develop new programs to provide appropriate manpower in programs serving the handicapped, and to upgrade or expand those services. This includes programs for the employment and career development of sub-professionals and indigenous workers.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 4(a)(2)(C).

Fiscal Year 1971 Appropriation for Sec. 4(a)(2)(C) and (D)—$2 million.

Fiscal Year 1972 Budget Request for Sec. 4(a)(2)(C) and (D)—$2 million.

In FY 1970 the two new career opportunities programs supported 9 projects.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

New career opportunities for the handicapped

A program of project grants to State vocational rehabilitation agencies and other agencies to develop new programs to recruit and train handicapped individuals for new carrer opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 4(a)(2)(D).

For fiscal and program data, see data for preceding program—

SEC. 4(a)(2)(C).

Rehabilitation Services Administration, Social and Rehabilitation Service U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

Construction, planning, and initial staffing of rehabilitation facilities

A program of project grants for the planning and construction of rehabilitation facilities and workshops for disabled persons. Facilities grants may cover acquisition of existing buildings, purchase of land, new construction, expansion, remodeling, alteration and renovation, as well as equipment. Federal funds may also be used to assist in planning specific local facility projects. Project Development Grants for planning specific facilities may be made to public or other nonprofit agencies which are operating or studying the feasibility of developing a rehabilitation facility. Initial staffing grants are available to rehabilitation facilities. These grants pay part of the costs of professional and technical staff on a declining support over a period of 4 years and 3 months.

Vocational Rehabilitation Act as amended by P.L. 89–333, Section 12.

Fiscal Year 1970 Obligations—Construction—$1,191,000. Project Development—$286,000. Initial Staffing—$500,000.

Fiscal Year 1971 Appropriation—Project development and construction—$1.75 million. Initial Staffing—$550,000.

Fiscal Year 1972 Budget Request—Initial Staffing—$550,000.

In FY 1970 this program funded 16 construction projects, 40 project development or planning projects, and 9 projects for initial staffing.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Training services grants

A program of project grants to support training services, including training allowances, furnished to handicapped persons in rehabilitation facilities. These grants are available to agencies and organizations to provide training, such as work evaluation and testing, occupational tools and equipment necessary for training purposes, and job tryouts.

Vocational Rehabilitation Act as amended by P.L. 89–333, Section 13(a).

Fiscal Year 1970 Obligations—$6.0 million.

Fiscal Year 1971 Appropriations—$7.1 million.

Fiscal Year 1972 Budget Request—$7.1 million.

In FY 1970, the program funded 41 projects in 26 States. About 4,000 persons were referred through these projects, of which 1,800 received training and were placed in employment.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

A program of project grants to rehabilitation facilities to pay part of the cost of projects to analyze, improve, and increase their professional services to the handicapped, their business management, or any other part of their operations affecting their capacity to provide employment and services for handicapped clients.

Vocational Rehabilitation Act as amended by P.L. 89–333, Section 13(b).

Fiscal Year 1970 Obligations—$3,896,820.

Fiscal Year 1971 Appropriation—$4 million.

Fiscal Year 1972 Budget Request—$2.7 million.

In FY 1970, 155 grants were funded under the program.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Technical assistance

A program of project grants to rehabilitation facilities to provide them with the means to obtain technical assistance and consultant services on a short-term basis to help them solve operating, business, and technical problems.

Vocational Rehabilitation Act as amended by P.L. 89–333, Section 13(c).

Fiscal Year 1970 Obligations—146,000.

Fiscal Year 1971 Appropriation—$200,000.

Fiscal year 1972 Budget request—$200,000.

In FY 1970, 191 consultations were held under this program.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

Vocational evaluation and work adjustment

A program of formula grants to State vocational rehabilitation agencies to extend the type of evaluation and work adjustment services which are already available to eligible handicapped clients, to persons who are disadvantaged because of factors other than a physical or mental disability. These would include persons disadvantaged by reason of low educational attainments, ethnic or cultural factors, prison or delinquency records, youth or advanced age, or other conditions, especially in association with poverty, which constitute a barrier to employment. Services may also be provided to members of the families of disadvantaged clients, when such services are necessary for the evaluation or rehabilitation of the disadvantaged client.

Vocational Rehabilitation Act as amended by P.L. 90–391, Section 15.

Not funded.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

NATIONAL CENTER FOR DEAF-BLIND YOUTH AND ADULTS

The Vocational Rehabilitation Amendments of 1967 authorized the establishment and operation of a Center for vocational rehabilitation of handicapped individuals who are both deaf and blind. The purposes of the Center will be to demonstrate methods of providing intensive and specialized services for the deaf-blind, to train professional and allied personnel, to conduct research in the rehabilitation of the deaf-blind, and to aid in the conduct of related activities which will expand or improve the services, or help improve public understanding, of the problems of the deaf-blind.

Vocational Rehabilitation Act as amended by P.L. 90–99, Section 16.

Fiscal Year 1971 Appropriation—$3.1 million.

Fiscal Year 1972 Budget Request—$600,000

The center is under construction at the Industrial Home for the Blind, Brooklyn, New York.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

VOCATIONAL REHABILITATION SERVICES

Handicapped migrant agricultural workers

A program of project grants to State vocational rehabilitation agencies to pay 90 percent of the cost of pilot and demonstration projects to provide rehabilitation services for disabled migratory agricultural workers and to members of their families, if such services contribute to the rehabilitation of the worker.

Vocational Rehabilitation Act as amended by P.L. 90–99, Section 17.

Not funded.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

VOCATIONAL REHABILITATION SERVICES FOR SOCIAL SECURITY BENEFICIARIES

Under agreements with the Social Security Administration, State agencies (usually the rehabilitation agency) make disability determinations on applicants for social security benefits, and make referrals for possible vocational rehabilitation services, so that the maximum number of such individuals may be rehabilitated into productive activity. Within certain limitations, Social Security Trust Funds up to one percent of the disability benefits paid in the preceding year, may be used to pay for necessary rehabilitation services from a State vocational rehabilitation agency, to selected disability beneficiaries.

Social Security Act as amended in 1965, Section 222(d) as added by Section 336 of P.L. 89–97.

Fiscal Year 1970 Expenditures—$21.5 million (from Social Security Trust Funds).

Fiscal Year 1971 Appropriation—$24,731,000.

Fiscal Year 1972 Budget Request—$28,700,000.

In FY 1970, this program served about 21,000 persons, of which 9,300 were rehabilitated.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

VOCATIONAL REHABILITATION SERVICES

Vending stands for blind people

A program granting preference to blind persons in the operation of vending stands in Federal buildings. Randolph-Sheppard Act of 1936, P.L. 75–732.

At the end of fiscal year 1969, there were 836 stands on Federal properties employing 972 blind persons. In addition, there were 2,084 stands employing 2,287 blind persons on non-Federal installations.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

COMMITTEE ON PURCHASE OF BLIND-MADE PRODUCTS

(*Wagner-O'Day Act*)

A program to provide employment opportunities for the blind in the manufacture of products to be sold to the Federal Government.Wagner-O'Day Act of 1938, P.L. 75–739.

In fiscal year 1969, 78 workshops for the blind in 35 States sold approximately $23 million worth of goods to the Federal Government, providing employment to some 5,000 blind individuals.

Committee on Purchases of Blind-Made Products, 1511 K St. N.W., Washington, D.C. 20005.

REHABILITATION FACILITIES CONSTRUCTION

A program of grants and guaranteed loans to assist in the construction, modernization, and equipment of private nonprofit and public rehabilitation facilities.

Public Health Service Act as amended by P.L. 91–296, Title VI. (Hill-Burton program).

Fiscal Year 1970 Obligations—$3,655,282.

Fiscal Year 1971 Estimated Allocation—$15 million. (This represents an estimate of the amount of the total Hill-Burton appropriation that was allocated for rehabilitation facilities.)

Fiscal Year 1972 Budget Request—$15 million. (This represents an estimate of the total Hill-Burton budget request that will be allocated for rehabilitation facilities.)

A total of 26 projects for rehabilitation facilities received initial approval in Fiscal Year 1970. Since the incepton of the program, a total of 529 projects for rehabilitation facilities have been approved, with a Federal contribution of $126,614.

Health Care Facilities Service, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Rockville, Maryland, 20852.

EDUCATION FOR THE HANDICAPPED

Preschool and school programs

A program of formula grants to State Departments of Education to assist them in the initiation, improvement, and expansion of educational and related services for handicapped children at the preschool, elementary, and secondary school levels.

Education of the Handicapped Act as amended by P.L. 91–230, Title VI–B.

Fiscal Year 1970 Obligations—$29.19 million.

Fiscal Year 1971 Appropriation—$34 million.

Fiscal Year 1972 Budget Request—$35 million.

Approximately 183,000 children are receiving services under the program in 1971.

Division of Education Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Children in State-supported schools

A program of formula grants to strengthen education programs for children in State-operated or -supported schools for the handicapped.

Elementary and Secondary Education Act, Title I.

Fiscal Year 1970 Obligations—$37,483,000.

Fiscal Year 1971 Appropriation—$46,129,000.

Fiscal Year 1972 Budget Request—$46,129,000.

In FY 1970, 110,531 students in State schools for the handicapped received services supported by this program.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Supplementary educational centers and services

A program of formula grants to State agencies to fund local innovative or exemplary projects for the educational improvement of the handicapped.

Elementary and Secondary Education Act as amended, Title III.

Fiscal Year 1970 Obligations—$17,458,950 represents 15 percent of State's total Title III allotment.

Fiscal Year 1971 Appropriation—$16,438,160.

Fiscal Year 1972 Budget Request—$21.0 million.

Program data not available.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Early education for handicapped children

A program of project grants to support model preschool and early childhood programs for handicapped children.

Education of the Handicapped as amended by P.L. 91–230, Part C, Section 623.

Fiscal Year 1970 Obligations—$3 million.

Fiscal Year 1971 Appropriation—$7 million.

Fiscal year 1972 Budget Request—$7.5 million.

In 1971, 40 centers are being supported to provide educational, diagnostic, and consultative services for preschool handicapped children and their parents.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Vocational education programs for the handicapped

A program of formula grants to States to assist them in conducting vocational education programs. States must allocate 10 percent of their total allotment for vocational educational programs for the handicapped.

Vocational Education Amendments of 1968.

Fiscal Year 1970 Obligations—$36.0 million represents 10 percent of total grants to States for vocational education.

Fiscal Year 1971 Appropriation—$38.9 million.

Fiscal Year 1972 Budget Request—$38.4 million.

In FY 1970, about 26,000 handicapped students were enrolled in vocational education classes supported by this program.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Media services and captioned films loan program

A program to advance the handicapped through film and other media. This includes a captioned film loan service for cultural and educational enrichment of the deaf; provision to contract for research in the use of educational and training films and other educational media for the handicapped and for their production and distribution and to contract for training persons in the use of such educational media for the handicapped; and authorization to establish and operate a National Center on Educational Media for the Handicapped.

Education for the Handicapped Act as amended by P.L. 91–230, Part E.

Fiscal Year 1970 Obligations—$4.75 million.

Fiscal Year 1971 Appropriation—$6 million.

Fiscal Year 1972 Budget Request—$6 million.

In 1970, 18 research projects and 8 training projects were supported.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Deaf-blind centers

A program of project grants to establish regional centers to provide all deaf-blind children the following: comprehensive diagnostic and evaluative services; a program for their education, adjustment, and orientation and effective consultative services for their parents, teachers, and others involved in their welfare.

Education of the Handicapped Act as amended by P.L. 91–230, Part C, Section 633.

Fiscal Year 1970 Obligations—$2 million.

Fiscal Year 1971 Appropriation—$4.5 million.

Fiscal Year 1972 Budget Request—$5 million.

In 1971, 10 model centers were supported.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Information and recruitment

A program of project grants to improve recruitment of educational personnel and to improve dissemination of information concerning educational opportunities for the handicapped.

Education of the Handicapped Act as amended by P.L. 91–230, Part D, Section 633.

Fiscal Year 1970 Obligations—$475,000.

Fiscal Year 1971 Appropriation—$500,000.

Fiscal Year 1972 Budget Request—$500,000.

Under this program, the Bureau carries on a project called "Closer Look," which, utilizing advertising in the media, urges parents of handicapped children to write for information on opportunities for their children. In 1970 there were about 30,000 inquiries received by the "Closer Look" project. This year they are averaging about 1,000 inquiries every week.

Division of Educational Services, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Children with specific learning disabilities

A program of project grants to provide for research, training of personnel and to establish and operate model centers for children with specific learning disabilities.

Education of the Handicapped Act as amended by P.L. 91–230, Part G, Section 661.

No authorization or appropriation for fiscal year 1970.

Fiscal Year 1971 Appropriation—$1 million.

Fiscal Year 1972 Budget Request—$1.5 million.

The program is expected to support 6 specific learning disabilities model centers in FY 1971 and 10 in FY 1972.

Division of Training Programs and Division of Research, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Library services

The Library Services and Construction Act as amended authorized formula grants to establish and improve library services in State institutions, including institutions for the handicapped, and to assist generally in extending library services to the physically handicapped, including the blind and other visually handicapped. Legislation in 1970 eliminated these specific programs and included library services for the handicapped as part of general library services being supported by Federal assistance, with the stipulation that the same amount allotted for library services for the handicapped in FY 1971 be allotted for such services in FY 1972.

Library Services and Construction Act as amended, Titles IV–A and IV–B; P.L. 91–600.

Fiscal Year 1970 Obligations—$1,334,000. This is for Title IV–B.

Library Services to the Handicapped only; funding for Title IV–A institutional assistance is not broken down to specify funding for handicapped.

Fiscal Year 1971 Appropriation—$1,334,000.

No separate budget for Fiscal Year 1972.

Almost every State has instituted some type of program to provide library services to the handicapped, sometimes in cooperation with the Library of Congress Division of the Blind and Physically Handicapped program. Workshops, institutes, and other programs are held to assist and inform teachers and school librarians.

Division of Library Programs, Bureau of Adult, Vocational, and Library Programs, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Regional resource centers

A program of projects and contracts to establish regional resource centers which provide advice and technical services in the educational diagnosis and remediation of handicapped children.

Education of Handicapped Act as amended by P.L. 91–230, Part C, Section 621.

Fiscal Year 1970 Obligations—$1.8 million.

Fiscal Year 1971 Appropriation—$3.55 million.

Fiscal Year 1972 Budget Request—$3.55 million.

In 1970, 6 regional resource centers were supported.

Division of Research, Buerau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Research and related activities

A program of project grants to promote new knowledge and developments in the education of the handicapped.

Education of Handicapped Act as amended by P.L. 91–230, Part E, Section 641.

Fiscal Year 1970 Obligations—$13.06 million.

Fiscal Year 1971 Appropriation—$15 million.

Fiscal Year 1972 Budget Request—$15,455,000.

In 1970, 115 research and demonstration grants were awarded.

Division of Research, Bureau of Education of the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Research in physical education and recreation

A program of project grants for research and demonstration in the improvement of physical education and recreation programs for the handicapped.

Education of the Handicapped as amended by P.L. 91–230, Part E, Section 642.

Fiscal Year 1970 Obligations—$300,000.

Fiscal Year 1971 Appropriation—$300,000.

Fiscal Year 1972 Budget Request—$300,000.

In 1970, 4 research grants were supported.

Division of Research, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Personnel education

A program of project grants to assist in developing and improving training programs for educational personnel for the handicapped.

Education of the Handicapped as amended by P.L. 91–230, Part D, Sections 631 and 632.

Fiscal Year 1970 Obligations—$29.7 million.

Fiscal Year 1971 Appropriation—$31.9 million.

Fiscal Year 1972 Budget Request—$33,945,000.

In FY 1970, about 4,800 teachers and other education personnel received training under this program.

Division of Training Programs, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.

Training in physical education and recreation

A program of project grants to improve the quality and increase the supply of physical education and recreation personnel trained to work with the handicapped.

Education of the Handicapped as amended by P.L. 91-230, Part D, Section 634.

Fiscal Year 1970 Obligations—$300,000.

Fiscal Year 1971 Appropriation—$300,000.

Fiscal Year 1972 Budget Request—$700,000.

In FY 1970, the program supported 13 academic planning grants and 2 summer programs which served about 50 persons. In FY 1971, the program is supporting 15 planning and quasi-operational projects serving about 35 persons. In FY 1972, the program will fund 23 operational projects training about 100 students.

Division of Training Programs, Bureau of Education for the Handicapped, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

Educational classroom personnel training

A program of project grants to increase the supply of regular educational personnel who understand and can effectively deal with handicapped children in regular classrooms, to improve the trainers and the training institutions for these personnel, to provide special education training for various kinds of specialists, and to develop training projects for persons who work with handicapped children in poverty areas.

Education Professions Development Act, Parts C and D.

Fiscal Year 1970 Obligations—$6.9 million.

Fiscal Year 1971 Appropriation—$6.9 million.

Fiscal Year 1972 Budget Request—$6.9 million.

In FY 1970, about 5,000 personnel received training under grants funded by this program.

Special Education Program, Bureau of Educational Personnel Development, Office of Education, U.S. Department of Health, Education and Welfare, Washington, D.C. 20202.

GALLAUDET COLLEGE

A private, nonprofit educational institution providing an undergraduate higher education program for the deaf, a preparatory school for deaf students who need such training to qualify for college admission, a graduate school program in the field of deafness, and adult education for deaf persons. It operates the Kendall School for deaf children (primarily from the District of Columbia) and a preschool program for very young deaf children. The college also has programs in research on deafness and on ways and means of assisting deaf persons in more adequately relating to a predominantly hearing environment. Federal funds provide slightly more than three-fourths of Gallaudet's operating costs.

The Columbia Institution for the Instruction of the Deaf and Dumb and Blind was incorporated by act of February 16, 1857. The name was finally changed to Gallaudet College by P.L. 83-420.

Fiscal Year 1970 Obligations—$4,853,000.

Fiscal Year 1971 Appropriation—$7,097,000.

Fiscal Year 1972 Budget Request—$11,260,000.

In school year 1969-1970, the college had enrollments of 989 in the undergraduate and preparatory programs, 62 in the graduate program, 214 in the Kendall School, and 50 in the preschool program. Gallaudet College, 7th and Florida Ave. N.W., Washington, D.C. 20002.

MODEL SECONDARY SCHOOL FOR THE DEAF

A school located at Gallaudet College, Washington, D.C., designed to provide an exemplary secondary education for deaf persons in order to prepare them for college or other advanced study.

Model Secondary School for the Deaf Act of 1966.

P.L. 89-694.

Fiscal Year 1970 Obligations—$567,000.

Fiscal Year 1971 Appropriation—$2,432,000.

Fiscal Year 1972 Budget Request—$17,460,000.

1971 was the first full year of operation of the educational component of the model secondary school. Emphasis was placed on the development of the individualized instruction program and curricular materials, on the refinement of administrative procedures and on the training of staff.

Model Secondary School for the Deaf, Gallaudet College, 7th and Florida Ave., N.E., Washington, D.C. 20002.

DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF

A program to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital area.

P.L. 91-587.

This is a new program with little to show as yet in terms of accomplishment.

Gallaudet College, 7th and Florida Ave. N.E., Washington, D.C. 20002.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

A residential facility for post secondary technical training and education for persons who are deaf in order to prepare them for successful employment. It is located at the Rochester Institute of Technology, Rochester, N.Y.

National Technical Institute for the Deaf Act of 1965, P.L. 89-36.

Fiscal Year 1970 Obligations—$2,630,000.

Fiscal Year 1971 Appropriation—$19,744,000 of which $16,136,000 was for construction and shall remain available until expended.

Fiscal Year 1972 Budget Request—$4,119,000.

The program has 402 deaf students and 20 staff members and interns undergoing professional training.

National Technical Institute for the Deaf, Rochester Institute of Technology, 1 Lomb Memorial Drive, Rochester, New York 14623.

AMERICAN PRINTING HOUSE FOR THE BLIND

A nonprofit institute created in 1879 which supplies educational materials and tangible apparatus for education of the blind to blind children in schools for the blind, in public schools, and in private nonprofit institutions and to multi-handicapped children and adult trainees at rehabilitation centers

An Act of March 3, 1879 as amended.

Fiscal Year 1970 Obligations—$1,404,000.

Fiscal Year 1971 Appropriation—$1,517,000.

Fiscal Year 1972 Budget Request—$1,580,000.

Numbers of blind children served—1971 actual, 20,512; 1971 estimate, $21,222; 1972 estimate, 22,117.

American Printing House for the Blind, 1839 Frankfort Ave., Louisville, Ky. 40206.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

A program of library services to blind and physically handicapped residents of the United States and its territories through the dissemination of talking books, books in braille, and talking book machines.

Act to Provide Books for the Adult Blind, as amended by P.L. 87-765.

Fiscal Year 1970 Obligations—$6,985,000.

Fiscal Year 1971 Appropriation—$7,598,000.

Fiscal Year 1972 Budget Request—$8,536,000.

During the five-year period from 1966 to 1970, the number of readers requiring catalogs from which to select reading matter has grown from about 109,000 to almost 223,000, and circulation from approximately 4,470,000 units to over 6,280,000.

Division for the Blind and Physically Handicapped, Library of Congress, 1291 Taylor Street NW., Washington, D.C. 20542.

SOCIAL SECURITY

Disability insurance

A program to provide monthly cash payments to a person with a physical or mental impairment severe enough to keep him from working, if the disability has lasted (or is expected to last) for 12 months or longer. Each applicant is considered for services by the Vocational Rehabilitation Agency in his State. The Social Security Disability Insurance Trust Fund pays disability benefits to eligible persons throughout their periods of disability. In addition, a certain percentage of the fund pays the costs of vocational rehabilitation services to selected social security disability beneficiaries.

Social Security Act of 1935 as amended, Title II.

Fiscal Year 1970 Payments—$2,778 million (from the Disability Insurance Trust Fund).

Fiscal Year 1971 Estimated Payments—$3,231 million (subject to revision with enactment of P.L. 92-51 which provides for a 10 percent benefit increase).

Fiscal Year 1972 Estimated Payments—$3,416 million.

In fiscal year 1970, benefits were made to 1.4 million disabled workers totalling $2,206 million and to 1.1 million dependents of disabled workers totalling $572 million.

Bureau of Disability Insurance, Social Security Administration, U.S. Department of Health, Education, and Welfare, Baltimore, Maryland 21235.

AID TO THE BLIND

A program of financial help to the States to make income-maintenance payments to needy individuals who are blind.

Social Security Act of 1935 as amended, Titles X and XI.

Fiscal Year 1970 Expenditure—$56,297,000.

Fiscal Year 1971 Estimated Expenditures—$61,017,000.

Fiscal Year 1972 Budget Request—$65,434,000.

In 1970, the average monthly number of recipients of aid to the blind was 79,024 and the average monthly payment was $97.45. The total Federal, State and local expenditure for maintenance payments under the program was $92.4 million, with the Federal share amounting to $54,561,000.

Assistance Payments Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

AID TO THE PERMANENTLY AND TOTALLY DISABLED

A program of financial help to the States to make income-maintenance payments to people who cannot support themselves because they have a permanent and total physical or mental impairment.

Social Security Act of 1935 as amended, Titles X and XI.

Fiscal Year 1970 Expenditure—$517,249,000.

Fiscal Year 1971 Estimated Expenditure—$575,987,000.

Fiscal Year 1972 Budget Estimate—$744,047,000.

In 1970, the average monthly number of recipients of aid to the permanently and totally disabled was 787,339 and the average monthly payment was $88.35. The total Federal, State, and local expenditure was $834,-

842,000, with the Federal share amounting to $490,034,000.

Assistance Payments Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, D.C. 20201.

SOCIAL SERVICES

Aid to the blind and to the permanently and totally disabled

A program of formula grants to the States to help the blind and the permanently and totally disabled, to the extent possible, achieve stronger family life, improved health and self-care, self-support in whole or in part, and reduced dependency. Services can include, according to the standards of the individual State, protective services, services which enable an individual to remain in or return to the community, appropriate services for support, and other services as the State may elect to provide.

Social Security Act, as amended, Titles XIV and XVI.

The Social Services program also serves aged recipients of public assistance and it is impossible to break out specific expenditures for any one recipient group. It is estimated that $50 to $55 million is spent on Social Security Services to the Blind and to the Permanently and Totally Disabled.

The Social Services program operates in only 38 to 40 of the States, and serves about 62 percent of the eligible recipients in those States. Division of Services to the Aged and Handicapped, Community Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

MATERNAL AND CHILD HEALTH SERVICES

A program of formula grants which provides financial support to States to extend and improve services (especially in areas suffering from severe economic distress) for reducing infant mortality and improvement of the health of mothers and children. Some of these funds are used by States to conduct special clinics for mentally retarded children where diagnostic, counseling, treatment, and followup services are provided.

Social Security Act as amended, Title V, Section 503.

Fiscal Year 1970 Obligations—$107,856,000. (Includes grants for Crippled Children's Services)

Fiscal Year 1971 Appropriation—$117,850,000.

Fiscal Year 1972 Budget Request—$119,650,000.

In FY 1970, under this program 400,000 mothers received prenatal and postpartum care in maternity clinics. In addition, 1.65 million children attended well-baby clinics.

Maternal and Child Health Service, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Rockville, Maryland 20852.

CRIPPLED CHILDREN'S SERVICES

A program of formula grants to provide financial support to States (especially in areas suffering from severe economic distress) for medical and related services to crippled children and children suffering from conditions that lead to crippling.

Social Security Act as amended, Title V, Section 504.

See fiscal data for Maternal and Child Health Services program.

In FY 1970, an estimated 480,000 children received physicians' services and 78,000 received inpatient hospital care under this program.

Maternal and Child Health Services, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Rockville, Maryland 20852.

MATERNITY AND INFANT CARE PROJECTS

A program of project grants to help reduce the incidence of mental retardation and other handicapping conditions associated with childbearing and to help reduce infant and maternal mortality. The grants are used to find the more vulnerable patients early in pregnancy and make available a broad spectrum of diagnostic and specialist consultation services, provide hospitalization during the prenatal period as well as during labor and delivery, and provide for medical and intensive nursing care for prematurely born and other high risk infants. The program also supports health care projects for children and youth, particularly in areas where low-income families are concentrated and comprehensive dental care projects for children.

Social Security Act as amended, Title V, Section 508(a)(1).

Fiscal Year 1970 Obligations—$75,825,000.

Fiscal Year 1971 Appropriation—$83,350,000.

Fiscal Year 1972 Budget Request—$90,380,000.

55 projects were in operation as of January 1971. In fiscal year 1970, an estimated 128,000 maternity patients were admitted and 42,000 infants received health care in these projects. In 1970, 59 centers served 403,000 preschool and school-age children with comprehensive health care services. In FY 1971, the first year of the dental care program, about 10,000 children are expected to receive dental care services.

Maternal and Child Health Service, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Rockville, Maryland 20852.

MATERNAL AND CHILD HEALTH RESEARCH

A program of project grants to support research projects relating to maternal and child health services or crippled children's services which show promise of substantial contribution to the advancement of such services.

Social Security Act as amended, Section 512.

Fiscal Year 1970 Obligations—$14,885,000. (Includes funds for training grants)

Fiscal Year 1971 Appropriation—$16,935,000.

Fiscal Year 1972 Budget Request—$21,106,000.

Studies funded through this program have aided development of better maternal and child health services programs which have contributed remarkably to the decrease in infant mortality. A nationwide study of the nutrition of preschool children is underway with pilot studies already completed.

Maternal and Child Health Service, Health Services and Mental Health Administration, U.S. Department of Health, Education, and Welfare, Rockville, Maryland 20852.

MATERNAL AND CHILD HEALTH TRAINING

A program of project grants to train personnel for health care and related services for mothers and children, particularly mentally retarded children and children with multiple handicaps.

Social Security Act as amended, Title V, Section 511.

See fiscal data for Maternal and Child Health Research.

In FY 1968, this program supported 149 training grants to institutions of higher learning under which 409 long-term trainees received training. An additional 323 trainees received short-term training in health-related fields.

Maternal and Child Health Service, Health Services and Mental Health Administration, U.S. Department of Health, Education, and Welfare, Rockville, Maryland 20852.

SOCIAL SECURITY

Special benefits for disabled coal miners

A program to provide cash benefits to coal miners who have become totally disabled due to pneumoconiosis (black lung disease) arising out of employment in underground coal mines, and for dependents of miners who die of this occupational disease.

Federal Coal Mine Health and Safety Act of 1969, P.L. 91–173.

Cumulative Benefit Payments from Jan. 1, 1970 through April 5, 1971—$242 million.

This is a new program and only started paying benefits on Jan. 1, 1970. As of April 5, 1971, benefits totalling $22 million a month are being paid to 68,000 miners, 48,600 widows, and 80,000 other beneficiaries. An additional 82,000 miners and 26,500 widows have had applications for benefits denied and are undergoing the appeal procedure.

Bureau of Disability Insurance, Social Security Administration, U.S. Department of Health, Education and Welfare, Baltimore, Maryland 21235.

MEDICAL ASSISTANCE PROGRAM (MEDICAID)

A program of financial assistance to States to administer medical assistance programs and pay for medical services that benefit certain groups of needy persons, and others at the option of the State. Among the groups for which Federal financial participation is available are the blind and the disabled public assistance recipients.

Social Security Act as amended, Title XIX.

Fiscal Year 1970 Federal Payments to States—$2,502 million.

Fiscal year 1971 Estimated Federal Payments—$3,072 million.

Fiscal Year 1972 Estimated Federal Payments—$3,650 million.

In FY 1970, 81,000 recipients of aid to the blind and 1,175,000 recipients of aid to the permanently and totally disabled received medical assistance under the Medicaid program.

Medical Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

MENTAL HEALTH RESEARCH GRANTS

A program of project grants to develop new knowledge and approaches to the causes, diagnosis, treatment, control, and prevention of mental diseases of man through basic, clinical, and applied research, investigations, experiments, demonstrations, and studies. Areas of special interest include alcoholism, suicide prevention, early child care, metropolitan mental health problems, crime and delinquency, narcotics, and drug abuse.

Public Health Service Act, Section 301(d).

Fiscal Year 1970 Obligations—$84,796,000.

Fiscal Year 1971 Estimated Obligations—$90.6 million.

Fiscal Year 1972 Budget Request—$92.4 million.

90 research grants were supported in 1970.

Division of Extramural Research Programs, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland, 20015.

MENTAL HEALTH TRAINING GRANTS

A program of project grants to increase the number and improve the quality of people working in the areas of mental health and mental illness by training professionals for clinical service, teaching and research, providing technical training for ancillary personnel, and by continuing education for existing mental health manpower.

Public Health Service Act, Sections 301, 303, and 433.

Fiscal Year 1970 Obligations—$118,335,000. (Funding for training grants and fellowships are combined in budgetary data).

Fiscal Year 1971 Estimated Obligations—$116,350,000.

Fiscal Year 1972 Budget Request—$113,300,000.

In 1970, 2,024 training grants were awarded.

Division of Manpower and Training Programs, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland, 20015.

MENTAL HEALTH FELLOWSHIPS

A program of project grants to provide training for research relating to the problems of mental illness and mental health, and to raise the level of competence and to increase the number of individuals engaged in research.

Public Health Service Act, Sections 301 and 433.

See funding for training grants.

In 1970, 1,031 fellowships were awarded.

Behavioral Sciences Training Branch, Division of Manpower and Training Programs, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland, 20015.

MENTAL HEALTH

Hospital staff development grants

A program of project grants to support staff development programs to increase the effectiveness of staff in mental health hospitals and to translate rapidly increasing knowledge into more effective services to patients.

Public Health Service Act, Section 303 (a) (1).

Fiscal Year 1970 Expenditures—$3,965,000.

Fiscal Year 1971 Estimated Expenditures—$3.6 million.

Fiscal Year 1972 Budget Request—$3.8 million.

In Fiscal Year 1970, the program supported 179 project grants.

Division of Mental Health Service Programs, National Institute of Mental Health, Health Services and Mental Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland, 20015.

Hospital improvement grants

A program of project grants to provide funds to State mental hospitals for projects which will improve the quality of care, treatment, and rehabilitation of patients; encourage transition to open institutions; and develop relationships with community programs for mental health.

Public Health Services Act, Section 303 (a) (2).

Fiscal Year 1970 Expenditures—$7,491,000.

Fiscal Year 1971 Estimated Expenditures—$6.9 million.

Fiscal Year 1972 Budget Request—$5.9 million.

In Fiscal Year 1970, the program supported 89 project grants.

Division of Mental Health Service Programs, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland 20015.

Construction of community mental health centers

A program of formula grants to provide funds to finance the building of community health centers. Such centers are intended to improve the organization and allocation of mental health services and to provide modern treatment and care.

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 as amended.

Fiscal Year 1970 Obligations—$23,995,000.

Fiscal Year 1971 Estimated Obligations—$27,678,000.

No Fiscal Year 1972 Budget Request.

Since the inception of the program, 420 centers have received grant support for construction or staffing or both.

Division of Mental Health Service Programs, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland, 20015.

Staffing of community mental health centers

A program of project grants to assist in the establishment and initial operation of community mental health centers by making grants to meet a portion of the costs of compensation of professional and technical personnel.

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 as amended.

Fiscal Year 1970 Obligations—$47,622,000.

Fiscal Year 1971 Obligations—$90.1 million.

Fiscal Year 1972 Budget Request—$105.1 million.

In Fiscal Year 1972 the program will support 325 centers serving approximately 44 million persons.

Division of Mental Health Service Programs, National Institute of Mental Health, Health Services and Mental Health Administration, Chevy Chase, Maryland, 20015.

ST. ELIZABETHS HOSPITAL

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. Programs of the hospital are financed by Federal appropriations covering treatment and care of Federal beneficiaries and by reimbursements made to the hospital for services rendered other patient groups, principally residents of the District of Columbia. The hospital operates both inpatient and outpatient programs, as well as a community mental health center serving the Anacostia section of the District of Columbia.

Established by Act of March 3, 1855; transferred to Department of Health, Education and Welfare by Reorganization Plan 1 of 1953; Functions redelegated to National Institute of Mental Health by Secretary's reorganization order of August 9, 1967.

Fiscal Year 1970 Total Program costs—$41,884,000.

Fiscal Year 1971 Estimated Total Program costs—$44,960,000.

Fiscal Year 1972 Estimated Total Program costs—$48,508,000.

In 1970, the hospital treated 10,435 patients, and the Community Mental Health Center treated 1,549 patients.

St. Elizabeth's Hospital, Washington, D.C.

NATIONAL INSTITUTE OF MENTAL HEALTH

Direct operations

The NIMH carries out research and manpower development directly. Research in the behavioral and biological sciences includes psychiatry, socioeconomic studies, neurobiology, and neurochemistry and the special mental health problems of narcotic addiction, alcoholism, neuropharmacology, and clinical psychopharmacology. The manpower development direct program supports Institute staff who are responsible for planning and administration of the national mental manpower program including mental health manpower studies and the development of training programs for paraprofessionals.

Fiscal Year 1970 Obligations—Research—$26,797,000. Manpower Development—$5,678,000.

Fiscal Year 1971 Estimated Obligations—$26,426,000, $5,810,000.

Fiscal Year 1972 Budget Request—$26,942,000, $5,765,000.

National Institute of Mental Health, Health Services and Mental Health Administration, Chevy Chase, Maryland 20015.

MENTAL HEALTH SCIENTIFIC COMMUNICATIONS AND PUBLIC EDUCATION

A program to provide the fullest dissemination of mental health information through a full-scale program of scientific communications and public information and education activities serving the mental health professional community and the general public.

Public Health Service Act, Sections 301 and 315.

Fiscal Year 1970 Obligations—$4,019,000.

Fiscal Year 1971 Estimated Obligations—$4,831,000.

Fiscal Year 1972 Budget Request—$5,255,000.

The National Clearinghouse for Mental Health Information, funded under this program serves as a central facility to coordinate information exchange in the mental health field and has become the foremost computerized repository of mental health and related research findings in the world.

Office of Communications, National Institute of Mental Health, Health Services and Mental Health Administration, U.S. Department of Health, Education and Welfare, Chevy Chase, Maryland 20015.

EYE RESEARCH

Grants

A program of research grants and conditional gifts made to universities, medical schools, hospitals, and other nonprofit institutions for research on the causes, prevention, diagnosis, and treatment of blinding eye diseases and visual disorders.

Public Health Service Act as amended, Section 301(d).

Fiscal Year 1970 Obligations—$16,807,000.

Fiscal Year 1971 Estimated Obligations—$20,754,000.

Fiscal Year 1972 Budget Request—$24,525,000.

The program supported 350 research grants in 1970 and 391 in 1971.

National Eye Institute, National Institutes of Health, U.S. Department of Health, Education and Welfare, Bethesda, Maryland 20014.

Fellowships

A program of project grants providing support through fellowships to individuals sponsored by the institutions of their choice. It provides training opportunity in careers in research on visual disorders.

Public Health Service Act, Section 301(d)

Fiscal Year 1970 Obligations—$865,000.

Fiscal Year 1971 Estimated Obligations—$1,676,000.

Fiscal Year 1972 Budget Request—$876,000.

The program provided support for 57 fellowships in 1970 and 123 in 1971.

National Eye Institute, National Institutes of Health, U.S. Department of Health, Education and Welfare, Bethesda, Maryland 20014.

Training grants

A program of project training grants to assist institutions in establishing, expanding or improving training opportunities for individuals interested in careers in research, teaching, administration, and services in the visual sensory fields.

Public Health Service Act as amended, Section 301(d).

Fiscal Year 1970 Obligations—$2,959,000.

Fiscal Year 1971 Estimated Obligations—$2,998,000.

Fiscal Year 1972 Budget Request—$2,225,000.

The program supported 52 training grants in 1970 and 48 in 1971.

National Eye Institute, National Institutes of Health. U.S. Department of Health, Education and Welfare, Bethesda, Maryland 20014.

NATIONAL EYE INSTITUTE

The National Eye Institute carries out a direct research program in diseases of the eye and visual system. Laboratory and clinical studies conducted by Institute staff are directed toward increasing our knowledge and understanding of specific vision disorders. A close association between laboratory and clinic facilitates rapid and direct application of new knowledge to the treatment of eye patients. A small program of contract support to research and development organizations has been started to exploit and to accelerate the application of new knowledge to the treatment of visual disorders. The Institute also supports epidemiological investigations of the incidence and prevalence of eye diseases, and assistance to in-house and extramural programs in the design of biostatistical studies of visual disorders.

Public Health Service Act as amended, Title IV, Part F.

Fiscal Year 1970 Obligations—$2,034,000.

Fiscal Year 1971 Estimated Obligations—$4,459,000.

Fiscal Year 1972 Budget Request—$4,798,000.

No program data other than that described above.

National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

The National Institute of Neurological Diseases and Stroke conducts and supports research and training programs to develop new knowledge on the diagnosis, treatment, and prevention of diseases of the central nervous system. Research is carried out by scientists working in the laboratories of the Institute and through grants and contracts. Programs are planned and coordinated to wage a concerted multidisciplinary attack against cerebrovascular disease, epilepsy, parkinsonism, multiple sclerosis, muscular disorders, head and spinal cord injury, and disorders of human communication.

Public Health Service Act as amended, Title IV, Part D.

Fiscal Year 1970 Obligations—Grants for Research, Fellowships, and Training—$71,627,000. Direct Operations—$25,187,000.

Fiscal Year 1971 Estimated Obligations—$75,884,000, $27,138,000.

Fiscal Year 1972 Budget Request—$72,143,000, $23,353,000.

In FY 1970, 1,277 research grants, 169 fellowships, and 219 training grants were supported by the Institute.

National Institute of Neurological Diseases and Stroke, National Institutes of Health, Bethesda, Maryland 20014.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The National Institute of Child Health and Human Development conducts and supports research and training programs spanning the entire life cycle from conception through old age. Research covering both normal and abnormal development is carried out both at the Institute and through grants and contracts with other research organizations. Areas of concentration include development of the unborn and newborn, the intellectual and physical development of the young and the prevention and amelioration of mental retardation.

Public Health Service Act as amended, Title IV, Part E.

Fiscal Year 1970 Obligations—Grants for Research, Fellowships, and Training—$59,543,000. Direct Operations—$17,111,000.

Fiscal Year 1971 Estimated Obligations—$64,165,000, $30,320,000.

Fiscal Year 1972 Budget Request—$66,967,000, $35,565,000.

In FY 1970, the Institute supported 800 research grants, 199 fellowships, and 131 training grants.

National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Maryland 20014.

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

The President's Committee promotes employment opportunities for the physically and mentally handicapped through cooperation with Governors' Committees in the 50 States and with local community committees and with other public and private groups in promotional campaigns.

In 1949, P.L. 82–162 created the President's Committee on National Employ the Physically Handicapped Week; Executive Order 10640 of October 10, 1955, changed the name to the President's Committee on Employment of the Physically Handicapped; Executive Order 10994 of February 14, 1962, established the present Committee.

Fiscal Year 1970 Obligations—$575,000.

Fiscal Year 1971 Appropriation—$674,000.

Fiscal Year 1972 Budget Request—$726,000.

President's Committee on Employment of the Handicapped, Washington, D.C. 20210.

FEDERAL EMPLOYMENT FOR THE HANDICAPPED

The Federal Government provides employment opportunities to handicapped persons in positions for which they can apply. This supports the traditional concept of assuring equal opportunity to all citizens desiring Federal employment and is fully compatible with the goal of efficiency and economy in Government. It serves to focus attention on a frequently overlooked source of valuable manpower. The Civil Service Commission, as the central personnel agency for the Federal Government, has the responsibility for a positive Federal program for the selective placement for the handicapped. The Commission serves as a catalyst for a nationwide effort by coordinating all phases of the program with Federal agencies.

Civil Service Commission Act.

Fiscal and program data on funds spent on this program and numbers of persons assisted are not available in any way suitable for inclusion in this compilation.

Director of Public Policy Employment Programs, Manpower Sources Division, Bureau of Recruiting and Examining, U.S. Civil Service Commission, Washington, D.C. 20415.

EMPLOYMENT SERVICES

A program of project grants, advisory services and counseling, and specialized services designed to place persons in employment by providing services to individuals in need of preparation and placement in jobs and to employers seeking qualified individuals to fill job openings. Special services include special employment counseling services and placement assistance to physically and mentally handicapped persons seeking work in cooperation with other community agencies serving the handicapped, and priority in preferral, selection, and referral services to veterans seeking employment assistance, with preferential treatment for the disabled veteran.

Wagner-Peyser Act of 1933 as amended.

Fiscal and program data are difficult to break out from the total program of unemployment services.

U.S. Training and Employment Service, Washington, D.C. 20210.

MENTAL RETARDATION

Secretary's committee on mental retardation

The Secretary's Committee serves as a focal point for information on all aspects of the Department's mental retardation program and responds to requests for consultation and information from the general public as well as the professional community concerned with mental retardation.

Established by the Secretary of Health, Education and Welfare in March 1955.

Fiscal Year 1970 Expenditure—$111,000.

Fiscal Year 1971 Estimated Expenditure—$110,000.

Fiscal Year 1972 Budget Request—$110,000.

Secretary's Committee on Mental Retardation, U.S. Department of Health, Education and Welfare, Washington, D.C. 20201.

President's Committee on Mental Retardation

The Committee advises and assists the President on all matters pertaining to mental retardation; evaluates national, State, and local efforts; helps coordinate Federal activities; facilitates communication between Federal, State, and local agencies; informs the public about mental retardation; and mobilizes support for related activities.

Created by Executive Order 11280, dated May 11, 1966.

Fiscal Year 1970 Expenditure—$580,000.

Fiscal Year 1971 Estimated Expenditure—$550,000.

Fiscal Year 1972 Budget Request—$650,000.

President's Committee on Mental Retardation, Washington, D.C. 20201.

DISABLED VETERANS

Compensation for service-connected disability

A program of income replacement to compensate veterans for disabilities due to service based upon the average impairment in earning capacity such disability would cause in civilian occupations.

38 USC 310, 331.

Fiscal Year 1970 Expenditures—$2,393 million.

Fiscal Year 1971 Expenditures—$2,717 million.

Fiscal Year 1972 Expenditures—$2,908 million.

In 1970, a total of 2,064,994 disabled veterans received compensation averaging $1,159 a year.

Veterans Administration, Washington, D.C. 20420.

Pension for non-service-connected disability

A program of income support to assist veterans in need whose nonservice-connected disabilities are permanent and total and prevent them from following a substantially gainful occupation.

38 USC 510, 511, 512, 521.

Fiscal Year 1970 Expenditures—$1,357 million.

Fiscal Year Estimated Expenditures—$1,409 million.

Fiscal Year Budget Request—$1,441 million.

In 1970, a total of 1,105,103 veterans received pensions averaging $1,228 per case per year.

Veterans Administration, Washington, D.C. 20420.

Automobile grants

A subsidy program to provide financial assistance not to exceed $2,800 to certain disabled veterans toward the purchase price of an automobile or other conveyance.

38 USC 1901.

Fiscal Year 1970 Expenditures—$5,857,000.

Fiscal Year 1971 Estimated Obligations—$6,080,000.

Fiscal Year Budget Request—$20,640,000.

In fiscal year 1970, assistance was provided for the purchase of 3,665 automobiles and other conveyances at an average cost of $1,598 per conveyance.

Specially adapted housing

A program of grants to assist certain totally disabled veterans in acquiring a suitable housing unit, with special fixtures and facilities made necessary by the nature of the veterans' disabilities. P.L. 91–12 liberalized the eligibility requirements and set the maximum of such grant at $12,500.

Fiscal Year 1970 Obligations—$7,786,000.

Fiscal Year 1971 Estimated Obligations—$7.5 million.

Fiscal Year 1972 Budget Request—$7.5 million.

In FY 1970, a total of 599 housing grants were awarded.

Veterans Administration, Washington, D.C. 20420.

Vocational Rehabilitation Services

A program of training, advisory services and counseling, subsidies, and direct loans and repayable advances with the purpose of restoring employability, to the extent consistent with the degree of disablement, lost by virtue of a handicap due to a service-connected disability.

38 USC 1502.

Fiscal Year 1970 Obligations—$13,881,000.

Fiscal Year 1971 Estimated Obligations—$18,775,000.

Fiscal Year Budget Request—$21,350,000.

In FY 1970, a total of 24,457 disabled veterans underwent vocational rehabilitation services at an average cost per trainee of $568.

Veterans Administration, Washington, D.C. 20420.

Rehabilitation of blind veterans

A program of specialized services to assist eligible blind veterans to reorganize their lives under the condition of blindness and provide any necessary medical or health related services. Blind rehabilitation centers have been established at 3 VA hospitals to accomplish this purpose. Other services available for the rehabilitation of blind veterans include medical care, prosthetic services, outpatient care, vocational counseling and training, and compensation and pension benefits.

38 USC 3021.

As the program encompasses so many different VA programs, it is difficult to break out any dependable fiscal or program data on rehabilitation of blind veterans.

Veterans Administration, Washington, D.C. 20420.

Veterans medical care

A program of care and treatment of eligible beneficiaries in Veterans Administration hospitals, domiciliary and nursing care beds, restoration centers, outpatient clinics, contract care facilities, and State homes. Inpatient care is available to veterans receiving care for service-connected disabilities, veterans with service-connected compensable disabilities who can receive care for nonservice-connected disabilities if a bed is available, and veterans who can receive care for nonservice-connected disabilities if they are unable to pay for care elsewhere.

38 USC 601 and following.

Fiscal Year 1970 Obligations—$1,655 million.

Fiscal Year 1971 Estimated Obligations—$1,903 million.

Fiscal Year 1972 Budget Request—$2,027 million.

In FY 1970 the total average daily patient census in medical bed, surgical bed, and psychiatric bed sections of VA hospital facilities was 85,547 patients. Nursing home care facilities in 1970 had an average daily nursing patient census of 3,760. Domiciliary care facilities served an average of 11,998 patients daily, and restoration centers served an average of 667 patients a day. Veterans outpatient care facilities in 1970 provided care in 7,312,000 medical visits, 180,890 dental examinations, and 135,790 dental treatments.

Department of Medicine and Surgery, Veterans Administration, Washington, D.C. 20420.

Prosthetics appliances and services

A program to provide prosthetic and related appliances and services to disabled veterans so that they may live and work as productive citizens. Such items include artificial limbs, artificial eyes, wheelchairs, aids for blind, hearing aids, braces, orthopedic shoes, eyeglasses, crutches and canes, medical equipment, and medical supplies.

38 USC 601, 610, 612, 614, 617, 619, 623, 624, 1506, and 5013.

Fiscal Year 1971 Program Costs—$22,099,000.

Fiscal Year 1971 Estimated Program Costs—$26,495,000.

Fiscal Year 1971 Budget Request—$34,509,000.

In FY 1970, there were 553,629 veterans eligible for prosthetics services.

Prosthetic and Sensory Aids Service, Veterans Administration, Washington, D.C. 20420.

Prosthetics research

A program of project grants to develop new and improved prosthetic devices, sensory aids, and related appliances for the primary benefit of disabled veterans. Through comprehensive educational and informational programs, the results of such research are made available for the benefit of disabled throughout the world.

38 USC 216.

Fiscal Year 1970 Obligations—$1,597,000.

Fiscal Year 1971 Estimated Obligations—$2,123,000.

Fiscal Year Budget Request—$2,034,000.

Program data not available.

Prosthetic and Sensory Aids Service, Veterans Administration, Washington, D.C. 20420.

ARCHITECTURAL BARRIERS TO THE HANDICAPPED

A cooperative effort to eliminate barriers to access of the handicapped in existing buildings and in future construction. The National Commission on Architectural Barriers to Rehabilitation of the Handicapped, established by the 1965 Amendments to the Vocational Rehabilitation Act, made a nationwide survey of the forms and extent of barriers to free access to public and private buildings by handicapped people. Its findings and recommendations for future action were transmitted to the President and the Congress. Legislation was passed in 1968 requiring Federal buildings and all structures built with Federal aid to have ready access and full use of facilities by handicapped. The Rehabilitation Services Administration, along with other units of the Department of Health, Education and Welfare, as well as other Government agencies, such as the General Services Administration and the Department of Housing and Urban Development, are all working together to put the Commission's recommendations into effect.

Vocational Rehabilitation Act of 1965, P.L. 89–333; P.L. 90–480.

Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, D.C. 20201.

HOUSING FOR THE HANDICAPPED

Rental assistance

A program to assist nonprofit, limited profit, or cooperative entities in providing new or rehabilitated rental and cooperative housing for lower income families. Housing may be designed primarily for use by elderly or handicapped families and individuals. Assistance is in the form of Federal interest reduction payments to mortgagee, reducing the amount the mortgagor must pay on the mortgage to the amount he would pay if the mortgage bore an interest rate of one percent.

National Housing Act, Section 236.

Fiscal Year 1970 Obligations—$733,000.

Fiscal Year 1971 Estimated Obligations—$20.85 million.

Fiscal Year 1972 Budget Request—$151.4 million.

In 1970 there were 5,437 rental assistance units under payment; in 1971 this number is expected to increase to 94,700 units. The program assists other low-income groups besides the elderly and handicapped, so the actual number of units serving the handicapped is actually very low.

Federal Housing Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

Mortgage insurance

A program of assistance to nonprofit or profit entities, and public agencies, to provide new or rehabilitated rental housing for elderly or handicapped families and individuals. For rehabilitated housing, the insured mortgage amount may be up to 100 percent of value at completion for a public or nonprofit project and 90 percent for profit sponsors. For new construction, the mortgage amount may be up to 100 percent of estimated replacement cost for public or nonprofit projects and 90 percent for profit sponsors.

National Housing Act, Section 231.

At the end of Fiscal Year 1970, there were 177 insurance contracts in force under this program for a total of $293 million.

Federal Housing Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

A program to assist local housing authorities, Indian Tribal housing authorities, and other authorized public agencies in providing decent, safe, and sanitary housing for low-income families and individuals at rents they can afford, not in excess of 25 percent of tenants income. The handicapped are among eligible tenants, and housing may be designed to relate to their needs. The program provides annual contributions to local housing authorities to cover the debt service on bonds sold to finance the acquisition or construction of dwellings and, with limitations, the difference between operating income and operating expense. An additional subsidy of $10 per month may be provided for units occupied by special classes of tenants, including the handicapped.

United States Housing Act of 1937.

Fiscal Year 1970 Obligations—$459,503,000.

Fiscal Year 1971 Estimated Obligations—$654.5 million.

Fiscal Year 1972 Budget Request—$824.5 million.

In 1970 there were 830,454 dwellings eligible for assistance. Only a small percentage of them would have been dwellings for the handicapped.

Federal Housing Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

The Urban Mass Transportation Assistance Act of 1970 declared the national policy to be that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation should contain provisions implementing this policy. The legislation authorizes grants and loans for the specific purpose of assisting in providing such services. In addition, the legislation provides that 1½ percent of all research, development, and demonstration grants be set aside and used to increase the information and technology related to this problem.

Urban Mass Transportation Assistance Act of 1970, P.L. 91–453, Section 16.

There has not been enough time since the enactment of this provision on October 15, 1970, for any specific accomplishments for the handicapped to have been made.

Urban Mass Transportation Administration, U.S. Department of Transportation, Washington, D.C. 20590.

HOUSING FOR THE HANDICAPPED

Homeownership assistance

A program to assist lower income families in acquiring homeownership or membership in a cooperative. The handicapped are eligible clients. Insured mortgage limits are $18,000 for small families ($21,000 in high cost areas) and $21,000 for large families ($24,000 in high cost areas). The program includes Federal payments to the mortgage to reduce interest costs on the mortgage to as low as one percent.

National Housing Act, Section 235.

Fiscal Year 1970 Obligations—$22,190,000

Fiscal Year 1971 Estimated Obligations—$94.5 million

Fiscal Year 1972 Budget Request—$299 million

In 1970 there were 65,654 units under payments in this program; by 1972 this number is expected to increase to 410,000 units. Only a small precentage of these units serve the handicapped.

Federal Housing Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

Congregate housing

A program to provide housing for the handicapped (also the elderly and the displaced) which need not contain individual kitchen facilities and which may contain community kitchens, common dining areas, and other shared facilities. Mortgages covering such projects may be insured under Section 221 of the National Housing Act and the projects may receive financial assistance under the Section 236 Program and the Rent Supplement Program, as well as the Low-Rent Public Housing Program.

Housing and Urban Development Act of 1970.

This is a new program, with no available fiscal or program data.

Federal Housing Administration, U.S. Department of Housing and Urban Development, Washington, D.C.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. KENNEDY). Is there further morning business? If not, morning business is concluded.

CREATION OF A LIMITED COPYRIGHT IN SOUND RECORDINGS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 74, S. 646.

The PRESIDING OFFICER (Mr. KENNEDY). The bill will be stated by title.

The legislative clerk read as follows:

S. 646, to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 2, line 9, after the words "copyrighted sound recording; or to", to strike out "single ephemeral recordings" and insert "reproductions"; in line 10, after the words "made by transmitting organizations", insert "exclusively"; in line 10, after the words "Sound recordings", to strike out "other than fixations of sound accompanying a motion picture"; on page 3, line 10, after the words "on the surface", to insert "of reproductions"; in line 10, after the words "considered to be a copy thereof.", insert the following:

"Sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture. "Reproductions of sound recordings" are material objects in which sounds other than those accompanying a motion picture are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and include the "parts of instruments serving to reproduce mechanically the musical work," "mechanical reproductions," and "interchangeable parts, such as discs or tapes for use in mechanical music-producing machines" referred to in sections 1(e) and 101(e) of this title.

SEC. 2. That title 17 of the United States Code is further amended in the following respect:

In section 101, title 17 of the United States Code, delete subsection (e) in its entirety and substitute the following:

"(e) INTERCHANGEABLE PARTS FOR USE IN MECHANICAL MUSIC-PRODUCING MACHINES.–Interchangeable parts, such as discs or tapes for use in mechanical music-producing machines adapted to reproduce copyrighted musical works, shall be considered copies of the copyrighted musical works which they serve to reproduce mechanically for the purposes of this section 101 and sections 106 and 109 of this title, and the unauthorized manufacture, use, or sale of such interchangeable parts shall constitute an infringement of the copyrighted work rendering the infringer liable in accordance with all provisions of this title dealing with infringements of copyright and, in a case of willful infringement for profit, to criminal prosecution pursuant to section 104 of this title. Whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice.";

On page 5, line 9, to strike "SEC. 2." and insert "SEC. 3"; after the word "three", insert "four"; in line 10, following the words "months after its enactment", insert "except that section 2 of this Act shall take effect immediately upon its enactment"; and in line 12, following the words "United States Code", insert "as amended by section 1 of this Act," so as to make the bill read:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17 of the United States Code is amended in the following respects:

(a) In section 1, title 17, of the United States Code, add a subsection (f) to read:

"To reproduce and distribute to the public by sale or other transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work if it be a sound recording: *Provided*, That the exclusive right of the owner of a copyright in a sound recording to reproduce it is limited to the right to duplicate the sound recording in a tangible form that directly or indirectly recaptures the actual sounds fixed in the recording: *Provided further*, That this right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording; or to reproductions made by transmitting organizations exclusively for their own use."

(b) In section 5, title 17, of the United States Code, add a subsection (n) to read:

"Sound recordings."

(c) In section 19, title 17, of the United States Code, add the following at the end of the section: "In the case of reproductions of works specified in subsection (n) of section 5 of this title, the notice shall consist of the symbol P (the letter P in a circle), the year of first publication of the sound recording, and the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner: *Provided*, That if the producer of the sound recording is named on the labels or containers of the reproduction, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice."

(d) In section 20, title 17, of the United States Code, amend the first sentence to read: "The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music, or if a sound recording on the surface of reproductions thereof or on the label or container in such manner and location as to give reasonable notice of the claim of copyright."

(e) In section 26, tilte 17, of the United States Code, add the following at the end of the section: "For the purposes of this section and sections 10, 11, 13, 14, 21, 101, 106, 109, 209, 215, but not for any other purpose, a reproduction of a work described in subsection 5(n) shall be considered to be a copy thereof. "Sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture. "Reproductions of sound recordings" are material objects in which sounds other than those accompanying a motion picture are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and include the "parts of instruments serving to reproduce mechanically the musical work," "mechanical reproductions," and "interchangeable parts, such as discs or tapes for use in mechanical music-producing machines" referred to in sections 1(e) and 101(e) of this title.

SEC. 2. That title 17 of the United States Code is further amended in the following respect:

In section 101, title 17 of the United States Code, delete subsection (e) in its entirety and substitute the following:

"(e) INTERCHANGEABLE PARTS FOR USE IN MECHANICAL MUSIC-PRODUCING MACHINES.—Interchangeable parts, such as discs or tapes for use in mechanical music-producing machines adapted to reproduce copyrighted musical works, shall be considered copies of the copyrighted musical works which they serve to reproduce mechanically for the purposes of this section 101 and sections 106 and 109 of this title, and the unauthorized manufacture, use, or sale of such interchangeable parts shall constitute an infringement of the copyrighted work rendering the infringer liable in accordance with all provisions of this title dealing with infringements of copyright and, in a case of willful infringement for profit, to criminal prosecution pursuant to section 104 of this title. Whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice."

SEC. 3. This Act shall take effect four months after its enactment except that section 2 of this Act shall take effect immediately upon its enactment. The provisions of title 17 of the United States Code as amended by section 1 of this Act, shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and nothing in title 17 of the United States Code shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before that date.

Mr. McCLELLAN. Mr. President, S. 646, as reported by the Committee on the Judiciary, amends the Copyright Act of 1909 to establish a limited copyright in sound recordings, and provides stronger damage provisions in the event of a violation of the mechanical royalty section of the copyright law. The legislation, of which I am the principal sponsor, is cosponsored by the distinguished senior Senator from Pennsylvania (Mr. SCOTT), the senior Senator from Texas (Mr. TOWER), the senior Senator from Tennessee (Mr. BAKER), and the junior Senator from California (Mr. TUNNEY).

The recent rapid increase in the unauthorized commercial duplication of legitimate recordings has become a serious problem both in this country and abroad. The widespread availability of inexpensive equipment has encouraged extensive commercial pirating of recordings and tapes. While it is difficult to establish the exact volume or dollar value of current pirating it is estimated by reliable trade sources that the annual volume of such piracy is now in excess of $100 million. The pirating of records and tapes is not only depriving legitimate manufacturers of substantial income, but performing artists and musicians are being denied royalties and contributions to pension and welfare funds. Federal and State Governments are losing tax revenues. By granting a limited copyright in sound recordings this legislation will make a major contribution to the suppression of this unethical and unfair business competition.

The Committee on the Judiciary on April 21 received a report from the Department of State declaring that the Department "fully supports S. 646 and recommends its early enactment into public law." The Department of State indicates that the United States is playing an active role in the development of an international treaty that would include provisions similar to S. 646. The report of the Department further states that:

> United States ratification of or adherence to the proposed treaty depends, of course, upon enactment of a domestic law such as S. 646. Accordingly, passage of the proposed legislation is necessary to give the Department of State an effective basis for continuing its efforts to secure international protection for American sound recordings.

The Committee on the Judiciary has been informed that the Library of Congress and the Copyright Office are "fully and unqualifiedly in favor of the purpose the bill is intended to fulfill." I concur in the view of these agencies that "the national and international problem of record piracy is too urgent to await comprehensive action on copyright law revision."

This legislation in no way restricts fair business competition in the production of phonograph records and tapes. By virtue of the mechanical royalty compulsory license, any record manufacturer is authorized to use a copyrighted song that has been licensed for use in a recording. Any of the so-called pirates who wish to make the investment in production and talent that is being made by the legitimate record companies may make use of the same copyrighted songs.

The extension of copyright protection to recordings has been recommended by the Copyright Office after protracted study in connection with the general revision of the copyright law. This legislation has the support of all segments of the artistic community—authors, composers, performers, music publishers, and record companies. At the executive session of the Judiciary Committee which considered this bill there was no opposition indicated by any of the members who were present. I urge the Senate to pass S. 646 as reported and pass it today.

Mr. President, I have received a number of communications supporting this bill from interested parties and organizations.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a few of the many letters which I have received describing the need for this legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL TAPE DISTRIBUTORS OF
NEW JERSEY, INC.,
Linden, N.J., March 29, 1971.
Hon. SENATOR JOHN L. MCCLELLAN,
Chairman of the Sub-Committee on Patents, Trademarks, and Copyrights, The Senate, U.S. Capitol, Washington, D.C.

DEAR SENATOR MCCLELLAN: This is to inform you of my feelings toward your recently introduced antipiracy Bill #S646. As Director of Sales on the East Coast for my company, I speak for my entire sales force when I say we've long awaited introduction of such a Bill as #S646. I cannot emphasize enough, how important it is to us to have this Bill become a law as soon as possible.

In my three years with National Tape Distributors, I have seen what was a minor backroom counterfeit problem grow into what is today; a mass array of illegal duplicators of Pre-recorded Music. These pirates who illegally duplicate music pay no royalties nor taxes and are simply stealing. Their stealing from: legal recording companies, recording artists, distributors, retail stores, and most important the buying public who can't always tell the difference between "Bootleg" and honest merchandise. They soon find out though because in most cases "Bootleg" recordings are of poor quality and carry no guarantee of workmanship to protect the consumer. Now I ask you is it fair that all these taxpayers lose out to bands of thieves who could care less who is hurt by their get rich quick scheme's all because there are no adequate laws against such cheating? But now there is a way to curb this piracy and I hope you will do your part by voting for the passage of Bill #S646.

Not too long ago I received in the mail from one of my salesmen a "Bootleg" tape and a letter. In the letter he asked me if there was anything that could be done to stop the sale of "Bootleg" tapes to his stores. In the past year he has lost thousands of dollars in sales because of this "Bootleg" problem which for him only means dollars lost in commissions. He was looking to me for help. Now we are looking toward you.

Respectfully,
THOMAS J. CATANZARITE,
Director of Sales.

D. & D. DISTRIBUTING CO.,
March 31, 1971.
Senator JOHN L. MCCLELLAN (Ark.),
Chairman, Subcommittee on Patents, Trademarks, and Copyrights, Senate Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: I urge you to do everything you can to speed through passage of "Bill S–646" the bill for Piracy which you introduced on February 8, 1971.

I am manager of the Phonograph Record and Tape Division of the D&H Distributing Company with branches in Harrisburg, Pa., and Baltimore, Md., servicing over 600 Record and Tape Dealers in the states of Penna., Md., Va., W. Va., and Delaware.

In the past year piracy has become so flagrant in our markets as to affect the competitive position of many legitimate dealers and place them in a position that they have been forced to give almost if not all of their profits away in order to keep many of their customers.

These pirates have gone to the extreme of offering their pirated tapes to dealers and even gas stations on a consignment basis. Many of these don't even realize that this merchandise is pirated, others are advertising in their stores that these records and tapes are "Bootlegged and Pirated" and are offering them at ridiculously low prices.

One of our largest tape customers who has been fighting this situation competitively all along is now considering buying duplicating equipment to make his own pirated tapes in order to maintain his business and the image it has taken him years to build.

If this bill is not passed quickly I can see more legitimate retailers giving up the fight and joining these pirates to get a piece of the action I can also envision dealers and distributors like ourselves who refuse to buy these tapes and who refuse to sell even legitimate merchandise to dealers who handle these bootlegged and pirated tapes suffering loss of sales, profits and potential legitimate growth in what could be a beautiful industry. It will be discouraging to see pirating responsible for as many dollars at retail as legitimate product.

We can't afford to fight these people in civil courts where we would be wasting our time, effort and money.

Your introduction of this bill points out your concern for the effect these people have on our economy, now please don't let this thievery go on and on.

Hopefully,
DAVID PRESS,
Manager, Record—Tape Division.

GRT CORPORATION,
Sunnyvale, Calif., February 16, 1971.
Senator JOHN L. MCCLELLAN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Needless to say, I am delighted that you reintroduced bill S. 4592 (now S. 646) amending the copyright statute "to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes." The import of this bill cannot be underestimated.

Not a single day passes that I do not receive a field report of new incursions by bootleggers into my business. How is a legitimate businessman to compete with someone with a fraction of the expenses who is therefore able to sell the product for a fraction of the price, said advantage being gained by unlawful appropriation?

This mighty nation of ours was built upon the cornerstone of Adam Smith's philosophy of free enterprise. And for decades the federal government has been passing laws encouraging competition while seeking to dissuade unfair business methods. The present situation of tape piracy is just such an area which needs federal safeguards to foster "legitimate" competition.

Your leadership in this area is setting an example to all Americans of the function of the federal government in fostering and preserving our system of free enterprise. Keep up the good work.

Very truly yours,
ALAN J. BAYLEY,
President.

COUNTRY MUSIC ASSOCIATION, INC.,
Nashville, Tenn., April 13, 1971.
Senator JOHN L. MCCLELLAN,
Chairman, Subcommittee on Patents, Trademarks, and Copyrights, Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLELLAN: The Country Music Association is an international trade organization consisting of some 3,000 members divided into twelve categories.

The bootlegging and counterfeiting of musical recordings is a menace to all of our membership. The Country Music Association strongly urges your support of the Anti-Piracy Bill and strongly recommends that the bootlegging and counterfeiting of musical recordings be made a federal offense.

I am sure that I do not need to point out to you and other members of your Committee the evils of piracy in any field. We can, however, cite examples of this evil in the music industry and shall be happy to do so, if the information is needed.

Thank you very much for your consideration.

Sincerely,

(Mrs.) JO WALKER.

BENDER & WIGGINS MUSIC CO.,
Clinton, Iowa, March 5, 1971.

Subject: Bill #S 646 Anti-Piracy.

Senator JOHN L. MCCLELLAN,
U.S. Senate, Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR MCCLELLAN: I know you have received many letters from the so-called "biggies" in regards to anti-piracy. As an ordinary music store, quite frequently sales representatives freely try to sell us copies of the original at a much reduced price. It is quite tempting, especially with keeping the doors open not too easy any more. However, we have not done it. The salesmen tell us we are very foolish because many do it and make a much finer profit. However, I believe there should be some ethics in business.

We would be much more interested if our government would practice economy and cut the ridiculous inflationary period we are going through back to normal.

I have a suggestion: Ever think of what would happen if steel, for instance, instead of going along with strike requests they would hold the line and cut the cost of basic steel 10%. I am sure if a lot of this was done, our inflation would be controlled. However, the government would lose quite a chunk in payroll taxes through losing the added raises in pay.

Sincerely,

ART J. BENDER.

D. & H. DISTRIBUTING CO.,
Baltimore, Md., April 14, 1971.

Senator JOHN L. MCCLELLAN,
Chairman, Subcommittee on Patents, Trademarks, and Copyrights, Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR MCCLELLAN: As Salesmanager for D&H Distributing Company in their Tape Division, the situation has come to pass whereby we are being punished business-wise because of bootleg and counterfeit tapes that are circulating in our market by many companies. This is affecting not only us, but many of our dealers who try to be legitimate and not handle this type of merchandise.

We feel the time has come for copyright laws to be passed that will afford protection for us and the people with whom we do business.

Thanking you for your consideration, I remain,

Yours truly,

A. E. VOGT,
Manager, Record and Tape Division.

MOTOWN RECORD CORP.,
March 1, 1971.

Hon. JOHN L. MCCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I am writing as a concerned member of the recording industry with respect to legislation now pending in the Senate of the United States, Bill #S.646, regarding limited copyright in sound recordings aimed at the problem of record and tape piracy.

For myself personally and for not only those of us at Motown Record Corporation but our colleagues in the record industry, we strongly endorse this legislation and concur entirely your statement of December 18, 1970 on this subject.

In view of the fact that this legislation is noncontroversial in nature and has been endorsed by the Senate Sub-committee; the Copyright Office via L. Quincy Numford, the Librarian of Congress; and the House of Representatives, I would certainly hope and request that prompt and speedy action on this legislation could take place in the Senate.

I am further advised that certain international conferences and conventions are presently taking place which would greatly lend to the elimination of piracy in foreign territories. As you probably know, as bad as this problem is in the United States there are certain foreign territories where this problem is even worse. It is very encouraging to see a worldwide awareness of this problem and concrete steps being taken to create a legislative framework within which to deal in a lawful and regulated manner with this problem.

I understand that for American Record Companies and their artists and producers to be effectively protected by the international agreements now pending, it is necessary for the instant legislation granting limited copyright in sound recordings to become law. This is, of course, an extremely important additional reason I am personally requesting your favorable and prompt consideration of this legislation.

I am sure it can conservatively be estimated that the artists, the producers, the musicians (through A.F. of M.), as well as the owners of the master tapes are, by the illegal acts of the pirates, being deprived of enormous sums to which they are rightfully entitled. The passage of this legislation could possibly, in its own way, assist in keeping the price of sound recordings at or close to their present level rather than being raised and contributing to inflation.

Sincerely yours,

RALPH L. SELTZER.

Mr. HART. Mr. President, the able Senator from Arkansas has correctly reported to the Senate the course that the pending bill followed in the subcommittee and the full committee. Most particularly, when the bill was considered at the executive session of the full committee, no opposition and no questions were raised. Unfortunately, my schedule had me in attendance at a hearing of the Commerce Committee in Seattle, Wash. on the day of the executive session of the Judicial Committee. As a consequence, the questions I raise now were not raised in committee. For this, I am in a sense apologetic.

Mr. President, the Founding Fathers authorized Congress to exercise legislative power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This grant of and limit upon the power of Congress has given rise to copyright protection, a power to impose "a tax on readers for the purpose of giving a bounty to writers." T. Macaulay, Speeches on Copyright 25—C. Gaston, ed., for 1914.

Although there is little by way of "legislative history" on this provision of the Constitution, it is clear that copyright protection was intended to benefit "authors" of "writings" for a limited period of time in order to promote the progress of science and the useful arts. Like the other constitutional delegations of authority to Congress, the copyright clause is both a grant of power and a limitation upon the power of Congress to act in this field.

The bill pending before the Senate, S. 646, is sound in purpose, troublesome in design, and vague in reach. Its purpose is to prevent record "piracy," both the illegal form of piracy, where statutory copyright is not paid and legal piracy where all statutory liabilities are met. The latter practice is characterized by the committee report as unauthorized as well as the former; even though the latter complies with all that the law requires. The committee report makes no measure of the extent of the problem, the availability of alternative remedies, nor the effectiveness of the remedy chosen. Indeed, the report implicitly acknowledges that this activity is a recent phenomenon. The report is a further indication that rapid technological change may have left us with an inadequate legislative record from which to formulate precise remedies for carefully defined wrongs.

The bill is troublesome in design since the protection granted is not precisely located. The committee report acknowledges that "the copyrightable work comprises the aggregation of sounds and not the tangible medium of fixation." However the report then goes on to state:

> The copyrightable elements in a sound recording will usually, though not always, involve "authorship" both on the part of performers whose performance is captured and on the part of the record producer responsible for setting up the recording session, capturing and electronically processing the sounds, and compiling and editing them to make the final sound recording.

Consequently, the location of copyright protection is left unclear—is it in the performer, the recorder, or the record—as the report acknowledges. Granting copyright to the record would seem inconsistent with the constitutional grant to provide copyright protection where one cannot be classified as an author of a writing.

The reach of the proposed bill is vague even if authorship is located. The "author" is granted the exclusive right to "reproduce and distribute to the public by sale or other transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work." A proviso limits the right of reproduction to the duplication of the sound recording in a "tangible form that directly or indirectly recaptures the actual sounds fixed in the recording." The committee report does not define the reach of this grant of exclusivity to reproduce and distribute. How much further the right extends beyond exclusion of a "pirate" to reproduce an exact copy on a disc or tape is not clear. In a field of rapid technological change we should be careful not to erect barriers to the evolution of technology.

In part, my confusion results from the use of the copyright grant to attack the problem of record piracy. Presumably, the committee believes record piracy imperils the investment of risk capital in the recording industry, although no measure of this peril is made. This may well be so, and it may be a wrong in need of a remedy. But neither the patent grant nor the copyright grant were intended to protect the separate interest of an entrepreneur's investment of risk capital. They are limited to the protection of authors and inventors for the purpose of encouraging the disclosure of inventions and the publication of writings. Consequently, the use of copyright to protect the investment of risk capital by nonauthors is not within the scope of the constitutional grant.

This does not mean we should be unconcerned with the problem of protecting the investment of risk capital, if investigation reveals that the current state of the general law is incapable of protecting worthwhile investment of risk capital in the music industry. Granting record companies copyright protection in the process of reducing a performance to a tangible recording capable of reproduction, is being done to protect the "substantial income" these nonauthors derive from the sale of records. This kind of remedy for the problem of "piracy" may well stamp out the "pirates," but at the same time may well secure the monopoly profits of record companies for activity which is not within the purpose of granting copyright protection.

While I am not an expert on the economics and jurisprudence of copyright, much less the practical problems of the music industry, it would seem to me that careful thought and investigation of alternatives may yield a less questionable and more precise remedy for any wrong which exists.

For example, the extension of copyright protection to the performer of a musical work captured in a tangible form, coupled with adequate remedies, may prove a more successful but less drastic step to curb unjust piracy. Some thought might be given to restricting the channels of distribution of unfairly pirated musical performances by penalizing anyone who knowingly distributes pirated recordings. Compulsory licensing of whatever right is granted by S. 646 would at least reduce the scope of the monopoly granted if the Congress is unsure of the economic facts for and against this proposal.

As I have indicated, I am not an expert on copyright or the music industry. However, the extension of copyright protection should not be lightly taken since it has the effect of carving out an exclusive monopoly over an expression of an idea. It is also the creation of a form of property which gives the property holder a right to tax the use of the property or totally exclude any use. I am not prepared to say that an artist's creation or performance is not entitled to copyright protection, although there are some who seriously suggest that the best interests of society may be served by abolishing some forms of copyright protection. S. Breyer, "The Uneasy Case for Copyright: A Study of Copyright in Books, Photocopies and Computer Programs," 84 Harvard Law Review 281 (1970).

By the same token, I am not willing to extend copyright protection without clear and convincing evidence that we reward an author for his writings in order to promote science or the useful arts. And, I must reluctantly vote no when we extend copyright protection for any other purpose, regardless of how laudable that purpose may be. It is a misuse of the copyright grant; it is the extension of a monopoly over the expression of ideas; and it is doubtful that we will constitutionally remedy the problem of piracy without further thought and examination of alternatives available.

An artist's expression should be as free as possible, consistent with the need to compensate the artist to induce the expression. Vesting copyright protection in the record manufacturer may end the free ride of the pirate, but it may well restrict the widest dissemination of the artist's expression without adding to the compensation of the artist. Thus, my vote nay is not a vote for the pirate and against the artist or even against the record company. My vote nay is for the widest dissemination of the expression of ideas in a manner consistent with the constitutional grant of copyright authority. My vote nay is for further study of the issue of piracy with a view toward clearer definition of the problem and a more precise remedy consistent with our constitutional authority.

Mr. McCLELLAN. Mr. President, I think my previous statement explaining the bill will suffice to confirm the need for this legislation and also it is sufficient to answer the doubts expressed by my distinguished friend, the Senator from Michigan.

In view of the overwhelming support for the measure and the urgency of it, I shall ask for immediate consideration of the committee amendments.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM CREDIT

Mr. HUMPHREY. Mr. President, I am delighted to join Senator TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, in the sponsorship of S. 1483, a bill to amend the laws which govern our farm credit system so that the system will be more responsive to the needs of modern American agriculture and the needs of rural residents.

This legislation is badly needed to add flexibility to a farm credit system which has served the American farmer well. The Production Credit Association has made it possible for many American farmers to get financing which they would have been unable to obtain from other sources. The Production Credit Associations across the Nation are relied upon by millions of American farmers to finance their yearly farming operations.

The Federal land banks have made it possible for farmers to buy land when they could not find a commercial source of financing.

The banks for cooperatives have provided a new source of credit to the Nation's farm cooperatives.

However, all of these institutions are operating under legal restrictions which are not appropriate for modern day financial markets. For example, the Federal land bank is limited by law to making loans not greater than 65 percent of the market value of the land. S. 1483 would remove this restriction and allow the Federal land banks to make loans according to sound financial judgments.

I am especially pleased that Senator TALMADGE has focused attention on the need to examine the credit needs not only of American agriculture, but of all rural America. The Senator made reference to the possible establishment of a rural development bank. I too am extremely interested in establishing a rural development bank which would meet the credit needs of small towns and rural communities, and I intend to introduce appropriate legislation in the near future.

We have a World Bank. We have an Export-Import Bank. But we do not have a bank for the small towns and communities of America that wish to borrow money to finance needed improvements in their water and sewer systems, for towns that wish to build a new civic center, or for communities that wish to establish an industrial park.

There are a number of Federal grant and loan programs which provide some assistance to small towns, but none of these programs has sufficient funds to make a substantial impact. Moreover, all are subject to the funding reductions or impoundments by the Office of Management and Budget.

The Nation's towns need a source of financial assistance beyond special-purpose Federal grant and loan programs. We must provide the financing necessary to improve services in rural areas and to establish a quality of life which will reverse the ruinous trend of rural out-migration.

A PERSPECTIVE ON AMERICAN FOREIGN POLICY—ADDRESS BY SENATOR JACKSON

Mr. MAGNUSON. Mr. President, on April 22, 1971, my distinguished and able colleague from Washington, Senator Jackson, gave an address to the World Affairs Council of Boston. The address, entitled "A Perspective on American Foreign Policy," was a thorough and thoughtful analysis of American foreign policy in the Atlantic, in the Middle East, and in China.

I was particularly interested in Senator Jackson's statement supporting a lift of the 21-year-old ban on direct trade with China. As chairman of the Senate Foreign and Interstate Commerce Committee, I have supported this position for over a decade.

I hope my colleagues will give careful attention to Senator Jackson's address, because of his expert knowledge and deep concern regarding America's foreign policy.

Mr. President, I ask unanimous consent that Senator Jackson's address be printed in the Record at this time.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Perspective on American Foreign Policy

(By Senator Henry M. Jackson)

I am delighted to be here and share in this program.

In this great port city of Boston, you have always had a special relationship to the countries of the Atlantic area. Here in New England there has been an historic recognition that American interests are deeply tied to what is going on in the rest of the world. Here your commerce and cultural contacts with other countries have had special significance.

For well over a decade the attention of the American people has been focused on Southeast Asia. For too long now the war in Vietnam has absorbed an inordinate amount of the time, effort and resources of this country. Because of this preoccupation with one area of the world we risk neglecting other important areas.

I want to speak to you today about three other regions which need our national attention:

First—the North Atlantic area, still the decisive region for American security and freedom; a *second*—the Middle East—where a full-blown crisis is upon us and where American diplomacy leaves a lot to be desired; and a *third*—Northeast Asia, where Peking is getting back into the world of international diplomacy after an extended period of self-isolation.

THE ATLANTIC ALLIANCE

The North Atlantic Alliance has worked—superbly. The historic association of North America with Western Europe and the commitment of our country and Canada to the defense of our allies in Europe contributed notably to their recovery. Western Europe has enjoyed a period of high prosperity and rapid growth. It has made important progress toward building a West European economic community and together with the United States, Canada, Japan, and other nations it has reduced barriers to trade and developed impressive practical measures of international monetary cooperation.

At the same time American strategic power and the other defensive forces of the Alliance, combined with the resolute response to Soviet expansionist probes—especially in Berlin and the Cuban missile crisis—have made the policy of deterrence effective. No armed attack has been made on Western Europe or North America.

I have likened the Soviet Union, in its foreign policy, to a burglar walking down a hotel corridor, trying the door handles. When he finds one unlocked, in he goes. NATO has locked the door to Soviet westward expansion through the heartland of Europe.

There is little disagreement in this country about the value of the Atlantic Alliance or the importance and firmness of the U.S. commitment to the defense of the NATO area. Yet I and others in the Congress have had a strenuous time trying to maintain an effective American combat force in Europe as part of NATO's conventional strength.

Since 1966 resolutions have been introduced which in effect call for a substantial reduction of U.S. forces stationed in Europe. Some proponents say they want us to cut back to a trip-wire force of a few thousand Americans. Over half the Senate have cosponsored resolutions of one form or another to accomplish a substantial cutback. So far no version of the resolution has passed the Senate. Some proponents talked confidently of Senate passage in 1968—at the very moment when Soviet forces invaded Czechoslovakia. There were some red faces, some backpeddling, and sudden talk that "the time is obviously not propitious for a substantial reduction of U.S. forces in Europe."

Now Senate sponsors have announced their intention to introduce a 1971 version. There may be moves in this Congress for major cuts in funds for these forces. We do not yet know how drastic the new assaults will be.

These efforts stem in part from failure to understand why American troops in Europe are so important. The main purpose of the American troop commitment is political: to leave no doubt in the Kremlin that the United States would be involved, deeply involved, from the outset of a Soviet-inspired crisis or a Soviet move against the NATO area. It needs to be perfectly clear to the Russians that their forces would meet enough American forces to make the crisis a Soviet-American crisis, not just a European one. This means that a token American force is not adequate. It should be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious fight.

As Professor Thomas Schelling of Harvard put it:

"The American divisions that we have there, if they are flexible, adaptable, mobile, and properly located, can make a very enormous difference as to whether things get out of hand or, instead, can be controlled."

The primary function of NATO's conventional forces, with their vital American component, is to meet an emergency as effectively as they can, posing the continual threat that if the emergency continues and enlarges, the risks of escalation continue and enlarge with it—in particular the risk of nuclear war.

Any sizable cutback of American troops in Europe would imply a greater reliance on nuclear weapons and their incorporation in military operations at a very early phase of hostilities. Would this serve the best interests of the United States and its allies? Hardly! We must not leave the American President with only the nuclear button in his hand in the event of crises.

NATO force requirements are designed, of course, not only to contribute to deterrence and defense but also to fortify the diplomatic bargaining position of the West vis-a-vis the East. A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Certainly not by putting in jeopardy the bargaining position we have worked so long and hard to construct, and weakening it—unilaterally. Clearly, we should sustain that position and actively pursue acceptance of gradual and balanced revisions in forces on both sides of the Iron Curtain, recognizing the geographic unevenness of the Atlantic security area.

If and when the Soviet Government sees an advantage in reciprocal reductions in forces in Europe, this could surely be done so as to advance the legitimate security interests of all nations concerned.

I understand and share the feeling of many Americans that, overall, Western Europe is still not making a reasonably proportionate contribution to the common defense effort. I have spoken frankly and bluntly to our allies on this point. Last November I told the North Atlantic Assembly in The Hague that concrete and substantial progress in "burden sharing" is essential to strengthen the hand of those of us in the U.S. Congress who want to fend off unwise Congressional cuts of our troops in Europe.

There has recently been some movement in Europe toward sharing more of the burden—no great advance, but progress in the right direction. This is a time when steadiness on our part and a fuller sharing of responsibility by the Europeans could restore the momentum of our common quest for common security.

The world is moving into a dangerous period. The overall strategic balance is tilting in favor of Moscow. And we now have forbidding evidence of a determined, relentless Soviet build-up of a new offensive missile equal and perhaps superior to the SS-9 capability. Subsequent to our initial detection of this disturbing development we have now learned that Soviet construction of this system is moving ahead at a rapid rate. We know this new system involves missiles not less destructive than the 25 megaton SS-9 and it could mean missiles that are far more destructive than the SS-9. The Russians have an ability to deploy at least 60 to 70 of these huge new missiles this year. If they deploy 70 of the new missiles they will add in this one year alone more destructive power than the United States has in its entire land-based Minuteman ICBM system.

The adverse shift in the strategic equation is bound to have far-reaching effects upon world politics. A more confident Soviet Union can be expected to throw its weight around more vigorously on behalf of its great power interests, and to raise its bargaining price at the negotiating table. Thus new elements of risk and turbulence will be introduced into international relations, enhancing the dangers in crisis situations.

This growing Soviet boldness is evident in the Middle East, where the Soviets have invested vast sums of military and economic aid, supplied sophisticated weapons, sent military personnel and taken losses in combat, thereby greatly aggravating local instabilities with a considerable risk of great power confrontation.

Looking ahead, the need for the forces and firmness of the Atlantic Alliance is more compelling than ever.

THE MIDDLE EAST

In April 1967, two months before the Six Day War in the Middle East, Leonid Brezhnev told an audience of European Communists that "there is no justification whatever for the constant presence of the U.S. fleet in waters washing the shores of Southern Europe. . . . The time has come to demand the complete withdrawal of the U.S. Sixth Fleet from the Mediterranean."

There is today little doubt that the continuing and accelerating Soviet penetration of the Middle East is an important expression of that demand. And those of us who are concerned about the security of Western Europe must, of necessity, concern ourselves with the clear threat to NATO that arises from the deepening involvement of the Soviet Union in the Middle East.

Russian interest in the Middle East as a means of affecting her relations with Europe has a long history, dating back to Catherine the Great in 1788. The persistence of this interest was dramatically evident both before and during the Potsdam Conference when Stalin and Molotov attempted to secure Soviet trusteeship over one of the former Italian colonies, preferably Libya. As reported in the official records, Secretary of State Byrnes felt that, "the Soviet foray into a region so close to the Suez Canal and the Persian Gulf shook up Churchill more than any other episode at the Conference."

Soviet hegemony in the Middle East would gravely imperil the vital flow of oil, essential for industry and defense, from the Middle East to Europe and Japan. Seventy percent of Europe's oil now comes from that region; for Japan the figure is 80 percent, and there are no near term prospects for the development of adequate and economic alternative sources of supply. The capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

The Middle East is today the "soft underbelly of Europe", not only because it possesses oil that Europe requires, but because of its strategic location. Our position in the Mediterranean, to say nothing of the Persian Gulf and Indian Ocean, is severely prejudiced by Soviet encroachments in the countries lining its shores, including the massive Soviet military presence in Egypt.

Yet the Middle East policy of this Administration has been marked by a singular inability to distinguish our friends from our enemies and a persistent failure to recognize that Soviet ambition, and not the conflict between Israel and the Arab states, lies at the heart of the instability in the Middle East.

The simple truth is that the Soviets would be in the Middle East even if there were no Arab-Israeli conflict—even, indeed, if Israel did not exist. And far from urging the Arab states to negotiate a genuine and stable peace with Israel, the Soviets are intriguing to perpetuate the uneasy condition of "neither war nor peace" in order to keep tensions high and facilitate their own continuing penetration of the Arab world.

From this perspective, two aspects of the Administration's Middle East policy are particularly self-defeating:

One: Continued support for the "Rogers Formula"—which provides that any settlement should be based on Israeli withdrawal from virtually all occupied territory—has now become a major obstacle to progress in the efforts to negotiate a stable peace in the Middle East. Its principal effect has been to shake the confidence of our friends, deepen the intransigence of our enemies and discourage genuine negotiations.

It is clear that commitment by the United States to a view of the general nature of a settlement in advance of negotiations between the parties was unnecessary and unwise. Moreover, the public statement of this view, by weakening the Israeli position in advance, merely compounded the initial error of making gratuitous concessions.

So long as the policy of the United States is based on the "Rogers Formula", the Arab states will be unwilling to enter into serious negotiations with Israel. Why, for example, would Egypt negotiate defensible borders for Israel while the United States, Israel's only friend among the Big Four, maintains that Israel should agree in principle to withdraw completely from the Sinai? Only a failure to appreciate Israel's determination to negotiate secure and defensible borders can explain the Administration's persistence in this shortsighted plan. If we wish to promote serious negotiations in the Middle East, we must drop the "Rogers Formula."

Two: Our energetic diplomacy aimed at reopening the Suez Canal is extremely dangerous.

Once the Canal is reopened the effectiveness of the growing Soviet military and merchant fleets would be doubled and a single fleet would be enabled to move rapidly between the Mediterranean and Indian Oceans and thereby contribute to the ongoing Soviet penetration of Africa.

Moreover, if the Canal were back in operation, the United States could well find itself undertaking to prevent, by force if necessary, Soviet-Egyptian movement on the East Bank of the Canal. In the absence of some means of assuring that the East Bank would not be occupied by Soviet-Egyptian forces, it is unlikely, and properly so, that Israel would withdraw from her present defensible positions on the Bar-Lev Line.

Clearly, the opening of the Suez Canal is a trump card in any forthcoming settlement of the Arab-Israeli dispute. With the Canal back in operation, one of the chief incentives the Soviets have to make concessions on the other outstanding issues will vanish. In my view, the reopening of the Suez Canal should only be negotiated as part of an overall settlement and not in order to obtain a fragile interim arrangement of doubtful value.

RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA

A year and a half ago I proposed that this country should get its policy toward Mainland China on a less-rigid, more sensible footing. I proposed, among other steps, the negotiation of mutual U.S.-Chinese exchanges of reporters, scholars, scientists and cultural performers, and the improvement of trade relations between the U.S. and Mainland China, including the mutual reduction of barriers to trade.

So I, for one, have welcomed the recent Chinese and American overtures that have opened the way to improved relationships between our two countries.

I believe it would contribute to peace and stability in the Western Pacific if the People's Republic of China, comprising over seven hundred million people, could begin to re-enter the international community and place its international relations on a more normal, stable plane.

How far the Peking leadership will follow up on opportunities to move in this direction remains an open question.

But it was certainly high time that we lifted the 21-year old ban on direct trade with China. I hope the new regulations now being written by the Administration to govern the trade in non-strategic items will be non-discriminatory—that is, will provide for trade with Peking on the same basis as trade with the Soviet Union.

Also, we should take with utmost seriousness the new prospect for varying exchange programs of journalists, scholars, cultural performers, and others. Our own preparatory planning for such mutual exchanges must go into high gear.

There are additional moves we should make. I have proposed that we invite the People's Republic of China to join in arms control negotiations. It is obvious that sometime, somehow, the Mainland Chinese regime will have to join in the negotiations on arms control. No strategic arms control agreement with a loophole as large as China could survive Chinese acquisition of a substantial nuclear force.

I have also urged that we change our approach to the UN membership issue. Rather than concentrate U.S. efforts on how we can best delay Peking's entry into the United Nations, we should think more about how we may utilize the presence of the People's Republic of China in the UN and of a delegation in New York to improve our relationships with Peking. Our treaty obligations for the defense and security of the Republic of China on Taiwan will continue whatever the formula whereby Mainland China enters the UN. We will continue our close association with the Republic of China on Taiwan, and I do not believe it need constitute a block to the movement toward more normal relations between the U.S. and Peking.

The "ping pong diplomacy" of the last two weeks is no reason for euphoria. The problems that divide our two countries are still enormous and at best are likely to take years to negotiate. We cannot foresee the possible zigs and zags of future Chinese policy. Obviously, they are pursuing their own foreign policy purposes. And we shall watch with interest the Soviet response to Peking's new activities in international diplomacy.

As I see it, we should press ahead and accomplish what we can to improve mutual relations with Peking. The resumption of the bilateral talks in Warsaw, the implementation of a variety of exchange programs, and a renewal of trade could be steps in the direction of normalizing our bilateral relations. The pursuit of such reciprocal activities might well form a basis for a restoration of diplomatic relations between the United States and the People's Republic of China.

One final word:

The American people want to walk the road of cooperation with all who will accompany us. We want a world in which reconciliation and peace prevail. It is a noble cause. But a cause must have its champions, and we may take pride in being counted among them.

NOMINATIONS IN RAILPAX

Mr. MAGNUSON. Mr. President, as in executive session, I send to the desk, on behalf of the Committee on Commerce, certain nominations and ask unanimous consent that they be taken up at this time.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. Then I merely ask that the reports on the nominations be filed. They are reported from the Commerce Committee.

The PRESIDING OFFICER. The reports on the nominations will be filed—see "Executive Reports of Committees," printed in the Record earlier today.

Mr. MANSFIELD. Mr. President, as the Senate knows, I am very much opposed to Railpax—if we use the Latin, meaning rail peace—now known as Amtrak, but, as far as Montana is concerned, it should be known as "Halftrak" because it would take away the Northern Pacific Railroad and its passenger service and the short line, the Union Pacific, running from Butte to Salt Lake.

It would be my belief that we ought to take a long, close look at these nominations and appropriations for Amtrak, in the hope that commonsense will return to this corporation and that the needs of the heartland of America will be given the consideration which is its due.

There will be no north-south line between Chicago and the west coast. Eighty percent of the State of Montana will be without rail passenger service. In the wintertime, we cannot depend upon the airplane, the bus, or the automobile itself, and the only passage of convenience we have is rail passenger service.

In the last 3 years, increases in freight rates to the western railroads have amounted to approximately 50 percent, and the day after the Railpax plan was announced, an increase of 11.8 percent was granted to the western railroads.

Here we are, in a State like Montana, 148,000 square miles, and we get one line, the Great Northern, across the high line. I am delighted we are getting the Great Northern, but we want the Northern Pacific, too, and the short line as well.

As I have stated, 80 percent of our people will be without rail transportation facilities. Eleven of our colleges will have no contact with the railroad passenger service. The two veterans' hospitals, at Fort Harrison and Miles City, will be literally off the railroad track.

I would hope that the Members of the Senate and of Congress would recognize the needs of the people living in the heartland of this country, and recognize also that we are entitled to just as much service as are the urban areas on the east and west coasts. Montana is a part of the Union. It is one of the 48 contiguous States. Montana is entitled to this type of transportation service, and I am indeed sorry that the Committee on Commerce today failed to report out a resolution extending for 6 or 7 months the period before Amtrak would go into operation.

But I am not through exercising whatever persuasive tools are available. This means too much to the people of my State. I would hope too, that the people of other States such as Ohio, for example, where train service to Cleveland will be lost, would be aware of the situation. I would hope that the States of Vermont, New Hampshire, and Maine would recognize and say what it means to be without rail transportation, as they are at the present time. The States of Idaho, Wyoming, and South Dakota are in the same predicament.

All I can say is that whoever drew up this Rube Goldberg plan of trying to give service to the people of the United States was not taking into consideration the interests of the people of the United States. Three transcontinental railroads run through Montana: The Great Northern, a land-grant railroad; the Northern Pacific, a land-grant railroad; and the Chicago, Milwaukee, St. Paul and Pacific, known as the Milwaukee, which was not a land-grant railroad.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I yield the Senator my 3 minutes.

Mr. MANSFIELD. Under Amtrak the situation will change drastically. The Milwaukee Railroad, over the years, has reduced its service from Seattle and Tacoma all the way back to St. Paul and Chicago, taking off the passenger service, but keeping going the freight service. But the Great Northern and the Northern Pacific, now comprising the Burlington Northern, were given land grants by this Government for the purpose of laying tracks into the West, opening up the country, and serving the people. If Amtrak is to go into operation, then I think very serious consideration should be given to ways and means of reclaiming these land grants, because some of these railroads—the NP, I know, up in the River country—have huge timber tracts. They have oil holdings under land given them by the Government. They even have a vice president for oil.

These railroads are there to serve the people—not to discontinue or downgrade passenger service, but to build it up. As far as my colleague (Mr. METCALF) and I are concerned, we intend to see that something is done about this, because we do not intend to go passenger-service hungry in the State of Montana.

[Applause in the galleries.]

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. I call to the attention of the majority leader the hearings which are now being held by the Committee on Agriculture and Forestry, under the direction of its chairman, the distinguished Senator from Georgia (Mr. TALMADGE). We are operating under a mandate of the law of the land, section 9 of the Agriculture Act of 1970. That section calls upon the Government of the United States to place at top priority the economic development of rural America, including such items as transportation.

Mr. President, I consider the Railpax system that has been designed by the Department of Transportation to be a violation of that law—surely of its spirit if not of its letter. How are you going to build rural America if you close off transportation? We just finished another 3 hours of hearings this morning. We had them all last week.

It is becoming impossible to talk in terms of the economic development of rural America, the great heartland and wide open spaces of this country, without considering the matter of transportation. I associate myself with the remarks of the distinguished Senator from Montana, because what he said as to Montana, with the exception of one little line coming up to the Twin Cities, is true for Minnesota as well.

Mr. MANSFIELD. The Senator is correct. It is the heartland of America which is being discriminated against, the breadbasket, the granary. All the emphasis is on the urban areas. But with a steadily declining farm population, now at about 6 percent a year and still going down, we are ignoring that segment of our country—that portion of our people.

AMTRAK

Mr. METCALF. Mr. President, yesterday my colleague, the distinguished Majority leader, testified before the subcommittee on Surface Transportation of the Senate Commerce Committee. Senator MANSFIELD made a forceful argument for postponement of the operations of Amtrak, the new National Railroad Passenger Corporation, and for legislation to correct the interpretations of the Secretary of Transportation and of the incorporators which are not consonant with the intent of Congress.

I enthusiastically subscribe to my colleague's statement. He has pointed to the fundamental fallacy in the Amtrak designation of a Halftrak national rail passenger service that leaves a number of the 48 contiguous States without any service or with vastly reduced service. In Montana alone existing passenger service would serve only a third of the State and none of the major population centers.

Senator MANSFIELD cited testimony developed by Congressman DINGELL in the House hearings on the railpax proposal, raising serious questions about the soundness of the Wyer-Dick studies which were to be used as the justification for discontinuing "losing" passenger trains. Mr. Nader and his associate, in a letter to Senator MANSFIELD, said:

> The basic study used by the Department of Transportation to determine which trains could or should be terminated was performed under grossly irregular contracting circumstances by Wyer, Dick & Company, a railroad consulting firm that has enjoyed private contractual arrangements with at least seven of eight railroads surveyed. One would think that the Department of Transportation could have somehow, somewhere, come up with competent consultants or auditors who did not have such deep relationships with the subjects of the study.

It is a fact that of the trains to be discontinued in Montana, only one has been the subject of a discontinuance proceeding before the Interstate Commerce Commission. The ICC twice denied the carrier's application, while greatly reducing the loss claimed on operation and that actually sustained. The Commission further held that the trains must be kept running since even that loss was but a small percentage of the vast income enjoyed by the carrier from its nonrail activities on granted lands and because the carrier had purchased support for the merger with promises to continue passenger service and finally, because the new company now called Burlington-Northern, had expressed pre-merger willingness to continue to operate the passenger trains.

Mr. President, I concur with the distinguished majority leader that a halt must be called immediately. Congress must defer implementation of the National Railroad Passenger Act until the law can be revised to provide the national service its title suggests.

So that other Senators may have the full text of Senator MANSFIELD's statement and his responses to questions in yesterday's hearing, I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METCALF. In addition, I ask unanimous consent that a letter to the editor of the Missoulian be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. METCALF. W. L. Rasmussen, a ticket clerk for the Burlington-Northern Railroad in Missoula, eloquently pleads for continuance of a passenger train which has served the southern route in Montana for eight decades. The train has carried legislators to the capital city of Helena, visitors to Yellowstone Park, students to Montana State University at Bozeman, to the University of Montana at Missoula, and to four other schools, veterans to and from our two veterans hospitals, and many, many other travelers. The train has run in all kinds of weather and in 1969, according to Mr. Rasmussen, nearly 37,000 passengers were counted on and off at Missoula alone.

Mr. President, the Railpax Commission has failed not only to regard the needs of rural America but has also failed to regard the needs under the Environmental Act which was passed by Congress in the last session.

For instance, in Yellowstone National Park alone, just try to go in. It is not possible. So many people are coming in there with their automobiles and trying to camp, yet we are cutting off all rail transportation for Yellowstone National Park. Those people who want to come in by rail will now be completely deprived of the opportunity to visit the greatest and the oldest of our national parks.

Mr. President, this shows a fundamental disregard of several of the laws we have passed. I am informed that the Governor of Montana will start an action to try to get an injunction to enjoin implementation of this law, because of the failure—the admitted failure, if you please, Mr. President—of the Commissioner of Railpax to take into consideration other acts of Congress, the rural legislation and the Environmental Act, and so forth, that are so important and significant in developing the whole transportation policy.

Mr. President, I am informed by a reliable source that no fewer than 283 employees of the Burlington-Northern who are currently working on the lines between Jamestown, N. Dak., and Sandpoint, Idaho, and between Bainville and Columbia Falls on the Great Northern route, will lose their jobs as a consequence of curtailment of passenger train service.

They include: 44 engineers; 43 firemen; 36 conductors; 69 brakeman; eight baggagemen; two traveling electricians; 52 clerks; 16 telegraphers; nine carmen; and four coach cleaners.

At the risk of being repetitious about Railpax, or rather Amtrak—to speak in $100,000 words—this is simply not in keeping with the intent of Congress.

Amtrak was not created to obliterate what meager rail passenger service now exists. It was not created to throw 16,000 railroad employees out of work. It was not created as a favor to the railroad industry, which has made quite clear where passenger rail service ranked on its list of priorities.

Mr. President, I sat in my office talking to Louis Mann, one of the chief officers of the Burlington Northern and he told me that he would like to get Northern Pacific and the Great Northern out of the railroad transportation passenger business. He said they own the land that contains oil, that they had real estate holdings and mining interests, and other interests, all of which were so significant that he would prefer to have a Northern securities company that did not operate a railroad business. That comes from the president or the board chairman of the largest railroad corporation in America.

As I understand the testimony presented in the other body on the activities of the Railpax incorporators, they have rushed into contracts with the railroads without negotiating fully the fate of railroad employees. If there was not enough time to do things properly, the incorporators of Railpax should certainly have come to Congress and asked for an extension.

I hope their failure to do so does not reflect more eagerness to allow the railroads to dump their terrible passenger service burden on the taxpayer than a legitimate interest in the fate of the forgotten railroad passenger.

It was disappointing but not surprising that President Nixon chose to nominate nearly all the incorporators of Railpax-Amtrak to be the board of directors. As one Senator, I plan to take a close look at their qualifications and their shameful actions while perpetrating this imminent disaster on the traveling public and the taxpayers.

Mr. President, I yield the floor.

EXHIBIT 1

INTRODUCTION

Senator HATFIELD. The hearing will please come to order.

Several Members of Congress have raised serious objections to the National Rail Passenger system as conceived by the incorporators of the National Rail Passenger Corporation. There are a number of bills before this committee in which one way or another would correct these defects in the system.

The purpose of this series of hearings is to provide the committee with a chance to hear more about the problems and the proposed solutions to those problems.

This morning we are very honored to have the distinguished Majority Leader, Senator Mike Mansfield, from the State of Montana lead off, and Senator Mansfield, you handle your testimony the way you wish.

STATEMENT OF THE HONORABLE MIKE MANSFIELD, U.S. SENATE, SENATOR FROM THE STATE OF MONTANA

Senator MANSFIELD. Thank you, Mr. Chairman.

Mr. Chairman and gentlemen of the Committee:

As everyone in this room knows, the railroads have put on a very strong advertising campaign over the past several years and their chief spokesman has been a former astronaut, Wally Schirra. I am sure that we are all aware of the slogan which is iterated and reiterated and emphasized time and time again which goes as follows: "Who needs the railroads? You do. We all do.

All I can say is that what Mr. Schirra says in behalf of the American Association of Railroads is the truth, but under the proposed plan proposed by Railpax, now known as Amtrak, a lot of us in the country are going to lose the use of the railroads, but that will not be the case on the East Coast where there is a concentration of privilege based on a concentration of population while the rest of the country gets little or no consideration.

I was interested to note that about a month ago witnesses appeared before this Committee in behalf of the American railroads and recommended a package of federal support amounting to $36 billion over ten years. I think it is well to note also that within the past three years the railroads have been given approximatelyy 50 percent increase in freight rates, the last 11.8 percent announced the day after Railpax made public its new routes.

Mr. Chairman, we as a nation are rapidly approaching the zero hour of what is likely to be a monumental transportation disaster. If the National Railroad Passenger Corporation plan is allowed to go into effect May 1, next Saturday, I fear that we will all live to regret the day Railpax was conceived. It is not going to achieve its intended purpose and I predict that it will not succeed and the Congress will then have another albatross to salvage. My colleague from the State of Montana, Senator Lee Metcalf, is out of the city and has asked that I indicate his deep concern about Railpax and what it is doing to Montana and other parts of the nation. We have both gone over this statement and he concurs in what I am saying today.

And may I say, incidentally, I note the distinguished Senator from New Hampshire is on the Committee, that there are a number of states in this union without any rail transportation whatsoever, and I believe New Hampshire, Vermont and Maine can be included along with South Dakota, Wyoming, possibly Idaho, where the Great Northern goes across the northern panhandle but gives no service, and also a number of our larger cities are deprived of this means of solid, stable transportation.

When Railpax was authorized by the Congress, I believed that this was a sincere attempt to find some compromise solution to the deteriorating rail passenger service in this country. I do not think anyone, any Senator, envisioned a wholesale abandonment of these services.

Montana will have passenger service along the northern tier of the State. It will serve about 20 percent of the State's population. These people need and deserve this service and I am for it, but what about the remainder of Montana which includes its five largest cities? The system, as announced for May 1, will completely ignore the larger cities of Missoula, Butte, Helena, Bozeman, Billings, Miles City and Glendive.

The Secretary of Transportation reported to me that this decision to ignore the southern and central half of Montana was made because ridership is less on this line than on the northern route. I find this extremely difficult to believe. My inquiry about the statistical justification have not as yet been answered. Montana is deserving of some service on both the old Northern Pacific and Great Northern lines. At the present time there are two passenger trains each way on both lines. We did not anticipate that we could maintain this service under Railpax but, at the very least, we thought we would have alternate day service on both lines.

The Burlington-Northern will have to maintain its entire system of tracks for freight service and, therefore, I do not believe that it would cost that much more to implement the alternate day proposal. I have seen estimates anywhere from one to five million dollars. But of the three trains to be discontinued, only one has been the subject of discontinuance proceedings before the Interstate Commerce Commission. This expense could be offset if there were a sincere effort to build up passenger service instead of discouraging it as has been happening for the past number of years, and has been happening deliberately as far as the railroads are concerned.

I am deeply concerned that the National Railroad Passenger Corporation has developed this negative attitude, a position very much like what we have been fighting against in many of the railroad corporations. Railpax appears to be the quickest way to acquiesce to the railroads, giving them automatic authority to discontinue passenger service.

The densely populated areas of the nation, especially the Eastern corridor, will benefit from Railpax because it is intended to provide good, efficient service in high density areas. I must remind the incorporators that there are also a number of less densely populated states which are also part of the United States. We cannot forget long haul service through these large, sparsely populated states. There has been a lot of talk in recent weeks about a shift to the rural areas and the need to give rural America some attention. This has had no apparent influence on Railpax which ignores states like Montana. Senator Metcalf and I do not want to see the Big Sky Country merely as a roadbed for transcontinental freightlines. We deserve, at the least, minimal service and this we do not have under the present Railpax plan.

This nation of ours needs a coordinated system of public transportation. We cannot put this off much longer. The transportation crisis is mounting. There is no reason in the world why we cannot have an integrated system of bus, train and airlines travel. There is a place for all three. As we reduce public transportation services, we force people into automobiles and onto the highways, which are already becoming congested. Everyone is quite concerned about the environment and yet Railpax takes away all train service to a place like Yellowstone National Park, which is now glutted with auto traffic during the height of the tourist season. In fact, proposals are being suggested to ban automobile traffic in this National Park. Railpax totally ignores these environmental considerations.

In defense of rail passenger service, I believe it is the most reliable of all public conveyance. Air travel is often controlled by weather. Highways in a State like Montana become impassable because of freezing rain and blowing snow. The only reliable service under these conditions is passenger train service. In the State of Montana the lack of railroad service will create many difficulties for the elder citizen, the veteran and the college student. And, incidentally, both Veterans Hospitals in the State of Montana, at Miles City and Helena, if this plan goes into operation, will be without rail transport facilities. These people deserve better treatment.

The National Railroad Passenger Corporation is seemingly too closely allied with the interests of the railroad corporations. These corporations have refused to adopt new management policies and have made no effort to develop these services. I do not see that their advice and counsel should be given almost automatic consideration and almost always automatic approval. We need imaginative and creative thinking. This is not evident in Railpax.

Senator Metcalf and several of our colleagues have joined me in the introduction of legislation which would require the land grant railroads—and both the GN and the NP are land grant railroads—to return a portion of their grant whenever they abandon railroad services. Simply stated, these land grants were given as an incentive to provide continuing rail service to the Federal Government and the developers of the West. In financial terms, the railroads undoubtedly have repaid the Federal Government for this gift, but they have also received tremendous benefits with their multifaceted development on these lands.

If I may quote from a letter which I received under date of April the 26th from Mr. Ralph Nader, I would like to make the following statement: "The trusts and holding companies that control the finances and management of the railroads have diverted their resources to a variety of profit-oriented conglomerate enterprises—non-rail businesses such as mining and timber operations, real estate development, oil production, chemicals, even soft drinks and underwear manufacture—while repudiating their responsibilities to provide adequate passenger service. This was the pattern of abuse and neglect that last year's legislation, the Rail Passenger Service Act of 1970, was supposedly intended to correct."

The railroads have made out far better than Uncle Sam, and if my memory serves me correctly, the Northern Pacific, now a part of the Burlington Northern, even has a Vice President for Oil, and I know that the Northern Pacific has vast timber holdings in Montana which they received, in part at least, from the Federal Government. What the Federal Government has given can be taken away when the railroads discontinue providing the services which prompted these gifts of land, gifts to serve all the people, gifts to serve the nation.

Mr. Chairman, on April 26 I received a detailed letter from the great champion of the "consumer," Ralph Nader, and his associate Rueben Robertson. These gentlemen share the Montana Congressional Delegation's concern and objections. I ask that this letter be included as a part of testimony before the Committee this morning.

(Complete letter follows:)

Washington, D.C.,
April 26, 1971.

Hon. Michael J. Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: Last year the Congress hurriedly passed new legislation, Public Law 91–518, purportedly designed to rescue the public's right of transit by rail from total abandonment by the railroads. This was to be done through creation of a new corporation to take over and maintain rail passenger service throughout the United States. This organization, known variously as Railpax and now Amtrak, is in fact a weird hybrid of public agency and private corporate privilege, in fact controlled by the railroads themselves through stock ownership, directorship and contracting arrangements. It is to be completely beyond the regulatory authority of the states, the Interstate Commerce Commission and even the courts. Congress, in its haste to avoid the industry's threats of massive passenger discontinuances and widespread bankruptcies, has created an SST on rails, a form of private socialism that is inimical to worthy American traditions. Indeed, there are growing doubts about the Constitutional validity of the Railpax law, in that it deprives the states of basic rights to demand and require adequate service from the railroads on behalf of their citizens, and delegates vast governmental powers to a private corporation without proper checks and balances.

It should be remembered that the railroads' commitment to provide continuing service to people was the *sine qua non* upon which enormous public largess, monopoly powers and grants of great areas of our nation's land were bestowed upon them by the States and the federal government. Relentlessly, these corporations have turned public trust into private profit. The trusts and holding companies that control the finances and management of the railroads have diverted their resources to a variety of profit-oriented conglomerate enterprises—non-rail businesses such as mining and timber operations, real estate development, oil production, chemicals, even soft drinks and underwear manufacture—while repudiating their responsibilities to provide adequate passenger service. This was the pattern of abuse and neglect that last year's legislation, the Rail Passenger Service Act of 1970, was supposedly intended to correct.

It is now clear that, in the hands of those who have been entrusted with its operation, the cure is far worse than the disease. As of May 1st, the Amtrak/Railpax corporation is planning to drop half the remaining passenger service throughout the country. This massive termination, perpetrated under the fraudulent guise of improving railroad passenger service, could never have been accomplished by the railroads through the normal administrative and legal channels which provide for adequate public notice, hearings, consideration of environmental impact and exploration of alternatives to the discontinuance of service. None of these fundamental protections for the public interest were provided in this arrogant, unilateral determination to junk historical and needed services. The discontinuances will accelerate degradation of the environment by forcing more and more travelers to use automobiles. It will prompt demands for new highways to slash through our cities and forests. The burdens will be especially severe upon the poor, the elderly, the young and the disabled. But all Americans will lose from this programmed destruction of our rail passenger system.

The actions by the Department of Transportation and the railroad industry, through Amtrak/Railpax, are an affront to the Congress, and an intentional distortion and contravention of its will in enacting the legislation. It is safe to say that few, if any, members of either House of Congress suspected that the National Railroad Passenger Service Corporation would be used as the vehicle for instantaneous abolition of the majority of existing service on the very first day of its operation; if they did, they certainly did not make such suspicions a matter of record during the debates on the legislation.

The wholesale abandonment of service by Amtrak/Railpax will leave millions of Americans in large sections of the country without any passenger service; many will have no adequate alternative means of public transportation. No service will go into San Francisco. Important cities such as Cleveland, Tulsa, Des Moines, Las Vegas, Little Rock, Tallahassee, Duluth and Grand Rapids will be completely abandoned. We will have no more intercity service between New York and Detroit; Kansas City and Denver; New Orleans and Jacksonville; Chicago and Buffalo; or Indianapolis and Cleveland. International services being dropped include New York-Montreal, Chicago-Toronto and Seattle-Vancouver.

Your own State of Montana, for example, will be hit hard. Helena, the State Capital, will be left without any service. Your highways will be further clogged by tourists who will no longer be able to take any train to visit Yellowstone. Students and other citizens in Missoula, Billings, Bozeman and Helena will be stranded. Disabled veterans at the state's two veterans hospitals in Miles City and Helena are losing a vital form of transportation—and you should also be aware that crippled or disabled persons, including those who have been injured in the service of their country, are subject to being arbitrarily refused transportation by the airlines. Similar deprivations will be imposed on the citizens of many other parts of the country.

* * * * *

This is hardly language that justifies Secretary Volpe's contention that the basic Railpax system was to be designated without regard for the procedures of the 1969 environmental protection law. Abolition of rail passenger service as planned will inevitably generate more highway construction and increased reliance on automobiles. It is a serious set back in the effort to stop pollution and environmental degradation.

Similarly, there has been not the slightest attempt to coordinate the Railpax system with other modes of transportation, which directly contravenes the contemplation and intention of Congress.

You and other congressional leaders have expressed concern about the initial actions of the Department of Transportation and the

Railpax corporation. There is much support for your views recently expressed to the Administration that the corporation "has so disregarded the needs of the traveling public and the will of Congress that all disbursement of funds should be halted immediately." There can be no such thing as a halfway rail passenger system. The Amtrak/Railpax capitalization, route structure, and schedule are so fundamentally and intentionally inadequate as to condemn the entire project to failure. It is abundantly clear that the Amtrak/Railpax operators are not really trying to restore and preserve passenger service. Rather, they are seeking to relieve the railroads of any responsibility for abandoning service, and put the burden and blame on a government-sponsored organization. Under P.L. 91–518, Amtrak/Railpax will be free to phase out the entire remaining system in two years.

Congress must not permit this to happen. We urge prompt responsible Congressional action which will repudiate the Railpax concept and replace it with a viable mechanism to serve the public. Of more immediacy is the need for a moratorium on any passenger train discontinuances by the railroads or Railpax until the issues and public remedies can be sorted out.

Sincerely,

Ralph Nader,
Reuben B. Robertson III.

Senator **Mansfield**. Mr. Nader raises some very serious questions about the soundness of the Wyer-Dick Studies which were used as the foundation for the Railpax proposal. Congressman John Dingell questioned this in some detail during the hearings before the House Interstate and Foreign Commerce Committee in June, 1970.

Mr. Chairman, if the Committee will allow me, I would like to quote again a brief portion of the letter from Mr. Nader to me, and I quote. "The wholesale abandonment of service by Amtrak/Railpax will leave millions of Americans in large sections of the country without any passenger service; many will have no adequate alternative means of public transportation. No service will go into San Francisco. Important cities such as Cleveland, Tulsa, Des Moines, Las Vegas, Little Rock, Tallahassee, Duluth and Grand Rapids—in addition to those I have mentioned in the State of Montana—"will be completely abandoned. We will have no more inter-city service between New York and Detroit; Kansas City and Denver; New Orleans and Jacksonville; Chicago and Buffalo; or Indianapolis and Cleveland. International services being dropped include New York-Montreal, Chicago-Toronto, and Seattle-Vancouver.

"Your own State of Montana, for example, will be hit hard. Helena, the State Capital, will be left without any service. Your highways will be further clogged by tourists who will no longer be able to take any train to visit Yellowstone. Students and other residents in Missoula, Billings, Bozeman and Helena will be stranded. Disabled veterans at the state's two veteran hospitals in Miles City and Helena are losing a vital form of transportation—and you should also be aware that crippled or disabled persons, including those who have been injured in the service of their country, are subject to being arbitrarily refused transportatoin by the airlines. Similar deprivations will be imposed on the citizens of many other parts of the country.

"To add exploitation to injury, the public even has to help finance this outrage with its own money. Already, as you know, $40 million has already been appropriated to the Railpax scheme.

"I understand, however, that only $2 million have been freed, and while I am in general against the impounding of money by the President—any President—I certainly hope that he keeps the remaining $38 million tied up.

"Hundreds of millions of additional dollars are scheduled to follow in federal guarantees and loans to the railroads, which are very unlikely every to be repaid."

Mr. Chairman, I would also like to share with the Committee an excellent summation of Railpax prepared by a good friend and concerned Montanan, Jim Beamer of Livingston. I ask that it also be made a part of the record.

(Complete letter follows:)

Livingston, Mont.,
April 21, 1971.

Senator Mike Mansfield,
Senator Lee Metcalf,
Congressman John Melcher,
Congressman Dick Shoup.

Gentlemen: First my congratulations on your rapid recognition and start of corrective action on Montana transportation problems being created by the Rail Pax passenger train decision.

This could easily have degenerated into a North-South factional fight in Montana. It started that way with people and communities along the Hi-Line saying it was justly deserved recognition of need and those along the Southern Route saying the passenger trains should have been routed where the majority of the people are.

Both areas are right. The Hi-Line does lack the variety of transportation the Southern Route has. The majority of people do live along the Southern Route. Both areas are faced with comparable winter transportation problems. Both have National Parks crying for service. Montana's size demands rail passenger service along both lines because of the many similar problems people have securing adequate transportation east to west across the State. This being so, I believe everyone who gives the problem any thought will be quick to say let's not waste our time fighting each other but rather work together for complete service as it now exists. Then give impetus to a solution of the North-South travel problems where examination of bus and airline schedules on these traffic patterns just about proves the old saw, "you can't get there from here".

Two years ago during a proposed discontinuance of the Mainstreeter on the former Northern Pacific I noted six things the Company was doing to discourage passenger travel. Those six things I could prove. There were many more things I knew were being done but would have found it difficult, if not impossible, of finding proof. The reason for this is there are at least two ways of establishing policy. The first is by direct order and the second is by indirection. Indirection is accomplished by "THE BOSS" being critical of a lower echelon supervisor in the handling of a particular matter and saying nothing if the favored course is pursued. With indirection there are never any written orders given and this makes proof almost impossible to obtain, yet everyone knows what is being done.

My thirty years of service for the Northern Pacific and for the now Burlington Northern covers a time span wide enough to allow acquaintance with men working in other departments to develop. These friends tell me of things they see happening in their departments. Added together eventually these comments form a picture of what policies are being pursued in both operating of and the cost accounting of freight and passenger service.

A typical example of what I am saying about indirection is found in this particular comment I received: The foreman in a department told a workman working on a job chargeable to freight service to show his hours against a job chargeable to passenger service because "THE BOSS" is riding his tail about excessive costs chargeable to freight service because the foreman has discovered "THE BOSS" doesn't say anything about excessive passenger costs. The work gets done so why worry about which pocket the money to pay for the job comes out of, it's one company anyhow and besides the heat that can make or break a foreman is off. Easy way out? You bet—and most of us take it.

A week later who can remember how much extra cost passenger service has assumed by the ploy? Multiply this by many instances of this happening and an unfavorable cost picture of passenger service emerges. The beauty of this is that the accounting department can furnish the President of the Company a detailed cost sheet that is almost impossible to challenge. The President believes he is honest in his statement the Company lost "x" number of dollars on passenger service. The accounting department is honest because they use the figures supplied to them by the men where it started. The men where it started don't remember because it was such an insignificant thing to begin with.

Because I know this I am extremely irritated that Rail Pax has accepted management figures on operational costs of passenger trains. To me, this is akin to asking the fox guarding the chicken house how many chickens died of old age.

Rail Pax should be required to operate all existing passenger trains, making only those changes necessary to clean up the mess created by company management, until a true cost/revenue figure could be obtained. Two years should be sufficient for this. Given half a chance to succeed I submit Company stated losses won't occur and Rail Pax would hit about the break-even point or even show a profit.

Time is the most critical factor Congress faces today in coming to a decision on the passenger trains. If on May first, Rail Pax is allowed to discontinue the trains they have indicated and these trains are off for two or more weeks, Congress will find it extremely difficult to restore these trains, or, if re-established, the cost will be staggering.

Railroad Companies want out of passenger business. Some indicate they are not happy about having to run those few trains Rail Pax left on. You may rest assured, the Companies will move with unbelievable speed to obliterate the whole pattern necessary for passenger train operation.

For instance, where additional freight engines are needed, the unused passenger engines will be converted to freight engines and the unneeded parts will be scrapped. It only takes about six hours per engine to make this change. Where freight engines are not needed then the passenger engines will be stripped for salvageable parts and the balance written off for scrap. Already, I have been told repair parts for the steam boilers used to provide heat for the passenger trains are being discontinued here in Livingston, a major repair point for 52 Burlington Northern passenger engines. Unused passenger stations will be leased to other businesses, will be abandoned to be torn down at a later date, used for store rooms or other purposes. Passenger cars might last awhile longer but even they will be used as a source of interchangeable parts until they too can be scrapped. Personnel now assigned to handling passenger train requirements will be shifted around to other available jobs and the hard core of men needed to re-instate service will be unavailable when needed.

I sincerely believe Congress would find it easier to put Humpty Dumpty back together again than it will be to re-establish a passenger train once that train has been discontinued.

The word as I see it is: GO! GO! GO! NOW!!!!

Yours very truly,

Jim Beamer.

Senator Mansfield. Mr. Chairman, May 1 is not very far away. In fact, Saturday of this week could well be a day of calamity for public transportation. The Congress has a responsibility to take action now. I am delighted that the National Association of Railroad Passengers has appealed this matter to the courts. Governor Forrest Anderson informed me that the State of Montana has taken similar action. Hopefully, this will postpone implementation of Railpax until such time as the Railpax plan can be properly reviewed.

Personally, I would like to see the Congress pass legislation amending the Railpax authority postponing its implementation for at least six months. There are any number of other proposals, all of which demand Congressional consideration. The most immediate problem before us is to stall the imminent destruction of passenger train service. I appeal to this Committee to take the necessary initiative. I stand ready to assist in any way possible through my Senate Leadership responsibilities and as a Member of the Senate Committee on Appropriations. In conclusion, I have only one more thing to say. Railpax or Amtrak, as it is apparently now called—perhaps a better name would be halftrak, as far as Montana is concerned—should not proceed, in any manner, until it is demonstrated that they are interested in pursuing the best interests of the consumer and the general public, not just along the Eastern seaboard, but throughout the entire United States and including the less densely populated states as well.

Thank you very much.

Senator Hatfield. Thank you, Senator Mansfield.

This Committee is very appreciative of your interest and your very dynamic and succinct testimony.

I would like the record to show that Senator Frank Church of Idaho was at the witness table with Senator Mansfield, and I apologize for not having recognized the distinguished Senator from Idaho before.

At this point I would like to call on Senator Warren Magnuson, who is the Chairman of our Commerce Committee, who must go to an Appropriations Committee hearing very shortly, and ask him if he has any questions he would like to propound to Senator Mansfield.

Senator Magnuson. Well, I have no questions. I think the Senator from Montana has made a suggestion that I made about a month ago when our counterpart in the House, Harley Staggers, and I joined in a letter to the Railpax, that it might be well, in view of the confusion and all the things we are talking about here, to postpone any definitive action until at least six months so we can work out something.

I do not think we have received an answer from them to our suggestion, have we?

Mr. O'Neal. Yes.

Senator Magnuson. All right. Now, we are posed here. I want to say to the Senator from Montana, with a sort of administrative problem. The terms of the present members of the Commission, the original Commission, expire on May 1. There has been sent up to the Committee the reappointment of all members with the exception of the appointment of a new executive director, which they ultimately are going to need regardless of what happens.

Now, we held a hearing this morning and I postponed any action by the Committee until we could hear from all the people involved, but I do think that to keep this alive so that we can do some of the things the Senator from Montana suggested—or, at least completely review the whole matter—we are going to have to reappoint these members with the executive director.

In the meantime, the Senator from Montana suggests that we pass legislation amending the authority and postponing its implementation for at least six months. That is your direct suggestion, is it not, Senator?

Senator Mansfield. Yes. That is the least I would like to see done, and as far as the nominations are concerned, I really do not see any hurry about bringing them up and reporting them out.

Senator Magnuson. I think we have got to keep this alive because it will be chaos if everything quits. Then, in the meantime, if the Committee saw fit—and I do not know the feeling of the Commerce Committee—but as far as I am concerned personally, I would be glad to introduce this legislation and hold it until we can settle some of these serious problems that are involved.

In the meantime, the Commission—or what do they call themselves now—Amtrak—I do not know why they changed the name—or halftrak is what you called it—they would still be alive so we would have a forum to go to to do the things we are talking about.

I do not think there should be any objection of those who have objection to keep them alive and to reappoint them but to postpone the action for at least six months at least. That is the minimum, I think, and we so wrote this organization—Congressman Staggers and I—and we have a reply. What does the reply say? I have not seen it yet.

Mr. O'Neal. Basically, the answer was no.

Senator Magnuson. The reply is no, so the legislation then is going to be pending and I do not know how the Commerce Committee feels about it, but I will personally introduce it.

Senator Mansfield. I appreciate that, Mr. Chairman, and may I say that the——

Senator Magnuson. Put the letter in the record. I did not know that they had replied as yet. We sent the original letter the first part of April, about three weeks ago or maybe a month ago, but we got no answer until just recently, and I just think that because, after all—and I make this statement publicly—they do have to come back to Congress for an appropriation under the authorization act and there are many people who feel that there should be a complete review of this whole matter again—and this is what I would like to see the Committee do. I cannot speak for the whole Committee, but we will see what happens here.

Senator Mansfield. Mr. Chairman, may I say that I appreciate your comments and certainly, as always. I will be the first one to follow your leadership in seeking a postponement; but come this Saturday there is going to be chaos—and I am not asking for much for the State of Montana, just the return of the entry and the short line from Butte to Salt Lake, because we are a big state, 148,000 square miles, and we depend upon the railroads and I think the railroads have deliberately tried to do away with passenger service through a number of methods of which I have firsthand knowledge, and I wish that they would live up to their slogan that "Who needs the railroads? You do. We all do." And put into effect the kind of transportation system of which they are capable.

So I am encouraged by what the distinguished Chairman of the full Committee has said, and the Acting Chairman of the Subcommittee; and again, I want to repeat, as far as I am concerned, I hope the President—although it goes contrary to my principles—in this particular instance keeps that $38 million locked up, and I hope that there will be no funds forthcoming from the Appropriations Committee until something is done to rectify this situation; and, furthermore, I see no great rush to go ahead with these nominations.

Senator Magnuson. But I do think that we have to be prepared, if we are going to try and implement the services, to come up with the appropriation that will be needed for this matter nationwide.

Now, the Chairman has a little problem in his own State.

Senator Mansfield. He does, indeed.

Senator Magnuson. Yes. And I cannot understand why this Commission—and I have said so to them—we have a very profitable run from Seattle to Vancouver and the Commission decided they should not look into that because it involved international matters. Well, all you need is to call up Ottawa and they say "Go ahead." You do not have to have any treaty or anything like that. And I understand that this segment has been holding its own.

So these are some of the things we have got to take a good, long look at, but I do think we have to commit ourselves, if this is finally going to work—the whole Amtrak or Railpax or whatever you want to call it—that we have to be prepared to appropriate the amount of money to keep these services going that we think should be going—our share. It is only partially our share and, actually, in the scheme of things is not too much for a big country like ours.

I think in the long run we would save money by doing some of the things that you suggest. I see the Senator from North Dakota here. I understand that he has the same complaint. I know both lines well. I have traveled both the NP and Great Northern I don't know how many times and I like it. When I go home I sometimes take one route one time and then I take the northern route the next time, because they're both beautiful, scenic routes. But you cannot divide Montana and North Dakota in that distance as north and south for rail passenger traffic. It is impossible. The distances are too great in between.

So, as one, I appreciate your testimony.

Senator Mansfield. Thank you, Senator.

Senator Magnuson. And I think the Committee should act to continue the Commission and then we will introduce legislation for a postponement to settle some of these matters. This is my opinion of it.

Senator Mansfield. If the Committee would report out something today I could assure the Chairman that the Senate would be ready to take it up tomorrow, because we are approaching a deadline and the need for action is on us.

Senator Magnuson. Saturday is the deadline, is it not?

Senator Mansfield. That is right.

Senator Hatfield. I would now like to call upon our distinguished ranking minority member, Senator Cotton, from New Hampshire.

Senator Cotton. I will not take time because there are other Senators waiting to testify. I think the distinguished Majority Leader has made a statement that is of great value to this Committee and naturally, for obvious reasons, he concentrated somewhat on the problems of his own section, but he also raised some very general questions and I think that most members of this Committee realize that we are on the banks of the Rubicon right now.

Just where we were headed when the original act was passed, this Senator had some doubts at that time whether we were on the way to nationalization of the railroads and what would happen if we took over the responsibilities of passenger traffic.

The only thing that I would like to—and I want to say that some of the questions raised by the Majority Leader this Senator finds himself in accord and great sympathy. We have got to face up to this thing now or we will find ourselves halfway down the road from which there is no return.

I think the Senator would agree to that, would he not?

Senator Mansfield. Yes, indeed.

Senator Cotton. I would like to just ask you one question: Does he feel—and he is in a position—the prime position to make a decision on this point even more than this Committee—does he feel that the organization of the directors of Amtrak—that their nomination and confirmation should be held up until we face up to this whole situation, or does he feel they should be held up until some bill can be acted on that will grant some time, or does he feel that we should go ahead and keep the organization as it was created and then try to work from there?

Senator MANSFIELD. Well, may I say to the distinguished Senator from New Hampshire that, as he knows, that is a decision for the Committee. But as a Senator from Montana, I feel very deeply about the effect this will have on my state and the people whom I have the privilege to represent.

Frankly, I see no need to rush these nominations and, of course, as the Senator knows, any Senator who asks that a hold be put on a nomination or a bill, that hold will be observed for a reasonable period of time; so I would not suggest we act too hastily.

Senator COTTON. I think I get the message. Thank you.

Senator HATFIELD. Senator Mansfield, I would just like to comment briefly, because I think you have brought together so many of the points that relate to this problem and in a very brief and very excellent manner.

I had my suspicions about this whole proposition when I read the preliminary report made to the Secretary of Transportation, Mr. John Volpe, dated November 30, 1970. I feel that probably the most devastating of all criticisms that could be made was to go back to that original concept to show basically how inadequate the whole proposition was from its very origin, because in that preliminary report—I hold here before you the map, indicating that there was absolutely no north/south traffic service provided between Seattle, Portland, San Francisco, and Los Angeles. It was totally void of any north/south service. Here is a part of the fastest growing section of the United States and there is no recognition given at all to the population trends and the centers of population on the West Coast. Furthermore, there was no service provided for Los Angeles to the Southwestern States going eastward to Houston and New Orleans—totally void of any service.

Now, to me, that indicated right from the very beginning that this whole proposition was ill-conceived, poorly studied and poorly presented. Fortunately, before the final report was made on January 28, 1971, due to the protests of the Senators from Washington, California and Oregon, we were able to restore some north/south service between Seattle, Portland, San Francisco, and Los Angeles, and then along the centers of the Southwestern States the service was provided from Los Angeles through Texas to New Orleans.

But I could not help but be impressed by your comment that there has been anything but encouragement for potential rail passenger. Let me just indicate to you that as far as the State of Oregon is concerned, we have found almost an arrogance—more than indifference—as far as the Southern Pacific is concerned, which goes throughout our entire State and as it relates to passenger service over the last 15 or 20 years—railroad stations not providing the service for passengers to buy tickets, the attitude of the people who are serving passengers on those few trains that are left—all of this would indicate almost a deliberate policy by the Southern Pacific to discourage passenger service in hopes that they can abandon the service entirely.

Now, it goes beyond this. You go to any community in our State along the north/south route of the Southern Pacific and you will find that in any civic enterprise or undertaking, whether it is the United Fund or whether it is some special project to build a YMCA addition, you find one of the poorest participants as far as the corporations are concerned in that entire state is the Southern Pacific Railroad, and this is not just one man's opinion; that is from community to community.

I was told when I first started in politics that if you really want to guarantee yourself an election, you can just go along the Southern Pacific Railroad line and campaign against it and you can win any election in Oregon along those counties and those areas.

This may sound highly critical of the Southern Pacific, but let me say my bread and butter came from there. My father was a blacksmith on the Southern Pacific Railroad for almost 40 years and I have ridden many a mile on a Southern Pacific pass, and I have a great warmth and affection for that railroad and for all railroads frankly, and I just hate to see this happen to the whole railroad system in this country.

I only wanted to add these few words because for the last few years I have been studying the possibility of nationalizing at least the passenger service of railroads in this country, having traveled on a few European railroads and having seen what they can provide for passenger service in a fine manner, and I think it could be said that for those of us who really support and believe in rail service that we are here as friends today and not as opponents or critics, but really here as friends, and I believe that is your role, Senator Mansfield, here this morning, and Senator Church and Senator Burdick and the others who are going to be testifying.

We may sound critical, but I think the railroads have asked for it, frankly, in this area of passenger service, and I very much appreciate your comments because I think they are fair. I think they are right to the point, and, again, I just cannot help but feel that we speak here as friends and not as enemies of the rail service of this country.

Senator COTTON. Would the Senator yield for a second?

Senator HATFIELD. Yes, sir.

Senator COTTON. I just wanted to say that at this place the distinguished Senator from Oregon does not even know what arrogance is. The principal railroad in my section of the country filed an application with the Public Utilities Commission of my state for authority to take up the rails of a double track connection from Northern New England to Boston and had a hearing. At that time I was in the State Legislature. They had a hearing and after the hearing had reached the third or fourth day, it was discoverd they had torn up the rails three months before they entered the hearing. They had all been taken up.

But I do think the record should show this, and I am quite sure that the distinguished Senator would not object to this. I think we have delegated to the directors of Amtrak an almost insurmountable and impossible task involving much more than even many who voted for the bill had in mind, and that they find themselves in the position where railroads are continuing service with the expectation—certain railroads in certain localities—of being relieved and, of course, upon which the railroads claim to be losing large sums. They are under that pressure.

Of course, those railroads, I suppose, if there were six months delay, would be seeking some aid or some relief from utility commissions and the I.C.C., although I cannot imagine they could get much of a decision from the I.C.C. in the short period of six months, but perhaps they would.

But I do think the record should show that while we all recognize that we are up against a far-reaching decision, that what we do in the next few days or the next few weeks, as I said before, commits us to a pathway from which it is hard to turn back, I do think that the directors have earnestly and sincerely done their level best to carry out what they understood to be the direction of the Congress; and that when we feel it is necessary to stop, look and listen regarding this, that it is not a reflection on their good faith and their attempts to do what they have done, even though it has left many sections of the country in a situation for which there is justifiable complaint.

I think the record should show that, and I hope the Senator would not object to that.

Senator MANSFIELD. Not at all. I only know Mr. David Kendell, and I have a high regard for him and I think he is doing the best he can under the most difficult of circumstances so I would agree with the Senator from New Hampshire in what he just said.

May I say also, in complementing what the Senator from Oregon has stated, as I recall, there is no north/south line between Chicago and Seattle. Furthermore, in Montana, we used to have three transcontinental lines. The third one was the Milwaukee, which now runs freight only, but which deliberately cut down on its passenger service a division or so at a time until it is out of the passenger service, at least as far as the Dakotas, South Dakota and Montana and Idaho and Washington are concerned. But the Milwaukee was not a land grant railroad, so it had some justification.

I would like to conclude by agreeing with the Chairman of the Subcommittee, by saying, yes, we love the railroads. We loved their romanticism and their convenience, but we think, as they do, that we need the railroads and we would like to see them put their slogan in operation and continue to give—or give to the people the kind of service which they deserve and the kind of service on which the land grants to the GN and the NP were allowed for in the first place.

So I thank the Chairman and the Committee for its support.

Senator MAGNUSON. Every other section of land——

Senator MANSFIELD. Out in the Swan River country the NP has big forests up there. They have got it down in the Gallatin. They have got a Vice President for Oil. So they are getting things besides a roadbed, but what they want to make of Montana is a roadbed for the convenience of Chicago and the densely populated urban areas, and we think we are just as much a part of the Union as any other State; and not only that, but the Chairman of this Committee loses the NP in the State of Washington, and for all I know, he may lose the Spokane, Seattle and Portland train which goes down from Spokane to Portland.

So we are all in a pretty tough box on this, and the only people who can do something initially is this Committee.

Senator MAGNUSON. Well, now, as I understand it—and I want the assurance of the Senator from Idaho and the Senator from North Dakota—I do think we have to move swiftly to continue the Board, Commission or whatever they call themselves. Then, we would have to suggest by legislation, if necessary, that we postpone the definitive action for at least six months.

Is that the understanding?

Senator MANSFIELD. That is correct, and it will have to be done by Saturday, which gives us three days.

Senator MAGNUSON. All right. Because without the Commission, we cannot even get in to talk about this. In the meantime, it is my understanding that the rail situation will remain as it is.

Now, there are a lot of applications in front of the I.C.C. due to the act we passed, Senator Smathers and I, in 1958, the Transportation Act, which turned over some of the jurisdictions for the abandonment of certain lines to the I.C.C. rather than the state commissions; and as a result, some of them, in all fairness, should have been abandoned. They were held up for years by state commissions.

But the routes we are talking about now, to me, are fundamental to the rail transportation of passengers in the United States. They are not the kind of spur line where it obviously was not working, either freight or passenger.

So the Committee will proceed with the nominations and will proceed with the piece of legislation.

I want somebody to tell me—I just read in the paper this morning that there is a court action. Has it been filed?

Senator MANSFIELD. The State of Montana has instituted a court action.

Senator MAGNUSON. You mentioned that.

So, in event, the May 1st date is very impractical due to the situation right now.

Senator MANSFIELD. Very impractical.

Senator MAGNUSON. It is very impractical in my opinion, and I only speak for myself. I do not speak for the Committee.

Senator MANSFIELD. Well, you are a good voice to speak on it.

Senator MAGNUSON. Before you go, Senator Mansfield, Senator Hartke has been holding some hearings on this and he may want to ask one or two questions.

Senator MANSFIELD. I would be delighted to try to answer them.

Senator MAGNUSON. He is Chairman of the Subcommittee for Surface Transportation and has direct charge of these things —indirect charge—I will amend that.

Senator HARTKE. Let me say to Senator Mansfield, I was not here during your statement. I was down in front of the Rules Committee trying to get some money so we can provide a continuation of the study which needs to be done in this field which, frankly, in my opinion, has not been done by the Congress up to this time.

I will say, as I did before the Rules Committee, unless we have an adequate staff to do it, it is going to be impossible for us to do it in this field or any other field. This is a very serious matter. I am quite aware of that fact.

My own opinion is that the main difficulty here is the fact that this measure probably was not properly funded in the original instance. It is another example of trying to do a big job with only part of the necessary money, and I think that if we are to follow the procedure which I originally outlined in which we would have had a bill which would have provided us sufficient money, we could have had the comprehensive service which this country needs.

We were assured at that time by the Administration that this more limited approach could provide for that service and I am hopeful, since we have the incorporators here this morning, we can touch upon that; and certainly the questions which you have raised this morning will be directed to them.

Senator MANSFIELD. May I say, Senator Hartke, that if the Railpax proposal goes into effect on Saturday, there would not be much need for a study. So if you are going to have a study you had better keep the lines going and not allow Mayday to occur as far as the rail transportation industry is concerned.

Thank you.

Senator HATFIELD. Thank you, Senator Mansfield.

I will be happy to turn the gavel over to our regular subcommittee chairman, Senator Hartke.

Senator HARTKE. I want to thank Senator Hatfield for taking over this morning. Really, Senator Magnuson, I sometimes wonder about this dubious honor which you have conferred upon us.

Senator Church, we will be glad to hear from you.

EXHIBIT 2

[From the Missoula (Mont.) Missoulian, Apr. 22, 1971]

THERE IS SO MUCH TO REMEMBER . . .

I remember:

The times Johnson-Bell Field was socked in with fog, for days at a time. No air service in or out of Missoula.

The passenger trains ran without any problems.

The times the interstate highway has been black ice east and west out of Missoula. The highway department put out warnings of danger for auto travel, and to stay off.

The passenger trains ran without any problems.

The lady whose mother was dying and had to get to Seattle as soon as possible. She said the air line did not land; they had refunded her air ticket.

She got on the passenger train okay.

The number of older persons saying they do not drive, and could not afford the cost of air travel. The air fare is almost double the cost of passenger rail transportation.

The number of persons traveling to Spokane, Seattle and Portland by passenger train for special medical attention; the wide-eyed little children when they go for their first train trip. Some may never have the opportunity for a train ride from Missoula.

The school groups, university, high school, grade schools, church, and many others; the people from up the Blackfoot, the Bitterroot, the Flathead, northern Idaho—all who come to depart on trains from Missoula, the hub of five valleys.

The number of persons that go to Helena for a day at the Capitol, the number of students that travel to schools in Bozeman, Billings and the eastern schools beyond Chicago, the number of students that come into Missoula for the University, the numbers that go home over the holidays, the fight the people of Missoula put up when the railway company wanted to discontinue the Mainstreeter trains (they were saved)—that passenger train service has been with Missoula for about 80 years more or less.

Would you believe that in 1969 the number of passengers on and off at Missoula was 36,798, an average of a little over 100 per day? (Figures are not available for 1970.)

Comparative figures for state of Montana, north route versus south route for passenger fare sales, shows the south sales almost double over the north sales. The northern part of the state needs the service Railpax has assigned to it, but some service is also needed through Missoula east and west daily.

Railpax is going to spend your tax dollars, and if you don't ask or request some kind or rail service, you will get nothing. Let's get the pressure on our men in Washington, D.C., if you have not done so already.—W. L. (Bud) Rasmussen, Ticket Clerk, Burlington-Northern, Inc., Missoula.

RURAL TELEPHONE BANK— CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill—S. 70—to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, and I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The report reads as follows:

CONFERENCE REPORT (REPT. NO. 92–81)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is hereby declared to be the policy of the Congress that the growing capital needs of the rural telephone systems require the establishment of a rural telephone bank which will furnish assured and viable sources of supplementary financing with the objective that said bank will become an entirely privately owned, operated, and financed corporation. The Congress further finds that many rural telephone systems require financing under the terms and conditions provided in title II of the Rural Electrification Act of 1936, as amended. In order to effectuate this policy, the Rural Electrification Act of 1936, as amended (7 U.S.C. 921–924), is amended as hereinafter provided.

SEC. 2. The Rural Electrification Act of 1936, as amended, is amended by adding the following two new titles:

"TITLE III

"SEC. 301. RURAL TELEPHONE ACCOUNT.—There is hereby established in the Treasury of the United States an account, to be known as the rural telephone account, consisting of so much of the net collection proceeds (as defined in section 406(a) of this Act) as may be necessary to provide for investment in the capital stock of the Rural Telephone Bank in accordance with such section 406(a): *Provided*, That such investment shall be deemed paid in capital of the said bank notwithstanding that funds representing the proceeds from the sale of such stock shall remain in the rural telephone account until required for actual disbursement in cash by the said bank.

"SEC. 302. DEPOSIT OF ACCOUNT MONEYS.—Moneys in the rural telephone account shall remain on deposit in the Treasury of the United States until disbursed.

"TITLE IV

"SEC. 401. ESTABLISHMENT, GENERAL PURPOSES, AND STATUS OF THE TELEPHONE BANK.—(a) There is hereby established a body corporate to be known as the Rural Telephone Bank (hereinafter called the telephone bank).

"(b) The general purposes of the telephone bank shall be to obtain an adequate supply of supplemental funds to the extent feasible from non-Federal sources, to utilize said funds in the making of loans under section 408 of this title, and to conduct its operations to the extent practicable on a self-sustaining basis.

"(c) The telephone bank shall be deemed to be an instrumentality of the United States, and shall, for the purposes of jurisdiction and venue, be deemed a citizen and resident of the District of Columbia. The telephone bank is authorized to make payments to State, territorial, and local governments in lieu of property taxes upon real property and tangible personal property which was subject to State, territorial, and local taxation before acquisition by the telephone bank. Such payment may be in the amounts, at the times, and upon such terms as the telephone bank deems appropriate but the telephone bank shall be guided by the policy of making payments not in excess of the taxes which would have been payable upon such property in the condition in which it was acquired.

"SEC. 402. GENERAL POWERS.—To carry out the specific powers herein authorized, the telephone bank shall have power to (a) adopt, alter, and use a corporate seal; (b) sue and be sued in its corporate name; (c) make contracts, leases, and cooperative agreements, or enter into other transactions as may be necessary in the conduct of its business, and on such terms as it may deem appropriate; (d) acquire, in any lawful manner, hold, maintain, use, and dispose of property: *Provided*, That the telephone bank may only acquire property needed in the conduct of its banking operations or pledged or mortgaged to secure loans made hereunder or in temporary operation or maintenance thereof: *Provided further*, That any such pledged or mortgaged property so acquired shall be disposed of as promptly as is consistent with prudent liquidation practices, but in no event later than five years after such acquisition; (e) accept gifts or donations of services or of property in aid of any of the purposes herein authorized; (f) appoint such officers, attorneys, agents, and employees, vest them with such powers and duties, fix and pay such compensation to them for their services as the telephone bank may determine; (g) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid; (h) execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; (i) collect or compromise all obligations assigned to or held by it and all legal or equitable rights accruing to it in connection with the payment of such obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and (j) exercise all such other powers as shall be necessary or incidental to carrying out its functions under this title.

"SEC. 403. SPECIAL PROVISIONS GOVERNING TELEPHONE BANK AS AN AGENCY OF THE UNITED STATES UNTIL CONVERSION OF OWNERSHIP, CONTROL, AND OPERATION.—Until the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of this title and not thereafter—

"(a) the telephone bank shall be an agency of the United Sttaes and shall be subject to the supervision and direction of the Secretary of Agriculture (hereinafter called the Secretary): *Provided, however*, That the telephone bank shall at no time be entitled to transmission of its mail free of postage, nor shall it have the priority of the United States in the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(b) in order to perform its responsibilities under this title, the telephone bank may partially or jointly utilize the facilities and the services of employees of the Rural Electrification Administration or of any other agency of the Department of Agriculture, without cost to the telephone bank;

"(c) the telephone bank shall be subject to the provisions of the Government Corporation Control Act, as amended (31 U.S.C. 841, et seq.), in the same manner and to the same extent as if it were included in the definition of 'wholly owned Government corporation' as set forth in section 101 of said Act (31 U.S.C. 846);

"(d) the telephone bank may without regard to the civil service classification laws appoint and fix the compensation of such officers and employees of the telephone bank as it may deem necessary;

"(e) the telephone bank shall be subject to the provisions of sections 517, 519, and 2679 of title 28, United States Code.

"SEC. 404. GOVERNOR.—Subject to the provisions of section 410, the Administrator of the Rural Electrification Administration shall serve as the chief executive officer of the telephone bank (herein called the Governor of the telephone bank). Except as to matters specifically reserved to the Telephone Bank Board in this title, the Governor of the telephone bank shall exercise and perform all functions, powers, and duties of the telephone bank.

"SEC. 405. BOARD OF DIRECTORS.—(a) The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (herein called the Telephone Bank Board) consisting of thirteen members.

"(b) The Administrator of the Rural Electrification Administration and the Governor of the Farm Credit Administration shall be members of the Telephone Bank Board. Five other members of the Telephone Bank Board shall be designated by the President to serve at his pleasure, three of whom shall be officers or employees of the Department of Agriculture but not officers or employees of the Rural Electrification Administration, and two of whom shall be from the general public and not officers or employees of the Federal Government. The Administrator and other officers and employees of the Department of Agriculture and the Governor of the Farm Credit Administration shall serve as members without additional compensation.

"(c) As soon as practicable after enactment of this title, the President of the United States shall appoint six additional members of the initial Telephone Bank Board to be selected from the directors, managers, and employees of any entities eligible to borrow from the telephone bank and of organizations controlled by such entities, with due regard to fair representation of the rural telephone systems of the Nation. The six members thus appointed shall serve until their successors shall have been duly elected in accordance with subsection (d).

"(d) Within twelve months following the appointment of the six members of the initial Board as provided in subsection (c), the Governor of the telephone bank shall call a meeting of all entities then eligible to borrow from the telephone bank and organizations controlled by such entities for the purpose of electing members of the Telephone Bank Board. Each such entity and organization shall be entitled to notice of and shall have one noncumulative vote at said meeting. Six members of the Telephone Bank Board shall be elected for a two-year term, three from among the directors, managers, and employees of cooperative-type entities eligible to vote and organizations controlled by such entities, and three from among the managers, directors, and employees of commercial-type entities eligible to vote and organizations controlled by such entities. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(e) Thereafter, in accordance with the bylaws of the telephone bank, the six members of the Telephone Bank Board shall be elected by holders of class B and class C stock, three from among the directors, managers, and employees of cooperative-type entities and organizations controlled by such entities holding class B or class C stock, and three from among the directors, managers, and employees of commercial-type entities and organizations controlled by such entities holding class B or class C stock. These six members shall be elected by majority vote of the entities and organizations eligible to vote and such entities and organizations may vote by proxy.

"(f) Any Telephone Bank Board member may continue to serve after the expiration of the term for which he is elected until his successor has been elected and has qualified. Telephone Bank Board members designated from the general public, pursuant to subsection (b), or appointed or elected pursuant to subsections (c), (d), and (e), shall receive $100 for each day or part thereof, not to exceed one hundred days per year for the first three years after enactment of this title and not to exceed fifty days per year thereafter, spent in the performance of official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(g) The Telephone Bank Board shall prescribe bylaws, not inconsistent with law, regulating the manner in which the telephone bank's business shall be conducted, its directors and officers elected, its stock issued, held, and disposed of, its property transferred, its bylaws amended, and the powers and privileges granted to it by law exercised and enjoyed.

"(h) The Telephone Bank Board shall meet at such times and places as it may fix and determine, but shall hold at least four regularly scheduled meetings a year, and special meetings may be held on call in the manner specified in the bylaws of the telephone bank.

"(i) The Telephone Bank Board shall make an annual report to the Secretary for transmittal to the Congress on the administration of this title IV and any other matters relating to the effectuation of the policies of title IV, including recommendations for legislation.

"SEC. 406. CAPITALIZATION.—(a) The telephone bank's capital shall consist of capital subscribed by the United States, by borrowers from the telephone bank, by corporations and public bodies eligible to become borrowers from the telephone bank, and by organizations controlled by such borrowers, corporations, and public bodies. Beginning with the fiscal year 1971 and for each fiscal year thereafter, the United States shall furnish capital for the purchase of class A stock and there are hereby authorized to be appropriated from net collection proceeds in the rural telephone account created under title III of this Act such amounts, not to exceed $30,000,000 annually, for such purchases until such class A stock shall equal $300,000,000: *Provided*, That on or before July 1, 1975, the Secretary shall make a report to the President for transmittal to the Congress on the status of capitalization of the telephone bank by the United States with appropriate recommendations. As used in this section and section 301, the term 'net collection proceeds' shall be deemed to mean payments from and after July 1, 1969, of principal and interest on loans heretofore or hereafter made under section 201 of this Act, less an amount representing interest payable to the Secretary of the Treasury on loans to the Administrator for telephone purposes pursuant to section 3(a) of this Act.

"(b) The capital stock of the telephone bank shall consist of three classes, class A, class B, and class C, the rights, powers, privileges, and preferences of the separate classes to be as specified, not inconsistent with law, in the bylaws of the telephone bank. Class B and class C stock shall be voting stock, but no holder of said stock shall be entitled to more than one vote, nor shall class B and class C stockholders, regardless of their number, which are owned or controlled by the same person, group of persons, firm, association, or corporation, be entitled in any event to more than one vote.

"(c) Class A stock shall be issued only to the Administrator of the Rural Electrification Administration on behalf of the United States in exchange for capital furnished to the telephone bank pursuant to subsection (a), and such class A stock shall be redeemed and retired by the telephone bank as soon as practicable after June 30, 1985, but not to the extent that the Telephone Bank Board determines that such retirement will impair the operations of the telephone bank: *Provided,* That the minimum amount of Class A stock that shall be retired each year after said date and after the amount of class A and class B stock issued totals $400,000,000, shall equal the amount of class B stock sold by the telephone bank during such year. Class A stock shall be entitled to a return, payable from income, at the rate of 2 per centum per annum on the amounts of said class A stock actually paid into the telephone bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

"(d) Class B stock shall be held only by recipients of loans under section 408 of this Act. Borrowers receiving loan funds pursuant to section 408(a) (1) or (2) shall be required to invest in class B stock 5 per centum of the amount of loan funds so provided. No dividends shall be payable on class B stock. All holders of class B stock shall be entitled to patronage refunds in class B stock under terms and conditions to be specified in the bylaws of the telephone bank.

"(e) Class C stock shall be available for purchase and shall be held only by borrowers, or by corporations and public bodies eligible to borrow under section 408 of this Act, or by organizations controlled by such borrowers, corporations and public bodies, and shall be entitled to dividends in the manner specified in the bylaws of the telephone bank. Such dividends shall be payable only from income and, until all class A stock is retired, shall not exceed the current average rate payable on its telephone debentures.

"(f) If a firm, association, corporation, or public body is not authorized under the laws of the jurisdiction in which it is organized to acquire stock of the telephone bank, the telephone bank shall, in lieu thereof, permit such organization to pay into a special fund of the telephone bank a sum equivalent to the amount of stock to be purchased. Each reference in this title to capital stock, or to class B, or class C stock, shall include also the special fund equivalents of such stock, and to the extent permitted under the laws of the jurisdiction in which such organization is organized, a holder of special fund equivalents of class B, or class C stock, shall have the same rights and status as a holder of class B or class C stock, respectively. The rights and obligations of the telephone bank in respect of such special fund equivalent shall be identical to its rights and obligations in respect of class B or class C stock, respectively.

"(g) After payment of all operating expenses of the telephone bank, including interest on its telephone debentures, setting aside appropriate funds for reserves for losses, and making payments in lieu of taxes, and returns on class A stock as provided in section 406(c), and on class C stock, the Telephone Bank Board shall annually set aside the remaining earnings of the telephone bank for patronage refunds in accordance with the bylaws of the telephone bank.

"SEC. 407. BORROWING POWER.—The telephone bank is authorized to obtain funds through the public or private sale of its bonds, debentures, notes, and other evidences of indebtedness (herein collectively called telephone debentures). Telephone debentures shall be issued at such times, bear interest at such rates, and contain such other terms and conditions as the Telephone Bank Board shall determine: *Provided, however,* That the amount of the telephone debentures which may be outstanding at any one time pursuant to this section shall not exceed eight times the paid-in capital and retained earnings of the telephone bank. The telephone bank shall insert in all its telephone debentures appropriate language indicating that such telephone debentures, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the telephone bank. Telephone debentures shall not be exempt, either as to principal or interest, from any taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State or local taxing authority. Telephone debentures shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"SEC. 408. LENDING POWER.—(a) The Governor of the telephone bank is authorized on behalf of the telephone bank to make loans, in conformance with policies approved by the Telephone Bank Board, to corporations and public bodies which have received a loan or loan commitment pursuant to section 201 of this Act, (1) for the same purposes and under the same limitations for which loans may be made under section 201 of this Act, (2) for the purposes of financing, or refinancing, the construction, improvement, expansion, acquisition, and operation of telephone lines, facilities, or systems, in order to improve the efficiency, effectiveness, or financial stability of borrowers financed under sections 201 and 408 of this Act, and (3) for the purchase of class B stock required to be purchased under section 406(d) of this Act but not for the purchase of class C stock, subject, as to the purposes set forth in (2) hereof, to the following provisos: That in the case of any such loan for the acquisition of telephone lines, facilities, or systems, the acquisition shall be approved by the Secretary, the location and character thereof shall be such as to improve the efficiency, effectiveness, or financial stability of the telephone system of the borrower, and in respect of exchange facilities for local services, the size of each acquisition shall not be greater than the borrower's existing system at the time it receives its first loan from the telephone bank, taking into account the number of subscribers served, miles of line, and plant investment.

"(b) Loans under this section shall be on such terms and conditions as the Governor of the telephone bank shall determine, subject, however, to the following restrictions:

"(1) All loans made under this section shall be fully amortized over a period not to exceed fifty years.

"(2) Funds to be loaned under this Act to any borrower shall be loaned under this section in preference to section 201 if the borrower is eligible for such a loan and funds are available therefor. Notwithstanding the foregoing or any other provision of law, all loans made pursuant to this Act for facilities for telephone systems with an average subscriber density of three or fewer per mile shall be made under section 201 of this Act; but this provison shall not preclude the making of such loans from the telephone bank at the election of the borrower.

"(3) Loans under this section shall, to the extent practicable, bear interest at the highest rate which meets the requirements set forth in paragraph (4), consistent with the borrower's ability to pay such interest rate and with achievement of the objectives of this Act; but not less than 4 per centum per annum.

"(4) Loans shall not be made under this section unless the Governor of the telephone bank finds and certifies that in his judgment (i) the security therefor is reasonably adequate and such loan will be repaid within the time agreed, and (ii) the borrower has the capability of producing net income or margins before interest at least equal to 150 per centum of the interest requirements on all of its outstanding and proposed loans, or such higher per centum as may be fixed from time to time by the Telephone Bank Board in order to allocate available funds equitably among borrowers or to improve the marketability of the telephone debentures: *Provided, however,* That the Governor of the telephone bank may waive the requirement of (ii) above in any case if he shall determine (and set forth his reasons therefor in writing) that this requirement would prevent emergency restoration of the borrower's system or otherwise result in severe hardship to the borrower.

"(5) No loan shall be made in any State which now has or may hereafter have a State regulatory body having authority to regulate telephone service and to require certificates of convenience and necessity to the applicant unless such certificate from such agency is first obtained. In a State in which there is no such agency or regulatory body legally authorized to issue such certificates to the applicant, no loan shall be made under this section unless the Governor of the telephone bank shall determine (and set forth his reasons therefor in writing) that no duplication of lines, facilities, or systems, providing reasonably adequate services will result therefrom.

"(6) As used in this section, the term telephone service shall have the meaning prescribed for this term in section 203(a) of this Act, and the term telephone lines, facilities, or systems shall mean lines, facilities, or systems used in the rendition of such telephone service.

"(7) No borrower of funds under section 408 of this Act shall, without approval of the Governor of the telephone bank under rules established by the Telephone Bank Board, sell or dispose of its property, rights, or franchises, acquired under the provisions of this Act, until any loan obtained from the telephone bank, including all interest and charges, shall have been repaid.

"(c) The Governor of the telephone bank is authorized under rules established by the Telephone Bank Board to adjust, on an amortized basis, the schedule of payments of interest or principal of loans made under this section upon his determination that with such readjustment there is reasonable assurance of repayment: *Provided, however,* That no adjustment shall extend the period of such loans beyond fifty years.

"SEC. 409. TELEPHONE BANK RECEIPTS.—Any receipts from the activities of the telephone bank shall be available for all obligations and expenditures of the telephone bank.

"SEC. 410. CONVERSION OF OWNERSHIP, CONTROL AND OPERATION OF TELEPHONE BANK.—(a) Whenever fifty-one per centum of the maximum amount of class A stock issued to the United States and outstanding at any time after June 30, 1985, has been fully redeemed and retired pursuant to section 406(c) of this title—

"(1) the powers and authority of the Governor of the telephone bank granted to the Administrator of the Rural Electrification Administration by this title IV shall vest in the Telephone Bank Board, and may be exercised and performed through the Governor of the telephone bank, to be selected by the Telephone Bank Board, and through such other employees as the Telephone Bank Board shall designate;

"(2) the five members of the Telephone Bank Board designated by the President pursuant to section 405(b) shall cease to be members, and the number of Board members shall be accordingly reduced to eight unless other provision is thereafter made in the bylaws of the telephone bank;

"(3) the telephone bank shall cease to be an agency of the United States, but shall continue in existence in perpetuity as an instrumentality of the United States and as a banking corporation with all of the powers and limitations conferred or imposed by this title

IV except such as shall have lapsed pursuant to the provisions of this title.

"(b) When all class A stock has been fully redeemed and retired, loans made by the telephone bank shall not continue to be subject to the restrictions prescribed in the provisos to section 408(a)(2).

"(c) Congress reserves the right to review the continued operations of the telephone bank after all class A stock has been fully redeemed and retired.

"SEC. 411. LIQUIDATION OR DISSOLUTION OF THE TELEPHONE BANK.—In the case of liquidation or dissolution of the telephone bank, after the payment or retirement, as the case may be, first, of all liabilities; second, of all class A stock at par; third, of all class B stock at par; fourth, of all class C stock at par; then any surpluses and contingency reserves existing on the effective date of liquidation or dissolution of the telephone bank shall be paid to the holders of class A and class B stock issued and outstanding before the effective date of such liquidation or dissolution, pro rata.

"SEC. 412. BORROWER NET WORTH.—Except as provided in subsection (b)(2) of section 408, notwithstanding any other provision of law, a loan shall not be made under section 201 of this Act to any borrower which during the immediately preceding year had a net worth in excess of 20 per centum of its assets unless the Administrator finds that the borrower cannot obtain such a loan from the telephone bank or from other reliable sources at reasonable rates of interest and terms and conditions."

SEC. 3. (a) Subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, is amended by inserting in lieu of the first word of said subsection "Except as otherwise provided in sections 301 and 406(a) of this Act, all".

(b) Section 201 of the Rural Electrification Act of 1936, as amended, is amended by inserting ", to public bodies now providing telephone service in rural areas", immediately after the word "areas" in the first sentence and also immediately after the word "areas" in the first proviso of the second sentence.

SEC. 4. Section 201 of the Government Corporation Control Act, as amended (31 U.S.C. 856), is amended, effective when the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of the Rural Electrification Act of 1936, as amended, by striking "and" immediately before "(5)" and by inserting ", and (6) the Rural Telephone Bank" immediately before the period at the end.

SEC. 5. The second sentence of subsection (d) of section 303 of the Government Corporation Control Act, as amended (31 U.S.C. 868), is amended, effective when the ownership, control, and operation of the telephone bank is converted as provided in section 410(a) of the Rural Electrification Act of 1936, as amended, by inserting "the Rural Telephone Bank," immediately following the words "shall not be applicable to".

SEC. 6. The right to repeal, alter, or amend this Act is expressly reserved.

SEC. 7. This Act shall take effect upon enactment.

And the House agree to the same.

HERMAN E. TALMADGE,
ALLEN J. ELLENDER,
GEORGE MCGOVERN,
JAMES B. ALLEN,
JACK MILLER,
GEORGE D. AIKEN,
ROBERT DOLE,
Managers on the Part of the Senate.
W. R. POAGE,
FRANK A. STUBBLEFIELD,
GRAHAM PURCELL,
THOMAS S. FOLEY,
PAGE BELCHER,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to S. 70 struck out all after the enacting clause and inserted in lieu thereof the text of H.R. 7 as it passed the House.

The differences between S. 70 and the House amendment and their resolution by the conferees follow:

(1) The Senate bill provided for a rural telephone account consisting of as much of the net collection proceeds from outstanding Section 201 loans as the Administrator of the Rural Electrification Administration would determine necessary for the purchase of Class A stock in the bank.

The House bill provided for a rural telephone account consisting of all notes, collections, appropriations, and other funds and assets relating to outstanding Section 201 loans.

In both bills, Congress could appropriate not exceeding $30,000,000 annually to purchase Class A stock to fund the bank. These appropriations would have to come from the rural telephone account.

The conferees agreed to the Senate language with a modification which eliminated the authority of the Administrator of the Rural Electrification Administration to make a specific determination as to the amount of funds to be placed into the rural telephone account. The conferees felt that adequate funds should be made available to the rural telephone account to assure that Congress could appropriate the maximum $30,000,000 annually if it so desired, and provided for deposit in the account of so much of the net collection proceeds as may be necessary for that purpose.

(2) The Senate bill provided that the bank would be a wholly owned government corporation until such time as conversion to private control would occur. Under the Senate bill this conversion would take place after all government investment in Class A stock would be retired.

The House bill designated the bank a mixed-ownership government corporation. Conversion to private control would occur when the amount in stated value of Class B and C stock would equal two-thirds of the total stated value of Class A, B, and C stock.

Both bills required Treasury approval of the issuance and terms of the bank's debentures until conversion.

The conferees provided that the bank would be a wholly owned government corporation (as defined in Section 101 of the Government Corporation Control Act (31 U.S.C. 846)) until 51 percent of the Class A stock has been retired, thereby subjecting it to annual budgetary review by the Office of Management and Budget until conversion. Thereafter, the bank would be a mixed-ownership government corporation, thereby continuing to subject it to annual government audit but not budgetary review.

The conferees also provided that the bank's conversion to private control would occur at such time as 51 percent of the Class A stock is retired.

(3) The Senate bill provided that the rural telephone account would include proceeds from outstanding Section 201 loans beginning after June 30, 1969.

The House bill provided that the rural telephone account could be funded from such proceeds after June 30, 1970.

Since net collection proceeds are now about $30 million per year, the Senate version would make available an amount large enough for a supplemental appropriation to purchase Class A stock this fiscal year (fiscal 1971) and a regular appropriation for this purpose at any time in the new fiscal year starting July 1, 1971. The conferees therefore agreed to the Senate language in order to enable the rural telephone account to be funded as fully as possible, thereby giving the bank every opportunity to be established on a sound financial basis. It is anticipated that net collections from fiscal years 1969 and thereafter will be available for appropriation as provided in the bill without regard to whatever action may have been taken by the Treasury with respect to them, including covering them into the general fund of the Treasury, prior to the enactment of the bill.

(4) The House bill contained language to clarify the fact that public bodies eligible to borrow from the bank would be permitted to purchase Class C stock.

The Senate bill contained no such clarification.

The conferees agreed to the House language.

(5) The Senate bill provided that borrowers able to do so must obtain loans from the bank instead of 2 percent loans from Section 201.

The House bill contained no such provision.

The conferees accepted the Senate language. The conferees felt that Section 201 loans should be made available to those borrowers who are financially unable to afford the cost of bank loans. The conferees also agreed that, in instances where a borrower could afford to pay more than 2 percent interest but less than the bank's minimum rate of 4 percent, a combination of loans from the bank and Section 201 would be permissible. However, the conferees emphasize strongly that such a combination or blended loan should result in an interest rate of less than 4 percent and should not be made to borrowers who could afford to pay 4 percent or more.

(6) The Senate bill provided that bank loans must bear an interest rate based upon the borrower's ability to pay. Bank loans would be limited to borrowers with the capability of producing net income or margins, before interest, at least equal to 150 percent of the interest requirements on its outstanding and proposed loans. The Governor of the telephone bank could waive the 150 percent requirement in case of emergency restoration of the borrower's system or severe hardship. The Senate bill also provided for a minimum bank interest rate of 4 percent.

The House bill provided the bank with an intermediate interest rate on some loans at a maximum of 4 percent and an interest rate on other loans reflecting the cost of money and other expenses of the bank. The bank's authority to make intermediate loans would terminate on June 30, 1985, or any earlier date in which conversion would occur.

The conferees accepted the Senate language on these points.

(7) The House bill prohibited the use of bank loan funds to finance political activities prohibited under Sections 600, 601, 610, 611, and 612 of Title 18 U.S.C. The House bill required borrowers, prior to receiving a loan, to agree in writing not to engage in any such prohibited activity. Violation of such agreement would require full loan repayment within 30 days after the borrower receives notification from the Telephone Bank Board.

The Senate bill contained no such provision.

The conferees agreed to eliminate the House language in view of the fact that political activities are already covered by sections 600, 601, 610, 611, and 612 of title 18, United States Code, and there is no need for further provision in this bill with respect to them.

(8) The Senate bill provided that no borrower of Section 201 or bank funds could, without the approval of the Administrator of the Rural Electrification Administration, or the Governor of the telephone bank, respectively, sell or dispose of its property, rights, controlling interest, or franchise, or merge or consolidate with any other corporation, until all indebtedness to the Rural Electrification Administration or the telephone bank shall have been repaid. The Senate bill provided that any such approval of such transactions would be conditioned upon the new owner or entity agreeing to pay such rate of interest as would be required if a new loan were made to the borrower.

The House bill provided that any borrower of Section 201 or bank funds could not, without the approval of the Administrator of the Rural Electrification Administration, or the Governor of the telephone bank, as the case may be, dispose of its property, rights, controlling interest, or franchise, until it has repaid all of its indebtedness to the Rural Electrification Administration or the bank.

The conferees took the language in Section 7 of the Rural Electrification Act of 1936, as amended, which deals with the disposition of property, rights, or franchises, and applied it to the telephone bank. Under the agreement, a borrower from the bank must have the approval of the Governor of the telephone bank under rules established by the Telephone Bank Board before selling or disposing of its property, rights, or franchises before the repayment of indebtedness to the bank.

The conferees felt that the language in the existing Act has worked well. The conferees felt that the Governor should approve any such transaction unless it would tend to frustrate the purpose of this Act and the Rural Electrification Act of 1936, as amended.

HERMAN E. TALMADGE,
ALLEN J. ELLENDER,
GEORGE MCGOVERN,
JAMES B. ALLEN,
JACK MILLER,
GEORGE D. AIKEN,
ROBERT DOLE,
Managers on the Part of the Senate.
W. R. POAGE,
FRANK A. STUBBLEFIELD,
GRAHAM PURCELL,
THOMAS S. FOLEY,
PAGE BELCHER,
WILLIAM C. WAMPLER,
Managers on the Part of the House.

Mr. TALMADGE. Mr. President, the conference report on S. 70 was signed by all of the conferees on the part of the Senate, and all but one of the conferees on the part of the House. The differences between the Senate bill and the House amendment were generally of a minor nature, and the conferees were very amicable.

The House amendment contained a political activities provision similar to one which the Senate had stricken on two occasions. The conference substitute, like the Senate bill, does not contain such a provision.

The Senate bill would have required renegotiation of the interest rates on bank loans in the event of mergers, consolidations or sale of the borrower's assets. This provision was not in the House amendment and further consideration showed it to be unwise in that its main effect would have been to discourage mergers and consolidations which might improve the efficiency of rural telephone systems and the service they rendered to subscribers. Consequently this provision has not been included in the conference substitute.

Probably the principal difference between the Senate bill and the House amendment was that dealing with interest rates paid by borrowers from the bank. The Senate provision was adopted, as well as the Senate provision requiring borrowers who could afford to do so to obtain loan funds from the bank rather than from the 2-percent section 201 program.

The Senate bill provided for conversion of the bank to private control when all of the Government capital was retired. The House amendment provided for such conversion when the total amount in stated value of class B and class C stock equaled two-thirds of the total amount in stated value of class A, class B, and class C stock. The conference substitute adopts an intermediate position and provides for such conversion when 51 percent of the class A or Government-owned stock has been retired. As in the Senate bill, the bank would be a wholly owned Government corporation subject to budgetary review until such conversion occurred. At that time it would become a mixed ownership corporation as provided in the House amendment, subject to annual audit, but not to budgetary review.

The provision of the Senate bill for a rural telephone account has been included in the conference substitute with a minor amendment providing that the account shall consist of so much of the net collection proceeds as may be necessary to provide for investment in the stock of the rural telephone bank rather than so much as the Administrator may determine necessary for that purpose.

Like the Senate bill, the rural telephone account would include net collection proceeds from June 30, 1969, rather than June 30, 1970, as provided by the House amendment. This would assure that there would be adequate funds available for appropriation as the appropriations are made.

Mr. President, I move the adoption of the conference report.

Before the Chair puts the question, I believe the Senator from Kansas (Mr. DOLE), who was one of the cosponsors of this bill, wishes to make some remarks.

Mr. DOLE. Mr. President, I support the conference report on S. 70, providing supplemental financing for the rural telephone program by creating a rural telephone bank. This bill is the result of the constant and persistent efforts of many Members of Congress. Similar legislation has been considered during previous sessions of Congress, and I am proud to have contributed to its consideration and final passage in this session.

Today we are vitally concerned with improving the quality of life. We are concerned with the problems in our urban centers. We are concerned with making our rural areas more attractive places to live. Better communications services will contribute to improving the living conditions in rural America.

For many years the Rural Electrification Administration has provided low interest loans to telephone companies operating in rural areas where it is otherwise uneconomical to provide telephone service. However, the REA has not been able to provide sufficient financial support necessary to meet the expanding needs of these telephone companies.

The enactment of this legislation will provide adequate capital through creation of a rural telephone bank and with its creation, rural America will be provided telephone service comparable to that of urban areas.

Mr. President, it is worthy to note that this is one of the first rural development bills to be passed by this session of Congress. President Nixon requested this particular bill be acted on promptly in his legislative message on January 26, 1971. Because of the importance the President has placed on rural development and his request that this legislation be passed, I am sure we can now look for prompt action by the President in signing the measure.

I must also point out that passage of this important bill would not have been possible without the full support of Senator TALMADGE of Georgia, who worked closely with me and authored comparable legislation in the 91st Congress.

With this bill, our rural telephone systems can now have the financial backing they need to provide the telephone communications necessary to reach a rural-urban balance in America. I urge approval of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HUMAN DEVELOPMENT MONTH AND VOLUNTARY OVERSEAS AID WEEK

Mr. HUMPHREY. Mr. President, earlier today I submitted a concurrent resolution relating to Voluntary Overseas Aid Week, asking the President to designate the week of May 9, 1971, as Voluntary Overseas Aid Week and the month of May 1971 as Human Development Month.

This is a resolution to commend those volunteer agencies for their fine work in humanitarian assistance.

I have spoken to the minority leader, the Senator from Pennsylvania (Mr. SCOTT), and the majority leader, the Senator from Montana (Mr. MANSFIELD), and have cleared with them the request for immediate consideration, since this resolution refers to the month of May.

Mr. ALLEN. Mr. President, reserving the right to object, what is the resolution?

Mr. HUMPHREY. This is a resolution to commend the religious and nonprofit organizations for their overseas and humanitarian work.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Con. Res. 22) was considered and agreed to, as follows:

Resolved By the Senate (the House concurring), That it is the sense of the Congress that in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development that the President should designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971, as "Human Development Month."

The preamble was agreed to.

The concurrent resolution with its preamble reads as follows:

Whereas the month of May, 1971, marks the 25th Anniversary of the major American voluntary programs of overseas relief and development assistance carried out under the guidance of the Advisory Committee on Voluntary Foreign Aid;

Whereas the International Walk for Development has been organized for the second weekend in May, 1971;

Whereas the American people and their Government have consistently supported the humanitarian work of the voluntary agencies to the end that people throughout the world can be free from hunger, illiteracy, and disease and poverty; and

Whereas these agencies are to be commended for their outstanding work in the area of humanitarian relief and the International Walk for Development for its planned program to focus attention on the tremendous need to continue the work of human and economic development; Now, therefore, be it

Resolved By the Senate (the House concurring), That it is the sense of the Congress that in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development that the President should designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971, as "Human Development Month."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO POSTPONE IMPLEMENTATION OF PROPOSED "AMTRAK" RAIL SYSTEM

Mr. MANSFIELD. Mr. President, on behalf of my distinguished colleague from Montana (Mr. METCALF) and myself, I send a resolution to the desk and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

Resolved, That it is the sense of the Senate that section 401(a)(1) of the Rail Passenger Service Act of 1970 be amended by striking out "May 1, 1971" each place it appears and inserting in lieu thereof in each such place "December 1, 1971".

SEC. 2. That section 401(b) of such Act be amended by striking out "May 1, 1971" each place it appears and inserting in lieu thereof in each such place "December 1, 1971".

SEC. 3. That said modifications should be enacted as soon as possible in order to enable the correction of certain inequities in the so-called proposed rail service system known as Amtrak.

Mr. MANSFIELD. Mr. President, I ask for its immediate consideration.

Mr. PROUTY. Mr. President, reserving the right to object, and may I say to my distinguished friend the majority leader that I am most reluctant to object, I think he does know that the Committee on Commerce this morning approved a resolution which will require and provide a $100,000 authorization for Amtrak to conduct a study and report back to the committee within 30 days and take into consideration the trains which will cease to serve the people in his State, the people in my State, and elsewhere.

Mr. MANSFIELD. Will the distinguished Senator from Vermont yield right there?

Mr. PROUTY. I yield.

Mr. MANSFIELD. If I recall, there is no train service in the States of Vermont, New Hampshire, and Maine.

Mr. PROUTY. That is absolutely correct.

Mr. MANSFIELD. There were three transcontinental lines in Montana and a study means that, come Saturday, Railpax, Amtrak, the Halftrak, or whatever they now call the operation goes into effect. So, if we want to do both at the same time, that is fine. But why stop the service to carry on an investigation? It will never get back on the tracks again.

Mr. PROUTY. If the Senator from Montana will yield further, it seems to me that we are going to destroy the whole concept which may restore effective rail service to this country unless we take action which the distinguished majority leader is suggesting at the present time.

I am concerned. I am as unhappy as he is, by virtue of the fact that we have no train service in northern Vermont, New Hampshire, or in Maine. Mr. Roger Lewis, whose nomination was before the Commerce Committee this morning, in response to a question from me, stated categorically and specifically that it was the intention of the corporation to conduct such studies as this, and that these trains may be put back into service at any time. Such studies are provided for in the law as it exists at the present time. So, I am most reluctant, but I feel that I have to object to the Senator's request.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection?

Mr. PROUTY. I object.

The PRESIDING OFFICER. Objection is heard, and the resolution goes over under the rule.

Mr. MANSFIELD. Mr. President, I cannot follow the reasoning of my distinguished friend from Vermont, whose State has been without rail service for a long time now and for reasons which he is well aware. But, as I have tried to indicate, there was a time when three transcontinental lines ran through the State of Montana—a State of 148,000 square miles and 700 miles across. And what will we have if this plan goes into effect on Saturday? We will have one, the old Great Northern which is now part of the Burlington Northern. My colleagues and I are delighted that the Great Northern is going to be retained and that the northern part, the high line of Montana, will be served.

But we feel very strongly that, in addition, the southern and western part covered by the Northern Pacific should also be served. There is great need.

May I point out also that the Great Northern and the Northern Pacific came into being solely because of land grants given by the Government.

The Milwaukee, the Third Transcontinental Lines, was built privately. There were no land grants. But over the years it has gradually cut off passenger service so that it now has only freight service running through the State of Montana.

I am sorry that the resolution has been objected to. It expresses clearly the great inequity that exists in this situation and, if its objective is adopted, there will be sufficient time to work out a fair and adequate solution.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I now ask unanimous consent, instead of coming in on Monday, that when the Senate adjourns today it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMTRAK

Mr. MANSFIELD. Mr. President, at that time unless satisfaction is received, the resolution will be brought up for consideration. If it can be brought up, I want to serve notice on the Senate that it is the intention of the two Senators from Montana to do everything in their power to look after the interests of the people of Montana and to look after the interests of our section of the country.

Mr. PROUTY. Mr. President, may I say that I am very sympathetic to the Senator's position. We have a similar problem in northern New England. However, we must remember that contracts have been entered into and are binding with 20 major railroad systems in this country.

I believe that we will be involved in lawsuits. I am not a lawyer. I cannot get into the legal technicalities. However, obviously we can have lawsuit after lawsuit. The Federal Government, I would think, would have to honor these contracts which are now completed.

It is not my intention to do anything to discourage the maintenance of adequate train service in Montana or in my section of the country.

The PRESIDING OFFICER. The Senator from Montana referred twice to this measure as a resolution. It has been submitted in the form of a bill. Since different ramifications follow, the Chair would appreciate clarification as to the Senator's intention.

Mr. MANSFIELD. Mr. President, the measure will be introduced in the form of a bill, and will thus have the effect of law if and when enacted.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. MANSFIELD. Mr. President, since as a bill it will have to be referred, I would prefer its consideration tomorrow as a resolution coming over under the rule. It is therefore a resolution. If it can later be worked out to consider this proposal as a bill today or tomorrow I shall hold open that option.

The PRESIDING OFFICER. The resolution will go over under the rule, objection having been heard to its immediate consideration.

Mr. MANSFIELD. Mr. President, I was interested in the remarks of the distinguished Senator from Vermont because, as far as I can see, he has no chance of getting any service under any circumstances. Railpax would not operate there. Maine, Vermont, and New Hampshire have lost their service over the years past. However, as far as Montana and the Midwest are concerned, the Heartland of America, we will lose what we have already paid for, what the Government paid for in the form of land grants. And as far as I can recall, the G.N. and the N.P. Railroads have not been operating at a loss, as have some of the eastern railroads such as Penn Central.

There is a great need, as my colleague has brought out, to take care of the needs of our veterans and college students and 80 percent of our people, not only in connection with the NP, but also along the short line from Butte to Salt Lake City.

I would like the Senator to know that I concur completely in the remarks of my distinguished colleague, as he has worked night and day to bring about rectification of this situation.

I would like to state that in my opinion what Railpax, now Amtrak, has done is not to follow the intent of Congress, but to place emphasis on the urban areas of this Nation and to ignore the rural sections of the country.

Let me read, if I may, an editorial from the Billings Gazette of April 25, last Sunday. It is written by an old student of mine at the university, Doc Bowler, a good friend of my colleague's. He is editor of the Gazette.

I read what he says:

> The end of an era will come to Billings next weekend unless Congress can be prevailed upon to delay the start of Railpax.
>
> Railpax, or AMTRAK as the new national railroad passenger corporation is known, starts operation May 1 in what well may spell the doom of the passenger in much of the nation.
>
> In southern Montana, Wyoming, South Dakota and most of North Dakota and Idaho, Railpax spells The End. That's all.
>
> It doesn't have to happen and it shouldn't happen. Vast segments of the nation should not be left without passenger train service.
>
> Where Railpax chiefs got their figures on passenger travel, and what they are for that matter, is unknown. It can be presumed, but not certified, they got them from the railways that had been hauling passengers.
>
> Railpax tells us that the northern route was chosen across Montana because of more ridership, whatever that means. At this writing the term has not been given definition or explanation.
>
> It certainly is not advocated here that the northern route across Montana and North Dakota be abandoned in favor of the southern, more populous, route. Both are needed.

That expresses the feelings of my colleague and me. I continue to read:

> There is good reason to believe that high officials of the Burlington Northern were just as amazed as most people in the area when they learned, along with the rest of us, that only the northern or Hi-Line route would be used.
>
> Insiders thought both would be used, perhaps on alternate days, to serve both Yellowstone and Glacier parks and the people of the areas. The Interstate Commerce Commission recommended it.

The Interstate Commerce Commission, of all groups, recommended it.

I continue to read:

> Whether Congress will be responsible to the will of the people is not known. Energetic forces are at work in Montana now to seek a delay in Railpax starting May 1. Another 90 days is sought in which to make a case.
>
> Senators Mike Mansfield and Lee Metcalf and Representatives John Melcher and Dick Shoup are trying to persuade their fellow congressmen that Railpax is not doing what it said it would. More time is needed.
>
> It was, as one of them states, the intent of the Railway Passenger Service Act to bring about rejuvenated passenger service that would replace deteriorating and stagnant facilities that the majority of railroads in this country are seemingly unable and unwilling to improve.
>
> That is not what is happening under Railpax.
>
> In the Burlington Northern's area alone the number of passenger trains is being cut from 32 to 6 and the daily train miles from 26,972 to 6,858.

Get that. The number of passenger trains is being cut from 32 to 6 and the daily train miles from 26,972 to 6,858.

I continue to read:

> That could hardly be called an improvement.
>
> Railpax appears to be concentrating on long-distance trains, like Chicago and Seattle. That isn't what is needed in this area or for that matter much of the west.
>
> We need local service and clean, comfortable trains.
>
> Admittedly, there are few who want to spend 24 hours getting from Billings to Chicago or a few hours less to Seattle. You'll fly. But try Wilbaux. Or Chester. Or Thompson Falls.

Or Shelby.

> The Billings Chamber of Commerce, headed by President James Corning, is deeply involved in trying to preserve railway passenger service along "The Main Street of the Northwest," the southern route.
>
> He is right when he says "we feel it is mandatory that the public have an opportunity to both hear and be heard before this 90-year old service is terminated." That is why a postponement is needed in Congress.
>
> The Northern Pacific's first train crossed the Yellowstone River into Billings Aug. 22, 1882.

That, I believe, was 7 years after the battle of the Little Big Horn, at which Custer was massacred.

> The renowned North Coast Limited began its steaming through the Yellowstone Valley in 1900. The Vista Domes came in 1954.
>
> And now Railpax, May 1, 1971, spells the doom of the oldest name train in the west, a train not even the Burlington Northern asked to discontinue.
>
> It is going to cost the Burlington Northern $33.4 million to shed its passenger trains in the contract it has signed with Amtrak (Railpax). The figure is based on 50 per cent of the railroad's passenger deficit for 1969.
>
> It is going to cost most of the people of the area railway passenger service that Railpax purportedly was to improve.

And that is what Congress thought when it passed this bill.

> In the words of Senator Metcalf "I can only recommend to the Defense Department that it set up a Railpax for the Ho Chi Minh Trail. It would be cheaper, save lives and probably be more successful in stopping traffic."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have had further consultation regarding the parliamentary situation and in behalf of my distinguished colleague, the Senator from Montana (Mr. METCALF), and myself I introduce a bill and ask for its first reading. I do so as a means of keeping this issue alive in the form of a Senate bill. I would like action today but I am not unmindful of the parliamentary rights and privileges of other Senators. I would hope for action tomorrow.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

S. 1698

> A bill to postpone for seven months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for seven months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes.

Mr. PROUTY. Mr. President, I object to further consideration of the bill.

The PRESIDING OFFICER. Second reading will go over until the next legislative day.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to withdraw the resolution previously introduced, in favor of the bill S. 1698, just introduced.

The PRESIDING OFFICER. Without objection, the resolution is withdrawn.

ORDER FOR ADJOURNMENT FROM TOMORROW TO MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when Senate completes its business on tomorrow, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971—MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 575.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill S. 575, an act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, which was to strike out all after the enacting clause and insert:

TITLE I—PUBLIC WORKS ACCELERATION ACT

Sec. 101. This title may be cited as the "Public Works Acceleration Act Amendments of 1971".

Sec. 102. The Public Works Acceleration Act (42 U.S.C. 2641 et seq.) is amended as follows:

(1) Clause (1) of section 2(a) is amended to read as follows: "(1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment resulting from the economic decline of 1970, and".

(2) Subsection (b) of section 2 is amended to read as follows:

"(b) Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, suffering persistent or substantial unemployment or underemployment."

(3) Subsection (a) of section 3 is amended to read as follows:

"(a) For the purposes of this section, the term 'eligible area' means—

"(1) those areas designated by the Secretary of Commerce as 'redevelopment areas' or as 'economic development centers' for the purpose of the Public Works and Economic Development Act of 1965, and those areas designated by such Secretary under section 102 of such Act.

"(2) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least six of the preceding twelve months.

"(3) those areas which the Secretary of Labor designates each month as areas having an average rate of unemployment of veterans who served on active duty during the Vietnam era as defined in section 101(29) of title 38, United States Code, and who were discharged or released from active duty in the military, naval, or air service of the United States under conditions other than dishonorable, at least 25 per centum above the national average rate of all unemployment for three consecutive months or more during the preceding twelve-month period."

(4) The last sentence of subsection (c) of section 3 is amended to read as follows: "Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of a project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 80 per centum of the cost of such project, or up to 100 per centum of the cost of such project if the State or local government has exhausted its effective taxing and borrowing capacity for such purposes and therefore does not have economic and financial capability to assume all of the additional financial obligations required."

(5) Subsection (d) of section 3 is amended to read as follows:

"(d) There is hereby authorized to be appropriated for the fiscal years beginning after June 30, 1970, not to exceed $2,000,000,000, to be allocated by the President in accordance with subsection (b) of this section."

(6) Subsection (e) of section 3 is amended by adding at the end thereof the following: "In prescribing such rules, regulations, and procedures, the President shall require that priority be given to projects for assistance in the construction of basic public works (including works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities) for which there is an urgent and vital public need."

(7) Subsection (h) of section 3 is amended to read as follows:

"(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (2) of subsection (a) of this section shall be the criteria established in section 8.3(a) of title 29 of the Code of Federal Regulations as in effect March 2, 1971."

(8) Subsection (a) of section 4 is amended to read as follows:

"(a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project if the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is decreased."

(9) By adding at the end thereof the following:

"Sec. 7. An eligible area under this Act shall retain such designation for only so long as it continues to meet the unemployment criteria applicable to it but in no event shall such designation be terminated prior to one year after the date of designation.

"Sec. 8. Federal financial assistance made from allocations made by the President under this Act may be used for all or any portion of the basic Federal contribution to projects and for the purpose of increasing the Federal contribution to such projects."

Sec. 103. (a) Clause (ii) of the last sentence of paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3".

(b) Section 202(e) of the Housing Amendments of 1955 is amended by striking out "section 9" and inserting in lieu thereof "section 3", and by striking out "50 per centum" and inserting in lieu thereof "80 per centum".

Sec. 104. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works Acceleration Act.

TITLE II—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Sec. 201. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

Sec. 202. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $550,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973."

Sec. 203. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

Sec. 204. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

Sec. 205. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) the Secretary may designate as redevelopment areas those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which—

"(A) the Secretary determines have one of the following conditions:

"(i) a large concentration of low-income persons;

"(ii) rural areas having substantial outmigration;

"(iii) substantial unemployment;

"(iv) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment; or

"(v) severe economic distress due to the occurrence of a natural disaster; and

"(B) have submitted an acceptable proposal for an overall economic development program which will have an appreciable beneficial impact upon such condition.

No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act;

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

Sec. 206. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

Sec. 207. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

Sec. 208. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000."

Sec. 209. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended by inserting immediately after "1971," the following: "and $500,000 for the two-fiscal-year period ending June 30, 1973,".

Sec. 210. Section 2 of the Act of July 6, 1970 (Public Law 91–304) is amended by striking out "1971" and inserting in lieu thereof "1972".

Sec. 211. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

TITLE III—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Sec. 301. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

Sec. 302. The second sentence of subsection (b) of section 105 of the Appalachian

Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1973, and not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1975. Not to exceed $475,000 of the authorization for any such two-year period shall be available for the expenses of the Federal Cochairman, his alternate, and his staff.".

SEC. 303. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

SEC. 304. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 305. Subsection (b) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended to read as follows:

(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission) and such other materials and services as may be required for such project."

SEC. 306. The first sentence of subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 307. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201 for the Appalachian development highway system and local access roads, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $302,000,000 for the two-fiscal-year period ending June 30, 1973; and $314,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 308. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking out "1971." and inserting in lieu thereof "1975.".

SEC. 309. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965.

Amend the title so as to read: "An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. MONTOYA, Mr. MUSKIE, Mr. EAGLETON, Mr. COOPER, Mr. BAKER, and Mr. DOLE conferees on the part of the Senate.

ORDER FOR A BILL TO BE HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill (H.R. 5674), to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

There being no objection, at 2:39 p.m. the Senate took a recess, subject to the call of the Chair.

At 4:21 p.m., on the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. BENNETT in the chair).

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business before the Senate?

The PRESIDING OFFICER. There is no pending business before the Senate.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, there is little that can be announced in the way of a program for tomorrow, except to say that, following recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for a period not to exceed 30 minutes, with statements limited therein to 3 minutes.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 30, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 29, 1971:

U.S. DISTRICT COURTS

Carl B. Rubin, of Ohio, to be a U.S. district judge for the southern district of Ohio vice, a new position created by Private Law 91–272, approved June 2, 1970.

CIVIL SERVICE COMMISSION

Jayne Baker Spain, of Ohio, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1977, vice James E. Johnson.

DEPARTMENT OF DEFENSE

James E. Johnson, of California, to be an Assistant Secretary of the Navy, vice James D. Hittle, resigned.

U.S. NAVY

The following named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

William J. Kotsch
Eugene H. Farrell
Rowland G. Freeman III
Rupert S. Miller
Carl J. Seiberlich
Joseph E. Snyder, Jr.
Forrest S. Petersen
Bernard B. Forbes, Jr.
Doniphan B. Shelton
Dewitt L. Freeman
Arthur W. Price, Jr.
Charles H. Griffiths
Charles D. Grojean
John M. Tierney
Isham W. Linder
Charles P. Tesh
William Thompson
Frank D. McMullen, Jr.
Leonard A. Snead
Tyler F. Dedman
Samuel L. Gravely, Jr.
Charles F. Rauch, Jr.
Stanley T. Counts
Harry D. Train II
William A. Myers III
Robert G. Mills
James O. Mayo
David A. Webster
Raymond W. Burk
Lloyd W. Moffit
Samuel M. Cooley, Jr.
Merton D. Van Orden
Wayne S. Nelson
Alan B. Shepard, Jr.
Henry S. Morgan, Jr.
Edward W. Cooke
Denis J. J. Downey
Chester G. Phillips
Alfred J. Whittle, Jr.
James H. Doyle, Jr.
Harry E. Gerhard, Jr.
James B. Wilson
Donald B. Whitmire
William H. Rogers
Wesley L. McDonald
Earl F. Rectanus
William F. Clifford, Jr
Edward C. Waller III
James D. Watkins

CONFIRMATION

Executive nomination confirmed by the Senate, April 29, 1971:

U.S. DISTRICT COURTS

Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia.

EXTENSIONS OF REMARKS

18-YEAR-OLD VOTE AMENDMENT IS TRIBUTE TO SENATOR RANDOLPH'S CONSTANT CRUSADE

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. PERCY. Mr. President, early this year Congress took a major step toward perfecting the American system of democratic government. The submission to the States of the constitutional amendment lowering the voting age to 18 is an affirmation of our belief in this Government and our confidence in the younger citizens of this Nation.

The 18-year-old vote amendment also must stand as a monument to one Member of this body who has championed it for nearly three decades. The senior Senator from West Virginia and chairman of the Committee on Public Works (Mr. RANDOLPH), has introduced legislation to lower the voting age since 1942 when he was a member of the House of Representatives.

Senator RANDOLPH did not pay mere lipservice to securing the vote for this important segment of our population. It has been a serious undertaking with him, and he worked diligently for its passage. This year his dream of congressional approval came true, and we are near to broadening the horizons of democracy as State legislatures give their assent.

Senator RANDOLPH's native State of West Virginia, by action of its legislation on Wednesday, April 28, became the 25th State to ratify the constitutional amendment he authored.

Mr. President, the vision and determination of Senator RANDOLPH in this crusade of 27 years has been given widespread recognition. One of the most eloquent tributes to his success in this cause was paid by an editorial in the Charleston Gazette, the largest newspaper in Senator RANDOLPH's State.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GENERATION GAP BRIDGE BY RANDOLPH BEST YET

A proposed constitutional amendment lowering the voting age to 18 years is finally on its way to the states for ratification—and this milestone stands as a great tribute to the efforts and determination of West Virginia's senior United States senator, Jennings Randolph.

Randolph first introduced a resolution to franchise 18-19- and 20-year-olds in 1942, as a member of the House of Representatives. He has done so since at every opportunity, gaining a little ground each time over the years while living through disappointment after disappointment. Finally, on his 11th try, he achieved success.

The Senate adopted his resolution (SJR7) on March 10 by unanimous vote. The House followed with its approval last Tuesday by a vote of 400 to 19. The proposal now needs ratification by 38 state legislatures to become the 26th amendment to the U.S. Constitution. Five states gave approval within a day of completion of congressional action and, on the basis of sentiment expressed during the recent session, the West Virginia Legislature will act favorably at the first opportunity. It seems a foregone conclusion that younger people will have full voting rights before the 1972 elections.

This goes beyond the old argument that those old enough to fight for their country should be old enough to vote. As Sen. Charles H. Percy, R-Ill., pointed out, the contention that young people are ill-informed about public affairs may have had some validity at the turn of the century, when only 6 per cent were high school graduates at age 18. "But," he added, "in the year 1971, when 81 per cent of all Americans have graduated from high school by the age of 18 and when nearly half of the 18-, 19-and 20-year-olds are college students, young Americans have the education and the maturity to participate fully in our political process."

Clearly, this landmark achievement in behalf of young Americans stands as a memorial to the West Virginia Democrat, who started the fight at age 40 and tasted victory at age 69. Sen. Randolph's efforts were given full recognition in the Congress.

During debate on the resolution, senator after senator, Democrats and Republicans from all parts of the country—Cranston and Tunney of California, Cooper and Cook of Kentucky, Jackson of Washington, Mondale of Minnesota, Williams of New Jersey, Griffin of Michigan, Dole of Kansas, Allen of Alabama, and many others—rose to extol Randolph's efforts as "Father of the 18-Year-Old Vote."

Sen. Birch Bayh, D-Ind., went beyond the 18-year-old vote issue and reviewed Randolph's congressional career as one "in the forefront of very far-reaching legislation" in both the House and the Senate.

"Sen. Randolph," said Bayh, "has been an effective advocate in the formulation and enactment of numerous programs of vision which have as their aim the betterment of our society . . .

"The meaningful programs in health, education, training, public facilities, pollution control, and environmental improvement, which have been fashioned through the dedicated efforts of Sen. Randolph, reflect his philosophy and are impressive."

He then reviewed some of Randolph's achievements, ranging from his sponsorship of the Appalachian Regional Development Act to the Randolph-Sheppard Act, which provides gainful employment for 3,400 blind persons, and added:

"Among public officials, he is probably the one most aware of the importance of a soundly developed road program to provide the nation with the safest and most efficient means of transporting people and goods . . . ."

Sen. Marlow W. Cook, R-Ky., capped off the long tribute to Sen. Randolph in these words:

"Mr. President, with all due respect to all people who have worked in this of recent vintage, I really hope that someone in the country after this measure passes does the senator from West Virginia the honor of referring to this as the Randolph Amendment."

To this we say amen, and add our salute to the senior senator from West Virginia and to the Randolph Amendment. Much has been done toward bridging the so-called generation gap.

AMERICAN TEXTILE INDUSTRY FACING A CRISIS

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, the crisis facing the American textile industry, due to the flood of cheap textile imports into this country primarily from Japan, is especially grave in my State.

The textile industry is the second largest in Alabama, employing 42,200 people drawing an annual wage in excess of $200 million.

However, both figures are being reduced daily, because the damage is already being done. Hundreds of Alabamians have lost their jobs or are on the short time work schedules, because of the import problem.

After 2 years of foot-dragging on the question of voluntary quotas in trade negotiations between the Governments of Japan and the United States, a group of Japanese industrialists have presumed to speak for their Government and come forth with a ridiculous proposal, which has been rejected by all segments of the industry in this country.

The proposal, which bypassed any limitation on imports by products or by fiber, has been rejected by the President of the United States, Governor of Alabama, Alabama Legislature, all U.S. Senators and Representatives from Alabama and many from other States, American Textile Manufacturers Institute, Alabama Textile Manufacturers Association, and textile labor organizations throughout the country.

The deep concern that Alabamians feel about this situation was expressed eloquently and forthrightly in Senate Joint Resolution 16, adopted by the Alabama Legislature on April 8, 1971.

The text of that resolution follows, and I urge my colleagues to read the same and consider the very real plight facing one of this Nation's most important industries:

JOINT SENATE AND HOUSE RESOLUTION ON TEXTILE IMPORTS PASSED IN THE ALABAMA LEGISLATURE APRIL 8, 1971

Whereas, Within the last several years the situation in the American textile industry has become increasingly acute and particularly so in the Southern states where the production of cotton and the manufacturing of cotton products constitute the very life blood of this area; and

Whereas, Hundreds of Alabamians have lost their jobs or are onto short time manufacture and the foreign competitors who flood our market and force thousands of our citizens completely out of work and market their textiles and apparel under conditions that are illegal in the State of Alabama and in the United States; and

Whereas, The government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile-apparel exports to the United States; and

Whereas, The Japanese proposal has been rejected by the President of the United States, by the Governor of Alabama, by many members of the Congress, including the Senators and Representatives from Alabama, by the American Textile Manufacturers Institute, by the Alabama Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, The textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, The American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, The Alabama Legislature and the people of Alabama are not willing to see these terribly unfair conditions continue to weaken one of their most important industries which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, These unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore;

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Legislature of Alabama respectfully requests the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action to see that order is restored to the chaotic international textile and apparel situation.

Be it further resolved, That the Legislature of Alabama expresses to the Alabama Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved, That copies of this resolution be sent to the President of the United States, to each member of Alabama's delegation in the Senate and in the House of Representatives of the United States Congress, to the Secretary of Commerce, to the Secretary of State and to the Clerks of the respective Houses of the United States Congress.

ROTARIAN MAGAZINE STRESSES ENVIRONMENTAL PROBLEMS—AUTHOR STATES CHALLENGE TO MAN

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. RANDOLPH. Mr. President, the United States recently observed the second Earth Day. I am gratified that this day, set aside to recognize the threat to our environment and to rededicate ourselves to its improvement, is becoming a meaningful part of our national calendar.

The world in which we live did not become contaminated overnight, and it will not become clean with the wave of a hand or the speaking of a few words, or even another law. The task before us is monumental.

Nothing less than total commitment by all people is necessary to reverse the pattern of abuse and waste that has brought us to the edge of environmental disaster. To act properly we must be well informed. Consequently, I am pleased to see that many thoughtful and informed individuals continue to discuss the environment in a variety of media.

The Rotarian magazine, which is circulated throughout the world, has done a commendable public service by devoting a substantial portion of its May 1971 issue to the environment.

Among the excellent articles in this issue is one by Lord Ritchie-Calder, the British educator and author, who discusses perceptively how man created the environmental crisis and what we all can do about it.

This article clearly states the problem we face and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLANET EARTH: RENEWING THE OPTIONS

(By Ritchie Calder, credited with "giving contemporary science a sense of direction and social purpose," Lord Ritchie-Calder is an author-educator who has worked around the world for the United Nations and its specialized agencies. Born in Scotland, he now lives in England.)

The cancer of pollution threatens man's lease on his world, but now there is hope for renewal because 'waste is discarded wealth'.

A quarter of a million years ago, or thereabout, *Homo sapiens* took a lease on Planet Earth. He shared the tenancy with his fellow-lodgers: the beasts, the birds, the fishes, the insects, the micro-organisms, and the whole of plant-life. His, however, was a special contract with nature because he was now Thinking Man.

Without fang or claw, beak or talon, fur or feather scale or carapace, naked to his enemies and to the elements, he had been, of all the creatures of the Earth, the least likely to survive. He had overcome those deficiencies by evolving a conceptual brain and developing finger-skills. He could not out-wrestle nor outstrip his natural predators, but he could outreach them with clubs and spears and slings. He made fleshing tools to strip them of their pelts to clothe his own nakedness. He tamed fire, which terrified the other creatures, to heat his caves and cook his food. To that extent he had mastered his environment, because with clothes and heat he could overcome his climatic restraints. He had leased the planet because he could migrate and settle, from the tropics to the Arctic.

Later, from being a hunter he became the domesticator of animals, decoying, taming, and breeding them. As the pastoral nomad he drove his flocks and herds in search of water and of seasonal pastures. He concerted with nature. Then from being a food-gatherer he became a food-grower. He discovered that the seeds of certain grasses were nourishing but he also discovered that if those seeds were scattered they would take root and grow and that they would grow better if the soil were delved to receive them and better still if they were properly watered. So he became a tiller and irrigator, settling in the alluvial plains of the rivers and creating a self-sufficiency of food for his family and his domesticated animals. He also discovered efficiency in the division of labor and that some of his kind were more proficient than others in contriving tools, making pots, building houses, weaving baskets from rushes or clothes from finer fibers, or making wheels to lighten his haulage. So the craftsmen were sustained from the surpluses of the tillers. So were the priesthoods which had to intermediate with the gods who were the embodiment of elemental nature, sending lightning and floods, pestilence and earth-convulsions as reminders to Thinking Man that—no matter how ingenious he might be in modifying his environment—there were two parties to the contract and that nature was still paramount.

The temples became the entrepots, the tithe barns of farm tributes to the gods; the traffic in those farm goods produced trade with other communities and when direct barter became too cumbersome, tokens of exchange had to be created; so money was invented. Then money became a commodity in itself to be traded by the money-lenders, the money-changers, and the credit-bankers. Accessible wealth exposed communities to marauders. So protection was necessary and warrior-kings and soldiers and conquering dynasties came into being.

This, the growth of cities, we call "civilization" but the whole superstructure, the craftsmen, and their auxiliaries such as miners, the priesthood, the tax-gatherers, the bazaar-traders, the import-export merchants, the financiers, the soldiers, and the feudal systems and imperial adventurings of kings—all depended on the labor of the tillers and the soil which they husbanded.

Cities brought their own problems. Thousands of years ago there were the consequences of overpopulation (congestion within the city walls); "urban renewal" (that polite admission of slums); infections and contagions; sewage disposal and trash collection (so that archaeologists find the miniaturized version of our present pollution problem in the succession of cities built on the midden-heaps of their predecessors). In Mohenjo-Daro, the Indus civilization of 5,000 years ago, there was the equivalent of our non-returnable containers; beside the remains of drinking-booths where drinking water was sold, there are huge spoil-heaps of broken cups, strongly suggestive of some sanitary ordinance, which required that they should never be used twice.

To supply the increasing demands of the cities, agriculture had to be intensified. More and more areas had to be irrigated. In Egypt and Mesopotamia and in the Negev Desert in Israel, there are the remains of the first public utility—master canals, administered and maintained by overlords, from which the farmers drew their irrigation water for their fields. Those canals have a somber warning for our present times because civilizations collapsed with their failure. Great cities stand isolated in the desert sands because water-courses were diverted or neglected. Alexander the Great, master of the whole then-known world, died in 320 B.C. at Babylon of malaria. The over-elaborate canal system had been mismanaged and the Euphrates had turned the area into a marsh where the malaria mosquito bred.

Ancient civilizations flourished and died of their excesses or their effeteness. Their ziggurats and pyramids vaunted their material achievements and now stand as the tombstones that mark them only as historical incidents. Those civilizations, however, were local. They had their place and their time and were succeeded by others.

Today, our civilization is global. By our own achievements we have reduced our world to a minor planet—Planet Number Three in the solar system—round which a man-made satellite can circle 16 times a day; on which no place is more than a few hours away by jet-propulsion, a few minutes away by inter-continental ballistic missile, and a split-second away by radio; and on which 3,600,000,000 people today and twice that number by 2000 A.D. have to contrive to live together. Whatever happens anywhere reverberates everywhere. Our mistakes are writ large on a world-scale. For example, when atmospheric bomb-testing was deemed militarily expedient, the nuclear powers—all of them—pushed the test-sites for their superbombs as far away from their own heartlands as possible. They claimed that the radioactive fall-out would be "safely" localized; that was, the fall-out from the *fission*-detonator of the fusion bomb. But it was confidently assumed that the *fusion* products would be dissipated in the stratosphere. In those experiments, which turned the biosphere—the living-space—into a laboratory, the assumption was wrong. The H-bombs certainly punched their way into the stratosphere, beyond the troposphere which is the climatic "ceiling" and the radioactive gases dispersed into the void. But two mistakes were made: radioactive krypton—which is a gas—decays into radiostrontium that is a particulate, which will gravitationally descend; furthermore, the troposphere is not continuous; there is the polar troposphere and the equatorial troposphere and there is a gap. Through that gap the radiostrontium reentered our weather system and was swept around the world. The radioactive chickens came home to roost, to be deposited by rain on the heartlands of the perpetrators—but everywhere else on earth as well. Radiostrontium is a man-made analog of calcium, the bone-builder, and the human body does not distinguish when, as in the case of growing children, it needs bone-building material. Thus every young person who grew up when bombs were being tested in the atmosphere has in his or her bones radioactive strontium. It is not medically sinister nor significant, but it could have been if there had not been the test ban treaty which deterred at least the U.S.A., the U.S.S.R., and the U.K., if not the French and Chinese.

We are all familiar with the story of DDT (now under legislative restraint) and how it was found in the flesh of penguins in the Antarctic, where no DDT had ever been used. It could only have got there from wash-out of northern farmlands, carried by rivers into the ocean current-system. And we know about mercury in tuna fish—a panic-stations reminder of all mercury which for all those years has been used to prevent the growth of molds in pulp and paper-making and which by reckless effluent even reached mercury-susceptible deep-sea fish. In Britain, the authorities proudly claimed that they had reduced the amount of sulfur dioxide to insignificant proportions at *ground level* only to be reproached by the Norwegians because Britain's sulfur dioxide from tall chimney-stacks was attacking their forests—hundreds of miles away.

Pollution, in those terms, knows no boundaries. We are all in it, one with another.

Homo sapiens, Thinking Man, ensured the survival of his species by interfering with nature. He modified the environment. He ransacked the natural resources. He cut down forests to get his timber or the clearances for his homesteads. He broke the plains. He manipulated river systems. He built his cities to give him his self-contained environment. He quarried the rocks and mined the lithosphere to get his metals and his fuels. Throughout the millenia he did some of this recklessly and produced local and regional catastrophies, like the man-made deserts produced by erosion and disastrous floods caused by the destruction of forests and vegetation which had once filtered torrential rains into the well-springs. Without the forest cover, those rains scoured off the soil as silt into the rivers and the naked rocks shed the water to overflow the river beds.

Homo insapiens, the Unthinking Man of today, can prevent the survival of his species by the universal holocaust of a nuclear war from warheads which, at the ready, contain the radioactive equivalent of 70 tons of TNT for every man, woman, and child on earth. He can swamp the planet with offspring, making more and more demands upon resources and increasing the extent of pollution to the point of starvation or self-extermination. He can go on with his present processes of spewing chimney-sewage into the atmosphere or flushing toxic effluents into the living-waters of the rivers and oceans. He can interfere with the sunlight and the photosynthetic process by which our food is produced. He can change the climate so that fertile areas will become arid because the rain-belts have shifted. By digging up or pumping up the hydrocarbons from the geological vaults in which they were locked all those millions of years ago and letting them loose from chimneys and automobile exhausts he can increase the "greenhouse effect" by which the carbon-dioxide layer above the surface of the earth confines the convection heat so that the fixed ice of the glaciers and the continents would melt and raise the level of the oceans. He can on destroying fresh-water and the fresh air on which our survival depends. On *Spaceship Earth* we would be encapsulated under conditions with which space medicine could not cope.

There are those who say that the lease is running out. I prefer to say that we can renew our options. As one of those who has been called a "Prophet of Doom," I am aware of the dilemma: How to alert people to the portentious truths without scaring them into a sense of impotence, or fatalism? Apathy has been described as "The fear of being afraid," the "I-don't-want-to-know" syndrome. But if we are to stir up men-of-affairs into doing something, we have to stir up the people who have the votes. This has been done pretty successfully. All major western countries have now set up Departments or Ministries for the Environment. They are enacting statutes, applying restraints on the self-evident abuses, and financing research to an extent far greater than heretofore. "Environment" is a band-wagon word.

But I have discovered in talking about the population explosion—3,600,000,000 now and 7,000,000,000 in 2000 A.D.—that noughts become hypnotic. The figures are too big to grasp and individuals feel helpless. The same thing can happen with environmental problems and people will lapse. That was brought home to me when the editor of a U.S. journal asked me to write an article on pollution and cancelled it because his editorial board had decided that "pollution was last year's subject."

"Pollution," I have said, "is a crime compounded of avarice and ignorance." Avarice, because of the reckless use of resources and the destruction of amenities and the environment for the sake of quick profits, and ignorance, because most people do not bother to find out and anticipate what the effect of their activities is likely to be. Ignorance is no longer any excuse because we have been alerted to the hazards, not only to our localities and to our own personal convenience but to the whole biosphere on which the survival of mankind and of all our fellow-lodgers depends.

I do not withdraw that indictment nor any of the apocalyptic warnings I have uttered but I have changed my posture. I offer the slogan "Waste is wealth." Pollution means mismanagement, incompetence, and the squandering of real wealth. The old saying in Lancashire was "Where there's much, there's brass." (Where there is filth there is money.) This was used to justify the grime, the squalor, and the slag-heaps as the signs of abounding prosperity in the 19th Century. (This was as cynical as the boast in Wyoming. "We cut out the steak and we throw away the steer.") What we now properly call the quality of life was ignored and so were the social costs. Those were disregarded in the interest of competitive price or of dividends. Britain was disfigured (as so much of America has been) by the wealth it was supposed to be creating.

I once made a documentary film which featured eight miners each of whom had spent 50 years in the pits hewing coal: 400 years among them at the coal face and of that 360 years' effort had gone up the chimneys as smoke. When coal was cheap (except in terms of human lives and suffering) we thought we could afford inefficient combustion which blackened our cities and industrial centers with soot. When Britain was burning its coal in this way the Germans were treating it as what it is—a source of chemicals—and founding their great dye-stuff and drug industries.

Waste is discarded wealth. It is simply a failure to recognise the valuable materials we are throwing away. For example, germanium is the basis of the modern transistor industry. It is a rare and expensive metal. We have been pushing it up the stacks in flue-dust all those years. It was like hoarding money in a chimney and we are now recovering it. Or take a more spectacular example: The atom bomb which was first exploded in the desert of Alamogordo and later destroyed Hiroshima, was produced from the waste-tips of Katanga, in the Congo. There when radium was the produce they were after, the uranium was thrown away as tailings but when the bomb became feasible that waste was shipped secretly to the United States to become the basis of the "Manhattan Project."

Or take another example: Fleming, Florey, and Chain—in Britain—discovered penicillin, an exudation of the mold, ***penicillium notatum***. For this, the mold had to be grown and fed. In their early days at Oxford University, they grew this mold in milk bottles and bed pans on nutrient produced in a brewery in the East End of London and trucked through the bombing raids. Florey and his colleague Heatley crossed the Atlantic in convoy to try to persuade U.S. corporations to undertake the mass-production which Britain, beleaguered in 1940, could not provide. At the Fermentation Laboratory of the U.S. Department of Agriculture at Peoria, Illinois, they discussed how the molds could be produced in bulk from an abundant source of nutrients. The head of the laboratory asked whether cornsteep liquor would do. He had a vested interest because cornsteep liquor was a problem. As the waste of the starch and distilling industries, it was a menace. It was a rich nutrient which even in those unregenerate days could not be thrown into the sewers or the streams because micro-organisms would flourish on it and therefore it had to be expensively treated to make the effluent safe. It certainly would do! It became the means to deep-culture penicillin which, incidentally, gave the U.S.A. a great technological advantage in the commercial development of antibiotics.

Consider another aspect: we hear a lot about "thermal pollution," that is, the waste-heat from power-stations which raises the temperature of rivers and streams and the sea to the upset of the environment. But it could, with foresight, be turned to lucrative advantage. At Hunterston on the west coast of Scotland, there is one of Britain's biggest power stations. The "thermal pollution" has been trapped in basins to provide what promises to be a profitable form of fish-farming. My own opinion is that it would have been even better if they had located the power station on one of the sea-lochs not much farther north where hopeful experiments in increasing the yield of sea fish were tried, by fertilizing the loch to increase the phytoplankton. It worked. The fish were more abundant and could have been fattened up but the water in the inlet was colder than the open sea and the fish migrated. They would have stayed to be husbanded if they had been given a bit of "thermal pollution." In other words, with more imagination in citing projects and including "pollution" in cost-benefit studies—not as a liability but as a potential asset—we could preserve the quality of life and still have economic advantages.

It needs, however, a new approach: not of saying "We can make money by making pollution and then make money by treating it." There is a need for recycling, but recycling as an afterthought is, to me, both cynical and sinful, because any industrialist embarking on a new process should know in advance not only what they are getting as their finished product but what they are vomiting out as fumes or effluent. The cycling should be pre- as well as post-. I was with the directors of a great, diversified, chemical combine at a demonstration of the recovery of rare metals and fine chemicals from sludge which had caused amenity outcries. I reminded them that what this unit was throwing away other departments of their combine were buying expensively from somewhere else.

Prevention of pollution is a matter of money. If concerns want quick dividends they take short-cuts, which are as reprehensible as putting cheap steel into a skyscraper. But the customers, who become the "public" protesting about pollution, must also recognize that if they want lots of things cheaply they must pay the social costs later on. This has been the bone of contention in all regulation of pollution. Industrial concerns say "if you impose those precautionary charges on us, you will price us out of the market, because our competitors abroad are not under such restrictions." Indeed, the only possible solution will have to be international, enforceable standards. It is not impossible. We have built international safeguards into industrial atomic energy so that they are a first-cost which every operator has to meet and is common to all his competitors everywhere in the world.

I have a more draconian proposal: I would make concerns not only responsible for their initial waste-products but for their products when they become waste. I have prophesied that our civilization will "go out not with a bang but a raspberry ripple"—we shall be smothered in non-returnable containers. If automobile manufacturers, tire-manufacturers, and dispensers of goods in plastic containers were compelled ultimately to dispose of them, this would take care of the cast-off cars, the tires in copses and gullies, and the indiscriminate litter—but we also would compel the makers to realize the wealth they are wasting. They would have to think in advance, in the making of their products, how they could find use for the elements they contain. The ingenuity they would need to cope with the products which have gone to waste would help to recover the wealth that is in that waste. And they would be agreeably surprised.

After all Nature, with which we have to negotiate fresh options and a new lease on this planet, practices "Conservation of Matter." Why should not Homo sapiens?

THE 23D ANNIVERSARY OF ISRAELI INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. PATTEN. Mr. Speaker, my good friend, Iz Silver, has expressed much better than I could some thoughts we should remember in commemorating the 23d anniversary of Israeli independence. I am, therefore, very happy to put his remarks from a recent editorial in the News Tribune into the CONGRESSIONAL RECORD.

People around the world have looked with pride and amazement at what Israel has done for herself in these few short years. I think it is indeed a tribute to this small nation that she has also gone out to other nations that are less developed, and has offered them a helping hand.

The article follows:

NOTES ISRAEL'S PROGRESS, AID TO OTHER COUNTRIES

One of the astonishing things about the infant state of Israel, on its 23rd anniversary as an independent nation and faced with its own critical needs and problems, is the impressive aid it is giving to other developing nations, especially in Africa and the Far East.

Each year more than 1,000 trainees from these nations receive instruction in technical skills at Israel's agricultural schools, hospitals and scientific institutions. In addition, some 500 Israeli experts have visited 80 countries in Africa, Asia, Latin America and the Mediterranean basin, offering on-the-spot training courses and assistance in industrial and rural development.

Joint companies for construction, water supply and irrigation, shipping and foreign trade have been launched in Asia and Africa. An Israeli architect, in partnership with an Ethiopian, established the first architectural firm in Addis Ababa and helped organize a faculty of architecture at the University of Ethiopia, which has already trained 20 full-fledged architects and numerous draftsmen.

Israeli experts have been entrusted not only with the construction of public buildings and industrial plants in Ethiopia, but also with the development of fisheries, geological surveys and engineering schools.

Some of these projects are sponsored by the Israeli government; others are undertaken jointly with U.N. and other international bodies; many are the private undertakings of Israeli business firms.

Israel is in a unique position to offer guidance and technical assistance to developing nations, since many of the problems these nations face, Israel has been forced to solve.

Because Israel has been forced to rely on science for the development of its limited resources, it has pioneered in the use of synthetic materials and in the extraction of metals and chemicals, as well as farm products, from its reluctant soil, abused and despoiled for a thousand years or more.

In a world that is faced with population explosions and exhaustion of natural resources, the Israeli experience, forced upon it by circumstances, may well be of universal significance and in some instances has already proved so.

ISRAEL SILVER,
Executive Director, Jewish Community Council, Perth Amboy.

EXPANSION OF STRATEGIC WEAPONS BY THE SOVIET UNION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. BYRD of Virginia. Mr. President, the Staunton (Va.) Leader of April 27 contained an excellent editorial on the subject of the expansion of strategic weapons by the Soviet Union.

The editorial notes that there is a danger that Russia may be using the SALT talks as a cover for greatly increasing its missile systems.

I hope that the SALT talks will be successful, but I believe that we must be watchful and take care that we do not permit the deterioration of our strategic capability while the negotiations are in progress.

I ask unanimous consent that the editorial, entitled, "Is There Any Alternative?" be printed in the Extensions of Remarks.

The editor of the Staunton Leader is E. Walton Opie.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IS THERE ANY ALTERNATIVE?

Two men prominent in the federal government, one in the Executive Branch and one in the Legislative, have voiced new warnings that Russia is still expanding her capabilities for nuclear destruction of the United States.

This country is undoubtedly dangerously behind in defenses against intercontinental ballistic, multi-headed missiles. Our retaliatory power seems no longer adequate as a deterrent with the Soviet building such capability for smashing our ICBM silos that a first-strike could be decisive. Is that the real objective of the persistent Russian missile building while engaging politely in the strategic arms limitation talks (SALT)?

In the face of the statement by Secretary of Defense Laird that the U.S. now has evidence of Russian involvement "in a new and apparently extensive ICBM construction program", can we afford to doubt the information from our intelligence sources?

Sen. Henry M. Jackson, D-Wash., a potential presidential candidate next year who has a realistic outlook on Russia's military might and Communist global ambitions, has given some actual figures on the new Soviet missile construction program. Whether or not he has sources of dependable information other than Sect. Laird's is a question which makes the situation no less sinister.

Sen. Jackson said his data shows Russia could deploy 70 huge missiles this year with "more destructive power than the United States has in its entire land-based Minuteman ICBM system". Recalling news last month of a new generation of Communist missiles, he declared: "We have now learned that construction of this system is moving ahead at a rapid rate." Sect. Laird has reported similarly, but expressed hope of "convincing progress" by SALT.

These talks at Vienna, opined another Administration official, "are going nowhere but down", and have "narrowed the time in which we can negotiate from a stand-pat position".

The Pentagon credits the Soviet with 300 multi-headed SS9s deployed already, packing enough power to knock out 95 per cent of our 1,000 Minutemen in silos. Wouldn't that crush our once vaunted retaliatory deterrent power, or could our nuclear-powered, missile-firing submarines fulfill that role? Soviet strategists must be placing faith in their new missile program to more than counter-balance our Poseidon missiles, some of the underwater carriers of which would be tracked and either destroyed or rendered harmless by Russian subs.

Sect. Laird is reported to be hesitant, even in the face of such considerations as the above, about recommending Congressional approval of counter-action, further than the limited provisions of the military budget for fiscal 1972, in order to restore our deterrent position. He has said that without some genuine progress by SALT, it will be necessary for him to do so. The cost would run into billions of dollars, but what alternative is there?

Americans should not forget the treachery of Japan in making the secret naval movement and the sneak Pearl Harbor attack while negotiating in Washington for a Japanese-U.S. detente. The Communist regime in Moscow is capable of equal treachery.

A BILL TO PROVIDE ADDITIONAL DENTAL CARE FOR MILITARY DEPENDENTS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, today I am introducing legislation, which I formerly introduced in the 90th and 91st Congresses, to provide additional dental care for dependents of active duty members of the uniformed services.

I want to call to the attention of my colleagues that employees in private industry are beginning to receive the kind of dental care benefits that the Subcommittee on Dental Care of the Armed Services Committee proposed for military personnel. I think it is high time that we offer similar benefits to our men in the Armed Forces. To explain the situation in greater detail I am inserting the following article which appeared in the Wall Street Journal on April 7:

UNIONS PUSH FOR DENTAL COVERAGE IN PACTS FOR TWO REASONS: HIGH COSTS, BAD TEETH

(By Timothy D. Schellhardt)

CHICAGO.—Bill Appling has put off getting a new set of false teeth for four years because he can't afford them. But come July, the 42-year-old International Harvester Co. employe will get his dentures. What's more, his wife, Delores, will be fitted with a new set of uppers, his 14-year-old daughter, Dionne, will have her teeth straightened, and his son, Glen, 10, will have several cavities filled.

The total dentist bill should approach $2,500, but Mr. Appling isn't too worried. That's because his union, the United Auto Workers, last January negotiated a labor contract under which International Harvester will pay about 70% of the dentist bills of its 40,000 employes and their families. The plan goes into effect July 1.

"Denticare" as it's called, is one of the newest and hottest employe benefits being demanded—and won—by unions across the country. In the past few years, prepaid dental insurance has been negotiated by the Teamsters, Machinists and several public-employe unions. The agreement between the UAW and Harvester—the biggest single plan written so far—increases to more than 10 million the number of Americans who now have some sort of dental coverage.

That number should grow substantially in the near future. "Of all the fringe benefits we seek this year, dental insurance heads our list," says a top official of the Communications Workers of America, which this year will negotiate contracts covering more than 500,000 employes. Dental benefits are expected to be high on the list of demands of the Steelworkers this summer, and Machinists Union officials say they will be pushing this year to cover the 80% of their one million members not covered at present. The UAW says it will press hard for dental insurance in its 1973 talks with the major auto and farm-implement makers.

TOOTHACHES AND HEADACHES

The union push for dental insurance is hardly surprising. Since 1939, dental costs have climbed 56% while the cost of living in general has risen 38%. The American Dental Association estimates that the average family without dental insurance will spend $90 this year on dental bills, up 50% from seven years ago. Many families will spend much, much more. It costs $800 to $1,500 to have a child's teeth straightened, and a common filling costs about $8.50 now, compared with $5.75 only 10 years ago.

Now that the federal government seems on the verge of offering some health insurance unions have been seeking from employers, the unions are turning more attention to winning dental coverage from employers. In addition, dental coverage is seen as an attractive benefit for the younger workers who are making up a growing proportion of the industrial work force.

"Our younger members aren't much attracted by big pensions, but dental bills are a big headache. For many of them, dental costs are as high as their medical bills," says Pat Greathouse, a UAW vice president.

The movement toward company-paid dental insurance is expected to affect more than just the worker's pocketbook; it also promises to make his teeth better. Although they get relatively little attention, dental disorders are among the nation's leading health problems. The ADA says that less than half the population now gets "adequate" dental care. The Surgeon General's office estimates that one child in four has teeth so poorly aligned that chewing causes facial disfigurement and that four of every five Americans over 14 years old have gum trouble.

"HEALTHIEST TEETH AROUND"

The results of poor dental care can go far beyond a simple toothache. The Department of Health, Education and Welfare says that in 1968, the last year for which figures are available, an average of more than 10,000 men and women stayed off their jobs every day because of dental disorders. Bad teeth can lead to serious health complications. Bacteria from an infected tooth can be swallowed, resulting in painful throat infections, back and shoulder pains and even blood poisoning that can bring about death.

Regular trips to the dentist can stave off most dental agonies, and all evidence indicates that people with dental insurance are more likely than others to go regularly. The authority for this is no less than the ADA, which in 1962 instituted a prepaid dental program for 200 of its employes. In 1969, a typical ADA employe's family of four had $475 of dental work done, more than five times the amount spent by families without dental insurance. "Before the prepaid plan, our employes' teeth were as bad as everyone else's. But now we certainly think we've got the healthiest teeth around," says Duane Moen, director of economic research for the association. The association favors dental-insurance programs.

If dental coverage is to expand greatly, it will have to be through collective bargaining, insurance officials believe. Public interest in individual policies has been low, primarily because the premiums are high. An inidvidual policy for a man with a family can cost $75 to $420 a year, depending on breadth of coverage. In addition, most individual policies require the policyholder to pay a sizable deductible amount before receiving benefits, and even then all costs usually aren't covered.

Few insurers even offer individual plans. "Dental disease is practically universal, and most individuals can tell quite clearly what their dental needs are before seeking insurance. Only when we spread the risk among many people, such as a group, is it worth our while to write the business," says one insurer.

MANY PLANS AVAILABLE

At the company level, too, dental care plans are expensive. Harvester's program is expected to cost $5.5 million to $5.8 million annually, or about $140 for each employee. The plan will pay all charges for examinations, including teeth-cleaning every six months, for surgical repair of dentures and for surgical treatment of diseased gums. For other dental expenses, including filling cavities, Harvester will pay 75% of the costs, except those related to teeth straightening, dentures and bridgework (other than surgical repair), where the reimbursement will be 50%. There is a $750-a-year limit on most benefits for each person and a $500 lifetime maximum on teeth straightening costs.

The Harvester dental plan is written by Aetna Life & Casualty Co., one of more than 50 insurers who write the business. The nation's Blue Cross and Blue Shield plans, which provide medical coverage for about 45% of the population, have started writing dental insurance for their group subscribers. A prototype plan, begun last May by a joint Blue Cross-Blue Shield organization in New York, covers almost 200,000 persons, served by more than 6,000 dentists. Other "Blue" plans cover about 40,000 subscribers.

Group packages also are written by the Delta Dental Plans Association, a dentist-operated organization sponsoring insurance through state dental societies. The nonprofit Delta contracts now cover about three million persons in 29 states. Union-negotiated dental plans got their start through a Delta plan written in 1951 when the International Longshoremen and Warehousemen's Union got dental benefits in its West Coast contract.

Some smaller companies provide dental care for employees through company health clinics.

Dentists generally like the plans, but some complain about the paperwork it causes and about slow payments from insurer. "Three or four of my patients now have healthy teeth, but I haven't been paid for months for their dental work. These delays can really hurt a guy just starting his practice," says Dr. Robert G. Thomas Jr., a suburban Chicago dentist who began his practice last year.

GEORGIA SHERIFF'S ASSOCIATION EXPRESSES SUPPORT FOR J. EDGAR HOOVER

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. MATHIS of Georgia. Mr. Speaker, much controversy has arisen in our Nation during the past several weeks surrounding the service of FBI Director J. Edgar Hoover, an outstanding American who has served his country with honor for a long period of time.

Many of my constituents have expressed strong support for Mr. Hoover, as have many constituents of my fellow Members from Georgia. One of the Associations that serves our people best is the Georgia Sheriff's Association, and here is correspondence received from the Honorable D. Lamar Stewart, secretary-treasurer of that group, and sheriff of my home county of Dougherty.

The correspondence follows:

APRIL 20, 1971.

Hon. DAWSON MATHIS,
Congressman, Second District, House Office Building, Washington, D.C.

DEAR SIR: We the members of the Georgia Sheriff's Association would like to commend the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, for his great contributions to Law Enforcement. Let this be a matter of record that we support his actions and methods.

We have all learned and benefited from him and his Department and wholeheartedly support him all the way.

Sincerely,

D. LAMAR STEWART,
FBI National Academy, 22d Session, Secretary-Treasurer, Georgia Sheriffs Association.

SOVIET SA-5'S

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SCHMITZ. Mr. Speaker, on April 12, 1971, Mr. Joseph Alsop, hardly one of my favorite columnists, reporting from Offutt Air Force Base, Omaha, Nebr.—the headquarters of our Strategic Air Command—brings to our attention the fact that the Soviet Union may well have 1,200 ABM launchers operational in addition to the 64 launcher Galosh ABM system already operational around Moscow.

Mr. Alsop points out that the Soviet surface-to-air missile, No. 5—SA-5—when integrated with the huge "Henhouse" radars, of which the Soviets have around half a dozen under construction, would, according to Strategic Air Command analysts, "make an ABM system protecting most of the other Soviet industrial centers, additional to Moscow which is protected by the Galosh system."

Dr. John Foster, Director of Defense Research and Engineering, has alluded to this possibility by stating that:

> If the SA-5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles.

It is well to remember that this internetting cannot be detected by means of aerial observation.

Recent information released yesterday by Secretary of Defense Laird revealing that the Soviets are going ahead on the construction of four more Galosh complexes in addition to the four already operational would lead most reasonable people to believe that if the SA-5 antimissile system, which compliments the Galosh system, is not yet operational the Soviets have every intention of making it so.

Secretary Laird also indicated that the new Galosh sites would probably utilize an improved interceptor missile. The fact that the Soviets had been testing this new interceptor for 2 years was reported in the Secretaries' Defense Posture Statement for fiscal year 1972 so as the deployment of the new missile should come as no surprise. The statement follows:

> RESEARCH AND DEVELOPMENT
>
> During the past two years testing of what appears to be an improved GALOSH missile has been noted. Such a missile could be available as early as this year. It has a controlled coast capability and restartable engine providing a high degree of flexibility in countering a variety of threats.
>
> During this past year research and development related to a new ABM system continued.

These developments, as well as the now familiar news that the Soviets are starting to build a new and extensive SS-9 type missile system, are additional confirmation of the trend brought to light in the supplemental report submitted by seven members of the Presidents Blue Ribbon Defense Panel.

The report states:

> The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities (1. an offensive first-strike capability against our means of delivering retaliatory missiles and 2. a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.) This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed ONLY (panels emp.) for such a purpose are being deployed.

Our self imposed restraint, which Secretary Laird correctly characterized as "near moratorium," is fast destroying any hope of stability, based on relative strategic capabilities, at the level of central nuclear war, while at the same time opening up whole new areas of the world to Soviet conventional force aggression by making U.S. retaliation for any act less than direct attack on the continental United States more and more incredible as the Soviets gain unchallenged nuclear superiority.

The first prerequisite for maintaining stability at the highest level of possible nuclear conflict is to prevent the Soviets from acquiring the means necessary to lower our second strike retaliatory capability below a threshold acceptable to themselves. War, especially a one act war taking place mainly on the American continent, becomes more and more probable the closer the Soviets come to being able to achieve a favorable decision through war.

Since a successful Soviet first-strike capability consists of their combining counter force offensive systems, such as the SS-9, and ballistic missile, and other, defensive systems in a coordinated effort to lower the retaliatory damage we are able to inflict on them to a level they consider acceptable, Mr. Alsop points out:

> If this is true (SA-5 having an ABM capability), as the SAC analysts believe, the upset in the balance of nuclear strategic power is already far greater than the worst pessimists suppose outside the government's secret chambers.

The article follows:

[From the Washington (D.C.) Post, Apr. 12, 1971]

WHAT IF THEY'RE WRONG?

(By Joseph Alsop)

OMAHA, NEB.—"And what if the estimates are wrong?" That is the question you find yourself asking, over and over again, if you come to the headquarters of the Strategic Air Command. Here the whole world balance of power is concentrated, as it were, in a single converted but still old-fashioned U.S. Army post.

The journey to Offutt Air Force Base was made to get the facts before the Senate's annual storm in a cave of winds over the next appropriations for American antiballistic missiles. And the journey raised the fairly worrying question above recorded for reasons of the utmost grimness.

In brief, the analysts of the Strategic Air Command are rather firmly convinced that the Soviet Union already has an extensive and efficient antiballistic missile system disguised as part of its antiaircraft defenses. In this matter, moreover, SAC analysts are supported by most Defense Department analysts, including the department's able chief scientist, Dr. John Foster.

It is a strange feature of our era that issues of potential life-and-death significance are quite often debated in private, in the most secret chambers of the government. In this instance, the issue of "SAM-upgrading," as the problem is called, is known to have been given nearly 30 hours of close, consecutive study by the director of Central Intelligence Agency, Richard Helms.

Any issue requiring that amount of desperately hard homework by a man in the position of the director of the CIA can only be an issue with potential life-and-death significance. And who on earth, outside the government's most secret chambers, has ever heard that such a problem as "SAM-upgrading" so much as exists?

But for the very reason that it has potential life-and-death significance, it is well for more people to understand the nature of the problem. The problem begins, then, with the Soviets' deployment of approximately 1,200 defense ballistic missiles of unusual size and power, which our people call "Tallinns" or "SA-5s."

As the designation "SA-5" should indicate, these Tallinns were originally classed as antiaircraft missiles, in the same series as the SA-2 and SA-3 that the Soviets have deployed in Egypt. The question whether the Tallinns really belong in this series was what engaged Director Helms' attention so many hours.

There are three facts of great importance that bear upon this question. In the first place, incoming ballistic missile warheads, greatly slowed by their descent and incapable of evasive maneuver, are actually rather easier to knock down with missiles than are properly flown and equipped bombing-planes.

Secondly, the Tallinn is an exo-atmospheric missile. In other words, with a range of 100 miles, it also reaches an altitude of 100,000 feet. This is somewhat above the atmosphere in which airplanes fly. Thirdly, in most parts of the Soviet Union where Tallinns are deployed, they are duplicated, as it were, by SA-2 missiles, whose antiaircraft character is beyond dispute.

Thus the Soviets have today 1,200 missiles which can be ABMs masquerading as antiaircraft missiles. This is of course in addition to the acknowledged ABMs of the type known as Galosh, deployed only around Moscow. That is by no means the end of the story, however.

The 1,200 plus-or-minus Tallinn missiles could not possibly be used as ABMs, without a complex system to give them the needed radar-targeting and radar-guidance. This is where the huge "henhouse" and "doghouse" radars come in, which the Soviets have also been deploying for some time.

These vast radars, over 100 feet high and as large in area as a couple of football fields, again appear to be superfluous, like the Tallinns' power to reach outside the atmosphere, except on one condition. That condition is that the radars are intended to be married to the Tallinns. This would make an ABM system protecting most of the other Soviet industrial centers, additional to Moscow which is protected by the Galosh system.

If this is true, as the SAC analysts believe, the upset in the balance of nuclear-strategic power is already far greater than the worst pessimists suppose outside the government's secret chambers. The untruth of the SAC analysts's conclusion is meanwhile stoutly maintained by most of the government's civilian analysts.

These are the same people who first maintained that the Soviets' giant SS-9 missiles were not aimed at our Minuteman system, and then repeatedly argued that SS-9 deployment would soon be stopped. They took five years to admit that other error, so the track record is not reassuring.

THE NIGHTMARE OF A FIREFIGHTER

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. KARTH. Mr. Speaker, on February 8, 1971, I reintroduced a bill to provide Federal death and disability benefits for all policemen and firemen killed or disabled in the line of duty—H.R. 5235.

While hearings were held on his bill during the 91st Congress, no hearings have yet been scheduled by the Judiciary Committee during this Congress.

In connection with my proposed legislation I would like to bring to the attention of my colleagues the following article from the April 29, 1971, edition of the New York Times. This article by Dennis Smith, who himself is a fireman in the south Bronx of New York, dramatically illustrates what it means to be a fireman today.

I strongly feel the article highlights the never-ending and often lonesome job of our firefighters. All too often their heroic actions are taken for granted with little or no notice. Perhaps this article will provide some impetus toward early passage of this vital legislation.

THE NIGHTMARE OF A FIREFIGHTER

(By Dennis Smith)

Every fourth year or thereabouts the city's Department of Personnel gives notice that the filing period for the fireman's examination is open. I read such a notice recently, and a plethora of remembrances danced through my mind. I have been a firefighter for eight years, but I remember the day I filed for the exam as clearly as a king remembers his coronation, or a cardinal his elevation.

There were no budding trees to see as I walked the seven blocks from the dispossessing tenement I called home to the Lexington Avenue subway, but as I passed the firehouse on East 51st Street I felt an excitement that was once again the excitement a poet would feel upon viewing an acre of exploding crocus. There was a chromed numeral attached to the grill of the fire engine, but I saw William Carlos William's figure 5 in gold, ecstatic that I would soon be a part of the whining sirens and clanging bells.

I would play to the cheers of excited hordes—climbing ladders, pulling hose, and saving children from the waltz of the hot-masked devil. I paused and fed the fires of my ego—tearful mothers would kiss me, editorial writers would extol me in lofty phrases, and mayors would pin ribbons to my breast.

It was a summer Saturday when I took the test. Eight thousand men competed for 2,000 jobs. The fireman's test is traditionally the most difficult of all tests for the uniformed services—more men apply for it than any other, but since there are fewer jobs the examiner makes the test harder to pass.

The day of appointment came, and the swearing-in ceremony was brief. After a few gratuitous and banal remarks by city officials about courage and dedication I was given the 3-inch Maltese cross which is the badge of a firefighter, the majestic shield of the lower-class diligent. I had made it.

Now, eight years later, the romantic visions have faded. I have climbed a thousand ladders, and crawled Indianfashion down as many halls into a deadly nightshade of smoke, a whirling darkness of black poison, knowing all the while that the ceiling may fall, or the floor collapse, or a hidden explosive ignite. I have watched friends die, and I have carried death in my hands. With good reason have Christians chosen fire as the metaphor of hell. Each fire is an ontological lesson for me, for what could be more fearful than the slow, agonizing crisping of skin, the searing of the lungs until the throat passage closes? There is no excitment, no romance, in being this close to death.

The National Safety Council has told me that firefighting is the most hazardous occupation in the United States—more hazardous than underground mining, or quarrying, or construction. There is nothing glamorous in my profession. I live in a country where the rate of death from fire is twice that of Canada, four times that of the United Kingdom, and six and a half times that of Japan. Twelve thousand persons died by fire in this country last year, over 300 in New York City. An average of eight city firefighters are killed in the line of duty each year. I live with these facts by going to funerals.

After each fire in an apartment, or a business, I sit exhausted on the dark slate of tenement stoops, or at a cobblestoned curb. My nose walls are coated with soot, and I spit the black phlegm of my trade. I am only 31, but I feel 50. Men pass by and ask how I feel, but I just nod to them. I don't feel like speaking. I feel like I have climbed a mountain, and I bask in the silent personal satisfaction of victory. And then I wonder if the price firefighters pay for the victory is worth it. Is this brutal self-flagellation, this constant ingestion of poison, this exhaustion, this aging worth it? Firefighting is a job. It is not a spiritual vocation. Hundreds of years have passed since medieval ascetics whipped themselves for glory. No, it is not worth it. At the end of the year the sanitation man's W–2 form has a higher figure typed into the amount earned space, and prison guards reap the same benefits.

Yet, I know that I could not do anything else with such a great sense of accomplishment. After a fire not long ago I sat in the vestibule of a tenement. A mother and a child were rescued by firefighters, but an 18-month-old girl was lost. A man came down the stairs, and sat next to me, the dead child on his lap. His face was covered with grime and the dark spots of burned paint chips. As we waited for the ambulance to come, he said over and over, "Poor little thing, she never had a chance." I looked up at his eyes, they were almost fully closed, but I could see they were wet, and tearing. The corneas were red from smoke, and light reflected from the watered surfaces, making them sparkle.

I wish now that each man who intends to file for the coming fireman's test could have seen the humanity, the sympathy, and the sadness of those eyes, for they explained why we fight fires. I was a part of that man sitting in a tenement hall, and together we were a part of all firefighters everywhere.

Dennis Smith is a fireman in the South Bronx, and is the author of "Report From Engine 82."

LOYALTY DAY AND LAW DAY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. CHAPPELL. Mr. Speaker, we salute the Veterans of Foreign Wars and the American Bar Association, for leading Americans in the observance of a special day of thankfulness for our system of government and for observing respect for law as a measure of our freedom. This is a day for all Americans to vigorously reaffirm their faith in our Government and in their respect for law and order that has made and kept us a free people.

Loyalty Day and Law Day come at a time when the most cherished values of our Nation are being put to stern tests. It is a time when all of us should think deeply about our principles, reaffirm their importance, and bear witness to them in our lives. On Loyalty Day and Law Day, 1971, every American should pause to look within himself and put a measure to the depths of his beliefs. Let us act upon them, as Americans loyal to a cherished heritage of ordered freedom.

The observance of Loyalty Day and Law Day gives us a chance to stand up and be counted—counted on the side of our country, counted on the side of our fighting men, counted on the side of our democratic institutions of Government and our ways of dealing with each other in a tradition of fairness, of help for the oppressed, and of respect for the law under which we are able to have freedom of association and religion and speech.

The idea of a Loyalty Day observance was first discussed over 40 years ago by leaders of the Veterans of Foreign Wars. These patriotic veterans of overseas military and naval service to their country believed that something should be done to resist the effect on the minds and emotions of millions of Americans of heavily publicized rallies, demonstrations, parades, and riots staged annually, under Communist auspices, each May 1, "May Day."

As formative plans for Loyalty Day were developing, an early leader of the Veterans of Foreign Wars said:

> It was unthinkable to men who had served their country on foreign soil or in hostile waters that mass demonstrations in American cities, in support of the godless ideology of communism, should go unchallenged. If the Communists could stage parades in support of this atheistic way of life, why couldn't patriotic and loyal Americans stage parades and demonstrations emphasizing our democratic processes and the American way of life.

With such motives, the first Loyalty Day observances were held, at the beginning, in only a few places, and then throughout the country.

Law Day, sponsored since its first observance, by the American Bar Association in cooperation with local bar associations and other groups throughout the country, had similar reasons for coming into being as did Loyalty Day, although its origins were more recent. It was first established by Presidential proclamation in 1958. Its purposes are to foster respect for law, to increase public understanding of the place of law in American life, and to emphasize the contrast between freedom under law in the United States and governmental tyranny under communism.

Mr. Speaker, let us today and every day exercise our loyalties to our country and our respect for law that we shall remain free forever.

CONGRESSMAN McCLOSKEY ON THE DRAFT

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ROUSSELOT. Mr. Speaker, the editors of the Armed Forces Journal chose this month to honor our colleague, the gentleman from California (Mr. McCLOSKEY) by reprinting in full his recent testimony before the Armed Services Committee on extension of the draft.

Although I personally favor the concept of an all-volunteer army, I think Mr. McCLOSKEY's views are entitled to our respectful attention.

The Armed Forces Journal article is set forth below:

CONGRESSMAN McCLOSKEY ON THE DRAFT

(Testimony of Congressman Paul N. McCloskey, Jr., before the House Armed Services Committee)

I would like to state several reasons in support of continuing the present draft law pending further study.

By way of preliminary comment, I believe that the arguments over the continuation of the draft are distorted by reason of the current unpopularity of our Vietnam war policy. It is understandable that young men asked to kill a people whom they do not hate, in a cause in which they do not believe, might focus their hostility against the law which requires their service. I suspect, however, that the young men of deep sensitivity who have gone to Sweden and Canada or sought Conscientious Objector status, or willingly undergone jail sentences, would be the same men who, 30 years ago, memorized eye charts and traveled to Canada to enlist in Canadian forces rather than wait for American involvement in the war against Nazi Germany. In brief, I believe that it is the Vietnam war policy which causes today's protest against mandatory military service, not a sudden abandonment of the principle that a young man should serve his country for a short time during his youth.

It may be that I am biased in this regard, but it has always seemed to me that the privileges and freedoms of being an American citizen justify two years of service in times of war or threat to the national security.

Aside from these comments, I would like to suggest several specific reasons why the draft should be continued.

First, I have seen no persuasive evidence that reasonable young men will volunteer for combat infantry service despite substantial increases in pay and benefits.

Assuming an end to American participation in the Vietnam War this year, there will still be a peacetime need, in the foreseeable future, for a combat-ready highly mobile, conventional infantry force. It may be 16, 10, or only six infantry divisions, but whatever number of divisions is required, each man in each rifle company is going to have to be trained to a point of readiness and physical fitness which will permit him to go into combat on 24 hours notice or less.

We no longer have the privilege of a year's preparation of an American Expeditionary Force, as in World Wars I and II. Combat readiness in the 1970s requires readiness to do battle instantly, and this capability constitutes the sole reason for *having* a conventional army.

To be ready to survive in combat, and to do a creditable job as a combat infantryman an individual should have not less than 90 days, and preferably six months, of hard sustained training which includes arduous physical ordeals as well as a good share of the miserable weather conditions which usually characterize the areas where combat infantrymen are sent into battle.

This means that a potential combat soldier should be running 20 miles a day, climbing a 50-foot rope perhaps five times a day, and living a good part of his life either wet, cold, and miserable, or dehydrated, hot, and miserable.

Troop leaders owe their men this kind of training if they are to have a chance of survival when the shooting starts. Some members of this committee may remember the difficulties encountered by American infantrymen living the soft life of PXs and garrison duty in 1950 just prior to the Korean conflict. I believe it is fair to say that some American infantry units were butchered in the early days of the Korean War partly because of a paternal desire on the part of peacetime commanders to make Army life as comfortable as possible for themselves and their troops.

Comfort has no place in a combat infantry unit, particularly during training in peacetime.

This being so, what reasonable young man is going to give up a life of drinking beer with his friends, enjoying drive-in movies with his girl, and sleeping late on weekends in order to volunteer for the hard and rigorous life of running 20 miles a day, standing watch half the night, crawling through jungles, and generally being miserable?

There may be such reasonable young men in America today, but I haven't met any recently. There may be reasonable young men who will volunteer to see the world in the Navy or Air Force, but I have yet to hear of any of the 18- and 19-year-old friends of my children, or the 18- and 19-year-old sons of my friends who are volunteering for the infantry these days. Occasionally I hear of a young man who has volunteered for the Army or Marines, but on reviewing his situation, it generally turns out that he volunteered for the more arduous branch of service only because he was subject to the draft in the first place and wanted to test himself against the more difficult challenge as long as he was giving up two years of his life to the Service.

If reasonable men will not volunteer for combat infantry duty in peacetime, I suspect there is little benefit in seeking to attract unreasonable men to volunteer. There are men who love to kill, but it seems to me the nation is far safer when its Army is made up of reluctant citizen-soldiers than by men who take pride in being professional killers.

I have always thought it to be one of the great sources of strength of America that so many of our citizens have shared a brief exposure to the military Services. This has resulted in a common awareness in the civilian population that military leadership is not infallible. An ex-PFC or second lieutenant is probably more skeptical than most as to whether admirals and generals are capable of error in their recommendations as to where and when wars should be fought.

Our whole national concept and heritage that the civil authority should control the military benefits, it seems to me, by having the civilian leadership of the country knowledgeable about the military.

It would thus be a tragic error, in my opinion, to professionalize the lower ranks of the combat units, and thus lose the continuing benefits of cross-pollenization and communication between the civilian and military communities. In this era of ever-increasing specialization, we may badly need full civilian understanding of the military and vice-versa. I have never seen a first-class military combat unit that didn't benefit by an influx of inquiring, challenging Reservists, nor have I seen a civilian organization which didn't benefit by the wisdom and experience of those privileged to serve in combat or rigorous military duty.

In conclusion, I would like to suggest that congressional creation of an all-professional Army at this particular period in our history may do further damage to one of our basic national concepts—that an individual should be proud to serve his country.

The basic thrust of the all-volunteer Army proposal, as I understand it, is to alleviate the discontent over the draft, and particularly the inherent inequities which have surrounded a draft where only one-fourth of the eligible young men may be called upon to serve.

Granted that these inequities exist, I doubt that the nation is strengthened by hiring mercenaries to perform the more arduous services necessary to the maintenance of our liberties. If the goals of our country are worth fighting for, then we should not feel uncomfortable in asking our young people to participate in the fighting. If our goals in Vietnam are not worth fighting for, then I would suggest that we end our involvement in that particular war rather than abandon the concept of national military service as a minor obligation, well worth the privileges of American citizenship which it protects.

"Duty, honor, country" remain the words which underlie the strength of our nation's Armed Services. Those who urge an end to the draft seem to suggest that there be an end to "duty" on the part of American citizens.

I suggest that the real problem today lies in attempting to equal "honor" with our present policies in Vietnam.

If Americans believe that national goals can be pursued with honor, I doubt that a forceful argument can be made that we should abandon the concept of duty to serve one's country.

DEMANDS OF THE VIETNAM VETERNS AGAINST THE WAR, INC.

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GROVER. Mr. Speaker, the recent appearance on Capitol Hill of a group calling itself Vietnam Veterans Against the War, Inc., has been variously described in the press and in the other media. For the most part, stories have lionized them and depicted them in the most favorable light.

From my observations they were a mixed lot—some fine young men with deep convictions and ably equipped to express their points of view—and others which no community would want to claim as its typical young service veteran.

Some made impressive appearances in their interviews and public expressions—others were reported by a Washington daily having a ball on wine, marihuana, and rock music at night and demonstrating with clenched fists and four-letter words by day.

I do wish to bring to my colleagues' attention and to the attention of my own constituents that the good appearance of some and the disreputable appearance of others, however, shown in the media, is not the basic consideration.

The really important question is what did this group of veterans stand for? Was it merely against the Indochina war?

Reports would have one think so. But a reading of the groups' demands shows some of them too far removed from mere disengagement in Vietnam. They would also ask for our veterans the same education, hospitalization, and rehabilitation benefits which our national veterans organizations have worked very hard for. No one can fault that position.

But examination of their other demands finds them far afield from Southeast Asia with proposals affecting the CIA which would emasculate our intelligence efforts around the world and imperil our national security.

Another would have Congress grant amnesty to all who refused to serve their country, undermining morale of the Armed Forces and doing a great injustice to all young men who served so honorably and courageously.

I submit herewith the demands of the Vietnam Veterans Against the War, Inc.:

VIETNAM VETERANS AGAINST
THE WAR, INC.,
New York, N.Y.

OPEN LETTER TO THE CONGRESS OF THE UNITED STATES: DEMAND FOR PUBLIC HEARINGS ON REDRESS OF GRIEVANCES OF VETERANS OF THE INDOCHINA WAR

Vietnam veterans against the war, on behalf of its members and all other people who have worked toward peace, place before the Congress of the United States the following demands:

1. The Congress enact legislation to necessitate the immediate, unilateral, unconditional withdrawal of all United States Armed Forces and Central Intelligence Agency personnel from the countries of Vietnam, Cambodia, Laos, and Thailand.

2. The Congress enact legislation to terminate all funds appropriated for the continued presence of the United States Military, its Allies and the Central Intelligence Agency in the countries of Vietnam, Cambodia, Laos, and Thailand.

3. The Congress enact legislation for the termination of all funds being utilized by the Central Intelligence Agency to support their illegal operations in Latin America, Africa, China, Europe, and the countries of Vietnam, Cambodia, Laos, and Thailand.

4. The Congress refuse to grant the 200 million dollars requested by the Administration for the continued United States support of the corrupt military machinery of the illegal government of Cambodia.

5. The Congress enact legislation for the immediate repatriation with full amnesty to those men and women who are in prison or in self-exile by reason of their refusal to serve in the military.

6. The Congress convene immediate full public hearings into the charges of War Crimes committed against the people of Indochina as a result of official and de facto United States military policy in the conducting of the illegal war of aggression in the countries of Vietnam, Cambodia, Laos, and Thailand.

7. The Congress allow the Vietnam Veterans who brought these charges at the recently concluded Winter Soldier Investigation to testify with full Congressional immunity at these public hearings.

8. The Congress without regard for domestic political consideration issue a statement to the American people that the only means of securing the release of American prisoners of War is through the immediate cessation of all acts of aggression against the countries of Vietnam, Cambodia, and Laos, the immediate withdrawal of United States support in any form to the illegal, corrupt, government of Thieu, Ky, and Khiem, and the immediate withdrawal of all United States and Allied Forces from the countries of Vietnam, Cambodia, Laos, and Thailand.

9. The Congress enact immediate legislation to provide proper care and services for all patients in Veterans Administration hospitals.

10. The Congress enact immediate legislation to make available job training and placement in both the public and private sectors for every returning Veteran.

11. The Congress enact immediate legislation providing the necessary funding for the structing and implementation of drug rehabilitation and psychotherapy programs for returning veterans of the Indochina War.

12. The Congress enact immediate legislation providing the funds and means necessary for the Veterans Administration to provide materials, services, and subsistence required by veterans in the course of their educational and vocational endeavors.

13. The Congress address itself immediately to the reordering of national priorities to serve the dire domestic, scoial, economic, and educational needs of all the people.

14. The Congress convene a joint session to be addressed by a member of our organization.

15. The Congress of the United States of America cease immediately acting in tandom with the Executive Branch and meet its responsibility under the Constitution of the United States of America to protest the interest of and safeguard the rights of all the people of the United States of America.

16. We demand these things as citizens of the United States of America and as the vehicles by which this illegal, immoral, criminal war against the people of Vietnam, Cambodia, and Laos has been carried out.

LEFT AND RIGHT: THE DIFFERENCE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. LANDGREBE. Mr. Speaker, it is normal practice when a Member of this body sees a really interesting item in the public press to insert that article into the RECORD. Normal practice also dictates an elaborate introduction by the member to accompany that article.

However, when the article is by so brilliant a writer as James J. Kilpatrick, anything I could say would be gilding the lily. So, I simply commend the following article from Human Events of April 17 to the attention of my colleagues:

LIBERALS AND CONSERVATIVES: THERE REALLY IS A DIFFERENCE

(By James J. Kilpatrick)

The lecturer who visits American college campuses, speaking on current campuses, speaking on current political affairs, often encounters this question: How do you distinguish between "conservatives" and "liberals"?

A number of answers can be offered. This is one of them: The conservative, as a general proposition, tends to look upon society as it is; the liberal by and large, tends to look upon society as he thinks it ought to be.

When it comes to crime and law enforcement, the conservative begins with the pessimistic recognition of this fact, that the world is not populated exclusively by beautiful people.

What Aristotle long ago described as "the inherent evil in men" persists to this day. Unrestrained by law, the baseness of some men will find outlet in criminal conduct. It is the first duty of government, through its agencies of law enforcement, to protect the public safety by restraining these instincts and punishing their exercise.

Which is to say that conservatives, as a group, tend to support their local police, just as the bumper stickers say. Conservatives will not condone "police brutality," and they will insist upon protection of constitutional rights. But they will not regard the deadly serious business of law enforcement as a game of hide-and-seek or a kind of genteel minuet.

The liberal view, by and large, is quite different. Here the conventional wisdom regards the criminal as the unfortunate victim of society as a whole. The criminal is not really to blame for shooting the storekeeper; if society had provided the criminal a decent home and a balanced diet, the gunman would not have embarked upon crime. Because police are an agency of society, police therefore share in the fundamental guilt. So "off the pigs," just as the demonstrators say.

All this is over-simplified; there is never room enough to turn around in. The liberal attitude recently was dramatically exhibited here in Washington, where the morning *Post*, "with due deliberation and with considerate regard for the attorney general's objections," carried a lead editorial captioned, "What Is the FBI Up To?"

The editorial was the outgrowth of incident in Media, Pa., a few days earlier. Thieves broke into the FBI office and stole roughly a thousand papers; the criminals copied 14 of these and mailed the copies to the *Post*, as well as to others. Atty. Gen. Mitchell, fearing that publication would disclose the identity of confidential sources, asked that the *Post* voluntarily refrain from making use of the material. The *Post* on March 24 "reported the substance of the records, however, because we were convinced that it served the public interest to do so."

The editorial was a typical liberal assault upon the FBI. To the *Post*, the 14 documents exposed activity that "seems to us extremely disquieting." The FBI was insensitive to the poisonous effect which its surveillance has upon the democratic process and upon the practice of free speech. The *Post* was especially outraged at what the stolen documents revealed of the surveillance maintained "on a professor regarded as a 'radical.'"

Very well. This was not the first time the Washington *Post* has trafficked in stolen documents, and doubtless it will not be the last. Pass the point. To those of us on the conservative side, the disclosures as to "surveillance of the 'radical' professor" indicated precisely the kind of expert police work demanded by the real world we live in.

For the FBI was not watching the professor because of his political views. The FBI has reason to believe the professor might be in contact with two young women indicted for the slaying of a Boston policeman in a bank holdup in September 1970.

The difference, you see, is in point of view. Conservatives look at this particular affair and see the policeman slain, the bank robbed, the armed fugitives at large; we tend to think in terms of apprehending the slayers and bringing them to trial.

Liberals, by contrast, see a professor harassed, and they mourn "a government of snoopers in a nation of informers." Our concern, in this instance, is with the punishment of crime, theirs with "the suppression of dissent."

Don't let anyone ever persuade you, when it comes to contemporary liberals and conservatives, that there isn't a dime's worth of difference.

SENATE—*Friday, April 30, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, the source of our life and giver of all strength and wisdom, we open our hearts and minds for Thy divine light upon our daily duties. We pray not to take our burdens from us but for strength to carry them; not for easy answers but for courage to make the hard but righteous decision.

As the Nation struggles to find ways to peace with justice, amid the drama in the streets and the debates in legislative chambers, may we never lose sight of our sons who this very day serve the Nation in physical discomfort in faraway jungles, on ships, on planes, in terrible loneliness, and in peril of hostile forces. Make us worthy of their sacrifices, and that of their predecessors and successors, until the day comes when there is a righteous peace among men of good will. May the dividends from present difficulties be a refined and nobler people and a greater nation.

And now, O Lord, grant that when this day is over the worship of the Sabbath may bring cleansing, and renewed strength for the coming days. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 29, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; and

H.R. 6479. An act to provide for the licensing of personnel on certain vessels.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. JOHNSON, of Pennsylvania, a member of the U.S. group of the North Atlantic Assembly, to fill the existing vacancy thereon.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred to the Committee on Commerce:

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; and

H.R. 6479. An act to provide for the licensing of personnel on certain vessels.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce.

(For nominations received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the standing order, the Senator from Pennsylvania is now recognized.

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMTRAK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate S. 1698 and that the bill be read the second time.

The PRESIDENT pro tempore. The bill will be read a second time by title. The assistant legislative clerk read as follows:

S. 1698. A bill to postpone for seven months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for seven months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes.

Mr. PROUTY. Mr. President, I object to further consideration of the bill at this time.

The PRESIDENT pro tempore. Objection is heard. Under rule XIV, the bill will go to the calendar.

Is there any further morning business?

THE SOUTH VIETNAMESE OCTOBER PRESIDENTIAL ELECTION

Mr. STEVENSON. Mr. President, there is a growing awareness that the South Vietnamese presidential elections scheduled for October is of great importance to the people of South Vietnam and to the people of the United States.

If we side with President Thieu by, for example, conducting political polls and disseminating pro-government propaganda for him and do nothing to offset the appearance of U.S. support for him, then the election will in all probability lead to a confirmation of the present political and military conflict between the north and the south.

If, on the other hand, we are as good as our commitment to self-determination and place our weight and our influence behind a fair election it could be a vehicle for converting a South Vietnamese desire for peace into a mandate for peace.

A fair election would fulfill our stated objective of self-determination for South Vietnam and put us in the best possible position to accomplish the swift, total, and honorable withdrawal of all U.S. forces.

There are those who say that self-determination and Vietnamization are inconsistent and that we must, therefore, support the reelection of Thieu. If Vietnamization means continued American support of a war by Mr. Thieu against the north, they are right. I would prefer to believe that we have shed our blood and spent our treasure to support the right of the people of South Vietnam to freely choose their own government. If that is our purpose we can still fulfill it and win the only possible victory. We can let the people choose their government in the forthcoming elections. Surely such a course is wiser than to go on propping up a regime, however unpopular, simply because it is willing to fight on. The preference for military juntas; the willingness to intervene in internal political disputes; the preoccupation with body counts and kill ratios are the underpinnings of escalation. I had thought and hoped them to be long since discredited, but they are now emerging in the debate over fair elections in South Vietnam.

I do not suggest that we oppose the reelection of Mr. Thieu. I do suggest that we have no business supporting or opposing Mr. Thieu or any other non-Communist candidate or group in South Vietnam. It may be that our political neutrality will encourage a war weary people to elect a president who will be committed to make peace, not war.

I ask unanimous consent to have sundry articles printed in the RECORD, as written by Chester Cooper, Robert Shaplen, Carl T. Rowan, Frank Mankiewicz, Thomas Braden and Howard Gillette, Jr., in the Ripon Forum.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19 and 20, 1971]

THE ELECTORAL OPTION IN VIETNAM: I

(By Chester L. Cooper)

WASHINGTON.—For more than two decades American officials have provided a vast range of rationales for our involvement in South Vietnam. But only one consistent theme emerges: to permit the South Vietnamese freely to choose their government. President Nixon has reiterated this American objective. As recently as April 7 he reminded us that Americans are fighting in Vietnam so that the people there can "choose the kind of government they want." If the South Vietnamese are able to exercise a free choice, we will have achieved an honorable, albeit costly, victory.

Early in the Paris talks there was hope that serious propositions could eventually be advanced and explored. Thought was given to conducting elections in South Vietnam under a joint non-Communist/Communist electoral commission. The proposal was suffocated by Communist insistence that the Saigon Government should be replaced by a "caretaker" coalition and that that government should then appoint a joint electoral commission. Washington and Saigon were rightly skeptical that any caretaker government endorsed by the National Liberation Front and Hanoi would conduct a genuinely free election.

The months have ground into years, and an important date on South Vietnam's political calendar which seemed remote, even hypothetical then, now looms large: early next October the people of South Vietnam will vote for a new government. Our stake in that election is very high. If it is fair, and known to be so, we will have accomplished the one American objective consistently endorsed by every President since Eisenhower. Clearly, if the election is fraudulent, we will have lost the war, however many more Communists may be added to the body count.

A genuinely free election is a large order. But it is more palatable and more easily achieved than virtually any other objective which, at one time or another, we have set for ourselves in Vietnam. A credible demonstration of free choice will be neither inevitable nor automatic. There is much to be done and one despairs that it may be already too late. The election laws of South Vietnam should be revised to embrace all who choose to run or vote; the government should be chosen by a majority rather than a plurality of the voters; the election campaigns, the voting process and the counting of ballots must be under the cognizance of an impeccably impartial body; military forces should be confined to their bases during the election. The press must not remain the private preserve of the Government's candidate; opposition candidates and their supporters must be free from potential or actual imprisonment. These steps will require careful leverage and skillful diplomacy with the Saigon Government.

It is a bitter irony that the vital objective of free choice is within our reach, but may be beyond our grasp. It is all the more ironic that our allies in Saigon, whom many believe are American "puppets," present formidable obstacles. One wonders whether we would actually use our bargaining power in Saigon to insure a genuinely free election. An even more difficult problem will be to persuade the Communists to cooperate. The National Liberation Front has vehemently opposed any election conducted by the Saigon Government. If the Communists do decide to run candidates in October or to allow the people under their control to vote, it will not be because they wish to help Washington achieve a "victory."

But suppose the Communists agreed to run and vote? And suppose they won? If that should happen, we clearly have been bucking the political tide in South Vietnam. Sadder but wiser for this discovery, we would have little choice but to withdraw completely and immediately.

Suppose they ran and, as is more likely, scored a modest vote? Under these circumstances, the National Liberation Front and other political parties which performed well, should be represented in Saigon. This would recognize the realities of the Vietnamese political scene.

Now suppose, as seems most likely, that the National Liberation Front boycotts the election. If Saigon had made the offer, and if the modalities of the election would pass muster among fair-minded judges, the onus for denying a choice to the people under Communist control would be on the National Liberation Front rather than on the Government. Even so, the vast majority of South Vietnamese would have participated in the political process. In the maligned 1967 election, more than 4.7 million votes were cast. Approximately 7 million South Vietnamese were of voting age in 1967 and 68 per cent of the theoretically eligible voters exercised their choice. (Only 61 per cent of Americans of voting age cast their ballots in 1968.) If, indeed, Saigon's control now extends over much more of South Vietnam than in 1967, voter turnout, even without Communist participation, should be larger than it was four years ago. The government chosen next October should be able to make a credible claim that it represented a clear preponderance of the people of South Vietnam.

THE ELECTORAL OPTION IN VIETNAM: II

(By Chester L. Cooper)

WASHINGTON.—It is difficult for an American to second-guess an election in the United States. All the more so when he tries to predict one abroad. But, based on what one can glean from the mood of the South Vietnamese in the 1967 election and what one can divine of their present mood, a consequential, non-Communist, pro-peace opponent to President Thieu might have at least an even chance.

Duong Van "Big" Minh, hero of the anti-Diem coup and first of a bewildering series of generals who took over the government after the death of Diem, was prevented from running for election in 1967, but apparently intends to campaign in 1971. A vigorous race (which may be expecting too much from that amiable and popular, but not very energetic man) and a fair election (we go back to Square once again) would increase the odds against Thieu's re-election. But, unless Thieu wins, one pillar of President Nixon's Vietnam policy may crumble.

An important factor determining the rate of American withdrawal is the demonstrated readiness and capability of the South Vietnamese to carry on the war. But this depends on variables beyond American control. Among these is the extent to which the Saigon government is committed to continue the war. The future of the Administration's Vietnam policy could ultimately be decided by a development that may not have entered into Washington's original calculations—the replacement, midway in the Vietnamization program, of the Thieu-Ky Government by one elected on a platform to end the war. While Minh, himself, is more of a hawk than a dove, a government headed by him would have a hefty peace constituency and would probably move toward ending the fighting. This may be a key to the Administration's apparent diffidence about the modalities of the election.

A highly motivated, popular, non-Communist successor to Thieu who would seek to end the fighting through bilateral negotiations or *de facto* arrangements would represent a truly "Vietnamized" solution to the war. Under these circumstances, we could withdraw our remaining forces after the October election without the haggling that would inevitably take place with a Thieu government. One hopes that Washington planners are examining the implications and consequences of this salubrious contingency.

An American military withdrawal from Vietnam within the next twelve months would be widely regarded with relief and enthusiasm. But this reaction will, by no means, be universal; millions of Americans could easily be convinced, indeed if they are not already convinced, that President Nguyen Van Thieu (like President Chiang Kai-shek of yesteryear) was the victim of a Washington sellout; that "politicians" and soft-headed civilians in Washington conspired to dump him just when Hanoi was on the verge of defeat. "Who lost Vietnam?" The exploitation of this issue in 1972 by unscrupulous politicians is a possibility to worry responsible people of all political persuasions.

President Nixon has an urgent task ahead during the coming months—and there is, thus far at least, no evidence that it is being tackled. It is curious, for example, that the recent State of the World message ignores the forthcoming election in Vietnam. And it is unfortunate that in the President's April 7 speech there was no specific reference to the October election. The United States must be prepared to accept a political rather than a military one. Americans must be reminded, not every several months or so, but constantly, that our objectives in Vietnam, now and tomorrow, are limited. And that they were limited from the very beginning of our military involvement a decade ago.

We do not now have and we never did have the goal of destroying the Communist regime in Hanoi, killing all Communists in South Vietnam or transforming that country into a bastion of Free World democracy, economic power and military might. Our goal has always been political, not military or even economic.

An accident of timing will present President Nixon with a historic opportunity. If he firmly seizes it, the rewards for him and for all of us may be incalculable; if he makes but a diffident and half-hearted effort, he and we may have had our last chance to retrieve something of value for all our sacrifices. Given a fair election in South Vietnam next October and a bit of luck and some prudence in Laos and Cambodia, virtually all American troops could be home by this time next year. President Nixon could face his own campaign in 1972, even if the talks in Paris get nowhere, with Vietnam pretty much behind him. No small achievement in an election year. And no small comfort to Americans for whom 1971 marks a decade of our military involvement in Vietnam.

[From the New Yorker magazine, Apr. 24, 1971]

LETTER FROM INDO-CHINA

(By Robert Shaplen)

SAIGON, April 14.—It may be six or eight months before any final assessment can be made of Operation Lam Son 719, the South Vietnamese invasion of Laos, supported by vast American air power, which lasted from February 8th until March 25th and was followed by brief commando forays until early in April. Nevertheless, even though this operation has produced more heated debate than any other Indo-Chinese battle since the French fell into the trap of Dien Bien Phu in the spring of 1954, a few conclusions can be reached now. The invasion failed to achieve anything close to its maximum aims, for, though it caused the death of a great many South and North Vietnamese, it did little—contrary to American and South Vietnamese expectations—to speed the end of the fighting, either by forcing Hanoi to negotiate or by assuring the success of the still inconclusive Vietnamization program. It may, at most, have postponed some major offensives that the Communists had planned in South Vietnam over the next few months. On the other hand, at least one big attack—in Kontum Province, in the Central Highlands—has been pressed during the past fortnight, and there has been a noticeable increase of terrorism throughout the country. Costly as the Laotian invasion was to Hanoi, it apparently hardened the determination of the North Vietnamese to continue fighting throughout Indo-China. Moreover, it led to a reaffirmation of Chinese and Russian pledges of assistance. Finally, the operation was a political setback for President Nguyen Van Thieu, whose reelection in October is now, for the first time, open to question.

The Americans, who are going all out to uphold Thieu and make their South Vietnamese allies feel "six feet tall" as the monthly rate of American troop withdrawals increases, have come up with the customary set of sanguinary statistics, this time claiming a nine-to-one "kill ratio" in favor of the Saigon forces. If that is believable—and even President Nixon, in his television interview of March 22nd, indicated that a five-to-one ratio might be more realistic—it could be due only to the preponderance of American bombers and artillery. There can be no doubt that if it had not been for this support the results would have been disastrous for the twenty-four thousand South Vietnamese who were fighting deep in unknown jungle territory against about thirty-five thousand North Vietnamese—a far more experienced force, which was fully determined to protect its lifeline to the South in the Ho Chi Minh Trail complex. The gruesome game of body counts has long been the bugaboo of correspondents in Vietnam, and in this case the confusion has been compounded by a flood of often contradictory statements and assessments emanating from Washington and Saigon. Indeed, never in the past ten years—not even during the chaotic months before the overthrow of the Ngo Dinh Diem regime, in 1963, or during the Communist Tet offensive at the beginning of 1968 and the May and August offensives that followed—have I witnessed such dissension as has taken place between the news media and the authorities, both American and South Vietnamese, over the invasion of Laos.

According to the latest official American figures, the losses of the South Vietnamese—who for the most part fought bravely and well but lacked a cohesive command—were about fifteen hundred dead, more than six hundred missing, and fifty-five hundred wounded; so far there have been no estimates of how many of the wounded have died or are likely to die. Unofficially, however, according to what South Vietnamese sources have told me, the number of men missing and presumed dead is actually between a thousand and fifteen hundred, and the number of wounded is at least seven thousand. Some of those listed as missing are still straggling back across the border, but the majority, it is said, either died of their wounds in Laos or surrendered or were captured by the North Vietnamese. In their flight from Laos, under extremely heavy North Vietnamese attacks, the South Vietnamese abandoned many of their wounded—something that the government is reluctant to admit—and though American rescue helicopters did remarkable work under the most hazardous conditions, they couldn't bring out all the wounded. (A hundred and five helicopters were lost in the Laotian operation, and five hundred and fifty-six were damaged; a hundred and seventy-six Americans were killed during those weeks, on both sides of the border, and forty-two are missing.) Each Vietnamese unit commander reports on his own losses, so it is difficult to come up with comprehensive figures. The dependents of known dead get full pension awards, while those of the missing get payments for only four years, and the Minister of Veterans' Affairs, Pham Van Dong, said to me, "I won't know for months how much I have to pay to how many."

The North Vietnamese assuredly suffered heavier casualties, but whether these were as high as Allied authorities claimed can never be determined. It is admittedly difficult for troops engaged in bloody fighting or in flight to count the bodies of those killed by bombs, but if the given figure of thirteen thousand five hundred dead is correct, and if one assumes as Allied military officials do, that twice as many North Vietnamese were wounded as were killed then the total casualties come to about forty thousand, or more than the number of North Vietnamese that the same military officials say were fighting in the Laotian battle. There would seem to be more realism in the estimate that from a third to a half of the thirty-three North Vietnamese battalions engaged were rendered "combat ineffective," and that it will be no easy task for North Vietnam, which is suffering from a manpower shortage to replace these losses. About a third of the North Vietnamese losses were specialists—technicians of one sort or another who directed the flow of traffic on the Trail—and those men will be the most difficult to replace. Nevertheless, the North Vietnamese quickly sent in between four thousand and eight thousand reinforcements to repair the damage done to the Trail, mostly by our B-52 bombers, and within a fortnight after the invasion ended the movement of trucks south had been resumed at a more or less normal pace. (In comparison to the North Vietnamese battalion losses, at least five—and some say eight—of the twenty-two South Vietnamese battalions involved were hurt to the point of combat ineffectiveness, and it must be stressed that Saigon threw its best forces into Lam Son 719. It will take between six months and a year to build these units back up to strength, and then they will certainly not be as well trained and "élite" as they were before.) The North Vietnamese apparently lost between three and four thousand trucks along the Trail; again, most of these losses were the result of bombing, and only about three hundred trucks were destroyed in the actual area of the ground invasion.

The North Vietnamese also lost more than a hundred tanks. (The number of new Russian-built PT-76, T-54, and T-34 tanks that Hanoi used, sometimes right under the noses of the South Vietnamese, was one of the surprises of the campaign, and the lighter tanks of the South Vietnamese forces, many of which got bogged down, were no match for them.) In addition, Hanoi lost nearly seven thousand weapons, big and small, and nearly five hundred tons of heavy ammunition—artillery and mortar shells, and the like—but Saigon's claim of a total of a hundred and seventy-six thousand tons of North Vietnamese ammunition blown up, mostly by bombing, seems ridiculous, since the average monthly flow south in the past has been only about fourteen thousand tons. Furthermore, no major storage depots were taken—only some medium-sized way stations along the Trail. The French used to say that for every ton of ammunition captured the Communists had three more tons available nearby. No one knows how much the North Vietnamese have currently stashed away around the Bolovens Plateau, about a hundred miles below the invasion area and near the border point where Laos, Cambodia, and South Vietnam meet. However, the North Vietnamese and their Pathet Lao accomplices recently extended their control in that region, and they obviously have quite a lot of supplies cached there. Consequently, just how much time Hanoi lost and Saigon gained by the invasion can be determined only next fall, when materiel in the northern part of the Trail complex is due to arrive farther south, some of it destined for Cambodia and the rest for the central and southern parts of South Vietnam.

For anyone attempting to evaluate the Laotian operation, what has perhaps been most significant is the fact that the Communists have struck back quickly and violently in various parts of South Vietnam and in Cambodia, clearly demonstrating that they have enough men and arms to cause a lot of trouble—at least during the present dry season, which will last another month. And most observers believe they will continue their attacks across the now expanded Indo-China fronts throughout the coming rainy season, which will last until the end of October. The attacks in South Vietnam over the past two weeks have ranged from a successful assault on an American base in Quang Nam Province, in the north, in which thirty-three Americans were killed and seventy-six were wounded, to quick strikes at district towns and headquarters and at fortified artillery fire bases that are set up to provide strong points for Allied military operations in all battle zones. By far the most serious of these attacks has been the one in Kontum, in the Central Highlands. Although the Communists have lost about twenty-five hundred men in this province as a result of American bombing, they have been making a concerted effort to capture Fire Base 6 there; if they succeed, they will presumably try to advance southward to Pleiku and Quang Duc Provinces and eastward as far as possible toward Binh Dinh and other coastal areas where there has been a recent flurry of fighting. The Communists also seem determined to pin down South Vietnamese troops and inflict heavy casualties. That being so, it is significant that the equivalent of five South Vietnamese regiments is heavily engaged in Kontum, which in itself would seem to belie Saigon's claims that its casualties have been light. In mid-February, the Communists, having apparently anticipated a move westward into the border region below the Bolovens Plateau and adjacent to the Highlands, repulsed a South Vietnamese assault there and caused heavy casualties to two battalions. (No official announcement of this defeat has so far been made here.)

It has already become apparent that the North Vietnamese are taking advantage of the American troop withdrawals to strike at the thinly spread South Vietnamese. Were it not for American air power (and nobody knows how much of that will be maintained and for how long), the Saigon forces would be in serious trouble. The Communists are already taking advantage of the situation along Route 19, which runs eastward through Pleiku Province below Kontum to the coast. It seems that after American troops left, the South Korean troops assigned to that area refused to fill that gap, complaining that they hadn't been promised enough helicopters and armored vehicles. Sections of Highway 1, which runs along the coast, are also considered risky these days, and for similar reasons. The general pattern of attacks around the country—including several attacks in Saigon in the past few days—makes it clear that the Communists are trying to create as much fear as possible and to disrupt the government's pacification program just when it is supposed to be going into high gear. One of the worst incidents occurred at the district town of Duc Duc, in Quang Nam Province: The North Vietnamese raided a camp of refugee woodcutters from the mountains and killed a hundred and nine of them and twenty-three members of the territorial forces, losing fifty-nine men themselves. This seemed to be an act of pure vengefulness against the refugees, intended also to serve as a warning to others not to go over to the government side. Since January 1st, about thirty outposts have been attacked in the Delta alone, where it has been claimed that the Communists are "dwindling on the vine." Although the Communists have been severely pressed in their major base areas in the Delta—such as the U Minh forest, where they have recently taken heavy losses and where there have been more than two thousand defectors, mostly conscripted laborers—the phrase "dwindling on the vine" seems questionable. In Vinh Binh Province, for example, the Communists were able to mount carefully coordinated strikes against two district headquarters and nearby outposts a fortnight ago. Admittedly, Vinh Binh has always been a "bad" province, and one American official sought to minimize the effect of the attack by pointing out that "one rose doesn't make a summer." On the other hand, once a security pattern is broken, word of the fact quickly spreads throughout the area. In this way, the Communists seek to destroy the people's still shaky confidence in their government and to deny Saigon's optimistic claims that virtually the whole country is now pacified.

The recent attacks in South Vietnam underline what was basically wrong with the Laotian operation from the start—its conventionality. One neutral military observer said of it, "The South Vietnamese, while fighting bravely, fought half in the old French style and half in the new American style, and they fell between two stools. They have still not learned how to fight an unconventional war against an unconventional enemy who is flexible—and is even willing, when necessary, to stand and fight conventionally, and take enormous losses if he thinks it worth the efforts, as he did in Laos." A number of South Vietnamese officers have privately been saying the same thing—some of them have been saying it for years, but lately more voices have been added—and at least one high-ranking friend of mine bemoaned the fact that "you Americans have never let us fight the kind of war we know we have to fight." The helicopter is a remarkably mobile instrument of warfare, and it has done much in past years to keep South Vietnam from falling to the Communists, but there are veteran Americans here who now wish that it had never been invented, and that Vietnamese troops had been trained from the start to fight a "people's war." Nothing could have dramatized this failure more than the sight of South Vietnamese soldiers clinging to the skids of helicopters that were being flown out of Laos.

A large number of South Vietnamese are saying that the Americans pushed them into Laos against their will, and some of the comments have been extremely bitter; one newspaper cartoon depicted a helicopter lifting Nixon in his Presidential chair out of Laos under fire. The South Vietnamese were certainly encouraged to undertake the invasion, as they have been encouraged to do many other things before, although all specific military decisions were made by the South Vietnamese themselves—most notably by President Thieu and by General Cao Van Vien, the chief of the Joint General Staff. As the campaign proceeded, it quickly became apparent that much of the strategy derived from American misconceptions about waging a conventional or semiconventional helicopter war against an unconventional enemy in the jungle. Intelligence about the swiftly moving Communist troops was bad, and on many occasions the South Vietnamese found themselves sitting on hilltops surrounded by North Vietnamese troops who had moved in during the night or in the early-morning mist. It may be, as the Americans maintain, that General Vo Nguyen Giap, the North Vietnamese commander misjudged an early halt in the South Vietnamese momentum and massed his troops for what he thought would be the kill, only to suffer his heaviest losses, mostly through bombing. But if that was so, the carnage was general. Helicopters were used to bring replacements and ammunition to the South Vietnamese and to evacuate the wounded, but air-to-ground communications collapsed when the going got tough (language difficulties were a big part of this), and there was a notable lack of coordination among the four top South Vietnamese commanders in the field; each was operating on his own, and was not effectively responsible to a single headquarters. This caused profound morale problems, and many capable young junior officers and noncoms afterward blamed their senior commanders and the generals for not providing proper leadership. A number of battalion commanders, some of whom didn't seem to know what they were supposed to be doing, actually surrendered or fled in the midst of battle.

The armored column moving out along Route 9 into Laos with protective screens of troops on both sides was bogged down almost at once by bad weather. Originally, the Trail hub of Tchepone, about twenty-five miles from the border, was supposed to be reached in four days. When the armored force got stuck and North Vietnamese ambushes began, General Creighton Abrams and his Vietnamese counterpart, General Vien, flew north to Khe Sanh to bring pressure on both Thieu and his local commanders to keep moving. Thieu demurred. He wanted the force to dig in, avoiding any heavy engagements. It was at this point that it was decided to lift troops by helicopter to several fire bases farther inside Laos, which were supposed to support each other. (The North Vietnamese quickly surrounded the bases.) Troops were also lifted as far as Tchepone, where the Saigon flag was briefly shown before the lift. Ultimately, there were differences among the South Vietnamese generals and between the generals and Thieu about what to do, and these arguments, which the Americans were unable to reconcile, plus another spell of bad weather, caused the operation to be suspended a month early. Toward the end, some of the units just pulled out pell-mell on their own, without orders, and with the North Vietnamese pursuing them right to the border. A great many South Vietnamese vehicles were left behind, including some armored vehicles that had never moved more than ten miles down Route 9. The confusion that accompanied the withdrawal intensified the bitterness of the South Vietnamese soldiers. "We do not want our leaders to minimize our casualty figures," one junior officers told a Vietnamese friend of mine, a correspondent who was wounded in Laos. "Let's give the true figures on our losses to prove we weren't on a camping trip. To mislead our families and our countrymen about our casualties will just encourage the enemy and dishonor us."

President Thieu, at his press conference on March 31st, expressed satisfaction over the Laotian offensive while admitting that some lessons had been learned for the future, and top American commanders have said much the same thing. It is a matter of opinion whether any of them are really proud of what was accomplished or are trying to hide their disappointment. Thieu, with his political future at stake, has obviously been on the defensive. He spoke of "tendentious rumors" that the attack had been a failure, and claimed it was "the biggest victory ever," telling his troops, "I am proud of your performance," and adding, "You have caused a psychological breakdown among the Communists—you have hurt their morale seriously." There is no doubt, however, that more and more South Vietnamese soldiers are coming to resent the strategy and tactics that Western-trained officers have forced them to adopt.

One experienced Western analyst—Brian Jenkins, a historian and former Special Forces officer in Vietnam, who recently worked for American Army headquarters here on long-range-planning projects—has for several years been studying the subject of conventional vs. unconventional warfare. In July, 1969, Jenkins wrote, for an American research organization, a closely reasoned paper entitled "The Unchangeable War," in which he was highly critical of the American military establishment's hardheaded refusal to alter its traditional concepts and ways. Jenkins concluded that "the most damaging indictment of our concept of warfare is that our military superiority and successes on the battlefield do not challenge the enemy's political control of the people, which he maintains by his promises of a better society and, when that fails, by intimidation and terror." In a list of "the institutional obstacles to change," Jenkins included the following: the belief that everything we do is right per se, especially in determining strategy; the attendant belief that when something fails it was not because of any inherent error of strategy or tactics but because "not enough" troops or materiel was applied; the myth that no organizational changes are possible in the midst of war, and that even if they were possible the Vietnam war is an "aberration" anyway, "an exotic interlude between wars that really count," and therefore doesn't warrant any "radical" institutional changes; the orthodox dependence on high body counts as the basis for good efficiency reports and for promotion; the illogicality of the twelve-month tour of duty for American military men in Vietnam, since it is far too short for anyone to learn enough to be effective; and, finally, the lack of a single, over-all American command among the services in Saigon, Hawaii, and Washington.

Jenkins concluded that because of the way we have imposed our doctrine, organization, and technology on the South Vietnamese, "we may have rendered them incapable of successfully continuing the war after our withdrawal," and the Laotian operation appears to bear this conclusion out. A number of American officers here seem to consider the ideas for a "people's war" that Jenkins is now gathering from among growing numbers of disgruntled South Vietnamese as nothing short of "Communistic." Jenkins, however, has said that he derives some hopes from the South Vietnamese reactions he has encountered. For example, the mounting objections to the American way of fighting the war have led more and more South Vietnamese officers to advocate doing away with the whole concept of divisions and corps—especially since it was widely held that three of the four corps commanders have proved themselves to be either incompetent or inadequate, the only really good one in the country being Ngo Quang Truong, who commands in the Delta. The officers advocate that the large, inwieldly units be replaced by smaller ARVN mobile brigades, made up of troops serving on a volunteer basis (and better paid than the regulars are now) who would operate in the forefront as a strike force. The territorial forces, of drafted youths serving a hitch of from two to five years (for less pay than the volunteers), would spend part of their service helping to build roads and working in the fields at harvesttime. Finally—what is perhaps most important—there would be a new form of the People's Self Defense Forces, which are supposed to defend local hamlets but are increasingly being incorporated into the national military bureaucracy. What Jenkins and the South Vietnamese he has spoken with envisage is a P.S.D.F. whose members would be paid subsistence wages (they get nothing now) and who not only would take their turns at defending their hamlets but would develop plots of land assigned to them; after three years one-third of these forces would become full-time farmers and would be replaced by new men. Thus, paramilitary units would become production units, and a constant supply of full-time farmers would still be available for defense duties in times of crisis. All this is very close to the program that the North Vietnamese have successfully carried out for many years, and that fact may account for the shocked reaction of some of the American generals whom Jenkins has approached. "Why, what you're talking about, damn it, is building communes!" one of them boomed.

Statistical-minded, as always, the Americans have just come up with still another new set of standards for the so-called Hamlet Evaluation System, whereby each hamlet in the country is rated from A, or a hundred per cent secure, to E, or contested, on the basis of security and development, and V designates a hamlet still run by the Vietcong. The new system is based more on the whereabouts and safety of certain key individuals, notably hamlet chiefs and members of village councils, than on general, area-wide security. In Long Khanh Province, for example, where there has been an increase in terrorism, and where some main-force Communist units are operating from sparsely populated jungle areas they have long controlled, the H.E.S. rating has recently dropped from eighty-nine per cent to sixty-eight. The drop appears to indicate primarily the foolishness of trying to determine Communist strength by playing with numbers.

I reached this conclusion during a recent trip I took through four provinces near Saigon: Long An, just to the south, which used to be one of the worst from the standpoint of security and is now said to be much improved, and three others, to the west—Phuoc Tuy, Binh Tuy, and Long Khanh, which are still rated relatively low on the H.E.S. scale. In Long An, which has been in a shaky condition for years, farmers are still not taking sides, realizing that when the Americans leave Vietnam the government will probably have a harder time holding its own, but neither are they responding to the blandishments of the Communists as much as they were a year ago. When the local guerrillas come to a peasant's home for food, for instance, they are given a meal but are asked not to come back again. This response reflects a cautious belief on the farmers' part that the Communists are growing somewhat weaker under government pressure, even though abductions and assassinations and other forms of terrorism are continuing, but it does not necessarily reflect belief in the government or increasing support for President Thieu. Here, as elsewhere, the Communists are stepping up their process of "going legal"—that is, ordering their cadres to blend themselves into the government landscape and live openly as ordinary citizens of the villages and towns while reporting, on a "one-man-cell" basis, to unknown contacts through mail drops and waiting for new orders.

Another of the recent innovations—they never cease—is known as Dong Khoi, translatable as "Start Together," whose main purpose is to produce some cohesion among small, local units directly involved in pacification. The impetus for the new program came from the chief of Quang Tin Province, in the northern part of the country—an ingenious man who, when his opposite number, the underground Communist province chief, was killed, late last year, gave him a special burial in a local pagoda, went to the funeral himself, and in general, "took him back into the fold." Leaflets describing the ceremony were subsequently distributed, and a lot of Communists were won over, or at least softened up. In any event, the Dong Khoi concept, which often makes use of such imaginative tactics, has not yet inspired any noticeable improvement in the much debated Phoenix program for uprooting the Vietcong infrastructure, which includes an estimated sixty-five thousand people. The Phoenix program is still floundering, largely because it is just another streamlined American scheme imposed upon a Vietnamese society that is not only incapable of dealing with it but is actively hostile to it. Designed to coordinate intelligence-gathering and lead to the arrest of top Vietcong leaders, the program has simply created new jealousies and increased inefficiency among the various South Vietnamese who were expected to deal with it—particularly the local military-intelligence men at the district level. The police, under the Department of the Interior, will soon take over the primary responsibility for the Phoenix program, and, whether it works any better or not, one American has said of the shift, "This is the best thing that could happen, and the sooner we get out of the whole thing and let the Vietnamese run it the better."

Though comments like this may imply nothing more than an increasing degree of resignation on the part of Americans here nowadays, Vietnamization of this sort does seem to make sense; what it really amounts to is "de-Americanization." The chief of one province, a veteran intelligence man, has devised a method of his own for dealing with Communist agents. When he detects one, and has what he considers positive proof about, say, a financial official in a hamlet who is operating legally and pretending to be a loyal assistant to the government's hamlet chief, he will invite the man in, praise him, ask him to dinner a couple of times. This treatment frequently causes the Communists to become suspicious of their agent and to kill him. It is pure entrapment, but it is also beating the Communists at their own game. Whatever form of accommodation is finally reached in Vietnam, terror and counter-terror are bound to continue for years.

In three of the four provinces I visited, it was apparent that the Communists were still a force to be reckoned with, although at that moment their level of activity was low. Their conduct was thoroughly in accord with the now famous Resolution 9 of COSVN—the Central Office for South Vietnam, which runs the war in the South under Hanoi's aegis. This directive, issued more than a year ago, sets forth the concept of "protracted warfare," and provides one reason the Paris peace talks are getting nowhere and probably won't get anywhere—at least until after the American election in 1972. In conducting their campaigns of terror and their occasional larger strikes, the Communists are generally relying on progressively smaller structures and progressively smaller units. Ordinarily (the Kontum attack is an exception), they don't move about nowadays in groups of more than fifty. They are using more and more terrorist tactics, such as sapper attacks and booby traps, which are killing Americans and South Vietnamese alike, much to the exasperation of experts like George Jacobson, the acting head of the pacification program on the American side. "If we can figure out a way to go to the moon," Jacobson exclaims, "why the hell can't we figure out a way to detect booby traps before they blow us up!" Jacobson, one of the few Americans who believe in the concept of a "people's war," spends at least one day a week roaming around the country trying to "debureaucratize" both the American and the South Vietnamese pacification effort. His success is limited. Almost invariably, inexperienced and uninvolved Americans in the districts give him the same meaningless or patently exaggerated figures about the Phoenix program. Almost always, an American provincial or district pacification adviser will say that the strength of the territorial units is up ninety per cent or more. When Jacobson hears this, he usually snaps out just one word—"Ghosts!"—meaning that the payrolls are obviously padded and that the district or province chief is pocketing the difference.

Corruption, on a widespread basis, continues to be one of the major issues in South Vietnam, and this issue is bound to have an effect both on the elections for a new House of Representatives in August and on the Presidential election in October. Smuggling has increased on a vast scale in the past six months, partly as a result of new import taxes imposed to obtain more revenue for the government, so that it can continue fighting the war as American aid drops off. The government's anti-fraud bureau, which is run by a handful of men who are related to or are otherwise close to some of the highest officials in the country, has been slow to move against the smugglers, but a few weeks ago two members of the House of Representatives were caught smuggling heroin and gold into the country. The fact that they happened to be pro-Thieu men suggested to some that there must have been a political tipoff. The scandal prompted one of the representatives to resign immediately, and Thieu's political opponents, in the light of the dubious success of the Laos invasion, aired the corruption issue anew.

All in all, though the Americans here refuse to admit it, Thieu's popularity has sunk to a new low. Many South Vietnamese admit it readily, but their fundamental cynicism leads them to believe that it won't make any difference—that Thieu will be reelected, because the Americans want him to be, and because the vote will be rigged anyway. Thieu is fully aware of his diminishing popularity and is doing his best to improve the situation by travelling around the country more. (It is also significant that just this week General Dang Van Quang, the head of all security services, who is a close friend of Thieu's and probably the second most powerful man in the country, saw fit to take a trip to the United States. Although American officials deny it, some South Vietnamese, including members of Quang's own staff, have said that the main reason for the trip is Thieu's desire to get a sounding on American public opinion after the Laotian invasion and an appraisal of how much personal support he can expect from President Nixon.) Even before the invasion of Laos, I have learned, Thieu was severely shaken by a private poll he had ordered, which said that sixty per cent of the South Vietnamese military men questioned were against him. Earlier, a number of informal provincial samplings were conducted by the United States Information Service—an enterprise that has now led to the introduction of a bill by Senator Frank Church in the United States Congress prohibiting any government agency from engaging in any propaganda activity involving the internal affairs of another nation. Several stories in the local press to the effect that the American Embassy was supporting Thieu prompted an official statement last week from an Embassy spokesman denying that Ambassador Ellsworth Bunker or anyone else in the mission supported "any specific individual or individuals in the forthcoming election." This was issued at about the same time a resolution was co-sponsored in the Senate by Senators Adlai Stevenson III and Mike Mansfield calling for the creation of a ten-man congressional commission to make sure the United States stays out of the coming election campaigns in Vietnam. Stevenson charged that American officials were in effect supporting the reelection of Thieu and Vice-President Nguyen Cao Ky.

While many of the Americans here would still like to see Thieu and Ky run together again, the chances of this happening are increasingly remote. Ky, who told me a month and a half ago that he would run for President himself, has just informed me that he is more determined than ever to be a candidate and that he is rapidly creating a campaign team. He has obtained a growing number of pledges for political and financial support, he says. The political climate has now reached the temperature at which all the religious and political elements in the country are scurrying around trying to figure out who has the best chance of winning and whom to support. It appears at the moment that there will be three principal candidates—Thieu, Ky, and retired General Duong Van Minh, the former Chief of State and the nominal leader of the 1963 coup that overthrew Diem. An agreement between Ky and Minh for concerted action against Thieu that began to be fashioned several weeks ago has become increasingly solid, and Thieu has begun to run scared—so scared, indeed, that some observers are predicting that he will withdraw from the race before October. Assuming that he doesn't withdraw, and that Ky and Minh both enter the race, the challenger whose prospects look dimmer will almost surely throw his support to the other at the last moment.

Ky told me that he is determined to defeat Thieu in an open contest, and that he has received promises of help from many people, including military men, who will in effect serve as volunteer poll watchers in an attempt to insure an honest election. Even so, both Ky and Minh will have a hard time contending with Thieu's apparatus, dominated by the province and district chiefs he has appointed, who will all do their utmost to see to it that he wins, no matter how few people vote for him. Nevertheless, given the rising public sentiment against the President, Ky or Minh conceivably could win if the election should be even reasonably fair. Just how much an American or an international commission could do in the way of preventing fraud is debatable. The official American "observers" who watched the 1967 elections here certainly saw little or nothing of what actually went on, but a more professional group of poll watchers might have greater success.

What may be more important this time is the role to be played by elements of the sort that Ky spoke of—not only Army men but local village and hamlet officials, including leaders of the Buddhists, Catholics, and the Hoa Hao and Cao Dai religious sects. An interesting curtain-raiser will be the House elections, which promise to be less of a grab-bag affair than they were in 1967. At least two solid blocs of candidates will be running for election, one dominated by the Farmer-Workers Party, which is headed by Tran Quoc Buu, a labor leader who is not running himself, and the other by former Senator Tran Van Don's National Salvation Front Party. Don is still trying without much success to make peace among Minh, Thieu, and Ky, but in a showdown he will probably support Ky. If the House elections are orderly and fair, and if there is enough of a ground swell of public opinion demanding an honest vote for the Presidency, and if social unrest over high prices, corruption, veterans' payments, and other issues does not produce uncontrollable disorder, the Presidential election just might turn out to be more honest than the cynics predict. It will be interesting to see what role the Communists take. Formally, of course, they will not participate in the voting, but I have been told that they have pledged at least half a million votes to General Minh, whom they regard as the leading peace candidate. Minh has said he is against coalition government—the same thing Thieu and Ky have said, but more outspokenly—and it is believed that if Minh should win, the Communists would simply push the peace issue without demanding a coalition government immediately, leaving themselves free to work from within to dominate or undermine his regime and thus eventually get coalition government anyway.

One high-ranking American here has attempted to justify the Laotian invasion by maintaining that it was better for Thieu and his army to fight the North Vietnamese in Laos and Cambodia than in Vietnam itself. This is not how the people in Laos and Cambodia feel about it. I have just visited both countries, and found them in a state of confusion and dismay over the widening of the war. What they still want is for all Vietnamese, Northerners and Southerners, to get out.

In Vientiane, the administrative capital, I spoke with the sixty-nine-year-old Prince Souvanna Phouma, Prime Minister of Laos since 1962, who, practically alone, has kept his divided country in some semblance of unity. I saw him the morning after the South Vietnamese troops withdrew, and just after the royal capital of Luang Prabang had been hit by Communist rockets. Since he had no control over events in eastern Laos, around the Ho Chi Minh Trail area, Souvanna had mildly condemned the invasion when it began, and he expressed to me satisfaction that it was now over, although he admitted that it might have had "some good results." He was extremely angry about the attack on Luang Prabang, however, and regarded it as further proof that "the Communists are now engaged in total war as a result of the creation of their new Indo-China People's United Front last year." He had just been to Luang Prabang to see King Savang Vatthana, who, he said was equally angry and had decided to stay in his capital instead of coming to Vientiane to take part in Army Day celebrations, as he had originally planned.

"The attack will serve to strengthen the unity of the Lao people," Souvanna told me. He went on to say that it would do little to increase the chances of peace between him and the Neo Lao Hak Xat, which is the Communist political front of the Pathet Lao and is headed by his half brother Prince Souphanouvong. "Hanoi wants to continue the war," Souvanna said. "I will continue to try to negotiate and will go anywhere to talk, but not under the impossible conditions imposed by the Pathet Lao, such as their demand that we stop bombing northern Laos, which is the only way we can counterbalance their attacks against us." Many of the foreign diplomats in Vientiane, including the Americans, had been hoping that the end of the invasion would bring the Communist representative of Prince Souphanouvong back to the city to resume preliminary talks to arrange a full-fledged meeting aimed at restoring the tripartite government of left-wingers, right-wingers, and neutralists that was set up under the Geneva formula of 1962. Souvanna, though his hopes were not high, agreed that "when you have a small candle, you have to keep it burning, and not blow it out."

The Russians are said to be in favor of reestablishing the 1962 coalition, but with more Communists in the Cabinet than there were then. As for the Chinese Communists, there are signs that they are not altogether pleased about Hanoi's apparent plan to push ahead in Laos and take over the country by force. Peking wants to maintain its position in the northwestern part of the country, where in recent weeks it has increased the number of Chinese troops building a road from the Chinese border down through Laos toward the Mekong River almost to the border of Thailand. It therefore seems significant that Premier Chou En-lai, who visited Hanoi shortly after the Trail attack began, took the occasion to make public mention for the first time of a five-point formula that the Neo Lao Hak Xat had set as the basis of its negotiations with Souvanna. The Chinese realize that the Lao Communists want to break away from North Vietnamese domination (more than a hundred Pathet Lao fled from the North Vietnamese in the Bolovens Plateau a few days ago), and also that the Neo Lao Hak Xat seeks the support of the Russians in establishing a new coalition government, with stronger Communist representation. Consequently, the Chinese are going all out to please the Lao Communist leaders—even entertaining them in China. And in order to keep a tight watch on Souvanna, Peking recently sent a new chargé d'affaires to Vientiane.

The military situation is more precarious for the Royal Lao government today than it has been at any time since 1964, and the dangers have grown especially acute in the past month. Before I left Laos, Luang Prabank was shelled for the second time and a number of planes were destroyed on its airfield. The Communists pressed to within two or three miles of the city on all sides before government reinforcements were rushed to the scene to push them back. Most observers believe that because of the patriotic importance of the King—it is to him rather than to Souvanna that the North Vietnamese and the Chinese diplomats are accredited—the Communists won't try to seize the royal capital itself. But they are obviously engaging in some strong psychological warfare, and appear determined to advance as far as they can through Laos before the dry season ends, and to maintain their new positions during the rainy season. With C.I.A. support, government troops are still holding the bases of Long Cheng and Sam Thong, along the eastern rim of the Plaine des Jarres, which is held by the North Vietnamese. (Hanoi denies that it has any troops of its own in Laos, but there are actually about fifty thousand of them.) The bases are being subjected to almost daily shelling and to some ground probes by sappers from two North Vietnamese divisions and from what was described to me by one Laotian defense official as an additional "suicide regiment." If both bases should fall, and the troops of the Meo leader General Vang Pao should be further weakened by casualties, the Communists' conquest of the north would be virtually complete; they would then control the eastern half of the country from the Pathet Lao capital of Sam Neua, in the north, all the way down to the Bolovens Plateau. Even now the Pathet Lao and their North Vietnamese cadres dominate some pockets in the southwest as well.

Originally, it had been reported that Royal Lao government troops, aided by some Thai "volunteers," were supposed to push toward the Trail area from the west at the time of the invasion and take the towns of Muong Phalane and Muong Phine, near Tchepone, as part of a pincers movement designed to prevent the North Vietnamese from using alternate trails southward. However, this action was never seriously contemplated, despite the urging of the right-wing generals in Vientiane, because, among other reasons, the government forces were simply too weak. Instead, some guerrilla probes were conducted, but the Communists repulsed most of them. The increased military activity in the northern part of the country has dampened earlier talk that the rightwingers would make a move to topple Souvanna, who remains more or less the indispensable man among the non-Communist factions. Certain rightwingers would undoubtedly like to bring Phoumi Nosavan, the former strong man of Laos, back from exile in Thailand. There was a report of a coup a few days after I left, but it turned out to be only a struggle within the right wing, which is itself divided. Souvanna has agreed to reshuffle his Cabinet in May, and members of the right wing will surely try to persuade him to let go of some seats he is still holding for the Communists, in the event that some agreement can be worked out for their return. Souyanna told me he would refuse to do this.

The right-wingers, divided though they are, are fully aware of the Communists' new intention of grabbing not only as much land as they can in Laos this season but also of bringing more people into line—through terrorism and abductions, if necessary. They are terrorizing the refugees in government camps, undoubtedly to deter others from fleeing Communist areas, and in their drive westward this season they have abducted villagers to work on the Trail and have even been building new villages and roads close to the Trail, colonizing these remote areas with mixed groups of Lao and North Vietnamese. The colonization program is an example of the struggle for manpower now going on in Laos, which has a population of about three million. The government is having trouble augmenting its still fairly incompetent regular army of sixty thousand; General Vang Poa has only about ten thousand men, following some severe losses in the last year. For this reason, Souvanna has somewhat reluctantly accepted Thai "volunteers" in addition to one regular Thai artillery battalion.

Recently, some young Lao who were taken north four and five years ago, at the age of fourteen, and trained in Hanoi have been returned to proselyte other Lao. Further, in what has been a remarkable job of synchronizing the radio propaganda from Peking, Hanoi, and Sam Neua, the Pathet Lao have been given all the credit for "repulsing" the South Vietnamese invasion of Laos. The increase in these political efforts removes any doubt about the firmness of Hanoi's determination to remain in Laos. All in all, the country is in a shaky condition, and, as one European ambassador put it to me, "Laos has proved itself shockproof by now, but it's not waterproof and one of these days it may just sink into the morass of Indo-China and disappear."

Apart from the relatively brief action within and around the Ho Chi Minh Trail complex, the war in Laos has remained more or less separate, in strategic if not in ideological terms, from the war in Vietnam. The war in Cambodia, on the other hand, has been very closely related to the Vietnamese conflict for the past year. East of the Mekong, South Vietnamese troops are ostensibly helping the Cambodians but are primarily protecting their own flanks in South Vietnam. In the former North Vietnamese sanctuary areas, a battle is now being waged between the South Vietnamese and the North Vietnamese in which the former are trying to keep the latter from reestablishing the sanctuary areas and supply lines into South Vietnam. Over the past two months the North Vietnamese are said to have suffered fifty-three hundred fatalities, largely because of American airpower, and the South Vietnamese only five hundred.

To the west of the Mekong, the South Vietnamese are less directly involved, and this phase of the war is rapidly developing into a struggle for Cambodia itself. With the exception of the area around Angkor Wat, where the North Vietnamese have entrenched themselves, the struggle increasingly involves native Cambodian Communists and the forces of the new Republic. The Communists, both Cambodians and North Vietnamese, naturally seek the overthrow of the Republic headed by Prime Minister Lon Nol, who got back this week from Hawaii, where he had been recuperating from a stroke he suffered two months ago. But the Cambodians, even more than the Lao, have no love for Vietnamese of any political coloration, and it is perfectly possible that had they been left to themselves the Cambodians might already have reached some form of internal accommodation. In fact, last February, a number of Khmer Communists met with representatives of the Phnom Penh government in the western province of Pursat, bordering on Thailand and the Gulf of Siam. Several sessions were held in a jungle clearing. No one knows whether any progress was made, however, because after an air attack by Cambodian pilots, flying T-28 bombers that the Thais had lent them to destroy a nearby Communist camp, all five government representatives were killed. Whether the attack was an accident or was ordered by someone in Phnom Penh who knew about the meeting and didn't want it to succeed has been the subject of much speculation.

In any event, the attack served to emphasize the confusion that exists in Cambodia today. Besides some forty thousand North Vietnamese in the country, and some Vietcong, there are perhaps ten thousand Khmer Rouge, who cooperate with the North Vietnamese and are partly dependent on them for arms and ammunition (they give the North Vietnamese rice in return) but who are becoming increasingly restive and critical of the conditions the alliance imposes on them. The North Vietnamese appear to be concentrating more and more on developing their own Cambodian elements, and, especially in the southern part of the country, are training recruited or impressed Cambodians in scores of jungle camps. There is also a small remnant of anti-government forces still loyal to Prince Norodom Sihanouk, who was overthrown in March, 1970, but they don't amount to much. Sihanouk, who is in Peking, nevertheless keeps referring to them as the nucleus of his new revolutionary government. While Peking permits the Prince to exhort his "followers" over Radio Peking, the Chinese Communists apparently regard him as a mere puppet, and continue to prepare their own team of Sino-Khmer leaders, trained in Peking—or, in earlier days, in Moscow—to take over Cambodia when the time comes.

A year ago, when the South Vietnamese and American troops made their original attack on the sanctuaries, the North Vietnamese established new base areas west of the Mekong and in the northern part of the country, below Laos. Since they then still had enough supplies on hand, they conducted a wide-ranging campaign to consolidate their hold on at least half the country and to capture some cities. In the past few months, perhaps because they now want to husband their supplies of ammunition pending the arrival of more from the north, they have shifted their tactics and—except for engaging in a few big battles with South Vietnamese forces, mostly around Kompong Cham and the Chup-plantation area north of Phnom Penh—have concentrated on ambushing Republic troops and on cutting a number of main roads. They have had considerable success at this, but less success at stopping river traffic on the Mekong from Saigon to Phnom Penh. During the past two months, at least half a dozen protected convoys carrying oil and other supplies have reached the capital despite attacks en route from the shore.

The government's army, of some two hundred thousand men, is in the process of being pruned to a somewhat smaller and more effective force. The troops are still being trained mostly in Vietnam, but their effectiveness is not improving fast enough to satisfy the Americans. There are fifteen United States military attachés currently stationed in Phnom Penh, along with sixteen representatives of the new Military Equipment Delivery Teams. Fifty additional M.E.D.T. representatives stay in Vietnam and take turns serving in Cambodia. These men are not supposed to advise the Cambodians but simply to supervise the use of equipment—obviously a narrow line to draw.

At the moment, an effort is being made in Washington and Saigon to bring out another fifty M.E.D.T. men. This is being strongly opposed by a handful of Americans in Cambodia—notably by Jonathan Ladd, a retired Special Forces colonel with long experience in Vietnam, who has the title of political-military counsellor. Ladd feels that we are starting to make the same mistakes in Cambodia that we have been making for years in Vietnam. He says that the Cambodian Army is now being turned into the same sort of conventional force we created in Vietnam, and he is vigorously opposing a plan formulated by some military men in Saigon to send Cambodians to the United States for training at conventional war schools, such as Fort Leavenworth and Fort Benning. "The Cambodians have to clean up their own back yard first, and they're not going to learn how to do that in America," Ladd says. "We have to accept them for what they are rather than what they ought to be, and one thing they're not going to do is march through Belgium."

The number of personnel at the American Embassy in Phnom Penh has grown in the past year from a dozen, including secretaries, to just under a hundred. Emory C. Swank, an able ambassador with experience in Laos, is trying to adhere to President Nixon's policy of "keeping the profile low," but there are difficulties about doing this when the military-aid and economic-aid programs together total two hundred and fifty-five million dollars. The Cambodians naturally welcome the American aid, and very little remains of the anti-American feeling that Sihanouk engendered. They are proud of having survived over the past year, marked, as it was, by an expansion of the war following Sihanouk's downfall, but they also feel a deep uncertainty and discontent, which is most often expressed in criticism of nepotism, corruption, and the generally slow rate of progress in the fighting. Two weeks ago, Acting Prime Minister Sisowath Sirik Matak called for a "popular war" to combat the Communists in the countryside. This will include a small and poorly planned pacification program, mostly involving the distribution of medicines and pamphlets and some guns to villagers, on what neutral observers regard as far too lax a basis.

The uncertainty and discontent have surely been aggravated by Lon Nol's illness and temporary absence from the scene. Sirik Matak, despite his demonstrated administrative abilities—among other things, he has allowed the various generals in the military regions to run their own campaigns without the interference from Phnom Penh that Lon Nol kept imposing—is not a popular leader. Père Lon Nol, as he is often referred to, remains the consensus figure—the father who took over the guardianship of Sihanouk's "children," as the Prince was so fond of calling his people. During Lon Nol's absence, there was a flurry of coup rumors in Phnom Penh, mostly involving alleged efforts to restore the monarchy, but the diplomatic community is virtually unanimous in stating that there was little substance to these rumblings. However, considerable doubt exists about what will happen now that Lon Nol is taking over again. The question everyone is asking is whether he will be able to do his job effectively. He has made it clear that he cannot resume his eighteen-hour-a-day pace, but the degree to which he will allow Sirik Matak and others to share the burdens of leadership is not yet known. A fundamental Cambodian quality that diplomats in Phnom Penh describe as "immobilism" or "the phlegmatic approach" continues to hamper progress in most areas of governmental concern, especially the economy, which is just barely holding its own as prices rise slowly and the riel—the Cambodian monetary unit—brings half the official rate on the black market. The problems include a lack of organization, too many overlapping ministries, and a lot of dead wood left over from the Sihanouk days. "There has been a loss of *élan*, of political enthusiasm, in the last few months," one Western ambassador says. "The Cambodians have been hurt militarily, and Lon Nol's illness was a real psychological blow. Now we'll just have to see what happens." Like other military observers in Cambodia, Jonathan Ladd believes that the Cambodians can survive as long as the North Vietnamese don't make that country their primary target. The signs indicate that South Vietnam is still Target No. 1, but more will be known about that when the next dry season starts.

However one gauges the results of the recent military and political events in Laos, Cambodia, and South Vietnam, the biggest factor is their collective impact on North Vietnam, where new elections just took place, on April 11th, the fourth legislature of the National Assembly. These are the first such elections since 1964, and, important as they are in their own right, they may be even more important in presaging a full Party congress later this year or early next year. The last such congress was called in 1960. Though the election results are sure to be routine when they are announced—the official Fatherland Front chose five hundred and twenty-two out of the five hundred and twenty-nine candidates to run for four hundred and twenty seats—the new Assembly, which meets in June, is likely to take some important political steps, including making changes in the government. It seems likely that some younger men will be added to the Politburo, most of whose members are in their late sixties or older. There is also a possibility that North Vietnam may acquire a new President, for Ton Duc Thang, who replaced the late Ho Chi Minh, is in his eighties. Conceivably, he could voluntarily step down and be given some honorific post, in which case, experts here speculate, his place might be taken by Vice-President Nguyen Luong Bang, who played a significant role in Ho's efforts to maintain a precarious balance between Moscow and Peking. Or Bang might become the first of two Vice-Presidents with special duties.

Even if the new elections consolidate the position of Truong Chinh, the ailing chairman of the Standing Committee of the Assembly, who is generally regarded as the strongest pro-Peking man in the Politburo, no one here believes that he is prepared to challenge the "first-among-equals" position of Le Duan, the first secretary of the Lao Dong (Workers') Party. There are some differences within the Politburo over the emphasis that should be accorded domestic problems vs. the prosecution of the war, but the unity of the group remains basically firm. The policy is one of flexibility—a policy that was set forth in an important speech delivered a few months ago by General Giap and was further stressed in speeches made by Le Duan, during a trip to Peking and then to Moscow, where he was given the signal honor of being the first speaker at the Soviet Party Congress. Duan, Chinh, and Prime Minister Pham Van Dong are still the top three men in the Politburo. Many people now believe the fourth-most-important man to be Pham Hung, who runs the war in South Vietnam and spends most of his time there. Giap and Le Duc Tho, a theoretician, who is the liaison man for the Paris talks, are next in line.

While the Laotian and Cambodian attacks hurt the North Vietnamese, the mood in Hanoi, according to observers who have recently returned from there, is one of tough-minded confidence. For the first time in two years or so, articles propounding the official line in North Vietnamese publications are emphasizing the need to press on to military victory in Indo-China, and, at least for the moment, the stress on diplomatic offensives, in Paris or elsewhere, has been dropped. The threats to invade the North voiced by President Thieu and other South Vietnamese—and backed by President Nixon and various Administration spokesmen at least to the extent of not ruling out such a possibility—are regarded here by almost all experienced observers as psychological-warfare maneuvers. Since the South Vietnamese have suffered severe losses, and since they have their hands full right here as the American step up their troop withdrawals, they are certainly spread too thin to plan any further bold offensives, though they could make commando raids.

The invasion threats have backfired in that they have helped the North Vietnamese leaders to rally the population to increase its military effort and to stiffen the economy for the imminent "total victory" that they claim lies ahead. In an effort to obtain hard currency, the North Vietnamese are exporting all the goods they can spare—even rice and coal. One reason they need hard currency is that they are buying necessary mining and other machinery and small mechanical plows from Japan, partly because the equipment obtained from Russia and China has been difficult to maintain. Prosecuting the war throughout Indo-China has certainly made heavy financial demands. "Legalizing" their cadres in South Vietnam, for example, costs a great deal of money, and, aside from the needs of individual cadres, Hanoi has increased what is known as its "shadow supply system," whereby its agents secretly buy into Western firms in South Vietnam and elsewhere. It also costs a lot to finance the Provisional Revolutionary Government in South Vietnam—the successor to the National Liberation Front—especially now that the P.R.G. is recognized by about a score of nations and maintains delegations abroad.

In their elections, the North Vietnamese decided to eliminate eighty-nine seats that had been accorded to "Southern delegates" in 1946—a decision that has given rise to much speculation here in Saigon. The step was probably taken simply to accord the P.R.G. status as a "government" in its own right, and thus enhance its position throughout the world. It has been suggested that, for propaganda purposes, and because the talks in Paris are getting nowhere, the Hanoi delegation may leave Paris, at least temporarily, and let the P.R.G. deal directly with the Saigon government. This would embarrass both Washington and Saigon, but in the long run it might lead to two sides within South Vietnam itself to hold some serious talks, and lead Washington and Hanoi to use their own channels to settle the matter of prisoners and troop withdrawals. In any event, by holding their elections now, ahead of those in South Vietnam, the North Vietnamese have mounted a political offensive at a time when the diplomatic front is momentarily quiet. Taken in conjunction with the negative effects of the Laotian invasion—especially its failure to spur negotiations—political events both in the North and in the South between now and the end of the year are apt to be more important than military events. The fighting will continue, as it seems to continue endlessly, but the real contest for power is now a political one. Unfortunately, the hard-liners in Hanoi are far more aware of this underlying situation than are the political leaders in the South, who seem to offer their followers only further doubts and uncertainties. That is why the Northerners seem so sure of ultimate victory, and why so many Southerners are secretly making their own plans for ultimate accommodation. Such an accommodation increasingly implies a willingness to get along somehow with the Communists in the South, while accepting the fact that North and South Vietnam are likely to remain separate countries indefinitely.

[From the Washington Star, Apr. 10, 1971]

WE MUST NOT MEDDLE IN VIETNAM'S ELECTION

(By Carl T. Rowan)

Most of the headlines have gone to the President's speech and to the lingering debate over Lt. William Calley's conviction, but Americans ought to ponder seriously a proposal on Vietnam put forth by Sen. Adlai E. Stevenson III.

Stevenson notes with perception that when and how the United States gets out of Indochina will be greatly influenced by the South Vietnamese elections of a new House of Representatives in August and a president and vice president in October.

The freshman Democratic senator from Illinois wants Congress to set up safeguards to ensure that South Vietnamese voters have a free choice and that the vast U.S. military presence and covert U.S. dollars are not used to force reelection of President Nguyen Van Thieu and Vice President Nguyen Cao Ky.

Stevenson believes that the war will be over sooner, and American prisoners will be home earlier, if the South Vietnamese have a chance to elect people who, while not associated with Hanoi or the Viet Cong, "are committed to peace and reconciliation . . . and to a negotiated settlement of the war." He wants a commission of five senators and five congressmen sent to South Vietnam to ensure that U.S. actions are not the sort that will deny the people a free choice. It should be made clear that Stevenson is a dove who wants the U.S. out of Indochina by a fixed date. But even hawks dare not toss aside his arguments.

Stevenson believes that the Thieu-Ky regime "is committed to prolonging the war." He thinks the Nixon administration is striving "not to end the war, but to continue it as a proxy war between Asians."

Lost sight of, the senator argues, is our initial goal of securing for the South Vietnamese people "the right to choose their own future."

Stevenson points out, correctly, that the vast American presence gives Thieu and Ky an enormous advantage over all other potential candidates. He points out that the U.S. mission is already doing public opinion surveys for Thieu and Ky in all 44 provinces of South Vietnam, and that the broadcasting and other resources of the U.S. Information Agency have been turned to glorifying the Thieu-Ky government.

Stevenson says that in asking Congress to create a watchdog commission, he seeks "not to defeat Thieu and Ky, but to neutralize the political advantage which our military involvement affords them" and to insure that this advantage is not augmented by actions of U.S. officials during the campaign.

Stevenson takes the remarkably reasonable position that he "would not expect the government of South Vietnam to permit the candidacy or the election" of men representing either Hanoi or the Vietcong.

Still, do not expect his proposal to be embraced with enthusiasm by the administration. Influencing elections, surreptitiously, is one of the oldest and most successful tactics on both sides of the Cold War.

Influencing the upcoming elections in South Vietnam is surely one way the United States hope to establish future insurance against a Communist takeover, a guarantee that even President Nixon seems to have decided we can't provide militarily.

But we can all be sure that as long as our activities are such that the elections can be dismissed as frauds, and the South Vietnamese rulers can be viewed even by millions of Americans as hand-picked lackeys of Washington, there will not be much movement toward peace.

The commission Stevenson proposes will never stop all the electoral hanky-panky; it will never wipe out all the suspicion. But it is vital that we do everything reasonable to make it clear to the world that we remain committed to "self-determination," and that we are not only permitting, but encouraging, that process to work in South Vietnam.

THE UNITED STATES AND FREE ELECTIONS

(By Frank Mankiewicz and Tom Braden)

WASHINGTON.—There was a fatal continuing confusion of identity in President Nixon's address to the nation last week and it has not gone unnoticed in the Senate. It consists of identifying the people of South Vietnam with their government.

Mr. Nixon's speech was full of references to our obligation to the South Vietnamese. We must leave them strong, he said, and we must leave the war in a way that "gives the South Vietnamese a reasonable chance to survive as a free people."

But all of these obligations, these commitments, are not to the people of Vietnam—of whom we have killed more than 300,000 by bombing and artillery—but to the government we installed in Saigon and which remains there only if we maintain troops in sufficient numbers. It is a regime, said Sen. Adlai Stevenson (D-Ill.), "which is committed to prolonging the war."

That is why Stevenson's resolution for a commission to look at the forthcoming Vietnamese elections, introduced two days befor the President's report, is such a significant event. It marks almost the first formal step in the Senate toward really offering the South Vietnamese the right to self-determination. And that, as Stevenson pointed out, was the original goal of the war, "still unfulfilled, and perhaps forgotten."

The Stevenson proposal, a relatively simple one, relates only to the elections in Vietnam later this year. Those elections—for a House of Representatives in August and for a President in October—will be held under the provisions of a "constitution" drafted for Saigon by the White House in 1967. As of now, there is hardly any doubt in Vietnam that President Thieu would be defeated in a free and fair election. This judgment is the unanimous one of a number of Americans who have worked closely with the pacification effort for the past few years and of Vietnamese politicians and journalists.

But they are also unanimous in agreement that Thieu will win the October election, precisely because it will be neither free nor fair unless the United States acts, quickly and decisively, to counter the widespread opinion in Vietnam that we are actively supporting Thieu's campaign. Sad to relate, that opinion is based on the fact that—at all levels of the U.S. Embassy in Saigon—we are. That is why Stevenson's proposal is so timely. He proposes to create a commission of five members each from the House and the Senate, equip them with a Vietnamese-speaking staff of Americans who know the country and charge that commission with the responsibility of seeing that the United States' effort in Vietnam remains wholly neutral in the election.

It will be a difficult task, even if Stevenson's proposal is adopted. In 1967, a commission named by Lyndon Johnson went to Vietnam a few days before the election and returned to say that all was free and fair. It probably was, in the sense that Soviet elections are free and fair—the government names the candidates, decides who may vote and supervises the polling places.

In 1967, with U.S. assistance, Gen. Thieu ruled out candidates who might have beat him, induced others to run to split the civilian vote, issued the armed services cards to permit double voting and denied transportation to his opponents. The army then supervised the voting. Thieu's membership in the Free World is now attested by his having won a plurality—34% of the vote—in that election. But with that kind of help, Stokely Carmichael could have been elected governor of South Carolina.

Ambassador Ellsworth Bunker has already moved to support Thieu's re-election campaign. Sen. Stevenson, who really believes that a United States goal is to let the South Vietnamese decide their own future, wants Congress to affirm that goal, publicly, and to get that message to our allies, loud and clear.

[From Ripon Forum, May 1971]

NIXON'S NEW SEASON

(By Howard Gillette, Jr.)

The Washington (baseball) Senators opened a new season without the benefit of the President, the Vice President, or even the President's son-in-law this year. In a move to dramatize the plight of American POW's held in North Vietnam, the Administration called on Army M Sgt. Daniel Pitzer to throw out the first ball. A captive of the Vietcong for four years before his release in 1967, Pitzer threw two perfect strikes to start the hapless Senators on their way to their first opening-day victory in eight years. The President, who not only follows the baseball Senators, but loves to interpret the world through sports analogy might well have drawn a lesson from opening day.

The President has had several bad seasons of his own with the Senators on Capitol Hill. The once highly disciplined team which carried out executive orders at will has, in the last few years, practically ignored the wishes of their own manager, particularly on the strategy for Vietnam. So far they have done everything possible to make life difficult for their leader except refuse to play. Shortly before making his troop withdrawal announcement April 7, the President was given what should have been a welcome hint from one of his most loyal team players over the years, Republican Jack Miller of Iowa.

Senator Miller suggested that the United States agree to the complete withdrawal of all American military from Vietnam within twelve months following completion of the exchange of prisoners of war and accounting of men missing in action. The proposal differed only slightly with the President's position by announcing in advance a commitment to total withdrawal within a fixed time. Previously the President had suggested a willingness to negotiate a fixed date only after the release of American prisoners.

Miller's proposal might well have been seized upon to satisfy critics on the President's first team including the veteran Aiken and rookies like Lowell Weicker that the Administration go with something new for the new season. If accepted by the President it would surely have dampened the "final deadline faction" within Senate ranks. It would have given new impetus to the Paris talks, testing in particular Vance Hartke's claim that the opposition could accept exchange of prisoners when tied to "an acceptable deadline."

But the President insisted on sticking to his own game plan, leaving himself open to the inevitable criticism of a team whose record fails to meet public expectation. Most important, by failing to take any new initiative on POW's through the Paris talks, he leaves them only the symbolic value they had on opening day.

One problem Republicans now have in the Senate debate on war policy is rising above partisanship when it appears increasing opposition to Administration policy among Democrats may serve partisan purposes as well. Thus when Senator Adlai Stevenson proposed to establish an elections commission designed to insure free elections this fall in South Vietnam, Republican leader Hugh Scott, having just led a counterattack on Democratic critics of the Administration, felt compelled to reply in partisan terms. Such a commission, he said, would provide unwarranted interference in the South Vietnamese electoral process. Unfortunately the point of the Stevenson proposal, as it came from four young former State Department employees in South Vietnam, was precisely that the U.S. is already interfering unfairly on the side of the incumbent government in violation of the principle of free elections.

According to members of the Vietnam Elections Project some monitoring agent is necessary to prevent total American identification with the incumbent regime in face of U.S. toleration of the harassment of political candidates and restriction of free press by that regime. In 1967 President Johnson appointed a commission to oversee the elections, primarily to protect himself from critics of the electoral process. Unlike that commission—described since as too little, too late—Stevenson's plan would send staff to Vietnam well in advance of the elections, including Vietnamese-speaking representatives who could establish a presence independent of any particular political faction in the country.

Far from being a partisan matter, the Stevenson proposal should attract support from both parties, but particularly from Republicans who should have an interest in refuting charges that this Administration is tied to President Thieu more than to the general principle of self-determination.

DEATH OF ELMO ROPER

Mr. CASE. Mr. President, purely on a personal basis and in no way as an official announcement, I cannot refrain from expressing to my colleagues my deep, personal grief in learning this morning of the death of a great American, Elmo Roper.

I shall not presume to speak as though I were delivering a eulogy. But I could not let this day go by without indicating that, in my judgment, without great spirits like Elmo Roper, this country and humanity could scarcely function.

Mr. President, there will be a more appropriate time better to express our views on Elmo Roper and what his loss means to us, but just now I wish to express my personal sympathy to his family at this hour of their grief. My own is so great that I want to share it with my colleagues.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, I would like to identify myself with the remarks of the Senator from New Jersey. I knew Elmo Roper very well. I know how close the Senator from New Jersey was to him.

He helped me in my first campaign. That was probably the first time that any survey was taken of any district to see what was troubling the district.

I have the fondest memory of Elmo Roper. I join my colleague in expressing our condolences and sorrow to his family.

The PRESIDENT pro tempore. Is there further morning business?

NOTICE OF INTENTION TO OFFER RESOLUTION CONCERNING GIRL PAGES

Mr. JAVITS. Mr. President, the Senator from Illinois (Mr. PERCY), the Senator from Oklahoma (Mr. HARRIS), and I have raised the so-called girl-page issue.

The Senate is in session today, which we did not expect, and in deference to the present situation on the floor, about which the Senator from Vermont has acquainted me, I shall not introduce the resolution today, but I will do so on Monday.

I understand that a request for immediate consideration of the resolution will be objected to, and that it will then go over until Tuesday. I hope that the leadership will be advised, so that we may have a reasonable time in which to discuss the matter.

In order to give complete advance notice of my intention, I ask unanimous consent that the text of the proposed resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. —

Resolution to permit the appointment of Senate pages without discrimination on account of sex

Resolved, That no individual shall be denied appointment as a page of the Senate solely on the basis of sex.

AMTRAK

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. Mr. President, I am about 5 minutes late. We had a little trouble getting down Constitution Avenue. What is the status of the bill introduced by the Senator from Montana?

The PRESIDENT pro tempore. The bill is on the calendar. It will come up Monday.

Mr. MAGNUSON. What is the status of the nominations to the board? I filed on behalf of the Commerce Committee the nominations with a favorable recommendation of the committee that they be renominated. They are on the Executive Calendar.

The PRESIDENT pro tempore. They could be voted on in executive session.

Mr. MAGNUSON. But the Senate is not in executive session at this time.

The PRESIDENT pro tempore. The Senate is not yet in executive session. It is in legislative session.

Mr. MAGNUSON. Mr. President, if I may be permitted to make a brief statement, I thoroughly agree with the Senator from Montana, the Senator from Ohio, and others who are concerned about this matter.

The Senator from Washington was not very happy about what they had done in our area.

I want to say that in the beginning they came out with a preliminary report in which there would be absolutely no rail service from Chicago to the Pacific Northwest. They changed that to put in one route from Chicago via Spokane. When they got to Spokane, there was always the Great Northern and the N.P. One went the north route and the other went the south route.

They decided that the basic system involved the elimination of the north route. I know that they have to do certain things consistent with their financial capabilities. However, I am not at all pleased with some other things they did, and particularly with respect to the route between Seattle and Vancouver, British Columbia, which was a passenger route that, I think, with the right kind of equipment could make money. They did not want to do anything about that.

The people involved called me and I called them. They told me that this was an international matter and they did not want to take it up. They eliminated the route up to Montreal. There is no international complication involved in running a train from Seattle to Vancouver. All they needed to do was to make a telephone call.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Presiding Officer would recognize me, I will yield my 3 minutes to the Senator from Washington.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I think the best way to handle this matter is to have a second go-around.

I do not want to disturb the original routes. Neither do any of the other members of the committee. We want to add to them. The Senator from Vermont knows that we discussed the matter at some length in the committee. We wanted an opportunity to have a second go-around.

When we get to the date, Saturday night, May 1, it does not look to me as if there is any possibility for a second go-around. It will be very complicated.

There must be some way that we can work this out. There are some routes obviously that they have to abandon. We know that. However, there are not too many of them.

The complaints were entirely legitimate. I thought the simpler way to do this would be to have an extension of time.

We found that there was at least some evidence in the committee that this would cause some legal problem. Therefore, they said, "Let us go ahead with the date of May 1 in the hope we can thereafter get another go-around at the problem." The problem is that once we take the passenger line off the tracks, it will be pretty hard to get it back.

If they are going to have some legal problems, they have plenty of lawyers.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Evening Star of last night which points out that they have $252,000 worth of lawyers today in all the firms involved.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNK TO LAWYERS: $4 MILLION STARTING AMTRAK

(By Stephen M. Aug)

Ever wonder how much it costs to start a new business? For the new National Railroad Passenger Corp., which calls itself Amtrak, the costs are estimated at $4 million.

Not surprisingly, a big chunk estimated at $600,000 is budgeted for the lawyers, and a long list of lawyers they've got.

Several documents submitted to the Senate Commerce Committee yesterday show that along with the accountants, management consultants, advertising agencies, engineering consultants—and even an airline—there are 10 law firms helping Amtrak get under way.

Included are some of the nation's most prestigious. Running through several of them is a single thread: They have members who were active politically during the Eisenhower administration.

GOP CONNECTIONS

Two of the firms have present-day Republican connections: Royall, Koegel & Wells, which has so far billed Amtrak for slightly less than $4,000, is the law firm with which Secretary of State William P. Rogers was associated.

In addition, one of its members, Stuart Rothman, was general counsel of the National Labor Relations Board from 1959–1963. The firm is said to have helped Amtrak in connection with labor negotiations with the railroad industry.

Amtrak's lead law firm is Jones, Day, Cockley & Reavis of Cleveland, Ohio. One of its alumni is James T. Lynn, general counsel at the Department of Commerce. Jones, Day has billed Amtrak for $106,407 for the period Jan. 1 through March 1. Jones, Day is acting as general counsel for Amtrak.

BROWNELL IN FIRM

Lord, Day & Lord, a highly regarded New York City firm, which has billed Amtrak $24,697.89 for work from Jan. 4 to March 15, includes as one of its members Herbert Brownell Jr., U.S. attorney general under Eisenhower from 1953–57.

Hamel, Morgan, Park & Saunders, of Washington, which has billed Amtrak $11,342.85 for Jan. 6–March 15, has two members who worked closely with Eisenhower. Edward A. McCabe was an associate special counsel and later administrative assistant to Eisenhower from 1956–61 and Henry R. McPhee was a special assistant from 1954–61.

Total billings by the 10 law firms so far are $252,044.53.

The fact that so many of the firms have had ties with the Eisenhower administration obviously results from the influence Amtrak's board chairman, David W. Kendall, had in their selection. Kendall himself was assistant secretary of the Treasury from 1955–57 and from 1958–61 was a special counsel to Eisenhower.

LARGEST SINGLE FEE

The largest single fee budgeted by Amtrak so far, however, is for management services—$691,000 to McKinsey & Co. The firm was originally retained by the Federal Railroad Administration to prepare preliminary information on the corporation's staffing functions.

Two accounting firms are budgeted a total of $580,000. Arthur Andersen & Co. was selected to provide the corporation with assistance in establishing internal accounting and financial information systems and to examine cost and revenue data provided by the railroads. It will be paid $500,000. The remaining $80,000 is for Arthur Young & Co., which assisted the Andersen firm in examining railroad costs and revenues.

Another $350,000—shared by two firms—is listed as the price of searching for executives for the new organization.

$150,000 LOCATING FEE

Heidrick & Sruggles is to be paid $150,000 for its part in locating 10 key executives—plus helping to fill the post of president and chief executive. Ward Howell & Associates will get $200,000 for primarily finding the chief executive and helping recruit 15 other lesser executives.

Other consultants include:

Louis T. Klauder & Associates, engineering firm based at Philadelphia, $410,000, for surveying railroad cars, locomotives and terminal facilities.

American Airlines, $138,000, to study and make recommendations on reservations, food handling and baggage handling systems.

Parsons Brinkerhoff-Gibbs & Hill, $40,000, to perform an inspection and general evaluation of Metroliner equipment stored at the Budd Co. and not being used on the Washington-New York run.

Lippincott & Margulies, Inc., $125,000, to devise a corporate symbol and name (it devised Amtrak), and to provide designs for car exteriors and interiors and other matters of corporate identification.

Harshe-Rotman & Druck, $75,000, for public relations assistance.

Robert R. Mullen & Co., $20,000, to help the directors reply to congressional inquiries.

Ted Bates Advertising, advertising. Its fee is derived from advertising it places.

Mr. MAGNUSON. Mr. President, that is beside the point. Legally, it seems to me that they could forestall this for a while and make a further review of some of these things that the Senator from Montana, the Senator from Ohio, and others are talking about. There must be a way to do it.

The committee finally decided that if we had a 6-month extension, it would not be possible to go ahead with what they have done and have a second go-around later on.

I am quite dubious as to whether we can get that done. They can put on experimental trains for 90 days, but that does not solve the question.

I voted against the resolution that was reported from the committee. We did not have a record vote. I raised my hand, as the Senator from New Hampshire will attest.

The resolution provides that they will make a study and review the matter. Based upon the report, we will have to face up to the matter of the money involved. I think we made it clear in the hearings that if we were going to have these other routes, they would have to be paid for.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator's time has expired.

Mr. METCALF. Mr. President, I ask that I be recognized.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, I yield my 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for an additional 3 minutes.

Mr. MAGNUSON. Mr. President, the committee stated the matter was still pretty fuzzy. It is questionable whether, after midnight, Saturday, tomorrow, we can ever get back into the ball game again. That is what I am talking about.

I am perfectly willing to endorse anything that the Senator from Montana and the Senator from Wyoming have done. I have said so on many occasions.

There must be some way we can do this. No one wanted to disturb the original routes. They were basic and well worked out. However, we should not close the door on any possibility of doing some of these things. We should have a southern route in Montana and in Wyoming. We should not have the shutting off of the whole Cleveland area. We should have a chance to talk about the matter.

One thing that irks me is that we set up this group and I do not know during the time they have been in existence that they have ever consulted with me about the matter and said, "This is what we are thinking. What do you think?" They have not suggested that the Commerce Committee have even a small hearing about the matter.

It all happened so abruptly.

At midnight the board expires.

On behalf of the Commerce Committee I reported their nominations. They are the same people, with the exception of adding the man who will be the executive director, Roger Lewis, who is well known up here.

It seems to me that there ought to be some way that we could have some time in which to discuss this matter further and see if we cannot work out some alternatives and some compromise with a distinct understanding and this was paramount in all the hearings we had, that if we are going to add some lines, Congress is going to have the responsibility to put up the money to pay for them. But I do not think there is any particular problem there. Obviously, Mr. President, you cannot run the 348—is that the number?—but we are talking about 10 or 12 which we believe all Members of Congress jointly think are important.

I do not know how to get them back on the track if this plan becomes frozen in concrete as of tonight at 12 o'clock.

I want to be frank. I do not hold any brief for the railroads. I have been dealing with them in the committee for 25 years. The railroads would like to abandon almost every passenger line in the United States, and maybe all of them. I do not know.

They come up with figures that I sometimes doubt. I have often said that I thought they kept two sets of books. I do not know if they do or not, but sometimes the treasurers have a set of books on losses on passenger lines that are different from what the ICC gets. They have been dealing with that problem for years and years.

It seems to me there should be some reasonable way to postpone this matter until we can sit down and make some sense in this matter.

Mr. McGEE. Mr. President, I applaud the Senator from Washington for the remarks he has just made.

I am here, in particular, to say to the Senator from Montana that we are on the right track now in attempting to get this postponement.

I want to pay tribute to the distinguished Senator from Washington for his efforts to help us, through his Committee on Commerce; and I pay tribute to the Senator from West Virginia who immediately made it possible for us to get a hearing on the problem posed here.

Mr. President, I wish to commend the majority leader for the effort he is making today to delay the commencement date of Amtrak from May 1, 1971, until December 1, 1971.

As the senior Senator from Montana is aware, this is an effort in which I have been participating very actively over the past few weeks, and I share many of the sentiments expressed yesterday by him with reference to the unresponsiveness of Railpax—now Amtrak—to the congressional directive to provide service to all sections of these United States.

My own State of Wyoming, until Monday of this week, was entirely omitted from the national rail passenger network—a recommendation which flabbergasted me, since the existing Union Pacific route across southern Wyoming is the most natural and logical east-west link from Chicago to the west coast. On Monday of this week we were advised by the incorporators that they had been unable to agree on a contract with the Denver & Rio Grande Western Railroad and, therefore, they would use the Wyoming route after all. Needless to say, this was good news for Wyoming. We are delighted, for we have felt all along that this service would be the best, the most practical, and the most efficient.

Our current glee, however, does not obscure our feelings of sympathy with our sister States, such as Montana and Idaho, or the other States which have been omitted entirely from railroad passenger service by the Corporation.

I would like to pledge to the majority leader today that, even though Wyoming has now been taken care of in this matter, I will continue to lend my efforts to assist him in obtaining the delay he seeks here today.

It is obvious that a great number of Senators and Members of the House of Representatives are most unhappy with the present Amtrak recommendations. I believe it is equally obvious that a 6- or 7-month delay to give Congress the opportunity to act in this matter would not seriously hamper the eventual success of Amtrak. In the interim, trains presently operating would continue to do so.

In short, I believe the delay requested by the majority leader makes good sense.

I must say Wyoming is in a different position in connection with railroads than it was before when the Denver & Rio Grande Western Railroad refused to join Amtrak. On Monday they then backed into the State of Wyoming, against the wishes of the Union Pacific, the largest railroad in the United States, but at least unintentionally in the interest of the people.

Mr. President, that does not compromise my position on this bill. I still believe because of the way it has been handled and the way in which the interest and the intent of Congress has been flouted, that we should have this delay the Senator from Montana now seeks.

Given the missions in the proposal, given the controversy now over severance contracts, and given the refusal of the major railroads to participate in the program, there is every reason, with good sense, to suspend the launching of this new railroad plan that is an instrumentality of this body, the Congress. All of the national interest and not just some of it must be satisfied, and we must make certain that the intention of Congress is lived up to.

Mr. President, again I join forces with the Senator from Montana in making this possible through a delay in the launching of the Amtrak implementation.

Mr. PROUTY. Mr. President, personally nothing could be more distasteful for me than to have to oppose my distinguished friend, the majority leader, for whom I have the highest admiration and affection. Also, I am completely sympathetic with what he is trying to accomplish.

No one should be more critical of Amtrak than the Senators from the three northern New England States, because we are presently without any rail service whatsoever. In my opinion, this service can be justified between Boston and New York on the one hand and Montreal on the other. Metropolitan Montreal has a population in excess of 4 million people. The ski areas in Vermont could furnish and encourage a great deal of passenger traffic.

My point is if we allow or permit this extension, despite contracts already entered into with the railroads involved—20 of the 23 passenger-carrying railroads—we are going to destroy the whole concept of Amtrak and we might as well say goodby to passenger service in this country. In the Senator's State they can do as they have done in my State over a period of time—take the trains off regardless of whether we have Amtrak or not.

I am encouraged to believe the board is sincere in its professed determination to review and extend this new system. Hopefully, it will benefit my State, the State of the Senator from Montana, as well as other areas where service is threatened to be discontinued.

However, it is my feeling if we take this action now—and incidentally, the House is not in session and Amtrak goes into effect 1 minute after midnight tonight—it would be a futile gesture, but by the same token it would be most unfortunate for us to do this because it would jeopardize everything we want.

Mr. MANSFIELD. Mr. President, I agree with the distinguished chairman of the Committee on Commerce. As far as existing lines are concerned, we are for them but we think they should be added to. The Senator from Washington thinks the line from Seattle to Vancouver should be kept in operation. I do not think the idea of international implication holds much water.

Both of us think the Northern Pacific should run in Montana, Idaho, Washingtno, North Dakota, and other States where it is being discontinued. These are good trains and what Amtrak should do is operate on the basis of seeking whether a line like the N.P. and the Short Line from Butte to Salt Lake City can operate on a reasonable comparable basis.

I know two members on the Commission: Mr. Kendall, who impressed me very much, and Catherine May Bedell, who served in the House of Representatives. I do not question the motives of this group. I think they are an honorable group of people, but we are here to look after the interests of our States and if we do not do it who is going to do it?

Outside of Mrs. Bedell who else is from the West? They are all from the East. The east coast and the west coast have been treated with great courtesy and consideration, but the heartland of this country will be hanging on the ropes.

I have a high regard for Catherine May Bedell who was an outstanding Congresswoman.

Mr. MAGNUSON. I know her well, too. The Pacific lines cannot be abandoned, the ones now operating, without permission of the ICC. They cannot be abandoned without the permission of the ICC.

Mr. PROUTY. I agree, but railroads have been discontinuing all over the country.

Mr. MAGNUSON. If this is held up for a while the lines now in operation cannot be abandoned until they go to the ICC. Every one can file an application with the ICC but that does not mean the ICC is going to do it.

I would not suggest 368 passenger lines should be operated in the United States. This cuts it down to 184 scheduled. We are talking about maybe 25 or 20 more that we think are important to the transportation system.

They say they have to get more money from Congress. Yes, but Congress has to put up money if there is any possibility to get this service. We are trying to get people off the cluttered highways. The people in Vermont in the wintertime have that train that goes up and down and you have to take it.

Mr. PROUTY. It would be——

Mr. MAGNUSON. Under this system.

Mr. PROUTY. Nothing under this system.

Mr. AIKEN. It goes through New Hampshire.

Mr. MAGNUSON. Anyone going to New England would take that train. Nothing is going to particularly happen if there is an extension; it is going to be just as it is.

Mr. PROUTY. That is where the Senator and I disagree. In the Commerce Committee I thought it was a unanimous vote.

Mr. MAGNUSON. No; some Senators raised their hands. The chairman raised his hand against it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. And I so state now.

Mr. PROUTY. Well, I do not question the Senator.

STREET DEMONSTRATIONS AND MEMBERS OF CONGRESS

Mr. DOLE. Mr. President, I think every American, except those who participate in or approve of politics of the street, politics by mass confrontation and politics by threat and disruption, feels a little better today, a little more secure because of what President Nixon said last night at his press conference.

The President said bluntly of the activities and proposed activities of these people:

> The Congress is not intimidated; the President is not intimidated. This government is going to go forward.

He also said:

> Those who come and break the law will be prosecuted to the full extent of the law.

Which was the suggestion made yesterday by the distinguished Senator from West Virginia (Mr. BYRD).

I am certain that even those Members of the Congress who support the demonstrators must agree that neither the Congress nor the President is or dare be intimidated, that this Government must indeed go forward, and those who break the law must be punished.

For that reason I would like to call today on those who have met and marched with and endorsed the demonstrators, now, as leaders of those demonstrators, to go to them and ask them to obey the law and keep the peace.

I particularly urge them to urge the demonstrators whom they have supported with word and deed to reconsider their threats to disrupt Washington, D.C., on Monday by blocking access routes to the city and by performing other unlawful acts.

I believe those who have catered to the demonstrators and have set themselves up as spokesmen for them and endorsers of them have this obligation.

For this reason I urge those Members of both Houses to speak out for the cause of law and domestic peace, just as they have spoken out for the cause of peace abroad.

Surely none of these Members who has encouraged the demonstrators wishes violence or wishes to see the road obstructed so that those who have legitimate business as well as those, such as police and firemen and doctors, who serve the public interest, are unable to get through.

No one Member of Congress should ever have on his head the unnecessary death of one heart attack victim, the commission of one felony, or the burning of one building.

Therefore, Mr. President, I now call on those Members of both Houses who have involved themselves in the demonstrations to seek now an end to them before they reach the point of violence or criminal disruption.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON THE AGRICULTURAL CONSERVATION PROGRAM

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on the agricultural conservation program for the fiscal year ending June 30, 1970 (with an accompanying report); to the Committtee on Agriculture and Forestry.

PROPOSED LEGISLATION TO PROVIDE FOR MAXIMUM ENTRANCE AND RETENTION AGES, TRAINING, AND EARLY RETIREMENT FOR AIR TRAFFIC CONTROLLERS

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF THE U.S. ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, transmitting, pursuant to law, the 25th Report of the U.S. Advisory Commission on Information, May

1970 (with an accompanying report); to the Committee on Foreign Relations.

Environmental Impact Statement for the National Land Use Policy

A letter from the Legislative Counsel, U.S. Department of the Interior, submitting the environmental impact statement to accompany the Department's proposed legislation "To establish a national land use policy to authorize the Secretary of the Interior to make grants to encourage and assist the States in the preparation and implementation of land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation for the Creation of the Indian Trust Counsel Authority

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the creation of the Indian Trust Counsel Authority, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications

A letter from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, the annual report of the Director of the Administrative Office of the U.S. Courts on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation With Respect to Judicial Review of Decisions of the Interstate Commerce Commission

A letter from the Chairman, Administrative Conference of the United States, submitting a draft of proposed legislation to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Report of the National Labor Relations Board

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the National Labor Relations Board; cases heard and/or decided by the Board; and the fiscal statement showing total obligations and expenditures for the fiscal year ended June 30, 1970 (with accompanying reports); to the Committee on Labor and Public Welfare.

Proposed Legislation Relating to Age Requirements for Appointments to Positions in Executive Agencies and in the Competitive Service

A letter from the Chairman, U.S. Civil Service Commission, submitting a draft of proposed legislation relating to age requirements for appointments to postions in executive agencies and in the competitive service (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation To Designate Certain Routes of the National System of Interstate and Defense Highways

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to designate Interstate Route I–70 from Washington, D.C., to Denver, Colo., Interstate Route I–25 from Denver to Cheyenne, Wyo., and Interstate Route I–80 from Cheyenne to San Francisco, Calif., as the "Dwight D. Eisenhower Highway" (with accompanying papers); to the Committee on Public Works.

MEMORIALS

Memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint memorial of the Legislature of the State of Washington; to the Committee on the Judiciary:

"Senate Joint Memorial No. 17

"A memorial to the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Committee on Commerce and Regulatory Agencies of the Washington State Senate has held hearings on the entire energy supply question; and

"Whereas, The committee is particularly distressed by diminishing natural gas and electrical energy power potential which appear to be falling behind projected domestic, industrial, and municipal requirements; and

"Whereas, Fierce competition over federal funds threatens to severely limit the availability of new appropriations for development of additional power resources; and

"Whereas, There now exists a nationwide shortage of proven gas reserves which has obviated the competition between rival suppliers to enter new markets and requires that efforts be directed to continuing service to present markets already connected and authorized under existing certificates of public convenience and necessity from the Federal Power Commission; and

"Whereas, El Paso Natural Gas Company acquired the stock of Pacific Northwest Pipeline Corporation, in 1957 under a merger which was approved by the Federal Power Commission, after extensive hearings, as being in the public interest from the standpoint of (1) improved gas supply and utilization of gas reserves, (2) financially strong gas supplier, (3) extended and improved gas service to the public, and (4) lower rates to the gas consumer; and

"Whereas, The United States Justice Department, contending that the acquisition would substantially lessen competition in California, commenced an anti-trust action to acquire divestiture of the assets acquired by El Paso under the merger; and

"Whereas, The matter has been extensively litigated without any final determination of a divestiture plan; and

"Whereas, Other major gas suppliers have entered into the California gas supply market during the course of the litigation, thereby adding substantial competition in that market; and

"Whereas, The benefits of the merger predicted by the Federal Power Commission in approving same in 1959 have come to pass; and

"Whereas, It appears that divestiture in the manner most recently directed by the Supreme Court of the United States will deny such benefits to the public in all areas served by the El Paso system unless remedial legislation is enacted; and

"Whereas, Countervailing economic, political and social values clearly indicate that an anti-trust exemption should be enacted by Congress to exempt the El Paso-Pacific Northwest merger from the operation of the anti-trust laws in the best interests of the public;

"Whereas, The divestiture if accomplished would insure that the costs of natural gas to the consuming public would increase substantially and would aggravate an already deteriorating economic climate in our state with further loss of job; and

"Whereas, The Governors of the Northwest states have expressed strong feelings of support for preservation of this merger through letters to United States Senator Magnuson; and

"Whereas, Hearings have been scheduled for Apirl 19 and 20, 1971 in Seattle by the United States Senate Committee on Commerce to look into this problem with a view toward remedial legislation;

"Now therefore, your memorialists respectfully pray that the Senate and House of Representatives of the United States of America enact and the President sign legislation creating an exemption from the operation of the anti-trust laws as to such mergers effected prior to January 1, 1960, where application for certificate of public convenience and necessity was made to and approved by the Federal Power Commission prior to January 1, 1960.

"Be it resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A joint memorial of the Legislature of the State of Washington; to the Committee on Labor and Public Welfare:

"SENATE JOINT MEMORIAL NO. 19

"A memorial to the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress Assembled

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, Total unemployment in Washington State stands at 10,400, at a seasonally adjusted rate of 10.4 percent, up from year ago figures of 104,500 persons at a rate of 6.8 percent; and

"Whereas, All economic indicators predict a continuation of extremely high unemployment in Washington State for months to come; and

"Whereas, Thousands of people in Washington State have exhausted regular and extended unemployment insurance benefits and are still without gainful employment; and

"Whereas, The Employment Supplement Program, providing for temporary employment in public and private nonprofit agencies, has been the most successful of all federally assisted manpower programs in recent months in dealing with the grave problems of the Washington State economy, and has been enthusiastically endorsed by both enrollees and employing agencies; and

"Whereas, The initial funding of this program, five million dollars provided by the Secretary of Labor to help meet the crisis in unemployment in Washington State, is very nearly exhausted.

"Now therefore, Your Memorialists respectfully pray that the President of the United States authorize the Secretary of Labor to release additional funds for this purpose, or, should funds be lacking, that the Congress enact legislation necessary for the expansion and continuation of this extremely worthwhile program.

"Be it resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, to each member of Congress from the State of

Washington, and to the Secretary of Labor of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 1204. A bill to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement (Rept. No. 92–91).

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

S. 421. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents (Rept. No. 92–92).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. Res. 109. A resolution authorizing special supplementary expenditures by the Committee on Banking, Housing and Urban Affairs for an inquiry and investigation pertaining to the securities industry. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable executive reports of nominations were submitted:

By Mr. BYRD of West Virginia, from the Committee on Labor and Public Welfare:

Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975; and

Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity.

By Mr. METCALF (on behalf of Mr. Jackson), from the Committee on Interior and Insular Affairs:

William T. Pecora, of New Jersey, to be Under Secretary of the Interior.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HRUSKA (for himself, Mr. Curtis, Mr. Dole, and Mr. Pearson):

S. 1726. A bill to consent to the Kansas-Nebraska Big Blue River Compact. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 1727. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided by Public Law 92–5 or by any increase in railroad retirement benefits during the calendar year 1971. Referred to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

S. 1728. A bill for the relief of George Wise. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. Allott, Mr. Brock, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Fulbright, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Spong, Mr. Taft, Mr. Tunney, Mr. Williams, and Mr. Young):

S. 1729. A bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1730. A bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages; and

S. 1731. A bill to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad, their car furnishing subsidiaries, and car leasing companies in acquiring such general service railroad rolling stock. Referred to the Committee on Commerce.

By Mr. BAYH:

S. 1732. A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 1733. A bill to amend the act of September 26, 1970 (84 Stat. 884). Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 1734. A bill to provide for comprehensive management of the Nation's forest reserves created from the public domain, and other forest lands, through the application of sound forest practices, and for other purposes. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS

By Mr. MAGNUSON (for himself, Mr. Allott, Mr. Brock, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Fulbright, Mr. Harris, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Jackson, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Scott, Mr. Spong, Mr. Taft, Mr. Tunney, Mr. Williams, and Mr. Young):

S. 1729. A bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public. Referred to the Committee on Commerce.

THE FAST FREIGHT SYSTEMS TRANSPORTATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to alleviate freight car shortages now and in the future by establishment of a national corporation to develop a national pool of general service freight cars and make the cars available when needed for use of the Nation's shippers. The corporation would also be mandated to improve the nationwide utilization and distribution of freight cars through the use of modern computer technology. The following Senators have joined with me in sponsoring the Fast Freight Systems Transportation Act of 1971: Senator Allott, Senator Brock, Senator Burdick, Senator Byrd of West Virginia, Senator Dole, Senator Dominick, Senator Eagleton, Senator Eastland, Senator Fulbright, Senator Harris, Senator Hartke, Senator Hatfield, Senator Hughes, Senator Humphrey, Senator Jackson, Senator Mansfield, Senator McGee, Senator McGovern, Senator Mondale, Senator Montoya, Senator Moss, Senator Nelson, Senator Packwood, Senator Pearson, Senator Pell, Senator Randolph, Senator Schweiker, Senator Scott, Senator Spong, Senator Taft, Senator Tunney, Senator Williams, and Senator Young.

New car purchases by the railroads have not kept pace with the retirement of obsolete and wrecked cars, let alone the expanding needs of our economy. The fleet has declined by 14 percent in the past 10 years. It is significant to note that shippers and car companies have expanded their ownership of private cars in the last decade. They have lost faith in the ability of railroads to provide enough cars to service their needs. In addition to a dwindling car fleet, the railroads have been unable, because of fragmented ownership, to provide adequate utilization and distribution of the cars they do have.

Freight car shortages have plagued the Nation's shippers since the early days of the railroads. The issue has been before the Interstate Commerce Commission ever since that agency came into existence in 1887. The problem is all too well known and Congress has provided legislative modifications of the freight car distribution system down through the years. But unfortunately, legislation in the nature of modifications to the existing system has not yet proved adequate to solve the problems. It now appears clear that a new approach is necessary. Freight car shortages are already building this year. If the economy recovers this spring, we could be faced with the greatest car shortages of the century. And these shortages will adversely affect producers, shippers, and consumers across the land. The shortage of freight cars is no longer a regional problem affecting primarily western grain farmers or western lumber and plywood shippers at the peak of the shipping season. Today, any industry in any part of the country may experience a car shortage at one time or another during the year.

In hearings before the Special Subcommittee on Freight Car Shortages of the Commerce Committee last year various industry representatives testified to their car shortage experience. The forest products industry—lumber, paper, homebuilding materials—had car shortages at many of their mills and plants, regardless of their location in the Northwest, South or Northeast. Mines in the coalfields of Ohio, Kentucky, Virginia, Pennsylvania, and West Virginia were forced to shut down on occasion by lack of cars. The ability of the Nation's utilities to meet our growing energy needs is impaired by the shortage of cars. The threatened fuel shortage in the East this winter was in large measure attributable to the unavailability of cars. The scrap iron and steel industry has no alternative means of transportation other than gondola cars, yet the gondola fleet has declined by 35 percent since 1955. Shipment of retail goods has also been affected by the unavailability of cars in satisfactory condition, despite the fact that they move generally from East to West—counter to the direction of overall movement of loaded cars.

Freight car shortages are not just a business problem affecting only industrial and agricultural shippers. They also affect the consumer, increasing the prices he must pay for his purchases and reducing the reliability of service he can expect to receive. The costs to the consumer are not simply transient costs to be avoided when—and if—the railroad freight car supply and distribution is improved. They are being built into the structure of transportation facilities. If shippers cannot obtain an adequate supply of freight cars, they turn to alternative modes of transportation which in some cases are neither as inexpensive nor efficient as the railroads.

The continuing and increasingly severe shortages of freight cars indicate that the present system may not be adequate to meet the burdens imposed upon it. It is now time to consider restructuring the system.

The bill here introduced is based on the concept of a national freight car pool which, under a single ownership and management, would be able to add to the supply of freight cars and maintain control of cars regardless of where they might be, thereby improving the utilization and distribution of the fleet. The concept is not a new one—a special staff study first suggested it to the committee some 10 years ago—but it may be an idea whose time has now come. The bill also provides the corporation with power to encourage the establishment and use of computer technology to locate and distribute its cars. I consider this bill to be a "working paper." It is introduced to provide a starting point for deliberation on the concept of a national freight car pool and on the best way to implement the concept should it receive favorable recommendation. I will not be surprised to see changes in the language of the bill as improvements of its ideas are worked out by the committee. I anticipate that other bills will also be introduced and brought to the committee's attention. The committee welcomes ideas on this persistent problem. Hopefully this bill will be the catalyst for a serious and thorough exploration of the matter. The goal will be to produce the necessary statute before the end of this Congress.

I ask unanimous consent that a summary sheet and the text of the bill be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1729

A bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fast Freight Systems Transportation Act of 1971."

PURPOSES

SEC. 2. The Congress hereby declares that the purposes of this Act are—

(a) To improve the utilization and distribution of general service freight cars to meet the needs of commerce, users, shippers, the national defense, and the consuming public;

(b) To acquire additional general service freight cars to provide fast and expeditious service to meet the increasing demands of the Nation's economy in the years to come; and

(c) To assist in achieving full employment by supplying adequate equipment necessary to transport the products of American industry.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)), other than the corporation created by Section 4 of this Act.

(2) "Commission" means the Interstate Commerce Commission.

(3) "Corporation" means the Fast Freight Systems Transportation Corporation, which may also be known as "Fastcor".

(4) "General Service Freight Car" means any type of railroad freight car whose use is not confined to a specialized purpose by special equipment, design or other limiting features. The Corporation may designate what types of freight cars are "general service freight cars" and shall include, but is not limited to, an unequipped boxcar, gondola, open top hopper car and flat car.

(5) "Board" means the board of directors of the corporation provided in section 6.

THE CORPORATION

SEC. 4. (a) There is hereby created, as an agency of the United States, a corporation to be known as the Fast Freight Systems Transportation Corporation. Its purpose shall be to acquire, maintain and provide railroad freight car equipment, employing innovative concepts to develop and maintain distribution and allocation systems to insure the effective and expeditious application of rail transportation facilities to the needs of the national economy.

(b) The Corporation shall not be subject to the provisions of the Interstate Commerce Act, as amended, or of any other law regulating railroads except that it shall be deemed to be a railroad with respect to section 1(10) through 1(17) of the Interstate Commerce Act and shall also be deemed to be a railroad with respect to safety and with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between railroads and their employees, employee retirement, annuity and unemployment systems, and other dealings with its employees.

(c) The Corporation shall not be subject to any state or other law pertaining to the transportation of freight by railroad as it relates to rates, routes, or service.

ORGANIZATION

SEC. 5. The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for not more than one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation.

DIRECTORS AND OFFICERS

SEC. 6. (a) The Corporation shall have a board of eleven directors of whom one shall be elected annually by the board to serve as chairman. The Secretary of Transportation, and the Secretary of the Treasury of persons designated by them respectively in writing, shall serve as ex officio members of the board with the same powers as other members of the board. The President of the United States shall appoint the remaining members of the board, by and with the advice and consent of the Senate, on the following basis: (1) three, upon recommendation of the Association of American Railroads, one of whom shall be representative of the Eastern Railroads, one of whom shall be a representative of the Western Railroads, and the other shall be a representative of Southern Railroads; (2) one, upon recommendation of the National Association of Regulatory Commissioners, who shall be a member of a state agency authorized by state law to fix rates for transportation by railroad; (3) two who shall be representative of interested shippers; (4) one who shall be representative of interested investors; (5) one, upon recommendation of the parent body of the American Federation of Labor and Congress of Industrial Organizations, who shall be representative of labor; and (6) one who shall be representative of consumers.

(b) The terms of office of the members of the board, other than those serving ex officio, shall be for four years except that the member serving as a representative of the State Commission shall be appointed annually and except that the terms of five of the members, initially appointed, shall expire at the end of two years following their first appointment. A member appointed to fill a vacancy mya be appointed only for the unexpired term of the member whom he succeeds. The members of the board shall take office immediately upon the expiration of the terms of the incorporators. Seven members shall constitute a quorum for the purpose of conducting the business of the board. Each of the directors, other than those serving ex officio, shall receive compensation at the rate of $300 for each meeting of the board which he attends and shall be reimbursed for necessary travel and subsistence expense incurred in attending such meetings.

(c) Directors, officers and employees shall be deemed to be special government employees subject to the conflict of interest provisions of title 18, United States Code, sections 201–209. They may be included for purposes of determining the presence of a quorum at any meeting of the board which they attend and may participate in discussions in any such meeting notwithstanding the provisions of title 18, United States Code, section 208.

GENERAL POWERS OF THE CORPORATION

SEC. 7. The Corporation shall have power—

(a) To sue and be sued, complain and defend, in its corporate name;

(b) To adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) To adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State;

(e) To lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) To accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Corporation;

(g) To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) To appoint such attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined: *Provided*, That, except as otherwise specified in this Act, such attorneys, employees, and agents as well as the members of the Board of Directors shall not be subject to the provisions of Federal laws relating to Federal employees with respect to appointments, promotions, adverse actions, hours of work, rates of compensation, allowances, leave, unemployment compensation, compensation for work injuries, and Federal benefits such as retirement, life insurance, and health benefits;

(i) To enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of the affairs and the proper conduct of its business;

(j) To build, purchase, own, lease, and manage general service freight cars to be operated for the purpose of providing modern, efficient freight transportation of goods; to conduct research and development related to the purposes of this Act; and to acquire, or to contract for the use of, physical facilities, equipment, and devices necessary to the identification and forecasting of need for general service freight cars; and

(k) To enter into agreements and contracts necessary for the operation and maintenance of its freight cars and to the performance of all services and work incidental thereto consistent with prudent management of the affairs of the Corporation and not inconsistent with the provisions of subsection 13(b) of this Act.

Persons contracting with the Corporation for the use, operation, or maintenance of such facilities and equipment and for the performance of such services and work shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

FINANCING

SEC. 8. (a) Per diem surcharge.—Every railroad, except switching and terminal railroads, shall pay to the Corporation a per diem surcharge of 50 cents per car-day on each general service freight car for each day that a carrier incurs a car-hire charge for the use of such car, except that no one railroad, or group of railroads under common management and control, shall make total payments in excess of 10 per centum of the total amount paid by all railroads. The Corporation shall impose the surcharge levy no later than 60 days after the Board of Directors shall have taken office pursuant to Section 6(b), and the levy shall continue until the Board of Directors of the Corporation determines that not less than $10,000,000 nor more than $30,000,000 will be due or will have been paid to the Corporation as of a certain date, whereupon the levy of the surcharge will cease as of that date. The surcharge shall be payable on the tenth day of the second month succeeding the month in which the charge accrues. If it should be determined that any one railroad, or any group of railroads under common management and control at the time of payment, has paid in excess of 10 per centum of the total amount paid by all railroads, the Corporation shall refund the excess payments.

(b) Refund of Capital Investment—

(1) In the event of partial or complete liquidation of the Corporation, any assets remaining after payment of the Corporation's obligations and expenses will be distibuted prorata to the railroads, not to exceed the base amount of capital investment paid into the Corporation as Per Diem Surcharge under paragraph (a) of this section; and the remainder will be paid into the Treasury of the United States and credited to miscellaneous receipts.

(2) In the event of complete liquidation of any railroad subject to this Act, the Board of Directors of the Corporation may, if and when funds are available, refund to the railroad a sum not to exceed the base amount of the railroad's capital investment in the Corporation, paid in as Per Diem Surcharge under the provisions of paragraph (a) of this section.

(c) From the sums appropriated therefor, the Secretary of the Treasury shall pay to the Corporation for each quarter, beginning with the quarter commencing January 1, 1972 and terminating with the quarter ending December 31, 1972, an amount equal to the total of all per diem surcharges paid or accrued during such quarter as certified by the Corporation.

(d) *Incurrence of Debt for Capital Purposes*—The Corporation is hereby empowered to incur debt for capital purposes. Such debt may be incurred in the form of bonds, debentures, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements or obligations. The payment of principal and interest on all obligations issued by the Corporation, which shall not exceed $3,000,000,000 in principal amount outstanding at any one time, shall be guaranteed by the Government of the United States, such guaranty to be expressed on the face thereof. Such obligations may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein and shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as shall be determined by the Board of Directors, with the approval of the Secretary of the Treasury.

(e) *Purchase of Obligations by Treasury*—The Secretary of the Treasury may elect to purchase the obligations of the Corporation, in an amount not to exceed $2,000,000,000 in principal amount outstanding at any one time, under such terms, including rates of interest, as he and the Corporation may agree, but at a rate or yield no less than the current average yield on outstanding Treasury securities of comparable maturity, as determined by the Secretary.

(f) *Public Debt Transaction*—For the purpose of any purchase of the obligations of the Corporation, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Corporation under this Act. The Secretary of the Treasury may at any time sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations of the Corporation acquired by him hereunder. All redemptions, purchases, and sales by the Secretary of the obligations of the Corporation shall be treated as public debt transactions of the United States.

(g) *Authorization for Appropriations*—For the purpose of enabling the Corporation to obtain the necessary funds to implement and expand the freight car fleet for the public good in the manner set forth hereinbefore there is hereby authorized to be appropriated for each fiscal year sums sufficient to carry out the purposes of this Act. Further, in order to facilitate the formation of the Corporation and the implementation of its objectives, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, the sum of $20,000,000 to be used in carrying out the provisions of this Act, to continue available until expended.

(h) *Lawful Investment and Exemption from Regulations and Restrictions*—Securities issued under this section shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Interstate Commerce Commission or the Securities and Exchange Commission. The limitations and restrictions as to a National or State bank dealing in, underwriting, or purchasing investment securities for its own account, as provided in Title 12, United States Code, Sections 24 and 335, shall not apply to securities issued under this section.

AUDIT AND EXPENDITURES

SEC. 9. (a) "Fast Freight Transportation Systems Corporation" shall be added to the list of corporations in 31 U.S.C. 846 and the Corporation shall be subject to the provisions of the "Government Corporation Control Act", (31 U.S.C. 841 *et seq.*).

(b) Except as otherwise provided in paragraph (a) of this section, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Corporation.

(c) Nothing in this section shall be construed as denying to the Corporation the power to obtain audits of the accounts of the Corporation and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

CONTROL OF USE OF FREIGHT CARS

SEC. 10. (a) The Corporation shall establish in accordance with the provisions of section 4(b) the terms and conditions governing the use of its equipment, including requirements for identification and distribution of its general service freight cars, as shall in its judgment be appropriate to effectuate the purposes of this Act.

(b) The Corporation may provide financial incentives, including sharing of costs and per diem surcharges, to encourage the installation and use of automatic car identification, scanning devices, and computed technology to assure improved use and distribution of freight cars; and, may enter into such contracts as, in its judgment, may be required for the development and operation of a computer system for car distribution.

(c) The Commission on its own motion, may, or on petition of any interested party, including the Corporation, shall investigate and establish such rules, regulations, practices, charges or car identification and distribution requirements as it considers to be appropriate to effectuate the purposes of this Act.

CHARGES FOR USE OF FREIGHT CARS

SEC. 11. The Corporation shall establish charges for the use of cars supplied by it which, in the judgment of the Board, will enable the Corporation to meet its operating expenses, including depreciation and debt-carrying charges, and to effectuate the purposes of this Act. Such charges shall be subject to the review and advice of the Commission. In establishing such charges the Corporation shall take into account the prevailing rates and conditions for use of similar cars.

CAR SERVICE RULES

SEC. 12(a). The Commission shall establish and may amend from time to time such just and reasonable car service rules, regulations, and practices with respect to general service freight cars of any railroad and shall issue such car distribution directions thereunder as in its judgment may be necessary or appropriate to effectuate the purposes of this Act. Upon finding that the purposes of this Act will be served thereby, the Commission may, and upon request of the Corporation shall, delegate to the Corporation the authority to establish and to amend such rules, regulations, and practices and to issue car distribution directions thereunder.

(b) The Corporation shall establish and may amend from time to time such just and reasonable car service rules, regulations, and practices with respect to its general service freight cars, and if so authorized by the Commission pursuant to paragraph (a) of this section, with respect to the freight cars of any railroad, as shall in the judgment of the Corporation best serve the purposes of this Act. Such rules, regulations, and practices, and car distribution directions issued thereunder, shall take precedence over any conflicting rules, regulations, or practices established by any railroad or group of railroads or by the Commission. Upon petition of any person affected by any such rule, regulation, or practice, the Commission shall make an investigation and, with or without a hearing, shall order any rule, regulation, or practice which it finds not to be in conformity with this Act canceled, annulled, or amended as the Commission shall find to be appropriate.

(c) Each railroad shall comply with such car service rules, regulations, and practices as may be established, and such car distribution directions as may be issued pursuant to this section.

PROTECTIVE ARRANGEMENTS FOR EMPLOYEES

SEC. 13. (a) It shall be a condition of any contract, under this Act, that fair and equitable arrangements are made, as certified by the Secretary of Labor, to protect the interests of employees affected by such contract. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this Act shall specify the terms and conditions of such protective arrangements. The certification by the Secretary of Labor that employees affected have been provided fair and equitable protection as required by this section shall be a condition to the completion of any transaction requiring such protection.

(b) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad and any labor organization, if such contracting out may result in the layoff of any employee or employees in such bargaining unit.

(c) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by a railroad employee. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

ACTIONS TO ENFORCE OBLIGATIONS

SEC. 14. (a) The Corporation may by any appropriate civil action apply to any district court of the United States having jurisdiction of the parties to enforce compliance with any obligation owing to it by virtue of or pursuant to any provision of this Act or any agreement or regulation made pursuant thereto.

(b) If any railroad fails or refuses to comply with any rules, regulations, charges or identification and distribution requirements or practices established or any car distribution directions and orders issued under this Act, or Commission directive to pay charges, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition by the Commission with respect to matters arising under Section 12(a) of this Act or by the Corporation with respect to matters arising under Section 12(b) of this Act to grant such equitable relief as may be necessary or appropriate to prevent or terminate such failure or refusal.

(c) If the Corporation or any railroad or other party violates or threatens to violate any provision of this Act, or any order, rule, or regulation issued thereunder, any district court of the United States having jurisdiction of the parties shall have jurisdiction, upon petition by the Corporation, or in a case involving a labor agreement, upon petition by any employee affected thereby, including duly authorized employee representatives, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any such violation.

(d) Nothing contained in this section shall be construed as relieving any person from any punishment, liability, or sanction which may be imposed otherwise than under this Act.

REPORTS TO THE CONGRESS

SEC. 15. The Corporation shall transmit to the President and directly to the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report on its operations, activities, and accomplishments under this Act, the state of rail freight service, and the effectiveness of this Act in meeting the requirements of a balanced national transportation system and shall include in such report a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

SEPARABILITY

SEC. 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SUMMARY OF THE PROBLEM AND THE BILL

PROBLEM IN A NUTSHELL

Until recently freight car shortages have been characterized as a western grain harvest problem. Today any part of the Country can experience shortage any time of the year. The Northeastern fuel shortage of this winter, the difficulty of getting Maine potatoes to market, and problems in obtaining cars at an Indiana plant in time to meet contractual schedules are new scenes in an old picture.

The root of the problem is a lack of cars and poor utilization of those available (only 6% of a car's life is actually spent in transporting a pay load).

Solution: Increase the number of cars (particularly the general service freight cars) and improve distribution (have cars where needed when needed).

WHAT THE BILL DOES

1. Establishes a national freight car corporation with 11 directors appointed by the President. (shippers, railroads, consumers, investors, labor, Secretaries of Transportation and Treasury will be represented).

2. The corporation will—

(a) Increase supply by acquiring (thru lease, purchase, or otherwise) general service freight cars.

(b) Improve utilization and distribution by controlling use of its own cars, encouraging use of computer technology in locating cars (with assistance of ICC if necessary), imposing appropriate charges on cars it supplies; and in cooperation with the ICC issuing car service orders.

3. Financing:

(a) Between $10 and $30 million will be raised thru a special 50c per diem surcharge on all general service freight cars.

(b) Federal funds matching sums obtained thru surcharge for first year.

(c) $3 billion Federal guarantee of private loans.

(d) $20 million direct authorization to initiate operations.

(e) Charges for use of cars.

Total direct Federal investment would not exceed $50 million.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have a statement prepared by the Senator from Indiana (Mr. HARTKE) printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HARTKE

Mr. President, I am pleased to join as a co-sponsor of the Fast Freight Systems Transportation Act of 1971 introduced today by the distinguished senior Senator from Washington (Mr. MAGNUSON).

Last month the Nation's news media carried reports that 277 freight cars had been stolen from the lines of the Penn Central. The theft of freight cars is a remarkable occurrence. No doubt many shippers have suspected as much—as they sat beside their products on the shipping dock waiting for cars. Where were the cars they had a right to expect? Perhaps stolen enroute.

I do not relate the theft of Penn Central freight cars as an anecdote at the expense of a normally efficient system, once on a rare occasion gone awry. Rather, I mean it as a footnote to a compendium of poor service to the shippers who must depend on one railroad or another.

Senators do not need to read the newspapers to learn of the sorry state of rail freight service. We receive reams of correspondence from our constituents asking for assistance, including legislative action. Neither do we lack for specific examples of the appalling increase in freight car shortages.

As chairman of the Surface Transportation Subcommittee and also of the Special Subcommittee on Freight Car Shortages of the Commerce Committee, I am quite familiar with the grim statistics of the freight car fleet. The typical freight car moves only about 10% of the time. A part of that time is spend moving empty, so that only 6% of a car's life is spent in transporting goods.

During the decade of the 60's the average shortage of freight cars increased from 1,500 to 10,000 per day. In the past 15 years the volume of freight has increased by about a fourth—while the boxcar fleet has declined in numbers by about a fourth.

We need more freight cars, especially the kinds of versatile cars that can be used to help relieve periodic peak shortages that occur in a number of industries.

Unfortunately, some major railroads are unable or unwilling because of strained finances to undertake car acquisition program of the magnitude needed to keep up with the demands of a dynamic economy. Other roads are unwilling to acquire an adequate supply of cars, preferring to rely on the availability of cars owned by other roads that must perforce come their way. The Fast Freight Corporation will not be caught in a financial bind. It will be able to acquire needed equipment because government guarantee of its obligations will insure that it can raise money in the private bond markets. Neither will it be caught in the trap of uneven regional distribution of empty cars because it will be a nationwide operation; it will have a national pool of cars and will be able to direct empties straightaway to the location of demand for them. It will not face the problem, as some roads do, of buying cars only to see them leave its lines rarely to return.

Of equal importance, the bill introduced today would direct the new corporation to use the facilities of modern technology to keep track of its cars and to improve their utilization.

The theft of a million dollars worth of freight cars from the Penn-Central—a line that has been notorious for its inadequate contribution to the national fleet of freight cars and that should have been particularly sensitive to retaining its cars—is symptomatic of the failure of the industry's old-fashioned procedures. The industry finds it hard enough to keep track of its cars, let alone to utilize them fully and efficiently.

Mr. President, I think the bill marks a turning point in our consideration of the freight car shortage problem. Heretofore, freight car shortages have been an irritating problem. They have had serious effects on particular shippers in particular regions at particular times of the year. Nonetheless, we have seen them as a minor issue and one to be primarily solved by the railroad industry with a strong push from the ICC.

However, the freight car shortage problem has grown more and more extensive with the passage of time and takes on even greater dimension in the context of the present weakened condition of some segments of the railroad industry.

We must now realize that freight car shortages are a substantial flaw in our national transportation system. We should now see our goal not as solving a railroad problem, but rather as insuring better service for our nation's shippers and consumers. The freight car shortages are a shippers' problem (and not of their own making).

Further, in a broader perspective of the current condition of the railroad industry, this corporation may be seen as a vital piece in restructuring the industry so that it can play its proper role in the national transportation system. Rail traffic must inevitably decline unless some way is devised so that it can provide prompt, useful service to shippers. An adequate supply of cars, efficiently utilized and properly distributed is the heart of any such service. Not only may Fastcor alleviate the problems of car shortages; it may also point out the direction for a revitalized railroad industry necessary for a better balanced transportation network.

Some people have indicated their reluctance to involve the Federal Government or its credit to the extent contemplated in this bill. I, too, was reluctant to venture in this direction. However, the events of the last few years have made government involvement of some nature and degree unavoidable. Without governmental aid, the essential services of the Penn Central would have closed down last January. Without substantial government action in terms of revising the statutory framework regulating railroad operation and in assuming part of the cost of the road's public service functions, the trustees of the Penn Central apparently see no way successfully to reorganize the railroad. The railroad industry itself has claimed that massive governmental assistance will be necessary if the industry is to be revitalized.

If the problems of the rail industry—freight car shortages and others—can be solved privately, so much the better. I certainly will be alert to seize any such opportunity. However, the past record and current proposals do not hold out reason for much optimism on the point. Thus, we must move ahead expecting some degree of government involvement and work out its extent as more facts become available.

Certainly, if the government is to become involved we must make very sure that a substantial benefit is returned to the public. Thus, we cannot tolerate simply opening the Treasury doors to the industry. There must be adequate controls to insure that the taxpayers receive value for their money and do not simply bail out private interests.

I believe that this bill provides a starting point for innovative work on both the problem of freight car shortages and on other transportation problems. The bill is not simply "more of the same" that has so often been advanced for railroad problems. It provides a meaningful amount of financial backing with controls to protect the public's rail service. As chairman of the Special Subcommittee on Freight Car Shortages, of which Senator Magnuson is a very influential member, I anticipate we will hold hearings in the near future on this bill, and other related measures.

By Mr. MAGNUSON (by request):

S. 1730. A bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages; and

S. 1731. A bill to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad, their car furnishing subsidiaries, and car leasing companies in acquiring such general service railroad rolling stock. Referred to the Committee on Commerce.

THE NATIONAL FREIGHT CAR CORPORATION ACT OF 1971 AND THE RAILROAD EQUIPMENT OBLIGATION INSURANCE ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce, by request, two other bills dealing with freight car shortage. As I indicated in my remarks when introducing the fast freight systems bill, other bills would also be brought before the committee. Accordingly, in response to a request from the National Industrial Traffic League I hereby introduce a bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages. I also introduce at the request of the Association of American Railroads a bill to amend the Interstate Commerce Act to promote acquisition of general service raliroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad, their car furnishing subsidiaries, and car leasing companies in acquiring such general service railroad rolling stock. This legislation is very similar to S. 4463 and S. 4464 which I also introduced by request in the 91st Congress.

I ask unanimous consent that the texts of the bills be reprinted at this point in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 1730

A bill to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Freight Car Corporation Act of 1971".

Sec. 2. Purposes.—The Congress hereby declares that the purposes of this Act are—

(a) To eliminate, insofar as possible, regional shortages of general service freight cars.

(b) To eliminate chronic nationwide shortages of general service freight cars and to alleviate seasonal or temporary nationwide shortages.

Sec. 3. Definitions.—As used in this Act, unless the context requires otherwise:

(a) "General service freight cars" means a plain or ordinary railroad car such as a boxcar, or an open or a covered hopper car, or a gondola car, or a flat car, or a mechanical

refrigerator car, without special equipment or other features that would tend to limit its use to the transportation of a particular commodity. Any type of railroad car that is determined by the Board of Directors of the National Freight Car Corporation to be a general service freight car shall be considered to be such for the purpose of this Act.

(b) "Shipper" means any person, partnership, corporation, or other legal entity that regularly ships freight in or on general service freight cars.

(c) "The Corporation" means the National Freight Car Corporation.

SEC. 4. CREATION OF THE NATIONAL FREIGHT CAR CORPORATION.—There is hereby created a body corporate, to be known as the National Freight Car Corporation. It shall have succession until dissolved by Act of Congress, and shall maintain an office in the District of Columbia and be deemed to be a resident thereof subject to and governed by the District of Columbia Business Corporation Act to the extent consistent with this Act.

SEC. 5. PURPOSES AND POWERS.—(a) The Corporation shall acquire and maintain a fleet of general service freight cars and make such cars available to common carrier railroads for the use of shippers, as contemplated by this Act. Initially, only, this fleet shall consist entirely of general service boxcars, and open top hopper or gondola cars, but when it is determined by the Board of Directors of the Corporation that the acquisition of other types of general service freight cars is in the interest of shippers and the railroad transportation system, then the Board may add other types of general service cars to the fleet.

(b) The Corporation shall have all of the powers allowed under the District of Columbia Business Corporation Act, including the power to acquire, own, use, or convey real property. The Corporation shall also have the power to acquire property by condemnation for repair, maintenance, and storage facilities and for other operating purposes, except that it shall not have power to condemn property that is already devoted to a public use or use by a common carrier or utility company. The Corporation shall keep its books and records in accordance with generally accepted accounting principles as determined by an accredited firm of certified public accountants appointed by the Board of Directors.

(c) The Corporation shall have the power to establish rates and collect charges for the use of its cars as provided in section 10 hereof, and to establish car service rules and issue orders governing the use, movement, and distribution of its cars, as provided in section 10 hereof.

SEC. 6. CAPITALIZATION.—(a) A per diem surcharge of 50 cents per car-day is hereby levied upon all plain unequipped boxcars, Association of American Railroads mechanical designation XM. In the event that the surcharge as hereby levied or as subsequently reinstated in accordance with Section 6(c) of this Act is not paid when due, the Corporation may bring an action in any district court of the United States to recover the amount due. The surcharge shall be paid to the Corporation by every common carrier railroad subject to part I of the Interstate Commerce Act, except switching and terminal railroads, for each day that such a carrier accrues a car-hire charge payable to another railroad for use of the other railroad's type of XM boxcar, except that no one railroad, or group of railroads under common management and control, shall make total payments in excess of 10 per centum of the total amount paid by all railroads. The surcharge shall be payable on the tenth day of the second month succeeding the month in which the charge accrues, but shall accrue starting with the first day of the month following the effective date of this Act and continuing until the Board of Directors of the Corporation determines that not less than $10,000,000 nor more than $30,000,000 will be due or will have been paid to the Corporation as of a certain date, whereupon the surcharge will cease as of that date. If it should be determined that any one railroad, or any group of railroads under common management and control at the time of payment, has paid in excess of 10 per centum of the total amount paid by all railroads, the Corporation shall refund the excess payments.

(b) In exchange for each 50 cents per diem surcharge payment the Corporation shall issue one share of stock without par value and which shall not bear or pay dividends, and one 50 cents par debenture, which shall bear and pay interest at the rate of 8 per centum annually and the par value of which shall be due and payable December 31 of the thirtieth year after the date of issuance unless such date shall be a Saturday, Sunday, or holiday, in which event said par value shall be payable the next full business day, which shall not be either a Saturday, Sunday, or holiday. Said debentures shall be debts of the Corporation but shall be subordinate to all other debts of the Corporation. Neither the par value nor the interest on said debentures shall be guaranteed by the United States of America or otherwise be construed to be within the provisions of section 8 of this Act. In the event that adjustments are made between railroads under the railroad per diem rules, as in the case of a per diem reclaim by one railroad against another, the stock and debentures shall be issued to the railroad that actually bears the cost of the surcharge. The stock and debentures shall be transferable only between common carrier railroads subject to part I of the Interstate Commerce Act, but in no event may any one railroad, or a group of railroads under common management and control, vote more than 10 per centum of the outstanding stock.

(c) If the Board of Directors subsequently determines the original capitalization assessment is inadequate and that additional capitalization is necessary, but not in excess of $30,000,000 total capitalization, the surcharge may be reinstated by a vote of not less than nine of the eleven Directors for such period of time as such Directors shall find to be necessary to accomplish the purpose of this Act, and additional stock and debentures shall be issued in exchange therefor as in the case of the original issue. The surcharge may be made applicable to any type or types of general service freight car that has been or is to be acquired by the Corporation.

(d) In the event of partial or complete liquidation of the Corporation, any assets remaining after payment of the Corporation's obligations and expenses will be distributed pro rata to the debenture holders up to the par value of their debentures, plus any due but unpaid interest, and the remainder will be paid into the Treasury of the United States and credited to miscellaneous receipts.

SEC. 7. BOARD OF DIRECTORS.—(a) The Corporation shall have a Board of Directors consisting of eleven members, as follows:

The Secretary of Transportation or a person designated by him, in writing;

The Secretary of the Treasury or a person designated by him, in writing;

The Chairman of the Interstate Commerce Commission;

One member representing shippers to be appointed annually by the President of the United States;

One member of a State Agency, authorized by State law to fix rates for transportation by railroad, to be appointed annually by the President of the United States after consultation with representatives of the national organization of the State commissions referred to in section 202(b) and 205(f) of the Interstate Commerce Act; and

Six members to be elected annually by the railroads that are stockholders of the Corporation, on the basis of one vote for each share of stock. Two of these six Directors shall be elected by stockholders affiliated with eastern railroad territory (including New England), two by stockholders affiliated with western railroad territory, and two by stockholders affiliated with southern railroad territory. No stockholder shall vote for Directors from more than one territory.

(b) Since there will be no stockholder at the time the Corporation is created, the initial Board of Directors will include six members elected by the directors of the Association of American Railroads, two being elected to represent each of the three railroad territories, and these six members of the Board will remain Directors of the Corporation until their successors are elected at the first meeting of stockholders as provided in the bylaws of the Corporation.

(c) Within ninety days after the effective date of this Act, the Board of Directors shall meet to adopt bylaws, elect officers, and transact other business.

(d) Directors shall serve until their successors are elected or appointed. Vacancies shall be filled by election or appointment as provided in 7(a).

SEC. 8. GUARANTEE OF BORROWED CAPITAL.—The Federal Government will not make any contribution to the capital of the Corporation or purchase any stock in the Corporation, and will not be responsible for the acts, defaults, or debts of the Corporation except as set forth in this section 8.

(a) In addition to its other powers, the Corporation is hereby empowered to incur debt for capital purposes, in such amounts and upon such terms and conditions as the Board of Directors shall determine, which may be backed by the general credit of the Corporation and secured by any or all of its assets, and shall be fully and unconditionally guaranteed both as to interest and principal by the United States of America when such debt is incurred and approved as specified in part (b) below.

(b) Debt may be incurred under this section only by an approving vote of at least two-thirds of the members of the Board of Directors. That action of the Board of Directors must then be approved by the Secretary of the Treasury of the United States, or by a person designated by him in writing.

(c) Such debt may be incurred in the form of bonds, equipment trust certificates, conditional sale agreements, or any other form of securities, agreements, or obligations.

(d) Securities issued under this section shall be lawful investments for all fiduciary, trust, and public funds, and shall be issued in such form and under such terms and conditions as the Board of Directors may determine and shall not be subject to regulation by the Interstate Commerce Commission or the Securities and Exchange Commission. The limitations and restrictions as to a National or State bank dealing in, underwriting, or purchasing investment securities for its own account, as provided in title 12, United States Code section 24 and section 335, shall not apply to securities issued under this section.

(e) In the event that the Corporation shall be unable to pay when due the principal or interest on any debt incurred in accordance with this section, the Secretary of the Treasury shall pay to the creditor the amount due, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of such creditor.

SEC. 9. TAXES.—For Federal income tax purposes, the Corporation shall be a tax-exempt nonprofit corporation. Any gifts to the Corporation shall be allowable as deductible contributions for Federal income tax purposes. The Corporation and its property shall be deemed to be instrumentalities of the United States engaged in furtherance of interstate commerce and shall be exempt from all State and local taxation.

SEC. 10. CHARGES FOR USE OF FREIGHT CARS.—Charges for cars supplied by the Corporation shall be assessed on the same basis and at the same rates as the charges that are assessed for use of railroad-owned cars at the same time under similar circumstances, except that the charges by the Corporation shall be increased by a surcharge in the form of a percentage. The Board of Directors shall establish from time to time the amount of such surcharge percentage. Such surcharge shall be set at a rate which in the judgment of a majority of the Board will most effectively enable the Corporation at least to earn sufficient income to pay all of its costs and expenses, including depreciation and debt carrying charges. In the event that charges established by the Board under this section are not paid when due, the Board may request the Interstate Commerce Commission to enforce payment whereupon the Interstate Commerce Commission shall promptly make an investigation and, if it determines, with or without a hearing, that the charges are in accordance with this Act and are due and payable, shall order the charges to be paid with interest and if necessary shall enforce such order by the imposition of penalties as prescribed in section 16(8)–(10) of the Interstate Commerce Act (49 U.S.C. 16(8)–(10)).

SEC. 11. CAR SERVICE RULES.—(a) The Board of Directors shall establish and may amend from time to time such just and reasonable car service rules, regulations, and practices as shall in the judgment of the Board best serve the purposes for which the Corporation is established. Such rules, regulations, and practices, and car distribution directions issued thereunder, shall take precedence over any conflicting rules, regulations, or practices established by any railroad or group of railroads or by the Interstate Commerce Commission. Upon petition of any railroad affected by any such rule, regulation, or practice, the Interstate Commerce Commission shall make an investigation and, with or without a hearing, shall order any rule, regulation, or practice that it finds not to be in conformity with this Act canceled, annulled, or amended, as the Commission shall find to be appropriate.

(b) In the event that any common carrier by railroad subject to part I of the Interstate Commerce Act shall fail or refuse to obey or follow any rule, regulation, or practice established under this section, or any car distribution direction issued thereunder, such failure or refusal may be prosecuted by the Interstate Commerce Commission as provided in section 16(8)–(10) of the Interstate Commerce Act (49 U.S.C. 16(8)–(10)).

SEC. 12. LIMITATION OF LIABILITY.—No person shall be liable to the Corporation for any loss or damage suffered by it on account of any action taken or omitted to be taken by that person as a director, officer, or employee of the Corporation in good faith, if that person relied upon financial statements of the Corporation represented to him to be correct by the President or by the officer of the Corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of the Corporation, or if that person considered the assets to be of their book value or relied upon the advice of legal counsel for the Corporation.

SEC. 13. INITIAL REGISTERED OFFICE AND REGISTERED AGENT.—The initial agent of the Corporation shall be the Federal Railroad Administration, Department of Transportation, Washington, District of Columbia, and his office shall be the initial registered office.

SEC. 14. REPORT TO CONGRESS.—The Board of Directors of the Corporation shall annually make a full report of its operations, and the effectiveness of its operations in meeting the purposes of this Act. That report shall be made to the President of the United States and to the President of the Senate and to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

S. 1731

A bill to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad, their car-furnishing subsidiaries, and car-leasing companies in acquiring such general service railroad rolling stock

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Equipment Obligation Insurance Act of 1971".

SEC. 2. Congress finds that provision of modern, efficient freight cars and locomotives is a necessary part of our transportation system and that regional and nationwide shortages of such equipment exist.

SEC. 3. The Interstate Commerce Act is amended by adding the following new part at the end thereof:

"PART VI

"DECLARATION OF PURPOSE

"SEC. 601. It is the purpose of this part, by facilitating the enlistment of private capital, to provide for assistance to common carriers by railroad subject to the Interstate Commerce Act, their car furnishing subsidiaries, and car leasing companies in acquiring and maintaining adequate general service freight cars and locomotives and in such a manner to encourage the maintenance and growth of a private national transportation system adequate to meet the needs of the commerce of the United States, and of the national defense.

"DEFINITIONS

"SEC. 602. For the purposes of this part—

"(a) 'Secretary' means the Secretary of Transportation.

"(b) 'Railroad' means a common carrier by railroad, as defined in section 1(3) of part 1 of this Act (40 U.S.C. 1(3)).

"(c) 'Car-furnishing subsidiary' means a corporation at least 80 per centum of the voting stock of which is owned by one or more railroads.

"(d) 'Leasing company' means a corporation which leases rolling stock to one or more railroads.

"(e) 'Rolling stock' means (i) new standard gauge railroad freight cars suitable for use by more than one railroad in normal interchange under the Interchange Rule of the Association of American Railroads, (ii) standard gauge railroad locomotives, and (iii) cabooses.

"(f) 'Equipment obligations' means bonds, notes, conditional sale agreements, equipment trust certificates, mortgages, and other obligations or security interests issued or guaranteed by railroads, car-furnishing subsidiaries, or car-leasing companies, to finance or refinance rolling stock.

"(g) 'Lease' means any contractual arrangement under which a leasing company owning rolling stock permits use thereof by railroads for all or a substantial portion of the useful life thereof, and includes a net lease."

"(h) 'Holder' means the holder of an equipment obligation, except that where a bank or trust company is acting as agent or trustee for the holder of the equipment obligation, such bank or trust company shall be deemed to be the holder.

"(i) 'Interest' means the interest or dividends payable pursuant to the provisions of an equipment obligation.

"(j) The term 'obligor' includes the original borrower under an equipment obligation and his successors and assigns approved by the Secretary.

"FEDERAL RAILROAD EQUIPMENT OBLIGATION INSURANCE FUND

"SEC. 603. There is created a Federal Railroad Equipment Obligation Insurance Fund (hereinafter referred to as the "fund") which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

"AUTHORIZATION OF SECRETARY TO INSURE EQUIPMENT OBLIGATIONS

"SEC. 604. (a) INSURANCE.—The Secretary, upon application by the obligor, is authorized to insure as hereinafter provided the interest on and the unpaid balance of the principal of, any equipment obligation offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary may prescribe, is authorized to make commitments to insure any such obligation prior to the date of execution or disbursement thereon.

"(b) BENEFICIARY OF INSURANCE CONTRACTS.—Each insurance contract made under this section shall run to and be for the benefit of the holder of the equipment obligation.

"(c) PLEDGE OF UNITED STATES.—The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each equipment obligation insured under this Act.

"(d) LIMIT ON OUTSTANDING AMOUNT.—The aggregate unpaid principal amount of the equipment obligations insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

"CONDITIONS AND LIMITATIONS

"SEC. 605. (a) No equipment obligation shall be insured under section 604 of this Act unless—

"(1) the equipment obligation is secured by rolling stock to be financed or refinanced by such obligation;

"(2) the terms of such obligation require full payment within thirty years from the date thereof.

"(b) PREMIUM CHARGES.—The Secretary is authorized to fix a premium charge for the insurance of obligations under this Act at not exceeding one-quarter of 1 per centum per annum of the principal amount of the equipment obligation outstanding. Premium payments shall be made when moneys are first advanced under the obligation and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

"(d) DISPOSITION OF MONEYS.—All moneys received under the provisions of sections 601–608 of this Act shall be deposited in the fund.

"DEFAULTS

"SEC. 606. (a) RIGHTS OF HOLDER.—

"(1) In the event of any act or failure to act which gives the holder the right to accelerate the maturity of an equipment obligation, any such events being herein called defaults, and failure on the part of the obligor to remove and remedy the default within thirty days, the holder shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for obligated insurance, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of such obligation and of the unpaid interest thereon to the date of payment: *Provided*, That an assignment of the obligation be tendered to the Secretary at the time such demand is made. The Secretary may at any time during the continuance of any default notify the holder in writing, specifying the default, that by reason of such default the Secretary intends to terminate the insurance contract sixty days after such notice is received by the holder, and the holder shall be entitled to demand payment by the Secretary as above provided at any time during such sixty-day period, whether or not the default is removed and remedied, and if the holder shall fail to make such demand, the insurance contract may be terminated by the Secretary on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary shall accept the assignment and promptly pay to the holder the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That, except in any case in which the Secretary has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

"(b) PAYMENTS; ISSUANCE OF NOTES OR OBLIGATIONS.—Any amount required to be paid by the Secretary pursuant to subsection (a) of this section shall be paid in cash. If at any time the moneys in the Federal Railroad Equipment Obligation Insurance Fund authorized by section 603 of this Act are not sufficient to pay any amount the Secretary is required to pay by subsection (a) of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Federal Railroad Equipment Obligation Insurance Fund and redemptions of such notes and obligations shall be made by the Secretary from such fund.

"(c) FORECLOSURE PROCEEDINGS; ACTION AGAINST OBLIGOR.—In the event the Secretary shall accept the assignment of an equipment obligation upon the default of the obligor pursuant to subsection (a)(1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the rolling stock forthwith and take such other action against the obligor as, in his discretion, may be required to protect the interests of the United States or of the holder, as they may appear. Any suit may be brought in the name of the United States or in the name of the holder and the holder shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary shall determine that the interests of the United States do not require foreclosure of the obligations, he may make such agreement with the obligor as in the opinion of the Secretary will result in remedying the defaults. The Secretary shall have the right in his discretion to accept a conveyance of title to and possession of the rolling stock from the obligor, and in the event of a sale under foreclosure proceedings, may purchase the rolling stock for an amount not greater than the unpaid principal amount of such obligation and unpaid interest thereon. In the event the Secretary shall receive through the sale of the rolling stock an amount of cash in excess of any payment made to the holder under subsection (a)(1) of this section, and the expenses of collection of such amount, he shall pay such excess to the obligor.

"(d) SECRETARY TO COMPLETE AND SELL PROPERTY.—Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary shall have the right in his discretion to complete, recondition, renovate, repair, maintain, and sell any property acquired by him pursuant to the assignment as provided in this section.

"(e) TERMINATION OR CANCELLATION OF INSURANCE CONTRACT; CONCLUSIVE EVIDENCE.—Any contract or commitment of insurance entered into by the Secretary under the provisions of this Act shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in this section of this Act, and shall be conclusive evidence that the obligation complies fully with the provisions of this Act and of the approval of the principal amount, interest rate, and all other terms of the obligation and of the holder or borrower and of the obligor or lender; and any contract on commitment of insurance so entered into shall be incontestable from the date as of which such contract of commitment is entered into, except for fraud, duress, or mutual mistake of fact.

"MODIFICATIONS

"SEC. 607. The Secretary may consent to the modification of the provisions of an equipment obligation as to rate of interest, time of payment of interest or principal, security, or the terms and conditions of any contract or commitment of insurance which he shall have entered into pursuant to this part, or the renewal or extension of any such contract or commitment of insurance, whenever the Secretary shall determine it to be equitable to do so: *Provided, however*, That such consent shall not be given unless any consent of the holder, which may be required pursuant to the provisions of an equipment obligation, shall have first been obtained.

"APPROPRIATIONS

"SEC. 608. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter."

By Mr. BAYH:

S. 1732. A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968. Referred to the Committee on the Judiciary.

THE JUVENILE DELINQUENCY AMENDMENTS OF 1971

Mr. BAYH. Mr. President, the problem of juvenile crime seems to grow more disquieting every time we look at it. And while we hear a lot about the ambitious new Federal programs to combat juvenile delinquency, in fact these programs have been fragmented, uncoordinated, and highly ineffective. Today I am announcing the introduction of a bill—the Juvenile Delinquency Amendments of 1971—which I believe will start improving the Federal Government's woefully inadequate performance in this area. My bill is the first step in a program I am undertaking—as chairman of the Senate Subcommittee to Investigate Juvenile Delinquency—to evaluate, coordinate, and—if necessary—rethink and restructure the Federal role in the prevention and control of juvenile delinquency, to cut down the alarming rate of juvenile crime, while at the same time guaranteeing to every accused juvenile handled in the Federal court system the absolute right to a speedy and fair system of justice and rehabilitation.

Last month the subcommittee held hearings to see why the Federal effort has been such a complete and total failure. And the subcommittee is continuing in attempting to evaluate the effectiveness of each of the existing Federal programs which deal with the myriad problems of juvenile delinquency.

What we have already found in a relatively short time is alarming. Congress has given attention to the problem. Hearings have been held. Laws have been passed. Yet, viewing the problem on a statistical basis, we are not even holding our own.

Juvenile crime takes an enormous toll each year. Last year alone, the material cost was more than $4 billion. Even more costly was the immeasurable losses in human terms by both the victims of juvenile crime and by the juveniles themselves. The intangible effects in terms of public fear and private despair are even greater.

Despite all the efforts being made to curtail delinquency, the recidivism rate for offenders under the age of 20 is 74 percent. While children between the age of 10 and 17 make up only 16 percent of the national population, they account for more than 48 percent of all arrests for major serious crimes. This was the largest percentage of any age group in the entire country. It is not difficult to envision what these statistics mean in terms of wasted lives and resources.

Juvenile crime in this country has skyrocketed in the past decade. During the 1960's violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent. According to the most recent arrest statistics, persons under 25 account for 59 percent of the crimes of violence and for 81 percent of the property crimes each year.

Juvenile correctional institutions usually do not rehabilitate their delinquent populations; rather, they often train the child to become a more sophisticated criminal. The recidivism rate of institutionalized delinquents ranges from 50 to 80 percent. Despite the demonstrated failure to rehabilitate their inmates, there are now over 52,000 juveniles being held in such institutions.

All these problems continue to grow at an alarming rate, despite a growing Federal involvement in the field. More than $100 million in Federal funds was appropriated for various Federal agencies to deal with juvenile delinquency prevention and control last year alone. Money was spent on research to discover the causes of delinquency, to develop new, more effective methods of rehabilitation, and to establish programs within juvenile institutions to provide educational, social, and vocational rehabilitation. But with what results? It is evident that these efforts have either fallen painfully short or have merely been money down the drain.

One of the prime examples of well-intentioned programs that have failed is the Juvenile Delinquency Prevention and Control Act. This statute was enacted by the Congress in 1968 to help States and local communities strengthen their juvenile justice programs, but it has produced almost no discernible results.

The problem, I believe, does not lie in the act's conception, but in its administration. Only a small proportion of the amounts authorized by Congress has ever been appropriated or for that matter even been requested by the Department of Health, Education, and Welfare which is charged with the responsibility of administering the act.

Even a layman can see that coordination between Federal, State, and local programs to combat juvenile delinquency is absolutely essential. And yet, despite the act's explicit statement that it was enacted to assist in "coordinating the efforts of agencies in the field," there has been no effort to perform this function.

And there has been no leadership on the part of those charged with carrying out this act in the absolutely necessary effort to establish a priority structure among the major programs dealing with delinquency. The annual report of the Youth Development and Delinquency Prevention Administration explicitly concedes these failings. The act expires June 30, but the Nixon administration—incredible as it may seem—has yet to make any proposal for extending or replacing this act.

Mr. President, the Congress has a responsibility to see that the act is made to work as it was intended. and to take whatever steps are necessary to insure that it operates successfully in the future. Allowing this program to be extended for a long term would be in derogation of our duty. As chairman of the Juvenile Delinquency Subcommittee, I could not propose such an extension in good conscience.

But we cannot simply allow the Federal effort in this area to end summarily. My subcommittee is now in the process of reviewing these programs thoroughly. We will be making specific, constructive proposals in the coming months, proposals which I hope the Congress will decide to adopt. However, this act will expire in less than two months, and it will be impossible to finish formulating these proposals and get final legislative action before the end of June. Therefore, I am proposing today a compromise package to carry on and at the same time to strengthen this vitally needed effort to coordinate our badly fragmented approaches to the problems of juvenile delinquency.

First, I am proposing a limited extension of the Juvenile Delinquency Prevention and Control Act, for 1 year only. This limited extension will serve two purposes. It will allow the subcommittee to complete its overview of this program, to pinpoint the reasons for the act's failure, and to formulate solutions to the difficulties, once they have been isolated and exposed. As I said before, I believe this is basically a well designed piece of legislation. It should be effective with more money and better administration. I believe that a one year extension will put the administrators on notice that their performance is being evaluated. Such an extension will serve notice that we are not going to continue funding this type of effort forever. Unless we are able to see positive results—for example, some real leadership exercised in the drive to coordinate our efforts and reorder our priorities in this area—we will refuse to continue the program. Further extensions will depend on actual performance, and not on mere promises and potential.

The second part of this program is a series of specific amendments to existing Federal law dealing with minors, designed to guarantee a speedy and just determination of their cases.

I would require that, whenever possible, juveniles be processed through State and local juvenile courts and correction systems, and not in the Federal courts. Under the Federal Juvenile Delinquency Act a district court is authorized to sit as a juvenile court to judge minors who are charged with Federal offenses not punishable by death or life imprisonment. Unfortunately, neither the Federal courts nor the Federal correctional system has ever been properly equipped to handle large numbers of juveniles. The result has been that great numbers of juveniles have been shipped away from their home communities, especially for the purpose of institutionalization. This dislocation has been repeatedly criticized, for one of the most important factors in the success of efforts at rehabilitation is the access the juvenile has to the stabilizing influences of the community he knows and has grown up in. And this dislocation makes very difficult—or totally prevents—contact of the juvenile with members of his immediate family.

By their very nature, State courts are more likely to be community based. I would require the Federal courts to defer to State courts, as long as the State court had jurisdiction over the offense and had rehabilitation programs certified by the Attorney General to be adequate.

This bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults—whether convicted or merely awaiting trial—are confined.

We have heard a lot of unpleasant evidence about the conditions in all our prisons, whether they deal with adults or juveniles. We need to alleviate these conditions. But, in the meantime, allowing adult and juvenile offenders to be confined together only exacerbates an already difficult problem. Juveniles who are incarcerated with hardened criminals are much less likely to be rehabilitated. The older criminals become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in such institutions only increases the likelihood of such attacks. There is no reason to allow adults and juveniles to be imprisoned together. Only harm can come from such a policy. I would forbid it completely.

Under present law it is possible to treat a juvenile either in juvenile proceedings or in criminal proceedings. Juvenile proceedings are designed to rehabilitate a youthful offender and to avoid the stigma of having a criminal conviction on a young man's record. If at all possible, therefore, no one eligible for juvenile treatment should be made to face criminal charges, as if he were an adult. Of course, there are cases in which referral to the juvenile courts would be pointless. This bill would require a hearing before a Federal district judge before referring an eligible juvenile to a criminal trial. Only if the Federal judge found, after hearing all of the evidence, that there are no reasonable prospects for rehabilitating the juvenile before he reaches the age of maturity could the criminal prosecution take place. In all other cases he would be treated as a juvenile.

The right to trial by jury is one of the basic tenets of our system of justice. Yet, if they are tried as juveniles in Federal district courts, youthful offenders are deprived of this basic right. I propose to end this inequity by guaranteeing to juveniles the same right to trial by jury now guaranteed to adult defendants.

I have heard too many stories of juveniles being detained for long periods of time without having the nature of the charges against them precisely stated, and without sufficient evidence against them to make their detention legal. I propose to include an explicit statement in the Federal statutes dealing with the treatment of juveniles, requiring that each juvenile be brought before a magistrate—at which time the charges against him and the nature of the Government's evidence would have to be detailed—immediately after arrest.

The bill would also implement recent Supreme Court decisions dealing with the right to counsel. The arresting officer and the court would be required to inform the juvenile that he "has the right to be represented by legal counsel at all stages in the proceedings." And if the juvenile does not retain counsel, "legal counsel shall be appointed by the court for such juvenile."

Finally, the proposed amendment would also establish safeguards for juveniles in Federal courts, preventing self-incrimination and the use of illegally obtained evidence in proceedings brought against them.

Mr. President, as I have already pointed out, we have come to a point of crisis in our juvenile corrections system. While we have enacted programs in the past, we have failed to follow up on their actual performance. We have allowed the Federal approach to juvenile delinquency prevention and control to become so fragmented as to be almost totally useless. The time has come to call a halt to this. We need an in-depth reassessment of our past approaches. We cannot simply continue to give rubber stamp approval to programs which have produced no positive results. The amendments I am introducing today are the first step in the long process of finally coming to grips with the problem we have let slide for far too long.

I ask unanimous consent that a section-by-section analysis and the complete text of my bill, the "Juvenile Delinquency Amendments of 1971," be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1732

A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency Amendments of 1971".

AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT

Sec. 2. (a) Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Proceeding Against Juvenile Delinquent

"(a) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any Court of the United States unless the Attorney General, after investigation, certifies to an appropriate District Court of the United States that the juvenile or other appropriate court of a State (1) does not have jurisdiction over said juvenile with respect to such act of juvenile delinquency, or (2) there is not available to such State court the rehabilitation and treatment services which would be needed by such juvenile.

"(b) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State for such action as they may deem legally warranted.

"(c) If the Attorney General does so certify, the Attorney General shall proceed against such juvenile as a juvenile delinquent by information and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except that with respect to a juvenile who is alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun against such juvenile with respect to such act if the Attorney General moves in the appropriate District Court of the United States that such criminal prosecution be undertaken and such Court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority."

(b) Section 5033 of such title is amended by striking out all matter after the second sentence thereof.

(c) Section 5034 of such title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which persons convicted of a crime or awaiting trial on criminal charges are confined."

(d) Section 5035 of such title is amended to read as follows:

"§ 5035. Detention of Alleged Juvenile Delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the officer taking such juvenile into custody shall advise such juvenile of his legal rights, immediately notify the Attorney General, and forthwith take such juvenile before a committing magistrate.

"Such juvenile may be detained only in a juvenile home or such other suitable place as the Attorney General may designate by the officer taking such juvenile into custody but not for a longer period of time than is necessary to produce the juvenile before a committing magistrate.

"The committing magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, or custodian upon their promise to bring such juvenile before the appropriate court when requested by such court unless the committing magistrate determines, after hearing, that the detention of such juvenile is required:

"(1) to protect the person or property of others or of the juvenile; or,

"(2) because the juvenile has no parent, guardian, custodian or other person able to provide supervision and care for such juvenile; or,

"(3) to secure the timely presence of such juvenile before the appropriate court.

"Any child ordered to be detained by a committing magistrate shall be detained only in such juvenile home or other suitable place as the Attorney General may designate.

"No juvenile shall be detained in a jail, prison, or other similar place of confinement.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, such juvenile and his parents, guardian, or custodian shall be advised by the officer or by any court before which such juvenile may be brought that such juvenile has the right to be represented by legal counsel at all stages of all proceedings. If legal counsel is not retained for such juvenile, or if it appears that legal counsel will not be retained, legal counsel shall be appointed by the court for such juvenile.

"Unless advised by legal counsel, the statements of a juvenile, while in custody, made to the officer taking such juvenile into custody, to any officer having custody of such juvenile, or to any court or court official shall not be used against such juvenile prior to the determination by the court that the juvenile did commit an act of juvenile delinquency.

"A juvenile charged with an act of juvenile deliquency shall be accorded the privilege against self-incrimination. Any extra-judicial statement which would be constitutionally inadmissable in a criminal proceeding against such juvenile shall not be received in evidence over objection made by or on behalf of such juvenile.

"Evidence with respect to such juvenile illegally seized or obtained shall not be received in evidence over objection made by or on behalf of such juvenile in order to establish that such juvenile committed the alleged act of juvenile deliquency.

"An extra-judicial admission or confession made by the juvenile shall be insufficient to support a finding that the juvenile committed the alleged act of deliquency unless such admission or confession is corroborated by other credible evidence.

"Criminal proceedings based upon an alleged act of juvenile delinquency shall be barred where the court has begun taking evidence with respect to such act or where the juvenile has in open court admitted that he committed the alleged act of deliquency."

(e) Item 5035 of the analysis of chapter 403 of title 18 of the United States Code is amended to read as follows:

1535. Detention of Juvenile Deliquent.

EXTENSION OF THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Sec. 3. Section 402 of the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3882) is amended by inserting before the period a comma and the following: "$75,000,000 for the fiscal year ending June 30, 1972.".

Section-by-Section Analysis

Section 1. This act may be cited as the "Juvenile Delinquency Amendments of 1971."

Sec. 2. Amends sections of title 18 of the United States Code, which deal with proceedings in Federal Courts against juvenile delinquents, to provide that:

1. Juveniles otherwise eligible to be treated as juveniles in Federal Courts shall be tried in state courts unless (a) the state court does not have jurisdiction, or (b) the state courts do not have adequate rehabilitation and treatment services;
2. Adult criminal prosecutions of those eligible for treatment as juveniles may only be commenced if a Federal judge finds, after a hearing, that "there are no reasonable prospects for rehabilitating" the juvenile before he reaches the age of majority;
3. Each juvenile tried in Federal courts has the right to a trial by jury;
4. No juvenile may be detained in any institution in which adults are confined;
5. Juveniles must be advised of their rights and taken before a committing magistrate immediately upon arrest;
6. Juveniles must be advised of their right to counsel, and if they do not obtain counsel the court must appoint counsel for them;
7. Juveniles shall be accorded protection against self-incrimination and the use of illegally seized evidence.

Sec. 3. Extends the Juvenile Delinquency Prevention and Control Act of 1968 for one additional year, with an authorization of $75,000,000 for the fiscal year ending June 30, 1972.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 1733. A bill to amend the act of September 26, 1970 (84 Stat. 884). Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, for myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Allott), by request, I introduce for appropriate reference a bill to amend the Act of September 26, 1970 (84 Stat. 884).

This measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter requesting that this proposed legislation be introduced, together with the text of the bill, be printed at this point in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "To authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs", approved September 26, 1970 (84 Stat. 884), is amended by striking out "Secretary of the Interior" where it twice appears and inserting in lieu thereof "Secretary of Commerce."

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., April 26, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft bill "To amend the Act of September 26, 1970 (84 Stat. 884)".

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

As enacted by the Congress and approved by the President on September 26, 1970, the Act entitled "To authorize the Secretaries of the Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs" provides for joint administration by the Secretaries of the Interior and the Smithsonian Institution of a four-year program in areas of the tropical Pacific whose ecology is threatened by the seastar "Crown of Thorns." This new Act authorizes the appropriation of $4.5 million for the period ending June 30, 1975, and provides for cooperation with and assistance to the State of Hawaii and the territories and possessions of the United States in their study and control of the Crown of Thorns starfish. We had supported enactment of this legislation as a means to assist in preservation of those coral reefs now endangered by the voracious Crown of Thorns.

On October 4, and subsequent to final approval of Public Law 91–427, there was established in the Department of Commerce the National Oceanic and Atmospheric Administration. Reorganization Plan No. 4 of 1970 was intended to provide for coordination of the Nation's oceanic activities, and for this reason, we believe that joint responsibility for administration of Public Law 91–427 should be vested in NOAA through the Secretary of Commerce. Although it might be argued that the Plan itself would effect this transfer of responsibility, we are concerned that no question of interpretation be allowed to diminish the prospects for this important program. Accordingly, the draft bill submitted herewith would simply amend the Act of September 26, 1970 by substituting the words "Secretary of Commerce" for the words "Secretary of the Interior" wherever they appear.

The enactment for this legislation would in no way affect our authority to participate fully in any program of control that involves Guam, the Trust Territory or other territories and possessions for which we have responsibility. As we noted in supporting S. 3153, the Department had commenced work on the problem in 1968 because of our responsibility and concern for the citizens of Guam and the Trust Territory. The problem is widespread, however, and has already attracted the attention of others, including the State of Hawaii, the National Science Foundation, the Smithsonian Institution, the University of Guam, the Office of Naval Research, and the United States Coast Guard. Enactment of our draft legislation would facilitate coordination of these various research activities by NOAA, which has been charged by the President with "achieving a more comprehensive understanding of oceanic and atmospheric phenomena", and the Smithsonian Institution.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

James R. Smith,
Assistant Secretary of the Interior.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 428 AND S. 429

At the request of Mr. Hruska, the Senator from New York (Mr. Buckley) was added as a cosponsor to S. 428, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; and S. 429, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

S. 632

NATIONAL LAND USE POLICY ACT OF 1971

Mr. METCALF. Mr. President, I ask unanimous consent that the senior Senator from New Mexico (Mr. Anderson), the junior Senator from South Carolina (Mr. Hollings), and I may be added as cosponsors of S. 632, the National Land Use Policy Act of 1971.

The PRESIDING OFFICER (Mr. Javits). Without objection, it is so ordered.

S. 1087

At the request of Mr. Hruska, the Senator from Michigan (Mr. Griffin), the Senator from Tennessee (Mr. Brock), and the Senator from Idaho (Mr. Jordan) were added as cosponsors of S. 1087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

S. 1116

At the request of Mr. Jackson, the Senator from Texas (Mr. Tower), the Senators from Illinois (Mr. Percy and Mr. Stevenson), the Senator from Colorado (Mr. Dominick), the Senator from Rhode Island (Mr. Pell), and the Senators from Indiana (Mr. Hartke and Mr. Bayh) were added as cosponsors of S. 1116, to require the protection, management, and control of wild free-roaming horses and burros on public lands.

S. 1401

At the request of Mr. Jackson, the Senator from Washington (Mr. Magnuson) and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of S. 1401, a bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes.

S. 1532

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 1532, a bill restating the generally accepted rule that a deduction for depreciation must be based on the useful life of the asset to the taxpayer.

S. 1608

At the request of Mr. Sparkman, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 1608, to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1614

At the request of Mr Javits, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 1614, the Nursing Education Act of 1971.

SENATE JOINT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, on behalf of my distinguished colleague from West Virginia (Mr. Randolph), I ask unanimous consent that the Senator from Indiana (Mr. Bayh), the Senator from New Jersey (Mr. Case), the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), and the Senator from Minnesota (Mr. Mondale) be added as cosponsors of Senate Joint Resolution 80, expressing the support of Congress that the United States should convene in 1971 an International Conference on Ocean Dumping.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. Stevenson, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of Senate Concurrent Resolution 17, relating to the forthcoming South Vietnamese elections.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Case, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 98

At the request of Mr. Bayh, the Senator from Wisconsin (Mr. Nelson) and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of Senate Resolution 98, expressing the sense of the Senate that the Treasury Department's proposed changes in depreciation require congressional authorization.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO 32

At the request of Mr. Bayh, the Senator from California (Mr. Tunney) was added as a cosponsor of amendment No. 32, intended to be proposed to the bill H.R. 6531, to amend the Military Selective Service Act of 1967.

ADDITIONAL STATEMENTS

"LAND BETWEEN THE LAKES," BY FRANK E. SMITH

Mr. METCALF. Mr. President, we Montanans are proud of the beauty of our State. We also realize that there is beauty across America.

I have recently read with pleasure a new book by Frank E. Smith, Director of the Tennessee Valley Authority. Entitled "Land Between the Lakes," it is the fascinating story of an area of Kentucky and Tennessee in the heart of TVA country, rich in history.

During his service in the House of Representatives, Frank earned a reputation as a solid, constructive worker in the public interest. He came to Congress with a well-deserved reputation as a writer. Since he has been with TVA he has continued writing—first as the author of "The Politics of Conservation" and now with "Land Between the Lakes."

STOL SUBSIDY NEEDED

Mr. SYMINGTON. Mr. President, recently there has been considerable discussion with respect to the importance of STOL aircraft—and the relationship of that type plane to the problems of our cities and the overall problem of environment.

A thoughtful letter by Kurt Hohenemser of the Department of Mechanical and Aerospace Engineering of Washington University printed in the St. Louis Post Dispatch of Sunday, April 25, states in part:

> Transportation systems in our technological age are too clostly, too complex and too large for development by private industry alone. Our present commercial air transportation system would not exist if the Government had not spent large funds on the prior development and production of military aircraft.
>
> The present system is even now in some areas on the verge of breakdown and it is incapable of handling the passenger and cargo traffic growth expected for the coming decades without drastic changes in equipment and/or ground facilities.
>
> One solution is to retain the present type of airplane with its large demand on real estate and air traffic control and to build larger and larger airports further and further out from the urban centers. The other solution is to develop new flight equipment capable of efficiently and safely operating from small airports located inside urban or suburban areas without causing unacceptable environmental disturbances.

I ask unanimous consent that this entire letter, entitled "STOL Subsidy Needed," be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post Dispatch, Apr. 25, 1971]

LETTERS FROM THE PEOPLE:

STOL SUBSIDY NEEDED

In your April 11 editorial you recommend against Congress authorizing the National Aeronautics and Space Administration to get into the development of short-takeoff-and-landing aircraft, which in your opinion should be undertaken as a commercial venture by private industry. I disagree for the following reasons:

Transportation systems in our technological age are too costly, too complex and too large for development by private industry alone. Our present commercial air transportation system would not exist if the Government had not spent large funds on the prior development and production of military aircraft.

The present system is even now in some areas on the verge of breakdown and it is incapable of handling the passenger and cargo traffic growth expected for the coming decades without drastic changes in equipment and/or ground facilities.

One solution is to retain the present type of airplane with its large demand on real estate and air traffic control and to build larger and larger airports further and further out from the urban centers. The other solution is to develop new flight equipment capable of efficiently and safety operating from small airports located inside urban or suburban areas without causing unacceptable environmental disturbances.

This latter approach is obviously the better one and in densely populated regions the only possible solution, though technologically very difficult to achieve. Because of the risk involved, private industry alone will not fund such a development and Government help is need to achieve progress in this field. The ill-fated SST approach where the Government became a business partner of private industry in a high risk commercial enterprise need not be repeated. However, the building and testing of Government-funded research aircraft with subsequent public dissemination of all data acquired appears to be a legitimate and necessary approach toward initiating a better air transportation system than we have at present. Once the solution methods have been successfully tested in research aircraft of reasonable similarity to the future commercial STOL air vehicle, private industry can develop and produce such craft with relatively small risk.

KURT H. HOHENEMSER,
Washington University Department of Mechanical and Aerospace Engineering.

COPYRIGHTS OF SOUND RECORDINGS

Mr. SCOTT. Mr. President, I am gratified that the Senate has taken favorable action on S. 646, which would vest in record companies a copyright in sound recordings which they produce.

The need for this legislation is compelling—the recording industry, artists, musicians, performers, and record distributors are all facing a massive economic challenge from record pirates. Record pirates take "hit" records and, without permission or authorization, duplicate them and put them on the market at depressed prices. Record piracy is a rapidly increasing phenomenon—from $30 million in business in 1968 to an estimated $100 million in business in 1970. It is estimated that one out of every four tapes produced is a pirated tape. The recording industry should be protected against such unjustified thievery of their production.

I believe that the granting of a copyright to record companies is the most appropriate and prompt method of meeting the problem of record piracy. This is a matter that has been before Congress for many years. The experts all concur that there is no serious doubt that the act of creating a record is an act of "authorship" which qualifies a record for copyright protection. The House of Representatives recognized that principle in 1967 when it passed the general copyright revision bill. The Senate Copyright Subcommittee, the full Senate Judiciary Committee, and now the full Senate have recognized this same principle. The Copyright Office, the objective expert in this field, recognizes that producing a record is a creative act which is entitled to copyright protection.

I urge early action by the House of Representatives on this needed legislation.

LAWSUIT CHALLENGES U.S. FARM LABOR SERVICE

Mr. STEVENSON. Mr. President, as the new chairman of the Subcommittee on Migratory Labor, I have received some disappointing reports on the role of the U.S. Department of Labor Farm Labor Service, which operates as a part of the Farm Labor and Rural Manpower Service of the Manpower Administration.

In April 1970, the subcommittee conducted intensive hearings on migrant and seasonal farmworker manpower and economic problems. During those hearings, it was alleged that the Farm Labor Service had failed to fulfill its statutory obligations, abandoned the farmworker it is mandated to serve, and maintained an employer bias that often conflicts with the best interest of farmworkers.

Today, a 1,500-page complaint including verified exhibits was filed against the Secretary of Labor. The complaint seeks to close the nationwide Farm Labor Service and is brought by 16 prominent organizations as well as 398 farmworkers from across the Nation. Activities of the Farm Labor Service in the Nation generally, and in 15 States specifically, are challenged in the suit.

Numerous affidavits filed as part of the law suit are claimed to document not only the Farm Labor Service's refusal to enforce the minimum wage, housing, toilet, and drinking water requirements, but also the Service's active assistance to growers who violate State and Federal law and the dignity of the migrant. Other affidavits allege that more than 300,000 foreign workers were placed by the Farm Labor Service in competition with unemployed local workers. Depositions of prominent Farm Labor Service officials allegedly show an employment policy of the pre-"Grapes of Wrath" era. Counseling, testing, and upgrading of migrant employment skills is nonexistent or only minimally effective.

In the complaint, the farmworkers contend that they would be better off without any Farm Labor Service at all, since its grower-oriented staff often refers them to the worst paying jobs which offer the poorest working conditions. It is estimated that this policy costs the migrants approximately $100 million a year in lost income. In the alternative, they say that since the Farm Labor Service has failed for 30 years to protect, much less advance, the cause of the farmworker, that farmworkers should be given an opportunity to operate their own program with a minimal amount of employer or bureaucratic control.

Although the Labor Department has made some effort to extend manpower services to rural areas, and although some States have performed their statutory obligations and legislative mandate admirably, it is significant that the complaint extends to Farm Labor Service activities of at least 15 States, and with the exception of several experimental programs, manpower programs for farmworkers are practically nonexistent.

We have failed the migrant and we will continue to fail the migrant until we give him an opportunity to develop dignity and self-sufficiency. It appears that farmworkers desire to either eliminate the program or alternatively to have an effective voice in the operations of the program. I hope that the Secretary of Labor will take a hard look at the present Farm Labor Service operation.

FUTURE ROLE FOR UNITED STATES IN MIDDLE EAST

Mr. AIKEN. Mr. President, there has been a consistent voice in the Senate for an even-handed policy in the Middle East, and that has been the wise counsel of the senior Senator from Oregon (Mr. HATFIELD).

It is for that reason I should like to invite the attention of the Senate to a statement on the Middle East delivered by the Senator from Oregon on Thursday, April 22, at Western Carolina State University, in Cullowee, N.C.

The Senator outlined the conditions which led the United States to get so very involved in the Middle East.

He also offered four suggestions on how the United States could improve its position in that troubled part of the world.

One of the more interesting recommendations of the Senator from Oregon is that the United States rescind portions of the Foreign Assistance Act which specifically prohibit aid of any sort from the United States to the United Arab Republic.

This is certainly a suggestion which should be carefully looked at when the Senate Foreign Relations Committee reviews the new foreign aid legislation.

It is necessary to maintain correct relations in the Middle East because a conflict there could destroy much of the rest of the world.

I ask unanimous consent that the address by the senior Senator from Oregon be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A FUTURE ROLE FOR THE UNITED STATES IN THE MIDDLE EAST

(By Senator MARK O. HATFIELD)

The Middle East has been in turmoil for nearly a quarter of a century. The conflict between the countries to the East and South of the Mediterranean has stemmed from various sources.

The first factor in this conflict was the creation of Israel in 1948. Numerous reactions coalesced over this. The Israelis felt that they had a right to the land. The Arabs believed that their land had been given away by countries to whom Palestine did not belong. The Palestinians believed that they had been forced out of their homes and made refugees. The major powers felt that the Jews had a right to a homeland in Palestine.

The second factor in the Middle East turmoil was the rising feeling of nationalism among the Arab people. The end of the World War saw most of the countries of the Middle East emerging from colonial domination. This increased dissension between and within the Arab countries, which in some cases surpasses their feelings about Israel. Nationalism has now become an issue with the Palestinians, particularly since the 6 Day War in June, 1967.

There is a third factor that has, in many instances, been the greatest contributor to the hatred and fear in the Middle East. This has been the policies of the Big Powers, most notably the United States. Since World War II, the policy of the United States toward the Middle East has been, at best, self-defeating. I do not question the right of those living within Israel to determine their own future, let alone their right to exist. But I do question a policy that has helped create and perpetuate the wrongs done to the Palestinians, to the people and their subsequent generations who lived in what is now Israel.

In 1917, President Wilson agreed to the provisions of the Balfour Declaration. This stated that the Jews were entitled to a homeland in Palestine. In 1922, Congress agreed to the provisions of the Declaration. In 1948, the United States supported, as did the Soviet Union and other major powers, the creation of the nation of Israel.

However, with the creation of a national homeland for Jews, the roots of Palestinian nationalism, the fedayeen, two wars between Arabs and Israelis, 2.5 million Palestinian refugees, a civil war in Jordan, and potential nuclear confrontation between the Soviet Union and the United States were sewn as well. The United States bears a major responsibility for these tragic events because of its schizophrenic policy toward the Middle East over the past 22 years.

With Israel, we have developed perhaps the most unique relationship with a country in our history. Between 1948 and 1968, U.S. economic aid equaled $1.1 billion. Dollar transfers from private sources equaled $2.5 billion, with the total of these two being $3.6 billion. Israel receives $1400 per capita. This exceeds our assistance to any ally (including Vietnam, which received $556/capita between its founding and 1968), and compared to $35 per capita to the peoples of the 13 countries neighboring Israel.

Since 1968, our assistance to Israel has increased. In 1970, dollar transfers were $800 million, and in 1971 dollar transfers will approximate $1.6 billion which is more than double the per capita which would be granted to our 50 states under the Administration's proposed Revenue Sharing plans.

We have supplied Israel with military equipment of greater sophistication than we have our NATO and SEATO allies. Last year, for the first time in our history, the House of Representatives passed an amendment to the Military Procurement Act which gave the President "open-ended" authority to transfer military equipment to Israel without total cost limitation. Later in the year, during the debate on the Defense Appropriations bill, the Senate rejected by a vote of 60 to 20 to even debate an amendment which would have forbidden U.S. troops to be sent into combat in the Middle East without Congressional approval. What makes this so unique is that it was the same amendment that the Senate and the House of Representatives had passed earlier but with respect to Cambodia—the Cooper-Church Amendment.

The dilemma in the Middle East is manifold and is said to be between the Arabs and Israelis. More accurately, it is between the Israelis and the Palestinians. This is not to say that the other Arab countries neighboring Israel have no points of contention, but the Palestinian-Israeli problem is the hub around which all others revolve. Without a resolution to this problem, peace will not be forthcoming in the Middle East.

In 1948, the Palestinians were made the "Jews of the Arabs," as they refer to themselves. They were forced from their homeland. Today of the 2½ million Palestinians, approximately 1.5 million live in refugee camps. Their health, housing, sanitation, and educational needs are provided for by the United Nationals Relief and Works Agency (UNRWA). They have been made the pawns by most of the parties to the conflict and live in virtually subhuman conditions. When I last visited the area approximately one year ago, each refugee was receiving a total of 10¢ per day, including food, medical care, technical training, and sanitation.

Since the June War in 1967, UNRWA has faced increasing financial difficulties, and the United States bears a major responsibility. Prior to the June War, the United States contributed 70% of UNRWA's funds. Since that time, however, the percentage has dropped to 56%, and last year UNRWA has a $5 million deficit. To increase our funding last year to the pre-1967 ratio would have meant an additional expenditure of $1.5 million—or 0.15% of the $1 billion supplemental appropriation requested by the Administration for military aid to Southeast Asia and Israel last year. It is policies like these and then consequences in human frustration that further alienate and polarize the peoples of the Middle East.

Why should the United States try to help solve this problem? What are the United States interests in the Middle East? Some assert that our interests lie in stopping Communist expansion, but that assertion does not bear out the facts. Our policies may well have been geared to stopping potential Soviet expansionism, beginning with the Truman Doctrine in the early '50's, but our policies toward the Arab countries and Israel created the void and the need for the Arabs to turn to the Soviets for both military and economic aid.

With one or two exceptions, none of the Arab countries have Communist leanings. In the United Arab Republic, for example, the Communist Party is outlawed and Communists are jailed.

Another frequently heard position is that the United States has strategic-military interests in the Middle East: the United States must help provide protection for the soft under-belly of Europe. However, in the age of nuclear weapons and jet aircraft, the entire world is a soft underbelly. World War II and the military realities of that period are gone and we should not continue to make the mistake of adapting World War II perspectives to modern warfare.

The economic interests of the United States in oil and the Suez Canal is an argument that carries more weight. When one is looking at the economic picture, at Arab oil and the Suez Canal of the United Arab Republic, logic would conclude that the United States interests lie with the Arabs.

U.S. economic interests, however, are essentially indirect. It is Western Europe and Japan that greatly depend on the oil from the Middle East. And whereas, the United States would profit from the reopening of the Suez Canal, many other countries around the world have a much larger stake in it. Be that as it may, United States economic interests in the Middle East are not sufficient to warrant vital attention to the area.

Our essential interests in the Middle East lie in humanitarian and moral considerations. One might disagree as to how best accomplish these moral ends, but humanitarian interests are only feasible justification for the magnitude of our involvement in the Middle East over the past 22 years. Obviously, our goal is a just peace between the parties to the conflict. Until recently, however, our policy has not shown any sign of moving toward peace. It has, rather, been the contrary.

Current U.S. policy has brought some signs of hope. The diplomatic initiative by the Nixon Administration is one of the few bright spots in recent U.S.-Middle East history. The Administration has stressed the importance of U.N. mediated talks and the return to pre-1967 borders. It has also attempted to assure the Israelis of this country's continued support while emphasizing the importance of multilateral efforts to sustain a peace. These initiatives by the Administration are highly laudable and in the best interests of all of the parties concerned.

The United States can undertake numerous initiatives to help reach this goal. It can continue to stress the importance of United Nations mediated talks. Within this context, we should press for the inclusion of representatives of the Palestinians. I realize that there would be some practical problems in this, but the effort should be made. The Palestinians must be a full party to the talks if there is to be any realistic hope for a long-term settlement. It might be argued that the Palestinians do not represent a geographical entity. This is true, but there is ample precedent for such representation, most notably in the Paris Peace talks.

Secondly, the United States should use its full influence with the parties to the conflict to reach a settlement. We can play a meaningful role by helping eliminate conditions that contribute to continuing conflict in the area.

Through our aid program, funding for UNRWA should be increased to at least pre-1967 levels. Legislation was introduced in the Senate last year to accomplish this end and will be re-introduced during this session, if necessary. The refugees must be provided with not only food and medical attention, but they must have hope in their future capacity as productive human beings, irrespective of political aspirations. Sufficient technical training and education must be forthcoming for the refugees to give them this hope and dignity.

Thirdly, the United States government should recognize the basic injustice perpetuated against the Palestinians in 1948. This would not only help set the record straight, but it would be a sign to the Palestinians and to other Middle Eastern peoples that we intend to try to right the wrongs of the past.

Fourth, the United States should take moves to stress economic rather than military assistance to the countries of the Middle East. One step in this direction would be to rescind portions of the Foreign Assistance Act which specificaly prohibit aid of any sort from the United States going to the United Arab Republic. In a second section of the same Act, foreign assistance is prohibited from any country with whom the United States does not have formal diplomatic relations. The present situation in the Middle East is one example of the lack of wisdom of these provisions. The Arab countries with whom we do not have formal diplomatic relations represent 80% of the total Arab population in the Middle East. Consequently, they are prevented from the potential positive benefits of our economic assistance. It is policies of this sort which are not only highy prejudicial against one people, but also defeat our stated goals. The above suggestions are but a few of the initiatives that the United States could and should take.

The future role of our country in the Middle East could be one of peacemaker. The United States has a moral obligation to make the best of a tragic situation it had a major hand in creating. We have alienated past allies and friends in the Arabs. We have failed to deal effectively with 1.5 million refugees living in camps—camps which demean the human spirit and turn their inhabitants toward hatred and violence toward us, the Arabs and the Israelis. We have virtually forced the Arab countries into the arms of the Soviet Union, and we have had no small hand in threatening the economics of major European and Asian allies as a result of our Middle East policies.

The United States no longer has the influence in that part of the world that it once had with any of the peoples. We do have a great deal of potential which can be utilized. Within our country we must educate ourselves to the realities and the needs of the people of the Middle East. In the past, a number of myths have guided our public opinion and our foreign policy. These myths must be dispelled if we are to help make substantive progress toward peace.

The Nixon Administration has taken a good initial step toward reconciling the various protagonists, but much more needs to be done. The United Nations is the only body that can serve as a catalyst toward peace, and we should coninue to firmly stress this in public and private circles. The Administration should make it clear that it will neither condone nor support intransigence by any of the parties to the conflict, and it should be prepared to follow through with action by way of the United Nations and in its foreign aid programs.

We are at a crossroads, perhaps the last, in the Middle East. There is a rare opportunity today to take significant strides toward a meaningful, just settlement to the decades of hatred and violence that have characterized the state of relations between Middle Eastern countries. Now is not a time for waiting. It is a time for action. It is not merely the future of Israel, the Arab countries and the Palestinians that lies in the balance, because there are increasing signs of potential Soviet-U.S. confrontation.

I view the situation in the Middle East as significantly more dangerous to our country than the morass we have created in Southeast Asia. It may already be too late, but we must try to mollify and subdue the causes of the conflict if there is to be any hope for peace at all.

AMTRAK IS A MOVE IN THE RIGHT DIRECTION

Mr. SCOTT. Mr. President, I ask unanimous consent that a news release issued by me today be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

AMTRAK IS MOVE IN RIGHT DIRECTION

"Getting the new rail corporation off the ground is a move in the right direction," U.S. Senator Hugh Scott (R-Pa.) said today.

The Republican Leader of the Senate said he believed frequency of service and equipment used must be improved "if rails are again to move large numbers of people."

Senator Scott endorsed the move by the Senate Commerce Committee to authorize an additional $100,000 study to determine if services could be improved.

The study results from considerable concern in the Senate for more services to certain cities and states adversely affected by the decision to cut nearly in half the number of passenger trains serving the country. Under the proposal of AMTRAK, the corporation created by the Congress, 184 trains will be authorized in comparison with the 350 now in operation.

Senator Scott two weeks ago wrote to David Kendall, Chairman of the National Railroad Passenger Corporation, urging him to reappraise the total system proposed. At that time he asked Kendall to present a plan where additional monies could be used if unappropriated by the Congress.

"Looking at Pennsylvania," Senator Scott said, "I would like to see services to Erie, Allentown, York, Johnstown, Bethlehem, Scranton, and Wilkes-Barre and other major cities, but am realistic enough to recognize that we first must get Amtrak off the ground in the right direction." Senator Scott said he also hoped early additions to the system could be extended to commuter rail services.

SOCIAL SECURITY-WELFARE REFORM

Mr. CHURCH. Mr. President, a week ago I introduced a comprehensive social security-welfare reform proposal, S. 1645, which could help to eliminate poverty for nearly 5 million older Americans.

In this year—the year of the White House Conference on Aging—it seems to me that this goal should be among our Nation's highest priorities.

Recent statistics, however, clearly show that piecemeal, stopgap measures are just not going to solve the retirement income crisis which now threatens millions of older Americans. From 1968 to 1969 poverty among persons 65 and older increased by nearly 200,000—reversing a longstanding trend. In sharp contrast, the number of younger poor persons declined by 1.2 million during this same period.

The net impact of these statistics is that older Americans are more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty. Many of these persons, I might add, did not become poor until they became old.

Quite clearly, a comprehensive approach on several fronts—as urged in S. 1645—is needed to meet the retirement income problems of the elderly.

The response to this proposal, I am pleased to say, has been favorable and enthusiastic. Many persons have already requested further information about this measure.

For these reasons, I ask unanimous consent that a question and answer summary on this bill be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

QUESTION AND ANSWER SUMMARY

1. How could this bill eliminate poverty for 5 million older Americans?

This would be achieved principally in two ways. First, the bill would provide for significant increases in Social Security benefits to raise them to a more realistic level. Secondly, this proposal would abolish the old age assistance system and replace it with a new income supplement program, which would be administered by the Social Security Administration and financed with general revenues.

2. How would Social Security benefits be improved?

S. 1645 would provide for a benefit increase for all Social Security recipients. But the raises would be weighted to provide for larger percentage increases for those who need them the most—individuals receiving inadequate benefits because of low lifetime earnings. For example, a beneficiary who now receives $141 a month in Social Security payments would be entitled to $169 under S. 1645, for about a 20 percent increase. For individuals receiving $185 per month, their Social Security benefits would be raised to $210, nearly a 14 percent increase. Additionally, the minimum monthly benefit would be raised from $70.40 to $120 for persons with 20 years of covered employment.

3. What is the advantage of this particular approach?

It would enable large numbers of elderly persons to be lifted out of poverty without the necessity of resorting to welfare.

4. Isn't this unfair to persons receiving higher benefits?

It must be recognized that persons receiving low Social Security benefits are less likely to have other resources than higher income beneficiaries. Under the usual procedure of an across-the-board raise, persons with higher benefits receive a larger dollar increase. For instance, with a 10 percent benefit increase, an individual who was only receiving $100 a month would have a $10 monthly raise in his benefits. But a person receiving $200 a month would be entitled to a $20 raise.

5. Won't inflation eventually erode away what the bill attempts to achieve?

The bill provides a safeguard for the elderly from the harmful effects of inflation. Benefits would be adjusted automatically with rises in the cost-of-living to help protect the aged from long delays in enacting Social Security increases.

6. Won't this mean an increase in Social Security taxes?

No. These proposed increases can be financed from the existing surplus in the Social Security trust fund.

7. But what about individuals who must live in poverty because they have low or no Social Security benefits?

For these persons, the bill would establish an income supplement program. Under this system, aged persons would be entitled to a supplemental payment which would be sufficient to raise them out of poverty.

8. How would these supplemental payments be received?

Simply by going down to your Social Security office and affirming that your income is below the poverty index. If you receive Social Security benefits, your supplemental payment could be included with your monthly Social Security check.

9. Can you provide an example?

Under the bill a single person would be assured of approximately $150 a month, and a married couple $185. For instance, an elderly widow lives alone and has a total monthly income from all sources of $95. She would be entitled to a $55 supplemental payment from her Social Security office.

10. But what about inflation?

The income supplement program also has an automatic escalator clause to keep these payments current with rising prices.

11. Why does the bill use the Social Security system for administering this program?

Because there are more than 700 such offices which are conveniently located throughout the country. People in these offices know and understand the problems of the elderly. Social Security is also a universal income insurance system, covering more than 90 percent of all older Americans. Perhaps most important, the Social Security office does not carry the same stigma which is now attached to the welfare offices.

12. Are there any other advantages to this approach?

For the 1.2 million persons who now receive old age assistance and Social Security benefits, this new system could provide an efficient, one-step service. Another advantage is that the measure would provide a form of revenue sharing for the states. Placing the income supplement program under the Social Security system could free nearly $700 million in additional revenue for state and local governments, which they now pay out for welfare.

VIETNAM AND SELECTIVE SERVICE

Mr. JAVITS. Mr. President, Monday night I had the privilege of addressing the student body of Wooster College in Wooster, Ohio, on the subject of our involvement in Vietnam and the upcoming Senate vote on extension of the Selective Service Act. I ask unanimous consent that the text of my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE DRAFT AND THE VIETNAM WAR

(An address by Senator JAVITS, a member of the Foreign Relations Committee, delivered at Wooster College, Wooster, Ohio, Monday, April 26, 1971)

The failure of President Nixon to establish a definite date for withdrawal of all American troops from Indochina has been a bitter disappointment to those millions of Americans—now probably a majority—who believe that the time has come for us to end, once and for all, our involvement in this tragic conflict. I do not doubt that the President sincerely believes that by following his course we shall, in fact, be out of Indochina by election day, 1972. But, by the principle of Vietnamization, he has left it up to Saigon and Hanoi to have the final word as to whether—and when—we finally do get out.

I came to the conclusion several years ago that we should not give either Hanoi or Saigon a veto over our Indochina policy. Our first and foremost objective at this point ought to be the withdrawal of American fighting men from Vietnam, as soon as possible, and at all events by June 30, 1972, whether or not the South Vietnamese can or cannot "hack it."

Under our Constitution, the President does not have unlimited power to keep us in Vietnam indefinitely. Congress has the power, if it can be convinced to exercise it, to fix a date for our withdrawal from Indochina—just as my War Powers Bill assumes that the war power is not for the President to exercise alone, but with the Congress jointly. So far it has been difficult to convince a majority of the Congress to impose its will on the President in this fashion. But, the tragic waste of our precious resources—human and material—and the bitter divisiveness which the war has spawned in our own country—have resulted in an agonizing reappraisal of the proper Constitutional role of the President and the Congress in the formulation and implementation of our war making powers.

I believe we have now reached the point where the Congress is ready to take appropriate steps to limit the steady expansion of Presidential power in the war making area which has occurred during the past three decades, and reassert its own Constitutional prerogatives in this area. Several steps have already been taken in that direction which have very fundamental Constitutional significance, and which have laid the groundwork for further action to be taken this year.

Thus, a national commitments resolution was adopted in the Senate last year defining a national commitment as one resulting exclusively from both legislative and executive action. Second, the adoption last year of the Cooper-Church amendment prohibiting the use of American ground forces in Laos and Cambodia was a clear expression of Congressional will that the war in Indochina should not be widened. Third, additions to the group favoring legislative action to end the war, together with the 40 who voted last year in the Senate for the Hatfield-McGovern amendment—to require withdrawal of all American troops from Indochina by the end of the year—indicates that the votes to pass such a proposal this year may well be found in the Congress.

This year, there are already a number of measures pending before the Senate which will have a material effect on ending our involvement in Indochina—and preventing the President from involving us in future Indochinas, at least without full informed consent of the Congress. Among these are my own War Powers proposal to prescribe the conditions under which the President can commit American troops to military hostilities, and to require the cessation of any such American involvement after 30 days unless Congress has affirmatively acted to authorize its continuation. Hearings already have begun on this measure as well as on proposals similar to the Hatfield-McGovern amendment of last year, designed to establish a specific termination date for our involvement in Indochina. I am confident that more proposals will be reported out by the Senate Foreign Relations Committee and that the Senate will vote on this matter early this summer.

Within a week or two the Senate will be considering proposals to extend the draft and to fix a total limit on military-force levels. For reasons which I will explain in a moment, I have been and continue to be opposed to the idea that we should rely solely on volunteers to fight our military battles. If we are fighting a wrong war—that war should be opposed and stopped. It is not satisfactory to say that it should only be stopped for those who do not want to fight in it. We have a national tradition of civilian armies—not professional armies. It is important to our basic national values and liberties that this should continue to be so. We have a stake in assuring that a good proportion of our soldiers have a civilian mentality, arther than a professional military mentality.

However, in my judgment, the time has come for Congress to limit the President's heretofore virtually unrestricted authority to induct men into the armed services as one way of indicating Congressional will that we get out of Indochina by June 30, 1972 at the latest. Therefore, I shall join in the effort to limit extension of the present draft authority to one year, rather than the two years proposal by the Administration and recently approved by the Senate Armed Services Committee. For the same reason, I shall support the proposal of Senator Kennedy to limit the number of men who may be drafted during this coming year to the order of magnitude of 150,000 or if we can justify it, a lesser figure. In view of the fact that over 500,000 men will be discharged next year, such a restriction as the number of men who can be drafted will, when coupled with an overall limit on troop levels, practically assure that we will continue to withdraw men from Indochina at no less than the current rates throughout the coming year.

One of the most deliberative acts of the Founding Fathers at the Constitutional Convention in 1787 was to vest exclusively in the Congress the powers "to raise and support armies" and "to make rules for the government and regulation of the land and naval forces." It is the duty of the Congress, in my judgment, to ensure that it—and not the Executive Branch—exercise the authority to establish force levels for our military services.

One of the most commendable moves the Nixon Administration has made has been to lower our overall military force level from a high of 3.5-million men in 1968 to less than 2.8-million men today, moving toward an estimated 2.5-million men by June, 1973. I am, however, not convinced that we cannot achieve faster reductions in our total force levels without undercutting our commitments around the world. This is an area in which up to now the Pentagon's judgment has gone unchallenged. It should not go unchallenged any longer. The Congress can and must face up to its responsibilities in formulating national defense policy.

The issue is of critical importance from both an economic and political standpoint. From the economic standpoint, our military manpower requirements now take up over 50 per cent of the defense budget, and planned increases in military pay—which I support on grounds of equity alone—will increase this percentage in the future. That means that for every 100,000 men by which we can reduce our force levels we will save over $1-billion in the defense budget. I do not think I have to remind you of how sorely needed that kind of money is for civilian purposes—purposes which are vital to our national security in the overall sense of being a healthy and viable society.

As the Vietnam war winds down, the United States and the world will move into a new era of international security relationships and requirements. Vietnam has taught us the bitter lessons of trying to be the world's policeman—always ready to participate in struggles which claimed the mantle of "anti-communism." One of the greatest fears of the Founding Fathers was a standing army, which they viewed as a great temptation to rulers to get involved in military adventures. We cannot go back to the days when the United States had no standing army or only token forces; the world situation and our status in the world would not permit us such idyllic existence.

But we can seek to ensure that this level of strength is no more than what is really necessary for our legitimate security interests and that in the dreadful event that any kind of substantial, long-term military actions prove to be necessary, the President will have to come to Congress for authority to raise the manpower to support them. The struggle here is not primarily with the President but rather a struggle for the mind of Congress. The authority which the President has, was legislated to him—too prodigally in my judgment—by Congress. Congress must now reclaim its authority and exercise its responsibility. It can no longer turn the whole thing over to the President, and then criticize from the sidelines.

Basic U.S. defense policy is currently under revision and will be scrutinized and debated in the Congress. The trend is for significantly reduced force levels. In the future Congress will require fuller and more convincing justifications for military budget requests. The days of carte blanche for the Pentagon are over.

In my judgment, this kind of reassertion of Congressional responsibility is a more meaningful and direct way of insuring the end of the Indochina conflict, and preventing future Indochinas, while at the same time meeting our legitimate security needs, than would be abolishing the draft completely in favor of an all-volunteer army.

If we do limit the President's power to induct and succeed in reducing our total force levels substantially, we will have to get out of Indochina—and we will have, in fact, what amounts to a peacetime volunteer army. But so long as this war—or any war—continues, we cannot avoid the moral and political responsibility for it by shrugging our shoulders and letting those who have had cause to volunteer to bear the brunt of the conflict. A large, wartime volunteer army may not be all-black or all-poor, but no one has yet convinced me that it will represent a true cross-section of America.

The draft has played a major role in awakening our people to the mistakes and tragedy of the Vietnam war. If the war had been fought exclusively by volunteer, professional soldiers, the country at large may never have become aware of all the brutal and demoralizing dimensions and impact of that struggle—not only upon the Vietnamese people, but upon our own men and our own society.

Nor could we be sure that an army made up solely of careerists would have had enlisted men in it with the courage or inclination to expose the My Lai incident. I am not one of those who thinks Lieutenant Calley is a hero; he and the others responsible for the massacre ought to be held fully accountable for their deeds. And we need to know that there will be men in the armed forces who can be depended upon to expose any similar barbaric incidents.

It is said that had we not had the draft during the last years, enough men would not have volunteered to enable the war to continue. Perhaps. And perhaps so few would have volunteered that our military force levels would have dropped below even our barest security needs.

I do not believe we can afford the luxury of simply assuming that "bad" wars will not attract volunteers and "good" wars will. In World War II, 60 per cent of our troops had to be drafted. Even the Gates Commission, therefore, recognizes that our security requires that we maintain a stand-by draft. On the other hand, even if we abolished the draft now, it is quite possible that, given present levels of unemployment—particularly among teenagers—that the military pay raises now contemplated would attract enough volunteers to permit our continued involvement in Indochina at a reduced, but still sizable level, indefinitely, with reduced public pressure to force us to withdraw. Either way, I do not believe we should base our foreign policy on such gambles.

The draft, in short, cannot be made the scapegoat for Indochina, nor is it the key to our getting out as soon as possible. It is, however, quite possible to utilize the draft as one important means of maintaining Congressional control over our involvement in such military adventures. Congress can and should act now to limit the President's power to induct; and to reduce our overall military force levels to the minimum required by our security.

Finally, I do not believe that there is anything inherently "undemocratic" about the draft. On the contrary, insofar as the draft imposes the risk of sacrifice equally upon all, it is clearly more in keeping with fundamental democratic principles than a system which depends primarily on "mercenaries," drawn largely from those who have been unable to fit into the domestic mainstream of America.

If we are to retain the draft, what kind of draft shall it be? Despite improvements made by the Nixon Administration, the present draft remains in many respects archaic, unjust, and inefficient.

The draft should be based on certain fundamental principles, foremost among which is that the risk of service must be assigned with the most rigorous equality possible. A lottery is perhaps the fairest process of selection, but the question of who is in the pool on which the lottery operates is even more critical. Our present system leaves many classification and deferment decisions entirely to the discretion of thousands of local draft boards. If we are to make the draft as equitable as possible, this system must be changed to a system of uniform national standards, and the major criteria for decisions must be related to the principles of equal service and equal opportunity.

In wartime, when we speak not merely of inconvenience, but of life and death, I believe, with a majority of the Marshall Commission, that all student deferments should be eliminated if there is a substantial risk that a potential draftee be exposed to armed conflict. So long as we are enacted in a tragic conflict in Vietnam, we must all bear the burden of that conflict. Such deferments as are required by the national interest for college or graduate students should stand the same test as employment essential to the national interests as a basis for deferment.

Of course, education is vital to our long-range national interest. But student deferments are just too inherently discriminatory to override the need for rigorous equality of treatment under the draft. How seriously can a young man take our protestations of freedom and democracy when he is obliged to serve in Vietnam because his whole background—of financial capability, of home necessity, of previous education, or even of choice—precludes attendance at a four-year college? One young man serves because of this deprivation; the other escapes that service without regard necessarily to the contribution to the national interest attributable to his college education.

Another principle which must be better recognized in the draft is conscientious objection. I certainly believe that it is not inconsistent with the need for equality in the assignment of risk to accord special treatment to those with deeply held scruples against war in any form, whether or not these scruples stem from orthodox religious belief.

I cannot, however, accept the principle of conscientious objection to particular wars—i.e., Vietnam. In reaching this conclusion I have not ignored the responsibility of every citizen to make a moral judgment on our country's participation in any military venture. That judgment was made by Thoreau, and it must be made by you. Many have already made it, with personally tragic consequences.

But the hard fact of the matter is that no workable system can be established to differentiate the merely political from the truly conscientious objection to a particular war. Conscientious objection to a particular war must by its very nature be politically bound.

A draft system which recognizes conscientious objection to a particular war would, in actual operation, become a travesty. It would, in fact, have more resemblance to a volunteer army system than a draft. Furthermore, we would also be faced with the insuperable problem of dealing with conscientious objection to particular military ventures by those in the armed forces before the venture commenced. No one has yet suggested how intelligent military planning could take place under such circumstances.

Let me, in conclusion, reiterate my understanding of how deeply and sincerely many of you feel about the need to end this war and the opposition many of you have to the draft for very personal reasons.

I have devoted the lion's share of my time and effort this year to laying the groundwork for Congressional action to end this sad chapter in our history—the Vietnam war. I wish that I could find some way to relieve those of you who have the most personal stake of all in this effort from the burden of facing military service at this juncture. Yet I am convinced the only way to insure that we do in fact get out of Vietnam is to guarantee that all of the people in this country, not just the concerned minority, face up to this issue squarely. Abolishing the draft simply begs the question; reforming and limiting the draft, coupled with action specifically designed to get us out of Indochina, is a direct answer, and one which finally has become politically possible.

ADAIR AIR FORCE STATION

Mr. BAYH. Mr. President, I was happy to learn that the U.S. International University has withdrawn from the award of Adair Air Force Station by the Department of Health, Education, and Welfare. It is a happy result for the people of Oregon who will now have an opportunity to develop their own ideas for the best possible use of this property.

Whenever a military facility is closed down it creates a severe economic hardship on the local community in which it is located. Not only does it mean that a lot of its residents will be left without jobs, but the loss of the payroll, which in most cases is very substantial, causes a severe depression on the economy of that community that lasts for many years.

That is why it is so important that the Federal Government quickly find another Federal agency to make good use of the property, or turn it over to responsible local agencies for use in the economic and social rebuilding of their community. In the past, this system has helped to give birth to many community colleges, hospitals, vocational schools, and other institutions dispensing necessary public services. But the experience I have gained in inquiring about the disposal of Adair Air Force Station has raised serious questions in my mind about the procedures used by HEW to determine how it will dispose of surplus property.

I first learned of the Adair controversy during a visit to Oregon in which I spoke at the Poor Peoples Conference in October of last year. Subsequently, I received numerous letters from interested parties who complained that they had not received adequate opportunity and assistance to formulate uses for the property that would meet HEW requirements.

In response to these complaints, I exchanged communications with HEW Secretary Richardson, who confirmed that only one approvable application had been submitted. I ask unanimous consent that my letter and the response from Secretary Richardson be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

FEBRUARY 25, 1971.

ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: I am writing in reference to the decision made by the Federal government to turn Adair Air Force Base in Oregon over to the United States International University. It has come to my attention that questions have been raised as to the status of this university and also to the procedures developed by HEW and GSA concerning the transfer of surplus government property.

Of particular concern is my desire to see surplus government land be put to the best use, possibly for the benefit of the poor. I have been informed that the Oregon Council of the Poor has developed a project which would provide for positive use of this land in the area of utilizing human resources. I would hope that these types of programs would be given every consideration before decisions are made.

Any information that you have regarding this particular issue would be most helpful. I will be looking forward to your response.

With warmest regards,

Sincerely,

BIRCH BAYH,
U.S. Senator.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, April 2, 1971.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: Thank you for your letter of February 25, concerning our conveyance of the former Adair Air Force Station in Oregon to the United States International University, and expressing your interest in surplus property procedures of the Department and the General Services Administration.

The only approvable application for the surplus property at Adair was submitted by USIU. Our review revealed that the USIU programs and potentials are outstanding in the field of education today. The multicampus concepts of separate but closely related and cooperating institutions is sound from both an administrative and development point of view. Students may enter on any one of its campuses and travel to others while meeting their graduation requirements. Students are not drawn primarily from the State in which the campus is located, but from a large geographic area encompassing many States. Also, the financial status of the University did not appear to be a serious obstacle to its carrying out the programs at Adair. It was for these reasons we determined that to proceed with this conveyance was in the highest public interest.

We share your concern about using surplus government property for the benefit of the poor. When such proposals are made, we attempt to assist the pertinent organizations in every way possible. The Oregon Council of the Poor submitted a program to our Regional Office in Seattle, Washington. However, the Federal Property and Administrative Services Act of 1949, as amended, authorizing the Department's surplus real property program, is specific in establishing organizational and program eligibility. The Oregon Council of the Poor did not meet these eligibility requirements. Surplus real and related personal property may be acquired by States and their political subdivisions, tax-supported institutions, and by non-profit institutions which have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code. Institutions meeting this organizational eligibility must have programs which are clearly health or educational within the language of the Law and establish financial ability to carry out the proposed programs.

Our Seattle Regional Office will be glad to discuss specific requirements of our real property program with representatives of the Oregon Council, and provide any assistance possible in keeping with the Law and our regulations and procedures.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. BAYH. Mr. President, the result was that HEW awarded one of the most valuable pieces of public land in the Willamette Valley to a university which had never maintained a presence in the community and offered at best a faint hope of gradual development. The crowning blow was that most of these students would not even be from Oregon. There was a great public outcry. Several agencies proposed alternative uses for the property which they claimed would result in better utilization for the benefit of local residents and improve the economic status of the area. But HEW would not be moved, and the antagonism grew, until officials of the U.S. International University realized that they were about to inherit a hostile environment and withdrew.

The sad lesson that we must learn from all of this is that none of this needed to happen.

The Federal Government should recognize a foremost responsibility to assist the local community to restore its economic balance whenever a decision is made to close down a military installation. It should not be sufficient excuse to admit that only one approvable application was received. Every possible form of assistance should be given to local governments and other pertinent institutions to prepare proposals for the best utilization of the surplus property and to become eligible if their proposals have merit. In order to avoid similar happenings in the future HEW should make a comprehensive investigation of all applicants and applications and make the information that is obtained available to residents of the local community. HEW regulations should also provide for a hearing in the local community before final disposition is made. When public land is being given away to a State or local government or to a nonprofit institution the transfer must be able to stand light of day, particularly in the community that is most affected.

THE VETERANS WHO DID NOT COME

Mr. SCOTT. Mr. President, a recent edition of the Washington Evening Star included an article by Richard Wilson that may be of interest to Senators. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE 2.5 MILLION VETERANS WHO DIDN'T COME

(By Richard Wilson)

At the end of 1970, according to official Defense Department figures, approximately 3 million Americans had served in Southeast Asia, 2.5 million in Vietnam alone. The thousand or so of them who demonstrated in Washington were a minute fraction of the total who have served in Vietnam. This certainly could not be considered an abnormal proportion of disillusioned and embittered veterans emerging from any war in any country.

In fact, the discontented and alienated veterans of war have in some countries and for different reasons represented a far more serious challenge to governments in power, Germany being the most dramatic illustration.

Yet there is an element of disappointed expectations in the attitudes being adopted by the veterans of Vietnam. Anyone who visited Vietnam in the early part of our heaviest involvement had difficulty stifling a sense of pride in American behavior and performance in this far-off and difficult battlefield.

The ranking officers, from Gen. Westmoreland on down, all felt it. Many of them, including Westmoreland, believed that the rotation of manpower on the basis of one-year service would continually send back to the United States men who in due course would create an important reservoir of support for American operations in Vietnam.

In the beginning this did seem to be the case. The Vietnam veterans in large number felt that they had been participating in an action which was both necessary and worthwhile. And it was on this basis that one observer, at least, departed from his usual detachment in writing for the news columns to assert that the Vietnam operation was worthwhile.

The expectation that the hunreds of thousands of returning veterans would create a solid base of support for continuing on the road toward American objectives has not materialized in any concrete way. Perhaps it exists and underlies the patience of the American people with the slow and painful process of disengagement.

But those who contend that this has been an ignoble war and unworthy of American standards and ideals have gotten the upper hand so far as public attention is concerned. They are making the most of the presence in Washington of crippled and wounded medal winners and scoffing at President Nixon for his forbearance in avoiding evicting them from the public grounds of a nation they have served.

Nothing that the veterans did here brought the end of the war one hour closer but their encampment did serve as a political backdrop for various Democratic presidential candidates who are trying to make the way out of the war as hard as possible for Nixon on the pretext that his commitments can't be relied upon.

What the vast majority of 2.5 million men who have served in Vietnam may think of all this is unknown but they have endured it in silence and without the affront many of them evidently felt over the conviction of Lt. Calley.

The ugly possibility presents itself that one of the legacies of the Vietnam war will not be men who returned strengthened or ennobled by service to their country but the fewer who are permanently estranged and distrustful of all higher authority.

If there was any point at all in the Vietnam veterans visitation it was to persuade Nixon of the expediency of declaring a fixed date for the completion of a total withdrawal from Vietnam.

This is not in the cards and it is hard to believe that it would actually become the program of any president elected as Nixon's successor whatever he might say or pledge during a presidential campaign.

Total and hurried withdrawal from Vietnam carries with it the imminent and real danger of terrible consequences for the people of South Vietnam to say nothing of American integrity.

Presidential candidates and aspirants who create the impression they would totally withdraw now, and exploit a veterans' protest to reinforce that impression, are living and talking in a make-believe world. They do not know they could lead the American people that way if they got the chance.

The 2.5 million veterans of Vietnam who did not come to Washington may have something to say about that.

INDIA'S WAR ON POVERTY AND SOCIAL INJUSTICE

Mr. CHURCH. Mr. President, events in the Indian subcontinent over the last 2 months are of immense historical importance. Tragedy has befallen the people of East Bengal and Ceylon, marked by insurrection, violence, and martial law. In India, on the other hand, the most impressive expression of electoral politics took place when Indira Gandhi and her new Congress Party won a nationwide landslide victory. Via the polls, the Indian people, of all persuasions, gave Mrs. Gandhi a clear mandate, for the first time, to work for improved living conditions in the world's most populous and impoverished democracy. Providing jobs, better education, land reform, rural electrification, housing, and social dignity are, by far, her greatest challenges. As she said after being sworn in as Prime Minister, a long difficult journey remains to accomplish these goals:

> Our common aim shall be the lessening of disparities and poverty and of taking the country on a path that can solve the real problems of the people.

The President of India, Mr. V. V. Giri, in an address to a joint session of both houses of the new Parliament in New Delhi on March 23, outlined the course of this journey, presenting the Government's program to end poverty and social injustice. We in America know that these pressing problems are not easy to tackle or to solve, but begin—all of us—we must. A national commitment by a country's leaders is the necessary first step both in Indian and here. I hope that India's correct ordering of its national priorities will not be upset by unproductive military spending or by military clashes with Pakistan or China, dangerously potential possibilities.

In order to share with Senators President Giri's blueprint to build a better India, I ask unanimous consent that his address to the Indian Parliament be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WAR ON POVERTY AND SOCIAL INJUSTICE

(An address by the President of India to Parliament)

It gives me pleasure to address this joint session of the Fifth Parliament of our Republic and summon you to new endeavors.

General election has once again demonstrated that durable political power in a democracy has only one source—people. It has proved the people's confidence in themselves and their faith in the processes of democracy.

Our people have made their choice. They have asserted their sovereignty through the ballot box. And theirs is a massive mandate for change—peaceful change—that must swiftly and visibly alter the picture of poverty and alienation in our land.

We have begun this work. But now we have to address ourselves afresh to evolving perspectives, politics and practices even more closely and concretely related to the needs of our people and our times.

ABOLITION OF POVERTY

My Government has returned to office a clear pledge that the central objective of our policy must be the abolition of poverty. To achieve this my Government is firmly committed to implementing economic and social transformation outlined in the manifesto which has received such overwhelming support of the electorate.

UNEMPLOYMENT PROBLEM

The Government will soon frame specific policies and programs arising out of the mandate of the electorate. A mid-term appraisal of the Fourth Plan will be made. This appraisal will enable us to review and re-orient the Plan in order to increase pace and effective use of investment in the economy. As a part of this exercise, the government will also identify specific directions in which the developmental programs could be further reinforced in a determined effort to deal with the problem of unemployment. Crash scheme for rural employment, which is to be implemented from the commencement of the next financial year, will form the nucleus of a comprehensive program for the expansion of employment. This program will be linked to schemes for raising productivity of agriculture. Construction and renovation of minor irrigation sources and provision of basic amenities such as drinking water supply and link roads will form a part of this program. The problem of educated unemployed will receive special attention.

LAND REFORMS

My Government are convinced that land reforms are vital for the promotion of an egalitarian social order and for maximizing agricultural production. In recent months various issues relating to land reforms have received special attention of my Government. A Central Land Reforms Committee under the chairmanship of the Union Minister of Food and Agriculture has been set up. As a result of the lead provided by the Indian Government, the States in which intermediary tenures have not been completely abolished have taken steps to do so. Further legislation has been introduced in some States to give security of tenure, to reduce rents and ceilings and to restrict exemptions.

While recognizing that land reforms come within the legislative competence of the State, my Government will continue to press the State Governments for further action in promoting a more equitable agrarian structure. Simultaneously the Government will pursue the objective of imposing a ceiling on urban property.

CREDIT FACILITIES

The extension of credit facilities for productive purposes to areas and classes hitherto neglected is one of the important objectives of my Government. A comprehensive credit guarantee scheme has been launched recently. A Credit Guarantee Corporation has been set up under the auspices of the Reserve Bank of India. As from April 1, 1971, small loans given by commercial and cooperative bank offices will be eligible for guarantee by the Corporation to the extent of about 75 percent of the loans advanced. Increasing attention paid by the banks to the genuine needs of productive enterprises, including those of agriculturists whose main resort earlier was to the moneylenders, is one of the striking new developments which have served to concretize benefits of the nationalization for the small man.

RURAL ELECTRIFICATION

The Government also attach high priority to the extension of electricity to rural areas and in particular to the utilization of electricity for lift irrigation. The implementation of rural electrification programs has been appreciably accelerated. Two hundred sixty thousand pumpsets were energized in the first year of the Plan and this tempo has been stepped up in the current year. The rural electrification Corporation has begun well with the sanction of schemes of value of about Rs. 700 million ($93.34 million). This program will be pursued with an increasing vigor.

HOUSING FACILITIES

My Government are keenly aware of the intolerable living conditions of the urban poor. Clearance and improvement of slums and rehabilitation of slumdwellers will figure prominently in the agenda of economic and social reforms which my Government have in view and larger resources will be canalized for this purpose. Housing and Urban Development Finance Corporation has been set up recently and will become an important agency for the augmentation of housing facilities in metropolitan centers and urban areas.

Simultaneously efforts to improve rural housing conditions will be given fuller consideration. The aim is to allot building sites to landless workers on a larger scale, to legislate for the conferment of homestead rights and to assist in the construction of decent liveable houses for the rural population. This will necessarily have to be a joint program of the State and Central Governments.

INCREASED PRODUCTIVITY

My Government also propose to:

(A) Appoint task forces to remove obstacles that come in the way of speedy implementation of investment programs in public and private sectors of our industry and to step up the rate of industrial production;

(B) Extend new technology in agriculture to dry farming, to new crops and to new areas which have not been covered so far. Research and extension programs for faster growth in output of fibres and oil seeds which are the articles of mass consumption will be intensified;

(C) Consult leaders of trade unions and managements in order to evolve sound industrial relations and to secure increased productivity consistent with a fair deal for labor. Improvement in industrial relations is as vital as capital and technology for increasing output;

(D) Accelerate changes in the structure and functioning of administrative apparatus, expedite decision-making, ensure effective delegation of powers and responsibilities and streamline financial procedures and;

(E) Devote special attention to the building up of a well-equipped managerial cadre for public and private sectors.

ECONOMIC GROWTH

Economy recorded growth almost at the planned rate in 1969–70 and it is likely to repeat this performance in the current year. A good harvest for the fourth year in succession is expected, raising the foodgrain output to 105 million tons—5.5 million tons more than the last year. Wheat revolution is by now an accomplished fact. Our agricultural sciences have released a number of higher yielding varieties of rice. The response of farmers to the new technology is limited only by our capacity to reach them effectively.

FAMILY PLANNING

However, improvement in food situation will at best be a reprieve. The results of the new census will be a grave reminder that family planning program has to be pushed forward with much greater vigor. This program can only be fulfilled if it becomes a movement. A small family must speedily become the accepted social norm. Indeed family planning should be regarded as a vital element in the gigantic task of social transformation that lies ahead.

PRICE INDEX

While general outlook for the economy is hopeful, my Government are aware that the level of prices in recent months has caused some concern. Wholesale price index is now approximately 3.4 percent higher than the level about a year ago. But it is important to note that amidst this pressure on prices, foodgrain prices have declined by about 6.5 percent. The Government have, therefore, sought to keep the rise in prices in check by arranging larger imports of commodities in short supply while taking steps to increase their internal production.

SCIENCE AND TECHOLOGY

My Government intend to draw up and execute a National Plan for the application of science and technology to development. This Plan will be intimately related to an indeed largely derived from our socio-economic Plan. The important feature of such a Plan will be the preparation of detailed programs in a few high-priority areas of national endeavor in which science and technology play an important part.

The Government have set-up an Electronics Commission to ensure a balanced development of the electronics industry. The Commission will concern itself wtih the research, development and industrial operations in the field of electronics.

My Government are anxious that rapid economic development should not lead to the pollution of air, water and soil. There should be a rational management of our natural resources, taking care not to upset ecological balance in nature.

The persistence of communal tension in some parts of the country and occasional flaring up of violence constitute a threat to our secularism and democracy and to basic values of civilized life which we cherish. The Government are determined to overcome this danger. This problem needs to be treated as a national task to ensure national survival.

VIOLENCE IN WEST BENGAL

In the recent past violence has grown in West Bengal. The murder of Hemanta Kumar Basu, one of our oldest and most dedicated colleagues in the freedom movement and of other political workers, has shocked us all. Nevertheless the conduct and the results of recent elections in West Bengal clearly indicate a re-affirmation by people of their faith in democracy.

My Government reiterate their unqualified determination to root out lawlessness and to eliminate "politics" of murder and assault. Simultaneously my Government intend to accelerate a program for the improvement of Greater Calcutta with the help of public and private investment.

The Calcutta Metropolitan Development Authority has begun its work. The Industrial Reconstruction Corporation is about to be launched. Other development works are also being undertaken in West Bengal.

West Bengal Land Reforms (Amendment) Act was passed in July 1970 whereby bargadar's share of the crop was increased and his right to cultivate the land made secure and heritable. A Presidential Act has been enacted recently to reduce the ceiling and fix it in terms of the family as a unit.

ABOLITION OF PRIVY PURSES

You are aware that the orders for the de-recognition of rulers of former Indian States were declared in-operative by a majority judgment of the Supreme Court. However, the Government's resolve to abolish, by appropriate Constitutional measures, privy purses and privileges of the rulers remain unaltered.

Hope and despair continue to co-exist in the larger world around us. There has been a relaxation of the tensions between Western and Eastern Europe. We welcome the signing of an agreement between the Federal Republic of Germany and the Governments of the U.S.S.R. and Poland. But the situation in South East Asia and West Asia has worsened.

PEACEFUL AND NEGOTIATED SETTLEMENT

The sitaution in Indo-China has deteriorated further. Ever-widening areas are engulfed in war embracing Cambodia and Laos. This is inconsistent with the interests of peace. We have urged restraint and pressed our view that the only solution lies in a peaceful and negotiated settlement within the broad framework of the Geneva Accords. It is our belief that the best solution will be an International Agreement or a Convention signed by all the great powers and others interested in the region.

There is an uneasy truce in West Asia. My Government hope that a positive response would be made to the series of initiatives recently taken by the U.A.R., showing its earnest desire to implement the Resolution of the Security Council of November 22, 1967.

INDIAN OCEAN

We are concerned at the setting up of military bases by the outside powers in the Indian Ocean and the proposed sale of arms to South Africa. As mentioned in the Lusaka Declaration, we should like the Indian Ocean to be a zone of peace, free from military confrontation and the rivalries of great powers.

HIJACKING

The attitude of the Government of Pakistan during the recent hijacking of an Indian Airlines plane and its eventual destruction was deeply resented by the Government and the people of India. Friendship and understanding which we seek cannot be achieved by such provocations.

NONALIGNMENT

My Government will steadfastly pursue its policy of non-alignment. It will raise its voice whenever peace is threatened, wherever the independence of sovereign nations is eroded. It stands firmly against colonialism whether in its old shape or in any new guise.

Your present session will be a short one, confined to the transaction of essential financial and budgetary business. You will be meeting again shortly to consider further business, statement of estimated receipts and expenditure of the Government of India for the financial year 1971–72 will be laid before you. Bills will also be introduced for replacing the State of Himachal Pradesh (Amendment) Ordinance, 1971 and the Labor Provident Fund Law (Amendment) Ordinance 1971. A bill for continuing the Imports and Exports (Control) Act, 1947, will be introduced in the current session of the Parliament.

SUSTAINED AND DEDICATED EFFORTS

Honorable Members, people of India have given their verdict in unmistakable terms. With that verdict the period of political uncertainty and of the politics of maneuver ends. After the din of election battle we must bend ourselves to the service of our people. We can take pride that political democracy and parliamentary institutions have grown and have taken deep roots in the hearts and minds of our people. We must serve the cause of democracy by respecting the will of the people. The massive majority given to my Government is only the first step on a long and a difficult road ahead. To achieve victory in war against poverty and social injustice requires sustained and dedicated efforts of millions of our people. I am confident that the Members of Parliament and the people of India as a whole will respond in abundant measure to the challenge of our times.

WAR POWER BILL

Mr. JAVITS. Mr. President, during the Senate Foreign Relations Committee hearings on warmaking powers last Friday, the committee was privileged to hear from our distinguished colleague in the House, Representative FRANK HORTON.

Because I feel Mr. HORTON made a valuable contribution to our deliberations on the role of Congress in deciding when and whether to send American troops into hostilities overseas, I ask unanimous consent that the text of his testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CONGRESSMAN FRANK HORTON

Mr. Chairman and members of this distinguished Committee, I am honored to have the opportunity to testify before you on a subject which may have more potential than any other single legislative action for healing the divisiveness and the diminished credibility our nation has suffered over foreign policies of the 1960's.

The challenge to the 92nd Congress to take responsible action in the arena of Presidential and Congressional war powers is to me, the most serious foreign policy challenge we face.

I am deeply indebted, as I believe our country is, to the senior Senator from my own State of New York for taking the thoughtful initiative he has taken, and for focusing national attention on the war powers issue by his sponsorship of S. 731.

Senator Javits and this Committee under your able leadership, Mr. Chairman, deserve commendation for seeking an approach which would codify the provisions and the guidance of the Constitution in delineating those war powers to be exercised only with the approval and participation of the Congress.

This Committee has already compiled an impressive record of testimony and questioning on Senator Javits' bill as well as other proposals with similar goals. My purpose here is to praise and to supplement the 400-plus pages of legislative history you have already compiled. I shall not seek to rehash the excellent statements you have received from renowned, constitutional experts, professors and from other Members of the Senate and House.

I come here, rather as one Congressman, who, like all the rest of us, has felt the pressure, the temptation and the frustration of being asked by large segments of the public to call signals during an on-going war from the sidelines, participating in what, at best, have been back-handed and ineffective legislative efforts to bring some Congressional influence to bear on the era of national tragedy and distrust which has evolved since the passage of the Gulf of Tonkin resolution seven years ago.

I cite the Tonkin Gulf resolution as a starting point of this era because that event, inadvertently or not, led to an abandonment by the Congress of any proper exercise of Constitutional responsibility we would or should have had in determining the course of America's march into the quicksand of Southeast Asia. In the statement I made on the House floor on April 6 (which is included in the Appendix of my testimony) when I introduced my own version of Senator Javits' bill, I cited what I saw as a Constitutional crisis between the legislative and Executive Branches of our Government. But I hasten to agree with the view that Senator Cooper of this Committee has expressed, that this Constitutional crisis really has its roots in a policy crsis which may never have come to a head without the Gulf of Tonkin resolution and the subsequent Vietnam era.

Mr. Chairman, an exchange you had last weekend with former Undersecretary of State Katzenbach during a panel discussion quickly got to the point of this whole issue. That point is precisely whether Congress, or Congressmen and Senators individually, want to forsake the luxury of sideline criticism of foreign policy and Monday-morning quarterbacking and take on a role which I see as being dictated by the Constitution, a role which would forge a partnership in responsibility with the Executive over the commitment of U.S. troops abroad.

Mr. Katzenbach said he seriously doubted Congress would prefer responsibility to Monday morning signal calling—at the same time he said that the passage of the Tonkin Gulf resolution was "one of the most unhappy things from the point of view of the President," because it precluded his having to return to Congress to win a continuing mandate on the war.

While Mr. Katzenbach may be correct in his assessment that at least some Members and Senators would prefer the politically safer course of criticizing military actions which are solely a result of Presidential orders, I don't believe the safety of our political skins is a justifiable factor in considering this legislation. As I see it, and as Senators Javits, Eagleton and others who have testified here have seen it, we in Congress have a duty, a responsibility like it or not, under the Constitution to play a major role in any decision to involve American troops in hostilities. Congress, in effect, abandoned this responsibility in 1964 when it accepted President Johnson's determination to retaliate against the North Vietnamese by enacting the Gulf of Tonkin resolution. The power gap we created was quickly filled, and has been filled to this day by exclusively Presidential decisions as to the extent of our commitment of troops to hostilities in the nations of Indochina.

I, like many members of this Committee, supported the Tonkin Gulf resolution in 1964, and I supported its repeal last year, as did the President. But, particularly in terms of *future* possibilities for involvement of U.S. military personnel in hostilities abroad the power gap created by the Tonkin Gulf action is still there, and it will remain unless this Congress will act to apply, through legislation, the procedures for our exercise of Legislative powers delineated under Article I, Section 8 of the Constitution.

The bill I sponsored in the House on April 6, is identical in all but two significant respects to the carefully-forged language of the Javits bill.

One relatively minor deviation is my omission of the word "property" from Section A (3) of the Javits bill, which is Section 101 (a) of H.R. 7290. The issue of protection of property as a legitimate cause for Presidential commitment of American troops was discussed in your hearings on March 24. I note that Senator Javits said he would be prepared to delete the term "property" because of the potential for misinterpretation of its intent.

The major difference between S. 731 and H.R. 7290 and the major thrust of my testimony this morning is the attention my bill gives to the actual mechanics of the exercise of Congressional responsibility in war-making decisions.

I am one who believes that while the powers assigned to Congress under Article I, Section 8 are intended to provide a thorough and workable system of checks by Congress over Presidential authority, the actual exercise of these powers does not require the Congress and the President to pair off in an adversary role whenever a decision involving national security is called for. Over the nearly 200 years of our history, our foreign policy has been more successful when Congress and the President have acted in an atmosphere of trust and of partnership, rather than in one of distrust and sniping over foreign policy issues. To a major extent, Presidential decisions during the Vietnam era, and the failure of Congress to affirmatively carry out its duties in this period, have eroded that desirable atmosphere of trust and partnership.

I feel that any legislation we adopt must be drafted with an eye to reestablishing, in the long run, a working partnership between the Executive and Legislative Branches where war decisions are concerned.

Thus, in H.R. 7290, I have sought to establish a procedure whereby psychologically as well as substantively, the fostering of such a partnership would be encouraged.

Title II of my bill would create a Joint Committee on National Security.

The Joint Committee on National Security would bring together authoritative Members of Congress in foreign and military affairs. Its membership would include the majority and minority leaders of both Houses and the chairmen and ranking minority members of Congressional Committees concerned directly with foreign and military policy. The President of the Senate, the Speaker of the House, and the minority leaders in the House and Senate would each appoint one additional member. (A detailed listing of the Joint Committee's membership is contained in the appendix.) This new committee would be designated by Congress as the panel authorized to consult with the President and his national security advisers in situations where congressional powers are involved and where congressional ratification of military actions is required as described in the Javits bill and in my own proposal.

The joint committee must transmit reports it receives pursuant to the provisions of this bill to the appropriate committees of both Houses, which would be responsible for drafting and reporting to the House and Senate legislation to ratify or change the President's actions. While the joint committee has no direct legislative responsibility, it must transmit the President's report, together with its recommendation for action.

I cannot overemphasize, Mr. Chairman, that the need for this Joint Committee does not arise from any demonstrated inadequacy or ineffectiveness of the existing legislative committees of the House and Senate which have responsibility for foreign and military affairs. It is precisely the importance of these committees and the role they would play in the actual carrying out of Congressional powers under the Javits bill which prompted me to assemble the leadership of these committees, together with the leadership of both parties in the House and Senate on a single panel—a panel which would be officially and formally designated by the Congress to receive Presidential communications required under this legislation, and to be available to consult privately with the President or his national security advisers in international emergencies.

You will note, Mr. Chairman, that my bill assigns absolutely no legislative power or jurisdiction to the Joint Committee on National Security. Any legislative measures short of or including a declaration of war must first be considered and reported out by the appropriate committees of the House and Senate.

Despite its lack of a direct procedural role in formulating legislation which would approve, change or reject Presidential action to dispatch U.S. troops into hostile areas, I feel very strongly that the creation of such a Committee has distinct advantages.

During the Cuban missile crisis, President Kennedy hurriedly summoned 20 Congressional leaders to the White House at 5 o'clock on the afternoon of October 22, 1962, to lay out the reasons for his impending announcement that evening of a naval quarantine in the waters surrounding Cuba. This consultation, despite the fact that the action was not preceded by any affirming Congressional resolution, did much to unite the American Government and the American people and our allies behind the necessary but risky course that was followed in October, 1962. It also left no doubts in the minds of our adversaries as to American unity and resolve. The atmosphere of partnership and unity that was forged in that crisis is one which I feel we could in the future encourage by designating a Joint Committee on National Security which the President, at his option, could consult with, prior to taking military action under the terms of the Javits bill, and which he *must* consult with within 24 hours after taking such action.

The prestigious and bi-partisan nature of the Joint Committee's membership would, I feel, help to set the stage for an atmosphere of partnership and unity in such decisions, without risking a reluctant rubber-stamp of Presidential actions in situations where the Congress does not feel his decisions are in the national interest.

I have also included in H.R. 7290, a provision requiring the Joint Committee to transmit the President's report on his actions to the appropriate committees of the House and Senate together with a recommendation for Congressional action. Far from impeding the legislative process which is to take place within the 30-day period following a military action under the President's emergency powers, I feel that a prompt and authoritative recommendation from this prestigious panel would fulfill a great psychological need for the Congress and the nation during what would inevitably be a moment of crisis and uncertainty.

While the Joint Committee's recommendation, even if it were unanimous, would not preclude individual Congressmen and Senators from publicizing differing points of view on the President's action, it would provide a prompt focal point of national and international attention as to the stance of the Congress on the matter, as a backdrop to the legislative deliberation and debate that would follow.

In short, I feel the establishment of a Joint Committee on National Security would acknowledge the roles of both the Senate and House in the exercise of legislative powers delineated under the Constitution and in the Javits bill. More importantly, I feel it would encourage the creation of a working partnership between the Congress and the Executive in moments of international crisis. I do not feel that the Joint Committee would be an impediment to prompt action or mere excess baggage because of its lack of legislative jurisdiction, but think its very existence would enhance the role of Congress in decisions whether or not to dispatch U.S. troops into hostile action.

Mr. Chairman, I do not come before you to profess pride of authorship in the detailed make-up or functions of the Joint Committee. My bill presents one way, and I feel a responsible way to constitute and utilize such a Committee. However, I can appreciate that in its expertise your committee may decide to alter the membership or structure of the committee in some way. For example, since drafting the bill, I have come to prefer a rotating chairmanship between the President Pro Tempore of the Senate and the Speaker of the House, rather than the permanent designation of the Speaker as Chairman which my bill contains. Also, my bill provides for the Chairman and Ranking Minority Member of the Joint Committee on Atomic Energy to serve on the National Security Committee. Perhaps the best way to work this out would be to designate the Chairman of the Atomic Energy Committee as a member. If, in a particular Congress the Chairman is a Senator, then the ranking minority House member serving on the Atomic Energy Committee should fill the other seat. When a House member is Chairman, the ranking minority Senator should serve.

These are merely two examples I have considered of changes you may want to make, should you decide that the concept of a Joint Committee on National Security is a worthy one.

There is one general point in support of the language of the Javits bill, as adopted in H.R. 7290 that I would like to make. I do not feel that the legislation we enact should be an attempt to write an exhaustive "service manual" for national emergencies. We cannot possibly predict every sort of eventuality, and then seek to describe in detail the roles of Congress and the President in each possible occurrence. Whatever the language of the bill we enact, its effectiveness will depend to a great extent on an atmosphere of trust between the two branches of government. Without this atmosphere, Presidents will tend to opt for their interpretations of foreign policy history and Constitutional provisions in justifying their actions, and Congress could again largely be left with the role of Monday morning quarterback.

I feel that the language of the Javits bill is firm enough to define the proper war power roles of the Congress and the Executive, without succumbing to the serious charge that the bill ties the President's hands, or seeks to limit his legitimate powers.

There is no question that legislation is needed to apply the meaning of legislative war powers in Article I, Section 8, to the present day world of rapid communications, instantaneous weapons of war, and American leadership of the free world. A bill is needed which accomplishes this without hamstringing legitimate Presidential powers to respond to emergency situations. I strongly feel that the provisions of the Javits bill meet this standard.

Also, I feel that my proposal for a Joint Committee on National Security, while it would not substantively change the balance of war powers between the White House and Capitol Hill, would add to the stature of the legitimate role of Congress, and would encourage an atmosphere of partnership and trust in the functioning of both branches of government in an emergency.

The war powers of Congress are not fully understood by the American people, Mr. Chairman, and there are indications that the Congress itself does not understand its legitimate role in this vital area.

As a result of the lack of an affirmative Congressional role in the Vietnam era, Congressional opposition to the Vietnam war has been cluttered with diverse motivations, a clutter which is confusing to our allies and misleading to our adversaries. Some oppose the war on moral grounds, others on political or geo-political grounds, others for tactical reasons, others for constitutional or legal reasons.

This is the burden that Congress, the nation—indeed, our foreign policy—have had to bear amid confusion as to the proper role of Congress, in the absence of a procedural arrangement for Congressional participation in the war-making activity. I need hardly add that this uncertainty has encouraged a variety of responses, ranging from the most Olympian scholarship to the most adolescent hysteria.

As my distinguished New York colleague in the Senate so brilliantly stated in his testimony here on March 24th, if we act to correct this situation "The President will know where he stands. The Congress and the people will know where they stand. And the world will know where America stands."

I think the world needs to know where America stands in these situations, and this legislation would be of immense value in resolving doubts among our own armed forces, among our adversaries, and among our allies.

Congress is not the Commander-in-Chief, nor is it an adjunct of the military structure. Congress, as spokesman for the people, has an independent responsibility involving questioning, evaluation and judgment.

My bill is addressed to the fulfillment of this responsibility, and I hope that my testimony here this morning will be a constructive addition to the commendable attention your Committee is already giving to this subject, which lies at the very heart of our democratic system of government.

MEMBERSHIP OF THE PROPOSED JOINT COMMITTEE ON NATIONAL SECURITY

Chairman: The Speaker of the House.

Vice-Chairman: The President pro tempore of the Senate.

Members:

The Majority Leader of the House.

The Majority Leader of the Senate.

The Minority Leader of the House.

The Minority Leader of the Senate.

The Chairman and ranking minority member of each of the following committees:

Senate Foreign Relations Committee.

Senate Armed Services Committee.

Senate Judiciary Committee.

House Foreign Affairs Committee.

House Armed Services Committee.

House Judiciary Committee.

Joint Committee on Atomic Energy.

One Member of the House who is not a member of any of the aforementioned Committees to be appointed by the Speaker of the House.

One Member of the Senate who is not a member of any of the aforementioned Committees to be appointed by the President pro tempore of the Senate.

One Member of the House who is not a member of any of the aforementioned Committees to be appointed by the Minority Leader of the House.

One Member of the Senate who is not a member of any of the aforementioned Committees to be appointed by the Minority Leader of the Senate.

VIETNAMESE ELECTIONS

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD two articles by Chester L. Cooper, Director of the Institute for Defense Analysis, which appeared in the New York Times last week. These articles emphasize the importance of truly free and open elections in South Vietnam this year. They underline the urgency with which the Congress should consider Senate Concurrent Resolution 17, the Stevenson resolution, of which I am a cosponsor.

That resolution urges the President to assure the utter neutrality of the U.S. Government in those elections. Beyond that, it would deny U.S. assistance to any South Vietnamese Government that acquired or retained power through coup, corruption or coercion. It would establish a congressional commission, staffed with people fluent in Vietnamese, to monitor U.S. involvement in those elections and report regularly to the Congress throughout the South Vietnamese election period.

Dr. Cooper's articles indicate how truly free and open elections might begin a process of accommodation among the contending elements within South Vietnam. They explain that such a process might leave the South Vietnamese people with at least a chance to live in peace, whereas Vietnamization has the result of handing over to a war-weary people a war they do not want. They indicate how a truly honest election in South Vietnam—whether it results in the re-election of the Thieu government or the establishment of a different government willing to seek a compromise settlement—could make our own process of disengagement more rapid and less subject to future recriminations.

It is deeply disquieting to see it suggested in this Chamber that the U.S. Government ought to actively help arrange the outcome of the South Vietnamese election so that the Thieu government will win. It is perhaps a sign of how this terrible war has unhinged our sense of decency that such an idea is seriously discussed in the U.S. Senate.

We have said we went into Vietnam to defend the South Vietnamese people's right of self-determination. We have sacrificed much while we have been there. Would not all those sacrifices be utterly meaningless if, as we leave, we ourselves abridge the very right we said we fought to defend?

I ask unanimous consent that Dr. Cooper's articles and two other articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1971]

THE ELECTORAL OPTION IN VIETNAM—I

(By Chester L. Cooper)

WASHINGTON.—For more than two decades American officials have provided a vast range of rationales for our involvement in South Vietnam. But only one consistent theme emerges: to permit the South Vietnamese freely to choose their government. President Nixon has reiterated this American objective. As recently as April 7 he reminded us that Americans are fighting in Vietnam so that the people there can "choose the kind of government they want." If the South Vietnamese are able to exercise a free choice, we will have achieved an honorable, albeit costly, victory.

Early in the Paris talks there was hope that serious propositions could eventually be advanced and explored. Thought was given to conducting elections in South Vietnam under a joint non-Communist/Communist electoral commission. The proposal was suffocated by Communist insistence that the Saigon Government should be replaced by a "caretaker" coalition and that that government should then appoint a joint electoral commission. Washington and Saigon were rightly skeptical that any caretaker government endorsed by the National Liberation Front and Hanoi would conduct a genuinely free election.

The months have ground into years, and an important date on South Vietnam's political calendar which seemed remote, even hypothetical then, now looms large: early next October the people of South Vietnam will vote for a new government. Our stake in that election is very high. If it is fair, and known to be so, we will have accomplished the one American objective consistently endorsed by every President since Eisenhower. Clearly, if the election is fraudulent, we will have lost the war, however many more Communists may be added to the body count.

A genuinely free election is a large order. But it is more palatable and more easily achieved than virtually any other objective which, at one time or another, we have set for ourselves in Vietnam. A credible demonstration of free choice will be neither inevitable nor automatic. There is much to be done and one despairs that it may be already too late. The election laws of South Vietnam should be revised to embrace all who choose to run or vote; the government should be chosen by a majority rather than a plurality of the voters; the election campaigns, the voting process and the counting of ballots must be under the cognizance of an impeccably impartial body; military forces should be confined to their bases during the election. The press must not remain the private preserve of the Government's candidate; opposition candidates and their supporters must be free from potential or actual imprisonment. These steps will require careful leverage and skillful diplomacy with the Saigon Government.

It is a bitter irony that the vital objective of free choice is within our reach, but may be beyond our grasp. It is all the more ironic that our allies in Saigon, whom many believe are American "puppets," present formidable obstacles. One wonders whether we would actually use our bargaining power in Saigon to insure a genuinely free election. An even more difficult problem will be to persuade the Communists to cooperate. The National Liberation Front has vehemently opposed any election conducted by the Saigon Government. If the Communists do decide to run candidates in October or to allow the people under their control to vote, it will not be because they wish to help Washington achieve a "victory."

But suppose the Communists agreed to run and vote? And suppose they won? If that should happen, we clearly have been bucking the political tide in South Vietnam. Sadder but wiser for this discovery, we would have little choice but to withdraw completely and immediately.

Suppose they ran and, as is more likely, scored a modest vote? Under these circumstances, the National Liberation Front and other political parties which performed well, should be represented in Saigon. This would recognize the realities of the Vietnamese political scene.

Now suppose, as seems most likely, that the National Liberation Front boycotts the election. If Saigon had made the offer, and if the modalities of the election would pass muster among fair-minded judges, the onus for denying a choice to the people under Communist control would be on the National Liberation Front rather than on the Government. Even so, the vast majority of South Vietnamese would have participated in the political process. In the maligned 1967 election, more than 4.7 million votes were cast. Approximately 7 million South Vietnamese were of voting age in 1967 and 68 per cent of the theoretically eligible voters exercised their choice. (Only 61 per cent of Americans of voting age cast their ballots in 1968.) If, indeed, Saigon's control now extends over much more of South Vietnam than in 1967, voter turnout, even without Communist participation, should be larger than it was four years ago. The government chosen next October should be able to make a credible claim that it represented a clear preponderance of the people of South Vietnam.

[From the New York Times, Apr. 20, 1971]

THE ELECTORAL OPTION IN VIETNAM—II

(By Chester L. Cooper)

WASHINGTON.—It is difficult for an American to second-guess an election in the United States. All the more so when he tries to predict one abroad. But, based on what one can glean from the mood of the South Vietnamese in the 1967 election and what one can divine of their present mood, a consequential, non-Communist, pro-peace opponent to President Thieu might have at least an even chance.

Duong Van "Big" Minh, hero of the anti-Diem coup and first of a bewildering series of general who took over the government after the death of Diem, was prevented from running for election in 1967, but apparently intends to campaign in 1971. A vigorous race (which may be expecting too much from that amiable and popular, but not very energetic man) and a fair election (we go back to Square One again) would increase the odds against Thieu's re-election. But, unless Thieu wins, one pillar of President Nixon's Vietnam policy may crumble.

An important factor determining the rate of American withdrawal is the demonstrated readiness and capability of the South Vietnamese to carry on the war. But this depends on variables beyond American control. Among these is the extent to which the Saigon government is committed to continue the war. The future of the Administration's Vietnam policy could ultimately be decided by a development that may not have entered into Washington's original calculations—the replacement, midway in the Vietnamization program, of the Thieu-Ky Government by one elected on a platform to end the war. While Minh, himself, is more of a hawk than a dove, a government headed by him would have a hefty peace constituency and would probably move toward ending the fighting. This may be a key to the Administration's apparent diffidence about the modalities of the election.

A highly motivated, popular, non-Communist successor to Thieu who would seek to end the fighting through bilateral negotiations or *de facto* arrangements would represent a truly "Vietnamized" solution to the war. Under these circumstances, we could withdraw our remaining forces after the October election without the haggling that would inevitably take place with a Thieu government. One hopes that Washington planners are examining the implications and consequences of this salubrious contingency.

An American military withdrawal from Vietnam within the next twelve months would be widely regarded with relief and enthusiasm. But this reaction will, by no means, be universal; millions of Americans could easily be convinced, indeed if they are not already convinced, that President Nguyen Van Thieu (like President Kai-shek of yesteryear) was the victim of a Washington sellout; that "politicians" and soft-headed civilians in Washington conspired to dump him just when Hanoi was on the verge of defeat. "Who lost Vietnam?" The exploitation of this issue in 1972 by unscrupulous politicians is a possibility to worry responsible people of all political persuasions.

President Nixon has an urgent task ahead during the coming months—and there is, thus far at least, no evidence that it is being tackled. It is curious, for example, that the recent State of the World message ignores the forthcoming election in Vietnam. And it is unfortunate that in the President's April 7 speech there was no specific reference to the October election. The United States must be prepared to accept a political rather than a military one. Americans must be reminded, not every several months or so, but constantly, that our objectives in Vietnam, now and tomorrow, are limited. And that they were limited from the very beginning of our military involvement a decade ago.

We do not now have and we never did have the goal of destroying the Communist regime in Hanoi, killing all Communists in South Vietnam or transforming that country into a bastion of Free World democracy, economic power and military might. Our goal has always been political, not military or even economic.

An accident of timing will present President Nixon with a historic opportunity. If he firmly seizes it, the rewards for him and for all of us may be incalculable; if he makes but a deficient and half-hearted effort, he and we may have had our last chance to retrieve something of value for all our sacrifices. Given a fair election in South Vietnam next October and a bit of luck and some prudence in Laos and Cambodia, virtually all American troops could be home by this time next year. President Nixon could face his own campaign in 1972, even if the talks in Paris get nowhere, with Vietnam pretty much behind him. No small achievement in an election year. And no small comfort to Americans for whom 1971 marks a decade of our military involvement in Vietnam.

[From the Washington Post, Apr. 17, 1971]

FORMER AID ADVISERS SEEK 'FAIR' VIET VOTE

(By Murrey Marder)

U.S. policy in South Vietnam is so heavily committed to Saigon's present leaders that "fair elections" are impossible unless the United States demonstrates it wants them, it was charged yesterday.

A campaign to require genuine U.S. "neutrality" in South Vietnam's assembly election in August, and the presidential election in October, has been launched by a group of young former American advisers in Vietnam.

All were Vietnamese-speaking specialists committed to work for "self-determination" of the Vietnamese people and "an honorable peace." They left U.S. government service disillusioned about the prospects of achieving either goal under current American policy.

Under the existing policy of overt and covert U.S. support for the government of President Thieu, said Theodaore Jacqueney, the government returned to power in a South Vietnamese election "will be determined to seek a military solution of the war—against the overwhelming desire of the Vietnamese people."

"The South Vietnamese people," he said, "believe that the coming elections will be a fraud, and that fraud will be American support for a miltary government."

"We don't think they (the South Vietnamese people) by any means favor the National Liberation Front, but they favor peace in an open and honest election."

Jacqueney, who is 27, is coordinator of a group formed here last month, called the Vietnam Elections Project. He served in Vietnam during 1969 and 1970 as a community development and political officer for the Agency for International Development (AID), assigned to Civil Operations and Rural Development (CORDS). Jacqueney resigned from AID last February, after the Laos incursion.

Another leader in the Vietnam Elections Project is Oliver Davidson, 30, who held a post similar to Jacqueney's in South Vietnam from 1966 to 1969, and left AID the latter year.

A third, Richard Winslow, 28, a former Peace Corps worker in Peru, worked for CORDS in Vietnam in 1970.

Jerald Roback, 27, a fourth leader of the project, was in Vietnam the same years and accompanied U.S. troops who penetrated Cambodia last year, where he is credited with leading many Cambodians to safety through the battle zones.

By themselves, or even with considerable others who share their views, these young men whould have insignificant weight to influence U.S. policy. That is why they say they abandoned attempts to shift U.S. policy from "the inside," and organized to arouse public and congressional action.

Many of their goals are contained in a Senate resolution by Sen. Adlai E. Stevenson III (D-Ill.), co-sponsored by Sens. Mike Mansfield (D-Mont.), Daniel K. Inouye (D-Hawaii), Edmund S. Muskie (D-Maine), George McGovern (D-S.D.), Harold E. Hughes (D-Iowa), Alan Cranston (D-Calif.), Mike Gravel (D-Alaska), Hubert Humphrey (D-Minn.) and Edward M. Kennedy (D-Mass.).

A somewhat similar resolution in the House, to assure "freedom of choice" in South Vietnam's elections, with Rep. Lester L. Wolff (D-N.Y.) as principal sponsor, also has several Republican backers.

The Senate resolution would send a 10-member commission to South Vietnam, accompanied by a staff of Vietnamese-speaking personnel, to observe the elections and assure that the United States "maintains strict neutrality" in it. Senate Republican Leader Hugh Scott (Pa.) immediately challenged the resolution when it was introduced April 5, on grounds that it would be interpreted either as "a covert move to undermine the (Saigon) government, or maintain it," according to the composition of the U.S. delegation.

Members of the Vietnam Elections Project maintain, however, that the United States is inescapably involved in the election process in any event—already heavily influencing it.

Winslow has said he was informed by friends still in South Vietnam that President Thieu last November asked Ambassador William Colby, U.S. CORDS director in South Vietnam, to survey popular attitudes about the presidential election so Thieu "would know where his strong points were" and could shape his actions to enhance his election.

A U.S. survey reportedly was carried out in South Vietnam in November, 1970, which solicited views about prospective presidential candidates and key issues. A CORDS spokesman later denied that any questions were selected by Thieu or the South Vietnamese government. But questions were asked, the spokesman acknowledged, to give the U.S. mission indications of public attitudes on "an important upcoming event which could have an impact on the pacification and development program . . ."

Colby is scheduled to testify Wednesday before a Senate Judiciary subcommittee headed by Kennedy.

Davidson said yesterday that attempts to report to U.S. mission chiefs widespread support for "peace" candidates were "laughed at in Saigon." Superiors, he said, would respond that "you are quite isolated and don't understand the over-all problem." Said Winslow: "Whatever reports I made would be passed to Ambassador (Ellsworth) Bunker's garbage pail.

All the Vietnam Elections Project members said that there is no danger whatever that the National Liberation Front, which is referred to as the Vietcong, "could ever win an open and fair election."

"There are three reasons why the front has any support," said Davidson. In order of importance, he said, "they are: fighting the foreigners—Americans—and a military and corrupt government; third and least, a small minority favors them because they are fighting for Communists."

"If the American soldiers were out of Vietnam and if Vietnam had a quasi-civilian or a true civilian government, the Vietcong would lose their two main rallying points," he said.

Now, said Jacqueney, "The United States is solving its Vietnam problem by withdrawal. The Vietnamese, however, do not see American withdrawal alone as the solution to their Vietnam problem." The government now most likely to remain in power, he said, will fight on to seek a military solution, "contrary to the views of most Vietnamese, who feel that a compromise settlement is the only way to end the war quickly."

MCGEE CALLS FOR UNITED STATES TO AID THIEU ELECTION

A Senate supporter of President Nixon's Southeast Asia policy says that it is too early for self-determination in Vietnam, and that the United States should aid in the reelection efforts of President Nguyen Van Thieu.

"It is evident that under present circumstances, self-determination and Vietnamization do not go hand in hand," said Sen. Gale W. McGee (D-Wyo.).

"Hypocrisy," replied Sen. Frank Church (D-Idaho), who has proposed legislation to prevent the U.S. Information Agency from engaging in propaganda on behalf of a foreign government. Church, who contends the United States should stay out of Vietnamese politics, has accused the USIA of selling the present Saigon government "like a bar of soap."

The Vietnamese presidential election is scheduled for October. Vice President Nguyen Cao Ky and Gen. Van "Big" Minh are expected to be Thieu's major rivals.

In a statement in the Congressional Record, McGee said, "We have to continue lending all the support within our capabilities to insure that Thieu's position is continually strengthened. It is only in this way that we can continue withdrawing from the conflict."

Such an argument, Church said in an interview, "exposes the hypocrisy of the claim that our purpose is freedom of choice. If it's self-determination we're there for, the time has come to start observing it."

BRAIN DRAIN

Mr. ROTH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Colorado (Mr. DOMINICK) and an insertion.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOMINICK

For years, the professional men, scientists and engineers of many Asian countries have been emigrating from those countries to more prosperous and technically advanced countries of Europe and to the United States, creating what is generally called a "brain drain" on the countries of Asia to the detriment of technical progress in that part of the world.

I am proud to report that a fellow Coloradan has been working for the past eight years to reverse that brain drain. Dr. Milton E. Bender, Jr., formerly has headed a group of American business and professional men who founded the Asia Institute of Technology at Bangkok, Thailand. Here, the brainpower of the western world is being put to work to encourage students of Asian nations to develop the engineering skills so badly needed in these countries. I was most impressed by what I saw when I visited the Institute in 1967 and recently I received a letter from Dr. Bender indicating that the school has been enjoying even greater success in recent years.

I believe that efforts such as this by individual Americans helping the peoples of Asia to help themselves have an enormous bearing on the future development of Southeast Asia and deserve the attention of my colleagues here and the people of the United States as well. I therefore ask unanimous consent that pertinent portions of the letter from Dr. Bender be included in the RECORD.

EXCERPT FROM LETTER BY DR. BENDER

I am still in Bangkok and the Asian Institute of Technology is prospering beyond my fondest expectations. Our enrollment has grown to 215 graduate students from 18 countries of Asia and we have outgrown the small campus you saw when you were out here. The Thai Government has given us 400 acres of land and we are in the process of building a completely residential campus. The first stage of constructions will be completed so that we can move in August 1972. Plans call for our offerings then to expand to cover all fields of engineering and allied sciences by the end of this decade and at that time we would have about 1,000 graduate students.

We have worked out rather novel ways of financing this Institute. The most novel is that the user must pay a reasonable part of the cost of education and we have set the tuition and fees at $6,500 for the 21 months Master's program. This has been very well accepted. We are also building a contract and grant research program to do research on the many engineering problems of Asia which is badly needed out here. This will also go a long way towards financing parts of our operation. . . .

I will stay on here as President until January 1973 and then turn it over to someone else. I will have been here then about 10 years and the Institute will be well established including being well financed. I will probably return to CSU.

SERIOUS UNEMPLOYMENT AMONG SKILLED WORKERS

Mr. ALLEN. Mr. President, for more than 2 years I have spoken out here on the floor of the Senate and elsewhere and have written about the need for the Federal Government to help find solutions to the increasingly serious unemployment and underemployment among the highly skilled scientists, engineers, technicians, and other workers in the Nation's aerospace industry. Their almost untenable position has come about as a result of cutbacks in Federal funding of NASA and Army aerospace programs and, consequently, are rightly a concern and responsibility of the administration and Congress.

As far back as early 1969, I urged the administration to make every effort to find a place for those displaced men and women in other agencies seeking solutions to national problems such as environment and transportation.

I have just received a letter from Alpha Institute, created by unemployed aerospace workers in Huntsville, Ala., who have joined their efforts and resources in seeking to help solve their own plight. The work, hopes, and aspirations of Alpha Institute were the subject of a recent news story that appeared in the Birmingham Post-Herald.

Because this is a problem that exists throughout the Nation, I ask unanimous consent that the newsstory and the letter be printed in the Record, so that Senators and others may know that the will to overcome adversity is deeply imbedded in the American spirit.

There being no objection, the items were ordered to be printed in the Record. as follows:

Jobless in Huntsville Organize Institute To Try and Find Work

Huntsville.—After months of trying to land jobs on their own, jobless aerospace professionals in the Huntsville area are making an organized effort to help themselves and others get back to work.

They have established Alpha Institute, chartered as a non-profit corporation, to attack joblessness among engineers, scientists and other professionals "surplused" when the space program was trimmed.

Cutbacks cost thousands of jobs at government installations and in supporting private industries throughout the nation. William Ragsdale, 46, of Huntsville, was among those who lost their jobs. The institute is his brain child, conceived after mailing more than 1,000 résumés which failed to attract a single job offer.

Ragsdale, who lost his $24,000-a-year job with Chrysler's space division a year ago, mailed out an Alpha Institute prospectus last week saying that this is basically a do-it-ourselves project."

"The critical need to gainfully employ this resource of talent is a national goal," he said.

Ragsdale, who is now trying to secure foundation funds to back the fledging institute, says he is the type professional the institute might be able to help through career workshops, educational programs and job-hunting help.

He estimates that in the Huntsville area alone, 1,000 former aerospace professionals are either out of work or under-employed in jobs ranging from driving a cab, to selling real estate. About 2,500 jobs were lost at the space installations in the Huntsville area, with a corresponding loss in contracting industries.

The area has attracted a number of new industries but, by all accounts, there is a surplus of engineering and scientific skills.

"I think Huntsville might be typical of other space centers around the country," said Ragsdale, who lives off savings, unemployment checks and his wife's earnings as a teacher's aide. "The jobs just aren't there. The economy can't absorb us."

Alpha Institute, he says, is a unique venture. If money can be obtained, it would hold career workshops where information could be exchanged about fields in which engineering, scientific and managerial talent will be needed.

The institute also plans to coordinate university-level educational programs that might help the unemployed qualify for positions in such nonaerospace fields as environmental control and transportation.

The latter plan would be in line with a congressional subcommittee's recommendation last fall that ways be found to put the surplus aerospace talent to work in the battle to clean up the environment. Ragsdale says, however, that an engineer must obtain supplemental education if he is to make that transition.

Meanwhile, he said, the institute plans to begin publishing a newsletter that would communicate employment opportunities to the jobless and provide space for them to present their résumés.

"Part of the problem at the moment," said Ragsdale, "is that there is no coordinated effort in this regard—no clearing house of available jobs and available talent. The newsletter could accomplish this."

Ragsdale says the institute in only part of the effort the unemployed space professionals are making to put themselves back on the job. With two other jobless aerospace workers, Ragsdale has established an engineering firm which would draw upon the talents of other out-of-work professionals.

The firm landed one small contract, which provided money for an office and secretary, but there can be no salaries until a large contract is obtained.

"What it comes down to," said Ragsdale, "is that we're going to have to help ourselves. We've seen that nobody is going to do it for us."

Alpha Institute,
Huntsville, Ala., April 23, 1971.

Senator James B. Allen,
Senate Office Building,
Washington, D.C.

Dear Senator: Perhaps by now you have heard about Alpha Institute. This letter is intended to give you a few more details of our activities.

The attached Associated Press article tells the story of the creation of Alpha Institute. Our primary objective is to improve economic conditions throughout the State of Alabama by utilizing the available skills and talents of the 1400-plus local unemployed and underemployed engineers, scientists, and managers. Alpha Institute has two major approaches to this unemployment problem: (1) education and communications, and (2) public service projects. We work in cooperation with the Department of Labor and the State Employment Service, serving as an extension of their activities.

We are cooperating with the Alabama State Employment Service for the implementation of such programs as the $1.2 million HUD/DOL pilot project to train and place aerospace workers in urban planning positions and the $42 million Executive Order to assist in the reemployment of aerospace engineers and scientists. In addition, we have proposed to the Department of Labor to conduct other educational and communications activities. These activities include (1) presenting a series of Employment Opportunities Forums (our first and only one drew 300 people); (2) publishing a newsletter for unemployed and underemployed professionals bringing information about job opportunities, federal programs, Alpha Institute projects, etc.; (3) conducting one-week workshops on career redirection (assist professionals in identifying new career fields); (4) planning and coordinating concentrated supplementary educational programs, using the universities, to help professionals qualify for careers in new fields; and (5) providing general coordination and liaison between these local surplus professionals and the various local, State, and Federal agencies and universities involved.

Another project which we are currently pursuing can be funded through a grant from the Economic Development Administration under the Public Works and Economic Development Act of 1965. It calls for organizations such as Alpha Institute to make available technical and management assistance to existing and potential small businessmen who are socially or economically disadvantaged, or who are located in areas of high concentration of unemployment. The main thrust of this EDA program is directed through those organizations which, by reason of their rapport with the target communities and their special resources, can best identify and assist in establishing or expanding businesses, thus increasing employment and aiding the development of the community.

We are also preparing a grant application to the Small Business Administration under Section 406 of the Economic Opportunity Act of 1964, as amended, to render technical and managerial assistance to small business firms.

We believe that the professional talent available in the Huntsville area can provide an outstanding public service. Alpha Institute proposes to identify, organize, employ, and manage this professional capability, financed by grants, for the benefit of the State of Alabama. It is our intent to gainfully employ some of the currently available professional people.

A group of us formed Alpha Institute initially with our own funds. To sustain our activities we are seeking contributions from local businessmen, aerospace contractors, and foundations. Eventually, we intend to become self-sustaining through grants and contracts to carry out various public service projects.

A letter of recognition and encouragement from you would be certainly appreciated. Of course, any assistance your office can provide in our pursuit of projects would be very welcome.

Sincerely,

W. C. Ragsdale,
President.

LEGALITY OF PHILADELPHIA PLAN UPHELD BY U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Mr. JAVITS. Mr. President, one of the controversial issues which came before us during the last Congress was the validity of the Philadelphia plan, promulgated by the Department of Labor to require construction contractors to undertake affirmative action to meet reasonable goals for minority employment within certain trades on federally assisted construction projects. The Comptroller General originally ruled that the Philadelphia plan violated title 7 of the Civil Rights Act of 1964; the Attorney General, however, ruled that the plan was valid.

Last Thursday the U.S. Court of Appeals for the Third Circuit held that the Philadelphia plan was legal in all respects, and that Executive Order 11246, pursuant to which it was promulgated, was a valid exercise of Presidential power. Those of us who voted to support the Philadelphia plan when the issue came before us in the 91st Congress have thus been vindicated.

The opinion of the court is noteworthy not only because it sustains the Philadelphia plan against the attacks made upon it, but also because it demonstrates quite well the distinct legal and functional bases underlying Executive Order 11246 on the one hand, and title 7 of the Civil Rights Act of 1964, on the other. One of the points stressed in the opinion is that the affirmative action requirement of the Executive order is not limited to situations in which actual discrimination has occurred and must be remedied; it also serves and may be justified as a means of assuring the "maximum availability of construction tradesmen for the projects in which the Federal Government has a cost and completion interest." Thus, the court concluded that—

> A finding as to the historical reason for exclusion of available tradesmen from the labor pool is not essential for Federal contractual and remedial action.

Under this approach, gross underrepresentation of minority groups in specific types of employment is reason enough to justify the Federal Government in requiring its contractors to take affirmative action to insure that the manpower pool available for work on Federal projects is broadened to include all groups within a given community. This is quite different from the approach under title 7, which deals only with actual discrimination, rather than underutilization, and is but one of the reasons why I believe the administration of the Executive order should be left in the Labor Department, and not transferred to the Equal Employment Opportunity Commission, as some have suggested.

I ask unanimous consent that the text of the decision of the Third Circuit Court of Appeals be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

OPINION OF THE COURT, FILED APRIL 22, 1971

(Argued March 1, 1971, before Hastie, Chief Judge, and McLaughlin and Gibbons, Circuit Judges)

GIBBONS, *Circuit Judge.*

The original plaintiff, the Contractors Association of Eastern Pennsylvania (the Association) and the intervening plaintiffs,[1] construction contractors doing business in the Philadelphia area (the Contractors), appeal from an order of the district court which denied their motion for summary judgment, granted the motion of the federal defendants[2] to dismiss the Association complaint for lack of standing, and granted the cross-motion of the federal defendants for summary judgment.[3] When deciding these motions, the district court had before it the Association's verified complaint, a substantially identical complaint of the contractors, the affidavits of Vincent G. Macaluso and Ward McCreedy on behalf of the federal defendants which identified certain relevant documents, a stipulation by the parties as to certain facts, and two affidavits of Howard G. Minckler on behalf of the plaintiffs.

The complaint challenges the validity of the Philadelphia Plan, promulgated by the federal defendants under the authority of Executive Order No. 11246.[4] That Plan is embodied in two orders issued by officials of the United States Department of Labor, dated June 27, 1969 and September 23, 1969, respectively. Copies of these orders were annexed to the verified complaint as exhibits 1 and 2, respectively, and to the Macaluso affidavit as appendices B and C respectively. In summary, they require that bidders on any federal or federally assisted construction contracts for projects in a five-county area around Philadelphia,[5] the estimated total cost of which exceeds $500,000, shall submit an acceptable affirmative action program which includes specific goals for the utilization of minority manpower in six skilled crafts: ironworkers, plumbers and pipefitters, steamfitters, sheetmetal workers, electrical workers, and elevator construction workers.

Executive Order No. 11246 requires all applicants for federal assistance to include in their construction contracts specific provisions respecting fair employment practices, including the provision:

"The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin."[6]

The Executive Order empowers the Secretary of Labor to issue rules and regulations necessary and appropriate to achieve its purpose. On June 27, 1969 Assistant Secretary of Labor Fletcher issued an order implementing the Executive Order in the five-county Philadelphia area. The order required bidders prior to the award of contracts, to submit "acceptable affirmative action" programs "which shall include specific goals of minority manpower utilization." The order contained a finding that enforcement of the "affirmative action" requirement of Executive Order No. 11246 had posed special problems in the construction trades.[7] Contractors and subcontractors must hire a new employee complement for each job, and they rely on craft unions as their prime or sole source for labor. The craft unions operate hiring halls. "Because of the exclusionary practices of labor organizations," the order finds "there traditionally has been only a small number of Negroes employed in these seven trades."[8] The June 27, 1969 order provided that the Area Coordinator of the Office of Federal Contract Compliance, in conjunction with the federal contracting and administering agencies in the Philadelphia area, would determine definite standards for specific goals in a contractor's affirmative action program. After such standards were determined, each bidder would be required to commit itself to specific goals for minority manpower utilization. The order set forth factors to be considered in determining definite standards, including:

"(1) The current extent of minority group participation in the trade.

"(2) The availability of minority group persons for employment in such trade.

"(3) The need for training programs in the area and/or the need to assure demand for those in or from existing training programs.

"(4) The impact of the program upon the existing labor force."

Acting pursuant to the June 29, 1969 order, representatives of the Department of Labor held public hearings in Philadelphia on August 26, 27 and 28, 1969. On September 23, 1969, Assistant Secretary Fletcher made findings with respect to each of the listed factors and ordered that the following ranges be established as the standards for minority manpower utilization for each of the designated trades in the Philadelphia area for the following four years:

[In percent]

Identification of trade	Range of minority group employment			
	Until Dec. 31, 1970	For 1971	For 1972	For 1973
Ironworkers	5–9	11–15	16–20	22–26
Plumbers and pipefitters	5–8	10–14	15–19	20–24
Steamfitters	5–8	11–15	15–19	20–24
Sheet-metal workers	4–8	9–13	14–18	19–23
Electrical workers	4–8	9–13	14–18	19–23
Elevator construction workers	4–8	9–13	14–18	19–23

The order of September 23, 1969 specified that on each invitation to bid each bidder would be required to submit an affirmative action program. The order further provided:

"4. No bidder will be awarded a contract unless his affirmative action program contains goals falling within the range set forth . . . above . . .

* * * * *

"6. The purpose of the contractor's commitment to specific goals as to minority manpower utilization is to meet his affirmative action obligations under the equal opportunity clause of the contract. This commitment is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's attention that the goals are being used in a discriminatory manner, he must report it to the Area Coordinator of the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate sanction proceedings may be instituted.

* * * * *

"8. The bidder agrees to keep such records and file such reports relating to the provisions of this order as shall be required by the contracting or administering agency."

In November, 1969, the General State Authority of the Commonwealth of Pennsylvania issued invitations to bid for the construction of an earth dam on Marsh Creek in Chester County, Pennsylvania. Although this dam is a Commonwealth project, part of the construction cost, estimated at over $3,000,000 is to be funded by federal monies under a program administered by the Department of Agriculture.[9] The Secretary of Agriculture, one of the federal defendants, as a condition for payment of federal financial assistance for the project, required the inclusion in

---

Footnotes at end of article.

each bid of a Philadelphia Plan Commitment in compliance with the order of September 23, 1969. On November 14, 1969, the General State Authority issued an addendum to the original invitation for bids requiring all bidders to include such a commitment in their bids. It is alleged and not denied that except for the requirement by the Secretary of Agriculture that the Philadelphia Plan Commitment be included, the General State Authority would not have imposed such a requirement on bidders.

The Association consists of more than eighty contractors in the five-county Philadelphia area who regularly employ workers in the six specified crafts, and who collectively perform more than $150,000,000 of federal and federally assisted construction in that area annually. Each of the contractor plaintiffs is a regular bidder on federal and federally assisted construction projects. The complaint was filed prior to the opening of bids on the Marsh Creek dam. It sought injunctive relief against the inclusion of a Philadelphia Plan Commitment requirement in the invitation for bids. By virtue of a stipulation that the General State Authority would issue a new and superseding invitation for bids if the district court held the Plan to be unlawful, the parties agreed that bids could be received without affecting the justiciability of the controversy. Bids were received on January 7, 1970. One of the intervening contractor plaintiffs submitted a low bid and appeared at the time of the district court decision to be entitled to an award of the contract.

The complaints of the Association and the contractors refer to the fact that the Comptroller General of the United States has opined that the Philadelphia Plan Commitment is illegal and that disbursement of federal funds for the performance of a contract containing such a promise will be treated as unlawful.[10] The plaintiffs point out that the withholding of funds after a contractor has commenced performance would have catastrophic consequences, since contractors depend upon progress payments, and are in no position to complete their contracts without payments. They allege that the Philadelphia Plan is illegal and void for the following reasons:

1. It is action by the Executive branch not authorized by the constitution or any statute and beyond Executive power.
2. It is inconsistent with Title VII of the Civil Rights Act of 1964.[11]
3. It is inconsistent with Title VI of the Civil Rights Act of 1964.[12]
4. It is inconsistent with the National Labor Relations Act.[13]
5. It is substantively inconsistent with and was not adopted in procedural accordance with Executive Order No. 11246.
6. It violates the process because
    (a) it requires contradictory conduct impossible of consistent attainment;
    (b) it unreasonably requires contractors to undertake to remedy an evil for which the craft unions, not they, are responsible;
    (c) it arbitrarily and without basis in fact singles out the five-county Philadelphia area for discriminatory treatment without adequate basis in fact or law; and
    (d) it requires quota hiring in violation of the Fifth Amendment.

The federal defendants moved both to dismiss the complaint under Rule 12(b)(1), Fed. R. Civ. P. and for summary judgment under Rule 56(b) Fed. R. Civ. P. They asserted that the plaintiffs lacked standing and that they were entitled to judgment as a matter of law. The plaintiffs moved for summary judgment. The district court held that the Association lacked standing to maintain the suit, that the Contractors had such standing, and that the Plan was valid. It granted summary judgment for the federal defendants, and the plaintiffs appeal.

STANDING

The district court's holding that the Association lacked standing to sue was handed down prior to that of the Supreme Court in *Association of Data Processing Service Orgs., Inc. v. Camp*, 397 U.S. 150 (1970), and in the light of that decision and the more recent decision in *Citizens to Preserve Overton Park, Inc. v. Volpe*, 39 U.S.L.W. 4287 (U.S. March 2, 1971), is at least doubtful. We need not reach this issue, however, since the Contractor plaintiffs who as bidders are directly impacted by the requirement that they agree in their bid to comply with the Plan, clearly have standing. *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967). All plaintiffs have been represented by the same attorney, and the presence of absence of the Association as a plaintiff has no practical significance.

EXECUTIVE POWER

The plaintiffs contend that the Philadelphia Plan is social legislation of local application enacted by the Executive without the benefit of statutory or constitutional authority. They point out, probably correctly, that the Plan imposes on the successful bidder on a project of the Commonwealth of Pennsylvania record keeping and hiring practices which violate Pennsylvania law.[14] If the Plan was adopted pursuant to a valid exercise of Presidential power its provisions would, of course, control over local law. See *United States* v. *City of Chester*, 144 F. 2d 415, 420 (3d Cir. 1944); cf. *United States* v. *Allegheny County*, 322 U.S. 174, 183 (1944); *Panhandle Oil Co.* v. *Knox*, 277 U.S. 218, 221 (1928). But, say the plaintiffs, where there is neither statutory authorization nor constitutional authority for the Executive action, no substantive federal requirements may be imposed upon a contract between the Commonwealth and its contractor.

The district court's answer is that the federal government "has the unrestricted power to fix the terms, conditions and those with whom it will deal." [15] For this proposition it cites *Perkins* v. *Lukens Steel Co.*, 310 U.S. 113 (1940) and *King* v. *Smith*, 392 U.S. 309, 333 (1968). Neither case is in point, however on the issue of Executive as distinguished from federal power. *King* v. *Smith* held that the Alabama substitute father regulation was inconsistent with the Social Security Act, 42 U.S.C. § 606(a), and points out that the federal government may impose the terms and conditions upon which its money allotments may be disbursed. The conditions referred to were imposed by Congress, not by the Executive branch. *Perkins* v. *Lukens Steel Co.* interprets the Public Contracts Act of June 30, 1936 [16] which requires that sellers to the federal government pay prevailing minimum wages. It holds that an administrative determination of prevailing wages in a given industry made by the Secretary of Labor is not subject to judicial review on behalf of a potential seller.[17] The opinion contains the language:

"Like private individuals and businesses, the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases." [18]

The quoted language refers to federal power exercised pursuant to a statutory mandate. The case is not in point on the issue of Executive power absent such a mandate.

The federal defendants and several amici [19] contend that Executive power to impose fair employment conditions incident to the power to contract has been upheld in this Circuit and in the Fifth Circuit. They cite *Farmer* v. *Philadelphia Electric Company*, 329 F.2d 3 (3d Cir 1964) and *Farkas* v. *Texas Instrument, Inc.*, 375 F.2d 629 (5th Cir.), cert, denied, 389 U.S. 977 (1967). Both cases discussed the Executive Order program for achieving fair employment in the context of Government contracts rather than federally assisted state contracts, and both assumed the validity of the Executive Order then application.[20] Both cases held that even assuming the validity of the Executive Order, it did not give rise to a private cause of action for damages by a party subjected to discrimination. Discussion of the validity of the Executive Order was in each case dictum. Moreover, both *Farmer* and *Farkas* refer to 40 U.S.C. § 486(a) as the source of the Executive power to issue the order. That subsection authorizes the President to prescribe such policies and directives as he deems necessary to effectuate the provision of Chapter 10 of Title 40 [21] and Chapter 4 of Title 41.[22] These chapters deal with procurement of Government property and services, not with federal assistance programs. Thus even if *Farmer* and *Farkas* were holdings rather than dicta as to Executive power, the holdings would not reach the instant case. The validity of the Executive Order program as applied to the construction industry in state government contracts by virtue of federal assistance has not been litigated, so far as we have been able to determine, in any case reaching the courts of appeals.[23] Certainly no case has arisen which considers Executive power to impose, by virtue of federal assistance, contract terms in a state construction contract which are at variance with state law.

The limitations of Executive power have rarely been considered by the courts. One of those rare instances is *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). From the six concurring opinions and one dissenting opinion in that case, the most significant guidance for present purposes may be found in that of Justice Jackson:

"We may well begin by a somewhat oversimplified grouping of practical situations in which a President may doubt, or others may challenge, his powers, and by distinguishing roughly the legal consequences of this factor of relativity.

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. In these circumstances, and in these only, may he be said (for what it may be worth) to personify the federal sovereignty. If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily on any who might attack it.

"2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight on which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his

---

Footnotes at end of article.

own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." [24]

Plaintiffs contend that the Philadelphia Plan is inconsistent with the will of Congress expressed in several statutes. We deal with these statutory contentions hereinafter. Thus for the moment we may set to one side consideration of Justice Jackson's third category, and turn to category (1), action expressly or impliedly authorized, and category (2), action in which the President has implied power to act in the absence of congressional preemption. To determine into which category the Philadelphia Plan falls a review of Executive Orders in the field of fair employment practices is helpful.

The first such order, Executive Order No. 8802,[25] was signed by President Roosevelt on June 25, 1941. It established in the Office of Production Management a Committee on Fair Employment Practice, and it required that all Government contracting agencies include in all defense contracts a covenant not to discriminate against any worker because of race, creed, color, or national origin. The order contained no specific statutory reference, and describes the action "as a prerequisite to the successful conduct of our national defense production effort." In December 1941 Congress enacted "An Act to Expedite the Prosecution of the War Effort." [26] and on December 27, 1941, pursuant to that Act the President issued Executive Order No. 9001 [27] which granted to the War and Navy Department and the Maritime Commission broad contracting authority. This order among other provisions stated that a non-discrimination clause would be deemed incorporated by reference in all such contracts. On May 27, 1943, Executive Order No. 8802 was amended by Executive Order No. 9346 [28] which established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice. This order required the antidiscrimination clause in all government contracts rather than in defense contracts only. Still, the order was quite clearly bottomed on the President's war mobilization powers and was by its terms directed toward enhancing the pool of workers available for defense production.

On December 18, 1945, President Truman signed Executive Order No. 9664,[29] which continued the Committee established by Executive Orders Nos. 8802 and 9346 "for the periods and subject to the conditions stated in the National War Agencies Appropriation Act, 1946 (Public Law 156, 79th Cong., 1st Sess., approved July 17, 1945)." On February 2, 1951, the President signed Executive Order No. 10210,[30] which transferred to the Department of Defense the contracting powers referred to in Executive Order No. 9001. The order continued the provision that a non-discrimination clause would be deemed incorporated by reference in all defense contracts. It referenced the First War Powers Act, 1941, as amended. By a subsequent series of Executive Orders Executive Order No. 10210 was extended to other government agencies engaged in defense related procurement.[31] On December 3, 1951 the President signed Executive Order No. 10308,[32] creating the Committee on Government Contract Compliance, which was charged with the duty of obtaining compliance with the non-discrimination contract provisions. The statutory authorities referenced in Executive Order No. 10308 are the Defense Production Act of 1950 [33] and 31 U.S.C. § 691.[34] Reference to the Defense Production Act of 1950 shows that the President was still acting, pursuant to his national defense powers, to assure maximum utilization of available manpower.

President Eisenhower on August 13, 1953, by Executive Order No. 10479 [35] revoked Executive Order No. 10308 and transferred the compliance functions of the Committee on Government Contract Compliance to the Government Contract Committee.[36] In this order for the first time there is no mention of defense production. For the first time the Committee is authorized to receive complaints of violations,[37] and to conduct activities not directly related to federal procurement.[38] On September 3, 1954, by Executive Order No. 10557 [39] the required form of Government contract provision was revised. The new provision was much more specific, required the imposition of the contractor's obligation on his subcontractors, and required the posting of appropriate notices. The Eisenhower orders, while they did not refer to defense production and did authorize the Compliance Committee to encourage non-discrimination outside the field of Government contracts, were still restricted in direct application to federal government procurement. While the orders do not contain any specific statutory reference other than the appropriations statute, 31 U.S.C. § 690, they would seem to be authorized by the broad grant of procurement authority with respect to Titles 40 and 41.[40] No less than in the case of defense procurement it is in the interest of the United States in all procurement to see that its suppliers are not over the long run increasing its costs and delaying its programs by excluding from the labor pool available minority workmen. In the area of Government procurement Executive authority to impose non-discrimination contract provisions falls in Justice Jackson's first category: action pursuant to the express or implied authorization of Congress.

Exec. Order No. 10925 [41] signed by President Kennedy on March 6, 1961, among other things enlarged the notice requirements and specified that the President's Committee on Equal Employment Opportunity could by rule, regulation or order impose sanctions for violation. Coverage still extended only to federal government contracts. Significantly for purposes of this case, however, the required contract language was amended to add the provision:

"The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." [42]

The Philadelphia Plan is simply a refined approach to this "affirmative action" mandate. Applied to federal procurement the affirmative action clause is supported by the same Presidential procurement authority that supports the non-discrimination clause generally.

The most significant change in the Executive Order program for present purposes occurred on June 22, 1963 when the President signed Executive Order No. 11114,[43] which amended Executive Order No. 10925 by providing that the same non-discrimination contract provisions heretofore required in all federal procurement contracts must also be included in all federally assisted construction contracts. By way of Executive Order No. 11246 [44] issued in 1965, President Johnson transferred to the Secretary of Labor the functions formerly specified in Executive Order Nos. 10925 and 11114, and he continued both the affirmative action requirement and the coverage of federally assisted construction contracts.

While all federal procurement contracts must include an affirmative action covenant,[45] the coverage on federally assisted contracts has been extended to construction contracts only. This choice is significant, for it demonstrates that the Presidents were not attempting by the Executive Order program merely to impose their notions of desirable social legislation on the states wholesale. Rather, they acted in the one area in which discrimination in employment was most likely to affect the cost and the progress of projects in which the federal government had both financial and completion interests. In direct procurement the federal government has a vital interest in assuring that the largest possible pool of qualified manpower be available for the accomplishment of its projects. It has the identical interest with respect to federally assisted construction projects. When the Congress authorizes an appropriation for a program of federal assistance, and authorizes the Executive branch to implement the program by arranging for assistance to specific projects, in the absence of specific statutory regulations it must be deemed to have granted to the President a general authority to act for the protection of federal interests. In the case of Executive Order Nos. 11246 and 11114 three Presidents have acted by analogizing federally assisted construction to direct federal procurement. If such action has not been authorized by Congress (Justice Jackson's first category), at the least it falls within the second category. If no congressional enactments prohibit what has been done, the Executive action is valid. Particularly is this so when Congress, aware of Presidential action with respect to federally assisted construction projects since June of 1963, has continued to make appropriations for such projects. We conclude, therefore, that unless the Philadelphia Plan is prohibited by some other congressional enactment, its inclusion as a pre-condition for federal assistance was within the implied authority of the President and his designees. We turn, then to a consideration of the statutes on which plaintiffs rely.

THE CIVIL RIGHTS ACT OF 1964

Plaintiffs suggest that by enacting Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. which deals comprehensively with discrimination in employment, Congress occupied the field. The express reference in that statute to Executive Order No. 10925 or any other Executive Order prescribing fair employment practices for Government contractors, 42 U.S.C. § 2000e–8(d), indicates, however, that Congress contemplated continuance of the Executive Order program. Moreover we have held that the remedies established by Title VII are not exclusive. *Young* v. *International Telephone & Telegraph Co.*, —— F.2d —— (3d Cir. 1971).

But while Congress has not prohibited Presidential action in the area of fair employment on federal or federally assisted contracts, the Executive is bound by the express prohibitions of Title VII. The argument most strenuously advanced against the Philadelphia Plan is that it requires action by employers which violates the Act. Plaintiffs point to § 703(j), 42 U.S.C. § 2000e-2(j):

> "Nothing contained in this subchapter shall be interpreted to require any employer . . . [or] labor organization . . . to grant preferential treatment to any individual or to any group because of the race . . . of such individual or groups on account of an imbalance which may exist with respect to the total number or percentage of persons of any race . . . employed . . . in comparison with the total number or percentage of persons of such race . . . in the available work force in any community . . . or other area."

The Plan requires that the contractor establish specific goals for utilization of available minority manpower in six trades in the five-country area. Possibly an employer could not be compelled, under the authority of Title VII, to embrace such a program, although § 703(j) refers to percentages of minorities in an area work force rather than

---

Footnotes at end of article.

percentages of minority tradesmen in an available trade work force. We do not meet that issue here, however, for the source of the required contract provision is Executive Order No. 11246. Section 703(j) is a limitation only upon Title VII, not upon any other remedies, state or federal.

Plaintiffs, and more particularly the union amici, contend that the Plan violates Title VII because it interferes with a bona fide seniority system. Section 703(h), 42 U.S.C. § 2000(e)-2(h), provides:

"Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to employ different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system . . ."

The unions, it is said, refer men from the hiring halls on the basis of seniority, and the Philadelphia Plan interferes with this arrangement since few minority tradesmen have high seniority. Just as with § 703(j), however, §703(h) is a limitation only upon Title VII, not upon any other remedies.[46]

Plaintiffs contend that the Plan, by imposing remedial quotas, requires them to violate the basic prohibitions of Section 703(a), 42 U.S.C. § 2000(e)-2(a):

"It shall be an unlawful employment practice for an employer—

"(1) to fail or refuse to hire . . . any individual . . . because of such individual's race . . . or

"(2) to . . . classify his employees in any way which would deprive . . . any individual of employment opportuntiles . . . because of such individual's race . . ."

Because the Plan requires that the contractor agree to specific goals for minority employment in each of the six trades and requires a good faith effort to achieve those goals, they argue, it requires (1) that they refuse to hire some white tradesmen, and (2) that they classify their employees by race, in violation of § 703(a). This argument rests on an overly simple reading both of the Plan and of the findings which led to its adoption.

The order of September 23, 1969 contained findings that although overall minority group representation in the construction industry in the five-county Philadelphia area was thirty per cent, in the six trades representation was approximately one per cent. It found, moreover, that this obvious underrepresentation was due to the exclusionary practices of the unions representing the six trades. It is the practice of building contractors to rely on union hiring halls as the prime source for employees. The order made further findings as to the availability of qualified minority tradesmen for employment in each trade, and as to the impact of an affirmative action program with specific goals upon the existing labor force. The Department of Labor found that contractors could commit to the specific employment goals "without adverse impact on the existing labor force." Some minority tradesmen could be recruited, in other words, without eliminating job opportunities for white tradesmen.

To read Section 703(a) in the manner suggested by the plaintiffs we would have to attribute to Congress the intention to freeze the status quo and to foreclose remedial action under other authority designed to overcome existing evils. We discern no such intention either from the language of the statute or from its legislative history. Clearly the Philadelphia Plan is color-conscious. Indeed the only meaning which can be attributed to the "affirmative action" language which since March of 1961 has been included in successive Executive Orders is that Government contractors must be color-conscious. Since 1941 the Executive Order program has recognized that discriminatory practices exclude available minority manpower from the labor pool. In other contexts color-consciousness has been deemed to be an appropriate remedial posture. *Porcelli v. Titus*, 302 F. Supp. 726 (D.N.J. 1969) aff'd, 431 F. 2d 1254 (3d Cir. 1970); *Norwalk CORE v. Norwalk Redevelopment Agency*, 395 F. 2d 920, 931 (2d Cir. 1968); *Offermann v. Nitkowski*, 378 F. 2d 22, 24 (2d Cir. 1967). It has been said respecting Title VII that "Congress did not intend to freeze an entire generation of Negro employees into discriminatory patterns that existed before the Act." *Quarles v. Philip Morris, Inc., supra*, 279 F. Supp. at 514. The *Quarles* case rejected the contention that existing, nondiscriminatory seniority arrangements were so sanctified by Title VII that the effects of past discrimination in job assignments could not be overcome.[47] We reject the contention that Title VII prevents the President acting through the Executive Order program from attempting to remedy the absence from the Philadelphia construction labor or minority tradesmen in key trades.

What we have said about Title VII applies with equal force to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) et seq That Title prohibits racial and other discrimination in any program or activity receiving federal financial assistance.[48] This general prohibition against discrimination cannot be construed as limiting Executive authority in defining appropriate affirmative action on the part of a contractor.

We hold that the Philadelphia Plan does not violate the Civil Rights Act of 1964.

THE NATIONAL LABOR RELATIONS ACT

The June 27, 1969 order, par. 8(b) provides:

"It is no excuse that the union with which the contractor has a collective bargaining agreement failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations and orders."

The union amici vigorously contend that the Plan violates the National Labor Relations Act by interfering with the exclusive union referral systems to which the contractors have in collective bargaining agreements bound themselves. Exclusive hiring hall contracts in the building and construction industry are validated by Section 8(f) of the National Labor Relations Act, 29 U.S.C. § 158(f). In *Teamsters Local 357 v. NLRB*, 365 U.S. 667 (1961), the Supreme Court held that the National Labor Relations Board could not proscribe exclusive hiring hall agreements as illegal per se since Congress had not chosen to prohibit hiring halls. It is argued that the President is attempting to do what the Supreme Court said the National Labor Relations Board could not do—prohibit a valid hiring hall agreement. Of course collective bargaining agreements which perpetuate the effects of past discrimination are unlawful under Title VII. *Local 189, United Papermakers & Paperworkers v. United States, supra; United States v. Sheet Metal Workers, Local 36*, 416 F.2d 123, 132 (8th Cir. 1969). The findings of past discrimination which justified remedial action in these cases were made in judicial proceedings, however. See 42 U.S.C. § 2000e-5(g). The amici contend that the Assistant Secretary's nonjudicial finding of prior exclusionary practices is insufficient to support the Plan's implied requirement that the contractor look to other sources for employees if the unions fail to refer sufficient minority group members.

It is clear that while hiring hall arrangements are permitted by federal law they are not required. Nothing in the National Labor Relations Act purports to place any limitation upon the contracting power of the federal government. We have said hereinabove that in imposing the affirmative action requirement on federally assisted construction contracts the President acted within his implied contracting authority. The assisted agency may either agree to do business with contractors who will comply with the affirmative action covenant, or forego assistance. The prospective contractors may either agree to undertake the affirmative action covenant, or forego bidding on federally assisted work. If the Plan violates neither the Constitution nor federal law, the fact that its contractual provisions may be at variance with other contractual undertakings of the contractor is legally irrelevant. Factually, of course, that variance is quite relevant. Factually it is entirely likely that the economics of the marketplace will produce an accommodation between the contract provisions desired by the unions and those desired by the source of the funds. Such an accommodation will be no violation of the National Labor Relations Act.

The absence of a judicial finding of past discrimination is also legally irrelevant. The Assistant Secretary acted not pursuant to Title VII but pursuant to the Executive Order. Regardless of the cause, exclusion from the available labor pool of minority tradesmen is likely to have an adverse effect upon the cost and completion of construction projects in which the federal government is interested. Even absent a finding that the situation found to exist in the five-county area was the result of deliberate past discrimination, the federal interest in improving the availability of key tradesmen in the labor pool would be the same. While a court must find intentional past discrimination before it can require affirmative action under 42 U.S.C. § 2000e–5(g), that section imposes no restraint upon the measures which the President may require of the beneficiaries of federal assistance. The decision of his designees as to the specific affirmative action which would satisfy the local situation did not violate the National Labor Relations Act and was not prohibited by 42 U.S.C. § 2000e–5(g).

CONSISTENCY WITH EXECUTIVE ORDER NO. 11246

The plaintiffs argue that the affirmative action mandate of § 202 of Executive Order No. 11246 is limited by the more general requirement in the same section, "The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin." They contend that properly construed the affirmative action referred to means only policing against actual present discrimination, not action looking toward the employment of specific numbers of minority tradesmen.

Section 201 of the Executive Order provides:

"The Secretary of Labor shall be responsible for the administration of Parts II [government contracts] and III [Federal assistance] of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof."

Acting under this broad delegation of authority the Labor Department in a series of orders of local application made it clear that it interpreted "affirmative action" to require more than mere policing against actual present discrimination.[49] Administrative action pursuant to an Executive Order is invalid and subject to judicial review if beyond the

---

Footnotes at end of article.

scope of the Executive Order. *Peters v. Hobby*, 349 U.S. 331 (1955). But the courts should give more than ordinary deference to an administartive agency's interpretation of an Executive Order or regulation which it is charged to administer. *Udall v. Tallman*, 380 U.S. 1 (1965); *Bowles v. Seminole Rock & Sand Co.*, 325 U.S. 410, 413 (1945). The Attorney General has issued an opinion that the Philadelphia Plan is valid,[50] and the President has continued to acquiesce in the interpretation of the Executive Order made by his designee. The Labor Department interpretation of the affirmative action clause must, therefore, be deferred to by the courts.

Plaintiffs also contend that the signing of the June 27, 1969 and September 23, 1969 orders by an assistant secretary rather than by the Secretary of Labor makes those orders procedurally invalid. Here they rely on § 401 which provides:

"The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature."

The Plan, they say, is a rule or regulation of a general nature, and could have been issued only by the Secretary. In the first place the Plan is not general. It is based upon findings as to the available construction manpower in a specific labor market. Moreover, the interpretation of § 401 made by the administrator requires the same deference from the courts as it required toward his other interpretations of the order. We will not second guess his delegation to the Assistant Secretary of the duty of enforcing the affirmative action covenant.

The Due Process Contentions

Plaintiffs urge that the Plan violates the Due Process Clause of the Fifth Amendment in several ways.

First, they allege that it imposes on the contractors contradictory duties impossible of attainment. This impossibility arises, they say, because the Plan requires both an undertaking to seek achievement of specific goals of minority employment and an undertaking not to discriminate against any qualified applicant or employee, and because a decision to hire any black employee necessarily involves a decision not to hire a qualified white employee. This is pure sophistry. The findings in the September 23, 1969 order disclose that the specific goals may be met, considering normal employee attrition and anticipated growth in the industry, without adverse effects on the existing labor force. According to the order the construction industry has an essentially transitory labor force and is often in short supply in key trades. The complaint does not allege that these findings misstate the underlying facts.

Next the plaintiffs urge that the Plan is arbitrary and capricious administrative action, in that it singles out the contractors and makes them take action to remedy the situation created by acts of past discrimination by the craft unions. They point to the absence of any proceedings under Title VII against the offending unions, and urge that they are being discriminated against. This argument misconceives the source of the authority for the affirmative action program. Plaintiffs are not being discriminated against. They are merely being invited to bid on a contract with terms imposed by the source of the funds. The affirmative action covenant is no different in kind than other covenants specified in the invitation to bid. The Plan does not impose a punishment for past misconduct. It exacts a covenant for present performance.

Some amici urge that selection of the five-county Philadelphia area was arbitrary and capricious and without basis in fact. The complaint contains a conclusive allegation to this effect. No supporting facts are alleged. It is not alleged, for example, that the specific goals for minority manpower utilization would be different if more or fewer countries were to be included in the September 23, 1969 order. The union amici do question the findings made by the Assistant Secretary of Labor, but the complaint, fairly read, does not put these findings in issue. We read the allegation with respect to the five-county area as putting in issue the legal authority of the Secretary to impose a specific affirmative action requirement in any separate geographic area. The simple answer to this contention is that federally assisted construction contracts are performed at specific times and in specific places. What is appropriate affirmative action will vary according to the local manpower conditions prevailing at the time.

Finally, the plaintiffs urge that the specific goals specified by the Plan are racial quotas prohibited by the equal protection aspect of the Fifth Amendment. See *Shapiro v. Thompson*, 394 U.S. 618, 641–42 (1969); *Schneider v. Rush*, 377 U.S. 163 (1964); *Bolling v. Sharpe*, 347 U.S. 497 (1954). The Philadelphia Plan is valid Executive action designed to remedy the perceived evil that minority tradesmen have not been included in the labor pool available for the performance of construction projects in which the federal government has a cost and performance interest. The Fifth Amendment does not prohibit such action.

One final point. The plaintiffs contend that although there were cross-motions for summary judgment the district court, while it should have entered summary judgment in their favor, could not properly enter summary judgment against them. Several amici press this point on appeal even more strenuously than do plaintiffs. They contend that neither the finding of past discrimination by the craft unions made in the June 27, 1969 order nor the statistical findings as to availability of minority tradesmen, employee attrition, and industry growth made in the September 23, 1969 order should be accepted as true.

The federal defendants conceded in the district court that the affidavit of Mr. Macaluso, to which copies of both orders were attached, was offered not for the truth of the underlying facts but only to identify the orders. This concession was not significant for the decisions on the motions under Rule 12(b)(1) and Rule 56(b). The complaint to which the motions by the federal defendants was addressed nowhere challenges the factual underpinnings of the specific goals set forth in the September 23, 1969 order. Rather the complaint makes a legal attack upon the power of the Department of Labor to impose these goals as contractual commitments. Read generously the complaint can be construed to challenge the administrative procedures followed by the Assistant Secretary in determining these goals. We have dealt hereinabove with that challenge insofar as it questions compliance with the procedures specified in Executive Order No. 11246. Insofar as the complaint challenges on broader administrative law grounds the method by which the Assistant Secretary assembled the data for the September 23, 1969 order, we hold that public hearings after notice were an appropriate means for the administrative agency to obtain the information needed for informed judgment. Cf. *Shannon* v. *Department of Housing & Urban Development*, — F.2d —(6d Cir. 1971). No public hearing was held prior to the issuance of the June 27, 1969 order, which contains the Assistant Secretary's finding of past exclusionary union practices. He relied upon published data, however, which itself may have been sufficient to justify administrative action leading to the specification of contract provisions. We need not decide that issue, however, for in our view the data in the September 23, 1969 order revealing the percentages of utilization of minority group tradesmen in the six trades compared with the availability of such tradesmen in the five-county area, justified issuance of the order without regard to a finding as to the cause of the situation. The federal interest is in maximum availability of construction tradesmen for the projects in which the federal government has a cost and completion interest. A finding as to the historical reason for the exclusion of available tradesmen from the labor pool is not essential for federal contractual remedial action.

The judgment of the district court will be affirmed.

A True Copy:

Teste:

—— ——,

Clerk of the United States Court of Appeals for the third Circuit.

FOOTNOTES

[1] James D. Morrisey, Inc.; The Conduit & Foundation Corp.; Glasgow, Inc.; Buckley & Company; The Nyleve Company; Erb Engineering & Constr. Co.; Perkins, Kanak, Foster, Inc.; and Lansdowne Constructors, Inc.

[2] The Secretary of Labor, George P. Shultz; The Assistant Secretary of Labor, Arthur A. Fletcher; The Director, Office of Federal Contract Compliance, John L. Wilks; The Secretary of Agriculture, Clifford M. Hardin.

[3] An additional defendant, the General State Authority of the Commonwealth of Pennsylvania, has not participated in this appeal.

[4] 30 Fed. Reg. 12319 (Sept. 24, 1965), as amended by Exec. Order No. 11375, 32 Fed. Reg. 14303 (Oct. 13, 1967), 3 C.F.R. 406 (1969) 42 U.S.C.A. § 2000(e) (1970), superseded in part by Exec. Order No. 11478, 34 Fed. Reg. 12985 (Aug. 8, 1969), 3 C.F.R., 1969 Comp. 133, 42 U.S.C. § 2000(e) (1970).

[5] Encompassing Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Pennsylvania.

[6] § 202(1). This wording comes from Exec. Order No. 11375. see note 4 supra, and represents a minor change from the original designed to parallel the classes of discrimination prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq.

[7] Recognition of this problem antedated the present Plan. Under the Philadelphia Pre-Award Plan, which was put into effect on November 30, 1967 by the Philadelphia Federal Executive Board, each apparent low bidder was required to submit a written affirmative action program assuring minority group representation in eight specified trades as a precondition to qualifying for a construction contract or subcontract. This predecessor Plan was suspended due to an Opinion letter by the Comptroller General stating that it violated the principles of competitive bidding. 48 Comp. Gen. 326 (1968).

[8] The order of June 27, 1969 listed "roofers and water proofers" among the trades underrepresented by minority craftsmen. The order of September 23, 1969 dropped this category from the list, leaving the six trades previously named.

[9] Federal assistance was authorized under the Watershed Protection and Flood Prevention Act, 16 U.S.C. § 1001 et seq.

[10] Comp. Gen. Op., Letter to Sec. of Labor George P. Shultz, August 5, 1969, 115 Cong. Rec. 17,201–04 (daily ed. Dec. 18, 1969). The Comptroller General had objected to earlier efforts at implementing the "affirmative action" aspect of Exec. Order No. 11246 on the ground that these plans failed to inform prospective bidders of definite minimum standards for acceptable programs. In his negative opinion letter in response to the original Philadelphia Pre-Award Plan, he had also adverted to the possibility of conflict with Title VII of the Civil Rights Act of 1964. See note 7 supra. The Title VII objections became the heart of the opinion of

August 5, 1969 which challenged the validity of the Revised Philadelphia Plan.

[11] 42 U.S.C. § 2000(e) et seq.

[12] 42 U.S.C. § 2000(d) et seq.

[13] 29 U.S.C. § 151 et seq.

[14] The Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. (Supp. 1970), specifically prohibits an employer from keeping any record of or using any form of application with respect to the race, color, religion, ancestry, sex or national origin of an applicant for employment. 43 P.S. § 955(b)(1). The Act also prohibits the use of a quota system for employment based on the same criteria. 43 P.S. § 955(b)(3). The record keeping prohibition may be of limited force due to certain requirements of Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000(e)–8(c). Moreover, we do not know how the Pennsylvania courts or the Pennsylvania Human Relations Commission would react to a scheme of "benign" quota hiring.

[15] 311 F. Supp. 1002, 1011 (E.D. Pa. 1970).

[16] 49 Stat. 2036–39, 41 U.S.C. §§ 35–45.

[17] The actual holding of *Perkins* was subsequently nullified by Congress. 66 Stat. 308 (1952), 41 U.S.C. § 43(a). See 4 K. Davis, Administrative law § 28.06 (1958).

[18] 310 U.S. at 127.

[19] Amici favoring the Plan include the City of Philadelphia, the Urban League of Philadelphia, Wives for Equal Employment Opportunity, the Lawyers' Committee for Civil Rights Under Law, and the N.A.A.C.P. Appearing as amici in opposition to the Plan are the Building and Construction Trades Dep't, AFL–CIO, the Building and Construction Trades Council of Philadelphia and Vicinity, AFL–CIO, the General Building Contractors Ass'n, Inc., the National Electrical Contractors Ass'n, and the Associated General Contractors of America.

[20] Exec. Order No. 10925, 26 Fed. Reg. 1977 (March 6, 1961), 3 C.F.R., 1961 Comp 86.

[21] Management and Disposal of Government Property.

[22] Procurement Procedures.

[23] But cf. *Weiner* v. *Cuyahoga Community College,* 19 Ohio St. 2d 35, 249 N.E.2d 907 (1969), cert. denied, 396 U.S. 1004 (1970); *Ethridge v. Rhodes,* 268 F. Supp. 83 (S.D. Ohio 1967).

[24] 343 U.S. at 635–38 (footnotes omitted).

[25] 6 Fed. Reg. 3109, 3 C.F.R., 1938–43 Comp. 957.

[26] Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.

[27] 6 Fed. Reg. 6787, 3 C.F.R., 1938–43 Comp. 1054.

[28] 8 Fed. Reg. 7183, 3 C.F.R., 1938–43 Comp. 1280.

[29] 10 Fed. Reg. 15301, 3 C.F.R., 1943–48 Comp. 480.

[30] 15 Fed. Reg. 1049, 3 C.F.R., 1949–53 Comp. 390.

[31] Exec. Order No. 10216, 16 Fed. Reg. 1815 (Feb. 23, 1951), 3 C.F.R. 1949–53 Comp. 732 (Department of Agriculture, Atomic Energy Commission, National Advisory Committee for Aeronautics, and Government Printing Office); Exec. Order No. 10227, 16 Fed. Reg. 2675 (Mar. 24, 1951), 3 C.F.R. 1949–53 Comp. 739 (General Services Administration), Exec. Order No. 10231, 16 Fed. Reg. 3025 (April 5, 1951), 3 C.F.R. 1949–53 Comp. 741 (Tennessee Valley Authority); Exec. Order No. 10243, 16 Fed. Reg. 4419 (May 17, 1951), 3 C.F.R. 1949–53 Comp. 752 (Federal Civil Defense Administration); Exec. Order No. 10281, 16 Fed. Reg. 8789 (Aug. 28, 1951), 3 C.F.R. 1949–53 Comp. 781 (Defense Materials Procurement Agency).

[32] 16 Fed. Reg. 12303, 3 C.F.R., 1949–53 Comp. 837.

[33] 60 U.S.C. App. § 2061 et seq.

[34] This latter reference is to the source of appropriations for salaries and expenses for committee members and staff. It appears in numerous subsequent Executive Orders, but has no significance other than fiscal.

[35] 18 Fed. Reg. 4899, 3 C.F.R., 1949–53 Comp. 961.

[36] The new committee was composed of 15 members, 9 named by the President and one representative each from the Atomic Energy Commission, the Department of Commerce, the Department of Defense, the Department of Justice, the Department of Labor, and the General Services Administration. Id. § 3, as amended by Exec. Order No. 10482, 18 Fed. Reg. 4944 (Aug. 15, 1953), 3 C.F.R. 1949–53 Comp. 968.

[37] Id. § 5.

[38] "Sec. 6. The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other voluntary nongovernmental groups in order to eliminate or reduce the basic causes and costs of discrimination in employment.

"Sec. 7. The Committee is authorized to establish and maintain cooperative relationships with agencies of state and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this order."

Id. §§ 6, 7.

[39] 19 Fed. Reg. 5655, 3 C.F.R. 1954–58 Comp. 203.

[40] See 40 U.S.C. § 486(a).

[41] 26 Fed Reg. 1977, 3 C.F.R. 1959–63 Comp. 448.

[42] Id., pt. III, § 301(1).

[43] 28 Fed Reg. 6485, 3 C.F.R. 1959–63 Comp. 774.

[44] See note 4 supra.

[45] Section 204 of Exec. Order No. 11246 provides that the Secretary of Labor may exempt certain contracts and purchase orders from the requirements of the order because of special circumstances in the national interest and that he may by rule or regulation exempt certain classes of contracts (1) to be performed outside the United States, (2) for standard commercial supplies or raw materials, (3) involving insubstantial amounts of money or workers, or (4) involving subcontracts below a specified tier.

[46] This same subsection refers to ability tests. The Supreme Court recently in *Griggs v. Duke Power Co.,* 39 U.S.L.W. 4317 (U.S. Mar. 8, 1971) considered the extent to which such tests are permissible. The Court said:

"But Congress directed the thrust of the Act to the *consequences* of employment practices, not simply the motivation." 39 U.S.L.W at 4319.

It held that the tests must be job related. Nor can seniority make permanent the effects of past discrimination. *Local 189, United Papermakers & Paperworkers v. United States,* 416 F.2d 980 (5th Cir. 1969), cert. denied, 397 U.S. 919 (1970); *Quarles v. Philip Morris, Inc.,* 279 F. Supp. 505 (E.D. Va. 1968).

[47] The federal courts in overcoming the effects of past discrimination are expressly authorized in Title VII to take affirmative action. 42 U.S.C. § 2000(e)-5(g). See *Vogler v. McCarty,* 294 F. Supp. 368 (E.D. La. 1968), aff'd *sub. nom. International Ass'n Heat & Frost I. & A. Wkrs. v. Vogler,* 407 F.2d 1047 (5th Cir 1969).

[48] Section 604 of Title VI, 42 U.S.C. § 2000(d)-3, states that nothing in the Title authorizes agency action under the Title with respect to employment practices of any employer, except where federal assistance is primarily aimed at providing employment. However, since the Philadelphia Plan does not purport to derive its authorization from Title VI, this section does not affect its validity.

[49] See United States Commission on Civil Rights, The Federal Civil Rights Enforcement Effort at 167–72 (1970).

[50] Att'y Gen. Op., Letter to Sec. of Labor Schultz, Sept. 22, 1969, 115 Cong. Rec. 17,204–06 (daily ed. Dec. 18, 1969).

C. JAMES McCORMICK, CHAIRMAN, AMERICAN TRUCKING ASSOCIATION

Mr. BAYH. Mr. President, a recent issue of Wheels magazine contains an article entitled "New ATA Chairman Strong for Involvement, Communication." The new chairman of the board of the American Trucking Association is C. James McCormick of Vincennes, Ind.

Jim and his lovely wife Bettye have been long-time friends. Hoosiers are proud of the honor that fellow members of the trucking industry have given him. His long record of public service to his city, State, Nation, and industry will continue to build as he fulfills his new responsibilities. I would like to share with you and my colleagues the tribute paid to Mr. McCormick.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New ATA Chairman Strong for Involvement, Communication

Involved—that's the word for C. James McCormick.

Never a sideline-sitter, the 45-year-old hard-charger who is the incoming chairman of the board (new title this year) of the American Trucking Associations has always believed in being part of the action.

Involvement—and Communication, another McCormick credo—made him president of his university class; parlayed his one-truck operation into a multi-million dollar business; earned him a Junior Chamber of Commerce "Outstanding Man of the Year" award; and has snowballed activity in local, state and national affairs into a political prominence that's making him talked about as a prospective gubernatorial candidate.

These qualities have also carried the youthful chairman of the board and president of I & S—McDaniel, Inc., of Vincennes, Ind., to ATA's top spot, where he plans to clarion a call to all carriers to become *involved* in *communicating* the industry's story.

"The only way to overcome our problems is to get people talking about them," he said. "We'll work with the communications media to encourage full and factual reporting of our situation. And we'll get out ourselves and talk about it, and encourage others to talk about it.

"But just talking isn't enough. We've got to talk about our industry in such a way that people will listen—and believe. One reason for the communications gap we hear so much about today is that people don't listen."

McCormick expects to bridge this communication gap as the new ATA chairman by not only talking with, but also listening to customers, suppliers, and members of the industrial and financial communities—as well as representatives of the communications media and other influentials.

It should be a successful program, because talking and listening are two of the things McCormick does best, say those who know him.

"He's just naturally interested in people," one employee said of his boss. "And he has this great sense of fair play.

"He responds quickly to anyone. And anyone, no matter who it is, can get in to talk to the boss when he needs to."

McCormick looks for a new era of cooperation—of partnership—in the trucking industry. "I believe," he said, "that the 70's will see a new and better working relationship between the motor carriers and those who use our services, whether as shippers or receivers. The profit squeeze, which affects everybody alike, will necessitate this partnership concept."

The new ATA chairman isn't unduly worried about threats to motor carriers from other types of transport.

The jumbo jets? He doesn't think competition from air freight in the big planes will affect the average haul, at least not in this decade.

"There just aren't that many places in the United States where 360,000 pounds of freight, adaptable to aircraft containers, can be shipped from one point to another," he declared.

Nor does he believe there will be enough changes in the operations of railroads or barge lines to affect trucking significantly.

He feels strongly on one point: "If restraints on common ownership of different modes of transportation are removed, I can see nothing but utter chaos ahead!

"A viable—and varied—transportation industry is critically important to the economic well-being of our country. The major modes must be kept separate.

"To allow common ownership of transportation companies would be the first step, and a big one, toward nationalization of the transportation industry in this country—and this must not happen!"

McCormick has pledged himself to continue the ecology program so ably begun by outgoing ATA president Frank L. Grimm. He now serves on the Blue Ribbon Committee set up by Grimm to fight the problem.

"Because our trucks are big and visible, make a lot of noise and sometimes emit smoke they will continue to be attacked as a threat to our sociological and biological well-being," he said. "Unless we keep on with the corrective program we have started—and even intensify it—we could be in for some almost unlivable governmental controls."

Despite the problems it faces, McCormick sees a bright future for the trucking industry. He cites today's youth as one of the reasons.

"One commodity I'm sure we'll find in abundance in the 70's is management manpower," he declared. "I have a lot of faith in our young people. They're a new breed. They're bright, and they're going to be very valuable."

Perhaps one reason for McCormick's confidence in youth is to be found in his own family. He and his wife, Bettye—she's darkly attractive in contrast to his blond coloring—have four handsome children: Mike, 22, a graduate of the School of Business of Duke University with a degree in Management Science, now a dock supervisor at the I & S—McDaniel terminal in Indianapolis; Pat, 20, a junior in the School of Business at Indiana University, majoring in Transportation; C. James McCormick III (Mac), 18, a sophomore and varsity golfer majoring in Transportation at the University of Tennessee's School of Business; and Jane Ann, 16, a junior—and a cheer leader—at Lincoln High School in Vincennes.

The McCormick home in Vincennes is a Southern Indiana showplace. A family crest is on the gate of the iron fence that opens to the gracious white brick house that bears the apt name of *La Maison Blanche*—the White House. (McCormick has a strong feeling for his hometown; thus, for the last several years his Christmas greeting cards have been illustrated with scenes from historical "Old Vincennes.")

Invited into the house, a visitor enters an elegantly furnished foyer with a fountain of running water, then steps into a sunken, white-carpeted living room. There's a tastefully furnished family room and formal dining room, but the family spends many hours at home in the kitchen, which was skillfully designed to dine in, to live in, and to come and go from.

The basement is most distinctive. With a French cafe motif, and with a warm and cozy atmosphere, it has a snack-talk bar with a solid brass counter-top, spacious lounging and TV areas, McCormick's personal den with walls lined with pictures of his family and businesses—and a sauna bath.

No more perfect setting than this could be found for a girl's sixteenth birthday; and when daughter Jane Ann turned hers this year her father took advantage of the opportunity to "do his thing"—communicate with young people, as well as older friends—by inviting 100 guests to a party that featured a popular rock band.

McCormick has come a long way since 1944, when he began his business career by buying a small second-hand truck to haul watermelons, cantaloupes and other local produce to midwestern markets.

Born Jan. 3, 1925, on a farm near Vincennes, he had just finished his studies at Purdue University, where he had played basketball and been president of his class. There was no special reason why he bought the truck, except that with all that stuff waiting to be hauled to market it seemed like a good idea—and besides, "Doesn't every young fellow want to drive a truck?"

In 1946, the Indiana Public Service Commission granted McCormick his first operating authority as a contract carrier, and this is the way he operated for the next eight and a half years. In 1954, he sold his contract carrier interests and purchased the capital stock of Indianapolis & Southern Motor Express, Inc., a common carrier operating in a triangular area bounded by Cincinnati, O., and Indianapolis, Terre Haute and Evansville, Ind.

At that time the truck line had a gross revenue of $728,000, employed 100 persons, and owned about 100 pieces of rolling stock. By 1969, it was grossing nearly $7.5 million, employing over 500 persons, and using 650 pieces of equipment.

I&S purchased the "C" Line in 1966, and this extended its operations into Louisville, Ky. In 1967, McDaniel Freight Lines, Inc., based in Crawfordsville, Ind., was purchased; results included a near-doubling of volume and a change in the firm name to its present I&S–McDaniel, Inc.

In 1968, J. A. Grant & Son, Inc., a carrier headquartered in Rensselaer, Ind., was purchased to extend the company's operations into parts of Illinois and give it terminals in Chicago and Danville, Ill.

Only one enterprise bears McCormick's own name. This is McCormick, Inc., a truck and trailer sales and service dealership that he founded in 1948.

Other companies founded by McCormick are:

Commercial Rentals, Inc., truck and trailer leasing—founded in 1950.

Jamac Corporation, real estate holding and leasing—1960.

Indianapolis White-Autocar, Inc., truck sales and service—1963.

Jem, Inc., warehousing—1963. (Co-founder.)

McCormick is president of the first four companies named, vice president of Jem, Inc.

As his business and other interests spread out, McCormick found that he was—as he expressed it—"putting in too much windshield time." So, typically, he took to the air. That was 10 years ago, and his first plane was a small, single-engine job. Now, an instrument-rated commercial pilot, he flies a two-engine Beechcraft Queen Air, fondly dubbed "7 Charley."

And now—take a deep breath, reader—for a rundown on McCormick's "outside" activities:

He is a member of the Aeronautics Commission of Indiana, a position to which he was first appointed in 1962. He is also a member of the board of directors of the First Federal Savings & Loan Association of Vincennes and a member of the national board of directors of the Fellowship of Christian Athletes.

Besides holding—as this was written—the post of ATA first vice president and serving on the association's executive and finance committees, McCormick is an ATA Foundation trustee. In 1965–66, he was chairman of the Regular Common Carrier Conference of the ATA. And in 1961–62, he was EIA president.

He has also held important positions in the Indiana Motor Truck Association, having served as president in 1958–59. In 1956 he became the first president of the newly-formed Indiana Motor Carriers Labor Relations Association; and from 1962 to 1964, he was president of the Indiana Motor Rate & Tariff Bureau, of which he is now a director.

He's a member of the Young Presidents Organization, a select group of men who are—or were—presidents of sizable corporations before reaching the age of 40. He is vice president and a director of the Indiana State Chamber of Commerce and a member of several local chambers of commerce.

In addition to holding memberships in many other local and area civic, social and fraternal organizations, McCormick is a 32nd-degree Scottish Rite Mason and a member of Hadi Shrine at Evansville, Ind. He is an active member of the Trinity United Methodist church, and has served on its official board and as a Sunday school teacher.

It's a long list, and these aren't just card-holding, dues-paying memberships and titles. In all his outside activities, McCormick appears to be fueled by the same high-octane that propels his business interests.

On top of all this, his energetic entry into the political arena has sparked a new optimism among Indiana Democrats, who feel their fortunes may hinge on this attractively aggressive young business executive.

For over a year, in his position as chairman of "UNITY 70," a state Democratic Central Committee voter registration program, McCormick has crisscrossed the state of Indiana repeatedly for a series of grassroots meetings; it's an activity that has brought him into close and favorable contact with party leaders and workers in every one of the state's 92 counties.

Indiana newspapers have now begun to pick up the talk that has been growing steadily louder in recent months to the effect that McCormick is a likely Democratic gubernatorial candidate for 1972.

Asked about this, the "candidate" grins and makes the cagey comment: "I'm not saying I am and I'm not saying I'm not. We've got the kite up and if the wind is strong enough to keep it up, I probably wouldn't close my mind to the idea."

On one political matter his views *are* definite; that is the need for business men—whatever their party—to become more actively involved in politics.

He agreed to take on his present political post because he had become disturbed about some of the operations of his state's government, and because of his feeling that in the past the business community had too often declined to play an active part in politics.

This is a point he intends to drive home as ATA chairman.

"As an industry, we *must* become more involved," he declared, "—not necessarily in partisan politics; but as active, interested participants in governmental operations.

"No longer can we sit back and let George do it. Politics are too important. Just look around, and you'll see politics—and their effect upon you and your business. We must become personally involved, at least to the extent of keeping abreast of the issues that affect us."

Introduced to politics as a youngster, when his father, Clarence J. McCormick, was Under Secretary of Agriculture under President Truman, Jim's philosophy on government is simple: "Government is a big business and should be run as such."

There's another McCormick who is being increasingly heard from at state and national levels of the trucking industry. He is 34-year-old Edward L. McCormick, who is going in as president of the Indiana

Motor Truck Association this fall—just 12 years after his older brother Jim.

Since Jan. 1, 1965, Ed has been executive vice president and general manager of I & S—McDaniel, Inc. Six years ago, when he was only 28, a national trucking magazine hailed him as the then-youngest man in the country with the full responsibility of operating a Class 1 motor carrier.

By day the active head of a burgeoning business operation, by night and weekend the equally active politician and community and industrial leader—it might seem a bit facetious to ask Jim McCormick, "So what do you do in your spare time?"

But the answer is serious—and quick: "Oh, a lot."

Jim McCormick plays as hard as he works, and is as diversified here as in business. Given a choice, he'll take golf, which he plays with a respectable eight handicap. ("If what happened to past ATA presidents happens to me, though, I'll probably be up to 12 by the end of my term," he commented ruefully.) But he'll just as enthusiastically join a friend who wants to play tennis, or bowl, or try some boating or other water sport.

When their children were younger and less scattered, the McCormicks spent a great deal of time on the water in a large cruiser.

Jim and Bettye have a heavy social schedule, and enjoy it together. They get in some more "togetherness" on the golf course, since they're both enthusiastic about the game. She accompanies him on some of his flying business trips and political jaunts.

McCormick doesn't take formal vacations, but works them into his business travel. If a business trip takes him somewhere interesting on a Friday, for instance, he may take his family along and extend the trip for a few days of relaxation.

This appears to be the secret of his successful balancing of his business, civic, social and family lives—combine them.

With a man like McCormick at the helm, the ATA should have a stimulating year coming up. A year of Involvement, Communication—and Action!

STUDENTS OF ROCKVILLE IN PUBLIC SERVICE

Mr. MATHIAS. Mr. President, few gifts are of greater significance in this busy world than the gift of an individual's time.

For this reason, I invite the attention of the Senate to the activities of the students currently attending the Charles W. Woodward High School, in Rockville, Md. These students are actively participating in an extensive program of volunteer service to organizations in the surrounding community; they are making a truly useful and constructive contribution to the welfare of others through the donation of their abilities and energy.

I know that Senators will join with me in congratulating these students and others like them throughout the Nation for their unselfish work in the important area of public service. I ask unanimous consent to have printed in the RECORD an article published in the Montgomery Sentinel of April 15, detailing the achievements of the students of Woodward High School.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CCW VOLUNTEERS DEVOTE ENERGIES TO SERVING SURROUNDING COMMUNITY

(By Margot Schnholtz and Eva Varaoi)

The "spirit of giving" has spurred many Woodward students to volunteer their time and energy to various organizations in the area. The majority of the volunteers work in one of four specific areas.

Four CWW students have chosen to assist the staff at Suburban Hospital. Kim Buls, Gary Koplin, Denise Thibadeau, and Belinda Wilgus all perform the tasks that the nurses do not have time for.

A volunteer's duties consist of wheeling patients around the hospital, making beds, and cheering the patients up. "Many of the patients never have any visitors, and they really appreciate it if we just stop in for a few minutes to talk," said Gary Koplin.

There are 100 female volunteers who represent several Montgomery County schools, and one male volunteer, Gary, who represents Woodward. "I really enjoy being a male volunteer because I am able to work more closely with the actual hospital operations than the girls. I have gained an insight into my future profession, medicine, through volunteering," explained Gary.

Gary is not restricted to one specific department of the hospital. He has aided in the radiology department and in the laboratory. He has even been fortunate enough to observe procedures in the emergency room.

Judy Gordon, Betsy Kahn, Andrea Rechtin, and Nina Rechtin spend their Saturdays working at "The Thrift Shop" on Wisconsin Avenue. The shop is sponsored by the Association for the Rehabilitation of the Mentally Retarded. "All of the high school volunteers work sorting, packaging, and selling the items that are donated to the shop," remarked Judy Gordon.

On the other hand, other Woodward students donate their Sunday afternoons to working with autistic girls.

"Autism is an emotional disturbance characterized by an inability to form interpersonal relationships or to relate to society," explained one volunteer, Debbie Coe.

Before the students could begin helping the girls, they encountered an obstacle. "First, you have to get them to trust you before anything can be accomplished. Once you have their trust, you can begin to help them build confidence in themselves," remarked Paul Farrell.

The volunteers play catch with the girls, play on the swings with them, and help them develop their coordination. "To have them do anything positive gives me a good feeling," said Gary Williamson.

All of the volunteers find their work rewarding. Dee Dee Youso and Gary feel that their work helps them to appreciate their own lives, too. "We both get pleasure out of helping others," they explained.

Shelley Wecksler and Sarah Hendrickson are two Woodward seniors who are once-a-week volunteers at Junior Village.

They, and several other volunteers are sponsored by Miss Clara Wing, a foreign language teacher at Woodward. Miss Wing drives the girls to and from the Village.

The girls play with the children and put them to bed. "It means a great deal to them, and it's only a few hours of my time. It's kind of my good deed," remarked Shelley. She has been a Junior Village volunteer for three years.

NASA FAILS TO COME UP WITH A JUSTIFICATION FOR THE SPACE SHUTTLE

Mr. PROXMIRE. Mr. President, on April 7, 1971, I wrote to the National Aeronautics and Space Administration asking them to provide me with a justification for the proposed space shuttle. Specifically, I asked NASA what tangible benefits we could expect from development of the space shuttle—benefits that might justify the expenditure of $7 to $9 billion.

Yesterday I received a response from George M. Low, acting administrator of NASA. The response, unfortunately, is totally inadequate. Here is the gist of it:

> The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on.

In other words, NASA does not expect any tangible benefits. The main rationale for the shuttle is that it will keep our space program going. It will keep the NASA technicians occupied. It will keep the aerospace industry happy. It will insure a continuing drain on the Federal budget. And it will insure that other needs will continue to go unmet.

Mr. President, the only other justification advanced in Mr. Low's letter is that the shuttle will reduce our costs of repairing or updating orbiting payloads. And what are these payloads for? No indication whatsoever. Are these payloads for military use? If so, the money should come out of the military budget. Are these payloads simply make-work projects, as the shuttle appears to be?

Mr. President, Congress cannot possibly be expected to appropriate $7 to $9 billion for a project whose sole justification seems to be that it will keep our space program going. If NASA cannot come up with something better than this, then it ought to drop this project. And if NASA does not do it, then Congress will simply have to make that decision.

Mr. President, I ask unanimous consent that the letter dated April 27, 1971, from George M. Low be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., Apr. 27, 1971.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in further response to your letter dated April 7 regarding the space shuttle program.

The President's budget request for NASA for FY 1972 includes a request for $100 million for the space shuttle. This funding will provide for the detailed design and development of the shuttle engines, the longest lead time component for the shuttle, and for proceeding on an orderly step-by-step basis with the shuttle airframe design. This may lead to continued detailed design or to initiation of development of a specific design, depending on the progress of the studies now underway.

We have recently settled on a single set of performance characteristics for the preliminary design of a two-stage fully reusable shuttle. Alternate approaches are also still under study. We expect to be in a position to make decisions this summer on how we will proceed with airframe design or development in FY 1972.

The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on. Our present systems for getting into and using space are much too complex and costly. We need a new approach to make space more economical for all users—NASA, the Department of Defense, other government agencies, and commercial enterprises. The space shuttle represents this new approach to space operations. Because it is reusable, we will no longer have to throw away each element of hardware, booster or spacecraft after only one use.

The space shuttle is not a "manned spacecraft;" it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. With the shuttle, we will be able to repair, modify, or update manned and unmanned payloads in orbit or return them to earth. We will minimize costly failures of automated missions. And we will be able to reduce significantly the costs of payloads by taking advantage of the much larger payload-carrying capacity that will be available. In short, with the shuttle, we will be able to do more in space, better and at less cost.

With respect to your question regarding benefit-cost analyses of the shuttle, Mathematica Incorporated, under NASA Contract No. NASw-2081, is performing a benefit-cost analysis of an overall space transportation system, of which a reusable shuttle is a key element. The contract under which this study is being performed calls for Mathematica Incorporated to provide an independent opinion of the benefit-cost aspects of such a space transportation system. This study has not been completed; however, I am enclosing for your information an interim report dated March 15, 1971, which reports on fairly early work under the contract. NASA is now reviewing this interim report and is awaiting a more comprehensive report which is expected by the end of this fiscal year. When the more comprehensive report is available I will send it to you.

If I can provide any additional information, please let me know.

Sincerely yours,

George M. Low,
Acting Administrator.

RAYMOND THOMAS

Mr. MATHIAS. Mr. President, I learned recently of a tribute which was paid on April 7 by the children, faculty, and staff of Alta Vista Elementary School to the late Raymond Thomas—a man who gave much of his life to helping and watching over the many children of the school.

I ask unanimous consent to have printed in the Record a brief account of the fitting ceremony which took place in memory of this kind man who was a friend to so many.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Montgomery County Sentinel, Apr. 15, 1971]

ALTA VISTA PAYS QUIET TRIBUTE

(By Barbara Van Nice)

Alta Vista Elementary School was the scene of a quiet ceremony, April 7, to plant a dogwood tree in memory of the late Raymond Thomas, who was the school's gardener and custodian for 18 years.

Thomas died Dec. 15, 1970, of a heart attack. He was 58. Past students from the school remember him as a friend who not only worked for the school, but also watched over the children and occasionally joined in their games.

The schoolchildren, faculty and staff members gathered in front of the building for the planting near the flowering cherry tree and forsythia bushes, that Thomas, or "Raymond" as the children called him, had tended.

Mrs. Thomas, his widow, and his three daughters were seated for the ceremony. The school's flags flew at half-staff.

After the children sang "This Land Is Your Land" and "Kum By Yah," Clay E. Brooks, Jr., the school's principal for the past 17 years, spoke of Thomas' dedication to the school and to the children. The children then sang "He's Got the Whole World in His Hands."

Mrs. Thomas and her three daughters each placed cover soil over the tree's roots, after which representatives of the school and PTA added more cover soil. Officer James Kelly, county police school safety coordinator at the school for 12 years, also participated.

Miss Diane Thomas, a teacher at Rock Terrace High School, told the assembled group of her father's devotion to the school, his pride in his work, and his delight in the children and events of the school.

After the dogwood has taken hold, school officials will place a memorial plaque at the base of the tree.

BRUNO BITKER ADVANCES THE CAUSE OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, a fellow Wisconsinite, Bruno Bitker, has long taken a leading role in promoting the protection of human rights. He has taken a particular interest in the Human Rights Conventions of the United Nations. In 1968 he was appointed U.S. representative to the United Nations Conference on Human Rights in Tehran.

He submitted some recommendations on human rights for the United Nations which deserve the attention of all Members of Congress. He has recommended that we ratify the Genocide Convention, the Convention on the Political Rights of Women, and the Convention on Forced Labor. Of particular interest in his proposal that an office of a United Nations High Commissioner for Human Rights be established.

Mr. President, the cause of human rights can certainly be furthered by prompt ratification of the Genocide Convention as well as the other human rights conventions before us.

I ask unanimous consent that Mr. Bitker's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HUMAN RIGHTS

(By Bruno V. Bitker, United States Representative to the United Nations Conference on Human Rights in Tehran, 1968)

The protection of human rights is one of the very purposes of the United Nations. The Universal Declaration of Human Rights is not law, only a statement of the basic human rights within the context of conditions which prevail in the world today, which closely parallels United States law.

The members of the panel discussed the fact that the United States has not ratified three human rights conventions which are now pending before the Senate:

1. The United Nations Convention on the Political Rights of Women;
2. The ILO Convention on the Abolition of Forced Labor;
3. The International Convention on the Prevention and Punishment of the Crime of Genocide.

President Nixon recommended ratification of the one on genocide in February, 1970, which has been before the United States Senate since 1949; in addition, Secretary of State Rogers stated that the genocide treaty would be in our national interest, which is one of the tests frequently applied to whether or not a treaty should be ratified, and Attorney General Mitchell accompanied this statement with an opinion to the effect that there is no legal objection to the ratification of this treaty.

Besides the three conventions mentioned above, the Economic and Social Council of the United Nations has recommended for ratification three conventions on discrimination in employment, in education, and in women's salaries. The United States has literally wiped out racial discrimination in this country—on paper, at least—by statute, Constitution, Supreme Court decisions, and administrative orders, but for some reason the United States has been unwilling to enter into a treaty to make racial discrimination illegal on an international basis.

How a treaty affects the sovereignty of a country was also discussed by the panel members, and it was pointed out that whenever a country enters into a treaty, it gives up a little of its sovereignty because, like any contract, each party to the contract gives up something or there would be no contract or treaty.

The enforcement of human rights treaties was also discussed, and the proposal for a United Nations High Commissioner for Human Rights was considered to be a practical approach for such achievement.

In view of the panel discussion, the following recommendations were made:

1. That the United States Senate ratify the human rights conventions that have been placed before it for consideration and action: the genocide convention as well as those on forced labor and the political rights of women.

2. That the United Nations create the office of a United Nations High Commissioner for Human Rights, which has been proposed for consideration by the General Assembly, and that the office in order to implement human rights instruments be given the power to examine situations resulting from complaints of violations.

SEPARATION OF POWERS DOCTRINE—ADDRESS BY RUFUS L. EDMISTEN

Mr. MATHIAS. Mr. President, we go about our legislative business—passing laws, holding hearings, making speeches—and too often fail to recognize the work and assistance by appropriate staff.

Rufus Edmisten, Chief Counsel and Staff Director to the Separation of Powers Subcommittee of the Senate Judiciary Committee, the subcommittee on which I serve, recently made a presentation before the North Carolina Political Science Association on the subject of the separation of powers doctrine. Mr. Edmisten should be recognized for his work and efforts within the subcommittee as well as for the substance of this fine speech.

Mr. President, I ask unanimous consent that the speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE SEPARATION OF POWERS DOCTRINE: CURRENT BREACHES

(Address by Rufus L. Edmisten)

My friends in political science, I come to you not only as a lawyer, but also as a student of government, with that basic grounding in political science which one receives at the hands of some of my former University of North Carolina professors I see here tonight. While my first loyalty is to the legal profession, I have enormous respect for political science as a discipline and for the contributions it has made to our Government and to the society. I am grateful for the insights it has given me, and I am acutely aware of the vital influence those of you who teach exert over the youth who soon will occupy positions of responsibility. Through your impact on the young people who aspire to public office, you have the potential of being office holders yourselves by proxy.

Currently I am Chief Counsel and Staff Director to the Senate Judiciary Subcommittee on Separation of Powers, a Subcommittee with rather interesting credentials. It came into being in the 89th Congress under the cosponsorship of Majority leader Mike Mansfield and the late Minority leader Everett Dirksen, and was empowered: "to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised to each branch and the extent, if any, to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch of the Constitution of the United States."

The present membership of the Subcommittee includes North Carolina's Senior Senator, Sam J. Ervin, Jr., who serves as chairman, and Senators John McClellan, Quentin Burdick, Charles McC. Mathias, Jr., and Edward Gurney.

Since its beginning, the Subcommittee has conducted investigations involving violations of the separation of powers doctrine by all three branches of Government, including the Congress. Our projects have included hearings on congressional oversight of administrative agencies; the proper role of the Supreme Court in the separation of powers concept; the committee veto principle; procedures for calling a constitutional convention under Article 5 of the Constitution; nonjudicial activities of Federal judges; the independence of Federal judges; a measure designed to shift jurisdiction over unfair labor practice cases from the National Labor Relations Board to the United States district courts; the "pocket veto" power of the President; and most recently, on the Executive impoundment of appropriated funds. In the near future the Subcommittee plans to conduct hearings on a bill before it dealing with the much abused practice of Executive privilege, and initiate an extensive study of the war powers of the President. As you may well imagine, these last two subjects are likely to give rise to a great deal of agitation in various quarters.

The interests of the Subcommittee are unusually coincidental with those of political science, for its basic focus is the allocation of power within the Federal Government. Like most congressional committees, the Subcommittee is understaffed, but has undertaken several extremely important studies requiring a high degree of expertise in order to match the overwhelming manpower and information mobilized by the other branches of the Government. This need for expertise was met from the outset by employing permanent professional consultants consisting of two of the country's most outstanding law professors, Alexander M. Bickel of Yale and Philip B. Kurland of the University of Chicago, and, until his untimely death, the noted political scientist Robert G. McCloskey of Harvard University. This policy has been expanded by the short-term employment of specialists, generally from the academic world, to assist the Subcommittee in its investigation of particular subject areas. During my tenure we have relied heavily upon political scientists and the response has been enthusiastic. Thus, I come to you not merely as one with a theoretical interest in political science, but as a grateful consumer of your expertise. I know that your discipline has much to offer the Subcommittee, and I would like to tell you about some of the projects we have undertaken which I feel offer a great deal to you.

As you are well aware, the doctrine of separation of powers is imprecise and does not fit any neat pattern. It must be conceded by any objective observer that what we have in effect is not a Government of strictly separated powers, but of powers shared under a broad understanding of the major functional lines of demarcation among the three branches. As Dean Gavit of the Indiana Law School noted in his introduction to Blackstone's *Commentaries:*

"The most significant feature of American Government as distinguished from the government of Great Britain arises out of the doctrine of separation of powers

* * * * *

"Few doctrines of constitutional law have caused more difficulty or have resulted in more confusing results. As a practical matter such a division has not been entirely feasible."

However overlapping the functions of the three branches may be, and however imprecisely the system may work, the doctrine itself is based upon good and sound grounds and the ends it was designed to serve two hundred years ago are as important, if not more so, today as then.

The Founding Fathers were fresh from their experiences with the exercise of autocratic executive powers by the English monarchs, yet after their experiment with the Continental Congress they were acutely aware of the unworkability of government dominated by legislative committees. As a result, they devised a system of government based upon a concept of separate but balanced powers, divided along functional lines. This concept originated in Aristotle's *Politics,* but Montesquieu, whose fundamental contention was that "men entrusted with power tend to abuse it," joined Aristotle's idea to the notion of a mixed constitution of checks and balances, thereby bringing the Aristotelian principle to bear on the rising libertarianism of the Eighteenth Century. In strict theory, the American version of the separation of powers concept assumed three distinct functions of government—the executive, the legislative, and the judicial. It was axiomatic that these functions should be carried out by three separate departments, constitutionally equal and mutually independent and, as a corollary doctrine stated by Locke, the legislative function could not be delegated.

For obvious reasons, such a system could not and does not operate in strict conformity to the underlying principle. In fact, the Constitution as drafted by the Founding Fathers recognized this difficulty *sub silentio* when it provided for such things as presidential initiative in proposing legislation, and such devices as shared responsibility in presidential nominations with the advice and consent of the Senate. The drafters fully understood that governmental responsibilities had to be shared in order to make the whole fabric of government viable. Yet they knew that each branch must maintain a basic respect for the duties and prerogatives of the other branches and that such divisions were mandatory in order to avoid the undue accretion of power in any one branch of the Federal Government and the resulting dimunition of the rights of individual citizens.

In our modern technocratic society, where problems arise far more rapidly than they can be solved, there is a natural inclination to espouse any theory that offers the advantage of efficiency. Indeed, we have developed something of an efficiency syndrome which leads us to value efficiency above quality.

As the technology has developed along these lines, one can observe a parallel progression toward Executive dominance in the Federal Government, since it is the Executive branch that seems to offer the only semblance of efficiency. Of course there are corollary explanations, not the least being the evident inefficiency of both the Congress and the judiciary, and the acquiescence—if not the collusion—of the Congress in allowing the Executive branch to assume roles legislative in nature and to perform all its functions in the absence of serious congressional oversight. In other words, Congress has felt it expedient, for reasons political or otherwise, to delegate to the Executive branch powers it was never intended to have.

In my opinion, this trend toward Executive dominance is startling in its extent and dangerous in its effect. As desirable as efficiency may be, it must never become more important than government under law.

At minimum, the separation of powers doctrine requires that no branch of the Government will engage in activities which are within the exclusive purview of another branch. With the aim of keeping this minimum standard in effect, the Subcommittee on Separation of Powers has conducted two recent studies which provide good examples of currently crucial issues relating to the separation of powers doctrine. As I noted earlier, the Subcommittee has studied breaches perpetrated by the judiciary and legislative branches as well as the Executive. However, tonight I want to focus on the Executive.

THE "POCKET VETO" POWER OF THE PRESIDENT

On January 26, 1971, the Subcommittee conducted a round-table discussion on the Presidential use of the so-called "pocket veto."

The Constitution, Article I, section 7, provides:

"Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States: If he approves, he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. . . . If any Bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, *unless the Congress by their Adjournment prevent its return, in which Case it shall not be a law.*" (Emphasis added)

This provision in its simplest form gives the President ten days to take some action on a measure passed by the Congress. Within that time he can either sign it, veto it, or, if he fails to do either, it becomes law automatically. However, if at the end of the ten-day period, he is prevented from returning a bill by the "adjournment of the Congress," the so-called "pocket veto" goes into effect.

To place the controversy before the Subcommittee in its proper perspective, let me relate the following facts. On December 14, 1970, the Congress sent to the President the Family Practice of Medicine Act, authorizing $225 million to be appropriated over the next three years for grants to hospitals and medical schools to train general-practice physicians; the measure had passed the Senate by a vote of 64–1 and the House by a vote of 346–2. The Congress had recessed from the close of business on Tuesday, December 22, 1970, until 12 noon on Monday, December 28, 1970, a recess of four days not counting the intervening Sunday, and had appointed agents to receive messages in their absence. It just happened that the Congress was not in session on Christmas Day, which marked the end of the President's ten-day period within which to take some action on the measure, and apparently it occurred to him that there might be an easier way to dispose of an unwanted authorization bill than to send a veto message back to the Congress. At his request, the Justice Department advised him that he might consider the Congress to be in adjournment in the constitutional sense, and therefore could announce that the measure had been pocket vetoed.

To me it is difficult to see how anyone exercising intellectual integrity could consider the four-day holiday to be an "adjournment" in the constitutional sense. While the misuse of the "pocket veto" had occurred under other administrations, never had it occurred in such blatant form. It seems patent that the President grasped this opportunity to avoid sending to the Congress a veto message which almost certainly would have been overridden resoundingly.

My view was shared by almost all of the experts who were called upon by the Subcommittee to discuss the President's action. In fact, the only witness who supported the President's position was the Assistant Attorney General who, acting as the President's lawyer, had advised him to use the pocket veto mechanism in the first place. All the other participants agreed that this practice constituted a blatant usurpation of legislative power by the Executive Branch. A prominent political scientist, Dr. Donald Matthews, formerly of the University of North Carolina faculty and now at the Brookings Institution, was called upon by the Subcommittee to present his views. He stated:

"The pocket veto showed a gross lack of respect for congressional opinion. There was a bill that was opposed by one Senator and two Members of the House . . .

* * * * *

"If the President does not like the legislation that the Congress sends up to him he can veto it in the regular way and return it to Congress for reconsideration. The only exception to this procedure should be when Congress adjourns for the year."

Another political scientist from my alma mater, Dr. Thomas Cronin, who is on leave from U. N. C. and currently with the Brookings Institution, had this to say at the hearings:

"I am in favor of a strong Presidency, but it seems to me this act by President Nixon was an act not of strength, but of weakness . . . taking advantage of a reasonable 4- or 5-day Christmas break."

Doctors Matthews and Cronin focused on the political ramifications of the President's actions. and their views implicitly recognized the constitutional issue at hand, namely that by exercising the "pocket veto" in this manner never authorized by the Constitution nor anticipated by the Founding Fathers, the President was able to create for himself an absolute veto power over acts passed by those members of the governmental hierarchy who alone are empowered to legislate.

These two members of your discipline ably demonstrated the interdependence of legal principles and the allocation of political power in our constitutional framework; through the illegal use of the "pocket veto" power, the President not only violated constitutional principles, but also the political balance of power inherent in the separation of powers doctrine.

In order that I not leave you with the impression that the Subcommittee holds hearings only for the purpose of making noise, I am happy to report that Senator Ervin and Congressman Emanuel Celler have introduced legislation which would define adjournment as the final adjournment at the end of a session of Congress for the purpose of "pocket veto" situations. Hopefully this legislation will be passed. However, I would advise the Congress not to call a three-day recess which will fall ten days after sending the legislation to the President, or, judging from past performance, he will "pocket veto" the "pocket veto" legislation.

THE EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

Permit me now to allude briefly to another constitutional-political problem which has engaged the Subcommittee's attention: the practice of Executive impoundment of appropriated funds. This practice, which has long intrigued political scientists and infuriated members of Congress, is yet another example of Executive usurpation of legislative power.

Impoundment can, of course, be used legitimately as a management tool, and as a means of effectuating savings; this use was sanctioned by statute in the passage of the Anti-Deficiency Act half a century ago. However, the Executive branch, for reasons of its own, frequently decides not to expend sums which the Congress has appropriated for some particular purpose. Impoundment under these circumstances is patently unconstitutional, and it was this type of impoundment which led the Subcommittee to call the Executive branch to task.

In response to demands made by the Subcommittee prior to the hearings it conducted last month, the Office of Management and Budget reluctantly divulged that, at the present time, over $12.7 billion is being impounded by the Executive branch—a sum that constitutes nearly 20 percent of the controllable budget for FY 1971. Such an illegal exercise of Executive power indeed constitutes a substantial inroad on the classic concept of the congressional power of the purse, a power given exclusively to the Congress by Article I, section 9, of the Constitution. At the same time, it operates to diminish the presidential responsibility imposed by Article II, section 3, which provides that the President shall "Take care that the Laws be faithfully executed." A Senator Ervin said at the hearings:

"Certainly the Founding Fathers did not intend to give the President any discretion when they imposed the duty upon him. On the contrary, they intended that he execute *all* the laws passed by the Congress, irrespective of any personal, political, or philosophical views he might have."

It is the responsibility of the Congress to dent can get away with making an independent determination regarding which legislative policies he will or will not execute, it renders the role of Congress nugatory.

It is evident that the constitutional draftsment intended to limit the veto power of the President to the procedure outlined in Article I, section 7, which gives him only a limited veto, subject to being overridden by the Congress. Yet under the impoundment procedure the President is, in effect, able to veto measures absolutely, after they have been passed by the Congress and signed by him.

Moreover, the impoundment technique enables the President to exercise an item or line veto, a power that is not countenanced by a word in the Constitution, which empowers him only to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive fiat. Such an illegal exercise of the power of his office flies directly in the fact of clear constitutional provisions to the contrary.

In this era when the powers of the Executive branch have become dominant in the operation of the governmental structure, the "power of the purse" is one of the few remaining tools which Congress can use to oversee the control of the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the Executive branch to execute the laws it passes.

In investigating the impoundment issue, the subcommittee relied heavily upon the assistance of political scientists, among them Professor Loch Johnson of Chapel Hill, who was a member of the subcommittee panel all three days. The subcommittee called upon Professor Johnson because he assisted Senator Frank Church in the preparation of an excellent law review article on impoundment published in 1970 in the Stanford Law Review, which I highly recommend to your attention.

Moreover, during the course of the three-day hearing, the growing practice of Executive impoundment was sharply questioned by political science Professors Harvey Mansfield of Columbia University, Arthur Maass of Harvard, Joseph Cooper of Rice University, and Brownlee Sands Corrin of Goucher College, and by Dr. Louis Fisher, formerly of Queens College and presently with the Library of Congress. Professor Maass, in fact, suggested a legislative approach to the problem which Senator Ervin, in conjunction with several of his colleagues in the Congress, will be introducing in the form of a bill within the next several days. That bill will require the President to report to the Congress each instance of impoundment of funds appropriated for specific programs, and, within a stated number of days the Congress will have the power to override the President's action.

While there is a danger in any impoundment action which is not carried out for the purposes approved by the statutes I referred to earlier, I view the greatest danger as being the likelihood that such decisions are in fact made by second or third echelon bureaucrats who are not accountable to the taxpayers for any of their acts and who, for a variety of complex reasons, often are uncontrollable by the President himself.

I have raised these two current issues to demonstrate that the separation of powers doctrine is relevant not only as a basic constitutional principle, but in the allocations of political power which are made every day. The doctrine is central to the operation of our Government, and the ramifications of its violation raise serious problems indeed.

In sum, I contend that the issues arising under the separation of powers doctrine lend themselves particularly to the kind of analysis that political scientists are equipped to make, for the doctrine, when reduced to its basic components, is concerned with the allocation of political power among the three branches of the Government. As long as I am associated with the Subcommittee, I intend to continue to call upon members of your profession to assist us in our efforts to give effect to this basic political concept. I sincerely invite you, individually or as a group, to contact me about any issue you consider to be of sufficient significance to warrant the Subcommittee's study and investigation, and I can assure you that your suggestions will receive our serious consideration.

As one who is in daily contact with the governmental process, I want to urge all of you to become active participants in the business of Government, and not mere contemptuous, albeit able, observers. The Government needs your constructive criticism and the stimulation your creative analysis provides.

If the separation of powers doctrine is to work properly—or even to survive—the informed, aggressive participation of the citizenry must provide the missing link between the governors and the governed, this missing link must exert its influence over the three branches of Government in a manner so pervasive that abuses of political power cannot occur. In the final analysis this element accounts for every instance where our system works or fails to work—the army of citizens whose involvement or apathy, whose assertiveness or acquiescence, is ultimately responsible for every triumph and every failure of this Government.

SHAPLEN ON INDOCHINA

Mr. EAGLETON. Mr. President, during my recent trip to Southeast Asia, I had the good fortune to talk with Robert

Shaplen, a journalist who has watched Vietnam and Indochina since 1945.

Whether in conversation with military men, diplomats, or other journalists, when the subject of news coverage came up, so did the name, Robert Shaplen—always in the context of high praise. He knows, perhaps as well as anyone involved in Vietnam, what has happened, what is happening, and what is likely to happen.

He is by no means a "dove." His informed commentary on recent events, including Lam Son 719, the war in Cambodia, the upcoming Vietnamese elections, are well worth reading and reflecting upon, by both "hawks" and "doves."

I ask unanimous consent that his recent "Letter From Saigon," published in the New Yorker magazine of April 24, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER FROM INDO-CHINA

SAIGON.—It may be six or eight months before any final assessment can be made of Operation Lam Son 719, the South Vietnamese invasion of Laos, supported by vast American air power, which lasted from February 8th until March 25th and was followed by brief commando forays until early in April. Nevertheless, even though this operation has produced more heated debate than any other Indo-Chinese battle since the French fell into the trap of Dien Bien Phu in the spring of 1954, a few conclusions can be reached now. The invasion failed to achieve anything close to its maximum aims, for, though it caused the death of a great many South and North Vietnamese, it did little—contrary to American and South Vietnamese expectations—to speed the end of the fighting, either by forcing Hanoi to negotiate or by assuring the success of the still inconclusive Vietnamization program. It may, at most, have postponed some major offensives that the Communists had planned in South Vietnam over the next few months. On the other hand, at least one big attack—in Kontum Province, in the Central Highlands—has been pressed during the past fortnight, and there has been a noticeable increase of terrorism throughout the country. Costly as the Laotian invasion was to Hanoi, it apparently hardened the determination of the North Vietnamese to continue fighting throughout Indo-China. Moreover, it led to a reaffirmation of Chinese and Russian pledges of assistance. Finally, the operation was a political setback for President Nguyen Van Thieu, whose reelection in October is now, for the first time, open to question.

The Americans, who are going all out to uphold Thieu and make their South Vietnamese allies feel "six feet tall" as the monthly rate of American troop withdrawals increases, have come up with the customary set of sanguinary statistics, this time claiming a nine-to-one "kill ratio" in favor of the Saigon forces. If that is believable—and even President Nixon, in his television interview of March 22nd, indicated that a five-to-one ratio might be more realistic—it could be due only to the preponderance of American bombers and artillery. There can be no doubt that if it had not been for this support the results would have been disastrous for the twenty-four thousand South Vietnamese who were fighting deep in unknown jungle territory against about thirty-five thousand North Vietnamese—a far more experienced force, which was fully determined to protect its lifeline to the South in the Ho Chi Minh Trail complex. The gruesome game of body counts has long been the bugaboo of correspondents in Vietnam, and in this case the confusion has been compounded by a flood of often contradictory statements and assessments emanating from Washington and Saigon. Indeed, never in the past ten years—not even during the chaotic months before the overthrow of the Ngo Dinh Diem regime, in 1963, or during the Communist Tet offensive at the beginning of 1968 and the May and August offensives that followed—have I witnessed such dissension as has taken place between the news media and the authorities, both American and South Vietnamese, over the invasion of Laos.

According to the latest official American figures, the losses of the South Vietnamese—who for the most part fought bravely and well but lacked a cohesive command—were about fifteen hundred dead, more than six hundred missing, and fifty-five hundred wounded; so far there have been no estimates of how many of the wounded have died or are likely to die. Unofficially, however, according to what South Vietnamese sources have told me, the number of men missing and presumed dead is actually between a thousand and fifteen hundred, and the number of wounded is at least seven thousand. Some of those listed as missing are still straggling back across the border, but the majority, it is said, either died of their wounds in Laos or surrendered or were captured by the North Vietnamese. In their flight from Laos, under extremely heavy North Vietnamese attacks, the South Vietnamese abandoned many of their wounded—something that the government is reluctant to admit—and though American rescue helicopters did remarkable work under the most hazardous conditions, they couldn't bring out all the wounded. (A hundred and five helicopters were lost in the Laotian operation, and five hundred and fifty-six were damaged; a hundred and seventy-six Americans were killed during those weeks, on both sides of the border, and forty-two are missing.) Each Vietnamese unit commander reports on his own losses, so it is difficult to come up with comprehensive figures. The dependents of known dead get full pension awards, while those of the missing get payments for only four years, and the Minister of Veterans' Affairs, Pham Van Dong, said to me, "I won't know for months how much I have to pay to how many."

The North Vietnamese assuredly suffered heavier casualties, but whether these were as high as Allied authorities claimed can never be determined. It is admittedly difficult for troops engaged in bloody fighting or in flight to count the bodies of those killed by bombs, but if the given figure of thirteen thousand five hundred dead is correct, and if one assumes, as Allied military officials do, that twice as many North Vietnamese were wounded as were killed, then the total casualties come to about forty thousand, or more than the number of North Vietnamese that the same military officials say were fighting in the Laotian battle.

There would seem to be more realism in the estimate that from a third to a half of the thirty-three North Vietnamese battalions engaged were rendered "combat ineffective," and that it will be no easy task for North Vietnam, which is suffering from a manpower shortage, to replace these losses. About a third of the North Vietnamese losses were specialists—technicians of one sort or another who directed the flow of traffic on the Trail—and those men will be the most difficult to replace.

Nevertheless, the North Vietnamese quickly sent in between four thousand and eight thousand reinforcements to repair the damage done to the Trail, mostly by our B–52 bombers, and within a fortnight after the invasion ended, the movement of trucks south had been resumed at a more or less normal pace. (In comparison to the North Vietnamese battalion losses, at least five—and some say eight—of the twenty-two South Vietnamese battalions involved were hurt to the point of combat ineffectiveness, and it must be stressed that Saigon threw its best forces into Lam Son 719. It will take between six months and a year to build these units back up to strength, and then they will certainly not be as well trained and "elite" as they were before.)

The North Vietnamese apparently lost between three and four thousand trucks along the Trail; again, most of these losses were the result of bombing, and only about three hundred trucks were destroyed in the actual area of the ground invasion. The North Vietnamese also lost more than a hundred tanks. (The number of new Russian-built PT–76, T–54, and T–34 tanks that Hanoi used, sometimes right under the noses of the South Vietnamese, was one of the surprises of the campaign, and the lighter tanks of the South Vietnamese forces, many of which got bogged down, were no match for them.)

In addition, Hanoi lost nearly seven thousand weapons, big and small, and nearly five hundred tons of heavy ammunition—artillery and mortar shells, and the like—but Saigon's claim of a total of a hundred and seventy-six thousand tons of North Vietnamese ammunition blown up, mostly by bombing, seems ridiculous, since the average monthly flow south in the past has been only about fourteen thousand tons. Furthermore, no major storage depots were taken—only some medium-sized way stations along the Trail.

The French used to say that for every ton of ammunition captured the Communists had three more tons available nearby. No one knows how much the North Vietnamese have currently stashed away around the Bolovens Plateau, about a hundred miles below the invasion area and near the border point where Laos, Cambodia, and South Vietnam meet. However, the North Vietnamese and their Pathet Lao accomplices recently extended their control in that region, and they obviously have quite a lot of supplies cached there. Consequently, just how much time Hanoi lost and Saigon gained by the invasion can be determined only next fall, when matériel in the northern part of the Trail complex is due to arrive farther south, some of it destined for Cambodia and the rest for the central and southern parts of South Vietnam.

For anyone attempting to evaluate the Laotian operation, what has perhaps been most significant is the fact that the Communists have struck back quickly and violently in various parts of South Vietnam and in Cambodia, clearly demonstrating that they have enough men and arms to cause a lot of trouble—at least during the present dry season, which will last another month. And most observers believe they will continue their attacks across the now expanded Indo-China fronts throughout the coming rainy season, which will last until the end of October. The attacks in South Vietnam over the past two weeks have ranged from a successful assault on an American base in Quang Nam Province, in the north, in which thirty-three Americans were killed and seventy-six were wounded, to quick strikes at district towns and headquarters and at fortified artillery fire bases that are set up to provide strong points for Allied military operations in all battle zones. By far the most serious of these attacks has been the one in Kontum, in the Central Highlands. Although the Communists have lost about twenty-five hundred men in this province as a result of American bombing, they have been making a concerted effort to capture Fire Base 6 there; if they succeed, they will presumably try to advance southward to Pleiku and Quang Duc Provinces and eastward as far as possible toward Binh Dinh and other coastal areas where there has been a recent flurry of fighting. The Communists also seem determined to pin down South Vietnamese troops and inflict heavy casualties. That being so, it is significant that the equivalent of five South Vietnamese regiments is heavily engaged in Kontum, which in itself would seem to belie Saigon's claims that its casualties have been light. In mid-February, the Communists, having apparently anticipated a move westward into the border region below the Bolovens Plateau and adjacent to the Highlands, repulsed a South Vietnamese assault there and caused heavy casualties to two battalions. (No official announcement of this defeat has so far been made here.)

It has already become apparent that the North Vietnamese are taking advantage of the American troop withdrawals to strike at thinly spread South Vietnamese. Were it not for American air power (and nobody knows how much of that will be maintained and for how long), the Saigon forces would be in serious trouble. The Communists are already taking advantage of the situation along Route 19, which runs eastward through Pleiku Province below Kontum to the coast. It seems that after American troops left, the South Korean troops assigned to that area refused to fill that gap, complaining that they hadn't been promised enough helicopters and armored vehicles. Sections of Highway 1, which runs along the coast, are also considered risky these days, and for similar reasons. The general pattern of attacks around the country—including several attacks in Saigon in the past few days—makes it clear that the Communists are trying to create as much fear as possible and to disrupt the government's pacification program just when it is supposed to be going into high gear.

One of the worst incidents occurred at the district town of Duc Duc, in Quang Nam Province: The North Vietnamese raided a camp of refugee woodcutters from the mountains and killed a hundred and nine of them and twenty-three members of the territorial forces, losing fifty-nine men themselves. This seemed to be an act of pure vengefulness against the refugees, intended also to serve as a warning to others not to go over to the government side. Since January 1st about thirty outposts have been attacked in the Delta alone, where it has been claimed that the Communists are "dwindling on the vine." Although the Communists have been severely pressed in their major base areas in the Delta—such as the U Minh forest, where they have recently taken heavy losses and where there have been more than two thousand defectors, mostly conscripted laborers—the phrase "dwindling on the vine" seems questionable.

In Vinh Binh Province, for example, the Communists were able to mount carefully coordinated strikes against two district headquarters and nearby outposts a fortnight ago. Admittedly, Vinh Binh has always been a "bad" province, and one American official sought to minimize the effect of the attack by pointing out that "one rose doesn't make a summer." On the other hand, once a security pattern is broken, word of the fact quickly spreads throughout the area. In this way, the Communists seek to destroy the people's still shaky confidence in their government and to deny Saigon's optimistic claims that virtually the whole country is now pacified.

The recent attacks in South Vietnam underline what was basically wrong with the Laotian operation from the start—its conventionality. One neutral military observer said of it, "The South Vietnamese, while fighting bravely, fought half in the old French style and half in the new American style, and they fell between two stools. They have still not learned how to fight an unconventional war against an unconventional enemy who is flexible—and is even willing, when necessary, to stand and fight conventionally, and take enormous losses if he thinks it worth the effort, as he did in Laos." A number of South Vietnamese officers have privately been saying the same thing—some of them have been saying it for years, but lately more voices have been added—and at least one high-ranking friend of mine bemoaned the fact that "you Americans have never let us fight the kind of war we know we have to fight." The helicopter is a remarkably mobile instrument of warfare, and it has done much in past years to keep South Vietnam from falling to the Communists, but there are veteran Americans here who now wish that it had never been invented, and that Vietnamese troops had been trained from the start to fight a "people's war." Nothing could have dramatized this failure more than the sight of South Vietnamese soldiers clinging to the skids of helicopters that were being flown out of Laos.

A large number of South Vietnamese are saying that the Americans pushed them into Laos against their will, and some of the comments have been extremely bitter; one newspaper cartoon depicted a helicopter lifting Nixon in his Presidential chair out of Laos under fire. The South Vietnamese were certainly encouraged to undertake the invasion, as they have been encouraged to do many other things before, although all specific military decisions were made by the South Vietnamese themselves—most notably by President Thieu and by General Cao Van Vien, the chief of the Joint General Staff. As the campaign proceeded, it quickly became apparent that much of the strategy derived from American misconceptions about waging a conventional or semiconventional helicopter war against an unconventional enemy in the jungle. Intelligence about the swiftly moving Communist troops was bad, and on many occasions the South Vietnamese found themselves sitting on hilltops surrounded by North Vietnamese troops who had moved in during the night or in the early-morning mist.

It may be, as the Americans maintain, that General Vo Nguyen Giap, the North Vietnamese commander, misjudged an early halt in the South Vietnamese momentum and massed his troops for what he thought would be the kill, only to suffer his heaviest losses, mostly through bombing. But if that was so, the carnage was general. Helicopters were used to bring replacements and ammunition to the South Vietnamese and to evacuate the wounded, but air-to-ground communications collapsed when the going got tough (language difficulties were a big part of this), and there was a notable lack of coordination among the four top South Vietnamese commanders in the field; each was operating on his own, and was not effectively responsible to a single headquarters. This caused profound morale problems, and many capable young junior officers and noncoms afterward blamed their senior commanders and the generals for not providing proper leadership. A number of battalion commanders, some of whom didn't seem to know what they were supposed to be doing, actually surrendered or fled in the midst of battle.

The armored column moving out along Route 9 into Laos with protective screens of troops on both sides was bogged down almost at once by bad weather. Originally, the Trail hub of Tchepone, about twenty-five miles from the border, was supposed to be reached in four days. When the armored force got stuck and North Vietnamese ambushes began, General Creighton Abrams and his Vietnamese counterpart, General Vien, flew north to Khe Sanh to bring pressure on both Thieu and his local commanders to keep moving. Thieu demurred. He wanted the force to dig in, avoiding any heavy engagements. It was at this point that it was decided to lift troops by helicopter to several fire bases farther inside Laos, which were supposed to support each other. (The North Vietnamese quickly surrounded the bases.) Troops were also lifted as far as Tchepone, where the Saigon flag was briefly shown before they left. Ultimately, there were differences among the South Vietnamese generals and between the generals and Thieu about what to do, and these arguments, which the Americans were unable to reconcile, plus another spell of bad weather, caused the operation to be suspended a month early. Toward the end, some of the units just pulled out pell-mell on their own, without orders, and with the North Vietnamese pursuing them right to the border. A great many South Vietnamese vehicles were left behind, including some armored vehicles that had never moved more than ten miles down Route 9.

The confusion that accompanied the withdrawal intensified the bitterness of the South Vietnamese soldiers. "We do not want our leaders to minimize our casualty figures," one junior officer told a Vietnamese friend of mine, a correspondent who was wounded in Laos. "Let's give the true figures on our losses to prove we weren't on a camping trip. To mislead our families and our countrymen about our casualties will just encourage the enemy and dishonor us."

President Thieu, at his press conference on March 31st, expressed satisfaction over the Laotian offensive while admitting that some lessons had been learned for the future, and top American commanders have said much the same thing. It is a matter of opinion whether any of them are really proud of what was accomplished or are trying to hide their disappointment. Thieu, with his political future at stake, has obviously been on the defensive.

He spoke of "tendentious rumors" that the attack had been a failure, and claimed it was "the biggest victory ever," telling his troops, "I am proud of your performance," and adding, "You have caused a psychological breakdown among the Communists—you have hurt their morale seriously." There is no doubt, however, that more and more South Vietnamese soldiers are coming to resent the strategy and tactics that Western-trained officers have forced them to adopt.

One experienced Western analyst—Brian Jenkins, a historian and former Special Forces officer in Vietnam, who recently worked for American Army headquarters here on long-range-planning projects—has for several years been studying the subject of conventional vs. unconventional warfare. In July, 1969, Jenkins wrote, for an American research organization, a closely reasoned paper entitled "The Unchangeable War," in which he was highly critical of the American military establishment's hardheaded refusal to alter its traditional concepts and ways.

Jenkins concluded that "the most damaging indictment of our concept of warfare is that our military superiority and successes on the battlefield do not challenge the enemy's political control of the people, which he maintains by his promises of a better society and, when that fails, by intimidation and terror." In a list of "the institutional obstacles to change," Jenkins included the following: the belief that everything we do is right per se, especially in determining strategy; the attendant belief that when something fails it was not because of any inherent error of strategy or tactics but because "not enough" troops or materiel was applied; the myth that no organizational changes are possible in the midst of war, and that even if they were possible the Vietnam war is an "aberration" anyway, "an exotic interlude between wars that really count," and therefore doesn't warrant any "radical" institutional changes; the orthodox dependence on high body counts as the basis for good efficiency reports and for promotion; the illogicality of the twelve-month tour of duty for American military men in

Vietnam, since it is far too short for anyone to learn enough to be effective; and, finally, the lack of a single, over-all American command among the services in Saigon, Hawaii, and Washington.

Jenkins concluded that because of the way we have imposed our doctrine, organization, and technology on the South Vietnamese, "we may have rendered them incapable of successfully continuing the war after our withdrawal," and the Laotian operation appears to bear this conclusion out. A number of American officers here seem to consider the ideas for a "people's war" that Jenkins is now gathering from among growing numbers of disgruntled South Vietnamese as nothing short of "Communistic." Jenkins, however, has said that he derives some hope from the South Vietnamese reactions he has encountered.

For example, the mounting of objections to the American way of fighting the war have led more and more South Vietnamese officers to advocate doing away with the whole concept of divisions and corps—especially since it is widely held that three of the four corps commanders have proved themselves to be either incompetent or inadequate, the only really good one in the country being Ngo Quang Truong, who commands in the Delta. The officers advocate that the large, unwieldy units be replaced by smaller ARVN mobile brigades, made up of troops serving on a volunteer basis (and better paid than the regulars are now) who would operate in the forefront as a strike force.

The territorial forces, of drafted youths serving a hitch of from two to five years (for less pay than the volunteers), would spend part of their service helping to build roads and working in the fields at harvest-time. Finally—what is perhaps most important—there would be a new form of the People's Self Defense Forces, which are supposed to defend local hamlets but are increasingly being incorporated into the national military bureaucracy. What Jenkins and the South Vietnamese he has spoken with envisage is a P.S.D.F. whose members would be paid subsistence wages (they get nothing now) and who not only would take their turns at defending their hamlets but would develop plots of land assigned to them; after three years one-third of these forces would become full-time farmers and would be replaced by new men. Thus, paramilitary units would become production units, and a constant supply of full-time farmers would still be available for defense duties in times of crisis. All this is very close to the program that the North Vietnamese have successfully carried out for many years, and that fact may account for the shocked reaction of some of the American generals whom Jenkins has approached. "Why, what you're talking about, damn it, is building *communes!*" one of them boomed.

Statistical-minded, as always, the Americans have just come up with still another new set of standards for the so-called Hamlet Evaluation System, whereby each hamlet in the country is rated from A, or a hundred per cent secure, to E, or contested, on the basis of security and development, and V de-designates a hamlet still run by the Vietcong. The new system is based more on the whereabouts and safety of certain key individuals, notably hamlet chiefs and members of village councils, than on general, area-wide security. In Long Khanh Province, for example, where there has been an increase in terrorism, and where some main-force Communist units are operating from sparsely populated jungle areas they have long controlled, the H.E.S. rating has recently dropped from eighty-nine per cent to sixty-eight. The drop appears to indicate primarily the foolishness of trying to determine Communist strength by playing with numbers.

I reached this conclusion during a recent trip I took through four provinces near Saigon: Long An, just to the south, which used to be one of the worst from the standpoint of security and is now said to be much improved, and three others, to the west—Phuoc Tuy, Binh Tuy, and Long Khanh, which are still rated relatively low on the H.E.S. scale. In Long An, which has been in a shaky condition for years, farmers are still not taking sides, realizing that when the Americans leave Vietnam the government will probably have a harder time holding its own, but neither are they responding to the blandishments of the Communists as much as they were a year ago.

When the local guerrillas come to a peasant's home for food, for instance, they are given a meal but are asked not to come back again. This response reflects a cautious belief on the farmers' part that the Communists are growing somewhat weaker under government pressure, even though abductions and assassinations and other forms of terrorism are continuing, but it does not necessarily reflect belief in the government or increasing support for President Thieu. Here, as elsewhere, the Communists are stepping up their process of "going legal"—that is, ordering their cadres to blend themselves into the government landscape and live openly as ordinary citizens of the villages and towns while reporting, on a "one-man-cell" basis, to unknown contacts through mail drops and waiting for new orders.

Another of the recent innovations—they never cease—is known as Dong Khoi, translatable as "Start Together," whose main purpose is to produce some cohesion among small, local units directly involved in pacification. The impetus for the new program came from the chief of Quang Tin Province, in the northern part of the country—an ingenious man who, when his opposite number, the underground Communist province chief, was killed, late last year, gave him a special burial in a local pagoda, went to the funeral himself, and, in general, "took him back into the fold."

Leaflets describing the ceremony were subsequently distributed, and a lot of Communists were won over, or at least softened up. In any event, the Dong Khoi concept, which often makes use of such imaginative tactics, has not yet inspired any noticeable improvement in the much debated Phoenix program for uprooting the Vietcong infrastructure, which includes an estimated sixty-five thousand people.

The Phoenix program is still floundering, largely because it is just another streamlined American scheme imposed upon a Vietnamese society that is not only incapable of dealing with it but is actively hostile to it. Designed to coordinate intelligence-gathering and lead to the arrest of top Vietcong leaders, the program has simply created new jealousies and increased inefficiency among the various South Vietnamese who were expected to deal with it—particularly the local military-intelligence men at the district level. The police, under the Department of the Interior, will soon take over the primary responsibility for the Phoenix program, and, whether it works any better or not, one American has said of the shift, "This is the best thing that could happen, and the sooner we get out of the whole thing and let the Vietnamese run it the better."

Though comments like this may imply nothing more than an increasing degree of resignation on the part of Americans here nowadays, Vietnamization of this sort does seem to make sense; what it really amounts to is "de-Americanization."

The chief of one province, a veteran intelligence man, has devised a method of his own for dealing with Communist agents. When he detects one, and has what he considers positive proof about, say, a financial official in a hamlet who is operating legally and pretending to be a loyal assistant to the government's hamlet chief, he will invite the man in, praise him, ask him to dinner a couple of times. This treatment frequently causes the Communists to become suspicious of their agent and to kill him. It is pure entrapment, but it is also beating the Communists at their own game. Whatever form of accommodation is finally reached in Vietnam, terror and counter-terror are bound to continue for years.

In three of the four provinces I visited, it was apparent that the Communists were still a force to be reckoned with, although at that moment their level of activity was low. Their conduct was thoroughly in accord with the now famous Resolution 9 of COSVN—the Central Office for South Vietnam, which runs the war in the South under Hanoi's aegis. This directive, issued more than a year ago, sets forth the concept of "protracted warfare," and provides one reason the Paris peace talks are getting nowhere and probably won't get anywhere—at least until after the American election in 1972.

In conducting their campaigns of terror and their occasional larger strikes, the Communists are generally relying on progressively smaller structures and progressively smaller units. Ordinarily (the Kontum attack is an exception), they don't move about nowadays in groups of more than fifty.

They are using more and more terrorist tactics, such as sapper attacks and booby traps, which are killing Americans and South Vietnamese alike, much to the exasperation of experts like George Jacobson, the acting head of the pacification program on the American side. "If we can figure out a way to go to the moon," Jacobson exclaims, "why the hell can't we figure out a way to detect booby traps before they blow us up!" Jacobson, one of the few Americans who believe in the concept of a "people's war," spends at least one day a week roaming around the country trying to "debureaucratize" both the American and the South Vietnamese pacification effort. His success is limited.

Almost invariably, inexperienced and uninvolved Americans in the districts give hm the same meaningless or patently exaggerated figures about the Phoenix program. Almost always, an American provincial or district pacification adviser will say that the strength of the territorial units is up ninety per cent, or more. When Jacobson hears this, he usually snaps out just one word—"Ghosts!"—meaning that the payrolls are obviously padded and that the district or province chief is pocketing the difference.

Corruption, on a widespread basis, continues to be one of the major issues in South Vietnam, and this issue is bound to have an effect both on the elections for a new House of Representatives in August and on the Presidential election in October. Smuggling has increased on a vast scale in the past six months, partly as a result of new import taxes imposed to obtain more revenue for the government, so that it can continue fighting the war as American aid drops off. The government's anti-fraud bureau, which is run by a handful of men who are related to or are otherwise close to some of the highest officials in the country, has been slow to move against the smugglers, but a few weeks ago two members of the House of Representatives were caught smuggling heroin and gold into the country. The fact that they happened to be pro-Thieu men suggested to some that there must have been a political tipoff. The scandal prompted one of the representatives to resign immediately, and Thieu's political opponents, in the light of the dubious success of the Laos invasion, aired the corruption issue anew.

All in all, though the Americans here refuse to admit it, Thieu's popularity has sunk to a new low. Many South Vietnamese admit it readily, but their fundamental cynicism leads them to believe that it won't make any difference—that Thieu will be reelected, because the Americans want him to be, and because the vote will be rigged anyway. Thieu is fully aware of his diminishing popularity and is doing his best to improve the situation by travelling around the country more. (It is also significant that just this week General Dang Van Quang, the head of all security services, who is a close friend of Thieu's and probably the second most powerful man in the country, saw fit to take a trip to the United States. Although American officials deny it, some South Vietnamese, including members of Quang's own staff, have said that the main reason for the trip is Thieu's desire to get a sounding on American public opinion after the Laotian invasion and an appraisal of how much personal support he can expect from President Nixon.) Even before the invasion of Laos, I have learned, Thieu was severely shaken by a private poll he had ordered, which showed that sixty per cent of the South Vietnamese military men questioned were against him. Earlier, a number of informal provincial samplings were conducted by the United States Information Service—an enterprise that has now led to the introduction of a bill by Senator Frank Church in the United States Congress prohibiting any government agency from engaging in any propaganda activity involving the internal affairs of another nation. Several stories in the local press to the effect that the American Embassy was supporting Thieu prompted an official statement last week from an Embassy spokesman denying that Ambassador Ellsworth Bunker or anyone else in the mission supported "any specific individual or individuals in the forthcoming election." This was issued at about the same time a resolution was co-sponsored in the Senate by Senators Adlai Stevenson III and Mike Mansfield calling for the creation of a ten-man congressional commission to make sure the United States stays out of the coming election campaigns in Vietnam. Stevenson charged that American officials were in effect supporting the reelection of Thieu and Vice-President Nguyen Cao Ky.

While many of the Americans here would still like to see Thieu and Ky run together again, the chances of this happening are increasingly remote. Ky, who told me a month and a half ago that he would run for President himself, has just informed me that he is more determined than ever to be a candidate and that he is rapidly creating a campaign team. He has obtained a growing number of pledges for political and financial support, he says.

The political climate has now reached the temperature at which all the religious and political elements in the country are scurrying around trying to figure out who has the best chance of winning and whom to support. It appears at the moment that there will be three principal candidates—Thieu, Ky, and retired General Duong Van Minh, the former Chief of State and the nominal leader of the 1963 coup that overthrew Diem. An agreement between Ky and Minh for concerted action against Thieu that began to be fashioned several weeks ago has become increasingly solid, and Thieu has begun to run scared—so scared, indeed, that some observers are predicting that he will withdraw from the race before October. Assuming that he doesn't withdraw, and that Ky and Minh both enter the race, the challenger whose prospects look dimmer will almost surely throw his support to the other at the last moment.

Ky told me that he is determined to defeat Thieu in an open contest, and that he has received promises of help from many people, including military men, who will in effect serve as volunteer poll watchers in an attempt to insure an honest election. Even so, both Ky and Minh will have a hard time contending with Thieu's apparatus, dominated by the province and district chiefs he has appointed, who will all do their utmost to see to it that he wins, no matter how few people vote for him. Nevertheless, given the rising public sentiment against the President, Ky or Minh conceivably could win if the election should be even reasonably fair. Just how much an American or an international commission could do in the way of preventing fraud is debatable. The official American "observers" who watched the 1967 elections here certainly saw little or nothing of what actually went on, but a more professional group of poll watchers might have greater success.

What may be more important this time is the role to be played by elements of the sort that Ky spoke of—not only Army men but local village and hamlet officials, including leaders of the Buddhists, Catholics, and the Hoa Hao and Cao Dai religious sects. An interesting curtain-raiser will be the House elections, which promise to be less of a grab-bag affair than they were in 1967. At least two solid blocs of candidates will be running for election, one dominated by the Farmer-Workers Party, which is headed by Tran Quoc Buu, a labor leader who is not running himself, and the other by former Senator Tran Van Don's National Salvation Front Party. Don is still trying without much success to make peace among Minh, Thieu, and Ky, but in a showdown he will probably support Ky.

If the House elections are orderly and fair, and if there is enough of a ground swell of public opinion demanding an honest vote for the Presidency, and if social unrest over high prices, corruption, veterans' payments, and other issues does not produce uncontrollable disorder, the Presidential election just might turn out to be more honest than the cynics predict. It will be interesting to see what role the Communists take. Formally, of course, they will not participate in the voting, but I have been told that they have pledged at least half a million votes to General Minh, whom they regard as the leading peace candidate. Minh has said he is against coalition government—the same thing Thieu and Ky have said, but more outspokenly—and it is believed that if Minh should win, the Communists would simply push the peace issue without demanding a coalition government immediately, leaving themselves free to work from within to dominate or undermine his regime and thus eventually get coalition government anyway.

One high-ranking American here has attempted to justify the Laotian invasion by maintaining that it was better for Thieu and his army to fight the North Vietnamese in Laos and Cambodia than in Vietnam itself. This is not how the people in Laos and Cambodia feel about it. I have just visited both countries, and found them in a state of confusion and dismay over the widening of the war. What they still want is for all Vietnamese, Northerners and Southerners, to get out.

In Vientiane, the administrative capital, I spoke with the sixty-nine-year-old Prince Souvanna Phouma, Prime Minister of Laos since 1962, who practically alone, has kept his divided country in some semblance of unity. I saw him the morning after the South Vietnamese troops withdrew, and just after the royal capital of Luang Prabang had been hit by Communist rockets. Since he had no control over events in eastern Laos, around the Ho Chi Minh Trail area, Souvanna had mildly condemned the invasion when it began, and he expressed to me satisfaction that it was now over, although he admitted that it might have had "some good results." He was extremely angry about the attack on Luang Prabang, however, and regarded it as further proof that "the Communists are now engaged in total war as a result of the creation of their new Indo-China People's United Front last year." He had just been to Luang Prabang to see King Savang Vatthana, who, he said, was equally angry and had decided to stay in his capital instead of coming to Vientiane to take part in Army Day celebrations, as he had originally planned.

"The attack will serve to strengthen the unity of the Lao people," Souvanna told me. He went on to say that it would do little to increase the chances of peace between him and the Neo Lao Hak Xat, which is the Communist political front of the Pathet Lao and is headed by his half brother Prince Souphanouvong. "Hanoi wants to continue the war," Souvanna said. "I will continue to try to negotiate and will go anywhere to talk, but not under the impossible conditions imposed by the Pathet Lao, such as their demand that we stop bombing northern Laos, which is the only way we can counter-balance their attacks against us." Many of the foreign diplomats in Vientiane, including the Americans, had been hoping that the end of the invasion would bring the Communist representative of Prince Souphanouvong back to the city to resume preliminary talks to arrange a full-fledged meeting aimed at restoring the tripartite government of left-wingers, right-wingers, and neutralists that was set up under the Geneva formula of 1962. Souvanna, though his hopes were not high, agreed that "when you have a small candle, you have to keep it burning, and not blow it out."

The Russians are said to be in favor of reestablishing the 1962 coalition, but with more Communists in the Cabinet than there were then. As for the Chinese Communists, there are signs that they are not altogether pleased about Hanoi's apparent plan to push ahead in Laos and take over the country by force. Peking wants to maintain its position in the northwestern part of the country, where in recent weeks it has increased the number of Chinese troops building a road from the Chinese border down through Laos toward the Mekong River, almost to the border of Thailand. It therefore seems significant that Premier Chou En-lai, who visited Hanoi shortly after the Trail attack began, took the occasion to make public mention for the first time of a five-point formula that the Neo Lao Hak Xat had set as the basis of its negotiations with Souvanna. The Chinese realize that the Lao Communists want to break away from North Vietnamese domination (more than a hundred Pathet Lao fled from the North Vietnamese in the Bolovens Plateau a few days ago), and also that the Neo Lao Hak Xat seeks the support of the Russians in establishing a new coalition government, with stronger Communist representation. Consequently, the Chinese are going all out to please the Lao Communist leaders—even entertaining them in China. And in order to keep a tight watch on Souvanna, Peking recently sent a new chargé d'affaires to Vientiane.

The military situation is more precarious for the Royal Lao government today than it has been at any time since 1964, and the dangers have grown especially acute in the past month. Before I left Laos, Luang Prabang was shelled for the second time and a number of planes were destroyed on its airfield. The Communists pressed to within two or three miles of the city on all sides before government reinforcements were rushed to the scene to push them back. Most observers believe that because of the patriotic importance of the King—it is to him rather than to Souvanna that the North Vietnamese and the Chinese diplomats are accredited—the Communists won't try to seize the royal capital itself. But they are obviously engaging in some strong psychological warfare, and appear determined to advance as far as they can through Laos before the dry season ends, and to maintain their new positions during the rainy season. With C.I.A. support, government troops are still holding the bases of Long Cheng and Sam Thong, along the eastern rim of the Plaine des Jarres, which is held by the North Vietnamese. (Hanoi denies that it has any troops of its own in Laos, but there are actually about fifty thousand of them.) The bases are being subjected to almost daily shelling and to some ground probes by sappers from two North Vietnamese divisions and from what was described to me by one Laotian defense official as an additional "suicide regiment." If both bases should fall, and the troops of the Meo leader General Vang Pao should be further weakened by casualties, the Communists' conquest of the north would be virtually complete; they would then control the eastern half of the country from the Pathet Lao capital of Sam Neua, in the north, all the way down to the Bolavens Plateau. Even now the Pathet Lao and their North Vietnamese cadres dominate some pockets in the southwest as well.

Originally, it had been reported that Royal Lao government troops, aided by some Thai "volunteers," were supposed to push toward the Trail area from the west at the time of the invasion and take the towns of Muong Phalane and Muong Phine, near Tchepone, as part of a pincers movement designed to prevent the North Vietnamese from using alternate trails southward. However, this action was never seriously contemplated, despite the urging of the right-wing generals in Vientiane, because, among other reasons, the government forces were simply too weak. Instead, some guerrilla probes were conducted, but the Communists repulsed most of them.

The increased military activity in the northern part of the country has dampened earlier talk that the right-wingers would make a move to topple Souvanna, who remains more or less the indispensable man among the non-Communist factions. Certain right-wingers would undoubtedly like to bring Phoumi Nosavan, the former strong man of Laos, back from exile in Thailand. There was a report of a coup a few days after I left, but it turned out to be only a struggle within the right wing, which is itself divided. Souvanna has agreed to reshuffle his Cabinet in May, and members of the right wing will surely try to persuade him to let go of some seats he is still holding for the Communists, in the event that some agreement can be worked out for their return. Souvanna told me he would refuse to do this.

The right-wingers, divided though they are, are fully aware of the Communists' new intention of grabbing not only as much land as they can in Laos this season but also of bringing more people into line—through terrorism and abductions, if necessary. They are terrorizing the refugees in government camps, undoubtedly to deter others from fleeing Communist areas, and in their drive westward this season they have abducted villagers to work on the Trail and have even been building new villages and roads close to the Trail, colonizing these remote areas with mixed groups of Lao and North Vietnamese. The colonization program is an example of the struggle for manpower now going on in Laos, which has a population of about three million. The government is having trouble augmenting its still fairly incompetent regular army of sixty thousand; General Vang Pao has only about ten thousand men, following some severe losses in the last year. For this reason, Souvanna has somewhat reluctantly accepted Thai "volunteers" in addition to one regular Thai artillery battalion.

Recently, some young Lao who were taken north four and five years ago, at the age of fourteen and trained in Hanoi have been returned to proselyte other Lao. Further, in what has been a remarkable job of synchronizing the radio propaganda from Peking, Hanoi, and Sam Neua, the Pathet Lao have been given all the credit for "repulsing" the South Vietnamese invasion of Laos. The increase in these political efforts removes any doubt about the firmness of Hanoi's determination to remain in Laos. All in all, the country is in a shaky condition, and, as one European ambassador put it to me, "Laos has proved itself shockproof by now, but it's not waterproof, and one of these days it may just sink into the morass of Indo-China and disappear."

Apart from the relatively brief action within and around the Ho Chi Minh Trail complex, the war in Laos has remained more or less separate, in strategic if not in ideological terms, from the war in Vietnam. The war in Cambodia, on the other hand, has been very closely related to the Vietnamese conflict for the past year. East of the Mekong, South Vietnamese troops are ostensibly helping the Cambodians but are primarily protecting their own flanks in South Vietnam. In the former North Vietnamese sanctuary areas, a battle is now being waged between the South Vietnamese and the North Vietnamese in which the former are trying to keep the latter from reestablishing the sanctuary areas and supply lines into South Vietnam. Over the past two months the North Vietnamese are said to have suffered fifty-three hundred fatalities, largely because of American airpower, and the South Vietnamese only five hundred.

To the west of the Mekong, the South Vietnamese are less directly involved, and this phase of the war is rapidly developing into a struggle for Cambodia itself. With the exception of the area around Angkor Wat, where the North Vietnamese have entrenched themselves, the struggle increasingly involves native Cambodian Communists and the forces of the new Republic. The Communists, both Cambodia and North Vietnamese, naturally seek the overthrow of the Republic headed by Prime Minister Lon Nol, who got back this week from Hawaii, where he had been recuperating from a stroke he suffered two months ago.

But the Cambodians, even more than the Lao, have no love for Vietnamese of any political coloration, and it is perfectly possible that had they been left to themselves the Cambodians might already have reached some form of internal accommodation. In fact, last February, a number of Khmer Communists met with representatives of the Phnom Penh government in the western province of Pursat, bordering on Thailand and the Gulf of Siam. Several sessions were held in a jungle clearing. No one knows whether any progress was made, however, because after an air attack by Cambodian pilots, flying T-28 bombers that the Thais had lent them to destroy a nearby Communist camp, all five government representatives were killed. Whether the attack was an accident or was ordered by someone in Phnom Penh who knew about the meeting and didn't want it to succeed has been the subject of much speculation.

In any event, the attack served to emphasize the confusion that exists in Cambodia today. Besides some forty thousand North Vietnamese in the country, and some Vietcong, there are perhaps ten thousand Khmer Rouge, who cooperate with the North Vietnamese and are partly dependent on them for arms and ammunition (they give the North Vietnamese rice in return) but who are becoming increasingly restive and critical of the conditions the alliance imposes on them. The North Vietnamese appear to be concentrating more and more on developing their own Cambodian elements, and, especially in the southern part of the country, are training recruited or impressed Cambodians in scores of jungle camps.

There is also a small remnant of anti-government forces still loyal to Prince Norodom Sihanouk, who was overthrown in March, 1970, but they don't amount to much. Sihanouk, who is in Peking, nevertheless keeps referring to them as the nucleus of his new revolutionary government. While Peking permits the Prince to exhort his "followers" over Radio Peking, the Chinese Communists apparently regard him as a mere puppet, and continue to prepare their own team of Sino-Khmer leaders, trained in Peking—or, in earlier days, in Moscow—to take over Cambodia when the time comes.

A year ago, when the South Vietnamese and American troops made their original attack on the sanctuaries, the North Vietnamese established new base areas west of the Mekong and in the northern part of the country, below Laos. Since they then still had enough supplies on hand, they conducted a wide-ranging campaign to consolidate their hold on at least half the country and to capture some cities. In the past few months, perhaps because they now want to husband their supplies of ammunition pending the arrival of more from the north, they have shifted their tactics and—except for engaging a few big battles with South Vietnamese forces, mostly around Kompong Cham and the Chup-plantation area north of Phnom Penh—have concentrated on ambushing Republic troops and on cutting a number of main roads. They have had considerable success at this, but less success at stopping river traffic on the Mekong from Saigon to Phnom Penh. During the past two months, at least half a dozen protected convoys carrying oil and other supplies have reached the capital despite attacks en route from the shore.

The government's army, of some two hundred thousand men, is in the process of being pruned to a somewhat smaller and more effective force. The troops are still being trained mostly in Vietnam, but their effectiveness is not improving fast enough to satisfy the Americans. There are fifteen United States military attachés currently stationed in Phnom Penh, along with sixteen representatives of the new Military Equipment Delivery Teams. Fifty additional M.E.D.T. representatives stay in Vietnam and take turns serving in Cambodia. These men are not supposed to advise the Cambodians but simply to supervise the use of equipment—obviously a narrow line to draw.

At the moment, an effort is being made in Washington and Saigon to bring out another fifty M.E.D.T. men. This is being strongly opposed by a handful of Americans in Cambodia—notably by Jonathan Ladd, a retired Special Forces colonel with long experience in Vietnam, who has the title of political-military counsellor. Ladd feels that we are starting to make the same mistakes in Cambodia that we have been making for years in Vietnam. He says that the Cambodian Army is now being turned into the same sort of conventional force we created in Vietnam, and he is vigorously opposing a plan formulated by some military men in Saigon to send Cambodians to the United States for training at conventional war schools, such as Fort Leavenworth and Fort Benning. "The Cambodians have to clean up their own back yard first, and they're not going to learn how to do that in America," Ladd says. "We have to accept them for what they are rather than what they ought to be, and one thing they're not going to do is march through Belgium."

The number of personnel at the American Embassy in Phnom Penh has grown in the past year from a dozen, including secretaries, to just under a hundred. Emory C. Swank, an able ambassador with experience in Laos, is trying to adhere to President Nixon's policy of "keeping the profile low," but there are difficulties about doing this when the military-aid and economic-aid programs together total two hundred and fifty-five million dollars. The Cambodians naturally welcome the American aid, and very little remains of the anti-American feeling that Sihanouk engendered.

They are proud of having survived over the past year, marked, as it was, by an expansion of the war following Sihanouk's downfall, but they also feel a deep uncertainty and discontent, which is most often expressed in criticism of nepotism, corruption, and the generally slow rate of progress in the fighting. Two weeks ago, Acting Prime Minister Sisowath Sirik Matak called for a "popular war" to combat the Communists in the countryside. This will include a small and poorly planned pacification program, mostly involving the distribution of medicines and pamphlets and some guns to villagers, on what neutral observers regard as far too lax a basis.

The uncertainty and discontent have surely been aggravated by Lon Nol's illness and temporary absence from the scene. Sirik Matak, despite his demonstrated administrative abilities—among other things, he has allowed the various generals in the military regions to run their own campaigns without the interference from Phnom Penh that Lon Nol kept imposing—is not a popular leader. Père Lon Nol, as he is often referred to, remains the consensus figure—the father who took over the guardianship of Sihanouk's "children," as the Prince was so fond of calling his people. During Lon Nol's absence, there was a flurry of coup rumors in Phnom Penh, mostly involving alleged efforts to restore the monarchy, but the diplomatic community is virtually unanimous in stating that there was little substance to these rumblings. However, considerable doubt exists about what will happen now that Lon Nol is taking over again. The question everyone is asking is whether he will be able to do his job effectively. He has made it clear that he cannot resume his eighteen-hour-a-day pace, but the degree to which he will allow Sirik Matak and others to share the burdens of leadership is not yet known. A fundamental Cambodian quality that diplomats in Phnom Penh describe as "immobilism" or "the phlegmatic approach" continues to hamper progress in most areas of governmental concern, especially the economy, which is just barely holding its own as prices rise slowly and the riel—the Cambodian monetary unit—brings half the official rate on the black market. The problems include a lack of organization, too many overlapping ministries, and a lot of dead wood left over from the Sihanouk days. "There has been a loss of *élan*, of political enthusiasm, in the last few months," one Western ambassador says. "The Cambodians have been hurt militarily, and Lon Nol's illness was a real psychological blow. Now we'll just have to see what happens." Like other military observers in Cambodia, Jonathan Ladd believes that the Cambodians can survive as long as the North Vietnamese don't make that country their primary target. The signs indicate that South Vietnam is still Target No. 1, but more will be known about that when the next dry season starts.

However one gauges the results of the recent military and political events in Laos, Cambodia, and South Vietnam, the biggest factor is their collective impact on North Vietnam, where new elections just took place, on April 11th, for the fourth legislature of the National Assembly. These are the first such elections since 1964, and, important as they are in their own right, they may be even more important in presaging a full Party congress later this year or early next year. The last such congress was called in 1960.

Though the election results are sure to be routine when they are announced—the official Fatherland Front chose five hundred and twenty-two out of the five hundred and twenty-nine candidates to run for four hundred and twenty, seats—the new Assembly, which meets in June, is likely to take some important political steps, including making changes in the government. It seems likely that some younger men will be added to the Politburo, most of whose members are in their late sixties or older.

There is also a possibility that North Vietnam may acquire a new President, for Ton Duc Thang, who replaced the late Ho Chi Minh, is in his eighties. Conceivably, he could voluntarily step down and be given some honorific post, in which case, experts here speculate, his place might be taken by Vice-President Nguyen Luong Bang, who played a significant role in Ho's efforts to maintain a precarious balance between Moscow and Peking. Or Bang might become the first of two Vice-Presidents with special duties.

Even if the new elections consolidate the position of Truong Chinh, the ailing chairman of the Standing Committee of the Assembly, who is generally regarded as the strongest pro-Peking man in the Politburo, no one here believes that he is prepared to challenge the "first-among-equals" position of Le Duan, the first secretary of the Lao Dong (Workers') Party. There are some differences within the Politburo over the emphasis that should be accorded domestic problems vs. the prosecution of the war, but the unity of the group remains basically firm.

The policy is one of flexibility—a policy that was set forth in an important speech delivered a few months ago by General Giap and was further stressed in speeches made by Le Duan, during a trip to Peking and then to Moscow, where he was given the signal honor of being the first speaker at the Soviet Party Congress. Duan, Chinh, and Prime Minister Pham Van Dong are still the top three men in the Politburo. Many people now believe the fourth-most-important man to be Pham Hung, who runs the war in South Vietnam and spends most of his time there. Giap and Le Duc Tho, a theoretician, who is the liaison man for the Paris talks, are next in line.

While the Laotian and Cambodian attacks hurt the North Vietnamese, the mood in Hanoi, according to observers who have recently returned from there, is one of tough-minded confidence. For the first time in two years or so, articles propounding the official line in North Vietnamese publications are emphasizing the need to press on to military victory in Indo-China, and, at least for the moment, the stress on diplomatic offensives, in Paris or elsewhere, has been dropped. The threats to invade the North voiced by President Thieu and other South Vietnamese—and backed by President Nixon and various Administration spokesmen at least to the extent of not ruling out such a possibility—are regarded here by almost all experienced observers as psychological-warfare maneuvers. Since the South Vietnamese have suffered severe losses, and since they have their hands full right here as the Americans step up their troop withdrawals, they are certainly spread too thin to plan any further bold offensives, though they could make commando raids.

The invasion threats have backfired in that they have helped the North Vietnamese leaders to rally the population to increase its military effort and to stiffen the economy for the imminent "total victory" that they claim lies ahead. In an effort to obtain hard currency, the North Vietnamese are exporting all the goods they can spare—even rice and coal. One reason they need hard currency is that they are buying necessary mining and other machinery and small mechanical plows from Japan, partly because the equipment obtained from Russia and China has been difficult to maintain. Prosecuting the war throughout Indo-China has certainly made heavy financial demands. "Legalizing" their cadres in South Vietnam, for example, costs a great deal of money, and aside from the needs of individual cadres, Hanoi has increased what is known as its "shadow supply system," whereby its agents secretly buy into Western firms in South Vietnam and elsewhere.

It also costs a lot to finance the Provisional Government in South Vietnam—the successor to the National Liberation Front—especially now that the P.R.G. is recognized by about a score of nations and maintains delegations abroad.

In their elections, the North Vietnamese decided to eliminate eighty-nine seats that had been accorded to "Southern delegates" in 1946—a decision that has given rise to much speculation here in Saigon. The step was probably taken simply to accord the P.R.G. status as a "government" in its own right, and thus enhance its position throughout the world. It has been suggested that, for propaganda purposes, and because the talks in Paris are getting nowhere, the Hanoi delegation may leave Paris, at least temporarily, and let the P.R.G. deal directly with the Saigon government.

This would embarrass both Washington and Saigon, but in the long run it might lead the two sides within South Vietnam itself to hold some serious talks, and lead Washington and Hanoi to use their own channels to settle the matter of prisoners and troop withdrawals. In any event, by holding their elections now, ahead of those in South Vietnam, the North Vietnamese have mounted a political offensive at a time when the diplomatic front is momentarily quiet.

Taken in conjunction with the negative effects of the Laotian invasion—especially its failure to spur negotiations—political events both in the North and in the South between now and the end of the year are apt to be more important than military events. The fighting will continue, as it seems to continue endlessly, but the real contest for power is now a political one.

Unfortunately, the hard-liners in Hanoi are far more aware of this underlying situation than are the political leaders in the South, who seem to offer their followers only further doubts and uncertainties. That is why the Northerners seem so sure of ultimate victory, and why so many Southerners are secretly making their own plans for ultimate accommodation. Such an accommodation increasingly implies a willingness to get along somehow with the Communists in the South, while accepting the fact that North and South Vietnam are likely to remain separate countries indefinitely.

OLDTIMERS ON STAGE

Mr. MATHIAS. Mr. President, I was delighted to learn recently that 17 members of the Fahrney-Keedy Memorial Home for the Aged, near Boonsboro, Md., have proved beyond dispute that age does not necessarily go hand in hand with inactivity or unproductiveness.

For the past 2 years, troupers belonging to the Home's "Stay Young Club" have been wowing audiences in the Baltimore area and beyond with their stirringly patriotic production of "A Musical Tribute to George M. Cohan." The show's cast, which has an average age of 84, has provided a lively and colorful evening's entertainment for 36 audiences to date, with still more performances already scheduled for the near future.

The pantomimed presentation stars John Nicodemus, a retired Boonsboro area farmer, in the title role, and also features Harvey Rowland as Broadway producer E. F. Albee, and Georgiana Randall as turn-of-the-century Broadway star Fay Templeton. It is only one of several activities by which the young at heart of the Fahrney-Keedy Home assert their continuing participation and usefulness in the society around them. According to the home's administrator, Lester Kesselring, the tribute to George M. Cohan was chosen as particularly appropriate because "even though the residents of Fahrney-Keedy have lived in our Nation through 80 to 90 years of hardship, depression, and wars, they welcome the chance to express their continuing faith in America."

I, for one, am pleased and proud to add my congratulations to the standing ovations and other praises which have gone out so far to the Stay Young Club. I wish these senior citizens with the youthful spirits even greater success in the future as they continue to present their inspiring production of "A Musical Tribute to George M. Cohan." It is a tribute not only to one man, but to all of this Nation's active and involved senior citizens.

ENVIRONMENTAL EDUCATION

Mr. NELSON. Mr. President, the May issue of American Education, published by the Office of Education, contains an article by Commissioner Marland entitled "Environmental Education Cannot Wait." It is heartening to see such an enthusiastic response to the purposes of the Environmental Education Act, Public Law 91–516, which was passed with broad bipartisan support last fall.

As was the intent of the act, the Commissioner sees the "responsibility of the new office to serve as a coordinator in the Office of Education of all activities relating to environmental education." Additionally, Dr. Marland indicates that the use of funds and authority provided under the act can serve as the "catalyst" for commitments to environmental education in the Office of Education as well as throughout the Federal Government.

The importance of the concept of environmental education cannot be minimized. The task of educating our citizens about their responsibilities relating to their natural and man-made surroundings is essential to finding solutions to the environmental crisis facing this Nation and to improving the quality of life for all Americans.

I ask unanimous consent that Dr. Marland's timely article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ENVIRONMENTAL EDUCATION CANNOT WAIT

(By S. P. Marland, Jr.)

It is now quite clear that the American people are determined to make the 1970's the Environmental Decade. In two State of the Union addresses and two special messages on the State of the Environment, President Nixon has made what he called a "national commitment" to environmental enhancement and improvement.

A sense of American history makes clear that unless the present environmental crusade is deeply rooted in the educational system and within the consciousness of the people, the current high public interest will falter. The extensive rhetoric of doomsayers along with the sobering counsel of scholars have served the purpose of alerting Americans to pollution and population problems. Doom-saying, however, is not leadership, nor do scholarly papers clear the air.

Americans in a crisis situation have traditionally turned to the public schools and their colleges and universities—to education—to help solve large social problems. It has been from local communities, from "hometown" schools that we now see a response to environmental difficulties. Environmental education is actually a deep-rooted local answer to environmental problems, and, as has been historically the case, community school initiatives will in all probability color most programs developed under the environmental educational label.

Environment as a high priority educational theme has also been assisted by strong student concern for the decline in environmental quality. Youth is more concerned with the future state of the environment than is the older generation because young people are, for one thing, going to spend so much time inhaling that future environment, swallowing it, and finding their way through it. Environmental concern offers an attractive neutral ground in which to work out the "alliance between generations" which President Nixon spoke of at the University of Nebraska in January.

Reliance upon education as a means to end the degradation of our environment and to improve quality of life was to be seen in local communities and even among youthful enthusiasts long before Earth Day, a year ago. Yet, this symbolic and constructive reorientation of youthful energies identified 1970 as the year of change in American education.

During the summer of 1970 there was a nearly unparalled migration of educators and environmentalists to Washington's Capitol Hill to testify on behalf of the then proposed legislation on environmental education. The not-surprising culmination of this outpouring of concern was the nearly unanimous passage of the Environmental Education Act on October 13, by a vote of 64 to 0 in the Senate and 289 to 28 in the House. President Nixon signed the legislation into law on October 30.

The President himself has made the definitive statement on environmental education, which shapes the official view of the Office of Education in the administration of the act. President Nixon went much further than merely speaking in terms of a generalized national commitment. He has spoken of environmental education as "reform," and has asked that the schools get on with the work.

In his August message transmitting to the Congress the first annual report on his Council on Environmental Quality President Nixon said: "We must seek nothing less than basic reform in the way our society looks at problems and makes decisions. Our educational system has a key role in bringing about this reform . . . It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called 'environmental literacy.' This will require the development and teaching of environmental concepts at every point in the educational process."

Several times in this message the President reiterates his emphasis on reform and his understanding of the new role of American education. His words "We need new knowledge, new perceptions, new attitudes . . ." and "We must achieve a new awareness . . ." reflect a dependence upon educational processes, both formal and nonformal.

Environmental education is directed at modifying man's attitudes toward his world—both the world of nature from which he derives and inherits his responses and the world which he is creating. As his attitudes are reflected in informed democratic processes, both in the polling booth and in the marketplace, man must recognize that whatever happens or is not permitted to happen to his world can be substantially influenced by a majority vote. Speaking realistically, this "vote" by each individual—man, woman, or child—is determined by his or her attitudes toward self, toward others, and toward the quality of life for all. This means that all men must encourage self-respect, respect for their fellows, and respect for the living Earth.

In the words of the act, " . . . 'environmental education' means the education process dealing with man's relationship with his natural and man-made surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment."

Central to the philosophy of our administration of environmental education under the act is the idea of using environmental education funds and authority as the catalyst—a triggering mechanism—for other funding commitments within the Office of Education and in the coordination of resources and facilities of other Federal Government agencies. This derives first from environmental education's very nature as a pervasive concern, cutting across conventional operating agencies.

Environmental education is directed toward attitudes, and, therefore, the emphasis is on process and not on content. Of course, curriculum materials must be prepared, but the long-range objective must be to bring concepts of environmental education into virtually every aspect of learning. Environmental education is not a new subject, for we have taught about the values of conservation for many years. But we now see environmental education as a new approach to learning. Even as attitudes of individual worth, free agency, democratic consent, and cooperative effort are learned subconsciously in many parts of the public school curriculum, so must new attitudes of environmental concern pervade each subject, each course, and each discipline, whether mathematics, English, science, social studies, music, or whatever. Environmental education is interdisciplinary, pervading the spirit of all teaching at all levels.

Immediately we perceive that every educational mechanism and institution in our society is and must be involved in environmental education. The responsibility is not merely that of the Federal Government or of the State and local school system, but it is shared by the church, professional associations, civic organizations, voluntary agencies, and the family. Each of the several elements of our society provides learning experiences in the vital areas of environmental attitudes and in helping individuals to learn personal responsibility and the importance and weight of personal decision-making.

Inasmuch as we can avoid the use of the word "teaching" and emphasize the concept "learning," we will convey the spirit and intent of our approach to environmental education.

Even for sketching environmental education in large and expansive concepts, as I have done, the Environmental Education Act furnishes an adequate framework for progressive guidance and assistance. Perhaps more important, it sets the tone and points to the philosophy of this new role of American education, with OE serving as stimulator, fiscal resource, and coordinator of information on desirable programs.

Environmental education can be the core, the unifying concept around which Office of Education categorical grants can be coalesced into a modern educational response to the environmental/ecological crisis. This crisis is nowhere more evident than in our large urban complexes.

First—as spelled out in the history of the new legislation and in the language of the act—is the responsibility for a new office to serve as a coordinator in the Office of Education of all activities related to environmental education. Further, the act authorizes the Commissioner of Education to utilize the services and facilities of each Federal agency and other public and private institutions with programs of potential environmental education content. This is to be done through appropriate interagency agreements. The President has made it clear that in all matters of environmental quality, the several Federal departments and agencies will cooperate.

Lest it be supposed that we are now speaking of a massive and all-pervading Federal education program to which States and local communities are supposed to bow, I want to emphasize what is perhaps the most remarkable aspect of reform in the new act.

Environmental education is, must be, and shall be of and from the people. Washington does not know enough and has no inclination or desire to direct the American people in this matter. The act merely calls for the Office of Education to "encourage and support" environmental education. Education *happens* elsewhere.

The needs of an urban society must find their response in sober, creative planning and design. The President has recognized this, too, in his message transmitting the report of the Council on Environmental Quality, when he said, "Our challenge is to find ways to promote the amenities of life in the midst of urban development: in short, to make urban life fulfillling rather than frustrating."

The very act of undertaking this gigantic commitment, of rebuilding our cities, will do more than improve landscapes, speed communications, stabilize the economy, and reduce pollution and stress. The process itself should fill the psychic needs and solve the problems of a great many people. Mental and physical health will be improved; career ladders will be opened which have been unavailable to individuals in some ethnic, racial, or economic groups; a return of economically favored families to cities should follow.

Individuals at all levels of society should sense a personal engagement in the process. With recognition of identity will grow a sense of responsibility, of values, and the importance of individual decision-making. The dynamics of this process are seen in the joining of present inner-city work forces, occupationally displaced scientists and engineers, and volunteer groups—from student activists to retired professionals—coordinating their efforts through retraining, development of new skills, and redirection or reorientation of existing capabilities. The Office of Education is developing curriculums and models for the training of technicians and paraprofessional personnel in the field.

Community-based environmental education programs can use the schools as the focus for community self-improvement and development. Emerging careers in environmental technology offer a splendid opportunity for a here-and-now approach to vocational or career education. This approach would be combined with Work Study at the high school level and meshed with the Manpower Development Training Act programs of the Skill Centers of community colleges—like the one at Denver Community College, for example.

Environmental management and technology offer new careers for unemployed scientists and engineers. Brevard Community College at Cocoa, Fla., began such a retraining program under a grant made jointly by the Office of Education and the Department of Labor in August 1970. The college has made the experience and program available to other colleges in areas of high aerospace technological unemployment.

Community-based environmental education programs can also serve as a lever for volunteer projects and can be the source of specific community improvement projects. New job opportunities are being created through the development of recycling businesses, pollution abatement terms, and environmental monitoring and control activities. These opportunities should increase greatly as political and industrial interest and concern continue to mount.

The coordinated approach to environmental concerns must involve more than traditional State government. While there are State agencies involved in education, health, natural resources, and conservation, so, too, are there numerous private and semiprivate agencies equally involved. The Izaak Walton League and Audubon Society must find common ground with the Fish and Game Commission. Federal agencies—such as Interior, Agriculture, HEW, HUD, National Science Foundation, and the new Environmental Protection Agency—must work with them all. Business, industry, and labor must find reconciliation with community interests and the trade-offs must be faced by all concerned. A concensus exists that there is and must be some kind of State commitment to match the national commitment which has been identified by both the President and the Congress.

A State commitment to environmental education could result from a variety of approaches. There is no single required or approved system of organization. One procedure might be the establishment of a task force by the Governor or the legislature or both to make a reconnaissance of the State's environmental problems and needs, its resources, programs, and priorities. Of course, the State's educational institutions would be involved, but not exclusively or even principally concerned. It is possible that a State center for environmental education might result from such an initiative. A center could possibly represent and reflect all the State's participants and resources in environmental problems and solutions, from those of business, industry, and labor to professional associations, universities, and private nonprofit institutions like museums. The law calls for the Office of Education to hear the recommendations of the State educational agency before the Commissioner of Education may approve financial assistance programs in that State. The suggested center would be a prime source of recommendations for the required funding procedures.

Many will recognize the reform measures implicit in the administrative approach to the act, which is to look to the many progressive, innovative, and imaginative environmental education programs at the local level for inspiration and replication. Those local groups that already have invested time, talent, energy, and money in programs that are demonstrably successful and promising will receive additional funds. The new law spells out the principles of multiple funding, progressive weaning of a program supported with Federal funds, and the sharing of ideas and talent with groups willing to take the initiative.

Funding of environmental education programs, under the act, will go to nonprofit public and private schools and agencies. They must have been in existence a year and proven their ideas. Environmental education funds must not replace other available money. No funds will be provided for construction. Yet the principle of coordination of programs, including funds from other sources, has such potential that the accomplishments under the act may far surpass the present limited concepts and immediate budget of an admittedly new and untried educational program.

Small grants of up to $10,000 annually will be available to citizens' groups, volunteer organizations, and other private as well as public nonprofit organizations for conducting courses, symposiums, and otherwise exploring possibilities in environmental education. This specific provision is intended to discover, illuminate, and introduce ideas that might otherwise remain untried or might not appeal to local, State, and Federal agencies.

Although the idea of an advisory board for new programs is not new, the act provides for an Advisory Council on Environmental Education which has considerably more than rubber stamp responsibilities. This appointed body will advise the Commissioner of Education on most aspects of the administration of the act. It will have authority to evaluate programs and publicize its findings.

Further, the Advisory Council's responsibilities include requirements that it assess and recommend the part it should play under the law. The Advisory Council must reflect a broad geographic and disciplinary constituency. A balanced representation of memberships, consistent with the act, is intended to guard against favoritism and insure that the law is fairly administered.

We see in the Environmental Education Act a medium for the Office of Education, as a totality, engaging in a reform activity concerning all the people. If we are to encourage the all-pervasive spirit of environmental consciousness in the State and local education agencies, then we must start in our own agency. We are placing this small but extremely important function in the Office of Priority Management, with direct and constant influence on all offices and bureaus of OE. We see environmental education not as something to be "taught" but a condition to be lived.

TAMING THE HIGH SCHOOL HOODLUMS

Mr. MATHIAS. Mr. President, this is a time of crisis for many of our Nation's large urban schools.

Vandalism, robbery, and violence have assumed such a large role in so many of our schools that, in many cases, the educational process itself is being severely impeded.

For this reason, I take great pleasure in bringing to the attention of the Senate an article published in Parade magazine of April 16. It highlights the encouraging efforts of one Baltimore school, Woodburne Junior High. Working together, the students and administrators of this school have successfully and constructively realized a dramatic drop in robbery and vandalism through the implementation of a new, student oriented security system. This plan has proven amazingly effective in reducing crime and drug abuse at Woodburne Junior High—it is a plan which other schools would do well to consider in mapping their own battles against the menace of crime in our schools.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL KIDS WANT TO BE THE GOOD GUY

(By George Kannar)

Like many big city schools around the country, Baltimore's Woodbourne Junior High, with 2100 students, has been plagued by robberies, extortion, gang wars, vandalism, and—although less than some places—drugs. Here, however, a school security officer has come up with an effective response. He puts the troublemakers in the lawman's position as members of the school's Student Security Patrol. As a result, he says, gang wars are averted, drugs have almost vanished, and vandalism is down an astounding 99 percent.

"Basically all kids want to be the 'good guy'," says John Pugh, the 38-year-old former detective, amateur cartoonist, and fashion model who organized the patrol. "Even the bad kids are just trying to look like big heroes to the other bad kids. The patrol gives them a chance to look like heroes in everyone's eyes." Thus, the patrol serves a double purpose: it tightens school security, and at the same time it gives wayward youngsters a chance to make a new start in a constructive direction.

Patrol members stand in hallways between class periods to keep the traffic moving and break up fights. They watch students' lockers to prevent robberies. They look and listen for clues in robberies and shakedowns that do occur.

But their most important job is communication. "They're our eyes and ears," says one school administrator. And when trouble is brewing among the school's rowdies or when outside youths try to enter the school, the Security Patrol becomes the administration's voice as well. Its members, often close friends of the roughest and toughest students, firmly but cordially extend the word: "Cool it." And, coming from them, the message is heeded.

When Parade visited Woodbourne recently, a crisis was in the air. Rumors of an impending playground gang fight at lunchtime were reported to Pugh by members of the Student Security Patrol. Pugh called the Baltimore Police Department which sent squad cars to cruise in the vicinity of the school in case something serious broke out. Later in the morning, on a tip from a patrol member, school security officers confiscated a knife from one youngster.

At lunchtime Pugh and fellow security officer William Morrow showed up at the playground, and this, together with the squad cars, kept the lunch hour peaceful. Later Pugh confided that he had been particularly worried because of a report that one of the gang members had a gun.

EASY TO JOIN

Pugh has made it easy for students to join the patrol. They are asked only for a promise of good behavior and for two photographs to put on their Security Patrol identification cards: no teacher recommendations, no minimum grades are necessary. The patrol members succeed or fail solely on the basis of their ability as "law enforcement officers." If a member misbehaves in school, he is suspended from the patrol until Pugh and the other members decide to reinstate him.

The idea of putting troublemakers on the security force is "as old as Aristotle," according to Leon Horowitz, Woodbourne's principal when the patrol was organized in April, 1969, and now director of secondary schools for eastern and southeastern Baltimore.

"The difference," says Horowitz, "is that Pugh has managed to give membership in the patrol an aura of something to aspire to, not a job for finks or stool pigeons. The kids who associate with him learn a new respect for police authority. And chances are that some youngsters who would have gone into socially destructive careers will now end up in police work instead."

Not all of the patrol's 50 members are ex-troublemakers, however; some of them are just interested students. Pugh also has three secret "underground" student patrolmen who provide additional useful information. They also keep an eye on the patrol members' own behavior.

The youngsters' reasons for joining the patrol are many. Status is an important motivation, as is the desire for the job's considerable (in student eyes, anyway) fringe benefit: the freedom to leave class three minutes early and return three minutes late when periods change. They need the extra time to get to and from their hallway posts.

But there are other reasons, too.

"I joined because I didn't want to see any more fighting. As a patrol member I can get in there and break up fights," says one boy. "Now I can stop people from getting hurt."

And other students appreciate the job the patrol is doing. As one member points out, "At first some of my friends used to tease us and call us 'junior pigs,' but after a while that just became kind of a joke. They got to respecting us. Now some of them have even joined up."

The Fraternal Order of Police, a national policeman's association, recently congratulated the patrol on its security efforts and has agreed to supply new badges and commendation plaques for its members. In addition, the association will sponsor an annual "Student Security Patrolman of the Year" award.

THE PERSONAL TOUCH

A good deal of the patrol's success derives from the excellent rapport Pugh and Morrow have established with the youngsters. If a kid is in financial trouble, they will lend him a little money. If he needs a job, they will help him find one. "Nobody is too far gone" is their operating principle.

Because of repeated requests for information from school officials elsewhere, Pugh has written a manual on organizing and running student security patrols. But he knows that not all problems can be solved "by the book." The personal touch is what really counts in dealing with young people.

"When I'm talking to the kids," says Pugh, "I make sure to tell them about all the things I did wrong when I was a kid. I try to show them that I wasn't always a 'good guy' policeman. And the surprising thing is they listen."

POLISH INDEPENDENCE

Mr. ROTH. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that a statement by him on the subject of Polish independence be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POLISH INDEPENDENCE

On May 3, 1791, the people of Poland, without violence or bloodshed, brought forth the brightest light of democracy ever witnessed in that country. The Polish people expressed their deep-felt belief that popular sovereignty was the principle which should, through their written constitution, become the basic law of the land. Poland thus led the way in recognizing that the expressed will of the people was more important than that of the state.

The American people share an unusual bond with the Poles, having adopted their own Constitution, built on popular sovereignty, just two years prior to Poland's first step. We in America have been fortunate enough to witness the fruits of nearly two centuries of democracy and freedom resulting from the actions of our founding fathers. The Poles, as the free world recognized all too vividly in 1795, received no such opportunity. Their short-lived spark of democracy was soon quashed by the third partition of their country by Austria, Prussia, and Russia.

By continuing to celebrate the birth of their democratic constitution, drafted so many years ago, rather than a date of victory in battle or an anniversary of national achievement, the Polish people demonstrate their desire to return to the principles of individual freedom. They deserve that chance, and all free nations must continue to direct their policies toward giving Poland that opportunity.

MAYOR NACRELLI'S PROCLAMATION

Mr. SCHWEIKER. Mr. President, Mayor John Nacrelli, of Chester, Pa., issued a proclamation declaring day before yesterday, April 28, as POW Day in his city. I would like to join Mayor Nacrelli, the citizens of Chester, and the millions of Americans who are deeply concerned with this problem, in expressing support for our brave men held prisoner by the North Vietnamese.

I feel that the status of our POW's is repugnant and totally unnecessary, particularly since the Hanoi Government has been so unwilling to provide even verification of the names of prisoners they are holding, much less give them humane treatment. It is my fervent hope that the force of world opinion and human conscience will help lead the North Vietnamese to accept President Nixon's plea for immediate release of all prisoners of war.

I have introduced legislation to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is, or may be, held prisoner by the North Vietnamese. And I will continue to do all that is possible to get Hanoi to meet their responsibilities under the terms of the Geneva Convention to provide these men with fair and humane treatment.

I ask unanimous consent that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, International concern for the plight of Soviet Jews has recently proven that the Iron Curtain can be pierced by public opinion; and

Whereas, all Americans are similarly concerned for the plight of American prisoners in the hands of the North Vietnamese, and desire to seek more humane treatment, if not the out and out release of these men;

Now, therefore, I, John H. Nacrelli, Mayor of the City of Chester, in the State of Pennsylvania, do hereby proclaim April 28, 1971 as POW Day in Chester, and call upon all citizens of Chester to join with millions of Americans who will be taking part in programs across the country on this day, reaffirming their support of these valiant men.

PRESIDENT'S ECONOMIC PROGRAM IS SHOWING RESULTS

Mr. BENNETT. Mr. President, the last 2 or 3 weeks have not been good for the Presidential critics and doomsayers of this country, particularly those who seem to take no small degree of delight in pointing the finger of criticism at the Nixon administration.

First, the President announced a stepped-up withdrawal of American troops from South Vietnam, this coming at a time when American casualties are being continually reduced and when the South Vietnamese are assuming an even greater role in the military effort.

Now, even while the President's critics are searching for ways to discount these events, the Department of Labor has released the economic statistics for the first quarter of 1971. Much to the doomsayers' distress, the statistics show that the President's efforts to stimulate the economy are successful.

The Bureau of Labor Statistics reports that for the first 3 months of 1971 the increase in consumer prices was the lowest in 4 years. The 2.7 percent on a seasonally adjusted annual basis is evidence that the President's program to control inflation is working.

This announcement is even more promising when it is combined with other national economic indicators. The Consumer Price Index showed only a moderate increase of 0.3 percent. When this is combined with abnormally small increases if 0.1 percent in January and 0.2 percent in February, it puts the overall increase for the year well below the increase for earlier years.

An even more dramatic illustration of the strength of the economy is the continuing upsurge of the stock market. On May 26, 1970, President Nixon said that he thought it was an excellent time to invest in the stock market. It was excellent advice. In less than a year, the Dow Jones industrial average has climbed from 631.16 to 947.80, a rise of 316.64 points or an increase of over 50 percent.

Market experts cite a number of reasons for the market's boom. Chief among them is the simple fact that the 1970 business slowdown has hit bottom and is now experiencing the growth that President Nixon so accurately predicted.

Closely related to the strong showing of the stock market has been the reduction in the prime interest rate. The past year has seen the rate fall from a high of 8.5 percent in 1969 to 5.5 percent in March of this year.

On a more personal basis, the economic growth means that the annual rate of housing starts will have gone above 1.9 million, by year's end that the personal income has increased 6.3 percent over the same quarter last year, and that retail sales have increased 3.3 percent over the fourth quarter of 1970. This resurgence in personal income and purchasing power will provide the basis for more consumption, more home buying, and more investment in coming months.

Also noted in this quarter's statistics were lower mortgage rates, a drop in new-car prices, and continued decreases for gasoline and women's clothing.

It is to the President's credit that the economy has made this progress despite continued opposition from many Members of Congress. The President's opponents seem to have found a modern adaptation of the old western adage of shooting first and asking questions later. It seems that they now want to spend first and worry about the consequences later.

Interestingly enough, it has been these same spend-from-the-hip critics who were among the first to claim that the Nixon administration was responsible for inflation and unemployment. Nowhere was this more evident than in my own State of Utah. During last year's election campaign, no sooner would the loud Democratic demands for the reductions in defense spending come to an end than the liberal cries would begin that President Nixon was shutting down defense installations, throwing hundreds of Utahans into unemployment. These complaints were often quickly followed by charges that it was a heartless Republican Party that was responsible for inflation and the dismal state of business. Then in almost the same breath the President was chastised by the local Democratic doomsayers for not spending more and more on their pet projects or programs.

In general, no efforts were spared by Utah's Democrats in their campaign to paint a dismal dark picture of Utah's economy and then place the blame on the doorstep of Richard Nixon and the Republicans.

Mr. President, despite all the cries, the charges, and the rhetoric, I am happy to note that the same economic trends that are establishing themselves on the national level are also reflected in the statistics coming from the State of Utah. The State department of employment has reported a considerable increase in the number of employment opportunities and a substantial decrease in the percentage of unemployment. This increase was especially noted in the agriculture and construction industries. These figures, even after being seasonally adjusted, still showed an increase over previous months. This decrease in unemployment is reflected in the 3.1-percent increase in capital spending in Utah since last December.

Along these same lines, I was encouraged by the recent report of the Bureau of Economic and Business Research at the University of Utah. Each spring this bureau compiles and publishes selected business statistics for all Utah counties. Their report for 1970, which was recently released, stated:

> Although 1970 was a year in which the nation's economy slowed down, the state as a whole showed a percentage growth in all categories . . . except new car sales. The percentage increase this year was larger than between 1968 and 1969 for residential construction, new dwelling units, total construction, average work force, average monthly nonagricultural wages and annual nonagricultural payroll. Only the nonagricultural employment and nonresidential construction had a slower growth rate during the latter period.

On the whole, the State of Utah experienced a 2.7-percent increase in average nonagricultural employment.

Without going into a detailed analysis of the bureau's statistics, it is sufficient to say that with their report and the increases reported by the Utah State Department of Employment Security, it is evident on a small scale the economic progress that is being made nationwide.

Even in view of these encouraging statistics, Mr. President, I realize that there will still be difficult situations to cope with and possibly some temporary setbacks, but the important thing to recognize is that the trends have been established and Richard Nixon is once again doing what he said that he would do. His policies of vigorous and orderly expansion of the economy are achieving greater stability in costs and prices.

Having worked closely with the administration on a number of these programs, I know that the decisions were not easy to make and they were made even more difficult by the opposition that he received from many, including some in the Congress. It required no small amount of courage for the President to stand by his policies when it would have been much easier to give in to the pressures calling for a less responsible fiscal program.

The American public has recognized this courage, as has been demonstrated by the increased support that they have given the President in recent opinion polls that have been conducted on a nationwide basis.

Mr. President, I would hope that those who were among the most vocal critics of the President's economic policies will also be among the first to admit that progress is being made and that we are achieving the goals of orderly economic increases accompanied by relative stability in costs and prices. Doubting very much that this will happen, I can only conclude that it will continue to be rather distressing times for the critic and doomsayers.

WOODROW WILSON NATIONAL FELLOWSHIPS

Mr. MATHIAS. Mr. President, since its inception in 1945, the Woodrow Wilson National Fellowship Foundation has provided vital initial aid to exceptional young college graduates embarking upon doctoral studies and eventual careers in education. The accomplishments of the foundation have been impressive. In less than 30 years there have been over 18,000 Woodrow Wilson fellows. At the present time 6,000 former Woodrow Wilson fellows are teaching in colleges and universities. Eminent alumni of the program include Ralph Nader; Robert F. Goheen, president of Princeton University, Albert B. Brown, president of Long Island University; and Padraic Kennedy, former head of Vista.

In the 1971–72 competition for Woodrow Wilson Fellowships, more than 10,000 college seniors throughout the United States and Canada were nominated by their professors. Out of this number, regional selection committees elected 305 fellows and recommended 741 finalists to graduate schools for fellowships and assistantships awarded by the schools.

Obviously, Mr. President, the competition for these esteemed fellowships is rigorous and challenging. And I agree thoroughly with Mr. Hans Rosenhaupt, president of the foundation, in his view that—

> In future years these remarkable young men and women will be among the teachers and leaders who will help to achieve America's goal of universal higher education.

I am proud to announce to the Senate today that this year 12 Woodrow Wilson fellows and 14 Woodrow Wilson finalists are native Marylanders, and I think it appropriate and deserving that they be recognized in the Congressional Record.

I ask unanimous consent that the list be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

WOODROW WILSON FINALISTS, 1971–72

MARYLAND

City	Home address	Undergraduate college
Baltimore:		
Lewis, Diana Susan	5908 Winner Ave	Goucher College.
Roig, Randy Allen	1021 Green Acre	University of Maryland.
Seliger, Susan Diane	1805 W. Rogers Ave	University of Chicago.
Weisman, Robert Bruce	4004 Liberty Heights Ave	Johns Hopkins University.
Bowie:		
Cowan, Donna Lynn	Cowan Ave., Rt. No. 1, Box 344.	Randolph-Macon Woman's College.
Francis, Patricia Ruthann	12149 Long Ridge Lane	Bowie State College.
Frederick: Davis, Christopher Richard.	Rt. 5, Jefferson Blvd	University of Maryland.
Hyattsville:		
Coe, Mrs. Joan Barbara	2811 Nicholson St., No. 203	Do.
Meyerson, Mark Daniel	3421-11 Tulane Dr	Do.
Rusinko, Nancy Elaine	6013 37th Ave	Do.
Wilfong, Susan duPaul	6700 Belcrest Rd	Do.
Silver Spring:		
Betcher, Bro. Michael Joseph.	9001 New Hampshire Ave	Catholic University of America.
Schneider, Alan Gregory	717 Edelbut Dr	Columbia Union College.
Wheaton: Willoughby, John Alden.	3815 Kayson St	University of Michigan.

WOODROW WILSON FELLOWS, 1971–72

MARYLAND

City	Home address	Undergraduate college
Baltimore:		
Eareckson, Louise Tannehill	4136 Roland Ave	Michigan State University.
Murray, Michele Phyllis	7707 Windy Ridge	Towson State College.
Paris, Ira Mark	1019 Flagtree Lane	Johns Hopkins University.
Richman, William Mark	3215 Shelburne Rd	University of Pennsylvania.
Bethesda: Wiener, Joshua Mark	5705 Kingswood Rd	University of Chicago.
Chevy Chase: Steptoe, Mary Lou	6808 Connecticut Ave	Occidental College.
Hillcrest Heights: Hanson, Maureen Rebecca.	2300 Foster Place, SE	Duke University.
Laurel: Redenbarger, Wayne Jacob.	9689 Muirkirk Rd, 95B	Indiana University.
Silver Spring:		
Callanan, Kathleen Brigid	8509 Leonard Dr	Dickinson College.
Levenson, Carl Avren	8712 Leonard Dr	Allegheny College.
Luck, Cynthia LaVerne	1207 North Belgrade Rd	Pembroke College, Brown University.
McEuen, James Edward	412 Pershing Dr	Antioch College.

ARAB-ISRAEL PEACE

Mr. JAVITS. Mr. President, I am pleased to ask unanimous consent to have printed in the Record a major address on Israel-Arab peace by the Senator from Kansas (Mr. Dole).

There being no objection, the address was ordered to be printed in the Record, as follows:

Mr. Chairman, Delegates to the American Israel Public Affairs Committee, members of the Washington Jewish Community and guests.

Bipartisan support for the estabishment and development of Israel has always been a major element in the policy of our Government in the Middle East. With a few notable exceptions, Republicans and Democrats have always joined forces. It is, therefore, a great privilege to be here tonight, not only as the Junior Senator from Kansas, but also as the Chairman of the Republican National Committee.

KANSAN WAS EARLY CHAMPION OF ISRAEL

Charles Curtis, who was the Republican Senator from Kansas for 15 years and who climaxed his distinguished career as our Vice President from 1929 to 1933, was one of a long line of Republican Congressmen who contributed to the realization of a modern Israeli State. As far back as 1918, he heartily approved the Balfour Declaration and stated that "these long oppressed people should be given an opportunity to work out and determine their own future and homeland of their own."

Isolationism was rampant following World War I. As the Majority Whip in the Senate, Curtis fought against this trend to win passage of the Lodge-Fish resolution which, in 1922, put the Congress of the United States on record in favor of the Balfour Declaration. This was not a proforma or routine affair—there was opposition and it had to be overcome.

At that time the birthright of the Jewish State was under attack from many quarters—which even then was not an unusual condition. The League of Nations was then delaying approval because the United States had not endorsed the Declaration. In England, the House of Lords actually repudiated the Balfour Declaration.

AMERICA SUPPORTED JEWISH HOMELAND

Nevertheless, in unequivocal terms, the American people, speaking through their Representatives in Washington, affirmed their support of the Jewish homeland. Curtis never lost faith in the potential viability and the eventual formation of the State.

In 1932, he helped to form the American Palestine Committee and became its Honorary Chairman. This Committee's purpose was to "organize more effectively our endeavors as non-Jews to cooperate with this great idealistic cause." The Committee declared that it regarded the speedy realization of Zionism as an imperative necessity. It would be an exaggeration for me to claim that the Republican Party is singularly responsible for support of the Jewish State in this country. This has always been a bipartisan endeavor; sometimes we have judged circumstances accurately and sometimes we have made mistakes. Nevertheless, the Republican Party has never defaulted on its basic commitment to the formation and survival of the Jewish State.

GOP CALLED FOR OPENING OF PALESTINE

In the dark years of World War II, in 1944, the Republican Party was the first to write into its party platform a strong plank calling for the opening of Palestine to Jewish immigrants and for the establishment of a free and democratic commonwealth in Palestine.

The Democrats, too, had a strong plank that year and it was only four years later that both planks were transformed into reality.

Since then, the State of Israel has thrived and grown. I have seen this growth first hand and am convinced that State will continue to live and prosper—with the support of most Americans, regardless of political party.

ISRAEL STILL MENACED

Today, however, the State of Israel is a beleaguered nation. She is surrounded by hostile nations. But this, in itself, would not be an overwhelming challenge to the resourcefulness and courage of the Israeli people were it not for the Soviet threat.

The Jewish people have lived with Russian hostility on many fronts over the centuries. All of us know about the pogroms of Czarist times—pogroms which brought many of your forebears to this and other lands of refuge.

Even after the Bolsheviks overcame the Czarists, the anti-Jewish attitude remained basically unchanged. There was the continuing bigotry, discrimination against Jewish institutions and, most of all, hostility to Zionism, a hostility based on ideological grounds, for the Soviet Government and the Communist party fought the concept of a Jewish state as counter-revolutionary. Inside Russia, Jews were imprisoned and Zionists exiled, while the Government carried on an unrelenting attack against the Hebrew language, Jewish institutions and the religion itself.

In 1948, there was a brief interlude when the Soviet Union supported the formation at the United Nations of the Jewish State. One must realize, however, that this was nothing more than a tactic to serve long-term Soviet expanionist ambitions. This sudden and brief reversal of policy was based on the fact that the Zionists were fighting to end British rule in Palestine.

U.S.S.R. DENOUNCES ISRAEL

Within a few years, the USSR was denouncing Israel as a reactionary and imperialistic puppet because the Jewish State refused to become a Soviet satellite and because it was totally oriented toward democracy. Now, Soviet enmity for the Jewish people had a geopolitical rationale.

RUSSIANS WOO ARABS

Rebuffed by Israel, the Soviets set out to win the favor of the Arab states by exploiting Arab hostility toward Israel. Hostility toward Israel abroad has paralleled hostility toward Jews inside the Soviet Union. Since Czarist days, Russian anti-Semitism has been ingrained.

INTRODUCED RESOLUTION FOR SOVIET JEWRY

In protest against this and the recent recurrence of show trials and repression in the Soviet Union, I introduced into the Senate last December a resolution to express "grave concern" over the treatment of Soviet Jews. I urged in that resolution that the USSR "Provide fair and equitable justice for its Jewish citizens." Unfortunately, we may have a long time to wait. This resolution was passed by a voice vote on December 29, 1970.

RUSSIANS OBJECT EXPANSION IN MIDEAST

Soviet tactics in the Middle East concentrate on Israel but the main Soviet objective is expansion in the Middle East. If there were no Israel, the Russians would doubtless exploit other conflicts in the area. They would support Egypt against Saudi Arabia, or Syria against Jordan. It has been said that if there were no Israel to menace, they would have to invent one.

Thus, the Arab war against Israel serves the Soviet Union as a convenient pretext to further imperialistic designs which go back to Czarist days.

AGE-OLD RUSSIAN TARGET

In previous centuries, Turkey stood in the path of the Russian southward drive. During the brief Nazi-Soviet alliance, the Russians aimed to get a German promise for control over the Persian Gulf and the Dardanelles.

After World War II, the Russians tried to annex part of Iran and to infiltrate into Turkey and Greece. Firm U.S. action stopped the Communist advance in these areas. Failing there, the Soviets have concentrated on Egypt, exploiting Arab Nationalism and old grievances against Israel to keep the entire region in conflict.

The tools which the Kremlin leadership has used to gain inroads in the Middle East are economic, political and, most important, military—planes, weapons and training in their use.

RUSSIA PUSHES MIDEAST ARMS RACE

This process, which began in 1955, continues today. For, no matter what her leaders might say, the fact is the Russians have never been willing to agree to any limitation of arms shipments to the Middle East. Whenever the United States has hesitated to provide arms Israel has requested, in the hope that this might initiate mutual restraint, the Russians unhesitatingly have escalated their involvement by sending more MIGs and missiles to Egypt.

The Russians watch the United States closely for any signs of hesitation or weakness. They know that we are the only major power standing between them and domination in the Middle East.

Within the last few weeks, the Soviets have continued this maneuver by supplying Egypt with their most advanced jets—MIG–23s.

ISRAEL ON THE FIRING LINE

Among the nations of the free world, only one—Israel—is menaced directly by hostile Soviet troops and equipment without the benefit of a treaty or a security pact. And, unlike many other nations which get military aid from the United States, Israel is unique in that it pays for all its military equipment, albeit on special terms.

Is it any wonder then that the Soviet Union regards Israel as a vulnerable Cold War target and that the Soviet Union's Arab allies watch eagerly for the slightest sign of U.S. hesitation in support of Israel? Such hesitation would be clear evidence that Israel indeed stands alone and might prove to be an easy prey.

NIGHTMARE OF PAST BETRAYALS

I know that the nightmare of isolation weighs heavily on this audience here tonight. It conjures up the grim memory of the holocaust visited upon the Jewish people during the Second World War, when a paralyzed world sat by and ignored the Nazi policy of intimidation, harassment, jurisdical discrimination and, finally the mass murder of six million human beings. It is against this background of history, so fresh in memory, that many of us have come to think of Israel as a test case of our civilization. For if we fail in our responsibility to humanity a second time, could we ourselves survive?

ENEMIES SEEK AMERICAN RETREAT

The Arab militants do not need to make peace with Israel. They know the Soviets are willing to foot the bill for continued war preparation and war, itself. Moreover, Israel, in Arab eyes, has only the United States to support her, and they, hearing the voices of faint hearts calling for retreat and surrender in Vietnam, view the United States as a fickle friend to any ally. They are wrong. Their hopes for an American abandonment are an illusion. They misinterpret every American proposal and gesture which is intended to win Arab friendship as a sign of hostility to Israel. When the United States takes any action toward peace, the Soviets conjure up the mirage of final victory. Yes, we seek peace. But we do not seek surrender. We seek a negotiated settlement, reached by the parties concerned, and free of great power imposition.

DIVISIVE TACTICS FAIL

Israel's foes sometimes try to alienate us from Israel by arguing that an Arab victory over Israel would lessen the Arab need for a Soviet presence in the Middle East. That is sophistry. We will not accept that argument. On the contrary, if the Soviet-backed Arab extremists ever succeed in their war against Israel, Russian prestige will be enhanced and influence in the Arab world will be stronger than ever. Personally, I am convinced that American support of Israel—support that is firm and unyielding—is an essential ingredient in keeping peace and freedom for Israel alive in the Middle East.

And I believe that that support will continue.

SOVIET THREAT REAL

Few doubt that the Soviet threat is real. A war plane that can travel from Cairo to Tel Aviv in 7½ minutes does not seem like "humbuggery" to me. Yes, the Soviet threat is real, not only to Israel but also to the whole of the Middle East, and beyond—the Persian Gulf, the Indian Ocean, East Africa, and the entire Mediterranean—the soft under-belly of Europe.

It threatens the nations of the North Atlantic Treaty Organization and the pillars of the free world.

Thus, the threat to Israel becomes a part of a wider threat to which American policy in that part of the world must respond.

Thus, Israel becomes a major pivot around which American policy in that part of the world inevitably revolves.

URGED PLANES FOR ISRAEL

About one year ago, I joined with 75 of my colleagues in a letter to Secretary of State Rogers, urging that we provide planes to Israel. I took the position then, and I want to reaffirm it now, that "the strength of Israel's military posture is the best guarantee against the outbreak of major hostilities." In that way the needs for Israel's immediate survival will be assured. Arab leaders will have to re-examine their belligerency; Russian expansion will be slowed, and the position of the free world in the Middle East will be more secure.

LONG TERM HOPES FOR PEACE

But in looking to the future in the Middle East, we seek more than the continuation of an uneasy truce—of an armed truce subject to erupt into open warfare without a moment's notice.

For the millions of Arab and Israeli children growing up in the tensions and hostilities of today, we hope for a future free of strife. Such a future must be built on more than guns and planes—though we must never forget the importance of military security.

Such a future must be built on a genuine, lasting settlement of the basic differences that divide the contending parties in the Mideast. Obviously, this kind of settlement should not and will not be imposed from the outside. The idea of a rigid "agreement", engineered by the great powers and inflicted on Israel and the Arab states is neither ethical nor practical. It would not be a just peace, and it would not be a lasting peace, by its very nature.

ENCOURAGE PEACEFUL SETTLEMENT

But, while the great powers and the United Nations cannot impose peace, they *can* encourage it. They can refrain from acts which threaten the tenuous first steps which reasonable men and women on both sides have taken.

While ensuring that the State of Israel never is subject to military blackmail from neighboring enemies, we must also recognize that, although there is a widespread hostility to Israel in the Arab world, the Arab peoples and the Arab states are not a monolith.

UNDERCUTTING AMERICAN EFFORTS THREATEN PEACE

Those who would undermine either American role—be they critics from the right or the left—increase the threat to Israel, and to world peace, in the Middle East.

Sometimes such action takes the form of destroying America's credibility as a world power that honors its global commitments; sometimes it takes the form of trying to weaken our strength as a military power in an age when strength is still the final guarantor of peace; and, sometimes, whether it takes the form of a new spirit of isolation and disengagement—of turning our back on our friends and allies around the world and burying our head in the sand—whichever of these forms it takes, the result will always be the same.

The result will play into the hands of those who would see Israel cut off and helpless—of those who would see the birthplace of our Judeo-Christian culture become a scene of new desolation and destruction.

RISK OF GLOBAL TRAGEDY

It would be the greatest tragedy of recorded history if the cradle of three great religions—Judaism, Christianity and Islam—should be the cockpit of a third, and probably a last, world war.

The Republican Party and the Nixon Administration are pledged never to let this happen, as long as it lies in our power to prevent it.

This means both maintaining Israel's defensive strength and encouraging the kind of moderate, fair-minded climate in which men of good will on both sides can meet and reach accord.

ARAB MODERATES ENDANGERED

There are good men and bad—many honest seekers of peace—in some Arab capitals.

Indeed, we have seen cases when the extremists of the Arab world have turned their wrath away from Israel and attempted to destroy more than one moderate Arab leader in the past—most recently, in the case of Jordan's King Hussein.

Fortunately for the prospects of peace and stability, that attempt failed. Just as the Nixon Administration has demonstrated its determination to make available to Israel the arms and material needed for a secure defense, the American naval presence in the Mediterranean was a powerful factor in helping end the Syrian invasion and in preventing an extremist takeover of Jordan.

The efforts of Secretary Rogers to preserve the reputation of the United States as an honest broker in the Middle East is important to the long range security of Israel. Secretary Rogers is in the Middle East tonight to bring what influence he may have to bear on both Egypt and Israel in the cause of peace. Of course, he recognizes, that there are many difficulties that lie ahead before we can be sure of peace in this area. However, I think that I should point out that since last June when Secretary Rogers first undertook new peace negotiations, there has been more progress made involving both parties than at any time in the last four or five years. It is well to remember also that it has now been nine months since there has been any shooting in this area. No one in this Administration is predicting any such thing as a major breakthrough in peace negotiation but I have been assured that Secretary Rogers has high hopes of narrowing areas of difference between Israel and Egypt. If he can accomplish this, his trip will have been worthwhile and perhaps it will even allow us to predict some degree of confidence that President Nixon's dream of a generation of peace will not founder.

SEEKING PEACE

Seek peace and pursue it, we are told in the 34th Psalm, for "the eyes of the Lord are upon the righteous, and his ears are open unto their cry."

It is the young, the innocent on both sides who have paid the greatest price in a generation of hatred and violence in the Middle East. For 23 years their prayers for peace have gone unanswered.

PEACE CANNOT BE WON OVERNIGHT

Strife that has lasted this long cannot be expected to end overnight. Ending it will be a long, hard business. But we must continue "to seek peace and pursue it", in the words of the Old Testament.

For until there is real peace, there will be no rest for anyone in the Holy Land, and no real security from war for all the peoples of the World.

Israel must and shall survive as a free nation. But beyond bare survival, let us work for the day when a generation of Arab and Israeli children can be born into a world at peace—a world in which old enmities and injustices no longer poison the chances for peaceful development and cooperation.

NOT AN UNATTAINABLE DREAM

To some, this may seem an unattainable dream. But, then, there were many who scoffed at the idea of creating a State of Israel in the first place. They said that, too, was impossible.

Yet today, the State of Israel is a strong and proud reality. If that dream of countless centuries could be turned to reality; if the desert could be made to flower—surely peace is not an impossible goal.

I do not believe so, and the Nixon Administration does not either.

Your strength and understanding can help to make it a reality.

A REVERSAL OF POLICY ON FUNDING FOR AOA

Mr. CHURCH. Mr. President, I am pleased to report to you today that the Secretary of Health, Education, and Welfare announced, during a Senate hearing this week, that the administration's proposed cutbacks in funding for the administration on aging would be rescinded. This is indeed a cause for satisfaction when one considers the consequences that the cutbacks would have had. Now, rather than cutting funds from the program, the administration has said it will seek $10 million in excess of its original request of $29.5 million.

This is far short, however, of the $105 million authorized by Congress.

The hearings, conducted jointly by the Senate Special Committee on Aging and the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare have emphasized in detail the disastrous effects upon the community service programs, the outstanding Foster Grandparent program, and research and training efforts that a reduction in funding would have had. The AOA has been limping along on a pitifully small budget of $32 million when the administration proposed cutting that amount to $29.5 million.

Now, in what can only be termed a significant reversal of policy, the administration has taken a course that our two committees have advocated all along. Not merely restoring the budget to its original amount, but increasing it by several million more.

Considering that the amount of money we spent in Vietnam in the last 6 weeks alone would have funded all of the AOA programs at the authorized level of $105 million per year for the rest of this century, or that the amount we gave the Greek junta for military aid for this year alone was twice the amount the administration originally proposed giving to our own aged Americans through the AOA programs, I can only express relief at this recent change of events.

Even so, there remains much to be done for the Nation's elderly. Because the AOA has been submerged deeply in the Federal bureaucracy and several of its most promising programs stripped of importance by diverting them to other agencies, we cannot consider the battle won till the elderly have been credited with the importance and influence intended by Congress in enacting the Older American's Act of 1965.

To this end, I shall be naming a bipartisan advisory committee to present recommendations to the Senate for a successor agency to the Administration on Aging.

Mr. President, I also ask unanimous consent that a table explaining the new proposed budgetary requests be included at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

ADMINISTRATION ON AGING BUDGET

[In thousands]

	Original fiscal year 1972 budget	Revised fiscal year 1972 budget	Net increase	Authorization
Community programs	$5,350	$9,000	$3,650	$30,000
Planning and operation	4,000	4,000		5,000
Model projects	4,000	5,200	1,200	10,000
Foster grandparents	7,500	10,500	3,000	25,000
RSVP	5,000	5,000		15,000
Research and demonstration	1,800	2,800	1,000	20,000
Training	1,850	3,000	1,150	
Total	29,500	39,500	10,000	105,000

MAIL SHOULD BE CARRIED ON AMTRAK PASSENGER TRAINS

Mr. METCALF. Mr. President, yesterday the distinguished Senator from Idaho (Mr. Church) introduced S. 1666 which I cosponsored. In conjunction with his statement, and his bill to provide that mail shall be carried on a priority basis on Amtrak passenger trains, I ask unanimous consent that a table listing the 1969 mail revenue received by the Burlington Northern Railroad be printed in the Record.

I believe that Senator Church is absolutely right in saying that this mail should not be carried on freight trains when there is an Amtrak route that could be used. This source of revenue should clearly be assigned to the passenger corporation in lieu of additional outright subsidy.

There being no objection, the table was ordered to be printed in the Record, as follows:

	All mail revenue	Mail in freight service	Mail in passenger service
Railroad:			
CBQ	$8,476,088	$5,770,726	$2,705,362
GN	9,156,745	1,471,946	7,684,799
NP	1,816,466	791,280	1,025,186
B.N	19,499,299	8,033,952	11,415,347

DEFENSE OF FBI'S 8,000 SPECIAL AGENTS

Mr. PELL. Mr. President, I speak today on behalf of what is probably an unpopular cause in Congress. However, I feel impelled to do so because of recent events and statements that have been made concerning the Federal Bureau of Investigation. I do this in full knowledge that my statement on this matter could well be misunderstood, that it might be said that my statement today infers or implies an endorsement of political surveillance, support for wire tapping, and the continuance of the 76-year-old director of the bureau, J. Edgar Hoover, in office. This is not the case. When asked recently in my own State of Rhode Island if I thought Director Hoover should retire, I said:

> Seventy-six is a good age to retire.

I do not like nor do I support political surveillance except in matters of espionage. I do not believe in wholesale wire tapping without court order, again, except in espionage. However, this criticism or any criticism about the policies of the Federal Bureau of Investigation should be directed specifically at the Attorney General and the administration. I think it serves no useful purpose whatsoever to impuge the motives and efficiency or to destroy the reputation of almost 8,000 special agents in the Federal Bureau of Investigation.

I ask unanimous consent to have printed at this point in the Record a summary of statistics for the 1970 fiscal year which clearly details the activities of the Federal Bureau of Investigation, the convictions of 13,245 criminals, fines imposed of over $2¾ million, the savings and recoveries of over $408 million in goods and the location of 30,318 fugitives.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF STATISTICS FOR THE 1970 FISCAL YEAR

Classification title	Convictions	Actual suspended and probationary sentences[1] Years	Months	Days	Fines imposed	Savings and recoveries	Fugitives located
Total	13,245	47,143	10	6	$2,754,878	$408,219,221	30,318
Admiralty matters						16,495,606	
Antiracketeering	12	81	6		10,000	4,175	11
Antiriot laws	5	25			25,000		8
Antitrust	55	22	3		1,159,600	23,926,796	
Acertaining financial ability						2,765,931	
Assaulting or killing a Federal officer	[1] 129	370	5	28	1,875		29
Bank robbery, burglary, and larceny	[1] 1,300	14,128	11	11	56,560	3,578,587	641
Bills of Lading Act	1	3		1		3,250	
Bombing matters							1
Bond default	174	461	7	28	3,550	1,485	441
Bondsmen and sureties							1
Bribery and conflict of interest	28	58	10	1	25,350	1,635,443	5
Civil rights	18	54			4,000		5
Civil Rights Act of 1964							3
Contempt of court	230	55	2		64,135	2,000	4
Copyrights	4				22,500	183,000	
Court of claims						44,024,502	
Crime aboard aircraft	31	116	2	10	2,825		17
Crimes on the high seas	33	53	2	6	450	898,781	22
Desecration of the flag	1		6				2
Desertion, harboring deserters, enticing to desert	2	6				26,590	17,885
Destruction of aircraft	10	9			3,410	2,608	3
Destruction of interstate property	2	4					
Election laws	2				5,100		
Escaped Federal prisoners, parole, probation, and conditional release violators	478	835	7	20	3,500	19,755	2,615
Espionage						2,926	1
Extortion	48	218	7	13	5,750	2,000	40
Extorionate credit transactions	8	48	6		60,500	1,676	41
Falsely claiming citizenship	2	4	6				1
Federal Housing Administration matters	80	179	1	1	48,900	361,866	37
Federal lending and insurance agencies	4	17	4		1,000	101,315	2
Federal Tort Claims Act						154,512,841	
Federal train wreck statute	2	6	5			1,100	
Fraud against the Government	95	288	4		37,534	17,616,980	54
Government and Indian reservation matters	[1] 1,482	2,427	2	16	54,828	176,587	443
Harboring fugitives	6	22	6				16
Illegal wearing of uniform and related statutes	101	60	1	22	2,290	3,572	19
Impersonation	25	50	3		625	6,725	28
Interception of communications	2	8			1,000		1
Interstate obscene or harassing telephone calls	2	6	6				1
Interstate transmission of wagering information	5	8			8,500	30,602	24
Interstate transportation in aid of racketeering	152	497	10	21	363,300	85,295	135
Interstate transportation of fireworks	1				250		
Interstate transportation of gambling devices	1				500	7,000	
Interstate transportation of lottery tickets	3	2			600	3,469	
Interstate transportation of obscene matter	20	47	9		14,600	882	39
Interstate transportation of stolen cattle	7	19			3,000	5,742	5
Interstate transportation of stolen motor vehicles or aircraft[2]	3,684	10,931	3	15	72,925	52,104,148	1,359
Interstate transportation of stolen property	1,100	4,265	11	10	138,601	29,600,596	955
Interstate transportation of wagering paraphernalia	5	20	6		2,500		5
Irregularities in Federal penal institutions	30	112	3	2	1,500		2
Kidnaping	[1] 54	662	3			1,178	42
Labor Management Relations Act	11	11	3	3	54,100		3
Labor-Management Reporting and Disclosure Act of 1959	16	59	10	3	5,539	5,870	5
Mail frauds	21	70	10	16	5,400	13,400	3
Miscellaneous	40	126	6		185	16,821,985	2
National and Federal Firearms Acts	36	14	4	1	10,000	1,875	14
National Bank and Federal Reserve Acts—Banks	631	1,995	8	15	101,770	12,985,047	120
National Bank and Federal Reserve Acts—Federal Credit Union	38	118		2	5,450	89,804	15
National Bank and Federal Reserve Acts—Savings and Loan	43	147	8	1	850	262,850	9
National Bankruptcy Act	20	47	6		8,300	53,461	10
Neutrality Act and related statutes	3	10			35,000		
Obstruction of justice	9	23	6	1		1,782,865	17
Passports and visas	1	5			300		
Perjury	20	70	4	1	20,500		6
Renegotiation Act						11,050,000	
Selective Service Act, 1948	923	3,018	1	5	35,000		1,592
Switchblade Knife Act	1	1	6				
Theft from interstate shipment	1,013	3,153	7		128,242	15,126,694	535
Theft, embezzlement, or illegal possession of Government property	936	1,756	11	22	58,334	1,250,050	230
Unlawful flight to avoid prosecution, confinement or the giving of testimony	1	5				105,204	2,754
Veterans' Administration matters	7	29			500	15,803	3
Welfare and Pension Plans Disclosure Act	5	22	4		47,500	459,304	8
White Slave Traffic Act	36	181	2	1	31,350		49

---

[1] Life sentences—14 (kidnaping—4; Government and Indian matters—7; assaulting or killing a Federal officer—2; bank robbery, burglary, and larceny—1). Death sentences–none.

[2] Autos recovered—30,599.

Mr. PELL. Mr. President, I would hope that those who have become recent critics of the Bureau should say to themselves:

What agency of government, what law enforcement group would I call if a child were kidnapped . . . if a car were stolen by an interstate ring . . . if a legitimate businessman were being subjected to extortion threats?

Those who are heaping unfounded criticisms on the FBI agents should ask themselves this question, "What is to take the place of the FBI if it is destroyed as an effective investigative organization?"

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper article entitled "FBI Back to Normal, Catching Suspects and Keeping Mum," in the New York Times of Monday, April 19.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1971]

FBI BACK TO NORMAL, CATCHING SUSPECTS AND KEEPING MUM

(By Robert M. Smith)

WASHINGTON, April 18.—"It's business as usual, no problems at all. We're just going about normal tasks."

That is the way Thomas E. Bishop, an assistant director of the Federal Bureau of Investigation, described the mood of the bureau at the end of one of the stormier weeks in its history.

Indeed, it appeared like business as usual. In the middle of the week the bureau captured one of its "10 most wanted" criminals, a suspected murderer, in Pacifica, Calif. And after an outpouring of wrath six weeks ago by Senator George McGovern, when the South Dakota Democrat sharply criticized the bureau, traditional silence reigned in the half of the Justice Department building occupied by the F.B.I.

Using the low-profile bureaucratic style, he has employed for most, if not all of the 46 years he has run the place, John Edgar

Hoover sat in the fifth-floor office granting no interviews, making no statements and taking none of the proferred opportunities to defend himself against criticism that by week's end had a most unusual stridency.

Mr. Bishop, who heads the bureau's crime records division, is also its chief public relations man. When he was not in a series of frantic meetings last week with Justice Department and F.B.I. officials, he passed out a succession of no comments to a growing band of pesky newsmen, telling at least one of them that the newsman was not "supposed" to seek talk with bureau officials other than himself.

DEPENDING ON GOODWILL

It was clear that the bureau had returned to its traditional policy of silence, depending on its friends in Congress and the executive branch and, more importantly, on the reservoir of trust and goodwill among the American people that Mr. Hoover believes he has built.

The question for those charting the mood of the bureau is why it reverted to silence after venting no little wrath on Mr. McGovern.

The reversion comes at a time when even some of his supporters are saying Mr. Hoover may be in his most serious trouble. There is a feeling that the critics may be draining, gallon by gallon, reservoir of goodwill built over the years with the arrests in the 30's of gangsters, in the 40's of Nazi spies, in the 50's of Communists and in the 60's of the Rev. Dr. Martin Luther King Jr's assassin, James Earl Ray.

Part of Mr. Hoover's problem seems to be that, even if the bureau remains silent, its critics do not. They came in last week with still more troublesome allegations that the F.B.I.'s 7,910 special agents (108 from non-white minority groups) were doing things they should not.

Representative Hale Boggs of Louisiana, the House majority leader, charged on April 6 that the bureau was tapping Congressmen's telephones.

Next, Senator Edmund S. Muskie, the Democratic Presidential aspirant from Maine, released an F.B.I. report showing that the bureau had engaged in surveillance of Earth Day, an antipollution rally held here a year ago. And then it was discovered that the bureau had—with court approval—sent an informer into the office of Representative John Dowdy, Democrat of Texas, with a hidden tape recorder and had recorded telephone conversations between the informer and Mr. Dowdy.

ANDERSON AND M'GOVERN

These disclosures piled atop criticism of the bureau by Representative William R. Anderson, Democrat of Tennessee, last November and Senator McGovern in January.

Mr. Anderson chastised Mr. Hoover for telling a Senate subcommittee that the Rev. Philip and Daniel J. Berrigan were the leaders of a group plotting to kidnap a Presidential aide and damage Government buildings in Washington.

Senator McGovern called for an investigation of Mr. Hoover's "persecution" of John Shaw, an F.B.I. agent dismissed for writing a letter on the strength and shortcomings of the bureau.

After his speech, Senator McGovern received and entered in the Congressional Record an unsigned letter purportedly written by 10 F.B.I. agents that decried what they said was a Hoover cult of personality in the bureau.

That did it for the bureau. Senator McGovern received a stream of 21 letters that made it clear that events had not altered the loyalty of the F.B.I. leadership to Mr. Hoover. The letters also made it clear that the bureau's top executives regarded the Senator's statements as the smears of a headline hunting politician.

Clyde A. Tolson, the associate F.B.I. director, wrote: "You are not the first person I have encountered during almost 50 years in Washington whose ambition has far exceeded his ability."

'CHAMPION OF PRIVACY'

Ivan W. Conrad, an assistant director wrote: "The vast majority of Americans know from long years of experience that there is neither now nor has ever been a greater champion of their personal privacy and personal freedom than Mr. Hoover."

Some of the letter-writers showed sensitivity to the issue of their director's age. James H. Gale, another assistant director, wrote: "Far from being senile, his mind is as razor sharp as it was when I first talked to him 20 years ago."

William S. Tavel, an assistant director, wrote that the annoymous agents had "failed to specify even one case where the bureau's responsibilities have been neglected. They cannot do so truthfully because none have been," he added.

Senator McGovern entered all of these letters in the record noting that they had all been written by members of the bureau's hierarchy. Then there descended on him 200 more letters, this time from F.B.I. agents, secretaries, inspectors and clerks.

The Senator said that many of the letters followed the same pattern and used similar stationery. He suggested that they had all been inspired.

Thus, the bureau brought in cannon for use against Senator McGovern and his anonymous evidence. But it tried no such thing with Senator Muskie or Representative Boggs or Senator Edward M. Kennedy. The Massachusetts Democrat quietly said in answer to a question one night that he too thought Mr. Hoover should retire.

In the meantime, President Nixon stayed out of the fray for 10 days after Mr. Boggs made his charges, and when he did speak out directly he refused to say how long he intended to keep Mr. Hoover in his post.

The widely accepted view here is that the White House now finds Mr. Hoover an embarrassment and would in fact love to edge him out of his job if it could do so gracefully. The problem, in this view, is that the harder the Democrats attack the director, the harder it is for Mr. Nixon to seem to capitulate by retiring him.

Last Friday, President Nixon told newsmen that he would not discuss Mr. Hoover's tenure, but he said he believed "it would be most unfortunate" to allow him "to go out under a cloud, maligned unfairly by many critics."

The President also suggested that the critics might be hurting their own cause. Knowing Mr. Hoover, he said, he believed the effect of the criticism would be "not to hasten his retirement but to have him dig in."

A SHIFT BY MANSFIELD

Two events have shifted the opinion of some officials here who initially discounted the unsubstantiated charges by Mr. Boggs. These were the disclosure of the surveillance of Representative Dowdy.

Thus, Senator Mike Mansfield of Montana, the majority leader, first criticized Mr. Hoover's detractors, then conceded he was having second thoughts and called for a Congressional investigation.

Today, Senator Sam J. Ervin Jr., chairman of the Subcommittee on Constitutional Rights, said he had seen no evidence of illegal acts by the F.B.I. and would not make it a target of his inquiry on Governmental surveillance unless he first saw such evidence.

Even if a Congressional investigation were begun it is unclear how far it would go.

Representative Roger H. Zion, Republican of Indiana, said today that the criticism of Mr. Hoover has been initiated by Communists.

Still other Congressmen may be worried about the bureau but are also worried about becoming involved in a dispute with it. Sophisticated lawyers in government and on its fringes contend that many officeholders believe that the bureau has files with material on the personal peccadilloes of people in government and were—justifiably or not—afraid of being blackmailed.

In addition, Mr. Hoover has many friends on Capitol Hill, including Senator Hugh Scott of Pennsylvania, the minority leader and Representative John J. Rooney, the Brooklyn Democrat who heads the House appropriation subcommittee that oversees the F.B.I.'s budget.

Finally, no investigation would take place on Capitol Hill if Congressmen felt their constituents were not aroused. And it is precisely in these constituents—the public at large—that the bureau is placing its confidence.

This is probably why Mr. Bishop, the F.B.I. press relations man, urged a reporter not to interview "figureheads" in Washington "Get out," he counseled, "and talk with John Q. Citizen in Des Moines, Iowa."

Critics of the bureau are saying that the public is concerned enough about the charges to warrant at least an investigation. Ronald L. Ziegler, the President's press secretary, seemed to detect some of this mood last week. He said he found it distressing that "there is an impression that is creating a feeling of fear among the people that they are being spied upon."

Mr. PELL. Furthermore, Mr. President, I should like to point out that from my own State of Rhode Island a total of over 30 law enforcement officers have graduated from the Federal Bureau of Investigation's National Academy and one additional officer, Lt. John J. Leyden, of the Providence Police Department is presently attending the 87th session which commenced on April 12 and will graduate on June 30, 1971. Of the 30 graduates, 14 are still active in law enforcement and 15 have retired from active service and only one is no longer connected with any law enforcement agency.

I can remember vividly when Capt. Paul Sullivan, from my own city of Newport, went through the academy and expressed to my office the benefits gained from the instruction received there.

During the calendar year 1970 the Federal Bureau of Investigation participated in 11 police training schools in the State of Rhode Island attended by 370 law enforcement officers. In the first 3 months of this year the Federal Bureau of Investigation has participated in 10 schools attended by 430 law enforcement officers. The FBI laboratory in the fiscal year 1970 made a total of 96,059 examinations of evidence for non-Federal law enforcement agencies and this includes 582

What I am attempting, Mr. President, examinations of evidence submitted by Rhode Island law enforcement agencies. to bring out is that the Federal Bureau of Investigation is charged with many responsibilities. The special agents of the FBI have a reputation for being nonpartisan, for treating the information they obtain in a confidential manner and for fulfilling their duties in a circumspect manner. I would hope that they would not wind up the scapegoats for policies relating to political surveillance and wire tapping by the Justice Department and this administration. Therefore, Mr.

President, I would ask that my colleagues, who are concerned about the present-day activities of the Federal Bureau of Investigation, remember its long history as an old-line trusted and highly efficient agency of Government under Director Hoover. Certainly this agency, as well as any agency of Government, is subject to the scrutiny of a democratic society. We should not forget at the same time that we should not tarnish the loyal career service of its employees, special agents, and clerks.

CONCLUSION OF MORNING BUSINESS

Mr. **MANSFIELD**. Mr. President, is there further morning business?

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

VISIT TO THE SENATE BY MEMBERS OF THE CONGRESS OF THE REPUBLIC OF MEXICO

Mr. **MANSFIELD**. Mr. President, I wish to call to the attention of the Senate at this time the presence in this Chamber of a number of distinguished guests, fellow parliamentarians from the Republic of Mexico. It is a personal pleasure for me to introduce to the Senate on this occasion a number of old friends, friends whom we will be seeing toward the end of next month in Mexico at the 11th meeting of the Mexico-United States interparliamentary meeting, friends who have done a great deal to bring about a better understanding between our two countries, based on mutual trust, dignity, equality, understanding, and accommodation.

Our distinguished guests are Deputy Octavio Senties Gomez, Deputy Santiago Roel Garcia, Deputy Oscar de la Torre Padilla, Senator Luis M. Farias, Senator Miguel Angel Barbarena Vega, Senator Guillermo Morales B., and Deputy Leon Michel.

[Applause, Senators rising.]

RECESS

Mr. President, I ask unanimous consent that there be a brief recess for the purpose of greeting our visitors, and that I be recognized when the Chair calls the Senate to order.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Thereupon, at 12:35 p.m. the Senate took a brief recess.

At the expiration of the recess, the Senate reassembled, when called to order by the Presiding Officer (Mr. STEVENSON in the chair).

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATION

Mr. **MANSFIELD**. Mr. President, I wish to call up some unobjected to items on the calendar.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 79, S. 699. I understand three items have been cleared.

The **PRESIDING OFFICER**. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

S. 699, to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, in line 10, after the word "frequency", insert the words "or frequencies";

On page 2, in line 19, after the word "length", strike out the words "at the waterline";

On page 3, in line 15, after the word "maintain", strike out the words "or cause to be maintained";

On page 3, at the end of line 23, after the word "it", insert the words "or cause it to be restored";

On page 5, in line 3, after the word "of", insert the words "not more than"; and

On page 5, at the end of line 13, strike out the date "March 1, 1971," and insert in lieu thereof the date "May 1, 1971,";

So as to make the bill read:

S. 699

A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Bridge-to-Bridge Radiotelephone Act".

SEC. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency or frequencies dedicated to the exchange of navigational information, on navigable waters of the United States.

SEC. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

SEC. 4. (a) Except as provided in section 7 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

SEC. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it *or cause it to be restored* to effective operating condition at the earliest practical time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The **PRESIDING OFFICER**. Without objection, the amendments are considered en bloc; and, without objection, they are agreed to en bloc.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum, with the proviso that I retain my right to the floor. I am awaiting the coming into the Chamber of the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I offer an amendment which I believe is at the desk, or, if not I will send it up.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new title:

Sec. (a) That section 401(a) (1) of the Rail Passenger Service Act of 1970 be amended by striking out "May 1, 1971" each place it appears and inserting in lieu thereof in each such place "December 1, 1971".

Sec. (b) That section 401(b) of such Act is amended by striking out "May 1, 1971" each place it appears and inserting in lieu thereof in each such place "December 1, 1971".

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I derive no satisfaction in using this legislative procedure to endeavor to bring justice and consideration, not only to the people of my State, whom I represent primarily, but to the people of the areas throughout the country which have been deprived of rail transportation, or where passenger transportation has been curtailed too drastically.

I approve completely of what Amtrak has done up to this time, but, like the distinguished Senator from Washington, I think that there are other lines, international and national, which should be given consideration and which should be added. I am not under any illusion, I wish to assure my colleagues. I have read the decision of Judge Corcoran this morning. That decision, which was adverse has now been appealed, and we will await a decision of the appellate court, hopefully later today. I know also that the House of Representatives is not in session today. I recognize that under the law, Amtrak goes into operation at 12:01 a.m. tomorrow morning.

But I intend to join with my colleagues, the distinguished Senator from Montana (Mr. Metcalf), the distinguished Senator from Wyoming (Mr. McGee), the very distinguished chairman of the Committee on Commerce, which has legislative authority over all forms of transportation, and others, in doing what I can, if at all possible, to bring about a rectification of this situation, to the end that those of us who think we have legitimate grievances—and all of us know we have them—will hopefully be given some consideration.

I happened to read in the New York Times this morning an article written by Christopher Lydon, entitled "Rail Men Face Job Disruptions When Amtrak's Service Starts."

They certainly do. I do not know how they are going to get out of this crisis in which they find themselves. While we have, to the present time, appropriated only $40 million to Amtrak, of which $2 million to $4 million have been spent, I noticed, after the plan was announced, that the railroads came in and asked for a subsidy of $36 billion over the next 10 years—$36 billion—and for the first year I think they were being very considerate; all they wanted was $600 million. Well, they do not lose anything like that on all the passenger routes of the country combined, and I would hope that the Senate, which is supposed to represent the people, will see to it that the intent of Railpax, Amtrak, or whatever you want to call it, is carried out.

I feel, as I have said before, that the members of the board, or the corporation, as I believe it is now called, are all honorable and decent people. I would hope that they would show some understanding, and I would hope that in the meantime, something could be done to bring about relief for those of us who seek it, because we have a right here in the Senate to assemble peaceably, and we have a right here in the Senate to seek a redress of grievances, and I speak for Montana, the Rocky Mountain West, and the Midwest, when I say that we are entitled to this consideration. States like Idaho, Wyoming, South Dakota, Montana, portions of Washington, Vermont, New Hampshire, Maine, cities like Cleveland and Tulsa and a good many others—all of these are without passenger rail service or very little passenger rail service.

This is a momentous issue. There are thousands of people in my State, Republicans and Democrats, who are behind the efforts of Senator Metcalf and me to bring about, if at all possible, a continuation of service on the southern route, the Northern Pacific, and also on the Short Line, the route between Butte, Montana, and Salt Lake City, Utah.

This is not small potatoes. This is something which the people of Montana are unitedly, wholeheartedly for. That is what we are advocating. Not much; just to continue the Northern Pacific through Minnesota, North Dakota, across the 700 miles of the State of Montana, through Idaho, through the State of Washington, and the Short Line from Butte which serves southern Montana, southern Idaho, and the Ogden-Salt Lake area in Utah.

This is all I have to say at the present time, Mr. President, though I believe I shall have a few more remarks to make later.

I ask unanimous consent that the article to which I have referred, appearing in today's New York Times, which gives a pretty good description of how the workingmen are going to be affected if Amtrak goes into operation on its present basis, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rail Men Face Job Disruptions When Amtrak's Service Starts

(By Christopher Lydon)

Washington, April 29.—For railroad labor, the National Railroad Passenger Corporation's start of Amtrak service this weekend is the start of another painful series of job losses and disruptions.

Thousands of men who spent most of a lifetime working up to the "red apple" jobs on passenger trains will now "bump back" into freight jobs, in the jargon of railroad men. Many young freight workers at the bottom of the seniority scale will "fall out of the tree" altogether.

Job statistics involved in the Amtrak transition are disputed. Amtrak officials, including Charles Luna, a member of the board, who is also president of the United Transportation Union, says that the new service will eliminate 16,000 jobs.

Labor lawyers put the loss as high as 26,000 jobs. Railroad spokesmen say that, because many older workers will now choose retirement, the actual displacement will be minimal.

Union lawyers await a decision tomorrow on a suit they have filed asking an indefinite postponement of Amtrak service. In the Senate, a move is under way to force a similar postponement by legislation.

Correspondents who studied the major passenger terminals from Buffalo to Butte, Mont., for The New York Times were told that, even after the date of Amtrak's start is resolved, it will be another six weeks to six months before the chain reaction of job losses is complete and the results are clear.

They also found that, enough job protection—including up to six years' pay for idle workers—sounds lavish, the hardships are real.

James G. Robinson of Omaha, a 58-year-old dining car waiter who quit law school in the Depression for the "security" of a railroad job, made his last Union Pacific trip to Ogden, Utah, and back this week.

"Even if I would get severance pay, I won't be working over the tables," said Mr. Robinson. "I've got a sick wife. I can't ignore the fact that gratitudes have played a significant part of my income. Tips help make up the difference in my life between a substandard wage and an average wage."

Everett Devoir lives in Billings, Mont., and works as a brakeman and conductor on the North Coast Limited, one of the crack passenger trains between Chicago and Seattle that was conferred by merger on the Burlington Northern Railroad but that Amtrak has decided to drop.

Mr. Devoir, who had a heart attack three years ago, is 60 years old—four and a half years short of retirement. In passenger service, he has every third day off, but in freight he would have to work seven days a week.

He cannot afford to reduce his pension by taking early retirement, he says, and he does not want to leave Billings, but the next available job is in Livingston, 116 miles away. The railroad's offer to buy the homes of transferred workers was recently withdrawn, so Mr. Devoir faces the task of selling his house himself.

PUZZLED AND WORRIED

In St. Paul, a 60-year-old brakeman is puzzled and worried. "Unless I get a disability pension, I'm hurting," he said. I can't afford to retire yet, and I don't know if I'm up to chasing boxcars any more.

On the eve of Amtrak's debut, basic questions about the dimensions of the new passenger network are still unresolved in Washington.

In Federal District Court this morning, union lawyers said that a loophole in the protective arrangement would let railroads put the blame for lost jobs on factors other than Amtrak service reductions.

Judge Howard F. Corcoran took a union appeal for postponement of Amtrak's service under advisement. He said he would announce a decision early tomorrow, in time for recourse to the United States Court of

Appeals for the District of Columbia before Amtrak's scheduled start at 12:01 A.M. Saturday.

Meanwhile, the Senate Commerce Committee, reversing the pledge of its chairman, Senator Warren G. Magnuson of Washington, to press for a Congressional postponement of Amtrak's inauguration, voted instead to study the possibility of adding extra subsidies and extra routes to the basic network of 186 trains that the corporation has pledged to operate.

THREAT BY MANSFIELD

The Senate majority leader, Senator Mike Mansfield of Montana, who has pleaded in vain with Amtrak officials to save the train through the larger cities of his home state, announced that he would keep the Senate in unscheduled session tomorrow to debate his bill for a seven-month delay of Amtrak's introduction.

Senator Vance Hartke of Indiana, the Commerce Committee's railroad specialist and a co-author of the bill that created Amtrak (formerly known as Railpax) last year, hinted that the corporation would voluntarily restore Montana route and the service to Cumberland, Md.

Amtrak is unwilling to put those routes into the basic network, Senator Hartke suggested to newsmen, because it would then be obliged to operate them for at least two years, regardless of patronage. After this weekend, he said, the corporation will be free to add the same routes on an "experimental" basis.

There were other signs today that the initial Amtrak service would be somewhat larger than the corporation had proposed. In Massachusetts, Gov. Francis W. Sargent was prepared to sign a bill that would subsidize continued daily service between Boston and Springfield.

BUFFALO AND CHICAGO

In Albany, a similar bill to commit state funds for two-thirds of the deficit for a train between Buffalo and Chicago was before the Legislature, drafted by the New York Department of Transportation though not yet formally endorsed by Governor Rockefeller.

Ohio and Michigan officials have already pledged to raise their share of the required subsidy to maintain train connections between Buffalo and Detroit and keep service to Cleveland alive.

Pennsylvania and Indiana, which would also be expected to share the Buffalo-to-Chicago deficits, have not yet acted. Even so, one Amtrak official said today, the expressions of state support are sufficiently earnest to warrant continuing that run—once a vital corridor of the old New York Central Railroad—after May 1.

Even after such additions, and even if the quality of Amtrak service brings a revival of passenger traffic, the trend of railroad employment—now under 600,000, or about a third of the 1.7 million railroad jobs before World War I—continues downward.

In Buffalo, Gene Davis, 64, a railroad worker since he was 15, looks forward to retirement.

"I'm one of the last to leave," he said the other day. He was once a dining car waiter on the New York Central; since the Central and the dining cars disappeared, he has been manning a snack bar at the end of a Penn Central coach.

"All of those other men that came up with me, they're all gone," Mr. Davis said. "They're all gone."

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. I strongly commend the action which the distinguished majority leader has taken. I ask that he associate my name with his effort to secure an amendment to this pending measure.

Those of us who represent States which have been simply dropped off the map by the incorporators of Amtrak, have been trying to find a solution to this problem. Only yesterday, I appeared, together with the distinguished majority leader, before the Subcommittee on Surface Transportation of the Senate Commerce Committee, and we received a very sympathetic hearing. I was hopeful that the full Commerce Committee might find it possible to report a bill which would put over for a few months the operative date when the new Amtrak system goes into effect Now is the last opportunity for the Senate to act in a timely fashion; and if we fail to act, it is going to be exceedingly difficult to recover from the impact when this new system is established and rail passenger service eliminated.

Mr. President, I fail to see what sense it makes for Congress to establish a quasi-public corporation for the purpose of furnishing the American people with rail passenger service, to finance that corporation wtih public money, and then to lie back and accept a system which provides no service at all to a half dozen States with a population of more than 4 million people and only token service to many other States, such as my own.

In Idaho, one town will receive passenger service, a community in the Northern Panhandle of Idaho, which originally was not even scheduled for a flag stop until the Idaho congressional delegation protested vigorously that Idaho had been entirely forgotten. In return Idaho was given passenger service to Sand Point, which happens to be on the railroad track en route to Spokane.

I am happy that the people of Sand Point, a community of 4,200, are going to get this service. But Sand Point is more than 500 miles from the State capital of Idaho and from all other major population centers of the State.

In practical effect, Idaho simply has been dropped off the Amtrak map.

The same is the case for the States of Montana, Wyoming, South Dakota, Arkansas, New Hampshire, Vermont, and Maine—States where the people are just as entitled to the convenience and reliability of rail passenger service as the people of any other State.

If the standard that Amtrak is to follow is going to be the same as the standard followed by the railroad companies, and every passenger line that does not show a profit is going to be stricken from the system, why did we pass the bill? Why are we using public money ostensibly for the purpose of furnishing the people with passenger service? If this is to be the standard, then we should never have passed the enabling legislation in the first place, and simply permitted the railroad companies to proceed with the cancellation of service and the elimination of every line that did not show a profit on the railroad books.

We can have it one way or the other, but the worst way to have it is to set up a corporation and supply public money and then fail to provide a basic service to the people of the country. That is what has happened, much to the consternation of those of us who felt that we were going to preserve passenger service when we voted for this bill. So it is up to us to take action while there is still time.

I commend the leadership that has been given us by the distinguished majority leader, the support we have from the Senator from Montana (Mr. METCALF), and the sympathetic reception that we received from the distinguished chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), and all others who are willing to join us on this floor in a fight to see that basic railroad transportation is preserved for the people of all the contiguous 48 States.

I hope that the amendment offered by the distinguished Senator from Montana will be agreed to, and agreed to promptly, by the Senate.

Mr. PROUTY. Mr. President, it is paradoxical that the Senator from Vermont who is completely sympathetic with the views expressed by all the speakers thus far during the debate should be in the position here of a defender of Amtrak. My section of the country has been denied passenger service. We have none whatever, and I am concerned about it. My objectives are identical with those of the distinguished majority leader, the Senator from Montana (Mr. METCALF), and others who have spoken. But I am convinced that if Amtrak is stopped now or if action is postponed for another 6 or 7 months, that will be the end of our attempt to revitalize rail passenger service, and such service over the period of the next few years will become extinct in this country.

I believe that Amtrak will operate passenger trains so efficiently that heads of railroads are going to wonder why they were so stupid in the past in failing to operate passenger service on a paying basis, instead of doing everything possible to discourage it. I have that confidence.

The law itself, section 403, reads as follows, in part:

> The Corporation may provide intercity rail passenger service in excess of that prescribed for the basic system, either within or outside the basic system, including the operation of special and extra passenger trains, if consistent with prudent management.

I am confident that the Corporation is concerned. We have been given assurance by many of the individuals who will serve as directors that they intend to investigate and make a thorough study. I believe that the action taken by the Committee on Commerce yesterday is of real significance, in which we required the Corporation to make a study and report back to the Commerce Committee by June 30, with recommendations as to what train service could and can be restored. As a member of that committee, I can pledge my best efforts to help rectify the situation in Montana and elsewhere, and hopefully in my own section of the country. I will do everything possible to bring that about.

Mr. President (Mr. SPONG), on May 6 of last year, this body passed the bill by a vote of 78 to 3. Now we are being asked to undo all of that at the last minute. Doing so would force an abrogation of all of the contracts entered into between Amtrak and the railroads—20 of the 23 passenger railroads in this country.

It seems to me that only a half dozen or so Senators have been in the Chamber. I am going to suggest the absence of a quorum, and it will be live.

Mr. METCALF. Mr. President, will the Senator yield before he suggests the absence of a quorum?

Mr. PROUTY. I yield.

Mr. METCALF. If this Amtrak provision did not go into effect tonight and a resolution such as this were adopted, the only way railroad passenger service could be discontinued would be by application to the Interstate Commerce Commission. Is that not true?

Mr. PROUTY. Yes.

Mr. METCALF. And they could go through the same procedure that had been a matter of law for all these years since the establishment of the Interstate Commerce Commission.

Mr. PROUTY. That is true. That is why we find that passenger trains have disappeared over the years, because the Interstate Commerce Commission has been unable to justify ordering their continuance.

Mr. METCALF. But sometimes the Interstate Commerce Commission has refused to permit the railroads to discontinue the passenger trains on the basis of the presentation made to them.

Mr. PROUTY. That, of course, is true.

Mr. METCALF. I want to remind the Senator that one of these instances involved the Northern Pacific, the Main Streeter, which I recall. Senator MANSFIELD and I have appeared twice before the Interstate Commerce Commission in opposition to an application to take one of the Northern Pacific trains off, and each time the Interstate Commerce Commission has refused. Yet, under this regulation, we not only lose that train but also the other train, the North Coast Limited, on Northern Pacific.

Mr. PROUTY. It is the sincere hope of the Senator from Vermont that that will not happen, except, perhaps, on a very temporary basis.

I believe that the distinguished majority leader and the distinguished junior Senator from Montana have accomplished a great deal through this debate thus far. With the prestige of the distinguished majority leader and the respect in which the junior Senator from Montana is held, I am sure the members of the Corporation will give particular consideration and thought to their views.

I assure the Senator from Montana that the Senator from Vermont will do anything and everything he can to assist them, and, hopefully, will be of some help in trying to solve these problems.

Mr. METCALF. If the Senator from Vermont will yield further, I am very much delighted to hear these words of praise, but, regardless of the accolades, we will lose our trains at midnight tonight.

Mr. PROUTY. Hopefully, only on a temporary basis, however.

Mr. METCALF. We will lose our trains just at the beginning of the tourist season. People are beginning to travel to Yellowstone National Park. They are beginning to travel to the Grand Teton. This is the time that many tourist programs are being organized by travel agencies, and so forth. Perhaps, 3 or 4 months later, the Senator will come in and say, "Well, we will give you a park service, or something of that sort"; but the experience has been that when we lose a train we lose it forever. Therefore, if we lose a train tomorrow, I doubt very much we will ever get it back.

Mr. PROUTY. Well, let me read from the transcript of the hearings before the Subcommittee on Surface Transportation of the Committee on Commerce when the distinguished Senator from Indiana (Mr. HARTKE), on Wednesday, April 28, 1971, addressed this question to David Kendall:

> Senator HARTKE. Senator Mansfield raised a question about Yellowstone. Do you think there is any possibility that sometime in the future you can provide service for a place like Yellowstone National Park? That certainly is an historic, beautiful place.
>
> Mr. KENDALL. It sure is. And we have discussed it. As a matter of fact, one of the first things we discussed was the type of summer service we could do to Yellowstone.
>
> Originally we discussed Yellowstone and Glacier, each with gateways—well, Glacier is all in his state, and the Livingston entrance at Gardner is in Montana. And we certainly do and we have it very much in mind, and have discussed it.

I believe they are taking this job very seriously and, may I say to the distinguished Senator from Colorado, it is because of my concern for the rail passenger service all over the country and not just in the Northeast section of the country, the three northern New England States, that I support Amtrak, otherwise I certainly would be backing the proposal offered by the distinguished majority leader. In my judgment, if Amtrak does not go into effect as it is supposed to go into effect, at 1 minute after midnight tonight, passenger service in this country in the next 2 or 3 years will be a thing of the past all over the country.

Mr. METCALF. Will the Senator from Vermont yield again?

Mr. PROUTY. I yield.

Mr. METCALF. The Senator from Vermont, with whom I served in the House and whom I very much admire in this body, knows that both the distinguished majority leader and I know he is working in the interests of railroad passenger transportation with every bit of his efforts moving in that direction; but I do want to say, before I go any further, that I know a member of the Board, Charles Loomis, and his name was not added. Former Congresswoman from Washington, Catherine May—now Mrs. Bedell—was inconsistent in her reporting how these lines were arrived at.

For example, in the Spokesman Review for the 23d of March, a newspaper printed in Spokane, Wash., it suggested that the reason Wenatchee was abandoned was that there was greater traffic through Yakima, yet Wenatchee was 67 miles shorter and 1 hour faster; but when she got to Montana—and she was very good about Montana, she said that Montana was a tough decision—the northern route is 2 hours faster, but she said that a greater proportion of the traffic generated would be in the southern route. And then she suggested that was the only reason they decided the northern route should be taken. I completely concur that there should be transportation through the northern route, but that was the only reason they decided on only one route was that—

> Those fewer people in the North showered twice as many letters on us pleading for retention of their service.

As the newspapermen filed out of the office, they said, "The way to win this is to say, 'That is a hell of a way to run a railroad.'"

That is the wrong way to make decisions on where railroad transportation and railroad traffic should go. Mrs. Bedell made her decision on the basis of putting traffic through the north, but she did not use the same criteria to put the traffic through Montana. That is why we are asking for an opportunity to let the trains run at a time when they will make a profit. Every train going through southern Montana will be loaded every day.

The distinguished Senator from Vermont, if he will continue to yield, knows that this country was settled from east to west. The Northern Pacific, the Milwaukee, the Great Northern, the Union Pacific, and the Southern Pacific are all great transcontinental railroads; but there are very few transportation systems running from north to south. One of the few will be completely abandoned, the Oregon Short Line, from Butte, Mont., to Salt Lake City, Utah, through Blackfoot, Idaho. There is no other way between the Twin Cities and the Pacific coast to get from north to south in that huge western area except through this established railroad system, and yet we are going to abandon that kind of railroad passenger service for the people who live in a tremendous western area.

Mr. PROUTY. Mr. President, the comments of the Senator from Montana, which he has just presented, and which will be discussed by the distinguished majority leader as well, I am sure will be most helpful to those of us who serve on the Committee on Commerce and to the members of the Corporation. I am convinced that we will give superior railroad service, even though some of it will be discontinued temporarily. I sympathize completely with the Senator from Montana. It may be that some of these trains will be taken off temporarily, but hopefully not for a long, protracted period of time.

Mr. METCALF. Will the Senator from Vermont continue to yield?

Mr. PROUTY. I yield.

Mr. METCALF. For many, many weeks, those of us being deprived of our railroad transportation in the West have protested to the members of the Board, have protested to the Department of Transportation, and everyone else that we could get to listen to us. This is the first opportunity we really have had to get a quorum to discuss the transportation problems with which we are confronted.

It would seem to me that in this summer season where every one of the railroads will show a passenger traffic profit, if they choose to run the railroads and run the trains during the summer season, we should say to them, "Continue to run the trains. Continue to make the profit. Continue to operate the railroads and give service to the people in the vast areas that have not any service now, and then, after a study maybe we can reach an agreement, on some of these trains, that passenger service should be taken off."

We are not saying to a single railroad that I am talking about that it has to operate at a loss. Sometimes the Main Streeter operates with people in the baggage cars because there is no more room in the passenger cars to take care of these people traveling to Yellowstone Park and other parts of the country.

It would seem to me that this is exactly the wrong time to abandon these trains and exactly the wrong time to say to the people who reside in huge areas of the United States, "We will not give you passenger service." This is just as the vacation season starts and just as they want to travel into the Western areas in which they own half of the public land of the United States. It is just at this time that we are going to say, "We are not going to give you railroad passenger service into those huge areas."

Mr. PROUTY. Mr. President, I will suggest the absence of a quorum in a minute. However, I promised to yield first to the distinguished Senator from Arkansas for a brief statement. We might as well find out whether we have a quorum.

Mr. MAGNUSON. Mr. President, would the Senator yield first for a question?

Mr. PROUTY. I yield.

Mr. MAGNUSON. There is no question of time as I understand it. If this were postponed 10 days, 20 days, 60 days, or 6 months, the railroads would continue to run as they are running now. They cannot abandon any line until the ICC tells them to do so.

I do not see any great deal of harm in this. The Northern Pacific has been running over half a century.

Mr. METCALF. And every summer it makes a substantial profit over these passenger routes.

Mr. MAGNUSON. It merely means that they will continue to run all the passenger lines we are talking about until we can arrive at a reasonable agreement. I do not see why they should have to quit running them at midnight. They have been running them for years. Some of them have been operating for three-fourths of a century. To run them for an additional 60 days is not going to make much difference.

The problem that bothers me is that I know that once they cut them off on Monday, they will say, "If you make a good case, we will put them back."

This is what the railroads have been wanting for years. They will not put them back on the tracks at all. If we can hold off until we can discuss these matters and see if we can work them out, it will be the same situation as today. The trains will be running. They cannot abandon the lines on all of the railroads. They cannot do that until the ICC gives them permission.

Mr. President, I do not see any harm in trying to work this out. It gives us a little more time. We would have had some time if they had come up 3 months ago and told us what they were going to do. However, they came at the last minute. They never discussed it with anyone. Then we received a lot of frantic telephone calls within the last 24 hours.

The ICC would allow some of the railroads to abandon some of the lines. However, most of them will be running next week and next month just as they are now. They will not quit at all. I want that to be clear. That is my understanding of the law, and I am sure that I am pretty correct about it.

Mr. PROUTY. Mr. President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I associate myself with what has just been said by the distinguished chairman of the Commerce Committee.

Mr. President, as I have stated on a number of previous occasions, I strongly believe that the basic system of the National Railroad Passenger Corporation should truly be national in scope. Quite clearly the system scheduled to begin operation on May 1 is not a national system.

The people of Arkansas, as well as the people of other States and major cities that have not been included in Amtrak, are entitled to this service. I have previously cited the reasons why passenger rail service is important to Arkansas and called attention to the widespread feeling in the State that Arkansas should be included in Amtrak.

It should not be necessary to repeat this point, but one of the obvious needs in this Nation is to help bring about the orderly development of our rural and less-populated areas, which would enable us to ease the pressure on our heavily burdened urban areas. The proposed Amtrak system seems to completely ignore this basic tenet.

Even though Arkansas is not one of the most heavily populated States, it still ranks as 32d among the 50 in population. There is no reason why a growing State, with a population of 2 million, should be penalized and left without a service that could and should be increasingly important in the future.

As the Arkansas Gazette in Little Rock recently editorialized:

> In Arkansas's case the inescapable indication is that pains had to be taken to exclude us. The route lines form a loop around Arkansas . . . Arkansas, in plain language, got a raw deal out of the initial routing of Railpax.

Mr. President, I feel that there is strong justification for a Chicago-St. Louis-Texas route that would service Arkansas. I think it should be recognized that there can be no fair test of profitability and utilization until the people are provided with comfortable, reliable, and efficient service.

Whatever happens with regard to the scheduled beginning of the Amtrak system, I believe that it is imperative that prompt and serious consideration be given to the expansion of this system to make it the national system it is supposed to be. One means of achieving this is the legislation—S. 1018—proposed by Senator CHURCH, which I am cosponsoring, which would require that the basic system be extended "to provide adequate intercity rail passenger service to a major population area in each of the contiguous 48 States."

Mr. President, it is obviously difficult for me to support a supposedly national system that clearly excludes my State. I shall therefore continue to support efforts to insure that Arkansas and other excluded regions are included in this system.

I repeat that I would hope that the matter could be left in status quo as the Senator from Washington has suggested until we have further time to consider the matter. It would be extremely difficult to undo. I anticipate that if this sort of action is taken and the reaction that I anticipate comes from it, there will be the development of an ever-growing demand for the nationalization of the railroads.

Mr. President, this matter came up when the Penn Central matter was before the Senate at the time they came and asked for an authorization of $125 million. The Senate approved it.

I would hope that we do not go down that road. If this is as arbitrary as I think it is and as I believe it to be with respect to my State of Arkansas, I think there will grow a further demand and an increasing demand for the Government to generate and to develop or take over, or whatever one wants to call it, the railroad system, inspired by the necessity for passenger service.

I would hope that the matter could rest as the Senator said and that we could reach a more acceptable understanding for everyone in the United States.

Mr. PROUTY. Mr. President, I will make a brief statement and then suggest the absence of a quorum.

Mr. President, as I previously indicated, I am very sympathetic to the motives of the distinguished Senator from Montana and can well understand his disappointment with respect to the fact that his State will not be provided all of the rail passenger service which he desires. I, too, was disappointed that the only existing service in my State, that from New York and Boston to Montreal, will be discontinued on May 1, 1971. However, I must oppose any attempt to forestall the May 1, 1971, deadline contained in the Rail Passenger Service Act because of the inevitably chaotic situation which would result from moving that date at this time.

Mr. President, I am not a lawyer but I understand that the most single important consideration for the 20 railroads who have entered contracts with the new Corporation to provide service under the direction of the Corporation was the fact that they were promised relief from the running of intercity passenger trains other than those which will be run under contract with and the direction of the Corporation. What this means as a practical matter was that the railroads were promised relief from a crushing loss of nearly $250 million each year which they have been sustaining in providing the passenger service that it is the purpose of the legislative proposal of the Senator from Montana to require be continued for another 7 months. In the case of the Penn Central alone, I am told that losses from operating such service are in excess of $5 million each month.

The situation confronting Penn Central was most graphically portrayed in Judge Fullan's recent decision approving the Penn Central trustees entry into a contract with Amtrak.

As I understand it, the Corporation not only has the right to request additional service but the railroads are required to preserve their lines for such use so that it will be possible for the Corporation to request such additional service at least up until July 1, 1973.

First, section 403(a) of the Rail Passenger Service Act of 1970 specifically authorized the Corporation to provide service above and beyond that contained within the basic system, for which they have already entered into contracts. They have obviously kept their options to do so open by virtue of a number of contract provisions, the most important of which are section 3.2 of the contract which provides that "NRPC shall have the right from time to time to request and subject to and in accordance with the terms and conditions of this agreement, railroad hereby agrees to provide modified or additional service."

Perhaps more significant, in view of our common concern is the fact that under the terms of section 4.1 the agreement each railroad entering into a contract with the Corporation agrees to preserve until July 1, 1973, "its rights with respect to any of its rail lines not included in clause I above—those over which service will be initially provided—which were used by it for intercity rail passenger service on or during the 12 months preceding April 30, 1971."

I think that may answer some of the fears which have been expressed.

RAILPAX SYSTEM INADEQUATE TO WISCONSIN'S NEEDS

Mr. PROXMIRE. Mr. President, I want to associate myself with the remarks made by the distinguished majority leader today regarding the gross inadequacies of the Railpax system which has been renamed Amtrax. Just a few illustrations from my State of Wisconsin make the point.

The health of the Railpax system is going to depend in a very large degree to the short haul feeder lines that hook into the main, or backbone, system. These feeder lines inject additional passengers into the system. These new passengers naturally infuse additional revenue into the backbone system, make sure that it is operating at a high level of efficiency, and improve the profit picture.

Three feeder corridors could have been included in the system to serve three large segments of the Wisconsin population, but Railpax failed to approve these feeder lines. One would have fed Green Bay traffic into the Milwaukee connection; a second would have linked Madison with Chicago, thus assuring the availability of rail transportation between Wisconsin's capital and the Nations Capital; a third would have connected the Superior-Duluth market with Minneapolis-St. Paul.

The failure to provide for these feeder lines represents three more reasons why the Railpax system is completely inadequate to the needs it was meant to fulfill. I can assure the distinguished majority leader that I fully support his efforts to gain reconsideration of the system as it is presently constituted.

THE CRISIS STAGE IN RAIL PASSENGER SERVICE

Mr. CURTIS. Mr. President, we have reached the crisis stage in rail passenger service for many parts of the United States, among which the Western States will be hardest hit.

It is necessary to cast aside old enigmas and try something entirely new, for without drastically changing the methods we will lose all passenger service and thus all forms of public transportation in many areas.

The method which I am going to propose to meet this need is practical and reasonable. There is no reason why the railroads could not have adopted it, except that they were laboring under contract provisions and work rules which made management entirely inflexible in meeting the changing transportation conditions across the country.

I believe the railroads should be required to operate a few freight trains on fixed schedules, and should be required to pull a passenger car or two on each of those regularly scheduled freight trains.

The Railroad Passenger Corporation could contract with the railroads to pull the passenger cars in areas where there is not sufficient passenger revenue to support a separate passenger train.

The railroads thus would retain a certain responsibility for maintaining passenger service, instead of chucking it entirely and making it the responsibility of a Government-run corporation. Some of the mail could continue to move by train to remote areas of the country where airline service is poor or nonexistent.

For my own State of Nebraska, this would mean the retention of passenger service along the Union Pacific line from Omaha west through such communities as Fremont, Columbus, Grand Island, Kearney, Lexington, North Platte, Ogallala, Sidney, and Kimball.

For Senators HANSEN and McGEE of Wyoming, and for Senators MANSFIELD and METCALF of Montana, it would save railroad passenger service.

It is simple, it is reasonable, and it will work, Mr. President. It ought to be tried.

CALL OF THE ROLL

Mr. PROUTY. Mr. President, I suggest the absence of a quorum, and it will be a live quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 55 Leg.]

Baker
Bayh
Byrd, Va.
Byrd, W. Va.
Case
McGee
Metcalf
Moss
Pastore
Prouty
Sparkman
Spong
Talmadge

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Mr. LONG), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

Mr. PROUTY. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senators from Kentucky (Mr. COOK and Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER, the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senators from Ohio (Mr.

SAXBE and Mr. TAFT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms is directed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Allott
Anderson
Bible
Chiles
Church
Eagleton
Ellender
Fulbright
Hart
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Nelson
Pearson
Pell
Proxmire
Randolph
Roth
Schweiker
Stennis
Stevenson
Symington
Young

ADJOURNMENT UNTIL MONDAY, MAY 3, 1971

Mr. MANSFIELD. Mr. President, in view of the fact that we are having some difficulty in achieving a quorum, I move that the Senate stand in adjournment in accordance with the previous order.

The motion was agreed to; and (at 3 o'clock and 4 minutes p.m.) the Senate adjourned until Monday, May 3, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 30, 1971:

U.S. COAST GUARD

The following named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W2:

Edward A. Howard
Michael A. Allen
James L. Carnley
Thomas J. Nalley
Donald J. Buotte
Philip R. Sheldon
William J. Nielsen
William H. Shova, Jr.
Eddie E. Arnold
Fredric R. Brentson
Richard S. Flood
Robert K. Chandler
Harold H. Hager
John Kollar
John M. Weathers
Frederick W. I. Shackleton
James B. Alexander
Walter W. Croft
John O. Meekins, Jr.
Herbert P. Metzger
Gail O. Daugherty
Roger J. Rosie
Juan P. Cajandig, Jr.
Robert E. Morong
Earl J. Rouse
Norman A. Rogers
Charlie E. Melanson
Robert E. Lee
John H. M. Douglas
Arthur G. Villar, Jr.
Robert F. Hunt
Richard Findley
Duane D. Judkins
Daniel A. Hill
Earl L. Portrey
Jeffrey O. Wenger
Korrol R. Slocum
C. C. Self
George W. Allen
Joseph G. Kava
Roger G. Resor
Ford F. Aumiller
William C. Hendry, Jr.
George F. Fallon
Jack L. Shampine
Ronnie M. Watson
James J. Patton
Norman L. Williams
John P. Lambert, Jr.
Thomas J. Mulcahy
Leslie C. Eaton
Charles F. Walsh
James H. Henderson
Tony M. Robinson
Lee T. Jones
Norman A. Summers
William A. Gregory
Herman S. Loper
Edwin B. Ray
Daryl V. Orey
George W. Truntich
Paul F. Pearson
William E. Ambrose
Stephen T. Pitro
Robert W. Cason
William D. Saunders
Clovis B. Hickey
Gerald J. Lambert
Clark P. Kippenberger
Alfred M. Perry
John H. Larson
Richard R. Trompke
Wesson B. Williams, Jr
Charles M. Cate
Leonard J. Bobrowski
Egbert F. Williams
Roy Lindley
Albert W. Joynes
Perry W. Gines
Harold T. Wright
Harold D. Davis
Robert J. Silva
Dennis K. P. Lee
Claude C. Charley
James M. Meehan
George A. Matheson
Eugene V. Bowles
John A. Hagelin
Dominick F. Medico
Leland T. Davis
Fred H. Finkel
Thomas H. Bernhardt, Jr.
William E. Leistner
Theodore J. Falter
John W. Simpson
Robert W. Holley
Norman E. Caribo
Thomas B. Grimes
Richard W. Bowmer
Donald R. Clapp
Rodney N. Strelau
James A. Heckler
Robert E. Carmen
William D. Woodbury
David D. Beattie, Sr.
Curtis R. Neal
Harold L. Coel
Bobby A. Swindell
Lyle L. Cosner
Edward H. Lapinski, Jr.
Lafayette G. Duke
Edwin C. Price, Jr.
Victor A. Zink, Jr.
Richard L. Benson
Robert H. Marx
Lynn C. Helm
Larry G. Longbottom
Paul S. Grimes
William A. Wiggins, Jr.
Forest H. Mayer
Richard L. Trevallee
Richard C. McDowell
Thomas S. Mitchell
Philip A. Montminy
Charles D. Sprague
Thomas M. Creighton
Ervin S. Whitaker
William F. McGlone
Thomas J. Shubbuck
Kenneth E. Leland
Darrell L. Collier
Charles R. Robinette
Ralph E. Huck
Leo A. Coakley
John A. Hilmer
Joseph R. Oliver
Nerius Collazo
Kenneth J. Olsen
Gary C. Koehler
Royce G. Young
Edward J. Norris
Joseph C. Berry
Daniel E. Fowler
Gary L. Hopkins
Robert Berry
Cecil G. Bryan
Gary A. Lappier
Roger O. Lake
Irwin L. Gaines
Daniel C. Schueler
James B. Griggs
Ernest L. Styron
Vance M. Miller
Huey D. Grandstaff
George N. Batey
Thomas A. Pitkin
Charles W. Slaughter
James T. Lanier
Freddie J. Porter
Vernon M. McClellan
James F. Brown
Ronald Grant
Timothy G. Flavin
Cleo F. Metty
Douglas G. Wade
Robert L. Clark, Sr.
Donald W. Hale
Fernando F. Gispert
Carl B. Seale
Gerald J. Schramski
Clayton L. Swearingen
Jerry W. Lewis
Joseph C. Ehrenberg, Jr.
Walter J. Capps
Nelson M. Tavares
Lancy L. Bostwick
William J. O'Boyle, Jr.
David A. Handy
Jerome J. Koenig
James L. White
Dayrl W. Moore
William Gray
Robert Frates
Theodore T. Musselman
Gerald L. Ranes
Robert B. Millson
Gary A. Bird
Richard L. Youdal
Carl R. Sosna
John R. Lehman
Hubert C. Jackson
James G. Kirby
Richard E. Carrier
James L. Herron
Herman J. Murphy
Frank D. Goolsby
Alfred G. Addy
Jack R. Kirk
Jerry D. Fisch
Steve J. Avilla
Mark C. Dennis
William F. Doyle, Jr.
Harold E. Helfrich
Roger L. Lanier
Harold Z. Parker
Gary L. Elliott
Rexford W. Altman
Dan G. Lents
Donald M. Hanley
Dale S. Draa
Oscar N. Skelton
Floyd W. Hayden
Stuart W. Clarke
Robert O. Horst
David H. Martin
Julius Alama
Paul E. Sparrow
Robert P. Edgar
Donald E. Bay
Joseph W. James
Donald M. Warren
George E. Cain, Jr.
Loyd S. Williams
James C. Tanner
John H. Fenter
James A. Walker
Eugene A. Mellott
William R. Beers, Jr.
John D. Klemm
William A. Degeorge
Eugene B. Crawford
Darwin G. Asch
Billy F. Rawlinson
Richard E. Irwin
Eugene B. Murray
Irvin J. A. Treadway
Gerald L. Colton
Wayne J. Ayers
Edward T. McArthur
Thurman L. Knight, Jr.
William R. Brantley
Gordon M. Snook
Donald L. Nolan
Donald R. Strange
James N. Defries
John H. Peabody
James R. Arthur
Robert J. Covert
Robert K. Critchlow
Royce W. Fulcher
Robert D. Harwell
Lowell R. Andrews
Richard D. Rebele
John W. Harm
William E. Garrett
Alvin K. Johnson
Melvin L. Ferguson
Edward E. Laycock
Donald L. McMillin
David T. Daniels
John E. O'Donnell
Aubrey E. Fussell
Christopher Maropis
Guy O. Seago
Gene I. Goodwin
Clark C. Logsden
William C. Henning, Jr.
James D. Grimes, Jr.
Wilfred J. Laufenberg
Kent D. Vallier
Robert E. Dailey
Robert R. Raby
Frederick L. Regan
John W. Babcock, Jr.
William F. Haygood, Jr.
Jack L. Elam
Robert W. Jackson
Charles L. Kidd, Jr.
Robert V. Kassela
Damian T. Sarchiapone
William M. Dukes
Leroy Rosa
Stanley M. Pridham
Weyland D. Logue
Elmer A. Stevens
Leo L. Whaley, Jr.
Pernell J. Perry
Allen L. Smith
John R. Hearn
Delbert A. Riley
Robert M. St. John
William A. Sturgis
James B. Zipfel
Carl R. Green
Frederick P. Pitts
Gene F. Lewis
William R. Shaffer
Brian C. Curtis
John L. Anglin

The following named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W3:

Robert C. Herold
Malcolm W. Gray
Lavere E. Amundson
John F. Weseman
Karl Kaufman
Donald L. Dobbs
Robert B. Swart
Philip K. Hauenstein
Donald A. Kirkham
John H. McLaughlin
Theodore T. Musselman
John S. Wenter
Dalton M. Sheppard
Richard B. Petersen
John G. Gaskill
Kennth H. Kramer, Jr.
Francis G. O'Hearn
Charles H. Thompson
Roland E. Miller, Jr.
Manuel G. Macara, Jr.
Ellis A. Gray, Jr.
Carl A. Wade
Joseph F. Newsome
Arthur W. Stokes
John R. Koehler
John T. Crowe

The following named officers of the Coast Guard to be permanent commissioned officers in the grade of chief warrant officer, W4:

Herbert J. Nuse
Gary M. Vaughn
George M. McWilliams
Jack E. Arrington
Conrad A. Pasbrig
John H. Freie
Charles M. Saylor
Alan R. Hinds
Daniel A. Sutyak
Harold T. Collins
William R. Shrader
William H. Spears
Donald O. Tilton
John C. Baker
Doyle S. Porter
Raymond R. Close
William S. O'Neill
William D. Franklin
John W. Wyatt III
Henry E. Prentiss
Paul S. Johnson
Rex W. Coulson
James A. Bachtell
Gordon R. Mortensen
Warren M. Nix
Donald P. Ivins
Jack L. Brolliar
David L. Trax, Jr.
Chester V. Barrett, Jr.
Kirk D. Rose
Oren A. Dinsmore
Andrew J. Mullins
Stanley B. Anderson
William C. Ray
William F. Hatcher
Roy E. Olson
Clarke R. Harwood
James C. Healan
Glenn L. Marshall
Ralph G. Garvin
Thomas J. Cristiano
Edward Lienemann
Howard K. Luallin
Kenneth W. Lamar

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Frederick N. Gallien
Roland H. Buster
Ernest J. Teichert
Larry C. Evans
Ronald A. Simons

EXTENSIONS OF REMARKS

WHEN THE WAR ENDS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BAKER. Mr. Speaker, in the current debate over "date certain" and "complete withdrawal" the protagonists often lose some of their perspective on just what is involved in winding down the war and in bringing our troops home. The Cleveland, Tenn., Daily Banner has recently editorialized on "When the War Ends" to bring this complicated issue back into focus. In calling the editorial to the attention of my colleagues, I feel it is important to state that I understand some of the frustrations of the so-called antiwar element in and out of Congress as they see President Nixon bringing the war to a close after they have criticized him so bitterly. I am inclined to feel sometimes they do not want complete withdrawal as much as they want an issue. Be that as it may, we are getting out of Indochina under the President's plan which does disengage us without the abandonment of any of our responsibilities. The editorial, "When the War Ends," suggests some things we should keep in mind in this operation. I trust it will have the study it deserves:

WHEN THE WAR ENDS

In his nationally televised speech recently, President Nixon talked of ending "American involvement" in Vietnam 12 times. He did not define the term exactly. Defense Secretary Melvin Laird came close to a definition last week in outlining a military corollary to the Nixon Doctrine for Asia.

Laird confirmed that the American ground combat role would end this summer, but that some American troops would be used in security roles, to protect American logistic support troops, and air and naval units.

The American air and naval presence will remain in Southeast Asia during the 1970s to bolster Asian allied forces and maintain a policy of "realistic deterrence" after American ground troops have been withdrawn.

In formulating a strategy of realistic deterrence, the United States balances the fiscal and manpower realities that prevail at home against the strategic realities of the Soviet Union—and, in the 1980s, Communist China.

So that while the fighting should be over for American combat troops by midsummer, there will be an American naval and air presence in Southeast Asia indefinitely, not to provoke war, but to prevent war.

This is the same kind of American naval and air presence maintained in the Mediterranean, to bolster our allies there—Italy, Greece, Turkey and Israel. It warns would-be aggressors that they would have to deal with the United States should they attack one of our allies, and in that way an attack is prevented, whereas an aggressor would be tempted to attack if he thought one of our allies would be an easy mark alone.

Laird's definition of President Nixon's plan to end American involvement in Southeast Asia may be summarized, as he did, in this expression, "Military assistance, yes; manpower, no." The day of committing massive manpower to that part of the world apparently is over. The fighting, it seems, will be turned over to the South Vietnamese sometime this year.

ISSUES IN MANPOWER POLICY

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ECKHARDT. Mr. Speaker, the current debate over reform of our Federal manpower programs, the need for more public service employment, and the President's plan for revenue sharing make the excellent paper on these topics by Sar Levitan and Robert Taggart III of the Center for Manpower Policy Studies very timely. I recommend that all of my colleagues take the time to read this paper so that they may view these issues as a unit—as must be done in any rational discussion of Federal manpower policy. The paper, entitled "Revenue Sharing, Public Employment, and the Reform of Manpower Programs," follows:

REVENUE SHARING, PUBLIC EMPLOYMENT, AND THE REFORM OF MANPOWER PROGRAMS

(By Sar A. Levitan and Robert Taggart III, Center for Manpower Policy Studies, the George Washington University)

(Paper prepared for the National Conference on State and Local Manpower Policy Planning, Salt Lake City, Utah, April 30, 1971.)

THE NEED FOR ACTION

The need to overhaul and reform our manpower efforts is generally recognized. The federal government now spends more than $3 billion to provide a wide range of labor market services to those who need help in finding or better preparing themselves for civilian work. These services are delivered through a number of separate categorical programs including the Manpower Development and Training Act, the Job Corps, New Careers, the Work Incentive program, the Neighborhood Youth Corps, Job Opportunities in the Business Sector, and others which were added in the 1960s to the older vocational education and rehabilitation programs and the federal-state Employment Service. These combined efforts provide needed assistance to millions of Americans, as manpower services have assumed an increasing place in the agenda of public responsibilities. Nevertheless, there is widespread agreement that the manpower effort falls far short of accomplishing what it could and should.

Those who are close to the programs are keenly aware of their administrative difficulties. Operated by a variety of agencies at the federal, state, and local level, the programs are aimed at differing clienteles and needs, varying in their eligibility standards, benefit levels, application procedures, and methods of delivery. There are some 10,000 separate contracts between federal officials and public or private delivery agencies. Because services are fragmented and frequently uncoordinated, clients are often unable to find the assistance they need. Some of these difficulties are the inevitable result of designing and implementing experimental social programs, but many problems result from the underlying philosophy of the manpower efforts—the centralization of authority at the federal level. While only part of one program, the Job Corps, is operated directly by the feds, the others are administered by state and local groups under detailed federal regulations and theoretically under close oversight. Funding comes with many strings attached, and the operating agencies have little flexibility. Centralized administration has too often resulted in the Procrustean solution of forcing all local efforts into rigid programmatic forms.

There is a more abstract but equally inimical aspect to this situation. The reins of power are gripped by federal officials and the bureaucracies which administer the programs at all levels with little political accountability for their decisions. At the national level, most manpower legislation has drawn bipartisan support. Congress has established overall priorities, but its committees have been able to devote only cursory attention to administrative oversight. At the state and local level, there has been almost no accountability because elected officials have not been drawn to participate actively in manpower programs, and they have relied upon the feds for the monitoring of projects. Most of the decisions left to local agencies have been highly technical and have usually been made by the employment service or the state vocational education department. These agencies are remarkably free from political control and they operate normally as self-sustaining bureaucracies. The experiment with "maximum feasible participation" by the disadvantaged was relatively short-lived, and concerted attempts were made to transfer power back to the functional bureaucracies. In other words, the public has had very little chance to participate in the decision-making process, with little control over priorities or program operations.

Complicating matters is the current economic slump. The manpower programs were designed for and implemented under favorable economic conditions. Labor markets were extremely tight in the final half of the 1960s generating a need for additional workers which made it easier to find employment for those who were helped. But the recession has made jobs scarce and new manpower approaches and priorities are needed under current conditions. Certainly a public employment program of some sort assumes prime importance when private sector jobs are not available. But other changes are also necessary if the manpower programs are to operate effectively in a slack economy.

If the above observations are valid, there are three major reasons for reassessing and overhauling the manpower effort that expanded during the past decade. First, administrative reforms are in order to reduce red tape, delay, wasteful overlap, and inflexibility. The goal is to improve program efficiency. Second, decisionmaking is too centralized at the federal level, and too concentrated in the hands of functional bureaucracies. Decentralization is needed to strengthen political accountability and when feasible to enhance grassroots participation. Third, the manpower efforts are geared for tight labor markets. The need is to adjust to a changing economic environment, with different approaches to provide jobs for the recession's victims.

THE DIVERGENT PATHS

Any one of these reasons is adequate justification for overhauling the manpower effort. But each suggests a different path of reform, and it is difficult to compromise the divergent interests.

For those who are most concerned with the technical and administrative problems of the manpower programs, the generally accepted goal is one-stop, individualized service. Ideally, the client should be able to get all the help he requires through a single, easily accessible local agency with the capability to assess his needs and to purchase or provide all the prescribed manpower services.

This ideal, however, remains elusive and proposed changes, to be acceptable, must balance competing interests. Cities are wary of state authority and demand automatic pass-throughs of funds, while local community groups that receive direct federal funding fear control by the mayors or governors. Vested interests at all levels, especially the bureaucracies who presently administer the programs and possess most of the needed expertise, can be expected to defend their turfs. Even if the separate manpower services could be coordinated for one-stop delivery, there is no assurance that any group would provide the sympathy, understanding, and knowledge required for individualized attention. Agencies that speak for and to the clients of manpower services are usually in opposition to those that represent the "establishment" and can deliver the goods. While the present administrative structure of the manpower programs only widens this dichotomy, the differences are fundamental and not easily resolved.

Of course, Congress could attempt to resolve the most obvious administrative deficiencies that beset the manpower efforts. But there is no great public pressure for reform, and few members of Congress care to invite a confrontation with the various vested groups that are "involved" in manpower programs. Any improvements must, therefore, come about from a compromise among the interested parties. Though voluntary agreements are welcome, they will not eliminate all, or even most, of the administrative problems of the manpower programs. Legislative reforms can and should be made; but by the time all safeguards, pass-throughs, and exceptions are introduced to make the legislation acceptable to a plurality of interests, the changes will have little political appeal and their substantive impact will be minimal. Reform cannot offer immediate or complete elimination of administrative problems; no group will be completely satisfied with any compromise; and the purposes are so complex that the public at large will not be moved. On the other hand, no bill for revenue sharing or public employment will be acceptable to the proponents of reform unless it promises improvement in the administration of the manpower programs and makes the necessary compromises between competing interests. Administrative reform is apparently a necessary but not sufficient condition for legislative action on the manpower front.

Those concerned with the increasing centralization of government and the inability of states and localities to meet their financial responsibilities find the sharing of federal revenue an appealing solution. The Nixon administration has proposed a general purpose distribution of federal funds, initially at the rate of $5 billion per year, plus six special revenue sharing programs totaling $11 billion for broadly earmarked social purposes. Funds allocated to manpower training (exclusive of appropriations for vocational education and vocational rehabilitation) would total $2 billion. These shared revenues would be distributed to state and local governments on a formula basis for their essentially discretionary use in the provision of manpower services.

Manpower revenue sharing promises administrative improvement over present efforts, but this is only one of its purposes. Likewise the revenue sharing approach is only one of the many possible paths to reform. Proponents argue that state and local governments can administer manpower programs more effectively than the feds because of their closer proximity to clients' needs and local conditions. But an even more important reason for this transfer of authority is to place power into the hands of those who are politically accountable, so that the "community" will have more control over its government. Political accountability, however, does not necessarily insure administrative effectiveness. For this reason manpower reformers may not necessarily agree with advocates of revenue sharing, and vice versa.

Concern with the continuing high levels of unemployment has led some to consider public employment a top-priority measure that should precede action aimed at improving administrative efficiency or arrangements that deal with political philosophy and the relative responsibilities of federal, state, and local officials. Although they may recognize the need for administrative reform, especially in light of the changed economic environment in which the manpower programs must operate, they tend to feel that this can wait until the current, more urgent needs of job creation are met. And though they may agree with the principle of decentralization, advocates of public employment will support reform or revenue sharing proposals only if they are assured large-scale public job creation.

The situation is further complicated by the fact that each of these divergent paths has numerous alleys, so that the political map is checkered with positions representing various views on revenue sharing, reform, and public employment. On the issue of comprehensive manpower reform, four major proposals were submitted in the 91st Congress, varying in the degree of decentralization and decategorization, as well as in their provisions for public employment. A Senate passed version stressing public employment and reorganization but little decategorization had to be compromised with a House bill putting stress on administrative reform and a greater degree of decentralization and decategorization. The Senate version won out, but the bill was vetoed by the President. He objected to the fact that the programs were not decategorized, that the states and localities were not given enough authority, and that the authorized public service jobs would become permanent "make-work" sinecures.

A raft of alternative manpower proposals were submitted for the 92nd Congress. Three separate public service employment proposals were introduced in the House and one in the Senate. Separately, the administration proposed the creation of 200,000 jobs for relief recipients under its welfare reform measures. These various proposals differ significantly in the size of the authorization and in the types of jobs that they would create. In addition, the administration's Manpower Revenue Sharing Act would permit transitional public employment programs to be initiated out of shared revenues, but is chiefly concerned with the decentralization of revenues and authority. The 92nd Congress is still young and more proposals are likely to be added.

A guidebook is needed to follow the complex legislative developments. The Manpower Revenue Sharing Act would sharply curtail the federal role in manpower efforts, passing authority to governors, mayors, and county court houses, with federal responsibility largely limited to supplying the funds. At the opposite extreme, Congressman James O'Hara and Senator Gaylord Nelson favor public employment, categorical programs, and federal control. Probably representing the majority in both the House and Senate, they insist that action on public employment should precede all other manpower legislation. A number of other Congressmen have staked out intermediate positions, while Senator Jacob Javits and Congressman William Steiger have labored diligently but fruitlessly to compromise these proliferating views and divergent interests.

A variety of lobbying groups are also involved. Generally, the mayors support both revenue sharing and public employment; their needs are so critical that they will accept money from anywhere. The governors have not mobilized very effectively, but the National Governor's Conference endorsed legislation which would have given them greater responsibility for manpower. The AFL–CIO strongly supports public employment and is opposed to reform measures that would weaken federal control. Representatives of various agencies, such as vocational educators in HEW, have pushed to retain their present role. The Chamber of Commerce of the United States has spoken in favor of a comprehensive reform bill, but not surprisingly opposes the initiation of any new categorical public employment effort.

The intricate maze of conflicting interests must be balanced if any manpower legislation is to be forthcoming. While the interplay of personalities and lobbying groups will have much to do with the eventual developments on the manpower front, the issues themselves must be discussed and resolved if a compromise is to be reached.

THE CRITICAL ISSUES

There are many weighty issues hidden in the technical language of the manpower proposals. The most formidable obstacle to compromise centers on the nature of public employment. There is wide agreement that, with the currently high levels of unemployment, the government has an added responsibility to provide employment for those who are forced into idleness by adverse economic conditions. The controversy is over the types of public jobs which should be created. The administration's position is that increased public service employment should be transitional, leading to "real" jobs in the public or private sector. To this end, the Manpower Revenue Sharing Act would put a two-year limit on participation by any individual in the program. Most proponents of public employment, on the other hand, oppose such a restriction because they want to create "meaningful" positions which will absorb the structurally as well as cyclically unemployed, putting them to work in useful public service alongside other public employees.

Whichever view is taken, the two-year limit is arbitrary and has become a critical issue because of the rigid stance assumed by the administration in vetoing the Employment and Manpower Bill of 1970. The administration presumably seeks to insure that every reasonable effort is made to train and place those who have special difficulties, utilizing and developing their talents fully rather than letting them idle in "make-work." But if workers are to be placed in unproductive jobs, then the two-year limit is obviously excessive and every effort should be made to prevent the waste of manpower before it happens, instead of waiting for two years until the employee is discharged. On the other hand, there is wide agreement that employment must be found or created for public assistance recipients, as suggested by the administration's proposal for the creation of 200,000 work-relief positions. The two-year rule will not insure training, nor will it obviate the need to help those who cannot be trained. The administration's rigidity on this point is inconsistent with its position that states and localities can best decide the types of public employment which they need. Revenue sharing cannot start out with restrictions on local decisions. It might also be embarrassing to ask Congress to limit tenure on federal payrolls to two years.

Decategorization is a much more substantive issue. It is obvious that too much emphasis has been placed on programs rather than the services which they provide. Rules and reporting procedures have been formulated for each categorical effort, and there are gaps and overlaps in coverage. But despite the fact that decategorization could permit more individualized service and a better coordinated delivery, proponents of categorical programs argue that the present system provides built-in controls by allowing comparison of performance among similarly funded projects. Such comparisons would not be feasible if categorical programs were eliminated and each locality's efforts assumed a distinct purpose and form. Suggestive is the fact that the knowledge and improvements generated by the federally-operated Job Corps probably exceed the insights gained from the much larger and older vocational education program, whose administration is decentralized to the local level. Oversight and control become more difficult once decategorization has occurred and guidelines and reporting procedures for specific programs are abandoned.

Most of the opposition to decategorization of programs has been generated by self-interest, real or imaginary. Clients, sponsors, and administrators of the various programs have a vested interest in their continuance. The potential, but unproven, benefits of decategorization do not carry a great deal of political weight when balanced against the rigid opposition of those involved in existing efforts. Thus, despite its promise, decategorization has practical and political drawbacks which militate against any sudden change in this direction.

Another crucial issue concerns the ability of state and local governments to plan and direct manpower efforts. While it is true that mayors and governors are closer than the Washington officialdom to the problems which must be met and that they have greater political accountability, there is no assurance that they have the expertise or the power to provide leadership on the manpower front. There is no monopoly on ability at the federal level, but it is generally true that state and local salaries lag far behind federal and private pay scales, tending to attract less qualified personnel. More significantly, though the mayors and governors have much power in theory, many of their policies are dictated by functional bureaucracies or else by pressure from local vested interests. Whether mayors and governors will assume greater leadership as more resources are channeled through their hands is debatable.

The fact remains, however, that up to now state and local governments have had only limited responsibility in designing and overseeing manpower programs. They cannot be expected to step in and administer such efforts without serious difficulties. It took most of the last decade to hone the federal manpower tools to their present level of effectiveness, and while county officials, mayors, and governors can learn from this example, they cannot entirely avoid repeating old mistakes and many communities will experiment with approaches that have little potential pay-off. It is legitimate to question the impact of any sudden transfer of authority into local hands.

A closely related issue is that of maintaining federal priorities. Decategorization will reduce the potential oversight of the feds, while decentralization will purposefully eliminate control from above. The explicit intent of revenue sharing is to move decision-making authority to the state and local level. But some control must be retained. There are cases where federal priorities are obviously contrary to those at the state and local level. There are certain functions, such as research and development, that are more effectively performed at the national level. There are some programs, such as Job Corps, which may require federal administration. And there must be some oversight to insure that shared revenues are used for their intended purposes—that manpower funds are used to provide manpower services rather than to build housing or stock ponds. The critical issue is the degree of control which will be retained. The Manpower Revenue Sharing Act would distribute 85 percent of all funds with no strings attached, retaining 15 percent for federal use. If 25 or 50 percent were retained or if more careful restrictions were placed on the use of shared funds, the implications would be far different. The need for decentralization must somehow be balanced against the need to maintain federal priorities.

Another thorny issue is the distribution of decentralized authority. States and city governments both want more control, while nongovernmental groups, such as community action agencies, are wary of any transfers of power to the elected officials. The legislative proposals that led to the manpower bill vetoed by the President last year contained markedly different conceptions of the proper distribution of authority. One stressed the role of the governors; another gave the U.S. Secretary of Labor authority to contract directly with any governmental or private organization; another attempted to divide control between governors and elected local officials by utilizing a complex system of pass-throughs, but retained considerable federal authority as an active partner in manpower programs. The vetoed measure designated counties or combinations of local governments with a population of more than 100,000, or cities over 75,000, as prime sponsors, eligible for automatic pass-throughs of funds allocated to the states. The governors did not express active interest in assuming greater manpower responsibility and states were given only the small piece of the pie that was left over after the counties, cities, and combinations of local governments took their slices. The Manpower Revenue Sharing bill accepted the 100,000 cut-off, providing some incentive funds for the establishment of metropolitan-wide sponsoring groups. Whether or not this provision will become a point of controversy remains to be seen; but it seems that the proposed distribution of manpower responsibilities between state and local levels is a reasonable compromise of the major alternatives.

A final and very essential issue is the amount of additional funds which will be provided under any new manpower legislation. The administration's revenue sharing proposal would authorize an additional $435 million of annual federal outlays above current outlays of $1,565 million, and an automatic 10 percent increase in funds whenever the unemployment rate exceeds 4.5 percent for three consecutive months. The Senate approved Emergency Employment bill (S. 31) authorizes $500 million for this purpose and an additional $100 million for each one-half percent rise in unemployment over 4.5 percent. Though there is general agreement that manpower funds should be increased when unemployment rises and though debate has centered on the purposes rather than the levels of increased funding, this matter will become critical if other differences can be resolved. Needless to say, pressure will be mounted by the states and localities against any future cutbacks, even when economic conditions improve. In determining the amount of countercyclical increase, therefore, provision must also be made to reduce outlays when economic conditions improve to enable state and local officials to plan their noncyclical manpower efforts.

In trying to compromise divergent interests—integrating manpower reform, public employment, and revenue sharing proposals—all of these issues must be faced and resolved. While it is a fact of political life that compromises are reached by balancing vested interests, any successful agreement will need to deal with all the major problems.

A WORKABLE COMPROMISE

The logjam on manpower legislation is the product of rapidly shifting interests and concerns. In turn, bills have been discussed on comprehensive manpower reform, public employment, and now revenue sharing. This process is akin to leveling a chair by sawing down one leg after another. There can be no satisfactory agreement unless the three basic issues are attacked together and unless, in the process, there is a true spirit of compromise. If this spirit can be attained, grounds for agreement can be easily hammered out. Until last year manpower legislation achieved a remarkable record of bipartisan support.

One path to compromise is the incremental introduction of revenue sharing. The administration's bill promises $4.6 for every $3.6 now available under the Labor Department administered manpower programs, along with an automatic 10 percent boost in funds when unemployment is above 4.5 percent. All of this, except for the 15 percent retained by the feds, will be turned over to state and local elected officials. Instead of distributing the entire amount, the revenue share could be limited to the added dollars plus the automatic boost. More funds could be added during a recession by extending the trigger mechanism and raising the automatic federal contribution when unemployment rises above 4.5 percent. Manpower funds could be boosted, for example, by 10 percent for each 0.2 percent increase in unemployment. This would mean that funds allocated to manpower efforts would double if unemployment rises to 6.3 percent for three consecutive months.

The most important point is that the present categorical manpower programs would be retained, while the mayors and governors would have glue money to fill gaps or to start entirely new efforts according to local needs. Gradually, the shared portion of manpower funds could be expanded. Revenue shares could be pegged as an increasing percentage of federal categorical allocations; for instance, one-third in fiscal 1972, one-half in fiscal 1973, and three-fourths in fiscal 1974. Alternatively, authorization levels for the shared revenue could be stated in dollar terms, say $500 million in fiscal 1972, $1.0 billion in fiscal 1973, and $1.5 billion is fiscal 1974. In this way, the portion of manpower funds administered by the state and local governments would be gradually increased. When the economy picks up, cutbacks in manpower outlays could come from the federal programs. Local efforts would not need to be reduced, and their continued funding could be assured.

The legislation could also provide for an automatic pass-through of funds to each city or combination of local governments with more than 100,000 population with the remainder of funds administered by the states. The formula for distributing the incremental shared funds among the states and localities could be based on criteria such as the number of persons in the labor force, the number of unemployed, and the number of low-income individuals 16 years of age or older, as in the administration's revenue sharing proposal. Neither of these arrangements should be controversial, since they are similar in the vetoed manpower reform and revenue sharing bills.

Much could be done at the national level to improve the performance of existing categorical programs. Availability of funds allocated directly to states and communities should ease federal reexamination of program effectiveness and the reallocation of funds among the categorical programs. For instance, changing economic conditions might favor the transfer of resources from private to public sector efforts; Operation Mainstream, the Neighborhood Youth Corps, and the Public Service Careers could be expanded using JOBS funds that are less effective in a slack economy.

One possibly useful change in the federal programs would be the initiation of variable matching grant formulas, requiring contributions from participating state and local governments. With discretionary funds provided under revenue sharing, governors and mayors could "shop around" for the services and delivery systems best suited to their needs. At the same time, the feds could adjust the matching formulas among programs to influence acceptance of their desired priorities. To maximize their leverage, states and localities would use their shared revenues to match federal outlays, participating to the maximum feasible extent in these national programs. However, all or some portion of matching funds could be included as federal outlays in the calculation of the aggregate amount of revenue sharing. This would insure that states and localities would have money to operate their own programs in addition to participating in federal efforts.

With the revenue shares which are not used as matching funds under the categorical programs, a variety of manpower services could be provided. Under current conditions, the most appropriate and likely use of those funds would be for public employment. It is contrary to the intent of decentralization and eventual decategorization to create a new federal program or to put restrictions on the use of shared revenues. Instead, the governors, mayors, and county commissioners should be allowed to create public employment positions if they deem this to be their most critical need, and the nature of these jobs should depend on local circumstances. However, federal funds can be used as an incentive for the creation of "meaningful" opportunities and the provision of worthwhile training. Authorizations for the Public Service Careers (PSC) program could be expanded, with an attractive matching formula, so that there would be an inducement to combine local public employment programs with subsidized training. Since PSC provides subsidies for only a year and a half, states and localities would have an incentive to see the trainees become fully productive on the jobs or would move on to positions elsewhere. There would be no requirement that locally initiated public employment efforts tie in with PSC, but it is doubtful that additional federal dollars will be refused.

SOMETHING FOR EVERYONE

It is the essence of compromise that everyone gets a little less than desired, but enough to satisfy minimal anticipations. This briefly outlined proposal combines the most essential features of manpower reform, revenue sharing, and public employment.

The proposal features reform at the federal level, including needed adjustments to changing economic conditions, with a gradual decentralization of control to the state and local level. Gradualism is important to minimize outright and active oppositions of vested interest groups. More significantly, gradual decentralization will grant states and localities the time and resources to build up expertise in the design and administration of manpower programs. The retention of federally administered programs that are currently operating with a fair degree of success provides a foundation on which states and localities can build their own manpower structures.

Revenue sharing is an integral part of the proposal. An increasing portion of manpower funds are to go directly to the states and localities. Within broadly designated guidelines, the mayors and governors will have few restrictions on the use of these monies, particularly in reference to the public employment efforts they may undertake. National policies will be pursued through the continuing federal programs, and attractive matching grants can be formulated to induce states and localities into desired actions, using carrots rather than sticks to insure federal priorities. Funds will be assured for the operation of state and local programs as well as for the matching of federal outlays. By the gradual implementation of revenue sharing, the core of federal programs can be retained as insurance in case the anticipated benefits do not materialize. It is better to wade than to plunge into unknown waters.

Finally, the proposal provides substantial resources for the mounting of state and local efforts to meet current needs. In many areas, most of the shared funds will undoubtedly go for public employment. The mayors and the governors will be free to implement any type of program which will meet their needs. If they have critical shortages of public employees, they can fill their requirements by upgrading the underemployed. If the problem of hard core unemployment is more critical, they can create suitable positions that can be filled by the unskilled and deficiently educated. The availability of federal training assistance under Public Service Careers and the allegedly widespread shortage of productive public employees would suggest that most funds will be used to create "worthwhile" slots. The compromise should help smooth disagreements over the quality and transitional character of public employment positions; by permitting a more rapid passage of the needed legislation, it will hurry resources into the hands of mayors and governors where they are critically needed.

It is vital that a workable compromise be reached. This requires on the part of all parties a flexibility which has been conspicuous by its absence since the onslaught of the recession. It is vital that manpower reform, revenue sharing, and public employment legislation be considered together so that the necessary tradeoffs can be made explicitly. The victims of unemployment have suffered from present inaction and it is essential that all efforts turn to compromise.

A PATRIOTIC VETERAN VIEWS THE WAR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. LANDGREBE. Mr. Speaker, last week we saw Washington invaded by a small group of men who at least claimed to be veterans of the war in Vietnam. They got a great deal of press coverage for their opposition to that war, even though at best they represent only a very small percentage of the total number of men who have fought in Southeast Asia.

Yesterday, I received a letter from a man in my home town of Valparaiso, Ind., who happens to be an employee of my trucking company there. I know this man, Donald L. Beach, personally and know that he is a genuine Vietnam war veteran, who has seen actual combat. He was even wounded in that war.

He wrote this letter on his own—certainly not at my urging. It came from his heart and from his experience in that war. I believe his well-written letter expresses much more accurately the true beliefs of the overwhelming majority of those men and women who have served in the Vietnam war. I commend this letter to the attention of my colleagues.

The letter follows:

DEAR EARL: I hope you don't mind me writing you, not as an employee, but as a citizen. But I have a complaint and I want to be heard.

I, among others, have served in Vietnam. Also, I among others have been wounded there, but that's beside the point. I enjoyed my tour there and was glad to serve my country anywhere I could.

The question I want to ask is this: Where do these anti-war veterans get off protesting our stand in 'Nam? Sure, no one wants war, but do they have the right to give the "other side" fuel for their campaign?

Were there protests like this in World War I and World War II? If not, why can't we put a halt to this garbage? I've had good friends die in Vietnam and I know, as a person, as a veteran, that these men *did not* die in vain!

If I could only help to stop these little children from making fools of themselves, I would and I know you would, too.

It seems the small guy can't do anything about this, but we try. As members of the American Legion and VFW, we try.

If only you, as a Congressman, could somehow put my mind at ease on what our government can do to halt this trash.

Earl, maybe I am old fashioned, but I love my country and I salute my flag, and even get butterflies in my stomach when I hear the National Anthem. Maybe I am old fashioned to these kids today, or even square, but I am me. I am damn proud of it.

Sincerely yours,

DONALD BEACH.

HUMAN DEVELOPMENT MONTH

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BIESTER. Mr. Speaker, I am proud to join in cosponsoring legislation to designate the month of May as Human Development Month and the weekend of May 8 and 9 as "International Walk for Development Weekend." I am particularly proud because once again this May I will have the opportunity to participate in the Hike for Hunger—Walk for Development in the Eighth Pennsylvania Congressional District.

The overall sponsor of these events is the American Freedom from Hunger Foundation. In their own words, their goal is:

> To create an awareness and find meaningful ways to involve the American people in the private sector in the cause of human hunger at home and abroad.

Last year this goal was translated into action when nearly 6,000 made the 26-mile walk and raised nearly $50,000; $21,000 going to a community service center in Warminster Heights, Bucks County, Pa., $21,000 to an agriculture improvement project in Mexico, and over $7,000 to the national education program of the American Freedom From Hunger Foundation, Inc. This year more than twice that many marches are scheduled for May 9 alone. The young people organizing the local hikes have multiplied their efforts and once again are showing their concern and dedication to this project. Hikes will be held in both Bucks and Montgomery Counties. Proceeds from the Montgomery Hike for Hunger will go to a physical therapy project in

Vietnam and a reconstruction project in Nigeria, both sponsored by the American Friends Service Committee. Domestically, the Montgomery funds will be donated to the Four Holes Indian Organization in New York, programs in Warminster Heights and a rehabilitation program at the Bucks County prison. Proceeds from the Bucks County hike will go to relieve the hardships of poverty in Kingswood Park, Bucks County, and assist a tutoring service for deprived children in Yardley, Pa. Internationally, funds from the Bucks County Hike for Hunger will go to an eastern Nigerian regional community development program and a comprehensive education, agriculture, and health development program in Guatemala.

I hope my colleagues will join in supporting our resolution and also participate in this year's hikes for hunger.

WALK FOR MANKIND

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. FRENZEL. Mr. Speaker, at 9 a.m. this Saturday, May 1, I will begin my 22-mile walk as honorary cochairman of the Minneapolis-St. Paul Walk for Mankind. I am delighted to have the opportunity to participate in this most worthwhile cause.

As all of you know, Walk for Mankind is sponsored by Project Concern, the organization founded by Dr. Jim Turpin. The walk's purpose is to involve young people in the solution to today's problems.

Funds raised from this walk will help to bring medical and dental facilities to the impoverished areas of Appalachia, where such facilities are not available.

In Hong Kong where the fight against disease and poverty is endless, Project Concern has taken one small step toward stemming the problems by establishing a youth center and a TB clinic.

Project Concern also extends to the poverty stricken areas of Mexico, and the war-ravaged villages of South Vietnam.

Involving the youth of America in providing solutions to the problems of poverty, disease, juenile delinquency, and illiteracy has proven successful. As many of us are becoming increasingly aware, the young people of today are genuinely concerned for their less fortunate brothers and sisters, and they are anxious to find solutions to these problems.

I am grateful for the opportunity to participate with the young people of the Minneapolis-St. Paul area in this project and I fully agree with Dr. Turpin's analysis that "anyone—everyone—excited about loving others in these meaningful and practical ways, will not need to seek solace in drug-induced stupor." On Saturday, more than 5,000 young Minnesotans are going to demonstrate loving concern in an especially effective way.

A CASE FOR RECONSIDERATION OF CURRENT SANCTIONS AGAINST RHODESIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SCHMITZ. Mr. Speaker, the following article dealing with the United Nations sanctions against Rhodesia appeared in the March–April 1971 edition of the League of Men Voters publication, Light.

The author of this article, Mr. Kenneth Towsey of the Rhodesian Information Office, outlines some of the implications of the present United Nations embargo against Rhodesia which react unfavorably upon the national interests of the United States and asks only that Rhodesia receive the same type of treatment accorded to nations such as the Soviet Union.

The article follows:

RHODESIAN SANCTIONS: A CASE FOR RECONSIDERATION

(By Kenneth H. Towsey)

"If everybody minded their own business the world would go round a deal faster than it does."—The Duchess in Alice's Adventures in Wonderland.)

Nearly two hundred years ago the American colonists told Britain that they were of an age and a mind to run their own affairs without interference. They had to fight a shooting war to establish their point, but only against the British. A little more than five years ago Rhodesia similarly asserted its independence from Britain. This time Britain carried her complaint, not to the battlefield but to the United Nations organization, with an appeal for sanctions against Rhodesia. To make her independence stick, Rhodesia is having to fight an economic war against most of the world, including the United States.

The imposition of economic sanctions against Rhodesia for her act of national self-determination reflects little credit on the United Nations, which is expressly prohibited by its charter from intervening in "matters which are essentially within the jurisdiction of any state." Rhodesia's declaration of independence, whilst affecting her constitutional relationship with Britain, was not a matter of legitimate concern to the international community at large. To classify it as a threat to international peace, as the U.N. Security Council had to do in order to invoke sanctions, is a preposterous perversion of truth, logic and the purposes of the U.N. Charter. Mr. Dean Acheson, who is singularly well qualified to speak of these purposes, has described U.N. involvement in the affairs of Rhodesia, and U.S. support for it, as "an act of bare-faced aggression, unprovoked and unjustified by a single legal or moral principle".

Leaving aside the question of principle (since the crime has now been perpetrated), I believe that the application of sanctions against Rhodesia falls down as a policy for two other principal reasons. They are not working. They are damaging American national security interests.

Sanctions were supposed to undermine the authority of Prime Minister Ian Smith's government in Rhodesia by creating so much hardship and discomfort that popular support for the government would evaporate and the country would capitulate to British terms. British Prime Minister Harold Wilson, more sanguine than sagacious, prophesied early in 1969 that Rhodesia would be on her knees "in weeks rather than months."

Today, five years later, and despite some vicious turning of the sanctions screw, Rhodesia is politically stable and economically viable. Support for Mr. Smith's government is as impressive as if Rhodesia were a one-party state, which it is not. Communist-inspired terrorist raids over her northern border have been beaten back by security forces acting with the support of loyal tribesmen. The gross national product is rising. Foreign payments are in favourable balance. Industrial and mining production is rising steeply. Immigration and tourism are on the increase. Taxation is down, and inflation has been kept within the limit of a 2½ per cent increase per annum.

There is not the remotest possibility that Rhodesia will succumb to sanctions. The United Nations knows this. Rhodesia's ideological enemies there recognised it long ago They have been pressing for military action against Rhodesia. They want the peace-keeping organisation to start a war in southern Africa. This would suit the communist powers very well. They could expect to pick up the pieces.

The major western powers, including the United States, have resisted these militant pressures, but their injudicious commitment to sanctions has created difficulties for them in their relationships with countries thirsting for more aggressive action. They are seen to be endorsing the objective of bringing down Mr. Smith's government without being willing to use the means necessary to accomplish it. They are arousing expectations without satisfying them. There are no diplomatic rewards in this policy.

There are other dangers in this situation, short of the risks of full-scale warfare but nonetheless disruptive of the political stability of the area. Since the aggressive anti-Rhodesian forces at the U.N. are at present frustrated in their bid for big power support of military action against Rhodesia, they are demanding instead that member states should commit themselves to supporting guerrilla movements operating against Rhodesia (also South Africa and the Portuguese territories of Angola and Mocambique). These movements are already receiving subsidies from the World Council of Churches. Apart from representing a thorough corruption of the spirit and purpose of the U.N. Charter, international legitimisation of so-called "wars of national liberation", more properly regarded as wars of national subversion, would promote bloody conflict in southern Africa. This would be a very real threat to international peace and security, obligating all responsible members of the United Nations to resist it with all means at their disposal.

An important factor in American national security is the availability of high-grade metallurgical chrome, of which there are no deposits in the United States. It is essential to the stainless steel industry and a vital ingredient in many defense and industrial processes. A military jet aircraft, for example, requires 92 per cent of imported chrome for its manufacture. It is estimated by the Bureau of Mines that 67 per cent of the world's high-grade chrome reserves are in Rhodesia. (Another 22 per cent are in the Republic of South Africa.) The next biggest resource (5.6 per cent) is in Soviet Russia. Prior to the imposition of sanctions Rhodesia provided a large proportion of American requirements. There is now a total embargo on imports from Rhodesia. Russian chrome at highly inflated prices is running at more than 60 per cent of total imports. Leaving the high price factor aside, it does not require much strategic imagination to realise how much leverage this situation gives the U.S.S.R. in its relations with the United States, or what a critical position the United States would face if Russian supplies were abruptly terminated. Availability of industrial raw materials is a matter of vital necessity to a highly developed country like the United States. The question at issue in regard to chrome is whether this country should put its dependence on Russia or on an ideological ally in the free world.

Many Americans are deeply disturbed about the implications of Rhodesian sanctions but there are no indications of any change in official policy. What appears to be needed for a reversal is a wider awareness of the issues by concerned citizens and a greater weight of pressure on the policy-makers to come to terms with reality. The critics of the present policy are not asking for anything very radical—only that Rhodesia should be treated at least as favourably as Russia, Poland, Hungary, Algeria, Chile, or any of the host of countries around the world with which the United States maintains diplomatic and trading relations, regardless of their ideology.

A FOREIGN AID PROGRAM TO ELIMINATE THE INTERNATIONAL TRAFFIC IN NARCOTIC DRUGS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SCHEUER. Mr. Speaker, narcotics addiction is not a new problem in America. We have been attempting to cope with some form of narcotic drug abuse at least since soldiers wounded in the Civil War became addicted to the painkiller, morphine.

However, the problem has recently increased in scope and magnitude until today it poses a real threat to the health of our Nation.

Each day, three New Yorkers die of drug abuse and more than 25 percent of these victims are below the age of 20.

Each year, narcotic addicts commit one-half of our street crime in attempts to obtain means of supporting their habits.

Each year in New York City more than 1,000 babies are born addicted to heroin as a result of the addiction of their mothers.

Each year one-quarter of a million arrests are made for drug-related offenses in New York City.

Although we have expanded our efforts to attack this problem in the past several years to include a very modest level of addict rehabilitation and drug abuse education programs, we still rely largely upon law enforcement at our borders to prevent the entry of illegal narcotics.

History proves that this method is doomed to failure. There are literally thousands of places on ships, on planes, and in cars to hide heroin and it is impossible to inspect all of these places given the 65,310,807 cars and trucks, 360,476 planes, and 156,994 ships which enter this country each year. Several hundred thousand dollars worth of pure heroin can be put in empty lipstick containers and hidden in the major body orifices of pleasant, respectable-looking men and women as they walk off a ship or plane through customs.

It simply is not possible to make a personal body search of every person who disembarks at our major ports of entry without outraged protest from citizens such as you and me. As long as there is a demand for heroin in this country, as long as poppies are cultivated for opium, the demand will be met. And it is being met steadily, constantly, and without major disruption of any kind. As the New York State Commission of Investigation has noted:

> Law enforcement's approach to this problem has been ineffective. The traffic in heroin has not been curbed. Indeed, it is flourishing.

We must stop the supply of drugs at its source—in the poppy fields of the Near and Far East. We should not delude ourselves into thinking that the present or any future conceivable law enforcement effort at our borders or within our country will stem the flow of drugs onto our college campuses, our elementary and high schools, and into our slums. We must stop the production of these drugs before they begin their journey. That is the only hope until we can effectively attack the root causes of drug abuse.

In order to understand the scope and magnitude of this task, it is necessary to understand the nature of narcotic drugs, how they are produced, where they are consumed, and how they travel from their source to the consuming countries.

The principal narcotic drug of abuse in this country is heroin, an addictive drug which produces euphoria and indifference to pain and distress. Heroin is generally regarded as having no unique medical value and is thus outlawed in most countries. It is produced by a relatively simple chemical process from morphine.

Morphine, produced by a distillation process from opium, is also addictive and has the same effects as heroin but to a lesser degree. The use of morphine as a painkiller—primarily for terminal cancer patient—has decreased since the development of synthetic substitutes during World War II, but, the further processing of morphine into codeine, the major cough preventative in modern medicine, has been increasing.

Opium is produced from several varieties of the poppy plant. This annual plant rises 3 to 4 feet on a thin main stalk and produces several blossoms and pod-like structures about the size of an egg. The plant requires a warm but not humid climate, soil which is not heavy, clayey or sandy, and only a moderate amount of water before or during the growth cycle.

Poppies are harvested for opium about 2 weeks after the blossoms fall off. The pods are lanced by hand, freeing the white latex-like raw opium to ooze out and coagulate into droplets. It is then laboriously collected by hand—drop by drop—by scraping the gum from the pod. Upon further exposure, the gum turns brown and hardens into a brick-like form. It is then ready for sale as opium.

The opium yield from a poppy crop varies greatly with soil conditions, temperature, rainfall, quality of seed, and farming techniques. Since poppies rapidly deplete the soil of nutrients, good yields can be obtained only with fertilization or by rotating land used for poppy with other crops, so that the same land is used for poppy only once in every 5 years.

Poppy culture requires an enormous amount of hand labor. The plant cannot thrive without irrigation, without thinning the young plants to allow proper spacing and without several hoeings and weedings during the growth cycle. The harvesting itself requires a great amount of effort—each of the five or six pods growing on a single plant must be lanced by hand and the gum collected by the same method.

Because of the labor-intensive nature of poppy culture—some authorities have estimated that from 175 to 250 hours of labor are required to produce one kilogram—about 2.2 pounds—of opium—poppy tends to be raised only where labor is abundant and very cheap. This fact, plus the climatic and soil requirements of the plant, means that most world poppy cultivation falls within a zone extending from the Turkish Anatolian Plain to Yunnan Province in China.

A number of countries within this zone produce opium both for legitimate medical usage—morphine and codeine—and to supply the needs of the world addict and user population.

Approximately 80 percent of the 1,200 tons of opium required for the production of the world-wide medical need for morphine and codeine is grown in India and the remaining 20 percent is grown in Turkey. This opium is produced in accordance with local law, and is legally exported as raw material to pharmaceutical firms, chiefly in Western Europe and North America, where it is refined into morphine and codeine for medical use.

The world's illicit production of opium, that is, illegal opium produced outside of domestic law, is an estimated 1,250 tons to 1,400 tons annually. Most of this is produced in the Far East, with other areas tending to rank in descending order of importance as one moves westward. Thus, Burma, Laos, and Thailand account for more than half of world illicit output, with Burma alone accounting for nearly 30 percent. The Afghanistan-Pakistan region is in second place as a producing area, with an output on the order of 300 tons. India is in fourth place, with an estimated production of 175 to 200 tons, and Turkey, which is responsible for 80 percent of the heroin consumed in this country and Western Europe, is fifth, with an estimated illicit production of 100 tons.

Approximately three-fifths of this production is consumed within the territories of the producing countries and handled through their domestic black markets. Burma is the largest single consumer among these countries and, combined with Laos, consumes approximately 350 tons of opium per year. Thailand's consumption approaches 175 tons. India absorbs between 175 and 200 tons and Afghanistan-Pakistan about half of that level.

The remainder of the world's consumers of illicit opium are supplied by imports smuggled from the major producing countries. Iran, which consumes approximately 250 tons annually, is the largest market for these illegal imports. Hong Kong, which has the highest per capita opium-base drug abuse rate in the world, consumes more than 15 tons per year. The other major markets are the United States, with estimated smuggled imports of 40 tons in opium equivalent, Singapore and Malaysia combined—30 tons—and Western Europe—30 tons. Lesser markets, including Japan, Indonesia, South Korea, the Philippines, Taiwan, Macao, and parts of North Africa and the Near East, together account for another 70 tons.

The wholesale routes which illicit opium follows on its way to these markets are difficult to trace, particularly in the Far East. However, the general outlines of one major route can be discerned. Raw opium is collected in Burma by so-called Kuomingtang Irregulars, former members of the Nationalist Chinese Army who fled to Burma after the Chinese Government came to power and who remained there, and by guerrilla armies of Shan tribal insurgents. It is then moved through the Mekong River Valley in Laos and Thailand to such major cities as Luang Prabang, Vientiane and Bangkok.

These latter cities serve as both final markets and as transshipment points for opium from Burma as well as Thailand, and Laos—where both Communist and government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling operations.

From these cities, a major part of the exported opium and heroin is smuggled to Hong Kong, which is also both a final market and a transshipment point, while other parts proceed by other routes directly to markets in the Far East (such as South Vietnam and Cambodia), by land through Thailand to Malaysia and Singapore, and by boat or air to other countries. A small but growing portion of these drugs eventually find their way into the United States.

The route from the Turkish Anatolian Plain to the United States is much easily traced. Raw opium is gathered by small-scale Turkish entrepreneurs who may deal with several villages. The product, as raw material or in the form of morphine base, is sold to criminal syndicates in Istanbul who collect the supplies into relatively large amounts.

A portion of this morphine base is then smuggled westward to France either by land through Bulgaria, Yugoslavia, and across northern Italy, or it may move directly to Marseilles by boat. From France, it is then smuggled into the United States directly, or, increasingly, by way of Latin America.

The remaining portion of illicit Turkish opium is smuggled eastward to Iran. Usually, the Turkish syndicates arrange for this movement to the border areas and then for its smuggling into Iran both by Kurdish tribesmen via Iraq and by individual Turks directly to Iran. Once in Iran, the opium is delivered to wholesalers who market it as opium, morphine base, or heroin to retailers.

A third major route involves transportation from Afghanistan and Pakistan to Iran. Usually, the opium is gathered by tribal chieftains near the producing areas. In the eastern border regions, the chieftains deliver it to groups which arrange transportation across Afghanistan to the Iranian border, usually by means of trucks using the northern cross-country highway. In the western border region, delivery is usually made to tribal chieftains who make the actual delivery into Iran in armed gangs for small commission fees.

Given this widespread production of illicit opium and the vast network of smuggling routes, we will not stop heroin from entering our country unless and until there is a complete international ban upon poppy culture.

American efforts, in the form of threats to end foreign aid to those countries which produce illicit opium, will not, and by their very nature, cannot be effective, standing alone.

Dealers in illicit drugs have demonstrated a continuous and remarkable flexibility in replacing sources of supply that have been eliminated, in responding to shifts in demand, and in devising new traffic routes. Thus, the cessation of opium production in Iran in 1955 coupled with the sharp reduction of illicit cultivation in South China upon the accession of the Communist government, actually led to the development of and steady increase in production in Afghanistan-Pakistan, India, Turkey, and the hill areas of Burma, Laos, and Thailand.

A termination of foreign aid to Turkey, for example, which led to a cessation of illicit opium production in that country, would only result in a shift to new sources of supply. In fact, in anticipation of the imposition of control in Turkey, organized criminal syndicates have already begun a shift to the Far East, and heroin traffic from that region to the United States, although small, has already increased severalfold.

Presumably, shifts of this type could continue until the major source of supply became located in a country which received no foreign aid or which did not view American aid as particularly important. Burma, for example, has not received a new commitment of American aid since 1959.

Threats to terminate or actual termination of foreign aid may also have little effect on those countries which do receive aid. For example, in Afghanistan, illicit opium production occurs in an area over which the government has little or no administrative control. The same is true in Laos. Cutting off foreign aid to these countries until opium production is eliminated might last for years and might even hinder the abolition of production, since without aid, it would be difficult for these countries to develop the administrative control which is an essential first step in eliminating poppy culture.

Thus, an American effort to stop the production of illicit opium, utilizing the leverage of American aid will not be successful standing alone. We must provide the illegal opium producing countries with a "carrot" as well as a "stick." As the United Nations Commission on Narcotic Drugs noted, when it considered the problem of illicit opium production:

> In virtually every case, the countries where such production took place were developing countries, and the areas within their territory where there was such narcotics cultivation were usually the more underdeveloped and poorer parts of the whole national territory. It must be recognized that the governments concerned, with their limited financial resources and with many imperative claims of high national priority on their budget, required substantial outside assistance in order to create the conditions under which the population involved could adapt other means of livelihood than the cultivation of narcotic crops.

Any American effort to eliminate the illegal traffic in opium must be integrated into a comprehensive, integrated, worldwide program for the total elimination of poppy culture involving crop substitution and diversification, law enforcement, drug abuse prevention education, and treatment and rehabilitation. This is the only method of eliminating opium production which has any real chance of success.

I am today introducing legislation which will enable the United States to undertake a leadership role in an international effort to eliminate poppy culture.

The legislation is in the form of an amendment to the Foreign Assistance Act of 1961 and would establish a special program of American assistance for the total elimination of poppy culture. The program would be initially funded, I would hope, at a level of $100 million and would involve American contributions to international efforts in this field as well as bilateral assistance.

As I have indicated, illegal opium production is a truly international problem affecting a great number of countries. Therefore, any American effort to aid in the solution of this problem will involve close cooperation with international institutions. Specifically, the United States will participate in and work closely with the programs and institutions established by the United Nations.

In October 1970, at the urging of our State Department, the United Nations established a Special Fund for Drug Abuse Control. This Fund, run by international civil servants under the direction of the Secretary General of the United Nations and financed by voluntary contributions from governmental and private sources, is designed to finance the development of an international program for the elimination of the international traffic in illegal opium and its derivatives. The Director of the Fund has been appointed and the Secretary General has begun soliciting voluntary contributions from the members of the United Nations.

The United States has pledged a $2 million contribution for the operation of the Fund during 1971 and, just last month, Ambassador Bush presented the Secretary General with a $1 million letter of credit as our initial payment. This development is encouraging but far from satisfactory.

As a general rule of thumb, the United States contributes 35 percent of the budgets of international organizations. Other governments utilize this rule of thumb in determining their own contributions to international organizations. The $2 million pledge of the United States will thus result in an initial funding of the Special Fund at a level of approximately $5 million.

While a funding level of $5 million may be sufficient for the first year's operation of the Special Fund, a much higher level of funding will be required almost immediately. A very cursory review of the type of international program that will be required to eliminate the international traffic in illegal opium clearly demonstrates this fact.

Crop diversification programs, involving the distribution of seeds, fertilizer, and technical expertise will be the most important element of an international effort to eliminate illegal opium production. Obviously, if farmers are to be prevented from growing poppy as a cash crop, a more profitable substitute crop will be necessary. Some countries, such as Yugoslavia, have already successfully substituted one crop, melons, for opium. Others can do the same. For example, in West Pakistan, much of the area where poppy is grown could be planted in high-yield Mexican wheat. The same might be done in Turkey. Since poppy culture is so labor intensive, this might be accomplished with relative ease.

The major obstacle is a program of crop substitution lies in the fact that, while there are many substitute crops that would earn more income than opium per unit of labor, there are relatively few crops that would earn more than illicit opium per unit of land. For example, given current yields in the area, a Pakistani farmer would earn approximately $50 per acre from Mexican wheat as compared to the $90 per acre he receives from opium. Therefore, a crop substitution program will necessarily involve some form of farm subsidy program.

In some areas, crop substitution will not be sufficient. Opium is grown in some regions because it is easily transported on the human back or by pack animals, the only modes of transportation available. Thus, it will be necessary in some areas to build railroads, roads, and distribution facilities, including small processing plants, in order to permit the farmers to get their new products to market.

In some areas, crop substitution will not be feasible. In these areas it will be necessary to stimulate economic development in order to provide alternative sources of employment. This will mean the development of manpower training programs, and in some instances, a careful change in the life-styles of semi-nomadic tribes to enable them to adapt to a more sedentary life.

Law enforcement technology will also play an extremely important role in an effort to eliminate illegal poppy culture. In some countries, the government lacks effective administrative control of its opium producing areas. This is particularly true of the mountainous districts of Burma, Laos, and Thailand, where the mountain tribesmen are reported to sleep—not with their wives but with their long rifles—and do not hestiate to draw a bead on any unwelcome central government agent when he appears on the horizon, much as our Kentucky mountaineers welcomed the "revenooers." These countries will need assistance in their necessary attempt to gain control of these remote rural areas.

Once a country has gained complete control over its producing areas, law enforcement officers will require training and equipment for surveillance and control of illicit poppy culture. It has been estimated that the demand of the entire American addict population could be met by the cultivation of no more than 5 to 10 square miles. This fact indicates the magnitude of the law enforcement effort that will be require if illicit opium production is to be eliminated.

American technology and aid will be of extreme utility in this effort. The high-altitude photographic and satellite surveillance techniques which we have developed would be invaluable in an attempt to locate illicit poppy fields, as would our developments in the area of electronics sensors and the use of chemical and low-grade radioactive tracer elements. Similarly, our development of different types of helicopters and our skills in utilizing them could be easily transferred and, in fact, we have already done so in aiding the Mexican government in its attempt to control the production of narcotic raw materials. Our Justice Department is in the process of developing mechanical detection devices which can literally sniff the air of airplanes and ships to locate illegal heroin and our Defense Department has developed defoliation techniques which could, perhaps, be utilized in eliminating illegal poppy fields. In short, the United States has tremendous technical resources at its command which could make a significant contribution to the effort to stamp out opium production.

The program I have outlined thus far has concentrated for the most part upon diminution of the supply of opium and its derivatives coming across our borders and into our neighborhoods. The effectiveness of this program would be greatly enhanced by efforts designed to reduce demand by our youth. Thus, an international program to end poppy culture must include programs for credible drug abuse prevention education in our schools, and addict treatment and rehabilitation centers in our neighborhood health clinics.

Development of drug abuse education programs will not be easy. Addiction to heroin is a relatively new urban phenomenon restricted mostly to people under 25 years of age who live in societies, such as the United States, which are undergoing rapid social change attended by conflicts between old and new values. Opium, in contrast, is generally eaten or smoked by users, rather than addicts, in societies with large numbers of poor people, low standards of public health, and, in many cases, a long tradition of opium use. Obviously, different programs will be required for each form of drug abuse in each of these different types of societies.

But even within the same society a number of different programs may be required. Here, at home, for example, we are only just beginning to devise programs which will reach the sophisticated college student as well as the knowledgeable ghetto youth who has lived in a drug culture for his entire life.

Construction of a variety of programs for the treatment and rehabilitation of addicts throughout the world will also be difficult. A thoroughly effective method of treatment has not been developed, as the debate in this country between advocates of drug-free treatment centers for heroin addicts and the proponents of methadone clinics demonstrates. Moreover, assuming that an effective method is developed, it will not be easy to induce addicts or users to accept treatment. This is true not only in those countries where heroin is the principal drug of abuse, but also in those societies where opium is traditionally used on a casual but regular basis. According to John E. Ingersoll, Director of the Federal Bureau of Narcotics and Dangerous Drugs, "the relatively high proportion of the local population (in some of the producing countries) who use opium or its derivatives regularly see no compelling reasons for reform, and on the contrary tend to resist any change in their way of life." Obviously, research must be accelerated and different types of programs developed for different societies and different drugs of abuse.

Intensive research by the international medical community will be required to develop new programs and new drugs to treat addiction. We must, for example, develop an improved long lasting drug to block the effect of heroin, and a new and better drug to ease the withdrawal symptoms of those addicts who desire to break their habits. This type of research is already being conducted here and abroad and it must be intensified.

This brief review of the types of programs which must be involved in an international effort to eliminate illegal opium production indicates the magnitude of the resources which will be required.

The United States must take the lead, not only in bilateral aid programs, but also in making contributions to the Special Fund which will provide the Fund with the resources it will need to do an effective job. The legislation I am introducing today will enable the United States to make contributions to the Fund which will demonstrate the clear commitment of the United States to the elimination of this problem and, at the same time, provide the Fund with the resources it will require.

The Special Fund is designed, at least initially, to develop programs to eliminate the illegal production of opium. This will not be sufficient. Any effort to eliminate illicit poppy culture must also include the elimination of the production of opium for medicinal purposes and the cultivation of poppies for use as food. As long as licit production for these purposes continues, some opium will find its way into illegal channels.

Accordingly, my legislation would enable the United States to assist and develop programs of multilateral and bilateral assistance to eliminate the lawful production of opium.

The elimination of the medicinal use of opium and its derivatives should not prove too difficult. In its January, 1971 report entitled "Heroin and Heroin Paraphenalia," the Select Committee on Crime of the House of Representatives states:

> Respected scientific and medical authorities support the conclusion that our domestic pain-killing needs can now be adequately fulfilled by synthetic substitutes which not only kill pain, but also provide the desired euphoric effect for patients suffering with painful terminal diseases.

Thus, the use of morphine for analgesic purposes would appear to be unnecessary.

In addition to its analgesic properties, morphine is also used to make codeine for cough syrups. In fact, about 95 percent of the licit morphine now produced is reserved for conversion to other substances, primarily codeine. However, synthetic substitutes for codeine also exist and again, we do not require opium for this purpose.

While some further research seems necessary in order to find a nonaddictive substitute for morphine and to reduce the price of synthetic substitutes for codeine, the major element in a program to eliminate the medicinal use of these drugs will be education.

In the United States, although most young doctors seem to be aware of the existence of the synthetic substitutes for morphine and codeine, many older doctors continue to prescribe the natural narcotic drugs. Moreover, in many developing countries, opium has a long tradition in folk medicine and is still used in some countries for medicinal purposes.

Thus, a major element in a program to eliminate poppy culture will involve an educational program, both here and abroad, utilizing the resources of such organizations as the American Medical Association and the World Health Organization, to acquaint and convince medical personnel of the existence of adequate synthetic substitutes for morphine and codeine and of the consequent lack of any justification for continued production for medicinal purposes of opium and its derivatives.

The elimination of legal opium production should prove feasible without causing any considerable financial loss to the producing countries. India, which produces 80 percent of the licit opium, earns only $6 to $7 million annually from oversea sales compared with total export earnings approaching $2 billion, and the income generated by licit production within India hardly exceeds $12 million annually.

In Turkey, which produces nearly all of the remaining world's exports of licit opium, income generated from licit poppy culture approaches only $3 million out of a national income of $9 billion and licit opium exports were valued at only $1.7 million, less than three-tenths of 1 percent of total export earnings. Given this negligible economic role that licit opium production plays in these two countries, the elimination of legal opium production, assuming the availability of adequately funded programs of crop substitution and preclusive buying, could be accomplished with little short-run harm, and considerable long-term economic benefit.

An educational effort will also be required to eliminate the use of poppy products in food. In many areas of the world, the poppy is valued because of the use of its seed and oil in food preparation. Indeed, last year, the United States alone imported nearly 20,000 pounds of poppy seed oil and 6.5 million pounds of sterilized poppy seeds for use in food. Given the importance of the elimination of narcotics abuse, not only in the United States, but all over the world, surely an educational campaign to promote a change in food habits should not prove too difficult.

The legislation I have introduced today, even if successfully implemented, will not end the problem of drug abuse. Drug abuse is essentially a symptom of an underlying alienation, bitterness, and despair which leads to a desire to escape to a world of unreality. Until we eliminate these root causes, drug abuse in some form will be with us.

The type of program I have outlined will, however, disrupt the criminal elements which are supplying the demand for narcotics, get the addict out of a life of full-time crime, and, most importantly, it will buy time. Time we can use to deal with the causes of drug abuse; time to develop new and effective methods of addict treatment and rehabilitation; time to develop effective means of prevention; in short, time in which to save our youth—indeed—save the next generation of leaders around the world.

Mr. Speaker, the text of the bill follows:

H.R. 7492

A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 2 of the Foreign Assistance Act of 1961 is amended by inserting immediately after title III the following new title:

"TITLE IIIA—INTERNATIONAL DRUG CONTROL ASSISTANCE

"SEC. 225. AUTHORITY.—(a) The President is authorized to furnish assistance to any friendly foreign country, on such terms and conditions he determines necessary, in order to encourage and enable that country to control or eliminate the production, processing, or distribution of narcotic and psychotropic drugs within its boundaries.

"(b) The President is authorized to furnish assistance to any international organization, such as the United Nations Special Fund for Drug Abuse Control, involved in efforts to control or eliminate the production, processing, or distribution of narcotic and psychotropic drugs.

"(c) Such assistance shall be used as follows:

"(1) To aid opium-producing nations in developing alternative crops and markets for such crops.

"(2) To provide new employment opportunities for those who become unemployed as the result of the limitation or eradication of opium production.

"(3) To strengthen the law enforcement and regulatory machinery of countries seeking to control the production, processing and distribution of dangerous drugs.

"(4) To develop treatment, rehabilitation, and preventive education programs suitable to diverse cultures.".

LET'S EXAMINE THE CHARGES AGAINST THE REPUBLICAN PARTY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. WIGGINS. Mr. Speaker, rumor has it that the President—and, perhaps, the Republican Party generally—is pretty ruthless: refusing to end the war in Vietnam; opposing a definite date for the withdrawal of our troops; being more interested in saving face than in saving lives. You have all heard the charges.

Basically, these charges add up to the proposition that this administration is insensitive to the longing of the American people for peace.

Let us examine that proposition.

At the outset, I plead for objectivity. Be fair. Be honest. At least to ourselves. Some of us will not be, of course. There are those, for example, who have a political stake in a particular point of view. But most Americans do not. I must believe at the threshold of this discussion that most Americans will look at the facts—as they really are—and will accept the simple truth.

Let us set the stage with a little history.

The Eisenhower years—8 years of relative peace in the world—ended in 1960. President John Kennedy was elected in 1960 and in his inaugural address spoke eloquently of the torch being passed to a new generation and of our continuing commitment to freedom.

We remember that he was soon put to the test.

Following the Bay of Pigs disaster, in which decisiveness and resolute leadership was evidently lacking, our will was soon challenged by the Soviet Union.

The Cuban missile crisis was no more nor less than a test of the guts of the new President, and he measured up to that challenge, although in doing so, we were drawn to the brink of war.

The new President was also engrossed with the growing crisis in Indochina. You may remember that he sent his trusted mentor, Averill Harriman, to Southeast Asia to negotiate the unfortunate division of Laos—thereby opening that famous highway to the South, the Ho Chi Minh trail. But as the Communist threat to Laos was blocked, temporarily, the young President acted with firm resolution to bolster the uncertain Government in South Vietnam. At his direction, American advisers in division strength poured into South Vietnam to aid in the local resistance to aggression from the North.

An assassin's bullet in Dallas cut short the career of our 35th President. We do not know for certain how he might have reacted to future developments in Vietnam. We do know what he did. Our troop commitments in Vietnam during his

Presidency increased from 4,100 to 31,700.

And we know what action his Vice President took as his successor. President Johnson escalated our commitment to more than a half million men. He was advised during this period of more troops, more bombing and more casualties, by Secretary of State Rusk, who had also served President Kennedy, and Secretary of Defense McNamara, also the Secretary of Defense in the Kennedy Cabinet. To make the picture complete, I should add that the then Vice President HUMPHREY and Senators FULBRIGHT, MCGOVERN, MUSKIE, and many other Johnny-come-lately peace advocates applauded President Johnson's every move.

Am I being unfair, Mr. Speaker? I do not mean to be. I mean to tell it exactly as it happened.

And so President Nixon was elected in 1968. He told the American people that he had a plan to end the war. You remember that candidate HUMPHREY did not have a plan of his own and challenged candidate Nixon to let him in on the secret.

The American people evidently believed Richard Nixon, for he was elected. Their trust was not misplaced.

Shortly after his election, he flew to the Pacific to meet with Vietnamese leaders. Out of this conference came the basic strategy—a game plan, as it were—which has guided our actions ever since: the Nixon doctrine, of which Vietnamization is a part. The strategy, simply stated, is that America as a free world leader will maintain her commitments to those free nations challenged by aggression, but our responsibility is secondary. The primary responsibility for self-defense rests with the people of the Nation whose security is threatened.

This was the plan—a plan for disengagement and the defense of liberty—a plan which had eluded the two previous Democratic administrations.

The plan is working. Troop strength is at the lowest level in nearly 5 years, and is declining. Casualties have dropped to one-tenth of their former level.

And yet those who supported an administration which sent our boys to Vietnam are wildly critical of an administration which is bringing them home.

But these newly hatched doves now claim to have a better plan—total withdrawal now or at some symbolic date in the near future.

One might speculate on the simple commonsense of turning for a solution in Vietnam to the very ones who willingly participated in the creation of that problem. It is tempting to do so, but instead, let me examine the Democrat strategy for peace. Its keystone is withdrawal from Vietnam. There may be some variations as to timing or details, but all the Democrat leaders seeking high office seem to agree on this one central point—withdrawal from Vietnam.

As a strategy for peace, it is pathetic. As a strategy for democratic political advantage, it may have some temporary merit.

Is anyone so naive as to believe that peace will come to Indochina if we should effect a prompt and total withdrawal? Does even Senator MCGOVERN really believe that the North and South Vietnamese will forget their differences and will live in peace ever after if we should pack up and go home?

To speak of "peace" and "withdrawal" in the same breath is nothing less than a fraud.

The only—and I repeat, only—consequence of our withdrawal from Vietnam will be to enhance the chances of success of the North Vietnamese in their war of aggression against the South.

I cannot believe that those Democratic leaders—and in fairness, a few young Republicans, as well—seek a Communist takeover in South Vietnam, or believe that such a consequence is in America's interest. But they are consciously advocating a policy that may have that result.

Every American unites behind a policy of peace—not just peace in Indochina—but everywhere. Peace in the world is, and always has been, America's fundamental foreign policy.

Let us look at the strategy of withdrawal as an instrument of that foreign policy. If withdrawal is not productive of world peace, it should not seriously be entertained.

If we should remove our military presence from Southeast Asia and the South China Sea, have we enhanced the possibilities of peaceful coexistence, or have we merely offered a new temptation to China? If we withdraw from Korea, is the irrational Government of North Korea more likely, or less likely, to launch its long-promised war of reunification?

Is the American commitment to NATO wise? Or should we trust the good intentions of the Soviet Union and follow the counsel of those who advocate withdrawal?

Is the presence of the Sixth Fleet in the Mediterranean a stabilizing force for peace, or an unnecessary provocation that should be withdrawn?

More fundamentally, has a policy of withdrawal and isolation from the world around us ever been productive of peace? Or has it led to war?

The Nation cannot follow those blinded by presidential ambitions to history and to simple commonsense. The answer to withdrawal as a national strategy is "no." In the name of peace, "no."

SHORTAGE AND HIGH PRICE OF CHROMIUM ORE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. BYRD of Virginia. Mr. President, the Association of American Physicians and Surgeons, at a meeting of its house of delegates on April 17, passed a resolution concerning the shortage and high price of chromium ore.

The resolution rightly points out that the United States has become dependent on the Soviet Union for this vital commodity and expresses support for my legislation to remove the ban on importing chrome ore from Rhodesia.

I ask unanimous consent that the text of the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CHROMIUM ORE MONOPOLY

Whereas, as a direct result of sanctions imposed upon Rhodesia by the United Nations and supported by the United States, the United States has been forced to purchase chromium ore, at an exorbitant price, from Russia which insists that the purchase include 50% of a very low grade ore, and

Whereas, chromium is an essential ingredient of armor-plate, projectiles, stainless steel, the wearing parts of ore-crushing mills, and in electrical heating devices, and

Whereas, since domestic production of chromium ore is very scanty in this country, the United States formerly has obtained its supplies from Cuba and Rhodesia, consequently Russia now remains as the only source for this vital substance, and

Whereas, Senator Harry F. Byrd, Jr., of Virginia and Congressman James Collins of Texas have introduced bills (S–1404 and HR–5445) to allow importation of chromium ore from Rhodesia;

Therefore, be it resolved that the House of Delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Chicago, Illinois, this 17th day of April, 1971, congratulates these gentlemen for their patriotism and concern for our survival and urges all members of the Association to work for passage of these bills in the interest of our country.

FUNDING FOR VARIOUS FOREST SERVICE ACTIVITIES

HON. ROBERT W. PACKWOOD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. PACKWOOD. Mr. President, I want to speak in strong support of adequate funding for various Forest Service activities, all of which are so significant to the State of Oregon. Most of the points I will make were included in my statement to the Appropriations Subcommittee on Interior and Related Agencies; but I believe that the growing and caring for our Nation's trees are of tremendous importance to every American for the many benefits derived therefrom—such as wilderness, recreation, timber supplies for our housing needs, and so on.

In recent months we have seen the Forest Service take certain specific actions to improve their image in the minds of an environmentally alert public. These have not been easy to take; and while they may not meet the criteria which many of our very fine conservation and environmental groups feel necessary at this time, I believe those actions the Forest Service has taken should be recognized and credited.

A good deal of my remarks pertain to our environmental needs, and I will begin with research. The budget submitted contains no increase for forestry research. The Forest Service has tried to accommodate the critical need for research in nonchemical control of forest pests, and current and future environmental impact of pesticides by redirecting its present level of research. This effort is commendable under budgetary restraints, but it simply will not do the job if we are to keep pace with public interest and demand growing out of increased public education and awareness.

We are in the midst of a period of thoughtful concern by most Americans about how much of an impact certain Federal activities will have upon their whole environment; how well their needs for recreation, health, housing, etc., will be met. And in this atmosphere the question about the use and control of pesticides rises to the surface and demands our serious attention. In the State of Oregon any decision on this subject will have considerable impact. Long thought of as a "lumber State" where the use of pesticides and herbicides was taken for granted as a necessity in good forestry practices, we find Oregonians are turning their attention more and more toward environmental concerns. They are not only willing but desirous of finding out more about the environmental impact of certain pest control activities, and to discover better ones.

This research is a priority item at the Corvallis Laboratory, one of the Forest Service's most important research centers, which works hand in hand with the Forestry Department at Oregon State University.

If we are to meet the demands being made on forestry research in biological and silvicultural control of destructive forest insects and diseases, in tree genetics, and in forest watershed quality control and management, then an increase of some $600,000 to $650,000 must be made in the budget. Mr. President, I believe that correspondence I have received from the Northwest Forest Pest Action Council, Seattle, Wash.; from Mr. J. E. Schroeder, Oregon State forester, Salem, Oreg.; Mr. Hugh Allen, executive secretary, Western Council Lumber & Sawmill Workers, Portland, Oreg.; Dean Carl H. Stoltenberg, School of Forestry, Oregon State University, Corvallis, Oreg.; and Mr. L. James Bagley, president, Oregon Logging Conference, set out explicitly the reasons why this increase in funding is so drastically needed. Mr. President, I ask that those letters be printed at this time in the RECORD.

I also might call your attention to the fact that at the National Wildlife Federation's 35th annual meeting in Portland, from March 4–7, 1971, a resolution was adopted calling for some $5.8 million for insect research, and $3.8 million for disease research in Federal allocations.

As you know, I have introduced the administration's pesticide legislation, S. 745, calling for stricter control and registration of pesticides. In view of the high public concern about pesticides, I am convinced that regulation and registration as proposed by the administration is reasonable and necessary. I also believe that this must be coupled with adequate funding for research in this area to provide alternatives.

Mr. President, there has been considerable interest expressed to me about the need for a genetic research at the U.S. Forest Service Pacific Northwest Forest and Range Experiment Station at Corvallis. I ask that letters I received from two of my constituents, Mr. Virgil Ellett, president, Northwest Christmas Tree Association, McMinnville, Oreg., and Mr. Robert E. Snow, of Portland, Oreg., discussing the need for such a researcher, be printed in the RECORD at this time.

Now I discussed this need with the Forest Service and on January 18, 1971, received a response from Dr. Keith Arnold, in which he estimates a cost of $75,000 a year to maintain a fulltime scientist on this work with supporting help he would need. Mr. President, I ask also that Dr. Arnold's letter be included in the RECORD.

Mr. President, I turn now to the subject of reforestation, which I believe is the single most important item we have to consider. The K–V balances are insufficient in places to accomplish the reforestation work needed as a result of timber harvesting activities. In the State of Oregon alone, it is estimated there was a $7.5 million deficit as of July 1, 1970, to complete the necessary 90,000 acres of planting, replanting, and seeding. This deficit is the gradual accumulation of many problems such as underestimating future costs, national cash limitations, timber market fluctuations which cause postponement of harvest and thus reforestation, Federal manpower limitations—Forest Service may have the money for the work in certain instances, but lacks the personnel—and so forth. In general, any delay in the start of a project is going to result in an imbalance between K–V receipts and costs. The disparity becomes particularly severe during periods of rapidly rising costs, such as we are now facing.

Mr. President, in Oregon 120,000 acres of national forest land, in some degree of need for reforestation or afforestation, are not eligible for K–V funds. The 136,000 acres in the 10-year estimate of needs by Forest Service picks up some of the K–V slack plus additional losses, mostly fire, by 1980. The 1970 cost estimate of the work to be done in Oregon is roughly $24 million.

In an era when we have competing forces for our timbered lands—wilderness and recreation on one side and housing on the other—then we simply cannot afford to turn our backs on this critical need. For instance, in Oregon, if the 120,000 acres were satisfactorily reforested, I am told it would increase the annual timber growth by 60 million board feet. Think how far that would go in meeting the needs I have just outlined. There are studies which predict that by 1980 demands for wood will have increased by 20 billion board feet. I dare say that the demand for true wilderness areas, and forested recreation lands, will increase in a like manner. Reforesting the Oregon lands would make a substantial contribution to the Nation's needs in both of these areas.

Mr. President, Oregon was fortunate last year in that it was not hit with the same disastrous fires that struck so hard at our neighboring State of Washington. But this is an area that cannot be overlooked or ignored. To provide adequate fire protection for the timber, range, water, and recreation resources in Oregon, it will require approximately $95 million over the next 10 years. A vital need is a hard hitting, mobile initial attack force to drastically reduce the chances of forest fires developing into the huge conflagrations of the 1970 summer. Along with the present force, the attack forces need an additional 20 helitack units if fires are to be kept to a size where minimal damage is done. In addition, a strong prevention program must be maintained to reduce man-caused fires.

Then we come to the rehabilitation following fire damage. Top priority must be given to those emergency measures which are necessary to prevent the immediate deterioration of site or abate the immediate threat to health, life, or property. This would include such measures as revegetation with quick-growing ground cover, sediment traps, stream channel clearing, and so forth.

Mr. President, in rehabilitation, time is of the essence. The work must be done prior to high runoff and before the winter snows begin if it is to be effective. In Oregon and Washington, this normally means that immediate rehabilitation should be completed at least prior to mid-November. This often leaves little time even when rehabilitation funds are currently on hand. A delay in funding often makes the timing more critical. A readily available source of funds is needed for such work.

Other measures are needed which may not have an immediate benefit, but which are necessary now to eventually restore the area to its original condition. This includes measures to reestablish tree cover—planting, seeding, baiting—fencing to protect revegetation measures, seed collection, and so forth. Mr. President, funds to do this emergency work just have not always been available; and if we are to meet the environmental demands upon us, we must fairly assess this program and come forth with the money to do the job.

Let us turn our attention now to cooperative fire control. Oregon participates in section 2 of the Clarke-McNary Act which provides for Federal financial and other assistance to protect State and privately owned forest and nonforest watershed lands from wildfire. As many of you recall, Federal sharing is authorized up to 50 percent of total program expenditures. In fiscal 1970 total expenditures for Oregon amounted to $4,020,724, which included Federal contributions of $590,955, or 14.7 percent of the total. I do not believe I need to recall for you the significance of fire damage—perhaps those of you who saw the magnificent film, "Wildfire!" had the costly message engraved in your thinking. Significant progress in coping with the situation could be made by a more rapid expansion into inadequately protected areas. This could be most effectively done through cooperative efforts with rural and volunteer fire departments by providing training and equipment. I believe Senator DOLE has introduced legislation in this area.

The present CM2 program Federal authorization stands at $20,000,000 and the appropriation for fiscal 1971 is $16,516,000. Preliminary estimates indicate total national expenditures well in excess of $100 million on State and private lands during this fiscal year. The immediate need is to raise this program to its full authorization, followed by an increased authorization. And I might say here that I have introduced legislation to do just that—to increase the authorization to $40,000,000. This is modest, when we consider the need to be $100 million. But we must at least begin in the direction that will allow Oregon and the other States to better cope with the fire crisis.

Mr. President, while we have left Federal lands for the moment to discuss State and private lands, let me say that Oregon's 11 million acres—42 percent of the State's total commercial forest—of non-Federal commercial forest offer a major opportunity for increasing our timber supply. Five million acres of this in nonindustry ownerships provide a good opportunity and present a challenge that can be met only with increased technical assistance. The owners of these lands simply do not have the technical expertise and skills for bringing about management improvement needed. In order to increase timber harvest from the State and private forest lands in Oregon by 260 million board feet, it would require an average annual level of $175,000 in federally appropriated funds.

In addition, there are in excess of 2.5 million acres of non-Federal commercial forest land in Oregon in need of tree planting for establishment or reinforcement purposes. At present, total non-Federal planting and seeding work is carried out on about 86,000 acres annually. Probably no more than 25 percent, or about 22,000 acres of this is "backlog" planting, that is, planting on lands in the above category of lands needing tree planting. If any marked reduction in the acreage needing tree planting is to be realized, double or tripling of the present rate of planting and seeding must occur.

Mr. President, if I may return a moment to the whole question of reforestation, this is the most critical phase of timber management. Research in this field has produced improved nursery stock, provided practical techniques and timing for lifting, storage, and planting of seedlings, and a choice of regeneration methods. However, we simply are not keeping pace with the demands of the expanding reforestation programs in the Pacific Northwest. In Oregon and Washington, nearly a quarter of a million acres were reforested in fiscal year 1969, or 1 acre of every 6 reforested in the entire Nation. This effort represents an annual investment of $15 million. To safeguard this heavy investment by assuring successful tree survival and vigorous growth, plantation failures must be reduced, and the lag period for regeneration establishment, which affects both timber production and environmental quality, must be shortened.

Accelerated research is urgently needed in cone and seed handling and storage, container planting for severe sites, improved means of preventing desiccation of planting stock and drought-kill of seedlings, and guidelines for choosing the best seeding or planting method on areas requiring reforestation.

Mr. President, as you can see this whole question of research is upon us—research in pesticides, research in reforestation, research in recreational needs, research in watershed protection; fish habitat research. Research is urgently needed to identify essential characteristics of a good fish-producing stream and then to determine how best to create and protect such characteristics.

Forest economics research is another area of opportunity. Opportunities to improve forest lands as an investment greatly exceed the funding available to capitalize on them, even though about $90 million is spent annually in managing forest lands in Oregon and Washington. Oregonians are increasingly demanding nontimber products in the forest. Economic analysis can be an important tool in deciding the "which" and "how much" of water yield and quality, nonconsumptive wildlife programs, and the many kinds of forest recreation as well as timber.

Then there is research in timber marketing, in log export questions, reclamation.

Forest Service recreation research in the Northwest has concentrated on the behavior and preferences of recreation users of the out-of-doors. Cooperators in this program are the departments of sociology, community service and public affairs, and the center for leisure research at the University of Oregon and the College of Forestry at Oregon State University, as well as the University of Washington. Strengthened research is much needed for all types of outdoor recreation, such as car camping, wilderness, water recreation, hunting, fishing, hiking, lowland trails, skiing, and so forth. Two additional research problems are: First, human behavior aspects of wildlife management, and second, litter control systems.

Mr. President, on the subject of recreational needs in Oregon, I ask that letters I have received from Mrs. J. Roe Heller of Portland, Oreg.; Carlton Whitehead of Portland; Larry Williams, executive director, Oregon Environmental Council; and Max Gardner, secretary, Chamber of Commerce, Yachats, Oreg., be included in the RECORD. These constituents have pointed out specific areas that recreational needs are not being met, and where additional attention needs to be directed.

I would like to turn now to two specific areas of need, the proposed lava lands visitor and information center to be established at Lava Butte, south of Bend, Oreg.; and continuing needs at Timberline Lodge.

Mr. President, I ask that correspondence I have received from Frederick H. Boyle, president, Central Oregon Community College, Bend, Oreg.; Hon. Sam Johnson, Oregon House of Representatives; Mr. Vince Genna, director, City of Bend Parks and Recreation Department; and Frank H. Loggan of Bend, Oreg., be included in the RECORD. All of these constituents have dwelled on the need for the lava lands visitor center, which would serve both the educational and recreation requirements of the area. In addition, I have a letter from the regional forester, Chas. A. Connaughton, verifying the desirability of such a center, indicating that the major item is for roads which should be part of the regular road appropriations to the Forest Service. I ask that Mr. Connaughton's letter be printed in the RECORD, for further on in his letter, he states the real urgency is the visitor center building.

The Forest Service began planning this center in 1964, to accommodate the continuing increase in visitations to Lava Butte. All development plans and designs for the proposed center have been completed, including parking and other necessary facilities. The water source and sewer system to serve the center have been developed. The Forest Service had budgeted for fiscal 1971 to complete this project and a portion of the Benham Falls Road, including the Benham Falls Bridge; however, this item was not funded. It is my hope this can be made a part of the 1972 appropriations.

Timberline Lodge has continuing needs in its development, and if we are to keep pace with the growing demands placed upon it, then funding of $951,000 should be provided in fiscal 1972 for construction of the convention wing. Timberline Lodge is one of the most outstanding tourist attractions in the State of Oregon.

On one last specific item, Mr. President, let me emphasize the importance of the work at the La Grande Range and Wildlife Habitat Laboratory. Currently needed are $100,000 for onsite greenhouse, shop, and garage; and at Starkey Experimental Range, $75,000 is needed for the field lab-office, shop, garage, and pumphouse.

Mr. President, there are many items and programs that have not been discussed in this statement, which are extremely valuable to Oregon; but let me conclude with this: When a State is known to grow one out of every five trees in the Nation, Forest Service activities are not taken lightly—adequately funded and wisely carried out, they can be in many instances the breath of the State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTHWEST FOREST PEST
ACTION CONTROL,
Seattle, Wash., March 1, 1971.

HON. ROBERT PACKWOOD,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: On behalf of the Northwest Forest Pest Action Council, I'm sending you a copy of a recent letter I sent to Congresswoman Julia Butler Hansen and to Senator Alan Bible, Chairman of Appropriation Committees for Federal forest research. In view of your long interest and support of this work I believe you will find it of interest.

As mentioned in the letter, our Council is much concerned that the President's budget contains no increase in funding to equip and operate the new additions to the Corvallis Forestry Sciences Laboratory, which you supported so strongly. We hope you will do whatever you can to correct this situation.

Sincerely,

WILLIAM H. LARSON,
Chairman.

Enclosures.

NORTHWEST FOREST PEST ACTION COUNCIL,
Seattle, Wash., March 1, 1971.

Hon. JULIA BUTLER HANSEN,
Chairman, House Subcommittee on Appropriations for Department of Interior and Related Agencies, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSWOMAN HANSEN: As Chairman of the Northwest Forest Pest Action Council, I am writing again this year to ask your renewed support for strengthening research on protection of our forests against destructive insects and diseases. You are well aware of today's critically important goals of (1) increasing production of softwood lumber for more and better housing of the American people, and (2) protecting and improving our forest and related environments. Forest pests are making it extremely difficult to achieve these goals.

Forest pests cause tremendous losses throughout the Nation, but nowhere are they more destructive than in the Pacific Northwest. U.S. Forest Service surveys show that in an average year, insects and diseases kill or prevent growth of almost 7 billion board feet of sawtimber—almost 50 percent of that harvested—in Oregon and Washington. This amount of timber would build more than a half million average-size homes.

The Pest Action Council firmly believes that only through an expanded and aggressive program of research can effective pest control methods be developed. The Council represents all sectors of the public and is made up of a number of committees which study individual insect and disease problems. At our annual meeting in the fall of 1970, the committees identified a number of specific problems needing research attention, particularly by the U.S. Forest Service. A number of resolutions were passed, urging increased research, and copies of these—Nos. 5, 6, 7, 8, 10, and 12—are attached for your reference. I bring them to your attention here and strongly urge that you support their implementation or strengthening at the hearings related to Forest Service appropriations for Fiscal Year 1972.

FORESTRY CHEMICALS

If the forest industry is to meet production goals demanded by our rapidly growing population, we must use insecticides to reduce losses from insects, herbicides to reduce competition from brush, fertilizers to increase tree growth, fire retardants to suppress forest fires. We must learn from research how to use these materials efficiently and with full environmental safety.

The Pacific Northwest Forest and Range Experiment Station at its research facilities in Corvallis, Oregon, and Olympia, Washington, has outstanding scientists working on these problems. They have produced some very useful information but progress is minimal because of shortage of manpower and operating funds. The Council urges that the Experiment Station's funds be increased to adequately pursue this extremely important research.

ROOT DISEASE RESEARCH

Root rots of our major timber species such as Douglas-fir and ponderosa pine, cause an annual loss in productivity of Pacific Northwest forests estimated at 650 million board feet per year. If such losses were caused by fire it would be considered a holocaust; if by insects, a massive epidemic. The root rots, however, are more difficult to detect and control than either fire or insects, and thus have largely been ignored. Some new and promising possibilities for biological control of root rots are emerging from the modestly funded research program at the Pacific Northwest Forest and Range Experiment Station. The control system involves no pesticides or disturbance of the environment. Rather, it entails growing native plants such as alder along with the highly rot-susceptible tree species. Such plants appear capable of eradicating or greatly reducing disease—causing organisms from soils. Before such biological control can be implemented, however, the basic laboratory-tested theories must be verified under field conditions, and pilot-scale projects must be designed. The Council strongly recommends the Congress strengthen this research in Fiscal Year 1972.

DWARF MISTLETOE RESEARCH

Dwarf mistletoes are parasitic plants which reduce forest tree growth in Oregon and Washington by over 900 million board feet annually; they also cause hazardous and unsightly damage to trees in recreational forests and campgrounds. Research now in progress suggests promising alternative control measures such as selective cutting, chemical control, and biological control by manipulating natural fungi and insects which attack the mistletoe plants.

A westwide analysis of mistletoe problems has been made by the Forest Service. A resulting recommendation is that the Corvallis Forestry Sciences Laboratory be headquarters for a major part of the research effort. A base funding increase at Corvallis in Fiscal Year 1972 is nedeed in order that this important work can be stepped up as soon as possible. There is particular urgency to this problem because of the thousands of acres of mistletoe-infected young forests that are now being thinned each year. Unless adequate mistletoe protection is developed, this huge investment to increase forest production could be largely wasted.

FOREST INSECT RESEARCH

Forest insects continue to have tremendously damaging impacts on Pacific Northwest Forest. Over 3 billion board feet of mature timber is killed outright annually, and additional damage is caused to seeds, cones, seedlings, and young forests—our investment in the future. Damage is caused to recreation and timber-growing forests alike. Further, the catastrophic forest fires in north central Washington this past summer were fueled in strong part by millions of trees killed in a previous bark beetle outbreak.

A wide variety of insects is causing problems to forest managers throughout the region. Bark beetles, such as the mountain pine beetle, are the most important tree killers; 1970 surveys show that more than a billion board feet were killed in Oregon and Washington during the year. Defoliators such as spruce budworm, and the larch casebearer, an introduced pest from Europe, cause more gradual damage than bark beetles but also kill and deform trees, and reduce their growth. The balsam woolly aphid is a sucking insect, also accidentally imported from Europe, that is rapidly killing true fir forests along the crest of the Cascades from Crater Lake Park in Oregon to north of Mount Rainier in Washington. It is now infesting Olympic Peninsula forests, near the Olympic National Park, and it appears to be only a matter of time until the insect spreads to the huge new North Cascades Park near the Canadian border in Washington.

Research by the Forest Service and others shows promise of developing new or improved insect control measures—by growing trees and forests that are less susceptible to insect attack; by creating conditions that increase the abundance of biological control factors such as native parasites and predators, by learning how to manipulate insect-controlling diseases; and by developing safe, nonpersistent insecticides that can be applied in a manner that is not damaging to the environment.

These research programs are inadequately financed. The Forest Service effort at the Corvallis Forestry Sciences Laboratory, which conducts field research in both Oregon and Washington, is the U.S. Forest Service insect and disease research center in the two States. The Council is aware that there has been no new funding of either insect or disease research at this facility for several years—a period when the cost of operations has been increasing at about 7 to 10 percent annually. The net result is that significantly less research is being done now than 5 years ago. An increase of funds is needed to bring insect research back to its previous level and to move ahead vigorously on the many promising new leads for developing safe and effective control measures.

CORVALLIS FORESTRY SCIENCES LABORATORY

The Northwest Forest Pest Action Council has worked for more than a decade with the Oregon and Washington Delegation and many others to (1) build the first stage of the Corvallis Laboratory in 1962, (2) strengthen its scientific staff, and, (3) in the past two fiscal years, to add two new facilities. We are fully aware and particularly appreciative of your support and efforts in obtaining Federal funding for the two new additions, one of which will be completed this coming spring, the other about a year from now.

These new additions provide the physical facilities for moving ahead on high-priority forest insect and disease research, as well as other important programs on timber management, genetics, watershed management, and the effects of pesticides on the environment. The Council strongly recommends that operating funds be made available to fully realize the new research potential. Strengthening of research for the disease and insect items described above is critically needed if the forests of the Pacific Northwest are to produce the essential products and livable environment so badly needed.

Again, on behalf of the Council, I wish to express our appreciation for your longstanding interest and strong support. We hope you will arrange to have this statement and the enclosed resolutions entered in the record of the appropriation hearings, and to have the budget for the U.S. Forest Service amended to provide adequate funding for this high priority research.

Sincerely,

WILLIAM H. LARSON,
Chairman.

FOREST DEPARTMENT,
Salem, Oreg., March 5, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: With Congressional appropriation hearings underway, I write to re-emphasize the need to strengthen research of the U. S. Forest Service here in the State of Oregon.

I was disappointed to find that the President's budget contains no items at all for increasing forestry research. As you appreciate so well, we must have continuing new knowledge and technology for managing and protecting our forests if we are to meet the ever-increasing demands upon them.

I was particularly disappointed that no funds were provided for equipping and operating the two new additions to the Forest Service's Forestry Science Laboratory at Corvallis, for which you worked so hard and successfully. As you know, the first of these additions will be completed about June, 1971; the second about January, 1972. These are extremely important additions to the forestry research capability of the Pacific Northwest.

Now that these new facilities will soon be ready, it is urgent that adequate funds be available for their prompt activation and use. The highly trained and experienced senior scientific staff, now scattered in several locations, can be brought together and speed up progress, if funding is provided.

The Corvallis Laboratory is the Northwest center for forest insect and disease research. These agents cause by far the most destruction to Oregon and Washington forests—killing annually about a third as much mature timber as is harvested in the two states. The pathologists and entomologists at the laboratory are doing extremely valuable work in developing control measures, emphasizing biological rather than chemical controls. Their laboratory findings now should be intensified and then tested as soon as possible under field conditions and in pilot-scale projects, but such activities are beyond present financial resources.

Watershed research at Corvallis needs to be greatly strengthened. Scientists have just recently provided preliminary but extremely valuable information on changes in water yield, temperature, and sediment resulting from road building and timber harvest practices. This information needs to be refined into prescriptions that managers can use to produce the needed timber products from the forest, without damage to soils and water.

The Corvallis watershed researchers are also studying the impacts of forest fertilizers, herbicides, and other chemicals on forest soils and water. All of these materials are important to forest managers trying to increase tree growth. But the researchers must first determine how such aids to forest growth can be used safely and without harm to the forest environment.

Genetics research at Corvallis has made outstanding progress in improving Douglas-fir. The scientists there have developed practical methods that may increase timber yields by as much as one-tenth to one-fifth of the unimproved average. These new research-based techniques are already being applied over some 2,000,000 acres in the Northwest. The Oregon State Department of Forestry is an active participant in this program. But the research on which the program is based should be greatly intensified to develop faster growing, pest resistant trees with superior wood qualities—not only of Douglas-fir but also of our other important tree species such as western hemlock, noble fir, and the western spruces.

Other research units at the Corvallis Laboratory need strengthening now, including that developing information for managing the mixed conifer forests at high elevations in western Oregon and Washington and that working to increase the efficiency of seeding and planting methods to speed the regeneration of our forests.

I know you are familiar with the Forest Service Research Program for the 70's, a nationwide projection of forestry research needs. According to this analysis, the desirable first-year increase in funding for the Corvallis Laboratory is $650,000.

So, I hope it will be possible for the Congress to amend the Forest Service budget to speed up work at the Corvallis Laboratory next fiscal year. We should move ahead as rapidly as possible on this research.

Your vigorous support of forestry programs for Oregon and for the Nation is deeply appreciated. Would you please arrange to have my letter included in the record of the appropriation hearings.

Sincerely,

J. E. SCHROEDER,
State Forester.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Portland, Oreg., March 16, 1971.

Hon. ROBERT W. PACKWOOD,
Old Senate Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I am writing for the Western Council of Lumber and Sawmill Workers to ask your help in strengthening Federal Forest Service research to meet the urgent needs in the Northwest for sound basic information about the alternatives for action in our timber and related forestry programs.

Pressures on our forests are greater every year. New projections of requirements for wood in the next and following years call for more intensive timber growing measures to insure adequate continuing supplies.

Our forests are also under increasing pressure to provide more jobs, particularly here in the Northwest, where unemployment is far above the national average. At the same time, people are increasingly concerned and vocal about environmental problems of logging and timber management practices.

All of these changes point out the necessity for increasing the efficiency and improving the environmental effects of forestry practices through research.

In reviewing the Administration's budget for the U.S. Forest Service in fiscal year 1972, I find no increases for forestry research. If the proposed budget prevails, it will not be possible to sustain even the present level of research, and certainly not possible to expand this program of work as is so much needed.

Last year I wrote you about the extremely important and unique forestry research under way at the U.S. Forest Service Corvallis Forestry Sciences Laboratory. Members of the Western Council were greatly encouraged last year when the President's office finally released $500,000 appropriated by the Congress the previous year to get under way on the completion of the Corvallis laboratory on a stage-construction basis. We were further encouraged when the Congress last year appropriated a second $500,000 for Stage II of the Corvallis expansion, even though this was not included in the President's Budget.

Thanks to your very effective help in these matters, the Corvallis Stage I expansion laboratory will be completed and ready to use in June 1971; the Stage II expansion north wing will be completed early in 1972. This progress makes it possible to expand the high-priority research at the Corvallis Laboratory—if the necessary funds are now made available.

As you know, Corvallis is a major center for forestry research in the Northwest, and for some fields of investigation it serves the entire West and beyond.

Corvallis scientists are developing safer and more efficient methods to control the highly destructive forest insects and diseases that combined cause some 5 billion board feet of timber loss each year in Oregon and Washington. This research is our greatest hope for preventing these heavy losses and thereby increasing the sustainable level of useful timber harvest, and the supply of wood products for housing and other essential needs.

Corvallis is also the center for Forest Genetics Research which is developing faster growing and higher quality trees for a more abundant and more valuable future timber supply. If strengthened as needed, this work has the potential of increasing timber yields in the Northwest by 15 to 20 percent with full safety and benefit to the forest environment.

Our members are also greatly interested in the Watershed Management Research headquartered at the Corvallis Laboratory. The pressures for more timber could bring intolerable damage to our invaluable forested watershed lands. We greatly need more timber, but the need to protect our vital water supplies is even greater. So the watershed research at Corvallis must be speeded up to make sure we do protect our watersheds successfully while pushing to increase the timber supply.

These vital and closely related research programs at the Corvallis Forestry Sciences Laboratory should be strengthened with additional funding of $650,000 next fiscal year.

We in the Western Council should greatly appreciate your help in determining what can be done to fund adequately this top-priority work. Will you please arrange to include a copy of my letter in the record of the appropriations hearings.

Yours very truly,

HUGH ALLEN,
Executive Secretary,
Lumber and Sawmill Workers.

OREGON STATE UNIVERSITY,
SCHOOL OF FORESTRY,
Corvallis, Ore., February 25, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: I was indeed disappointed to find no provision in the President's budget to accelerate U.S. Forest Service research in timber growing, environmental protection, and forest insect and disease control here at the Corvallis Forestry Sciences Laboratory.

Thanks to your assistance, construction on Stage I of the addition to the Corvallis Laboratory will be completed and ready to use by next June. In addition, the contract has just been signed for Stage II, the north laboratory wing, which is scheduled to be completed early in 1972.

As you know, Forest Service research here is conducted in cooperation with our own research, so I am familiar with its accomplishments, potentials and needs. Last year I wrote you about the urgent need to strengthen research in biological and silvicultural control of destructive forest insects and diseases, in tree genetics, and in forest watershed quality control and management. With the new Corvallis Laboratory facilities soon to be available, there is an excellent opportunity to effectively strengthen this top priority work immediately. An increase of some $600,000 at this time would efficiently speed up these programs and help meet our future timber and other forest resource needs.

If you find it possible during the forthcoming budget considerations to strengthen this program in Corvallis, I am sure the people of the Northwest would benefit greatly.

Sincerely,

CARL H. STOLTENBERG,
Dean.

OREGON LOGGING CONFERENCE,
February 25, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR MR. PACKWOOD: On behalf of the Oregon Logging Conference, representing 1700 loggers in the State of Oregon, we wish to express our concern regarding Forestry Research in the Pacific Northwest.

At our 33rd Annual Oregon Logging Conference, held February 25–27, 1971, the following resolution was adopted:

"The Oregon Logging Conference commends the Congress for its support of progressive construction of the U.S. Forest Service Sciences Laboratory at Corvallis. The Conference recommends that Congress make provisions for effective operation and use of these facilities as soon as they are completed so that high priority research on pest control, timber growing and environmental protection can proceed without delay.

"The Conference further recommends that

funding be provided for the orderly completion of the construction phases of the Forestry Laboratory."

More specifically, it is imperative that the Laboratory, once construction is complete, be staffed with personnel to accomplish the assigned task.

Research and Development is a vital link in assuring vital, progressive forestry programs on public and private lands.

We appreciate the opportunity to comment.

Sincerely,

L. JAMES BAGLEY,
President.

NORTHWEST CHRISTMAS TREE ASSOCIATION,
McMinnville, Oreg., November 19, 1970.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: As President of the Northwest Christmas Tree Association, I have been asked by my Association to solicit your interest and support for a genetics research in Christmas trees. We have been so encouraged with results of several small genetic studies in our Association area that we urge the funding for a full-time scientist in this field at the USFS Forestry Sciences Laboratory, Corvallis, Oregon.

Our Association members have been rapidly converting to plantation-grown rather than forest-grown trees. To document this conversion, since the early 1960's when plantation trees were rare, we now have about 24,000 acres in plantations, divided almost equally between Oregon and Washington. The change-over will be virtually complete in another decade. In order for the Northwest to hold and expand its competitive position in outside markets, we must keep well ahead in the race for a high quality tree.

Fortunately, this trend to plantation-grown trees has given the two States an expanding new industry, which can employ large numbers of unskilled rural labor. Also, Christmas trees will grow on lower quality agricultural land that would be borderline for other crops. Few people realize that this trend has upped the quality and value of the trees into an industry presently bringing in approximately $10,000,000 annually to Northwest growers, and is still rapidly expanding. The impacts on the environment are all good as trees protect the land we use from degradation, and we are lessening the impact of cutting on the natural forests.

At the Forestry Sciences Laboratory in Corvallis, we have a collection of grafted trees growing from 22 of the best Christmas tree types ever found in the Northwest forests for future breeding. In addition, we have a study started in 1964 conducted by the Forestry Sciences Laboratory at Corvallis and the Department of Natural Resources in Olympia; these test trees are growing on the lands of eight of our members. Several parent trees from each State have produced seedlings that are superior to the average tree. Within the next year, we hope to have small quantities of this superior seed available. This is a practical and much needed program.

What is needed now is an aggressive program to promote the quality of Christmas trees on a scientific level. The scientists who have helped us in Christmas tree breeding have done so in addition to their normal workloads. Our Association feels that our most logical next advancement would come from an increased genetics research effort in Corvallis. Can you help us by asking for the staffing of a full-time geneticist in Christmas tree research at the USFS Forestry Sciences Laboratory at Corvallis beginning this year?

I would be delighted to show you, personally, the results of the genetic studies to date, and what we are striving to obtain in quality Christmas trees.

Sincerely,

VIRGIL ELLETT,
President.

SNOW-L TREE FARM,
Portland, Oreg., January 27, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Recently Virgil Ellett, President of the Northwest Christmas Tree Association, wrote to you outlining the needs of the Christmas tree industry for a Genetic Researcher to be assigned to the U. S. Forest Service Pacific Northwest Forest and Range Experiment Station at Corvallis, Oregon.

As a medium size grower, 80 acres of trees near Forest Grove, the results of this kind of research would be of great benefit to me as well as the many other growers in the Northwest.

I strongly urge you to recommend to the Forest Service that a Geneticist be assigned to this project and that funds be made available for his work.

Respectfully yours,

ROBERT E. SNOW.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., January 18, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is in reply to your January 8 letter asking what resources would be needed to get a full-time man on Christmas tree research at our Forestry Sciences Laboratory at Corvallis.

We estimate that it would cost $75,000 a year to maintain a full-time scientist on this work with the supporting help he would need. We agree with the Northwest Christmas Tree Association that this is high priority research, and we plan to request funds for it as soon as the budgetary situation permits.

We appreciate the interest that you and your friends in the Northwest have shown in our research.

Sincerely,

R. KEITH ARNOLD,
Deputy Chief.

PORTLAND, OREG.,
February 12, 1971.

Senator ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Forest Service Budget, Action on estimates for fiscal year 1971, showed the following:

Recreation—public use:	
1970 Appropriation Act	$37, 549, 000
1970 increased pay costs	1, 544, 000
1970 adjusted (base for 1971)	39, 093, 000
1971 increase or decrease:	
Budget estimate	+3, 132, 000
House action	+1, 837, 700
Senate action	−6, 980, 000
Conferee action	−6, 980, 000
Total appropriation bill, 1971	35, 245, 000

Many of us would like to know—*Why* did the Senate take action to reduce so drasticly the appropriation for Recreation—public use?

You and Senator Packwood must be well aware of the campground situation in our nearby National Forests. With funding like the above it would take 20 years just to meet State Board of Health standards for water and sanitation in existing campgrounds. Partially constructed and much needed new campgrounds cannot be completed and put to use for lack of funds. Areas where more campgrounds are especially needed include the upper Clackamas drainage in the Mt. Hood Forest, where new road construction is way ahead of campground completion, and along the Medford-Crater Lake Highway in the Rogue River National Forest, where tourists on the way to Crater Lake National Park seek camping space.

Very truly yours,

ELEANOR T. HELLER.

REED COLLEGE,
Portland, Oreg., February 24 1971.

Hon. ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR BOB: I am writing to you in my capacity as a member of the advisory committee to the United States Forest Service's Northwest Experiment and Research Station. The stimulus to write comes from my just learning that their attempt to provide better balance in recreational research has been frustrated by the Bureau of the Budget in preparing this element of the Forest Service's budget for presentation to Congress. The amount requested has been cut back to the very small amount they received last year.

At the annual meeting of the advisory committee, all members agreed strongly that recreational research was grossly neglected in the research budget. This year's budget request included an attempt to give recreational research better recognition in their program.

We readily identified a number of areas which needed attention, recognizing that the flood of people who are moving onto our Forest Service lands for recreational reasons are creating some major problems. They have only one staff member concerned with this area at this time, but he has done a superb job in identifying problems of mass use and suggesting some approaches to discourage destructive use and behavior. I know I don't need to elaborate on this with you, for you are well aware of the problems which are developing.

Anything you can do to increase the recreational budget for the U.S. Forest Service Experiment Station would be greatly appreciated. I wish I could tell you what the original request was, and what was finally submitted to Congress. Unfortunately, this is restricted information. However, I understand a member of Congress can request and obtain these two figures.

Needless to say, if you would like any more information or if I can be of special assistance in any way, please let me know. Incidentally, I believe you would be very interested in the research which has already been undertaken, if you are not already aware of it.

Sincerely,

CARLETON WHITEHEAD.

OREGON ENVIRONMENTAL COUNCIL,
Salem, Oreg., March 15, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR BOB: We understand that on January 14, 1971, U.S. Forest Service Chief, Edward Cliff, sent to your office material relating to the Forest Service's proposed budget for the next fiscal year. On page 17 of that report, the Forest Service requests continued funding for their recreation research program

We wish to stress to you the importance of supporting the Forest Service program for recreation research. Under the guidance of Dr. John C. Hendee, Project Leader, Recreation Research, University of Washington, the findings of the recreation research program have been extremely valuable to the conservation movement. One research paper in particular comes to mind which we have made extensive use of. Its title is "Wilderness Users in the Pacific Northwest—Their Characteristics, Values and Management Preferences." A great deal more research is desperately needed into how our recreation areas are used and the needs of the American people for recreation lands.

We urge you to actively support the full funding of this extremely important research program.

Sincerely,

LARRY WILLIAMS,
Executive Director.

CHAMBER OF COMMERCE,
Yachats, Oreg., February 25, 1971.
Senator ROBERT PACKWOOD,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Yachats Chamber of Commerce is seeking your help in a matter involving the United States Forest Service. Our problem has to do with the lack of overnight camping facilities in the Yachats area, and perhaps all along the coast. We have asked both the Oregon State Parks Department and the Forest Service to make more of their overnight camping facilities available during the winter months.

We are also asking the Forest Service to complete and open its Cape Perpetua Camp. This site has been under construction now for several years. We think it is poor management to leave this Park in its present uncompleted condition, especially since so much money has already been spent and so little more is needed to complete it.

We understand there is a budget problem involved and we are asking that you look into this matter with the view of getting enough money budgeted to complete the job.

Respectfully yours,

MAX GARDNER,
Secretary.

CENTRAL OREGON COMMUNITY COLLEGE,
Bend, Oreg., September 9, 1970.
Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: I have been following with great interest the plans being formulated by staff members of the Deschutes National Forest regarding the construction of the Lava Lands Visitor and Information Center to be established at Lava Butte south of Bend, Oregon.

As you know, summer and winter traffic to Central Oregon has shown a steady and remarkable increase during the last five years. The concept of the Lava Lands Visitor and Information Center makes very good sense as a point of unique interest and as a center for information which might route visitors to other points of interest in Central Oregon.

I am sure the Center will make an important contribution to the economic health of Central Oregon. This is important to those of us who live in Central Oregon. To us at Central Oregon Community College it is equally important that the Lava Lands Center will tend to add to the scientific and educational potential of this area of Oregon.

Staff members of the Deschutes National Forest have been most helpful in relating plans for utilization of the forest to the goals of the College and to the citizens at large. We feel that they deserve every assistance in bringing their plans for the Lava Lands Center to completion.

May I, as an interested citizen, and as President of Central Oregon Community College request your assistance in informing other members of Congress of the high priority which we place on this facility. Any assistance you can give us will be greatly appreciated.

Sincerely,

FREDERICK H. BOYLE,
President.

OREGON HOUSE OF REPRESENTATIVES,
Salem, Oreg., September 10, 1970.
Senator ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: I have had the privilege and pleasure to be a member of Charles Connaughton's Regional Foresters Advisory Committee. This has been a most rewarding experience. I hope that my participation as well as that of the others has been helpful to the Forest Service in disseminating to the general public information on their programs and plans.

Among the numerous matters that we have discussed is the project of the proposed Lava Lands Visitor Information Center. I am enclosing a preliminary fact sheet. I want to emphasize that this proposed center is to be located just south of Lava Butte with parking facilities for 100 or so cars. The Information Center will be the starting point of two or three interpretive trails located close by, such as the Phil Brogan trail. The Information Center also would have dioramas and illustrative artifacts concerning history of the Lava lands.

The real service of the Information Center is to publicize the unique opportunity a visitor has in Central Oregon to see the Lava lands and other points of interest in what appears to be an area of almost 200 square miles from the crest of the Cascades to the High Desert, from the Warm Springs Reservation and the Reservoirs on the north, Crater Lake and the Klamath Reservation on the south. Examples of this are the Crane Prairie Osprey Management Area, the rockhound areas near Prineville, the Metolius River, the Jefferson wilderness area, the University of Oregon observatory on Pine Mountain, and many other varied natural attractions.

The important point that I want to make is that in this period of environmental concern, it is absolutely imperative that the general public be aware of the tremendous effort that is being made by the Federal Agencies, primarily Agricultural and Interior, in preserving and displaying these natural phenomena.

The Forest Service is concerned about budgetary problems as is every other agency. I think that this particular project is worthy of careful consideration and, I sincerely hope, favorable action.

Sincerely,

SAM JOHNSON.

CITY OF BEND,
PARKS AND RECREATION DEPARTMENT,
September 24, 1969.
Senator ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR MR. PACKWOOD: As director of parks and recreation in Bend, I come in contact with many people. I have found that the origin of Central Oregon, particularly this immediate area, is of great interest to the majority of them.

I also work with a large number of young people and feel it is an important part of their education to know about this land where they live.

As an interested citizen, I am very much in favor of the *Lava Lands Visitor Center* being built as proposed by the Deschutes National Forest. It would be an invaluable tool for informing visitors and residents alike of the wonders of this area. It would also provide an excellent opportunity to remind them of the necessity to protect the forests, streams, and land from litter and pollution in order that their country may remain wholesome.

Therefore, I respectfully request that Congress seriously consider including the allocation of necessary funds in the 1972 budget for the construction of Lava Lands Visitor Center.

Sincerely,

VINCE GENNA,
Director.

BEND, OREG., *October 12, 1970.*
Hon. BOB PACKWOOD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR BOB: Thank you for your letter expressing your support for the Lava Lands Visitor Center. This would provide for an outstanding educational center as well as one for recreation.

I believe that you will be glad to know that at our meeting held October 9, in Salem, the Governor's Livability Committee gave the project its unanimous endorsement and referred our action to Governor McCall.

If we can furnish you with any desired information from here, please advise us.

Best personal regards.

Respectfully,

FRANK H. LOGGAN.

REGION 6,
Portland, Oreg., November 5, 1970.
Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: On December 2 I wrote you advising that a report on a proposed Visitor Center on the Deschutes National Forest would be sent soon. The report is now available and a copy is enclosed.

This proposed visitor center is to accommodate and assist the many tourist visitors to the National Forests of eastern Oregon. The need has been recognized for some time and basic work such as roads to the building site and water systems are installed. From this point on, however, the project can move forward only if recognized by the Congress as a special need of the National Forest system.

You will find in the report estimates of costs and a suggested schedule of need. The major item is for roads which should be part of the regular road appropriations to the Forest Service. The main item of urgency, however, is the visitor center building which will require special action by the Congress.

Sincerely,

CHARLES A. CONNAUGHTON,
Regional Forester.

INTERNATIONAL COMMUNIST SUPPORT FOR THE SPRING OFFENSIVE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ASHBROOK. Mr. Speaker, on April 21, three of my colleagues—Mr. SCHMITZ of California, Mr. ZION of Indiana, and Mr. THOMPSON of Georgia—performed a valuable service by placing into this RECORD detailed and irrefutable proof of the large-scale Communist manipulation of the American peace movement, particularly as it relates to those Communist-led groups that are involved in the demonstrations scheduled for the period beginning this Saturday, April 24—the Peoples Coalition for Peace and Justice and the National Peace Action Coalition.

My colleagues' presentation demonstrated, for all who will take heed, that the role of the disciplined Communist movement in organizing and directing these protests is a substantial one, and that these Communist elements are actually operating in coordination with international Communist forces, including representatives of the Government of Communist North Vietnam.

Mr. Speaker, especially illustrative of this international Communist coordination and support is the following message from Xuan Thuy, chief North Vietnamese negotiator at the Paris peace talks, as printed in the April 17, 1971, issue of "Movin' Together," official newsletter of the Peoples Coalition for Peace and Justice—emphasis added:

DEAR FRIENDS: The Vietnamese people welcome your forthcoming spring activities in the United States with the confidence that they will once again voice the strong desire of the American people to see the war ended and all American troops withdrawn from Vietnam and Indochina.

The Nixon administration has never told the truth to the American people. They say they are shortening the war in Vietnam while actually prolonging it. They say they are limiting the war while actually expanding it throughout Indochina. During the first months of this year, both American and Saigon-puppet troops suffered heavy losses on all battlefields, especially in Southern Laos, but they keep saying they won victories.

They have to lie because the American people want peace whereas the Nixon administration wants war.

However, if they persist in finding one excuse after another to pursue their war of aggression, they will but further waste American manpower and resources and create more difficulties for the U.S. while the "Nixon doctrine" will fail all the same and the failing policy of "Vietnamization" will inevitably meet with complete failure.

The problem is not for the United States to withdraw now some troops and then some others without indicating when the troop withdrawal will be completed. Moreover, it is the intention of the Nixon administration to maintain residual forces for long-term occupation of South Vietnam. The problem is neither to organize elections in South Vietnam under the Thieu-Ky-Khiem regime and, as a result, to bring about another Thieu-Ky-Khiem administration obeying the U.S. Government's orders. The main problem is that the Nixon administration fix a reasonable deadline, acceptable to the other side, for the total withdrawal of U.S. and other foreign troops from South Vietnam, if for some reason it cannot agree to the deadline June 30, 1971 proposed by the P.R.G. of the R.S.V.N. The problem is that it renounce the Thieu-Ky-Khiem administration so that the South Vietnamese people may set up another administration of their own choice. Such is the key to the end of the war, to the honourable extrication of the United States from Vietnam, to the early return of all participants in the war to their families, and to better conditions for the Vietnamese and the American peoples to develop friendly relations.

With our heartfelt greetings of solidarity and success.

XUAN THUY.

THE PRICE OF POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial entitled "The Price of Pollution" appearing in Detroit, Mich., Free Press of Monday, March 22, 1971, pointing out the perils to our society from the pollution of Lake Superior and the failure of the Federal Government and States to move more rapidly to protect the last undefiled Great Lake.

The article follows:

THE PRICE OF POLLUTION

Even if one were to use only economics as the standard by which the Lake Superior operations of the Reserve Mining Corp. are to be judged, it is difficult to rationalize the mercy being shown to Reserve over its dumping.

To continue to permit the Minnesota plant to foul the waters of Lake Superior is not merely bad ecology and bad aesthetics. In the most fundamental sense, it is bad economics. This, oddly enough, is the way it often is with ecology: The hardnosed entrepreneur types are the most impractical of all for the long run, and the "nuts" are the ones who have economics on their side.

If we may digress for a moment, consider how much earlier, short-sighted commercial exploitation of land in Detroit did to insure economic decay today. In our rush to maximize short-term profit, we destroy the basis for long-term gains.

So it is with the ruination of splendid Lake Superior. We ought to revere the waters of the lake because it is so beautiful, because it has inspired men to poetry, because of a reverence for the world as it was bequeathed to us.

We ought, yes; but even if our souls are so dead that they cannot stir in anger over what is being done to the shining Big-Sea water, we cannot tolerate it on the most mundane level.

The fact is that we are piling up bills for ourselves that we cannot pay. How will we finance the claning up of the mess we are making? There was a time in America when we could assume that our profligacy would not catch up with us in our own lifetimes and probably not in our children's lifetimes.

No more can we be so charitable about the implications of our wastefulness. The bills are coming in. The bonds to pay the debts accumulated over the last two or three generations are being issued. The most efficient and productive society on earth has achieved its ultimate efficiency in the corruption of the earth.

Well, the clear implication is that we will have to pay, and we cannot—even in our most cynical, profit-oriented perspective—justify what Reserve is doing to Lake Superior and what others are carrying even further in the immediate Detroit vicinity. The bureaucratic doubletalk is not good enough. For our money's sake as well as our souls', we must end the destruction of the lakes.

IMPROVEMENT NEEDED IN AIR SERVICE IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BEGICH. Mr. Speaker, presently the Civil Aeronautics Board of Examiners is reviewing recommendations for new service to Alaska. Because Alaska depends so heavily on air transportation, it is imperative that service to all parts of Alaska be frequent and efficient.

In the southeastern part of Alaska I believe it is imperative that we have not only more service but more efficient service. In order to provide the type of service that Ketchikan and southeastern Alaska needs, it is obvious that an improvement in service be the prime consideration of the final decision by the Civil Aeronautics Board.

I have made my position known to the chairman of the Civil Aeronautics Board, Chairman Secor Brown, and I am anxiously awaiting the Board's decision.

Recently, the Ketchikan Daily News and the Fairbanks News Miner, two of Alaska's outstanding newspapers, wrote editorials pertinent to this issue. I include them for the RECORD:

KETCHIKAN IGNORED

Civil Aeronautics Board Examiner Merritt Ruhlen, in his decision on the Alaska air routes, ignored a portion of the Ketchikan recommendations on service. One section of his decision, which is a recommendation to the board, lists the contentions of the various parties in the case—the airlines, the communities, other government agencies and a labor union.

Ruhlen says that Ketchikan requested only that Western Airlines be allowed to continue service in Southeastern Alaska and that Pan Am's suspension not be permanent.

What he failed to report to the CAB is that Ketchikan asked for competitive service between Seattle and Ketchikan. It asked that one of the companies serving be Western which goes north via Juneau and that a second company be an airline that would connect from Ketchikan directly to Sitka and north.

But when Ruhlen made his decision on service into Southeastern Alaska he reported to the board only one-half of Ketchikan's contentions and he granted Ketchikan half its request—service from Seattle and north via Sitka (Alaska Airlines). Or is it even one half?

He states in his brief, "It is impossible to determine from Alaska Airlines' exhibits exactly what schedule will be operated if one competitor (Wien) is authorized between Juneau and Seattle. It is assumed that it will operate three round-trips daily, one Juneau-Seattle, one Juneau-Ketchikan-Seattle, and one Juneau-Sitka-Seattle . . ."

If the examiner cannot determine the probable routing of the single air carrier to serve Ketchikan, we think he is pretty careless with the public interest in providing Ketchikan with only that one carrier—and a replacement for a proven carrier at that.

If Alaska is subsituted for Western on the Seattle-Ketchikan route and does not go north via Sitka as well as Juneau, Ketchikan travelers have gained nothing. In fact, they have lost available seating capacity on the route because Alaska Air will be using 96-passenger 727s. Western has been providing service from Seattle to Ketchikan, Juneau and return with 120-passenger 720s. The cargo capacity of the two types of aircraft are correspondingly different.

Therefore, Ketchikan will have less passenger seating and cargo space available between Seattle and Ketchikan. This is strange action for CAB to take while at the same time it provides figures to indicate the volume of traffic is growing on that segment of Alaska air routes.

It is even stranger action for the examiner to recommend when he openly acknowledges he does not know what traffic pattern Alaska Airlines will employ. And from his report, there is no indication he has determined whether the financially troubled airline has the ability to provide the equipment to give adequate service.

Is there a precedent for the examiner to base his decision on the type of aircraft to be used on the route or whether the company selected has the equipment and finances to perform the job?

There must be because the examiner goes to great length further in the brief to disqualify Alaska Airlines and Kodiak Airways from service between Kodiak and Anchorage and selects Wien because the Wien equipment is more economical. He also rules Pan American out of Fairbanks or returning to service on suspended routes because, in his opinion, Pan Am has had to retrench financially and would not have additional equipment to provide the promised service.

From this it appears that the CAB examiner gave service to Ketchikan darn little consideraiton when making his recommendations and by his actions has promised only inferior service.

Protests to the board itself are in order.

[From the Fairbanks (Alaska) Daily News-Miner, Apr. 27, 1971]

SEATTLE-FAIRBANKS WIEN SERVICE MAKES SENSE

In Washington, D.C. this week the Civil Aeronautics Board will consider service to and from Alaska and within Alaska.

The position of the City of Fairbanks and of Interior Alaska is contained in Resolution 753, the essence of which is, "a resolution supporting the position that Pan American World Airways retain the Fairbanks-Seattle service route, and to further support the recommendation for additional air service routes by Wien Consolidated Airlines are recommended by the examiner."

This same position is reiterated by the Fairbanks Chamber of Commerce and by the North Star Borough.

We feel strongly that this position is sound, that it is based upon good reasoning, and sincerely hope that the CAB will give our arguments full and fair consideration.

CAB hearing examiner Merritt Ruhlen has recommended that Wien Consolidated Airlines be given traffic rights between Fairbanks and Seattle. We agree that this recommendation is sound, and when granted will prove to be in the best interest of Fairbanks, of Alaska, of air freight shippers and the traveling public.

Mr. Ruhlen also suggests Pan American Seattle-Fairbanks service be eliminated. We disagree. Pan American should be allowed to maintain the route and provide the competitive service, which Interior Alaska deserves. In our opinion, the Interior will shortly be generating sufficient traffic to more than justify competitive service.

To reiterate: we feel the recommendation to allow Wien Consolidated Fairbanks-Seattle operating rights is appropriate, sensible and practical.

Wien Consolidated has proven its capability over the more than three decades since Noel and Sig Wien pioneered Alaska's first scheduled airline service. Of all the airlines being considered in this case to provide service between Seattle and Alaska, only Wien Consolidated is entirely an Alaska company, based and wholly operated within Alaska. All other carriers have their headquarters and principle service centers located outside the state.

Wien Consolidated is one of the few airlines in the United States operating on the black side of the ledger during the recent and current hectic economic conditions for airlines incident to the nation-wide recession.

It is particularly noteworthy that Wien Consolidated has continued operating at a profit while the company has made the costly transition to pure jet aircraft during the past two years. Such change-overs in major equipment usually throw airline profits into costly tail-spins.

Wien Consolidated has equipment to provide fully competitive service to and from Seattle. The company is currently operating four Boeing 737 jet aircraft.

When Consolidated demonstrated its capability when awarded Anchorage-Fairbanks competitive air service rights, and for some time has been carrying the majority of passengers traveling between Alaska's two largest cities.

As in the case of Fairbanks-Anchorage service, Wien Consolidated's operating the Fairbanks-Seattle run will not be dependent on aircraft subject to weather or other delays at cities beyond the Seattle terminus. As already demonstrated on the Anchorage route, more efficient, on-time flights would result. Finally, it is particularly fitting that a truly Alaskan air carrier such as Wien Consolidated be awarded traffic rights to the smaller states in recognition of proven capabilities operating under some of the most adverse weather conditions in the world.

Noel and Sig Wien, two of Alaska's and aviation's outstanding pioneers of the airways, will receive long-deserved recognition justifying both their foresight and their capabilities with approval of the Seattle run for "Alaska's first airline."

Such approval will result in that ideal situation where "everybody wins." In this case, the winners will include Alaska and Alaskans, as well as all shippers and travelers to and from Alaska.

ANTIWAR POLLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RARICK. Mr. Speaker, like so many other people, I have been wondering what was the real purpose behind the recent demonstrations here in our Nation's Capital; and now, I think I understand it. For whatever else might be accomplished by the "peacemakers" during their sojourn here in Washington, one thing is certain: they are polluting our environment and the American taxpayer is paying for the damages. Theirs is not to wage peace but to wage ecological war.

The National Park Service has just advised that the price tag for a portion of the pollution campaign being conducted here will run in the neighborhood of $75,000. This price includes the cost of sandblasting to remove anti-American slogans and obscenities from public monuments and buildings and of replacing destroyed American flags.

Having witnessed firsthand the handiwork of the peace polluters here in Washington, I can better appreciate what the anti-pollution people are trying to do to make our country a more beautiful place in which to live.

I insert an editorial from the Chicago Tribune for April 29, 1971, to follow my remarks:

[From the Chicago Tribune, Apr. 29, 1971]

THE COST OF VANDALISM

Once again, the taxpayers are paying to repair the damage—much of it in deliberate vandalism—done by assorted marchers in Washington. The National Park Service says it will cost $75,000 to repair the vandalism alone at last weekend's antiwar demonstration. And the costs will mount as long as the demonstrations continue.

The $75,000 includes the cost of sandblasting to remove slogans and obscenities from the base of the Washington Monument; $17,000 to replace a mobile comfort station destroyed by arson; $1,500 to repair the monument's electrical system; and $600 to repair a park service truck. In addition, scores of park benches, a flagpole, 10 United States flags, and a number of wooden trash containers were burned in bonfires.

This is not the isolated, hit-and-run sort of vandalism which is increasingly prevalent among youngsters and is hard enough to track down, let alone prevent. This is vandalism directly resulting from the organized demonstrations of identifiable [if often transitory] groups who must apply for and receive permits for their marches and their use of park land for overnight camping.

Most of them object to the spending of money in Viet Nam which could be used for social and ecological purposes here at home. This is all the more reason to see that public money does not have to be spent to erase their own graffiti and to replace park benches which they themselves have used for kindling. They should be held responsible for the cost of damage resulting from their performance, whether or not the actual vandals can be identified or are members of their organization. If their cause is such as to attract a swarm of migratory or professional vandals, then they must be forced to bear some responsibility for maintaining order and for any damage that results.

In 1968, the Southern Christian Leadership Conference was required to post a $5,000 bond for the cost of restoring Resurrection City. When the "poor people's campaign" was over, it had cost the government $244,000 in direct expenses [including $85,000 for restoring the Mall], and probably $1 million overall, including the cost of troops and police.

The bond was totally inadequate, and this may be why no bond was required of the groups sponsoring the current demonstrations: the veterans last week, the National Peace Action Coalition and the Student Mobilization Committee over the weekend, and now the People's Coalition for Peace and Justice. If these groups aren't willing to guarantee the public against loss, and can't agree among themselves on how to divide the responsibility, then they shouldn't be given permission to demonstrate and camp on public property. This is one expense the taxpayers deserve to be spared.

THE ENVIRONMENTAL EDUCATION ACT: 1 YEAR AFTER EARTH DAY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BRADEMAS. Mr. Speaker, in recent years all Americans, and particularly students and the young, have shared an awakening concern about the dangers to our environment and the implications of those dangers for the future of human life on earth. Especially since Earth Day, just 1 year ago, we have realized that the protection of our land, air, and water and the wise and lasting use of our resources must depend upon changes in our collective treatment of our environment.

Even more important, many of us have felt that the foundation for such changes must be an informed citizenry educated about the array of issues that concern the various facets of ecology: pollution control, resource management, wildlife preservation, land-use planning, solid waste disposal and resource recycling, as well as the complex interaction in the environment among chemicals, plants, animals, and human beings themselves.

Because of the importance of education in broadening the base of knowledge of these issues, Congress in 1970 passed the Environmental Education Act, and those of us who sponsored this measure looked forward to substantial progress in increasing understanding of these vital issues.

The Environmental Education Act was passed in the House on August 3, 1970, by a vote of 228 to 28, and in the Senate on September 9 by a vote of 68 to 0. Despite earlier administration opposition to the bill, the President signed it into law October 30, 1970, and Congress subsequently appropriated $2 million for action under the Environmental Education Act during fiscal year 1971.

As you know, Mr. Speaker, the act authorized Federal funds for support of elementary and secondary school courses in environmental studies, adult education, and community conferences on ecology and curriculum development and teacher training in environmental studies. Minigrants of up to $10,000 were to be made available for local community work to promote understanding of these complex and interlinked social and scientific issues among community and business leaders, government officials at all levels, members of the labor movement, and citizens in general. We foresaw in our hearings and in the legislation, too, that environmental education should take place in new forms to match the new content, and the law therefore authorized grants for preparing materials suitable for use by mass media, for dealing with the environment and ecology.

In creating the Advisory Council to assist the Department of Health, Education, and Welfare in administering the act, we specified that three of the members of the advisory committee should be students, and that qualified ecologists and other scientists were to be prominent on the committee. Thus we demonstrated our understanding of the contributions of students for much of our awareness of the environmental issue and of the fact that to cope with the issues of ecology require application of the disciplines of modern science.

But Mr. Speaker, what has been the progress of environmental education a year after Earth Day?

On April 16, 1971, regulations for implementation of Environmental Education Act appeared in the Federal Register, and applications for grants under the act are now being received by the Office of Priority Management, designated by the Secretary of Health, Education, and Welfare to administer the act during the startup period. Consideration of proposals is now going forward under the able administrative leadership of John F. Hughes, director of the Office of Priority Management. Guidelines are now available, and HEW expects to make about 40 grants totaling $1,750,000 this year. The cutoff date for applications is May 26.

HEW priorities for these grants, I am told, are to be community-based centers of environmental education and State-level evaluation and dissemination efforts to widen the ambit of those environmental curricula which have been developed by private industry, school systems and other bodies.

In my judgment these are sound priorities, yet, Mr. Speaker, this paltry progress leaves much to be desired.

Consider, Mr. Speaker, these shortcomings of administration of the Environmental Education Act to date:

No Advisory Council has been named, as is mandated in the Environmental Education Act, nor has an office of environmental education yet been created.

No permanent director of environmental education programs has been named.

The Public Broadcasting Environmental Center intended to develop our mass media aspects of environmental education, has been killed by the administration.

Finally, and perhaps most alarming of all, the administration has given no evidence of a long-term commitment to measured and responsible increases in the funding of environmental education.

I must here note, Mr. Speaker, that Nixon administration witnesses originally testified in opposition to passage of the Environmental Education Act and, after Congress overwhelmingly passed the measure and the President signed it into law, opposed any appropirations for it. This lack of commitment can only sap the morale of dedicated scientists and professionals in the field and cast doubt upon the administration's willingness to act constructively for the future of our environment.

Thus, Mr. Speaker, to weigh America's progress in environmental education is to find it lacking. Though both Houses of Congress have expressed a firm commitment to the proposition that effective environmental action presupposes an educated and informed citizenry, the action of the present administration has not matched this congressional dedication.

This is a conclusion one must reach more in sadness than in anger, Mr. Speaker, so let me express the hope that those scientists, students, and citizens who a year ago jolted America from our complacency about the state of our environment will not despair.

We will need many more Earth Days, Mr. Speaker, to move administrations like this one to appropriate action in support of environmental education.

THE WAR IN VIETNAM: A PELLY QUESTIONNAIRE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. PELLY. Mr. Speaker, I insert my most recent questionnaire in the RECORD in order that it may be made available to all the Members who receive the CONGRESSIONAL RECORD and are not on my mailing list:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 1, 1971.

DEAR CONSTITUENT: As your Representative in Congress, I ask for your advice on legislative and world matters of interest and importance. Presently, demonstrations are being conducted in the Nation's Capital, and I would like to have your views on the basic issue that is being debated: the war in Vietnam.

The results of this questionnaire will be released through the press as soon as it is tabulated.

Thank you for your cooperation.

Sincerely,

THOMAS M. PELLY
Representative in Congress.

(1) Do you approve or disapprove of the way Richard Nixon is handling his job as President? Approve ( ) Disapprove ( ) No Opinion ( )

(2) Do you approve or disapprove of the way President Nixon is handling the Vietnam situation? Approve ( ) Disapprove ( ) No Opinion ( )

(3) A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you favor the withdrawal of all U.S. troops by the end of 1971 instead of backing the President's withdrawal schedule? Yes ( ) No ( ) No Opinion ( )

Please place in an envelope and return to: Honorable Thomas M. Pelly, 2211 Rayburn House Office Building, Washington, D.C. 20515. Please mark the front of your envelope "Poll."

BUSINESS NEEDS NEW DEPRECIATION PLAN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. COLLINS of Texas. Mr. Speaker, I am completely in agreement with Mr. ANDERSON of Illinois on the need for adoption of the asset depreciation range system. As Treasury Secretary Connally explained in his recent address before the U.S. Chamber of Commerce the benefits of depreciation liberalization will be a stimulus to investment in new equipment, an increase in efficiency, an enlargement of our productive capacity, the addition of new jobs, and a dampening effect on inflation.

I would like to clarify how this new system would bring those benefits about. But at the outset let me make plain a point that Secretary Connally has already stated—we are giving business nothing. All this plan does is change an accounting system to encourage business to spend now. There is no increase in the total amount of deductions with respect to any individual asset. The only change is in the timing of the deductions. Shorter depreciation periods are more realistic. They allow a recognition of rapid technological changes. They are responsive to the need for modernization to meet foreign competition. They allow for extensive revision in production processes to meet new environmental protection standards.

Although this new system is primarily an expansion tool, it is likewise a very sound reform in terms of efficient administration of the tax laws. Elimination of the complicated "reserve-ratio" test and using in its place the simpler rule of established industry experience will result not only in simplification of accounting procedures but will allow the businessman more certainty in his future investment planning. The reserve-ratio test forced the businessman to make a trade-off between early retirement of older assets in exchange for higher depreciation rates for new assets.

The depreciation allowances for currently acquired assets were thus to a large degree dependent on the allowances for his older equipment. This factor of uncertainty in the amount of depreciation allowance a taxpayer could count on for new equipment was a strong deterrent to new investment.

New investment in our basic capital industries is sorely needed; 1971 marks the smallest percentage increase in investment in U.S. manufacturing facilities since 1953. The fact that more liberal depreciation allowances encourage significant investment in productive machinery and equipment has been borne out by our own experience and that of most European countries in the post-World War II period. The Asset Depreciation Range System can provide this incentive to new investment. Shorter depreciation lives mean larger cash flow, less dependence on borrowing, reduction of risk due to quicker tax-free recovery of capital, increased after tax profitability, and greater investment value computed on the standard present discounted value basis due to the advanced timing of cost recovery for tax purposes.

New investment in the equipment and machinery industry will have an immediate and significant impact on unemployment. Expansion of old facilities and the opening of new plants to meet increased demand will lead to the creation of more new jobs. Wages will be derived from the production and sale of useful goods and not from the taxpayer.

Wage earners will benefit from this program right along with business. It is an economic fact that the wage earner benefits from a wage increase only when his wage increase is greater than price increases. It is also true that a higher rate of productivity is the only means of insuring that wage increases will exceed price increases. A worker can increase his productivity on his own only to a limited degree. However, if given better tools he can raise his productivity. Modernization and improvement of productive equipment through heightened capital investment under this program can provide the American worker with those better tools. It will stimulate an increase in productivity that is essential for any real wage increase.

Increased productivity of American workers will have the effect of countering the advantage now being enjoyed by foreign competitors who rely extensively on cheap labor. In addition, liberalization of American depreciation allowances will bring us more in line with the generous depreciation allowance systems now in operation in other industrial nations. These factors will greatly improve our competitive position in world markets. It will also provide encouragement to manufacturers in basic industries to keep their operations in the United States.

This Treasury plan is planting seeds for this year's crop and a good crop of production for next year. The farmer plants seeds to produce tall cotton. Industry needs this incentive seed to stimulate their investment and expansion. It does no good to maintain the present system with its delay depreciation that keeps industry capital stored in an inactive way. This Asset Depreciation Range System is a dynamic concept that gives business the impetus to build for a strong seventies.

Mr. Speaker, I believe the positive benefits of the Asset Depreciation Range System for both labor and industry are immensely important to the economic health of this country. I recommend that we act favorably on this right now.

ISRAEL INDEPENDENCE DAY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, today the State of Israel celebrates the 23d anniversary of its independence. Last night I had the good fortune to participate in a city-wide celebration at Chicago's Orchestra Hall. At this point in the RECORD I would like to include the full text of the remarks I made on that occasion. The remarks follow:

ISRAEL INDEPENDENCE DAY, REMARKS OF HON. JOHN B. ANDERSON, ORCHESTRA HALL, CITY-WIDE CELEBRATION, CHICAGO, ILL., APRIL 28, 1971

I am greatly honored to be a participant in this city-wide celebration commemorating the twenty-third anniversary of the State of Israel. Today we gather to celebrate the twenty-third year of what can only be described as a modern miracle—the realization of an age-old dream, the redemption of Israel. I took the occasion to reread the declaration issued in Tel Aviv back in May of 1948, and I was profoundly struck by the eloquent manner in which it articulated the history and dream of the Jewish people, but beyond that, the great promise of the modern state of Israel.

Quoting from that declaration: "After being forcibly exiled from their land, the people kept faith with it throughout their dispersion, and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom."

The declaration goes on to recall the history of more recent decades when the Jewish people began to return in masses to settle their homeland, and again I quote:

. . . they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community, controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring toward independent nationhood.

In reading that passage, I could not help but recall the words of the prophets. It was Isaiah who said:

"They shall build the old wastes, they shall raise up the former desolations, and they shall repair the waste cities, the desolations of many generations."

And it was Ezeikel who said:

"This land that was desolate is become like the garden of Eden, and the waste and desolate and ruined cities are become fenced and are inhabited."

And it was Amos who prophesied:

"I will plant them upon their land, and they shall no more be pulled up out of their land which I have given them."

In my recent visits to Israel I saw with my own eyes the fulfillment of those ancient biblical prophesies. The cities had been rebuilt, the desert had been made to bloom, and 2.9 million people from one-hundred different nations had been replanted upon their land, and as a young and struggling nation were determined, in the words of Amos, that "they shall no more be pulled up out of their land." Israel today truly is a modern miracle which has been forged over centuries by the spirit of a courageous and determined people.

That spirit is perhaps best reflected in the words of Theodor Herzl, the spiritual father of the Jewish state, who wrote back in 1896:

"If you have the will, it need not be a legend."

The birth of modern Israel is a testimony to that will; and the survival and growth of modern Israel over the last 23 years is a monument to that will. Israel was born in war 23 years ago, and has known no real peace since then. Yet despite such adverse conditions, Israel has managed to grow and prosper, and is today is a bastion of democracy and showplace of progress in the free world.

Israel has asked only one thing of the world, and that is to be allowed to live in peace. And yet on three major occasions over the last 23 years, Israel's natural, historical and legal right to sovereignty has been challenged, and on all three occasions the people of Israel have rallied to master that challenge, only to be left facing a still uncertain fate. The continuing threat to Israel poses a threat to world peace as well, and we all therefore have a stake in achieving a lasting peace in the Middle East. That is why we have lent our diplomatic offices in bringing the disputants together, and that is why in the interim the United States has assumed the responsibility of maintaining the balance of power in the area by supplying Israel with the materiel required to keep her strong and secure. We must continue to maintain that balance while seeking peace, and we must continue to recognize the very legitimate concern and right of the Israelis to negotiate their own peace—a peace based not just on the paper recognition of sovereignty, but a peace wrapped in the iron cloak of security as well. That is why imposed settlement and lasting peace are inherently contridictory terms—there can be no lasting peace if Israel does not have the ironclad guarantees of sovereignty and security, and those guarantees must be forged in direct negotiations between the Arabs and Israelis. We must continue to stand by Israel's justifiable demand that certain conditions be met to enable her to remain secure within her borders.

But a lasting peace in the Middle East must be viewed not only in the context of a sovereign and secure Israel, but in the larger context of how it will benefit all peoples in that area. I refer here to the promise and potential of modern Israel as articulated in the 1948 declaration. Quoting from that declaration:

"We extend our hand to all neighboring States and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in common effort for the advancement of the entire Middle East."

It is that spirit of peace and partnership which will, in years to come, contribute to the stability and development of all countries in the area. The Israeli people have already borne witness to the sincerity of that commitment by lending technical assistance to the developing countries of Subsaharan Africa—and they have done all this despite the fact that at the same time they were grappling with their own development problems and with threats and acts of external aggression. Just think of what a major regional contribution Israel could make to Middle East development if peace were given a chance.

I am proud that the United States was the first to recognize Israel as an independent State 23 years ago, and I am proud that today we continue to be firm and fast friends with this small and courageous democratic republic. I join with you in celebrating the twenty-third year of the modern miracle that is Israel, and I join with you in your prayers for a lasting peace.

Shalom Ulehitraot.

"THE TRASH TO SPEND—ONE MAN'S OPINION ABOUT SOLVING THE POLLUTION PROBLEM"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. MAZZOLI. Mr. Speaker, Bob Schulman is familiar to the residents of Louisville and Jefferson County, Ky., for his astute commentaries and pointed humor which gets quickly to the heart of whatever subject he discusses.

In one of his recent contributions entited, "The Trash to Spend," he examines from an entirely new perspective the painful situation we confront in regard to pollution and related travesties upon the environment.

Although I am not certain that the recommendations Mr. Schulman makes would prove effective in the long run I will concede that his approach is a novel one and as yet, untried. Maybe it is worth a try.

Among the more sobering facts revealed in his April 23 telecast of One Man's Opinion on WHAS-TV in Louisville, is that each of us discards about 600 pounds of refuse annually. Perhaps this revelation will encourage each of us to do something about this serious problem.

I ask that the full text of Mr. Schulman's broadcast be printed at this point in the Record.

The text follows:

Solving the Pollution Problem

Observance of another "Save the Earth Week" has reminded us that if sufficient people pressure is kept on, the smokestacks and the truck exhausts and the sewer outfalls of government and industry may just possibly be brought into ecological line soon enough to keep the place liveable for man and beast.

But the nasty question's got to be asked. To use a favored speech device of Louisville Police Chief C. J. Hyde's which is that when we point a finger at somebody else, we're also pointing fingers at ourselves: what about us?

The answer remains depressing. Each American still is throwing away 600 pounds a year of containers—bottles, cans, sacks, boxes—and *loving* the convenience of it all. So much so that the wastebasket was the fate of a bill in Congress, to slap a tax on companies not selling their products in recyclable packaging, and use the resulting money to help committees dispose of mountainous wastes. So much so that an effort in Oregon, to require a nickel deposit on every can and pop bottle, was drowned by an industry campaign that insisted upon anti-litter "education" as the only cure.

Well, cheer up. Several months ago, Mrs. Sunny Dull of Jeffersonville, Indiana, shared with me her special idea for a solution, not only to this ecological problem but to economic worries as well—and I think the idea is ripe enough to pop.

If the United States could change our monetary system, says Mrs. Dull, decreeing that henceforth we use tin cans and throw-away bottles for hard cash, then all people in this mighty nation of ours would be equal, and have a chance to pursue happiness.

At the same time, within 24 hours, our beaches and picnic areas and garbage dumps would practically be free of debris. Few people would care to hide tin cans and throw-away bottles under their mattresses. And it would take years for state and federal revenue agents to discover a discrepancy in the yearly tax-return Quiz Kid game we all play. And just think, Mrs. Dull continues, if things got out of hand, we could do what some big business tycoons do; we could send shiploads of garbage to Swiss banks, and let Switzerland worry about ecology for a change!

The Indiana lady concludes: sir, just how many bottle caps will you wager that my plan is not foolproof? My answer is: not one, but I'll give her big odds that too many of us will continue to foul our nests for the sake of convenience until the mess, or the cost forces us to quit.

ISRAELI INDEPENDENCE DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. KEMP. Mr. Speaker, on May 15, 1948, David Ben Gurion stood before a small group of people in Tel Aviv and read a short statement which is one of the most earth-shaking documents in history. There were tears in the eyes of his listeners, and gladness in their hearts as they heard the words of the Proclamation of Statehood for the nation of Israel. For 2,000 years, there had been no state for the world's Jews. Ben Gurion's words and the determination of the people to whom he read them were the new beginnings of the Jewish state.

Bu not all those present and the other thousands scattered around Israel were happy. They knew that the trial had just begun. Waiting at the borders of the new state were the armies of the Arab Nations bound on the destruction of the Jews. The people of Israel realized that their dream would vanish if they were not strong and were not dedicated to the task facing them—the protection of the dream that turned to reality of an Israeli nation.

After the successful completion of the war, there was other work to be done. Swamps were drained, fields were irrigated, deserts were cleared of the rocks and brush to be turned into productive orchards, pastures, and fields. Homes and cities grew out of the wilderness to house the wasted refugees from a war devastated Europe. New industries grew where skills long buried by the persecutions of a hostile world found new hope and new energy. Ports, railroads, highways, farms, and factories rose up from the dust of a homeland left 20 centuries before. Israel, rising like the Phoenix, sprang from the soil and from the hearts of its people.

In an age when so many in the world seem bent on the destruction of civilization and the ruination of their fellow man, it is inspiring to witness the rebirth of the oldest nation. On this occasion of the anniversary of the Proclamation of Statehood of the State of Israel, we send our best wishes for its continued progress, and we send a pledge that this nation of Israel shall live.

Mr. Speaker, today the Jewish world will celebrate the 23d anniversary of the State of Israel. This day corresponds to the date of the Hebrew calendar on which Israel was proclaimed as a nation.

It is, therefore, appropriate that we acknowledge the progress of Israel as a land devoted to freedom and justice and as one of the marvels of contemporary history.

JUST THE JOB FOR RALPH NADER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ASHBROOK. Mr. Speaker, the April 3 issue of the publication, the Ohio Farmer, carried a worthwhile recommendation by columnist Earl W. McMunn concerning a possibly highly fertile field for Ralph Nader in his future explorations. In the past business and industry have come under close scrutiny by Nader and his associates and where legitimate corrective action has resulted his efforts are beneficial. But, as Mr. McMunn points out, Mr. Nader "needs guidance in choosing his targets." Somehow and for some reason Mr. Nader has overlooked abuses in a major segment of the American system, the field of labor. The case of Cesar Chavez and his United Farm Workers Organizing Committee is cited as one example in which workers gain union protection at the expense of their constitutional rights. Mr. Nader, if he is sincere, might well start off with the Chavez case. I am quite sure other labor abuses could keep him occupied for many months into the future.

I ask at this point that the above-mentioned item by Mr. Earl W. McMunn be inserted in the Record at this point:

Let's Reason Together: Just the Job for Ralph Nader

(By Earl W. McMunn)

Ralph Nader has been painted as the defender of the little people against the evils of "bigness." He is the knight in shining armor who rides out to challenge giants of industry for their alleged sins and shortcomings. He has made a career of denouncing the "immoral" and "unethical."

Nader has moved in on corporations and governmental agencies to "investigate and expose." He has appeared on nationwide television programs to denounce corporations for a product or method of doing business. He has testified before committees of Congress. Always he has appeared as the dedicated champion who is interested only in defending little people against overpowering forces. He is the self-proclaimed protector of the people!

This is good, so far as it goes. But if Mr. Nader is really interested in helping the people, he's not going far enough. He needs guidance in choosing his targets.

Talk about giants and unbridled power. What about the large labor unions? No one questions their power to bring the economy of the nation to a grinding halt. They have demonstrated it time after time. And, they do this without regard to how many "little people" are hurt.

Labor unions were granted their power in an effort to cope with earlier monopolies and abuses by big business. But industrial bigness has been regulated to a great extent by anti-trust and other legislation. The Wagner Act and similar legislation gave labor unions power which was refused to others. They have continued to use this "muscle" with full effect, as most people know full well.

There is little question but what inflation is one of the gravest threats to our future welfare. This is true for all the people. It is most cruel to the retired who must live on fixed incomes and young people who will surely suffer most from the consequences. But it does harm everyone.

Economists are generally agreed that wage increases which are greater than productivity increases produce inflation. Of late this has been happening more and more rapidly.

Strikers can even demand and get wage increases from companies that have gone broke. The recent railroad strike was an example. As a nation, we couldn't afford to have the nation's railroads shut down. So Congress, not the owners of the railroads, voted a wage increase which was mandatory on the rail lines as the price of getting workers back on the job. This applied even to such lines as the Penn-Central which was already bankrupt and in the hands of receivers. So we have a built-in force to create more inflation, no matter what the state of the economy.

Why doesn't Congress do something to curb such abuses? The answer is simple. They keep hands off labor monopolies because unions move quickly to defeat lawmakers who oppose their wishes. And, they have had a high record of success in doing this. Union coffers are opened to help elect lawmakers who will be "favorable."

So who challenges labor unions when they overstep the bounds of what's good for the rest of the people? Ralph Nader, of course! He is against "unethical" and "immoral" conduct, no matter where he finds it! He's fighting monopolies. And who can deny that labor union monopolies are the most absolute of any in this country? Not even the most rabid labor leader. He knows. He has helped make them that way.

Strikes which force prices up hurt all of us. But the trouble doesn't stop here. It hampers our ability to compete in foreign markets. We have been losing our markets for some manufactured products to overseas companies. The reason is simple. We have been pricing ourselves out of the field.

This was the reason for the recent big pressure in Congress to bar foreign products by quotas and other means. But, if we barred their manufactured products, they could only wind up by taking less of our farm products. So American agriculture would suffer. This threat is still a very real one. And the higher and faster our labor costs are pushed up, the more likely we are to lose our foreign markets for American farm products.

But monopolistic labor power isn't confined to strikes. There are hiring hall practices in some unions which give the union almost absolute power over what happens on a job. The number and quality of workers can be controlled so that one contractor will be more successful than another.

And don't think that labor abuses are confined to industry. They are spreading fast into the farm economy. Cesar Chavez and his United Farm Workers Organizing Committee has been working for the past several years to totally control farm labor in California. He is already moving into a number of other states as part of his strategy to control the rights and freedom of all farm workers in the country.

On this point the record is clear. Chavez has been forcing a lot of people into unions who don't want to join. If this isn't "immoral" and "unethical," what is? Don't these people need a champion? Why not Ralph Nader?

After five years of organizing and spending some $10 million, Chavez had attracted only about 2,150 dues-paying members. This was according to his own figures, supplied to the Department of Labor.

Workers wouldn't join the union, because they didn't choose to do so. Then Chavez turned to boycotting the product to make farmers force their workers into his union. The workers were ignored. They were just pawns in the Chavez plan to build power for himself and his union. This was the device which finally broke the spirit of many California grape growers and forced them into signing contracts to employ only union workers.

Compulsory unionism is legal in California and some 30 other states. This is the reason Chavez and the growers could make contracts which would compel workers to join the union or be fired. But, as California Governor Reagan stated: "It is tragic that the workers who are most affected by this have no choice in determining whether or not they want to join the union.

Chavez even has a clause in his contract which blacklists workers with courage to speak out against his union. It says in part: "It is agreed between the Company and the Union that there are certain employees employed by the Company or whom may be employed by the Company, the names of which are to be agreed upon by the Company and the Union, whom the Union claims have substantially impaired the Union's organizing efforts in the grape industry and who might disrupt the contractual relationship between the Company and the Union if their anti-union activities are allowed to continue. Therefore, Company agrees to carefully explain to said employees that they can no longer engage in such activities and that, if they continue to do so, they will be immediately fired."

The right to free speech and dissent is violently defended by all liberal crusaders. And yet here is a case of a worker who is forced into union membership in order to get a job. Then the union can force the employer to fire him if the union concludes he has said anything of a critical nature. This is the kind of "morality" which is supported by some students and church activists, including the National Council of Churches.

Yes, someone needs to take a searching look at monopolies and other abuses by large labor unions. Their power has become so absolute that most politicians fear to speak out—much less to start effective action. But it's different with Ralph Nader. He is the champion of the "little people." He thrives on attacking abuse and immorality wherever he finds them. The bigger the giant the more his stature grows for having exposed the truth. And finally, Nader wouldn't suffer politically, because he isn't running for anything. Or, is he?

SECRETARY OF DEFENSE SUPPORTS ADMINISTRATION'S PROPOSAL TO REMOVE ALL PRISONERS OF THE VIETNAM WAR TO A NEUTRAL COUNTRY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GERALD R. FORD of Michigan. Mr. Speaker, our former colleague, the distinguished Secretary of Defense, yesterday expressed the support of the Nixon administration for a proposal to remove all prisoners of war from Vietnam and intern them in a neutral country. While the United States would still prefer the immediate release of all prisoners of war by both sides, the stubborn refusal of the North Vietnamese even to consider this humanitarian proposal leaves the internment of our men in some civilized neutral nation as a desirable interim step to improve their situation. I include the full text of Secretary Laird's remarks before the Nation's Capital Chapter of the Air Force Association at this point in the RECORD:

REMARKS OF THE HONORABLE MELVIN R. LAIRD, THE SECRETARY OF DEFENSE, UPON RECEIPT OF DISTINGUISHED AMERICAN AWARD FROM THE NATION'S CAPITAL CHAPTER OF THE AIR FORCE ASSOCIATION

It is an honor to receive the award that you have conferred on me. I accept it with gratitude deepened by my knowledge of your dedicated support for the cause of adequate national defense and your unflagging concern for American servicemen and women.

I want to take this opportunity to thank the Air Force Association for its dedicated efforts on behalf of our prisoners of war and missing in Southeast Asia, and I want to share with you today what to me is a hopeful development on this important issue.

This year the Air Force Association celebrates its silver anniversary. In 1946, when your Association was established by Jimmie Doolittle and other far-sighted citizens, our country was dismantling the military forces that had defeated aggression in Europe and in Asia.

The Air Force Association began its existence to combat the dangers of reckless reduction in the nation's armed strength. This is still a vital purpose of your Association. Today, the need to be on guard against allowing our power to deter war to wither is even greater than it was in 1946.

The great issue for debate and decision today is not whether to end U.S. involvement in the fighting in Indochina. On that, the decision has been made. Now the issue is what kind of military posture we shall have beyond Vietnam and whether, in partnership with other nations, that posture will give adequate support to the objective of President Nixon's foreign policy—achieving a generation of peace.

Our plans, as the President has said, call for total withdrawal of American forces from Vietnam. This withdrawal will be achieved just as each of the President's prior promises about troop reduction in Vietnam has been fulfilled. It will be achieved as rapidly as possible without forgetting the Americans who are prisoners of war and missing in action, without failing to provide for the safety of the steadily decreasing number of Americans who remain in Vietnam at any given time, and without leaving in a way that will increase the chances of war in the future.

Because the basic decision on Vietnam has been made and because we are successfully pursuing the course that leads to total withdrawal, it is time now to turn our attention to the problems of national security that lie beyond Vietnam. We must give our attention to preventing other Vietnams and achieving a generation of peace.

Let me return now to the heart of my brief comments as the Associaton accords me a high honor. I refer, of course, to the fact that not one of us in this room will rest until our prisoners of war have been returned to their homes and families. Until now, the appeals to Hanoi from all over the civilized world have not brought from the captors of these men any promise that they will be returned at any time. All that the representatives of North Vietnam have said is that return of the prisoners will be "discussed" after the United States announces a date for total withdrawal of its forces. To those who negotiate for the enemy, discussion carries with it no implication of agreement and no promise of action beyond endless talk.

No American should be deceived on this point: the North Vietnamese have so far refused in public and in private discourse to commit themselves to return American prisoners. No American should permit himself to be duped into believing that a promise only to discuss the release of prisoners of war has any value at all.

However, a new proposal relating to the prisoners was offered by the Republic of Vietnam and enthusiastically endorsed by President Nixon. This proposal calls for internment of prisoners in a neutral country. It would mean for them an end to the cruel and unjust treatment to which they are now subjected.

I can tell you that I have been personally assured that ships flying the flags of neutral nations would be made available for the immediate release of POW's on all sides or for their internment in a neutral country.

Such sea transportation could be provided to and from Haiphong, Saigon or any other appropriate part. I know that the Air Force Association and all Americans concerned about the welfare of our prisoners and their families will lend their moral support and whatever additional support may be necessary to carry out this proposal. The next step to begin the movement of the prisoners to a neutral country is the concurrence of the other side.

The United States, of course, continues to seek the immediate release of all war captives. Failing any acceptance of this humanitarian proposal by the North Vietnamese, the Pathet Lao and the Viet Cong, we urge the immediate internment of the POW's in a third country.

I accept your award today on behalf of the men and women in all our Services who have given their lives in the defense of their country and for our prisoners of war and missing in action and their families. What these men and women say to us, and what I say to you, is that we must, in the challenging year ahead, assure that our country always maintains adequate strength to prevent war and maintain peace.

JUSTICE BURGER AND THE WORLD LAW MOVEMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RARICK. Mr. Speaker, the one-world crowd which feel that they can achieve peace by lumping all peoples and countries under a unitarian system of courts and law have now scheduled a world conference to be held in Yugoslavia July 21–25, 1971.

The holding of a world peace conference behind the iron curtain in the domain of General Tito must come as quite an insult to the exiles of the captive nations who know firsthand what peace and law mean to the Communists. Perhaps this is why the international conclave is sought to be comprised by the attendance and participation of U.S. jurists including U.S. Chief Justice Warren Earl Burger.

Two moot court sessions, usually associated with education in law school, are scheduled for the "students" of the peace-through-law conference. One is to be presided over by the Soviet Russian Chief Justice Gorkin and the second, to be chaired by Chief Justice Warren Earl Burger of the United States who day by day is waddling in the international footprints of his predecessor, Earl Warren.

It may be fortunate for the participating chiefs that the moot court docket is prefiled rather than moot. Otherwise, attorneys who are dedicated to world freedom through law might be able to use this impressive sounding podium to examine the Soviet Chief Justice about the peace - through - law - without-freedom suffered by the enslaved minorities of Russia, including the many denials of basic human rights which are not only violative of the U.N. Declaration of Human Rights but also of the letter of the law of the Soviet constitution itself.

As for Chief Justice Warren Earl Burger, his newly sought international image will be secure from any interrogation on his denials of peace and freedom through usurpation as a result of his decision denying equal protection under the U.S. Constitution to sections of the country by application of the conquered provinces doctrine. How would an international-minded Chief Justice rule on the Connally amendment?

Most certainly all civilized men aspire for world peace as well as law and order and most understand that neither can be obtained without the other.—See my remarks the World Judicial Threat to the United States, Congressional Record, volume 113, part 19, page 25365. However, the image of a world-peace-through-law conference offers little confidence when headed by two leading international promoters suffering from a controversial record for justice or peace in their own nations and where the training camp is to bivouac on the other side of the Iron Curtain.

I insert a newsclipping at this point:

[From the Evening Star, Apr. 28, 1971]

Justice Burger and the World Law Movement

President Nixon is seriously considering going to London for the American Bar Association meeting July 14–20, and taking Mrs. Nixon with him.

Chief Justice Warren Burger, Secretary of State Rogers, and Atty. Gen. Mitchell are going (and taking their wives), along with 8,000 other lawyers.

Since there will be 17,000 altogether, the Buckingham Palace party for practicing ABA members will be limited to 200 this time. In 1957 the Queen invited all 8,000 who were there.

If the President should go that far he would be sorely tempted and already has been urged to continue on to the World Peace Through Law Conference in Belgrade, July 21–25.

He was in Yugoslavia only last year, but things seem to be getting cozier between our country and Tito's. Tito is coming here some time after that conference to visit Nixon.

Most fascinating about the Belgrade conference will be two moot courts. One, presided over by Chief Justice Burger, will concern the hijacking of an airplane.

The other, which may be presided over by the USSR's Chief Justice Gorkin, will be on the falling of a space ship on the Bolshoi Theater in Moscow.

How's that for a provocative case.

The President also is scheduled to take a brief trip on June 5 (that may have had something to do with the change in Tricia's wedding from that original date to June 12). He will fly to Tulsa, Okla., to dedicate the opening of the Arkansas River to navigation.

AMVETS ANNUAL AWARDS BANQUET

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ROSENTHAL. Mr. Speaker, at this time I would like to call the attention of my colleagues to the AMVETS 14th Annual Silver Helmet Awards Banquet, held on March 27, 1971, at the Mayflower Hotel here in Washington.

The Silver Helmet award is given to distinguished recipients in recognition of their outstanding efforts in the fields of Americanism, defense, rehabilitation, world peace, Congress, and special areas of endeavor.

It is a pleasure to report that this year two New Yorkers were presented this award: Frank J. Scarane was selected as AMVET of the Year; and Frank Blair was chosen for the National Commander's Special Achievement Award for Public Relations.

I am taking the liberty of including in these remarks the citations issued in connection with these awards.

The citations follow:

AMVET of the Year Award

The 26th Annual National Convention of AMVETS, assembled in New York City, New York, on August 26, 1970, did unanimously resolve that its AMVET of the Year Award be presented to Frank J. Scarane whose integrity, keen understanding and dedication to the cause and needs of his fellow veterans have brought credit to himself and to AMVETS.

From his early beginning as a Charter Member of AMVETS in 1946, it had always been Frank Scarane's belief that New York needed the advantage of an AMVET representative to help obtain for the returning ex-World War II serviceman and his dependents the benefits provided by our grateful nation. Through his efforts, AMVET Service Officers were soon operating in the New York City and Buffalo V.A. Offices.

Following a very successful term as Commander of the Department of New York, Frank later was instrumental in forming and is still a member of the New York State Service Foundation, whose funds support most of the Department's hospital and volunteer programs.

As an outstanding organization man, Frank has always believed in the value of having our AMVET representatives appear before other organizations.

Frank is a Past President of the Maspeth, New York Kiwanis Club, an established Real Estate Insurance Broker and Tax Consultant.

As a servant of those who have served, Frank's activity with AMVETS has been an instrument of goodwill and outstanding achievement, thus winning for him and AMVETS the respect of his fellow Americans everywhere.

AMVETS is proud at this time to present its coveted Silver Helmet AMVET of the Year Award to a very deserving AMVET—the distinguished Mr. Frank J. Scarane.

FRANK BLAIR

The National Commander's Special Achievement Award for Public Relations was presented to Frank Blair in recognition of your twenty years of service to our generation by the impact on our daily lives of your in-depth reporting of the news of the world on the NBC "Today" Show. AMVETS Wish You a Continual Bright and Happy "Today."

Frank Blair's news, sports and weather reports are telecast on the full Today station line-up of over 200 stations. He presents the national and international news four times each morning, five days a week. In his twenty years as Today news reporter, Frank Blair has delivered more than 20,000 reports.

My congratulations and best wishes to both of these gentlemen who have brought distinction and honor to the State of New York.

FASCELL CONGRATULATES ISRAEL ON 23D ANNIVERSARY OF INDEPENDENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. FASCELL. Mr. Speaker, I join with many of our colleagues today in congratulating the State of Israel on its 23d anniversary of independence.

The progress which has been made in this tiny country in the short space of 23 years is reminiscent of the miracles which took place in this same land thousands of years ago. Entire cities now grow and thrive where once only the sturdy Bedouin dared to venture. The agricultural feats which have created flourishing gardens in the desert are world-renowned. The great strides which have been made in the fields of science, medicine, and education are admired and studied by nations around the globe.

All of this has been accomplished in spite of three savage wars and nearly constant attacks of terrorism which continue to threaten Israel's very existence.

Further cause for congratulations on this occasion is the fact that Israel remains the only democratic government in the Middle East. For this reason, among many others, we must reaffirm our policy and reassure Israel that the United States looks forward to offering congratulations again on many more Independence Days. The United States recognizes Israel's importance to our own vital interests and the necessity that she continue to survive and prosper as a free and independent nation. We must continue to let the world know that this is our intent.

H.R. 45—A BILL TO ESTABLISH AN INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. FISH. Mr. Speaker, teenagers—those under 18—account for 50 percent of the offenses committed nationally. The rate of increase in juvenile crime is four times that of the increase in the juvenile population itself. Just as shocking is the number of repeat offenders—almost three quarters of these youths are rearrested within 5 years. Juvenile crime and delinquency are not under control.

These are some of the facts presented before my subcommittee of the Judiciary Committee which is currently considering legislation to establish an Institute for Continuing Studies of Juvenile Justice. The witnesses maintain that juvenile justice has been treated to the leftovers after adult justice.

Practicing judges of juvenile courts appearing before us deplore the lack of proper rehabilitative facilities—the lack of confinement institutions designed for children—and the quality of post-commitment supervision to reduce recidivism. A witness representing the American Parents Committee testified that one out of four juvenile offenders are incarcerated with adult offenders. Mrs. Barbara D. McGarry, executive director of the American Parents Committee, Inc., testified:

> The warehousing of youthful offenders, as a simplistic response to the problem, is strikingly parallel to the increased rate of recidivism: and, incidentally, more than twice as expensive per year as student costs for a year at any Ivy League College.

The dimension of the problems, and the waste in terms of human lives, cries out for attention.

The measure to establish the Institute of Continuing Studies of Juvenile Justice which I have cosponsored, offers fundamentally a two-pronged approach. The Institute would constitute a clearinghouse for information presently fragmented among 50 States. Innovative experiences of juvenile courts and legislative recommendations would be collected and disseminated.

Secondly, the institute would train individuals for state and local juvenile justice positions such as probation officers, law enforcement and welfare workers.

Judge James Gullotta, president of the 1,500-member National Council of Juvenile Court Judges in his testimony praised the new and major focus which the Institute would bring on the problems of youthful offenders and the continuing efforts to reduce youthful offenses. Judges testifying supported the training of court personnel at one central location as not only providing an available pool of trained personnel but for relieving the courts of the 50 States of the burden of this specialized individual training. When one contemplates once a youth is adjudicated a juvenile delinquent that the parole officer supervises his life, the need for specially qualified judicial personnel becomes clear. Proper training of such personnel is an essential step towards halting the alarming increase in juvenile crimes.

Mr. Speaker, the proposed bill to establish a federally organized and operated Institute for Continuing Studies of Juvenile Justice would provide such training.

CHILDREN

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. CARNEY. Mr. Speaker, according to its own statement, the National Advisory Council on the Education of Disadvantaged Children is "Committed to the revolutionary dream of freedom and opportunity which swept this Nation in the 1770's."

It says:

> It suggests that the weakest link in the chain toward fulfillment of that dream is the educationally deprived, and consequently economically impotent community of the 1970's. Title I ESEA (Elementary and Secondary Education Act) is designed to serve this segment of our country, to strengthen it, and to foster self-reliance. The frustration of that service is contrary to the national interest and requires political responsiveness.

The council has recently reported that the objectives of title I ESEA have not been attained because insufficient funds have been allocated. Studies have also indicated that in some cases the administration of title I has been wasteful and incompetent. Furthermore, there have been instances of clear violation of the law.

Mr. Speaker, the cycle of educational and economic deprivation which characterizes the lives of the poor in this country gravely limits the chance of the poor to realize the American dream of freedom and opportunity. The purpose of title I is to break the cycle of educational and economic deprivation. We must see that sufficient funds are allocated in order to develop programs for the educationally deprived. The council found that compensatory reading programs constitute the greatest academic need among educationally deprived children. Indeed, two and a half million children in title I elementary schools during 1968–69 needed special reading programs. The administration of the provisions of the law must be improved. The law must be enforced.

With the bicentennial celebration of the founding of our country fast approaching us in the 1970's, I would urge Federal, State, and local officials to rededicate themselves to an adherence to the prescription and intent of title I ESEA. This would be an appropriate and meaningful way to prepare for the 1976 celebration.

THE ATTACKS ON THE FBI

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BRAY. Mr. Speaker, this careless talk of how the United States is becoming a "police state" is getting tiring and also insulting. To judge from the measure of hysteria in editorials, cartoons, and public statements of certain individuals, we are right on the edge of becoming ruled by a crew of jackbooted thugs, complete with midnight knocks on the door, concentration camps, torture cells, and the staccato bark of machine pistols in a prison courtyard at dawn.

I want to make one quick observation concerning the role of Members of Congress. We are granted two forms of immunity by the Constitution. Article I, section 6:

> Senators and Representatives . . . shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other place.

We are not exempt, nor should we be, from anything else, any more than any of our fellow citizens should be. The above I have found to be quite sufficient for me, in over 20 years' service. I do not ask for more; I believe the majority of my colleagues in the Congress would agree.

The smear campaign we are seeing now against the FBI is almost an exact repetition of what took place in this country just before World War II. With some very interesting variations, I must add—and I intend to point these out.

What we are seeing today is an incredibly accurate replay of exactly what went on 30 years ago. It really began 3 days after Hitler marched into Poland, on September 6, 1939. President Roosevelt gave the FBI added responsibility for our national security, and on the following January 5, 1940, J. Edgar Hoover explained the duties to a House Appropriations Subcommittee:

> When this work was assigned to us we organized . . . the General Intelligence Division, which will have supervision of espionage, sabotage, and other subversive activities, and violations of the neutrality regulations. . . . We have also initiated special investigations of persons reported upon as being active in any subversive activity or in movements detrimental to the internal security. In that connection, we have a general index, arranged alphabetically and geographically, available at the Bureau, so that in the event of any greater emergency coming to our country we will be able to locate immediately these various persons who may need to be the subject of further investigation. . . .

Reaction to this came on January 11, 1940, on the House floor, when the appropriations bill was being considered. From the CONGRESSIONAL RECORD of that date; the Member speaking was Mr. Marcantonio of New York. He was referring to Mr. Hoover's testimony:

> When the activities of the FBI are extended to what to me smacks very much like the activities of a Gestapo or any of the so-called intelligence bureaus that exist in the dictator countries, I submit the Members of Congress should pause and examine this situation very closely. . . .

Mr. Marcantonio referred to Hoover's testimony on the general index mentioned above:

> This language is very wide and most dangerous . . . This language indicates to me the beginning of a disease which will make our democratic body very, very sick. The creation of a super secret service body in a democracy is injecting our democratic institutions with the virulent toxine of an antidemocratic activity under the guise of so-called protection of so-called national defense. Himmler's super secret service in Germany has kept Hitler alive and German democrats dead or dying in concentration camps. . . .

Mr. Marcantonio then quoted further from Hoover's testimony:

> Mr. Hoover states further:
>
> "The indexes have been arranged not only alphabetically but also geographically, so that at any time, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals or groups who might be a source of grave danger to the security of this country. Their backgrounds and activities are known to the Bureau. These indexes will be extremely important and valuable in grave emergency."

And went on to comment:

> I submit the preparation of these indices is most dangerous to the constitutional rights of the American people. They constitute a real and serious menace to civil liberties in the United States . . . This innovation in the Federal Bureau of Investigation can be correctly described as the index-card menace to American liberty.
>
> Furthermore, this type of language creates the very kind of hysteria that leads a country into war. . . . By this type of testimony given by an important member of the Department of Justice two facts become obvious: First, we are preparing a general raid against civil rights, a black-out against the civil liberties of the American people, a system of terror by index cards such as you have in the Gestapo countries of the world; second, we are engendering a war hysteria which is a menace to the peace of the United States.

It is noted in the RECORD that applause followed these remarks.

A few days later, on February 6, Communist leaders met in Washington to determine what to do. From the report on the meeting by an undercover agent:

> It was proposed at this meeting that the campaign should have two principal phases, one an attack upon the Bureau as violating civil liberties and secondly a personal attack upon the Director . . . Communist writers were assigned to this second phase of the campaign. It was also planned at the meeting that the services of certain Congressmen would be enlisted in endeavoring to obtain Congressional restrictions upon the Bureau's activities.

On the same day FBI agents arrested 10 men and one woman in Detroit and one man in Milwaukee who were all admitted Communists, members of front organizations or openly Communist sympathizers. They had been indicted on charges of conspiring to recruit volunteers for the Spanish Loyalist Army, a direct violation of the United States Code.

The defendants were turned over to four U.S. marshals who handcuffed them to a chain. Pictures of this brought the charge that the FBI had made the impression "of a Gestapo that can haul citizens off to prison and court in ignominy, imposing any kind of conditions the captors wish without accountability."

The New Republic said:

> In foreign countries people are forced by their governments to submit to their Gestapos. In this country, Hoover has the voluntary support of all who delight in gangster movies and ten-cent detective magazines . . .

In March, the National Committee of the Communist Party met in New York and agreed "the time is ripe" to make the case a national issue. They decided to "canvass trade unions and all kinds of progressive organizations throughout the country asking them to demand an investigation of the FBI."

Around the same time an unsigned memo of 76 pages was sent confidentially to certain people in Washington. It had the title "The Investigative Work of the FBI With Reference to Activities Based Upon Economic or Political Views or Opinions." It was a memo aimed at proving the FBI was a threat to civil liberties.

Then came an attack on the FBI concerning wiretapping. But the FBI was defended by none other than genuinely "liberal" columnist Ralph McGil:

> The disgruntled politicians and the Communists joined in opposition (to Hoover and the FBI) will not go very far.

The present distinguished chairman of the House Committee on the Judiciary, the gentleman from New York (Mr. CELLER), defended Hoover who was charged with having taken part in the admittedly notorious and questionably legal "Palmer raids" in 1919. Mr. CELLER told a radio audience that Hoover had no responsibility:

> At that time Hoover was a special Assistant Attorney General, and he handled the prosecution of many cases. He had nothing to do with the arrest or so-called persecution of individuals. He simply handled the cases in the courts as they were presented to him.

On June 13, 1940, Mr. CELLER introduced House Joint Resolution 571 "to authorize the FBI of the Department of Justice to conduct investigations in the interest of national defense, and for that purpose to permit wiretapping in certain cases."

The bill passed the House by voice vote on August 6, 1940. With less than 2 months from introduction to final passage, there was obviously no significant opposition to this measure.

During debate on that bill—August 6, 1940—Mr. CELLER said:

> Assuredly, criminals and other persons inimical to the existence of our democratic government must be tracked down, and every reasonable means at the command of the Government should be exercised to that end.
>
> Our democracy must be implemented with the means to protect itself against those who would overthrow it by force and violence, or by cooperation with a totalitarian government. To enable the chief Federal law enforcement agency to maintain surveillance by means of communications for that purpose, under the safeguards contained in the

bill, is a proper precaution and at the same time would not unduly infringe on individual liberty.

The Record notes that applause followed these words.

The attack on Hoover subsided noticeably following the White House correspondent's dinner on March 16, 1940. President Roosevelt, guest of honor, called to J. Edgar Hoover from the head table:

> Edgar, what are they trying to do to you on the Hill?
>
> I don't know, Mr. President.
>
> Hoover responded.
>
> That's for them.
>
> Responded F. D. R., and he made a thumbs-down gesture.

Two days after that, on March 18, 1940, Mr. Celler inserted into the Congressional Record Appendix remarks entitled "J. Edgar Hoover—an Able, Fearless, and Honest Public Servant." He ended his remarks with a Washington Star editorial entitled "Attack by Innuendo."

I do not for a moment imply that congressional criticism of the FBI today is Communist inspired, directed, or financed. I have no doubt that some of the outside criticism is, though. What is so striking in the parallel I point out today is the similarity of the words used in 1940 and the words used in 1971. What is also striking is how thoughtful, honest, perceptive liberals, like Mr. John Roche, set things straight today as they did then.

Refer for a moment back to Congressman Marcantonio's frenzied denunciation of the FBI as a "real and serious menace to civil liberties in the United States." Read, then, the Washington Post of April 28, 1971. Their lead editorial in its first sentence mentions "the grave threat which the Bureau presents to American liberty."

For myself, I much prefer the calm and balanced observation of the Columist John P. Roche, in the Washington Post on the same day, just across the page:

> Keeping an eye on dangerous characters is hardly an outrage to American freedom. Indeed, in the light of events over the last decade, one could wish that somebody had been watching Lee Harvey Oswald, Sirhan Sirhan and James Earl Ray.

I wish to end my remarks today by inserting the full text of Mr. Celler's fine tribute to Mr. Hoover, and the Washington Star editorial, both of which were inserted in the Congressional Record of March 18, 1940:

J. Edgar Hoover—an Able, Fearless, and Honest Public Servant

(Extension of remarks of Hon. Emanuel Celler, of New York—in the House of Representatives, Monday, March 18, 1940)

Mr. Celler. Mr. Speaker, it will be a sad day in the history of this country when the Representatives of the American people in Congress fail to resent injustice. I feel very strongly that a grave injustice has been done upon the floor of Congress and elsewhere. This is reflected in the criticisms which have been directed at the Federal Bureau of Investigation and the Director of that organization, J. Edgar Hoover.

I have watched the development of this organization during the years. I have admired the administrative skill, the probity, the idealism, the boundless energy of Mr. Hoover. There has not been a breath of scandal connected with the work of this organization. In law-enforcement work where enemies must be made, this is saying much. The attention of the chronic enemies of the Federal Bureau of Investigation seems to have been recently centered upon a certain case originating at Detroit covering the arrest of a number of individuals charged with violating the statute prohibiting the recruiting of persons for military service abroad. I am utterly unable to understand how any unbiased person could possibly hold that the Federal Bureau of Investigation is guilty of any wrongdoing in connection with this case.

In the first place, the record clearly shows that the investigation was originally ordered by Mr. Hoover's superiors in the Department of Justice. The presentment of the evidence in the case to the grand jury at Detroit in the middle of January 1940, was specifically ordered by former Attorney General Murphy. The indictments were returned by the grand jury. The indictments were dismissed by Attorney General Jackson. Certainly no responsibility for any action in connection with these matters can be charged to the Federal Bureau of Investigation. The Federal Bureau of Investigation, of course, must carry out orders.

There have been charges made that the representatives of the Federal Bureau of Investigation were overzealous in the performance of their duties. These charges are always made in these cases. I have been advised by high officials of the Department of Justice who know the facts concerning this case, that representatives of Mr. Hoover's Bureau acted throughout this matter in pursuance of specific instructions and that they functioned in an entirely lawful manner in all respects. It has been charged that the defendants at Detroit were subjected to third-degree methods; that they were intimidated; that their constitutional rights were violated. These charges I know to be absolutely untrue. The defendants were treated with every possible consideration while they were in the custody of the Federal Bureau of Investigation. There is not one scintilla of evidence indicating that any one of them has any just cause for complaint.

A photograph has appeared in the press showing the Detroit defendants chained together. I desire to advise my colleagues that the chaining of these defendants was not done by special agents of the Federal Bureau of Investigation. The chaining occurred after the defendants had been arraigned in court and after they had left the custody of the Federal Bureau of Investigation.

It seems ungrateful for any of us to forget the outstanding service which has been rendered to this country by J. Edgar Hoover and his associates. Let us not forget the situation which existed several years ago when the country was faced with a terrible kidnaping menace. Never in the history of this or any other country has a similar menace been so successfully combated. Since June 1932, 178 kidnaping cases have been investigated by this Bureau and all but 2 of these cases, those involving the little Mattson boy in Tacoma, Wash., and the Levine boy at New Rochelle, N.Y., have been solved. During 1939, 20 kidnaping cases were reported to the Federal Bureau of Investigation and all of them were solved.

Success in combating kidnaping is not the only accomplishment of the Federal Bureau of Investigation. Bank robberies, a few years ago, were committed with some degree of safety by these criminals addicted in this pastime. This is no longer true. Since Congress gave the Federal Bureau of Investigation jurisdiction to investigate bank-robbery cases, there has been a reduction in this type of crime approximately 75 percent. The decrease in this type of crime has been accompanied by a monetary benefit since the surety companies, as a result of the work of the F. B. I. have reduced bank-robbery insurance rates from between 30 and 40 percent throughout the various States, which has resulted in a great saving in these insurance costs. Businessmen are not guided by sentiment. You all know of the efforts of various groups of businessmen to secure various types of legislation to protect their interests and of their demands upon Members of Congress to pass legislation which will enable the Federal Bureau of Investigation to extend the scope of its activities into their fields of operation in order that they may receive the protection which this Bureau obviously affords.

The records show that each year the work of the Federal Bureau of Investigation results in more than 5,000 convictions. Over 96 out of every 100 persons taken into court for trial by Mr. Hoover and his men are convicted. Is it not strange that since so many thousands of persons have been convicted through the efforts of this Bureau without there being the slightest criticism that suddently there should arise innuendoes and insinuations that this organization is developing into an Ogpu or Gestapo? As in the Detroit cases, the Federal Bureau of Investigation operates under specific authority. It collects evidence which is presented to the various United States attorneys and to the assistants to the Attorney General at Washington.

All of the operations of the F. B. I. are publicly known. The results of their investigative work are presented to prosecuting officers. Each year their appropriations are submitted first to the Attorney General, then to the Budget Bureau, then to the President, and the Appropriation Committees of Congress. It would not be possible for this organization to develop any secret modes of operation in violation of the fundamental civil rights of our citizens.

The Federal Bureau of Investigation has made a notable contribution to the application of scientific methods to the solution of criminal cases and the detention and apprehension of criminals. Its laboratory is a center whose services are available not only to Federal prosecutors, but to State and local police and prosecuting officials as well.

Perhaps even a greater contribution made by the Federal Bureau of Investigation, under the intrepid leadership of John Edgar Hoover, than the direct suppression of crime is the effect that its work has had on the psychology of the Nation toward crime and criminals. Up to a few years ago it was the practice for motion pictures and magazines to glorify the criminal as a brave and adventuresome hero and to depict police officers as hirelings who, by fair means or foul, endeavor to persecute the heroic law violator. As a result of the work of the G-men all this is changed. Today the criminal is portrayed as what he is, an enemy of society, and the law-enforcement officer is properly delineated as a peacetime soldier who risks his life in the service of his country. But a few years ago little boys in their games used to play gangsters. Today they play G-men. This change of attitude on the part of the entire Nation toward the criminal and crime is a vital factor not only in helping to suppress crime but in preventing crime in the future and in training the coming generation to become law abiding.

It would seem to be the part of wisdom to encourage the retention in the Government service of those whose talents would bring them much larger rewards in the business world. Criticism is justified in some cases; we should be ready to praise, however, where praise and praise alone is due. Along these lines, let me narrate an incident which came to my attention several years ago when Mr. Hoover was offered a radio contract which called for his appearance on a radio program for a period of 3 minutes' time each week for 26 weeks and for which he would receive a very substantial sum for his services. Mr. Hoover declined this offer because the radio program was one which advertised a commercial product. I do not believe there would have been any criticism of Mr. Hoover if he had accepted such an offer. It would have enabled him to acquaint the general public with various aspects of law-enforcement problems. However, these were the ideals which guided him then; a similar idealism has guided him through his entire career, since he entered the Government service in 1917. I am happy to pay this tribute to a devoted, self-sacrificing, and patriotic Government official.

I take pleasure in including herewith an editorial which recently appeared in the Evening Star.

[From the Washington Evening Star]

Attack By Innuendo

Recent days have witnessed the development of what appears to be a widespread and coordinated effort to undermine public confidence in the Federal Bureau of Investigation. In the waxing fury of this attack, conducted principally by innuendo, the splendid record of the F.B.I. in smashing the major criminal gangs which infested the country has been conveniently forgotten. By some mysterious alchemy this agency, once hailed as the nemesis of the gangster, has been transmuted into a vague but sinister threat to the American way of life.

For the most part, the criticisms have not been directed specifically to the F.B.I. as such, nor to its record. The critics, on the whole, have preferred to deal in suggestive generalities, possibly realizing that, in the absence of supporting evidence, they are more difficult to answer, and, therefore, more damaging than direct charges. There has been much talk, for example, of wire-tapping and eavesdropping by "Government police." To guide public suspicion more directly to the target without actually making a specific charge, this has been followed by assertions that "if" the F.B.I. has been tapping any wires it should be investigated. Other thinly veiled charges have been aimed at the Bureau's recently created General Intelligence Division, the implication being that this is a sort of American Ogpu set up by Director J. Edgar Hoover to pry into the personal affairs of law-abiding citizens as well as those who are beyond the law. But the complaints neglect to mention the fact that this division was established under an order issued by President Roosevelt last September designating the F.B.I. as a central clearing agency for the investigation of espionage, sabotage, and other subversive activities. Nor do they state that there is not the slightest evidence of any abuse of power by this agency.

Senator Norris, of Nebraska, has made a specific complaint concerning the manner in which F.B.I. agents arrested certain persons who were under indictment in Detroit for a technical offense. These men were seized at 5 a.m. and taken to court at 3 p.m. on the same day. The manner of this arrest, Senator Norris has said, was designed to "frighten" the men and "to fill their hearts with fear and trepidation." This complaint was referred to Attorney General Jackson, who is certainly no enemy of liberalism, and, after an investigation, he fully exonerated the F.B.I.

The Star believes that the F.B.I. has performed, and is still performing, an important and difficult task in an efficient manner, and with appropriate restraint. If that is not the case, if it has abused it powers or if it is menancing traditional liberties, it is entitled to specific charges and a day in court. In the meantime, it should not be made the victim of a movement which has all the earmarks of a "smear" campaign.

CASEY'S LAST RIDE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GRIFFIN. Mr. Speaker, 71 years ago tonight, Casey Jones began his fateful ride as the engineer in the cab of the Cannonball. It ended early the next morning when the world's most remembered railroad accident occurred.

The heroism of Casey Jones is known to most literate Americans through the beautiful ballad describing his ride to glory.

The historic events of April 28–30, 1900, are described in a brief article appearing in the current edition of Roadways, published by the Mississippi State Highway Commission. It follows:

Casey's Last Ride

Like a captain who must stay with his sinking ship, Casey Jones, famed railroad engineer stayed with the Cannonball, the railroad's fastest Chicago to New Orleans passenger train in 1900, until its last minutes and then he bravely took his place among other American folk heroes.

This month will mark the 71st anniversary of Casey Jones' death in the drowsy little town of Vaughan, Mississippi. His death came on the early morning of April 30 when he threw on the brakes to bring the No. 382 to a screeching halt before it rammed into two other trains. But Casey wasn't quick enough. The flagmen were waving their lanterns frantically and Casey saw that he wasn't going to make it and yelled out to Sim Webb, his Negro fireman, to jump—jump for his life. And like all heroes that go down in American folklore, Casey stayed with the train, saving every life but his own.

Today that little town of Vaughan seems gloomy in contrast to the 1900's when businesses were thriving and hotels were filled to capacity. One would almost think Vaughan were a ghost town now. Buildings are discolored with age and leaning on their sides. Many are deserted.

The nights in Vaughan are just as gloomy with only the sound of crickets chirping and an occasional bark from a stray dog. The few people who remain in Vaughan sit on their front porches and fan away the mosquitoes in the summer while their thoughts carry them far away. Sometimes as they look out toward the railroad tracks or hear the whistle of a train that speeds by, they think about the famed railroad engineer who met his death in their town. And if they think about it hard enough, they can almost hear the torpedoes going up to warn Casey of the approaching danger and the screeching of the brakes and then the fatal crash.

THE FATAL NIGHT

Casey had just finished a run in Memphis on the night of April 29, and when he stepped from his train he learned that an engine crew wasn't available to run the Cannonball from Memphis to Canton that night. Casey immediately volunteered although he was dead tired. His love for the railroad seemed to overcome any fatigue he felt.

April 29 was a damp and foggy night and most trains weren't making any time below Memphis on the line Casey was to follow. The No. 382 was no exception. When Casey left Memphis he was 95 minutes behind schedule but he was determined to get her to Canton on time, but by the time he reached Grenada, 100 miles from Memphis, he had made up 60 minutes and another 15 when he reached Winona. He learned in Durant that there was a tangle of trains in Vaughan and that they would have to saw him by there. Although Vaughan was only a small town it was the hub of railroad activity. There were two side tracks and trains frequently sided so that faster trains could pass.

There were two trains going south, ahead of Casey's, while four trains were heading north toward him.

Southbound No. 83 was the first train to reach Vaughan and she pulled on the siding while No. 72, a northbound train was too long to fit on the siding because of the combined length of it and No. 83.

So at Vaughan they had to saw north and south to let the No. 25 southbound pass. No. 382, Casey's train, would receive the same treatment and No. 83 was sent north 3,000 feet with torpedoes to clip on the track.

No. 2 arrived at Vaughan going north and Nos. 85 and 72 sawed north and south to let her pass. Then No. 26, a passenger train, arrived in Vaughan. No. 83 and 72 again sawed by to let her get onto the other siding across the main line from the two freights.

Now trouble began. An air hose snapped on No. 72 and it was impossible for it to move into a south saw position so that No. 83 could clear the north switch. This left four cars of No. 83 protruding out on the main line at the north switch because No. 72 could not move.

Meanwhile, outside of Goodman, Casey had opened up to 70 miles per hour, believing that when he reached Vaughan he could roar right on through to the south switch.

It was Sim Webb who saw the caboose of No. 83 sticking out on the main line first. He yelled to Casey that they were going to hit something. Casey saw it also and jumped up and kicked the seat out from under Sim Webb and yelled for him to jump. The Negro fireman jumped from the 70-mile-per-hour train and later woke up in the hospital. But Casey frantically began applying brakes and throwing the gears in reverse, only slowing the train to 50 miles per hour. But time had run out. No. 382 had rammed into the caboose and overturned on its side. Several cars of the freight train were derailed and freight was scattered. No lives were lost except Casey's.

Today many argue that the gloom that casts its shadow over Vaughan is a result of that fatal crash in 1900 while other more practical ones say that its passiveness stems from the lack of activity which disappeared with the importance of the railroad. But although Vaughan is not the hub of railroad activity anymore, it will always be remembered as the town in which Casey Jones "rode to the promised land."

RODINO COMMENDS EARTH WEEK ACTIVITIES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RODINO. Mr. Speaker, since the first Earth Day observance on April 22, 1970, we have come to recognize the challenge of preserving the earth and have taken action to rid our environment of the manmade causes of pollution. It is unfortunate that we have not until recently become aware of the problem that exists. Pollution and the decaying of the environment have crept slowly and silently while the machines of technology and production have increased significantly. The problems of our environment have silently worsened, yet only now are we hearing the gasping of the people of the country. We are choking ourselves in our desire for status living.

To reveal to the public, to make individuals aware, and to discuss the plight of our ravaged environment is beneficial and necessary. But, we must now take action.

This week I joined in sponsoring legislation to authorize a $25 billion program of clean water grants for the construction of waste water treatment facilities. The bill, which revises the Federal Water Pollution Control Act, provides for the extension of water quality standards to all navigable waters and would assure that these standards are appropriately reviewed, upgraded, and enforced.

This year groups throughout the country will be involved in efforts to aid in alleviating the crisis condition which exists within the country today. In Bloomfield, N.J., a cleanup effort is being directed at two of the city's most polluted bodies of water. The project is being sponsored by the chamber of commerce of the city together with the Bloomfield High School Ecology Club.

By the proper use of the means at our disposal and by a wholesale cooperative effort by all sectors of the population we can clean up our environment and bring nature back to its rightful role. We must urge more action by industry, as well as by the public sector, to join together to fight for our own interests.

INTERNATIONAL WALK FOR DEVELOPMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, on the weekend of May 8–9, thousands of young people in this country will be walking millions of miles to demonstrate their concern for national and international development. At the same time, young people from 40 countries around the world will be joining in similar walks to fight poverty. I am proud to be a member of the committee sponsoring the Hunger Foundation's Young World Development program, and it will also be my great honor to participate in the Rockford, Ill., International Walk Day on May 8.

The Illinois Walks for Development have been among the most active and successful in this country. Over the past 2 years more than 65,000 young people have raised well over $665,000 for their selected domestic and overseas self-help projects. A walk in my hometown of Rockford contributed $14,650 of that sum, and this year promises to be bigger and more successful than ever. This year there will be walks in over 20 Illinois communities.

I wish to associate myself with the remarks of my colleagues in a special order on Tuesday of this week in support of a resolution to designate May as Human Development Month, and the weekend of May 8 and 9 as International Walk for Development Weekend. I think it is proper that we should give special recognition and sanction to this most constructive demonstration of concern for the underprivileged both at home and abroad.

At this point in the RECORD, Mr. Speaker, I wish to include the full text of a paper written by Mr. Joe Kimmins, education director for the International Walk for Development. His paper, entitled "International Walk for Development Weekend: A Different Kind of Demonstration," explains in a lucid manner the background and objectives of these walks.

The paper follows:

INTERNATIONAL WALK FOR DEVELOPMENT WEEKEND: A DIFFERENT KIND OF DEMONSTRATION

(By Joe Kimmins)

In the Spring of 1971, one million or more concerned young Americans will come together under the leadership of the American Freedom from Hunger Foundation and their adult sponsors, in order to stage a kind of public demonstration very different from those which our nation has recently experienced. This time, the youth will not be demonstrating against the War, nor against the Establishment nor in fact against anything. Instead, they will be demonstrating *for* development—calling upon the people of the United States for a new and vigorous attack on the causes of domestic and international poverty. They hope to inspire one of the greatest manifestations of grass-roots concern and involvement the nation has ever seen.

These youth anticipate the active participation of citizens in more than 300 towns and cities nationwide on International Walk for Development Weekend, May 8–9, 1971. Already, a quiet, effective organizational effort has initiated local planning for Walks in all major U.S. cities coast to coast. And this national effort represents only the U.S. participation in an international event that will see similar demonstrations take place in forty or more nations around the world.

WHAT IS A WALK FOR DEVELOPMENT?

The Walk for Development is a proven technique for raising funds and for focusing local community attention on the facts of world poverty and on the need for economic and social development. The idea originated among European students in the early 'sixties. Hundreds of organizations in Europe and England have since successfully encouraged their governments to increase their commitment to international development projects to unprecedented levels.

In 1967, when European development efforts were on the rise while the U.S. commitment was declining, a group of young people in Fargo, North Dakota, and Moorehead, Minnesota, imported the Walk idea in order to sponsor the first such project in the United States. They were assisted by the American Freedom from Hunger Foundation, which organized the youth as a grassroots youth action arm in support of the Foundation's anti-poverty work, calling the new organization Young World Development (YWD).

The Fargo-Moorehead Walk was successful, and the idea quickly spread to other young people who have organized local YWD groups across the nation. More than 190 Walks have since been held nationwide. In 1970 alone, 135 Walks took place, raising over $2.5 million entirely through locally sponsored efforts of young people, with coordination and support from the Foundation's Washington headquarters.

A Walk works like this: a local group organizes itself to conduct a public information campaign—giving speeches, printing posters, distributing brochures—and to recruit Walkers. The local committee also maps out a Walk route—usually 20 to 30 miles long—that winds through the city or countryside. Each Walker is responsible for soliciting his own sponsors, each of whom pledges to contribute an amount of money—from a few cents up to a dollar or more—for every mile successfully completed by the Walker. On the day of the Walk, the crowd of Walkers begins early in the morning on its trek, hiking throughout the day; then they collect from their sponsors according to a certified record of the miles they walked.

The money collected is divided three ways: 42½% to a domestic poverty project, 42½% to an international poverty project, and 15% to the Foundation and Young World Development for administrative and educational expenses, including conferences, newsletters, curriculum development, and publications. Local community organizers have complete responsibility for choosing suitable projects to receive the funds they raise, typically such projects as supporting a child nutrition center in Florida or building a rural youth center in Dahomey.

THE 1971 WALK WEEKEND

The major difference in plans for 1971 is that scores of YWD groups across the nation have agreed to hold their Walks on the same weekend in May, rather than scattering them throughout the year. As a result, at least one million young people and adults will walk for development at the same time. Preparations for similar activities are underway in at least forty countries of Europe, the Americas, Africa, and Asia, including all the poor nations which have received funds from U.S. Walks in the pasts. This will be a genuine demonstration on the part of young people in developing countries of their support of their national development, and of willingness to join with the youth of wealthy countries in support of such self-help development efforts.

The Freedom from Hunger Foundation intends for the 1971 Walk to be planned and executed by the young people of YWD, as a direct manifestation of their concern for domestic and international poverty and their desire to do something positive about it. An eighteen-year-old senior on leave from Marshall-University High School in Minneapolis, Michael D. McCoy, has been named U.S. youth chairman for the 1971 Walk. He was a delegate to the Second World Food Congress in The Hague, June 16–30, 1970, where international plans for the Walk Weekend were first proposed. (The Food Congress was called by the U.N.'s Food and Agriculture Organization, which is providing international coordination for the Walk Weekend from its headquarters in Rome.)

In the U.S., a six-member National Board of youth, drawn from the leadership of YWD, has listed three objectives for their 1971 Walk Weekend plans: (1) to raise funds for the support of domestic and international poverty projects, (2) to give the American people an opportunity to demonstrate their concern for the world's poor in a direct, people-to-people way, and (3) to make a public issue of the need for a sustained national effort to combat hunger and poverty around the world.

According to Mike McCoy, this last goal is the most important. "Contributing to poverty projects is certainly a good and necessary thing for people to have relief from intolerable living conditions," he says, "but charity does little to eliminate the causes of poverty."

"What is really needed is a continuing, long term program to inform the American people that it is in their direct and immediate national interest for social and economic justice to be more widespread around the world—and that the United States, as the world's richest and in some ways its most self-centered nation, must take the lead in this effort. This message must be communicated to the American people. No one is really doing this, which is one reason that U.S. support for development projects, at home as well as overseas, has fallen so low. Our nation is now last among all the rich nations in terms of the percentage of our wealth devoted to the international development effort. We are going to try to change this. That is what the international Walk for Development Weekend is all about: to urge new values and priorities for our country, and to teach people that steadfast support of global development is absolutely fundamental to our national interest."

FUNDRAISING VERSUS PUBLIC EDUCATION

Since the first Walk for Development, the primary goal of the various national Freedom from Hunger Campaign committees has been to contribute money to projects such as those approved by the American Freedom from Hunger Foundation. But as the Walks grew in number, as their organizers gained experience in conducting them, and as they were repeatedly exposed to the extent of hunger throughout the world, a feeling grew within the ranks of Young World Development that something more should be done in addition to repeating Walks year after year. The young leadership began to question the value of the Walks insofar as eliminating hunger was concerned. They learned that hunger is a problem closely interrelated with unemployment, illiteracy, ill health, and other manifestations of the underlying condition of poverty that characterizes the lifestyle of hundreds of millions of marginal men and women around the world. Hunger is a symptom, but poverty is the cause.

In June 1970, twenty-five young organizers of YWD attended the World Food Congress, where they were exposed to the staggering dimensions of global poverty, the frustrations of the United Nations "First Development Decade" (1960–1970), and the parallel causes of poverty both in developing countries and in the U.S.

At the Congress, they heard time and again the growing frustrations expressed by so many representatives of the world's poor nations, and perceived the implications of these emotions for international political and economic relationships between the U.S. and the rest of the world in the 1970's and beyond.

The American youth returned home vowing to do something about this, and convinced that public education was the best thing they could do to help generate the sense of awareness necessary for the American public to support a vigorous development effort. They decided to continue their Walk program, but also to require that each Walk project include an organized public education component.

To the young people, "public education" encompasses a variety of education techniques. Some of the more experienced YWD organizers have already achieved formal curriculum reform in local high schools and universities, obtaining the agreement of administrators to add formal courses in international development to curriculum lists.

Others have initiated informal community education programs, offering seminars, reading lists, and church and club discussions to local citizens. Many have created "development libraries" in their local headquarters.

This year, each sponsor of a Walker will receive pamphlets and other materials which discuss the rationale for attacking poverty worldwide, comparing the U.S. effort to other nations and defining this effort in terms of our national interest. There will be "community teach-outs", posters, flyers, displays, and a movie created by the YWD young people.

Plans for the International Walk Weekend in the United States indicate that these youth maintain faith in the existence of a reserve of fundamental good will in the American community. Their activity implies their belief that if this good will can be informed regarding the extent of global property and the implications it has for all of human society in the future, then the people of the U.S. will accept the elimination of the *causes* of poverty—development—as a priority objective for our nation's domestic and foreign policies. They intend to dramatize this objective during the weekend of May 8–9, 1971. They intend to make development an issue in the United States.

DEFORESTATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial entitled "Deforestation" appearing in the Washington, D.C. Evening Star, Friday, April 16, 1971, highly critical of clear-cutting practices by the U.S. Forest Service.

Of late, I have come to the sad conclusion that the Forest Service is less concerned with preservation of a previous resource and wise management of the public lands than it is with maximizing timber cutting to the disadvantage and jeopardy of other values of equal, and perhaps greater, importance.

Conservationists are becoming thoroughly fed up with the practices of the Forest Service in disregarding proper management of the national forests and the clear mandate of Congress in the Multiple Use Act.

The article merits careful reading:

DEFORESTATION

In 1950, this country's 154 national forests were set apart by law as "multiple purpose" areas, to be used for recreation, watershed protection, wildlife preservation, range development and timbering. Today, the U.S. Forest Service, with the firm backing of the Nixon administration, appears determined to scrap that policy. If the administration view prevails, the 187 million acres of national forest land will become a vast tree farm, operated for the welfare and the profit of the lumber industry.

There is nothing wrong, in principle, with private logging on public lands. It has been done, on a selective basis, since the forests were first set aside in 1905 "for the greatest good of the greatest number." But there is something very wrong with a rate of cutting that far exceeds the rate of forest growth. And that is what is happening today.

Since 1950, receipts from timber cutting in the national forest have increased 1,000 percent, from $29 million to $284 million. The administration proposes to increase the timber crop over the next few years by 60 percent.

This rate of cutting has led to the practice of "clear-cutting"—the harvesting of all trees in a given area instead of the selective cutting of mature, diseased or unwanted trees. It is an efficient method, employing machines of total destruction. It is economical; the denuded areas can be replanted with orderly rows of saleable trees. But there is one drawback: It is an environmental atrocity.

Clear-cutting destroys the forest. Replanting may restore the trees, but centuries of natural growth are required to replace a forest. The denuding of woodlands speeds soil erosion, increases the siltation of rivers, threatens wildlife and destroys recreational potential.

The administration and the timber cutters argue that the lumber is needed to meet the increasing demands of a growing population and the government's housing goal of 2.6 million new and rebuilt houses a year. The conservationists counter by suggesting that wood is not the ideal building material for the central cities, where much federal housing will be located. They argue that owners of private forests, who normally supply 75 percent of the country's lumber, should be encouraged to convert to tree farming. They believe that the additional cost of selective cutting should be passed on to the consumer as part payment for environmental improvement.

The conservationists have the better of the argument.

Certainly the practice of clear-cutting should be halted at least until the Forest Service catches up on the 5-million-acre reforesting gap that, by the service's own figuring, already exists. It should be reinstituted only in those areas—if any such exist—that are of no potential recreational value, and where it can be shown that the ecological trauma produced by the mowing down of a forest will have no adverse impact on the wildlife, the soil or on any watershed.

It seems incredible that in this era of environmental enlightenment the administration should be pushing to abandon the concept of multiple use of the national forests. Somehow, the message must be conveyed that the first consideration of any use to which these public lands are put must be their preservation for the generations to come, when natural forest land will be a commodity beyond price. Congress will have the means to get that message across when the President's request for more money for Forest Service timber operations comes up.

First, Congress should declare a moratorium on clear-cutting. Second, it should pare the President's budget request. Third, the law establishing the multiple-use concept of the national forests should be re-examined with the aim of eliminating those loopholes through which the administration and the timber cutters are now trying to crawl.

NATIONAL SECRETARIES WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BEGICH. Mr. Speaker, every year since 1952, the last full week of April has been set aside for the observance of Secretaries Week, in recognition of the invaluable role played by able and loyal secretaries in business, industry, education, government, and the professions. I should like to take advantage of this opportunity to pay well-deserved tribute to my staff of congressional secretaries as well as all other secretaries who are the unsung heroines of our system, and none of us could get along without them.

They make our job much easier. They prepare good letters from our scrambled dictation; they tell us where our appointments are and when to be there; they answer questions for us and for our constituents; they handle our casework; they know where everything is filed. They bring us our coffee in the morning; they greet our visitors—and do so in a way to make that first good impression. And sometimes they run interference for us when things get rough.

To quote another grateful boss who wrote this terse verse in 1922:

> There's many a weary businessman, renowned from sea to sea,
> Whose burdens have been lightened by a faithful employee,
> Whose woman's instinct, highly trained, and quicker than his thought,
> Foresees the thing that should be done, then does it as she ought.

Amen to that. Small wonder that the secretary is honored as the "first lady of American business," and that her immeasurable contribution to business, industry, government, and education is now more clearly recognized than ever before. She continues to maintain the highest professional and personal ethics, and her resolve is directed to increased learning and efficiency, which combined with her profound loyalty, makes her invaluable to the office in which she is employed.

In today's era of the pushbutton and computer, the secretary need not fear for her job. There is no mechanical substitute for her judgment, her ability to take and delegate responsibility, her initiative. I could not agree more heartily with Mrs. Margaret Lawson, the international secretary of the National Secretaries Association in 1965, who said:

> While tomorrow there will be a tremendous increase in machinery and gadgetry, there is one constant that will not change. Today's and tomorrow's secretary will still be a principal humanizing influence in the office. Our profession tomorrow, as it is today, will be carried on by wonderful human beings. Machines will supplement, but they will never supplant people.

It is with deep appreciation that I salute the loyalty, efficiency, and hard work of the secretaries throughout our Nation who keep the office gears turning so smoothly. I tender my best wishes for their continued success and achievement.

AFRICAN ART FAVORED OVER NATIONAL SECURITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RARICK. Mr. Speaker, today the House became economy minded and by parliamentary finesse rather than the will of the Members voted to cut the appropriation for the Committee on Internal Security by $100,000 to a reduced $570,000.

It is often felt that people give preference in the spending of their money to the necessities which have top priority in their way of thinking. This being so, while the House approved $570,000 for the House Internal Security Committee to continue its efforts to inform the American people of communism, subversion, and enemies of constitutional government, the local paper announced that the Museum of African Art was given a $500,000 Federal grant by the National Endowment for the Humanities.

In fact, a second $500,000 grant was raised from tax-free foundations and wealthy individuals who were able to avoid their fair share of taxes to the Government.

Comparing the $570,000 to Internal Security with $500,000 to African art it could appear that the Federal establishment is as concerned with dispelling so-called racial myths as with protecting the American people and our system of government from the scourge of international communism, its domestic dupes and fellow travelers.

I ask that a newsclipping be inserted at this point:

MUSEUM OF AFRICAN ART GETTING $500,000 GRANT

(By Gus Constantine)

The Museum of African Art here has announced it will receive a $500,000 matching grant from the National Endowment for the Humanities, one of the largest single grants ever made by the federal agency.

The grant was announced yesterday by Warren Robbins, director of the museum, and its sister institution, the Frederick Douglass Institute for Negro Arts and History.

Robbins reported completion of a year-long fund drive to raise another $500,000 from private sources, including a $40,000 contribution from Mr. and Mrs. David Lloyd Kreeger. The bulk of the private funding was a $300,000 grant from the Ford Foundation.

"I'm delighted," Robbins said. "The funds will enable the museum to carry out its program of becoming a protoype of artistic and educational development of African art in the United States."

The federal share, $500,000, came from the humanities agency instead of its sister institution, the National Endowment for the Arts, and reflects the stress the museum has placed on educational programs in African art.

Since the museum opened in 1964, more than 4,000 D.C. groups, including many from D.C. schools, have participated in study tours at the museum, Robbins said.

The museum also has lent works for an artmobile to the Virginia Museum of Fine Arts in Richmond.

"What we intend to foster is a public awareness of the richness of African culture, drawing from the research achievements of art historians, anthropologists and educators," Robbins said.

He expressed hope that such an exposure by the public to African culture would "dispel the racial myths, notably in such things as Tarzan films, that Africa is a cultural backwater."

Other private contributors were: Samuel H. Kress Foundation, $60,000; Rockefeller Brothers, Albert List and J. M. Kaplan foundations, $25,000 each, and the Agnes and Eugene Meyer Foundation, $10,000. The remaining $15,000 came from smaller grants.

GREEN THUMB PROJECT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. PICKLE. Mr. Speaker, our youth are often spoken of as our most important national resource. While we cannot overestimate the need for development of our future citizens, we need to consider another resource of great potential and usefulness which, I am proud to say, we are now beginning to tap—our senior citizens. In several counties in my district, as in many other parts of the country, our Senior citizens are again playing a significant role in the community through public works projects of beautification, maintenance, et cetera. The program is called Green Thumb and, in addition to benefiting the local area, the program primarily is designed to aid participants, elderly people under the poverty line in rural areas. I commend the Green Thumb program as another successful illustration of the services which older people can provide for the community while improving their pensions, their community status, their self-confidence, and their country's welfare. Mr. Speaker, for a more intimate description of the meaningfulness of the program to its participants, I would like to submit the following article from the March 21, Sunday issue of the Austin American Statesman:

GREEN THUMB GIVES OLDTIMERS NEW LIFE

(By Margaret Thomas)

When Matthew Hodges retired as a porter at age 65 two years ago, he was expected to do as millions of elderly Americans must do after retirement—resign himself to a life of inactivity and boredom, besides trying to keep body and soul together on nothing more than a Social Security check.

Now, three days a week Hodges goes to work at 8 a.m., does his day's labor and leaves for home at 4 p.m. He says he loves being on the job again—doing an honest day's work and getting an honest day's pay.

Hodges got his new, late-in-life job through a program called Green Thumb, which is funded by the federal government, administered by the National Farmers Union and run on the local level by the Austin Parks and Recreation Department. The program got underway nationally in 1966 and was begun in Austin in December 1970.

Austin has 17 Green Thumb workers who do their jobs in crews of seven and 10 men. They work eight hours a day three days a week, making $1.60, an hour with the foreman making $1.85.

The men's job assignment is to beautify Austin, and they've accomplished a lot toward that goal since they began in December.

Strollers on Zilker Park's Safari Trail now have rough-hewn log steps to aid them up the steep slopes, and they can cross a bridge built across a creek in the area to look into a pond made clearer and deeper because the men dredged silt from the bottom.

At Barton Springs one crew is excavating earth and constructing drainage channels to keep the play area from becoming glutinous mire after a rain.

An island formed in the shape of a ship was left in the middle of a drainage ditch at Barton Springs. A pecan tree will be planted in the middle of the island to represent the mast of the "ship," which will become a glorious place for young sea captains to play.

One of the first projects undertaken by the city's Green Thumb crews will show best in the spring when the red bud trees they planted along Hemphill Parkway and University Avenue begin to bloom.

For Matthew Hodges and his wife, who live in Littig, life has begun to show blooms of hope again.

He said, "before Green Thumb, Social Security was all my wife and me lived on, and the goin' was pretty tough sometime."

Hodges, who is the crew foreman, said he enjoys the physical labor involved in the work projects. He supervises the work of his men but said, "I wouldn't tell them to do nothin' I wouldn't do myself. We work together.

"Green Thumb is one of the best things

I know of for poor people," he commented. "It gives you a chance to work regular and make your pay, and we do jobs that need to be done."

He added with a laugh, "Now I'm able to keep up with my bills and won't have no bad credit."

Most of the local men on Green Thumb are retired farmers, and one of them still grows a little corn and maize with the help of a son.

They all have four things in common. Each of them is below the poverty level financially, and each agrees that Green Thumb has benefited him moneywise. They all plan to keep on the job as long as they're allowed to work, and they all feel satisfaction in working regularly. Another thing—they have found a camaraderie in the work group, a sense of belonging to something.

Richard D. Sterling is a 79-year-old retired farmer who lives on a little piece of land in Littig.

He used to do part-time construction work, but he quit several years ago because no one was hiring him. He said, "You know, they won't let you work after you get a certain age, and I love to work."

Smith Hunter of Littig, 79 years old, also used to work on construction jobs, but when he could no longer find employment because of his age, he went to work for a golf course, watering the greens, trimming shrubs.

"I could only work at the golf course in the spring and summertime, and the rest of the time we got on the best way we knew how."

Era J. Piper, 74, perhaps the most enthusiastic of the crew, said emphatically, "I don't like Green Thumb—I love it!"

Piper, who is a retired farmer of Manor, said, "I don't raise nothin' on the farm no more, I'm getting too old to fool with cattle. All that's there is me, my wife, two grandchildren and my dogs."

Before the Green Thumb opportunity came up for him, he was managing "catch-as-catch-can," as he put it.

"The income that I had just wasn't enough. My wife was in the hospital, and I was jus' workin' here and yonder tryin' to make it. When I came to Green Thumb, it looked like God had opened up the way for me."

Before he went to work for Green Thumb Piper did odd jobs to help supplement his Social Security income. He made $2 or $3 a job.

"Maybe people been knowin' me all my life, they would give me little yard jobs—maybe workin' up the flower beds—that's about all," he said shaking his head.

ISRAEL INDEPENDENCE DAY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GIAIMO. Mr. Speaker, on the 23d anniversary of Israel Independence Day I salute the nation and people of Israel for their heritage and spirit of learning.

As individuals the Israelis and Jewish peoples everywhere pursue knowledge, as if that pursuit were a destiny and a unique national character. And as a nation Israel represents a concentrated world resource of learners, of students of life, of the arts and the sciences.

Israel as a nation has learned other lessons, though, in the harsh realities of world politics. Israel has learned about survival in a political desert that must at times seem to have no oasis of allies, and because Israel has learned those lessons, has faced that desert, it has much to teach America.

We would do little justice to Israel Independence Day, therefore, in focusing only on the many admirable but noncontroversial aspects of Israeli life. We should, instead, in the spirit of Jewish learning and study, continue our assessment of American Middle East policy and see what lessons the past year has taught.

We have learned for example, that 23 years have not diminished Arab hostility toward the existence of the Israeli State, and that such deeply seated hostility does not disappear with changes of Arab leadership. We have also learned, or should have learned that in diplomacy capitulation is not strength, that "evenhandedness" may eventually tie America's hands, and that to deserve trust allies must avoid the substitution of convenient marriages for lasting relationships.

This country's strong commitment to the survival of Israel, although not formalized in treaty, has been notably weakened by administration policy in the past year.

We have not learned that forced Israeli concessions prior to negotiation with the Arabs and their Russian backers will weaken, not strengthen, the possibility for Middle East peace.

We have not learned that evenhandedness in American Middle East policy will be interpreted not as balance but as two-faced vacillation, and may commit us to ineffective action or, if and when we finally "get tough," an unnecessary war.

And we have not learned that our recognition of and commitment to Israel 23 years ago, and subsequent administration and congressional expressions of support and provision of arms, cannot be allowed to fall by the wayside of convenience diplomacy.

The achievements of the people of Israel are great, Mr. Speaker, and the challenges they have faced and met would have overwhelmed people of lesser determination. But the challenges Israel faces, not the least of which is current American foreign policy, are equally imposing.

The Jewish peoples have learned well, in world politics as in other fields, and can teach America if we will only learn.

A celebration of the 23d anniversary of Israel Independence Day would not be meaningful without a commitment that there will be a 24th such anniversary, and a 50th and a 100th as well. Among its many ancient meanings "Shalom" also means "peace," and our commitment must be that the peace be lasting.

GLEN J. KOEPENICK DIES

SPEECH OF

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. GUDE. Mr. Speaker, Glen J. Koepenick of Rockville, Md., was a man generous with his time and abilities who gave much to the improvement of institutions and individuals throughout his entire adult life. It was my honor to count him as a personal friend who had a deep interest and dedication in improving life for his community and his fellow man. With deep regret at his early death I wish to submit the following article from the Washington Evening Star of April 21, 1971, describing the life of this Maryland community leader.

The article follows:

GLEN J. KOEPENICK DIES; EXECUTIVE, CIVIC LEADER

Glen J. Koepenick, 48, a Montgomery County real estate executive and business and civic leader, died in Surburban Hospital yesterday after a stroke. He lived at 7712 Savannah Drive, Bethesda.

Mr. Koepenick was president of the Rockville firm bearing his name that he founded in 1961. Before that he had been in the retail hardware business in Rockville.

He was a founder and director of County Federal Savings and Loan Association and a member of Suburban Trust Co.'s advisory board.

He served one term on the Rockville City Council in the early 1960s.

Mr. Koepenick had been president of the Rockville and Montgomery County chambers of commerce and was a former chairman of the Montgomery County United Givers Fund. In March he was appointed campaign chairman for the Easter Seal Treatment Center of Montgomery County.

He was secretary of the Montgomery County Board of Realtors and a member of the National and Maryland associations of real estate boards. He was named Realtor of the Year by the county board in 1969.

In 1962 he received the "Citizen of the Year" award from the Rockville Chamber of Commerce.

Born in Chicago, he moved here with his family in 1932. He was a graduate of St. John's College and Georgetown University.

He leaves his wife, the former Betty Moreland; a son, Glen Jr., of Silver Spring; two daughters, Mrs. William Rickman Jr., of Silver Spring, and Judy Koepenick of Arlington; two brothers, Edward, of Potomac, and Ward, of Menlo Park, Calif., and a grandson.

Mass will be said at 10 a.m. Saturday at Our Lady of Mercy Catholic Church, 9200 Kentsdale Drive, Potomac, with burial in Gate of Heaven Cemetery.

POPULATION COMMISSION HEARINGS

HON. ROBERT W. PACKWOOD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Thursday, April 29, 1971

Mr. PACKWOOD. Mr. President, on April 14 and 15, the Commission on Population Growth and the American Future held hearings here in Washington, D.C., and some excellent testimony was presented by a variety of witnesses. The hearings covered a range of subjects related to population growth, including statements on family planning, the ecology and environment, economic development, and women's rights.

Testimony during the 2 days of hearings was too voluminous to include in the RECORD in toto, but I would like to submit a few statements so that my colleagues may have the flavor of the hearings.

I ask unanimous consent that these statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE DONALD RUMSFELD, COUNSELOR TO THE PRESIDENT, BEFORE THE COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

In his Population Message of July 18, 1969, the President said:

"One of the most serious challenges to human destiny in the last third of this century will be the growth of the population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today. If we now begin our work in an appropriate manner, and if we continue to devote a considerable amount of attention and energy to this problem then mankind will be able to surmount this challenge as it has surmounted so many during the long march of civilization."

In that message, the President outlined ways in which the United States could improve its efforts to assist in the solution of world population problems.

The President also directed attention to the need for careful examination of the problems associated with population growth in the United States. He asked the Congress to establish the Commission on Population Growth and the American Future, and in March 1970, he signed the Act establishing the Commission and charging it to examine the probable course of population growth and internal migration in the United States between now and the year 2000; to assess the problems this will pose for our government, our economy, and our resources and environment; and to make recommendations on how the Nation can best deal with these problems.

AN EDUCATIONAL TASK

The members of this Commission have an opportunity that is given to very few people. It is to help the Nation prepare for its future. The nature of government is such that few men have the opportunity to do more than hope they can get one fire out before being called to the next one. The result is that long-term considerations tend to be subordinated to the emergencies of the moment.

This means that this Commission is faced with a major educational task. It is difficult to get people concerned about the implications of today's decisions for events that could take place thirty years hence. But I am convinced that thoughtful people will respond once the gravity of the issues are explained and understood.

The task of this Commission is made the more challenging because issues of population growth are more likely to be neglected than most. This particular subject matter tends to be neglected because its effects are subtle and pervasive, not obvious and focused and because population growth cannot be changed fast. As a result, we tend to turn our attention to those things which we think can be affected more immediately.

One of the most useful things this Commission can do is to lay the facts and issues before the American people and to advise on the development of decisions on the course of population growth. You have already made a significant step in this direction in your Interim Report.

THE SERIOUSNESS OF THE ISSUE

The point this Commission must make that 300 or 400 million Americans is a development not to be taken lightly; is a most important one.

We doubled our population in the United States in the last half-century. As President Nixon noted in his Population Message of July 19, 1969:

"I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans."

A key question on which this Commission must provide guidance is: Should the Nation double its population again in the next one-half century? That would give us over 400 million people 50 years from now. Furthermore, that level will be achieved if Americans average only three children per family during the intervening years.

The issue at this point is not coercion versus voluntarism. The issue is not specific measures that the government might take. Such issues ultimately must be dealt with. But all of them rest on a far more important issue. That is whether the American people agree that population growth in the United States is of serious enough consequence to require a collective decision.

The Commission has, in its Interim Report called for the development of an explicit population policy, although it has wisely postponed specific recommendations pending the results of its research and deliberations on specific issues. It seems to me that the fundamental point running through what you have said is this: How rapidly the U.S. adds its third hundred million people, and whether it should then add a fourth hundred million, are questions requiring forethought and decision. Are these events to be allowed to develop willy-nilly, or are they of sufficient importance so that the question of doubling our population to a level of 400 million in less than one-half a century should be approached deliberately as a matter of public discussion, public decision and with an awareness of the effects.

WHY NOW?

The Commission has indicated why the Nation cannot realistically expect to stabilize its population immediately. One of the tasks facing the Commission is to make clear to the American people why our past reproductive performance commits the Nation to substantial additional population growth in the future.

There is another and more subtle task—to make clear that even though substantial additional population growth will eventually occur, this does not by any means say that nothing can be done now. For the fact is that the lead-time involved in altering the course of population growth is so long that, if the Commission wishes to make any impact for the long-term future, the time to make that impact is now.

Why now? Because if we do not make a decision now we simply pass on a larger problem to the generations which follow. That speaks to the issue of responsibility.

Because right now the people of our country are reproducing at a level closer to stabilization than we have seen in many years. It speaks to the question of opportunity.

Why now? Four Presidents have given their support to America's efforts to assist foreign nations who wish to limit population growth. The credibility of this support hinges in part upon the degree of responsibility we in the United States display in population affairs here at home.

A PROBLEM FOR ALL OUR PEOPLE

I hope that the Commission will approach its work seeing population problems as problems of all Americans, not of any limited segment of our society.

The family planning programs for the poor, which were administered under my supervision by the Office of Economic Opportunity, represented one among many types of programs designed to improve the ability of the poor in our country to shape their own destiny. These family planning programs were developed in recognition of the fact that the ability to make choices concerning family size relates to the family's ability to escape poverty as do the educational level and occupational skills of its chief breadwinners. These programs were designed to help poor families solve their own problems, and they are contributing to the achievement of this objective.

But population growth is not primarily a problem of the poor. Most of the people in our country are not poor and most children are born to parents who are not poor. If population growth is a problem then it is a problem that will not be solved by the poor, but by all Americans. Programs of the Office of Economic Opportunity are designed to help the poor individually solve their individual problems. But, the work of this Commission must deal with the ability of the Nation to solve its national problems.

This means that the Commission must focus on a new range of considerations which do not present themselves when a family is confronting a decision on the number of children it should have. The Commission's special focus must be on such national issues as the impact of population on environment, the use of resources, the state of the economy, individual industries, and government services. These many other issues present themselves when we ask not only how we can enable a family to better itself, but how we can better enable the Nation to manage itself.

THE AMERICAN FUTURE

I hope this Commission will look at the "population problem" in the U.S. from the point of view of our ability to provide a decent quality of life for the people we already have.

The Commission could well suggest ways in which the Nation could do a better job investing in its people. To what extent do the problems we face result from our failure to adequately prepare many of our people for life in a highly technical, mobile, urban society?

I hope the Commission will not be satisfied with projecting current standards of living into the future, but that it will show us the ways in which a de-emphasis on quantity might permit us to devote more of our efforts to improving the quality of life in the United States.

Put another way, I hope this Commission will take seriously the second part of its title. It is, after all, the Commission on Population Growth *and the American Future*. Its interest in population should be derivative. Not the numbers themselves, but their impact on the feature of America that our people wish to preserve and develop, is the emphasis I look for from this distinguished group.

TESTIMONY OF ALAN F. GUTTMACHER, M.D., PRESIDENT, PLANNED PARENTHOOD-WORLD POPULATION, BEFORE THE U.S. COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE, APRIL 14, 1971

I need not remind the Commission that Planned Parenthood-World Population, the organization I have the honor to represent, has had family planning as its primary concern and activity since it was founded by Margaret Sanger in 1914, 57 years ago. The reason for its formation was the fact that effective contraception was then unavailable to disadvantaged Americans. This discriminatory omission had been highlighted in 1912, two years earlier, by 82 year old Dr. Abraham Jacobi, America's first great pediatrician, in his Presidential address before the American Medical Association. Dr. Jacobi's words were spoken at a time when Anthony Comstock, the arbiter of American morals, and Comstockism were at their height. In his address, Dr. Jacobi courageously said, "As long as the well-to-do limit their offspring, the advice to the poor to limit their children is perhaps more than merely excusable". Sixty years ago this was an iconoclastic utterance.

Our organization from its very inception viewed ability to control conception as a basic human right for it grants couples freedom of choice in the most important human endeavor, creation of children. Inability to control conception leads to unwanted conceptions, unwanted births and often to families of excessive size, which in turn is often associated with poverty, an association Aristotle noted 2,400 years ago in his book on "Politics". He wrote, "Neglect of an effective policy of conception control is a never failing source of poverty which is in turn the parent of revolution and crime".

No vital organization intimately concerned with the social scene can remain static; policies must change to advance and direct social progress. In the early years of the American birth control movement only married women with a letter from a physician referring them for an ailment which contra-indicated pregnancy were served in our clinics. In the mid-thirties married women could be self-referred simply because they wished to avoid pregnancy. The next step which came late in the fifties admitted unmarried women over twenty-one to our clinics. I might add this departure created a lot of flak, some directed at me. With the changing sexual patterns of youth resulting from earlier sexual maturity, emancipation from adult authority and other factors, Planned Parenthood several years ago deemed it necessary to offer contraception to unmarried minors in order to implement the goal of only wanted children born to responsible parents.

Planned Parenthood in the last few decades has come to view sexual sterilization as a highly relevant form of voluntary birth control. We feel it should be regarded as a method of contraception, permanent contraception, in contrast to temporary methods such as the pill or IUD. Sterilization has a useful role in terminating reproduction when a couple has achieved the size of family they desire.

The attitude of the Planned Parenthood Federation toward liberalization of abortion has undergone significant change during its history. Unrealistically it was felt for many years that wider distribution and availability of contraception would materially reduce the incidence of illegal abortion. Unfortunately there is no evidence that this was the case. Furthermore, analysis of legal and illegal abortion lead to the conclusion that the static situation in regard to abortion which existed before 1967 was intolerable. On the basis of the study by Gold, *et al* on abortion in New York City, it was clear that legal abortion was practiced in a discriminatory fashion, the incidence being 35 times higher in proprietary than in municipal hospitals, and five times higher on the private services of voluntary hospitals than on the ward services of the very same institution. Gold also showed that illegal abortion was decidely less lethal among whites than among Negroes and Puerto Ricans. These discriminatory findings in those granted legal abortion and mortality risk in illegal abortion are confirmed by other investigators.

Planned Parenthood at first favored partial liberalization of archaic State abortion statutes, but in October 1969 on the basis of early results from the ALI bills in Colorado and California went on record in favor of the removal of abortion from the criminal code. This places the performance of abortion in the same category as other surgical procedures, a decision between doctor and patient.

Although there is little imminent danger in the United States of starvation or other disasters from overpopulation, the time has come for this country to adopt a national policy leading to prompt population stabilization. Both Planned Parenthood and I believe that it can be achieved by allowing people to control their fertility through voluntary means.

The first requirement for population stabilization is a broad national program of voluntary fertility control, making full use of all effective and medically safe means. As I said earlier, it is my belief and the belief of the organization I represent that control over the number and spacing of children is a basic human right. Fertility is owned by the individual, not by the State, Church or Society. In the past, these three forces used their authority to compel childbearing. Until the U.S. Supreme Court decision in 1965 in the Griswold case many states prohibited partially or even totally the sale or use of contraceptives. Only three months ago the Federal Comstock provision prohibiting importation, sale or advertising of contraceptive articles was finally repealed by Congress. Even in 1971 some Federal and state policies remain which continue to limit the ability of couples to control their fertility. Failure to make basic health services, including family planning available to all Americans and refusal to pursue vigorously research in the field of contraceptive development have further limited exercise of this basic right.

The significant study by Drs. Westoff and Bumpass indicates that elimination of unwanted fertility would, if present desires concerning family size remain the same, virtually stabilize population growth. No one can intelligently deny that both personal and societal ends will be best served by the elimination of unwanted fertility. The Commission should recommend a course of forthright action to achieve this. Such a program must include the rapid development of safer, more effective contraceptives, provision of family planning services to all who want them, complete eradication of policy restrictions on fertility control—including those based on age and marital status, repeal of abortion laws and increased availability of voluntary sterilization.

Because our health system is based on private care, medical services, including family planning have been denied to low-income women who do not have access to private physicians. In the past public authorities began to make efforts to provide at public expense maternity and infant care, innoculation and other health services to the poor. As a result of legislation in the past few years family planning is beginning to join that list of available services. Each legislative authority for family planning services specifies that it must be received voluntarily and may not be made a condition for receipt of other services. We have in the past fought to enforce this and we will continue to do so in the future.

Although legislative authority now exists to provide family planning services to low-income women who need and want them, the present Administration has failed to seek adequate funds for the programs. In FY 1971 less than 50 percent of available funds were requested and in FY 1972 only 80 percent of available funds are being sought.

If the Commission believes the reduction of unwanted fertility is important, the Commission must seek a more realistic commitment to this program.

Although Drs. Westoff and Bumpass note that unwanted fertility is highest among the poor and uneducated it is also prevalent in all social and economic groups. This is largely due to the imperfection of existing methods of contraception. The most effective method, the oral contraceptive, is used by eight million American women but causes side effects and is therefore contraindicated for millions of others. The IUD, foam, condoms and rhythm are less effective and have other drawbacks. Since studies show that virtually all American couples will use some form of contraception at some time during their reproductive years it seems inconceivable that so little is being done to improve methods. After doing nothing for many years the Federal Government in now only slowly developing a contraceptive development program. The Family Planning Services and Population Research Act authorized greatly increased activity in population research but the Department of Health, Education and Welfare is ignoring this new authority. They rejected the $30 million authorized in FY 1971 and are seeking only one-fifth of the funds authorized for FY 1972. If the Commission believes unwanted fertility is important the Commission must urge the prompt utilization of all funds available for this program.

Non-poor Americans are hindered in their attempts to determine the number of children they will bear by other factors as well. The oral contraceptives, intrauterine devices and diaphragm all require professional medical prescription. Most insurance policies do not cover the cost of routine family planning care. And this care, when oral contraceptives are used, may run as high as $65.00 per year. Nor do many insurance policies cover the cost of voluntary sterilization or abortion unless the procedure is medically indicated.

The Commission should recommend that insurance companies cover the cost of all contraceptive care, including abortion and sterilization and most importantly, the Commission should strongly urge the Congress to specifically include coverage for these procedures in any national health insurance program that is developed.

ABORTION

If control of fertility is a basic right then safe, legal, free abortion must be made available. Abortion as a means of eliminating unwanted fertility is essential in two instances—as a backup mechanism where pregnancy has results frm contraceptive failure or where there is failure to use contraception. It does not seem logical to condone the use of contraceptives to prevent unwanted pregnancy but demand that a pregnancy caused by contraceptive failure be continued, and while I find abortion an impractical and expensive form of birth control, I do not believe that a woman should be punished by enforced childbirth just because she failed to use contraception.

Recently the President of the United States presented to the Nation his personal views on the subject of abortion. I regret that he did this at a time when this subject is at issue before over 20 state legislatures and the Supreme Court. Personal views of the President always carry some of the prestige of the great office he holds and I would hope that these decisions, especially the Court decision, would be made without weighing the personal views of any one man. The President stated that he does not find abortion an acceptable means of population control. If the President means by this, that he does not believe the government or any individual should urge acceptance of abortion by any woman for the purpose of limiting our numbers, I not only agree with that statement, I applaud the sentiment and I am certain that most others who have pursued abortion law reform agree.

In fact present abortion laws impose the moral judgments of others on individual women and force them either to bear unwanted children or to seek an illegal abortion. A century of restrictive abortion laws have not eliminated the practice. Clean, safe therapeutic hospital abortions have usually been available to those who have money and know how to manipulate the system. Illegal, backroom abortions have usually been secured and suffered by many others.

The action of the Department of Defense in promulgating a uniform, liberal abortion policy for personnel and dependents on the basis of advice from their medical consultants was a most welcome step forward. The new policy took into consideration the fact that military personnel have no control over where they are stationed and no voice in making or altering state laws. I regret that the President rescinded that excellent and eminently fair order.

The arguments both against and in favor of liberalized abortion are emotional, in many instances the reactions of the viscera not the mind. To me life is a continuum. Potential life bgeins before the process of fertilization. There is a living sperm and a living egg, for otherwise there could be no fertilization. The physical-chemical union simply continues the potential of creating a new life which does not become an actual life until the birth of a viable fetus, one capable of survival when separated from its intrauterine environment. Until this occasion occurs, for me, elimination at any time of a potential life is not murder. Nor will I accept the argument that abortion must lead to euthanasia and genocide. This certainly has not occurred in Japan after 23 years of abortion on demand, nor in Russia or her satellites after 16 years. As a matter of record Hitler's Germany, which practiced genocide, had very restrictive abortion laws.

Finally, I can think of nothing more immoral than forcing an unwilling mother to bear an unwanted, unloved child. A great deal of emotional and unscientific literature has been written about the mental anguish of women who undergo abortion. I suggest that the suffering endured by both mother and child as a result of compulsory childbirth is far better documented.

The issue of abortion is presently before the United States Supreme Court. Regardless of the Court's decision the Commission should make recommendations concerning abortion policy. If the Court rules that laws limiting abortion violate a woman's right to control her body, abortion for eliminating unwanted pregnancy will still not be universally available. In this case I would hope the Commission will recommend a series of steps to make abortion available. These should include:

A program of Federal grants to make abortion available to low-income women;

Withdrawal of all Federal funds from public and private hospitals that discriminate against this procedure.

If the Court should rule that states have sole legal jurisdiction over abortion, the Commission should sponsor research in and recommend to the States provisions that will make this procedure available to the largest number of women under the safest and least expensive conditions.

BIRTH CONTROL FOR MINORS

Birth control methods must also be provided to sexually active teenagers. A recent study shows that at least one-third of all first births are premaritally conceived. Dr. Phillips Cutright, in a recent publication on illegitimacy,writes, "Sixty-seven percent of all unwed mothers experiencing a first birth were under 20 years of age . . . Prevention of illegitimate first births is thus primarily a problem for teenagers."

A report by Dr. Lawrence Podell on Families on Welfare in New York City states that 25% of mothers on welfare became pregnant when they were sixteen years of age or less and half were pregnant before the age of nineteen. Two recent studies of unwed adolescent mothers (Frank Furstenberg, Jr., Leon Gordis and Milton Markowitz, "Birth Control Knowledge and Attitudes Among Unmarried Pregnant Adolescents: A Preliminary Report"; Clyde V. Von Der Ahe, "The Unwed Teen-Age Mother," *American Journal of Obstetrics and Gynecology,* May 15, 1969), one conducted among a predominantly white group and the other predominantly black, found that they had been given inadequate knowledge of birth control by parents, schools and the mass media.

The problem is complicated by the fact that most doctors are unwilling to give contraception to teenagers. One study sponsored by the Ortho Pharmaceutical Corporation showed that even with parental consent only 40% of general practitioners and 54% of gynecologists will give contraceptive information to 15–17 year olds.

In most states the laws and regulations governing medical treatment of minors have been construed to prohibit the provision of family planning services without prior parental consent, which in most instances can not be sought for obvious reasons. The result is that many young women receive contraceptives only after having borne their first child. Ladies and gentlemen it is about time we faced reality; reality is the fact that a large proportion of American teenagers are sexually active. Denying them the availability of contraceptives is unlikely to make them sexually less active—it only creates a tangible result of the activity in the form of an unwanted conception.

And the consequences of conception may vary radically according to income. The middle class young woman has greater access to abortion to end the unwanted pregnancy. If she decides to have the child she will have little trouble in placing it for adoption. The poor young woman is much more likely not to have access to abortion or adoption and to be faced with the burden of raising the unwanted child.

The Commission should recommend that all states follow the lead of the few which have amended laws concerning the provision of medical services to minors so as to allow the prescription of family planning and therapy for venereal disease without parental consent.

I believe the foregoing program would substantially control unwanted fertility and substantially reduce population growth, if family size preferences remain as they are now. However, the number of children desired and born per family has varied considerably in the past and there is no guarantee that they will not vary again. Therefore, if this Nation is to establish a policy of population stabilization the Commission must consider the means available to influence desired family size. Since experience has demonstrated that women who are gainfully employed have fewer children and because the Commission acknowledges in its Interim Report that increased opportunities for women are desirable in their own right, I hope your recommendations will include endorsement of at least the following measures:

Federal support of comprehensive child care centers.

Tax deductions for working mothers to cover the cost of child care.

Elimination of inequities in Social Security benefits.

Strengthened policies against discrimination by sex in employment, promotion and pay.

POPULATION EDUCATION

I note with interest that the Commission is sponsoring studies on the subject of population education. I sincerely hope that these studies will lead to recommendations for courses in this field. This was one of the recommendations of President Johnson's Committee that has not been translated into meaningful public policy. The environmental Education Act of 1970 specifies that population dynamics shall be considered a component of courses in environmental education and the Tydings Act contains a section, authored by one of your members, Senator Cranston, to provide funds for informational and educational materials in population dynamics. However, funds appropriated for the Environmental Education Act are generally miniscule and sufficient sums cannot be found under present legislation for the development of adequate materials and courses on population dynamics. The educational money requested for FY 1972 under the Tydings Act is less than $1 million and it appears that this sum will be directed solely toward materials on educating people to use contraception.

For many years the Federal government spurned a role in education. Then, with the shock of sputnik and under the guise of national defense, Federal funds were made available for science education. This concern with science went so far as to provide Federal funds to encourage the establishment of "science clubs". In 1965 the model of the National Defense Education Act was used in making Federal funds available for strengthening instruction in the humanities and arts. In the past two years, legislation has been approved to provide Federal funds for Drug Abuse Education and Environmental Education.

It is time that we designate Federal funds for the development of educational programs in population. These funds should be used for research into appropriate program functions, development of course materials, training of teachers and introduction of suitable courses at the primary, secondary and college levels and in adult and in special education courses.

The range of course material should include at a minimum human sexuality, family life, birth control, population dynamics and relationship of population size to problems of the environment.

I am aware that sex education has aroused strong feelings in some areas across the country but let me observe that unpopularity of any idea among small but vociferous groups does not provide an acceptable excuse for avoiding this subject. One can hardly expect to educate anyone on the subject of population without including the subject of sex.

The Commission on Population Growth and the American Future has a formidable task, but one which could have great impact on history's course. I trust you will have the strength and courage to face the sensitive issues unafraid and to recommend forthright solutions based on merit and not on compromise and expediency.

ALAN F. GUTTMACHER, M.D.

Alan Guttmacher, President of Planned Parenthood-World Population (Planned Parenthood Federation of America, Inc.), is a diplomate in Obstetrics and Gynecology, a member of the faculty of the Albert Einstein School of Medicine, Emeritus Professor of Obstetrics and Gynecology at the Mount Sinai School of Medicine. Until 1966 he was a clinical professor at Columbia's College of Physicians and Surgeons and lecturer at the Harvard School of Public Health. He is the author of many scientific and popular books and articles on contraception, infertility, pregnancies, twining and the history of medicine. His most recent books are *Birth Control and Love* (1969) and *Understanding Sex; A Young Person's Guide* (1970). The former highlights the past and present in contraception and offers a glimpse into the future. In the latter, Dr. Guttmacher, who has been teaching sex education in schools for over 20 years, discusses the physiology of human reproduction and attitudes and behavior related to sexuality.

A native of Baltimore and a graduate of the Johns Hopkins School of Medicine, he taught anatomy at his alma mater and at the University of Rochester. After residency-training he rose to the rank of Associate Professor of Obstetrics at the Johns Hopkins University. Later he became Director of the combined Department of Obstetrics and Gynecology at New York Mount Sinai Hospital, a post held until 1962, when he assumed leadership of Planned Parenthood-World Population, the United States national voluntary birth control organization. He is past President of the New York Obstetrical Society and formerly Chairman of the Central Medical Committee of International Planned Parenthood Federation in

London. He holds honorary degrees from Dartmouth College and Brandeis University.

STATEMENT OF CARL POPE, WASHINGTON REPRESENTATIVE OF ZERO POPULATION GROWTH, APRIL 15, 1971

Mr. Chairman, members of the Commission. I am Carl Pope, the Washington Representative and Political Director of Zero Population Growth, Inc. ZPG was founded two years ago, to fill the need for a political, grass roots organization concerned about the problems posed by population growth for the quality of life in the United States. ZPG now has over 32,000 members organized in over 350 local chapters all over the nation. It is ZPG's goal to work through political action and public education to achieve population stabilization in the United States, and eventually, through a world wide network of similar but independent organizations, to end global population growth as well. As a first step in that direction concerned citizens in Canada have recently formed ZPG Canada.

The lack, as late as 1969, of a single mass membership population organization is evidence of a long standing failure in this country to take seriously the idea that a finite land mass with finite resources could and should support only a limited and stable population. With due respect to all those who worked to bring this Commission into existence, and to you who have served on it for the past nine months, I am afraid this Commission is still further evidence that our past complacency has not yet been shaken. This Commission has been assigned an immense, an impossible task, and given a very short period of time and very limited resources with which to work. This Commission has been asked to work on problems which effect nearly every sector of American society, and to provide guidance of those sectors as to the *facts* concerning the impact of population growth on their work. This should not be necessary. The Department of Transportation has available to it, through the census data and its own research capacity, the ability to build into its planning processes the relationships between population growth and its mission. If it has been left up to this Commission to do this job, it is only because DOT is still not willing to take population seriously.

So ZPG had hoped that the interim report of this Commission might make a major contribution towards forcing this country to take population seriously. The Commission clearly takes it seriously; the rhetoric is all there, and the call for a National Population Policy represents a major step forward. But we are concerned that statements by the Commission that population is important, and scientific data illustrating that point, are not adequate to this task. The Commission will not be able to place population where it belongs, as one of the major items on the national agenda, until it recognizes and deals with the fact that the major obstacle towards population policy has been not the absence of scientific information or evidence, but rather the existence of a set of established traditions and folk beliefs incompatible with the scientific evidence.

The interim report touches on this issue; it tells us "these are new times, and we have to question old assumptions and make new choices based on what population growth means for the Nation today." It goes on to question some of those old assumptions. But nowhere does it provide a framework of new ideas which should be substituted for the old, a new set of working assumptions to guide us in the future. ZPG strongly urges the Commission to remedy this deficiency in the final report. However valuable the scientific knowledge you gather and organize, if the Commission does not confront directly and challenge the growth ethic, it will have failed.

Let us look, one by one, at some of the key assumptions in the growth ethic and their treatment in the interim report.

The first is the belief that infinite growth is possible, that manifest destiny for the United States has a quantitative dimension without bound. The interim report even fails to include the simple statement that eventually, at some future date and level, population growth must cease. Various scientists have addressed themselves to the dismal question of just how crowded an ant heap it might be possible to support on this planet. But no reputable authority has questioned the existence of some limit. Even those who confidently and unscientifically point to space travel as the answer are admitting some limit to the growth of population on this planet. The Commission, in its final report, will have to deal with the question, "When should growth stop?" It is unfortunate that it did not make clear to the public that this, indeed, is the question, not "Will it stop?" For the failure to make clear to the public which are real choices and which are simply facts of life will weaken the impact of your recommendations.

The second fallacy of the growth ethic is that we need not apply to the human species the concept of "carrying capacity" because man's technology somehow makes him immune to normal ecological limits. In line with this fallacy, the Commission repeats the misleading allegation that "rapidly rising levels of per capita consumption and technological mismanagement appear to contribute more to environmental pollution than does a gradual increase in total population." I call this statement misleading, because it rests on a scientifically unjustified belief that in an interacting system certain elements may be defined as "root causes" and certain as "intensifiers." This is equivalent to the assertion that when we multiply two by three to get six the two is the root cause of six, the three merely an intensifier—or vice-versa.

The United States is in serious environmental trouble. Ecological systems are not coping with the stresses imposed on them by the present human population, and as a result we are witnessing progressive deterioration of air, water, land and our own internal biological and genetic environments. There are three elements in this system. The first is the number of people; the second is the impact which each person has on the ecosystem; the third is the system itself, with its other species, feedback mechanisms, and natural stabilizers.

Overpopulation is not a new phenomenon. We have a great deal of historical data on the response of societies which began to exceed their carrying capacities, through increased population, increased consumption, or a combination. And the evidence is overwhelming; human societies which begin to exceed their carrying capacity do not voluntarily reduce consumption. They try to increase the carrying capacity by simplifying the ecosystem, by eliminating competing species, by replacing diversity with monoculture. We are doing this today when we justify DDT, the substitution of new varieties of seeds for traditional ones with higher resistance to disease, or the replacement of forest with cropland, in terms of the need to provide for growing populations without cutting back on our standard of living.

The long range results of such simplification are disastrous; monoculture is unstable, as the Irish found.

So that while it is true that the concept of "optimum population" is incomplete, in that we need to define what we are optimizing for, we know more than is outlined in the Commission's interim report. The Commission has been charged with considering the American future. The overwhelming bulk of historical evidence indicates that when nations face the choice between curtailing consumption to preserve the environment or letting rip, they let rip. Today when we make our decisions we build in a social discount rate of about 10% to indicate just how much we will ignore the interests of the future when they conflict with our own economic well being.

So it seems that a minimum definition for optimum population is one which permits the long range maintenance of high standards of living. In environmental terms this means a population small enough that high levels of per capita consumption do not jeopardize the environment of the future.

And I think the Commission should tell the American people, clearly and in no uncertain terms, that many reputable scientists believe that our population has already exceeded this optimum, that we must either accept a lower level of consumption in this generation, or seriously damage the hopes of future generations for even decent standards of living.

And in order to convince the public of this, the Commission will have to deal forthrightly with the basic biological facts and with the concept of carrying capacity.

There is one other element in the growth ethic. That is the isolation of population as an element of society, the treatment of growth as something which occurs outside the normal social matrix. The crucial result of this isolation is to distort the class composition of population growth. Social power rests largely with the middle and upper classes, yet these groups have for a long time shirked their responsibility towards population by asserting that population growth was largely due to the poor. Statistics simply do not bear this out. The poor and the near poor, who are twenty percent of the population, have thirty-two percent of the births. And for many of these families it is not poverty which has led to large families, but large families which have led to poverty. Even if the poor had only the average number of children, total births would drop by about one-eighth. A much smaller change in the fertility patterns of the middle and upper classes would have a larger effect.

Yet it has become clear to ZPG, through the work of our chapters, that very few Americans understand that fact. A population policy launched without making this fact clear will be a population policy based on false premises, and doomed to fail. Worse, it will be a population policy tailor made for abuse. We hear talk of genocide. It is not accurate to equate population stabilization, or ZPG, with genocide. But it is facile and immoral to discuss population policy, as the interim report does, with no discussion of basic demographic data bearing on these fears and problems. Ignorance or silence will only serve the interest of those opposed to stabilization, or who hope to use population policy against the poor or a minority group. We plead with the Commission to remedy this ommission in the final report.

I would like to digress for a moment to comment on the treatment given in the interim report to the idea of zero population growth. The report takes issue with those calling for immediate zpg, by pointing out the demographic costs involved in any policy intended to balance annual births and annual deaths at once. It is true in this sense that "while there are a variety of paths to ultimate zero, none of the feasible paths would achieve it immediately." But it is not true that the choice is between the accordion of annual birth-death balancing and the model in which we wait seventy years after we achieve an NRR of 1 before we reach our final population. There are many other models which could give us population stabilization at lower than the 300 million postulated as inevitable by the Commission. One which interests many members of our organization would be to work towards an NRR slightly less than 1, and to maintain that level long enough to compensate for the residual growth that will result over the next twenty years from our age structure. In this model the U.S. might reach its maximum population of about 250 million in, say, the year 2000, but then might gradually decline in the next century to our present level of about 200 million.

The costs and consequences of such a route need to be explored; but we do not feel the public interest is served by presenting the public with an oversimplified view of the choices it faces. Very little is really inevitable, and the third hundred million is certainly not.

These deficiencies are mostly of a type endemic to interim reports. There seems to be a rather general unwillingness to foreclose options, to make choices, to present the public with conclusions in such a report. But the task of shaking the country lose from the growth ethic is difficult enough that the Commission should miss no opportunity to inform the public of the full scope of its findings and views. The growth ethic will not succumb easily or all at once. It will never succumb to half hearted attack. Old myths do not die simply because we label them so. The public needs a comprehensive, incisive, integrated view of population growth, one which probes to the farthest extent of our knowledge instead of hanging back on safe and proven ground. The members of Zero Population Growth will be looking to the final report of this Commission for such a presentation.

On their behalf I would like to thank you for this opportunity to appear.

TESTIMONY OF DAVID O. POINDEXTER, BEFORE THE COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE, APRIL 15, 1971

Chairman Rockefeller and members of the Commission: My name is David Poindexter. I am appearing as a representative of the Population Department of the United Methodist Church. This Protestant denomination, composed of nearly 11 million members, is clearly on record on the population issue by vote of its delegated representative body, the General Conference, meeting in session in St. Louis, Missouri, April 25, 1970. I have provided an adequate quantity of copies of the United Methodist Population Crisis Resolution for distribution to Commission members and staff.

UNITED METHODIST POPULATION RESOLUTION

The following summation of the resolution details a few of its salient points. The resolution recognizes the population problem as a religious and moral concern and calls for action by church, government and individuals. It underscores the small family norm as a means for arriving at population stability and thus protecting the quality of life. The resolution further notes that, in planning their family, a couple should recognize that families with more than two children contribute to the population explosion. The need to remove the regulation of abortion from the criminal code, placing it instead under regulations relating to other procedures of standard medical practice is indicated. Abortion would be available only upon request of the person most directly concerned. Further, the resolution asks that remaining legal and administrative restrictions on voluntary sterilization be removed and that the individual, after counseling, be given the right to decide concerning his or her own sterilization. The Methodist Population Crisis Resolution underlines the importance of research both on methodology and motivation.

OTHER PROTESTANT DENOMINATIONS

A considerable number of other American Protestant denominational bodies have adopted resolutions relating to population and family planning. These denominations represent additional millions of U.S. citizens. Without detailing these other resolutions, which I understand will be supplied to the Commission, suffice it to say here that a substantial part of the American religious community, through delegated representatives, has called for positive action on the population/family planning issue.

THEOLOGICAL PREMISE

It should be understood that, when the church addresses itself to the problems of overpopulation, it does so from a theological perspective. The following is indicative of the theological wellsprings of our concern.

The biblical injunction to be fruitful and multiply has been widely observed. This is perhaps the only commandment man has ever fulfilled! However, it is imperative that we understand what "fruitful" means. The following homely analogy may be helpful: An orchard with 100 well-spaced trees loaded with large luscious fruit may said to be fruitful. The same plot of ground crowded with 1,000 malnourished, parched, spindly trees with little fruit production, by no stretch of the imagination can be said to be a fruitful orchard.

The Judeo-Christian tradition has emphasized the doctrine of creation. But increasingly we understand the Creator to be one who is concerned with the quality of life for each baby born, not mere quantity.

DOCTRINE OF DOMINATION

Another major religious doctrine relevant to the question of population is the doctrine of domination. This is nowhere more clearly noted than in the eighth Psalm with the words, "O Lord, our Lord, how majestic is thy name in all the earth. . . . When I look at thy heavens, the work of thy fingers, the moon and the stars which thou hast established, what is man that thou art mindful of him, and the son of man that thou dost care for him? Yet thou has made him little less than god, and dost crown him with glory and honor. Thou has given him dominion over the works of thy hands; thou hast put all things under his feet, all sheep and oxen, and also the beasts of the field, the birds of the air and the fish of the sea, whatever passes along the paths of the sea. O Lord, our Lord, how majestic is thy name in all the earth!"

In commenting upon the matter of dominion in this Psalm, the standard reference book the *Interpreter's Bible*, notes: "Man's power over the lower creation is not only a fact but gives him a high moral responsibility."

The religious concept of stewardship is fully involved in this matter of dominion. Man is clearly accountable for the manner in which he exercises responsibility over all creation. This means man's numbers must not swell to the point of destroying other creatures and resources—and even meaningful life for man himself.

MORE THAN TWO CHILDREN AGAINST THE WILL OF GOD

Overpopulation with its consequences of hunger, disease, crowding, resource exhaustion, environmental degradation, unemployment, etc., to say nothing of the deleterious effects on the pool of human germ plasm, is a monstrous thing. *Given the threat that overpopulation poses to the planet as well as to the well-being of all men, to go beyond two children per family is a sin against man and a violation of the will of God for our society.*

The increasing body of data regarding population forecasts and their implications for the quality of human life, in our opinion, underlines the rightness of the United Methodist Population Resolution which in its conclusion calls on us all to act now "that children may not be born to suffer and to experience despair, but rather may be the blessed fruit of love and the hope of a good tomorrow."

COMMENTS ON INTERIM REPORT

I now turn to the interim report of the Commission. We in the church appreciate the labor that has gone into the very considerable task of assembling the data and preparing this interim report. Though the implications of much of the report are troubling at best, and night-marish at worst, we are all in the debt of the Commission and its staff for this report.

RESOURCES

On pages 2 and 5 of the interim report are references to resources. The assumption is made that "the U.S. has the resources, if it chooses to use them, to meet the demands of a population growing at the current rate as well as to correct various social and economic inequities . . ."

At a time when this nation is drawing on food, fiber and mineral resources from far beyond our borders, often from developing nations with inadequate resources, we find this to be a statement that calls for further scrutiny by the Commission and for expert testimony from the field of world resources.

Of all nations, the resource consumption and environmental pollution levels of affluent Americans contribute the largest negative impact to the world's ecology. Citizens of developing nations as a whole, though larger in numbers, do not consume or pollute at anywhere near the level of United States citizens. This fact poses practical ethical challenges to America's population growth as well as to its growing resource consumption.

Garrett Hardin has noted that population multiplied by prosperity equals pollution, and that ultimately the only way to reduce pollution is to reduce prosperity, or population. This is part of the practical challenge.

Ethically, the question to be steadily faced is this: What right do we have to produce a flood of millions more affluent, consuming, polluting Americans in a world of diminishing resources and deprived peoples? Do we have the right to have as many children as we choose, no matter what it does to the quality of life for future generations?

POPULATION POLICY

In our view, it is essential that the Commission arrive at the point where it calls for the stabilization of U.S. population size at the earliest practicable time.

As the Commission has noted, there has recently been a declining birth rate in this country. However, this is not the result of a rationally arrived at national commitment. In the absence of such, there is no guarantee that population growth rates may not rise again. Further, lacking such a policy and national commitment, there are no guarantees that we will close the gap to a zero growth rate and arrive at the two-child family norm for American life.

For example, there is considerable national discussion as well as growing pressure to provide completely free universal health care, free education through graduate levels, and a guaranteed annual income base for all families, perhaps keyed to family size. Parental concerns regarding financial resources for health, education and family maintenance are at present a real factor in limiting family size. Removal of strictures caused by these family financial concerns could measurably increase American family size norms in the absence of a two-child-per-family population policy and national commitment.

NONPOOR WHITES PRIMARY SOURCE OF POPULATION GROWTH

In addition to our vigorous support of the need for a national population stabilization policy, we support the position adopted by the family planning panel of the 1970 White House Conference on Children, namely that: "We recommend a national program to educate all citizens in the problems of population growth, and to develop programs to achieve population stability. Population growth in the United States occurs primarily among affluent and middle class whites, and programs designed to achieve population stabilization should be directed to reducing their birthrate." (Forum 16.)

In considering the impact of existing population as well as of future population upon resources, environment, and quality of life, we have noted well the statement on pages 23 and 24 of the Commission's interim report, to wit: "We regard population growth, however, as an intensifier or multiplier of many problems impairing the quality of life in the U.S."

In light of the United Methodist Population Resolution, there can be *no question* as to the position of our church respecting the magnification of problems arising from population growth.

The Commission's interim report raises the question on page 25 as to whether population stabilization is desirable. In our opinion, stabilization of the American population is not only desirable, it is imperative. We recognize that there are problems raised by the movement of this nation to stability of population size, but in our considered opinion they are not of the magnitude of the problems posed by continuing population growth.

VOLUNTARISM

In this testimony, I would like to underscore the question of voluntarism in any movement toward population stabilization. We concur with the Commission's statement on page 29 that "the best kind of national population policy would be one that serves the general welfare by promoting informed individual choice." In the implementation of such a policy, the United Methodist Church is prepared to devote considerable effort in the area of citizen education and the mobilization of an informed public opinion regarding the population issue. In fact, we are currently devoting substantial energy in this direction.

INTERNATIONAL CONTEXT

Finally, although this is a commission brought into being to deal with the American scene, nevertheless the international context within which population growth occurs cannot be ignored. It crops up in the report in discussions of immigration and in discussions of resources. Our national destiny cannot be separated from a world heading for a doubled population sometime during the decade following the turn of the century. It is imperative that attention be paid to our national impact on world resource consumption and environmental degradation. The example which this nation sets in the world can help turn man's direction from self-destruction to survival of our species at a level ensuring a truly "human" existence.

International agronomist and Nobel Peace Prize winner, Norman E. Borlaug, has repeatedly referred to the monster of population growth. The world, with the United States in a position of foremost leadership, stands at a crossroads. The flood of population growth both in this country and around the world threatens to engulf us all, together with all that we hold dear and valuable. In the words of the United Methodist Population Resolution, "A full-scale effort must be made to stem the flood."

Statement by Phyllis T. Piotrow, Population Crisis Committee, Before the Committee on Population and the American Future, April 14, 1971

Mr. Chairman and Members of the Commission on Population Growth and the American Future: I appreciate this opportunity to make a brief statement on the direction which I believe United States population policy might take in the coming decades. There are many complex issues involved, but I would like to raise just one point today and recommend a single area in which I believe the Commission could perform a significant educational role.

There is increasing evidence from many quarters that girls in their teens are not emotionally, psychologically, socially, or economically ready for pregnancy and motherhood. Teenage pregnancy—to put it bluntly—is often a disaster, for the teenager, for the family, and for the baby.

The table on the following page gives the very simplest statistics on teenage reproduction. More than 15% of American births in the 1960's were to teenage mothers and the percentage increased through the decade. During the 1970's there will be even more teenage girls in the U.S. population than was the case in the 1960's. There is, therefore, every likelihood that the number and percentage of births to teenagers will also increase unless a genuine effort is made to reduce that number.

Why should such an effort be made?

What are the disadvantages of teenage reproduction?

On the health side, it is known that maternal mortality is lowest at ages 20 to 24 and higher both before 20 and after 25. Perinatal and infant mortality seems to follow a similar pattern.

From the social and psychological point of view the hazards are even greater. Illegitimacy is higher among teenagers, and it was estimated recently that about half the teenage brides are pregnant at the time of marriage. A recent study by Oppel and Royston at Johns Hopkins suggests that, even controlling for race, socioeconomic status, parity, and birth weight, mothers under 18 are less likely to remain with their children and "less likely to rear their children in families rated by social workers as healthy. . . ." Their children are more likely to have behavior problems, to be underweight, short of stature, and lower in reading grade level and IQ.[1] There is an increasing amount of research under way today on the other, potentially damaging, aspects of teenage reproduction.

What of the economic future for the teenage girl who has a child? Whether she is married or not, whatever arrangements can be made for care of the baby, she is at a continuing disadvantage in pursuing her own education or career. The first child makes a greater difference in the life aspirations and opportunities of a teenage girl, or a teenage couple, than later ones. Disadvantage for the mother, the child, and even for succeeding children persist long after the teenage years are past. The pregnant high-school or college dropout—even if happily married—is handicapped in ways she cannot easily surmount. In a society where employed females at all educational levels are paid substantially less than males and where poverty predominates in female-headed families, the teenage girl, black or white, married or unmarried, rich, middleclass, or poor, is mortgaging her future by too early reproduction.

Without being able to offer any array of statistics or an immediate, comprehensive program to solve this problem, I would nevertheless like to suggest most seriously that the Commission, in its broadly educational role, give increased study, consideration and emphasis to the disadvantages of teenage reproduction. These disadvantages affect the mother, the child, and society as a whole. Not only illegitimacy, not only births in the poverty sector, but all births to females under 20 might better be delayed.

One of the difficulties of a population policy is the lurking suspicion of ulterior motives: that one socioeconomic, ethnic, or racial group may be trying to dissuade the others from childbearing. In the case of teenage reproduction, no one can make such an allegation.

Surely, those persons most likely to have a strong affection and unselfish motivation toward any potential teenage mother are her own parents. I doubt that any parents, rich or poor, black or white, old or young, however many children they may have or want themselves, would want their own daughters to begin motherhood until they are emotionally, educationally, and psychologically ready. I also see many signs that teenagers themselves, far from resenting help, would themselves welcome assistance in avoiding the tragedy of premature reproduction.

The suggestion implied in the Commission's Interim Report is that a 2-child family, with no unwanted children, might be a suitable American goal. I would like to qualify that implication by suggesting that a broad area of educational, legal, and scientific initiatives designed to encourage and help teenagers postpone reproduction would also be beneficial—not only demographically but also individually. Such a program would not need to be targetted toward any specific group but rather toward all teenagers and all parents of teenagers. In other words, to make it very simple, I would summarize and amend the Commission's Interim Report as follows:

Two are plenty—
But *none* before twenty.

TEENAGE REPRODUCTION

[Numbers by thousands]

Year	Number of annual births	Number of annual births to females 15–19	Percent of annual births to females 15–19	Number of females 15–19
1960	4,258	587	13.8	6,652
1961	4,268	602	14.1	6,839
1962	4,167	600	14.4	7,395
1963	4,098	586	14.3	7,678
1964	4,027	586	14.6	8,046
1965	3,760	591	15.7	8,395
1966	3,606	621	17.2	8,804
1967	3,521	596	16.9	8,786
1968	3,502	591	16.9	8,946
1969	3,571			9,145
1970	3,718			
1971				9,628
1972				9,859
1973				10,023
1974				10,169
1975				10,253
1976				10,386
1977				10,420
1978				10,409
1979				10,354
1980				10,220

Sources: U.S. Bureau of the Census, "Current Population Reports," U.S. Department of HEW, "Monthly Vital Statistics Reports".

Testimony for the Commission on Population Growth and the American Future, April 14, 1971

Thanks to someone for the opportunity to testify today. I am Wilma Scott Heide, a behavioral science and human resource consultant. For further identification, I am Chairwoman of the Board of Directors of NOW, the National Organization for Women, Inc. and a Pennsylvania Human Relations Commissioner. NOW does not speak for all women but does speak to and act to achieve the potential of all women and girls to determine our own lives socially, psychologically, politically, legally, economically, religiously, educationally, and reproductively if and when *we* choose.

My purposes today are several. The first of these is to demythologize this commission of any notion it may have that United States and its government has no population policy. There is a population policy implicitly by omission and explicitly by practices and applied belief systems. The objective for this commission should not be to develop a policy of population control because control of someone else is inherently anti-life, a denial of civil liberties and negates the potential of self control. The issue for this commission to confront is freedom of choice and creating the cultural climate and therefore policy where operational choices are more real than apparent. Today, the reverse is true: in euphemistic terms of "family-planning" the choices are more apparent than real. By the time prospective parents plan (if indeed most do at all) for family size, the ballots are all but marked especially for most women from pervasive pro-natalist conditioning.

---

[1] Wallace C. Oppel and Anita B. Royston, "Teen-age Births: Some Sociological, Psychological and Physical Sequelae," Johns Hopkins School of Hygiene and Public Health, October 29, 1969 (mimeo.).

In the interim report of this commission, I noted four brief examples of surface awareness of the changing roles of women and relevance of this to population issues. Let me first note these instances then analytically critique the conceptualization manifested, sensitize you to the depths of sexism and finally suggest alternative orientations and affirmative actions to achieve supportable quality population in a free choice society.

Example one on page 22 states: "Changes in family size will have far-reaching significance for a variety of social processes, not the least of which is the role of women in our society." The sequence is backwards; first we affirmatively must change (not merely note the slowly changing role of women passively) and then family size will change.

Example two on page 29 implicitly acknowledges the effects of the suggested reversed sequence in *other* countries: "As the experiences of other countries indicates, *when* women are able to work, birth rates decline (emphases mine). A minimal two observations are imperative: 1. Women have always been *able* to work, it's the kind of and rewards for work that are limited in *this* country; and 2. the profound potential of this effect for this country are virtually unexplored elsewhere.

Example three on page 22: "Reductions in family size imply that women will spend less time in childbearing and child rearing activities and thus have more time available for work on other interests." Again, the sequence of "other interests" and motherhood roles needs to be reversed and of equal importance: the traditional assumption of mothers as primary child rearers leaves unexplored the potential reality of fathers as primary child rearers. The euphemism of "the changing roles of women" must become the affirmative "*changing* the roles of women" and for that we must change the roles of men.

Example four on page 25 states: "The Commission views population policy not as an end in itself but as a means to facilitate the achievement of other social goals desirable in their own right. Such goals would include improvements in the status of women, . ." This goal is laudable, benign—and patronizingly insufficient. The goal of this Commission and this Country must be *equalizing* the status of women and men. We who are feminists are wary of population policy developed by this Commission and this Country that represents further control by a male-dominated and male-oriented society over female reproduction and life styles.

The makeup by sex of this Commission (only 4 of 24 members are women), the near absence of any feminist viewpoint, and the known exclusion of at least one feminist with other credentials recommended for this Commission membership does not hearten us. In short, we see evidence one more time even here that women will be acted *upon* not acting *in* our own right *upon* the cultural climate and decisions that affect our lives. For one of thousands of examples of just the subtle let alone blatant ways that women are acted upon rather than acting in own right, I ask to append to my testimony the study of Dr. Robert Seidenberg entitled: "Does Misogyny Sell "Mind" Drugs?" If you wonder why I include a study by a man in the light of my previous critique, there are two reasons: 1. The study has intrinsic significance; and 2. I am aware the Commission may not be immune to the still current and documented phenomenon that equally excellent endeavors by women and men are unequally valued in favor of men.

Next, as promised, I want to share with you a little of the pervasive depths of sexism. The voice and accurate image of woman as a person has largely been absent from discussions and decisions that create and determine our being in common with men. Except for the purely biological, there are *no* women's interests and men's interests and human roles. Women must be socialized to speak and act with knowledge and confidence on resources, population, pollution, religion, space exploration, law, health care, education, politics, family forms and styles, finance, existential philosophy—*everything*. Our androcentric society is neither whole nor healthy without the significant participation and leadership of the other half of the population. Women have been the real 'silent majority' in this country. We will be silent and falsely modest no more. We will never again accept the status of "barefoot in the winter and pregnant in the summer."

On the question of overpopulation and the quality of our social and total environment: no matter how safe, effective, and universally available is any contraceptive method for women *or* men, women will continue to be reproducers of excess children and exploited by the consumership role instead of producers of ideas, inventions, art, and leadership *unless* they have viable significant alternatives to motherhood as their raison d'etre from the second of birth. Overpopulation may well be a problem of identity, motivation, and psychological oppression. Women's liberation/rights as possibly the most profound social movement ever is raising the consciousness of girls and women to the potential of personhood. If you would opt for quality population you must adopt this human liberation movement which will, in the process, emancipate men from dehumanizing expectations for their personhood.

Thus, NOW speaks to the imperative of your addressing yourself to the double standard of behavioral expectations and sanctions of approval or disapproval. The double standard includes and transcends the "bedroom routine." It's often called the male-female "game," and you better believe placing the male first reflects the reality of priorities, prerogatives, and privileges. The "game" itself might be called "Sexroll Stereotype." That's the existential reality; later, we'll come to the potential of alternatives. What we see too frequently is actually a female life career of protection of the fragile male ego that may not withstand the jeopardy of reality. Protection and perpetuation of a fragile ego will never strengthen it.

Rather recent research with mental health practitioners revealed and documented that clinicians view as healthy, "normal," and indeed ideal in women those traits which would be considered immature for men and adults of unspecified sex. Thus, healthy women are judged to be more submissive, more easily influenced, less independent, less adventurous, less competitive, less objective, more easily hurt, etc. than healthy men. Furthermore, stereotypically labelled "masculine" traits of an opposite nature are generally perceived as more socially desirable than stereotypically "feminine" traits.

There are highly trained clinicians simply reflecting society's myopic devaluation of the female. Further, the practitioners' views of the ideal for mature humans, sex unspecified, were virtually identical with ideals for men. 'Twas ever thus, man and human are synonymous, and women are "the other" with a separate standard that is considered deviant in terms of personhood. In fact, we women who exhibit human interests and abilities for "man's" world are accused of wanting to be or act like men (what superb arrogance!). We are cautioned in thousands of ways to wear "feminine" clothes, perfumes, and never be assertive. That's a man's unique prerogative! Hogwash! Women are people; that's all you need to remember, and then my thoughts make sense. All traits except biological-physiological are human traits.

In child rearing: The sex-caste role stereotyping in the minds of expectant parents: in the husbands who wish/demand a boy child—or a girl who will be "pretty"; in parents who prepare girls for marriage and motherhood from second one, and boys for occupational achievement as if their social parenthood would never eventuate; in visiting friends and relatives who ask little girls about dolls and their appearance, and little boys about what they want to do and be when they grow up. The whole socialization of most girls assumes their major identity will depend on their sex and its use (and abuse), on whom they may marry and mother, with any identity of their own as a secondary or tertiary, maybe sometime, kind of insurance "just in case," as long as we get home in time to make dinner and can find a baby sitter. It's not that girls don't ever aspire; their motivation to grow up as authentic persons is subtly subverted in thousands of ways by kinds of toys, by patronizing, by disparagement of ambition and usually entrapment in the "feminine mystique," while boys are pressed to the "masculine mystique" that sanctions violence as the final assertion of "manhood" and nationhood which turns out to be synonymous with "manhood."

Now (if you'll pardon the expression), in dating and marriage, the sex role caste system is finally epitomized in the expression: "A man and a woman marry and they become as one—and that one is the man." Mary Jones marries John Smith; she becomes Mrs. John Smith. Take away the "Mrs." and not surprisingly people literally wonder: "What ever became of Mary Jones?" Sociologist Dr. Jessie Bernard, who told me she's only recently becoming liberated, writes in the April 1970 The *Futurist*: "Marriage was not and is not, I repeat, a good status for women, at least not as it has been institutionalized in the past."

In the family still presented as "*the* ideal," the sex role stereotype assumes that the ability to bear children confers the ability to rear children and that maleness disqualifies men for the major role in that regard. Also, it seems the possession of a uterus uniquely qualifies women for housework, and the generally superior muscles of men disqualify them. Women carry their child twenty-four hours a day for nine months before birth: men could carry them more afterward. The breadwinner role is for people; take away the unequal opportunities for men, then women will commit themselves to employed work full time, part time, or alternate times and provide more options for men. What women need is "wives", but husbands can be socialized to this role and still be genuine males.

In organized religion and most scripture, the male godhead, male savior, male priesthood, the fatherhood of god and brotherhood of man surely ignores the very presence of "Adam's Rib," except as an afterthought to serve men. In fact, Judeo-Christian civilization has taught women to believe they (symbolically through Eve) are the source of original sin and then offers a male-dominated religion as women's salvation. It's incredibly misogynist, but, tragically, many women believe it and thus is perpetuated the self-fulfilling prophecy of self-hate, self-doubt, and distrust of other women and the slave mentality (predictably) of many women.

In education, this self-doubt and the limited self-aspirations of women is projected by some women teachers to children in countless acts of rigidity, attention to trivia, and unimaginative teaching. Further, children are tracted by sex so that girls take home economics and interior decorating and boys take industrial arts and architecture, regardless of individuality. In higher education, ratios, quota systems, fellowship and scholarship awards favor the male in direct ways and negative attitudes of faculty and staff discourage women in more subtle ways. We decry the foot-binding of Chinese women, but the direct and subtle mind-binding of U.S. women may be even worse.

In politics, women are beginning to refuse the housekeeping chores and demand leadership roles, but they have few other women as role models. In the law and government, the legal (and illegal) discrimination against and exclusion of women from leadership roles is unconscionable. Basic constitutional equality for women is still being debated in Congress 48 years after the idea was introduced, and even then it was 147 years overdue. I testified before white male Senators on that issue in May and September of 1970 and find it an outrage to plead one more time for what is a birthright of every male. This country can't even ratify parts of the United Nations Convention because of our social backwardness regarding women's status.

In our economic institutions, women as workers are still not taken seriously, though we comprise over 30 million workers, but with less status every day. Indeed, over 60 percent of the poor children in U.S.A. are *completely* dependent on the earnings of women and more would be poor if women didn't work even at low-pay jobs. Equally qualified women make 58 percent of counterpart men. Turnover and absenteeism of women is less than men if we hold the level of job responsibility constant. On illegal sex-segregating of jobs and employment want ads, we say: There's only *one* job for which *no* woman is qualified—sperm-donor; there's only *one* job for which *no* man is qualified—human incubator. (Period)

On job performance, some women exhibit a kind of pseudostupidity because it's expected of them just as it has been of black people. Women will not be free adults until they expect and develop the capacity to be economically independent, whether or not they exercise the ability.

In the mass media, the image of woman as a person is absent or distorted but seldom authentic. The role models presented for our daughters either project the idea that the brand laundry soap or deodorant or bowl cleaner is priority number one, or that the concern of every adult female is to be a "sex goddess." If those images are correct, families and the country are in trouble; if incorrect, as I am convinced, then the media are doing a public disservice, though they're licensed in the public interest. Where are the women announcers, commentators, experts in every field of human endeavor who may also be wives and mothers? Indeed, the systematic exclusion of women from broadcasting in media publicly licensed in the public interest is a denial of our civil rights and our civil liberties right of free speech under the First Amendment as it applies to the public forum. I am urging broadcasters, the American Civil Liberties Union and this Commission to act affirmatively on these documented assertions. To women, I would advise: You've not come a long way, baby, not so long as the nation is not outraged by the symbolic reference to over one-half the adult population with a term appropriate for an immature organism.

In our language, women are disadvantaged. Woman, she, and female are derivative words for people who are not derivative except from our parents. The history of black people in the U.S.A. has been omitted and/or distorted in our texts. A black friend of mine studied this a few years ago and was absolutely amazed to see the omission and ridicule of women in history. Even the word bothers me. Why his-tory? Where is her-story? Or better yet, their-story? The use of the word "man" and "men" for people is not so generic as we're told—very often it means what it sounds like: male(s).

One must wonder if the imagelessness and voicelessness of women is not at the heart of the aggression of men. It is men who cannot free themselves of possessive mothers, who cannot accept another woman—any woman—as equal rather than someone omnipotent and threatening. Interestingly, it is women unwillingly imprisoned at home who can't let go of their children and who work out frustrations especially on their sons.

It is women who prefer something other or additional to motherhood who have children with three times the emotional problems of other children. It is mothers who have internalized the pro-natalist conditioning and have no alternatives who live motherhood as an obligation, not a choice. Those mothers and fathers who truly care about children, not just self-extensions, often adopt the homeless who already overpopulate this planet. It is fathers who see fatherhood as proof of virility and parenthood as opportunity to dominate who need to be freed of any obligation to procreate and then to support, often begrudgingly, and thus produce more reluctant parents. The pro-natalist stereotyped socialization of people is counter-productive of quality people.

The first thing to know about any society and indeed this Commission is: "What does it take for granted as natural or 'the givens'?" If it assumes a current status quo to be natural and therefore right, appropriate and to be conserved, it's probably in trouble. Certainly, I think, a society such as ours underrepresented by men at home and even more significantly and underrepresented by women in public affairs is unbalanced and obviously sex role and caste stereotyped. Such is the nature of sexism. If the current continuing sexism of the ages in today's form is accepted as natural, then we may never learn the vital facts about what our society conceives as possible, what it envisions as a humane development of everyone's potential. Our visions indeed go beyond feminism to a hybrid model of equality.

The first human inequality was sex inequality. Once the idea of any inequality was ever sanctioned, other kinds of race, national, religious, and other inequalities were doubtless inevitable and predictable. Remove this basic inequality, and the energy released from sex role game playing will delight us all. I was at a feminist theatre and an art show recently. The release I saw in that theatre and the works of art therein reminded me once again, as I've seen with black art, of how much we need the energies, talents, and insights of people as we truly are: black, white, female, male, old, young, poor, and affluent.

Finally, I want to insist on some alternatives to society's orientations to this Commission and some affirmative implementing actions you can take beyond these hearings and catalyze others to initiate. In making these suggestions, please know feminists are not advocating unisex, we are creating unipeople; to stereotype people by sex, race, class, nationality or religion is to deny individuality and polarize groups. In all candor, I think this Commission needs to be reconstituted to balance women and men in membership including feminists of both sexes. Should this indeed be legally impossible, feminists as consultants are a sine quonon.

Truthfully, I have no desire to embarrass anyone here today. Even less can I, speaking for NOW, countenance the continued exclusion and oppression of our sisters and our daughters as irrelevant objects to be acted upon and only tokenly relevant participants in public policy. The subtle artificiality of the pedestal is an unacceptable substitute for our personhood.

Specifically, I would recommend that you act affirmatively to use your good offices to publicly legitimatize and specifically support the women's rights and liberation movement as of tremendous potential for this Commission's objectives and vice versa. For instance, there are countless basic and action research projects this Commission could initiate and/or support. Until two months ago, I worked as a behavioral research scientist and suggest my particular recommendations might better be a function of your past-hearing action. For a sample, though, you might examine the pre and past women's movement activism of participants in selected communities. This could tease out the effects of raised consciousness on self-concepts and family planning.

What I'm suggesting is less attention to passive demographic studies of society's drift to population patterns, less computerizing of mobility patterns in sophisticated research constructs, less quantification of the consequences of the status quo and its trends. You can affirmatively act to provide free choice and quality population and policy. As you note on page 26 of your interim report: "The sum of individuals' real preferences may in fact coincide with the welfare of society as a whole." I am encouraged by your implied view of abortion law repeal. The issues, of course, is control of one's own body and its reproductive use and thus free choice. Another issue is the unconstitutionality of anachronistic abortion laws enacted before women had the vote let alone even token representation and thus legislation without representation. The human sperm and human ovum singly or in combination are not so rare nor so precious as to supersede the rights of the living woman.

For centuries, women have been told that the hand that rocks the cradle rules the world. That's only the universe of the nursery and even there advised mostly by male sexists. Now, we whose hands have rocked the cradle are using our heads to rock the boat. In proportionate numbers, we intend to guide the ship of state and the world not in hostility to or imitation of men but with a transfusion of new dimensions that values the talents and life experiences of "the other half of the population." Women's rights/women's liberation is pregnant and overdue. We intend to deliver!

You have recognized some of the dimensions of the problem of pro-natalist conditioning and the absence of truly free choice in the known incidences of unwanted children. Every problem is an opportunity for affirmative action. You have a choice: to be part of the problem or part of the solution. It is a tribute to you individually and collectively that I hope you choose the promise, the logic and implementation of an androgynous society and thus share in its reward for America's future population.

Statement of Dr. Robert W. Lamson, Staff Associate, Plans and Analysis Office, National Science Foundation, Before the Commission on Population Growth and the American Future, April 15, 1971

NATIONAL POPULATION POLICY—NEEDS AND REQUIREMENTS

Mr. Chairman and members of the Commission, I appreciate having this opportunity to present a statement concerning the nation's need for a population policy.

Since you have copies of the statement, I am not going to read it, but will, instead, cover the highlights, and then attempt to answer any questions which you may care to ask.

My statement will cover the following subjects:

I. Is there a need for a population policy?

II. What should be the key elements of the policy, and what steps are necessary to implement the policy?

III. What policy research is needed on the population problem?

I. Need for a population policy

Whether we, as a nation, can protect and enhance what we value and achieve our goals will depend on our ability to influence such important factors and trends as:

1. The development and use of technology;
2. The demand for and use of resources and services;
3. The growth of the economy;
4. The creation and disposal of waste products; and
5. The growth, composition and distribution of population, within the United States, as well as for the world as a whole.

At present, there is no explicitly stated, agreed upon policy for these factors, including population, although in the Employment Act of 1946 we do have a policy for the economy and employment, and although the Environmental Quality Act does provide for a national environmental policy.

However, as a government and as a nation, we do make many decisions which influence, by intent and as an unintended by-product, population growth, composition and distribution, as well as these other factors.

Today, we lack reliable knowledge as well as agreement, within the government and among the public as a whole, concerning:

1. What are the problems created by these factors and trends;
2. What goals should we pursue to solve the problems; and
3. What actions should we take to implement the goals?

Since the urgency of a person's action recommendations tends to depend upon how severe one perceives the problem to be, it is extremely important that we clarify and develop consensus concerning the nature of the population problem which confronts us.

We need to develop policies to increase this knowledge and agreement, and to implement actions based upon the areas of agreement.

We need to begin to develop a national policy to influence population size, growth, distribution and composition, along with the other important factors which I have listed, and in conjunction with and as part of our overall national goals and policies.

Such policies can be an ad hoc, explicit, combination of policies and actions taken for other reasons, which is the current situation, or they can be more self-conscious and explicit.

It takes a long time to create and implement population policies, and to carry out the needed research, planning and operational programs.

Research takes a long time and since research results are subject to uncertainty, it is therefore difficult to obtain agreement concerning such concepts and goals as:

1. Stable population—At what level and when?
2. Optimum population—In terms of what variables, values and goals, for example, national security, economic growth, environmental quality?

We therefore need to begin to act now to develop interim population policy strategies, goals, implementing actions and institutions which we can pursue immediately, based on the best knowledge and the maximum current agreement concerning the problem and what to do about it.

And, as we pursue these goals, we should develop the additional knowledge, understanding, agreement, actions and institutions needed for a more comprehensive policy.

We should set up time schedules to complete various population policy goals and actions, including the immediate and longer run goals.

Goals which we could currently pursue with regard to overall growth, while we develop more knowledge and consensus, include the following:

1. Every child a wanted child;
2. A slower rate of growth is better than a faster rate;
3. It is better to have the low than the high projection come true.

The hearings of this Commission, by exploring the nature of the population problem, and alternative goals and actions to cope with it, are helping to provide this knowledge, and thereby, to help create the national consensus which is needed if we are to create more effective and coherent policies for population as well as technology, use of resources and services, economic growth, and creation and disposal of waste products.

II. Key elements and needed actions for population policy

The key elements of a formal, explicit population policy include a statement and consensus on the Problem and on the Goals, Principles, and Means (Actions and Institutions) to solve it.

The following is an outline for such a statement of policy along with suggestions concerning some of the content which might be included.

A. *Problem and Findings:* Population size, growth and distribution, within the United States as well as for the world as a whole, affect our and mankind's ability to protect and promote such values as the quality of human life, of the physical environment (natural and built), and of society.

It is therefore important that we attempt to influence and control the growth and distribution of population, and to do it in such a way that we protect and promote our values of economic well-being, environmental quality, democratic government and individual freedom.

B. *Goals:* The United States should pursue and integrate the following policy goals concerning population growth and distribution, at various levels—international, national, state and local, family and individual.

1. *International Level:* Give assistance, directly as well as through appropriate international organizations, to assist other nations to control their rates of population growth in order, ultimately, to stabilize the world's population at a level consistent with the need to protect and promote the quality of human life and of the natural environment. (Stabilization at what level and when?)

2. *Federal Level:* Develop, encourage and implement the necessary policies, attitudes and actions which will, at a minimum, attain the low population projection, and as soon as possible, stabilize the population of the United States, in a manner consistent with human rights and individual conscience, in order to provide an example to other nations, to relieve the pressure of our highly industrialized, rapidly growing economy on the world's environment and resources, and to make it more possible to protect and promote the quality of human life, of society and of the environment within the United States. (Stabilization when and at what level?)

3. *Federal State and Local Level:* Develop short and long range plans which aim to achieve a desirable distribution of population and related economic activity in order to enhance the social quality of life, prevent and minimize environmental degradation, and encourage economic growth in the disadvantaged parts of the United States.

4. *Family and Individual Level:* Make it possible for every child to be a wanted child.

5. *Total System:* Make the pursuit of these goals, at various levels, compatible with each other.

C. *Principles:*[1] Means for attaining our population policy goals should:

1. Be effective;
2. Be voluntary and consistent with human rights, individual conscience and freedom of choice;
3. Not penalize children;
4. Be consistent with stability of the family;
5. Avoid coercion and compulsion;
6. Avoid raising death rates, for example, through war, famine and disease;
7. Provide for political participation and social and economic justice for minority groups.

D. *Means* (Actions and Institutional Changes) to implement the goals could include the following:

1. Modify laws which encourage childbearing and restrict the availability of family planning information and services,
2. Provide adequate funding, manpower, facilities and institutions for:
   (a) Free family planning information and services;
   (b) Research in the biological and medical sciences related to contraceptive development, as well as the behavioral sciences, policy analysis and program implementation fields related to population control and family planning;
   (c) Trained manpower needed to provide these services and research; and
   (d) Public information and education to communicate the nature of the population problem,
3. Include in all federal, state, regional and local development plans comprehensive analyses of the implications of low, medium and high population projections;
4. Extend positive government programs to improve the status of all women and encourage satisfying roles for women that would be alternatives to motherhood;
5. Create the needed organizational and institutional changes needed to implement these goals.

Since an agreed upon formal, explicit policy concerning population growth and distribution is difficult to state and to achieve, I have included in the Appendix an article, "Federal Action for Population Policy—What More Can We Do Now?", which outlines a range of population policy actions in the area of research, planning and operations which various parts of the federal government could begin to perform now, in an ad hoc fashion. Many of these actions would not require new authority or additional levels of funding.

Such actions should help to develop the knowledge and understanding, the national discussion and consensus needed for a more formal, explicit commitment to population policy goals, principles and actions.

III. *Policy research on the population problem*

The following is a statement which I have prepared for the Federal Interagency Committee on Population Research concerning the population policy research supported by the federal government and listed in the inventory prepared by the Department of Health, Education and Welfare.

---

[1] This outline of Principles and Means is adapted from "Reports and Resolutions of the First National Congress on Optimum Population and Environment," 1970, Topic IV—Governmental Approaches to Problems of Population/Environment, P. 12.

A. *What Is Policy Research?* Policy research analyizes a problem, presents alternate goals and means to cope with it, and indicates, in a form which the policymaker can understand, the probable costs and benefits of the alternatives.

By policymaker, I mean anyone who is in a position to make decisions which affect the future course of history.

In the United States, this includes just about everyone, the legislator and executive in government, as well as the citizen and general public.

In considering policy research, the following nautical metaphor may be useful. If we look at the similarities between the ship Titanic and modern society, we can view policy research as a means whereby a nation or society can steer its way among the "reefs and icebergs of history." The Titanic could have used some radar. As I see it, policy research helps to provide early warning and alternatives for action to enable the social navigators and helmsmen avoid the problems and threats of the future. Policy research also helps to design the steering mechanisms and the rudders to enable a society actually to move in the desired direction.

In sponsoring and performing policy as well as other types of research on population problems, we should keep in mind a number of facts. In any policy area, there will always be uncertainty and risk. We always act without perfect knowledge and perfect certainty concerning what the future will be like if we choose one path or another. The time available to us is short and research is long. Decisions will be made whether or not research is ready and all the facts are in. Policymakers will decide, choose and act with what knowledge they have, in the absence of perfect knowledge, before all the research is done, and in the absence of perfect consensus.

The purpose of policy research is to help the policymaker perceive problems and to choose goals and policies to implement them in the face of uncertainty and risk—risk concerning the benefits and hazards of action, or inaction—uncertainty concerning: 1. what are the facts and risks; 2. what causes and effects are operating; 3. what the future will be like if we choose policy A, B, C, etc., or decide to continue as we are; and 4. what will be the costs and benefits of various policies, for whom and what values.

By analyzing the policy implications of the population problem, we can, it is hoped: outline the main choices open to policymakers; help to reduce the element of uncertainty and risk involved in their decisions; help them to become more aware of the uncertainties and risks, and costs and benefits involved in the choices which they make; and thereby, to make better decisions.

B. *What Population Policy Research is the Federal Government Supporting?* The primary source of information concerning Federal support for population policy research is "The Federal Program in Population Research" an inventory of population research supported by Federal Agencies. Two editions of this publication have been published, the first on July 1, 1969 [2] and the most recent dated December 31, 1970.[3]

The federally supported population policy research projects which these inventories list is as follows:

Feasibility of Research on Effects of Government Population Policies in Eastern Europe; Henry David; American Institutes for Research, Silver Spring, Maryland.

Situation Reports on Population Problems, Policies and Program; Harrison Brown; California Institute of Technology, Pasadena, California.

Goals and Conditions of Population Control; Kingsley Davis; University of California, Berkeley, California.

Population/Economic Growth Analysis and Presentation (for political and economic policy makers in developing countries); Stephen Enke, General Electric Co.—TEMPO Santa Barbara, California.

USIA and Population Matters Abroad; Irving Wechsler; Mildred Marcy, USIA, Washington, D.C.; USIA Intramural.

"Population Growth and America's Future", the Interim Report prepared by the Commission on Population Growth and the American Future, lists the following population policy research projects and papers which it plans to publish.

Congressional-Executive Relations in the Formation of Explicit Population Policy; Phyllis T. Piotrow, The Johns Hopkins University.

Historical Development of Values in the American Political-Legal Tradition Bearing on Population Growth and Distribution; Peter Brown and Institute of Society, Ethics and the Life Sciences.

Present and Future American Ethical Norms as Limits Upon Possible Population Policies; Institute of Society, Ethics, and the Life Sciences.

Population Policymaking and the Constitution; Arthur S. Miller, National Law Center, The George Washington University.

Guarding Against Unintended Consequences of Possible Population Policies; Theodore J. Lowi, University of Chicago.

Outside of government, various foundations and organizations such as Resources for the Future and the Population Council are becoming more active in policy research on the population problem, and the National Academy of Sciences is preparing a report on the policy implications of rapid population growth.

C. *Types of Policy Research Questions:* There are, in general four types of questions in which the population policymaker is interested:

1. *Factual—Descriptive:* What is? For example, how many births, deaths and where?

2. *Factual—Analytical:* What causes produce what effects? For example, why does country X have a slower rate of growth than country Y? Why does group X have a lower birth rate than group Y?

What are the effects of changes in various demographic variables (size, distribution, composition, etc.) on such problems and goals as: urbanization, industralization, employment, health and welfare, education and communications, production of goods and services, natural resources and environmental quality, political structure and distribution of power, intergroup conflict. Each discipline (for example, demography, political science, sociology, psychology, economics, biology, chemistry, medicine, etc.) has a contribution to make to answering such factual questions.

3. *Policy:* Involving answers to the types of factual questions listed above as well as questions about future problems, probabilities, effects, alternatives, benefits, costs, and risks.

4. *Normative:* What policy should we pursue?

The following is a list of questions which need to be asked and answered if policy research is to help the policymaker, and which policy research projects should attempt to answer.

Such a list could serve as a checklist of questions for evaluating past, current and proposed policy research concerning the population problem.

D. *What Policy Research Needs to be Done?*

1. *Alternate Futures:* What range of developments, opportunities, problems and threats confront us, and the world, now and in the future, with regard to population size, growth and distribution, and its relation to:

(a) Trends and problems such as development and use of resources and services, and output of waste;

(b) Values and goals such as national security and international order, protection and enhancement of the natural, man-made and human environment, provision of resource and services, economic development and welfare, political stability, representative government and freedom.

2. *Probability:* What is the probability of their occurrence—under what conditions? (Impossible to inevitable; 0% to 100%)

3. *Effects:* What will be the effects if the problems occur?

(a) *Extent:* To what extent?

When? What time frame? (years, decades, centuries)

Where? What geographic area? (local, regional, national, international)

For whom? What groups and level of abstraction? (individual, family, industry, nation, world, mankind, humanity, etc.)

For what values? Examples?

(b) *Intensity:* How severe?

4. *Priorities:* What priorities should we assign to these events, opportunities, problems and threats?

5. *Popularity:* To what extent are specific groups and the public concerned about these events?

6. *Desirability:* How desirable or undesirable are these events, in terms of what values, and for what groups, and why?

7. *Alternate National Policies:* What alternate values, goals, principles, actions, and policies and programs can we pursue domestically and internationally to influence and control these trends, opportunities and threats, in terms of research, planning and operational programs to:

(a) Prevent the development of the problem and the effect if undesirable;

(b) Limit damage to values if it occurs;

(c) Restore damage done;

(d) Create new values;

(e) Create the effect or opportunity if it is desired?

8. *Feasibility, Benefits and Costs:* What are the feasibilities, benefits and costs—economic, political, social and moral—of each alternative and combination, for whom, in terms of what values?

Which alternatives are desirable and why?

9. *Role of Population Policy:* What is the role of population policy in these alternate national policies?

What goals, principles, activities, resources, policy processes and institutions are and should be a part of our population policy?

10. *Use of Research Results:* What provision will be made to transmit the results of such analysis to policymakers, the media and the public.

11. *Model Legislation and Executive Orders:* What provision will be made to transform the results of policy analysis into model legislation and executive orders at the relevant level—international, federal, state, and local?

In addition to these general questions which population policy research needs to answer, we need to attempt to answer the following questions:

1. What if various alternative projections for future population growth and distri-

---

[2] Ad Hoc Group on Population Research, "The Federal Program in Population Research, a Report to the Federal Council for Science and Technology," Office of Science and Technology, Executive Office of the President, 1 July 1969.

[3] U.S. Department of Health, Education, and Welfare, Center for Population Research, National Institute of Child Health and Human Development, "The Federal Program in Population Research, Inventory of Population Research Supported by Federal Agencies During Fiscal Year 1970", 31 December 1970.

bution (as well as for development and use of technology, economic production and growth, supply and use of resources and services, and waste output) were to come true, the effects would be on the success and costs of our policies:

(a) To supply and conserve resources (land, water, air, food, minerals, energy, timber, wildlife, wilderness, outdoor recreation and park areas, open spaces, natural beauty, silence, etc.);

(b) To provide services (transportation health, welfare, housing, sanitation, education, etc.); and

(c) At the same time, to protect and promote environmental quality, that is, to prevent further pollution of our land, air and water, to clean up what pollution remains, to restore the damaged environment, to rebuild our deteriorated cities and to create new ones; and

(d) To solve these problems within the existing framework of political and personal values?

2. Which, if any, of the various alternative projections for future population growth and distribution should we regard as goals for population policy and the costs and benefits of achieving each? For example, what would be the effects of a stable population?

3. How could we achieve each goal?

4. What would be the feasibility, probable effects, costs and benefits, and methods of achieving each of a range of projections describing the possible future population of the United States, for example:

(a) To achieve population growth in the United States which would increase more rapidly or slowly than is projected;

(b) To stabilize United States (and world) population at less than its present size, or double its present size, or greater by a factor of 2.5, 3 or 4? When, in 40, 60, 80, 100 or 200 years? How?

E. *Needs for Further Research:* Given the current population policy projects sponsored within and outside of government, and given the requirements for population policy research, what more needs to be done?

It is difficult to determine exactly what specific products will result from the population policy research projects listed above, and how they will help to answer the foregoing policy research questions. However, it is probably safe to say that the nation's needs for population policy research will not be completely satisfied nor necessarily presented in a form which the policymaker can easily use.

There will, therefore, be a continuing need to compare the results of population policy research projects with a set of criteria and questions such as the foregoing in order to help satisfy the policymaker's needs for analysis.

We will need to evaluate, on a continuing basis, the needs for factual data and causal analysis which various disciplines can provide.

The following are suggestions concerning needs for specific policy-related research and for improving the system for managing policy research.

1. *Needed Policy Research Projects:*

(a) *Population Growth and National Goals:* Research is needed to analyze the effects of alternate trends in population growth and distribution on the success and cost of federal programs as well as on the capacity of the United States to protect and enhance its values and to meet its goals. This requires us to outline a range of alternate goals in such areas as national security, resources, environment, provision of services and welfare, and to analyze their relation to alternate population growth rates, patterns and policies. Many agencies have interests and responsibilities which are affected by population growth and they should have a role and interest in performing such analysis as well as in publicizing the results through Annual Reports, public information materials and reports on proposed legislation.

(b) *Background Analysis for International Conferences:* The World Population Year is scheduled for 1974 and analysis of policy alternatives and of short and long term initiatives is needed in order to provide for a coordinated strategy of action to cope with the population problem at the international level.

(c) *Zero Population Growth:* We need more research on the consequences and requirements for stabilizing U.S. and world population at various levels and at different rates.

(d) *Computer Simulation:* A relatively unexplored area is the use of computer simulation, visuals and graphics for the exploration of population policy effects and alternatives. For example, Professor Paul Handler, at the University of Illinois, with assistance from the National Science Foundation, has prepared a computer program for a course in demography which is also useful for policy analysis and public education in that it enables a person to make assumptions about demographic variables and then to see the effects of these assumptions displayed visually, in the form of population pyramids and growth curves. Such techniques should be further developed and used.

(e) *Incentives:* We need more analysis of the means to implement alternate population policy goals via various types and combinations of incentives and disincentives. In addition to creating, through biomedical research, more efficient means to limit births, we also need more analysis of incentives to use these means and to limit family size for example, through restructuring the social as well as physical environment. We need analysis of various legal and institutional means such as our systems for tax and social security, and insurance.

F. *Needs For Better Research Management:* If the United States Government is to apply, effectively, knowledge, research and analysis to meet national population problems, goals and needs, then it will have to take a more active role in organizing and managing directed research programs.

We need to analyze the factual, analytic, policy and normative questions involved in our population problems, and alternate goals and means to solve these problems. This requires us to:

1. Outline the types and content of research questions which need to be answered, based on an analysis of:

(a) National problems, goals and needs;

(b) The capabilities and state-of-the-art in various scientific disciplines and fields of technology;

2. Develop research programs to answer these questions.

Policy analysis for the population problem should be based on a program structure of interrelated statements such as:

1. Statement of problem or objective;

2. What we already know and what we need to know;

3. Description of the project and its potential contribution;

4. A projection of requirements needed to complete the project, in terms of time, funds, personnel, facilities, etc.

5. Possible performers.

6. Potential users of the policy research results in government and outside;

7. Provide for ways to transmit, effectively, the results of policy analysis to policymakers, and to use the results of research in policy planning and operational programs, at various levels of government and in various sectors of society.

Each specific project should be related to and fit into a larger structure of research and analysis which integrates the results of specific specialized studies. Page 27 contains an example of such a structured program format.

POLICY RESEARCH AND THE POPULATION PROBLEM

Policy research is needed to analyze:

I. *Problems*

Problems created by trends of such factors as:

Population growth and distribution.

Development and use of technology.

Economic growth.

Supply and use of resources and services.

Waste production and disposal.

II. *Goals*

Alternative population policy goals for solving these problems:

Every child a wanted child.

Make the low projection come true.

Stable population (At what level and when?).

III. *Principles*

Be effective.

Be voluntary and consistent with human rights, individual conscience and freedom of choice.

Do not penalize children.

Be consistent with the stability of the family.

Avoid coercion and compulsion.

Avoid raising death rates.

Provide for political participation.

IV. *Means*

Alternate Actions, Programs, Institutions and Requirements to implement the Goals, via research, planning, operational programs, and laws.

V. *Evaluation*

To evaluate, on a continuing basis:

Our perception and definition of the problem.

Effectiveness of our goals in solving the problem.

Efficiency of our means in attaining the goals.

VI. *Use*

To communicate, and put the results of policy research into the policy process, at various levels (international, national, state and local) and sectors (executive, legislative, the public).

TENTATIVE SCHEDULE OF POPULATION POLICY GOALS

Goals	Year 1971	1975	1980	1985	1990	1995	2000	2025	2050	2075
Population growth:										
Individual family level: Every child a wanted child			×	×	×	×	×	×	×	×
National level:										
Achieve low rather than high projection		×	×	×	×	×	×	×	×	-----
Stability (at what level and when?)									?	?
International level:										
Achieve low rather than high projection		×	×	×	×	×	×	×	×	-----
Stability (at what level and when?)									?	?
Population distribution										
Population composition										

FORMAT FOR POLICY RESEARCH PROJECTS

Number
Subject
Project
Subproject
Statement of problem and objective
State of the art
Project description

	Fiscal year—					
	1972	1973	1974	1975	1976	Total
Requirements:						
Funds						
Manpower						
Facilities						
Institutions						
Time						
Authority-responsibility						
Possible performers:						
In-house						
Consultants						
Universities						
Thinktanks						
Potential users						

Statement of Rufus E. Miles, Jr., at the Hearings of the Commission on Population Growth and the American Future, April 15, 1971

Mr. Chairman and Members of the Commission: Let me begin by saying that the views which I shall express to your Commission are my own, for which 1 assume full responsibility. I do not speak in my official position as President of the Population Reference Bureau.

Your Commission is to be commended for its excellent Interim Report. It presents to the American people in simple, clear terms the marked contrast between the long-run effects upon American society of a two-child family, on the average, and a three-child family. It articulates well the concepts that population growth aggravates our other social problems and that deferring action upon the population growth problem will only make it more difficult to solve later.

It seems to me that it woud be difficult for any thoughtful American, upon reading this section of your report, to arrive at any other conclusion than that the question as to when and how the United States population should be stabilized is of immediate and continuing concern to the people of the United States and their government. This seems to be the direction in which your Commission is heading and, as will be evident from the balance of my statement, I strongly encourage you to keep heading in this direction.

Your Commission is also to be commended for the imaginative range of research projects and papers which you have sponsored and which are due to be published in 1972. These should provide the basis for a great deal of further discussion and some may provide the springboard for further action.

The quest on which you have embarked—that of seeking to determine what policies, if any, the United States should adopt in respect to population growth and distribution—has a degree of importance which transcends the boundaries of this nation. It is unfortunate that the charge to this Commission from the Congress did not more explicitly recognize the importance of the international implications of the population policies which might be adopted—or fail to be adopted—by this nation. The Commission's recent Interim Report, admirable as it was in almost all other respects, virtually ignored the international context within which the population problem should be viewed. I urge the Commission to give much greater consideration to the international perspective during the coming year and in its final report.

In its analysis and determination as to whether population growth is inimical to the American future, the Commission would do well to seek answers to four questions, two of which relate to the rest of the world:

1. Is the population growth of the United States a significant problem for this nation alone?
2. Is the population growth of the rest of the world a problem for the United States?
3. Is the population growth of the United States a problem for the rest of the world?
4. If the answer to any of these questions is yes, what sort of policies should the nation adopt to cope with the U.S. population growth problem?

My statement to the Commission is intended to discuss and express my views upon each of these four questions. Since I have not given as much study to problems of population distribution as to problems of unrestrained growth, I shall deal only very briefly with issues as to where the next 25 or 50 million Americans should live and work.

I. IS THE POPULATION GROWTH OF THE UNITED STATES A SIGNIFICANT PROBLEM FOR THIS NATION ALONE?

I am pleased that the Commission has reached the tentative conclusion that "population growth of the magnitude we have had since World War II has aggravated many of the Nation's problems and made their solution more difficult." I fully agree. I would go a step further and say that we have reached a stage of development where we should be planning a no-growth population policy for the United States.

All of us know that population growth must come to an end sooner or later. As the Commission pointed out, if a three-child average family were to prevail for a century, the population of the United States would reach nearly a billion. I cannot conceive of anybody's wanting a billion people in this country. It is not likely to happen because the American people will find life sufficiently intolerable before then so that they will see that something is done about it. The question is, how long are they prepared to wait and hope that the problem will take care of itself? When will they reach a consensus that this is a social problem, to be dealt with vigorously through both governmental and private action, not a matter to be left in the hands of some uncertain Fate?

Rene Dubos has forcefully expressed the apprehension that man is an excessively adaptable animal—that he can and may find ways of surviving in a steadily deteriorating physical and social environment without taking the difficult steps required to stop the deterioration. Mere survival in these circumstances would be accompanied by a slow diminution of all of our traditional freedoms. This is exactly what is going on now. How many more millions are likely to be added to the United States population before a consensus is reached that we have more than enough?

Additional population will constitute a drag on America's future in four ways: economically, socially, ecologically and aesthetically.

The economic costs of a growing population are high. Economist Joseph Spengler has estimated that 4 percent of our national income—currently equivalent to $30 billion—goes to support our 1 percent per year of population growth in the United States. These funds are used for increasing the investment in plant, facilities, public services, housing, etc., needed to supply more people. That we need these billions to provide more adequately for the people we already have seems evident on every hand. Furthermore, it is becoming uncomfortably clear that we do not fully comprehend how to provide full employment for our expanding labor force without inflation. Population increase can only aggravate this problem. If we turn the proposition around and ask what we would gain from a continued increase in population, the answer is that any conceivable gain in the form of stimulated purchasing of needed products for more people would be most illusory and would be an exchange of short-range advantage for long-range disadvantage. This is exactly what has been going on for some time, and the long-range disadvantages have now accumulated to the point where they are becoming painful. A non-growing population does not mean a non-growing economy. The continued growth in the economy could, with a non-growing population, be devoted to improving the quality of our society—a concerted attack upon poverty, urban blight, and pollution.

The social costs of a growing U.S. population are likewise high. We have built cities which we hoped would be great cities and now find them in decay. We have a society which is so complex and so rapidly changing that we do not know how to manage it. The nature and rapidity of change have been influenced by major social migrations which have disrupted the cities and placed intense psychological strains on those who have sought to find themselves in utterly strange surroundings. Population growth is not solely responsible by any means for these social migrations, but it has enlarged and accelerated the movements from farm to city and from one area of the country to another. Slower total growth rates and an ultimately non-growing population will reduce pressures for internal migration and thus help relieve social strains.

Post World War II birth rates have produced a bulge in our population which is now overburdening our society with a young labor force which we have not learned how to absorb and use. Unemployment rates for young people in their late teens are generally at least double the general unemployment rates and often higher. While in one context this is an economic problem, in another it is one of the major factors in the extraordinarily bad social conditions in many of our major cities, with high drug addiction leading to high rates of crime and violence and these leading to the exodus of usinesses and middle-class residents from central cities.

Bringing fertility rates down to the replacement level will be no short-range solution, but without bringing them down, especially during the 70s and 80s, the social problems we seek to resolve will become more complicated, difficult, and expensive to overcome.

The ecological costs of a growing U.S. population are heavier than most of us realize. As Paul Ehrlich pointed out in the March 26 issue of *Science*, the adverse ecological effects are, in many instances, more than proportionate to the added population. As the richest reserves of our non-renewable resources are consumed, we must use lower grade ores, drill deeper, and increase our investment and operating costs for transportation. Each of these activities increases our per capita use of energy and our per capita stress on the environment.

Increasing food production to meet the needs of growing populations also increases environmental straits disproportionately. The lower the quality of soils used for farming, the greater the requirement for fertilizer to produce a given quantity of food and the greater the amount of power needed to produce the fertilizer. The more good farm land that is paved over and built up for residential subdivisions, the more the farm production problem is aggravated. These and other factors—such as pesticide use—are disproportionately affected by the number of consumers added to our population each year.

There are also certain threshold effects. As Ehrlich points out, "five hundred people may be able to live around a lake and dump their raw sewage into the lake, and the natural systems of the lake will be able to break down the sewage and keep the lake from undergoing rapid ecological change. Five hundred and five people may overload the system and result in a 'polluted' or eutrophic lake." We know far too little about these threshold effects, but the experience of the death of Lake Erie should warn us very strongly that what we don't know in the field of the environment *can* hurt us and *is hurting* us. It is imperative that we put on the brakes in a variety of ways until we find out a lot more about where these threshold effects are. Slowing and stabilizing population is one way of helping to put on the brakes. It should under no circumstances be used as a substitute for imperative shorter-range actions of a very direct nature, but it is an important long-range factor which must not be ignored.

The aesthetic costs of a growing U.S. population are difficult to avoid. It is hard to define in any generally acceptable terms what is meant by aesthetic costs since people's aesthetic sensitivities differ. But in a given amount of desirable living space, the more people who occupy it beyond certain minimal levels, the less their opportunity is likely to be for privacy, the more restrictions must be placed on their freedoms, the more they are likely to jostle each other, and the more psychologically withdrawn or nettled and aggressive they are likely to become. Opportunity for enjoyment of the finest wonders of nature, while temporarily increased for parts of our population through increased mobility, decreases significantly in quality as the Nation's great beaches and parks and other recreational areas become overloaded. No number of additional Disneylands can take their place. Improved aesthetic sensitivity and appreciation will not automatically follow a stabilized population, but the opportunities for their enhancement will be greater when our preoccupation with the strains of growth has abated.

In sum, the United States definitely has a population problem from several standpoints. Population growth has been a causative factor in many of our deepest societal problems without explicit recognition of it. It is time we faced the adverse effects of continued population growth in a forthright manner.

II. IS THE POPULATION GROWTH OF THE REST OF THE WORLD A PROBLEM FOR THE UNITED STATES?

The answer to this question is certainly yes. The momentum of world population growth is so great that if all the nations of the world were to bring their fertility down to the replacement level by 1985 and keep it there, the ultimate population of the world around 2050 would be in the order of seven billion. This is roughly double the present world population. Since there is little or no prospect that we can bring fertility rates down to the replacement level all over the world by 1985, the population of the earth seems headed for a higher figure than seven billion, provided such numbers can be fed and assuming such factors as pollution and social chaos do not set in as upper limiting factors before then. On the basis of current knowledge and known resources, there is little likelihood of achieving a stable world civilization consisting of more than seven billion well-nourished, well-housed, well-educated people at peace with one another. The known resources of the earth are not sufficient to support such a population at reasonable standards of living by Western criteria. Although some additional resources will undoubtedly be discovered, the rate of discovery becomes generally slower and the energy costs progressively higher in dollars and pollution. We must recognize that we are pushing toward finite limits.

What may happen to those regions of the world which are now living barely above the subsistence level when their populations double and then begin to double again is not pleasant to contemplate. The greater the momentum of population growth in the high-birth-rate, low-death-rate nations, the greater becomes the hazards of massive famines and social chaos in those nations. Per capita incomes are very low and climbing slowly; in some years they do not climb at all. Meanwhile, the per capita incomes in the industrialized nations continue to move steadily upward, so the income gap continues to widen. If these trends continue, prospects for a stable world are indeed bleak.

If these trends are to be interrupted and modified for the better, the most fundamental single change which must occur is a worldwide, rapid shift toward low birth rates. It may even become necessary for fertility rates in many parts of the world to come down to sub-replacement levels in the decades ahead if nations now close to the margin of subsistence are to avoid major famines and epidemics and improve the lot of their people.

If such a worldwide shift does not occur, then the kind of world in which our children will be living in the 21st Century may bear little resemblance to that which we now know.

In recent weeks I have been working on a forthcoming publication in which three models of the future are analyzed. Since this publication, which should be available during May, will make much clearer than I can in this statement the outlook for world population growth and its implications, I would like to submit it for your information and record at the time of its publication.

III. IS THE POPULATION GROWTH OF THE UNITED STATES A PROBLEM FOR THE REST OF THE WORLD?

It is inescapable that there will be increasing discussion, both in the United States and in the developing nations, of the comparatively greater significance of each million of the population growth of the industrialized nations because of their high rates of consumption of the earth's non-renewable resources and high rates of pollution of the earth's water, air and land. This is partly a population problem, partly a consumption problem, and partly a straight pollution problem; and these should not be confused with one another.

The rates at which the United States is using both its own non-renewable resources and those of other countries are partly due to population growth and partly due to growth in per capita consumption. It is difficult to make estimates as to how much of our growing consumption is ascribable to population growth, but it seems undeniable that it is a significant factor. At current consumption levels, each additional million Americans is equivalent to somewhere in the order of 30 million Indians. Adding two million Americans annually is therefore equivalent in consumption terms to adding sixty million Indians—roughly as many as India adds in four years. Despite some technical weaknesses in the comparison, it has a high degree of basic relevance. Comparatively speaking, a rapidly-growing, high-consumption, high-waste economy will move the entire world, including, of course, the non-industrialized nations, much closer to either the exhaustion of non-renewable resources or rapidly diminishing returns with corresponding scarcity and high prices.

The argument is sometimes made that increased consumption is good for both the United States and the less developed nations from which the resources come. It is said that only by selling their oil and tin and nickel and other resources to the industrialized countries can such nations have any prospect of gaining the foreign exchange needed to buy the machine tools, generators, and numerous other products of high technology needed for rapid industrialization. This argument has a surface plausibility, but it becomes absurd when carefully analyzed.

On this theory, the greater the purchases of fossil fuels and high-grade ores from non-industrialized nations, the more they will prosper, and the smaller the purchases the more severe will be their economic plight. By this logic, the higher the number of voracious consumers in the industrialized countries, the better off are the non-industrialized nations. And, to continue the reasoning, one of the greatest contributions the United States might make to the developing world would be to resume its high birth rates of the early 1950s and produce and consume at the highest feasible rate.

Rapid export of raw materials is not the only way of earning foreign exchange, and in the long run may be the least desirable way. Of what advantage will it be for the poor nations to industrialize if, by the time they do, the high consumption rates of the industrialized nations have brought about the extreme depletion of fuels, mineral ores and other resources essential to an industrial civilization? The industrialized world simply cannot long continue the recent rates of doubling either its consumption or its population growth. The world's resources are limited and we are approaching the limits at an alarming pace. The nearer we come, the greater the tension will be between the highly industrialized nations which have already consumed more than their share of the world's resources, and the developing nations which find themselves increasingly short of resources and priced out of the market. When we reach a point when the depletion of certain resources has become critical for the world—a point which may be no more than decades away—who will then say that high consumption by the high-waste economies has been the salvation of the developing nations? Who will then say that continuing population growth by the developed overdeveloped world was a good idea?

Let us not hide from ourselves what it is we are doing. We are spending the world's capital at a prodigious rate. It is extremely shortsighted to argue that developing nations fortunate enough to have subterranean capital in substantial quantities will be benefited for more than a short period by the accelerated consumption of that capital by the developed nations, even if they receive the products of high technology in exchange. Every nation in the world, and all nations collectively, must soon come to terms with the limits of the earth and actively seek ways of bringing about a more equitable distribution of the world's resources and the products of mankind.

If the question as to whether the population growth of the United States is a problem for the rest of the world were shifted in focus, it would throw additional light on the subject from the standpoint of the non-industrialized world. If we ask, "Is the lack of a U.S. population policy looking toward non-growth a problem for the rest of the world?" clearly the answer is yes, in more than one respect.

The only conceivable way the human race can move from where it is now to a situation in which it achieves universally adequate nutritional and other living standards, a durable ecological balance with the rest of nature, and reasonable international stability is through a basic and worldwide shift in perception as to what constitutes man's self-interest. This change must come fast if it is to stave off catastrophe.

The shift in perception must begin with the keen realization that all efforts to preserve and improve civilization will be made more difficult with each additional million people that are added to the human race, as at present, every five days. And this shift in perception must proceed further to the conviction that stopping the growth of world population is not only vital to all that man considers important, but that it *can be ac-*

complished if we develop the necessary worldwide consensus. At present, almost no one thinks it is possible for worldwide attitudes and mores to change rapidly so as to bring fertility down at least to replacement in the next few decades. As long as practically no one thinks it is possible, it will not *be* possible. Until a leading nation demonstrates to the world that it believes a no-growth population policy is both important and feasible, the likelihood of a rapid shift in perception is remote.

There are compelling reasons why the United States should lead the way toward a global condition of non-growth by setting its own house in order. Consciousness of the population problem in this country has reached a level where many people are crying out for governmental leadership to articulate objectives and put forth a coherent plan to cope adequately with the problem.

In recent years the United States has earmarked a significant part of its appropriations under the AID program for family planning in the developing nations. But lack of either a significant Federally-sponsored family planning program or any population goal aimed at reducing population growth has led the citizens of the developing nations increasingly to question the motives of the United States in urging the adoption of widespread family planning abroad as a means of population control. Where latent or overt anti-American attitudes prevail, the term "imperialistic" has been used to refer to U.S. policies in support of birth control in the developing countries. The new "Family Planning Services and Population Research Act of 1970" will help in establishing our credibility and consistency, but adoption of a new law setting a specific U.S. policy objective of moving toward a non-growing population would go much further in making the U.S. position unequivocal.

IV. WHAT POLICIES SHOULD THE NATION ADOPT TO COPE WITH THE POPULATION GROWTH PROBLEM OF THE UNITED STATES?

The reluctance of individuals and especially of nations to regard the adverse consequences of population growth as a social problem stems from what most people think of as their inalienable right to procreate. They do not believe it should be any of the government's business how many children they have. But this freedom, like all freedoms, can endure only as long as it is used responsibly and with restraint. If and when the continuity or welfare of society is seriously jeopardized by the unrestrained use of this freedom, the freedom itself will disappear. The question as to whether it will still exist in the twenty-first century is directly dependent upon how responsibly it is used in the balance of the twentieth century.

Precisely for this reason, governmental leadership is now imperative. Governmental leadership is needed to take the steps which will, if successful, preserve the freedom of parents to decide responsibly and with restraint how many children they should bring into this world. Doing nothing and hoping the problem will take care of itself would be an act of irresponsibility on the part of government. It would be an expression of unconcern over a major cause of the erosion of the freedoms we cherish.

Sooner or later, all nations must face their population problems and develop explicit policies to cope with them. And the time is not far off when most nations will need to think in terms of establishing the objective of bringing their fertility down at least to the replacement level. This level would, in the United States at the present time, mean an average of 2.1 children per woman. As your report has pointed out, even if a two-child family, on the average, were to be achieved starting tomorrow, U.S. population would grow another 60 million within the next 30 years, assuming continued immigration at current levels.

I hope the final report of your commission will recommend a no-growth population objective for the United States at the earliest possible date. Under what I am terming a "no-growth population policy," replacement fertility would be the *upper* limit of the national objective. The lower limit would be unspecified and would vary from time to time, depending upon a variety of factors, especially the changing age structure of the population.

For some reason or other there has developed a feeling that the replacement level of fertility should be the *lowest* level toward which we should aim. A modest variation above the replacement level is thought to be acceptable; a modest variation below the replacement level is thought to be unacceptable on a variety of grounds, and possibly inimical to the national interest. It seems to me that this proposition has been much too widely accepted without thinking it through. An error on the high side—that is, a higher population that we set as our objective—is likely to be far more costly than an error on the side which produces a lower population than was intended.

The United States should not become concerned because a nation like Japan is today faced with a so-called labor shortage as a result of its plunging birth rate two decades ago. The term labor shortage is simply a way of saying that they have full employment and could employ still more people if they were available at comparatively low wages. That is an enviable position for a country to be in. Japan's rate of economic growth has been the highest in the world, partly for the very reason that her low birth rate produced a low ratio of dependents to producers. If a labor shortage is the main cost of low fertility, it is hard to think of a cost with a higher benefit.

The decades of the 70s and 80s will be decades in which it will be particularly important for the fertility level to come *down to or below the replacement level*. In these decades, if fertility should turn out to be even moderately above replacement, we will have an "echo baby boom" of significant proportions. A sub-replacement level of fertility during the next two decades would partially offset the momentum created by high fertility a generation ago and help smooth out the age structure of our population. It would be much more advantageous than a second baby boom.

As the large numbers of parents born in the late 40s and 50s pass beyond their childbearing years in the late 80s and 90s, it might become desirable to alter population policies. If fertility were to fall significantly below replacement in the 70s, a move toward replacement fertility might be considered desirable. It may now seem a little strange to be thinking and talking in respect to population in the kinds of terms which John Maynard Keynes used in talking about a managed economy during the 30s, but his ideas were no less strange then and have come to be widely accepted within a generation. We are clearly headed in the same direction now with respect to population, but we may have less time.

Exercising governmental leadership in achieving a stationary population for the United States will not be easy. It is a difficult long-range problem. Nothing that any President, or any Congress, may do about the problem can have any significant immediate effect. Conversely, failure to act will not have demonstrable adverse consequences for which the President or Congress are likely to be criticized in their own day. Presidents and Congressmen are under great pressure to deal with urgent and critical problems with short time fuses. They become the victims of what is sometimes called "Gresham's Law of Public Administration," which says, "The pressure of day-to-day problems with short deadlines tends to drive out long-range planning." This law might well be generalized into "The Second Law of Human Behavior" which would read, "The seemingly urgent is usually the successful enemy of the truly important." Only by devising institutional methods for bringing the important subject of population planning to the conscious attention of Presidents, the Congress, and the public at reasonably frequent intervals can this subject receive the emphasis and action needed. This basic consideration underlies some of the policy recommendations which follow.

The most important single step the United States could take at this time would be to enact a "Population Policy Act" which would frankly and explicitly recognize that population growth and population distribution are matters of great collective concern for the people of the United States requiring federal governmental leadership. For reasons I have already expressed, I consider the population growth aspect to be of extremely high importance, especially in the international context, but the issue of appropriate population distribution likewise requires similar governmental leadership.

A Population Policy Act would establish national objectives and a continuing means of evaluating our progress in meeting those objectives. It should, I believe, establish the clear-cut principle that our national interest requires a "no-growth population objective" within the foreseeable future. Intermediate steps required to meet this objective would be spelled out along with the machinery for further analysis and implementation. Such an Act might be likened to the milestone "Full Employment Act of 1946." In that legislation, the Congress established both the principle that, and the general methodology by which, the Nation would seek to assure employment for all able-bodied persons seeking work. It set up a three-man Council of Economic Advisers within the Executive Office of the President and charged it, among other things, with the submission of an annual report to Congress on the state of the economy and the steps taken to meet the full-employment goals.

Although it may seem at times as though the steps taken to implement the "Full Employment Act of 1946" have fallen considerably short of achieving its stated purpose, a great deal was accomplished. The contrast between the levels of unemployment in the two decades after World War I and the two decades after World War II is very striking. The national consensus upon a goal, coupled with the creation of the Council of Economic Advisers to keep alerting the President and Congress to the steps needed to reach that goal, was a major step forward in managing the Nation's economy.

Similarly, at the start of 1970, a new Council on Environmental Quality was established by law to conduct studies and develop recommendations for the President, the various departments of the government, and the Congress for the preservation and improvement of our physical environment. Even though it has been in existence only a short time, it is already evident that this body is serving a very useful role. In one important respect its function is directly analogous to the function that will be required in respect to population. It must seek to discover the causes and the extent of negative impacts on our physical environment with particular concern for both unsuspected causes, and for the cumulative and synergistic effects of causes that may not be apparent. It then becomes the Council's duty to bring these and other effects to the attention of policy-making officials and to attempt to influence decisions in the direction of protecting the environment. Such decisions usually mean making hard choices between actions which seem to be of short range urgency and those which will protect our environment for the next generation. Under such circumstances, hard factual data and analyses, and effective presentation of them, constitute the principal weight in the scale on the side of the next generation. A continuing institution with a first class professional staff is absolutely essential for the development of needed research studies, the assembly and analysis of data, and the presentation of the results of those analyses to the key policy makers of government. The result may be some very important shifts in national priorities and the allocation of resources in support of those priorities.

The successful experience of both the Council of Economic Advisers and the Council on Environmental Quality should be applied to the vital need which both we and the rest of the world currently face with respect to population. We should enact a "Population Policy Act," accompanied by the creation of a "Council of Population Advisers." Within the policy framework of the legislation, the Council should be charged with advising the President and the Congress through an annual report and in a variety of other ways on the most appropriate methods of achieving the stated goals.

To those who say that the President has too many agencies and councils reporting to him, and that population policies should be assigned to an existing agency, I would respond by saying that this would not be satisfactory for two reasons. First, one of the main objectives is to show that we are at last recognizing the importance of population in the scheme of things and one of the ways that we reflect importance is by structuring the government to place those functions we value most highly directly under the President. The organizational location of population policy analysis and advice within the governmental structure will tell the American people and the world how important their governmental leaders consider the subject. Second, there is no other suitable agency to which this assignment could be made with any prospect that sufficient resources will be allocated to it to conduct the kind of continuing research program which is essential.

If it is argued that conflicts will arise between the Council of Population Advisers and other key units in the Executive Office of the President—such as the Council of Economic Advisers, the Domestic Council, and the Office of Management and Budget—I would say that this is precisely what the new Council should be there for. It is needed to remind the President, the Congress and the public of the inevitable conflict between some actions which may be in our short-range interest and more difficult actions which are essential to the long-range survival of our society.

The composition of such a Council of Population Advisers is important to consider. A broader representation then would be possible with a three-member council would seem desirable, although the number should not become unmanageably large. The major purpose of a larger Council—that of assuring consideration of a variety of relevant points of view—might be achieved in part by prescribing a procedure under which public hearings were required to be held at periodic intervals in various parts of the country, just as this Commission is doing now. I believe this is a very wise approach

As its name implies, such a "Council of Population Advisers" should be an advisory body with no executive power. To the extent that the President and the Congress find the advice of the Council worth taking, it will carve out a significant role for itself and for the subject of population. To the extent that population questions force themselves on the President and the Congress from other sources, our executive and legislative leaders would presumably turn to the Council for advice.

Generally speaking, the Council would conduct studies and make recommendations to the President and the Congress on the following subjects:

1. Counseling and services for responsible parenthood

A major element of any program to achieve a non-growing U.S. population should be a nationally financed and sponsored effort to increase parental responsibility and provide both counselling and contraceptive services to potential parents. As the family planners have said for decades, we should try to come as close as possible to creating conditions under which every child will be a wanted child. We are moving in this direction in the United States today—but with what I believe is an excessively limited perspective and goal. The "Family Planning Services and Population Research Act of 1970," added to previous authorizations of the Department of Health, Education, and Welfare and the Office of Economic Opportunity, was a major step toward broadened access to contraceptive services, but all existing authorizations combined will not be adequate even when they are fully financed and implemented.

The character and magnitude of federally financed family planning programs are based on the assumption that the main segment of our national community that needs governmentally financed counselling and services is the poverty sector—the people who cannot afford to pay for a private physician's services and who even have difficulty in buying the necessary supplies or prescription drugs. The estimated size of this group at the time the legislation was considered and enacted was five million women. All other women—and men—are presumed to have the understanding, the motivation and the necessary medical advice and services to avoid unwanted pregnancies. This approach is built upon the theory that unwanted pregnancy is more of a poverty problem than a basic social problem affecting all segments of society.

While a disproportionately high number of unwanted pregnancies occurs among the poor, in absolute terms a much higher number of unwanted pregnancies occurs among the great majority who are well above the poverty line. It is they, too, who share a heavy responsibility for the continuing growth of our population. No wonder, then, that some of the poor, and especially the ethnic groups who are disproportionately represented among the poor, believe that they are being unfairly singled out as the target for a national campaign to cut down on the birth rate.

Only when counselling and contraceptive services for responsible parenthood are made universally available—and treated as though they are necessary for all segments of society—will we have put the subject of contraceptive services in a proper social and demographic context. Free anti-pregnancy counselling should be available through outpatient clinics and hospitals to any person who asks for it. Services and supplies should likewise be universally available. The matter of payment should be handled in such a way that no one will be deterred by cost considerations from obtaining the necessary counselling and services. The Federal government should underwrite the costs. It is difficult to think of a Federal expenditure which would have a greater long-range benefit to society and to the individuals and families who thereby avoided bringing unwanted children into the world.

If counselling and services for responsible parenthood were universally available, they would materially reduce the number of unwanted pregnancies. But we should not delude ourselves that they would eliminate them. Human nature being what it is, occasional unwanted pregnancies will occur even among prudent people imprudent. Unwanted children are so great a tragedy that abortion should be available to any woman who is quite sure she does not want to bear the child. Health insurance plans should include the costs of providing abortions to women who wish them.

Better and more reliable methods of contraception are needed. No single method is ever likely to fulfill the needs of all persons. The medical research capabilities of the United States exceed those of any country in the world. Many of the results of research are likely to be universally useful. The United States should, therefore, be especially ready and willing to use its resources and expertise to step up the levels of research to find improved methods of birth control. These levels of research should bear a more intelligent relationship to the very large sums being spent on death control. I urge the Commission to undertake an independent evaluation of existing research opportunities and the levels of funding which will be required to exploit fully and rapidly all promising leads.

It is predicated by some people that a vigorous national effort to minimize unwanted pregnancies and unwanted births will go far toward bringing the fertility rate of American women down to the replacement level. This is disputed by others both because of the difficulty of moving very far or very fast toward the goal of bringing only wanted children into the world and because there still is considerable evidence that the number of children wanted by most American women is more than two. It would be a grave mistake to place all our reliance upon such a prediction or hypothesis. Other steps are needed.

2. New roles for women

The self-fulfillment of women through other than maternal roles is one of the most significant and fruitful avenues toward bringing down the birth rate to levels which are consistent with national and international welfare. In the kind of society which we now have and which we will increasingly have in the future, neither the lesser physical strength of women, as compared to men, nor their childbearing roles need keep them from performing most of the occupations pursued by men. We have been slow to recognize this fact and encourage women to enter occupations where they should be taking leading roles. In India and Israel, the national governments are led by women; in the Soviet Union, half of the doctors are women. Politics and medicine are symbolic of the fields where women may contribute much that has been lacking in sex-biased professions.

Young women are understandably more reluctant than young men to pile up educational debts as now seems to be the national trend in the field of higher education. Ways and means must be found for underwriting the costs of lengthy education for young women without heavily mortgaging their futures. Where the social demand is heavy, as in the medical and paramedical professions, the social advantages to be gained by enlarging the supply of trained women are so great from multiple standpoints that this should become a policy of high priority for the Nation. It will serve population policy purposes, health policy purposes and welfare policy purposes, all simultaneously.

The Equal Employment Opportunity Program should be broadened to put greater emphasis on the elimination of sex discrimination. And women, themselves, apart from any governmental activity, need to seek broadened roles toward self-fulfillment and social contribution. Some are doing so; if more did, it would help pave the way toward later marriage, delayed childbearing and smaller families.

The development and application of governmental policies affecting the education and employment of women offer a good example of the meaning of the term "population policy," and its application by the Federal Government. Let us assume, as a hypothesis, that research studies were available that demonstrated clearly that expanding meaningful employment for women had a measurable, direct effect in reducing fertility rates. Let us assume, too, that government officials working on the national budget were facing hard choices among various competing claims including improved mass transportation, post-Apollo space projects, government-sponsored employment programs and various other objectives. The issues of population policy should come strongly to the fore in the discussions of comparative priorities. Assuming that facts showed that investments in the education and employment of women (this does not mean discrimination against men, but genuine equalization of opportunity) have high long-range pay-off in reducing the later outlays for education, health and other public services, such investments deserve high priority consideration. Resource allocation decisions are now made without taking into account population policy factors and without knowing or considering the relationship between types and levels of female education and employment, levels of fertility, and required governmental outlays at various time intervals.

Unfortunately, not enough is now known about the effects of various types of educational and employment opportunities, for women or men, but particularly women, upon fertility rates. We have not been conducting adequate studies of this kind, partly because we have had no particular goal in mind—such as a stationary population—toward which we have been aiming, and have not, therefore, felt that such studies were particularly relevant to, or needed for, policy decisions. The time has come for the articulation of a goal and the establishment of institutional mechanisms spearheaded by a body such as the proposed Council of Population Advisers, to sponsor and then use the research needed for policy decisions at the highest levels of government.

3. Education in population dynamics, ecology, and family life

Attitudes toward desired family size are probably formed initially in pre-adolescent years. At this stage, they are formed without any regard for the social or ecological consequences of excessive population growth. They result from attitude transmission from parent to child, from the unspoken cultural atmosphere, from TV programs (e.g. "My Three Sons"), etc. The longer these attitudes remain unchallenged, the more persistent they become. It is by this process that most potential parents in the United States have acquired a desire to have at least three children. This number—if it were actually to be the average for the next three generations—would produce a population of nearly a billion, as your Commission pointed out, and would make all of the nation's problems difficult beyond description.

To overcome what has become a set of vestigial, dysfunctional attitudes toward family size, an educational process is needed which begins before young people reach the age when they may have children. By educational process, I do not mean an indoctrination process. I mean a process which enables young people to understand what is happening in their world as a result of the extraordinary growth aberration of mankind; what the arithmetic of compound interest—demographically speaking—is leading to in their own lifetimes and the lifetimes of their children; what is happening to the economy, the environment and the culture of the Nation as a result of a variety of interlocking factors of which population growth is one; what their options are as parents and as citizens in forming their families; the advantages of delaying childbearing until after a marriage has been tested and found to be durable; the alternative roles which women are increasingly likely to have in society; the high costs of raising children well; and other relevant factors.

Such education must come through a variety of means and channels, public and private, e.g. schools, TV, press, radio and private organizations with memberships which understand the crucial nature of the issues. Private institutions will undoubtedly have to play a large part in leading the way, followed by the newspapers and magaiznes, the electronic media and the schools. Since pressure is great upon schools and teachers to provide students with more subjects and subject matter than either teachers can teach or students are ready to absorb, squeezing new subjects such as population dynamics, ecology, and family life education into an already crowded curriculum will be difficult. The importance of the need, nevertheless, makes it imperative that ways be found of performing this educational function. When the priorities of a society change, schools must find ways of changing theirs, too.

A "Population Policy Act" should include authorizations for funds to support a substantial program in population education to be administered by one or more government agencies, not the Council of Population Advisers. The preparation of academic materials, information that can be readily adapted by mass media, summer institutes for teachers, and other tested approaches should be adequately financed. Although this would add another to the overly long list of categorical grant programs which now exist, I believe it is the responsibility of the Federal government to add such programs from time to time under terms and conditions which would launch them and finance them for a temporary period—such as five years—and then phase them into the ongoing programs of the fifty states and their sub-divisions.

4. Countering pronatalist policies and attitudes

The habit of marriage and childbearing at rates which average more than two children per woman has existed for so many thousands of years that it undoubtedly has a social momentum which compounds the demographic momentum of population growth. It is important to recognize the existence of a public policy bias toward marriage, childbearing, and even, in some instances, the production of multiple children, and to raise questions as to whether these policies have independent merit, or whether they should be modified or repealed.

To give but a single example, the tax bias against unmarried persons has long been a prominent element of our tax system. Even with some recent amelioration, it still exists. To what extent it encourages marriage, we do not know, but it probably contributes to the subtle psychological pressure that says to people, "Marriage is a natural and desirable condition of man and woman. If you are not married, your tax rates are going to be higher so that you will help educate the children of good family people." A population policy aimed at achieving a non-growing population would presumably seek to remove both the stigma and the disincentives, to the extent that they exist, attached to non-marriage and childlessness.

If the Commission on Population Growth and the American Future is able to do so, I would recommend that it develop an inventory of policies with pronatalist implications (and anti-natalist, too, if there are any) which have crept into federal and state laws. If the Commission is unable to undertake this function, I would recommend that it be a project of the Council of Population Advisers and that the Council should follow it up with studies and policy analyses on the basis of which it can make appropriate recommendations to the President and the Congress.

5. Developing policies for improving the distribution of the population within the country

I have very deliberately emphasized population growth problems in the statement, as compared with policies the government might develop to influence the residential location and distribution of people within the country. I have done this primarily because I believe that in the world context in which we should be thinking, influencing and indirectly controlling population growth is far more important than correcting population maldistribution. It will require statemanship of the highest order to lead the world to comprehend and act upon its population predicament in the most basic quantitative terms before disaster of unprecedented proportion strikes. Nevertheless, population distribution is an important issue and deserves the most intensive and continuing analysis.

I am convinced that we are reaching, if we have not indeed passed, the outer limits of our political and managerial capability to make big cities pleasant, safe, and tolerably healthy places to live. I will not go into all the reasons why this has happened, but I do not regard it as a temporary phenomenon, nor is it peculiar to the United States. The management of big cities is breaking down all over the world. I say big cities because I think there is both subjective evidence and theoretical logic that says the problems of administering cities of over a half million mount rapidly as the size increases.

As Korzybski and others have pointed out, as the number of people in any organized relationship increases, the number of interrelationships goes up not arithmetically, but geometrically. When the number of people in a city gets up into the millions, the interrelationships, direct and indirect, reach astronomical proportions. Even the interrelationships between organized self-interest groups, business enterprises, and units of the city government reach a magnitude which no human mind can encompass. And even with the aid of computer technology and all other aids to improved management, it seems unlikely that the increasing complexity of managing his cities will be brought within manageable proportions. Size is not, of course, the only factor which compounds the difficulty of management, but it is one of the most important factors.

There also seems to be increasing evidence that crowding decreases the civility of human beings toward one another, increases their impersonality and self-centeredness, and makes them far less interested in taking responsibility for their community life. Crowding is not, of course, solely responsible for this type of dysfunctional behavior but is a cause of its aggravation.

If more data should confirm these hypotheses, it seems clear that the Nation would do well to adopt policies which encourage what is likely to be the trend in any event—the channelling of most of the additional population growth which will occur between now and the time when we reach a stationary population into smaller urban centers. If a disproportionate share of the growth during the next two decades were to occur in cities between 10,000 and 50,000. I believe that our problems of accommodating the growth would be considerably less than if a major part of the growth were to occur in or immediately around the big cities.

The most careful kind of analysis will be required to determine what kinds of government policies would help to achieve these purposes without, at the same time, abandoning our very large cities to decay. We must find ways of revitalizing these cities without encouraging a renewed inflow into them. This will take extremely thoughtful analysis and planning. Continuing studies of such important issues as these, following on the heels of those already initiated by your temporary commission, should be the responsibility of the Council on Population Policy.

The study of issues of internal population distribution is another example of the kind of research activity and policy analysis which must be done at a supra-departmental level. No existing department and none of the four new domestic departments recommended by the President, will have responsibilities or perspectives which are sufficiently broad to make them appropriate locations for the development of policy recommendations on population distribution. The subject cuts across the entire government—from the placement of certain kinds of defense contracts to the design of highway policy, to the character of mass transit programs, to farm subsidy policies, to water diversion projects, and to many other issues. A "Council of Population Advisers" is needed to perform this role.

6. Systematic evaluation of progress toward stated objectives

One of the main functions of the Council of Economic Advisers has been to keep track of where we stand. It makes sure we have adequate reporting systems for measuring our economic progress or lack of it, publishes *Economic Indicators* to keep policy officials, businessmen and the public informed of trends, and publishes an annual report on the state of the economy and what steps have been taken and should be taken to keep the economy on course. Similar functions should be basic to the role of the "Council of Population Advisers."

It will not be sufficient for the Department of Health, Education, and Welfare to evaluate its own progress, for example, toward the goal of making "family planning" services available to all who need and cannot afford them. Its own goal, as earlier pointed out, may be too limited; it needs to be broadened to assure that such services are available to all persons regardless of income. All subsidiary goals such as this should be reviewed by the Council of Population Advisers to determine whether they have a reasonable prospect of achieving the broader purpose of population stability at an appropriate level. Evaluation systems, reporting systems, and publications programs should then be reviewed and instituted where necessary.

Special research studies by the Council of Population Advisers and others sponsored and financed by the Council would be of particular importance. This Commission is to be complimented for the excellent list of such studies which it has sponsored. These should be a splendid beginning for a continuing program of research. When completed, these studies should be put to widest possible use. Some of them will require follow-up studies; others may point to legislative or executive policy changes which may be needed. All of them will probably deserve publication and public discussion.

Either through misunderstanding or through misrepresentation, the impression may develop that the establishment of a population growth policy implies the development of "coercive" population measures. It will be important to allay such fears in advance. It must be emphasized from the start that its role is to help the Nation retain the freedom of responsible decision-making by parents in deciding upon family size. Failure to establish policies which will encourage—not coerce—reproductive habits which will average out at not more than two (or more precisely 2.1) children per woman may drive us inexorably toward conditions which will increase the demand for coercion.

There are numerous methods of changing social and psychological attitudes toward childbearing and, when carefully used, economic incentives or disincentives may play a significant role. It would be distortion of the first order to label the removal of pronatalist incentives as coercion or to label modest negative influences toward childbearing any more coercive than the modest positive influences which have existed in the past. Policies to give greater encouragement to the growth of cities of 10,000 to 500,000 than to the very large cities should not be thought of as coercive. These policies are intended to change marginally the choices and decisions of people in the direction of what we consider to be in the general public interest. This is one of the proper responsibilities of government.

SUMMARY AND CONCLUSION

In summary, I believe the evidence should be persuasive that the United States has a population growth problem both in domestic and international terms to which it should address itself promptly. If the United States expects other nations of the world to deal directly and effectively with their own population problems, the United States can do no less. But even if this factor were disregarded, the United States has an important enough population growth problem in terms of arresting the erosion of cherished American freedoms to warrant a major research and action program by the United States Government. I believe also that the subject of population distribution warrants similar governmental leadership.

To deal with the population problems of this Nation, I recommend that the Commission on Population Growth and the American Future adopt the following policy positions:

1. That in order to protect and preserve the freedoms Americans cherish, a population policy objective be established by the United States for itself of achieving a condition of non-growth at the earliest feasible time.
2. That a policy be established of encouraging the distribution of the population growth which will inevitably occur in the next two decades in such a way as not to burden further the cities which are now over 500,000 in size.
3. That more detailed policies be developed to achieve these objectives which will be both effective and consistent with our heritage and values.
4. That a "Population Policy Act" be enacted, clearly setting forth these policies and creating the machinery to assist in implementing them.
5. That a "Council of Population Advisers" be established to conduct research and advise the President and the Congress on the more detailed formulation and implementation of population policies.

We may or may not have reached the stage where the Nation is sufficiently understanding of and concerned about population issues so that it is now prepared to support a set of population policies which includes the objective of non-growth and the objective of governmentally encouraged residential growth away from the megalopolises. The trends and the logic seem to point clearly in these directions and the sooner we recognize the urgent need for careful analysis, well conceived policies, and appropriate action to achieve these policies, the greater the likelihood of our working our way out of man's population predicament. And the more we, in the United States, demonstrate that effective population policies are possible within the context of a free society, the more such concepts may find utility elsewhere in the world. Leading the world in this effort may be of far greater long-range international significance than donating a few million extra bushels of grain during a period of intense famine.

The challenge before us far exceeds the direct impact of population problems on ourselves, our children, and our grandchildren. What we are really talking about is whether mankind can learn to make an essential accommodation to the finite limits of the earth's ecosystem. Time is of the essence.

FEDERAL ACTION FOR POPULATION POLICY—WHAT MORE CAN WE DO NOW?

(By Robert W. Lamson)

A critical problem and a question confront us. The United States and World Population will not increase forever. There are limits. How will they be imposed?

We have roughly three options.[1]

(1) *Physical limits—war, famine, and disease:* to approach more closely the physical capacity of the earth, and thereby, to bring into play the traditional agents—war, famine, and disease—which have helped to limit growth of populations in the past.

(2) *Repression:* to risk, by delaying action now, the use later of more manipulative and repressive social and political techniques, which some individuals now advocate and governments may come to use, in order to avoid the "traditional" physical limiting agents.

(3) *Voluntary limitation:* to control our size and growth, voluntarily, by increasing human awareness and individual decision to regulate family and population size. This option is based on widespread provision of the means to limit births as well as on democratic creation of policies to influence the intent of individuals to use these means.

Current concern over the environment has led to increased discussion of the need to control population size, primarily via the third option.

Consider for example, the following statements which reflect the concern of the Executive Branch as well as the Congress of the United States:

Dr. Rober Egeberg, Assistant Secretary for Health and Scientific Affairs, the Department of Health, Education and Welfare: "What does freedom of choice in family planning imply in the present state of our society? It implies enormous population growth for the simple reason that the typical American family, if it can, will elect to have three children, not two. . . . I think we are going to have to work for a change in national mores, a change based on the public acceptance of the demographic facts of life. I think we are going to have to help the people of this country understand that their vital interest and that of their children demands that we control the growth of population."

Secretary Robert H. Finch, Department of Health, Education and Welfare, when asked at a meeting in Washington, D.C., what young people can do to protect the environment, replied: "I'd begin by saying, have only two children."

The House Committee on Government Operations: "We fully agree that one of the most serious challenges in the last third of this century will be the growth of population and that our response to that challenge will be determined by what we do today.

---

[1] Provision of means to limit births and family size include abortion, sterilization, pills, chemicals, various types of contraceptives, rhythm, abstinence, and delayed marriage.

Methods for motivating people to limit family size include clinics, information, and propaganda, removal of incentives for having additional children beyond a given number through the tax and social security system, raising the legal age for marriage, provision of careers for women which will serve as viable alternative means to the self-fulfillment now attained through having and raising children.

Manipulative and repressive techniques include putting contraceptive chemicals in food and water supplies; greatly increasing the legal age for marriage and government licensing of the right to bear children with harsh penalties for violation; compulsory sterilization, abortion, and contraceptive inoculation or immunization against fertility via implantation of fertility-reducing drugs and chemicals; and infanticide.

The House Republican Task Force on Earth Resources and Population: "The overriding concern of the Task Force is for realization that the time for action is now and that the need is urgent."

Dr. Lee DuBridge, Science Advisor to the President: "Do we need more people on the earth?" We all know the answer to that is 'no.' Do we have to have more people? Also 'no.' . . .

"Our spaceship called the Earth is reaching its capacity. Can we not invent a way to reduce our population growth rate to zero? Of ensuring that there be no more births than deaths?

"That is the first great challenge of our time. And we are the first generation to come face to face with this challenge and recognize it. Will we do something about it? Every human institution, school, university, church, family, government—and international agencies, such as UNESCO—should set this as its prime task."

If the nation and the U.S. government are serious about the importance of the population problem and about zero population growth, which the President's Science Advisor stated as a desirable goal for national policy, then we must ask ourselves several questions, and begin to implement the answers.

What can we do now, with existing resources, to carry out this goal through voluntary limitation?

In the future, what measures can we take for which we will need additional funds, personnel, equipment, facilities, authority, and new organizational arrangements?

The federal government can, immediately, with existing authority and resources, take many actions in the areas of research, planning, and operations to cope with our critical domestic population problem—the additional 100 million projected for the year 2000, if current trends continue.

RESEARCH

On 1 July 1969, an interagency Ad Hoc Group on Population Research made a report, "The Federal Program in Population Research," to the Federal Council for Science and Technology.

The Group recommended that the government create an interagency Standing Committee on Population Research to review and evaluate federal population research activities; to advise on gaps, priorities, and uses, as well as appropriate ways to support and administer research; to review efforts to collect, store, and disseminate information; to review federal mechanisms to identify research underway and further research needed in the future; and to identify organizations involved in research.

The federal government, particularly the new Commission on Population Growth and the American Future, now has an opportunity to help implement these actions. In addition, much research remains to be done.

Population Growth Rates and National Goals: For example, we need to analyze the effects of alternate trends in population growth and distribution on the success and cost of federal programs as well as on the capacity of the United States to protect and enhance its values and to meet its goals.

There are many goals and programs affected by population growth as well as agencies which should, therefore, have an interest in this research. Too large a population and too rapid growth make it more difficult for us to achieve these goals. Consider the various agencies with responsibilities for meeting the need to:

Protect and enhance the environment, and meet increasing demands for resources and services (Departments of Agriculture; Health, Education and Welfare; Housing and Urban Development; Transportation; and Interior; Smithsonian Institution; Water Resources Council; National Water Commission; Corps of Engineers)

Provide energy (Atomic Energy Commission; Federal Power Commission; Department of the Interior).

Supply housing and other urban functions (Department of Housing and Urban Development).

Provide tronsportation (Department of Transportation).

Solve manpower and unemployment problems (Department of Labor).

Solve problems of trade, industrial production, economic growth, location of population and industry, and examine and cope with the effects of population stability on the economy (Council of Economic Advisors; Departments of Commerce and Labor).

Provide for education, health, and welfare services (Department of Health, Education and Welfare).

These agencies could introduce their analysis of the impact of population trends into their Annual Reports, public information materials, and reports on proposed legislation.

Environment and Population Policies: Based on its survey of ongoing population research supported by federal agencies as of 30 April 1969, the Ad Hoc Group on Population Research found that, of a total of some $55 million spent for population research, about $20,000 or 0.04% of it concerned the environment, and about $153,000 or 0.3% concerned population policy and its implementation.

Even allowing for some error in reporting, there does seem to be a need for more research emphasis in such areas as the implementation of alternate population growth rates and policies for the achievement of environmental quality values, goals, and programs. In this regard, population study centers could be encouraged to examine the environmental policy aspects of population growth and distribution; and, environment and resource study centers could be encouraged to analyze the relation between population trends and environmental problems. Federal activities with an interest in such research include: the Council and Cabinet Committee on Environmental Quality; the Departments of Interior: Agriculture; Commerce; and Health, Education and Welfare; The Atomic Energy Commission; and The Federal Power Commission.

Incentives: In addition to creating, through biomedical research, more efficient means to limit births, we also need more analysis of incentives to use these means and to limit family size. The physical and social environment can be designed to restructure incentives for having children, for example, through housing and community arrangements, and by creating alternate careers for women which provide opportunities, in addition to having and raising children, through which women can find personal self-fulfillment. The Council on Urban Affairs; the Departments of Housing and Urban Development; Labor; and Health, Education and Welfare, all have interests and responsibilities in this area. In addition, the tax and social security system as well as federal and state laws can accelerate or retard population growth and influence population distribution. There are opportunities here for the Departments of Justice; Commerce, Health, Education and Welfare; Treasury; and Internal Revenue Service; and the Council on Environmental Quality.

Zero Population Growth: Finally, we need more research on the problem of stabilizing U.S. (and world) population at various levels—less than its present size, or double its present size, or greater by a factor of 2.5, 3, or 4. The critical research questions are: What are the requirements for, and effects of, achieving a stable population, at what level, at what rate, and when—in 40, 60, 76, 100, or 200 years?

PLANNING AND OPERATIONS

We can take, immediately, many practical steps to plan and implement policies for zero population growth, and to translate the results of research into action. Consider the following opportunities.

Planning: In our plans to support science, we can aim directly at developing the manpower, institutions, and medical and social technology necessary to achieve zero population growth. The Office of Science and Technology, the Department of Health, Education and Welfare, and the National Science Foundation have important responsibilities and opportunities in this area.

We can include considerations of population growth, distribution and control in planning, programming, and budgeting studies conducted throughout the government. The Bureau of the Budget can make sure that all agencies plan for a range of alternative demographic futures, based on alternate patterns of population growth, distribution, and use of technology. For example, federal water resource planning should consider a range of contingencies based on the difference between high and low population projections for the nation as a whole as well as for specific river basins.

River Basin Commissions, Regional Commissions and States, in addition to attempting to meet demands for resources, could be encouraged to look at a range of population projections, and to consider the problem of limiting demands for resources by influencing population growth and distribution within a particular river basin or region. In addition to the Bureau of the Budget, agencies in a position to encourage this activity include the Departments of Interior, Agriculture, and Commerce; the Corps of Engineers; Water Resources Council; and National Water Commission.

FRAMEWORK FOR ANALYZING FEDERAL ACTIONS FOR POPULATION POLICY TO INFLUENCE CAPACITY AND INTENT TO LIMIT BIRTHS

Research[1]	Planning	Operations	Goals and options
Reproductive biology. Fertility regulation techniques and materials. Description of population size, distribution, characteristics, and trends. Determinants of population size, distribution, characteristics, and trends. Consequences of population size, distribution, characteristics, and trends. Research on operational aspects of population problems. Programs to support institutions which perform research on population.	Plan to control population growth as well as to meet the needs (for resources and services) generated by population growth. Contingency planning for a range of alternative demographic futures. Use of planning, programing, and budgeting system.	Public information. Annual reports. Reports on legislation. Family planning programs, clinics. Programs with States and cities. Possible futures; use of tax and social security. Careers for women. Urban design.	Zero population growth via: Voluntary limitation. Manipulation and repression. War, famine, and disease.

---

[1] This list of research categories is taken from the report by the Ad Hoc Group on Population Research.

In commenting on proposed legislation, especially proposals which attempt to meet the demand for some resource or service, agencies of the Executive Branch can discuss the relation of the proposal to population growth, what difference it would make for the success of the legislation if the high or low population projection came true, and the limits to the proposal's ability to meet the demands which population growth creates. The Bureau of the Budget, in coordinating comments on legislation, has an opportunity to encourage agencies to include such considerations in their reports.

Public Information and Education: This activity is important in influencing people's intent to limit births. To some degree, public information can substitute for positive and negative incentives.

As we have seen, most agencies have interests and programs which are affected by population growth. They could, therefore, adapt their public information programs to convey to the public the interaction between: (1) alternate population growth rates; (2) family size; and (3) the ability of the agency to continue to solve the problems which it is chartered to solve. Federal agencies can do much more to develop public awareness of the population problem through conferences and seminars, and by developing needed public information and media materials, T.V. programs, speeches, charts, graphs, posters, pamphlets, movies, and policy exhibits.

For example, the National Aeronautics and Space Administration, with the Departments of Interior; Health, Education and Welfare; and Agriculture could develop a series of posters on the theme "Spaceship Earth," the need to take proper care of it, and the relation of this theme to population growth, environmental quality, and average family size. The Department of Health, Education, and Welfare could develop teaching aids for use in acquainting students at various grade levels with the demographic facts of life, how to prevent conception, and what needs to be done to preserve and extend the quality of the environment.

The Post Office Department could (1) create a series of stamps concerning the relation between population growth, family planning, family size, and problems of resources, the environment, and society—air, water, and land pollution, transportation, food, housing, medical and welfare services, and education; (2) provide free distribution of information and publicity via pamphlets and posters; and (3) increase the opportunity for employment of housewives.

The Government Printing Office and the Department of Health, Education, and Welfare could create and maintain a special list of available government publications, charts, exhibits, posters, stamps, films, etc., on population and family planning.

All federal agencies could include in their Annual Reports information on the relation between trends in population growth and distribution and the success or failure of their mission.

Federal agencies such as the Department of Health, Education, and Welfare and Office of Economic Opportunity which have family planning programs could, in addition to enabling families to control births, also attempt to influence their intent to do so, for example, through information concerning the relation between family size, population growth, and other social problems.

Finally, most federal agencies have programs with regions, states, and cities and could encourage them to consider alternatives for population growth and distribution in their planning, programs, and public information.

CONCLUSION

As this article demonstrates, the government currently commands many resources to do more *now*, through research, planning, and operational programs, to implement Dr. DuBridge's priority, no-growth goal for U.S. population.

However, we urgently need the wisdom, will, and decisions to put these many existing capacities to work—to increase quickly public discussion of the population problem and of the goals and means to cope with it, and to expand among policy makers and the public, the awareness, concern, and understanding which are necessary for effective action.

What do we do now, with the resources at hand, and with the time we have left, will help to determine how, at some future date, we will achieve the inevitable limits to the world and U.S. population growth.

Our lack of foresight and prompt action increases the likelihood that we will limit our population through some combination of manipulation, repression, war, famine, and disease. Thus, we will fail to protect and promote our values of economic well-being, environmental quality, democratic government, and individual freedom.

BIBLIOGRAPHY

Ad Hoc Group on Population Research, "The Federal Program in Population Research, a Report to the Federal Council for Science and Technology," Office of Science and Technology, Executive Office of the President, 1 July 1969. See also Center for Population Research, National Institute of Child Health and Human Development, "Population Research: Scope of the Field and Programs of the Center for Population Research at the National Institute of Child Health and Human Development," April 1970.

Committee on Government Operations, U.S. House of Representatives, Report No. 91-738 to accompany H.R. 15165, To Establish a Commission on Population Growth and the American Future, 91st Congress, 1st Session, 1969, p. 3.

DuBridge, L. A. 1969. Speech before the 13th National Conference of the U.S. National Commission for UNESCO, San Francisco, California, 23 November 1969.

Egeberg, R. O. 1969. Speech, "Population Growth—The Challenge," Before the Annual Meeting of Planned Parenthood—World Population, Inc., New York, 30 October 1969.

Finch, R. Quoted in *U.S. News and World Report*, 2 March 1970, Vol. LXVIII, No. 9, p. 36.

Task Force on Earth Resources and Population, Republican Research Committee, U.S. House of Representatives. "Federal Government Family Planning Programs—Domestic and International," 22 December 1969, reprinted in the Congressional Record, 29 December 1969, 91st Congress, 1st session, CONGRESSIONAL RECORD, volume 115, part 30, page 41201.

TESTIMONY PREPARED FOR THE COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE, FOR THE SIERRA CLUB

(By John H. Tanton, M.D.)

My name is John Tanton. I am an ophthalmologist in group clinic practice in Petoskey, Michigan, and am National Chairman of the Sierra Club Population Committee. A bibliography of my involvement in the conservation and population movements is attached, in case that is of interest.

The Sierra Club is interested in the population problem for the simple reason that its ox is being gored by that problem. Among the many values that the Club is interested in conserving is that of wilderness and the wilderness experience, and of all of our natural resources, this one is perhaps the most sensitive to people pressure. The problem has spread to our national parks and other recreation areas, to the extent that with other groups we are now studying the role that limited entry may have to play in the survival of these resources. As the Club's program has broadened into such areas as a national energy policy, mass transit, fossil fuel consumption, etc., we have come into more contact with the population problem. We have come to the same conclusion that your Commission expressed in its Interim Report, that population growth is an intensifier or multiplier of many problems imparing the quality of life in the United States.

Historically, Club resolutions on the problem date to 1964. In May of 1968, we published *The Population Bomb*, by Paul Ehrlich, a controversial book which did, however, do much to develop public interest in the problem. In part, it was this public interest which paved the way for the establishment of your Commission. During the passage of the legislation setting up the Commission, the Club played an important role in the addition of Section 4. (5), which provides for the all-important suggestions by the Commission of what to do about the problem, in addition to the study of it.

Even though the Club has been involved for some time in the population problem, we are still in the process of developing formal policy on many of the issues involved. As a result, my talk today will indicate some of our areas of concern. We have not however developed formal policy on all of these points as yet. As a format for this discussion, I wish to react to the Commission's Interim Report, dealing with those areas which are of particular interest to us.

IMMIGRATION

As the Commission has noted, immigration stands to account for one quarter of our growth over the next 30 years, given the new Series E projections of the Bureau of the Census. We feel that discussion of this important factor in our overall growth can no longer be avoided.

Immigration policy has interesting ramifications on many fronts. It is an important part of our present unwritten national population policy. The possibility of immigration speaks in an important way to foreign peoples. For the foreign student studying in the United States, the field of study chosen may be influenced in significant ways by the student's interest in immigration. If he intends to return home, the field of study will likely be much different than if he intends to remain in this country. For many foreign countries losing students to the United States, it represents a loss of scarce capital invested in their education as well as a loss of some of their prime citizens. For our country, the "open door" 'image is part of our heritage, as is the granting of asylum to political refugees. We may well acquire some of our most productive citizens through immigration, since quota immigrees generally must have a marketable skill or concrete financial arrangements, some education, and must be highly motivated to make the switch from their home country. We may not do as well with our native born on an average!

So our immigration policy presents the American people with some dilemmas which must be confronted. If we are to reduce our rate of growth, cuts must be made somewhere in the additions to our system. Shall we continue immigration at its present level, and work just on reducing the number of native born Americans? Or should immigration also be reduced in some proportion along with out domestic birth control efforts? Or should we perhaps even increase immigration, which would require even further reductions in our native born children?

These are interesting and challenging questions, and we hope that your Commission will go beyond just describing the demographic effects of immigration, and will lay out clearly for the American people all of the choices which are open to them in this area, together with the implications of each. To this end we suggest the addition of a research project under your topic "Policy Research", to deal with the national and international implications of various immigration policies.

REDISTRIBUTION

We share the Commission's view that simple redistribution of population might not solve many of the population-related problems that we face. Our concern goes beyond this, to a fear that redistribution may just come to "doing the American thing" to what remains of the unspoiled landscape and resources. We fear that it may just be a later day expression of the "cowboy" economy, that dictates moving on to fresh horizons when one has made an intolerable mess of the present setting. We are concerned that an emphasis on constructing new towns will distract us from the real necessity of reworking our present cities into livable environments.

Perhaps our major difference in emphasis would come at this point. It is an important one, one we would like to try and make clearly. In reading over the whole Interim Report, we must come to the conclusion that it is basically an anthropocentric document. It regards man and his institutions, recent though they may be, as the most central and important feature of the natural scene, and asks the question, "What must we do to this scene to make it accommodate man's 'wants', 'needs', and his growth in numbers?"

We feel strongly that this question should be rephrased to read, "What is best in both the short and long run for the welfare of the bio-physical world?" It is our position that man must then adapt his "wants", "needs", and population size to the realities of this situation, and not vice versa. The attitude should be one of submission to a higher law, of functioning within the system of nature, not domination of it. It should be the attitude contained in the saying from the farm community where I grew up: If the farmer will take care of his land, the land will take care of the farmer. This all has an important bearing on the question of population redistribution. If we approach the question from the man-centered point of view, we may well end up with another increment of damage as we do what the people "need" and "wants". If we work from the system-centered point of view, we may well have to forego some of our "needs" and "wants" in favor of the long range good of the system—and of course that ultimately means the good of man, too.

GOVERNMENT

As a group of largely volunteer citizen activists, the Sierra Club is concerned in particular about one aspect of the effect of population growth on government. This is the relationship between population size, problem size and the willingness of individual citizens to try and solve our problems. This distinction is missed by those who state that such countries as the Netherlands are much more densely populated than the United States, implying that we therefore have no population problem. While we are less densely peopled, our 205 million as compared to their 13 million makes for several orders of magnitude of increase in the complexity of the problems we face, and of the problem-solving mechanism.

In 1870 each member of the federal House of Representatives had a constituency of about 135,000. Today it approaches 470,000, over three times as large. The citizen's plaintive cry "What good is one vote?" is actually a very accurate assessment of the situation. We are all becoming progressively smaller fish in a pond that is rapidly growing in size, and it is becoming increasingly difficult for the individual to even understand the problems that we face as a people, much less do anything about them.

There are many benchmarks that have been envisioned to indicate the decline of a civilization. We would suggest that a crucial one is that point at which problems and the problem-solving mechanisms become so large and complex that individual citizens stop making the effort of problem solving. It then becomes only a matter of time to collapse.

This is an important and seldom mentioned aspect of the population problem which we would like to see the Commission cover in its category of "Political and Governmental Research". A suggested title would be "Population Size, Problem Size and Citizen Abdication from the Problem Solving Process".

THE ECONOMY

It is no accident that persons with an interest in natural history were among the first to notice the population problem, since it is the things which they value highly that are often the most sensitive indicators of people pressure. Many of us were originally attracted to the population problem because we had identified it as a prime cause of many of our natural resource problems, a view which we now recognize was oversimplified. If it is not the population problem, what then is "the" cause? Is it the meaness of human nature, some sort of a 'territorial imperative', or what?

I'm sure that we can readily agree that there is no single cause, but the realization is beginning to dawn that economic growth is an important factor. Many of the things that have been said about population growth can also be said about economic growth: that it can not go on forever, that there are limited resources and natural pollution cleansing capacities of the environment, and that its growth can be stopped only by either conscious action on the part of man, or failing that, collapse of the system when natural laws finally operate. As a matter of fact, when one gets into it, in many ways it appears that population growth is a subheading under economic growth, rather than the other way around. This is in fact what the Commission has said in asserting that population growth is an intensifier or multiplier of other problems. Prime among these problems is that of perpetual economic growth.

Now the view is still widely held that population growth is a prime cause of many of our problems, and it appears from the Interim Report that the Commission sees as one of its objectives the overturning of this simplistic view. To this end, the Sierra Club feels that it is very important that your "Economic Research" section include a study of the relationship between the concepts of a stationary population, and a stationary gross economic product. This should include a dissection of the erroneous idea that a cessation of population growth will stop economic growth. It should also clearly show that many of the values which we wish to conserve by controlling population growth can readily be extinguished by continued economic growth.

This is a vitally important area, because it may well be that a change away from the philosophy of perpetual growth to that of the steady state is necessary before we can develop the new priorities needed to resolve the problems that we face. If we fail to make this transition, we may achieve a stationary population only to find that our goals continue to recede in front of us.

The effect of the various population growth rates on our Social Security System should also be the subject of a specific study. Owing to its method of financing, a steepening of the age-specific pyramid would bring difficulties of great magnitude.

OPTIMUM POPULATION

This is a concept that has attracted attention, and one that is not mentioned as such in the Interim Report. The Sierra Club recognizes that we still have a maximum to go through before there can be any hope of returning to even the present level of population, which many feel is excessive. We feel that this subject is worthy of discussion for the light that it can shed on the values that are important to population policy decisions. A related concept from the world of natural history is the carrying capacity of the land, that is, the number of individuals that can be cared for on a permanent basis without damage to the support system. It would be useful for demonstration purposes if, as part of the Commission's demographic research, projections were prepared for the length of time that would be required to reduce population to selected former levels after maxima are reached, given varying assumptions for family size, etc.

ZERO POPULATION GROWTH

The Interim Report correctly cites on pages 4–6 the extremely disruptive effects that would follow attempts to achieve a zero rate of growth in the near future. The brief discussion falls short of its potential by assuming that the end point would be some stationary population, rather than leaving open the possibility of retrenchment to lower levels. While we recognize the many political, religious, cultural and economic and other factors that would have to be overcome in any such rapid reduction of our growth rate, we feel that this option should be fully explored and presented to the American people. They can then judge whether or not it is more severe than other alternatives.

WANTED CHILDREN

The Interim Report takes appropriate note of recent research indicating that a very large number of "unwanted" children are born in the United States, and the view that the elimination of these births would take us a long way towards a stationary population. Planned Parenthood has for years used a related slogan "Every Child a Wanted Child".

Few however have looked into the reasons for "wanting" children. Those of us who have, find that there are many bad and even sociopathic reasons for having children. In many instances, being "wanted" is simply not enough.

Let me cite an example. A 16 year old single girl recently presented herself to the gynecologist at our clinic with the chief complaint that she was unable to become pregnant!! Under the circumstances, that might seem like an unusual problem. It turned out however, that she and her 17 year old boyfriend wanted to get married, and that her parents wouldn't give permission. So this was their solution: get pregnant and then the parents would insist on marriage! Few of us would classify this as a healthful situation, in view of the divorce rate for teen age marriage, the effect of the age of first child-bearing on completed family size, and other factors. Yet it would classify as a "wanted" pregnancy, which we have come to equate with a "good" pregnancy in our uncritical thinking in this area.

Here is another actual example. I am acquainted with a family in which the mother is a carrier of hemophilia, a bleeding disorder which women can carry and is expressed in their male children. She has four boys and two girls. The eldest is married and has a son who appears to have the disease. The youngest girl recently became pregnant out of wedlock at age 16, and had the pregnancy terminated. Among the boys, all are effected, one has died, and the eldest had been hospitalized 64 times the last time I checked. The important point here is that these are all *wanted* children . . . . the mother just loves children, even though they do bleed a lot!!

Many other examples could be given, ranging from the couple with marital problems that decides to use another child as a medicine to heal the marriage, to the woman who is tired of working and sees a child as a way to retreat to the home, to the woman who uses a pregnancy wanted by her alone to get even with her husband for something.

We need to learn the dimensions of this problem, and very little seems to be known about it, especially if it turns out that the prevention of unwanted births and changes in immigration policy are insufficient to produce a stationary population. (Page 28–29) If it proves to be necessary to also reduce the number "wanted" children then those children wanted for pathological reasons should receive first attention. The difficulty and controversy in dealing with these pregnancies may not be as great as envisioned by the Commission.

To this end the Club strongly suggests that the Commission address itself to this new area under the topic of "Social Research." A paper titled along the lines of "Pathological Reasons Behind Some Wanted Pregnancies," and another attempting to quantify these would fill the bill.

CASE METHOD APPROACH

Those of us in clinical medicine have found great value in the case method approach to discussing certain aspects of the population problem. This is particularly applicable to discussion of unwanted and pathologically wanted pregnancy, and abortion, as has hopefully been demonstrated in this paper. To consider these issues in the abstract fails to give the full impact to the reader. It would be a very useful research project for the Commission to prepare a booklet of actual case histories to illustrate different aspects of the population problem.

A STRATEGY FOR POPULATION REGULATION

The Population Committee of the Club is currently engaged in preparing a 5-year plan for our involvement in resolution of the population problem. The plan attempts to develop an overall strategy for approaching the problem, which assigns the multitude of possible projects a specific priority and place in the overall plan. This plan is nearly complete, and I would like very much to present it to you today. However it has not been officially adopted as yet so it would be improper to do so. I will provide you with copies as soon as it is released.

I mention this only because of the great need for workers in this field, whether professional or volunteer, to have some overall plan to give direction to their efforts. It is our hope, and one of our major recommendations, that your Commission in its final report lay out in specific terms the role that you feel private citizen groups can play in resolution of the population problem.

There is one point of terminology which I wish the Commission would take upon itself to clear up. It is the confusion between the words stable and stationary, a confusion which creeps into the Interim Report. I believe that the word stationary means constant in size, whereas the word stable means only that the subject is in a steady state. A population increasing at 3% every year is a stable population, but it certainly is not stationary. The problem is that while the term stationary is parallel to the term stable, there are apparently no parallel terms for the words stabilize and stabilization. Let me suggest that we coin the words stationize and stationization. Then on page 25, the last sentence in paragraph one would read "The concerns of overriding importance are whether population stationization and redistribution of the population are desirable". On page 29 a similar change in the first sentence of the first complete paragraph would also convey more accurately the idea involved.

On behalf of the Sierra Club I appreciate the opportunity to make this presentation, and share with you some of the things which we have been thinking about in relation to the population problem. We have found it a fascinating problem to be involved with, because of its great import to the future of our race, and the strong human feelings attached to it. And unlike many of the problems we face today, it is one where each individual can make a specific and measurable contribution to its solution.

PARTIAL BIOGRAPHY OF JOHN H. TANTON, M.D.

(Particularly as it pertains to natural history, conservation and the population problem), March, 1971.

Born February 23, 1934. B.A. Chemistry, Michigan State University, 1956. M.D., University of Michigan, 1960 M.S., Ophthalmology, University of Michigan, 1964. Diplomate, American Board of Ophthalmology, 1966.

Organizational duties

Secretary, Michigan Natural Areas Council, 1962–63.

Chairman, Bear River Development Commission, City of Petoskey, 1965–present.

President & Vice-President, Petoskey Regional Audubon Society, 1967–68–69.

Volunteer, Environmental Education Program, Petoskey Public Schools, 1967–68.

Organizer, Hartwick Pines Natural History Association, 1969.

Organizer and Chairman, Petoskey Regional Group, Sierra Club, 1970–present.

Member, Environmental Survival Committee, National Sierra Club, 1970–present.

Speaker, on the subject of Human Population, 1962–present.

President, Northern Michigan Planned Parenthood Association, 1965–present.

Organizer, Population Committee, Mackinac Chapter Sierra Club, 1969.

Member, Population Committee, National Sierra Club, 1969–present.

Chairman, Great Lakes Public Affairs Committee of Planned Parenthood, 1970–present.

Organizational memberships

Planned Parenthood-World Population, the Population Reference Bureau, Ann Arbor League for Planned Parenthood, the Wilderness Society, the Nature Conservancy, the National Audubon Society, Save-The-Redwoods League, Sierra Club, Michigan Parks Association, Michigan Botanical Club, Michigan Audubon Society, Michigan United Conservation Clubs, Michigan Association of Conservation Ecologists, Michigan Natural Areas Council.

The Future of Man's Environment[1]

(By Robert W. Lamson)

In thinking about and acting to influence man's future environment, we must consider many factors—the physical, biological, and social; the "man-made" as well as the "natural." Man's future environment will include the human populations, the cities and institutions which man has created, as well as the physical, chemical, and non-human biological systems—the oceans, continents, river basins, and the populations of various species of plants, fish, insects, birds, and animals upon which man depends for his survival and well-being.

If we wish to protect and improve the social, physical, and biological aspects of our environment, we must attempt to answer and act upon the answers to the following three critical questions:

What are the trends which are helping to modify or create the natural and man-made environments which man will inhabit during the next half century?

What is the possible range of these alternatives future environments?

What might be done to influence these trends so as to shape the future in desired directions?

This article discusses these questions, specifically as they concern the United States.

TRENDS AND CONDITIONS CONFRONTING THE UNITED STATES

Important trends which will affect man's future environment include population growth and distribution, resource supply and use, output of wastes, and growth and use of technological and organizational power.

Population growth and distribution

The current world population of about 3.5 billion could double and reach 7 billion or more by the year 2000 if current trends continue. Projected United States population for the year 2015 ranges between 325 and 483 million. In just 50 years, the nation's population could grow by 125 to 280 million over today's population of about 200 million.

Throughout the world, people have been moving from rural areas to more densely populated urban areas, and in the United States, a very large percentage of the growing population lives and is projected to live on a very small percentage of the land.

Supply and use of resources

The United States contains a supply of renewable and non-renewable natural resources which is not unlimited, which can be depleted, but which can also be expanded and upgraded through application of scientific research, and used more efficiently through better management.

Use of many resources in the United States is projected to increase even more rapidly than population, due to increased per capita demand for resources caused by increased industrialization and use of technology, urbanization, rising levels of income and individual expectations, increased leisure, and outdoor recreation. Increasing demand for resources sometimes involves a requirement for higher quality resources, for instance, water.

Output of wastes

Output of wastes—solid, liquid, and gaseous—is increasing for the nation and per capita, thereby intensifying the threat of pollution to our air, land, and water. Sources of pollution include cities, industries, farms, heat from power generation, automobiles, recreation, mining, boating, and commercial shipping. The types, sources, and amounts of wastes will tend to increase with the growth of population, industry, and use of technology and resources. Many types of wastes are also projected to increase more rapidly than will population.

The factors which help to increase demands for resources, for clean water, pure air, and unlittered land, also help to increase the output of wastes, thereby making demands more difficult to satisfy. While we have placed increasing demands upon the environment, we have also increased our dumping of wastes into it.

Although we may not be in immediate danger of exhausting our supply of many types of resources, we are in danger, because of declining quality, of jeopardizing our usable supply.

Growth of technological and organizational power

By applying our knowledge and experience to solve practical problems, we are increasing our technological and organizational ability to:

1. Push back many of the constraints of nature, of distance, time, and disease, and of our formerly low capacity to manipulate the environment;
2. Shape and create widespread, intense, and long-lasting changes in the natural environment; some of the these changes could be irreversible and adverse to man's long-term survival, health, and well-being;
3. Create "artificial" or man-made environments (for instance, cities and manned satellites), and to live in new environments (under the ocean and on the moon);
4. Perceive, predict, and monitor as well as to control, influence, or manage environmental changes, for example, via new tech-

---

[1] This article represents only the views of the author and not those of the Department of the Interior.

niques (systems analysis), tools (microscopes, telescopes, satellites, and computers), laws (domestic rules as well as international agreements concerning conservation, use of resources, and technology), and institutions (river basin commissions);

5. Increase rapidly the production of food and energy, transform raw materials into finished products through industrial processes, and transport people, goods, energy, and information.

Changing proportion of "natural" and "man-made" aspects of the environment

As a result of population growth and of using our increased technological and organizational power, more and more of man's environment is becoming man-affected or man-made, except where special provision has been made to keep the influence of man and his machines at a minimum (for example, in wilderness areas and natural areas created to provide a base line for ecological studies).

The primary threats to man's physical and psychic survival, to his health and well-being, now increasingly stem from his own creations, from the environments which he has created or altered, from the natural forces which he has harnessed, and from the institutions, techniques, and tools which he has invented in order to remove the constraints of space, time, and low capacity to manipulate the environment.

Man no longer has the margin for error which space, time, and his relative lack of power once provided for his ecological mistakes.

He must, therefore, take care, in his relation to the environment and in his actions to shape it, that he does not make himself and his society more vulnerable to sabotage, disruption, and disaster—for example, if a small element of the system which he designs does not perform perfectly, if his shaping of the environment should have adverse effects, or if disturbances in the environment, such as floods, earthquakes, and hurricanes, should affect the areas in which he has settled.

We have had some sharp, recent experience with systems which created potentially disastrous effects when a small part of the system failed—for instance, the Northeast power failure and the Torrey Canyon tanker disaster.

In attempting to use our power to influence the environment, we should design for a range of contingencies—for the optimist when all works well and for the pessimist when much goes wrong. The test of our technical creations is not how well they perform when all parts work as designed, but how well the system runs and how widespread the damage is when a part of the system fails.

Since the environment influences man himself, and since man has increased power to influence his environment, man is, in many ways, through intent as well as inadvertence, and perhaps in ways he does not understand, increasingly influencing his own genetic, physical, and psychological nature—and that of his children—through the environments which he creates.

Because man's increased power to manipulate the environment has created a total environment which is increasingly man-made and in which man's margin for error is reduced, his only protection now is knowledge and wisdom in using his technological and organizational power. Man's ability to create adverse effects may be greater than his ability to perceive, judge, prevent, and control them. As a result of his inability to control wisely the purposes to which he puts his power, man may find that he is creating effects in his "natural" and "man-made" environments, as well as in himself, which he cannot control and which are adverse and irreversible.

RANGE OF ALTERNATIVE FUTURE ENVIROMENTS

In attempting to look at the "natural" as well as the "man-made" aspects of man's future environment, one can project a number of possible alternatives, ranging from optimistic to pessimistic.

The many elements which will make up man's future environment vary with respect to: (1) probability of occurrence; from impossible to inevitable or zero to 100 percent; (2) popularity, or the extent to which the event is desired by the public or by specific groups, today or in the future; and (3) desirability.

The actual future environment which man will inhabit depends upon the nature and unfolding of the various trends which are helping to shape the environment and upon man's actions to influence these trends.

The crucial problem in looking at the future is to decide what is desirable among the range of possible future events and then to work for it, taking into consideration the probability that the future event will occur, the difficulty and costs of bringing it about, and the consequences of not doing so.

Within the range of possible future social and ecological environments, many pessimistic possibilities could be realized in the absence of adequate policies to prevent their occurrence.

For example, problems of external defense, international order, and war could become worse, with general nuclear war one pessimistic possibility for rapidly decimating our population, and, at the same time severely damaging our natural environment and our cities.

Large-scale loss of life due to ecological and technological disasters is not impossible, particularly if large and densely concentrated populations depend upon an ecology and large-scale systems of technology and organization which are highly vulnerable to disruption, breakdown, and misuse.

In the absence of adequate policies to protect against such natural hazards as storms, earthquakes, and floods, larger numbers of people could become vulnerable to disaster.

Other possible adverse effects of misusing our technological power have been mentioned, for example, global ecological imbalances and more intense and widespread disasters caused by:

1. Environmental pollution which upsets the chemical-thermal balance of the earth's astmosphere because of increased burning of fossil fuels, pollution of the upper atmosphere, and impairment of the cycle by which the carbon-oxygen balance in the atmosphere is maintained, through photosynthesis, by plants on land and in the ocean.

2. Soil depletion and increased salinity of the soil.

3. Poorly planned, large-scale, environmental engineering projects which trigger world-wide ecological effects—rapid or slow—which are adverse to man and irreversible.

Increasing pressures to mass produce and construct, in a short time, large numbers of new buildings and housing units could cause a decline in diversity, quality, and choice in our cities. Without proper protection, the quality of the countryside, also, could continue to deteriorate because of junkyards, billboards, power lines, overenriched lakes ruined by algae growth fed by wastes from cities and farms, polluted streams, and erosion of hillsides and of the many new inadequately protected construction sites.

The cumulative and mutually reinforcing effects of many environmental changes on the ecology and on man's physical and psychic health are potentially dangerous but not well known.

For example, we do not know enough about the long-term ecological, somatic, and genetic effects of various chemicals used in such environmental contaminants as radioactive wastes and lead; of the concentration of various poisons through the food chain, or of their cumulative and interactive effects. Nevertheless, the outpouring of toxic materials into the environment is already great and increasing.

Even though the nation's economy, our gross national product, and our per capita income will continue to grow, individual standards of living could decline because of inadequate policies and programs to protect the environment. Since the social, physical, and biological aspects of man's environment interact, deterioration of the nonhuman environment could help to create economic and social decline.

Moreover, failure on the social and political level could, in turn, contribute to deterioration of our physical and biological surroundings. For example, the educational system could fail to transmit to succeeding generations the cultural values which underlie the nation's political system as well as the attitudes and skills essential to maintaining environmental quality.

Internal order as well as ecological balance and environmental quality could break down or become more difficult to maintain. Or, their maintenance could be based more and more on "external controls" and repressive measures, on the threat of punishment and constriction of freedom.

Man's actions to avert the various environmental threats which now confront him will help to determine whether or not his future environment will be one in which he can thrive as well as exist.

Depending on his actions to prevent the occurrence of future pessimistic possibilities, and to realize optimistic ones, man could enjoy more widespread and heightened values of, for example: natural beauty, clean air, water, and unlittered land; cities which are beautiful, exciting, and a joy to live in; rising levels of living; tranquillity and silence; privacy as well as sociability; diversity, individuality, and choice; justice and security; political freedom, the opportunity to influence and participate in the decisions which affect his welfare and that of his children; democratic, representative government; and the opportunity to develop his personality to the maximum extent.

We must remember that the optimistic projections will not automatically come about without human effort. Nor will we prevent the pessimistic projections from coming true if we do not work at it. In fact, projections can become self-denying or self-fulfilling prophecies, depending upon their effect on human attitudes, effort, and will.

When people view any particular future alternative as necessarily inevitable, such an attitude tends to generate self-fulfilling or self-denying prophecies, depending on whether we see the inevitable as optimistic or pessimistic. For example, a pessimistic projection which is viewed as inevitable can become a self-confirming prophecy through reducing any effort to prevent its occurrence, thereby increasing the probability that it will come true. An optimistic projection which is viewed as inevitable can become a self-denying prophecy through reducing the effort devoted to bringing it about, thereby reducing the probability of its coming true.

On the other hand, if the future is regarded as open and subject, to some extent, to human manipulation, then this will tend to leave room for the creative exercise of human wisdom, will, and effort.

CONTROL OR INFLUENCE OF TRENDS

Having outlined some of the important trends confronting the United States, and a range of alternative environmental outcomes associated with these trends, the question arises: Should we attempt to "adjust" to the trends, or to "influence" and "control" them, or both?

Assuming that "adjustment," by itself, is not an adequate guide if we wish to promote economic growth, individual well-being, and environmental quality, we then need to consider what can be done to "control"—or at least to "influence" the various trends which will affect man's future environment. What can be done to make more probable the optimistic rather than the pessimistic projections?

Technological and organizational power

It is crucial that we control the uses of our increasing technological and organizational power to affect our environment, since to date, we have used this growing power in an unbalanced way:

To limit deaths, but not, at the same time and in the same degree, to limit births. As a result, no matter how efficient the technology, skill, and organization devoted to producing, expanding, and making more efficient use of resources, population now outpaces production in many parts of the world, with tragic results.

To use, destroy, and deplete resources for immediate benefit, without sufficient regard for the resource needs of future generations and without providing adequate knowledge and skills to compensate for the depletion.

To pollute our land, air, and water, but not to prevent pollution, clean it up where it occurs, and restore the damaged environment.

To promote economic and population growth, but not to protect and promote environmental quality.

To create and apply new knowledge and powerful technologies without, at the same time, acting to prevent and limit the damaging side effects of using this knowledge and technology.

There is a need now to restore the balance in our use of science and technology—in our attitudes, laws, and institutions. For science and engineering, by themselves, cannot save us from our lack of wisdom and vision in using science and in managing our technological power.

Additional technological power and efficiency, applied in the same manner that we have applied them in the past to our environment and to the forces of nature, will not necessarily save us from our lack of balance and wisdom in using that power.

We need, therefore, to perceive, predict, evaluate, influence, and control the effects of using our technological and organizational power so that the optimistic rather than the pessimistic possibilities will come to pass.

To carry out the research, planning, and operational programs to perform these activities, we need to create the necessary laws and institutions, in government, at the federal, state, and local levels, as well as in the private sector, in universities and industry.

We need to use our technological power in such a way as to affect the trends which, if unchecked, would realize the pessimistic possibilities. In other words, we need to influence population growth and distribution, the supply of and demand for resources and services, and the output of wastes.

Population growth and distribution

Problems of population increase as well as density could seriously jeopardize the ability of this and other nations to meet, concomitantly, their national goals for security, economic growth, welfare and well-being, resources, conservation, and environmental quality.

There is, therefore, a need to develop a population policy based on analysis to determine:

1. What, if various alternative projections for future population growth and distribution were to come true, the effects would be on the success and costs of our policies:

(a) *To supply and conserve resources* (land, water, air, food, minerals, energy, timber, wildlife, wilderness, outdoor recreation and park areas, open spaces, natural beauty, silence, etc.)

(b) *To provide services* (transportation, health, welfare, housing, sanitation, education, etc.); and

(c) At the same time, *to protect and promote environmental quality;* that is, to prevent further pollution of our land, air, and water, to clean up what pollution remains, to restore the damaged environment, to rebuild our deteriorated cities and to create new ones;

(d) To solve these problems within the existing framework of government and political and personal values (to protect and strengthen freedom of choice and representative, popular government and to limit the extent of intrusion of government into the personal lives of citizens).

2. Which, if any, of the various alternative projections for future population growth and distribution we should regard as goals for population policy, and the costs and benefits of achieving each; and

3. How, by what methods, we could achieve each goal. Programs for action to influence population growth rates and distribution could be based on such analyses.

Alternative goals for population growth might include, for example: (1) to insure that all American families will have access to information and services that will enable them to plan the number and spacing of their children, and thereby, to insure that any future American child will be a "wanted child"; (2) to achieve population growth in the United States which would increase more rapidly or more slowly than is projected; and (3) to stabilize United States (and world) population at less than its present size, or double its present size, or greater by a factor of 2.5, 3, or 4. Here, the question arises: At what level and when should this stabilization—occur in 40, 60, 75, 100, or 200 years?

Supply and use of resources and services

To help satisfy the increasing demands for resources, there is a need to increase the available supply, through research and exploration programs, and to make more efficient use of the existing supply through improved conservation, management, and pricing.

Moreover, if our aim is to increase individual well-being and standards of living, access to resources and services, as well as to promote overall economic growth, then the question arises whether we should attempt to limit the rate at which demand grows as well as to "satisfy" increasing demands for resources and services. This would require us to limit the rate at which population grows and puts pressure on our not unlimited ability to provide resources and services.

Control of waste output

If we are to protect the environment adequately, we must bring under control and manage the wastes of our society which threaten to poison and bury us and to destroy the ecological systems upon which we depend. We must, therefore, prevent, limit, manage, and control waste and pollution at each step in the process by which our economy and industry transform energy and materials, from raw materials through to finished products, to ultimate use and disposal.

This requires us to create more efficient and less wasteful industrial and economic processes, and to provide for use, reuse, recovery, and recycling of the waste products—solid, liquid, and gaseous—which are generated at each stage in our economic system.

PERSONAL AND POLITICAL VALUES AND CONTROL OF TRENDS

To control and influence the trends outlined above requires "management" and control of people and institutions as well as of the environment. What is the relation between: (1) "management" of the environment and of the "trends" which will affect the environment, and (2) personal and political values?

"Environmental management" involves the monitoring and manipulation of physical, chemical, and non-human biological systems—the oceans, river basins, watersheds, airsheds, industrial, agricultural, and municipal wastes, and populations of various species of fish, birds, animals, insects, and plants.

But such objects are only part of the environmental quality problem. Human persons, their attitudes, ideologies, practices, social systems, and institutions are also part of the problem of maintaining environmental quality. They must also be part of the cure.

If more "efficient environmental management" involves human persons, attitudes, and institutions, then what are the implications of "efficient environmental management" for such values as freedom, privacy, autonomy of personality, dispersal of power and pluralism (particularly under conditions of rapidly increasing population), industralization, urbanization, and use of technological power to manipulate the environment?

How can the United States promote environmental quality, and, at the same time, protect and promote various important personal and political values under conditions in which an additional 100 million people are projected to be added to the United States population in a short 30 years?

If the United States is to control the effects of its citizens' actions on the environment, and at the same time, to protect their personal and political values, there will be a need to rely, to a large extent, on internal psychological controls—rather than on the external threat of law or punishment. And, if such internal controls are to be used with a rapidly expanding population, then great reliance must be placed on education for conservation and environmental quality—at each stage of a person's life—in the home, through school, and in other areas of activity.

The need to promote and to reconcile "environmental quality" and "environmental management" with such values as freedom, privacy, and autonomy of personality, dispersal of power, and pluralism is one which places a critical responsibility on the educational system in general, and on the teachers of science in particular.

CONCLUSION

Our current environmental crisis is due to man's misuse of power—to one-sided use of his capacity to control the forces of nature and to his lack of understanding of himself and his lack of wisdom in using his power.

Much remains to be done for environmental quality—in many areas—in terms of attitudes and education, laws and institutions, research, planning, and operational programs.

Science teachers who convey the attitudes and skills needed to protect and promote environmental quality are on the forefront of man's effort to restore balance and harmony—within himself, within nature, and between himself and nature.

We must restore wisdom and balance in our actions, in the use of our power, and in nature. Time is short. Much of our damage to the environment is irreversible; what we destroy cannot be restored and is lost forever.

The accelerating damage which we do to nature and to ourselves will not wait for us to catch up, nor will it wait while we refine our understanding of this damage.

We must learn, and science teachers must help future generations to learn, to restore the balance:

Between our power and our wisdom in using that power

Between our power to create and our power to destroy and disrupt

Between our efforts to prevent injury and our efforts to heal the damaged environment

Between our efforts to understand environmental problems and our actions to prevent and correct these problems

Our power has exceeded our wisdom.

Our power to destroy the environment has surpassed our power to correct the damage, to conserve and create.

Our efforts to prevent have lagged behind our efforts to cure.

Our cures have been too little and too late.

And, we have often allowed the quest for more perfect knowledge to deflect us from acting now with what knowledge we have.

HOME RULE DRIVE BEGINS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. FAUNTROY. Mr. Speaker, I want to share with my colleagues my program for developing a home rule bill reflecting the deep and considered aspirations of the citizens of our Nation's Capital. On Saturday, May 1, I will present a working draft of a home rule bill to a community meeting of representatives of the people of the District. After Saturday's meeting, a series of hearings will be held in each of our city's eight wards to discuss, correct, and amend the working draft. Following the completion of this process, we will have a final draft bill which will be submitted for the consideration of this House.

I should like to outline briefly the major features of my tentative proposal. An elected mayor-city council form of government would be created. The city council would be composed of 15 members, with seven members being elected at large and eight members being elected one from each of eight wards. The city council would exercise broad legislative authority with the power to raise revenues through the imposition of local taxes and fees. Provisions appearing in earlier bills relating to Presidential veto of local legislation have been deleted from this proposal.

My proposal also sets forth an automatic Federal payment formula to meet the District Government's pressing fiscal needs. The level of the payment would be set at 32 percent of general local revenues and miscellaneous receipts for fiscal year 1972, 34 percent for fiscal 1973, 36 percent for fiscal 1974, 38 percent for fiscal 1975, and levels off at 40 percent for fiscal 1976. In addition, to meet the District government's need for a modern system of capital financing, I have proposed that the District government be given the authority to issue public works bonds with a Federal interest subsidy to take into account the fact that the bonds would not be tax exempt.

At the upcoming neighborhood hearings, I shall ask for the people to give me their views on the central features of this proposal, particularly on such questions as the size of the city council, the development of an automatic Federal payment provision, and the creation of a modern election law for the District.

Let me emphasize that the document which I am entering into the RECORD today is a tentative proposal. I consider the point of view of our citizens to be an essential element in any legislation affecting the District which this House considers in the future and I intend to solicit actively this point of view before submitting a bill.

Because I know that home rule legislation is of considerable interest to many of my colleagues, I am placing my draft proposal in the RECORD. I hope you will give me your comments. The draft proposal is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

TITLE I—DEFINITIONS

DEFINITIONS

SEC. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "Chairman" means, unless otherwise indicated in this Act the Chairman of the District Council provided for by title III.

(5) The term "Mayor" means the Mayor provided for by title IV.

(6) The term "qualified voter," except as otherwise specifically provided, shall have the same meaning as that provided for a "qualified elector" under paragraph (2) of section 2 of the District of Columbia Election Act.

(7) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(9) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(10) The term "capital project", or "project", means (a) any physical public betterment of improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(11) The term "pending", when applied to any capital project, means authorized but not yet completed.

(12) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(13) The term "election", unless the context otherwise indicates means an election held pursuant to the provisions of this Act.

(14) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(15) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(16) The term "municipal courts of the District of Columbia" means the Superior Court of the District of Columbia, the District of Columbia Court of Appeals, and such other municipal courts as the District Council may hereafter establish by act.

TITLE II—STATUS OF THE DISTRICT

SEC. 201. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District. Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation, or the Commissioner of the District of Columbia.

(b) No law or regulation which is in force on the effective date of part 2, title III, of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act: *Provided,* That any such law or regulation may be amended or repealed by legislation or regulation as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

TITLE III—THE DISTRICT COUNCIL

PART 1—CREATION OF THE DISTRICT COUNCIL

CREATION AND MEMBERSHIP

SEC. 301. There is hereby created a Council of the District of Columbia consisting of fiifteen members, of whom the Chairman and six members shall be elected at large and the other eight members shall be elected one from each of the eight election wards established under the District of Columbia Election Act. The term of office of the Chairman and other members of the Council shall be four years beginning at noon on January 2 of the odd-numbered year following such election; except that of the members (other than the Chairman) first elected after the effective date of this provision, three members elected at large and four members elected from wards shall serve for terms of two years. The members who shall serve for terms of two years shall be determined by lots cast before the Board of Elections of the District of Columbia upon a date set and pursuant to regulations issued by the Board of Elections. The legislative power granted the District by this Act shall be vested in the Council.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 302. No person shall hold the office of member of the District Council unless he (1) is a qualified voter, (2) is domiciled in the District and, if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (3) has, during the three years next preceding his election, resided and been domiciled in the

District, (4) if he is nominated for election from a particular ward, has, for one year preceding his election, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

COMPENSATION

SEC. 303. Each member of the District Council shall receive compensation at a rate established by the Council, payable in periodic installments. The Chairman and the Vice Chairman shall receive compensation at a rate established by the Council, payable in periodic installments. All members shall receive such additional allowances for expenses as may be approved by the Council to be paid out of funds duly appropriated therefor.

CHANGES IN MEMBERSHIP AND COMPENSATION OF DISTRICT COUNCIL MEMBERS

SEC. 304. The number of members constituting the District Council, the qualifications for holding office, and the compensation of such members may be changed by act passed by the Council: *Provided*, That no such act (other than an Act involving compensation) shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

PART 2—PRINCIPAL FUNCTIONS OF THE DISTRICT COUNCIL

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 321. (a) The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are hereby abolished: *Provided*, That this subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

(b) Except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council or the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are hereby transferred to the District Council, established under the provisions of part I of this title, except those powers hereinafter specifically conferred on the Mayor.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 322. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the District Council pursuant to section 321 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including a body or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this title, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

SEC. 323. (a) The provisions of section 322 of this Act notwithstanding, before any zoning regulation or equivalent legislation for the District is approved by the District Council, Zoning Commission, or other authority—

(1) the Council, Zoning Commission, or authority shall deposit such regulation or legislation in its introduced form with the National Capital Planning Commission. Such Planning Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, Zoning Commission, or authority, including advice as to whether the proposed regulation or legislation is in conformity with the comprehensive plan for the District of Columbia. The Council, Zoning Commission, or authority shall not pass the regulation or legislation unless it has received said comments, or the Planning Commission has failed to comment, within the thirty-day period above specified; and

(b) The Council, Zoning Commission, or authority shall deposit with the Planning Commission each such regulation or item of legislation passed by it.

(c) This section shall not be construed to restrict legislation (or regulation) regarding solely the procedure (apart from this section) or mechanism for regulating zoning in the District and not itself regulating such zoning.

APPOINTMENT OF ARMORY BOARD

SEC. 324. (a) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(b) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

POWERS OF AND LIMITATIONS UPON DISTRICT COUNCIL AND THE QUALIFIED VOTERS OF THE DISTRICT OF COLUMBIA

SEC. 325. (a)(1) The legislative power granted to the District by this Act shall be vested in the District Council, and in the qualified voters of the District of Columbia (as provided in section 1501 of title XV of this Act).

(2) Except as provided in subsection (b) of this section, the legislative power of the District shall extend to all rightful subjects of legislation including the power to raise revenues through the imposition of appropriate taxes and fees within the District consistent with the Constitution of the United States and the provisions of this Act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the Council and the qualified voters of the District of Columbia shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this Act had not been enacted: *Provided*, That nothing in this section shall be construed as vesting in the District government any greater authority over the Washington Aqueduct, the Commission on Mental Health, the National Zoological Park, the National Guard of the District of Columbia, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner of the District prior to the effective date of part 2, title III, of this Act.

(b) Neither the Council nor the qualified voters of the District of Columbia may pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States, States;

(2) lend the public credit for support of any private undertaking;

(3) authorize the issuance of bonds except in compliance with the provisions of title VI;

(4) authorize the use of public money in support of any sectarian, denominational, or private school except as now or hereafter authorized by Congress;

(5) enact any act to amend or repeal any Act of Congress which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(6) pass any act inconsistent with or contrary to the Act of June 6, 1924 (43 Stat. 463), as amended, or the Act of May 29, 1930 (46 Stat. 482), as amended, and the Council shall not pass any act inconsistent with or contrary to any provision of any Act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission.

(c) Every act shall include a preamble, or be accompanied by a report, setting forth concisely the purposes of its adoption. Every act shall be published, upon becoming law, as the Council may direct.

(d) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall, subject to the provisions of subsection (e) of this section, become law. If the Mayor shall disapprove such act, he shall, within ten calendar days after it is presented to him, return such act to the Council setting forth his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall, subject to the provisions of subsection (e) of this section, become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to repass such act, the act so repassed shall, subject to the provisions of subsection (e) of this section, become law.

(e) The Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council and the qualified voters of the District of Columbia by this Act, including, without limitation, legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council or by the qualified voters of the District of Columbia.

(f) Except as limited by subsection (h) of this section, upon the effective date of this part, jurisdiction over the municipal courts of the District of Columbia shall vest with the District Council in all matters (other than the appointment of judges) pertaining to the organization and composition of such courts, and to the qualification, tenure, and compensation of the judges thereof: *Provided,* That the Council shall not transfer or modify any function performed by the United States marshal or the United States attorney for the District on the effective date of this part. Appointments to positions as judges of the municipal courts of the District of Columbia shall be made by the Mayor, with the advice and consent of the Council. Nothing in this Act shall be construed to change the tenure of any persons occupying positions as judges of the municipal courts of the District of Columbia on the effective date of this part, except that their compensation may be increased.

(g) On or before the effective date of this part, any person appointed to serve as judge of one of the municipal courts of the District of Columbia shall not (1) be appointed to serve for a term of less than ten years, (2) serve on the court past the year that the seventieth anniversary of his birth shall occur, or (3) receive as compensation for such service an amount less than the amount payable to an associate judge of the Superior Court of the District of Columbia on the effective date of this part.

(h) Nothing in this section or elsewhere in this Act shall be construed as authorizing the District Council to curtail the jurisdiction, established by enactment of the Congress of the United States, of the United States District Court for the District of Columbia or any other United States court other than the municipal courts of the District.

PART 3—ORGANIZATION AND PROCEDURE OF THE DISTRICT COUNCIL

THE CHAIRMAN

SEC. 331. The Chairman of the District Council shall be the presiding officer of the Council. The District Council shall elect from among its members a Vice Chairman, who shall preside in the absence of the Chairman. When the Mayor is absent or unable to act, or when the office is vacant, the Chairman shall act in his stead.

SECRETARY OF THE DISTRICT COUNCIL; RECORDS AND DOCUMENTS

SEC. 332. (a) The Council shall appoint a secretary as its chief administrative officer and such assistants and clerical personnel as may be necessary. Notwithstanding any other provision of this Act, the compensation and other terms of employment of such secretary, assistants, and clerical personnel shall be prescribed by the Council.

(b) The secretary shall (1) keep a record of the proceedings of the Council, (2) keep a record showing the text of all acts introduced and the ayes and noes of each vote. (3) authenticate by his signature and record in full in a continuing record kept for that purpose all acts passed by the Council and by the qualified voters of the District of Columbia, including the date and time that each such act takes effect, and (4) perform such other duties as the Council may from time to time prescribe.

(c) The records required by subsection (b) shall be available for public inspection during normal business hours and copies of the records shall be made available for purchase under such conditions and upon the payment of such fees as the Council shall deem appropriate.

MEETINGS

SEC. 333. (a) A majority of the District Council shall constitute a quorum for the lawful convening of any meeting of the Council and for the transaction of business of the Council.

(b) The first meeting of the Council after this part takes effect shall be called by the Chairman of the District Council elected in accordance with this Act. Following each such election, but not later than December 15 of the year of the election, the secretary of the Council shall call the first meeting of the members of the Council elected in such election for a date not later than January 7 of the next year.

(c) The Council shall provide for the time and place of its regular meetings. The Council shall hold at least one regular meeting in each calendar week except that during July and August it shall hold at least two regular meetings in each month. Special meetings may be called, upon the giving of adequate notice, by the Mayor, the Chairman, or any three members of the Council.

(d) Meetings of the Council shall be open to the public and shall be held at reasonable hours and at such places as may be necessary to accommodate a reasonable number of spectators. The Council shall not exclude the public from any of its meetings unless the national security is involved. Any citizen shall have the right to petition and be heard by the Council at any of its meetings, within reasonable limits as set by the Council.

COMMITTEES

SEC. 334. The Council Chairman, with the advice and consent of the Council, shall determine the standing and special committees which may be expedient for the conduct of the Council's business. The Chairman shall appoint members to such committees. All committee meetings shall be open to the public except when ordered closed by the committee chairman, with the prior approval of a majority of the members of the committee.

ACTS AND RESOLUTIONS

SEC. 335. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of majority of the members of the Council present and voting, unless otherwise provided herein. The Council shall use acts for all legislative purposes. Resolutions shall be used to express simple determination, decision, or directions of the Council of a special or temporary character.

(b) (1) The enacting clause of all acts passed by the Council shall be, "Be it enacted by the Council of the District of Columbia:".

(2) The resolving clause of all resolutions passed by the Council shall be, "The Council of the District of Columbia hereby resolves,".

(c) A special election may be called by resolution of the Council to present for referendum vote of the people any proposition upon which the Council desires to take such action.

PASSAGE OF ACTS

SEC. 336. The Council shall not pass any act before the thirteenth day following the day on which it is introduced. Subject to the other limitations of this Act, this requirement may be waived by the unanimous vote of the members present: *Provided,* That the members present constitute a majority of the Council.

INVESTIGATIONS BY DISTRICT COUNCIL

SEC. 337. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District; and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee, or the person conducting the inquiry, may issue subpenas and may administer oaths.

(b) In case of contumacy by or refusal to obey a subpena issued to any person, the Council, committee, or person conducting the investigation shall have power to refer the matter to any judge of the United States District Court for the District of Columbia, who may by order require such person to appear and to give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation; and any failure to obey such order may be punished by such court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such court.

TITLE IV—MAYOR

ELECTION, QUALIFICATIONS, AND SALARY

SEC. 401. (a) There is hereby created the office of Mayor of the District of Columbia. The Mayor shall be elected as provided in title VII. The term of office of the Mayor shall be four years, beginning at noon on January 2 of the odd-numbered years during which the President of the United States takes office.

(b) No person shall hold the office of Mayor unless he (1) is a qualified voter, (2) is domiciled and resides in the District, (3) has, during the three years next preceding his nomination, been resident in and domiciled in the District, (4) holds no other elective public office, (5) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (6) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

(c) The Mayor shall receive an annual salary in an amount established by the Council, and an allowance, in such amount as the Council shall establish, for official reception and representation expenses, which he shall certify in reasonable detail to the District Council. Such salary shall be payable in periodic installments.

(d) Notwithstanding any other provision of this Act, the method of election, the qualifications for office, the compensation and the allowance for official expenses pertaining to the office of Mayor may be changed by acts passed by the Council: *Provided,* That no such act (other than an act involving compensation or allowances) shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

POWERS AND DUTIES

SEC. 402. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control, and to that end shall have the following powers and functions:

(1) He shall designate the officer or officers of the executive department of the District who shall, during periods of disability or absence from the District of the Mayor, the Chairman, and the Vice Chairman of the Council, execute and perform all the powers and duties of the Mayor.

(2) He shall act as the official spokesman for the District and as the head of the District for ceremonial purposes.

(3) He shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the effective date of this section, are subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to section 402(4), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to offi-

cers and employees of the District government, to section 1001(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which, immediately prior to the effective date of this section, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems pursuant to section 402(4).

(4) He shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability, and death benefits, leave, retirement, insurance, and veterans' preference, applicable to employees of the District government, as set forth in section 1002(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide equal or equivalent coverage under a District government merit system or systems. The District government merit system or systems shall be established by legislation of the Council. The system or systems may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system or systems personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this Act. The District government merit system or systems shall take effect not earlier than one year nor later than five years after the effective date of this section.

(5) He shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(6) He shall, at the end of each fiscal year, prepare reports for such year of (a) the finances of the District, and (b) the administrative activities of the executive office of the Mayor and the executive departments of the District. He shall submit such reports to the Council within ninety days after the close of the fiscal year.

(7) He shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable.

(8) He may submit drafts of acts to the Council.

(9) He shall perform such other duties as the Council, consistent with the provisions of this Act, may direct.

(10) He may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make further delegation of all or a part of such functions to subordinates under his jurisdictions.

(11) There shall be a City Administrator, who shall be appointed by the Mayor and who may be removed by the Mayor. The City Administrator shall be the principal managerial aide to the Mayor, and he shall perform such duties as may be assigned to him by the Mayor.

(12) The Mayor or the Council may propose to the executive or legislative branches of the United States Government legislation or other action dealing with any subject not falling within the authority of the District government as defined in this Act.

(13) As custodian the Mayor shall use and authenticate the corporate seal of the District in accordance with law.

(14) He shall have the right, under the rules to be adopted by the Council, to be heard by the Council or any of its committees.

(15) He is authorized to issue and enforce such administrative orders, not inconsistent with any Act of the Congress or any act of the Council or of the qualified voters of the District of Columbia, as are necessary to carry out his functions and duties.

TITLE V—THE DISTRICT BUDGET

FISCAL YEAR

SEC. 501. The fiscal year of the District of Columbia shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

BUDGETARY DETAILS FIXED BY DISTRICT COUNCIL

SEC. 502. (a) The Mayor shall prepare and submit not later than April 1, to the District Council, in such form as the Council shall approve, the annual budget estimates of the District and the budget message.

(b) The Mayor shall, in consultation with the Council, take whatever action may be necessary to achieve, insofar as is possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs as shown by the accounts.

ADOPTION OF BUDGET

SEC. 503. The Council shall by act adopt a budget for each fiscal year not later than May 15, except that the Council may, by resolution, extend the period for its adoption. The effective date of the budget shall be July 1 of the same calendar year.

FIVE-YEAR CAPITAL PROGRAM

SEC. 504. (a) Prior to the adoption of the annual budget, the Council shall adopt a five-year capital program and a capital budget.

(b) The Mayor shall prepare the five-year capital program and shall submit said program and the capital budget message to the Council, not later than February 1.

(c) The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, methods of financing, and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(d) The capital program shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(e) Actual capital expenditures shall be carried each year as the capital outlay section of the current budget. These expenditures shall be in the form of direct capital outlays from current revenues or debt service payments.

BUDGET ESTABLISHES APPROPRIATIONS

SEC. 505. The adoption of the budget by the Council shall operate to appropriate and to make available for expenditure, for the purposes therein named, the several amounts stated therein as proposed expenditures, subject to the provisions of section 702.

SUPPLEMENTAL APPROPRIATIONS

SEC. 506. The Council may at any time pass an act rescinding previously appropriated funds which are then available for expenditure, or appropriating funds in addition to those theretofore appropriated to the extent unappropriated funds are available; and for such purpose unappropriated funds may include those borrowed in accordance with the provisions of title VI.

TITLE VI—BORROWING

DEFINITIONS

SEC. 601. As used in this title—

"Capital program obligations" means all outstanding obligations incurred by the District as a result of borrowing for capital outlay programs, but not including obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code, title 2, chapter 17, subchapter II), in the District of Columbia Redevelopment Act of 1945 (60 Stat. 790; D.C. Code, sections 5–701 through 5–719), and in the District of Columbia Alley Dwelling Act (48 Stat. 930), as amended (D.C. Code, sections 5–103 through 5–116).

"District revenues" means all revenues derived from taxes, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law (except payments pursuant to sections 604(a), 610(a), and 611(a)), but not including funds received by the District under any Federal grant-in-aid program.

"Secretary" means the Secretary of the Treasury.

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM OBLIGATIONS

SEC. 602. (a) The District is hereby authorized to provide for the payment of the cost of its various capital outlay programs by an issue or issues of negotiable obligations of the District, bearing interest, payable annually or semiannually, at such rate or rates as the Mayor may from time to time determine are necessary to make marketable each such issue of obligations. No obligation shall be issued which would cause the amount of principal and interest (as reduced by payments pursuant to sections 604(a) and 610 (a)) required to be paid in any fiscal year on the aggregate amount of all outstanding capital program obligations to exceed 12 per centum of the District revenues which the Mayor estimates will be credited to all funds of the District for such fiscal year.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price or prices as may be fixed by the Mayor prior to the issuance of such obligations.

PURCHASE OF DISTRICT OBLIGATIONS BY THE SECRETARY

SEC. 603. (a) The Secretary is authorized and directed to purchase from the District all or part of any issue of its obligations whenever the Secretary determines such purchase is necessary in order to permit the District to make timely payment of the principal and interest on any of its outstanding obligations. The Secretary is further authorized to purchase from the District all or any part of any proposed issue of its obligations whenever, pursuant to section 604(b), he determines that this is preferable to Federal payment of the net effective interest expense thereof.

(b) For the purpose of purchasing obligations of the District pursuant to subsection (a) or section 604(b), as authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary may use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include purchases of District obligations. Each purchase of obligations by the Secretary under this section shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this section. All purchases and sales by the Secretary of such obligations under this section shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT OF NET EFFECTIVE INTEREST EXPENSE

SEC. 604. (a) Except as provided in subsection (b), the Secretary is authorized and directed to make periodic payments to the District, upon request therefor by the Mayor in such amounts as may be necessary (1) to equal one-fourth of the net effective interest expense, including fees, commissions, and other costs of issuance incurred by the District on its obligations, or (2) to equal the difference between the net effective interest expense incurred by the District on account of its obligations and the net effective interest expense which the District would have incurred had the interest rate on its obligations been equal to the interest rate on purchases by the Secretary pursuant to section 603, whichever is greater.

(b) The Mayor shall, prior to making any request of the Secretary as authorized by subsection (a), advise him as to the net effective interest expense which the District expects to incur with respect to the proposed issue of its obligations. The Secretary shall, on the basis of such advice from the Mayor, determine whether to pay to the District the periodic amounts determined as specified in clause (1) or (2) of subsection (a), or, in the alternative, to purchase from the District all or part of the proposed issue of its obligations as authorized in section 603.

INTERIM LOAN AUTHORITY

SEC. 605. (a) The Mayor is authorized to accept loans for the District from the United States Treasury, and the Secretary is authorized to lend to the Mayor, such sums as the Mayor may determine are required to complete payments on capital outlay contracts which have been awarded not later than ninety days after the effective date of this provision. In addition, such loans shall include funds to pay the District's share of the cost of the Adopted Regional System specified in the National Capital Transportation Act of 1969.

(b) In addition to loan authority contained in subsection (a), the Mayor is authorized to accept loans for the District from the Treasury, and the Secretary is authorized to lend to the Mayor such sums as the Mayor from time to time determines are necessary to provide for the continuation of work on any capital program project or projects, pending the sale of an issue of District obligations. Any such loan shall be for such term as may be agreed upon by the Mayor and the Secretary, but in no event shall the term of any such loan extend for more than thirty days beyond the date on which proceeds from the sale of the District's obligations become available for the construction of such project or projects.

(c) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(d) There are authorized to be appropriated such sums as may be necessary to make loans under this section.

DISTRICT OBLIGATIONS SUBJECT TO TAXATION

SEC. 606. Notwithstanding the provisions of section 103 of the Internal Revenue Code (26 U.S.C. 103), any and all obligations issued by the District under the authority of this title shall be subject both as to principal and interest to District, Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

DISTRICT OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 607. All obligations issued by the District under the authority of this title shall be lawful investments, and may be accepted as security for fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the District pursuant to this title shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

DISTRICT OBLIGATIONS ELIGIBLE FOR PURCHASE BY FINANCIAL INSTITUTIONS

SEC. 608. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Satutes, as amended (12 U.S.C. 24), is amended by inserting ", or obligations of the District of Columbia issued pursuant to the District of Columbia Charter Act," immediately following "United States" where such term first appears in such sixth sentence.

(b) Notwithstanding any other provision of law, any building association or building and loan association or any savings and loan association, incorporated or unincorporated, organized and operating under the laws of the District, or any Federal savings and loan association, may invest its funds in obligations of the District issued pursuant to this title.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT OF NET EFFECTIVE INTEREST EXPENSE

SEC. 609. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph appropriating moneys for the purposes under the Treasury Department, to read as follows:

"Payments with respect to District of Columbia Obligations: For payments with respect to obligations of the District of Columbia pursuant to section 604(a) of the District of Columbia Charter Act."

WATER POLLUTION

SEC. 610. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary wage works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor shall be used to exclude the Maryland and Virginia share of pollution projects costs from the limitation on the District's capital program obligations as provided in section 602(a).

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

FUNDS FOR DISTRICT INSTITUTIONS OF HIGHER EDUCATION

SEC. 611. (a) In order to carry out the District's capital programs for its institutions of higher education, including those programs authorized by the District of Columbia Public Education Act approved November 7, 1966 (Public Law 89–791; 80 Stat. 1426), there is authorized to be appropriated Federal capital contributions to the Mayor in such amounts as may be necessary to defray the cost of constructing projects which have been included in the budget estimates for the District and approved by the Congress, in making capital outlay appropriations to the District: *Provided*, That such project or projects shall be included by the Mayor in the budget estimates of the Mayor only after he has approved an education program and financial plan for the Federal City College and the Washington Technical Institute submitted to him jointly by the Chairman of the Board of Higher Education and the Chairman of the Board of Higher Education and the Chairman of the Board of Vocational Education. Such plan to be known as "The District of Columbia Higher Education Program and Financial Plan", may be amended from time to time as appropriate and shall include the following—

(1) an estimate of the total cost of construction of all proposed physical facilities, including construction scheduling and annual capital cost requirements;

(2) estimates and projects of student body enrollment;

(3) overall financial plans for operating expenses;

(4) admission policies as they may affect student body enrollment levels;

(5) estimates of financial assistance for which the District may qualify under various Federal grant-in-aid programs; and

(6) such other information as the Mayor determines necessary to complete his review of the Higher Education Program and Financial Plan.

In approving the Higher Education Program and Financial Plan required by this section, the Commissioner may make such modifications as he determines necessary in the interest of economy and efficiency of the operations of the institutions of higher education or of other agencies of the District, or the Commissioner may disapprove such plan and return it, together with his reasons for disapproval, to the respective institutions for resubmission.

(b) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsection (a) and of titles I and II of the District of Columbia Education Act.

(c) Title III of the District of Columbia Education Act is repealed.

DISTRICT OF COLUMBIA CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 612. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1973 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (Public Law 91–143; 83 Stat. 320) shall be payable from the proceeds of the sale of District obligations issued pursuant to the authority contained in section 602 of this title.

TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 613. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9-220), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec. 43-1540), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 104), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43, 1612, 1613, 1615, 1616, and 1617), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7-133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(e) Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Acts specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriated to the District prior to the effective date of this provision.

TITLE VII—FINANCIAL AFFAIRS OF THE DISTRICT

PART 1—FINANCIAL ADMINISTRATION

SURETY BONDS

SEC. 701. Each officer and employee of the District required to do so by the District Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

FINANCIAL DUTIES OF THE MAYOR

SEC. 702. The Mayor, through his duly designated subordinates, shall have charge of the administration of the financial affairs of the Distrist and to that end he shall—

(1) prepare and submit in the form and manner prescribed by the Council under section 502 the annual budget estimates and a budget message;

(2) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(3) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets;

(4) submit to the Council a monthly financial statement, by appropriation and department, and in any further detail the Council may specify;

(5) prepare, as of the end of each fiscal year, a complete financial statement and report;

(6) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, make all special assessments for the District government, prepare tax maps, and give such notice of taxes and special assessments as may be required by law;

(7) supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues of the District for the collection of which the District is responsible and receive all money receivable by the District from the Federal Government, or from any court, or from any agency of the District;

(8) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions may be prescribed by act of the Council;

(9) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange.

CONTROL OF APPROPRIATIONS

SEC. 703. The Council may provide for (1) the transfer during the budget year of any appropriation balance then available for one item of appropration to another item of appropriation, and (2) the allocation to new items of funds appropriated for contingent expenditure.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 704. The Mayor, through his duly authorized subordinates, shall—

(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies of the District government;

(2) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) perform internal audits of central accounting and department and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL FUND

SEC. 705. The general fund of the District shall be composed of the revenues of the District other than the revenues applied by law to special funds. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor, or his duly authorized subordinates, for deposit in the appropriate funds.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 706. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made pursuant to criteria established by act of the Council.

PART 2—ANNUAL POST AUDIT BY GENERAL ACCOUNTING OFFICE

INDEPENDENT ANNUAL POST AUDIT

SEC. 721. (a) The financial transactions shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The District of Columbia shall reimburse the General Accounting Office for expenses of such audit in such amounts as may be agreed upon by the Mayor and the Comptroller General, and the amounts so reimbursed shall be deposited into the Treasury of the United States as miscellaneous receipts.

(b)(1 The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Mayor and the Council informed of the operations to which the reports relate, together with such recommedations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transaction or undertaking which, in the opinion of the Comptroller General, has been carried on or made without authority of law.

(2) After the Mayor and his duly authorized surbordinates have had an opportunity to be heard, the Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection and shall transmit copies thereof to the Congress.

(3) The Mayor, within ninety days after the report has been made to him and the Council, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

AMENDMENT OF BUDGET AND ACCOUNTING ACT

SEC. 722. Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by striking out "and the municipal government of the District of Columbia".

PART 3—ADJUSTMENT OF FEDERAL AND DISTRICT EXPENSES

SEC. 731. Subject to section 901 and other provisions of law, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, are authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

PART 4—ANNUAL FEDERAL PAYMENT TO THE DISTRICT

SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments by the Federal Government are hereby authorized to cover the proper share of the expenses of the District government. On or before January 10 of each year, the Mayor shall, with the approval of the Council, submit to the Secretary of the Treasury through the Administrator of General Services a request for a Federal payment to be made during the following fiscal year, and the amount of such payment shall be computed in accordance with this part.

(b) The Federal payment for each fiscal year shall be determined on the basis of a percentage of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues which the Mayor estimates will be credited to the general fund of the District during the fiscal year as follows:

(1) For the fiscal year ending June 30, 1972, such amount shall be an amount equal to 32 per centum of such fees, receipts, and revenues so estimated for that fiscal year;

(2) For the fiscal year ending June 30, 1973, such payment shall be an amount equal to 34 per centum of such fees, receipts, and revenues so estimated for that fiscal year;

(3) For the fiscal year ending June 30, 1974, such payment shall be an amount equal to 36 per centum of such fees, receipts, and revenues so estimated for that fiscal year;

(4) For the fiscal year ending June 30, 1975, such payment shall be an amount equal to 38 per centum of such fees, receipts, and revenues so estimated for that fiscal year;

(5) For the fiscal year ending June 30, 1976, such payment shall be an amount equal to 40 per centum of such fees, receipts, and revenues so estimated for that fiscal year; and

(c) Commencing with the fiscal year ending June 30, 1972, the amount of the Federal payment for any fiscal year shall be adjusted by an amount equal to the difference between (1) the Federal payment made for such fiscal year and (2) the per centum in effect for that fiscal year times such fees, miscellaneous receipts, and tax revenues actually credited to the general fund during such fiscal year.

(d) After review by the Administrator of General Services of the request for Federal payment and certification by him on or before April 10 of the fiscal year preceding the fiscal year for which the annual Federal payment is being requested that such request is in conformity with the provisions of this part, the Secretary of the Treasury shall, not later than September 1 of each fiscal year, cause such payment to be made to the District out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is authorized to advance on or after July 1, out of any money in the Treasury not otherwise appropriated, without interest, such amounts (not to exceed in the aggregate the total payment in the previous fiscal year) as may be required by the District pending the payment of the amount authorized by this section.

(e) The Administrator of General Services shall enter into cooperative arrangements with the Mayor whereby adjustments, disputes, differences, or disagreements involving the Federal payment may be resolved.

TITLE VIII—AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 801. The District of Columbia Election Act is amended as follows:

(1) The first section of such Act is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor, the Delegate from the District of Columbia,".

(2) Paragraph (2) of section 2 of such Act is amended to read as follows:

"(2) The term 'qualified elector' means any person (A) who, for the purpose of voting in an election under this Act, has resided in the District continuously during the six-month period ending on the day of such election, (B) who is a citizen of the United States, (C) who is, or will be on the day of the next election, at least eighteen years old, (D) who is not mentally incompetent as adjudged by a court of competent jurisdiction, and (E) who certifies that he has not, within six months immediately preceding the day of the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than the District of Columbia)."

(3) Section 2 of such Act is further amended (1) by striking out in paragraph (4) thereof "a school" and inserting in lieu thereof "an"; and (2) by adding at the end thereof the following new paragraphs:

"(6) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Charter Act.

"(7) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Charter Act."

(4)(A) Section 3 of such Act is amended to read as follows:

"SEC. 3. There is hereby created a Board of Elections for the District of Columbia, to be composed of three members appointed by the Mayor, by and with the advice and consent of the District Council. The term of each such member shall be three years from the expiration of the term of his predecessor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. When a member's term of office expires, he may continue to serve until his successor is appointed and has qualified. The Mayor shall from time to time designate the Chairman of the Board."

(B) The members of the Board of Elections in office on the date when the Mayor first elected takes office shall continue in office for the remainder of the terms for which they were appointed.

(5) The first sentence of section 4(b) of such Act is amended to read as follows:

"(b) Each member of the Board shall be paid at the rate of $1,500 per annum in periodic installments; except that the rate of compensation may be changed by act passed by the District Council."

(6) Section 5(a)(4) of such Act is amended by striking "school".

(7) Section 7(d)(1) of such Act is amended by striking out "odd-numbered calendar year and of each presidential election year," and inserting in lieu thereof "calendar year,".

(8) Section 8(h) of such Act is amended to read as follows:

"(h)(1) Except in the case of the three members of the Board of Education, the three members, including the Chairman, of the Council, the Mayor, and the District Delegate elected at large, the other members of the Board of Education and the Council shall be elected by the qualified electors of the respective wards of the District from which the members have been nominated.

"(2) In the case of the three members of the Board of Education, the three members, including the Chairman, of the Council, the Mayor, and the District Delegate elected at large, such members, Mayor, and District Delegate shall be elected by the qualified electors of the District."

(9) Section 8(i) of such Act is amended to read as follows:

"(i) Each candidate in a general election for member of the Board of Education, member of the Council, the office of Mayor, or the office of District Delegate shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such general election; (B) signed by at least two hundred and fifty persons who are duly registered under section 7 in the ward from which the candidate seeks election, or, in the case of a candidate running at large, signed by at least one hundred and twenty-five persons in each ward of the District who are duly registered in such ward; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination in writing and it is received by the Board not later than three days after the date on which nominations are closed. A nominating petition for any such candidate in a general election may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall insure that each signature on a petition is that of a registered voter and that no voter shall sign more than one nominating petition for any office. In a general election for candidate for the office of Board of Education or the Council to be elected from wards, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to any such office from such ward, and, in the case of candidates for the office of Board of Education or the Council to be elected at large, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for as many candidates duly nominated for election at large to any such office as there are Board of Education or Council members to be elected at large in such election. In a general election for Mayor or District Delegate, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to any such office."

(10) Section 10(a) of such Act is amended by inserting immediately after paragraph (3) thereof the following new paragraph:

"(3A) The first general election for members of the Council shall be held on the first Tuesday after the first Monday in November of the year this Act shall become law, and thereafter on the Tuesday next after the first Monday in November of each even-numbered calendar year. The first general election for the office of Mayor shall be held on the first Tuesday after the first Monday in November of the year this Act shall become law, and thereafter on the Tuesday next after the first Monday in November of such year as the President of the United States shall be elected."

(11) Paragraph 4(A) of section 10(a) of such Act is amended to read as follows:

"(4)(A)(1) If in a general election for members of the Board of Education or the Council no candidate for the office of member of such Board or Council from a ward, or no candidate for the office of member of such Board or Council elected at large (where only one at large position is being filled at such election) receives 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

"(2) If in a general election for the office of Mayor or Chairman of the Council or Delegate from the District of Columbia no candidate for any such office receives 40 per centum of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.".

(12) Paragraph (5) of section 10(a) of such Act is amended to read as follows:

"(5) In the case of a runoff election for the office of member of the Board of Education or the Council elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes less than 40 per centum. In the case of a runoff election for the office of member of the Board of Education or the Council from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. In the case of a runoff election for the office of Mayor or Chairman of the Council or Delegate from the District of Columbia, the candidates in such runoff election shall be those two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such election for such office, or who tied in receiving the highest number of such votes. If in any case a tie vote must be resolved to determine the candidates to run in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.".

(13) Paragraph (6) of section 10(a) of such Act is amended by inserting a comma immediately after "Board of Education" and the following: "or the Council, or Mayor or Delegate from the District of Columbia".

(14) Section 10(b) of such Act is amended by inserting immediately after "Board of Education", the following: "or the Council, or the Mayor or Delegate from the District Columbia".

(15) Section 10(c) of such Act is amended by inserting immediately after "Board of Education", the following: "or the Council, or the Mayor or Delegate from the District of Columbia".

(16) Section 10(d) of such Act is amended by inserting immediately after "Board of Education", the following: "or the Council, or the Mayor or Delegate from the District of Columbia".

(17) Section 10(e) of such Act is amended to read as follows:

"(e) Whenever a vacancy occurs in the office of member of the Board of Education or Mayor, such vacancy shall be filled at the next general election for members of the Board of Education or the office of Mayor, as the case may be, which occurs more than ninety-nine days after such vacancy occurs. However, in the case of the Board of Education, such Board shall appoint a person to fill such vacancy until the unexpired term of the vacant office ends or until the fourth Monday in January next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. In the case of the office of Mayor, the Council shall appoint a person to fill such vacancy until the unexpired term of the vacant office ends or until January 2 next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. A person elected to fill any such vacancy shall hold office for the duration of the unexpired term of office to which he was elected. Any person appointed under this subsection shall have the same qualifications for holding such office as were required of his immediate predecessor."

(18) The first sentence of section 15 of such Act is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or the Council.".

RECALL

SEC. 802. (a) Any elective officer of the District of Columbia, other than the Delegate from the District of Columbia, shall be subject to recall by the qualified voters of the elective unit, ward, or the District, from which he was elected. Any petition filed demanding such recall shall be signed by not less than 25 per centum of the number of qualified voters of the applicable elective unit voting at the last preceding general election (not a runoff election). Such petition shall set forth the reasons for the demand and shall be filed with the secretary of the District Council. If any such officer with respect to whom such a petition is filed shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as provided by law for filling a vacancy in that office arising from any other cause. If he shall not resign within five days after the petition is filed, a special election shall be called by the Council to be held within twenty days thereafter to determine whether the qualified voters of the applicable elective unit will recall such officer.

(b) There shall be printed on the ballot at such election, in not more than two hundred words, the reason or reasons for demanding the recall of any such officer, and in not more than two hundred words, the officer's justification or answer to such demands. Any officer with respect to whom a petition demanding his recall has been filed shall continue to perform the duties of his office until the result of such special election is officially declared by the Board of Elections. No petition demanding the recall of any officer filed pursuant to this section shall be circulated against any officer of the District until he has held his office six months.

(c) If a majority of the qualified voters voting on any petition filed pursuant to this section vote to recall any officer, his recall shall be effective on the day on which the Board of Elections certifies the results of the special election, and the vacancy created thereby shall be filled immediately in a manner provided by law for filling a vacancy in that office arising from any other cause.

(d) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of a petition for recall filed pursuant to this section, and (2) with respect to the conduct of any special election held pursuant to this Act.

INTERFERENCE WITH REGISTRATION OR VOTING

SEC. 803. (a) No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law. No person performing such a duty shall interfere with the registration or voting of another person because of his race, color, sex, or religious belief, or his lack of property or income.

(b) No registered voter shall be required to perform a military duty on election day which would prevent him from voting, except in time of war or public danger, or unless he is away from the District in military service. No registered voter may be arrested while voting or going to vote except for treason, a felony, or for a breach of the peace then committed.

TITLE IX—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 901. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Office of Management and Budget and by the Mayor, with the approval of the District Council. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 902. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 903. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Council, or the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of the Council or such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 904. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 402(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 901 of this Act.

TITLE X—SUCCESSION IN GOVERNMENT

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 1001. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer by this Act or his separation from service under this Act, be deprived of a civil service status held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 1002. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided, nothing contained in this Act shall be construed as affecting the applicability to the District of Columbia government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage as provided in section 402(4).

PENDING ACTIONS AND PROCEEDINGS

SEC. 1003. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 1004. Until the 1st day of July next after the first Mayor takes office under this Act, no vacancy occurring in any District agency by reason of section 321, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

TITLE XI—SEPARABILITY OF PROVISION

SEC. 1101. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITION PERIOD

SEC. 1201. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the District Council, by Executive order or otherwise, with respect to the administration of the functions of the District of Columbia government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 1202. (a) The Secretary of the Treasury is authorized and directed to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title V, from the general fund of the District of Columbia.

TITLE XIII—EFFECTIVE DATES

SEC. 1301. (a) As used in this title and title XIV the term "charter" means titles I to XI, both inclusive, and title XV.

(b) The charter shall take effect only if accepted pursuant to title XIV. If the charter is so accepted, it shall take effect on the day following the date on which it is accepted (as determined pursuant to section 1406) except that—

(1) part 2 of title III, title V, title VII (except part 4), and title XV shall take effect on the day upon which the Council members first elected take office;

(2) section 402 shall take effect on the day upon which the Mayor first elected takes office; and

(3) part 4 of title VII shall take effect with respect to the first fiscal year beginning next after the Mayor first elected takes office and with respect to subsequent fiscal years.

(c) Titles XII, XIII, and XIV shall take effect on the day following the date on which this Act is enacted.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

CHARTER REFERENDUM

SEC. 1401. On a date to be fixed by the Board of Elections, not more than four months after the enactment of this Act, a referendum (in this title referred to as the "charter referendum") shall be conducted to determine whether the registered qualified voters of the District of Columbia accept the charter.

BOARD OF ELECTIONS

SEC. 1402. (a) In addition to its other duties, the Board of Elections established under the District Election Act of 1955 shall conduct the charter referendum and certify the results thereof as provided in this title.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of title VIII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

APPLICABILITY OF TITLE VIII

SEC. 1403. Except as otherwise indicated in this title, the provisions of title VIII of this Act shall to the extent applicable govern all aspects (including, but not solely, the registration and qualification of voters, the method of voting, recounts and contests, interference with registration or voting, and election violations) of the referendum election herein, notwithstanding the fact that such title VIII does not otherwise take effect unless the charter is accepted.

CHARTER REFERENDUM BALLOT: NOTICE OF VOTING

SEC. 1404. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Charter Act, enacted ——, proposes to establish a new charter for the District of Columbia, but provides that the charter shall take effect only if it is accepted by the registered qualified voters of the District in this referendum.

"By marking a cross (X) in one of the squares provided below, show whether you are for or against the charter.

☐ For the charter
☐ Against the charter".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of charter referendum, the Board of Elections shall mail to each person registered (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such person and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in newspapers of general circulation published in the District of Columbia, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 1405. (a) If a majority of the registered qualified voters voting the charter referendum vote for the charter the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the result of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE XV—INITIATIVE

POWER TO PREPOSE AND ENACT LEGISLATION

SEC. 1501. (a) Subject to the provisions of section 325 of this Act, the qualified voters of the District shall have the power, independent of the Mayor and Council, to propose and enact legislation relating to the District with respect to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this Act.

(b) In exercising the power of initiative conferred upon the qualified voters by subsection (a) of this section, not less than 10 per centum of the number of qualified voters voting in the last preceding general election shall be required to propose any measure by an initiative petition. Every such petition shall include the full text of the measure so proposed and shall be filed with the Secretary of the District Council to be submitted to a vote of the qualified voters. Any such petition which has been filed with the Secretary, and certified by him as sufficient, shall be submitted to the qualified voters of the District at the first general election which occurs not less than thirty days nor more than one year from the date on which the Secretary files his certificate of sufficiency. The Council shall, if no general election is to be held within such period, provide for a special election for the purpose of considering the petition.

(c) Upon receiving the certification of the Board of Elections of the results of any election held with respect to any measure proposed by an initiative petition, the Secretary of the Council, if such measure was approved by a majority of the qualified voters of the District voting thereon, shall, within five calendar days thereafter, present the petition containing such measure so approved, which was filed with him pursuant to subsection (b) of this section, to the President of the United States. Such measure shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that such measure adversely affects a Federal interest, disapprove it, in which event he shall return it, with his objections, to the Secretary and, notwithstanding any other provision of this Act, such measure shall not become law.

(d) If conflicting measures proposed at the same election become law, the measure receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(e) If, within thirty days after the filing of a petition, the Secretary has not specified the particulars in which a petition is defective, the petition shall be deemed certified as sufficient for purposes of this section.

(f) The style of all measures proposed by initiative petition shall be as follows: "Be it enacted by the People of the District of Columbia".

(g) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of initiative petitions, and (2) with respect to the conduct of any election during which any such petition is considered.

(h) If any organization or group request it for the purpose of circulating descriptive matter relating to the measures proposed to be voted on, the Board of Elections shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof, at a charge to be determined by the Board of Elections, not exceeding the actual cost of reproducing such list.

TITLE XVI—TITLE OF ACT

SEC. 1601. This Act, divided into titles and sections according to table of contents, and including the declaration of congressional policy which is a part of such Act, may be cited as the "District of Columbia Charter Act".

FEDERAL FUNDS FOR HEALTH

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. COLLIER. Mr. Speaker, during the next few weeks we will be considering the various appropriations bills that will provide funds for the many health programs that are administered by the executive branch of the National Government. We will also deal with various health care plans, including those that have been offered by the Nixon administration, organized labor, the American Medical Association, the Health Insurance Association of America, and the American Hospital Association.

Before any Member of this body votes on either the appropriations measures or on authorizations for new health programs, I hope he will take time to examine some figures that I will insert in the RECORD at the close of my remarks. These statistics are based on "The Budget of the United States" for fiscal 1972, which is now going through the appropriations process.

According to the tabulation, total obligations amounted to $20,612,439,000 during fiscal 1970. They are expected to total $23,890,886,000 during the current year, fiscal 1971, and $25,616,191,000 during fiscal 1972, which will begin 2 months from now. These vast sums do not include health appropriations that are not separated from nonhealth appropriations.

Mr. Speaker, I hope that my colleagues who feel that the Federal Government is being parsimonious in financing health programs will scrutinize the figures that I have prepared for them. I hope that those who are concerned about unbalanced budgets will look for places to economize, consolidate, and streamline. I especially hope that those who want to establish new health care programs will bear in mind that the money for them will have to come from the same source as that which will have to provide almost $26,000,000,000 during fiscal 1972 for existing health activities—the taxpayer.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Demonstration health projects	4,408	45,669	45,000

Grants are made for the construction, equipping, and operation of multicounty demonstration health facilities, including hospitals, regional health diagnostic or treatment centers, and other facilities. Emphasis will be given to programs for child development and nutrition and to continued operational assistance for health services in selected demonstrations within the Appalachian region.

FOREIGN ASSISTANCE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
International development assistance informational foreign currency schedules: Financial activities related to maternal welfare, child health and problems of population growth	5,588	17,933	6,540

Portions of the foreign currencies from the sale of agricultural commodities are allocated to the foreign economic assistance program to finance activities related to maternal welfare, child health and nutrition, population growth, and plant or pest control.

OFFICE OF ECONOMIC OPPORTUNITY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Economic opportunity program: Community development programs: Health and nutrition	122,500	139,700	134,900

A number of additional health services projects will be started in 1972 to explore new ways to deliver comprehensive care to the poor. The major effort will be in developing communitywide programs involving a number of institutions forming a coordinated network of services for the poor. Family planning and narcotics rehabilitation programs will also be expanded.

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: Cooperation with the Bureau of Narcotics and Dangerous Drugs, Department of Justice, on work concerned with eradication of marihuana	6		

FOREST SERVICE

	1970 actual	1971 estimate	1972 estimate
Construction and land acquisition: Pollution abatement		6,488	19,088

To provide for bringing water and air pollution control at existing recreation, research, fire, and administrative facilities to the quality standards adopted pursuant to the Federal Water Pollution Control Act, as amended, the Clean Air Act, as amended, or as prescribed pursuant to Executive Order 11507—1970.

DEPARTMENT OF COMMERCE

PROMOTION OF INDUSTRY AND COMMERCE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: National Industrial Pollution Control Council	20		
National Industrial Pollution Control Council, salaries and expenses:			
Administrative expenses		291	294
Change in selected resources		3	6
Total obligations		294	300

Executive Order 11523—1970—established the National Industrial Pollution Control Council to advise the President and the Chairman of the Council on Environmental Quality, through the Secretary of Commerce, on programs of industry relating to the quality of the environment. The role of the Council is to: survey and evaluate the plans and actions of industry in the field of environmental quality; identify and examine problems of the effects on the environment of industrial practices and the needs of industry for improvements in the quality of the environment, and recommend solutions to those problems; provide liaison among members of the business and industrial community on environmental quality matters; encourage the business and industrial community to improve the quality of the environment; and advise on plans and actions of Federal, State, and local agencies involving environmental quality policies affecting industry which are referred to it by the Secretary of Commerce, or by the Chairman of the Council on Environmental Quality through the Secretary.

This activity is carried out through 30 subcouncils of industry categories such as chemicals, airlines, each composed of six to eight industry executives of large and small companies. These subcouncils promote a knowledgeable industry-by-industry approach to industrial environmental quality improvement.

DEPARTMENT OF DEFENSE, MILITARY

OPERATION AND MAINTENANCE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Army National Guard:			
Medical support	20	35	969
Air National Guard:			
Medical support	565	700	700
Informational foreign currency schedule (value of goods and service provided by the Berlin magistrat for occupation costs and mandatory expenditures): Medical activities	835	872	1,093

Note: A great deal of money is provided for "Medical" under "Department of Defense—Military," that is not isolated from other budget items.

REVOLVING AND MANAGEMENT FUNDS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Air Force stock fund: Medical-dental	53,770	52,663	50,093
Defense stock fund: Medical and dental material	178,585	178,000	166,000

DEPARTMENT OF DEFENSE—CIVIL

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Soldiers' Home: Operation and maintenance: Medical care	4,350	4,713	5,031

A hospital operated as part of the home cares for the daily average patient loads. In addition, certain members will receive specialized care at other hospitals.

OPERATION AND MAINTENANCE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical care		149	

A proposed supplemental appropriation is anticipated in 1971 to cover increased costs of operating the Home.

THE PANAMA CANAL

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating expenses:			
Health and sanitation:			
Hospitals and clinics	13,642	14,250	15,037
Other public health services	2,569	2,697	2,885

Hospitals and clinics: Two general medical and surgical hospitals, with outpatient clinics, are maintained and operated to furnish medical care to eligible civilian and military personnel. A neuropsychiatric and domiciliary hospital and a leprosarium also are operated and maintained.

Other public health services: This provides for communitywide public health services, sanitation, and quarantine work in the Canal Zone, and for ships calling at its ports and transiting the canal, inspection of food processing establishments, and facilities for animal care and quarantine.

CAPITAL OUTLAY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Civil functions:			
Public areas and facilities:			
Construction of sewage pollution controls			400
Health and sanitation:			
Replace and add equipment	339	701	246
Improvements and rehabilitations to health facilities	29	285	503
Prior year projects	597	395	

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Food and drug control:			
Foods:			
Grants	420	2,946	2,946
Direct operations	26,596	33,545	39,460
Drugs and devices	30,465	36,182	39,915
Product safety			
Grants	230	748	748
Direct operations	3,589	5,124	5,217
Program direction and management services	5,055	6,906	6,907
Total program costs, funded	66,355	85,451	95,193
Change in selected resources	9,849		
Total obligations	76,204	85,451	95,193

The laws administered by the Food and Drug Administration are designed to protect the public against dangerous, misbranded, and adulterated foods, drugs, therapeutic devices, cosmetics, and other products, including pesticides, poisons, toys, and hazardous household substances.

Foods: Grants: Research and training grants are awarded to State agencies, to universities, and to qualified nonprofit institutions for studies to determine harmful properties in milk and food and to develop methods to detect and prevent food contamination.

Direct operations: The agency is responsible for promoting the safety, quality, nutritional adequacy, and integrity of the country's food supply. It conducts intramural and extramural studies of foods, long-term low-dose chemical feeding studies in animals, sets standards for certain classes of products, reviews industry petitions to use additives in foods and establishes tolerance for them, defines good manufacturing practices and works to secure industry's voluntary adherence to them and to the law, inspects establishments in the food marketing chain to insure that products are being manufactured and distributed properly, collects and analyzes samples of marketed foods to insure that the final product is safe, wholesome, and properly labeled, and takes whatever regulatory action is necessary to insure compliance with the law.

The 1972 increase will fund expanded food inspection efforts, the establishment and monitoring of guidelines for the nutritional quality and labeling of foods, expanded research and regulatory programs involving foods containing mycotoxins and poisonous metals, expanded coverage of imported foods, the establishment of a program for periodic review of the safety of chemicals added to food, and initiation of a cooperative quality assurance program.

Drugs and devices: The agency's responsibilities within this activity are to insure that drugs and medical devices are both safe and effective. It evaluates all new drugs when they are first proposed for experimental testing in humans and again before they can be sold to the public at large. Additionally, it reviews reports from industry and from the medical profession to learn about adverse reactions or other problems associated with marketed drugs and devices, conducts extramural and intramural studies to detect problems that may not be readily apparent to the layman or to the physician, inspects drug establishments to insure that products are manufactured and distributed properly, collects and analyzes samples of marketed drugs to insure that the final product is safe and effective in the form in which it actually reaches the consumer, and takes regulatory action when necessary to insure compliance with the law.

The 1972 increase will enable the agency to improve the drug review process, increase its statistical analysis capability in its effort to insure the safety and efficacy of new drugs, increased efforts to remove ineffective drugs from the market, expand research on the safety and efficacy of drugs, increase drug inspection efforts, develop an initial testing and monitoring program to determine the safety and efficacy of medical devices, and expand studies to determine the occurrence and significance of drug residues in food-producing animals.

Product safety—grants: Research grants are awarded to universities and to other eligible institutions for the study of accidental poisonings, burns, and other injuries related to the use or misuse of potentially hazardous products.

Direct operations: The agency's responsibilities within this activity center on the identification and, where the law permits, the regulatory control of unsafe products that pose a threat to the consumer. It collects, evaluates, and disseminates epidemiological data on accidental poisonings and injuries involving hazardous products, conducts intramural and extramural studies of these products and their components, inspects establishments in the marketing chain to insure that proper manufacturing and distribution procedures are followed, sponsors tests of certain products that appear unusually dangerous, and takes regulatory action when necessary against violations of the Federal Hazardous Substances Labeling Act and the Child Protection and Toy Safety Act.

Program direction and management services: This activity includes the agency's executive and administrative functions: the establishment of policy, the formulation and promulgation of agency-wide plans and directives, the allocation and control of resources, the daily direction of the organization, the evaluation of performance, the maintenance of liaison with Congress and other Government agencies, the coordination of the agency's international activities, and the support of its operating units in the areas of financial management, mail and records, printing and distribution, facilities management, supply management, management services, personnel, and training.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Buildings and facilities:			
Total program costs, funded		4,705	8,049
Change in selected resources		1,574	7,157
Total obligations		6,279	15,206

This appropriation provides funds for continuing projects related to the planning, construction, repair, and improvements of all buildings and facilities of the Food and Drug Administration.

REVOLVING FUND FOR CERTIFICATION AND OTHER SERVICES—OPERATING COSTS, FUNDED

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Certification services:			
Antibiotics	2,861	3,489	3,526
Color additives	553	592	600
Insulin	87	81	82
Establishment of tolerances: Pesticides	212	69	
Capital outlay, funded: Purchase of equipment	147	209	209
Total program costs, funded	3,860	4,440	4,417
Change in selected resources	67		
Total obligations	3,927	4,440	4,417

The Food and Drug Administration certifies batches of antibiotics, insulin, and color additives for use in food, drugs, or cosmetics; it also establishes tolerances for residues of pesticide chemicals in or on raw agricultural products and lists color additives for use in foods, drugs, and cosmetics. These services are financed wholly by fees paid by the industries affected.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: Food and drug control	158	326	326

ENVIRONMENTAL HEALTH SERVICE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Environmental control:			
Solid waste management	13,911	10,771	2,000
Occupational health	8,088	13,700	2,000
Radiological health	12,759	13,891	6,000
Community environmental management	13,287	6,871	3,000
Water hygiene	2,602	2,221	1,000
Program direction and management services	2,880	2,326	1,000
Total program costs, funded	53,527	49,780	15,000
Change in selected resources	3,060	−11,731	−15,000
Total obligations	56,587	38,049	

Programs supported by the environmental control appropriation in 1971 will be transferred to other Department of Health, Education, and Welfare appropriations and to appropriations of the Environmental Protection Agency in 1972. Programs remaining under Department control are occupational health, community environmental management, and the health related segments of the radiological health program. Programs transferred to the Environmental Protection Agency effective December 2, 1970, include solid waste management, water hygiene, the environmental elements of the radiological health program and program direction and management services activities of the Environmental Control Administration.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Buildings and facilities:			
Food and Drug Administration	22		
Environmental Control Administration	2,115	1,954	
Total program costs, funded	2,137	1,954	
Change in selected resources	—1,041	—1,794	
Total obligations	1,096	160	

This appropriation was terminated as of November 30, 1970. Construction activities previously funded through this account have been transferred to the Food and Drug Administration, the Environmental Protection Agency, and the Health Services and Mental Health Administration.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
MENTAL HEALTH			
Research:			
Grants	84,796	90,600	92,400
Direct operations	26,797	26,426	26,942
Manpower development:			
Training grants and fellowships	118,335	116,350	113,300
Direct operations	5,678	5,810	5,765
State and community programs:			
Community mental health centers:			
Construction	23,995	27,678	
Staffing	47,622	90,100	105,100
Community narcotic addiction and alcoholism rehabilitation programs	3,057	29,713	40,193
Direct operations	2,715	3,431	3,938
Rehabilitation of drug abusers	17,131	20,308	20,611
Program support activities:			
Field activities	2,562	2,881	2,889
Scientific communication and public education	4,019	4,831	5,255
Executive direction and management services	5,653	5,982	5,839
Total program costs, funded	342,360	424,110	422,232
Change in selected resources	—1,096		
Total obligations	341,264	424,110	422,232

Research, grants: Grants are awarded on a project basis for clinical, psychopharmacological, service developmental, and behavioral research in mental illness and health. Clinical research centers, research in special areas such as alcoholism, drug abuse, and violence, child mental health, and general research support grants are also supported. Hospital improvement projects which are awarded to State institutions for the mentally ill are also supported from this subactivity. These projects are designed to improve the quality of care, treatment, and rehabilitation in State institutions.

Direct operations: Laboratory and clinical research are supported in this subactivity in the behavioral and biological sciences, for example, phychiatry, socio-economic studies, neurobiology, and neurochemistry and in special mental health problems of narcotic addiction, alcoholism, neuropharmacology, and clinical psychopharmacology.

This subactivity also supports Institute staff who are responsible for the planning, development, and administration of the grant and contract programs included under "Grants."

A limited amount of the funds is used to support research on a contract basis. One such activity is the marihuana contract program designed to determine the behavioral and biological effects of marihuana. Payments to the National Institutes of Health's management fund are also supported in this subactivity.

Manpower development: Training grants and fellowships: Grants are made to training institutions for training in psychiatry, psychology, psychiatric nursing, psychiatric social work, and other mental health disciplines, such as the rapidly developing paraprofessional mental health worker field. Experimental and special programs and continuing education in mental health are supported as well as specialized training in such areas as alcoholism, drug abuse, crime and delinquency, and suicide prevention. Fellowship awards are made on the basis of individual merit to persons involved in mental health research.

Direct operations: This subactivity supports Institute staff who are responsible for planning and administration of the national mental health manpower program including mental health manpower studies and the development of training programs for paraprofessionals. A limited amount of funds will be used to support contracts to train individuals to work with drug abusers. This subactivity also supports the training activities of the National Center for Mental Health Services, training and research, and a program for training psychiatrists for careers in the Public Health Service.

State and community programs: Community mental health centers. Construction: Grants are awarded to public and nonprofit agencies for the partial support of construction costs for community mental health centers.

Staffing: Grants are awarded to the centers for partial support on a matching basis, of professional and technical personnel.

Community narcotic addiction and alcoholism rehabilitation programs: These grants provide partial support on a matching basis for the construction and staffing of community facilities for the treatment and rehabilitation of narcotic addicts and alcoholics. Project grants are also made for specialized training programs, special projects, evaluation of existing narcotic addiction and alcoholism rehabilitation programs, consultation services, and for the initiation and development of new projects in poverty areas. The 1972 budget will also support drug abuse projects transferred from the Office of Economic Opportunity.

Direct operations: This subactivity supports Institute staff responsible for program development and policymaking operations for the community mental health centers program, technical program assistance for the mental hospital improvement program and administration of a mental health services delivery, research grants, and intramural research program. Additional funds and positions are contained in the 1972 budget for this subactivity for the planning, development, and administration of the rapidly expanding alcoholism community assistance program.

Rehabilitation of drug abusers: This activity provides salaries and expenses for the National Institute of Mental Health staff who administer the narcotic addiction community assistance grant program. Funds are also included for the treatment and rehabilitation of narcotic addicts in the clinical research centers located at Lexington, Ky., and under contract arrangements with community agencies. The Fort Worth, Tex., narcotic hospital will be transferred to the Department of Justice in 1972.

Program support activities: Field activities: This subactivity supports the National Institute of Mental Health staff located in the Department's regional offices and the headquarters staff responsible for coordination of regional programs and the Institute's relationships with other Federal agencies, professional societies, and State and community organizations.

Scientific communication and public education: Included in this activity is the National Clearinghouse for Mental Health Information which collects and disseminates scientific and technical information in the mental health field and the National Clearinghouse for Drug Abuse Information which gives the public a central office within the Federal Government to contact for information and assistance concerning this social problem. Other public information and education activities are also supported including a program directed toward increasing public knowledge about alcohol and alcoholism.

Executive direction and management services: Institute staff responsible for executive direction, program planning and evaluation, biometric and legislative services, and administrative management are funded in this subactivity.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
St. Elizabeths Hospital:			
Clinical and community services, total program costs	41,884	44,960	48,508
Unfunded adjustments to total program costs:			
Property, services, or capital assets transferred in without charge	−135	−135	−135
Total, program costs, funded	41,749	44,825	48,373
Change in selected resources	373	−380	−562
Total, obligations	42,122	44,445	47,811

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. Programs of the hospital are financed by Federal appropriations covering treatment and care of Federal beneficiaries and by reimbursements made to the hospital for services rendered other patient groups, principally residents of the District of Columbia. Federal appropriations to the hospital are of the indefinite type, under which the hospital receives, in appropriated funds, the difference between the amount of reimbursements actually received during the year, for patient care provided by the hospital, and the total program costs approved by the Congress for the year.

Treatment programs of the hospital operate on both an inpatient and outpatient basis. St. Elizabeths operates a community mental health center on its campus, which serves the population of part of the District of Columbia.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Studies, training, and systems development:			
Grants and contracts	30,123	51,712	55,218
Direct operations	2,400	3,514	3,782
Program direction and management services	1,850	2,400	2,484
Total program costs, funded	34,373	57,626	61,484
Change in selected resources	8,195		
Total obligations	42,568	57,626	61,484

The National Center for Health Services Research and Development has been established as the principal agency within the Department of Health, Education, and Welfare to improve the organization, delivery, and financing of health services by stimulating and supporting research, development, demonstrations, and related training. The National Center is focusing on national priority problems in health services such as rising costs, unequal distribution and utilization of health services, inadequate methods for planning and decisionmaking, and shortages of professional personnel.

In order to focus research and development efforts effectively, the critical areas which are most likely to yield results on a national scale are being identified. To date these are: Development of experimental community health services systems; new, national acceptable types of health services manpower to expand physician services; simplified financing arrangements and effective cost containment methods; improved integration among health services institutions and among programs for ambulatory and inpatient care; nationally applicable methods of performance accounting, including an acceptable and usable index of health status; application of cost-effective health services technology; and training in health services research and development and in creative management of health services innovations.

Studies, training, and systems development; grants and contracts; research and development: Grants and contracts are awarded to public or private agencies, academic and other research organizations to conduct analyses of economic, social, and technological factors which affect the organization, financing, and utilization of health services. Large-scale research and development projects are directed primarily at containing the rate of increase of medical care costs, and developing community-based systems for delivering health services and improving the availability and utilization of care. Contracts will be awarded for the development of a cooperative Federal-State-local health statistics system.

In 1972, the National Center will expand its research and development effort into health maintenance organization-like settings. Emphasis will be on the development of information necessary for sound guidelines with respect to enrollment, scope of benefits, and use of services, measures of health care effectiveness, financing alternatives, resource supply and use, legal and market factors, information systems, and eligibility requirements. The increase will support research and development and evaluation of up to 24 health maintenance organizations.

Research and development training: Grants and contracts are awarded to institutions and to qualified scholars for supporting research and managerial training in the health services field.

Direct operations: This activity supports the staff which designs and directs the strategic program of research and development. The staff obtains high-level evaluation of all proposals, closely monitors contracts, reviews results, informs the professional community of significant progress, and identifies the next steps in research and development.

Program direction and management services: The activity provides the leadership and direction for the operation of the National Center, including central management services.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Partnership for health:			
Grants:			
Planning	16,157	22,000	25,000
Formula	85,783	90,000	90,000
Project	76,226	108,813	106,400
Direct operations	4,989	7,228	7,691
Migrant health program:			
Grants	4,012	14,000	17,000
Direct operations	506	1,041	1,056
Medical care standards and implementation	5,790	6,553	6,736
Program direction and management services	2,394	2,493	2,373
Total program costs, funded	195,857	252,128	256,256
Change in selected resources	25,178		
Total obligations	221,034	252,128	256,256

This appropriation encompasses activities designed to improve the quality, quantity, effectiveness, and availability of health services in all settings. These activities are pursued through the following:

Partnership for health: Grants: Planning: Formula for comprehensive health planning. These grants are awarded to States according to a formula based on population and per capita income with no State receiving less than 1 percent of the total, to provide a framework in which health needs and resources can be analyzed and alternative courses of action recommended. Federal financial participation cannot exceed 75 percent of the costs.

Many State agencies have been involved in promoting the development of areawide health planning agencies within their jurisdictions and will continue to work with them toward cooperative accomplishment of mutual objectives. The strengthening and coordination of the work of existing areawide agencies will become increasingly important as a large number of areawide agencies now in the organization phase will graduate to the planning phase.

In 1972, great emphasis will continue to be put on drawing together the categorical programs in health, for the purpose of improving health services to people through the joint efforts of these programs.

Project grants for areawide comprehensive health planning: Through a project grant to a public or private nonprofit group to establish an areawide health planning agency, a community has the opportunity to work toward a more coherent and efficient areawide health system aimed at meeting the needs of all segments of the population. Such groups as private health practitioners, hospitals, medical schools, voluntary health agencies, health departments, local governments, consumers, and specialized planning groups, as well as urban or regional general planning agencies now work through an institutionalized forum to reach agreement on local priorities for facility, service, and manpower development. Federal support cannot exceed 75 percent of the costs.

Project grants for training, studies, and demonstrations for comprehensive health planning: These grants provide support for both long-term and short-term training of health planners. In 1972, regional centers will be redesigned to encompass a wider scope of concerns. For example, demonstrations, studies, and continuing education for professionals and consumers will become a concern of these centers. Consumer education programs will be continued.

Formula grants to States for health services: These block grants to State health and mental health authorities assist the States in attacking those health problems they consider of most immediate importance. The State plan for carrying out these programs must be in accord with the overall plans developed by the State comprehensive health planning agency. By statute, at least 15 percent of these funds must support mental health activities.

The 1971 State plans for programs supported by this formula grant provided continuing evidence of the value of its flexibility. A high percentage of States budgeted increased formula moneys for tuberculosis activities. Many States used these funds to expand and strengthen outpatient mental health services. In addition, more emphasis was placed on programs of outpatient services for children and youth in the mental health area.

Project grants for health services development: These grants provide support to public and nonprofit private agencies for activities to meet special regionally or nationally determined needs. The highest priority is the support of comprehensive health service programs providing primary care and a broad range of ambulatory services. The 1972 program will provide continuing support for community health comprehensive health service programs and component projects. It also includes funds for comprehensive health centers which were previously funded by the Office of Economic Opportunity and which will be transferred to the Department of Health, Education, and Welfare. In addition, it provides funds for the centers transferred from the Office of Economic Opportunity in 1971. Higher continuation costs and expansion of these centers will be financed through increased reimbursements from medicare, medicaid, and other non-Federal sources. The comprehensive health service projects contribute significantly to the provision of family-oriented primary care to population groups long without basic health services. A major portion of the projects have model city involvement.

By the end of 1972, 42 million children will be inoculated against German measles as a result of the intensive nationwide rubella immunization program. Grants will also be awarded to support other health activities and venereal disease control programs.

Direct operations: This activity provides for the direction and administration of the Health Services and Mental Health Administration program in the regional offices, including the partnership for health. It also provides policy guidance, professional and technical assistance to the State planning and public health agencies, the areawide planning agencies, the health planning training programs, and the comprehensive health service programs including group practice. The increase provides for the establishment of a National Advisory Council on Comprehensive Health Planning programs. In 1972, emphasis will be given to strengthening management capabilities to garner medicare-medicaid and other third-party payments for services provided by comprehensive health centers.

Migrant health program: Grants are made to finance part of the costs of establishing family health services clinics, to provide short-term hospitalization, and to improve the health services of agricultural migrant workers and their families. Through direct operations, the program provides technical assistance to migrant health projects and conducts studies vital to the effectiveness of the program.

Medical care standards and implementation: This activity provides technical and professional assistance to health care providers and State and local health organizations, as well as assistance and consultation to State medicare agencies and Social Security Administration staff in connection with the professional health aspects of title XVIII medicare program. Activities such as the health facility survey improvement program for training and upgrading capabilities of State surveyors; clarification, strengthening, and revising medicare standards; and the development of standards for new benefits as designated in amendments to the social security legislation are supported.

Program direction and management services: This activity provides for overall Executive direction, planning, evaluation, and administrative management of the Community Health Service programs.

MATERNAL AND CHILD HEALTH

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Maternal and child health:			
Grants to States	107,856	117,850	119,650
Project grants	75,825	83,350	90,380
Research and training	14,885	16,935	21,106
Program direction and management services		4,166	4,299
Family planning activities:			
Project grants and contracts	22,800	31,765	88,815
Program direction and management services		1,804	2,122
Child welfare	56,328		
Total obligations	277,694	255,870	326,372

Maternal and child health: This program has as its major goal the provision of health services to mothers and children, especially in rural areas or areas suffering from severe economic distress. Through assistance to States, localities, and nonprofit groups it directs primary attention to: Reducing infant mortality and otherwise promoting the health of mothers and children; and locating, diagnosing, and treating children who are suffering from crippling or handicapping illnesses.

Significant contributions to recent reductions in the Nation's infant mortality rate have been made through the maternal and child health program and the comprehensive maternity and infant care projects.

Grants to States: Formula grants are made to States for health. One-half of the amount appropriated must be matched by the States and the remainder is distributed in proportion to financial need of the States, except that no more than 12½ percent of the appropriation may be used for special project grants.

Maternal and child health services: Funds are used by States for the extension and improvement of health services for mothers and children.

Crippled children's services: States utilize funds for casefinding, diagnosis, and treatment of children who are crippled or who are suffering from conditions leading to crippling.

Project grants: Grants are made to specified agencies to meet up to 75 percent of the costs of comprehensive health care in three major areas as follows:

Maternity and infant care: State and local health agencies or other public or nonprofit private organizations operate projects to help reduce infant and maternal mortality and the incidence of mental retardation and other handicapping conditions associated with childbearing. The existing projects are also serving a demonstrated need to improve the quality and quantity of maternity services to women in low-income areas.

Health of school and preschool children: State or local agencies, medical schools, and teaching hospitals conduct comprehensive health care projects for children and youth, particularly in areas where low-income families are concentrated.

Dental health of children: State and local agencies and other public or nonprofit groups are eligible to conduct comprehensive dental care projects for children.

Research and training: Training: Grants are made to public or nonprofit institutions of higher learning including university affiliated mental retardation centers for training personnel for health care and related services for mothers and children. The 1972 program proposes to initiate a program for training of nurse midwives, pediatric nurses, and physicians' assistants.

Research: The focus of this program is to support research which shows promise of substantial contribution to the advancement of maternal and child health or crippled children's services and to study the effectiveness of such programs through research grants, contracts, or jointly financed cooperative arrangements.

Program direction and management services: This activity provides for executive direction, planning, and general management of the maternal and child health program.

Family planning activities: One of the most effective measures for reducing infant and maternal mortality and improving the physical and mental health of families is through the provision of family planning services which enable families to decide the number and spacing of their children. Thus, the Child Health Act of 1967 specified that not less than 6 percent of the amount appropriated for maternal and child health should be available for family planning, and in October 1969, the National Center for Family Planning Services was established to achieve the goal set forth by the President in July 1969, of providing adequate family planning services to all those who want them, but cannot afford them, within 5 years. The following programs administered by the Center are designed to accomplish this goal.

Project grants and contracts. Services delivery: Project grants are to State and local health agencies or other public or nonprofit organizations under title V of the Social Security Act for up to 75 percent of the costs of projects to provide family planning services. Grants will also be awarded in 1972 under title X of the Public Health Service Act which contains no specific grant matching requirements and higher funding authorizations. This will enable a larger number and greater variety of organizations to apply for funds.

Training and education: Project grants and contracts are awarded to train allied and other health personnel for service in family planning clinics, to educate and inform families of the benefits of voluntary family planning, to develop improved training programs for family planning workers, and to develop improved family planning education and information materials.

Services delivery improvement: Project contracts are awarded for the support of operational research projects designed to improve the delivery of family planning services; for technical assistance to demonstrate and encourage the utilization of improved family planning services delivery methods; and for program planning and evaluation.

Program direction and management services: This activity supports the administration of the decentralized services delivery project grant program; the development and operation of training, education, information, and services delivery improvement programs; and the planning, evaluation, coordination, direction, and administrative management of the programs of the National Center for Family Planning Services.

REGIONAL MEDICAL PROGRAMS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Regional medical programs:			
Grants	78,202	70,298	75,000
Direct operations	1,294	1,887	1,747
Technical assistance and disease control	11,318	13,332	8,749
Program direction and management services	2,716	2,090	1,460
Total program costs, funded	93,530	87,607	86,956
Change in selected resources	6,955		
Total obligations	100,485	87,607	86,956

Regional medical programs. Grants: The regional medical programs promote and sustain, through grants, the development of regional cooperative arrangements among the Nation's health professions and institutions for: the improvement of regional health resources and services, and enhancement of the capabilities of providers of care at the community level; and specifically to improve personal health care for persons threatened by heart disease, cancer, stroke, kidney disease, and related diseases. These activities are aimed at improving the quality of health care and strengthening the health care system generally throughout the Nation.

A major shift in emphasis by the regional medical programs will be directed toward improved and expanded service by existing physicians, nurses, and other allied health personnel; increase utilization of new types of allied health personnel; new and specific mechanisms that provide quality control and improved standards and decreased costs of care in hospitals; early detection of disease; implementation of the most efficient use of all phases of health care technology; and supporting the necessary catalytic role to help initiate necessary consolidation or reorganization of health care activities to achieve maximum efficiency.

Direct operations: This activity includes reviewing, processing, and awarding of grants; providing health data required by the central regional medical program staff and the 55 local regional medical programs in the implementation of their activities; and maintaining appropriate relationships with government and private agencies concerned with improving the organization and delivery of health services.

Technical assistance and disease control: These funds will support activities aimed at: First, providing continuing education assistance to the wide range of health occupations in the 55 regions involved in prevention, diagnosis, and treatment of heart disease, cancer, stroke, kidney disease, and related diseases; second, providing technical and professional assistance for the regional medical programs in the development and implementation of their activities and for promotion of the application of new concepts, standards, and practices in the areas of heart disease, cancer, stroke, kidney disease, and related diseases; third, preventing and controlling chronic kidney disease through improving artificial kidney treatment and increasing the use of kidney dialysis methods as a step toward more permanent treatment—cadaver transplantation; and, fourth, reducing the number of cigarette smokers by stimulating and supporting national, State, and local activities to help those who wish to stop smoking and by encouraging youth not to take up the practice.

Program direction and management services: This activity provides for a central staff needed in planning, directing, and evaluating the broad scope of program activities that exist in the Regional Medical Programs Service; maintains effective communication and information links with the local regional medical programs and the general public; and provides management services such as personnel management, management policy, contract administration, and general administrative services.

DISEASE CONTROL

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Prevention and control:			
Grants	1,925	4,414	2,144
Direct operations	34,376	33,498	34,826
Laboratory improvement	6,627	7,211	7,343
Occupational health:			
Grants			2,950
Direct operations			13,515
Radiological health:			
Grants			2,245
Direct operations			8,981
Community environmental management			3,699
Program direction and management services	2,173	2,323	2,340
Total program costs, funded	45,101	47,446	78,043
Change in selected resources	—3,247	—1,649	
Total obligations	41,854	45,797	78,043

This program provides facilities and services for the investigation, prevention, and suppression of diseases and occupational injuries by direct development, advancement, and demonstration of knowledge, and techniques, through research grants, and through prevention of the introduction of communicable diseases from foreign countries.

Prevention and control: Grants: Research grants are awarded to organizations, institutions, and individuals for research concerned with epidemiology, prevention, laboratory diagnosis, and treatment of communicable diseases at the community level.

Direct operation: Communicable diseases: Scientific and technical skills in the fields of epidemiological medicine and microbiology are provided to State and local health departments through investigations, consultations, and demonstrations. Professional competence in the investigation of epidemic outbreaks is afforded to the States through the staff of the Epidemic Intelligence Service which is constantly alert to epidemic situations in the country. These EIS officers provide a wide range of service, including epidemic aid, epidemiological field investigations, consultations in communicable disease control, surveillance of infectious diseases, and collaborative field and laboratory research.

Tuberculosis: Studies are conducted in epidemiology, prevention, detection, diagnosis, and therapy of tuberculosis. This research is conducted in cooperation with State and local health departments, tuberculosis hospitals, private investigators, and others. The results of the applied research are made available to the States and integrated into tuberculosis control programs by means of demonstrations, consultative services, operational studies, and training activities.

Venereal diseases: Research and evaluation activities are directed toward maintenance of uniformly satisfactory nationwide serologic services; development and introduction of new syphilis diagnostic tests; development of an immunizing agent for syphilis; improvement of diagnostic techniques for gonorrhea; evaluation of more effective methods of therapy; and the improvement of control procedures. Scientific and general information about venereal disease for both professional and lay groups is disseminated through State agencies.

Foreign quarantine: Certain visa applicants are examined in order to determine those who are excludable for physical or mental reasons. Other inspections—persons and importations—are made to prevent the introduction into the United States of quarantinable and other communicable diseases.

Nutrition: Research and evaluation activities are directed to the identification of specific factors which cause nutritional diseases, the relationship of nutrition to other health problems, and to the determination of the extent of nutritional problems. Corrective action and prevention of nutritional diseases is sought through the conduct of demonstrations and provision of technical assistance to State and local health departments and other public and private organizations.

Laboratory improvement: A comprehensive national laboratory improvement program is administered through research for improving and standardizing laboratory methodology and through evaluation of techniques, materials, and reagents used in public health laboratories. Individuals are provided experimental vaccines and special immune globulin is distributed to control laboratory infections. States are also provided consultation, training, and informational services in laboratory techniques. The program provides for upgrading the performance of the Nation's clinical laboratories and for the licensure and evaluation of clinical laboratories engaged in interstate commerce.

Occupational health: In order to minimize the high economic and social costs of worker illness and injury, the program conducts health research and provides technical assistance to other agencies and to industry for the prevention and control of occupational hazards and diseases. The 1972 increase will provide for: further development of the National Surveillance Network, expanded efforts to reduce the health effects of noise, development of environmental and medical control measures in the area of byssinosis, the development of a more comprehensive inplant health service, continuation of examinations and research required by the Federal Coal Mine Health and Safety Act of 1969 and programs related to the recently enacted Occupational Safety and Health Act of 1970 which provides for extending health protection to the Nation's work force.

Radiological health: This program is responsible for the control and prevention of radiation hazards to man. This is accomplished through basic and applied research on the sources, levels, and effects of both ionizing and nonionizing radiation as well as on means of protecting the public. The 1972 increase will provide for the expansion of inplant and field surveys to determine compliance with performance standards and new and expanded projects to determine short-term and long-term effects of radiation exposure.

Community environmental management: This program concentrates its efforts toward the human ecological aspects in the research and management of environmental conditions associated with man's home, neighborhood, metropolitan area, and regional complexities. Assistance is provided Federal, State, and local communities or agencies through technical consultation, training, and planning guidance for safe and healthful environments.

Program direction and management services: This includes top management and staff services for the National Center.

MEDICAL FACILITIES CONSTRUCTION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Construction grants	200,576	170,212	58,280
Direct loans		30,000	30,000
Interest subsidies		4,700	20,600
District of Columbia medical facilities	11,337	19,365	7,000
Program direction and technical assistance	3,662	3,314	3,395
Total program costs, funded	215,575	227,591	119,275
Change in selected resources	55,557		
Total obligations	271,132	227,591	119,275

Federal funds are provided on a grant or loan basis to assist States, other public agencies, and nonprofit organizations in the construction and modernization of hospitals and other health facilities. Loans made to private, nonprofit health facilities are guaranteed and the interest on those loans is subsidized.

Construction grants: Funds appropriated for construction grants will be directed toward construction of ambulatory care facilities including outpatient facilities, rehabilitation facilities, and mental health facilities.

Direct loans: Construction of health facilities owned by public agencies—States, cities, counties, hospital districts, and so forth—is supported by a program of direct loans. Loans will be made in exchange for public agency commitments in the form of bonds. Concurrent with the transaction between the Department of Health, Education, and Welfare and the public agency, the bonds will be sold by HEW to the Federal National Mortgage Association and other investors. Proceeds from these sales by HEW of obligations will be used to provide funds for the direct loans. No appropriation of Federal funds is required, however, it is necessary that contract authority of $30,000,000 be authorized.

Interest subsidies: Under the redirected Hill-Burton program, Federal support for construction of inpatient health facilities such as hospitals and long term care centers would be available through guaranteed loans with interest subsidies for private, nonprofit hospitals and direct loans for facilities owned by public agencies. These types of facilities generate the income from fees for services and third-party payments necessary for repayment of mortgage loans. The amount requested for 1972 would fund the loan guarantee and loan fund from which interest subsidies, direct loans, discharge of guarantee obligations, and other authorized expenses will be paid.

District of Columbia medical facilities: Grants and loans to assist public and private nonprofit medical facilities in the District of Columbia are authorized.

Program direction and technical assistance: State agencies are provided technical assistance in determining additional facilities required and developing programs to meet the indicated needs. State plans are reviewed for conformance with planning criteria and guidelines. Assistance is provided to States and communities in the planning, programing, designing, and functioning of hospital and other health facilities, and proposed projects are reviewed to determine eligibility and compliance with the law and regulations. In addition, the program provides program management assistance and consultation to health facility construction projects assisted under the Federal Housing Administration loan guarantee program, and under sections 202 and 214 of the Appalachian Redevelopment Administration and to rehabilitation facilities assisted under section 12 of the Vocational Rehabilitation Act.

PATIENT CARE AND SPECIAL HEALTH SERVICES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical care for special groups:			
Merchant seamen, lepers, and other primary beneficiaries	78,982	87,822	66,011
Coast Guard	3,913	4,468	4,665
Federal employees	3,141	4,188	4,505
Payment to Hawaii	1,200	1,200	1,200
Personnel detailed to other agencies	605	452	452
Program direction and management services	2,758	2,632	2,610
Total program costs, funded	90,599	100,762	79,520
Change in selected resources	755		4,889
Total obligations	91,354	100,762	74,631

Medical care for special groups: Merchant seamen, lepers, and other primary beneficiaries: In 1972, this activity will fund medical care for American merchant seamen, Public Health Service Commissioned Corps personnel, and other beneficiaries. The budget places emphasis on the use of service arrangements with private and Federal sources for such care and the conversion of the existing facilities to community use.

Coast Guard: This activity provides PHS personnel to staff infirmaries, dispensaries, and sickbays at shore stations, air stations, and on board vessels. Contract care is also provided in civilian or other Federal facilities. As an adjunct service to insure the continuance of quality health care, this activity is also initiating programs in industrial, underwater, and aviation medicine, and in environmental sanitation.

Federal employees: This activity provides surveys of and consultation to Federal agencies, Federal executive boards and associations, and Federal employee organizations, upon request, on the establishment and evaluation of Federal employee health activities. Occupational health programs are provided to Federal agencies on a reimbursable basis, on request.

Payment to Hawaii: Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy.

Personnel detailed to other agencies: Medical, dental, and other professional personnel are detailed to other Federal agencies on a reimbursable basis.

Program direction and management services: This activity provides advice, guidance, direction, and management services to the above activities. Emphasis will be placed on contracting for the care of primary beneficiaries in 1972.

NATIONAL HEALTH STATISTICS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National vital and health statistics	8,644	9,516	14,618
Program direction and management services	541	599	635
Total program costs, funded	9,185	10,115	15,253
Change in selected resources	81		
Total obligations	9,266	10,115	15,253

The National Center for Health Statistics was established as a research-oriented statistical organization, to exercise an overall responsibility in the diverse areas of health statistics. The Center is committed to provide a factual statistical basis for planning national programs designed to advance the health and well-being of the American people The Center provides national leadership in collecting, analyzing, and disseminating essential statistical data which will be the basis for the development of sound national health policies and programs.

The Center tests existing statistical and survey techniques and develops new techniques; provides technical assistance to, and training for, State and local vital and health statistics personnel; participates in mutually beneficial programs of research in foreign countries; and maintains working relationships on a worldwide basis with a variety of health and health-related organizations.

National vital and health statistics: The program of the National Center for Health Statistics comprises the major activities of the Public Health Service in the measurement of the health status of the Nation and in developing and applying optimum technical methods for the collection, processing, and analysis of health statistics. It includes: The collection, compilation, analysis, and dissemination of statistics on births, deaths, fetal deaths, marriages and divorces, and other health data related to these basic vital events; continuing surveys and special health statistics studies on the amount, distributions, and effects of illness and disability in the United States and services received for or because of such conditions; studies of health survey methods with a view toward their continued improvement; and technical advice and assistance on the application of statistical methods in the health and medical fields.

Program direction and management services: All of the program activities of the National Center for Health Statistics are centrally directed and managed. The Office of the Director establishes program priorities for the Center and provides centralized administrative management support. The Office of Program Planning and Evaluation reviews program plans and periodically evaluates overall effectiveness of program activities.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Dependents' medical care	7,989	8,457	9,996

This activity provides funds for care in non-Public Health Service facilities for dependents of PHS beneficiary members of the uniformed services and retired personnel in accordance with the Dependents' Medical Care Act, as amended. Care provided directly in PHS facilities is financed under the appropriation, "Patient care and special health services."

BUILDINGS AND FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
National Institute of Mental Health:			
St. Elizabeths Hospital	981	3,730	1,920
Other	34	250	273
Center for Disease Control	422	3,182	1,551
Federal health programs service	2,104	1,917	1,322
Total program costs, funded	3,541	9,079	5,066
Change in selected resources	−2,280	1,973	−1,939
Total obligations	1,261	11,052	3,127

This appropriation includes all proposed direct construction items of the Health Services and Mental Health Administration except construction of Indian health facilities. It also includes certain health-related facilities transferred from the former environmental health services during 1971.

OFFICE OF THE ADMINISTRATOR

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Management and central services	10,811	10,777	11,788
Change in selected resources	−90		
Total obligations	10,721	10,777	11,788

The Office of the Administrator provides a central staff needed in planning, directing, and administering the broad scope of program activities in the Health Services and Mental Health Administration. Staff assistance is provided the Administrator in formulating policy in the areas of grant-in-aid and contract administration, financial management, personnel, and general services.

In 1972, through continued emphasis on program evaluation, it is planned to assess the progress and the degree to which **HSMHA** programs are meeting the goals of the Secretary and the stated objectives of **HSMHA**. The Office of the Administrator plans, through stronger direction, to provide improved program coordination, eliminate overlap, and thus provide a more efficient and economic organization. It will continue to provide program direction and administrative services required for the management of the various **HSMHA** programs.

INDIAN HEALTH SERVICES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Patient care	77,373	89,954	98,512
Field health services	27,480	32,162	38,298
Administration	2,069	2,265	2,316
Adjustment of prior year costs	−7		
Total program costs, funded	106,916	124,381	139,126
Change in selected resources	1,715		
Total obligations	108,631	124,381	139,126

Patient care: This activity consists of the operation of 49 general hospitals and their outpatient clinics and two tuberculosis sanatoriums and medical care under contract with non-Federal hospitals, clinics, private physicians, and dentists, as well as contractual arrangements with State and local health organizations.

A concerted effort will be made in 1972 to: Improve the proficiency of the laboratory system as to quality and quantity of services provided, and reduce the backlog of critical facility safety and hazard projects in the maintenance and repair program. In addition, expansion of the contract health care program to provide a moderate increase in general average daily patients is provided for in 1972.

Field health services: These include programs in sanitation, health education, nutrition, maternal, and child health, school health, tuberculosis, and other communicable disease control, medical social services, public health nursing, oral health, family planning, and mental health. The services are provided through health centers, clinics, and other field health units operated directly by the Indian Health Service, as well as through contractual arrangements with State and local health organizations. A program to train Indians as community health representatives providing educational, sanitation, and referral services to the Indian population will be continued and enlarged.

A community-based mental health program utilizing Indians as community mental health workers will be expanded in 1972 as will programs for improving maternal and child health with emphasis on family planning. Some expansion in the dental program is also provided.

Expanded support will be provided in 1971 and 1972 by the Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education, and Welfare. These funds will be used to alleviate major Indian health problems such as otitis medias, mental health, alcoholism, and maternal and child health, as well as expand Indian community health projects and develop Indian health manpower.

INDIAN HEALTH FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Hospitals:			
New and replacement	1,855	853	107
Modernization and repair	424	1,708	549
Outpatient care facilities	977	2,291	453
Grants to community facilities	1,880	420	107
Sanitation facilities	11,243	22,180	23,390
Personnel quarters	627	726	183
Total program costs, funded	17,006	28,178	24,789
Change in selected resources	4,448	−2,952	−5,850
Total obligations	21,454	25,226	18,939

EMERGENCY HEALTH

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical stockpile	−2,086	3,667	3,144
Community preparedness	1,470	1,543	1,524
Program direction and management services	1,209	1,342	1,299
Total program costs, funded	593	6,552	5,967
Change in selected resources	4,046	−1,675	−1,936
Total obligations	4,639	4,877	4,031

Medical stockpile: The goal of this activity is to provide essential medical material for civilian needs in time of disaster. Medical supplies and equipment have been assembled into emergency packaged disaster hospitals which are located throughout the United States in affiliation with local community hospitals.

Community preparedness: Programs are inaugurated and maintained to support the preparation of national emergency health and medical plans, and the development of preparedness action projects to achieve a continuity of health services necessary to meet all conditions of a national emergency. The estimate for 1972 provides for a moderate program to assist States and communities during disaster situations, continue the development of plans and operational capability for civilian health manpower as well as utilization and distribution of health resources; develop and initiate disaster management services; and continue the operation of training programs at the State and local level.

Program direction and management services: Total program control is provided for the organization and planning of programs that will afford adequate medical care for individuals in medical emergencies. The estimate for 1972 provides for a continuing activity that furnishes program direction, coordination, and management services to carry out the total emergency health preparedness program. Working relationships are to be maintained with professional organizations and other Government agencies for the development of an effective disaster readiness program for the civilian population.

SERVICE AND SUPPLY FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating costs, funded:			
Fiscal services program:			
Cost of services	1,560	2,579	2,579
Supply distribution sales program:			
Cost of goods sold	2,020	2,015	2,015
Other	639	640	640
Publications storage and distribution program:			
Cost of services	68	210	210
Common services program:			
Cost of services	325	673	673
Capital outlay, funded:			
Fiscal services program:			
Purchase of equipment	7	26	26
Supply distribution sales program: Purchase of equipment		29	29
Publications storage and distribution program of equipment		4	4
Common services program:			
Purchase of equipment		8	8
Total program costs, funded	4,619	6,184	6,184
Change in selected resources	−474	105	105
Adjustment in selected resources (donated working capital)	−1		
Total obligations	4,144	6,289	6,289

This fund finances medical supply and service operations of the Health Services and Mental Health Administration. It is reimbursed from the appropriations supporting the programs benefited.

Budget program: The principal activities of the fund are carried out at: the Supply Service Center, which maintains inventories of medical stock and supplies to meet, in part, the requirements of the Health Services and Mental Health Administration and requisitions of other Government organizations; the Office of Financial Management and the Office of Systems Management which finances accounting and auditing services and data processing services for headquarters offices of the Health Services and Mental Health Administration; the Publications Storage and Distribution Center, which stores and issues publications relating to health and well being of the individual; the Common Services Program which provides a wide range of centralized services to the Public Health Service and the Department of Health, Education, and Welfare offices occupying the Parklawn Building, Rockville, Md. Of major importance among these services are printing and reproduction, telecommunications, telephone management, procurement, mail and messenger, building and space management, parking control, conference room management, shipping and receiving, motor pool, surplus property utilization, and building safety and security. This fund is reimbursed from applicable appropriations or funds available when services are performed or stock furnished on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment—including maintenance, repairs, and depreciation—and other expenses.

ADVANCES AND REIMBURSEMENTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Health services research and development	30	35	31
Comprehensive health planning and services	5	673	24
Maternal and child health		265	273
Regional medical programs	243		
Disease control	8,397	9,600	10,618
Medical facilities construction		2	2
National health statistics	658	100	200
Office of the Administrator	91	603	
Emergency health	4,796	1,148	603
Consolidated working fund	855	935	928
Research grants	1,106	1,559	1,525
Total program costs, funded	16,181	14,920	14,205
Change in selected resources	−36		
Total obligations	16,145	14,920	14,205
Public Health Service trust funds:			
Patients' benefits	33	19	16
Gifts	137	254	110
Special statistical work	92	15	15
Construction and maintenance of Indian sanitation facilities	297	146	118
Total program costs, funded	558	434	259
Change in selected resources	−122	−40	−14
Total obligations	437	394	245

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are expended for the benefit of patients at PHS hospitals, and for research of other activities of the Service. Donations are also received by St. Elizabeths Hospital and used for patients' benefits as provided by the donors.

Contributions are made by Indians and others to be served toward the construction, improvement, extension, and provision of sanitation facilities.

NATIONAL INSTITUTES OF HEALTH

The National Institutes of Health is the primary arm of the U.S. Government in the support of biomedical research, education, and communications. NIH's mission is investigating basic life processes, advancing the capability for the diagnosis, treatment, and prevention of disease, and supporting the development of adequate health research, educational, and communications resources.

In 1972, the NIH research institutes will initiate or expand activities in several high priority program areas. The National Cancer Institute will expand research on viruses as a cause of cancer, continuing efforts to develop a vaccine or other means for preventing virus-induced cancers. The National Heart and Lung Institute will expand research in the area of arteriosclerosis and pulmonary diseases in an effort to predict and control the relationship between risk factors and the incidence of diseases of the heart and lungs. The National Institute of Dental Research will expand the efforts of the national caries program dedicated to the prevention of dental caries. Expansion in the study of biological effects of environmental pollutants will be continued—the laboratory space available for this research will double, enabling the National Institute of Environmental Health Sciences to initiate new programs in this research area. A major increase is planned for the National Institute of Child Health and Human Development for research in the biological, behavioral, and social processes of reproduction and contraception; and the study of diseases and other factors affecting the child under the age of six. The National Eye Institute will continue its research efforts in the diseases and disorders of the eye. The National Institute of Arthritis and Metabolic Diseases will continue its activities in artificial kidney/chronic uremia research, and expand its research efforts in collaboration with the Indian Health Service. The National Institute of Neurological Diseases and Stroke will maintain a substantial level of research in the diseases and disorders of the nervous and sensory systems. The National Institute of General Medical Science will support research in the basic medical sciences, as well as such specialized areas as anesthesiology, radiology, and trauma. The National Institute of Allergy and Infectious Diseases will continue to provide support for research in respiratory, viral, and allergic diseases, and transplantation immunology. The research training grant programs of all Research Institutes reflect a reduction representing a transfer of institutional support funds from the categorical institutes to the institutional support program administered by the Bureau of Health Manpower Education giving the schools greater flexibility in the use of these funds. Research resources will provide additional funds for operating general clinical research centers and primate centers.

The missions of the research institutes and divisions are carried out through the following funding mechanisms: Research grants are awarded to individual researchers in support of projects which have been reviewed by study groups composed of accomplished scientists, recommended for their high scientific merit and approved by disease-oriented national advisory councils. Fellowships are awarded to promising individuals preparing for a research career in the biomedical sciences. Training grants are awarded to academic or research institutions which have demonstrated the ability to design and conduct successful training programs in one or more of the biomedical sciences.

In addition to grants, the research institutes and divisions of NIH support biomedical research through direct operations which can be categorized as follows: Laboratory and clinical research is conducted in the institutes' laboratory facilities and in a commonly shared clinical center facility. Collaborative research and development projects are conducted by NIH researchers in collaboration with other Federal and non-Federal institutions largely through contracts and thus are strongly oriented toward the solution of specific health problems in areas where the state of knowledge is sufficiently advanced to permit a more directed approach. Other activities under direct operations include biometry, epidemiology, and field studies, international research, and biologics standards. Funds are also provided for program direction, research support and service activities, and review and approval of grants.

In 1972, increased efforts will be made to expand the supply of trained health manpower by assisting the institutions responsible for health education to expand enrollments. The Bureau of Health Manpower Education provides a national focus for health manpower activities, and supports programs designed to enlarge and improve the pool of qualified health manpower through institutional support grants, student assistance awards, and research grants and direct operations which evaluate and support special studies related to health manpower requirements and utilization. Construction grants are provided on an individual project basis to public and other nonprofit agencies or organizations to assist in the construction of new facilities and the expansion, rehabilitation, and modernzation of existing facilities for teaching, for research in the sciences related to health, and for medical library facilities. The National Library of Medicine serves as a national resource for biomedical information and as a focus for national planning to improve communications in the health sciences. Appropriations for buildings and facilities support construction, renovation, and maintenance of NIH laboratory, clinical, and administrative facilities while that for Office of the Director supports salaries and expenses for the staff of the Director's office, NIH.

The biomedical research and health manpower programs which will be initiated or expanded in 1972 will be supported largely through research grants, contracts, and direct operations of the research institutes and the Bureau of Health Manpower Education.

BIOLOGICS STANDARDS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Program costs, funded	6,347	9,127	8,636
Change in selected resources	1,888		
Total obligations	8,235	9,127	8,636

The activities of the Division of Biologics Standards include administration of the Biologics Control Act, establishment of standards for preparation of biologics, testing of vaccines and their preparation, and research related to development, manufacture, testing, and use of vaccines an analogous products.

NATIONAL CANCER INSTITUTE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	84,416	100,005	105,624
Fellowships	4,499	3,798	3,348
Training	13,066	10,774	8,358
Direct operations:			
Laboratory and clinical research	18,383	21,272	18,698
Collaborative research and development	77,484	92,177	91,755
Review and approval	2,639	2,937	3,112
Program direction	1,086	1,271	1,339
Total program costs, funded	201,573	232,234	232,234
Change in selected resources	−20,228		
Total obligations	181,345	232,234	232,234

The National Cancer Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling cancer in man. These objectives are pursued directly within Government laboratory and clinical facilities and through universities, nonprofit research organizations, and commercial concerns supported with grants and contracts and include both laboratory and clinical studies.

Grants: Research: Research grants will be supported. In addition, funds are provided for general research support grants and specialized research centers.

Fellowships: Postdoctoral and special fellowships and career award and career development fellowships will be supported.

Training: Grants are awarded to accredited schools for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships.

Direct operations: Laboratory and clinical research: Research includes laboratory research in the fields of biology, biochemistry, and physiology; and clinical research in the fields of surgery, immunology, radiation, dermatology, pathology, and metabolism.

Collaborative research and development: Research is conducted in the areas of etiology and chemotherapy. This activity includes the breast cancer and lung cancer task forces. Research is conducted through targeted programs utilizing the contract mechanism as well as investigations carried on directly in Government laboratories and clinical facilities. The programs are focused on the causes of cancers and their occurrence patterns and prevention, as well as finding the best methods of treating cancer through the screening, testing, and clinical evaluation of drugs.

This is the first time in the budget schedules that the funding to the Veterans' Administration for cancer research is included under project contracts rather than by an allocation to the VA.

NATIONAL HEART AND LUNG INSTITUTE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	96,490	116,774	126,031
Fellowships	6,904	6,871	6,195
Training	22,052	17,643	13,592
Direct operations:			
Laboratory and clinical research	13,705	17,071	15,946
Collaborative research and development	25,701	30,556	26,591
Biometry, epidemiology, and field studies	1,997	1,876	1,983
Review and approval of grants	2,478	2,818	2,673
Program direction	1,095	839	1,437
Total program costs, funded	170,422	194,448	194,448
Change in selected resources	−10,164		
Total obligations	160,258	194,448	194,448

The National Heart and Lung Institute conducts, fosters, and supports research, development, and training programs that are designed to produce, test, and apply new knowledge as to the cause, prevention, diagnosis, and treatment of diseases of the heart, lungs, and circulatory system. Research and training are fostered intramurally by scientists working in the Institute's laboratories and extramurally through grants and contracts to scientific institutions. Programs are designed to develop and to coordinate the useful application of both prevention and treatment of cardiovascular and respiratory diseases.

Grants, research: Research grants will be supported. In addition, funds are provided for general research support grants, specialized research centers, and the heart cooperative drug study.

Fellowships: Fellowship awards will be supported.

Training: For undergraduate cardiovascular training, funds in 1972 will provide assistance to schools of medicine, osteopathy, and public health. Funds will also provide for grants for graduate cardiovascular and pulmonary research and clinical training.

Direct operations, laboratory and clinical research: Research encompasses work which aids in the understanding of the cardiovascular and pulmonary systems and their diseases, with emphasis in therapeutic agents, diagnostic instrumentation, surgery, and clinical medicine.

Collaborative research and development: Funds will support programs in the research and development of the application of medical devices, in myocardial infarction, drug studies, blood resources, clinical applications, and pulmonary diseases.

Biometry, epidemiology, and field studies: This activity conducts and supports therapeutic evaluations, epidemiological and biometrics research.

NATIONAL INSTITUTE OF DENTAL RESEARCH

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	15,401	16,125	18,886
Fellowships	1,614	1,601	1,367
Training	5,355	5,206	4,285
Direct operations:			
Laboratory and clinical research	5,034	6,095	6,265
Collaborative research and development	1,057	4,353	5,384
Biometry, epidemiology, and field studies	472	700	909
Review and approval of grants	738	766	861
Program direction	367	396	443
Total program costs, funded	30,038	35,242	38,400
Change in selected resources	−1,322		
Total obligations	28,716	35,242	38,400

The National Institute of Dental Research conducts and supports basic, clinical, and applied research and research training, in the causes, diagnosis, prevention, and cure of oral diseases and disorders: First, conducts intramural laboratory, clinical, and field research; second, supports dental and medically related research and research training by assisting individuals, universities, and agencies through grants-in-aid for research projects, training, fellowships, and dental research institutes; and third, conducts and supports collaborative and developmental research programs aimed at specific dental problems where major advance seems clearly possible.

Grants: Research: Research grants support fundamental, clinical, and applied research studies in such areas as dental caries, periodontal disease, oral-facial growth and development, and dental restorative materials. Support is furnished for studies designed to advance scientific frontiers and exploit emerging research opportunities, including, first, investigation of the interplay of host, dietary, and microbiotic factors in dental caries; second, development of more effective therapeutic and preventive measures in periodontal diseases; third, development of treatment procedures and determination of preventive measures for oral-facial anomalies; and fourth, work on the immediate problems of dental treatment through development of new and improved restorative materials and clinical methods. In addition, support is furnished for clinical research centers, dental research institutes, and general research support grants.

Fellowships: Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, postdoctoral fellowships, career development, and career awards.

Training: Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences, and to conduct research.

Direct operations: Laboratory and clinical research: Laboratory and clinical research studies conducted in Institute facilities are concerned with the causes, treatment, control, and prevention of such dental diseases and disorders as caries, periodontal disease, oral-facial anomalies, and oral cancer. Three primary approaches are used: basic research directed at the acquisition of new knowledge as a means of solving dental health problems; field studies and clinical trials of new therapeutic and prevention concepts coming out of basic research; and further studies on the definition and distribution of oral-facial diseases and disorders on an epidemiologic or geographic basis. Much of this research will make direct contributions to the recently initiated national caries program.

Collaborative research and development: The programs in this activity involve contracts with public and private research and development organizations. Primary objectives include the development of new and improved dental restorative materials and support of the national caries program.

Biometry, epidemiology, and field studies: These activities are concerned with the planning, conduct, and analysis of epidemiological and field investigations concerning such matters as prevalence of oral disease, and effectiveness of new or improved methods of diagnosis, control, and prevention. A number of the studies conducted will be integral parts of the national caries program.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	88,717	88,858	92,091
Fellowships	6,757	5,740	5,094
Training	16,703	15,072	11,475
Direct operations:			
Laboratory and clinical research	16,304	18,353	16,561
Collaborative research and development	7,783	5,936	5,453
Biometry, epidemiology, and field studies	711	877	916
Review and approval of grants	2,225	2,278	2,414
Program direction	323	357	396
Total program costs, funded	139,523	137,471	134,400
Change in selected resources	—8,070		
Total obligations	131,453	137,471	134,400

The responsibilities of the National Institute of Arthritis and Metabolic Diseases encompass an unusually diverse area, including the broad spectrum of arthritic, rheumatic, and collagen (connective tissue) diseases, various metabolic disorders such as diabetes, and cystic fibrosis, gastrointestinal diseases such as peptic ulcer, endocrine malfunctions, dermatological conditions such as psoriasis, diseases of blood, bone, liver, and kidney, and research in urology, nutrition, and orthopedic surgery.

Grants. Research: Grants will be supported. Projects include both basic investigations and clinical studies to apply knowledge developed in the laboratory. Funds are also provided for general research support grants and clinical research centers.

Fellowships: Fellowships are awarded to private postdoctoral research training and career development opportunities to individual investigators working in the diverse fields related to the mission of this Institute.

Training: Graduate training grants are awarded to academic institutions to establish or improve programs to prepare increased numbers of independent and competent clinical research investigators and teachers in research training.

Direct operations: Laboratory and clinical research: Research is conducted in the fields of arthritis, rheumatism, diabetes, and other metabolic disorders, as well as studies in the major disciplines including pharmacology, physiology, biochemistry, nutrition, chemistry, pathology, endocrinology, physical biology, molecular biology, chemical biology, gastroenterology, hematology, and biomathematics.

Collaborative research and development: Comprehensive research and development programs are conducted under contracts with individuals and institutions. These programs include projects leading to improved methods of hemodialysis and development of a smaller, simpler, and more economical artificial kidney, and to the preparation and distribution of hormonal substances. Support is also provided for scientific communication activities, such as the preparation and distribution of abstracts on specific areas of research interest.

Biometry, epidemiology, and field studies: Research and epidemiological studies are conducted on arthritis, diabetes, cholecystitis, iodine metabolism, and hyperuremia in special population groups, primarily long-range studies in the Southwestern United States.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	54,710	58,802	58,092
Fellowships	2,713	2,782	2,595
Training	14,204	14,300	11,456
Direct operations:			
Laboratory and clinical research	10,260	11,668	9,696
Collaborative research and development	9,100	9,440	7,451
Biometry, epidemiology, and field studies	3,094	3,324	3,371
Review and approval of grants	2,208	2,194	2,265
Program direction	525	512	570
Total program costs, funded	96,814	103,022	95,496
Change in selected resources	350		
Total obligations	97,164	103,022	95,496

The National Institute of Neurological Diseases and Stroke conducts and supports research and training programs to develop new knowledge on the diagnosis, treatment, and prevention of diseases of the central nervous system. Research is carried out by scientists working in the laboratories of the Institute and through grants and contracts with academic institutions and other nonprofit and profitmaking research organizations. Programs are planned and coordinated to wage a concerted, multidisciplinary attack against cerebrovascular disease, epilepsy, parkinsonism, multiple sclerosis, muscular disorders, head and spinal cord injury, and disorders of human communication.

Grants: Research: Research grants will be supported. In addition, funds are provided for general research support grants, clinical research center grants, and specialized research center grants.

Fellowships: Fellowships will be supported.

Training: Graduate training grants will be supported. These grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology and otology.

Direct operations: Laboratory and clinical research. Research is being conducted on disorders of the brain, spinal cord, and peripheral nerves, such as epilepsy, multiple sclerosis, apoplexy, and Parkinson's disease; on neuromuscular disorders, such as muscular dystrophy; hearing impairments; and the perinatal physiology studies using primates.

Collaborative research and development: These studies include the coordination and central service activities for the collaborative project on cerebral palsy, mental retardation, and other neurological and sensory disorders of childhood. Also included is the Institute's research programs on head injury and epilepsy.

Biometry, epidemiology, and field studies: These studies include epidemiological, biometric, and international studies relating to cerebrovascular disease, speech and hearing disorders, and research on viruses and their effect on the central nervous system.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	57,463	57,657	56,999
Fellowships	3,908	3,749	3,504
Training	11,413	8,972	7,330
Direct operations:			
Laboratory and clinical research	16,236	17,842	16,732
Collaborative research and development	12,898	11,830	11,857
Review and approval	1,533	1,534	1,622
Program direction	326	346	387
Total program costs, funded	103,777	101,930	98,431
Change in selected resources	—6,722		
Total obligations	97,055	101,930	98,431

The mission of the National Institute of Allergy and Infectious Diseases is to conduct research on the causes, characteristics, prevention, control, and treatment of diseases believed to be caused by infectious agents—including bacteria, fungi, viruses, and parasites—or by abnormalities in the body's immune mechanisms, such as allergies.

The research programs are comprised of three major problem areas, infectious diseases, allergic and immune disorders, and other disease related problems.

Grants: Research: Research grants will be supported. In addition, funds are provided for general research support grants, clinical research centers, and international centers for medical research and training.

Fellowships: Fellowships will be awarded.

Training: Training grants will be awarded.

Direct operations: Laboratory and clinical research: The Institute research effort embraces both basic and applied research. Laboratory scientists and clinical investigators at NIH and field installations are directing their efforts to the discovery and exploitation of new knowledge leading to the eventual prevention and treatment of diseases caused by infection with micro-organisms or abnormal immunological mechanisms. The diseases under intensive study are those caused by viruses, bacteria, mycoplasma, fungi, protozoa, and helminths.

Collaborative research and development: Primary objectives include translation of significant basic research data into practical achievements of clinical applicability in immunologic and infectious diseases. The program also conducts and supports developmental research in the prevention, control, and treatment of diseases caused by infectious agents including bacteria, viruses, and parasites and abnormalities in the body's immune mechanisms.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	67,140	85,321	87,772
Fellowships	18,836	18,454	15,142
Training	44,395	43,746	38,385
Direct operations:			
Collaborative research and development	4,167	7,667	3,548
Training activities	360	390	315
Review and approval of grants	3,158	3,381	3,611
Program direction	1,158	1,207	1,318
Total program costs, funded	139,214	160,066	150,091
Change in selected resources	8,876		
Total obligations	148,090	160,066	150,091

The National Institute of General Medical Sciences is responsible for the support of research and training in the basic biomedical sciences and in certain clinical disciplines that are of central importance to a variety of medical problems. Within this framework it has also launched selected programs of training, research, and development which are of great importance to the expansion of our knowledge of life's processes and to the improvement of health care.

Grants: Research: Research grants will be supported. In addition, funds are provided for general research support grants, research and training resources, and research centers in diagnostic radiology and anesthesiology.

Fellowships: Fellowships will be awarded.

Training: Training grants will be awarded.

Direct operations: Collaborative research and development in the biomedical sciences and supportive areas are conducted by contract with institutions.

Training activities: This activity supports a program for training pharmacologists and toxicologists.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	43,210	50,237	54,229
Fellowships	3,960	3,786	3,653
Training	12,283	10,142	9,085
Direct operations:			
Laboratory and clinical research	7,032	9,104	11,171
Collaborative research and development	5,097	15,455	18,484
Biometry, epidemiology, and field studies	2,032	2,187	2,200
Training activities	75	83	85
Review and approval	2,099	2,490	2,591
Program direction	776	1,001	1,034
Total program costs, funded	76,564	94,485	102,532
Change in selected resources	−602		
Tota. obligations	75,962	94,485	102,532

The National Institute of Child Health and Human Development conducts and supports research and training programs spanning the entire life cycle from conception through old age. This approach cuts across disciplinary lines and covers both normal and abnormal development. Research is carried out by scientists working in the laboratories of the Institute in Bethesda and in Baltimore at the Gerontology Research Center and through grants and contracts with academic institutions and other nonprofit and profitmaking research organizations.

The Institute's primary areas of concentration relate to problems of both a scientific nature as well as social importance and urgency. These include family planning and the attendant consequences of overpopulation, the healthy development of the unborn and newborn, the intellectual and physical development of the young, the prevention and amelioration of mental retardation, and an understanding of the aging process.

Grants: Research: Research grants will be supported. In addition, funds are provided for general research support grants and mental retardation research centers.

Fellowships: Postdoctoral and special fellowships will be supported, as well as career awards and career development fellowships.

Training: Training grants will be supported.

Direct operations: Laboratory and clinical research: Laboratory and clinical research is conducted in five major program areas of child health and human development: Population and reproduction research—reproductive biology, endocrinology, and ecology. Perinatal biology and infant mortality—maternal-child interactions, maturation of motor and behavioral systems, nutrition, and development. Growth and development—neurophysiology, neurochemistry, and nutrition. Adult development and aging—cellular biology, biochemistry, physiology, and psychology. Mental retardation—biochemistry, neurophysiology, and behavioral research.

Collaborative research and development: This supplements the Institute's five research programs primarily through the contract mechanism. The research conducted is usually Institute initiated and is directed toward gaps in existing research or to expand on current studies of either the intramural program or the research grant program. This activity provides one of the most effective ways for coordinating program development in the five program areas. The main thrust of the Institute's population research program is accomplished through contract efforts within this activity. In addition to the contract activities, program liaison is maintained and advanced through support of interdisciplinary research conferences and symposia and through scientific information centers.

Biometry, epidemiology, and field studies: Through contracted research this activity supports the Institute's scientific staff in planning and conducting studies dealing with the incidence, distribution, and control of health problems in certain populations. It supports development of more effective and reliable means for measuring health problems, collects and analyzes health data, and makes statistical studies for use in initiating and evaluating scientific programs.

Training activities: This activity represents the Institute's career development program designed to provide the necessary cross-disciplinary training required in the basic research programs of the Institute.

NATIONAL EYE INSTITUTE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	16,807	20,754	24,525
Fellowships	865	1,676	876
Training	2,959	2,998	2,225
Direct operations:			
Laboratory and clinical research	857	1,861	2,955
Collaborative research and development	359	1,332	332
Biometry, epidemiology, and field studies	250	341	368
Review and approval of grants	416	689	770
Program direction	152	326	373
Total program costs, funded	22,665	29,977	32,434
Change in selected resources	140		
Total obligations	22,805	29,977	32,434

The National Eye Institute conducts and supports research and training programs to develop new knowledge on the diagnosis, treatment, and prevention of diseases of the eye and visual system. Research is carried out by scientists working in the laboratories of the Institute and through grants and contracts with academic institutions and other nonprofit and profitmaking research organizations. Programs are planned and coordinated to wage a concerted, multidisciplinary attack against corneal and retinal disease, glaucoma, cataract, and other blinding or disabling visual disorders.

Grants: Research: Projects range from basic investigations of the visual system to clinical applications of knowledge developed in the laboratory. Glaucoma, corneal disease, retinal disorders, uveitis, and infectious diseases are among the conditions under investigation. In addition, funds are provided for general research support grants and vision clinical research centers.

Fellowships: Fellowships are awarded to provide postdoctoral research training to individual investigators working in the field of vision research. Awardees are provided an opportunity for training in a wide variety of scientific disciplines related to research on the eye and visual system.

Training: Graduate training grants are awarded to academic institutions to establish or improve existing programs to prepare more advanced laboratory scientists for research in disorders of the visual system.

Direct operations: Laboratory and clinical research: Laboratory and clinical studies conducted by Institute staff are directed toward increasing our knowledge and understanding of specific vision disorders such as retinal disease, glaucoma, cataracts, and corneal disease. A close association between laboratory and clinic facilitates rapid and direct application of new knowledge to the treatment of eye patients.

Collaborative research and development: A small program of contract support to public and private research and development organizations has been started to exploit areas of outstanding promise for rapid advances in research and to accelerate the application of new knowledge to the treatment of visual disorders.

Biometry, epidemiology, and field studies: This activity supports epidemiological investigations of the incidence and prevalence of eye disease, and assistance to in-house and extramural programs in the design of biostatistical studies of visual disorders.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	6,990	8,980	10,478
Fellowships	215	264	264
Training	3,622	3,117	3,283
Direct operations:			
Laboratory and clinical research	3,561	5,355	7,139
Collaborative research and development	1,005	1,484	2,995
Review and approval	344	477	488
Program direction	388	390	392
Total program costs, funded	16,125	20,067	25,039
Change in selected resources	1,129		
Total obligations	17,254	20,067	25,039

The National Institutes of Environmental Health Sciences was established in response to the need to increase the store of fundamental knowledge and understanding of environmental agents as hazards immediately or ultimately affecting man's health. The results of this research are promptly made available to agencies having responsibility for the environmental monitoring, standards-setting, and control of all of its phases or compartments. The initial approach is to determine the magnitude and significance of the hazard to man's health from long-term exposures to low-level concentrations of chemical, physical, and biological agents in the environment; and, second, to elucidate the underlying mechanisms of adverse response with the hope that principles and generalizations will be identified to provide a scientific base for criteria upon which control agencies could set standards for protective and preventive measures.

Grants: Research: This activity supports research on the phenomena associated with the source, distribution, mode of entry, and effect of environmental agents on biological systems through grants to universities, research institutes, and other public or private nonprofit institutions.

Fellowships: Under the fellowship program, postdoctoral, special, and research career development awards are made to graduate students and scientists for training in the field of environmental health sciences.

Training: The graduate research training program supports the availability of high-quality training opportunities in environmental health. The goal is to increase the number of highly qualified scientists primarily concerned with environmental health.

Direct operations: Laboratory and clinical research: This activity supports the in-house research programs in environmental health sciences at the National Environmental Health Sciences Center. Included are research efforts in cell biology, pharmacology, and toxicology, analytical and synthetic chemistry, biophysics, and biomedical instrumentation, animal science, and technology, pathologic physiology, epidemiology, biometry, epidemiologic pathology, and scientific information, as well as the supporting services for these laboratories and branches.

Collaborative research and development: This activity supplements and complements the Institute's intramural research program. Research in this activity is supported through contracts in collaboration with other Federal agencies, university research centers, and industrial research organizations.

RESEARCH RESOURCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	58,195	62,810	64,310
Fellowships	106	126	126
Training	317	352	352
Direct operations:			
Collaborative research and development	983	1,385	1,384
Review and approval	702	956	1,044
Program direction	514	647	700
Division of computer research and technology	4,240		
Total program costs, funded	65,057	66,276	67,916
Change in selected resources	1,875		
Total obligations	66,932	66,276	67,916

The programs administered by the Division of Research Resources are oriented toward providing the resources necessary for the conduct of biomedical research, including support for general clinical research centers, primate centers, the maintenance of laboratory animals, and the provision of biotechnology resources, such as large-scale equipment to improve multidisciplinary research capabilities of institutions. The Division also administers the general research support grants program.

Research resources: Grants: Research: Funds in 1972 will provide the following: General clinical research centers will be supported with some diversification to facilitate research on ambulatory patients; biotechnology resources; animal resources.

Fellowships: Fellowships will be supported.

Training: Grants are awarded to institutions for training in laboratory animal medicine.

Direct operations: Collaborative research and development: This activity is carried out primarily through research contracts with industry, universities, and other Federal and non-Federal institutions. Included are the chemical/biological information handling program which is committed to developing a discipline-oriented information-handling system for the Nation's pharmacologists and medicinal chemists, and the other research resource programs of the Division.

FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants:			
Research	20	520	520
Fellowships	531	1,077	739
Scholarships	131	170	170
International Center	1,552	1,869	1,823
Total, program costs, funded	2,234	3,636	3,252
Change in selected resources	497		
Total, obligations	2,731	3,636	3,252

The objective of the Fogarty International Center is to administer programs of advanced study and related international activities to provide a new dimension in the identification, exploration, and solution of biomedical science problems. Specifically the center administers a scholars-in-residence program inviting outstanding individuals to live in residence while devoting their energies to the examination, discussion, and documentation of problems and their solution; the international postdoctoral fellowship program which utilizes the talents and experience of scientists and investigators of other countries for application to the urgent research problems which now confront American society; and the NIH portion of the special foreign currency program. Additional programs administered by the center include its advanced study program consisting of conferences, seminars, and workshops where specialists from many countries are invited to participate in meetings sharing their expertise to facilitate the progress of biomedical research and the development of new knowledge, and the International Visitors Center program where foreign and visiting American scientists may receive assistance ranging from day-to-day problems to arrangements for scientific exchanges and interaction with NIH scientists. Support is also provided to the Gorgas Memorial Laboratory.

Grants: Research: Funds will support the Gorgas Memorial Institute. In addition, funds are provided for scientific evaluation.

Fellowships and scholarships will be supported.

International center: Provides for the executive direction, planning, and coordination of international activities of the National Institutes of Health, including international seminars and conferences.

HEALTH MANPOWER

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical, dental, and related health professions	157, 507	320, 116	421, 548
Nursing	47, 687	84, 540	68, 018
Public health	14, 881	18, 890	18, 514
Allied health	11, 935	20, 595	26, 494
Program direction and manpower analysis	4, 568	4, 977	6, 227
Total program costs, funded	236, 578	449, 118	540, 801
Change in selected resources	141, 991		
Total obligations	378, 569	449, 118	540, 801

The Bureau of Health Manpower Education administers and supports educational and training programs which produce workers in the health and allied health professions. The Bureau administers grants and loans and conducts operations which promote and support the extension and improvement of the Nation's educational process to increase the supply and improve the quality of health manpower. It assesses current and future health manpower supply, distribution, and requirements, particularly as they affect education and training; and serves as a clearinghouse for information on all aspects of health manpower in the Nation.

Medical, dental, and related health professions: The objective of alleviating the shortages of professional health manpower is pursued by providing financial assistance to health professions institutions and their students. This assistance is provided through four mechanisms:

Institutional support: Institutional grants are awarded on a formula basis to health professions schools in order to strengthen their base of financial support, thereby encouraging increases in enrollments and graduates, and improving the quality of their educational programs. Special project grants supply broad-range assistance to schools with potential to increase enrollments and to help alleviate the difficulties of schools in serious financial straits, as well as to enable schools to experiment with programs designed to increase the quality of trained personnel. A significant increase is provided in 1972 for enrollment increases and to assist schools in dire financial need.

Student assistance: Health professions scholarships and loans enable deserving students from low-income families to pursue their education. Schools make scholarship awards to students who, in the judgment of the school, have an exceptional financial need. The student loan program concentrates on making loans to students from lower income families.

Dental fellowship grants are awarded to candidates pursuing advanced degrees in public health administration, computer technology, bioengineering, dental health delivery systems, dental economics, and education research.

Construction: Grants are made to public and other nonprofit schools, agencies, and organizations for the construction of health professions teaching facilities and of multipurpose and graduate facilities.

Educational grants and contracts and direct operations: Support is focused on innovation and experimentation in medical and dental education and on manpower and educational research. Research training grants in 1972 will support students working in the areas of oral epidemiology, dental education, and sociology in dental public health. Grants will be supported for continuing education systems which deliver new knowledge to the practicing dentist and dental assistant. The current dental auxiliary utilization program, designed to teach students the effective utilization of a chairside assistant has produced a more productive practitioner; financial support for this current program will undergo gradual withdrawal and be redirected to a program which will provide dental students with training in expanded functions and expanded auxiliary management—the team concept of clinical dentistry.

Nursing: To help alleviate the shortage of nurses, financial assistance is provided to nursing institutions and students, through the following programs:

Institutional support: Special projects for the improvement of nurse training are providing the impetus for schools to initiate new methods in nursing education designed to improve the quality and increase the number of nurses available in the Nation. Funds requested for 1972 will support projects in such areas as utilization of faculty, methods of instruction, curriculum revision, and enrollment increases, and in assisting nursing schools in serious financial straits.

Student assistance: Nurse scholarships and loans encourage and assist qualified young people with exceptional financial need to undertake education for nursing.

Nursing fellowship grants are awarded to prepare professional nurses for independent research, to collaborate in interdisciplinary research, and to direct community health research.

Professional traineeships: Traineeships support the graduate and specialized preparation of professional nurses as teachers, administrators, and supervisors.

Construction. Grants are made to public and other nonprofit schools, agencies, and organizations for the construction of teaching facilities for nurses.

Educational grants and contracts, and direct operations. Educational research projects in such areas as nursing practice and patient care are supported and result in modifications to and development of nurse educational and training programs. A nurse scientist graduate training grant program advances nursing and other health-related research by increasing the number of research scientists with a nursing background. An increase in contract funds will enable additional States to add to their nursing work force by initiating refresher training programs.

Public health: Changes in the concepts of health services delivery have created needs for new types of public health personnel when existing types are already in short supply. The following mechanisms are currently being used in an attempt to alleviate the shortages:

Institutional support: Formula grants are awarded to accredited schools of public health for the purpose of assisting them in providing comprehensive professional training, specialized consultative services, and technical assistance in public health fields and in public health administration at the State and local levels. Project grants for graduate training in public health are awarded to schools of public health and to other public or nonprofit private instiutions to strengthen or expand the graduate or specialized training in public health which they provide.

Professional traineeships: Traineeships support the graduate and specialized preparation of students in public health, most of whom are employed by State or local health agencies representing such health disciplines as medicine, dentistry, nursing, and engineering. Types of training included are postprofessional, long-term, academic training; short-term training to update the skills of current public health professionals; residency training in preventive medicine and dental public health; and apprenticeships for medical and dental students in public health training.

Direct operations: Grants programing will emphasize consultation with schools and professional organizations which can most readily utilize resources affecting priority areas of nutrition, maternal, and child health, and preventive services to people in disadvantaged situations.

Allied health: More general use of allied health workers in this country requires more efficient utilization of our present training capacities and experimentation with, and development of, new and improved ways of training and using these personnel. The following mechanisms are directed to these ends:

Institutional support: Special improvement grants will be made to allied health training centers offering the greatest comparative potential for expansion of allied health manpower output through enrollment increases in established curriculums, planning and establishing new programs, shortening curriculums, and developing coordinated programs to conserve faculty and facilities. The 1972 program represents a shift from the formula grant to a project grant mechanism and will allow concentration of resources in high priority areas while providing continuity of support to schools previously receiving entitlement funds.

Professional traineeships: Traineeships support students preparing to teach or to serve in an administrative, supervisory, or specialist capacity in the allied health disciplines.

Educational grants and contracts and direct operations: Funds requested for special projects in 1972 will support awards to a greater variety of newly eligible grantees—agencies, institutions, and organizations, in addition to training centers—for developing, demonstrating, or evaluating interdisciplinary training programs; new teaching methods; new types of health manpower; equivalency and proficiency testing mechanisms; and special programs to reach special groups such as returning veterans with experience in a health field. Increases in contract funds and staff will emphasize such program efforts as equivalency and proficiency testing, the utilization of returning veterans in civilian health occupations, and responsiveness to local needs for health manpower through strengthened regional office resources.

Program direction and manpower analysis: The Bureau of Health Manpower Education guides, supports, and evaluates health manpower programs; designs proposals for new or revised programs; coordinates improved manpower data gathering and reporting activities; conducts statistical surveys on the size, composition, and related characteristics of the existing health manpower supply and the national requirements for health manpower; and maintains an inventory of all health manpower educational programs in the Nation.

NATIONAL LIBRARY OF MEDICINE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical library assistance	5,697	5,818	5,906
Direct operations:			
Lister Hill National Center Biomedical Communications	997	1,388	1,103
National Medical Audiovisual Center	2,219	2,081	1,989
Library operations	7,836	7,626	7,869
Toxicology information	1,351	1,241	1,215
Review and approval of grants	703	627	685
Program direction	1,733	1,818	2,220
Total program costs, funded	20,536	20,599	20,987
Change in selected resources	778	608	499
Total obligations	19,758	21,207	21,486

The National Library of Medicine serves as a national resource for biomedical information and as a focus for national planning to improve communications in the health sciences. Toward these ends the library conducts programs to provide: First, interlibrary loan, reference, and bibliographic services to units of the national system of libraries and information centers; second, bibliographic and literature searches through the computer-based medical literature analysis and retrieval system and its decentralized satellites; third, specialized information services including development of a toxicology information exchange to meet national needs for information relating to the effects of chemical agents on man; fourth, audiovisual resources and services and the development of new media for medical and health-related education through the National Medical Audiovisual Center; fifth, systems engineering, design, and implementation of a national, multimedia biomedical communications network for the most timely and efficient delivery of biomedical information to health professions; and, fifth, administration of support programs authorized by the Medical Library Assistance Act for the improvement of communications in the health sciences.

Medical library assistance: This activity provides funds for the following categories of support: Training grants, special scientific project grants, research grants, library resources grants, regional medical library grants and contracts, and publications support grants.

Direct operations: Lister Hill National Center for Biomedical Communications:

The Center applies existing technology to the development of biomedical communications systems aimed at improving health education, medical research, and the delivery of health services. The Center is responsible for developing a national biomedical communications network, which involves identification of existing resources available to the network, demonstration of remote access devices to link the physician in his office to a central information source, and experimentation in telephone-dial access to diagnostic and therapeutic procedure messages. The Center also serves as the Department's focal point for coordinating health communications systems and network projects. In 1972, the Center will work toward the design of automated coordination systems utilizing reporting-at-the-source and on-line retrieval; individualized education and information centers to serve medical professionals regardless of location; and experimental use of satellite communications to reach remotely located patients, practitioners, and medical institutions.

National Medical Audiovisual Center: The Center will continue to emphasize the collection, cataloging, and distribution of biomedical audiovisuals and consultation concerning their use in education. The new cooperative media program, through which the Center works with teaching institutions and professional groups to develop innovative teaching aids, will receive increased emphasis.

Library operations: Under this activity the library acquires and maintains an archival and reference collection of the world's biomedical literature and provides bibliographic, reference, and loan services through a network of regional and local medical libraries. The National Library of Medicine serves both as the mid-Atlantic regional library and as a backup for the entire network and supports the development and operation of the Medical Literature Analysis and Retrieval System, a computer-based bibliographic information storage and retrieval system now undergoing conversion to a second-generation system. The new system (Medlars II) will not only continue to provide the data base for "Index Medicus" and other NLM bibliographic publications, but will provide for the eventual automation of most of the library's acquisition, cataloging, circulation and reference services.

Toxicology information: This program is responsible for developing and operating a computer-based information storage and retrieval system concerning the effects of chemical compounds on man and his environment. Activities in 1972 will include the creation of a new Medlars-based journal, Health Effects of Environmental Pollutants, using existing abstracts and summaries to make bioenvironmental toxicology information more readily available to scientists and public officials and the further development of an automated toxicology information storage and retrieval system.

Review and approval of grants: This activity provides the administrative and scientific staff responsible for managing grant programs authorized by the Medical Library Assistance Extension Act of 1970 and the international activities of the NLM which are funded by the scientific activities overseas appropriation.

Program direction: This activity supports the staffs of the immediate Office of the Director, the Office of Administrative Management, and the Office of Public Information and Publications Management. In addition, it provides reimbursement to the NIH management fund for centrally furnished administrative services and supports the costs of plant maintenance services.

BUILDINGS AND FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research facilities	486	1,433	3,565
Service and administrative facilities	2,552	3,688	3,515
Total program costs, funded	3,038	5,121	7,080
Change in selected resources	−2,811	1,594	−339
Total obligations	227	6,715	6,741

The buildings and facilities appropriation provides funding for the construction, major repair, improvement, extension, alteration, and equipment, including the acquisition of sites for facilities of or used by the National Institutes of Health.

OFFICE OF THE DIRECTOR

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Program direction and management services—program costs, funded	7,771	8,667	11,371
Change in selected resources	217		
Total obligations	7,988	8,667	11,371

Program direction and management services provides for overall executive and program direction, and for supporting services relating to program planning and evaluation, scientific and public information, financial management, personnel management, management policy and review, and grants and contract management and analyses.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Foreign health research	4,002	29,235	25,545

The scientific activities overseas program is supported by excess U.S.-owned foreign currencies derived from the sale of surplus agricultural commodities.

Activities are directed toward the prevention, control, and treatment of specific disease and health problems in the United States and abroad; improving the organization and delivery of health services; and the translation of research publications to encourage and enhance international communication in the health sciences. The program also supports the interchange of experts, training, and international health-related conferences. Projects funded under the program are collaborative in nature and are of mutual interest to the United States and the host country.

In 1972 new lines of investigation will be directed toward solutions to the domestic problems of environmental health, the supply and utilization of health manpower, mental health, nutrition, and consumer protection. Biomedical research and the program of selective critical review and translation of scientific health publications will continue to be major priority areas. Emphasis will be placed on institutional development in host countries through a coordinated multidisciplinary approach to specific program areas such as neurophysiology and family planning.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Loans to health professions schools	6,479		
Interest	2,040	4,121	4,223
Cancellations to schools			213
Total obligations	8,519	4,121	4,436

The Allied Health Professions Personnel Training Act of 1966 amended title VII, part C, of the Public Health Service Act to establish a revolving fund from which schools may obtain loans to provide loans to health professions students.

NURSE TRAINING FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Loans to schools of nursing	4,252		
Payment to Government National Mortgage Association to retire participation certificates		1,618	
Interest	744	2,038	2,039
Cancellations to schools			540
Total obligations	4,996	3,656	2,579

The Allied Health Professions Personnel Training Act of 1966 amended section 827 of the Public Health Service Act to establish a revolving fund to provide loans to student nurses.

GENERAL RESEARCH SUPPORT GRANTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Total obligations	57,677	60,700	49,200

Public Law 86-188 amends the Public Health Service Act to provide for grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions for the general support of research and research training in sciences related to health. The act specifies that this program will be supported with funds provided for research grants through the appropriations for the National Institutes of Health and the National Institute of Mental Health.

NATIONAL INSTITUTES OF HEALTH MANAGEMENT FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Computer services		4,472	4,527
Research services	4,597	5,130	5,263
Engineering services	10,778	11,477	12,016
Clinical services	18,891	20,584	21,062
Grant review and approval	8,039	8,245	8,361
Administrative services	8,771	8,768	8,319
Total, program costs, funded	51,076	58,676	59,548
Change in selected resources	−103		
Total, obligations	50,973	58,676	59,548

The National Institutes of Health management fund was established to facilitate the conduct of operations of the National Institutes of Health which are financed by two or more appropriations. The activities of the fund are financed primarily from advances and reimbursements from the several institutes. A small portion of the funds comes from reimbursements from outside sources and from other Government agencies.

The centralized organizations of the National Institutes of Health provide supporting services to all programs as follows:

Computer services provide a central scientific and computational resource for the NIH programs. The division plans and conducts an extensive interdisciplinary research and development program in which the concepts and methods of computer science, engineering, and mathematics are applied to biomedical problems. These research efforts provide a solid technical foundation for computational efforts at NIH and create new tools for use in biomedical research, education, and the application of health knowledge.

Research services provide the central administration and operation of services for the conduct of research activities such as providing laboratory animals, culture media, and glassware; design and fabrication of laboratory instrumentation; operating the NIH medical reference library, including the translation of medical literature; scientific photography and medical arts; and environmental engineering services.

Engineering services provide engineering, architectural, craft, and labor services required for the: Operation and maintenance of the NIH facility; planning of NIH facilities and improvements; administration and inspection of NIH construction performed under direct contract; and, liaison and inspection of projects administered by both the Facilities Engineering and Construction Agency, Department of Health, Education, and Welfare, and the Public Buildings Service of the General Services Administration.

Clinical services consist of the operation of the clinical center together with the laboratory space required for the care and treatment of research patients.

Grant review and approval initiates and develops recommednations and provides staff support services for the National Institutes of Health in formulating Public Health Service grants and awards policies and procedures relating to research, center, and training grants and fellowship programs; assigns grant and award applications to the appropriate bureau of the PHS; assigns applications within the NIH to institutes and divisions and to initial review groups, and provides for the scientific review of applications by the NIH study sections and review committees; conducts negotiations with grantee institutions, makes studies, and provides advisory and consultative services to NIH institutes and divisions relative to PHS grant policy and NIH-wide management matters, collects, stores, retrieves, analyzes, and evaluates management and program data needed by the NIH in the management of its extramural programs.

Administrative services provides for: Plant and office services, including cleaning of space; mail, messenger, telephone, and other communication services; operation and maintenance of motor vehicles; guards, firefighting, and other plant protection, and safety services; and procurement and supply management.

GRANTS MANAGEMENT FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Social and Rehabilitation Service	151,129	155,000	160,000
Office of Education	513,926	520,000	530,000
Health Services and Mental Health Administration	411,342	420,000	450,000
Consumer Protection and Environmental Health Service	51,548	52,000	55,000
Social Security Administration	194	200	200
National Institutes of Health	1,096,295	1,100,000	1,120,000
Veterans' Administration	−549	550	550
Total obligations	2,223,885	2,247,750	2,315,750

SERVICE AND SUPPLY FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Administrative services:			
Cost of goods sold	5,371	5,303	5,490
Other	2,599	2,755	3,027
Data processing services	5,744	6,445	7,632
Instrumentation:			
Cost of goods sold	269	305	340
Other	1,279	1,296	1,386
Research animals:			
Cost of goods sold	136	125	100
Other	1,433	1,491	1,652
Total program costs, funded	16,831	17,720	19,627
Change in selected resources	−14	−50	50
Total obligations	16,817	17,670	19,677

The NIH service and supply fund provides a single means for consolidated financing and accounting of business-type operations involving the sale of services and commodities to customers.

ADVANCES AND REIMBURSEMENTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical research	1,026	1,145	1,083
Health manpower	2,067	2,323	2,362
National Library of Medicine	478	300	250
Total obligations	3,571	3,768	3,695

SOCIAL AND REHABILITATION SERVICE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants to States for public assistance: Medical assistance:			
For those eligible for maintenance assistance	1,701,125	2,159,916	2,845,832
For those not eligible for maintenance assistance	800,529	814,253	813,965
Administration	114,946	139,516	167,822
Total, medical assistance	2,616,600	3,113,685	3,827,619
Collections and adjustments	21,368	−4,000	
Program costs, funded	2,637,968	3,109,685	3,827,619

Medical assistance: Grants for medical assistance under title XIX of the Social Security Act—medicaid—are made to States having plans approved by the Department of Health, Education, and Welfare. Eligible recipients must include all persons receiving or eligible to receive money payments under the Social Security Act and States may elect to cover certain medically needy persons eligible for help only with their medical bills. Medicaid complements the Federal medicare program by paying the deductible and coinsurance for the needy aged, paying their premiums for Medicare's supplementary medical insurance program, and by paying for services not covered by medicare, for example, long-term nursing home care.

The medical assistance program is a State administered program with cost shared by the Federal Government.

GRANTS TO STATES FOR PUBLIC ASSISTANCE (PROPOSED FOR SEPARATE TRANSMITTAL, EXISTING LEGISLATION)

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical assistance:			
For those eligible for maintenance assistance		201,959	
For those not eligible for maintenance assistance		−103,647	
State and local administration		8,145	
Program costsfunded, medical assistance		106,457	

SALARIES AND EXPENSES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Maternal and child health and development	4,719		
Assistance to refugees in the United States: Health services	2,449	3,195	3,963

These services are provided to new arrivals and to needy refugees in Miami and include medical screening, outpatient clinic services, and care of patients with tuberculosis and mental illness.

SOCIAL SECURITY ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Payments to social security trust funds:			
Matching payments for supplementary medical insurance	928,151	1,245,282	1,376,400
Hospital insurance for the uninsured	617,262	878,688	503,351
Limitation on salaries and expenses, health insurance:			
Hospital insurance	127,505	136,942	148,768
Supplementary medical insurance	215,550	250,435	269,797

Health insurance: This program includes the hospital insurance and the voluntary supplementary medical insurance programs which were established by the 1965 amendments to the Social Security Act and commonly referred to as medicare.

Hospital insurance: The hospital insurance program affords protection to persons aged 65 and over against the cost of inpatient hospital services, posthospital home health services, and posthospital extended care services.

Supplementary medical insurance: Almost all persons aged 65 and over are eligible to enroll in the supplementary medical insurance program which covers the cost of physician services and other medical costs within certain deductible and coinsurance requirements.

FEDERAL HOSPITAL INSURANCE TRUST FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Benefit payments	4,803,900	5,819,700	6,690,000
Construction	171	1,896	807
Administration:			
Authorized program	140,415	146,277	160,902
Proposed increase in limitation		2,082	
Incentive reimbursement experimentation	2,003	1,278	3,061
Total obligations	4,946,489	5,971,232	6,854,770

The hospital insurance program protects individuals and families against the costs of health care by helping eligible people aged 65 and over finance the cost of hospital and related care.

Benefit payments: The hospital insurance program provides protection to persons aged 65 and over against the costs of inpatient hospital services, posthospital home health services, and posthospital extended care services.

Construction: The costs of site acquistion, design, and construction of office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration: The administrative expenses of the Social Security Administration as reflected in its salaries and expenses appropriation and those incurred for social security programs by the Treasury Department and other Department of Health, Education, and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation: The 1967 Social Security Amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the medicare program, in order to achieve incentives for economy while maintaining or improving quality in the provision of health services. The cost of administering and evaluating the experiments is financed by the hospital insurance and supplementary medical insurance trust funds. Hospital insurance benefit payments made to providers of health services who are participating in these experiments are included in the benefit payments shown above.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Benefit payments	1,979,287	2,070,300	2,300,000
Construction	205	2,278	970
Administration:			
Authorized program	220,228	250,179	273,083
Proposed increase in limitation		2,429	
Incentive reimbursement experimentation	557	398	1,064
Total obligations	2,200,277	2,325,584	2,575,117

The supplementary medical insurance program protects individuals and families against the costs of health care by helping individuals aged 65 and over who elect this coverage to finance the cost of physicians' services and certain other medical and health services.

Benefit payments: Participants in the program are covered for the cost of physicians' services, home health services not covered under the hospital insurance program, outpatient services, and certain other medical costs, with specified deductible and coinsurance amounts.

Construction: The costs of site acquisition, design, and construction of the office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration: The administrative expenses of the Social Security Administration, as reflected in its salaries and expenses appropriation, and those incurred for social security programs by the Treasury Department and other Department of Health, Education, and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation: The 1967 Social Security Amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the medicare program in order to achieve incentive for economy while maintaining or improving quality in the provision of health services. The cost of administering and evaluating the experiments is financed by the hospital insurance and supplementary medical insurance trust funds. Medical insurance benefit payments made to providers of health services who are participating in these experiments are included in the benefit payments shown above.

SPECIAL INSTITUTIONS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Howard University, Freedmen's Hospital	15,683	16,819	17,700

The hospital furnishes inpatient and outpatient care and a facility for training of physicians and nurses and other professional and technical health personnel. Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services from patients, medicare, the District of Columbia, and other jurisdictions. Federal funds provide 71.9 percent of the total operating costs.

DEPARTMENTAL MANAGEMENT—ADVANCES AND REIMBURSEMENTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
International health activities	967	1,193	1,122
Secretary's Advisory Committee on Health Protection and Disease Prevention	293		
Secretary's Task Force on Medicaid	250		
Secretary's Commission on Pesticides	83	125	
Family health insurance plan		153	
Advisory Committee on Dental Health		68	82

SOCIAL AND REHABILITATION SERVICE

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants to States for public assistance: Medical assistance			$444,000

Legislation will be proposed to modify the medicaid program, including provisions that would discourage overutilization of services, place increased emphasis on preventive medical care, and restrain cost increases for institutional services. These changes will be consistent with the proposed new family health insurance plan, one objective of which will be to promote cost sharing according to the beneficiary's ability to pay.

CANCER RESEARCH INITIATIVES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Obligations			100,000

Budget amendments will be proposed for a major initiative in research on cancer. This initiative will involve all pertinent institutes and agencies.

DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses, Bureau of Prisons:			
Medical services	4,408	5,006	6,271
Narcotic addict treatment	1,109	2,428	2,814

Medical services: Funds are allocated to the Health Services and Mental Health Administration for the cost of medical, psychiatric, and technical services.

Narcotic addict treatment: This covers the cost of treatment of narcotic addicts while in institutions and provides for aftercare treatment services after the inmate is released.

BUILDINGS AND FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
New construction: Medical facility, Butner, N.C.		350	14,250

Construction will be started on a psychiatric study and treatment center at Butner, N.C.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Advances and reimbursements: Kabul Hospital:			
Agency for International Development	183	207	207
Peace Corps	39	42	42
Defense	22	23	23
Other accounts	39	41	41

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Contributions to international organizations:			
World Health Organization	19,533	21,681	23,741
Pan American Health Organization	8,402	9,263	10,437

The World Health Organization is expanding its activities in the fields of public health administration, education and training, communicable disease control, and environmental health.

The Pan American Health Organization is further incorporating into its regular budget the costs of the malaria eradication campaign, previously funded in part by the Agency for International Development, and expanding its programs in the fields of communicable diseases, environmental health, and public health administration.

WORLD HEALTH ASSEMBLY

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
22d World Health Assembly	2		

DEPARTMENT OF TRANSPORTATION—FEDERAL AVIATION ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Safety regulation: Administration of medical programs			4,203

This activity covers the portion of the development of regulations governing the physical and mental fitness of airmen and other persons whose health affects safety in flight; the development and supervision of a health and medical program for agency personnel; the administration of an aviation medical research program, the project costs of which are financed under research and development; and the operation of the Civil Aeromedical Institute building not financed from the trust fund.

OPERATIONS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Administration of medical programs	5,956	6,715	

This account will be phased out in 1971 and the activities authorized under provisions of Public Law 91-258 will be shown in the new account, operations—airport and airway trust fund—in 1972.

RESEARCH AND DEVELOPMENT

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Aviation medicine	1,919	2,000	

This account will be phased out in 1971 and the activities authorized under provisions of Public Law 91-258 will be shown in the new account airway systems investment and development—airport and airway trust fund—in 1972.

OPERATIONS (AIRPORT AND AIRWAY TRUST FUND)

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Administration of medical programs			2,913

This activity covers the development of standards governing the physical and mental fitness of airmen and other persons in the air navigation system; the development and supervision of a health and medical program for agency personnel; the administration of an aviation medical research program, the project costs of which are financed under research and development; and the operation of the Civil Aeromedical Institute Building.

AIRWAY SYSTEM INVESTMENT AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Research and development:			
Aviation medicine			660

This activity provides for conducting an aeromedical research effort directed toward the identification and elimination of those physical, physiological, and psychological factors which may affect personnel engaged in operation of the air traffic control system.

ATOMIC ENERGY COMMISSION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating expenses: Biology and medicine	89,516	88,300	88,300

Basic and applied research and development is conducted on the effects of radiation on living organisms and on the environment, protection against the injurious effects of radiation, and development of methods for using radioactive materials in the diagnosis, treatment, and understanding of human diseases such as cancer. The program includes measurement and study of the effects of radioactivity—including fallout—in the environment for developing standards to insure that nuclear activities are conducted safely. The program is coordinated with other Government agencies conducting programs in related aspects of biomedical research.

Primary emphasis in 1972 will be placed on program areas of particular importance and urgency including: the late effects of low doses of radiation; tumorigenicity of particles of plutonium and other alpha emitters; and thermal alteration of land, fresh water, marine, and atmosphere environments.

PLANT AND CAPITAL EQUIPMENT

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Biology and medicine	5,409	6,853	6,230

VETERANS' ADMINISTRATION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
MEDICAL CARE			
Direct operating costs, funded:			
Maintenance and operation of VA facilities:			
VA hospital care:			
Medical bed sections	476,620	522,110	558,429
Surgical bed sections	291,664	319,373	341,368
Psychiatric bed sections	384,260	406,198	420,391
Nursing home care	33,670	43,600	52,404
Domiciliary care	38,634	39,521	38,316
Restoration centers	3,450	3,612	4,112
Outpatient care	231,473	291,915	316,130
Miscellaneous benefits and services	28,783	32,054	32,992
Education and training	89,636	107,463	107,981
Research and development in health services	2,182	2,671	2,171
Contract care:			
Hospitalization	18,247	18,432	18,618
Nursing home	19,950	20,203	22,824
Grants for State home care:			
Domiciliary	8,836	8,173	7,777
Nursing home	4,552	5,851	6,783
Hospitalization	1,180	3,666	4,018
Total direct operating costs, funded	1,633,137	1,824,842	1,934,314
Capital outlay, funded:			
Maintenance and operation of V.A. facilities:			
V.A. hospital care:			
Medical bed sections	17,508	33,100	39,900
Surgical bed sections	10,606	20,000	24,000
Psychiatric bed sections	7,382	14,000	16,900
Nursing home care	712	550	733
Domiciliary care	540	1,000	1,200
Restoration centers	102	200	190
Outpatient care	2,569	4,307	5,800
Miscellaneous benefits and services	1,609	3,000	3,812
Education and training	300	2,000	900
Research and development in services	1	1	1
Total capital outlay	41,329	78,158	93,436
Total direct program costs, funded	1,674,466	1,903,000	2,027,750
Reimbursable program:			
Maintenance and operation VA facilities:			
VA hospital care	11,641	11,508	11,508
Outpatient care	2,492	2,492	2,492
Total reimbursable program costs	14,133	14,000	14,000
Total program costs, funded	1,688,599	1,917,000	2,041,750
Change in selected resources	8,743		
Total obligations	1,697,342	1,917,000	2,041,750
MEDICAL AND PROSTHETIC RESEARCH			
Operating costs, funded:			
Medical research	50,552	53,153	54,087
Prosthetic research	1,560	1,983	1,994
Capital outlay, funded:			
Medical research	6,768	6,510	5,879
Prosthetic research	37	40	40
Total program costs, funded	58,917	61,686	62,000
Change in selected resources	−232		
Total obligations	58,685	61,686	62,000

Medical research: Medical research projects are conducted in Veterans' Administration laboratories or in other institutions on a contract basis, whichever is more advantageous or economical. Excluded from this estimate are the costs of research construction projects which are funded from the construction of hospital and domiciliary facilities appropriation.

Prosthetic research: This is a research program to develop and test prosthetic, orthopedic, and sensory aids for the purpose of improving the care and rehabilitation of disabled eligible veterans, including amputees, paraplegics, and the blind.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Operating costs, funded:			
Medical, hospital, and domiciliary administration	13,049	14,086	14,544
Postgraduate and inservice training	2,809	3,599	4,000
Exchange of medical information	1,180	1,852	
Capital outlay, funded:			
Medical, hospital, and domiciliary administration	30	41	57
Postgraduate and inservice training	311	81	600
Exchange of medical information	328	148	
Total, program costs, funded	17,706	19,807	19,201
Change in selected resources	236		
Total, obligations	17,942	19,807	19,201

Medical, hospital, and domiciliary administration: This covers the development, implementation, and administration of policies, plans, and broad objectives, and provides executive direction for all agency medical programs.

Postgraduate and inservice training: This provides for tuition and registration payments, lecturer fees, travel expenses, and training materials incidental to continuing education programs for professional medical and administrative staff. This also serves as a media for disseminating information on medical advances resulting from research efforts.

Exchange of medical information: This provides for entering into agreements with medical schools, hospitals, research centers and individual institutions, and members of the medical-scientific community under which physicians at hospitals not affiliated with medical schools will maintain closer contact with such schools and other primary sources of medical information. Existing legislation for this program expires at the end of 1971. Estimates for 1972 are being submitted under the proposed for separate transmittal, proposed legislation section.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Hospitals:			
Replacement and relocation	45,630	34,422	37,900
Modernization	5,467	10,286	19,775
Other improvements	9,394	12,048	27,915
Nursing homes	248	664	3,356
Research facilities	3,905	5,818	9,819

Hospitals: Replacement and relocation: Beds which are housed in temporary, obsolete, or hazardous structures are to be replaced or relocated.

Modernization: Existing hospitals are to be brought up to the standards of the new hospitals insofar as practicable.

Nursing homes: This activity provides for the construction necessary to establish VA nursing home facilities. These facilities are being provided by altering existing hospital and domiciliary facilities and by new construction where necessary.

Research facilities: This activity provides for construction of medical research facilities.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grants for State nursing home construction	3,452	5,000	5,000
Grants for existing State home hospital or domiciliary facility remodeling, modification, or alteration		2,500	3,000
Total program costs, funded	3,452	7,500	8,000
Change in selected resources	−1,459	2,476	
Total obligations	1,993	9,976	8,000

This program provides grants to assist the States in the construction of State nursing facilities, and to remodel, modify, or alter existing hospital and domiciliary facilities in State homes for providing care and treatment to war veterans.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical care and treatment of veterans	1,252	1,900	2,000
Medical research and training grants	85	100	100
Hospital equipment, plant, and facilities rehabilitation grants	4	40	
Total obligations	1,341	2,040	2,100

Grants are made to the Republic of the Philippines for the medical care and treatment at the Veterans Memorial Hospital or at other facilities by contract, of Philippine Commonwealth Army veterans and new Philippine Scouts.

ADVANCES AND REIMBURSEMENTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medical and prosthetic research	558	550	559
Medical administration and miscellaneous operating expenses	107	50	50
Cancer chemotherapy research		950	1,000
Construction of hospital and domiciliary facilities	45		

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Exchange of medical information			2,000

In 1968 an exchange of medical information program was implemented to strengthen nonaffiliated VA hospitals which are distant from medical centers. Current legislation for this program expires at the end of 1971. Legislation will be proposed to continue this program in 1972.

CIVIL SERVICE COMMISSION

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses: Occupational health	231	416	434

The Commission assists departments and agencies to develop adequate occupational health programs with services provided at work locations, issues standards and guidelines, and, in cooperation with the Public Health Service, Department of Labor, and General Services Administration, works toward achieving a modern and comprehensive health program for all Federal employees.

GOVERNMENT PAYMENTS FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Government contributions for annuitants benefits (1959) law)	34,457	38,356	95,432
Government contributions for annuitants benefits (1960 act)	9,515	9,369	9,028
Administrative expense (1960 act)	244	291	239
Total program costs, funded	44,216	48,016	104,699
Change in selected resources	−3,031	−1,493	
Total obligations	41,185	46,523	104,699

This appropriation covers the Government's share of the cost of health insurance for certain annuitants as defined in sections 8901 and 8906 of title 5, United States Code; the Government's share of the cost of health insurance for other annuitants—who were retired when the Federal employees health benefits law became effective—as defined in the Retired Federal Employees Health Benefits Act of 1960; and the Government's contribution for payment of administrative expenses incurred by the Commission in administration of the Retired Employees Health Benefits Act of 1960.

The use of these funds is reflected in the schedules for the employees health benefits fund and the retired employees health benefits fund.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Government contributions for annuitants benefits (1959 law)		21,356	

This proposed supplemental is for the increase in Government contributions for annuitants created by Public Law 91–418, which amends the Federal employees health benefits law by providing for increased Government contributions to health benefit premiums beginning in January 1971.

EMPLOYEES HEALTH BENEFITS FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Payments to carriers:			
Semimonthly (subscriptions)	865,017	1,082,775	1,319,52
Annual from contingency reserve	49,845	39,000	31,000
Excess or deficiency on payments to carriers	22,000	10,500	−22,900
Administration	1,492	1,478	1,655
Total operating costs, funded	938,354	1,133,753	1,330,179
Change in selected resources	−15,000	−3,500	29,000
Total obligations	923,354	1,130,253	1,359,179

The fund finances the cost of health benefits for: Active employees; employees who retired after June 1960, or their survivors; and the related expenses of the Commission in administering the program.

RETIRED EMPLOYEES HEALTH BENEFITS PROGRAM

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Subscription charge payments to uniform plan carrier	8,451	6,674	5,902
Less excess subscription charge held by carrier	1,296	−426	−2,448
Net payments	7,156	7,100	8,350
Government contributions to annuitants with private plans	5,251	5,219	5,067
Administration	244	291	239
Total obligations	12,651	12,610	13,656

This fund finances: The cost of health benefits for retired employees and survivors who enroll in the Government-sponsored uniform health benefits plan; the contribution to retired employees and survivors who retain or purchase private health insurance; and expenses of the Commission in administering the program.

RAILROAD RETIREMENT BOARD—ADVANCES AND REIMBURSEMENTS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Medicare activities (Social Security Administration)	609	625	625

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Processing of sickness claims	2,552	2,824	2,678

SELECTIVE SERVICE SYSTEM

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Salaries and expenses: National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists	46	78	59

TEMPORARY STUDY COMMISSIONS

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Commission on Marihuana and Drug Abuse: Salaries and expenses: Conduct a study of marihuana and the causes of drug abuse		200	500

A supplemental request is anticipated to provide funds for this Commission. It will conduct a study of marihuana including its extent of use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

	In thousands of dollars		
	1970 actual	1971 estimate	1972 estimate
Grand total	20, 612, 439	23, 890, 886	25, 616, 191

PLIGHT OF POW'S

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BRINKLEY. Mr. Speaker, it is with a heavy heart that I announce to you and this body that today marks the 7th year and 35th day that Americans have been held prisoners of war in Southeast Asia. We have made every reasonable effort to obtain the release of these brave Americans and we are all aware of the massive letterwriting campaigns which have been conducted by concerned American citizens to Hanoi in this regard with but little tangible results thus far.

Perhaps we should consider directing our letterwriting efforts to Russia, the country which feeds the war effort of North Vietnam and is, therefore, in a unique position to withhold support from North Vietnam. Also, perhaps it would be meaningful to solicit and involve world opinions at the grass roots level by communicating directly with the people of European countries such as England and France. It is my belief that a sincere and united outcry by the people of the free world could not help but influence those in Hanoi who have not had the character or decency to abide by the terms of the Geneva Convention.

LETTER FROM INDOCHINA

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 1971

Mr. HARRINGTON. Mr. Speaker, the April 24 edition of the New Yorker contained a most penetrating analysis by Robert Shaplen of our recent foray into Laos and its repercussions throughout Indochina. It is one of the most knowledgeable and objective accounts of our involvement in Vietnam I have yet encountered and I recommend it to my colleagues.

LETTER FROM INDO-CHINA

SAIGON, APRIL 14.

It may be six or eight months before any final assessment can be made of Operation Lam Son 719, the South Vietnamese invasion of Laos, supported by vast American air power, which lasted from February 8th until March 25th and was followed by brief commando forays until early in April. Nevertheless, even though this operation has produced more heated debate than any other Indo-Chinese battle since the French fell into the trap of Dien Bien Phu in the spring of 1954, a few conclusions can be reached now. The invasion failed to achieve anything close to its maximum aims, for, though it caused the death of a great many South and North Vietnamese, it did little—contrary to American and South Vietnamese expectations—to speed the end of the fighting, either by forcing Hanoi to negotiate or by assuring the success of the still inconclusive Vietnamization program. It may, at most, have postponed some major offensives that the Communists had planned in South Vietnam over the next few months. On the other hand, at least one big attack—in Kontum Province, in the Central Highlands—has been pressed during the past fortnight, and there has been a noticeable increase of terrorism throughout the country. Costly as the Laotian invasion was to Hanoi, it apparently hardened the determination of the North Vietnamese to continue fighting throughout Indo-China. Moreover, it led to a reaffirmation of Chinese and Russian pledges of assistance. Finally, the operation was a political setback for President Nguyen Van Thieu, whose reelection in October is now, for the first time, open to question.

The Americans, who are going all out to uphold Thieu and make their South Vietnamese allies feel "six feet tall" as the monthly rate of American troop withdrawals increases, have come up with the customary set of sanguinary statistics, this time claiming a nine-to-one "kill ratio" in favor of the Saigon forces. If that is believable—and even President Nixon, in his television interview of March 22nd, indicated that a five-to-one ratio might be more realistic—it could be due only to the preponderance of American bombers and artillery. There can be no doubt that if it had not been for this support the results would have been disastrous for the twenty-four thousand South Vietnamese who were fighting deep in unknown jungle territory against about thirty-five thousand North Vietnamese—a far more experienced force, which was fully determined to protect its lifeline to the South in the Ho Chi Minh Trail complex. The gruesome game of body counts has long been the bugaboo of correspondents in Vietnam, and in this case the confusion has been compounded by a flood of often contradictory statements and assessments emanating from Washington and Saigon. Indeed, never in the past ten years—not even during the chaotic months before the overthrow of the Ngo Dinh Diem regime, in 1963, or during the Communist Tet offensive at the beginning of 1968 and the May and August offensives that followed—have I witnessed such dissension as has taken place between the news media and the authorities, both American and South Vietnamese, over the invasion of Laos.

According to the latest official American figures, the losses of the South Vietnamese—who for the most part fought bravely and well but lacked a cohesive command—were about fifteen hundred dead, more than six hundred missing, and fifty-five hundred wounded; so far there have been no estimates of how many of the wounded have died or are likely to die. Unofficially, however, according to what South Vietnamese sources have told me, the number of men missing and presumed dead is actually between a thousand and fifteen hundred, and the number of wounded is at least seven thousand. Some of those listed as missing are still straggling back across the border, but the majority, it is said, either died of their wounds in Laos or surrendered or were captured by the North Vietnamese. In their flight from Laos, under extremely heavy North Vietnamese attacks, the South Vietnamese abandoned many of their wounded—something that the government is reluctant to admit—and though American rescue helicopters did remarkable work under the most hazardous conditions, they couldn't bring out all the wounded. (A hundred and five helicopters were lost in the Laotian operation, and five hundred and fifty-six were damaged; a hundred and seventy-six Americans were killed during those weeks, on both sides of the border, and forty-two are missing.) Each Vietnamese unit commander reports on his own losses, so it is difficult to come up with comprehensive figures. The dependents of known dead get full pension awards, while those of the missing get payment for only four years, and the Minister of Veterans' Affairs, Pham Van Dong, said to me, "I won't know for months how much I have to pay to how many."

The North Vietnamese assuredly suffered heavier casualties, but whether these were as high as Allied authorities claimed can never be determined. It is admittedly difficult for troops engaged in bloody fighting or in flight to count the bodies of those killed by bombs, but if the given figure of thirteen thousand five hundred dead is correct, and if one assumes, as Allied military officials do, that twice as many North Vietnamese were wounded as were killed, then the total casualties come to about forty thousand, or more than the number of North Vietnamese that the same military officials say were fighting in the Laotian battle. There would seem to be more realism in the estimate that from a third to a half of the thirty-three North Vietnamese battalions engaged were rendered "combat ineffective," and that it will be no easy task for North Vietnam, which is suffering from a manpower shortage, to replace these losses. About a third of the North Vietnamese losses were specialists—technicians of one sort or another who directed the flow of traffic on the Trail—and those men will be the most difficult to replace.

Nevertheless, the North Vietnamese quickly sent in between four thousand and eight thousand reinforcements to repair the damage done to the Trail, mostly by our B-52 bombers, and within a fortnight after the invasion ended, the movement of trucks south had been resumed at a more or less normal pace. (In comparison to the North Vietnamese battalion losses, at least five—and some say eight—of the twenty-two South Vietnamese battalions involved were hurt to the point of combat ineffectiveness, and it must be stressed that Saigon threw its best forces into Lam Son 719. It will take between six months and a year to build these units back up to strength, and then they will certainly not be as well trained and "elite" as they were before.) The North Vietnamese apparently lost between three and four thousand trucks along the Trail; again, most of these losses were the result of bombing, and only about three hundred trucks were destroyed in the actual area of the ground invasion. The North Vietnamese also lost more than a hundred tanks. (The number of new Russian-built PT-76, T-54, and T-34 tanks that Hanoi used, sometimes right under the noses of the South Vietnamese, was one of the surprises of the campaign, and the lighter tanks of the South Vietnamese forces, many of which got bogged down, were no match for them.) In addition, Hanoi lost nearly seven thousand weapons, big and small, and nearly five hundred tons of heavy ammunition—artillery and mortar shells, and the like—but Saigon's claim of a total of a hundred and seventy-six thousand tons of North Vietnamese ammunition blown up, mostly by bombing, seems ridiculous, since the average monthly flow south in the past has been only about fourteen thousand tons. Furthermore, no major storage depots were taken—only some medium-sized way stations along the Trail. The French used to say that for every ton of ammunition captured the Communists had three more tons available nearby. No one knows how much the North Vietnamese have currently stashed away around the Blovens Plateau, about a hundred miles below the invasion area and near the border point where Laos, Cambodia, and South Vietnam meet. However, the North Vietnamese and their Pathet Lao accomplices recently extended their control in that region, and they obviously have quite a lot of supplies cached there. Consequently, just how much time Hanoi lost and Saigon gained by the invasion can be determined only next fall, when materiel in the northern part of the Trail complex is due to arrive farther south, some of it destined for Cambodia and the rest for the central and southern parts of South Vietnam.

For anyone attempting to evaluate the Laotian operation, what has perhaps been most significant is the fact that the Communists have struck back quickly and violently in various parts of South Vietnam and in Cambodia, clearly demonstrating that they have enough men and arms to cause a lot of trouble—at least during the present dry season, which will last another month. And most observers believe they will continue their attacks across the now expanded Indo-China fronts throughout the coming rainy season, which will last until the end of October. The attacks in South Vietnam over the past two weeks have ranged from a successful assault on an American base in Quang Nam Province, in the north, in which thirty-three Americans were killed and seventy-six were wounded, to quick strikes at district towns and headquarters and at fortified artillery fire bases that are set up to provide strong points for Allied military operations in all battle zones. By far the most serious of these attacks has been the one in Kontum, in the Central Highlands. Although the Communists have lost about twenty-five hundred men in this province as a result of American bombing, they have been making a concerted effort to capture Fire Base 6 there; if they succeed, they will presumably try to advance southward to Pleiku and Quang Duc Provinces and eastward as far as possible toward Binh Dinh and other coastal areas where there has been a recent flurry of fighting. The Communists also seem determined to pin down South Vietnamese troops and inflict heavy casualties. That being so, it is significant that the equivalent of five South Vietnamese regiments is heavily engaged in Kontum, which in itself would seem to belie Saigon's claims that its casualties have been light. In mid-February, the Communists, having apparently anticipated a move westward into the border region below the Bolovens Plateau and adjacent to the Highlands, repulsed a South Vietnamese assault there and caused heavy casualties to two battalions. (No official announcement of this defeat has so far been made here.)

It has already become apparent that the North Vietnamese are taking advantage of the American troop withdrawals to strike at the thinly spread South Vietnamese. Were it not for American air power (and nobody knows how much of that will be maintained and for how long), the Saigon forces would be in serious trouble. The Communists are already taking advantage of the situation along Route 19, which runs eastward through Pleiku Province below Kontum to the coast. It seems that after American troops left, the South Korean troops assigned to that area refused to fill that gap, complaining that they hadn't been promised enough helicopters and armored vehicles. Sections of Highway 1, which runs along the coast, are also considered risky these days, and for similar reasons. The general pattern of attacks around the country—including several attacks in Saigon in the past few days—makes it clear that the Communists are trying to create as much fear as possible and to disrupt the government's pacification program just when it is supposed to be going into high gear. One of the worst incidents occurred at the district town of Duc Duc, in Quang Nam Province: The North Vietnamese raided a camp of refugee woodcutters from the mountains and killed a hundred and nine of them and twenty-three members of the territorial forces, losing fifty-nine men themselves. This seemed to be an act of pure vengefulness against the refugees, intended also to serve as a warning to others not to go over to the government side. Since January 1st, about thirty outposts have been attacked in the Delta alone, where it has been claimed that the Communists are "dwindling on the vine." Although the Communists have been severely pressed in their major base areas in the Delta—such as the U Minh forest, where they have recently taken heavy losses and where there have been more than two thousand defectors, mostly conscripted laborers—the phrase "dwindling on the vine" seems questionable. In Vinh Binh Province, for example, the Communists were able to mount carefully coordinated strikes against two district headquarters and nearby outposts a fortnight ago. Admittedly, Vinh Binh has always been a "bad" province, and one American official sought to minimize the effect of the attack by pointing out that "one doesn't make a summer." On the other hand, once a security pattern is broken, word of the fact quickly spreads throughout the area. In this way, the Communists seek to destroy the people's still shaky confidence in their government and to deny Saigon's optimistic claims that virtually the whole country is now pacified.

The recent attacks in South Vietnam underline what was basically wrong with the Laotian operation from the start—its conventionality. One neutral military observer said of it, "The South Vietnamese, while fighting bravely, fought half in the old French style and half in the new American style, and they fell between two stools. They have still not learned how to fight an unconventional war against an unconventional enemy who is flexible—and is even willing, when necessary, to stand and fight conventionally, and take enormous losses if he thinks it worth the effort, as he did in Laos." A number of South Vietnamese officers have privately been saying the same thing—some of them have been saying it for years, but lately more voices have been added—and at least one high-ranking friend of mine bemoaned the fact that "you Americans have never let us fight the kind of war we know we have to fight." The helicopter is a remarkably mobile instrument of warfare, and it has done much in past years to keep South Vietnam from falling to the Communists, but there are veteran Americans here who now wish that it had never been invented, and that Vietnamese troops had been trained from the start to fight a "people's war." Nothing could have dramatized this failure more than the sight of South Vietnamese soldiers clinging to the skids of helicopters that were being flown out of Laos.

A large number of South Vietnamese are saying that the Americans pushed them into Laos against their will, and some of the comments have been extremely bitter; one newspaper cartoon depicted a helicopter lifting President Nixon in his Presidential chair out of Laos under fire. The South Vietnamese were certainly encouraged to undertake the invasion, as they have been encouraged to do many other things before, although all specific military decisions were made by the South Vietnamese themselves—most notably by President Thieu and by General Cao Van Vien, the chief of the Joint General Staff. As the campaign proceeded, it quickly became apparent that much of the strategy derived from American misconceptions about waging a conventional or semiconventional helicopter war against an unconventional enemy in the jungle. Intelligence about the swiftly moving Communist troops was bad, and on many occasions the South Vietnamese found themselves sitting on hilltops surrounded by North Vietnamese troops who had moved in during the night or in the early-morning mist. It may be, as the Americans maintain, that General Vo Nguyen Giap, the North Vietnamese commander, misjudged an early halt in the South Vietnamese momentum and massed his troops for what he thought would be the kill, only to suffer his heaviest losses, mostly through bombing. But if that was so, the carnage was general. Helicopters were used to bring replacements and ammunition to the South Vietnamese and to evacuate the wounded, but air-to-ground communications collapsed when the going got tough (language difficulties were a big part of this), and there was a notable lack of coordination among the four top South Vietnamese commanders in the field; each was operating on his own, and was not effectively responsible to a single headquarters. This caused profound morale problems, and many capable young junior officers and noncoms afterward blamed their senior commanders and the generals for not providing proper leadership. A number of battalion commanders, some of whom didn't seem to know what they were supposed to be doing, actually surrendered or fled in the midst of battle.

The armored column moving out along Route 9 into Laos with protective screens of troops on both sides was bogged down almost at once by bad weather. Originally, the Trail hub of Tchepone, about twenty-five miles from the border, was supposed to be reached in four days. When the armored force got stuck and North Vietnamese ambushes began, General Creighton Abrams and his Vietnamese counterpart, General Vien, flew north to Khe Sanh to bring pressure on both Thieu and his local commanders to keep moving. Thieu demurred. He wanted the force to dig in, avoiding any heavy engagements. It was at this point that it was decided to lift troops by helicopter to several fire bases farther inside Laos, which were supposed to support each other. (The North Vietnamese quickly surrounded the bases.) Troops were also lifted as far as Tchepone, where the Saigon flag was briefly shown before they left. Ultimately, there were differences among the South Vietnamese generals and between the generals and Thieu about what to do, and these arguments, which the Americans were unable to reconcile, plus another spell of bad weather, caused the operation to be suspended a month early. Toward the end, some of the units just pulled out pell-mell on their own, without orders, and with the North Vietnamese pursuing them right to the border. A great many South Vietnamese vehicles were left behind, including some armored vehicles that had never moved more than ten miles down Route 9. The confusion that accompanied the withdrawal intensified the bitterness of the South Vietnamese soldiers. "We do not want our leaders to minimize our casualty figures," one junior officer told a Vietnamese friend of mine, a correspondent who was wounded in Laos. "Let's give the true figures on our losses to prove we weren't on a camping trip. To mislead our families and our countrymen about our casualties will just encourage the enemy and dishonor us."

President Thieu, at his press conference on March 31st, expressed satisfaction over the Laotian offensive while admitting that some lessons had been learned for the future, and top American commanders have said much the same thing. It is a matter of opinion whether any of them are really proud of what was accomplished or are trying to hide their disappointment. Thieu, with his political future at stake, has obviously been on the defensive. He spoke of "tendentious rumors" that the attack had been a failure, and claimed it was "the biggest victory ever," telling his troops, "I am proud of your performance," and adding, "You have caused a psychological breakdown among the Communists—you have hurt their morale seriously." There is no doubt, however, that more and more South Vietnamese soldiers are coming to resent the strategy and tactics that Western-trained officers have forced them to adopt.

One experienced Western analyst—Brian Jenkins, a historian and former Special Forces officer in Vietnam, who recently worked for American Army headquarters here on long-range-planning projects—has for several years been studying the subject of conventional vs. unconventional warfare. In July, 1969, Jenkins wrote, for an American research organization, a closely reasoned paper entitled "The Unchangeable War," in which he was highly critical of the American military establishment's hardheaded refusal to alter its traditional concepts and ways. Jenkins concluded that "the most damaging indictment of our concept of warfare is that our military superiority and successes on the battlefield do not challenge the enemy's political control of the people, which he maintains by his promises of a better society and, when that fails, by intimidation and terror." In a list of "the institutional obstacles to change," Jenkins included the following: the belief that everything we do is right per se, especially in determining strategy; the attendant belief that when something fails it was not because of any inherent error of strategy or tactics but because "not enough" troops or materiel was applied; the myth that no organizational changes are possible in the midst of war, and that even if they were possible the Vietnam war is an "aberration" anyway, "an exotic interlude between wars that really count," and therefore doesn't warrant any "radical" institutional changes; the orthodox dependence on high body counts as the basis for good efficiency reports and for promotion; the illogicality of the twelve-month tour of duty for American military men in Vietnam, since it is far too short for anyone to learn enough to be effective; and, finally, the lack of a single, over-all American command among the services in Saigon, Hawaii, and Washington.

Jenkins concluded that because of the way we have imposed our doctrine, organization, and technology on the South Vietnamese, "we may have rendered them incapable of successfully continuing the war after our withdrawal," and the Laotian operation appears to bear this conclusion out. A number of American officers here seem to consider the ideas for a "people's war" that Jenkins is now gathering from among growing numbers of disgruntled South Vietnamese as nothing short of "Communistic." Jenkins, however, has said that he derives some hope from the South Vietnamese reactions he has encountered. For example, the mounting objections to the American way of fighting the war have led more and more South Vietnamese officers to advocate doing away with the whole concept of divisions and corps—especially since it is widely held that three of the four corps commanders have proved themselves to be either incompetent or inadequate, the only really good one in the country being Ngo Quang Truong, who commands in the Delta.

The officers advocate that the large, unwieldy units be replaced by smaller ARVN mobile brigades, made up of troops serving on a volunteer basis (and better paid than the regulars are now) who would operate in the forefront as a strike force. The territorial forces, of drafted youths serving a hitch of from two to five years (for less pay than the volunteers), would spend part of their service helping to build roads and working in the fields at harvest-time. Finally—what is perhaps most important—there would be a new form of the People's Self Defense Forces, which are supposed to defend local hamlets but are increasingly being incorporated into the national military bureaucracy. What Jenkins and the South Vietnamese he has spoken with envisage is a P.S.D.F. whose members would be paid subsistence wages (they get nothing now) and who not only would take their turns at defending their hamlets but would develop plots of land assigned to them; after three years one-third of these forces would become full-time farmers and would be replaced by new men. Thus, paramilitary units would become production units, and a constant supply of full-time farmers would still be available for defense duties in times of crisis. All this is very close to the program that the North Vietnamese have successfully carried out for many years, and that fact may account for the shocked reaction of some of the American generals whom Jenkins has approached. "Why, what you're talking about, damn it, is building *communes!*" one of them boomed.

Statistical-minded, as always, the Americans have just come up with still another new set of standards for the so-called Hamlet Evaluation System, whereby each hamlet in the country is rated from A, or a hundred per cent secure, to E, or contested, on the basis of security and development, and V designated a hamlet still run by the Vietcong. The new system is based more on the whereabouts and safety of certain key individuals, notably hamlet chiefs and members of village councils, than on general, area-wide security. In Long Khanh Province, for example, where there has been an increase in terrorism, and where some main-force Communist units are operating from sparsely populated jungle areas they have long controlled, the H.E.S. rating has recently dropped from eighty-nine per cent to sixty-eight. The drop appears to indicate primarily the foolishness of trying to determine Communist strength by playing with numbers.

I reached this conclusion during a recent trip I took through four provinces near Saigon: Long An, just to the south, which used to be one of the worst from the standpoint of security and is now said to be much improved, and three others, to the west—Phuoc Tuy, Binh Tuy, and Long Khanh, which are still rated relatively low on the H.E.S. scale. In Long An, which has been in a shaky condition for years, farmers are still not taking sides, realizing that when the Americans leave Vietnam the government will probably have a harder time holding its own, but neither are they responding to the blandishments of the Communists as much as they were a year ago. When the local guerrillas come to a peasant's home for food, for instance, they are given a meal but are asked not to come back again. This response reflects a cautious belief on the farmers' part that the Communists are growing somewhat weaker under government pressure, even though abductions and assassinations and other forms of terrorism are continuing, but it does not necessarily reflect belief in the government or increasing support for President Thieu. Here, as elsewhere, the Communists are stepping up their process of "going legal"—that is, ordering their cadres to blend themselves into the government landscape and live openly as ordinary citizens of the villages and towns while reporting, on a "one-man-cell" basis, to unknown contacts through mail drops and waiting for new orders.

Another of the recent innovations—they never cease—is known as Dong Khoi, translatable as "Star Together," whose main purpose is to produce some cohesion among small, local units directly involved in pacification. The impetus for the new program came from the chief of Quang Tin Province, in the northern part of the country—an ingenious man who, when his opposite number, the underground Communist province chief, was killed, late last year, gave him a special burial in a local pagoda, went to the funeral himself, and, in general, "took him back into the fold." Leaflets describing the ceremony were subsequently distributed, and a lot of Communists were won over, or at least softened up. In any event, the Dong Khoi concept, which often makes use of such imaginative tactics, has not yet inspired any noticeable improvement in the much debated Phoenix program for uprooting the Vietcong infrastructure, which includes an estimated sixty-five thousand people. The Phoenix program is still floundering, largely because it is just another streamlined American scheme imposed upon a Vietnamese society that is not only incapable of dealing with it but is actively hostile to it. Designed to coordinate intelligence-gathering and lead to the arrest of top Vietcong leaders, the program has simply created new jealousies and increased inefficiency among the various South Vietnamese who were expected to deal with it—particularly the local military-intelligence men at the district level. The police, under the Department of the Interior, will soon take over the primary responsibility for the Phoenix program, and, whether it works any better or not, one American has said of the shift, "This is the best thing that could happen, and the sooner we get out of the whole thing and let the Vietnamese run it the better."

Through comments like this may imply nothing more than an increasing degree of resignation on the part of Americans here nowadays, Vietnamization of this sort does seem to make sense; what it really amounts to is "de-Americanization." The chief of one province, a veteran intelligence man, has devised a method of his own for dealing with Communist agents. When he detects one, and has what he considers positive proof about, say, a financial official in a hamlet who is operating legally and pretending to be a loyal assistant to the government's hamlet chief, he will invite the man in, praise him, ask him to dinner a couple of times. This treatment frequently causes the Communists to become suspicious of their agent and to kill him. It is pure entrapment, but it is also beating the Communists at their own game. Whatever form of accommodation is finally reached in Vietnam, terror and counter-terror are bound to continue for years.

In three of the four provinces I visited, it was apparent that the Communists were still a force to be reckoned with, although at that moment their level of activity was low. Their conduct was thoroughly in accord with the now famous Resolution 9 of COSVN—the Central Office for South Vietnam, which runs the war in the South under Hanoi's aegis. This directive, issued more than a year ago, sets forth the concept of "protracted warfare," and provides one reason the Paris peace talks are getting nowhere and probably won't get anywhere—at least until after the American election in 1972. In conducting their campaigns of terror and their occasional larger strikes, the Communists are generally relying on progressively smaller structures and progressively smaller units. Ordinarily (the Kontum attack is an exception), they don't move about nowadays in groups of more than fifty. They are using more and more terrorist tactics, such as sapper attacks and booby traps, which are killing Americans and South Vietnamese alike, much to the exasperation of experts like George Jacobson, the acting head of the pacification program on the American side. "If we can figure out a way to go to the moon," Jacobson exclaims, "why the hell can't we figure out a way to detect booby traps before they blow us up!" Jacobson, one of the few Americans who believe in the concept of a "people's war," spends at least one day a week roaming around the country trying to "debureaucratize" both the American and the South Vietnamese pacification effort. His success is limited. Almost invariably, inexperienced and uninvolved Americans in the districts give him the same meaningless or patently exaggerated figures about the Phoenix program. Almost always, an American provincial or district pacification adviser will say that the strength of the territorial units is up ninety per cent or more. When Jacobson hears this, he usually snaps out just one word— "Ghosts!"—meaning that the payrolls are obviously padded and that the district or province chief is pocketing the difference.

Corruption, on a widespread basis, continues to be one of the major issues in South Vietnam, and this issue is bound to have an effect both on the elections for a new House of Representatives in August and on the Presidential election in October. Smuggling has increased on a vast scale in the past six months, partly as a result of new import taxes imposed to obtain more revenue for the government, so that it can continue fighting the war as American aid drops off. The government's anti-fraud bureau, which is run by a handful of men who are related to or are otherwise close to some of the highest officials in the country, has been slow to move against the smugglers, but a few weeks ago two members of the House of Representatives were caught smuggling heroin and gold into the country. The fact that they happened to be pro-Thieu men suggested to some that there must have been a political tipoff. The scandal prompted one of the representatives to resign immediately, and Thieu's political opponents, in the light of the dubious success of the Laos invasion, aired the corruption issue anew.

All in all, though the Americans here refuse to admit it, Thieu's popularity has sunk to a new low. Many South Vietnamese admit it readily, but their fundamental cynicism leads them to believe that it won't make any difference—that Thieu will be reelected, because the Americans want him to be, and because the vote will be rigged anyway. Thieu is fully aware of his diminishing popularity and is doing his best to improve the situation by travelling around the country more. (It is also significant that just this week General Dang Van Quang, the head of all security services, who is a close friend of Thieu's and probably the second most powerful man in the country, saw fit to take a trip to the United States. Although American officials deny it, some South Vietnamese, including members of Quang's own staff, have said that the main reason for the trip is Thieu's desire to get a sounding on American public opinion after the Laotian invasion and an appraisal of how much personal support he can expect from President Nixon.) Even before the invasion of Laos, I have learned, Thieu was severely shaken by a private poll he had ordered, which showed that sixty per cent of the South Vietnamese military men questioned were against him. Earlier, a number of informal provincial samplings were conducted by the United States Information Service—an enterprise that has now led to the introduction of a bill by Senator Frank Church in the United States Congress prohibiting any government agency from engaging in any propaganda activity involving the internal affairs of another nation. Several stories in the local press to the effect that the American Embassy was supporting Thieu prompted an official statement last week from an Embassy spokesman denying that Ambassador Ellsworth Bunker or anyone else in the mission supported "any specific individual or individuals in the forthcoming election." This was issued at about the same time a resolution was cosponsored in the Senate by Senators Adlai Stevenson III and Mike Mansfield calling for the creation of a ten-man congressional commission to make sure the United States stays out of the coming election campaigns in Vietnam. Stevenson charged that American officials were in effect supporting the reelection of Thieu and Vice-President Nguyen Cao Ky.

While many of the Americans here would still like to see Thieu and Ky run together again, the chances of this happening are increasingly remote. Ky, who told me a month and a half ago that he would run for President himself, has just informed me that he is more determined than ever to be a candidate and that he is rapidly creating a campaign team. He has obtained a growing number of pledges for political and financial support, he says. The political climate has now reached the temperature at which all the religious and political elements in the country are scurrying around trying to figure out who has the best chance of winning and whom to support. It appears at the moment that there will be three principal candidates—Thieu, Ky, and retired General Duong Van Minh, the former Chief of State and the nominal leader of the 1963 coup that overthrew Diem. An agreement between Ky and Minh for concerted action against Thieu that began to be fashioned several weeks ago has become increasingly solid, and Thieu has begun to run scared—so scared, indeed, that some observers are predicting that he will withdraw from the race before October. Assuming that he doesn't withdraw, and that Ky and Minh both enter the race, the challenger whose prospects look dimmer will almost surely throw his support to the other at the last moment.

Ky told me that he is determined to defeat Thieu in an open contest, and that he has received promises of help from many people, including military men, who will in effect serve as volunteer poll watchers in an attempt to insure an honest election. Even so, both Ky and Minh will have a hard time contending with Thieu's apparatus, dominated by the province and district chiefs he has appointed, who will all do their utmost to see to it that he wins, no matter how few people vote for him. Nevertheless, given the rising public sentiment against the President, Ky or Minh conceivably could win if the election should be even reasonably fair. Just how much an American or an international commission could do in the way of preventing fraud is debatable. The official American "observers" who watched the 1967 elections here certainly saw little or nothing of what actually went on, but a more professional group of poll watchers might have greater success.

What may be more important this time is the role to be played by elements of the sort that Ky spoke of—not only Army men but local village and hamlet officials, including leaders of the Buddhists, Catholics, and the Hoa Hao and Cao Dai religious sects. An interesting curtain-raiser will be the House elections, which promise to be less of a grab-bag affair than they were in 1967. At least two solid blocs of candidates will be running for election, one dominated by the Farmer-Workers Party, which is headed by Tran Quoc Buu, a labor leader who is not running himself, and the other by former Senator Tran Van Don's National Salvation Front Party. Don is still trying without much success to make peace among Minh, Thieu, and Ky, but in a showdown he will probably support Ky. If the House elections are orderly and fair, and if there is enough of a ground swell of public opinion demanding an honest vote for the Presidency, and if social unrest over high prices, corruption, veterans' payments, and other issues does not produce uncontrollable disorder, the Presidential election just might turn out to be more honest than the cynics predict. It will be interesting to see what role the Communists take. Formally, of course, they will not participate in the voting, but I have been told that they have pledged at least half a million votes to General Minh, whom they regard as the leading peace candidate. Minh has said he is against coalition government—the same thing Thieu and Ky have said, but more outspokenly—and it is believed that if Minh should win, the Communists would simply push the peace issue without demanding a coalition government immediately, leaving themselves free to work from within to dominate or undermine his regime and thus eventually get coalition government anyway.

One high-ranking American here has attempted to justify the Laotian invasion by maintaining that it was better for Thieu and his army to fight the North Vietnamese in Laos and Cambodia than in Vietnam itself. This is not how the people in Laos and Cambodia feel about it. I have just visited both countries, and found them in a state of confusion and dismay over the widening of the war. What they still want is for all Vietnamese, Northerners and Southerners, to get out.

In Vientiane, the administrative capital, I spoke with the sixty-nine-year-old Prince Souvanna Phouma, Prime Minister of Laos since 1962, who, practically alone, has kept his divided country in some semblance of unity. I saw him the morning after the South Vietnamese troops withdrew, and just after the royal capital of Luang Prabang had been hit by Communist rockets. Since he had no control over events in eastern Laos, around the Ho Chi Minh Trail area, Souvanna had mildly condemned the invasion when it began, and he expressed to me satisfaction that it was now over, although he admitted that it might have had "some good results." He was extremely angry about the attack on Luang Prabang, however, and regarded it as further proof that "the Communists are now engaged in total war as a result of the creation of their new Indo-China People's United Front last year." He had just been to Luang Prabang to see King Savang Vatthana, who, he said, was equally angry and had decided to stay in his capital instead of coming to Vientiane to take part in Army Day celebrations, as he had originally planned.

"The attack will serve to strengthen the unity of the Lao people," Souvanna told me. He went on to say that it would do little to increase the chances of peace between him and the Neo Lao Hak Xat, which is the Communist political front of the Pathet Lao and is headed by his half brother Prince Souphanouvong. "Hanoi wants to continue the war," Souvanna said. "I will continue to try to negotiate and will go anywhere to talk, but not under the impossible conditions imposed by the Pathet Lao, such as their demand that we stop bombing northern Laos, which is the only way we can counterbalance their attacks against us." Many of the foreign diplomats in Vientiane, including the Americans, had been hoping that the end of the invasion would bring the Communist representative of Prince Souphanouvong back to the city to resume preliminary talks to arrange a full-fledged meeting aimed at restoring the tripartite government of left-under, right-wingers, and neutralists that was set up under the Geneva formula of 1962. Souvanna, though his hopes were not high, agreed that "when you have a small candle, you have to keep it burning, and not blow it out."

The Russians are said to be in favor of reestablishing the 1962 coalition, but with more Communists in the Cabinet than there were then. As for the Chinese Communists, there are signs that they are not altogether pleased about Hanoi's apparent plan to push ahead in Laos and take over the country by force. Peking wants to maintain its position in the northwestern part of the country, where in recent weeks it has increased the number of Chinese troops building a road from the Chinese border down through Laos toward the Mekong River, almost to the border of Thailand. It therefore seems significant that Premier Chou En-lai, who visited Hanoi shortly after the Trail attack began, took the occasion to make public mention for the first time of a five-point formula that the Neo Lao Hak Xat had set as the basis of its negotiations with Souvanna. The Chinese realize that the Lao Communists want to break away from North Vietnamese domination (more than a hundred Pathet Lao fled from the North Vietnamese in the Bolovens Plateau a few days ago), and also that the Neo Lao Hak Xat seeks the support of the Russians in establishing a new coalition government, with stronger Communist representation. Consequently, the Chinese are going all out to please the Lao Communist leaders—even entertaining them in China. And in order to keep a tight watch on Souvanna, Peking recently sent a new chargé d'affaires to Vientiane.

The military situation is more precarious for the Royal Lao government today than it has been at any time since 1964, and the dangers have grown especially acute in the past month. Before I left Laos, Luang Prabang was shelled for the second time and a number of planes were destroyed on its airfield. The Communists pressed to within two or three miles of the city on all sides before government reinforcements were rushed to the scene to push them back. Most observers believe that because of the patriotic importance of the King—it is to him rather than to Souvanna that the North Vietnamese and the Chinese diplomats are accredited—the Communists won't try to seize the royal capital itself. But they are obviously engaging in some strong psychological warfare, and appear determined to advance as far as they can through Laos before the dry season ends, and to maintain their new positions during the rainy season. With C.I.A. support, government troops are still holding the bases of Long Sheng and Sam Thong, along the eastern rim of the Plaine des Jarres, which is held by the North Vietnamese. (Hanoi denies that it has any troops of its own in Laos, but there are actually about fifty thousand of them.) The bases are being subjected to almost daily shelling and to some ground probes by sappers from two North Vietnamese divisions and from what was described to me by one Laotian defense official as an additional "suicide regiment." If both bases should fall, and the troops of the Meo leader General Vang Pao should be further weakened by casualties, the Communists' conquest of the north would be virtually complete; they would then control the eastern half of the country from the Pathet Lao capital of Sam Neua, in the north, all the way down to the Bolovens Plateau. Even now the Pathet Lao and their North Vietnamese cadres dominate some pockets in the southwest as well.

Originally, it had been reported that Royal Lao government troops, aided by some Thai "volunteers," were supposed to push toward the Trail area from the west at the time of the invasion and take the towns of Muong Phalane and Muong Phine, near Tchepone, as part of a pincers movement designed to prevent the North Vietnamese from using alternate trails southward. However, this action was never seriously contemplated, despite the urging of the right-wing generals in Vientiane, because, among other reasons, the government forces were simply too weak. Instead, some guerrilla probes were conducted, but the Communists repulsed most of them. The increased military activity in the northern part of the country has dampened earlier talk that the right-wingers would make a move to topple Souvanna, who remains more or less the indispensable man among the non-Communist factions. Certain right-wingers would undoubtedly like to bring Phoumi Nosavan, the former strong man of Laos, back from exile in Thailand. There was a report of a coup a few days after I left, but it turned out to be only a struggle within the right wing, which is itself divided. Souvanna has agreed to reshuffle his Cabinet in May, and members of the right wing will surely try to persuade him to let go of some seats he is still holding for the Communists, in the event that some agreement can be worked out for their return. Souvanna told me he would refuse to do this.

The right-wingers, divided though they are, are fully aware of the Communists' new intention of grabbing not only as much land as they can in Laos this season but also of bringing more people in line—through terrorism and abductions, if necessary. They are terrorizing the refugees in government camps, undoubtedly to deter others from fleeing Communist areas, and in their drive westward this season they have abducted villagers to work on the Trail and have even been building new villages and roads close to the Trail, colonizing these remote areas with mixed groups of Lao and North Vietnamese. The colonization program is an example of the struggle for manpower now going on in Laos, which has a population of about three million. The government is having trouble augmenting its still fairly incompetent regular army of sixty thousand; General Vang Pao has only about ten thousand men, following some severe losses in the last year. For this reason, Souvanna has somewhat reluctantly accepted Thai "volunteers" in addition to one regular Thai artillery battalion. Recently, some young Lao who were taken north four and five years ago, at the age of fourteen, and trained in Hanoi have been returned to proselyte other Lao. Further, in what has been a remarkable job of synchronizing the radio propaganda from Peking, Hanoi, and Sam Neua, the Pathet Lao have been given all the credit for "repulsing" the South Vietnamese invasion of Laos. The increase in these political efforts removes any doubt about the firmness of Hanoi's determination to remain in Laos. All in all, the country is in a shaky condition, and, as one European ambassador put it to me, "Laos has proved itself shockproof by now, but it's not waterproof, and one of these days it may just sink into the morass of Indo-China and disappear."

Apart from the relatively brief action within and around the Ho Chi Minh Trail complex, the war in Laos has remained more or less separate, in strategic if not in ideological terms, from the war in Vietnam. The war in Cambodia, on the other hand, has been very closely related to the Vietnamese conflict for the past year. East of the Mekong, South Vietnamese troops are ostensibly helping the Cambodians but are primarily protecting their own flanks in South Vietnam. In the former North Vietnamese sanctuary areas, a battle is now being waged between the South Vietnamese and the North Vietnamese in which the former are trying to keep the latter from reestablishing the sanctuary areas and supply lines into South Vietnam. Over the past two months the North Vietnamese are said to have suffered fifty-three hundred fatalities, largely because of American airpower, and the South Vietnamese only five hundred.

To the west of the Mekong, the South Vietnamese are less directly involved, and this phase of the war is rapidly developing into a struggle for Cambodia itself. With the exception of the area around Angkor Wat, where the North Vietnamese have entrenched themselves, the struggle increasingly involves native Cambodian Communists and the forces of the new Republic. The Communists, both Cambodian and North Vietnamese, naturally seek the overthrow of the Republic headed by Prime Minister Lon Nol, who got back this week from Hawaii, where he had been recuperating from a stroke he suffered two months ago. But the Cambodians, even more than the Lao, have no love for Vietnamese of any political coloration, and its is perfectly possible that had they been left to themselves the Cambodians might already have reached some form of internal accommodation. In fact, last February, a number of Khmer Communists met with representatives of the Phnom Penh government in the western province of Pursat, bordering on Thailand and the Gulf of Siam. Several sessions were held in a jungle clearing. No one knows whether any progress was made, however, because after an air attack by Cambodian pilots, flying T–28 bombers that the Thais had lent them to destroy a nearby Communist camp, all five government representatives were killed. Whether the attack was an accident or was ordered by someone in Phnom Penh who knew about the meeting and didn't want it to succeed has been the subject of much speculation.

In any event, the attack served to emphasize the confusion that exists in Cambodia today. Besides some forty thousand North Vietnamese in the country, and some Vietcong, there are perhaps ten thousand Khmer Rouge, who cooperate with the North Vietnamese and are partly dependent on them for arms and ammunition (they give the North Vietnamese rice in return) but who are becoming increasingly restive and critical of the conditions the alliance imposes on them. The North Vietnamese appear to be concentrating more and more on developing their own Cambodian elements, and, especially in the southern part of the country, are training recruited or impressed Cambodians in scores of jungle camps. There is also a small remnant of anti-government forces still loyal to Prince Norodom Sihanouk, who was overthrown in March, 1970, but they don't amount to much. Sihanouk, who is in Peking, nevertheless keeps referring to them as the nucleus of his new revolutionary government. While Peking permits the Prince to exhort his "followers" over Radio Peking, the Chinese Communists apparently regard him as a mere puppet, and continue to prepare their own team of Sino-Khmer leaders, trained in Peking—or, in earlier days, in Moscow—to take over Cambodia when the time comes.

A year ago, when the South Vietnamese and American troops made their original attack on the sanctuaries, the North Vietnamese established new base areas west of the Mekong and in the northern part of the country, below Laos. Since they then still had enough supplies on hand, they conducted a wide-ranging campaign to consolidate their hold on at least half the country and to capture some cities. In the past few months, perhaps because they now want to husband their supplies of ammunition pending the arrival of more from the north, they have shifted their tactics and—except for engaging in a few big battles with South Vietnamese forces, mostly around Kompong Cham and the Chup-plantation area north of Phnom Penh—have concentrated on ambushing Republic troops and on cutting a number of main roads. They have had considerable success at this, but less at stopping river traffic on the Mekong from Saigon to Phnom Penh. During the past two months, at least half a dozen protected convoys carrying oil and other supplies have reached the capital despite attacks en route from the shore.

The government's army, of some two hundred thousand men, is in the process of being pruned to a somewhat smaller and more effective force. The troops are still being trained mostly in Vietnam, but their effectiveness is not improving fast enough to satisfy the Americans. There are fifteen United States military attachés currently stationed in Phnom Penh, along with sixteen representatives of the new Military Equipment Delivery Teams. Fifty additional M.E.D.T. representatives stay in Vietnam and take turns serving in Cambodia. These men are not supposed to advise the Cambodians but simply to supervise the use of equipment—obviously a narrow line to draw. At the moment, an effort is being made in Washington and Saigon to bring out another fifty M.E.D.T. men. This is being strongly opposed by a handful of Americans in Cambodia—notably by Jonathan Ladd, a retired Special Forces colonel with long experience in Vietnam, who has the title of political-military counsellor. Ladd feels that we are starting to make the same mistakes in Cambodia that we have been making for years in Vietnam. He says that the Cambodian Army is now being turned into the same sort of conventional force we created in Vietnam, and he is vigorously opposing a plan formulated by some military men in Saigon to send Cambodians to the United States for training at conventional war schools, such as Fort Leavenworth and Fort Benning. "The Cambodians have to clean up their own back yard first, and they're not going to learn how to do that in America," Ladd says. "We have to accept them for what they are rather than what they ought to be, and one thing they're not going to do is march through Belgium."

The number of personnel at the American Embassy in Phnom Penh has grown in the past year from a dozen, including secretaries, to just under a hundred. Emory C. Swank, an able ambassador with experience in Laos, is trying to adhere to President Nixon's policy of "keeping the profile low," but there are difficulties about doing this when the military-aid and economic-aid programs together total two hundred and twenty-five million dollars. The Cambodians naturally welcome the American aid, and very little remains of the anti-American feeling that Sihanouk engendered. They are proud of having survived over the past year, marked, as it was, by an expansion of the war following Sihanouk's downfall, but they also feel a deep uncertainty and discontent, which is most often expressed in criticism of nepotism, corruption, and the generally slow rate of progress in the fighting. Two weeks ago, Acting Prime Minister Sisowath Sirik Matak called for a "popular war" to combat the Communists in the countryside. This will include a small and poorly planned pacification program, mostly involving the distribution of medicines and pamphlets and some guns to villagers, and what neutral observers regard as far too lax a basis.

The uncertainty and discontent have surely been aggravated by Lon Nol's illness and temporary absence from the scene. Sirik Matak, despite his demonstrated administrative abilities—among other things, he has allowed the various generals in the military regions to run their own campaigns without the interference from Phnom Penh that Lon Nol kept imposing—is not a popular leader. Père Lon Nol, as he is often referred to, remains the consensus figure—the father who took over the guardianship of Sihanouk's "children," as the Prince was so fond of calling his people. During Lon Nol's absence, there was a flurry of coup rumors in Phnom Penh, mostly involving alleged efforts to restore the monarchy, but the diplomatic community is virtually unanimous in stating that there was little substance to these rumblings. However, considerable doubt exists about what will happen now that Lon Nol is taking over again.

The question everyone is asking is whether he will be able to do his job effectively. He has made it clear that he cannot resume his eighteen-hour-a-day pace, but the degree to which he will allow Sirik Matak and others to share the burdens of leadership is not yet known. A fundamental Cambodian quality that diplomats in Phnom Penh describe as "immobilism" or "the phlegmatic approach" continues to hamper progress in most areas of governmental concern, especially the economy, which is just barely holding its own as prices rise slowly and the riel—the Cambodian monetary unit—brings half the official rate on the black market. The problems include a lack of organization, too many overlapping ministries, and a lot of dead wood left over from the Sihanouk days. "There has been a loss of *élan*, of political enthusiasm, in the last few months," one Western ambassador says. "The Cambodians have been hurt militarily, and Lon Nol's illness was a real psychological blow. Now we'll just have to see what happens." Like other military observers in Cambodia, Jonathan Ladd believes that the Cambodians can survive as long as the North Vietnamese don't make that country their primary target. The signs indicate that South Vietnam is still Target No. 1, but more will be known about that when the next dry season starts.

However one gauges the results of the recent military and political events in Laos, Cambodia, and South Vietnam, the biggest factor is their collective impact on North Vietnam, where new elections just took place, on April 11th, for the fourth legislature of the National Assembly. These are the first such elections since 1964, and, important as they are in their own right, they may be even more important in presaging a full Party congress later this year or early next year. The last such congress was called in 1960. Though the election results are sure to be routine when they are announced—the official Fatherland Front chose five hundred and twenty-two out of the five hundred and twenty-nine candidates to run for four hundred and twenty seats—the new Assembly, which meets in June, is likely to take some important political steps, including making changes in the government. It seems likely that some younger men will be added to the Politburo, most of whose members are in their late sixties or older. There is also a possibility that North Vietnam may acquire a new President, for Ton Duc Thang, who replaced the late Ho Chi Minh, is in his eighties. Conceivably, he could voluntarily step down and be given some honorific post, in which case, experts here speculate, his place might be taken by Vice-President Nguyen Luong Bang, who played a significant role in Ho's efforts to maintain a precarious balance between Moscow and Peking. Or Bang might become the first of two Vice-Presidents with special duties.

Even if the new elections consolidate the position of Truong Chinh, the ailing chairman of the Standing Committee of the Assembly, who is generally regarded as the strongest pro-Peking man in the Politburo, no one here believes that he is prepared to challenge the "first-among-equals" position of Le Duan, the first secretary of the Lao Dong (Workers') Party. There are some differences within the Politburo over the emphasis that should be accorded domestic problems vs. the prosecution of the war, but the unity of the group remains basically firm. The policy is one of flexibility—a policy that was set forth in an important speech delivered a few months ago by General Giap and was further stressed in speeches made by Le Duan, during a trip to Peking and then to Moscow, where he was given the signal honor of being the first speaker at the Soviet Party Congress. Duan, Chinh, and Prime Minister Dong are still the top three men in the Politburo. Many people now believe the fourth-most-important man to be Pham Hung, who runs the war in South Vietnam and spends most of his time there. Giap and Le Duc Tho, a theoretician, who is the liaison man for the Paris talks, are next in line.

While the Laotian and Cambodian attacks hurt the North Vietnamese, the mood in Hanoi, according to observers who have recently returned from there, is one of tough-minded confidence. For the first time in two years or so, articles propounding the official line in North Vietnamese publications are emphasizing the need to press on to military victory in Indo-China, and, at least for the moment, the stress on diplomatic offensives, in Paris or elsewhere, has been dropped. The threats to invade the North voiced by President Thieu and other South Vietnamese—and backed by President Nixon and various Administration spokesmen at least to the extent of not ruling out such a possibility—are regarded here by almost all experienced observers as psychological warfare maneuvers. Since the South Vietnamese have suffered severe losses, and since they have their hands full right here as the Americans step up their troop withdrawals, they are certainly spread too thin to plan any further bold offensives, though they could make commando raids.

The invasion threats have backfired in that they have helped the North Vietnamese leaders to rally the population to increase its military effort and to stiffen the economy for the imminent "total victory" that they claim lies ahead. In an effort to obtain hard currency, the North Vietnamese are exporting all the goods they can spare—even rice and coal. One reason they need hard currency is that they are buying necessary mining and other machinery and small mechanical plows from Japan, partly because the equipment obtained from Russia and China has been difficult to maintain. Prosecuting the war throughout Indochina has certainly made heavy financial demands. "Legalizing" their cadres in South Vietnam, for example, costs a great deal of money, and, aside from the needs of individual cadres, Hanoi has increased what is known as its "shadow supply system," whereby its agents secretly buy into Western firms in South Vietnam and elsewhere. It also costs a lot to finance the Provisional Revolutionary Government in South Vietnam—the successor to the National Liberation Front—especially now that the P.R.G. is recognized by about a score of nations and maintains delegations abroad.

In their elections, the North Vietnamese decided to eliminate eighty-nine seats that had been accorded to "Southern delegates" in 1946—a decision that has given rise to much speculation here in Saigon. The step was probably taken simply to accord the P.R.G. status as a "government" in its own right, and thus enhance its position throughout the world. It has been suggested that, for propaganda purposes, and because the talks in Paris are getting nowhere, the Hanoi delegation may leave Paris, at least temporarily, and let the P.R.G. deal directly with the Saigon government. This would embarrass both Washington and Saigon, but in the long run it might lead the two sides within South Vietnam itself to hold some serious talks, and lead Washington and Hanoi to use their own channels to settle the matter of prisoners and troop withdrawals. In any event, by holding their elections now, ahead of those in South Vietnam, the North Vietnamese have mounted a political offensive at a time when the diplomatic front is momentarily quiet. Taken in conjunction with the negative effects of the Laotian invasion—especially its failure to spur negotiations—political events both in the North and in the South between now and the end of the year are apt to be more important than military events. The fighting will continue, as it seems to continue endlessly, but the real contest for power is now a political one. Unfortunately, the hard-liners in Hanoi are far more aware of this underlying situation than are the political leaders in the South, who seem to offer their followers only further doubts and uncertainties. That is why the Northerners seem so sure of ultimate victory, and why so many Southerners are secretly making their own plans for ultimate accommodation. Such an accommodation increasingly implies a willingness to get along somehow with the Communists in the South, while accepting the fact that North and South Vietnam are likely to remain separate countries indefinitely.

MISMANAGMENT IN WELFARE PROGRAMS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, April 30, 1971

Mr. BYRD of Virginia. Mr. President, the April 20 edition of the Muncie (Ind.) Star included a splendid editorial about several instances of mismanagement in welfare programs and programs related to welfare.

The editorial says that there is a "shell game" going on in the field of welfare, a statement which I believe is perfectly accurate.

The editorial makes note of the recently terminated program under which some New York City welfare families were sent on free ski trips—a program which I criticized on the floor of the Senate.

The ski trip program has now been ended.

I ask unanimous consent that the text of the editorial "Shell Game" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHELL GAME

In New York State, which has had a liberal share of welfare troubles, Governor Rockefeller has signed welfare reform legislation which provides, among other things, that able-bodied reliefers can be put to work.

The law in question requires local, city and county welfare agencies to devise public works projects, such as raking leaves in parks or cleaning up streets, and forces employable reliefers to work in the projects in return for their welfare payments.

As was to be expected, howls of anguish went up among ward healers in New York City, where last summer Mayor Lindsay snubbed a suggestion that able-bodied reliefers be made to work as "medieval."

One guardian of the welfare spongers' right to loaf labeled the new law a "shell game."

This is a curious attitude in light of the fantastic absurdities which have been uncovered in the New York welfare mess.

In January a mother and her four children were sent by welfare officials to live at the Waldorf-Astoria Hotel at a cost to taxpayers of $75 a day. Other welfare recipients have been assigned to hotels in Greenwich Village, on Broadway and in Brooklyn and in motels on Long Island at rates that run as high as $50,000 a year!

Sen. Harry Byrd (D-Va.) charged recently that $30,000 in tax funds had been leeched from New York Model Cities programs to send welfare recipients on ski outings to upstate New York, Massachusetts and other resort areas.

"These funds come from hard-working American taxpayers," he said. "They are a public trust. To use public funds for frills such as ski trips is to take money away from people truly in need. I think the American people are getting fed up with this kind of abuse of trust by public officials."

He is right.

And there is a "shell game" going on. It is being practiced by spongers, unscrupulous welfare officials and vote-scavenging politicians on the American working people.

It's time it was stopped—not just in New York but everywhere.

DEMISE OF FEDERAL EXPRESS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the snows of yesterday seem to be getting deeper as more and more everyday institutions are consigned to their ghostly drifts.

The latest is the Federal Express, once the epitome of genteel travel, which has made the overnight run from Boston to Washington for the past 95 years. Tonight, the train makes the trip for the last time.

Before joining the swollen ranks of discontinued passenger trains, however, the Federal Express had a long and colorful history, including many notables from all walks of life among its cargoes.

All of this is detailed in a very fine article by A. S. Plotkin which appeared in the April 25 issue of Boston Globe. I include it here as a tribute to a fine old train and a pleasantly remembered way of life.

DEMISE OF AN HISTORIC TRAIN

(By A. S. Plotkin)

At 9:45 p.m. next Friday, April 30, the Federal Express—consisting of one sleeper, a coach, and one or more mail cars—will roll out of South Station. It will be bound for Washington, D.C.—and oblivion.

It will be the last run, after 95 years, of the famed overnight train. In its heyday it was so popular an advance reservation was necessary. Often it had ten or more sleeping cars, and sometimes it ran in two sections. It was the way of going to Washington, civilized and time-saving.

The Federal's passenger list was a mini-Who's Who of politics and government: Presidential and royal families members of Congress, Cabinet members and lobbyists, statesmen and newsmen, diplomatic couriers and business tycoons.

BOOZY FUN

There were antic tales of all-night card games, of boozy conviviality, of political and other deals made or attempted.

But Number 177, as the Penn Central timetable lists it, has become another victim of the jet airliner (27 daily flights each make it to Washington now in 1 hour, 20 minutes) and the expressway (which requires nine hours).

The train takes more than 10 hours. (There will still remain, however, three day trains to Washington: the Colonial, Senator and the Patriot.)

The decision to drop Number 177, as well as Number 176 (The Federal overnight to Boston) was made by "Amtrak." That is the new name, replacing "Railpax." for the government's new National Railway Passenger Corp. Amtrak decreed that the Federal, along with 179 of the 400-odd remaining intercity passenger trains, was expendable.

An Amtrak official said the Federal lost "hundreds of thousands of dollars annually," but Penn Central people, who are glad to get rid of the burden, cannot confirm that estimate. David W. Kendall, chairman of the Amtrak directors, said of the Federal a few days ago, "Nobody rides the darn thing."

Starting Saturday, May 1 Amtrak will take over from the nation's railroads the responsibility of operating—and, presumably, attempting to improve—a basic network of passenger trains. The corporation says it expects, after three years or so, to start making profits.

There will be 21 basic routes—of which Boston-New York will be one—and 114 of the larger cities will be served. (Unless, that is, some annoyed powers on Capitol Hill, like Senate President Mike Mansfield of Montana, manage to get that number increased.) Thus passenger train service throughout the country will be cut in half.

A Globe reporter was aboard the Federal one chilly Monday morning recently when it stopped at the rear of Washington's cavernous Union Station. It was 7:38 a.m., an unusual 12 minutes ahead of schedule.

Sleeping had not been easy. Maybe it was the brooding, depressing atmosphere of South Station, the glum looks of the train crewmen uncertain about their next jobs, the strained near-silence aboard the sleeper, the swaying and jolting, the hiss of air brakes, of cars being coupled and uncoupled. Or the dim realization that this once-gracious way of travel, at least in the nation's Northeast Corridor, was done.

THREE CUSTOMERS

From the sleeper, which has six double bedrooms and ten "roomettes," emerged only three paying passengers from Boston. Plus three "deadheads," railroad people who ride free. Two other paying riders had gotten off the sleeper at Baltimore 50 minutes earlier. This was the Sunday night train, normally the busiest of the week. On recent midweek trips the Federal's sleeping car sometimes carries no paying passengers.

The car was reasonably clean. But in some places where it might matter to a pampered 1971 customer—like the bathroom—even the paint could not mask the shabbiness.

You used to be able to get breakfast, either in the lounge car or served in your room. Now you couldn't even get coffee.

On that Sunday night the Federal hauled two coaches out of Boston. They contained a couple dozen passengers, mostly servicemen. Some left at New London. A few others at Penn Station, shortly before 3 a.m.

Out of Boston there had been one mail car, aboard which Post Office crews sorted New York letters (weekday nights there are two mail cars). These mail cars had been a pretty good source of income for the railroads. Now with the Federal soon gone the Post Office will make other arrangements.

With the last trip on Friday, Boston will have seen the last of the sleeper cars. There was the "Owl," the overnight to New York. The New Haven Railroad used to advertise that the Owl traveled only 30 miles an hour so riders would sleep better.

Two years ago the Owl's sleeper was hooked onto the Federal, and last year even that was dropped. The nostalgic and the rail buffs will recall that until a few years ago there were also overnight trains to Chicago and St. Louis.

BEGAN IN 1876

The first trip of the Federal was made on May 8, 1876. Its name then was the "Washington Night Express" and it left from the New York and New England rail depot at the foot of Summer st., on the site of the future South Station.

It was put into service largely to accommodate New Englanders wishing to visit the Centennial celebration in Philadelphia. A day train was also started, but that was dropped when the Centennial closed.

There were various routes over the years. Initially it was via Providence and then the so-called "Air Line" route, straight across Connecticut to a point above New Haven.

(Ironically, advocates of 160 mph Boston-New York trains urge that this same basic Air Line route, now used sporadically for freight, be used instead of the curvy, slow Shore Line. Upgrading the new route to standards would cost hundreds of millions of dollars.)

Later the Washington Night Express route was changed to take it via Hartford. Then it went via the New York, New Haven and Hartford RR to the Harlem River.

ROUTE CHANGES

At that point the train was transferred to the steamer Maryland which took it on a two-hour trip, down the East River and around Manhattan's Battery, to Jersey City where it was shunted onto the Pennsylvania RR tracks.

Twice there were changes in the East River route, Once, in 1888 when the Maryland was destroyed by fire and in 1912 when the sinking of the S.S. Titanic brought about new regulations in coastwise shipping and the Maryland was discontinued. In both instances the train was routed via bridges across the Hudson Rver, and ultimately onto Pennsy tracks.

In 1893 came the change of name to the Federal Express. In that year also its route was changed to the Shore Line, and the departure point became the Park Square station of the Old Colony Railroad.

Six years later South Station opened and on Sept. 10, 1899 that became the departure point for the Federal and all other trains of the Providence division.

The most significant change came in April, 1917, with the opening of the Hell Gate bridge. This saved at least two hours for New Englanders bound for New York and points South.

TOLLS DON'T END

The bridge, with four tracks, spanned a tidal channel of the East River and was part of a 3½-mile-long project costing $30 million. It was a huge sum then, and for many years Boston passengers were charged an extra 90 cents by the N.Y. Connecting Railroad—owned jointly by the New Haven and the Pennsy.

Bostonians riding to New York now go via the Hell Gate bridge to Penn station. Now they no longer have to pay the bridge toll. But those going beyond New York must still pay the 90 cents.

(Confessed a railroad man:) "I really don't know how to justify it. I suppose the bridge was paid for many years ago. My guess is they figure it like the tolls on the Mystic Bridge in Boston. Surely that was paid off a long time ago, but the Massachusetts Port Authority still charges the toll."

Former Sen. Leverett Saltonstall has fond memories of the Federal. He recalls that, as a child, he accompanied his parents and sister on a trip which involved a ferry crossing of the Hudson.

He and Mrs. Saltonstall, during most of his 22 years in the Senate, often rode the Federal. Usually they carried along some food from their farm in Dover, in an insulated bag.

He remembers the trip when a blizzard slowed the train's progress. The hungry passengers had nearly cleaned out the food supply in the diner, but the Saltonstalls had in their room a dozen of their own fresh eggs.

He would have liked to supply all who wanted eggs for breakfast, but there wouldn't be enough. "I saw Sen. Pastore and a lot of other old friends seated there." It might have been embarrassing.

So he asked the porter to have the chef soft-boil three eggs—which were served in the privacy of their bedroom near Baltimore.

Saltonstall says he is "no rail buff and I don't like to fly. I could sleep fairly well, if I got a room in the middle of the car, away from the wheels."

But "you have to save time," so in recent years, before his retirement, he left the train for the airlines.

For a long time after John W. McCormack was elected to the House in 1928, he and Mrs. McCormack took the Federal. "It was a very convenient and pleasurable trip. You could do a day's work on the train, and we were able to sleep. It was usually on time, too," he said.

The former Speaker and his wife did not fly, and when the network of super-road opened they were able to drive to Washington "in nine or 9½ hours." That is the way they traveled to and from Boston in recent years.

"WAKER" NOT "SLEEPER"

One of the Federal's regular weekend riders—until a few years ago—was Sen. Claiborne Pell (D-R.I.). Pell is widely credited with providing the impetus for the experiments with the Turbotrain and the Metroliner in the Boston-Washington corridor. Penn Central will continue running both of these advanced-technology trains for Amtrak, and the aim is to improve riding comfort and speed.

But Pell gave up on the Federal. He found the ride had deteriorated so that "I couldn't sleep. I called it the 'waker' instead of the sleeper. Service got worse and worse."

The decision for Pell came when a window on the Federal was shattered "and I almost had my eye put out. They took 18 pieces of glass out."

An apologetic railroad vice president explained that a loosened brake shoe on a passing New Haven train was catapulted at the Federal.

(Penn Central is now replacing glass window panes with a clear plastic so tough it is supposed to stop a .45-caliber bullet.)

That did it for Pell, though. Now he flies from Providence.

COMMENTS ON UNITED STATES-ISRAEL ALLIANCE BY REPRESENTATIVE GERALD R. FORD

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BROOMFIELD. Mr. Speaker, in the past weeks of tension in the Middle East, the relationship of the United States and Israel has been the subject of considerable commentary and speculation. If that relationship is to stand, Mr. Speaker, I think it necessary that it be constantly redefined and reaffirmed by leading American spokesmen.

The distinguished minority leader of this House and my good friend from Michigan, Mr. GERALD R. FORD, has done just that. In his speech before the American-Israel Public Affairs Committee, Mr. FORD provided a firm clarification of the United States-Israel alliance as well as a lucid analysis of the Mideast situation. I commend his remarks to my colleagues.

His speech follows:

REMARKS BY REPRESENTATIVE GERALD R. FORD

Today I want to speak to you of peace in the Middle East. We are meeting here to reaffirm the close ties of friendship between the United States and Israel at a time when our Secretary of State is on his way to that part of the world. This is a historic moment—not only because we commemorate Israel's 23rd birthday but because of the possibilities of deterring a renewal of hostilities and promoting a lasting peace settlement.

It occurred to me during the recent observance of the Passover holiday that the Jewish people every year participate in a festival denoting deliverance and freedom although the Jews have had no real peace since Adolph Hitler declared war on the Hebrew faith in the early 1930's. I can now understand the depth of the Jewish commitment to a genuine peace.

The cause of peace is served by American-Israeli friendship and our traditional bipartisan foreign policy. Every American President of the twentieth century has supported the Zionist dream of a Jewish national home. Both of our major political parties are committed to Israel's survival and security. We see a dramatic demonstration of that in this room today, with gentlemen from both parties assembled to share in an occasion that could be inspired by no other embattled nation of today's world. Our mutual commitment to Israel is unique.

It is vital that we retain our unity in supporting the Israeli cause. The Soviet Union, collaborating with the Arabs, is trying to impose a unilateral peace that would compromise Israel's future. The Arabs would achieve through diplomacy what they failed to win on the field of battle. The Russians would serve their own aggressive ends.

I feel that the parties to the conflict are the only parties that can negotiate, contract, and keep a lasting peace. The boundaries are theirs. They must live with them. They must make mutual accommodation with each other.

Israel, the victim of aggression, is entitled to reasonable claims for new and secure boundaries. Israel has every right to seek a defensible frontier which may not correspond identically with the frontiers of 1967 when the forces of aggression imposed an unwanted war upon Israel. I will not today discuss the various proposals and formulas except to say that we must exercise great care to avoid unwitting collaboration with Moscow and impose a settlement upon Israel.

In exercising such caution it is vital that we maintain the great bastion of bi-partisan Congressional support of Israel. Such support strengthens the hand of our President who is committed to a just peace. But I am troubled that some very important Members of the United States Senate are abandoning bipartnership on the Middle East and are making statements that facilitate the Soviet Union's anti-Israel pressures.

I am thinking of one Senator who is seeking our highest national office. Earlier this year he went to the Middle East and then called on Soviet Premier Kosygin in Moscow. He told Kosygin that "there was a strong body of opinion in the United States" opposed to U.S. defense appropriations linked to our foreign commitments including the Middle East.

I am dismayed that such a well-informed Senator could visit Israel and Egypt where he actually witnessed the ongoing Soviet military build-up and still find it possible to go to Moscow and tell Kosygin that there was disunity between him and President Nixon on U.S. military spending that relates to Israel's security. This was a disservice to Israel's security. It was a disservice to the bi-partisan foreign policy objectives of the United States. It tended to undermine the credibility of American deterrence of the growing Soviet military involvement against Israel. It undercut the impact of President Nixon's visit to the U.S. Sixth Fleet in the Mediterranean last Autumn when the President served notice on Moscow that we were prepared to defend freedom in the Mediterranean.

I am dismayed that this Senator could ignore what the Soviet Union is doing not only in the United Arab Republic but also through its intervention in such places as Ceylon, Sudan, and East Pakistan. Russian MIG's and Russian bombs are killing peasants in those places. But some are too busy denouncing our own nation to notice.

While we talk of peace, the Russians build new missile systems. While our defense needs are attacked, a Russian leader is told that elements of our Congress are trying to cut back our military appropriations bills.

I would have been much more encouraged to hear that this distinguished Senator visited Moscow and told Kosygin that *if Russia is so categorical in demanding Israeli withdrawal from every vestige of occupied territory, let Russia set an example by withdrawing from the nations of Lithuania, Estonia, and Latvia which have been forcibly incorporated into the Soviet Union.* Moscow in these cases used the pretext of security but denies Israel the right to frontier revisions even in a very different context, a context in which Israel is the target of aggression and is threatened by the far-ranging elements of Soviet military power.

Let me refer to another Senator, the chairman of a prestigious Committee, who recently denounced the State of Israel for allegedly resorting to "Communist-baiting humbuggery," as he described it, to "manipulate"—his word—the United States policy in the Middle East. He depicted Israel as a manipulative "pusher" of noxious ideological drugs because Israel dares to oppose Communism and aggression.

It is tragic that such a self-proclaimed peace advocate has undermined prospects of a real Arab-Israeli settlement by tacitly encouraging the Soviet Union and Arab extremists to desist from a genuine peace and to continue a great military escalation in the hopes of forcing their will upon Israel. This Senator has weakened the bi-partisan foreign policy of the United States.

It is very important that the luncheon we are now attending become more than a ritualistic expression of pro-Israel generalities. Those who truly care about Israel's survival must make bi-partisan support an action involving deeds rather than words.

I was very gratified to be part of an Administration that responded to the realities in the Middle East by providing Israel with some of the finest U.S. weapons. We pray for a day when we can beat our swords into plowshares. But we witness the Soviet shipments of the latest Russian weaponry and aircraft—including the MIG-23 supersonic fighter-bombers—which are so sophisticated that they must be operated by Russians. We witness a deepening Soviet infiltration of the Middle East, an expanding involvement, a build-up of aggressive bases. I am now reassured to know that my country at least has provided Israel with the means of deterring aggression.

How beautiful it would be to hear certain Senators question the presence of Soviet troops in Egypt!

Three Arab nations—Egypt, Libya, and Syria—and their 42 million people are seeking a new union involving one President, one flag, one military command, and, obviously, one enemy: The State of Israel. I fervently hope that our Secretary of State assesses this new development and carefully evaluates the latest Soviet military moves and other developments. He could appropriately advise the Congress on the developing security situation in the Middle East. The crisis goes far beyond the Suez Canal.

Our bi-partisan Congressional policy on the Middle East is committed to a peace that must emerge from the parties directly involved. We reject any diplomatic concept that would force our friends, the Israelies, to negotiate with the United States rather than Egypt on the territorial question. Moscow would relish a split between America and Israel.

It is apparent that Soviet diplomacy seeks to avoid a formal peace while forcing Israel out of territories now occupied. Consider the full context of developments. A new situation is developing in Asia. Israel is, after all, an Asian nation. So is the Soviet Union. We may now be entering a new and far-reaching relationship with Communist China that could even affect the Middle East in terms of Soviet policies. It remains to be seen whether Chinese overtures lead beyond Ping-Pong. But this is obviously not the time to abandon a true friend like Israel in one corner of Asia while a whole new constellation of factors may be emerging involving our various relationships and possibilities for a new phase on that side of the world.

It is possible that a firm and non-hysterical policy will lead to the kind of Asia we all want—an Asia at peace, with a live-and-let-live attitude toward other nations and other philosophies of government. In this context it is conceivable that even the Arabs and Israelis may find a way to play Ping-Pong.

Meanwhile, the United States Government must continue to give Israel the backing necessary to maintain the credibility of our friendship. This is in our own self-interest as a world power. We will not dip the Stars and Stripes in retreat and defeat in the Mediterranean. We are not ready to abandon Western Europe or NATO. Nor are we unconscious of the implications of a strong and viable Israel to the free world.

Another important matter concerns both the United States and Israel. I refer to the fate of the Jewish community of the Soviet Union. This is not a religious or partisan matter but an issue completely consistent with our beliefs and commitments to human freedom and the dignity of the individual.

America and Israel are both concerned about the brotherhood of man under the Fatherhood of God. We cannot rest without doing everything within our power to alleviate the plight of Russian Jewry and to communicate to the Soviet authorities that the American people are watching Soviet racism and religious discrimination.

I wish to salute the brave Jews, young and old, who stand up to the Soviet secret police. I wish to honor them within the halls of the United States Congress. They are true demonstrators for peace and freedom. They are putting their lives on the line against totalitarianism and oppression. Their heroic deeds in the face of Communism should be recorded in our history books so that American young people can know what it really means to demonstrate against an oppressive regime.

This observance of Israel's anniversary coincides with the anniversary of the courageous Jewish uprising in the Warsaw Ghetto against the Nazis during World War II. America and Israel are dedicated and rededicated to the proposition that the Jewish victims of Nazism and Communism did not die in vain. We have faith that their sacrifices will lead to a world in which our children and our children's children can cherish the Judeo-Christian values in a society that is flexible enough to change but brave enough to retain its freedom.

I thank you.

BOYS ON HIKE SAVE LIFE OF BRIDGEWATER MAN

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 1971

Mr. SCHERLE. Mr. Speaker, two young men in Bridgewater, Iowa, saved a man's life in a chance encounter. The action of George Parrott, 15, and his cousin Rick, 14, exemplifies one of the best qualities of youth: the quick, generous, almost reflexive response to a fellow human being in need.

With the headlines filled with tales of teenage bombers, we occasionally need a story like the one that follows from the Adair County Free Press to restore balance to the public image of young people in America today.

The article follows:

BOYS ON HIKE SAVE LIFE OF BRIDGEWATER MAN

EARL METZGER FELL HEAD DOWN INTO 18-INCH TILE

Two teen-age boys saved the life of Earl Metzger, Bridgewater waterworks superintendent, Sunday about 1 p.m. in a freak accident.

Metzger was installing a water meter in a hydrant at the Hazen property in the southeast edge of Bridgewater. The hydrant was to be used to water sheep which were to graze on the property.

The meter was located in an 18 inch tile and while Metzger was working his foot slipped and he fell head-first into the 18 inch hole.

The boys, Rick Parrott, 14, son of Mr. and Mrs. Harold Parrott of Bridgewater, and George Parrott, 15, son of Mr. and Mrs. Norman Parrott of Greenfield, had been dinner guests at the home of their grandmother, Mrs. Christian Parrott of Bridgewater.

After dinner the boys took a hike through the southeast part of Bridgewater and were passing the Hazen property when they saw Metzger's feet sticking out of the tile.

They went to the rescue and pulled Metzger out of the hole. He was semi-conscious and could not talk after his rescue. The boys stayed with him until he had recovered sufficiently to walk home.

In his efforts to escape Metzger had rubbed the skin off his legs and his face and his body was skinned and bruised.

After medical attention Metzger was ordered to remain in bed for at least a week.

The neighborhood in which the accident occurred had no near neighbors who could have heard Metzger's cries for help. Only the timely arrival and efforts of George and Rick Parrott is the reason that Earl Metzger is alive today.

MUST WE DESTROY THE BILL OF RIGHTS IN ORDER TO SAVE AMERICA?

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GALLAGHER. Mr. Speaker, the argument over actions now being taken by the executive branch and laws being enacted by the legislative branch of our Government continues unabated. Some people find the seeds of repression in these steps while others believe that it is a logical reaction to hostile actions by American citizens.

My position on this question is well known. During the 6 years I had the privilege to chair a panel within the House Committee on Government Operations concerned with the invasion of privacy, I often spoke of the onrush of post-constitutional America and of my conviction that the Age of Aquarius will become the Age of Aquariums in which every action of our citizens take place in a fishbowl.

Last November, the St. Louis Post-Dispatch published articles on Mr. William F. Woo's lengthy investigation of the arguments, both pro and con, over this issue. He spoke to dozens of Americans who reflected all shades of opinion and he has produced a valuable report. I commend these articles to the attention of my colleagues and to the readers of the RECORD.

[From the St. Louis-Post-Dispatch, Nov. 15, 1970]

IS REPRESSION ENDANGERING CIVIL LIBERTIES?

(NOTE.—The Post-Dispatch has completed a two-month survey of the status of civil liberties. Along with scores of interviews conducted throughout the country, the survey included an examination of legislation and court cases.)

(By William F. Woo)

In the United States in the year 1970, six years before the 200th anniversary of its founding and 14 years before 1984:

The President's automobile was stoned by young protesters.

White radicals, who called themselves the Weatherman, were urging the destruction of the Government; black radicals, calling themselves Black Panthers, were saying "death to the police."

Bombs were going off, both through intent and blunder, with alarming frequency and people were being killed.

A judge was kidnapped from his courtroom by a band of self-proclaimed revolutionaries and murdered.

The urban guerrilla emerged as the romantic idol of the moment for the more severly disaffected and he was variously identified or confused with the Palestinian commando, the Tupemaro of Uruguay and the Quebec separatist.

In the same year that these things were occurring:

The President entertained at the White House representatives of the Hard Hats, who in several cities had beaten students and other youths.

The Vice President was calling for the "separation" from society of dissenters and suggested they be sent somewhere for "remedial education."

Congress passed a package of crime bills that contained such drastic provisions that civil libertarians throughout the country were greatly concerned.

One thousand agents of the Federal Bureau of Investigation were assigned to investigate campus violence.

In Ohio, a grand jury absolved the National Guard of any wrongdoing in its killing of four students and indicted 25 students and alleged agitators.

The Army was revealed to be operating a data bank containing the names of persons in political opposition to the Government.

A stranger to America, equipped only with a copy of the Constitution, might well have wondered what was happening in the most prosperous and powerful republic on earth. Had he been a visitor to the Senate spectators' gallery on June 1, he would have heard what many would agree was a plausible explanation. On that day, Senator Margaret Chase Smith (Rep.), Maine, took the floor to speak on a "clear and present danger" that confronted "the American democracy." The date was the twentieth anniversary of her celebrated speech against McCarthyism.

"Extremism bent upon polarization of our people," she said, "is increasingly forcing upon the American people the narrow choice between anarchy and repression.

"And make no mistake about it, if that narrow choice has to be made, the American people, even with reluctance and misgiving, will choose repression."

The point, as was clear from her full remarks, was that this harsh decision was not yet upon the people, that other, more civil options still existed through which the polarization that divided the country might still be overcome. To a significant percentage of the population, however, the Senator's words may have come too late. A growing number of persons believe that repression is now a fact of American life and that the narrow choice between anarchy and a widespread suppression of civil liberties already has been made.

The most persistent complaints about repression come from the young, the black and the over-30 white who consider themselves somewhere to the distant left of the Silent Majority. A remark made to a reporter by Miss Margery Rosenthal, director of the Massachusetts Committee Against Repressive Legislation, is somewhat typical of this point of view.

"What is going on now is unique," she said, 'The war is increasingly unpopular. There is less and less money to cool our social problems and the cities are in a very bad way. The only way the Administration can deal with these things is by repression."

More bluntly, Charles Garry, the San Francisco-based attorney for the Black Panthers, says, "The Bill of Rights is inoperative for 60,000,000 Americans."

Conservatives are likely to think of repression in one of two ways. Some see it as a drastic but necessary antidote to violence and terrorism.

"I think 85 per cent of our membership would prefer a police state to what's going on now," a Washington official of a national patriotic organization says. "We just can't have a breakdown of our society—bombings and burnings of our cities."

Others, however, fear that repression may be the tragic price of urban and campus disorder.

"Repression," says Representative Richard Ichord (Dem.), Missouri, "is the greatest danger from revolutionary groups operating in this country. The great threat is that these people will cause law-abiding citizens to lose their liberty. This already has begun to come about."

From the Post-Dispatch investigation of civil liberties two general conclusions, both paradoxes, emerge:

First, despite loud and frequent assertions to the contrary, it cannot be demonstrated that Americans now are living in a repressive society ruled by a repressive government. Yet, forms of repression exist, follow a number of well-defined patterns and seem to be tolerated by a large percentage of the people. Statistical evidence from numerous polls can easily be adduced in support of the last statement. (For example, a CBS survey found 76 per cent of the public would not permit organized protest against Government policy.)

Second, since the Korean War, civil liberties have been expanded to a breadth that is without precedent in American history. Supreme Court rulings, for example, have greatly broadened the rights of the accused to have legal counsel and have placed tighter restraints on police procedures in the area of search and surveillance. A series of court rulings on the issue of pornography have left the law sufficiently broad so that virtually anything may be published if it possesses some "social value." By court and by Congress, the Negro's right to schooling, the vote, housing and public accommodation has been upheld.

Yet, Congress has passed within recent months legislation that both conservatives and liberals believe demonstrate a serious disregard for the Bill of Rights and that as a result face grave constitutional difficulties.

To persons at either end of the political and social spectrums, the Bill of Rights, in fact, seems scarcely relevant. A San Francisco labor leader finishes an interview by saying it is appropriate for youthful protesters to be beaten for their words. An article in a recent issue of the Black Panther newspaper concludes "The only thing that will register in the mind of a pig is a 12-gauge protest—aimed right between the eyes." Most persons agree, however, that the effects of polarization on civil liberties can best be measured not at the extremities but within the vast middle reaches of the American people.

As the CBS poll and other surveys disclose, a good many Americans appear willing to tolerate a retrenchment on civil liberties if such steps will reduce crime and violence. Not long ago, the office of Senator Thomas F. Eagleton (Dem.), Missouri, responded to more than 200 persons who had written in support of stiff law and order legislation. Neither the Senator nor anyone on his staff could remember receiving any letters urging that Congress, in the interests of preserving civil liberties, take a softer line on criminal legislation.

Says Representative Cornelius E. Gallagher (Dem.), New Jersey, "If someone were to introduce in the name of law and order a bill requiring the execution of every first-born child, it would pass overwhelmingly."

"Violence is intolerable to the community at large," says Harry S. Ashmore, the Pulitzer Prize-winning editor and now a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. "Therefore, the community will support repression and restrictions."

If there are erosions of civil liberties, it probably is safe to say that most Americans do not regard them, taken individually, as direct assaults on the Bill of Rights.

"When you look at the Bill of Rights," Ramsey Clark, the former Attorney General, said recently, "you find that it is taught as a little piece of antiquity. People form their basic ideas not from a study of the Bill of Rights but through a gut reaction to a series of unrelated experiences in their own lives. Your idea of free speech, for example, is not usually formulated by objective study."

What frequently is overlooked by those who believe that massive repression is or is about to be a condition of American life is that civil liberties have been suppressed throughout the nation's history. As Gerald Gunther, professor of law at Stanford University, points out, the first significant free speech case did not even reach the Supreme Court until after World War I. And that case, speech case did not even reach the Supreme in which Justice Oliver Wendell Holmes articulated his famous "clear and present danger" test, was decided against the defendant, who had distributed leaflets urging resistance to the draft.

In even the most cursory review of American history, periods of sanctioned repression are evident.

Under the sedition laws of 1798, Republican editors who criticized President John Adams were jailed. (Federalist editors who criticized Vice President Thomas Jefferson were not.) Abraham Lincoln, in the Civil War, suspended habeas corpus. The Espionage Act of 1917 made it a crime to "utter, print, write or publish any disloyal, profane, scurrilous or abusive language" about the armed forces or its uniforms, and persons went to prison for suggesting that woolen socks knitted by volunteers might not reach the troops. After the war, Attorney General A. Mitchell Palmer ordered mass arrests of labor and political agitators; in one sweep, 2700 persons in 33 cities were taken into custody. The accusations and blacklists of the McCarthy era remain a fresh and terrible memory for many Americans.

The fact, however, that repression is not a novel experience in American history provides little comfort to those who worry about violations of civil liberties. They point to a wide range of examples:

Passage by Congress of legislation that permits police to enter a home without first knocking, that permit judges to detain in jail without trial persons who are "substantially guilty" of a crime.

The increased use by law authorities of "spies" in schools and political groups. Some of these agents have admitted fomenting illegal actions.

The claim by the Attorney General that court orders are not needed for electronic surveillance in cases involving "national security." Wire taps against radicals have been defended on the ground of national security.

The widespread use of subpenas against reporters' notes, news photographs and unused television film footage; the use by California of a criminal statute to punish an underground newspaper for publishing unauthorized information.

Inspection by federal authorities of incoming foreign mail.

The common use of breach of peace statutes against hippies and political protesters.

The refusal by grand juries to take action against law officers or national guardsmen who shot to death students at Jackson State College and Kent State University.

Police raids on black militants, such as the one in Chicago last December, in which police fired 82 shots. The militants, several Black Panthers, fired one shot. No officers were indicted although a grand jury found that police had falsified evidence, claiming to have been attacked.

The use by the Administration of the antiriot rider to the 1968 Civil Rights Act to indict political protesters on conspiracy charges in Chicago, Seattle and St. Louis.

Most of these and other incidents of alleged repression are on the surface unrelated. Yet, some say, despite their apparent disparate nature, these incidents contribute toward an over-all national pattern, one that reveals an increasing callousness on the part of elected authorities toward Bill of Rights guarantees and a growing intolerance among the people of unpopular social or political opinions. These characteristics, many contend, contain the potential for transforming the American society from one that at the moment may be largely indifferent to civil liberties to one that is truly repressive.

"I have a hard time," says Elie Abel, dean of the Columbia University journalism school "accepting the notion that we're living in a repressive era. But I do think we're living in the vestibule of that era."

[From the St. Louis Post-Dispatch, Nov. 16, 1970]

LIBERTARIANS ALARMED AT HARSH LEGISLATION

(By William F. Woo)

The evidence most frequently cited by those who contend that the United States has set itself on a course leading toward repression are two harsh laws against crime and civil disruption enacted this year by Congress and other proposals that still are before the legislators that include even more drastic provisions.

The more publicized of the two laws and the one that provoked the loudest opposition from civil libertarians was the District of Columbia Crime Bill, which the President signed in late July. Partly this was because the bill was the first to be taken up and debated by Congress, but even more so because of its novel features, which included no-knock entry by police and preventive detention. This bill was put forward by the Administration as a model for state legislation.

These features alarmed many persons who regarded them as a cynical exchange of constitutional guarantees for the appearance of stern and effective measures against crime and disorder. They seemed to critics to be expedient, election year concessions to the demands for law and order. Furthermore, they were thought by some to be at least tacitly aimed more at blacks and dissident youths than they were at syndicated crime and professional criminals.

Senator Sam J. Ervin Jr. (Dem.), North Carolina, who led an unsuccessful fight against the bill, called it "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

The second law, as its name—the Organized Crime Control Act of 1970—implies, was presented as a measure to combat organized crime, "a highly sophisticated, diversified and widespread activity that annually drains billions of dollars from America's economy . . ." Critics of the act say, however, that it will be thoroughly ineffective against organized crime and, instead, poses grave threats to civil liberties. It was to this bill that a last-minute amendment was attached at the request of President Richard M. Nixon authorizing the Federal Bureau of Investigation to investigate bombings on campus.

Of the measures still before Congress, at least five are of special concern to persons who are worried about repression:

HR-19163—a bill to amend the Emergency Detention Act of 1950. It would authorize the Government to place in detention camps potential saboteurs in time of war or insurrection. Its chief supporter, Representative Richard J. Ichord (Dem.), Missouri, says the bill would protect citizens against a capricious President because it requires a congressional resolution declaring the existence of an insurrection to become operative.

S-2600—a bill to extend the principle of preventive detention to the entire country.

HR-14864—a bill amending the Internal Security Act of 1950. It enlarges the term "defense facility" to include, among other things, schools, public utilities and any factory. The activities considered subversive under the language of the bill, says Representative John Conyers Jr. (Dem.), Michigan, are susceptible to infinite expansion. The President, says Conyers, "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm . . . Students and faculty members who express their disagreement with the university's involvement in defense work could be barred from campus."

S-3976—The First Amendment Freedoms Act. It would permit the Government or private parties to seek injunctions in federal courts against possible heckling at public gatherings.

S-3563—a bill to allow the arrest and detention of persons to whom there exists no probable cause for arrest in a crime. The purpose of the detention is to permit authorities to obtain "nontestimonial identification"—the taking of fingerprints, handwriting samples and blood and urine samples.

"Not long ago, I'd have said that most people talking in terms of repression are not being very objective," says Lawrence Speiser, director of the Washington office of the American Civil Liberties Union. "I've changed my mind because of what's happened in Congress."

The suggestion that the new crime laws, both proposed by the Administration, may be repressive was rejected by Deputy Attorney General Richard G. Kliendienst in an interview.

"There is no way you can trade by congressional enactment a constitutional safeguard," Kliendienst said. "So long as your court system has as its principal function the preservation of primary safeguards, there's no fear. Anybody who says that congressional enactment takes away constitutional rights is engaging in irresponsible rhetoric."

Under the District of Columbia crime law, police may enter without knocking if notice is likely to result in the destruction of evidence, endanger life, enable the suspect to escape or be a useless gesture. The preventive detention provision allows a judge to detain up to 60 days in prison without trial any person who is thought to be "substantially guilty" and who may be a danger to society if released.

Critics of the law contend that the no-knock provision is in violation of the Fourth Amendment's protection against unreasonable searches and examinations. They point also to the ancient principle that "Every man's house is his castle," a tradition that finds legal expression as far back as Semayne's case in 1603. In Semayne, an English court held that "the sheriff . . . before he breaks it (the door), he ought to signify the cause of his coming, and to make request to open the doors."

"When people think of no-knock they're usually thinking of someone else's home," says Lawrence Sperber, director of the Southern California ACLU Foundation. "Eventually, though, it's going to be your house, your door."

Former Attorney General Ramsey Clark says that in his opinion "the real harm in the no-knock provision is that its passage indicates to the police that the public wants this kind of law. It seeks to control conduct by police violence.

". . . What it does is tell police, the legislatures, and city councils that this is something the public condones. That sort of thing can get out of control. If you begin to use such measures, you rarely limit them with any refinement."

Kliendienst disagrees. "As a matter of practice," he said. "Federal courts for years have determined a federal officer could enter if knocking would prevent the evidence from being seized. Twenty-eight states have such laws."

Opponents of preventive detention say this provision may well violate the Eighth Amendment right to reasonable bail. They point out that since 1789 federal law has made the right to bail in noncapital cases absolute. The provision, too, they say, goes against the fundamental tenet that a man is presumed inocent until proved guilty and is contrary to the historic principle that a person should not be imprisoned for crimes that have not been, and may never be, committed.

"Preventive detention should have been applauded by civil libertarians," says Kliendienst. "Under the 1966 Bail Act, federal courts could only deny bail if a court found the defendant was unlikely to appear for trial and, generally speaking, that's not a bad rule. In certain kinds of crime—armed robbery, rape, kidnaping, murder—judges prior to 1966 could take into consideration whether release would create dangers to society. Now what's happening is that the judges hypocritically make their decision on this point and 'decide' that the man will not appear for trial. We think this (preventive detention) is a correction of the law."

When the House Judiciary Committee favorably reported the organized crime bill, three Democratic Representatives—Conyers, Abner J. Mikva of Illinois and William F. Ryan of New York—issued a scathing dissent. Not the least of their complaints was that nowhere did the bill define organized crime.

"This bill," they said, "is another dreary episode in the ponderous assault on freedom. It employs the spirit of repression extant in some quarters as a substitute for the Constitution, custom and reason."

Specifically, the objected to provisions:

(1) Authorizing special grand juries to accuse public officials of misconduct even when there is insufficient evidence for indictment. The provision, the dissent says, "proposes to create official bodies bedecked with the power to accuse, while leaving the accused bereft of any effective means of rebuttal. This is hardly less than sanctified calumny." The three noted that the bill was amended by the House to exclude "elected officials from the reach of these mini-star chambers."

(2) Making admissible in court illegally obtained evidence that is more than five years old. "It demonstrates an antipathy toward, and impatience with, the exercise of constitutional rights which reflects another grim chapter in the attempts to uplift expediency to the level of constitutional legitimacy."

(3) Permitting the imprisonment for up to 25 years of "dangerous special offenders" who have been convicted of crimes carrying only a normal two-year sentence. "(The provision) . . . substitutes revenge for reason, and it flouts the concept of fair treatment."

Some who urged passage of the bill did so on the ground that increased crime made severe measures essential. Senator John McClellan (Dem.), Arkansas, speaking in support of it, said, "I know the members of this body (the Senate) want to enact whatever legislation is necessary to strengthen the arm of the law and law enforcement in this country, so that society may be protected . . ."

Others sought to associate the danger of organized crime with violent protest. "Organized crime," said Senator Robert C. Byrd (Dem.), West Virginia, "is just as great a threat to the well-being of our nation as are the continued upsurge of street violence and the work of militants who seek to burn down our cities or destroy our educational institutions."

The bill reached the Senate floor in January. It was the first piece of legislation taken up by the Senate this year after its members had returned to Washington after the Christmas recess during which they had the opportunity to talk and listen to constituents. The bill was approved, 73 to 1.

"That," says Senator Thomas F. Eagleton (Dem.), Missouri, "tells you something about the mood of the country."

[From the St. Louis Post-Dispatch, Nov. 17, 1970]

BREACH-OF-PEACE LAWS ASSAILED AS REPRESSIVE

(By William F. Woo)

On the day the Navy recommissioned a warship in Philadelphia, Peter J. Countryman was one of 100 persons who went to a park to protest against the event. Despite the peaceful and symbolic nature of the protest, which consisted of planting a tree and singing songs, Countryman and 50 others were arrested for violating an ordinance prohibiting gatherings of more than 12 persons in times of a "limited civil emergency."

Such an emergency had been proclaimed by the mayor of Philadelphia a few days earlier, after the assassination of the Rev. Dr. Martin Luther King had been followed by disruptions in several cities. A few blocks away from the park where Countryman and the others were arrested, 10,000 persons were assembled to celebrate the warship's recommissioning. That event was undisturbed by the police.

In Los Angeles, Paul Robert Cohen was arrested when he appeared in the Municipal Court building wearing a jacket embroidered with a slogan denouncing the draft. The slogan employed a four-letter word commonly considered an obscenity. Cohen was convicted on charges of "tumultuous and offensive conduct." His appeal is before the Supreme Court.

In Toledo, O., the city attorney's office has announced that a long-standing statute forbidding disrespect for the police will be invoked whenever someone calls an officer a "pig." To say "oink, oink" in the presence of a patrolman now can bring 30 days in jail.

The cases of Countryman and Cohen and the resurrection of the disrespect ordinance by Toledo officials are typical examples, say those who are concerned with the possibility of repression, of attempts to suppress the First Amendment rights of dissidents. The widespread use of breach-of-the-peace statutes, the threat of federal conspiracy indictments and the difficulty frequently encountered in obtaining permits for rallies and demonstrations are evidence for many Americans that speech may not be free for all and that the right to assemble peaceably may exist for some only at the whim of the authorities.

It is, however, probably safe to conclude that to a sizable majority of citizens the notion that the First Amendment may be under serious attack is clearly preposterous.

At any moment, in the ghetto and on the campus, one may hear appeals for the overthrow of the established order. Communists and radicals do manage, although with occasional difficulty, to obtain a public forum. Radicals such as Angela Davis are hired by state university regents. And by now the spectacle of violent demonstrations has, through television, long become a familiar one for almost everyone.

As suggested in a CBS poll, which shows that 76 percent would prohibit any demonstration by extremists against the Government, a good many persons may think that speech today is all too free.

Especially disturbing to civil libertarians is the fact that some of the most severe assaults on the principle of free speech have come from the militant left. As Marc Franklin, professor of law at Stanford University, observed, "The people who scream for free speech are the very people who stand up and holler the loudest when it comes to letting someone else with different ideas speak."

Some who attempt to justify heckling or the shouting down of speakers do so on the ground that such tactics are the only way for protesters to bring their views before the public. Others argue that individuals have an obligation to interfere with those whose speeches serve a so-called immoral policy. A third, and more sophisticated rationale, is advanced by Donald Kalish, professor of philosophy at the University of California at Los Angeles.

"It's spurious," Kalish says, "to use the First Amendment against shouting someone down. The people who are shouted down are people who really can't be suppressed. They have the media. Their point of view is all over the nation, before the people every hour of the day. Shouting them down doesn't suppress an idea. Under most cases, though, it's a tactical mistake. If you let them speak, they'll usually do themselves in."

In matters of free speech, both liberals and conservatives face a similar dilemma. As Alan F. Westin, a Columbia University political science professor, pointed out, the Bill of Rights is hardly a national suicide pact.

"No society," said Westin, "legally allows revolution. There have to be rules for changing the system."

The dilemma is the point at which the line can be drawn to prohibit speech or assembly without at the same time violating the Constitution.

Robert L. F. Sikes (Dem.), Florida, said, "Those who incite to violence should be punished whether or not freedom of speech is impaired."

When Sikes made this comment, he was speaking on behalf of the antiriot provision of the 1968 Civil Rights Act, which makes it a felony to travel interstate or to use the mail, telegraph, telephone, radio or television with the intent to encourage any person to participate in a riot. It is the provision under which the defendants in the Chicago conspiracy trial were brought to court and under which political protesters have been indicted in Seattle and St. Louis.

Civil Libertarians, in attacking the constitutionality of the statute, contend that provocative speech by "outside agitators" is protected by the Constitution, even in times of social instability.

In a friend-of-the-court brief filed with the Supreme Court in behalf of three Black Panthers who have challenged the antiriot section of the act, attorneys for the American Civil Liberties Union quoted from the decision of the Supreme Court, written by Justice William O. Douglas in 1947, in the case of Terminiello vs. Chicago:

"A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. This is why freedom of speech, though not absolute . . . is, nevertheless, protected against censorship or punishment, unless shown likely to produce a clear and present danger of serious substantive evil that rises far above public inconvenience, annoyance or unrest."

The lawyers themselves concluded. "Therefore, since there is constitutional right to travel in interstate commerce and a constitutional right to engage in agitation . . . Congress may not constitutionally prohibit 'outside agitators' from crossing state lines. Nor may it enact legislation having the same effect under the guise that it is legislating against violence."

Although conspiracy indictments are regarded as the most drastic measures against political or social dissent, they have been until now used sparingly. The most frequent complaints about the suppression of free speech are concerned with breach-of-the-peace statutes. Just last week, the ACLU, acting for four activists, asked the Supreme Court to invalidate St. Louis peace disturbance ordinances on the ground that they were unconstitutionally vague. It was under a similar statute that Paul Robert Cohen was convicted in Los Angeles.

Anthony G. Amsterdam, Stanford law professor, writing in an ACLU friends-of-the-court brief filed on Cohen's behalf, said, "They (breach-of-the-peace laws) are the sinks of American criminal and constitutional jurisprudence. Hundreds of times every day, in every state, their applications are the occasion of arbitrariness and injustice, harassment, ideological repression . . .

"Of course, the prosperous, white, well-groomed, well-shod citizen, so long as he avoids political assemblies and never expresses unpopular views in public, has no reason to encounter these laws, or even to know that more arrests are made yearly under their authority than for any other crime except drunkenness. But where the poor live, or the black, the dissentient, culturally divergent, those whom policemen see as 'subjects' rather than objects—or any who youth, venturesomeness, wanderlust, social or political activism or bad housing cause to be upon the streets more than ordinarily often—the breach-of-the-peace laws are an ever-present repressive force."

The convictions of Countryman and the others arrested in the Philadelphia park at the time of the proclaimed state of limited emergency were appealed to the Supreme Court, which declined to review the case. The refusal itself was regarded by some as an ominous sign.

"It was a clear signal to the states," said one Los Angeles lawyer. "It said, 'Go ahead and do whatever you want. We won't get involved'."

In a dissent, Justice Douglas raised several questions pertaining to the banning of public assemblies.

"Control of civil disorders that may threaten the very existence of the State is certainly within the police power of the government," Douglas said. He went on, however, to ask, "Yet does a particular proclamation violate equal protection? Is it used to circumvent constitutional procedures for clearing the streets of 'undesirable' people? Is it used selectively against an unwelcome minority?"

Authorities frequently cite the possibility of violence as a reason for discouraging public gatherings. Such discouragement, most frequently directed at young persons and minority group members, takes the form of a refusal to grant permits or of arrests. Civil libertarians, however contend that the threat of violence is not sufficient cause to prevent assemblies and in support of this view point to an opinion written in 1927 by Justice Louis D. Brandeis.

It said, "Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trivial harm to society . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression."

Recently, this opinion was cited in a case arising out of the arrest at San Fernando Valley, Calif., State College of about 300 students who were waiting to be addressed by the school president. The meeting had been called by the president to discuss demonstrations that had been occurring at the college.

"The meeting was canceled by the president on the advice of police spies, who said that it would become violent," said Lawrence Sperber, a civil liberties lawyer in Los Angeles. "As the students were setting in their chairs, waiting for their president, the police decreed it an unlawful assembly and ordered them to leave. They didn't and the arrests were made.

"Now, was this a case of preventive arrest, an attempt to stop trouble before it began? If you follow that line far enough, you begin putting people in concentration camps before they do anything wrong."

[From the St. Louis Post-Dispatch,
Nov. 18, 1970]

GOVERNMENT UNITS HARASSING PRESS

(By William F. Woo)

Arthur G. Kunkin and Gerald Robert Applebaum were convicted in a California Superior Court this summer of receiving stolen property. Neither of the defendants fits the usual image of a fence, and the stolen property in question was hardly the sort normally taken by professional thieves. The case, in short, had significance beyond those of an ordinary criminal trial.

Kunkin is editor and publisher of the Los Angeles Free Press and Applebaum is a former reporter for the paper. The stolen property was a document that made its way in an unauthorized fashion from the state attorney general's office to the underground publication. The document contained the names, addresses and telephone numbers of California narcotics agents and when the Free Press published these, under a headline reading "Know Your Neighborhood Narc," the state filed criminal charges.

At the time of the conviction, the case received little attention. Some civil libertarians and editorialists who might have taken an interest in the trial were put out by what they considered the wanton journalistic irresponsibility of exposing 85 state agents to harassment. Two months after the trial, however, one significance of the case was described in an opinion article in the Los Angeles Times.

Pointing out that this was the first time that the law against receiving stolen property had been applied to the publication of information in a newspaper, Gene Blake, the Time's legal specialist, wrote, "Should this case stand and become precedent, the impact on the investigative efforts of the press to disclose wrongdoing in government could be devastating."

"Anytime you publish anything that isn't released to you, you're buying a prosecution," says Mel Albaum, an attorney for the Free Press. "They're not going after the big papers, but you go out and start your own little paper, and see what happens."

Albaum's remarks underscored the second significance of the Free Press trial: The state had used the novel weapon of a burglary statute not against a large established publication but against an underground newspaper that espouses radical political and social opinions. In this respect, the prosecution of the Free Press provided further confirmation for those who believe that the media have become targets for official intimidation.

"The press," says Prof. Richard T. Baker of the Columbia University School of Journalism, "has had a year of harassment. It is under serious attack."

In addition to the Free Press prosecution, other examples that have been offered as evidence that government authorities are attempting to intimidate the media include:

(1) The broad and sweeping subpenas issued by the Department of Justice for reporters' notes, news photographs and television film.

(2) Vice President Spiro T. Agnew's vigorous criticism of both television news analysis and newspaper editorials.

(3) The advice of Federal Communications Commission Chairman Dean Burch to executives of the Corporation for Public Broadcasting to "go out and hire some noncreative conservatives."

(4) Burch's request to the networks, three days after he took office, for transcripts of comments after a speech by the President.

(5) A bill introduced in the House that would require broadcasters to retain used and unused film and tape for government review.

(6) Strongly worded suggestions from the White House that songs with lyrics mentioning drugs not be played over the air.

In the opinion of some, government subpenas represented the most serious threat to the press, in a speech on the subject, Nicholas Johnson, the outspoken FCC commissioner, said that "this wave of government subpenas, together with other manipulations of the press, have placed the freedom and integrity of this country's news media in serious jeopardy."

The list of new organizations that have received subpenas for information acquired in reporting is extensive. It includes the New York Times, Newsweek, Time, Life, Fortune, the Post-Dispatch, the Chicago Daily News, the Chicago Sun-Times, the Chicago Tribune, CBS and local television stations in Baltimore and Chicago.

The most publicized of these cases involves a subpena issued to Earl Caldwell, a black New York Times reporter who specializes in reporting on West Coast militant groups. In February, Caldwell was served with a subpena from a federal grand jury in San Francisco ordering him to appear before it with notes and tape recordings of interviews with Black Panthers dating back to January 1969.

The following month, Caldwell received a second subpena ordering him to testify but without identifying the subject matter of his expected testimony. On motions by Caldwell, the Government withdrew the first subpena.

Before legal proceedings in Caldwell's appeal on the second subpena were completed, the term of the grand jury expired. A new grand jury was sworn in and a third subpena was issued. As he had in the two previous cases, Caldwell refused to answer it, citing the First and Fourth Amendments' guarantee of free press and the prohibition against unreasonable search and seizures. Caldwell contended that the subpenas were based on information gathered by unconstitutional government wire taps.

In June, Caldwell, continuing his refusal to appear before the grand jury, was found guilty of civil contempt. That conviction is being appealed.

Caldwell and other reporters maintain that to appear before a grand jury jeopardizes a journalist's credibility with his news sources. Because grand jury proceedings are secret, a reporter has little opportunity to convince his sources that he has not betrayed their confidences.

"To a degree never previously shown, this record documents the devastating effect that the compulsion of newsmen's testimony has upon freedom of the press," Caldwell's brief appealing the conviction says.

"Newsmen of national stature—Walter Cronkite, J. Anthony Lukas, Eric Sevareid and Mike Wallace, among others—filed affidavits making basic points: that confidential communications to newsmen are indispensable to their gathering, analysis and dissemination of the news; that when newsmen are subpenaed to appear and testify concerning information obtained by them in their professional capacities, their confidential news sources are terrified of disclosure and consequently shut up; that the mere appearance of a newsman in secret grand jury proceedings, where what he has told cannot be known, destroys his credibility . . ."

"The Caldwell case," says Anthony G. Amsterdam, professor of law at Stanford University and Caldwell's attorney, "is important because it's at the junction of two things. One, there is an active federally directed effort to suppress the Black Panthers, and the Caldwell case is an important instrument of that program. Two, it shows a callousness on the part of the Administration to what kinds of liberty get stepped on as they go about doing what they want to do.

"There are serious risks to the press in this case. As groups get polarized, the role of the press becomes much more sensitive. And also as polarization continues, it becomes more vital for the public to get a good flow of accurate news. Today it is both more important and more difficult for a reporter to relate to all segments of society."

Prof. Baker points out that the subpena cases have been usually associated with the reportage of social change.

"We should be trying to find out what the radical movement is about, and the Government should be encouraging the press to establish lines of confidence with people in the movement," he said. "Why then should the Government try to break the New York Times's line of communication with the Panthers in Oakland?"

At the American Bar Association meeting this year in St. Louis, Attorney General John N. Mitchell said he did not consider "the press an investigative arm of the government." In the future, he said, the department would negotiate with the press in all instances in which subpenas were contemplated and would use subpenas only if negotiations failed.

His remarks, however, did not erase the feeling many have that the Government intended to continue applying pressure to the press.

"Mitchell's doctrine tells me two things," says Elie Abel, dean of the Columbia Journalism School. "It says, first, that the more thorough and penetrating your performance, the more you'll be harassed by the Government. And secondly, it says if the press will lay off the kind of investigative stories such as Caldwell was doing, the Government will lay off the subpenas."

Many observers of the press contend that if there is an official effort to intimidate the media it can best be observed in the performance of television networks and local stations. These attempts at intimidation, they say, can be traced to November 1969, when FCC Chairman Burch requested transcripts of network analysis of the President's Vietnam speech and when the Vice President, speaking in Des Moines, Ia., denounced "instant analysis and querulous criticism."

An editorial in TV Guide has noted that "Vice President Spiro T. Agnew's scolding of the networks apparently had the desired result: after President Nixon's Dec. 8 press conference, there was no criticism whatever from the commentators who followed him."

Agnew himself has said, "Sometimes when I look around the tube from time to time, I think I have had a modicum of success." Tricia Nixon was more direct in her assessment of the Vice President's performance: "He's amazing, what he's done to the media . . . You can't underestimate the power of fear."

Reuven Frank, president of NBC News, contends, however, that the actions of the Administration have had little effect on the networks.

"I don't know that the networks have been intimidated," he said in an interview. "Since the Des Moines speech, I'm tired of trying to defend myself against this. We're not in the business of debating the President of the United States. What I've tried to do since then (Agnew's speech) is keep people from doing either more or less than they had been.

"On this matter, we've had neither direct nor indirect pressure from our business office. Where we get the pressure, and it is real pressure, is from some of our affiliated stations. There is pressure on the way we do the news. There are repeated suggestions for a conservative spokesman. We get suggestions that we devote less time to radicals. 'Why don't you give us good news?' they ask. What they really want isn't good news. It's bad news happening to somebody else."

[From the St. Louis Post-Dispatch, Nov. 19, 1970]

DATA BANKS CAUSING ALARM

(By William F. Woo)

Not long ago, in the course of a conversation with a visiting reporter, Representative Cornelius E. Gallagher (Dem.), New Jersey, began discussing "the last election." Gallagher was not talking about this year's congressional elections; neither did he have in mind President Richard M. Nixon's victory in 1968.

What Gallagher was referring to was the last election ever to be held in the United States.

"What happens," he asked, settling back into a large, black armchair, "when we have the second and third users of the data bank? All the crooks have been put in jail now. The data banks have gotten all the corrupt politicians out of office. A national police force has been installed. Someone, then, comes along who is smart enough to see the electronic corridors to power. One can foresee the last election."

As Chairman of the House special subcommittee on invasion of privacy, Gallagher for years has been a close student of computers and data banks and the possibilities for mischief that arise out of their misuse.

At the moment, the "last election" exists only as a figment of political science fiction. In alluding to it, however, Gallagher was expressing the deep concern many persons have over the dangerous possibilities that lie in the manipulation for political ends of information that is stored in computer-based data banks.

"The surveillance mentality," says Gallagher, "drawn to its logical conclusion means a dictatorship in the United States in five years. Not through a malignant plot, mind you, but through a corrosion of liberties carried forward, as the glaciers move, by well-meaning people. We are already living in the age of aquariums."

Three data-gathering operations which have accumulated files on political dissidents, have caused considerable alarm among civil libertarians. These are data banks maintained by the Department of Justice and the Secret Service and an information system that the Army now says it has discontinued.

"I'm afraid that the net effect of collecting information will be for repressive purposes," says Aalan F. Westin, a Columbia University professor of political science and the author of "Privacy and Freedom." "I don't think that the people who are collecting the information can distinguish between revolutionaries and legitimate protesters."

Recently, Senator Sam J. Ervin Jr. (Dem.), North Carolina, wrote the Justice Department asking for an explanation of its policies on collecting personal information about citizens. "A particular area of current controversy," he wrote, "is the extent to which federal agencies may appropriately maintain intelligence-type data banks for surveillance of protesters, demonstrators and others involved in political activities either for or against various government policies."

Ervin's letter was answered by Deputy Attorney General Richard G. Kleindienst, who said the department had four systems for collecting information on individuals: the Civil Disturbance file, Organized Crime Intelligence Center, National Crime Information Center and the Known Professional Check Passers File.

"We share your concern with regard to unwarranted invasions of individual privacy." Kleindienst replied. "I would like to emphasize, however, that the Department of Justice maintains only those records and systems which relate directly to the departments functions as a principal law enforcement agency of the Federal Government.

"The department does not investigate protesters, demonstrators and others involved in political activities either for or against various Government policies. We do seek information concerning individuals in this country whose activities may constitute a violation of federal statutes . . . or whose activities present a potential for riots, disturbances, armed rebellion, urban guerrilla warfare or other violence.

Of the four systems, the one of greatest concern to civil libertarians is the Civil Disturbance file, which was established in July 1969 and contains information on 13,200 persons and 14,000 incidents. Completely computerized, its purpose is to co-ordinate all civilian activities connected with civil disturbances.

In his letter to Ervin, Kleindienst conceded that no written comprehensive guidelines existed governing the disclosure of data in the file, although "access and review are severely limited. Disclosure of information is predicated upon a need-to-know basis and follows established procedures governing the exchange of information between law enforcement bodies."

Attached to the letter was a fictitious sample printout from the file's "individual" category. It gave the name and home town of a 24-year-old man, noted that he belonged to the Students for a Democratic Society, had been arrested for possession of marijuana and incendiaries and was a suspect in a plot to burn down the Justice Department.

In addition to incidents of actual violence, the data bank contains information on such events as peace rallies and welfare protests and the individuals and groups involved in them. Judgments are made by the department as to whether the individuals are radicals or moderates.

"There's no way to determine the standard for getting on the list," says Lawrence M. Baskir, chief counsel for the Senate Subcommittee on Constitutional Rights. "And why keep lists of demonstrations anyway? People like the weathermen don't usually engage in peace demonstrations.

"I don't like the idea of a general dossier that shows presumptive guilt. What the Government is doing is taking activities that are innocent on the surface and using them as indicators of a trend toward criminality."

The Secret Service data bank, one of the most sophisticated information gathering systems in the Government, is used to assist the agency in its function of protecting the President.

To justify the system, the Treasury Department cites the Warren Commission report, which states: "It will require every available resource of our Government to devise a practical system (of identifying potential assassins) which has any reasonable possibility of revealing such malcontents."

Ervin and others contend that the guidelines for collecting information for the bank are far too broad. Among other things, the guidelines seek information on persons who "insist upon personally contacting high Goverment officials for the purpose of redress of imaginary grievances," who are "professional gate-crashers," who plan to embarrass Government officials and who make "oral or written statements about high Government officials in the following catgories: (1) threatening statements, (2) irrational statements, and (3) abusive statements." It seeks "information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas" and data on civil disturbances.

"Potentially, at least, I may qualify under the loosely written and even looser interpreted guidelines the Secret Service has issued," Ervin says. "Although I am not a professional gate-crasher, I am a malcontent on many issues. I have written the President and other high officials complaining of grievances that some may consider imaginary . . .

"The guidelines seek a wide variety of information of any tangential significance for discovering possible assassins. Requesting information on people taking part in demonstrations, be they anti-American, civil disturbances, or just plain demonstrations, opens the possibility at least of having everyone of hundreds of thousands who peacefully marched in recent months entered into Government security computer files."

Ervin pointed out that the Secret Service did not inform persons that their names were put in the file and they are given no opportunity to rebut derogatory information until they are arrested.

"That there is some opportunity to rebut at this stage is scant comfort," Ervin said. "We can only speculate on the consequences to an individual which follow his arrest for being a possible danger to the President. It will be little recompense to the victim's reputation if it later turns out this was a mistake and the Secret Service apologizes."

The Secret Service data bank is said to be capable of retrieving from its file individuals by name, alias, group affiliation and even by physical appearance.

"When that bomb went off in Cambridge, Md., this year at the courthouse where Rap Brown was to be tried, the Secret Service took the description of a woman seen around the place," says Baskir. "That description was put into the computer and out came five names. The question is, how did those five people get into the file?

"When it becomes known that the Government is taking notice of people who engage in certain kinds of activity, people will stop doing these things regardless of whether or not they're perfectly legal. The first Amendment goes out the window if people don't do things they think the Government doesn't approve of. And at this point, you're well on the way to thought control."

The existence of the Army domestic intelligence system came to light this January in an article in the Washington Monthly. The author, Christopher H. Pyle, a former Army officer, disclosed that the Army was keeping a detailed dossier on "virtually every activist political group in the country."

The program, which included a data bank, a microfilm archive of clippings and a loose leaf encyclopedia on dissent, was established to provide the Army with early warning should it be called on to quell civil disorders.

Representative Gallagher estimates that at one time the Army maintained three or four data banks containing the names of from 7,000,000 to 10,000,000 persons. Some of the information in the system appears to have been included without careful review.

"A prominent general whose fighting record is among the very best was classified as being a far-out leftist peacenik," reports a member of Gallagher's subcommittee staff. "The reason was that a former soldier in his outfit had submitted his name as a subscriber to an underground newspaper."

When it was learned that the Army was keeping track of civilian political activity, both Ervin and Gallagher threatened to hold hearings on the matter.

The Army received more than 50 inquiries from Senators and Representatives on the system and the American Civil Liberties Union filed suit to force the military to discontinue this surveillance. As a result of the controversy, the Army announced that it was dismantling its data banks.

Some, such as Gallagher, took the Army's word that it had abandoned its domestic intelligence system. Others such as Ervin and Baskir remained sceptical.

In a letter to Secretary of the Army Stanley R. Resor, Ervin said, "it appears that the army has finally persuaded the Department of Justice to assume certain surveillance and certain data-collection which the Army has been performing on civilians . . . However, I confess that the exceptions, qualifications and lack of criteria in your policy letter could lead the average citizen—which I consider myself—to wonder just how much of a change it represents in Government policy."

In addition to the constitutional issues the Army's intelligence system raised in the matter of invading the privacy of citizens, the data banks were important for another reason, the Senator said.

"This," Ervin said, "was that they appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by Government and by private industries. I believe that in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes and personal activities, there may well rest a potential for political control which is alien to a society of free men."

[From the St. Louis Post-Dispatch, Nov. 20, 1970]

FREE SPEECH IDEAL WANING

(By William F. Woo)

On the Fourth of July, a newspaper reporter stood on a sidewalk in Miami and asked 50 middle-aged passers-by to sign a copy of the Declaration of Independence. Only one man agreed. One person threatened to call the police, another suggested that the Federal Bureau of Investigation investigate the document and two others called it "Commie junk."

The reporter selected middle-aged pedestrians because earlier he had circulated a questionnaire about the Declaration among 300 young persons attending a Youth For Christ meeting. Twenty-eight per cent of the youths thought the Declaration had been written by Lenin. Others said it was the work of a hippie or "someone against our country."

As a number of surveys have demonstrated, there was nothing unusual about the public's response in Miami. More than 80 per cent of those questioned in Omaha refused to sign the Declaration. In Madison, Wis., only one person in 112 said he would sign the Bill of Rights. Most who refused said it was out of "fear of the consequences." In Aurora, Ill., two thirds of those approached refused to sign the Preamble to the Constitution.

If many Americans are unwilling to endorse the specific language of the Constitution or the Declaration, there is also evidence to suggest that a sizable percentage of the population does not agree with the principles of these documents.

A poll conducted by the Columbia Broadcasting System this year found that more than half of those questioned would favor peacetime censorship if the Government considered certain news stories harmful to the national interest.

More than half would not give everyone the right to criticize the Government and 76 per cent said that extremists should not be permitted to demonstrate against the government, even if there was no danger of violence.

A Harris poll showed that one American in five believes that "some politicians who have their lives threatened probably deserve it" and that one in 11 agrees that "sometimes I have felt that the best thing for our country might be the death of some of our political leaders." Half said that the "rough-and-ready" justice of the Old West was more efficient than current procedures, "with all the legal red tape."

"Very frankly, I think that if people say 'kill the pigs,' the cops ought to take after them," says Al Clem, business manager of Operating Engineers Local Three in San Francisco. "I think a guy has a right to express his opinion but he ought to take his lumps without whining about it.

"We've all been on the picket line and admittedly we broke some laws. But when the cops laid the wood to us we took our lumps. Some of these crybabies are shouting now about what happened at Kent State. Well, the National Guard wouldn't have been around if the students hadn't burned the ROTC building."

In an apartment in Cambridge, Mass., Robert Gaylord Burlingham speaks in a patient, almost resigned manner, about the Bill of Rights. The impression he conveys is that the guarantees in the Constitution are neither adequate nor relevant any longer. Burlingham is 24 years old and, along with 12 other members of the radical Weatherman organization, he is under a federal indictment charging him with being part of a conspiracy to commit bombings in four cities.

"I suppose," he says, "that among lawyers and public people, the Constitution means something, that it's still possible to have justice in the constitutional sense. Among the people with whom I operate, among the young left in general, there's a cynicism about whether we have the right to speak or assemble.

"What's pushing this country toward a civil war is not a disregard for the Bill of Rights, but Vietnam. I believe the American Government and the American system have to be stopped by any means, preferably with the least amount of suffering.

"I don't think the proper social goals can be achieved under the Bill of Rights framework as long as power is distributed so unequally in this country. And actually, the question really isn't whether the Bill of Rights works in America. The question is whether you want the Bill of Rights for Southeast Asia."

Neither Clem nor Burlingham could claim to speak for all trade unionists or all radicals. Many in the labor movement are sympathetic to the aims of young protesters just as many radicals believe that the principles of the Bill of Rights are still useful.

"How the hell do you expect the kids to react to the war?" asks John De Lury, president of Uniformed Sanitationmen's Local 831 in New York. "If money were taken from killing and maiming and put into social reform it would solve some of the problems.

"I'm the champion of free speech, but I say when a man takes high office in the nation, or the state, or this city, and he divides the nation with his speech, he's worse than Benedict Arnold."

One of De Lury's assistants interrupted: "Who are you talking about?"

"I think his name is Spiro," De Lury replied. "Look, bullets and force have never killed an idea and neither has punitive legislation. Kent State—the National Guard was there and that college didn't quiet down."

Carl Oglesby, a radical theoretician, recently spent a few months as a visiting fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. While he was there, a reporter asked him whether he thought the Bill of Rights would necessarily have to be disregarded to achieve the kinds of social changes that radicals demand.

"I wouldn't abridge the Bill of Rights," he said. "As long as there isn't a civil war going on, there are certain rules that should be followed.

"There's no civil war now, only a metaphorical one. People who say there's a civil war in America haven't the faintest notion of what things would be like. I mean, that'd be a whole new and different trip."

For many Americans, especially the young and members of minority groups, the problem is not so much that the Bill of Rights may be irrelevant or objectionable as it is that it simply appears inoperative insofar as millions of persons are concerned.

"Kids who grow up believing in the Bill of Rights see the contradictions between what it says and what is really happening in society," says Mrs. Sarah Cirese, a researcher at the University of California who recently completed an attitudinal survey of students on 10 campuses.

"We found the more active the kids, the higher their level of moral development was likely to be and the more committed they were to the idea of freedom. At the highest level of moral development, there's a strong belief in the Golden Rule, the Bill of Rights, in acting on the basis of principles and one's conscience."

Students surveyed by Mrs. Cirese indicated a strong commitment to the ideal of free speech. Eighty-seven per cent agreed that "a person who advocates unpopular actions or holds unpopular ideas, no matter how extreme, should be allowed to speak to students." But she also found that 99 per cent of the students believed that some form of confrontation was necessary for social and political change. And nearly 10 per cent thought violence must occasionally be resorted to in order to effect change.

Charles Garry, the Black Panthers' attorney, has concluded that as far as the black and the poor are concerned, the Bill of Rights is meaningless.

"The Bill of Rights means nothing to you unless you can participate in the democratic apportionment of the wealth," Garry says. "The Bill of Rights means nothing on an emptv stomach.

"In fact, I don't think the Bill of Rights is operational at all. In some cases, it has the appearance of being operational, but it's not. In terms of appearance, you have a judge, there's a jury, there's a lawyer defending the man and the judge even gives the appearance of being fair. But everything the judge does is geared to the prosecution. He's supporting the status quo and he looks at the defendant as an enemy of the status quo.

"If you could give the finest legal defense to blacks, it wouldn't mean a tinker's dam. It would only mean that they were convicted under the legal process. I'm trying to see if the Bill of Rights can give my clients some relief, but I don't kid myself.

"You know 34 months in prison for Huey Newton is hardly any justice. I really don't know what I'm accomplishing. I know the system doesn't work. I've come to the conclusion that our present system is tyrannical and has no useful reason to exist."

Middle Americans, too, are troubled over the apparent contradictions between the ideals of the Bill of Rights and conditions as they exist in society. They, however, are more likely to view the contradictions as arising out of abuses that certain groups—criminals and protesters—have made of constitutional guarantees.

"People in my area aren't looking for new repressive laws," says Max Hanson, of Boise, Idaho, a national vice commander of the American Legion. "They're mainly against destruction of property and the disruption of public institutions. I think most citizens of Idaho are quite tolerant of free speech, but by the same token they don't want to allow destructive acts to take place. If you want to get in trouble real quick in Idaho, just try burning a flag.

"If the dissident minority would follow the accepted ritual in presenting their views, nobody would object. It's their disgusting manner that offends people."

"When they had a disturbance at Queens College, I and seven other councilmen from Queens told the president, who had to climb out of his office window to meet with us, that he either stop this nonsense or we were going to cut the budget and close the school down altogether. We're not going to pay taxpayers' money so that he can run a boarding school for revolutionaries."

Nonetheless, Troy, who considers himself somewhat more liberal than most of his constituents, is concerned with the intolerance he observes in his district. He said that a radical such as a Weatherman probably would be denied the right to speak and he recalled a community meeting at which the audience shouted down a speaker who was attempting to describe a program to help drug addicts.

"My God," he said, "it must have been what Germany was like in the '30s, the way they yelled at that guy."

In a recent discussion on public attitudes toward civil liberties, Vern Countryman, a Harvard law professor, noted that "many people feel caught between Nixon-Agnew-Mitchell on one hand and the SDS-Weatherman-Panthers on the other. They're both a threat to civil liberties.

"You know, I suppose if we had any way of reading people's minds, we'd find a lot of people in the country don't really believe in free speech. I guess that's why somebody had the wisdom to write those guarantees into the Constitution."

[From the St. Louis Post-Dispatch, Nov. 22, 1970]

CIVIL LIBERTIES THREATENED MANY TIMES IN U.S. HISTORY

(By William F. Woo)

A scenario for political repression:

Two years before a national election, the majority party in Congress pushes through a law making it a prison offense to write malicious articles about the President. The law is designed to intimidate the opposition press during the forthcoming campaign. It expires on the day after the incumbent President's term ends. In this way, the statute cannot be turned against those who wrote it, should the opposing party's candidate win the election.

As the campaign begins, an editor is brought to trial under the law. He is accused, among other things, of suggesting that the President is spending too much money on the military and encouraging high interest rates. The editor is charged also with having written that at the time the President took office, he "was hardly 'n the infancy of his political mistake . . ."

In his remarks to the jury, the judge makes the political purpose of the law plain. "This publication," he says, "is evidently intended to mislead the ignorant, and inflame their minds against the President, and to influence their votes on the next election."

Convicted, the editor is fined and spends six months in jail.

The scenario is from American history. The law was the Sedition Act of 1798. The editor was Thomas Cooper of Sunbury, Pa., later to become president of South Carolina College. The judge was Samuel Chase, a fierce partisan of the Federalists and President John Adams. In addition to Cooper, nine men, all Republicans were convicted under the act.

"The Sedition Act," says Donald H. Fleming, professor of history at Harvard University, "was probably the most serious threat to civil liberties we've had and it came at the very beginning. But, mind you, the man who was against this threat, Jefferson, was elected President."

Persons who believe the nation now is undergoing a repressive period in which civil liberties are being eroded in wholesale fashion can muster a certain amount of evidence for their case. They point to, among many other things, what they consider harsh criminal legislation of dubious constitutionality, increased Government surveillance of political protestors and efforts to intimidate the press.

It can be said, however, that although there may be some genuine cause for concern now by civil libertarians, American history is replete with instances of repression. A case, in fact, might be made that civil liberties have been in jeopardy far more frequently than they have been secure.

"The contrast with what's happening now is not with a natural state of paradise we once had and lost," said Gerald Gunther, a professor of law at Stanford University. "It's been an uphill fight all the way."

"For most of our history, a very dominant part of public opinion and law enforcement have not been as tolerant of individual liberties as the Bill of Rights would indicate they should have been."

The country, in fact, began its existence with the immense contradiction of slavery and the words of the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal . . ."

"Repression now?" asks Fleming. "In any historical perspective, no. To my mind, it's a fantastic suggestion that this is a repressive era in American history. I conclude that most of the talk consists of measuring what we have now against ideals."

In the War of 1812, the New England Federalists were frequently accused of treason, Fleming noted. As the Abolitionist movement gained strength in the 1830s, its leaders were attacked and lynched. Religious persecution against the Mormons was especially vicious, and their founder, Joseph Smith, was lynched in Carthage, Ill.

"The Civil War was a particularly bad time," Fleming said. "Lincoln's record in civil liberties was probably the worst of any President. He suspended habeas corpus and the life of the Copperhead, the Southern sympathizer, in the Middle West was grave, indeed.

"Then, of course, in the 1880s, when the anarchists tried to take over they were violently suppressed. World War I vies with the Civil War for the worst suppression of civil liberties. Both the federal and the state governments took repressive measures. People were imprisoned for criticizing the war in private conversations. Then Wilson lost control of the Administration and you have (Attorney General) Mitchell Palmer's raids. That cleaned out the radical movement and the IWW (International Workers of the World).

"World War II compares favorably, except for our treatment of the Japanese, who were interned, and yet that didn't become a model for repression in society as a whole.

"With the exception of the McCarthy period, there has been a real expansion of civil liberties since the Depression. I see, by the way, no similarity between what (Vice President Spiro T.) Agnew is doing and what (Senator Joseph R.) McCarthy did. One man attempted to purge the federal bureaucracy; the other urges voters to turn people out of office.

"As a matter of fact, in any past generation you wouldn't know what people meant in saying Agnew's rhetoric heated people up. I mean, in any past generation if the worst you could say about somebody was that he was a radical, you'd better give up. Theodore Roosevelt's language was very vehement. He poked fund at the 'hyphenated-American,' the foreigner, and impugned his patriotism in a way that people understood. If you go back to the Jackson-Van Buren campaign or the Cleveland-Blaine campaign, why, they were absolutely scurrilous."

Harry S. Ashmore, the Pulitzer-Price winning Arkansas editor who now is a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif., suggests a close parallel between the kind of repression that elements of the Left contend now exists and a type of repression that Southern whites experienced a few years ago.

"The rednecks felt a degree of isolation and desperation," said Ashmore. "They felt persecuted by the Federal Government, which was insisting on integration, and they began arming themselves. The Klan literature was always saying, 'Every God-fearing white man had the right to bear arms. If the police had sold out to the nigger-lovers, well, we'd have to take that law into our own hands.'

"For a long time this was only rhetoric but then the violence began to come. Then the police cracked down, finally to the point of federal troops. A lot of whites felt the Supreme Court had abridged their constitutional rights. Gov. (Orval E.) Faubus said the integration order was null and void. And this sanctioned a lot of people's thinking they were both morally and legally wrong in acceding to the law.

"Their arguments would be very close to the one that's used today—that people have a moral right to do certain things. That's why these people were so difficult to deal with. But what happened in the end? Violence, the majority of whites concluded was intolerable. They disavowed it and the violence ended."

Some observers have noted, however, that the current period has certain significant differences from other times in American history when civil liberties were threatened. One of these differences is what might be called a revolution in rising expectations, a major change in attitudes fostered in no small measure by the Supreme Court's expansion of individual rights in recent years.

"Now we're worrying about whether the police can enter without knocking," says William Cohen, a Stanford University law professor. "Ten years ago, we worried about whether they needed any probable cause at all for arrests. Sure, things like the no-knock crime bill are important. But we're now arguing at a level of civilized police behavior that would have been unthinkable 30 years ago."

James Fisk, for 30 years a police officer in Los Angeles, agrees. Fisk, who retired as deputy police chief, is an adjunct professor of political science at the University of California at Los Angeles.

"When I came into the police department, nobody even talked about the Bill of Rights," he says. "I didn't have the faintest idea of the need for a search warrant. It used to be that the courts told us that evidence was admissile regardless of the method by which it was obtained."

"What I've seen in 30 years is an increased awareness among police officers that constitutional guarantees are superior to substantive law. The real question, however, is whether our society wants law enforcement to be constitutional."

Another aspect of the current concern over repression that sets it apart from other times in American history is the state of development in communications and data-processing technology.

The television set that brings the Vietnamese war into the living room also brings ghetto riots and campus violence. Students demanding the overthrow of the system and a President calling for law and order reached the same national audience. If the television coverage of the riots in Chicago at the time of the Democratic National Convention radicalized many youths, it hardened also the attitudes of many of their elders, who became convinced that protest was going too far.

The nearly infinite memory of the computer, with its ability for almost instant recall, for the first time has presented the nation with a possibility that a person's political and social opinions might be kept on file just as his credit rating already is. Just as a bad credit rating can prevent a citizen from engaging in a business transaction, so, civil libertarians worry, a bad social or political "rating" may keep someone out of a job—or put him in prison.

Coupled with increasingly sophisticated methods of electronic eavesdropping, the computer-based data bank may have given man, as Representative Cornelius E. Gallagher (Dem.), New Jersey, put it, "so powerful an instrument of social control that individual dreams, which become local nightmares, can now be world-wide catastrophes."

"If you're born with a television in the room, it's a state of nature to you," says former Attorney General Ramsey Clark. "If you're born with audio-surveillance in the room, you accept that, too.

"There are many tragedies to governmental wire tapping. It's far more than a dirty business. It tinkers with the foundation of individual character. If you try to sell it as morally right, you build an acceptance for it. If you try to sell its acceptance, as the Administration does, for purposes that are largely imagery, you build an acceptance for things that are essentially immoral. I don't find a history or a literature in which the eavesdropper is extolled."

A third factor that distinguishes this era, civil libertarians believe, is that repression is aimed at large cultural groups as well as at those with unpopular political views. Thus a youth with long hair, whatever his political opinions, may well feel repressed if the local authorities decide "to clear our streets of the hippie elements."

"What happened in the 1960s was a breaking up of the dominant cultural consensus," says Alan F. Westin, professor of political science at Columbia University. "We broke loose from the Puritan-Protestant consensus, and driving through society came new life styles and with that a demand to be able to dress differently . . . Censorship was loosened tremendously by the courts.

"Objectively, civil liberties, the right to pursue your ideas, really got greater breadth between 1960 and 1968 than in any other time in our history. But—a lot of people began exercising these freedoms and they came up against a fundamental fact. They didn't have a majority. And at this time, the dissenters began to say the whole society is rotten.

"That's what the issue of repression is all about to radicals. They say, 'To give us freedom and not make the changes that are necessary is really not to give us freedom at all.'"

WILL GARBAGE INHERIT THE EARTH?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DERWINSKI. Mr. Speaker, perhaps there is no issue that is receiving as much attention as pollution control, yet it is also an issue to which a practical approach by individuals is too often lacking. This point is well made in an editorial in the Thursday, April 22, Worth-Palos Reporter by that publication's editor, Pat Bouchard. This editorial commentary effectively directs the attention ingful, steps they can take to combat of individuals to the little, yet mean- pollution:

WILL GARBAGE INHERIT THE EARTH?

(By Pat Bouchard)

This is Earth Week—so what else is new? Pollution has become like the weather, everyone is talking about it but . . .

The ecology cause has gone the way of most controversial causes, politicians have taken it to their bosoms and can use it to further their own "noble images."

However the politicians and bureaucrats are not the only ones who give mere lip service to saving the environment.

We all find it easy to rant about the power companies causing air pollution and demand that something be done about it. But, how many of us bother to turn off an unused electric bulb, or would be willing to give up the comfort of our usually overheated homes? Further, how many would be willing to sacrifice the comfort of air conditioning next summer?

We lament the overloaded and non-working sewer systems of the area. Yet how many of us refuse to give up our color coordinated toilet paper, tissues, and paper towels? White paper products dissolve, colored ones do not. But my dear, white toilet paper, how gauche!

We are quick to criticize the auto industry for creating too many fume spewing motor vehicles. But then just think, when was the last time you walked to the store instead of taking your car? You remember what walking is—that is the act whereby you propel yourself forward by placing one foot in front of the other.

After hearing about the polluted lakes and rivers of our country we all worry about our own waterways. Perhaps we worry, but when was the last time you checked the phosphate levels in your household detergents and then changed to a brand with a lower phosphate level? Too many of us fear "ring around the collar" more than rotten water.

When was the last time you passed up non-returnable bottles or aluminum beverage cans and lugged home a carton of returnable bottled products?

When was the last time you tied up old newspapers for a paper drive rather than just toss them out for the refuse man to worry about?

We all agree that those careless litter bugs should be prosecuted for garbaging up our highways and byways. But come on confess, when was the last time you surreptitiously rolled down the window of your auto and quickly disposed of a gum wrapper?

Mea culpa!

CONGRESSIONAL INFORMATION SERVICE WINS TOP AWARD

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GUDE. Mr. Speaker, since my colleagues indirectly contributed, they will be pleased to learn that Congressional Information Service has been awarded the New Information Product of the Year Award—1971 "in recognition of CIS/INDEX to publications of the U.S. Congress."

CIS, which has its offices just outside Washington in Bethesda, Md., was cited by the Information Industry Association, which made this award, for its "usefulness, innovation, and responsiveness to the information needs of a changing society."

The material follows:

NEW INFORMATION PRODUCT OF THE YEAR AWARD—1971

"It is difficult to choose from among a wide range of information products and services entering the market place in 1970," Jeffrey Norton, IIA President and Publisher, Information Systems, Holt, Rinehart and Winston, New York, said in making the award. "Yet, the identification of Congressional documents as an essential store of information, the creation of a high quality standard in-depth index to this material and the provision of a microform fulfillment service, won for Congressional Information Service this first New Information Product of the Year Award—1971."

The award was presented to James B. Adler, President, Congressional Information Service at the Third National Meeting of the Information Industry Association held recently. Coincidentally, the award came two years to the day following the opening of the offices of the Congressional Information Service.

Hailed by librarians and their publications variously as "indispensable to every library" and as a "superindex", the CIS/INDEX locates, collects, abstracts and microfilms virtually all of the voluminous hearings, reports and staff studies churned out annually by some 50 committees and 250 sub-committees of the House of Representatives and the U.S. Senate.

The idea for the CIS/INDEX grew out of a visit to the Library of Congress by Mr. Adler while working for a New York Publisher. In search of a hearing his publisher wished to publish in book form he asked to see the standard index to Congressional documents and got a question in return: "What standard index?"

The CIS/INDEX enables the user to identify all committees and all publications on a particular subject and to locate immediately the particular chart, testimony or article desired from among the hundreds and thousands of pages involved. The Index covers an annual outpouring that exceeded 450,000 pages in 1970.

It is said that Congress functions as the country's most important information producing institution, dealing, as it does, with every aspect of American life from anti-ballistic missiles to zoning regulations. The CIS/INDEX opens this vast body of literature to quick and ready access by all segments of society, not just particular Congressional Committees.

A subscriber to the CIS/INDEX who also purchases the microfilm version of the underlying publications has a more complete file of congressional literature than any library, even the Library of Congress, since the first step of the process of the Congressional Information Service is to collect every publication of every committee. Many of these documents are not generally listed by GPO as publications and have never before been brought together as a collection.

AS WE SEE IT: SURVEILLANCE ON CIVILIANS DANGER SIGN FOR DEMOCRACY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DINGELL. Mr. Speaker, the Detroit Free Press of March 22, 1971, carried an excellent editorial under the heading "As We See It, Surveillance on Civilians Danger Sign for Democracy."

So that my colleagues may be familiar with the view of the Free Press on this vital matter, I include the text of the editorial at this point in the CONGRESSIONAL RECORD.

Opponents of government surveillance on civilians could hardly ask for better allies than the federal bureaucrats who, despite their plain yearnings to the contrary are making a powerful case for legislative controls.

Assistant Attorney General William H. Rehnquist has returned to the Senate subcommittee on constitutional rights and enlarged his previous claims to watchdog authority in the government. The surveillance powers he asserted a few days ago may be used on elected officials as well, he now tells the senators to their faces. No legal abuse exists, he says, so long as information is not forcibly extracted or used in court.

Consider the progression: First, the government insisted that no surveillance had been maintained on elected officials. Then, in the face of evidence, it admitted otherwise. Now it says that political surveillance may be undertaken at pleasure.

Here, made real, is the danger seen by Supreme Court Justice William J. Brennan Jr., who once warned that government prying can destroy ". . . all anonymity and privacy; it makes the government privy to everything . . ."

Indeed so, Rehnquist blithely argues for the sitting administration; even legal political activity is subject to review by the federal bureaucracy, according to its own standards of worth and propriety; the shadow thrown on private rights and democratic processes need not cause concern; it is enough to correct individual abuses when they can be shown.

Set aside the ample evidence that federal agencies have little will to acknowledge abuses, much less correct them. In point of fact, government surveillance on civilians threatens a kind of damage that must be forestalled because it cannot be redressed. A necessary tenet of democratic societies is that government is *not* privy to everything.

Arguments to the contrary are major danger signals. Federal spokesmen have been raising such signals with scant murmur of dissent from policy-making superiors. Unresponsible and unresponsive to the public, they are venturing to determine a basic posture of government. Their stubborn refusal to grapple with demonstrated problems is jeopardizing respect even for the legitimate uses of surveillance and electronic data-processing.

They leave the Congress little choice but to act.

GREEK INDEPENDENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. FRASER. Mr. Speaker, the May 6, 1971, New York Review of Books includes a statement issued in Athens to mark the 150th anniversary of the Greek Revolution of 1821. The statement was sent to the New York Review as a letter to the editor.

This is a statement of the "fundamental precept of 1821, expressed in the constitutional texts of the War of Independence, that a nation is truly free only when all its citizens are free."

As the authors point out, the U.S. Government continues to sacrifice the liberties and the dignity of the Greeks to the alleged defense requirements of the free nations of the NATO alliance.

American support for the Greek junta was recently widely publicized in Greece. An American official publicly expressed effusive and unqualified support for the dictators. News reports of these incidents follow the commemorative statement I am placng in the RECORD.

Mr. Speaker, the ties between the Greek and American people are strong. They are not indestructible. If we continue our present policies, we shall accomplish the difficult—we shall seriously damage our relationship with the Greek Nation.

The material follows:

GREEK INDEPENDENCE

The following proclamation was distributed in Athens, on the occasion of the 150th anniversary of the beginning of the Greek War of Independence, during which the ruling dictatorial regime organized festivities to celebrate the event. It is signed by 133 intellectuals, artists, politicans, scientists, military, etc., representing all shades of political opinion in Greece, from the right, the center and the left. The text was published in the Athens newspaper *To Vima* which was obliged to omit a number of passages, on account of the severe Press Law which threatens with closing, fines, and imprisonment any newspaper and its editors who publish material considered as detrimental to the junta's image.

"On this 150th anniversary of the Revolution of 1821, we are impelled to recall its true nature and its ideological content: that it was an uprising of the people against tyranny; that its simultaneous and indivisible aims were national independence and sovereignty of the people; that it renewed the age-old democratic tradition of the Greeks.

"It is a fundamental precept of 1821, expressed in the constitutional texts of the War of Independence, that a nation is truly free only when all its citizens are free.

"During these 150 years, the Nation's most glorious achievements were nearly always accomplished under unrestrictedly democratic institutions, and they were always dedicated to the democratic ideal. It was under parliamentary democracy that the greater part of our unredeemed territories were freed. It was under parliamentary democracy that all major reforms were carried out, such as the agrarian and the educational reforms, and that the country made progress in all directions. It was the functioning of democracy that revealed the outstanding personalities who have passed naturally and for all time into our history.

"Today it is our duty to formulate those basic principles which will ensure that the national identity of Hellenism will be preserved, which will lead it to truly fruitful ventures and which will serve the permanent interests of the People. These principles have their roots in the ideals of the War of Independence and are as follows:

"1. The foundation of popular sovereignty through equal and responsible participation of all citizens in the public life. This applies to both central and local government, because self-government is an essential democratic institution.

"In democracy, no one group has the right to monopolize patriotism, or to arrogate to itself the exclusive right to represent the Nation, stating that it authentically expresses its will: the will of a nation does not exist separately from the will of the people. It is voiced by the majority and with freely elected representatives.

"2. Safeguarding human rights as defined in the European Convention of 1950. Observance of these rights ensures freedom and equality under law, releases the citizen from fear and threats, favors the growth of the creative forces of the People in peaceful times and its fighting spirit in times of danger.

"The suspension of the People's sovereignty and of human rights arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of natural renewal of its political forces, and leads it to spiritual and political stagnation.

"The suspension of democratic institutions in our country today means, moreover, that a considerable number of Greeks—among them many distinguised for their services to their country and to its allies—find themselves in prison or in deportation either for their beliefs alone or for acts inspired by their devotion to freedom. It is a national imperative that this state of affairs should be terminated without delay.

"3. An educational system truly universal, alive and modern, with one of its fundamental aims the formation of free and responsible citizens imbued with mutual respect and accustomed to confront problems with an open mind and to settle differences through persuasion.

"A democratic society has the further duty to keep up a sustained effort for the educational development of all Greeks irrespective of age, sex or profession. The best means of making them familiar with more general problems and broadening their outlook are free public discussion and a use of mass media designed to raise the cultural standards of all citizens and to protect them from one-sided influences.

"4. The effective integration of Greece into Europe, and the development in our People of a deeper and lasting European consciousness.

"Greece's incorporation into Europe is first and foremost a matter of freedom of institutions. The community of Europe rests upon a certain cultural heritage, democratic ethic and human values.

"In accordance with these principles, we declare:

That the Greek People belongs to the family of the democracies, as it has proved through its struggles for their common ideals;

That freedom is indivisible, and that it is inadmissible that the liberties and the dignity of the Greeks should be sacrificed to the alleged defense requirements of other free countries;

That only with the restoration of its liberty will our country revert to its historical tradition and recover the place that belongs to it in the community of nations."

March 22, 1971

The signatories include lawyers, judges, writers, poets, critics, publishers, painters, sculptors, musicians, actors, film producers, architects, archaeologists, educators, professors, teachers, journalists, bank employees, librarians, historians, former army and navy officers, civil servants, and ambassadors, businessmen, private employees, including the following:

George Seferis, Professor John Pesmatzoglou, Ambassador A. G. Xydis, Anna Synodinou, George Mangakis, G. Kavounidis, R. Roufos, Lt. Gen. P. Dimopoulos (Ret.), Lt. Gen. S. Tzanetis (Ret.), Professor E. Zachareas, I. Kambanellis, K. Krokodeilou, N. Louros, Arda Mandikian, K. Tachtsis, A. Floros.

[From the New York Times]

Stans, in Athens, Hails the Regime

(By Mario S. Modiano)

Athens, April 23.—Maurice H. Stans, the United States Secretary of Commerce, praised today the "sense of security" that he said the Greek Government gave American companies operating in this country.

Mr. Stans arrived in Athens yesterday on the third leg of a six-county tour to promote trade. He spoke at a luncheon of the Hellenic-American Chamber of Commerce at the Grande Bretagne Hotel.

Asserting that American investments could play an important role in the economic development of Greece, he voiced satisfaction with "the welcome that is given here to American companies and the sense of security the Government of Greece is imparting to them."

He noted that nine members of the Government were at the luncheon. The ranking Greek guest was Nicholas Makarezos, Minister of Economic Coordination and the third-ranking man in the Government.

Then a colonel, Mr. Makarezos was a leading member of the military junta that seized control of the country four years ago last Wednesday, at a time of great political turmoil.

The military government suspended both the Parliament and many provisions of the Constitution as part of its program to give Greece a "disciplined democracy." The outlook for a return to representative democracy is still uncertain.

Secretary Stans said he had been impressed by the "remarkable economic progress Greece has made.

"You have provided an economic miracle up to now," he continued, "and I'm sure that miracle will continue to grow."

He added that President Nixon had asked him to convey his best wishes to the members of the Chamber of Commerce because "he has warm regard for the people of Greece, for the wonderful way in which Greece has kept its commitments to NATO and for the way in which the two countries are working together."

The Secretary carried letters from President Nixon to the leaders of the six countries on his itinerary—Ireland, Spain, Greece, Rumania, Iran and Austria. In the three-paragraph letter, the text of which was made public today by the Greek Press Ministry, Mr. Nixon expressed best wishes "for the continued welfare and prosperity of the people of Greece."

At a news conference after the luncheon, Mr. Stans said he had discussed today with Premier George Papadopoulos and four other Greek ministers United States-Greek trade, American investments and tourism.

Stans' Remarks Hailed by Athens

Athens, April 24.—United States-Greek relations boomed this weekend after a two-day official visit to Athens by Secretary of Commerce Maurice H. Stans, broadly interpreted here as a gesture of support by the Nixon Administration for the military-backed regime of Greece.

Mr. Stans, who is on a six-nation tour to promote trade, arrived here Thursday and conveyed a message from President Nixon to Premier George Papadopoulos.

The pro-Government Athens press gave banner headlines today to the Nixon message, but there is no mention that Mr. Stans, who is flying to Rumania tomorrow, is also delivering presidential messages to leaders of the other five countries he is visiting.

The newspapers stressed Mr. Nixon's phrase: "Greece's economic progress over the past few years has placed her in the forefront of rapidly developing nations."

INTERPRETED AS APPROVAL

The President's message and Mr. Stans' exceptionally cordial praise for the Greek regime and the "sense of security" that he said it gave American investors were interpreted here as an expression of political approval.

The Government-controlled Athens News Agency in its English-language news bulletin, today printed on the front page the Nixon statements under the heading "Mr. Stans in Athens—a recognition of Greece's economic progress."

The pro-Government press put strong emphasis on remarks attributed to Mr. Stans during a visit yesterday to the Ministry of Economic Coordination, where he spoke of Greece's "industrial miracle" and said that he had been asked by the President to "convey to the Government of Greece and the Greek people his warm love."

The text of these remarks was released by the Greek Government, and the English-language daily Athens News added in brackets at this point "managing editor's note: Did the American Secretary really say that?"

DENIED BY EMBASSY

The United States Embassy later denied that the words "warm love" had been used they suggested that Mr. Stans had spoken of Mr. Nixon's "warmth and confidence" for the Government of Greece.

Mr. Stans was reported to have presented to Premier Papadopoulos a gold plaque bearing an embossed portrait of President Nixon and, on the reverse, his seal of office.

Mr. Stans received from the Minister of Economic Coordination, Nicholas Makarezos, a piece of ancient Greek ceramic dating from the fifth century B.C.

The Secretary and Mrs. Stans spent today yachting as guests of an old personal friend, Thomas A. Pappas, a Greek-born Boston financier who operates a $200-million industrial complex in northern Greece.

Other guests at today's private yachting party included Trade Minister Spyridon Zappas and the United States Ambassador, Henry J. Tasca.

The unusual cordiality shown by the American official toward the four-year-old regime stirred a wave of speculation among foreign diplomats here, although it was accepted that Mr. Stans, as a promoter of trade could hardly be expected to behave differently.

Some observers suggested that Washington might be camouflaging a vigorous effort, which has been rumored, to induce the regime to move toward early restoration of constitutional Government, suspended four years ago.

APRIL IS ALABAMA CONSERVANCY MONTH

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BUCHANAN. Mr. Speaker, I take pleasure in calling to the attention of my colleagues in the House of Representatives the fact that the current month of April marks the observance of an occasion of special significance to the citizens of Alabama—the observance of "Alabama Conservancy Month."

In recognition of the fine leadership which has been given by members of the Alabama Conservancy toward improvements and solutions in every area of environmental problems, on March 16 of this year the Governor of Alabama issued a proclamation designating April as "Alabama Conservancy Month."

During the 2 years of its official existence, Alabama Conservancy members have worked diligently to create a greater awareness on the part of Alabama citizens of environmental problems and a responsible concern about clean air, clean water, protection of wild and scenic areas, and the banning of destructive pesticides.

Through an "Environmental Newsletter" and various other special mailings, the Conservancy keeps its members informed of threats to our State's environment and of concrete means to counter these threats. The Conservancy has also been very helpful in keeping the State's Members of Congress and other

Government officials informed on these matters. In addition, Conservancy members have testified on environmental issues during hearings held by numerous Federal, State, and local governmental units.

During the last 2 years the paramount concern of the Alabama Conservancy has been the establishment of Alabama's first statutory wilderness, to encompass 11,000 acres within the Bankhead National Forest. This meritorious project has, furthermore, been conducted exclusively by the Alabama Conservancy. Through their persistent work on behalf of the proposed Sipsey Wilderness, the conservancy has gained wide support for this project at all levels of government and among concerned citizens living far beyond the boundaries of Alabama.

I have been privileged to work with members of the Alabama Conservancy toward the establishment of the proposed Sipsey Wilderness and certainly share their earnest hope that this goal will soon be attained.

The fine work of the Alabama Conservancy has no doubt resulted from the commendable efforts of many of its members, and I wish to express my personal gratitude to all of these fine citizens. I would, however, like to give special recognition to the efforts of two members of the conservancy who have given the leadership so essential to this organization's work: Dr. Charles S. Prigmore, of Tuscaloosa, Ala., who serves as president of the Alabama Conservancy; and Mrs. Robert E. Burks, Jr., of Birmingham, Ala., who is the conservancy's vice president and wilderness chairman.

Americans everywhere are awakening to the urgent need to take definitive actions toward preserving our country's precious natural resources and protecting its environment. There is a growing awareness that this is a challenge which we must meet, and I certainly wish the Alabama Conservancy continued success in helping us to do so.

THE STORY OF THE VANTAGE TEN NINETY FUND

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. HANNA. Mr. Speaker, as you know, I have always been a great believer in the strength and vitality of private initiative. This is a great country, made so for this most part by private citizens pursuing their own goals within a framework of freedom, law, and order. It is clear at this time that such private efforts must have an equally vigorous social conscience. Mixing the goal of private pursuits with the public and social progress is the path of the future.

For the past 2 years, it has been my distinct privilege to serve along with other distinguished Americans, on the board of the Vantage Ten Ninety Fund. My associates on this board, among them my colleague, F. BRADFORD MORSE; Edward N. Gadsby, former Chairman of SEC; Carrol M. Shanks, former president of Prudential Insurance Co.; Eugene S. Williams, former chairman of the St. Louis County National Bank; S. Russell Bridges, chairman of the Piedmont Life Insurance Co. in Atlanta; Howard E. Whitaker, former chairman of the Mead Corp. in Dayton; John L. Schroeder, chairman of the Lexington group of mutual funds, and several others, feel as I do that Vantage Ten Ninety Fund can be an important part of the cry for "relevance" heard frequently throughout our country.

Vantage Ten Ninety Fund is a mutual fund that may be bought by an investor seeking capital growth. Although no fund can give assurances that this objective will be achieved, Vantage purchases securities that it feels have growth potential.

An important feature of Vantage is that 10 to 15 percent of the fund is placed in social investments, that is, potentially profitable investments in certain critical areas of society. The investor himself can select the area of social action for his own investment from the fields of—

Pollution;

The inner city; and

The war on hunger.

The fund then exerts its best efforts to place its investments in the proportion in which they are designated by the investor.

Thus Vantage is a mutual fund in which the investor is seeking growth of capital, 10 to 15 percent of which is invested for his profit in social action investments, and 85 to 90 percent in a diversified portfolio of marketable securities.

The unique feature of Vantage is not so much that 10 percent has been earmarked for social investments, but that the fund has pledged that these investments shall be in new or expanding firms, that is, that this portion of Vantage will be fresh capital for firms in these areas. To the best of my knowledge Vantage is the only mutual fund that undertakes to supply fresh capital to industry.

Therefore, what seems like a small step for Vantage is really a giant step for the mutual fund industry.

Mr. Speaker, America, in spite of her greatness, has many areas of her life which need our full attention. In any dynamic growing society this will always be the case. The critics however are growing louder and the winds of change are blowing hot.

The forces of private initiative and effort indeed must be harnessed and channeled into these pressing social problem areas before it is too late. I have said before, and I will say once again that private effort can and must attend to broader social needs at the same time that it is seeking gain for shareholders.

One of the main reasons that I continue to serve on the Vantage board of directors is that I feel that it has an important answer. To me, it is holding up to Americans higher standards of investment. Not only does it intend to make 10 to 15 percent available for investments in important social contexts, but also it allows its good offices to be used to follow up any complaint a Vantage shareholder may have with the product or practices of any company whose shares Vantage has purchased.

Mr. Speaker, it has been said that all the darkness in the world cannot put out the light from one brief candle. If private enterprise is to survive the balance of this century, efforts like Vantage must be a beacon.

We have lit this beacon. I want to congratulate the founder and president of Vantage Ten Ninety Fund, Dr. J. T. Houk, and his associates, and call this important effort to the attention of my colleagues. Mr. Speaker, at this point, I insert in the RECORD a report that tells the story of the Vantage Ten Ninety Fund:

THE STORY OF THE VANTAGE TEN NINETY FUND

Born of the concern for some of the pressing social problems besetting us, a private whirlwind of effort began several years ago. Nestled in the seat of the largest government in the world, Washington, D.C., the Vantage Ten Ninety Fund has been selling its shares to investors all over the world. Its founders feel that it is unique in its approach to the investor.

But first, a word of introduction is in order. In March of 1967, at an International Christian Leadership weekly luncheon gathering at the National Lawyers Club, a group of men were informed about impending world famine. They found out that nearly two billion people in this world were starving or malnourished, and that 3½ million of them would die that year from starvation abetted illness.

The speaker that day, Dr. J. T. Houk, a private consultant in the field of economic development and finance, and a faculty member of the University of Virginia, and several others in the audience formed a nucleus of contributors to the Meals for Millions Foundation in Santa Monica, California.

By the fall of 1967, the "booster" group of contributors had grown quite large, and at the suggestion of several, a blue-ribbon Steering Committee was asked to recommend a way for the investor to get involved in pressing social problems such as the war on hunger.

This steering committee, composed of Edward N. Gadsby, former Chairman of the Securities and Exchange Commission; Congressman F. Bradford Morse; Congressman Richard T. Hanna; Carrol M. Shanks, former President of Prudential Insurance Company; George Putnam Jr. of the Putnam Funds of Boston; Edwin D. Etherington, former President of the American Stock Exchange, and then President of Wesleyan University; John L. Schroeder, President of the Lexington Group of mutual funds, and President of the Investment Counseling firm of Templeton Dobbrow and Vance; Eugene S. Williams, former Chairman of the St. Louis County National Bank, and several others, recommended the formation of the Vantage Ten Ninety Fund.

Vantage was therefore incorporated in April of 1968, submitted its filing in Registration under the Securities Laws with the Securities and Exchange Commission in June of 1968, and was registered and released for sale to the public in December of 1968.

The Vantage Ten Ninety Fund is an open-end diversified mutual fund, seeking growth of capital for its shareholders. Altho like all funds unable to guarantee performance, Vantage selects securities, usually corporate stocks, for their potential for capital appreciation.

Those involved with Vantage feel that it offers the public higher standards of investment. While committing no more than 10% to 15% to social investments, Vantage permits each investor to select the area of social action for his own investment from:

(a) new or expanding firms related to the food or population problem;

(b) new or expanded firms related to the problem of environmental pollution; and

(c) new or expanding firms related to the problem of urban deterioration.

Thus, Vantage is a mutual fund in which the investor is seeking growth of capital, 10% to 15% of which is invested for his potential profit in social action investments, and 85% to 90% in a diversified portfolio of marketable securities.

The unique feature of Vantage is that the fund has pledged that this 10% to 15% portion shall be fresh capital, that is that these investments shall be only in new firms as part of their original capital, or in more experienced firms as part of an expansion effort.

The growth of the Vantage Ten Ninety Fund has been steady, even tho during much of the period the stock market was dropping in value. Beginning with 22 investors and $135,000.00 in December of 1968, in April of 1971, Vantage had nearly 1,800 investors and almost $2,500,000.00.

The success of the Vantage Ten Ninety Fund to date is a reflection of the facts that there is going on today a subtle change in the place of money in men's lives. Two factors in our society are principally the cause of this change (1) the fact that a rising GNP (approaching 1.4 trillion dollars by 1975) has permitted a disproportionately large rise in discretionary income, and permitted a weakening of economic motives; and (2) pressure from all parts and sectors of society the net effect of which is to intensify social concern.

Vantage catches this new mood with an investment instrument into which social concern has been inextricably woven. Vantage seeks out investors with a healthy content of social concern in their motivational triggers. While hoping to be responsive to their legitimate economic requirements—the education of their children, energies, retirement, or that once-in-a-lifetime business opportunity—Vantage asks them to permit the Fund to make a small part available for social investments.

And in addition, Vantage hopes to be fully responsive to its shareholders other concerns about its portfolio companies. The Fund offers its good offices as a "go-between" with any of its shareholders who have a complaint about the product or practices of any company whose shares Vantage may own.

Vantage is run by businessmen who, rather than give lip service to the merits of free enterprise, seek to use the capitalistic concept to make a stronger, more viable society in which to live.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Capt. Charles M. Walling, U.S. Air Force, 83167A, Phoenix, Ariz., married and the father of two children. The son of Mr. and Mrs. Milton Walling, Phoenix, Ariz., 1961 graduate of Arizona State University. Officially listed as missing August 8, 1966. As of today, Captain Walling has been missing in action in Southeast Asia for 1,721 days.

VA HOSPITAL SYSTEM STILL UNDER ATTACK

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the Hospital Subcommittee of the Senate Veterans' Affairs Committee, headed by Senator ALAN CRANSTON of California, has begun hearings on problems confronting the Veterans' Administration hospital and medical program. The Veterans' Affairs Committee of the House will be undertaking hearings on this subject in a few days. The Washington Evening Star has published an editorial concerning the problem confronting the VA hospital and medical program. As the editorial indicates, the Office of Management and Budget is again attempting to curtail the VA hospital and medical program. That agency was successful last year in diverting $105 million additional funds which Congress made available from expenditures for needed staff to one-time expenditures such as equipment and maintenance. Therefore, the VA is still confronted with essentially the same problems, that is, attempting to operate with less staff than is found in other comparable hospitals. The Evening Star editorial follows:

THE VETERANS' HOSPITALS

Senator Cranston of California is continuing in his valuable role as watchdog over the much-criticized Veterans Administration hospital system. Today, his Veterans Health and Hospitals subcommittee began three days of hearings on a reported Nixon administration plan to cut by about 47,000 the anticipated number of patients that can be served by VA hospitals in the fiscal year starting July 1.

Perhaps the administration can explain that this is a wise, just and humane decision. But in the light of a couple of facts, that would seem to be quite a trick.

Cranston notes that there are currently 5,000 sick or injured veterans who are certified for admission to VA hospitals but are waiting to get in. Applications are increasing, and the flow of veterans of the Vietnam conflict, some of them dreadfully and permanently maimed, is far from over.

The senator calculates the fiscal 1972 cut of 47,000 patients from a budget decision to hold the average daily census of the VA hospitals at 79,000, instead of a projected 84,500, with patient turnover staying what it is now. He questions administration hopes of speeding the patient turnover, because of increasing age levels of some veteran groups and the Vietnam influx.

The Nixon administration, for all its patriotic utterances, has had a curious record on veterans affairs. Despite last year's revelations of understaffing and the unnecessary sufferings of some Vietnam victims in VA hospitals, the administration resisted attempts led by Cranston to beef up the budgets of the hospitals. (One of Cranston's current concerns is the disposition of the $105 million increase that finally was enacted.)

As for the 350,000 Vietnam veterans who are jobless in our currently slow economy, the administration's latest brainstorm calls for spending a piddling $1 million to inform them about benefits under the GI Bill.

The young returnees from Vietnam deserve better—particularly those who suffered serious wounds. There should be no question about their entitlement to the best medical care the country can provide. It is a sad circumstance that a congressional hearing on the subject should be needed.

THE TALK OF THE TOWN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, it has become increasingly clear that Mr. Nixon values political publicity more than performance.

From his presidential campaign in 1968 to the rhetoric of "Southern strategy," from Supreme Court nominations to "Vietnamization," and from revenue sharing to the Calley case, Mr. Nixon has proved himself to be primarily concerned with the value his public relations staff places on any decision. When other persons and offices in the Nixon administration have suggested alternative points of view, the final judgment on a specific proposal has rested with Mr. Nixon and his public relations staff.

Trained professionals at all levels in the administration find they must compete with the Nixon public relations staff; clearly, decisions are made not on the basis of what they will accomplish, rather they are based on the amount of publicity they will generate.

Mr. Speaker, we can examine Mr. Nixon's involvement in the Calley case as a recent example. Serious legal questions were raised by Mr. Nixon's interruption of the judicial process, but reporters were told by the administration's Director of Communication, Herbert G. Klein, that even if lawyers considered Mr. Nixon's move inapproriate, the public approved of it.

Without a doubt, the legal questions raised by Mr. Nixon's interjection into the Calley case took a back seat to the anticipation of public support. Unfortunately, this decision may be even more significant than first thought; the public relations staff may now be the undisputed authority on all subjects in the White House.

A recent article appearing in the April 17, 1971, edition of the New Yorker argues convincingly that the public relations staff in the White House is in complete control. Analyzing Mr. Nixon's statements, the article clearly distinguishes between political publicity and substantive content. The former is found abundantly, and the latter is conspicuously lacking.

I include the article in the RECORD at

this point and commend it to my colleagues attention:

THE TALK OF THE TOWN

NOTES AND COMMENT

Three weeks before President-elect Nixon took office, Kevin Phillips, one of his campaign aides predicted privately that the White House would become the site of a power struggle between the new President's legal counsellors and his public-relations staff. Time has proved him right. Almost from the outset, it has been a seesaw contest, although for the most part the publicity men's weight has left the lawyers dangling high in the air.

Civil-rights attorneys in the government fought valiantly to continue, and step up, the pace of desegregation in the South, only to have their work undercut by political publicity men in the White House, who were willing to violate the law in order to carry out the Southern strategy. Mr. Nixon listened to public-relations men (including the government's chief lawyer, Attorney General John N. Mitchell, who had in effect become a public-relations man in the course of his work as Mr. Nixon's campaign manager) when he made his two attempts to place an unfit judge on the Supreme Court in order to render that institution more pliable to his demands and also placate the South.

When the Senate carried out its Constitutional mandate and rejected the nominees, the President fell on it in fury. His nominations and his response to their rejection tampered with the Constitutional separation of powers, and were the acts of a public-relations man, not of someone who serves and reveres the law. If the chief difference between a lawyer and a public-relations man is that the first relies on the weight of facts and the second on the weight of words, then most of the President's statements about the war in Indo-China have been the statements of a public-relations man.

In the face of mountainous evidence to the contrary, he told the nation the other evening that, because of the successes in Cambodia and Laos, "Vietnamization has succeeded." The idea of "Vietnamization" was itself a public-relations idea, for a country that could not defend itself with the assistance of half a million American soldiers cannot defend itself alone. And by holding to this public-relations-politician's plan the President sacrificed the lawyer-politician's advantage—a political settlement—because now the North Vietnamese and the Vietcong have no reason to negotiate.

In short, he exchanged the possibility of getting something for the beleaguered and exhausted people of South Vietnam for the certainty of getting nothing. At almost the same hour that President Nixon told his audience about our success in Laos, Vice-President Agnew, his chief public-relations assistant, was attacking the press for drawing "preponderantly negative" conclusion about the operation and the entire war, and was telling *his* audience that "most knowledgeable people" believed it was too soon to judge the effects of the Laos invasion. The act of turning Mr. Agnew loose against the press whenever the Administration finds itself in disfavor has trampeled all over the First Amendment.

Now Mr. Nixon's actions in the Calley case have decisively demonstrated who won that power struggle in the White House. In the President's statement on the case in a press conference before the trial began, he said that My Lai was "a massacre." That was prejudicial to the defendant's right to be presumed innocent, for part of what has to be proved in a criminal case is that a crime has been committed.

In response to the confused and sometimes almost deranged reactions of the public to the life sentence imposed on Lieutenant Calley, Mr. Nixon the public-relations man interfered in a way that, according to some impressive legal opinion, he had no established right to under the law. By so hastily ordering Calley released from the stockade, and by asserting that he would review and decided the case, he insulted the Army, which had gone to commendable lengths to observe the most rigorous standards of judicial propriety, and he made the chance for a fair review on appeal almost impossible. Some say that the President took these steps to calm the people down, and others say that he took them to get votes. (Herbert G. Klein, who holds the title of the Administration's Director of Communications, told reporters that although lawyers might consider Mr. Nixon's move inappropriate, the public approved of it.)

Whatever the reason for the President's acts, he defied the law in spirit and probably in letter, and, by virtue of his position, he told the people that all men are *not* equal under our legal system. When Mr. Nixon was sworn in as President, he took the oath that is required by the Constitution: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States." On numerous occasions, President Nixon has tried to ignore or sidestep the Constitution. In the Calley case, he has repudiated it.

As we listened to the President's speech last week, we felt as though he were speaking from another country. He seemed not to have lived through what this country had lived since Lieutenant Calley's conviction. The conviction and sentencing of Lieutenant Calley had made tangible the enormous burden of responsibility that America bears for the holocaust in Indo-China.

For many of us, the Calley verdict did what the horrifying day-by-day reports of the war had failed to do, and even the reports of My Lai itself, and even the Calley trial: it drove us into a corner. It was as if the moment we passed judgment on this one man for what he had done in Indo-China, we were forced to judge ourselves. The anguish of Indo-China became wholly ours, and our country began to endure a torment that cannot abate until the war ends. This torment took a thousand forms. Some people who had once supported the war now joined those who opposed it.

Others who had supported the war turned, in confusion, not only against the war but against everything that reminded them of the war, denouncing the war *and* the antiwar movement, the Army *and* its critics, the massacre *and* the conviction. People who had already opposed the war for years now began to feel their own complicity as taxpayers (followers of orders, albeit of civil orders). Some people were moved to heightened compassion for those who are suffering in the war. Others seemed to ruthlessly stamp out all feeling within themselves for innocent victims of the war, including the ones murdered at My Lai. Many—perhaps most—reactions ran deeper than national explanation can follow.

One young veteran of the war who had lost an arm said that the conviction showed he had lost his arm for nothing. (One cannot imagine that he would suddenly regain his faith in the cause for which he made his sacrifice if the conviction were to be reversed or dismissed.) Many veterans volunteered public confessions of crimes they themselves had committed. All over the country, the most profound questions a people can ask about itself were reopened, and we were arguing over who we are and what we stand for. Yet beneath the seemingly endless divergence of views one sentiment did appear nearly unanimous: America had to get out of Vietnam as soon as possible in order to save itself.

In his speech, the President also spoke of "anguish," of "despair," and of redeeming the nation—seemingly the right words. "I believe, as Thomas Jefferson did, that Americans will always choose hope over despair. . . . We have it in our power to prove to our friends in the world that America's sense of responsibility remains the world's greatest single hope of peace," he said, and he went on to speak of his hope—shared by so many of his countrymen—that America might "come out of this searing experience with a measure of pride in our nation, confidence in our own character, and hope for the future of the spirit of America." But the anguish that the President was speaking of was not the country's anguish. He was speaking of something else—of our resolve not to "give victory to the Communists" by leaving "precipitately." This is not what has been bothering America in the last few weeks—or in the last few years, for that matter.

The speech was certainly meant to draw our attention away from the questions that have been torturing us, but the devices it employed were so transparently calculated to divert our attention that our attention was drawn back, in an unexpected, roundabout way, to those very questions.

The President wanted us to think only about American casualties—which are lower now than they were a few years ago—and to forget the Vietnamese casualties. But when he said that "one American dying in combat is one too many," pictures of Vietnamese, Cambodians, and Laotians dying had to flash across our minds. Against the background of the Laotian invasion, in which South Vietnamese had so recently died in great numbers "to save American lives" and to speed our withdrawal (as though the South Vietnamese Army were in Indo-China to protect us, rather than the other way around), the President's omissions were more vivid than his statement.

With an almost eerie consistency, each of the President's phrases had an unintended echo in the realm of our real concerns. He mentioned "the barbaric . . . use of prisoners," but though the Presidential compassion for prisoners went only as far as our own men in North Vietnam, it was impossible when he used this phrase not to think of victims at My Lai—prisoners who had been murdered by the score in cold blood. And when the President spoke of his fear that "we would lose respect for this nation, respect for one another, respect for ourselves," he was speaking of what he believed might happen at some future date if he "should move to end this war without regard to what happens to South Vietnam," but it was impossible not to think of the agony we were going through *right then* in the aftermath of the Calley conviction.

As we can see all around us, what endangers America is not what might happen to South Vietnam after an American withdrawal. What endangers America is what we're doing to ourselves and to South Vietnam while we remain there. It isn't "how" we end the war that will determine "the kind of people we are," as the President believes, but whether and when we end the war. The President once said he was afraid that America would become a "pitiful, helpless giant" if it failed in South Vietnam, but the real danger—a danger that becomes more urgent than ever in the light of the President's failure to acknowledge the spiritual crisis in the nation—is that we will become a heartless, headless giant.

AMERICANS COMING HOME

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 6,200 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 281,400 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

TRIBUTE TO S. SMITH GRISWOLD

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. REES. Mr. Speaker, I was saddened last week to learn of the death of S. Smith Griswold, who was one of our Nation's leading pioneers in the area of air pollution control.

I worked very closely with "Gris" when he was head of the Los Angeles Air Pollution Control District, and we spent many hours together developing clean air legislation. He was a good man, and all of us who have fought for clean air in our country have lost a friend.

I would like to include in the RECORD a fine article about "Gris" written by Colman McCarthy of the Washington Post and published in the April 21, 1971, edition:

S. S. GRISWOLD, POLLUTION FIGHTER, DIES

(By Colman McCarthy)

S. Smith Griswold, a leading pioneer figure in the nation's struggle against air pollution, died yesterday at Bethesda Naval Medical Center at the age of 62 after a long fight against cancer.

He learned his trade in what was then the smog capital of the western world, Los Angeles, a title other cities might dubiously claim. From 1954 to 1965, Mr. Griswold served as the air pollution control officer for the county of Los Angeles.

During those eleven years, Mr. Griswold, who had a low tolerance for stalls and put-offs, brought thousands of pollution cases to court, getting convictions or guilty pleas in 96 per cent. No pollution control officer anywhere in the country has matched this record.

Known as a plugger, Mr. Griswold was hardnosed about his facts and had a flinty impulse to say what he thought. He made a speech in Houston in 1964 that was an early pump on the brake of public opinion that is now trying to stop the runaway problem of automobile pollution.

"Everything that the industry is able to do today (1964) to control auto exhaust was possible technically 10 years ago," he said. "No new principles had to be developed; no technological advance was needed; no scientific breakthrough was required."

Mrs. Griswold depicted the auto makers as people crusted with "arrogance and apathy" who had "bought 10 years of delay and unhampered freedom to pour millions of tons of toxic contamination into the atmosphere."

Mr. Griswold said that to people interested in profits, spending for the development and production of exhaust controls was a liability. "Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comeback on the warranty."

At the time of the speech, Mr. Griswold estimated that the industry was spending only $1 million a year for pollution control. He contrasted this sum with the total combined earnings in 1963 of 22 auto company executives and with the $1 billion being spent for 1965 model changes.

"In short" concluded Mr. Griswold, "during the past decade the industry's total investment in controlling the nation's No. 1 air pollution problem, a blight that is costing the rest of us more than $11 billion a year, has constituted less than one year's salary for 22 of their executives."

Mr. Griswold's position became the genesis of a Justice Department civil antitrust suit filed in January, 1969. The government charged the four major U.S. auto manufacturers and their trade association with conspiring to delay development and installation of devices to curb automotive air pollution. The case was eventually settled by consent decree.

In 1965, Mr. Griswold left Los Angeles to become abatement and control chief at HEW's Office for Air Pollution Control. He soon discovered that Washington, like Los Angeles, was an atmosphere cesspool.

"I had an apartment on Massachusetts Avenue," he recalled last year, "and the living room had white curtains. In six months' time, they were filthy. In California, your draperies last four or five years and usually the sun rots them before they need a cleaning."

Mr. Griswold's actions and thoughts at HEW helped in the passage of the 1967 Air Quality Control Act. Soon, however, Mr. Griswold came to believe that the abatement efforts he had built up were being diluted or ignored. He left the government in late 1967 and become a private consultant in Washington.

Although aggressive and raw-edged in his public life, Mr. Griswold was privately gentle, easygoing and wry. Interviewing reporters found Mr. Griswold extremely modest about his accomplishments in Los Angeles and Washington. He once said he was unaware that his 1964 speech laid out the essentials of an antitrust case.

Nothing might have happened had not Ralph Nader, then an obscure volunteer worker in the Labor Department, happened onto the speech and perceived its potential explosiveness. Nader interested Justice Department lawyers in the facts set out by Mr. Griswold.

On becoming a free-lance consultant Mr. Griswold was in demand. Officials in places as diverse as Maine and Puerto Rico called him in. "They want industry," he explained, "but they want it clean."

"When the public gets outraged at the air pollution all around them, the politicians and lawmakers won't be afraid to act forcefully and stop the polluters. Nor will they be hesitant to raise and spend the money for pollution control, because the politicians love a safe and popular issue."

Mr. Griswold is survived by his wife, Ingeborg, of Monterey Park, Calif., a daughter, Mrs. Gary Swanson, and his father, W. H. Griswold, both of the Los Angeles area, a brother, W. H. Griswold, Jr., of Ypsilanti, Mich., and one granddaughter.

THE ALLIGATORS ARE SNAPPING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GAYDOS. Mr. Speaker, recently I read a humorous version of a job description for a civil engineer which, I believe, can be used as an analogy for this country's situation in the field of free and fair foreign trade.

According to the description the objective of a dedicated engineer is to thoroughly analyze all situations as they impend, anticipate all problems prior to their occurrence, have answers for those problems and move swiftly to solve them when called upon. However, the description observes, when the engineer is up to his hips in alligators it is often difficult to remember his initial objective was to drain the swamp.

Similarly, Uncle Sam has been a dedicated worker in the field of international free-fair trade. He diligently has sought to analyze, anticipate, and, with a far less degree of success, solve the problems that have arisen. However, many of his major domestic industries now are feeling the bite of unfair foreign competition.

Steel imports, for instance, are off to a record start in 1971, totaling more than 2.5 million tons for the first 2 months of this year. This figure is 71.5 percent greater, or 1.4 million tons more, than what was shipped into the country during the same period last year. Stainless and alloy steel imports totaled almost 93,000 during this 2-month period, 13,000 tons more than in the comparable period of last year.

For the benefit of the ultrafree traders in the Nation, Mr. Speaker, I issue this warning. The alligators are snapping.

CABORA-BASSA DAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BINGHAM. Mr. Speaker, at this time, the Export-Import Bank is considering an application from the General Electric Co. to provide $55 million for financing a transformer for the Cabora-Bassa Dam being constructed by the Portuguese in Mozambique.

The Export-Import Bank, some months ago, gave its preliminary approval of the project. Their decision was purely economic. Now, the National Advisory Council on International, Monetary, and Financial Policy is considering the loan's soundness.

This Council is composed of the Secretaries of State, Commerce, and Treasury, as well as the President of the Export-Import Bank and the Chairman of the Federal Reserve.

Each member views request loans from a particular vantage point.

The Cabora-Bassa Dam project is a politically sensitive issue. There is no doubt that construction of the dam will strengthen Portugal's, South Africa's, and Rhodesia's hold on black southern Africa.

The Organization for African Unity Summit Conference, in 1970, categorically condemned the Cabora-Bassa Dam project. By helping General Electric finance this transformer the United States appears to be condoning policies of exploitation, racism, and colonialism. Too often, we have been associated with these policies—many times unjustly. We must not, at this time, risk alienating a developing and vital black Africa by identifying ourselves with the Cabora-Bassa project.

I have written letters urging Secretary of State Rogers and the President of the Export-Import Bank, Henry Kearns, to deny General Electric's application.

A TRIBUTE TO DIRECTOR J. EDGAR HOOVER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. HOGAN. Mr. Speaker, on April 8, 1971, Col. Walter E. Stone of the Rhode Island State Police wrote a stirring letter supporting Mr. J. Edgar Hoover, Director of the FBI. He sent this letter to Chief John R. Shryock, president of the International Association of the Chiefs of Police, urging that groups' endorsement. Chief Shryock brought this letter to my attention.

In the wake of the recent attacks on Mr. Hoover, I find Colonel Stone's letter an inspiration. His moving defense of the FBI and its Director should be read and considered by our colleagues, and I, therefore, insert it in the RECORD at this point:

DIVISION OF STATE POLICE,
North Scituate, R.I., February 24, 1971.
Chief JOHN R. SHRYOCK,
President, International Association of Chiefs of Police, Washington, D.C.

DEAR CHIEF SHRYOCK: As a police officer and member of the Executive Committee, IACP, I wish to express my concern over the unfounded public criticism being leveled at Director J. Edgar Hoover of the Federal Bureau of Investigation by a minority of persons in some position of influence. Their remarks, if reported accurately by the mass media, seem to me to indicate an unwarranted attempt to impugn the image and creditability of this great American whose deeds and performances stand preeminent in the world.

It is most unfortunate that such unjustifiable comments about Mr. Hoover (and, in some instances the entire FBI) are being made by non-professionals at a time when the signs of lawlessness throughout the nation are broadening in scope and demand a continuum of the special confidence millions of our fellow citizens have for the FBI today and in the ability of J. Edgar Hoover to provide expert administration. This is why I have been stirred to communicate with you in this way and why I believe it is vitally important at this time that the IACP Executive Committee declare publicly its support and approval of FBI operations, its purposes, and Mr. Hoover's leadership. For this reason, I respectfully request that a public statement of this tenor be made by the Committee at its next meeting.

In my opinion, such a statement should project a support of the FBI as a total bureaucratic entity within a bureaucratic society having as its responsibility the purpose of internal security for the people attempt to bring about disorder, distortion of social justice, and perversion of the rights of individuals. I believe criticisms aimed at Mr. Hoover are grounded in presumption, opinion, and appear to be Leftist leaning. In the interest of basic truth the Big Lie leveled at this man should be exposed for what it really is—that of a Big Lie.

For almost five decades J. Edgar Hoover has exemplified the epitome of Americanism in its true sense of equality, in its true sense of efficiency in government, and in its true sense of non-partisan political example. The courage, loyalty, dedication and integrity of the American people to justice, law and the American ideal has been the substance of his performance in a long and honorable public service career. There are those who, by innuendo, blatant allegation, and surreptitiousness, premeditate the destruction of this man's image, the ideal of the American way of life, and the laws of government that prevail. As a co-partner in the objectives of the Federal Bureau of Investigation, it is the responsibility—indeed the duty—of the IACP to stand up and be counted and to support J. Edgar Hoover by denouncing these irresponsible attacks.

Sincerely,
Col. WALTER E. STONE,
Superintendent.

WILD HORSE LETTERS FROM CHILDREN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. GUDE. Mr. Speaker, I want to share with my colleagues a few of the many hundreds of letters that children have written on behalf of the legislation I introduced to protect the wild horses of the American West. Many adults have written too, but the youngsters' letters are especially warm and direct.

Wrote Cindy Bartram:

Why do people have to be cruel to horses? The day I found out about this I was sad and that night I cried because I love horses more than any other animal in the whole wide world . . . Horses have a great deal of use, like riding and friendship.

My bill would put the dwindling herds under the protection of the Department of the Interior, which would set aside ranges for them and would set regulations to protect them. Some youngsters had ideas of how this should be done.

Wrote Keith Knoth and Brian Faber of 358 Brook Avenue, Bay Shore, N.Y.:

I think a radar station should be set up. That way you could see the hellecopters (Used for rounding up wild horses for slaughter) overhead.

And Dominick Pelli wrote:

If they slaughter wild horses, they should not use trucks to catch them, they should also use horses.

Instead of rounding up wild horses for use in pet food, Kevin Wood of Cedar Grove, N.J., suggested that "artificial horse meat could be used."

David Barton of Route 5, Box 499, Springfield, Mo., had an alternate idea:

I don't like mustangs being killed for dog food so I want you to make a law on it because we in Missouri can feed scraps to them.

Charlie Webster of 23 Meadow Drive, Bay Shore, N.Y., said:

Here is an idea. Take a small plane fulled with sleeping gas and spray the horses and then take a special branding iron and brand them. Or make a giant fence about 90 miles long and lock it up so no one can get a horse from it. Put a steel top with holes so they can breathe.

One of my favorite letters came from Ellen Roy of R.R. 1, Rankin, Ill., who wrote:

I love horses and I don't like to see them hurt. We like horses all our family does. I'll name Dads, moms, Lesa and me, Ellen, and in the same order, Jody, Blaze and Billie. Bill is the best horse in the world to every one that has seen him.

But one girl in my class is scared of him. I don't like her.

Donna Jane Wilson of Wasco, Calif., wrote:

I am eleven years old and will soon be living about twenty miles from town where there are coyote, fox, muskrat, skunk, deer and other small animals. I will have a horse and a skunk of my own. If all animals are not protected, pretty soon others kids won't get to see and play with animals like I have.

I could not make out the signature, but I also liked the letter that said:

If the people who are killing the horses were horses, they wouldn't like it eather.

Chris Peterson of 1905 Merikoke Ave., Wantagh, L.I., wrote:

I am supporting you all the way . . . I have written the President.

Sarah Weiss, a second grader at the Solomon Schechter Day School in Jacksonville, Fla., wrote:

Say it is illegal, please. I like wild horses. Please try not to kill wild horses. I love wild horses. I love horses, too. So please try to stop it, oh please.

And Jacqueline Bloom, of the same class, said:

I wish that there was a law, that if a hunter kills a horse, that would be illegal.

A letter from 224 Goodrich St. in Hartford, Conn., said:

My name is Carla Cataldi. I am 8 years old. I love horses very very much. I read where you are trying to save the wild horses. I wonder if I may have one horse?

Pat Wyn of Route 3, Box 37A, Newaygo, Mich., wrote Greg:

I read your article that was in the February 8th issue that was in the Detroit Free Press. I was very glad you are doing something or at least trying, to save the wild horses. . . . I think if we got enough people to oppose the killings we could win.

We think that because of letters like Pat's, we can win. We hope so.

In addition to these letters, I have received a copy of one sent to President Nixon from Jennie Daily, who argues that horses should be protected because, first, horse manure is better than auto exhaust; second, horses would provide cheap transportation in a depression; and, third, horses are gentle and lovable.

Jennie is a sixth grader at Sunnyside School, Bonita, Calif. Her letter to President Nixon had 119 signatures.

Here is the letter:

I think that Wild Horse's should have a chance to live.

A couple of weeks ago there was an article in the Senior Weekly Reader about Wild Horse's being trapped, and killed for dog and cat food.

Many people think there is a depression coming. Well, just suppose there is, Horse's would come in very handy for us.

Some of the people at our school feel the same way and we think that Horse's should have a chance to be ridden for transportation in stead of cars, besides Horse's manure helps plants and flowers grow better, when all motor vehicle's make alot of pollution.

To keep a car would cost more than to keep a horse:

CAR

You must be 16 old or older to drive a car. It costs $500,000 at least: $30 license plates (a year); $180 insurance; $260 gas and oil ($5 a week); $8 license; $3 antifreeze; $50 maintenance (repair); total cost $1,031.

HORSE

You may ride at any age. Only $175 for a horse or more: $50 saddle & Briddle but you don't need a saddle; $3 halter and lead strap; $3 hoof equipment; $100 board (feed-straw; rent place); $5 vet (worming, cold, etc.); total cost $336.

Besides all this, Horses are gentle, and lovable.

Here are people that want to save our Wild Horse's and use them for transportation.

(Signed by 119 persons.)

DON LUCE ORDERED TO LEAVE SOUTH VIETNAM

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, the news from Saigon that reporter Don Luce is being forced to leave the country is indeed shocking.

For 12 years this reporter has worked to improve the lives of the war-ravaged people of South Vietnam. Don Luce was most helpful to me when I visited Vietnam last summer, and I find this action by the Government of South Vietnam to be utterly reprehensible and a step backward in the long and torturous fight for the individual rights of South Vietnamese citizens.

A resolution was adopted April 28 by the U.S. Conference of the World Council of Churches strongly condemning this action by the Saigon Government, and I include it at this point in the RECORD:

The U.S. Conference of the World Council of Churches in Annual Meeting at Albany, New York, today learned that the South Vietnamese government has ordered the World Council correspondent in Saigon, Don Luce, to leave the country by May 16. It condemns this action of the Saigon Government.

Don Luce, throughout 12 years of service in Vietnam, as an agriculturist and journalist, has rendered outstanding humanitarian service to the ordinary people of this war ravaged land. Accepting for himself their living standard and language, he has identified his life with theirs in every possible way, and his writings have given their aspirations for peace and freedom a voice heard literally around the world.

We commend Don Luce's unceasing efforts in behalf of all prisoners, military and political, who languish in prisons and camps throughout Indochina today. We particularly commend his role last summer in disclosing the inhuman "tiger cage" dungeons of South Vietnam's political prison on Con Son Island. The strict observance of the Geneva Conventions on war prisoners now held in the South is indispensable to U.S. efforts to secure the release of U.S. prisoners held in the North. The U.S. Conference of the World Council of Churches believes that the highest interests of the South Vietnamese and the U.S. Governments, jointly responsible for the intolerable prison conditions which Don Luce, together with U.S. Congresmen William R. Anderson and Augustus F. Hawkins, brought to light, were well served by his courageous reporting. It deeply regrets that he will no longer be permitted to give voice to the hopes and needs of the silenced people of Indochina.

The Conference sees this action by the Saigon government as a further example of the repression of a free press in South Vietnam. It is the conviction of the Conference that the aspirations of the people of South Vietnam will be best served by a liberalizing of the restraints imposed by the government of South Vietnam upon the domestic and foreign press within that country.

PLANNING AND CONSERVATION IN SWEDEN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DINGELL. Mr. Speaker, I am in receipt of an April 1971 statement from the Swedish Information Service outlining some of the environmental planning and conservation activities being carried forward in Sweden.

I would like to share this information with my colleagues and, therefore, I include the text of the Swedish Information Service statement at this point in the RECORD:

PLANNING AND CONSERVATION IN SWEDEN

(By Lars Emmelin)

SOLID WASTE DISPOSAL

The problems of solid waste are literally threatening to grow out of control. Every Swede now produces approximately 250 kilograms of domestic solid waste per year. This amount increases by some 3 to 4 per cent every year and will double sometime in the 1990's. In addition, industries produce a variety of solid wastes, building and construction add further quantities, and after a statistical average life of 9 years every car becomes a waste disposal problem.

This issue of Environmental Planning will be devoted to some of the problems of solid wastes and the way they have been tackled in Sweden.

NEW LEGISLATION

As of the 1st of January this year, the municipalities have the sole responsibility for collection and disposal of wastes. The legislation gives the municipalities absolute responsibility. In 1972, this will be coupled with a monopoly on the handling of all domestic waste. The basis for a sound economy of collecting and disposing of the wastes from the entire municipality will thus be established, making it possible to collect from the rural areas without prohibitive costs to the individual households.

The fines for illegal dumping of wastes, littering or leaving scrapped cars have been raised considerably. A municipality which has to clean up an illegal dump can send the bill to those who made it. This ensures that the municipal responsibility and monopoly is not misused.

The municipalities can also handle industrial waste products which may make operations more economical in certain cases.

REGIONAL PLANNING

Whatever method used for the disposal of wastes it is normally economical to operate on a larger scale. Planning is at present going on to ensure regional cooperation between municipalities for waste collection and disposal.

The regions are determined on an economic basis primarily, by a computer program. Consideration is not given to county boundaries or other administrative units other than the municipalities.

The planning is given both a geographical and a time scale. The number of regions will gradually diminish in the future.

To handle the waste collection and disposal a special company was formed in 1970 by the Swedish Development Company and the Association of Municipalities. This company, IKAB will handle ordinary domestic and industrial wastes for the municipalities.

TREATMENT OF WASTES

At present most of the domestic wastes are disposed of in dumps. These have created many problems. If badly managed they cause water and air pollution, rats and other pests thrive and may become public health problems. In some of the urban areas suitable sites are lacking.

Approximately 20 per cent of the domestic waste is incinerated. The proportion so treated is expected to rise gradually, reaching some 40 per cent in the early 1980's. Incineration is recommended mainly because of the great reduction in volume achieved. Certain types of solid waste must be burned for sanitary reasons. Critics of this method of waste disposal point out that for many reasons—one being the increasing amount of plastics in the wastes—incineration is unsuitable because of the air pollution it may cause. From a resource management point of view incineration is considered a bad solution to the waste problem. Every year potential raw materials worth some Skr 500 million (U.S. $100 million) are made unavailable by various methods of waste disposal.

COMPOSTING WITH SLUDGE

One method of waste disposal which is subject to intense study at present is composting the wastes together with sludge from municipal sewage treatment plants. Composting of a homogenizate of solid wastes is no new method. Several plants are in operation in various parts of the world. Some of the present Swedish experiments are conducted with a view to finding out if the method is possible under the climatic conditions present.

The main point of interest seems to be the composting of solid waste with sewage sludge. The reason for adding sludge is mainly that a certain balance between the amount of carbon and nitrogen is necessary for the biological degradation processes occurring in a compost. Domestic solid waste is composed of approximately 50 percent paper making it rich in carbon. Sludge on the other hand is rich in nitrogen.

The end product of a composting process is a potentially valuable fertilizer. It is assumed that both agriculture and forestry could use it. If only six to seven per cent of the arable land was used with success for the deposition of the compost most disposal problems would be solved.

Several questions must however be answered before the compost can be considered a realistic alternative. The economics are largely unknown and problems of environmental poisons and harmful micro-organisms particularly in the sludge have not been solved. One of the necessary requisites seems to be a separation of waste water from households and industries or at least a detoxification of industrial effluent before it is discharged into the municipal treatment plants.

COLLECTION OF WASTES

Most of the domestic waste is collected manually with the aid of special trucks and usually with hydraulic compression of the wastes. This method has several drawbacks. The costs are high and rising, the trucks and compressing equipment are fairly noisy in spite of great improvements made recently and the method may constitute a sanitary problem if mismanaged.

In the towns of Sollentuna and Sundbyberg outside Stockholm, systems of automatic collection and compression are now in operation. The waste is transported in pipes by vacuum to a container with compression equipment. The system is completely closed and the containers handled by special trucks.

The Sollentuna system, built by Centralsug AB, is the more advanced having a control system which opens the necessary valves in a sequence as the waste passes along the pipes.

A comparison of the costs for manual collection methods and a complete vacuum system indicates that the latter is more economical in the long run in areas with houses of three or more stories. Initial investment is of course greater. But over a 5–10 year period this is outweighed by savings made: The vacuum system requires less space, no preparation for heavy trucks in the immediate vicinity of each house and is less sensitive to rising labor costs.

ELECTRICITY FROM WASTES

In Högdalen in Stockholm an incineration plant, which uses the heat from burning wastes for power generation, started operation in 1970.

The domestic wastes from the Stockholm region contain some 60 per cent paper. This is combination with other factors, including the large amounts produced, in the area, makes it possible to use the wastes in a thermoelectric plant. When the Högdalen plant reaches full capacity the output of electric energy will be 24 Megawatts. Of these 22 MW will be sold. The reduction in waste disposal costs due to this will be 10 to 15 per cent.

The plant is equipped with electro-filters to eliminate particulate air pollution. Installation of other pollution control equipment to cope with future problems from harmful flue gases has been prepared.

SCRAPPED CARS

The problem of scrapped cars seems to be well on its way towards a solution in Sweden. In 1971 a fragmentation plant for cars will become operational in Halmstad on the Swedish west coast. The capacity of the plant is approximately 50 per cent of the number of cars scrapped each year in Sweden. This means that the plant will handle one car per minute. One of the main environmental problems eliminated at the Halmstad plant is the open burning of oil residues, textiles and other combustible parts of the cars which is practiced at other places.

The plant in Halmstad will handle cars from all over the country. These will be collected, stripped of any valuable parts, compressed and sent to Halmstad by subcontractors to the owners of the Halmstad plant, Bilfragmentering AB.

ECONOMICS OF SCRAPPING CARS

The National Office of Organization and Management proposed a way of financing the expensive and complicated control of car scrapping in 1970. At the time of sale of every new car a special scrapping charge would be paid to a national organization equipped for scrapping cars. The last owner would receive the same sum on delivery of the car to this organization. If this charge is set correctly the organization should be able to operate on the interests of the accumulated charges.

The advantages of this system are several. The costs to society for scrapped cars would be borne by those who benefit from the use of cars. The owners receive positive stimulation to dispose of their cars in a legal manner and the trade in old cars, which constitutes a definite road safety problem, would diminish. The company handling the cars would have an economic basis for rational management including pollution control.

HANDLING OF DANGEROUS WASTES

In 1970 the government-owned Swedish Development Company together with the Swedish Association of Municipal Authorities and the Cooperative Union and Wholesale Society of Sweden formed the SAKAB or Svensk Avfallskonvertering AB (Waste Conversion Ltd.).

This company will handle dangerous, poisonous or other kinds of difficult wastes. One of the first actions of the company was to handle quantities of products containing DDT from households wanting to get rid of this substance when the DDT ban went into effect.

SAKAB operates through regional collection units owned either by the company or, as in the case of oil residues, in cooperation with the distributors of the products.

HOUSING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SCHEUER. Mr. Speaker, the question of housing in this Nation's crowded, urban centers, particularly in New York City, is much more than a problem; it is a crisis. A scarcity of new housing, poor maintenance, and confusion of Government authority, clearly all contribute to this growing dilemma that the cities face.

While the Federal Government must do its part, we must also concern ourselves with State and local efforts in this vital area. Recently Governor Rockefeller of New York stated that he would urge the New York State Legislature to adopt a uniform rent control law which would decontrol apartments as vacancies occur.

A program based upon decontrol as vacancies occur is an open invitation to unscrupulous landlords to harrass tenants into abandoning apartments. Decontrolling as vacancies occur could lead to an end to renovation and rehabilitation efforts in entire neighborhoods. Some landlords will simply choose to let buildings fall into disrepair as a certain method of getting tenants to leave.

This result would be disastrous when considered in light of the serious deterioration in the city's housing stock which is likely to result from the recent cut in the State's contribution to the city's code enforcement program.

Over 250,000 of those living in apartments, which are now controlled, are senior citizens or others living on fixed incomes. These people must move occasionally, and a policy which decontrolled apartments as they fell vacant would hit these people the hardest.

Only last year the city amended its own rent control law to provide significant relief to landlords. The need for further change at this point is unproved. No evidence has been produced to show that the landlord's economic picture has worsened.

At a time when housing presents such a bleak picture, we cannot tamper with the protective measures we already possess.

It is my hope that Governor Rockefeller, and each of my colleagues would support all existing and proposed measures, on every level of government, designed to lessen the burdens of housing on the American people.

NO PLACE FOR STEREOTYPES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. PEPPER. Mr. Speaker, it was my privilege to submit a statement this week to the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee on behalf of legislation to express the opposition of the Congress to the degradation of ethnic, racial, and religious groups which is still too much a part of what passes for entertainment in the media today.

I include my remarks at this point in the RECORD:

REMARKS OF CONGRESSMAN PEPPER

As one of the cosponsors, I would like to express my strong support for House Concurrent Resolution 88, which would express the opposition of the Congress to the production and presentation of motion pictures and television and radio programs which defame, stereotype, ridicule, demean, or degrade ethnic, racial or religious groups in our country.

The Declaration of Independence, which brought our country into existence, declares clearly that "all men are created equal." There are no second class citizens in our society and neither law nor literature should stigmatize or stereotype any group of citizens among us.

In our time the most powerful media are television, radio and the motion picture, in the formation of attitudes toward our fellow citizens. This can be constructive or it can be highly destructive, as when the special traits and special characteristics of the several ethnic, racial and religious groups living in our midst are exaggerated and derided, either seriously or humorously.

I have always been disturbed by the haters in America. At the beginning of my political career, in 1929 as a member of the Florida Legislature, I found many of my fellow citizens terribly upset because the First Lady of the United States, Mrs. Herbert Hoover, had served tea to the wife of the Liberian ambassador at a diplomatic wives function at the White House. My State Legislature along with others actually voted to censure Mrs. Hoover for this simple act of hospitality and I was one of only 13 members who cast their votes against this hateful resolution.

The response was typical of the period, and it was fostered by the newspapers and motion pictures of the period, which portrayed the Negro as a debased and repulsive creature.

Yet another example of the great inhumanity of which man is capable is the hostility which was generated by thousands of years of stereotyped thinking where Jews were concerned. It could only have been generations of "brainwashing" of this kind which led to the terrible mass extermination of millions of innocent men, women and children of the Jewish faith by the Nazis.

Thus, to me, there is nothing amusing about "ethnic humor" or the exploitation of stereotyped thinking to convey either humor or dramatic action in television, radio and films today. The acts of persection which offend every right-thinking American have their brutal roots in the ridicule and name-calling and petty degradation that still is too much a part of our life.

I feel the Congress has a right and an obligation to speak out against the harm which is inflected upon ethnic, racial and religious groups and upon the fabric of our democratic society. House Concurrent Resolution 88 seeks to do this and I strongly urge this committee to bring it to the House Floor for approval.

JOBS FOR VETERANS PROGRAM REDUCES VETERAN UNEMPLOYMENT IN HOUSTON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, at the end of the first quarter of 1971, there were approximately 372,000 Vietnam era unemployed veterans in America. This represented 10.8 percent of the national unemployment total. The Education and Labor Committee is presently considering legislation to help relieve this problem on a national basis, however, I want to commend to the attention of the Congress an excellent example of what is being done on a local basis in Houston, Tex. I have just received a comprehensive report from the Director of the Veterans' Administration Regional Office in Houston, Mr. Percy Mims, on the progress which has been made in the Houston area in the "Jobs for Veterans" program. This program is headed by a group of volunteers composed of distinguished businessmen and civic leaders of the community. The honorary chairman of the committee is Mayor Louie Welch. The general chairmen are W. W. Bryan, chairman of Humble Oil & Refining Co., and Roy L. Dye, Jr. general manager of Sears, Roebuck & Co. Working with the Veterans' Administration, and the local director of the Texas Employment Commission, the very able A. Lee Gruhlkey, this group has achieved a great deal of success in focusing attention on the plight of the unemployed veteran. It is also apparent that this Houston group is beginning to make considerable progress in finding jobs for these unemployed veterans.

Mr. Speaker, there are a number of hard-working committee chairmen who are doing excellent jobs along with the distinguished general chairmen. Mr. Ralph Jordon, chairman of the public relations committee, who is general sales manager of Sears Roebuck in Houston, has been especially effective in obtaining massive publicity which has been a key element in focusing attention on the problem. Robert R. Herring, president of Houston Natural Gas Corp., is chairman of the speakers committee which has been responsible for rounding up effective and knowledgeable speakers to address various local groups. Mr. Don Horn, secretary-treasurer of the local AFL–CIO Council, is working most diligently with the labor organizations. Vocation and training activities have been most capably handled by Mrs. Chapman Cronquist, president of the League of Women Voters, and Mr. James A. Wilson, chairman of the board of United Gas Corp., has provided most effective leadership as chairman of the employers contact program to interest local employers in jobs for veterans. Mr. G. M. Sawyer, president of Texas Southern University, has made outstanding contributions to the success of this undertaking as chairman of university programs. And Peter Stack, past inspector general of the VFW, has worked effectively with the veterans organizations. Among other effective contributions they have contributed 50,000 bumper stickers to emphasize the program. Mr. Percy Mims, the Director of Veterans' Administration regional office, spearheaded the program in its formative stages and continues to provide outstanding leadership in coordinating activities of the group.

Mr. Speaker, here are some of the positive and noteworthy results of the Houston Jobs for Veterans Committee:

Four television stations are using spot announcements throughout their broadcast day, ranging from 10 to 60 seconds.

Nineteen radio stations are using 10- to 60-second announcements during prime time throughout the day.

The Houston Outdoor Advertising Council has made available 23 billboards, 10 by 40 feet in size.

Five feature articles concerning the program have been published by the Houston Post.

The Houston Chronicle has published four news articles supporting the campaign.

News articles have also appeared in the Bellaire Texas, Pasadena News Citizen, Houston Tribune, Voice of Hope, and the Informer.

Sears, Roebuck & Co. has arranged for credit statement enclosures supporting the Jobs for Veterans Campaign to be mailed to their customers and various other merchandising firms—100,000 during May and 400,000 by September 1971.

Five hundred posters have been distributed to business establishments in the area for display.

A speakers bureau has furnished guest speakers to various civic and business groups using materials developed by the Veterans' Administration and the National Jobs for Veterans Committee.

Both the Houston Post and the Houston Chronicle have been using special classified section slogan inserts designed by the publicity committee. These are run daily and number in the hundreds.

The committee developed 50,000 bumper stickers to be used throughout the campaign.

Another significant accomplishment of the Jobs for Veterans Committee has been a free service to Vietnam era veterans offered by the Houston Post. The newspaper provides all veterans the opportunity to advertise their job needs and skills free of charge. The Houston Post has reported to the committee that this free service has resulted in a large number of veterans advertising their job assistance requests directly to potential employers.

Information has been received from the Texas Employment Commission reflecting their analysis of the jobs for veterans campaign. For example, in February and March 1970, the unemployment rate for the Houston area was 2.1 percent; and for the same period in 1971, it was 2.8 percent. Veteran job placements, according to the Texas Employment Commission, have totaled 1,728 since the start of the jobs for veterans program in February 1971. This represents a 20.8-percent increase over the same period 1 year ago. I am sure that you will agree these statistics sharply pinpoint the effectiveness of the committee's efforts to find suitable employment for our veterans.

The jobs for veterans program is gaining momentum through the kind of cooperation exemplified in Houston, and the program has the right kind of backup here in Washington from James F. Oates, Jr., national chairman for the National Jobs for Veterans Committee, and our former colleague, the Honorable Bill Ayres, special assistant to the national chairman.

SANCTITY OF CIVILIAN NONCOMBATANTS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. MURPHY of New York. Mr. Speaker, Maj. Gen. John H. Cushman has written a letter to the editor of the New York Times in response to an article entitled "We Must End the War," by Burke Marshall, which also appeared in the Times. General Cushman is a distinguished career officer who is now serving his third tour in Vietnam and who has had considerable combat experience. I agree with his position on the protection of civilans and, as a former combat officer myself, can confirm his statements about the policy of the armed services on instructing soldiers on the humane treatment of civilians. I request permission that his letter be printed at this point in the CONGRESSIONAL RECORD for the benefit of my colleagues and the American public.

The letter follows:

VIETNAM ORDERS: SPARE CIVILIANS

To the Editor:

I am home on leave from Vietnam and I have read Burke Marshall's Op-Ed article, "We Must End the War" (April 10.) As a responsible officer of the United States Army in Vietnam, I should like to comment on this article from first-hand knowledge.

Mr. Marshall says that "our war in Indochina is based on killing civilians." I must tell you that I know as to my own experience that this monstrous statement is simply not true.

I am on my third tour in that bitter and difficult war. I was an adviser in the Delta in 1963–64 and a brigade commander in the Tet 1968 fighting around Hue, and I am now an adviser again in the Delta. While I believe that the U.S. effort in Vietnam has been and is in a worthy cause, I am only too aware of the cost of the war, in all its dimensions, including the innocent civilans killed and maimed, and I share Mr. Marshall's anguish at the loss of civilian lives.

But I assure you that as a commander and adviser in the field the instructions which I personally and others like me have received have always been absolutely clear. Our solemn and repeated orders have always been to take every possible measure to keep civilians from harm. Wherever I have been, and wherever I have observed, we have gone to extraordinary lengths to do so. We have in fact sometimes exposed our men to increased risks in our efforts to carry out these instructions meticulously.

Mine is no isolated case; these are the standard instructions of this war. They are not the characteristic instructions of a war "based on killing civilians." Such a horrifying concept is completely antiethical to the personal and professional code which must be the essential equipment of responsible officers in uniform.

Mr. Marshall refers to Lieutenant Calley's case. Lieutenant Calley was court-martialed for a clear and abominable violation of instructions. Despite our most natural grief at what his trial has revealed, it would be a fundamental error to go on to say, as Mr. Marshall does, that the premeditated murder of which Lieutenant Calley has been found guilty "we are now doing daily in Indochina."

I respect, indeed I admire, Mr. Marshall as a concerned citizen and an able lawyer. I would want him to know that there are many good and decent men in the United States armed forces in Vietnam, not brutalized by that war, and immensely saddened by the destruction and loss of life and general suffering which this war, like all wars, brings to noncombatants as well as combatants.

These men are laboring well and with some good results in a multifaceted interdependent military-civilian effort to achieve the limited U.S. objective there—namely, to gain as quickly as possible a reasonable assurance that the people of South Vietnam can determine their own affairs.

I believe you, and Mr. Marshall as well, would find that at the same time these men are doing their utmost, and not without success to keep the war from destroying the innocent.

JOHN H. CUSHMAN,
Major General, U.S. Army.
SULLIVANS ISLAND, S.C., *April 15, 1971.*

ISRAEL CELEBRATES 23D YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RODINO. Mr. Speaker, the story of the Jewish restoration of the land of Israel is one marked by courage, prosperity, and progress.

Perhaps the reason for her success is that while she has only formally existed for 23 years, Israel in fact is a very old nation—she has lived for 4,000 years in the minds and hearts of the Jewish people.

Israel is a true friend and sister Republic. It is a tribute to the Israeli people that while they have borne persecution, separation, and bitterness for thousands of years, the state which they have created is a model of democratic political process despite the presence of war-like conditions during most of her existence.

Israel's remarkable political, social, and economic achievements are lauded not only for the accomplishments themselves, but for the faith and perserveance which made them possible against seemingly insurmountable odds.

The bonds of affection between the people of our two nations are impregnable because they are based on a love of freedom and commitment to justice.

I join in proclaiming Am Yisrael Chai.

In saluting the Israeli people on the 23d anniversary of the State of Israel, we pray for that troubled land a birth of peace and reaffirm a full measure of American friendship.

GLOBE'S LOSS, MUSKIE'S GAIN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. CONTE. Mr. Speaker, earlier this month a member of the fourth estate who had covered this House and the other body for several years, and had distinguished himself by that coverage, left the press gallery and newspaper work for other pursuits.

I know many Members of this House will miss Richard Stewart who covered the entire Congress for the Boston Globe.

Through the years, I had the opportunity to get to know Dick Stewart on both a professional and a personal basis and I consider myself fortunate for that opportunity.

The esteem in which he is held by public officials attests to his professional characteristics. And his election, after only 3 years on the hill, to the five-member committee which governs the House and Senate press galleries, is ample evidence of the respect he commanded from his colleagues.

But, if he is a newspaperman's newspaperman, he is even more a man who knows the value of friendship and loyalty and places a great emphasis on both. These are not easy attributes to preserve when one is a newspaperman in Washington, D.C., but I know of no one who has done a better job of it than Dick Stewart.

Certainly, none of my remarks today are to be interpreted, in any way, as an endorsement for Dick's new employer, although I congratulate him on his good fortune in getting the services of a man such as Dick.

No matter what the future holds in store for Dick Stewart, however, he will always command the respect and affection of everyone who admires professionalism, integrity and friendliness.

Mr. Speaker, in the April 10 editions of the Boston Globe, Mr. Stewart's former colleague Matthew V. Storin wrote a column spelling out in greater detail the type of man Dick Stewart is. I insert that article in the RECORD at this time:

[From the Boston Globe, Apr. 10, 1971]

GLOBE'S LOSS, MUSKIE'S GAIN

(By Matthew V. Storin)

WASHINGTON.—A journalist is always taking the nation's pulse. These days that can be a disconcerting experience. In some reporters their concern for their country wells up to a point where being an observer and chronicler is simply not enough.

For Richard Stewart, Globe Staff member for 11 years, that point came last week.

On Monday, Stewart became Sen. Edmund S. Muskie's press secretary and immediately began preparation for the senator's inevitable candidacy for the 1972 Democratic presidential nomination.

Not every man who forsakes journalism for the political world does so for the reason stated above. For some it's a way out of a job that perhaps has grown tiresome. Almost always the new job pays more and, for many, this is undoubtedly the major attraction. But in Stewart's case, his commitment to Muskie and a certain sense of outrage about the status quo are evident to those who know him.

Since May 1967 Stewart has been a member of the Globe Washington Bureau. All of that time has been spent covering the Congress, particularly the Senate.

The first thing anyone in Washington would tell you about Dick Stewart is his popularity among his peers. Some enjoy Stewart because he's an easy mark in the gin rummy game but most are attracted by his quips, his friendliness and his professional competence.

After three years on Capitol Hill, he was elected to the five-member committee which governs the Senate and House press galleries.

At 39, he is still young and his outlook has been that of the younger man in his profession. But in other respects he has been an old school journalist. He learned the business in the days when an important part of metropolitan journalism was grabbing off family photographs of unfortunate victims of tragedy before the competitor newspapers could. It was a tough job that fortunately has been deemphasized with a new sophistication among newspapers.

I didn't know Stewart then but he says he was good at it and I don't doubt it.

Stewart is also a man who is never overlooked at a party. He does some crazy thing with his mouth and his hands so he can imitate almost any musical instrument. I hope Muskie appreciates Stewart's version of Clyde McCoy's "Sugar Blues."

But Stewart's most compelling traits are those of a human being. One story out of his career helps explain.

After Mary Jo Kopechne was killed in the Chappaquiddick accident involving Sen. Edward M. Kennedy, Stewart was assigned to cover the girl's funeral in Pennsylvania. Through a mixup in planes, he wound up stranded for several hours in the Wilkes-Barre airport with the five other girls who had been with Miss Kopechne the night she died.

All the press was speculating on the party that the girls attended and whether there had been much drinking. (All testified that there was little drinking.) But the girls had been close to Miss Kopechne and Stewart refused to take advantage of his position on the day of her funeral to pry a story out of the girls.

Instead he treated them all to dinner and his unflagging sense of humor.

The next day one of the girls told some of the party details to a competing reporter and Stewart had to answer to his editor. He didn't have to answer to his conscience.

The newspaper business can ill afford the loss of such principles but they are certainly Muskie's gain.

As Steward well knows, he's fair game for his former colleagues now. It's hard to tell what kind of a press secretary he'll be or how good a candidate he's working for.

But it can be said that he left this business in what he called the biggest decision of his life, for the noblest of reasons.

NOLEN BULLOCH

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. CAMP. Mr. Speaker, I would like to pay tribute today to a great reporter, Nolen Bulloch.

Nolen, who passed away Tuesday, earned the respect of Oklahomans throughout the State for his decades-long reputation of clear, honest investigative reporting.

So highly was he regarded that in his last years, when emphysema robbed him of his mobility and confined him to his desk, top political figures from all over the State would come to tell him the news. They knew they would always get a fair hearing.

He was also a great crime reporter. His fine indepth stories were instrumental in putting some men behind bars, but he was equally effective in obtaining the release of others, whom time and the outside world had forgotten.

A few years ago Nolen met George Jones, an inmate at the Oklahoma State Penitentiary for 28 years, who had not received a letter or a package in all that time.

His crime, for which he received a life term, was a theft which netted him 15 cents.

Through Nolen's efforts George Jones is now a free man and a useful contributor to society. He does not need a eulogy to tell him the kind of man Nolen Bulloch was.

Mr. Speaker, men the caliber of Nolen Bulloch are all too rare and the Nation can ill-afford to lose any of them. Because of this, and because of my deep personal admiration for Nolen, I mention his passing with the greatest regret.

Mrs. Camp and I extend our deepest condolences to Nolen's wife, Mary Louise, and his children.

TEENAGER LAUDED FOR LIFESAVING

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. HANNA. Mr. Speaker, I rise today to comment on something which seems to be fading from our way of life in this country today. It is refreshing, in a world which is becoming less and less personal, where more and more people ignore the needs and trials of their neighbors, to come across a person who goes against this trend. I am honored to have just such a person in my district: Kevin Ames, a 14-year-old paperboy, is a lifesaver.

At this point, I include in the RECORD a short but comprehensive article detailing Kevin's valor:

TEENAGER LAUDED FOR LIFESAVING

SANTA ANA.—A teenager was praised by fire department officials today for saving the life of a man found unconscious Tuesday night in his smoke-filled house.

Kevin Ames, 14, of 1143 S. Parton St., will be recommended for a citation of bravery from the city council for saving Jerry Hessen, 35, of 1138 S. Garnsey St., said Fire Chief Eugene Judd.

Fire Capt. Douglas Jones said Hassen apparently was smoking on a couch in his living room when the fire started and fell unconscious on the floor.

Ames, a Register carrier, saw smoke coming from the house about 8 p.m. and ran to a neighbor, Larry Oberlies, 1142 S. Garnsey St., who called the fire department, Jones reported.

The two returned to the smoke-filled house, and when they could not get in the locked front door, the fire officials said. Ames ran to the back door, entered, let Oberlies in the front and they doused the burning couch. Other neighbors dragged it outside.

Arriving fire crews tried to revive Hessen and sent him to Santa Ana Community Hospital, Judd said. He later was released.

THE GROUND RAN RED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. UDALL. Mr. Speaker, the grim, armed men appeared suddenly and soon the ground ran red from the blood of slaughtered natives, mostly women and children.

As they butchered mercilessly, the men thought about their fellows who had been maimed and killed, not by these particular individuals, perhaps, but by people like them. It was sweet revenge for years of frustration, fighting against an elusive and cruel enemy.

Mylai in 1968? No. Camp Grant, Ariz., in 1871—100 years ago this Friday.

This darkest hour in Territorial history, as it has been called, was a massacre carried out for a purpose judged righteous. It was an effort to resolve the Apache question.

For an account of the bloody American effort to resolve another question—Philippine guerrillas—see "Mylai was Not the First Time" in the April 24, 1971, New Republic.

These events do not add glory to our Nation's history. But they should be remembered because they serve as reminders that there did lurk and there still lurks in the human character the capacity to put a cheap price on the lives of others. It behooves us to develop adequate safeguards to protect us from ourselves.

The sad and terrible Camp Grant massacre is the subject of a thoroughly researched book, "Vast Domain of Blood," written by Tucson's talented Don Schellie. Mr. Schellie, a columnist for the Tucson Daily Citizen, last Saturday wrote a piece for his newspaper marking the 100th anniversary of the Camp Grant slaughter. I commend it to my colleagues:

MASSACRE CENTENNIAL RECALLS DARKEST DAY IN TERRITORIAL HISTORY

(By Don Schellie)

(EDITOR'S NOTE: This article is based on material in Don Schellie's book, "Vast Domain of Blood," which tells the story of the Camp Grant "massacre" of April 1871. Published in hardback at $7.50 by Westernlore Press in 1968, a paperback edition of the book has just been released by Tower Publications at 95 cents.)

Dawn drew near. The long spring night soon would be over.

High on a bluff above the village, the Apache sentries—a youthful warrior and an old woman—played cards on a blanket spread beside the watch fire.

Slipping swiftly, silently, through the shadowy night, the Papagos moved in on the card players.

Before an alarm could be sounded the sentries were dead.

Down below, beside the waters of Arivaipa Creek, William Sanders Oury raised his arm and then brought it forward.

The men around him moved out.

Noiselessly the raiders swept through the sleeping Apache village. Knives slashed out, warclubs cut through the air.

A dog barked. More joined him. The alarm spread, then, as women screamed in the night. Shots were fired. Children cried.

Arivaipa and Pinal Apaches awakened into a living nightmare of horror. Awakened only to die.

The raiders from Tucson and the Papago villages did their work quickly and well.

When the force withdrew from the Apache encampment a few miles up Arivaipa Creek from the Army's Camp Grant, as many as 125 Apaches—all but a few of them women and children—lay dead.

"The attack was so swift and fierce," Tucsonian William Oury would later comment, "that within half an hour the whole work was ended and not an adult Indian left to tell the tale."

And then he added: "Not a single man of our command was hurt to mar the full measure of our triumph."

The date—Apr. 30, 1871.

Friday will mark the 100th anniversary of this bloody incident that is perhaps the blackest page in Arizona history—the "Camp Grant Massacre."

It would be impossible to place a finger on a certain time or event in hazy history and say, "it all started here."

What some people called the "Apache wars" had been going on for many years—virtually since the first white man arrived in the Southwest.

In the years that followed the Civil War more and more white men pushed westward, settling in Arizona Territory, crowding the Apache Indians off the desert and mountain lands they had called their own.

Inevitably that warfare intensified.

The Apaches raided throughout the Southwest, murdering, stealing, burning. Every issue of the territorial newspapers carried accounts of the raiding activities.

Tucson merchant Sam Drachman described the Indian situation at that time in a masterful bit of understatement when he said it was "of a serious nature."

"People were being killed, some in the most brutal manner," Drachman observed. "But few outsiders dared to visit our little town and things looked dark indeed."

In a series of town meetings—some were held in the Pima County Court House, others in Charles O. Brown's Congress Hall Saloon—the citizens of Tucson sought solutions to what was generally called the "Apache problem."

Speeches were made, resolutions passed, committees formed. Still the raiding continued.

An appeal was made to the Army to have more troops sent to Arizona Territory. William Oury reported that the Army informed him that "the people of Tucson and vicinity could not expect anything more than had been done already (and that) if anything further is expected we must depend upon our own efforts for its consummation."

Following a brief lull, the Apache raiding increased again in the early days of April a century ago.

Editor John Wasson, who had founded the Arizona Citizen in Tucson the previous October, published weekly accounts of Apache depredations, and in inflammatory editorials, chided his fellow Arizonians to take action against the Indians.

Several months before, the Arivaipa and Pinal Apaches who followed the chief called Eskiminzin, had gone to Camp Grant, located some 50 miles north of Tucson near the place where Arivaipa Creek joins the Rio San

Pedro. They said they wanted to live at peace with the white man.

His people were tired of making war, said Eskiminzin, and they wanted to live in harmony with their white brothers.

The Apache chief spoke with 1st Lt. Royal Emerson Whitman, a Civil War veteran from Maine, who was acting commander at Camp Grant. Reluctantly Whitman gave tentative approval for the Indians to make their village a few miles above the Army post, beside the creek. Whitman told the Apaches he would seek official approval from his superiors, but promised to feed them and care for them in the meantime.

The Indians in Whitman's care were provided with rations of beef and beans, and were given the opportunity to cut hay to sell for money needed to buy clothes and other supplies. As spring came, Arivaipa Creek went dry at the location of the Indian village, and Eskiminzin was given permission to move his people a few more miles upstream from Camp Grant.

And so the Indians lived and worked at peace with the white man. Whitman felt the experiment was successful.

However, the citizens of Tucson were convinced that those Indians living under the protection of the United States Army were the very ones who were continuing to raid throughout the San Pedro and Santa Cruz valleys.

William Sanders Oury and Jesus Maria Elias decided that if anything were to be done, it must be done now.

Oury was a feisty, white-bearded Virginian who had come to Arizona Territory in the mid-1850s. For a time he worked as general agent for the Overland Mail Company, then went into farming and ranching in the Tucson area. Elias and his brother, Juan, were members of a proud Spanish family that had held title to sprawling land grants in the southern portion of what had come to be Arizona Territory. Years of Apache trouble had all but wiped out the family's vast holdings.

Longtime friends, Elias and Oury decided to muster a force to march on the Apache village at Camp Grant and "settle" the Indian problem once and for all.

For days the two moved through the streets of the adobe village of Tucson, speaking with trusted friends, lining up their force. And then Elias and Oury travelled south to the Papago village at the Mission San Xavier del Bac.

There they talked with Francisco Galerita, leader of the Papagos in that area, and convinced him to raise a party of Papagos to join the expedition. After all, Oury reasoned, the Papagos were traditional enemies of the Apaches, and what people had suffered at the hands of the Apaches more than the Papagos?

Singly, or in small groups, many men rode out of Tucson on the morning of Apr. 28, 1871, then, and gathered at that place where the Tanque Verde and Pantano come together to form the Rillito. They were joined by Chief Francisco and his warriors—men from the villages of San Xavier and Pan Tak, or Coyote Sits.

Territorial adjutant general Sam Hughes, Tucson butcher and prominent businessman, sent his regrets. He was unable to join the party, but he WAS able to send a wagonload of arms and ammunition—government supplies—as well as a quantity of food and water.

Then the force moved out. They crossed the mountains at Redington Pass and dropped down into the valley of the San Pedro. Oury later described the party as "92 Papago Indians, 48 Mexicans and six Americans."

The raiders moved through the mesquite thickets along the riverbank in order to escape detection. For the most part they travelled at night.

Elias, who had been elected commander of the troop, had his men poised and ready for the attack in the predawn hours of the second day.

When the raiders returned to the Old Pueblo of Tucson, they were greeted as heroes. On May 17, Sidney Randolph DeLong, one of the raiders, was elected mayor of Tucson. Oury was elected alderman, as was Sam Hughes, who had provided weapons for the expedition. And Juan Elias, younger brother of commander Jesus Maria, and himself a member of the raiding party, was elected dog catcher.

The action was viewed differently by those in the East.

When news of the affair reached President Ulysses S. Grant, he dispatched an official party to make an investigation of the incident. Later he ordered the government of Arizona Territory to try the men in the civil courts.

The wheels of territorial justice turned slowly.

In October 1871, a grand jury reluctantly indicted some 100 men for the murder of the Apache at Camp Grant. Merchant Charles Trumbell Hayden, the father of Arizona's longtime Sen. Carl Hayden, was foreman of the grand jury.

That night, U.S. District Attorney C. W. C. Rowell, who had pushed for the indictments, and an assistant, were burned in effigy in Tucson. In the days that followed, the post commander at Camp Lowell found it necessary to detail "a number of soldiers to mingle among the people and keep an eye" on Rowell and his aide.

The trial was held in December.

A Philadelphian, Judge John Titus of the United States District Court, was on the bench. The court proceedings began on Dec. 6, 1871, and ran through Dec. 13. No session was held on Dec. 10—a Sunday.

Rowell presented his case. It was an open and shut matter he believed. None of the defendants disputed the facts. They didn't deny participation in the raid. Indeed, the defense was merely to heap justification upon justification for the actions the 100 had taken.

It was late afternoon when the case went to the jury. Judge Titus, in charging the men, likened Arizona Territory, under the Apache "reign of terror," to a "vast domain of blood."

In his instructions, he all but ordered the jury to find the defendants innocent.

The jury followed instructions well. At the end of the seven days of trial, the jury deliberated for 19 minutes. The members returned to the courtroom with an acquittal.

"Justice" had been done.

And the Camp Grant massacre passed into the pages of the history of turbulent Arizona Territory.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WHERE ARE THE FUNDS TO FIGHT LEAD-BASED PAINT POISONING?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. RYAN. Mr. Speaker, last week 44 Members joined me in writing to Secretary Elliot Richardson of the Department of Health, Education, and Welfare urging him to request funding for the Lead-Based Paint Poisoning Prevention Act, enacted into law on January 14 of this year. In addition, three other Members joined in support of that letter, which is printed in full in the April 27 edition of the CONGRESSIONAL RECORD, at page 12188.

Thus far, the administration has made no request for funding of this vitally important legislation, either for fiscal year 1971 or for fiscal year 1972. Were money appropriated, it would go to State and local governmental units to conduct programs of detection and treatment of lead-based paint poisoning—a vicious disease afflicting some 200,000 children nationwide—and programs of eradication of the sources of the disease.

The disease is a severe one—it can cause blindness, cerebral palsy, permanent brain damage, even death. Its victims are almost exclusively small children, who pick up and eat lead-tainted paint and plaster chips which fall from the walls and ceilings of decaying dwellings. Yet the striking thing about this disease is that it is preventable. Given adequate detection centers, given adequate treatment, and given adequate eradication programs, the disease could be wiped out.

As I said earlier this week, when I inserted our letter to Secretary Richardson in the CONGRESSIONAL RECORD:

> In dollars and cents terms—and I certainly think that when we are talking about children's lives such terms should not even be a consideration—there really is no justification for not requesting the funds.

A news story in the April 28 edition of the New York Daily News, by Jean Perry, particularly makes clear this point. The city of New York has spent $35,000 since last November in hospitalization costs for two children poisoned by lead paint chips. Yet, the walls of their apartment, from which they obtained the chips, could have been refinished for just $2,400.

A story such as the Daily News article, entitled "2 Children's Lead-Poisoning Costs City $35G," could be a thing of the past; the suffering of children such as the two described—Ramon Rodriguez, 5, and Victor Lopez, 4—could be a thing of the past, were the law that now exists only funded.

Again, I urge quick, affirmative action; $10 million is authorized for the current fiscal year—$8.33 million of it for the grant programs; $20 million is authorized for fiscal year 1972. We need that money—the children of our slums must have that money.

[From the New York Daily News, Apr. 28, 1971]

TWO CHILDREN'S LEAD-POISONING COSTS CITY $35,000

(By Jean Perry)

The city has spent $35,000 since November in hospitalization costs for two children who were poisoned by lead paint chips, doctors at Lincoln Hospital's pediatrics department said yesterday, when the peeling walls in the railroad flat that made them ill could have been refinished for $2,400.

"We're unable to send the kids home because of the condition in this house," said one of the doctors, Joellen Werne, 27, who is treating the children, Ramon Rodriguez, 5, and his cousin, Victor Lopez, 4.

Ramon was admitted to the hospital in November, and Victor a month later.

"Ramon has permanent kidney damage, and Victor permanent brain damage," Dr. Werne said. She added that blood tests on a younger child in the family showed a lead level of .05 on a .06 leadpoison scale.

She said that housing the two boys meant tying up beds in already overcrowded and short-staffed Lincoln Hospital, but that sending them back home would only "sentence them" to another bout with lead-poisoning.

Leading a group of reporters and members of the Bronx Clergy Coalition through the apartment of the children's mother, Mrs. Naomi Nerchado, at 846 Hewitt Place, Bronx, Paul DeBreel, assistant to Bronx Borough President Robert Abrams, called the situation "a classic example of a snafu in the city bureaucracy that is holding back anti-lead-poisoning programs." DeBreel contended that the city spent $1,300 for a "patchwork" job to fix up the apartment when the six rooms could have been completely replastered for $2,400.

Doctors described the lead-poisoning treatment—administered through injections and intravenously—as "extremely painful and psychologically depressing for the child."

THE SELLING OF THE PENTAGON

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SPRINGER. Mr. Speaker, in the light of what has been said about the program, "The Selling of the Pentagon," I felt it was proper to insert in the RECORD the statement of the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS), at the opening of the hearing of the Subcommittee on Investigations on last Thursday, April 20, in order that the Members may know of the problems involved, the jurisdiction of the committee, and what it is trying to get at:

OPENING STATEMENT OF CHAIRMAN HARLEY O. STAGGERS

On April 7, 1971, this Subcommittee ordered that certain subpoenas *duces tecum* be served on the CBS and NBC networks and Wolper Productions Incorporated. These subpoenas were all duly served.

The purpose of this meeting is to receive the materials subpoenaed. Unless there is objection, I direct that the full text of the subpoenas be inserted in the record at this point, together with proof of service.

Prior to taking up the specific matter at hand, I feel it would serve a very useful purpose to place in the record a clear statement concerning the legislative purpose behind the Subcommittee's action in issuing the subpoenas.

Rule XI of the House of Representatives charges the Committee on Interstate and Foreign Commerce with responsibility for legislation having to do with the regulation of the interstate and foreign communications. We have always considered this jurisdiction over the laws governing broadcasting to be one of our most important responsibilities.

Broadcasting has, from its inception, been recognized as an activity vitally affecting the public interest. The broadcaster makes use of a precious and limited public resource which is not available to all. As the Supreme Court stated in the case of *National Broadcasting Company* v. *United States*, 319 U.S. 190 (1943):

"Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to government regulation."

Again, in the recent case of *Red Lion Broadcasting Company* v. *F.C.C.* 395 U.S. 367 (1969), a unanimous Supreme Court expressed similar views in upholding the FCC's fairness doctrine:

"The broadcasters challenge the fairness doctrine, and its specific manifestations in the personal attack and political editorial rules, on conventional First Amendment grounds, alleging that the rules abridge their freedom of speech and press.

* * * * *

"Although broadcasting is clearly a medium affected by a First Amendment interest . . . differences in the characteristics of new media justify differences in the First Amendment standards applied to them.

* * * * *

"This is not to say that the First Amendment is irrelevant to public broadcasting . . . but the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

As the printed text of my remarks will show, I have quoted from several portions of the Supreme Court's opinion.

Our concern with the laws governing broadcasting is not just a matter of inclination or preference by the Commerce Committee. It is also a duty imposed on it by clause 28 of Rule XI of the House of Representatives, recently enacted as part of the Legislative Reorganization Act of 1970. I will read briefly from that Rule:

"(a) In order to assist the House in—

"(1) Its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) Its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

"Each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee."

House Resolution 170 of the 92nd Congress authorizes the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, to conduct full and complete studies and investigations and to make inquiries within its jurisdicton, as set forth in clause 12 of Rule XI of the House of Representatives. Unless there is objection, I will insert into the record at this point the pertinent text of clauses 12 and 28 of Rule XI of the House of Representatives, together with the text of House Resolution 170. Witnesses here this afternoon have been provided with printed copies of these materials and I invite their careful attention to them.

Pursuant to discharging our responsibilities, we must be concerned not only with specific proposals for new legislation concerning broadcasting, but also with the adequacy of the present laws and their administration. In this connection, this Subcommittee has the following legislative subjects under inquiry and study:

1. The Federal Communications Act of 1934, as amended.
2. The rules and regulations of the Federal Communications Commission.
3. The administration and enforcement of the law and regulations by the Federal Communications Commission.
4. The desirability of additional, or remedial, legislation in the regulation of broadcasting for the benefit and protection of the public.
5. The applicability, if any, of the fairness doctrine to questions of factual accuracy.
6. The adequacy of the present laws, and their administration by the FCC, pertaining directly or indirectly to the preparation and presentation of news documentary programs.
7. Whether certain technological advances and/or the employment of certain production and editing techniques, methods of operation, and other practices by networks, broadcasters, and producers, have given rise to the need for new laws for the protection of the public—through disclosure requirements or other suitable means.

In order for the Subcommittee to pursue its legislative oversight responsibilities in the field of communications, it must on occasion make use of its subpoena powers. The materials called for in the subpoenas served on CBS, NBC, and Wolper Productions, are all relevant to one or more of the legislative subjects which I have just enumerated. I will be more specific on that point in a few minutes.

The regulation of broadcasting requires, of course, a due regard for the interests of the broadcasters and the public. We must be aware of the possibility that there may be times when the rights of the public must be protected against encroachments and abuses by those who control and utilize the instruments of mass communication. It has long been recognized in this country that the public is entitled to certain safeguards and protections in this area—that is, that those who engage in mass communications have certain responsibilities to the public.

It was for this reason that the Congress enacted those provisions of the Federal Trade Commission Act making it illegal to disseminate false and misleading advertisements in commerce. This Act governs all mass communications, including broadcasting: Its constitutionality has, of course, been conclusively established.

Another safeguard for the public is found in sections 317 and 508 of the Communications Act. These insure that the public will be informed when the broadcasters or his employees have received any payment or valuable consideration in connection with the broadcast of any matter. The underlying rationale is that people have a right to know by whom they are being persuaded. These sections require disclosures only when the broadcaster or his employees *receive* inducements to broadcast certain material. However, there may also be instances wherein the public interest might require disclosures when the broadcaster, or the producer of programming, has *given* inducements to others. This would, of course, require new legislation. It is one of the questions we are addressing in this inquiry.

In 1959, Congress was confronted with another area wherein protection of the public required the imposition of certain legal duties on broadcasting. It was determined that deception and fraud had begun to appear in connection with the presentation of what were purported to be *bona fide* contests of intellectual skill, better known as "Quiz Shows." This Committee inquired into the matter—making use of its subpoena powers to insure that all relevant facts were made known. The result, after careful consideration of these facts, was the enactment of Section 509 which prohibits deception in the presentation of such programs.

More recently, information has been received of a much more serious nature. It has been alleged that various broadcasters in connection with the preparation and/or presentation of purportedly *bona fide* news programs and documentaries have engaged in practices which might result in misleading and deceiving the public. These practices include: (1) Prearrangement or "staging" of events which are then presented as though they were *bona fide* and spontaneous news stories; and (2) Production techniques, including the manipulation of sound tracks, film and/or videotape, which rearrange the sequence of events, mismatch responses given during interviews, or otherwise distort the actual event originally filmed by the camera.

The Congress, and this Subcommittee specifically, have had occasion in the recent past to examine a number of such allegations; in some significant instances, the allegations were determined to be well founded in fact. I refer to the program entitled "Pot Party at a University," prepared and presented by station WBBM–TV, Chicago, Illinois, and the CBS News documentary entitled "Hunger in America." The latter program was investigated by a subcommittee of the House Appropriations Committee.

Very recently this Subcommittee had occasion to examine in detail the production of a CBS documentary which attempted to follow the adventures of a group seeking to invade the Island of Haiti and overthrow its government. This was, of course, the much discussed "Project Nassau." This documentary was never brought to final completion or broadcast by CBS.

This Subcommittee found that fraudulent and deceptive production techniques had been used in producing "Project Nassau." It is disturbing that CBS, both at the time and since, has asserted that its activities were a legitimate exercise of "news judgment." In its report on the subject, this Subcommittee unanimously rejected that argument. I might quote here briefly from page 5 of the Committee's report:

> "Fraud and deception in the presentation of purportedly *bona fide* news events is no more protected by the First Amendment than is the presentation of fraud and deception in the context of commercial advertising or quiz programs."

These are, I must emphasize, matters of the most serious public importance and legislative concern. The public has a right to expect, and I believe they do expect, that their elected representatives will ascertain the facts in order to determine whether the public interest is sufficiently protected by existing laws covering broadcasting. In both the "Pot Party" and the "Project Nassau" investigations, we made use of our subpoena power to insure that we had all the available evidence before we reached any conclusions. In both cases, the subpoenas called for the production of film outtakes and other material not used on the air. In neither case were these subpoenas challenged as beyond the proper scope of Congressional inquiry. In the case of the "Pot Party" investigation, the outtakes were not made available because they had been destroyed. In the "Project Nassau" case, all materials called for in the subpoena were provided. Our examination of these materials proved their relevance to the legislative concerns of this Subcommittee.

This brings us to the crux of the matter. We are concerned that the public be protected from deliberate staging and distortion of purportedly *bona fide* news. Whether this is done through prearrangement or through subsequent manipulation of film and sound tracks, the effect is the same. One of the things we have discovered in the light of our previous investigations in this area is that once such a distortion has been accomplished and incorporated into a final broadcast, it is virtually impossible to detect. This is why the original, uncut and unedited material must be examined.

This Subcommittee must consider, among other things, whether the public has a right to be advised when edited sequences are presented to them under conditions which might suggest that they have not been edited; whether it has a right to be advised when an apparently continuous event is actually the result of splicing together film and sound tracks which were obtained at different times and places; and whether it has a right to be advised when apparently spontaneous news coverage has been obtained through staging or other prearrangements. I cannot accept the proposition that any attempt on the part of the people's representatives in Congress to become informed as to the existence and effect of various television production techniques which bear on these questions is offensive to the First Amendment. If I felt that this was the case, we might not be here this afternoon.

To come finally to the matter at hand, we are concerned with two television network documentaries, "The Selling of the Pentagon," broadcast by CBS, and "Say Goodbye" broadcast by NBC. With respect to both broadcasts, there has been substantial allegation raised that incidents and events made to appear spontaneous and *bona fide* were, in fact, the product of questionable production techniques which distorted the original events.

These allegations have been sustained in some measure by the external evidence of the documentaries themselves. But to completely evaluate this matter, it will be necessary to examine the original materials. Our subpoenas have been designed to elicit only information which is legitimately concerned with this Subcommittee's legislative responsibilities.

Here I feel I must make some attempt to clarify the confusion on this point which apparently exists in some quarters. The questions under inquiry by this Subcommittee, and to which the subpoenas are pertinent, have nothing to do with evaluating the Pentagon's public affairs activities. Our purpose is not to look into whether CBS has been "biased" against the Department of Defense. Any controversy which may have arisen between the Department of Defense and CBS as to the conclusions drawn on the "Pentagon" documentary is likewise none of our concern.

The sole question under inquiry here is one which is clear, definite, and objectively ascertainable: That is, are the producers of television news documentary programs engaging in factually false and misleading filming and editing practices, consisting of rearranging, staging, or misrepresenting events, giving viewers an erroneous impression that what they are seeing has really happened, or that it happened in the way and under the circumstances in which it is shown. Certainly this is a matter of legitimate legislative interest. I might quote from the testimony of Dr. Frank Stanton, President of CBS, when he appeared before the predecessor of this Subcommittee twelve years ago during the "Quiz Show" hearings of 1959. During those hearings, Dr. Stanton stated as follows:

> "The test in every case must be whether any substantial number of the viewing audience is likely, in the given circumstances, to be deceived or misled as to the true nature of the program being offered. That test requires the exercise of human discretion in applying a 'rule of reason.'"

This statement, of course, was made during a hearing concerning staged and deceptive quiz programming presented for the amusement of television viewers. I would accept that statement as being at least equally applicable to news programming which is presented to the viewers as a basis upon which they are to make political and social decisions; decisions, I might add, which affect their own welfare and the future of this nation.

By now, I would hope that the relevancy of the outtakes, nonbroadcast film, and other materials detailed in the subpoenas is clear. An allegation that questions and answers in a filmed interview have been deliberately mismatched (to give but one example) cannot be evaluated without examination of the film of the entire interview, not just that portion which was finally broadcast. Allegations that certain scenes were simulated through careful editing and manipulation of different films and sound tracks must be resolved through a consideration of the original uncut material. We can neither prejudge these allegations nor ignore them. We simply must have the facts.

It should be equally obvious that the names and addresses of persons, other than network employees, appearing in the programs in question, together with information concerning payments of money to such individuals, is highly pertinent in an inquiry into the spontaneity of the events in which they appear.

Again I stress that it is not this Subcommittee's function to sit in judgment of the viewpoints expressed in television news or documentary programs. We do not have, nor do we seek, authority to curtail the presentation of controversial issues or of unpopular causes or personalities. It is this Subcommittee's view, however, that the American public is entitled to know whether what it is seeing on the television screen is real or simulated, edited or unedited, sequentially accurate or editorially rearranged, spontaneous or contrived.

While the inquiry into such subject matter is controversial as has been demonstrated over the past few days, I do not feel that we can shirk our duty to the public. The television broadcasting industry is still in its relative infancy: It has been on the scene as a national force for about twenty-four years. The legislative delineation of the duties of this industry to the public is still evolving. It is only through frank discussion and honest inquiry, with all the facts on the table, that we will make progress.

I am aware that I have expressed my views at some length, but the subject matter is of great importance. This matter has been considered carefully. For my part, I am convinced that the American public has the right to know and understand the techniques and procedures which go into the production and presentation of the television news documentaries upon which they must rely for their knowledge of the great issues and controversies of the day. They have a right to know—not only by whom—but how they are being persuaded. We are here today to assert those rights.

HEARINGS ON BILLS AFFECTING THE FEDERAL JUDICIARY

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. CELLER. Mr. Speaker, I am pleased to announce that Subcommittee No. 5 of the Committee on the Judiciary will hold public hearings on H.R. 6953, to create the Office of Administrative Assistant to the Chief Justice of the United States, and H.R. 7377, providing for the appointment of Justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the U.S. Courts, Director, Federal Judicial Center, and for other purposes.

These hearings are scheduled to be held on Thursday, May 6, 1971, at 10 a.m., in room 2141, Rayburn House Office Building.

Parties interested in submitting testimony should contact the Committee on the Judiciary, room 2137, Rayburn House Office Building.

STATE DEPARTMENT SHOULD COMPLY TO ENVIRONMENTAL ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. DINGELL. Mr. Speaker, the language of the National Environmental Policy Act of 1969, as well as the legislative history of that statute, makes it clear that the act's provisions apply to each of the Federal departments and agencies insofar as the activities of such departments and agencies have an impact upon the environment.

Therefore, it came as a great shock to me when I learned that the Department of State by administrative fiat is seeking to exempt the activities of the Agency for International Development from the requirements of the act. This is particularly so in view of the fact that the legal advisory committee to the Council on Environmental Quality after lengthy study and consideration has found that the National Environmental Quality Act does apply to the activities of the Department of State and AID.

In an effort to rectify this situation, I wrote President Nixon on April 27, 1971, to urge that he "take the necessary steps to see that immediate action is taken by the Department of State to comply with all the provisions of NEPA."

Mr. Speaker, I include the text of my letter to the President, the text of a press release relating thereto, the text of the legal advisory committee's resolution, and the text of the committee's April 25, 1971, press release at this point in the Record:

U.S. House of Representatives,
Washington, D.C., April 27, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: In December 1970 my Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries held extensive oversight hearings on the administration of the National Environmental Policy Act of 1969 (NEPA). Testimony was presented at the hearings by representatives of nearly every major department and agency which has a significant function or program in the area of environmental development or improvement. It was the intent of the Subcommittee during the hearings to explore with the agencies emerging problems associated with the Act, to evaluate and discuss agency progress toward full implementation of NEPA, and, in particular, to focus attention on the principal action-forcing provision of NEPA, Section 102(2)(C), which requires all agencies of the Federal Government to the fullest extent possible, to file environmental impact statements on all proposed actions significantly affecting the quality of the human environment.

The Subcommittee hearings covered nine full days in which an excess of two thousand pages of testimony was compiled and reviewed. On the whole, the Subcommittee was pleased with the progress that was made to implement NEPA, however, the hearings did disclose several problems with regard to the implementation of NEPA. Since the Subcommittee is about to issue a report on the hearings, as Chairman of the Subcommittee, I would like to take this opportunity to inform you of a highly significant problem which deeply concerns me as well as the other members of my Subcommittee. In his testimony at the hearings, Assistant Secretary of State, Christian Herter, Jr., said that it was the State Department's position that the Act did not apply to actions affecting the environment within the territorial jurisdiction of other nations. The result of this interpretation was to exempt the Department of State and the Agency for International Development from compliance with the preparation of environmental impact statements on activities undertaken overseas. The Department's witness felt that to apply NEPA to actions undertaken in foreign countries might be looked upon as an imposition of our environmental values on those countries.

Mr. President, I cannot express to you too firmly my conviction that the Department of State's interpretation of its responsibilities under NEPA is totally incorrect. The Act itself is perfectly clear; it directs "*all* agencies of the Federal Government" to prepare environmental impact statements on "major Federal actions significantly affecting the quality of the human environment." In addition, Section 102(E) of the Act directs agencies to recognize the worldwide and long-range character of environmental problems and to "lend appropriate support to initiatives, resolutions and programs designed to prevent the decline in the quality of mankind's world environment." Also, Section 3(g) of your Executive Order 11514, issued on March 5, 1970, clearly directs the Council on Environmental Quality to "advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State."

The Act and its legislative history demonstrate clearly that actions which, through a chain of events, might have an impact on the environment of a foreign country fall under the purview of the Act. The Act was also designed to initiate a new element in the decisionmaking process, placing new and expanded emphasis on environmental considerations. The preparation of these statements, especially by AID, would document for the recipient country, as well as the United States, the impact of their projects on the quality of the world environment. The preparation of such statements would not "impose" our environmental values on a foreign country; rather, it would serve as a means to inform countries of the consequences that their actions may have on the environment.

My Subcommittee plans to issue a report within the near future that will further clarify the legislative intent of NEPA as it pertains to global activities. The report will stress that Section 102(2) (C) and (E) of the Act, in combination, gives the Department of State the responsibility to take into consideration the impact its actions have on the world environment. In this regard, I am pleased to note that the Legal Advisory Committee to the Council on Environmental Quality adopted at its meeting on April 19, 1971, a resolution urging full compliance by the Department of State and the Agency for International Development with the provisions of NEPA and, specifically, Section 102 (2) (C) of the Act. This is a positive contribution and clarification of the legislative intent of this Act.

Mr. President, I would like to request that you take the necessary steps to see that immediate action is taken by the Department of State to comply with *all* the provisions of NEPA. The quality of this Nation's environment is not dependent solely on actions undertaken in this country; also it is intimately interlaced with the quality of the world environment. The nations of the world must begin to accept a new responsibility not only for their own citizens, but also for the effects of their activities on the welfare of mankind. The United States must take the leadership in this task, both politically and economically. We cannot take our responsibilities lightly. The Department of State is the proper Federal agency to lead this government's activities in improving and enhancing the quality of the world environment, and only by complying with all the provisions of NEPA can this leadership be provided.

Sincerely,

John D. Dingell,
Chairman, Subcommittee on Fisheries
and Wildlife Conservation.

News Release, April 28, 1971

Congressman John D. Dingell (D., Mich.) has charged the State Department with failing to meet the requirements of a new Federal law designed to protect the environment, and he has called upon President Nixon to compel that agency's compliance.

Dingell is Chairman of the Subcommittee on Fisheries and Wildlife Conservation, which is part of the full House Committee on Merchant Marine and Fisheries, chaired by Edward A. Garmatz (D., Md.). Dingell voiced his complaint in a letter sent yesterday (April 27) to the President. He emphasized that the State Department claims it does not have to fulfill the requirements of the National Environmental Policy Act (NEPA), and that it is not, therefore, compelled to identify and discuss environmental problems on an international level.

In his letter to the President, Dingell said that the Act and its history demonstrated clearly that the Agency for International Development (AID) loans for the construction of major environment-affecting facilities such as roads and dams and also for the procurement of such commodities as pesticides would be actions which might have a significant impact on the environment.

"These are precisely the kinds of activities that these actions were directed toward. NEPA sought to initiate a new element in the decisionmaking process," stated Congressman Dingell. "The Act places new, expanded emphasis in the consideration of environmental factors. The State Department, just as any other agency of the Federal Government, must assume the responsibility of taking into consideration the impacts its actions have on the environment."

In recent hearings before Dingell's Subcommittee, Assistant Secretary of State Christian Herter, Jr., said that it was the State Department's position that the Act which became law January 1, 1970, did not require environmental evaluation of Federal actions outside the United States. Section 102(2)(C) of the law requires all Federal agencies, to the fullest extent possible, to file detailed statements on proposed actions "significantly affecting the quality of the human environment." The State Department concluded that the Sec. 102(2)(C) reporting requirements do not apply to foreign aid programs carried on by AID.

Herter's position before the Subcommittee was that the preparation of environmental impact statements would "impose" U.S. values on foreign countries.

Dingell refuted this view. "Writing an environmental impact statement on a proposed loan to a developing country to buy pesticides would not in any way impose our environmental values on that country. Rather, a statement would simply document for the developing country, as well as the United States, the impact of their decision on the quality of the world environment. The statement informs the developing country of the consequences their action may have on the environment."

Dingell pointed out that the State Department had been committed to initiaive in the environmental field in a recent report issued by the President's office. Entitled "Protecting the World Environment in Light of Population Increase" (December 1970), the report included the following recommendation covering multilateral relations:

"The AID Administrator should enunciate the intention of AID to establish a focal point for environmental matters within the agency and to reflect throughout its programs the growing concern for the effects of man's activities on the quality of the environment. This policy should reflect a determination to take positive steps in those areas where the United States has a demonstrated capability to assist developing countries."

"This recommendation has been agreed to by President Nixon," Dingell stated. "Under the provisions of the National Environmental Policy Act, many agencies of the Federal bureaucracy can provide technical assistance to help the State Department carry out a leadership role in improving the quality of the world environment.

"There is no doubt at all that U.S. actions in many fields might have direct bearing on global changes," Dingell stated. "For this reason we are now requiring NASA to report on the global impact of its Apollo Program and Skylab Program.

"A forthcoming report on the Subcommittee's oversight hearings in which the State Department's views were expressed by Mr. Herter will further clarify the legislative intent of NEPA as it pertains to global activities," Dingell stated.

Mr. Dingell noted that the Legal Advisory Committee to the President's Council on Environmental Quality this week urged "full compliance" by the State Department with the reporting provisions of the National Environmental Policy Act in the carrying out of U.S. foreign aid programs overseas. The action was announced by the Committee's Chairman, Whitney North Seymour, Jr., on April 25, 1971.

"I have seen the resolution of the Legal Advisory Council," continued Mr. Dingell, "and I must say that I find it to be accurate and responsive to the high hopes that we have held for that group." He added that he intended to watch closely the actions of the Council as these might reinforce the conclusions of the Legal advisory group, noting that the Chairman of the Council, Russell M. Train, had recently conferred with Secretary Herter on the subject of the requirements of NEPA as they might affect activities of AID.

RESOLUTION

(Resolution of the Legal Advisory Committee to the Council on Environmental Quality, adopted at its meeting of 19 April 1971, Washington, D.C., unanimously by those present.)

Whereas, the Department of State, in a legal memorandum and comments dated 4 May 1970, contended that § 102(2) (c) of the National Environmental Policy Act of 1969, requiring submission of an environmental policy statement, does not apply to State and AID actions carried out within the territorial jurisdiction of another nation; and

Whereas, the Legal Advisory Committee of the Council on Environmental Quality believes that the language and legislative history of the National Environmental Policy Act of 1969, the law of the United States, and the administrative procedures of the Council on Environmental Quality, while not entirely clear, support the conclusion that § 102(2) (c) does not apply to State and AID actions carried out within the territorial jurisdiction of another nation;

Whereas, the Department of State, through a representative meeting with the International Legal Advisory Subcommittee, has made five further representations on behalf of its position to wit:

(1) The Act is ambiguous, the legislative history of the Act on this matter is unclear, as noted by Congressman Dingell, and the detailed steps required to implement § 102 (2) (c) cannot readily be applied to a situation where the action occurs in a foreign country;

(2) many developing countries would regard the imposition of explicit environmental criteria on US AID funding as an infringement on their sovereignty and as a pretext to delay their advance towards industrialization with what they see as its concomitant pollution;

(3) unilateral action by the United States to influence environmental results in other nations is unwise because it would encourage further such unilateral actions by other nations in environmental and other areas and would impede international solutions to these worldwide problems;

(4) specific environmental conditions, like other economic or political conditions, should not be made mandatory in State and AID funding of foreign programs since experience has shown this complicates the administration of aid and impedes the development of US relations with developing countries;

(5) the information which would be provided under a § 102(2) (c) statement is available already.

The Legal Advisory Committee responds to these representations as follows:

(1) the legislative record stands as a public document and indicates an intention to include all federal agencies not specifically excluded; further, the procedures for preparing § 102(2) (c) statements can be applied within a foreign context without undue administrative difficulty;

(2) while the State Department's assessment of the attitude of other nations is generally correct, the attitudes of the developing nations are changing—in part because of US diplomatic efforts to this end—and can be expected to continue to change in the direction of increased concern for the environmental effects of development; moreover, the § 102(2) (c) can be a useful educational device to further this objective;

(3 and 4) the effect of the application of § 102(2) (c) statement to State and AID would not be to impose specific conditions on United States' spending abroad but to inform United States citizens and the citizens of foreign nations of the anticipated environmental effects of such spending, and to establish guidelines for the extension of aid which are in the long-range interests of the recipient countries;

(5) while the information to be obtained under the § 102(2) (c) statement may in fact be available elsewhere, the purpose of the National Environmental Policy Act of 1969 is to bring all such information together in a common place to simplify the task of people seeking information about the environmental impacts of all programs of federal agencies.

Now, Therefore, the Legal Advisory Committee resolves that the Council on Environmental Quality hereby is urged to seek full compliance by State and AID with the provisions of § 102(2) (c).

PRESS RELEASE, APRIL 25, 1971

The Legal Advisory Committee to the President's Council on Environmental Quality this week urged "full compliance" by the State Department with the reporting provisions of the National Environmental Policy Act in the carrying out of U.S. foreign aid programs abroad. The action was announced by the Committee's Chairman, Whitney North Seymour, Jr.

The 1970 law requires all federal agencies to file detailed statements of proposed actions "significantly affecting the quality of the human environment."

The Advisory Committee's action came in response to the State Department's announced position that the Act's reporting requirements do not apply to foreign aid programs carried on by its Agency for International Development in the territory of another nation.

According to Mr. Seymour, the Advisory Committee concluded after studying the question that the legislative record of the Congress in discussing the NEPA makes clear an intent that the language "all agencies of the federal government" in the Act includes the State Department. The Committee also concluded that the United States is obligated to inform citizens of the U.S. and abroad of possible environmental effects of U.S. moneys spent to support local programs. The Committee felt such environmental information should be compiled and made publicly available by State for comment by other agencies and the public at large.

The State Department has claimed that the Environmental Policy Act is "ambiguous" and that the steps necessary to implement a statement of possible environmental effects could not be easily applied to actions in a foreign country.

State also takes the position that "unilateral action" by the U.S. to influence environmental quality within the territory of another nation poses a serious impediment to foreign relations programs of the nation. Commenting on these arguments, Mr. Seymour stated, "The Legal Advisory Committee believes that the State Department should fully comply with the Environmental Policy Act not only as a matter of law, but also as a matter of national policy.'

The Legal Advisory Committee's recommendation was based upon a consideration of the language, legislative history, and administrative interpretations of the NEPA, Mr. Seymour stated.

The total lending program for AID is about $760 million for the fiscal year 1971. A small portion of these loans involves the purchase of pesticide for use abroad. Loans totalling $150 million are fo: the construction of physical facilities such as roads, irrigation systems, and support for fertilizer and smelter industries, each of which presumably might have a significant impact on the environment and therefore would be covered by the provisions of the law.

ROLE OF TRANSPORTATION IN DISPOSAL OF OBSOLETE METALLIC WASTE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. VANDER JAGT. Mr. Speaker, one of the most important pieces of legislation that I have introduced in Congress would establish an aid program to enable the States to establish abandoned automobile collection programs, and provide a tax incentive to scrap processors to encourage them to install the most modern equipment capable of producing recyclable metal scrap. Over 70 Members have now joined me in this legislation, through which a "waste" would become an important resource.

In association with this legislation, I am also interested in removing any impediments which may exist to effective recycling of steel, paper, glass, and other materials. In an article published in Waste Age, Dr. Herschel Cutler, transportation consultant to the Institute of Scrap Iron and Steel, Inc., pointed out certain problems in the transportation field inhibiting the recycling of metallic wastes. A shortage of open gondola cars, together with discriminatory freight rates for scrap as compared to iron ore, discourage recycling of these and other materials. Both of these problems may be corrected. The transportation policies of this country should support the cause of environmental enhancement as enunciated in the National Environmetal Policy Act.

I am pleased to bring this material to the attention of the Congress, knowing of many Members' interest in encouraging the reuse of our resources:

ROLE OF TRANSPORTATION IN DISPOSAL OF OBSOLETE METALLIC WASTE

(By Dr. Herschel Cutler)

Land pollution is perhaps most often characterized by the unsightly, abandoned junk auto. Other possibilities, for the average citizen, include the tin can, old refrigerator or discarded stove. In fact, in article after article, including those dealing with garbage disposal problems, not scrap re-cycling matters, the demonstration of the dilemma is a picture of an auto graveyard or a municipal dump piled high with metallic solid waste, the obituary of the affluent American economy. Clearly, obsolete metal is a problem, but the reasons for the situation are not so clear, namely, the fact that artificial hindrances are restricting its full processing and use as an input to the steel and foundry indusries.

THE DIFFERENCE BETWEEN DISPOSAL AND RECYCLING

Solid waste is a generic description applying to materials no longer wanted or desirable in that form. The problem of removing such materials is usually looked upon as disposal—getting rid of it. Under the heading of solid waste are such diverse items as garbage, one-way bottles, waste paper, abandoned autos and other metallics.

Though there are similarities, the economic method for disposal is quite different depending on whether the material is recyclable or not. Thus, it is wrong to think about "disposing" of junk autos and other sources of metallic inputs since natural iron (FE), the basic component of such materials, is a much desired product for which markets do exist; this material should be recycled and there should be no disposal problem.

All of the metal lying abandoned on the roadways, farmyards or municipal dumps could be recycled; all of it would be recycled, if the artificial parameters denying such action were removed. The solid metallic waste problem would not exist, if the scrap cycle was operating efficiently. It is sad indeed that solid metallic waste, a true national resource, is a problem because it is not being used; it is a disgrace that such a resource is considered a disposal problem because it is not being recycled. This article will consider one reason for the breakdown in the scrap cycle—a man-made barrier—the artificial limitations imposed by transportation conditions facing the shipper of ferrous scrap.

THE SCRAP CYCLE

Solid metallic waste in the form of scrap results from three distinct sources. First, in the process of making steel the mills generate tons of material that are not part of their finished production. For example, ingots are too short for rolling and are not processed further or ingots are cropped short or steel plate clippings are produced. This scrap, called home or revert scrap, is generated entirely within the steelmaking facility and clearly is first used in re-charging the furnaces for the next steel cycle.

Home scrap is not an environment problem since it does not generally leave the mill and it is used first because it is, in a sense, "costless" to the mill since there is no purchase required. Home scrap is very important in the steelmaking process in that it accounts for approximately 60% of the total scrap charge. Stated in other terms, almost two-thirds of the total scrap charged never leaves the confines of the steel mill.

A second source of ferrous scrap is broadly identified as purchased scrap in that the mills and foundries "buy" these materials from persons outside their corporate structure. Purchased scrap emanates from two distinct sources: industrial and obsolescent.

Industrial scrap is that resulting generally from steel fabricators performing their manufacturing processes. Because the basic purpose of the process is to produce the fabricated product, and any interruption of the assembly line causes expensive delays, industrial scrap must move. Thus, it leaves the plant, but does it re-enter the steelmaking process? Though it is an historic phenomenon that such scrap moves to mills quickly and commands a premium because of its generally high quality and known metallurgical characteristics, certain grades of industrial scrap, under present market conditions, have experienced plunging or "negative" (the fabricator pays to have the material removed) buying prices. Since the scrap must be moved to avoid upsetting the manufacturing cycle, in many instances low quality industrial scrap grades are not finding their way back into steelmaking but rather are being consigned to municipal or private dumps for disposal. Thus, the first hint of the metallic waste problem is found in the industrial scrap area; some low grade industrial scrap is not being re-cycled. Industrial scrap accounts for 16% of the total scrap availability.

The second source of purchased scrap is known as obsolete scrap. This material is best represented by metallic objects that are worn out, corroded, broken, deteriorated or otherwise rendered obsolete, leading to their discard. Obsolete scrap, thus, is generated not in concentrated singular areas of economic activity, like a steel mill or a fabricating plant, but rather such items appear wherever people use steel products, wherever they live, work or congregate, wherever they may wander to recreate or rest, and the material must be collected wherever it is left and then processed into an acceptable product for mill and foundry use. These materials, if uncollected, are the solid metallic waste problem; they are the eyesores and pollutants.

The amount of metallic material made obsolete is a function of deterioration rates and service life, factors beyond the control of the scrap processor. But, the amount of metallic obsolete scrap recycled is uniquely responsive to the price paid by the mill, the scrap processor and the other factors in the scrap cycle. Since obsolete scrap accounts for 23% of the total scrap charge, and since obsolete scrap generally will not move unless the price "is right" or someone is prepared to make the price right by "paying" (subsidizing) if necessary, the solid metallic waste problem is, in the main, a problem of obsolete metallic items for which attractive markets do not exist such that the cycle will operate to steer the metallic sources back to the steelmaking furnaces.

THE PROCESS OF MAKING STEEL

All iron originally comes from ore, a natural resource limited in nature. Ferrous scrap is a secondary resource limited only by man's creative ability and desire to modernize (or at least change). Ferrous scrap is not being used as quickly as it is being generated.

The processes for making steel differ depending on the raw material used. Until 1957, 90% of the steel output in the United States came from the open hearth furnace which consumed significant amounts of both pig iron (reduced iron ore) and ferrous scrap as the two necessary ingredients in the process. The electric arc furnace, which appeared around the 1950's was, and is, primarily a consumer of ferrous scrap, with the charge to that furnace virtually 100% scrap. However, in the early 1950's, the Basic Oxygen Furnace (BOF) arrived and this type of furnace now accounts for over 40% of total steel production. The BOF is predominantly a hot metal (reduced iron ore in molten form as distinct from pig iron which is reduced iron ore after cooling) consumer though, in general, a 30% scrap charge is used.

Not only has the BOF become the major single source of finished steel, and not only does it possess the inherent capacity to melt a reduced percentage of ferrous scrap in the production of that steel, it also possesses an amazing capability to overcome the need for any purchased scrap whatever. Thus, whereas the BOF normally employs a charge of 70% hot metal (iron ore in molten form), it can operate efficiently with little or no obsolete purchased scrap (using home and prompt industrial scrap and increasing the ore charge), while still producing the same amount of steel. In other words, the BOF has the potential to make the steel producer virtually independent of the obsolete ferrous scrap market. In fact, a mill making its own hot metal (a so-called integrated steel producer) could increase its hot metal output and continue to produce the same exact amount of steel without the need to purchase a single pound of obsolete iron and steel scrap. The BOF, thus, has increased the problem of the obsolete solid metallic waste backlog.

Though the steel made mainly from ore and the steel made mainly from scrap result from different physical processes, these are not the most significant differences in that the function of either steelmaking process is, obviously, to make steel. How the steel is made, what raw materials are utilized and what capital investment is required are, of course, of great import, but that is only part of the problem. The role of society must be considered, especially the conservation of its natural resources and the control of its environment. These factors likewise deserve concern since steel can be produced by many diverse processes, some of which more effectively protect society than others.

While society has need for such protection, it also, at least in our modern economy, has need for steel. It is thus important to establish reasonable and efficient parameters to guide the making of steel while limiting the social losses otherwise threatening.

Thus, recognizing that steel can be made from two sources, namely primary (ore) or secondary (scrap) iron units, should lead society to the conclusion that all ferrous scrap would be melted prior to the use of new iron ore in the making of steel. This is the logical expectation since both sources of iron (scrap and ore) are interchangeable in a ratio reflecting their relative natural iron contents, i.e. if both contain 73% FE, they are directly interchangeable; if one has 90% FE and the other 60% FE, they are interchangeable at a ratio of 1½ to 1.

Natural iron is the key factor in steelmaking: it is the item purchased and it is the item that gives both scrap and ore their value. This is the metallurgical explanation of the relationship of the two competitive raw materials; it is the rationale that should have led to a removal of the solid metallic waste problem. Yet, the process of making steel, which simply is the melting of natural iron in various forms, has not consumed all the available ferrous scrap.

THE ROLE OF TRANSPORTATION IN MARKETING FERROUS SCRAP

The producer of processed ferrous scrap suitable for melting into new steel is faced with the need for transport in at least two distinct phases of the operation. There is need to move the obsolete material from where it is located to the processing facility and there is need to move the finished product to the consuming point. The transport difficulties are distinct, yet they share a common characteristic—they exist in disproportionate fashion to the detriment of the free flow of obsolete metallic waste.

Inbound to the processing facility, a key factor is bulk. The cubic requirements in relation to the weight involved in the movement of junk autos, old boilers, stoves, refrigerators, and hay balers, mean that the usual carrying capacity of space is exhausted before the weight carrying capacity is even approached. Thus, the rate per pound, the usual basis for quotation of freight rates, precludes economical movement by the common carrier industry. It becomes necessary to rely on persons who own both the vehicles and the obsolete scrap if the processor is to get the material, e.g. the auto wrecker who trucks his hulks to the processor, the collector who brings in his findings, or the processor who employs his own trucks to go out and pick-up the obsolete items for processing. In such cases whether or not the metallic waste is collected depends upon the cost of movement and, in virtually all cases, the solution is a privately owned motor vehicle of some sort. The railroads have almost been entirely eliminated from the inbound movement of so-called unprepared scrap because their rate structure does not recognize the "balloon nature" of the product, a characteristic which does not fit the present rate structure, especially when the very low value of unprepared scrap is considered.

The movement of processed scrap to consuming points is quite different. The processed material is a much more dense commodity, it comes closer to consuming both the weight and cubic capacity of the vehicles offered for scrap service. Thus, the railroads are the carriers in the outbound movement of prepared ferrous scrap, but this very role is the cause of a major problem, one that threatens the continued viability of the processing industry devoted to the removal of solid waste.

THE RAILROAD AS A CARRIER OF FERROUS SCRAP

Virtually every scrap processing facility in this nation is designed around a railroad. The tracks usually determine the location of processing equipment since every moving operation is very costly (in-plant movement is usually by crane and magnet). To minimize such movement, the processing machines are located trackside wherever possible. Yet, this forced dependence on the railroad is not entirely a free choice by the processor; it is not his decision to become a "captive" to the railroad (the tracks also tend to preclude truck service since it is difficult to operate trucks under these conditions).

Given the relative cost and service characteristics of present rail and truck service, there is much reason to design scrap processing facilities around motor vehicles as the prime conveyances. However, the railroad remains predominant on the outbound movement because most steel mills currently will not accept inbound shipment to their plants other than by rail. Since the customer demands rail movement the supplier must accommodate these wishes, and an artificial barrier is created resulting in an unwanted, and in the present case highly undesirable, captivity for the shipper of ferrous scrap.

Though certain mills have accepted truck shipment for ferrous scrap, the vast majority of consumers are not set up to receive prepared scrap other than by rail. As is true of the scrap facility, most mills have designed their internal operations around the railroad so that inbound scrap in rail cars can be unloaded directly into the furnaces or stocked adjacent to the melting area.

Moreover, truck movements pose serious safety and security problems not encountered when rail cars are used for the inbound movement. Drivers waiting to have the vehicles unloaded are unnecessarily subjected to the hazards of mill operation not truly appreciated by personnel unaware of how steel is made. Also, trucks have to be unloaded quickly because, contrary to the situation where rail cars are involved, the driver generally waits for the vehicle's release. Thus, the mills' requirement to use rail is well founded but the effect is to create an artificial situation whereby flexibility of alternatives is generally denied the shipper of ferrous scrap. This lack of alternatives has led to the present difficulties facing the shipper of prepared ferrous scrap.

THE NEGATIVE EFFECTS OF TRANSPORT "CAPTIVITY"

When a shipper has the freedom of choice about the transport mode serving him, he strives to optimize the two key ingredients of carrier operation—cost and service. The usual decision process recognizes that trade-offs exist between these factors. The best overall situation per dollar expended most likely will be less than optimum; both the lowest price and the best service are not generally attainable. Yet, the decision process usually yields results reflecting the best service for a reasonable price, given the needs of the situation.

Where the ferrous scrap processor has such choice, he has exercised it. Thus, for the movement to his yard, most unprepared scrap enters by truck because the processor has a choice of modes; when the possibility for diversion from the rail is available, it has occurred. On the other hand, where diversion is not possible, the railroad continues to be the key service factor.

Though it is a regulated industry, the railroads, recognizing the captivity of the scrap shipper, have found it possible to discriminate in both critical areas, rates and service. The scrap shipper, therefore, finds that he is faced with inadequate, poor, and at times non-existent, car service as well as rates which fail to reflect the competition existing between ferrous scrap and iron ore. The twofold effect of this transport discrimination yields the condition that iron and steel scrap moves only when the unrealistically high rates can be absorbed by the collection and processing system AND only when freight cars are available to move the material after such absorption is undertaken. Accordingly, the railroad industry must assume a significant share of the blame for today's solid metallic waste backlog, since if the material cannot be moved, it will not be collected and processed.

THE EFFECT OF RATES

It is a generally accepted concept of equity that transportation rates should not alter the competitive standing of the alternative inputs to any manufacturing process. Transport rates should not disturb these relationships so long as the rates exceed the carrier's cost of providing such service. Equitable rates, reflecting the basic commodity values, allow competition to continue without distortion. Present rail rates show that, contrary to this reasonable position (reasonable even if solid wastes were not a major problem), a distinct and significant bias exists in favor of iron ore and against ferrous scrap.

Using as representative averages the natural iron content of 90% for ferrous scrap and 60% for iron ore, an anticipated ratio of rates on the competing commodities would be 1½ to 1 (90/60). The actual ratio is, however, far different. For example, the latest published Interstate Commerce Commission tabulation of average rates (average revenue per ton) shows a ratio of rates of 2.5 to 1 against ferrous scrap. A study developed the fact that, on the average, iron and steel scrap is charged $1.66 per ton more than should be assessed if the competitive relationship is to remain undisturbed by the artificiality of freight rate discrimination.

These data demonstrated in the following table which clearly points out the negative impact of railroad pricing structures on the movement of ferrous scrap:

[All figures are in net tons]

	1966 revenue per ton—		Using FE basis, correct revenue per ton for iron and steel scrap should be [1]	Discrimination against iron and steel scrap per ton [2]
	Iron and steel scrap	Iron ore		
United States to United States regions	$4.12	$1.64	$2.46	$1.66
OFF to OFF	3.78	2.22	3.33	.45
SOU to SOU	3.76	1.90	2.85	.45
WTL to WTL	4.40	.98	1.47	2.93
MTP to MTP	4.02	2.54	3.81	.21

[1] Multiplying 1966 revenue for iron ore by 1½ (FE ratio).

[2] Difference between 1966 revenue for iron and steel scrap and correct rate of FE basis.

The impact of the $1.66 per ton is significant not only in the short-run, day-to-day, buy or not, decisions, it is of greater import in the long-run decision about the type of new furnace capacity to purchase. The role of the clear discrimination of $1.66 per ton can most easily be appreciated by recognizing it to be a permanent disability known to exist whether or not temporary fluctuations occur. Though scrap prices fluctuate daily in a "free market" while iron ore prices tend to be more stable, the impact of the inherent rate disability is equal to an inherent infirmity sharply limiting its desirability. Thus, when demand is high and prices are higher to bring material out, the disparity with iron ore per delivered iron unit is somewhat more unfavorable to the scrap seller; the reverse is true when conditions are opposite; but the $1.66 infirmity does not change. On the average, and only for artificial reasons, the iron units delivered from scrap suffer a clear and severe disability.

In the investment decision area, the infirmity of the $1.66 per ton is even more serious. The presence of the continuing discrimination is part of the analytical process leading to a particular choice of new or replacement steelmaking capacity. The magnitude of the discrimination is sufficient to alter the decision in such a way that, for example, high ore-dependent furnaces could be purchased rather than high-scrap dependent furnaces, (or high scrap-consuming furnaces, otherwise justified, might not be constructed) because the cost differential in the output of finished steel is artificially distorted to the extent that the rates do not reflect relative values of the competing inputs. And, once a low-scrap consuming furnace is on-line, the volume of scrap needed is curtailed, to the detriment of society which finds the solid metallic waste buildup becoming even more significant.

Thus, whether it is the daily buying decision or the long-run investment decision that is made in the artificial atmosphere of transportation charges that overprice, on a delivered basis, one of two competitive inputs, the result is the same; the commodity being discriminated against finds its markets denied at an accelerating pace. The continued loss of markets leads to more obsolete metallic waste that does not move for re-cycling.

THE EFFECT OF SERVICE

But discriminatory rates are only part of the problem. Even if the rates are unreasonably high and favor the competitive material, it is essential that rail cars be available to move the processed scrap to consumers if the material is to be sold. Because steel mills require assurance of a continuous supply of the necessary raw materials, the buyer must be confident of the ability of his suppliers to provide either scrap or ore in the volumes needed when they are required.

Such assurance is not possible where the scrap shipper is involved because the carriers refuse (or are unable) to provide reasonably scheduled service and they refuse (or are unable) to maintain, much less increase, the size of their gondola fleet. The gondola is critical to the scrap processor because he is not only captive to the railroad, for all intents and purposes he is also captive to the gondola. Thus, whereas other commodities dependent upon rail service can be moved via alternative conveyances (even grain can move in boxcars and hopper cars), scrap is virtually limited to movement only in gondolas.

Examination of rail car ownership records shows that the gondola fleet has decreased 35 percent in the past 16 years (January 1, 1970/January 1, 1955), almost half again as sharp a decrease as that experienced in the boxcar area (though boxcars are always noted as the critically short equipment). Moreover, the capacity in tons of the cars yet in service has fallen by 24 percent so that the scrap shipper is served with 102,000 gondolas less that can be loaded and those cars available can accommodate approximately 4,000,000 tons less capacity. Certainly, these figures offer little assurance that scrap shipments will be made according to schedule and with continuity. Moreover, the downward trend in car ownership is continuing and the gondola fleet as of June 1, 1970, showed a decrease of over 5,000 cars from the number available on June 1, 1969.

Unfortunately, the service problem extends beyond the deterioration in capacity to move ferrous scrap. The carriers delay loaded cars for weeks in crosstown switching movements as well as for the relatively short line hauls that characterize so much of the scrap business today because long distance movement is prevented due to the unreasonably high rates for such shipments. They do not pick-up loaded cars for long periods of time; they delay the placements of empties for days while scrap must be stockpiled in a costly operation; they provide cars with cubic capacities so low it is impossible to load sufficient material in the car to make the movement economically worthwhile.

Adding to these problems are the almost continuous attempts of the carriers to further limit the magnitude of their presently inadequate service. Reductions from daily to two or three switches per week are not uncommon; refusal to honor claims for differences in scrap lading between car weights at origin and the same cars at destination while paying such claims where other commodities are involved; requesting sharp increases in demurrage rates when the problems with low railroad car utilization are predominantly inadequacies in carrier service not delays by scrap shippers and/or receivers.

The captivity of the ferrous scrap shipper, thus, not only leads to sharply discriminatory rates that hinder the movement of ferrous scrap vis-a-vis iron ore, it also leads to an almost total lack of interest in the service needs of the iron and steel scrap processing industry. The result is that this major industry, tied generally to the rails is almost totally ignored when service needs are at issue.

WHAT CAN BE DONE TO OVERCOME THESE ARTIFICIAL BARRIERS HINDERING THE MOVEMENT OF FERROUS SCRAP

Many suggestions result from even a superficial analysis of the transport problems facing ferrous scrap shippers. Many of these proposals require government administrative and executive action because the transportation industry is a regulated economic entity. Some of these actions require legislative undertakings for the same reason or because the concepts would have to carry the force of law to be widely adopted. Finally, research money will be needed, in far lower sums than might seem to be required, if the overall program is to succeed.

In outline form, some suggested actions are:

1. Removal of the rate discrimination—Certainly, first must be the deletion from the rate structure of the inherent rate bias that now exists amounting to $1.66 per ton against ferrous scrap. The impact of this correction alone would be great in terms of the added scrap that would be consumed in the day-to-day operation of present steelmaking capacity and, more importantly, in protecting the tonnage that might have been lost if artifically motivated decisions to purchase low scrap-consuming new or replacement furnaces were to continue.

Concerted action by interested parties could lead to removal of this artificial barrier by the Interstate Commerce Commission.

2. Purchase of new gondolas—Equally important is the need for adequate capacity to move ferrous scrap. The carriers should be directed to spend part (or all) of the funds resulting from General Revenue (Ex Parte) cases from shippers using gondola cars, to the purchase of new equipment to serve these industries. Thus, new and larger gondolas would be installed to support reasonable rates for the movement of ferrous scrap in competition with the low rates and new equipment serving the ore industry.

If the carriers find they are unable to purchase the needed equipment, the ferrous scrap processing industry (assisted by government guarantees of the obligations) should consider purchasing and maintaining a gondola car fleet to insure the movement of its products. Obviously, however, the carrier rate structures then would not only have to be made competitive with that quoted for iron ore, they would also have to accommodate the ownership costs that would be shifted from carrier to shipper.

3. Change in service attitude—The carriers must recognize that ferrous scrap is not "at the bottom of the pile" where service needs are concerned. They understand the "assembly line" needs of many other industries but seem unable to comprehend the same needs in this industry. Scheduled service is as critical to ferrous scrap as it is to iron ore movements. The Interstate Commerce Commission should establish levels of service performance which it considers reasonable and should establish a clear understanding of the performance levels that are unacceptable. Thus, three weeks to cross a city from its east to west side cannot be considered reasonable, and the ICC should have enforcement powers to preclude such delay not only for scrap but for all commodities.

4. Research money must be made available—Research must be undertaken in such diverse areas as:

(a) limited pre-reduction of metallic waste by portable processing equipment so that the cubic demands are lessened without reducing the quality of the scrap prior to its being completely processed.

(b) development of collection points for centralizing metallic waste pick-up efforts,

(c) assistance programs to stimulate the inbound movement of metallic waste to scrap processing yards; the assistance to go to the inbound transporter to encourage his participation.

5. Grant status to the environment effort—At all levels of government and industry, recognition must be given to the critical battle for survival that envisions control of our environment. Thus, exemptions in the interest of environmental control should be considered as extensions of the need to survive. For example,

(a) increase in load limits on public highways for trucks carrying solid metallic waste so long as the road surface is protected by additional axles and wheels, and

(b) extending "exemption" status in the case of barge and truck shipment so that excess capacity for these modes could be used to move ferrous scrap without the necessity to meet all the needs of rate regulation. (This would accord to ferrous scrap the same sort of flexibility now permitted where agricultural goods move by truck and bulk goods move by barge.)

These suggestions are just the beginning of a long list of possible assists that would yield a great harvest in social benefit. First, and foremost, the solid metallic waste backlog would begin to cease being a problem. the railroads would find ferrous scrap to be a profitable commodity when served appropriately and the other modes—truck and barge—would be serving the scrap processing industry where their unique contributions will help in solid waste re-cycling.

To obtain these many bounties requires relatively little effort, possibly only a small amount of money. The key ingredients are not time or funds, rather they are, first, an awareness of the source of the problem, second, a willingness to attack the difficulty and, third, an interest in seeing to it that success results. There is so much to gain that waiting and delay are inexcusable.

NEW ASSIGNMENT FOR THE U.S. ARMY CORPS OF ENGINEERS—REGIONAL WASTE WATER MANAGEMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ROBISON of New York. Mr. Speaker, recently our Appropriations Subcommittee on Public Works approved a request of the Corps of Engineers to reorient, within available funds, its investigations program to initiate the development of alternative plans for waste water management systems at a number of metropolitan areas. Although funds are included in the fiscal 1972 budget for expediting such planning studies, our subcommittee agreed with the Chief of Engineers that the matter was of such great urgency that it should be permitted to proceed immediately to consider the application of new technology in the development of regional plans for waste water management systems which would accomplish a great deal more than the traditional sewage treatment plants.

Over the past 14 years, more than $6 billion have been spent on the construction of sewage treatment plants, and present plans call for the expenditure of an additional $12 billion during the next

3 years, with the likelihood of equally large expenditures being programmed for many years thereafter. The provision of these waste treatment plants, requiring the use of our rivers and lakes to dilute and assimilate the wastes, has degraded vast reaches of our waterways and estuary waters. Alternatives to using the Nation's rivers and lakes as disposal areas for partially treated wastes must be developed and evaluated.

The pilot study to be undertaken by the Corps involves a reorientation of its ongoing studies of the metropolitan areas of Chicago, Cleveland, Detroit, San Francisco, and the Merrimack River Basin in the Boston area to develop and assess a range of alternative regional waste water management systems. Emphasis will be placed on land disposal systems that would use the soil as a living filter to achieve a high level of final treatment of industrial and municipal wastes and produce regenerated ground water supplies of a quality suitable for use as water supply.

In granting approval of the Corps' funding request, the subcommittee stipulated that prior to the initiation of the studies that a memorandum of understanding be developed and agreed upon between the Corps and the Environmental Protection Agency to assure full coordination and cooperation among the Federal, state, and local agencies involved. This joint agreement has now been finalized and establishes a client-consultant relationship whereby the Department of the Army will act as a consultant to EPA. EPA, in consultation with the states and local governments will assign priorities, determine needs, and provide overall guidance for the studies.

I believe that this new undertaking is a landmark in water resources planning for it will make possible full utilization of the most efficient planning, engineering, and construction capabilities of the Army Corps of Engineers in the solving of our waste water management problems.

I include a copy of an excellent article concerning this new assignment to the U.S. Army Engineers, which was prepared by John Lear, science editor, and appeared in the May 1, 1971, issue of the Saturday Review:

ENVIRONMENT AND THE QUALITY OF LIFE—ENVIRONMENT REPAIR: THE U.S. ARMY ENGINEERS' NEW ASSIGNMENT

(By John Lear)

Assuming that the spenders work a standard forty-hour week, $1-million worth of tax money is now being spent for construction of new sewage disposal facilities in the United States every hour.

Practically none of this money is buying what most taxpayers think they are paying for.

Disease-carrying viruses are not being removed from waste water the new facilities are pouring into our streams, lakes, and oceans.

Nitrogenous contents of sewage are being converted into nitrates hazardous to health.

Organic substances known to provoke cancer are being dumped into waterways that subsequently become sources of drinking water for homes and public places.

Most deceptive of all is the common practice of designing sewage disposal plants so as to divert raw sewage, not treated in any way, into watercourses whenever something goes wrong with the disposal pumps or the other plant machinery requires repair. Automatic bypass devices were, in fact, required as a "safety" measure up to two years ago.

When the disposal process is working, solids it separates from the water are not permanently removed as pollutants from the environment but are only temporarily set aside. They settle as thick ooze on the bottom of processing basins, whence they must be taken periodically and otherwise dealt with later. In a few places, the sludge is collected and sold as fertilizer. Milwaukee bags it and markets it through normal interstate commerce channels. But most of it is either incinerated—returning noxious fumes to the atmosphere—or once again set adrift in the water to prematurely age river, lake, and ocean beds with layers of fertilizing accelerants of eutrophication. The most elaborate incinerator in operation anywhere today serves the city of Denver, where the people are now violently protesting the pollutants it vents into the mountain air. New York City dumps its sludge into the sea from tug-drawn barges subsidized by taxpayers all over the country through grants from President Nixon's Environmental Protection Agency (EPA)—a practice that EPA intends to discontinue just as soon as a practical alternate method of disposal can be arranged. U.S. Senator Clifford Case of New Jersey is forcing the issue with proposed legislation to stop dumping of any waste into any ocean or into the Great Lakes within five years.

Those few who know the truth about sewage disposal seldom talk candidly about it in public. Their justification for silence is that it is a disservice to distress people unless immediate action can be taken to provide now-missing protection. The closest approach any highly placed government bureaucrat has made to full disclosure was in a speech recently delivered by Eugene T. Jensen, operations chief in the water quality control office of the EPA. Mr. Jensen told an American Society of Civil Engineers National Specialty Conference at Los Angeles:

"I am ashamed to admit that . . . the old "pros" in the field of water pollution control appear to be lagging. The people and Congress appear to have swept by us. We seem willing to settle for too little. . . . We build [sewage] treatment facilities—but we fear expenditures that exceed what is absolutely necessary to maintain *minimum* stream quality. We tolerate poor operation. We are satisfied with less than modern treatment techniques, and confine our new, advanced, waste treatment technology to pilot plants and research laboratories. When the public asks for treatment to permit reuse [of waste water], we hold back and point out only the weaknesses of the new treatment technology. We take some enforcement actions, but we do not make "unreasonable" requests. Is "reasonableness" an excuse for weakness, and "prudence" another word for timidity? The cases in which a major [polluted] stream or lake has actually been restored can be counted on one hand. . . .

"The problem will not be solved merely by enactment of legislation, no matter how well conceived or how expertly drawn. . . . We, the professionals in the field of water pollution control, are going to have to change ourselves, our concepts, and our way of doing things. . . . First and foremost perhaps, we must stop being satisfied with yesterday's technology. New technology is available. Until it is transferred into actual treatment facilities, it is of little value. Just because we have relied on tricking filters and activated sludge plants in the past does not mean that we should continue to do so today.

"You will object, perhaps, that these processes have been well tried and have proved reliable. Yes, they have proved reliable if by reliable one means that they are known to break down and are subject to erratic performance. . . ."

Why did Jensen stick his neck out so plainly and so far? Why, especially, at a time when—as he put it—"the public has asked for clean water. They want clean water in the very immediate future and think that even five years is too long to wait"? Undoubtedly, partly because he is a conscientious person and feels the pressure of generations of Danish-farmer ancestors who accorded respect to nature. But also perhaps partly because he was then engaged in negotiations that he felt confident would result in decisive reform in less than five years.

For all practical purposes, these negotiations are now complete. EPA has assigned the most efficient planning and construction agency on earth—the U.S. Army Corps of Engineers—to undertake field studies of feasible alternative methods of modern sewage disposal in five of the nine largest metropolitan areas of the country, home of 12 to 15 per cent of the nation's population: the dozen California counties bordering San Francisco Bay and its estuary (10,000 square miles, ocupied by 5.5-million people); Chiago and those contiguous parts of Illinois and Indiana abutting the lower tip of Lake Michigan (3,700 square miles, 7.25-million people); the city of Detroit and its environs (4,000 square miles, 4.9 million people); the Cleveland-Akron metropolitan complex and its Cuyahoga basin hinterland (2,000 square miles, 2.4-million people); and the Merrimack River basin, into which the waters of most of metropolitan Boston drain (5,000 square miles, 3.4-million people).

A memorandum of understanding has been agreed to by the staff of EPA and the Corps, and now carries the initials of William Ruckelshaus, EPA administrator, and Robert Jordan III, general counsel to the Secretary of the Army and the Secretary's Special Assistant for Civilian Affairs. The gist of the memo has been approved by the public works subcommittees of the appropriations committees of the two houses of Congress, which have endorsed the shifting of $6.7-million of previously budgeted Corps funds to enable the engineers to get to work. A special task force, made up largely of bright, young, ecologically oriented Ph. D.s who have military service obligations to work off, has been assembled in the office of Corps Chief Lt. Gen. F. J. Clarke: it has put together a fifty-page manual to guide the scores of engineers who will gather the detailed information on which the choices of disposal systems will be based. The current operating schedule calls for fever-pitch activity culminating in recommendations by July 1. Slippage into August is a reasonable expectation. But by autumn the Corps hopes to have EPA's encouragement to begin drafting actual plans for construction of sewage disposal systems. At that point, 500 to 600 uniformed men and 30,000 highly trained civilian employees will be involved in the updating of attitudes EPA's Jensen so pointedly deplored last March.

The new environment repair mission of the Corps of Engineers could well be the big breakthrough everyone has been looking for in America's fulminating ecological revolution. The Corps has been instrumental in almost every great forward step in American destiny. George Washington himself conceived the idea of a corps and wrote of it explicitly in his earliest planning for the new democracy. An embryonic embodiment of his brainchild fortified Breed's Hill just before the Battle of Bunker Hill. The Military Academy at West Point began as an engineering school, the only one in America at the time. The men who emerged from it, and their successors, cut the earliest roads westward from the Atlantic Seaboard across the hilled wilderness to the plains that would serve as the mature nation's breadbasket. Later on, the Corps of Engineers surveyed the routes the railroads followed out of the plains and over the Rockies to the Pacific.

Charles Darwin's theory of evolution, from which has sprung all of modern man's thinking about himself in relation to his environment, was derived in part from botanist Asa Gray's analysis of the grasses and flowers the surveyors gathered as they traveled. In the 1890's, the Corps originated river basin resource planning that led to the conservation concepts of President Theodore Roosevelt and his forester-politicians protégé, Gifford Pinchot. The Engineers were the earliest official guardians of the forest and were the first to fight for preservation of the natural wonders of Yellowstone, Yosemite, and Sequoia as national parks. The Corps built the Alaskan Highway when Japanese invasion seemed feasible in World War II. It built the atom bomb that ended that war. It built the launching pads from which departed the first manned voyages to the moon.

Monuments to the versatility and reliability of the Corps's building methods are admired daily by multitudes of people who never suspect the parentage of the Capitol Dome in Washington, D.C., the memorial to Abraham Lincoln, the Tidal Basin in which the Japanese cherry tree blossom festival is celebrated every spring, the Pentagon, the electric power generating dams that have enabled the Tennessee Valley Authority to lift a whole region from red-dust-deep poverty, various post offices, and several hundred artificial lakes throughout the country—impounded behind dams constructed to prevent floods in the valleys of the Missouri, the Mississippi, and many lesser rivers.

Some of those lakes are 200 miles long. To bring them into being, the Corps had to raise out of nowhere whole towns to house workers recruited by private contractors under Corps specifications (an unpremeditated spin-off of this procedure, at Grand Coulee Dam in 1938, was the "team medicine" innovation of contractor Henry Kaiser, which is now reshaping medical practice in America). Jobs opened by the hundreds wherever this happened. Similar situations arose from the erection of miles of levees to further restrain the rivers. During the long economic depression that followed the stock market collapse of 1929, nothing could have been more popular. The Corps of Engineers assumed heroic proportions in the minds of the hungry multitude. Local chambers of commerce avidly hunted projects to bring to the Corps's attention. Congressmen and Senators vied for the privilege of supporting proposals that would add to the prosperity of their districts and their states. The Corps was not the only big builder in the federal domain. The Reclamation Bureau of the Interior Department and the Soil Conservation Agency of the Department of Agriculture were similarly occupied. But the military precision of the Engineers, the disciplined principles of rapid motion, hard striking, and getting the job done by the book gave the Corps special visibility.

According to flow charts of governmental authority, the Engineers belong to the Army, and the Army belongs to the Executive branch uner strict Presidential control. But even such a charismatic President as the late Franklin D. Roosevelt and as scrappy a one as Harry Truman were unable to bring the agency in the direction of their wishes. For every dollar the Corps got in the President's budget, the Congress added at least another dollar. The Corps could afford to behave as independently as J. Edgar Hoover, and it exercised the privilege fully throughout the years when vigorous growth was equated with robust national health.

Enthusiasm for the "build, build, build" philosophy was always short of unanimous. People whose homes were drowned by the water the dams backed up and those whose sensibilities were offended by wholesale mutilation of natural beauty raised plaintive voices, occasionally made headlines of protest, and in rare cases dared the juggernaut in court. Not only did they almost always lose out, but they usually left the scene bearing such epithets of scorn as "bird watchers," "butterfly chasers," and "little old ladies in tennis shoes."

Hardly anyone noticed when the tide began to turn a quarter century ago. I recall how pleasantly surprised was Ben Hibbs, then editor of the *Saturday Evening Post*, when I took to his office a manuscript I titled "Pennsylvania's Hidebound Revolutionary." My subject was Gen. Edward Martin, then state Governor, widely looked upon as an unimaginative errand boy of the Mellon interests within the Republican Party. Martin and his Attorney General, James Duff, had found the rich steel and oil contributors to GOP election campaigns in the state open to adoption of a new set of laws designed to clean up Pennsylvania's polluted streams. Martin began putting the laws through a reluctant legislature, and Duff finished the job after taking Martin's place in the Governor's chair. Half a decade later, in 1951, the Corps of Engineers' share of responsibility for making a mess of waterways across the nation was exposed to a wide public for the first time in *Muddy Waters: The Corps of Engineers and the Nation's Rivers*, a book written by Harvard University Professor Arthur Maass and published by Harvard University Press.

In 1958, Congress began to sense that the Corps had fallen out of tune with the times. But that year's legislation governing the Corps' work required only that consequences to fish and game be taken into account in future straightening of rivers, dredging of harbors, and building of dams. By that time, the Corps was too accustomed to power to feel the rebuke, and resentment against continuance of its bulldozer tactics swelled as the years passed. Early in 1968, one of the country's most influential and plain-spoken conservationists, Supreme Court Justice William O. Douglas, declared in a speech to the Great Lakes Chapter of the Sierra Club: "The Army Corps of Engineers is public enemy number one." In July of the following year, the Justice published in *Playboy* magazine his personal conviction that "the Corps is destroying free-flowing streams to make unnecessary dams. It is trying to turn natural rivers into sluiceways. It is destroying our estuaries." He then recapitulated the Corps's history and considered its future:

"The Corps . . . has a long and illustrious record, completely free of fraud, mismanagement, or other types of scandal. . . . Since 1824, it has built most of the nation's harbors and navigable waterways. From the beginning, it was active in flood control, and when the first national Flood Control Act was passed by Congress in 1917, it became very active, especially in the Mississippi Valley. . . .

"The difficulty is, however, that we are running out of free-flowing rivers and healthy estuaries. The traditional engineering functions no longer fit our needs. Our need is to preserve the few remaining natural wonders that we have and make them clean and sparkling and fit for use by humans and the vast world of birds, fish, reptiles, and crustaceans that possess our waters.

"We need the Corps. But we need also to redefine its functions and change its focus. . . . We can accomplish that goal by a few simple amendments to the Corps' basic authority.

"First, its projects for river improvement should now be conditioned by conservation standards. Will the project protect the marshlands? Will it provide the needed fresh water for sanctuaries such as the Everglades? Will it preserve the bottomlands sorely needed for ecological studies?

"Second, the Corps statutory authority should be enlarged to authorize it to construct sewage-disposal plants. . . . It can be busier at that than at dam-building. . . ."

When that issue of Playboy appeared on the newsstands, one of the committees of Congress was holding a bill that had been introduced by Representative Henry S. Reuss of Wisconsin. The bill would have authorized the Corps to plan and build sewage disposal plants wherever they were needed throughout the land. The proposed law never reached the floor for a vote.

The lead article in the April 1970 issue of The Atlantic bore the title: "Dam Outrage: The Story of the Army Engineers." The magazine's edior, Elizabeth B. Drew, rephrased much of Justice Douglas' indictment of the previous years and sharpened his main point by noting an especially bizarre detail: "The nation is now committed [by Congressional appropriations for Corps projects] to making Tulsa, Oklahoma, and Fort Worth, Texas, into seaports, although each is about 400 miles from the sea, at costs of at least $1.2-billion and $1-billion respectively." She concluded as follows:

"One solution to the problems the Corps program creates would be simply to stop it. . . . If there are to be a Corps and a Corps public-works program, then proposals to expand the Corps' function make sense. Making the Corps responsible for sewage treatment, for example, would give it a task that needs to be done, local governments a benefit that they really need and that would be widely shared, and politicians a new form of largesse to hand around. Anti-pollution could be spared the pork barrel through a combination of requirements for local action and federal incentives, and through adequate financing. Yet, making anti-pollution part of the pork barrel may be just what it needs."

The Atlantic sent a copy of the Drew report to Professor Maass, the author of *Muddy Waters*, inviting his comment. Maass replied in a letter that reached print not in *The Atlantic* but in the *Congressional Record*. The letter said that Maass was still critical of Corps practices but that he didn't think it fair to blame the Corps alone for doing what a great many Americans plainly had wanted done at the time the Corps undertook its various assignments. Popular attitudes have changed radically in recent years, he observed, and any genuinely fair appraisal of the Corps today would have to include consideration of changes in Corps procedure. He noted especially the introduction of a system of policy-planning that enriched the mix of proposed Corps projects and tightened Executive control over Corps budgeting. He urged public recognition of the fact that the former position of conservationists has been largely reversed and that some of them now prefer to try for "a flat veto" over construction projects rather than participate in a decision-making process "in which the benefits of their objectives can be compared to those of other objectives."

Although the Maass letter did not so specify, the new planning method had been proposed by Alfred B. Fitt and put in force by Jordan, Fitt's successor as the Army Secretary's General Counsel and Special Assistant for Civilian Affairs, and thus top figure on the Corps totem pole. One of Jordan's innovations was an annually rotating visiting professorship that brought in a detached and independent mind to the planning staff. The visitor who was asked to come aboard in September 1970 [see "Reviving the Great Lakes," *SR*, Nov. 7, 1970] accepted the invitation only after being designated as science adviser to Jordan with civil service rank equivalent to that of a two-star general. This driving young (thirty-nine-year-old) man intended to make some major changes and was too experienced to start by being outranked by those whose complacency he might disturb.

He was Professor John R. Sheaffer, associate director of the Institute of Urban Affairs at the University of Chicago. A specialist in flood plain management (one of the areas in which the Corps had failed notoriously; in spite of its dam and levee building, flood damage had risen progressively because home building had been allowed on supposedly protected but actually vulnerable low-lying flatlands), he had recently accomplished the prodigious feat of bringing local officeholders in twelve cities and townships of Muskegon County, Michigan, into one harmonious company supporting a single sewage disposal system to serve all their communities together.

Before the creation of EPA, one of the agencies that now constitute it—the Federal Water Quality Administration of the Department of the Interior—gave the Muskegon coalition the biggest single project grant in FWQA history: $2-million for the opening phase of the experiment. The project marked a return to the ancient principle of treating wastes as natural resources and returning them to the earth to contribute to the regeneration of life. Instead of dumping sewage into waterways, a practice Muskegon now shares with hundreds of other localities, Sheaffer proposed to pipe the wastes inland to storage lagoons and thence to a network of irrigation sprinklers installed on presently barren acreage susceptible to conversion into cropland. FWQA backed the project as a pioneer attempt to operate such a waste disposal system as a self-supporting economic enterprise, with the cost of the system's operation to be paid from the sale of the fruits of the fields.

Sheaffer had received a personal letter of praise from President Nixon after the Muskegon coup became public knowledge. The letter put him in a good position to argue for adoption of the principle of land disposal of sewage throughout the country. Acceptance of the principle would inevitably require the crossing of town and township boundary lines, perhaps the crossing of county and in some cases even state lines. The Corps of Engineers was one of the few agencies in the country with established Congressional authority to deal in such terms. Sheaffer knew from personal experience the extent of the antagonisms the Corps had aroused among conservationists generally. But he recognized a tremendous advantage for the nation in taking an existing agency with the Corps' unmatched capabilities and turning it around to meet the challenge of restoring America. The Corps already had obtained specific authorization from Congress to study five great metropolitan water basins: those encompassing San Francisco, Chicago, Detroit, Cleveland, and Boston. In no case, however, did the authorization include responsibility for doing anything about water quality. Sheaffer's problem, then, was to see that the quality question was introduced into the Corps' plans.

He had no trouble persuading Jordan to support this line of attack, for Jordan had been hunting just that kind of opportunity. The military nature of the Corps command made internal realignment of the perspective of its officers relatively painless. The first real hurdle was in the White House Office of Management and Budget (OMB), which had to approve the shifting of already committed Corps funds to the proposed new purpose. EPA had just gone to OMB with a very large request for money for improving the quality of the nation's water supply. Ordinarily, this request from a top coordinating agency would have taken precedence over any competition from below. But EPA needed new money, and it was exceedingly scarce. The Corps already had the funds Sheaffer wanted to use. So Sheaffer left OMB with a clear go-ahead.

At the other end of Washington's Pennsylvania Avenue, Sheaffer encountered no problems. The public works subcommittees of the appropriations committees of Congress had been weighing the desirability of public hearings to discover how best to encourage the Corps to be more responsive to the demands of the new environmental reformers. Sheaffer's proposal made the hearings unnecessary; he had a powerful encouragement in hand. If he was right in his land disposal ideas, engineering studies would confirm his point of view. The committeemen therefore agreed to approve the requested budget shifts with the stipulation that the funds would pay for analysis of the comparative feasibility of alternate disposal methods, and that EPA and the Corps would arrive at an understanding of how the analysis should be done.

The understanding subsequently achieved was essentially what Sidney Howe and William J. Duddleson, officers of the Conservation Foundation (once headed by Russell Train, now chairman of the White House Council on Environmental Quality), recommended in Cincinnati last February to a land and water management seminar jointly sponsored by the Council of State Governments Interstate Conference on Water Problems and the United States Water Resources Council. Howe and Duddleson had proposed separation of the authority to construct public works from the authority to evaluate those works. The understanding between EPA and the Corps gave EPA clear control over what should be done and how; the Corps assignment was to function as a consultant to EPA in the actual designing and building of projects—leaving out specifications, drawing up contracts, and seeing that private contractors met the specifications. At one time, there would have been widespread doubt of any other agency's ability to restrain the Corps' lobbying power. Most of the doubts disappeared, however, after the Corps meekly accepted President Nixon's recent decision to stop construction of the half-finished Cross-Florida barge canal.

As Howe and Duddleson told the Cincinnati seminar, some conservationists are still willing to meet the Corps only in court. But as long as others are willing to reason, Sheaffer is confident of ultimate vindication. The critics of his decision to help the Engineers get a new start haven't much to say beyond the fact that his concept of land disposal of sewage isn't new. To him, this is carping; he never claimed to be the originator of the land disposal theory. He has always given public credit to the late Professor Warren Thornthwaite, University of Chicago geographer, whose experiments at Seabrook Farms in New Jersey years ago inspired a more sophisticated waste water irrigation project at Pennsylvania State University (see "The Crisis in Water—What Brought It On?" *SR*, Oct. 23, 1965). The Penn State work in turn became a model for the still more sophisticated system Sheaffer designed for Muskegon with the advice of William J. Bauer, Chicago engineer, after the opportunity was opened by the farsightedness and political finesse of Muskegon County Planning Director Roderick Dittmer, the County Planning Commission, and the Board of Muskegon County Commissioners.

The most stubborn obstacle in Sheaffer's future path is the curious failure of academe to teach or even discuss the Penn State experience in sanitary engineering courses. The depth of professional disinterest is further indicated by absence from waste water treatment textbooks of any description of the mechanisms or procedures employed in land disposal of sewage effluent. Richard R. Parizek, associate professor of hydrogeology at Penn State and one of the leading missionaries of land disposal doctrine, laments: "Even in cases where individual engineers favor irrigation schemes as a means of treating sewage, their enthusiasm and designs are frequently discouraged by state officials charged with the responsibility of reviewing and approving designs and operating procedures." The backwardness is undoubtedly influenced by the requirement that spray irrigation appraisers be trained in groundwater hydrology, geology, agronomy, and sanitary engineering. Parizek has been able to find only two states—Pennsylvania and Illinois—with hydrogeologists on their health department staffs.

This complaint about the delinquencies of the states is echoed in the 700-page report released early last month by Ralph Nader's Center for the Study of Responsive Law. Publication of this document, *Water Wasteland*, followed a two-year study that condemned water pollution control in the United States as "a miserable failure" and attributed a major share of the responsibility to federal government willingness to permit individual stages to cripple federally financed improvements designed to enhance water quality across the country.

EPA's water quality control operations chief Jensen has dug well below the surface of this problem. In talking with me recently, he raised the question why people think of human waste separately and apart from the wastes of animals or from exhausted corn and wheat stalks or fallen tree leaves. All contain nutrients too valuable to be lost; all should be returned to the earth. But he doubts that human waste disposal will reach this desirable state until an intensive effort is made to change popular thinking. He suspects that we may have to amend the language we use in dealing with the matter. Present-day waste disposal terminology is filled with unhappy clichés. The watery constituents of sewage are not water but "effluent." Wastes are "dumped" into streams or otherwise "got rid of." Truly modern sewage disposal systems entail very little odor, but how many citizens spend much time around such facilities? To most people, the word "sewage" is equated with the word "stink."

Parizek agrees: "The public has a hang-up" in its approach to waste disposal. The tension springs from exaggerated fears, of not only odors but "flies, mosquitoes, risk of disease; or of depressed land values in the countryside" around irrigated fields. Parizek argues for "an honest and open" public information policy "from the beginning." It would be capable of rallying "grassroots support," because "concepts of reclaiming waste water and nutrients for recycling and reuse by plants and indirectly by game animals, promoting groundwater recharge to replenish diminishing water supplies improving soil fertility, and abating pollution in rivers and lakes all have broad appeal to the public at this stage in our history. Further, the prospect of reduced [sewage] treatment costs by harvesting forest and agronomic crops and games makes sense to the layman. If conceived of on a large enough scale, spray irrigation could have a major impact on regional economy."

Parizek stressed the regional importance of sewage disposal on land as far back as the 1968 American Water Resources Conferences in New York. He and E. A. Myers then read a paper that said in part:

"The south shore of Lake Erie, selected bluffs of the east bank of the Susquehanna River, loess-covered bluffs of a number of Midwestern rivers—Ohio, Wabash, Mississippi, Illinois, Missouri, etc.—are but a few examples of potentially favorable regions."

Spray irrigation disposal of appropriately treated sewage obviously requires land, and purchase of land is not now permissible with funds from federal water quality control grants. Parizek points out that this limitation "tends to perpetuate routine and accepted sanitary engineering practices." He challenges the underlying logic: "Money can be used for engineering studies, design of pipelines, buildings, aeration, tanks, etc. It cannot be used to purchase land whereon lies the physical-chemical-biologic treatment mechanism relied upon in irrigation projects to renovate waste waters. In both instances, a biologic complex or living filter is involved, but one is used in 'government approved' tanks and related facilities, while the other is used within 'government unapproved' soils."

The faster the Corps of Engineers can get geared for the new environment repair assignment, the more money will be saved for the taxpayers. Every additional working-day hour that passes costs $1-million in out-of-date technology.

PROFESSOR RECRUITS STUDENTS FOR TUTORING IN CHILDREN'S CENTER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. BENNETT. Mr. Speaker, Dr. John Pettibone, formerly a reporter on the Florida Times-Union in Jacksonville, Fla., and his wife, Irene Dragones Pettibone are taking leadership in helping young people in an unusual community enterprise in their adopted community at Bowling Green State University in Ohio. Mrs. Pettibone is the daughter of Mr. and Mrs. Jerry D. Dragones, a prominent Jacksonville family. Mr. Dragones is a retired deputy U.S. marshal with 25 years of service as such with the Southern Judicial District of Florida and more recently with State Insurance Office as referee in Jacksonville.

The following article which appeared in the Bowling Green Daily Sentinel on March 31 tells the story of activities at Bowling Green:

PROFESSOR RECRUITS 40 UNIVERSITY STUDENTS FOR TUTORING

Students from Bowling Green State University comprise the majority of volunteer tutors at the Lucas County Children's Center in Maumee, thanks to a professor who has become a self-appointed recruiter for the tutoring program.

More than 40 Bowling Green students have been visiting the Children's Center once and sometimes twice, a week to tutor children who are having problems with their schoolwork.

Their presence at the center is due to the efforts of Dr. John F. Pettibone, associate professor of journalism at Bowling Green, who has been tutoring at the center himself twice every week since October.

"I wanted something worthwhile to do," Dr. Pettibone explained. "So I called and volunteered."

Students became involved in the project when the professor talked about his work and asked for volunteer tutors from among students in his journalism classes. The volunteers emerged, not only from journalism but also from non-journalism students.

Students majoring in special education got wind of the tutoring program and welcomed the opportunity to try out their developing skills at helping slow learners.

Later, several members of a class in business education joined the volunteer corps.

University students whose special skills were not needed in the tutoring program volunteered to lead recreational activities, such as basketball. One student started a weekly art appreciation class.

The tutoring program is in operation at the center every evening, Monday through Thursday. According to James McGinnis, director of the center, Bowling Green students make up a large majority of the 69 volunteer tutors there.

"Dr. Pettibone has done a great job recruiting for us in Bowling Green," he said. "We also have four or five students coming from Mary Manse College and from the University of Toledo."

"Tutoring is done on a one-to-one basis, just as parents would help their own children at home," Mr. McGinnis explained. The program was begun because a high percentage of children living at the center are behind academically, and past experience has shown that tutors help.

Dr. Pettibone's first tutoring assignment was with a 17-year-old girl who needed tutoring in a journalism course. When she was placed in a foster home, he turned to a 10-year-old boy with a reading problem.

"It's good if a tutor can stick with the same child each visit," Dr. Pettibone said. "This way the child can see that someone cares enough to come every week. Attachments are formed, and the tutor becomes a sort of family substitute."

"You'll find that an underachiever being tutored like this will sometimes suddenly make progress with his coursework." he added "It's sort of like the kid is saying 'Show me you love me, and I'll do it'."

The needs that are met could very well be mutual for Dr. Pettibone.

While the children need parental love, he enjoys being able to help other children in the absence of his own daughter, now completing her senior year in a New York High School. The professor's wife and daughter will join him in Bowling Green this summer.

Satisfying though the tutoring is, Dr. Pettibone has created one problem in his recruiting efforts.

"It's lack of wheels," he said simply. "Not too many students have cars, and I can only get five in mine, so I try to keep track of who is going and who might be able to drive."

Located at 2500 River Road in Maumee, the Lucas County Children's Center is a home for approximately 330 dependent children of Lucas County, few of which are actually orphans. Many are placed in the Children's Center because conditions in their own homes were not desirable.

The children attend public schools, most of them in the Maumee school system. Mr. McGinnis traces the trend to be behind academically to their former unstable home life.

"When there are problems in the home, the child tends to worry about them, and has no time left to worry about school," he explained.

BOYS AND GIRLS WORKING ON BATTLESHIP "MASSACHUSETTS"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 30, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is gratifying to hear that a Federal program is working well and achieving the objectives for which it was created.

Such is apparently the case with the Neighborhood Youth Corps in Fall River, Mass. Boys and girls in the program have been working on the Battleship *Massachusetts*, the Commonwealth's World War II memorial which is permanently anchored at Fall River.

I am including a letter from Paul S. Vaitses, Jr., executive director of the U.S.S. *Massachusetts*, which outlines his experience with the Neighborhood Youth Corps.

The letter follows:

APRIL 8, 1971.

Hon. MARGARET M. HECKLER,
Cannon Building,
Washington, D.C.

DEAR MRS. HECKLER: Having been an elected official myself, I am sure that your mail is filled with many letters of criticism and complaint. Therefore I thought you might enjoy receiving a letter which is complimentary of a government program for a change.

I am writing in reference to the Neighborhood Youth Corps Program in which we have been involved here in Fall River for several years. This program has provided young people, both boys and girls, with the opportunity to work in the maintenance of the ship, the operation of the ticket booth, the ship's store and in my office. Presently we are developing the possibility of using some of these young people as guides on the ship during the summer season.

We have found this program to be of great advantage to us, to the community and to the youngsters themselves. It has provided us with a flexible work force which we would find difficult if not impossible to obtain otherwise. It has provided the community with much needed employment for these youngsters who come from underprivileged families. Finally and most importantly it has provided job experience and training which these young people might not otherwise get until much later in life, if ever. We here at the Battleship have gained great satisfaction in watching some of these youngsters develop responsibility and work skills during their employment with us.

We have found the administration of the Neighborhood Youth Corps under the Director Thomas E. Alecrim to be highly professional and very businesslike. The entire staff has been most cooperative with us and in my opinion is a great asset to Fall River.

In brief, I cannot be too high in my praise for the overall efficacy of the Neighborhood Youth Corps as it effects us here on the Battleship Massachusetts. It is a worthwhile program which I believe you can continue to support wholeheartedly.

Kindest personal regards.

Sincerely yours,

PAUL S. VAITSES, JR.,
Executive Director.

OBSERVANCE OF VERRAZANO DAY, APRIL 17

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ROONEY of New York. Mr. Speaker, those of us who live in Brooklyn, the name Giovanni Da Verrazano is almost a household word. This is because the bridge which bears this illustrious explorer's name is of such importance to our daily lives.

Those of us who are closely identified with our splendid Italo-American organizations share with them their justifiable pride in this gallant Italian forebear. It is my sincere hope that in the years to come Americans will become truly aware of the great part which Verrazano played in the development of our country, particularly along our eastern shores.

It would be well for all of us to remind ourselves of the deeds of this young 29-year-old Florentine sea captain who is credited with the discovery of New York harbor and Narraganset Bay. These discoveries and his meticulous charting of our coastline from the Carolinas to Newfoundland made relatively simple the navigational procedures which faced the thousands of shipmasters bringing in settlers and establishing trade and commerce between the old and new worlds.

Those who are familiar with Verrazano's successful explorations into the uncharted waterways of the strange and fearsome shores of the new continent, marvel at his perseverance and his bravery. They marvel, too, at the thoroughness and competence of his records and maps marking each new area he penetrated with his courageous crewmen.

Even with all our modern appliances and advanced skills, these maps and charts made almost five centuries ago compare favorably with those of our experts today.

Americans of all racial and national backgrounds would like to claim Giovanni da Verrazano as one of our most illustrious forebears because his was the kind of dauntless courage which helped to make this country great.

Our friends in South America might have enjoyed the same type of rapid settlement and close ties with the old world if Verrazano had been able to chart for them the shores and waterways as he did for us. But Verrazano's southern explorations met with tragic consequences. The actual facts concerning his last and most ill-fated voyage are not clearly established, even so it can be assumed that this gallant navigator was captured by savages, even by cannibals who devoured him and his fellow crewmen.

Mr. Speaker, let us all join with our fellow Americans of Italian lineage and pay tribute to Giovanni da Verrazano.

ATTACKS AIMED AT DESTROYING THE FBI

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. YOUNG of Florida. Mr. Speaker, I strongly deplore the vicious and unwarranted attacks being aimed at FBI Director J. Edgar Hoover. On May 10, he will have served 47 years as head of the Nation's top law enforcement agency.

During these years, he has made the FBI into the most outstanding law enforcement agency in the world—an agency feared by the underworld and the enemies of America.

Mr. Hoover is the target of relentless criticism from the so-called peace groups in the country and, I regret to note, even from some of our so-called leaders in the Congress.

The sad truth is that Mr. Hoover is only the incidental target. The real aim is to tear down the Federal Bureau of Investigation, the agency responsible for America's internal security. Director Hoover is merely the symbol, and by attacking him, revolutionary forces in this country hope to weaken us internally.

Their ultimate aim, of course, is the destruction of the United States as we know it and the substitution of a different form of government.

So the attacks continue.

They attack Mr. Hoover's professional ability. They attack his motives. They attack his ethics, his personal life, and even rummage in the trash can behind his house.

Records are stolen, and selected excerpts are fed to certain "friendly" news media to create a false impression about FBI activities. The FBI is accused of widespread wiretapping without proper legal authority, but no evidence is forthcoming.

The objective clearly is to destroy public confidence in the FBI and create an atmosphere of suspicion that will allow the forces of revolution to breed and flourish.

Not unexpectedly, Mr. Hoover's critics stumble all over themselves when asked to produce a single shred of evidence to document their charges. Finally, they argue that proof is not needed because they believe the charges are true.

So J. Edgar Hoover and the FBI are condemned—without proof—as the targets of half-truths and outright distortions, and are tried by innuendo as the victims of a relentless effort at character assassination.

This is a free country, and the public has the right—indeed, the duty—to scrutinize the activities of Mr. Hoover and the FBI, as well as every other Government agency in the United States. But true Americans will do this openly, fairly, and with the aim of improving the agency and strengthening our internal security, rather than weakening and destroying it.

Strangely enough, all Americans, including those who relentlessly attack the FBI, are guaranteed this right because of the tireless work of men like J. Edgar Hoover and the dedicated Americans who serve in the FBI.

STOKES LEAVES 'EM BEWILDERED

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. STOKES. Mr. Speaker, the city of Cleveland, Ohio, which includes my congressional district, has long been plagued by inept leadership, divisive politics, and racial polarity. In 1967, however, Carl B. Stokes was elected mayor of our city after a previously unsuccessful campaign for that office. The national spotlight was focused on the first major city in the United States to elect a black mayor; the local press sang his praises; Clevelanders spoke of a new era of good feeling; all was sweetness and light. Until Mayor Stokes set out to find and implement some meaningful solutions to the city's problems.

After two terms in office, Mayor Stokes has announced that he will not be a candidate for reelection. It is obvious that decision was based upon his utter frustration with the resistance and obstructionism he encountered from those citizens and public officials who placed his defeat above the best interests of their troubled city.

Don Robertson of the Cleveland Press recently wrote an article entitled "Stokes Leaves 'Em Bewildered." I feel it sums up the past 4 years of Cleveland's political history very well and commend it to the attention of my colleagues:

STOKES LEAVES 'EM BEWILDERED

(By Don Robertson)

I love the Plain Dealer. I really do. Especially its editorial page. Over years, it has provided the Greater Cleveland community with a sort of laughing gas of the mind, and you can almost always count on its pundits to get to the heart of an issue and reduce it to complete unintelligibility.

This requires great skill and is almost an art form. Consider, as an example, this gem which was published two mornings ago.

"Mayor Stokes' decision not to seek a third term was surprising at this time though there has been considerable controversy recently over his leadership."

Hey, no kidding. That's really laying it on the line.

Ah now, but seriously, folks, I simply quote from the editorial in an effort to describe a state of mind . . . and, for want of a better word, call that state of mind bewilderment.

The politicians are bewildered. The people are bewildered. White people are bewildered. Black people are bewildered. And even columnists are bewildered. At the same time, the mayoral election has been thrown open to just about everyone except Mortimer Snerd and King, the Wonder Dog.

I have no idea what Stokes intends to do after his term expires, but I do know that in the past year or so he has been terribly discouraged. In his view, an entrenched and short-sighted establishment has stood in the way of his efforts to bring people together and get the city going again. Also, he feels he has been badgered and bedeviled by racism, Council, the newspapers and both political parties.

And he obviously is right. The establishment is no different than it was four years ago. White racists will always despise black people who hold public office. The Council has never gotten along with any mayor. The newspapers are not in business to make public officials look good. And, finally, both political parties have indeed formed a loose confederation aimed at forcing Stokes out of office.

This last point is very interesting. What will happen to all those petition drives now? It is my guess that the Democrats will drop out very quickly, figuring that their candidate will be white and that a white Democrat will beat a white Republican any day of the week. (And, for that reason, forget all the talk about Ralph Perk being a front runner.)

The political reaction to Stokes' announcement is quite interesting, especially the remarks attributed to those Stokes haters in Council who were drooling in their anxiety to get rid of him and now turn around and accuse him of "betraying" the city.

As for Stokes himself, all I can say is that he was an imperfect, stubborn, bright and courageous mayor, and I wish him well. The deck was stacked against him, and these fourth-raters on the Board of Elections even changed the rules in an effort to get him out of office, and yet he never gave up. Not really. I expect we'll be hearing from him again, and quite soon.

PATRICK YOUNG OF THE NATIONAL OBSERVER BECOMES "A BELIEVER" IN THE FAIR CREDIT REPORTING ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mrs. SULLIVAN. Mr. Speaker, most people are aware that when they fail to pay their bills for any reason—including a dispute over the legitimacy of the charge—they run the risk of damaging their "credit rating" and that this might have embarrassing consequences. But comparatively few Americans are aware of how far reaching an adverse and perhaps erroneous entry in an anonymous credit bureau file somewhere can be to their economic situation. It can prevent extensions of credit; it can lead to the rejection of an application for insurance, and it might also keep an individual from getting a job for which he has applied. Until Sunday of this week, the individual affected had little or no opportunity to protect his "Good Name" in this kind of situation.

On Sunday the new Fair Credit Reporting Act went into effect, giving every individual, for the first time, the clear legal right to find out the kind of information about him being compiled and sold by credit bureaus. The law was passed last October as part of Public Law 91–508, creating a new title VI of the Consumer Credit Protection Act of 1968.

As the manager of this legislation in the House, and as sponsor of a bill with numerous provisions stronger than the legislation which was enacted, I was disappointed that the Senate conferees would not agree to include in the law a requirement that each credit bureau subject to the act send out a notice once to every person on whom a credit report has been made after the effective date of the act that it has developed a file on his background and where it can be found, in case the individual wants to review the accuracy of the information and correct any errors.

REJECTION FOR CREDIT, INSURANCE OR EMPLOYMENT TRIGGERS NOTIFICATION

As enacted, the law places upon the prospective creditor, insurer or employer who turns down an individual's application the responsibility of advising the individual of the name and address of any credit bureau which furnished information responsible in whole or in part for the businessman's decision to reject the application. Hence, the only way a consumer knows for sure whether a particular credit bureau may have a file on his background is to be turned down by a client of the credit bureau for some benefit for which the individual has applied.

According to an article in the National Observer yesterday by Patrick Young, this solves only part of the consumer's problem—for several or many other credit bureaus may have the same information about him, and if the information is wrong, or outdated, and he is concerned about the possible consequences of this inaccurate data on his economic status, he faces a formidable task in tracking down all of the credit bureaus which may have a file in his name.

THE $20,000 LAW SUIT

Mr. Young experienced his first brush with credit bureau information when he applied for a loan last January—before the new act took effect—and "the bank wanted to know about the $20,000 lawsuit pending against me."

"So did I," adds the writer. "No one had told me about it."

The lawsuit, he writes, had been filed without his knowledge as a result of a minor automobile accident in which he was involved and in which the total damage to both cars was $148. The suit was settled by Mr. Young's insurance firm and was dismissed more than 4 months before he applied for the bank loan, but the Credit Bureau report obtained by the bank nevertheless referred only to the filing of the lawsuit, not its disposition. I am informed this is a very common situation in credit bureau procedures—there may have been a newspaper article, perhaps in a legal journal, on the filing of the lawsuit but its disposition was not reported and credit bureaus, as a general rule, apparently do not have the resources and manpower to check out court records and verify every piece of raw information which comes into their possession. Thus, it is frequently quite important to an individual to learn about the existence and location of credit bureau files which contain entries about him, so that he can bring about a correction of erroneous or obsolete or incomplete or misleading data.

In his article in the National Observer, Mr. Young tells about the difficulties he experienced in trying to track down all of the credit bureau files on him and clear his credit rating, in the absence of the rights every individual is now accorded under the Fair Credit Reporting Act, and says:

> What I found made me a believer in the new Federal law, effective April 25, that requires a credit agency to supply you, on request, with a summary of nearly all information in your dossier.

Mr. Speaker, I commend this article to all of the Members who were present in the House last October 13 and voted for the conference report on H.R. 15073 which contained as its title VI what is now the Fair Credit Reporting Act. This article not only describes Mr. Young's own personal experience with credit reports but is a good explanation of what the new law contains.

ARTICLE IN NATIONAL OBSERVER

Under unanimous consent, I therefore submit as part of my remarks, the column "On the Practical Side" from the National Observer of April 26, 1971, entitled: "A New Law Helps—How Faulty Credit Data Blocked One Man's Loan" by Patrick Young, as follows:

A NEW LAW HELPS: HOW FAULTY CREDIT DATA BLOCKED ONE MAN'S LOAN

(By Patrick Young)

Ever wonder about what's in your file at a credit-reporting service?

I did. What I found made me a believer in a new Federal law, effective April 25, that requires a credit agency to supply you, on request, with a summary of nearly all information in your dossier.

It was more than mere curiosity or a reporter's instinct that sent me searching for credit files on me and my wife. I had applied for a loan last January from my friendly, full-service bank, where I had obtained similar loans before. I expected a telephone call saying the loan was approved.

It didn't happen that way. The bank wanted to know about the $20,000 law suit pending aaginst me. So did I. No one had told me about it.

For two days the bank refused to tell me where it had learned of the suit, what it involved, or where it had been filed. But it did say that if I was being sued, sorry, no loan—even if I had insurance to cover any judgment against me.

Finally the bank informed me the report had come from Stone's Mercantile Agency Co. Stone's told me where the suit had been filed and my lawyer quickly checked. I, indeed, had been sued on July 20, 1970. The suit involved, apparently, a medical claim from a minor traffic accident, total damage to both cars, $148. And the suit, settled by my insurance company, had been dismissed on Sept. 4.

With that cleared up, I got my loan. But I began wondering who else had files on me, and what they contained. And so I started looking in early April, and gained some knowledge about what credit-agency reports contain. I did wonder, since the law had not gone into effect, what co-operation I would get. I didn't get much at a couple of agencies, but from others I got plenty—too much in fact.

ACCURATE BUT DULL

I checked first with Stone's. A young man read me my file, which took up a single sheet of yellow paper. It was accurate and dull: my employer, one previous employer; two previous addresses; my wife's maiden name; and the fact that the law suit had been dismissed. I also learned that three credit checks had been run on me through Stone's since 1969.

I was out on the street before a thought struck. No one had asked me for identification. That did make me wonder just how confidential my file was.

My next stop came at the Credit Bureau, Inc., which did check for identification. Here was what I sought. They still had me being sued, seven months after the suit had been dropped. I made arrangements to clear that up. And I learned five department stores thought I did just fine paying my bills.

Finally I visited Retail Credit Co. They found no record on me.

I next called nine of the agencies listed in the telephone-book Yellow Pages. One was out of business, two were collection agencies only, and the others said they had no files on me.

O'Hanlon Reports, one of the agencies that snoops for insurance companies, refused to tell me whether they had a file unless I made an appointment and came into their Washington, D.C., office.

But I had more success at the American Service Bureau, which recently investigated me for a life-insurance company. They had a file, and even offered to read it over the phone. "All the entries are favorable," I was told. Very nice. But again I wondered about confidentiality.

The new Fair Credit Reporting Act for the first time gives all consumers some protection from the shadowy and intrusive activities of the nation's 2,500 credit-reporting agencies. No longer is it up to an agency to set its own rules on divulging file contents that may be blocking a crucial loan or other form of credit.

THE IMPORTANCE OF CREDIT

Today credit is a necessary and an almost universal part of American commerce. "We must realize that the old cliche that credit is a privilege and not a right makes no sense in the mid-Twentieth Century America," Arthur R. Miller, professor of law at the University of Michigan, told a Senate subcommittee investigating credit agencies.

The Nation's credit agencies play a vital role in the Nation's credit system. But several congressional investigations, which disclosed abuses and patently unfair practices, forced Congress to enact the new law to regulate the industry.

Credit agencies gather information that indicates the risks involved in granting people credit, and many check out a man's personal life. They readily exchange this data with other agencies, and sell summaries to businesses, insurance companies, and employers. Government agencies, such as the FBI, also have access to their files.

Much of the information comes from consumers themselves, through such things as credit and loan applications. The agencies also check public records and court dockets. But, as I can testify, they can be lax about following court cases to their conclusion.

Careless record-checking can and does cause trouble. A Wisconsin couple was refused a bank loan, but not told why. A relative eventually obtained a credit report for them. The credit agency had confused the husband with a man having a similar, but not identical name, who had a court judgment against him.

More damaging to reputations can be personal investigations, often done for insurance companies and employers, that contain hearsay information gathered from neighbors, acquaintances and "friends."

AN ALCOHOLIC?

A Pennsylvania man was repeatedly denied medical insuarnce for his wife for 11 years. He finally learned through a friend that his wife, whom he testified took perhaps five drinks a year, was listed by a credit agency as an alcoholic.

Previously, most credit agencies barred banks, insurance companies, and businesses from revealing them as the source of derogatory data. Nor would they discuss a person's file until he signed a release freeing them from any court action for circulating false and libelous information. Indeed, Retail Credit Co. long had a policy of neither confirming nor denying a person that it held a dossier on him.

The Fair Credit Reporting Act became law, over strong opposition from credit-agency lobbyists and their friends in Congress, largely through the efforts of Sen. William Proxmire, Wisconsin Democrat, and Rep. Leonor L. Sullivan, Missouri Democrat.

It provides these protections:

Credit agencies must disclose the nature and substance of all information in their files on an individual to him, except medical data. They do not, however, have to let a person see his file. Most will read the material or provide a written summary.

If a person's credit application is rejected, or he is turned down for insurance or employment because of an adverse report, he must be told the name and address of the agency involved. The agency does not have to reveal the names of people providing it with hearsay information, but provisions exist for obtaining the names through court action.

Credit agencies must reveal to whom they have provided credit information in the previous six months and what potential employers have received reports in the previous two years.

Credit agencies must recheck disputed information "within a reasonable period of time," but not if they have "reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant." If derogatory material is removed from a file, an agency, upon request, must notify anyone receiving a credit report within the previous six months or an employment report within the previous two years. If an agency refuses to remove information, a person may include a 100-word statement, giving his side. This must be included in future reports.

When someone asks for a report on an individual's character and reputation, the subject must be told.

The law limits the circulation of adverse information more than 7 years old, except bankruptcies, which may be included for 14 years. No limit exists, however, for persons who seek loans or life-insurance policies over $50,000, or who seek jobs with annual salaries over $20,000.

Credit agencies can be used if they willfully circulate false data with a malicious intent to harm someone, And if an agency violates the Fair Credit Act and causes an individual financial harm, it can be used. Both, however, are difficult to prove.

With some 2,500 agencies preparing credit reports, learning exactly who has files on you is hard. The Yellow Pages list 28 entries under "Credit Rating & Reporting Agencies" covering Washington, D.C., and its suburbs. Some of the larger agencies—Retail Credit Co., Hooper-Holmes Bureau, Inc., and O'Hanlon Reports, Inc., for example—are not among them.

ANNIVERSARY OF WARSAW GHETTO UPRISING, APRIL 19, 1971

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. ROONEY of New York. Mr. Speaker, the tragic stories of the persecution of Jews continue to be carried by the world's news media. Today, it is the Soviet Union, yesterday it was Poland, and tomorrow it could be any country in the world except perhaps Israel. So frequently do these stories arise, it might be expected that the world would become callous and show little reaction to the plight of Jewry in areas wherein they still face oppression. But that is not so because free peoples everywhere have a great compassion for the Jewish people who for centuries have been forced to bear the shackles of oppression and submit to the basest types of persecution.

Within the lifespans of all Americans of all ages pogroms and ghetto atrocities have occurred with sufficient frequency as to make all of us sadly aware of the plight of Jews throughout the world.

Mingled with these stories of persecution there are frequent gratifying stories of successful Jewish resistance, stories of the great courage and valiant attempts of the Jews to rise up against their oppressors. One historic instance of such heroism occurred 28 years ago on April 19, 1943, in Warsaw, Poland.

Free men the world over were thrilled with the news on that day that the Jews living in the Warsaw ghetto suddenly lashed out with a violent attack against their Nazi oppressors. It was on this day that Mordecai Anzelewicz and his Jewish combat organization—ZOB—met the Nazi troops head-on using guns against guns. But the might of Hitler's forces was too much for these courageous Jews and on May 8 the last ZOB outpost was captured.

During those few weeks of bitter fighting over 800 acres of the ghetto were completely devastated—gone were the homes and shops of thousands and thousands of Jews. Gone, too, were more than 56,000 Jewish men, women, and children captured or killed by the Nazis. Other unknown thousands of Jews perished in the firing of the ghetto.

But, Mr. Speaker, not gone and not dead is the memory of the Jewish fighters who challenged the Nazi military might. Not gone or destroyed by the awful fires is the evidence of equally outstanding courage shown by the survivors who mourned both the loss of loved ones and their homes. These survivors pooled their pitiful resources and succored the homeless, the orphans, and the aged. Many of them subsequently found a new life in Israel where at least some of the horrors of the ghetto uprising could be erased from their daily thoughts and their nightmarish dreams.

May our Jewish friends and neighbors gain renewed faith and restored courage from their observance of the anniversary of this historic event. May all of us renew our determination to do everything in our power to end for all peoples of all races, of all faiths and of all creeds the types of oppression and persecution which have for so long a time and over so wide an area beset the Jews of the world.

POLISH CONSTITUTION DAY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1971

Mr. SARBANES. Mr. Speaker, this month citizens across the Nation will pay tribute to Poland's role as one of the pioneers of democracy. It was on May 3, 1791—just 2 years after the adoption of the U.S. Constitution—that Poland adopted a constitution which peacefully transformed its government from a monarchy to a democracy.

The annual celebration of this event will be held on Sunday, May 2, by the Polish American Congress, a national organization with chapters in all major cities in the United States. In Maryland the anniversary will be marked by our distinguished Polish community at the Polish Home Hall in Baltimore. Three of our city's most respected Polish-American citizens, John Pasko, Melvin Laszczynski, and John Krysiak, have taken the lead in planning for this event.

The history of the Polish people is one of courage and tragedy. In existence for over 1,000 years, the Polish nation has long been admired for its chivalry and heroism, for its strength and compassion, and above all for its love of liberty which led this ancient land to champion the cause of freedom, carrying on its banners the motto "For Our Liberty and Yours." It is one of the great tragedies of history that time and time again the freedom-loving Polish people have seen their beloved country attacked and occupied by aggressive neighbors bent on the subjugation of this great nation.

Mr. Speaker, the history of the Polish people's quest for independence and freedom began in 964 when the North Slavic tribes united under the leadership of the Piast family to form the independent state of Polska with Prince Mieczyslaw as its first ruler. During the following three centuries Poland was engaged in repelling aggression culminating in the invasion of Europe in 1250 by Genghis Khan. It was Poland that finally stopped the Mongul invasion and turned back the tide of barbarism.

During the bitter and divisive religious wars of the Reformation, Poland remained at peace. It proclaimed religious freedom and accepted thousands of victims of religious persecution.

Again in 1683 Poland rescued Europe from impending invasion. In that year Vienna was besieged by half a million Turks. Abandoned by Emperor Leopold I, it was in imminent danger when Pope Innocent XI called upon Poland's King Jan Sobieski to come to the defense of Vienna and Europe. Sobieski led 45,000 Polish troops to Vienna where he assumed command of the Allied forces, and, on September 13, 1683, led his gallant troops in an attack on the Turks which routed the invaders.

This proud history reached its zenith in 1791. It was in that year that Poland's last King, Stanislaw August, brought about the adoption of a new constitution. Exhorting the deputies of the Polish Diet to accept the Constitution as a means of strengthening the country, King Stanislaw succeeded in gaining passage of a document which abolished class distinction, established absolute religious toleration, and declared the equality of all citizens under law.

The Constitution was enthusiastically acclaimed by the Polish people. Tributes from abroad were equally favorable. It was praised by Edmund Burke, the English statesman, and in the new American Republic by President George Washington. Since then historians have concurred with this contemporary opinion in deeming the Constitution of the 3d of May as one of the great achievements in Polish history and as one of the great democratic documents of history.

Hardly had the Constitution been signed, however, when Russia, Prussia, and Austria invaded and partitioned the country in 1793. Despite the heroic efforts of Thaddeus Kosciuszko, the great Polish patriot who served as a general in the American Revolutionary War, valiant Poland was overcome in 1795 by her predatory neighbors. In 1919, through the valiant efforts of Jan Paderewski, supported by our great President Woodrow Wilson, Poland again gained its independence. The newly formed Republic of Poland followed the basic ideas of the original Constitution of 1791 whose fundamental concepts were still valid after more than a century.

As we all know this new freedom was brought to an end in 1939 by Hitler's invasion of Poland. For 6 weeks the Polish people tenaciously resisted Nazi military might but finally succumbed when Russia invaded from the east thereby placing Poland under attack on two fronts. Even so, Poland's brave sons fought on with the Allies in England, North Africa. Italy, Belgium, France, and Germany. It is one of the great tragedies of history that Poland's freedom was not restored at the end of World War II and that the great rights contained in the Constitution of 1791 do not exist in that country today.

This May 3 all Americans can with gratitude salute the Polish nation and pray for the ultimate triumph of justice—a free Poland once more able to follow its own destiny. In the words of Poland's national anthem "Jeszcze Polska Nie Zginela"—"Poland is not yet lost"—nor will she ever be.

NEW YORK CITY WELFARE FAMILIES ON FREE SKI TRIPS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, April 30, 1971

Mr. BYRD of Virginia. Mr. President, the Chicago Tribune recently published an excellent editorial criticizing the practice of sending New York City welfare families on free ski trips.

This editorial, which was reprinted in the Indianapolis News on April 12, makes note of remarks of mine on the subject of ski trip programs.

It should be noted that since this editorial was written, and following my protest, the ski trip program has been terminated.

I ask unanimous consent that the text of the editorial "Say It Again" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SAY IT AGAIN

Sen. Harry Byrd of Virginia, the new watchdog of the Treasury, charged that $30,000 in tax funds had been diverted from a New York Model Cities program to send welfare recipients on ski trips to Massachusetts, Vermont and upstate New York. WCBS radio of New York said that 600 reliefers had been given ski outings through the Bronx Model Cities program.

Byrd said he had requested verification of the facts from George Romney, secretary of housing and urban development, but that Romney had proved reticent.

"These funds come from hard-working American taxpayers," said Sen. Byrd. "They are a public trust. To use public funds for frills such as ski trips is to take money away from people truly in need."

Byrd said that HUD was not alone in squandering tax dollars. He recalled that in January a mother and her four children were put up at the Waldorf-Astoria Hotel in New York at a cost to the taxpayers of $76 a day with the full approval of welfare officials, and that a man in Pennsylvania earning $21,853 a year qualifies for a monthly welfare grant of $250.40 under a loophole in state law.

"I think the American people are getting fed up with this kind of abuse of trust by public officials," Byrd said. He can say that again.

HOUSE OF REPRESENTATIVES—*Monday, May 3, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come unto me, all ye that labor and are heavy laden, and I will give you rest.—Matthew 11: 28.

Almighty and Eternal God, who art the refuge and strength of all who put their trust in Thee, grant that as we enter another week with its perplexing problems we may be conscious of Thy presence and obedient to the leading of Thy Holy Spirit. May we give expression to the kind of leadership which continues the efforts of our fathers to build on these shores a nation resting on moral and spiritual foundations with liberty and justice for all.

Help us to daily yield ourselves to Thee whose guidance is available, whose strength is sufficient, whose love is inexhaustible, and whose truth endureth through all generations. And to Thee be the glory forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 575) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MONTOYA, Mr. MUSKIE, Mr. EAGLETON, Mr. COOPER, Mr.

BAKER, and Mr. DOLE to be conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes;

S. 860. An act relating to the Trust Territory of the Pacific Islands; and

S. Con. Res. 22. Concurrent resolution designating "Human Development Month" and "Voluntary Overseas Aid Week."

RETURN OF S. 860 TO THE SENATE

Mr. MILLS. Mr. Speaker, I offer a resolution (H. Res. 414) which involves the privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 414

Resolved, That the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER. The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may we have a brief explanation of the reason for the action that is proposed?

Mr. MILLS. Mr. Speaker, I will be glad to explain why I have offered this resolution. It is because the privileges of the House are actually being violated by title IV of the bill S. 860. That title includes an amendment of the Tariff Schedules of the United States, and all bills which include such amendments must originate in the House.

Mr. GROSS. Would the gentleman yield further?

Mr. MILLS. I will be glad to yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am pleased that the gentleman has taken this action, because I remember some time back when the other body initiated surtax legislation and placed it on a House-approved excise tax bill, and I raised the same point at that time.

I rose to a point of privilege of the House, seeking to protect the constitutional prerogatives of this body. But I did not have the cooperation of the gentleman from Arkansas at that time. As I recall it, the gentleman moved to lay my motion on the table. I might, under certain circumstances, be constrained to do the same thing here now, but for the fact that I think the gentleman from Arkansas is right at this time.

Mr. MILLS. I appreciate the gentleman's statement.

Mr. GROSS. I am delighted that the gentleman is moving to preserve the integrity of the House of Representatives.

Mr. MILLS. I always appreciate the cooperation of the gentleman from Iowa, and I am sorry that I could not cooperate with the gentleman on that occasion, because the matter the gentleman refers to was an amendment on a House-passed bill.

Mr. GROSS. Yes.

Mr. MILLS. This is a Senate-passed and Senate-originated bill, S. 860.

Mr. GROSS. But it did contravene the prerogatives of the House of Representatives for the Senate to initiate tax legislation.

Mr. MILLS. It has been done before by the Senate in amendments to House-passed bills.

Mr. GROSS. I thank the gentleman for yielding.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANTIWAR DEMONSTRATION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, yesterday morning I observed the removal of the antiwar demonstrators from West Potomac Park.

The decision to disperse the demonstrators was a wise one and, in my judgment, the key factor in preventing serious disruptions from occurring today. The dispersal of the protesters from West Potomac Park was conducted in a firm, evenhanded, professional manner by the Metropolitan Police Department with backup support provided by the District of Columbia National Guard and Regular military forces. Based on my personal observations at the park on Sunday and my experiences with the District of Columbia National Guard this morning, I am absolutely certain that the situation will remain under control and I want to commend the Justice Department officials, the police force, the District of Columbia National Guard, and the units of the Regular military forces involved in this operation for a job well done.

To me, the demonstrators camped at the park presented a disgusting and sickening spectacle. Broken bottles, empty beer cans, and other debris abounded. Protesters, high on drugs and liquor, were displaying Vietcong flags and placards espousing the Communist cause. To protest U.S. involvement in the Indochina war is one thing; to openly champion the enemy cause is quite another. To some, this weekend's demonstration might represent peaceful protest, but to me it represents open defiance of the laws of this land which borders on treason.

THE VIETNAM WAR

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, it is particularly timely, I believe, for me to relate to this body a few verbatim excerpts from a news conference in which I participated on April 27:

> I came back from Vietnam last week genuinely encouraged and more optimistic than I have ever been before. Our combat role *is* ending. The country side *is* basically secure. We have *done* the job in Vietnam: namely, secure South Vietnam for its own people.
>
> The job now is to provide a *transition* vehicle. A bridge out of Vietnam. The President is providing precisely that in the Vietnamization program. Like one supply sergeant turning over supplies to another; or, teaching a South Vietnamese mechanic how to interpret mechanical instructions printed only in English.
>
> This will take time; but not a lot of time. Why not set an early definite target date for complete withdrawal? That would take away the only tool with which the President has to negotiate. I'm a lot less impatient now with the President than when I went to Vietnam.
>
> We went for facts, not conclusions of briefers. We went behind the briefings. Out in the field to the business end of the Army. I am convinced that we have finally accomplished a basic victory in Vietnam—provided the radicals here in this country, who have more knowledge than wisdom, do not succeed in snatching defeat from the *jaws* of victory.
>
> We came home last Tuesday morning. I had formed these conclusions. Yet, I heard this weekend of two ambushes which had taken place in Vietnam in which many young Americans were killed in the flower of their youth.
>
> This is an indictment against those divisive radicals in this country who demonstrate for peace but prolong the war, and are the proximate cause of those triggers having been pulled.
>
> I believe that the deaths in Vietnam from this day forward are the responsibility of those elements, because I feel that we do indeed occupy a position of strength in Vietnam and the continuing pockets of resistance are continuing to operate only because of the encouragement of these people.

VANDALISM BY DEMONSTRATORS

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIEL of Virginia. Mr. Speaker, on April 29 Congressman RICHARD ICHORD, of Missouri, took the floor and imparted to the Members newsworthy information concerning vandalism by disruptive demonstrators which the news media had ignored, apparently because it did not fit. Mr. Speaker, when will CBS stop telling half-truths about the Pentagon and start telling the whole truth about irresponsible demonstrators and demonstrations?

EMERGENCY GUIDANCE BOARD IS NEEDED

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, during the last week we had the opportunity to view on television the presentations of six hopeful Democratic aspirants to the Presidency of the United States. Their discussion was most interesting and varied. But, if they agreed on any one thing, it was on the need for a national incomes policy at the present time.

I fully agree with them on this point. The President suggests that we are moving out of the economic woods. Certainly, so far as my district, my State, and my section are concerned, on the basis of rising unemployment figures, there is no evidence of such improvement. Quite the contrary.

Mr. Speaker, I have proposed legislaton for an Emergency Guidance Board in H.R. 2502 which would provide just the sort of remedy that these presidential candidates and others have been speaking about.

I hope that they will support this legislation and I hope that Members of this House will also support this legislation.

MAY DAY—MOSCOW STYLE AND WASHINGTON STYLE

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, May Day seems to bring about comments in varying degrees. I have heard the comment on May Day in Moscow that we ought to look with some hope on the fact that during their May Day ceremony, the Russians chose not, in their own Red Square, to exhibit their old and their new military hardware. To my recollection, this is the first time on May Day that they have not done this. Some people, I believe, will take false hope from this. They did it for a reason. They would lull us to sleep. They would like to portray themselves as seekers of disarmament and peace. Their activity is to the contrary.

I would ask you only to remember that just a few days ago, in contrast, the Secretary of Defense pointed out that we had conclusive evidence that they were resuming their deployment of missiles, and perhaps even larger missiles than those they stopped building silos for just a few months ago. These missiles are, I remind you, not to be used for defense but for a first-strike capability.

But having talked about May Day in Moscow, I want to talk about May Day in Washington. I want to commend the President, I want to commend the Justice Department, and I want to commend the District Police for having taken the efforts they have to limit what cannot be allowed to happen. These people cannot take over this Government if it is to survive. The police must use whatever force is required no matter what some would say. I, for one, hope that the arrests now being made will include the "leaders" and not just the "lackeys."

MAYOR DALEY CAN STAND 10 FEET TALL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I join my colleagues in paying tribute to the District Police and the Park Police and all the other Washington enforcement authorities for the magnificent job they are doing against great odds in this city to demonstrate to these anarchists that they are not going to take this Government over and, indeed, they will not be permitted to bring government to a halt. These anarchists have brazenly boasted they will bring the Federal Government to a halt. They will fail in this boast because of the excellent work of our police force.

I might add a little footnote to history here. In August 1968, the mayor of Chicago and the Chicago police took similar action. Mayor Daley was determined these same anarchists were not going to disrupt the Democratic National Convention. There were those around this country who went through all sorts of outrages against Mayor Daley's bold decision. But the mayor of Chicago took the action to show that anarchists were not going to stop the orderly processes of government, just as the authorities in this city are today demonstrating that we are not going to stop the orderly processes of government here either. Mayor Daley's brave decision in 1968 has set the stage for our determination here in Washington today.

I believe this is a great manifestation of the fact that our Government is strong enough to demonstrate that these anarchists are not going to take over government. Today Mayor Daley can stand 10 feet tall as a result of the precedent he set almost 3 years ago.

NUMBERS AND THE WAR

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the administration has been particularly eager to stress the decrease in the number of American soldiers assigned to Vietnam and the declining number of casualties. Although these decreases are very significant, one American casualty is one too many.

For the moment, I want to point to some other numbers, since the administration is so obviously impressed by numbers—even if it is highly selective and avoids any reference to the number of innocent civilians in Southeast Asia who continue to die daily. Today's Washington Post carries the results of the latest Harris survey, and they are very enlightening.

The American public, by a 2-to-1 majority of 58 percent to 29 percent, feels that it is morally wrong for the United States to be fighting in Vietnam.

The American public, by a majority of 60 to 26 percent, favors continued withdrawal of American troops from Vietnam even if the Government of South Vietnam collapsed.

The American public, by 45 to 24 percent, feels that the recent South Vietnamese move into Laos was a failure.

The American public, by 42 to 39 percent, feels that it would agree to a coalition government in Saigon which included the Communists in it, if that course were the only way we could get peace in Vietnam.

And, I would note several months ago the Gallup poll reported that the American public, by a massive majority of 73 percent, favored withdrawal from Vietnam by December 31, 1971.

I have no taste for the numbers game—the war was wrong even when the majority of the American public reportedly supported it. But the fact is that the majority of the American public do not now support it. If that fact can finally move this administration to end the war, then I will buy the numbers game for that purpose.

THE BEAUTY OF SPRING IN WASHINGTON—TRIBUTE TO MRS. LYNDON BAINES JOHNSON

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHON. Mr. Speaker, in the midst of temporary ugliness in the Nation's Capital area today, there is tremendous beauty. I rise to pay tribute to one of the great women of the world, Mrs. Lyndon Baines Johnson, known affectionately to us all as Lady Bird.

During this springtime season we have seen those additional flowers and flowering shrubs, those additional flowering trees and all the rest. We have seen this city at this springtime more lovely than it has ever been in the history of the Nation's Capital.

It was Lady Bird Johnson who launched the campaign for the beautification of Washington, and, indeed, for the beautification of the Nation. She persisted. Legislation was enacted. Government departments and agencies responded. Private citizens were encouraged to participate and they did in a most generous and magnificent way.

The Capital area has never been so beautiful and so lovely.

Mr. Speaker, I extend a much deserved special salute to the lovely Lady Bird Johnson to whom we all owe a special debt of gratitude.

HIGHER EDUCATION FUNDING ACT OF 1971

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am today reintroducing H.R. 5, the Higher Education Funding Act of 1971, with three additional cosponsors, the gentleman from Arkansas (Mr. Hammerschmidt); the gentleman from Mississippi (Mr. Montgomery); and the gentleman from West Virginia (Mr. Hechler). These distinguished gentlemen, in doing so, are joining such distinguished Members as: Representatives Joseph P. Addabbo, New York; Frank Annunzio, Illinois, Edward B. Biester, Jr., Pennsylvania; Edward P. Boland, Massachusetts; Joel T. Broyhill, Virginia; John Buchanan, Alabama; James A. Byrne, Pennsylvania; Bob Casey, Texas; Frank M. Clark, Pennsylvania; James C. Cleveland, New Hampshire; George W. Collins, Illinois; Edward J. Derwinski, Illinois; Harold D. Donohue, Massachusetts; Thaddeus J. Dulski, New York; Joshua Eilberg, Pennsylvania, Walter Flowers, Alabama; William D. Ford, Michigan; James G. Fulton, Pennsylvania; William J. Green, Pennsylvania; G. Elliott Hagan, Georgia; Seymour Halpern, New York; Orval Hansen, Idaho; Floyd V. Hicks, Washington; Louise Day Hicks, Massachusetts; John C. Kluczynski, Illinois; Speedy O. Long, Louisiana; Paul N. McCloskey, Jr., California; John Y. McCollister, Nebraska; Abner J. Mikva, Illinois; F. Bradford Morse, Massachusetts, Thomas P. O'Neill, Jr., Massachusetts; John J. Rhodes, Arizona; Benjamin S. Rosenthal, New York; William R. Roy, Kansas; Edward R. Roybal, California; Fernand J. St Germain, Rhode Island; Robert H. Steele, Connecticut; Charles Thorne, Nebraska; John C. Watts, Kentucky; Charles H. Wilson, California; and Lester L. Wolff, New York.

TRIBUTE TO MRS. MARY LASKER

(Mr. BINGHAM asked and was given permission to address the House for 1 minute.)

Mr. BINGHAM. Mr. Speaker, while fully concurring with the remarks just made by the distinguished chairman of the Appropriations Committee, with regard to the leadership given to the beautification program by Mrs. Johnson, I would like to take note at this time that a great deal of the beauty in the parks of our Capital City was made possible by the generosity of a wonderful citizen of my State of New York, Mrs. Albert Lasker.

Mary Lasker has been a leader in many fields, notably in the field of health and in the field of beautification. She has done a great deal for the country as a whole, as well as for our city of New York and for the city of Washington, D.C.

I just thought the record ought to show—and I am sure Mrs. Johnson would approve—that a great deal of the work done here in the District was done through her generosity.

POLICE CHIEF JERRY WILSON AND THE DISTRICT OF COLUMBIA POLICE FORCE DESERVE PRAISE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I live in the Georgetown area, and in the last few days, I have been able to witness firsthand the manner in which the Metropolitan Police have handled the very difficult task of dispersing young people who went beyond the bounds of peaceful assembly.

While some of the demonstrators were willing to convey their feeling of disapproval of the war in Vietnam by passing out "peace poems," as they have every right to do, there were the others who came to the Nation's Capital to bring the Government to a halt by the use of violence. It was against these people our Police Department and Federal troops had to stand firm.

It seems to me the confrontation was swift and exact. The professional manner in which the Metropolitan Police Department has handled the matter is to the credit of Chief Jerry Wilson.

Chief Wilson deserves the praise and commendation of all residents of the Metropolitan Washington, D.C., area.

NEWS COVERAGE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, a few moments ago the gentleman from Virginia spoke about news coverage.

This morning I listened to reports on station WTOP radio from 6 o'clock until shortly after 8 o'clock. The local radio station did an excellent job of reporting, in a factual manner, exactly what was going on in the District without the use of any unwarranted adjectives and without any misleading comments.

Then at 8 o'clock came the network television news from New York City, speaking about "pitched battles" being waged on the streets of Washington, and saying that a vast amount of tear gas and "chemicals" were being used to disperse the unruly mobs.

I called the station to tell them that they had done an excellent job locally, and that I hoped they might editorialize about the liberty the network had taken with the actual news.

As to a lack of coverage, I have had information from a group which has taken care of the first-aid needs of these demonstrators in the city, shocking information in oral form, telling about hundreds of cases of narcotics overdoses among the demonstrators. When it is in writing I will present it to the House.

MEDIA COVERAGE ON YOUTH ACTIVITIES

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, my only purpose in taking this time is to commend the gentleman from New York, who made this good comment about the fine performance of these fine young people, who whether or not on radio or television give their time and effort for a good cause. One would think such a splendid effort on the part of our young people would merit national radio, television, and news coverage.

Mr. HORTON. Will the gentleman yield?

Mr. ARENDS. I am glad to yield to the gentleman.

Mr. HORTON. As a matter of fact, they did locally. Rochester radio and television stations gave it top coverage, and the newspapers covered it all over the front page in Rochester, N.Y. These 35,000 young people got together in this effort by "hiking for hope" so they did get tremendous coverage on the home front but nothing on the national level to my knowledge.

Mr. ARENDS. I do not recall seeing anything nationally on it, either in the press or on TV or radio.

Mr. HORTON. Nothing as far as I know, although I have not had a chance to see the papers.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. MIKVA. I think you will be glad to know that in our own home State of Illinois a radio station is sponsoring a similar program. This is a walk that will take place next weekend to benefit similar causes. I am sure that the gentleman will be pleased to know that the radio station that is cosponsoring the program is WCFL.

DISTRICT OF COLUMBIA CHIEF OF POLICE, JERRY WILSON

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, the Nation's Capital can be proud of Chief of Police Jerry Wilson today.

In a situation boiling with danger, Chief Wilson has, in my opinion, handled himself, his men, and the military units who came to assist them, with superb, strategic effectiveness.

It may be too early to say the crisis has passed in this latest invasion of decency. Up to this moment, however, the residents of this city and the people who govern it can be proud of Chief Wilson and his men.

It has been an exhausting ordeal for those charged with protecting us. They have endured days of radical political fragging and a smog of obscenities from the mouths of crackpots and creeps.

Their ordeal is not over, nor has the ordeal ended for the good and patient people of the Washington area. I know the chief and his men are tired, disgusted, and heartsick from the filthy assault on their efforts to maintain order. I know, as well, that they will not falter in the days ahead.

I hope I speak for all my colleagues when I say this is the time for a "well done" from all of us. I know I speak for my friends and neighbors in northern Virginia. I believe I speak for the decent people of this Nation in saying to Chief Wilson and his men, "Godspeed in ridding our Capital once and for all of these grubs of civilization, these demented and radical fragments of humanity."

To them it is an onerous ordeal. To me it is a performance of duty unexcelled in recent years. I am proud of Chief Wilson and his loyal and competent force.

A NATIONAL DISGRACE

(Mr. COLMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLMER. Mr. Speaker, the events that have transpired in the Nation's Capital here in the past several days are a national disgrace. Masquerading under the banner of peace, these intruders have flaunted the code of morals and decency, as well as the law of the land. More than a year ago, I was somewhat instrumental in having the Congress pass laws prohibiting any group from camping on Government properties including our national parks. The Congress, likewise, enacted a law that would punish anyone desecrating the flag of the United States. Yet, and in spite of these laws, these people were permitted, at least temporarily, to camp on Government property and to burn and otherwise desecrate the U.S. flag in front of the Capitol itself, without molestation.

These things having already occurred, the least that should be done now would be to arrest and sentence these offenders of the law and decency of the land to remain under arrest until every scrap of paper, piece of garbage, and other obstructions thrown into our streets are completely removed by them.

REPRESENTATIVE LONG OF MARYLAND JOINS WITH REPRESENTATIVE BENNETT OF FLORIDA IN SPONSORING RESOLUTION TO CREATE A JOINT COMMITTEE ON IMPOUNDMENT OF FUNDS

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, I join with my colleague from Florida (Mr. BENNETT) in sponsoring the resolution to create a Joint Committee on Impoundment of Funds.

President Nixon has impounded over $12.7 billion of the money Congress has appropriated. This includes fiscal 1971 funds earmarked for water and sewer construction in Baltimore and Hartford Counties—projects urgently needed for orderly development in the Baltimore metropolitan area. Yet we appropriate billions in foreign aid to help other countries with similar problems, and the President impounds none of it.

The President is exercising an item veto over the appropriations Congress makes. The Constitution makes no provision for item vetoes. Impoundment is a very effective policy tool—the President holds back money from selected domestic programs, and spends every penny appropriated for foreign assistance. Impoundment is also a weapon. The President can use this back-door item veto to punish individual Members of Congress—a direct attack on the separation of powers.

I urge prompt action on this resolution, Mr. Speaker, before the President whittles away on fiscal 1972 appropriations.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Abourezk
Alexander
Anderson, Tenn.
Ashbrook
Ashley
Badillo
Baring
Barrett
Biaggi
Blackburn
Blanton
Blatnik
Bolling
Brademas
Brown, Mich.
Broyhill, N.C.
Burton
Carney
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Cotter
Culver
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Dickinson
Diggs
Dingell
Donohue
Dorn
Edmondson
Edwards, La.
Erlenborn
Evins, Tenn.
Fish
Fisher
Flynt
Frelinghuysen
Frey
Gallagher
Gaydos
Giaimo
Goldwater
Grasso
Gray
Green, Oreg.
Griffin
Grover
Gubser
Halpern
Hansen, Wash.
Heckler, Mass.
Hicks, Mass.
Howard
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Keith
Kluczynski
Long, La.
McCloskey
McCulloch
Macdonald, Mass.
Madden
Mann
Mayne
Miller, Calif.
Minshall
Moorhead
Murphy, Ill.
O'Hara
O'Neill
Passman
Patman
Pepper
Pettis
Peyser
Pike
Podell
Rarick
Roe
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Satterfield
Sisk
Smith, N.Y.
Snyder
Spence
Stafford
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tiernan
Vanik
Veysey
Waldie
Ware
Watts
Whalley
Wilson, Charles H.
Winn
Wydler
Yatron
Zion

The SPEAKER. On this rollcall 306 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. At this time the Chair will recognize Members for unanimous-consent requests but not for 1-minute speeches.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS IN FAVOR OF GRAND RIVER BAND OF OTTAWA INDIANS

The Clerk called the bill (H.R. 1100) to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40–K, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40–K, together with any interest thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in affecting the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall prepare a roll of all persons of Grand River Band of Ottawa Indian blood who meet the following requirements for eligibility: (a) they were born on or prior to and were living on the date of this Act; and (b) their name or the name of a lineal ancestor from whom they claim eligibility appears on the Grand River Band of Ottawa census roll of half-breeds dated September 24, 1836, or as Grand River Ottawa on the "Land Lists of Ottawas and Chippewas of Michigan dated October 21, 1857, or the Grand River Band of Ottawa allotment roll approved on July 8, 1870, or on any available census roll approved on July 8, 1870, or on any available census rolls or other records acceptable to the Secretary of the Interior.

SEC. 3. Applications for enrollment must be filed with the Great Lakes Agency of the Bureau of Indian Affairs at Ashland, Wisconsin, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the eligibility of an applicant shall be final.

SEC. 4. The judgment funds shall be distributed per capita to the persons whose names appear on the roll prepared in accordance with section 2 of this Act.

SEC. 5. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 6. The funds that are distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 2, line 1, strike out "affect-" and insert "effect-".

Page 2, strike out all of line 15.

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 1100 is to authorize the distribution of a judgment recovered against the United States by the Grand River Band of Ottawa Indians. The net amount available, including accumulated interest, is $1,067,138. The money has been appropriated, but it may not be used until authorized by Congress.

The Grand River Band does not exist today. Descendants of the original band are widely scattered and they have no reservation. It would not be practical to program the money for tribal use. The bill therefore provides for the preparation of a roll containing the names of all descendants of the band who are now living, and for a distribution of the judgment among such persons in equal shares. The number of persons who will be entitled to be enrolled is unknown, but should be in excess of 1,000.

Some descendants of the band asked the committee to restrict the right to enrollment to persons with one-fourth degree or more Grand River Ottawa blood. This would be contrary to the practice followed in other cases, it would substantially increase the cost of preparing the roll, and the request was rejected by the committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS OF THE SNOHOMISH TRIBE, THE UPPER SKAGIT TRIBE, AND THE SNOQAULMIE AND SKYKOMISH TRIBES

The Clerk called the bill (H.R. 1444) to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of May 29, 1967 (81 Stat. 30, 42), to pay a judgment to the Snohomish Tribe in Indian Claims Commission docket numbered 125, and the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay judgments to the Upper Skagit Tribe in Indian Claims Commission docket numbered 92 and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, together with the interests thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

Sec. 2. The Secretary of the Interior shall prepare separate rolls of all persons born on or prior to and living on the date of this Act who are lineal descendants of members of the Snohomish Tribe, of the Upper Skagit Tribe, including the allied Suiattle-Sauk Band, and of the Snoqualmie and Skykomish Tribes, as they were constituted in 1855.

Sec. 3. Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Bureau of Indian Affairs, at Everett, Washington, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the utilization of available records and rolls, and the eligibility for enrollment of an applicant, shall be final.

Sec. 4. The judgment funds of the respective tribes shall be distributed per capita to the persons whose names appear on the roll of the respective tribe prepared in accordance with section 2 of this Act.

Sec. 5. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Sec. 6. The funds that are distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax.

Sec. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

With the following committee amendment:

Page 2, line 11, strike out "1855." and insert: "1855: *Provided,* That no person shall be enrolled as a descendant of the Snohomish Tribe if he has shared or is eligible to share in a per capita distribution of a judgment against the United States recovered by any other tribe."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 1444 is to authorize the distribution of three judgments recovered against the United States by four different tribes in the northwest. The money has been appropriated, but it may not be used until authorized by Congress.

There is no present day successor to any of the four tribes. Some of the descendants have settled on various reservations, along with Indians from other tribes, but many descendants are scattered. The bill therefore provides for the preparation of rolls containing the names of all descendants of the tribes who are now living, and for a distribution of the judgments among such persons in equal shares.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS OF THE IOWA TRIBES OF OKLAHOMA AND OF KANSAS AND NEBRASKA

The Clerk called the bill (H.R. 4353) to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska.

There being no objection, the Clerk read the bill, as follows:

H.R. 4353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma that were appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment by the Indian Claims Commission in docket numbered 79A, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of one hundred and seventy one two hundred and seventy ninths (61.29 per centum) to the Iowa Tribe of Kansas and Nebraska and one hundred and eight two hundred and seventy ninths (38.74 per centum) to the Iowa Tribe of Oklahoma.

(b) The funds so divided, including interest accruing thereon, may be invested or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

(c) Any per capita distribution of any part of the funds placed to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma shall be payable only to those persons who meet the membership requirements specified in the respective tribal constitutions, and such per capita payments shall not be subject to Federal or State income tax.

Sec. 2. (a) The funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay judgments to the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska in Indian Claims Commission dockets Nos. 153, 158, 209, and 231, together with interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of one hundred and seventy one two hundred and seventy ninths (61.29 per centum) to the Iowa Tribe of Kansas and Nebraska, and one hundred and eight two hundred and seventy ninths (38.71 per centum) to the Iowa Tribe of Oklahoma.

(b) The funds so divided may be advanced, deposited, expended, invested or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

(c) Any part of such funds that may be distributed per capita shall be payable only to those persons who meet the membership requirements specified in the constitutions of the respective tribes, and such per capita payments shall not be subject to Federal or State income tax.

(d) Sums payable under this section to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons.

(e) The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this section.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That (a) the funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Oklahoma and of Kansas and Nebraska that were appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment by the Indian Claims Commission in docket numbered 79–A, and the interest thereon, and funds appropriated by the Act of July 6, 1970 (84 Stat. 376) to pay judgments in Indian Claims Commission dockets numbered 153, 158, 209, and 231, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of one-hundred-and seventy-one two-hundred-and-seventy-ninths (61.29 per centum) to the Iowa Tribe of Kansas and Nebraska and one-hundred-and-eight two-hundred-and-seventy-ninths (38.71 per centum) to the Iowa Tribe of Oklahoma.

"(b) The funds so divided, including interest accruing thereon, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

"(c) Any part of such funds that may be distributed per capita under the provisions of this Act shall be payable only to those persons who meet the membership requirements specified in the constitutions of the respective tribes.

"(d) None of the funds disturbed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

"(e) Sums payable under this Act to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

"(f) The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 4353 is to authorize the distribution of six judgments against the United States recovered by the Iowa Tribes of Oklahoma, Kansas, and Nebraska. The money in five of the cases will be divided between the Kansas and Nebraska Indians, as one group, and the Oklahoma Indians, as a second group, according to the percentages that reflect their relative numbers in 1889 and 1891. Both groups have agreed to this division.

After the division, the money can be used for any purpose authorized by the tribal governing bodies and approved by the Secretary of the Interior. Both groups intend to make a per capita distribution.

The judgments are final, and the money to pay them has been or will be appropriated independently of this bill. No additional Federal expense is involved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS OF THE PEMBINA BAND OF CHIPPEWA INDIANS

The Clerk called the bill (H.R. 6072) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 6072

A bill to provide for the diposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 13, and 191, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 9, 1964 (78 Stat. 204, 213), to pay a judgment to the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 113, and 191, together with the interest thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in carrying out the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall prepare a roll of all persons born on or prior to and living on the date of this Act who are lineal descendants of members of the Pembina Band as it was constituted in 1863, except that persons in the following categories shall not be so enrolled:

a. those who are not citizens of the United States;

b. those who are members of the Red Lake Band of Chippewa Indians; and

c. those who participated in the Mississippi, Pillager, and Lake Winnibigoshish Chippewa Band awards under the provisions of the Act of September 27, 1967 (81 Stat. 230).

SEC. 3. Applications for enrollment shall be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the utilization of available rolls and records and the eligibility for enrollment of an applicant shall be final.

SEC. 4. In developing the roll of Pembina descendants, the Secretary of the Interior shall determine which enrollees are members of the Minnesota Chippewa Tribe, the Turtle Mountain Band of Chippewas of North Dakota, or the Chippewa-Cree Tribe of Montana, and subsequent to the establishment of the descendancy roll shall apportion funds to the three cited tribes on the basis of numbers of descendants having membership with these tribes. Funds not apportioned in this manner shall be distributed in equal shares to those enrolled descendants who are not members of the three cited tribes.

SEC. 5. The funds apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe may be advanced, expended, invested, or reinvested for any purpose authorized by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided,* That the governing body of the Minnesota Chippewa Tribe shall act in concert with the General Council of the Pembina Band of Chippewa Indians of the White Earth Reservation for the purpose of making recommendations to the Secretary; and only those members of the three cited tribes who are enrolled as Pembina descendants under the provisions of this Act shall be permitted to share in any per capita distribution of the funds accruing to the tribes.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 7. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 6072, which was introduced at the request of the administration, is to authorize the distribution of a judgment recovered against the United States by the Pembina Band of Chippewa Indians. The money has been appropriated but cannot be used until authorized by Congress.

Today there are three distinct reservation-based entities that may be considered to be comprised in part of Pembinas or descendants of Pembinas. These are the Minnesota Chippewa Tribe, particularly White Earth Reservation; the Turtle Mountain Band of Turtle Mountain Reservation, N. Dak.; and the Chippewa-Cree Tribe of Rocky Boy's Reservation, Mont. There is also a nonreservation group of descendants found among the people generally known as Landless Indians of Montana.

The bill provides that the Secretary shall prepare a roll of all persons of Pembina Chippewa ancestry. It also provides that funds shall be apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe on the basis of the numbers of descendants found to be enrolled with the tribes, such funds to be expended as authorized by the governing bodies of the tribes and approved by the Secretary.

The bill further provides for payment of shares to those descendants who are not enrolled with any of the three cited tribes. Proper provision is made for the protection of the interests of minors and legal incompetents.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS OF THE KICKAPOO INDIANS OF KANSAS AND OKLAHOMA

The Clerk called the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I am familiar with this particular group of citizens and of their tribal rights, but I cannot help but notice that even though judgments have been rendered in toto on all of the documents listed in H.R. 6797; and that although we have precedent therefore, there is one—docket 316–A—representing a joint recovery of $125,209.61, which is not yet appropriated for.

As I say, Mr. Speaker, ordinarily we put these final Indian lands adjudication bills through automatically, and am I to infer that this is simply done for the expediency of the House, because since final judgment has been rendered it would require separate legislation if we did not authorize this prior to the appropriation according to our custom?

Mr. STEED. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Oklahoma.

Mr. STEED. The gentleman is correct, these are all included in one bill at the request of the Bureau of Indian Affairs. Now, as to the judgment in question, the appropriation for this judgment has been sent to the Congress; it is presently being included in the appropriation bill and probably will be appropriated by the time this act becomes law.

There is one additional advantage in taking this step here. You know, after these appropriations are made, the money draws 6 percent interest until Congress sees fit to enact legislation for final payment to the tribe. So in this case it will have the effect of saving the Government money.

Mr. HALL. Of course, Mr. Speaker, this would raise the question of why we do not go ahead and authorize all of them prior to the appropriations, which certainly is contrary to the preponderance of the custom of the House. But the gentleman being on the Committee on Appropriations and being the chairman of the subcommittee thereof, and being from the State of Oklahoma, as I am from juxtaposed Missouri and live on the Kickapoo prairie as I do, I certainly accept his explanation, and if he is wise I think he will cease and desist while he is ahead, but I would be glad to yield further.

Mr. STEED. I just want to thank the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 6797 is to authorize the distribution of judgments against the United States recovered by the Kickapoo Indians of Kansas and Oklahoma. The two groups are organized, and the money will be divided on the basis of their present membership. After division, the money will be available for any use desired by the tribes and approved by the Secretary of the Interior. The money has been appropriated, and no additional Federal expense is involved.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 6797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Kickapoo Indians of Kansas and Oklahoma to pay judgments by the Indian Claims Commission in dockets 316, 316–A, 317, 145, and 193, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided on the basis of membership of the respective tribes current as of the date of this Act. For the purpose of adjusting the offsets allowed in docket 316, the Secretary of the Interior shall use the gross award (land value) as a basis for his compensation, deduct therefrom the consideration paid, the offsets expended for the Kickapoo Tribe prior to its separation into two tribal entities, attorney fees and litigation expenses, and after making the division of the balance as provided herein, shall deduct $44,759.45 from the proportionate share of the Kickapoo Tribe of Kansas and $118,661.24 from the proportionate share of the Kickapoo Tribe of Oklahoma. The balances remaining shall be the net amount to be placed to the credit of the respective tribes. The funds so divided, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after payment of attorney fees and other litigation expenses, may be used, advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing bodies of the respective tribes and approved by the Secretary of the Interior: *Provided,* That the Secretary of the Interior shall approve no plan for the use of the money until at least thirty days after the plan has been submitted to and approved by the Committees on Interior and Insular Affairs of the Senate and House of Representatives: *Provided further,* That any sums payable per capita to persons who are less than twenty-one years of age who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

With the following committee amendments:

Page 2, line 21, after "until" insert "at least thirty days after".

Page 2, line 22, strike out "and approved by".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of bills on the Consent Calendar.

FACILITATING TRANSPORTATION OF CARGO BY BARGES SPECIFICALLY DESIGNED FOR CARRIAGE ABOARD A VESSEL

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 155) to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel, as amended.

The Clerk read as follows:

H.R. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), is further amended by inserting after "(c) empty barges specifically designed for carriage aboard a vessel" the words "and equipment, excluding propulsion equipment, for use with such barges", and by striking out the period at the end of said section and inserting in lieu thereof a colon and the following: "*Provided further,* That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon his finding, pursuant to information furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation of merchandise between points in the United States, including districts, territories, and possessions thereof embraced within the coastwise laws, which, while moving in the foreign trade of the United States, is transfered from a non-self-propelled barge certified by the owner or operator to be specifically designed for carriage aboard a vessel and regularly carried aboard a vessel in foreign trade to another such barge owned or leased by the same owner or operator, without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade."

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 155, which would obtain for U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge-carrying ships, such as the Lash and Seabee vessels.

The bill would do this by permitting foreign-flag specialty barges—of the type currently carried aboard—Lash and Seabee vessels—specifically designed and regularly carried aboard a barge-carrying ship in foreign trade to carry export or import cargo between U.S. points which has been transferred from one such barge to another.

These specialty barge carriers are certainly a tribute to the revolutionary maritime thinking in this important area. These ships represent a giant step toward the goal of an integrated, low cost, efficient transportation system for American oceanborne commerce. They are symbolic of the new American merchant marine.

The barge carrying ship operation consists of a barge carrying ship and a number of specialty barges. Cargo is stowed in the specialty barges which are towed to the barge carrying ship. The specialty barges are then loaded on the barge carrying ship and transported to a foreign port where they are offloaded and towed to final destination for discharge. The operation is reversed for the return voyage. The most efficient and economical barge carrying ship operation requires the transfer of cargo consignments from one specialty barge to another.

An example will illustrate the operating requirement which prompts this legislation. Pacific Far East Line will operate trans-Pacific between the U.S. Pacific coast and Japan, the barge carrying ship sailing from San Francisco and calling at Kobe. The specialty barges on the vessel will be of the Lash-type and have a cargo capacity of 415 tons. For the purposes of this example, we will consider the status on this sailing of two barges, one with cargo loaded at Stockton, the other with cargo loaded at San Francisco. Each barge contains 200 tons for Kobe and 200 tons destined for Osaka. When the barges are off-loaded at Kobe they are towed to the respective consignees' docks in that port, and 200 tons are unloaded from each barge. Then, instead of towing two partially laden barges to Osaka, the 200 tons remaining in one of these barges will be transferred to the other, and that single barge, laden with 400 tons, is towed thence to Osaka where delivery is made to the docks of the respective Osaka consignees. The saving from towing one instead of both barges is an obvious and economically desirable practice.

The problem is that a Japanese-flag operator could not do this in U.S. waters. Were a Japanese-flag barge carrying ship to off-load two Japanese-flag specialty barges at San Francisco, each laden with 400 tons of import cargo, half in each barge destined to San Francisco and half to Stockton, it would be unlawful for the cargo remaining after San Francisco discharge to be consolidated into a single barge and towed thence to Stockton.

Section 27 of the Merchant Marine

Act, 1920, the so-called Jones Act, generally provides that no merchandise shall be transported by water, between points in the United States, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States. Section 27 would permit the movement of foreign specialty barges to or from a barge carrying ship in the territorial waters of the United States when the cargo is not transferred to or from any other specialty barge within our territorial waters. This would be considered by the Bureau of Customs as a through international movement. However, when cargo is transferred from one specialty barge to another within the territorial waters of the United States, if inbound, the subsequent barge movement, and if outbound, the previous barge movement would be considered by the Bureau of Customs to be transportation between points in the United States and subject to the provisions of section 27.

As presently written, section 27 would create serious problems for U.S.-flag barge carrying ships. If we limit the transfer of cargo between specialty barges within our territorial waters to such barges built in, documented under, and owned by citizens of the United States, the nations of registry of foreign barge carrying ships can be expected to impose similar restrictions for their territorial waters. Such a course of action would seriously restrict the operation of U.S.-flag barge carrying ships in these foreign waters.

H.R. 155 amends section 27 to authorize the Secretary of the Treasury to permit within our territorial waters the transfer of cargo moving in our foreign trade from a barge certified by the owner or operator to be specifically designed for carriage aboard a vessel in foreign trade to another such barge owned or leased by the same owner or operator when the barge is under foreign registry or not qualified to engage in the coastwise trade. When the transporting vessel is of foreign registry, the Secretary of the Treasury would be required to make a finding, based on information furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States.

The bill was reported by your committee in House Report No. 92–119 on April 7, 1971, with amendments. Your committee amended H.R. 155, as introduced, in two places. On page 1, line 7, the words ", excluding propulsion equipment," were inserted after the word "equipment." On page 2, line 9, the words "non-self-propelled" were inserted before the word "barge." The purpose of these amendments is to insure that the provisions of the bill would apply only to non-self-propelled specialty barges.

The bill was strongly supported by all shipping management, labor and the Government agencies. Moreover, there is no cost of any kind attached to this bill. The bill was ordered reported with one dissenting vote, with amendments, after full and careful consideration of the record.

I strongly urge the House to support the bill as necessary to obtain for U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge carrying ships.

There are present members of both the majority and minority of our committee and they may wish to say a few words in connection with this bill.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from New York, a member of the committee.

Mr. MURPHY of New York. Mr. Chairman, did any domestic American freight carrier oppose this legislation?

Mr. GARMATZ. No, sir.

Mr. MURPHY of New York. Did any American-flag ocean carrier oppose this legislation?

Mr. GARMATZ. No, there was no objection.

Mr. MURPHY of New York. Since the committee passage of the legislation, I have been assured that the registry and ownership question of reciprocity under this legislation has been resolved and I will not object to the passage of this legislation, but in the near future I shall introduce legislation to protect American owernership in American business in the United States, where there is developing at this time very serious ownership questions of foreign intrusion, particularly in the field of non-vessel-operating common carriers.

Mr. MAILLIARD. Mr. Speaker, I rise in support of H.R. 155. This legislation, as the distinguished chairman of our Committee on Merchant Marine and Fisheries (Mr. GARMATZ) has stated, will facilitate this economical utilization of barge ship systems in our foreign trade.

Foreign-flag barge ship operators will be permitted to shift cargo between barges in American ports in order to consolidate shipments destined for the same U.S. or foreign port. Under existing law, as interpreted by the Bureau of Customs, such interchanges of cargo cannot be accomplished at the U.S. end of a voyage. This privilege will be extended, however, only to ships of those countries which grant reciprocal privileges to U.S.-flag barge-carrying vessels. This technical amendment to the Jones Act will in no way diminish the effectiveness of the law preserving our domestic waterborne commerce to U.S.-flag ships.

Mr. Speaker, the barge-carrying ship, like the containership which now dominates so many of the world's principal trade routes, is a product of American inventiveness. While the containership is ideally suited for trade between highly industrialized nations with sophisticated port facilities and well-developed internal transportation systems, the developing nations of Asia, Africa, and South America in many instances cannot take advantage of containerization due to their lack of adequate rail and highway systems. Additionally, the containership requires expensive port handling facilities which many of these countries cannot now afford.

The barge ship, on the other hand, is not dependent upon shorebased cargo-handling equipment and can take advantage of the extensive river transportation networks of many countries for the movement of barges from the sea to interior ports. The introduction of the barge ship service will not, therefore, place a sudden and severe financial strain on the resources of developing countries, nor will this system overtax their existing internal transport networks.

In the case of trade with Japan and with the industrialized nations of Europe, the barge ship offers similar advantages. From the operator's viewpoint, the flexibility of the Lash system is significant. While these ships are primarily intended to transport loaded barges, they also are capable of transporting containers or a mix of barges and containers providing a flexible response to the demands of the trade. Barges may be discharged at a series of ports or at a single port from which river or coastal towing vessels will move the barges inland or along the coast to other ports. Thus, the barge ship will be able to serve a great number of shippers with a minimum of voyage time.

In the case of Pacific Far East Lines, port time will be reduced by as much as 85 percent compared with the Mariner-class ships now serving the trans-Pacific trade. The round trip to the Orient on Trade Route 29 now takes 85 days. Lash ships will accomplish such a voyage in 42 days. The six Lash ships being constructed for PFEL will replace 10 Mariners and provide 50 percent more cargo capacity.

Mr. Speaker, this technological revolution requires a large investment on the part of the barge ship operator. Maximum operating flexibility will insure that the full potential of this system is realized. H.R. 155 will eliminate a technical barrier to the achievement of this goal. I, therefore, urge its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Iowa.

Mr. GROSS. May I assume that this legislation is not designed in any way to promote expenditures on the part of the Federal Government?

Mr. MAILLIARD. No, there is no cost to the Government at all involved. This is a technical amendment to promote reciprocity with foreign countries in utilizing the new techniques of barge-carrying ocean-going vessels so that those barges may proceed to the destination of the cargo within this country and within other countries.

Mr. GROSS. And it is in no way designed to open the door to further Federal spending at some later date?

Mr. MAILLIARD. Not in any sense, no.

Mr. GROSS. I thank the gentleman.

Mr. PELLY. Mr. Speaker, I wish to join Chairman GARMATZ and my colleague from California (Mr. MAILLIARD) in support of H.R. 155.

I cosponsored this bill in order to insure that U.S.-flag barge ships will not be restricted at foreign ports from achieving maximum operating flexibility. While none of our trading partners now appear to have laws preventing the interchange of cargo between U.S. Lash barges in their ports, it is highly likely that such laws or regulations will be adopted if our law, the Jones Act is not amended.

Mr. Speaker, I have been a defender and strong supporter of the Jones Act since first entering the Congress. I will continue to resist any effort to open our domestic trades to foreign-flag shipping, which would soon place us at the tender mercy of operators who are in many cases interested only in the fast buck and not the long-term interest of the United States.

This legislation, however, does not relate to domestic trade and amends the Jones Act in a technical sense only. For example, in the case of export cargo, a foreign-flag Lash barge loaded at St. Louis may under existing law be towed to New Orleans and placed aboard a barge ship for the sea leg of the through movement. At the foreign end of the movement, cargo from different U.S. origins loaded in separate barges in U.S. ports may be shifted to other barges for movement to their final destination.

It undoubtedly will be desirable, however, in many instances to combine these shipments at U.S. ports so that the barge ship when it departs the United States is preloaded in accordance with its scheduled sequence of foreign ports of call.

Under Bureau of Customs regulations which conform to the literal wording of the Jones Act, this foreign trade will be considered domestic commerce if the cargo is transferred between barges at a U.S. port.

Our U.S.-flag operators quite naturally want to have the option of transferring cargo from barge to barge at U.S. or foreign ports. By extending this right to foreign operators on a reciprocal basis, we will preserve the rights of U.S.-flag ships.

This is a reasonable bill, Mr. Speaker, and I urge all of my colleagues to support its passage.

Mr. GARMATZ. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. LENNON.)

Mr. LENNON. Mr. Speaker, three American-flag carriers are beginning transatlantic and transpacific services, transporting cargo preloaded in specialty barges which are placed aboard barge-carrying ships for movement between this country and ports in Europe, the Near East and the Far East. Efficient and economical operation of this new system of maritime transportation will require reshuffling and consolidation of cargo between those barges. The Bureau of Customs has ruled that this cannot be done in our territorial waters where foreign-flag barges are involved. H.R. 155 would permit foreign-flag operators to do so here provided their governments permit our ships to do likewise in their territorial waters. That is the purpose of this bill: To assure or obtain such rights for American-flag carriers in the territorial waters of the European and Asian countries to which they operate. Specifically, the bill would reciprocally permit foreign flag barges to transport in our territorial waters cargo which has here been transferred from one such barge to another.

In addition to the requirement of reciprocity for American-flag operators, the bill imposes other rigid limitations and restrictions. It is confined to cargo moving in foreign trade; that is, cargo which is moving from a U.S. point of origin to an ultimate foreign destination, or from a foreign origin to a U.S. destination. It would not permit coastwise trade by foreign-flag barges, recognizing that coastwise trade is and should be reserved to U.S.-flag vessels. These foreign-flag barges cannot in any circumstances be used here in shuttle service; this is prevented by the requirement that the barge must be one which is "regularly carried aboard a vessel in foreign trade." And both specialty barges—the one from which the cargo is transferred and the one to which it is transferred—must be owned or leased by the ocean carrier so using them. These limitations will be policed by the Bureau of Customs.

The cargo-transfer privilege will not, moreover, alter the existing jurisdiction of American labor. Your committee has been assured that foreign crews of these barge-carrying ships will not perform this work.

No one appeared in opposition to the bill. The cognizant Government departments support it. Your committee believes the legislation is required in order to obtain for U.S.-flag companies an operating flexibility in foreign waters necessary for the efficient and economical operation of barge-carrying ships, and that it will thus be of immediate benefit to U.S.-flag Lash and Seabee vessels.

Mr. GARMATZ. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DOWNING) a member of the committee.

Mr. DOWNING. Mr. Speaker, this bill, H.R. 155, is necessary to facilitate a new, efficient, and economical concept of maritime transportation. It relates to operation of the so-called Lash and Seabee vessels which carry cargo preloaded in barges specially designed for carriage aboard those ships between U.S. and foreign ports. Although cast in terms of permission to foreign-flag specialty barges operating in our territorial waters, the bill's purpose is to assure such privileges to the U.S.-flag specialty barges operating in foreign waters. That is, such barges of other nations would be accorded that privilege in our waters only if U.S.-flag operators are accorded like privileges in the territorial waters of those foreign countries.

Under present law, a foreign-flag mother ship can offload specialty barges at a U.S. port of entry and have them towed to other ports or points in this country without being in violation of our laws. The Bureau of Customs has ruled however, that it is not permissible to tow these barges between U.S. points if there is any transfer of cargo from one such barge to another. For operating efficiency and economy, U.S.-flag operators plan to do just that in foreign waters—in the territorial waters, for example, of Germany, and Japan. The governments of those countries have evinced a willingness to permit that practice in their territorial waters. It must be recognized, however, that this favorable and understanding treatment of our carriers by foreign countries will not continue if like treatment is not accorded their operators in our territorial waters.

The privilege which this bill extends to foreign-flag barges is narrowly confined to foreign trade cargo which is carried in barges specially designed for and regularly carried aboard the mother ship in foreign trade. It will be policed by the Bureau of Customs with the advice of the Department of State. Indeed, the language of the bill was drafted by the staff of Customs, and the Treasury Department has advised your committee it anticipates no unusual difficulty in administering the proposed legislation.

The bill in no way infringes on the principle that coastwise trade is and should be reserved to U.S.-flag vessels. It is designed solely to correct a technical difficulty resulting from Customs' position with respect to movements in foreign trade.

The bill will not alter the existing jurisdiction of American labor to transfer cargo between specialty barges in our territorial waters. Your committee has been assured that foreign crews of these barge-carrying ships will not perform this work.

The bill will be of immediate benefit to U.S.-flag Lash and Seabee vessels operating abroad. It is endorsed by the Maritime Administration and the Federal Maritime Commission as necessary and desirable to facilitate the operation of this new concept in maritime transportation and thus to promote a modern and efficient merchant marine under the American flag.

Mr. GARMATZ. I yield such time as he may require to the gentleman from Pennsylvania (Mr. BYRNE) a member of the committee.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I thank the chairman for yielding.

I rise in strong support of H.R. 155, which would obtain the U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge carrying ships, such as the Lash and Seabee vessels. The bill would do this by reciprocally permitting foreign-flag specialty barges of the type currently carried aboard Lash and Seabee vessels specifically designed and regularly carried aboard a barge carrying ship in foreign trade to carry export or import cargo between U.S. points which has been transferred from one such barge to another.

I wish to emphasize that the provisions of H.R. 155, as reported, are purposely narrow in scope so as not to be in conflict with our cabotage laws.

H.R. 155 does not permit coastwise trade by foreign-flag specialty barges or foreign-flag barge carrying ships. Under H.R. 155 any cargo proposed to be moved from a U.S. point of origin to a U.S. ultimate destination would, therefore, continue to be subject to all the requirements of section 27 of the Merchant Marine Act, 1920.

H.R. 155 does not permit the carriage of cargo in foreign specialty barges towed between the U.S. mainland, on one hand, and offshore States, territories, or possessions, on the other; nor between such offshore States, territories, or possessions.

H.R. 155 permits the shifting of cargo from one foreign-flag speciality barge to another—subject, however, to the following limitations, which are to be policed by the Bureau of Customs:

First, the Bureau of Customs must be informed by the State Department that the foreign government involved extends reciprocal privileges to U.S.-flag specialty barges. Unless and until such reciprocal privileges are extended by a particular foreign country, specialty barges registered under the laws of that foreign country will not be entitled to the benefits of H.R. 155.

Second, the cargo must be "moving in the foreign trade of the United States," that is, under no circumstances will a domestic movement be permitted.

Third, the specialty barge must be one which has been certified to the Bureau of Customs as specially designed for carriage aboard a vessel, that is, it must be of the Lash or Seabee type.

Fourth, the speciality barge must be one which is regularly carried aboard the barge carrying ship in foreign trade, that is, the barge cannot be used in a domestic shuttle service under any circumstance.

Fifth, both the barge from which the cargo is transferred and the barge to which the cargo is transferred, must be of the Lash or Seabee type, must be regularly carried aboard the barge carrying ship in foreign trade, and must be under common ownership or operation by the ocean carrier.

H.R. 155 in no way infringes on the principle that our coastwise trade is and should be reserved to vessels built in and documented under the laws of the United States and owned by persons who are citizens of the United States. It is designed solely to correct a technical difficulty resulting from the Bureau of Customs' position with respect to movements in foreign trade. The purpose of the bill is to assure that foreign governments will not raise similar technical difficulties for U.S.-flag barge carrying ships operating in their waters in the same way. H.R. 155 should be of immediate benefit to U.S.-flag Lash and Seabee vessels operating abroad in that it will result in reciprocity which will permit consolidation of cargoes between U.S.-flag specialty barges off-loaded at foreign ports.

I strongly urge the House to support this bill that will prove to be of great benefit to United States-flag barge carrying ships of the Lash and Seabee type.

The SPEAKER. The question is on the motion of the gentleman from Maryland that the House suspend the rules and pass the bill, H.R. 155, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRIBUTION OF UNCLAIMED POSTAL SAVINGS DEPOSITS TO THE STATES

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 135) to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes.

The Clerk read as follows:

H.R. 135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) to provide a sharing in the amount of unclaimed Postal Savings System deposits among the States and other jurisdictions in which such deposits were made, which is more equitable and expeditious than may be accomplished under differing escheat laws, the Secretary of the Treasury is authorized, within sixty days following enactment of this Act, and on such date as he may set during each of the four succeeding calendar years, to divide the remaining principal of unclaimed deposits held pursuant to the Act of March 28, 1966 (80 Stat. 92), in the trust fund account established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p), including the accrued interest applicable thereto, into a retention balance and a distribution balance. The retention balance shall consist of that portion of the remaining principal and accrued interest which he deems necessary to retain for the purpose of honoring claims by or on behalf of depositors; the distribution balance shall consist of that portion not so designated. The Secretary is authorized to proceed to distribute to each of the fifty States and to the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, referred to in this section as other jurisdictions of deposit, a pro rata share of the distribution balance. Each such share shall be determined on the basis of the ratio between—

(1) the dollar amount of the principal of the unclaimed deposits remaining as of each determination, which had been deposited in the post offices of the given State or other jurisdiction of deposit, as the case may be, according to the records of the former Postal Savings System and the Treasury Department, and

(2) the dollar amount of the principal of the total remaining deposits.

All determinations made by the Secretary of the Treasury under this subsection shall be final and conclusive and not subject to review in any court.

(b) The retention balance remaining after the final distribution authorized by subsection (a) shall be held by the Secretary of the Treasury in perpetuity in the trust fund account established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p), for the purpose of honoring claims by or on behalf of depositors, without regard to any laws of the States or other jurisdictions of deposit concerning the disposition of unclaimed or abandoned property.

Sec. 2. There is hereby authorized to be appropriated without fiscal year limitation to the trust fund established under section 17 of the Act of June 26, 1934 (31 U.S.C. 725p), out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay claims by or on behalf of depositors whenever the balance in that trust fund account is insufficient to pay such claims as a result of determinations and distributions authorized by the first section of this Act.

The SPEAKER. Is a second demanded?

Mr. McCLURE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I yield myself 5 minutes.

I rise in support of the bill H.R. 135 which provides for simplified procedures in distributing unclaimed postal savings accounts to the States and other jurisdictions of deposits. I sponsored this bill on the basis of an official recommendation by the Secretary of the Treasury.

The Postal Savings System was terminated as of April 27, 1966—Public Law 89–377. On July 1, 1967, the remaining deposits, amounting to $56.8 million in principal and interest, were transferred to the Treasury Department and deposited in a special trust fund for liquidation. In 1970, the Post Office Department transferred an additional $8.3 million to the Treasury to cover additional unpaid liabilities.

Since 1967, 83.5 percent of the total remaining deposits in the trust fund has been liquidated to rightful owners. However, this liquidation accounted for only 17.6 percent of the total number of accounts.

As of February 28, 1971, there remained 477,500 accounts with a total liability of $10.7 million, principal and interest. Of the remaining accounts, 35 percent are inactive since there had been no activity for more than 20 years.

Before the Treasury Department assumed the actual functions of liquidating the Postal Savings System, inquiries were received from several States, regarding escheat to the States of unclaimed deposits remaining in the system. The Treasury Department took the position that they would pay the amount of designated unclaimed deposits to a State which established, through appropriate State court proceedings, that the escheat laws of a State extended to funds held in the United States Treasury, and that the State claimed such deposits as the rightful owner. The Treasury Department decided that it would not extend the same rights to a State claiming as the custodian for the rightful owners.

The essential distinction between an escheat law and the State abandoned property law is that an escheat law, by judicial proceedings, substitutes the State for the private individual depositor by the transfer of the right and title to the deposits, while an abandoned property law turns over to the State as a custodian, by administrative action, the abandoned or unclaimed property until the claim is made by the rightful owner.

Two States, Indiana and Montana—

subsequently joined by five other States—instituted suits in district courts against the United States, to compel an accounting for and payment of unclaimed deposits under their abandoned property laws. However, the Treasury Department still maintained the position that they would not recognize claims from States claiming the unclaimed deposits under the abandoned property laws in the absence of final judicial determination of this question.

Action on all the court cases has been held in abeyance pending disposition of this legislation.

The distribution of the unclaimed funds, which are the property of individuals and not of the Federal Government, can be effected in State court proceedings which have the necessary escheat laws. Such a process would be time consuming, expensive, and extremely burdensome. Also, as I have indicated, there is a serious question of whether there could be any valid claims by States which do not have appropriate escheat laws unless the State actually enacts an escheat law to take care of this situation.

H.R. 135 provides a simplified procedure to distribute the unclaimed deposits without any necessity for the burdensome court proceedings. I believe this would be a fair and equitable method to overcome the problem. The actual procedure will be explained in detail by my colleague, the gentleman from Pennsylvania, who is chairman of the subcommittee which held hearings on this proposal.

New York State share of the unpaid funds is about $1.9 million. Under escheat laws the most New York could recover is about $400,000. This demonstrates the significance of this legislation.

As I indicated in the beginning, this bill is based on an official recommendation of the administration. It was reported from our committee by a record vote of 13 to 3. It is essential that the legislation pass at the earliest possible time because several States are withholding court action pending the outcome of this legislation.

Mr. Speaker, I strongly urge passage of H.R. 135.

Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Pennsylvania (Mr. NIX).

Mr. NIX. Mr. Speaker, H.R. 135, introduced by Congressman DULSKI for himself and Congressmen CORBETT, NIX, and DERWINSKI, was supported overwhelmingly in committee by Members from the majority and minority.

The purpose of H.R. 135 is to authorize the Secretary of the Treasury to distribute to each of the 50 States and to the District of Columbia, Puerto Rico, the Virgin Islands, and Guam a prorata balance of the amounts of unclaimed postal savings deposits while retaining in the Treasury sufficient funds to meet future claims.

The Postal Savings System was ended by statute in 1966. Today, approximately $11 million remain in the fund after extensive efforts have been made by the Treasury Department and the former Post Office Department to reach depositors with $10 or more in accounts. The fund has been reduced from $65.1 million owing in principal and interest to an aggregate liability of $10,765,101 as of February 28, 1971 in 477,500 accounts.

EXPLANATION OF BILL

SECTION 1

The Secretary of the Treasury would be authorized under the bill within 60 days of enactment and once every four years thereafter to distribute to each State on a pro rata basis the remaining principal and interest of unclaimed postal savings deposits.

This distribution would be made in lieu of escheat actions filed by the various States against the Treasury Department, and a system set up by the Treasury Department disbursing unclaimed postal savings from those accounts which have had no activity for 20 years.

A retention balance will be maintained by the Treasury Department in order to meet unexpected claims after the distribution of funds to the State have been completed. This balance will be maintained in perpetuity.

Each of the 50 States and the District of Columbia, Puerto Rico, the Virgin Islands, and Guam will receive a share based on the ratio between the dollar amount of the principal of the unclaimed deposits remaining as of each determination, which had been deposited in the post office of the given State or other jurisdiction of former Postal Savings System and the Treasury Department, and the dollar amount of the principal of the total remaining deposits.

SECTION 2

Section 2 authorizes appropriations to pay appropriate claims in the event the retention balance becomes fully depleted as a result of future claims.

RATIONALE

On page 4 of the report a schedule is included which set out the planned initial distribution by the Treasury Department of the unclaimed postal savings deposits. This is only the first of five distributions.

For example. New York will receive $855,000, California will receive $495,000, Texas $130,000, and Pennsylvania $347,000.

This bill is necessary because all that can be done to reach depositors has been done. The Treasury Department and the Postal Service have attempted to reach all depositors at their last known address with $10 or more on deposit. Many of the 477,500 accounts have principal amounts on deposit of $1 or $2. Thirty-five percent of the accounts have been inactive for over 20 years. Thus, a prompt and fair distribution of the remaining funds is impossible.

Federal court decisions have held that the funds involved are not Federal funds, they belong to the depositors and as such third party actions against such funds must be brought in State courts. This means that State governments seeking to bring escheat actions will be able to do so in State courts. While this right is important to the States, such a course of action will be costly to the States and the Federal Government.

This bill offers a way out for the States and the Federal Government. Depositors will be protected should late or surprise claims be made against deposits since the Treasury will retain a retention balance. The distribution of funds according to the formula set out in the bill will mean that the States and Federal Government can avoid massive litigation resulting from escheat action. A suit by the States of Indiana, West Virginia, Texas, Ohio, Colorado, and Connecticut, and a separate suit by the State of Montana have been stayed pending the passage of legislation identical to H.R. 135.

I urge the passage of H.R. 135 in order to avoid administrative and legal costs and an uncalled for delay in distributing to the States and remaining unclaimed funds in the closed Postal Savings System.

Mr. McCLURE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the method by which unclaimed postal savings funds are to be distributed among the States under the bill before us, H.R. 135, is apparently fair and efficient, and I recommend enactment of this legislation.

The method of distribution, in brief, calls for the Department of Treasury to determine how much of the balance in the trust fund account of the old postal savings system reasonably needs to be retained to pay future claims from rightful owners, and then distribute the surplus to the 50 States and four jurisdictions on a pro rata basis. The pro rata basis is the ratio of the balance of each State account compared to the total amount available for current distribution. There will be five distributions under the legislation, in 5 calendar years, with a final retention balance to be permanently held to pay future claims.

The details of this procedure have been explained by others and I will not be repetitious.

Spokesmen from the Treasury Department testified at length before our Subcommittee on Postal Facilities as to the need for this legislation. It is the reasoning of the Department that the legislation will eliminate significant burdens and expenses for the States and the Federal Government under escheat proceedings in the State courts. I accept the Department's position on this score, and support the bill in an effort to be helpful in providing a means for the liquidation of these unclaimed funds.

However, I want to raise one flag of caution. The legislation, as now drafted, authorizes to be appropriated, without fiscal year limitation, such sums as may be necessary to pay claims whenever the balance in the trust fund is insufficient to pay valid claims. I can only speak for myself, Mr. Speaker, but it is my intent, and I believe that of the committee, that this authorization will never be used; that the Secretary of Treasury will administer the liquidation and distribution of the postal savings account in such a way that he will not find himself in the position of lacking the necessary funds out of the moneys to be distributed to pay valid claims. I hope the House will agree that this is the intent of the legislation.

Mr. Speaker, I recommend the enactment of H.R. 135.

Now Mr. Speaker, I have in hand a book entitled "The History Of The Surplus Revenue Of 1837," a book which I borrowed from the Library of Congress. It shows that in 1837 this Government had some surplus revenue. It is hard to believe that was ever possible in the light of what we see happening today. This surplus revenue was distributed to several States, some 25 of them, such as New York, which got $4,014,520.71—and New York has never repaid the Government a dollar of this money that was handed as a loan, nor has it paid any interest on the money.

Pennsylvania got $2,867,514.78.

My friend, the gentleman from Missouri, will I am sure, be interested to know that the "Show-Me State" got $382,375.30, and has never paid a dime of principal on the loan, or a penny of interest.

Tennessee got $1,433,757.58.

I say to my friends from California you got nothing, and we got nothing in Iowa. There are several of the States that got nothing, because they did not exist in 1837. They were not around for that handout. The gentleman from Illinois is shaking his head, but Illinois got $477,919.44.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. McCLURE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I thank the gentleman for the additional time.

And Illinois has not repaid a dollar. It has been estimated in some quarters, that if the States had paid 2-percent interest, compounded from 1837 to the present day, they would owe about $13 billion, including the original handout. I note the presence of the gentleman from North Carolina, (Mr. Henderson). North Carolina got $1,433,726.39. If I could find some simple way to do it in this legislation. I would to say to you who got the 1837 handout that you must forgo participation in this postal savings handout and give the States of Iowa, Florida, California, and others preferred treatment at this time.

Incidentally, there is the State of Pennsylvania, and I will say to the gentleman from Pennsylvania (Mr. Nix), that his State got $2,867,514.78—and it is still owed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. I am delighted, Mr. Speaker, that the gentleman, my friend from Iowa, would yield for a query or powwow in the time-phase of Indian territory.

I would like to recall to the gentleman's mind that we just voted for paying reparations to the Indians for land that was taken up prior to the date of the bill wherein we did historically dissolve the excess in the Federal Treasury. He will recall that it was shortly after that we also dispersed some lands under the "Homestead law". The statement is going around that the Federal Government has come back into control in fee simple of more than 34 percent of the U.S. land acreage exclusive of Alaska, that is more land than is represented by the State of Iowa, which I believe is an Indian name. Whether Missouri has repaid this "loan"—which was never intended to be repaid, and on which final payments were made because of the scandals of the next administration—is academic if not historic.

I have read that history a bit, too.

I appreciate what the gentleman is doing, but I am just a little bit surprised that instead of trying to get Iowa's hand into the till and require Missouri to pay a loan that he is not recommending that we forgo this dispersion to the States on a pro rata basis, and simply leave it in the defunct U.S. Treasury.

Mr. GROSS. That is a good suggestion but, of course, it will not be done that way. But I do suggest that Missouri step aside and let some of the rest of us climb on the gravy train.

Mr. NIX. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. NIX. Mr. Speaker, I only want to make the observation that that is the only occasion that the State of Pennsylvania ever got something for nothing.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HENDERSON. Mr. Speaker, I thank the gentleman for yielding.

I hoped the gentleman is not going to pursue his line, as I thought he might, and suggest that we ought to have a deficit-sharing bill rather than a revenue-sharing bill as some have proposed—and that such deficit-sharing legislation be limited to those States he enumerated as recipients from the 1837 act.

Mr. GROSS. I thank the gentleman for the suggestion.

Mr. McCLURE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Speaker, the points in favor of this bill have been well emphasized. I would wish to point out that the chairman of the full committee and the chairman of the subcommittee reminded us that the formula worked out is consistent with what we believe to be the best interests of the individuals who have yet to claim their funds from this system.

Our action this afternoon will be consistent with that termination of the postal savings system. However, since we were treated to an unexpected history lesson by the gentleman from Iowa, I only wish to observe, if I may have the attention of the gentleman from Iowa, that the reason the Federal Government back in 1837 had a surplus and could redistribute it was because at that time the President was a Jeffersonian Democrat and unlike the present day Democrats who are wild-eyed spenders, the Jeffersonian Democrats traditionally looked after the best interests of the taxpayers. But history has distorted and altered the performance of that once great party.

Mr. Speaker, as a cosponsor of H.R. 135, I rise in its support and urge its prompt approval.

This legislation is, in my opinion, a sound and necessary step toward completion of the action which the Congress took 5 years ago when it enacted legislation to terminate the Postal Savings System and liquidate its funds. That was done because of the steady decline in Postal Savings depositors, greater financial opportunities in the private sector of the economy, and because the costs of the system had begun to exceed its income as well as its value to the public and the Government.

On July 1, 1967, the remaining funds of the Postal Savings System were transferred to the Treasury for deposit in a trust fund for unclaimed moneys and for liquidation. The total transfer from the Post Office Department to the Treasury amounted to $65,139,000. As of the end of February 1971, there remained an aggregate liability of $10.7 million of unpaid and unclaimed accounts. I should point out, Mr. Speaker, that in addition to the general publicity about the liquidation of the system, the Treasury Department took steps to notify depositors with inactive accounts of $10 or more in unpaid principal at their last known address.

The legislation before the House today has two main objectives. First, because the States and not the Federal Government have the right to escheat the unclaimed postal savings accounts, the proposal under consideration would permit the States to share in the unclaimed funds in a sound manner without the effort and expense required by the escheat procedure. And second, the legislation preserves the right of all future claimants to look directly to the United States for their money, promptly upon submission of their claims on the basis of the full faith and credit of the United States.

Mr. Speaker, this legislation proposes an orderly and equitable distribution of the unclaimed moneys among the 50 States and four jurisdictions of deposit. The formula for distribution worked out by the Treasury Department in this bill is fair and the enactment of the bill H.R. 135 will serve a beneficial purpose to all concerned.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and I appreciated his history lesson, but I am concerned with the legislation before us.

I cannot for the life of me rationalize why it is necessary to have section 2 in the bill under consideration, which says that funds are herewith appropriated as may be necessary—which is the way we set up future unlimited back-door raids on the Treasury—are authorized for funding this dispersion of personal savings now held in excess by the U.S. Treasury. We go to great length in the bill and committee report to see that we will always keep a balance, and after the fifth or sixth distribution, the Secretary of the Treasury will still maintain that position, and yet we are appropriating more money out of the General Treasury. Now, why?

Mr. DERWINSKI. The reason, may I advise the gentleman—and the gentleman in effect has answered his own question—under the formula, under all the figures and information we have at our disposal, it will not be necessary. However, the legal experts of the Treasury say that this is necessary to meet the complications that are inherent in this situation. It is not our intent, as the gentleman from Iowa pointed out, that this should ever be the case, but for technical reasons this provision was deemed necessary.

Mr. HALL. A very sophisticated explanation. I thank the gentleman.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WHITE), a member of our committee.

Mr. WHITE. Mr. Speaker, on examining this particular bill, I conclude that we are not being entirely consistent in our application of the theory of government. I am not sure the bill, if it becomes law, will be proper law. For example, the deposits made under the postal savings were made by individuals and the money went to the U.S. Government. The States never deposited this money themselves. The money was not deposited in the States themselves as, for example, in a bank. Most of the State escheat laws of this country deal with money deposited in the States or property therein. But this money is not so. The U.S. Government remains liable under this bill. Why should this money held by the U.S. Government be distributed to the States and yet hold the United States liable on claims?

Now, the author does project a trust fund that he feels will take care of future claims, but the person making the estimate of future claims could be wrong. What this bill proposes is that the States that never deposited the money, never held the money within the State, shall not be liable but shall receive the gratuity of the money, and yet the U.S. Government shall remain liable in the future. The estimate of future claims under which the trust retention is made could be completely erroneous. This is a mobile society. Many people have made their purchases of postal savings from one State, and then moved to another State, why should the original State where none of the money nor receipt is held have a right to this money? You cannot say that this distribution is equitable.

I think the money should go back to the U.S. Treasury, in the general funds to pay future claims and for the general purposes of Government. This money was deposited with the U.S. Government, was owned by the U.S. Government with a right of redemption by individuals, and therefore should remain with the U.S. Government.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HENDERSON), a cochairman of our committee.

Mr. HENDERSON. Mr. Speaker, the Congress of the United States abolished the Postal Savings Deposit System in March of 1966 because it was no longer useful as a savings system. It was no longer a serviceable system because interest rates were limited by law to 2 percent annually and this was only to be paid on a maximum principal of $2,500.

Our problem with the Postal Savings System has not been ended. Ten and a half million dollars in unclaimed deposits is still in the custody of the Treasury Department in 477,500 accounts. Thirty-five percent of these accounts have had no activity for over 20 years.

This aggregate balance is threatening to be the cause of more litigation by State governments against the Treasury than one would think possible.

State governments have brought escheat actions in State courts against deposits located within the States. This is a costly process for the States as well as the Treasury. Federal court decisions hold that is proper for the States to bring such actions in State courts since these funds belong to the depositor and are not Federal funds.

In addition, a lawsuit filed in 1968 by the States of Indiana, West Virginia, Texas, Ohio, Colorado and Connecticut against the U.S. Treasury was stayed pending the passage or defeat of the legislation before us today.

The Treasury and postal service have gone to great lengths in trying to reach all depositors in unclaimed accounts. Letters were forwarded to all depositors in accounts with $10 or more on deposit. Extensive publicity campaigns were carried out to inform the public about the availability of such funds.

As a result, the liability in 1966 of $65.1 million has been reduced to $10.5 million.

But, the Federal Government is at the end of its rope. Everything humanly possible has been done to reach depositors. The States are threatening massive litigation under either a custody doctrine or under their own escheat statutes. The funds cannot be maintained indefinitely by the U.S. Treasury because they are not public funds and they are subject to lawful claims by depositors and possible third parties lawsuits.

The question is how to distribute such unclaimed funds to the States while at the same time maintaining enough on hand to meet surprise claims by depositors.

This bill does accomplish the objective by making a series of five annual distributions to the States and four other jurisdictions—the District of Columbia, Puerto Rico, the Virgin Islands, and Guam—according to a ratio between the balance of each State account based on the dollar amount on deposit in a jurisdiction to the dollar amount of the principal of the total remaining deposits.

The first distribution would be made within 60 days after enactment, and subsequent distributions would be made on such dates as the Secretary of the Treasury may set during the following 4 years.

A balance will be finally retained after the fifth annual distribution and will be held available in perpetuity to pay future claims. If such a fund is insufficient, the Treasury will seek appropriations to make up the difference.

If this bill is enacted, the Federal Government will avoid massive litigation, the States and other proper jurisdictions will receive a just share of unclaimed deposits, and depositors or their heirs who have not made claims will be able to do so against a retention balance.

I urge the favorable consideration of this legislation.

Mr. McCLURE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman's yielding and rise in support of the bill. Frankly, I am not concerned at all about the revenue sharing that went on in 1837 discussed a moment ago. I just wish—and I am sure the gentleman from Iowa would share this view—I wish the financial situation in the country at the present time was such that we did have a surplus that we could share with the States of the country.

In my opinion, Mr. Speaker, it is a good bill, and I urge its passage.

Mr. McCLURE. Mr. Speaker, I wish to add my support to the bill, H.R. 135. This legislation, which is a recommendation of the administration, will establish an equitable procedure for the distribution among the States of the unclaimed funds in the postal savings system.

The Postal Savings System was terminated as of April 27, 1966, under Public Law 89–377, and the purpose of this bill is to simplify the liquidation of the unclaimed funds of the account and to insure a retention balance and the full faith and credit of the United States for the payment of any claims in the future.

The alternative of this legislation is for the States to initiate cumbersome and costly court proceedings—which proceedings would also be costly to the Federal Government—in order to escheat the unclaimed funds of deposit. I believe that the procedure set forth under H.R. 135 is superior in that it foregoes such court action and at the same time preserves the right of each depositor to call upon the United States for payment of a valid claim.

Mr. Speaker, H.R. 135 provides for the Secretary of the Treasury to make a reasonable determination as to the funds necessary to pay future claims of rightful owners and then to distribute the balance among the 50 States and four jurisdictions of deposit on a pro rata basis. In testimony before our committee, spokesmen of the Treasury Department have estimated that the initial distribution among the States will be $5 million, out of the total of $10.7 million in unpaid principal and interest in the fund.

There will be four subsequent distributions in four succeeding calendar years, with a permanent retention fund to remain with the Treasury Department for the payment of future claims.

Mr. Speaker, I believe this legislation carries all the necessary safeguards for the equitable disposal of these unclaimed accounts, and I am satisfied that each depositor who currently has a valid claim to money in the savings fund is fully protected. I hope my colleagues will agree that H.R. 135 is necessary and sound legislation and that we will move toward its prompt enactment.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HANDLEY), a member of our committee.

Mr. HANLEY. Mr. Speaker, H.R. 135 will turn over to the States unclaimed postal savings deposits, which are deposited within State jurisdictions in five annual installments. The jurisdictions of the District of Columbia, Puerto Rico, the Virgin Islands, and Guam will also be included in this distribution. This bill will finally distribute most of the remaining funds in the Postal Savings System which was abolished by Congress in 1966.

Under this legislation, for example, Texas will receive $130,000 as an initial distribution. California will receive $495,000, New York $855,000, and Pennsylvania will receive $347,000.

The formula of distribution is based on a ratio between the balance of the dollar amount of the principal of unclaimed deposits remaining as of each determination by the Secretary of the Treasury, which have been deposited in the post offices of the given State or jurisdiction of deposit, as the case may be, and the dollar amount of the principal of the total remaining deposits.

This bill is the only solution to an increasingly complex problem over the small remaining unclaimed deposits in the custody of the Treasury Department.

The Treasury and Postal Departments have contacted the last known address of every depositor with $10 or more in account. They conducted since 1966 an effective public relations campaign designed to reach all postal savings depositors with claims.

Their campaign was successful in that the aggregate liability of $65.1 million was reduced to $10.5 million as of February 28, 1971. But this liability of $10.5 million is scattered through 477,500 accounts. A total of 143,644 of these accounts have only a balance of $1 or $2. It is not likely that the same kind of effort will substantially reduce the remaining liability.

The States are threatening to sue under their escheat statutes for those unclaimed deposits within their jurisdictions. In addition, a suit was filed and suspended by stipulation by the States of Indiana, West Virginia, Texas, Ohio, Colorado, Connecticut, and Montana. The stipulation was based on the recommendation by the Treasury Department and introduction of legislation identical to this. Should this legislation fail today, it is likely that these same States and others, such as New York, will file new suits involving the Treasury in massive litigation.

The depositor who has not claimed money on deposit may be able to do so in the future under the terms of this bill because a retention balance to pay surprise claims will be kept on hand by the Treasury. Should this fund be insufficient, the deficiency may be made up by appropriated funds.

This legislation slashes a "Gordian knot" which, if left tied as is, could embroil the States and the Federal Government in endless litigation and paperwork.

I urge the passage of H.R. 135.

Mr. BEVILL. Mr. Speaker, I urge the passage of H.R. 135 as the only solution to an administrative tangle that may result in costly litigation in relation to a comparatively small amount of money which the Treasury Department holds as a custodian.

Congress abolished the Postal Savings System in 1966. At that time the total liability to depositors was $65.1 million. Because of the efforts of the Postal Service and the Treasury Department, the balance was reduced to $10.5 million on February 28 of this year.

The problem faced by the Treasury Department which is now the sole custodian of remaining unclaimed postal deposits is that everything that could be done to reach depositors has been done since 1966. Because these funds are unclaimed, State governments may bring escheat actions against individual accounts and several States have brought a multiparty action seeking custody from the U.S. Treasury of deposits which are unclaimed and within their jurisdictions.

The Treasury answered the suit brought in Indiana, Texas, West Virginia, Ohio, Colorado, and Connecticut by asking for a stay of proceedings by stipulation by the parties if the Treasury would request that the legislation before us today be introduced in the Congress. It was in the 91st Congress, and was reintroduced in this Congress as H.R. 135. The suit was stayed by stipulation.

This bill would distribute to the States, once each year for 5 years, an amount of money fixed by formula. The formula is based on a ratio between the balance of the dollar amount of the principal of the unclaimed deposits remaining as of each determination, which had been deposited in the post offices of the given States or other jurisdiction of deposit, as the case may be, according to the records of the former Post Office Department and Treasury Department and the dollar amount of the principal of the total remaining deposits.

A retention balance will be maintained in perpetuity to pay surprise claims by Treasury and if such estimated balance is insufficient the Treasury Department will be able to make up the difference out of appropriated funds.

The passage of this bill will avoid a lengthy legal dispute between the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands and the Treasury Department over the comparatively small remainder of unclaimed deposits. There is in addition the threat that it may be necessary for the States to initiate thousands of escheat actions in order to reach unclaimed deposits.

The $10.5 million in 477,500 unclaimed postal savings accounts with an average liability of $18 may prove to be the cause of a terrible administrative and legal tangle, the final cost of which could equal a figure comparable to the total value of the fund itself in time and paperwork. For instance, 143,644 of these accounts have a balance of $1 or $2. There is no commonsense way to reach these amounts except through legislation such as H.R. 135.

When Federal courts determined that postal savings deposits were the property of the depositors and as such the amounts were subject to legal action in State courts by third parties, they make the solution before us today in H.R. 135 the only practical solution.

H.R. 135 is a commonsense piece of legislation. I urge its passage.

Mr. DULSKI. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 135.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 135, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENDING THE PRESIDENT'S REORGANIZATION AUTHORITY

Mr HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6283) to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes.

The Clerk read as follows:

H.R. 6283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 905 of title 5 of the United States Code is amended by striking out "April 1, 1971", and inserting in lieu thereof "April 1, 1973".

SEC. 2. Subsection (b) of section 903 of title 5 of the United States Code is amended by inserting after "and to each House while it is in session" the following: ", and furthermore shall not transmit more than one such plan to Congress within any period of thirty consecutive days".

SEC. 3. Subsection (a) of section 905 of title 5 of the United States Code is amended by striking out "or" at the end of paragraph (5), and by striking out the period at the end of paragraph (6) and inserting in lieu thereof ", or", and by adding after paragraph (6) the following new paragraph:

"(7) dealing with more than one logically consistent subject matter."

The SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6283 will extend the authority of the President to submit reorganization plans to the Congress until April 1, 1973. The most recent extension expired on April 1, last. The bill was reported without a dissenting vote from the Committee on Government Operations.

The legislation was requested by the Nixon administration in an executive communication from the Director of the Office of Management and Budget, dated February 1, 1971. Sections 2 and 3 of the bill, however, were originated in the committee, based on a concern of many years which we have had in the manner in which reorganization plans have been submitted to the Congress.

The Reorganization Act of 1949 (5 U.S.C. 901–913) permits the President to submit reorganization plans which may transfer, consolidate, or abolish Federal agencies and functions. Such a plan then becomes law unless, within 60 days, either the House or the Senate passes a resolution of disapproval.

Section 2 of the bill proposes that the President shall not submit more than one such plan within any period of 30 consecutive days. This is simply to prevent our committee from being overloaded with plans at any one time, thereby not being able to give each of them the attention and scrutiny it deserves. I assure you that we are going to carefully analyze all reorganization plans so that our recommendations to the House will be based on sound knowledge. I believe that if the plans are spaced at least 30 days apart we can do the job we should properly do.

Section 3 of the bill proposes that a plan deal only with "one logically consistent subject matter." This will prevent the submission of omnibus plans covering a wide variety of actions on unrelated subject matters. It is enough that a reorganization plan deal with one clear-cut subject matter. In this way the Congress can express its intention clearly and without the confusion that may be caused by a combination of unrelated matters.

These amendments to the basic act are reasonable and will be beneficial to the executive branch and the Congress. They in no way alter the effectiveness of the Reorganization Act nor will they impair the President's ability to formulate and submit plans in any significant way. The administration prefers not to have these limitations, but indicated they were in fact following the suggested procedure informally.

It may also interest Members to know that in the full 21 years the act has been in effect, 90 reorganization plans have been submitted to the Congress and 70 of these were acceptable to the Congress and became law.

You will note in our report, on page 4, that we concur with the estimate of the Office of Management and Budget that this legislation will not require any additional direct expenditure of funds.

We believe the Reorganization Act has proved its value and stood the test of time. The 2-year extension should give the President adequate opportunity to employ this tool to improve the management of our vast governmental establishment and obtain such economies as may be possible.

I urge my colleagues in the House to support this legislation.

Mr. HORTON. Mr. Speaker, as one of the coauthors of H.R. 6283 I am pleased to rise in support of the extension of the Executive Reorganization Act for an additional 2 years.

This act authorizes the President to submit to Congress plans for the reorganization of Federal Government agencies by means of transfer, consolidation, or abolition. If the Congress does not within 60 days vote to disapprove a reorganization proposal, it shall take effect.

A number of safeguards have been built into this procedure over the years. For one, only one House need vote against a plan to kill it. Second, the reorganization procedure may not be used to establish a new department. Third, a plan may not create new legal authority. This last point is most important because it assures that the reorganization procedure may only be used to rationalize structure and not to subvert Congress authority to legislate.

The Reorganization Act is, then, solely a means to enable the President, upon concurrence of the Congress, to make Government operations more efficient and economical in order to: Promote better execution of the laws, reduce expenditures, increase efficiency in Government operations, abolish unnecessary agencies, and eliminate duplication of effort. No one, in my opinion, can quarrel with these objectives.

The Hoover Commission recommended the enactment of reorganization legislation and such a provision, in one form or another, has been in effect since President Roosevelt's first administration. Since 1949, when the act enacted in a form very similar to that now before us, 90 reorganizations have been submitted to the Congress, and 71 have been approved. To, to my mind, clearly demonstrates that this authority has not been misused by the Executive authority, but rather has met with general acceptance by the Congress. Establishment of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration are two recent examples of the effective use of the Reorganization Act to improve the operations of Government. By the same token, however, the fact that Congress has rejected approximately 20 percent of the plans proposed also shows that it has not abandoned its legislative responsibility, but rather has maintained a careful scrutiny over this authority.

Today, more than ever before, the need arises for improved Government efficiency and economy. Billions of dollars are being spent annually on programs to improve the welfare, health, and economy of our people. Yet, all around us we witness failures in education, health, housing, manpower training, transportation, environmental protection, and many other vital areas of life. Many of these failures can be attributed to poor organization, inefficient operations, and antiquated delivery mechanisms.

Government, if it is to deal effectively with current problems and issues, must be alive, vigorous, and aggressive. New legislation is being enacted with each passing Congress, priorities, and goals are regularly changing, and functions are being altered to meet new demands. In order to keep pace with this ever-changing posture, Government organization must be flexible, capable of changing, and able to adjust. Otherwise, stagnation and decay will overwhelm existing institutions and defeat program objectives.

President Nixon put it succinctly in his message to Congress in 1969, calling for an extension of this legislation at that time:

> New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the executive branch requires flexibility in its organization. Government organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes.

The Nation's margin of error has narrowed considerably in recent years. Utilization of the Reorganization Act process can and does provide an efficient device for improving Government effectively and expeditiously. In so doing, however, safeguards are maintained as indicated above. To further these safeguards the Committee has added two amendments to this legislation: First, to limit the number of plans the President may submit to Congress to not more than one within any period of 30 consecutive days, and, second, to prohibit the submission of a plan that deals with more than one logically consistent subject matter.

Mr. Speaker, I urge enactment of this legislation.

Mr. RONCALIO. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RONCALIO. I thank the distinguished gentleman for yielding. I would like to ask a question.

Does this extension carry with it any directive, suggestion, or recommendation that there be studied now in the reorganization plan some decentralization of the physical plant of the Capital of the Government in the District of Columbia?

Mr. HOLIFIELD. No. This is the basic act that gives the President authority to send up such plans as he feels may be necessary.

Mr. RONCALIO. Does the chairman feel that the time has come that the Congress ought to concern itself with the need to decentralize the Government of the United States of America to avoid the choking and congestion and uninhabitability that seems to be impressing itself on the District of Columbia?

Mr. HOLIFIELD. The gentleman has brought forth a very complicated subject matter. There has been considerable decentralization, as the gentleman knows. Now the President of the United States is recommending, in substantive legislation having nothing to do with this, the concentration of seven departments of the Government into four. So I think the gentleman's philosophy should certainly be looked into. It will be a matter that will be before the Congress, maybe not on this specific point but it could be before the Congress on this specific point if the President wants to send up such a plan.

Mr. RONCALIO. I thank the chairman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding and appreciate his prefatory explanations.

The two items that have been added worry me just a little bit as to consistency within the overall purview of the Reorganization Act of 1949, as amended. I might say in introducing my question to the distinguished gentleman, I am not sure that even though that was a recommendation of the first Hoover Commission it has always been well received by the distinguished committee which has not always approved reorganization acts of the executive branch. The Constitution is very clear about the seat of the Government and the organization of the Government by the people's elected representatives. Honestly this act of 1949 allowed a "veto in reverse"—not a veto by the chief administrative officer of the executive branch, but a veto in reverse by the legislative branch of the executive's reorganization plans, as and if one or the other body of the Congress acted within so many days. Second, those days have been reduced progressively from the original law, which was 90 days, to 60 days, and one time last year we amended it to include a 30-day revision of one of the Reorganization Act proposals.

With that background——

Mr. HOLIFIELD. I think the gentleman is mistaken on the 30 days. The 30 days included in this bill, only has to do with the sending up of a plan.

Mr. HALL. I understand that perfectly, Mr. Chairman.

Mr. HOLIFIELD. The 60 days still obtains.

Mr. HALL. Actually, it limits the President to 12 plans or one reorganization plan a month in any 1 year, which gets down to my final question. My reference to the 30 days action by one or the other body was with regard to a single piece of reorganization legislation we adopted last year after having reduced it from the original 90 to 60 days for the current action which must be engaged in by one or the other body.

I will say as a member of the Joint Commission on the Organization of the Congress for the past 7 years, it has been 60 days.

Anyway, with that background, if we do limit the chief administrative officer of the executive branch to one reorganization every 30 days, how do we in fact determine and who interprets logically the definition of "subject matter?" Does the committee determine this after the executive branch has submitted it, or can the chief executive officer get by, organize and administer well, with one such proposal every 30 days by including related matters?

For example, is the "related matter" or the "consistent subject matter," the consolidation of seven different branches of the Cabinet into four, is that "consistent"? And, I presume the committee report means an item of "consistent subject matter."

Mr. HOLIFIELD. I want to be responsive to the question which has been posed by the gentleman from Missouri.

In the first place, the intent of this legislation is that in any one reorganization plan the matter treated will be consistent, that it will not be an omnibus bill that will treat a number of different subjects, but treats only one subject matter.

Now, in the case of the seven departments being changed into four, the recommendation of the executive branch that has been sent up was sent up under substantive law and does not come under a reorganization plan. It was sent up just for that reason, that it dealt with so many different subject matters and it proposes to do some things which are not allowed under a reorganization act, which are of a substantive nature. Therefore, it had to be sent up like an ordinary bill and we are handling it as an ordinary bill. We plan to start hearings on this tremendous task very soon. However, it is not being considered—Presidential legislation—in that manner. It is just like any legislation that goes to any committee, but it was sent to the Committee on Government Operations which has an overall widespread interest throughout the executive branch.

The basic act chartering the Government Operations Committee prescribes that reorganization plans and the setting up of new departments, new commissions, new boards, and new agencies should be sent to the Government Operations Committee because of its wide knowledge of the structure of Government.

Mr. HALL. I appreciate the gentleman's yielding and I appreciate his explanation. Certainly, it was not my intent to question the jurisdiction of the Committee on Government Operations.

Mr. HOLIFIELD. No.

Mr. HALL. I think the gentleman has answered my question and I think my question was valid, because at least the Presidential message to the Congress on the reorganization legislation referred to the Reorganization Act of 1949 which this legislation, H.R. 6283, does amend.

However, be that as it may, if I understood the gentleman from California correctly the gentleman did say that one act of consistent subject matter would pertain to one Cabinet branch of the executive branch of Government and not to seven, if the gentleman is interpreting the intent of this new legislation correctly; is that correct?

Mr. HOLIFIELD. I would say this: that if the subject matter is in different departments, that there could be a bringing together of functions, providing it dealt with the same subject matter. For instance, if it dealt with several agencies that had parallel programs. I can give the gentleman an illustration of what I am talking about.

Reorganization Plan No. 1, that is before us, seeks to bring together VISTA, SCORE, the Foster Grandparents, and other programs; all having to do with voluntary services by younger people and middle-aged people, and it was thought best by the administration to bring them together into one agency called ACTION.

The proposal may be subject to challenge—and I might add, it has been challenged in our committee, because it deals with volunteers. But the testimony from a number of credible and reputable Members of the House has been that "volunteerism" is not a function, it is a motivation and not a function; and, therefore, the bringing together of these programs on that basis is a rather broadening out of the concept of the reorganization plan. I am not making the point that it is, understand. I am talking about the testimony before our committee.

The VISTA plan, for instance, has to do with domestic voluntary action in communities, and the SCORE program has to do with retired businessmen helping businesses. But there is a question which has been brought up that this is really not one subject matter just because the participants in the two programs happen to be volunteers.

Nevertheless that is the way the Presidential plan was sent up. But some time ago, about a year ago, there was an omnibus bill sent up in which it was impossible for the Government Operations Committee to handle. We broke that bill down into seven bills, and sent the seven bills to the committees of jurisdiction. We are not anxious to intrude upon the basic substantive jurisdictions of other committees. It is only where we can render service to the executive branch, and to the Congress, that we like to work.

I might say that the term "subject matter" is, I think, pretty well understood, and we will not have a group of different projects brought together into one reorganization plan. And as to sending a plan up every 30 days, it still lies before the committee for 60 days, so you might say that at any one time there will not be more than two plans before the committee during that 30-day period, then the one would expire, and a new one could be sent up. But this will not work a hardship on the executive branch, and we believe it ought to be ample time to look at these plans. Because when you look at the list of the plans that have been sent up, with the exception of 1950, there have never been more than 10 plans sent up in 1 year. During past years there were two, two, one, one, one, seven, two, one, five, five, three, four, one, and four in 1970. And that is the list. So actually we will not be in session 12 months and the last plan would have to lay before Congress for 60 days. So I would say that there would probably be less than one a month, probably eight or nine plans could be sent up in one year. That is far above the average that have been sent up over the years, with the exception of 1950, when there were 27 plans sent up.

Mr. HALL. Mr. Speaker, will the gentleman continue to yield?

Mr. HOLIFIELD. I yield further to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the analytical explanation, and I certainly appreciate the position of the committee. I want to make it crystal clear that only only concern was with the limitation on the numbers of plans allowable per month, plus the definition on the part of the committee of what was consistant, standard policy, and single in purpose, that we might not preclude the only justifiable reason for the reorganization bill in the first place; namely, letting the chief administrative officer reorganize for increased efficiency, any administrative branch of the Government, just as we insist on the power of reorganization of our own legislative branch.

Again I thank the gentleman.

Mr. HORTON. Mr. Speaker, if the gentleman will yield, I think it would be appropriate to point out at this stage, especially to answer the question of the gentleman from Missouri, that it was contemplated this year, especially with the committee having to handle the major reorganization plan that the administration has sent up, that we felt we did not have time in the committee to take under consideration any other reorganization plan, but the administration, as I understand it, has indicated its acceptance of this 30-day limitation, so we have no problem.

Mr. HOLIFIELD. That is right; we have no problem.

I wish the Members of the House could understand the tremendous task that has been directed at this committee in the handling of the basic reorganization legislation, not the plans, but the basic reorganization legislation which seeks to eliminate seven of the 11 Departments of the Government, and to transfer the functions of the seven into four departments.

I might say that this committee handled the setting up of the Housing and Urban Development Department. We worked on it for 2 years, brought it to the floor under the Kennedy administration, and it was defeated. Later under the Johnson administration we held new hearings, we looked at it again for days within the 2 years of the Congress, and brought it to the floor, and it was passed by the Congress, the new legislation. The Department of Transportation legislation was also handled by our committee, and we worked the better part of 2 years on this one Department to get it processed and brought to the floor, and of course the other body had to work its will on it.

Now we are faced with this tremendous task of studying seven departments of the Government, some of them having been in existence over 150 years, with a tremendous number of statutes that are attached to and direct the functions of these Departments, which have to be annotated and codified.

We have to study the effect of these changes on each of the departments and recognize the fact that all of the personnel now in seven departments, and in the case of HEW there are over 110,000 people in that Department, will be concentrated in four departments. So what we are going to have is larger departments, if we take all of the people in seven departments and put them in four departments. So it is really a tremendous task.

(Mrs. DWYER, at the request of Mr. HORTON, was granted permission to extend her remarks at this point in the RECORD.)

Mrs. DWYER. Mr. Speaker, the President's authority to transmit reorganization plans to the Congress is one of the more useful tools at his disposal for initiating improvements in organization and management of the executive branch.

As old programs change and new ones are established, the organization of the executive branch must be adjusted accordingly. The President needs organizational flexibility to cope with problems which may require new organizational solutions and for which the alternative legislation process may seem too slow. The basic reorganization authority of title 5, United States Code, which we are considering today, has demonstrated its effectiveness for over two decades and should be extended. Every President since Herbert Hoover has been granted similar authority and President Nixon needs it now to supplement his efforts to make the massive Federal bureaucracy more manageable and productive.

President Nixon has used this authority effectively to strengthen the executive powers of the Chairman of the Interstate Commerce Commission; to create a new Office of Telecommunications Policy in the Executive Office of the President; to reconstitute the Bureau of the Budget as the Office of Management and Budget and to create a Cabinet-level Domestic Council; and to establish the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

I have long argued that one of the reasons that we have only realized in part the good things that Government could achieve in education, housing, health, and other areas of national need is the failure to match our goals with the means to achieve them. New programs and more expenditures have often fallen short of expectations simply because the administrative structure is continually coming out of phase.

The President needs a continuation of his authority to adapt the organization of Government to changing needs and I support the legislation before us, H.R. 6283. I have joined in sponsoring the amendments to the administration bill in view of the President's sweeping reorganization proposals which will also come before the Government Operations Committee in legislative form. The committee will be unable to devote the vast amount of study to these proposals that will be required if, at the same time, a number of complicated reorganization plans are also making demands on the committee's time and resources. The amendments do not alter the basic thrust of the legislation and they are in accord with long-established precedent. Since the Economy Act of 1932, which first provided the authority for the President to submit reorganization plans to the Congress, the procedures have often been reviewed, reevaluated and revised. I do not view the amendments as limits on the President's authority, but rather as an adjustment of the congressional delegation of legislative power.

Therefore, I support H.R. 6283.

Mr. HORTON. Mr. Speaker, I yield myself such time as I may require.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. HORTON. I am glad to yield to the gentleman.

Mr. PUCINSKI. I wonder if the gentleman or the chairman could advise this Member if there is anything in this bill that will help to slow down this chronic game of musical chairs that goes on through various internal reorganizations of the agencies. We know that every agency is now undergoing some major change and important programs enacted by the Congress are being held up while new procedures have been spelled out and new job classifications. This is not peculiar to this administration. It happened in the last administration and in previous administrations. It seems to me we never give the Government a chance. We have some excellent people in Government, career people who are doing a good job and who want to do a good job. But they are under a constant siege of musical chairs and constant change.

Is there anything in this legislation that will slow down these changes and give these people a chance to implement programs that Congress enacts?

Mr. HORTON. As I understand the gentleman's question, he is referring to internal reorganizations in the departments?

Mr. PUCINSKI. That is correct.

Mr. HORTON. This bill does not give the Congress or this committee jurisdiction over any agency. We only act if a reorganization plan is sent up, and then we can approve or disapprove of the reorganization plan that is sent up. This act does not give us any authority to move into an agency and say you should do it this way or you should do it that way. We only act if they initiate a plan and send it up.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a further question?

Mr. HORTON. I am glad to yield to the gentleman.

Mr. PUCINSKI. Does any committee, the Committee on Government Operations or any committee in the Congress, have the authority to look at this constant turmoil that goes on in Government and present some sort of guidelines to give these programs a chance to work and give these agencies a chance to work. Assuming that your committee does not have any jurisdiction, does any other committee have such jurisdiction?

Mr. HORTON. I did not mean to mislead the gentleman. The Committee on Government Operations does have jurisdiction of oversight over the various departments of the Federal Establishment. There are also legislative committees of the Congress that have legislative oversight over the agencies that they work with. So the Committee on Government Operations could as a committee, or an appropriate subcommittee could, as they have in the past, have hearings and make recommendations with regard to the structure and organization within a department. But this act in and of itself does not give any additional authority—which is what I thought the gentleman was inquiring about.

Mr. PUCINSKI. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I would like to state for the record that I have long been opposed to this method of legislating reorganization in the Federal Government.

Let the executive branch of the Government send its legislation up here and send it through the normal committee channels, and let there be a rule under which it can be considered on the House floor. I have never liked this business of voting affirmatively to obtain a negative result—and that is what this proposal will be continuing. I want to state for the record that I am opposed to this legislation and any legislation similar to it.

Mr. HORTON. I want to agree with the gentleman in general that I think it is important that if there is any major reorganization it should be done by legislative action. A bill should be sent up by the administration for that purpose. I think that would substantiate what the chairman said a few minutes ago; namely, in the last few years, I think since 1950, the administration has sent up fewer than 10 reorganization plans each year. They are basically minor reorganizations to facilitate the executive operations.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I believe it is becoming increasingly evident today that organization is policy. This does not mean that one is a substitute for the other or that good organization can overcome bad policy or that good policy can be made effective in the face of bad organization. It does mean, however, that the manner in which policy, programs, and objectives are carried out—for better or for worse—will largely be determined by the type of organization that has been created. It also means that the likelihood of realizing desired goals and fashioning essential priorities is dependent to a significant extent upon the type of institutions established.

It is with this in mind that I have cosponsored legislation to extend the Executive Reorganization Act to permit the President to submit reorganization plans to the Congress which will become effective within 60 days if not disapproved by either House of Congress.

The purposes of the Reorganization Act are to improve economy and efficiency in Government operations, promote the better execution of the law, reduce overlap and duplication, and enhance coordination.

As essential as these objectives are, however, they are secondary to the main purpose of reorganization—the one that President Nixon has stressed again and again even before assuming office. That is that the institutions of Government must be alive and relevant to the challenges of our times if the needs of the people are to be met.

We in Government hold in public trust the obligation for seeing that the taxpayers' money is spent wisely and effectively. A necessary means for accomplishing this objective lies in the ability of Government to reform its own organization. In the past 20 years, approximately 90 reorganization plans have been considered by Congress and most have been approved to the benefit of good government. Just last year Congress approved the establishment of a Domestic Council in the Executive Office of the President and the Environmental Protection Agency—both giant steps in making Government more responsive to the needs of the people.

The need continues, Mr. Speaker, for the President and the Congress to have the means to keep the Government alive and relevant. Extension of the Executive Reorganization Act will contribute to this purpose.

Mr. RONCALIO. Mr. Speaker, as the House considers H.R. 6823, to extend the President's authority to proceed with governmental reorganization, it is imperative to provide for studies on decentralization.

The dispersal of offices not urgently required in the national capital is a fundamental aspect of reorganization which requires explicit recognition at this time.

The validity of this request is manifestly self-evident. There is not a resident in the Greater Washington area who has not had occasion to remark upon the wastefully inefficient and tragically inhumane destruction of the natural beauty of Washington by the relentless cramming of additional offices into an already overcrowded metropolitan area.

Washington is now the seventh largest metropolitan area in the Nation, with about 2.9 million residents according to the 1970 census. The District's growth rate of 38 percent for the last decade and its absolute population increase of 800,000 was exceeded only by that of the Los Angeles area.

In the last decade, the Nation's Capital has realized a gain in office space alone of 45 million square feet and ground work has been set to add an additional 55 million square feet in the coming decade.

In its policy statements for 1970, the National Governors Conference states:

> The Federal Government, through its inadvertent and uncoordinated planning and programs, is one of the major factors in creating population imbalance.

Along similar lines, the Congress of Cities, meeting in San Diego in December of 1969 called for "a specific policy for the settlement of people throughout the Nation to balance the concentration of population among and within the metropolitan and nonmetropolitan areas while providing social and economic opportunities for all persons."

Even more acutely than the Governors and municipal leaders, the Members of Congress should be responsive to the crisis of this city, the Nation's Capital. The Congress can exercise leadership in reversing this disastrous trend, or, by inaction, it can contribute to the problem.

There is no question but that the Federal Government is a major violator of sound environmental policy. A few years ago it tried to raze the beautiful and famous houses fringing LaFayette Square to make space for yet more office buildings. That effort was reversed, thanks to the outcry of the citizenry, but now gigantic construction is underway to house the Federal Bureau of Investigation in a building several times larger than that of its parent structure, the Department of Justice.

As I have reported before, the Army Materiel Command, contrary to good strategy, and sound population policy, is moving its permanent headquarters to two, huge, privately owned buildings in Alexandria.

It would take a full-time office to catalog the plans to add to the office space in Washington, whether by Federal action or through private organizations relocating here. Meanwhile, the traffic grows more impossible, the pall of smog intensifies, and the historic charm and beauty is eroded.

This is such a familiar problem, and the solution of dispersal such a familiar remedy, that the issue has been too often dismissed as another exercise in windmill tilting. Because the solution will require time and money being frantically sought for so many immediate problems, the destruction of Washington by construction mania has been deferred to that far-off day when, theoretically, time and money will be available for a massive rehauling.

I submit that the time for action is upon us, and the vehicle is embodied in the overall reorganization planning. Although a decentralization policy is of fundamental political and managerial significance, no general decentralization policy exists today, either in the executive branch collectively, or in the agencies individually.

A "crash" program to decentralize is not desirable. Rather, the procedure I am proposing is recognition of the possibilities and concerted planning to establish criteria to govern future action.

We simply cannot wait any longer for

the establishment of sound criteria for the review of all requests for additional facilities or for new and expanded activities in the Washington area, and the Nation.

The logical place to begin developing these criteria is the reorganization planning Congress is being asked to authorize.

In contrast to the half-hearted, piecemeal efforts which have heretofore characterized decentralization research, the new approach should be given the highest priority. Decentralization, in short, has to be a fundamental aspect of any reorganization plan.

The endeavors to reorganize the Cabinet should go hand in hand with an investigation of the possibilities of relocating certain offices in the many areas of the Nation which would welcome an influx of personnel.

If reorganization incorporates sound policies of decentralization, the pressure on the Washington area would be relieved, numerous States could reverse economic declines, and the Government would be brought closer to the people.

Reorganization must be more than the shuffling of titles and offices in Washington. If it has any value, it has to be linked to a coordinated program of redistribution of population, beginning, logically, with the Nation's primary mover of people, the Federal Government.

The SPEAKER. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill **H.R. 6283.**

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 301, nays 20, answered "present" 0, not voting 111, as follows:

[Roll No. 78]

YEAS—301

Abbitt
Abernethy
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blanton
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McClure
McCollister
McCormack
McDade
McFall
McKay
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Ruth
Ryan
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stokes
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Young, Fla.
Zablocki
Zwach

NAYS—20

Brooks
Broyhill, Va.
Chappell
Dingell
Dowdy
Gallagher
Gettys
Gross
Hall
Hays
Long, Md.
McEwen
Moss
Murphy, N.Y.
Patman
Poage
Schmitz
Ullman
Whitten
Wilson, Charles H.

ANSWERED "PRESENT"—0

NOT VOTING—111

Abourezk
Alexander
Anderson, Tenn.
Ashbrook
Ashley
Badillo
Baring
Barrett
Biaggi
Blackburn
Blatnik
Bolling
Brademas
Brown, Mich.
Broyhill, N.C.
Burton
Byrnes, Wis.
Carney
Celler
Chisholm
Clausen, Don H.
Conyers
Cotter
Culver
Davis, Ga.
Delaney
Dellums
Denholm
Dent
Dickinson
Diggs
Donohue
Dorn
Dwyer
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fish
Fisher
Flynt
Frelinghuysen
Frey
Gaydos
Giaimo
Goldwater
Grasso
Gray
Green, Pa.
Griffin
Grover
Gubser
Halpern
Heckler, Mass.
Hicks, Mass.
Howard
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Keith
King
Kluczynski
Long, La.
McCloskey
McCulloch
McDonald, Mich.
McKevitt
Madden
Mann
Mayne
Miller, Calif.
Minshall
Murphy, Ill.
Passman
Pepper
Pettis
Podell
Rarick
Reuss
Roe
Rooney, N.Y.
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Satterfield
Sisk
Smith, N.Y.
Snyder
Spence
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Teague, Tex.
Veysey
Waldie
Ware
Watts
Whalley
Winn
Wydler
Yatron
Young, Tex.
Zion

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mrs. Heckler of Massachusetts.

Mr. Miller of California with Mr. Ware.

Mr. Celler with Mr. Wydler.

Mr. Kluczynski with Mr. Pettis.

Mr. Evins of Tennessee with Mr. Ashbrook.

Mr. Rostenkowski with Mr. McKevitt.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mr. Giaimo with Mr. McDonald of Michigan.

Mr. Teague of Texas with Mr. Snyder.

Mr. Sisk with Mr. Don H. Clausen.

Mr. Ashley with Mr. Steele.

Mr. Barrett with Mr. Johnson of Pennsylvania.

Mr. Biaggi with Mr. Grover.

Mr. Burton with Mr. Diggs.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Anderson of Tennessee with Mr. Blackburn.

Mr. Howard with Mr. Sandman.

Mr. Stuckey with Mr. Keith.

Mr. Jones of Alabama with Mr. Dickinson.

Mr. Madden with Mr. Byrnes of Wisconsin.

Mr. Delaney with Mr. Gubser.

Mr. Donohue with Mr. Goldwater.

Mr. Green of Pennsylvania with Mrs. Chisholm.

Mr. Griffin with Mr. Winn.

Mr. Runnels with Mr. Ruppe.

Mr. Podell with Mr. Smith of New York.

Mr. Passman with Mr. Jonas.

Mr. Young of Texas with Mr. Whalley.

Mr. Yatron with Mr. Zion.

Mr. Stubblefield with Mr. Broyhill of North Carolina.

Mr. Brademas with Mr. Halpern.

Mr. Alexander with Mr. Minshall.

Mr. Abourezk with Mr. Frey.

Mr. Cotter with Mr. McCulloch.

Mrs. Grasso with Mrs. Dwyer.

Mr. Satterfield with Mr. Fish.

Mr. Waldie with Mr. Rousselot.

Mrs. Hicks of Massachusetts with Mr. Mayne.

Mr. Long of Louisiana with Mr. McCloskey.

Mr. Culver with Mr. Spence.

Mr. Dorn with Mr. Veysey.

Mr. Edwards of Louisiana with Mr. Steiger of Wisconsin.

Mr. Evans of Colorado with Mr. Flynt.

Mr. Gaydos with Mr. Dellums.

Mr. Denholm with Mr. Rarick.

Mr. Carney with Mr. Conyers.

Mr. Mann with Mr. Jacobs.

Mr. Stephens with James V. Stanton.

Mr. Watts with Mr. Murphy of Illinois.

Mr. Roy with Mr. Gray.

Mr. St Germain with Mr. Sarbanes.

Mr. Davis of Georgia with Mr. Reuss.

Mr. Roybal with Mr. Fisher.

Mr. Baring with Mr. Badillo.

Mr. Pepper with Mr. King.

Mr. LONG of Maryland changed his vote from "yea" to "nay."

Mr. SKUBITZ changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRAISE FOR DR. ELBURT F. OSBORN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a rash of recent criticisms of the Federal Coal Mine Health and Safety Act of 1969 by large and small coal operators are completely unwarranted. I would like to take this opportunity to praise a statement released this morning by the Director of the Bureau of Mines, Dr. Elburt F. Osborn. Director Osborn and his Bureau are displaying courage and objectivity in stating that coal dust levels under the current law are "clearly attainable with present technology."

In fact, Dr. Osborn states that he is "very optimistic about the entire industry's meeting the 2.0 milligram standard by the end of 1972 with a minimum of difficulty." Dr. Osborn's conclusions were based on a report made by the Bureau of Mines after sampling 2,305 underground mining sections during the first 8 months under the new Federal standards.

This is further evidence that the Federal Coal Mine Health and Safety Act of 1969 is a strong, workable, and effective piece of legislation, if fully enforced. I have stated repeatedly that the increased accident rate under the new law is directly attributable to lack of enforcement of the new law. I commend Director Osborn for his forthright statement that the coal dust levels Congress established in the 1969 law are "clearly attainable with present technology," and Dr. Osborn's further statement that the coal dust limit of 2.0 milligrams per cubic meter can be met by industry by the required time "with a minimum of difficulty."

These conclusions by Dr. Osborn clearly refute the adverse comments and determined opposition to the new mine health and safety law by certain coal interests.

Dr. Osborn's complete statement follows:

MINE DUST LIMITS ATTAINABLE SAYS BUREAU DIRECTOR

The current Federal limit on concentrations of the coal mine dust that causes "blacklung" is "clearly obtainable with present technology," according to Director Elburt F. Osborn of the Interior Department's Bureau of Mines.

Dr. Osborn based his statement on an analysis of respirable dust samples taken in 2,305 underground mining sections during the first eight months under the Federal standard, which took effect June 30, 1970. "Respirable Dust" consists of particles fine enough to enter the smallest lung passages, and the law currently requires coal mine operators to keep concentrations of it at or below 3 milligrams per cubic meter of mine air.

"Even though shortages of sampling equipment and mine inspectors have prevented full coverage of all mines," said Osborn, "75 percent of the underground coal mine sections whose dust levels have been determined by the Bureau are below the 3-milligram limit. In fact, 45 percent of them are already below the 2 milligram level, which does not become the official limit until the end of next year."

The Director said, "This proves the effectiveness of face ventilation and water as dust control methods, and it makes me very optimistic about the entire industry's meeting the 2-milligram standard by the end of 1972 with a minimum of difficulty." Wetting prevents dust particles from becoming airborne, the Bureau said; ventilating air at a sufficient velocity keeps most dust generated at the "face," where the coal is being cut, away from workers until it can be forced into the exhaust airway.

The Bureau's new analysis of dust sample data has just been published as a Technical Progress Report. Noting that there are approximately 5,000 working sections in the Nation's 2,254 underground coal mines, the report says that about 75 percent of these sections are taking samples as the law requires. Those not sampling have received Notices of Violation; most were affected by shortages of sampling devices, and are being permitted to operate pending receipt of sampling equipment on order. Withdrawal Orders have been issued by the Bureau for 64 sections where operators refused to comply with sampling requirements.

Sections that received their equipment too recently to have collected enough samples for the Bureau to analyze constitute a little more than a quarter of the 5,000, Dr. Osborn said. He added "I am hopeful that samples from these sections will show the same high rate of compliance we've been seeing in the samples we've received so far."

As of March 1, 1971, about one-third of the 5,000 working sections were in compliance with temporary higher standards under permits issued by the Interim Compliance Panel. On that date, samples from 514 sections—about one-fifth of the sections whose dust levels are being determined regularly by the Bureau, or about one-tenth of the total working sections—were showing dust concentrations above the allowable limits, and these sections had been issued a Notice of Violation.

During the eight months the dust provisions have been in force, 49 percent of the sections whose dust levels were measured—about 23 percent of the total working sections—had at one time or another been issued a Notice for exceeding dust levels. Each Notice subjects the operator to a financial penalty.

In addition to categorizing underground mining sections by degree of compliance with standards, the new Technical Progress Report gives estimates of the numbers of miners involved in the various categories. Of the Nation's approximately 78,600 underground coal miners, about 64,300 are working in sections being sampled for dust. Of these, 50,000 are working in sections where the dust concentrations are at or below legal limits, and 14,300 work in sections currently cited for exceeding legal limits. About 13,600 work in sections permitted to operate pending receipt of sampling equipment.

Technical Progress Report No. 32, "An Evaluation of the Respirable Dust Sampling Program in United States Underground Coal Mines" is by D. P. Schlick, R. G. Peluso, and W. E. Byers. Single copies can be obtained at no charge from the Bureau's Publications Distribution Section, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. Requests should specify both the number and title of the report.

Also available from the Pittsburgh office is Information Circular 8504, "Computerized Programing of Respirable Dust Sampling Data," by D. P. Schlick and Kenneth Werner, an account of the system adopted by the Bureau to collect and collate dust sample data.

CONFRONTATION WITH MILITANT DEMONSTRATORS

(Mr. ABBITT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, today's confrontation on the streets of Washington between unruly bands of militant demonstrators and police and military units is a long overdue reaction to the threat of anarchy in America. The Justice Department appears to have finally realized the futility of trying to deal with this problem in any ordinary way and has responded with the only kind of answer these militant radicals understand.

Belated though the reaction is, law-abiding Americans have more faith in their Government this afternoon, now that those who have sought to disrupt the peace and challenged authority have been arrested. The test now will be how the Justice Department handles the cases of those who have been apprehended.

There can be no question of the intentions of those who came here a week ago, under the guise of seeking an end to the war in Vietnam. Their every move has been publicized extensively; their goals have been well-known from the beginning; and their utter contempt for our laws has been shocking in the extreme. This collection of misfits, hippies, beatniks, dope peddlers, perverts, and revolutionaries represents the basest elements of America. Their life style and code of morality is repulsive to every decent American. For much too long, we have sat back and permitted lawbreaking in the name of demonstration and anarchy in the guise of dissent. Our people have watched and waited for the Government to act—and often we have waited in vain. The Vietcong will never carry the flag into Washington's streets but radical bands of demonstrators have.

Law-abiding Americans are sick and tired of this double standard of law enforcement. They are appalled when they see our institutions being flaunted, our flag being desecrated, and every code of decency being violated with impunity. We are shocked by utter disregard for our laws and saddened when we see such conduct go unpunished.

I call upon the Attorney General to prosecute the guilty to the limit of the law and he can act with the confidence of the support of the overwhelming majority of the American people.

The Government has now taken the initiative—but it must now act with equal vigor in the courts. Unless this is done, the whole business will be repeated time and time again.

ROGERS CITES ADMINISTRATION PLANS FOR CUTBACK IN TREATMENT OF ADDICTS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I was alarmed and concerned to learn that while the Nation is in the middle of a drug crisis the Federal Government plans to reduce its capability for addict treatment by half and close the doors of the Fort Worth Clinical Research Center to the public.

As of last Saturday, May 1, the Fort Worth facility, which is a 600-bed hospital, will not accept any new patients. If the Department of Health, Education and Welfare sticks to its plan, this hospital will be turned over to the Department of Justice and into a hospital prison by the end of this fiscal year and many of the civilian patients will be turned back onto the streets to continue their lives in the wretched twilight world of the narcotic addict.

The National Institute of Mental Health estimates that there are probably more than 250,000 addicts in the Nation today. This number will unfortunately rise sharply before taking a downward trend. The demand will be on the establishment of more treatment, not less.

Thousands of Vietnam veterans are returning home with a newly-acquired drug habit and will need treatment. These veterans are estimated in the thousands. The Veterans' Administration is just moving to accept responsibility in these cases and have established five locations where veterans can be helped.

But the effort is small compared to the problem. More than 100 men are waiting to receive help at the New York clinic while the Government is closing its facility at Fort Worth.

One of the bitter ironies in the case of Fort Worth is that the HEW officials responsible for the Fort Worth facility say that the patients there will be sent to community mental health clinics for treatment under a contract. These are the same community mental health facilities which the administration refuses to provide funds to build. They want to send addicts to centers which they refuse to build.

At a time when we know so little about the variety of drugs now moving through a vast underground world, at a time when we are trying to find a method of treating addicts, I am concerned to see the Federal Government moving to reduce its efforts by one half. This leaves only the Lexington, Ky., facility, and if the argument being used now can be called valid, then the Lexington facility will also be closed.

I disagree with the position of HEW in this matter.

I do not believe that a well-staffed, well-equipped facility such as Fort Worth which has research capabilities, should be closed or turned into a prison. And I do not agree that the Government can afford to reduce its meager resources by turning over this hospital to the prison system.

If anything, we should open the doors wider in Fort Worth, we should expand its activity, not reduce it and turn those poor souls back to the streets.

I am today writing to the Secretary of HEW and asking him to review this matter thoroughly and to also examine his department's position against providing funds for the construction of community mental health centers.

STOP WASTING MONEY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I rise today to implore this august body to join with me in embarking on a humanitarian mission. I air this plea to all as I conceive the mission as bipartisan, as one directed to the resolution of a problem which has afflicted many of all political persuasions—unemployment.

We are past, I believe, the time when this issue can be subjected to the winds of political happenstance. When families are dissolving under the strain imposed by unemployment, when a man's self-concept is likewise irretrievably lost, it is time to overcome our differences and act responsible and, I might add, constructively on this paramount problem.

And we have the means at hand to cope constructive with the unemployment crisis. The Department of Labor is at this very minute developing and reviewing concepts on which to spend $42 million which has been allocated to "solve" this problem. This money must be used productively and it is in this role which this body can most effectively serve.

I am concerned lest this money go the way of so much which has preceded it. In letter after letter from my constituents—my District, by the way, now has 7.5 percent unemployed—I read, "Don't retrain me, find me a job!" We must seek and find productive uses for these funds, and I use the word productive in its social and economic sense—we must have a return on this investment. Such a return cannot come from mere retraining, it can only come from employment, employment which we must guarantee will result. In this light, I am today calling for assurances from the Department of Labor and Dr. Edward David, President Nixon's science policy adviser, that these funds will go to employment projects—if necessary, and as a last resort, employment by the Government.

There are at least two areas which I can see—and I am certain there are better men than me looking at this problem—which cry for funding and which deal directly with the largest sector of our unemployed, the aerospace worker. I urge an immediate and indepth study. First, of the employment needs of the economy, and second, of the ability of the economy to absorb any significant influx of trained personnel in response to those needs. This project, I believe, must have top priority as it has been and would be a senseless waste of money to redirect any more of these unemployed into areas where there are no jobs waiting for them.

As another use for these timely funds, and again, of direct benefit to our most sorely afflicted, would be the creation of a task force to educate nonaerospace industry as to the talents and skills of the many aerospace unemployed. Recently in the Los Angeles Times there was an illustration of the need for such a task force. An employer had refused to consider applications for aerospace unemployed because he had pictured these men as draftsmen and mechanics only. When Experience Unlimited, a referral group with which I have been working, detailed the qualifications of some of their subscribers, the employer, to the benefit of all, found what he wanted—a psychologist trained in personnel matters.

These then, are but a few of the directions which I feel we must actively pursue in overcoming this problem. I have spoken to this body previously on this matter. I have sponsored legislation which will resolve parts of the problem. I earnestly look forward to the day when this problem will no longer exist.

REPRESENTATIVE BENNETT INTRODUCES RESOLUTION TO ESTABLISH A JOINT COMMITTEE ON IMPOUNDMENT OF FUNDS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, today I am introducing a resolution to establish a Joint Committee on Impoundment of Funds. There are 52 cosponsors of this legislation, which has also been introduced by Senator SAM J. ERVIN of North Carolina.

This committee, I believe, is vitally needed if Congress is to maintain its constitutional obligation to enact the laws of our land. We need a committee to make a comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds from programs.

This is a serious question and one which should be looked into by a special committee of the House and Senate. My resolution would include five Members of the House and five members of the Senate and would report to the Congress and recommend suggestions for congressional action in the field of impoundment of Federal funds.

The total amount now being withheld by the President amounts to almost $13 billion, and this includes vitally needed appropriations for national defense, health, education, housing programs and other projects. With the unemployment rate at a damaging high, continued inflation and a weak economy, many of these funds are also necessary to provide needed services for our citizens and to protect the national security.

The following Members of the House are cosponsoring the resolution to establish a Joint Committee on Impoundment of Funds, and I hope very much the legislation can be approved at an early date.

Mr. PATMAN of Texas, Mr. SIKES of Florida, Mr. MILLER of California, Mr. PRICE of Illinois, Mr. EVINS of Tennessee, Mr. FOUNTAIN of North Carolina, Mr. MOSS of California, Mr. GRAY of Illinois, Mr. WRIGHT of Texas, Mr. ULLMAN of Oregon, Mr. LENNON of North Carolina, Mr. BURKE of Massachusetts, Mr. DENT of Pennsylvalnia, Mr. KARTH of Minnesota, Mr. STRATTON of New York, Mrs. HANSEN of Washington, Mr. ADDABBO of New York, Mr. HAGAN of Georgia, Mr. ICHORD of Missouri, Mr. STEPHENS of Georgia, Mr. UDALL of Arizona, Mr. GONZALEZ of Texas, Mr. NEDZI of Michigan, Mr. PURCELL of Texas, Mr. GIBBONS of Florida, Mr. HORTON of New York, Mr. LEGGETT of California, Mr. LONG of Maryland, Mr. PEPPER of Florida, Mr. HUNGATE of Missouri, Mr. REES of California, Mr. BEVILL of Alabama, Mr. BRASCO of New York, Mr. BRINKLEY of Georgia, Mr. DELLENBACK of Oregon, Mr. EILBERG of Pennsylvania, Mr. NICHOLS of Alabama, Mr. GRIFFIN of Mississippi, Mr. ALEXANDER of Arkansas, Mr. MANN of South Carolina, Mr. MIKVA of Illinois, Mr. MELCHER of Montana, Mr. HARRINGTON of Massachusetts, Mr. ROE of New Jersey, Mr. ABOUREZK of South Dakota, Mr. ASPIN of Wisconsin, Mr. BADILLO of New York, Mr. DOW of New York, Mrs. GRASSO of Connecticut, Mr. MAZZOLI of Kentucky, Mr. ROY of Kansas, and Mr. RUNNELS of New Mexico.

RURAL DEVELOPMENT

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, because I have deep convictions about the importance of both preserving farming as a way of life and improving the farm economy, I have today introduced a bill to bring in tax sharing propositions to rural America.

Mr. Speaker, this Nation can no longer tolerate the continued depopulation of rural America and the amassing of millions and millions more in a few huge metropolitan areas. We cannot tolerate the poverty, crime and exorbitant social costs this creates in our cities. Neither can we tolerate the inadequate health and educational services and facilities, the lack of manpower programs, or the forced migration of our young people from rural areas.

We can and we must reverse these trends. We must alter the policies and forces that cause them if we are to have the balanced growth Congress committed itself to in title IX of the Agricultural Act of 1970. The Congress is committed to facing these issues and acting accordingly, and the people throughout America are similarly committed to meet the needs of their own communities.

Both assistance from Congress and the hard thought, study and commitment of resources by the local people are absolutely essential if we are to have balanced national growth and if we are to give people a choice of where to live and an opportunity for high quality service and facilities.

Let me focus on this latter point of "people helping themselves." We have an institution, the Cooperative Extension Service, that has an outstanding record of helping people help themselves. Through the cooperative efforts of the Federal office, the 69 land-grant universities and the more than 3,000 county and area offices. Extension has touched the lives of virtually every man, woman and child in this Nation. It can take much of the credit for our ability to feed and clothe ourselves with a relatively small share of our income, leaving the rest for the high standard of living that most of us enjoy.

With its information, educational assistance and highly effective delivery system to virtually every county in this land, Extension has helped farmers, businessmen, homemakers, and young people to understand their opportunities, make decisions and make the most of their resources.

The time has come when we must have this same assistance at the community level. With the growing complexities of community problems, communities need and are asking for help to resolve their problems. They need and are asking for help to mobilize their leadership, to define and attack their problems, and to make their community a better place to live, work, and raise a family.

County and area Extension agents trained in community development, working directly with local leaders, and with access to the knowledge and resources of the total university—as well as State and Federal agencies—can cause communities to improve decision-making and speed up development in rural areas. Extension has demonstrated its potential and has numerous examples to attest to it. The effort simply must be expanded.

An excellent example of Extension's potential occurred in my district and throughout Iowa this past winter. Three-day community and public affairs education programs emphasizing understanding local government were held in 40 locations throughout the State.

The "Government by the People" program was jointly sponsored by the three board of regents universities—Iowa State University, the State University of Iowa, and the University of Northern Iowa.

More than 3,500 citizens participated in the conference-workshops. Economists, political scientists, sociologists, urban planners, journalists, and Extension workers all contributed to the research and teaching.

The people attending learned more about the role and function of local government, who pays for government programs, what people think about local government—survey opinions—participation in government, how government operates and the strategies for making local government more modern, efficient and effective. In discussions, citizens were encouraged to identify their own goals and to discuss their own concerns about city and county government and other local units.

A second phase of the government by the people program is for the Iowa State University Extension staff to prepare materials for the high school social studies teachers to use with their junior and senior classes. These young people will soon be voting in all of the elections. This will help prepare them to be good citizens.

Another example of Extension's potential to help develop the kind of communities in which people will want to live and good industries will want to locate is unfolding in Fenton, Iowa. Fenton is now a small town with big plans. This farming community of about 400 people has its skyscraper elevator and too many empty stores, just like many of the 706 other small towns in Iowa. Fenton, by forming a community development corporation, faced the decline in farm numbers and the business that was lost. The FCDC has now been in operation for 2 years. A new optimism and excitement has been generated through this group.

Fenton now has its first public library. Townspeople donated books, the State traveling library helped out, and the Lutheran church leased a building to the town for $1 a year. The town pays the utilities.

A second project is a community youth center, the "Stop Inn." A third project, operating out of a once-vacant building, is a senior citizens' center.

The Extension resource development specialist working in this multicounty area helped community leaders to start their development group and continue to provide educational assistance. The FCPC's goal is "To make Fenton as fine a community to live in as possible."

Extension is helping the people of Fenton help themselves. Extension can and Extension must help the other communities across this Nation help themselves. It has the grass roots contacts, the delivery system and access to the resources of the university. Extension can help muster local leadership, it can help communities to understand their problems and know their opportunities, and it can help them to carry out community decisions.

As Extension has helped the farm, the firm, and the family in the past, it now has the opportunity to make equally as great a contribution to the community. An expanded Extension effort in community development can be an important part of the total effort to develop the kind of rural communities that will stem the rural depopulation trends and provide opportunity for those who choose to live in rural America.

The Extension Service is one of the

five agencies of the Department of Agriculture included in the President's rural revenue sharing proposal. There have been fears expressed by many people that this would have adverse effect on the continuation of this program which has been of such great help to our rural areas and in recent years to our urban areas as well.

The legislative proposal to accomplish revenue sharing specifically provides that the Extension Service will be maintained. I quote from the proposal:

> Each State shall use a sufficient portion of the moneys to which it is entitled to maintain and carry out a program of agricultural extension work through its Land-Grant college, or colleges, comparable in size and type of the agricultural extension program carried out in the State in fiscal year 1971 . . . and the Cooperative Extension Service shall be permitted to continue 4–H, nutritional aid programs, and other agricultural programs in metropolitan areas.

The proposed legislation if enacted will allow the States to conduct Cooperative Extension Service programs in essentially the same manner as they are now. This should alleviate the concerns that many have raised as to whether or not the program would be continued.

THE KATYN FOREST MASSACRE

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, inasmuch as the media—press, radio, and television—seldom mention atrocities that have been committed by the Communists, it often becomes necessary for Members of Congress to call attention to some missing chapters in history. While daily newspapers and the periodical press have done a thorough job of publicizing crimes committed by the National Socialists, they tend to look the other way when crimes are perpetrated by the Communists.

The National Socialists, who came to power in Germany in 1933, were completely and finally defeated in 1945. During the intervening 12 years, they were the scourge of most of Europe, conquering a dozen nations and killing millions of people in the process. Their armies were eventually beaten and such of their leaders as survived were put to death as war criminals.

The Communists, who seized power in Russia in 1917, also conquered a dozen nations and killed millions. They are still in power and have yet to be tried as war criminals, even though they were accomplices with the Nazis in starting World War II.

This is an appropriate time to recall certain events that occurred during April and May of 1940. True, that was 31 years ago and the generation that has come upon the scene since then may shrug its collective shoulders and dismiss them as ancient history.

It is not that simple, however. The events were not reported at all when they occurred, back in 1940. They were not fully reported in 1943, when they came to light. They were stamped "top secret" in 1945, when they were called to the attention of the Department of Defense.

Mr. Speaker, I want the House of Representatives and the people whom we represent to have the facts regarding one of the most revolting war crimes of all times—the Katyn Forest Massacre.

World War II began soon after the Soviet Union and Nazi Germany became allies. Germany invaded Poland from the west on September 1, 1939, and the Soviet Union invaded it from the east on September 17. The two totalitarian powers divided the conquered nation between them, Germany getting 72,866 square miles of territory and the Soviet Union 77,620.

A quarter of a million Polish officers and soldiers, who had fought bravely but futilely against superior numbers, were sent to 100 prison camps in the Soviet Union. The officers, who included 12 generals, 250 colonels, 500 majors, 2,000 captains, over 5,000 young lieutenants, and 7,000 selected noncommissioned technicians, were sent to three prisoner-of-war camps. These three special camps were transferred from the Red army's jurisdiction and put under the control of the notorious Lavrenty P. Beria and his dreaded Soviet secret police.

Camp Ostashkov contained 6,900 Polish officers, Camp Kozielsk 4,500, and Camp Starobielsk 3,920. After 5 months of intensive Communist indoctrination, only 20 officers out of these more than 15,000 had become candidates for the roles of betrayers of their homeland.

In March 1940, Josef V. Stalin, the dictator of the Soviet Union, transmitted an order to Beria to quickly and secretly liquidate the stubborn Polish officers. The first step in carrying out Stalin's order was the transfer of all the officers from the three camps to Katyn Forest, a point about 550 miles southwest of Moscow. This took place between April 3 and May 12, 31 years ago.

The next step was the complete extermination of the 15,000 men, each of whom was shot through the back of the head with a pistol. Many of them had their hands tied behind their backs.

Following the murders, the men were buried in seven mass graves, each of which was 50 yards long, 30 yards wide, and about a foot and a half deep. One such excavation was filled with the bodies of two generals, 12 colonels, 50 lieutenant colonels, 165 majors, 440 captains, 542 first lieutenants, 930 second lieutenants, and 146 military physicians. Katyn was the greatest single mass execution of captives during the entire war.

Following the burials, the area was replanted with pine and spruce trees. In the ordinary course of events the scene of the crime would soon blend with the surrounding countryside. These, however, were not ordinary times.

In 1941, the Communists and their ideological bedfellows, the National Socialists, fell out and Germany invaded the Soviet Union. In August of that year the fast-moving German army occupied the Katyn Forest area.

It was not until April 13, 1943, that the Germans informed the rest of the world by radio that they had found several mass graves under some small trees in the Katyn Forest. After 155 corpses had been identified from personal belongings found with the clothing, the German army commander asked neutrals to witness the exhumations. The Moscow radio charged that the Poles had been murdered by the Nazis.

On April 30, 1943, an international medical group that included scientists of forensic and criminal medicine from Belgium, Italy, the Netherlands, Switzerland, and the Balkan and Scandinavian countries, and members of the Polish Red Cross, assembled at Katyn. The International Red Cross could not, under its charter, send investigators unless both Germany and the Soviet Union asked it to; the Kremlin refused its consent.

All of the observers were not neutrals. Among them were two officers of the U.S. Army, Lt. Col. Donald Stewart and Maj. John H. Van Vliet, who were prisoners of war held by the Nazis.

The witnesses, whom the Germans had flown to Katyn Forest, examined 982 bodies, of whom 70 percent were identifiable. They agreed that the dead men had been Polish officers who had been murdered and buried 3 years earlier—prior to the occupation of the area by the German army.

The Germans located seven mass graves altogether and had opened three of them by September 1943, when the Katyn Forest area was once more in Soviet hands.

I will let Major Van Vliet and Colonel Stewart give the details of the investigation conducted by observers from many nations. In 1950 the Department of Defense ordered Van Vliet, who had in the meantime been promoted to lieutenant colonel, to write a second report from memory. His earlier report, made on May 22, 1945, had been stamped "Top Secret" and had supposedly been "lost."

On May 11, 1950, he wrote:

> We followed our guide right down into each grave, stepping on bodies that were piled like cord wood, face down usually, to a depth of about five to seven bodies, covered with about five feet of earth. . . . All bodies have a bullet hole in the back of the head near the neck with the exit wound of the bullet being in the forehead or upper front part of the skull. . . . German photographers . . . took both still and motion pictures of our party while we inspected the graves. Copies of the still pictures were later given us."

Van Vliet continued:

> I hated the Germans, I did not want to believe them. . . . I tried every way to convince myself that the Germans had done it. . . . We pursued every line of attack to weaken the German story. . . . It was only with great reluctance that I decided finally that . . . for once the Germans were not lying; that the facts were as claimed by the Germans.
>
> I believe that the Russians did it. The rest of the group that visited the site stated to me that they believed that the Russians did it.

On October 11, 1951, the other American officer, Colonel Stewart, testified before the Select Committee of the House of Representatives that was investigating the Katyn Forest Massacre. He estimated that 10,000 bodies—all Poles—had been found in the three mass graves that the Germans had opened:

I left Katyn convinced that the Russians had executed those men. . . . That massacre just could not have been falsified or planted . . . We did not like the Germans. But these men had been executed by the Russians!"

Continued Stewart:

I can never forget, . . . those men were killed by the Russians while they were prisoners of the Russians.

The conspiracy of silence that enshrouded the Katyn Forest affair has been justified by some people on the ground that the Russians were our allies during World War II. To that I can only reply, "So was Poland."

After all, Poland was the first nation to be conquered by the Nazis during World War II, being divided between the forces of National Socialist Germany and Communist Russia—partners in crime. The genocide of Katyn Forest, however, was a crime for which the Soviet Union required no assistance from its erstwhile friends.

Mr. Speaker, may I also add that this coming Monday, May 3, is a Polish national holiday commemorating the Polish third of May Constitution Day. The freedom, which this document presented to the people of Poland, was an inspiration in the years of oppression and strengthens their resolve to consistently resist communism and Soviet domination.

The murder by the Soviets of Polish army officers at Katyn Forest was motivated by the Russian desire to establish control over Poland. It was an act of complete forethought.

Just as Poland withstood more than a century of foreign domination to see freedom restored to her in 1918, I am confident that she will persevere and eventually throw off the shackles of communism that presently confine her.

Mr. Speaker, in addition to the emphasis I have placed on the Katyn Forest Massacre, I wish to reemphasize the commemoration of the Polish National Day, May 3, a subject to which many Members with address themselves to this afternoon.

Therefore, I wish to conclude my remarks and insert in the RECORD at this point a message of the President of the Republic of Poland to the Polish nation:

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND TO THE POLISH NATION ON THE OCCASION OF THE POLISH NATIONAL DAY, MAY 3, 1971

His Excellency August Zaleski, President of the Republic of Poland-in-Exile, has issued in London a message to Poles all over the world on the occasion of Poland's National Day this year.

The text of President Zaleski's message follows:

Citizens of the Republic of Poland and Poles in the free world:

This year is the 180th anniversary of the Constitution of May 3, 1791, that great act of renewal which did away with many of the deeply engrained faults of the old political system of the Polish Commonwealth and created conditions for the effective functioning of state authorities, at the same time ensuring the proper development of the people in the direction of social and economic progress.

It was the work of a number of outstanding patriots who were deeply concerned with the welfare of the State. This great reform, however, did not please the neighbouring powers who considered the example of a liberal and democratic state in their midst as contagious and dangerous. In order to thwart this danger they decided together on armed intervention which resulted in the Partitions and brought the Polish people more than a hundred years of political subjection.

But the memory of the inspired act survived, and the Constitution was venerated by succeeding generations as the political testament of the Polish Commonwealth. The May 3 was celebrated year after year as the Polish National Day, and in the years of independence between the wars it was also a religious Feast of Mary, Mother of God, Queen of the Polish Crown.

The significance of this day is no less today when, as a result of the last war, our country is again under foreign domination of the Soviet Union and oppressed under an alien Communist system. It is an enduring expression of our political will to ordered freedom: the Constitution of May 3, 1791 is to us the forerunner of the latest expression of this free political will which is the Constitution of April 23, 1935. On the strength of this Constitution stands and acts the free Polish Government-in-Exile.

On this day I call on all of you, wherever you are at present, to stand united behind the legitimate authority of this Government and to join in our efforts and prayers for a free and independent Poland.

Given in London in May 1971.

AUGUST ZALESKI.

CONTRAST IN YOUTH ACTIVITIES

(Mr. HORTON asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, in the past 24 hours, I have witnessed two events which are in utterly fantastic contrast with each other. I want to describe this contrast briefly to our colleagues, so they can share with me the marvelous injection of spirit and inspiration on the part of American young people which I have received.

Yesterday, in Rochester, N.Y. the Teen League sponsored the city's second annual "Hike for Hope." This is a fundraising event which raises money for the humanitarian hospital ship SS *Hope* by obtaining pledges of contributions for every mile covered by each hiker for *Hope*. Under dreary skies and threat of rain, more than 35,000 young people hiked 25 miles each yesterday in a tremendous outpouring of musclepower, of stamina, of dedication, of fun and of a community-wide desire to get involved in a good cause.

Saying that 35,000 youngsters participated in this 25-mile hike only scratches the surface of the tremendous impression you get when you travel the route through the Rochester area and see an unbroken line of kids, six, eight and ten deep, stretching for over 17 of the 25 miles. And this army of 35,000 was mustered from a community less than one-third the size of the Nation's Capital.

With the memory of the happy faces, the blistered feet, and the tremendous cooperation between the young people and the local police in running the hike still very fresh in my mind, and with inspiration flowing from my lips to anyone who would listen, I landed this morning in the armed camp that is Washington. While police were helping and paving the way for thousands of hiking kids in Rochester yesterday, at the same moment Washington police were having to clear thousands of would-be disrupters from their West Potomac Park campsite. The stark contrast of moods in Rochester and Washington hit me as I drove across the 14th Street bridge this morning, greeted by the serious and chilled faces of U.S. Marines in battle dress, who were on hand to make sure that threats to close-down our Government today were properly rebuffed.

Both the Rochester like for *Hope* and the fizzled attempt to disrupt Washington traffic this morning were youthful demonstrations of concern. But their similarity stops there. In Rochester, the kids were marching for a cause they believed in—85 percent of the over $450,000 they raised yesterday will go to the S.S. *Hope*, the other 15 percent, or some $67,000, will be distributed to local charities chosen by a panel of teenagers who organized the event. In Washington, the stated purpose of the Mayday disruptions is supposedly to work for the cause of peace by working against our system of Government. If anything, the disrupters worked against their own cause by marring the memory of official Washington of the more constructive peace demonstrations held here a week before by thousands of young people and veterans who came to express their concerns about peace in a peaceful way.

Mr. Speaker, I think there is a lesson in the hike for *Hope* which took place in Rochester yesterday—it is a lesson of hope which has significance far beyond the nearly half million dollars which those 35,000 youngsters raised for the medical treatment and training ship. I have seen what this mass "getting involved," this mass outpouring of shoe leather for a good cause has done for the spirit of my home community, and for the image of young people in this country which is repeatedly tarnished by front page and TV news accounts of destructive demonstrations.

It took 35,000 kids hiking a total of over 850,000 miles to bring their constructive involvement to the front pages of this morning's papers in Rochester.

They did not march to show concern by tearing down a society or by disrupting a government—they showed equal or greater concern by underscoring their concern for human life, for the well-being of the poor and the sick across the earth and in their own back yards, and they did it with great personal effort and great personal sacrifice.

I am inspired by this hiking army, inspired to think that their spirit will infect thousands if not millions of people young and old across America. I am inspired to think that American kids are a tremendous positive force to be reckoned with—a force that can communicate to this society and to this Government their determination that their generation will, at the cost of great personal sacrifice, put the priorities of life and opportunity for mankind at the very highest level. This generation has the potential for breathing new life into the principles of equality, opportunity, charity and sacrifice upon which our Nation was built.

Mr. Speaker, a few words from a single observer of this hiking army of young people cannot recapture the spirit of this event. I should like to include several news articles and an editorial which describe other aspects of the hike for *Hope*. The articles follow:

[From the New York Sunday News, May 2, 1971]

A LIFESAVING WALK

People keep asking what's wrong with today's kids?

And the answer is ridiculously simple.

Nothing.

Sure, they wear their hair long and their clothes mod. And it's no secret that some smoke pot, use obscene four-letter words on occasion and are openly irreverent.

But the current generation is dedicated. They're committed to doing something about the evils that plague the country and world: things such as pollution and poverty and war. The truth is there never has been such an idealistic yet practical crop of young people in our history.

A perfect example of their all-out devotion to the sick and needy and poor can be readily seen this very minute in Rochester, N.Y. While you're reading this, upwards of 20,000 youngsters are tramping 25 miles throughout the upstate city solely to raise money for Project Hope. The unique Hike For Hope II will, hopefully, gain $250,000 to train medical people in underdeveloped areas around the world as well as in disadvantaged locales right here at home.

Last year, the first Hike for Hope attracted 8,000 Rochester teenagers. Each of the hikers was sponsored by friends, relatives and neighbors who pledged to donate a certain amount for each mile completed. Several hikers had more than 100 sponsors.

How many of the blistered-foot, weary youngsters will finish today is difficult to predict. Last year, fully 50 per cent managed to trek the entire 25 miles. Personal satisfaction was indeed a motive, but the primary driving force was the knowledge that every mile they walked contributed to helping someone somewhere.

[From the Rochester Democrat and Chronicle, Apr. 14, 1971]

HOPE HIKE GIVES KIDS A COMMITMENT

(By Bill Beeney)

Last year it was the most successful teenage fund-raising event in United States history.

Strictly a Rochester production . . . spawned here . . . $153,000 raised . . . in a single day . . . by 8,000 teen-agers hiking 25 miles (not all of them went the full route, but a great many did) for Project HOPE.

This year's hike on Sunday, May 2, beginning and ending at Aquinas Stadium, will be even bigger. If that seems a grandiose claim, just talk for a few minutes with David Polan and Matt Weider.

"It looks as though we'll have nearly 20,000 participants, the way things are shaping up," Polan said. He's chairman of the project, organized and managed entirely by the Teen League of Rochester.

"It was such a success last year," said Weider, "that all the kids want to take part this time. It should be really big."

Each hiker lines up as many sponsors as he can. The sponsor guarantees to pay the hiker 15 cents per mile, or more, for every mile hiked. Of the money raised, 85 per cent goes to Project HOPE, and 15 per cent to local charities which are selected by the teen-agers themselves.

Now, then, we are talking about a lot of money in that 15 per cent. Last year $23,000 went to local charities. This year the amount could be—who knows?—maybe $30,000, $40,000. A goodly sum in any event.

And these kids are really going to make sure it goes where they think it will do the most good. It is money earned by the bunions on their feet and the aches in their muscles, so they are setting the ground rules.

The Budget Committee of the Community Chest has nothing on the teen-agers for following the dollar.

They've set up a five-man committee which will screen applications for funds from all local charities which feel they meet the teenagers' criteria of being self-help, people-to-people programs with emphasis on education and training, and a focus on youth.

I won't attempt to delineate the 17 questions the committee fires at the charities but, believe me, they probe every facet of operation and philosophy.

"Basically we want to get away from bureaucratic-type agencies, and try to help the smaller charities that do an effective job and need help," Polan said.

"We expect to have decided upon some of our charities by August, and then leave room for other allotments to be made later on. New things come up, and cutbacks occur, and we want to be flexible."

The committee consists of Polan, Jim Bower, Ray Greis, Sam Montello and Chuck Keenan. Bower, Teen League president, and Polan are seniors at McQuaid High School; Keenan and Montello are at John Marshall; Greis, Teen League treasurer, is at Eastridge. Lawyer Martin Weingarten has the application forms.

Success of the local effort apparently hinges upon the Teen League, only one of its kind in the country. From a nucleus of 300-400 active members, it represents 46,000 teen-agers in Monroe County. "They're all welcome in our group."

Why is the *Hope* hike such a drawing card?

"A lot of kids want to do something," said Polan, "but they don't have time to do something every day. But here, on one day, they can make a commitment to do something on a national and local level, and be proud of the results. Also it's a fun thing, too; everyone enjoyed it—even those who became tired."

There is a somewhat controversial aspect to this year's hike. As adult adviser to the *Hope* project said: "An imitation of our original hike followed us by some months last year. This year its sponsor had the bad grace to select a date one week before our date."

That would be the "Walk for Water" project. I hope there are enough water-walkers and *Hope* hikers to go around.

[From the Rochester Times-Union May 1, 1971]

THE HIKE FOR HOPE: 25 MILES OF CARE

(By Judy Adams)

Sixty-five pencil sharpeners. 50,000 staples. A huge supply of foot powder. A couple hundred shoeboxes. 190 cardboard cartons. 200 rubber stamps and 120 ink pads. 10 adding machines. Three ambulances. Five rock bands. 400 pencils. 80,000 cards. 10 radio cars. Papers, signs, posters, tables . . .

For nearly three months now, Chuck Keenan and Sam Montello, both John Marshall students, and other kids like them have been wrestling with the problem of how to gather all these items together for tomorrow's Hike for Hope.

It has not been easy. Not when you are also mapping out the 25-mile route, knocking on doors looking for adult volunteers (to free the kids to do the hiking) and arranging checkpoints.

But they have done it and with only a modicum of adult help.

At 9 a.m. tomorrow an estimated 20,000 people, most of them students shod in sneakers and other hiking shoes (sandals are forbidden) and carrying lunches, will march out of Aquinas Stadium down Ridgeway Avenue and off on the hike route.

The route, according to its planners, which included Police Lt. Charles Price, incorporates a "good cross section of the city," including several parks where marchers can relax with their lunches.

Radio station WBBF has planned to devote tomorrow to music for the hikers. Residents along the route have been encouraged to tune their radios so marchers can hear.

A radio hook-up with the hospital ship USS Hope is planned at Aquinas Stadium before the hike starts.

Three ambulances—two from Walters and one from National—and 10 REAT (Radio Emergency Action Teams) cars will patrol the route. First-aid handlers will be stationed along the route.

So will city trash trucks, to collect refuse which marchers are asked to gather in the 2,500 plastic bags donated by Mobile Chemical Co. Plastics Division in Macedon.

About 4 p.m. the five local rock groups: Rain, Orange, Main Street East, Chemestry and North, will start a six-hour rock concert at Aquinas Stadium.

Last year 8,000 marchers for Hike for Hope collected $150,000 from supporters who pledged donations on a per-mile basis. Eighty-five per cent of the money went to Project Hope.

The remainder was divided among the Summer Youth Opportunities Program, the World of Inquiry School and the Western Monroe Community Project, a self-help program for migrant workers.

A teen committee will decide what local programs or organizations will receive the local portion of the funds this year. They are seeking suggestions.

[From the Rochester Democrat and Chronicle, May 3, 1971]

35,000 HIKE FOR HOPE

(By Bill Beeney)

The Hike for *Hope* was, in a word: Spectacular!

Even more massive, more exciting, more successful than its teen-age sponsors had hoped for in their wildest dreams.

Nearly 35,000 hikers turned out . . . The total amount of money pledged to their efforts: an estimated $425,000!

It was a happening the likes of which has never occurred before in the history of Rochester. Or anywhere else, for that matter.

You had to see it to believe it. Even then it boggled the imagination.

Massive? . . . You know what 35,000 hikers means? That's like the entire city of Auburn getting up some morning and hiking out of town. It also was more than four times the number who took part in last year's hike, the first of its kind in the U.S.

Exciting? . . . There were kids from every corner of Monroe County. Some walked barefoot . . . hundreds of them stopped along the way to change socks, rub sore feet . . . one boy went at least half way on a pair of stilts . . . another kid did it on a unicycle.

Three or four girls rode most of the way in shopping carts pushed by their boyfriends. . . . One boy dribbled a basketball the full 25 miles . . . Several girls on roller skates . . . There was a lady on crutches who went a fair piece . . . and a boy in a wheelchair pushed by his friends.

And it was all done—on a gray coolish Sunday afternoon with the threat of rain constant—in high good humor. No incidents, no grumbling, plenty of aching muscle, of course . . . but also wonderfully bolstered egos as they accomplished their purpose.

Successful? . . . The estimated $425,000 is phenomenal! Of that amount, 85 per cent goes to the Project *Hope*, the hospital ship. The other 15 per cent will be given to local charities, then to be decided upon by the Teen League of Rochester committee. The League managed and directed the hike. David Polan was chairman.

There were so few adults among the hikers, they didn't really count. And that was as it should be. This was a youth project—"invented" by them, managed by them, participated in by them, made successful by them. There was one area in which the adults, members of "The Establishment," no less, did play an active and welcome role.

On the Academy of Medicine grounds at 1441 East Ave., an "Oasis" was established. Manned by local business and civic leaders, it was the haven—at the 17-mile mark on the route—for hikers to partake of free hot dogs, soft drinks, ice cream, coffee. It did a brisk business.

Dr. William B. Walsh, founder and president of Project HOPE in 1958, came in from Washington for the event. He is a prominent Washington heart specialist.

"Rochester should be more proud of the young people in its city than words can describe. I am thinking at the moment of the behavior of these youngsters, contrasted with what is going on in Washington.

"Here, kids are walking in hope. In Washington, the demonstrators are walking in despair. Here, they are eating hot dogs and drinking soft drinks and smiling. In Washington they are smoking pot. In Washington the police are being called in because the demonstrators are stealing from one another; here the police are helping."

There were so many hikers (the organizers had been hoping for 20,000 a couple of weeks ago), they couldn't all leave the Aquinas Stadium starting point for several hours.

The earliest participants, particularly those hardy souls who ran or jogged the course, took off at approximately 8:30 a.m. Some late starters were getting under way at 12:30 p.m.

At one point in early afternoon, the hikers were strung out, four or five abreast, for 17 miles along the route! It looked like a mass exodus.

The first boy to complete the route was 17-year-old Roger Messenger of 113 Mosley Road, Greece, a pupil at Greece Arcadia High School. He's a track man; he went the distance in 2 hours and 50 minutes.

The first girl to finish was Amy McGregor, 15, of 277 Hollybrook Road, Henrietta. But that was considerably later. Then they streamed in by the thousands.

At least 16 of the hikers were treated at hospitals, most of them for fatigue, two of them after falling from car trunks as they rode back to Aquinas Stadium.

Hundreds of "lost" parents looked for their sons and daughters in Aquinas Stadium at 10 p.m. when a rock concert that followed the hike ended.

At 11 p.m., despite the help of a loudspeaker announcer trying to match parents and their offspring, about 250 parents were still lost in the stadium.

One man who conducted a futile search for his son said, "Well, he walked 25 miles, so I guess he can walk six more." Then the father drove home alone.

[From the Rochester (N.Y.) Democrat and Chronicle, May 3, 1971]

Hot Dogs, Real Dogs, Sore Dogs

(By Bill Beeney)

The most dramatic aspect of yesterday's Hike for HOPE, in my book, was this:

At 2 o'clock in the afternoon, as we drove along the route, there was an almost unbroken, line of hikers—from two to five abreast—stretching along 17 miles of the 25-mile course.

Imagine how Stuart Cole felt. When he started out from Aquinas Stadium, to begin the hike, "the first eight guys had already finished. Nearly 35,000 participated.

"I wasn't aware of the project until this morning," said Stuart, "so I guess I was one of the last to take off."

At the "Establishment Oasis," a free hot dog stand on the Academy of Medicine grounds at 1441 East Ave., they began the day with 7,000 hot dogs (donated by Tobin Packing Co.) "Then we began to hear the reports about the size of the crowd," said Fred Lapple, a County Legislator who works at the Tobin company.

So they zipped out and got 4,000 more "hots." And an hour later, when the hiker figure went still higher, Fred acquired another 3,000.

Joe Sarkis of ARA food service kept matching those numbers with coffee, ice cream and milk supplies, and Harvey Anderson had his Coca-Cola dispensers geared at that level. Wegman's and Star Markets came up with the rolls, and R. T. French the mustard.

Men like Herb Mossien, Charles (Red) Zelter, Daniel G. (Gerry) Kennedy, Dr. Louis Eilers, and their ladies, kept busy—to put it mildly—cooking and handing out refreshments.

I did notice some hitchhiking along the way. I don't mean just hitchhiking by getting into autos, but by piling all over the outside of them. Dangerous.

It wouldn't have been available if so many spectators hadn't decided to drive along the hike route, thereby getting caught in monstrous traffic jams of their own creation, and setting the scene for the large-scale hitchings.

When the early arrivals came into the "Oasis"—which was 17 miles from the start—they were given a round of applause by some of the Establishment workers. But that soon went out of fashion as the hikers began to troop in by the hundreds. There just wasn't time for it.

Robert Cable, 17, of Greece Athena High, who ran most of the way, said: "You sure meet a lot of friendly people along the way—although one dog did dash out and try to bite me."

Joe Vang, 16 of Gates-Chili High, and John Turbayne, 15, of Monroe High, were among early finishers—going at 88 and 45 cents per mile respectively. "I'm just glad we got out ahead of the big crowd," said Joe.

John Scobey, who works at American Optical, and his wife, Amy, an English teacher at Madison High, came in with their two dogs on leashes. The dogs, Stinky and Facha, were sponsored "at 37 cents a mile each," said John, which was just 13 cents less than the Scobeys themselves. The dogs were in high spirits.

Then came another dog, a Poodle—"Tiger" by name—owned by Judy Deisenroth of Pittsford High. "Tiger" was scooting along on a $3-per-mile basis. He was pooped. That's a long hike for a little poodle.

Mark Proudfoot, 13, of Britton Road School, a $2.35-per-mile youngster, was doing it on a unicycle. He was more than a little tired, and almost a little tearful, as he sank to the ground for a rest at the "Oasis." But he went on after a bit. "It's my brother Dave's unicycle; he loaned it to me."

There were a number of people carrying guitars along the route, one or two with bugles ("Charge!"), and one set of friends made sure they stayed together by hitching themselves up like mountain-climbers along a length of rope.

All this contributed to what Police Inspector Henry Jensen referred to as "the marvelous carnival spirit; everyone enjoyed himself, and there were no real problems at all. I'm proud of every one of them."

Mayor Steve May and the Rt. Rev. Charles J. Lavery, president of St. John Fisher College, don't really know what the hike cost them.

Both men sponsored "several" hikers. They aren't exactly sure how many. They did remember they had "been signing cards" frequently in recent days.

Father Lavery had put in a full schedule. "I was at that Channel 21 auction until 4 o'clock in the morning, and got to bed about 5, and was up for 9 o'clock Mass, and now this."

Steve May and William Dennison, mayor of Toronto, have collaborated to provide "The Mayor's Trophy" for annual professional soccer league competition between Rochester's Lancers and the Toronto Metros. It goes to the team scoring the most goals in season competition between Rochester and Toronto. Mayor May was a good soccer player (left fullback) at Wesleyan College. I dunno about Dennison.

Kim Murray of John Marshall High, admitting that "my legs are tired" when he reached the 17-mile point, has a baseball engagement today that will tax his energy. He's pitching for Marshall against Mooney; "I'm going to beat them, too."

Twelve-year-old John Smallridge of St. Jerome's School in East Rochester, was hiking at a rate of $2.80 a mile, along with his friend, Kevin Schneider (60 cents), and at that rate they barely slowed down for a hot dog before pressing on. "It's too hard to get started again."

Richard Davidson, son of Mr. and Mrs. Gerry Davidson of 65 Glen Ellyn Way, was a dollar-a-mile walker. Richard is only 8, and his mother, Mynra, didn't want the third grade youngster to tackle the task, when he asked her a week ago. "What's the matter," said Richard, "don't you care about saving lives?" She relented.

Although they were too young to hike, a group of 9-year-old third-graders wasn't too young to participate.

They set up free "oasis" of their own on South Goodman Street, near Highland Park, and before the day was done had given out 1,400 cups of Koolaid and ice water, and 200 gallons of chicken soup, to hikers.

The kids: Jonathan Dubner, Bobby Bills, Jimmy Zelter, Buzzie Yanchich, Stephen Corridi. And Jonathan's 12-year-old sister, Jollene, spent the day washing pitchers.

James P. Kenny, the old rhymer, put it all together this way yesterday:

Thousands make the hike for HOPE
And help us with our problems cope.
Such acts like these of two-fold love
Will bring us blessings from above.

One of the top producers of the hike was Kathy Smith. Kathy had 65 sponsors who pledged a total of $526.

[From the Rochester Democrat and Chronicle, May 3, 1971]

Hopes Higher After Sunday Hike for Hope

"Fantastic" is a word used cautiously on this page. We believe, however, that the performance of the more than 30,000 young people who registered for the Hike for Hope yesterday fully deserves that distinction. How else can one describe their dedication and determination?

Mostly of junior and senior high school age but including younger students and very few adults, the marchers all contributed in their own way. It couldn't have been easy for wheelchair participants who provided their own power mile after mile, or for several marchers hobbled by crutches. There were blisters and aches and sore feet for thousands of others. But the hardships were incidental. There was a challenge to be met.

The enormous response to the Teen League-sponsored hike means that S.S. *Hope,* the floating international medical center, will benefit tremendously from proceeds brought in by the sponsored participants. But a spectator watching these enthusiastic, well behaved youths over a two-hour period could not escape the wonderful feeling that something more than a hospital ship was involved. Wasn't this magnificent giving of themselves proof positive that our young people care about things that matter?

What was the magic of this mass appeal? Was it the fact that the teen-agers themselves planned and managed it? Was it the 15 per cent of the fund that will go to local charities of the young people's choice?

Maybe it isn't necessary to probe too deeply for motivation. Perhaps we should just be grateful. The fact is that the massive turnout and the orderly way the march was conducted made it unique in the nation. It has become a fund-raising approach certain to be copiously copied.

To the thousands of young people who made it possible, our warmest congratulations! Our community is proud of you.

Mr. Speaker, I would like to emphasize that the people in my community today are tremendously impressed with the Hike for *Hope*. But, I think it should be noted that the Hike for *Hope* is no isolated example of the constructive involvement of people in the Rochester area. The Hike for *Hope* followed by 1 week a Walk for Water in which 20,000 youngsters raised a substantial sum for clean water. In the intervening week a public television auction raised over $180,000 for the support of WXXI, Rochester's educational television station.

The Hike for *Hope* stands as an outstanding event, speaking out for the great concern and potential our young people have for constructive involvement.

TIME FOR ACTION

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 1 hour.

Mr. MELCHER. Mr. Speaker, there is a big country out away from the shores of the Potomac River that is worth saving and revitalizing.

From Maine to Alaska and Florida to California rural areas are declining. Even in the State of Hawaii, the magic islands, rural Hawaiians are losing ground.

Regardless, the concentration of votes in the metropolitan areas tends to dim interest in rural areas.

The varied and numerous needs of agriculture and rural America will be described and documented today during this second farm and ranch forum. On March 1, 79 members of the House discussed those problems and presented to the House some of the needs. On a bipartisan basis we shall do so again today during this hour and the time allotted to the very distinguished member, Mr. SEBELIUS of Kansas, Mr. ZWACH of Minnesota, and Mr. SMITH of Iowa.

Threading through all of the problems of agriculture and rural areas is one theme: a lack of adequate income, low or nonexistent net returns. It is not a refrain that is sung for the sake of singing. The economic drag, the loss of opportunity to make even a decent living, has syphoned capital away to areas of higher returns and the result is rural decline.

To reverse the pocketbook drain on rural America will mean bolstering farm prices. Without higher prices for farm and ranch products there will be no rural development. Putting sewer and water systems into rural communities—however much needed and appreciated—are not going to save them if the people who bring capital into the area and support the towns are all going broke. If rural development is to be more than a political slogan, income on the farms and ranches of the Nation must be improved.

The basic place to start rural development is in the agricultural marketplace, which puts cash into the pocketbooks of the people who make their living on the land.

The buying power generated there—the farm marketplace—is the primary ingredient that has been curtailed and lacking, causing the economic sag of the rural agriculture areas.

The parity yardstick, now at 69 percent of parity, shows the depth of the rural slump. The inevitable result of the cost/price squeeze reflected in that parity ratio is bankrupt farm and ranch producers and vacant, vanishing towns.

Adequate return for grain is basic in a farm price structure.

Grain price declines neither benefit consumers nor do increases in grain prices materially affect the cost of consumer goods. With the wheat in a loaf of bread worth only 2 or 3 cents—only 10 percent of the retail price—a substantial rise in wheat prices does not mean much in terms of bread or puffed wheat breakfast food cereal prices.

A fair and stable grain price will both save the producers and it will assure stable supplies, not only of grains themselves, but also of meat, milk and poultry.

Wild fluctuations in the live pork price during the past few months, with pigs bringing down to $15 per hundredweight, never really benefited consumers but did drive hundreds of pig producers to the wall.

Some farmers have been saved by an increase in cash corn prices, due to reduced production as a result of the corn blight, and a live cattle market that doggedly refused to drop more than 15 percent.

The old axiom that cheap grain means cheap meat is not an idle slogan. The increase in pig crops which lies behind current low pig prices was a result of cheap feed; before the corn blight hit feed prices were so low farmers believed their only means of breaking even was to raise pigs, feed them their grain, and market meat animals instead of the grain. They did breed too many pigs as a result, weakening market prices for pigs at the very time the effects of the corn blight were causing feed prices to go back up.

It does not take an economic wizard to know that pig prices are going to recover in the months just ahead.

During the first quarter this year, we have had 22 percent more pigs marketed than we did the year before and prices have been disastrously low.

In the months just ahead, everyone following the hog market knows that the oversupply of pigs will decline; by July the supply will probably be only 5 percent to 7 percent over 1970, and by September the supply of pigs will probably be 5 percent to 7 percent less than in September 1970. Last year barrows and gilts were bringing $21 to $22 per hundredweight in September. They will almost certainly be back up to that level in September this year.

But we have built a time bomb into our feed and hog situation, which can lead to another disastrous low-price pig cycle, by loosening up crop acreages this year.

We have hedged against a recurrence of the corn blight. We have adopted a set-aside farm program and as a consequence we have 10 to 11 million more acres planted to crops in 1971 than in 1970.

If the corn blight does not hit this year—and its effects are going to be reduced by increased use of blight resistant strains of corn—we can have a big surplus of corn, low prices, another big bulge in hog breeding, and another wave of liquidations down on the farm.

Corn prices currently are well above the $1.05 per bushel loan level, and prices of other feed grains are comparable.

But if the level of production for which our 1971 is achieved, we will produce more than enough feed grains this year than we will require for use during the year, adding a substantial quantity to stocks. Even before it is harvested, when favorable crop prospects are reported by USDA, it can break feed grain prices back to disastrously low levels.

Back in the 1966 marketing year we had unusually high exports and domestic utilization of feeds, resulting in a drawdown on our carryover stocks. The seasonal average price for corn reached $1.24 per bushel—well above the loan level.

As a consequence of the cut in reserves, a larger 1967 crop was produced. At harvest time it was expected to add to carryover.

This moderately larger 1967 crop caused market prices to drop below the Government loan level in the first 5 months of the marketing year. The price support loan on it was $1.05 per bushel. The U.S. average price in the first 5 months was $1.03 and the average for the whole year—even though it turned out that demand was larger than anticipated—was only $1.07 per bushel.

This experience indicates that if farmers do have a 1971 crop which meets current needs for feed grains and adds just a little bit to reserve stocks, the market price, which was at $1.41 per bushel national average, or 71 percent of parity on April 15—will again fall below the Government loan level of $1.05 per bushel.

I am for talk about the farm problem—lots of it. We need national attention to the serious plight of agriculture, and we are beginning to get it.

But we also need some action to lift farmers out of the bottom of the economic trough.

Therefore, Mr. Speaker, I now announce that later this week I am going to introduce a bill—and I invite cosponsors—to put the price support loans on wheat and feed grains up 25 percent in any year that the crop is expected to add to reserves, or carryover stocks. It would be effective with this year's crop, which represents substantial increases in acreage. Unless the corn blight is extremely severe, it will add to carryover stocks and depress prices.

So my colleagues may have access to the text of the bill I plan to introduce, I include it in the Record at this point.

H.R. —

A bill to protect producers' income when rebuilding reserve stocks of wheat or feed grains

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Section 107(a) of the Agriculture Act of 1949, as amended, is further amended by striking the period at the end, inserting a semicolon, and adding: "Provided further, that whenever the Secretary of Agriculture announces a wheat adjustment program which will result in an addition to reserve stocks, the minimum loan level available to producers during that crop year shall be increased by at least 25 per cent."

Sec. 2. Section 105 of the Agriculture Act of 1949, as amended, is further amended by substituting a semicolon for the period at the end of the sentence in (a) (1) and adding "whenever the Secretary of Agriculture announces a feed grain adjustment program which will result in an addition to reserve stocks, the minimum loan rates available to producers during that crop year shall be increased by at least 25 per cent."

Sec. 3. The amendments contained in this Act shall be effective in relation to crops harvested in 1971.

Members who wish to join me as cosponsors of the measure will be welcome. They can call my office, extension 5–4415, and I will gladly place them on the bill.

I would personally prefer a bill which raises the minimum price support level for wheat and feed grains by 25 percent, as a year-in and year-out matter, and then added 25 percent during years of reserve building.

But I have tailored this bill to what may be attainable in face of the current administration's support of a low-price, high-volume policy.

It was extremely encouraging yesterday to hear the President of the United States speak about the serious plight of farmers.

Those who participated in the farm and ranch forum day in the House on March 1, and who have cooperated in preparing for this round of discussion today, can, I believe, take some satisfaction in the attention currently being given to agricultural problems.

The President's speech yesterday, the farm salute planned at the White House Friday, and the rural development hearings being conducted by a Senate subcommittee in the Midwest today and tomorrow are all events which have suddenly sprouted and flowered since our March 1 discussion.

The President has indicated that he is increasing funds to buy pork for school lunch. That is good. Hog prices are set to rise but really substantial Government buying can speed their recovery.

He has also indicated that he will increase funds to promote agricultural exports. That is fine but those increases in exports must not be achieved by reducing prices to farmers to less than their cost of production.

There is an old story in agriculture about the farmer who got into the business of selling hammers to his neighbors. The hardware man thought nothing of it when the farmer bought two hammers from him at $1.25 each. He began to wonder what was happening when his farm customer bought a dozen the next week at the same price. The third week, when the farmer asked for two dozen hammers, the hardware man asked him what he was doing with so many hammers.

"Selling them to my neighbors," he replied.

'How much are you getting?" the hardware man inquired.

"A dollar apiece," the farmer said.

"Why, you'll go bankrupt buying hammers from me at $1.25 and selling them for a dollar," the hardware man protested.

To that the farmer replied: "Maybe so, but it sure beats farming.'

Some of us are very worried that our agricultural export business is getting on that sort of basis—selling $1.25 hammers for $1 each to build volume.

American agriculture is not going to prosper even if exports are built to $15 billion annually if it costs $20 billion to produce those exports.

We are quite concerned that the minimum price for wheat in the International Grains Agreement has been subverted during the past 2 years and left entirely out of the new agreement recently ratified subject to Senate approval.

The world market for agricultural products has long been described as a dumping market where prices are set by the nation with the biggest surpluses.

Sicco Mansholt, vice president and agricultural spokesman for the European Common Market, came to the United States recently and described it as such a market, appealing for commodity agreements that would set a rational minimum price on the farmers' products in the commercial sector of world trade, with provision to take care of have-not nations at concessional prices based on their needs and their ability to pay.

I hope that along with any agricultural trade promotion efforts, there is a parallel insistence on minimum prices high enough to keep U.S. agriculture and our rural areas, healthy. Let us not sell $2 wheat for $1.50 or $1.75 corn for $1.25.

The fact is that while agricultural exports are being pushed today to maintain a favorable U.S. trade balance, it is being done at an expense—not at a profit—to our farm people.

Farmers are both the goats of inflation—their costs have gone up and their prices have not—and they are also the goats of a trade policy which seeks volume, and a dollar flow back into the United States with little regard to its profitability to the farmer-producers.

This must end, and one way to assure an end to it is through higher price support loans for the basic grain ingredients in all of our food products.

This is proposed in the bill I will introduce later this week. I hope many of you will join.

Along with talk, the time has come for some action.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am happy to yield to our very distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I desire first of all to commend the distinguished gentleman for the fight he is making on behalf of American agriculture. He has not only interested himself in this subject; he is doing something about it.

There is no part of our economy that does not feel the present recession, but there is no part of the economy that suffers more from the cost-price squeeze than the agricultural economy of this country.

When farmers took their products to the market last fall they found the price parity ratio lower than they had found it at any time since the beginning of the great depression in the early 1930's.

This is one of the serious problems facing not only farmers who live on the land but it is a problem facing the entire Nation, because unless American agriculture prospers America and American industry and American labor cannot prosper.

I join the distinguished gentleman in the fight he is making.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I would like to associate myself with the remarks made a moment ago by the distinguished Speaker. I commend the gentleman in the well for the remarks that he is making as well as those Members who will be associated with him.

Prosperity on the American farms is fundamental to the United States and it is almost incomprehensible, that we have to debate it and bring it before this body. Yet it is a fact that the migration from the farms continues and each year the farms become more and more corporate enterprises. Today we are confronted with terrible problems in the big cities of our country. Each time a person leaves the farm and goes to a big city he multiplies the problems that exist there.

It seems to me absolutely basic that this Congress must initiate and the administration must sponsor programs that will keep the farmers on the farms and give them greater prosperity. Without a prosperous farm economy it is impossible for our country to be prosperous.

Mr. Speaker, I wish to associate myself with the remarks that the gentleman is making.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am glad to yield to the distinguished whip.

Mr. O'NEILL. I speak now as a representative of an urban area. I want you to know that the people in metropolitan areas appreciate the contribution that the American farmer has made to the American way of life and the well-being of our people as a whole.

"Our daily bread" comes to us in many forms and varieties. The people of our country appreciate and enjoy the greatest variety of wholesome foods available in this world.

I wish to congratulate the gentleman

in the well for this series of hours that you have taken on the floor of the House to make the American public aware of the problems and needs of the American farmer.

I think when I first came to the Congress some 18 years ago, concern for the farms and the farmers was more present in the Congress than it is today. We were all aware of the fact that the economy of the farmer reflected the trend of the economy of the rest of the country. We need these reminders.

I congratulate the gentleman for bringing this problem to the eyes of the American public.

Mr. MELCHER. I thank the very distinguished gentleman from Massachusetts, our majority whip.

I now yield to the chairman of the House Committee on Agriculture, the very distinguished gentleman from Texas.

Mr. POAGE. Mr. Speaker, I think it is unnecessary to recount the importance of agriculture and its value to the general economy of the country. Previous speakers have made that plain. Most of us recognize it.

What we do not recognize and what I think is of much more immediate importance to the people of the United States is that their own cost of living is tied directly to the success of agriculture. An efficient agriculture provides the cheapest cost of living that the American people can have. An inefficient agriculture must charge all of the cost of its inefficiency to the ultimate consumer who is the housewife in the United States.

Mr. Speaker, we have an agricultural program in the United States that is probably subject to more criticism and misunderstanding than any of our Government programs. It is usually described as a $7 billion program, but it has never paid the farmers more than $3.5 billion since it was established.

There are other programs charged to the Department of Agriculture which do run up to probably another $2 or $3 billion. We have the special milk program, there is the school lunch program, there is the special breakfast program, the special milk program, and so forth, but those dollars do not go to the farmers. They go to the children of people in town and in the country. About 96 percent of it to those in town.

Then, Mr. Speaker, there is the food stamp program now in the amount of about $1.5 billion. It does not go to the farmers. Perhaps, $100 million of it does but the other $1.4 billion goes to the people in town. However, these are programs most of which go to the direct benefit of our urban citizens and are charged to agriculture.

Now, what is the effect of the $3 billion which is paid to farmers? The effect of it is to reduce the price of agricultural products in the grocery store. If that $3 billion did not go into the total farm income, it would have to come out of the grocery store because the costs of production have to be paid. When food comes through the grocery store it costs the consumer about three times what it does when it comes directly from the farmer, because the housewife goes to the grocery stores and buys a basket of groceries and the farmer gets only about 36 cents out of each dollar's worth of groceries.

Therefore, if you are going to make up the $3 billion, Mr. Speaker, you will have to use something like $11 billion on the part of the consumer. That, then, means that our farm programs are reducing the cost of living, and 96 percent of that is for people in town, money that goes to our town people in the amount of approximately $11 billion. I do not know where you could buy a better bargain when you pay out $3 billion and reduce your cost by $11 billion. In my opinion that is a pretty good bargain. Yet, that fundamental fact is something which most of our people either have not heard or do not want to hear. Sometimes I think they do not want to hear it. Sometimes I think that there is an intentional refusal to understand farm problems.

Mr. Speaker, we had that illustrated in our committee on last Friday. We were discussing the sugar program. We had a witness who said he appeared on behalf of "the consumers." He named one consumer only. He could not recall any others that he represented, but he did name one consumer, only one, and he felt that he must speak out in behalf of the consumers because he said he thought the sugar program was an outrageous scheme to saddle the burden of unreasonable prices on the consumers and to enrich a favored few.

Our colleague from Texas who will maybe want to say something about this asked him if it was not true that sugar was today selling in the grocery store for just a little over 12 cents a pound. The witness agreed that that was true. The gentleman from Texas (Mr. PURCELL) then asked him if it was not true that 20 years ago sugar was selling in our grocery stores at a little over 10 cents a pound, and he agreed that that was true.

Mr. Speaker, it does not take a Ph. D. to understand that that then means an increase in retail price of a little less than 20 percent in 20 years.

Mr. PURCELL then asked the witness if he could name one single major commodity sold in the grocery stores that had not increased more than 20 percent during the last 20 years other than sugar. The gentleman has not answered that one yet.

But of course he has been widely reported in the press as being a man of great fortitude and great insight to come before the committee and suggest that the consumers are being robbed. If that is the kind of robbery that is taking place I want more robberies, because I would like to have that sort of situation prevail in regard to more prices in the United States. And I submit the total price of sugar is the only major commodity sold in the grocery stores that has not had a greater increase than that in those 20 years, and the reason it has not increased more is because, of course, we have had a sugar program, not for the benefit of a few immensely rich, but for the benefit, not even of the farmers of this country, but for the housewives of this country who are buying the sugar, either directly or in manufactured product form.

Of course, 75 percent of the sugar in the United States is sold through manufactured products.

I simply submit, Mr. Speaker, that our city people are not getting an understanding—and neither are the Members of the Congress getting an understanding of the true value of these farm programs. Our sugar program has done far more for the consumers of sugar in the United States than it ever did for the producers of sugar in the United States. Our farm program as a whole has done more to maintain a lower cost of living for the American people than it has ever done to help the farmers of the United States. It has helped the farmers of America, and I am happy that it has, but it has also helped every consumer in the United States, and that is the only way these programs should work, and that is the way the agricultural program does work. It helps very much in agriculture, but it helps more in all of America.

I wish that it were possible for all of the Members of the House to visit with the Committee on Agriculture, and see that that committee is spending a very large portion of its time trying to maintain the living standards of America at the lowest possible cost to our consumers. I am proud to say that we have done a pretty good job, or a better job, than the people of any nation anywhere in the world at any time in history have ever done. Only about 16 percent of the disposable income of the average American family is spent for food, 16 percent. Anywhere else in the world that runs from 25 percent on up to as high as 75 percent in the Orient.

So, Mr. Speaker, I submit we have done a pretty good job. We have not done a perfect job, but it has been in the interest not simply of the farmers but in the interest of every man, woman, and child in the United States. We are eating better now than the people of any nation in the world today, and for a smaller percentage of our disposable income than anybody anywhere else in the world.

The gentleman now in the well, the gentleman from Montana (Mr. MELCHER) has been serving on the Committee on Agriculture for some 2 years, and I would suggest that he has done about as much in 2 years as anybody has ever done who has come there in that period of time. He has shown a deep interest not only in agriculture, but in the American people. I believe he has contributed to the welfare of the American people.

I believe that this is a subject that perhaps we should consider more often, and then perhaps we would pay better attention to it. When I was a boy they had what was known as horse-traders' day. The first Monday in the month was known as horse-traders' day, and I think that the first Monday of the month in Congress might well be called "horse-traders' day," at least to the extent that we might give some consideration to what we are going to drive home this afternoon, and what we are going to put in the pen when we get home.

Anyway, Mr. Speaker, again I congratulate the gentleman in the well, who has made these arrangements, and who is bringing this to the attention of the House.

Mr. MELCHER. Mr. Speaker, I thank the gentleman from Texas (Mr. POAGE) the chairman of the Committee on Agriculture, for his remarks.

Mr. Speaker, I now yield to my colleague and good friend, the gentleman from Illinois, and the City of Chicago, Mr. MIKVA.

Mr. MIKVA. Mr. Speaker, at the risk of being traded out of my horses, I would like also to commend the gentleman in the well for starting this dialog.

I know as an urban Congressman, who has a modest number of farmers left in my district that we do not always agree on the tactics by which the farmers and consumers' interests can be served. But we are in complete agreement that progress in this country is dependent upon both groups enjoying a measure of prosperity. Indeed, if one looks at the history of this country cyclically, one is aware that the great leaps forward have been when the ruralists and the urbanists—the factory workers and the farmers—found the common cause that held them together rather than arguing about the things that separate them.

Mr. Speaker, I think the dialog initiated by the gentlemen in the well has the very useful purpose of making us aware of some of the problems that the farm people face. This dialog helps those of us who claim to represent consumers aware that consumers have problems which are not caused by the farmers eating too high on the hog.

Mr. Speaker, I recently had the good fortune to visit Alliance, Nebr., where I addressed a group of ranchers. My remarks were confined to the many problems confronting the cities, and I hope I was able to modestly increase their understanding of the urban crisis. But I received more than I gave, and I was reminded that while the urban environment is deteriorating today, life on the farm is pretty grim too. Both the farmer and city dweller alike must realize this fact.

Every American housewife is understandably shocked at the boundless spiral in food prices. Frequently, the inference is that the farmer is responsible for these escalating prices, that he is getting rich off the labor of the working man. This is simply untrue. Most farmers are going broke, caught up in consuming struggle to stay ahead of inflation by cutting costs, improving efficiency, and working 16- and 17-hour days. In preparing for my Nebraska trip I was forced to confront some startling statistics. Since 1960, food prices have risen 33 percent. In that same period though, the prices farmers received for their products have risen only 10 percent. Meanwhile farm operating costs have soared; capital investment costs rose 79 percent, fertilizer costs rose 64 percent, pesticide and insecticide costs 20 percent, and feed costs, 33 percent. Even the most efficient businessman would be hard pressed to survive in the face of such increasing prices.

We Americans are very proud that only 16.7 cents of every dollar we earn is spent for food, an all-time low. Yet on the other side of the coin, farmers are getting only 37 cents at every dollar spent on food, an all-time low. While most of the population is spending less on food, the rural population is going broke, forced to pay more and more to produce farm products and receiving less and less in return. The situation is so distressing that many farmers are forced into other occupations just to survive. Nearly half of all income earned by persons living on farms or ranches in 1970 came from outside sources—jobs off the farm.

Clearly, the countryside is not a good place for a young man to make his fortune. Yet thousands of farmers are satisfied merely to subsist; they refuse to leave the land despite its cruel and exhausting challenges. The soil has meaning for these people, an attachement that makes rural America, like urban America, worth saving. William Jennings Bryan once said:

> Burn down your cities and leave our farms and your cities will spring up again as if by magic, but destroy our farms and the grass will grow in the streets of every city in the country.

In a very real sense, the countryside is the foundation of our society. It was rural farming community that first evolved in this country; it was on the open frontier that our democracy was forged and strengthened. The great social revolutions of American history have had a basis in rural society from the American Revolution to the progressive movements of the New Nationalism and the New Deal. And whenever farming has been economically depressed, the country has been in precarious economic straits, whether in the time of Shay's Rebellion, the Silver Movement, or the Great Dust Bowl.

A continuing deterioration of our farms will signal the decline of our civilization as much as will the death of the cities. Something must be done to reverse the trend in both the town and country. I commend my colleagues Messrs. MELCHER, SEBELIUS, SMITH, of Iowa, and ZWACH for providing these forums to keep before America the problems facing rural America.

Mr. MELCHER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. PURCELL), chairman of the subcommittee on livestock and grains of the Committee on Agriculture.

Mr. PURCELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on September 14, 1968, President Nixon told a campaign audience in Des Moines, Iowa:

> In the Congress and as a member of the Eisenhower Administration, I learned long ago of the immense importance of modern American agriculture to the health and strength of our country. Nowhere else in the world do so few farmers and ranchers produce so much, so efficiently, and so reasonable for so many.

From the President to the housewife, American agriculture has long been admired as the most efficient industry we have. More has been produced for less than in any other segment of the economy. Everyone that steps foot in a grocery store benefits from it—except the farmer himself.

The President also took note of this problem. In the same address he said:

> Seventy-four percent of parity is intolerable in my book; farmers are entitled to better, and I pledge that in my administration they will have better.

Parity, Mr. Speaker, is a concept used to compare the prices farmers receive for their products and the prices they pay for goods and services. The 74-percent figure which President Nixon termed "intolerable" in 1968 meant that farmers were receiving only 74 per cent of what they were worth to the whole economy. He was absolutely right in calling it "intolerable." Yet, worse was to come. By December of last year that "intolerable" figure had plunged to 67 percent.

The American farmer was getting paid two-thirds of the real value of his tireless efforts. If the 1968 figure was "intolerable," the 1970 figure was absolutely unbearable—to the administration as well as the farmer.

In that same month the U.S. Department of Agriculture gamely announced that henceforth 1967 would be substituted for the years always used as the base for figuring parity. It almost seems as if the statisticians were called in to save the day for the administration. Suddenly, by the stroke of a pen, the ratio was 91 percent. If statisticians' dreams had only been dollars of farm income, Mr. Speaker, the American farmer would have his place in our economy.

Last Thursday I introduced a concurrent resolution which hits at this deceptive practice. I was joined by Mr. ABOUREZK, Mr. ANDREWS of North Dakota, Mr. BERGLAND, Mr. LINK, Mr. MELCHER, and Mr. OBEY, I am pleased that it enjoys this bipartisan support from leading farm State Members, and I am equally proud to be associated with Senator HUMPHREY, who has introduced identical legislation in the other body.

But the dreams were not dollars; the American farmer could not rejoice last December. Last year's Christmas tree was a little skimpier than the year before; and that one skimpier than its predecessor. For those who could live on agricultural statistics, Mr. Speaker, it was a fine Christmas. For the farmer, who must live on agricultural receipts, it was truly pitiful.

Our singular intention is to insure that the true "forgotten American"—the American farmer—is not written off by his Government.

If a parity figure consistently below 75 percent is "intolerable," then we do not offer justice to the farmer by rearranging the numbers on him. If the figures are embarrassing, we are obligated to address ourselves to the inequities which give rise to them. The purpose of this concurrent resolution is to say to all concerned that it is the official intention of this Congress to do just that.

Mr. MELCHER. I thank the chairman of the Livestock and Grains Subcommittee for his very pertinent remarks.

I now yield to our colleague, the gentleman from Arizona, Mr. UDALL.

Mr. UDALL. Mr. Speaker, you do not read much about it in the press, but the House of Representatives, as all of us know, is really the workshop of the legislative branch. This is where the work is done. There are dozens of unglamorous subjects that are important to the American people. The work on those subjects, by and large, is done in the House. The experience of the gentleman from Montana shows me once again that every Member of this body can make a contribution, can get hold of an important subject and dig into it.

In his brief time here, the gentleman from Montana has done perhaps more than any other Member to bring fresh thinking to bear on these tough agriculture problems.

Agriculture has not always been an entirely partisan subject. Sometimes it has been. I did not agree with all the farm policies of President Kennedy, and I certainly did not agree with the agricultural policies of Mr. Eisenhower and Mr. Benson. But I think one place where this current administration is vulnerable in is in its utter failure to lead out positively on this subject.

Someone said a long time ago that the job of leaders is to lead. Mr. Nixon, as a candidate, made some of the best farm speeches I heard. When the balloons came down, he could condemn in rousing terms, the short-comings of past farm policies than perhaps any other candidate. But for the first time in a generation—in fact, as far as I know, for the first time in this century—the President of the United States threw up his hands a year ago when the farm programs expired and said in effect, "I do not have any program. You in the Congress see what you can come up with. We may make a suggestion from time to time, but it is up to you to come up with a farm program."

The farmers in this country are in trouble. The crisis will get worse. We will perform our responsibility here in the Congress. But I hope the administration, as we go down this road between now and the election next fall, will come up with some suggestions, will come up with some programs, will come up with some help. At least Eisenhower and Secretary Benson in the 1950's presented some ideas. They had some programs. Those ideas were disastrous, most of us thought, but at least they undertook the obligation of trying to come forward with proposals.

So I want to commend the gentlemen, and I want to commend those participating today. I pledge my support for any effort on the part of this House or the leadership of this country to get to the bottom of the farm problem and give our farmers the solid basis they have had in the past.

Mr. MELCHER. I thank the distinguished gentleman.

I now yield to our colleague from North Carolina, a member of the committee, Mr. JONES.

Mr. JONES of North Carolina. Mr. Speaker, I am pleased to join with others in this House farm forum which obviously is designed to focus the attention of this House and the Senate as well as the entire Nation on the multiple problems of agriculture, and offer some suggestions hopefully to solving the aforementioned problems.

Perhaps most important is the rapidly declining farm population. I have mentioned this before on the floor of this House, but as yet little has been done to stem the tide. One solution, of course, would be to provide more jobs in rural areas which ultimately might have to be done with long-range Federal financing to small industries which would be peculiarly adapted to the farm economy; in addition, more varied locations of processing plants to handle produce in a given area. Also, we must be mindful that our rural citizens are just as entitled and desirous of modern conveniences as our urban friends; this includes an adequate water supply, sewers, electricity, and access roads. I hope that other Members of Congress will realize the importance of legislation to accomplish this.

If we are to continue to produce enough food and fiber to feed our expanding population, ways must be found to retain our young people in the pursuit of agriculture. Each year the average age of our farm population continues to increase. It is a rare occasion in the district that I have the honor of representing to see a young man willing to devote his future life to the farm. This can be solved only by providing the agricultural producer with a greater share of the consumer dollar. I am convinced that it will take governmental action and support to make this possible. This can be done by legislation which provides some means of collective selling and distribution. The farmer is the only segment of our population which in the broadest sense, asks how much will you give me, rather than telling the customer the price of the commodity.

In conclusion, Mr. Speaker, I respectfully ask that the Members of this House who so ably represent the urban areas realize the importance of a sound farm economy, and from time to time join with those of us who are most concerned in approving legislation designed to retain an adequate supply of farm produce for this and the other free nations of the world. To those who represent our large industries, need I remind you that agriculture is the largest single customer of industry. I think it is an essential truth that the farmer cannot survive without the urban customer; by the same token, the urban consumer cannot survive without the American farmer. So, we are interdependent on one another, and let us never lose sight of that fact.

I thank the gentleman for yielding.

Mr. MELCHER. I thank the gentleman from North Carolina for his remarks.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am glad to yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding at this time.

I am sorry my colleague from Arizona is not present to hear what I have to say in regard to his criticism of President Nixon and the present administration. It would seem as though the whole, entire farm problem just developed within the past 2 years—and anyone who gives credence to that has not watched the deterioration of agriculture in this country.

We have lost 23 million farmers since World War II. The Republicans have had control of the Congress only 2 years in that entire period of time.

I always hesitate to get on this floor, particularly, when we talk about agriculture, and talk in a partisan nature because I believe agriculture is too important to be partisan at any point.

The gentleman from Arizona made the statement that President Nixon did not have a farm program.

No, he did not.

However, this being the legislative branch of Government, it should be and is the responsibility of this Chamber to initiate legislation and this includes farm programs; and it is not the responsibility of the executive branch of our Government.

We all know it took a long, hard time to develop the present farm program. I personally am not happy with it, but I do know it was a bipartisan effort of this body and of the other body across the Capitol.

I vividly recall that President Johnson, in his state of the Union message, had only 15 words, or one sentence, on agriculture.

Being a farmer myself, I can think of some really lean years starting in the late 1940's, early and running through the 1960's.

As a farmer, I can truthfully say we never made a lot of money. It was not because we did not try—costs were high and not income low.

But I, for one, have this to say: I do have faith in this administration. I do think they care.

I am sure that before President Nixon is out of office—which will be not only the completion of this administration but an additional 4 years—the farmers will be in a much better position than we have been in the past.

It is strange for me to hear partisan talk when we have so much at stake. The farmers of this country need support from both sides of the aisle. Only by collective attention to the problem will they benefit by anything we can legislate or hope to implement in this body.

I thank the gentleman for yielding.

Mr. MELCHER. I thank the gentleman from Iowa for his comment. It brings to mind the remarks of our senior Senator from Montana (MIKE MANSFIELD) the majority leader of the Senate, which he made in reply to a question posed to him by one of the participants during a recent news program. The question involved this: After all, who was to blame most—Republicans or Democrats—for our involvement in Vietnam. Senator MANSFIELD replied:

> When it comes to passing out blame as to which party is at fault in our becoming involved in Vietnam, there is plenty of blame to go around for both parties.

I think that is true of our problem in agriculture today, also. There is plenty to go around for both parties. Neither party when in power in the office of the presidency has done an adequate job of protecting farm income and keeping rural America strong.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am glad to yield to our colleague from Minnesota and one of the sponsors of this farm forum.

Mr. ZWACH. I very much appreciate your comment about the mutuality of the problem of fair prices. The gentleman will remember in our work in the subcommittee on feed grains who it was that sabotaged the program that we had worked to develop for months and months and months. The gentleman will remember that it was in the main the majority members of the subcommittee on feed grains who were the ones who sabotaged that program. So there is plenty of blame to go around.

I do hope this discussion will remain on a nonpartisan basis rather than trying to assess blame. If we do a good job, there will be plenty of credit to go around for everyone. If we do not, the blame will be broad enough to be borne by everyone.

I thank the gentleman for yielding.

Mr. MELCHER. I thank the gentleman from Minnesota for his remarks. I am well aware of the contribution on a bipartisan basis that the gentleman from Minnesota contributes on the Committee on Agriculture of the House and on the floor of this House.

I now yield to the gentleman from Louisiana, Mr. CAFFERY.

Mr. CAFFERY. Mr. Speaker, I am pleased to participate in this farm and ranch forum dedicated to helping agriculture. I have always held to the belief that if this country is to remain strong, we must revitalize the rural areas of America and give new life to its heartlands.

A few days ago I had the privilege of speaking to the Future Farmers of America of Franklin, La., at their parent-son banquet. I was a member of that organization at Franklin High School many years ago and it was refreshing and inspiring to me to go back and meet with these young farmers, upon whose shoulders will rest the future of America's agriculture.

This is what I told them:

SPEECH BY THE HONORABLE PATRICK T. CAFFERY

The American naturalist John Burroughs said, "One may return to the place of his birth—he cannot go back to his youth." I suppose that is true but certainly the closest I could come to returning to my youth would be to come here tonight for the parent-son banquet of the Franklin Chapter of the Future Farmers of America. Not only is it the place of my birth, but as a youth I sat in your chair as a member of the Future Farmers of America. The organization was an important part of my formative years and when Mr. Mac contacted me about coming back here to speak, I found I could, even still, remember the FFA motto—"Learning to do, doing to learn, earning to live, living to serve." I am not going to admit how many years ago I learned that motto but you can assume it was more than a year or two back. It speaks well for the impact of FFA on my life that I would retain that motto to this very day.

As you know, I did not pursue my interest in farming but instead chose law and eventually entered into public life. The leadership skills of FFA, however, have stood me good stead over the years. I also look forward to the day when my duties in Washington will be completed and I can return to the land and utilize the knowledge I acquired in Future Farmers. Of course, farming has made such progress that I might find myself a pretty poor farmer these days. I might be like a friend of Mark Twain who he described "as a very inferior farmer when he first began and . . . now fast rising from affluence to poverty."

Perhaps my longing to return to the land is just a desire to recapture my youth and the happy halcyon days when I was a Future Farmer. This is something one must guard against for it is easy to fall into sentimental reminiscing about the past. The fact is that the world is moving on and we must move with it. Future Farmers of today face challenges unknown to the farm boys of the past. I don't have to tell you of the dynamic changes that have created the new field of agri-business.

Agriculture is a big, big business. The current value of our farmers' assets is some $273 billion, which is about two-thirds of the total value of the current assets of all corporations in the United States. One-third of our entire labor force is related in some way to agriculture. Your options in agriculture now encompass great industries that supply farm machinery and equipment, fuel and oil for power, fertilizers and other chemicals for control of insects, weeds and plant diseases, feeds and medicine for livestock and many other production supplies. In addition, these items must be manufactured, transported, stored, financed, merchandised and serviced.

Agriculture is a growth industry both in the nation as a whole and in this area in particular. In the years ahead, agricultural output will be increased to meet the needs of an expanding population here at home as well as increased demands for food for export.

This presents a great challenge to you Future Farmers, especially as we approach the limits of land suited for crop production. These new land limits will test your ingenuity and innovative spirit. There is bound to be more specialization in crops and livestock, more land improvement through draining or irrigation and greater use of fertilizer along with more effective pest control and more productive crop varieties.

All of this means that the successful operation of the farm in your future will require management ability of a high order. Your farm will undoubtedly have even larger capital requirements than your father's operation required. This means credit will play an increasingly important role. You will need to have more precise information and do more long term planning as well as detailed annual budgeting. The use of electronic computers for such purposes will be commonplace by the time you are an established farm owner. You will have to cope with tax problems, estate planning, insurance and self-retirement programs as well as labor contracts and federal, state and local laws.

When it comes to dealing with high finance, you will find lending institutions are going to look hard, not just at your real estate collateral, but at your performance capabilities.

If this be the case, and I believe it will be then there is no better way for you to prepare yourself and insure your potential for success than right here in Future Farmers and under the direction of my friend, Pat McKoin. You parents here tonight have a valuable partner in the upbringing of your boys in the person of your vocational agriculture instructor and FFA adviser. He knows youth development, he knows the community and he has the ability and know-how to help your sons develop answers to problems facing them.

Never was he needed more than today I might add, for the Future Farmer faces challenges in a seemingly unending stream. The miracle benefits of our new chemicals are matched by the serious impact these fertilizers and pesticides have on our environment. The big business, computerized, mechanized farm life may bring material rewards and conveniences but it also may be destroying rural life as we know it. Future Farmers here tonight will have to live, not only with the consequences of what we parents have wrought, but with the consequences of your own progress in future years. The farmer of the future cannot revive the past or even maintain the present. You must create a new future with new products and technologies but without the old problems which have accompanied past developments.

We must recognize that the urban crisis we find in this nation is now and has been fed from rural areas. Today 70 percent of the nation's population is concentrated on 2 percent of the land. Many of our rural citizens were ill equipped for this rural out-migration. We face a threat that the resulting economic ills may become so acute in metropolitan areas that they come to infect our whole national structure. We must act together with intelligence and energy to prevent what might become a national catastrophe.

Future Farmers must shoulder the responsibility to help develop and conserve resources, improve the quality of living and expand opportunity in our open spaces, our smaller towns and our rural environment. Future growth in this nation should be in the green pastures where men, women and children can be near nature.

Future Farmers must develop opportunities for people to stay with the land and at the same time not destroy the quality of rural life while they are doing so.

This may sound like a tight-rope walking act and it is. But it is a challenge that Future Farmers have long accepted. In the FFA Creed are the words, "I believe that rural America can and will hold true to the best traditions of our national life and that I can exert an influence in my home and community which will stand solid for my part in that inspiring task."

I urge each Future Farmer here to stand by those words in your Creed. Don't weaken in your resolve as you grow older. Henry Thoreau once wrote, "The youth gets together his materials to build a bridge to the moon, or, perchance, a palace or temple on the earth, and at length, the middle-aged man concludes to build a woodshed with them."

I say hold fast to your dream of a vital rural America. Don't let the complexities of modern life or the bone-wearying work of farm life make you lose the sight and feel of the land. As Nathaniel Hawthorne said, "A man's soul may be buried and perish under a dungheap or a furrow of the field, just as well as under a pile of money."

You must continue to dream and strive because upon the shoulders of our future farmers rests the quality of our national life. A nation's cities can be burned and if the farms survive the cities will spring up again as if by magic; but if we allow our farmers and farm life to be destroyed and burned the grass will grow in the streets of every city in the country.

Hold dear to the land. The urban sprawl which creeps out from our cities is gobbling up land at an alarming rate. Every year we lose nearly two million acres of rural countryside to the bull dozers, developers, subdividers and highway engineers. The land crisscrossed by plumbing, asphalt and concrete each year would take a big bite out of the Third Congressional District which stretches from New Orleans to Lafayette.

We must protect our land and our way of life. If we are to preserve this land of ours as a livable environment for the men, women and children of tomorrow, we must develop a strong vibrant way of life which saves the good things and humanity that belongs to the heritage of rural America.

It is doubly important because American agriculture is the key to peace and tranquility for our nation and the world. Ours is a land of agricultural affluence and surplus but we still hear the cries of the malnourished in our nation.

The challenge to agriculture and to each Future Farmer was eloquently expressed by John F. Kennedy in his Inaugural Address. He said, "So long as freedom from hunger is only half achieved—so long as two-thirds of the nations of the world have food deficits—no citizen, no nation can afford to feel satisfied or secure. We have the ability, we have the means, and we have the capacity to eliminate hunger from the face of the earth. We only need the will."

That "will," President Kennedy spoke of and the power to make it a reality rests with our farmers of the future.

It seems to me as if we are going through an almost Biblical-like purge as our cities are wracked by violence, pollution, and congestion while our citizens continue to concentrate in huge sprawling urban complexes.

I look to the farm families and future farmers to accept the challenge to change all that. We cannot stand by and see the land laid waste by pollution. We cannot permit only a few to own all the land, or permit rich land to remain unproductive. No less a man than Thomas Jefferson warned us against the latter. He said, "Whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as common stock for men to labor and live on . . . The small landholders are the most precious part of the state."

I agree with Thomas Jefferson. The most precious part of this nation is our family farm.

I am proud of the Future Farmers of America, proud to have been part of it in the past and proud to be with you here tonight. Your parents are equally proud, not only of you and your organization, but of your resolve to take their place on the land and protect rural America.

Don't lose that dream, nourish it, protect it . . . make it a reality. For then you will have completed the last line of the Future Farmer Motto. You are now learning to do and doing to learn. You will soon earn to live—and when you keep rural America strong and vibrant, you will truly have lived to serve.

Mr. MELCHER. I thank the gentleman.

I now yield to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Few segments of agriculture are having a more difficult time, Mr. Speaker, than our sheep and wool industry, which is an important part of our farm economy in Wyoming.

Returns have been so poor, costs so high in recent years that our sheep, lamb, and wool business has been declining steadily for the past two decades. Sheep numbers in the United States are down 50 percent from the fifties and still steadily declining.

We have a target price of 72 cents per pound for wool—a commodity that many of our citizens and the armed services still want, in preference to artificial fibers which burn easily. Yet the domestic price for wool for the month of April was 26.1 cents—just 26 cents of parity, which is $1.01 per pound.

Producers get, in addition to the market price, a payment intended to lift their return toward the target level. Recently, in some areas of the Nation, due to imports of woolen fabrics, there has been no market for domestic wool, even at the disastrously low prices to which the market has dropped.

Because wool payments are dependent on the price at which a producer's wool is marketed, in the absence of a market there is no payment. In the absence of either a market or a payment, wool producers are without income from their product—a situation few can survive very long these days.

The farm income situation in the United States, overall, is a very serious matter and I am pleased to join my colleagues in urging every possible effort to improve the farm price structure. I agree completely with those who are saying on the floor that rural development starts in the farmers' pockets. With money to spend, they will support our rural towns and stop the migration from country to crowded metropolitan areas.

At the same time, I would like to suggest that the situation in the sheep business deserves special attention.

The Wool Act provides that the Department of Agriculture can support the price of wool through price support loans, purchases, or by other means, in addition to the payments program, which is funded with tariff receipts.

I hope that while the President is giving attention to farm problems this week, the problems of the sheep, lamb, and wool producers will get the attention they deserve, as well as the overall problems of the sugar beet and the feed grains, and the wheat farmers of the State of Wyoming.

Mr. MELCHER. I now yield to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. I appreciate the gentleman yielding to me.

I would like to commend the gentleman in the well, Mr. MELCHER of Montana, Mr. SMITH of Iowa, Mr. ZWACH of Minnesota, and Mr. SEBELIUS of Kansas for sponsoring this farm forum, which is really a continuation of our forum of March 1 of this year.

I also note that the gentleman presiding at this farm forum in the Chamber of the House of Representatives is the very distinguished gentleman from Missouri (Mr. HUNGATE). I think it very appropriate that the gentleman be presiding because the gentleman, for the many years of his service in this House, has certainly been a dedicated and committed friends of American agriculture.

Mr. Speaker, on March 1 I made a speech during our farm forum in an attempt to direct attention at what I felt to be some of the pitfalls and some of the weaknesses of our farm program, as well as some of the administrative rulings that had been arrived at by this administration.

Now, very briefly capsulizing those complaints and those criticisms, I might point out that I have always been a stanch opponent, from the subcommittee right on through to the full committee, on the set-aside provisions of this farm program. I have always said, and I think the American producers agree with me, that the result from this set-aside proposal will be reduction in farm income.

Now, Mr. Speaker, insofar as the administrative rulings are concerned, to which I have referred and which I referred to on March 1 of this year in our earlier farm forum, I pointed out that this administration had given us the ruling on the disaster provisions of the farm program under which they ruled that if we had a disaster which was caused by adverse weather conditions, that the projected yield in the three commodities covered by the program could be adjusted only to the extent of 80 percent. We have never had that provision heretofore. If we had a 100-percent disaster, then we have had the right to adjust our yield by 100 percent.

If we continue to have crop disasters, as has been the case in my district in the past 5 or 6 years, this ruling could well spell ruination to the farmers of my congressional district.

Another point that I made on March 1 was the administrative ruling on preventive planting. This was the ruling whereby if a farmer lost his crop because of, again, adverse weather conditions—and I am referring specifically now to cotton production—if he lost his cotton crop, he could not later put in another commodity if it were too late to plant cotton. In other words, he could not put in a soybean crop or another late crop without sacrificing one-third of his payments under the cotton program.

Now, I am very pleased to say in fairness to the administration, that they have reversed their position and have invalidated this ruling with respect to preventive planting. I want to commend the Secretary of Agriculture on this ruling. I only wish we could get a like reversal on the disaster provision and a ruling on the set aside provision to let us plant soybeans and cotton on the set aside acres because the administration—information emanating from the administration has emphasized for months that we have a shortage of soybeans and we have a shortage of cotton and that we need both of these products.

The soybean market is at the threshold of $3 a bushel. Cotton is at the highest price it has been in years. The market prices are high because there is a scarcity of these products. The farmer should be permitted the planting of these commodities on the set aside acres. It is getting late for this crop year but I certainly hope the administration might give us that ruling and I would hope they would reverse themselves on the disaster provision which I have already discussed.

I would like to point out, Mr. Chairman, that just a couple of weeks ago the Standing Subcommittee on Agricultural

Research and General Legislation of the Senate Committee on Agriculture held hearings intended to investigate the departmental rulings of the Department of Agriculture under our new farm program. I would like to inform the House that I testified before that subcommittee headed by the distinguished gentleman from Alabama, Mr. ALLEN, and I think he made a substantial contribution in bringing to the attention of the administration the problems inherent in the administrative rulings with regard to our farm program. It was disappointing that no other Members of Congress appeared. However, national and State farm organizations were well represented.

Mr. Speaker, I want to very briefly allude to other points which I think need the attention of the Members of the Congress, matters which the American farmer has tried to emphasize to this administration. The first one has already been alluded to by the gentleman from Texas (Mr. PURCELL) when he pointed out that the administration had changed the parity system to show that rather than about 67 or 68 percent of parity, our farmers are getting, over 90 percent of parity. This is achieved simply by changing the rules, changing the system by which we arrive at parity. Changing the statistical rules, I submit, is not going to be of any value or benefit to the farmers. It is a subterfuge, a mirage, and an attempt to cloud the issue, and an attempt to whitewash what is actually happening to the American farmers. We should not permit this to be done.

Mr. Speaker, our President has failed to send a farm message to this Congress. He is the only President since Herbert Hoover who failed to do this. The gentleman from Iowa (Mr. SCHERLE) mentioned a moment ago in alluding to a speech by President Johnson that he had only 15 words in that message for the farmers. I am saying that we have not had any words from our President with regard to a farm program. He has sent some messages up here which have had some references about rural development, and some reference about the rural problems of America, much of which I could agree with, but he has not given us anything that is constructive so far as implementing, improving, and stabilizing farm income, and that is what the American farmer is interested in, his income.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding.

My criticism of President Johnson and our present President, President Nixon, for lack of farm messages holds true for both of them. As most of the Members of the Congress know, I have been a severe critic of the Department of Agriculture and the administration as far as the lack of a farm message is concerned. However, during the entire tenure of President Johnson I cannot recall of a single time that he did send up a farm message as such. Now, if you had the opportunity to listen to the radio yesterday you would have heard the President of the United States, speaking from the west coast, provide us with a farm message which I think, if you will take the time to read it, perhaps will give you more optimism than we have had in a long, long time.

I would like to take the opportunity, when our side of the aisle does have the time, to expound a little bit more upon this.

But I would like to say that the President is aware of the problem and is doing something about it, which as I recall, President Johnson did little or nothing about.

Mr. BURLISON of Missouri. Mr. Speaker, I appreciate the gentleman's contribution, and I am also pleased to hear that he agrees with me in my criticism of the President for not sending a farm message to this Congress.

I would hope that as a result of the encouragement which the gentleman from Iowa can give to the President that we may yet have a farm message touching on farm income and suggestions for improving that farm income

Mr. Speaker, I also wish to submit that it has not been a salutary recommendation, in my judgment, from the President that we abolish the Department of Agriculture. I have not heard a farmer yet who is in favor of abolishing the Department of Agriculture. I do not have the time and the gentleman does not have the time, of course, to go into this at this time, but I certainly will treat this on a subsequent occasion. But this is another valid criticism that I think we in the rural farming communities have of the present administration. The efforts to eliminate or abolish the spokesman for American agriculture, the Department of Agriculture, will not succeed.

Mr. Speaker, also I would like to point out that this administration has impounded $15 million in appropriated funds for urgently needed funds for the rural electric cooperatives and has even refused to discuss the release of those funds. This is part of the $12 to $15 billion of funds appropriated by the Congress that the President has impounded and has refused to release. It includes rural housing, flood control programs that are of interest to our farmers, water and sewage treatment programs that now is approaching $15 billion.

I would hope that this administration might be encouraged to release some of this money that has been appropriated to help rural America.

Mr. Speaker, I wish also to say that we have not heard anything from this administration as to what posture it might take on a proposal for farm credit modernization. There have been proposals introduced along this line that the Committee on Agriculture doubtless will be holding hearings on in very short order. Again I would be hopeful that this entire subject of an improved farm credit program, which I want to treat in more detail at another time, may ultimately receive the blessing of this administration.

Mr. Speaker, again I appreciate the gentleman from Montana yielding this time to me.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from North Carolina who represents one of the most rural districts in America.

Mr. HENDERSON. Mr. Speaker, I commend the gentleman in the well and others who have given us this opportunity today to participate in this colloquy pointing out the problems of the farmers of America.

Mr. Speaker, I welcome the opportunity to say a word on behalf of the urgent need—indeed the dire necessity of—a strong American farm economy.

The U.S. News & World Report, a conservative oriented publication, which has not looked with particular favor on Federal farm programs, subsidies, allotments, diversion payments and the like, in its edition of April 12, 1971, has an article entitled "The Farm Crisis."

In this article, it is pointed out that while farm receipts are climbing steadily, production costs are rising even faster with the result that net farm income is down.

It is easy to get the impression sitting in an overstuffed chair in an office reading about an absentee farmowner salting away large Federal checks for not planting crops that farmers are literally living off the fat of the land. With food prices what they are at supermarkets and the price of cotton and woolen garments being what they are at department stores, one readily falls victim to the suggestion that farmers are deriving huge profits.

But the full story is seldom told. The full story is that it is becoming harder and harder for the family to survive with farm income as the source of its livelihood. Farms are being sold and consolidated by the hundreds. Young people are leaving the farm in droves.

At the very time when the public is requiring more and more basic food and fiber, our potential for producing it is struggling to hold its own, much less increase.

And the public needs to realize at least that the farmer is not to blame for the high cost of food on supermarket shelves. In July 1970, for example, hog prices at major Midwest markets averaged $25.13 per hundredweight. By December, they had dropped to $15.67, but the change in the retail price of pork at retail markets was negligible. The spread between the farm value of hogs and prices paid by consumers for pork rose from 36.1 cents per pound in July to 43.7 cents in November and held at 41.2 cents in December. It was not until February, following a demonstration by hog farmers in Washington, proposed action by the Secretary of Agriculture and other pressures that the spread finally dropped in February to 35.5 cents.

Despite modern fertilizers, irrigation equipment, pesticides, mechanical equipment, and new technical know-how, the farmer, more than any other businessman, is at the mercy of the elements as well as the fluctuations of the economy.

In 1970, the four leading corn-producing States in the South produced only 70 percent of their anticipated crop when it was hit by blight and drought.

This administration proposed to abolish the Agriculture Department and divide its functions among four new agencies.

I cannot imagine any action more likely to engender duplication, confusion, redtape, and useless proliferation of the bureaucracy than such a move.

We need to get away from the idea that the farm program is a program for farmers.

It is, instead, a program for consumers, and if we do not have a sound program for consumers properly designed to insure that their needs are met, we may one day reap the whirlwind of famine even in the richest country in the world. Unless we insure that the farm economy remains basically sound so that the farmer has a reasonable chance at a fair profit, we will wake up one day to find out that we no longer have enough farmers to supply our needs.

The time to act is now.

Mr. MELCHER. I thank the gentleman.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Tennessee (Mr. JONES), a member of the House Committee on Agriculture.

Mr. JONES of Tennessee. Mr. Speaker, much has been said and written about the situation facing our Nation's farmers and the rural areas in which they live and work. Unfortunately, however, very little has been done to improve matters. Instead, the situation continues to deteriorate.

Recently, I gathered some data pertaining to the district I represent and to the whole State of Tennessee in relation to the cotton and feed grain programs. What I found was not encouraging.

Farmers in the Eighth Congressional District of Tennessee received $23.3 million for participating in the 1970 cotton program, but in 1971, under the new law, they can expect to receive only $18.7 million, a decrease of $4.6 million. In addition, they will receive approximately $10 less for each bale of cotton they produce as a result of recent policy changes.

My district has the 16th largest cotton allotment in the Nation, but the trend it reflects is general. The State as a whole stands to earn a total of approximately $10.4 million less than last year on its cotton, assuming that our farmers participate in the cotton program to the same extent this year as last.

For participating in the feed grain program, my district's farmers will receive $3.9 million less this year than in 1970. This is a reduction of 60 percent in 1 year. For the State as a whole, the reduction will be $15.1 million this year, or 59 percent below last year. The same thing is happening in farm areas all across the country.

There will be those who cheer these figures, for they will see these reductions as savings for the American public. But economics is not so simple.

Without a doubt, the result of this lost income will be a further reduction in the number of farmers in our Nation, and consequently fewer competitors at the marketplace. And ultimately the price of food and fiber will go up, and the consumer will be the loser.

Currently, Americans are spending approximately 16.5 percent of their disposable income for food, the lowest of any nation at any time in history. Even if we include the tax dollars spent in farm payment programs, the figure remains at approximately 17 percent, still far better than the second best. This figure has declined steadily during the past 30 years, but I contend that it has now reached the bottom and is about to start an upward trend with this year's crops—all because we lacked the insight to see what kept the prices down in the first place.

Not only will we see an increase in the prices of food and fiber, we will also see a further migration of people from the countryside to the urban areas. Perhaps this will add weight to the appeals for assistance to our Nation's cities, but it will have further complicated the overall problem.

The urban blight and the problems of rural America spring from the same source—population imbalance. Most of our efforts have been directed toward treating the symptoms of this illness with very little being done to treat the causes.

What we must do is to neutralize the causes of our population imbalance. We must offer counterincentives to prevent further migration to the cities and perhaps to reverse it. To do this we must have better services and better economic opportunities in our rural areas. We must not allow agriculture to deteriorate further as a desirable endeavor.

We must make the Nation realize that we are all in the same boat, and that, if one part of it sinks, the rest cannot long remain afloat. We must recognize our own self-interest and act accordingly.

I sincerely hope that the statement made by the President yesterday will mark the beginning of a new attitude toward the problems of agriculture and rural America. Although I applaud his actions in increasing the funds available for Farmers Home Administration loans and for rural water and sewer systems, I hope he will take action to raise parity above the current 69-percent level.

I commend the gentleman from Montana for making time available for spotlighting these issues of national concern.

Mr. MELCHER. Mr. Speaker, I now yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I want to commend the Members—Mr. MELCHER, Mr. SEBELIUS, Mr. SMITH of Iowa, and Mr. ZWACH—who made the arrangements for this discussion. It is timely and important that this body focus its attention directly on a problem of growing magnitude in America, the problems—economic and other—of the Nation's farmers, and I am happy to associate myself with this effort.

The catalog of ills of the American farmer represents a long list of dismal figures distressing to us all, for truly we are all involved. Parity price ratios have fallen to the lowest level since 1933. In 1969, virtually half of the income to our Nation's farmers was derived from nonfarm sources, shocking proof of the inability of the agricultural sector to rely on farming to produce a living wage. The farm population has dropped from 9.4 percent of the Nation in 1959 to only 5.1 percent in 1969. Farm prices are static or declining virtually across the board, but the housewife has seen no proportionate relief in the supermarket. Cotton, in particular, has returned less and less to the farmer, dropping more than 10 cents per pound in the last 10 years.

Mr. Speaker, in Alabama alone there will be 2,000 fewer farms this year than last, and last year's figure is 3,000 less than the year before. Thus, 300,000 acres were taken out of cultivation in Alabama between 1969 and 1970, and 200,000 will be taken out of cultivation this year. Because of this gloomy litany, the young are leaving the land by the thousands and no one can take their place.

I hope that these discussions will be fruitful and that they will produce constructive solutions to this problem. In 1781 Thomas Jefferson said, in commenting on their contributions to this land:

> Those who labor in the earth are the chosen people of God.

In every year since that time the men and women who have worked on the land have earned the gratitude of all Americans, and indeed of the people of the world. By these deliberations, I believe we can begin to put meaning back into the wise counsel of Mr. Jefferson.

Mr. MELCHER. Mr. Speaker, I now yield to the gentleman from Georgia (Mr. MATHIS), a member of the House Agriculture Committee and our good colleague.

Mr. MATHIS of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I appreciate this opportunity to join with my colleagues in calling attention to the pressing problems facing rural America.

Although agriculture is the largest industry in our country, it is an industry in deep trouble. The farmer is in trouble because he is caught in a vice-like grip between increased production costs and steady to lower prices he receives at the marketplace. If the farmer is to make a living and stay on the farm, he must receive a fair return on his considerable investment.

The American farmer is feeding and clothing our Nation's 200 million people and much of the world more efficiently and economically than at any other time in history. Yet, our farmers are given little or no incentive to remain on the farm. They continue to be forced off the land for a multitude of reasons—often fleeing to the cities in pursuit of a job—only to find themselves hopelessly trapped in the unreal world of poverty, filth, smog, noise, crime, and deterioration of human character. There can be no doubt that the problems of our cities today have resulted from ignoring the problems of rural America in the past.

Seven Americans in 10 now live in cities or suburbs primarily because that is where the jobs are. By the year 2000, we expect another 100 million people to be added to the U.S. census. Will these people add to the existing problems of our cities, or will they contribute to the revitalization of rural America.

The Nation and its people may no longer be able to withstand the strain of the stifling concentration of population and industry within just 2 percent of available land area. The small cities and towns of the countryside are the gateways to the remaining 98 percent of the land area and natural resources in the United States. This is where America's future lies. This is where the people must go if we are to save our cities from self-strangulation and our countryside from abandonment.

However, the continuing loss of population in rural America is making it increasingly difficult to support viable community services and job opportunities for remaining rural residents.

There is much to be done in rural America if we are to attract new industry and hold our farmers.

Half of the solution depends on more jobs, better educational and recreational opportunities and improved social services—in other words—the same opportunities the cities now offer.

When a new payroll is created in a small community, the impact is more far-reaching than in a big city. Not only does it hold the town together, but rural industrialization also makes it easier for surrounding family farms to survive by offering at least one member of the family a steady pay check.

Not to be overlooked as an equally important contribution to the growth and development of our rural communities is the maintenance and improvement of farm income. Let the farmer get pinched financially and you will see that it has a telling effect on the small town banker, grocer, equipment dealer, the preacher, doctor, lawyer, and practically every man in town. These communities simply cannot make a go of it unless farmers provide the economic foundation.

All of our rural business establishments and services—not to mention the significant number of urban dwellers—rely on the financial well-being of the American farmer. The farmer is not the only one who suffers from low farm prices. But he is the one who goes deepest in debt.

Ten years ago, outstanding farm debt was about $25 billion. Preliminary figures just released by the U.S. Department of Agriculture put today's farm debt at $60 billion. All the best studies available say that 10 years from now farm debt will be between $100 billion and $140 billion.

The farmer needs help.

Despite the fact that American costs of food production are the highest in the world, despite the fact that American processors, American laborers, American truckdrivers, American meatcutters, American foodstore clerks, American workers in every phase of agribusiness get the highest incomes in the world in their respective fields, the American food basket is still one of the best bargains around. The American consumer still pays the least percentage of his take-home pay for his food than any person who ever lived on the face of the earth.

We cannot allow the American farmer to bear the burden by himself.

If we are to make America a better place to live, we must have a prosperous agriculture to support it.

We do have urban problems. We also have tremendous rural problems. But these problems are more than just urban or just rural—they are American problems—and it will take the best efforts of us all.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am glad to yield to the distinguished gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I want to commend the gentleman from Montana for bringing to the attention of the Members and of the Nation the plight of the farmers of this Nation—a plight that is not getting better; a plight that in many areas we are ignoring.

I hope this discussion will lead to others and to better programs for agriculture in this country.

I want to ask the gentleman if he agrees with me that when we took off the investment tax credit we rendered a great disservice to the farmers of America.

Mr. MELCHER. I certainly do agree. I believe we rendered a great disservice to the agribusinesses—the small businesses—that serve our farmers and serve the people in our rural areas. I believe those businesses are essential along with farms and ranches and that the 7-percent investment tax credit was a very good feature in our tax law.

Mr. ULLMAN. I could not agree more. It is time we tied the investment tax credit to the problems of this country.

Mr. MELCHER. Mr. Speaker, Congressman JAMES ABOUREZK is in Sioux City, Iowa, today and will go to Vermillion, S. Dak., tomorrow with the special Senate Subcommittee on Rural Development.

At his request, I am inserting a statement he has prepared for this farm and ranch forum on the situation of the rural electric cooperatives.

Mr. WHITTEN. Mr. Speaker, I have been chairman of the Appropriations Subcommittee for Agriculture, now the Subcommittee for Agriculture and for Environmental and Consumer Protection, for many years. This position has given me a great appreciation for those who provide food, clothing, and shelter for all of us so that many of us can do other things. I salute them all today as we participate in this second farm and ranch forum.

Mr. Speaker, from the beginning, man's progress—man's supply of the good things of life—has been measured by how much time he had left for other pursuits after he provided food, clothing and shelter. With that yardstick before us, we can see the reason for our high standard of living; for with only 5 percent of the American people on the farm, 95 percent of our people are freed from farm labor to do other things. This is the key to our well-being.

Today about five percent of our population is now feeding and providing fiber for clothing the rest of us. Yet average farm investment has increased nearly fourteenfold in the past 25 years, from $6,158 in 1940 to $85,402 in 1969. The average return on farm investment has dropped more than 50 percent during this period, from 7.1 percent in 1945–9 to 3.1 percent in 1968.

As a result, we find fewer and fewer young people studying for agriculture in our colleges. More and more young people are moving away from providing food and fiber; and more and more established agricultural producers are leaving their vocation—from 500,000 to 600,000 annually for the last 6 years.

Of course, they can afford to quit—but you and I cannot afford to have them do so.

The trouble is everybody beats the drums, but few want to point out names, dates and places. The American farmers today, with an all-time low of 5 percent of the population, have little weight in national elections and with the news media—notwithstanding the fact that they are the biggest market for industry and labor and the consumer's most economical and best supplier, and the key element to the prosperity of the Nation. Many seem to believe it is the farmer who will be the loser if programs are reduced and funds needlessly cut off—in reality it will be the consumer he serves, along with industry and labor from whom he buys.

Several years ago we did a study of the contribution of the American farmer to our economy. I think some of the figures developed at that time will be of interest to all, and perhaps be a revelation to some of the Members of this body. At that time it was estimated that farm producers spent over $30 billion a year for goods and services, and another $12 billion a year for the same things that city people buy. Each year, farm purchases include more than $3.4 billion in new farm tractors and other farm vehicles, and another $3.4 billion for fuel, lubricants, and maintenance. Farmers use more petroleum than any other single industry, and 320 million pounds of rubber (about 9 percent of the total used in the United States, or enough to put tires on nearly 6,000,000 automobiles). They consume annually more than 28 billion kilowatt hours of electricity and use more than 5 million tons of steel.

Agriculture is not something apart, but with expenditures and investment substituted for people, it is the first and major partner in the firm of agriculture, labor and industry.

We must get across to all Americans that it is their supply of food and fiber that we deal with; and a sound economy must be based on sound agriculture—for that is the basis for all the rest.

It is high time we stood up to applaud the efforts of those who must invest almost enough money to start a bank, and have enough nerve to rob one, to get started in farming—then fight the elements to raise crops, fight the insects and diseases which seek to destroy them, while contending with the high costs of preparation, delivery, marketing; and then suffer the criticism of those who blame him for the high retail food prices even though the high prices come from consumer demand for processed, packaged, and frozen foods, and not from the price he receives.

I am proud of our American agricultural producer and will support him with all my strength.

Mr. FOLEY. Mr. Speaker, I must commend my colleagues Congressmen JOHN MELCHER, KEITH SEBELIUS, NEAL SMITH, and JOHN ZWACH for coordinating this second farm forum. It provides an excellent opportunity for us to discuss the problems of rural America and register our concern that regionalism and partisanship will prevent these problems from being solved.

For several years the Nation's cities have demanded our attention; we have recognized and tried to deal with their many problems: insufficient housing, inadequate health facilities, rundown schools, imperfect transportation systems. The attendant problems of the urban poor are well-known both in Congress and throughout the Nation.

Frequently, on the other hand, we have failed to recognize the true situation of rural America. Too often the romantic myth of the hard-working but happy farmer or rancher has blinded us to the facts of rural poverty. Indeed, while only 27 percent of the Nation's population lives outside the central city, 40 percent of the poverty-stricken, 14 million Americans, live in this rural setting.

Many of the problems of our urban areas are evident to a greater extent in rural America. There even greater inadequacies in housing, health care, and education are complicated by a shrinking revenue base. The cost of food in this country has fallen to only 16.5 percent of the disposable national income, a lower percentage than that of any other Western country. In addition, the farmers' share of the Nation's food expenditures has continued to decline. They now receive only 5 percent of the consumer's disposable income.

In order to earn more money, farmers are urged to increase their production efficiency. Such improvements, however, require increased capital, capital that is being denied them at reasonable interest rates. In my district in Washington, and in others throughout the Nation, the unavailability of money has threatened to force farmers out of business, especially those on small family farms where income cannot keep up with rising operating costs.

One group in particular, older farmers, must face the worsening of conditions in rural America with little hope for the future. Few have much money; they did not come under social security until the 1950's. In addition, total retirement is an unappealing prospect after lifetimes of habit-forming hard physical labor. Often unable to work full time, they may feel rejected and useless. Under these conditions their health usually declines, bills pile up, and their situation grows even worse.

Green Thumb, a 5-year-old work program sponsored by the National Farmers Union, has come to the aid of some of these elderly citizens in rural areas by providing training and job opportunities not otherwise available. Operating under a grant from the U.S. Department of Labor as part of its "Mainstream" program, Green Thumb is financed by funds from the Nelson amendment to the Economic Opportunity Act, supplemented by funds from more than 100 different State and local governmental units, as well as many nonprofit organizations. Since its beginning in 1966, Green Thumb has expanded from five original States to 17. I would hope that in the future even more will be able to join this program which has proved so successful in helping older Americans.

Applicants to the Green Thumb program are screened for age, income, and background by the State employment offices. To qualify for the program a person must be at least 55 years old, have a farming or rural background, and be living below the poverty level. A physical examination is also required. Over 3,000 men are now employed under Green Thumb. Their average age is 69—the oldest is 94—and their average income from outside the program is $900 a year per couple.

Each Green Thumb employee works a solid 8-hour day 3 days a week and earns up to $1,600 a year. In addition, one of the most heartening results of the program is the report by doctors that the health of the men usually improves after working for Green Thumb.

Green Thumb people are divided into crews of seven, with one man designated foreman. Local agencies provide all necessary materials for the projects, such as lumber, cement, and plantings. Green Thumb provides the project supervision.

Employees work to improve the environment, beautify the land, and build better communities. Their projects have included aiding in flood control, curtailing plant disease, restoring old parks and building new ones, landscaping highways, and cutting hiking trails. They have planted over four million trees. Hundreds of rural public schools have been helped by Green Thumb crews who build shelves, restore worn woodwork, and help keep up the grounds.

Local agencies report that these important Green Thumb projects are done quickly, skillfully, and thoroughly. The men have a special pride in their accomplishments; they appreciate the opportunity to work and support themselves. The value of the Green Thumb program lies in this symbiotic relationship between the individual and his community.

I hope the administration's degree of concern for rural America is not exemplified by the state of the Union address, which made no mention of farmers at all. Much remains to be done to provide adequate services, facilities, and job opportunities outside the central city. Green Thumb plays a small but important part in the improvement of rural life for many older citizens. I commend this valuable program to the attention of the Members of Congress and would hope that in the future it could be extended to include many more Americans.

Mr. PRICE of Texas. Mr. Speaker, it is important to every American citizen to know what is happening to agriculture in this country. Our food and fiber supplies are dependent upon the farmers who must keep pace with changing times and methods of production. At the same time they must face the increasing costs that assail their operations and their families.

One of the best reports I have read in recent months on the current position of agriculture and outlook for the future was presented April 27 at the National Agricultural Marketing Conference in Denver by Under Secretary J. Phil Campbell.

In discussing the situation affecting all of us the Under Secretary said:

> The future is always a little closer than we think, and we all need to seek the means of dealing with and adjusting to the changes it brings. . . . If we are to do our job, it will not be sufficient for us simply to react to changes and challenges after they arise. On the contrary, we must move forward and take the offensive, we must see the cloud on the horizon and make whatever preparations are necessary before the storm breaks.

Under Secretary Campbell then went on to point up the needs of our farmers, what is happening, and what must be done to make certain that Americans will remain the best fed at the lowest comparable cost at the same time that our producers are assured a fair share of the Nation's income.

I want everyone to have an opportunity to read what the Under Secretary had to say. For that reason I include his talk in the RECORD, and commend his remarks to my colleagues:

PUBLIC AGENCIES AND THE CHANGING FOOD AND FIBER INDUSTRY

I feel privileged to take part in this National Agricultural Marketing Conference.

I am particularly impressed by the people I see here today. The broad range of representatives from agri-business and the number of representatives of Federal and State agencies sponsoring this meeting underscore the significance of this marketing conference. Your presence also lends emphasis to the vast changes taking place in the food and fiber industry which demand the attention of public agencies.

You have given me the honor of striking the keynote of this conference. As I conceive it, this means that I am to set the stage for those who follow me on the program—but not to steal their thunder.

You have asked me to speak on the responsibilities of public agencies to the changing food and fiber industry. This implies recognition of a basic fact—the fact that agriculture is not only changing, but that it has entered a new era. This new era is being determined mainly by changes that are taking place in the American capitalistic free enterprise economy as a whole.

There is a saying, "What is past is prologue." In other words, the future grows out of the past, and we can predict many of the agricultural changes of the Seventies on the basis of what happened in the Sixties.

Between 1960 and 1970—while total U.S. population was increasing by 14 percent—farm population dropped by 38 percent. The number of people on farms declined from 15.6 million in 1960 to about 9.7 million last year. The number of farms declined from nearly 4 million to less than 3 million.

On the other hand, farms became larger. Average acreage increased from 297 to 382 acres. The average investment per farm, excluding the farm dwelling, more than doubled, increasing from $42,100 to $91,700. While most of this resulted from rising land values, there was also a sharp increase in farm equipment and capital investment.

Despite the sharp drop in the farm population and the number of farms, agricultural output rose by about 18 percent and livestock production by about 20 percent between 1960 and 1970. Output per man-hour of farm work increased by about 75 percent—2½ times the increase achieved by nonfarm workers. And whereas one farm worker supplied farm products for 26 persons in 1960—by 1970 he was supplying the needs of 46 persons, again nearly double the previous figure.

We expect these trends to continue during the Seventies.

Thus, the total number of U.S. farms may decline to fewer than 2 million by 1980. As much as 90 percent of all farm products marketed in 1980 may be produced by some 500,000 to 600,000 farming units. Commercial farms will be fewer, larger, and more efficiently operated.

The amount of land used for agriculture will probably be about the same as today, but farmers will use much more capital and considerably less manpower. Production per man-hour will continue its sharp rise.

Other equally significant changes occurred during the sixties. Consumers have shifted their diets toward more beef, poultry, and convenience foods. Major technological progress in the production and marketing of chicken and turkey helped bring an almost phenomenal increase in per capita consumption of poultry meat. People today eat less fresh fruits and vegetables but this is offset by larger consumption of processed products. Both at home and abroad demand has soared for feed grains and soybeans.

On the other hand, cotton and wool have suffered from the inroads of synthetic fibers both at home and abroad and natural oils have lost a large part of their industrial outlets in such products as paints and detergents.

Again, these trends are continuing in the seventies.

We have also seen striking and continuing changes in the marketing of farm products.

Marketing today does not just convey products from farm to consumer. It sorts, processes, packages, and inspects for wholesomeness, and affixes grade and label or both. It advertises and promotes and gives coupons, trading stamps, and sometimes pottery and other give-away items.

One thing we've learned is that the American housewife is willing and even eager to buy convenience and time-saving in a package. We see this in a multitude of examples—such as ready-packaged steaks, pork chops, chicken or chicken parts, all cleaned and ready to be cooked. They look sanitary and they are wholesome.

There are also processed fruits, vegetables, juices, instant potatoes, heat-and-serve rolls, and heat-and-serve dinners.

Some convenience foods are cheaper than the fresh products. But even when they cost a little more, it seems that the American consumer has long since concluded that it pays to have somebody else do the washing, the cutting, removing the bones, peels, and seeds, and doing the combining and packaging. And it pays also to have a product of uniform quality. Today's housewife does not have time to shuck corn and shell peas—or churn milk for butter. A large percentage of housewives work away from home as do their husbands.

These changes in the structure of agriculture, in consumer demand, and in the ways farm products are marketed have thrust U.S. agriculture into a new era—an era that is being determined by the growth of the capitalistic free enterprise system in America. The fact that all of these processes are continuing makes it clear that agriculture is only at the beginning of this new era.

Population growth and increasing income are the primary forces which influence demand for farm products. Technological advances in food processing provide a secondary force.

Our U.S. population is now abount 206 million. By 1980 it may total around 230 million. Our Gross National Product last year was $976 billion. By 1980 it may be almost double that—nearly 2 trillion dollars. In terms of buying power, total consumer income after taxes is expected to rise by about 50 percent and per capita purchasing power by about one-third.

As people get more money they improve their diets. On a per capita basis beef consumption last year totaled 113 pounds, up from 85 pounds 10 years ago. By 1980 per capita beef consumption will likely reach 130 pounds. We will need to produce over one-third more beef than we did last year.

Per capita consumption of chicken and turkeys, which totaled nearly 50 pounds in 1970, may rise to about 60 pounds in 1980. This would require a production increase of between 35 and 40 percent.

The growing demand for livestock products will also bring about larger markets for feed grains, soybeans, and even for wheat.

For these and other reasons I have been optimistic about the future of agriculture, especially the livestock segment. But if agriculture is to take full advantage of its opportunities in the new era it must be aware of its challenges—and specifically the market challenge.

Until quite recently marketing was regarded as of very secondary importance by farmers. Agriculture produced the products and other people processed, packaged, and marketed them.

Only in recent years have farmers awakened to the fact that marketing is no longer secondary, no longer subordinate. There are even those who say that as regards some products—for example, broilers—"agricultural production is now an appendage of distribution."

Cattlemen, dairymen, and egg and poultry producers are in the forefront of an ever-enlarging effort to enable producers to influence the marketing of their products.

The American National Cattlemen's Association is increasingly affecting the market by guiding its members in their production plans.

The development of regional dairy bargaining cooperatives is one of the most dramatic efforts by farmers to gain strength in the market place. Four new dairy regionals organized recently are: Associated Milk Producers, Inc.; Mid-America Dairymen, Inc.; Dairymen, Inc.; and Milk, Inc.

Also, a new National Broiler Marketing Association has just been formed. Its purpose is to plan and develop long-range programs that will bring greater stability to the industry.

United Egg Producers was established in 1969 as a national organization made up of several regionals. United Egg acts as a clearinghouse to balance longs and shorts and tries to match buyers and sellers. It collects marketing information that is current and uses it to achieve sounder and more orderly marketing. I understand it has recently begun issuing a price quotation for eggs to serve as a check on other nationally-issued price quotations.

These are a few examples of how farmers are getting a better grip on the decision-making part of the marketing process through co-operative action. They are doing this to be able to continue as independent farmer-businessmen. This is a positive development and it is encouraged by the USDA.

Last spring Secretary Hardin issued a statement declaring that it is the policy of the Department to give support, help, and encouragement to farmers with their cooperatives.

"Farmers and other rural residents," Secretary Hardin said, "have long recognized co-operative action as an effective instrument to help them adjust to a dynamic society. A progressive farm policy includes support for those who seek to help themselves through constructive group action."

To strengthen our work with cooperatives we have recently reorganized USDA's Farmer Cooperative Service to make it more responsive and effective in meeting farm co-op needs.

Today, old-line marketing patterns and customs are disappearing and new ones are taking shape. Buyers and handlers are becoming fewer. This means an increasing concentration of decision-making and pricing. Pressures on margins at the many steps along the marketing way are increasing.

Buyers no longer are compelled to see and feel the product. They buy on specifications from people or firms they can depend on to furnish the quality, volume, size, condition, and delivery scheduling they expect.

Many retailers, however, have buyers, grading stations, and packing sheds at country points.

This is an era of mass buying, of mass merchandising. Over the years, the supermarkets have become increasing important in the marketing and direct-buying picture. Now another trend has moved up past the horizon. This is the institutional and restaurant market and the still more lusty infant of commercially-prepared meals.

This trend to fully-prepared meals can mean more bypassing of the established markets. Firms now in this business are already either doing more direct buying on specification from producers or producing the foods themselves.

Thus, farmers and middlemen are both being bypassed in varying ways—and to their disadvantage. Farmers who do not know and grow what the new buyers want and need can well find themselves out of the game. Housewives' buying changes can actually change breeds of livestock on the farm. We are all familiar with the leaner breeds of cattle now being grown in areas as a means of meeting the demand for leaner meats. The word "fat" is about the most unpopular word that exists today and buying changes all tend to get away from this unpopular item.

Keeping up with changes is by all odds the greatest challenge to agriculture on the marketing front. Public agencies can help guide agriculture and agri-business to solutions that will best serve the interests of the entire nation.

But, as we all know, government is involved in many other ways in the marketing of agricultural products.

Daily and even hourly market news reports on many commodities are vitally important in marketing agricultural products.

Regulatory programs help maintain fair and open competition for the benefit of producers, marketers, and consumers.

Marketing orders enable producers to join together to achieve more orderly marketing and more stable prices.

Grades and standards tell buyers what they are getting for their money.

Inspection is available also for fruits and vegetables, eggs, dairy products, and other foods.

Research, which is the mainspring of agricultural progress, continually improves production and marketing efficiency.

Commodity programs, such as those provided under the Agricultural Act of 1970, help producers plan their production and give them essential income protection.

All these services will undoubtedly be

treated in detail by others at this conference.

But, I wish to point out that government should not over regulate. Unfortunately, too often this is the tendency. There are some in government who lose their perspective and fall into the trap of regulating for regulation's sake without giving any additional protection or benefit to consumers. Regulations in food should be to assure a wholesome product and to protect from fraud such as shorting in weight, mislabeling, false packaging, and misleading claims in advertising. To go beyond these basic protections to the consumer quite often inhibits the development of new products, stifles business, and hinders competition without any additional benefit to the public.

The point I want to make is that the future is always a little closer than we think, and we all need to seek the means of dealing with and adjusting to the changes it brings. The USDA, the State Departments of Agriculture, the Land Grant Institutions, the Extension, marketing, and research agencies all face the necessity of adjusting their services to the needs of a new day—and in some cases devising new or different services.

If we are to do our job, it will not be sufficient for us simply to react to changes and challenges after they arise. On the contrary, we must move forward and take the offensive, we must see the cloud on the horizon and make whatever preparations are necessary before the storm breaks. And fortunately, there is in the Federal, State, and academic agencies and institutions the expertise to do this.

Let me illustrate. Yesterday morning I spoke at the Annual Convention of the National Independent Meat Packers Association in Chicago. As you know, NIMPA is in the forefront in modernizing the meat packing industry.

I pointed out that as industry gets more modern we must advance also in our regulatory and inspection techniques. Regulation must be strict enough to assure safety for consumers—but not be so rigid as to impede industrial experimentation and the development of new technology and new products. We are pushing forward vigorously in upgrading our personnel and improving our techniques.

In the Wholesome Meat Act of 1967, Congress explicitly called for a partnership approach with the States. If this partnership approach is to work, the USDA must not only maintain a strong Federal system but we must also strengthen our ties with the State inspection programs right down to the working level,

Our field offices are being reorganized this year to establish a Federal area supervisor position in most State Capitals. Besides being responsible for Federal inspection in that State this supervisor will be our chief liaison with the State program officials.

To further assure uniform standards of inspection, we are encouraging the States to work out cooperative agreements with us for the cross utilization of Federal and State inspectors.

We are modernizing and simplifying the ways in which we do inspection. At the plant level there will be a single inspector in charge for each plant.

Alluding to the fact that packers make particular use of market news and other economic information provided by USDA and the States, I pointed out that information systems will be even more important in the future than they are now. So we are studying our programs and making plans for improvements which will enable us to serve the industry better in the 1970's.

Public agencies must be on their toes. We should not only keep up with changes, we should anticipate them.

We must work together. There is a long history of successful cooperation among the Federal and State governmental agencies, the Land Grant Colleges and Universities, and private groups. Yet, this cooperation is neither as close nor as effective as it needs to be.

In the 27 months during which he has headed up the USDA, Secretary Hardin has taken some big strides to improve our working relationships.

In March 1969, President Nixon ordered the departments and agencies of the Executive Branch of the government to undertake a 3-year Federal Assistance Review Program aimed at greater, more consistent decentralization of Federal assistance programs.

Secretary Hardin promptly initiated USDA action. Representatives for USDA and the National Association of State Departments of Agriculture developed criteria and recommendations for the decentralization of USDA inspection, grading, and regulatory programs.

Just a year ago Secretary Hardin issued a memorandum establishing the criteria and responsibilities for expanding State participation in *all* programs of the Department of Agriculture.

That same month a joint NASDA/USDA Task Force was formally set up to provide aggressive leadership in carrying out the recommendations for decentralization. This Task Force meets on occasion, most recently Wednesday of last week.

The central idea of the Nixon Administration is to bring government back within reach of the people. The closer government is to the people, the better the government and the lesser danger there is of losing our free society. This is what we mean by the term—"A New Federalism."

I think it is important that we discuss the New Federalism briefly this morning. The application of this philosophy of government is going to affect the role of public agencies in our changing agriculture. The Federal Government has become unmanageable from the top by whichever person the people elect to the White House. Also, it has become unresponsive to the people underneath. It has grown up through the years by add-ons, without reorganization. Every President since World War II has had study commissions and they have all been 80 percent in agreement.

What the President is proposing is a three-item package, consisting of (1) revenue sharing, (2) decentralization, and (3) reorganization. It is essential to consider the total package rather than to look at each proposal as a separate entity.

Revenue sharing will help the States and cities solve their financial crises. In the words of the President, it will "put the money where the needs are" and "put the power to spend it where the people are."

General revenue sharing would allocate $5 billion to State and local governments the first full year, beginning January 1, 1972. This $5 billion would be added to the States' general revenue without being earmarked for special purposes.

In addition, $11 billion of special revenue sharing funds would be distributed to be used for: Rural community development, urban community development, education, manpower training, transportation, and law enforcement. All of these programs deal with State or local problems and the decisions concerning them should be made at the State or local level.

Eliminating the Federal administration of these programs, and the duplications that inevitably arise, should finally result in a significant lowering of the cost of government of all levels.

Revenue sharing is essential to decentralization. We must move away from bureaucratic decision-making—by which I mean the making of decisions by somebody who has sat so long behind a desk in Washington that he has lost his perspective of the local scene. You do not have to go to Washington to find bureaucracy. You can find it at the State level, in Wall Street corporations, and in farm cooperatives. However, 98 percent of civil servants in the Federal Government are dedicated. Occasionally one gives all a black eye.

Decentralization would move certain programs back to the States for local decision as to whether they should be continued or abolished because of more important local demands on resources. It would give the people a bigger voice in deciding for themselves the questions that most intimately concern their lives. There is nothing magic about being on the Federal payroll. A Federal pay check does not increase one's wisdom or judgment.

Local decision-making builds stronger, more stable, and more progressive State and local governments. It builds more citizen participation. It reduces the temptation to be apathetic.

On the other hand, strong State and local government makes for a better national government. It frees Washington from tasks which it cannot perform well and allows it to concentrate in the areas where it can be most effective.

The third part of the proposal is the reorganization of the Federal Government. This is long overdue. The Federal Government has been organized in a hodgepodge of overlapping departments and agencies which makes it difficult for State and local governments to work effectively with the Federal establishment.

For example, in the Department of Agriculture over the years we have accumulated a great variety of programs that have little to do with farm people or farm issues.

Now let me make it clear that I think it is a great tribute to the capacity and the efficiency of the JSDA that the Congresses and Presidents of the United States in the past have given it responsibility for all these widely assorted functions. But the fact remains that the Department of Agriculture today carries out many functions which have little to do with agriculture.

So, we ought to recognize that one of the most beneficial effects of the reorganization will be to "get off the back" of the farmers these many nonfarm-related items which have over the years been added to the USDA budget. It will go a long way toward correcting the public's mistaken impression that the government spends 8 to 10 billion dollars a year to subsidize farmers through an Agriculture Department bureaucracy that continues to grow while the number of farmers declines.

By separating out the welfare programs, forestry programs, and the community development programs, the public can more easily see that only one-third of the Agriculture employees—approximately 28,000 who would become a part of the Department of Economic Affairs—actually work on farm problems, and this number has been declining steadily in recent years. Furthermore, it will help us show that nearly one-half of the money now in the USDA budget does not go for farm programs, but for these items the farmers have been saddled with—and these expenditures for nonfarm purposes have been steadily rising each year.

Finally, it ought to be understood that no existing agencies of Agriculture and none of the jobs they involve are going to be eliminated. Reorganization simply will assign these agencies and the jobs to the department where they belong according to function and purpose.

As the President said recently: Despite the tremendous changes in farming and rural living, "we have sat in Washington with the same Department of Agriculture we have had since 1862."

The Federal Government needs to be reorganized according to its modern major purposes and objectives. These objectives are concerned with:

The balanced and constructive use and conservation of the lands and other natural resources of the nation.

The development and well-being of individuals and families.

The quality of urban and rural communities as places for people to work and live.

The maintenance and strengthening of the American economy.

To carry out these purposes more effectively, seven existing departments and a number of independent agencies would be merged into four departments:

A Department of Natural Resources.

A Department of Human Resources.

A Department of Community Development.

A Department of Economic Development.

There has been some fear that under such a reorganization Agriculture would lose some of its influence. On the contrary, I believe agricultural interests would be served more effectively. There is no particular magic in the name "Department of Agriculture." What farmers want is Federal agencies which will help them effectively to achieve expanding markets, higher quality products, more efficient operation, adequate credit to meet growing investment needs—and all the other things which work to improve the income and standards of living of our farm people.

This philosophy of government—this New Federalism—is important to all of us as Americans because it will help our States and localities operate more effectively in serving the needs of the people.

Just last month, for example, President Nixon asked the Congress to establish a new $1.1 billion program of special revenue sharing for rural America to replace 11 aid programs now on the books and to add $179 million in new money.

One of the important effects of this program would be to supply rural areas with additional means to attract industry and thus create more economic opportunity in rural America.

The New Federalism ties in also with expanded efforts to improve the natural environment. We are all vitally concerned about the need to improve the quality of the American environment. However, I'm sure you have been disturbed, as I have also, because the popular approach to environmental problems has often been much more emotional than factual. There has been a growing tendency to make agriculture the scapegoat in environmental pollution.

The New Federalism would assure that State and local problems would be considered at the Federal level with open ears and open minds. Also, Federal environmental efforts would be coordinated more closely with State and local conservationists.

The President's objectives deserve the understanding and support of the whole American people. If the people want them, they *will* be achieved. And if they are achieved it will mean, so far as agriculture and agri-business are concerned, that public agencies will be able to meet the needs of our changing food and fiber industry with greatly enhanced effectiveness.

Mr. TERRY. Mr. Speaker, it is again a pleasure to join with my colleagues in speaking for the farmers of this Nation. We are now moving into implementation of the Agricultural Act of 1970, and there are certain misgivings among our farmers over this law. The goal of this legislation was to permit more rapid orientation of our farm production to changes in the market by granting our farmers more flexibility in their planting. This is what we would all like to see I feel. Only a market oriented farm economy will, in the final analysis, make economic sense. However, we should watch this closely.

Historically, farm legislation over the years has just about come full circle. We started with domestic allotments, then went to flexible price supports, and finally production payments. Now I think we are all coming back to the realization that the market economy is really the best one for our farmers. Instead of artificially restraining our farm economy, we in the Congress should be aiding our farmers in taking advantage of the growing affluence of our friends abroad who now have the means and desire to improve their diets. Europeans are asking for more meat. Ten years ago the average Japanese ate 90 eggs a year, and in 1970 he ate 210, to cite just one example. The same thing is true of the post-World War II switch in Japan from rice to bread, which has meant a great export market for American soy beans.

However, as we strive for a free market, the farmers will continue to need our assistance. The Congress needs to consider further measures such as rural development, rural revenue sharing, farm credit assistance to family farms, and regulation to protect our farmers from being inundated with foreign farm imports. To these ends, I think we today can wholeheartedly pledge our renewed efforts.

Mr. ABOUREZK. Mr. Speaker, I was very proud to join 73 of my colleagues in taking part in the first farm and ranch forum before the House of Representatives on March 1. The success and response to his effort to call attention to the problems of rural America was so overwhelming that a second forum has been called. I want to commend Congressman JOHN MELCHER, Congressman KEITH SEBELIUS, Congressman NEAL SMITH, and Congessman JOHN ZWACH for coordinating this effort.

At the last forum I examined the success of the ACP program and expressed my concern that despite its proven effectiveness and need that it was in danger of being scuttled. Today I would like to discuss another program that faces the same situation—the Rural Electrification Administration.

On March 18 of this year, thousands of people in southeastern South Dakota got a rude reminder of what it was like to live in the country in the 1920's and 1930's.

Snow and ice and high winds disrupted electric power service over a wide area. Ten rural electric cooperatives reported 1,500 line breaks and 500 poles down.

The co-ops all pitched in and helped each other, and they did a great job in restoring service. But even so, some people in hard-hit areas had to do without electricity for days. Talk about never missing the water till the well runs dry—some people in South Dakota have changed the words in that old adage. When the switch doesn't turn anything on, you are liable to miss the water and just about everything else you need to live.

It seems almost incredible that rural South Dakota had to do without the blessings of electric power service, and yet the records show that in 1935 before, there was an REA, only 3.5 percent of the farms had service. And the people in many small towns were in the same fix. Today almost all of our farms and ranches have electric service—98 percent of them. We have 32 distribution cooperatives and two power-supply co-ops, and except in the event of a tremendous storm, such as that of March 18, the people on the rural lines are getting good sevice—and getting it at cost.

The problem is: How can the rural electric systems keep up with the growing demand for electricity?

No longer do we think of electricity as a convenience only—it is a necessity.

It is essential to farming and to rural business and industry.

It is essential to rural development.

We can attract business and industry to rural South Dakota only if we have a plentiful supply of electric energy, available at locations where it is needed, at rates on a par with those of heavily populated places.

The rural electric systems are willing to do their part. They are just as willing to meet the growing demand as they were to provide the initial service where none existed. You would expect this because the co-ops are made up of all the people who use the service—the people who benefit from the new business opportunities that come from rural development based on electric service. But willingness is not enough. It takes a lot of capital to expand service.

And the electric co-ops are starving for capital.

Congress is still the only major source of capital for rural electrification. Yet, despite the growing need, despite inflation, the rural electrification loan program is being held down to the same level year after year. Congress has appropriated $35 million extra in the last 2 years, but the administration has impounded the extra funds.

The rural electric systems have plowed back into their business large amounts of money, including funds that REA until recently urged them to hold in reserve as general funds.

In many cases, co-ops that have been forced to reduce their liquid reserves to very low levels are unable to draw upon their previously approved loans for cash.

Moreover, instead of getting new loans to cover 2 years or more of construction, they are now usually held down to loans for 1-year construction even though this is less efficient.

They are using up the advance payments they have made through the years to meet their current payment schedules.

And the backlog of applications for new capital grows larger every year.

The South Dakota co-ops at the end of 1970 had a backlog of applications that totaled $992,000. They reported to their national association that they were planning to turn in additional applications by June 30 of this year totaling $4.8 million. They said they would have to apply for an additional $3.5 million in fiscal year 1972, making a total of more than $9 million that they need by June 30, 1972.

The story is the same from other States. In total, the rural electric systems report they need to borrow more than a billion dollars by the end of fiscal year 1972. Subtract the money REA had remaining for the last half of this fiscal year, and subtract a reasonable amount for applications being processed, and the amount needed for fiscal 1972, as reported by the National Rural Electric Cooperative Association, is $804 million. This compares with the administration's request of $345 million.

The electric cooperatives have started their own finance cooperative to supplement the REA program, but it is barely getting started, and the most it can be expected to lend in fiscal 1972 is $50 million. It is neither expected nor intended to take over the responsibilities of Congress in meeting the basic credit needs for rural electrification.

Each year we fall farther behind. Unmet needs of the past year are added to the unmet needs of the present.

Meanwhile distribution cooperatives across the country are confronted with demands from power suppliers for tremendous increases in wholesale power rates. These demands range as high as 73 percent in western Kansas, and no part of the country is immune. The Nation is suffering from a shortage of electric power. It is getting worse, and the demands for rate increases are sure to grow. The major bargaining weapon the co-ops have had is the G. & T. co-op. The co-ops in the past have been able to borrow money when necessary through the REA program to generate and transmit power for themselves. However, no loans are being made for this purpose. The co-ops go to the bargaining table with no bargaining muscle. Like the farmer who must take his product to market without the ability to state his selling price, the co-op must go to the supplier and pay the price that is asked.

We say we are proud of our rural electrification program. We say we are proud of the rural electric systems. We say we are proud of the miracle that has been wrought in rural America in our lifetimes.

If we truly mean what we say, we will not stand by and allow the rural electrification program to falter and fail.

We have the capability to rescue this vital program and enable it to make its full contribution to the economic development of rural America. No grants are required—only loan funds. Even the loan funds are small in relation to the costs of war, in relation to the costs of unemployment, in relation to costs of rehabilitating our cities and the blighted lives of those cities.

Let us open our eyes to the promise that lies in meeting the needs of rural America.

Mr. OBEY. Mr. Speaker, it is hard to talk about rural America without speaking about the importance of co-ops to our rural communities.

And so I think it is appropriate that the REA and its problems be discussed here today.

Recently the Wisconsin Electric Cooperative, the statewide association of rural electric co-ops in my State, devoted a part of its annual meeting to an examination of the serious problems confronting them.

To a large extent the problems of the Wisconsin co-ops are problems that stem directly from Washington—from mistakes and failures of the administration and, frankly, the Congress. In addition to the normal operations problems that any utility might have, the Wisconsin electric co-ops have their own individual shares of national problems that require the attention of this Congress.

These problems, including the capital squeeze facing REA, were concisely summarized by Kermit Overby, of the National Rural Electric Cooperative Association. I think it is worthwhile to call your attention to his five main points:

Point No. 1—*Lack of loan funds has put the rural electric co-ops on a starvation diet for capital.*

At this point let me make one thing perfectly clear: This is not David Hamil's doing. On the contrary, he deserves the highest of accolades for trying to bring eventual relief through our new supplemental finance institution, and for spreading the money available to him so that a remarkably large number of applicants have had the opportunity to share in the pot. He has kept a sharp eye peeled for emergency situations. But until we somehow succeed in getting the Administration to request and the Congress to appropriate more loan funds, the REA Administrator has no choice except to operate on a make-do basis. In such a situation, the pressures at one point lead to pressures at other points until a gigantic squeeze is on. Inadequate loan funds lead to desperation policies on reserves that lead to dangerous rate increases that lead to consumer-member dissatisfaction and a potential "sell-out."

Our basic problem is not to get an ambulance to this or that emergency—important as that is—but to save the whole program and rural America along with it from galloping anemia.

The figures bear this out.

Rural Electric systems responding to the NRECA annual survey of loan needs revealed totals which will require $804 million in REA loan fund appropriations for fiscal year 1972. This requirement figure is one on a rising trend. It was $600 million for 1970, $745 million for 1971, and now $804 million for 1972.

The amount grows larger each year because the need for system improvement and growth increases while the amount of funds made available stays about the same.

About the same? Not quite. The inflation sees to that.

The REA loan dollar is building less lines and other facilities each year. In terms of what a dollar would buy in 1967, today's Administration projected loan program of $345 million will build only $310 million in plant. Wholesale prices increased 11.3 percent in the last four years. Meanwhile, needs for service increase.

Is it an exaggeration then to say we are on a road to disaster when we face up to facts such as these? I think not.

Point No. 2.—*Whether it stems from the lack of loan funds or from a policy decision, the embargo on generation loans has taken the sap out of the rural electric wholesale bargaining.*

G–T loans were a key factor in the REA program from the very beginning. The Act specifically provides for "financing the construction and operation of generating plants."

The longstanding G–T loan policy in REA recognized that the co-ops should have generation loans (1) where power supplies were short and (2) where leverage was needed to negotiate lower wholesale rates.

Today the lack of loan funds and the stated policy of both the Congress and the Administration to shift priority away from generation loans have combined to repeal in effect both the law and the policy.

As a result, existing G–Ts faced with the job of keeping up with their members' increased loads have almost insurmountable tasks in finding low-cost capital for building new capacity. Beyond that, distribution co-ops outside G–T areas have the prospect of wholesale rate increases because they are no longer able to sit down to the negotiating table with the real threat of a G–T loan in their bargaining kit.

Getting hefty rate boosts is not a theoretical possibility. It is a fact. Power companies have moved to raise their wholesale rates to co-ops in state after state—not just by the amount of the inflation but by whopping percentages as high as 73 percent.

So, to secure the future of rural electrification we need not only to fight for adequate loan funds but we need to put the wholesale bargaining leverage back into the hands of co-op people.

Point No. 3.—*As a stop-gap measure to get around the loan fund shortage, the cash management program is a failure; worse than that, it has serious side effects on rural America development.*

The cash management program was inaugurated several years ago as part of an arrangement with the Budget Bureau that hopefully would give dependability to the co-ops line of credit. As a condition for approval of a loan, co-ops were called upon to hold their reserves below 8 percent (frequently a fluctuating level) and to maintain a level of advance payments.

A number of rural electrics have repeatedly declared that the 8 percent level does not give sufficient leeway for these expenditures under varying local conditions.

More recently, an increasing number of systems report that their loans are being approved by REA only if they are willing to reduce their own general funds to levels ranging as low as two percent.

Basically, cash management thus means the co-ops end up with smaller amounts of liquid funds. Not as much REA loan money comes into the community.

If the purpose of this and other related policies is to induce co-ops to finance a larger portion of rural electrification, it is succeeding. The total amount of their own general funds that REA borrowers have put into plant increases each year. In the last seven years the dollar amount has doubled.

The question is: does this work to the best interests of rural electrification, rural America and the nation? Each of us will have to arrive at our own judgment on this. My own opinion is that a policy that leaves the co-ops with inadequate working capital, that pulls dollars out of country banks and in effect sends them to Washington, is bound to have a debilitating effect on the rural economy and cannot help but contribute to the migration, sending more young people from the country to the city.

Point No. 4—*The uncertainty as to when, or if, co-ops can draw funds under approved loans is raising havoc with co-op business operating stability.*

Through the years the government's word has been as good as its bond. When it committed itself in a loan approval, the local citizens who ran the electric knew they could get the money when they asked for it. It was a deal.

Today a loan approval is a maybe.

The holding up of advances puts the operations of the rural electric systems on an even more stringent hand-to-mouth basis than it has been. The shorter financing period costs more in paper work and engineering studies. Co-ops report that the hold-up of advances damages their credit rating, prevents taking advantage of 'cash' discounts, and impedes efficient and effective operations of the business.

It is difficult to see a net benefit derived from such a costly practice.

Point No. 5—*The rationing program that was designed to spread the available loan funds has accomplished that purpose. But, meanwhile, the U.S. Treasury has not been effectively helped while the co-ops have been hurt by this stop-gap, hand-to-mouth business.*

How severely the restrictions are being felt can be seen in what has happened to two indicators of the rural electric state of health.

One is advance payments on the debt service. They're down.

REA recommends that borrowers maintain the equivalent of two years' repayment of principal and payment of interest as a cushion of credit. This money goes into the U.S. Treasury. During the 1960s the rural electrics responded to an appeal to increase their advance payments. These payments reached a $350 million level by the end of 1968.

Since that high point and coinciding with the current belt tightening, the balance of advance payments has steadily declined.

In the last six months of 1970, borrowers were drawing upon their cushion of credit at an annual rate of more than $30 million a year. And this downward trend is continuing in 1971.

Another indicator is the REA report on delinquencies. They're up.

On December 31, 1966, the total in arrears was $269,029. On December 31, 1970, the total was $3,685,991, the highest it has been in years.

There you have what I consider to be the five most important points that make up the road to disaster: The starvation diet of loan funds, the embargo on generation loans and resultant deduction in bargaining strength for wholesale power, the reduction in co-op cash supplies, the reduction in the co-ops cushion of credit and increase in delinquency. As I indicated earlier, the basic element in the trouble is the lack of loan funds. Unless something can be done about this problem, probably very little can be done about G–T, wholesale rate increases, eroding reserves and other concerns that threaten your independence and your success now and in the future.

Mr. Speaker, I doubt that the term "road to disaster" was chosen lightly. Hopefully we will not take it lightly either.

Mr. BEVILL. Mr. Speaker, in the last 10 years the State of Alabama lost 16 percent of her total cropland acreage, and small farms of less than 50 acres declined almost 25 percent.

Historically, Congress has passed legislation which favors big farms. There is a great need to develop a strong farm program which will provide substantial assistance to the small farmers of America.

There has been, in recent years, more attention focused on the needs of our rural areas and small farmers. But, to date, most of the attention has taken the form of dialog and recommendations. Little concrete help has filtered down to our small family farmers.

The situation in rural America is very serious. It demands and deserves the attention of our leaders at all levels and in all branches of our Government.

Over the weekend, President Nixon announced that he would recommend additional funds to the Farmers Home Administration for insured loans and for loans to rural water and sewer systems. This is good. These programs help our rural areas. But he failed to set out in detail what he is going to do for our small farmers.

Unfortunately, many of the programs that have been instituted by the Congress over the years seem to be directed toward breaking down the family farm—getting them out of the way of technological developments, rather than strengthening them.

Our United States agricultural revolution is one of the most significant, important and promising breakthroughs in modern history. It is most unfortunate that, to a large extent, our small farmers have been neglected in the rush of these technological advances.

As pointed out before, in 1970, we produced 30 percent more food and farmers were paid $800 million less than in 1950. This pretty well sums up the bleak economic realities our farmers face.

I strongly favor the adoption of a farm program which would increase the income of our small farmers. Our small farmers constitute the economic foundation for a strong rural America. Since becoming a Member of Congress, I have worked for a stable farm program, one which would provide substantial aid to the small farmers of America. I plan to continue working for such a program.

If we are to keep our economy strong and insure our national security, we must establish and maintain a strong farm program—one that will insure fair treatment for our small farmers.

Mr. HUNGATE. Mr. Speaker, I would like to call attention to some of the problems experienced today by our family farmers. The family farm has always been looked upon as a reference for the kind of unity of family, of community, most of us have deemed the strength of our society. Possibly, today, farming is the only place in our society where we can still find real cooperation of people with a shared goal, where their livelihood is almost dependent on this cooperation.

The Federal Government has recognized this integral part of America as evidenced by the fact that the latest available figures show that $26,008,000 was spent in fiscal year 1969 for vocational agricultural education. Millions of dollars are expended to encourage young people to continue to be involved in farming. And young people have always provided a vital work force for farmers.

In considering any new laws or regulations which would affect farmers, we must assure that the farm community is protected from any unreasonable disruption in their farm operations.

A good example of regulations being proposed for farmers without this consideration is the Department of Transportation Bureau of Motor Carrier Safety driver qualifications which were to go into effect January 1, 1971, and which we were able to postpone until July 1, 1971.

The DOT's proposed regulations on interstate commerce would: first, maintain a gross weight limitation of 10,000 pounds for farmers hauling their own produce and livestock in their own farm trucks; second, prohibit young men under 21 from driving such farm vehicles; and third, require physical examinations of all farmers hauling their own produce in their own equipment exceeding 10,000 pounds gross weight although they are duly licensed by their own State. Such stringent regulations would bring an unnecessary hardship on our farmers.

Major farm organizations and others have been meeting with the DOT to seek more equitable regulations for farmers. Spokesmen for the farm groups urged that the weight maximum be increased or at least provide regulations under which farmers could operate realistically. They also urged that the legally permissible age for operators of such vehicles be lowered from 21 to either 18 or 16.

The farm groups have organized an Agriculture Advisory Council to provide the Department of Transportation with valuable insight into the views and particular needs of farmers. I would urge my colleagues to support the Council's efforts in trying to assure the best possible treatment of our Nation's farmers.

Following is a list of the members of the Agriculture Advisory Council and their organizations:

Mr. Richard F. Turney, Chairman, American Association of Nurserymen; Mr. Matt Triggs, American Farm Bureau; Mr. Ward Seals, United Fresh Fruit and Vegetable Association; Mr. Joe Quinn, National Grange; Mr. Weldon Barton, National Farmers Union; Mr. Donald Graham, National Council of Farmer Cooperatives; Mr. Fred Burrows, International Apple Institute; Mr. Carl Schwensen, National Association of Wheat Growers; Ex Officio Member: Mr. James Lauth, Consumer and Marketing Service, U.S. Department of Agriculture.

These men and the groups they represent are doing an excellent job of representing the views and needs of the Nation's farmers and nurserymen. I urge everyone to give them wholehearted support because to do so will be not only in the best interest of American agriculture, but in the best interest of all our citizens

Mr. MONTGOMERY. Mr. Speaker, I like to commend my four colleagues who are bringing to the attention of the Congress and the Nation the importance of agriculture to America. I would like to point out that not only is the importance of agriculture involved, but the many problems facing the farmers of America.

The dominant economic force in my home State of Mississippi is agriculture, and in my congressional district the majority of the people I represent work in agriculture or agriculture related industries.

Mr. Speaker, one of the disturbing facts of agriculture was contained in the President's economic report. In 1970, we produced 30 percent more food than we did in 1950, but the farmers were paid $800 million less for this most important agricultural commodity.

This is a very alarming statistic and we in the Congress should dedicate ourselves to remedy this glaring inequity.

The farmers of America have been the backbone of America. They have created this great Nation of ours and we should see that they are paid a fair price for the food and fiber they produce.

Mr. Speaker, there has been some discussion about doing away with the Department of Agriculture in President Nixon's reorganization proposals. I certainly oppose any such action. Instead of eliminating the Department of Agriculture we should strengthen the Department to help the farmer get a fairer price for his commodity. I will do all I can to protect the Department of Agriculture in any reorganization plans.

Mr. BEGICH. Mr. Speaker, the Nation's dairy farmers are, in a large part, responsible for the health and well-being of American youth who need the calcium, vitamins, and minerals that milk supplies for proper physical growth and development. We owe the dairy farmers of the country a large vote of thanks for American good health, yet the Agriculture Department and the Nixon administration have consistently refused to properly fund milk subsidy programs, and related farm programs that could ease the plight of the underpaid dairy farmer. It was only recently that Secretary Hardin finally responded to congressional pressure by increasing parity on milk to 85 percent and unless a strong front is produced, Rural Electrification Administration 2-percent loan programs are in danger of being eliminated.

Dairy farming constitutes almost one-half of the entire farm industry in my State of Alaska, and the problems faced by Alaskan dairy farmers are somewhat unique. However, they typify the problems faced by dairy farmers, and farmers in the entire Nation.

Dairying is the leading agricultural pursuit in Alaska. Income from milk constitutes more than half of total farm income. Despite this dominant position of milk in Alaskan agriculture, not enough milk is produced in the State to satisfy the needs of the population. This is largely because the high production, processing and distribution costs make it more economical for the marketer to obtain his supplies of manufactured milk products from the "lower 48," notably Seattle, Portland, and Canada. Even considering the relatively high cost of transporting those dairy products from Seattle to market areas in Alaska, imported milk is still cheaper than local milk in Juneau, and costs the same as local milk in market areas like Anchorage, Fairbanks, and Kodiak.

What does this mean for the Alaskan dairy farmer? It means he must compete with a lower-priced produce while meeting tremendous production costs. It is small wonder to me that Alaskan dairy farming has not developed as rapidly as it should.

The average price of milk in the Southern States is approximately one-half that of the average price in Alaska. The investment per cow in Alaska is about 25 percent above the Southern States. Cost of labor and for shipping of necessary feed supplements raises the operating cost of the Alaskan farmer to the point where the margin for the average operator is relatively low, as indicated by a low level of "take home pay," when compared with that of Southern States. The average size of a herd in Alaska is approximately 50 cows, while the average size in the United States is 200 cows on a mechanized farm. Faced by the high costs and the cheaper competition, is it any wonder that the number of dairy farms in Alaska dropped from 80 in 1964 to 41 in 1967. The decline in milk production between 1961 and 1966 was slightly less than 20 percent. The decline in the total value of production declined about 18.5 percent in that same period, due to some slight rise in the price of milk during the period.

What these figures indicate is the Alaskan dairy farmer cannot meet outside competition in his State, and consequently has reduced operations. Now that the milk surplus in the "Lower 48" is reduced and the market for milk and milk products in Alaska is rising—to an estimated 75 million pounds by 1975, four times the 1966 output—Alaskan dairy farmers must increase their output to make up the difference. To do this, herd size and efficiency of operation must be increased, but farmers have no incentive or sufficient capital at the present time to do so.

Recent Nixon administration policy moves do not indicate any sympathy for the plight of any farmer, much less dairy farmers in Alaska. The attempt to sabotage REA 2-percent loans during the debate on the rural telephone bank bill, and Secretary of Agriculture Hardin's reluctance to increase milk parity to 85 percent are only two examples of their general unrural attitude to the Nation's problems. To save the farmers, this Congress must insure that development funds are available through the FHA, REA, and other rural help organizations.

The plight of Alaskan dairy farmers is only one example of the problems faced by American farmers today. It is up to us to help them.

Thank you.

Mr. MILLER of Ohio. Mr. Speaker, I am pleased to again join my distinguished colleagues in participating in this second "farm day" of the 92d Congress. Throughout the Government, increasing attention is being given to the needs and problems of the American farmer and his rural neighbors. This special order today is just one example of the growing sentiment that we must focus more attention on the plight of the agricultural community. The dialog in which we engage today is useful, but we need to translate our words into action. I consider that one of our major objectives in agriculture is to maintain farm income and strengthen the family farm structure, not just for a few farmers, but all farmers, big and small. For some time I have been attempting to redress what I believe to be a gross inequity in the present feed grain program which is detrimental to the small family farm unit. I would like to address my remarks today to this problem and what I feel we should do to correct it.

In previous years a small farmer with a feed grain base of 25 acres or less could elect to divert 100 percent of his entire base to approved conservation practices and receive full diversion payments on the entire acreage. For the minimum required diversion the small farm payment was computed by multiplying 20 percent of the price-support rate times the estimated feed grain yield times the number of diverted acres. For additional diversion, he would receive a payment based on the estimated yield on the diverted acreage multiplied by 40 percent of the price-support rate of $1.35 times the number of additional diverted acres. In other words, where a small farmer elected to divert his entire base he was not eligible for price-support payment, but was able to receive diversion payments on both the required minimum diversion and additional diversion. Producers on other farms received no diversion payment on the required minimum diversion. Therefore, under the previous feed grain program the small farmer with a feed grain base of 25 acres or less could choose to retire his entire acreage rather than contribute to the surpluses.

By keeping his farm in permanent grass, the small farmer was therefore entitled to compensation for reducing supply and helping the conservation of our resources and the reduction of soil erosion.

However, the Agricultural Act of 1970 contained no small farm bonus provision and instead placed unrealistic requirements on small farmers for their continued participation in the program. The 1970 act provides that participating producers who make the required set-aside of cropland, maintain their conserving base and meet other program requirements will be eligible for price-support payments on 50 percent of their feed grain base whether or not any increase is actually devoted to feed grains. Although this price-support payment for small farmers is greater than the diversion payments they received for required diversion in 1970, no payments are offered for additional diversion above the required 20-percent set-aside. The new law also provides for the reduction of a feed grain base if the producer plants an acreage of feed grains less than the portion of the feed grain on which payments are made available. If no acreage has been planted to feed grain for 3 consecutive years, the feed grain base is lost. Specifically, the base would be reduced 20 percent the first year, 20 percent the second year, and 60 percent the third year and the farmer would be out of the program and his base would be placed in a national pool for redistribution. The farmer, in effect, must plant at least 45 percent of his feed grain base to preserve history and keep his base from being reduced in future years.

The following example, I feel, will illustrate the drastic reduction in payments incurred under the need program:

EXAMPLE 20-ACRE CORN BASE (80 BUSHEL YIELD)

	1970	1971
Payment for diverting 4 acres (20 percent)	[1] $86.40	[2] $256.00
Payment for diverting 16 acres (80 percent)	[3] 691.20	(not offered)
	$777.60	$256.00
Payment per acre idled	$38.88	$64.00

[1] 20 percent of $1.35=27 cents per bushel × 80 bushels × 4 acres.

[2] 32 cents per bushel × 80 bushels × 10 acres.

[3] 40 percent of $1.35=54 cents per bushel × 80 bushels × 16 acres.

By eliminating the small farm bonus provisions of previous years and requiring that 45 percent of the feed grain base be planted to protect the base from being reduced and to continue payments, I believe we will be working an unjust and severe hardship on thousands of small farmowners. I have found that the majority of these farmers in my district fall into this category and these farmers who participated in the feed grain program over the years have relied on these diversion payments to supplement a small fixed or retirement income. With the exception of social security benefits, in most cases these payments are the only income these people have and it is used to pay their taxes, health care, personal debts, and farm upkeep and maintenance. We are talking about farms that once supported a family. But now these farmers are elderly, retired, widows, or of poor health. In many cases, they are physically unable to sustain a viable farming operation or are financially unable to come up with the capital outlays for the necessary farm equipment and machinery. It seems the equipment they do own is either worn out or outdated for today's operations. Their base acreage is often so small, isolated, or hilly that it is unrealistic or not economically feasible to rent out the land. If the base is leased to a more efficient producer, his production would be added to the surplus thus adding to program costs. In essence, without these payments under the present law, the farm will become a liability to these people who will be unable to support it or themselves. However, with this supplemental income they can continue to live where they want to live and maintain their dignity as members of the rural-agricultural community.

It is quite apparent, I believe, that we have created a very serious problem and undue hardship for the thousands of small family farms across this Nation. We are reducing their income and offering no viable alternative for income supplementation for these proud, independent people.

I have introduced a bill, H.R. 2501, which is intended to help these people by restoring a small farm bonus provision in the feed grain program. This amendment would allow small farmers with a feed grain base of 25 acres or less to divert 100 percent of his base to conserving practices, receive full diversion, and protect his historical feed grain base. As I have indicated, under the present law he can divert his entire base acreage, but in 3 years he will lose his base and therefore his payment. Without being able to divert 100 percent of his feed grain base and receive payment, we will be forcing many of these farmers back into production thus adding to feed grain surpluses and program costs. By forcing many of these small farmers into production, we are also disturbing the permanent grasslands which have been an important part of our conservation program.

The requirements applied to small farmers under the new program are unrealistic and I feel are contrary to the intent of the law of improving and maintaining farm income without additional production.

On April 6, my bill received a hearing before the Livestock and Grains Subcommittee of the House Agriculture Committee. I would urge those who share my concern with the plight of the small farmer to join me in an effort to secure fair and equitable treatment under the law.

Mr. McCORMACK. Mr. Speaker, this is the second time in recent weeks I have joined my colleagues in speaking out on the crisis within the agricultural community of our country. I have today submitted two new bills designed to aid or protect the farmers of this country and in particular, those in the Fourth Congressional District of the State of Washington.

The first of these bills is designed to exclude agriculture from the provisions of recent Department of Transportation regulations which would require that drivers of farm trucks be 21 years of age and licensed essentially as is required for professional truck drivers in interstate commerce. These regulations proposed by the Department of Transportation are typical of the continual encroachment of an unfeeling society upon the small minority of our population who provide this great country with its daily bread, and its daily food and fiber of all kinds. Such a regulation would not only impose severe financial hardships on the farmers, if it were possible to carry it out, but it would exclude from healthful and gainful farm labor tens of thousands of young, dedicated men and women, many of whom are students, and sons and daughters of our farmers; young people who will one day assume the responsibility now so well executed by their parents.

Another piece of legislation I have submitted, along with Congressmen MELCHER, LINK, and JOHNSON of California, would provide a 7-percent tax credit for the first $15,000 of capital investment by small business, including farmers. Little as this is, it may provide some legitimate assistance for many of the family farmers throughout the Nation and help stimulate the farm economy and the various industries which our farmers support.

Mr. Speaker, the plight of the farmer is being recognized here today as it has been all too infrequently in many other parts of our country. Recently, however, an excellent editorial appeared in the Herald Republic, published in Yakima, Wash. This editorial is entitled "The Farmers Plight." It contains a number of wise observations including the political harvest that the administration is reaping as a result of its indifference to the problems in the agricultural community. The editorial is as follows:

THE FARMERS' PLIGHT

Asked what parity means, the average office or factory worker probably would not know whether it is an imported bird or a golfing term. And if you hinted that it had to do with a farmer's purchasing power or net income, chances are you'd get a sharp retort about boondoggling and the evils of paying a farmer for not working.

That is the situation the farmer is seemingly locked into, at a time when all other income has long since outdistanced the farmer's take-home pay—and the farmer gets the brunt of the blame for high food prices.

Obviously, neither the farm subsidy program nor the farmer's ability to demand a fair return is working well. As a matter of pure fact, all the chatter about how welfare has not worked—and certainly it has not—leaves most farmers even more aware that their own pricing and market system makes the cumbersome, bumbling welfare plan look like computerized excellence.

In the past 22 years, the average prices received by farmers have gone down instead of up on 15 out of 24 major products. The farmers justifiably boast that scientific operations have boosted production many times over in most crops—while allowing them a struggling chance to stay somewhere near even in actual returns on the investment.

The burgeoning production level applies to wheat, especially, and that is about the only thing that has saved the wheat grower from disaster. The farm price per bushel on that most basic commodity in mid-January was 31.7 per cent below the 1947–49 crop average. But in that same period, the index of prices paid by the farmer—for daily living, farm machinery and supplies, taxes, interest and so on—has gone up by 59.6 per cent.

One national source—admittedly farm-oriented but even if somewhat discounted, nevertheless showing a striking contrast—reported that since 1947, these changes have been made in other endeavors: Manufacturing workers' income has gone up 123 per cent; rental income 249 per cent; business and professional income 158 per cent; stockholders' dividends 287 per cent; creditors' interest 696 per cent; gross national product 320 per cent; farmers' production expenses 140 per cent; farmers' gross income 65 per cent, and farmers' net income only 4.9 per cent.

Despite the more dramatic issues such as Vietnam, welfare, city decay, crime in the streets and a misshapen economy which features high unemployment and outlandish inflation at the same time, the farm issue remains a hot one in the farm belt states. President Nixon, politically astute, surely realizes that the farm problem is one of the silent but ever-present factors in his own popularity decline. And one unassailable political fact is this, that of 13 governorships taken away from the Republicans last November, nine were in agricultural states of the heartland, Arkansas to Idaho.

The farmers, right or wrong, blame whatever politician is available, and that time it happened to be a Republican President and administration.

Some day, someone in government will discover that the present system is bad enough to deserve a change from more of the same. Meanwhile, we can hardly blame the farmers for growing uneasy.

Mr. JOHNSON of California. Mr. Speaker, 2 months ago during a similar discussion of the importance of the agricultural industry to this Nation of ours, I pointed out that in this space-oriented age in which I am pleased to say California has played a major role, the leading industry in our Golden State continues to be agribusiness. Farming is the State's leading employer, providing jobs for 163,000 people, producing an annual farm income of $4.5 billion in the State of California. Throughout the Nation three out of every 10 wage earners are employed by agricultural operations of one sort or another and the total farm assets amount to $307 billion or the equivalent of about half the market value of all corporation stocks listed on the New York Stock Exchange.

Food and fiber are, of course, basic to our way of life and I think all of us would agree that for the most part we are fortunate in the quality and quantity of our food and clothing. When you compare the cost of these items to what the same things cost people in other lands, you can see that the American people are getting a very fine bargain. For instance, approximately 16.5 percent of the American consumer's disposable income goes to food, in Western Europe consumers spend 25 percent of their income on food and in the Soviet Union consumers spend half of everything he earns to feed himself and his family.

The Federal Government, through a vast program of research and development assistance, can be proud of this accomplishment for we have had a substantial role in achieving this very favorable balance.

This is no time, however, for us to rest on our laurels and reduce the type of programs which we have accomplished so well in the years gone by. I fear, however, that in some areas a reduction does appear in evidence. A prime example is the Rural Environmental Assistance Program of the Agricultural Stabilization and Conservation Service. The ASCS in California assisted an estimated 30,000 farmers during 1970. Their program involved substantially more than $200 million. Only a fraction of this, an estimated $4 million, went to the agricultural conservation program, now referred to as the Rural Environmental Assistance program. This is one of the most important cooperative conservation efforts which this Nation sponsors. Programs assisted under the Rural Environmental Assistance program last year and being helped this year include such things as timber stand improvement on private lands, construction of dams and wells for livestock water, conversion and improvement of permanent pastures, control of noxious weeds and erosion problems, land leveling and many other items. Nationally Congress appropriated $195 million for this type of effort. Only $150 million of this was released by the Office of Management and Budget and it is my understanding that for the coming fiscal year only $140 million is being requested. This will mean a substantial reduction in Federal assistance for this type of conservation programs which are so essential to our rural environment.

Specifically I would also mention one particular aspect of this program, namely the conversion of croplands to grasslands and rangelands. I think all of us would support the concept of reducing the acres of land on which surplus crops are raised and converting them to other purposes. This is one of the important goals of the Rural Environmental Assistance program as it converts these lands to grasslands. If there is any question as to the need for these lands, ponder for a moment the figures cited by the Under Secretary of Agriculture, who predicted that in the decade of the 1970's this Nation's population would grow to somewhere around 230 million people. During those same years the per capita consumption of beef would increase from a present 113 pounds per year to 130 pounds per year. With an increasing population and an increasing per capita consumption, we have got to increase our beef supply and that means more feeder cattle and that means more grasslands.

One other aspect, I would like to commend the SCS for a fine program, but I feel that they too need additional support for we must more adequately meet the conservation operational needs of the local soil conservation districts and we must more adequately plan and construct the watershed projects which will help the local districts carry out their programs.

In conclusion, I would like to congratulate and commend the loyal Department of Agriculture employees who are making these programs work and I would also like to urge my colleagues here today to insure that these faithful workers are given the tools by which they can carry out this mission of insuring that the consumer continues to have the most favorable cost-benefit ratio in the world when it comes to comparing his investment in his food supplies.

Mr. PREYER of North Carolina. Mr. Speaker, it is not my purpose to attempt to spell out a national farm program or even to highlight the kinds of things it must include.

I do want to state my simple conviction that the preservation of rural life in this country is vital to the preservation of much of the strength of our character as a great nation.

An America with its roots in the soil is a stable America. The family farm—not the ghetto—is the backbone of our country. We must save that way of life and keep people on the land if we are to prevent our Nation from becoming one giant megalopolis where rootless and alienated and homeless Americans live in shadows of discontent.

In doing this we need not deviate from our concern for the problems of urban Americans. Indeed many of the problems are the same. Jobs are needed in both places just as are housing and paved streets and roads.

Our task is one of bringing greater balance to our urgent sense of renewal in both the city and the farmlands of our country. We are such a whole nation that if any one section or segment of the population is left behind, all America suffers.

Some of us have joined Congressman CULVER in his bill to assist rural areas and small communities in renovating and beautification as a force for keeping people in those areas and encouraging the return of some who have gone away.

Similar efforts to insure the stability of the small and medium-size farm; to continue the amazing accomplishments in rural electrification and homebuilding; and those countless other programs of enriching our rural life will demand the best that we can give in imagination and hard work.

Rural Americans have done a fine job for our country. The average family now spends only 17 percent of its income on food—the lowest in the history of mankind. It is only fair that the farmer receive parity of income with the rest of the country that he has done so much to help.

Even more is what he has given to our spirit as a people. Years ago a novelist of the Old South wrote that "the land is the only thing worth fighting for, worth dying for; never let it go."

That kind of romanticism may have a new reality in a day when we need to reexamine the strengths of our nationhood so that we may preserve and protect that which makes living worthwhile.

Mr. FOUNTAIN. Mr. Speaker, I am delighted to take part in this discussion of the needs, problems and opportunities of agriculture and rural America.

We should never lose sight of the fact that agriculture is the most basic business of all, and that if agriculture is in trouble the entire economy will eventually feel the effect.

Make no mistake about it, agriculture is in trouble. Not since the depression years of the early thirties have farm prices sagged so low on the parity scale.

Early this year some farm leaders publicly said that they felt the much publicized "economic game plan" of the administration was simply an attempt to solve the problem of inflation at the expense of our Nation's farmers.

But, the farmers of America—a minority growing smaller and smaller year by year—are not the economic culprits and should not be made the scapegoats for our industrial society. Farmers suffer as much as and perhaps more than others from the vicious cost-price squeeze.

Farmers and rural Americans also suffer from the lack of many of the amenities of life.

In this connection, the widespread public attention focused on the problems of pollution and environmental quality in the past year will, hopefully, bear dividends for a long time to come in the form of greatly accelerated technical progress toward a better quality of life for all of our citizens, including those who live on farms.

Public opinion is a most powerful voice in our democratic society. It can move mountains and, as most will agree, there are mountains to be moved if life on the farms of America is to be improved the way it should be and this includes, the environment in which rural Americans also live and move and have their being.

Included among our many environmental improvement goals in the decade of the seventies should be: A much faster pace of rural development; improved ways to use our land, water, and timber in the light of our tremendous population growth; a cleaner country, both in rural and urban areas; and better food and water safety standards.

Many of the rural parts of our Nation have suffered a decline in recent years, during which one-third of the farm population moved away.

Rural development in the seventies can and hopefully will be sparked by such things as new water and sewer systems where none exist today, better health, and recreation services, and better housing. These are all rural, as well as urban needs so which must somehow be met.

In this connection, I understand the Farmers Home Administration plans to finance 1,420,000 houses in the next 7 years. And private mortgage financing is expected to do much more than that toward improving rural housing.

Similar moves are underway utilizing both public and private funds for other areas of rural need and these revitalizing efforts must not be allowed to lag. If the national economy is to grow by half a trillion dollars during the seventies, we should all work together to see that rural American gets its rightful share. In spite of all our progress, so much more remains to be done to provide rural America with more of the blessings of life.

The way our land and other natural resources are used in the years ahead will be keys to overcoming environmental problems. Sound, workable and understandable plans are needed, and must be formulated on the local level, if the best alternatives are to be chosen. Many questions will have to be answered properly, including: where and how agricultural and forest products are produced, where industry locates as well as judgments about the quality of all new industry; where highways run; how cities and towns grow; and where and how wastes are disposed of and utilized.

The goal of cleaning up America is daily becoming harder to achieve. Each of our 205 million people throws away about 7 pounds of solid wastes each day. Much of this ends up in dumps or just scattered across the countryside. This is not good for us from either a health or esthetic point of view.

An effective cleanup program in both rural and urban America can do a lot to overcome this problem. And much of it can be done by simple means, including the use of just our hands and our minds.

Another basic and highly essential goal to seek in the seventies is a higher standard of food safety—food free from residues of mercury or pesticides or any other harmful chemicals, food handled and carefully processed for consumption according to high levels of cleanliness.

Improving our environment in the seventies will be a complicated and terribly difficult task. Work must continue in the areas I have mentioned, and in many others such as industrial and automobile pollution.

Nevertheless, I am convinced that the American spirit and will to succeed can overcome great obstacles—move mountains, if need be. I am confident that in the years ahead we can and must make great strides in environmental improvement; but must adopt more positive and constructive programs. Our future health and happiness together demand it.

So frequently mentioned is the fact that tens of thousands of people leave the rural areas each year and move into the big cities, creating "strip cities," hundreds of miles long, filled with urban blight and social problems.

These people move seeking jobs and the good life. They may find jobs, but they soon discover they have left the good life behind in the rural area they came from—where the air they breathed was fresh and clean and safe.

What they find in the megalopolis is spiraling, excessive taxes, high prices, crowded living conditions, poor public transportation, long distances to work or play, and general deterioration.

The time has long since passed for us to do something about this trend toward herding-together in unbelievably big cities. If America does not act soon, the entire countryside will become nothing but big cities connected by interstate highways running through empty land. Highways are good, but empty land and crowded, blighted, polluted, and unhealthy cities are a menace to the health and well-being of our people.

One part of the answer, in addition to a healthy agricultural economy, is more industry for our rural areas. We should bring jobs to the people to the greatest extent possible. More jobs and opportunities must be created where the space is—in rural America.

I am proud and happy with the industrial progress we've seen in North Carolina in recent years—particularly in the Second District. Many people have worked hard to make it possible. The change we've seen is amazing. It is far better than many had ever hoped or dreamed for. In fact, it is the kind of progress that made America "the land of the free and the home of the brave."

But, we cannot afford the luxury of resting on our laurels. We must do what we can to combat the national flight to big cities. We must create greater and more meaningful career opportunities for all of our children at home. Too much of our talent—especially just out of our schools and colleges—is being attracted to big city areas in other States.

And yet, the way of life in our area is something big city businessmen have long dreamed of. Our recreational possibilities are endless. There's hunting and fishing for the asking. There are no traffic jams to compare with the usual big city rush hour. There is time and space to enjoy life. Our people are God-fearing, friendly, warm, and hospitable.

We have space, plenty of it, to offer to industry, and many productive workers. Our people are independent—yes, but also loyal, dedicated, conscientious and honest.

America can preserve the amenities of living for more of its people, if it soon wakes up and reverses the trend toward concentration of masses of people in big cities. Many have already found the way to us. Let us thank God for it. But there must be more movement of industry toward God's own creation—rural areas, and more jobs and opportunities for all people close to home.

The only alternative appears to be the eventual creation of a megalopolis so polluted with ugliness and so filled with poisonous air and water, and crime that only a few of those who live there can be happy. America has the land. Let's use it wisely.

Looking at the problem of land-use from another angle, we should seriously consider all types of usage, including tree farming.

The demand for timber to use in a multitude of ways, such as in building houses and business facilities, and in producing paper and other wood products can only go one way in the years immediately ahead—up and up and up.

This means that the Nation will have to rely more and more on privately owned woodlands and tree farms, instead of the national forests of the west, in order to properly meet our needs. Consequently, there should be an increased opportunity for profit to those in rural areas, including those in our part of North Carolina. It also emphasizes the continuing need for reforestation programs.

The substantial amount of our land is now being used for timber production, but there is probably other idle land that might profitably be put to work in this way. Of course, forest cultivation takes a lot longer than other crops, but it's not always necessary to wait a whole generation before realizing a profit.

Pulpwood production, for example, doesn't take nearly so long as production of lumber for construction and, I understand, they're trying to cut down the pulpwood cycle from the present 10 years to only 5 years.

As with other natural resources, the population explosion practically guarantees a steadily increasing market for timber. Forestry people expect such an increase in population that they can foresee no possibility of a slack off in demand. Each increase in population has a multiplier effect on the demand for construction lumber and paper products of all kinds.

For example, the American paper industry now uses about 50 million tons of pulp a year. But, by 1985 they'll probably be needing 100 million tons a year.

Not only is there a rapidly growing need for timber in America, but also in many, many other countries around the globe.

The total world demand for wood products is expected to double by 1985—only 14 years from now.

Trade experts say this will offer an increasingly good market for American timber, one in which the United States will have a comparative advantage over many nations.

In this connection, I think it is highly important for our country to look to agriculture for larger and larger contributions to a favorable balance of trade. Tobacco, of course, already brings in hundreds of millions of dollars each year, and there are other agricultural products which could be promoted as wisely and as well.

Incidentally, it should be recalled that tobacco was America's first export in Colonial days. Since then—for approximately 359 years—the tobacco trade has made incalculable contributions to the economy, not just of North Carolina, but also of the Nation as a whole.

New developments in forest products at every step—production, harvesting, processing, engineering, and recycling or reuse of waste fiber—are being worked on. Hopefully these developments will contribute to more profits for tree farmers and woodland owners and also to environmental improvement as well.

Environmental considerations are important these days, and a wooded landscape does a whole lot to help preserve a healthy environment. Trees protect against erosion, cleanse the air, serve as a refuge for wildlife, and perform many other tasks vital to the cycle of life.

Tree farmers and other owners of woodlands have various avenues for obtaining news of these developments, as well as other expert advice and assistance. One of these, I am told, is the U.S. Department of Agriculture's rural environmental assistance program, which gives high priority to improved forestry practices such as better management and reforestation.

Better management of all of our natural resources, including our forest resources, is a vital necessity, if we are to house and shelter our people adequately in the years ahead.

And, better treatment for our farmers and all rural Americans is also a vital necessity, if our country is to advance and prosper as it should in the decades ahead.

We cannot afford to do less.

Mr. GALIFIANAKIS. Mr. Speaker, it is entirely fitting that we are assembled here at this time to focus congressional attention on the problems, plight, and promises of the American farmer.

Today, we are confronted with an alarming paradox. Farm production costs are rising rapidly, while farm income is turning downward. These negative economic factors are forcing a migration away from the farm at a time when farmers are being called on to produce even more goods and services, because of staggering population increases.

To put it simply, unless the trends are reversed, we are at the brink of agricultural and economic disaster, and a Nation with resources as rich as ours cannot afford to let that happen.

In my own State of North Carolina, the importance of agriculture cannot be exaggerated. Its significance can best be illustrated by the fact that 50 percent of our total land area is in farms, and 35 percent is classified as cropland. Obviously, our income—derived primarily from tobacco, corn, cotton, peanuts, soybeans, and livestock products—is a vitally-important contributor to the total income of the State.

Each of us here has a special interest in agriculture because we know that the continuing success of agriculture is vital to the welfare of our Nation. Each of us shares a degree of dismay at the apparent lack of understanding the current administration has displayed at the urgency of the farm situation, and each of us shares an obligation to impress this urgency upon Representatives of nonfarm States.

Town and city people must be made to understand that farm programs benefit them as well as farmers. A rise in farm income benefits not only the merchants along main street, but hundreds of thousands of industrial workers as well. The success of agriculture, in fact, affects the lives of every human being.

Because of the lack of positive action by the administration, I believe it is incumbent upon the Congress to enact legislation to alleviate the current plight of the farmer—and indeed, to insure that this comprehensive segment of our economy and our lives, continues to produce goods and services under far more favorable circumstances.

Mr. MATHIAS of California. Mr. Speaker, hardly a day goes by without the public's attention being directed to the problems in our cities and urban areas, yet there is very little said about the equally serious problems in our rural areas. Economic instability, the lack of jobs, and poor community services are all part of life in rural America.

Our farmers have become more efficient in recent years in the production of food and fiber, but the returns they receive for their work and investments are not adequate. The 1970 per capita disposable income of the farm population was only 78 percent of the income for the nonfarm population. However, Americans still pay less for food than any other country in the world. Only 16 percent of our disposable income is spent for food, which is the lowest percentage in our history.

Coupled with inflation, incomes for the small- and medium-size farmers have not kept pace with other areas in the economy. Even some of the large producers have found themselves in trouble in years of price or crop decreases.

Not only are farmers fighting for their economic survival, with many of them being forced out of business because of declining prices, rising production costs, and higher taxes, but their communities are steadily deteriorating. While the Nation's attention has been focused on the problems of the cities, our rural communities have suffered from a lack of attention and interest.

Rural Americans are faced with a situation where the increase in farming efficiency and a lack of employment opportunities are forcing more and more people to leave the countryside and seek employment in the already overcrowded urban areas.

The problems in the rural communities are very real.

More than 60 percent of all substandard housing is in rural areas, and nearly half the poor. Over 30,000 rurals towns do not have any water systems, and an additional 45,000 lack adequate water facilities. Unemployment has been as high as 18 percent in many areas, and it is estimated that about $12 billion worth of manpower leaves the countryside annually, all because of a lack of jobs. Medical services and facilities are in short supply with 130 counties not having any private doctors at all.

In short, there is a serious shortage of jobs, adequate housing, industry, medical services, and public facilities in rural America.

We must deal with these problems in a way that will bring new life and vitality and opportunity to the 55 million people who live in the 2,600 rural communities.

I think President Nixon's special rural development revenue sharing program offers a realistic approach to meeting the needs of our depressed rural areas. This plan will substitute a comprehensive all-encompassing program of rural development for the piecemeal approach that is presently being used with little success. It will give the States and local communities more effective tools and greater financial resources for rural development.

As President Nixon said:

> More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities.

Once given the opportunity and resources, I am convinced that rural people can handle their own problems and development more effectively than is now being handled by the Federal Government. Experience has shown us that it cannot be done by the Federal bureaucracy.

Local initiative and adequate financial resources combined with a minimum of Federal intervention are the best way to handle rural development.

It is time that we face up to the seriousness of the problems and realize that in order to enhance the economic and cultural values of our small communities, business and industry must be encouraged to locate in rural areas. I believe that revenue sharing holds the promise to developing the resources and realizing the potentials hidden deep within the heart of our rural communities.

Mr. RAILSBACK. Mr. Speaker, I am proud to represent a portion of western Illinois which contains some of the very best of American agricultural business. In addition to farm implement makers, we have many successful and productive farms in the 19th District of Illinois.

It will certainly come as no surprise to the farmers that their expenses last year increased faster than gross farm income. As a matter of fact, the U.S. Department of Agriculture reports that there was a decrease in net farm income from the 1969 level. In 1969 total net farm income in the United States was $16.2 billion and in 1970 it dropped to $15.8 billion.

Over the 1960–70 period, total current operating expenditures of farmers increased by 50 percent from a level of $19 billion to a level of $27.4 billion. Taxes on farm real estate and personal property totaled $2.8 billion in 1969. Of this, State and local real estate levies came to $2.3 billion, 11 percent over 1968; a further rise of nearly 10 percent was recorded for 1970.

Farm wage rates rose 29 percent from 1967 to 1970. Farm machinery costs rose 38 percent during that same period on the wholesale price index. Of course, seed costs will definitely rise in 1971 due to the corn blight concern and the demand for certain hybrids. Farm debt outstanding at the beginning of 1971 was 6 percent above a year ago. And unfortunately, farm real estate value rose less than 2 percent in 1970, the smallest percentage increase since 1960.

With respect to money costs and interest rates, there is nothing I can say except that they were the highest they have been in 50 years. And through it all, the American farmer still puts food on our tables for a smaller cost to the consumer comparatively than in any other country in the world.

I include a recent editorial from the Chicago Tribune of Sunday, March 14, 1971, at this point in my remarks:

BARGAINS IN FOOD

Secretary of Agriculture Hardin reportedly is receiving an increasing volume of mail from housewives and other consumers protesting his recent remarks that food is a bargain and that higher retail prices are in order. Hardin was quoted as saying in Dallas last month that he hopes food prices this year will increase so farmers can share in higher returns for their products.

The secretary's critics, many of them older people on fixed incomes, may now find another target in President Nixon himself. In Des Moines recently he took up Hardin's theme, describing America as the best-fed nation in the world, where the housewife "pays less of her budget for food than in any country in the world."

The evidence supports the President and his secretary of agriculture. The average American family last year spent only 16.7 per cent of its income, after taxes, for food. This compares with family food expenditures of 25 per cent of income in Europe and nearly 50 per cent in the Soviet Union.

The evidence also supports the administration's contention that the big majority of American farmers do not share equitably in the national prosperity. Statistics from Hardin's department indicate that farmers average only about three-fourths of the income of the rest of the working population—and this includes income earned by farmers from part-time jobs off the farm at which a great many of them are employed.

Aside from the farmer's productive efficiency, a basic reason why family food expenditures are relatively low is that the nation's wage rates and personal incomes have increased faster than food prices. The farmer periodically has to take lower prices for his raw commodities while consumers continue paying the same or even higher prices for processed foods. This is because the "middleman's" markups continue to rise as costs of labor, packaging, transportation, and other factors continue to escalate.

Moreover, the housewife who finds her weekly "grocery" bill going up often overlooks the fact that it includes detergents, cigarettes, magazines, hosiery, phonograph records, and an assortment of other nonfood items which the food store also handles.

Recognizing these factors, it must also be said that part of the cost of food to consumers is hidden in the huge federal farm subsidy program. Price tags on many food items sooner or later would go up if the government stopped dispensing the $4 billion or more it now spends annually to support farm income. Consumers who think they have a complaint now would really scream if farm prices in the market place ever rose to a level sufficient to give the average farmer a fair return on his labor, management skill, and investment.

Even with the sudsidies—which amount to nearly a fourth of total annual net farm income—a great many farmers are not making it. The parity ratio, one measure of farm prosperity albeit an unsatisfactory one, is down to the lowest since the Depression days of 1933.

While the subsidies help to hold down the price of food, they obviously have failed to provide the economic stimulus to agriculture for which they were designed. In a 1968 campaign speech Mr. Nixon said he was "concerned" that farmers were so heavily dependent on the government for their livelihood. Since then his administration has had nothing better to suggest than what amounts, basically, to a continuation of the same costly programs.

As the Tribune states, one basic reason why family food expenditures are relatively low is that the Nation's wage rates and personal incomes have increased faster than food prices. It is also true that the Federal farm subsidy programs which support farm income have helped to keep food costs down to the individual consumer. But these subsidies have obviously failed to provide the answer to the farmer's income problems.

The 91st Congress chose to continue more or less with the same farm programs which have failed to provide the answer thus far. This was not the President's recommendation as the Tribune article implies—it was a consensus determination in a very real sense and involved the Congress intimately. I am hopeful that better ways can be found to attack the problem of the farmers and of our rural areas.

An outstanding editorial on the subject was contained recently in The Galva News of Galva, Ill., in the 19th District. I ask unanimous consent that the editorial be printed at this point in my remarks.

THE BIG PICTURE—HELP FOR RURAL PROBLEMS

A recent article in the Wall Street Journal, by Monroe Karmin, a member of the newspaper's Washington bureau who specializes in urban affairs, should provide encouragement for small towns in rural areas throughout America.

If Mr. Karmin is right in his interpretation of President Nixon's program for local development through federal revenue sharing, the rural areas could cease to be the forgotten lands.

It could even be a beginning of an end to heavy federal emphasis on programs for big cities that do nothing but increase these tremendous concentrations of population and compound the problems that go with too many people in too small a land area.

Mr. Karmin says that what "seems to be afoot is a Nixonian policy that would seek to help the big cities, or at least be offered in that context, by keeping more people 'down on the farm' or in smaller and medium-sized cities."

"As everyone knows the population trend in this country is from the outlying regions to the big urban centers. One White House insider says the President wants to slow, or perhaps even reverse eventually, this flow by funneling more federal resources into areas that are losing population.

"Mr. Nixon will point out that Americans live not only in big cities, but in suburbs, and medium-sized cities, and small towns and rural areas as well, and that all of these communities have problems that need attention."

Of course, to counteract Mr. Karmin's interpretation of Mr. Nixon's 58-page budget and economic messages on the state of the Union, there are others by equally keen Washington observers who say the big cities will have their way and crash-funding of metropolitan aid programs will continue.

We would like to put our trust in the Wall Street Journal article. But it is hard to visualize from a rural heartland that very much of any federal money returned to Illinois will escape the clutches of Chicago, East St. Louis, and other metropolitan areas.

The rural areas do not need preferred vast federal spending on programs that rarely accomplish their goals. But for the welfare of the entire nation they do need federal recognition of the actual problems that exist and equal opportunity to solve them.

It is a paradox that what is considered to be the most enlightened, most affluent nation to ever exist, continues to encourage two-thirds of its people to use just two percent of its land area—then spends billions in attempts to correct the abuses caused by such unequal distribution of the population.

All of the major problems of this nation—pollution, ecological imbalance, inadequate mass transit facilities, lawlessness, poverty, even corruption in government—can be directly traced to craming too many people into too small an area.

And while people gang up in metropolises, like a fire-frightened crowd at an emergency exit, small towns in rural America die on the economic vine because they haven't the people to be self-supporting, nor the jobs to attract additional people.

The whole paradox could be erased in a short time by federal recognition of the problem and support to correct it—and the cost would be nothing like the bill we are having to pick up in a fruitless attempt to keep the major cities in operation.

A program of attractive federal tax benefits for industries willing to locate in rural areas would encourage many a plant to leave the big cities. And their people would be happy to escape the problems that surround them by following their jobs. This is not a new proposal. Legislation along these lines has been suggested at every session of congress since 1964.

Along with a tax program, federal revenue would have to be turned back to rural communities to provide facilities they do not have now that would become necessary to handle population growth—additional sewage and water capacity, medical facilities, schools. Federal funds are already being used in each of these fields now.

But first must come the realization by federal planners that the rural problem is no longer a farm problem. It can not be approached by subsidy programs aimed—as Mr. Karmin says—at "keeping people down on the farm." The subsidization of agriculture is an altogether different issue, and the day is not far off when the government will be paying money to assure production, not discourage it.

There is a correlation between the rural and urban problems, and by solving the plight of rural communities you take a major step toward cleaning up the mess that exists in the major cities.

As the Galva News so appropriately reminds us, the rural problem is not just a farm problem and it cannot be solved simply by subsidy programs aimed at keeping people down on the farm.

Now that land values seem to be leveling-off, the farmer's hopes of paying rising costs from increased borrowing capacity from his land have been diminished. There is a great need for some direct relief from the 125 percent increase in the farmer's costs during this generation.

I have joined today with our distinguished Republican Whip, the Honorable LESLIE C. ARENDS, my friend and colleague from the 17th District of Illinois, in introducing legislation which we feel can have a very direct and beneficial effect upon our farmers, particularly our small farmers. Our bill would reinstate the 7 percent investment tax credit for small farmers on their expenditures for buildings, farm equipment and the like up to a maximum investment of $20,000. For instance, if the farmer purchases a farm implement for $10,000 he could deduct from his tax bill a total of up to $700—the same as he would have been able to do prior to the enactment of the Tax Reform Act of 1969. Our bill can provide the needed stimulus to the economy of rural America and make possible the improvement and modernization of our farms and equipment. Probably no industry needs help more than the farmer.

We are hopeful that this Congress will see the great importance of our rural economy in connection with our Nation's overall economic health and will at an early date revise current law to permit this tax relief and economic stimulus for the small farmer-businessman.

Mr. ROGERS. Mr. Speaker, I am pleased to rise in support of the remarks of my distinguished colleague from Montana concerning the critical shortage of health services in rural America.

Mr. Speaker, the Subcommittee on Public Health and Environment, of which I am Chairman, recently concluded hearings on proposed health manpower legislation. Our hearings were not limited to Washington, D.C. The subcommittee conducted hearings at the Mayo Clinic in Rochester, Minn., and in Topeka, Kans. In addition, members of the subcommittee visited medical schools, hospitals and other health facilities across the country.

During the course of our hearings, the subcommittee learned of steadily increasing manpower shortages in virtually every health profession. We were advised that today's shortage of physicians in this country approaches 50,000 and that the shortage of nurses is three times that number.

Most alarming, Mr. Speaker, were our findings of a shocking maldistribution of health personnel. We found that in many isolated rural areas, physicians and other health personnel are virtually non-existent. For example, during the hearings in Topeka, we learned of a 7-year effort of a rural Kansas community to obtain a physician. Although members of the community have contacted over 250 physicians with promises of immediate construction of a clinic with community funds, their efforts have met only failure. In another Kansas community, by a rural doctor's own admission, farm animals receive better care than human beings. I am saddened—but not surprised—to learn of similar situations in communities in eastern Montana.

Mr. Speaker, I assure the gentleman from Montana that members of the Subcommittee on Public Health and Environment realize the critical nature of health manpower shortages in rural areas. We are attempting to combat the problem in every way we know how. For example, last year we passed the Emergency Health Personnel Act, which authorizes assignment of Public Health Service personnel to areas which demonstrate shorages of health services. Ten million dollars has been budgeted for implementation of this emergency act for fiscal 1972. During our recent health manpower hearings, the Secretary of Health, Education, and Welfare assured the subcommittee that he intended to announce the appointment of a council to determine critical shortage areas, as required by the act, and to issue regulations implementing the act in the very near future. I am hopeful that this program will help alleviate many of the manpower shortages in the district represented by the gentleman from Montana.

Moreover, Mr. Speaker, I anticipate that the health manpower legislation which we intend to report to the floor of the House shortly, will contain incentives for the training of physicians in family medicine and a program of forgiveness of loans to physicians who agree to practice in areas which demonstrate critical health manpower shortages.

Mr. Speaker, I commend the gentleman from Montana for his sensitivity to the health needs of rural America and assure him that our subcommittee will continue to work with him in an effort to alleviate one of our country's most demanding problems.

Mr. GRAY. Mr. Speaker, nothing is the matter with rural America that a strong, healthy commercial family farm structure will not cure. It is within the province of this Congress to revitalize rural America, by insuring the farmer parity of income, equal to other segments of the economy.

The commercial family farm of America has been the foundation of the most progressive and efficient agriculture the world has ever known. It has contributed to the economic growth of the Nation, provided an abundant supply of food for domestic consumption and relief of hunger over the world. We reaffirm our traditional support of the commercial family farm unit and urge that all programs and policies be constituted and implemented to protect and promote the well-being and continuance of the commercial family farm.

Although the agricultural horizon is somewhat clouded by many factors, which at times are more political than economic, one fact is quite clear—agriculture is undergoing a change.

Agriculture, and therefore the farmers that comprise it, have a real decision to make. By their actions will they pave the way for an industrialized, corporate structure or continue on the road of the commercial family farm? This is not to say that contracts or growers' agreements and integration do not have a place in the family farm structure—they do, and will continue to be a moving force—as long as their goal is to improve the economic position of the farmer. If such marketing methods are to be tools to improve the profit position of large corporations which have invested in agriculture, I am not so sure that the results will be in the best interest of agriculture, the family farm or the general public.

The number of farms and the amount of land in farm use continue to decline. USDA reports that it expects about 2,876,000 farms in operation in the United States during 1971. That's down 1.5 percent from the 1970 total, 26 percent below a decade earlier and the smallest number since the 1870's. The size of farms, estimated at 389 acres for 1971, is up from 383 acres last year and 306 acres in 1961.

Both of these trends are likely to continue, but at a slower rate. I would hope that they would not only slow down, but that the trend could be reversed in the decade of the 70's. I, for one, do not believe that all problems in agriculture or rural America can be solved by simply moving human resources out, off the land and away from rural areas.

Fewer farms, or larger farms, may solve some of the economic ills of farming, but it will not solve the economic and social problems of rural areas or help alleviate the urban crisis that has been a result of such migration in the past. I believe it was Whitney Young, the late Chairman of the Urban Coalition, who said:

> The problems of rural areas today become the urban problems of tomorrow.

There was a time when this country needed the migration of people from soil to city to sustain the industrial revolution, but I submit that with unemployment reaching increasingly higher levels, economic opportunities no longer lie in the metropolitan areas. This is especially true in the age of automated manufacturing with its low requirement for unskilled labor.

Farm programs designed to assist the family farmer must be continued and improved if economic opportunities are to remain in rural America. There is nothing wrong with "countryside U.S.A." that a little increased profit in agriculture won't cure. With increased profits will come increased opportunities for rural people. Money now allocated in grants to States for rural development might be better spent in improving farm income.

Disposable personal income — after taxes—per capita of the farm population was $2,633 in 1970. The ratio of average disposable income of farm people to nonfarm people was about 78 percent.

This gives some idea why farm-to-city migration has slowed down in the past few years. Improvement is always good—but it is not good enough. We will be watching the new farm programs as they are administered during the next 3 years to see if they can improve upon the record of the previous 4 years of the Agriculture Act of 1965.

A viable family agriculture is essential to rural development. Rural communities will not be able to exist on new factories moving to rural areas. Rural communities will be lucky to attract one new manufacturer and most won't have any industrial development. Communities that depend upon one type of manufacturing as the sole source of off-farm employment are not balanced economically and suffer with the ups and downs of that industry. To have real growth in rural America, agriculture must be economically strong to provide a balanced economy and prosperity for Main Street in the rural towns of the United States.

The productivity of American agriculture is the envy of people around the world. The land-grant college system of this Nation, with its Agricultural Extension Research and Educational Service, has brought the newest in improved varieties and advanced practices to farmers regardless of financial status. The rapid adoption of technology and an efficient, well-organized and managed system of production provide consumers with a variety of products that requires the smallest proportion of disposable income of any nation. We believe that American farmers have the capability of meeting the needs of the growing population in this country and helping to feed the growing world population. This can become a reality only if the farmer receives the cost of production plus a reasonable return on his labor, management and investment.

All efforts should be continued to seek new cost-reducing methods. It must be recognized, however, that cost reduction alone does not guarantee an adequate level of income. Most gains from this source have, in fact, accrued to American consumers. Greater efficiencies that lead to lower costs of production cannot be expected to solve the income problems of agriculture. There must be a continuation of farm programs to ease adjustments in this sector and to stabilize and improve farm prices and income.

My farmers in southern Illinois want and need a better break. We must push hard to help them and their fellow farmers in this great country. Thank you.

Mr. BLANTON. Mr. Speaker, I want to join my colleagues in commending the efforts of American agriculture, and particularly the thousands of Americans who have made it one of the most important sectors of our economy.

Just in case my urban colleagues do not realize it, I would like for them to remember some of these statistics. There are 3 million producing farms in the United States, employing more than 4.6 million workers. This is more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.

Three out of every 10 jobs in America in private employment are related to agriculture. And 8 million people have jobs storing, processing, and merchandising the products of agriculture, while another 6 million provide the supplies our farmers use.

The total gross agricultural assets of America exceeds $307 billion, which is two-thirds the value of current assets of all corporations in the United States, and one-half the market value of all corporate stocks on the New York Stock Exchange.

So farming is not only essential to America, it is one of its biggest industries.

I just want all my urban colleagues to remember the importance at stake when they vote on programs for rural and farm areas.

I get the impression too many of the Members of this body fail to realize not only the importance of agriculture, but the economic impact it has on America.

American farmers, I might add, are the most efficient in the world. In the 1960's, when output per man hour in nonagricultural industry increased only 3 percent a year, productivity in agriculture increased by 6 percent a year. Mr. Speaker, one farmworker in America produces enough commodities of food, fiber, and other produce for himself and 44 other Americans.

Five percent of our population are strictly farmers—yet these people are feeding not only 205 million Americans, but a sizable portion of the world, too.

Mr. Speaker, the President is declaring Friday as "Salute to Agriculture." As a farmer myself, I certainly appreciate his interest. But I sure wish he would do more than make meaningless platitudes toward our people. I wish he would adopt a Government policy of helping farmers and the agricultural industry. I wish he would help the farmers overcome what has been the worst 3 years in more than a quarter of a century. I notice that farm parity decreased again last month to 69. It means the farmers are not getting the fair share of their services. It means that his net return on net invested capital is far lower than that received by the rest of industry.

The American farmer is proud of his accomplishments. But he wants a fair shake, too.

Mr. FASCELL. Mr. Speaker, I commend colleagues JOHN MELCHER, KEITH SEBELIUS, NEAL SMITH, and JOHN ZWACH for sponsoring this farm and ranch forum in the House.

The problems faced by agricultural and rural America are many and complex. The remarkable productivity of the American farmer belies the difficulties which continue to beset our agricultural industry.

We are still experiencing the extended backlash of conversion over the last century to an urban, industrialized society. Thomas Jefferson's noble and virtuous farmer continues to feed the Nation, but incredibly he produces more with less land and fewer workers.

As economies of scale are making the survival of the individual small farmer ever more difficult, his children are moving to the larger cities and towns to pursue less arduous and more profitable employment. Caught in the economic squeeze, subject to the vagaries of weather, and aware of his precarious position, the American farmer looks to his Government for some assurances of security in return for the risks he takes to feed our growing population.

The support which we give to American agriculture is in the highest interests of this Nation, for a productive agricultural industry literally gives the Nation the energy to achieve excellence in all other areas of national concern.

Mr. Speaker, shifts in population and migration over the last century have been reflected in the changing composition of the House. Many of us now represent districts which are primarily urban or suburban. But I believe it is important to focus, as we are doing today, on the needs and opportunities of rural and agricultural America. Its importance to our future and the future of this planet can never be overestimated.

Mr. KASTENMEIER. Mr. Speaker, much has been made of the recent announcement continuing dairy price supports at 85 percent of parity for the coming year. No one who is interested in dairying can deny that this was an improvement over Secretary Hardin's earlier announcement which would have permitted these supports to drop to 80 percent of parity now and to an even lower figure by April 1, 1972.

In spite of this pronouncement there are still a number of unsettled areas requiring Government action which affect dairying.

First among these is the special school milk program. President Nixon's budget, as submitted to Congress, called for no money for this program for next year. He contended that the program is being phased out. Yet one finds only a modest drop in its usage as some schools switch from a milk program to a complete lunch program.

Congress has long felt that the program should be continued. I am convinced it will so express itself again this year. However, this must be done in such a forceful way that the Office of Management and Budget will be mandated to release the necessary funds, instead of attempting to hold them up as they have done in other years.

Imports of dairy products are a concern to our Nation's dairy farmers and should be of concern to all of us in Congress. Unlike most other items any American-produced dairy item which is replaced by an import is likely to have to be purchased by the Commodity Credit Corporation. Yet, in spite of this obvious fact we have seen dairy imports increase to the point where they replace approximately 2 billion pounds of milk, more than double the import level of 1964.

Currently the Tariff Commission is holding hearings on one of the worst import offenders—cheese costing over 47 cents a pound. I do not want to prejudge what they may recommend as a result of such hearings, but I am concerned that the President may ignore their findings as he did only a few months ago.

Last summer, the Tariff Commission held hearings on four other dairy products. They recommended quotas of zero on three of these items and a very nominal annual quota on the fourth. President Nixon, in his establishing of quotas, set them far higher than these recommendations, as well as far higher than his own Secretary of Agriculture recommended. Based on these actions I am concerned that history will repeat itself to the detriment of the American farmer.

The final area in which I feel the American dairy farmer is being ignored is that of research. Over 10 years ago the Agricultural Research Service, USDA, pointed out the need for a dairy cattle research laboratory. In 1968, a study of theirs showed a potential benefit of $92 for every $1 of annual operating cost and recommended that it be built. Since 1962 the University of Wisconsin has had a standing offer to provide a site free of charge for this facility.

Yet, in spite of all this favorable evidence, it has not been approved. In this 10-year period other livestock and crop laboratories have been built. This is fine. From the reports I receive they are proving a great benefit to their type of agriculture.

The proposed dairy cattle research laboratory could do the same for dairying. The needed planning funds for it should be provided this year.

GENERAL LEAVE TO EXTEND

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of this special order, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

SECOND FARM DAY

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH), is recognized for 1 hour.

Mr. SMITH of Iowa. Mr. Speaker, I want to thank all those who have cooperated in this second and also in the first "Farm Day" in the House. This bipartisan effort to draw attention to the facts that exist in agriculture will not in and of itself provide the needed adjustments in prices and financial structure, but it will at least make our colleagues and some others more aware of the facts that are necessary for proper and rational distribution of the various issues that come before the Congress either in the form of legislation or in the form of our oversight power relative to the administration of existing laws.

I think the first Farm Day on March 1 was successful. Upon scheduling that Farm Day, it has been alleged that people in the executive branch took notice of it and that was one of the reasons why the President went to my congressional district on that very day and give some attention to the problems of agriculture. Here we are 2 months later for another Farm Day and on yesterday the President made a radio speech promising to support some of the things we have been demanding including release of funds for the rural, water and sewer program and a recognition of the farm price cost squeeze. Whether the President's actions were a result of our activities on the "Hill" or not is somewhat beside the point and for whatever reason he took these actions, I am glad to see his attention to the matter.

In addition to the President's attention on these two occasions, I have, and I am sure many of you have, received more questions from our colleagues relative to the farm situation and indicating some additional awareness that there is something wrong.

To be sure any investigation of statistics on prices and costs do show that not only is something wrong, but that in fact so much is wrong that the American farmer is even worse off than he was during the depression in the 1930's. Although parity may not be a completely accurate barometer, the American farmer received 81 percent of parity during the depression and only 67 percent now, and even after some allowances for some adjustments in the comparison mechanism it would obviously still leave the farmer worse off than he was during the depression as a relative matter and I ask you who else in the United States is worse off than they were during the depression. Perhaps we should take a look at some of the statistics that show what is going on.

Parity or a fair price for corn compared to things farmers buy during the 1910–14 period was $2.50 per bushel. Using the 1947-49 base period, it was $1.77. Cash corn in Chicago today—in the market year following blight and drought which cut farmer's production—is less than $1.50. Parity for wheat in the 1910–14 period was $3.44, for the 1947–49 period it was $2.82. Cash wheat today in Kansas City is $1.55. Parity for soybeans, for the 1910–14 period was $4.01. For the 1947–49 period, it was $3.78. Cash soybeans in Chicago today are $2.94. Prices of other products indicate a similar severe slide when measured on a parity basis which compares them with the prices of products farmers must buy to produce these products.

Under some of the food distribution programs, the Agriculture Department purchases food products on behalf of hungry people, schools, and others. Naturally they try to purchase those that are the biggest bargain and increase purchases when prices are lower. Pork purchases are the highest they have been at anytime since 1956. It is another way of saying that hogs have reached the lowest level since 1956 and a look at agricultural statistics and market reports bear this out. This comes at a time when taxes on farmland—most of it goes to pay for schools—has almost doubled in the last 5 years in a large number of areas in the country.

The demand for capital with which to farm has increased very rapidly at the same time that interest rates have been increasing. With the investment required to farm today, almost no farmer could be expected to farm without using borrowed capital. Many average family farms used $300,000 of capital goods. The average of the whole United States in 1970 was $85,000. This compared with an average capital outlay of $45,000 in 1960. With interest rates twice as high and the capital required twice as high, this means that the farmer must receive four times as much income for allocation to interest or the use of money but that income simply was not forthcoming.

Another way to measure what has happened in this regard is to look at the return on the investment. The return on investment has dropped from 10 percent in 1950 down to 6 percent now and that return does not provide any allowance for labor and management. In other words the average farmer receives 6 percent on the investment, including borrowed capital which cost more than 6 percent, and had to provide his own living for himself and his family and his contribution to his community from that 6 percent. Obviously in many, if not most cases these family farmers received less than they would have if they would have put their money into Government bonds and sat around all year instead of farming.

To look at it another way, the average farm family which works 60 hours per week at hard labor received only two-thirds as much income for their 60 hours of hard work as they would have been eligible to receive had they been on welfare in New York City. We hear a lot about reforming welfare and getting people back to work. Well, I say it is time we pay some attention to those who are now trying to eke out a living and produce some goods that the Nation and the world needs and to some how give them a chance to secure their fair share of our national production.

Some may say that with inflation, dollar figures today are not comparable and that some of the statistics I have used would not apply. Although I have tried to select those where a fair comparison can be made, just to make doubly sure let us look at the farm income comparison in constant dollars. If we use 1969 dollar values, when farm income was $16 billion total, measured in those same dollars—1950 income would be $20 billion. In other words farmers lost 25 percent in income in constant dollars in a 20-year period and at the same time that other segments of our society from the youngest to the oldest received increased incomes. As a matter of fact the processors and retailers of these farm products received 2000 percent more on their investment in 1970 than did the farmer. This kind of result might be expected if farming were an inefficient industry but everyone admits that farming today is the most efficient of all our industries in the United States and has made the greatest progress toward efficiency. In other words, efficiency is being penalized.

Of course, consumers cannot be overlooked. They do have a stake first in having an abundance available at whatever prices may be required, and second in securing it at a fair price. The percentage of distribution of consumer income received by the farmer for his raw products in 1947 was 11 percent. It dropped to 8¾ percent in 1950, 6¼ percent in 1960, and slid on down to 4 percent in 1970. And, yet I hear some of my colleagues making antifarm speeches and trying to blame the farmer, because food costs are not even cheaper. It seems like the more benefit some people receive, the less they appreciate.

The annual campaign to deride the farmers and to preach hate toward the farmer and to want to deny the agricultural community the cooperation of government in assuring them some kind of income while they are producing such an abundance is about to begin again. They will distort the figures again this year. Farmers are being asked to produce so much that even if there is another dry year, there will be plenty of food for consumption and export. In reality, he is also being asked to produce more at his own peril because even a normal crop will result in a drastic slide in his return and inevitably result in prices at less than the cost of production. But how many of those who want to be assured of an abundance of food are recognizing the equities and also providing for protection to the farmer in the event of an overproduction? In fact, they want to do the opposite. Some are calling for big slashes in the programs designed to give some stability and in doing so they take the total cost of the Department of Agriculture and allege that it all goes to farmers. They divide it by the number of farmers and talk as if each farmer receives it in cash. Such patently unfair and fradulent attacks are an annual affair even by those who know that 50 percent of the USDA budget is for benefits to consumers and the general public. The USDA budget includes our domestic food distribution programs, related to foreign affairs, health protection activities, including meat inspection and detection of traces of pesticides and other materials in milk and other food products. It also includes money needed to police honest labeling and packaging.

I am reminded of a vote which you might want to look at in the CONGRESSIONAL RECORD of May 27, 1969. On that occasion, two appropriation bills were on the floor of this House that same day. The same people who had only a couple of years previously voted to reduce the price of wheat to processors by paying for some of it from the Treasury, voted then to only make partial payments to those who had produced most of the wheat. Within 2 hours, there was another vote on an amendment to the appropriation bill covering the Post Office Department. An amendment to that bill using the identical wording that had been attached to the farm bill would have limited postage subsidies for the slick magazine. On that vote 155 Members who had voted the curb on farm producers did a flip-flop and voted against the same curb on publishers. It leads one to ask, "what is important in this country?" Are the producers of food no longer appreciated?

I suppose some lack of understanding could be expected due to the fact that so many no longer understand the problems of food production. Hundreds of thousands of children in this country have never even seen a cow or a hog. When their political leaders paint such false pictures of farmers as if they were a special privilege class, many really have no way of knowing any better. The nearest thing they have to getting an education is when one of these former farmers moves in next door. The problem here is that most of those that migrate from the farms go to the ghetto areas. They are the ones that are the least prepared to compete for the better jobs. They may have been a very skilled farmer, but in the life of city work, most of them are common laborers or unemployed.

I want to say to my colleagues here today that it is time for America to sit up and take notice of what is going on down on the farm. The prices of the things that farmers buy, including electrical equipment, fertilizer, chemicals, clothing, petroleum products, tires, trucks, machinery, and all the rest have increased constantly and rapidly while the price of the farmer's products has been going down. The squeeze has not been greater since the days of the great depression and some way must be found so that this segment of our population which has made a great contribution can come closer to receiving its fair share of the national income.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Oregon.

Mr. ULLMAN. I thank the gentleman. I was commenting to the gentleman from Montana that when we eliminated the investment tax credit it was a very ill-advised move, in my judgment, both for American industry and for American agriculture.

I believe the gentleman from Iowa is as conscious as any other Member here of the technological advances in agriculture and of the fact that American agriculture has taken the lead throughout the world in productivity. Would the gentleman agree?

Mr. SMITH of Iowa. That is certainly true.

I am glad to have this opportunity to have this colloquy with the gentleman from Oregon. I remember that in 1959 and 1960 he was one of the 12 Members who met day after day after day trying to figure out new approaches to farm programs. It was partly through those meetings that the feed grains program emerged, not as the ideal program but as something realistic which could be sold.

The gentleman at that time was a great promoter of, and still is, various ideas on farm bargaining and those kinds of programs which permit farmers to adjust their own supply to demand.

I certainly agree with the gentleman's comments.

Mr. ULLMAN. I thank the gentleman.

I now wish to give recognition to the contribution of the gentleman from Iowa in the field of agriculture. I have followed his leadership in numerous areas concerning which he is an expert. I appreciate the gentleman's reference to the restoration of bargaining powers to the farmer; had we been able to do that, I think we would have advanced a long way toward the solution of agriculture's problems. As the gentleman well knows, our attempts in that direction have been countered by opposition from those who would be hurt should the farmer acquire bargaining powers. Because the farmers are so numerous, and, so prolific in their bargaining activities, it has been impossible for them to gain any cogent bargaining power. The market is unreliable, therefore they take the price they can get, often at the wrong time of the year; they find that financing is difficult. As an alternative, we have been forced to resort to agricultural programs.

Returning to the previously mentioned problem of agricultural technology, we must recognize the importance of maintaining a technological superiority in this country. In my opinion, a return of the investment tax credit would be extremely helpful to the farmers of this country by aiding them in the purchase of the equipment that they need so desperately in order to keep abreast of advancing technology. Would the gentleman agree with that?

Mr. SMITH of Iowa. I certainly agree. I know the gentleman was one of the few who worked very hard a few years ago to keep the $25,000 investment tax credit at least. I think that was very helpful. In fact, it would take care of most of the family farmers of America if they had up to a $25,000 investment credit. Also it means a lot to some of the farm machinery companies and the people who work in those factories. Without that 7 percent investment credit to help with the down payment, many farmers have to use machines past their usable life.

Mr. ULLMAN. I thank the gentleman.

I remember the fight we had in the committee and on the floor of the House, which we lost, to retain the credit. But economic situations now have changed and certainly point up the need for restoration of that credit. I am hopeful in the committee and on the floor of the House we will be able to get this thing back so that we can make it active again in our tax laws and it can contribute to the modernization of American plants and help farmers keep abreast of American technology.

I thank the gentleman.

Mr. SMITH of Iowa. I thank the gentleman for his contribution.

As I listened to these various Members discuss the farm situation today I could not help but be reminded of the story of Washington throwing a dollar across the Rappahannock. Then a fellow said a few years ago "But a dollar will not go so far today." Well, it will not go so far for anyone, but with the farmer he does not have as many dollars, either. So he gets hit both ways.

Then I am reminded also of the lawyer who called for a plumber. After the plumber had worked about a half an hour he said, "The bill will be $15." The lawyer said, "Why, that is more than I make per hour." And the plumber said, "Yes. That was more than I made when I practiced law, too."

You see, whenever people find after a period of time that they simply cannot make as much at their given profession or occupation as they can earn somewhere else, they are forced to move. That is what has happened in this country to the tune of millions of farm families in the past 20 years. The movement is still on. The difference is, though, in the case of farmers they usually have no other professions to move to. They are very skilled farmers, but when they get to the city, they do not have the skills that are in demand in the city, so they go onto the ranks of the unemployed or those that are unskilled and probably end up in a ghetto or some place, where we do not want more people in this country to go.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I am happy to yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I commend the gentleman for his contribution and for also pointing out the strange case of disparity between the plumber and the lawyer. The lawyers are doing pretty well for themselves and so are the plumbers, but I think the consumers must bear in mind that 20 years ago, when bread was selling for 16.5 cents for a 1-pound loaf, the farmer was receiving only 3.4 cents for his contribution. However, today with bread selling for 25 cents a pound that the consumers buy at the grocery store, the farmer receives the same 3.4 cents for the wheat which goes into it as well as the other ingredients. It is really tough for the farmers today who are caught in the cost-price squeeze.

Mr. Speaker, last month I was invited by the State National Farmers Organization to attend what was called a "Tell it like it is" meeting of their North Dakota members. Farmers' concern over their future was demonstrated by the fact that well over a thousand farmers and farmers' wives crowded into Bismarck City Auditorium to tell their story. Making the turnout even more impressive was that the event fell in the middle of planting season. It takes a pretty serious situation to make a North Dakota farmer turn off his tractor and drive a couple hundred miles to attend a meeting at that time of year.

Rather than listen to speeches from their congressional delegation, these farmers were encouraged to stand up and report to us on the situation on the farm to "tell it like it is." Their reports indicated that they are more worried than ever that family farms are in danger of disappearing, taking with them a way of life that has meant a great deal to the economic, political, and social stability of this country.

Milton Ulmer, a Dickey County, N. Dak., farmer, stood up to talk about the feeling he says is pervading rural areas. He says farmers now feel defeated, frustrated, negative, and angry. He says they feel that way because they face the biggest cost-price squeeze in history, he and other farmers at the meeting say credit is difficult for them to get. He pointed out that lack of funding has stopped most Farmers Home Administration loans.

Several speakers at the meeting claim that a farm revolt is brewing, that farmers desperate to save their way of life, are listening to almost any scheme or idea that holds hope for them surviving.

It is estimated that another 1,000 farmers will leave the land in North Dakota this year, a migration that will certainly add to the problems faced by already overburdened urban population centers. Not all of these departing farmers are the marginal, inefficient operators either. Several speakers said things have come to the point now that even a good farmer is not assured of survival. One farmer said he did been working in the aerospace industry until a few years ago when he decided to return to North Dakota and get into the farming business. He said he has been applying modern management techniques, including computerized recordkeeping, that he has been expanding the size of his operation and, in short, has been following the latest recommended agricultural practices. Despite that, and despite large amounts of labor contributed by his family, this particular farmer says his net worth has declined each year. Also, this farmer reflected the deep attachment he has for the land by saying, "If things continue to decline and I have to leave, they're going to have to carry me off."

The problems faced by the farmer are, of course, felt immediately by the businesses of scores of small towns in rural America. A North Dakota implement dealer told that meeting that he is afraid he will not be able to last beyond this year and that his competitor probably will not last long either because of the depressed state of the farm economy.

In my brief remarks to the NFO meeting in Bismarck, I pointed out that exports of farm products are an increasingly vital necessity for our farmers. By their response, these farmers indicated they too are well aware of the need for our Government to do everything it can to promote marketing overseas. They spoke of their desire to produce food for a hungry world, food they know they can produce more efficiently than anybody else, but they need the Government's help in breaking down the tariff barriers that keep this food out of prime markets such as Europe.

Mr. CHAPPELL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. CHAPPELL. Mr. Speaker, I want to associate myself with the intent and purpose of all those who have spoken today to bring to the attention of the American people the plight of the farmer in today's world.

I know that many times we overlook the fact that this is the only segment of our industry that pays retail prices for what it buys, and sells its products at wholesale prices.

I think it is good for us to take this time and in recognizing the plight of the American farmer and to take part in a dedication to doing those things that we all need to do in order to help them through their plight.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. ROBERTS. Mr. Speaker, not only has the farmer had a reduced income, because of the application of the Nixon administration farm program, but the cattlemen, particularly the cattle breeders, have learned that they cannot trust the recommendations of the Department of Agriculture.

Specifically, Mr. Speaker, the Department of Agriculture has been encouraging cattle breeders to vaccinate against anaplasmosis. Some of the Department personnel have even gone so far as to appear with representatives of the sole manufacturer of the vaccine.

The facts are that the vaccine is remarkably effective in preventing anaplasmosis in cows. However, it is just as effective in causing anaplasmosis anemia in the offspring for as long as 3 years. This has been documented by some of the finest veterinarians in the United States. Thousands of cattle are being lost yearly as a result of the vaccine.

The manufacture and sale of this vaccine should be stopped or at least the Department should require proper labeling.

Since 1969, I have been requesting the Department of Agriculture to go to work on the problem that cattle breeders are having in regard to immunization against anaplasmosis. So far, I have not been able to get much help from this Department in investigating the vaccine used against anaplasmosis. I have received reports from breeders all over Texas that they are losing calves from anaplaz-anemia, but I do not seem to be able to substantiate this to the satisfaction of the Department of Agriculture.

No one denies that the vaccine reduces the cases of anaplasmosis in the cows. I have sent testimony from some of the outstanding veterinarians in the United States to the effect that the vaccine causes anaplasmosis anemia in the offspring for as long as 3 years.

Recently, April 16, 1971, Dr. Keith E. Gudgel, D.V.M., Post Office Box B, Celina, Tex., wrote me:

DEAR SIR: I hope that this letter will be of some benefit to you in your endeavor to review the problem we are experiencing with the use of the Anaplasmosis vaccine. It is my desire to only inform you of the degree of incidence within my area of practice, as I am certain you are familiar with the reaction by now.

I have a total of five breeders in my area who have used the Anaplasmosis vaccine, and all five of these breeders have lost calves associated with the reaction. This raises the question in my mind as to just how widespread this particular condition is occurring. I find it interesting that five out of five breeders who have used the vaccine are experiencing the condition. I would be interested in a survey of Veterinarians in an attempt to obtain a degree of incidence of this reaction; perhaps sponsored by the United States Department of Agriculture. The following figures are only calves lost, and by no means include the number of calves treated and saved.

Mr. M. L. Nelson has lost a total of fourteen Charolais calves in the last two years.

Mr. Don Rucker has lost fourteen calves over a period of two years out of twenty vaccinated cows. Also, Mr. Rucker has one cow which has lost her third calf in a row.

Mr. Ralph Stelzer has lost three calves out of sixteen cows in the past two years.

Mr. Joe Frank Willard has lost a total of ten calves out of approximately thirty cows in two years.

Mr. J. B. Stelzer has had a total of thirteen cases since he became my client in August of 1970. Mr. Stelzer has lost three calves out of these thirten cases. I feel safe in assuming that the degree of incidence within Mr. Stelzer's herd would run very close to 50% if he did not spend as much time as he does watching these cows and attempting to prevent the calf from nursing until he can milk the cow out a couple of times.

I am in no way advocating the complete removal of the vaccine, but I do feel that a second investigation should be made by some government agency forcing these people to put a proper warning on their vaccine. I hear this vaccine advertised over the radio several times daily telling the rancher how many cows and calves he can save by the use of this vaccine, but there is nothing said about how many calves he could lose with the use of it.

Sincerely,

DR. KEITH E. GUDGEL.

The following report from Texas A. & M. appeared in the Journal of the American Veterinary Medical Association dated June 15, 1970. The conclusions reached by the research team apparently substantiate the claims by breeders that the vaccine has a serious effect on the calf crop:

NEONATAL IMMUNOHEMOLYTIC ANEMIA, AND ICTERUS OF CALVES

SUMMARY

An isoimmunohemolytic disease characterized by anemia and icterus of neonatal calves is reported. In some affected herds, 15 to 24% of all newborn calves died from this disease. Most of the calves became anemic and jaundiced within 24 to 48 hours postpartum and died during the first week of life. Lesions observed in these calves included anemia, icterus, and marked splenomegaly which was due to massive sequestration of erythrocytes. A few less severely affected calves survived the acute episode and returned to normal health in 2 to 3 weeks. Some calves died within 24 hours of birth of a peracute form of the disease in which the principal clinical sign was dyspnea and the lesions were pulmonary edema and splenomegaly.

Dams of affected calves were all inoculated with an anaplasmosis vaccine of bovine blood origin. The serums from dams of affected calves contained antibodies which agglutinated and lysed the sires' erythrocytes. The calves' erythrocytes if obtained prior to becoming antibody coated (Coombs' test positive) were also agglutinated and lysed by antibody from the dams' serums. Erythrocytes of affected calves were Coombs' test positive and lysed when serum complement was added. The antibody eluted from the calves' erythrocytes agglutinated the sires' erythrocytes.

Since the early months of 1969, newborn calves affected with an immunohemolytic anemia and icterus have been observed at the College of Veterinary Medicine, Texas A&M University. To this date, our investigations have demonstrated this disease in more than 15 herds and it has been responsible for losses of 15 to 24% in some herds. Although hemolytic diseases are not uncommon in cattle, the clinical and pathologic features of this disease do not resemble those of the reported diseases of calves, but do resemble those of the isoimmunohemolytic diseases of foals and pigs.

In this report, the clinical and pathologic characteristics of the disease and evidence of its isoimmunohemolytic nature are described.

MATERIALS AND METHODS

Although the clinical, serologic, and pathologic characteristics have been the same in all herds studied, most of the data presented in this report have been derived from a dairy herd in the Gulf Coast area and from a beef herd in north-central Texas. These two herds were selected because they were accessible, records were available, calves were observed daily, and herd owners were cooperative.

Tissues collected at necropsy were fixed in neutral buffered 10% formalin and embedded in paraffin. Tissue sections were stained by the Warthin-Starry technique lected sections of liver and kidney were stained by the Warthin-Starry technique[3] for the demonstration of leptospires. Fresh tissues were cultured for aerobic and anaerobic bacteria.

Hemagglutination Test.—The hemagglutination tests were performed in duplicate using a microtiter technique. Serums were inactivated by heating at 37 C. for 30 minutes and stored at −60 C. until used. Serial twofold dilutions of the serum (up to 1:64) were made with a pH 7.2 phosphate buffered saline (NaCl) solution (PBSS) containing 1% inactivated normal rabbit serum (NRS). Test erythrocytes were washed 3 times in PBSS and resuspended to a 1% suspension in PBSS containing 1% inactivated NRS. "Albumin" or "high-protein" agglutinins were determined in the same manner as the above saline agglutinins, but with 22% albumin of either rabbit or bovine origin added to the PBSS.

Hemagglutination controls included: (1) a combination of serum and erythrocytes which were known to produce a positive agglutination, (2) a combination of serum and erythrocytes which were known to produce a negative agglutination test, and (3) erythrocyte suspensions in diluent alone (PBSS with 1% inactived NRS).

Erythrocyte Lysis Tests.—The lysis tests were performed in duplicate in the same manner as the agglutination tests except for the addition of complement (fresh normal rabbit serum). Systems were examined for lysis at intervals of 30 minutes, 1 hour, and 3 hours.

Lysis test controls included: (1) a combination of serum and erythrocytes which were known to produce a positive lysis test, (2) a combination of serum and erythrocytes which were known to produce a negative lysis test, (3) erythrocyte suspensions in diluent alone (PBSS with 1% inactivated NRS), (4) erythrocyte suspensions in diluent and fresh (not inactivated) normal rabbit serum, and (5) erythrocyte suspensions in diluent and inactivated normal rabbit serum.

Coombs' Test.—Direct Coombs' tests were performed using a 2 to 4% suspension of saline-washed erythrocytes from affected calves. Rabbit (anti-bovine γ-globulin) antiserum was used. Controls included (1) erythrocyte suspension and saline solution instead of rabbit antiserum, (2) a combination of the rabbit antiserum and calves' erythrocytes known to produce a negative Coombs' test, and (3) a combination of rabbit antiserum and calves' erythrocytes known to produce a positive test.

The indirect Coombs' test used the same rabbit (anti-bovine γ-globulin) antiserum as did the direct test. The sources of test erythrocytes were the sires' blood and test serums were from diseased calves. The test cells and test serums were mixed, centrifuged, and incubated. If the agglutination were negative, weak, or questionable, the cells were washed with saline solution, rabbit antiserum was added, and the suspension was centrifuged and examined for agglutination.

Antibody Elution and Radial Gel Diffusion.—These procedures were done according to previously described techniques.

Transmission Studies.—Fresh citrated blood from affected calves was injected intravenously into 2 newborn calves and 2 splenectomized calves.

CLINICAL OBSERVATION

Since early 1969, calves with this immunohemolytic disease have been referred to Texas A&M University, College of Veterinary Medicine, from cattle herds in Texas and Louisiana. Examination of the clinic's case records and histories from these herds indicate that deaths from this condition were occurring in the fall of 1968, and may have occurred as early as 1967.

The dairy herd, which was one of the 2 herds extensively studied, consisted of 150 grade Holstein cows which were inoculated with anaplasmosis vaccine in 1968 and 1969. On this farm from January, 1969, to November, 1969, 23 of approximately 95 newborn calves died from this disease. The beef herd consisted of approximately 1,100 cows of mixed breeding. From September, 1969, to November, 1969, 51 of 340 calves in this herd died from this disease. The cows were inoculated with anaplasmosis vaccine in 1966, 1967, 1968, and 1969. Similarly, in all other herds where this immunohemolytic disease has appeared, the cows have been innoculated with this anaplasmosis vaccine.

The description of the clinical disease is based on observations made on 33 calves. Clinical determinations on most calves did not begin until the calves were obviously sick. However, 4 of 6 cows, selected because of high serum titers of antierythrocyte antibodies, gave birth to calves which became affected and it was possible to observe the course of the disease beginning with the intake of colostrum. In all 33 cases, the calves were born of healthy dams and were healthy at birth and during the immediate postpartum period. The clinical disease manifested itself in 1 of 3 forms: a peracute form characterized by severe respiratory distress and death within the first 24 hours of life, an acute form characterized by severe anemia and icterus and usually with death occurring within 5 days after birth, and a nonfatal form characterized by moderate anemia and recovery over a 2- to 3-week period.

Calves affected with the peracute form became suddenly sick 12 to 16 hours after birth. At this time, the calves were depressed, respiratory rates were increased, and mucous membranes were congested. Severe dyspnea and cyanosis progressively developed and occurred as early as 2 hours after the onset of clinical signs. The packed cell volume (PCV) of the blood decreased slightly early in the disease but increased terminally. Four of the 33 calves were affected with this peracute form of the disease.

The acute form of the disease was the most common (23 of 33 calves). The earliest signs appeared 24 to 48 hours after birth and included depression, increased respiratory rate and in some, increased rectal temperatures. The calves became dyspneic and their mucous membranes became pale. The pallor became masked by the development of jaundice which became more pronounced the longer the calf lived. A few calves developed only mild jaundice. Although weak and listless, the calves retained their appetite until the terminal stages of the disease. The PCV fell precipitously during the course of the illness, reaching values as low as 6 to 7%. Intense bone marrow response to the hemolytic episode was indicated by as many as 140 nucleated erythrocytes/100 white blood cells in peripheral blood. Affected calves usually died 4 to 5 days after the development of the disease, but a few (4 of 33) survived.

A less severe form of the disease, observed in 6 calves, was characterized by a more gradually developing anemia. The PCV decreased to about 18% during the first week of life but increased to 30% by 3 weeks of age. The calves were dull and lethargic during the first week but continued to nurse. As the PCV increased, clinical improvement became evident. Bone marrow response was indicated by increased numbers of immature erythrocytes in the blood. As the PCV became stable at 3 weeks of age, these immature forms gradually disappeared from the blood.

There was no evidence of disease in either newborn or splenectomized calves given the whole citrated blood from diseased calves.

IMMUNOLOGIC STUDIES

Direct Coombs' tests were performed on fresh blood of 15 calves with this hemolytic disease and 15 control calves. Erythrocytes of all 15 affected calves were Coombs' test positive, whereas those of unaffected calves were negative (Table 1). Erythrocytes obtained from 6 calves selected prior to their receiving colostrum were Coombs' test negative, but in 4, the erythrocytes became Coombs' test positive within 12 hours after the calves received colostrum and the calves subsequently developed anemia and icterus. The erythrocytes of the other 2 calves remained negative and the calves remained unaffected. Antibody eluted from the direct Coombs' test positive cells agglutinated the sires' erythrocytes in an indirect Coombs' test, but did not agglutinate those of the dams. The eluted antibody from 3 calves has been characterized as an immunoglobulin G (IgG) by radial gel immunodiffusion. Serums of 10 diseased calves were used with their respective sires' and dams' erythrocytes in indirect Coombs' tests. In these tests, 8 of the serums were positive of 2 were negative to the sires' erythrocytes (Table 1); all were negative to their dams' erythrocytes.

Serums from the dams of 13 of the 15 diseased calves were tested for the presence of antibodies to the erythrocytes of their diseased offspring. Serially diluted serum from 12 of the 13 dams failed to agglutinate the erythrocytes of their respective offspring (Table 2). The other cow's serum at a dilution up to 1:16 agglutinated her calf's erythrocytes.

Coombs' test negative erythrocytes were obtained from 4 calves prior to their nursing colostrum and developing the hemolytic disease. Three of the 4 cows' serums agglutinated their calves' erythrocytes. The serum of 1 cow did not contain agglutinins to her calf's erythrocytes, but antierythrocyte antibody was demonstrated by an indirect Coombs' test (Table 2). The colostrums of all 4 cows agglutinated erythrocytes obtained from their calves prior to nursing. Colostrum titers ranged from 1:32 to 1:64.

TABLE 1.—RESULTS OF IMMUNOLOGIC STUDIES OF DISEASED CALVES

	Direct Coombs' test on calves' erythrocytes		Lysis of calves' erythrocytes with addition of complement		Indirect Coombs' test with calf's serum and sire's erythrocytes	
	Positive	Negative	Positive	Negative	Positive	Negative
Calves with hemolytic disease	15	0	14	0	8	2
Nondiseased control calves	0	15	0	15	0	[1] 4

[1] Serum was obtained from these 4 calves prior to their ingestion of colostrum. After nursing, 2 calves became diseased and are included in the 8 calves recorded.

TABLE 2.—RESULTS OF IMMUNOLOGIC STUDIES ON SERUMS OF COWS WITH DISEASED CALVES

	Agglutination using dam's serum		Lysis using dam's serially diluted serum	
	Positive	Negative	Positive	Negative
Erythrocytes (obtained prenursing) of calves which (postnursing) developed anemia	[1] 4	0	4	0
Erythrocytes of calves with hemolytic anemia	1	[2] 12	(3)	(3)
Erythrocytes of sires of calves with hemolytic anemia	[4] 28	0	25	3

[1] Serum of 3 cows contained saline agglutinins; the serum of the other cow agglutinated her calf's erythrocytes in an indirect Coombs' test.

[2] Although no antibody was demonstrated, by this test, in the cow's serum, this test does not indicate the absence of antierythrocyte antibody since the calves' erythrocytes were already antibody coated (Coombs' test positive).

[3] Undetermined since the erythrocytes were lysed upon addition of complement alone.

[4] 25 of the 28 were demonstrated by saline agglutination tests; the other 3 were demonstrated by agglutination in a high portein medium.

The erythrocytes of diseased calves frequently agglutinated in undiluted serum of their dam. However, the same reaction often occurred in undiluted serum of almost any cow.

Washed erythrocytes, suspended in saline solution, from 14 affected calves were lysed when complement only was added (Table 1) and the reaction was prevented by destroying the complement with heat. This lysis with the addition of only complement to the erythrocytes prevented the determination of lytic titers of their dams' serums (Table 2). Lysis with the addition of complement was not found using erythrocytes of 10 control calves, nor were any lytic titers found in their dams' serums. Erythrocytes obtained from the 4 selected calves, prior to their receiving colostrum, were lysed by the dams' serums and colostrums at dilutions of 1:8 to 1:64.

The serums of 28 cows whose calves died with the hemolytic diseases contained agglutinins and lysins to the erythrocytes of the sires of their calves (Table 2). In 3 of the 28 cows, only "high-protein" agglutinins could be demonstrated.

Cows of 8 herds inoculated with anaplasmosis vaccine had a high incidence of agglutinating and lysing antibody titers to certain bulls' erythrocytes (Tables 3 and 4). In 6 nonvaccinated cattle herds, agglutinating and lysing titers (to all bull bloods tested) were absent or at a very low incidence. A high incidence of antibodies (especially agglutinating antibodies) to the herd sire's erythrocytes was associated with a high incidence of diseased calves (Table 4). Herds (both vaccinated and unvaccinated) with a low incidence of antibody titers to their herd sire's erythrocytes had a low incidence or absence of diseased calves.

NEOCROPSY FINDINGS

The organisms isolated from some tissues at necropsy were *Escherichia coli* and *Corynebacterium spp*. They were considered to have no relationship to the disease because (1) they are routinely isolated from tissue samples postmortem, (2) the lesions observed were not those associated with infections by these organisms, and (3) the transmission trials revealed no evidence of an infectious agent in the blood.

Macroscopic Lesions.—The outstanding lesions observed in calves which died of the peracute form of the disease were pulmonary edema and splenomegaly. The lungs remained inflated when the thorax was opened. The interlobular septums were distended with serous fluid, the bronchial tree was filled with froth, and serous fluid flowed from cut surfaces. The spleen was greatly enlarged (up to 30 cm. long and 10 cm. wide), firm, turgid, and dark red. The capsule contained numerous echymotic hemorrhages and the capsular veins were engorged. The cut surface was dark red to black and bulging, and dark blood oozed from it. Mucous membranes were congested and cyanotic. Petechiae were widely scattered in submucosal and subserosal tissues. Slight icterus was apparent in one case.

The acute form of the disease was characterized by those lesions usually associated with anemia, icterus, and splenomegaly. All tissues were pale and were stained to a variable degree with bile pigment that was readily soluble in water. In 2 calves, a yellow, water-soluble, crystalline material had precipitated in the renal medullas. The lungs were moderately congested, edematous, and jaundiced. The myocardium was pale and flabby and there were numerous subendocardial petechiae along the coronary grooves. The splenic lesions closely resembled those in calves with the peracute disease, except that imbided hemoglobin stained the capsule and the adjacent serous surfaces.

In 2 recovered calves examined at necropsy, splenic lesions were the only significant findings. In 1 case, the spleen appeared normal but was only half the size of the spleen of a normal calf of the same age. In the other case, the spleen was small, firm, and fibrotic and the capsule was adherent to the rumen and to the diaphragm through fibrous adhesions. On the cut surface, small areas of tissue resembling red pulp located around larger arteries were interspersed with areas of white, firm scar tissue continuous with the thickened capsule.

Microscopic Lesions.—Spleeen.—In the peracute and acute forms of the disease, there was marked distention of splenic sinusoids with erythrocytes and extensive necrosis of the pulp which was almost completely replaced by erythrocytes. The only cellular components of the pulp which remained were necrotic remnants of the lymphatic follicles. The trabeculae were widely separated and many contained discrete foci of necrosis. Similar foci of necrosis were in the splenic capsule. Capsular blood vessels were severely congested and many contained hyaline or fibrin thrombi and leukocytes adhered to the endothelium. Of the spleens of the 2 recovered calves, the small but otherwise grossly normal spleen was normal microscopically except for mild diffuse fibrosis of the red pulp. The fibrotic spleen consisted of nodules of viable splenic parenchyma surrounding arterial branches, and the necrotic pulp was being replaced by granulation tissue.

Liver.—Lesions including acute congestion, severe bile stasis with plugging of bile canaliculi and portal ducts, and centrilobular lipidosis and necrosis, probably resulting from hypoxia, were observed in the acute form. Erythrophagocytosis by Kupffer's cells was observed, but only to a limited degree. There were no leptospires.

TABLE 3.—INCIDENCE OF ANTIERYTHROCYTE ANTIBODY RELATED TO ANAPLASMOSIS VACCINATION

	Serum of cows not anaplasmosis vaccinated				Serum of cows anaplasmosis vaccinated			
	RBC of 3 bulls siring calves of which some have developed hemolytic disease		RBC of 3 bulls siring calves of which none have developed hemolytic disease		RBC of 3 bulls siring calves of which some have developed hemolytic disease		RBC of 3 bulls siring calves of which none have developed hemolytic disease	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Incidence of agglutinating titers	7	(6 of 90)	1	(2 of 190)	81	(94 of 115)	9	(9 of 102)
Incidence of lysing titers	9	(8 of 90)	2	(3 of 190)	94	(99 of 105)	37	(38 of 102)

TABLE 4.—INCIDENCE OF ANTIERYTHROCYTE ANTIBODIES AND DISEASE WITHIN[1] A LARGE HERD USING SEVERAL BULLS

	Bull 1		Bull 2		Bull 3		Bull 4		Bull 5	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
Cows' serums containing agglutinating antibody	[2] 92	(34 of 37)	80	(8 of 10)	0	(0 of 10)	0	(0 of 13)	0	(0 of 15)
Cows' serums containing lysing antibody	97	(39 of 40)	100	(10 of 10)	20	(2 of 10)	15	(2 of 13)	0	(0 of 15)
Disease incidence	40	(20 of 50)	33	(5 of 15)	4	(1 of 24)	0	(0 of 25)	0	(0 of 15)

[1] Cows pastured together according to calving dates and not sire.

[2] Chart shows serum antibody and disease incidence involving cows bred only to the particular column's bull. Serums taken randomly from cows; disease incidence taken from number of cows that have calved to date.

Lungs.—Edematous fluid in alveoli, alveolar septums, and interlobular septums was the outstanding lesion in the lungs of calves which died of the peracute form. In the acute form, edema was less severe and was associated with widespread alveolar and interstitial emphysema intermingled with areas of atelectasis. In 1 calf, precipitates of bile pigment were observed in the edematous fluid. In 2 calves, there was marked congestion of pulmonary veins and in another, numerous capillary hemorrhages. Septal capillaries contained numerous leukocytes, many being immature forms, and septal macrophages were active in erythrophagocytosis.

Other Tissues.—Femoral bone marrow in 1 calf was congested, edematous, and hypocelluar, but in most calves similar areas were interspersed with foci of intense hematopoietic activity. There were numerous leukocytes in the blood vessels of tissues. This was considered to be the result of marked stimulus of hematopoietic tissue associated with the hemolytic crisis.

DISCUSSION

The clinical and pathologic features (anemia, jaundice, and splenomegaly) which characterized the most common form of this disease are features of hemolytic disease. The clinical signs and pulmonary lesions of the peracute form closely resembled those produced by experimental anaphylaxis in cattle and are considered to be the result of the shock-inducing activity of the erythrocyte-antibody reaction. The severe splenic engorgement is the result of massive erythrocyte sequestration and necrosis of the pulp, and infarction of trabeculae is a consequence of stagnation.

During the investigations of the disease, infectious agents such as *Leptospira, Anaplasma,* and *Hemobartonella* were considered and eliminated as causes of this disease for reasons including the following: (1) the acute nature of the disease, (2) the young age of affected calves, (3) the absence of other signs of history suggestive of the above diseases (e.g., abortion or hemoglobinuria as occurs in leptospirosis), (4) the absence of lesions suggestive of an infectious disease, and (5) the failure to find an infectious agent by microscopic examination, by culture of tissues collected at necropsy, or by transmission. Hemolytic toxicants were ruled out on the basis of the calves' ages and the lack of known exposure.

The immunohemolytic nature of the disease was established by the demonstration: (1) of antibody (IgG class) coating the erythrocytes of diseased calves (positive direct Coombs' tests), (2) that such antibody-coated cells needed the addition of only complement to induce hemolysis, (3) that antibody eluted from the affected calves' erythrocytes and free antibody in the calves' serums would agglutinate their sires', but not their dams', erythrocytes (positive indirect Coombs' tests), (4) that the cows' serums contained antibodies that would agglutinate or lyse their calves or the sires' erythrocytes, and (5) that antibody titers to erythrocyte antigens were produced in the cows by inoculation with a vaccine of bovine blood origin. These immunopathologic characteristics are not associated with any of the infectious diseases considered, but are associated with the postparturient immuno-hemolytic diseases of the human infant, pig, and foal.

The failure of the dams' serums to agglutinate the erythrocytes of 12 of 13 affected calves does not indicate a lack of antierythrocyte antibodies since the calves' erythrocytes were already coated with antibody as indicated by their Coombs' test positive state. The antibodies (called incomplete antibodies) which produce Coombs' test positive erythrocytes from being agglutinated by erythrocytes are known to prevent the saline (or complete) antibodies. The presence of an antierythrocyte antibody in the serums of the dams was demonstrated by the agglutination of erythrocytes obtained from calves prior to their drinking colostrum and thus before the erythrocytes became antibody coated (Coombs' test positive). In undiluted cow serum, the calves' Combs' test-positive erythrocytes did frequently agglutinate, but this agglutination probably indicates the unstable state of the antibody-coated erythrocytes and not specific antibodies in the cows' serums. Thus in most instances the demonstration of the presence of antierythrocyte antibodies in the dams' serums required that the test erythrocytes be derived from calves before they drink colostrum or from their sires. In 3 of 28 cows agglutinins to the sires' erythrocytes could not be demonstrated in saline solution (saline agglutinin negative), but were demonstrated in mediums containing 22% albumin (Table 2). Absence of saline agglutinins, but the presence of albumin agglutinins occurs in isoerythrolysis of human infants. The albumin agglutinins are described as antibodies which require a high protein medium, provided in this instance by albumin or serum, for the cells to agglutinate. These antibodies can also be demonstrated by a Coombs' test.

Previous experimental attempts to produce isoimmunohemolytic anemia in calves have not been successful. The inoculation of cattle with bovine-blood-origin anaplasmosis vaccine, however, presents several features different from those of the experimental investigations. These include (1) the use of an adjuvant, (2) the lyophilization and subcutaneous inoculation of fragmented erythrocyte particles, (3) inoculation of erythrocytes pooled from numerous cattle bloods, (4) inoculation of large numbers of cows of different genetic backgrounds, and (5) the use of a large number of bulls of different genetic backgrounds to breed vaccinated cows. These factors should ensure both a more efficient stimulation of the immune mechanism and a much greater opportunity for the occurence of sensitive erythrocyte antigen incompatibilities which would be important in the production of isoerythrolysis. The sporadic involvement of vaccinated herds, the incidence of antibodies to only certain bulls' erythrocytes (Table 3), and occurrence of disease in cows bred to this group of bulls (Table 4) indicates this is in fact what is happening.

Antierythrocyte antibodies were demonstrated in a few unvaccinated cattle, but their origin and significance have not yet been determined. The incidence of titers was much greater in cows which had been vaccinated with blood-origin anaplasmosis vaccine (Table 3), but not all cows with titers produced affected calves. Probably to be affected, a calf must possess sensitive erythrocyte antigens which are different from those of its dam but which are present in the vaccine which the dam is given. The incompatible antigens are assumed to be inherited by the calf from its sire. This concept of pathogenesis also applies to isoimmunohemolytic diseases in other species. In swine, isoimmunization has been associated with the use of hog cholera vaccines prepared from whole blood. Sows, sensitized by incompatible erythrocyte antigens in the vaccine, secrete antibody in the colostrum which causes lysis of newborn pigs erythrocytes bearing the same incompatible antigens. Mares may be sensitized by equine fetal tissue vaccine so that hemolytic disease is produced in a similar way.

Further studies will be required to determine which erythrocytic antigens are involved in the pathogenesis of the disease, which antibodies present in serums of vaccinated cattle are capable of initiating the hemolytic process, and what is the relationship between these antibodies and those antierythrocyte antibodies found in the serums of unvaccinated cattle.

Further investigation by the Department of Agriculture is certainly warranted and it would appear desirable to place additional restrictions on the use of the vaccine. In the meantime, I have requested the chairman of the House Agriculture Committee to call hearings on this matter.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. RANDALL. Mr. Speaker, I want to commend the gentleman from Iowa and others from his State who are here on the floor today as well as the gentleman from Montana for reserving this time.

I feel very pleasant and very comfortable to follow the gentleman from Texas who has just spoken on this special order.

A while ago I asked to be recognized following a unanimous consent of one of our colleagues, the gentleman from Illinois (Mr. PUCINSKI). I thought he was going to participate in this discussion and it would have been very appropriate if he had participated, or for that matter any other of our colleagues from our larger urban centers because the so-called farm problem is a city problem as well.

It has been pointed out before, and at the risk of being repetitive, I think we should say it again that our people in the cities have enjoyed the biggest bargain in food prices and the people all over America have been the beneficiaries of the biggest bargain in food prices of any country in the world. I do not know whether it is 15 percent or 16 percent or 17 percent of the total budget that goes for food in this country but it is in that general category. In any event the figure jumps to 25 percent and to 28 percent in certain of the Western European countries.

Then in Eastern Europe it goes on up to 35 percent, and to 40 percent. In

Soviet Russia 50 percent of the budget of a family goes for food. In the Asian countries, the percentage amounts to as high as 75 percent. So we are discussing a problem today that involves city people as well as the farmers.

It is also a matter that involves the cities because of the importance not only of farming as an agribusiness.

So for these reasons as well as others it is vital that we as a Congress must give some attention to the income of the farmers and particularly to that of the family farmer.

Moreover, it is most important in the field of so called urban problems that we recognize that the urban problem can be solved and be prevented from becoming greater if we can keep some of our population in the rural areas and prevent the further out-migration from our rural areas and our small towns to the big cities.

Someone has said that unless that is done, it is not going to do much good to spend money on model cities or slum clearance, because as surely as we do, unless this migration trend is in some way stopped or reversed, there will be another ghetto arise, just as soon as the old one is rebuilt.

I do not want to labor the point, but I think we are all delighted and we are all gratified that the President has seen fit to recognize the farm income problem in his comment over the past weekend. It was timely. In the opinion of some of us this comment was long overdue.

There is another area to which the President can direct his attention, which would be most helpful to this overall problem of outmigration from the rural areas and that is to make rural life in the small communities of America more comfortable and more livable. That is why, releasing the so-called budgetary reserve, impoundments or in other words, those moneys which have already been appropriated to the Farmers Home Administration for rural water districts, to make life more livable in the rural areas, more comfortable, more attractive—will help to prevent further migration from the rural areas. We are all hopeful that the President may see fit to release these appropriated funds in the very near future.

Mr. Speaker, I hope this special order makes some contribution to a solution of rural problems. Those who have arranged it are to be commended.

Mr. MATHIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Is the gentleman aware of the low prices for hogs around the country?

Mr. SMITH of Iowa. I am. They are at least a third lower than a year ago, a drop from about $27 to $17.

Mr. MATHIS of Georgia. I would like to inform the gentleman that one of my constituents told me over the weekend when I was in the district that he had two friends who had formed a partnership to go into the hog business. One would steal the hogs and the other would steal the corn, and even at that they lost over $4 a hog.

Mr. SMITH of Iowa. In view of the rising cost of gasoline, trucks, and equipment, that might not be so farfetched.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I thank my colleague from Iowa for yielding. I might reminisce with some of the statements made here this afternoon. I do support the remarks made by my colleague from Missouri (Mr. BURLISON), in one or two different areas. I, too, am totally opposed to any type of dismantling or dismembering of the Department of Agriculture. I do not believe that any benefits whatsoever could ever be gained by doing that. I totally abhor the idea of even considering the matter. Because we only represent 5 percent of the total population of this country does not mean that we do not count. If we were to abolish the Department of Agriculture by sticking it in four different other agencies and burying it in the bowels of those agencies, we could never recognize where the buck would stop. At least now when we disagree we know where to go. But if that change were to take place, I am sure agriculture would be as extinct as the dodo bird.

I also agree with the dialog that took place between my colleague from Iowa and the gentleman from Oregon (Mr. ULLMAN), in regard to the 7-percent investment credit. I think this is a total mistake. When we did that, we gave the small businessman in agribusiness, the implement business, and the farmers of America an opportunity. It was a shot in the arm. And once again, in 1969 we took it away from them. I support reinstatement. I know many of the Members of the Congress do likewise.

I have a bill in that will do that. I certainly hope the Ways and Means Committee will have hearings on it.

I also agree with the statements made today based on the new statistical method of deciding what parity is.

The old system actually told the truth. The new system, devised by the Department of Agriculture, is deceitful. I would certainly support the measure advocated by my colleague from Texas (Mr. PURCELL), so that this method of deceit can be done away with and agriculture and everybody else can be given a firm, honest, factual picture as to what parity in this country is.

So far as the farm picture in the United States is concerned, I have faith in this administration and I have faith that something will be done.

We look upon agriculture almost as we would look upon a funeral, with agriculture as the body. I believe this administration is in a position, not right now, to revive that body, but at the present time it is in a position to sympathize with the survivors. I hope in due time, before the present administration expires, we might even be able to revive the body, because without a sound agriculture we will find grass growing on the streets of every city and town in this Nation.

It is that simple. The consumers of America are getting a bargain now, but whenever the farmer fails to have a fair return for his investment this country and the nations of the world certainly will suffer.

There are one or two things I am sorry to see deleted from the farm program.

One is the provision on 25 acres or less. I believe this is a horrible mistake, because on those small acreages there are the old, the elderly, and those with low incomes. Because of the nature of the past feed grains program, where we incorporated the 25 acres or less, these people were allowed to stay on those small farms. Now we have debauched their income. We have sent them into the cities. We have provided them with lower incomes than they were used to previously.

I certainly hope the Committee on Agriculture, in dealing with this problem, will see fit to reinstate and reinstitute this part of the program.

Yesterday afternoon President Nixon made a speech, a farm speech, which is something for which we have been waiting a long, long time, not only from this administration but also from previous administrations, concerning what can be done.

I guess that we may be in the process now of reviving that body, as I said before.

What I should like to do is to go through here rather hurriedly and to call attention to some of the highlights of the speech.

President Nixon made the statement that he would like to see our exports total $10 billion a year. So would I. Hopefully, presently we will have a high this year of $7.4 billion.

The President also has increased the amount of money for the foreign agricultural service, to the extent of $1 million, to help achieve this goal. This is a fine beginning.

President Nixon also is recommending that the level of farm operating loans be increased by $75 million in fiscal year 1972, from $275 to $350 million. I can say this is one thing that will have a direct effect on the young farmers of America, making these operating loans available, because no one can tell, when we deal with the elements or any other conditions from 1 year to the next, what the financial status of an individual might be. This money must be available. In this the President has had the foresight to administer the program.

With regard to the FHA and to increase its availability of insured owner loans, this is being increased by almost three-fourths, from $210 million in the current fiscal year to $350 million. This also is another help or aid to the young farmer.

There is an additional $7.6 million to the Agricultural Research Service and the State experimental stations. I certainly hope that Ames, Iowa, and Texas A. & M. are included in this. This will go toward fighting the problem we have of the southern leaf blight which has caused untold thousands of dollars of damage in the production of corn last year.

There will be $2 million for controlling the fire ant and the gypsy moth.

All of this is not just for the farmer and all of this is not just for rural America.

Another very important thing is this: Our soil and water conservation program. The President is increasing the budget request by $12 million to provide more manpower for this very valuable work. Federal grants for small watershed works will be increased by $28 million to a level of $105 million, and loan programs will be made available to help local communities finance their share. This will be quadrupled.

Also he is ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. This is also a very important factor in keeping people on the farms and providing means for expansion and growth and the enticement of new industry.

One more thing that developed in the State of Iowa when the President went to visit there a few months ago, as was mentioned by my colleague from Iowa (Mr. SMITH), is this: He included $1.1 billion in special revenue-sharing programs to help develop our rural communities, which means rural development, hopefully, to reverse the flow of people to the cities and keep them on the farms or in suburban areas.

These are only a few examples of the various changes that the President made in our farm program when he spoke to us yesterday. I would hope as many have ventured today to say it is only the beginning. We still have a long ways to go. When we have lost 23 million farmers since World War II or on the average of 600,000 farmers per year, this means there is only one place that they have had to go; namely, our urban areas. It is profitable and sensible to halt this migration in reverse. The administration has started it. They are on the right track. I hope it will not all be lost at this point. There is too much to be gained. The young farmers of our country depend very much on what the Government thinks about their tenure on the farm and also what we can hopefully do to alleviate some of their problems. As far as I am personally concerned, you can take all of these programs and do away with them completely. If the farmer can be assured of a net income, he would take care of everything he needs himself. I think we should zero in on that. Our prime course is a good, healthy net income for the farmers. With the various segments of our economy all benefiting it is very disturbing to me to have the person, the producer who provides all of the things to make our life worthwhile feel that he is not cared for and that he is a second-class citizen.

Mr. Speaker, I include the speech of the President of the United States which was given to us yesterday, in the RECORD:

REMARKS OF THE PRESIDENT: "A SALUTE TO AGRICULTURE"

Good afternoon, my fellow Americans.

Next Friday, May 7th, I ask the people of the United States to join with me in celebrating the Salute to Agriculture Day. As a part of that celebration, I am honoring representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I officially designate this day, however, in the hope that our celebrations will extend far beyond Washington—and that it will give our people, in every walk of life, an opportunity to learn more about both the accomplishments of the American farmer and the problems he confronts.

During the last quarter century, I have had the opportunity to visit some 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their techniques of farming. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, with South American gauchos. And I have often been very impressed with what I have learned.

But nothing I have seen anywhere on earth can even begin to compare with the success story written by the men and women of agriculture on our own country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth, and it has contributed immensely to our strength abroad and here at home. I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some even have had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy, they have also helped to feed the people of other lands. Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised in 1968 to remedy during my Presidential term. I am happy to say today that we have delivered on that promise. Our agricultural exports this year will be at an all-time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach at least $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest in America. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets. This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing today an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers to our farm exports around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities. We know that American agriculture can compete successfully—whenever it has the chance. And we are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last 10 years. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean, of course, is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago. Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. Now the reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farm expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased, therefore, to report that while the battle is far from won, we are definitely making progress against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970. We are working very hard, then, to ease this perennially troublesome cost-price squeeze. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased in Fiscal Year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the southwest who have been suffering so much from one of the worst droughts in history.

And I hope, too, that expanded credit will strengthen the position of younger farmers, of the hundreds of thousands of family farm operators, because they are still the backbone of American agriculture.

Let me turn now to another set of problems—crop, plant and livestock disease. I am today announcing several measures to step up our fight in this area. In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight which recently created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, and do needed work on the relationship between hosts and parasites, and on disease resisting plants.

At the same time, I am offering or ordering the use of two million from this year's budget for more applied research on controlling the fire ant and the gypsy moth which is seriously threatening our Eastern timber stands.

I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, our ranchers, our woodland owners, were working together with the government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the last four years.

I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects

In many other ways we are working to fulfill our responsibilities to the agriculture community. For example, I am ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. Through such programs I know that this Administration can work closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively. Working together we can resolve difficult issues involved in pesticide control, farm labor, farm bargaining legislation, other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that in the final analysis the problems of American agriculture can best be solved by those who know farming best, farm people themselves, with government backup when necessary. That is one reason why I have high hopes for the new farm programs which are in effect this year. They remove some of the old restraints in a way which gives every farmer a chance to make more of his own decisions about the kind of farming that suits him best. At the same time, we are continuing our search for better methods of maximizing the receipt of farm income from the market.

After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the free market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must, by nature, be incurable optimists. Like everyone else they are concerned about the great questions of war and peace, about the economy, and education and crime, and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets, and even the direction of government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, able businessmen. All of these challenges have been successfully met by America's farmers.

In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength for America, giving shape and substance to our national character from the very heartland of America.

And so we approach Salute to Agriculture Day in a spirit of gratitude with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be able to be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife, his family, will be with us in spirit.

What we will be saying on that occasion is very simply this: Agriculture was America's first industry. For most of our history it was our largest industry. Today it continues to hold an honored place in our society, a keystone not only for our economic strength but also for our entire way of life.

Mr. SCHERLE. I want to thank my colleague from Iowa, my good friend, NEAL SMITH, for making this time available to me.

Mr. SMITH of Iowa. I thank the gentleman for his contribution.

I now yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I would like also to commend the gentleman from Iowa for taking this time along with our colleague from Montana and our colleagues, the gentleman from Kansas (Mr. SEBELIUS) and the gentleman from Minnesota (Mr. ZWACH) who I understand are participating in focusing attention on the needs of rural America.

In West Virginia we are not particularly interested in the large payments to farmers. In fact, there is a great deal of opposition to huge payments to farmers with large acreages.

We have consistently voted for those limitation amendments that have limited such payments.

However, Mr. Speaker, there are many aspects of the farm program that are of nationwide significance. I can think of no one better than the Representative from the State of Iowa to talk about these programs, because when a President of the United States or a Presidential candidate thinks about where he can most appropriately make a farm speech, he usually picks Iowa as the heartland of America. I daresay that the 1948 Presidential campaign was fought out and won on the battleground of Iowa.

I would like to underline the importance of the Farmers Home Administration programs which have been alluded to and which deal with grants to rural areas and small towns for water and waste treatment systems. I think no better investment could be made to enable these communities to expand economically and in fact to exist through the kind of assistance that is necessary in order to guarantee clean water and pure water.

I would also call the attention of the gentleman from Iowa and others to the fact that when alluding to the soil and water conservation program, there is a development in this Nation that is not supervised by the Department of Agriculture which I think threatens the soil and water of this land. I refer to the widespread and escalating strip mining of coal throughout this Nation which is adding sediment to the streams, which is adding acid to our rivers, lakes and streams, and which through the blasting of the rock to obtain this surface mining coal is diverting water and the water table and blackening the drinking supplies of many people in rural areas.

Mr. Speaker, much of this strip mining also results in serious damage to the soil in the way of runoffs into the streams, the denuding and decapitating of land, all of which I think contributes to some of our productivity problem in this Nation insofar as the soil is concerned and insofar as our pasture lands are concerned.

I think it is unfortunate as to the manner in which we have to approach problems both in the Congress and in the executive branch and that the responsibility for these things are divided among several different committees and several different departments. But I would urge the gentleman from Iowa and others interested in the farm program to give attention to this creeping threat to agriculture which has been posed in many agricultural areas by the strip mining of coal on land which is otherwise used for the production of crops.

Again, I would like to add my commendation to the gentleman from Iowa for bringing this important subject matter to the attention of the House. I certainly hope that additional attention would be focused by the Congress in solving the problem which he is bringing to our attention.

Mr. SMITH of Iowa. I thank the gentleman from West Virginia for his contribution and all the others who have cooperated in this second farm day forum and to assure everyone that there will be continuing attention directed to the plight of the American farmer as long as this situation exists, for there are Members of the House interested in the problem.

Mr. BERGLAND. Mr. Speaker, most Members of Congress have been hearing about the farm problem all of their political lives. Many, quite understandably, are beginning to think that there is no answer.

I am a firm believer in the need for a Federal farm program. The production genius of the American farmer makes it possible for him to produce himself into bankruptcy. This gives support to the argument that he must have the business tools that only Government can provide: linking production to demand; and providing for a strategic reserve of feed, food, and fiber in the event an emergency should arise.

A modern farmer can operate the best land in the country, use the very best and most efficient equipment, and employ the soundest of business practices, but because of factors over which he has little or no control, he can still go broke. Weather is, of course, one factor. But the greatest concern of the modern-day farmer is the awesome power which Government administrators hold over farm prices.

Ever since the New Deal days of FDR, paternalism has been a cornerstone of Federal farm policies. "Uncle Sam knows best" has been our attitude. Because these policies have often failed in the past, it is no wonder the farmer views Washington with feelings of suspicion.

I believe that it is time that we provide the family farmers of this Nation the power to at least influence, if not control, their own destiny. If they are not provided with this power, I am convinced that during the next 30 years we will see the family farm driven out of existence, to be replaced by corporate giants who will, themselves, establish supply and price policies. God help us if food production is abandoned to them.

Farmers are about the only economic force in our country who have little or no control over themselves as an industry. Labor unions negotiate; lawyers are licensed; automakers regulate supply to protect price; banks are chartered and deposits insured; public utilities are guaranteed a profit. On and on it goes. But not the farmer. He buys at retail; sells at wholesale; and pays the freight both ways. He is subject to the tender mercy of Government policies over which he has little or no control. It should not surprise us that young people refuse to enter farming.

Mr. Speaker, it will be nearly 3 years before we can take action on meaningful farm legislation. But during this time, I believe that Congress must study the ways and means of providing farmers with the power to become involved in the administrative decisionmaking process embodied in new legislation.

I think future legislation ought to provide for an apparatus by which farmers can elect, from among their number, persons to serve on national food and fibre committees authorized to bargain with consumer and Government representatives in determining the supply, export, and pricing policies of the Nation.

Mr. Speaker, I believe such a policy would bring the farmers, marketing system into the same modern environment that he has developed to produce so efficiently. It is perhaps the only way we can preserve and strengthen the family farm system of agriculture that has served the United States and the world so well.

Mr. LENNON. Mr. Speaker, we all know that farming is the backbone of a strong and viable economy. And, yet we know, too, that the problems of rural America are compounded by a lower general income for farmers, and the outmigration of people on the farms for the better life of urban America.

We must encourage today's farmers to remain on the land, and this can only be done by the Federal Government making it possible for rural America to enjoy an average income compatible to that of our city workers.

Farmers have been forced to invest more in machinery and equipment to offset the loss in work force. These costs are high, and yet farm income has remained stable in some commodities and declined in others. Careful consideration should be given to all proposed legislation for the general well-being of America's farmers.

Mr. McCOLLISTER. Mr. Speaker, I am concerned about the plight of the American farmer, and like the administration, am anxious to alter what at the present time, the future appears to hold for this segment of our society. My concern is influenced by the fact that I was born and raised on a farm, and added to because I represent a district in Nebraska which contains a good deal of rural area. But I voice my concern primarily because I am one of 200 million people in this Nation who looks forward to sitting down to a meal and enjoying fresh vegetables, to eating beef nurtured on farm products, to enjoying some of the hundreds of services provided by those involved in agriculture.

I speak with growing concern, realizing that there is a great deal of misunderstanding among our citizens over farm problems and the importance of agriculture as a leading industry. The American farmer over the years has provided us with a greater abundance of choice at a lower cost than exists anywhere. Too often he is blamed for spiraling costs not of his making when he should be praised for his efforts in keeping prices as low as they are. Consumers today would be paying a much higher price for less food if it were not for the extraordinary efficiency and productivity of the farmer.

I am proud to be from a State which can claim a part in the excellent job which farmers have done in feeding the Nation. Often at their own sacrifice, they have been responsible for bringing the United States its high standards. They deserve a chance for an income which compares to what people in other walks of life can command. And if they do not get it, the people of America stand to lose every bit as much—if not more—than the farmers themselves. The Nation's national economy is built with an agricultural base.

One very serious problem the Nation is facing along with the farmers is the terrific outward movement by those engaged in agriculture. Millions of people each year are being forced to leave our small communities and migrate to the larger cities. This puts an additional burden on our cities, to be sure, but more significantly, leaves us with fewer people involved in the production of food. City life under these circumstances wastes the skills of those increasingly rare people who are trained to operate our farms and it puts them in an unnatural, and therefore often uncomfortable, atmosphere.

The problems scream for our attention. Rising product expenses, higher taxes, declining farm prices—all are forcing the farmer out of business. Couple these things with the closing of many business establishments in rural communities, the lack of adequate housing, educational opportunities, health care facilities, community services, and water and sewer facilities. It is no wonder that the farmers are striking out for the big cities.

Mr. Speaker, our farmers are hardly asking for handouts. We have taken this segment of our society for granted too long. The farmers deserve recognition, and they deserve our efforts in working together to stimulate economic activity and create income opportunity for farmers and rural and smalltown U.S.A.

Mr. LEGGETT. Mr. Speaker, last eveing President Nixon in his nationwide radio message to the American public praised the success story of American agriculture. He stated cheerfully that we have delivered on the promise made in 1968 to remedy sagging U.S. farm exports. Mr. Nixon also noted that total farm income will reach an all-time high this year.

While these phrases may help reassure urban residents that the American farmer has not become forgotten by the Nixon administration, it is unlikely to convince the average farmer who knows this cheery picture lacks any degree of reality.

While Mr. Nixon spoke of increased exports in his 1968 campaign, his main emphasis was on the urgent need to do something about the farm cost-price squeeze crunch. In his campaign Mr. Nixon stated in Des Moines, Iowa:

> These (new) policy directions include dedicated efforts to improve market prices and strengthen our market economy; 74 percent parity (1968) is intolerable in my book; farmers are entitled to better, and I pledge that in my administration they will have better. (Des Moines—Sept. 14, 1968).

The farm parity which was intolerable at 74 percent in 1968 is now 5 percent lower at 69 percent according to Department of Agriculture figures released Friday—figured on the same basis as during the presidential campaign. In November parity was at 68 percent, the lowest level since the depression of the 1930's. In last evening's address, Mr. Nixon wisely made no mention of parity.

At a time when farm income is higher than ever before so are farm costs. Per farm earnings were $3,332 in 1961 as compared with an average earnings of $4,500 in manufacturing. Today per farm earnings are up $1,000 to $4,300 per farm in 1958 dollars, but factory earnings are also up to $5,100.

With agriculture parity dropping from 80 percent in 1961 to 69 percent last week it is obvious that the only reason that per farm income has not similarly deteriorated is because there are nearly 2 million fewer farms in operation today. If the same number of farms were operating today as in 1960, per farm income in 1958 dollars would slide from $3,332 to $3,100.

While the numbers in agricultural economics are sometimes baffling, one thing is perfectly clear: the problem is not a rural one nor an urban one, it is a national one.

It is estimated that over 20 percent of the growth of the big cities during the last 15 years was due to migration from rural areas.

In 1960, 80 percent of the urban residents lived in sound homes while 50 percent of the rural people enjoyed the same conveniences. Forty-four percent of all housing units that lack structural soundness were located in rural areas although less than 30 percent of all housing units were in these areas. Almost 30 percent of the housing units in rural areas were without inside plumbing.

The average cash income of a farm family has been roughly 60 percent of that of an urban family. The nonfarm rural resident earns only 85 percent as much as the average urban resident. With fewer persons and smaller incomes it is a much greater burden for rural communities to provide public services. Educational and vocational training systems, adequate health care systems and other opportunities for an equal standard of living are less accessible for farm residents. When one looks at the difference in education, housing, and health the actual discrimination against rural residents is very apparent.

In the urban areas, the average resident completed 11.1 years of school while the rural nonfarm average is 9.5 and the rural farm average only 8.8 years. Because the cost per child is much higher in school districts with under 1,000 pupils and because vocational training courses require large investments and a substantial number of pupils per courses in each of the various trades, an equal chance for that kind of training has been almost out of the question.

While the health services available in rural areas are less than in urban areas, the needs are even greater per capita. Twice as many people in rural areas per capita suffer from chronic health conditions and 60 percent more per capita suffer from an actively limiting chronic health condition. Twice as many per capita die from accidents and the cause of this is generally attributed to the lack of emergency services and medical personnel in rural areas.

According to official figures one out of every 13 rural houses is classed as unfit to live in. In terms of living conditions, over half the Nation's substandard housing is located in rural areas.

Production per man-hour has increased almost three times as fast on the farm as in the city but instead of reaping benefits from this tremendous increase in farm production, it has caused reduction in prices to offset any increase in the return from the higher volume. While the people of the United States use less and less of their income to pay for food, the farmers are getting a smaller and smaller portion of the food dollar. Partly due to this tremendous increase of production per person, rural unemployment rates are constantly higher than they are in urban areas. In fact, all of the gains in employment in the United States in 1969 were in the nonfarm areas. While farm employment actually dropped by 210,000 in 1969, total nonagricultural employment increased 2.2 million.

As a result, in the cities, one person in eight is poor. In the suburbs one person in 15 is poor. In rural America, one out of every four persons is poor.

Unfortunately things are programed to get worse—building trade rates recently negotiated can only exacerbate the agricultural exodus.

It is my frank view that farmers and others on relatively fixed incomes can only be spared from the theft of Government tolerated inflation by a system of wage-price guidelines, and control themselves if intermediate conservative methods prove inadequate.

There has been much discussion of late over the possibility of farm bargaining legislation. I anticipate such discussion will grow rather than diminish in magnitude for I believe it poses the greatest possibility for maintaining a healthy farm economy.

Agriculture and cooperative, it seems to me, have been thrashing about for years to redraft the rules of economic social justice such that a man working in agriculture could aproximate the returns to his urban counterparts.

While the urbanites moved to the Wagner Act in the early 1930's setting forth the absolute right of urban workers to bargain for wages collectively setting forth unfair labor practices—agriculture workers have consistently been excluded.

Congress early provided for the right of producers to band together in cooperatives under the Capper-Volstead Acts of 1922 and 1926 and regardless of the criticisms that have been leveled about the ineffectiveness of cooperatives—the fact remains that in a number of areas and commodities due to particular phenomena some crop bargaining has been inordinately successful.

In the main, however, I believe that it has been the farmers' own consistent efforts to refrain from unemployment insurance coverage, minimum wage coverage in prior years, and labor relations act opposition that has led to the virtual total secularization of the agriculture community that has continued to aggravate the agricultural exodus.

Rather the agriculturalists since the 1930's have moved in the direction of priming the pump at the intermediate producer level that has led to scandalous overproduction of basic commodities—total indifference to specialty crop development and production, unjust enrichment of many basic crop producers due to a consistent failure of Congress and the Department of Agriculture to recognize an economic difference in the size or geographic location of those producers. As an example—the laws you lobby for generally fail to recognize that the average cotton producer in California producing two bales plus of good cotton on 250 plus acres is averaging $50,000 net plus, whereas the average producer in South Carolina produces less than a bale on about 7 acres—consistently nets less than $1,000.

To my mind farmers are as different as plumbers and basketball players and the failure to recognize the difference has been a fundamental problem restraining development of better legislation.

I do not mean to totally indict the system of price support and supply management of basic crops—this system to my mind has been farmers' best indirect bargaining tool—our overmesmerization with basic commodities—corn, wheat, grain, and cotton—is the problem.

Mr. Nixon's address did show encouraging signs. Not so much for its description of an improving farm economy, but by its evidence that the American farmer has made it clear to the President that much needs to be done. The farmer still works the longest hours for the lowest wages and receives the poorest return on his investment of any segment of the American economy.

SECOND FARM FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 60 minutes.

Mr. SEBELIUS. Mr. Speaker, I appreciate very much the opportunity to again take part in the second "Farm Forum Day" in the House of Representatives as we try to discuss and find answers to the income crisis in rural and small-town America.

There has been a great deal of meaningful discussion today regarding the obvious fact we must revitalize rural and small-town America, and the related and sometimes ignored fact that the problems of our urban areas and our rural areas are really interdependent.

I appreciate the interest and cooperation of the membership of this distinguished body in trying to find bipartisan answers to the problems of inadequate farm prices and low farm income. Since it is my privilege to represent the congressional district with the most tillable acres in all of the Nation, the "Big First" District of Kansas, my priority interest in Congress is to do what I can to revitalize rural and small-town America.

In this regard, I appreciate very much being able to join my distinguished colleagues, Mr. MELCHER of Montana, Mr. ZWACH of Minnesota, and Mr. SMITH of Iowa in organizing and helping to sponsor this second Farm Forum Day. I can assure farmers across our Nation that rural America is being heard in Washington, both here in Congress today and as evidenced by the President's remarks yesterday and later on this week when the President will pay tribute to the American farmer during Salute to Agriculture Day.

Mr. Speaker, I think it is obvious the most pressing problem today in rural America is income and the most direct and simple solution to economic expansion in our rural areas would be to increase income.

Today, farm prices are far from adequate. However, I would like to point out a quick review of farm prices does reveal some progress in the last few years.

A comparison of farm prices in January 1969, and April 1971, illustrates what the Nixon administration inherited in 1969. The U.S. average price for wheat has increased from $1.27 to $1.40 per bushel, still a deplorable level, only 48 percent of parity. The price of corn increased from $1.08 to $1.41 per bushel—76 percent of parity. Grain sorghum prices jumped from $1.74 to $2.19 per hundredweight—still only 71 percent of parity. The U.S. average price for beef increased from $23.80 to $29.10 per hundredweight, approximately 85 percent of parity. The price of swine slipped from $18.70 to $16 only 55 percent of parity. These figures represent substantial progress in achieving fair prices for farmers. However, farm prices are grossly inadequate when we consider that farmers received only 78 percent as much income as nonfarm people in 1970.

Despite this limited progress, the farmer continues to suffer economically more than any other segment of our economy as high interest rates and inflation combine with low farm prices to force rural migration at an ever increasing rate. It is important for all Americans to realize that in rural areas many of our farmers are forced to live as second-class citizens. It is a paradox of tragic irony—the hardest working people in our economy who are engaged in one of the Nation's most important jobs are not sharing in this Nation's prosperity.

Twenty-five years ago 26 million Americans earned their living on 6 million farms. Today, less than 10 million people are trying to earn a living on 2.8 million farms. We are witnessing the continuation of one of the most far reaching sociological and economic changes in history—the urbanization of our society.

Still, the American people, if given a

choice, would prefer to live in the countryside. According to a 1970 Gallup poll, six out of 10 people would rather live in the country—if they had a choice. A brief look at rural and smalltown America provides some insight why less than 5 percent of the U.S. population lives in rural areas.

Despite the Federal payments farmers receive in one form or another, the money farmers receive today for crops has not increased in more than 20 years. Yet, during the same 20 years per hour earnings of manufacturing workers have increased 127 percent, corporate dividends are up 251 percent, farm expenses are up 54 percent. Farm income is up only 2.9 percent. Those farmers who have been able to stay in business have been able to do so only through borrowed capital, increased efficiency and productivity and at considerable economic and social sacrifice.

When I refer to the term "second class citizen," I am convinced the description is not over exaggerated.

Sixty percent of all substandard housing is in rural areas. Nearly half of our Nation's poor reside in rural America. Over 30,000 rural towns do not have any water systems, 45,000 additional communities lack adequate water facilities, 32,000 rural communities still do not have adequate waste disposal systems.

In many rural areas, the unemployment figures have been as high as 18 percent. The Secretary of Agriculture estimates that about $12 billion worth of manpower leaves our rural areas annually—young people migrating to the cities.

President Nixon has stated in a recent message to Congress that over one-third of our Nation's counties have less than the national average of doctors per person—these counties are in rural America. In my district, citizens in several communities must drive in excess of 100 miles to receive medical care. In the "Big First" of Kansas the ratio is as high as one doctor for every 4,500 patients.

In urban America, the average citizen completes 11.1 years of school. The rural farm average is only 8.8 years. Due to small enrollments, limited tax resources, many rural schools lack library, laboratory, and language facilities or the benefits of a wide educational curriculum. Moreover, the Federal aid to education programs discriminates against rural and smalltown America, pouring millions of dollars into school districts without regard for need.

Mr. Speaker, what I am saying in essence is that one of the reasons we are losing a traditional and proven and preferred way of life is that throughout rural America we have a substandard quality of living. I am talking about substandard water and sewer systems, transportation, rural health care, access to cultural activities, parks and recreation, inadequate housing for our senior citizens, lack of job opportunity for our young people and many more urgent needs.

Mr. Speaker, I do not mean to dwell on the negative aspects of American agriculture today and I think as we consider the plight of the farmer in our Nation, perhaps we tend to be prophets of doom and gloom to the extent we ignore what progress is being made regarding farm income. However, just as we try to work together in what I hope will be bipartisan cooperation to revitalize rural and small town America, I think we have an obligation to tell the farmer's story like it is. As we "tell it like it is," I want to make it very clear the problems of American agriculture should not be a matter of blame. We are interested in answers not partisan accusations.

In this regard, I am convinced the U.S. Department of Agriculture, under the able leadership of Secretary Clifford Hardin, has exhibited both concern and I think a good record of achievement in working to improve farm income and over the long term, stop and reverse the flow of people and economic opportunity from rural America. I am also convinced President Nixon and this administration are dedicated to finding long-range and workable answers to the problems of rural America.

I would hope in this regard we can achieve some degree of farm unity and support for legislation and programs that will benefit rural America. The much talked about goal of farm unity both in Congress and among farm organizations is not impossible. Nine farm organizations are currently working together with the Department of Transportation to exempt normal farm operations from arbitrary and unrealistic vehicle safety regulations. I do not see why we cannot achieve the same kind of unity regarding many of our other problems and in particular the problem of farm income.

Mr. Speaker, in order that we recognize and fully understand that we are aware of the farmer's crucial needs, I would like to submit for the record information entitled "What's Being Done for Agriculture," prepared by the USDA. It represents, I think, a good compilation of an excellent beginning toward progress in revitalizing rural and small town America:

The information follows:

WHAT'S BEING DONE FOR AGRICULTURE?

The U.S. Department of Agriculture under Secretary Hardin has truly amassed a remarkable record for assisting farmers of this country. If we look under the surface of the day-to-day operations of the Department, scores of innovative programs are contributing mightily to the improvement of farm income. At the same time, rural America is also benefiting from the direction pursued by USDA in all other areas in addition to farming. USDA recognizes that people in the cities and towns depend upon a viable agriculture and its giant contribution to the social and economic welfare for their own progress and prosperity.

Consumer Position. Secretary of Agriculture Clifford M. Hardin told interviewers in February that consumers must expect to pay more for food if producers of our food and fiber are to secure a fair price at the farm. A more forthright stand on behalf of farmers has not been taken by any Agriculture Secretary in decades, and should be proof beyond any doubt that this Administration is attempting to place agriculture on an equal plane with industry, labor and consumers—a goal that has not been achieved in many decades.

Retail Improvement. To make certain that consumers are going to benefit when prices drop at the farm level in times of excess production or other depressing situation, USDA has made it plain by way of emphatic public announcements that the pricing system at retail outlets should more quickly reflect lowered costs to the retailer. The latest such admonishment came during the near-disaster hog market of last fall and early winter. Response from retailers was immediate, and consumers thus obtained a real saving in pork at the same time that the heavy supplies hanging over the market were lowered to bring prices up considerably shortly after the new year of 1971. Both consumers and farmers thus benefited from this USDA action.

Pork Price Support. Almost immediately with the down-turn of the hog market last August, USDA began buying pork products for use in school lunches and needy families of the nation. At the same time Defense has doubled its pork purchases, beginning last September. The USDA purchase program has continued into March. At the present time more than 160 million pounds of pork products have been taken off the market—considerably more than in any comparable period in USDA history. Needy people and the school children of the nation have also benefited greatly.

Dairy Supports and Imports. Secretary Hardin announced the fourth week in March that supports on manufacturing milk would be increased to $4.93 cwt., from the previously stated $4.66 level. The new rate recognizes boosts in the cost of operation for dairymen, including transportation. Even though dairymen in 1970 had been granted the largest increase ever at the start of a marketing year, the Secretary reassessed the situation and determined that the 27 cents per hundred boost was essential to maintaining a healthy dairy production in this country. This, of course, is only about one-fifth of a cent per pound and could not conceivably add inflationary retail values. A recapitulation of fiscal 1970 support purchases for dairy products reveals a grand total of $279 million, but expenditures for this assistance program are expected to soar to $380 million in fiscal 1971, and $400 million plus in fiscal 1972. Cheese purchases have accelerated since February this year, with this product being contributed to the school lunch program and needy families. Imports were placed on a more realistic basis at the beginning of this year, with ice cream being cut by 95 percent to preserve the U.S. support program and to restore a more equitable share of the American market for domestic producers, processors, and employees.

Adequate Chemicals. USDA is in a better position than ever before to champion the needs of agriculture in the area of herbicides, pesticides and other essential chemicals required for safe and economcial production of food and fiber. Although demand for abolition of all chemicals has reached a near-hysteria stage by a few environmentalists, the Department of Agriculture can now plead the case for farmers and consumers because the department has been freed from the untenable position of being both advocate and enforcer. Placing regulation of agricultural chemicals in the hands of a separate Environmental Protection Agency has put the crucial matter in its proper perspective so that USDA can, and does, enter the fight on the side of farmers. In recent weeks such vital herbicides as 2,4,5–T have been saved, and safety reviewers will undoubtedly permit use of other highly important chemicals . . . although some under restrictions.

Barter Exports. One of the best programs in the export picture has been seized upon by this Administration to not only help farmers but to develop a better balance of trade situation with other countries. A record $575 million total barter export value was set during calendar year 1970 by the program, up about $235 million from the previous year. Barter has reversed previous trends when hard dollars were paid out for commodities to foreign countries for military and other U.S. operations.

Advisory Councils. Secretary Hardin is making excellent use of the advisory committees selected for nearly every agricultural commodity in the country. Scores of committees have been chosen to help guide programs and future plans by representatives involving all phases of production, marketing and retailing. Several new committees have been added ranging from science and education to rice, broiler, forestry and regional farmer advisory committees. Adding to the voice of local economic units is a basic mandate of the Administration.

Import Quality. USDA has assisted in improving quality of some imported fruits and vegetables by applying the same regulation to the imported products as required of U.S. producers. Farmers have benefited from this policy, along with consumers.

Housing Needs. Demand for housing in rural America has reached such proportions the Farmers Home Administration has revised its procedures to expand the supply of modern homes. At least 125,000 housing units will be financed during fiscal 1971 and 227,500 are proposed in 1972. Much of the spade work for speeding up local housing projects has been placed upon private concerns, and the staffs of FHA in 1,700 offices throughout the country are assisting with planning and application work.

Rural Development. Secretary Hardin has placed a top priority tag on giving every available aid to improvement and building of rural America. The aim here is to return initiative to the people in the states and the local level. As a part of this program, revenue sharing is essential in order to make fullest use of both financial and human resources on farms and in the small towns and cities comprising 65 million of our population.

Self Help Planning. Farmers Cooperative Service has been regearing its programs to help farmers find profit centers in agriculture, and is continually adjusting programs to help solve critical problems. Special research teams are studying forward integration (the processing, manufacturing, packaging, merchandising, and distribution segments of agcricultural business), cooperative bargaining, financing and member relations. The Secretary of Agriculture has set the policy by stating "A progressive farm policy includes support for those who seek to help themselves through constructive group action."

Electric-Telephone Services. Rural Electric Administration has been setting records in approving services needed to place Rural America in a position to take advantage of job-creating industries that must have both electric energy and telephones as an essential part of any operation. At the same time, farmers have been doubling use of electricity every ten years in order to more economically provide the food and fiber required by all Americans and much of the world. REA provided 319 electric loans—the highest number since 1958—during fiscal 1970, and the second highest dollar amount in the programs' history went for 182 telephone loans.

Land Use and Improvement. More public interest in water supply, recreation, pollution abatement, recycling of waste products and land-use planning has increased demands for Soil Conservation Service technical assistance. Most of the assistance is channeled through more than 3,000 locally organized and managed conservation districts. By the close of fiscal 1970, 753 million acres of land were involved in soil and water conservation projects.

Statistics Reporting. At the instigation of Secretary Hardin a study was made of important statistical reporting which supplies farmers with needed advance information on production intentions, estimates and other basic data. The object was to eliminate some reports, scale down others and entirely eliminate those which no longer applied to modern agriculture. The Statistical Reporting Service, like many other agencies, had grown without considering changing conditions and thus required a pruning and revamping long overdue. Eight different categories have been realigned, while the September and October general crop product reports will be combined.

Meat Imports. In line with the needs of both consumers and producers, the Secretary of Agriculture has continued the ban imposed last July on reshipments of meat through Canada and other countries which last year had amassed a giant 25 million more pounds of imported meat under the Meat Import Act of 1964. A larger supply, however, is provided for in 1971 by allowing direct shipments somewhat above the 1969 figure but in line with last year. Better inspection of foreign meat has been developed in recent months to make sure that consumers will get a product that is wholesome.

Boxcar Shortage. The recurring shortage of boxcars to move grains out of high production areas to ports and processing centers is receiving high attention of USDA. Among strong efforts of this Administration to help ease conditions arising from the shortage has been to secure higher rental rates from railroads making use of the boxcars, thus forcing their return to the railroads owning them—mostly in the high production grain areas. USDA is encouraging legislation to provide new rail cars, and in 1970 secured temporary lower rail rates from some Western lines to help move grain from bulging elevators to export shipping points. Meanwhile, Agricultural Stabilization and Conservation Service is making more loans at lower rates for farmers to provide their own storage facilities to ease the sudden harvest loads upon commercial facilities and the railroads. In February alone, ASCS made 184 loans representing about 1.2 million bushels of storage capacity. A total of 96,022 loans were outstanding as of February 28 for a total of many more millions of bushels.

Training Programs. The Forest Service and other agencies are involved in highly significant job-training and youth programs which will accelerate this year with addition of the Youth Conservation Corps. This new project will employe 1,100 youths for an eight-week period this summer on a pilot basis. Enrollees will be young men and women, aged 15 through 18, from all economic and social backgrounds. Environmental problems will be a major study and work program for these young people to take back for use in their home areas. Other manpower programs include Operation Mainstream, Green Thumb, Neighborhood Youth Corps, Manpower Development and Training Act, and others. About 10,000 individuals were involved in this phase of the training operation. Twenty Job Corps Civilian Conservation Centers are operating with 7,000 underprivileged young men offered training in various skills so they may enter the labor force, return to school or enter the military.

Dairy Import Loophole. Hydrogenated butterfat from Belgium totaling about 2 million pounds was imported illegally into this country before USDA stopped shipments this year. New York customs officials permitted entry of the product and did not inform Washington. It was not until the Import branch of USDA made a routine check that the loophole was detected and plugged. Customs has ruled that the "hardened butterfat" is subject to quotas for butterfat mixtures, and therefore could not be classified as "animal fat" which is not a quota item.

Foreign trade, the most promising growth area for agriculture, is soaring. When the Nixon Administration took office, agricultural exports were in their second straight year of decline, falling to $5.7 billion. Last year an all-time record of $7.2 billion was set, and farm exports are currently running 16 percent above last year's levels.

Overseas market expansion is getting heavy emphasis. Secretary Hardin created the Export Marketing Service to group expertise and facilities for greater effectiveness in market development. In personal consultations with European Leaders he defended American farmers' right to market access under international agreements.

Soybeans are setting the pace. Total export approaches half the U.S. crop of more than 23 million acres, whereas only 15 years ago, not that many acres were planted to soybeans. The use value of soybeans is growing, from $2.3 billion in the 1968–69 marketing year to $3.6 billion this year. One factor in the upswing was the Secretary's decision to lower the soybean support price, thereby making soybeans more competitive in marketplaces of the world.

New farm programs resulting from the bipartisan Agricultural Act of 1970 are designed to give farmers more flexibility, greater freedom in deciding what crops they can produce most efficiently for developing markets. Specific limitations on what farmers can grow were removed, so that production can be geared more closely to the demands of domestic and foreign markets.

Corn blight problems were dealt with swiftly . . . USDA research and Extension Service task forces tracked the situation . . . seed industry cooperation was obtained in stepping up production of blight-resistant seed in Latin America and Hawaii for use this spring. Thanks to the flexibility of the new "set aside" program, growers in blight zones can plant alternative crops and farmers outside the affected area can shift to greater corn production without losing payment benefits.

Farm income improvement is the aim of many varied efforts on behalf of farmers. Government pork purchasing was stepped up by millions of pounds when prices slumped last fall. The President and Secretary Hardin tightened meat imports. Private business participation in supplying agricultural credit has been stimulated, increasing the availability of loans for farm operations and land purchases.

It will take time for the new farm programs and pricing policies to become fully effective and add dollars to farmers' net earnings. But early indicators such as this spring's planting intentions show that farmers are already exercising greater choice in crops, resource allocations, and markets. Government-owned stocks and CCC loan inventories are decreasing . . . this will help reduce pressures on markets and prices. And prices received by farmers are generally above the price-support levels. These are all positive signs.

Consumer services of the Department of Agriculture are expanding, meanwhile. To assure that all Americans have wholesome, truthfully labeled products, the meat and poultry inspection program was broadened in scope, and 35 State meat inspection programs have been certified as equal to the Federal program. During 1969 and 1970, 413,000 man hours of training were provided to State employees. Foreign inspection systems have been upgraded and computerized histories established.

Food assistance programs for poverty victims have been doubled in coverage, from 6.9 million persons when the President delivered his "Hunger Message" in May of 1969 to more than 13.6 million. Food Stamp assistance shot up from 2.9 million in January, 1969, to 9.8 million. . . the value of "bonus coupons" climbed from $18.5 million a month when the Nixon Administration took office to a current level of $130.8 million. And the geographic scope has increased, to all but 10 of the Nation's more than 3,000 counties and independent cities. Nutrition aides, of whom there were none in January, 1969, now number close to 7,000—they work in low-income communities to teach food values and food preparation.

More needy children are receiving free or reduced-price meals than ever before. . . the total has more than doubled from 3 million in May, 1969, to above 6.6 million at present.

Conservation and environmental improvement activities have been stepped up and given sharper focus. After President Nixon broke a Congressional log-jam on watershed work, 163 projects were approved. This is one-sixth of all projects approved in the 16-year history of the watershed program. And in the past two years planning help was approved for 22 new, multi-county Resource Conservation and Development Projects, bringing the total to 78 now under way—over one-fourth of all such projects since the program began.

Public benefits, stressing pollution abatement are being given priority in the new Rural Environmental Assistance Program. This is a shift from annual, individualized production practices to permanent improvements in the public interest.

Rural development efforts have likewise been strengthened and given new direction. Funding levels of principal USDA rural developmental programs have gone up from $1.4 billion in Fiscal 1969 to more than $2.5 billion currently and to an estimated $2.7 billion in Fiscal 1972. The emphasis is on water and sewage facilities and related community services, along with a maintenance of a continued high rate of expansion of job-generating rural electric and communications services.

Family farms rate as the most efficient type of agricultural production unit, in the judgment of Secretary Hardin, and the total effort of USDA on behalf of agriculture and Rural America is expected to help maintain the pattern of family farming.

Wheat Agreement. USDA has given its blessing to the new three-year International Wheat Agreement as one that will help growers compete and will encourage stability through a regular review of trading conditions. The agreement also provides a framework for subsequent price negotiations when these may be desirable. Rigid provisions of the 1967 agreement proved unworkable and contributed to market instability in 1968 and 1969. The new arrangement takes effect July 1, 1971, subject to ratification by the U.S. Senate.

Farm Credit. Several factors are contributing to easing of farm credit problems and interest rates. Money is becoming more available under relaxation of policy by the Federal Reserve Board, and prime interest rates have dropped from 8.5 percent in June 1969 to less than 6 percent in early 1971. The credit situation appears better for 1971 than in several years. Farmers today are borrowing more than twice as much as at the start of the 1960s, much of it to be used as a tool to expand and increase productivity.

Using Space Knowledge. An early warning system has been perfected to detect corn blight onslaught at its inception, if the disease strikes corn in the midwest and south again this season. The National Aeronautics and Space Administration will provide high altitude aircraft capable of photographically recording presence of the blight. Directors of the North Central State Agricultural Experiment Stations have worked out plans to use the remote sensing equipment.

Mr. Speaker, I would also like to take this opportunity to introduce legislation that I feel can be a part of the solution to many of our rural problems as well as problems regarding environmental protection and hunger and malnutrition.

It is most appropriate that this legislation, called "the Marginal Farmland Conservation, Restoration and Environmental Act of 1971" be introduced during this second "Farm Forum Day" activity.

Enactment of this legislation would authorize the Secretary of Agriculture to formulate and carry out a program to conserve and restore marginal farmland and to devote the land to conservation and pollution-abatement uses, recreation and beautification until it is needed to satisfy the demand for food and fiber.

This program and bill, H.R. 7951, is not designed to retire cropland, reminiscent of the "soil bank" and other cropland retirement programs. This is a voluntary contractual program similar to the Great Plains conservation program, but producer participation is limited to marginal cropland, only. This farmer-selected cropland would be devoted to practices to halt soil erosion and to restore soil fertility. Besides limited cropping, this acreage could be used for much needed recreation and beautification programs.

The Secretary of Agriculture may limit the total acreage placed under contract by any landowner or operator in such amount as he may determine desirable except that persons over 65 years of age may include their entire farm under the agreement. However, the total acreage placed under agreements in any county or local community shall be limited to such amount as will not adversely affect the economy of the county or local community. In addition, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers and to preserve the producer's crop allotment history.

As a result of the farmer's economic struggle for survival and the growing demand for food and fiber, our limited soil resources have been seriously depleted. Today, on the average, only 8 inches of topsoil across the United States comprise the difference between an adequate food supply or starvation. This fact is even more dramatic in view of current consumption and population projections. U.S. Department of Agriculture economists project that by 1980, consumers will spend about $206 billion for food—an increase of $97.8 billion over similar expenditures for 1970, and an increase of almost 100 percent. Census projections reveal that U.S. population could increase 100 million or 50 percent in the next 30 years.

This information is even more startling when we realize that it takes nature between 400 and 1,000 years to build up 1 inch of topsoil. It is obvious that we must accelerate our efforts and devote some of our Nation's financial resources to restore the soil that is our heritage and the foundation for our very existence.

I am hopeful we can profit by our experience in the 1930's and the lessons of history regarding our soil resources and how proper stewardship of these limited resources relate to the Nation's supply of food and fiber and economic stability and prosperity.

Taxes, low farm prices, and population growth forced a more intensive use of our soil resources in the 1930's. The steel plow destroyed Buffalo grass and other vegetation and exposed the sponge-like humus to the ravages of sun, wind, and rain. As the humus was destroyed, the soil lost its cohesiveness. On March 11, 1934, 300 million tons of precious soil were blown away in a single duststorm.

Recently, the Soil Conservation Service estimated more than 7 million acres of crop and pasture land in the Great Plains area were in a condition to blow. This compares with 4.8 million acres a year ago at this time.

This has occurred in spite of soil conservation districts that have been established in all parts of the Nation to implement conservation programs to prevent a reoccurence of the "dust bowl days" of the 1930's. However, according to SCS officials over 60 percent of the farm and ranch land still has not been "adequately treated." This means that soil is being lost by erosion more rapidly than it is being formed on 60 percent of the land due to inadequate conservation appropriations and inadequate farm income.

The conservation and restoration practices resulting from participation in the program I am proposing today would help reduce water and stream pollution and would provide land suited for much needed beautification, recreation, and pollution abatement.

This program would keep soil sediment, the world's greatest nontoxic pollutant, out of our rivers and reservoirs and would reduce agricultural chemical pollution as well. In addition, this would encourage the development of vegetation, return feedlot runoff and animal wastes to the land and vegetation without polluting soil and water. This program would help accomplish the overall environmental objective of successful recycling.

It is estimated that the total amount of sediment moving into the Nation's rivers, lakes, reservoirs, and streams reaches 4 billion cubic yards each year. In the Nation's reservoirs, annual deposits of sediment are estimated to exceed 850,000 acre-feet. This is approximately equivalent to the combined land area of Rhode Island and Washington, D.C., 1 foot deep.

It is obvious that we must expand soil conservation efforts, establish more long-range conservation plans and practices, and restore vegetation to halt this threat to our environment. This is necessary not only for wildlife and our environment but to assure an adequate supply of food and fiber for future generations.

As I mentioned earlier, this will help satisfy several domestic problems by improving farm income, stimulating rural development, providing a sound economic base to prompt a reverse migration back to the countryside to relieve the pressure in our overcrowded cities, and by protecting the quality of our environment.

Not only will this program improve the outlook for rural and urban development, but it will do it at the lowest possible cost. To illustrate this, a farmer with poorer land that grows 20 bushel of wheat and nets $5 an acre would likely defer it for a $5 payment. By contrast more productive land that yields 40 bushels to the acre and nets $20 would likely cost $20 to defer. If you set aside 4 acres of the poorer land for $20, you would defer 80 bushels of production, However, a $20 payment on better land would defer only 40 bushels of production. So at the same cost you could defer twice as much production from the poorer land and through conservation and restoration more than double the productive capacity of the acreage for future generations.

I feel that this could compliment our present farm policy and pollution abatement programs and satisfy the short-run and long-range objectives of each. I am hopeful that my colleagues on the House Agriculture Committee and the distinguished membership of this body will consider the Marginal Farmland Conservation, Restoration, and Environmental Act of 1971 as a partial solution as we strive to improve the quality of life for rural and urban America in the decade of the 1970's.

Mr. SHOUP. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Speaker, it is a privilege and honor to join with my colleagues in calling to the attention of this body the contributions to society made by agriculture.

I join with all those who proudly claim their heritage in the soil—I share their concern that the vital role played by agriculture in the lives of every man, woman, and child will be minimized to the extent that our very existence will be threatened. But, rather than spending my time finding fault and pointing out shortcomings, I would prefer to compliment agriculture and its accomplishments. I invite all my colleagues to join in praising those whose sweat and toil place our daily food before us.

Of all the products of American agriculture deserving of praise from consumers, I would place beef cattle at the top of the list. No product is more in demand than beef, and consumption is continuing upward each year. Cattlemen have not asked for supports by taxpayers, in fact have resisted interference by Government in their operations. Perhaps this is the reason that the beef industry remains as the most viable of all the commodities coming off the farms and ranches of the country.

It is true that cattlemen have faced many years of hard going, of ups and downs in prices, and of increasing costs of operation. But, beef producers have weathered each storm on their own initiative and resources until today they stand as the outstanding example of the free enterprise system. Many of them are deeper in debt than ever before; many have dropped out of business; and still others are hanging on by grace of their bankers. This same condition applies to other farmers who have had Federal supports for a number of years. The point is that cattlemen have wanted to stand independent as possible, fighting for a fair shake with other facets of our national economy while avoiding direct handouts from the U.S. Treasury.

To achieve the position cattlemen hold today in consumer product acceptance, in community standing and as a bulwark of agriculture across the country, has required more skills in every phase of management than most any other comparable business. Developing increased efficiency at every stage of production is a grueling task that few urban folks could or would tackle, particularly when the low income and almost total lack of investment return from cattle operations are considered.

For the cattlemen who can hang on for this decade of the 1970's, however, there appear to be bright rays of future economic improvement appearing. More beef per capita is being eaten by American consumers each year; the population increase is expected to require an additional 11 to 12 million slaughter cattle by 1980; and people in countries now exporting beef to the United States are beginning to increase their consumption so that competition from imports may lessen.

Just this month, the Canadian Department of Agriculture noted that exports of beef and veal to the United States for the first 13 weeks of 1971 were 3.5 million pounds less than the level for the same period in 1970. At the same time Canada is importing more U.S. live cattle. Other imports are also down somewhat, revealing that needs of families in the exporting countries may be demanding more of the local beef supply.

Cattlemen are currently not without stiff competition from foreign countries. Last year saw record imports permitted under the 1964 Meat Quota Act. At the same time, a loophole in the act is allowing more so-called prepared fresh and frozen beef to enter in the form of portion cuts, rolled roasts and similar minimum preparation items. This type of import is expected to total 65 million pounds this year, compared with only 5 million at the time the 1964 act was passed.

The cattle industry not only provides the basic product, but also makes use of about 25 percent of all the grain produced by farmers in feeding operations that provide our consumers with the tasteful and juicy kind of meat they prefer. This makes beef production the largest single agricultural pursuit, and it obviously will become even more important in the years ahead.

During the past decade the price of cattle at the farm and ranch rose only 5 percent. At the same time, beef at retail rose almost 20 percent which reveals that cattlemen are unable to pass along their increased costs of doing business on any kind of comparable basis with processors and retailers. From the producers viewpoint, consumers are obtaining a real bargain.

In my State of Montana, cattlemen have increased beef herds as a part of the national goal to keep pace with consumer demand for American beef. Just this past year the total number of beef cattle increased to 2,943,000 head from 1,984,000 in 1953—nearly 1 million more head on the ranges and farms, resulting in a total value of about $371 million at the present time, including the dairy herds. New wealth produced by the cattle industry each year adds greatly to maintenance of our towns, cities, local schools, and governments.

I feel strongly that the cattle industry, because of its vital importance to our consumers and to the total economy of the Nation, has earned our acclaim today as we salute American agriculture. And equally important we owe these entrepreneurs of our free-enterprise system our fullest support in seeing that the industry is given fair treatment in all legislation affecting the 1½ million or more families engaged in beef production as a major part of their income. Rural America would lose much of its vitality, so badly in need of further bolstering, if cattlemen are not given full opportunity to achieve a level with other industry and labor in the early years of this decade.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Montana.

Mr. MELCHER. I want to commend my colleague from Montana for his very pertinent remarks in the well today. I want also to commend the gentleman from Kansas, who has participated in this second of our farm and ranch forums, for his contributions that are made on a bipartisan basis, that I believe are going to lead this House into an area where we can better serve our constituents and our farms and ranches back in our home districts.

Beyond that I believe we would better serve the Nation when we approach these problems on a bipartisan basis and solve them. As we draw the subject to the attention of the House today, we are well aware that the problems are there, they are serious, and they need correction.

I thank the gentleman for yielding to me.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Minnesota.

Mr. NELSEN. I thank the gentleman for yielding.

Mr. Speaker, I do not happen to be a member of the Committee on Agriculture, but I have listened to some of the speeches that were made in a very decided partisan tone. However, I notice that those particular speakers immediately left after they had thrown their harpoons. I want to say to those who are sincerely concerned about rural America, however, that the bipartisan attitude which prompted this opportunity for us to discuss the agricultural situation is one to be complimented.

Mr. Speaker, I have lived on a farm all my life. I have lived on the farm because I like it. I like the tranquillity of rural America. We reared our family on the farm. It is a wonderful place to live. Certainly, we want to preserve it, but when we deal with the agricultural problem and attempt to assess blame, I am reminded of the old saying, "Let him who is without guilt cast the first stone."

Some of the Members who has spoken loudly and sharply have been in a position of leadership and they could have done something. However, I have not heard from those same people any recommendations as to what we ought to do. However, to the gentleman in the well, Mr. Sebelius, let me say congratulations because you have dealt yourself with conservation and rural health and some of the many things to which we have been giving some attention in our legislative process.

I have watched rural America, and seen how we have scrambled to get every acre into production, and yet have given little emphasis to preserving some of our wetlands that are necessary, in my judgment, to keep the kind of atmosphere we need—and I am talking about physical atmosphere—to preserve some of our areas of our country.

In the field of health right now in our Subcommittee on Public Health and Environment we are doing everything we can now to shape legislation for programs to produce more doctors and more nurses. The legislation we are considering moves in the direction of encouragement to general practicitioners to come to rural areas, even with forgiveness features in the loan provisions in the bill so that they will locate in rural areas.

I can think back to the days of the rural electrification job that I had in the Eisenhower administration, and I learned so well of cases where issues were raised about telephone policies, and also in the electrical field, and yet those policies that we instituted at that time stimulated the telephone program so that today most of the farmers have telephones. In the electrical program, again the policy of partnership which we instituted has been successful.

So, Mr. Speaker, we have tried, and I have tried in my legislative life, to move in a positive way. It is with a great deal of regret that I see so many times that the farm program becomes a vehicle for political enterprise rather than really a vehicle to improve rural America. I am sure, that all of us who have stuck it out here on the floor to the bitter end have expressed our interest by being here, indicating we are not interested in just partisan results, but in real results.

I compliment the gentlemen who have worked together in a bipartisan way to honestly move in the direction of a better rural America. That is what we need.

For all such reasons, I was delighted by President Nixon's special focus on rural America again this past weekend. In his radio address yesterday, he set a goal of boosting agricultural exports to $10 billion a year from this fiscal year's projected $7.4 billion. This goal, if attained, would most dramatically put extra dollars in millions of farm pockets. Additionally, the President pledged he would ask Congress for a $351 million expansion in farm credit during the next 2 years, a move that would certainly strengthen the position of younger farmers and many family farmers. The President called as well for a $52 million increase in funds for pest eradication, research and watershed development. In view of the troubles we have in the Midwest with flooding, grain blights, and so forth, these additional increments should be most helpful if the Congress can be persuaded to back the President's proposals.

Certainly, we all recognize that a good deal more is required. As the President himself noted when he submitted his rural community development revenue sharing proposal earlier this year, median family income in nonmetropolitan areas is still 22 percent below that in metropolitan areas.

However, I believe we can see some progress being made, and some more enlightened attitudes starting to prevail. For example, our current Secretary of Agriculture, Clifford Hardin, is the first Secretary in my memory with sufficient intestinal fortitude to advise consumers that they must expect to pay more for food if producers of our food and fiber are to secure a fair price at the farm. The Secretary's advice is not unreasonable when we stop to realize that American consumers today are getting the best food buy of any people in the world at any time in history—they spend only 16.6 percent of their disposable income on food. But his advise is unusual when we remember the many times back in the 1960's when others high in government attempted to make the farmer the scapegoat for inflation, employing the Government itself to help drive farm prices down.

I might add that I do not believe the Nixon administration is being given proper credit for the many actions that have been taken during its life of 2 years and 3 months to correct poor rural conditions and to rebuild rural America along the lines universally desired.

So, in order to help set the record straight on behalf of the administration, I am pleased to introduce into the Record at this point a partial summary of actions taken that we certainly hope are helping rural America to get back on its feet and to progress.

I thank the gentleman for yielding.

The material follows:

What's Being Done for Agriculture?

April, 1971.

The U.S. Department of Agriculture under Secretary Hardin has truly amassed a remarkable record for assisting farmers of this country. If we look under the surface of the day-to-day operations of the Department, scores of innovative programs are contributing mightily to the improvement of farm income. At the same time, rural America is also benefiting from the direction pursued by USDA in all other areas in addition to farming. USDA recognizes that people in the cities and towns depend upon a viable agriculture and its giant contribution to the social and economic welfare for their own progress and prosperity.

Consumer Position. Secretary of Agriculture Clifford M. Hardin told interviewers in February that consumers must expect to pay more for food if producers of our food and fiber are to secure a fair price at the farm. A more forthright stand on behalf of farmers has not been taken by any Agriculture Secretary in decades, and should be proof beyond any doubt that this Administration is attempting to place agriculture on an equal plane with industry, labor and consumers—a goal that has not been achieved in many decades.

Retail Improvement. To make certain that consumers are going to benefit when prices drop at the farm level in times of excess production or other depressing situation, USDA has made it plain by way of emphatic public announcements that the pricing system at retail outlets should more quickly reflect lowered costs to the retailer. The latest such admonishment came during the near-disaster hog market of last fall and early winter. Response from retailers was immediate, and consumers thus obtained a real saving in pork at the same time that the heavy supplies hanging over the market were lowered to bring prices up considerably shortly after the new year of 1971. Both consumers and farmers thus benefited from this USDA action.

Pork Price Support. Almost immediately with the down-turn of the hog market last August, USDA began buying pork products for use in school lunches and needy families of the nation. At the same time Defense has doubled it's pork purchases, beginning last September. The USDA purchase program has continued into March. At the present time more than 160 million pounds of pork products have been taken off the market—considerably more than in any comparable period in USDA history. Needy people and the school children of the nation have also benefited greatly.

Dairy Supports and Imports. Secretary Hardin announced the fourth week in March that supports on manufacturing milk would be increased to $4.93 cwt., from the previously stated $4.66 level. The new rate recognizes boosts in the cost of operation for dairymen, including transportation. Even though dairymen in 1970 had been granted the largest increase ever at the start of a marketing year, the Secretary reassessed the situation and determined that the 27 cents per hundred boost was essential to maintaining a healthy dairy production in this country. This, of course, is only about one-fifth of a cent per pound and could not conceivably add inflationary retail values. A recapitulation of fiscal 1970 support purchases for dairy products reveals a grand total of $279 million, but expenditures for this assistance program are expected to soar to $380 million in fiscal 1971, and $400 million plus in fiscal 1972. Cheese purchases have accelerated since February this year, with this product being contributed to the school lunch program and needy families. Imports were placed on a more realistic basis at the beginning of this year, with ice cream being cut by 95 percent to preserve the U.S. support program and to restore a more equitable share of the American market for domestic producers, processors and employees.

Adequate Chemicals. USDA is in a better position than ever before to champion the needs of agriculture in the area of herbicides, pesticides and other essential chemicals required for safe and economical production of food and fiber. Although demand for abolition of all chemicals has reached a near-hysteria stage by a few environmentalists, the Department of Agriculture can now plead the case for farmers and consumers because the department has been freed from the untenable position of being both advocate and enforcer. Placing regulation of agricultural chemicals in the hands of a separate Environmental Protection Agency has put the crucial matter in its proper perspective so that USDA can, and does, enter the fight on the side of farmers. In recent weeks such vital herbicides as 2,4,5–T have been saved, and safety reviewers will undoubtedly permit use of other highly important chemicals . . . although some under restrictions.

Barter Exports. One of the best programs in the export picture has been seized upon by this Administration to not only help farmers but to develop a better balance of trade situation with other countries. A record $575 million total barter export value was set during calendar year 1970 by the program, up about $235 million from the previous year. Barter has reversed previous trends when hard dollars were paid out for commodities to foreign countries for military and other U.S. operations.

Advisory Councils. Secretary Hardin is making excellent use of the advisory committees selected for nearly every agricultural commodity in the country. Scores of committees have been chosen to help guide programs and future plans by representatives involving all phases of production, marketing and retailing. Several new committees have been added ranging from science and education to rice, broiler, forestry and regional farmer advisory committees. Adding to the voice of local economic units is a basic mandate of the Administration.

Import Quality. USDA has assisted in improving quality of some imported fruits and vegetables by applying the same regulation to the important products as required of U.S. producers. Farmers have benefited from this policy, along with consumers.

Housing Needs. Demand for housing in rural America has reached such proportion that the Farmers Home Administration has revised its procedures to expand the supply of modern homes. At least 125,000 housing units will be financed during fiscal 1971 and 227,500 are proposed in 1972. Much of the spade work for speeding up local housing projects has been placed upon private concerns, and the staffs of FHA in 1,700 offices throughout the country are assisting with planning and application work.

Rural Development. Secretary Hardin has placed a top priority tag on giving every available aid to improvement and building of rural America. The aim here is to return initiative to the people in the states and the local level. As a part of this program, revenue sharing is essential in order to make fullest use of both financial and human resources on farms and in the small towns and cities comprising 65 million of our population.

Self Help Planning. Farmers Cooperative Service has been regearing its programs to help farmers find profit centers in agriculture, and is continually adjusting programs to help solve critical problems. Special research teams are studying forward integration (the processing, manufacturing, packaging, merchandising, and distribution segments of agricultural business), cooperative bargaining, financing and member relations. The Secretary of Agriculture has set the policy by stating "A progressive farm policy includes support for those who seek to help themselves through constructive group action."

Electric-Telephone Services. Rural Electric Administration has been setting records in approving services needed to place Rural America in a position to take advantage of job-creating industries that must have both electric energy and telephones as an essential part of any operation. At the same time, farmers have been doubling use of electricity every ten years in order to more economically provide the food and fiber required by all Americans and much of the world. REA provided 319 electric loans—the highest number since 1958—during fiscal 1970, and the second highest dollar amount in the programs' history went for 182 telephone loans.

Land Use and Improvement. More public interest in water supply, recreation, pollution abatement, recycling of waste products and land-use planning has increased demands for Soil Conservation Service technical assistance. Most of the assistance is channeled through more than 3,000 locally organized and managed conservation districts. By the close of fiscal 1970, 753 million acres of land were involved in soil and water conservation projects.

Statistics Reporting. At the instigation of Secretary Hardin a study was made of important statistical reporting which supplies farmers with needed advance information on production intentions, estimates and other basic data. The object was to eliminate some reports, scale down others and entirely eliminate those which no longer applied to modern agriculture. The Statistical Reporting Service, like many other agencies, had grown without considering changing conditions and thus required a pruning and revamping long overdue. Eight different categories have been realigned, while the September and October general crop product reports will be combined.

Meat Imports. In line with the needs of both consumers and producers, the Secretary of Agriculture has continued the ban imposed last July on reshipments of meat through Canada and other countries which last year had amassed a giant 25 million more pounds of imported meat under the Meat Import Act of 1964. A larger supply, however, is provided for in 1971 by allowing direct shipments somewhat above the 1969 figure but in line with last year. Better inspection of foreign meat has been developed in recent months to make sure that consumers will get a product that is wholesome.

Boxcar Shortage. The recurring shortage of boxcars to move grains out of high production areas to ports and processing centers is receiving high attention of USDA. Among strong efforts of this Administration to help ease conditions arising from the shortage has been to secure higher rental rates from railroads making use of the boxcars, thus forcing their return to the railroads owning them—mostly in the high production grain areas, USDA is encouraging legislation to provide new rail cars, and in 1970 secured temporary lower rail rates from some Western lines to help move grain from bulging elevators to export shipping points. Meanwhile, Agricultural Stabilization and Conservation Service is making more loans at lower rates for farmers to provide their own storage facilities to ease the sudden harvest loads upon commercial facilities and the railroads. In February alone, ASCS made 184 loans representing about 1.2 million bushels of storage capacity. A total of 96,022 loans were outstanding as of February 28 for a total of many more million of bushels.

Training Programs. The Forest Service and other agencies are involved in highly significant job-training and youth programs which will accelerate this year with addition of the Youth Conservation Corps. This new project will employ 1,100 youths for an eight-week period this summer on a pilot basis. Enrollees will be young men and women, aged 15 through 18, from all economic and social backgrounds. Environmental problems will be a major study and work program for these young people to take back for use in their home areas. Other manpower programs include Operation Mainstream, Green Thumb Neighborhood Youth Corps, Manpower Development and Training Act, and others. About 10,000 individuals were involved in this phase of the training operation. Twenty Job Corps Civilian Conservation Centers are operating with 7,000 underprivileged young men offered training in various skills so they may enter the labor force, return to school or enter the military.

Dairy Import Loophole. Hydrogenated butterfat from Belgium totaling about 2 million pounds was imported illegally into this country before USDA stopped shipments this year. New York customs officials permitted entry of the product and did not inform Washington. It was not until the Import branch of USDA made a routine check that the loophole was detected and plugged. Customs has ruled that the "hardened butterfat" is subject to quotas for butterfat mixtures, and therefore could not be classified as "animal fat" which is not a quota item.

Foreign trade, the most promising growth area for agriculture, is soaring. When the Nixon Administration took office, agricultural exports were in their second straight year of decline, falling to $5.7 billion. Last year an all-time record of $7.2 billion was set, and farm exports are currently running 16 percent above last year's levels.

Overseas market expansion is getting heavy emphasis. Secretary Hardin created the Export Marketing Service to group expertise and facilities for greater effectiveness in market development. In personal consultations with European leaders he defended American farmers' rights to market access under international agreements.

Soybeans are setting the pace. Total export approaches half the U.S. crop of more than 23 million acres . . . whereas only 15 years ago, not that many acres were planted to soybeans. The use value of soybeans is growing, from $2.3 billion in the 1968–69 marketing year to $3.6 billion this year. One factor in the upswing was the Secretary's decision to lower the soybean support price, thereby making soybeans more competitive in marketplaces of the world.

New farm programs resulting from the bipartisan Agricultural Act of 1970 are designed to give farmers more flexibility, greater freedom in deciding what crops they can produce most efficiently for developing markets. Specific limitations on what farmers can grow were removed, so that production can be geared more closely to the demands of domestic and foreign markets.

Corn blight problems were dealt with swiftly . . . USDA research and Extension Service task forces tracked the situation . . . seed industry cooperation was obtained in stepping up production of blight-resistant seed in Latin America and Hawaii for use this spring. Thanks to the flexibility of the new "set aside" program, growers in blight zones can plant alternative crops and farmers outside the affected area can shift to greater corn production without losing payment benefits.

Farm income improvement is the aim of many varied efforts on behalf of farmers. Government pork purchasing was stepped up by millions of pounds when prices slumped last fall. The President and Secretary Hardin tightened meat imports. Private business participation in supplying agricultural credit has been stimulated, increasing the availability of loans for farm operations and land purchases.

It will take time for the new farm programs and pricing policies to become fully effective and add dollars to farmers' net earnings. But early indicators such as this spring's planting intentions show that farmers are already exercising greater choice in crops, resource allocations, and markets. Government-owned stocks and CCC loan inventories are decreasing . . . this will help reduce pressures on markets and prices. And prices received by farmers are generally above the price-support levels. These are all positive signs.

Consumer services of the Department of Agriculture are expanding, meanwhile. To assure that all Americans have wholesome, truthfully labeled products, the meat and poultry inspection program was broadened in scope, and 35 State meat inspection programs have been certified as equal to the Federal program. During 1969 and 1970, 413,000 man hours of training were provided to State employees. Foreign inspection systems have been upgraded and computerized histories established.

Food assistance programs for poverty victims have been doubled in coverage, from 6.9 million persons when the President delivered his "Hunger Message" in May of 1969 to more than 13.6 million. Food Stamp assistance shot up from 2.9 million in January, 1969, to 9.8 million . . . that value of 'bonus coupons" climbed from $18.5 million a month when the Nixon Administration took office to a current level of $130.8 million. And the geographic scope has increased, to all but 10 of the Nation's more than 3,000 counties and independent cities. Nutrition aides, of whom there were none in January, 1969, now number close to 7,000—they work in low-income communities to teach food values and food preparation.

More needy children are receiving free or reduced-priced meals than ever before . . . the total has more than doubled from 3 million in May, 1969, to above 6.6 million at present.

Conservation and environmental improvement activities have been stepped up and given sharper focus. After President Nixon broke a Congressional logjam on watershed work, 163 projects were approved. This is one-sixth of all projects approved in the 16-year history of the watershed program. And in the past two years planning help was approved for 22 new, multi-county Resource Conservation and Development Projects, bringing the total to 78 now under way—over one-fourth of all such projects since the program began.

Public benefits, stressing pollution abatement are being given priority in the new Rural Environmental Assistance Program. This is a shift from annual, individualized production practices to permanent improvements in the public interest.

Rural development efforts have likewise been strengthened and given new direction. Funding levels of principal USDA rural developmental programs have gone up from $1.4 billion in Fiscal 1969 to more than $2.5 billion currently and to an estimated $2.7 billion in Fiscal 1972. The emphasis is on water and sewage facilities and related community services, along with a maintenance of a continued high rate of expansion of job-generating rural electric and communications services.

Family farms rate as the most efficient type of agricultural production unit, in the judgment of Secretary Hardin, and the total effort of USDA on behalf of agriculture and Rural America is expected to help maintain the pattern of family farming.

Wheat Agreement. USDA has given its blessing to the new three-year International Wheat Agreement as one that will help growers compete and will encourage stability through a regular review of trading conditions. The agreement also provides a framework for subsequent price negotiations when these may be desirable. Rigid provisions of the 1967 agreement proved unworkable and contributed to market instability in 1968 and 1969. The new arrangement takes effect July 1, 1971, subject to ratification by the U.S. Senate.

Farm Credit. Several factors are contributing to easing of farm credit problems and interest rates. Money is becoming more available under relaxation of policy by the Federal Reserve Board, and prime interest rates have dropped from 8.5 percent in June 1969 to less than 6 percent in early 1971. The credit situation appears better for 1971 than in several years. Farmers today are borrowing more than twice as much as at the start of the 1960s, much of it to be used as a tool to expand and increase productivity.

Using Space Knowledge. An early warning system has been perfected to detect corn blight onslaught at its inception, if the disease strikes corn in the midwest and south again this season. The National Aeronautics and Space Administration will provide high altitude aircraft capable of photographically recording presence of the blight. Directors of the North Central State Agricultural Experiment Stations have worked out plans to use the remote sensing equipment.

Mr. SHRIVER. Mr. Speaker, I am pleased today to join my colleague from the First District of Kansas, KEITH SEBELIUS, and others in this second Farm Day in the House of Representatives. The first Farm Day, which was held last March 1, provided an excellent opportunity for those of us who represent substantial numbers of farmers and ranchers and their nearby marketing communities to discuss the problems of modern agriculture with our urban colleagues. This sort of rural-urban dialog is long overdue, and I congratulate those who have requested this special orders time again.

As we continue these discussions, it is important that we recognize that the rural-urban gap is a thing of the past. We must acknowledge that the economic needs of rural Americans are the same as those of urban Americans. Congress recognized this fact in passing the Agricultural Act of 1970. Title 9 of that act provided for a review of all existing rural programs and for assuring rural residents the same Federal service and privileges the urban dweller enjoys.

The problems facing our farmers and ranchers are varied and complicated, but they can be summarized in one word: income. In 1970, the per capita disposable income of the farm population was only 78 percent of the income of the nonfarm population. Is it any wonder that between 1960 and 1970, while total U.S. population was increasing by 14 percent, farm population dropped by 38 percent? The number of people on farms declined from 15.6 million in 1960 to about 9.7 million last year. The number of farms declined from nearly 4 million to less than 3 million.

Despite this massive decline in the number of farmers, farm production has actually increased impressively. Farm products output increased by 18 percent and livestock production by 20 percent between 1960 and 1970. Because of this efficiency, Americans now pay the lowest percentage of their disposable income for food of any country in the world. That percentage, 16 percent, is the lowest it has ever been.

While farmers and ranchers are justly proud of their efficient methods which feed our Nation so well at such a low cost, we must be concerned about the extent to which low food prices result from inadequate returns to the producers of that food. In this regard, Secretary of Agriculture Clifford M. Hardin told interviewers in February that consumers must expect to pay more for food if producers of our food and fiber are to secure a fair price at the farm.

The Secretary of Agriculture is supposed to be the advocate of the farmer, and I was pleased to see that Secretary Hardin has taken this forthright stand on the issue of food and farm prices, the first such Secretary to do so since I came to Congress in 1960.

The reactions of farmers and ranchers to actions the present administration has taken in the field of agriculture thus far have been mixed, judging from mail I have received. The most promising aspects of the administration's policies are a willingness to listen to the farmers themselves regarding their problems and a refreshing trend away from overregulation.

One example of this willingness to listen and then respond occurred earlier this year. The mail of the Department of Agriculture and all Members of Congress representing dairy farmers was heavy following the announcement of a support rate for manufacturing milk which was unrealistically low. As a direct result of this mail and the subsequent urging of these Congressmen, this support rate was raised to $4.93 per hundred-weight on March 25.

The Nixon administration has also acted positively in the field of market development, both foreign and domestic. When the administration took office, agricultural exports were in their second straight year of decline, falling to $5.7 billion. Last year, an all-time record of $7.2 billion was set, and farm exports are currently running 16 percent above last year's levels.

On the domestic front, I support the President's actions, which have tripled the number of people receiving food stamps and increased from 3.8 million to 6 million the number of needy children receiving free or reduced-price meals at schools. While improving the nutrition and health of the recipients of this food, these actions also serve to expand domestic marketing possibilities for farmers. This is also an example of rural-urban cooperation with resulting benefits for all concerned.

The Congress will take a long and hard look at the President's proposals for revenue sharing, decentralization, and reorganization of farm programs before any action on them is taken. The decentralization plan recognizes that a Federal paycheck does not increase one's wisdom or judgment, whether it be for administering farm programs or urban programs.

One advantage of the reorganization plan would be to get some of the expensive, nonfarm programs which are now in the Department of Agriculture, off the back of the farmers. Many of our urban colleagues are under the impression that far too much money is spent for farm subsidies when, in fact, many of these programs in the agriculture budget support various urban assistance activities. Only one-third of the Agriculture Department's employees now work on farm problems, and this number has been declining steadily in recent years.

While these proposals and actions indicate encouraging changes in the tone of farm program administration from the policies of the 1960's, the details are yet to be explained. There is no conflict between programs which are good for farmers and ranchers and those which are good for the country as a whole. I urge my colleagues, both rural and urban, to consider additional farm legislation this year which places primary emphasis on the day-to-day living needs of our agriculture community.

In this regard, I have joined with other members of the Kansas delegation in Congress in introducing the Rural Job Development Act. If we can successfully create or attract job-creating industries in the rural areas, we will benefit not only the rural communities but our cities as well. Rural job development is a must if we are to provide economic opportunity for the people who want to remain in our small towns and on the farms.

In addition, I have introduced two

bills designed to modernize Farmers Home Administration operations. One bill would transfer funding of the operating loan program from the Federal budget to the private money market. By taking this action, the Farmers Home Administration would obtain access to a broad range of private capital sources.

The second bill would increase farmers home loan limits on the operating loan program from $35,000 to $50,000. Inflation and rises in costs of equipment, fertilizers, feed, livestock and other essential farming items have made this limit totally inadequate.

Other legislation I have introduced this year includes a bill to provide additional financing for the rural telephone program. This bill is designed to assure rural America the means to establish comparable telephone service as is available in urban areas. I am happy to say that this bill has already passed both the House and Senate, and final action is scheduled on the conference report in the House tomorrow.

Concerning the dairy price support problem I mentioned earlier, I introduced legislation to prevent similar situations from arising in the future under any administration. This bill would raise the minimum support price for manufacturing milk to not less than 85 percent of parity rather than the present legal minimum of 75 percent.

In February I introduced a bill to require that imported meat and meat products be labeled "imported" at all stages of distribution until purchase by the ultimate consumer. This measure would protect both the consumer from unsafe imports and the American producer from unfair competition.

In March, I cosponsored with Congressman SEBELIUS a measure to provide for a 1974 centennial celebration in Kansas to commemorate the introduction of hard red winter wheat into the United States. In a similar bill which I intend to cosponsor later this month, the President would be directed to proclaim the observance of Harvest Festival Week and a "National Day of Bread" this October. This is identical to legislation which passed the Congress last year and led to such an observance and promoted increased consumption of Kansas wheat products.

Next week, I intend to cosponsor legislation to provide that estate taxes on family ranches, farms, and small businesses be computed on the property's earning power instead of inflated sales prices based on speculative land values. This bill is designed to encourage younger farmers and businessmen to continue ongoing family enterprises and to stay in our rural areas.

Finally, I am today reintroducing legislation aimed at increasing the number of boxcars available for the upcoming harvest by authorizing the Department of Defense to purchase and construct a sufficient number for its own use. This bill, which I previously introduced in the last Congress, would release the boxcars currently in use by the Defense Department on which substantial demurrage charges are being paid. Instead of continuing these demurrage charges, this money should be used toward finding a solution to the annual problem of transportation snarls during the harvest season.

In introducing all of these bills, it is my intent to aid in the expansion of the quantity and quality of economic and social opportunities in rural America. I strongly urge all of my colleagues to give favorable consideration to these measures. It is important that we form a rural-urban coalition in the Congress to work for the long-term betterment of conditions in rural America.

Mr. Speaker. I thank the gentleman from Kansas (Mr. SEBELIUS) for yielding me some of his time.

Rather than spend a great deal of time of the entire body in reviewing agricultural problems, or trying to lay blame in a partisan manner for the plight in which American farmers find themselves, I would like to suggest two concrete pieces of legislation Congress could enact which would be beneficial to the farmers of my area.

Last year, the Congress passed amendments to the Feed Grain Act which could do a great disservice to feed grain farmers. The 32-cent direct payment on corn provision has a booby-trap in it.

In the event such things happen as southern leaf blight, which would decrease the production of corn, the Secretary of Agriculture might find it necessary in some future year to reduce the set aside below 20 percent. In that case, the present law provides for a proportionate reduction in direct payment. None of the other commodities utilizing direct payments carry the same danger.

Feed grain farmers in my area, and I would expect all over the United States, were led to believe that the 32-cent direct payment was guaranteed, no matter what happened to the price. It is only when the market price drops below $1.03 on an average that the direct payment would be above that amount and by whatever the market price dropped below that figure of $1.03.

I believe that the Congress should amend the law to guarantee a direct payment of 32 cents on corn no matter what set-aside is required.

The second change that I believe necessary is to provide adequate credit for farm real estate and farm operating loans. An untenable shortage exists, making it extremely difficult not only for young farmers to get started in operation, but for many struggling farmers to secure the operating loans necessary for them to either improve operations or secure the funds necessary to produce a crop or meat, milk or poultry.

While this will take a little time, the first action in providing sufficient credit ought to be to dramatically raise the ceiling on the amount of private loans on which the Federal Government could provide a guarantee.

The above is coupled with all the other good recommendations made this afternoon, plus the efforts the Nixon administration is making to improve the lot of the American farmer. The nonfarm consuming public must be aware that their existence is dependent upon the capabilities of the American farmer and it is of utmost importance that farmers be permitted to produce for profit in order that abundant food and fiber be made available not only for our Nation—but also for other countries as well.

Mr. THOMSON of Wisconsin. Mr. Speaker, there is a large and pressing need for sufficient farm credit. Even during periods of "easy money," the farmer finds it difficult to obtain enough capital. In times of "tight money," an adequate farm loan is a rarity.

My urban colleagues may wonder why this should be the case. Farming is a high-investment, low-profit business. It is not unusual for an effective family-sized farm to cost well over $100,000. In addition, there is a continual need for heavy reinvestment—for example, a medium-sized tractor may cost $7,000 or more.

Yet the per capita disposable farm income in 1969 was a little over $2,400. This small profit, combined with seasonableness of income, makes it exceedingly difficult to accumulate capital for investment. As a result, farmers are continually forced to seek long-term loans of considerable sums.

In the past, the Farmer's Home Administration has provided farm-operating and farm-ownership loans. These programs have assisted the farmer considerably, but the total resources available do not approach the demand. Last year, for example, there were 64,350 applications for operating loans; of that number, only 46,657 were granted. It is estimated that in 1971 the number of applications will increase by 6,000 while the number of loans will drop by 1,000.

To improve the situation, I intend to introduce legislation this week which would make greater resources available for farm-operating loans. My bill would allow the Farmer's Home Administration to insure or sell operating loans similar to what has been done so successfully in the FHA's housing programs. I anticipate that my bill would expand farm credit dramatically with practically no additional cost to the Government.

Last fall considerable opposition was expressed by some groups to the feed-grains section of the Agriculture Act of 1970. I am pleased to report, however, that the program appears to be well accepted by the farmers. In my Third District of Wisconsin, 16,362 farmers accounting for an aggregate of 563,848 acres, are enrolled in the program this year; 1 year ago there were only 1,489 farmers with 415,723 acres enrolled. The Department of Agriculture informs me this is not an isolated instance. It is a general trend throughout the country.

While the time is yet too early to evaluate the success or failure of the new feed-grains program, the evidence cited above would suggest it is off to a good start.

Mr. MARTIN. Mr. Speaker, agriculture today is in a precarious situation. Parity prices—parity is based on the cost of the items the farmers must purchase in relationship to the price he receives for his products—are less than 70 percent, and the lowest percentage since back in the thirties. The cost of wheat is actually lower today than it was 10 years ago, but the price of the items which the farmer must purchase has gone up several hundred percent.

Labor, through labor agreements, is guaranteed a certain wage and under some labor contracts, a guaranteed annual wage. Yet, the farmer in many instances receives as low as 10 cents an hour for his labor, plus a very small return on his investment.

Agriculture is the most important segment of our economy, and the continued production of adequate supplies of food is essential. Agriculture represents a greater money investment than any other segment of our economy. It purchases more steel, rubber, petroleum products and chemicals than any other industry, yet agriculture seems to be the stepchild of participating in the rebounding prosperity of our Nation.

A farmer is certainly entitled to an adequate wage for the hours which he puts in in the operation of his farm, plus a fair return on his investment. The wheat farmers in western Nebraska, Kansas, the Dakotas, and many other States in the Midwest are in a real economic squeeze. Farmers in the panhandle of western Nebraska are only able to raise one crop—wheat. Corn and other crops simply will not grow in this section of the State. Two years ago, wheat was selling as low as 90 cents a bushel at some of the elevators in western Nebraska, with parity standing at approximately $2.80 per bushel.

It simply is not possible for the wheat farmer to make a living off his farm under these conditions.

President Nixon is placing great emphasis on the rural development program. This will be of great help to us in Nebraska and rural America, but the wheat and feed grain farmer needs to receive prices which will insure him a fair wage and an adequate return on his investment.

The dairy farmer was recently given an increase in the support price of milk effective April 1. The wheat and feed grain farmer needs this same kind of assistance.

If America is to remain prosperous and strong economically, the farmer must be prosperous. As a Representative of 61 counties in Nebraska, all of which are agricultural, I intend to devote my energies to the goal of improving the economic plight of our farmers.

Mr. THONE. Mr. Speaker, I am speaking today on behalf of my constituents in the First Congressional District of Nebraska and because of my personal belief that as a Nation we must have an aggressive soil and water conservation program. Presently we are recognized as the world leaders. Many countires have studied our programs and have asked for assistance in organizing a conservation agency such as our Soil Conservation Service and local entities of Government like the 3,000 plus soil and water conservation districts that we have in this country. This local self-government with assistance from the State and Federal Government has proven to be a highly successful arrangement to carry out a soil and water conservation program.

Presently we are very concerned about the deterioration of our environment. Many say we must have new programs. I agree that in some areas new programs may be needed and some old programs may need some redirection but first I feel we should consider adequate funding of some of our present programs, especially those concerned with soil and water conservation. I feel this is the best approach and will be more effective in conserving our resources and in improving our environment. This is why I am talking here today in support for funds to increase our effort in soil and water conservation.

The people in my district and their economy are tied to the soil. And they are aware of this. They know that soil conservation and management of water is beneficial not only to those in rural areas but to every individual in this Nation. They know the absolute necessity of a livable environment and, finally, they know that the conservation measures which are being applied under the leadership of soil and water conservation districts with technical assistance from the Soil Conservation Service and cost-sharing from the Rural Environmental Assistance program contribute to a proper environment. I am proud of the job these agencies have done in cooperation with soil conservation districts. In the First District of Nebraska we have:

More than 32,000 farms and ranches cooperating with soil and water conservation districts.

Over 80,000 linear miles of terraces.

Twenty-three authorized watersheds.

Some 16,000 dams.

Over one-half million acres seeded to grass and a host of other practices all of which help control pollution, maintain the quality of water, and enhance the environment.

Uncontrolled wind and water erosion results in sediment polluting the streams and atmosphere. Not only does it create an undesirable environment but causes a serious deterioration of our resource base. It is this basic cause of pollution which is being curtailed and can be alleviated a great deal further by an eccelerated conservation program.

In my opinion, gentlemen, we could provide no greater benefit in efforts against pollution and at the same time to add stability to rural economy than by adequately funding the programs that are presently attacking this problem.

Let me tell you some of the conditions that face us in Nebraska.

The latest conservation needs inventory shows 1,021,000 acres of silt-producing land that is being cropped but should be planted to permanent cover.

The same inventory shows miles of terraces and diversions and wind strip cropping systems yet required on 7,735,000 acres of land suited to cropping but which lacks protection.

The Nebraska Livestock Feeders Association estimates 20,000 feedlots in Nebraska. Based on a survey conducted by the State department of environmental health, 17,000 lots will require technical assistance to alleviate pollution and by State law will require help before December 31, 1972.

These and countless other problems involving our environment are brought to soil and water conservation districts and to the Soil Conservation Service. This is why we need to assure that adequate funds are provided.

I would like first to comment on the budget for conservation operations. Every county in my district, and in fact, every county in Nebraska is covered by a soil and water conservation district. It is this going program through such districts that depends on technical help from the Soil Conservation Service.

In 1957 the technical help was sufficient to provide an SCS man-year for each 130 district cooperators. In fiscal year 1970, funds provided only 1 SCS man-year for 270 district cooperators. A recent survey conducted for the district association shows a need for an additional 53 man-years to just meet current demands.

I recommend an increase of at least $12,000,000 in conservation operations funds for fiscal year 1972.

PUBLIC LAW 566—SMALL WATERSHED PROGRAM

In Nebraska we have the need and a excellent opportunity for the small watershed program. Although planning has not kept up with applications, construction work lags further behind. The State and local sponsors have been doing their share but Nebraska's allocation of Federal funds has continued to shackle the popular watershed program.

I agree with the National Association of Soil and Water Conservation Districts and recommend an appropriation of $100 million for watershed construction funds in 1972 to bring the construction more in line with the need.

THE GREAT PLAINS CONSERVATION PROGRAM

Although only one county in my district is under this program, a number of others would like to be designated if funds permitted.

I think this program offers the best approach for enduring conservation and buys the most soil and water protection for the Federal cost-share dollar.

I strongly recommend an increase in the 1972 budget of $5 million.

RESOURCE CONSERVATION AND DEVELOPMENT PROJECTS

Nebraska has one research and development project and could use more for economic deevlopment. This program has shown excellent potential for improving the economic and social well-being of rural communities. An appropriation of $20 million in 1972 would permit a realistic acceleration of this program.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

And finally, I ask that Reap be funded in 1972 for at least as much as appropriated in 1971. The changes made in this program now offer more potential for the kind of cost-sharing program we need for critical environmental and conservation work.

I ask for these increases because my State and my constituents are ready and willing to do their fair share in protecting the environment. I feel strongly that we at the Federal level must not let them down.

Mr. MIZELL. Mr. Speaker, it is always a pleasure for me to speak in behalf of rural America and the millions of good people who live in that heartland of our Nation.

I want to thank my distinguished colleagues, Mr. MELCHER, Mr. NEAL SMITH, Mr. SEBELIUS, and Mr. ZWACH, for arranging this time for Members of this body to focus our attention on the needs, the problems, and the opportunities of our agriculture industry and of rural America in general. And I appreciate their generous invitation for me to address myself to those concerns today.

As a boy living on a farm near Vinegar Bend, Ala., I learned a great deal about rural life.

I learned that people who live in rural areas are the most hard-working, honest, and generous people anywhere.

I enjoyed times of plenty and rich harvest with them, and struggled through times of want and failing crops with them as well.

I believe that experience has helped me to have a far better perspective on rural America as a whole than I would have had otherwise.

As a member of the Committee on Agriculture in this House, I have come to a full realization of just how important the agriculture industry is to the success and progress of the Nation at large.

And through both those early and recent experiences, I have become convinced that, as Thomas Jefferson asserted one and three-quarters centuries ago, "cultivators of the earth are the most valuable citizens."

The contributions of the farmer, as well as his needs, are being well documented by others here today, so I am turning my attention to the overall picture of rural America, encompassing both farming and nonfarming people and needs.

As a member of the Committee on Public Works, I have become increasingly more familiar with the programs of economic development now being applied in rural America, and more aware of the need for a truly comprehensive approach to rural development.

Many of the programs now in operation in service to undeveloped or underdeveloped areas have performed admirably and effectively. These include the Appalachian Regional Commission, the Economic Development Administration, the title V regional commissions, and similar programs.

But I believe a more comprehensive and consolidated program could reap far greater benefits than even the most effective of these existing programs could do individually.

I believe that President Nixon's proposal of rural community development under special revenue sharing could provide that better way.

In terms of funds appropriated, revenue sharing would channel far more funds into rural America than are now being utilized there.

In my own State of North Carolina, for instance, the three major development programs operating there, the Appalachian Regional Commission, the Economic Development Administration, and the Coastal Plains Regional Commission, spent a total of $24,716,168 for projects in fiscal 1970.

Other programs involved in rural development obligated a total of $13,644,116 for North Carolina projects, bringing the total federal effort in rural development in my state to $38,360,284.

By contrast, President Nixon's rural development plan would give North Carolina $47,308,559 to carry on essentially the same work. The program would reach 91 of North Carolina's 100 counties.

So in terms of dollars and cents, in terms of efficiency and effectiveness, the revenue sharing plan is clearly preferable to the present piecemeal approach to rural development.

But whatever one's preference might be, it is imperative that we continue to improve the conditions of rural America and the lives of its citizens.

We must provide the roads and schools and health centers, the sewage and water treatment plants, the job opportunities, and new industries that will make rural America the thriving and prosperous place it should be.

The fate of rural America and the fate of the Nation's cities are closely intertwined, more than most people realize. And it is for this reason, that occasions such as this one are so necessary and so appropriate.

For sooner or later, we must all come to realize that until we revitalize rural America, we cannot hope to improve the quality of life in urban America. Until we can provide needed opportunities in rural America to stem the tide of migration to the Nation's cities, we are fighting a losing and ever more costly battle.

Mr. PRICE of Texas. Mr. Speaker, in all the colloquy about farm problems occurring on this second Farm Day, from the point of view of the farmers and ranchers in my district—the 18th Congressional District of Texas—no farm problem is more acute than that of drought.

As I advised the membership at the time, the April 21 trip which I organized was quite successful. Secretary of Agriculture Clifford Hardin; Gen. George Lincoln, Director of the Office of Emergency Preparedness; Senator JOHN TOWER, and I were able to get a good firsthand look at the ravages caused by the terrible drought besetting the Texas Panhandle and other parts of the Midwest.

I can now report that as a result of this trip to the panhandle every county in the 18th Congressional District has been declared by the Secretary of Agriculture to be an emergency county. In addition, feed grain may be sold to eligible farmers and ranchers to preserve and maintain foundation herds of cattle at not less than 75 percent of the feed grain current basic county support rate, including the value of any applicable price support payment in kind.

For livestock other than foundation herds eligible farmers and ranchers may obtain CCC-owned feed grain at not less than 100 percent of the current basic support rate, including the value of any applicable price support payment in kind

As regards the matter of eligibility, the sale of feed for both the foundation herds and for other livestock in a designated emergency area can be made only to a person who does not have, and is unable to obtain sufficient feed for livestock owned by him through normal channels of trade without undue financial hardship.

Grazing and haying on feed grain, wheat, and cotton acreage setaside or diverted from production may be permitted to alleviate hardship caused by severe floods, drought, and other disasters. This permission to graze or hay on set-aside or diverted acreage is given by State or county ASC committees. And it is granted for either grazing or haying on acreage only in areas certified by the Governor of the State and with concurrence of the Secretary, who designates the disaster areas.

Finally, in all these emergency counties, those who can qualify are now eligible for long-term, low-interest-rate emergency loans in the FHA.

Mr. Speaker, as a followup the focusing White House attention and action on west and south Texas drought areas I have taken two additional initiatives:

I have personally requested Treasury Secretary Connally, Agriculture Secretary Hardin, and Office of Management and Budget Director Schultz to immediately lower interest rates on FHA operating loans.

In addition, I am today introducing legislation authorizing the Secretary of Agriculture to furnish assistance to farmers and ranchers in areas, such as the 18th Congressional District, that are beset by natural disasters.

At the present time the Secretary of Agriculture is already authorized to make payments to farmers to carry out emergency conservation measures to control wind erosion or rehabilitate farm-land damages by wind erosion or other natural disasters.

My bill would augment this authority. It authorizes the Secretary in case of an emergency caused by a natural disaster to furnish livestock feed including hay, as well as commodities owned by Commodity Credit Corporation, on such terms and conditions as he may deem in the public interest. My bill also authorizes the Secretary to provide such assistance as he deems appropriate to unemployed farmworkers and ranch hands. Finally, under my proposal the Secretary is empowered to cancel up to $2,500 of the principal of emergency loans made by the Farmers Home Administration to cover losses and damage resulting from natural disasters.

Mr. Speaker, I urge my colleagues to expedite this proposal not only in the interest of the farmers and ranchers in my district who are plagued by this devastating drought, I urge them to expediate this proposal for the sake of farmers and ranchers throughout the Nation who may also fall victim to similar or other natural disasters.

Mr. BROWN of Ohio. Mr. Speaker, it is a pleasure for me to join with my many colleagues who rise today to speak about the problems and the promises of American agriculture.

Throughout our Nation's history the success and development of America as the strongest economic country in the world has been tied directly to the progress of the agricultural industry. As the American farmer increased his productivity through the decades, especially during the first half of the present century, millions of Americans were freed from the land to provide the workers for our factories, business, and service enterprises, until today less than 2 percent of all Americans are required to grow the food and fiber for the rest of the Nation. Today each American farmer produces enough food and fiber for himself and 44.3 other people, and he has become so efficient and so productive that he does it on the same acreage that was tilled nationally at the beginning of this century—which is roughly 60 million acres less than were farmed at the peak of agricultural growth during the period from the 1920's to just before the 1950's.

But the beneficiaries of this agricultural revolution in America have not been the farmers. While the costs of food and fiber had declined for all Americans as a percentage of income, the costs of production to the farmers have climbed steadily while prices received for their products have gone up little during the past 25 years. This has forced thousands of small farmers, caught in the cost-price squeeze, off the farm or into part-time off-farm occupations in order to maintain a decent standard of living for their families. On the other hand, those farmers who have been able to remain on the farm have had to expand their holdings and investment in more expensive machinery with little promise of a more fair profit return. We need to find some answers to this dilemma or soon see the day when the "family farm" as a way of life that embodies much of our historic heritage in America is seriously endangered—if that day is not already upon us.

Nevertheless, there can be no turning the clock back in American agriculture. Progress will continue to provide Americans with an abundant and low-cost supply of food and fiber and to expand American exports in this vital field.

In the January 16, 1971, edition of the Ohio Farmer there was an excellent article by Dr. Roy M. Kottman, dean of the Ohio State University college of agriculture, outlining this challenge to American agriculture to the year 2000. So that some of my colleagues who would be interested in the article may have an opportunity to read it, I include it in the Record at this point:

Sweeping Changes for Agriculture as We Look Ahead Another Three Decades

As we focus on Ohio life in the year 2000, we see agriculture already a multibillion dollar industrial giant in 1970, doubling in size as it continues to be the largest source of new wealth for Ohio and for our nation. We see agriculture continung as Ohio's largest employer and the most important user of land in our state.

We see fewer but much larger and more highly capitalized units among the business and industry firms which provide supplies and services to farmers, as well as those which produce our food, process it, wholesale it, and retail it. As a result of the continuing growth and development of Ohio's agricultural industry, Ohio citizens will continue to have an abundant supply of wholesome, safe, and nutritious food. They will be able to buy it for an ever-decreasing proportion of their income—less than 14 percent in the year 2000, compared with 16.5 percent today.

Our planning teams anticipate that we will have more than 16 million consumers in Ohio by the year 2000—50 percent more than today. There will be 300 million American consumers—50 percent more by 2000 than there are in 1970. And there will be six to seven billion consumers on our planet earth—twice as many as in 1970.

Population growth by the year 2000, when coupled with food requirements needed to wipe out hunger and malnutrition, will require that we produce more and more food from every acre of Ohio land that can be used to produce food. Production limitations will be a thing of the past.

By the year 2000, we'll need, and we expect to make possible through research and extension programs, dramatic increases in yields from both crops and livestock. Ohio corn yields, for example, will increase from present maximum yields of 175–200 bushels per acre (with an average of 177) to maximum yields of 400 bushels per acre and average production of 200 bushels per acre. We see the possibility to greatly increase corn yields, because we know that the solar energy striking each acre of land has the potential for producing up to 760 bushels per acre!

Our planning teams anticipate that Ohio's dairy cows will average 18,000 pounds of milk per year by the year 2000—that's twice today's production!

There may well be only 3,000 dairy herds in the state 30 years from now, but each herd will have 100 or more cows in it. And Ohio's dairy herd will produce 5.5 billion pounds of milk per year, compared with only 4.5 billion pounds in 1970.

Today we produce the majority of Ohio's livestock and poultry out-of-doors as we always have done throughout history. By the year 2000, we will produce large numbers of livestock in confinement with automated systems for recycling wastes and thereby minimizing environmental pollution. Large factory-type units will be the basis for family operations of the future. Crops as well as livestock to an increasing extent will be produced in controlled environment, utilizing inflated plastic enclosures with almost unlimited size

Weather modification may well become practical by the year 2000. Accurate long-range forecasting will be commonplace.

By the year 2000, all fruits and vegetables for processing, and many for the fresh market, will be harvested mechanically.

By the year 2000, the pencil and the adding machine of today will give way to computers and data banks as the management tools for agriculture.

We'll be using earth satellites, and airborne platforms, for detection of plant disease epidemics, for early warning of insect infestations or of drought, as well as to inventory livestock or to survey natural resources on a world-wide basis.

Our most basic natural resource is land. Our planning teams tell us that we'll be increasingly concerned about how it's used in Ohio during the next 30 years. More effort will be expended in taking steps to preserve the beauty of our land resources, and to conserve the productivity of our farms.

At the same time, we will become even more vitally concerned about those problems which arise when too many people have too little space in which to live. Today, 43 percent of all Ohioans live in just five counties. If present trends continue. we'll have 48 percent living in just seven of our most highly urbanized counties.

We face a choice. We can continue crowding into our cities, or we can develop the economy of our rural counties so that they will become the centers of population growth. Our planning teams have indicated a conviction that population redistribution to rural areas will be well underway in Ohio by the year 2000.

But if this is to take place, we must revitalize our small communities. These communities must develop new industries to provide more jobs, and they must find ways to provide more and better housing with greatly improved public facilities and services. If we are to have viable rural communities throughout Ohio by the year 2000, we must systematically review and update our community government and tax structures, even as we develop the format for wise action in planning and zoning.

All across Ohio, we expect to see a restored environment by the year 2000. Air that was once clean and is now polluted will be clear again. Water that was once fresh and is now polluted will be safe again. Once-beautiful landscapes that are now cluttered will be enjoyable again. The hunter will not want for wildlife, because we will have preserved land where wildlife will flourish. The fisherman will not want for fish, because we will develop new impoundments, and new species of fish suited to farm ponds, streams, and lakes.

There will be plenty of opportunity for both youth and adults to learn about our wildlife and other natural resources. Commercial forestry will continue to be a significant industry in our state, but our six million acres of forest land will increasingly provide abundant opportunities for Ohio families to "get away from it all" in a host of new recreation areas close to home for Ohio families to enjoy.

We'll have more than five million families in Ohio by the year 2000, compared to about 3½ million today. Our greatest population increases will come in the younger and older age groups. Family life styles will continue to change in response to changing social patterns as we seek to find ways to avoid the alienation now affecting our society. Many of the traditional family functions will continue to be transferred outside the home to institutions such as day care centers and schools, as the proportion of mothers working outside the home continues to increase. However, in spite of pressure that would undermine the structure of the family, we believe that the family will still be the basic social unit in our society as we move toward Life 2000.

Income for Ohio families is expected to double to an average of $20,000, thus enabling the large majority to enjoy the "good life 2000." Of major concern to many families will be decisions of how to best use increased income and an abundance of material resources. We believe, however, that despite a continually improving situation, there will be some families concerned with obtaining enough resources to meet basic needs. Hopefully, we will virtually eliminate the poverty seen today in the 875,000 Ohio families who have less than $5,000 annual income.

During the coming years, we believe that there will be a marked reduction in substandard housing in both rural and urban areas. We see a need to build more than 70,000 housing units during each year of the next 30 years to raise housing standards and to accommodate the needs of new families. Houses in Life 2000 will not only be more aesthetic but will be designed also to eliminate drudgery through such developments as automated meal centers.

There has been evidence of a declining nutritional status among our U.S. population in recent years. In 1965, for example, only half of all Americans were found to be consuming adequate diets, compared with 60 percent a decade earlier. By the year 2000 we believe all consumers can be educated to the importance of maintaining good eating habits. We'll have the potential to eliminate the unknowns associated with nutrition and health, and to provide abundant quantities of highly nutritious food to our population. We will have reversed current trends, and virtually eliminated inadequate diets among the people of Ohio and the United States.

We are all consumers. Present trends suggest that in the years ahead we'll be spending relatively more for services, compared to expenditures for goods; more for personal satisfaction and proportionately less for necessities. As consumers, we'll be better informed and better protected in Life 2000.

As we look to the turn of the century, more than three million Ohio consumers will be youth between the ages of six and 18. These will be better educated than previous youth. They'll start to school at a younger age—as early as age three! Emphasis will be on individualized learning both in school and in family learning centers located in the home. Tomorrow's youth will have greater opportunity for vocational and technical education.

Tomorrow's youth will be more intelligently aware of social and economic issues than they are in 1970, and they will be more involved in helping to avoid problems such as drug abuse, malnutrition and social inequality.

The youth of 2000 will be concerned about their health and appearance and with development of skills as well as leadership abilities. Both youth and adults will be better informed about our world, for the world will continue to shrink because of advances in transportation and communication.

By the year 2000, many more Americans will live and travel in foreign lands. International trade will expand.

How extension will help you in the next 30 years:

In the new world of three decades hence, the Ohio Cooperative Extension Service will be helping to build a better "Life 2000" in Ohio. Our basic mission will be to continue helping people to utilize educational information in solving problems, with emphasis on ideas. Let me illustrate:

Innovation (synthesis of new ideas);
Development (making new ideas practical);
Education (translating new ideas into action);
Assistance (making action meaningful);
Service (meeting the needs of society).

During the next 30 years, we will continue to serve all rural residents of Ohio, but we will also expand our efforts in urban areas. Thus, our audience will be all the citizens of Ohio.

We will continue our programs directed toward commercial agriculture, and assisting Ohio farmers to obtain maximum economic returns. Greater emphasis will be directed toward assisting agricultural businesses and marketing firms, especially food processing firms, to improve their products and services.

Through our work with farmers, we will be instrumental in boosting annual income from meat animals from an average of $377 million now to $575 million by the year 2000; dairy products from $239 million to $450 million; feed grains and hay from $162 million to $240 million; soybeans from $136.5 million to $240 million; poultry and eggs from $97 million to $150 million; vegetables from $61 million to $120 million; greenhouse and nursery crops from $51 million to $100 million; and fruit from $12 million to $30 million.

We expect income from sales of livestock and livestock products to increase from $713 million at present to $1.175 billion annually by the year 2000. Sales of crops will go from $499 million to $825 million; and total farm income will increase from $1.2 billion to $2 billion by the year 2000.

For our part in achieving these goals, we plan to develop a computerized record-keeping and analysis system that will assist farmers as well as all members of the agri-business community in improving their management capabilities. Services such as forage testing and pesticide monitoring will be added to our present highly successful services of soil testing, livestock performance testing, and plant tissue analysis. In addition, we will use computers to minimize the use of persistent pesticides and to improve all facets of the marketing of farm products. We believe that the computer will be a significant tool in helping Ohio farmers reach the goal of $2 billion in farm income by the year 2000.

Mr. MICHEL. Mr. Speaker, I am not going to try to cover ground already covered so well by my colleagues here this afternoon.

The problems of agriculture have been definitely outlined. The statistical proof of agriculture's importance to the national economy has been cited. The significance of rural America's contribution to our society has been pointed out, and the case for renewal attention to the needs of agriculture and rural America has been put before us in very persuasive fashion.

These are points which must be made, and I want to commend my colleagues for presenting them so cogently.

There is another point, though, which also needs to be made. It has to do with an aspect of our approach to farm problems which I feel is a critical element in our eventual success or failure in finding solutions to those problems. I am talking about attitudes.

How many times in approaching an agricultural problem do we automatically take the attitude that government, not the farmer, must provide—or attempt to provide—a solution?

How often do we neglect to look for mechanisms to help farmers help themselves, and create instead, another layer of bureaucracy, or another level of decisionmaking?

Obviously, in many cases we must turn to the Federal Government for control, mediation, regulation, financial assistance, as the case may be. But, there are many, many instances where what farmers really need are new or different legal tools—mechanisms with which they can work together to solve their own problems.

As a member of the House Appropriations Subcommittee on Agriculture and Environmental and Consumer Protection I have seen firsthand how this approach works. Given their heads, with the help and encouragement of Government, farmers themselves have accomplished things that no amount of money and Government decisionmaking alone could have achieved. And everyone—farmer, Government, and consumer—benefits from this in the long run.

Mr. Speaker, President Nixon is to be commended for his efforts to tune in the voice of agriculture and rural America. His intention to set aside May 7 for a salute to the Nation's farmers is especially fitting, and is welcomed by all of us who represent agricultural areas.

The President said:

> We hope to remind the Nation symbolically by this day at the White House how much America owes to the farmer.

And I wholeheartedly share his hope that this event will help dramatize to the American people the farmers' contribution to our way of life.

It must also remind us, Mr. Speaker, of how much harder we must work to get the farmers' story to the consumer, to improve the agricultural economy and to put U.S. agriculture on a par with other sectors of our economy. If the American people expect to continue to be fed they must also expect to adequately pay the producer of that food.

Mr. SEBELIUS. Mr. Speaker, I would like to conclude by stating that I wish to extend my thanks to all who have participated today, and especially to the gentleman from Montana (Mr. MELCHER), the gentleman from Iowa (Mr. SMITH), and the gentleman who is going to follow me, the gentleman from Minnesota (Mr. ZWACH), for their bipartisan efforts to present the farmers' problem.

GENERAL LEAVE

Mr. SEBELIUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks and to include extraneous matter.

The SPEAKER pro tempore (Mr. HUNGATE). Is there objection to the request of the gentleman from Kansas?

There was no objection.

SECOND FARM FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ZWACH) is recognized for 60 minutes.

(Mr. ZWACH asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ZWACH. Mr. Speaker, I am glad that some of you have stayed, and I address myself especially to those at the rostrum, and those who have suffered with the long-suffering agriculture in this country of ours.

Second, Mr. Speaker, I must compliment the gentleman from Montana (Mr. MELCHER), the gentleman from Iowa (Mr. SMITH), and the gentleman from Kansas (Mr. SEBELIUS), for taking this time today and for keeping their remarks on a broadly based and nonpartisan basis. While there was some strain, the people who have provided this time are sincerely interested in truly helping countryside America, and I must commend them for that position.

As you know, Mr. Speaker, I have long been the advocate of parity for rural America. In fact, I am known as "Mr. Parity" around much of the Capitol, and to indicate the nonpartisanship of this principle I would like to insert now in the RECORD the parity on January 1969, and on April 1971, for some of the main products. I will recite these to you, and then I wish to comment on them.

Wheat, in January 1969, 47 percent of parity; April 1971, 48 percent.

Corn, 1969, 65 percent of parity, and in 1971, 76 percent of parity.

Cotton, 1969, 41 percent of parity; 1971, 43 percent of parity.

Milk, 1969, 83 percent of parity; 1971, 82 percent of parity.

Butterfat, January 1969, 74 percent of parity; April 1971, 70 percent of parity.

Barley, 1969, 71 percent of parity; April 1971, 69 percent of parity.

Sorghum, January 1969, 70 percent of parity; April 1971, 71 percent of parity.

Soybeans, January 1969, 70 percent of parity; April 1971, 71 percent of parity.

Beef, 1969, 78 percent of parity; April 1971, 85 percent of parity.

Hogs, January 1969, 74 percent of parity; April 1971, 55 percent of parity.

Mr. Speaker, this indicates that some products rate a higher parity today than they did in January 1969, and some are lower.

Wheat, corn, cotton, sorghum, soybeans, and beef are at a higher percentage of parity today than they were in January of 1969.

Wool, flax, oats, hogs, lamb, eggs—and especially hogs and eggs—are at a much lower percentage of parity today than they were in January of 1969.

So we see the real thrust of what needs to be done.

I think I should point out again to the House that every percent of increase in parity means almost a billion dollars to countryside America. If we would have had this year or last year parity of income for rural America, we would have funneled about $20 billion of additional dollars.

There is not much that would not go away that is wrong with countryside America if we had parity there where it belongs. Our young folks would not need to be moving. Our business places would not be boarding up. There would be opportunity—there would be the ability to support schools and churches and our other facilities would be there. The real problem of countryside America is increased income. I must repeat again what I said at the last meeting—the No. 1 problem of countryside America is a fair income. The No. 2 problem is fair income. The No. 3 problem is fair income. From there we can go to credit and sewers and all of the other facilities.

Mr. Speaker, at this point I include in the Record a letter from a constituent of mine whom I know personally who lives at Belview, Minn., who has written this letter about the farm situation.

BELVIEW, MINN.,
April 28, 1971.

Hon. JOHN ZWACH,
Washington, D.C.

DEAR JOHN: I see by the paper that you will appear at a hearing for agriculture on May 3rd. I would like to say that something needs to be done soon if some of the farmers are to stay in business.

My net income from farming last year was $1,094. We had a good crop too. Price for our products are just too low compared to expenses.

What we really need is a new marketing system. Ours is as out dated as the horse and buggy. For fifty years I've thought there is something wrong when the farmer goes to town with his product and says—how much will you give me? When he goes to buy something he asks—how much is it? The answer as naturally—the cost of the item plus a profit. That is what the farmer should have—cost plus a profit.

At 5% interest I should realize $5,000 on my investment with out farming. It isn't there.

My bus driving helps keep us eating.

I know many farmers say that this is their last year. They are losing too much of their investment.

Keep plugging for us farmers.

Sincerely,

DONALD W. KRINKE.

Mr. Speaker, I do believe that we are definitely seeing some results from these discussions. The fact that the President on yesterday made a farm speech in California, I think is indicative that there is some indication that we are getting some attention.

Mr. Speaker, I include in the Record at this point an article from the New York Times that gives a big headline to our countryside problem and to the fact that the President has addressed himself to it.

I think it is a definite sign of progress.

Mr. Speaker, the article is as follows:

NIXON PROMISES TO HELP FARMERS RAISE NET INCOME

(By James M. Naughton)

LAGUNA BEACH, CALIF., May 2.—President Nixon hailed the "surging vitality of our agriculture" today and pledged to help farmers realize more of its rewards.

In a 14-minute radio address, the first of several that he plans to deliver on domestic matters, Mr. Nixon discussed the irony of agriculture's setting "a brisk pace for the rest of our economy" while farmers face a "perennially troublesome cost-price squeeze."

He outlined a series of initiatives that his Administration was taking to cure blight and disease imperiling farm crops and animals, expand export markets for American farm goods and eventually replace Government restraints on farmers with a free market offering "the brightest future for agriculture."

TALK IS TAPE RECORDED

The radio message, broadcast nationally at 3:05 P.M. Eastern daylight time, was tape recorded this morning on the estate of Walter Annenberg, United States Ambassador to Britain, at Palm Springs. Mr. Nixon spent the night there.

Mr. Nixon appeared to be attempting to put the best face in his Administration's farm programs, which have come under increasing attack from farm belt members of Congress, and were blamed by Republicans for the loss of Middle Western governorships to the Democrats in the elections of 1970.

Last Friday, the Agriculture Department issued monthly statistics that showed the farm parity level—a ratio between farmers' costs and prices—was at 69 per cent. Mr. Nixon told in audience in Des Moines, Iowa, in September, 1968, when he was seeking the Presidency, that he could do better than the Democrats, who, he charged, had allowed the parity level to fall to an "intolerable" level of 75 per cent.

HIGH COSTS CITED

"All in all," Mr. Nixon said today, "it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. The reason, of course, is the high cost of farming."

The President said that he was pleased that, "while the battle is far from won, we are definitely making progress against inflation," which hits farmers twice, raising both the cost of farming and the farmer's cost of living.

Farm exports which "actually dropped" in 1968, are now at their highest level and should reach a total value of $7.4-billion by the end of June, Mr. Nixon said. To meet a goal of $10-billion a year, he announced an increase of $1-million, to a total of $28.7 million, in funding for the Foreign Agricultural Service in the fiscal year beginning July 1.

The President announced these other initiatives, which White House officials said totaled $50.6-million in new spending and about $350-million in Federal loan guarantee authority.

A request to Congress to replace a program of Federal farm operating loans with a new system of Federal guarantees for private farm operating loans, along with a directive to the Farmers Home Administration to increase availability of insured ownership loans to farmers from $210-million to $350-million in the fiscal year 1972.

Another budget request, for $7.6-million, to conduct research into such problems as southern leaf blight, control of cattle ticks and study of disease resistance in plants, plus an administrative shift of $2-million in the budget for the fiscal year 1971 for research on control of the fire ant and gypsy moth, which threaten Eastern timber stands.

A request for approval from Congress to add $12-million to the current appropriation of $135-million for the Soil Conservation Service and to raise to $105-million Federal grants for small watershed projects. Mr. Nixon would also raise the level of spending on insured loans for rural water and sewer systems to a total of $300-million in the fiscal year 1972.

The President alluded to an old Republican theme, a free market for agriculture, by noting that 60 per cent of farm income comes from commodities that are not under price support programs. He said, "It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the market system."

The radio address contained no mention of the President's rural revenue sharing proposal or of his plan to consolidate his Cabinet departments, eliminating, for one, the Department of Agriculture. Mr. Nixon dealt entirely with the problems of farm owners and operators, making no reference to the burdens faced by farm workers and migrant field hands.

The speech was a prelude to the "Salute to Agriculture Day" Mr. Nixon will hold on Friday, when a miniature county fair will be held on the White House grounds.

Mr. Speaker, on May 7 the President is going to give a salute to agriculture at the White House, which is another first in trying to bring the problems of countryside America, which have caused the problems of urban America, to the attention of our people. From reports I have seen, the President is going to say that we owe a great debt to countryside America. It is my hope that we will start doing what we can in Washington and that producers will start doing what they can out in the countryside toward making some payments on the great debt we owe countryside America.

It is time now—it is already late—it is time that we start making some payments on that debt that we owe to countryside America.

The President has appointed a Rural Affairs Council, another first in bringing to the attention of our people the problems of the city and the problems of the country.

The President has recommended revenue sharing, and for the first time in history there is not only an urban renewal and development feature in that program but there is also rural development in the amount of $1 billion, which I think is indicative of the reversal that is taking place in this entire area.

The Congress has taken some good steps. We have enacted the food stamp. Do you know that right at this moment the food stamp program involves an expenditure of $2 billion a year? From $180 million, when I came to Congress 5 years ago, it has risen to a figure of $2 billion right at this moment, providing nutrition for the people of our country, and by indirection giving an outlet for surpluses of farm products.

The administration has initiated a large subsidy program through which they have spent a great deal of money to help ship surplus lard, which is the real drag on the hog market, into their areas. They have initiated a large pork-buying program. The 160 million pounds of pork have been purchased, a double purchase for the military, purchases for the school lunch program, and other needy purchases.

Dairy supports have been raised. We have had the largest signup on a farm program in history. These are some indications that everywhere things are stirring in this area.

Mr. Speaker, I include in the Congressional Record a very brief statement from the American Farm Bureau Federation's official newsletter entitled "Farmers Are 'Penalized by Inadequate Prices,' Kuhfuss says in New Mexico":

Farmers Are "Penalized by Inadequate Prices," Kuhfuss Says in New Mexico

Farmers are proud of their productive efficiency, but believe they should be properly compensated for it rather than penalized, William J. Kuhfuss, president of the American Farm Bureau Federation, said in an address to the Curry County Farm Bureau's farm-city dinner at Clovis, New Mexico, on April 27.

"We as farmers and ranchers are proud of the efficient job we are doing in feeding the nation, as well as meeting some of the food needs of our foreign neighbors, but instead of being rewarded we are being penalized by inadequate prices," the national farm leader said.

The parity ratio for March 15, he pointed out, stood at 70, only three points above the low mark of December, 1933. The parity ratio is derived from a formula which takes into account the relationship between farm prices and farm costs in comparison with a 1910–1914 base.

Some farm commodities are well below the 70 figure, which is an average for all farm products.

Cotton, for example, stands at 41 percent of parity and wheat at 48 percent.

"It is obvious that agriculture is not doing well in relation to the rest of the economy even though there has recently been a decline in business activity," Kuhfuss said.

The farm leader blamed continued inflation resulting from excess government spending which has pushed farm production costs to all-time highs, and ineffective government farm programs for the state of the farm economy.

"As long as farm programs are related to political decisions instead of economic decisions, we are going to be subjected to a cheap food policy," Kuhfuss said. "Political decisions are based on pleasing the greatest number of voters, and non-farmers out-number farmers by 96 to 4."

"The business community should be concerned about the current disparity between agriculture and the general economy," he added, "because a healthy and prosperous agriculture is essential to the well-being of the total economy."

Kuhfuss said that he recognized that there are many different opinions on national farm policy, and added that he thought this is beneficial rather than detrimental.

"I think part of the strength of America and American agriculture lies in the opportunity for individuals to differ in their opinions and for them to be allowed to express these differences.

"Similarly, I believe organized agriculture is stronger, not weaker, because we have organizations subscribing to different basic philosophies. We are proud that 1,943,181 families are voluntary members of Farm Bueau, and that four out of five U.S. farmers who belong to a farm organization belong to Farm Bureau. We in Farm Bureau believe we are part of a dynamic, progressive, strong organization dedicated to improving the opportunity for farmers and ranchers to earn and get higher net family farm incomes.

"We are firmly committed to the belief that agriculture is basic to our total economy. The significance of agriculture today is just as great as it ever has been. Today there are fewer people in commercial agriculture than in the past, but the impact of agriculture on our national life has not diminished."

Major concerns of farmers and ranchers in the 92nd Congress involve farm labor relations, farm bargaining, international trade, measures to curb inflation, and protecting farmers' opportunity to use necessary agricultural chemicals, Kuhfuss said.

New marketing legislation is needed, he explained, to provide the necessary legal framework within which farmers can build their own effective marketing and bargaining programs and improve the function of the market system.

Enactment of legislation governing farmer-worker relations is needed to establish guidelines to protect the rights of both farm operators and workers and to provide producers a free access to markets.

"The public interest," he added, "dictates that consumers, too, need this legislation to protect their right to buy desired food products in the marketplace," he said.

"We are also concerned about our nation's trade policies. Our major market is here in the U.S., but we cannot afford to build a fence around America. One-fifth of all cropland harvested in the U.S. is used to produce for export. Our objective is not free trade—but a freer trade.

"It is obvious why we in agriculture are concerned about a sound national fiscal and monetary policy," Kuhfuss said.

"The root cause of inflation is deficit financing. Much of the increased cost of farm production is the result of government-fed inflation. Unlike some industries who are able to pass these increased production costs on to the consumer, we in agriculture have to absorb them, and this means a further reduction in an already low net income.

"We in Farm Bureau are also concerned about our national land policy. As a Midwest farmer, I am delighted to have this opportunity to see and learn more about our public lands and their relationship to agriculture.

"I believe that we can have wise use of our land resources if primary consideration is given to the fact that local involvement and local decisions are essential in all decisions in this area.

"Farmers and consumers also cannot afford a complete ban on the use of agricultural chemicals. Continued use of such agricultural chemicals should be determined on a product-by-product and use-by-use basis, and based on research and scientific data."

I am happy to report that things are happening on the home front. Farmers are organizing more. They are beginning to bargain.

The gentleman from California (Mr. Sisk), last week introduced legislation that would strengthen the new bargaining process and force processors to bargain with producers. I am myself, this week, introducing that legislation. There is movement in that area.

There is recognition that in Congress not all things are going to be done to bring a fair return, and that some of it must be done at the other level.

Mr. Speaker, there are a great many things I could say further, but we have had a long and I believe a fruitful program. I will withhold some further statements, except that I want to relate that I have introduced legislation today with regard to rural medicine and rural health.

Mr. Speaker, we have been discussing many of the problems of rural America here this afternoon. We have pointed out the low income, the need for industrial development of our rural communities. Another problem that I would like to point out to my colleagues here is the shortage of health-care personnel in our rural areas and the need to strengthen the delivery of health-care services to rural Americans.

In most of our small communities, anyone can tell you that the major community problem is the difficulty in obtaining the services of a physician. When a community loses its medical personnel, it results in economic decline. No industry can be brought to a community that is not complete in its services, and those industries that are present begin to leave, and we watch the loss of young families from the communities that could be the best environment for family life.

Our whole country faces the need for a reassessment of our total health care. But nowhere is the problem more pressing than in our rural areas. Rural areas contain a disproportionate number of people of over 65 years of age and the lower incomes in rural areas combined with the sparse population cause residents of these areas difficulty in competing with residents of higher income, higher density areas for medical services.

In 1967 the President's National Advisory Commission on Rural Poverty reported that although about 30 percent of our population still lives in rural areas, about 12 percent of our physicians, 18 percent of our nurses, 14 percent of our pharmacists, 8 percent of our pediatricians, and less than 4 percent of our psychiatrists are located in our rural areas.

Adding to the shortage of health personnel is the fact that rural people often must travel considerable distances in order to utilize the services that are available. The general inadequacy of emergency services such as transportation and specialized treatment contributes to the very high accident fatality rates in rural areas.

I do not believe it is unreasonable to believe that things will get much worse unless major corrective actions are taken. The communities that now have physicians or losing physicians are facing great difficulty in finding replacements. Part of this relates to the reluctance of young physicians to practice in isolated areas, but it also relates to the fact that our medical schools are turning out fewer and fewer general practitioners. Ninety percent of our medical school graduates now specialize.

Mr. Speaker, I am today introducing legislation to encourage our young people interested in a life of medicine to prepare themselves for family practice in our rural communities in order to help alleviate the present shortage of medical personnel.

The first bill would provide payment of outstanding medical school expenses to certain medical personnel if they agree to practice in an area designated as having a shortage and need for medical help.

The second bill is more comprehensive in that it would provide grants to students from rural areas to attend medical school if they agree to return to their rural areas. In addition and more importantly, this bill would provide demonstration projects for health care in rural areas. These projects would include:

First, projects designed to provide physicians and allied health personnel access to diagnostic and consulting services of major medical centers through expanded use of modern communications and monitoring systems between rural areas and such medical centers;

Second, projects for the establishment of medical clinics in rural areas to be operated on a full- or part-time basis to provide greater health care services to area residents;

Third, projects for utilization of mobile diagnostic units and training of personnel; and

Fourth, projects for expanded use of emergency health transportation and emergency care through the use of helicopters and radio dispatched road vehicles.

Thousands of rural communities across the country today are fighting for their very survival. The availability of health care services is a vital part of a community. When the services are no longer available, the life of a community is seriously threatened. The absence of health services encourages greater outmigration and makes it virtually impossible for that community to attract new businesses and industry. There is no doubt but that adequate health care and economic vitality adds to the ability of a community to survive and grow, and providing adequate health care has to be a necessary part of our rural community development efforts.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. Mr. Speaker, I am glad to join in tribute to the farmers and in pointing out what I consider to be the No. 1 problem of our land; that is, the situation we have in our rural areas.

Anyone who is cognizant of the fact that in the years 1950 to 1960 inclusive, 800,000 people a year left rural America for already overcrowded cities and in the 10-year span from 1960 to 1970, 600,000 people a year left rural America for our already overcrowded cities, who is not cognizant of the fact that we do have a farm and a rural problem, just does not have a conscience.

Now, what has happened in the past 20 or 30 years so that this situation would develop? I believe I can best illustrate it by an experience I had as a small boy when I was living on a farm.

Our farm happened to be where there was a very wild forest. Just as soon as I was able to comprehend stories I heard the horror stories, being warned about not going into that forest. My mother, father, sisters, brothers, and my neighbors would tell me never to go into that wild forest.

I wondered why. They told me that for some reason or other—no one knew where they came from—in that forest were a group of wild boars, and therefore I was to stay away from that forest.

All the horror stories and scare stories were told to get children to stay in line, and they would say, "If you do not behave we will send you to the forest where these wild boars are." It was the folk story of the times, of the era and of the place.

So at one time a man who was a traveling salesman, with the stovepipe hat and an undertaker's coat, and a horse and buggy, happened to come into one of the church gatherings, and they started to tell him the story about these wild boars. He became quite intrigued by these wild boars that were in the forest, so he went out into the woods to take a look. Everybody laughed and said "Good bye, Mr. Salesman, we will never see you again, the man with the stovepipe hat, the man with the undertaker's coat."

In several hours he came back, and he went over to the store, and he said, "Give me an ax." They all thought he was going into the forest to kill these wild boars with an ax.

He stayed there for a couple of days, and then he came back with the ax. This time he came in and he asked for a half bushel of corn.

He went out to the forest, and everybody thought he was crazy. First he took the ax, and now he wanted the corn.

In about 4 hours he came back out of the forest. All the neighbors were gathered around, wanting to know what happened. He said, "I want to show you something." So he took them out to the forest. He had built a pen with the ax, and in that pen were 50 wild boars. The neighbors said, "How in the world did you do it?" He said, "It is very easy. Just give me the choice of a free handout, and I will capture the wildest animals in the forest." In this case it was a few kernels of corn.

That is exactly what we did to the farmers of the United States of America. With a few kernels of corn we took away their freedom and liberty, just like this man with the stovepipe hat and the undertaker's coat took away the freedom and liberty of these wild boars of the forest. How did we take away their freedom and liberty? By the promise of a few handouts, a few kernels of corn. In this particular instance it happened to be by their saying, "If you will let us run your farm and let the Government tell you what to sell and what to reap and how much, we will give you parity."

What is parity? They never told the farmer what parity would be—whether it would be 47 percent, like my good colleague over here pointed out, or 50 percent or 75 percent or 90 percent or 100 percent. They fell for the handout of parity which they never got and which happened to be an illusion and not a good thing. So, with this illusion of parity in the last 20 years, what did we get? In the first 10 years we had 800,000 people a year leaving the farms. In the second 10 years we had 600,000 people leaving the farms. In that way we arrived at the situation we face today.

What we have to do is to set the farmers free. We captured them and took away their freedom by the illusion of parity, but we have to set the farmers free in the United States in order to let them produce what they want. God knows the biggest problem in the world today is hunger. The American farmer has the know-how to lick the world's greatest problem if we would only let them go and free them.

At the same time parity turned out to be a disadvantage to the farmer. Stripped of all of its artificialities, what is parity? It is price control. We have price control by the Federal Government today in only one segment of our economy, and that is the farm segment. Parity instead of being something beneficial to the farmer has turned out to be his greatest liability. Parity is price control.

I was in the sad situation about the middle of March of having the dairy farmers of my State coming to Washington practically on their hands and knees. For what? They said, "Mr. Congressman, can you not, please, beg the President, beg the Congress, and beg the Secretary of Agriculture to raise the parity on milk from 80 to 85 percent?"

What is that but price fixing? When they are getting 85 percent, that means 85 percent of the cost of production. They are losing 15 percent on every 100 pounds of milk they produce at 85 percent parity. They were thankful that they got a raise from 80 to 85.5 percent of parity.

But look how the farmers lost their freedom to the point where they have to come to Washington, D.C. They are the only segment of our economy that has to beg for their prices. If you let the farmer go free and give him freedom along the lines that I advocated a long time ago, the freedom that we give to every other segment of our society; namely, the freedom of collective power and collective bargaining, he will be all right.

The farmer is the most unselfish segment of our society. My farmers told me, "Congressman, we do not want any of these handouts from the Federal Government, we do not want these kernels of corn that took away our liberty and our freedom in return. We do not want anything from the Federal Government. What we would like for the Federal Government to do is to leave us alone. What we want is a fair price for our product in the market. We do not want Government handouts. We want a fair price for our product—cost of production plus a fair profit in the market." How unselfish are their demands? That is all they want—is a fair price for the product.

They want a fair price for their product, cost of production, plus a fair price at the marketplace. That is all they want, and they will be able to achieve it through a system of collective bargaining.

Mr. Speaker, there is just one other step we have got to take besides letting them free and giving them collective bargaining, and that is educating the consumer. Unfortunately, the consumers in America outnumber the farmers 50 to 1 and that is where the disadvantage is. I know, because I was in a household during the Easter holidays. I was there at a time when the housewife called the grocer. She ordered one case of beer, 2 gallons of wine—and, how much is milk today? Twenty-four cents a quart. How much is bread today? Twenty-three cents a loaf. They do not argue about the price of a case of beer. The average consumer does not argue about the price of 2 gallons of wine, but when you ask 23 or 27 cents for a loaf of bread or a quart of milk, my God, it is outrageous.

We have got to educate the consumers of America to the fact that a quart of milk, a loaf of bread, is worth just as much as a bottle of beer. If we accomplish that, the farmers will have good times in the United States of America.

I hope I have contributed something toward making life better in the United States of America for farmers.

I thank the gentleman from Minnesota for yielding to me.

Mr. ZWACH. I thank the gentleman from New York very much for his contribution.

Mr. LINK. Mr. Speaker, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from North Dakota.

Mr. LINK. I thank the gentleman from Minnesota (Mr. ZWACH) for yielding.

Mr. Speaker, in my 3½ months in Congress, I have been struck by one fact above all others: the distortion in the Nation's priorities.

Nowhere is this distortion more apparent than in the lack of attention to rural America.

As a Congressman from the most agricultural State in the Union, I naturally place the well-being of farmers and rural America high on my priority list. But in doing so, I am not indifferent to the pressing problems of our Nation's cities. I am solidly convinced that we will make substantial progress on urban renewal only when we place equal emphasis on rural renewal.

We see, on one hand, less-populated rural areas where people are leaving the farms and ranches and small town communities seeking opportunity elsewhere. We see, on the other hand, congested cities where 100 million Americans face a continued deterioration of services.

Both conditions are part and parcel of the national problem of population imbalance; too little opportunity in the countryside and too little space in the cities.

We train and educate our young people in North Dakota only to see them lured to job opportunities elsewhere, adding to overcongestion in other States.

The present administration has not taken a rounded view of the interrelated problems of rural and urban America. Nor has the Congress faced up to the issue.

Since most Americans live in cities, their very urgent problems receive primary attention.

During this second Farm Day in the House of Representatives, it is our purpose to tell the story of the equally urgent problems afflicting rural America.

We have sustained severe losses in farm and farm population because of dwindling farm income. In North Dakota, nearly 100,000 people have abandoned farming in the past two decades.

The result is a lower tax base and a gradual diminishing of the number of people necessary to support such essential institutions as schools, hospitals, churches, and recreational facilities.

The policies of the present administration have aggravated this trend. During its term in office—agriculture, the lifeblood of rural America—has sustained blow after blow. Prices received by farmers for their products have averaged below 75 percent of parity, while costs of farm production have steadily increased, resulting in a cruel cost-price squeeze.

Businessmen in the towns and cities of rural America feel the fallout.

For the present fiscal year, the U.S. Department of Agriculture has failed to spend $1 billion in funds already appropriated by Congress for programs affecting rural areas. Most seriously hurt are the Farmers Home Administration and the Farm Credit Administration. And we can take cold comfort from the proposed budget cuts submitted by the administration for the next fiscal year for basic agricultural programs like the Farmers Home Administration, the Rural Electrification Administration, and soil conservation.

To these blows, add freight-rate increases of 23½ percent in North Dakota in the past year and a half, and you have a crushing burden on farmers, and on businessmen in rural America.

Coming on top of the other blows to agriculture is the Administration's proposal to abolish the U.S. Department of Agriculture. That plan gives a true indication of how this administration feels about rural America.

The truly bad thing about dismantling the Agriculture Department is that it would further weaken the already weakened voice of the farmer in Washington. Doing away with the Agriculture Department would destroy the focus the Federal Government has given agricultural problems since the creation of the Department 109 years ago.

This neglect of rural America is unwise public policy from the point of view of both rural and city people. We should be expanding opportunities in rural areas and making them more attractive places to live, thus stemming the heavy rural migration to our overcrowded cities.

Ten days ago our North Dakota congressional delegation was invited to attend a statewide meeting to discuss the fast-growing farm crisis. Fifteen-hundred actual farm men and women from all parts of the State came to our capital city of Bismarck to hear talks by their Senators and Congressmen.

Following our talks we sat for almost 3 hours and listened to the farmers "tell it like it is." I found a mood of deep concern and frustration.

I personally took notes from which I recall the following statements.

One farmer said:

> Farmers feel defeated, frustrated and angry. I hope the National Farmers Organization can lead the farmer revolt rather than be run over by it.

Another said:

> Our State is 48th in teachers' salaries but ranks 11th in effort of tax per capita. We are trying to improve conditions but under the present poor economic policies we are just spinning our wheels.

Others expressed sharp displeasure with Department of Agriculture administrative policies and Commodity Credit Corporation rulings.

One farmer said:

> We are pursuing a crazy policy to chase people off the land. We need to stress the human element rather than the economic factors.

A Dickey County farmer who cropped 1,310 acres in 1969 had a per acre income of $29.78. Costs were $27.09, leaving a return of only $2.69 per acre. Multiplied by 1,310 acres, this gave him and his family a total income for that year of $3,523.90.

While adequate credit at reasonable rates was regarded by all as absolutely essential, these farmers pointed out the long-range answer is fair prices.

A farm machine dealer said:

> Each time you go to a bureau or department for assistance they tell you why it can't be done. There exists an insensitivity toward the real needs of agriculture and its people.

Others at the meeting voiced lack of congressional control of the monetary policy as the cause of our economic problems.

One man said:

> We are given too much run-around from politicians and professors.

Several people expressed dismay that some economists reject the importance of increased prices to the former for his products. Such insensitivity by our institutions of higher learning creates resentment and widens the credibility gap between those who toil with their hands and those who are supposed to toil with their minds.

A young State University engineering graduate could not get a job in his field of learning and wants to return to the farm and make agriculture his career. He has been unable to secure the credit he needs. He pointed out that many young people need help to get started in farming and business.

Still another speaker said:

> We need a new attitude by the Farmers Home Administration. They are too pessimistic.

A final comment was that if farmers got fair prices in the market place there would be no need for special programs.

Mr. Speaker, I want to underscore a few points. First, these farmers came to this statewide meeting in the midst of spring planting. Many of them said they had shut off their tractors that day in order to come to "tell it like it is."

Second, there is evidence of growing frustration and loss of confidence in the legislative and administrative process of Government. I repeat the sentiments of the man who believes our Government bureaus are staffed by papershufflers with concern for the human element almost completely buried in red tape and indifference.

Third, I would call to the attention of the House the fact that, while many of these farm-owner-operators may show a property statement suggesting affluence. this property is the "tool kit"—and a rather expensive one—without which he cannot even begin to produce the abundance of food that makes this the best-fed nation for the smallest percentage of consumer income spent for food of any nation in the world.

There was a further undercurrent that threaded its way throughout that farm meeting. The farmer by nature is peace loving and extremely patient. He has to be. He needs his neighbors in times of emergency and cooperates with them for the mutual benefit of himself and his community. The farmer works in daily concert with nature and all the uncertainties of the elements—thus the need to "roll with the waves." Much of his work is projected a year at a time with no assurance of return for his investment of money and energy. All this tends to develop a loyalty to his community and a "love of the land."

To the true farmer, his land is not a cold, impersonal investment held only for profit. It is living and life producing and a place where he and his family can live and toil while they help nature give of her abundance to fill the horn of plenty for hungry people the world over.

It is little wonder that several farmers displayed a firm attitude in their decision to remain on their farms.

Sensing the inevitable loss of his equity under present farm prices and policies, one farmer said:

> They will have to carry me off . . . we will not leave or be evicted.

One man said:

> The first person to order the dispossession of my farm will be met with a shotgun.

These are strong words, Mr. Speaker—they are militant words—but they emphasize in no uncertain terms the gravity of the situation.

We cannot permit this situation to worsen.

Because of the unique experience of hearing it "like it is," and because of my strong belief that the urban crisis is so closely tied to the rural crisis. I believe we must establish new and strong lines of communication between those of us from the rural communities and those from the urban and industrial centers. Rural Congressmen should be guests at meetings of city Congressmen, and city Congressmen should be guests at meetings of rural Congressmen. We should be emphasizing our many areas of common interest rather than our differences as some would have it.

Only by telling one another "like it is" can we hope to come to grips effectively with the problems that threaten the very foundation of this great land.

To assist rural America, I have sponsored or cosponsored legislation to:

Reinstate advance wheat and feed grain payments.

Institute a new Farm Credit Act to make more rural credit available.

Encourage job-creating opportunities in rural areas.

Study whether farm parity provisions are being implemented and whether the basic law itself is adequate.

Attract physicians to medically deprived areas.

Restore the 7-percent tax credit for farm operators and small businessmen.

On all these measures, I intend to work in the closest cooperation with my colleagues on both sides of the aisle. As time goes on, we hope to come up with additional creative and imaginative programs.

In seeking solutions, I have tried to view these problems in a national perspective. I sought service on the Agriculture Committee, but I also obtained an assignment to the District of Columbia Committee. As one not subjected to the stresses and strains of an urban metropolis, I thought serving on this committee would afford me the opportunity to take a broad approach without prejudice and without bias in grappling with city problems.

Last week, Gov. William L. Guy of North Dakota put the problem in a national perspective, when he testified before a committee in the other body. I quote from Governor Guy's statement:

> We might take the pressure off both the congested areas and the underpopulated areas of our country by considering some programs in an integrated plan under a national population distribution policy. I would suggest consideration of the following:
>
> 1. A complete overhaul of the Interstate Commerce Commission and its archaic freight rate-determining mechanism, in order that areas which now are denied adequate transportation rates and service can be made economically competitive with other areas now enjoying economic advantage.
>
> 2. A national plan of water resource protection, preservation and development so that water resources would remain available in underpopulated areas rather than diverted to already congested areas for further population growth.
>
> 3. Incentive programs to encourage small industry to expand to areas designated by the federal government as underpopulated through devices such as these:
>
> A. Federal tax incentives.
>
> B. Federal Small Business Administration loans with subsidized interest rates.
>
> C. Manpower training programs to assure a supply of trained labor.
>
> 4. Placement of major federal installations in areas of underpopulation.
>
> 5. Major federal research grants to colleges and universities located in those states or areas which can gracefully absorb a larger population.
>
> 6. Federal procurement contract preference to industries which are small and which might be located in an area in which greater population growth is being encouraged.
>
> 7. An agricultural price support and farm credit program that would be adequate to make it possible for farmers to continue as producers on individual units rather than the present trend toward large-scale corporation farming.

What Governor Guy is seeking—what I am seeking—is an overview of the interrelated problems facing rural and urban America. Only such an overview can give us the insights we need to reorder our national priorities and to deal with the increasingly critical problem of rural-urban imbalance.

I thank the gentlemen who made possible this second "Farm Forum" for the opportunity to present these views. I also thank all those members, both rural and urban, who likewise are taking advantage of this opportunity. In so doing, we are helping to "tell it like it is."

Only when we jointly recognize our problems can we move forward together with the necessary remedies. I am confident this can be done. Thank you, Mr. Speaker.

Mr. ZWACH. Mr. Speaker, in summary I think this discussion has shown that all of us in rural and urban America have the same problem. We are all in the same boat. I think it shows that Republicans and Democrats all need to work together to help the people to help themselves and to do what can be done here in Washington with regards to doing things to bring a fair income to countryside America.

LAW DAY, U.S.A.

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 60 minutes.

Mr. CORMAN. Mr. Speaker, it is a privilege to join with my colleagues in commemorating this traditional observance of Law Day, U.S.A. Last year we began the decade of the 1970's in recognition of the rule of law and its place in American society. Today I would like to expand on that idea by discussing our responsibility in using the law to channel change within our society.

Over 200 years ago, our Founding Fathers when creating our democratic form of government provided within its framework a legal system capable of operating as the mainstream of change. That system when originally constructed served the needs of some 6 million people who were scattered along this Nation's eastern seaboard.

Throughout our history, this same system of laws has proved its potential for growth by expanding to serve the needs of a population which has surpassed 200 million and which is now distributed over the vastness of this great continent. More significant still, is that this change was able to occur in an orderly fashion without violence or revolution.

One of the greatest strengths of our legal system has been its ability to protect individuals from possible repression by the Government. Even though the system could have been used to encourage Government repression and control, it has managed to expand rather than diminish the rights guaranteed individuals by our Constitution.

The law, which operates through legislative and elective processes established by society is not static but flexible and continually evolving to meet the needs of a changing society. With the exception of the termination of slavery, change in our society has always been channeled through law and reason all in a period when changes in our industrial capabilities, social habits and mores were occuring at a slow pace.

In the decade of the 1960's, the United States gained more new scientific knowledge than in the entire creative history of our time. This abundance of new knowledge has given us the potential for ending poverty, diminishing the danger of disease and improving the quality of life for all mankind. But in recent years too, the very continued existence of mankind on this planet has been threatened by military weaponry, another product of our new scientific knowledge.

The challenge we face today is whether we can continue to implement change and preserve the original objective of our founding fathers—equality under law—in a society which is, in many aspects, in revolution. It is our duty in the 1970's to aid our legal system in changing at a sufficiently rapid rate to continue to serve the purposes of its people. I believe that it can and that it will for I believe that change can be accomplished through insistence upon the law instead of anarchy, judgment instead of violence, reason instead of emotion. To lose any of our legal system through anarchy, violence or emotion will result eventually in losing it all.

Because law is the most effective vehicle through which social change may be transformed into social action, it is the responsibility of those of us who hold the public trust to continue searching for ways to initiate that change and it is the responsibility of those who may get impatient to reflect on all they would lose if the system were dismantled.

It is the responsibility of legislator and laymen alike to channel change through law and reason knowing that the law has never served any man well without serving all men well.

Mr. EVINS of Tennessee. Mr. Speaker, the 87th Congress designated May 1 to be Law Day U.S.A.

It is also fitting and proper that President Nixon has proclaimed May 1 as Loyalty Day.

Each year we pay special tribute to our system of law and justice and on this occasion we are called upon to reaffirm our faith in the ideals of our great Nation and its legal institutions.

Because of the interest of my colleagues and the American people, I insert in the RECORD an editorial which recently appeared in the Nashville Banner on this subject.

The editorial follows:

LOYALTY DAY, TOO

May 1 is Law Day USA. It also is Loyalty Day. It bears observance in both connections—for they are related.

Law Day USA was so designated by joint resolution, by the 87th Congress—and has been kept as such since. Its aims are best stated in the language of that resolution:

"It is set aside as a special day of celebration by the American people in appreciation of their liberties and in reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life."

That is a pertinent paragraph. It mentions loyalty, meaning allegiance to the United States. Just as it has been time to accent loyalty, so has it been time to accent respect for law, and the nation can be glad that the administration has put stress on these things.

Said President Nixon in his proclamation, "Every day Americans around the globe bear witness to their national allegiance. In doing so, some bear final witness by giving up their lives for the life of this nation."

Law Day USA is in challenge of anarchy. Loyalty Day draws a line against disloyalty.

Mr. BROOKS. Mr. Speaker, May 1 has been set aside in observance of the law—those principles governing human behavior that constitute fundamental elements of our society. For countless centuries, men and women of vision and inspiration have dedicated their lives to the advancement of society, toward progress and a better world for themselves, their neighbors, and future generations.

Law makes these advances possible, for all of our ideals perish in an environment of lawlessness and chaos. Strong and vital recognition and observance of the law, and full participation in its evolvement by all citizens, are essential to freedom, for law and liberty go hand in hand.

As individuals, as a nation, we must recognize the vital role of law. We must always work to improve and strengthen the moral fiber of our laws. We must fully observe the laws we now have. We must continue to work as best we can, throughout the spectrum of our interests, for progress. Only through the enlightened democratic process can we have both law and liberty. Only under the law can each and every individual have the opportunity to get ahead and lead a full and meaningful life.

Mr. SCHWENGEL. Mr. Speaker, the topic of this year's Law Day observance, "Channel Change Through Law," is particularly relevant to the conditions existing in our Nation today. This whole problem was put very much in perspective for me 2 weeks ago as I attended the White House Conference on Youth held at Estes Park, Colo. It was an exciting and stimulating experience. A thousand young people and 500 adults got together to discuss the concerns of youth and try to draft positions on national issues for the next decade. Contrary to many reports, the conference was largely positive in nature. There were more pluses than minuses. Certainly, many of the young people expressed their deep concern about issues such as poverty, the war, the draft, housing and such basics as religion, cultures, and values. They recognized that we as a nation must attack these problems forcefully and forthrightly, and they did it sometimes eloquently. Listen to just one quote from the paper on religion.

> We believe that religion—which we define as the patterns of thought and the way of life stemming from faith and belief in a transcendent being or beings—tends to nurture, enrich, and strengthen ethical values, and therefore is urgently necessary to social progress and national welfare.

But central to all of the discussion and debates was the definite commitment to work within the system. The young people at the conference were committed to a peaceful action to accomplish the goals they are seeking. Most of my work at the conference was done on the Task Force on Values, Ethics, and Culture. We had a dedicated task force that worked hard. The young people made valuable contributions to the work of the task force. It was my task force that wrote the preamble to the recommendations of the task force. Attending the conference reenforced my own confidence and belief in our young people. They are seriousminded and quite willing to work hard within the system.

It is my feeling that one of the key elements in making certain these young people continue to work within the system, is the teaching of respect for the law. By this I do not mean a rote, blind respect for the law, but rather a respect based on a justifiable belief that our laws are in fact worthy of respect. We must demonstrate that our system of laws is viable and workable. Further, we must demonstrate a willingness to alter those laws which are not working, which are not effective, and are really not in the public interest. Increasingly, we should explore every remedy under law before we resort to violations to test the law. These facts place a significant burden on those of us in the Congress. We must be ready and willing to meet the needs of our times—upgrading and improvement of laws is important as changing hearts and minds. If in order, to meet new challenges, we must abandon familiar practices, break traditions and leave precedents so be it. An excellent example of this is the seniority system. The seniority system had a useful function at one time, but it has outlived its usefulness. In fact, it at times serves to block needed change and reform. We cannot expect our young people, or any other group of citizens to blindly give respect to our laws. We must earn that respect, and demonstrate that our laws are in fact responsive to the needs of our citizens.

In altogether too many instances we not only foster disrespect for the law, but actually encourage it. Campaign spending and financial disclosures are prime examples in this respect.

Let us always call for and insist on respect for law but let us who are lawmakers make laws that are worthy of respect. Mr. Speaker, on last March 15, I placed in the RECORD a speech by Dr. Henry Steele Commager entitled, "The Roots of Lawlessness." This is one of the finest statements on the causes of lawlessness I have ever read and I again commend it to my colleagues for perusal and reading. It can be found on page 6513 of the RECORD of March 15, 1971. It is worthy of note on this day that we celebrate as Law Day.

Mr. TERRY. Mr. Speaker, it is symptomatic of the times in which we live that such a thing as Law Day is being observed throughout the land and today here in the Congress. We are living in a time in this Nation when groups with anarchial bents have pushed our judicial system to the wall. Much of this activity takes place under the guise of dissent. And here let me make clear that I do not mean the dissenter who writes, lectures, or marches with placards in support of his position on any issue. This is certainly lawful dissent. I mean the person who believes that the first amendment to our Constitution gives he or she the right to block streets, public buildings, and deny freedom to their fellow citizens by preventing them from entering certain streets or buildings. This right of dissent cannot and should not be unbridled and unlimited. No one has lost their freedom, in my view, if a judge decides that 100 pickets are the maximum that should be permitted to ring a building. If, in his judgment, more than 100 pickets would seriously interfere with the operation of a Government office, then the law should be enforced. To permit otherwise, is somehow to start toward that thin dividing line which separates a peaceful demonstration from a riot or an overt attempt to paralyze a part of the Government. We saw this only in the last week when a group of these so-called dissenters blocked the Selective Service Headquarters and prevented business from being conducted there. This was doubly ironic since the Congress is at this very moment, the Senate in particular, grappling with the extension of and changes in our selective service laws.

It seems to me that the lesson here is that our Nation is going to have to realize that our system of laws represents the accumulated wisdom of Christian-Judaic heritage and not the whimsical value judgment of some anonymous person. The sooner this Nation again realizes this, the more meaningful our laws and Law Day will become.

Mr. BUCHANAN. Mr. Speaker, "Channel Change Through Law and Reason." While these words may at first sound to many like the forlorn plea of a frustrated college administrator or a repeatedly used phrase of political campaigns, they represent an earnest appeal to all who seek reform of our society and its institutions. These words constitute the theme for the 1971 Law Day U.S.A. and there could not, in my judgment, have been a more appropriate choice.

First established by Presidential proclamation in 1958 and observed annually on the first day of May, Law Day U.S.A. has gained wide support in reaffirming the vital role of law in American society, particularly in the protection and enhancement of individual rights and freedoms. It is sponsored by the American Bar Association, in cooperation with more than 1,300 State and local bar associations, and with the endorsement of many national organizations.

The 1971 observance of Law Day U.S.A. is designed to call upon American citizens—regardless of political persuasion, age, or walk of life—to employ lawful means in their championing of causes and efforts to bring about desired change.

One of the unique features of the American political heritage is that we have a system of law based upon a written Constitution which has built into it the means for change. It was designed as a perfectable system which could be changed through due process of law—by amendment to the Constitution and by laws passed by the Congress and the several States. In our country all citizens can take part in the perfection of the law and the achievement of justice and equity within our system.

Such a system is in direct contrast, for example, to a Communist or other totalitarian system where a man or a handful of men in government make the law and where the law is imposed by police force and is very inflexible and difficult for people to change.

Notwithstanding the above aspects of our own Nation's legal system, however, the 1971 Law Day appeal is a timely one indeed. Perhaps never before have our Nation's laws and institutions been challenged to the extent that they have in recent years, and unfortunately these challenges have been carried out too often by violent protest. Demonstrations to further various ideals have frequently erupted into open battle between demonstrators and policemen. We have seen many of our Nation's campuses practically torn apart with violence, resulting in a tragic loss of lives and property damage totalling millions of dollars.

Riots have turned the streets of some of our Nation's cities into virtual battle zones and even our courtrooms have been the scenes of violent dissent. These tragic occurrences have also been accompanied by the alarming emergence of numerous radical groups, openly proclaiming their goal of overthrowing our Government through violent means, and often feeding upon the idealism and frustrations of our Nation's youth.

World history has recorded all too well the chaotic and destructive consequences of an unchecked continuation of such disorder and violence. In one form or another laws have always been the essential cornerstone of societies formed by men.

Law is even more vitally important in a democratic system of government as our own, which is based on the fundamental tenet that government is one of laws and not of men. That is, the unprecedented rights and freedoms enjoyed by citizens of the United States are guaranteed and protected by laws, and are not dependent on the wills or whims of those holding positions of leadership at any particular time.

All too often we ignore this important aspect of our Nation's legal system. We tend to think of our laws only in terms of their violation and forget that it is our laws which guarantee and protect our cherished rights and freedoms. If these laws are to continue performing this vital function, they must receive our support.

The foregoing, however, should not imply that there is no room for change in our existing laws. In a progressive society—which I firmly believe ours to be—there will and always should be such changes. Today we are witnessing an unprecedented awareness of the need for certain changes, particularly among the current generation of young people, and the desire in many cases to pursue this goal. This is, in my judgment, an extremely healthy situation and one which gives great hope for our Nation's future. It also presents a rather unique challenge to those who might otherwise be inclined to pass this off as either a mere passing example of youthful idealism or a force which is inherently evil or destructive to our Nation. Destruction need result only when desired change is pursued through violence or other extralegal means, and herein lies the greatest challange facing us today. This challenge, summed up in the 1971 Law Day theme, is one of channeling this change through law and reason.

Meeting this challenge will not in many cases by an easy task, for those who have turned to disruption and violence to effect changes have obviously lost faith in the ability to achieve their goals through our system of law. In doing so, such persons have ironically lost faith in one of the greatest privileges of American citizens—and one which differentiates us from most of the world's people—the ability to bring about changes in our Nation's laws through our elected Government representatives.

It is my profound hope that the message of Law Day 1971 will be thoughtfully received by all American citizens, resulting in a greater awareness of the vital importance of our Nation's laws and a renewed confidence in the ability of these laws to be a positive force for change.

Mr. CEDERBERG. Mr. Speaker, perhaps it is unfortunate that Law Day is not a legal holiday. It will, in most of America, slip by without the fireworks, ceremonies, and patriotic speeches which characterize a national celebration. America will not stop and think of law as the social institution in which they take part everyday.

Law is the fabric which gives meaning to our citizenship. To claim citizenship is an assertion that one shares in a common enterprise. This enterprise is government. This year's Law Day theme, "Channel Change Through Law and Reason," offers an interesting perspective on this enterprise.

As lawmakers, it is our profession to learn the people's needs and, where possible, answer these needs through law. What, then, is "the people's" responsibility? Do they understand our job here? Do they understand that a very real part of that job is theirs? Often, I suspect, there is a lack of communication in this area. My suspicion is, I believe, evidenced in the troubled mood of the Nation.

"Things are not working as they should" is a constant fear voiced by our only seeming majority—the confused and uncertain. People speak of unjust laws and laws not being enforced. Some even blame our current problems on law in and of itself. The "system" has taken a particularly brutal beating as the legal fabric of our society. Whether it relates to our presence in Vietnam, crime in the streets, or our flooded courts people are stopping and asking what has changed; why do things not seem to work on their own anymore?

If the last 10 years have taught us anything, they have taught us the danger of such a misconception. Like it or not, change will happen. Whether this change is manifested in new congressional legislation or in a growing public conciousness, as in the ecology movement, change will come. As such, it is our duty not only to accept responsibility for this change, but to make the transition as painless as possible. Has change gotten away from us; has it been too much? I think the question is somewhat akin to asking "Have I grown too fast?" As human beings we grow because we are human beings. Similarly, as a society, we change because we are a society. Perhaps the problem lies in a loss of touch between our changing society and its visible structure, the legal system. Like the human body, measuring society's health is more than just a mechanical act. It involves reading the feeling of the people—whether they feel things are going well or not. The healthy society progresses with the philosophy that, despite grave problems, the people and system can in time solve them. And it is this faith which gives them the will to progress—accepting change, rather than fighting one another in total disregard of it. Today the need for such civic involvement is compelling.

This intangible faith has much in common with reason. Reason, in ancient Greece, was the respectful exchange of ideas. It was a difficult and often time-consuming exercise. It required a patient trust that one was moving toward a meaningful solution. One must harness the indignation caused by injustice and use this anger to solve, rather than aggravate, the problem.

As lawmakers and citizens, we are constantly facing change which requires that we make choices. Reason means that we have, and must make, a choice. Our legal system is the product of a long history of such choices.

Some doubt whether this "system" will work to solve our Nation's problems. If the final test of a legal system is whether or not it removed the need for itself, we would have obvious reason to despair. Whatever else our country's vices, we are not yet guilty of despair. Ideally, a legal system should be the fulfillment of our wish for immediate and lasting justice. Unfortunately, a legal system, like its creators, is a product of changing times, problems, and human limitations. I believe that we will always struggle with law in, perhaps, an unwieldy system. If we are to maintain our integrity and survive change as a society, we must learn that lawmaking is an everyday affair for everybody.

Mr. COUGHLIN. Mr. Speaker, I have the pleasure today to speak about Law Day U.S.A. a day which the Congress has set aside as "a special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under law."

Aristotle, the famous Greek philosopher and teacher was quoted as once saying:

> In all well-attempted governments there is nothing which should be more jealously maintained than the spirit of obedience to law, more especially in small matters; for transgression creeps in unperceived and at last ruins the state, just as constant recurrence of small expenses in time eats up a fortune.

The objectives of this day are fourfold; that is, to foster respect for law and understanding of its essential place in American life; to encourage citizen support of law observance and law enforcement; to advance equality and justice under law; and to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

This is also a day when every American must reevaluate and determine his individual responsibilities as the duty to respect and obey the law; to be informed on issues of government and community welfare; to serve and defend the Nation; to assist agencies of law enforcement; to practice and teach the principles of good citizenship in the home and elsewhere; to respect the right of others, and to serve on juries if called.

Therefore, I would like to take this opportunity to submit a speech which was given by Judge Learned Hand on May 21, 1944, in Central Park, New York City, which expresses so eloquently and movingly his feelings on "the spirit of liberty." The speech follows:

THE SPIRIT OF LIBERTY

(By Judge Learned Hand)

> We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning. What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.
>
> What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest. And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.

Mr. QUIE. Mr. Speaker, I am pleased to join my colleagues in commemorating the 14th annual observance of Law Day U.S.A.

At the National Conference on the Judiciary, Chief Justice Burger stated:

> We do not disparage or undermine the common law when we consider change. Indeed, change is the very essence—the very heart—of the common law concept.

Efficiency and coordination in the handling of legal action is a right of all Americans. The Congress has provided a court executive in each of the 11 Federal circuits to help expedite judicial administration. More needs to be done.

The dedication of Chief Justice Burger, the Congress, the States, and individual jurists and lawyers to such reform can bring our legal processes up to date and enhance the quality of justice in the United States.

The most beneficial and lasting changes in our society are those centered around lawmaking and law application. The late Justice Frankfurter once said:

> It is the legal profession beyond any other calling that is concerned with those establishments, those processes, those criteria, those appeals to reason and right, which have had a dominant share in begetting a civilized society.

Mr. GIAIMO. Mr. Speaker, history has shown us that societies must rely both on individual self-discipline and the discipline of law if they are to cohere, to function and to adapt to change in an orderly fashion.

To the extent that individual self-discipline loses its effectiveness in society, the discipline of the law must become more harsh and more pervasive, and the commonly understood standards of behavior must then be made into laws governing behavior, if the society is to survive.

The great questions faced by the law today—civil liberties and individual freedom, censorship, obscenity and pornography, among others—illustrate the challenge society faces to encourage self-discipline so that standards of behavior need not all be enforced by laws of behavior.

The duty of makers and interpreters of law, therefore, is to preserve those commonly understood standards of decency and conduct in society by encouraging individual citizens to maintain internal standards, while insuring that no man's activities compromise another's freedom.

The great success of the law in America, faced with a heterogeneous population of many heritages, has been the incorporation of widely held standards into widely obeyed laws that do not compromise individual freedom but also do not allow individual license.

Sadly, however, the golden rules of our society are tarnished by our seeming inability as parents, teachers, and leaders of society to promote the development of internal self-discipline, and the resulting failure of some segments of society to foresee the inevitable results, in harsher laws and inhibition of freedoms, of this loss of self-discipline.

The temptation facing society is then to legislate that which has not been taught, to control those who cannot control themselves, to punish those whose self-restraining faculties have been arrested in childhood, and thereby to compromise everyone's freedom.

The law is the basis for the life of society; it reflects what society has been and is, and yet it is also the tool of change in society. The law is more than a convenience, therefore, but it is always in peril of becoming a convenience for control of those who will not abide by the standards of reasonable men and women.

I trust that on Law Day 1971 the makers, users, and interpreters of law are aware of the duty they have to encourage all elements of society to discipline their own behavior, and to avoid the unfortunate road which will lead to more and more laws regulating all human endeavor.

No society can survive without the proper balance between individual self-discipline and legal discipline, and our constant task is to find the right road to change through both the law of the land and the reason of the individual.

Mr. HUNGATE. Mr. Speaker, by virtue of a joint resolution of the Congress, the 1st day of May of each year is designated as Law Day U.S.A. It is set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life.

The theme of this year's Law Day is especially appropriate because of the current waves of dissent, demonstrations, and disturbances.. The theme is "Channel Change Through Law and Reason."

Protest has brought a new dimension to change in our country. But protest, violent dissent, and wild demonstrations accomplish little if anything. For permanent and meaningful change, new thinking still needs new laws.

The final test of thinking and new ideas is not how people react to a demonstration, but how they react to a ballot. The final test of change rests in the vote of the people. Votes elect councilmen, State legislators, U.S. Representatives and Senators. Without law, there can be no meaningful change. The society of which all are members is subject to strong and continuous forces of change, and one should remember that law represents the best thinking and insists upon order. Without law there would be no constructive change, no freedom, no justice, and no equality.

Law is the rule of right, not might. It allows all to live their lives in freedom and in dignity and everyone should realize and fully appreciate the fact that unless the rule of law is maintained, these rights would quickly perish. Disobedience to law is the great destroyer of all rights and of democratic institutions. No matter what the goal, an orderly society cannot possibly exist if each individual may determine for himself which laws he is going to obey and which he is not.

When one mentions "rights," one should know that these "rights" also involve "duties." Violence, as a deliberate form of social protest, is self-defeating. To try to redress long-suffering grievances by resort to guns and molotov cocktails is a moral perversion and in the long-run will surely destroy the already existing rights that protect the very same people who engage in riots. There can be no real freedom in the absence of law and order.

It should be realized that the present society reflects the current mores of the people and that the law is the result of legislation enacted by the duly elected representatives of the people in the town, county, and city councils, in the State legislatures, and in the Congress of the United States. The basic charters of the law are the 50 State constitutions and the Constitution of the Federal Government which provide guidelines for effecting changes in the law. The law, which operates through legislative and elective processes established by society, is not static but flexible and continually evolving to meet the needs of a changing society. If changes are needed, they can be brought about in a lawful and proper way; in fact it is the only way.

The 1971 Law Day U.S.A. theme "Channel Change Through Law and Reason" is a day to remember and observe every day of the year.

Mr. BRASCO. Mr. Speaker, May Day over the past few years has increasingly become a platform upon which those who opt for collectivism at all costs mount their offensives against our society. It has been preempted and turned into a day that celebrates the role of the mass rather than the rule of law. In recent years, an attempt has been mounted within western society to counter this message with another—that of the love and respect of our society for the rule of law and the dignity of the individual. Such an attempt is to be lauded. Yet it must also be made more meaningful. We have it in our power to do just this.

In America, every citizen has certain rights. These are not negotiable. Nor are they to be bent out of shape to suit the convenience of the privileged. Above all, they must be made meaningful for the dispossessed, who increasingly have come to believe that laws are made for the protection of the privileged rather than the uplifting of the poor.

We must celebrate Law Day by determining to make our system of justice, from top to bottom, more responsive to the requirements of those who look to it for redress of grievances.

Yet, our courts are in desperate need of reform. Traffic, juvenile, divorce, probate, and criminal courts are groaning under caseloads that would make judges and lawyers of past eras blench.

Our prison system has turned into a massive, ongoing scandal. In all truth, it can be said that postgraduate education in criminal behavior takes place in our prison system more often than does rehabilitation.

Too often the poor man must enter prison because he cannot afford an appropriate attorney. Our bail system is in desperate need of reform and housecleaning.

We boast to the world of our system of law and justice, yet simultaneously tolerate such conditions, which are rapidly turning into one of the shames of our society.

If we are to raise the rule of law above rule of the mob, it is vital that we live the spirit of Law Day year round, rather than merely celebrate it in speech and story once a year. It is because of this feeling that I fervently celebrate this day and call attention to this vital concern.

Mr. EILBERG. Mr. Speaker, it was my privilege as a Member of Congress and president of the Philadelphia chapter of the Federal Bar Association to participate this past weekend in an interesting Law Day program.

The Philadelphia Bar Association sponsored six town meetings throughout the city at which panelists, usually in public life, participated in question-and-answer dialogs with citizens. I participated in one such meeting in my own northeast Philadelphia district and it was a lively and useful evening.

I wish to commend the Philadelphia Bar Association for this excellent program.

I include my remarks on that occasion:

Statement of Congressman Joshua Eilberg

Law Day, as originally conceived in 1958, has among its many purposes the aim of fostering respect for the law and an understanding of its essential place in American life, and encouraging citizen support for law observance and law enforcement.

The theme of this year's observance is the channelling of change through law and reason. I cannot think of a topic more relevant to the United States today, for we are presently living in a time of political division, and social unrest. I am not one of those who claim we are living in a sick society, but neither can I escape the realization that we all would welcome a return of the peace and tranquility which has characterized this nation in the past, and which now, for many among us, is no more than a fond dream or a cherished memory.

The history of our nation is that of lively and vital progress. The life of a nation is like the life of man, a continuing cycle of experiences, of new challenges encountered and conquered. There are times when we may bask in tranquility, in the glory of a fresh triumph; there are other times when we must summon our strength and courage and meet problems which may seem insurmountable. Such is the history of the United States. Born in revolution, this country produced the greatest Constitution in the history of mankind. It fulfilled a manifest destiny by stretching the American civilization across the continent, only to have the country torn apart by a tragic civil war. Once reunited, our nation forged its own industrial revolution, taking its place among the financial leaders of the world. Again, this progress was interrupted by war—World War I and then World War II, between which intervened a world-wide economic depression, but the rebuilding process has produced more technological advances than that produced by the whole previous history of mankind. These advances include a polio prevention vaccine, the harnessing of the atom, and American footprints on the moon.

But again, triumphs have a way of becoming overshadowed by new problems. At this time, we, as Americans, face many harsh realities: a war on the other side of the world, which seems at times to have no end in sight; great cities like Philadelphia, which are teetering on the edge of bankruptcy; increasing incidence of crime; consumer prices which continue to rise; and a general feeling of discontent among millions of Americans, of every walk of life, every race, and every political persuasion. These are situations which now cry out for change.

Yet I must repeat. I hear no death knell for the future of the American democratic experiment. Our nation lives because our Constitution and our laws are living documents.

Law is a tool, a delicate instrument that never wears out through use. The United States has always relied upon the rule of law to achieve the basic goals of society—insuring harmony in the dealings of man with his government and his fellow man. Several objectives, which may be realized under the rule of law, are suggested by the Constitution: equal protection and equal justice, freedom from arbitrary search or arrest, equal education and economic opportunity, a voice in free elections, private ownership of property, free speech, press, and assembly, freedom of worship, and the right to legal counsel and a prompt trial if accused of a crime, to name just a few. In addition, the judicial system provides the apparatus for peacefully resolving disputes between individuals in society. When a man has a dispute with his neighbor, or his automobile mechanic, or his business customer which cannot be resolved by discussion, he has resort to the courts, instead of to violent measures.

This is how law works during times when society is stable.

But such times of stability can be subject to interruptions. All of life is changeable, and the law must, and does, respond to that challenge.

If we are to glorify the law as being the proper instrument of change in our society—as opposed to bombs, molotov cocktails, and rioting in the streets, we must show how the law has brought about change in our democratic system. The young provide one example.

The eighteen-year-old vote is an idea whose time has come. I am proud to have been among the Congressional sponsors of the Constitutional Amendment which will give 18, 19, and 20-year-olds the right to vote. This amendment has passed both houses of the Congress and before it becomes the law of the land it must be ratified by 38 States. On Tuesday, the Pennsylvania State Senate approved the amendment and the State of Pennsylvania became the 22nd State to so ratify it. The State House of Representatives had passed the amendment earlier. Clearly the 26th Amendment to the Constitution will soon become law—only 16 more states need to ratify it.

This is but one example. I could cite many more; the growth of consumer-oriented legislation; the drive toward more complete health care; and even reform in the Congress itself which makes the law. In this Congress, most votes are now recorded rather than cast anonymously through the instrument of the teller vote as was practice since the first days of the Republic. We in the last Congress passed the Legislative Reform Act, many of which features I sponsored, making the people's legislature more responsive to the people.

But I detect an impatience with the law; many say that change through law takes too long. This has become the age of the NOW generation. But to those people I say, "We all are impatient, but in changing the law we must not destroy it nor the society which it has governed so well."

You have been told before that we are a nation governed by law, not my men. Men only administer the law. American law is rooted in the traditions of the English common law and goes back a thousand years. And the laws we make today future generations must live with. So changes sometimes come about slowly because there is this continuity; this debt to the past and this obligation to the future. But as society changes, as this nation changes, so do its laws. The law is a living body, growing and changing and remaining relevant—just as the best of human beings grow and change and adapt.

This is a big country. These changes in the law through open and democratic processes must take time when the opinions and needs of more than 200 million people demand careful consideration. I can only repeat the words of the great Supreme Court Justice Benjamin Cardozo; "Justice is not to be taken by storm. She is to be wooed by slow advances."

In urging that we channel change through law and reason, I would stress the main objectives of Law Day. The first is to advance equality and justice under law; the second is to encourage citizen support of law observance and law enforcement; and the third is to foster respect for law and understanding of its essential place in American life. In doing so, I feel that it is necessary to drive home to all of us as individuals what our responsibilities are as free citizens. I urge that we all obey and respect the law, be informed on issues of government and community welfare, serve and defend the nation, assist agencies of law enforcement, practice and teach the principles of good citizenship in the home and elsewhere, and finally, respect the rights of others. That is the basis for all law.

Mr. MIKVA. Mr. Speaker, the law is a double-edged sword. In theory it is wielded by a blindfolded lady, and cuts equally all who transgress its path. In recent years, we have become acutely aware of how wide is the gap between theory and reality.

We Americans are the world's greatest imagemakers. Fourth of July rhetoric is our specialty, particularly in government. But reality is not fooled by pious public posturing, and some realities have become so obvious that even the expert rhetoricians of the Congress can no longer ignore them.

Too often we employ solemn-sounding phrases like law and order in a perverse fashion. We act as though they embody fundamental truths while in fact we use them, or permit them to be used, to justify fundamental inequities.

In an ideal world, the blindfold over the eyes of justice would insure evenhanded treatment of all before the law. In reality, the blindfold permits justice to disclaim responsibility for those who intervene to whisk the favored few to safety out of the sword's path and substitute in their place others who are unable to flee. Perhaps the time has come to call a halt to the charade and to remove the blindfold in order that the law may see the obscenities that are done in her name.

It seems incredible that there are still those in the legal profession and in the Government who balk at giving the poor and the powerless equal access to the legal system which has long been the province of the propertied and the powerful. The concept of the private right of action has been challenged from Frothingham through recent pollution cases, but it is increasingly understood that enforcement cannot be restricted to prosecutions by the State; for the nature of our political system makes it inevitable that selective enforcement will be the result. This has been evident in the lack of official enforcement of longstanding civil rights laws and antipollution statutes.

Class actions offer another example of how nervous the legal system turns when a group of previously powerless people attempt to make use of the legal process on their own behalf, seeking to become the hunters instead of always the hunted. All kinds of groups have discovered the equalizing power of the class action—consumers, tenants, welfare recipients, and taxpayers. Instead of welcoming this device as an important solution to the problem of how to make the law equally available to unequal social forces. the Government frequently has sought to restrict its use. The class action provisions contained in several consumer bills in Congress are expected to be the most controversial and vulnearable aspects of those bills. It was largely the successful invocation of class action suits on behalf of the rural poor of California that caused Governor Reagan to attempt to kill California rural legal assistance, one of the most progressive of OEO's legal services programs. More generally, it has been the success of uppity legal services lawyers around the country which has made the legal services program a political liability to the current administration. As a member of the legal profession, I would hope that succesful application of the legal system to vindicate the rights of the poor could expect a better reward than "regionalization" of the program.

I am all for changes through law and reason. But it is hard to see how it serves either law or reason to create an independent legal services corporation which is prohibited from bringing legal actions on behalf of aggrieved citizens against their State or local governments, particularly in light of the undisputed fact that 80 percent of the poor's problems arise from difficulties in dealing with government at various levels. Nevertheless, it seems safe to predict that such a restriction will be vigorously pressed when Congress debates legislation establishing a legal services corporation.

If channeling change through law and reason means doing so only when the end result is acceptable to certain classes of society, then I fear that great numbers of people will understandably choose to change the channel and ignore both law and reason, as those commodities are defined and used by their oppressors.

I am firmly convinced that constructive change must be channeled through law and reason. I only wish that some of the people who use those words so glibly would get out of the way and let law and reason prevail.

Mr. LINK. Mr. Speaker, I am pleased to join the gentleman from California (Mr. Corman) and my other distinguished colleagues in commemorating Law Day.

North Dakota Gov. William L. Guy has also joined in this annual observance. I would like to insert his proclamation at this point in the Record:

Proclamation

Whereas, the United States is today a rich, prosperous nation. Its citizens have a high standard of living and freedom made possible only through the rule of law. Our forefathers realized this important fact and through their perserverance and love of country bequeathed this system of self-government to us for our well being;

Whereas, our nation is faced with great challenges. These challenges can be faced and overcome for the benefit of all. Their solution must come through adherence to the rule of law. Without law, and use of legal processes, none of these problems can be satisfactorily met. A nation without law is a nation without individual freedom or liberty;

Whereas, the Congress of the United States and the President have designated Saturday, May 1, as Law Day USA in recognition and appreciation of our legal heritage. This fourteenth annual observance of Law Day offers every citizen a timely opportunity to reflect on the rule of law and its importance in our daily lives. It gives us the opportunity to demonstrate responsible citizenship by word and action, to show our respect for rulings of our courts, to assist law enforcement officers in performing their responsibilities, to resolve grievances through law, and to respect the rights of others;

The theme for the 1971 observance of Law Day USA on May 1 is: "Channel Change Through Law and Reason."

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby designate Saturday, May 1, 1971, as "Law Day USA" and call upon all citizens to join in its observance through appropriate ceremonies, programs and educational activities, I especially urge schools, churches, the courts, civic and service clubs, business organizations, and the public information media to participate.

Mr. Speaker, Law Day seeks to recognize the importance and urgency of resolving grievances and inequities through orderly and lawful means—through the courts, legislatures, and the Congress.

I would like to direct attention to one area of the law that has been neglected—that of corrections. Corrections is the part of criminal justice that Americans see the least of and know the least about. This is because we have been content to keep the most troublesome members of our society out of sight.

To ignore the failures of our correctional system is irresponsible as well as ill advised. A substantial percentage of today's offenders have become recidivists. Simply stated, our correctional institutions do not correct. If we could restore all, or even most, offenders to the community as responsible citizens, America's crime rate would drop significantly.

Mr. PATTEN. Mr. Speaker, as we meet here in the Congress, which is the very heart of lawmaking in America, I think it is appropriate for us to take a moment to reflect on this cornerstone of American life—the law itself.

It is awesome to think of the hundreds, even thousands, of years through which the body of law has developed to its present form. Those years have been filled with the names of many great men who sought to improve the rules under which their fellow men lived. These men sought not only to define the law, but also to improve it. We in America live under the system that is the result of all of these years of improvement, but we should not consider our present system to be the end of the line. To be effective a system of law must meet certain essential standards. It must be readily available to all of the citizens, and it must treat them all with equality. It must also be adaptable to change and provide the means to execute these changes.

Our Pledge of Allegiance ends with the words "freedom and justice for all." It is our duty as Americans and Members of Congress to see that the law lives up to that pledge. We see in our work every day here in the House how our system of law is subject to change as the needs of our people change. It is our duty as representatives of the people to see that changes are made when they are needed, because we represent the means under our system of law for this purpose.

As a lawyer, I have been close to the law most of my life. I have seen it protect our citizens, rich and poor alike. In commemorating Law Day, U.S.A., I think it is fitting that we honor our system of law for we should be proud of it. In the last analysis, however, we should remember one final point. A legal system is only as good as the people it serves. Unless we all work to see that it serves all citizens justly and equally, we can expect the law to be no more than empty words. Unless we obey it, even while we seek to change it, we cannot expect others to respect it.

Mr. RHODES. Mr. Speaker, this year's Law Day theme, "Channel Change Through Law and Reason," pretty well summarizes the essential place of law in American life.

In 1816, Thomas Jefferson, the architect of individual freedom in this country said:

> I am certainly not an advocate for frequent and untried changes in laws and constitutions. . . . But I know also that laws and institutions must go hand in hand with the progress of the human mind.

And so it must be.

We must and will have change as discoveries are made and new truths are uncovered. But, such change must come through the orderly and reasoned advance of our laws.

Mr. MATSUNAGA. Mr. Speaker, I rise to join my colleagues in this observance of Law Day 1971.

In 1944, speaking at I Am an American Day ceremonies in New York, and referring to another war, Judge Learned Hand, closed a brief but moving address with these words:

> And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.

Mr. Speaker, I believe that not only the Nation's lawmakers, but also the thousands of young war protestors who are in the Nation's Capital today, ought to pledge, as in the words of the eminent jurist, "our faith in the glorious destiny of our beloved country."

Inherent in that faith is the proposition that ours is a democratic society in which rule of law is preeminent. Some may find it difficult, in view of today's exorbitant cost in combating crime, to believe that rule of law is predominant, even if, concededly, it is preeminent. It is pointed out, for example, that the Justice Department's budget in fiscal year 1971 reached the billion-dollar mark for the first time, and that in 1972 Federal aid to State and local law enforcement will approach the $700 million mark.

In the 10-year period from 1960 to 1969 our national population increased by some 13 percent, but the crime rate increased by the horrendous rate of 120 percent. What is perhaps most disturbing about this picture of apparent lawlessness is the continued rise, according to the Federal Bureau of Investigation, of the crime rate in 1970.

It is clearly evident that in order to reduce the national crime rate we must seek out the root causes of crime. Combating crime with ever-increasing sums of money for law enforcement alone is not enough. We must continue to find lasting solutions to the social and economic problems of poverty, which in turn breeds crime. We must improve the quality of life of impoverished Americans to lead them and their children away from crime. We must provide more and better opportunities for ghetto children, not only those who are in school but also those who for one reason or another are not in school, to earn an honest livelihood. Hunger and deprivation are indeed the worst enemies of law and order.

As we ask our fellow Americans on this Law Day 1971 to renew Judge Learned Hand's pledge of over a quarter of a century ago, we of the Congress ought to join in the further pledge: That we shall commit ourselves to the task of accelerating the coming of the day when rule of law not only will be preeminent, but when it will also be overwhelmingly predominant in this great Nation of ours.

Mr. FREY. Mr. Speaker, events of the past two weeks have once again challenged the "rule of law" in American society.

Since we are today commemorating Law Day and the fact that we live in a Republic founded on law and under a system of ordered liberty, it is propitious to discuss what is legitimate dissent in a free and open society.

"Civil disobedience" is the open, wilfull breaking, by an individual or group, of a law which that individual or group believes to be unfair or unjust with a view toward effecting its change, or the committing of a similarly unlawful act in order to influence government policy. Dissent and protest, on the other hand, are both lawful means of disagreement. "Dissent" is the legal expression of one's disagreement with a generally prevailing opinion, usually by means of the spoken or written word. "Protest" is the legal expression of objection, disapproval or opposition, more often in the form of some type of action. Only when a dissenter or protestor ceases to act within the law does he become civilly disobedient.

No violation of the law can be justified, condoned or disregarded, whatever may be the motive of the violation, which is in itself a crime; which threatens the safety, health, or well-being of other citizens, either directly or by indirectly inciting disorder; or which undermines the restraining influence of a universal respect for the law by encouraging others to violate the law.

Abraham Lincoln, in this regard, once stated:

> There is no grievance that is a fit object of redress by mob violence.

Similarly, Justice Frankfurter:

> If a man can be allowed to determine for himself what is law, every man can. This means first, chaos, then tyranny.

The courts, which are the principal protectors of individual freedoms, have themselves been attacked. The use of disruptive tactics by the defendants and their counsel in the recent "Chicago 7" trial and the Black Panther trial in New York, among others, to obstruct and sabotage the judicial process was the most shameful episode in American judicial history. The action of the defendants and their counsel in these trials was directed at the judge or the prosecutor as symbols or representatives of the Government, and was undertaken in order to sabotage the trial, cause unnecessary delay, force the judge or prosecutor to commit reversible errors, or direct attention from the true issue in the case.

Mr. Speaker, the persons involved in these cases and in some of the street demonstrations now taking place, have circumvented legitimate forms of dissent and protest. Our form of government includes several mechanisms which were created for the express purpose of changing our laws and their administration. These include: First, legislation; second, constitutional amendment; third, the initiative process which enables a citizen to have the question of whether a law should be passed—determined by popular election; fourth, the referendum process which enables a citizen to have the question of whether a law should be repealed determined by popular election; fifth, recall process which enables a citizen to have the question of whether a judge or elected official should be removed from public office—determined by popular election; and, sixth, the injunction which can be used to restrain enforcement of an invalid or an improper activity.

The responsibility for maintaining order in society rests with the individual. Every citizen must take it upon himself to know both his rights and obligations, and exercise them. There is no need to go outside of our legal system to effect change. Our form of government can be and most often is responsive; but the will of the people will be reflected in the actions of the Government only if the "will of the people" is expressed. Every citizen must not only honor and obey the law, but also inform himself about the issues facing our Government and express his views on those issues to those holding public office.

Mr. MAZZOLI. Mr. Speaker, the 87th Congress established May 1 as Law Day in 1957. Last Saturday marked the 14th annual celebration of this date in the observance and recognition of the rule of law in our society.

The resolution establishing Law Day reads as follows:

> It is set aside as a special day of celebration by the American people in appreciation of their liberties and the affirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law which is so vital to the democratic way of life.

Today, when violence roams the land, it is well to remind ourselves frequently that respect for the law is vital to our way of life. Our Nation is and always has been a Government by law and not by men. Hopefully it will continue to be.

The Law Day theme this year is "Channel Change Through Law and Reason." I believe this theme is particularly relevant today because of the violence and disrespect for law which characterizes the activities of many who are in Washington to protest the war.

The goals which we seek through Law Day celebrations each year are four in number: First—to foster respect for law and understanding of its essential place in American life; second—to encourage citizen support of law observance and law enforcement; third—to advance quality and justice under law; and fourth—to point up the contrast between freedom under the law in the United States as compared with tyranny and enslavement under totalitarian governments.

It would be easy during these trying days to focus upon and emphasize the negative aspect of the law. We are concerned about crime and violence in our metropolitan areas. We are equally concerned about the dangers of drug abuse and addiction. And, we are becoming increasingly concerned about the threats to our environment.

It is, of course, the responsibility of each and every citizen to see that the laws of our Nation are observed so long as they remain in force. It is also the right of every citizen to work toward the alteration of laws through legal processes and procedures. Opposition and dissent, as they have been practiced on Washington streets today, are not the legitimate ways to change or adjust laws.

One of the privileges available to all Americans—but to few other people throughout the world—is the ability, through duly elected representatives, to bring about change in the law. This right has been and continues to be overlooked by those who seek change through disrespect, disregard or violent opposition to the laws of our land.

A public servant today must recognize the problems besetting our society and work with dedication toward solving these problems. If we are to provide these solutions, we must work within the framework of the law. We must, to adopt the theme of this year's Law Day, seek to channel change through law and reason.

Mr. MIZELL. Mr. Speaker, on Saturday, May 1, the Nation celebrated Law Day, a day set aside every year for Americans to rededicate themselves to the precepts and ideals of law and justice.

This year, and this week, the rule of law faces serious challenge. In Washington, thousands of demonstrators are attempting to disrupt the normal flow of Government business, trying to close down the Government.

The protests that are going on in Washington this week are an example of the kind of irresponsible and self-destructive demonstration that casts a dark shadow on the constitutional right to "petition the Government for a redress of grievances."

The kinds of tactics being used here this week make a mockery of a sacred right to dissent. They are out of line, and should not be tolerated.

I support every American's constitutional right to disagree with established policies. We should not fear the word "dissent," but we must always guard against distorting it, either by violent demonstrations or by blind condemnation of all forms of protest.

As we celebrate Law Day this year, and rededicate ourselves to law and order in its best sense, we must distinguish between the right to dissent and the way we choose to exercise that right. Protests which seek only to demolish the old order, with no thought given or action pledged to the construction of a new and better one, are travesties of dissent.

This kind of protest presents a clear and present danger to the right of dissent, for in breaking down law and order, it invites repression and it infringes on the rights of others.

That kind of dissent will not solve the problems of our society; it will merely add to them. It will not assist those actively engaged in the often agonizing task of making national policy; it will hinder their efforts.

But most importantly, the use of violence in protest substitutes confrontation for negotiation, discards persuasion while inviting alienation, and so distorts issues and feelings that "dissent" becomes more a threat than a right, then possibly not a right at all.

We cannot let that happen, because legitimate dissent is too important to a free society. We cannot let the shouts of rage make the people deaf to the responsible voices of dissent.

The right to dissent and to disagree is the essence of freedom, but the responsibility to abide by the law is both the foundation and the protector of our freedom. And in that freedom, our strength and our greatness and our future lie.

So at this critical time, and on this appropriate occasion, let us resolve that though we serve no man, we shall serve the law.

President Calvin Coolidge, whose reputation was one of being a man of few words, nevertheless spoke eloquently on this subject in his inaugural address in 1925. His words are most appropriate still today:

> In a republic, the first rule for the guidance of the citizen is obedience to law. Those who want their rights respected under the Constitution and the law ought to set the example themselves of observing the Constitution and the law.
>
> Those who disregard the rules of society are not exhibiting a superior intelligence, are not promoting freedom and independence, are not following the path of civilization, but are displaying the traits of ignorance, of servitude, of savagery, and treading the way that leads back to the jungle.

Mr. GONZALEZ. Mr. Speaker, as Members of one of the world's most closely observed lawmaking bodies, we have a great deal to ponder on the national observance of Law Day U.S.A., and thus, I am glad to participate in today's special orders.

I believe we are fortunate to be living in a time when many of our standards—

including our legal system—are under fire from left, right, and center. I say fortunate because we rarely take time to reexamine all we believe and stand for unless our beliefs and principles are challanged and tested for validity.

In modern society there is no viable substitute for the law. Only through the orderly processes of law can American society evolve to the point where each individual can develop to his fullest potential in an atmospere free of mistrust and hostility.

History bears out the contention that nothing meaningful and durable can be accomplished where trust, understanding, and justice are not the guiding principles. A legal system missing those attributes is inevitably self-destructive.

We all realize that individuals sacrifice a degree of liberty every time a new law is enacted. It is our responsibility, as the highest lawmaking body in the land, to shape our work so as to deemphasize the loss of liberty and stress the importance of redistributing liberty so that it holds basically the same meaning for everyone. Today is a good day to reaffirm our commitment to accomplishing that end.

Mr. MYERS. Mr. Speaker, within any healthy society, differences of opinion will inevitably arise over the proper direction which that society should follow. In order for a society to remain healthy, it is imperative that certain mechanisms exist to mediate these different opinions and to forge workable compromises and solutions. In this country, the legal system fulfills this function in providing a pressure valve through which the grievances of dissatisfied groups and individuals can be channeled.

Obviously, the ability of the legal system to deal effectively with social and political issues is based on the guarantee of access for all individuals and groups who seek redress and alternation. Primacy is placed on reason rather than power or force—power resides in one's argument rather than in one's fists or weapons, and the same rigorous rules of reason and commonsense are applied to the arguments of the weak and strong alike.

In essence, the free and open nature of our society can be gaged by its response to the call for change and its ability to facilitate rather than impede such alteration.

Revolutionary violence championed in the name of change can never be justified in a society that provides institutionalized means for altering present conditions. Revolutionary change results in the complete disregard of the legitimate aspirations of all but the revolutionaries who, if they comprised more than a mere minority, would find revolutionary action unnecessary to reach their objectives.

At a time when force is being condemned as a tool of foreign policy, I feel that similar uses of force here at home should be regarded with the same disdain. The revolution of unreason must give way to the compelling logic of a legal system whose language is reason and whose objective is orderly change and growth.

Mr. BEGICH. Mr. Speaker, the theme for Law Day 1971 is "Channel Change Through Law and Reason." This is especially significant and appropriate this year because never before in our history have the pressures for social change been so strong.

Since the observance of Law Day U.S.A. on May 1, 1958, when President Eisenhower proclaimed that day the first Law Day, manv worthwhile and significant programs have informed our citizens of the virtues of a society structured by laws.

The aim of the observance is to dramatize the values of living under a system of law and independent courts that protect individual freedom and make possible a free society. The purposes of Law Day are educational and patriotic. The event is not a lawyers' day, but rather an occasion for honoring the place of law in American life.

The objectives of Law Day U.S.A. are: First, to advance equality and justice under law; second, to encourage citizen support of law observance and law enforcement, and, third, to foster respect for law and understanding of its essential place in American life.

This year's theme is a timely reminder that orderly and enduring progress in the quality of American life can only be achieved through lawful means. Our social, political, and economic systems rest on the belief that any change in the structure of the systems can only be justified if we operate within a framework of established rules.

I join with my colleagues in the Congress and the citizens across the country in paying tribute to our system of laws and the values we hold.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of my discussion today on Law Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POLISH CONSTITUTION DAY—1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, May 3 is a day of great celebration, joy and remembrance for Poles around the world. For 180 years ago, Poland adopted its Constitution. It was then that Poland emerged from medieval times into the age of enlightened reason.

Yesterday, all over America, in communities where there are Americans of Polish descent, special observations of Polish Constitution Day were held. Among the largest was that held in the city of Chicago. Tens of thousands of Polish Americans gathered in Humboldt Park where they heard from Senate EDMUND MUSKIE, Mayor Richard J. Daley, and Gov. Richard Ogilvie. It is a reflection of the great patriotic feeling of Polish Americans and their commitment to freedom that such a huge throng did gather.

Those in Humboldt Park yesterday know that May 3, 1791, is a benchmark in the struggle of men to provide government by the consent of the governed. With the adoption of the Constitution, Poland helped to shape the ultimate quest of other nations for greater individual freedoms, for elimination of class distinctions, for removal of economic barriers and for liberty to worship God as individuals wish.

May 3 has come to symbolize for all Polish Americans the struggle for freedom which has characterized the spirit of the Polish people for over 1,000 years. But May 3 is not only a Polish holiday. It is a day of reaffirmation for all people who cherish their freedom.

Poland is today ruled by Communists but the people of Poland will never accept totalitarian communism. The Poles have proclaimed clearly in their eloquent Constitution the spirit which prevails in that country. Their memories are long and they are capable of enduring much. The flame of hope kindled by that Constitution in 1791 flickers today. By taking the time to commemorate Polish Constitution Day in Congress and letting the Poles know we have not forgotten their plight, we add strength and hope to their fervent desire to rejoin the family of free nations.

Mr. GERALD R. FORD. Mr. Speaker, today marks a glorious occasion for Polish people everywhere, including the millions of Americans of Polish extraction. It is the Polish 3d of May Constitution Day, the 180th anniversary of the adoption by Poland of its great Constitution of 1791.

It is significant and worthy of note that the Poles adopted their Constitution just 2 years after the American colonists had framed the basic law which was to guide the United States of America.

Tragically, the adoption by Poland of its new Constitution was followed just 1 year later by the first of the three partitions which resulted in a total loss of sovereignty for the Polish people.

Allied victory ending World War I brought the Poles independence in 1918. But in 1939 a Soviet-German pact opened the way for invasion and another partition of Poland.

Poland was the victim of incredible destruction and genocide during World War II. The Germans murdered 6 million Poles. The Russians executed 15,000 Polish army officers and deported 1.7 million Poles.

The 1945 Yalta agreement pledged free and unrestricted elections in Poland at the end of World War II. But the Soviets installed 20,000 Polish Communists to rule the country. After a 2-year campaign of internal terrorism, abetted by the Soviet Union, national elections were held in Poland in 1947. The Communists falsified the results and claimed to have won 80 percent of the vote.

The Communists stole Polish freedom, and every good Pole knows this. This is why the Poles rebel from time to time. It is the underlying reason, I believe, for the uprisings earlier this year.

I join with Americans of Polish extraction and Poles everywhere in observing their 3d of May Constitution Day. It is a symbol of the great courage which has always been exhibited by the Polish people. Only a courageous people could have survived the invasions, partitions, political murder and terrorism to which the Poles have been subjected and still cling to a love of liberty and a hatred of tyranny.

I believe in the right of all peoples to choose the form of government under which they will live. The principle of self-determination is one which is embraced by all Americans.

It is fitting, therefore, that all Americans—whatever their origin—join with Poles everywhere in their 3d of May Constitution Day observance.

In so doing they demonstrate their devotion to a cause which furthers the natural and God-given rights of man.

Mrs. GRIFFITHS. Mr. Speaker, the 3d of May is a date which is dear to the people of Poland, to persons of Polish descent throughout the world and to freemen everywhere. On this day Poles and citizens of Polish origin around the globe celebrate a Polish national holiday.

Today, we in the U.S. Congress pause in our deliberations to commemorate the 180th anniversary of the famous Polish Constitution of May 3, 1791. In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3, 1791, barely 2 years after the adoption of the U.S. Constitution in 1789, that Poland changed her political system and reversed her internal decline by enacting a remarkable constitution. The Constitution of 1791 was an attempt to do away with the medieval and outmoded system of government in Poland and replace it with a modern constitutional monarchy and parliamentary type of government somewhat akin to the system existing in England. The primary basis of the 1791 Polish Constitution was the principle of the fundamental sovereignty of the people in the state.

Unfortunately, the rebirth of democracy in Poland represented by the 1791 Constitution did not last long. In 1795 Poland was partitioned by Russia, Prussia, and Austria. But the spirit of freedom and progress embodied in that Constitution did not die. Today, on the 180th anniversary observance of the adoption of that Constitution, they still cling to the lofty ideals embodied in their Constitution of 1791.

It is my pleasure to join today with all Polish Americans in honoring this Polish national holiday. It is my hope that Poland will once again be free to enjoy the liberty which it once held.

Mr. CONTE. Mr. Speaker, today marks the 180th anniversary of the signing of the May 3 Polish Constitution. I would like to take this opportunity to say a few words about this great national holiday which is being celebrated by Americans of Polish descent all over the Nation.

It is appropriate that we, as Americans, commemorate the signing of the Polish Constitution. That document bears striking similarities to our own Constitution which was signed only 2 years before in 1789. There is very little doubt that the May 3d Constitution, which made Poland the pioneer of liberalized government in Europe, derived much of its influence from the same sources that shaped the philosophy of the American Constitution.

Furthermore, it is interesting to note that the transition to democratic ideals, which the Polish Constitution brought about, was made without revolution or social disorder.

It is tragic, however, that Poland has never been truly able to grow under the democratic precepts that her Constitution promulgates, for she has been denied her sovereignty by a series of foreign powers.

All Americans, regardless of their national origin, would do well to contemplate the meaning of the May 3d Constitution in Polish history, for America has had the good fortune to grow under the democratic ideals of her Constitution, unfettered by foreign intervention.

I think it would be appropriate for all American citizens to share the hope of our Polish friends that Poland will ultimately regain the independence to which she is entitled and live under the form of government that is the choice of her people.

Mr. BRADEMAS. Mr. Speaker, I am proud to join my good friend and distinguished colleague, the gentleman from Illinois (Mr. PUCINSKI) in taking note of the observance of the anniversary of Polish Constitution Day on today, May 3.

This event is, of course, of particular significance to the people of Poland and to all those persons of Polish origin, millions of whom of course are citizens of our own country.

But May 3 is a day of signficance to all peoples who love liberty for Polish Constitution Day reminds us all of the importance of free and democratic political institutions.

Although Poland and the Polish people today do not enjoy political liberties and free political institutions, I am sure that all of us hope that the day will in time come when those liberties and those freedoms will be enjoyed there.

Mr. YATES. Mr. Speaker, 180 years ago today the people of Poland adopted a Constitution which was a noble experiment in democracy. Their constitution was one of the most liberal and progressive documents to come out of Europe during the 18th century.

The philosophy of their Constitution was in many ways similar to that of our own country, drafted 2 years previously. The Polish Constitution reflects their concern with liberty and sovereignty, values basic to our lives:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

The Polish people, valuing the principle of the sovereignty of the people, raised this great moment in their history to the forefront of their tradition instead of the anniversaries of victories or heroic revolutions.

The Constitution was a pioneering instrument and as such was meant to usher in a new era for the Polish people. This document emerged under adverse conditions: For Poland in 1791 was a country under direct threat from external foes. Not only was the freedom of its people under attack, but the continued existence of Poland as a nation was as well.

This golden moment in Polish history came to Poland too late to forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

On the observance of Polish Constitution Day across the country I am delighted to be able to add my voice to the salute to the Americans of Polish ancestry.

Mr. BYRNE of Pennsylvania. Mr. Speaker, today, May 3, marks the 180th anniversary of the Polish Constitution of 1791—just 2 years after the adoption of our own basic law.

The unfortunate fact is that this magnificent document, the Polish Constitution, which declared the sovereignty of the people within the state, was too far ahead of itself for Europe—especially Eastern Europe, which was not ready for the acceptance of the dignity of man.

A brief 4 years later, Russia, Prussia, and Austria moved in for the third partition of Poland; and the nation and its magnificent document became dormant.

There have been many proud moments in Polish history despite her periodic dismemberment by her covetous neighbors. Poland is rich in history, in heroism, glorious in victories as well as bitter defeats.

But the Polish people give their greatest honor not to military victories but to that glorious document which states:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil librty and the good order of society, on an equal scale and on a lasting foundation.

Today, as it has been many times in the past, Poland is under the tyrannical heel of a foreign power. But the spirit of the Polish people has never faltered. They know that some day Poland will be free and those principles stated by that 1791 Constitution will indeed become a way of life.

Mr. HELSTOSKI. Mr. Speaker, today is the 180th anniversary of the May 3 Polish Constitution Day. To all Poles this day has the celebrated meaning of our American Fourth of July.

Because Poland's history goes back more than 1,000 years—a history filled with glory and sacrifice, one asks why have the Poles added such great significance to May 3, 1791. The reasons are many. The signing of the Constitution of this day meant the end of the nobility, which at the time was the ruling class of Poland. It meant that the oppressed masses of people were emancipated. This document meant that Poland was to have a constitution modeled after our own Constitution, which was adopted only 2 years earlier, and provided for three separate and equal branches of government—executive, legislative, and judicial. It meant that the Polish Diet—equivalent to our Congress—was to consist of two chambers: First, the Chamber of Deputies; and, second, the Chamber of Senators, with the King at its head as presiding authority. To the Poles it meant the guarantee of religious toleration; rule by the majority citizens; secret ballots at public elections; personal security. Poland was no longer to be a government of a few, but a government of the people, by the people, and for the people.

This was the substance of the Constitution which was approved on May 3, 1791, by the Polish Diet and Stanislaw August Poniatowski, Poland's last king. It was accepted by all Poles as a symbol of democracy and liberty. This document became a guide for Poland's future.

Progressive thinkers throughout Europe hailed it as a significant step in establishing a modern political system. But the recognition of the equality of all men, the proclamation of religious liberty promised in the Constitution, were more than Russia, Prussia, and Austria could tolerate, so these three neighboring countries attacked Poland with full force on all sides.

Poland fell in 1795 and was partitioned, but the May 3 Constitution kept the spark of spirit and hope alive in the Polish people. The Constitution brought moral victory for millions of Poles who became infused with the new patriotism and love of liberty. For 127 years, the Polish people thought, planned, and plotted for their national independence. Their struggle for independence never ceased. The Poles tried to free themselves many times through insurrections which failed. Even though all of their uprisings were unsuccessful, and many Poles lost their lives, the cause of freedom was never lost. The May 3 Constitution served as a beacon of political freedom and democratic government.

From the role of living in bondage, the people of Poland were restored as a Republic in 1918. The dreams of Polish patriots for 127 years were realized. The new government was set up along the lines of the Constitution of May 3, 1791. Once again Poland flourished as an independent nation. Her people enjoyed the privilege of democratic living. However, the happy, glowing picture of a free and independent Poland was blotted out by World War II. First, Germany invaded Poland and enslaved its people. Then the Russians took over and all the principles set forth in the May 3d Constitution were made a mockery by the invaders.

During this second world conflict, the Poles, inspired by the ideals of freedom and love of liberty, fought bravely on all battle fronts—in Africa, England, France, Italy. They fought at Narvik, on the Maginot Line, and at Monte Cassino. Millions of Poles gave their lives so that other people in the world might be free. They fought not only in defense of their own freedom, but also in the defense of the threatened freedom of the whole world. The Western democracies assured the Polish nation repeatedly that its great sacrifices would not be in vain, and it will regain independence and freedom. The Polish nation believed in these assurances.

Unfortunately, the victorious end of World War II did not bring the richly deserved and longed-for freedom and independence to the Polish nation. Surely, freedom and independence were earned by the Poles for fulfilling a duty beyond glory. The sacrifices borne by Poland, as our ally, were not surpassed by any nation, yet she was denied her rightful place among the peoples of the world.

For this, the Western democracies must bear the responsibility—since the promises given to Poland have not been kept.

The Polish nation under the Communist regime knows full well the tyranny of a dictator. Some of the changes that took place after the Communists took over Poland was the introduction of the Soviet slave-labor system for the workers; the beginning of the collectivization of agriculture; the placing at the head of the regime, and the army, well known and experienced international Communist agents; the speeding up of Communist indoctrination of the youth; the open fight against the church; the complete economic dependence on the state.

Such was the reward of a once proud nation which was the first to take up arms in the cause of freedom and independence. Surely, we cannot abandon the hopes and aspirations of a freedom-loving nation.

We must be ever mindful, especially on this anniversary, of the promises of our allies concerning the Polish nation, which are, to guarantee a free, strong, and independent Poland.

The Polish people are not without hope. They are Poles, cheerful, hopeful, idealistic as their forefathers have been, imbued with patriotism and a deep love for freedom. They are mindful of the spirit of their Constitution of May 3, 1791. Today, the torch of freedom is burning in the hearts of every Pole and with our help and God's blessings they will not rest until the day of emancipation is at hand. Deliverance of Poland from the Communist yoke will once again give the Polish people an opportunity to live in a land of freedom and independence as was the intention of the signers of Poland's historic Constitution which was adopted 180 years ago today.

Mr. COLLIER. Mr. Speaker, one of the few bright days in the history of modern Poland was May 3, 1791, when that country's Constitution was adopted. Today we who are Members of the House of Representatives pause briefly in our legislative activities to commemorate the 180th anniversary of that great event.

In 1787 our political ancestors assembled in Philadelphia, drafted the Constitution of the United States, and submitted it to the States for ratification. It took effect on March 4, 1789, but 2 years before the adoption of Poland's Constitution, and has, with the addition of the bill of rights and other amendments, served as our fundamental law ever since.

Meanwhile, on the opposite side of the Atlantic, similar events were taking place in Poland. In 1772 that nation had lost about a third of its territory and about half of its population to Austria, Russia, and Prussia. While those powers were at war with Turkey, Polish patriots took advantage of their preoccupation with other matters by meeting in the Four Years' Diet—1788–92—which resulted in the framing of a new Constitution.

The leaders in the movement were Stanislaus Malachowski, Hugo Kollontay, and Ignacy Potocki. During the Easter recess in 1791, when most of their opponents were absent, they brought the results of their labors before the Diet.

Foreign dispatches, which the marshal of the Diet presented, were in unanimous agreement that a second partition of Poland was imminent. The members of the assembly then realized that swift action was necessary. King Stanislaus II swore to defend the Constitution and urged the deputies to accept it.

Under the new charter Poland was transformed from an elective to a hereditary monarchy, the executive power being conferred upon the King and a council of state and the legislative power being vested in a bicameral diet.

Among the reforms that were brought about by the new Constitution were abolition of the liberum veto—which had paralyzed earlier Polish parliaments—the ending of invidious class distinctions, parliamentary representation, and full administrative and judicial autonomy for the towns, absolute religious toleration, and the mitigation of serfdom as a preliminary step toward its eventual abolition. Possession of land and access to state and church offices, which had hitherto been privileges possessed only by the gentry, were thrown open to the townspeople.

In the United States, drafting, ratification, and promulgation of a new Constitution led to the happiest results. As the infant nation grew both in population and area, the extension of political freedom, combined with unparalleled scientific and inventive progress under a system of free enterprise, led to an ever-growing material prosperity.

Contrast the advance of the United States under its new fundamental law with what happened in Poland after its May 3d Constitution took effect. The second partition of Poland by Russia and Prussia occurred in 1793, while the third partition by Austria, Russia, and Prussia obliterated Poland from the map of Europe.

The collapse of the Hapsburg, Romanov, and Hohenzollern dynasties during World War I led to a brief interval of independence for Poland, but it came to an abrupt end when the National Socialists and their Communist ideological bedfellows conquered it in 1939. World War II, which ended in defeat for national socialism, was followed by the extension of the Soviet Empire to include numerous colonies, among which was Poland. The war, which had ostensibly been fought by European powers for the liberation of Poland, ended in its obliteration.

Mr. Speaker, what ought to have been a happy and joyous anniversary for the people of Poland and their friends here in the United States and elsewhere is instead an occasion for mourning. We who have enjoyed almost two centuries of freedom and prosperity under constitutional government cannot possible comprehend the situation that exists in present-day Poland.

Although her territory has been stolen, although her independence has been destroyed, although her people have been enslaved, the spirit of Poland lives on. That spirit, which inspired Copernicus, Sobieski, Paderewski, and other great men, will some day impel the people of that unhappy land to emerge from the darkness of Soviet imperialism and march forth into the sunlight of constitutional freedom. May God speed the day.

Mr. ROSTENKOWSKI. Mr. Speaker, for many years the U.S. Congress has annually demonstrated the feeling of faithful friendship on the part of the American people toward the Polish nation and people through special commemoration of Poland's great Constitution of 1791.

Beginning today May 3, and continuing throughout the month, Poles and we citizens of Polish origin in America celebrate our Polish 3d of May Constitution holiday. Wherever Americans of Polish extraction live, this event is marked with special exercises to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism and freedom in Europe.

It was on May 3, 1791, barely 2 years after the adoption of our own Constitution in 1789, that Poland, without a bloody revolution or even without disorder, succeeded in reforming her public life and in eradicating her internal decline. But following the unfortunate path down which history has led the Polish people for so long, this great rebirth and assertion of the rights of man came too late to forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

The greatness of the May 3 Constitution consisted in the fact that it eliminated with one stroke, the most fundamental weaknesses of the Polish parliamentary and social system. The Poles have raised this great moment in their history to the forefront of their tradition, rather than any one of their other glorious victories in their centuries-old struggle for freedom.

The right of man to freedom was formulated in these words in the 3d of May Constitution:

> All power in Civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Meditation on the words of that Constitution reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice and freedom for the Polish people even though their nation has, since World War II, been deprived of her independence, sovereignty, and territory by Soviet Russia.

Mr. DINGELL. Mr. Speaker, today I join with all my colleagues and all Polish Americans throughout the country in commemorating the 180th anniversary of the Polish Constitution of 1791. The May 3d Constitution was, indeed, an historic landmark in Poland's turbulent history, since through its adoption Poland was transformed into a modern state hoping to achieve and maintain national unity, freedom, and self-government for the people of Poland.

The progressive nature of the Constitution called for the evolution of the medieval Polish system of government into a modern constitutional monarchy and parliamentary system similar to the one existing in England. The Constitution not only discarded those aspects of the old system which contributed to the constitutional and political weakness of Poland, but most importantly guaranteed protection for all. Provisions of the Constitution limited the powers of the monarch and extended executive authority to a council of six, established a bicameral legislature composed of elected members, extended legal protection to the peasantry, and guaranteed religious tolerance to all religious sects. At the time this historic document, inspired by liberal movements in America, England, and France, was viewed as the harbinger of liberalism in Central and Eastern Europe.

The 1791 Constitution was enthusiastically acclaimed by the Poles as well as by friendly nations abroad. It was hailed by public figures in the West and won the admiration of England's foremost liberal statesman, Edmund Burke. However, although the Constitution won the admiration and approval of freedom-loving people, it was denounced by the autocratic regimes of Austria, Prussia, and Russia. Thus, before the principles of "civil liberty and the good order of society," proclaimed by the Constitution, could be fully implemented or tested, Poland once again found herself under attack and was denied her right to freedom and independence.

Although the invasion of 1792 and the subsequent second partition of Poland curtailed the implementation of the Constitution, it neither extinguished the spirit of freedom nor the courage of conviction which inspired that historic document. The spirit of the May 3 Constitution of 1791 prevailed when Poland became independent at the end of the First World War and inspired the Polish people toward freedom during the interwar years. Poland's history since 1939 has been tragically marred by successive tragedies, yet the spirit of freedom and liberty survives in the hearts of all Poles.

It is indeed fitting on this 180th anniversary of the May 3 Constitution of 1791 to pay tribute to the Polish people and their courage and dedication in striving toward that day when Poland can once again live under the principles embodied in the original Polish Constitution.

Mr. JAMES V. STANTON. Mr. Speaker, today is the 180th anniversary of the Polish Constitution adopted on May 3, 1791. This document is a landmark in the struggle of free men to govern themselves.

On May 3, 1791 Polish patriots succeeded in creating a Constitution. It transformed the government from a medieval monarchy to a democracy that guaranteed protection for all the people. This constitution was inspired by the same spirit of freedom that had resulted in the creation of our own Constitution 2 years before.

But the government born under Poland's new Constitution was short-lived. In 1795 Poland was divided among Russia, Prussia, and Austria. Since then the Polish people have been ruled by one dictator after another. But the spirit of freedom that led to the May 3 Constitution remains very much alive.

Poland was an inspiration to mankind for its historic deeds in World War II. The uprising in the Warsaw ghetto was a courageous act of defiance.

For the past 26 years Poland has been under Soviet-imposed rule. But the determination to be free still glows in the hearts of the people. Last December the dock workers rose against their oppressors who claimed to be the "guardians of the working class." The workers' strikes toppled the government and brought some improvements.

Today in Cleveland Americans of Polish descent will mark Polish Constitution Day with a parade, speeches and the laying of a wreath at the Kosciuszko memorial in Wade Park. Thaddeus Kosciuszko, Poland's great patriot, was a general in the American Revolution and an aide to General Washington for 6 years.

Today we honor the courage of the Polish people and pay tribute to Poland's role as one of the pioneers in democracy in Europe. Their actions are an inspiration to men fighting for freedom throughout the world.

Mr. WILLIAMS. Mr. Speaker, the people of Poland and the people of the United States have long found abundant cause for mutuality and friendship.

It was with the help of great Poles, reflecting that commonness of attitude and purpose among our peoples, that the people of the American Colonies won their independence in the American Revolution.

Then, barely 2 years after the adoption of the Constitution of the United States of America, the people of Poland adopted their own freedom-based Constitution. That was on the 3d of May of the year, 1791.

Tragically, this reformation of Polish public life was not sufficient to forestall the third partition of Poland; it came, 3 years later, between Russia, Prussia, and Austria.

In a continuing train of events devastating to freedom, the people of Poland have been compelled to celebrate freedom only in their hearts. They have moved from partition and oppression through dictatorial division and tyranny to enslavement under the Red ideology which finds basis in its dogma, "There Is No God."

Yet, the people of Poland, still sustained by their deep Christian heritage, are slowly managing, step by step, to extricate themselves from the evil which, too long, has been imposed upon them.

As they do, the more than 12 million

Americans of Polish ancestry who comprise the Polish-American Congress continue to offer their prayers and such other efforts as they can, that, one day, their Polish friends and relatives may truly know the freedom intended to be represented by the great Polish national holiday that is the Polish 3d of May Constitution Day.

It goes without saying that every thinking American must continue to wish them well.

Mr. STOKES. Mr. Speaker, I rise today to join my colleagues in commemorating the 180th anniversary of the Polish Constitution. Yesterday, the Greater Cleveland Polonia marked the occasion with wreath laying ceremonies at the Kosciuszko Monument and a parade to the celebration site at the Association of Polish Women's Hall. Members of the Kosciuszko Brigade wearing black berets joined young girls in traditional peasant costumes to express the hope that the United States would pursue the restoration of Poland to a free society.

While the occasion is celebrated with joy and happiness throughout the free world, we must note that this date cannot be celebrated in Poland. Yet, yesterday was a notable day in Poland where Franz Cardinal Konig celebrated mass in Warsaw's St. John's Cathedral. Of the Polish people, Cardinal Konig said:

> I have touched your land, your western territories. You have proved that it is your land, the fatherland of your hands' work, the fatherland of yourselves and your children.

This same tribute can be extended to the Poles in America. Since the landing of the "Mary and Margaret" at Jamestown in October 1608; when Michael Lowicki, Zbigniew Stefanski, Jan Mata, Stanislaw Sadowski, and Jan Bogdan became the first recorded Polish settlers in America, our country has been enriched by the noble heritage of the Poles.

Throughout our short history, Poles have joined in our own fight for freedom and independence. It is only fitting that we join with our Polish patriots in their efforts to extend freedom and liberty to the Polish nation and that we rededicate our faith in the ultimate freedom of man.

Mr. ADDABBO. Mr. Speaker, today marks the observance of a Polish national holiday by our friends of Polish descent. It was May 3, 1791, that the Polish Constitution was adopted, affirming the commitment of that nation to democratic principles.

Four years later Poland was partitioned by Russia, Austria, and Prussia but the great lesson of freedom and liberty embodied in the Constitution of May 3 has not been forgotten. The often quoted excerpt from that document "All power in civil society should be derived from the will of the people" stands as a reminder that the United States and Poland have much in common historically in their attitude toward social justice.

For these reasons we in the U.S. Congress join in this observance of the 3d of May Constitution Day and extend our friendship and sympathy to the people of Poland who retain their desire for freedom in these troubled times.

Mr. STRATTON. Mr. Speaker, I am glad to have this opportunity to join once again in commemorating Polish Constitution Day. It was on May 3, 1791, that the Diet of Poland approved the draft of a new constitution proposed by the Polish King, Stanislas Augustus. The adoption of that constitution represented a vast liberal reform of the government of Poland and gave the people of Poland such substantial rights as those guaranteed by our own constitution here in the United States. And, to the credit of the Poles of that day, it was all done peacefully through the legislative process in a bloodless revolution. That document was acclaimed all over the world as an example of the spirit of freedom which was then sweeping the Western nations and had motivated Americans in the development of our own Constitution. President Washington noted that Poland through its new constitution, had made "large and unexpected strides toward liberty."

This spirit of freedom has never waned in the people of Poland, in spite of all the long repression they have suffered, including the most recent examples at the hands of tyrannic Nazi and Russian occupations.

In the face of government restrictions, the people of Poland have consistently and courageously made clear their continued devotion to the freedom of worship and the human dignity which it stimulates.

So it is appropriate that we take this occasion today to salute once again the brave people of Poland and hail their continuing dedication to the principles of freedom and independence which were expressed so eloquently as long ago in their 1791 Constitution. And it is appropriate too that we should renew our commitment, as a nation and a people who have enjoyed freedom under a very similar Constitution dating from the same general period in history, to hasten the day when the document enacted by the Polish Diet 180 years ago will once more be the basis of the government of the freedom-loving peoples of Poland.

Mr. ZABLOCKI. Mr. Speaker, I am honored to join my colleagues in commemorating the anniversary of the adoption of the Polish Constitution—May 3, 1791.

The Polish Constitution—adopted barely 2 years after our own U.S. Constitution—outlined the same intent and philosophy of its American counterpart. It guaranteed the people of Poland the rights to which men always and everywhere have aspired; its primary postulate was that government belongs to the people. Without a bloody revolution or even any disorder, Poland succeeded in restructuring her public life and eradicating her internal decline. The greatness of this Constitution consisted in the fact that in one stroke it eliminated the fundamental weaknesses of the Polish parliamentary and social system.

It is, therefore, fitting that we pause today in our deliberations in Congress to pay tribute to the May 3 Constitution of 1791 and to honor the nation that created it.

Based on the principle that all power in civil society is derived from the will of the people, the Polish Constitution guaranteed freedom of thought, of expression and of religion in a measure far beyond that prevalent in other European countries of that day. The end to which this principle pointed was the preservation and integrity of the state and the civil liberty and good order of the society on a lasting basis.

Unfortunately, however, this rebirth and assertion of democracy embodied in the Polish Constitution of May 3 was denied the test of time as ours has been. Shortly after its adoption, Poland was overwhelmed and partitioned by its three neighboring empires: Russia, Prussia, and Austria.

Subsequently, a threat was posed to the tyranny and absolutism of Poland's neighbors with the result being the 1795 invasion and partitioning by Russian and Prussian soldiers.

Poland's subjugation did not end there. In 1939 Russian and Prussian troops again met on Polish soil. This time, as in the 1790's, the totalitarian systems of naziism and communism felt endangered by the rays of liberalism emanating again from Poland.

It is truly tragic to reflect on the fact that a people so soundly schooled in the philosophy of individual liberty as the Poles, who conceived so brilliant and enlightened a document as the May 3 Constitution, should now be under the yoke of Soviet Communist domination. This crassly materialistic philosophy, so completely deviod of personal freedom, is alien to the very spirit of the Polish people and alien to the Judeo-Christian tradition which plays such an integral part of the Polish heritage.

It is true that the Poland of today is a little better place in which to live than the Poland under Stalin. Nevertheless, Poles are still denied certain rights that were the historic cornerstones of their May 3 Constitution—meaningful participation in the political life of their nation, personal liberty, full religious freedom. Obviously, meditation on the anniversary of the May 3 Constitution deepens the faith and heightens the courage of every Pole and every American of Polish descent. We must not falter in our hope for a better day for the great people of Poland. This commemoration reminds all Americans of Poland's destiny in the history of man and looks toward the ultimate triumph of justice.

Thus, in commemorating this historic event, we hope and pray that the people of Poland may once again live under an enlightened government envisioned by the May 3 Constitution.

Mr. RYAN. Mr. Speaker, I am pleased to join our distinguished colleague from Illinois (Mr. PUCINSKI) in commemorating the 180th anniversary of the Polish Constitution of 1791, a hallmark in the struggle of men to form governments guided by the consent of the governed.

The adoption of the Constitution marked Poland's first step toward a constitutional democracy. Its basic philosophy was, in the words of the Constitution:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Unfortunately, history and circumstance have not been kind to the freedom-loving spirit of the Polish people. Four years after the adoption of the Constitution, Poland was invaded and then divided among Russia, Prussia, and Austria. In this century the persistent efforts of the people of Poland to establish a free nation also have been thwarted. At the end of World War I there emerged an independent, united Poland. However, Polish freedom was soon destroyed by Hitler in 1939, and since World War II Poland has been a Soviet satellite with a Communist government.

Today we salute the Polish people for their courage throughout their long and bitter struggle to achieve independence and freedom.

The friendship of the American people for the people of Poland is enduring, having been forged at the time of our own Revolutionary War and strengthened by the contributions made by the many Polish people who immigrated to the United States and helped to build our Nation.

We commemorate Polish Constitution Day with confidence that the brave spirit, which the people of Poland have demonstrated in the past, will sustain them until the day when Poland once again will take its place among the free nations of the world.

Mr. DULSKI. Mr. Speaker, on this day annually Poles everywhere and citizens of Polish heritage in many countries, including our own, mark a Polish national holiday—the Polish Third of May Constitution Day.

It was on May 3, 1791, barely 2 years after the adoption of the Constitution of the United States, that Poland succeeded in reforming her public life and halting her internal decline.

This achievement of 1791 regrettably came too late, however, to forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria. Poland's rebirth and assertion of democracy was aborted.

Poland pioneered liberalism in Europe, thus providing a continuing threat and challenge over the years to its neighboring countries. The partition of 1795 may have made its political mark, but it did not overcome the spirit of democracy in the hearts of these great people.

The 1791 Constitution spelled out the aim of the people in these words:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, and civil liberty and the good order of society, on an equal scale and on a lasting foundation.

The similarity of aims of the U.S. Constitution and the Third of May Polish Constitution is unmistakable. On this third of May 1971—note that the numerals are the same this year except for the transposition of the middle numbers—Polish-Americans join with Poles everywhere in reflecting on their great heritage and continue their hope and prayer that one day Poland again can be a free country.

Mr. MIKVA. Mr. Speaker, this Nation is greatly indebted to its Polish-American citizens. The impact of these people and their culture will have a lasting effect on America. The Polish 3d of May Constitution declares that "all power in civil society should be derived from the will of the people." On the basis of this belief, the Poles made an integral contribution to the founding of the United States. Tadeusz Kosciusko and Casimir Pulaski fought valiantly in the American Revolution.

The culture of the Poles has delighted Americans for years. The famed composer and pianist, Ignace Paderewski, enriched American life as he toured throughout this country. Even this year, Washingtonians were pleased with the appearance of the singing and dancing company of Mazowsze.

Today is a national holiday which holds great sentiment for Americans of Polish descent. It is the anniversary of the May 3 Constitution of 1791, which eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. As the Poles sing "Welcome May, the 3d of May," I would like to add my voice by calling on all Americans to express their gratitude to our Polish-American brothers for having contributed so much to this country and the world.

Mr. O'HARA. Mr. Speaker, I rise today to celebrate the 180th anniversary of Poland's Constitution of 1791.

Born of the pride and ambition of a great people, though crushed by conquest, its words today remain a symbol of Poland's independent spirit and an inspiration to free men everywhere.

It is significant, as we commemorate this anniversary, here in the capital of the world's greatest free nation, that we recognize the similarity of inspiration of our own founding documents and Poland's Constitution.

The Poles recognize, as we do, that government is the instrument of the people. Our Founding Fathers wrote:

> Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

Similarly, the authors of the Constitution of 1791 declared:

> All power in civil society should be derived from the will of the people.

That is not the only affinity between the two nations. We also share with Poland a patriot—a man who was present at the birth of independence here and then fought in his own nation for the preservation of an independent Poland under the Constitution of 1791. I refer, of course, to Thaddeus Kosciuszko, whom I hope this Congress will soon honor by designating his last American home in Philadelphia as a national historic site.

Kosciuszko was the forerunner of millions of Polish Americans who have contributed, with their skills and hard work, to their country's progress. It is appropriate that we take this occasion to recognize their contribution to America's greatness.

Mr. Speaker, the Polish people's hopes and ambitions for a strong, secure, and independent nation are as strong as ever.

I am confident that sometime, in the not too distant future, the Polish people will once again triumphantly celebrate their Constitution Day, and that Poland will take her rightful place in the first rank of freedom-loving nations of the world.

Mr. ROONEY of New York. Mr. Speaker, for the past 180 years the Polish people have been reminding themselves of the historic event marking the adoption of their cherished Constitution. Unfortunately, it has not been possible for the Poles living in Poland to celebrate overtly many Polish Constitution days, because the years of Polish independence have been so limited. In consequence, greater and more frequent attention is given to this great Polish Day by Poles and their descendants living outside Poland. Such is true in this country where all the fine Polish American organizations place major emphasis upon the observance of Polish Constitution Day.

What a contrast there is in the way so many Americans view our own Constitution with the way our citizens of Polish extraction pay tribute to the Polish Constitution. I wish that a new wave of respect and honor might gain swift acceleration throughout our land to counteract the loud sneers and ridicule which so many of our hairy dissident groups use against it today. We have been fortunate that our Constitution has remained stalwart and enduring for almost 200 years.

It is true that, as our country grew and our way of life has changed, our Constitution has had a few amendments. However, the basic tenets of our rights, our privileges, our obligations, and our purposes remain unchanged and more firmly implanted than at any time in our history.

In contrast to our good fortune of being able to live and thrive under our Constitution from the very day of its adoption, the Polish people have had only spasmodic periods of freedom to be enjoyed within the guidelines of their Constitution.

The world applauded the historic act of the Polish leaders in developing and adopting a superb manifesto which set forth with utmost clarity the rights and obligations of a free and democratic society. Similar in many ways to our own newly developed Constitution the charter which the Polies brought forth was far ahead of its time in Europe and most of the world. It was small wonder that the Polish people took such pride in their new state document. It was sad, indeed, not only for the Poles but for freedom-loving people everywhere that the greed of more powerful nations would result in its swift dismemberment and its partitioning as vassal holdings of Russia, Austria, and Prussia. But even under the rule of alien oppressors the Polish people remembered the benign contents of their beloved Constitution. From time to time Polish patriots dared to remind their countrymen of their Constitution. At the end of World War II, the Polish people once more took heart and began to reestablish themselves as a free and sovereign nation under their hallowed Constitution, but the Soviets saw fit to deny this long-awaited independence and cruelly and illegally clamped Poland with bonds of iron to bow to the rule of Communist puppet bosses.

Mr. Speaker, as we join with our Polish-American citizens in observing the anniversary of the Polish Constitution, we should resolve personally to do several things. First, we should attempt to stimulate greater understanding and respect for our own magnificent Constitution by every American man, woman, and child.

We should resolve to intensify our efforts by every possible means to help our friends in Poland regain the freedom and independence which they so desparately want and which they so richly deserve.

We should do our utmost to see that full atonement be made by those guilty of the many atrocities perpetrated on the Polish people. Not only must we not forget such atrocities as the mass murder of Polish leaders in Katyn Forest but we must pursue a relentless course to see that such acts are avenged.

Our longtime assurances of affection for the people of Poland must be backed up with a never faltering determination to utilize all political and economic leverage to hasten the restoration of the independence which the Polish Constitution so clearly defines.

Mr. MINSHALL. Mr. Speaker, from the very beginning of our great Nation's struggle for its independence we have been indebted to Poland for sending us some of its finest men and women. Our Polish-American citizens not only helped make possible the creation of the United States, they have helped to build it during our nearly two centuries of national life.

May 3 holds a very special place in the hearts of all Americans of Polish descent as the anniversary of the Constitution of 1791 adopted in Poland just 2 years after ratification of our own Constitution. The liberty and democratic processes represented by the Polish Constitution of 1790 remains alive in the hearts of millions of Polish citizens today behind their Iron Curtain.

The Polish American Congress has issued a most interesting fact sheet on May 3, and the Ohio Division of the Polish American Congress a list of excellent resolutions, all of which I wish to put in the RECORD at this point. In doing so, it is with the abiding and devout hope that within our lifetimes freedom will be restored, permanently, to the magnificent people of Poland.

The material follows:

MAY THIRD—THE POLISH NATIONAL HOLIDAY

On May 3d Poles everywhere and citizens of Polish origin in many countries celebrate a Polish National Holiday—the Polish Third of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3d in 1791, barely two years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May Third Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national, sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems as nazism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish Third of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the Third of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Meditation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

RESOLUTIONS

Whereas, the Ohio Division of the Polish American Congress is celebrating the 180th Anniversary of Poland's Constitution on May 2, 1971, at the Association of Polish Women's Hall, 7526 Broadway Avenue, Cleveland, Ohio;

Whereas, this was a most significant event in Poland's history;

Whereas, the Constitution of May 3, 1791 expressed freedom, individualism, and democracy;

Whereas, the same freedoms do not exist in Poland today, therefore

Be it resolved, that the Ohio Division of the Polish American Congress endorse the following principles to again restore freedom and individualism in Poland:

1. The United States should pursue a peaceful liberation policy to free Poland of Soviet oppression.

2. The United States Government should expand and enliven our involvement with the Polish nation in economic, cultural, and scientific exchange in a manner as not to aid the Soviet rulers of Poland.

3. The United States Government should recognize and support the Oder-Neisse Line as the permanent border of Poland.

4. Poland should continue to be classified as a "most favored nation".

5. Polish currency owned by the United States should be used in Poland for humanitarian projects. The Royal Castle of Warsaw destroyed by the Nazi should be rebuilt.

6. To encourage President Richard Nixon to fulfill his pre-election campaign promises to place Poles in top federal positions. To date, the federal government is being critically criticized for its unwillingness in naming Americans of Polish descent to federal positions. Recently, the National Polish American Congress created a "Talent Bank" containing a list of qualified Polish Americans available for government services. Govermental leaders are encouraged to use the recommendations of the "Talent Bank".

7. To encourage the further involvement of Polish leaders in Polonia and community affairs and to censure those that discourage this positive involvement. Educators should not be denied their full citizenship rights.

8. To continue to carefully review candidates for judges and to be critical of judges being too lenient with lawbreakers. Crime is rising. People are no longer safe on the streets or in their homes. Judges must stop being lenient. Law enforcement officials should not be treated as defendants in courts.

9. We the Americans of Polish descent, break a silence of a generation and elect to speak in the interest of promoting greater understanding between ethnic groups in a nation of many origins, colors, and creeds. To this extent, we support the efforts of Congressman Roman Pucinski (Chicago) to establish an Ethnic Heritage Study Centers (H.R. 14910) in educational institutions which would develop curriculum and train teachers for the study of America's major identifiable ethnic groups.

10. We of Polish American heritage rededicate ourselves to "freedom under the law" and demand justice and fairness with respect to each man's public image. We, therefore, will aggressively oppose defamation of Poles through our Civic Alert Committee. To this end, the boycott against the Garfield Heights Board of Education and the superintendent will continue until they discharge their responsibilities for the best interest of the boys and girls of Garfield Heights.

11. To declare to the Free World that the Ohio Division of the Polish American Congress is opposed to Communist Oppression and Tyranny. To this extent, we loyally as Americans first support President Nixon to negotiate an honorable peace.

12. We, Americans of Polish Heritage, do hereby solemnly declare and proclaim that we will on every possible occasion expose, deplore, and denounce those powerful rulers of the pen and airwaves who use vicious ethnic humor and malicious misrepresentation of ethnic cultural heritage.

13. The continued unrest in Poland poses a threat of a Soviet armed intervention, similar to the invasion of Czechoslovakia in 1968. To militate against this real danger, the United States should reaffirm its position that the Brezhnev doctrine is contrary to the basic principles of the United Nations Charter, and that the intervention in the affairs of Poland by any member of the Warsaw Pact would be considered as a threat to peace and as such would be brought before the United Nations.

14. Edward Gierek, the new head of the ruling Communist Party in Poland declared that the objectives of his government include economic improvement of the country, establishment of an open form of government, and steps toward closer relations with countries outside the Soviet block. We submit that it is in the interest of the United States to promote evolution of East European states toward open societies. Therefore, Mr. Gierek's declared objectives deserve close attention

and continued interest of the United States in the future development in Poland. The United States should let it be known that the full accounting for people killed, injured and arrested during the recent demonstration would be regarded as indicative of good faith, if and when presented by Mr. Gierek's government. For humanitarian reasons, the United States Government could utilize its considerable counter-parts funds in Poland for a rehabilitation program, necessary after the unrest; also the United States could offer its surplus foodstuffs for the people of Poland, possibly through the agency of American Relief for Poland. We also respectfully submit, that the time is urgent for the exploration and evaluation of a long-range economic assistance to Poland and for increased commercial exchanges between the United States and Poland. In this context, we feel that the State Department's rejection "for the time being" of a reqeust by Poland to buy oil-refiinery equipment was ill advised. We hope, that the qualification "for the time being" has run its course in view of recent events and that the sale of the aforementioned equipment, vitally needed by Polish oil industry will be approved.

15. In 1973, scientific communities throughout the world will mark the 500th anniversary of the birth of Mikolaj Kopernik, better known under the latinized name of Nicolaus Copernicus. Kopernik, whose monumental discoveries and scientific probings, "stopped the sun and set the earth in motion," is the father of modern astronomy and precursor of our Space Age. Kopernik, one of the greatest scientists of all times, was born in Poland and received his fundamental education at the Jagiellonian University in Krakow. It is incumbent upon us as Americans of Polish heritage, to mark the Kopernik Quintcentennial in a special way. Thus we ask the President to use his prestige and influence in Washington to bring about an issuance of a Kopernik postage stamp in 1973, and to arrange a special commemorative Kopernik program in both chambers of the United States Congress.

16. To continue to demand that money raised for community activities such as the United Appeal Fund be distributed more equally to agencies serving the ethnic community.

17. To continue to support the efforts of the Greater Cleveland Citizens League to enact strong "conflict of interest" legislation in the present Ohio General Assembly.

18. To commend the Nationalities Services Center for doing an outstanding job with their limited resources for ethnic groups.

19. Be it further resolved, that Aloysius Mazewski, national president, and Richard Jablonski, Ohio Division president, of the Polish American Congress be recognized and praised for their leadership in promoting Polonia aims and objectives by vigorously working to fulfill the rising role of Polonia in local, state, national, and international events.

Be it further resolved that the Ohio Division of the Polish American Congress endorse the aforementioned principles and hereby directs the Board of Officers to forward copies to interested persons

Mr. KEMP. Mr. Speaker, May 3 marked the celebration of Polish Constitution Day, the anniversary of the establishment of Poland's first popular Constitution, a day that will live in the hearts and minds of freedom-loving people everywhere.

On May 3, 1791, the Polish Great Diet voted a Constitution for the state thus beginning a long struggle for freedom which was not regained until 1918.

During the 123-year period of domination, Polish cultures still made significant contributions to Western civilization. Marie Sklodowska-Curie is famous for her discovery of radium. Chopin and Paderewski became prominent names in music. Prince Czartoryski, Lelewel, and Mochnacki were among Poland's notable statesmen and political writers, and in poetry, authors such as Sienkiewicz, Kraznewski, and Slowacki achieved critical recognition.

In 1918, the three sections of Poland were reunited and the rebirth of the Polish Republic after one and a half centuries of partition and foreign subjugation was accomplished. Another Constitution was adopted June 22, 1952, but Poland and its neighbors were traveling the undistinguished, gray road of European communism. A spark of the traditional Polish longing for freedom was ignited in June of 1955, however, the Poznan Revolt. Ruthlessly crushed by Russian troops, the Polish people have been forced to continue to acquiesce to Soviet military and diplomatic overlordship. That Poland is a vassal state continues to rest heavily on Polish hearts and on all friends of the Polish people.

As we commemorate Polish Constitution Day, we should recall the debt we owe to our fellow citizens of Polish origin who add so much to our economy and our civilization.

Mr. Speaker, at this point I include a chapter on Polish contributions to American life from the book "One America":

Contributions to American Life

The Poles have made their contributions to American culture in three ways. First, it is quite obvious that the contributions made by Poland to our civilization are an inseparable part of the intricate and complex culture of America. Such great names as Nicholas Copernicus, Paderewski, Sienkiewicz, Joseph Conrad, Helena Modjeska, Marie Skolkowska-Curie, and numerous others are known to all, and are their contributions not only a part of Polish culture but also of America's culture? Is there a music lover in America who, for instance, does not know the music of Chopin?

Second, the Polish American has impressed his personality on American culture as a group. This fact is well expressed by Thaddeus Hoinke:[1]

"There is an item of the Polish contribution usually entirely overlooked. . . . This is the cumulative contribution of the four million Poles in this country. This human item is the greatest gift that Poland has given America. Someone may remark that the American Poles, as a class, have been mostly laborers and farmers. True enough. But they arrived in this country, like the Polish carpenters and pitch makers of Virginia and the Polish soldiers of the Revolutionary time, at the crucial moment in the development of the American Commonwealth—at the time of laying the foundations of the new industrial empire. . . . This great army of labor, in which the Poles play an important role, has won for this nation the first place in the industrial life of the world. Only by means of their humble but indispensable qualities, because of their sweat and titantic work, could this country achieve such an unprecedented level of prosperity and might. And not only because of that—this great army of peaceful fighters had actually paid with its own blood for the comfort and higher standards of living in this country. In 1925, 10,537 men died as a result of industrial accidents. . . . Much of this was Polish blood."

In the third place, the Poles have furnished several outstanding, even world-famous, names in the purely cultural field. In the opera, the Poles are proud of Jean de Reszke, Adam Didur, and Ina Burskaya. Carole Landis, a Hollywood star, was born a Ridste, comes from one of those large Polish families which has many widely scattered relatives. The late Richard Boleslavski directed several outstanding Hollywood films. Jan Kiepura, a young Polish tenor, appeared in 1935 opposite Gladys Swarthourt in "Give Us This Night," a Paramount film, and starred in "The Merry Widow" on Broadway in 1943–1944. Leopold Stokowski, formerly with the Philadelphia Symphony Orchestra and engaged later in his fine experiment to acquaint the masses with great music, is one of the greatest of America's conductors. Dr. Arthur Rodzinski is a conductor of long experience and famed as "an orchestra builder and repairer."[2] In 1933, he developed the Cleveland Orchestra into one of the Middle West's two finest musical organizations (the other, the Chicago Symphony). He was picked by Arturo Toscanini in 1937 to organize and train the NBC Symphony. In 1943 he became the new "boss" of the New York Philharmonic Symphony. The son of a Polish army surgeon, he was born in Spalatto on the coast of Dalmatia. He studied law at the University of Lwow. Severely wounded in World War I, he resumed his law studies in Vienna and took his doctor's degree, which had no connection with music. Eventually he got a job at the Warsaw Opera, where Leopold Stokowski met him in 1925 and offered him an assistant conductorship in Philadelphia. The names of Paderewski and Josef Hoffman are too familiar to be more than noted.

The Poles have also made contributions to many other fields—in painting and sculpture, in politics, and in the sciences of engineering, medicine, and so on. Only a few can be mentioned. Professor F. Pawlowski, head of the department of aeronautical engineering of the University of Michigan, is a pioneer in aeronautical education. Leopold Julian Beeck laid plans for the first polytechnic institution in the United States and was a member of the faculties of the University of Virginia and the University of Pennsylvania. Professor Oskar Halecki, one of the greatest of Europe's historians, now heads the Polish Institute of Arts and Sciences in New York City. Dr. Ralph Modjeski, one of the best-known engineers in the United States, is chairman of the Board of Engineers of the San Francisco-Oakland bridge and served as consultant on the Manhattan bridge over the East River, New York, and the Mid-Hudson bridge at Poughkeepsie; he is the son of the famous Polish tragedienne, Madame Helena Modjeska, who died in 1909. A monument to her was unveiled in 1935 in Anaheim, California.

The late Bronislaw K. Malinowski, Bishop Museum visiting professor of anthropology at Yale University (who died in 1942), was recognized as one of the great social anthropologists of modern times. He developed a new way of looking at primitive cultures. He came to anthropology in the days when the greater emphasis was centered on recording and classifying the peculiar antics of savage peoples and attempting to reconstruct the evolutionary histories which would lead back into a prehuman animal world. Malinowski was the first to state the necessity of participating directly in the lives of savages; it was his technique to observe a primitive people from within, through its own langauge and the eyes and sentiments of its members. In his numerous studies he became the founder of a new approach in that field, now known as functionalism. This approach emphasized the functional interrelationships of all cultural phenomena in the structure of society. Dr. Joseph Jastrow, on the other hand, was a psychologist, professor of psychology at the University of Wisconsin for thirty-nine years. Long a valiant tilter at man's absurdities, he wrote fourteen books and numerous articles, from 1935 to 1938, lectured regularly on the NBC network. Dr. Feliks Gross, a well-known sociologist, founded the Central and Eastern European Institute during World War II. Staff Sergeant Sylvester Frederick Dudex of Philadelphia received the *Virtuti Militari* for heroism while gunner on a Polish Wellington bomber.

---

[1] Thaddeus Hoinke, "The Polish Contribution to America," pp. 74–75, in *Poles in America*, Tomczak, Anthony C., Editor. Chicago, Polish Day Association, 1933.

[2] "Purged Philharmonic," *Time*, XLII, 16 (October 18, 1943), p. 24.

GENERAL LEAVE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order of today.

The SPEAKER pro tempore (Mr. HUNGATE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUGAR REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, at the outset I wish to compliment Chairman POAGE on the policy changes he has initiated in regard to committee consideration of sugar legislation. He gave notice early that he would not receive foreign lobbyists for private discussions, that all his contacts with foreign lobbyists would be in open hearing on the public record, and that a public record be made of foreign agent registration.

These measures, I feel, have built public confidence in the legislative process and have set a good prudent standard for others of us on the committee. As a former newspaperman. I say the best protection for the public under this program is disclosure of the facts as to who represents whom, when and for how much.

Politics is the art of the possible. This must be kept in mind as we consider the politics of sugar in 1971.

Fundamental change is difficult to achieve even under ideal circumstances in a program as longstanding and complex as the Sugar Act.

Inertia is a powerful force in the law of physics and even more powerful in the law of sugar. The Sugar Act has been in motion for more than 37 years, and its natural tendency—like other things in the physical world which are in motion—is likewise to remain in motion.

Producers, suppliers and major users of sugar are highly organized. Witness the lobbyists who have kept the Committee on Agriculture hearing room filled through day after day of long hearings. Domestic interests are so highly organized they were able to present an unchallenged united front on specific legislative recommendations.

These varied but coordinated interests have succeeded in convincing large numbers of Representatives and Senators to accept the dubious proposition that the Sugar Act is much too complex, precious and delicate for even minor remodeling.

Up to this point at least, the adminstration has not announced a position.

FEW REFORM ADVOCATES

Other prospective reform advocates are few in number. Consumers and taxpayers are poorly organized. The role of sugar, while important, is not prominent in the family budget. Moreover, the complexity of the act tends to discourage such lay groups from effective attack. Sugar price advances—starting of course from a very high base—have been no more spectacular than other food items. The U.S. cartel is so neatly packaged its defenders can even make an argument—though a very superficial one—that the act makes money.

It is easy to see why domestic producers like things as they are. For all practical effect, markets and prices are fully guaranteed. Foreign competition is tightly regulated. Direct Government payments are a pleasant extra for which no resource adjustment is required.

The act makes life easy for major users by providing merchandising services. Supplies are steady. So are prices, although at steadily higher levels.

Quota countries could hardly be happier. The U.S. market is highly profitable—the sweetest premium market in the world.

All this is by way of saying that change this year will not be easy. But change is needed for two main reasons: first, foreign suppliers are paid to much; second, government payments to individual domestic producers go too high.

My recommendations will deal only with these two items.

The premium foreign suppliers get when they sell sugar to the United States amounts to a gigantic unregulated foreign-aid program whose annual value ranges between $250 million and $350 million a year.

It differs from the traditional foreign-aid program in two most unfortunate respects: first, it is financed entirely by U.S. citizens as consumers, not as taxpayers; second, its benefits are distributed with little discrimination and with no social objective.

The very existence of the high-paid corps of foreign sugar lobbyists is evidence that foreign quotas are a much-prized bonanza.

FOREIGN QUOTA BONANZA

The degree to which the American people are fleeced by the foreign quota provisions of the act is indicated by data supplied to the Committee on Agriculture by Mr. Arthur L. Quinn, representing British Honduras. In testimony Tuesday of last week he stated that the FOB realized return by Honduras on sugar supplied in 1970 to various markets was as follows: 15,758 tons to the United States at $136 a ton; 23,692 tons to the United Kingdom at $99 a ton; and 27,194 tons to Canada at $80 a ton.

"Net realized" means after any duties and import fees are paid.

Translated, Honduras got 6.8 cents a pound from the United States, 5 cents from the United Kingdom, 4 cents from Canada. The world price was a notch lower at 3.8 cents.

Lobbyists, of course, defend the prices paid for foreign sugar and insist that a lower U.S. price would be a serious if not mortal blow. This reaction is natural, perhaps, as no one welcomes income reduction.

When speaking for the West Indies, Mr. Quinn indicated his clients in recent years lost money on two-thirds of their exports—that to the United Kingdom system—and survive only because of the profit realized from shipments of the remaining one-third—that to the United States. Others have made similar allegations.

I seriously question the validity of the allegation of losses on sales to the United Kingdom market. But even if one accepts it, a larger question remains. Why should the United States keep itself in the curious position which, in effect, subsidizes sugar prices throughout the United Kingdom system?

The injustice in the present pricing system is also apparent when one recognizes that no foreign producer faces cost items as high as those which confront U.S. producers, yet each gets the advantage of a price based on U.S. costs.

For example, wages as little as $1.50 or $2 a day are still commonplace among foreign suppliers; $4 a day is big money. Contrast these with almost $35 a day paid to workers in Hawaii and $1.85 an hour in the sugar beet areas of the United States.

Despite the wage differential, foreign suppliers get almost the same price in the U.S. market as domestic producers.

Somehow, Congress must devise a way to get a better price on sugar supplied by foreign countries. Under the present arrangement the American people get hooked, and bad.

Direct Government payments to some individual producers go much too high. The largest made in 1969 are listed below.

Government payments at any level are hard to rationalize in a controlled market in which profitable market prices are virtually guaranteed. They can be justified only in social terms, that is, to meet a need for farm-family income supplement. At the level of those listed, payments are an absolute outrage.

An annual limitation not higher than $55,000 should be established, as under the feed grains, wheat and cotton programs. Under each of these latter programs, farmers must make substantial adjustment of resources—that is, land retirement—in order to establish entitlement. Under sugar, there is none. My own preference is a $20,000 aggregate level for all programs.

PASS MORE BACK PROPOSAL

And the individual limit should be an honest one. Schemes to negate the effect of the limit, like the "pass-back 40–40" invention proposed to the committee last Friday by the domestic industry must be rejected. The "pass-back" is evasion on its face and an insult to the integrity of the Committee on Agriculture.

In fact, the "pass-back" scheme could accurately be named "pass more back," because it will yield a substantial increase for the big six—the largest of the giant sugar-producing corporations.

Under the "pass more back" formula, each will get 40 cents per hundredweight on all production compared with present sliding-scale rates which, due to varying production, range between 33.8 cents and 39.1 cents.

The extra bonanza these giants have lined up for themselves comes to an aggregate of $517,703.72 based on 1969 production. It is a good thing for the American people the sugar industry did not propose an even lower limit.

In that year two producers each got a payment in excess of $1,000,000. The "pass more back" formula will boost this largess, compliments of the U.S. taxpayer, by a hefty 20 percent.

Here are the details:

SUGAR INDUSTRY "PASS MORE BACK" PROPOSAL

	1969 production (pounds)	Current rate at—(cents)	1969 payment	Pass back at 40 cents	Increase under pass back
Hawaiian Comm. & Sugar Co., Puunene	3,698,732	33.2	$1,229,666.32	$1,479,492.80	$249,826.48
U.S. Sugar Corp., Clewiston, Fla	3,179,767	33.8	1,073,980.08	1,271,906.80	197,926.72
Waialua Sugar Co., Waialua	1,472,286	38.2	561,735.90	588,914.40	27,178.50
Oahu Sugar Co., Waipahu	1,365,555	38.8	529,717.61	546,222.00	16,504.39
South Puerto Rico Sugar Co., South Bay	1,341,498	38.9	522,499.44	536,599.20	14,099.76
Lihue Plantation Co., Lihue	1,322,192	39.1	516,708.93	528,876.80	12,167.87
Net increase					517,703.72

Distinguished support for the limit on individual payments comes from Dr. John A. Schnittker, Under Secretary of Agriculture from 1965–68. In a speech October 20, 1970, to the Sugar Club of New York, he said:

> Limiting direct Government payments to farmers is a popular issue today; the limitation in the new farm bill is long overdue. Limiting Treasury payments to $55,000 per crop—or to $20,000, as I would prefer—will not "destroy the farm programs." Limiting Sugar Act payments to $55,000 will not destroy the Sugar Act, nor will it generate a sugar shortage nor threaten the security of the United States.

The payment limit provisions in the Sugar Act must be carefully drawn. It is clear that the payment limit in the Agricultural Act of 1970 applying to wheat, cotton, and feed grains will effect almost no savings to the Government.

The $55,000-payment limit makes sense in several ways. Provided no farm splitting occurs, expenditures for direct Government payments would be reduced about $12,441,000 a year. Second, it would serve to retard the trend toward bigness in sugar production, in that production above 27,495 tons of beets a year by a single farmer would have no entitlement for direct payment. This is the production on 1,833 acres, using 1969 crop data averages.

Conceivably the payment limit will lead to the permanent subdivision of some farm units, and if so, this would accord with the philosophy so often expressed legislatively by the Committee on Agriculture which favors the family structure—as opposed to the corporate structure—in American agriculture.

Reform of the administration of the present sliding scale of individual payments is also needed.

The General Accounting Office a year ago completed a study to determine the manner in which the constitution of farms under the sliding scale of payments was being administered by the Agricultural Stabilization and Conservation Service. Payments range from 30 to 80 cents per hundredweight depending on the size farm, with small farms favored.

In six of the seven States in which the review was conducted, GAO found that county ASCS offices had not adequately reviewed nor had State offices effectively monitored constitutions of sugar beet and sugarcane farms. GAO found instances where two or more separately constituted farms were owned and operated by the same individual or individuals. According to the USDA guidelines, such farms should have been constituted as one farm for Government payment purposes. Because of the sliding scale method of payment, the farmowners received total payments in excess of what they would have received had the farms been constituted as a single farm as they should have been.

The GAO report recommends:

> The Administrator, Agricultural Stabilization and Conservation Service, should establish procedures at the state and national organization levels to provide assurance that (1) county offices and committees are making annual reviews to determine the propriety of the sugar farm constitutions and (2) determinations made by county committees are consistent with applicable regulations and instructions.

USDA currently is reviewing its farm constitution requirements in light of the GAO report. The Committee on Agriculture should demand that USDA move with all dispatch to implement these recommendations under any extension of the act, and if necessary, draft directives in the act to insure compliance.

What should be done to bring to a reasonable level the price we pay for foreign sugar?

I will list three different approaches in order of my preference:

First. Secure all foreign supplies by competitive bidding.

Under this procedure, the Secretary, through the Commodity Credit Corporation, would be authorized to purchase all foreign sugar requirements through contracts established by competitive sealed bidding. At least once a year, he would issue a general invitation to all foreign sugar producers to submit bids as to quantity, price, and delivery, and would accept those determined to be best. Contracts could be for more than 1 year if deemed advisable.

The Secretary would make purchases under these contracts as domestic market conditions require. He would pay the price specified in the contract, sell the sugar into domestic channels at the going U.S. market price, and deposit the difference in the general fund of the U.S. Treasury. Under this arrangement, the present import duty on sugar logically would be eliminated.

Like the other two alternatives I will mention, this approach would leave protection for U.S. producers exactly as presently.

Several advantages are obvious: It would end all discrimination among foreign sugar producers. Each would be given an equal, fair chance at supplying the U.S. sugar market.

It would take Congress out of the business of allocating high-profit business among certain favored sugar-producing nations. Neither the executive branch nor the Congress would have favors to distribute to foreign suppliers. These countries would have no reason to continue to employ sugar lobbyists.

It would establish for the first time in years a meaningful world price for sugar. This would be useful to the Congress in deciding future questions of domestic price policy.

The acquisition of foreign sugar supplies at long last would be on a reasonable business basis. The foreign-aid component would be completely extracted, and therefore the Congress would no longer be tempted to use sugar as a tool of foreign policy.

The change would not necessarily alter present patterns in sugar supply. Undoubtedly countries now supplying sugar to the United States would wish to continue and therefore would seek contracts. In evaluating bids the Secretary would of course take into account such factors as past performance, capacity, proximity as well as price factors.

The change, while of course retaining the basic elements of State-trading that now exist, would be progressive in several ways. Country quotas, and the discrimination they imply, would be ended. Prices would be determined through fair and open competition. Since U.S. foreign purchases amount to a large portion of total world trading in sugar, the shift to competition might establish a trend of reform in other cartel arrangements.

Competitive bidding would serve the public interest in another important way. It would reduce the potential for mischief that now exists in the system of raw sugar purchases.

Refiners now rarely deal with foreign suppliers through the traditional broker system. Instead they deal with what can be termed raw-sugar operators, a group of seven large concerns which control almost all of the foreign raw sugar we import. In many cases these firms buy foreign sugar and then sell it to U.S. refiners, instead of serving only as brokers. This trend towards monopoly puts in very few hands control of immense raw-sugar supplies and opens unfortunate possibilities for manipulation of the U.S. market. According to one source, the largest seven supplies to the United States control the following percentages of imported sugar:

	Percent
Czarnikow-Rionda Co	25–30
M. Golodetz and Co	15–20
Christman Associates	10–15
Farr, Whitlock, Dixon & Co	8–12
Amerop Corp	8–12
Cargill, Inc	8–12
Lamborn and Co	8–12

My proposal would reduce, if not eliminate, this potential for mischief.

Second. Recapture to the U.S. Treasury half the difference between the world price and the U.S. price.

Based on 1970 prices, this provision would have yielded $168 million to the Treasury, while leaving to quota countries a substantial bonus for serving U.S. needs. The recapture would establish the net realized U.S. price for foreign suppliers, based on 1970, at 6.5 cents, 1.5 cents a pound above the United Kingdom system price. It would be similar to the recapture provision which was carried out about 10 years ago and, so far as I know, without complaint from GATT.

In no way would it harm domestic sugar producers. Our average U.S. sugar price in 1970 was 8.07 cents per pound duty paid at New York while the average world price was 4.88 cents per pound. We could safely recover one-half of this difference and still be sure of adequate supplies.

Third. Increase the tariff on imports from its present level at 0.625 cent a pound to 1.5 cents, and add a provision permitting the President to reduce the tariff if the world price should rise to a point he deemed dangerous to the satisfactory functioning of the program.

Normally this would add about $53 million to the U.S. Treasury above current revenue.

Of these alternatives, the competitive bidding approach strikes me as the most reasonable and fair. Each of these plans would leave the interests of the U.S. producers and their refiners as surely protected as now. Likewise, each would establish prices paid to foreign suppliers at levels more fair to the American people.

Finally, I strongly urge that the act not be extended for more than 3 years. This short-term extension would provide a test for the change as recommended and also help to create an atmosphere for further reform.

I include the following:

1969 SUGAR ACT PAYMENTS IN EXCESS OF $55,000

CALIFORNIA

Giffen Inc., Huron, $145,784.06.
C. J. Shannon & Sons, Tulare, $107,040.50.
H. M. Tenneco, Bakersfield, $106,076.13.
Hausmann & House Ranches, Brawley, $66,388.56.
Heldrick Farms, Inc., Woodland, $61,300.80.
Santiaga Ranch, Bakersfield, $58,787.04.
Chew Bros., Sacramento, $57,781.57.

FLORIDA

U.S. Sugar Corp., Clewiston, $1,073,980.08.
South Puerto Rico Sugar Co., $522,499.44.
Talisman Sugar Corp., Belle Glade, $388,061.87.
Florida Sugar Corp., Belle Glade $189,724.40.
S. N. Knight & Sons, Inc., Belle Glade. $136,547.10.
Closter Farms, Inc., Belle Glade, $131,835.85.
Sugar Cane Farms Co., Palm Beach, $130,671.75.
New Hope Sugar Co., Palm Beach, $126,704.86.
A. Duda Sons, Inc., Oviedo, $121,801.93.
715 Farms Ltd., Pahokee, $84,656.04.
Billy Rogers Farms, South Bay, $74,189.46.
Wedgworth Farms, Inc., Belle Glade, $72,587.87.
Double D Ranch, Inc., Loxahatchee, $65,464.50.
A. F. Saunders, Inc., Belle Glade, $60,994.82.
Eastgate Farms, Inc., Orlando, $58,452.75.
Ov Land Co., Clewiston, $58,025.19.
Sam Senter Farms, Inc., Belle Glade, $57,395.51.

HAWAII

Hawaiian Com. & Sugar Co., Puunene, $1,229,666.32.
Waialua Sugar Co. Inc., Waialua, $561,735.90.
Oahu Sugar Co., Ltd., Waipahu, $528,883.61.
Lihue Plantation Co., Ltd., Lihue, $516,683.93.
Pioneer Mill Co., Ltd., Lahaina, $449,783.02.
Kekaha Sugar Co., Ltd., Kekaha, $448,199.61.
Ewa Sugar Co., Inc., Ewa, $448,155.87.
Mauna Kea Sugar Co., Inc., Hilo, $402,366.91.
Kohla Sugar Co., Hawi, $383,958.50.
Hawaiian Agricultural Co., Pahala, $366,048.39.
Grove Farm Co., Inc., Lihue, $360,566.41.
Honokaa Sugar Co., Haina, $357,965.45.
Pepeekeo Sugar Co., Pepeekeo, $354,699.97.
Laupahoehoe Sugar Co., Papaaloa, $352,326.64.
Puna Sugar Co., ltd., Keaau, $323,580.68.
Hutchinson Sugar Co., Ltd., Naalehu, $321,662.97.
Hamakua Mill Co., Paauilo, $317,808.13.
McBryde Sugar Co., Ltd., Eleele, $313,934.99.
Olokele Sugar Co., Kaumakani, $304,329.84.
Wailuku Sugar Co., Wailuku, $290,128.89.
Paauhau Sugar Co., Ltd., Paauhau, $216,467.56.
Kahuku Plantation Co., Kahuku, $209,905.53.
Gay and Robinson, Makaweli, $181,819.11.
Kilauea Sugar Co., Ltd., Kilauea, $162,761.09.

IDAHO

Farm Development Corp., Boise, $142,223.50.

LOUISIANA

The South Coast Corp., Houma, $297,981.25.
Southdown, Inc., New Orleans, $186,213.42
Sterling Sugars, Inc., Franklin, $103,398.71
Milliken & Farwell, Inc., Port Allen, $72,165.79.
Churchill & Thibaut, Donaldsonville, $70,200.88.
A. Wilberts & Sons L/S Co., Plaquemine, $65,535.99.
Savoie Industries, Belle Rose, $57,192.92.

OREGON

Skyline Farms, Ontario, $56,265.62.

WASHINGTON

K2H Farms, Inc., Prescott, $111,489.80.

PUERTO RICO

Luce & Co., S en C, Aguirre, $279,575.74.
Antonio Roig Sugar, Humacao, $209,863.13.
Sucn. J. Serralles & Wirshing, Mercedita, $152,678.53.
South Puerto Rico Sugar Corp., Ensenada, $135,218.78.
Arsenio Martinez Bian, Coloso, $117,813.62.
Producer 660019587 type (No current name and address, $165,887.69.
Ernesto Quinones Sambolin, San German, $56,162.64.

ACCELERATED DEPRECIATION ALLOWANCE AND ENACTMENT OF INVESTMENT TAX CREDIT WILL HELP BOTH BUSINESS AND LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it should be obvious to all that the better the tools for production which American workers use in their jobs, the more productive they are and, consequently, the higher will be their wages. What determines high wages and better living conditions of American working people on the whole is a continuous improvement in technological equipment.

By and large wages in the United States are higher than in foreign countries because the amount of capital invested per capita is greater and therefore the worker in America uses better and more productive tools. Our country should put fewer obstacles in the way of capital investment, not more, if we truly want to help expand job opportunities, increase productivity and raise wages.

I believe, Mr. Speaker, that more accelerated depreciation allowance for equipment and machinery should be adopted by the IRS and Congress should give urgent consideration to reinstating the investment tax credit so that we might have the type of dynamic economy that can provide the jobs and the wages which we all want for this country.

But I must admit, Mr. Speaker, I have a special interest in the man without a job. Unemployment in my district is over 7 percent and the machine tool industry in and around Buffalo has been hit hard. Changes are desperately needed to improve the U.S. annual productivity growth rate that sagged to a dismal 1.7 percent over the last 4 years, to revive a capital goods industry in which output has declined to almost depression levels, and to bring our business taxation structure more into line with that of our foreign competitors. These changes will help bring Buffalo more jobs.

Mr. Speaker, current economic indicators vividly demonstrate that fiscal action which is capable of providing the necessary stimulus to our depressed economy is urgently needed at this time. In 1970 we experienced a serious decline in economic activity and a critical increase in unemployment. Moreover, during the first quarter of 1971 we have had only a modest gain in some sectors of the economy; in others there has been further deterioration.

Gross national product, in constant prices, declined from 1969 to 1970, and has shown a disappointing gain thus far in 1971. The industrial production index—1967 equals 100—declined from a level of 109.3 in 1969 to 106 in 1970. While production for the first quarter of 1971 is above the low level reached in November 1970, the index remains below the level for the year 1970, averaging only 104.5 for the first 3 months. Unemployment, which rose to 4.9 percent in 1970, was running at or near a seasonally adjusted annual rate of 6 percent during the months of January through March of this year. These, as well as other current economic indicators, are clear evidence of the need for proper fiscal action to reverse our depressed economy.

It is highly pertinent to observe that economic decline followed the repeal of the investment tax credit in 1969. And it is more than coincidental that we experienced a period of high prosperity, low unemployment, and continuously rising levels of investment in plant and equipment during the period 1962–69—the years during which the investment tax credit was in effect.

I realize that other fiscal measures

were contributory to the high levels of economic activity during the period 1962–69 as compared to the depressed economic period of say 1957–61. However, it is generally recognized that the investment tax credit was a substantial contributing factor. In fact, the committee reports in 1966 highlighted the excessive rise in investment in machine tools and other productive facilities as a major reason for providing a temporary suspension of the credit.

A Government survey in late 1970 showed that business planned to increase their plant and equipment investment expenditures less than 2 percent in 1971. A more recent survey, which was taken after the President's announcement of the liberalized depreciation rules, showed an expected rise of over 4 percent. By reinstating the 7-percent investment tax credit we can hope to raise investment to higher levels such as those reached during the investment boom period of 1962–69. This will result in higher production, create more jobs and higher incomes, and revitalize our entire economy.

The machine tool industry has suffered sharp setbacks since the repeal of the investment tax credit. This has hurt not only that industry, but also the general economy and American competitiveness in foreign markets. The value of new net orders for metal cutting type machine tools in 1969, for example, were reported at $1.2 billion by the National Machine Tool Builders Association. These orders declined to $650 million in 1970. In the first quarter of 1971 they were running at an annual rate of only 70 percent of the 1970 level, and had declined to about half the level of the first quarter of 1970. Also, metal forming type machine tools which also represent a sizable part of the machine tool industry has suffered serious declines from 1969 and further reductions during the months of January-March of this year.

One of the major arguments set forth by opponents to reinstating the investment tax credit is that business will not respond to the incentive because it is already operating at levels below capacity. This is a shallow view. As long as a substantial part of productive facilities are obsolete or technologically outmoded, industry will respond to a financial incentive designed to encourage modernization of their facilities. I would like briefly to present a few findings of a survey conducted in the fall of 1970 by the economics department of McGraw-Hill Publications Co. to determine how modern American industry is. For business as a whole, almost 20 percent of its installed capacity is 20 years or older. Almost 44 percent is more than 10 years old. For manufacturing the situation is only slightly better. In regard to technological obsolescence, business considers 12 percent of its plant and equipment technologically outmoded. For manufacturing the percentage is 15 percent. It would cost an estimated $144.5 billion for industry to replace these outmoded facilities. For manufacturing alone the cost would be $80 billion.

Thus, Congress should be gravely concerned not only about the depressed economy but about the basic condition of American industry. We are not facing industrial competition from countries devastated by wars as we were 20 years ago but rather revitalized countries that are now first rate industrial powers that have taken away a large part of our foreign markets. As a result we have been experiencing large unfavorable balances of payments in recent years. Thus, we must continue to modernize our industry and at the same time provide the fiscal stimulus to effect a resurgence in our depressed economy. We can make a substantial contribution toward this goal by reinstating the 7-percent investment tax credit now, and I believe a concerted effort should be made in the Congress to show support for the proposal by the Internal Revenue Service to modernize the asset depreciation range.

Mr. Speaker, at this point I include an article from the Wall Street Journal on the machine tool industry, a press release, and a letter from a constituent:

[From the Wall Street Journal, Apr. 26, 1971]

MACHINE TOOL ORDERS GAINED 6.7 PERCENT IN MARCH—DELIVERIES ALSO ROSE SLIGHTLY FROM FEBRUARY AS RECENT SLUGGISH TREND CONTINUED—QUARTER DOWN 42 PERCENT FROM 1970

Machine tool orders in March improved slightly from February, but continued the generally depressed trend of recent months. Machine tool builders say a major economic upturn will be required to create lively demand for machine tools.

March orders for all types of machine tools rose to $63.1 million, a 6.7% gain from the $59.1 million in February but far below the $96.3 million of March 1970, according to National Machine Tool Builders' Association.

Orders for lathes, milling machines, grinders, machining centers and other machines to shape metal by cutting rose to $42.5 million in March from $39 million in February but trailed the $76 million of a year earlier. March orders for presses and other machines to shape metal by pressure were $20.6 million, up slightly from $20.1 million in February and $20.4 million in March of last year.

ORDERS FALL 42 PERCENT IN QUARTER

Reflecting the depressed levels prevailing so far this year, first quarter orders for machine tools were $176.4 million, 42% below the $305.4 million of a year earlier and the lowest for any quarter since the $171.5 million for the third quarter of 1960.

"Incoming orders during the first quarter of 1971 proved significantly more disappointing than had been carefully predicted as recently as last December," said F. P. Austin Jr., vice president, finance, Brown & Sharpe Manufacturing Co., North Kingston, R.I.

"I think the machine tool order rate has bottomed out," said J. T. Bailey, president, Warner & Swasey Co., Cleveland. The company saw a small improvement in February, March and April, he adds.

WARNER & SWASEY CLOSINGS

Nonetheless, Warner & Swasey's big Cleveland turning division still is shipping machines faster than orders are being received, Mr. Bailey said. Consequently, Cleveland turning plants will close for one week in each of the next three months in addition to the normal two-week vacation closing in mid-summer, he said.

Acme-Cleveland Corp. agreed that orders have begun to pick up slightly but said "it may take some time for customers' requirements to reach more satisfactory levels."

U.S. industrial plants currently are running at about 72% of capacity, said Mr. Bailey. "Historically, an operating rate of 80% is required to produce a good level of orders for machine tools."

Machine tool shipments in March rose slightly to $92.9 million from $90.9 million in February but trailed the $139.2 million rate of a year earlier. Producers are further into order backlogs, but many are taking measures to reduce output further. Unfilled orders at many plants have declined to the point where it is becoming impossible to reduce them further and still maintain normal production activities.

[In thousands of dollars]

	March 1971	February 1971	March 1970
Comparative new orders for metal-cutting machines:			
Domestic	$36,200	$31,700	$60,000
Foreign	6,300	7,300	15,950
Total[1]	42,500	39,000	75,950
Metal-forming machines:			
Domestic	18,600	16,950	17,000
Foreign	1,950	3,150	3,350
Total[2]	20,550	20,100	20,350
Comparative shipment figures for metal-cutting machines:			
Domestic	51,200	47,650	82,500
Foreign	12,800	11,750	15,700
Total[3]	64,000	59,400	98,200
Metal-forming machines:			
Domestic	27,400	28,300	38,200
Foreign	1,500	3,200	2,750
Total[4]	28,900	31,500	40,950

[1] 3-month total for 1971: $118,025,000; for 1970: $231,050,000

[2] 3-month total for 1971: $58,100,000; for 1970: $74,350,000

[3] 3-month total for 1971: $181,050,000; for 1970: $279,400,000

[4] 3-month total for 1971: $91,550,000; for 1970: $121,250,000

PRESS RELEASE

The machine tool industry closed out the first quarter of 1971 with orders totaling $176,350,000 for the three month period. This total represents the lowest order volume for a single quarter since the third quarter of 1960.

During the corresponding period of 1970, the three month order total reached $305,400,000 or 42% higher than the quarter just ended.

The month of March, 1971, accounted for $63,050,000 of the first quarter total compared with $59,100,000 in February, representing a 7% increase. During March a year ago, however, industry orders totaled $96,300,000.

Metalcutting type machine tool orders in March were $42,500,000 or 9% higher than the February figure of $39,000,000. Comparing quarterly figures, metalcutting machine tool orders for the first three months of 1971 at $118,250,000 were 49% lower than the same period a year ago.

Metalforming type machine tool orders, by comparison, were off 22% in the first quarter of 1971—$58,100,000 this year against $74,350,000 in 1970.

For the month of March, metalforming machine tool orders were $20,550,000 as compared with $20,100,000 in February.

Order backlogs declined during the month to $407.9 million for metalcutting and $201.4 million for metalforming machine tools. These figures compare with $429.4 million and $209.7 million, respectively, at the end of February.

For the first quarter of 1971, industry shipments were $272,600,000 or 32% behind shipments of $400,650,000 a year ago.

Shipments of machine tools for the month of March were $92,900,000 as compared with $90,900,000 in February and $139,150,000 during March a year ago.

COMPARISON CHART

NEW ORDERS—MACHINE TOOLS

[Dollars in thousands]

	March 1971	February 1971	March, February percent change	March 1970	March 1971 March 1970 percent change	Year to date, 1971	Year to date, 1970	1971–1970 percent change
Metal cutting:								
Domestic	36,200	31,700	+14.2	60,000	−39.7	95,200	191,300	−50 2
Foreign	6,300	7,300	−13.7	15,950	−60.5	23,050	39,750	−42.0
Total	42,500	39,000	+9.0	75,950	−44.0	118,250	231,050	−48.8
Metal forming:								
Domestic	18,600	16,950	+9.7	17,000	+9.4	51,450	65,350	−21.3
Foreign	1,950	3,150	−38.1	3,350	−41.8	6,650	9,000	−26.1
Total	20,550	20,100	+2.2	20,350	+1.0	58,100	74,350	−21.9
Grand total	63,050	59,100	+6.7	96,300	−34.5	176,350	305,400	−42.3

SHIPMENTS—MACHINE TOOLS

[In thousands of dollars]

	March 1971	February 1971	March, February percent change	March 1970	March 1971 March 1970 percent change	Year to date, 1971	Year to date, 1970	1971–1970 percent change
Metal cutting:								
Domestic	51,200	47,650	+7.5	82,500	−37.9	142,350	241,500	−41.1
Foreign	12,800	11,750	+8.9	15,700	−18.5	38,700	37,900	+2.1
Total	64,000	59,400	+7.7	,98,200	−34.8	181,050	279,400	−35.2
Metal forming:								
Domestic	27,400	28,300	−3.2	38,200	−28.3	84,700	110,450	−23.3
Foreign	1,500	3,200	−53.1	2,750	−45.5	6,850	10,800	−36.6
Total	28,900	31,500	−8.3	40,950	−29.4	91,550	121,250	−24.5
Grand total	92,900	90,900	+2.2	139,150	−33.2	272,600	400,650	−32.0

Source: National Machine Tool Builders' Association.

STRIPPIT HOUDAILLE,
Arkon, N.Y., April 26, 1971

Hon. JACK F. KEMP,
House of Representatives, House Office Building, Washington, D.C.

DEAR SIR: It was indeed a pleasure meeting you Friday evening, April 16th. I appreciate the time you took from your busy schedule to discuss the problems of STRIPPIT and the Machine Tool Industry in particular.

In your letter of February 11th to Mr. Arthur L. Stern, STRIPPIT President, you requested information on Houdaille Industries relative to prospective growth, and any other material of interest. I have included for your review a copy of the 1970 Houdaille Industries Annual Report. You will note the impact of the 1970/71 recession in that our Net Income and Net Income per share of common stock was lower in 1970 than any time since 1963, and the Net Sales were the lowest since 1965.

Houdaille Industries is a progressive Fortune 500 Corporation, and one of the very few still headquartered in Buffalo. Houdaille, in fact, moved the Corporate headquarters from Detroit to Buffalo some years back. Through its seventeen (17) Divisions, the Corporation is engaged in four separate industries, Automotive, Industrial Products, Construction Materials and Contracting, and Machine Tool markets. I cannot speak in specifics for the Corporation; however, I do know great optimism exists for the future growth of our Corporation through increased market growth, increased market penetration, and the diverse application of existing and new products to new market areas. A prime example of Houdaille's foresight is the establishment, in 1970, of a new Company, Engineered Molding Systems, to serve the reinforced plastic molding market.

The STRIPPIT Division of Houdaille in Akron, New York, is the leading manufacturer of tooling and machines to punch holes in sheet material, and fulfills its market needs by providing all of the elements in holepunching systems. Thus, in 1967, STRIPPIT established an Electronics Division to engineer and build solid state numerical controls (N/C), designed primarily to optimize machine tool performance. We were among the first Machine Tool Builders to establish such an in-house capability and, in the 1968 ASTME Show in Philadelphia, STRIPPIT was the first Company to operate two different machine tools from one computer control. The supposed leading suppliers of numeric and computer controls—General Electric, Westinghouse, and Hughes—demonstrated their computer controls in 1970 at the Machine Tool Show in Chicago, while STRIPPIT, at the same point in time, had over twenty-four (24) operational computer installations in the field.

Realizing the need for increased productivity, STRIPPIT invested over $200,000 in R & D in 1970, a depressed year for our industry, to produce a punching machine using electro-hydraulic pulse motors and an open-loop control system—both of which are extensively used in Japan and Europe, but slow to be adapted to the U.S. STRIPPIT was the first American machine tool manufacturer to utilize the pulse motors because a machine of high performance and speed can be produced, and the open-loop control system eliminates electronic feed back circuits which reduce investment. The electro-hydraulic pulse motors enabled STRIPPIT to produce a machine that can punch in excess of 95 holes per minute, while our competitor, on a like machine but without the pulse motors, can punch but 65 holes per minute.

In 1970, STRIPPIT's Electronic Division developed new computer software that enables our customers to program much faster and with less complexity than any system on the market. Using our new software, a customer can program, in one statement on a 2" piece of computer tape, a piece part containing 16,000,000 holes that would require 250 miles of tape using conventional, existing methods. In 1971, STRIPPIT's Electronic Division will expand its efforts to market N/C controls to other manufacturers and, because of the prior development work, they will be able to supply units at substantial cost savings over controls currently on the market.

By adapting the existing N/C control to a relatively simple positioning device, our Electronics Division is also marketing a machine to wrap wires to connector pins on computer panels, requiring lower investment and giving higher productivity to the electronic industry.

STRIPPIT has a progressive, aggressive management team that believes survival and growth are contingent upon the continued development of products that will increase productivity and thus enable our customers to effectively combat increasing labor costs. We are convinced we have the in-house capability to initiate and bring to the market place the necessary products to achieve these objectives. We have, however, serious doubts that the economic atmosphere for the machine tool industry will be healthy enough to enable STRIPPIT to attain its objectives.

In 1970, domestic metal forming machine tool orders declined 49% from 1969. Of the thirty leading world countries supplying machine tools, only the United States suffered a decline in 1970 output, and this decline was over 135%. The significance of this decline can be further appreciated in light of the fact that West Germany's output in 1970 was only $25.5 million less than America's. The 1971 forecast indicates West Germany, and possibly the Soviet Union, will surpass the U.S. in machine tool output, thus dethroning America of a title she has held since the 1800's. A sad day indeed.

The prominence of West German competition saddens STRIPPIT because our primary foreign competition is from two West German firms, Behrens and Trumpf. Although STRIPPIT has been an innovator throughout the years, the recent depressed condition of the machine tool industry has sharply reduced our R & D efforts. In 1967, we envisioned designing an Automatic Tool Change (ATC) system to be marketed around 1970. We were unable to maintain our schedule because of the depressed economic conditions and, subsequently, Trumpf has recently announced they now have ATC, and will market aggressively in the U.S.

We think you will agree that we have been a leader in our field, but that our industry now suffers economic pains which threaten our growth and very existence.

I wish to again extend an invitation to visit our plant, meet our 500 employees, and discuss alternative solutions to our industry problems, with our management. If it would be more convenient for you, our management is most willing to meet with you in Washington. Thank you for your consideration and time.

Very truly yours,

DENNIS M. WARWICK,
Manager, Marketing Services.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION WITH THE REPUBLIC OF TURKEY CONCERNING CIVIL USES OF ATOMIC ENERGY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 10 minutes.

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues in the Congress that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on April 29, 1971, submitted to the Joint Committee a proposed amendment to the agreement for cooperation between the Government of the United States and the Government of the Republic of Turkey concerning civil uses of atomic energy. The Atomic Energy Act requires that such proposed amendment lie before the Joint Committee for 30 days while Congress is in session before becoming effective.

The existing agreement provides for cooperation between the two nations in research activities relative to applications of nuclear energy for civil uses. Its term is due to expire on June 9, 1971. The principal purpose of the proposed amendment is to extend the term of the agreement for an additional 10 years.

The amended agreement also contains provisions reflecting the transfer of safeguards responsibilities for materials and facilities received by Turkey under the agreement to the International Atomic Energy Agency pursuant to a trilateral agreement executed in 1968. The international agency will continue its responsibility for such safeguards with the rights of the United States being suspended during the time and to the extent that the international agency safeguards are in effect and the United States agrees that the need to exercise its rights is satisfied.

In keeping with the general practice of the joint committee, I include in the RECORD, for the information of interested Members of the Congress, the text of the proposed amended agreement for cooperation together with supporting correspondence:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 28, 1971.

HON. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

(a) A proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Turkey Concerning Civil Uses of Atomic Energy;

(b) A letter from the Commission to the President recommending approval of the amendment; and

(c) A letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the amendment and authorizing its execution.

The main purpose of the amendment is to extend the current Agreement for Cooperation, which has been in effect since 1955 and pertains to research applications of atomic energy. The scheduled termination date is June 9, 1971; the extension of the term, pursuant to Article III of the amendment, will be for ten years.

Article I of the amendment pertains to the exercise of safeguards responsibilities by the International Atomic Energy Agency for materials and facilities transferred under the bilateral to Turkey. In accordance with the amendment of 1966 the United States, Turkey, and the Agency signed a standard trilateral safeguards agreement in 1968.

Accordingly, Article I incorporates language reflecting conclusion of the trilateral and specifies that the application of safeguards under the Agreement for Cooperation will be carried out in accordance with the 1968 trilateral agreement, as it may be amended from time to time. In view of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, this article also allows for the possible future exercise of Agency safeguards responsibilities in accordance with an agreement which may be entered into between Turkey and the Agency pursuant to Article III of the Treaty. United States safeguards rights under the Agreement for Cooperation would be suspended during the time and to the extent the United States Government agrees that the need to exercise such rights is satisfied by a safeguards agreement under either the trilateral or Treaty alternatives. This approach to the transfer of safeguards responsibilities is also reflected in the 1970 Agreement for Cooperation with Finland and the amendment to the Swedish Agreement of 1966.

Articles II and IV were developed in the negotiations to accommodate a general policy of the Government of the Republic of Turkey.

Article II states expressly that either the United States or Turkey may propose amendments to the Agreement for Cooperation and that, thereupon, the parties would enter into consultation in such regard. This accords with our normal practice.

Article IV incorporates a termination procedure in response to the general Turkish requirement for the inclusion of such a provision in all international agreements entered into by the Turkish Goverment. Although termination provisions of this type have not been included in previous Agreements for Cooperation, it is recognized that the agreements are entered into for varying periods of time and that any one of them could expire if the other government were not interested in an extension, thus creating a situation similar to termination. Article IV was accordingly developed in a manner which would assure that an act of termination would not create any legal rights different from those which would exist upon expiration of the agreement. Thus the article specifies that either Party may terminate the Agreement for Cooperation by giving two years' written notice. Upon termination at the end of the two-year period, each Government would have the same rights as if the agreement had expired on that date.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 9, 1971.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Turkey Concerning Civil Uses of Atomic Energy, which was signed in 1955. The amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. The Atomic Energy Commission recommends that you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security and authorize its execution. The Department of State supports the Commission's recommendation.

The main purpose of the amendment is to extend the current Agreement for Cooperation, which has been in effect since 1955 and pertains to research applications of atomic energy. The scheduled termination date is June 9, 1971; the extension of the term, pursuant to Article III of the amendment, would be for ten years. Before discussing the other provisions of the text, I should like to note that the amendment would not increase the net fuel ceiling of fifteen kilograms of U-235 established in the current agreement which may be distributed as fuel by the United States.

With regard to proposed Article I, the current agreement, pursuant to the latest amendment of 1966, envisages the exercise of safeguards responsibilities by the International Atomic Energy Agency respecting materials and facilities transferred under the bilateral to Turkey. In accordance with that intent the United States, Turkey, and the Agency signed a standard trilateral safeguards agreement in 1968. Accordingly, Article I would incorporate updating language reflecting conclusion of the trilateral, specifying that the application of safeguards under the Agreement for Cooperation will be carried out in accordance with the 1968 trilateral agreement, as it may be amended from time to time. In view of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, this article also allows for the possible future exercise of Agency safeguards responsibilities in accordance with an agreement which may be entered into between Turkey and the Agency pursuant to Article III of the Treaty. United States safeguards rights under the Agreement for Cooperation would be suspended during the time and to the extent the United States Government agrees that the need to exercise such rights is satisfied by a safeguards agreement under either the trilateral or Treaty alternatives. This approach to the transfer of safeguards responsibilities is also reflected in the 1970 Agreement for Cooperation with Finland and the amendment to the Swedish Agreement of 1966.

Proposed Articles II and IV were developed in the negotiations to accommodate a general policy of the Government of the Republic of Turkey.

Article II would state expressly that either the United States or Turkey may propose amendments to the Agreement for Cooperation and that, thereupon, the parties would enter into consultation in such regard. This accords with our normal practice.

Article IV would incorporate a termination procedure in response to the general Turkish

requirement for the inclusion of such a provision in all international agreements entered into by the Turkish Government, a provision not expressly included in previous civil Agreements for Cooperation. Recognizing that Agreements for Cooperation are entered into for varying periods of time and anyone of them could expire if the other government were not interested in an extension, Article IV was developed in a manner which would assure that an act of termination would not create any legal rights different from those which would exist upon expiration of the agreement. Thus the article specifies that either Party may terminate the Agreement for Cooperation by giving two years' written notice. Upon termination at the end of the two-year period, each Government would have the same rights as if the agreement had expired on that date.

Following your approval, determination, and authorization, the proposed amendment will be formally executed by appropriate authorities of the United States and the Republic of Turkey. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the amendment will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

_____ _____,
Chairman.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION WITH TURKEY CONCERNING CIVIL USES OF ATOMIC ENERGY

THE WHITE HOUSE,
Washington, D.C., April 20, 1971.

DR. GLENN T. SEABORG
Chairman, Atomic Energy Commission:

The proposed Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Turkey Concerning Civil Uses of Atomic Energy, which you submitted for my approval with your letter of April 9, 1971, has been reviewed.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed Amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

(b) Authorize the execution of the proposed Amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Republic of Turkey,

Desiring to amend the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of the Republic of Turkey, signed at Washington on June 10, 1955 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreements signed at Washington on April 27, 1961, June 3, 1965, and May 11, 1966,

Agree as follows:

ARTICLE I

Article VI bis of the Agreement for Cooperation, as amended, is amended to read as follows:

"The application of safeguards to materials and facilities subject to safeguards under this Agreement will be carried out in accordance with the multilateral safeguards transfer agreement signed by the Government of the United States of America and the Government of the Republic of Turkey and the International Atomic Energy Agency on September 30, 1968, as it may be amended from time to time, or in accordance with a safeguards agreement between the Government of the Republic of Turkey and the International Atomic Energy Agency pursuant to Article III of the Treaty on the Non-Proliferation of Nuclear Weapons, it being understood in both cases that the safeguards rights accorded the Government of the United States of America under this Agreement will be suspended during the time and to the extent that the Government of the United States of America agrees that the need to exercise such rights is satisfied by a safeguards agreement as contemplated in this paragraph."

ARTICLE II

The following new Article is added directly after Article VII of the Agreement for Cooperation:

"ARTICLE VII BIS

"Either Party may propose in writing to the other Party amendments to this Agreement. The two Parties shall thereupon enter into consultations with regard to such proposed amendments."

ARTICLE III

Article VIII of the Agreement for Cooperation, as amended, is amended by deleting the date "June 9, 1971" and inserting in lieu thereof the date "June 9, 1981".

ARTICLE IV

Either Government may terminate the Agreement for Cooperation by giving the other Government two years' written notice of intent to terminate, in which event the Agreement will terminate at the end of the two-year period. On termination, each Government shall have the same rights as if the Agreement had expired on the date of termination.

ARTICLE V

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

TRANSCENDENT PANAMA CANAL ISSUE: U.S. SOVEREIGNTY OR U.S.S.R. CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, as has been often stated, there is no better way to judge the future except by the past. It has been my years of study of Caribbean history that has enabled me on various occasions to foresee and to warn the Congress of events that subsequently occurred in the Canal Zone, Panama, and the Dominican Republic. Any satisfaction that one may feel in having made accurate predictions is indeed a sterile one.

Since World War II, the Panama Canal has been the focus of a series of crises. At present it is in another one, combining a "battle of the routes" for a site of a new canal and a "battle of the levels" as regards the modernization of the existing canal that has been greatly complicated by a planned assault on United States sovereignty and ownership of both the Canal Zone territory and the canal itself.

The report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88–609 submitted its final report to the President on December 1, 1970. It recommends the construction in Panamanian territory about 10 miles west of the existing canal of a new canal of so-called sea level design with what are, in effect, enormous tidal locks, which recommendation is being challenged by competent experts in and out of Government service. Not only that, participants in the recent canal inquiry have publicly admitted the following:

First. That the prime purpose of a sea level canal is to secure better treaty relationships with Panama;

Second. That in event of failure to secure such relationships it is not justified; and

Third. That, in any event, it is not economically justified and may never be built.

One point that I have repeatedly stressed is that a sea level project in Panama hinges upon the surrender to that country of U.S. sovereignty over the Canal. This, Mr. Speaker, to any realistic observer, is unthinkable and against the best interests not only of the United States and interoceanic commerce that pays tolls but also the economic well being of Panama and hemispheric security.

In any realistic evaluation of the Panama Canal, it forms a part of the coastline of the United States. No less an authority than Admiral Mahan, after studying the war with Spain, stated that its exclusive control by the United States is "as really a matter of national defense as is the protection of New York Harbor." Lessons of the War with Spain, Boston's Little, Brown & Co., 1899, page 298. History has justified his vision.

Mr. Speaker, it is, I believe, most significant that Robert B. Anderson, the chief negotiator for the repudiated 1967 proposed canal treaties and chairman of the former study commission recommending a new canal of so-called sea level design, recently visited the Isthmus arriving there on March 28, 1971, for a series of conferences relative to reopening canal treaty negotiations. In view of his record of failure as a diplomat as regards the 1967 proposed canal treaties, it is indeed surprising that he was continued on such assignment and I have been wondering what would transpire.

The Panama Government has now appointed an expanded negotiating team to start talks in Washington on new treaties next month. In a sudden cabinet shakeup, it has reorganized the government to give it a "more leftist complexion," and the Foreign Minister of Panama has announced that the aim of his government is "full jurisdiction in the zone—political, administrative, judicial, labor, and all other."

Mr. Speaker, what is the meaning of the sudden dismissal of former cabinet officers loyal to the regime of General Torrijos and supplanting them with leftists? Actions like this are not accidental but sinister and significant. It is because of a secret alliance with the U.S.S.R. that would transform Panama into another Cuba and place Soviet power astride the great Isthmian waterway as was accomplished at the Suez Canal? These are questions now being asked in both Panama and the United States and need to be answered.

As I have stated before and shall do so again and again, the real issue on the isthmus is not Panamanian versus United States control of the Panama Canal but U.S. sovereignty over the Canal Zone versus Soviet control; and this is the transcendent question that the Congress must face promptly and forthrightly.

To meet this issue my able and distinguished colleague from Missouri (Mr. Hall) and I along with some 60 other Members of the House have introduced resolutions that aim to clarify and make known to the world what this body considers the lawful rights, power and authority of the United States in the zone territory and our intention to preserve them.

As to what the foreign minister terms "creeping obsolescence of the present canal," this is a misleading term. The Panama Canal is not obsolescent but it is approaching capacity saturation that can be corrected by the relatively simple and inexpensive means of construction wholly in the Canal Zone an additional channel of larger locks for the larger vessels, for which the needed measures have been introduced in both Houses of the Congress. The combination of sovereignty, clarification, and reaffirmation, coupled with the major modernization of the existing canal as provided in pending measures in the Congress, should resolve the canal problem for generations to come and enable responsible officials to concentrate on providing the best canal for the transit of vessels at least cost. The time has come for the Congress to act and thus to end the post World War II era of confusion. Attention is invited to my address in the Congressional Record of April 15, 1971, on "Panama Canal Basic Issues: Sovereignty and Modernization," which includes the texts of pending measures.

In order that the Congress and the Nation at large may have some of the documentation upon which my present remarks are based and better realize the urgency of the situation, I include two recent news stories from Panama as follows:

[From the New York Times, Apr. 25, 1971]

Panama's Cabinet Given a Leftist Slant

(By Juan de Onis)

Panama City, April 21.—A cabinet shakeup provoked by Gen. Omar Torrijos, the strongman behind the Panamanian regime, has given a more leftist complexion to the Government.

Some diplomatic observers believe that the ministerial changes last week were designed to strengthen the "revolutionary" image of the Government at a moment when Panama seems ready to reopen negotiations with the United States on new treaties governing the Panama Canal and its defenses.

These observers speculate that General Torrijos may have begun to build a broad popular movement to serve as a political instrument for elections if Panama's army, the National Guard decides to restore constitutional rule. General Torrijos, 42 years old, commands the 6,000-man guard.

The most important Cabinet change placed Juan Materno Vásquez in the key political post of Minister of Government and Justice.

This was coupled with the sudden unanimous election by the governing board of the University of Panama of Romulo Escobar Bethancourt, former Minister of Labor, as reactor.

REGARDED AS LEFTISTS

Both Mr. Vásquez and Mr. Escobar, regarded as leftists, if not Marxists, by the conservative Panamanian business community, were removed from Cabinet positions last May.

At that time Mr. Vasquez was Secretary of the Presidency, a Cabinet-rank post, and Mr. Escobar was Minister of Labor.

Their removal was regarded as a concession by General Torrijos and the high command of the National Guard to private-business sectors, which had asked proof of moderation in the Government before increasing private investment.

The return now of Mr. Vásquez and Mr. Escobar, both close friends and former schoolmates of General Torrijos, was seen not so much as a move against conservative business interests but as a strengthening of the nationalist and "popular" base of the Government, which took power with a coup in 1968.

The victim of the National Guard's move was Arnulfo Arias, an elected President who had taken office 11 days before the coup. The National Guard immediately abolished all political parties and installed a "revolutionary" regime.

NEGOTIATORS NAMED

One of the major problems facing the Government is the negotiation of treaties with the United States to replace the old Panama Canal Treaty of 1903 and the complementary defense treaties under which the United States maintains 12,000 military personnel in bases along the Canal Zone.

After riots in 1964, in which Panamanian agitators and students invaded the Canal Zone, President Johnson agreed to open negotiations on new treaties with the Government of President Marcos Robles. These talks produced treaty drafts that were initiated by negotiators on both sides, but Mr. Robles could not get political support for the drafts before he left office.

The Panamanian regime recently designated an expanded negotiating team to begin talks in Washington on the treaties next month.

In addition to Jose Antonio de la Ossa, Panama's ambassador in Washington, the negotiators include Fernando Sanfredo, former Minister of Industry and Commerce, and Carlos Alfredo Lopez Guevara, former Minister of Foreign Relations.

Mr. de la Ossa, who was executive vice president of the First National City Bank of New York in Panama before going to Washington, and the other two negotiators are regarded as moderate nationalists, and well equipped to handle the negotiations.

But the presence in the Cabinet of Mr. Vasquez, and Mr. Escobar's election as rector of the politically volatile university, could give the Government support among left-wing nationalists who might otherwise become hostile at some point in the canal treaty negotiations.

Robert Anderson, Secretary of the Treasury during President Eisenhower's second Administration, continues to be the chief United States negotiator. He led the talks for the United States during the Johnson Administration. Late last month he returned here for preliminary talks with the new Panamanian negotiators.

Successful negotiation of new treaties that contained concessions to Panama's demands for higher revenues and for removal of irritating United States prerogatives would be a major political boost for General Torrijos.

The main goal that General Torrijos has been stressing privately in negotiations for a new canal treaty is the establishment of clear Panamanian jurisdiction over the Canal Zone and those who live and work there.

[From the Washington Daily News, Apr. 28, 1971]

Panama Seeks Canal Takeover

(By James R. Whelan)

Panama City.—Formal negotiations on a new Panama Canal treaty, a diplomatic timebomb that has been ticking for the past seven years, will open next month, it was learned here.

Foreign Minister Juan Antonio Tack, in an interview with Scripps-Howard Newspapers, said Panama will settle for nothing less than "full jurisdiction over all areas now known as the canal zone—and that means Panamanian law would apply there solely and exclusively."

He also said Panama is not interested in even talking about construction of a new sea-level canal until reaching full agreement on jurisdiction over the present lock canal. Panama also will insist on phasing out all military activities not strictly related to canal defense—which would mean sharp reduction of the 12,000-man U.S. force now here.

SOME FLEXIBILITY

On this point, Mr. Tack indicated some flexibility in Panama's position on just which forces are "essential" for canal defense, and on a withdrawal timetable, mostly to cushion the impact on the country's economy.

Panama, however, has left no doubt that U.S. nondefense military activities must end.

Key among these are the Army, Air Force and Naval schools which have trained 37,000 Latin Americans since 1946, including counter-insurgency units so successful in thwarting communist guerrilla movements in recent years in Boliva, Venezuela, Columbia, Guatemala and other Latin countries.

Graduates also include most of Panama's 6,500-man national guard, now firmly in command of the country's political life, and strongman head of government, Gen. Omar Torrijos Huerrera.

Mr. Tack emphasized that Panama has no objection to the United States running the canal itself, but that U.S. rule in the zone must end. The zone, roughly five miles on each side of the canal, has a population of 52,000, entirely Americans except for 1,300 Panamanian canal employes and their families.

CONTRAST BREEDS HOSTILITY

In his recent foreign policy review, Secretary of State William P. Rogers referred to Panamanian resentment of "the size and life style of the large community in the Canal Zone," a phrase singled out by Mr. Tack. More than any other issue, the contrast between the affluence of the zone and their own relative (the rapidly diminishing) poverty has fueled Panamanian hostility.

"We cannot tolerate any longer," Mr. Tack said, "a government within a government. What we want is full jurisdiction in the zone—political, administrative, judicial, labor and all other."

Mr. Tack believes the trump card in Panama's hand is the creeping obsolescence of the present canal.

Under Mr. Tack's reasoning, the United States for strategic and commercial reasons needs a new canal more urgently than Panama, and so needs to wrap up negotiations in less than two years.

LONG RESENTMENT

Sovereignty in the zone—lately discussed more specifically as "jurisdiction"—has been a festering sore for Panamanians ever since the canal opened in 1914. Rioting resulted in 1964 when U.S. high school students refused to abide by an agreement to fly the Panamanian flag alongside the American flag. Panama broke relations with the United States and resumed them three months later only after agreement was reached binding both countries to seek "prompt elimination of the causes of the conflict."

In 1967, the United States proposed three draft treaties—one to govern the present canal, the second the building and operation of a new sea-level waterway, and the third covering defense.

The military government which seized power in 1968 shelved the canal question and only last August got around to rejecting the U.S. proposals as "not usable even as the basis for future negotiations."

NO SPECIFICS

Panama so far has put forward no concrete proposals of its own. In the view of U.S. observers, the 1967 treaties might have had a good chance of winning congressional approval and were more liberal than anything likely to clear the U.S. Congress now. A group headed by Rep. Daniel J. Flood, D-Penn., firmly opposes canal concessions. The 1967 package would have surrendered U.S. direct control of the zone to a bilateral commission dominated by the United States, sharply raised Panama's share of canal revenues, and made other concessions.

Panamanians, however, view talk of congressional resistance as a U.S. bluff.

THE 62D ANNUAL NATIONAL RAISIN WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SISK) is recognized for 10 minutes.

Mr. SISK. Mr. Speaker, the 62d annual National Raisin Week, which we are celebrating during the period May 3 through May 9, gives special recognition to the California raisin industry, which produces, processes and markets one-half of the world's supply of raisins.

National Raisin Week, the Nation's oldest food festival, calls attention to a quarter-billion-dollar industry which directly involves some 30 million people in the production, distribution, and sales of raisins in the retail grocer and industrial and institutional handling of raisins in all forms.

California vineyards and the related industries engaged in producing, processing, and distribution supply 250,000 tons of delicious raisins a year for eating out of hand, for cooking, for use in baked foods, and in gourmet dishes.

The California Raisin Advisory Board, as the industry's research, promotion, and advertising arm, deserves high commendation for its role in the raisin industry's success.

Utilizing funds provided by participating producer and processor members, CALRAB carries on its program of aggressive advertising and promotion not only domestically but in countries throughout the world, by utilizing matching market development funds from the U.S. Department of Agriculture's Foreign Agricultural Service.

The California Raisin Advisory Board has developed the practically non-existent Japanese market to the No. 1 export market, which now consumes more than 20,000 tons of California raisins each year.

Also deserving of special commendation is the work of the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee, who operate under Federal marketing orders which have done so much to bring about the orderly marketing of our raisin crops and have also been instrumental in the development of export markets.

I also wish to point out the important role of the Raisin Bargaining Association, which during a brief span of less than 5 years has brought the raisin growers together in a concerted effort to give them a better voice in determining the prices they will receive for their products.

The raisin industry, which effectively utilizes the self-help tools of sales promotion and advertising in the best American tradition, well deserves a special salute during this National Raisin Week.

AN EXECUTIVE DEPRECIATION—A TRESPASS ON THE RIGHTS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today, May 3, I testified before a panel of Treasury and Internal Revenue Service officials concerning asset depreciation range—a new tax depreciation system devised by the bureaucracy which will cost the Public Treasury $40 billion in this decade.

As I said to that panel:

> It is an incredible paradox that I, as a Member of the Ways and Means Committee, charged by the Constitution of the United States with the duty of taxation, should have to appear before an administrative unit of the Executive branch of the government to deal with a matter of this consequence and impact. This shameful trespass on the part of the Executive branch in flagrant violation of the Constitution is an affront to the Congress and the American people.

Because I believe in this constitutional argument so strongly, I declined to answer questions from the panel. It is absolutely unconscionable that a Member of Congress should be interrogated by administrative officials in this area. These men should be appearing before congressional committees, not vice versa. The proposed Treasury action is illegal; it cannot be taken by any panel of bureaucrats. It must be taken by the people's elected representatives.

I am, therefore, asking my committee chairman, the Honorable WILBUR MILLS, to hold hearings on this issue as soon as the committee's present business, relating to H.R. 1, the Social Security, Medicare, and Family Assistance Act Amendments of 1971, is disposed of.

Mr. Speaker, I believe that it is imperative that we, the elected representatives of the American people, hold our own hearings on the legality of Treasury's action and on the way that the people want their tax dollars spent.

I would like to enter in the RECORD at this point my statement to the panel which discusses the constitutional, legal, and economic reasons that I am opposed to ADR and believe that the Congress should hold hearings on this issue.

The statement follows:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK, OF OHIO, BEFORE THE INTERNAL REVENUE SERVICE, MAY 3, 1971

I believe the Internal Revenue Service's proposed Asset Depreciation Range ruling is unconstitutional, dangerous to our democratic system of checks and balances, an illegal usurpation of authority and a squandering of the taxpayer's money.

The proposal by the Service does four things:

1. It provides a "range" of depreciable lives by allowing each taxpayer to depreciate assets over a range 20% above or 20% below present guideline lives as promulgated in 1962.

2. It terminates the "reserve ratio test" which was developed in 1962 and which was designed to insure that the 1962 guidelines had some realistic relation to actual "useful life" of the asset.

3. It provides for a liberalized "repair allowance" which gives the privilege to deduct expenditures for the "repair, maintenance, rehabilitation and improvement" of eligible property.

4. It provides for a "first-year convention" which entitles the taxpayer to a full year of depreciation if the property is placed in operation in the first half of the year, and a half a year of depreciation if it is placed in operation in the second half of the year. This results in the gain of nearly a quarter of a year of depreciation for items put in operation in any given year.

1. *It is an axiom of American democracy that the taxing power lies in the Congress.* The United States Constitution, in Article 1, section 8, clause 1, reads in part, "the Congress shall have the power to lay and collect taxes . . ." In Article 1, section 7, the House of Representatives is given special powers with respect to revenue bills. The 16th Amendment to the Constitution provides that "the Congress"—not the Executive—"shall have power to lay and collect taxes on income from whatever source derived . . ." *This has been generally accepted to mean that the Executive not only has no power to impose new taxes, but also may not repeal old ones, increase or decrease rates or exemptions, or make other substantial changes in the tax laws.*[1]

If the Executive has the authority to "wash-out" or remit three billion dollars annually from the public Treasury, what are the outer limits of this power? Can he excuse or give back 40%, 80% or 100% of annual depreciation?

If the President can legally excuse $3–4 billion in corporate taxation by accelerating depreciation by 20% this year, he must also have the incredible power to excuse 100% depreciation, or $15–$20 billion in annual taxation. This power—unrestrained—is power to eliminate corporate taxation—which appears to be the goal of the Executive. *Under the precedents established by ADR what power remains to Congress?*

There never has been a ruling by the unelected officials of Treasury with such momentous revenue effect. The action of the Treasury is not taken for administrative simplicity or for the adjustment of an obscure meaning of the Code. It is taken for specific fiscal policy reasons, and its cost to the American taxpayer is absolutely staggering. There was never the intention that such authority or power be given to administrative officials.

The action on Asset Depreciation Range is literally "taxation without representation." By reducing corporate taxation, it shifts a greater burden on the individual taxpayer. The ADR ruling constitutes a 10 to 12 percent cut in total revenues from corporate income tax rates. The permanent tax loss of nearly $40 billion which this action costs the public Treasury—and which is being taken

---

Footnotes at end of table.

with a stroke of the pen by an unrepresentative and unelected bureaucracy—means that the individual taxpayer will have to pay that much more.

ADR will cost nearly $90 per filing taxpayer per year by 1976. In the Treasury's own estimate, the ADR system will mean a loss to the Treasury of $3 billion next year and nearly $5 billion by 1976. Instead of the individual's tax rates being reduced, he will continue to bear the increased burden of supporting the Federal government—without his elective representatives having decided for him. *Since 1967, the share of the income tax paid by corporations has dropped from nearly 36 percent to a little over 25 percent.* Now it is going to drop several more percentage points while the individual taxpayer's share increases.

2. *The Internal Revenue Code does not support Treasury's action.* It is generally agreed that the depreciation changes made in 1962 went as far as administrative action could go without Congressional sanction. For example, Richard L. Pollock in his Tax Policy Research Study Number 2 for the Department of the Treasury, entitled, "Tax Depreciation and the Need for the Reserve Ratio Test" (published August 1, 1968) stated,

"The existing tax code and the court interpretations of it require that tax lives maintain a close link with actual lives defined as the period of possession. In view of this, leading experts have said that dropping the reserve ratio test without substituting any other procedures to police a close relationship between tax lives and actual lives would require an act of Congress. They assert that the Treasury went as far as it could in the administrative action of 1962 in the context of controlling statutes and court decisions." [2]

In September of 1970, the President's Task Force on Business Taxation issued a report which contained recommendations very similar to those in the proposed ADR idea. These were recommendations for a shorter useful life that would have permitted a 40 percent leeway from the guideline lives for the asset rather than the 20 percent proposed regulations.

However, the President's Task Force recognized that Congressional action was required to accomplish the result it desired. On page 29 of its report, for example, it stated,

"We recommend that the proposals discussed above (which are basically the 40 percent reduction in useful life) be implemented by appropriate amendments of the *Internal Revenue Code*. The proposals in section A for substituting, in the case of machinery and equipment, a system of cost recovery allowances for the present depreciation system involve *some* matters that have been dealt with under the present system by administrative procedures and regulations rather than by changes in the statute. For example, the reserve ratio test was formally introduced in Revenue Procedure 62–21, and, although our proposal for elimination of the test could be effectuated by administrative action, we strongly urge amendment of the statute to this end. Moreover, since the shift from the depreciation to cost recovery unrelated to the useful life concept *does require amendment of the present law*, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute." (Emphasis added)

Thus, the President's own Task Force on Business Taxation believed that, in fact, a provision for a 40 percent departure from useful life required amendment of present law and so far departed from the concept of "depreciation" that it should rename the write-off "cost recovery." There does not seem to be any basis for saying that a 20 percent reduction in useful life is in any less of a need for a statutory change.

The authorities seem agreed. No change can be made without Congressional approval—yet in this case no Congressional approval has been given—or even sought.

The action being taken by the Treasury is based largely on interpretation of authority given Treasury by section 167 and its various subsections dealing with methods of depreciation. Basically, section 167 says:

"There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) of property used in the trade or business, or

(2) of property held for the production of income."

The term "reasonable allowance" first appears in 1909 [3] and is expanded in 1913.[4] It has been with us ever since—and it has been understood, both in administrative practice and in the courts to mean a reasonable allowance taken over the "useful life" of the item.

The term "useful life" in administrative practice and court decisions has uniformly been interpreted as being the "useful life" in the hands of the specific taxpayer and not to taxpayers in general or on some average basis. Only recently, for example, the Tax Court, in citing the leading Supreme Court cases said:

"From *Massey Motors* v. *United States* (60–2 USTC, para. 95541), 364 U.S. 92 (1960), and *Hertz Corp.* v. *United States* (60–2 USTC, para 9555), 364 U.S. 122 (1960), it is clear that depreciation rates are to be computed on the basis of the useful life of the asset in the taxpayer's business, based upon estimates during the taxable years to be derived from the taxpayer's experience and applied on a uniform basis." [5]

But it is obvious that the new system being proposed is in no way "reasonable" and has no relation to useful life. The provision allowing liberalized depreciation during the first year of operation of new equipment obviously has no relation to the actual depreciation of that product during that first year. In short, this is a wholly new concept of depreciation because it permits a depreciation measured by an arbitrary schedule elected by the taxpayer which has no relation to the taxpayer's realistic anticipated use of the asset. Rather than depreciation, this new system would better be called a "capital cost recovery allowance."

Not only does the new system ignore "useful life" but it departs—beyond any permissible bounds—from the concept of "reasonable allowance." The guidelines issued in 1962 have already been proven to be somewhat unrealistic. The only thing that is bringing some tax justice, reasonability and rationality to the depreciation system is the reserve ratio test. Now the reserve ratio test is to be abolished and the liberal guidelines are to be liberalized by another 20 percent. Without the reserve ratio test, the taxpayer need not show that the asset lives he elects under the ADR system are in any way related to the useful lives of his assets. Therefore, the rate of recovery of his capital costs will be ununrelated to the wear, tear and obsolescence of his own assets. This is totally unacceptable. It is a robbery of the public treasury by a *few specialized industries*.

I would like to further point out that Section 167, particularly subsection (b) describes particular methods of depreciation manipulation. But these provisions always related to the ultimated useful life of the depreciated item. The restrictions in the Code would be utterly useless and the will of Congress ignored if set schedules of depreciation could be set by the taxpayer and the service without regard to the realistic "useful life" of the item as developed in actual industrial practice.

In short, the entire history of the court decisions and rules under section 167 have indicated that the actual useful life of the taxpayer is the governing feature. We must look at half a century of such interpretation in considering changes to section 167. It is clear that the proposed ADR changes are a radical and unacceptable aproach to the administrative and legal history of Section 167.

Let us look with some detail at some of the previous changes in depreciation rulings to see whether they would support this present ruling:

In 1954, there was a legislative change in depreciation which provided for some liberalization. But note, this was a legislative change. In the 1954 debate on the Internal Revenue Code, the Conference Committee abandoned a House-passed provision which would have provided a 10 percent leeway in depreciation "ranges" leaving it to the Internal Revenue Service to deal with each case individually in the most realistic and sound manner. Assets were to be depreciated according to their "useful life;" not according to a "range" system.

In 1962, when provision was made for the classification of assets in categories called guideline lives, the initial effect also was to depart from the taxpayer's own experience as to the useful life of the assets. But here the concept of the taxpayer's own experience was restored by requiring him to meet the so-called "reserve ratio test" whenever guideline life depreciation was to be followed. While a transitional period was available to taxpayers before the reserve ratio became applicable, it was generally recognized, in 1962, that without the reserve ratio test the guideline lives could not have been provided for by administrative action. Even in this case, however, congressional sanction was given to the action then taken with respect to depreciation by reference to it in the committee reports dealing with other tax legislation being considered at that time. In this regard, the Senate Committee Report on the Revenue Act of 1962 contained the following statement:

"To achieve an increased rate of capital formation, a two-pronged course of action is being followed in the area of capital formation. First, the Treasury Department has recently announced a series of depreciation revisions. The objective of these revisions is to provide *realistic* tax lives in light of past actual practices and present and foreseeable technological innovations and other factors affecting obsolescence."

In short, the principle of "useful life" has been so embedded through administrative action and legislative language that it has the force of law and it cannot be struck down by the mere stroke of a pen.

It is also argued that section 7805 of the I.R.C. gives the Service power to promulgate all "needful rules and regulations" with respect to the Code. But this section has clearly been meant only to permit interpretative rules to adopt statutory language to administrative needs or to fill gaps unintentionally left vacant by the draftsmen in the enactment in its provisions. Section 7805 was obviously never intended to be used for fiscal policy purposes to "spur the economy" or benefit "specialized" industries. Section 7805 is definitely a very limited authority that can in no way justify a $40 billion tax loss over this decade.[6]

Balanced against the very small "technical adjustment" authority given the Service in Section 7805, is the requirement in other sections of the Code that the Treasury support accounting methods which "clearly reflect income" in such a way as to protect the Treasury against false manipulation of accounts. The ADR proposal increases taxpayers violation of a sound accounting principles and statutory provisions of the Internal Revenue Code.

Therefore, Treasury's authority to promulgate the Asset Depreciation Range rule does

---

Footnotes at end of article.

not exist and if permitted will lead to further sweeping rulings in other tax areas which are, like changes in depreciation concepts, the specific jurisdiction of the Congress. The sections cited by Treasury on which the ADR ruling is made simply do not support the ruling. Treasury's ruling has no basis in law.

Treasury's action is in direct violation of recent Congressional action and intent with respect to investment credit and other special depreciation policies. Action is being taken in the liberalization of depreciation against the clear wishes of Congress. The 91st Congress repealed the 7% investment tax credit which the new ruling on ADR so closely resembles. At the time that action was taken, Congress indication that it, not the Administration, would restore the credit if it felt that a spur to investment were needed.[7]

There are economic arguments which by themselves should be enough to cause the ADR proposal to be withdrawn. With business currently operating at 75% of capacity, it is obvious that we do not need more capital investment—we need more consumer demand. There are many other ways in which the economy could be given an immediate stimulus which would be more productive than the ADR proposal. Public works and public employment plans, construction of mass transit and water pollution control facilities all could provide the stimulus our lagging economy needs. It would be better to speed up the individual tax reduction provided by the Tax Reform Act of 1969. This would provide taxpayers, particularly lower-income taxpayers, with $2.75 billion in fiscal year 1972. This money would immediately enter the economy and stimulate business growth. The unreasonableness of stimulating the economy through the slow capital investment route is well summarized by an editorial from the New York Times of April 11, 1971, which says in part:

"But the Administration has published no estimates of how big an investment bang it expects from all those lost tax bucks. Private economists forecast that the impact on investment will be far less than the tax losses. It is foolhardy, in any event, to justify a tax giveaway stretching many years into the future on the ground that the economy needs an immediate shot in the arm."

The ADR liberalized depreciation is extremely inefficient. It gives a tax break to everyone who buys a new piece of capital equipment rather than to those who buy a new and extra piece of equipment. The new ruling does not require that the taxpayer make an extra effort to expand his capacity.

In addition, faster depreciation, such as provided by ADR, tends to be pro-cyclical, feeding inflation, rather than countercyclical, preventing recession. By the time the full effects of ADR would be realized, in 1976, the Treasury will be suffering a loss of nearly $5 billion just at the time that inflation will probably be confronting us again.

Lastly, the ADR ruling is very discriminatory among different taxpayers. This accelerated deduction of course means more to taxpayers in the higher brackets than it does to smaller companies in lower brackets. It favors, relatively, those who have had the most backward replacement policies. Lastly, of course, it helps the more capital intensive industries at the expense of the rest of the economy.

In addition, during the debate on the Tax Reform Act of 1969, the Administration proposed a two percent reduction in corporate tax rates. The Congress clearly and explicitly rejected this. Yet the ADR proposal will mean, in effect, a drop in the corporate rate from 48% to about 44 or 42 percent.

There are a number of sections of the Tax Code which deal with special tax advantages—rapid amortization or depreciation—for specific priority items. These include investment in pollution control facilities, railroad rolling stock, certain farm and mineral investments. Thus, on occasion, the Congress has allowed the write-off of particular types of assets over an arbitrary period of time shorter than the useful life of the asset. But note: when this is done, it has been provided for by specific legislative statute—but by executive order.

The action of the President in piercing gaping holes in our tax structure by the sweeping and unconstitutional exercise of Executive power forecloses the capacity of Congress to even consider the re-institution of investment credit, which has proven its ability to revitalize the industrial sector, or to reduce individual taxes which would stimulate consumer demand and recover the economy. The President's action usurps economic alternatives without public legislative debate.

It is an incredible paradox that I, as a Member of the Ways and Means Committee of the House of Representatives charged by the Constitution of the United States with the duty of taxation, should have to appear before an administrative unit of the Executive branch of the government to deal with a matter of this consequence and impact. This shameful trespass on the part of the Executive branch in flagrant violation of the Constitution is an affront to the Congress and the American people.

If in fact this maneuver is an attempt to reduce corporate tax contributions to the operation of our government, why not submit the issue to Congress for debate and disposition on its merits?

Especially in the sensitive area of taxation, we must not engage in government by fiat. This kind of favoritism assails the integrity of our tax system. The quality of any modern civilization depends on the justice of its tax system. The action which you propose to take fuels the fires of "The Taxpayers Revolt."

The press reports which I have read indicate that your decision is already made. That would make this hearing a mockery and a demeaning exercise. I hope that we are not here to validate a "hanging" which has already occurred.

FOOTNOTES

[1] It hardly seems necessary to comment on the importance of the taxing authority to the Founding Fathers. That importance, which is still important today, is well summarized by the winner of the American Historical Association's 1962 John H. Dunning Prize, E. James Ferguson, who wrote as follows in his excellent book, *The Power of the Purse: A History of the American Public Finance, 1776–1790:*

"The power of the purse was to (the Founding Fathers) the determinant of sovereignty, and upon its location and extent depended the power of government, the existence of civil rights, and the integrity of representative institutions. Their basic premise was that popular control of taxation ensured the rights of the citizen, but power over taxation was also an instrument with which to enlarge the sphere of private liberty against the authority of the state."

[2] Support is given to this statement by an article in *The Jornal of Taxation,* May, 1963, by Joel Barlow and John Ellicott, entitled "Are the guidelines realistic and generally satisfactory to business and industry?" "In terms of what could be accomplished under existing law within the Treasury Department, and subject to some few qualifications, the guidelines (of 1962) offer about as much as industry could reasonably have expected, and certainly far more than has ever before been realized at the administrative level."

[3] Public Laws, Vol. 36. 61st Congress, 1st Session; Capter 6, 1909.

[4] Public Laws, Vol. 38. 63rd Congress. 1st Session; Chapter 16, 1913.

[5] *Mary Z. Bryan,* (T. C. Memo 1963–182, 22 TCM 864, aff'd 4th CA 364 Fed. 2d. 751 66–2 USTC, para. 9601). The relevant language from *Massey* is "This requires that the useful life of the asset be related to the period for which it may reasonably be expected to be employed in the taxpayer's business."

[6] As an example of the limits by which past Treasury officials have been constrained, I would like to cite an example from 1955. In the 1954 I.R.C. Amendments, two sections of the Code had been added, sections 452 and 462, which were estimated to cost the Treasury some $47 million. Within a few months it became clear that the Revenue loss from these two clauses might amount to between one and five billion dollars. Treasury attempted to prevent this from happening by issuing very strict regulations governing the use of these clauses, but, fearing long legal litigation, the Treasury Secretary quickly asked Ways and Means to repeal these two sections since Treasury did not think it could act in this area with simple regulations—even though then, as now, billions of dollars were being lost. If Treasury had to come to Congress over an unexpected revenue loss in 1955, it certainly should come to Congress now when it expects to lose nearly $40 billion in this decade from the ADR ruling. Secretary Humphrey made a comment at that time which I believe would be very instructive to today's Treasury officials. This Republican official said,

"We have repeatedly said that as soon as any discrepancy between the original congressional intent and actual operation of the law became apparent, we would call it to the attention of the Congress for corrective action."

In light of Congressional action with respect to investment tax credit and corporate tax rates in the 1969 Tax Reform Act, it is obvious that a similar situation should apply today.

[7] House Report 91–413, Report of the Ways and Means Committee on H.R. 13270, the Tax Reform Act of 1969, said:

"If the need should, in the future, arise for a further stimulant to investment, the Congress will then be free to consider various alternative types of treatment."

It is interesting to note here that at the time of the repeal of the investment credit in 1969, President Nixon said, "This subsidy to business investment no longer has priority over other pressing national needs."

STRIP MINING OPPONENTS PULITZER PRIZE WINNERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 5 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, during the colloquy earlier this afternoon concerning rural America, I made reference to the fact that the strip mining of coal is increasingly ruining a great deal of farmland, topsoil, pouring sediment and acid into the streams, and reducing productivity in many rural areas.

I am very pleased and proud to announce to the House that over the ticker has just come the announcement of Pulitzer prizes, and included is a Pulitzer Prize for Journalism awarded to the Winston-Salem, N.C., Journal and Sentinel for their successful fight against a proposed strip-mining operation that would have destroyed some beautiful areas of North Carolina terrain.

I have talked with the editors of the Winston-Salem newspapers, and I am sending my congratulations to those two newspapers that carried on a long and successful fight against the strip mining of gibbsite, which is raw material used in the production of aluminum.

I might say also that the Winston-Salem newspapers had also carried on a very strong fight against the construction of a dam on the New River at Galax, Va., by the Appalachian Power Co., which would have an adverse effect upon the beautiful New River in the State of West Virginia which joins the Kanawha River, and, I think, would be a very unfortunate project because of the threat to the natural qualities of those rivers. The attorney general of West Virginia, Hon. Chauncey M. Browning, has been waging a fight against the New River dam.

So I would like to add my congratulations to the Winston-Salem newspapers for having won the Pulitzer Prize for Journalism for their series against strip mining.

The text of my telegram follows:

> WALLACE CARROLL,
> *Editor and Publisher, Winston-Salem Journal and Sentinel, Winston-Salem, N.C.*
>
> Heartiest congratulations to Winston-Salem newspapers for their Pulitzer prize-winning series against strip mining. As sponsor of Federal legislation to ban strip mining of coal, I applaud your courageous fight against those large companies attempting to develop for private profit areas which injure the environment through pollution of our streams and devastation of our soil. Every industry and every individual should be held accountable for current environmental costs of strip mining which should not be passed on to be shouldered by future generations.
>
> Congressman KEN HECHLER.

SALUTE TO AGRICULTURE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon in a radio speech given yesterday—May 2, 1971—announced a special salute to agriculture to be held on Friday, May 7.

He also announced that he has taken several actions of direct assistance to rural areas and the Nation's farmers. They are as follows:

First. Increasing the 1972 budget of $24,496,000 for the Foreign Agriculture Service of the U.S. Department of Agriculture by $1 million to expand sales of agricultural commodities abroad. Exports are expected to reach at least $7.4 billion this year—up 6 percent from a year ago. The established goal for farm exports to be reached with this expanded budget for commodity sales promotion is $10 billion each year—up an additional 33 percent. This will be accomplished through not only market development in foreign nations but also from lowering of trade barriers. The direct result for farmers will be higher prices received and, hence, increased income.

Second. Purchase of additional pork by the Department of Agriculture for distribution through its food distribution and school lunch programs. At the present time more pork is being purchased than any time since 1956. This additional effort is being made in response to our expressions of concern and need for increase in hog prices.

Third. Increasing the 1972 budget under the Farmers Home Administration for farm operating loans from $275 to $350 million and farm ownership loans from $210 to $350 million. The increase in operating loans assumes approval by the Congress of authority to insure these loans as is now being done for farm ownership loans. These increases will help to ease a serious credit problem being placed by family farm operators. Also substantially increased is the insured loan program to assist rural communities to install improved water and sewer systems—an increase of $11 million—about 10 percent.

Fourth. Of special interest to Illinois farmers, the President increased the 1972 budget for research on problems related to insect and disease control for crops and livestock by $7.6 million. Of this increase, about $2 million will be for research for control of southern leaf blight which caused serious economic losses for farmers throughout the Midwest.

Fifth. A $12 million increase plus about 10 percent is also proposed to enable the Soil Conservation Service to provide additional technical assistance for application of soil and water conservation practice as a means to conserve our Nation's resources and reduce environmental problems related to agriculture. An additional $28 million—plus about 35 percent—is also proposed for small watershed projects increasing the level of Federal grants for this program to $105 million.

These increases are in addition to the President's previously announced to help the Nation's farmers; to develop rural communities; and to reverse the flow of people, including the young people, away from rural America. President Nixon also pledged that the administration will work more closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively and to resolve difficult issues that bear directly on the lines of farmers.

He also referred to the need for easing the cost-price squeeze faced by farmers both by reducing farm costs and by raising farm prices.

These efforts are an expression of the sincere interest of this administration for the farmer and the rural community and the preservation of a viable farming industry which is basic to the economic strength of the entire Nation.

FINANCIAL STATEMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, for the past 2 years I have placed in the CONGRESSIONAL RECORD my financial status.

I propose to do so at this time.

I include my financial statement as of April 30 in the CONGRESSIONAL RECORD at this point:

FINANCIAL STATEMENT OF LAWRENCE J. HOGAN AND NORA E. HOGAN, HIS WIFE, APRIL 30, 1971

Assets:	
Cash (see schedule A)	$8,313.98
Investments (see schedule B)	8,450.00
Real estate (see schedule C)	159,800.00
Automobiles:	
1971 Ford	2,600.00
1969 Oldsmobile	2,800.00
Household furnishings	7,000.00
Total assets	188,963.98
Liabilities:	
Accounts payable (miscellaneous)	450.00
Central National Bank (car loan)	1,603.00
Mortgages (see schedule D)	76,792.70
Total liabilities	78,845.70
Net worth	110,118.28

SCHEDULE A—CASH

Loyola Federal Savings & Loan (savings account)	255.98
Columbia Federal Savings & Loan (savings account)	1,864.51
Enterprise Federal Savings & Loan (savings account)	651.15
Congressional Employees Federal Credit Union	1,389.83
Maryland National Bank (checking account)	462.18
Sergeant at Arms (checking account)	940.33
Cash on hand	200.00
Accounts receivable	2,510.00
Total	8,313.98

SCHEDULE B—INVESTMENTS

Central National Bank of Maryland stock	$8,450.00

SCHEDULE C—REAL ESTATE

Townhouse, Ocean City, Md	50,000.00
Cabin, Lake Jackson, Va	6,000.00
House, Landover, Md. (present residence)	55,000.00
94.6 Acres, Allegany Ccunty, Md.	28,800.00
Apartment, Ocean City, Md	20,000.00
Total	159,800.00

SCHEDULE D—MORTGAGES

Townhouse, Ocean City, Md	21,941.09
House, Landover, Md	37,560.53
94.6 Acres, Allegany County, Md	3,581.00
Apartment, Ocean City, Md	13,710.08
Total	76,792.70

A TIME TO REASSURE THE PEOPLE THAT OURS IS A NATION OF LAW AND ORDER

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is to the everlasting credit of the Federal Government and the Washington city administration that the current incipient insurrection against this Nation's domestic peace and security is being met head on. The problem is not over, however, and continued strong action is necessary.

If ever there was a time to reassure the people of the United States that ours is a nation of law and a society or order, that time is now.

We have among us a smelly band of nondescripts who say they will do what the mighty nations of the world have not done. They say—this handful of lawbreakers—that they will bring the business of the Government of the United States to a halt and force our country to its knees.

To watch the television screens and to read the newspaper headlines, people across this land may have the impression Washington is a city under siege. The situation undoubtedly is even more difficult for people of foreign nations to comprehend because they do not put up with this kind of tomfoolery. Washington is not a city under siege. It is, however, a city facing challenge. It is a challenge laid down in concert with our enemies abroad. It is a challenge which states that a group of people, waving Vietcong banners, raising hell in the halls, and intimidating secretaries, can reverse the course of this Nation.

Behind all of this there is ominous portent. If the American Government and its Capital City can be driven to its knees by dissidents who demonstrate in the streets, the world will know once and for all that the policies of the United States are formulated by mob rule and dictated by threat. This Government must do what it always has done with those who threaten the security of the people or who break the laws. Those who have issued the challenge must continue to be dealt with firmly by law enforcement agencies and where necessary by the Nation's military forces.

The people of the United States want no part of what is happening in Washington. They do not resort to mob action to voice their demands and they look now to the Government to stand up in their behalf. These Americans demand that their Capital be protected, that the elected officials proceed with the business of the people, and that the Nation's public servants continue in their service to America without disruption.

If those who stalk the halls and streets truly want to stop this war, let them stage their demonstration in Hanoi or Moscow. Let these people lay their bodies in Communist-dominated streets, shout profanities at Communist leaders, and break the laws of Communist nations if they truly are so dedicated to peace; for it is in the Communist capitals that our troubles originate.

That they have a right to voice their opinion there is no doubt. But let it be known here that no person in this Nation has the right to do what these people threaten. The business of the United States will proceed. This Nation will continue to maintain a strong defense despite attempts by some to weaken us. We will continue to formulate policy, pass laws, and punish lawbreakers in the democratic way.

Full support should be given to the security forces of Washington and any other city where disruptive tactics are used in the effort to bring our Nation to its knees. The time for a strong posture has arrived. This is a Nation of law and a Nation of order despite the efforts of those who seeks to prove otherwise.

If the people of the United States want a change in Government, they will get it through the ballot box. But the people of this Nation should be assured by the leaders of our Government that the change will not come about through lawlessness.

America can and must prove that fact once again by positive, firm action in the days ahead.

THE RUSSIAN NAVAL FACILITY IN CUBA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the threat to our shores from the Russian naval facility in Cuba is far more serious than administration spokesmen seem willing to admit. I have called attention more than once to the fact that Russia has at Cienfuegos an operational facility which is fully capable of supplying submarines. This gives the Soviets a capability in Caribbean waters and in the Gulf of Mexico which they have never before possessed.

Recently, I have received information through Dr. Manolo Reyes, Latin American News Editor of WTVJ-TV in Miami, which vividly explains exactly what the Soviets are doing. I hope this information will help to stress the need for a more vigorous policy by the administration in dealing with this activity by the Soviets in Cuba.

The United States cannot tolerate the stationing and servicing of Soviet missile-carrying submarines a scant 90 miles from our shores. The information from Dr. Reyes, which follows, is additional evidence that is exactly what is transpiring under our very noses. The communication from Dr. Reyes follows:

THE RUSSIAN NAVAL FACILITY IN CUBA

We have just received new information from the Cuban Patriotic Resistance referring to the Russian Naval Base in Cienfuegos Bay, in Cuba. The new information reveals, among other things, the perimeter of that base. On the water, the extension of the Russian Naval Base is of about 4¼ miles. On land, on closed littoral, from La Milpa to Punta Gorda, it is of about 15 miles.

According to the report received from the Cuban Patriotic Resistance, The Russian Naval Base in Cienfuegos occupies the South, South East, East and North East parts of the Cienfuegos Bay. That is, from the tip of La Milpa towards the East of the Laguna de Guanaroca. From these, towards the Ensenada de las Calabazas, including, of course, Cayo Colorado, Punta de la Trompada, the mouth of the Caonao River, the Estero de Bada, the tip of La Hierba up to Punta Gorda. Therefore, the sections of Laredo, Playa Alegre and Punta Gorda have been vacated. All of these places mentioned before, and that form the perimeter of the Russian Naval Base, are precisely in the hands of the Russians.

In Punta Gorda, where the Naval Base mentioned before, ends, the militaries have taken possession of all the houses, according to the Resistance.

Some houses have been occupied by Russian Naval officers, while the so called Bulgarian and Russian technicians are staying at the Hotel Jagua, also in Punta Gorda.

The Resistance also informs that one of the houses belonged for many years to the Cacicedo family, from whom it was stolen by the Castro-communist regime. The house is two stories high, with eight rooms, six bathrooms, a wide hall on both floors and is of Spanish style. At present, that house is constantly visited by Fidel Castro. And the offices of the Communist Party have been established there and it is where the Russian Naval Staff meets, sometimes by itself, sometimes with Castro. Not over six Russian Naval officials of high rank have taken part of these meetings. Raul Castro has also been at the meetings.

The high Russian Naval officers that go to Cuba, according to the Resistance, meet in Punta Gorda. But later they go, apparently, to rest at the facilities built in Cayo Alcatraz. Facilities that are far superior to the ones available to the Cuban people at present. The Resistance informs that the facilities at Cayo Alcatraz are also for the change of crews from the surface units and submarines of the Soviet Union. According to the report, Fidel and Raul Castro have gone to Cayo Alcatraz. No other Cuban is permitted at present in that key. The same is totally in the hands of the Russians. Finally, the Resistance says that Fidel Castro has ordered the fast construction of a bridge over the Caonao River where a strictly military road passes towards the Russian Naval Base. That military road leaves from a point of the Cienfuegos road to the Tomas Asea Cemetery, and goes directly South, passing over the Caonao River, near its mouth, crossing the San Mateo farm up to a place called El Labertinto de los Naturales, near Guanaroca.

WE MUST NOT FUMBLE THE CANAL DISCUSSIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the United States soon is to begin talks with the Government of Panama on a matter of importance to the free world. We must not fumble those discussions.

I refer to the discussion on a new agreement concerning the operation and control of the Panama Canal.

At a time when there is a growing fear the Suez Canal will reopen under what amounts to Russian control, this is not time for the United States to consider surrendering control of the Panama Canal to another nation.

Recent reports indicate demands will be made upon U.S. negotiators to have this Nation remove all U.S. personnel from the area except those considered vital to the defense of the canal itself.

Further, it is said the United States will be pressed to relinquish operational control of the canal.

In what amounts to diplomatic blackmail, we are told there will be no further discussion of a new canal unless we agree to the terms on the present canal as set forth by certain Panamanian leaders.

This we must not do, Mr. Speaker. The United States has vital interests in Central and South America which are directly affected by the Panama Canal. The necessity that we operate a two-ocean Navy with quick transfer of our ships from danger spot to another demands a canal under U.S. control. There are other matters which are of increasing concern. There is the growing Soviet naval presence in Caribbean waters because of a Russian submarine base in Cuba. There is increasing Communist influence in

South America as additional governments swing to the left.

For us to leave Panama during this critical time of unrest would be a mistake which we would come to regret.

It is vital that we continue to have unhampered access to the Panama Canal. We must keep the Panama Canal secure from both a military and political standpoint. To do otherwise would be against the best interests of the United States and the free world.

Our negotiators at the Panama Canal talks should be so directed.

W. A. BOYLE SHOULD RESIGN NOW AS UMWA PRESIDENT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there has been widespread press reaction to the U.S. district court decision issued last Wednesday, April 28, upholding charges of mismanagement and conspiracy against UMWA President W. A. Boyle and his associates involving the union, the UMWA-controlled National Bank of Washington and the UMWA welfare and retirement fund. It included the text of U.S. District Judge Gerhard A. Gesell's decision in the April 29, RECORD on pages 12557–12564 and the text of the complaint in the CONGRESSIONAL RECORD, volume 115, part 117, pages 22623–22638.

This decision marks another bleak and dark chapter in the once proud and great union which has forgotten the rank-and-file miner, his widow and their children ever since W. A. Boyle became its head. Mr. Boyle is a living example of Lor Acton's thesis that "Power Tends To Corrupt." In the name of decency and for the sake of the rank-and-file coal miners throughout the Nation, Mr. Boyle should resign now as president of the UMWA.

In addition to editorial comment on the decision, I also wish to include in the RECORD an article in the May Progressive magazine on the ills of the union leadership; a commentary from Coal Patrol, a bimonthly report on the coal industry, on Judge Gesell's decision, an article from the Washington Star on the decision, and a report by the Associated Press on the UMWA leadership's troubles.

The material follows:

[From the Washington Post, May 3, 1971]

THE STATE OF THE MINE WORKERS UNION

There is a dramatic story behind the searing opinion in the United Mine Workers case written by U.S. District Judge Gerhard Gesell—a story of arrogance and oppression and conspiracy among the leaders of that mighty union and a story of heroic courage among humble, remote and seemingly helpless miners who dared to challenge a powerfully entrenched establishment. Charges of mismanagement and fiduciary irresponsibility brought by these rank and file miners—charges that they had been systematically defrauded as contributors to the Welfare and Retirement Fund of the union—were upheld by Judge Gesell who ordered that the union president, W. A. (Tony) Boyle step down as a fund trustee and that compensatory damages should be assessed against the union and the National Bank of Washington.

In the light of this ruling, it is shocking to realize that Tony Boyle, although removed from his retirement fund trusteeship, remains the president and Lord High Pooh-Bah of the United Mine Workers Union, a position of almost unchecked power in which he controls the union's very considerable financial assets, its publication, The United Workers Journal, and a large portion of its complex hierarchy. The validity of Boyle's election to the presidency in December, 1969, is now seriously shadowed; he manipulated the pension fund in a transparent effort to win votes. It seems high time, indeed, for the Secretary of Labor to ask U.S. District Court Judge William Bryant, before whom another suit against the union is pending, to appoint a monitor to conduct the union's affairs.

The conspiracy goes back to 1950 when the Welfare and Retirement Fund was established as one of the great accomplishments of the Mine Workers' great leader, John L. Lewis. In Judge Gesell's words there was an agreement among the fund's trustees and the National Bank of Washington "to maintain on deposit at the bank substantial sums of interest-free accounts, without relation to the real needs of the fund for liquidity or otherwise, for the benefit of the union and the bank and in disregard of the best interests of the beneficiaries." The union owned 74 per cent of the voting stock in the National Bank of Washington, and several union officials, including Boyle (until he resigned just recently following his indictment for other alleged misconduct) served on the bank's board of directors. At the time the lawsuit decided by Judge Gesell was brought, the fund had about $28 million in checking accounts and $50 million in time deposits in the bank. Had these funds been invested as they should have been, they would have redounded to the benefit of the fund's pensioners; as it was, they benefited only the bank and the union.

There are important lessons to be drawn from this scandal. One of them, obviously, is that Congress needs to devise tighter rules to assure responsibility in the management of pension funds of this character. Another is that mechanisms need to be provided to assure rank and file union members easier opportunity than is available to them now to challenge what they deem arbitrary rule by leaders entrenched in their top offices. Union rulers in control of health and welfare and pension funds possess powerful instruments with which to punish dissidence or rebellion of any sort among their subjects.

But perhaps the most powerful lesson of all lies in this fresh illustration of the danger that lurk in allowing unchecked power to accumulate in the hands of even the best and most benevolent of leaders. It is a pity, in a way, that the memory of John L. Lewis, a titan of the American labor movement, should now be so seriously scarred by the disclosures in this case. So far as is known, Mr. Lewis did not profit personally in any way from the bizarre arrangement he worked out among the union and the fund and the bank. In all probability, he was doing what he believed in his autocratic way was wisest for the mine workers. But unchecked power, whether in the hands of a union president or a captain of industry or a director of the FBI, no matter how patriotic and well-intended they may be, is, of itself, corrupting and dangerous and destructive.

[From the New York Times, Apr. 30, 1971]

DECAY OF A UNION

A dismaying series of scandals, climaxed by the murder sixteen months ago of insurgent Joseph A. Yablonski, has long made it plain that the once proud United Mine Workers is in an advanced state of moral debility. But even the multiplicity of such evidences of decay could not take the shock out of the abuses a Federal judge has found in management of the union's huge pension and welfare fund.

Perhaps the most tragic aspect of the disclosure that miners and their families suffered shrunken benefits through the ill-conceived investment policies of the fund trustees is the extent to which the responsibility goes beyond the union's present president, W. A. Boyle, to the founder of the fund, the late John L. Lewis. In a real sense, the industry-financed retirement funds now covering thirty million American workers are a monument to Mr. Lewis' remarkable qualities of vision and courage—qualities that brought great advances for the coal miners and for labor generally.

But along with these spectacular talents went dictatorial tendencies that continue to permeate the U.M.W. and that help account for the imperiousness with which both Mr. Lewis and Mr. Boyle dominated the pension fund. There was never any sound justification for the union's establishment of a controlling position in a Washington bank, much less for the holding there of large cash deposits that gathered no interest for the union fund.

Now the court has found the fund and the bank jointly liable for millions of dollars in damages to rank-and-file miners and to miners' widows. It has also ordered Mr. Boyle to step down as a fund trustee by June 30. The whole proceeding has underscored the fictitiousness of supposed joint management-union-public control in this and many other similar funds. Too often the employer representatives default and leave all real authority in the hands of union leadership.

The findings in the U.M.W. case point up anew the importance of the inquiry now under way in the Senate Labor Committee on needed changes in Federal rules governing private pension funds with current reserves in excess of $130 billion. The fact that relief for U.M.W. members might never have come if a group of dissident miners had not risked union reprisals by filing a law suit on their own is proof that present Federal regulation is grossly inadequate.

[From the Washington Daily News, Apr. 30, 1971]

THE COAL MINERS WIN ONE

When Jock Yablonski was running for president of the United Mine Workers union in 1969, he aimed a wide range of charges at the union administration, headed by W. A. "Tony" Boyle.

Among his allegations, Mr. Yablonski said the union's welfare and pension fund was mismanaged.

Mr. Yablonski lost the election and later was murdered, along with his wife and daughter, in his Pennsylvania home.

But a federal judge here now has confirmed much of what Mr. Yablonski alleged in that campaign.

Judge Gerhard A. Gesell, after a trial of several weeks, has removed Mr. Boyle and Josephine Roche, long-time associate of the late John L. Lewis, as pension trustees. And he has ordered the union, the welfare fund and the Washington bank owned by the union to pay damages to the deprived miners and widows because of the mismanagement. The damages may run into millions of dollars, the amount to be determined later.

Judge Gesell said the union, under Mr. Lewis and Mr. Boyle, had engaged in a 20-year conspiracy to keep huge sums of money (up to $80 million) in non-interest-bearing accounts, to the advantage of the bank and the union and the distinct disadvantage of pensioned miners and their widows.

Mr. Boyle is in trouble on other fronts. The election in which he defeated Mr. Yablonski still is in dispute. Law suits are pending on other charges.

The shenanigans with the bank, at the expense of the miners, largely were laid on Mr. Lewis' doorstep.

But the union hierarchy clearly is in need of a drastic shakeup. There is some evidence, at least, that a new election would be in order.

Coal mining is one of the toughest ways in the world to make a living. It is a gritty job and the hazards to life are uncommonly high. The whole purpose of the union is to protect the miners, enhance their welfare and minimize the risks to life and limb.

The miners deserve what their dues have been paying for and, as measured by Judge Gesell's decision, not altogether getting.

[From the Wheeling (W. Va.) News-Register, Apr. 30, 1971]

Embattled Boyle Faces Pact Talks: Latest Lawsuit Deals Another Blow to Already Troubled Miners' Union

(By Craig Ammerman)

Two women who told a Washington lawyer their families were hungry because the United Mine Workers Union had neglected them touched off a lawsuit which has dealt another blow to organized labor's most troubled organization.

The UMW and the leadership of president W. A. "Tony" Boyle is encountering increasing difficulties in the courtroom and in the coalfields of Appalachia where at least part of the rank and file is uproariously unhappy.

The troubles began to surface two years ago when the union emerged from the shadow of longtime chieftain John L. Lewis. They have been high lighted with the gangland-style slayings of insurgent Joseph Yablonski, his wife and daughter and with the federal court indictments of Boyle and two lieutenants.

Increasingly caught in a legal web, the embattled Boyle finds himself with difficulties from within and without at a time critical contract talks are little more than a summer away.

The latest blow to the union which represents most of the nation's 140,000 coal miners came Wednesday in Washington. U.S. District Court Judge Gerhard Gesell, charging mismanagement of the miners' $457 million Welware and Retirement Fund, ordered Boyle, 66, and 84-year-old Josephine Roche to step down as trustees on the three-member board which administers the fund.

Gesell also gave Boyle a June 30 deadline to withdraw the fund's massive account from the National Bank of Washington, an institution largely owned by the UMW. It was little more than a year ago that Boyle was ordered to resign from the bank's board of directors.

Gesell ruled in a $75 million suit brought by 75 dissident disabled miners and miners' widows. Their action was sparked by Mrs. E. E. Noonkester and Mrs. Charles Omechinski, both of Raleigh County, W. Va., who two years ago wrote Washington attorney Henry Huge complaining their families were hungry because the welfare fund had refused to give benefits to their disabled husbands.

The ruling is not an isolated incident for the strife-torn union which faces other legal problems. For instance:

—Boyle, 80-year-old UMW Secretary-Treasurer John Owens and lobbyist James Kmetz were indicted in March by a special federal grand jury in Washington on charges of embezzlement, conspiracy and illegal use of union money for political purposes.

—Silous Huddleston, president of a UMW local in Lafolette, Tenn., his daughter and son-in-law are three of five persons charged with the New Year's Eve 1969 slayings of Yablonski, his wife and daughter.

—The Labor Department has filed suit asking that Boyle's 1969 election victory over Yablonski be set aside. The pending suit charges widespread fraud and ballot irregularities.

—Pending since 1964 is a suit to force the UNW to release its districts from trusteeship. By placing 19 of its 23 districts under trusteeship, the union, namely Boyle, has been able to appoint union officers rather than allow their election. One of those district presidents—in Montana—is Boyle's brother.

—In Pittsburgh, District 5 president Michael Budzanoski and district secretary-treasurer John Seddon are on trial in federal court on charges of conspiracy and falsification of the district's financial records. Recently, angry miners stormed those district headquarters and tore up ballot sheets after learning that votes of three locals had been disallowed, giving Budzanoski re-election over dissident Louis Antal.

In addition, the 81-year-old union which flourished for 50 years under the watchful eye of Lewis may be losing some hold on its rank and file and may have difficulty come contract time.

Dissident reform factions, led by the Miners for Democracy, a group which sprouted in Clarksville, Pa., following Yablonski's murder, has threatened to strike if the government does not expedite the cases pending against Boyle.

"This is further evidence that the whole wall of corruption is beginning to crack, and Tony Boyle's days as UNW president are numbered," Kenneth Yablonski, son of the slain insurgent, said.

Elmer Brown, Yablonski's running mate in 1969, termed the Wednesday decision "a great victory for the followers of Jock Yablonski."

"I felt certain justice in this nation would catch up with the injustices given the coal miners," Brown said from his Delbarton, W.Va., home.

In recent years it is some of these factions which have instigated successful actions against the UMW.

Last summer, disabled miners and miners' widows paralyzed the rich southern West Virginia coalfields for five weeks to dramatize demands for union benefits. Their strike was not stopped until they were jailed for violating federal court restraining orders and until Boyle promised to include them in the 1971 negotiations.

In 1968, all 42,000 miners in West Virginia were idle for three weeks while the state legislature debated and then passed a law giving compensation benefits to miners of afflicted with pneumoconiosis, commonly known as black lung disease. The grass roots movement which supported that legislation did not come from within the union, and union efforts to stop the walkout had no affect.

Boyle's victory in 1969 over Yablonski was almost a 2 to 1 margin, but much of the majority came from the 17,000 pensioners who vote in union elections and who had just seen their monthly pensions boosted from $115 to $150.

Now Boyle is faced with negotiating a contract by an Oct. 1 deadline.

For his part, Boyle has continually said he will demand a $50 a day wage for the miners and an 80-cent per ton royalty on union mined coal from operators to support the welfare and pension fund. Union miners now make just over $33 a day and coal operators contribute 40 cents a ton to the pension fund.

There are those, however, who believe the recent difficulties could hamper Boyle's bargaining position.

"There is no doubt that Boyle and the UMW could encounter serious bargaining difficulties in contract talks if their legal problems continue," a coal industry official who declined to be identified said Thursday.

"Any time there is a division in the union, it will make the leader less effective as a bargainer for a new contract," said Joe Ellis, a Boyle appointee who is president of UMW District 17 in Charleston.

Leonard Pnakovich, president of District 31 in Fairmont, W.Va., said possible courtroom appearances could hinder the upcoming negotiations. "From the standpoint that negotiations will soon be in session, the legal difficulties could be a hindrance," he said.

Still, the UMW leadership remains intensely loyal to Boyle.

"If any man has the interest of the coal miners at heart, it's Tony Boyle," Ellis said.

[From the Washington Evening Star, Apr. 29, 1971]

Judge Says Lewis Abused Mine Fund

(By Shirley Elder)

A federal judge here has found that the late John L. Lewis and some of his closest allies conspired to deprive retired and sick coal miners of profits due their United Mine Workers pension fund.

He said Lewis's successor as UMW president, W. A. (Tony) Boyle, and Lewis's old friend, Josephine Roche, now trustees of the fund, must quit the fund. Miss Roche also serves as the $60,000-a-year administrator of the pension fund. Gesell said that in the future, the administrator should not also be a trustee.

Lewis was UMW president from 1920 to 1960. In 1950, he created a welfare and pension fund based on royalties (now 40 cents a ton) paid by unionized coal companies. He served as chairman of the fund's trustees until his death in 1961.

District Court Judge Gerhard A. Gesell yesterday ordered the pension fund to set out on an independent course. He said fund deposits must be withdrawn entirely from the bank where they've always been, the National Bank of Washington, because the bank is 74 percent owned by the union itself.

He ordered the changes to be made by the end of June and directed lawyers for all sides to work out the language of a decree by 4 p.m. on May 13. However, attorneys for the defendants can be expected to appeal.

Gesell has not yet decided on damages, though his opinion, if upheld, presumably could result in millions of dollars being paid to the pensioners. He set a hearing on damages for June 21.

If damages were levied covering the full period at issue in the trial, Gesell said, the union "Would be seriously injured." He therefore said he would limit any award to damages suffered in a three-year period.

He did not say whether damages would be based on the amount the bank earned from the cash deposits or on the amount the fund lost by failing to invest the money some other way.

VIOLATED TRUST

Gesell said the trustees, led by Lewis and Miss Roche, violated their trust by putting the fund's money into checking accounts; by letting the balances rise; by failing to invest in something else, and by directing investments, when finally made, into utilities that would benefit the union more than the fund.

He said they knew that money in checking accounts would draw no interest and would benefit the bank (and the union that owns it) by giving the bank money to invest on its own. Lewis was not financially naive, Gesell said; he had been a bank president himself. As to Miss Roche, the judge said she never once disagreed with Lewis.

"Over a period of years," Gesell wrote in his 45-page memorandum opinion, "primarily at Lewis's urging, the fund became entangled with union policies and practices in ways that undermined the independence of the trustees. This resulted in working arrangements between the fund and the union that served the union to the disadvantage" of the pensioners.

Citing previous cases, Gesell said the basic duty of trustees is to invest money so that it will earn income.

Trustees of the pension fund knew that duty, Gesell right from the beginning, they put the money into non-interests-bearing checking accounts at a bank owned by the union.

A third trustee, John Owen, representing the coal operators, objected in the early years, Gesell noted, but he too was ignored. The money remained at the bank earning nothing for the fund. Gesell said the beneficiaries were not helped in any way by these accumulations.

Attorneys for the trustees had presented three defenses—that the money piled up accidentally, that it was kept on hand in case of emergency such as a strike or mine shutdown, and that it was necessary to meet possible tax demands.

RESERVES NOT NEEDED

Gesell rejected all three.

Enough money came in each month to cover outlays, he said. There was no need to keep any other funds on hand. Short-term government securities could be redeemed on a half-hour notice, if necessary, he said.

Testimony indicated that at one time nearly $80 million was in no-interest-bearing accounts with the bank.

When the lawsuit was filed in the summer of 1969, the fund had about $28 million in checking accounts at NBW and $50 million in time deposits. The fund has been its major depositor. The bank now ranks third in Washington with deposits of $457 million.

A basic question before the court was whether there had, indeed, been a conscious conspiracy among pension fund trustees. Gesell said there was.

He said a conspiracy is an agreement between one or more persons to do something unlawful—in this case, a breach of trust. A person need not benefit from the act to be guilty, he said, and can be just as guilty if he joins later and simply fails to correct the wrong.

Although the judge did not link the bank to the birth of the conspiracy 20 years ago, he said it knowingly participated in the breach of trust as the years went by. He thus left open the question of whether the bank is equally responsible for damages as the union.

Gesell had a few kind words for the bank. He said it showed no favoritism either to the fund or the union. Dividends, rather than particularly benefiting the union, followed the "general parsimony that conservative bankers usually display toward shareholders," he said.

Gesell said he found "clear and convincing proof" of an agreement among Lewis, Miss Roche and the man Lewis picked to run the bank, Barnum L. Colton, to keep large pension fund deposits in the bank without regard to the fund's needs.

"Over the next 20 years," he said, "the trustees' decision to leave cash in the bank without interest greatly benefited the bank and the union as the bank's majority shareholder."

Gesell ordered the trustees to seek professional advice to develop sound investment policies in the future.

The fund's business accounted for over 20 percent of the bank's savings deposits and 30 percent of its checking accounts. Gesell said he found "unacceptable" Colton's testimony that he paid no attention to pension fund affairs.

Gesell said the bank also probably is part of the conspiracy but those who brought the suit didn't mention it, so he made no such finding.

But Gesell said Boyle could not be linked with the conspiracy. Boyle took over the UMW when Lewis resigned and became pension fund chairman after Lewis's death, but the record shows that he urged Lewis to spend the money, to invest it and to raise pensions.

When Boyle raised pensions at the first meeting after Lewis's death, Gesell said, he acted selfishly in a "hasty power play." At the time, Boyle was facing a union re-election campaign against aggressive opposition.

But this did not show conspiracy, Gesell said, it showed the union's influence over the pension fund and a lack of the independence required by law.

Gesell dismissed all points against George L. Judy, the coal operators' trustee who, in June 1969, voted with Boyle for the pension increase. Gesell said Judy used poor judgment and was "falsely led to believe" that Boyle had a proxy vote from Miss Roche, the third trustee.

Referring to Boyle, Gesell said, "such compulsions of militant union leadership are inconsistent with the dictates of prudent trusteeship."

The suit was filed on behalf of 70 coal miners originally demanding some $75 million in damages.

Gesell's opinion yesterday dealt only with structural changes in future management of the pension fund. It acknowledged many of the ills raised by the miners but does not talk of money. That is to come at the hearing set for 9:30 a.m., June 21.

[From the Coal Patrol, Apr. 16–30, 1971]

FOR BOYLE, A BAD DAY IN COURT

When black lung forced Willie Ray Blankenship out of the mines in 1967, he figured he was entitled to a pension from the United Mine Workers Welfare and Retirement Fund. At the age of 18 he had begun digging coal and he had kept on digging coal ever since—45 years in all—and the only time he had ever stopped, except for vacations, was in 1944, when a back injury laid him up for nearly a year. Early in 1968 he filled out the necessary forms and sent them to the Fund headquarters in Washington. In due time, they came back. He had been rejected. The Fund's "Regulation B–2" required that a man couldn't qualify for a pension unless he had worked 20 years in union mines within the 30-year period immediately preceding his application. It didn't matter that Willie Ray Blankenship had worked more than 35 years in union mines; during hard times he had taken jobs wherever they were available, which meant sometimes in non-union mines, and that was enough to disqualify him.

"Regulation B–2" was something Willie Ray Blankenship had never heard of before, but in due course he found that it had been used against thousands of miners to keep them from qualifying for pensions. They found—to their bitter surprise—that there was no system of appeal; no one at UMW headquarters in Washington cared; no one would stand up for them after the long difficult years in which they had stood for their union. Countless numbers of men finished their working lives this way, coming up out of the mines for the last time and finding that the union into which they had paid their dues didn't care what happened to them—just wanted them to go away.

They didn't go away. Nearly two years ago, more than 70 disabled miners and miners' widows brought suit against the Welfare and Retirement Fund and the leaders of the mine workers' union, charging that the Fund had been mismanaged and misused and that they were victims of a long conspiracy to deprive them of their rights. *Blankenship vs. Royle* went to trial in February. On April 28, federal judge Gerhard A. Gesell handed down a long, blistering decision upholding nearly all the charges which had been filed against the leaders of the union and the Fund, and ordered UMW president W. A. Boyle to resign as a Fund trustee by June 30.

The Fund, established in 1950, gets its income mainly from royalties paid on every ton of coal mined in union mines. The income—more than $160,000,000 per year—is supposed to benefit disabled and retired miners. But Judge Gesell found that over the past 20 years the principal beneficiaries have been the union-owned National Bank of Washington, in which the Fund has kept enormous cash deposits that earned no interest for the miners but could be used by the bank for its own purposes, and the union leadership, which was able to use Fund money for investments and other purposes not related to the interests of the miners. Money was sluiced from the miners' Fund into the bank and on from there—to coal companies, which received loans from the union; to steamship lines; to power companies. The Fund, required by federal law to be operated entirely separately from the union and the bank, became hopelessly snarled in union affairs. "Conflicts of interest were openly tolerated," Judge Gesell concluded, "and their implications generally ignored." As part of his lengthy decision, he ordered the Fund to withdraw all of its deposits—estimated at more than $70 million—from the National Bank of Washington and place them elsewhere, managing them to earn interest for the miners. Until now, he found, there has been a conspiracy to manage the money so that, in effect, the miners suffered while the bank "was in a position to make money on the Fund's large demand deposits and in fact did just that. The deposits enhanced the bank's earnings and its prestige and position in the banking community," while men like Willie Ray Blankenship were getting form letters telling them that "Regulation B–2" was cancelling out their rights as lifelong union men. Judge Gesell ordered the Fund's administrator, Josephine Roche, to resign as a trustee, along with Boyle, and ruled that new trustees—to be chosen with his approval—must determine whether she is fit to continue as administrator.

Boyle became a Fund trustee in June, 1969, immediately after the death of John L. Lewis. His first act was to raise the pension level from $115 per month to $150. There might have been nothing wrong with that, Judge Gesell said, except that the circumstances of the decision were suspicious. Three weeks previously Jock Yablonski had announced his campaign for the union presidency, and Boyle knew, of course, that he needed the votes of the UMW's 70,000 pensioners in the election scheduled for December. Although he knew little or nothing about the Fund's financial resources, and had ordered no studies to determine whether it could survive the additional multi-million-dollar cost of the pension increase, he bulled ahead; Josephine Roche, who was opposed to the increase, was hospitalized with a fractured hip and the third trustee, George Judy—the coal industry's representative—apparently believed Boyle when the UMW president said he had a proxy vote from Miss Roche to support the increase. In fact, the Fund's financial future was shaky, and a government audit indicated later that unless the royalty income is drastically increased, the pension hike will bankrupt the Fund within a few years. It may be that Boyle didn't care. He got what he wanted—a fatter check for each of the pensioners, arriving in the mail with a note stressing that it was Boyle who pushed the increase through. As a campaign tactic, it was shrewd and it worked—but Boyle "proceeded without regard to his obligations," said Judge Gesell, and pulled off "a hasty power play, fortifying his position by falsely indicating that Roche supported his proposal." Boyle, the judge continued, "considers the Fund in effect the property of the union, to be used in whatever manner the immediate and long-term objectives of the union warrant." The problem with that, as the judge stressed in his decision, is that those objectives didn't necessarily benefit the miners for whom the Fund was built.

It will be some time before Judge Gesell determines exactly how much money was shuttled wrongfully from the pockets of the miners to the projects of the union's woebegone leadership. When the suit was filed, the attorney for the miners, Harry Huge, estimated damages at about $75 million. The judge made clear that his award will be much less than that; leaning over backward to protect the miners, he stressed that he would not weaken the union's "stance at the bargaining table" by requiring that an excessive chunk of eth union treasury be paid over to the Fund. He told Huge to prepare a precise statement of damages by May 21, and set June 21 as the date for a hearing.

The defendants are expected to appeal the decision, but among lawyers in Washington there was a strong belief that it will be upheld. If so, it strikes at the roots of Boyle's dictatorial control over the United Mine Workers union. Deprived of the enormous assets of the Fund, and denied the opportunities for vote control that go with being a trustee, Boyle faces the growing probability that by the time the next UMW election rolls around, he'll have to run strictly on his merits. Union reformers consider Boyle's merits so minor that in a fair fight, they are certain of victory.

"THE COAL MINERS OF THIS COUNTRY HAVE A VICTORY"

It was nearly two years ago that an embattled group of disabled miners—and widows of miners—summoned the courage to file a class suit against the men in Washington who, they claimed, had abused and misdirected the UMW's Welfare and Retirement Fund. When federal judge Gerhard A. Gesell upheld their claim this week, one of the miners—Howard Linville, of Peytona, W. Va.—put his rection into these words:

The decision of Judge Gesell must be read by every coal miner in this country, by every UMWA Welfare Fund beneficiary, by every UMWA member, by every UMWA officer. The days of neglect and exploitation by the UMWA leadership and the Fund are over. Now is the time for UMWA members who have lost their union to the Tony Boyles and the Ed Careys to get it back.

Yesterday's decision also means that the faith and courage of those men who gave their bodies to the coal mines—only to have their hearts broken by the Welfare Fund and union leaders—have been vindicated. All over West Virginia, Kentucky, Pennsylvania, Tennessee, these men are the victors—men like Marble Morgan, Willie Ray Blankenship, Charles Omechinski—and the men who have died since we began—Posey Stewart, and the wives and families of those men—they are the victors.

And they and the others should face the future with hope. The war isn't over, but a new day is dawning, and we're only just beginning.

There is much to do. There are regulations to be rewritten, pension applications to be examined—and that will be done. But after almost two painful years, the coal miners of this country have a victory.

[From the Progressive, May 1971]

The UMW's Last Chance

(By Ward Sinclair)

(Ward Sinclair is a member of the Washington staff of the Louisville Courier-Journal and The Louisville Times. For the last several years he has covered United Mine Workers' activities, including the Yablonski-Boyle fight, and mine safety.)

"Messrs. Boyle, Titler, and Owens shall never abdicate." So said Edward L. Carey, general counsel of the United Mine Workers of America. Abdicate they may not, but defiant W. A. (Tony) Boyle, lord and master of the United Mine Workers, and his aging fellow officers have full-scale trouble on their hands. The bosses of the coal miners' union are the most sued, the most controversial, and most investigated in the land.

President Boyle's most immediate trouble is a thirteen-count indictment, returned in March by a special Federal grand jury that is plowing through the UMW's tangled financial affairs. He is charged with embezzlement, conspiracy, and illegal use of union money for political purposes. Among the contributions allegedly made was $30,000 to the 1968 Presidential campaign of Hubert H. Humphrey.

As large as it may loom to Boyle's freedom and his future, the indictment is just the tip of the iceberg. The Federal Government claims that Boyle and his two top lieutenants are holding office illegally, the result of massive fraud in their 1969 election campaign. Court actions ranging from charges of antitrust violations to misuse of union money are being pressed on other fronts. A rebellious membership is on the verge of running out of control, stirred by the pulse of reform. And a cloud of suspicion still hangs over the UMW as a result of the murder of Joseph A. (Jock) Yablonski, the insurgent candidate who tried unsuccessfully to defeat Boyle in the 1969 union election.

For tough-talking Tony Boyle, all of this could not come at a worse time. His power base diluted, his prestige maimed, his control over his members in doubt, this summer Boyle must negotiate a new contract with the soft coal industry. He already has talked himself into a sticky corner—he has promised $50-a-day wages and a hefty increase in the per-ton royalty that operators must pay to finance the union's welfare and retirement fund.

The wonder is not that Boyle is being challenged and buffeted by forces with which he can barely cope. The wonder is that it took so long, which may be due to the fact that the once-proud UMW of John L. Lewis has become a fetid backwater of the American labor movement.

There are about 145,000 working coal miners in the United States today, about 90,000 of them UMW members; another 90,000 union members are pensioners or inactive and ineligible for pensions. The union makes little effort to organize the non-union men who, for the most part, work in small and marginal operations. Strategically placed as they are, the miners are one of the most powerful segments of the labor force. Without the coal they dig in increasingly prodigious quantities, the country's industrial machine would grind to a halt and about sixty per cent of our electricity, generated by coal, would be switched off.

Yet in relation to the power they potentially wield, coal miners are largely orphans of the Affluent Society. High-speed mechanization in the past three decades has eliminated some 300,000 pick-and-shovel jobs in the industry. It has also made those American miners who are still working the world's most productive. But the wave of union-sanctioned automation, with its emphasis on large scale mining operations, has left in its wake perpetual depression in scores of impoverished Appalachian counties.

Even in the best of circumstances, the lot of the coal miner is capricious and hazardous. His job is among the most dangerous in all of American industry. Some 100,000 miners have been killed since 1900, and in the past 40 years coal mining has resulted in more than 1.5 million disabling injuries. The miner lives—and often dies—with the constant threat of being gassed, crushed, burned, or electrocuted as he plies his trade in the menacing bowels of the earth. Even if he escapes those perils, he may wind up a wheezing wreck, victimized by the coal dust that ossifies his blackened lungs.

In both the foreground and background of that depressing picture is the UMW. There is a bright side to union membership: wages are moderately high (top scale is $37 a day), and a medical and retirement program financed by royalties on union-mined coal provides a thread of security for those lucky enough to qualify.

But there is another side to the UMW story. It reads like a bad dream: Jock Yablonski, the only high echelon official bold enough to shed his close ties with Boyle to try to clean up the union, was murdered. At least $10 million of UMW money is unaccounted for, according to Labor Department reckoning. Threat, intimidation, and violence within the union are commonplace. Retirement fund policies have kept pensions from thousands of miners who fail to meet rigid qualification standards. UMW conventions are stacked. Miners have little say about how their leaders are picked, and no say at all about the contracts negotiated for them. Nepotism among union officials is rampant.

Yablonski, who was shot dead three weeks after he lost a bitterly fought election to Boyle, called the UMW the most dictatorial union in the country. Such rhetoric is not uncommon to labor elections, but coming from Yablonski it carried a special ring of truth; he had long been a loyal element of the heirarchy he denounced and exposed. Like Boyle, he mined coal as a boy and worked his way up in the union to become a Pennsylvania district president and a member of the international executive board. Lewis and Boyle never doubted his fealty; both gave him important assignments. But finally the break came. He rebelled against what his lawyer and confident, Joseph L. Rauh Jr. of Washington, depicts as a sovereign nation with its own treasury, its own propaganda machine, its own law, its own enforcers, and a populace held in servitude by a greedy and despotic leadership.

The most outspoken and almost only Congressional critic of Boyle's dictatorship is West Virginia Representative Ken Hechler, a Democrat, whose district includes some 4,500 coal miners, most of whom are unionized. Months before Yablonski emerged, Hechler and Ralph Nader were publicly deriding the UMW leaders, urging the miners to clean up their union. Today, Hechler is even more critical.

To say that Tony Boyle and his aides have responded with indifference to the plight of the mine worker is to be charitable. The UMW is an organization of vast wealth which often aligns itself with the coal industry. It has gone right down the line in encouraging the automation that put thousands of its own union members out of work. It has made loans to the industry from a profitable bank the union owns in the nation's capital. It lobbies side by side with the coal industry against legislation deemed harmful to coal company profits, such as air pollution control. It has lagged far behind its membership in battling black-lung disease and inadequate safety conditions in the mines. All through 1970, the UMW was a complacent bystander as, time and again, the U.S. Bureau of Mines fumbled enforcement of the new coal mine health and safety law.

Now, in a slowly building chain, the UMW leadership is under unprecedented assault for its sins, both from within and without the union:

The late Jock Yablonski's followers, calling themselves Miners for Democracy, are pushing the reform drive despite Boyle's threats to purge them for "dual unionism." Late last year, Miners for Democracy scored an impressive upset of a Boyle slate in Yablonski's old district around Pittsburgh, one of the few where officers are elected.

The Department of Labor is suing to set aside Boyle's election victory over Yablonski, claiming widespread vote fraud and irregularities. But in a tortured interpretation of the Landrum-Griffin Act, the Department refused to heed Yablonski's repeated calls for Federal monitoring of the election. After Yablonski, his wife, and his daughter were found murdered in their home, the Department decided to investigate the election.

(For all its apparent after-the-fact toughness, the Department months later still showed how little it had learned. Labor Secretary George P. Schultz insisted to a Senate subcommittee that there was no connection between the union election and the murders. That staggering assertion surely raised eyebrows at the FBI and the Justice Department, whose probing had led to the indictment of a UMW local president in connection with the killings.)

Another Labor Department suit, pending since 1964 but stymied by union delays and Government indifference, seeks to put an end to the UMW's historic and illegal practice of keeping its regional districts in "trusteeship"—a device which gives Boyle virtually total control. In nineteen of the UMW's twenty-three regional districts in the United States, *all* the officers are appointed through these trusteeships. These are the men who carry out Boyle policy. In West Virginia and Kentucky, the two leading coal-producing states, not a single district official is chosen by vote of the membership. The Landrum-Griffin Act puts an eighteen-month limit on trusteeships, but some UMW districts were created in trusteeship and never have had autonomy. Why the Government allows this practice to continue I could not find out.

Federal grand juries have indicted several of Boyle's cronies for criminal misuse of union funds and other alleged irregularities during the 1969 election campaign. Another Boyle supporter, Silous Huddleston, a retired miner who is president of a pensioner local in east Tennessee, has been indicted as the "director" of the murder of the Yablonskis. Federal agents believe the killers' payoff came from union funds and they continue to pursue leads along with the special grand jury in Washington. Boyle denies any knowledge of the murders.

The U.S. comptroller general has concluded that, under policies inspired by Boyle, the multi-million-dollar UMW welfare and retirement fund will go broke by 1975 at the current rate of spending. A day after he had himself named to the fund's trustee board, Boyle raised pensions from $115 up to $150 a month for 70,000 UMW retirees—just as his campaign against Yablonski was heating up. That feat helped him win nearly ninety percent of the pensioners' vote, enough to reelect him with ease.

The UMW is involved in several court cases charging it with conspiracy with large coal companies to drive small non-union operators out of business. Testimony in those cases has shed a new light on the union's financial linkage with coal companies, a sweetheart relationship that dates back to the era of John L. Lewis. A decision in one of those cases already has cost the UMW treasury $1.8 million.

A U.S. Senate labor subcommittee headed by Senator Harrison A. Williams Jr., New Jersey Democrat, is moving into its second year of a special investigation of UMW affairs. The probers now are concentrating on the allegations of misuse of union funds to promote Boyle's reelection. Williams has expressed shock at his findings to date—which went considerably beyond the findings of Shultz' Labor Department. The Senator concluded that Boyle's increase of pensions was "politically motivated"; that Yablonski and his backers were the targets of violence and intimidation during the campaign; and that the welfare fund seems to be a classic case of mismanagement.

The policies and procedures ordained by Lewis have been carried on by his successors. Boyle hews closely to the Lewis example—even to the point of employing much of the same rococo language. And when Lewis told him to "be anonymous"—when he called him to Washington as his special assistant in 1948—Boyle took it as gospel and still does. He is inaccessible to the press and rarely ventures out of Washington to meet with UMW members.

Tony Boyle, a coal miner's son from Montana, stood at the top as Lewis' hand-picked, $50,000-a-year successor, a fact he lets no one forget. Boyle carefully patterned his image after the master. The self-righteousness, the roll of the tongue, the combative rejection of outsiders, the thundering responses to criticism all are pages from the Lewis book.

Most of Boyle's lieutenants were schooled at Lewis' knee as well. Vice president George Titler, a rumpled, barrel-bellied West Virginian in his mid-seventies, is known fondly as "the veteran warrior" in tribute to his fearsome organizing prowess. Secretary-treasurer John Owens, who mined coal as a ten-year-old child, disguises his eighty years with a silvery-blue hairpiece. (He was indicted with Boyle in March.) The policy-making UMW international executive board, with a member from each of the twenty-five districts in the United States and Canada, is a geriatrics showcase. Some men have been on the board since the Twenties and Thirties, all there as Lewis loyalists.

Lewis left for these men one of the great labor treasuries. Its assets today are roughly $100 million (this sum is independent of the union's welfare fund). The inheritors have no compunction about spending or indulging their tastes. The UMW's financial records show that the treasury pays for their Cadillacs; it pays more than $11,000 a year to house Owens in a fancy hotel; it pays for portraits by Bachrach and it permits outrageous expense-account living (one official collected expenses while in a hospital; another collected expenses on vacation). And lately it has paid the fees of the law firm of Edward Bennett Williams, whom Boyle enlisted to defend himself from the legal sallies of UMW dissidents. A special pension fund, kept secret until Ralph Nader exposed it, will allow Boyle, Titler, and Owens to retire at full salary for life, with more than $1.5 million of miners' money as a nestegg. Nor are the bosses' families overlooked. Boyle's daughter draws $40,000 a year as a union attorney in a moribund Montana district. His brother, R. J. Boyle, is a $27,000-a-year district president, appointed by Tony. The payroll is dotted with the children of other union officials.

The treasury is an interlocking empire consisting of the union's income from dues and investments, its three-fourths ownership of the National Bank of Washington, and the theoretically independent, but in practice closely related, UMW welfare and retirement fund.

The welfare fund's money is on deposit at the National Bank of Washington, working handsomely for the bank's major stockholder—the UMW—but producing little for needy coal miners and their widows who can not qualify for pensions. The welfare fund has kept as much as $80 million (half its assets) in non-interest bearing checking accounts, depriving fund beneficiaries of millions of dollars in interest income. The UMW last year collected about $1.5 million in dividends made possible by the welfare fund's subsidization of the bank.

When Senator Williams' subcommittee went into some of the details of the fund's relationship with the bank and the union, Senator Clairborne Pell, Rhode Island Democrat, described himself as "astonished" at the revelations, particularly the disclosure that Boyle's pension increase for retired miners would bankrupt the pay-as-you-go fund in five years. Boyle shrugged it off, saying he intended to raise the per-ton royalty paid to the UMW. Coal operators have not responded to that notion.

Much of this union activity might have gone unnoticed had it not been for a 1968 disaster that killed seventy-eight UMW members in a West Virginia mine run by Consolidation Coal Company, the country's largest producer. Boyle went to the scene and made some remarks that had a shock effect. "As long as we mine coal, there is always this inherent danger," he said. Moreover, Consol was "one of the best companies to work with as far as cooperation and safety," he added. To the contrary, Consol's safety record at the Farmington mine had been far from "best." Before the explosion Federal inspectors had found dozens of safety violations. Boyle had said the wrong thing, and the storm clouds had began to gather.

As demands grew for reform of the Federal mine safety law, West Virginia coal miners—most of them UMW men—were in open revolt, pressuring for a state black-lung compensation law. The union stayed aloof, and when the men shut down the mines to march on the state capitol at Charleston to demand passage of the bill, Boyle urged them to return to their jobs. The marchers jeered as they passed union headquarters. Hechler and Nader, working with the protesters, called for Boyle's resignation. Then they urged a Congressional investigation of the welfare fund, claiming that its questionable investment policies and its no-interest deposits were bilking the miners out of millions in benefits.

These events played a part in Yablonski's decision to break with the past. He talked it over with Nader, but still accompanied Boyle around the coalfields, praising him to the skies. Then on May 29, 1969, he called a press conference and announced his surprise candidacy for the UMW presidency. He offered a platform of bold reform for the union, saying the basic issue was union democracy. He promised emancipation. Boyle was furious.

A month after his announcement, Yablonski was knocked senseless at a small meeting in Springfield, Illinois. Yablonski and his doctor said it was karate chop on the neck; the candidate blamed Boyle's "goons." Secretary of Labor George Schultz later told the Williams subcommittee that the punch was not a karate chop, but a straight blow to the chin. And in any case, he said, investigators determined it was done spontaneously by an emotion-wrought union man reacting to Yablonski's talk. Case closed. What Shultz failed to tell the subcommittee—if he knew about it—was that five men among the dozen or so at the meeting were on Boyle's payroll and one had helped set up the affair.

Faced as he was with that continued disinterest of the Labor Department in his campaign difficulties, Yablonski turned to the Federal courts to help clear away the obstacles Boyle put before him. He had some success in the courts, but while judges expressed dismay at what they heard, they said the broader matters of union affairs were under Labor Department jurisdiction. That put Yablonski back where he began.

Yablonski's courtroom victories deterred the Boyle steamroller, but there were two other major forces inside the union that he could not cope with. One was the lack of autonomy in the districts where Boyle ruled with an iron hand through the trusteeships. Labor investigators found millions of dollars in "organizing" loans to the districts simply unaccounted for. Some of the largest loans went to districts where Yablonski figured his strength was greatest. Union payrolls were beefed up with make-work assignments. Office expenses mushroomed during the campaign. Witnesses told of vote-buying by the Boyle team—or attempts to buy votes.

The other force was the "bogus local"—an institution that bloomed after the welfare fund came into being and retired miners who once were discards went onto the union pension rolls. Nearly half of the union's

1,200-plus locals are made up of retired miners, although the union constitution makes it plain that they should be disbanded. The bogus locals figured prominently in Boyle's reelection, particularly after the handsome pension increase he engineered for retirees. Pensioners—old men fearful of losing their security—know that Boyle can take away what he provides. They back him strongly. Labor Secretary Shultz refused to consider the bogus locals as an issue. Yablonski was frustrated in his attempts to place observers at those locals on election day. He lost badly in them.

Yablonski had promised that the fight to restore the UMW to its once proud and respected status as the flagship of the American labor movement would go on—and that is his legacy. Since the murders of Yablonski, his wife, and his daughter, the lonely crusade that began with one man who took a stand has gained scores of new adherents who now see the hope for a new day for their union. Nothing short of Tony Boyle's removal seems likely to restore peace in the sagging palace that John L. Lewis built.

Boyle, Yes-Men Must Go; Miners Deserve Better

There long has been good reason to believe that top leaders of the United Mine Workers of America operated in a manner to assure their own comfort and enrichment, rather than for the benefit of the rank and file members and their families.

This is now substantiated by a decision of a federal judge in Washington, holding the UMWA, its multimillion dollar Welfare and Retirement Fund, and the union-owned National Bank of Washington jointly liable for millions of dollars in damages.

U.S. District Court Judge Gerhard A. Gesell, assessing the testimony of a month-long trial earlier this year, upheld virtually every contention of wrongdoing in a $75 million breach of trust suit filed in 1969 by more than 70 dissident miners and their families.

He found that the late John L. Lewis, long-time autocratic ruler of the UMW, had been repeatedly guilty of "more than a mistake of judgment," of "a clear case of self-dealing," and of initiating a conspiracy for which others must now pay heavy penalities.

He accused W. A. "Tony" Boyle, Lewis' successor, of making "a hasty power play" by increasing retirement benefits $35 a month shortly before seeking reelection as UMW president in 1969, and ordered him to step down as a trustee of the welfare fund by June 30. The same order applied to Miss Josephine Roche, 84-year-old and fund administrator since its organization in 1950.

He directed the union to withdraw its money from the National Bank of Washington, owned by the union and which has had as much as $75 million in union funds—30 per cent of its deposits—in noninterest-bearing accounts for benefit of bank and union.

He held that the effect was operation of the welfare fund by union and bank officers "so as to give their special interests collateral advantages" while denying the fund's beneficiaries millions of dollars increased payments that could have flowed to them from more profitable investments.

Judge Gesell said the union urgently needs a reform of its fund practices—which must be the understatement of the year.

The handling—or, rather, mishandling—of the fund has been notoriously scandalous. As Judge Gesell observed, Boyle's testimony and demeanor at the trial showed that "he considers the fund, in effect, the property of the union to be used in whatever manner the immediate and long-term objectives of the union warrant."

This is not the only black mark against Boyle. Just last month a special grand jury returned 13 indictments accusing Boyle of embezzling union funds and funneling $49,-250 to 11 political campaign committees in violation of the Federal Corrupt Practices Act.

Clearly, Tony Boyle has proved himself unworthy of continued leadership in the union. He has violated what amounted to a public trust. He has arrogantly disregarded the welfare and the interests of the thousands of union members who depended upon him. He has been brazenly selfish, a traitor to the cause he pretended to serve.

Tony Boyle must go, not only as a trustee of the welfare fund but as an officer of the union—and also the coterie of yes-men he has gathered around him. There must be a complete shakeup in union leadership as well as in welfare fund management.

The thousands of coal miners who daily risk their health and lives in the bowels of the earth deserve something better than deceit, betrayal and misrepresentation. The first step in that direction is to get rid of Tony Boyle.

[From the Charleston Gazette, Apr. 30, 1971]

Decision on UMW Suit: Rank-and-File Spokesmen Jubilant

(By James A. Haught)

Spokesmen for crippled, aged and sick coal miners—and widows of such men—issued jubilant statements Thursday.

But especially it was a day of triumph for Mrs. E. E. Noonkester of Midway, Raleigh County, and Mrs. Charles Omechinski of Quinwood, Raleigh County.

More than two years ago, these two miners' wives inadvertently touched off the $75 million class-action lawsuit that was victorious Wednesday in U.S. District Court in Washington.

It started when Mrs. Noonkester and Mrs. Omechinski heard about an article on "Hunger in Appalachia" which had been published in New Republic magazine. They wrote letters to the author, a young Washington lawyer named Harry Huge. Both women declared the hunger in their families was the fault of the United Mine Workers Welfare and Retirement Fund, which they said had refused benefits to their disabled husbands.

Huge got in touch with former State Sen. Paul J. Kaufman of Charleston, a lawyer known for social crusades. Kaufman, who was attorney for the West Virginia Black Lung Assn. and also involved with the Association of Disabled Miners and Widows, knew many coal field folk who claimed they had been wronged by the UMW.

So Kaufman's contacts became the backbone of the historic class-action lawsuit. Of 76 plaintiffs, 58 were from West Virginia and the rest from surrounding states.

The case remained pending nearly two years—until Wednesday, when Judge Gerhard A. Gesell issued a 45-page decision upholding virtually every charge of wrongdoing the plaintiffs had lodged against leaders of the Welfare and Retirement Fund. Judge Gesell ordered UMW President W. A. Boyle and the aged Josephine Roche removed as trustees of the fund, and he ordered the fund's money removed from the UMW-controlled National Bank of Washington where much of it was held without interest. Judge Gesell set June 21 for a hearing on how much penalty the defendants must pay.

Reaction in West Virginia Thursday was both elated and cautious.

The Black Lung Assn. issued a statement praising "yesterday's federal court decision holding UMW officials liable for millions of dollars lost through mismanagement of the Welfare and Retirement Fund." Black Lung Assn. spokesman Arnold Miller of Cabin Creek said, "This decision is a significant breakthrough in our efforts to bring about justice for the coal miners and their families."

Howard Linville of Foster, Boone County, secretary-treasurer of the Disabled Miners and Widows, said the court verdict "means that the autocratic days of neglect and exploitation by the UMW leadership and the fund are over—that now is the time for UMW members who have lost their union to the Tony Boyles and the Ed Careys to get it back."

* * * * *

Linville's statement continued:

"It also means that the faith and the courage of those men who gave their bodies to the coal mine—only to have their hearts broken by their welfare fund and their trust betrayed by union leaders—have been vindicated. . . .

"There is much to do. There are regulations to be rewritten, and pension applications to be examined. But after almost two painful years, the coal miners of this country have won a signal victory."

Lawyer Kaufman pointed out Thursday that the case still isn't over. The defendants surely will appeal, he said—and even if the outcome remains unchanged, several more steps will be necessary before benefits begin flowing to old and disabled West Virginians.

The damages won't be paid directly to the 76 persons who filed the suit, but will be paid into the Welfare and Retirement Fund, he explained. Persons previously excluded by the Welfare and Retirement Fund still won't receive benefits unless rules of eligibility are revised, Kaufman said.

A major contention of the class-action lawsuit was that eligibility rules of the fund were "arbitrary, capricious and unreasonable." Further hearings will be needed to bring changes in the eligibility rules, Kaufman said.

A SALUTE TO AMERICAN AGRICULTURE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon has moved vigorously to help American farmers expand their sales and income, and his actions are most welcome. The farmer needs and deserves our assistance.

I applaud the $1 million increase in fiscal 1972 funding for the Foreign Agricultural Service, which helps our farmers expand their sales abroad.

I applaud the increased Agriculture Department purchases of pork for food distribution and school lunch programs this fiscal year.

I applaud the increase in farm operating loans in fiscal 1972 and the increase in insured ownership loans in the current fiscal year.

I applaud the increase in funds to fight crop and livestock disease and the increase in funding for agricultural research and for soil and water conservation.

I join with the President in saluting American agriculture as we approach May 7, America's Agriculture Day. The American farmer merits the plaudits and the gratitude of our people for the tremendous job he is doing.

Mr. Speaker, I include at this point in the Record the President's radio speech of Sunday, paying tribute to American agriculture:

Radio Speech to Agriculture

Next Friday, May 7th, the people of the United States will celebrate Salute to Agriculture Day.

As a part of that celebration, we will honor representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I have set up this day, however, in the hope that the celebration will also extend beyond Washington—and that it will give people in every walk of life an opportunity to learn more about both the accomplishments of the American farmer and the problems that confront him.

During the last quarter century, I have had the opportunity to travel to over 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their farming techniques. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, and with South American cattlemen.

And often I have been very impressed with what I have learned.

But nothing I have seen *anywhere* on earth can even begin to compare with the success story that has been written by American agriculture.

Consider, for example, this single fact. In 1960 the average American farmer produced enough food and fiber for about 26 persons. Today, just a decade later, that same farmer provides enough goods for some 46 persons. During this time, the productivity of *each* farmer in America has increased almost 70 percent.

Now that is a truly remarkable statistic. No other segment of our domestic economy can match it. And the benefits of this accomplishment are shared by the entire Nation.

The vitality of American agriculture has made our country the best fed and best clothed Nation on earth and has contributed immensely to both our national prosperity and our international strength.

I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some have even had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy but have also helped to feed the people of other lands.

Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised to remedy during the presidential campaign. I am happy to say that we have delivered on that promise. Our agricultural exports this year will be at an all-time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach at least $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets.

This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing tonight an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities.

We know that American agriculture can compete successfully—whenever it has the chance. We are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last decade. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean of course is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago.

Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the *gross* income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in *gross* income are not always reflected in *net* income.

The reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farming expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased therefore to report that we are making substantial progress in our battle against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970.

We are working (then), to ease the cost-price squeeze both by reducing farm costs and by raising farm prices. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased by $75 million in Fiscal Year 1972—from $275 to $350 million—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for *operating* expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the Southwest who have been suffering so much from the recent drought. And I hope, too, that expanded credit will strengthen the position of younger farmers and of the hundreds of thousands of family farm operators who are still the backbone of American agriculture.

Let me turn now to another set of problems which has plagued agricultural communities from the beginning of time—the deadly threat of crop and livestock disease. I am today announcing several measures which will step up our fight against this menace.

In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight—which has recently created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, without using toxic chemicals and to do needed work on the relationship between hosts and parasites and on disease resistance in plants.

At the same time, I am ordering the use of $2 million from this year's budget for more applied research on controlling the fire ant—with minimal environmental consequences—and the gypsy moth—which is seriously threatening our Eastern timber stand. I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, ranchers and woodland owners were working together with government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists—whose number has dropped sharply in the last four years. I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed works be increased by $28 million, to a level of $105 million, and that loan programs—to help local communities finance their share of these projects—be quadrupled.

This administration is working in many other ways to fulfill our responsibilities to the agricultural community. We have more than tripled the volume of rural housing loans, for example, and we have nearly doubled the Federal contribution to extension programs. I am also ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water, and sewer systems in rural areas.

Our efforts also include our $1.1 billion Special Revenue Sharing program to help develop our rural communities and, hopefully, to reverse the flow of people—particularly young people—away from rural America. In addition, we have a number of other programs—like our proposals for placing more doctors and more medical facilities in rural areas—which would also help to improve the quality of life and the standard of living in the American countryside.

Through these and through other programs, I know that my administration can work closely with farmers, with farm organizations and with the Congress to serve agricultural America more effectively. Working together, we can resolve difficult issues involved in pesticide control, farm labor and farm bargaining legislation and other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that—in the final analysis—the problems of American agriculture can best be solved by those who know farming best—farm people themselves, with government backup when necessary.

That is one reason why I have such high hopes for the new farm programs which are in effect this year. They remove some of the old restraints—in a way which gives every farmer a chance to make more of his own decisions about the kind of farming that suits him best.

At the same time, we are continuing our search for better methods of maximizing the receipt of farm income from the market. After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to us that the brightest future for agriculture lies in actions that stimulate new energy in the market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must by nature be incurable optimists. Like everyone else, they are concerned about the great questions of war and peace, about the economy and education and crime and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets and even the direction of government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, and able businessmen.

All of these challenges have been successfully met by American farmers. In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength, giving shape and substance to our national character.

I was reminded of the remarkable spirit of American agriculture the other day when I came upon an old map of the United States. And on this map, there was a huge blank area in the center of the country—stretching from the Rockies to the Appalachians—which was simply designated by the words "The Great American Desert." That area—what we now call the heartland of America—was an unproductive region until it was touched by the genius of the American farmer. But then—within a very short time—the land was changed. And the place which once was called "The Great American Desert" soon became known as "the Breadbasket of the World."

This miraculous transformation has been followed by further miracles. Each passing generation has seen a new agricultural revolution in America—and in recent years American farmers have helped to simulate similar advances among farmers overseas.

And so we approach Salute to Agriculture Day in a spirit of gratitude and with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife and his family, will be with us in spirit.

What we will be saying on that occasion is simply this: Agriculture was our first industry. For most of our history it was our largest industry. And today it continues to hold an honored place in our society, a keystone not only for our economic strength but for our entire way of life.

TACTICS OF RADICAL DEMONSTRATORS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the tactics being engaged in by the radical demonstrators now operating in Washington are foreign to America, and I feel sure the American people roundly condemn them.

The attempts the radicals are making to shut down the Nation's Capital stand in sharp contrast with the peaceful peace march of April 4, when upward of 175,000 persons made their point without infringing on the rights of others.

To try to block traffic and keep others from getting to their jobs is an action which cannot be tolerated. Such tactics are counter-productive.

I congratulate the authorities for handling the situation as skillfully as they have. Law-abiding citizens owe them a debt of gratitude.

HEARINGS FOR VIETNAM VETERANS AGAINST THE WAR

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Recorc and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, on Friday, April 23, Congressman Findley and I jointly chaired informal hearings at which members of the Vietnam Veterans Against the War presented testimony.

These hearings were called when it became clear that the schedule of the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee would prevent the subcommittee from continuing its hearings on the prisoner of war problem. On Tuesday, April 20, one member of the Vietnam Veterans had testified at those hearings but time had prevented further testimony from other members of the group.

Congressman Findley and I, both members of that subcommittee, felt that members of the Vietnam Veterans Against the War should have an opportunity to present their views to the Members of Congress. Accordingly, we arranged for informal hearings the following Friday and arranged for a transcript of those hearings to be made, not at public expense.

Mr. Speaker, both Congressman Findley and I were most impressed by the demeanor and the sincerity of these men, all of who have served on active duty in Vietnam. Much of what they said will be, I am sure, of considerable interest to other Members of Congress and some of the charges they made are shocking and bear further investigation. I would like, therefore, to include the full transcript of these hearings in the Record at this point.

The transcript follows:

PROCEEDINGS

Mr. Bingham. Good morning. I'd like to open the proceedings because it is traditional to have a member of the majority party preside at hearings. But I want to explain that the hearing today is under joint chairmanship. Mr. Findley and I will be conducting the session jointly, and we hope to be joined by other members of Congress as this hearing proceeds.

I might just give a little background on this hearing today. On Tuesday afternoon, at a session of the subcommittee on National Security Policy and Scientific Developments of the Foreign Affairs Committee, of which Mr. Findley and I are both members, testimony was presented having to do with the prisoner-of-war issue. The request was made at that time for an opportunity to continue with that hearing.

And so in order to give an opportnunity for others to testify who had not had the chance to speak at the hearing on Tuesday, we have set up this hearing on an informal basis. We will continue to hear witnesses whose names we have been given on the subject of the prisoners of war or other matters, stressing that we are particularly interested in practical information. We want this hearing to be as informative to us and to our colleagues as possible.

A transcript will be made of these proceedings and, as soon as it can be compiled, we will see that it is inserted in the Congressional Record.

We propose that each witness have eight minutes to make an initial statement, and then we'll keep our questioning within an eight minute period. It may not run that long. We would like to have each of you identify yourselves, your name and address, and also what your position was in Vietnam. We'd like for you to be as specific as possible about statements that you make, with dates and locations and so forth.

Mr. Findley. I'd like to add that even though this is not a subcommittee of the House Foreign Affairs Committee the proceeding here today is undertaken with the knowledge and the approval of the Committee's leadership. The Chairman approved the use of this room for this purpose.

I'd also like to say that I would hope that witness would confine themselves to what they have observed first hand. We feel an obligation to make it possible for everybody who wishes to have an opportunity to speak.

Mr. Bingham. Mr. Rottmann, you gave us some rather extensive and very provocative testimony on Tuesday. I understand that you want to make an opening statement.

LT. LARRY ROTTMANN

Lieutenant Rottmann. Yes, sir. I've been selected by the group to make just a short opening statement on behalf of the group, at which time I will give my short bit of testimony.

Mr. Bingham. Would you again, for the record, state your full name and address and your affiliation.

Lieutenant Rottmann. Yes, my name is Larry Rottmann. I'm from Parales, New Mexico. I was a first lieutenant in the United States Army from Friday, August 13, 1965 until March 26, 1968. I am a full time volunteer veterans coordinator in New Mexico and Arizona.

I want to express on behalf of all the veterans here in Washington our deep gratitude to Mr. Bingham and Mr. Findley for allowing these hearings to take place and for helping us and assisting us when we testified the other day. It's most appreciated, this kind of reception.

We also appreciate the personal support and the visits of both gentlemen to our encampment. That's the kind of support that we think is very important and very relevant and we really believe in eyeball to eyeball contact, and there was a considerable amount of it at that time.

I would like to also on behalf of the veterans wish Mr. Bingham a happy birthday. I believe his birthday is tomorrow. He's 39, if the information I received is correct, and we also hope that with the birthday on the 24th for Mr. Bingham will come a new birthday for a new moral and political awareness and consciousness here on the Hill.

With that introduction I'll move directly into my testimony. And the first few people who will be testifying this morning will be talking directly to the question of military censorship and the way military news is manipulated, if it is agreeable with the Congressmen. This is to give you some idea of the scope of the problem of getting the correct and right amount of information to you. This will be the first three or four people. And then we'll move into a broader kind of personal experience. Is that acceptable to the committee?

There are only two short things that I'd like to say. And I'll just begin with my statement. During the period from June 5, 1967 to March 19, 1968 I served as the Assistant Information Officer for the 25th Infantry Division based at Tu Chi, Vietnam. My duties at the time were to be officer in charge of the Tropic Lightening Newspaper, Lightening 25 Magazine, and the Lightening 25 AFVN Radio Program.

I was also in charge of division press releases, including photographs, officer in charge of visiting newsmen, including network TV crews, and was a frequent briefer of the division staff and civilian news media and visting Congressional representatives to the 25th Division.

I am also the compiler and editor of the 25th Infantry Division in Vietnam, a combat history published by the McCall Corporation of Atlanta, Georgia in 1968.

Because of the nature of my assignment with the Army in Vietnam I am intimately acquainted with military censorship and news manipulation policy, and in the following notes which are not necessarily in chronological order, I have indicated some personal instances of censorship and related policies of which I have personal knowledge.

The biggest and most frequent problem I ran into as an information officer was what was known as the non news; these were things that were never to be mentioned either in writing, in picture or in interviews with newsmen or representatives.

Some of these taboos were explicitly stated, usually verbally, by officials from the information offices in Saigon. These would be the Military Advisory Command Office of information, MACV, the Military Advisory Command of Vietnam, and the Joint United States Public Affairs office, which is the information branch of the U.S. Embassy in Saigon.

Military censorship usually came from MacV or the 25th Division commanding general or chief of staff. In matters concerning policy or overall military planning or action, or special forces and CIA activities usually fell under the jurisdiction of JUSPAO.

The following is a partial list of things that were never to be mentioned while I was there in 1967 and 1968 by military news media personnel to civilian personnel or media, or representatives of Congressional offices or official visitors. Ineffectiveness or mistakes of the Army of the Republic of Vietnam, handling, processing, interrogation or treatment of prisoners of war; the use of shotguns, the use of flamethrowers hand held or track mounted; the use of lethal or non lethal gas, gas dispersing methods or gas masks. Female VC, very young VC.

During the short period of time when they were being field tested, Healy Cobra helicopters; information on the size, accuracy, range of effects of enemy 122 millimeter rockets; M-16 rifle malfunctions or deficiencies. The extent of damage and number of U.S. casualties from enemy attacks. Any story concerning enemy tenacity, courage or ingenuity; marriage of U.S. personnel and Vietnamese. U.S. soldiers use of pot or other drugs; conditions of U.S. military stockades; anything about the CIA or CIA sponsored activities like Project for Air America; anything about U.S. activities in Cambodia or Laos; B-52 or other bombing errors; ambushes or defeats of U.S. units; burning, bulldozing or other destruction of Vietnamese villages and hamlets; anything about troop morale, pro or con.

Information about captured enemy material of U.S. manufacture, weapons, food clothing, in some cases Playboy magazines. The NLF, the NLF as a term, or as an organization.

The word "napalm"; enemy armour or helicopters, plus anything else that Saigon officials thought might in some way be detrimental to the best interests of the United States Army.

I'll go back to the beginning of the list and just pick out some specific examples for which I have some documentation here.

M16 malfunctions and deficiencies. In 1967 there were rumors of numerous M16 malfunctions which were apparently getting back to Congress. U.S. Representative Richard Ichord launched an investigation of the Army's much ballyhooed rifle, even sending a team of experts to Vietnam to question GIs.

MACV told all information officers prior to my arrival that the M16 was not a topic for discussion. Newsmen were not to question soldiers about the weapon. No stories about the rifle jamming or malfunctioning were to be written.

This was done despite the fact that many GIs hated the M16, felt they couldn't trust it. And until an order stopped the procedure, carried their own weapons instead: carbines, 45 caliber grease guns, rifles sent from home, captured AK47s, et cetera.

At the same time the Army launched an all out propaganda campaign to make GIs in Vietnam more confident in the weapon they basically mistrusted. Special classes on the weapon were held in the units, new cleaning procedures were instigated, new lubricating materials were introduced due in a large part to GI demands for dry slide, a commercial lubricant manufactured in the U.S. that worked much better than Army oil which the Army refused to supply us with, not the oil but with the dry slide. They later did introduce a silicone lubricant which was roughly the equivalent of the dry slide.

A whole new campaign was initiated to instill in the American soldier the utmost confidence in a weapon that he didn't like.

Along those lines during this time that Representative Ichord was conducting his investigation—yes, sir?

Mr. FINDLEY. Your testimony is extremely interesting and I hate to interrupt you, but how much longer do you have for your initial statement?

Mr. ROTTMANN. Two more instances, if I may.

During this period I was information officer and across my desk came a photograph from one of the men in the unit of a GI, obviously in a fire fight, in a combat situation. It was the most fantastic photograph because he was desperately trying to unjam his weapon, while the bullets were flying.

I sent this photograph to Representative Ichord with a letter explaining that this is not an infrequent occurrence. This was during his conducting of the investigation. And I never received a reply.

Just two more instances, because I don't want to run over the many people here who want to talk.

A specific example—you gentlemen are well aware that the official military policy is that there is no censorship in the Indochina War.

A young man who is a photographer in a combat unit in my division took a photograph of two 25th Division Infantry MPs who were moving a suspect, detainee from one area to the other. He sent this photograph up to my office, knowing full well that it probably would not be cleared, the reason being, as I stated in my earlier testimony, handling of prisoners of war, detainees, is a subject not to be discussed.

But he felt that the photograph said something and should be considered. I agreed with him and I sent it on to MACV. This is the original photograph right here (indicating). It shows two MPs from the 25th Division—one of them has a patch, hardly visible. They are carrying a suspect. The suspect has a sandbag tied over his head, like a hood. His feet are bound and then his legs are bound to his thighs so you can't straighten out your legs. And his hands are tied behind him. Would you like to see it?

As you can see, stamped across it in red ink, it says: "Not cleared for release". It's a little hard to read. Not cleared for release. That means censored. And it was sent back to our office not to be released. Now that's a specific example.

The final thing that I would like to say is that an information officer is in a quite unique situation in the war as regards disseminating information through the civilian media. And many times information officers ran into a great deal of flack in trying to do their job honestly. It's somewhat the same position as being a doctor in the military. There are rules in the military about doctoring that don't exactly jive with the Hippocratic Oath. And the same thing is true of the Journalists' Creed.

I'll just read you as the final thing that I do here an official directive from the Information Office, Headquarters, United States Army Republic of Vietnam. It's called the "Colonels' Kernals". And this is a letter that was sent out to all military information officers in Vietnam. It says: "It may seem to you presumptuous, but I'm going to give out with a few thoughts on the subject of loyalty, and philosophize a little bit about how loose words can come back to haunt.

"Some very respected correspondents, without identifying people or places, have let it be known that there are a few military IOs, Information Officers, out here who are not playing on the team.

"On occasion these guys have downgraded one or another of the programs the United States is trying so hard to make work in Vietnam, and have done their sounding-off to the press, yet

"Of particular note was the cynicism and downright bad mouthing of these few IOs about the success of the U.S. efforts to upgrade ARVN effectiveness."

This is datelined December, 1967.

"I know that sometimes our frustrations run away with us. We lose sight of the facts, the background, the history of this part of the world, the culture and social gap between Americans and Vietnamese. Even though we are not thinking disloyal thoughts, out of our mouths come disloyal words."

"There's no better way of expressing the very special kind of loyalty characteristic of the military service than to remember that you owe it to your commander, the Army, the nation and your self respect to argue your views all the way until the decision-making time. But brother, when the decision has been made, you owe loyalty to that cause, and you try your darndest to make it work.

"To argue your case in the press is not to show the courage of your convictions. It's a betrayal of trust. It's disloyal.

"Now for the words of wisdom on haunting. These words simply involve practical application of the above stated thinking on loyalty. A few, usually inexperienced, IOs may feel they can unbend with the friendly newsman or cry out their hearts, secure in the belief that it's all 'off the record.' These naive few soon learn the hard way that the words they poured out 'in confidence' will soon come back to haunt them. Don't forget that correspondents are paid to write or film or tape news, news that will sell newspapers, or entice viewers or listeners.

"If your confessions and exposes can be made into news rest assured the words will show up in print, perhaps not attributed to you by name, but presented in such a way as to make the back of your neck burn just a bit." End of the letter.

When I got the letter, the letter made the back of my neck burn just a bit. That concludes my initial statement.

Mr. BINGHAM. Mr. Rottmann, my own background is in the newspaper field. I worked on a daily paper and a monthly magazine, and for a number of years operated a weekly newspaper. I also served in World War II and in my modest capacity as supply officer, one of my duties was censoring the mail. So I come to this question of censorship from perhaps a unique background. And it doesn't surprise me that there is restraint, censorship, of the military personnel involved in the dissemination of battlefield information. Does it really surprise you that there would be a degree of censorship in this field?

Mr. ROTTMANN. I was most astounded by the amount and the extent. I knew that for security purposes you can't tell where your units are and that kind of thing. If you wanted to find that out you just check Walter Cronkite's board.

But I was quite incredibly amazed at the extent and the amount.

Mr. BINGHAM. In your statement, you read a list of items that were taboo. It was a very complete, well drafted list. Can you tell me, do you still have a copy of the official instructions that you had as information officer?

Mr. ROTTMANN. As I stated, sir, most of the instructions came through verbally.

Mr. BINGHAM. That is from your recollection?

Mr. ROTTMANN. Yes, sir.

Mr. BINGHAM. You have no documents that you can submit for the record at this time?

Mr. ROTTMANN. Not a specific document. I have some similar things. For instance, if you submit several pictures similar to the one I did and they came back not cleared for release it becomes pretty clear in your head what you can send forward and what you cannot.

Mr. BINGHAM. And yet is it not true that a private news agency camera man out there, had he taken that photograph, he would not have been restricted from the use of that photograph. Am I correct on that point?

Mr. ROTTMANN. Yes, sir. Except part of my job as information officer was to escort members of the press and to keep them from taking photographs and interviews and pictures of things which were on that list.

Mr. FINDLEY. Mr. Rottmann, you are the author of a history——

Mr. ROTTMANN. Compiler and editor, yes, sir.

Mr. FINDLEY. Compiler and editor. What was the history again?

Mr. ROTTMANN. The 25th Infantry Division in 1967–68—'66 and '67 in Vietnam, the book was put together as a sort of a—if you can call it, a yearbook of the unit's involvement during those two years in Vietnam based on after-action reports, information office MI readouts and things like that.

Mr. FINDLEY. Did you write any part of the book yourself?

Mr. ROTTMANN. I probably guess I wrote every word. But it was like I said, it was taken from after-action reports and put together—a great deal of it was based on after-action reports and some of it was based on interviews and experiences of that nature.

Mr. FINDLEY. In doing this work did you feel that you were not capable of being honest? Did you feel under constraint, in other words, to comply with certain directives, express or implied?

Mr. ROTTMANN. Very much so, sir.

Mr. BINGHAM. When did you come to your present views about the war in Vietnam in general?

Mr. ROTTMANN. It's a very difficult question to answer. I can only, perhaps, answer it on the basis of a short story. I had been in the country only a few hours and was flying from Tansanott [phonetic] Air Base to To Chi which was my main duty station. I was flying on a carrier, or a supply run. I was the only person on there who was traveling with them other than the people who were normally with them.

And at one point the chopper dove down and there was a Vietnamese man fishing on a bank of a canal. And the pilot of the aircraft nicked him in the back of the head with the skid, knocking him into the water. I was appalled. But I noticed that I was the only person on the aircraft that wasn't laughing.

I guess my reevaluation of the whole situation began then and continued throughout my tour.

Mr. FINDLEY. The Defense Department has communicated to some members of Congress since your testimony on Tuesday that you have been asked on various occasions to give specifics of the charges with regard to mistreatment of detainees and prisoners, and that you have declined to cooperate in such investigations. Do you want to comment on that matter?

Mr. ROTTMANN. Since I began working with the veterans movement; I began working with the Vietnam Veterans for McCarthy and then moved to the organization of the Vietnam Veterans Against the War, I have been subject to quite a bit of harrassment by the FBI and the CID, Criminal Investigation Division. Friends and friends of my family, teachers, people that I've worked with, have been questioned and although no threats were made at any time, I have been, you know, subjected to that type of harrassment, and I have also—an attempt was made to court martial me from the Army Reserve as an officer, the charge being unlawful wearing of the uniform for appearing at anti ROTC rally in my uniform, and conduct unbecoming an officer, the charge stemming from a Peace Christmas card I sent from Vietnam.

The attempt to courtmartial me continued for the past few years and was resolved, I believe, although I do not know for sure if it was final or not, last Fall at the Boston Army Base, when the unanimous agreement of the courtmartial there was that all charges and specifications against me be dropped.

For this reason I have been reluctant to cooperate with those members of the CID who have come to my home and my employers to ask questions.

Mr. FINDLEY. Mr. Rottmann, isn't it a fact that you have not met with the Army personnel who have asked to meet with you?

Mr. ROTTMANN. No, sir. Just a second. I'll give you their names. I have met with and talked at great length on at least one occasion with Mr. Elmer E. Snyder, CID ID No. 0903, Mr. Richard J. Mahon, CID ID No. 0947. These meetings took place in Watertown, Massachusetts, which was my residence last year.

Mr. FINDLEY. Last year?

Mr. ROTTMANN. Yes, sir.

Mr. FINDLEY. Those documents to which Mr. Bingham referred indicate that attempts by Army personnel to interview you followed a news conference in May, 1970. Since the attempts to investigate the allegations were unsuccessful, the investigator was referred to Rottmann's attorney, Mr. Richard M. Howland who said that Rottmann would not make a statement. Would you care to explain why you chose that course of action?

Mr. ROTTMANN. Certainly I would. Yes, sir. I would. We held sort of an investigation, informal one, in Boston which some of us who had been in Vietnam aired our views on the subject. Immediately following that presentation I was accosted—the man put his hand on my arm and said that he wanted me to make some kind of a sworn statement or something. And I said, Who are you? And he said he was with the Government but he would not show me his identification, and I didn't know who he was. And I said, If you are with the Government please see my attorney, Mr. Howland. And I instructed my attorney, Mr. Howland, that he should let me know if anybody got in touch with him so that he could work it out.

Mr. FINDLEY. With regard to your meeting that you just mentioned with the CID personnel, do you feel that you responded to each question raised at that time?

Mr. ROTTMANN. They were around, you know, sort of around the periphery, and talking to my boss and things like that——

Mr. FINDLEY. Did they talk directly to you?

Mr. ROTTMANN. Yes, sir. And I responded in every instance to their questions, except I did not name names because it was not my feeling that I wanted to prosecute anybody, only to make a point about policy.

Mr. BINGHAM. Is that still your feeling, Mr. Rottmann? That is, today would you be willing to name names or dates, or do you still feel that this is something that you cannot in good conscience do?

Mr. ROTTMANN. That is correct, sir. I am not trying to prosecute anybody. All of us who went to Vietnam and participated and all of us here in the states who allow the war to go on year after year after year are to some degree guilty. I would be unwilling to name names because I'm not trying to prosecute anybody for atrocities or anything. I just want to raise a point of official and de facto military policy in Indochina. I think if the American people were fully cognizant of the scope and the extent of the way that we wage war there that they just wouldn't permit it to go on. And that's the main thrust of why I testify like this.

Mr. BINGHAM. We are happy to have Congressman Morse from Massachusetts with us.

Mr. FINDLEY. Mr. Rottmann, I am troubled about the questions you raised about censorship, and I'll express my concern this way: in time of military conflict do you think it's unreasonable for the military leadership to establish a certain level of censorship day by day of the coverage of battlefield activities?

Mr. ROTTMANN. There's a fine line, I think. As a loyal American, and I feel I am one, I would certainly not want to in any way through the dissemination of information do anything that would be contributing to the loss of more American lives or Asian lives.

However, as the testimony I think will continue to show this morning, not only do we not tell the American people about the extent and the manner in which the war is raised, but in many cases the truth about the war as well as the truth about what is going on in our own country is kept from the American soldiers in the field, through the use of the same kind of policies that I spoke of in relation to unit newspapers and through the Stars and Stripes Newspapers, which are about the only two—and AFVN which would—we all call "Altered for Vietnam News" which prevents the GI from finding out what's going on in the war himself, and it prevents the American people from knowing.

I know there has to be some sort of control, and I am wholeheartedly in support of that. But the extent and the kind, I think, is a very dangerous extension of the policy that I find very hard to live with.

Mr. BINGHAM. Thank you very much, Mr. Rottmann.

Mr. ROTTMANN. Thank you. I'm going to have to leave the chambers now. I'm helping with the veterans who are turning in their medals and awards this morning over on the Capitol, and so with the indulgence of the Committee, I'll now leave and turn it over to my colleagues here.

Thank you very much.

[Applause]

Mr. BINGHAM. Thank you very much, Mr. Rottmann. Now the next witness is Forest Lindley—

Mr. ROTTMANN. Excuse me. I'm sorry to change your schedule, but we have a man who would logically follow me. Mr. Mike McCuster.

Mr. Bingham. Is he on the list?

Mr. Rottmann. Yes, sir.

Another Veteran. No, sir. He would not be on the list that you have. That was an ad hoc list I was compiling for our use that I gave to you.

Mr. Findley. Well, is Captain Lindley here?

Capt. Lindley. Yes, sir.

Mr. Findley. Captain, would you come forward, and if this gentleman would give his name and serial number and other identification to the clerk here, well we'll put him on the list.

Mr. Lindley, I'd like to ask you to confine your formal oral presentation to eight minutes.

CAPTAIN LINDLEY

Capt. Lindley. Yes, sir. I'm Captain Forest Lindley. I served for 18 months in Vietnam first as a 1st Lieutenant, with the Vietnamese Airborne Division and as an advisor to the Artillery Division of that Division, and the 7th Infantry Battalion of that Division.

I served for 6 months with 5th Special Forces Group, B23, first as a fire base commander at the Fire Base Annie during the seige of Bu Brang in November of 1969. Later as an assistant F3 for B23 and as a Special Forces Team Commander Team A231.

Mr. Findley. Where is your home now?

Capt. Lindley. Colorado Springs, Colorado.

My general impression is that when I went to Vietnam I sincerely and deeply wanted to assist and aid the Vietnamese people in their struggle and help them take over the burden of the war for themselves. Having served with them for 18 months I came to the conclusion that they were unwilling to fight and die for something that they did not believe in.

I have several examples. I still believe that the Vietnamese Airborne Division is the finest unit there, but I don't think that they are fighting for the Thieu-Ky Regime and what it represents, but rather for the esprit and the spirit and the heritage of their unit.

One incident in particular, we are at an artillery fire support base about five kilometers south of the Base Camp in (word unclear) Province. There was a North Vietnamese mortar crew approximately 400 meters from our position one night, and 100 meters from a regional forces camp. They opened up with at least 20 pounds of mortars which continued for a period of five minutes on another target, which I believe was later determined to be a village.

The mortar crew was silhouetted by the flashes of the mortar. Neither our unit nor the regional forces unit returned any fire or in any way attempted to engage the enemy.

When I asked my counterpart why they did not try to shoot back at them, he said, They weren't shooting at us and he didn't want them to shoot at us.

There has been a great deal of conflict that I've experienced between the Vietnamese Army and the United States Army. In one instance we were moving into a fire base to set up a position in (word unclear) which is located Southeast of ______ City. There was an American artillery unit which had been set up to support an operation with the 25th Division. When we moved in our battery our Vietnamese battery commander wanted to put his trucks where the American trucks were, and told the American officer to move his trucks and battery so that he could put his trucks there.

The incident came to potentially an armed conflict with the Vietnamese warrant officer pulling his 45 caliber pistol on an American officer and demanding that he move his battery and unit out of the position. The American unit responded by engaging a machine gun and pointing it at the Vietnamese officer. I was able to intervene and preclude any further conflict; but I believe that if I had not been able to intervene, it might have led to an armed involvement.

My experience with special forces, and my (words unclear) was one that particularly concerned me, because we had a mission of border surveillance. We were located on the Cambodian border and had the responsibility for monitoring any infiltration, enemy infiltration or movement between the Cambodian border and our operational area. To do this we were required by higher headquarters to have a certain percentage of our troops involved in operations at all times. I believe it was 60% for regular operations, and 80% of our reconnaissance units on operations at all times.

We would submit an area of operation to higher headquarters and the number of troops that would be involved in that operation. It was thereby assumed by these headquarters that these troops would cover that area with the number of troops stated in the operational report. As it turned out, these troops were not going out to the areas of operation. If they did go out there—when this was discovered I attempted to make aerial incursions by taking them out to the border and herding them with helicopters into their area of operation.

Attempts later the next day to contact them would find that they had moved back, or were moving back toward our special forces camp. In many instances where they were sent out without American advisors they would go out two or three kilometers and set up camp for a week. We once heard shots and went down the river and found that it was our operation, which was supposed to be ten kilometers from the location where we found them fishing.

I sent reports to higher headquarters to this effect and received word back that unless my operational statistics reflected that the operations were being carried out and that the stated number of troops were there I was subject to being relieved.

I therefore falsified my report. And this has been the consensus of opinion I've found in discussing this matter with fellow members of my team and other teams, is to give them what they want regardless of what actually is taking place.

Mr. Bingham. What was your experience with regard to the treatment of detainees and prisoners of war? Did you witness any mistreatment?

Mr. Lindley. Sir, I only witnessed two or three incidents, but in every case where we were engaged in a fire fight, and there was a wounded enemy, he was shot and killed unless I was able to intervene.

They made a habit of pumping five or six rounds of automatic into a dead body, several soldiers.

Mr. Bingham. Who were they?

Mr. Lindley. This is the Vietnamese airborne troops I was with. I would say that they have treated humanely prisoners that they have captured when advisors have been able to intervene; but for combat reasons or for some other reason they just shot them, several wounded ones.

There was an incident where we captured a sixteen year old local force Viet Cong from Hotmong Village, and he was treated quite humanely and with a great deal of respect, I believe, by not only the Americans but the South Vietnamese, and interrogated by them. He gave what knowledge he had about enemy caches, and we were able to find a limited number of claymore mines. But he was then sent forward to higher headquarters for further interrogation and when he returned he had marks all over his face. His face was completely covered with red marks. And it looked like somebody had put needles or pins through his skin.

Mr. Bingham. Mr. Lindley, when did you come to your present views on the war in Vietnam in general?

Mr. Lindley. I think it wasn't until after I had completed my tour. I would still be in favor of Vietnamization under the President's program if I believed that the Vietnamese people were willing to fight for the Thieu-Ky Regime, or wanted the war to continue. But I believe now that they have the equipment and the knowledge to win the war or to fight it by themselves, but they do not have the will to do that.

Mr. Bingham. Mr. Morse?

Mr. Morse. I have no questions.

Mr. Bingham. Thank you very much, Captain.

[Applause.]

The next witness on our list is Les Johnson.

LES JOHNSON

Mr. Johnson. Good morning, gentlemen.

Mr. Bingham. Could you give your name and address and your affiliation during the war.

Mr. Johnson. My name is Les Johnson . . . I'm from Denver, Colorado. I volunteered to go to Vietnam in 1966 in April with Armed Forces Radio, and I left that organization after three months because I did not agree with the programming policy of Armed Forces Radio in Vietnam inasmuch as it was programmed for the commanding officers of MACIO, instead of the troops in the field.

At which time I found a position as television advisor to the Vietnamese government and military organization. And my responsibility was training a television production crew from the military to do a one hour television program per week. At the time we were doing three hours a night on Vietnamese television.

Mr. Findley. I don't quite understand your statement. Were you in the Armed Forces?

Mr. Johnson. Yes, sir. I was. I was a military advisor to the Vietnamese military teaching them television production.

Mr. Findley. What was your rank?

Mr. Johnson. Specialist 5, Sir.

My statement this morning is simple and not too shocking inasmuch as we were directed by General Westmoreland's Headquarters and the Vietnamese government to sell the Vietnamese soldiers to the people as soldiers, as fighting soldiers, which we did with manufactured combat footage. And I felt nothing was wrong at the time because I felt my responsibility was teaching them television production, instead of trying to find some Vietnamese unit who at the time was actually engaging in good combat.

What I would like to address myself to is the Vietnamization program, in that we were doing a very simple part of it in 1966 and 1967, and I feel at this time that the Vietnamization program is actually an Americanization program to teach the Vietnamese how to become as Americans to carry on an American war. I think because the moral conflict within the war—and I'm speaking now as a person who has studied epistemology for the last seven years—that it has degraded into a war of ethnicide, inasmuch as we continue the war—if we do this—we will end up with a war of Vietnamese Americans against Vietnamese Vietnamese.

Mr. Findley. A war of what? Would you clarify that. I missed that word.

Mr. Johnson. A war of ethnicide, sir. A war of people that we have trained to be Americans against the Vietnamese ethnic culture. We are turning it into a cultural war instead of one of politics. And I came to Washington this week and slept on the ground for a week to ask the politicians in Washington to become statesmen and to think about this country in twenty years.

Thank you, gentlemen.

Mr. Findley. Mr. Johnson, your presence

here shows that you are not pleased with present policies. How would you change them?

Mr. JOHNSON. I disagree with the President's analysis of what this country needs in ten or twenty years, or in the future to hold itself together as the United States of America.

And I think I am here representing the people who will be responsible for the future of America and we are wanting an end to the war now, as opposed to the President's wishing to win a military victory or convince the American people that we have won a military victory in Vietnam.

Mr. FINDLEY. Well, I'm sure that you give a different interpretation about what he says than some of the rest of us. But I think that he has very clearly rejected the concept of a military victory in Vietnam on a number of occasions.

Now, perhaps you read something into these events that would lead you to another conclusion. But he has said that, has he not?

Mr. JOHNSON. I think, sir, that the President will consider it a victory if he can convince the American people that the Vietnamese are able to carry on this war.

Mr. FINDLEY. You also mentioned manufactured footage. Now do you feel that this manufactured footage was totally unrealistic, unrepresentative of the true situation?

Mr. JOHNSON. Of course it was, sir. And I can give you a specific example of it, in that we sent a film crew out to make heroes of the transportation Corps, the Vietnamese transportation corps. And they turned half of them into Viet Cong, ran the train out of Saigon a few miles, blew up the railroad tracks, burned part of the train filming the defense of the train and how the transportion corps workers could get through. The train couldn't go much further than it actually did at the time.

Mr. FINDLEY. Were these South Vietnamese, ARVN?

Mr. JOHNSON. These were ARVN soldiers.

Mr. FINDLEY. There weren't any American personnel involved directly, is that correct?

Mr. JOHNSON. I was the advisor to the group that filmed it.

Mr. BINGHAM. Thank you very much, Mr. Johnson.

Mr. JOHNSON. Thank you gentlemen.

[Applause]

Mr. BINGHAM. The next witness is Arthur Egendorf.

ARTHUR EGENDORF

Mr. EGENDORF. My name is Arthur Egendorf. My present home is in New York City, Manhattan, 43 West 88th Street. I was in the service from August 10, August 11, 1967 until May 10, 1970. And I served in Vietnam from April 15, 1968 to April 14, 1969.

I enlisted into the Army while I was a student in Europe after having graduated college, where I was doing research and studying on my own in Europe. After my draft board informed me that I was about to be inducted I went to an Army recruiter in Germany and told him of my background and that I wanted to do something constructive. I described that I was not a conscientious objector, but that I had gone to a Quaker school and spent eight years in a Quaker school in Philadelphia, my original home, and that I did not want to be in the infantry.

I was sent to the intelligence school where I was informed that there was a special program for people of my background. I spoke a couple of languages at the time. And that the program was called Area Studies. And I was told that I would be doing studies in support of American operations around the world. That would be decided after my training exactly where I would be located.

After basic training I went to intelligence school in Fort Holabird, Maryland in the beginning of October, 1967 and was told the first day that area studies meant espionage. I was to become a spy, and I was not to tell anybody this for the rest of my life so that the United States Government would be able to maintain what they called "plausible manial" [phonetic], so that ever we were caught involved in what they called clandestine operations, and clandestine was a euphemism. It meant specifically illegal operations, illegal not only in terms of this country's laws, but in the laws of the country where we would be operating, that the Government would be able to dissociate itself from us and disclaim any connection with us.

We were also told at the time that if we had any more qualms about this program we could drop out and be reassigned according to the needs of the service. Which was interpreted to us informally—I must say there was no document to specify this—that we had a good chance of losing our clearances and going into the infantry. Which as I stated before, was the one thing that I wanted to avoid.

I stayed in intelligence not only to avoid the infantry, but because I didn't believe it, didn't believe that they were going to teach me how to be a spy. I was in a class with a number of guys who had dropped out of theological seminaries. I was in class with a lot of fellows who had dropped out of college, some career Army enlisted personnel, some of whom hadn't finished high school, and I went through six months of training that I considered rather inappropriate for the kinds of things they stated they were preparing us for.

That is, we would spend most of our time learning how to fill out forms and things of that nature. I got assigned to Saigon and I went over there in April of '68, and I was attached to a unit in Saigon whose existence, I was told right from the start, had to remain secret not only from other Americans but also from the Vietnamese in the Vietnamese intelligence because its existence was in violation of the protocols drawn up between our government and the South Vietnamese. It was a protocol which stated that we would not mount any of our own clandestine operations in South Vietnam without the specific knowledge and concurrence of the South Vietnamese.

I was attached to that unit and given credentials of a Department of the Army civilian rank of GS 9 and later of a civilian American company which I was made to understand had close relations with CIA and was willing to provide its credentials to any intelligence operative that the American intelligence community would designate.

I was put in charge of an operation using French agents going into Cambodia. I spoke French at the time, and although that ran on for a period of 12 months the highest evaluation I ever got on any report, intelligence report, was on an article written in the New York Times Sunday Edition during the Summer of 1968 on Cambodia by a reporter who just happened to get permission from the Sihanouk Government at the time, since we didn't have relations with that Government at the time, to go into Cambodia. And he wrote an article and my team advisor, the Major, suggested very strongly that we send that article forward to see what kind of evaluation we got. And it was the highest which we ever got on a report in the entire year I was there. My agent was given press credentials in Saigon. I had to arrange for that. They needed cover while operating in South Vietnam without waiting to have to go on operations in Cambodia. And contrary to what the Army has since claimed or disclaimed since that time, this was a normal occurrence, where agents not only of Army Intelligence but of the CIA and CID—I was made to understand this. Again there were no formal documents which I can present—were given cover both so that they could maintain themselves in South Vietnam and also for different sorts of agents so that they could keep their eye on civilian press personnel.

When I returned to Washington one of the operations that I was not directly involved in, but was a witness to in the preparation, involved an American oil company in Cambodia, and there was an attempt made to use the personnel of that oil company who were in the country where we didn't have relations at the time, to supply information to Army Intelligence.

And I later found out when I was reassigned in Washington to the United States Army Field of Activities Command that this is a regular occurrence, that the concurrence of company presidents is necessary, and required under the secret statutes that are the basis for clandestine operations.

So that the intelligence community of this country can use American personnel and even non American personnel employed by American companies overseas to supply information on our Government. Again this is called clandestine espionage, because it's illegal.

I also found out that Government records were used to support these operations, information collected by the Commerce Department, for one purpose, were used by the intelligence community for quite different purposes. Records in the Treasury Department and the Justice Department and throughout the military hierarchy are falsified to support operations abroad. And it was at that time that I became quite incensed having begun a search of a very different nature on American companies abroad under the understanding that this was a helpful force in promoting world peace.

I found out quite to the contrary that the very heads of these private organizations were involved illegally and covertly with certain arms of the Government for ends that were not made clear either to the people or to—as I believed at the time—the elected representatives of the people.

That concludes my testimony.

Mr. FINDELY. Thank you very much, Mr. Egendorf. Mr. Bingham?

Mr. BINGHAM. Having been in intelligence myself in World War II I am not startled by your report. I remember being told that about 90% of the intelligence that we were able to produce from this supersecret unit of the Pentagon was available from the New York Times.

As you see it, how would you summarize in your view the evil of what you've been describing?

Mr. EGENDORF. Well, there's several. And it begins with the recruitment under false pretenses of people to work in this type of field. I am speaking as somebody interested in psychology and a potential student. The kinds of mental states induced by this whole process are, I think without question, insidious. Having gone through training missions with some people who were not accustomed to living under difficult circumstances I watched a lot of fellows shake and break down, get very scared, afraid, in short: paranoia.

And not only are the personal effects insidious, but as a result of having talked with Army intelligence personnel over a period of three years, I developed a very strong belief that the reliance on information of a reliable information for Government officials upon which they can make decisions, it comes from people basically put in these difficult circumstances, and it's completely in conflict. That a man whose loyalties are divided, who must lead a secret covert life, who's under threat that he cannot divulge, in fact, who he is to anybody other than his immediate superiors, and even there he's under great conflict in not being able to tell what he's really doing because there are again many regulations that specify you cannot do things that are most natural for you to do. And one example I can give, I lived in a hotel in Saigon, and this is where I had to train my spies. And I was told that my safe site would possibly be under surveillance and I was not to use an establishment financed by the United States Government funds for my own amusement. Therefore I was not supposed to have women in my room.

And all the maids who worked in the hotel used to joke anytime an agent went up to my room and claim that I was a homosexual. And I was able to deal with that rather well; but I know of others in my unit who would find that quite threatening.

What I'm saying is that people in that kind of position cannot be relied on to supply complete unbiased useful factual objective data. And that's the second point; the first point being that you're under strain. Two, that the information that is supplied is unreliable, as an inevitable consequence of this.

And three, I see evil in the subversion of institutions founded on the basis of ideas in the open in a free, democratic, responsive society. And that this subversion of these institutions for covert reasons is in no way justified by the goals that are established for this subversion, that is, the furnishing of the information or the quality of the information that comes out.

So I see in no way that this should be allowed to go on without—I just don't see it.

Mr. BINGHAM. To your knowledge has the fact that this clandestine espionage is being carried on in Saigon and Vietnam, in violation of an agreement with the Saigon Government, ever been revealed?

Mr. EGENDORF. I've never seen the specific documents; but I was told that the nature of our protocol specified that our operations, and specifically intelligence operations, would be in cooperation with the South Vietnamese. And that although they were more or less aware of the fact unofficially that there was probably something else going on, we were to maintain secrecy of our presence because we were in violation of specific protocols drawn up. Were you asking did I ever see the protocols?

Mr. BINGHAM. No, I wondered if the information had been brought out previously that these activities had been going on?

Mr. EGENDORF. I have been speaking freely about this for some months. Now, I don't know if somebody else has brought it out.

Mr. FINDLEY. Mr. Egendorf, during this period of time did you feel that your real employer throughout was the Army, the U.S. Army.

Mr. EGENDORF. Yes, we did.

Mr. FINDLEY. At what point in this service did you decide that this was reprehensible? Did you reach this conclusion during the training period?

Mr. EGENDORF. During the training period the only conclusion I would reach was that it was completely absurd. I didn't believe it was going on. I had difficulty dealing with the reality of it. It was just absurd. And one example I can cite was that after six months or five and a half months of having training in paper work we were sent on an agent operation exercise where there were hundreds of dollars spent on each member of our class—and again there are thousands of men who go through this training every year—and I was flown from Maryland to New York, had to use a different name, flown to Puerto Rico, got on a submarine, go out five miles, get on a raft, paddle ashore, get back to Puerto Rico, change my name, fly back to New York, then to Dallas, get in a hotel, change my name again, wait for the cops, or the Army Reservist Military Intelligence Personnel to come get me, take me to the police station, gruel me in the same room that Lee Harvey Oswald had been grueled in, and see how long I could maintain my story that I was really a citizen of aggressor land USA and a whole lot of other cock and bull, and see how long I could stand up under that grueling, and then go back to the hotel, look for bugs in my room, train another intelligence enlisted man whom I was designated to need as an agent, teach him how to do secret writing, meet him at another place in town, go back to the hotel, fly back to New York, then to Maryland, and then write up my report.

I just didn't believe it.

[Laughter]

Now, I didn't reach the conclusion that it was insidious until one, I found out in Vietnam that we had no information about Cambodia. I went to two, specifically two meetings at the U.S. Embassy where there were members of different intelligence agencies in Saigon who were supposedly experts on Cambodia, where we would have a free exchange about information in a plastic container suspended from the ceiling so that I guess the Vietcong wouldn't bug us.

And I reached the conclusion just by talking to my agents who went and traveled in Cambodia, I knew as much if not more than the CIA and State Department experts who were in that room. And I began to wonder on what basis we were maintaining our presence in Vietnam, and especially—this was something I heard and never saw—but I heard at the time that we were planning operations into Cambodia and that is why they needed so much information on the Cambodian area, the interior where I was designated to send in agents. And I began to worry that we were taking steps which we had absolutely no knowledge, real knowledge, of what the situation was. And I began to wonder.

I didn't reach the absolute decision of the insidiousness and the reprehensibility of the situation until back in Washington where I sat on a desk where I got lots of reports not only from Army Intelligence in the field and State-Department and CIA, and found out that we knew even less than I thought we knew before, and in addition to that were implicating all around the world private agencies that were set up by private citizens for private reasons and reasons that were supposedly of available and public knowledge, and we were subverting that.

And I felt personally involved, having studied corporations myself in a very different vein. And I found out about falsification of Government records and that sort of thing.

It was there that I reached the conclusion that it was reprehensible, and could not be justified in my mind.

Mr. FINDLEY. Mr. Egendorf, as one who has long questioned the value of the CIA to our nation, I must say that your testimony here today has weakened the remnant support I've had for that institution.

I want to add, too, that some of our colleagues here may question the value of a hearing like this. Some, I think relatively few, view this as a kind of a rag tag army that has come here to Washington and why waste time in listening to them.

Well, the sober, sensible, rational, objective comments you've made here today I feel are a very worthwhile contribution. And I know I've learned something from it. And I dare say Mr. Bingham shares the same feelings. So I thank you very much.

[Applause]

Mr. BINGHAM. Mr. Kypriandes?

Mr. KYPRIANDES. Mr. Bingham, I'd like to call Phil Lowley, who served with me in Vietnam.

Mr. LOWLEY. We were both in the same company and in the same platoon together, and our testimony corroborates each other.

Mr. BINGHAM. I see Mr. Lowley that you are on the list and you may be heard at the same time if you wish.

Mr. LOWLEY. Thank you very much.

My name is Phillip Lowley, I live in Danbury, Connecticut on 7 West Street. I was a Corporal, United States Marine Corps, Graves Registration.

Mr. KYPRIANDES. My name is Kip A. Kypriandes. I live in New Haven, Connecticut. I was a corporal—United States Marine Corps.

Mr. LOWLEY. Our job was as gravemen to get the American dead, process them and send them to embalming. We were in the I Corps Area. Our main station point was Danang. We got the bodies, either they were sent to us out of the field or we went on what was called an S&R into the field. When we got the bodies into our morgue they were usually fully clothed, or what was left of them.

We took their clothes, stripped the clothes off the bodies, tabulated personal effects and put the bodies up on a slab, washed them down, fingerprinted them, filled out death certificates and marked on our board a number for each body that we had.

At the end of thirty days we tabulated from all our teams in the I Corps area, we tabulated our death counts and sent them into division. And our main testimony here is we want to know how come the counts that the Government gives don't tabulate with the counts that we get as gravesmen. And for every count we had we had a dead body, sir.

Kip will elaborate on that a little more, the differences between the Government's count and our count.

Mr. KYPRIANDES. Yes, I was in Vietnam from April 28, 1967 to June of 1968. I have right here a copy I have of a slide. It's a board, both boards on dead of the dead received from the Navy, the Air Force and the Marine Corps. The majority, 90% are marines. Right in the corner here you can make it out, 774 bodies for one month. Just the I Corps area. Now we're not talking about Saigon. We're talking about the I Corps Area: Dam Ha [phonetic], Khe San, Fu Bay [phonetic] and Danang. And that's it.

Mr. LOWLEY. And no Army personnel go on our counts, sir. The Army has its own graves unit.

Mr. BINGHAM. What was that month?

Mr. KYPRIANIDES. That month, I believe, was April. But even so, it really doesn't—

Mr. BINGHAM. What year?

Mr. KIPRIANIDES. April of 1968.

I was stationed in Danang when I first went to Vietnam. I was writing a letter home to my parents and in the letter I told them that we were taking heavy casualties and I gave them the number. Well, our gunnery sergeant, I was on duty that night, he came in and looked over my shoulder, read my letter and said to me that I had no right to put down the dead count because that was secret.

Well, I thought that was pretty cool. I said, Yeah, all right. A couple of weeks later I received orders to go to the DMZ to Khe San. They did this to all the graves registration personnel.

I received a letter from my mother one month saying that there was something like 700 men who had died totally in Vietnam. I repeat that again. 700 men had died in Vietnam. Well, our board—I can't specify what month, but our board read over 700, 750 to be exact. And that was just Marines, Navy and Air Force. Our purpose for being here is we want to know why the Government is not telling the public the truth.

Mr. LOWLEY. And another situation——

Mr. BINGHAM. May I ask a question just to clarify this. Is your point that the United States Government is not telling the American people how many Americans have been killed?

Mr. LOWLEY. Yes, sir. That's definitely correct, sir. And we would like to know why.

Mr. FINDLEY. May I interject in here, Mr. Bingham. It just happens that I am the member of Congress who began placing the names of Americans killed by hostile action in the Congressional Record. This began in early '69. And periodically I have updated it.

Now, I can only recall two letters that I have received in all that time from families who asked why I didn't list the name of their son who was killed by hostile action.

Now maybe others simply didn't see the Record, didn't hear, and didn't have any way——

Mr. Lowley. Sir, I think it's the great American apathy.

Mr. Findley. I just want you to know that my own experience has been to the contrary of what you say.

Mr. Lowley. Well, sir, we can't really substantially lay proof on you. But we had to work these bodies, and there was an awful awful lot of them. Now, one instance that I can give you when we ran a check on the Pentagon and they confirmed their count. It was February, 1969. We—at the end of thirty days, like I say, we do a total death count and we have to turn it into Division and it goes up the Chain to MACV. And then to wherever it goes out of the country.

Well, our board had 1200 bodies, sir, and AFVM radio came over and said 800 were killed in Vietnam that month.

Mr. Findley. Just another little item. From the same information that I use in putting the list in the Congressional Record periodically, I also list in the Newsletter to my constituency periodically a Vietnam Roll of Honor representing the names of those killed by hostile action.

Now, this happens every three or four months. Everyone in my District doesn't get it, but well over 100,000 families do. Over a period of time I'm sure all families hear about it and see it; and I did have one family get in touch with me and ask me about it. It was our mistake. We had overlooked a name that had been supplied to us. Here again, it does appear that the list may be more complete than you think.

Mr. Lowley. No, sir. You brought up an interesting point. You said that you had lists of those that died in hostile action. People do die of other things over there too. They don't classify them as hostile action all the time. There are a lot of suicides. There are a lot of traffic accidents, things like that.

Mr. Findley. Those bodies that you were in charge of, would the deaths be both of natural causes and hostile action?

Mr. Lowley. Yes, they would. They would be any dead American.

Mr. Bingham. Is it possible that that would be the reason for the discrepancy?

Mr. Lowley. I don't think so. I don't think there could be that big of a cut.

Mr. Kiprianides. Our argument isn't that we're complaining about the number of people—not that the families aren't getting told. It's why the Government isn't giving the correct dead count to the news forecasts.

There was a lieutenant who came into our quarters. I was on duty that night. He came in at 7 o'clock to be exact because I had to log it in the book. And he asked for the total dead count for a couple months, because he was doing an investigation. And he showed me his papers. Well, I hadn't the authority. I was told not to give any kind of information like that out. Additionally, we had received word that this Lieutenant had gone up to Don Ha [phonetic] and Fu By [phonetic] and they had kicked him out. Well, he came down to Danang and got permission. He already had permission. The general had refused him. But he did it anyway. He came down to our headquarters in Danang and wanted to see some kind of figures. I couldn't give them to him. I gave him to the gunnery sergeant. I called up the gunnery sergeant and the gunnery sergeant came up and kicked him out.

Mr. Lowley. Sir, people tried to discredit our testimony by bringing up the fact that we were psychiatric medivacs. Both Kip and I were psychiatric medivacs. I'd like to add that, and so were most of gravesmen. You can only work dead bodies for so long before you go a little—what they say.

Mr. Kiprianides. Another thing that we would like to talk about is the bounty that was on our heads. Every person in graves registration had sworn, too, the way we were treated. I'd like to tell you the way that we were treated but——

Mr. Findley. About the bounty, what do you mean by that.

Mr. Kiprianides. They placed a $200 bounty on our heads, dead.

Mr. Findley. Who did that?

Mr. Lowley. Some of the servicemen.

Sir, I'm sure that you're familiar with the word "fragging".

Mr. Findley. Yes.

Mr. Lowley. It does happen. We were one of the people who had prices on our heads.

Mr. Findley. You were a target.

Mr. Lowley. Yes, we were afraid to go out in the field to pick up dead.

Mr. Kiprianides. There was an operation in Danang and they had finished the operation and then they had left bodies. They had buried some of the Americans, some Marines, three Marines out in the field because they couldn't get them out. And I refused to go out in the field when I heard this. I almost had a nervous breakdown, and I couldn't believe it was true.

I told the gunnery sergeant I wasn't going out. He could do what he wanted with me, but I refused to go out to the field. So he sent out a sergeant and the sergeant came back and said that he was shot at.

Mr. Bingham. I don't understand why there would be resentment against you on the part of other American personnel.

Mr. Lowley. Sir, because when we do get sent out in the field we do have bodyguards and we do go out with a unit. Now, if you were an infantryman or if you're familiar with infantrymen, these men are waiting to be lifted out to possibly a fire fight, and possibly death. And here we are just sitting on a log next to them. It's sort of like sending the grim reaper out next to you, because our only business being there is if you happen to die.

Mr. Kiprianides. Another thing is that when we see a body we tear off their clothes, we cut off their clothes, we wash the body and after that we fill out a chart. Well, the bodies have to be identified and their buddies come in and they see us tearing off their clothes and going through their pockets. And right off the bat they think wrong. They think that we're stealing money. Another thing that I should bring up. We were accused a number of times of stealing. And I can honestly and truly say, may lightening strike me dead and I'm serious about it, that none of the personnel in graves administration ever stole anything from a dead person.

We had a safe and we had a twenty-four hour watch up in the morgue.

Mr. Lowley. It's just the fact that their buddies come in to make positive identification of them and we're on the ground with razor blades, slashing like this [indicating] clothes off dead people. They don't like it.

Mr. Bingham. How long—first of all, were you assigned to this——

Mr. Lowley. It's a voluntary unit.

Mr. Bingham. And how long is it customary to serve in that unit.

Mr. Lowley. Oh, you can serve as long as you want.

Mr. Bingham. Well, thank you very much, gentlemen.

Mr. Lowley. Thank you.

Mr. Bingham. Mr. Vinny Giardina, is that correct?

VINNY GIARDINA

Mr. Giardina. My name is Vinny Giardina, and I was with the 108th Artillery, F26 in Northern northern I Corps at Dan Ha.

Mr. Bingham. Where do you live now?

Mr. Giardina. Astoria, New York.

First I'd like to say something that I think should be made very very clear. There is no Vietnamization in Vietnam. It's an Americanization of Vietnam people. But I don't think the Congress of the United States really really knows.

We are trying to make them Americans, and this is a military command policy. First I'd like to say since if I don't somebody will say I didn't say it—or maybe I'll lead up to it. First of all, I was against the war before I went to the war. I became a college graduate because of the Vietnam War. All through my time in the military any time an American stands up for his rights as an American citizen in the military, he is suppressed because it seems like once you enter the military you're no longer an American citizen with constitutional rights.

I was sent to see a psychiatrist because I probably couldn't conform to the regulations that make you less than an American citizen. It was recommended in Atlanta Georgia that I have a 212 discharge, which says that you're unable to adjust to military life. It is not a medical discharge and can only be given by your commanding officer.

I never received this in Atlanta. I received a courtmartial for it. Then left the United States for Vietnam in September of 1969, was scratched off the flight in Okinawa, did not have any records, because I couldn't carry them for getting a courtmartial for missing KP, which nobody could prove whether I missed it or not. In Okinawa I was again recommended for a 212 discharge—by the way I'd like to add you go one time and you see a psychiatrist and he recommends you for this. And I was never asked to come back or anything like that.

On three occasions in Okinawa since I was on orders for Vietnam the Army tried to send me to Vietnam and couldn't because of some regulation that says you can't fly from a foreign country to another foreign country without a certain fun code. I don't know exactly what the regulation is or why it is.

I then was in January, about January 19 of 1970 illegally sent to Vietnam without new orders cut for me, while a request was sent to the Department, or wherever it's sent, Department of Army, for a request to remain in Okinawa as a Finance Specialist since I am a college graduate with an accounting degree.

I was put on a manifest to fly to Vietnam without new orders cut. I was then taken under armed guard during a civilian labor force in the middle of mass confusion and forced under armed guard to go to Vietnam. When you can't be sent when you have a request to the Army, I guess, the Defense department to remain in one place. You're not supposed to be able to be moved until that is either denied or granted.

So I was put on a manifest by the—the whole command just calling up and saying, Hey, Harry, put him on a manifest and Harry puts you on a manifest and then when you get down there everybody realizes their mistake but they can't do anything about it.

I was then sent to Vietnam and because of all that had happened, I had been trained before I left the States to work in a Depot. I went to Atlanta, Georgia Army Depot to learn how to run depots as a specialist. I was never sent there. I was sent eight miles from the DMZ. I assumed [this was done] for standing up for my rights.

I have been threatened by the CID and the CIA. Now I'd like to get into what I saw in Vietnam.

Mr. Findley. Could you abbreviate a little bit. I think we've run over the eight minutes.

Mr. Giardina. Okay.

I sat on the demilitarized zone from January, 1970 to June 1970 and saw American B52 bombers bomb North Vietnam and Laos while the American people weren't told that we did this. Not every day, I'd say four times, five times, sometimes seven times a week. And the people back here when I wrote home and asked if they were told this—because when I left the states this was the policy that we were not doing these things. And we did these regularly.

Now, our outpost was Kay Sahn and others around there. I'd see indiscriminate firing over the borders for no reason. I'd see our soldiers crossing the borders when we were not supposed to be doing this, and I'm talking about before the American people were told we were doing these things. And I guess that's about all.

Mr. BINGHAM. Thank you very much. I have no questions.

[Applause.]

Mr. BINGHAM. The next witness is Michael Paul McKusker.

MICHAEL PAUL M'KUSKER

Mr. McKUSKER. My name is Michael Paul McKusker, and I'm from Portland, Oregon.

My serial number in the Marine Corps was 1671684. I served six years in the active reserve in an outfit called Fourth Force Reconnaissance, which was parachute and scuba qualified. Before reenlisting into active duty for two years in 1965 to go to Vietnam, where I was in 1966 and 1967 with the First Marine Division Informational Services Office. I was a Sergeant E5. My prior experience with this type of business had been close to two years on a paper in Pasadena, California and another almost year on another paper in Monoga [phonetic] California.

So I was pretty well versed in the newspaper business prior to going over to Vietnam as a newspaper correspondent. I was a field infantry correspondent which meant I was basically an infantryman walking point with a camera and a rifle. So I had two duties to fulfill.

These atrocities that you've been hearing all day today concerning especially atrocities in the field, torture of prisoners, the absolute contempt toward Vietnamese and Vietnamese society, the degrading and humiliation of all Vietnamese within the I Corps area which ranged from the DMZ down to Duck Pho [phonetic]—basically I was stationed in the Chu Li area before the Army came in—all of these things, these atrocities, were never reported upon. Even if I were to write them, and sometimes I did, they were redlined and completely out of all copy that I wrote. Pictures, though the word was not called censorship—and Larry Rottmann brought it out—they were not cleared for release. But he was an officer. He did send his stuff off to MACV and got it stamped. Whereas in my case I had staff NCOs stand on every picture, every picture I developed or had developed, and they cleared those pictures before they were ever sent out of Chu Li to the Danang Combat Information Bureau, which was the Third Marine Amphibious Force clearinghouse for all journalistic endeavors.

My stories went through a battery of at least four people in the Chu Li First Marine Division Office before being cleared to go to CID in Danang, and there they went through another battery of about eight people. So about the time you saw any of your copy it really was not recognizable. All of the things, and even subtley that you tried to sneak in there, really never got through either.

Also you could not write under military regulation to any newspaper in the United States without being a correspondent accredited by the military. In other words, you would have to be a military correspondent.

The Marine Corps burned a lot of guys in Vietnam who were fed up with what they were doing, and they would write home to their newspapers and their newspapers would sometimes publish them, and that man was in trouble.

In the year that I was there I went on several—I went on several major operations, most of the time being on the small operation, squad patrols, the small unit stuff, where your everyday atrocity, your everyday contempt for the Vietnamese really manifested itself.

I can't really elaborate more than Rottmann did on the policy itself, because it was essentially the same. It was generally unwritten, the written policy being the cover for the acual things that were being done. The politics of torture you've heard from intelligence agents; nevertheless they never got very far with the prisoners themselves because eventually they would tell everything that you wanted to hear. Whereas the politics of torture actually are to implicate you even more into the crimes themselves and make it easier for you to do it the next time. It escalates your contempt. It escalates your desensitizing.

As a reporter in the field I had the experience of all these things. I can give you specifics if you ask for them. They're in my testimonies both at the Citizens' Inquiry in December here in Washington, D.C., Citizens' Inquiry into American war crimes in Southeast Asia. They're also in the Congressional Record of April 6th and 7th, both days because I testified twice in Detroit for the War Soldiers at the end of January and the beginning of February. So I really don't need, I don't think, to elaborate on those farther, because my Senator was the one who introduced them into the Congressional Record.

I do know that the testimony I've given, the testimony that all of us gave in both places, the pertinent testimony of those who have not given testimony before, who are giving them now here this week in D.C., there are still, like within the state of Oregon where we held the Winter Soldier Investigation in the State of Oregon. We held the Winter Soldier Investigation in support of this past week and Tuesday. And there were more soldiers who testified that had not testified previously.

And I believe you're going to find this within the next several months a mushrooming thing. Because each state sees Vietnam Veterans Against the War holding more and more and more testimonies as more and more veterans come out and speak.

This body count that you see here camped out on the Mall just across the street over here in only representative of the great numbers of Vietnam veterans who remain behind in their states for one reason or another, on the average to put on actions in support of this.

So actually we're token representation. We're not too worried about a body count. I would like to add before I finish this testimony—and if you want to ask me any questions—I won three out of six writing awards, the first three writing awards of the Marine Corps Combat Correspondents Association for the Vietnam War in 1967 in the Mayflower Hotel. I got to shake the hand of Wally Green who was then Commandant. It was an exciting evening.

As a matter of fact I was hosted and toasted by all the hawks who thought I would make a good speaker around the United States, which I imagine they're quite disappointed now.

If there's any questions?

Mr. FINDLEY. Mr. McKusker, what did you think that you would accomplish by coming forth this week? What would you say was your major objective? Did you really expect something to be different, and if so, what?

Mr. McKUSKER. No, I personally didn't expect anything to be different; but we still have a few liberals in the group.

My particular politics do not avoid any way of getting things done, I guess. A lot of men who have come here have realized the futility that I learned on the McCarthy Campaign in Chicago, where a lot of guys I was in Vietnam with were fighting another war, and we got clubbed on the head. We never did make any braid for the Battle of Michigan Avenue.

What we hope to accomplish here is manypronged, one of which was finally a visibility and recognition as veterans involved in the anti war movement. It's only been within the past less than a year, perhaps beginning with the People's Army Jamboree in Portland, Oregon that we put up against the American Legion, and there was news value there. The press probably had to swallow its not wanting to identify veterans in the movement because there was a story of veterans against veterans. And so, therefore, finally, irrevocably the participation of veterans in the anti war movement in such numbers was spread out across the country.

And then directly afterwards was Operation Rah from Trenton, New Jersey to Valley Forge, Pennsylvania where the organizers ran into the same problem that General Washington did 200 years ago, where the city fathers didn't want to give him the park. Except we didn't rip off the people like Washington did. Because we did finally get the park.

Then of course were the two investigations in Washington and Detroit, leading up to this now. Again, we thought—we had a lot of sympathy locally. We've had perhaps a few precedents set, one of which was a judge lambasting a legislative body concerning illegal laws that the judiciary has to follow up on, has to enforce. That was an interesting concept.

I think a lot of men here learned that they are free, that they can be free if they take those freedoms that are supposedly guaranteed them. We participated in some civil defense, as you are aware, this week on a low key level, but on a level that we term to be successful. As a matter of fact, this afternoon at the meeting I'm going to propose the Vietnam Veterans Against the War send a letter of thank you to the judiciary and to the Executive Branch for their support, because they've made it all a success.

We don't stop from here. I can see where we might be catered to, to some degree to make us think that we have accomplished something so that we go home, we pat ourselves on the back and think we have done nothing and do nothing more. But this really is only the opening curtain. After three long years of the Vietnam Veterans Against the War being in existence, and I'm one of the first members, this is, let's say, the first curtain finally. We've been building the stage for a long, long, long time. And now we're on stage and it's not going to stop.

And I think increasing pressure from Vietnam Veterans both in and out of the military is going to increase, because we've heard for years what people have said, how our boys feel about such things and what their morale is without consulting our boys, expecting them to return as Boy Scouts instead of men who have killed, and who have killed in the name of one thing and they can do it again in the name of another. You're not playing with Boy Scouts anymore. This Administration is not. We are tough.

Now what we do with this toughness depends. We're on all spectrums of political ideas, from men who believe in this system, who would like to see it work, who are attempting this week to try to get it going, men who think that the Administration has been of good will and that they're only made mistakes and that they only need to have those mistakes pointed out to them; to men such as me who do not believe this war to be a mistake, who believe it to actually have been policy going a long way even before Diem. Because my involvement in the war past the guilt and confessional trips I went through for a long time, I did a lot of research. Unfortunately I did it belatedly.

But I've done a great deal of research. And the pattern manifests itself. The most important thing about our testimony here and the testimony that was given in the past is the redundancy of it. But you've got men who were in Vietnam in '61, you've got men who were in Vietnam in '71 and all those years in between. And they're saying the same things. All those years, all those units in all of those places in South Vietnam, Laos and Cambodia. And somehow you have the same picture.

These men which you see here are doing the same thing all these years. It becomes almost boring. And these atrocities, the contempt for the Vietnamese. Also, one point I would like to make concerning the press. That is, we were never given an opportunity nor were we ever encouraged to look at Vietnames from the Vietnamese way of life. The Vietnamese civilizations, Vietnamese ideals, their culture, their religion, their whole outlook of life has never been presented or was ever considered in our policy toward Vietnam or toward us even in the field. We were never encouraged—and as a matter of fact I wrote several stories. They were always rejected, concerning the Vietnamese themselves through an interpreter, of course. My Vietnamese was quite nil. You send a generation over not understanding the language. They don't know the culture either. Only intelligence agents and interpreters for intelligence purposes are allowed to learn the language. You just pick up what you can in the field.

Those stories I wrote and stories that friends of mine wrote concerning Vietnamese—and it was again through interpreters, both South Vietnamese and American that we got these stories and these points of view from themselves and their way of life, were always cancelled and redlined. We could never submit those stories. We submitted them, I should say, but they were never accepted.

So in other words, the Vietnamese were never given the chance, either through our organs in the military who dealt with them everybody to explain themselves.

Mr. BINGHAM: Thank you very much. The next witness is William W. Lemmer.

WILLIAM W. LEMMER

Mr. LEMMER. My name is William W. Lemmer. I am presently on active duty, U.S. army out of Fort Benning, Georgia.

I am a representative of not only the Arkansas Delegation functioning with the Georgia Delegation with the VVAW; I also represent 113 members of the Armed Forces from Fort Benning, active duty and one dependent of a man who's in Vietnam right now.

I can't feasibly go into war actions that I've been involved in by nature of my active duty status. However, since this is a hearing on censorship, military censorship, I thought it would be appropriate to come to you with what I have here.

113 of us last Saturday got together and signed a petition, a legal petition directed toward our members of Congress. And it was to be an open petition. One of our people stood up, a PFC Dave Richardson from the Stidder [phonetic] Brigade, 40th Company, Fort Benning, stood up and read publicly this statement which reflects the sentiment, the feelings of 113 veterans and future veterans, people who are on levy for Vietnam right now. The war does directly concern us. However we feel that crimes are actually being committed against us, as they've already been committed against me. We're subject to harrassment, undue harrassment from military intelligence sources, from our local command elements simply because we would stand up and voice our opinion here. PFC Richardson is now confined to Fort Benning, Georgia indirectly because of this. He made the statement that this was to be brought to Washington for presentation to Congress.

However, he was retained at Fort Benning under the pretense of having possessed illegal anti war—underground, if you will—literature. GI Press Service, various GI directed or servicemen directed underground literature. It was for this reason that they detained him.

I was told before coming up here that if I in any way reflected any discredit upon the United States Army or made any statement detrimental to the morale of our people there, which is about as low as it'll get right now, that I would be suffering for the next three months. And it took a great deal of courage for 113 men to sign their names to this petition. It took a great deal of courage for one active duty member to come up here and present this.

One man who was involved in this movement some months ago received a permanent change of station. He was sent to Korea for his actions as far as GI rights go. He was actively participating in programs outside the base trying to get information to the GIs who are grossly misinformed as to their rights under the UCMJ, and apparently the military establishment I know at our post will do anything that they can to see that we can't distribute literature simply informing them of their rights, even if it's an abstraction directly from the UCMJ itself. Recently we submitted a letter to General Orwin Talbot, the commanding general of Fort Benning, Georgia asking permission for distribution of GI rights pamphlets, which as I said are extractions directly from the UCMJ. It was turned down on the basis that no one of authority had actually signed their names to the petition, not a petition, but to a letter. It was declined.

Okay, the statement that PFC Richardson made read—read, rather publicly last Saturday is completely legal. It is a legal petition to Congress; in detaining him directly or indirectly they did interfere with an appointment with Senator Vance Hartke, his Senator from Indiana, and he feels that he was done an injustice here and asked me to come forth before some group of people. And I think this is an appropriate group of people right here to come before, and let this fact be known.

I've been intimidated. A lot of us have. I was threatened. I can't be sent to the field on operations. I can't be assigned to Vietnam again. I've been there twice already. I made my second trip—I was in Vietnam twice last year. I was Medivac the last time after 32 days because they didn't bother to look at my medical records. I have asthma. That was ignored for 11 months in Vietnam the first time. I kept going to them trying to get a profile for it. I was denied this. 32 days after my second tour was initiated I had to be Medivaced for an acute bronchial asthma attack. I think this qualifies me to speak as a Vietnam veteran. I am a combat veteran.

If I may, I'll run over the highlights of this petition, if I may, to assure you of our feelings here and what we're being suppressed for, for presenting to you. Okay. In this petition presentation before you we sound one collected voice directing it toward the highest office available for our purposes.

We who have fought and supported and we upon whose shoulders the burden falls to continue the war come to you in confidence that you will now take whatever action may be necessarily to right a decade of wrongs.

We feel that any hopes of a military victory in Indochina will serve only to prolong the system of fruitless invasion and further killing of civilian populations on both sides. The pushing of South Vietnam forces across one border after another constitutes a crime both against the country whose forces are intimidated by their actions and against the ARVN troops who are wasted in eventual defeat.

The statement by the GIs simply states: End all hostilities involving Americans. This is what they're asking, not just ground actions but air operations as well, stating that we feel that as long as America supports such actions Americans will die unjustly.

Article 2: The Nation has been asked to decide whether our effort over the last ten years has been just or not. Okay. We won't go into MeLai. I sat in on the MeLai case of Lieutenant William Calley for five witnesses. It came as a shock to me to find that they actually convicted him, God knows, of murder.

Okay, the statement from the GIs says that there can be no differences when it comes to wholesale killing, whether it be point blank in the case of MeLai or miles high as in the cases of the bombing of the North. We are involved in wholesale killing and these 113 men right here ask that this petition be brought before you, asking their members of Congress to do something to stop it. That's all that this petition states.

Article 3: The crimes against the American youth. If a man chose to resist the draft on grounds that the nation was waging an illegal war he has up until now been branded a traitor. And if a man chose to flee the service, this being his only alternative to going to the war he opposed, he was either exiled or imprisoned; rather than correcting only the wrongs done to the people of Indochina please move to right the wrongs done to those who are forced to leave their homes in America to live in exile outside our borders and in the cells of Federal prisons.

We do hereby call, plead, if you will for action leading to an unconditional declaration of amnesty for all war resistent exiles and prisoners for it was they who saw years before now that our presence in Southeast Asia would lead to the United States being where it is today, and the effects of this conflict and the anxiety upon this generation whose choice of war and persecution has lead to a torn sense of moral values. We feel that it will be felt throughout the remainder of this century.

Stating their position as far as war resistors, having no hard feelings, as it is, toward those people who chose to resist the draft and refused to put themselves in the same positions that we voluntarily and involuntarily put ourselves into.

Okay, Article 4 pertains to us. And us alone at Fort Benning. And this is the right of the serviceman to dissent. The nation is divided in its opinions concerning the Indochina War. Since we are in Army made up of members out of the same population there are divisions of personal opinion among the military ranks. But because we are the ones who must go into the actual battle we are expected to be in support of the war and we're not supposed to speak against it or the system and the attitudes that serve to perpetuate it.

Anti war mail can be seized in Vietnam. This is a fact. But it is being seized here at home, too. And those among us who would organize ourselves to make our opinions known are persecuted.

Imprisonment, confinement of those who would speak their sentiments amounts to nothing less than the taking of political prisoners. Under the excuse of fighting Communism our leaders have begun to use unjust tactics, in the name of justice and national unity. We are denied the same rights that we are told that we are fighting for, freedom of speech and freedom to dissent need not tear down the nation. And I feel that we've seen it right here with the VVAW demonstration, a very, very constructive demonstration. And this is in support of

VVAW, and we want the right for active duty members to be able to conduct ourselves in this same manner without being unjustly persecuted, simply because we can no longer go along with the attitudes that have been carrying the war—carrying along the war, and have been sending us to the war.

The people who would resist the war are persecuted. The ones that try legally to get out of going, those with legitimate medical rights, are either ignored or harassed until the best decision that they can make is to go on to the war, and God knows, get out of the situation under which they are subjected right here in stateside duty.

Mr. BINGHAM. Mr. Lemmer, could you wind it up. You are over the eight minutes.

Mr. LEMMER. Okay, what we're asking right now is that something be done to help the members of the active duty armed forces, those that are members or veterans of combat status that don't want to be combat veterans but who are about to be, those who would speak out against the war be allowed to, as is their right. As long as they remain within their rights keeping them from being persecuted. And their sentiments are being silenced forcibly. We are not even allowed to read what we want to.

Underground literature, anti-war literature has been declared illegal, that is, a prohibited item on our post. Our post alone. I can't speak for the others. But for our post anti-war literature is supposedly a prohibited item. And they're being seized illegally. The people who would stand up and speak out against what they feel is being done to us are being persecuted indirectly, or perhaps directly. Just like I had a number of people who wanted to come this weekend but who are now confined to post, simply because their leaders knew that if they came here they'd participate in something like this, and for real fear of reflecting discredit on their individual unit. And because some captain was afraid that some colonel would jump on his back. And because one of his privates participated in an anti-war demonstration these people were kept from coming here, from seeing their Congressmen, their Senators, and from participating in a totally legal method of dissent.

My justification for being here was to deliver this petition. And if I may, I'd like to present it to you right now, and my mission is accomplished. [Applause].

Mr. FINDLEY. Mr. Lemmer, could you come back to the witness table for a moment, please?

Mr. Lemmer, do you feel that you are in violation of Government regulations in being here today?

Mr. LEMMER. No, sir. I do not. Otherwise they wouldn't have given me leave to come.

Mr. FINDLEY. That was my next question. In view of the action taken to keep others away, why do you suppose they permitted you to come?

Mr. LEMMER. Okay, recently it came to light my involvement with the Underground GI Rights Movement. For instance, they went to a lot of trouble to find out something that if they had come to me as such and asked me I would have told them anyway. It's completely legal.

I do a number of contributing pieces of artwork for an underground press which can't be legally prohibited. That action right there is legal. Mass distribution of underground literature, anti war literature on a military installation can be.

Okay, I was told that I was pinned to the wall by military intelligence. I myself have been told that I am under surveillance, which I resent simply because I draw for the underground press. Well this is fine. Okay, my action here was to give me in my opinion enough rope to hang myself, to see what I'd actually do, if they could get me in a civil disturbance case turned over to military authorities, arrested, as it were, by civilian authorities and perhaps lead to action toward my discharge.

When I go back I'm going to receive some type of harassment, I know, from my presence here. I expect it. Other people got the harassment simply because they didn't make their feelings known prior to that.

Mr. FINDLEY. Mr. Lemmer, the petition that you presented to us contains a good many names. I feel a little bit hesitant about publicizing that list of names without some positive assurance that these men knew that this would be made public.

Mr. LEMMER. Okay, it was announced publicly the same time this petition was read. It was read aloud last Saturday at a peace rally which was organized by our people for the purpose—okay, we told them before they even signed it that this was going to Washington, and if you wanted your voice known, if you wanted it heard please put your name on here. It is a legal petition. And we made it known to them that it would be coming on to Washington and that it would be made known publicly here. And it is in this understanding that these people signed their names and asked us, Please, get it to Washington.

Mr. BINGHAM. In terms of war policy your main criticism is that we aren't getting out fast enough, is that a fair statement?

Mr. LEMMER. That is one of the complaints.

Mr. BINGHAM. What would be the other couple or three?

Mr. LEMMER. Okay, for one, we're committing crimes over there. MeLai, okay, that right there was an admission that crimes have been committed, one at least. As a veteran I know and a number of other people know, people whose names are on that petition right there, know from first hand experience, from actually committing said crimes—and I can't go into it any farther than that. Once you're out now the Supreme Court says well, fine, you can't be fined for something you did then. Beautiful, I'm not out that so I'm not going to say a word.

Crimes have been committed. This is one of the things we object to. Another thing we object to is what is being done to the American youth, the anxiety that's placed upon a man as to whether he should perhaps go to college or whether perhaps he should not, forget about it, just go on into the military, take his chances. If he's opposed to the war and you can't be opposed to one war, by law, you've got to be opposed to all of them now. You can't just pick the Vietnam War.

Okay, a lot of people would love to serve their country, but not in the Vietnam War. A lot of us, I myself when I first came into the Army I was very conscientious. I couldn't find an actual motive for dissenting against the war as a civilian, and refusing the draft or induction of any type. And because I couldn't form an opinion and I knew I should I had to get first hand information.

And so I thought I owed it to somebody to go and see. I turned down an OCS class date. I rather violently turned it down, as a matter of fact. They were going to make me go anyway, before I changed things. But I didn't want to see it from the viewpoint of an officer. I wanted to see it from the viewpoint of a private, and 11 Bravo, a light weapons infantryman, the man whose responsibility it was to look into the eye of the enemy, pull the trigger, kill the man, get mud all over him, in the jungles, the paddies. I've been in both. Get himself dirtied, get mud on his hands. Because this is the man right here above all other people, this is the man, what we call the boonie rat, the light weapons infantryman has more qualification to speak against the war if he feels like it than any other man there can be in the war.

[Applause]

Mr. BINGHAM. Mr. Lemmer, I would like to compliment you on your courage in coming here and as far as I'm concerned I will certainly do anything I can to see that you're not arrested. We will put this statement in the Record, Congressional Record, accepting your assurance, that this is a petition to the Congress and that the people who signed it presumably knew what they were doing.

You're a draftee, Mr. Lemmer?

Mr. LEMMER. No, sir. I enlisted. Three years M1, I went through a portion of Special Forces Training. When they found out I was about to try and received a legitimate medical discharge, they offered me a discharge on the grounds of psychiatric disability for some ungodly reason I never found out. And told me that if I wanted to get out that they would get me out. I turned it down. They said, where would you like to be reassigned? And I said Vietnam. In three days I had orders for Vietnam. I had a 16 day leave before I went to my first tour.

Mr. BINGHAM. And you were sent back there a second time?

Mr. LEMMER. I was sent to the 82nd Airborne Division after my return from Vietnam the first time. We were terribly understaffed as far as TONE strength, that is the standard strength that's supposed to be maintained in an infantry unit.

All of a sudden, and I could go further into what I believe was behind this big levy, that is, this big withdrawal from the states and putting all these people—we had 5900 men from the 82nd Airborne Division alone. Within one month there was a series of three levies sent to Vietnam, during the months of July and August of 1970. We were told, however, that we wouldn't be spending a full 12 month tours. We were going to spend 10 month tours.

Mr. BINGHAM. Were all these men going back for the second time?

Mr. LEMMER. I—a lot of us. One man in particular, a man named Private Henning, he came back from Vietnam an E1, received orders for Vietnam, unsolicited orders. He didn't even request it. Eight days after being in the replacement station of the 82nd Airborne Station, he received orders to go back to the Vietnamese War. And when we got to Cameron Bay, which is the incoming station there, the dispersal station, replacement, if you will, they wired Long Binh as to this man's status. They were going to send him to a unit known as the 5th Meck, up on the DMZ. He wanted to go back to his old unit which was my same unit, the 173rd Airborne Brigade. They told him that even though he was a second tour personnel he was on levy; therefore he did not have any choice in the matter of where he was going to be reassigned. That they would assign him where they felt that he was needed most.

He presented the fact that he was in Fort Bragg eight days before he was given orders to come back. Immediately they wired Long Binh, and Long Binh came back with an ITT or a teletype message saying, Send the man where he wants to go and for God's sake, keep him quiet. Just get him there and keep him quiet. They sent him where he wanted to go but they didn't keep him quiet. He did manage to get a letter off to his Congressman.

Mr. FINDLEY. How much longer do you have to serve?

Mr. LEMMER. I have three months, Sir.

Mr. FINDLEY. Do you happen to now know who your Congressman is in Arkansas?

Mr. LEMMER. Yes, sir. It's J. Paul Hammerschmidt. I contacted him when I had a reassignment problem this last time in Cameron Bay. I contacted him. I wasn't in time, however. I was forced to go on to my next unit where I spent ten units before I was Medivaced.

Mr. FINDLEY. Mr. Lemmer, when you get back to Fort Benning, would you please pass the word that you have presented the petition and that the intention is to place it in the Congressional Record. And do your best to get the word to all of those who signed it, so that if any of them have second thoughts and don't want their name in the Record they can get in touch with Mr. Bingham's office and get their names off.

I worry about the possibility that some of these men really may not want that publicity.

Mr. LEMMER. Sir, I'll do my best. And I, if I'm not able to go through the Army's PIO system to do it, I wouldn't worry about it because I feel that our underground news publication gets a wider publication or circulation anyway. Thank you very much.

[Applause].

Mr. FINDLEY. Okay, Mr. Bingham. I believe we have four remaining. And that will conclude our list of witnesses. The next one on the list is Alex Prim.

ALEX PRIM

Mr. PRIM. My name is Alex Prim. I live in St. Louis, Missouri. I was drafted in September, 1967 and I went to Vietnam in the end of September, 1968. I was released from service in June, 1969.

In Vietnam I served with the first logistical command with Headquarters at the Information office. I first was assigned after arriving in Vietnam as a rewrite man in the Information Office.

I then became a regional correspondent, and traveled around Vietnam as a correspondent covering a variety of stories.

After this I became editor of our newspaper. My testimony concerns the changing of news and the ineffectiveness of the military information policies of assisting American citizens in understanding what Vietnam is like for military people assigned there, and what the war is, as such. I think most of us who have been to Vietnam, one reason that we are here today is because our fellow citizens have a very slight idea of what the war is like. Most of the civilians don't realize that the Vietnamese regard the Americans as forming an army of occupation. They do not see us there as assisting them.

I can give an example which has been given before, but I'll make it brief this time. It's in the Congressional Record for the Winter Soldier Congressional Investigation. But it's the only incident that I have to relate that can get in across clearly. It's the only incident that I have to relate because most of the news that I had to report on was of a trivial non news nature.

There just wasn't much news. Our office covered such things as reporting on the amount of turkey that would be served in Vietnam on Thanksgiving Day or Christmas. We also gave—sent out a special team to cover the Bob Hope Show. We also covered the arrival of a Christmas ship at Cameron Bay. These were major projects that were covered. And I did hear stories of how the logistics were in a real snaffoo, how there were supplies coming to Vietnam that would sit in warehouses for months and then be returned back to the United States because no one knew what they were there for.

But I knew nothing about this. These were just rumors. And Vietnam is such a large operation that no one man, especially an enlisted man like myself, can really see the whole picture. And that's why investigations such as this are so important, because each man can say what he did and what he saw, and then perhaps someday the whole picture can be told by each person having his say.

This one story I'd like to relate came to our headquarters from the Quinyan [phonetic] support command. It was a story that was written by a military correspondent there about a pipe line repair team that was repairing pipe lines that would carry oil from the coast to air bases further inland.

These pipe lines were constantly being hit, being sabotaged by the Vietcong. Also Vietnamese women would take apart the pipe lines. I gather they were sort of portable light pipe lines. They would take them apart and take the oil. So when this pipe line repair team would be called out to investigate a reported break, they didn't know if they'd be running into an enemy, or they might just be finding some Vietnamese women taking a little oil to cook with.

They had suffered quite a few casualties, and it had also been a highly decorated unit which is unusual in that district. I was given the story. It was about seven or eight pages long and I was told to cut it down. I reworded it making the lead deal with the number of decorations that these men had won. And also mentioning that there had been men killed and wounded. I turned the story in after I rewrote it to my information officer, a lieutenant. He gave it back to me and said, Delete the fact that there had been men killed and wounded and delete the fact of their decorations they've won. He wanted the article to sound like the men had no troubles doing their job.

I said I felt—I persisted. I felt it was important that these decorations be mentioned at least. I could understand why the military would not want the casualties mentioned. It's bad publicity even though it is the truth. He agreed and he let me put the fact about the medals won in the story and it appeared at the end of the article. It was published in our unit newspaper.

This is the end of my testimony.

Mr. BINGHAM. Are you Alexander Prim, Junior?

Mr. PRIM. The fourth, Sir.

Mr. BINGHAM. I believe your father and I were classmates. I have no questions to ask, but I would like to thank you for coming today and giving us this information.

Mr. FINDLEY. Mr. Prim, as a result of our earlier conversation I know that you are the coordinator for Illinois and Missouri. One thing that troubles me—and I know it places you in a difficult position of being introspective about this—is the possibility that the veterans here in Washington this week are really not giving President Nixon credit for what he has accomplished. Would you examine that? Do you really think the veterans are giving him the credit he deserves, in light of the troop reductions which have taken place?

Mr. PRIM. I think we're all glad that the President has started to reduce the number of troops. I think if there were no reductions we wouldn't be here. I mean, there would be much more violent confrontations taking place. I think most of us, we are glad that they're taking place; but we feel that the President has not been making a basic change in policy. Like one man testified here, there is—what is happening now in Vietnam is not a Vietnamization but an Americanization.

We are just changing the color of the corpses. There is no basic change in policy The bombing is still continuing at a similar rate or perhaps even a higher rate. So we feel that while a slight change has taken place, the basic policy has not been changed. And the basic policy, we feel, has been that we have to support a non Communist Government, and that Indochina is essential to the security of the United States.

Most of us who have been to Vietnam have seen that the Vietnamese do not want us in their country, and we've seen that the war—and this is hard to document—but the war is a civil war. It's not a war where the Vietnamese, or where the enemy—what we've seen—has any desire to come over to this country and take over us. We have seen that this idea that we're fighting in Vietnam because soon we'll be fighting on the shores of California. This idea is not true at all. The Vietnamese just want us out of there, and we had this feeling every day, because the average Vietnamese people hate us. They do not want us in their country. If they wanted us there the war would be over in several months because the Vietcong and North Vietnamese would have none of the support of the average civilian.

But now they obviously do and that's why they've been able to persist for so many years against the might of our military.

Mr. FINDLEY. Do you have any way to know the extent to which your attitude reflects that of the Vietnam veterans? Have you taken a poll, or are you engaged in it? Can you give us a progress report on any efforts that are being made to really determine the attitude of Vietnam veterans?

Mr. PRIM. That's very hard to do. I've been spending most of my days for the past five or six months—well, the last three months—working with Vietnam veterans and trying to get them organized to come here to Washington, and trying to get them organized to work in their own homes to end the war.

I have run into Vietnam veterans who do think that the war is a good thing. Most of them feel—those who feel the war is a good thing, they feel that we're helping the people. This is their opinion, and it's very definitely in the minority.

Most Vietnam veterans cannot be organized. It's hard to find them. They come back and they do not want to join a veterans organization such as ours. I assume they do not want to join the American Legion or any other veterans organization. They want to get back to normal life and try to forget about what they've done. They want to forget about the military; they want to forget about Vietnam. They want to get this experience out of their minds and they want to go back to their jobs, their wives, their families, school, and they don't want any more to do with this. And they'd just as soon forget about it.

There are those of us here who do feel that we have a responsibility to continue being active with the military in the sense of not being in the military, but serving our country to tell our fellow countrymen that what we're doing in Vietnam is wrong. We feel what we're doing is patriotic coming here. And most veterans do agree with this and would agree with what we're saying here. Ninety percent of the veterans of Vietnam are against the war, but they're just too involved to be active.

There's also another thing that's taken place with Vietnam veterans.

They've been dehumanized in a way, and this is a frightening thing that's hard to explain. They do not feel like full people in certain ways. They're lost and they're confused. Many of them don't understand what they went through this for in the first place. It was never explained to them and they're at a loss to get adjusted to a society which says one thing about Vietnam but which they know to be otherwise.

Mr. FINDLEY. I wish that the attitude of the American people on the veterans visit to Washington this week could be formed on the basis of what has been presented here today, and particularly on the very good testimony which you've presented, instead of the odd bits of disturbance, harrassment, violence and arrests that have occurred elsewhere.

Thank you.

[Applause].

Mr. BINGHAM. Mr. McLaughlin, Robert McLaughlin.

ROBERT M'LAUGHLIN

Mr. MCLAUGHLIN. My name is Robert McLaughlin. I'm from Middletown, Connecticut. I was a staff sergeant in the United States Army. I served two tours in Vietnam in the 74th LRP 173rd Airborne Division. I have a total of eight years in military service.

Mr. FINDLEY. What does LRP mean?

Mr. MCLAUGHLIN. Long range patrol.

I couldn't possibly talk about all that I saw or did. I'm going to talk about what I did on my second tour between May of '68 and November of '68.

I returned to the 173rd Airborne Division in Vin Dim [phonetic] Province to LZ English, which is the provincial Capitol of

Bonson [phonetic]. In the provincial capitol there is an ARVN prison which is run by the Vietnamese. I witnessed Vietnamese prisoners, suspect, that were forced to work filling sandbags by the ARVN soldiers. This is against the Convention, the Geneva Convention.

I became aware working with the MI attachment that any Vietnamese could be held suspect for up to two years without a trial. While I was there there were two insurrections in the prison camp in which the Vietnamese sergeant-major was killed.

I also was there when the Vietcong tried to free these prisoners from this camp. The camp was run by military personnel. If I can digress further on interrogations that I performed on various people. The important thing is that on August 12 I led a raid on a LRX prison camp called Hoyan—HOIAN, the local prison camp. This camp was approximately 2.5 kilometers from the American and Vietnamese prison camp.

Unlike the American Vietnamese prison camp, it was in an unexposed ravine with ample cover from the sun and ample water. There was no exterior security. There were six guards in the camp. In the raid I led between three and thirty civilians were killed.

We did not capture any of the prisoners The mission that I was given was that there were four Americans in a cage in the Tiger Mountains. I wasn't given the location. In the process of the raid we walked into the camp in which there was a large amount of Vietnamese men and women.

Because of the information given me that there were only Americans in the cage I presumed that the camp that I had walked into was in fact a hospital. I thereby called artillery on what I thought was a hospital.

Two days later after wandering through—oh, excuse me. On the way out of the camp I ordered by assistant team leader to knife a man who was in a hooch for fear that he would see us and shoot us. Two days later after wandering through The Tiger Mountains it became obvious to me that that was the camp. I returned to the camp and in fact found that it was a camp and I have a photograph of the camp. Would you like to see them?

What I'd like to talk about is the parallel between the American Saigon camp and this particular camp. Two days after I returned from the patrol I asked the S2 Officer, Major Stand III, if he had debriefed the documents that I had brought out from the camp? He said no, and he told me to go ahead and debrief the documents myself. I took my interpreter, Corporal Yow, went to the detachment and with another interpreter debriefed the documents as much as I could. I spent one whole day doing so. In the process of debriefing the documents it became evident to me that the camp was run by a political cadre and not as in the American and Saigon camps, by military personnel.

The plant was in a gum tree plantation. According to the documents prisoners were required to work in the morning to collect gum from the trees to support the camp. In the afternoon and evening they were required political education.

On many of the trees and buildings there were scrolls of the 11 Rules of Ho Yan [phonetic] prison camp; none of these rules were not within the keeping of the Geneva Convention. The strictest rule that I found was "In the presence of a guard prisoners in a group must squat while being spoken to." Squatting is a typical Vietnamese custom. They don't use chairs.

Another interesting thing I found out about the camp through these documents was that the majority of 38 men, 25 women and 4 Americans that were in the camp or had been in the camp, they were in the camp at one time. There were hundreds that had been in the camp. Most of the Vietnamese men were draftees who had submitted to the draft. The women were wives of the draftees who had submitted to the draft and then had been placed in another camp, another location.

These people were treated very well. I have to draw a parallel here because that sounds so harsh. In the American Saigon camps entire families are held suspect, can be held suspect and put into the camp for two years. This means men, women and children.

In the NFL camps only one person from a family is required to be in the camp at one time. Not only that, if they rotate on either weekly, monthly or quarterly basis other people in the family so it does not disturb the family of the farmer.

People on the average spent six months in the camp at which time they usually joined the NLF. In the process of debriefing these documents it became evident to me that the NLF—excuse me, I'll have to talk about the American—there's a great amount of documents that I did and I can't do it all from memory.

I was told by the S2, Major Stang, that there were four Americans, two of which had surrendered, two with the NLF. I was given a description of the Americans, of two of the Americans. One was a tall blond and the other one was a short black man. In debriefing the documents and through the intelligence that was available to me, I became aware that the nurse who was in charge of the people in the camp not only kept medical records of their medical health but she also kept some psychological evidence on their mental health.

I'm afraid I'll have to open it up for questions.

Mr. BINGHAM. Will you summarize for us the significance you see in all this?

Mr. MCLAUGHLIN. The significance is obvious. The people of Bon Son [phonetic] which is the provinicial capitol of Bin Dim [phonetic] Province are aware that they can receive better treatment in the NLF prison camps than they can in the American Saigon prison camps. Not only that, the Saigon unit that's in Bon Son is from another area of Vietnam, and the name of that unit is Kak Tin [phonetic] which means Go North.

In the province these people are very hostile to this unit, and to the American Sagion prison camp in Bon Ton.

Mr. BINGHAM. I wasn't clear of the circumstances under which you moved in on this camp. You said that one time you called in artillery?

Mr. MCLAUGHLIN. Yes.

Mr. BINGHAM. And then what actually happened? Was the camp evacuated

Mr. MCLAUGHLIN. No, sir. It's very confusing. We walked into the camp at 9 o'clock in the morning on, I think, August 12.

Mr. BINGHAM. How many of you were there?

Mr. MCLAUGHLIN. Six.

The people in the camp saw us and we pulled back.

We knifed the prisoner who later turned out to be a prisoner, because I took his ID card and compared it to documents I got out of the camp. The man that knifed him—and I won't reveal his name—later committed suicide.

I reported the camps as 30, 40 Vietcong which I believed to be a hospital and requested artillery to cover the knifing. I was at the time not in good command of my men. I moved my men to a hilltop nearby and called the artillery. The reaction force that was supposed to help me capture the prisoners was not sent in. They sent a platoon of infantry in to the camp, which I thought was a hospital.

The platoon wandered all day and did not find the camp. Finally, at 7:30 at night I was ordered to move 1000 meters to the camp and fire a shot so they could find the camp. I moved 1000 meters in 45 minutes. It was growing dark. I collected the documents. I still did not know it was a prison camp.

Mr. BINGHAM I don't understand. Was the camp by this time empty or what?

Mr. MCLAUGHLIN When we went into it, the prisoners were on the other side of the camp talking. They would not come near us. And we had no capability of rounding them up.

Mr. BINGHAM. And the VC? Was this a VC operated camp?

Mr. MCLAUGHLIN. Yes.

Mr. BINGHAM. And they disappeared?

Mr. MCLAUGHLIN. Yes, sir These pictures were taken three weeks after. They moved the prisoners to a town called Bin Chung [phonetic] which is about a kilometer and a half away. And they reset the camp.

In other words, there was nothing in that camp that couldn't be rebuilt and used.

Mr. BINGHAM You called in the artillery fire. Was their artillery fired?

Mr. MCLAUGHLIN. Yes, sir.

Mr. BINGHAM. In reporting this, did you indicate that this was a hospital?

Mr. MCLAUGHLIN. Yes, sir.

Mr. BINGHAM Was that standard practice, to call in artillery?

Mr. MCLAUGHLIN. Yes, sir.

Mr. BINGHAM. On a hospital?

Mr. MCLAUGHLIN. Yes, sir

The reason I thought it was a hospital was because of the large amount of women in the camp.

Mr. FINDLEY. Did you identify the day that this occurred? I don't recall.

Mr. MCLAUGHLIN. Yes. The patrol lasted six days and I believe it was August 12, 1968.

Mr. FINDLEY. Do you recall the name of your immediate superior?

Mr. MCLAUGHLIN. What I would consider my immediate superior in this particular instance would be Brigadier General Allen who is now, I believe, a Major General.

I would also like to say that the prisoner that we knifed, the person whom we knifed and also the two, the elderly man and woman who were in our way getting to the camp—I reported those two as enemy and VC.

[Applause].

JACK SMITH

Mr. SMITH. On the tour when I was there our standard operating procedure—we worked in conjunction with artillery. We had ground surveillance radar and counter mortar radar. We located enemy troop movements and vehicle movements in the demilitarized zone on the northern side of the river which is considered North Vietnam. Under the Geneva Conventions we were not allowed to fire along the demilitarized zone. However, our standing policy from the time that we emplaced there and through the entire tour was that with our ground surveillance radar which was stationed at Kontien [phonetic] we would in fact locate troop movements and truck movements along the demilitarized zone in the northern half and that we would call in artillery fire on them.

Because of the Geneva Conventions we would not call in the grid coordinates that we'd be actually firing on in North Vietnam. I would call in a grid coordinate 15 to 20 meters inside the southern half of the demilitarized zone, call in that coordinate, get clearance to fire on that grid, put one round on that grid, and then walk the artillery fire across the border into the North Vietnam half and fire on the troop movements.

We would then report any damages when the movement stopped, and any damage would be reported as having been in the southern half of the demilitarized zone at the location that we originally called in, which was entirely false, and it had actually no relation to the facts, to the target that we were originally firing on.

Mr. FINDLEY. Did you ever receive any

written instructions on this procedure, or was it all verbal?

Mr. Smith. The written procedures on the subject specifically stated that we would not fire into Vietnam, into North Vietnam. The DMZ control would call up every time we would fire and report that we were firing into North Vietnam. We would assure them that we had called in this grid. They would never check it out because they knew that we were firing there and we would always continue the firing into the North and then report it. There was never anything written that we would do it because we had to cover ourselves because we were violating the border.

The second incident concerns unidentified aircraft.

We were a radar unit. We had a capability at Charley 2 of 24 kilometers, and we were located right on the demilitarized zone, so we were looking effectively 23 kilometers into North Vietnam.

We had in addition to locating all friendly and hostile fire, determining where it came from, we also had to track all aircraft in that area.

On six occasions in March, April and May of 1969 we located aircraft flying from North Vietnam down the South, spotter planes and helicopters which were identified. And we identified them as unidentified aircraft and were immediately called in. I went to a briefing with my commanding officer at Headquarters, 12th Marine and we were told never again to file a report that there were aircraft coming out of the North.

From that time on anytime we had aircraft coming in from the North we called in a uniform fox trot oscar, a UFO. We would call it in as a UFO. They would call it down to the Marine Air Group down at Chu Li. They were sending up fighters from Danang and they would then escort the planes back across the border. And we were advised by—I was advised by my colonel and then advised my teams that we would never ever refer to this. It would never be released to the press that we had ever had any aircraft on the border.

Mr. Bingham. Why was that?

Mr. Smith. I don't know why. As much as I would question, I was never given a reason. I was just told that we would never mention the fact that we had unidentified aircraft coming from across the border.

Mr. Bingham. You say they were escorted back?

Mr. Smith. They were escorted back by fighters back across the border.

The next thing was—there were three incidents, one in September 6th, one approximately September 12 or 16, and then September 21st, during the first initial pullout of the Marine troops from along the demilitarized zone.

We were in charge of mortar operations for that entire area. The first ARVN division took over the AO immediately to the right of us which was located 1 kilometer to the east of the base at Charley 2. In this AO for our operation we had plotted on our maps all the areas where the first ARVNs had platoons and companies and ground forces stationed. On two occasions, on the 6th and the 13th of September, 1969 the Marine base, supply base, combat place at Dan Ha was shelled by rocket fire. This rocket fire was determined to have originated from the vicinity about 50 meters from the location of the ARVN base camp. We filed reports on it and the ARVN subsequently claimed that they had never seen the rockets take off, and there was no information that they had on it. So the information was ignored and it was put aside and we never did anything about it, no investigating.

On September 21, 1969 again rocket fire landed on the base at Dang Ha. Six marines were killed. And the rocket fire was determined to have originated from the center of the ARVN base camp in the AO immediately to the right of Charley 2. An investigation was started and we filed our information as to what we had with the regimental commander of 12th Marines that September. The investigation went on for about 2 weeks and was subsequently dropped and there was never any report filed. We never got any information.

When I requested information as to whether the ARVNs had done it, the feeling that I got when I talked to the Colonel in a briefing session on it, was that the ARVNs had in fact fired the rockets because they were very upset with the fact that marines were pulling back off the demilitarized zone and they had to take over the AO.

There had been for the initial part of that month very limited rocket and mortar attacks on the base. But there had been very heavy activity during July and August. In September it had been somewhat diminished. But his suspicions, which he related to me at that time, were that the ARVNs were firing on the base to make it look like the NVA were infiltrating across the border and firing on us so that we would not in fact continue to withdraw at the rate that we were. There was never any more filed on it. The records of that incident are all located with Headquarters Battery, 12th Marines with the 3rd Marine Division on Okinawa right now. They're located with the counter mortar radar section with the full documentation of all the locations, exactly the grids where they were fired, exactly where the ARVNs were located, it's all located in those records.

The next thing was on July 17, 1969, a tunnel was located half way through the mine field at the base of Charles 2, being burrowed from outside the mine field in toward the counter mortar radar location.

It was discovered and two men were discovered in it. The tunnel was exploded and destroyed. The two men were killed in the insuing fire fight. That evening at the briefing the ground commander who was the company commander for Kilo Company, 3rd Battalion, 4th Marines, 3rd Marine Division called us into a briefing and explained that their feeling was that the Vietnamese civilian woodcutters, the refugees who had been relocated from villages in that area and who made their living by scrounging wood and garbage from our garbage dump right outside the base, that these people as such had been forced by the NVA to carry off the dirt in their little baskets that was being excavated from this tunnel.

He sent an order that evening that the woodcutters would no longer be allowed into this area, which was a free fire zone, to collect the wood. To implement this he ordered three 55 gallon drums of CS gas dropped from helicopters on that area. That evening it was implemented and we had three 55 gallon drums of CS gas dropped on the garbage dump. The next morning on July 18, 1969 19 civilian woodcutters, three of them men—and they were all men of over 50 years old—the remainder old women, young women and children came out as was their usual activity, came out to the base and started scrounging for fire wood in the garbage dump.

As they went to the garbage dump and turned over the garbage they released the gas which had been trapped under the garbage. They immediately started vomiting, becoming noxious and sick and started fleeing from the dump.

The company commander, the base ground commander, then ordered the third platoon of Kilo Company along the perimeter—the platoon commander and the platoon sergeant were there. There were two men with M79 grenade launchers who fired CS gas grenades over the heads of the Vietnamese and behind the Vietnamese to force them along the perimeter and in towards the wire on the outside of the mine field.

As they went along and got in front of the base where the men were lined up the men inserted a magazine into their weapons and on command of the platoon commander opened fire on the civilians.

They opened fire initially on the dirt immediately in front and to either side of the civilians to make them dance. And the Vietnamese started scurrying around and hopping up and down as the bullets bounced around them. They then shifted their fire and the bullets started striking them in the legs and the arms and several fell. I went over and requested that the platoon commander stop this because they were unarmed civilians. He refused and I went into my bunker and reported back to my commanding officer that the incident was going on.

When I returned the firing had stopped. There were no more civilians there. The bodies had all been dragged off. This is what I was informed. I did not see the bodies dragged off. I do not know how many were killed, but there were 19 that originally were out there. And my report was never filed, never went up the chain of command. It stopped at Headquarters Battery, 12th Marines.

Mr. Findley. Could you identify the officer to whom you reported the request that the firing halt?

Mr. Smith. I did not know his name. He was the third platoon commander of the 3rd Platoon, Kilo Company, 3rd Battalion, 4th Marines. And the date of the incident was July 18, 1969.

The report is again with the Records of Counter Mortar Radar at Headquarters Battery, 12th Marine, 3rd Marine Division on Okinawa.

Mr. Bingham. You filed a report and you know that nothing further happened to that report.

Mr. Smith. Nothing further was done. Every time I went in to request it, they said that nothing was being done, that they were only gooks anyway.

Mr. Findley. This certainly is a terrible incident which you reported to us, and I will do the best I can to get the facts on it.

Thank you very much.

[Applause.]

Mr. Bingham. David Maize.

DAVID B. MAIZE

Mr. Maize. My name is David B. Maize. I served in the United States Air Force from May, '66 to January, 1970. I received an honorable discharge. But I speak not only as a vet but as an ex GI dissenter who was courtmartialed indirectly, similar to the other testimony.

I was courtmartialed for the expression and participation in an anti war activity, and I think I can speak for all the vets here in saying that we agree that fighting a war in which such a man as Ky, a Massachusetts resident, is sent over to head a presumably free government, a war in which a whole population is either locked up in what seems to be concentration camps or enlisted into the Army, a war in which hundreds of thousands of reluctant GIs have turned to drugs to escape, a war which was instituted in the spirit of Nineteenth Century diplomacy.

The dissenting veterans here feel that members of Congress are responsible for implementing a foreign policy here which is resulting in such a grievous war.

That policy-making is a mere extinction of the morality of the people who are responsible for implementing this policy. We address members of the Congress in order to what we feel to be rectified, the morality and the policy-making that's responsible for wars such as Vietnam.

I come from the State of West Virginia and our state has lost more GI fatalities than any other state across the country on a percentage basis. And I think I have the right to speak for a lot of GIs who aren't here today as a result of the war that is causing so many social problems that we see today.

I think even the veterans here today are the result of this war, of the policies that perpetuate this war, the policies which perpetuate the society in which we live. We believe that society is changing and we're here to peacefully demonstrate against the policy in which we do not believe. We are here to make an attempt to change the morality which is responsible for this war.

I think that in the last week or so a lot of Americans have been affronted with concepts of the very people who fight the war and who are now protesting against it in force.

And I think that public opinion is gradually changing. I think the public doesn't really support the war anymore. And I think that the war should be put to an end and I can speak for the vets against the war in saying that we feel that the war should be stopped today.

We think we have more urgent problems here at our home, and we think that the society that produces a generation of people who can't believe in that society anymore needs to examine its morality, its purpose and its laws.

We feel that our presence here will help to demonstrate this. Speaking for myself I witnessed quite a few atrocities in Vietnam like the everyday abusement of Vietnamese prisoners, or just Vietnamese people in general, like GIs——

Mr. BINGHAM. I don't think you told us what your rank and position was.

Mr. MAIZE. When I was in Vietnam I was Airman first class and I was on a mobility team traveling through Vietnam for a period of three and a half to four months from Bangkok, Thailand, 6th aerial force squadron. I was at various locations in Vietnam. I was at Kheson at the Kheson conflict. I was at TruBi (phonetic). I was at Danang, Cameron Bay, Tansunut (phonetic), SongBi (phonetic). And at SongBi I witnessed—well, I didn't actually witness, but I observed the Air Force wipe out a whole full village. Because reputedly there was one VC prisoner loose in this village. The artillery of the 101st Cal. or whatever artillery battery was stationed there, aided in the destruction of this village, and there was only—as a matter of fact there was only one structure which was left standing after the raid. That was the mayor's house and the only reason it wasn't destroyed was because it had two banana trees in it, in which there was an agreement with the United States that destruction of banana trees requires a payment of $75, I believe, $50 or $75. And that's the only reason this was left standing.

I think there's been a lot of incompetence in this war. I think the GIs and the veterans, especially the people who have been to Vietnam really don't support this war, and that's why we have what we do in Vietnam today. We have a lot of veterans coming back who result to a different life style. We have a lot of GIs in Vietnam who don't support the military commanders, who actually do everything in their power to obstruct military progress in Vietnam, and these people here—I think we're a good representative group of these people who have come here to speak against the war—So speaking for the Veterans Against the War, speaking for the active GIs who oppose the actual war and suffer consequences, I think I would be correct in saying that we feel this war should stop now and that we feel like the injustice of the war should not continue any further. We feel that—for a group, we have been slighted in treatment. For instance, at Walter Reed Hospital yesterday they have an insufficient number of beds—not Walter Reed, but the veterans hospital in Washington—and they have an unacceptable, insufficient number of beds, numbering I think 10, in which to handle drug cases resulting from Vietnam which total into the thousands.

And this is characteristic of VA hospitals throughout the United States.

The hospitals also are incompetently staffed as far as their drug treatment programs go. And I think this is a major problem. I think it really hasn't been pointed out what major proportions that it has reached. And I think that if—I think only in part it can be corrected by drug rehabilitation programs. I think that the actual policies of Congress, the morality of the people who form the policies and the Government itself is responsible for turning out these people who have rejected society and indeed, have been rejected by society themselves.

And that's all I have to say.

[Applause.]

Mr. BINGHAM. First of all, were you courtmartialed in Vietnam?

Mr. MAIZE. No, I was courmartialed—I was actually anti war in the—when I was overseas. I think I became that way in 1967 while stationed in the United States. I was sent to Thailand and for expressing my views I was sent to Vietnam. Of course which I didn't mind. I had a pretty good time there, although I did see a lot of gruesome sights.

And we traveled around a lot and I got what I think is a good perspective of how the war operated, you know, because of the many travels—like I was constantly traveling around from one place to another.

Mr. BINGHAM. Can you tell us about your courtmartial?

Mr. MAIZE. Well, I was courtmartialed at San Bernadino, and that's Norton Air Force Base. And I don't remember the month now. At any rate——

Mr. BINGHAM. On what charges?

Mr. MAIZE. On charges—I was currently at that time engaged in public speaking, like at demonstrations or organizations against the war. And I was being persecuted for my participation in these activities. For instance, I was given a lot of details, you know, constantly harassed. So I spoke at one large rally in Los Angeles, and after returning one time I was told that—to mop up the floor in the office where I worked, which I mopped. And after much harassment, constant daily harassment, I refused to mop the floor after my regular duty hours. In other words, they didn't have any right—as a matter of fact it's in military regulations—they have to have reasons for assigning a troop like me who's been in for three years and six months, I think at that time, a detail in which the detail lasted past his normal working hours. I refused this. After many of these harassments I was courtmartialed for disobeying a direct order. I think I presented my case very well at the time. I got a lot of publicity and I think it helped the incident—it helped to show that GI's weren't getting the constitutional rights that they deserved.

Mr. BINGHAM. And what was the disposition?

Mr. MAIZE. I was convicted, and I was busted down to the lowest grade and discharged as such. I refused to be promoted. I—they offered to promote me twice after I was busted and I refused.

Mr. BINGHAM. Did you have an honorable discharge?

Mr. MAIZE. Yes, I had an honorable discharge. I had a completely clean record other than this.

Mr. BINGHAM. I'd like to ask you again about objections against the war. You speak of a great many as being dislocated or lost in society.

Mr. MAIZE. Not necessarily——

Mr. BINGHAM. Would you say that is true of a high proportion of those?

Mr. MAIZE. No, I'm not speaking of the ones here. Usually those are the ones who are dislocated—the ones that are dislocated from society are the ones who are completely apathetic; they have no interest in any thing anymore. Usually these people are on the unemployed list, I think most of the people here at this demonstration are strongly motivated. As differentiated again from people who have no motivation, who have come back from the war, whose morality and own motivations have been destroyed by the war.

I think these people over here, the great majority of them are either students or employed in steady jobs, like myself. I go to school.

Mr. BINGHAM. I'd like to ask you another question relating back to your experience that I'm really disturbed about. I noticed, having been at the encampment and having seen many of you around, that a very high proportion of the group here wear beards or long hair. Is their any significance to that?

Mr. MAIZE. I think there is. I think a lot of veterans would deny that. But I think they're so repulsed by what they've seen that they want to identify themselves with people who are generally those held to be against the present establishment, whatever that is. But I think these people at the same time have different motivations; these veterans have different motivations than just the average dissenter. I think as a general rule they know what they're talking about and they know what they want, where a lot of people don't. There have been a lot of people in the past who didn't actually know what they did want. And I think the veterans do. I think we—there's a consensus on the fact that we support the government of the United States, that we don't want to undermine it. We just want to help direct here the policies of the country which in the past years which we feel led us astray as a society and as a nation.

Mr. BINGHAM. I'd like to make a comment. I think Mr. Findley and I have been tremendously impressed by the testimony today. You came here to influence the Congress. You also wanted to influence the American people. Did you ever consider the fact that your influence on the Congress, and on the American people might be lessened by your appearance? I think it misleads a lot of people, frankly. I think some reference was made there to the fact that a lot of our colleagues think that this is sort of a rappist crowd, riff-raff. And there's a lot of questions about the validity of your status as veterans.

I'm just curious to know whether this matter of your physical appearance has been discussed, and whether then you thought this thing through, so to speak?

Mr. MAIZE. Yes, I've discussed it with a lot of people that I've been associating with, closely with, since I've been here at the Mall. At first perhaps I felt the way you did; but now looking back on it and trying to get a historical perspective of it, basically I believe that this will help to rectify the appearance today for dissenters in America. You have all of the students with long hair and beards and these people have been the—the public has been annoyed by them to a certain extent. They feel that they're only attempting to undermine the country. Now, today, this week, you have GIs coming with long hair and beards, who are doing the same.

The American public will be shocked at first; but then on their second consideration they'll see that the people who actually fought this war can't be differentiated from a lot of other people who reject the war and its consequences.

And I think this will help to cleanse the image of the American dissenter, at least I hope it will.

Mr. BINGHAM. Well, that's a very interesting statement. I'd just like to say—and I think that this concludes our hearing—that I deeply regret that more of our colleagues didn't come here today. And I'm particularly regretful that no member of the Armed Services Committee came, although they were invited.

We'll do the best we can through the Congressional Record, and by referring matters that have come up here to the proper authorities for report, to make use of this material.

As far as I'm concerned, it's been a most successful hearing, and I'm very grateful for all of you appearing.

Mr. MAIZE. Thank you very much, Mr. Chairman.

[Applause].

[Hearing recessed.]

REMARKS OF THE HONORABLE CARL PERKINS OF KENTUCKY ON INTRODUCING A BILL TO AMEND THE VOCATIONAL REHABILITATION ACT IN ORDER TO ASSURE REHABILITATION SERVICES TO OLDER BLIND PERSONS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. PERKINS. Mr. Speaker, I am today introducing for appropriate reference a bill to amend the Vocational Rehabilitation Act to assure rehabilitation services for older blind persons.

My bill is a companion bill to S. 1030 introduced on March 1 by the distinguished senior Senator from West Virginia, the Honorable JENNINGS RANDOLPH, for himself and 48 Members of the Senate. I am pleased to join with our distinguished colleagues in the other body in support of this measure as its principal sponsor in the House of Representatives. For this is urgently needed legislation designed to fill a serious gap in the provision of rehabilitation services to handicapped individuals in this country.

Although older blind persons constitute by far the largest part of the blind population in the United States, they do not receive the essential nonmedical rehabilitation services they so urgently need to minimize dependence on others or to avoid helplessness. Unless the Congress acts to solve this critical problem by providing for the federally assisted program proposed in my bill, the problem will continue to grow; and additional thousands of older blind persons and their families will find themselves in hopelessly tragic situations.

In the United States, blindness is a condition primarily affecting people during middle and later years. Three-quarters of the 430,000 individuals estimated by the National Society for the Prevention of Blindness to be legally blind are 40 years of age and older. The National Society also estimates that 30,000 of the 40,000 Americans who lose their sight each year are 40 and over. Based on its household interview surveys, the Public Health Service's National Center for Health Statistics estimates that 1,239,000 people in this country have severely impaired vision and cannot read ordinary newspaper print with the aid of correcting glasses. These surveys indicate that 1,099,000 of this number are 45 years of age and older.

The leading causes of blindness in the United States—glaucoma, senile cataracts, and diabetic retinopathy—principally affect persons over 40. In addition, blindness is sometimes caused by cardiovascular diseases, such as arteriosclerosis, hypertension, and stroke, as well as other conditions which frequently accompany the aging process. Unfortunately, the prevalence of blindness in the United States in view of current scientific knowledge is a function of population growth. Therefore, we can anticipate that the number of older blind persons will increase as the number of older persons in our population increases.

Mr. Speaker, there are certain basic skills which every blind person must acquire in order to minimize the handicapping effects of blindness. In effect, a blind person must learn how to perform without sight a variety of ordinary everyday tasks, such as walking, personal grooming, writing, reading, dialing a telephone, and the like, which those of us who can see take for granted because we do them without any special effort. Learning these skills is the key to achieving a great degree of independence in contrast to helpless continuous dependence for a blind person. Learning these skills is essential to a blind person for successful accomplishment in schooling, in vocational rehabilitation, in a job, and in daily living. Fortunately, as a result of federally assisted programs, basic nonmedical rehabilitation of the blind in the United States has become a well-defined procedure utilizing the skills of a variety of professions.

Basic nonmedical rehabilitation services are becoming increasingly available to blind children in elementary and secondary school settings. They are readily available for blind persons accepted by State agencies for vocational rehabilitation. But unfortunately, Mr. Speaker, very few blind persons over 40 receive basic rehabilitation services unless these are part of a vocational rehabilitation program; and the number of blind persons over 40 accepted for vocational rehabilitation decreases in direct proportion to their age.

Most agencies—public or private—which provide basic rehabilitation services for older blind persons are generally limited by staff and financial considerations to serving those individuals whose way is paid from Federal-State vocational rehabilitation funds. Most older blind persons cannot afford the cost of rehabilitation center training; and other special services for them are limited. No Federal program routinely finances the cost of basic nonmedical rehabilitation services to older blind persons.

The problem, Mr. Speaker, is critical. Here we have the largest single population group of blind persons in our country being deprived of essential services. Increasingly, elderly blind persons are turning up in nursing homes and homes for the aged, where too many of them are virtual prisoners in their rooms without the basic skills which would permit them to enjoy a greater degree of freedom or even to return to their homes. The lives of many older blind persons still living at home and of their families would be relieved of a greater degree of anxiety and burdensome dependence if basic rehabilitation services were made readily available to them.

The most effective solution is the type of target program provided by the bill I am introducing. My bill would establish a specific Federal-State partnership program of rehabilitation services for older blind persons and provide as well for training of specialized personnel and for research and demonstration projects in this specific area of need. The national organizations specifically concerned about this problem have recommended this type of target program utilizing the Federal-State vocational rehabilitation mechanism as the most effective way of meeting this urgent need. These organizations are the American Association of Workers for the Blind, American Council of the Blind, American Foundation for the Blind, Blinded Veterans Association, National Council of State Agencies for the Blind, and National Federation of the Blind.

The bill would do the following:

First. Establish a new Section 18 of the Vocational Rehabilitation Act entitled "Rehabilitation Services for Older Blind Persons."

Second. Authorize appropriations of $10,000,000 for the fiscal year ending June 30, 1972; $20,00,000 for the fiscal year ending June 30, 1973; and $30,000,000 for the fiscal year ending June 30, 1974.

Third. Allot the appropriation to each State on the basis of population similar to the formula used in the basic program of grants to the State for vocational rehabilitation, and assure a minimum allotment of $50,000 a year to each State.

Fourth. Authorize the Secretary of Health, Education, and Welfare to pay each State 90 percent of the cost of providing rehabilitation services to older blind persons under an approved State plan.

Fifth. Establish State plan requirements similar to those used in other sections of the Vocational Rehabilitation Act, including designation of the State vocational rehabilitation agency serving blind persons to administer the program.

Sixth. Define older blind persons as individuals whose combination of severe visual impairment and age makes gainful employment less readily attainable in the light of current employment practices.

Seventh. Authorize separate appropriations in amounts to be determined by the Congress to cover the cost of research and demonstration projects and personnel training to improve the effectiveness of rehabilitation services for older blind persons.

Eighth. Authorize the Secretary to make grants to and contracts with public and private nonprofit organizations for research, demonstrations, and personnel training.

Mr. Speaker, as my colleagues know, I have played an active part in assuring the provision of adequate education and rehabilitation services for handicapped children and adults. I have been particularly concerned about the special needs of blind persons, and have been proud of the role which the American Printing House for the Blind in Louisville has played for more than a century as the major source of reading matter in braille and recorded form. Over the years, we have sought through various federally assisted programs to meet many of the special needs of blind persons which would otherwise go unmet. The program, the bill I am introducing today, would inaugurate, will assure older blind persons throughout the United States of urgently needed rehabilitation services they will not otherwise get. I commend this bill to my colleagues and urge their support of its enactment into law during the current session of the Congress.

NATIONAL EDUCATION POLICY

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I submit for the CONGRESSIONAL RECORD and commend the attention of my colleagues to a release and a transcript of a recent radio interview on the Labor News Conference of Walter G. Davis, director of the AFL–CIO's Department of Education, regarding a national education policy.

LABOR NEWS CONFERENCE

Federal programs aimed at quality education at all levels enacted during the Sixties could be seriously weakened or destroyed by President Nixon's plan of no-strings, block-grant aid to education, the AFL–CIO's Director of Education warned today.

Congress designed those programs for educational purposes that "were not being fulfilled at the local level," particularly quality schools for low-income and disadvantaged citizens, declared Walter G. Davis, on the network radio interview LABOR NEWS CONFERENCE. Stressing that "you don't scrap everything that's been done, simply because it doesn't have the Administration's stamp on it," Davis said that block grants for education would produce results "just the opposite" from the intent of Congress in adopting the programs.

Davis pointed out that the Nixon Administration wants to give local politicians a free hand in using 70% of the federal aid-to-education money intended for such programs as vocational training, aid to federally-impacted school districts, aid for handicapped children and school lunches. "That would be a big turn-around, in terms of what we have fought and struggled for over the last ten years," he declared.

"This could be a very political situation," he said, with strong pressures at the local level working to the further disadvantage of "people in low income brackets" who "don't have the necessary political muscle" to assure that their special needs are met. They have no strong "lobby at the local level," he declared, and the federal purpose could be thwarted if local officials are given a free hand to "respond to what makes political sense to them."

Davis was also critical of the Administration's reluctance to "come to grips" with the need to fully fund federal educational programs and research. Citing President Nixon's vetoes of two education appropriations during the last Congress, he asserted, "Any attempt to rationalize vetoing research money just doesn't stand up."

Reporters questioning him were Tom Joyce, of Newsweek magazine, and Harry Conn, of Press Associates, Incorporated. The interview was broadcast Tuesday at 9:35 p.m. (EST), on the Mutual Broadcasting System, and on WAVA–FM in Washington, D.C.

The Labor News Conference follows:

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutal Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Walter G. Davis, director of the AFL–CIO's Department of Education.

In the view of the AFL–CIO, President Nixon's budget proposals to lump a number of specific federal educational programs into a few broad categories, to which federal revenues would be applied in a largely no-strings-attached manner, would, if adopted, seriously endanger the wide range of federal aid to education legislation for which the labor movement fought long and hard. Here to question Mr. Davis about the AFL–CIO's view on President Nixon's education policy, dangers it poses, and alternatives the labor movement urges, are Tom Joyce, labor correspondent for Newsweek magazine, and Harry Conn, editor of Press Associates, Incorporated. Your moderator, Frank Harden.

And now Mr. Joyce, I believe you have the first question?

JOYCE. Mr. Davis, instead of categorical aid, President Nixon is proposing a block grant approach to help education. What, in your view, would this do to the American educational system and federal support for it?

DAVIS. Well, as you know, Mr. Joyce, we reported, in February, to the AFL–CIO Executive Council, our views on the subject, based on extensive research.

We've been involved in a number of struggles to bring about quality education in this country over the last decade—quality education for all of our citizens—and we think that the approach Congress made during the Sixties will meet a great many of the needs, in all phases of education.

We thing that the block grant approach would bring about a result just the opposite from what was intended in the federal purpose established by the bills that went through the House and the Senate in the last ten years.

We think that the point that ought to be stressed is that the federal programs were put together precisely because these matters—these purposes—were not being fulfilled at the local level. So, we think that this is going back to the period prior to the Sixties—the Nixon Administration's proposals.

JOYCE. Basically, is this not an extention of the Administration's total revenue-sharing program, which the AFL–CIO opposes? And, do you oppose this because of a feeling that local politicians are not to be trusted with funds on a "no-strings attached" basis?

DAVIS. Well, there are pressures, as you know, at the local level—politically.

Those who prevail are pretty much in the upper-income areas. For example, take Title I of the Elementary and Secondary School Act. Now, the federal purpose was to provide additional money for disadvantaged people—for those people in low-income brackets—to bring about a quality educational system.

But, they will not prevail under the revenue-sharing plan, because they don't have the necesasry political muscle at the local level.

Take aid for handicapped children. There is no real handicapped children's lobby at the local level. The federal government recognized this. Therefore, categorical aid was set out to improve young people in that category.

Now, under this approach, of course, the local communities will be able to respond to what makes political sense to them.

We think that this is a mistake.

CONN. Mr. Davis, isn't there a combination here—the Administration wants block grants, on the one hand and they want to provide categorical aid on the other hand. In other words there are two forms of assistance to the states and localities. The Administration claims that where block grants will fail—or may not meet the needs—that the categorical would. Do you feel that this is a valid defense of their position?

DAVIS. Oh, I don't think that it is really their position.

Their representatives in testifying—the Commissioner of Educatiln, for example—testifying in connection with the block grant proposal of some $3.1 billion for assistance in elementary and secondary education—said that the funds would be grouped into five broad categories: aid for disadvantaged children; aid for education of the handicapped; federal support for vocational education; impact aid for school districts serving children of federal employees; and federal support for supportive services, such as guidance counselling, school lunches, textbooks, and so forth.

Now, he adds that 70% of these funds can be used in any way the local officials feel necessary—70% would be exempt from actually helping disadvantaged children for example. Under the previous system—the system enacted by the Congress—100% of that money would have to go for disadvantaged children. Now, they could exempt 70% from aid for disadvantaged children, and use it however the political pressures want it used.

This defeats the federal purpose, it seems to us. It's going to vary, in a checker-board pattern, over the country, depending upon local politics, and that is why we disagree.

CONN. What you are really faced with then, is a question of—going back to Mr. Joyce's question—a question of whether local elected officials can make a fair decision, given the political pressures that are placed on them in the state and local governments. Is that correct?

DAVIS. That's correct, and in addition, I would say that there will be no uniform sharing of values, with respect to where this money should go.

I think that we might, for example, learn something from the Australian experience. They had this problem several years ago. They resolved it in the manner suggested by Mr. Joyce—that you have both. That is, you have a categorical aid program that serves the federal purpose—that lets the Congress make the decisions as to what the nation needs in this area. Categorical aid programs, properly funded, should go toward that.

Then, there should also be money left for the school systems to deal with the question of their priorities.

CONN. Under the Administration's program then, they do not want any categorical aid whatsoever—is that right?

DAVIS. I can't say that's totally correct, because there is a percentage of money that they will say has to serve a Federal purpose.

But, what I'm saying is, 70% of that fund can be exempt—30% would have to go for a federal purpose.

Now, to us, this is a big turn-around, in terms of what we have fought and struggled for over the last ten years.

JOYCE. Mr. Davis, the AFL-CIO charges that the Elementary and Secondary Education Act, the Vocational Training Act, the Impact Aid Program—and even the School Lunch Program—might be destroyed under the Administration's concept. That's a rather sweeping charge. Can you explain the basis of that charge?

DAVIS. Well, we've seen, for example, what happens in most of the major cities around the country.

We find that the apathy in the disadvantaged communities really adds to their disadvantage, in terms of getting a fair share of available funds. We would go even further—this could be a very political situation, as we see it.

No city in this country is able to meet the rising costs of education—the rising costs of running their systems and providing equality education. It has been a sort of bitter "finger pointing" at the federal government and Congress for not doing their job.

We think that the strategy could very well be looking towards 1972. In other words, the Administration "getting the monkey off their backs," so to speak, by saying "Here's a revenue-sharing plan—here's 'X-amount' of dollars. You fellows down there fight it out among yourselves. You can't blame the federal government for this, because the priorities you set will get that money."

Now, this is a nice way of getting some political heat off the Administration, it seems to us.

But, it defeats the total purpose of the Congress in existing legislation—the laws we now have on the books.

Joyce. You have said that the President's proposals would work a special hardship—I believe you've said this—work a special hardship on the middle-class. Can you explain what you mean by that?

Davis. Well, in connection with higher education, one of the President's proposals was to come up with a new scheme on student aid for higher education.

In that particular area, we felt that it would be to the disadvantage of middle-income people. For example, you used to be able to get a student loan, if your income was $15,000 or less. Their recommendation is to reduce that to $10,000—family income, not just individual income. A survey of our own people showed that none of them would be able to get a student loan on that basis. They would have to get a regular bank loan, on conventional terms.

The cost of higher education today is such that it would be prohibitive for the average worker and his family.

We're concerned. Many people ask me why the AFL–CIO is so concerned in this particular field?

Well, we are education consumers. Our people have moved to the stage where most of the members of our unions who are parents looks forward and aspire to have their children go on to college.

College costs today, are prohibitive.

The figures we set forth in our study, for example, indicate that in 1971, only 29% of the authorized funds for higher education were actually appropriated. That is why many colleges are in trouble.

The only way the colleges can address themselves to this problem is to raise tuitions. But, tuitions today are out of sight, for most students of working-class families.

Conn. Mr. Davis, to get back from the higher education field to elementary and secondary education—the cities, as we have been seeing, are in a great deal of crisis. Education on this level, of course, is in extreme crisis. Does the AFL–CIO feel that the states and localities have sufficiently tapped the resources in their own states and localities for education? For example, do you feel that business and industry are paying their fair share of education costs?

Davis. My answer is no—certainly, no.

We have pointed out, for example, that the business contribution, through taxes, has declined, rather than increased in recent years.

The inner-cities are suffering—most of the sources of revenue have moved to the suburbs, so they don't have a good local tax base.

That is what has really created the crisis, you see, and if this trend continues—and I suspect that it will—the inner-city youngster is going to be further disadvantaged.

We've reached the saturation point in taxing real estate for funds for education.

When those affluent persons who can afford to make a contribution leave the inner-cities and move to the suburbs, that puts the city at an even greater disadvantage. So, I think that is the problem.

Conn. Is that why the AFL–CIO feels that you have to look to the federal government to resolve this problem—because the cities have no real tax bases?

Davis. That's correct.

Joyce. On the other hand, the Administration argues that local educators are closer to the problems, and therefore, in a better position to determine how the funds should be spent. Do you see no merit to this idea?

Davis. Well, surely they are closer to the problems.

Yet, if you've read any of the recent studies made by the education community—many of them national associations—there is great disagreement on how to address these problems.

Take a look at the Coleman Report, for example, that came out a few years ago. You can find as many people in the education community agreeing with that as disagreeing. Educators themselves disagree as to what constitutes the most effective way of dealing with the problems at the local level. We think that the extensive hearings in the House and Senate did identify, in broad categories, areas in which money would certainly help to upgrade the quality of education.

We think that the approach of this Administration will reduce that.

Now, the inflation situation is involved here, too. With higher teacher salaries and higher costs of plant and equipment, there is definitely need for a greater funding-level than we had five years ago. The Administration, right now, is offering a proposal which would only bring us up to the same amount of money which was appropriated—not authorized—but appropriated last time. That was less than 50% of authorization.

So, we're steadily going backward, in our view, in addressing ourselves to this problem.

We are trying to bring this to the attention of our people—and anyone who will listen, as a matter of fact.

Joyce. How about total-funding under the President's proposal, Mr. Davis? Would there be more money or less money? Would we break about even? Where do we stand?

Davis. Well, the actual figures would be about the same, except that it should have been 10% more to cover the inflation of the last year.

The total appropriation last year was something in the neighborhood of $4.9 billion. The President is asking for exactly the same amount this time.

We say that if he wants to stay level with last year, he has to ask for at least 10% more than that.

So, there is a decline in this area.

But, we have not entered into that argument. Our argument is principally that we want full-funding of the complete authorizations. That is essential, if we are going to do anything about the problems. That's what Congress said when it passed the Elementary and Secondary Education bill, the Vocational Education bill, and the Higher Education bill. We felt then that the authorizations were too conservative.

And, when the actual appropriation is less than 50% of the authorization, there is a real problem, as we see it.

Conn. Mr. Davis, the Administration says that money is not as important a factor in education as some maintain it is. They say that reform is vital. What do you understand they mean by reform?

Davis. Well, all I've been able to get out of them, in terms of a definition of "reform," is that we ought to have more research—that the present research is not adequate.

They say they really don't know what constitutes a decent educational system, in its implementation.

Well, we don't buy that. We think that the amount of research that has been conducted—with federal grants—over the last ten years certainly tells us precisely what can be done to establish quality education in this country.

Certainly, we are not against research. We think that this is a continuing process.

But, you don't scrap everything that's been done, simply because it doesn't have the Administration's stamp on it, and start afresh. That's going over the same old territory again.

If they made the argument, on the basis of merit, that previous research results were not valid, I think they would get a lot more support than they are getting now.

Conn. Mr. Davis, isn't it true that in the 91st Congress, President Nixon vetoed two education bills—both of which dealt, to a large extent, with research? How do they justify the vetoes, on the basis of their approach to the education problem?

Davis. Well, during that period, they were responding to the moves of the labor movement, the education community and the Congress, which called for more money—I think it was $1 billion more than the President's proposal.

I don't think you can find an adequate rationale for those vetoes.

I think that any attempt to rationalize vetoing research money just doesn't stand up. It makes no sense at all to us.

Conn. Do you think that now that the Administration has revised its approach—actually switched—and is now accepting deficit spending, that if you get a similar education bill in this Congress, you may not get a veto?

Davis. Well, it depends on how far it goes toward the figure of authorization.

There are a few bills in now which have no authorization figures. For example, the Emergency School Aid bill, which deals with bringing about a quality, integrated system. They have called for a National Institute of Education, similar to the National Institutes of Health. They have called for a National Foundation for Higher Education—also a research operation. These are still before the House and Senate. Our testimony at recent appropriation hearings in the House explained our position on these bills. We have to wait, at this point, to see what happens.

I don't think the Administration is anxious to approve any legislation that goes beyond the dollar-amounts it wants to spend.

Joyce. Mr. Davis, it seems that there is a crying need for more vocational training—something we have ignored over the last few years. Do you think that there is a danger in the Administration's approach—a danger of weakening vocational training?

Davis. Well, here again, you're dealing with two sides of an argument—and the Administration is on both sides, by the way.

On the one hand, they are promoting the idea that not all children in this country should aspire to higher education—that vocational education would be a better route for many to take.

We agree with that.

We think that the kind of vocational education system that's needed—the kind that would provide the kind of services and skills that the country needs—certainly should be advanced.

On the other hand, when you develop a law that provides a really decent education for young people who want to pursue this path, they can't seem to come to grips with the cost of the program—you get back into the question of cost.

We have been harping cost all along, because these things don't come cheap or free. I would think that they would be more receptive to a point of view favoring a move to further vocational education, than they would to other areas.

Conn. Mr. Davis, is the AFL–CIO actually concerned that the Nixon Administration will seriously undermine the whole series of education programs adopted in the Kennedy and Johnson years?

Davis. I don't think they will have the votes to do it.

I think that they would like to do this, but I don't think that they will be able to get the votes—in either the House or the Senate—to do that.

There is a lot of pressure building up back home—in local school boards, among labor representatives and other interested citizens in the communities.

I think that it will stifle any efforts on the part of the Administration to push their plan—particularly the revenue-sharing, block grant plan.

That's the picture, as we see it, right now.

Certainly, the cities are concerned about the lack of money. But, I think that we're going to see a situation in which there will be a ground-swell of support for the idea of fully-funding existing legislation. At least, I'm hopeful that we will.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Walter G. Davis, director of the AFL–CIO's Department of Education. Representing the press were Harry Conn, editor of Press Associates, Incorporated, and Tom Joyce, labor correspondent for Newsweek magazine. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Twenty years ago, 26 percent of all persons 18 through 21 years of age were in institutions of higher education. Today, 47 percent are enrolled.

"LEST WE FORGET"

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Lt. Col. Robert E. Brinckmann, U.S. Air Force, FR42991, Shalimar, Fla. Married and the father of four children. The son of Col. and Mrs. Edwin L. Brinckmann, Chalimar, Fla. Attended the University of Maryland. Officially listed as missing November 4, 1966. As of today, Lieutenant Colonel Brinckmann has been missing in action in Southeast Asia for 1,637 days.

CONGRESSMAN ANNUNZIO COMMEMORATES 180TH ANNIVERSARY OF POLISH CONSTITUTION DAY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record.)

Mr. ANNUNZIO. Mr. Speaker, on May 3 we celebrate one of the most significant occurrences in the history of Poland—the 180th anniversary of Poland's first democratic Constitution.

This Constitution, only 2 years younger than our own, reorganized life in Poland and provided for political, economic and social reforms. The power of the king and nobility were reduced, and relations between peasants and landlords were placed under the rule of law. The new Constitution offered liberty and independence to the people of Poland. It was achieved, not with bloodshed as in France, but through the courage and foresight of a few dedicated and persistent men.

While these innovations were unfortunately revoked after the partition of 1795, the lofty principles of democracy embodied in that Constitution were not forgotten. Today Poland continues to be Communist-dominated, yet the hope for liberty still lives in the hearts of more than 34 million Polish people behind the Iron Curtain.

The words of encouragement we speak in the House of Representatives today as we commemorate the 180th anniversary of the Polish Constitution will, I know, sustain the courageous Polish people behind the Iron Curtain who are still struggling valiantly for the day when Poland will throw off the heavy yoke of communism and once again join the community of free nations in the world.

Americans of Polish descent all over the United States, thousands of whom live in my own Seventh Congressional District of Illinois, are pausing today to observe the 180th anniversary of Polish Constitution Day. On this special occasion, I am pleased to send my sincere greetings to them, and especially I am proud to join my colleagues in recognizing the outstanding contribution to the cultural development of both Europe and America that the Polish people have made. We in the U.S. Congress are looking forward to the day when the ideals of the May 3 Constitution may be reinstated so that Poland will once more claim its place among the free nations of the world.

LEGISLATION REGULATING INCOME TAX RETURN PREPARATION

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, now that the deadline for filing taxes has past, it is appropriate for Congress to review a growing industry in America—the income tax preparation business.

The reason for raising the issue is obvious. Literally thousands of these practitioners are now receiving fees ranging from nominal to the hundreds of dollars for services which many of them may be unable to competently provide. I in no way wish to implicate into this charge the many well trained, competent, and knowledgeable preparers who are providing taxpayers with a worthwhile and necessary service. However, because this business has grown so quickly, and because there are no readily discernible guidelines for the conduct of this business, it is often difficult to distinguish the competent from the incompetent; the quick buck preparer from the honest and knowledgeable practitioner.

There are two serious problems emerging from the unchecked growth of this business. First, what may be millions of unsuspecting consumers of these services have found themselves victims of bad advice. Not only can such advice cost the individual taxpayer money, but it can also get him into serious trouble with the Internal Revenue Service. And in such a case, the taxpayer is on his own. The IRS will not permit most of these practitioners to appear on behalf of a client. In fact, many taxpayers can never find the preparer after April 15.

The reason for this is that many people now in the business are only part-timers. They rent temporary facilities which usually are given up at midnight on April 15. They and their files, and their responsibility conveniently dissolve while the taxpayer may be faced with fines and penalties.

Last month, articles appeared in both the Wall Street Journal and the Los Angeles Times reporting the diversity of advice and expertise between income tax preparers. The Journal article followed a consumer as he called upon five different tax services. No two preparers gave him exactly the same information. One told him Government owed him a refund of $652.04, while another said he owed Uncle Sam $141.

The Los Angeles Times article reported on three preparers who had a difference of $602 in the amount they told the same taxpayer he should receive back from the Government.

At this point, Mr. Speaker, I wish to include the two articles I refer to above:

[From the Wall Street Journal, Apr. 7, 1971]

Tax Totalers: Does an Atlanta Man Owe Uncle Sam $141? Or Does He Get Refund?—Professional Services, Using Identical Sets of Figures Reach Different Answers—Money Back for Everybody

(By Tom Herman)

Atlanta.—John Sherman, his wife and two small children live in a comfortable $30,000 home in a suburb of this Southern city. Last year, John (not his real name) earned $13,962.69, including $3,643.89 paid him by his employer, a large publisher, as reimbursement for moving expenses incurred during his transfer here last summer.

John is a fairly typical American taxpayer. He has the usual income tax deductions, including medical expenses, interest, state and local taxes and charities. He also has the typical taxpayer's sense of foreboding as the April 15 deadline for filing returns rapidly approaches.

John usually computes his own income taxes. Once, however, he used a professional tax-preparation service. And this year, because of such complexities as the separate form used for itemizing moving expenses, John, like several million other U.S. taxpayers, decided once again to seek professional tax advice.

Once his decision was made, John encountered a common problem: Which service should he use? This year's Atlanta Yellow Pages list 90 tax-preparation firms, up from 82 in last year's edition. John, like other taxpayers throughout the country, was at a loss as to which office would be the best choice. Or did it make any difference?

A $793 DIFFERENCE

It did indeed. At the suggestion of a reporter from this newspaper, John agreed to submit his figures to five different services. At one extreme he was told by a tax office he was entitled to a refund of $652.04 from the federal government; at the other extreme, another service figured he *owed* the government $141. The difference between these two figures was a hefty $793.04—despite the fact that John had given all the so-called experts the same set of figures.

The services also varied in other areas. On John's Georgia income tax return, the five offices all came up with different refunds, ranging from $55 to $181.04—a difference of $126.04. And, perhaps coincidentally, the expert who promised John the biggest refund also charged him the biggest fee ($31), while the office that told how he owed the government money charged him the lowest fee ($15).

Such variances between the professional services may surprise the average taxpayer, who often seems to assume that tax computation is an exact science. But federal tax officials say the differences aren't surprising at all, since there are absolutely no rules or regulations to govern who can set himself up in business as a tax expert.

It's been suggested that all would-be tax experts be required to pass a standardized test. But an Internal Revenue Service spokesman in Atlanta says the IRS "would be reluctant to jump into the game of judging which people are qualified to figure out other people's income taxes."

"MECHANIC ON DUTY"

For this reason, at least for the foreseeable future, taxpayers seeking help from professional services should be prepared to face the fact that no one expert has the last word on all tax matters. A close look at John's experiences with the experts helps to illustrate this point. (In his rounds, John was accompanied by this reporter, who claimed he was along "for moral support.")

The first discovery made by the comparison shopper is that tax services can be found in varied locales, ranging from downtown office buildings where clients are seen by appointment only to gasoline stations where the sign outside advertises: "Cigarettes 35 cents. Guaranteed Income Tax Returns, 20 Years Exp. $5 & Up. Mechanic On Duty."

The difference don't stop at the door, as John quickly found out. The five offices he visited were operated by C&M Tax Service; H&R Block (John used two branches—one in Atlanta and one in Decatur); Sears, Roebuck & Co. and Mr. Tax of America. Their computations and fees were as follows:

	Refund or (Amount owed)		
	Federal	State	Fee
C&M	$652.04	$181.04	$31.00
Block-Atl	487.00	167.00	25.00
Block-Dec	542.00	55.00	22.50
Sears	(141.00)	111.00	15.00
Mr. Tax	483.00	82.00	26.00

Each tax service insisted its work was checked several times by highly qualified personnel. Each also assured John that it was positive its works was 100% correct and that it would gladly pay any penalty or interest caused by any error. (Each office also said, however, that it wouldn't pay any extra taxes, should they later be deemed due by the IRS.)

THE ULTIMATE EXPERT

John was perplexed. Should he put his trust in C&M Tax Service and claim a $652.04 refund? Or should he follow Sears, Roebuck's computations and pay $141 to the IRS? He finally decided to take his problem to the ultimate expert: the Internal Revenue Service itself.

Under most circumstances, the IRS won't figure out a taxpayer's return unless the individual is blind or disabled. It will, however, answer specific questions from any taxpayer and it will compute the tax of an individual using the standard deduction whose adjusted gross income is $20,000 or less and consists solely of wages or salaries and tips, dividends, interest, pensions and annuities. Although John's case didn't conform to all these requirements, the IRS agreed to compute his taxes since he was working with a reporter on a story.

But even the IRS wasn't infallible. After examining John's figures in detail, the government agency said he was entitled to a refund of $466.10. Later, however, when John questioned this figure, an agent said he had erred in the computation of moving expenses.

The correct refund, the IRS said, was $400.94. This figure, presumably the last word, was $251.10 less than the refund stipulated by C&M. It was also $541.94 better than the figure advised by Sears.

To solve the confusion on the state income tax, John took his form to the Georgia Revenue Department, which will fill out without charge the state form of any Georgia resident. The department informed John that he was entitled to a refund of $117.80. The figure was $63.34 less than that given John by C&M, but it was far better than those computed by three of the other offices.

A study of the forms prepared by the five commercial services shows that the biggest and costliest differences were connected with moving expenses and itemized deductions:

	Itemized deductions	
	Federal	State
C&M	$3,724.16	$3,510.56
Block-Atl	2,835.00	1,710.00
Block-Dec	3,034.00	1,902.00
Sears	3,103.00	1,957.00
Mr. Tax	2,937.00	2,579.00

	Moving expenses	
	Federal	State
C&M	$3,643.89	0
Block-Alt	3,682.00	$3,585.00
Block-Dec	3,772.00	0
Sears	204.00	204.00
Mr. Tax	3,561.00	0

A NUMBER OF ERRORS

Certainly, the treatment of moving expenses for tax purposes has recently become more complex. Federal tax changes in 1969 increased the number of deductible moving expenses, including a number of "indirect" items associated with moving. Former laws, for example, didn't allow currently legitimate deductions, such as expenses connected with househunting and other related costs not directly involved in the move.

But the services also had a large number of errors:

—An employe of H&R Block's Decatur office filled in $3,054 in itemized deductions on one tax form but later put $3,034 on another form, costing John $20 in deductions.

—Several of the services failed to deduct $214 in state taxes withheld by Georgia during the year, even though the figure was prominently displayed on John's W-2 forms.

—Several offices failed to include as income $8.53 in interest earned by John even though he gave each office a set of figures including that item.

—H&R Block's Atlanta office didn't include a $138 deduction for medicine and drugs.

—One office wrongly listed his home address, and another listed his first name as his surname.

—Two offices gave him deductions he didn't claim and to which he clearly wasn't entitled. C&M, for example, allowed him $25 for "tax preparation" by a professional last year, although John said he had prepared his own taxes. And Sears allowed him $30 for miscellaneous deductions, although John said he had no idea what this amount should be.

SOME WERE ALERT

On the other side of the coin, some of the service's employes seemed to be especially alert. For example, Mrs. Mildred Dorton of Mr. Tax of America discovered several legitimate deductions that went unnoticed by everyone else, and she cited specific tax court rulings to substantiate her claims. (Mrs. Dorton apparently made one error, however, when she informed John he couldn't deduct any of his moving expenses on his state forms. The Georgia Revenue Department later said he could deduct $1,555.89 of these expenses.)

Despite the faults of tax services, growing numbers of taxpayers are turning to them for professional help. Statistics aren't available for the total number of offices throughout the U.S., but their growth is reflected plainly in the performance of some of the industry leaders.

H&R Block, number one in size, has 5,267 offices this year, up from 4,349 in 1970. Sears, Roebuck has tax services this year in more than 600 stores, up from 109 last year. Montgomery Ward & Co., another giant retailer, currently has tax services in 250 retail stores, up from 135 last year.

S. Bonsal White Jr., a partner at Alex Brown & Sons, a Baltimore brokerage firm, says a major reason for the industry's growth is the growing complexity of tax laws and tax decisions. "Every time Congress or a state legislature passes a tax reform bill, and every time a tax court hands down a major decision, you can be sure that more people will flock to tax-return companies," Mr. White says.

MORE COMPLICATED TAXES

Observers say another reason for the industry's growth is the rise in individual incomes, leading to increasing diversification of investments and more complicated tax returns. Also, more cities and localities are requiring income taxes, meaning that more forms must be filed.

Tax services operate their offices in a variety of ways, including franchises. H&R Block owns outright most of its locations in major cities and operates these offices with its own personnel. Block also has a few franchised locations; and in smaller cities and towns, the service sets up so-called satellite offices.

Under the satellite method, H&R Block selects and trains a local individual, who is allowed to set up shop under the H & R Block emblem. The individual furnishes his own office, but Block does his advertising and provides him with some of his office supplies.

Tax services, of course, operate their offices on a seasonal basis—usually from early January through mid-April. During the remainder of the year, the larger offices run training sessions for the upcoming season's employes.

Richard Bloch, chairman of H & R Block, says about "75% or more" of each season's employes return to the service the following year. "Personnel is no longer a problem," he says. "It was at first when we were getting started, but not any longer."

"A PEOPLE BUSINESS"

Some services disagree. "Getting qualified personnel is by far our biggest worry," says R. L. Swan Sr., an official at Mr. Tax of America. "You see, this is a people business, and getting good people is the whole ball game."

Despite personnel problems, the industry sees more growth in the future. The IRS estimates that slightly more than half of the 77 million indiivdual returns filed last year were prepared by "third parties," including professionals, semiprofessionals, friends and relatives. This means that about 50% of the taxpayers will prepare their own returns—about 40 million potential customers. Furthermore, analysts predict population growth will lead to a steady growth of new, young customers.

The industry also undoubtedly prospers from the fear and mistrust with which many taxpayers regard the government in general, and the IRS in particular. "Do you think the average taxpayer will actually ask the IRS to figure out the best angle for him?" asks one Atlanta tax practitioner. "Don't be silly. He believes the government's people are out to squeeze every penny they can from the public, and so he'll come to private firms."

Firms specializing in tax returns aren't the only beneficiaries. Banks and loan companies for example, have found that tax-return services draw new customers. "When you have a man's tax return in front of you, you're in a great position to know what he can afford and can't afford to do with his money," says one tax-service man.

OCCASIONAL FRAUD

Federal and state tax officials report that fraud is sometimes evident in the work of tax-return services. "There's this one outfit here in Atlanta that promises every client a refund, and you should see some of his work," says an agent at the Georgia Revenue Department. "We've never been able to get him in court because nobody will testify against him."

Earlier this year, however, the federal government managed to prosecute a case involving fraud by a tax professional. A federal district court in Jackson, Tenn., convicted Mrs. Fannie Mae Case Robertson, a tax practitioner, on 12 counts of fraud and sentenced her to a year in prison and a $600 fine. Mrs. Robertson is appealing the decision.

But the five firms visited by John were guilty of errors rather than fraud. "That was purely a mistake on my part," the Sears man later said concerning his moving-expenses computation. And Richard Bloch said, "I've got to place the blame squarely on the tax return service."

"It astounds me," Mr. Bloch said. "We do nine million returns, so we're bound to make some mistakes, but there's no excuse for getting the spread you got. I can't understand it. We have a minimum of two people checking every return done by our preparer."

At C&M, tax-preparer Thomas Perry conceded he forgot to include several items on John's forms, including $13 in dividends and interest on his state return. Mr. Perry stood by the deduction he gave John for tax-preparation services, claiming it was for his own work this year. (Mr. Perry noted, however, that the $25 he allowed John for tax prepara- should have been $31—the fee charged by C&M.) According to the IRS, however, such deductions may be made only for tax-preparation fees paid during the year for which the return is being submitted.

Mr. Tax of America's Mrs. Dorton also stood by her ruling that John wasn't entitled to moving-expense deductions on his state forms. She said the matter of such deductions was "a very gray area," adding that her reasoning was based on prior experience. But the Georgia Revenue Service, which presumably has the last word, maintained John was indeed entitled to the deductions.

Beyond the problems of error or fraud, there lurks another worry: Some tax return firms may be selling information gleaned from supposedly confidential returns to outside concerns, such as department stores, credit bureaus and direct-mail companies. The Federal Trade Commission is now investigating this possibility, as well as possibly misleading advertising by some tax firms that promise big refunds to prospective clients.

Congress has also entered the picture. Sen. Charles Mathias (R., Md.) last month introduced a bill that would require the consent of a taxpayer before a tax-return preparer could use infomation from his client for any purpose other than figuring the return. "Many income tax preparation firms and services are beginning to move into other fields, such as the selling of mutual funds, insurance and other financial services, and are using for these marketing purposes the detailed knowledge of their customers gleaned in the course of preparing income-tax returns," Sen. Mathias says.

Three Preparers: $602 Difference

How much tax do you owe?

Ask three different tax preparers and you are likely to come up with three different answers.

Armed with a tax withholding statement and a set of personal records, this reporter visited three different tax preparation services. The results were:

Firm A, an established practitioner, prepared a set of returns which showed a refund of $463 and omitted a large number of legitimate deductions. The charge was $17.50.

Preparer B, who uses a barren office in Anaheim, figured a refund of $674.68. He was thorough in compiling a list of itemized deductions, but missed several items affected by recent changes in the tax law and failed to give the taxpayer one major break.

The cost was $20.

Firm C, another established tax service, compiled the best record, a refund of $1,065, but only after the taxpayer reinterpreted a section of tax law for the interviewer and thus was able to take advantage of a major deduction. The price was $43.

All three preparers worked from the same information, or at least had the same information available to them.

The vast differences in the final results were a reflection of misinterpretation of tax law and failure to perform a basic function of tax preparers—to elicit from the taxpayer the kind of information about his finances that leads to increased deductions and lower taxes.

Especially was the failure of the tax preparer evident at the office of Firm A.

The interviewer, who told the reporter he was semi-retired and "just picking up some spare cash," failed to draw out information on any but the standard deductions for medical expenses, real estate and other taxes, interest payments and expenses for an office in the taxpayer's home.

He failed to ask the kind of questions that the other preparers asked to remind the taxpayer of other deductions. For example:

"Did you make installment payments on a car last year?" The taxpayer had made more than $200 in interest payments on a car, but that legitimate deduction was missed.

However, the major failing of the interviewer was to incorrectly interpret the Internal Revenue Service regulation on moving expenses.

The taxpayer had moved more than 50 miles to take a new job during the previous year. And the moving expenses, plus most of the cost of selling his old house and some of the costs of buying a new one, were deductible, according to fairly simple rules in the IRS handbook.

But when the taxpayer asked about deducting the costs, the preparer said, "You would not qualify because you were just moving to take a new job."

The result was a missed deduction of more than $2,500.

The practitioner with the barren office—just two desks, several folding chairs and a couple of files—did a substantially better job of drawing out information about potential deductions.

He asked about car payments and about large purchases which qualified the reporter for a larger deduction for state sales taxes.

He said the office-in-home expenses would not be allowable, but he did suggest taking some of them as deductions for professional expenses.

He did allow $357 for moving expenses, primarily the costs of locating a new house and moving household goods. But instead of deducting the costs of selling the former home and buying a new one, he asked for estimates of those costs and figured them on a separate schedule of long-term capital gains and losses.

NOT BEST METHOD

This method, while perfectly legitimate, is not the most advantageous to the taxpayer, according to an IRS auditor who checked all the returns.

"He took a pretty conservative approach," the auditor said of Practitioner B. "But it would appear that he was not up very well on the most current tax laws."

As proof, he pointed out that one of the rules on mileage had changed this tax year, and the practitioner had used the old rather than the new figures.

The preparer who yielded the biggest refund came very close to making the same mistake on the moving deduction as did the other two.

After having done a relatively thorough job of digging out deductions, the interviewer dismissed the taxpayer, telling him to come back in several days for his forms. The taxpayer then asked about the moving expenses, saying he thought they might be deductible.

The interviewer turned to his manual, pointed to the IRS regulation in question, and said, "As you can see, you would not qualify for that."

TAXPAYER PERSISTED

Unlike the earlier encounter with Firm A, the taxpayer persisted, saying that as he read the regulation, he would qualify. The interviewer shrugged his shoulders and said he would talk to his supervisor about the matter later.

A few hours later, the tax preparer called to say that the costs would indeed be deductible. The preparer asked a few questions about the costs and was supplied the answers.

A few days later, when the taxpayer picked up his completed forms, they reflected not only the costs he had claimed but several hundred dollars in added expenses.

The figures, for premove meals and lodging and for travel expenses, were ones that the taxpayer had specifically stated he had not incurred.

But, almost by magic, those questionable figures boosted the moving expenses to the exact legal maximum allowed for that type of deduction.

The point of this, of course, is that the taxpayer is being given contrary and sometimes bad advice by people he feels are competent. And of course that is the issue. The tax service consumer has no way of knowing which preparer is competent. He is usually faced with dozens of choices among preparers and a bewildering array of advertising promising guaranteed returns, guaranteed accuracy, and in some cases the return in advance.

Earlier this year, I began to investigate this entire problem. In southern California, thousands of tax preparers opened temporary offices in shopping centers, supermarkets, trailers, and some even operating out of the back seats of their cars. I received some complaints from constituents and from some recognized professionals in the business. There were also rumors circulating that a wide scale IRS investigation was being launched.

I wrote the Commissioner of the Internal Revenue Service in February, and asked for his views. On March 8, I received his reply. In light of the article above and one that I will include in the RECORD at a later point, I found it quite disturbing.

First, the letter acknowledged the problem, particularly the seriousness of misleading advertising. I was informed that the FTC was investigating this area. A little later, I will report on the extent and progress of this investigation.

While this was somewhat encouraging, the rest of the letter offered some unfortunate surprises.

First. The Internal Revenue Service "is without authority to police" the conduct of preparers receiving fees, as these people cannot represent their clients before the IRS. Although attorneys, certified public accountants, and others who have specifically passed an IRS competency test are regulated, because they are eligible to represent clients before IRS, the majority of return preparers cannot be regulated because they cannot represent their clients.

This, of course, is a most stupendous piece of bad luck for the taxpayer. The logic for this regulation is quite absurd. Essentially, I've been told that since the preparer has no credentials to appear before IRS, and therefore no responsibility in the eyes of the IRS, the IRS has no responsibility for him. This despite the fact the majority of American taxpayers are now paying precisely these people to prepare their returns.

Thus, according to IRS, the only people regulated are those judged competent by the Service. People who either through professional training, or the acceptable passing of a test are the ones judged most competent to offer tax preparation services, and are the only ones the IRS is interested in. The bulk of the preparation services who prepare most of the returns are exempt from IRS scrutiny because they are not competent or professional enough to represent clients before the Service. This is extraordinary.

Second. The letter politely informed me that:

> Frankly, while we are concerned about the increases in the number of incompetent preparers, we are still of the view that the Service should not attempt to control these firms or individuals. We do not have sufficient manpower to test and police the thousands of persons engaged in this business.

After admitting IRS concern over the "increase in the number of incompetent preparers" the letter then suggests that controls would tend to discourage more people from getting into the business, something the Service apparently feels would be against the interests of the taxpayers.

At this point in the RECORD, I include the full text of the IRS response to my inquiries. I also include the letter I received from the Federal Trade Commission:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 8, 1971.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR MR. HANNA: Commissioner Thrower has asked me to reply to your letter dated February 18, 1971.

The Internal Revenue Service launched an inquiry into commercial tax return preparation services a little over a year ago to define the scope of our authority and to consider what actions we might properly take for dealing with abuses by tax return preparers.

The recent proliferation of commercial preparers of returns is essentially a manifestation of American enterprise looking for new markets. More and more businessmen are looking at the millions of individual taxpayers as potential clientele. This in itself is not of concern to the Internal Revenue Service because these firms can provide a service for the taxpaying public.

Our main problem is that of misleading and deceptive advertising arising from the activities of a relatively few commercial preparers. Our interest here is to be alert to the occasional excesses of this minority which, if unchecked, might result in problems both for taxpayers and tax administration. The FTC is currently cooperating with us in a survey of advertising tactics of returns preparation firms.

The rules of conduct for practice before the IRS, as set forth in Treasury Department Circular No. 230, (copies enclosed) generally apply only to attorneys, certified public accountants, and others enrolled to practice. Since commercial preparers of returns advertise, they are not eligible to represent taxpayers before the IRS and, therefore, do not come within the purview of the Circular. So, absent a clearly fraudulent act such as inducing a taxpayer to file a false return or document, the Service is without authority to police this area.

Interestingly, H.R. 9922 was introduced in 1954 to authorize the Secretary of the Treasury to issue regulations relating to qualifications of persons who assist taxpayers in the preparation of tax returns. The Service opposed this legislation on the grounds that if a high standard of technical competence would be required, the number of persons who could qualify would not be sufficient to meet the demands of the taxpayers. If the system, otherwise, did not contemplate high technical competence, the evils inherent in the present system would not be greatly abated. To our knowledge, no similar legislation has been introduced since 1954.

Frankly, while we are concerned about the increases in the number of incompetent preparers, we are still of the view that the Service should not attempt to control these firms or individuals. We do not have sufficient manpower to test and police the thousands of persons engaged in this business. Furthermore, we are still concerned that controls would cause fewer people to engage in this business, thereby depriving taxpayers of needed assistance. Also, I doubt whether we in the Service could ever staff up or devote sufficient manpower to take care of the needs of taxpayers who do not feel competent to prepare their own return.

At this time we do not feel that we can draw any final conclusions or make legislative or administrative recommendations. I appreciate the opportunity to clarify this matter for you. If I can be of any further service please let me know.

Sincerely yours,

S. B. WOLFE,
Director, Audit Division.

Enclosures.

FEDERAL TRADE COMMISSION,
Washington, D.C.

Hon. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HANNA: This is in reply to your letter of March 25, 1971, inquiring as to the status of an investigation being conducted by the Bureau of Consumer Protection of the Commission into the practices of commercial income tax preparers.

As I understand it, the IRS presently has regulatory responsibility only over enrolled tax preparers. Certain IRS regulations have been effected which serve to control some of the business practices of these enrolled preparers. This class of tax preparers generally includes attorneys, accountants and others who have successfully completed an examination by IRS.

In general, the commercial tax preparers which advertise do not fall within this class and are consequently not within the jurisdiction of the IRS.

Although no formal determination has been made by the Commission, the staff of the Bureau of Consumer Protection feels that the practices of these commercial tax preparers are within the jurisdiction of the Commission under Section 5 of the Federal Trade Commission Act. Of course, this assumes that in any given instance other jurisdictional requirements, such as interstate commerce and adequate public interest, have been met.

In this regard, the Bureau of Consumer Protection is currently involved in an industry-wide inquiry concerning the practices of these companies.

This survey relates both to the use made of information gathered as a result of tax return preparation and to the advertising employed by commercial tax preparers.

Complaints have been received by the Commission which indicate that some firms may be using the tax returns for other purposes without disclosing this to their clients.

For example, in some instances this detailed financial information reportedly has been made available to investment companies, which then solicit the unsuspecting taxpayer. Also, some commercial preparers may be including clients' names—without their knowledge—on mailing lists sold to direct-mail advertisers and merchandisers.

The investigation also will involve allegations that various advertisements are designed to mislead the taxpaying public with respect to:

"Guarantees" of accuracy and preparer's liability if return is incorrect. (The taxpayer is responsible for the correctness of his own return regardless of who prepared it for him. Generally, "guarantees" as to accuracy cover only mathematical computations on the return; and preparer will make restitution only for interest and penalties due to his math errors.)

"Guarantees" for representation of taxpayer during a subsequent audit of his return. (Generally, only attorneys, certified public accountants and enrolled agents can represent clients before Internal Revenue Service; and such persons are prohibited from advertising.)

Quoting of statistics out of context in a misleading manner.

Implying that preparer has a special ability to get refunds for clients due to a past or present relationship with Internal Revenue Service.

These categories are offered by way of example and in no way are intended as perimeters of the scope of the investigation.

To date, and in the near future, the staff's efforts have been directed at securing information from the largest commercial tax preparers. As soon as these individual investigations are completed, a determination will be made as to what corrective action, if any, is warranted in the public interest as to these companies as well as other smaller firms in this field.

I must stress, however, that the inquiry is at a preliminary stage and no facts have been revealed at this time which would indicate whether or not any of these companies may be in violation of Section 5.

I hope this information is helpful and, if I may be of any further assistance, please do not hesitate to let me know.

With kind personal regards,

Sincerely,

JOSEPH MARTIN, Jr.,
General Counsel and Congressional Liaison Officer.

The second serious problem involves the handling of the files retained by these tens of thousand of practitioners. The information contained in a return is quite valuable to some. And while the taxpayer's return to the Government receives some protection, there is virtually no control over or protection for the consumer.

Whether these people fall under the provisions of the Fair Credit Reporting Act is still under debate. In order to avoid any confusion and guarantee the maximum protection to the consumer, legislation which includes these files under the law is needed.

In order to resolve these two problems before they become more serious than they currently are, I am asking today that the appropriate committees of the Congress begin immediate investigations. I am introducing a measure which can serve as the focus of the investigations.

The measure authorizes the Secretary of the Treasury to issue rules that will regulate the thousands of present practitioners that are currently outside Federal scrutiny. This measure would assure the consumer that he is at least receiving advice on his return from someone who has had to prove his competency and will be held accountable for his actions.

The measure also includes these practitioners under the fair credit bill if they attempt to sell or pass along for gain any of the information they obtain from preparing returns.

It is very difficult to document the scope of the problems that this proliferating business is causing. Very little attention has been paid to it. However, there is sufficient information now available to suggest we have an increasingly serious dilemma on our hands.

I am including a Los Angeles Times article and a Washington Post editorial at this point in the RECORD. Those Members who may not be sufficiently familiar with the scope of the problem should read this material.

The Los Angeles Times article reports the shocking state of affairs in southern California, where it is estimated that as many as 7,500 practitioners are engaged in some form of tax fraud.

The articles follow:

[From the Los Angeles Times, March 28, 1971]

GETTING HELP ON YOUR RETURN CAN BE TAXING

"When there is an income tax the just man will pay more and the unjust less on the same amount of income."—Plato, The Republic.

(By Evan Maxwell)

History records little about the income tax preparation business in ancient Greece, but the modern American taxpayer, whether he be just or unjust, can find plenty of help in figuring out his annual levy.

There are thousands of tax practitioners in Southern California, some good at their jobs and some bad. The taxpayer would be well-advised to choose carefully.

According to one Internal Revenue Service estimate, there are as many as 7,500 tax practitioners in Orange and Los Angeles counties engaged in some form of tax fraud.

"In the last two years, we have identified about 2,500 questionable practitioners," said one IRS investigator.

"There are probably three times that many practicing," he added.

There is no way to count the incompetent tax preparers in the area, but most observers say their number is substantial.

"We have enough trouble just finding a few qualified tax workers for full-time jobs," said the head of one large accounting firm. 'How can these tax services find experienced qualified help for part-time work during the tax season?"

Still, the tax preparation field has undergone an explosion in the last few years. For example, H&R Block, the largest firm in the field, opened seven offices in the Southland in 1963. This year, the firm has 28 in Orange County alone.

Between 70% and 80% of all federal tax return from Orange County are prepared by someone other than the taxpayer, usually by a professional, said Dan Pawlowski, Office Audit Group supervisor for the IRS in Garden Grove.

The figure representing an estimated 20% increase since 1969, is in part a reflection of the affluence of the county's population, according to IRS officials.

Also, a new set of regulations, the result of the Tax Reform Act of 1969, has sent the average taxpayer scrambling for help in the last two tax years.

But the increased number of these seeking professional tax help is also a reflection of the multiplication of services available.

Retail stores, banks and savings associations are offering tax preparation services, not necessarily as profit-making ventures but often simply as services to their customers.

In addition, there are hundreds of accounting firms, large and small and equal numbers of store front operators and persons who prepare tax returns as a sidelight to regular businesses.

Publicly, IRS officials and others in the tax field will make little comment on the quality of tax preparation services generally.

But the situation locally is serious enough to warrant real concern, according to the IRS.

Orange and Los Angeles counties make up one of four or five target areas in the nation for a crackdown on what are referred to as "questionable practitioners."

"Orange County is definitely worse off than the rest of the nation as far as questionable practices are concerned," said the IRS special agent in charge of the investigation.

And the nationwide problem is, according to the agent, second only to organized crime in its cost to citizens.

This fact alone should put the taxpayer on his guard when he seeks help in the annual ritual of paying his dues to civilized society.

In addition, the taxpayer should be aware of the wide variety of tax services available. Not all are equally suited to handle particular taxpayer problems. And there are some, say the experts, which are not qualified to handle any problems at all.

Among the most qualified are the certified public accountants and public accountants—commonly referred to as the "professionals" by virtue of their training and, in the case of the certified accountants, by their passage of a tough three-day state examination.

"For tax purposes, the public accountants and CPAs are probably equally competent as long as they have experience in the tax field," said Earl Harriman, chairman of the tax committee of the Orange County Chapter of the Society of California Accountants.

"But the key word here is 'experience,'" Harriman said. "Accountants do work in so many fields that they are not necessarily experts in tax law and problems."

Many certified accountants, especially those in large firms, are not interested in preparing personal tax returns on a mass basis, Harriman said.

The bulk of their business is with books and records of businesses. And their cost, probably up to $75 for an average personal return, makes their service somewhat costly for the average taxpayer.

HAZY DISTINCTION

Public accountants and CPAs in private practice are more likely to provide the kind of tax service most individual taxpayers need. And their costs are generally lower than those of the larger accounting firms.

The distinction between public accountants and tax preparation services is somewhat hazy for a number of reasons.

In the past, the two could be separated because accountants were available to their clients on a year-around basis, while tax services operated only four or five months a year.

But tax services, especially some of the larger ones, are going into year-around operations and are offering tax-planning assistance similar to that of private accounting firms.

In other areas, too, the distinction between locally owned and operated accounting firms and mass-oriented tax services is blurred.

Many of the mass preparers operate on a franchise basis, with the bulk of their work being done by local accountants who benefit from the prestige and national advertising programs of the parent firms.

But a basic distinction between the two probably is still intact. The one works on a mass basis, while the other works with limited numbers of clients and offers more individualized service.

And that distinction is the basis of the rather strong rivalry between the two.

Private accountants play up their own ability, by virtue of training and experience, to deal with the more complex tax problems better than what they refer to as "tax shops (store front operators and mass preparers)."

In order to catch all the deductions that the taxpayer is entitled to, the tax preparer must "know the correct questions to ask," said accountants' spokesman Harriman.

"A comprehensive interview and check list are essential, as is some knowledge of the taxpayer's particular situation.

"Most of the work in these shops is done by people who are not very well-trained and who probably don't know the right questions.

"There are all sorts of gray areas, problem areas, in taxes, and I would think that a great many people in these tax services would not know a problem area if they ran across it," Harriman said.

For their part, the tax services say their preparers are thoroughly qualified.

"We give all our preparers a 72-hour course of instruction in all sorts of tax law and preparation," said Lou Cupp, advertising manager for H&R Block.

Most of the tax services also provide their interviewers with extensive questionnaires designed to elicit from the taxpayer information about all deductions for which he might qualify.

But the fact remains that most interviewers receive comparatively little training and have relatively little experience when compared to professional tax accountants.

"I just don't see how they can get qualified people," said Harriman. "Everybody who is really competent already has a job."

The tax services maintain that their systems of checking and rechecking each return is the best backstop against error. But these checks, experts say, pertain mostly to mathematics. They are of little value in uncovering legitimate deductions missed by both the taxpayer and the interviewer.

IRS spokesmen agree that there are few mathematical errors on the returns of the large tax services. But they say it is not uncommon, when these returns are audited, to find that preparers overlooked or left out substantial deductions.

"I would have to say that many of the firms are concerned about their images and therefore are conservative in stating deductions in order to avoid having anything disallowed," said one IRS investigator.

Some accountants have a tendency to follow similarly conservative courses, according to the IRS.

Another criticism which tax professionals level at tax services is that they are geared for one thing—speed.

"They just can't do a quality job when they crank people through as quickly as they do," said one private accountant.

Taxpayers need not necessarily be put off by these criticisms. For a comparatively low cost, and with little of the taxpayer's time, the tax services can do a good job on the less complex returns.

Their interview lists touch most of the major categories of potential deductions, and many of their interviewers gain a lot of tax experience quickly, especially in the busier offices.

PROFESSIONAL HELP

But the possibility remains that taxpayers with complex returns probably will get better service from professional tax experts than from a housewife or a student who became a tax expert within a matter of weeks.

Any criticism applied to the larger tax services must be applied at least equally to the storefront operators, according to critics.

"These guys cause more problems than anybody else," an IRS investigator said.

Some of them are former employes of the larger tax services who have gone into business for themselves, he said. Others are outright frauds who have no experience in taxes but who set themselves up as experts.

Many of them practice in the crowded lower-income areas, charging inflated rates for simple returns and preying on the poorly educated, unsophisticated taxpayer.

"One of the favorite ploys is to quote a low rate for the return," said an IRS spokesman.

"The accountant then takes all the man's tax records, including his W-2 form. When the man comes back, the preparer says he ran into some problems, filled out a lot of extra forms and now wants $200.

Another gambit is used by a practitioner who says he will use every angle to get a big refund and keep a percentage of the refund.

The practitioner will fill out a grossly fraudulent return, keep part of the refund, and probably disappear. When the IRS calls for an audit the taxpayer is liable for all the back taxes, plus any penalties.

"A preparer who cheats each of 100 customers out of $1,000, and that is not an outrageous figure, can clean up on $100,000 and disappear," said the investigator.

The practice of inflating deductions is not limited to tax preparers. Indeed, this is one of the areas where Plato's "unjust" man can easily participate in the preparation of false tax returns.

The IRS requires substantiation for all deductions that a taxpayer claims. But spokesmen for the IRS and others in the tax field say that legitimate tax preparers prefer to work from the same sort of substantiation.

But, they say, there are many tax preparers who lead their clients down the primrose path by encouraging estimates, often inflated estimates of deductions and even by outright invention of them.

If these falsifications are discovered, the taxpayer is most directly liable. And he pays the costs, because he signed the blank which said the return was "true, and complete." If the preparer signed the return at all, he simply signed in the space which indicated that all the information was supplied by the taxpayer.

However, acting out of the belief that the problem of inflated deductions is in large part the fault of tax preparers, the IRS has begun to look more closely at tax preparation services.

"We aren't really interested in the taxpayer," said one of the investigators. "We are trying to locate the practitioners who assist in preparing these false returns."

With this in mind, the IRS has begun seizing the records of suspected fraudulent practitioners.

"We are looking for patterns of inflated deductions through all these records," said the investigator.

"Very often, they inflate the same deductions for all their clients, or they use the same sorts of questionable practices.

"One of these guys asked all his clients if they had a dog who gave birth to a litter of pups in the last year," the investigator said.

"If they answered yes, they automatically became professional dog-breeders and picked up a number of deductions."

These kinds of patterns, as well as the simple ones like the claiming of $104 a year in church contributions because the IRS has said that figure is acceptable without documentation, are the patterns which differentiate the just from the unjust, whether they be taxpayers or tax practitioners.

[From the Washington Post]

APRIL 15, FORM 1040 AND ALL THAT

Now that the awful day has passed we would like to explore a little the maze of complications that surrounds April 15 and the document known as "Individual Income Tax Return." It is a maze that seems to grow in size and complexity each year, although some tax experts assure us it is not as formidable as it once was. And it has been in recent years the source of a host of new tax advisers and tax-return preparers, who by their mere existence raise problems that did not exist before.

We pass over lightly the ponderables and imponderables of Form 1040 with its numbered lines and schedules, A, B, C, D, and so on. It is, we think, somewhat more comprehensible than it once was although some people can remember when there was only one long sheet of paper and an optional short form. We also pass lightly over the questions raised on this page earlier this week by Hobart Rowen in his discussion of the tax-avoidance gimmicks that still exist despite the tightening of the laws that occurred only a year or so ago. True, many of those are worthy of detailed discussion but, somehow, the day after tax returns are due is not a day on which rational analysis of those gimmicks seems possible. That leaves the problem of filling out the existing form itself and this seems like a fit subject for mid-April.

A few days ago, the *Wall Street Journal* reported the saga of a man in Atlanta who took his data to five businesses that specialize in preparing tax returns and got back five different answers as to what he owed or didn't owe Uncle Sam. Then the *Journal* took the same set of figures to the Internal Revenue Service which produced a sixth figure. The range of these figures wasn't even close. The IRS said the man was entitled to a $466.10 refund; four tax services had given him returns claiming a refund of $652.04, $542, $487, or $483; the fifth said he owed $141.

Obviously, something is wrong somewhere. The tax laws and regulations are complicated but, given the figures in this man's case, not that complicated. The *Journal* reported such things as the inclusion on the returns by the tax services of deductions not claimed by the taxpayer and the exclusion of some clearly deductible items, as well as some simple mistakes such as filling in the form with the wrong name and address.

This leads us to suggest that Congress might quite properly take a careful look at the tax preparation and adviser business. Everybody seems to be getting into it these days and we suspect that not everybody who is filling out returns provides advice worth what it costs. There are almost a hundred listings in the District of Columbia's yellow pages alone under "tax return preparation" and it seems likely that there are other places around the country like the one the *Journal* found in Atlanta that sold gasoline but advertised, "Cigarettes 35 cents. Guaranteed Income Tax Returns, 20 Years Exp. $5 & Up. Mechanic On Duty." Indeed, we were struck by the letter from the Commissioner of Internal Revenue that appeared on the opposite page recently in which he pointed out that those people who can represent others before the IRS are strictly limited in the advertising they can do to attract business.

There is a second troubling aspect in this whole matter. The Federal Trade Commission is even now investigating the possibility that some tax-return firms are selling the information they gain from taxpayers to others, such as credit bureaus, department stores and direct-mail companies. This knowledge is, no doubt, of considerable use to companies which extend credit or which want to solicit business from people in certain income levels. But it is information that a taxpayer ought not to give up readily and it is information that these businesses can't get from the IRS. So there is much to be said for a bill introduced last month by Senator Mathias to bar tax-return preparers from giving out any such information without the specific authorization of clients.

The ideal solution to the problem of preparing tax returns, of course, would be either to have a tax system so simple that everybody could understand it or to have a government agency which people would trust to give them the best possible break. Unfortunately, the United States has neither since people believe, rightly or wrongly, that the IRS aims at getting as much in taxes out of them as possible. Given this situation, Congress might well draw up a set of qualifications and rules to govern the entire field of tax return preparers. That would make the annual April scramble a little safer and saner for everybody.

Congress has the opportunity of checking the spread of this problem. I urge it to take up the measure I am introducing today as rapidly as possible.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. DON H. CLAUSEN (at the request of Mr. GERALD R. FORD), from April 29, 1971, through May 9, 1971, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for Monday, May 3 through Wednesday, May 5, on account of official business.

Mr. Griffin (at the request of Mr. Boggs), on Monday, May 3, and Tuesday, May 4, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Montgomery, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Holifield, today, for 10 minutes, to revise and extend his remarks, and to include extraneous material.

(The following Members (at the request of Mr Powell), to revise and extend their remarks and to include extraneous matter:)

Mr. Mathias of California, today, for 5 minutes.

Mr. Halpern, today, for 5 minutes.

Mr. Findley, today, for 15 minutes.

Mr. Kemp, today, for 15 minutes.

(The following Members (at the request of Mr. Davis of South Carolina), to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 15 minutes, today.

Mr. Sisk, for 10 minutes, today.

Mr. Kyros, for 30 minutes, today.

Mr. Vanik, for 15 minutes, today.

Mr. Hechler of West Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. Landgrebe), to revise and extend their remarks, and to include extraneous matter:)

Mr. Anderson of Illinois, today, for 30 minutes.

Mr. Hogan, for 10 minutes.

(The following Members (at the request of Mr. Davis of South Carolina), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Kyros, on May 4, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bennett in two instances and to include extraneous matter.

Mr. Pelly and Mr. Keith (at the request of Mr. Mailliard), to revise and extend their remarks on the bill H.R. 155.

(The following Members (at the request of Mr. Powell) and to include extraneous matter:)

Mr. Steele in 10 instances.

Mr. Broyhill of Virginia in two instances.

Mr. Hosmer in three instances.

Mr. Spence.

Mr. Forsythe.

Mr. Young of Florida in five instances.

Mr. Gerald R. Ford.

Mr. Hunt in two instances.

Mr. Myers in two instances.

Mr. Dennis.

Mr. Wyman in two instances.

Mr. Collier in five instances.

Mr. Schmitz in two instances.

Mr. Nelsen.

Mr. Price of Texas.

Mr. Zion.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Quie in two instances.

Mr. Goldwater.

Mr. Scherle in 10 instances.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Fisher in four instances.

Mr. Mahon in two instances.

Mr. Harrington in two instances.

Mr. Begich in four instances.

Mr. James V. Stanton.

Mr. William D. Ford.

Mr. Aspin.

Mr. Griffin.

Mrs. Griffiths.

Mr. Brinkley.

Mrs. Chisholm.

Mr. Van Deerlin.

Mr. Eilberg.

Mr. Stokes.

Mr. Preyer of North Carolina in two instances.

Mr. Danielson.

Mr. Albert in two instances.

Mr. Rarick in three instances.

Mr. Dulski in six instances.

Mr. Kluczynski in two instances.

Mr. Thompson of New Jersey in two instances.

Mr. Kyros in two instances.

Mr. Minish in three instances.

Mr. Roy.

Mr. Rostenkowski.

Mr. Vanik in two instances.

Mr. Dingell in two instances.

Mr. Long of Maryland in two instances.

Mr. Hathaway.

Mr. Hanna in two instances.

Mr. Foley in two instances.

Mr. Ryan in three instances.

Mr. Wolff in two instances.

Mr. Anderson of California in two instances.

Mr. Edwards of California in four instances.

Mr. Fraser.

Mr. Scheuer.

Mr. Drinan in three instances.

Mr. Gonzalez in three instances.

Mr. Brasco.

Mr. Rooney of New York.

Mr. Moorhead.

Mr. Rodino.

Mr. Baring in two instances.

Mr. Addabbo.

Mr. Leggett.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 29, 1971, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 646. An act to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 22. Concurrent resolution designating "Human Development Month" and "Voluntary Overseas Aid Week"; to the Committee on the Judiciary.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 4, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

650. A letter from the Secretary of Agriculture, transmitting the report on the agricultural conservation program for the fiscal year ending June 30, 1970, pursuant to 50 Stat. 329; to the Committee on Agriculture.

651. A letter from the Acting Secretary of the Army, transmitting a report on the Department of the Army aviation personnel above the grade of major, for the period July 1–December 31, 1970, pursuant to 37 U.S.C. 301(g); to the Committee on Armed Services.

652. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of a proposed transfer of a 42-foot aircraft refueling boat, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

653. A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

654. A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

655. A letter from the Assistant to the Commissioner, the District of Columbia transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes; to the Committee on the District of Columbia.

656. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

657. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes;

to the Committee on Interior and Insular Affairs.

658. A letter from the Legislative Counsel, U.S. Department of the Interior, transmitting a report on the environmental impact of proposed legislation relative to the national land use policy; to the Committee on Interior and Insular Affairs.

659. A letter from the Executive Director, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases as of March 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

660. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications, pursuant to section 2519 of title 18, U.S.C.; to the Committee on the Judiciary.

661. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the protection of U.S. probation officers; to the Committee on the Judiciary.

662. A letter from the Chairman, Administrative Conference of the United States, transmitting a draft of proposed legislation to amend title 28 of the United States Code with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

663. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation relating to age requirements for appointments to positions in executive agencies and in the competitive service; to the Committee on Post Office and Civil Service.

664. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 3, 1970, submitting a report, together with accompanying papers and an illustration, on Cadet Bayou, Miss., requested by a resolution of the Committee on Public Works, House of Representatives, adopted December 14, 1950. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment under section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

Received From the Comptroller General

665. A letter from the Comptroller General of the United States, transmitting a report of multiyear leasing and Government-wide purchasing of automatic data processing equipment should result in significant savings; to the Committee on Government Operations.

666. A letter from the Comptroller General of the United States, transmitting a report on the impact of employment ceilings on management of civilian personnel, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2596. A bill to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes; (Rept. No. 92–168). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2594. A bill to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000; (Rept. No. 92–169). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 5638. A bill to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes; (Rept. No. 92–170). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severely referred as follows:

By Mr. PERKINS:

H.R. 7949. A bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes; to the Committee on Education and Labor.

By Mr. HEBERT (for himself and Mr. Arends):

H.R. 7950. A bill to repeal sections 3692, 6023, 6025, and 8692 of title 10, United States Code, with respect to pilot rating requirements for members of the Army, Navy, Marine Corps, and Air Force; and to insert a new section 2003 of the same title; to the Committee on Armed Services.

By Mr. SEBELIUS:

H.R. 7951. A bill relating to the conservation and restoration of marginal farmland; to the Committee on Agriculture.

By Mr. ABBITT:

H.R. 7952. A bill to protect ocean mammals from being pursued, harassed, or killed; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHBROOK:

H.R. 7953. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R 7954. A bill to amend section 207 of title 18, United States Code, in order to prohibit former Federal employees who participated in a contract formulation from being employed, for a period of 2 years, by anyone who has a direct interest in the contract; to the Committee on the Judiciary.

By Mr. BERGLAND:

H.R. 7955. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 7956. A bill to amend title 38, United States Code, so as to provide that increases in social security benefits, railroad retirement benefits, and cost-of-living adjustments of civil service retirement annuities shall be disregarded under certain circumstances in determining eligibility for or the amount of dependency and indemnity compensation for dependent parents of veterans and non-service-connected pension for veterans and widows; to the Committee on Veterans' Affairs.

By. Mr. BROOMFIELD:

H.R. 7957. A bill to establish the Advisory Commission on Federal Tax Forms, and for other purposes; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 7958. A bill to amend section 584 of the Internal Revenue Code of 1954, relating to common trust funds maintained by banks; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Hammerschmidt, Mr. Montgomery, and Mr. Hechler of West Virginia):

H.R. 7959. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CABELL:

H.R. 7960. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. COLLIER:

H.R. 7961. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

H.R. 7962. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Dow, Mr. Reid of New York, Mr. Ruppe, and Mr. Wolff):

H.R. 7963. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. DULSKI (for himself, Mr. Waldie, Mr. Chappell, Mr. Daniels of New Jersey, Mr. White, Mr. Brasco, Mr. Scott, Mr. Hogan, Mr. Powell and Mr. Broyhill of Virginia):

H.R. 7964. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 7965. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 7966. A bill to amend section 7 of the Flood Control Act approved June 28, 1938 (52 Stat. 1215, 1225), as amended; to the Committee on Public Works.

By Mr. GERALD R. FORD:

H.R. 7967. A bill to establish within the Department of Housing and Urban Development a program of direct loans to skilled nursing homes to enable them to qualify for participation in the medicare program; to the Committee on Banking and Currency.

By Mr. FULTON of Pennsylvania (for himself and Mr. Mosher):

H.R. 7968. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GALIFIANAKIS:

H.R. 7969. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. GROSS:

H.R. 7970. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. GUDE:

H.R. 7971. A bill to amend the Rail Passenger Service Act of 1970 in order to prevent the discontinuance pursuant to such act of intercity rail passenger service which provides service for a substantial number of regular commuter passengers; to the Committee on Interstate and Foreign Commerce.

H.R. 7972. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA:

H.R. 7973. A bill to authorize the Secretary of the Treasury to prescribe regulations relating to qualifications of persons who assist taxpayers in the determination of their Federal tax liabilities, and to amend the Internal Revenue Code of 1954 to require the consent of the taxpayer concerned before a person who prepares a taxpayer's income tax return may use or disclose for other purposes any information furnished for the preparation of such return, and for other purposes; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 7974. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON:

H.R. 7975. A bill to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS (for himself, Mr. O'Konski, Mr. Melcher, Mr. Daniel of Virginia, Mr. Anderson of Tennessee, Mr. Garmatz, Mr. Pike, Mr. Roybal, Mr. Rees, Mr. Derwinski, Mr. Foley, Mr. McCloskey, Mr. Collier, Mr. Hechler of West Virginia, Mr. Gibbons, Mr. Moorhead, Mr. Mitchell, Mr. Fulton of Tennessee, Mr. Aspin, Mr. Collins of Texas, Mr. Gray, Mr. Collins of Illinois, Mr. Roy, Mr. Anderson of Illinois, and Mr. Eckhardt):

H.R. 7976. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. Morse, Mr. Pepper, Mr. Charles H. Wilson, Mr. Meeds, Mr. Wolff, Mr. Nichols, Mr. Matasunaga, and Mr. Harrington):

H.R. 7977. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 7978. A bill to amend certain Federal law relating to the interception of wire and oral communications; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 7979. A bill to amend the Interstate Commerce Act, section 204; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK (for himself and Mr. Johnson of California):

H.R. 7980. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. MIKVA (for himself and Mr. Price of Illinois):

H.R. 7981. A bill: National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. MINISH:

H.R. 7982. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to State and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 7983. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 7984. A bill to assure an opportunity for employment to every American veteran who is seeking work; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 7985. A bill to provide for the sharing with State and local governments of a portion of the tax revenue of the Federal Government and to authorize Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Rooney of Pennsylvania, Mr. Van Deerlin, Mr. Halpern, Mr. Dulski, Mr. Evins of Tennessee, Mr. Dorn, Mr. Kyros, Mr. Pirnie, Mr. Thompson of New Jersey, Mr. Hays, Mr. Hathaway, Mr. Podell, Mr. Tiernan, Mr. Roy, Mr. O'Neill, Mr. Gettys, Mr. Fulton of Tennessee, Mr. Moorhead, Mr. Metcalfe, Mr. Forsythe, Mr. Howard, Mr. Carey of New York, Mr. Carney, and Mr. Carter):

H.R. 7986. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mrs. Sullivan, and Mr. Widnall):

H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution; to the Committee on Banking and Currency.

By Mr. PUCINSKI (for himself, Mr. Thompson of New Jersey, Mr. Dent, Mr. Brademas, Mr. Hawkins, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton, Mr. Clay, Mrs. Chisholm, Mrs. Hicks of Massachusetts, Mr. Badillo, Mr. Price of Illinois, Mr. Derwinski, Mr. Collins of Illinois, Mr. Annunzio, Mr. Helstoski, Mr. Conyers, Mr. Anderson of California, Mr. Moorhead, Mr. Roybal, Mr. Morgan, and Mr. Fulton of Pennsylvania):

H.R. 7988. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. PUCINSKI (for himself, Mr. Eilberg, Mrs. Grasso, and Mr. Matsunaga):

H.R. 7989. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself and Mr. Arends):

H.R. 7990. A bill to amend the Internal Revenue Code of 1954 to continue the investment tax credit for the first $20,000 of investment in each taxable year in a farming business; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, and Mr. Terry):

H.R. 7991. A bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore the Naval Petroleum Reserve No. 4, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 7992. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. SCHWENGEL:

H.R. 7993. A bill to establish a revenue sharing program for rural development; to the Committee on Government Operations.

By Mr. SHRIVER:

H.R. 7994. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general-purpose boxcars owned by the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 7995. A bill to amend the Internal Revenue Code of 1954 to extend the time within which certain ministers may file applications for exemption from the tax on self-employment income; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Dennis, Mr. Alexander, Mr. Waggonner, and Mr. Mathias of California):

H.R. 7996. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 7997. A bill to provide a program to improve the opportunity for the study of cultural heritages of all ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 7998. A bill to authorize and request the President to proclaim April 11 of each year as "National Submarine Day"; to the Committee on the Judiciary.

H.R. 7999. A bill to establish a Federal Judiciary Council; to the Committee on the Judiciary.

H.R. 8000. A bill relating to the fixing of prevailing rates for wage board employees of the Government of the United States; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 8001. A bill to amend the Internal Revenue Code of 1954 to exempt from the aircraft use tax certain agricultural aviation and to provide for refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 8002. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WINN:

H.R. 8003. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ZION:

H.R. 8004. A bill to create a National Agricultural Bargaining Board to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. DOW (for himself, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Blackburn, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Conte, Mr. Dingell, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Esch, Mr. Forsythe, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Kemp, and Mr. Koch):

H.R. 8005. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

By Mr. DOW (for himself, Mr. Kyros, Mr. Long of Maryland, Mr. McCloskey, Mr. Mazzoli, Mrs. Mink, Mr. O'Konski, Mr. Pickle, Mr. Podell, Mr. Rangel, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Ryan, Mr. Teague of California, Mr. Tiernan, Mr. Vigorito, Mr. Williams, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 8006. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

By Mr. DOW (for himself, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Blackburn, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Conte, Mr. Dingell, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Esch, Mr. Forsythe, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Kemp, and Mr. Koch):

H.R. 8007. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

By Mr. DOW (for himself, Mr. Kyros, Mr. Long of Maryland, Mr. McCloskey, Mr. Mazzoli, Mrs. Mink, Mr. O'Konski, Mr. Pickle, Mr. Podell, Mr. Rangel, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Ryan, Mr. Teague of California, Mr. Tiernan, Mr. Vigorito, Mr. Williams, Mr. Charles H. Wilson, and Mr. Wolff):

H.R. 8008. A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia; to the Committee on Government Operations.

By Mr. MICHEL:

H.R. 8009. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 8010. A bill to furnish assistance to farmers and ranchers in emergencies caused by natural disasters; to the Committee on Agriculture.

By Mr. RANDALL (for himself, Mr. Holifield, Mrs. Dwyer, Mr. Wydler, Mr. Garmatz, Mr. Gallagher, Mr. Collins of Illinois, Mrs. Abzug, Mr. Brown of Michigan, Mr. Goldwater, Mr. Hosmer, Mr. Gude, Mr. Gubser, Mr. Waldie, and Mr. Roe):

H.R. 8011. A bill to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes; to the Committee on Government Operations.

By Mr. SCHEUER (for himself, Mr. Corman, Mr. Harrington, Mr. McCormack, and Mr. Meeds):

H.R. 8012. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. TIERNAN:

H.R. 8013. A bill to make possible appropriate, economical, and accessible learning opportunities for all adults, both for their individual fulfillment and for the social and economic well-being of the Nation; to the Committee on Education and Labor.

By Mr. UDALL (for himself, Mr. McClure, and Mr. Lujan):

H.R. 8014. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ULLMAN:

H.R. 8015. A bill to provide that the taxable year shall start on January 1 rather than July 1 for purposes of the tax imposed on the use of highway motor vehicles by section 4481 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 8016. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8017. A bill to amend the Public Health Service Act to assist in alleviating the shortage of health care personnel in rural areas and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.J. Res. 601. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.J. Res. 602. Joint resolution authorizing the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week"; to the Committee on the Judiciary.

By Mr. BEVILL:

H.J. Res. 603. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. RODINO (for himself and Mr. Henderson):

H.J. Res. 604. Joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week"; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Reuss, Mr. Kastenmeier, Mr. Obey, and Mr. Aspin):

H.J. Res. 605. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. BENNETT (for himself, Mr. Gibbons, Mr. Horton, Mr. Leggett, Mr. Long of Maryland, Mr. Pepper, Mr. Hungate, Mr. Rees, Mr. Bevill, Mr. Brasco, Mr. Brinkley, Mr. Eilberg, Mr. Nichols, Mr. Griffin, Mr. Alexander, Mr. Mann, Mr. Mikva, Mr. Melcher, Mr. Harrington, Mr. Roe, Mr. Abourezk, Mr. Aspin, Mr. Badillo, and Mr. Dow):

H. Con. Res. 284. Concurrent resolution to establish a Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. BENNETT (for himself, Mr. Patman, Mr. Sikes, Mr. Miller of California, Mr. Price of Illinois, Mr. Evins of Tennessee, Mr. Fountain, Mr. Moss, Mr. Gray, Mr. Wright, Mr. Ullman, Mr. Lennon, Mr. Burke of Massachusetts, Mr. Dent, Mr. Karth, Mr. Stratton, Mrs. Hansen of Washington, Mr. Addabbo, Mr. Hagan, Mr. Ichord, Mr. Stephens, Mr. Udall, Mr. Gonzalez, Mr. Nedzi, and Mr. Purcell):

H. Con. Res. 285. Concurrent resolution to establish a Joint Committee on Impoundment of Funds: to the Committee on Rules.

By Mr. BENNETT (for himself, Mrs. Grasso, Mr. Mazzoli, Mr. Roy, and Mr. Runnels):

H. Con. Res. 286. Concurrent resolution to establish a Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. DANIELS of New Jersey:

H. Con. Res. 287. Concurrent resolution expressing the sense of Congress with respect to the announcement of Federal grants and contracts; to the Committee on Government Operations.

By Mr. PURCELL (for himself, Mr. Link, and Mr. Bergland):

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that investigations be conducted into existing law regarding the determination of the parity price for commodities and the parity ratio; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 415. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction; to the Committee on Rules.

By Mr. ROYBAL:

H. Res. 416. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. STEELE:

H. Res. 417. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H. Res. 418. Resolution relating to telephone allowances of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

H. Res. 419. Resolution relating to office space in the districts represented by Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

H. Res. 420. Resolution providing additional postage for Members and officers of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

153. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to proposals of the Bureau of Reclamation for the North Loup Division water de-

velopment project; to the Committee on Interior and Insular Affairs.

154. Also, memorial of the Legislature of the State of Nevada, relative to amending legislation promoting the development of the mining resources of the United States; to the Committee on Interior and Insular Affairs.

155. Also, memorial of the Legislature of the State of Oklahoma, relative to changing the period of daylight saving time; to the Committee on Interstate and Foreign Commerce.

156. Also, memorial of the Senate of the State of Washington, relative to changing the proposed Railpax schedule to provide an additional stop; to the Committee on Interstate and Foreign Commerce.

157. Also, memorial of the Legislature of the State of Maine, relative to lowering the retirement age under social security from 65 to 62 years; to the Committee on Ways and Means.

158. Also, memorial of the Legislature of the State of Massachusetts, relative to providing free and fair trade in the products relating to the power transformer industry; to the Committee on Ways and Means.

159. Also, memorial of the Senate of the State of New Jersey, requesting Congress to assume the entire cost and administration of the welfare and relief programs presently administered by the various States, counties, and municipalities; to the Committee on Ways and Means.

160. By Mr. BARING: Memorial of the Assembly and Senate of the State of Nevada, jointly: That the members of Nevada's congressional delegation are hereby memorialized to urge the Bureau of Indian Affairs of the U.S. Department of the Interior to ask for appropriations for and to build a new multipurpose gynasium building at the Stewart Indian School, near Carson City, Nev.; to the Committee on Interior and Insular Affairs.

161. By Mr. BARING: Memorial of the Senate and Assembly of the State of Nevada, jointly: That the Legislature of the State of Nevada urges the Congress of the United States to amend an act to promote the development of the mining resources of the United States, 17 Stat. 91, and other related acts to prevent further abuse thereof by speculators; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 8018. A bill for the relief of Josephat Ahing; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 8019. A bill for the relief of Edna Clarke; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 8020. A bill for the relief of Leonardo Tandes Prado; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 8021. A bill for the relief of Parviz Faramarzi; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 8022. A bill for the relief of Hubert Knapp; to the Committee on the Judiciary.

H.R. 8023. A bill for the relief of Sebastian Okechukwu Mezu; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 8024. A bill for the relief of Joao De Quadros; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 8025. A bill for the relief of Andreas Boutsis; to the Committee on the Judiciary.

H.R. 8026. A bill for the relief of Fernando Carreira Martins; to the Committee on the Judiciary.

SENATE—*Monday, May 3, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, as our fathers trusted in Thee and brought forth "one nation under God" so we would yield ourselves to Thee in our time of trial. Open our minds to the instruction of Thy truth and our hearts to the ways of compassion, mercy, and justice. Amid all that is ugly and brutal in this world grant us not to miss the beauty and kindness all about us in human existence.

Bestow Thy grace and wisdom upon those who bear the burdens of government. Make us all, both leaders and followers, receptive to new insights for peace and justice, and willing to explore the untried but ofttimes perilous pathways to a new world of freedom and brotherhood. Keep us from that bitterness and hate which enervates the spirit, dissipates creative energy, and extinguishes the light of Thy truth.

O Lord, our God, we beseech Thee to frustrate the ways of the peacebreakers and to prosper the efforts of the peacemakers that all men may dwell together in safety, in the unity of Thy spirit, and in the bonds of love.

We pray in the Master's name. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate having adjourned in the absence of a quorum on April 30, 1971, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 56 Leg.]

Aiken
Allott
Anderson
Beall
Bible
Byrd, Va.
Byrd, W. Va.
Cook
Cotton
Curtis
Ellender
Ervin
Gravel
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Mansfield
McClellan
Metcalf
Packwood
Pearson
Prouty
Proxmire
Ribicoff
Roth
Schweiker
Scott
Sparkman
Stevenson
Symington
Talmadge
Tower
Young

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Virginia (Mr. SPONG), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Alabama (Mr. ALLEN), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Minnesota (Mr. HUMPHREY), are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Nebraska Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from Delaware (Mr. BOGGS) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Baker
Bayh
Bennett
Brock
Buckley
Case
Chiles
Cooper
Eagleton
Eastland
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Jackson
Kennedy
Long
Magnuson
Mathias
McGovern
McIntyre
Mondale
Moss
Nelson
Pastore
Pell
Percy
Randolph
Smith
Stennis
Stevens
Taft
Tunney
Weicker

The PRESIDENT pro tempore. A quorum is present.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States, submitting the nomination of

James L. Oakes, of Vermont, to be a U.S. circuit judge, second circuit vice Sterry R. Waterman, retired, which was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 30, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar of unobjected to bills under rule VIII.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until the hour of 12 o'clock noon on Wednesday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BUCKLEY TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the prayer by the Chaplain and the recognition of the majority and the minority leaders, the distinguished Senator from New York (Mr. BUCKLEY) be recognized for not to exceed 15 minutes on tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the conduct of routine business within the morning hour, with a time limitation of 3 minutes on statements made therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[Disturbance in Public Gallery No. 8.]

The PRESIDENT pro tempore. The galleries will be in order.

TESTIMONIAL DINNER IN HONOR OF SENATOR GEORGE D. AIKEN

Mr. MANSFIELD. Mr. President, on Saturday last I had the distinct honor and privilege to speak at a testimonal dinner in honor of our distinguished colleague, the dean of the Republicans in this body, the second in seniority, the distinguished senior Senator from Vermont, GEORGE DAVID AIKEN. This testimonial which was really an appreciation dinner, was held at St. Michael's College in Winooski, Vt., one of the outstanding educational institutions in the Northeast.

I ask unanimous consent that the text of my remarks delivered on that happy occasion be incorporated at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS OF SENATOR MIKE MANSFIELD

I am delighted to have an opportunity to come to Vermont for this tribute to George Aiken. Your most distinguished Senator also happens to be my oldest friend in the Senate. My regard for him is such that I would be delighted to sing his praises—even from the top of your highest mountain. Perhaps, I should say, especially from *that* mountain, since I have the honor to share its name.

It is one of the marks of the civility of the Senate that a close personal association such as I have with Senator Aiken bridges the gap of party politics. I would note in this connection that we share breakfast almost daily in the Senate cafeteria. It is served at an early hour and in the morning the problems of the nation have always seemed to stand in clearest perspective. At least the breadth of vision of George Aiken makes them so appear. Having been exposed to his judgments for many years, I can understand the basis of his reputation for sharp perception. In the aviary of the Senate, George Aiken is catalogued as neither hawk nor dove but as a very wise owl.

Rather than heap redundant praise on his shoulders, however, I would like to share with you instead a few thoughts on the impact which I believe George Aiken's presence in the Senate has had on the face of this State, the nation and the world.

When I see Senator Aiken in these delightful surroundings and among old friends, I find it difficult to understand why he ever left home. It is much easier to understand why he comes back so often; he is of the very rock and earth of Vermont.

I know that he could have remained and settled down as a successful raspberry farmer.

He could have remained and continued his work in the field of horticulture and his highly original investigations of wild flowers.

He could have stayed here as a local school director and state legislator.

He was equipped to follow any and all of those occupations. Any one of them, alone, would have been more than sufficient distinction for a lifetime. In short, he could have remained in Putney and put together what would have been a very appealing and most comfortable life.

But George Aiken, to borrow the phrase of another Vermonter, "took a road less traveled." He left his heart there as he followed a family tradition of high public service. When he moved into the arena of State and federal responsibility, however, he continued to resist the comfortable security of the moment. His native honesty led him to reject the easy and the expedient. Rather, he chose to immerse himself, progressively, in more complex aspects of public leadership and, just as one achievement in Vermont led to another, each political summit in Washington has expanded his vision to new horizons.

He chose, for example, not co-existence with vested interests, but struggle against monopolistic practices in the supply of electric power.

Rather than a narrow partisanship, he urged on his party a positive and constructive outlook. He did so at a time when it would have been easier to go along with a blatant partisanship. It is small wonder that Democrats in this State ever since, have been hard-pressed to find a candidate to run against him. In his last election, I understand, the challenge to him was such that he was compelled to expend on his campaign the grand total of $17.09. Furthermore, only 35 Democrats voted against him for various other write-in candidates. We haven't found them yet.

George Aiken has never pursued change for the sake of change. Neither has he been wedded to the traditional way of doing things out of a sterile traditionalism. Rather, his common sense has always been receptive to new ideas. Change does not come easily in government, but over the years, the advocacies which George Aiken fought for have borne fruit.

A notable case in point is the extension of electrical power service to the rural areas of the nation. In 1938, Governor Aiken was able to tell the people of Vermont that within two years electric power would be available to every community in the State. His prophecy has long since come true and as the years have passed, electricity has emerged as a key factor in the revolution in agriculture. Its impact has been especially notable on the dairy industry.

Bulk tanks, milking parlors and bar cleaners have replaced milk cans, milking stools and, regrettably, milkmaids. What has been lost in color, however, has been compensated for by the gain in efficiency. Machines powered by electricity have removed much of the drudgery from the farmer's job.

I was struck by recent figures from the Department of Agriculture in this connection They showed that the average number of man-hours needed to tend a dairy cow has been cut in half over the last 30 years, while the production per cow has doubled in that same period. So thanks to George Aiken and his counterparts in other parts of the nation, Vermont dairy farmers along with those in Wisconsin, Minnesota and elsewhere are producing twice as much milk per cow on half as much work-input.

George Aiken has also been in the forefront of the revolution in transportation. Since the 1930's rural road mileage in Vermont has increased seven fold. Like electrification, this advance has brought with it results which could hardly have been foreseen when it began. The highways have opened up most of Vermont's delightful countryside for recreation in winter as well as summer. From elsewhere in the nation, Americans have been travelling here in ever increasing numbers to confirm for themselves that Vermont does, indeed, look like the landscapes painted by your late near neighbor Grandma Moses. It is no wonder that tourism has become such a vital part of the State's income.

Then there is the Aiken Rural Water Act of 1965. It provides small communities throughout the nation with federal assistance in developing water and sewage facilities. It is bringing great benefits to this State and to many others, notably my own State of Montana. This landmark legislation passed the Senate by a unanimous vote in spite of the opposition of then President Lyndon B. Johnson. That tells you something of George Aiken's stature among his colleagues of both parties.

In recounting these achievements, I do not mean to leave the impression that Senator Aiken brought them about single-handedly.

He would be the first to reject the label "super-man or super-Senator." There are none and never have been in the Senate. Achievements are put together in that body out of a common response to a common need and many members participate in their creation. But someone has to set the train in motion. With regard to rural America, George Aiken's vision of the future, as seen from Vermont, has been a compelling inspiration. The great esteem with which he is held, moreover, has been a powerful force in giving substance to this vision. In my book and in many others, his support of a policy gives it automatic respectability. The fact is that his stamp of approval is a sort of national trademark for reliability.

George Aiken has done much in thirty years of Senate service to enhance the well-being, not only of those Americans who live the quiet life of farm and hillside but of all the people of the nation. His good sense has stood as a wall against assaults on the integrity of our national life. He has labored incessantly to keep in check the violently divisive forces which tear at the fabric of the nation's unity. At the same time, he has worked to turn back the tides of bigotry which would erode the nation's meaning.

He is the epitome of the New England of Henry Thoreau. Yet, his decency and good sense are just as relevant to the entire nation—not only to well-kept village and hamlet but to eroded farmlands and wasted rivers, to run-down factory towns and to metropolitan areas in shambles. This nation is in great need for human healing and George Aiken is one of its finest doctors.

As time goes on, moreover, more attention is also being paid to his views on world affairs and peace. In that realm, he has not pursued the course of self-righteous isolationism—to use his own phrase. Rather, he has emerged in recent years as one of the most knowledgeable men in the Senate on international affairs. If the word statesman is applicable to anyone in the Senate, it applies to George Aiken I have travelled with him to all corners of the globe. His judgments of situations abroad have been, as they are at home—sound and clear—even in the most alien circumstances.

In underdeveloped nations of Southeast Asia which we visited together, for example, Senator Aiken's background as a farmer gave him profound insights into the problems of those overwhelmingly rural lands. He saw clearly the incongruities of much which was being foisted upon them by us and others in the name of progress. Asians responded to him, not only as an American but as a human being, one of them, a man whose hands, too, had touched the soil. In Cambodia, as in Laos, in Viet Nam as in Burma, he left more friends than he found. George Aiken personified to them as he does to anyone who knows him the rejection of a philosophy that would presume to save a village by burning it down.

Above all else, George Aiken has been during these past few years, a voice pleading against deepening the tragedy in Indochina. At the very beginning—and I am going back to 1965—he raised a flag of warning against the path we had entered on in Viet Nam. Time and again, ever since, he has urged a rational peace. Three years ago, he said that it was time for this country to conclude that the war was over and to declare that it had been won insofar as it could be won by our participation. He urged that the withdrawal of our forces begin without delay.

We have tarried too long. We have permitted the tragedy to spead too far from Viet Nam—into Cambodia and Laos. It has now rebounded to sow the seeds of a deepening division in this nation.

The approaches to Viet Nam which George Aiken urged long ago have taken too long to find their way into the policies of the government. Thousands more have died or been maimed during the delay.

One would hope that his most recent proposal will not go unheeded. He has called for a convening of Asian nations to find a solution to the problem of peace in Asia. That is a most reasonable suggestion. In the end, those nations will have the greatest stake in the kind of peace which is restored. It may be that the President's new and welcome initiatives towards China are a step in that direction. In any event, when peace does return to Asia, it will come sooner rather than later, because George Aiken has spoken out on the basis of his insights into the problems of that region.

We might well inquire into the source of these insights. Why is it that George Aiken sees clearly into so many situations whether they are on the banks of the Mekong or Memphremagog. The secret was revealed many years ago by someone who said:

"Youth is not radical; only embittered and frustrated youth (or any age for that matter) wants to overturn a social order that will give them no foothold or security. Nor is youth apt to be stand-pat. Given reasonable opportunity, youth is liberal and open-minded. That is why folks can be young at twenty-one or forty-five or eighty, for youth is a mental outlook. Everything is before them and they have a vast energy for doing . . ."

Today, the author of these lines is the senior Senator from Vermont. He is second ranking Member of the United States Senate in point of service. He is the Dean of the Republicans of the Senate. Except for the vagaries of politics he would be the President Pro Tempore of the Senate and third in succession to the Presidency. He would also be chairman of either the Foreign Relations Committee or the Committee on Agriculture. He might also, may I say, been a candidate for President of the U.S. in the late 30's and early 40's.

The years have not dimmed the youthfulness of George Aiken's vision. They have not slowed the vigor of his step. In outlook, George Aiken remains more in tune with what the TV commercials refer to as the "now" generation than those who write them.

Because of our long-standing relationship it has become something of a joke in the Senate to say that when Mike Mansfield speaks, you know what George Aiken is thinking and when George Aiken speaks, you know what Mike Mansfield is thinking. It seems to me that this reciprocity might be given a more enduring form. I noted, indirectly, earlier in my remarks that the highest peak in the Green Mountain State bears the name Mansfield but not in any way connected with me. It occurred to me, however, that a suitable promontory in Montana might similarly be credited to the Senator from Vermont.

I am happy to be able to report that the reciprocity, in a sense, already exists. The highest point in Montana is called Granite Peak, and in the United States Senate the word "granite" is synonymous with "Aiken." The two words are associated with amazing regularity by colleagues and journalists alike. Only two weeks ago I had occasion to remind the Senate that granite typifies the character and stature of the man. So I hope that Senator Aiken will accept my assurance that the highest mountain in Montana is really named after him. And I might just add that Granite or Aiken Peak, Montana, is three times as high as Mount Mansfield, Vermont which, I am happy to concede, is just the way it is with the respective namesakes.

To this man of gentleness and granite—to this man of integrity and humility—to this man who belongs not only to Vermont but to all of us in this nation—I extend on behalf of all his colleagues in the Senate our love, affection and respect and to Vermont our thanks nad appreciation for giving him to the Republic.

George Aiken is what we would all like to be.

[Disturbance in Public Gallery No. 8.]

The PRESIDENT pro tempore. The galleries will be in order.

THE GOVERNMENT OF THE UNITED STATES IS PROCEEDING WITH THE NORMAL CONDUCT OF ITS BUSINESS

Mr. SCOTT. Mr. President, the Government of the United States, as was anticipated, is proceeding with the normal conduct of its business, in spite of attempts at disruption by a group, not all of whom perhaps ought to be condemned, but who are certainly evilly led by a group of junior monsters and those who strongly desire to bring about their own arrest and see if they can prevent this Government from functioning. Their tactics remind me of the words from the British anthem, "God Save the Queen";

Confound their politics,
Frustrate their knavish tricks.

These people have been counterproductive and have all but erased the genuinely sincere efforts of a bunch of good guys who were here last week, who behaved themselves and exercised their right of dissent, and were respected in their performance of it.

It is too bad that we appear to have this kind of tactic in a free country, but it will not work. It never has worked, and it is not going to work this time.

I yield back the remainder of my time.

SENATE RESOLUTION 112—SUBMISSION OF A RESOLUTION PROVIDING FOR APPOINTMENT OF FEMALE SENATE PAGES

Mr. JAVTS. Mr. President, on behalf of myself and 23 other cosponsors, including the Senator from Illinois (Mr. PERCY) and the Senator from Oklahoma (Mr. HARRIS), who are similarly situated with me, having appointed girl pages, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the resolution by title.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard, and the resolution goes over under the rule.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I would like to state——

Mr. JAVITS. May we have the resolution read first?

The PRESIDENT pro tempore. The clerk will state the resolution.

The assistant legislative clerk read the resolution (S. Res. 112) as follows:

SENATE RESOLUTION 112

Resolved, That no individual shall be denied appointment as a Page of the Senate solely on the basis of sex.

The PRESIDENT pro tempore. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, we understand that the procedure followed by the majority leader is absolutely correct. I had been advised that the Senator from Vermont (Mr. Prouty) would object. We expect to discuss the matter tomorrow. If the Senate wishes to take action on it then, that is fine. If not, it will go on the calendar. So the sole purpose was to bring the matter before the Senate. I know the majority leader and the Senator from Vermont (Mr. Prouty) know that we gave notice and intended no surprise or anything else here in proposing the matter today. For the record, I would like to state that the cosponsors of this resolution, in addition to myself, Senator Percy and Senator Harris, also include Senators Bayh, Brooke, Buckley, Case, Cranston, Eagleton, Gravel, Hart, Hatfield, Hughes, McGovern, McIntyre, Mondale, Muskie, Packwood, Proxmire, Roth, Stevenson, Thurmond, Tunney, and Weicker.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PROUTY. May I explain to the majority leader that I have discussed this matter with the distinguished Senator from North Carolina (Mr. Jordan), chairman of the Committee on Rules and Administration, and also with the distinguished Senator from New York (Mr. Javits). They are both agreeable to accepting a unanimous consent request that the resolution be referred to the Committee on Rules and Administration with instructions that the Committee report it back to the Senate not later than May 11.

Mr. JAVITS. Mr. President, if that is agreeable to the majority leader——

The PRESIDENT pro tempore. Is there objection to the request?

Mr. MANSFIELD. Mr. President, I would suggest that it go over until tomorrow. Hopefully, the Senator from North Carolina (Mr. Jordan) will be on the floor at that time. I would hope also that we might unanimously agree to the suggestion made.

Mr. JAVITS. Mr. President, I thank my colleague.

The PRESIDENT pro tempore. Is the request withdrawn?

Mr. JAVITS. Mr. President, I thank the Senator from Vermont (Mr. Prouty) for his fine intercession.

The PRESIDENT pro tempore. The Chair understands that the request is withdrawn.

Mr. PROUTY. Yes.

NOTICE OF INTENTION TO FILIBUSTER AGAINST EXTENSION OF THE DRAFT

Mr. GRAVEL. Mr. President, there is a great inequity in our Nation that must be corrected.

I refer to the unjust and undemocratic system of our compulsory draft.

Within a very few days, the Senate will begin to debate whether this country should keep or put an end to military conscription. The President's authority to induct expires on July 1. If the Congress refuses to renew that authority there will be no more draft.

Mr. President, I hereby announce my intention—to the Senate and to the American people—to conduct a filibuster against any extension of the draft.

Many of our finest young men are being pressed unwillingly into the armed services to wage a war most of them believe to be immoral, illegal, and unnecessary to our national security.

By conducting a filibuster against an extension of the draft, I hope to open a political dialog not only in the Senate but also among the American people over our involvement in an illegal war and our entire present philosophy of defense.

We all know the American people are opposed to this war. I believe we will find they are also opposed to the draft.

The people, however, must have sufficient time to express their views to the Senate. By filibustering, I intend to give them the next 2 months until the draft expires to do so.

Our Government is founded on the principle of individual freedom. There can be no justification for continuing a policy of coercing young men into unwarranted military service.

The security of this Nation under present world conditions can be maintained through voluntary means.

If we here in the Congress put an end to the draft, we also help put an end to a senseless war in which more than 45,000 Americans and untold numbers of Vietnamese people have been killed.

It is time for us to rethink the whole idea of national defense and what the real interests of the United States.

It is time to call into question the notion that this country needs conscription to maintain massive numbers of troops around the world in order to preserve its security.

Mr. President, surely no subject is of more importance than one which confronts us with the question of whether we want to be a people at war or a people at peace.

It is exactly this type of dialog I hope to bring about when the Senate begins its deliberations on the extension of the draft.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Condemnation of Aircraft Refueling Boat

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting the condemnation of Aircraft Refueling Boat, Hull No. 25291; to the Committee on Armed Services.

Report on Aviation Personnel Above the Grade of Major, Department of the Army

A letter from the Acting Secretary of the Army, reporting, pursuant to law, on the Department of the Army aviation personnel above the grade of major (with accompanying papers); to the Committee on Armed Services.

Report of the Federal Communications Commission

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the 36th Annual Report of the Federal Communications Commission (with an accompanying report); to the Committee on Commerce.

Proposed District of Columbia Motor Vehicle Act

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in order to promote increased traffic safety, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Multiyear Leasing and Governmentwide Purchasing of Automatic Data Processing Equipment Should Result in Significant Savings" (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the impact of employment ceilings on management of civilian personnel in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Provide for the Protection of U.S. Probation Officers

A letter from the Director, Administrative Office of the U.S. Courts, submitting a draft of proposed legislation to amend title 18, United States Code, to provide for the protection of U.S. probation officers (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the President pro tempore:

A joint resolution of the Legislature of the State of Nevada; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION NO. 40

"Memorializing the Congress of the United State to institute programs to reforest America

"Whereas, The first Americans once gazed upon vast, inspiring forests that seemed unending; and

"Whereas, Over many years our ancestors cleared and otherwise used up much of this great reservoir of timber, wildlife and recreation; and

"Whereas, Each tree planted is a small oxygen factory, erosion preventative, source of natural fertilizer and humus and home for wildlife; and

"Whereas, Each tree planted can beautify rural and urban America; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the members of Nevada's congressional delegation are hereby memorialized to urge the Congress of the United States to institute programs to:

"1. Reforest federally owned land capable of being reforested.

"2. Assist the several states to reforest state lands.

"3. Provide additional incentives to reforest privately owned lands.

"4. Plant more trees in urban areas.

"5. Coordinate certain federal projects for reforestation with industrial needs for lumber, and to preserve other areas for recreational uses; and be it further

"*Resolved,* That the legislative counsel prepare and transmit copies of this resolution to the presiding officer of each house of the United States Congress, the members of the Nevada congressional delegation and to Representative Wendell Wyatt, Congressman from Oregon."

A resolution of the Senate of the State of Washington; to the Committee on Commerce:

"Senate Resolution

"Whereas, Railpax is to commence rail service May 1, 1971 amid serious controversy over its proposed routes and basic purposes; and

"Whereas, There are now scheduled to be

two daily trains in each direction between Portland and Seattle which will leave Portland at 8 a.m. and 4:30 p.m. and Seattle at 9:30 a.m. and 5:30 p.m. with stops only at Vancouver and Tacoma; and

"Whereas, The Seattle-San Diego triweekly train is scheduled to stop at Kelso when northbound at 2:25 p.m. and to arrive in Seattle at 5:15 p.m. and the only daily Seattle-Chicago train will depart from Seattle at 2:15 p.m.; and

"Whereas, From the above schedule it will be impossible for persons of the Kelso-Longview area, Kalama, Castle Rock, Cathlamet, Skamokawa, and the other communities between Tacoma and Vancouver to board a train for Chicago or points east unless they take the Northbound California train and wait for twenty-one hours in Seattle; and

"Whereas, This area of Southwestern Washington does provide sufficient patrons on a daily average basis to warrant another stop and, in addition provides substantially more weekend traffic composed largely of college students; and

"Whereas, The proposed reduction of train service under Railpax will place greater traffic burdens on the badly overcrowded Interstate 5 highway, and will reduce the work force in our area by 105 persons including several persons from the Kelso depot;

"Now, therefore, be it resolved, That the Senate of the State of Washington requests that the Railpax organization, the Interstate Commerce Commission, the Department of Transportation, and the Congressional delegation from the state of Washington reexamine the proposed Railpax schedule and provide for an additional stop at Kelso of the four daily Portland-Seattle trains; and

"Be it further resolved, That copies of this resolution be transmitted by the Secretary of the Senate to the Railpax organization, to the Interstate Commerce Commission, to the Department of Transportation, to the President of the United States Senate, to the Speaker of the House of Representatives and to each member of Congress from the state of Washington."

A concurrent resolution of the Legislative Assembly of the Commonwealth of Puerto Rico; to the Committee on Commerce:

"CONCURRENT RESOLUTION

"To request the Congress of the United States of America and the National Meteorological Service of the Department of Commerce of the United States to take the necessary measures so that there be installed in San Juan, Puerto Rico, a radar for meteorological signals.

"STATEMENT OF MOTIVES

"Puerto Rico is located in one of the zones of the terrestrial globe most susceptible to the lashings of hurricanes, tropical storms and other atmospheric disturbances. These atmospheric phenomena, on crossing our island, leave behind great losses to the agriculture, commerce and industry of the island and to the life and property of our citizens.

"Since it is not within the power of man to control the acts of nature, scientific and governmental efforts have been directed towards the task of warning the citizens of the occurrences of climatological phenomena. As a complement to these efforts and in order to offer greater protection to our people, it would be convenient and necessary to install in Puerto Rico a radar for meteorological signals.

"The establishment of a radar system for meteorological signals would fill the existing gap in the warning sysstem against atmospheric phenomena in the Caribbean. Likewise, it would enlarge the possibilities of the offices of the National Meteorological Service located in Puerto Rico, by giving hurricane warnings not only for Puerto Rico and its adjacent islands, but also it would permit the immediate forecast of cold fronts, barometric waves and other atmospheric phenomena which frequently cause serious floods in the island with the consequent loss of lives and properties.

"Be it resolved by the Legislature of Puerto Rico:

"Section 1.—There is hereby requested that the Congress of the United States of America and the National Meterological Service of the Department of Commerce of the United States, that it should take the necessary measures for the installation of a radar for meterological signals in the San Juan Station of the National Meteorological Service.

"Section 2.—It is hereby directed that copies of this resolution be transmitted to the Congress of the United States of America and to the National Meteorological Service of the Department of Commerce of the United States of America."

A resolution of the Senate of the State of New Jersey; to the Committee on Finance:

"SENATE RESOLUTION NO. 2003

"Whereas, the cost of administering the welfare and relief programs in the various states, counties and municipalities has risen to a point where the resources of such entities are no longer sufficient to adequately finance such programs; and

"Whereas, the continuing spiraling costs of such programs have become an oppressive burden on the taxpayers who must pay for them; and

"Whereas, benefits under the various welfare and relief programs should be made substantially uniform throughout the United States to discourage the migration of people to certain States to obtain the advantages of more favorable welfare programs; and

"Whereas, the Federal Government alone has sufficient jurisdiction and economic resources to provide a uniform, effective and equitable system of welfare and relief laws; now, therefore,

"Be it resolved *by the Senate of the State of New Jersey:*

"That the Congress of the United States be, and is hereby respectfully memorialized to assume the entire cost and administration of the welfare and relief programs presently administered by the various States, counties and municipalities; and,

"*Be It Further Resolved,* That authenticated copies of this resolution, signed by the President of the Senate and attested to by the Secretary, be transmitted to the United States Senate and the United States House of Representatives; and,

"*Be It Further Resolved,* That copies of this resolution be transmitted to each member of the Congress of the United States elected from the State of New Jersey."

A joint resolution of the legislature of the State of Maine; to the Committee cn Finance:

"JOINT RESOLUTION

"Memoralizing Congress to lower retirement age under social security from 65 to 62 years

"We, your Memoralists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, social security legislation is now under consideration by the Congress of the United States; and

"Whereas, a proposal has been made to lower the retirement age from 65 to 62 at which full benefits could be received; and

"Whereas, the lowering of the retirement age will assist approximately 8 million citizens for the first year; and

"Whereas, of these 8 million citizens, 3.5 million persons will become eligible for the first time; and

"Whereas, of these 3.5 million citizens, 1 million persons may act to claim benefits in the first year; and

"Whereas, the cost of this provision will be approximately 2.6 billion dollars a year, now, therefore, be it

"*Resolved,* That we, your Memoralists, recommend and urge that the Congress of the United States give immediate and favorable consideration to this provision lowering the retirement age for receiving full benefits under social security from 65 to 62 years; and be it further

"*Resolved,* That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to members of the said Senate and House of Representatives from this State."

Two joint resolutions of the Legislature of the State of Nevade; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 33

"Memorializing the United States Bureau of Indian Affairs to seek appropriations for and to build a new multipurpose gymnasium building at the Stewart Indian School

"Whereas, The Stewart Indian School is a home and an educational and cultural center for Indians of many tribes throughout the West; and

"Whereas, The Stewart Indian School is the focal point of this interface between two cultures trying to increase their mutual understanding through cultural exchanges and other programs; and

"Whereas, There is an unequivocal need for a multipurpose building, worthy of pride, in which to hold sports events, assemblies, concerts, stage productions and other presentations, and to which the public could be invited; and

"Whereas, The present gymnasium was built in 1938 to serve far fewer students than are presently enrolled and will, in fact, not even seat two-thirds of the present student body of 600, much less provide adequate room for visitors; and

"Whereas, The Stewart Indian School is a charter member of the Nevada Interscholastic Activities Association sponsoring activities in football, basketball, wrestling, track, golf, tennis, baseball, gymnastics, music, speech and debate, and yet the present gymnasium is inadequate in every way to accommodate most of the major activities; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the members of Nevada's congressional delegation are hereby memorialized to urge the Bureau of Indian Affairs of the United States Department of the Interior to ask for appropriations for and to build a new multi-purpose gymnasium building at the Stewart Indian School, near Carson City, Nevada; and be it further

"*Resolved,* That copies of this resolution be prepared by the legislative counsel and dispatched forthwith to the presiding officer of each house of the United States Congress, to the director of the Bureau of Indian Affairs and to each member of the Nevada congressional delegation."

"SENATE JOINT RESOLUTION NO. 2

"Memorializing the Congress to amend the federal mining laws to prevent abuses by speculators

"Whereas, By 'An act to promote the development of the mining resources of the United States,' 17 Stat. 91, the Congress of the United States on May 10, 1872, made available all valuable mineral deposits in federal lands for exploration and purchase; and

"Whereas, Certain speculators have taken improper advantage of such Act of Congress and are filing large numbers of mining claims without following proper locating procedures; and

"Whereas, Although most of such claims may be proven to be invalid, they create a cloud of title for valid locators; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the legislature of the State of Nevada urges the Congress of the United States to amend "An act to promote the development of the mining resources of the United States," 17 Stat. 91, and other related acts to prevent further abuse thereof by speculators; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the President of the Senate, to the Speaker of the House of Representatives, to all members of the Nevada congressional delegation and to the Secretary of the United States Department of the Interior."

A resolution of the Legislature of the State of Nebraska; to the Committee on Interior and Insular Affairs:

"Legislative Resolution 51

"Whereas, investigation by the United States Bureau of Reclamation has shown that a multipurpose water development project in Loup, Garfield, Valley, Greeley, Howard, Merrick, and Nance Counties, Nebraska would provide large benefits for irrigation, recreation and fish and wildlife to the people of the State of Nebraska; and

"Whereas, studies completed by the Nebraska Soil and Water Conservation Commission for the Nebraska Water Plan show that the project would be desirable and compatible with total State Water Resources Development; and

"Whereas, House Bill, H.R. 869 and Senate Bill S. 352, for authorization and construction of this Project were introduced by Congressman Dave Martin and Senators Roman L. Hruska and Carl T. Curtis and are presently being considered by the House of Representatives and the Senate of the United States; and

"Whereas, in 1968 the University of Nebraska released a study of the economic impact that irrigation crop production has on the economy of the entire State of Nebraska, and applying the results of this study to the North Loup Division shows the development would add about $36,000,000 annually to business in Nebraska; and

"Whereas, local support for the North Loup Project has always been strong and the owners and operators of the irrigable land are highly in favor of the Project.

"Now, therefore, be it resolved by the members of the 82d Legislature of Nebraska, first session:

"1. That the Legislature memoralizes the 92d Congress of the United States and the respective Interior Committees thereof, to support the proposals of the Bureau of Reclamation for the North Loup Division and approve the above legislation for its authorization and construction.

"2. That funds be provided to the United States Bureau of Reclamation in fiscal year 1971–72 for preconstruction planning of the North Loup Division.

"3. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature, to the United States Senate and House of Representatives of the 92d Congress, to Honorable Henry Jackson, Chairman of the Senate Interior Committee, and Honorable Wayne Aspinall, Chairman of the House Interior Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States."

A resolution adopted by the council of the City of Indio, Calif., in support of a revenue-sharing program; referred to the Committee on Finance.

A petition from the Ecology Club of Garden City, Junior High School, Garden City, Long Island, N.Y., urging antipollution legislation; to the Committee on Public Works.

Petitions were presented to the Senate and referred as indicated:

Mr. PEARSON. Mr. President, the Bureau of Motor Vehicles Safety of the Federal Highway Administration in the Department of Transportation has recently proposed regulations which would, in effect, prohibit a great portion of the farm work force from operating vehicles essential to the normal operations of our Nation's farms.

As one who has been intensely interested in this matter, as one who has offered legislation, it is most encouraging to receive from the legislature of my State a concurrent resolution indicating their opposition to the proposed regulations and their determination to make their views known to appropriate officials at the Federal level.

Accordingly, Mr. President, I ask unanimous consent that this resolution be received and printed in the Record at the conclusion of my remarks. I invite the attention of the Senate, the appropriate committees, and the responsible officials within the Department of Transportation to this statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution of the Legislature of the State of Kansas, which was referred to the Committee on Commerce, reads as follows:

House Concurrent Resolution No. 1048

A Concurrent Resolution memorializing the United States Department of Transportation and the Congress of the United States concerning interstate transportation of farm vehicles and regulation thereof by the Federal Highway Administration Bureau of Motor Safety

Whereas, The motor carrier safety regulations of the Bureau of Motor Carrier Safety of the Federal Highway Administration of the United States Department of Transportation applicable to farm vehicles traveling in interstate commerce have been modified to gravely restrict the traditional interstate travel of farm trucks; and

Whereas, Under such modified rules:

1. All drivers in interstate commerce must pass a road test (no exception for drivers of farm trucks).

2. All drivers in interstate commerce must take an examination in the federal motor carrier safety regulations. (No exception for drivers of farm trucks).

3. All drivers in interstate commerce must be at least 21 years of age. (No exception for drivers of farm trucks).

4. All drivers in interstate commerce must carry with them a medical certificate executed within the past 24 months evidencing they meet prescribed physical standards. (No exception for drivers of farm trucks).

5. All drivers must file with the employer a complete history of his driving employment and experience, including violations; and the employer must verify this experience. (No exception for farm trucks); and

Whereas, The above modified rules were partially suspended on January 1, 1971 for a period of six months; and

Whereas, The modified rules referred to above fail to fit the operating conditions of farmers and are unrealistic and unworkable as applied to agriculture and the approximately three million (3,000,000) trucks operated by farmers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: The United States Department of Transportation and the Congress of the United States are hereby respectively memorialized to cause the rules of the Bureau of Motor Carrier Safety of the Federal Highway Administration to be further modified to realistically accommodate and balance the safety needs of the public and the public's need for the farm products necessary to wholesome life in the United States.

Be it further resolved: That the secretary of state is hereby directed to transmit an enrolled copy of this resolution to each member of the congressional delegation from the state of Kansas, to the Secretary of Transportation of the United States and to the Bureau of Motor Carrier Safety of the Federal Highway Administration.

Mr. PEARSON. Mr. President, the recent decision by Congress to terminate our supersonic transport program has and will have a devastating effect on thousands of dedicated workers, scientists, technologists, and engineers, not only in my State, but in many parts of the Nation. As I have indicated here before, that decision, in my judgment, was not made with full comprehension of the facts or with full appreciation for the impact it would have.

Consequently, Mr. President, the legislature of my State, in a joint resolution, has petitioned the Congress to reconsider its action to deny funds for the design and construction of two prototype aircraft to test for the problems which were so casually proclaimed to be insurmountable. I ask unanimous consent that it be received and printed in the Record at the conclusion of my remarks.

I invite the attention of the Senate to this expression of disappointment and concern by the elected representatives of the people of the State of Kansas.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution of the Legislature of the State of Kansas, which was referred to the Committee on Appropriations, reads as follows:

House Joint Resolution No. 1002

A Joint Resolution memoralizing the Congress of the United States to reconsider its actions on funding development of the supersonic transport

Whereas, The state of Kansas has long been a leader in the aerospace industry; and

Whereas, The city of Wichita in Sedgwick county is the home of many thousands of highly skilled, dedicated and experienced aircraft workers, scientists, technologists and engineers and is the site of large aircraft manufacturing plants; and

Whereas, In the city of Wichita there is situated a large unit of the Boeing Company, a manufacturing plant which has contributed magnificently to the military efforts and peaceful activities of the United States and the free world; and

Whereas, The economy of Wichita, its surrounding area and the state of Kansas are grievously depressed, unemployment is high and the economy weak; and

Whereas, The skills and talents of the people of Wichita must be preserved now and for the future; and

Whereas, The United States will lose markets and suffer losses of prestige should it not be competitive in the world markets: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate agreeing thereto:

Section 1. The legislature of the state of Kansas hereby respectfully petitions the Congress of the United States to reconsider its actions on denial of funds for design, prototype construction and flight demonstrations of the supersonic transport. The legislature further urges that all conclusions as to the effect by the supersonic transport upon the environment be held in abeyance until after ample test flights have been made.

Sec. 2. The secretary of state is hereby directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health, Education and Welfare, the Secretary of Defense, the Secretary of Labor, each member of the Kansas delegation to the Congress of the United States and to the Governor, the President of the Senate and the Speaker of the House of Representatives of the state of Washington, Olympia, Washington 98501.

Sec. 3. This joint resolution shall take effect and be in force from and after its publication in the official state paper.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN:

S. 1735. A bill for relief of St. Louis Southwestern Railway Lines. Referred to the Committee on the Judiciary.

By Mr. GRAVEL (for himself, Mr. Randolph, Mr. Cooper, Mr. Boggs, Mr. Jordan of North Carolina, and Mr. Tunney):

S. 1736. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. Referred to the Committee on Public Works.

By Mr. FONG:

S. 1737. A bill for the relief of Kwok Kwong Wong;

S. 1738. A bill for the relief of Manuel Paris Guerrero;

S. 1739. A bill for the relief of Romeo Farley Tanjuaquio; and

S. 1740. A bill for the relief of Renato Geliza Ramil. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 1741. A bill to provide increased unemployment compensation benefits for Vietnam era veterans. Referred to the Committee on Finance.

By Mr. BROCK:

S. 1742. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S. 1743. A bill to further protect the constitutional rights of members of the Armed Forces by requiring that pretrial confinement be deducted from the term of any sentence to confinement adjudged by a court martial. Referred to the Committee on Armed Services.

S. 1744. A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court martial, who have not been tried for such offenses, and who are no longer subject to trial by court martial; and

S. 1745. A bill to provide for compliance with constitutional requirements in the trials of persons who, while serving as employees of the United States or while accompanying the Armed Forces, commit certain offenses outside the United States. Referred to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. Mondale, and Mr. Cranston):

S. 1746. A bill to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY:

S. 1747. A bill to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McGOVERN:

S. 1748. A bill for the relief of Zenaida Magtibay. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 1749. A bill to amend section 7 of the Flood Control Act approved June 28, 1938, (52 Stat. 1215, 1225), as amended. Referred to the Committee on Public Works.

By Mr. PACKWOOD:

S. 1750. A bill to authorize abortions in the United States. Referred to the Committee on Labor and Public Welfare; and

S. 1751. A bill to authorize abortions in the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. EASTLAND:

S. 1752. A bill for the relief of Mrs. Bronson Clayton. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1753. A bill to establish a National Institute of Advertising, Marketing, and Society. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS

By Mr. EAGLETON:

S. 1741. A bill to provide increased unemployment compensation benefits for Vietnam era veterans. Referred to the Committee on Finance.

Mr. EAGLETON. Mr. President, today I am introducing legislation to provide supplemental benefits to unemployed Vietnam era veterans which would guarantee them a minimum weekly benefit of $75 for up to 52 weeks.

The largest single problem facing our returning veterans today is that of unemployment. The normal problems of readjustment to civilian life are compounded by what has become the tightest job market in years. The current unemployment rate among returning servicemen is 12 percent—about 352,000 are without jobs. This is double the national unemployment rate of 6 percent, and portends to get even worse.

During the fiscal year 1970, 431,000 recently separated veterans filed claims for unemployment compensation—up 40 percent from the previous year. New claims for unemployment compensation filed by recently separated veterans are now running at the rate of more than 40,000 a month. The Department of Labor reports that veterans' applications for employment are up sharply but placements are down. Nearly 2 million veterans filed new applications for employment in the last fiscal year and this figure is expected to rise by about 300,000 in the current year.

After World War II and the Korean war, special legislation was enacted by Congress to provide special unemployment compensation to veterans who had difficulty in finding work. The "52–20 Club" after World War II provided relief of $20 a week for 52 weeks for the unemployed veteran. The bill I am introducing today could be labeled one for the "52–75 Club."

While expanding the unemployment benefits for veterans is only a stopgap measure until we can improve programs for veteran employment, it is a necessary one. Last year, in the employment and manpower bill of 1970, Congress provided for an expanded job counseling, training, and placement for veterans, but that act was vetoed by the President. Recently, the President announced his jobs for veterans program, but it is too early to tell if it will have any effect on the problem. Meanwhile, something must be done for the veteran who returns from service and finds himself unemployable.

The problem with unemployment compensation as it now exists is twofold: First, there is a great variation in the benefits to which the veteran is entitled, depending on his State, although they are uniformly inadequate; and, second, the period of entitlement is too short, usually 26 weeks. The following table shows the minimum and maximum amount of benefits for each State, along with the number of weeks for which a veteran is eligible for such compensation:

U.S. DEPARTMENT OF LABOR

SIGNIFICANT PROVISIONS OF STATE [UNEMPLOYMENT INSURANCE LAWS, JAN. 4, 1971

[Prepared for ready reference. Consult the State law and State employment security agency for authoritative information]

	Weekly benefit amount for total unemployment (in dollars)		Weeks of benefits for total unemployment	
	Minimum	Maximum	Minimum	Maximum
Alabama	$12	$50	13	26
Alaska	18–23	60–85	14	28
Arizona	10	50	12	26
Arkansas	15	50	10	26
California	25	65	12–14	26
Colorado	14	77	10	26
Connecticut	15–20	82–123	22	26
Delaware	10	65	16	26
District of Columbia	8–9	73	17	34
Florida	10	47	10	26
Georgia	12	50	9	26
Hawaii	5	86	26	26
Idaho	17	59	10	26
Illinois	10	45–88	10–26	26
Indiana	10	40–52	12	26
Iowa	9	61	11	26
Kansas	15	60	10	26
Kentucky	12	56	15	26
Louisiana	10	55	12	28
Maine	10	57	12½–30	26
Maryland	10–13	65	26	26
Massachusetts	12–18	69–104	5–30	30
Michigan	16–18	53–87	11	26
Minnesota	15	57	13	26
Mississippi	10	40	12	26
Missouri	3	57	10–26	26
Montana	13	42	13	26
Nebraska	12	48	17	26
Nevada	16–24	47–67	11	26
New Hampshire	13	60	26	26
New Jersey	10	72	12	26
New Mexico	12	58	18	30
New York	20	75	26	26
North Carolina	12	54	26	26
North Dakota	15	54	18	26
Ohio	10–16	47–66	20	26
Oklahoma	16	49	10	26
Oregon	20	55	11	26
Pennsylvania	11	60	18	30
Puerto Rico	7	46	20	20
Rhode Island	12–59	71–91	12	26
South Carolina	10	53	10	26
South Dakota	12	47	10–16	26
Tennessee	14	50	12	26
Texas	15	45	9	....
Utah	10	56	10–22	....
Vermont	15	61	26	....
Virginia	18	59	12	....
Washington	17	72	8–21	....
West Virginia	12	58	26	....
Wisconsin	11	72	14	....
Wyoming	10	56	11–24	....

As the table shows, there is a wide difference in the amount of unemployment compensation between each State. Our veterans receive only the level of unemployment benefits in effect in their States, which currently average $52.15 per week.

Furthermore, the period of eligibility for unemployment benefits rarely exceeds 26 weeks, although veterans' readjustment problems are more difficult than other recipients of unemployment compensation. For the quarter ending in December 1970, 19.3 percent of those veterans who went on unemployment months earlier drew their last check without having found a job. At this point the returning veteran's alternative is to go on welfare.

I believe that this country owes a greater obligation to those who were uprooted from civilian life and thrust into the Vietnam war at risk to their life and limb than to provide them with minimal unemployment compensation, after which they are forgotten. For this reason, I am introducing a bill to provide unemployment compensation of $75 per week for 52 weeks as a stopgap measure until we can improve our governmental systems for giving better employment assistance to our returning veterans. This bill is identical to that introduced last Wednesday by Congressman JONATHAN BINGHAM of New York, with 46 cosponsors. I intend to ask for similar cosponsorship from my colleagues and ask unanimous consent that the bill be printed at this point in the RECORD for their consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1741

A bill to provide increased unemployment compensation benefits for Vietnam era veterans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans' Supplementary Unemployment Compensation Act".

SEC. 2. SUPPLEMENTARY COMPENSATION FOR VIETNAM ERA VETERANS UNDER STATE AGREEMENTS.—(a) The Secretary is authorized on behalf of the United States to enter into an agreement with any State or State agency under which the State agency (1) will make, as agent of the United States, payments of supplementary unemployment compensation to any Vietnam era veteran in such State in accordance with the provisions of this Act, and (2) will otherwise cooperate with the Secretary, and with other State agencies, in making payments of supplementary unemployment compensation under this Act.

(b) Any such agreement shall provide that any determination by a State agency with respect to entitlement to supplementary unemployment compensation pursuant to an agreement under this section shall be made in accordance with the State unemployment compensation law and shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law.

(c) Each agreement shall provide the terms and conditions upon which it may be amended or terminated.

SEC. 3. UNEMPLOYMENT COMPENSATION IN ABSENCE OF STATE AGREEMENTS.—(a) In the case of a Vietnam era veteran who is in a State which has no agreement under this Act with the Secretary, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for supplementary unemployment compensation under this Act, make payments of supplementary unemployment compensation to him in the same amounts and for the same periods as provided for in this Act. Any determination by the Secretary with respect to entitlement to supplementary unemployment compensation under this subsection shall be made in accordance with the State unemployment compensation law of the State where the veteran is.

(b) In the case of a Vietnam era veteran who is in the Virgin Islands, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such veteran of a claim for supplementary unemployment compensation under this subsection, make payments of supplementary unemployment compensation to him in the same amounts and for the same period as provided for in this Act. Any determination by the Secretary with respect to entitlement to unemployment compensation under this subsection shall be made in accordance with the unemployment compensation law of the District of Columbia insofar as such law is applicable.

(c) Any Vietnam era veteran whose claim for unemployment compensation under subsection (a) or (b) of this section has been denied shall be entitled to a fair hearing in accordance with regulations prescribed by the Secretary. Any final determination by the Secretary with respect to entitlement to supplementary unemployment compensation under this section shall be subject to review by the courts in the same manner and to the extent as is provided in section 405(g) of title 42, United States Code, with respect to final decisions of the Secretary of Health, Education, and Welfare under subchapter II of such title.

(d) The Secretary may utilize for the purposes of this section the personnel and facilities of the agency in the Virgin Islands cooperating with the United States Employment Service under chapter 4B of title 29, United States Code. For the purpose of payments made to any such agency under such chapter, the furnishing of such personnel and facilities shall be deemed to be a part of the administration of the public employment office of such agency.

SEC. 4. PAYMENTS TO STATES.—Each State shall be entitled to be paid by the United States an amount equal to payments of supplementary unemployment compensation made by such State under and in accordance with an agreement under this Act, and such payments shall be made subject to the same conditions and limitations which apply with respect to payments to States for compensation under section 8505 (b) through (h) of title 5, United States Code.

SEC. 5. INFORMATION.—(a) All Federal departments and agencies shall make available to State agencies which have agreements under this Act or to the Secretary, as the case may be, such information with respect to military service of any Vietnam era veteran as the Secretary may find practicable and necessary for the determination of such veteran's entitlement to supplementary unemployment compensation under this Act.

(b) Each State agency shall furnish to the Secretary such information as the Secretary may find necessary or appropriate in carrying out the provisions of this Act, and such information shall be deemed reports required by the Secretary for the purposes of paragraph (6) of subsection (a) of section 503 of title 42, United States Code.

SEC. 6. FALSE STATEMENTS AND MISREPRESENTATIONS.—(a) If a State agency, the Secretary of Labor, or a court of competent jurisdiction finds that an individual—

(1) knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact; and

(2) as a result of that action has received an amount as supplementary unemployment compensation under this Act to which he was not entitled;

the individual shall repay the amount to the State agency or the Secretary. Instead of requiring repayment under this subsection, the State agency or the Secretary may recover the amount by deductions from supplementary unemployment compensation payable to the individual under this Act during a two-year period after the date of the finding. A finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing, subject to such review as may be appropriate under section 2(b) of this Act.

(b) An amount repaid under subsection (a) of this section shall be—

(1) deposited in the fund from which payment was made, if the repayment was to a State agency; or

(2) returned to the Treasury of the United States and credited to the current applicable appropriation, fund, or account from which payment was made, if the repayment was to the Secretary.

SEC. 7. REGULATIONS.—The Secretary is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The Secretary shall, insofar as practicable, consult with representatives of the State agencies before prescribing any rules or regulations which may affect the performance by such agencies of functions pursuant to agreements under this Act.

SEC. 8. NONDUPLICATION OF BENEFITS.—(a) Notwithstanding any other provision of this Act, no payment shall be made under any agreement under this Act, or, in the absence of such an agreement, by the Secretary under this Act to a Vietnam era veteran—

(1) for any week or any part of a week he is eligible (or would be eligible except for the provisions of this Act or except for any action taken by such veteran under this Act) to receive unemployment benefits at a rate equal to or in excess of $75 per week under any Federal or State unemployment compensation law; or

(2) for any period in which he receives a subsistence allowance under chapter 31, or an educational assistance allowance under chapter 35, title 38, United States Code.

SEC. 9. EFFECTIVE PERIOD.—Supplementary unemployment compensation may be paid pursuant to this Act for weeks of unemployment commencing on or after the sixtieth day after the date of the enactment of this Act, but no such compensation may be paid to any Vietnam era veteran for any week beginning on a date which is more than (1) three years after the sixtieth day after such date of enactment, (2) three years after the date on which such veteran is discharged or released from active duty if such discharge or release occurs after such sixtieth day. No benefit may be paid under this Act after a date which is three years after the date on which the Vietnam era is terminated pursuant to section 101(29) of title 38, United States Code.

SEC. 10. DEFINITIONS.—As used in this Act—

(1) The term "Secretary" means the Secretary of Labor of the United States.

(2) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(3) The term "State agency" means the agency of the State which administers its State unemployment compensation law.

(4) The term "State unemployment compensation law" means the unemployment compensation law of the State, approved

by the Secretary under section 3304 of the Internal Revenue Code of 1954.

(5) The term "supplementary unemployment compensation" means cash benefits payable to Vietnam era veterans with respect to their unemployment in an amount necessary to increase the weekly benefit to which any such veteran is entitled under any State unemployment compensation law (including compensation payable pursuant to chapter 85 of title 5, United States Code, and extended compensation payable pursuant to the Federal-State Extended Unemployment Compensation Act of 1970) to a rate of $75 per week for a total of fifty-two weeks.

(6) The term "Vietnam era veteran" means a person who is a veteran within the meaning of section 101(2) of title 38, United States Code, who served on continuous active duty for ninety days or more during the Vietnam era as defined in section 101(29) of such title.

(7) The term "week" means a week as defined in the applicable State law.

By Mr. ERVIN:

S. 1743. A bill to further protect the constitutional rights of members of the Armed Forces by requiring that pretrial confinement be deducted from the term of any sentence to confinement adjudged by a court-martial. Referred to the Committee on Armed Services.

CREDIT FOR PRETRIAL DETENTION OF MILITARY ACCUSED

Mr. ERVIN. Mr. President, I sent to the desk for appropriate reference a bill to further protect the constitutional rights of members of the Armed Forces by requiring that pretrial confinement be deducted from the terms of any sentence to confinement adjudged by a court-martial.

This bill would grant to the military defendant the same right that a civilian defendant has—to have time spent in jail before conviction counted on any sentence that is imposed. My bill would bring military practice into line with civilian practice embodied in a 1966 amendment to section 3568 of title 18, United States Code.

There is no apparent reason why the same rule should not apply in the administration of military as well as civilian justice, and I urge Congress to act speedily to enact this legilsation.

By Mr. ERVIN:

S. 1744. A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses and who are no longer subject to trial by court-martial; and

S. 1745. A bill to provide for compliance with constitutional requirements in the trials of persons who, while serving as employees of the United States or while accompanying the Armed Forces, commit certain offenses outside the United States. Referred to the Committee on the Judiciary.

JURISDICTION TO TRY FORMER SERVICEMEN AND CIVILIAN EMPLOYEES OF THE DEFENSE DEPARTMENT

Mr. ERVIN. Mr. President, the recent conviction of Lieutenant Calley for the murder of civilians in Vietnam and the public allegations of other instances of crimes having been committed by American servicemen in Southeast Asia have brought to public attention a serious defect in Federal criminal jurisdiction which has existed since 1955. There is no apparent jurisdiction in any American court, either State, Federal, or military, to try former U.S. servicemen for offenses committed by them while they were in military status. As if to underline this fact, it was recently announced that after extended consultation between the Department of Defense and the Department of Justice it was decided that no solutions could be found to the problem and that therefore other persons implicated in the Mylai affair would not be tried.

In addition to the allegations of criminal activities by some members of our forces in Southeast Asia, many of whom have subsequently been discharged from service over the past year, there have been revelations of apparent criminal activities by servicemen in connection with the operation of NCO clubs throughout the world. Many of those persons accused have also been discharged and are consequently not subject to trial by court-martial.

This gap in jurisdiction results from the fact that the Supreme Court in *Toth* v. *Quarles*, 350 U.S. 11 (1955) and related cases has ruled that parts of the Uniform Code of Military Justice were unconstitutional because they purported to give courts-martial the right to try persons who were not at the time of trial subject to military jurisdiction. As a consequence of these decisions, both former servicemen and civilian Americans stationed overseas are completely immune from justice for the crimes they commit. This is an intolerable situation. No person should be given a license for crime because of the inaction of Congress.

This problem has concerned the Subcommittee on Constitutional Rights for many years. My predecessor as chairman of the subcommittee, the late Senator Thomas Hennings of Missouri, first introduced legislation to cure this defect in 1957. For almost 10 years I have introduced similar legislation designed to grant jurisdiction to Federal district courts to try these cases. We have considered this problem in our hearings in 1962 and 1966 and we have consulted with the Department of Defense, the Department of Justice, and the Department of State throughout the last decade. But so far they have opposed my proposals. Not only have they failed to come forward with an alternative, but they have never yet given any reason for their opposition to my bills. Because of this opposition, the legislation has been stalled these many years. The situation in which we find ourselves today, and the embarrassment of the Army and the Justice Department in not being able to bring to trial the individuals involved in Mylai or the PX scandals, is a direct result of procrastination and indecision by the Justice Department and the Defense Department for over a decade.

I am today reintroducing the two bills which are designed to close the jurisdictional gap. These bills confer jurisdiction on Federal district courts over two classes of persons—former servicemen accused of offenses committed before they were released from service, and civilians who are dependents of servicemen or who are Defense Department employees stationed with the military overseas or their accompanying dependents. The bills are different from those I have introduced in the past in that they now amend title 18, United States Code, rather than title 10. As I first did in the 91st Congress, I have omitted the limitation from the bill applicable to ex-servicemen which made the legislation effective only as to offenses committed after the enactment of the bills.

The bill which applies to ex-servicemen grants jurisdiction to district courts over those crimes which are punishable by confinement for 5 years or more and the maximum punishment is limited to that applicable to persons tried by court-martial for the same offense.

The bill which applies to employees and dependents makes it a criminal offense for those persons who are accompanying the Armed Forces outside the United States to commit acts which if committed within the special maritime and territorial jurisdiction of the United States would have been an offense punishable under title 18 and makes them subject to the same punishment. This bill is not made retroactive.

Whether the legislation can properly be made retroactive is, as I stated when I last introduced similar bills, one of many difficult questions which must be resolved. I believe that a strong case can be made that the legislation can withstand a challenge that it is an ex post facto law.

The ex post facto clause is contained in article I, section 9, as respects Congress, and power to enact ex post facto laws is denied to the States by article 1, section 10 of the Constitution.

The Supreme Court in the early case of *Calder* v. *Bull*, 3 Dall. 386, 390 (1798) stated what laws come within the prohibition:

> First. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action.
>
> Second. Every law that aggravates a crime, or makes it greater than it was, when committed.
>
> Third. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed.
>
> Fourth. Every law that alters the legal rules of evidence, and receives less, or different testimony, than the law required at the time of the commission of the offense, in order to convict the offender.

The constitutional aversion to retrospective criminal legislation is based on two fundamental principles: First, that people are entitled to know what they are prohibited from doing so that they may shape their conduct accordingly; and second, that the legislature must be restricted to prospective criminal legislation in order to secure evenhandedness in the administration of justice and to eliminate the possibilities of oppression and arbitrariness inherent in retrospective legislating.

It is clear from this leading case plus the rationale underlying the principle of ex post facto laws that every statute operating retrospectively in the criminal justice area is not automatically prohibited. Under these operating principles, therefore, it becomes no easy matter to offer a judgment that the bill is unconstitutional. Certain things are clear about the bill:

It does not make criminal any conduct which was innocent when done. The crimes which would be triable are defined by the Uniform Code of Military Justice and are offenses against the United States. They were prohibited by law when the alleged unlawful acts were committed.

The punishment permitted would not be increased by the proposal.

It would not aggravate a crime, nor make it greater than it was when committed.

It would not alter any rule of evidence so that the defendant could be convicted on less of a showing than if he had been tried by court-martial.

What the bill does is to provide a forum for an act which was punishable by Federal law when committed.

The Supreme Court has had occasion to consider the application of the ex post facto prohibition to this very same kind of statute. In *Cook* v. *United States* (138 U.S. 157 (1891)), the court held that a change of the place of trial of an offense after its commission is not an ex post facto law.

In a unanimous opinion the Court stated:

> This principle (*ex post facto*) has no application to the present case. The act of 1889 does not touch the offense nor change the punishment therefor. It only includes the place of the commission of the alleged offense within a particular judicial district, and subjects the accused to trial in that district rather than in the court of some other judicial district established by the government against whose laws the offense was committed. This does not alter the situation of the defendants in respect to their offense or its consequences. "An *ex post facto* law, this court said in *Gurt* v. *The State*, 9 Wall 35, 38, "does not involve, in *any* of its definitions, a change of the place of trial of an alleged offense after its commission." (138 U.S. at 183.)

The Cook case can also be read as being foursquare on the issue. Although the facts of the case are somewhat obscure, it appears that the statute in question was not simply a change in court jurisdiction, but in fact the creation of jurisdiction when none had existed when the offense was committed. If so, then the case is almost identical to the situation presented by this proposal.

It would thus appear at least arguable that Congress can retroactively provide for a different place of trial for offenses against the United States without violating the constitutional prohibitions against ex post facto laws. Whether Congress can indeed do so, or whether it should even if it constitutionally may, are questions upon which I reserve final judgment for the time being. Given the numerous allegations of serious crime having been committed by servicemen who are no longer subject to trial by court-martial, it is clear that this legislation or some viable alternative is urgently needed. There has been a serious gap in jurisdiction since 1955. Despite repeated prodding from the Constitutional Rights Subcommittee, and despite the public clamor over the past year, the executive branch has refused to suggest a solution. I hope that Congress will exercise its responsibilities to make laws and enact legislation to close that gap.

For the guidance of the Senate, I ask unanimous consent that the bills and sectional analyses thereof, and the cases of Cook against United States and Calder against Bull be printed in full at this point in the RECORD.

There being no objection, the bills, analyses, and cases were ordered to be printed in the RECORD, as follows:

S. 1744

A bill to provide for compliance with constitutional requirements in the trials of persons who are charged with having committed certain offenses while subject to trial by court-martial, who have not been tried for such offenses, and who are no longer subject to trial by court-martial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 1 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 16. Jurisdiction for the trial of persons for certain offenses committed while subject to trial by court-martial

"(a) Subject to the provisions of subsection (b) of this section, any person who is charged with having committed, while in a status in which he was subject to trial by court-martial, an offense punishable under chapter 47 of title 10, United States Code, by confinement for five years or more, and who has not been tried for such offense and is not subject to trial by court-martial for such offense may be tried upon indictment for such offense—

"(1) in the United States district court for any judicial district in which any act or omission constituting an element of such offense was committed, if such offense was committed in the United States, or

"(2) in the United States district court for the judicial district in which such person is found or into which he is first brought, if such offense was committed outside the United States or within the special maritime and territorial jurisdiction of the United States.

"(b) An indictment may be found at any time without limitation with respect to any offense referred to in section 843(a) of title 10, United States Code, for which the death penalty may be imposed. Except as provided in section 843(f) of such title (article 43(f)), no person shall be tried or punished under this section (1) for any offense referred to in section 843(b) of such title unless an indictment is found or an information is instituted within three years next after such offense shall have been committed, or (2) for any offense referred to in section 843(c) of such title unless an indictment is found or an information is instituted within two years next after such offense shall have been committed. No person may be tried or punished under authority of this section for any offense if such person has been tried for substantially the same offense by a court of competent jurisdiction of a foreign country.

"(c) The maximum punishment which may be imposed in the case of any person for an offense referred to in subsection (a) of this section shall be the same as that applicable to any person tried for the same offense under chapter 47 of title 10, United States Code, but the provisions of such chapter relating to the forfeiture of pay and allowances shall not be applicable in the case of any person tried under authority of this section.

"(d) For purposes of all proceedings for or ancillary to the trial of any person for an offense referred to in subsection (a) of this section in any district court of the United States, such offense shall be considered to be an offense prohibited by and punishable under the provisions of this title.

"(e) Nothing in this section shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by courts-martial, military commissions, provost courts, or military tribunals.

"(f) As used in this section the term 'outside the United States' means outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands."

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof a new item as follows:

"16. Jurisdiction for the trial of persons for certain offenses committed while subject to trial by court-martial."

SEC. 2. The amendments made by the first section of this Act shall be effective with respect to offenses committed prior to, on, and subsequent to the date of the enactment of this Act.

S. 1744—SECTIONAL ANALYSIS

The bill adds a new section to chapter 1 of Title 18, United States Code.

Subsection (a) provides for trial in a United States District Court of a person charged with having committed a crime punishable by five years confinement or more while a member of the armed services who has been discharged without having been tried. If the offense was committed in the United States, trial is in the judicial district where the offense was committed. If committed outside the United States, in the judicial district in which the person is found or into which he is first brought.

Subsection (b) specifies the same statute of limitations as is provided for in the Uniform Code of Military Justice for the same offenses. Additionally, it provides protection from being tried in the District Court if he has been tried for substantially the same offense by a court of a foreign country.

Subsection (c) states that the maximum punishment shall be the same as that applicable to any person for the same offense under the Uniform Code of Military Justice.

Subsection (d) provides that for all other purposes, the trial of any person for an offense referred to in subsection (a) shall be considered to be a trial for an offense prohibited by and punishable under the provisions of Title 18, United States Code.

Subsection (e) provides that nothing in this section shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by such tribunals.

Subsection (f) defines the term "outside the United States" as being outside the several states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

Section (b) amends the table of sections by adding the section provided in the bill.

S. 1745

A bill to provide for compliance with constitutional requirements in the trials of persons who, while serving as employees of the United States or while accompanying the Armed Forces, commit certain offenses outside the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 1 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 16. Jurisdiction for the trial of certain persons for offenses committed outside the United States

"(a) (1) Any citizen, national, or other person owing allegiance to the United States, who, while employed by the United States, or while serving in a civilian capacity with or accompanying the Armed Forces, and while outside the United States, commits an act of commission or omission which, if committed within the special maritime and territorial jurisdiction of the United States, would have been an offense punishable under this title, shall be guilty of an offense against the United States and shall be subject to the same punishment for such offense as that prescribed by this title for the same offense committed within the special maritime and territorial jurisdiction of the United States.

"(2) Any dependent of any person referred to in paragraph (1) of this subsection who, while outside the United States and while residing with such person, commits an act of commission or omission which, if committed within the special maritime and territorial jurisdiction of the United States, would have been an offense punishable under this title, shall be guilty of an offense against the United States and shall be subject to the same punishment for such offense as that prescribed by this title for the same offense committed within the special maritime and territorial jurisdiction of the United States.

"(b) Any person charged with having committed an offense made punishable by subsection (a) of this section may be tried for such offense in the United States district court for the judicial district in which such person is found or into which he is first brought.

"(c) No person may be tried under authority of this section for any offense if such person has been tried for substantially the same offense by a court of competent jurisdiction in a foreign country.

"(d) Nothing in this section shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or law of war may be tried by courts-martial, military commissions, provost courts, or military tribunals.

"(e) As used in this section (1) the term 'Armed Forces' means the United States Army, Navy, Air Force, and Coast Guard, and (2) the term 'outside the United States' means outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, possessions, and the special maritime and territorial jurisdiction of the United States."

(b) The table of sections at the beginning of chapter 1 of such title is amended by adding at the end thereof a new item as follows:

"16. Jurisdiction for the trial of certain persons for offenses committed outside the United States."

SEC. 2. The amendments made by the first section of this Act shall apply in the case of offenses committed on or after the date of enactment of this Act.

S. 1745

SECTIONAL ANALYSIS

This bill adds a new section to Title 18, United States Code, which provides jurisdiction for trial of certain persons for offenses committed outside the United States.

Subsection (a) (1) makes it a crime against the United States for any person owing allegiance to the United States, who while employed by the United States while accompanying the Armed Forces outside the United States, to commit any act which, if committed within the special maritime and territorial jurisdiction of the United States, would have been an offense punishable under Title 18, United States Code, and subjects him to the same punishment.

Subsection (a) (2) makes the same provisions for any dependent of any person referred to in (a) (1), if the dependent is residing with such person.

Subsection (b) gives jurisdiction to try such cases to the United States District Court for the judicial district in which such person is found or into which he is first brought.

Subsection (c) provides against trial if the person has been tried for substantially the same offense by a court of competent jurisdiction in a foreign country.

Subsection (d) provides that nothing in the section shall be construed as depriving courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdictions with respect to offenders or offenses that by statute or law of war may be tried by such tribunals.

Subsection (e) defines the term "Armed Forces" as the United States Army, Navy, Air Force, and Coast Guard, and (2) the term "outside the United States" as meaning outside the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, possessions, and the special maritime and territorial jurisdictions of the United States.

Section (b) adds an appropriate item to the table of sections at the beginning of Chapter 1 of Title 18.

Section 2 of the bill provides that the amendments made by the first section shall apply in the case of offense committed on or after the date of enactment of the Act.

AUGUST TERM, 1798

CALDER AND WIFE V. BULL AND WIFE

Constitutional law.—Eminent domain.—Ex post facto laws

The judiciary is a co-ordinate branch of the government, and may declare a statute to be void, as repugnant to the constitution.

Private property may be taken for public use, by allowing the owners a reasonable equivalent.

A statute granting a new trial in a particular case, is not unconstitutional, as an *ex post facto* law.[1]

An *ex post facto* law, within the meaning of the constitution, is one that punishes as a crime, an act done before its passage, and which, when committed, was not punishable; an act that aggravates a crime, or inflicts a greater punishment, than the law annexed to it, when committed; or a law that alters the rules of evidence, in order to convict an offender.

If congress, or a state legislature, pass a law, within the general scope of their constitutional power, the courts cannot pronounce it void, merely because, in their judgment, contrary to the principles of natural justice.[2] IREDELL, J.

An act of the legislature, contrary to the first principles of the social compact, cannot be considered a rightful exercise of legislative power. CHASE, J.

In error from the State of Connecticut. The cause was argued at the last term (in the absence of the Chief Justice) and now the court delivered their opinions *seriatim.*

CHASE, Justice.—The decision of one question determines (in my opinion) the present dispute. I shall, therefore, state from the record no more of the case, than I think necessary for the consideration of that question only.

The legislature of Connecticut, on the 2d Thursday of May 1795, passed a resolution or law, which, for the reasons assigned, set aside a decree of the Court of Probate for Hartford, on the 21st of March 1793, which decree disapproved of the will of Normand Morrison (the grandson), made the 21st of August 1779, and refused to record the said will; and granted a new hearing by the said court of probate, with liberty of appeal therefrom, in six months. A new hearing was had, in virtue of this resolution or law, before the said court of probate, who, on the 27th of July 1795, approved the said will, and ordered it to be recorded. At August 1795, appeal was then had to the superior court at Hartford, who, at February term 1796, affirmed the decree of the court of probate. Appeal was had to the supreme court of errors of Connecticut, who, in June 1796, adjudged that there were no errors. More than eighteen months elapsed from the decree of the court of probate (on the 1st of March 1793), and thereby Caleb Bull and wife were barred of all right of appeal, by a statute of Connecticut. There was no law of that state whereby a new hearing or trial, before the said court of probate, might be obtained. Calder and wife claimed the premises in question, in right of the wife, as heiress of N. Morrison, physician; Bull and wife claimed under the will of N. Morrison, the grandson.

The counsel for the plaintiffs in error contend, that the said resolution or law of the legislature of Connecticut, granting a new hearing, in the above case, is an *ex post facto* law, prohibited by the constitution of the United States; that any law of the federal government, or of any of the state government, contrary to the constitution of the United States, is void; and that this court possesses the power to declare such law void.

It appears to me a self-evident proposition, that the several state legislatures retain all the powers of legislation, delegated to them by the state constitutions; which are not expressly taken away by the constitution of the United States. The establishing courts of justice, the appointment of judges, and the making regulations for the administration of justice within each state, according to its laws, on all subjects not intrusted to the federal government, appears to me to be the peculiar and exclusive province and duty of the state legislatures. All the powers delegated by the people of the United States to the federal government are defined, and no *constructive* powers can be exercised by it, and all the powers that remain in the state governments are indefinite; except only in the constitution of Massachusetts.

The effect of the resolution or law of Connecticut, above stated, is to revise a decision of one of its inferior courts, called the court of probate for Hartford, and to direct a new hearing of the case by the same court of probate, that passed the decree

---

[1] It has been decided in Pennsylvania, that as the legislature possesses no judicial power, it cannot order a new trial. Chastellux *v.* Fairchild, 15 Penn. St. 18. Nor direct the court to entertain a bill of review. Boggs' Appeal, 43 Id. 512.

[2] To the same effect, see Sharpless *v.* Philadelphia, 21 Penn. St. 147; Erie and North East Railroad, 26 Id. 287.

against the will of Normand Morrison. By the existing law of Connecticut, a right to recover certain property had vested in Calder and wife (the appellants), in consequence of a decision of a court of justice, but in virtue of a subsequent resolution or law, and the new hearing thereof, and the decision in consequence, this right to recover certain property was divested, and the right to the property declared to be in Bull and wife, the appellees. The sole inquiry is, whether this resolution or law of Connecticut, having such operation, is an *ex post facto* law, within the prohibition of the federal constitution?

Whether the legislature of any of the states can revise and correct by law, a decision of any of its courts of justice, although not prohibited by the constitution of the state, is a question of very great importance, and not necessary now to be determined; because the resolution or law in question does not go so far. I cannot subscribe to the omnipotence of a state legislature, or that it is absolute and without control; although its authority should not be expressly restrained by the constitution, or fundamental law of the state. The people of the United States erected their constitutions or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it. The nature, and ends of legislative power will limit the exercise of it. This fundamental principle flows from the very nature of our free republican governments, that no man should be compelled to do what the laws do not require; nor to refrain from acts which the laws permit. There are acts which the federal, or state legislature cannot do, without exceeding their authority. There are certain vital principles in our free republican governments, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law; or to take away that security for personal liberty, or private property, for the protection whereof the government was established. An act of the legislature (for I cannot call it a law), contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. The obligation of a law, in governments established on express compacts, and on republican principles, must be determined by the nature of the power on which it is founded.

A few instances will suffice to explain what I mean. A law that punished a citizen for an innocent action, or, in other words, for an act, which, when done, was in violation of no existing law; a law that destroys or impairs the lawful private contracts of citizens; a law that makes a man a judge in his own cause; or a law that takes property from A. and gives it to B.: it is against all reason and justice, for a people to intrust a legislature with such powers; and therefore, it cannot be presumed that they have done it. The genius, the nature and the spirit of our state governments, amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. The legislature may enjoin, permit, forbid and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they cannot change innocence into guilt; or punish innocence as a crime; or violate the right of an antecedent lawful private contract; or the right of private property. To maintain that our federal, or state legislature possesses such powers, if they had not been expressly restrained; would, in my opinion, be a political heresy, altogether inadmissible in our free republican governments.

All the restrictions contained in the constitution of the United States on the power of the state legislatures, were provided in favor of the authority of the federal government. The prohibition against their making any *ex post facto* laws was introduced for greater caution, and very probably arose from the knowledge, that the parliament of Great Britain claimed and exercised a power to pass such laws, under the denomination of bills of attainder, or bills of pains and penalties; the first inflicting capital, and the other less punishment. These acts were legislative judgements; and an exercise of judicial power. Sometimes, they respected the crime, by declaring acts to be treason, which were not treason, when committed;[3] at other times, they violated the rules of evidence (to supply a deficiency of legal proof) by admitting one witness, when the existing law required two; by receiving evidence without oath; or the oath of the wife against the husband; or other testimony, which the courts of justice would not admit;[4] at other times, they inflicted punishments, where the party was not, by law, liable to any punishment;[5] and in other cases, they inflicted greater punishment, than the law annexed to the offense.[6] The ground for the exercise of such legislative power was this, that the safety of the kingdom depended on the death, or other punishment, of the offender: as if traitors, when discovered, could be so formidable, or the government so insecure! With very few exceptions, the advocates of such laws were stimulated by ambition, or personal resentment and vindictive malice. To prevent such and similar acts of violence and injustice, I believe, the federal and state legislatures were prohibited from passing any bill of attainder, or any *ex post facto* law.

The constitution of the United States, article I, section 9, prohibits the legislature of the United States from passing any *ex post facto* law; and, in § 10, lays several restrictions on the authority of the legislatures of the several states; and, among them, "that no state shall pass any *ex post facto* law."

It may be remembered, that the legislatures of several of the states, to wit, Massachusetts, Pennsylvania, Delaware, Maryland, and North and South Carolina, are expressly prohibited, by their state constitutions, from passing any *ex post facto* law.

I shall endeavor to show what law is to be considered an *ex post facto* law, within the words and meaning of the prohibition in the federal constitution. The prohibition, "that no state shall pass any *ex post facto* law," necessarily requires some explanation; for, naked and without explanation, it is unintelligible, and means nothing. Literally, it is only, that a law shall not be passed concerning, and after the fact, or thing done, or action committed. I would ask, what fact; of what nature or kind; and by whom done? That Charles I., king of England, was beheaded; that Oliver Cromwell was protector of England; that Louis XVI, late king of France, was guillotined; are all facts that have happened; but it would be nonsense to suppose, that the states were prohibited from making any law, after either of these events, and with reference thereto. The prohibition, in the letter, is not to pass any law concerning, and after the fact; but the plain and obvious meaning and intention of the prohibition is this: that the legislatures of the several states, shall not pass laws, after a fact done by a subject or citizen, which shall have relation to such fact, and shall punish him for having done it. The prohibition considered in this light, is an additional bulwark in favor of the personal security of the subject, to protect his person from punishment by legislative acts, having a retrospective operation. I do not think it was inserted, to secure the citizen in his private rights of either property or contracts. The prohibitions not to make anything but gold and silver coin a tender in payment of debts, and not to pass any law impairing the obligation of contracts, were inserted to secure private rights; but the restriction not to pass any *ex post facto* law, was to secure the person of the subject from injury or punishment, in consequence of such law. If the prohibition against making *ex post facto* laws was intended to secure personal rights from being affected or injured by such laws, and the prohibition is sufficiently extensive for that object, the other restraints I have enumerated, were unnecessary, and therefore, improper; for both of them are retrospective.[7] [8]

I will state what laws I consider *ex post facto* laws, within the words and the intent of the prohibition. 1st. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action. 2d. Every law the aggravates a crime, or makes it greater than it was, when committed. 3d. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. 4th. Every law that alters the legal rules of evidence, and receives less, or different testimony, than the law required at the time of the commission of the offense, in order to convict the offender. All these, and similar laws, are manifestly unjust and oppressive. In my opinion, the true distinction is between *ex post facto* laws, and retrospective laws. Every *ex post facto* law must necessarily be retrospective; but every retrospective law is not an *ex post facto* law: the former only are prohibited. Every law that takes away or impairs rights vested, agreeable to existing laws, is retrospective, and is generally unjust, and may be oppressive; and it is a good general rule, that a law should have no retrospect: but there are cases in which laws may justly, and for the benefit of the community, and also of individuals, relate to a time antecedent to their commencement; as statutes of oblivion or of pardon. They are certainly retrospective, and literally both concerning and after the facts committed. But I do not consider any law *ex post facto*, within the prohibition, that mollifies the rigor of the criminal law: but only those that create or aggravate the crime; or increase the punishment, or change the rules of evidence, for the purpose of conviction. Every law that is to have an operation before the making thereof, as to commence at an antecedent time; or to save time from the statute of limitations; or to excuse acts which were unlawful, and before committed, and the like, is retrospective. But such laws may be proper or necessary, as the case may be. There is a great and apparent difference between making an unlawful act lawful; and the making an innocent action criminal, and punishing it as a crime. The expressions "*ex post facto* laws," are technical, they had been in use long bebefore the revolution, and had acquired an appropriate meaning, by legislators, lawyers and authors. The celebrated and judicious Sir William Blackstone, in his commentaries, considers an *ex post facto* law precisely in the same light as I have done. His opinion is confirmed by his successor, Mr. Woodeson; and by the author of the *Federalist*, who I esteem superior to both, for his extensive and accurate knowledge of the true principles of government.

I also rely greatly on the definition or explanation *ex post facto* laws, as given by the

---

[3] The case of the Earl of Strafford, in 1641.

[4] The case of Sir John Fenwick, in 1696.

[5] The banishment of Lord Clarendon, 1669 (19 Car. II., c. 10), and of the Bishop of Atterbury, in 1723 (9 Geo. I., c. 17).

[6] The Coventry act, in 1670 (22 & 23 Car. II, c. 1).

[7] Southwick *v.* Southwick, 49 N.Y. 510.

[8] Watson *v.* Mercer, 8 Pet. 88; Carpenter *v.* Pennsylvania, 17 How. 456; Locke *v.* New Orleans, 4 Wall. 172; Cummings *v.* Missouri, Id. 277; United States *v.* Hall, 2 W.C.C. 366: Shepherd *v.* People, 25 N.Y. 406.

conventions of Massachusetts, Maryland and North Carolina, in their several constitutions or forms of government. In the declaration of rights, by the convention of Massachusetts, part 1st, § 24, "Laws made to punish actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, &c." In the declaration of rights, by the convention of Maryland, art. 15th, "Retrospective laws punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, &c." In the declaration of rights, by the convention of North Carolina, art. 24th, I find the same definition, precisely in the same words, as in the Maryland constitution. In the declaration of rights, by the convention of Delaware, art. 11th, the same definition was clearly intended, but in accurately expressed: by saying "laws punishing offences (instead of actions or facts) committed before the existence of such laws, are oppressive, &c."

I am of opinion, that the fact, contemplated by the prohibition, and not to be affected by a subsequent law, was some fact to be done by a citizen or subject. In 2 Lord Raymond 1352, RAYMOND, Justice, called the stat. 7 Geo. I., stat. 2, par. 8, about registering contracts for South Sea stock, an *ex post facto* law; because it affected contracts made before the statute.

In the present case, there is no fact done by Bull and wife, plaintiffs in error, that is in any manner affected by the law or resolution of Connecticut: it does not concern, or relate to, any act done by them. The decree of the court of probate of Hartford (on the 21st March), in consequence of which Calder and wife claim a right to the property in question, was given before the said law or resolution, and in that sense, was affected and set aside by it; and in consequence of the law allowing a hearing and the decision in favor of the will, they have lost what they would have been entitled to, if the law or resolution, and the decision in consequence thereof, had not been made. The decree of the court of probate is the only fact, on which the law or resolution operates. In my judgment, the case of the plaintiffs in error, is not within the letter of the prohibition; and for the reasons assigned, I am clearly of opinion, that it is not within the intention of the prohibition; and if within the intention, but out of the letter, I should not, therefore, consider myself justified to construe it within the prohibition, and therefore, that the whole was void.

It was argued by the counsel for the plaintiffs in error, that the legislature of Connecticut had no constitutional power to make the resolution (or law) in question, granting a new hearing, &c. Without giving an opinion, at this time, whether this court has jurisdiction to decide that any law made by congress, contrary to the constitution of the United States, is void: I am fully satisfied, that this court has no jurisdiction to determine that any law of any state legislature, contrary to the constitution of such state, is void.[9] Further, if this court had such jurisdiction, yet it does not appear to me, that the resolution (or law) in question, is contrary to the charter of Connecticut, or its constitution, which is said by counsel to be composed of its acts of assembly, and usages and customs. I should think, that the courts of Connecticut are the proper tribunals to decide, whether laws contrary to the constitution thereof, are void. In the present case, they have, both in the inferior and superior courts, determined that the resolution (or law) in question was not contrary to either their state, or the federal constitution.

To show that the resolution was contrary to the constitution of the United States, it was contended, that the words, *ex post facto* law have a precise and accurate meaning, and convey but one idea to professional men, which is, "by matter of after fact; by something after the fact." And Co. Litt. 241; Fearne's Cont. Rem. (Old Ed.) 175 and 203; Powell on Devises 113, 133, 134, were cited; and the table to Coke's Reports (by Wilson), title *ex post facto*, was referred to. There is no doubt, that a man may be a trespasser from the beginning, by matter of *after fact;* as where an entry is given by law, and the party abuses it; or where the law gives a distress, and the party kills or works the distress.

I admit, an act unlawful in the beginning may, in some cases, become lawful by matter of *after fact*. I also agree, that the words "*ex post facto*" have the meaning contended for, and no other, in the cases cited, and in all similar cases, where they are used unconnected with, and without relation to, legislative acts or laws. There appears to me a manifest distinction between the case where one fact relates to, and affects, another fact, as where an after fact, by operation of law, makes a former fact either lawful or unlawful; and the case where a law made after a fact done, is to operate on, and to affect, such fact. In the first case, both the acts are done by private persons; in the second case, the first act is done by a private person, and the second act is done by the legislature, to affect the first act.

I believe, that but one instance can be found in which a British judge called a statute, that affected contracts made before the statute, an *ex post facto* law; but the judges of Great Britain always considered penal statutes, that created crimes, or increased the punishment of them, as *ex post facto* laws. If the term *ex post facto* law is to be construed to include and to prohibit the enacting any law, after a fact, it will greatly restrict the power of the federal and state legislatures; and the consequences of such a construction may not be foreseen. If the prohibition to make no *ex post facto* law extends to all laws made after the fact, the two prohibitions, not to make anything but gold and silver coin a tender in payment of debts; and not to pass any law impairing the obligation of contracts, were improper and unnecessary.

It was further urged, that if the provision does not extend to prohibit the making any law, after a fact, then all *choses in action;* all lands by devise; all personal property by bequest, or distribution; by *elegit;* by execution; by judgments, particularly on *torts;* will be unprotected from the legislative power of the states; rights vested may be divested at the will and pleasure of the state legislatures; and therefore, that the true construction and meaning of the prohibition is, that the states pass no law to deprive a citizen of any right vested in him by existing laws.

It is not to be presumed, that the federal or state legislatures will pass laws to deprive citizens of rights vested in them by existing laws; unless for the benefit of the whole community; and on making full satisfaction. The restraint against making any *ex post facto* laws was not considered by the framers of the constitution, as extending to prohibit the depriving a citizen even of a vested right to property; or the provision "that private property should not be taken for public use, without just compensation," was unnecessary.

It seems to me, that the right of property, in its origin, could only arise from compact, express or implied, and I think it the better opinion, that the right, as well as the mode, or manner of acquiring property, and of alienating or transferring, inheriting or transmitting it, is conferred by society; is regulated by civil institution, and is always subject to the rules prescribed by positive law. When I say, that a right is vested in a citizen, I mean, that he has the power to do certain actions; or to possess certain things, according to the law of the land.

If any one has a right to property, such a right is perfect and exclusive right; but no one can have such right, before he has acquired a better right to the property, than any other person in the world; a right, therefore, only to recover property, cannot be called a perfect and exclusive right. I cannot agree, that a right to property vested in Calder and wife, in consequence of the decree (of the 21st of March 1783) disapproving of the will of Morrison, the grandson. If the will was valid, Mrs. Calder could have no right, as heiress of Morrison, the physician; but if the will was set aside, she had an undoubted title. The resolution (or law) alone had no manner of effect on any right whatever vested in Calder and wife. The resolution (or law), combined with the new hearing, and the decision in virtue of it, took away their right to recover the property in question. But when combined, they took away no right of property vested in Calder and wife; because, the decree against the will (21st March 1783) did not vest in or transfer any property to them.

I am under a necessity to give a construction or explanation of the words, "*ex post facto* law," because they have not any certain meaning attached to them. But I will not go further than I feel myself bound to do; and if I ever exercise the jurisdiction, I will not decide any law to be void, but in a very clear case.

I am of opinion, that the decree of the supreme court of errors of Connecticut be affirmed, with costs.

PATERSON, Justice.—The constitution of Connecticut is made up of usages, and it appears, that its legislature have, from the beginning, exercised the power of granting new trials. This has been uniformly the case, until the year 1762, when this power was, by a legislative act, imparted to the superior and county courts. But the act does not remove or annihilate the pre-existing power of the legislature, in this particular; it only communicates to other authorities a concurrence of jurisdiction, as to the awarding of new trials. And the fact is, that the legislature have, in two instances, exercised this power, since the passing of the law in 1762. They acted in a double capacity, as a house of legislation, with undefined authority, and also as a court of judicature, in certain exigencies. Whether the latter arose from the indefinite nature of their legislative powers, or in some other way, it is not necessary to discuss. From the best information, however, which I have been able to collect on this subject, it appears, that the legislature, or general court of Connecticut, originally possessed and exercised all legislative, executive and judicial authority; and that, from time to time, they distributed the two latter in such manner as they thought proper; but without parting with the general superintending power, or the right of exercising the same, whenever they should judge it expedient. But be this as it may, it is sufficient for the present, to observe, that they have, on certain occasions, exercised judicial authority, from the commencement of their civil polity. This usage makes up part of the constitution of Connecticut, and we are bound to consider it as such, unless it be inconsistent with the constitution of the United States. True it is, that the awarding of new trials falls properly within the province of the judiciary; but if the legislature of Connecticut have been in the uninterrupted exercise of this authority, in certain cases, we must, in such cases, respect their decisions, as flowing from a competent jurisdiction or constitutional organ. And therefore, we may, in the present instance, consider the legislature of the state as having acted in their customary judicial capacity. If so, there is an end of the question. For if the power, thus exercised, comes more properly within the description of a judicial than of a legislative power; and if by usage or the constitution, which, in Connecticut, are synonymous terms, the legislature of that state acted in both capacities; then, in the case 396 now before us, it would be fair to consider the awarding of a new trial, as an act emanating from the judiciary side of the department.

---

[9] Hunt *v.* Lamphier, 3 Pet. 280; Watson *v.* Mercer, 8 Id. 88; Gilchrist v Little Rock, 1 Dill. 261; Runlett v. Leavenworth, Id. 263.

But as this view of the subject militates against the plaintiffs in error, their counsel has contended for a reversal of the judgment, on the ground, that the awarding of a new trial was the effect of a legislative act, and that it is unconstitutional, because an *ex post facto* law. For the sake of ascertaining the meaning of these terms, I will consider the resolution of the general court of Connecticut, as the exercise of a legislative and not a judicial authority. The question, then, which arises on the pleadings in this cause, is, whether the resolution of the legislature of Connecticut, be an *ex post facto* law, within the meaning of the constitution of the United States? I am of opinion, that it is not. The words, *ex post facto*, when applied to a law, have a technical meaning, and, in legal phraseology, refer to crimes, pains and penalties. Judge Blackstone's description of the terms is clear and accurate. "There is," says he, "a still more unreasonable method than this, which is called making of laws, *ex post facto*, when, after an action, indifferent in itself, is committed, the legislature, then, for the first time, declares it to have been a crime, and inflicts a punishment upon the person who has committed it. Here, it is impossible, that the party could foresee, that an action, innocent when it was done, should be afterwards converted to guilt, by a subsequent law; he had, therefore, no cause to abstain from it; and all punishment for not abstaining, must, of consequence, be cruel and unjust." 1 Bl. Com. 46. Here, the meaning annexed to the terms *ex post facto* laws, unquestionably refers to crimes, and nothing else. The historic page abundantly evinces, that the power of passing such laws should be withheld from legislators; as it is a dangerous instrument in the hands of bold, unprincipled, aspiring and party men, and has been too often used to effect the most detestable purposes.

On inspecting such of our state constitutions, as take notice of laws made *ex post facto*, we shall find, that they are understood in the same sense. The constitution of Massachusetts, article 24th of the declaration of rights: "Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government." The constitution of Delaware, article 11th of the declaration of rights: "That retrospective laws punishing offenses committed before the existence of such laws, are oppressive and unjust, and ought not to be made." The constitution of Maryland, article 15th of the declaration of rights: "That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* law ought to be made." The constitution of North Carolina, article 24th of the declaration of rights: "That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* law ought to be made."

From the above passages, it appears that *ex post facto* laws have an appropriate signification; they extend to penal statutes and no further; they are restricted, in legal estimation, to the creation, and perhaps, enhancement of crimes, pains and penalties. The enhancement of a crime or penalty seems to come within the same mischief as the creation of a crime or penalty; and therefore, they may be classed together.

Again, the words of the constitution of the United States are, "That no state shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." Article I., § 10. Where is the necessity or use of the latter words, if a law impairing the obligation of contracts, be comprehended within the terms *ex post facto* law? It is obvious, from the specification of contracts in the last member of the clause, that the framers of the constitution did not understand or use the words in the sense contended for on the part of the plaintiffs in error. They understood and used the words in their known and appropriate signification, as referring to crimes, pains and penalties, and no further. The arrangement of the distinct members of this section, necessarily points to this meaning.

I had an ardent desire to have extended the provision in the constitution to retrospective laws in general. There is neither policy or safety in such laws; and therefore, I have always had a strong aversion against them. It may, in general, be truly observed of retrospective laws of every description, that they neither accord with sound legislation, nor the fundamental principles of the social compact. But on full consideration, I am convinced, that *ex post facto* laws must be limited in the manner already expressed; they must be taken in their technical, which is also their common and general, acceptation, and are not to be understood in their literal sense.

IREDELL, Justice.—Though I concur in the general result of the opinions which have been delivered, I cannot entirely adopt the reasons that are assigned upon the occasion.

From the best information to be collected, relative to the constitution of Connecticut, it appears, that the legislature of that state has been in the uniform, uninterrupted habit of exercising a general superintending power over its courts of law, by granting new trials. It may, indeed, appear strange to some of us, that in any form, there should exist a power to grant, with respect to suits depending or adjudged, new rights of trial, new privileges of proceeding, not previously recognised and regulated by positive institutions; but such is the established usage of Connecticut, and it is obviously consistent with the general superintending authority of her legislature. Nor is it altogether without some sanction, for a legislature to act as a court of justice. In England, we know that one branch of the parliament, the House of Lords, not only exercises a judicial power, in cases of impeachment, and for the trial of its own members, but as the court of dernier resort, takes cognisance of many suits of law and inequity; and that in construction of law, the jurisdiction there exercised is by the king in full parliament; which shows that, in its origin, the causes were probably heard before the whole parliament. When Connecticut was settled, the right of empowering the legislature to superintend the courts of justice, was, I presume, early assumed; and its expediency, as applied to the local circumstances and municipal policy of the state, is sanctioned by a long and uniform practice. The power, however, is judicial in its nature; and whenever it is exercised, as in the present instance, it is an exercise of judicial, not of legislative authority.

But let us, for a moment, suppose, that the resolution, granting a new trial, was a legislative act, it will by no means follow, that it is an act affected by the constitutional prohibition, but "no state shall pass any *ex post facto* law." I will endeavor to state the general principles which influence me, on this point, succinctly and clearly, though I have not had an opportunity to reduce my opinion to writing.

If, then, a government, composed of legislative, executive and judicial departments, were established, by a constitution which imposed no limits on the legislative power, the consequence would inevitably be, that whatever the legislative power chose to enact, would be lawfully enacted, and the judicial power could never interpose to pronounce it void. It is true, that some speculative jurists have held, that a legislative act against natural justice must, in itself, be void; but I cannot think that, under such a government any court of justice would possess a power to declare it so. Sir William Blackstone, having put the strong case of an act of parliament, which authorize a man to try his own cause, explicitly adds, that even in that case, "there is no court that has power to defeat the intent of the legislature, when couched in such evident and express words, as leave no doubt whether it was the intent of the legislature, or no." 1 Bl. Com. 91.

In order, therefore, to guard against so great an evil, it has been the policy of all the American states, which have, individually, framed their state constitutions, since the revolution, and of the people of the United States, when they framed the federal constitution, to define with precision the objects of the legislative power, and to restrain its exercise within marked and settled boundaries. If any act of congress, or of the legislature of a state, violates those constitutional provisions, it is unquestionably void; though, I admit, that as the authority to declare it void is of a delicate and awful nature, the court will never resort to that authority, but in a clear and urgent case. If, on the other hand, the legislature of the Union, or the legislature of any member of the Union, shall pass a law, within the general scope of their constitutional power, the court cannot pronounce it to be void, merely because it is, in their judgment, contrary to the principles of natural justice. The ideas of natural justice are regulated to no fixed standard; the ablest and the purest men have differed upon the subject; and all that the court could properly say, in such an event, would be, that the legislature (possessed of an equal right of opinion) had passed an act which, in the opinion of the judges, was consistent with the abstract principles of natural justice. There are then but two lights, in which the subject can be viewed: 1st. If the legislature pursue the authority delegated to them, their acts are valid. 2d. If they transgress the boundaries of that authority, their acts are invalid. In the former case, they exercise the discretion vested in them by the people, to whom alone they are responsible for the faithful discharge of their trust: but in the latter case, they violate a fundamental law, which must be our guide, whenever we are called upon, as judges, to determine the validity of a legislative act.

Still, however, in the present instance, the act or resolution of the legislature of Connecticut, cannot be regarded, as an *ex post facto* law; for the true construction of the prohibition extends to criminal, not to civil cases. It is only in criminal cases, indeed, in which the danger to be guarded against, is greatly to be apprehended. The history of every country in Europe will furnish flagrant instances of tyranny exercised under the pretext of penal dispensations. Rival factions, in their efforts to crush each other, have superseded all the forms, and suppressed all the sentiments of justice; while attainders, on the principle of retaliation and proscription, have marked all the vicissitudes of party triumph. The temptation to such abuses of power is unfortunately too alluring for human virtue; and therefore, the framers of the American constitutions have wisely denied to the respective legislatures, federal as well as state, the possession of the power itself: they shall not pass any *ex post facto* law; or, in other words, they shall not inflict a punishment for any act, which was innocent at the time it was committed; nor increase the degree of punishment previously denounced for any specific offence.

The policy, the reason and humanity of the prohibition, do not, I repeat, extend to civil cases, to cases that merely affect the private property of citizens. Some of the most necessary and important acts of legislation are, on the contrary, founded upon the principle, that private rights must yield to public exigencies. Highways are run through private grounds; fortifications, light-houses, and other public edifices, are necessarily sometimes built upon the soil owned by individuals. In such, and similar cases, if the owners should refuse voluntarily to accommodate the public, they must be constrained, so far as the public necessities require; and justice is done, by allowing them a reasonable equivalent. Without the possession of this power, the operations of government would often be obstructed, and society itself would be endangered. It is not sufficient to urge, that the power may be abused, for such is the nature of all power—such is the tendency of every human institution; and, it might as fairly be said, that the power of taxation, which is only circumscribed by the discretion of the body in which it is vested, ought not to be granted, because the legislature, disregarding its true objects might, for visionary and useless projects, impose a tax to the amount of nineteen shillings in the pound. We must be content to limit power, where we can, and where we cannot, consistently with its use, we must be content to repose a salutary confidence. It is our consolation, that there never existed a government, in ancient or modern times, more free from danger in this respect, than the governments of America.

Upon the whole, though there cannot be a case, in which an *ex post facto* law in criminal matters is requisite or justifiable (for providence never can intend to promote the prosperity of any country by bad means), yet, in the present instance, the objection does not arise: because, 1st, if the act of the legislature of Connecticut was a judicial act, it is not within the words of the constitution; and 2d, even if it was a legislative act, it is not within the meaning of the prohibition.

Cushing, Justice.—The case appears to me to be clear of all difficulty, taken either way. If the act is a judicial act, it is not touched by the federal constitution: and if it is a legislative act, it is maintained and justified by the ancient and uniform practice of the State of Connecticut.

Judgment affirmed.

[No. 1311. Argued December 11, 12, 1890.—Decided January 26, 1891]

Cook v. United States

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF TEXAS

By the act of March 1, 1889, 25 Stat. 783, c. 333, "to establish a United States court in the Indian Territory, and for other purposes," the strip of public land lying south of Kansas and Colorado, and between the one hundredth and the one hundred and third meridians, and known as No Man's Land, was brought within the jurisidiction of the court for the Indian Territory so established, and was attached for limited judicial purposes to the Eastern District of Texas.

The history of and the legislation concerning the Indian Territory considered and reviewed.

By the act of March 1, 1889, 25 Stat. 783, c. 333, the intention of Congress to confer upon the Circuit Court of the United States in the Eastern District of Texas power to try defendants for the offence of murder, committed before its passage, where no prosecution had been commenced, was so clearly expressed as to take it out of the well settled rule that a statute should not be interpreted to have a retroactive operation where vested rights are injuriously affected by it; and it must be construed as operating retroactively.

The provision in Article 3 of the Constitution of the United States as to crimes "not committed within any State" that "the trial shall be at such place or places as the Congress may by law have directed" imposes no restrictions as to the place of trial, except that the trial cannot occur until Congress designates the place, and may occur at any place which shall have been designated by Congress previous to the trial; and it is not infringed by the provision in the act of March 1, 1889; 25 Stat. 783, c. 333, conferring jurisdiction upon the Circuit Court in the Eastern District of Texas to try defendants for the offence of murder committed before its passage.

The Sixth Amendment to the Constitution, providing for the trial in criminal prosecutions by a jury "of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law," has reference only to offences against the United States committed within a State, and is not infringed by the act of March 1, 1889, 25 Stat. 783, c. 333.

The act of March 1, 1889, 25 Stat. 783, c. 333, although it subjects persons charged with murder committed in a place under the exclusive jurisdiction of the United States, but not within any State, to trial in a judicial district different from the one in which they might have been tried at the time the offence was committed, is not repugnant to Art. I, Sec. 9 of the Constitution of the United States as an *ex post facto* law; since an *ex post facto* law does not involve, in any of its definitions, a change of the place of trial of an alleged offence, after its commission.

The Circuit Court of the United States for the Eastern District of Texas, held at Paris, in that District, at the October Term, in 1889, had jurisdiction of an indictment for murder, charged to have been committed in the country known as "No Man's Land" July 25, 1888.

The Attorney General having, by his brief, confessed, as it was his duty to do that there was error in an important ruling in the court below, entitling the defendants to a reversal, this court reverses the judgment of that court, and remands the case for a new trial.

There was, in July, 1888, a parallelogram of unorganized public land extending from the 100th meridian on the east to the 103d on the west, and from latitude 36°30′ to latitude 37°. It was called "Public Land" upon the maps, but was commonly known as "No Man's Land." It was originally a part of the Republic of Texas; but, in the annexation, the parallel of 36°30′ was made the northerly line of the State, presumably in order to apply the rule of the Missouri Compromise. Kansas and Colorado were subsequently organized, in part out of this acquired territory north of 36°30′, with their southern boundaries on the 37th parallel; the west line of the Indian Territory was fixed at the 100th meridian; and the eastern boundary of New Mexico was fixed on the 103d meridian, thus leaving this small strip of land not included in any organized State or Territory.

By the act of March 1, 1889, 25 Stat. 783, c. 333, it was provided that "a United States court is hereby established whose jurisdiction shall extend over the Indian Territory bounded as follows, to wit: north by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico." It will be seen that the Indian Territory as thus defined on the west stretches to the border of New Mexico. To do this its northern line must run upon a portion of the southern line of Colorado. But Colorado is not mentioned in the act; only Kansas.

Under the provisions of the 17th section of that act it was provided that this part of the Indian Territory should "from and after the passage of this act be annexed to and constitute a part of the Eastern Judicial District of the State of Texas for judicial purposes." p. 786.

By the act of May 2, 1890, 26 Stat. 81, c. 102, this parallelogram was made a part of the Territory of Oklahoma; but by section 9 of that act it was provided that crimes committed therein "prior to the passage of this act shall be tried and prosecuted and proceeded with, until finally disposed of, in the courts now having jurisdiction thereof, as if this act had not been passed." 26 Stat. 86.

The plaintiffs in error were, at October term, 1889, of the Circuit Court of the United States for the Eastern District of Texas, sitting at Paris in that State indicated for murder committed in No Man's Land. The allegations in the indictment were as follows:

"Eastern District of Texas, ss.: The grand jurors of the United States of America, duly elected, impanelled, tried, sworn and charged to inquire into and due presentment make of offences against the laws of the United States of America in and for the district and circuit aforesaid, on their oath in said court present: That heretofore, to wit, on the twenty-fifth day of July in the year of our Lord one thousand eight hundred and eighty-eight, in that section of the country lying between Kansas and Texas, bounded on the west by New Mexico, and extending east to the hundredth meridian of longitude, commonly called the Neutral Strip or 'No Man's Land,' in the Indian Territory, the same being attached to and constituting part of the Eastern District of Texas for judicial purposes, and within the jurisdiction of this court," etc.—(then charging the homicide).

The trial, at which various exceptions to the ruling of the court were duly taken, resulted in conviction and sentence, to review which this writ of error was brought. Several assignments of error were made, but the only ones considered by this court were those which related to the jurisdiction of the court below, and the following:

"*Tenth*. The court erred in permitting the counsel for the government to read from the report of Attorney General Bradford in the hearing of the jury certain statements, then to ask the witness Bradford if he did not make the statements so read in said report, and in overruling the objections of plaintiffs in error thereto. And the court erred in admitting in evidence, over the objections of plaintiffs in error, certain parts of said report, as shown of record, because said witness Bradford was placed upon the witness stand by the government as a rebutting witness after counsel for government knew what he would testify to and said witness had testified as such rebutting witness to the exact facts that the government's counsel had expected him to testify to; and because said witness had stated that plaintiff in error, C. E. Cook, did not state to him in language or in substance the statement contained in said report; because what witness stated in said report was not a report required of him in his official capacity as Attorney General of the State of Kansas. Neither said report nor any part thereof was relevant or competent, and is hearsay; and ought not to have been admitted in evidence."

Mr. Gregory R. Peck and *Mr. John F. Dillon*, (with whom were *Mr. William R. Day, Mr. Joseph Frease* and *Mr. W. H. Rossington*, on the brief,) for plaintiffs in error, made the following points upon the question of jurisdiction:

The Circuit Court of the United States for the Eastern District of Texas had no jurisdiction of the offence charged in the indictment for the following distinct reasons:

(1) The Neutral Strip or "No Man's Land" at the date of the homicide alleged in the indictment (July 25, 1888) was outside of the jurisdiction of any particular state or federal district; and no court of the United States had jurisdiction to prosecute criminally the alleged homicide; or, if any court had jurisdiction, it was not the Circuit Court for the Eastern District of Texas, but was the district where the defendants were found or arrested.

(2) The allegation in the indictment on which the court below assumed jurisdiction, viz., that on the 25th day of July, 1888, the Neutral Strip or "No Man's Land" was "in the Indian Territory, the same being attached to and constituting part of the Eastern District of Texas for judicial purposes, and within the jurisdiction of this court," is untrue in point of fact and of law.

(3) If "No Man's Land" was, at the date of the commission of the alleged homicide (July 25, 1888), within or attached to any judicial district of the United States, it was the *Northern* District of Texas and not the Eastern District of Texas.

(4) The Circuit Court of the United States for the Eastern District of Texas assumed jurisdiction by virtue of sec. 18 of the act of March 1, 1889, 25 Stat. 786. If this act operated to extend the jurisdiction of that court to offences committed in No Man's Land, it did so only as to offences committed after the approval of that act. It could not, under the Constitution, make a past offence triable in the district created by that act instead of the district which existed when the offence was committed; nor could the act be made retrospective, so as to embrace an offence committed before its passage.

The legislation bearing upon these propositions is as follows:

Indian Territory. 4 Stat. 729, c. 161; 5 Stat. 680, c. 103; 16 Stat. 362, c. 296, § 12; 18 Stat. 51, c. 205; 18 Stat. 420, c. 132; 19 Stat. 176, c. 289; 19 Stat. 254, c. 72; 19 Stat. 272, c. 101; 19 Stat. 323, c. 103; 19 Stat. 338, c. 103; 19 Stat. 356, c. 105; 22 Stat. 405, c. 13; 25 Stat. 783, c. 333.

No Man's Land. 5 Stat. 797, Resolution No. 8; 9 Stat. 446, c. 49; 4 Stat. 729, c. 161; 5 Stat. 680, c. 103; 19 Stat. 230, c. 41; 22 Stat. 400, c. 13; 20 Stat. 318, c. 97; 25 Stat. 783, c. 333.

On this legislation we submit that it is entirely clear that the allegations in the indictment that the Neutral Strip or "No Man's Land" was, on July 25, 1888 (the date of the homicide), in the "Indian Territory," and that the same was attached to and constituted part of the *Eastern* Judicial District of Texas, are, and each of those allegations is, wholly without foundation. On the contrary, it appears from the foregoing legislation that on the 25th of July, 1888, "No Man's Land" was no part of the Indian Territory, and was not at that time situated in or annexed to any judicial district of the United States. It was not part of the Indian Territory, or part of the Indian Country, as it stood annexed by the acts of 1834 and 1844, noticed above, to the District of Arkansas, and it was no part of the "Indian Territory," as it was by the act of January 31, 1877, annexed by the then well known name, "Indian Territory," to the Western District of Arkansas; it was not part of the "Indian Territory" within the meaning of the act of January 6, 1883, which divided the jurisdiction over the Indian Territory between Kansas and the *Northern* District of Texas. The result is, that it was not, on July 25, 1888, the date of the alleged homicide, part of any judicial district. If this be so, the conclusion necessarily follows that the Circuit Court for the Eastern District of Texas had no jurisdiction.

But we contend further that no federal court has jurisdiction.

The Constitution of the United States provides (Sec. 2, Art. III.) that when crimes are not committed within any State "the trial shall be at such place or places as the Congress may by law have directed." This means that the place or places of trial must have been directed by Congress by statute prior to the commission of the offence.

Section 730 of the Revised Statutes provides that the trial of all offences committed on the high seas or elsewhere, out of the jurisdiction of any particular state or district, shall be in the district where the offender is found, or into which he is first brought. It has been held that this refers only to maritime offences, and not to offences committed on land. *United States* v. *Alberty*, Hemp. 444. And in *Ex parte Bollman*, 4 Cranch. 75, it was held that if an offence be committed on land, the offender must be tried by the court having jurisdiction over the territory where the offence was committed.

We therefore submit that "No Man's Land" was on July 25, 1888, the date of the alleged homicide, no part of any judicial district, and that Congress had not previously to that time prescribed any place for the trial of offenses committed within that region; and that, under the Constitution, Congress could not, if it had undertaken to do so (which it did not), afterwards prescribe a place of trial. Such act would not only be in conflict with Sec. 2, Art. III, of the Constitution, above referred to, but would also be *ex post facto* within the meaning of the Constitution, as is shown by the decision and reasoning in *Kring* v. *Missouri*, 107 U.S. 221.

But if we are mistaken in this, and if section 730 of the Revised Statutes does apply to offenses committed on land, outside of any particular State or district, then the distinct provision is that the trial "shall be in the district where the offender is found, or into which he is first brought;" and that fact ought to be alleged in the indictment; certainly in some proper mode to appear of record. Such allegation in the indictment would seem to be necessary in order to show that the crime is within the limited jurisdiction of the particular federal court. In point of fact the defendants were residents of and were arrested in, Kansas, and applied to Mr. Justice Brewer to be released on habeas corpus. *In re Jackson*, 40 Fed. Rep. 372.

We have thus far considered the question on the hypothesis that at the time the homicide was committed, No Man's Land was within no judicial district. But if we are mistaken in this position, then it belonged, if to any, to the *Northern* District of Texas by virtue of the act of January 6, 1883, 22 Stat. 400, c. 13. The result would be that the *Eastern* District of Texas would have no jurisdiction; and, confessedly, it has none, except it is conferred by the eighteenth section of the act of March 1, 1889, 25 Stat. 783, which was passed after the date of the alleged homicide.

Nothing seems to us to be plainer than that the act of 1889 does not undertake to give any jurisdiction to the Circuit Court for the Eastern District of Texas as to past offences. The only language relating to jurisdiction is the following: "And the United States Courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offences against the laws of the United States within the limits of that portion of the Indian Territory attached to the Eastern Judicial District of the State of Texas by the provisions of this act,.' et cet.

There is no reason to suppose that Congress in the use of the words that the "Court herein provided to be held at Paris shall have exclusive original jurisdiction of all offences against the laws of the United States," meant to refer to past offences. There is not the slightest evidence or indication of any such intention to be found in the act. The ordinary principles of construction apply, namely, that a statute shall have a prospective operation only, unless in clear terms it is given a retrospective operation.

It is a sound rule of construction that a statute should have a prospective operation only, unless its terms show clearly a legislative intention that it should operate retrospectively. *Chew Heong* v. *United States*, 112 U.S. 536; *United States* v. *Starr*, Hemp. 469.

But if the act of March 1, 1889, 25 Stat. 783, shall be construed to be retrospective, and to have been intended to apply to offences committed in "No Man's Land" prior to the passage of that act, the said act is void because in conflict with Sec. 2, Art. III, of the Constitution, for the reason that Congress had no power to fix or change the district in which the trial should be had after the commission of the offence.

This section provides that in the States crimes shall be prosecuted within the States where committed, and when the crime is committed without the States the trial shall be at such place or places as the Congress may by law have directed. When introduced the last clause read as follows: "As the legislature may direct." It was changed so as to read "as the Congress may by law have directed."

The object of this provision is plain. It was intended to secure to the accused a trial by jury in the place where the crime was committed. If Congress might fix the place of trial after the commission of an offense it could provide for trial in a district remote from the residence of the accused, at such a distance from the witnesses as to deprive him of their presence and testimony. All such attempts are rendered void by the constitutional provisions above quoted. *United States* v. *Maxon*, 5 Blatchford, 360; *Gut* v. *The State*, 9 Wall. 35, 37; *Ex parte Devoe M'f'g Co.*, 108 U.S. 401, 417.

Mr. Attorney General and *Mr. Solicitor General* for defendants in error. Their brief contained the following paragraphs, entitled, "Confession of error."

The admission of the report of the Attorney General of Kansas upon the murder, and the charge of the court to the jury with respect to the effect thereof, were error prejudicial to the defendants below. . . .

It will be seen from the foregoing that the government was permitted to contradict its own witness by introducing a written statement signed by him, made at another time, and that this was done without any professional statement to the court to counsel for the government that they were surprised and misled into calling him. Such a course is contrary to all the rules of evidence. . . . It is not necessary to discuss the question whether the charge was erroneous. It was grossly so, and must have been very prejudicial. It was the admission of the purest hearsay evidence upon the crucial point in the case.

Mr. JUSTICE HARLAN delivered the opinion of the court.

The plaintiffs in error, with others, were indicted in the court below at its October term, 1889, and were convicted and sentenced to suffer death, for the crime of murder alleged to have been committed on the 25th day of July, 1888, in that part of the United States designated in numerous public documents as the Public Land Strip, but commonly called No Man's Land. It is 167 miles in length, 34½ miles in width, lies between the 100th meridian of longitude and the Territory of New Mexico, and is bounded on the south by that part of Texas known as the Panhandle, and by Kansas and Colorado on the north.

The prosecution was based upon section 5339 of the Revised Statutes, providing that "every person who commits murder within any fort, arsenal, dock-yard, magazine or in any other place or district of country under the exclusive jurisdiction of the United States, . . . shall suffer death;" and upon the act of Congress of March 1, 1889, establishing a court of the United States for the Indian Territory and for other purposes, and attaching a part of that Territory, for limited judicial purposes, to the Eastern District of Texas. 25 Stat. 783, c. 333.

The principal assignment of error is based upon these general propositions: That at the date of the alleged homicide the Public Land Strip was not within the jurisdiction of any particular state or federal district, and that no court of the United States had jurisdiction to try the alleged offence, or if any court had jurisdiction it was not the court below, but the Circuit Court of the United States for the Northern District of Texas, or that of the District of Kansas in which the defendants were found and arrested; and that if the above act of March 1, 1889—under which alone this prosecution was conducted—placed the Public Land Strip within the limits of the Eastern District of Texas, it did not, and consistently with the Constitution of the United States could not, give the Circuit Court for that district jurisdiction of offences committed prior to its enactment.

Did Congress intend to attach the Public Land Strip to the Eastern District of Texas for any purpose? That necessarily is the question to be first considered. And it must be determined without reference to the act of May 2, 1890, providing a temporary government for Oklahoma; for that act, while including this strip within the Territory of Oklahoma, declares that all "crimes committed in said Territory" prior to its passage "shall be tried and prosecuted, and proceeded with until finally disposed of, in the courts now [then] having jurisdiction thereof," as if that act had not been passed. 26 Stat. 81, 86, c. 182, §§ 1, 9. We shall be aided in the solution of the question of jurisdiction by recalling the history of the Public Land Strip, and various acts of Congress, preceding that of 1889, which are supposed to have some bearing upon this case.

The Public Land Strip was once a part of the possessions of Mexico. This appears from the treaty of January 12, 1828, between the United States of America and the United Mexican States, confirming the previous treaty of February 22, 1819, with the Monarchy of Spain. 8 Stat. 372, 374. When Texas achieved its independence this strip was within its limits. Indeed, the Republic of Texas originally embraced the present territory of the State of Texas, as well as parts of what now constitutes New Mexico, Arizona, Colorado and Kansas. On the day of its admission into the Union, by the Joint Resolution of December 29, 1845, the judicial District of Texas was established, embracing the entire State. 9 Stat. 1, 108.

Congress, by an act of September 9, 1850, 9 Stat. 446, c. 49, made certain propositions to Texas, one of which was that its boundary on the north should commence at the point where the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and run from that point due west to the meridian of one hundred and three degrees; thence due south to the thirty-second degree of north latitude; thence on the latter parallel to the Rio Bravo del Norte; and thence with the channel of that river to the Gulf of Mexico. This proposition was accepted by Texas. Oldham and White's Digest Laws of Texas, p. 55. By the same act, § 2, the eastern boundary of New Mexico was established on the one hundred and third meridian. The remaining territory of Texas, as it was when admitted into the Union, passed by that act under the jurisdiction of the United States. The Territory of Kansas was organized by the act of May 30, 1854, c. 59, § 19, 10 Stat. 277, 283, its southern line being fixed on the 37th parallel of north latitude. The Territory of Colorado was organized by an act approved February 28, 1861, 12 Stat, 172, c. 59, its eastern boundary being on the 102d meridian, and its southern boundary being on the 37th parallel of north latitude. Id. § 1. The result of all these enactments was that the body of public lands, known as the Public Land Strip, was left outside of Texas as as well as of the Territories of New Mexico, Kansas and Colorado.

By the act of February 21, 1857, the State of Texas was divided into two judicial districts, the Western and the Eastern. 11 Stat. 164, c. 57. The Northern District was established by an act passed February 24, 1879, with courts at Waco, Dallas County, and Graham, Young County, embracing one hundred and ten counties by name, including Sherman, Hansford, Ochiltree and Lipscomb in the panhandle, immediately south of the Public Land Strip, and Hemphill, Wheeler, Collingsworth and Childress immediately west of the 100th meridian, and Hardeman, Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin and Lamar immediately south of the Indian Territory, in the central and eastern parts of Texas, but excluding the counties of Red River and Bowie in the latter State near the Arkansas line. The same act enlarges the Eastern District of Texas, and designates all the counties that should thereafter compose the Eastern and Western Districts, respectively. Under this act the Eastern District embraced, among others, the counties next to Louisiana and Arkansas, including Red River and Bowie. 20 Stat. 318, c. 97.

An act of Congress was passed January 6, 1883, for the holding at Wichita of a term of the District Court of the United States for the District of Kansas and for other purposes, 22 Stat. 400. c. 13. By that act (§ 2) "all that portion of the Indian Territory lying north of the Canadian River and east of Texas and the one hundredth meridian not set apart and occupied by the Cherokee, Creek and Seminole Indian tribes," was annexed to the District of Kansas; and the United States District Courts at Wichita and Fort Scott in that district were given "exclusive original jurisdiction of all offences committed within the limits of the territory hereby annexed to said District of Kansas against any of the laws of the United States now or that may hereafter be operative therein." It was further provided: "§ 3. That all that portion of the Indian Territory not annexed to the District of Kansas by this act, and not set apart and occupied by the Cherokee, Creek, Choctaw, Chicasaw and Seminole Indian tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district known as the Northern District of Texas; and the United States District Court at Graham, in said Northern District of Texas, shall have exclusive original jurisdiction of all offences committed within the limits of the territory hereby annexed to said Northern District of Texas against any of the laws of the United States now or that may hereafter be operative therein. § 4. That nothing contained in this act shall be construed to affect in any manner any action or proceeding now pending in the Circuit or District Court for the Western District of Arkansas, nor the execution of any process relating thereto; nor shall anything in this act be construed to give to said District Courts of Kansas and Texas, respectively, any greater jurisdiction in that part of said Indian Territory so as aforesaid annexed, respectively, to said District of Kansas and said Northern District of Texas, than might heretofore have been lawfully exercised therein by the Western District of Arkansas; nor shall anything in this act contained be construed to violate or impair, in any respect, any treaty provision whatever." It is insisted, on behalf of the United States, that this act attached the Public Land Strip to the Northern District of Texas; that the words, "Indian Territory," were used to include that strip; and that such a construction is sustained both by executive recognition and by the legislation of Congress.

Then comes the act of March 1, 1889, c. 333, above referred to, 25 Stat. 783, which, it is contended, transferred the Public Land Strip from the Northern District to the Eastern District of Texas. By its first section a United States Court, to be held at Muscogee, is established, "whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico." It is given (§ 5) "exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor." That court was also given (§ 6) "jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy, or damages or money claimed shall amount to one hundred dollars or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only."

The seventeenth, eighteenth and twenty-eighth sections of that act are as follows:

"SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary line between the said Choctaw Nation and the State of Arkansas, to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Arkansas, to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the centre of the main track of the said road to the South Canadian River; thence up the centre of the main channel of the said river to the western boundary line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the District of Kansas by the act approved January sixth, eighteen hundred and eighty-three, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the Eastern Judicial District of the State of Texas, for judicial purposes.

"SEC. 18. That the counties of Lamar, Fannin, Red River and Delta of the State of Texas, and all that part of the Indian Territory attached to the said Eastern Judicial District of the State of Texas by the provisions of this act, shall constitute a division of the Eastern Judicial District of Texas; and terms of the Circuit and District Courts of the United States for the said Eastern District of the State of Texas shall be held twice in each year at the city of Paris, on the third Mondays in April and the second Mondays in October; and the United States courts herein provided to be held at Paris shall have exclusive, original jurisdiction of all offences committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the Eastern Judicial District of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory; and all civil process, issued against persons resident in the said counties of Lamar, Fannin, Red River and Delta, cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held in the city of Paris, Texas. And all prosecutions for offences committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part: *Provided,* That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provision thereof."

"Sec. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Other sections prescribe the modes of procedure in the court established by that act and the punishment for numerous offences.

From this history of the Public Land Strip it appears: 1. That by the act of 1883 all of the "Indian Territory" north of the Canadian River and east of Texas and the 100th meridian, not set apart and occupied by the Cherokee, Creek and Seminole Indian tribes, was attached to the District of Kansas, while the portion not so annexed and not set apart and occupied by the Cherokee, Creek, Choctaw, Chickasaw and Seminole Indian tribes, was annexed to the Northern District of Texas, saving actions or proceedings pending in the Circuit or District Court for the Western District of Arkansas. 2. That, by the act of 1889, the court established for the Indian Territory was given exclusive original jurisdiction over all offences against the laws of the United States committed within the Indian Territory as defined by that act, not punishable by death or by imprisonment at hard labor. 3. That exclusive original jurisdiction was given by the act of 1889 to the courts of the United States, sitting at Paris, Texas, of all such offences, committed within the portion of the Indian Territory annexed to the Eastern District of that State, of which jurisdiction was not given to the court established in and for the Indian Territory.

Much of the discussion by counsel was directed to the inquiry whether the act of 1883 attached the Public Land Strip to the Northern District of Texas. In view of the relations which certain Indian tribes once held to that strip, under treaties with the United States—which treaties will be referred to in another connection—there are some reasons for holding, in accordance with the contention of the government, that it was so attached to that district. But it is not necessary to decide that point; for, however it might be determined, the question would remain whether the Public Land Strip was not within that portion of the Indian Territory, defined in the act of 1889, which was assigned, by that act, for certain judicial purposes, to the Eastern District of Texas. If it was, the court below had jurisdiction of the offence charged in the indictment, unless the later act is construed as having no application to offences committed prior to its passage. The act of 1883 is chiefly important in the present inquiry as it may serve to explain the provisions of the act of 1889.

It is certain that after, as well as before, the passage of the act of 1883, various public officers and committees in Congress described the "Indian Territory" as lying east of the 100th meridian, and represented the Public Land Strip as being unattached to any judicial district.[1] The most significant, perhaps, of all the official documents of this class are the letter of the Attorney General of the United States to the President under date of November 15, 1887, and that of the Secretary of the Treasury to the Speaker of the House of Representatives, under date of May 1, 1888. The former describes the Public Land Strip as "bounded on the north by the States of Kansas and Colorado, on the east by the Indian Territory, on the south by Texas, and on the west by New Mexico," and says that it was not then "embraced in any district established by law of the United States." The latter, speaking of the urgent need of legislation to enforce the revenue laws of the United States in the Public Land Strip, says that "the land referred to is not embraced in any judicial district, and not being within the jurisdiction of any United States court the laws of the United States are inoperative, or, at least, cannot be enforced therein."

The public documents to which reference has been made undoubtedly show that, in the opinion of many gentlemen in the legislative and executive branches of the government, the "Indian Territory" did not extend further west than the one hundredth meridian, and that, even after the passage of the act of 1883 it remained unattached to any judicial district. So that, if Congress intended by the act of 1883 to annex the Public Land Strip to the Northern District of Texas, it was informed by these documents that that act was not so construed by certain officers of the government. But I was further informed that the public interests absolutely demanded that that portion of the public domain should no longer remain in the condition in which it had been left for many years, namely, without being clearly included in some judicial district, whereby the rights of the general government, as well as of individuals, could be enforced against criminals and wrongdoers of every class. No possible reason can be suggested why, at the time of the passage of the act of 1889, the Public Land Strip should not have been brought within some judicial district.

Upon a careful scrutiny of the act of 1889, giving full effect to all of its clauses, according to the reasonable meaning of the words used, yet interpreting it in the light of the previous history of the Public Land Strip, and of the information communicated to Congress by public officers, we do not doubt that Congress intended to bring that strip within the jurisdiction of the court established for the Indian Territory, and to attach it, for limited judicial purposes, to the Eastern District of Texas; thus enabling the general government to protect its own interests, as well as the rights of individuals. That act was so interpreted by Mr. Justice Brewer before his accession to this Bench. *In re Jackson,* 40 Fed. Rep. 372. Observe, that the country over which the court established by that act was to exercise jurisdiction was not described as being east of the 100th meridian and south of Kansas, nor simply as the Indian Territory, but, *ex industria,* as the Indian Territory bounded "north by the State of Kansas, [the southern line of that State constituting about two-thirds of the northern boundary of the Public Land Strip,] east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas *and* the *Territory of New Mexico.*" If the act had bounded it on the north by Kansas *and Colorado,* the description, beyond all question, would have included the Public Land Strip. But the description, as it is, necessarily includes that strip because the "Indian Territory," for which the new court, to sit at Muscogee, was established, being bounded on the north by Kansas, *and* west, in part, by "the Territory of New Mexico"—the eastern boundary of which is on the 103d meridian—must include within its limits the Public Land Strip, lying between New Mexico and the 100th meridian. This fact is of greater significance than the careless omission to state, in the act, that the Indian Territory, described in it, was bounded on the north by Colorado as well as by Kansas. The court at Muscogee was given exclusive original jurisdiction over all offences against the United States, not punishable by death or by imprisonment at hard labor, committed, not simply within the Indian Territory, but within the Indian Territory, "as in this [that] act defined," while the court at Paris was given exclusive original jurisdiction of all offences against the laws of the United States within the limits of that portion of the Indian Territory attached to the Eastern District of Texas "by the provisions of this [that] act," of which jurisdiction was not given to the court at Muscogee. If Congress did not intend to bring the Public Land Strip within the jurisdiction of the court established for the Indian Territory, and, for certain judicial purposes, within the jurisdiction of the courts held at Paris, in the Eastern District of Texas, why did it declare that the Indian Territory, for which it legislated in the act of 1889, was bounded on the west "by the State of Texas *and* the Territory of New Mexico?" We cannot hold the words, "and the Territory of New Mexico," to be meaningless, simply because the northern boundary of that strip was not described with precision and fullness; especially as every consideration of policy demanded that that part of the public domain should no longer be left without courts for the protection of the government and the people.

It is contended that this interpretation of the words "Indian Territory" in the act of 1889 is wholly unauthorized by anything in the history of the Public Land Strip; for, it is said, that there are no facts whatever that make those words at all appropriate as embracing that strip. This broad statement is scarcely justified by the facts. By the treaty of July 27, 1853, made and concluded at Fort Atkinson, in the Indian Territory, 10 Stat. 1013, between the United States and the Camanche, Kiowa and Apache tribes or nations, "inhabiting the said territory south of the Arkansas River," it was provided that the annuities stipulated to be given by the United States should be delivered yearly in July to those tribes, collectively, at or in the vicinity of Beaver Creek, a large part of which is within the Public Land Strip. By another treaty with those tribes, October 18, 1865, 14 Stat. 717–721, the United States agreed that a certain district of country, or such parts as the President should from time to time designate, should be and was set apart for their "absolute and undisturbed use and occupation," and that of "such other friendly tribes" as had theretofore "resided within said limits, or as they may from time to time agree to admit among them, and that no white person, except officers, agents and employees of the government, shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages." The boundaries of said district were: "Commencing at the northeast corner of New Mexico; thence south to the southeast corner of the same; thence northeast-wardly to a point on main Red River, opposite the mouth of the north fork of said river; thence down said river to the 98th degree of west longitude; thence due north on said meridian to the Cimarone River ; thence up said river to a point where the same crosses the southern boundary of the State of Kansas; thence along said southern boundary of Kansas to the southwest corner of said State; thence west to the place of beginning." These boundaries, it is true, included apart of the State of Texas, and the treaty was, in that respect, ineffectual. Nevertheless, the cession included the Public Land Strip, then a part of the public domain of the United States. By a subsequent treaty with two of the same tribes, concluded October 21, 1867, 15 Stat. 581, 584, they were restricted in territory to the southwest corner of the Indian Territory, but they reserved the right "to hunt on any lands south of the Arkansas River, so long as the buffalo may range thereon in such numbers as to justify the chase." These treaties are referred to as showing that as late as 1867 the Public Land Strip, in the mode of its use, had some connection with Indians west of the Mississippi, and especially with some of those now occupying permanent reservations in the Indian Territory. That strip, we are informed, has not been occupied by Indians since 1867, but it was not opened to settlement, and could have been used for any of the purposes that the government had in view for Indians.

---

[1] Report of Commissioner of Indian Affairs, 1872, p. 33; Letter of Commissioner of General Land Office to Durant, September 17, 1873, Rec. Com. Gen. Land Office, vol. 27, p. 304; Report of Land Commission, p. 462; Report Com. Land Office, 1884; House Judiciary Committee, Rep. No. 2030, July 2, 1864; *id.* Report, Doc. No. 389, February 11, 1886, embodying letter of Com'r Land Office of January 29, 1886; House Com. on Territories, 1887, Report No. 1684; *id.* 1888, Rep. No. 2857; *id.* February 7, 1888. Rep. 263.

There are other circumstances that are not without significance as indicating why Congress in the act of 1889 used the words "Indian Territory," as describing not only lands east of the 100th meridian, south of Kansas, but lands north of Texas and between that meridian and New Mexico. Among them the following may be named: 1. To a report of the commissioner of the general land office, made in 1864, was annexed a map, "constructed from the Public Surveys and other official sources in the general land office," in which the Public Land Strip is included within the boundaries of the Indian Territory; and a similar map, "constructed from the plats and official sources of the general land office," under the direction of Commissioner Wilson, was issued in 1867. 2. By an act of March 2, 1887, Congress granted a right of way through the "Indian Territory" to a railroad company, beginning at a point on the northern line of said Territory at or near the south line of Kansas, crossed by the 101st meridian; thence in a southwesterly direction to El Paso, New Mexico. It could not commence at the point designated and reach El Paso by a southwesterly line without passing through the Public Land Strip. Unless that strip was, for the purposes of that act, regarded as a part of the Indian Territory, then the route to El Paso would not pass through the Indian Territory at all. 3. By the treaty of May 6, 1828, with the Cherokee Indians the United States, besides setting apart for the use of that tribe 7,000,000 acres within the limits of the Indian Territory, guaranteed to that nation "a perpetual outlet west, and free and unmolested use of all the country lying west of the western boundary" of the limits given," and as far west as the sovereignty of the United States and their right of soil extend." In an official communication from the commissioner of the land office to the Secretary of the Interior, under date of January 29, 1886, embodied in a report made on the 11th of February, 1886, by the Judiciary Committee of the House of Representatives, upon a proposed bill extending the laws of the United States over certain "unorganized territory south of Kansas," it was said: "It appears that the Cherokees claimed the Public Land Strip, now so called, as the outlet above mentioned, and the official maps down to 1869, or later, designated said strip as *part of the Indian Territory*. I have not found in the records of this office any expressed reason why this strip was so designated on the maps, nor why that designation was changed upon the maps published after 1869." The commissioner recommended the passage of the proposed bill, because it would take this "unorganized territory out of its anomalous condition to a certain extent and open the lands to entry."

These circumstances are referred to not as conclusive, nor as in themselves, persuasive, but only to show that the Public Land Strip was regarded, at different times, by public officers to be part of the Indian Territory, as commonly designated, or as having such connection with the lands east of the 100th meridian, where various tribes of Indians had been located by the United States, as made it natural that it should be placed, together with the lands between that meridian and the States of Missouri and Arkansas, not occupied by the civilized Indian tribes, under the jurisdiction of the court established by the act of 1889, or of some other court of the United States. Congress, it must be presumed, was not unaware of the fact that the words "Indian Territory" had been used by some to exclude, and by others to include, the Public Land Strip, and, to avoid misapprehension as to whether that strip was annexed to some judicial district, and, perhaps, for the purpose of meeting the recommendation of the Secretary of the Treasury in his letter of May 1, 1888, it speaks, in the act of 1889, of the Indian Territory, not generally, but *as therein defined*. That description, we have seen, necessarily included the Public Land Strip, because it was the only part of the public domain in that part of the United States that was bounded on the north by Kansas, as well as on the west by the Territory of New Mexico, and which immediately adjoined the Indian Territory lying east of the 100th meridian.

Much was said at the bar about the unreasonableness of the supposition that Congress intended to subject the people in the Public Land Strip to the jurisdiction of a court sitting at so great a distance as Paris, Texas, rather than to one at Graham, in the Northern District of Texas, or one at Wichita, in Kansas. Judging by the map, the distance from the Public Land Strip to Paris is not much greater than to Graham. Indeed, the facilities for reaching Paris may be quite as good as those for reaching Graham. While the court of the United States nearest to the Public Land Strip, other than the one at Muscogee, seems to be the District Court of Kansas, this fact cannot control, as against the natural meaning of the words of the act.

Nor do we think that the interpretation of the act of 1889 can or ought to be affected by that of 1890, providing a temporary government for the Territory of Oklahoma, and enlarging the jurisdiction of the United States court in the Indian Territory. Oklahoma, by that act, is made to include "all that portion of the United States *now known as the Indian Territory*, except . . . and except the unoccupied part of the Cherokee outlet, together with that portion of the United States known as the Public Land Strip." The boundary of the country "now known as the Indian Territory" and included in said Territory of Oklahoma is given, and the Public Land Strip is, separately, bounded "east by the 100th meridian, south by Texas, west by New Mexico, and north by Colorado and Kansas." This may be regarded at most as simply a declaration by Congress that the country then "known as the Indian Territory" did not include the Public Land Strip, and, therefore, that each should be separately described by its boundaries. But that does not prove that Congress did not intend, in 1889 to include the Public Land Strip in the "Indian Territory," *as defined by the act of that year*. On the contrary, the Oklahoma act, when it bounds that Strip on the "west by New Mexico," tends to show that substantially similar words used in describing the Indian Territory mentioned in the act of 1889, had reference to the Public Land Strip.

Looking at this question in every light in which it may be considered, we repeat the expression of our opinion that the Public Land Strip west of the 100th meridian, bounded on the south by Texas, on the west by New Mexico, and on the north by Colorado and Kansas, was annexed by the act of 1889 to the Eastern District of Texas for such judicial purposes as by that act appertained to the court held at Paris in that District.

Was it competent for the court below to try the defendants for the offence of murder committed prior to the passage of the act of 1889? We do not doubt that Congress intended to confer upon that court jurisdiction to try such cases. By the express words of the act, the courts to be held at Paris, Texas, were given exclusive original jurisdiction of "all offences committed against the laws of the United States" within that part of the Indian Territory attached to the Eastern Judicial District of Texas, of which jurisdiction was not given, by the same act, to the court established for that Territory. The only exception made is in the proviso to the eighteenth section, declaring, among other things, that no prosecution commenced before the passage of the act should be in any way affected by its provisions. This, in connection with the previous part of the same section, defining the jurisdiction of the court below, necessarily imports that where no prosecution had been commenced, it should have authority to try all offenses, punishable by death or imprisonment at hard labor, committed, no matter when, within the new territory over which its jurisdiction was extended. No other interpretation can be reasonably given to the act. If the Public Land Strip was placed by the act of 1883 in the Northern District of Texas, or if the defendants, having been apprehended in Kansas, were amenable, prior to the act of 1889, to the District Court in that State, the jurisdiction of the United States court of neither of these districts had attached by the commencement of a prosecution, before that strip was annexed to the Eastern District of Texas. In so interpreting the act of Congress we do not infringe the settled rule that courts uniformly refuse to give to statutes a retrospective operation, where rights previously vested are injuriously affected, unless compelled to do so by language so clear and positive as to leave no room to doubt that such was the intention of the legislature. *United States* v. *Heth*, 3 Cranch, 399, 413; *Chew Heong* v. *United States*, 112 U.S. 536, 559. The saving of only pending prosecutions shows that Congress did not except any offence against the United States of which the court below was given jurisdiction.

It is contended that the act, so construed, is in violation of section two, article three, of the Constitution, supplemented by the Sixth Amendment. The former provides that "the trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed." The latter provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law." In respect to that clause of the Sixth Amendment declaring that the "district shall have been previously ascertained by law," it need only be said that if those words import immunity from prosecution where the district is not ascertained by law before the commission of the offence, or that the accused can only be tried in the district in which the offence was committed, (such district having been established before the offence was committed,) that amendment has reference only to offences against the United States committed within a State. *United States* v. *Dawson*, 15 How. 467, 487, 488; *Jones* v. *United States*, 137 U.S. 202, 211, 212. The second section of article three had provided, in respect to crimes committed in the States, that the trial by jury should be had within the State where the crime was committed. The Sixth Amendment added the further guaranty, in respect to the place of trial, that the district should have been previously ascertained by law, leaving the trial of offences not committed within any State, to be controlled by the second section of article three. The requirement in the latter section is that the trial "shall be at such place or places as the Congress may by law have directed." "As crimes," said Mr. Justice Story, commenting upon this section, "may be committed on the high seas and elsewhere, out of the territorial jurisdiction of a State, it was indispensable that in such cases Congress should be enabled to provide the place of trial." 2 Story's Const. § 1781. It was consequently provided in the act of April 30, 1790, 1 Stat. 114, c. 9, § 8, that "the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular State, shall be in the district where the offender is apprehended, or into which he may first be brought." And such was the law when the crime with which the defendants are charged was committed. Rev. Stat. §§ 730, 5339. But for the passage of the act of 1889, and if the Public Land Strip was not attached by the act of 1883 to the Northern District of Texas, the defendants could have been indicted and tried in the District of Kansas, where they were apprehended. *Jones* v. *United States*, above cited. So that the contention of the defendants is, in effect, that in respect to crimes committed outside of the States, in some place within the exclusive jurisdiction of the United States, Congress is forbidden by the second section of article three of the Constitution from providing a place of trial different from the one in which the accused might have been tried at the time the offence was committed.

We do not so interpret that section. The words, "the trial shall be at such place or places as the Congress may by law have directed," impose no restriction as to the place of trial, except that the trial cannot occur until Congress designates the place, and may occur at any place which shall have been designated by Congress previous to the trial. This was evidently the construction placed upon this section in *United States* v. *Dawson*, above cited, where the court, speaking by Mr. Justice Nelson, said: "A crime, therefore, committed against the laws of the United States, out of the limits of a State, is not local, but may be tried at such place as Congress shall designate by law. This furnishes an answer to the argument against the jurisdiction of the court, as it respects venue, trial in the county, and jury from the vicinage, as well as in respect to the necessity of particular or fixed districts before the offence," p. 488. So, in *United States* v. *Jackalow*, 1 Black, 484, 486: "Crimes committed against the laws of the United States, out of the limits of a State, are not local, but may be tried at such place as Congress shall designate by law; but are local if committed within the State. They must then be tried in the district in which the offence was committed." If Congress—as it did in the act of 1790, which may be regarded as a contemporaneous construction of the Constitution—may provide for the trial of offences committed outside of the States, in whatever district the accused is apprehended, or into which he may first be brought, it is difficult to perceive why, such crimes not being local, it may not provide a place of trial where none was provided when the offence was committed, or change the place of trial after the commission of the offence.

It is said that the construction we place upon the second section of article three makes it obnoxious to the *ex post facto* clause of the Constitution. In support of this position reference is made to *Kring* v. *Missouri*, 107 U.S. 221, where it was declared that any statute passed after the commission of an offence which, "in relation to that offence or its consequences, alters the situation of a party to his disadvantage," is an *ex post facto* law. This principle has no application to the present case. The act of 1889 does not touch the offence nor change the punishment therefor. It only includes the place of the commission of the alleged offence within a particular judicial district, and subjects the accused to trial in that district rather than in the court of some other judicial district established by the government against whose laws the offence was committed. This does not alter the situation of the defendants in respect to their offence or its consequences. "An *ex post facto* law," this court said in *Gut* v. *The State*, 9 Wall. 35, 38, 'does not involve, in *any* of its definitions, a change of the place of trial of an alleged offence after its commission."

Another contention of the defendants is that the indictment is fatally defective, in that it fails to sufficiently show when Cross—the person alleged to have been murdered—died, or that he died within a year and a day from the infliction upon him of the alleged mortal wounds, or from the effect of such wounds, or within the territory in the jurisdiction of the court in which they were tried. As the Attorney General and the Solicitor General submit this question without argument, and without any suggestion in support of the indictment, and as the judgment must, for reasons to be presently stated, be reversed, leaving the government at liberty to find a new indictment, if its officers shall be so advised, we will not extend this opinion by an examination of the authorities cited by the defendants to show the present indictment to be defective.

At the trial below, one of the defendants' counsel, who had been attorney general of Kansas, and who, in that capacity, made to the governor of that State a report touching the death of Cross immediately after it occurred, was called, in rebuttal, as a witness for the prosecution. That report contained various statements purporting to have been made by the defendants, and which connected them with the killing of Cross. Although the witness stated that the report was based upon hearsay evidence merely, was thrown together hastily by a stenographer, and was incorrect, and that the defendants had not made the statements therein attributed to them, certain parts of it were admitted in evidence to the jury, against the objection of the defendants. The record shows that this report was read in evidence to show that the witness had made different statements at another time and place. And the court, in its charge said to the jury: "The instructions given above are limited, so far as the evidence is concerned, by the following instructions: The portions of Attorney General Bradford's report were admitted in evidence to be considered by you as to whether or not the statements therein contained were made by the parties to said Bradford, said Bradford now being attorney for the defendants, and denying the truth of the statements therein contained; and as to whether or not these statements were ever made to said Bradford, is a question of fact to be considered by you from all the evidence upon that subject; and if you believe the statements were not so made to said Bradford, you are to disregard the same. But if you believe from the evidence that they were so made to said Bradford, then you are instructed to consider them as evidence, but only as to such parties by whom they were made."

The jury were thus informed that this report, although merely hearsay, was substantive evidence upon the issue as to whether the defendants were present at, and participated in, the killing. The representatives of the government, in this court, frankly concede, as it was their duty to do, that this action of the court below was so erroneous as to entitle the defendants to a reversal. Numerous other errors are said to have been committed at the trial to the prejudice of the defendants, but as such alleged errors may not be committed at the next trial, it is not necessary now to consider them.

For the error above mentioned the judgment is reversed, and the cause remanded with directions to grant a new trial.

By Mr. NELSON (for himself, Mr. MONDALE, and Mr. CRANSTON):

S. 1746. A bill to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, we are introducing today a bill to insure continued support of Federal loans and scholarships for first-year students in the health professions fields.

The bill is designed to stave off what medical and nursing schools say is a potential crisis—disruption of admissions for students who need financial aid. The schools cannot now assure newly enrolling students of financial aid for the fall term, because of the uncertainty that Federal student aid will not be approved by Congress in time to plan for next fall's enrollment. The present law expires June 30, 1971.

In light of the critical need for more health manpower in the Nation, we believe this is an important measure.

The leadtime required by schools in planning their student assistance programs means that the rosters for freshmen students are being completed right now.

The Association of American Medical Colleges estimates that the number of first-year students in the 1971–72 academic year will be about 11,800, of which some 9,130 freshmen students need financial assistance. Without prompt action by Congress, many students will not be able to enter classes this fall, since the schools rely heavily on Federal student aid programs. Such aid is the source of approximately 50 percent of the scholarship funds available to medical students, and 52 percent of the loan assistance.

Students of medicine, nursing, dentistry, osteopathy, pharmacy, podiatry, optometry, and veterinary medicine are affected.

The situation is particularly critical for low-income and minority students.

President Nixon, in his health message to Congress, emphasized the need to increase Federal-support programs, so that more low-income and minority groups could enter the health profession.

We recognize that this bill is a stopgap measure, and will be superseded at such time when the Health Professions Assistance Act and the Nurse Training Act are renewed by Congress. Authorizations for both acts expire June 30, 1971. After that date, there is no authority to appropriate funds for loans or scholarships to new students or to those not previously assisted under the loan program.

The problem can be eliminated by congressional action on the health manpower legislation before the June 30 expiration date, and it is my hope that the broader legislation will be enacted and presented to the President before that deadline.

Any delay in action on the broader, complex legislation, however, could result in sharp curtailment of financial aid programs that would disrupt medical and nursing schools' admissions decisions.

Because the present uncertainty is jeopardizing the plans of students and medical schools, I am introducing this bill to extend the loan and scholarship provisions of the Public Health Service Act for 1 year, at the same fiscal level authorized for 1971. Congress appropriated $40 million for health professions students assistance programs in fiscal 1971; loans amounted to about $25 million, and scholarships about $15.5 million.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1746

A bill to amend the Public Health Service Act to extend for one year the student loan and scholarship provisions of titles VII and VIII of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STUDENT LOAN PROGRAM UNDER TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Section 1. (a) (1) The first sentence of section 742(a) of the Public Health Service Act (42 U.S.C. 294b) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years".

(2) The third sentence of such section is amended by (A) striking out "1972" and inserting in lieu thereof "1973", and (B) by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 743 of such Act (42 U.S.C. 294c) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(c) The first sentence of section 744 (a) (1) of such Act (42 U.S.C. 294d) is amended by striking out "next three fiscal years" and inserting in lieu thereof "next four fiscal years".

SCHOLARSHIP PROGRAM UNDER TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Sec. 2. (a) Section 780b of the Public Health Service Act is amended (1) by striking out "the next two fiscal years" in the first sentence and inserting in lieu thereof "the next three fiscal years", (2) by striking out "1972" in the last sentence and inserting in lieu thereof "1973", and (3) by striking out "1971" in such sentence and inserting in lieu thereof "1972".

(b) (1) Section 780(c) (1) (9) (D) of such Act is amended by striking out "the next two fiscal years" and inserting in lieu thereof "the next three fiscal years".

(2) Section 780(c) (1) (E) of such Act is amended (A) by strking out "1971" and inserting in lieu thereof "1972", and (B) by striking out "1972" and inserting in lieu thereof "1973".

STUDENT LOAN PROGRAM UNDER TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

Sec. 3. (a) Section 824 of the Public Health Service Act (42 U.S.C. 297c) is amended (1) by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal year ending June 30, 1971, and the next fiscal year", (2) by striking out "1972" and inserting in lieu thereof "1973", and (3) by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) Section 826 of such Act (42 U.S.C. 297e) is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

(c) The first sentence of section 827(a) (1) of such Act (42 U.S.C. 297f) is amended by striking out "next three fiscal years" and inserting in lieu thereof "next four fiscal years".

SCHOLARSHIP PROGRAM UNDER TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

Sec. 4. (a) Section 860(b) of the Public Health Service Act is amended (1) by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years", (2) by striking out "1972" in the last sentence and inserting in lieu thereof "1973", and (3) by striking out "1971" in such sentence and inserting in lieu thereof "1972".

(b) (1) Section 860(c) (1) (A) of such Act is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next two fiscal years".

(2) Section 860(c) (1) (B) of such Act is amended (A) by striking out "1971" and inserting in lieu thereof "1972", and (B) by striking out "1972" and inserting in lieu thereof "1973".

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

Sec. 5. Section 821(a) of the Public Health Service Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal year ending June 30, 1971 and the next fiscal year".

By Mr. KENNEDY:

S. 1747. A bill to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NURSE TRAINING AMENDMENTS OF 1971

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference the Nurse Training Amendments of 1971.

The bill I am introducing contains major provisions to encourage the recruitment and training of nurses, including grants for construction of facilities, loan guarantees and interest subsidy payments for construction, special project grants, a 3-year $1 billion program of capitation grants, financial distress grants, traineeships for advanced training of professional nurses, student loans and scholarships, and a special provision to support needy nursing students.

Of all the various aspects of the health crisis now facing the Nation, there is perhaps none that is more serious than the crisis in health manpower. We know that we have a profound shortage of doctors, dentists, nurses, and other health professionals. We also know that, if we are ever to bring good health care to the American people, we must eliminate this shortage and end the serious maldistribution of health personnel that now exists in many parts of the country.

In recent weeks, I have already introduced legislation—S. 934—to extend and amend the Health Professions Education Assistance Act, the basic Federal health manpower program. Hearings began this morning on this legislation and other proposals before our Senate Health Subcommittee, and I am hopeful that we can expedite these measures to the Senate floor in the very near future.

In addition to the HPEA legislation, however, another area of extremely vital concern is the recruitment and training of nurses. The nurse training provisions of the Public Health Service Act contain some of the most important health manpower provisions in Federal legislation. They represent one of our most valuable bulwarks in meeting the health manpower crisis, and they deserve special emphasis by Congress in the current debate on the extension of the Federal health manpower legislation.

The existing shortage of nurses is acute. We need 150,000 more nurses than we have today, and the gap will grow even wider in the coming years unless we act now to meet the mushrooming demand. In fact, it is estimated that if we go on as we are now, blindly ignoring the problem, the shortage of nurses will exceed 200,000 by 1980. We simply cannot afford to neglect this crucial aspect of the health manpower problem.

Already, significant legislation has been introduced in the Senate to deal with the issue. Senator Williams, whose long-standing dedication and commitment to every aspect of health manpower is well known, has introduced the Nurse Manpower Training Act of 1971, with the strong support of the American Nurses Association and other professional groups.

Similarly, Senator Javits has recently introduced the Nursing Education Act of 1971, which continues his own deep commitment to alleviating the crisis in nurse manpower.

The goal of both of these bills, and the bill I am introducing today, is to insure that America gives the highest priority to the development of nursing personnel as a key element in our overall strategy to end the health crisis. Our Health Subcommittee intends to expedite these measures concurrently with the extension of the Health Professions Education Assistance Act, and I am hopeful that major nurse manpower and training legislation will clear Congress promptly.

Mr. President, I ask unanimous consent that the bill may be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1747

A bill to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Nurse Training Amendments of 1971".

TITLE I—AMENDMENTS TO TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

GRANTS FOR CONSTRUCTION OF SCHOOLS OF NURSING

Sec. 101. (a) The heading to part A of title VIII of the Public Health Service Act is amended to read as follows:

"Part A—Grants, Loans, and Interest Subsidy Payments for Schools of Nursing

"Subpart I—Construction Grants to Schools of Nursing"

(b) Section 801 (a) of such Act is amended (A) by striking out "and" after "1970", and (B) by inserting immediately before the period at the end thereof the following: ", $40,000,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974".

(c)(1) Section 802(a) of such Act is amended—

(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary"; and

(B) by striking out "1970" and inserting in lieu thereof "1973".

(2) Subsections (b) and (c) of section 802 of such Act are each amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(3) Section 802 of such Act is further amended by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart".

(d) Subsection (a) of section 803 of such Act is amended by striking out "66⅔ per centum" wherever it appears therein and inserting in lieu thereof "75 per centum".

(e) Sections 803 and 804 of such Act are each amended—

(1) by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart"; and

(2) by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

Sec. 102. Part A of title VIII of such Act is further amended by inserting immediately after section 804 the following:

"Subpart II—Construction Loan Guarantees and Interest Subsidy Payments

"Sec. 805. (a)(1) In order to assist public and nonprofit private schools of nursing to carry out needed projects for the modernization or construction of facilities for such schools, the Secretary, during the period commencing July 1, 1971, and ending June 30, 1974, may, in accordance with the provisions of this subpart, guarantee to non-Federal lenders making loans to such schools for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this subpart.

"(b) No loan guarantee under this subpart, with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant under subpart I with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this subpart as will promote efficiency and economy thereof.

"Sec. 806. (a) For each project for which a guarantee of a loan to a public or nonprofit private school of nursing is sought under this subpart, there shall be submitted to the Secretary an application by such school. Such application shall (1) set forth all of the data and information and contain or be supported by all the assurances required under section 802 with respect to applications for grants under subpart I of this part, and (2) contain such other information as the Secretary may require to carry out the purposes of this subpart.

"(b) The Secretary may approve such application only if—

"(1) he makes the findings which are required by clauses (1) through (5) of section 802(b) for the approval of projects under subpart I of this part;

"(2) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require; and

"(3) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan for which a guarantee is sought are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d) (1) In the case of any loan to a school of nursing under this subpart, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this subpart, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to schools of nursing under this subpart shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this subpart will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent determined by him to be necessary or proper for the protection of the financial interests of the United States.

"(e) Any guarantee of a loan to a school of nursing made by the Secretary pursuant to this subpart shall be incontestable in the hands of the applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOANS

"Sec. 807. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a school of nursing under this subpart with respect to any project, the Secretary shall pay, to the holder of such loan and for and on behalf of such school, amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a school of nursing, which is guaranteed under this subpart, shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriation Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"Sec. 808. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"LOAN GUARANTEE FUND

"Sec. 809. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this subpart, and (ii) for payment of interest on loans which are guaranteed under this subpart. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary any moneys, property, or assets derived by him from his operations under this subpart, including any moneys derived from the sale of assets.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this subpart—

"(i) to make payments of interest on loans to schools of nursing which he has guaranteed under this subpart; and

"(ii) otherwise to comply with guarantees issued by him under this subpart;

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in Appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable marketable securities during the month preceding the month of the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund".

SPECIAL PROJECT GRANTS

Sec. 103. (a) Part A of title VIII of the Public Health Service Act is further amended—

(1) by striking out section 805 of such Act;

(2) by adding after section 809 of such Act (as added by section 102 of this Act) the following:

"Subpart III—Special Project Grants; Institutional Grants; and Financial Distress Grants

"SPECIAL PROJECT GRANTS

"Sec. 810. Grants may be made from sums available therefor from appropriations under subsection (e), to assist schools of nursing or other nonprofit agencies, organizations, and institutions in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of nursing education or to effect significant improvements in curriculums of any such schools or for research in the various fields related to nursing education, or to develop training for new levels or types of nursing personnel, or to assist such schools of nursing which have special need for financial assistance to meet accreditation requirements, or to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, or to increase educational opportunities for disadvantaged students, or to provide continuing education for nurses, or to provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession, or which will otherwise strengthen, improve or expand programs to train nursing personnel or help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care. In determining eligibility of any such school to receive a grant under this section and the amount of such grant, the Secretary shall consider the individual needs of such school, the nature and scope of the Nation's health manpower needs and the relative capability of alternative programs for helping to fill these needs.

"(b) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this section for any fiscal year must be filed.

"(c) A grant under this section may be made only if the application therefor—

"(1) is from a public or nonprofit private school of nursing, or a public or nonprofit private agency, organization, or institution;

"(2) in the case such application is for a grant to a school of nursing, contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) There are authorized to be appropriated, for special project grants under this section, $20,000,000 for the fiscal year ending June 30, 1972, $25,000,000 for the fiscal year ending June 30, 1973, and $30,000,000 for the fiscal year ending June 30, 1974."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

CAPITATION GRANTS

SEC. 104(a) Part A of title VIII of the Public Health Service Act is further amended—

(1) by striking out sections 806, 807, and 808;

(2) by adding after section 810 (as added by section 103 of this Act) the following:

"INSTITUTIONAL GRANTS

"SEC. 811. (a) The sums appropriated under subsection ( ) for any fiscal year shall be distributed to schools with approved applications as follows: Each school shall receive $20,000 plus $2,000 for each full-time student enrolled in such school in the school year beginning in such fiscal year.

"(b)(1) For the purposes of this section regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular school year, or in a particular year-class in a school, or the number of graduates particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular school year, or in a particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, and part D, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.

"(c)(1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under this section for any fiscal year must be filed.

"(2) The Secretary shall not approve or disapprove any application for a grant under this section except after consultation with the National Advisory Council on Nurse Training.

"(3) A grant under this section may be made only if the application therefor—

"(A) is from a public or nonprofit private school of nursing;

"(B) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(C) contains such additional information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(D) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(e) There are authorized to be appropriated, for grants under this section, $300,000,000 for the fiscal year ending June 30, 1972, $365,000,000 for the fiscal year ending June 30, 1973, and $415,000,000 for the fiscal year ending June 30, 1974."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

FINANCIAL DISTRESS GRANTS

SEC. 105. Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended by adding after section 811 (as added by section 104 of this Act) the following new section:

"FINANCIAL DISTRESS GRANTS

"SEC. 812. (a) There are authorized to be appropriated such sums as may be necessary for grants under this section to assist any schools of nursing which are in serious financial straits to meet their costs of operation.

"(b) Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources of causes of that school's financial distress and to conduct a comprehensive cost analysis study in cooperation with the Department of Health, Education, and Welfare, and (2) to implement such operational and financial reforms as are recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or other relevant information."

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

SEC. 106. (a) Section 821(a) of the Public Health Service Act is amended (1) by striking out "and" after "1970,", and (2) by inserting after "1971," the following: "$20,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, and $24,000,000 for the fiscal year ending June 30, 1974".

(b) Subsections (b) and (c) or section 821 of the Public Health Service Act are amended by striking out the words "Surgeon General" wherever they appear and inserting in lieu thereof the word "Secretary".

NURSING STUDENT LOANS

SEC. 107. (a) (1) Effective with respect to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu thereof "$2,500".

(2) Section 823(a) of such Act is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) Effective with respect to any year of service ending after the date of the enactment of this Act for which cancellation of all or part of a loan made under part B of title VIII of the Public Health Service Act is authorized under section 823(b)(3) of such Act, such section is amended to read as follows:

"(3) an amount up to 100 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields or nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) by any public or nonprofit private agency, institution, or organization, at the rate of 20 per centum of the amount of such loan (plus interest) unpaid on the first day of such service, for each complete year of such service, except that the rate shall be 33⅓ per centum for each complete year of service for any person who engages in the practice of nursing or any specialized aspect thereof in an area in a State determined, in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages and such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs.

(c) Section 824 of such Act is amended (1) by striking out "and" immediately after "1970", (2) by striking out "and" immediately after "1971" and inserting in lieu thereof "$25,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975," and (3) by striking out "before July 1, 1971" and inserting in lieu thereof "before July 1, 1974".

(d) Section 826 of such Act is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1977".

(e) The first sentence of section 827(a)(1) of such Act is amended by striking out "next three fiscal years" and inserting in lieu thereof "next six fiscal years".

NURSING SCHOLARSHIP GRANTS

SEC. 108. (a) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974."

(b) Effective with respect to scholarship grants made under subsection (a) of section 869 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (c)(1) of such section is amended (A) by striking out "1970, and the next fiscal year" in clause (A) and inserting in lieu thereof "1972 and the next two fiscal years", (B) by striking out "1971" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1972; and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two."

FEDERAL ASSUMPTION OF REPAYMENT OF OBLIGATIONS OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 109. Part B of title VIII of the Public Health Service Act is further amended by adding after section 829 thereof the following new section:

"REPAYMENT BY SECRETARY OF LOANS BY NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 830. (a) Upon application by any person who received, and is under an obligation to repay, any loan made by a school of nursing from loan funds established pursuant to this part, the Secretary shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations prescribed by him establishing criteria therefor, that the applicant—

"(1) failed to complete the nursing studies with respect to which such loan was made;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms are defined by regulations of the Secretary; and

"(4) has not resumed, or cannot reasonably be expected to resume, such nursing studies within two years following the date upon which the applicant terminated the nursing studies with respect to which such loan was made.

"(b) There are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1972, such funds as may be necessary to carry out the provisions of this section."

MISCELLANEOUS PROVISIONS

SEC. 110. Section 868 (a) of the Public Health Service Act is amended to read as follows:

"(a) To assist in achieving the purposes of this part the Secretary is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to enter into contracts with State and local educational agencies and other public or nonprofit organizations and institutions for the purpose of—

"(1) identifying qualified youths (with emphasis given to identifying those youths of exceptional financial need) and encouraging them to complete secondary school and undertake post secondary educational training in the field of nursing, or

"(2) publicizing existing forms of financial aid for nursing students, including aid furnished under this section."

TITLE II—AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965

LOANS TO NURSING STUDENTS

SEC. 201. Part B of title IV of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new section:

"DIRECT LOANS TO CERTAIN STUDENTS IN NURSING SCHOOLS

"SEC. 438. The Commissioner may make a direct loan to any student in any public or other non-profit collegiate or associate degree school of nursing under this part if—

"(1) there is a fund established pursuant to an agreement under part B of title VIII of the Public Health Services Act in effect at such school, and

"(2) such student is eligible for but has been unable to obtain a loan from such fund.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under section 427(a)(2)(D) for the area where the student resides, and shall be made on such other terms and conditions as the Commissioner shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There is authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to carry out the provisions of this section.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1749. A bill to amend section 7 of the Flood Control Act approved June 28, **1938 (52 Stat. 1215, 1225), as amended.** Referred to the Committee on Public Works.

Mr. JACKSON. Mr. President, I introduce for appropriate reference, a bill to amend section 7 of the Flood Control Act of 1938 (52 Stat. 1215, 1225), as amended. The purpose of this bill is to increase authority for the expenditure of emergency flood control funds by the Secretary of Agriculture from $300,000 to $3,500,000 each fiscal year. These funds would be available for emergency measures whenever a fire, flood, or other natural disaster has created a sudden impairment of a watershed whether on private or public lands.

Mr. President, it is apparent that there is a great need for these additional funds, as was tragically demonstrated last year in California, Arizona, and in my own State of Washington.

In Washington, one of the most serious forest fire situations in years occurred from mid-July to early September 1970. Lightning started hundreds of fires which fed on extremely dry fuel, high temperatures, and strong winds. In all, at least 118,000 acres of watershed were seriously damaged. As a result, there existed an immediate flood threat to numerous individuals, communities, and property. The $300,000 available in fiscal year 1971 for such emergencies under the Flood Control Act was released, and work started, but due to the magnitude of the damage, these funds were soon exhausted. An additional $700,000 had to be provided by reprograming money appropriated for other purposes.

In California, fires later in the fall of 1970 swept through 591,000 acres, including 211,000 acres of national forest land. The Forest Service had to reprogram funds for work on Federal lands, and the Office of Emergency Planning provided $500,000 for reseeding on private lands. But these funds have been far from adequate.

The Forest Service estimated that $9,913,000 was needed in California for reseeding, channel clearing, debris removal, timber salvage and other work that must be carried out in the wake of the fires on both public and private lands.

In Arizona, several national forests were hit with a series of deluge-like rainstorms last year. On September 5, one location registered more than 7 inches of rain in 18 hours. Others reported storm intensities of 2 inches of rain in 15 minutes. The area was declared a disaster area under the Disaster Relief Act, but this excluded assistance for Federal lands. The Forest Service estimates that $525,000 is needed to complete debris removal, reopening of roads and trails, channel clearing, and other emergency projects. Only $400,000 could be made available for this work through reprograming of USDA funds.

Mr. President, we cannot afford to endanger the lives and property of our citizens by flooding and the loss of important natural resources by soil erosion. It is imperitive that sufficient funds be provided to counter the potentially ravaging aftereffects of fires, floods, and other natural elements or forces which badly deteriorate certain watersheds.

In the past we have dealt with forest fires rehabilitation and flood control measures on a piecemeal basis only. Two recent examples will serve to ilustrate my point. In 1969, approximately $4 million was provided through a supplemental appropriations act to finance needed emergency measures resulting from the 1969 California floods as well as other emergencies. Second, as a direct result of Hurricane Camile, Congress passed another supplemental appropriations of $3.7 million for emergency measures primarily in severely damaged areas of Virginia. These moneys were expended during fiscal year 1970.

What we have been doing is merely reacting to emergencies rather than providing sufficient funds through legislation to immediately rehabilitate areas when unforeseen disasters strike. In many instances the current procedure proves inadequate because certain disaster rehabilitation measures must be started immediately rather than wait for the passage of supplemental appropriations or irreparable damage could result. For example, if funds for grass seeding, stream channel clearing and stabilization, and other rehabilitation measures had not been provided for the fire-burned areas of my State before the fall rains began, flooding and severe soil erosion would have been imminent. I am pleased that we received funding in time, but next time we may not be as fortunate unless sufficient funds are provided through legislation to meet these problems.

Mr. President, during the 91st Congress the Disaster Relief Acts of 1969—Public Law 91–79 and Public Law 91–606—became law. Both these laws contain provisions for grants and loans to any State to assist in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. In many instances, however, the real disaster does not present itself until after the fire has been extinguished. Only where an area devastated by fire has been proclaimed a major disaster area would assistance be offered for reseeding, debris removal, and other flood control measures. As severe as the fires were in Washington State last year, the area was not deemed hurt enough to be classified as a major disaster area. In addition, the Disaster Relief Act is intended to provide relief for State and private lands only. The federally owned lands and property require equal protection.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1749

A bill to amend section 7 of the Flood Control Act approved June 28, 1938 (52 Stat. 1215, 1225), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215, 1225), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163, 184), is further amended by deleting *"Provided,* That not to exceed $300,000" and inserting in lieu thereof the following: *"Provided,* That not to exceed $3,500,000".

By Mr. PACKWOOD:

S. 1750. A bill to authorize abortions in the United States. Referred to the Committee on Labor and Public Welfare; and

S. 1751. A bill to authorize abortions in the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. PACKWOOD. Mr. President, I rise today to introduce two bills designed to take government out of the business of enforcing compulsory pregnancy. The National Abortion Act would permit women nationwide to control their own fertility, by early termination of pregnancy if necessary, and the District of Columbia Abortion Act would do the same here in the District of Columbia. May I take a few minutes to explain why I believe Congress should deal with this controversial subject and why I think such legislation is both necessary and timely.

Certainly abortion is a controversial issue—and has been so for thousands of years. Through the centuries, the debate has been almost exclusively conducted by men. Claire Booth Luce, reviewing two recent books on abortion, points out that—

> Like so many of the books which learned men have written about "women's problems," this is really a book about the problem men are having with other men who refuse to see the "women's problem" as they do. The problem of the seven authors reviewed here is how to convince other moralists, lawyers and "separated brethren" that they should unite to prevent women (who else?) from getting abortions—legal or illegal.

The debate on abortion has also been centered almost entirely on theological discussions of when individual life—or personhood—begins. Churches and theologians have disagreed; most have changed their positions at some time; perhaps they will again. The question becomes even more complex as science moves into new areas of genetic engineering and cell reproduction. There seems no likelihood that moral aspects of the abortion question can ever be settled so as to be accorded unreserved acceptance by all.

Meanwhile, as the debate rages on, often obstruse, frequently shrill, the reality of what is happening in the world is almost lost sight of. Real women suffering. Real women are caught in tragic dilemmas—and the state has usually been in the position of trying to compel them to bear unwanted children.

The reality is that abortion takes place on a massive scale almost everywhere. It is estimated that some 30 to 35 million abortions take place each year around the world, millions of them in countries where the practice is absolutely forbidden. In the United States, estimates of induced abortions range from 200,000 to over 1 million a year. Mrs. Luce in the review cited above says that 500,000 to 600,000 may be a reasonable figure. But even if the low estimate were correct, it is sadly clear that the problem is enormous.

In the first 8 months of the repeal of the strict law against abortion in New York State, some 98,000 legal abortions were performed in New York City, a fact which horrified those opposed. But we must recognize that the law did not create a demand for abortion. The Reverend Howard Moody, one of the founders of the Clergy Consultation Service on Abortion, which counseled women with unwanted pregnancies, says that, at the time the new law went into effect, that organization alone was getting 100 calls a day asking for help. So the desire for abortion exists, regardless of what the law says. The question is not whether, but how society should best deal with it.

There are those who think we should step aside and hope the courts will decide the matter for us. On April 21, the Court issued a ruling on the District of Columbia's abortion statute, but the decision spoke only to the question of unconstitutional vagueness, and did not deal with the substantive issue involved, the right of a woman to control her own body and her own fertility, in accordance with her own ethical and religious convictions.

There are several cases coming before the Court which do deal with the substantive rights involved in abortion, but we cannot foresee whether the decisions rendered will be narrow or broad in scope, or in what direction they will move. It is an evasion of our responsibility as legislators to fail to act in the hope that someone else will.

I am submitting this national abortion law today because the present laws are such a hodgepodge that the current situation in this country is chaotic, inconsistent, discriminatory and full of injustice.

In a majority of States, abortion is permissible only when it is necessary to preserve the life of the mother, thus leaving doctors, hospitals or courts with the job of wrestling with just what that phrase means and when that condition prevails. At the opposite end of the spectrum are the laws of Alaska, Hawaii, Washington State, and New York which make the decision a matter between physician and patient. The other States have varying definitions of when abortion is permissible.

Furthermore, the situation is in a state of flux, with State legislatures moving in different directions—and strong countermovements underway to move them in the opposite direction. What is permissible this year may not be permissible next year; what is criminal today may be sanctioned tomorrow. How does this bring respect for law? What is a confused woman—or her husband—or her doctor to make of all of this?

What the present system means in practice is that a middle- or upper-class woman can usually get an abortion performed by a physician, no matter what the law says. She may have it in her own hospital with the procedure disguised under some other medical term or she can go to another State or another country where practice is more liberal. A national survey by Dr. Robert E. Hall* found that hospital abortions are performed four times as often in the private services as in the ward services.

Is a woman, deeply mired in poverty, frantic with concern over what another baby will mean in an already overburdened household, given no family planning assistance—is this woman less entitled to access to abortion than the equally frantic middle-aged woman of means who finds herself unexpectedly pregnant because of contraceptive failure at an age when she cannot think of coping with a baby?

A recent issue of a national news magazine carried a story about a new national computerized referral service, which will refer any woman applying for guidance to the nearest place she can go to have an abortion. With the confused legal situation, this is a logical development. But what of the woman who does not read national news magazines—and who would not have the money anyway to go where the service might refer her?

In States with supposedly liberalized laws, as well as in States with rigid ones, we require doctors' and hospitals' boards

---

*Robert E. Hall, "Abortion in American Hospital," *American Journal of Public Health,* November 1967, in Callahan, p. 137.

to do a Solomon-like weighing of intangibles. Dr. Hall quoted earlier has written:

> Abortion practices vary not only from hospital to hospital but also from service to service within the same hospital. They also vary widely from doctor to doctor on the same service of the same hospital. . . . The victim of all this confusion is, of course, the American female. Even if she has a legitimate reason for therapeutic abortion she must find Doctor X in hospital Y with policy Z in order to have it done.

One of the arguments used most often by those who oppose liberalizing their States abortion laws is the threat that such States will become "abortion mills." And of course as long as there is a wide variation in types of law, women will seek help in the more permissive States. Let me say again: The States with strict laws are not ending the practice of abortion; they are just forbidding legal abortions—at least for poor women. And they are forcing a few States to bear the responsibility of coping with the problem for all States. A national law would prevent this playing of one State against another.

In closing, may I list some of the benefits which I foresee from passage of these abortion bills.

First. It would clear the air by admitting that the practice of abortion exists and should be brought into the open where it can be dealt with according to safe medical procedures. Deaths and maiming from abortion could be virtually eliminated.

Second. It would command respect as an evenhanded law, enforceable, fair, nondiscriminatory, protecting and giving the same right to every woman, whatever her race or social class, wherever she may live. It would take the State out of the business of enforcing compulsory pregnancy on unwilling women.

Third. It would leave the moral, ethical, and religious issues to the individual conscience, guided by whatever counsellor is trusted, leaving the legislature to protect the civil rights of the individual. Churches and other organizations would be free to advocate their positions as fervently as they wish. While the numbers of abortions might rise with such a law, at least first, there is also the possibility that when women could seek assistance and counseling more openly, without fear, some abortions would be averted as other support and alternatives were offered. We might hope that the decision to deal with this problem on a national scale, thereby for the first time really revealing the scope of the problem would serve as a challenge to greater effort for those who say better social conditions are the solution to the problem of abortion.

Fourth. It would leave doctors free to practice medicine, and hospitals to furnish facilities for such medical practice without foisting on them the burden of trying to interpret the will of society and of making decisions the rest of us do not want to face up to.

Fifth. It would insure that virtually all abortions would be done at an early stage of pregnancy. One of the emotional issues raised whenever changing abortion laws is discussed, is the specter of viable fetuses being delivered and allowed to die. Because of the genuine concern of many, I have incorporated in this bill a very conservative time limit—20 weeks—within which an abortion would be allowed. This would make absolutely certain that there would be no abortion of a viable fetus.

In the past, one basic reason for late induced abortions has been the difficulty in obtaining an abortion. A woman may spend precious time seeking out psychiatrists as required by law, appearing before a hospital board, awaiting the decision of the board—and then perhaps bing rejected. More time then is consumed in seeking approval at another hospital or finding a more compassionate doctor or locating an out-of-State clinic.

A national policy assures each woman the right to make a decision together with her doctor, based on her own beliefs and her own circumstances. If the decision is affirmative, the abortion can be done very soon thereafter. The only indication for a late abortion then would be a condition which endangered the mother's life or health and which did not develop or was not recognized until after 20-week limit, and that would be a decision made on strictly medical grounds.

Daniel Callahan, former editor of Common Weal and a Catholic generally opposed to abortion on moral grounds, made an exhaustive study of the subject last year and published the results in his book, "Abortion: Law Choice and Morality." He concluded that, in our pluralistic society, a permissive abortion law is the best solution to a problem that has no perfect answer.

He says:

> I do not believe that any solution to the legal problem but that of abortion on request is either possible or desirable in our society. It is not possible because thousands of women believe they have a right to abortion, and they are supported by important professional, legal and medical groups. Restrictive laws cannot and will not be enforced. Many will believe themselves gravely injured by such laws—and in terms of their moral convictions they will be. Moderate laws offer few if any advantages over restrictive laws; they simply do not work, offering neither any greater expansion of individual choice nor any more just a resolution of conflicts. (The Ecumenist, May–June 1970.)

When there is a perfect contraceptive; when there is universal availability of counseling, sex education programs and family planning services; when there is no more poverty or crime; when there are no more diseases or drugs to deform the growing embryo—when that day comes, there may indeed be an end to abortion. The end will not come because of strict laws against it, nor by threatening nor damning suffering women. For this imperfect world in which we must live and make decisions, I submit these National and District of Columbia Abortion Acts, which I firmly believe will save lives and families, and strengthen society and its precious fabric of law.

I ask unanimous consent to have the bills printed at this point in the RECORD, along with a partial listing of religious, medical, and other organizations which have endorsed by resolution the concept of legalized abortion. I also ask unanimous consent to have printed in the RECORD three very thoughtful articles on abortion, one by former Supreme Court Justice Tom Clark, another by Rabbi Israel R. Margolies, and a third by former Boston College of Law Dean, and now Congressman ROBERT F. DRINAN.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 1750

A bill to authorize abortions in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Abortion Act".

SEC. 2. As used in this Act, the term—

(1) "physician" means any person licensed under the laws of any State to practice medicine, or any person who practices medicine in the employment of the Government of the United States or of any State; and

(2) "State" means any of the several States of the United States, the District of Columbia, any area within any of the several States over which the United States has exclusive or concurrent jurisdiction, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 3. (a) Subject to the provisions of subsection (b), any physician is authorized to perform, by such means as he deems appropriate, an abortion on any female person who requests that action. No abortion shall be performed by any physician on any female person under the authority of this Act unless performed within the first one hundred and forty days of such person's pregnancy, except in any case where, in the judgement of the physician performing such abortion, a failure to perform such abortion is likely to endanger the life or health of such female person.

(b) A physician other than a physician who practices medicine in the employment of the Government of the United States or any State, is authorized to perform an abortion in accordance with this Act only in a State in which he is licensed under the laws thereof to practice medicine.

SEC. 4. The laws of any State or political subdivision thereof inconsistent with any provision of this Act are, to the extent of that inconsistency, hereby superseded.

S. 1751

A bill to authorize abortions in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any physician is authorized to perform, in the District of Columbia, by such means as he deems appropriate, an abortion on any female person who requests that action. No abortion shall be performed by any physician on any female person under the authority of this Act unless performed within the first one hundred and forty days of such person's pregnancy, except in any case where, in the judgment of the physician performing such abortion, a failure to perform such abortion is likely to endanger the life or health of such female person.

SEC. 2. As used in this Act, the term "physician" means any person licensed under the laws of the District of Columbia to practice medicine, or a person who practices medicine in the employment of the Government of the United States or of the District of Columbia.

Religion, Mortality, and Abortion: A Constitutional Appraisal

(By Mr. Justice Tom C. Clark)

Thought without action is an abortion; action without thought is folly.[1]

Our society is currently in the midst of a

Footnotes at end of article.

sexual revolution which has cast the problem of abortion into the forefront of religious, medical, and legal thought. In my day at the bar all discussion of abortion was taboo. For more than sixty years the American Medical Association had a negative policy respecting abortion. The A.M.A. often sought the prosecution of any doctor who engaged in the practice of abortion, regardless of the merits of the individual situation. Society's general attitude toward abortion was such that the patient was ostracised and the doctor was disgraced. As in so many other facets of its moral code, however, society was hypocritical in its behavior. Despite the public pronouncements against its practice, abortions increased, especially among married women, and judicial action against the participants decreased in proportion.[2]

Some social commentators argue that Freud prepared the way for the Kinsey Report, which in turn set the stage for the sexual permissiveness that Reinhold Niebuhr called "moral anarchism." [3] This permeating permissiveness engendered a need for more efficient birth control methods, such as "the pill," and precipitated the doom of the old hypocrisy.

The law, lagging behind as usual, began to emerge from its quagmire and rid itself of the archaic restraints on abortion. In 1962 the American Law Institute proposed an affirmative policy declaring that the termination of pregnancy is justified whenever (1) its continuance would gravely impair the physical or mental health of the mother, (2) the child would be born with grave physical or mental defects, or (3) the pregnancy was the result of rape, incest, or other felonious intercourse.[4]

Within five years of this proposal, the A.M.A. reversed its negative policy and adopted the A.L.I. proposal with only a few nuances.[5] During the next two years, five states liberalized their abortion laws and adopted the A.L.I. proposal.[6]

A further liberalization occurred in Great Britain with the adoption of the 1967 Abortion Act, which permits doctors to consider the mother's "actual or foreseeable environment" in deciding whether an abortion is necessary.[7] The American College of Obstetricians and Gynecologists (A.C.O.G.) recently advocated enactment of similar legislation in this country.[8] While the permissiveness of the legislation would contradict existing laws in all states, the A.C.O.G. made it clear that it does not counsel disobedience to the law. It merely recommended liberalization and repeal of inconsistent laws. It did not, however, advocate the legalization of abortion for any unwanted pregnancy or as a population control device.

Various religious, medical, psychological, and legal organizations have been striving to reach some level of accord on the issues involved in promulgating a realistic and acceptable policy toward abortion. Emphasis on this topic is the result of many factors, including the chaotic state of thinking that prevails among the professions and the public, and the medical, emotional, and legal consequences which aborticide has on today's society.

The Christian Medical Society's symposium on controlling human reproduction provides a recent illustration of the disagreement that exists among professionals concerning abortion. Distinguished clerics, psychologists, doctors, and lawyers sought to determine what course of action should be followed. They were unable to answer many important questions, such as: Is the control of human reproduction against the will and spirit of God? At what stage of the gestation period does the fetus acquire human status? What are the constitutional limitations upon the State in prohibiting or limiting the control of reproduction? I ask myself, "Heaven knows; who can tell? Who shall decide when experts disagree?" These and many other questions must be answered if we are to attain our goal of an aborticide policy that is responsive to modern society's needs and desires.[9]

In a recent conference the Association for the Study of Abortion experienced far greater success in agreeing on an aborticide policy. Dr. Robert Hall, president of the Association, said that the conference was designed to "relate what we know about abortion, and to determine what, if any, extent our attitude toward abortion should change with changing times. . . ." [10] The Conference reviewed numerous reports dealing with present abortion laws. One of these reports concerned the effect of California's recently liberalized abortion law. It was noted that while the number of therapeutic abortions performed in California hospitals this year will rise from six hundred to about four thousand, there will continue to be some one hundred thousand illegal abortions performed in that state, because doctors are concerned about risking a prison sentence for an incorrect interpretation of ambiguous provisions of the liberalized law.[11] The conference was also informed that psychiatrists and physicians in various states were referring patients to doctors in states which have more liberal abortion laws. This practice renders the availability of legal abortion dependent upon the woman's ability to reach such states.[12] Many doctors admitted privately that they and most of their non-Catholic colleagues perform several illegal abortions each month. Kenneth R. Whittemere reported that his recent interviews revealed that in one small Southern city, women had a choice between "a chiropractor, an antique dealer, a midwife, a mechanic and a doctor dissatisfied with his profession to perform the operation." [13]

The Association reached an almost unanimous conclusion that all abortion laws should be abolished and that the right of childbirth should be left to each woman acting on the advice of her doctor. This would have the effect of removing the issue from the hands of the legislatures and the courts, which are virtually helpless to decide an ethical question as controversial and far-reaching as abortion.[14] Whether or not we agree with the Association's recommendations, it is readily apparent at this point that a uniform scheme concerning abortion is highly desirous.

Throughout history religious belief has wielded a vital influence on society's attitude regarding abortion. The religious issues involved are perhaps the most frequently debated aspects of abortion. At the center of the ecclesiastical debate is the concept of "ensoulment" or "personhood," *i.e.*, the time at which the fetus becomes a human organism. The Reverend Joseph F. Donseel of Fordham University admitted that no one can determine with certainty the exact moment at which "ensoulment" occurs, but we must deal with the moral problems of aborting a fetus even if it has not taken place.[15] Many Roman Catholics believe that the soul is a gift of God given at conception. This leads to the conclusion that aborting a pregnancy at any time amounts to the taking of a human life and is therefore against the will of God. Others, including some Catholics, believe that abortion should be legal until the baby is viable, *i.e.*, able to support itself outside the womb. In balancing the evils, the latter conclude that the evil of destroying the fetus is outweighed by the social evils accompanying forced pregnancy and childbirth.[16]

Many civilizations of antiquity prohibited the practice of abortion. Ancient Judaism prohibited birth control except in times of famine.[17] Assyrian law imposed the death penalty upon any person participating in an abortion, including the procurer.[18] Even pagan writers described abortion as an evil act prohibited by law.[19]

The New Testament is devoid of pronouncements bearing directly on the issue of birth control or abortion. The Old Testament, however, does not condemn abortion as a capital offense since the fetus was not regarded as possessing a soul within the Sixth Commandment proscription.[20] It does declare, however, that conception is a gift of God which can be withdrawn at His will.[21] Many theologians today argue that man must not destroy what God has created and that aborting a pregnancy destroys the gift of human life.[22]

The medical profession is far from agreeing on the time at which the fetus becomes a human life. Some physicians argue that abortion should be permitted with impunity at any time up to the sixth months of pregnancy since prior to that time the fetus is no more than a growing plant.[23] On the other hand, many eminent physicians believe that the fertilized ovum has human life from the time of conception.[24] In support of this argument they refer to the International Code of Medical Ethics, which states that a physician will maintain the utmost respect for human life, from the time of its conception. A third view is that the decision to terminate a pregnancy must be made according to the circumstances of the particular case. Among the factors to be considered are the duration of the pregnancy, the physical and mental health of the mother, and the risk of serious fetal abnormality. This places the burden of decision upon the doctor and renders the selection of the physician a governing factor in securing permission to perform a therapeutic abortion.[25]

Sociologists have found themselves in a similar quandry over the issue. Some of these social philosophers argue that man is not merely a chemical machine and that he possesses a soul from the earliest stages of fetal development. Therefore the fetus cannot be destroyed with impunity. The control of human reproduction, according to this view, should concentrate on the prevention of conception rather than on abortion.[26] Other sociologists believe that there is no conclusive evidence or persuasive argument that the fetus is human.[27] Indeed, it cannot interact with other human beings. Therefore, there is no proof of life in the sense that the law contemplates proof of fact.

The moving spirit of the times also raises moral issues that divide the desciplines within themselves. A group of one hundred psychiatrists were questioned on the morality of abortion.[28] Twenty-four agreed that abortion should be available upon demand at an appropriate stage of pregnancy. Fifty-six, however, would require consideration of all of the medical and social factors involved in each case before deciding whether to terminate the pregnancy. Sixteen of those questioned would abort only when actual or threatened maternal disaster was present. Only four expresed other views. While this indicates a vast departure from the Christian concept, it does reveal residuals of morality affecting the opinions of over two-thirds of the group. In other words, over two-thirds of the group would not abort a pregnancy solely on demand.

Despite the fact that religious belief continues to permeate our attitude toward abortion, most people today agree with Justice Holmes that "moral predilections must not be allowed to influence our minds in setting legal distinctions." [29] This is illustrated by the fact that the present change in attitude toward abortion has developed while the need for abortion has diminished as a technique to save the life or health of the mother or to prevent fetal deformities. Despite the medical developments, the demand for abortions has increased astronomically.[30] This indicates a definite change in social mores, which is undoubtedly the result of increased knowl-

---

Footnotes at end of article.

edge and use of abortion. This attitude of permissiveness is replacing the hypocrisy that prevailed in the last generation.

A major contributing factor to this change in attitude has been the growing antagonism toward the double standard which permits those with social status and financial ability to obtain abortions, while those in the lower social and economic classes are denied this opportunity. We are in the midst of a worldwide movement to make "the pill" and abortion available in the slums as well as on Fifth Avenue. The statistics illustrate the disparity between the affluent and the nonaffluent. Three counties surrounding San Francisco are relatively affluent. These counties account for sixteen per cent of the live births and fifty per cent of the abortions in California. The less affluent Los Angeles County with its widespread slum areas accounts for sixty per cent of the live births and twenty-three per cent of the abortions in California.[31] These facts demonstrate quite clearly that the affluent areas account for a number of abortions disproportionate to their population density.

The increasing number of abortions subjects physicians to increased dangers of liability for incorrectly interpreting a statute. It appears that doctors face an uncertain fate when performing an abortion. This uncertainty will continue unless the legislatures or courts provide relief from liability. Very few states, if any, will repeal all abortion laws as the Association for the Study of Abortion has recommended. Some states, however, may liberalize their laws in accordance with the A.L.I. suggestion, but we have already seen that in states such as California this is an inadequate remedy in many respects. If the medical profession is to be accorded complete protection, it will have to come through the judicial system.

The Supreme Court of the United States has gone far—some critics contend too far—in permitting individual action in the areas of the Bill of Rights. It has not, however, dealt directly with the problem under discussion, nor do the decided cases cast much light on its solution. The best that we can do is examine related areas and draw some analogies.

In 1922 the Court held that the right "to marry, establish a home and bring up children" was an essential liberty within the guarantees of the Fourteenth Amendment.[32] In 1925 a public school statute requiring attendance exclusively at state schools was declared unconstitutional on the ground that it unreasonably interfered "with the liberty of parents and guardians to direct the upbringing and education of children under their control." [33] This concept was later extended to include "the private realm of family life which the state cannot enter." [34] And in 1960 the Court declared, in very broad language, that where State action significantly encroached upon personal liberty, its action would be invalid unless the State had a compelling subordinating interest in the particular activity.[35] Finally, in *Griswold v. Connecticut* [36] the Court struck down the state's statute prohibiting the use of contraceptives. The statute was found to operate upon "an intimate relation of husband and wife" which came within the zone of privacy created by several fundamental constitutional guarantees, the penumbras of which gave protection to the sanctity of a man's home and the privacies of his life. The Court determined that the statute was aimed at use rather than regulation and therefore violated the principle that legislation must not be unnecessarily broad. This does not mean that judges are given a free rein to strike down state regulatory statutes. They must look to the collective conscience of our society in determining which rights are fundamental and therefore protected by the Constitution.

The result of these decisions is the evolution of the concept that there is a certain zone of individual privacy which is protected by the Constitution. Unless the State has a compelling subordinating interest that outweighs the individual rights of human beings, it may not interfere with a person's marriage, home, children, and day-to-day living habits. This is one of the most fundamental concepts that the Founding Fathers had in mind when they drafted the Constitution. No one will deny that a State has a valid interest in regulating the well-being of its inhabitants, especially when it is dealing with children, who are more susceptible to undesirable influences. We have also seen that a State may not unreasonably interfere with the intimate relations of its inhabitants. When deciding on the constitutional restraints imposed on a State's interference with individual rights, the vital question becomes one of balancing. It must be determined at what point the State is interfering with individuals and at what point it is exercising valid authority by regulating the well-being of children.

In his concurrence in *Griswold*, my brother Goldberg asked whether a decree requiring all husbands and wives to be sterilized after the birth of ten children would be valid. He answered the question in the negative.[37] But suppose that the husband and wife voluntarily submitted to sterilization. Would it then violate the Constitution? I think no. Does it therefore know that voluntary destruction of the fetus is also protected from interference by the State? Perhaps—unless life is present so that the State's compelling subordinating interest in the life of one of its people predominates. However, I submit that until the time that life is present, the State could not interfere with the interruption of pregnancy through abortion performed in a hospital or under appropriate clinical conditions. I say this because State interference is permissible only if reasonably necessary to the effectuation of a legitimate and compelling State interest.[38] Prior to the time that life is present in the fetus, what interest does the State have? Procreation is certainly no longer a legitimate or compelling State interest in these days of burgeoning populations. Moreover, abortion falls within that sensitive area of privacy—the marital relation. One of the basic values of this privacy is birth control, as evidenced by the *Griswold* decision. Griswold's act was to prevent formation of the fetus. This, the Court found, was constitutionally protected. If an individual may prevent conception, why can he not nullify that conception when prevention has failed?

The common law courts uniformly held that an infant could not be the subject of a homicide until its complete expulsion from the body of the mother and the establishment of an independent existence.[39] The distinction between fetal life and independent life is that the latter has an independent circulatory system.[40] Hence, where the evidence showed that an infant was killed before its birth was complete or was killed by means used to assist in its delivery, it was not deemed a homicide.[41] Therefore, under the common law, abortion could not be murder. These concepts and distinctions have been somewhat eroded in recent years. At present the courts do not agree on the time when life begins. The courts, however, have held an *accoucheur* responsible for prenatal damage to an infant in a viable state.[42] In this line of cases, the courts have found that the unborn infant was a separate biological entity and hence a legal one in contemplation of law, indicating a departure from the requirement of an independent existence. From this reasoning the courts may well take the unborn child into their protective custody. Indications of such a trend are illustrated by the abolition of the viability rule in some jurisdictions [43] and the repudiation of the "live birth" doctrine by fourteen states.[44]

To say that life is present at conception is to give recognition to the potential, rather than the actual. The unfertilized egg has life, and if fertilized, it takes on human proportions. But the law deals in reality, not obscurity—the known rather than the unknown. When sperm meets egg life may eventually form, but quite often it does not. The law does not deal in speculation. The phenomenon of life takes time to develop, and until it is actually present, it cannot be destroyed. Its interruption prior to formation would hardly be homicide, and as we have seen, society does not regard it as such. The rites of Baptism are not performed and death certificates are not required when a miscarriage occurs.[45] No prosecutor has ever returned a murder indictment charging the taking of the life of a fetus. This would not be the case if the fetus constituted human life.

It has been urged that the courts are the proper forum to determine when life begins. I submit, however, that the professionals are better able to determine when life begins than are the courts. Tort cases might cast some light on the issue,[46] but I would prefer that the courts yield to the expert testimony of doctors. This testimony would vary greatly, but that is nothing new to our judicial system.

This is not a question that will be easily resolved. Few questions that reach the Supreme Court are. As was stated at the Christian Medical Society's Symposium, "professionals . . . do not wish to play God with human lives, whether in being or inchoate with life. But we can inform our judgment . . . by a widest interchange, airing and consensus. Humility is a large part of every professional's code." [47] It must be remembered that many imponderables are a part of Supreme Court adjudications.

Accommodation of conflicting doctrine is more difficult to achieve in the judicial than in the legislative process. Courts cannot reach out to reform our society. A problem comes to the Court in the form of a justiciable issue and is narrowly drawn, rendering the Court's ruling contracted and finespun. Legislatures, on the other hand, have such facilities for investigation as hearings and may address themselves to the necessities of broad social needs and the correction of evils, both probable and existing. As Mr. Justice Cardozo said, "Legislation can eradicate a cancer, right some hoary wrong, correct some definitely established evil, which defines the feebler remedies, the distinctions and the fictions familiar to the judicial process." [48]

The courts work on a case-by-case system which deals with the past rather than the future. Society would not have the benefit of the sweeping effect of a statute, nor would the doctor have the protection that he is entitled to receive. The case method would be slow, expensive, and possibly disastrous. It is for the legislature to determine the proper balance, *i.e.*, that point between prevention of conception and viability of the fetus which would give the State the compelling subordinating interest so that it may regulate or prohibit abortion without violating the individual's constitutionally protected rights.

The present climate seems favorable for immediate legislative action. Five States have already led the way.[49] With appropriate action, many more will follow suit in liberalizing their abortion laws. But this process will take less talk and more action. As Nehru once said:

> I am tired of people who merely talk about things. However wise you may be, you can never enter into the spirit of a thing if you only talk about it and do nothing. Even scientists have a tendency to let a wonderful

---

Footnotes at end of article.

experiment remain an experiment once it has been performed. The next stage somehow does not come. They may well say that the next stage is somebody else's job, but I think if the scientist had a sense of practical application, he would either try to do it himself, or get somebody else to do it. This association of thought with action is, I think, of utmost importance. Thought without action is an abortion; action without thought is folly.[50]

FOOTNOTES

---

[*] Associate Justice, Supreme Court of United States (Retired), 1949–67.

[1] *The Wisdom of Nehru,* 34 WISDOM 62 (The Wisdom of India ed. 1960).

[2] R. Thomlinson, POPULATION DYNAMICS 198–99 (1965).

[3] Niebuhr, *Kinsey and the Moral Problem of Man's Sexual Life,* in AN ANALYSIS OF THE KINSEY REPORTS ON SEXUAL BEHAVIOR IN THE HUMAN MALE AND FEMALE 62 (D. Geddes ed. 1954).

[4] MODEL PENAL CODE § 230.3(2) (Proposed Official Draft, 1962).

[5] Committee on Human Reproduction, *AMA Policy on Therapeutic Abortion,* 201 J.A.M.A. 544 (Aug., 1967).

[6] CAL. HEALTH & SAFETY CODE §§ 25950–54 (West Supp. 1967); COLO. REV. STATS. 40–2–50 (Perm. Cumm. Supp. 1968); GA. CODE ANN. § 26–1202 (effective July 1, 1969); LAWS OF MD. ch. 470 (Supp. 1968); N. C. GEN. STAT. § 14–45.1 (Supp. 1967).

[7] Abortion Act 1967, c. 87, at 2033.

[8] *Just How Great Are the Risks of The Pill?* MEDICAL WORLD NEWS, May 24, 1968, at 23.

[9] The theological and medical scholars did agree on *A Protestant Affirmation.* It did not undertake to answer any of the questions posed in the text. In substance, the consensus concluded that as to abortion "each case should be considered individually, taking into account the various factors involved and using Christian principles of ethics." It suggested that suitable cases for abortion would fall within the scope of the A.C.O.G. statement, but not including abortion for convenience only or on demand. *See* CHRISTIAN MED. SOC'Y J. (Nov.-Dec. 1968).

[10] Meeting of the Ass'n for the Study of Abortion, Hot Springs, Va., Nov. 18, 1968, reported in N.Y. Times, Nov. 24, 1968, at 77, col. 1.

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] For studies in this area see L. Epstein, Marriage Laws in the Bible and the Talmud (1942); L. Epstein, Sex Laws and Customs in Judaism (1948).

[18] H. Sagg's The Greatness That Was Babylon 215 (1962).

[19] Pauly's Real-Encyclopädie der Classischen Altertumswissenschaft (Wissowa ed. 1962).

[20] *Exodus* 3:21.

[21] *Genesis* 1:28, 4:1, 11:30; *Ruth* 4:13.

[22] Montgomery, *How to Decide the Birth Control Question,* Christianity Today, March 4, 1966, at 10.

[23] Stern, *The Issue of Legalized Abortion,* 88 Can. Med. Ass'n J. 899 (1963); J. Fletcher, Morals and Medicine 152 (1967); address by E. Bidinton, Symposium of Christian Medical Society, Aug., 1968.

[24] *See generally* Philosophy and Ethics in Medicine (M. Gelfand ed. 1968).

[25] *See Therapeutic Abortion,* 98 Can. Med. Ass'n J. 512 (1968).

[26] R. Ettinger, The Prospect of Immorality 132 (1962). *But see* Hudeeczek *De Tempore Animatianis Foetus Humanis Secundum Embroyologian Hodiernam,* in XXIX Angelicum 162–81 (1952). *See also Cyronics and Orthodoxy,* XII Christianity Today 816 (1968).

[27] Address by John Scanzoni, Ph. D., Assoc. Prof. of Sociology, Indiana Univ., Nat'l Convention of Christian Medical Society, Aug., 1968.

[28] Howells, *Legalizing Abortion,* 1 Lancet 728 (1967).

[29] O. W. Holmes, The Common Law (1881).

[30] *The Cost of Life,* 60 Proceedings of Royal Soc'y of Medicine 1235 (1962); Cogan, *A Medical Social Worker Looks at the New Abortion Law,* 2 British Med. J. 235 (1968).

[31] N.Y. Times, Nov. 24, 1968, at 7, col. 1.

[32] Meyer v. Nebraska, 262 U.S. 390 (1923).

[33] Pierce v. Society of Sisters, 268 U.S. 510, 534–35 (1925).

[34] Prince v. Massachusetts, 321 U.S. 158 (1944).

[35] Bates v. Little Rock, 361 U.S. 516, 524 (1960).

[36] 381 U.S. 479 (1965).

[37] Id. at 482.

[38] Id. at 503 (concurring opinion).

[39] Morgan v. State, 148 Tenn. 417, 256 S.W. 433 (1923).

[40] State v. Prude, 76 Miss. 543, 24 So. 871 (1886).

[41] Evans v. State, 48 Tex. Cr. App. 589, 89 S.W. 974 (1905).

[42] Bonbrest v. Kotz, 65 F. Supp. 138 (D.D.C. 1946).

[43] See Prosser on Torts (3d. ed. 1964).

[44] Del Tufo, Recovery for Prenatal Torts: Actions for Wrongful Death, 15 Rutgers L. Rev. 61 (1960).

[45] Schwartz, Abortion and 19th Century Laws, Trial June-July, 1967 at 41.

[46] Kwaterski v. State Farm Mut. Ins. Co., 34 Wis., 28, 14, 148 N.W. 3d 167 (1887); Halata v. Markicwicz, 26 Conn. Supp. 358, 224 A.2d 466 (1966). Contra, Norman v. Murphy, 124 Cal. App. 2d 95, 268 P.2d 178 (1954); Marko v. Philadelphia Transp. Co., 420 Pa. 124, 216 A. 2d 502 (1966).

[47] Prof. Thomas Lambert, Jr., Editor-in-Chief, American Trial Lawyers Ass'n, former Prof. of Law, Boston Univ.

[48] B. Cardozo, Growth of the Law 234 (1924).

[49] Georgia, Maryland, North Carolina, California, and Colorado.

[50] Wisdom, supra note 1.

ABORTION AND RELIGION

(By Rabbi Israel R. Margolies)

The moral implications and desperate need for legalizing abortion were dramatically demonstrated a little over three years ago in the Finkbine case in Arizona. We were confronted and shamed as a nation by the spectacle of a decent, intelligent American woman vainly seeking court sanction for an abortion, in order to prevent the birth of a child who probably would be, as events later proved, actually was, horribly deformed. The medieval and barbarous cruelty of the abortion laws in the U.S. was clearly exposed when Mrs. Finkbine was compelled to seek the compassion and help abroad that were denied in her own country. This was the only alternative to the very real threat of bringing into the world a pitiful creature whose life would be darkened with such pain, sorrow, and frustration as no one could possibly calculate, and whose very existence would be a curse upon its parents.

Judaism considers man the active, responsible partner of God in the task or establishing the Kingdom of God—not in some far-off celestial sphere, or in some distant apocalyptic age under the leadership of a Messianic miracle man—but right here on earth. Indeed, Judaism suggests that having created the universe, God, while vitally concerned about all that occurs on this planet, has deliberately left the work of human history and creativity to man. I believe that the ideal world that all of us yearn to see, the world of universal justice and lasting peace, will not be bestowed by God upon man, but rather must be created by man to the greater glory of God.

Surely man, who was endowed by God with the intelligence to master nature, and the spiritual strength to bend that intelligence to the fulfillment of the Divine plan, was also intended to exercise his own free will in determining whether or not to bring the fruit of his seed into the world. If the sexual function of man was meant to be directed strictly to the purpose of procreation, then, like other members of the animal kingdom, he would have experienced the sexual urge solely on regular, set occasions, devised by nature for the perpetuation of the species.

However, the fact is that man alone has been granted the boon of an unrestricted sexual appetite as an intimate expression of love that is unlimited by time or season. How he exercises this privilege is undeniably of some moral and legal concern to the community—but, as long as a man and woman find it appropriate to fulfill their love for and joy in each other through sexual intercourse, there is no law of nature or of God that requires that such love and joy must perforce lead to conception and birth. It is a man and a woman who must decide whether or not they wish their union to lead to the birth of a child, not the church or the synagogue, and certainly not the state.

Until a child is actually born into the world, it does not belong to society, nor has it been accepted into any faith. Its existence is purely and entirely the business and concern of its parents, whether they are married or not. They and they alone have the right to determine whether the unborn foetus shall live, or be abortioned in its pre-natal state. I have heard, as all of you have heard, ad infinitum and ad nauseum the hackneyed argument that such abortions would serve to encourage immorality in pre- and extramarital adventures. To this time-worn contention I would say in the first place that those who choose to indulge in such casual relationships are usually sufficiently adept in the use of contraceptives that abortions are rarely sought. The ones who are most frequently caught, so to speak, are either the very young and inexperienced, or the very poor and ignorant, and it is precisely in these situations that reluctant and embittered parenthood should be avoided. In the second place, I would soberly and respectfully suggest that such excesses, even if they did indeed result in part from the legalizing of abortion, would be infinitely preferable to the endless, careless, and purposeless ushering of millions of unwanted and unloved children into an already teeming and highly competitive society. In the January 31st edition of the magazine section of the *New York Times,* Julius Horwitz, in an article entitled, "The Arithmetic of Delinquency," quotes women who want no more children, but who, on bringing a new baby home from the hospital, "hate him for being alive." These are the rejected and neglected children who make up the vast majority of our delinquents, and then proliferate and repeat the vicious cycle further.

According to traditional Jewish law, and I quote from the Talmudic tractate Oholos 7: 6: "If a woman has great difficulty in giving birth to her child, it is permitted to destroy the child to save her life." The law continues to say that if the child puts forth its head or most of its body, it may no longer be destroyed to save its mother, since, as the Talmud puts it, "we do not push aside one life for another." From this statement, we may conclude that abortion during the foetal or pre-natal period is permissible even in cases where the mother's survival is not the prime purpose. Only when a child is about to be born, and has actually begun to emerge, is it termed "nefesh," a living soul; and only then may we not "push aside one life for another." Prior to actual birth, the unborn infant is not deemed truly to be a living soul, a human being. If it should die during birth, or even during the first 30 days of infancy, no funeral service is held, no Kaddish, or memorial prayer for the dead need be recited, because this tot is not considered to have lived at all.

Rabbi Jacob Emden, the most brilliant Talmudic scholar of the 18th century, was asked whether a pregnant adultress may have an abortion. This great authority, who revered Jewish tradition, answered boldly in the affirmative, and went on in his explanation to suggest that we may destroy the foetus, not only to save the mother's life, but even to save her excessive torture in childbirth. The most liberal statement on the general subject of abortion was given by the late Sephardic Chief Rabbi Ben Zion Uziel. He concluded, after a broad analysis of the subject, that an unborn foetus is not a "nefesh"—a soul—at all, and has no independent life. It is part of its mother, and just as a person may choose to sacrifice a limb of his body in order to be cured of a worse malady, so may the foetus be destroyed for the sake of its mother.

While there are, to be sure, differences of opinion among some other Jewish scholars with regard to abortion, the position of the men whom I have cited is, in my carefully considered judgment, the most enlightened and accurate interpretation of Jewish law. It is all too easy to dismiss the entire subject of legalized abortion, as so many holier-than-thou religious leaders do, under the ominous heading of "sin." I believe that such spineless and irrational subservience to the dogmatism of theologians who speculate with fine detachment upon such matters in their cloistered ivory towers, is unbecoming the rational and largely moral society of a great nation. In truth, the civilized mind would be hard put to devise a greater sin than to condemn a helpless infant to the twilight world of the slum or the orphanage—which is where most of the unwanted and illegitimate children end up—or to sentence two parents to a life term of caring for, yes, and loving an unwelcome child who is the bitter, unsought fruit of careless rapture, a living symbol of shame, frustration, or even an enforced marriage. If there is to be any talk of sin, then by Heaven, here is where it may be found.

We live in an age when scientists who are quite properly more concerned about sustaining life on this planet than in the conquest of outer space are profoundly disturbed about the economic and social consequences of the fantastic population explosion. At the present rate of increase, our global population will double by the year 2000, and reach the staggering dimensions of four times that number 70 years thereafter. In the most impoverished areas of the world, the help that we are extending to raise the standards of living is more than offset by the incredible rise in the number of mouths that have to be fed. Considering the fact that hunger and bloody revolution are historic allies, it is becoming crystal clear that the undisciplined multiplication of the world's population represents a danger to humanity second only to the uncontrolled spread of nuclear weapons.

At a time such as this, when all thinking citizens recognize that human reproduction must be checked if the earth is to be kept safe for humanity, and that it must be done voluntarily, or it will surely be done by famine, revolution, and war—at such a time, we are confronted right here in our own country with the ironic spectacle of a continuing battle against the legalization of abortion and an enlightened program of public education and aid in the use of contraceptive methods whose sole purpose is to reduce illegitimacy and the tragedy of rejected children—and all in the name of religion and morality. I say to you, dear friends, that there is no agency, religious or political, that is wise enough, or has the right to point a self-righteous finger at some poor woman and order her to bring an unwanted life into this crowded, difficult, and dangerous world.

It is high time indeed that we began to ask certain very vital questions of ourselves and the leaders of our state and federal governments. By what right did the state legislature enact laws infringing upon the privilege of the citizens in a free society to secure surgical help for abortion and contraceptive counsel when such aid is needed? Why do fearful politicians still continue to steer clear of this sacred cow, in the face of the mounting tragedy of unwanted, unloved and even abnormal children? Is it not time that we matured sufficiently as a people to assert once and for all that the sexual relations of human beings and their reproductive consequences are not the business of the state, but rather free decisions to be made by free people?

Let us, of the Association for the Study of Abortion, raise these and other related questions that have been swept under the rug for such a long time. Let us demand straight answers, and resolve that the crying needs of the millions who agonize over such pressing, personal problems, will soon be met by the leaders and legislators of our land who have been motivated by an aroused citizenry.

In my humble opinion, religion, in the highest sense, calls upon each of us to disavow the old taboos that suggest that abortion and planned parenthood are sinful, and assert honestly and proudly that, as creative partners of God, we reserve the right to create families purposefully and joyfully, not accidentally and reluctantly.

Let us help to build a world in which no human being enters life unwanted and unloved; where poverty and hunger have disappeared; where disease is rare, and death seldom premature; where there is adventure for the young and security for the old; where the entire human family, abandoning the evil habit of mutual suspicion and slaughter, has become one cooperative race of man, achieving through unity conquests over both nature and the darker side of human passions, rejoicing in the exercise and fruit of man's creative genius!

THE STATE OF THE ABORTION QUESTION

(By Mr. ROBERT F. DRINAN)

On March 11, 1970 the State of Hawaii became the first government in the English-speaking world to eliminate all criminal sanctions from its laws for any abortion done by licensed physicians. The 30 percent of Hawaii's population who are Roman Catholic constituted the only organized resistance to the change in the abortion laws. Although several legislators who are Catholic voted for the repeal of the abortion law, the Hawaii *Catholic Herald* newspaper in its February 27 issue editorialized that "a veto is the only course of action open to the Governor which would remove this cloud of shame hanging over Hawaii."

At least one Catholic legislator who voted for the change in the law expressed his disapproval of the campaign of Catholic spokesmen. Governor John A. Burns, a devout Catholic, allowed the bill to become law without his signature and with the simple statement that abortion is "a matter of individual conscience."

The example of Hawaii will no doubt accelerate the demands for a "non-law" on abortion now being made in virtually all of the states. New York is moving in that direction as this is written. Indeed it seems fair to say that after Hawaii the dilemma confronting Catholics and others opposed to abortion on moral grounds is no longer whether Catholics can denounce abortion, control the votes and thereby seek to prevent any change in existing abortion laws. The real dilemma for opponents of abortion seems to come to this: Is it better to allow the state to establish by law a limited number of reasons which would justify an abortion or would it be better if the law were silent about abortion and thus left this matter to the good conscience of parents and physicians?

This observer feels that the laws enacted in some twelve states over the past three years authorizing abortions where the pregnancy results from rape or incest, where it may injure the physical or mental health of the mother or where the fetus is predictively defective will not solve the problem of abortion. These laws will, in addition, give to the state for the first time in the history of Anglo-American jurisprudence the right to decide which unhealthy or inconvenient unborn persons may be extinguished before birth. Empirical data, moreover, from the several states which have adopted a "liberalized" law on abortion do not give one the feeling that these laws are a happy accommodation between groups which are opposed to all abortions as immoral and those individuals who feel that a certain limited number of social, medical or psychiatric indications should justify an abortion.

Persons opposed to abortion on moral grounds can, of course, still hope for the enactment of a law which predictively would minimize the number of fetal deaths. But should this hope or desire be the sole determinant in judging the wisdom or effectiveness of an abortion law? A further question, moreover, must be asked: Even if the "liberalized" law now enacted in some twelve states does in fact result in fewer abortions than the "non-law" of Hawaii, how can one measure that result against the fact that the government now possesses the right to establish standards as to who may live and who may die?

No one pretends, of course, that it is an easy thing for Catholics and others who believe in the inviolability of fetal life to acquiesce in the withdrawal of criminal penalties against those who would destory this fetal life. But the question is no longer the possibility of a total prohibition of abortion but rather the question of weighing the long-range evil effects of permitting the government to establish standards as to who will live and who will die rather than simply having the government withdraw from the area of protecting the first twelve to twenty weeks of non-viable fetal life.

If the state of the abortion question after Hawaii poses much more clearly the only two options left for opponents of abortion, it also should bring about a clarification of the credibility of official Catholic spokesmen who in every state of the union have denounced any change in the abortion laws. No one, of course, disputes the right of a Catholic prelate to speak out about the morality of any question. But one wonders whether Catholic clerical spokesmen at the highest level will continue to intervene in the political order and state dogmatically that no change whatsoever in the abortion laws can be morally permissible. One wonders whether Catholic episcopal spokesmen will continue to assume that they can make up the mind of Catholic legislators on the abortion question just as the bishops of Massachusetts in 1948 "told" Catholic legislators not to repeal the anti-birth control law or Catholic officials in New York State directed Catholic legislators until the very recent past not to permit divorce for the ordinary reasons for which divorce was obtainable in every other state of the union.

Perhaps it is time that all of us recall the words of Vatican II's declaration on religious freedom which urged that "in spreading religious faith and in introducing religious practices, everyone ought at all times to refrain from any manner of coercion which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy. . . ." On the assumption that belief in the inviolability of non-viable fetal life is *de facto* a religious belief, can Catholic spokesmen be open to the accusation that they are acting in the abortion controversy in a way which clearly "might seem to carry a hint of coercion"?

The limited jurisprudential options now available to those who are opposed on moral grounds to abortion offer at best a Hobson's choice. A request by a healthy mother for the abortion of a healthy fetus is all too often, in Princeton theological Professor Paul Ramsey's phrase, "fetal euthanasia."

The consequences to morality, however, of a change in the abortion laws should not blind Catholic spokesmen to the other unfortunate results of their intervention in the political order.

In June 1968 this author in an address to the Catholic Theological Society of America, made a recommendation as follows:

> It is submitted that episcopal statements going beyond the morality of abortion and entering into the question of jurisprudence or the best legal arrangement are inappropriate intrusions in a pluralistic society by an ecclesiastical official who wrongly assumes that he can pronounce a moral and uniform position for his church on a legal-political question.

This recommendation is now more relevant and more urgent after the action by the Hawaii Legislature to repeal all criminal sanctions against abortions done by licensed physicians.

ABORTION RESOLUTIONS

RELIGIOUS

Unitarian Universalist Association (May 1968).

American Baptist Convention (June 1968).

United Methodist Church (April 1970).

United Presbyterian Church (August 1970).

Lutheran Church in America (June 1970).

American Friends Service Committee (October 1969).

United Church Board for Homeland Ministries of the United Church of Christ (April 1970).

MEDICAL

American Public Health Association (December 1968).

American Medical Women's Association (November 1969).

American Psychiatric Association (December 1969).

New York Academy of Medicine (December 1969).

American Protestant Hospital Association (March 1970).

American Medical Association (June 1970).

National Council of Obstetricians & Gynecologists (June 1970).

American Psychoanalytic Association (May 1970).

Medical Committee for Human Rights (1967).

Student American Medical Association (1970).

OTHER

Citizens Advisory Council on Status of Women (April 1968).

Planned Parenthood Association (November 1968).

American Ethical Union (January 1969).

American Psychological Association (1969).

National Council of Women of the United States (October 1969).

YWCA (April 1970).

Chicago Child Care Society (1970).

The Izaak Walton League of America (July 1970).

American Society of Mammalogists (June 1970).

American Civil Liberties Union (March 1968).

By Mr. MOSS:

S. 1753. A bill to establish a National Institute of Advertising, Marketing, and Society. Referred to the Committee on Commerce.

NATIONAL INSTITUTE OF ADVERTISING, MARKETING, AND SOCIETY

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to establish a National Institute of Advertising, Marketing, and Society.

During the last Congress, three distinct initiatives undertaken by the Senate Subcommittee for Consumers—cigarette advertising, advertising and nutritional illiteracy, and advertising and drug abuse—led along separate paths to a suspect role for advertising and marketing. In varying degrees, each initiative was frustrated by a lack of a basic scientific literature accurately describing the psychosocial impact of advertising.

Competent data-based testimony on the role which cigarette advertising played in initiating and sustaining the smoking habit could not be obtained. We could not measure the extent to which the "hardsell" promotion of cereals and snack foods with relatively low nutritional value contributed to nutritionally damaging attitudes among young people. And no probative data exists relating the aggressive promotion of over-the-counter drugs and other products to teenage attitudes predisposing millions of young Americans toward the use of illicit drugs.

Put in another way, we are approaching the end of the 20th century knee-deep in a marketing economy and a consumer culture which we barely comprehend. To the child growing up in America, marketing messages are as pervasive as the air he breathes.

For more than 50 years, through the Federal Trade Commission, we have sought to regulate marketing practices but we have never thought of developing a systematic accounting of the social costs of marketing and advertising. Yet we are beset with profound and unsettling questions concerning the social role of advertising:

The repetitive pattern in much advertising promises instant gratification through the swallowing, tasting, touching, hearing, and even the smelling of an extraordinary variety of material goods. The incessant hammering of these themes has led critics to lay at advertising's door blame for the erosion of our traditional value system based upon the intrinsic rewards of effort, discipline, and responsibility.

It is marketing that teaches, in FCC Commissioner Nicholas Johnson's words:

> That troubles are dissolved by the "fast, fast, fast, relief" which comes from pills (vitamins, headache and sleeping pills, stomach pills, tranquilizers, pep pills or "the pill") and not from medication, training or discipline; that personal satisfaction comes from passivity of possession and consumption, conspicuous whenever possible of cars, appliances, and toys, cigarettes, soft drinks, and beer, and not from the activity of commitment.

Of course, there exists a substantial body of knowledge concerning the behavior of individuals subjected to advertising. Market research in this country is a refined art if not a science. There has been some behavioral research on the impact of advertising performed in the Universities. However, much of the work is being done in isolation and a great proportion of the work is funded by business naturally interested in a fairly narrow range of information. Of course, the significance of much of the corpus of knowledge which does exist, is obsured by the economic self-interest of the sponsors of the research.

What is clearly needed is an institution, above all independent of the distortions of economic self-interest, with adequate resources to draw upon the full range of disciplines and competencies in the social and mass communications, social historians, anthropologists—all of those necessary to bring us to the point where we can begin to make rational judgments on the need for limiting, curtailing or rechanneling marketing activities away from socially destructive paths.

The National Institute of Marketing and Society, would be housed in the Federal Trade Commission.

The institute would be given a broad mandate to consider the social impact of the consumer culture. It would be encouraged to engage in the analysis of specific marketing themes and techniques and behavioral problems, such as drug abuse, as well as broad studies illuminating fundamental conflicts between the consumer culture and national goals and ideals.

Mr. President, the institute might undertake a series of studies to evaluate the behavioral costs related to the marketing of different lines of products, such as over-the-counter drugs or automobiles. It would be encouraged to undertake cross-cultural studies comparing the impact of advertising on different cultures. Certainly much could be learned from a study of social problems in countries such as those of Eastern Europe and the Soviet Union which suppress marketing as idiologically abhorrent.

The institute would make creative use of the vast store of data generated by private market research in the universities to develop an overall picture of the role of advertising and marketing in our society. Additionally, the enabling legislation contains a congressional mandate for three specific studies; these are:

First. A study of the relationship between the themes and techniques of advertising and drug abuse;

Second. A study of the relationship between marketing techniques and advertising and alienation of young persons from society; and

Third. A study of the relationship between advertising and the knowledge, attitudes and perception of children.

In the end, the institute will provide the important long range insight necessary to maintain advertising on a socially constructive path rather than deviating from this route as may currently be the case in some instances. In doing so, the institute would provide the public for the very first time an adequate, competent, objective understanding of marketing.

Mr. President, I ask unanimous consent that following my remarks the text of the bill and additional material be printed in the RECORD.

There being no objection, the 6, 11 and material were ordered to be printed in the RECORD, as follows:

S. 1753

A bill to establish a National Institute of Advertising, Marketing, and Society

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Advertising, Marketing, and Society Act."

POLICY AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) there is increasing concern in the United States and in other industrialized countries over the partially hidden, imperfectly understood psychological and social costs of mass marketing and advertising techniques;

(2) local, State, and Federal governments do not have the capacity to integrate and evaluate the psychological and social effects of advertising and marketing;

(3) marketing and advertising utilize highly refined techniques about which little information of significance is available to the public and to governmental agencies;

(4) there is no existing governmental or nongovernmental institution capable of adequately studying and comprehending the psychological and social aspects of the consumer culture in an objective and comprehensive manner or of integrating such knowledge as does exist;

(5) the public interest requires the widest possible range of social and scientific insights applied by an institution independent of economic and political pressures; and

(6) there is a need for a focused, scientifically sound program of behavioral research on the psychological and social impact of marketing and advertising to be conducted by an appropriate independent institution.

(b) It is the purpose of this Act, therefore, to establish the National Institute of Advertising, Marketing, and Society.

ESTABLISHMENT

SEC. 3. (a) There is hereby established within the Federal Trade Commission an agency to be known as the National Institute of Advertising, Marketing, and Society.

(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 6 years. Under the general supervision of the Chairman of the Federal Trade Commission, the Director of the Institute shall be responsible for carrying out the functions of the Institute and shall have authority and control over all personnel and activities of the Institute.

(c) A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate for a term of 6 years. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe, shall act for, and exercise the powers of, the Director during his absence or disability.

FUNCTIONS OF THE INSTITUTE

SEC. 4. (a) In order to carry out the objectives of this Act, the Institute shall—

(1) undertake, on its own initiative, research projects concerning the impact of advertising and marketing upon society, particularly the psychological, and social effects of advertising and marketing techniques upon the consumer; and

(2) undertake, at the request of any agency represented on the Advisory Council, research projects concerning the impact of advertising and marketing upon society;

(3) intervene on its own initiative or upon the request of any Federal executive agency with respect to any issue affecting the impact of advertising and marketing upon society when in the opinion of the Director such representation would contribute to carrying out the purposes of this Act;

(4) conduct a study of the relationship between the themes and techniques of advertising and drug abuses;

(5) conduct a study of the relationship between marketing techniques and advertising and the alienation of young persons from society;

(6) conduct a study of the relationship between advertising and the knowledge, attitudes and perception of children;

(7) collect, analyze and disseminate to the public, relevant information on behavior research relating to advertising and marketing practices; and

(8) prepare at least annually, and at such other times as the Director may deem appropriate a report concerning its activities together with such recommendations, including recommendations for additional legislation, as the Director deems advisable.

(b) In carrying out the functions of the Institute under this section, the Director may establish such laboratories and facilities as it deems necessary to be operated by the personnel of the Institute. With a view to obtaining additional scientific and intellectual resources available, the Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to any authority vested in it by other provisions of this Act, the Institute, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Institute, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) appoint one or more advisory committees composed of such private citizens including representations of concerned consumer organizations and officials of Federal, State, and local governments as he deems desirable to advise the Institute with respect to its functions under this Act;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) make advances, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(11) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

ADVISORY COUNCIL ON ADVERTISING, MARKETING, AND SOCIETY

SEC. 6. (a) There is hereby established in the Institute a National Advisory Council on Advertising, Marketing, and Society to be composed of—

(1) the Secretary of Health, Education, and Welfare;

(2) the Chairman of the Council on Environmental Quality;

(3) the Administrator of the Environmental Protection Agency;

(4) the Director of the National Science Foundation;

(5) the Chairman of the Federal Trade Commission, who shall be Chairman of the Council;

(6) the Chairman of the Federal Communications Commission;

(7) the Director of the Consumer Protection Agency.

In the event of the unavoidable absence of any member of the Council, that member may designate an officer of the agency concerned to represent him.

(b) The Council shall advise the Director of the Institute with respect to appropriate research projects within the jurisdiction of each agency represented on the Council to be conducted by the Institute and to establish criteria for the priority of such projects.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Director, the National Institute of Advertising, Marketing, and Society.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(130) Deputy Director, National Institute of Advertising, Marketing, and Society.".

DEFINITIONS

SEC. 8. As used in this Act the term—

(1) "Council" means the National Advisory Council on Advertising, Marketing, and Society;

(2) "Director" means the Director of the National Institute of Advertising, Marketing, and Society;

(3) "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Gov-

ernment, including any agency described in section 551 of title 5, United States Code, and any wholly owned Government corporation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums. not to exceed $5 million in any fiscal year as may be necessary to carry out the provisions of this Act.

Ads and Addiction: Television Commercials, Drugs and Society

(By Arthur Asa Berger, Social Science Department, San Francisco State College)

"Many people mistakenly overestimate the role of willpower and think that nothing can happen to their minds that they do not decide and intend. But we must learn carefully to discriminate between intentional and unintentional contents of the mind."—Carl G. Jung, *Man and His Symbols.*

"Whatever your attitude toward modern psychology or psycho-analysis, it has been proved beyond any doubt that many of our daily decisions are governed by motivations over which we have no control and of which we are often quite unaware."—Ernest Dichter, *The Strategy of Desire.*

"In contemporary America, children must be trained to *insatiable* consumption of *impulsive* choice and *infinite variety*. These attributes, once instilled, are converted into cash by advertising directed at children. It works on the assumption that the claim that gets into the child's brain box first is most likely to stay there, and that since in contemporary America, children manage parents, the former's brain box is the antechamber to the brain box of the latter."—Jules Henry, *Culture Against Man.*

"What would you do if you found yourself in possession of an effective science of behavior? Suppose you suddenly found it possible to control the behavior of men as you wished? . . . I take it as a fact . . . If a man is free then a technology of behavior is impossible. But I'm asking you to consider the other case."—B. F. Skinner, *Walden Two.*

"But the most important effects of this powerful institution are not upon the economics of our distributive system; they are upon the values of our society. If the economic effect is to make the purchaser like what he buys, the social effect is, in a parallel but broader sense, to make the individual like what he gets—to enforce already existing attitudes, to diminish the range and variety of choices, and in terms of abundance, to exalt the materialistic virtues of consumption."—David Potter, *People of Plenty.*

Ads and Addiction: Television Commercials, Drug Culture, and Society

I. TELEVISION, ADVERTISING, AND DRUGS

In the past few years, drugs have become a national problem. Drug addiction has spread to the middle classes, and the use of "hard" drugs such as heroin has grown greatly, so we believe. Statistics on marijuana use show that large numbers of people smoke it and there is a "great debate" on as to whether it should be "legalized," so that it will not lead to a loss of respect of laws and increased social disorganization. Also, it is hoped that if marijuana is legalized, in some manner, criminal elements will be deprived of revenues made from it.

With all of this for background, an interesting question arises: Is there any kind of a relationship between television and drug use? Is the drug problem, which, in its present proportions, is of recent vintage, related in any way to the recent and phenomenal growth of television? In a recent column (August 27, 1970) Terrence O'Flaherty, the television critic of the *San Francisco Chronicle,* discussed an NBC "White Paper" on youth and drugs and wrote:

"If we are indeed a Nation of youthful dope addicts, and if NBC wants to be of real service, then why doesn't it make a strong documentary of the subject? No network has yet had the courage to take its cameras into the morgues and the asylums and show—specifically—what narcotics addiction can lead to. Perhaps that's where television has 'somewhat failed . . .' Instead, it has been talky and repetitious and evasive.

"No network, to my knowledge, has even done a TV special on how the television industry itself makes the world of narcotics look mighty alluring, or how its comedians make jokes about marijuana when it is the first step into the jungle."

Mr. O'Flaherty draws attention to that fact that we are vitally interested in drugs, and there have been many television programs on the problem. Yet, at the same time, it is possible that glamorizing drugs on television is actually contributing to the problem.

I would like to focus here upon one aspect of the general problem—television advertising and its influence on our society as far as addiction is concerned. If television programs inadvertantly glamorize hard drugs from time to time, television advertisements "glamorize" soft drugs almost all the time

The fact of the matter is that a remarkably large proportion of television ads are used to sell "drugs" of one sort of another: alcohol, nicotin, aspirin, cold remedies, stomach remedies *ad nauseam.* American culture, in general, is a drug culture—and many Americans are "junkies," even though they would be outraged if you were to tell them so. That is because they are legal drug junkies who pop "pep" pills, sleeping pills, headache pills, weight reducing pills, breast enlarging pills, and almost any other kind of pill that can be conceived of. Sociologists have pointed out that being an addict to a large degree is a matter of *self-definition* (in the same way that you have to learn that you are enjoying a "high" when you smoke marijuana).

The "message" of these various "harmless" drugs is, in essence, the same as the "rewards" offered by hard drugs—escape or easy and quick solutions (via chemistry) to problems. Except that instead of reaching for an Anacin or Alka Seltzer you reach for the hypodermic needle, and "escape from the ordinary." I believe that the logical structure of these ads, which show painted, unhappy, troubled people in the "before" part and happy, satisfied, joyful people in the "after" part is an implicit inducement to the drug culture. It is just one step beyond from aspirin to heroin, so to speak; the principle is the same one: immediate relief and gratification, instant solutions to all problems.[1]

Another interesting aspect of television commercials is the way some of them utilize broken continuity and multiple images to stimulate a psychedelic experience and one which is not far removed from a drug experience. I have dealt with some of these ads elsewhere—in "Commercials Ad Nauseam," which appeared in *The Review of General Semantics* (December, 1969). The basic thrust of these ads, I suggested, was to use sensory stimulation to overwhelm our rationality, and in terms of the subject under discussion, once the rationality is subdued, it is not hard to sell the person something—in our case, drugs. The forces of the "id," our drives and desires, overwhelm the "ego" which is analogous to our intelligence, and it can no longer mediate between the *"id"* and the *"superego"* which is loosely speaking conscience. The chart below, a modification of the one I used in the article, makes all this explicit:

Freudian analysis	Consumption behavior	Drug taking
Id	Buying	Need for a fix.
Ego	Pocketbook	Reason.
Superego	Sales resistance	Conscience, the law.

What happens, I suggest, is that the need for drugs overwhelms our fear of the law, conscience and any other force which might restrain us. That this is reinforced and facilitated by advertisements which offer a model of how to "Cope" and which tend to overwhelm or evade the ego is a hypothesis I make. I believe it explains the connection between the structure of advertisement and consumption—of goods in general as well as drugs in particular.

All of these considerations add up to the following picture. I have suggested, first, that America is a drug culture in general, though most people do not recognize it as such. Second, once the principle of taking drug is established, it is not too difficult a jump from legal drugs to illegal ones. Third, the "model" offered by many of the advertisements for solving our problems is very much like the model implicit in the drug culture—a better life through chemistry. We believe in magic, so to speak. Say the right word (to your druggist) and take the right potion, and any problem or difficulty can be solved. For those who have lower "lows" and want higher "highs," aspirin is inadequate and the next step is quite logical. Fourth, the makeup of advertisements is a kind of drug experience itself. There is distortion, images flash out at us in rapid succession and we have a *visceral* reaction which tends to confuse us, weaken the power of our reasoning processes and make us more susceptible to suggestion.

The amount of money spent on advertising drugs on television is enormous. (If you add newspaper and magazine advertising, you discover that we are continually bombarded by "Drugs and Remedies" advertising—enough so to give us headaches and other problems which they claim they can cure.) In 1968, for example, "drugs and remedies" ads amounted to $76 million for spots and $182 million for national network ads on television. Some other figures follow in the chart below:

[In millions of dollars]

	Year	
	1964	1968
Spots	70	76
Network	136	182
Total	206	258

The growth has been phenomenal. But these figures do not tell the whole story for they omit items that should be considered drugs—liquor and tobacco.

If we add these items we find the following (for 1964):

[In millions of dollars]

	Year	
	1964 network	1964 spot
Drugs and remedies	136	70
Beer, wine, and liquor	15	[1] 78
Smoking	146	[2] 50
Total	297	198

[1] Ale, beer, wine.

[2] Tobacco, etc.

Source: "Statistical Abstracts of the United States," 1965–70

---

[1] For an analysis of soft drinks and drugs, see my article "Soft Drinks and Hard Icons" in *American Icons.* Bowling Green University Press. Another article, "The Politics of Wrestling" shows how television offers people a model of society and suggests a method (violence) of solving social problems. It is in a collection of my articles entitled, *The Evangelical Hamburger.*

These figures become more impressive when we see how large a proportion they are of total figures for television advertising. In 1964, the $206 million spent on spots and network advertising for "Drugs and Remedies" accounted for about a ninth of all television advertising, which totalled about $2.1 billion. But if you add smoking and liquors, you find the following:

Drugs, tobacco, liquor

	Amount
Network	$297,000,000
Spot	198,000,000
Total	495,000,000
Total network advertising	1,100,000,000
Total spot advertising	1,000,000,000
Total	2,100,000,000

What these figures show, then, *is that if you define drug advertisements broadly, to cover nicotine and alcohol, we spend about a half a billion dollars a year for these ads out of a total of $2.1 billion spent on all television advertising for 1964. Approximately one ad out of four, then, is a "drug" ad.*

If you accept the notion that we are at times motivated by matters which we are not conscious of and cannot control, the significance of all this advertising becomes apparent. We are becoming "conditioned" or perhaps even "programmed," though we are unaware of it all, which makes things even worse. Because we have the illusion of freedom, we are the more easily manipulated.

And if all of these ads with all the phenomena associated with them (as described above) occur at a time when there is widespread anxiety about our involvement in Viet Nam, many great crises at home and a government which some feel is not doing enough to solve our social problems and restore the currently distressed social fabric, then government and law, in general, become devalued. Thus we find a society which takes drugs in prodigious quantities (but which tells some people not to) asking people not to drop out or seek to "escape" from life in society when the society itself does not seem able (or willing, perhaps) to solve its own problems.

The devaluation of law and the continued social chaos both nourish the drug culture. In a certain sense our drug addicts are casualties of our society, who have become desperate and have lost hope in politics and have retreated into themselves, trying, with drugs, to "fix" themselves as best they can. There is something ironic to the term *fix*; for the addict problems cannot be solved, so he tries to escape from them.

The noted semanticist, S. I. Hayakawa, wrote a perceptive article on television entitled "Who's Bringing Up Your Children?" which makes the following points:

1. "The Child who watches television for four hours daily between the ages of three and eighteen spends something like 22,000 hours in passive contemplation of the screen—hours stolen from the time needed to learn to relate to siblings, playmates, parents, grandparents or strangers."

2. "All happiness, all significance, all values that human beings might strive for are translated by advertising into purchasable commodities."

3. "Even as they reject the culture as they understand it through television, they miss the pleasant fantasies they enjoyed as children when they turned on the set. So they "turn on" in other ways. Having scornfully rejected the notion that they can achieve instant beauty and radiance with Clairol, they espouse the alternative view that they can achieve instant spiritual insight and salvation with LSD. The kinship of the LSD and other drug experiences with television is glaringly obvious: both depend upon "turning on" and passively waiting for something beautiful to happen."

What has happened, and it is understandable although quite regrettable, is that we have not seriously considered the psychological impact and social consequences of advertising, an industry that is now in the $20 billion class.

Many of the people who make the advertisements are probably unaware of the ultimate impact of what they are doing just as the people who watch these advertisements do not realize how they are being affected.

In one respect television and drugs are similar: *once you are hooked on them, it is difficult to get off them.* Withdrawal from drugs or of television creates panic, and figures show, for example, that the average household replaces or repairs a broken television set within three days.

II. CONJECTURES ON CLASS CULTURE AND DRUG CULTURE

Since television is so ubiquitous and all-pervading, it is giving American society a certain communality of experience. The very rich and the very poor, leading extremely different life styles, with different "life chances," perspectives, experiences, etc. share a good deal now thanks to television. If television functions as a kind of narcotic, this kind of addiction has spread widely.

All of this makes me wonder whether there aren't cultural drifts, some of which are related to television and television advertising, which might affect drug abuse. I offer here some conjectures which may have suggestive value, even though I cannot at this moment, prove them.

Is it not possible that getting "high" is a kind of moral equivalent to being a "success" and rising in the world? For those who cannot make it in the real world, and cannot buy all those things advertised on television, there is the innovation of drug use and getting "high" in another sense of the word.

And is not drug use a kind of ironic reversal of our whole consumer culture and conspicuous consumption? Drug taking (and I'm talking now about the really hard drugs) is just the opposite *inconspicuous* consumption, though the same are at work—a desire for high quality merchandise, "refined" taste, etc. Since the soft drug ads posit a world of dullness and pain, why bother? There is, in fact, a kind of parallelism between taking soft drugs as a kind of relief from ordinary life's pains and trauma and taking hard drugs as a relief from withdrawal symptoms

For those who find life dull, getting involved in the drug culture gives life, so they believe, a kind of glamour—underworld associations, avoiding the police, a "community" of drug takers, pushers, informers, etc. The drug scene becomes the organizing factor in their lives in the same way that cannibalism was the organizing factor in the lives of many pre-literate tribes. There has also been a mythology about drugs build up, which is one of the things that O'Flaherty alluded to in his review. That most addicts lead desperate lives full of terror and despair is seldom or inadequately publicized. Most of the claims for "higher knowledge" under drugs have been shown to be spurious but every "out" group maintains that it has higher truths as a defense mechanism or rationalization.

The mystic sensibility, which emphasizes the self rather than society, has always been with us and, I would argue, has always been dangerous, since it leads man away from his obligations to others. It may be that for some people there are no more frontiers and there is no place to go but *inside*, so to speak. But this kind of thing is the result, I imagine, of a series of defeats which leads to this variation of autistic behavior.

There is one last question that interests me. The basic motivations behind people in the drug culture seem to be what we might call "lower class" ones. Many students of class culture argue that one of the basic themes in lower-class culture are immediate gratification and in particular, early sex; it is a kind of vulgar hedonism, perhaps. The lowest classes, for one reason or another, often have time on their hands and little to do. Thus we find a culture of "leisure and love," so to speak, though surveys show that lower-class women do not particularly enjoy sexual relations and I imagine that lower class men do not really enjoy their free time. Often they are unemployed and perhaps unemployable.

Could it be that the lower-class culture of "leisure and love" as well as drugs is slowly working its way upward, and that it has been seized by a number of groups who have rejected our "consumer culture" and are seizing upon various different life-styles? That might explain why drug culture has moved from the lower classes to the middle and upper classes. It may be that television is creating some kind of a unitized culture, despite the continuing social class differences, and that our life-styles are merging

The drug problem admits to no easy solutions. That would be, in a sense, a drug culture answer: if you have a problem take . . . and what is recommended is something that is equivalent to a drug, such as harsher *punishment* (i.e. bad-tasting medicine). I believe we have to redefine drug abuse as a medical problem and take it away from the police, who have a vested interest now in drugs. I also believe that it is useless to multiply anti-drug messages as long as the society behind the messages subverts everything.

I would, however, like to see something done about all the "drug" commercials I've been discussing; it would be best if they were prohibited or, if that is not possible, drug companies were prevented from the kind of ads they do. What has happened is that advertising has changed from being a medium of information, announcing the existence of various products, to a medium of education and persuasion, though it works in very subtle and often pernicious ways.

If we wish to do something about the drug problem, we have to be willing to make some rather fundamental changes in society. There may be a certain amount of economic dislocation in the television industry from prohibiting drug advertisements but television stations make great profits, so I understand and also they would be the first to admit, I imagine, that the public welfare is more important than revenue loss from these advertisements. There is too much advertising in general on television, and getting rid of a number of annoying and socially harmful advertisements would be a good thing for our peace of mind.

At the very least, we should certainly have some alternatives to the commercial stations, and we need a greater sense of social responsibility on the part of the stations themselves. Perhaps we also need a better regulatory system, which has real power to prevent misleading advertising from being aired and to consider the social and psychological consequences of ads.

Once we realize the drug abuse is a social problem, and not just a matter of this young person or that adult who happened to get hooked, we can do something—for social problems are solved by social action. We can develop institutions to help prevent the problems from developing, we can develop strategies to attack the problem, we can use our ingenuity and imagination. It seems to me that we will have to make some big changes and take some drastic remedies; you do not get rid of cancer by taking aspirins, and you do not get rid of the drug problem by putting out a few scare commercials.

I believe that we can solve the drug problem and will, for we cannot tolerate, for much longer, the destruction of individual lives and the social chaos caused by the flourishing of this pernicious sickness. We need to have some money for research into the relationship that exists between advertising and drugs, and advertising and other aspects of our society. We also need new channels of communication that do not have commercials and we need to do some social engineering in our society in a number of different ways, so that people will not lose hope in themselves and society in general, and take the mainline to lotus land.

SOCIAL AND POLITICAL ASPECTS OF DRUG USE *

(By George R. Edison, M.D.†, the University of Utah)

Those of you concerned about drug use and abuse know that young people turn on for many reasons: pleasure seeking, relief of boredom, tension or depression, self-destruction, rebellion, peer group pressure, and the search for self, among others.

Valid though these may be, they leave a lot unexplained. They do not really tell us *why* large numbers of young people are repeatedly flaunting the law, jeopardizing their futures and exposing themselves to substantial risks, or why there has been such a startling increase in drug abuse in the last five years.

Figure 1 shows the year in which illegal drugs were first used by the individuals in our study. This curve could just as easily represent drug arrests or hospitalizations for drug-induced psychoses. Curves like this are open to question, both methodologic and substantive. Drug use is certainly not a recent phenomenon. But, despite the fact that society is more sensitive to the drug issue, the police more active, and the reporting of drug use more reliable, I think most of us regard this increase as a real one, and wonder why.

Looking at the problem epidemiologically, we get interested in three factors: the agent, the host and the environment. The agent really has not changed much over the years. Amphetamines and LSD are youngsters in their thirties, but most of the others have been around for several thousand years. Human body and brain chemistry is about the same as it was centuries ago, so the host seems to remain fairly constant.

What we most need to study in the epidemiology of drug use is the environment, and those things about the environment which promote psychological disturbance in large numbers of young people, and which allow them to feel that the use of drugs has more advantages than disadvantages.

What is this environment? I see it as the total social and political structure of the country. Out of this environment we could select many areas which might theoretically influence drug use in young people, from poverty and minority group oppression to the exploitation of our natural resources and pollution of our waterways and atmosphere. (The imagery of this last example is especially evocative as we deal with the pollution of bodies by drugs.)

We have chosen in this study to focus on the war in Viet-Nam. The reason is clear from Figure 2 which depicts American troop commitment in Viet-Nam. Figure 3 simply superimposes the curves shown in Figures 1 and 2.

Side by side, then, two national crises have developed in scope and intensity over the same five-year period. Is there a relationship between them? If so, how do they influence each other? To study the problem we formulated a "Social Issues Survey," a questionnaire probing attitudes and knowledge about drugs, dealers, the war, the Viet-Cong, and the United States position in Viet-Nam (Appendix 1).

We submitted this survey in March and April of 1968 to 135 drug users and 302 nonusers, selected in a variety of ways. Bearing in mind that this is an unsophisticated pilot study, these are some of the results, many of which you have undoubtedly predicted.

Table I describes the study group. Males predominate, especially among users, who also tend to be slightly younger than nonusers.

TABLE 1.—AGE, SEX, AND DRUG USE HISTORY OF STUDY SUBJECTS

Total sample	437
Users	[1] 135
Nonusers	302
University students	347
Nonuniversity students	90

	Users (percent)	Nonusers (percent)
Male	67	56
Female	31	40
Age:		
14–15	3	0
16–17	16	2
18–19	34	29
20–21	14	31
Over 22	33	39

[1] 25 no longer using drugs.

Table 2 compares the feelings of users and nonusers about the war. Users were strongly against the war and held dovish views of what we ought to do about it, while nonusers were more evenly divided.

Table 3 compares the views of users and nonusers toward both the United States position in Viet-Nam and the university's position toward drug use. These are not surprising results if you assume the United States and the university both represent authority and establishment. The drug user rebels against it, while the nonuser identifies with it.

Table 4 shows the converse, the views of each group about the most rebellious segment in each situation. As can be seen, users felt rather positively toward both. The surprise here is the rather accepting attitude toward the Viet-Cong on the part of even nonusers.

TABLE 2.—ATTITUDE TOWARD VIETNAM WAR

	Users (percent)	Nonusers (percent)
Opinion of war:		
Pro	7	45
Anti	78	37
Hawk—Dove		
Hawk	5	42
Dove	63	22

TABLE 3.—ATTITUDES TOWARD U.S. POSITION IN VIETNAM AND UNIVERSITY POSITION ON DRUGS

	Users (percent)	Nonusers (percent)
U.S. position in Vietnam:		
Pro	7	50
Anti	75	30
University position on drugs:		
Punitive	7	68
Permissive educational—University should take no position	83	31

TABLE 4.—ATTITUDES TOWARD DRUG DEALERS AND VIETCONG

	Users (percent)	Nonusers (percent)	Former users (percent)
Opinion of drug dealers:			
Negative	34	90	60
Positive	40	1	24
Neutral	22	4	8
Opinion of Vietcong:			
Negative	20	37	
Positive	50	43	
Communists primarily	15	37	
Nationalists primarily	57	42	
Do not admire them	32	47	56
Admire them	63	48	44

What do these results mean? I think they support the following notions.

The war in Viet-Nam has caused a crisis of national conscience, principles and goals. The consequent frustrations and debate are forcing our country to a major inward look and re-evaluation. They magnify the adolescent's normal sense of alienation. When grave questions are raised about our country's moral and legal position in a war, young people find it difficult to maintain confidence in our moral and legal codes in areas closer to home.

The war and the drug scene demonstrate a striking parallel in the disposition of the belligerent forces. Viet-Nam presents underdog rebels fighting a formidable military establishment, while caught in the middle are most ordinary Viet-Namese, apparently uncommitted. Back home in the drug war we find the same three elements—rebellious drug users clashing with conservative establishment forces, while neutral nonusers hold the middle ground and try to protect both their reputations and their civil liberties.

Undoubtedly there is a spiritual kinship among rebels everywhere. But these are no ordinary bonds that link the Viet-Cong rebels and the rebels of the drug scene. What we must understand, and what this discussion is really about, is that the entire Viet-Nam scene provides the drug user with an ideal model for unconscious identification. In his use of drugs he can share both the exhilaration and the agony of the Viet-Namese. He recreates their experience in microcosm.

At an age where rebellion, a sense of moral outrage, and the need to establish identity and independence are the norm, he becomes aware of the Viet-Namese peasant, a man of small stature and dark skin, living in a primitive agrarian culture, a little man who has been struggling for independence for centuries from a succession of giant foreign protectors. This Viet-Namese is almost a prototype underdog. His nonwhiteness reawakens all of the American student's concerns about the persecution of minority races. It becomes simple for him to transfer his cathexis from our civil rights struggle to the war in Southeast Asia.

Even the religion of the majority of Viet-Namese lends itself to unconscious identification. The spectacle of Buddhist Viet-Nam subjected to systematic destruction by industrialized wealth crystallizes many a young American's rejection of his country's less noble qualities, its materialism, its militarism, its self-righteousness and aggressiveness. Through drugs he can reflect, discard society's crass traits, and approach the kind of reconciliation with reality that Eastern religions teach. At the same time he can assuage guilt.

Observe also the communion between the two rebel groups in the identity crisis of the drug user *and* of the country of Viet-Nam (even now unsure whether it is one or two nations), in the evasive guerrilla game both drug user and Viet-Cong play, and in the risks that both take to achieve their goals. Educational programs designed to warn about the hazards of drug use are seriously compromised to whatever degree the individual's decision to use or not to use drugs is *not* based on rational thinking. If his behavior is significantly motivated by an unconscious identification with the Viet-Namese and the Viet-Cong, who are almost daily risking personal and national destruction, education can have only limited value.

Finally, a brief comment about the features common to the establishment response in both wars. We see a disconcerting similarity in war aims. The earliest one in each case is limited, innocuous, and totally acceptable to the public, purporting to help people victimized by ignorance and inexperience and based on the assumption of a vicious and aggressive enemy which cannot be resisted by its weak victim. Through a series of errors and miscalculations the aims and commitment gradually escalate. Goals become confused. We are not sure what we are fighting, or why. In our effort to help people we find ourselves destroying them.

---

* Presented before the General Session, American College Health Association, Forty-seventh Annual Meeting, Oklahoma City, Oklahoma, April 25, 1969.

† Director, University Health Service, The University of Utah, Salt Lake City, Utah 84112.

Yet it may turn out that the most devastating effects of our massive intervention in Viet-Nam have been on our own society, torn apart as never before. We seem unable to win because we can hardly define the enemy, much less our goals. Likewise, in the drug war, we the establishment strike out with heavy artillery at all kinds of targets—dealers, heavy users, experimenters. The most obvious effect of this bombardment is on us. We have become very "uptight," while not really reducing drug abuse.

What tentative conclusions might we draw from this new dimension on drug abuse?

1. Social and political situations exert a powerful influence on drug use in young people.

2. A current situation of major importance is the Viet-Nam war.

3. The specific link between the war and drug use is the unconscious identification model which the Viet-Cong provide for drug users, and which the establishment position in Viet-Nam offers the establishment at home.

4. If we really want to curb drug abuse, we must deal with the relevant social issues and, as one example, we might heed the lessons learned in Viet-Nam.

Appendix 1

Social Issues Survey

This survey is being conducted by a group of physicians in order to learn more about attitudes toward drugs and possibly related issues. It is entirely anonymous and confidential. *Please do not sign your name.*

Please check applicable categories: —University student—High school student—Non-student—Live in Residence halls, Male—Female—Age—.

1. Do you use or have you used drugs such as LSD, Marijuana, Methedrine (Speed), Heroin or others? Yes, No (Circle one) If yes, which do you use? (please number them in the order first used). Year of first drug use——. How did you start?

2. Why do you use or not use drugs?

3. If you are not now using drugs, but have in the past, why did you stop?

4. Do you use drugs regularly? How often? (frequency per week or month)

5. Do you feel you are addicted?

6. Do you feel there are hazards in drug use? If so, what are they for:

Marijuana———, Methedrine———.
LSD———, Heroin———.

7. Why do you feel you (or users) take the risks involved?

8. Do you think you (or users) get pleasure out of taking these risks (as distinct from the effect of the drugs)?

9. Do you feel marijuana use ought to be legalized? 9a. With or without control? 9b. Should other drugs be legalized?

10. Are there *external* pressures on you to use *or* not use drugs? If so, what are they?

11. What is your estimate of the percentage of drug users among.

    a. All University of Utah students?
    b. University Residence Hall students?
    c. Salt Lake City high school students?

12. What is your estimate of the percentage of drug users who get into *serious* psychiatric or medical difficulty because of: Marijuana ——LSD——Methedrine——Heroin——.

13. How do drugs affect academic performance?

14. What do you think about people who sell drugs?

15. What should the University's or high school's position be toward drugs and users?

16. Does the national or international political situation influence attitudes toward drugs?

17. What is your opinion about the Viet-Nam war?

18. What is your opinion of the Viet-Namese people?

19. What is your opinion of the Viet-Cong?

20. What is your opinion of the U.S. position in Viet-Nam?

21. Are the Viet-Cong communists first or nationalists first? (Circle one)

22. Do you admire the Viet-Cong for any reason?

How Ad Men Will Sell Grass

(By Jerry Della Femina)

It's going to happen in our lifetime. No matter how much you or I dislike the idea. That day will come when marijuana, pot, grass, maryjane, whatever you call it, will be legalized in the United States.

Look at it this way, 1992 is an election year. The man who wins the Presidency in that election will be about 40 years old. That means he is 18 years old right now. Do you know what most 18 year olds are smoking these days? And so our new President in 1992 will be an ex-pothead. And one of his first official acts will be to call together his cabinet (made up of a lot of other ex-potheads) and say:

"Men, it's time we legalized grass. It is my opinion as President of the United States that it can't hurt you. I've been smoking since 1968 and it didn't hurt me getting to the Presidency. Besides most of Congress is smoking these days. And I say it's time we got the stuff legalized before some of our more prominent statesmen get busted."

And so, it will be legal. And out of nowhere brands of marijuana will spring up. Packages will be designed, salesmen will go out selling two free with 10. Drug stores (what else) will be putting up giant displays and naturally when the competition gets tough, there will be advertising. Giant budgets will be spent to sell individual brands of marijuana. And, of course, ad agencies will produce television commercials. Did you ever wonder how certain advertising agencies would sell pot? I figure just about the way they sell everything else.

When Compton gets their first grass account they'll probably sell it with a slice of life commercial.

(*Scene opens in laundry room. Two housewives obviously stoned are talking.*)

SALLY. Now Jane, I'm your best friend so I can tell you I'm a bit worried about something I've noticed lately.

JANE. You mean my wash is not as white as it used to be?

SALLY. No silly, it's your pupils. They're just not as dilated as they used to be.

JANE. (*Sad*) I know, I know. It's the grass that Jim and I are using. It just doesn't seem to work as it used to.

SALLY. Oh, Bill and I don't use that old brand anymore. We use new Acapulco with gold power. (*Close-up of package of Acapulco*). It's got action starting power that gives us higher highs and the kind of big black pupils we can be proud of.

JANE. Acapulco, with gold power.

SALLY. (*Holds up a pack, takes a long drag.*) That's Acapulco with gold power.

Of course, there's Ted Bates. Did you ever wonder how Ted Bates would sell grass?

(*Cut away shot of human head showing smoke going through mouth and nose up to the head*)

V.O.: New Dreamo Marijuana. Gets into your head and bloodstream three times faster than any other pot. It turns you on three times faster.

Faster, faster, faster.
Faster than any grass you ever smoked.
Faster than fast.
New Dreamo.
That's Dreamo, Dreamo, Dreamo.
It works faster, faster, faster.

And then of course there's Ogilvy & Mather. How would they sell pot? With a full page long copy ad with a headline that says, "At 60 drags on Groove Pot the only sound you hear is your heart blasting through your head."

Subtitle: 273 reasons why Groove Pot will be the most unusual experience you will ever enjoy. Sheer bliss and nirvana. As peaceful as the rolling countryside in Chichester, England.

And last how would Needham, Harper & Steers sell grass? With a commercial that takes place in a baseball dressing room with a famous star player puffing his brand and talking to a young kid who is puffing on his brand.

FAMOUS STAR PLAYER. (*Takes drag*) Say boy, this "Vitel" is great grass. Hey kid, aren't those colors around us really great?

KID. I don't see them, sir.

FAMOUS STAR PLAYER. Isn't that music terrific?

KID. I don't hear it, sir.

FAMOUS STAR PLAYER. Hey kid, are you still using that grassy kid stuff?

Stop smiling—it's not funny.

Pharmaceutical Advertising and Youth—A Monograph Reporting Upon a Quantitative Pilot Study

(By Donald L. Kanter, Ph.D., Professor of Marketing, University of Southern California*)

ACKNOWLEDGEMENTS

The author wishes to acknowledge the invaluable help of his collaborators in the development of this study and report.

He is particularly indebted to Mrs. Ann Rawson Kanter and Miss Grace Pfardresher in the concepitualization and execution of the qualitative pilot study which serve as a general backdrop for the research completed for the Coronado Island United School District.

In addition, the cooperation of the Coronado Island Unified School District personnel was indispensable to the completion of the study. In particular, the author wishes to thank Dr. Clifford Jordan and Dr. Jay Mack for their support and aid throughout the research.

Finally, Mr. Herbert O. Brayer, then Coordinator, Title III, of the Coronado Island Unified School District, and his assistant, Mrs. Zella Cleary, worked with the authors unceasingly in the development and execution of the entire project with efficiency, insight and dedication.

FOREWORD

Television in the United States is an extraordinary influential mass communications medium. Nicholas Johnson, Commissioner of the Federal Communications Commission, has stated:

". . . Recent polls indicate that 60% of the American people believe they get most of their information from television." (1) It has been associated with many cultural and behavioral phenomena in a deterministic sense. Among the associated influences of television are assertions that it is responsible in part for violence in today's society. In a news article printed in the *San Diego Evening Tribune*, entitled, "Youthful Exposure To Violence Probed," (2) the claim was made that an average child sees approximately 13,000 violent deaths before he reaches the age of 14. The article further states that the increased crime rate over the past two decades and the heavy viewing habits of television by children (". . . as much total time watching television as he spends in school . . .") might, in some way, be related.

---

*With the collaboration of Richard Olsen, Gregory Wood, and Michael Rothschild for the Coronado Unified School District.

E.S.E.A. Title II Project—HEW "Innovative Solution to Teen and Subteenage Drug Abuse," Project No. 68-5380 Grant No. 9-8-005380-0064 (065), December 30, 1970.

Another associated influence of television are assertions about the role of advertising as a powerful tool of persuasion. This purported influence, however, is one of degree, depending upon which group of people comprise the audience, and what is being treated in the specific advertisement, the alleged powers of advertising notwithstanding. (3)

It is in the area of advertising over the counter nonprescription pharmaceuticals, which both adults and children see, that advertising most recently has received its severest impassioned criticism.

Nicholas Johnson has posed the question:

"Have you ever asked yourself who are your child's, as well as your contemporaries', teachers, or what they are teaching? Here is a partial answer: That conflicts are resolved by force, violence, or 'destroying the enemy' and not by listening, thinking or understanding; that troubles are dissolved by the 'fast, fast, fast relief' that comes from pills (vitamins, headache pills, sleeping pills, stomach pills, tranquilizers, pep pills or 'the pill'), and not from dedication, training or discipline; that personal satisfaction comes from the passivity of possession and consumption (conspicuous whenever possible) of cars, appliances and toys, cigarettes, soft drinks and beer, and not from the activity of commitment." (4)

Dr. Charles Winick, Director of the American Social Health Association's Program in Drug Dependence and Abuse, seemed to concur with this when he said . . .

"Anyone who listens to commercials or reads drug ads knows he can calm down, perk up, fall asleep, lose weight and ease any number of pains and discomforts by taking one or another pill." (5)

Dr. William Abruzzi, who has treated hundreds of youths for bad drug reactions at Woodstock, Powder Ridge and other summer rock festivals, blames advertising of pharmaceuticals for manufacturing an interest in the chemical solution to problems such as anxiety, tension and pain.

". . . I have the feeling Madison Avenue does not realize the deleterious sociological effects of some of its campaigns," (6) said the forty-four year-old college physician at State University, New Paltz, New York.

"Over-the-counter drug advertising must share the blame for the drug culture, along with music, movies and television," (7) opined Dr. Judianne Denson-Gerber, Executive Director of Odyssey House, New York-based, psychiatrically-oriented, therapeutic community for the treatment of narcotics addiction and substance abuse.

A particularly strong attack on adversting has been launched by Senator Frank E. Moss (D—Utah), who, as a member of the Senate Commerce Committee, is chairman of a hearing (convened September 22, 1970, in Salt Lake City), the drug advertising and drug abuse. (8) He states:

". . . The drug culture finds its fullest flowering in the portrait of American Society, which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria, solve problems and dispel doubt." (9)

Senator Moss, among others, has introduced the hypothesis that there is a connection between massive advertising for over-the-counter pharmaceuticals and the nation's rising drug abuse problem centered among its youth.

Several prominent spokesmen for the Advertising Industry, however, dispute the foregoing allegation involving proprietary drug advertising with drug usage among children.

Barton A. Cummings, Chairman of Compton Advertising and the Communications Committee for the White House Anti-Drug Abuse Campaign for the Advertising Council, noted that research by the committee of five groups—preteens, teens, parents, ghetto dwellers and the military—has not turned up evidence that "proprietary drug advertising has a tremendous influence on kids." (10)

Miles David, President, Radio Advertising Bureau, commented:

"Narcotics addiction relates more to the fantastic attention given to the drug lifestyle than it does to proprietary drug advertising.

"Advertising is falsely pinpointed as the source of interest in drugs." (11)

Stockton Helffrich, Director, National Association of Broadcasters' Code Authority:

"There is no clearly established cause and effect, but our feeling is that we want to respond to these anxieties which have been expressed." (12)

Andrew Kershaw, President of Ogilvy and Mather:

"I have seen no research that would suggest this relationship . . . I'd welcome some serious research on the advertising drug abuse." (13)

It would appear, then, that while there are differences of opinion as the effects of proprietary drug advertising on youth, almost everyone involved, including the advertisers themselves, is concerned about finding out what effects, if any, exist. The pilot study which follows addresses itself to some of the central issues in the controversy. The hope is to bring some objective information, no matter how tentative, to a debate, which is, at present, regrettably subjective.

OVERALL PURPOSE

The purpose of this pilot study is to attempt to determine what are some of the salient, *perceived* environmental influences which may affect drug usage among youth. It will pay special attention to the question of the role advertising may play in influencing drug usage.

These objectives were pursued through three studies:

Phase I, A Recall Study—Respondents were asked to recall the advertisements they remember in their daily television viewing and radio listening.

Phase II, A Survey Study—Respondents were asked their attitudes toward drugs and other hypothetically related factors.

Phase III, A Forced-Viewing Communications Research Study—Respondents were shown six advertisements, and their general receptivity to each was measured.

It was hoped that the subject could be best attacked from three directions, each one employing a widely-used Communications Research tool.

THE MAJOR FINDINGS*

1. There is no indication that pharmaceutical advertisements were easier to recall than other heavily advertised product categories.

2. Advertising had very low salience (was not talked about frequently) among the students when it was compared to other environmental influences.

3. Many students at all grade levels felt that *other* young people were potentially capable of being influenced by pharmaceutical advertising, as well as advertising for cigarettes, and to a lesser extent, beer. In addition, these students felt that elementary school children were more affected by television advertising in general than were students in any other age group.

4. In response to a question about what make young people try illegal drugs for the first time, the overwhelming majority of responses concerned "peer group influence" and "curiosity."

5. The family was generally seen by the students to have the greatest relative influence on their attitudes toward legal and illegal drugs. Other strong influences were school (peer group), police & courts, and medical subjects.

6. The students felt that advertising was a relatively strong *influence upon* their feelings toward medicines, but not on their feelings toward marijuana or illegal drugs.

7. Students, especially those in Grade 7, felt that advertisements for stimulants and depressants could lead to misuse of the product.

8. Grade 5 students ranked television programs as a relatively strong influence upon their general feelings and knowledge of marijuana and illegal drugs. This was not true for the older students.

9. In general, the 5th Grade students tended to react most positively and least negatively towards six advertisements for pharmaceuticals and cigarettes. They were more receptive to the advertisements than were the older students.

10. The 5th Grade students tended to find the six pharmaceutical and cigarette advertisements in general, and specifically the product claims within the advertisements more believable than did the older students (with the exception of the claims made in the cigarette advertisements).

11. The users of marijuana and/or pep pill seemed to be less negative toward and more receptive to the six advertisements than were the non-users. This was especially true of cigarette advertisements.

12. The users of pep pills tended to find the product claims in the six advertisements studied more believable than did the non-users.

13. One effect of advertising—in conjunction with other environmental influences—which may be inferred is that the anti-smoking campaigns seem to have helped to develop negative attitudes towards cigarettes among students.

IMPLICATIONS

1. At a conscious level there does not seem to be any greater preoccupation with drug advertisements than for other categories of heavily advertised products. This suggests that there is not a "mental readiness" set, or a predisposition to think about pharmaceutical advertisements or products, which is often found in people about to purchase a product. This "top-of-mind" awareness is one of the predictive criteria which the advertising industry uses to assess readiness to purchase.

Brand and product awareness does not appear to be greater for pharmaceuticals than for other product categories among the students; yet, there is an indication of some latent awareness of brand advertising because the students were able to recall pharmaceutical advertisements when specifically requested to do so.

2. By and large, advertising, per se, seems to have a relatively low level of general influence upon students, when compared to other environmental factors such as home (parents) and school (peer groups). This suggests that advertising is not, by itself, responsible for student behavior toward drugs and/or other products, substances or activities.

At the most, advertising operates within the context of the student's total environment and cannot be uniquely responsible for student values, attitudes and beliefs.

3. Even though advertising, per se, may not not be considered uniquely responsible for attitudes towards legal and illegal drugs, the students, nevertheless, feel that it is potentially an influencing agent, particularly on the youngest students.

Moreover, given the fact that many students feel that advertising for some pharmaceuticals might lead to misuse of the product, it is a reasonable hypothesis that some pharmaceutical advertising functions as a reinforcing element in the entire complex of drug attitudes among the young. Further, the finding that users of illegal drugs tend to be more receptive to pharmaceutical advertisements than non-users also suggests that pharmaceutical advertising may be reducing cognitive dissonance (personal conflicts) by implying, symbolically, to the users that . . . "Everyone turns on in his own way." This might be an important rationalization for the furtive user.

---

*The major findings and their implications are subject, of course, to the limitations of the data, based upon their sample and design, as specified elsewhere in this report.

The presence, then, of pharmaceutical advertising may be a reminder, so to speak, to its beholder that . . . "Everybody takes some kind of drug for something some of the time."

These frequent reminders in the mass media may well serve to reinforce attitudes derived from a multitude of environmental influences, such as family and peers, that drug-taking (not necessarily illegal) is commonplace and acceptable.

It may just be that pharmaceutical advertising is one more cultural prop in the maintenance of favorable attitudes toward drug usage among the young.

4. The trends in the study concerning the various age groups suggest forcefully that it is the elementary school children who tend to be most receptive and least critical of advertisements. It is in this younger group of students that the influences of pharmaceutical advertising—as a reinforcing agency—may be most pronounced.

This suggests that the industry codes for the content and timing of mass media campaigns be thoroughly reviewed with the understanding that pharmaceutical campaigns about the ingestion of over-the-counter drugs seem to have a potential influence on younger people by presenting a symbolic, cultural approval by their very presence in mass media.

5. It is entirely possible that the younger age group would be most receptive to an antidrug campaign, given their generally unskeptical attitude toward advertisements in general and the ostensible effects of the antismoking campaign. Whether these effects of the antismoking campaign derive from parental influence, and/or behavior, peer group word-of-mouth or the antismoking campaign itself cannot be determined: Nevertheless there is no reason to think that the antismoking campaign, using a number of diverse communications channels, has not had some effect. This raises the possibility that an antidrug campaign with appropriate strategy, might also have a salutory effect upon the younger students.

6. The limitations of the study, in both design and method preclude any cause and effect judgments concerning, pharmaceutical advertising and illegal drug usage. Given the trends developed in this study, however, it is fair to assume that a more sophisticated research design might produce data which is more specific in specifying the role which advertising plays—along with other environmental influences—in the development and reinforcement of attitude patterns which predispose students to adopt illegal drugs as a way of life.

7. In sum: if it is true that pharmaceutical advertising does, in fact, interact with other environmental influences to produce an overall cultural sanction which predisposes many youngsters to adopt illegal drug usage, then several steps might be considered in the short run:

A definitive study (in terms of sampling and design) might be mounted to determine more precisely how advertising interacts with family, school and peer group influences to predispose some students to become illegal drug users.

The mass media may well review their self-regulatory codes to determine if the time and place of exposure is appropriate.

The drug manufacturers, themselves, might examine their promotional programs to see if they are being completely responsible. They should see if they are promoting their products in ways, places and times where children may perceive them to be cultural sanctions for a drug-approving society.

The school administrators and educators might seek a place in their curricula to identify dispassionately, the role of advertising in enterprise and the ways advertisements try to assist the selling processes.

The advertising industry might review their attitudes and behavior towards children, with particular emphasis upon the relative credulity of the younger students vis-a-vis advertisements.

The Government regulatory bodies may wish to develop and maintain an ongoing set of social indicators especially geared to the receptivity of children toward certain kinds of promotional efforts which affect them, intentionally or not.

THE RESULTS—A PERSPECTIVE

Much will be made of the limitations of this study in the succeeding pages. These limitations should not be ignored. This study should be viewed as a first pass at a highly complicated issue, done in one atypical community in Southern California.

Nevertheless, the data to be presented represent findings which strike the investigators as provocative and informative. The implications of these findings should not be ignored, nor should further efforts using more sophisticated methods of determining cause and effect and multivariate interaction be abandoned. In sum, it is felt that the major findings of the study are useful and, up to a point, indicative.

[From the Washington Post, Apr. 14, 1971]

Low-Grade Ailments, Patent Medicine—and Advertising

(By Nicholas von Hoffman)

One night's television watching should convince anybody that we, as a people, are suffering from a pandemic of low grade debilitations, insomnias, nervous stomachs, snuffly running colds, unspecified deficiencies, chronic coughs, dyspepsia, and most of all headaches. Lord, do we have headaches! We must have three headaches for every two heads in the country. The makers of Bufferin, St. Joseph's aspirin, Bayer aspirin, Anacin, Excedrin can hardly keep us supplied.

Why should we have so many headaches? A recent, unscientific survey shows that we have twice as many headaches as the English, eight times as many as the Italians, nine times as many as the Japanese and 17 times as many as the Russians. This same survey indicates a striking inverse correlation between the incidence of headaches and the absence of aspirin advertising. In the People's Republic of Albania where aspirin is regarded as we review heroin, the headache is unknown. They don't even have a word for it.

These data have caused a prominent pharmacologist at Rockefeller University to suggest that the primary cause of the American headache is aspirin advertising. If this is so, then David ("Two Excedrin worked better than twice as many aspirin tablets") Janssen may be a menace to public health.

Occasionally even people in the advertising business have misgivings about the patent medicine situation. Last December the Ries Cappielo Colwell agency got so upset that it bought a full page in *Advertising Age* to complain. Here is a partial text:

AN OPEN LETTER TO THE MAKERS OF ALKA-SELTZER

"Dear Mr. Miles (Miles Laboratories makes the stuff):

". . . According to sources that measure media, in 1969 you spent $22.8 million in newspapers, magazines and television. And these same sources say you're spending even more this year. Why? Why did you spend $23 million to promote a product that everyone knows about? Why did you spend $23 million to promote a product that is mostly sodium bicarbonate and aspirin? In this day and age, there seems to be something wrong with spending $23 million to sell some $60 million worth of product . . . We like your commercials. We think they are more entertaining than most of the programs. But we also think all that time and talent should be put to better use."

Miles Laboratories answered that Ries Cappiello Colwell was inaccurate, misinformed misguided and just plain wrong. Be that as it may, the latest figures show that Miles spent 17 per cent of its sales on advertising of its products, which include One-A-Day, Bactine, Flintstones and Flintstones Plus Iron for the kiddie trade. That's nothing compared to Plough, Inc., which makes the St. Joseph medicine line, Di-Gel, Solarcain, Mexsana Medicated Powder and lots more. Twenty-three per cent of its sales revenue was poured back into advertising.

The champs are J. B. Williams Co., that old tired blood gang who make, in addition to Geritol, FemIron, Vivarin, Proslim, Serutan, Nikoban and other things to keep you healthy and beautiful. Thirty-six per cent of what it took in from sales it paid out in advertising. On the other hand, Bristol-Myers (Bromo-Quinine, Bufferin, Congespirin, Excedrin, Pal, the animal-shaped vitamin for the wee ones, plus many other products) had a more modest ratio of advertising to sales, a mere 16 per cent.

In absolute figures that's impressive. It works out to $115 million which is more than the Ford Motor Co. spent, more than RCA, more than Standard Oil, more than DuPont, AT&T or any airline. It's more in actual dollars and more as a percentage of sales spent on advertising than all but five other corporations.

The automobile industry spends slightly more than 1 percent of its income on advertising. The food people only spend a bit more and that includes the soft drink industry which spends 6 per cent. The motion picture industry, which you'd think would have to spend like crazy on advertising, puts out about 3.5 per cent. The figure for the liquor people is about 4, while for beer it's 6, and for clothes it's under 2 per cent.

But for drugs of all kinds, it's about 10 per cent, way higher than every other type of product, commodity, goods or services. If these drugs are a necessity, if they are so good for us, why should they have to be advertised so? The people who provide us with the other necessities of life, and even the optional luxuries, don't need to spend such huge proportions of their revenues on advertising. It would seem that the best headache cure is to stop advertising the remedy.

[Institute of Business and Economic Research, University of California, Berkeley]

Working Paper No. 65—Social Issues in Advertising

(By John G. Myers)

ACKNOWLEDGEMENTS

This is a preliminary draft of the first chapter of a book tentatively titled *The Social Role of Advertising*. The author would like to acknowledge the inspiration and financial support of the Educational Foundation of the American Association of Advertising Agencies. The book was motivated, and many of the ideas it contains inspired, by a symposium on the social role of advertising sponsored by the A.A.A.A. Educational Foundation, Inc. held at the University of California, Berkeley, in May of 1969. Many participants at the Symposium have since followed up with useful suggestions, references, and ideas, and their contributions are

gratefully acknowledged. Special thanks are due Dr. Lawrence D. Reedy, vice president of the A.A.A.A., and Dean Richard H. Holton for their many words of encouragement and advice during the formative stages of the project. Thanks are also due Gert Assmus who conducted the literature search, and Virginia Douglas of the Institute of Business and Economic Research at Berkeley who typed the manuscript.

This chapter presents a review of what might be called classical and current social issues in advertising as they appear in a wide variety of literature sources. It begins with a discussion of the controversial nature of the subject of advertising which has existed since it first began to take some recognizable form and shape before the turn of the fifteenth century. The "causes" are briefly examined as questions of social visibility, symbolic value, fundamental characteristics of the activity in which advertising is primarily involved, and a lack of research. The broad scope of the social aspects of the subject is conveyed by recourse to an identification of the range of perspectives used to discuss its role in society. Specific attention is then given to contrasting a series of economic perspectives with those of "other" perspectives, largely as an exposition of proponent and opponent positions. This is followed by an examination of the issues in the context of domestic social conditions in America at the turn of the decade of the 1970's. The ultimate purpose is to identify what needs, if any, exist for additional study of the social role and effects of advertising and, if so, what form and directions such study should take.

A principal theme of this chapter is that present advertising research concentrates heavily, and perhaps too heavily, on an elaborated understanding of a narrow and short-run definition of "social effects." The chapter might therefore be seen as an appeal for the correction of this imbalance—the need to focus on a broader and long-run definition—and a proposal for how this might come about.

It is by no means clear what should be considered significant social issues in advertising, particularly from the viewpoint of identifying those which lend themselves to some form of objective scientific inquiry. The subject has been characteristically controversial throughout its history, and from the viewpoint of broader social concerns, the literature is filled much more with intellectual "opinion" than with scientific "fact." Individuals tend to be "for" or "against" it—to be "proponents" or "opponents." Advertising has been summarily lauded or accused of being either the chief saviour or the chief sinner of western democratic society. In perhaps the most far-reaching opinion ever offered, it has been considered the pillar on which the destiny of Western civilization will stand or fall [65].[1]

That advertising is a controversial subject should come as no surprise considering its pervasiveness, visibility, and symbolic value in the dispute between the ideological perspectives of capitalism and socialism. It is not so obvious, however, why its social impact on a society has not been subjected to more objective, scientific, and "dispassionate scrutiny" than the extremes of opinion evident in the literature would suggest. Another eminent historian, David Potter, attributes considerable power to advertising as an educational and socializing agency but observes, in the following passage, that social scientists have largely ignored it:

> One might read fairly widely in the literature which treats of public opinion, popular culture, and the mass media in the United States without ever learning that advertising now compares with such long-standing institutions as the school and the church in the magnitude of its social influence. It dominates the media, it has vast powers in shaping popular standards, and is really one of the very limited group of institutions which exercise social control. Yet analysts of society have largely ignored it [50].

Although economists have been less prone to ignore the subject, there is in this literature also a marked tendency to engage in rhetorical argument, polemics, and espouse dogma than to subject questions to some form of objective inquiry. College students first introduced to the subject as treated in basic economics textbooks are very likely to come away with the opinion that society would be better off without it than with it. W. Allen Wallis, President of the University of Rochester, in reflecting on such literature has stated:

> Passages on advertising in our college textbooks of economics present a rather appalling collection of disorganized chatter. Analysis is superficial. Crucial terms are undefined. "Facts" are mere conjectures. There is written conformity to current patterns of "group-think" [63:iii].[2]

CONTROVERSY IN ADVERTISING

In introducing his book on advertising, Taplin [63] has stated that "generally speaking, those who are positively interested in the subject fall into two groups—those who dislike advertising and those who have a commercial stake in it" [63:3]. Another point often made is that those who dislike advertising tend to be members of the intellectual or academic community whose basic condemnations relate to the "wastes" of advertising, the materialistic values with which it is primarily concerned, and the generally low level of "taste" such issues, often oriented to one point of view or the other. We first ask what characteristics, features, or conditions of the subject underlie such controversy?

Prerequisites of discontent in advertising

Frey [20] has noted that critics of advertising include teachers, preachers, legislators, writers, consumers, and businessmen, and that: "most people are more critical of it than they are of other business functions such as production, finance, accounting, and personal selling with which they are less familiar and with which they have had much less frequent contact" [20:513].[3] It is thus an important characteristic of advertising that it draws attention to itself. One might expect controversy and discontent to arise out of this feature alone, and to have important implications for the study of the subject. As aptly stated by Taplin:

> Advertising, because it is ubiquitous and obstrusive, is a subject on which everyone tends to form strong opinions. This is an encouragement to the serious investigator of the nature of the phenomenon and at the same it is something of a barrier in his path. It means that everyone is interested in the subject, but nobody is quite disinterested. Investigation itself, the search for truth, soon begins to turn up ideas and facts, but these are at once seized upon by partisans who regard them as potential evidence to support their preconceived opinions [63].

The visibility of the institution of advertising in America is extremely high in at least two ways. First, the purely physical quantity of messages that wash over the population each hour, day, or minute is considerable. In a book published in 1967, Bogart reported:

> Every day 4.2 billion advertising messages pour forth from 1,754 daily newspapers, millions of others from 8,151 weeklies, and 1.36 billion more each day from 4,147 magazines and periodicals. There are 3,895 AM and 1,136 FM radio stations broadcasting an average of 730,000 commercials a day; and 770 television stations broadcast 100,000 commercials a day. Every day millions of people are confronted with 330,000 outdoor billboards, with 2.5 million car cards and posters in buses, subways, and commuter trains, with 51.3 million direct mail pieces and leaflets, and with billions of display and promotion items [10:2].[4]

Second, in comparison with analogous sectors of the economy such as the political, religious, or educational, in which individuals are also being exposed to communication and influence processes (and, in this society, presumably have the right to choose which of them they will and will not accept), the intensity of the effort in commercial advertising is higher and more obvious. Compared to the advertising effort in support of a political candidate, for example, that supporting a brand of laundry detergent is likely to have both more funds devoted to it, and to be delivered on a highly repetitious and continuous, rather than an intermittent, basis. There are thousands of brand "candidates" being advertised which leads both to a high concentration of economic resources devoted to the activity as well as an increased opportunity for a wide range in the quality of the messages associated with it. Mass taste, for many reasons, is necessarily a large part of the whole.

People tend to form strong opinions about advertising also for what it represents—it has a high "symbolic" value. At one level, it is perhaps the most visible manifestation of a capitalistic system. It has been described as the natural evolutionary consequence of a free market system—a system in which, on the one hand, the seller is comparatively free to cajole, convince, or persuade the buyer to accept his wares, and, on the other, the buyer is free to accept or not accept them. Disagreement then stems from basic differences in political attitude concerning how an economy should operate. Those who believe in laissez faire and free market principles tend to support advertising for the vital role it plays in a mass consumption society. Those whose leanings are more towards "command-type" or socialist economies, tend to reject advertising as concentrating too much power in one sector, misallocating national resources to the private sector at the expense of the public sector, and as fulfilling the goals of the seller at the expense of the buyer. Many disagreements on specific aspects of advertising can be related to more fundamental disagreements on political beliefs.

---

[1] This viewpoint was expressed by the eminent British philosopher-historian, Arnold Toynbee, who has stated: "The destiny of our Western civilization turns on the issue of our struggle with all that Madison Avenue stands for more than it turns on the issue of our struggle with communism" [65].

[2] Wallis chooses excerpts from Kenneth E. Boulding, *Economic Analysis*, and Paul A. Samuelson, *Economics: An Introductory Analysis*, to illustrate his points, concluding that "The passage from these two authors reflect discreditably on economics as a science, by making haphazard use of unsubstantiated assumptions about facts, of innuendo, and of rhetorical questions to evoke impressions and attitudes. They come distressingly close to hidden persuasion, hucksterism, or propaganda" [63:xiv]. Concerning the relevancy of such literature for public policy issues, Holton has observed: "Despite the extensive literature on consumer demand which economics has produced, surprisingly little of it deals with those aspects of demand which are relevant to a better understanding of . . . current public policy issues" [27].

[3] He also notes that criticisms of advertising are often associated with periods in which the business system is generally under close scrutiny such as during depression years.

[4] In 1969, the total volume of advertising expenditures in the United States was estimated to be approximately $19 billion. The largest agency, The J. Walter Thompson Company, increased its billings by $100 million to a record total of $736 million. One company alone, Proctor & Gamble, spent over $128 million in just three advertising media [1]. The International Advertising Association has reported that over $6 of every $10 of the world's advertising expenditures are spent in the United States. In 1968, this averaged $89.56 for each U.S. citizen. Switzerland was second at $67.76 per person, and Nepal last with .05¢ per person.

At another level, it might be said that people disagree on the basic worth of marketing and selling activities of all kinds. Buyers should need no persuasion in coming to a rational determination of what is good for them. In the extreme, they really should require no information other than what they gain from using the product. Thus for the production-minded classicist, be he manager or academic, marketing activities are often seen as an unnecesary "cost" of doing business. The counter argument, from the viewpoint of the supporters of marketing and advertising, is that it adds values to a product—in the economist's terminology, it adds "time, place, and possession utility." It is nevertheless interesting to observe that the discussion of the utility added by advertising in these terms has received no great concentrated intellectual attention.

A third prerequisite to the controversial nature of the subject lies in the nature of the activity itself. Although there is disagreement on the definition of advertising, a popular version is that it is "controlled, identifiable persuasion by means of mass communication media" [67:8]. The key word that distinguishes it from many classical economic definitions is "persuasion." Supporters of advertising argue that if it does not persuade or, in some way, communicate with the potential purchaser it is economically wasteful. Without some kind of behavioral effect on the buyer's part, the resources invested could be put to better use elsewhere. Being both ubiquitous and persuasive, advertising is thus purposively designed to "disturb" large sections of the population in whatever way seems appropriate. Apart from the legal boundaries on such activities (on which people also disagree), it should be emphasized that this is yet another possible source of discontent with advertising. Much psychological theory suggests that individuals prefer a stable, consistent, and predictable world rather than a dynamic, disturbing, and changing one, and advertising is much more associated with the latter than with the former.[5]

A fourth point which might be considered a necessary prerequisite to controversy on any subject is that there is either no factual evidence existing for much of what people disagree upon in advertising, and/or in many cases it is impossible to obtain. Without such evidence, individuals tend to believe what they want to believe. The concluding lines of a recent promotion textbook make the point. The authors, reflecting on the economic, social, and control areas of disagreement in advertising, state: "In each area of disagreement, the available factual evidence prohibits an objective preference for one point of view or another. Consequently, John Q. Public tends to believe what he finds it convenient to believe" [36: 355]. It is particularly true for those issues of advertising which are "social" rather than "economic" in nature. In an eloquent summary of the problems of determining the effects of a societal institution or its activities on the well-beings of its members, Bauer states: "For many of the important topics on which social critics blithely pass judgment, and on which policies are made, there are no yardsticks by which to know if things are getting better or worse [5: 20].

This point relates to the broader question of the tendency for protagonists to either praise or condemn the advertising industry itself. Advertising is treated as some coherent whole in which the profession, or those intelligent or stupid enough to be associated with it, are summarily supported or condemned. The reader might be reminded that any profession has its strengths and weaknesses—its "good" people and its "bad" people—and this is certainly true in the case of advertising. It is difficult to make a strong case that the activities associated with a profession in one aspect of a democratic system are necessarily any more reprehensible than those in another. Is it morally any more acceptable that a lawyer present to the best of his ability a defence for a "known murderer" than for an advertiser to attempt the "manipulation" of a group of consumers for the purpose of having them purchase his client's product? Questioning whether we can even talk about advertising as a meaningful category for analysis, Loevinger has stated:

> Suppose you ask the same set of questions regarding an equally broad category—mathematics. Is mathematics essential to our daily life? Yes. Will it raise our standard of living? I guess so. Does it result in better products? I certainly think it does. Does it present a true picture of the universe? Well, yes, sometimes, and sometimes not. Does it insult our intelligence? I wouldn't say that. Does it persuade? Yes it does . . . You could ask the same questions about the social impact of medicine or law.[6]

There are many other related conditions that might be cited as prerequisites to discontent in advertising, but these should suffice to highlight those on which much of the controversy rests. In the next section, some impression of the scope of social issues can be gained by observing the range of perspectives which have been brought to bear on the subject, and the literature which they have generated.

PERSPECTIVES ON THE ROLE OF ADVERTISING

It might be said that more literature exists on the subject of advertising and society in the form of speeches, magazines, trade journal opinion, and governmental documents than in formal academic textbooks or journals. This stream of commentary has come from a wide range of social, political, religious, and economics leaders and thinkers. Even presidents and prime ministers have taken positions or issued pronouncements of one kind or another on the subject.[7]

The literature on advertising that exists in textbook form can be arranged into "economic," "social" and "managerial" viewpoints. One might well extend this to include classic works by historians and religious leaders represented, for example, in:

Otis Pease, *The Responsibilities of American Advertising* (New Haven: Yale University Press, 1958).

David M. Potter, *People of Plenty* (Chicago: The Chicago University Press, 1954). See also *People of Plenty: Economic Abundance and the American Character*, 1965.

Rev. Francis X. Quinn, ed., *Ethics, Advertising, and Responsibility* (Westminster, Md.: Canterbury Press, 1963).

Economists have treated the subject either in the context of economic theory or as worthy of specific attention throughout the history of economics. Some early representative samplings from this literature are:

Frank P. Bishop, *The Economics of Advertising* (London: Robert Hale, 1944).

Neil H. Borden, *Advertising in Our Economy* (Homewood, Ill.; R. D. Irwin, 1945), and *The Economic Effects of Advertising* (Homewood, Ill.: R. D. Irwin, 1942).

Lewis Carr, *The Uneconomics of Advertising* (London: Wishart & Co., 1932).

Paul T. Cherington, *The Consumer Looks at Advertising* (N.Y.: Harper & Bros., 1928).

Frank H. Knight, *The Ethics of Competition* (London: G. Allen and Unwin, 1951).

Alfred Marshall, *Industry and Trade* (London: Macmillan & Co., Ltd., 1923).

Arthur Pigou, *The Economics of Welfare* (London: McMillan, 1924).

Joan Robinson, *The Economics of Imperfect Competition* (London: MacMillan, 1948).

Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (N.Y.: Harper & Row, 1943).

Roland S. Vaile, *Economics of Advertising* (N.Y.: The Ronald Press, 1927).

Floyd L. Vaughan, *Marketing and Advertising: An Economic Appraisal* (Princeton University Press, 1928).

Thorstein Veblen, *The Theory of Business Enterprise* (N. Y.: Charles Schribner's Sons, 1904).

There are a number of serious economic studies published in more recent years, many of which are based upon some systematic and rigorous analysis of economic data, and which collectively treat the broad question of the economic effects of advertising. The following sampling is representative of the group:

Jules Backman, *Advertising and Competition* (N.Y.: New York University Press, 1967).

James M. Ferguson, *The Advertising Rate Structure in the Daily Newspaper Industry* (Englewood Cliffs, N.J.: Prentice-Hall, 1963).

O. J. Firestone, *The Economic Implications Advertising* (London: Methuen & Co., Ltd., 1967).

John K. Galbraith, *American Capitalism* (Boston: Houghton-Mifflin, 1956). See also *The Affluent Society*, 1958, and *The New Industrial State*, 1967, by the same author.

Ralph Harris and Arthur Seldon, *Advertising in a Free Society* (London: Institute of Economic Affairs, 1959). See also *Advertising and the Public*, 1962, by the same authors.

Nicholas Kaldor and Rodney Silverman, *A Statistical Analysis of Advertising Expenditures and of the Press* (Cambridge: The University Press, 1948).

Edward A. Lever, *Advertising and Economic Theory* (London: Oxford University Press, 1947).

Alfred R. Oxenfeldt, *Economics for the Citizen* (N.Y.: Holt, Rinehart and Company, 1953).

Kristian Palda, *The Measurement of Cumulative Advertising Effects* (Englewood Cliffs, N.J.: Prentice-Hall, 1964).

George J. Stigler, *The Intellectual and the Market Place* (N.Y.: The Free Press of Glencoe, 1963).

Walter Taplin, *Advertising: A New Approach* (Boston: Little Brown, & Co., 1960).

---

[5] Critics may nevertheless find it surprising that empirical studies done in the United States and Britain on how people feel about advertising generally show that they are neither very concerned about it, nor do they generally express negative opinions about it, or see it as "threatening." For a recent comprehensive treatment of this topic see Bauer and Greyser [6].

[6] A remark made at the Berkeley Symposium on the Social Role of Advertising, May 16–17, 1968. See also Lee Loevinger, "Mass versus Media—Who Controls." A speech delivered at the University of Wisconsin, February 1969 (available from the Hogan and Hartson Company, Washington, D.C.).

[7] In a recent advertising textbook, for example, the author presents views of Sir Winston Churchill, President Franklin Delano Roosevelt, Adlai S. Stevenson, David Potter, Aldous Huxley, David Reisman, John Kenneth Galbraith, Vance Packard, advertising agency executives Arthus E. Meyerhoff and David Ogilvy, and a Soviet cultural magazine [18:5–7].

In addition to these book-length treatments, economists have published numerous journal articles reporting empirical findings on research into the economic effects of advertising. The works of Telser [64]; Stigler [62]; Kaldor [32]; Comanor and Wilson [14]; and Preston [51] are particularly noteworthy.

Studies that deal with social aspects of advertising from a wide variety of other perspectives run the full range from popular novels to serious analytical treatments. The following are of historical interest:

George French, *Advertising; The Social and Economic Problem* (N.Y.: The Ronald Press, 1915).

Thomas S. Harding, *The Popular Practice of Fraud* (London: Longmans, Green & Co., 1935).

Edward S. Hole, *Advertising and Progress: A Defence by E. S. Hole and a Challenge by John Hart* (London: Review of Reviews, 1914).

Ralph M. Hower, *The History of an Advertising Agency* (Cambridge, Mass.: Harvard University Press, 1949).

Joseph Jastrow, *The Betrayal of Intelligence, A Preface to Debunking* (N.Y.: Greenberg, 1938).

Howard J. Kenner, *The Fight for Truth in Advertising* (N.Y.: Round Table Press, 1936).

Marguerite Lyon, *And So To Bedlam, A Worm's Eye View of The Advertising Business* (Indianapolis, N.Y.: Bobbs-Merrill, 1943).

Joseph B. Matthews, *Guinea Pigs No More* (N.Y.; Covici, Friede, 1936).

Alexander McQueen, *The Story of Advertising* (Chicago: Standard Rate and Data Service, 1944).

Clyde R. Miller, *The Process of Persuasion* (N.Y.: Crown Publishers, 1946).

Rachel L. Palmer and Isidore M. Alpher, *40,000,000 Guinea Pig Children* (N.Y.: The Vanguard Press, 1937).

Frank S. Presbrey, *The History and Development of Advertising* (N.Y.: Doubleday & Co., 1929).

Carl F. Taeusch, *Policy and Ethics in Business* (N.Y.: McGraw-Hill Book Co., Inc., 1931).

Denys Thompson, *Voice of Civilization; An Inquiry into Advertising* (London: F. Muller, 1944).

A representative sampling from the 1950's includes:

John K. Galbraith, *The Affluent Society* (Boston: Houghton, Mifflin, 1958).

John Gloag, *Advertising in Modern Life* (London: William Heinemann, 1959).

Walter Goodman, *The Clowns of Commerce* (N.Y.: Sagamore Press, 1957).

Frank R. Leavis and Denys Thompson, *Culture and Environment: The Training of Critical Awareness* (London: Chatto & Windas, 1950).

K. W. Kapp, *The Social Costs of Private Enterprise* (Cambridge, Mass.: Harvard University Press, 1950).

Fred Manchee, *The Huckster's Revenge: The Truth About Life on Madison Avenue* (N.Y.: Nelson, 1959).

J. A. M. Merloo, *The Rape of the Mind* (Cleveland, Ohio: The World Publishing Co., 1956).

E. J. Murphy, *The Movement West: Advertising Impact or the Building of the West and the Years Ahead* (Denver: Sage Books, 1958).

Martin Mayer, *Madison Avenue, U.S.A.* (N.Y.: Harper, 1958).

Paul Mazur, *The Standards We Raise* (N.Y.: Harper & Bros., 1953).

Vance Packard, *The Hidden Persuaders* (N.Y.: David McKay, 1957).

David Riesman, *The Lonely Crowd* (New Haven, Conn.: Yale University Press, 1950).

Ernest C. Sommerlad, *Mightier Than the Sword: A Handbook on Journalism, Broadcasting, Propaganda, Public Relations and Advertising* (Sidney: Angus & Robertson, 1950).

Poyntz Tyler, Ed., *Advertising in America* (N.Y.: H. W. Wilson, 1959).

James P. Wood, *The Story of Advertising* (N.Y.: Ronald Press, 1958).

and from the 1960's:

Raymond A. Bauer and Stephen A. Greyser, *Advertising in America: The Consumer View* (Cambridge: Graduate School of Business Administration, Harvard University, 1968).

Leo Bogart, *Strategy in Advertising* (N.Y.: Harcourt, Brace & World, 1967).

Steuart H. Britt, *The Spenders* (N.Y.: McGraw-Hill, 1960).

Joseph Bensman, *Dollars and Sense: Ideology, Ethics, and the Meaning of Work in Profit and Nonprofit Organizations* (N.Y.: Macmillan, 1967).

David Caplovitz, *The Poor Pay More* (Glencoe, Ill.: The Free Press, 1963).

Buzzi, Giancarlo, *Advertising: Its Cultural and Political Effects* (Minn.: University of Minnesota Press, 1968).

Thomas M. Garrett, *An Introduction to Some Ethical Problems of Modern American Advertising* (Rome: Gregorian University Press, 1961).

Curt Gentry, *The Vulnerable Americans* (Garden City, N.Y.: Doubleday, 1966).

Mack Hanan, *The Pacifiers: The Six Symbols We Live By* (Boston: Little, Brown, 1960).

Jules Henry, *Culture Against Man* (N.Y.: Random House, 1963).

John Jobson, *The Influence and Techniques of Modern Advertising: Three Cantor Lectures,* Reprinted by The American Association of Advertising Agencies, New York, 1964.

Richard L. Johannesen, ed., *Ethics and Persuasion* (N.Y.: Random House, 1967).

Warren G. Magnuson and Jean Carper, *The Dark Side of the Market Place: The Plight of the American Consumer* (Englewood Cliffs, N.J.: Prentice-Hall, 1968).

Sidney Margolius, *The Innocent Consumer vs. The Exploiters* (N.Y.: Trident Press, 1967).

Marshall McLuhan, *Understanding Media: The Extensions of Man* (N.Y.: McGraw-Hill, 1966).

Bernard D. Nossiter, *The Mythmakers: An Essay on Power and Wealth* (Boston: Houghton-Mifflin, The Riverside Press, 1964).

David Ogilvy, *Confessions of an Advertising Man* (N.Y.: Dell Publishing Co., 1963).

Vance Packard, *The Waste Makers* (N.Y.: David McKay, 1960).

Joseph J. Seldin, *The Golden Fleece: Selling the Good Life to Americans* (N.Y.: Macmillan, 1963).

Ralph L. Smith, *The Health Hucksters* (N.Y.: Crowell, 1960).

Jeremy Tunstall, *The Advertising Man in London Advertising Agencies* (London: Chapman & Hall, 1964).

Walter Weir, *Truth in Advertising and Other Heresies* (N.Y.: McGraw-Hill, 1963).

Alexander Wilson, ed., *Advertising and the Community* (N.Y.: Augustus M. Kelley, 1968).

There are also a number of studies in mass communications which treat the question of social responsibility and mass communications in general rather than advertising in particular. For example:

Kyle Haselden, *Morality and the Mass Media* (Nashville, Tenn.: Broadman Press, 1968).

Theodore Peterson, Jay W. Jensen and William L. Rivers, *The Mass Media and Modern Society* (N.Y.: Holt, Rinehart & Winston, 1965).

William L. Rivers, *The Opinionmakers* (Boston: Beacon Press, 1966).

William L. Rivers and Wilbur Schramm, *Responsibility in Mass Communication* (N.Y.: Harper & Row, 1969).

Harry J. Skornia, *Television and Society* (N.Y.: McGraw-Hill, 1965).

Karl E. Warneryd and Kjell Nowak, *Mass Communication and Advertising* (Stockholm: The Economic Research Institute, Stockholm School of Economics, 1967).

In glancing over this list, one cannot help but be impressed with the degree to which with a few exceptions, the literature on social issues of advertising has been largely written for a mass audience and popular appeal rather than pursued as a worthwhile area of inquiry within basic behavorial science disciplines. Potter's [50] observation that "analysts of society" have largely ignored the topic seems particularly true if one restricts his view to the works of scholars in basic behavioral disciplines.[8] There are, of course, many studies in psychology, sociology, and anthropology which are relevant to the questions of cultural values and attitudes associated with the social role of advertising, but make no explicit attempt at examining the connection between them. The works of Katona [33;34], Parsons and Smelser [49], Lazarsfeld and Merton [38], and Lipset [39] are notable in this regard, particularly as they relate to psychological or sociological discussions of the roles and functions of societal communication systems. One could also cite other examples from the mass communications and journalism literature which bear on the question of social issues in advertising [37; 42; 44; 56], and in particular a number of studies on the impact of television [7; 9; 22; 57; 60], but the focus in these studies is either journalism or television in general rather than commercials and advertising in particular. Also, apart from the absence of a well developed analytical or theoretical framework from which such questions might be viewed in a behavioral science perspective, there is, in contrast to the economic literature, a marked absence of empirical work.

Much of the theoretical and empirical work of behavioral scientists in advertising falls under the third category—that literature which is written from a "managerial" perspective, and is largely applied in orientation. In sharp contrast to the lack of empirical studies on advertising in basic disciplines, the volume and sophistication of behavioral work in exploring questions of advertisiing effects on managerial interests like brand awareness, attitude, and preference is considerable. Theoretical development, particularly in extending the understanding of the process of consumer decision making, in the past decade [28;48] is both sophisticated and extensive. There is nevertheless a comparatively small amount of this work that might be said to address itself directly to the subject of the "social" role or effects of advertising.

Basic textbooks on advertising do treat relevant social issues, usually as descriptive reviews of the controversies that relate to "economic" and "social" questions.[9] The pattern of this treatment is highly consistent, usually one or two chapters of the text being devoted to the topic, and often a third chapter on the question of advertising control—whether by government or industry self-regulation. The nearest thing to book-length treatments is the growing collection of reading books on subjects such as the role of advertising [4;53;54;68], consumerism [15], social issues in marketing [52], and the environment of marketing [26].

---

[8] For example, in a comparatively recent text on social change [58], a series of fourteen essays are presented concerning population, economic growth, labor force and employment, knowledege and technology, politics, family structure, religion, consumption patterns, leisure, national health status, schooling, social stratification, and welfare. Advertising as a significant social force or an important unit for study is not considered. Concerning the lack of sociological contributions to the study of the consumer, Glock and Nicosia [23:359–390] point out that they have been impeded by: "(1) historical factors which have made psychology and economics more visible than sociology to the business community; (2 the prevailing perception in the business community of its needs for research on the consumer; (3) differences in how the three disciplines relate to these perceived needs; and (4) differences in prevailing attitudes among sociologists, economists, and psychologists about engaging in consumer research" [23:381].

The literature and research on managerial aspects of marketing and advertising in the United States is best described as "voluminous." There are thousands of studies, millions of dollars of academic and commercial research expenditure, and a vast quantity of published information. That some additional attention and effort might be profitably directed by those with a behavioral science orientation to some less immediately apparent managerial concerns is a theme pursued at greater length in a later section. We first consider the notion of "social issues" from the viewpoint of "economic" and "other" perspectives.

* * * * *

TELEVISION ADVERTISING AND YOUTH: A BEHAVIORAL SCIENTIST'S PERSPECTIVE

(By Scott Ward)

The purpose of this symposium, as I understand it, is to give you the opportunity to explore a number of topics in communication, from a number of points of view. After hearing parts of Professor Rosenfield's paper, I can assure you that this purpose will be served.

Recalling my days as an undergraduate speech major at the University of Wisconsin, it seems that you're supposed to start speeches with a statement of your objectives—so here are mine. I have three objectives:

First, I want to tell you something about how a behavioral scientist—if I may boldly stereotype myself (for better or for worse)—approaches a specific mass communication problem. Second, I want to tell you about the planning, design, and execution of *research* to investigate that problem. And finally, I want to mention some of the problems of applying behavior research findings in public policy decisions.

The mass communication problem may be simply stated as follows: What are the effects of television advertising on young people?

Well, how does a behavioral scientist approach this problem? A first step is to "survey the environment," so to speak, in order to estimate the importance of the problem, to find out what's already known, and to estimate what benefit empirical research would have in clarifying—not necessarily solving—the problem.

In the case of television advertising and children, one doesn't need to survey the environment too far. In this era of "consumerism," lots of people are up in arms about the subject, picturing the "hidden persuaders" manipulating tots in front of the tube to go pester their folks to buy candy and cars and toys. The roots of this Machiavellian model of human behavior can be traced to concern by some people that television "causes" all sorts of social maladies. After all, the juvenile crime rate has steadily increased since the introduction of commercial television—and the reason might be all the violence on television. Actually, of course, it's hard to prove one way or the other. A lot of other things have changed also, since television was introduced; the population, social density, and population mobility, for example. These things might have a much stronger effect on producing juvenile delinquents than television.

The burden of communication research evidence over the past 20 years or so—as Klapper and Bauer point out—is that television is not an all-powerful force . . . a "necessary or sufficient cause of audience effects."

However, can we let television off as a "reinforcer of existing tendencies," as Klapper would have us believe? Advertisers are really in a bind. Whenever they reply to consumerist groups, such as Nader's Raiders, they fall back on this communications research point of view, which suggests that the media don't influence kids. However, when they turn around and talk to their stockholders, they must tell them that the media have *some* effects, or how could they justify spending $20 million annually in advertising to kids on Saturday mornings alone? Another factor which adds to the importance of the question of TV advertising's effects on children is the fact that kids see an awful lot of it. It might be hard to believe, but commercials are the number three content category, on TV, behind movies (32% of on-air time), and comedy-variety shows (17% of on-air time) but ahead of action and eight other categories of TV content.

Anyhow, in "surveying this environment," the behavioral scientist hears people say that advertising to kids is just awful, or at least immoral, and he hears advertisers say that it doesn't work anyhow, and besides, how would you run the networks without advertising? Rule number one for the behavioral scientist is to listen to the controversies surrounding a problem, but don't get involved. I do believe that real problems in objectivity in aproaching research, can arise from taking sides. You have to remain value free—maybe it can't be done, but you've got to try.

A second step the behavioral scientist takes in approaching a problem such as this one, is to narrow the problem. What kinds of effects are we talking about? Short-run effects? Long-run effects? Effects on attitudes, or behavior, or on Mom and Dad?

A third step in approaching the problem is to search for relevant theory, and previous research. The importance of this step is beyond the scope of this paper. Suffice it to say that the behavioral scientist seeks an abstract framework in which to conceptualize his specific research. It can help to guide his efforts, and hopefully, a vehicle for ultimate accumulation of our scientific knowledge of human behavior.

Let me say a couple more things about the behavioral scientist's point of view, and then I'll tell you what I did, and what I found.

First, the behavioral scientist is interested in understanding, and predicting human behavior. As such, he makes the implicit assumption that human behavior is not random—that is, within probabilistic limits, human behavior is lawful, in which the same way as natural laws in the physical environment.

Second, behavioral scientists apply scientific methods to their research. Again, I am straining the limits of the scope of this paper. But I want to make the point that this is just one of several alternative approaches to problems. A philosopher, with an allegedly great mind, could pontificate about the problem. A parent could watch her kids watching TV for years, in the absence of any scientific procedures, and publish the results. And the behavioral scientist uses hypotheses and surveys and experiments—and other allegedly valid and reliable tools—to approach problems. Perhaps no single approach is "best"—probably all are desirable in examining complex kinds of problems, like human behavior.

To this point, I have been discussing in general terms, the behavioral scientists approach to a communication problem. Now let me get specific about our particular approach to the particular communication problem of understanding how commercials affect young viewers.

Clearly, there are many different kinds of effects of commercials. One important effect—though it is viewed as important for different reasons by marketers and by governmental policy-makers—is the extent to which commercials make kids want things, or make them pester their parents for them, or make them run out and buy things they see advertised on television.

Now, the phrase "make them buy" implies that I am subscribing to the social critics view of mass communication media—as all-powerful forces, capable of at least triggering a kid to buy something he sort of wants to buy anyway; perhaps capable of persuading a kid to buy something he initially didn't have a desire to buy. Television advertising, is, after all, the business of stimulating human wants, without respect to age.

While this is the effect we might most like to understand, it is also the effect that is virtually impossible to understand very well. After all, television advertising is just one of a host of variables which may influence a young person to want something. He may want something because the package is appealing; or because his friends have the thing—in short, you just can't isolate the effect of television advertising from all the other stimuli which motivate kids to want things.

There is also the issue of defining "persuasive effects" of commercials. If I walked up to you, and asked you where the washroom was, and you told me, would you say that you had persuaded me? Probably not. Similarly, commercials can simply inform viewers about some product, and then they buy it. This is something quite different from the "hidden persuaders" notion of effects of television.

This was an initial step in our thinking. Since we can't isolate the effects of commercials on overt behavior—in this case, buying—and since we really can't separate out informational effects from persuasive effects—then what we should attempt to understand are the effects of commercials on what a child learns—about being a consumer, about relationships with people, about the social significance as well as the objective chars of material possessions, and so forth. (Rosenfield's comments.)

It is astonishing how little we know about what children *learn* from television, and I want to make an important point about this. The view expressed by Klapper, and by many mass communication researchers, is that the media are not very powerful—they rarely convert people's views in and of themselves. Behavioral scientists for years, have examined persuasive effects of television—they have measured attitude change, and have rarely found much, so they conclude that the mass media are not very powerful.

But television is not supposed to be persuasive, as Mr. Agnew has reminded us. Moreover, young people are in the process of attitude formation—they do not often have strong, fixed attitudes about things. Thus, to look for persuasion, or attitude change, as a criterion for TV's effectiveness is a mistake. Just because you don't find any does not mean that TV has no effect—you are just looking for the wrong effect. Rather, attention should be devoted to understanding attitude formation, and other effects of TV on learning. Probably the biggest single impetus to this sort of study in recent times has been the advent of the widely—acclaimed "Sesame Street" series, which was hatched after much research of what children learn from the tube.

We are taking several research approaches to understanding learning from commercials—mothers unobtrusively watching their kids watch TV, and coding their behavior and comments during commercials, clinical group interviews following Saturday morning watching—to mention two current projects.

---

[9] It is not unusual in these texts to present reference literature as a series of proponent and opponent views. For example, see Kernan et al. [36:348].

The research I want to tell you about today is from a survey of 1,094 adolescents—7th–12th graders. The survey was done via self-administered questionnaires through randomly selected classrooms in the Prince Georges County, Maryland School District. While the data may not be generalized to the American population, Prince Georges County provides a fairly good representation of the demographic characteristics of the entire country.

The county ranges from fringe ghetto areas to Chevy Chase. Some of the questions were designed to gather information about descriptive attitudes of these teen-agers toward commercials. These attitudes are a form of learning—and one which influences other aspects of learning, and behavior. (Slide 1) We asked the teen-agers to describe the commercial which they thought was the best on television, and why they liked it, and the commercial they thought was the worst on television, and why they dislike it. As you can see, the questions are "open-end," so we didn't force our own criteria by means of some check-list. Typically, the students wrote down a brand name, such as Alka-Seltzer, or Dodge Dart and we coded the answer according to the product category. The results are as follows: (Slide 2)

The adolescents had a wide variety of "liked" television advertising. The number one classification was drug and patent medicine advertising, as you can see, followed by automobile and by soft drink advertising. (Slide 3) When we asked them why they liked the TV ads that they cited as "best," the adolescents indicated that they like those that are funny, and those that are straightforward. It seems these adolescents demand more than just being entertained. (Slide 4)

As to "worst" television advertising—the adolescents were more concentrated in their responses. Seventeen per cent of them singled out cigarette advertising, with drug and patent medicine advertising a distant second. It's interesting to note that drug and patent medicine advertising was also the most liked category—apparently adolescents either love it or hate it. (Slide 5)

Concerning the reasons adolescents dislike commercials, 22% of them said they disliked television advertising because it's stupid—it insults the intelligence. Other reasons, as you can see—TV advertising is seen as fake, and hypocritical. (Slide 6)

Now when we cross-tabulate the data, we can see why teenagers like and dislike TV commercials in product classifications that they specify. The two most important findings here are that the adolescents like drug and patent medicine advertising because they see it as funny. But on the more serious topic of the anti-smoking advertising, they like this advertising because they see it as straightforward. And not surprisingly, adolescents dislike cigarette advertising because it's seen as hypocritical, in bad taste, and so forth. The strength of the response to cigarette advertising suggests something very important, I think—adolescents aren't fooled by this advertising—they are rather unequivocal in their negative response. (Slide 7)

One other thing that is fairly interesting in these descriptive data: The criteria adolescents use for judging "worst" advertising seem to change with age. The younger adolescents dislike TV advertising in terms of rather substantive criteria—they use terms like stupidity, fake, hypocritical. The older adolescents, on the other hand, also employ these substantive criteria, but they have become "critics," too, also responding to stylistic characteristics of commercials—they comment on the acting, and on whether commercials are dull or not. (Out slide 7)

Now let me go beyond these descriptive data and dig a little deeper. Thus, far, we have simply described attitudes Now we wish to analyze relationships between an adolescent's attitudes toward television advertising and other aspects of his life. Through such analyses we may understand what factors influence the development of attitudes toward advertising,—a kind of learning—and the results of these attitudes on other aspects of learning. (Slide 8)

We first ask if attitudes toward advertising depend on an adolescent's social class. As you can see in this chart, as we go from lower to middle to upper social class, we find increasingly negative attitudes toward television advertising. We don't know as yet precisely why this relationship occurs. It may be that lower class adolescents *like* television commercials because they show products and life style these adolescents would like to strive for. Or it may be that upper class adolescents are most negative because their life environment includes most advertised things, and so television advertising is passé, or perhaps they feel that what is portrayed in advertising does not match their experience. (Slide 9)

Next we find a relationship between amount of television viewing and attitudes toward advertising. As you can see, the more the exposure, the more likely the adolescent will hold positive attitudes toward television advertising. I stated that as if high exposure leads to—or causes—the development of positive attitudes toward advertising. Actually, of course, we cannot be sure of the direction of causality. It may be that, because adolescents have negative attitudes, they watch less TV, or because they have positive attitudes, they watch more television. (Slide 10)

We also found an interesting relationship between intelligence and attitudes toward advertising. Adolescents high in intelligence like advertising more than less intelligent adolescents. Perhaps the more intelligent adolescents like the humor in television ads, or see them as "camp." (Out slide 10) For the statisticians among you, I can report that our data meet traditional confidence levels.

Now I have presented only a few main results, and I have omitted certain complexities of the data. But let me summarize to this point. (Slide 11) First, I would say that TV advertising is by no means a "Big thing" to teenagers. You can see this in the high number of adolescents who simply didn't respond to our questions about liked and disliked ads. When we asked some of them about it, they said they simply didn't have attitudes about television ads. This "low salience" finding parallels the finding for adult samples. Overall, however, when we asked about general attitudes toward television advertising, the adolescents were slightly negative.

When we sought to identify relationships between attitudes toward advertising and other aspects of the adolescent's life, we find positive attitudes related to amount of exposure, communication within the family about consumption matters, intelligence, and materialistic attitudes. Negative attitudes are associated with social class.

Now let me focus on this last finding for a moment. It's important, I think, to note that the teenagers do not respond to television advertising simply in terms of stylistic criteria. The fact that they use a variety of criteria to evaluate television advertising, above and beyond simply the criteria of humor, and so on, plus the fact that the adolescents are generally negative toward TV advertising, suggest that adolescents are not hapless victims of the tube. Rather, they are responsive audience members, with identifiable, and often substantive, likes and dislikes. (Out slide 11) So I would argue that the critics model of mass communications effects can be rejected. Television is not an all-powerful manipulator of adolescents. On the other hand, what we have seen so far indicates that there is certainly some learning going on. To this point, I have been discussing attitudes toward commercials as one kind of learning from television.

STOP FOR QUESTIONS

Now let me turn to other kinds of learning, which are somewhat more complex.

We examined four learning effects of television advertising (or "Dependent Variables") which are kinds of learning: recall of Commercial content, attitudes toward television advertising, materialistic attitudes, and effects on behavior—in this case, of course, buying behavior.

Operationally defined, these were measured in terms of various series of questions in different parts of our questionnaire. We measured recall via a series of 16 fill-in-the-blank identification items; our measure of attitudes in this case was a series of items, concerning overall liking or disliking, and attitudes about the truthfulness of advertising; "materialism" refers to a relative orientation of adolescents which emphasizes money and physical possessions as necessary for personal happiness and for social progress; and, finally, we asked adolescents to report if they felt that television advertising had influenced them to buy things (Out slide 12).

I won't go through the technical details of reducing and handling these data. Suffice it to say that we scaled the responses of adolescents on these four variables. Thus, we can talk about more or less recall, more or less materialistic attitudes, and so forth.

Now we ask, what factors might "cause" these learning effects? That is, what factors cause some adolescents to have positive attitudes toward advertising, others negative; for some adolescents to be highly materialistic and others anti-materialistic, and so forth. Previous research suggested three kinds of variables which might predict differences in these learning effects. These causal, or independent variables are: Demographic variables which, in effect, "locate" the adolescent in the social environment—that is, social class, available money, and intelligence. Second, communication variables—both amount of mass communication behavior—watching television—and interpersonal communication behavior—in this case, discussions within the family about consumption matters. Third, and most importantly, we examined the reasons or motivations of adolescents for watching television commercials. We were not content to know how long he sits in front of the tube—but we also want to know why he watches.

We previously asked students to write essays on why they watch or don't watch commercials. We culled these essays and found three central factors accounting for why adolescents watch commercials. We labeled these "social utility" reasons, "communication utility" reasons, and "vicarious consumption" reasons (slide 13). The social utility factor consists of items such as "I find out what kinds of people buy the things advertised," and so on, as you can see. Operationally, this factor refers to a motivation to watch commercials as a means of gathering information about life styles and behaviors associated with uses of consumer products. The second factor concerns watching commercials in order to provide a basis for later interpersonal communication—evidenced by items such as, "I watch commercials to give me something to talk about with my parents." Finally, the third factor was labelled "vicarious consumption." This refers to a motivation to watch commercials in order to identify with or vicariously experience attractive life styles, and/or identify with attractive others shown in the commercials (slide 14).

Putting all of this together, the "model" we come up with looks like this. Essentially, we are interested in the effects of demographic and communication variables—"communication variables" including interpersonal communication within the family, and amount of television and print media use, and motivations for television commercial watching—the influence of these variables on four learning effects of television advertising—recall, attitudes, materialism, and effects on behavior.

Well, what did we find? First, we examine mean scores on our various scales. (Slide 16.) As you can see, junior high adolescents score higher on almost all of the independent, or causal variables that presumably influence learning. They watch more television, talk more in the family about consumption (they're around home more), and watch commercials for the various reasons more than the senior high adolescents. (Out slide 16.)

Now we dig a bit deeper with our data. (Slide 17.) For the survey technicians, we carried out a step-up regression analysis, after checking for linearity by examining Eta values. The data I will report are from analysis of Beta-weights, which are standardized partial regression coefficients. For the non-technicians, what I just said was essentially that, the data I'm reporting to you are the relationships between our independent (or causal) variables, one at a time, and our dependent variables. That is, we are isolating the most important variables in predicting differences in the dependent or learning variables—recall, attitudes, materialism, and effects on buying. By knowing these relationships, we can better understand the processes of learning from television advertising, how they interact with non-TV factors, and how they differ for younger and older adolescents.

Here's what we found. The processes were quite similar for younger and older adolescents in recall of television commercial content. The most important factors for both groups were intelligence, and exposure—to television and to print media. These factors are in order of importance, incidentally, so intelligence was more important than exposure in predicting differential recall of commercial content.

The processes are quite different for younger and older adolescents in forming attitudes about advertising, however. As you can see, watching commercials for social utility reasons was most important for junior high adolescents, along with TV exposure, while watching for vicarious consumption reasons, family communication, and social class, were important predictors of attitudes for older adolescents.

Social utility and vicarious consumption reasons were quite important in predicting materialistic attitudes. And, as you can see, family communication about consumption—an interpersonal communication event—and watching commercials for social utility reasons—a mass communications event—are important factors in predicting effects of commercials on buying behavior.

Well, what does it all mean? The most important findings, I think, are these. (Slide 18) First of all, if we simply examine the amount of exposure to television among adolescents we are not going to know very much. More important in this study, and I suspect generally, are the motivations for watching television. That is, we need to know about the *quality* of time spent in front of the tube, as well as the quantity. "Social utility" reasons are quite important, especially for younger adolescents.

They seem to be learning about connotative values of products and brands through advertising; about the kinds of people who use various products and brands; and, perhaps, about life-styles which are associated in advertising with using particular products and brands. And these "social utility" reasons for watching commercials are related to specific learning effects—especially attitudes toward television advertising, and materialistic attitudes.

Finally, I repeat: we find the "hidden persuaders in advertising is overstated; television advertising does not operate in stimulus-response fashion, magically inducing adolescents to buy things they see on television. Other factors, such as the family group mediate the impact of television advertising.

For the older adolescents, family communication about consumption plays an increasingly important role, particularly in buying behavior, and in determining attitudes toward advertising. While younger adolescents seem to talk more with parents about consumption, this intra-family communication is more important for older adolescents. Notice, too, that, by older adolescence, we find a negative relationship between intelligence and materialism—the more intelligent the adolescent, the less materialistic, and vice-versa.

In sum, we have found out some things about what adolescents learn from television commercials. One implication of this research project, and others in the field of television and social behavior, is to provide informational inputs to governmental policymakers, such as the Federal Communications Commission. But one thing about behavioral research is the translation from research findings to social action is a difficult one indeed—this seems to be the point of the Moynihan article; a more specific case is offered by Moynihan in his book, Maximum Feasible Misunderstandings, in which he outlines the failure of Community Action Programs.

There are all sorts of politics intervening between research and action; and only rarely does specific research like this integrate the specific findings with the broader social context.

Research like this cannot dictate policy; at best, it can be like a roadmap, suggesting landmarks to guide you. Hopefully, the map and the landmarks will provide a more complete picture, as behavioral research accumulates, and our knowledge expands about mass communications problems.

CONSUMER BEHAVIOR, MARKET IMPERFECTIONS, AND PUBLIC POLICY

(By Richard H. Holton)

Economists pursuing the study of consumer demand during the past decade or so have directed their attention primarily to those aspects of the subject which are significant in macro-economic models or in understanding the nature of the demand for particular categories of goods and services. Thus the savings behavior of consumers is of continuing interest because of the implications especially for short-range forecasting of economic conditions. Consumer expectations and buying plans are also studied with care. The characteristics of consumer demand for housing, for automobiles and for other specific commodities have been the subject of considerable analysis as well.

This substantial body of literature, however, has been of little assistance in the recent public policy discussions of one important set of problems in consumer markets. Since 1964 Congress has demonstrated particular interest in what is loosely referred to as "consumer legislation." Hearings, threats of hearings and actual legislation have drawn attention to "Truth-in-Lending," "Truth-in-Packaging," automobile safety, tire standards, insurance, pharmaceuticals and other topics bearing on the performance of consumer markets. Despite the extensive literature on consumer demand which economists have produced, surprisingly little of it deals with those aspects of demand which are relevant to a better understanding of these current public policy issues.

This situation exists because little attention has been directed to what I will call here, for lack of a better term, the quality of consumer demand. By "quality" I mean the nature and extent of the information base which the consumer brings to bear on a given purchasing decision. For certain consumers in certain purchasing situations the buyer may have internalized nearly perfect and complete information; such cases may be rare, but they are at least conceivable. The spectrum of cases can run from this ideal version to the opposite extreme, in which the individual faces a purchasing decision with limited and/or erroneous information in mind. If all markets for consumer goods and services were marked by identical supply conditions, i.e., by identical characteristics of market structure among sellers, differences in the quality of demand across these markets could nevertheless lead to quite different results in terms of market performance.

Studies of market structure and performance in consumer goods industries typically consider features of the supply side of the market rather more carefully and completely than the demand side of the market. The argument in this paper is that by considering the quality of consumer demand across markets, one can understand why certain markets are likely to yield results which approximate the competitive model more closely in some cases than in others.

The purpose of this paper is to explore the question of the quality of consumer demand across markets and to develop some tentative conclusions about the impact of the quality of demand on market performance. This exploration will, it is hoped, help explain why the fabricators of public policy are concerned more about the performance of some consumer markets than others. Finally, certain implications for the design of public policy are suggested. No doubt the arguments along the way call for more qualifications that will be found in the material which follows. Full documentation would require far more extensive research into the vast literature on consumer behavioral phenomena than I have attempted, and would lead to a paper far longer than is appropriate here. Nevertheless it is hoped that the discussion is suggestive of questions which might be pursued further.

I

The body of information which the consumer brings to bear on a given purchasing decision is built up from inputs from a variety of sources. The consumer's own experience is perhaps the most obvious of these. Word-of-mouth information from family, friends and acquaintances is often of great importance as well. Certainly advertising, defined broadly to include not only advertising through the usual media but also point-of-purchase advertising, is often of major consequence. In some situations, advice from the retail clerk figures in the purchasing decision. Finally, some consumers make use of various neutral source materials such as the consumer magazines and government reports.[1]

Each of these sources of information is clearly subject to certain weaknesses. One's own experience is likely to be limited, as is that of the people providing the word-of-mouth advice and counsel. The marketer-dominated information is intentionally biased. Even the neutral sources are often subject to question. The consumer rating services work with very small samples of the items tested; the weights they attach to different attributes of the product may differ from the weights the buyer might assign; design features subject to criticism might be altered by the manufacturer soon after the item is rated; and ratings often become ob-

---

Footnotes at end of article.

solete as whole new product lines are developed.

A rough but useful distinction can be drawn between the nature and quality of the information which the consumer has assimilated from past experience as he considers a purchasing decision prior to additional search, and the nature and quality of the information which is likely to result from any additional search. At the time the specific purchasing decision is being made, the buyer consciously or unconsciously brings to bear on the decision a set of messages acquired in the past from the various sources of information influencing his decision. These can be drawn from the totality of his past experience and would include not only his experience with the brand being considered but also his impressions of that brand and its competitors gained from past exposure to advertising and the myriad other sources of information. With a memory less than perfect, the purchaser will not even be able to bring to bear the complete past experience, since forgetfulness will have screened out certain of the past information.[2]

If the consumer considers search worthwhile, he may engage in some shopping about before the specific purchase is made. The consumer in other words may, by incurring some costs, improve the state of the information at his disposal.

Let us consider first the quality of consumer demand if the state of information is limited to that in the mind of the consumer when the purchase is first considered, i.e., prior to any search. Under some circumstances this information can be quite complete. This would seem to be the case when four conditions are met, namely:

1. The item is bought frequently by the specific buyer in question;
2. The quality and performance characteristics of the product are known to the buyer prior to purchase or are quickly ascertained after the item is used;
3. The rate of technological change in the product is slow relative to the frequency of purchase, and
4. The offer terms of competing sellers are known and are stable over time.

Under these circumstances the learning process can take place rather quickly. The consumer can conduct his own experimentation with alternative brands and arrive at his own evaluation of which best serves his needs. A few supermarket items might meet, or come close to meeting, all three criteria. Scouring powder or razor blades might be a case in point. Various food products might at first glance appear to meet all four tests; however, such subtleties as vitamin content cannot be perceived through use, but only from the label. At the other end of the spectrum are a host of goods and services which fail to meet one or more of the tests. Automobile tires, automobiles themselves, appliances, appliance repair, casualty and life insurance, medical care, pharmaceuticals are only the more obvious cases.

Opponents of consumer legislation are wont to sing the praises of the quality of competition in consumer markets. "The consumer is no moron, she's your wife," is a favorite quotation. The housewife in the supermarket is depicted as a lightning calculator of values, and the seller who does not measure up will be eliminated from the market if he does not mend his ways, the argument runs. It is interesting to see how many times, however, the illustrations used to buttress the generalization are drawn from the supermarket context, where the learning process can take place at a faster pace than in most other markets. The market for supermarket items comes closer to meeting the four criteria mentioned above than do the markets for most other consumer goods and services.

In general, we can conclude that markets characterized by rapid, accurate learning through experience by buyers in consumer markets may reasonably approximate the competitive ideal on the demand side.

II

The discussion above has been limited to what might be termed the "costless information" case, i.e., the case in which the consumer faced with a purchasing decision does not engage in additional search. Considering the case of search as separate from the costless information case is a bit strained, since the experience relied upon in the first instance is accumulated from a background of previous purchases, exposure to advertising and to other signals which can be defined in some broad sense as "search." Here search is rather narrowly defined as the explicit comparison of alternatives prior to purchase.

If search is carried out with sufficient care, the consumer's state of information about available alternatives can be developed to the same point that might be achieved through extensive experience in those instances where the four criteria listed above are met. But will the search be carried out, and if so, how thorough will it be?

Stigler has noted that the buyer will continue the search out to the point where the cost of search is equated to the expected marginal return to further searching effort.[3] He notes that the greater the dispersion of prices, the greater the expected savings from an additional unit of search.[4] One can add that in the case of differentiated products, the greater the dispersion of each of the quality characteristics the greater the expected gains from search.

Stigler also points out that "if the correlation of asking prices of dealers in successive time periods is perfect (and positive!), the initial search is the only one that need be undertaken."[5] In this case the present price asked by a dealer is a perfect predictor of his future asking price and search need not be repeated before future purchases. But he explicitly assumes that changes in quality or product characteristics over time are absent. If this assumption is abandoned in favor of the more realistic assumption that product features, real or contrived, do change over time, the life of the information acquired during search is limited. Innovations in product design or advertising message (broadly defined to include such features as package design and labelling) are of course common. Indeed, the marketing manager for a high frequency product is motivated to alter the marketing program for the product in order to attract new buyers, since the brand-loyal consumer presumably will not switch away from the product and new buyers might be attracted. This is saying that the new buyers engage in some search when they encounter the change in the advertising "pitch," in the objective features of the product, etc. Marketing techniques must surely work to make the consumer's information obsolete more quickly, thus increasing the probably marginal return to the search process and motivating the consumer to engage in more search than he would were product characteristics static.

A number of observations about the phenomenon of search can shed light on the relationship between search and the imperfections in the markets for consumer goods. First, the search problem may be worsening over time if the rate of technological change is increasing, and/or if the rate of change in marketing programs is increasing.

Second, the nature of technological change in many consumer products may now involve a growing number of product modifications which are below the threshold of consumer perception. Gasoline additives provide a case in point. Although it may be agreed that the additives increase the life of the automobile engine, it is doubtful that all but the most zealous automobile owner can determine for himself that this is the case. Thus the search must be based increasingly on information which the consumer cannot generate by his direct observation of performance, but which instead must come from advertisements and other information sources.

If we can assume that the higher one's income, the more valuable one's time, increases in income per capita may lead to less search. Simultaneously, perhaps one of the luxuries which well-to-do people can afford is the luxury of not shopping carefully. For them, the opportunity cost of a bad purchase is not as high as for a low income buyer. These two forces, if they are in fact at work, would seem to reduce the level of discipline to which sellers are subjected in the market place for consumer goods and services.

For low income people, the search process may be both costly and quite inefficient. The pattern of life of the metropolitan poor may make it difficult and expensive both in terms of time and money to cover alternative sources of goods and services outside the ghetto. Furthermore, the limited education of poor people presumably makes it difficult for them to assess satisfactorily the quality of the offerings of competing sellers. In short, they don't know "what to look for." This suggests that low income people are likely to favor major brands of consumer goods, since they would look on the brand name as a surrogate for information.

These possible attributes of consumers at both ends of the income scale, if in fact they do apply, work to reduce price competition in the market place. The impact of these buyers is no doubt offset at least in part by the corps of what we might call "professional shoppers" found across the whole spectrum of consumers. These are the consumers who consider shopping almost a hobby. Their sensitivity to offerings is such that every shopping trip is an information-gathering expedition which may yield impressions of prices and quality for goods which are not immediate prospects for purchase but which may be bought at a later time. For these people the search process is enjoyable in and of itself. They are likely to be sources of information for their friends who look to them for shopping advice. Thus in their individual capacities and as centers of networks of influence and information, they serve to increase competitive discipline among sellers.

The nature and extent of individual shopping behavior will depend in part on the buyer's perception of the risk involved in the individual purchase. The risk may be related not only to performance of the good being considered for purchase, but to the prospective psychological satisfaction as well. Thus the buyer may check (overtly or otherwise) with his or her social group to determine whether purchase of a particular version of an item would enhance his prestige or acceptability among his peers. The greater the risk of a bad decision, the greater the search for information prior to the purchase.[6]

The search process is becoming increasingly complicated by two phenomena in particular. The increasing importance of services in the consumer budget should lead to more time spent on the search process for services relative to goods. Yet services are not well standardized and the pricing is a matter of considerable uncertainty for the consumer. Automobile and appliance repair and home maintenance services are prime illustrations of the problem. The difficulty and imperfection of search in these markets no doubt help explain the continual grumbling about these markets. Medical services and insurance are two additional significant cases in point.

The increasing mobility of consumers also operates to complicate the search process, especially with respect to services. When the

---

Footnotes at end of article.

buyer moves to a new neighborhood or city, the search for satisfactory services must start afresh. Thus the useful life of the information which the consumer has gathered about the sources of service is reduced.

Although for the many reasons cited above the search process may lead to a relative low (and perhaps declining) quality of demand, the consumers presumably are nevertheless in equilibrium in the sense that they are equating the marginal cost of search with the expected marginal return. It will be argued below, however, that this does not necessarily mean that public policy should be neutral in the matter.

III

An appreciation of the quality of demand in consumer markets can be enhanced by comparing the consumer as a buyer with the industrial purchasing agent as a buyer. The parallels and contrasts here can be especially interesting because in so many instances the actual purchaser for the household is playing the role of purchasing agent for other members of that household. In a classic article appearing in 1912, "The Backward Art of Spending Money," Wesley Claire Mitchell recognized the difficult role of the housewife as purchasing agent:

> She must buy milk and shoes, furniture and meat, magazines and fuel, hats and underwear, bedding and disinfectants, medical services and toys, rugs and candy. Surely no one can be expected to possess expert knowledge of the qualities and prices of such varied wares. The ease with which defects of materials or workmanship can be concealed in finishing many of these articles forces the purchaser often to judge quality by price, or to depend upon the interested assurances of advertisers and shopkeepers. The small scale on which many purchases are made precludes the opportunity of testing before buying, and many articles must be bought hurriedly wherever they are found at whatever price is asked.[7]

Comparison of the features of the purchasing situation faced by the household purchasing agent, on the one hand, and the industrial purchasing agent on the other can illumunate the nature of competition in these two kinds of markets and the role of the quality of demand in the two cases.

Again, it is helpful to distinguish between the case involving only the accumulated information from past experience from the case involving further search. The industrial purchasing agent will be motivated to maintain files of information on the experience of the plant or company with competing brands of various input items. Since maintenance of such an information system is not costless, presumably he will have more complete information on items requiring large annual expenditures than on items of less consequence in the firm's total cost picture. An exception to this general rule would be the case of the less significant item for which performance information is easily and quickly collected. The purchasing agent must balance the cost of maintaining such an information system against the expected benefits in terms of improving purchasing.

The sheer magnitude of money at stake will lead the industrial purchasing agent to maintain a better informational feedback system than will the household purchasing agent. Thus the firm operating a fleet of care or trucks can "afford" to keep records on the performance of the tires purchased. The average motorist, by contrast, buying perhaps two tires a year, is likely to have little more than impressionistic evidence at hand when he ventures forth to buy a tire. Plant performance records (rejection rates, down time, etc.) can generate for the industrial purchasing agent firm evidence of the quality of inputs. The household purchasing agent, on the other hand, has only the crudest kind of feedback from members of the family.

When search is undertaken, the rational purchasing agent will push search out to the point where the expected marginal return from further search is equated to the marginal cost of the search. Thus major expenditures should be subject to more extensive and careful search than minor ones. Since the industrial purchasing agent will be dealing with at least some large purchases, the search will often be undertaken with great care. The contrast with the household case is clear. If 10,000 housewives sally forth one day to buy an item for which the expected price is around $5.00, and if each thinks she might possibly save five percent by comparison shopping, the expected saving of 25 cents will lead to a certain amount of search, varying from individual to individual. But if a single industrial purchasing agent is seeking 10,000 units of an item for which he expects to pay about $5.00 per unit, and if he thinks he might save five per cent by shopping, the $2,500 which might be saved should lead to more careful search than if the purchase is being made by 10,000 separate buyers. This feature of industrial markets clearly leads to greater competitive discipline.

The magnitude of the purchase in the industrial case is frequently so great that the buyer will engage in in-plant testing prior to purchase. This is simply an extension of the search process; the greater the purchase and the greater the expected variability in performance of competing seller's products, the greater the probability that such testing will be carried out prior to the purchase commitment.

The quality of demand therefore is likely to be considerably greater in industrial markets than in consumer markets. It should be added that competitive discipline in industrial markets is especially great if the buyer has the option of making the item for himself. He is then a present or potential competitor on the sellers' side of the market in that case. Furthermore he may be a buyer so large that he can engage in formal competitive bidding.

Stigler notes that—

> Of course, the sellers can also engage in search and, in the case of unique items, will occasionally do so in the literal fashion that buyers do. In this—empirically unimportant—case, the optimum amount of search will be such that the marginal cost of search equals the expected increase in receipts, strictly parallel to the analysis for buyers.[8]

The case of seller's search may well be empirically unimportant in the case of consumer goods (although door-to-door sales of vacuum cleaners, encyclopedia and certain home improvements such as aluminum siding and storm sash are common enough—and do not life insurance salesmen engage in sellers' search?), the salesmen of industrial equipment, process supplies and raw materials surely are not empirically unimportant. The average purchase times the probability of the salesman actually making the sale may warrant maintenance of a sales force which calls directly on purchasing agents or those who influence the purchasing agent's decisions. Unlike most consumer markets, this brings the buyer into direct contact with the manufacturer; consequently the feedback from ultimate user to producer can be much more accurate and detailed than is true with those consumer goods which go through a retailer and perhaps a wholesaler as well. Buyer complaints in the latter instance must be filtered back through the marketing channel, unless the buyer writes the manufacturer directly. But here again the contrast between industrial markets and consumer markets is interesting. The consumer may feel that registering a complaint even directly with the manufacturer is not "worth while," especially if the purchase is minor in amount. The industrial buyer, on the other hand, with larger average purchases, is surely more likely to see that the supplier hears of his complaint. Furthermore the manufacturer is inclined to heed the large buyer but not the small one. Hence the manufacturer selling in industrial markets is probably fitting his product more successfully to the needs of the buyer because of more efficient informational feedback than one finds in consumer markets.

The manufacturer of industrial products is not able to afford a sales force (his searching mechanism) which contacts users directly if the average purchase times the probability of making the sale does not return revenue great enough to support the sales force. Thus many process supplies and such items as janitorial supplies may move to the user through industrial wholesalers, whose total product line is broad enough to yield high average sales and hence to support a sales force. In this case the seller's search is delegated to a middleman, just as the manufacturer of consumer goods may delegate his search to retailers.

IV

We can now recapitulate the discussion above and proceed to draw some conclusions about the design of public policy directed toward improving the quality of consumer demand. The magnitude and accuracy of the information which the consumer has assimilated from past purchases and other sources of information at the point in time when he is considering a purchase varies widely from individual to individual and, for a given individual, from product to product. Perfect competition assumes that the buyer has perfect knowledge of alternative offers of sellers. The point here is not so much that this knowledge is not perfect; this has never been questioned. More interesting is the wide variation in the state of information across markets.

Prior to the consumer's engaging in incremental search, his knowledge of alternatives is based on an accumulation of experience, be it great or small. This experience may have generated information which is nearly perfect if the four criteria mentioned early in this paper are met. Some large percentage of purchasing situations, however, fail to meet one or more of these criteria.

If the buyer feels that his experience is inadequate, he is motivated to search. Search will be extended to the margin, where the expected returns from further search are judged equal to the incremental cost of the search. The expected returns will be greater the larger dispersion of prices and quality and performance characteristics of the sellers' offerings; the greater the present value of the stream of purchases of the item the individual expects to make in the future; and the lower the rate of obsolescence of the information the buyer gathers in the process of the search. Among individuals, evaluations of both cost and returns will vary, causing some to search more or less than others.

The gross imperfections in some markets which can result from the low quality of consumer demand is suggested in its extreme form by the life insurance industry. Data on the yearly net cost per $1,000 of coverage are available for 1959–68 for the 71 companies with $500 million or more of ordinary life insurance in force, figured on insured age 35. The range is from a low of $0.37 per $1,000 for one insurer to a high of $5.95 for another, with an interquartile range of $2.25 to $3.85.[9] Although the terms of the policies are not strictly comparable and the data are subject to other qualifications which we need not delve into here, it is difficult to imagine differences in the "product" (however defined in this instance) which would explain such price discrepancies. Part of the explanation no doubt is that purchasers of life

---

Footnotes at end of article.

insurance look on the annual premium, rather than the net cost, as the price of the policy. The dispersion of the 10-year premiums for the 71 companies is much narrower, ranging from a low of $212.50 to a high of $266.60. Although the life insurance market is not as imperfect as the dispersion of net cost figures suggest, one can conjecture that the intelligent purchasing of life insurance is so complex that consumers do not engage in extensive search because of an inability to assay the alternatives very completely or satisfactorily.

The individual consumer stands in interesting contrast with the industrial purchasing agent. Although the basic decision rule determining the extent of search will be the same, the returns from both the maintenance of an information system designed to evaluate performance and the larger average size of purchase will lead to more careful search by the industrial purchasing agent than by the consumer. Thus the quality of demand in industrial markets is considerably greater than in consumer markets. Total market performance in the broadest sense is enhanced in the industrial case because search by the seller commonly leads to direct contact the manufacturer of the product and the buyer who will use (rather than resell) the product.

These points are all subject to more qualification than space permits, but the main thrust of the argument would seem to hold. If this is true, what is the significance for the public policy discussion of "the consumer problem?"

First, the complaint that consumers do not have sufficient information available for intelligent purchasing decisions misses the point. If costless search were possible, consumers could acquire complete information in some high proportion of purchasing situations. But even if all conceivable relevant information on, for example, detergents, could be printed on the packages, price and quality comparisons would still be required. Search calls not only for the collection of information on the individual brands and versions of the product in question, but for comparisons among brands as well. What is needed, therefore, is not so much *more* information but rather more efficient information, i.e., information which is not only "complete" but also provided in a form which permits comparisons with maximum efficiency. This would lead to a reduction in the incremental cost of search, and so the search process would be pushed further than if these conditions were not met.

A second and related point addresses the common charge that consumers do not use the information already available. Marketers have complained, for example, that housewives do not even take advantage of the most accessible information, i.e., they do not read the labels on the package. This, too, misses the point. Given the rationale of the search process, the quality of demand would be improved and competition enhanced if information presented on the label and elsewhere were presented in a manner which minimizes the cost of search and comparison. Consumers would still not make use of all available information, however, because presumably the equilibrium condition would not always call for such extensive search. Nonetheless market performance would be improved.

A third observation deals with one part of the argument that consumers seem to be content with the quality of performance of consumer markets. But adequate search presumes that the consumer knows what features of the product are important, i.e., which pieces of information are relevant for the purchasing decision. In fact, however, some industries have been embarrassed by studies which have revealed the importance of certain product features not previously considered by the average buyer. The furor over automobile safety, the concern about flamable fabrics and about the side effects of pharmaceutical products are illustrations. Buyers may have thought they were operating under conditions of adequate (by some definition) information, but publicity has changed that perception at least to some degree.

A fourth comment concerns the role of consumer complaints. It is often argued that the unhappy consumer will complain to the retailer or manufacturer and that this serves to discipline sellers. But a complaint carried back to the seller is an extension of the search process. It will not be carried back unless the expected benefit from complaining is greater than the "cost" of making the complaint. This cost can be high relative to the expected return the buyer may consider complaining as unpleasant, he may not be sure be sure how strong a case he has, or the time and inconvenience may be significant. Especially in the case of low frequency items in which his experience is limited, he may question whether the product really performed less well than competing products. For these various reasons the complaints which are actually made may be only the tip of the iceberg and the unregistered complaints may lead only to an undercurrent of consumer grumbling.

If the quality of consumer demand is to be improved, means must be found for increasing the efficiency of search, i.e., reducing the cost of search and raising the returns. Better consumer education is universally praised as one means of doing this. No doubt consumer education in the schools can be improved so that buyers can better evaluate the returns from search and can carry out the search process more efficiently. Outside the schools, however, one does not have the benefit of a captive audience; adults will turn to consumer education materials only as part of the search process. Thus the consumer magazines find that subscribers use their srevices most frequently when purchasing big-ticket items. These services no doubt improve the efficiency of search, but buers will use them only when their perception of the expected return warrants.

Greater use of standards holds promise as a means of making search by consumers more efficient, since standards are in substantial part a proxy for infomation. The recent legislation calling for the establishment of standards for automobile tires should reduce the confusion about the meaning of "first-line,' '"second-line" etc. Although the consumer may not know just what features distinguish the first-line from the second-line tire, at least he can assume that the minimum standards met by one manufacturer's first-line tire are greater than those met by another manufacturer's second-line tire.

Use of the term "standards" in the marketing of consumer goods causes considerable confusion because of variations in the meaning of the word. Some products are subject to what we will call legal minimum standards, i.e., certain standards must be met before the item can be marketed legally. Drugs subject to clearance by the Food and Drug Administration would be a case in point. Or standards might be established by law, agreement or by common usage for the use of particular terminology as with octane ratings of gasoline. The recent Truth-in-Lending Act involves this type of standardization in that the annual rate of interest, previously subject to several definitions, now will be used in a consistent manner across virtually all consumer transactions. Standardization of terminology is not to be confused with what might be called standard and mandatory specifications. When the need for broader use of standards is discussed, opponents of further regulation often argue that this will minimize the range of choice to consumers. But it is one thing to have legislation which prohibits the production of tires other than first-line tires; it is something else to have legislation which permits the production of other than first-line tires, but limits the use of the term "first-line" to tires meeting certain minimum requirements.

The Fair Packaging and Labeling Act of 1966 (the so-called "Truth-in-Packaging" Act) is a step toward standardizing not just the nomenclature but the actual package sizes of certain consumer goods. The objective here of course is to facilitate the search process by easing the task of comparing prices. To the extent that this reduces the cost of search, the quality of demand in consumer markets is improved.

Advertising is one source of consumer information which is subject to a steady barrage of criticism for a variety of reasons. Without delving into the subject in any detail, it is relevant to note that if false and misleading advertising is absent, advertising is of course a source of information to the consumer. It is imbalanced, though in that the disadvantages of the product are rarely mentioned, nor can one rely on the advertisements of competing sellers to point out these weaknesses in the products of other marketers. Moves to require certain minimum disclosures in advertising may introduce some qualifications into what may now be exclusively laudatory advertising comments about a product, thus improving advertising as an informational source.

It has been argued above that the quality of consumer demand may be deteriorating. Although consumers are supposedly increasingly well educated, they are also earning higher income. Thus the perceived risk of an unsatisfactory purchase is reduced, since the opportunity cost of replacing the item is lowered. The proliferation of products, versions of products and brands widens the spectrum of consumer choice. Delightful as this may be on some counts, it does increase the cost of search. As products become more complex, certain performance characteristics may be below the threshold of perception even though they are nonetheless important.

If the reasoning set forth here is generally correct, it helps explain why legislative attention has been drawn to such markets as packaged foods, automobiles, insurance, tires and pharmaceuticals. In each of these markets one or more of the four criteria cited early in this paper are not met and search is relatively unsatisfactory. Consumer groups and interested legislators sense the imperfections in these markets. This suggests that public policy toward consumer markets is likely to continue to move toward making the process of consumer search more efficient.

FOOTNOTES

[1] Donald F. Cox has suggested that these sources of consumer information be classified as "consumer dominated," "marketer dominated" and "neutral." See Donald F. Cox, ed., *Risk Taking and Information Handling in Consumer Behavior*, Division of Research, Graduate School of Business Administration, Harvard University, Boston, 1957; p. 605.

[2] For a full discussion of this aspect of consumer behavior, see Francesco M. Nicosia, *Consumer Decision Processes*, Englewood, Cliffs, N.J.: Prentice-Hall, Inc., 1966.

[3] George J. Stigler, "The Economics of Information," *Journal of Political* Economy, Vol. 69 (June, 1961), p. 216.

[4] op. cit., p. 215.

[5] op. cit., p. 218.

[6] For a detailed study of the question of perceived risk among consumers, see Cox, op. cit.

[7] Wesley Claire Mitchell, "The Backward Art of Spending Money," *American Economic Review*, Vol. 2, March, 1912, p. 269.

[8] Stigler, op. cit., p. 216.

[9] *Flitcraft Courant*, July, 1968.

LIFE BEFORE DEATH IN THE CORPORATE STATE

(Remarks of Commissioner Nicholas Johnson, Federal Communications Commission, with a lot of quotes from his friends, brought to you by some of America's finest corporations, that demand your valuable dollars in exchange for their cents of values)

The owner of MacClintock Enterprises . . . shook his head sadly, and reached into a Wedgwood box for a two-dollar Corona. . . .

He stopped to look out over Manhattan as a frown filled his tanned features. . . . He pointed out the window. "A new plague has arrived. A plague that is sweeping down on all of us, choking our brains until they are limpid seaweed!" He crossed to a huge television set, pointed at it.

"There it is, Hio. *There* is the plague!"

He turned it on.

"Watch it, watch this transistorized octopus spring to life in a whirl of color and lies, cotton candy and stupidity. See it, Hio, *hear* it!!"

An announcer's voice warned you to "Stay tuned to this channel for a new, all new fun game, 'Name Your Father,' which follows immediately!"

Music filled the room and suddenly the 27-inch screen was crammed with a pulsating many-hued spectrum as a shrill voice rasped madly, "And *now,* Live from Hollywood in Living Compatible Color!!"

"You, you rainbow-hued son of a bitch," snarled Henry MacClintock, *"you* are the enemy!!"—Don McGuire, *The Day Television Died*

PREFACE FOR BUSINESSMEN

A great many Americans from all walks of life, educational levels, and geographical regions, are asking some very fundamental questions today about their own lives, and what our political leaders are doing to enhance the "quality of life" for all Americans.

This quest is, in many respects, a moral, ethical, religious and philosophical awakening. And since so much of it has to do with business, it would be difficult to find a more timely or more consequential topic for this year's annual Weinstock lecture on "the morals of trade."

In spite of the efforts of some politicians to preach class hate and divisiveness, we are coming increasingly to realize our common concerns as a people. And a theme that runs throughout much of the literature—and the talk—is the impact of institutionalism and big business (which takes the form, in this country, of "the corporate state") upon human values and life.

That this new wave of self realization and reordering of national priorities is of preeminent significance for the business community is obvious. The principal challenge confronting business is that of understanding what is going on and then fashioning a response.

ANNOUNCER: If she kissed you once . . . will she kiss you again?

Be certain with Certs—the delicious candy mint that stops bad breath.

Delicious candy mint. Perfect mint.

Certs is two--two--two mints in one.

Certs contains a sparkling drop of Retsyn to stop bad breath.

With Certs if she kissed you once, she'll kiss you again.

Be certain with Certs.

"[M]ake no mistake about it, the current wave of discontent that pervades the land extends far beyond a handful of young radicals."

—Secretary of HEW Robert H. Finch

"Lately it seems
Everything I see
Tells me life is moving much too fast
And underneath the strain
Folks don't act the same
And if that's progress
I'll take the past
Going to find myself a country road
Grassy fields on either side
Going to put on my jeans, and my boots, and my country hat
Sit by a stream as the sun goes down
Straighten out my mind
Soothe my soul
And go back where it's at

You can have your concrete cities
You can have your poisoned air
You can have your smoke a rollin' from the stack
Don't offer me your pity
And don't you call me square
Just because I see where things have jumped the track"

—"Where It's At,'" a current popular country and western sung by George Hamilton, IV

"The number one problem is moral pollution. The same thing that keeps the Indian up on the reservation keeps the smoke up in the air."—Dick Gregory

"The affluent part of the population has already tasted full material satisfaction and has found out that the consumer's paradise does not deliver the happiness it promised." —Erick Fromm

78% of the undergraduates in a 1970 Harris poll said that the United States' problem is a real lack of values, that it is "too materialistic."

It seems clear that, notwithstanding sporadic bombings, most of our industrial plant will continue to stand intact. There is no reasonable probability of a successful move to nationalize major industries; most social critics are as distrustful of government as of corporate enterprise. Nor is profit likely to be outlawed—in the form of confiscatory taxes or otherwise.

At the same time, what the business community is now going through is mild compared to the revolution of the spirit that is about to crash upon it. Corporate blindness and intransigence from the conservative, and massive public relations programs from the progressive, are not going to carry the day. There are going to be significant shifts in consumer preferences, and only the truly perceptive businessmen are going to be able to avoid substantial losses.

This lecture is a personal statement about life as I perceive and try to live it as a human being. It is also a professional statement by me as a public official, with implications for the kind of society I would like to make possible—as an option—for those others who seem to me to be saying they might wish to choose it. It is intended primarily as a contribution to the dialogue of those who are trying to bring about orderly change not as support for those who are encouraging violent destruction—whether through aggressive action or through unreasoning adherence to the status quo. I hope that many in the business community will find this statement useful, but it is intended as neither an apology, nor a strategy, for business.

The U.S. is 14th in the world in infant mortality.

The U.S. is 19th in the world in life expectancy for males.

"Education squashes my growth."—Berger in *Hair*

"I have been driven to the conclusion that the university is really under the control of a small and active group of trustees who have no standing in the world of education, who are reactionary and visionless in politics, narrow and medieval in religion. Their conduct betrays a profound misconception of the true function of a university in the advancement of learning."—Charles A. Beard, upon his resignation from Columbia University, October 9, 1917

"Our children are being programmed to demand sugar and sweetness in every food . . . are deliberately being sold the sponsor's less nutritious products and . . . are being counter-educated away from nutrition knowledge."—Robert Choate

SOCIAL SANITY

Every age, every society, imposes some stresses and strains upon the people who live there. In most respects, Americans today are an advantaged people. We complain about the burdens thrust upon us by our wealthy, industrialized society, but we are also enjoying its fruits.

It's true that the medical care we receive is inferior to that in many less wealthy nations—but it is still decidedly better than that received by most of the world's peoples. It's true that Americans' nutritional levels are substantially less than our knowledge and wealth could and should make possible. But there's no question that the prospect of potential starvation is not the real specter in this country that it is for many of the nations of the world. We may not spend our leisure time as creatively as we are able, but we do have more time to call our own than any preceding people in history. There is a great deal wrong with our educational system—at every level. Other nations have features of their educational programs that are superior to ours. But we are still, as a nation, one of the best educated people on earth.

WOMAN. How can you tell a great shampoo from a good one? In the dark. When I say great shampoo, I mean Lustre Creme. It makes your hair smell good, feel so silky you can tell the difference in the dark. Lustre Creme does more than get your hair clean, it's got conditioners that make your hair silky. Nicer to touch. Why take my word for it. Turn out the lights. See for yourself. . . .

Mr. America, walk on by The liquor store supreme; Mr. America, try to hide The emptiness that's you inside.—The Mothers of Invention

There are 4–6 million alcoholics in the United States; more in San Francisco alone than narcotic addicts throughout the entire United States.

"The most striking feature of this increase has been the upswing in suicide among young persons." In ages 15–19 and 20–24, suicide ranks as the fifth cause of death.—Joint Commission on Mental Health of Children, *Suicide Among Youth*

In the past ten years there was a 52% increase in the number of known, active narcotics addicts.

In the past 50 years the divorce rate has doubled; in the past ten years it has increased 50%.

In the past ten years crimes against the person have doubled.

The incidence of syphilis is up 26% this year alone.

The number of patients in mental hospitals and psychiatric outpatient clinics has increased approximately 50% in the last ten years.

"In France, some experts have persuaded themselves the U. S. Government itself is secretly trying to get the Now Generation off pot and onto the grape. Thus Patrick Le Chene, one of France's most prestigious wine experts, recently went so far as to say: 'The American Government thinks it's better to get drunk than drugged . . . . Wine may just be the best antidote to drugs that anyone has come up with.' "—Newsweek

When sadness fills your heart
And sorrow hides the longing to be free
When things go wrong each day
You fix your mind to escape your misery
Your troubled young life has made you turn
To a needle of death.—"Needle of Death," by Bert Jansch, © Copyright 1966 Heathside Music Ltd., London, England.

In ironic fact, as many commentators have already pointed out, it is the increased wealth, education and leisure that are the product and prerequisite of our 20th century industrialized society that feed the rhetoric and revolutionary life styles that now challenge it.

It is important to make this point. Everything has not gone wrong in America. There are a great many things that are going very much better than they might—or than they used to. Our analysis is not very useful unless we keep that perspective.

At the same time, our society—as well as that of other highly industrialized and urbanized nations—does take its toll on the human beings who live here. Mostly this is something that we just feel—personally, and from our contacts and conversations with others. But the pressures are also reflected, to some extent, in the irrefutable statistics of personal and social disintegration: the rising rates of alcoholism, suicide, drug addiction, divorce, crimes of violence, venereal disease (as an index of unreasoning and unemotional promiscuity), or mental illness. And for every one of us who show up in the statistics there are hundreds more who might have.

Girl. If you're a guy who likes the girls, but can't get anywhere, then take a tip from Groom & Clean, and groom, don't grease your hair. Look, axle grease on both hands. Water can't clean it off. The grease is there to stay. Add Groom & Clean to the right hand and it clears the grease away. See. Grease buildups gone. When you wet-comb clean, sexy hair is seen. Yes, sexy hair comes naturally, when you use Groom & Clean.

"Our abundant society is at present simply deficient in many of the most elementary objective opportunities and worth-while goals that could make growing up possible. It is lacking in enough man's work. It is lacking in honest public speech, and people are not taken seriously. It is lacking in the opportunity to be useful. It thwarts aptitude and creates stupidity. It corrupts ingenious patriotism. It corrupts the fine arts. It shackles science."—Paul Goodman.

"Our tradition tells us that we should be individuals, initiators, and creators, free and responsible . . . But the trend . . . transforms individuals into specialist-links . . . increasingly incapable of autonomous functioning."—John Gardner.

"The Independence Day [1970] finds the nation in 'a recession of the spirit'—a psychic downturn so pronounced that the mood may in itself constitute a kind of American crisis."—Newsweek.

"A specter is stalking in our midst whom only a few see with clarity. It is not the old ghost of communism or fascism. It is a new specter: a completely mechanized society, devoted to maximal material output and consumption, directed by computers; and in this social process, man himself is being transformed into a part of the total machine, well fed and entertained, yet passive, unalive, and with little feeling."—Erich Fromm.

The general semanticist, Alfred Korzybski, made a distinction between people he described as "sane," "insane," and "unsane." He contended that there were a great many people who could not be classified as "insane" who were, nonetheless, not really leading lives that were sufficiently productive and joyful to be characterized as "sane."

Most of us are, in some measure, to be found in Korzybski's category of the "unsane." We have not come close to becoming the persons we could be. How many people do you know in your own acquaintance who you think of as "fully functioning"? How many people would you describe as whole persons who have worked out lives devoid of hypocrisy and self-deceit, lives in which beauty, artistic creativity, religion/philosophy, love, healthy sexuality, self-fulfilling productivity, physical well-being, joy and growth of individuality permeate each day?

Fred Weigel. I can really fluff my job when my stomach's not right. And Rolaids is the only thing that helps me. I work for the Palm Springs Tramways. Play host to VIP's; you know, show them the sights. If I start having acid indigestion, heartburn, my job suffers, too. I'll pop Rolaids in my mouth. I know when something helps.

"The gap between rhetoric and reality is so wide, the values actually operative so unrelated to biological, intellectual, and spiritual development in its fullest sense, that an authentically human existence for most Americans is an impossibility."—Arnold S. Kaufman

"Indeed, no social emotion is more widespread today than the conviction of personal powerlessness, the sense of being beset, beleaguered and persecuted. It extends not only to Black Panthers and members of the Students for a Democratic Society but also to businessmen, publishers, generals and (as we have recently come to observe) Vice Presidents."—Arthur M. Schlesinger, Jr.

"[P]eople [are] caught in an appalling web of frustration and despair."—William Hart, General Electric

"The human being cannot live in a condition of emptiness for very long; if he is not growing *toward* something, he does not merely stagnate; the pent-up potentialities turn into morbidity and despair, and eventually into destructive activities."—Rollo May

"Malaise and tensions are mounting throughout the world. Even affluent and strong societies show symptoms of a deep-seated uneasiness amidst uncontestable economic and technical progress. Violence has become a way of life and death when things get too complicated. Quick bloody clashes flare up almost everywhere, and nobody knows if larger confrontations are lurking just around the corner."—Aurellio Peccei, Vice-Chairman of the Board, Olivetti, Chairman of the Board, Fiat-Concord (Buenos Aires).

There are many ways of escaping from life. Suicide and the excessive use of alcohol (our nation's number one drug) are only the more dramatic examples. One can also escape into work, the library, a flurry of volunteer paperwork or organizational activity, sexual promiscuity, television watching, or anyone of a number of "hobbies."

The pressures to escape, the repression of our fulfillment, are forces we all feel and respond to in varying ways. We are distinguished only by our capacity for adaptability, and that inner force of resistance called our "individuality."

Just to say that we are living in a "sick society" doesn't advance the dialogue very much all by itself. It is a useful expression, however, as a prelude to—or summary of—further analysis. There are a great many psychiatrists, sociologists and other social commentators who are describing and analyzing the forces within our modern, industrialized, urbanized society that tend to discourage the growth and fulfillment of the human potential of individuals.

Woman. The headaches I get build up after a day with the kids and cooking and shopping and picking up and the pressures, well, then my head feels like it's wedged between two book ends. So about four o'clock I take some Anacin Tablets and by the time he walks in the door I feel like a human being again. Announcer: For headaches that seem to take everything out of you, you need today's Anacin. The strong, fast pain fighter. This is the formula for a major pain reliever in every leading headache tablet. Though the other well known extra strength tablet contains several useful pain relievers, it contains only this amount of this specific pain reliever. But Anacin has more, twice as much of this major pain reliever as the other extra strength tablet. Anacin relieves pain fast. So helps relax pain's tension. Helps lift pain's depression. Woman: Whenever I have a headache, I swear by Anacin.

Announcer. Anacin.

I don't believe the radio stations of Russia and America but I like the music.—Leonard Cohen

The creative artist is the "antennae of the race."—Ezra Pound

"A good case can be made that the Beatle environment is preferable to the 'Ah, Sweet Mystery of Life' and 'Stardust' environment of twenty or thirty years ago, as being less escapist, involving more thought and calling forth a more positive response."—William F. Fore

"But art, being magic, is part of religion and essential. We must have release for our emotion, and if we do not find proper catharsis in acceptable channels, we will find it in improper and uncontrollable ways, and that is just what our youth is doing."—Agnes De Mille

"[A]rt expresses the meanings and trends which are as yet unconscious, but which will later be formulated by the philosophers, religious leaders, and scientists of the society."—Rollo May

I am sorry for the men of these times. They Talk of nothing interesting And have no ambition and Die without ever being Aware of the music of verse.—Ou—Yang Hsiu

"The needs here are clear . . . A partial list of activities would include . . . a major beginning in the development of cultural life—bringing drama, music, dance, painting, movie making, etc., into hundreds of thousands of communities and millions of lives which currently have no real sense of this dimension of human existence."—Erich Fromm

These forces are often first felt by the artists in our midst. These are the individuals who have antennae that are simply orders of magnitude more sensitive than those of the rest of us. They "feel" what is happening so long before the rest of us perceive it that even when they express their feelings they tend to leave many of us baffled.

Announcer. Listen to Mr. and Mrs. Ken Davis tell why their 1970 Buick LeSabre is something to believe in.

Mr. Davis. On Sundays, we always like to go out for a bargain, and this is probably one of the reasons we got a Buick, because we thought it was a good bargain. I never realized I didn't have an antenna on the outside of the car. I saw these wires on the windshield and the other night they told me it was the antenna. This is the best mileage I have had in any car I have owned. You don't have to turn the wheel at all, you just point it. It goes like a dream.

Mrs. Davis. You know, we don't baby the car as far as the interior and they have always stood up. This car has got such a steady feeling to it.

Mr. Davis. Buicks seem to hold their value better than some of the low priced cars.

Mrs. Davis. We're a young family and we're driving a Buick, and *people think, well, gee, maybe, maybe you're really coming up in the world.*

Mr. Davis. This car, I think it's going to be the best I have owned.

Announcer. The 1970 Buick is something to believe in. Wouldn't you really rather have a Buick?

"In Europe, the mass media are regarded as carrying out or modifying the work of the statesman, the journalist, the educator, and the serious artist; in the United States they are defined largely as carrying out the work of the businessman as advertiser, the theatrical entertainer, and the newspaper."—Reuel Denney, *The Astonished Muse*

"The broadcasters tailor their programs to meet the requirements of their advertisers, of the censorship, of their own slick and clique tastes, and of a broad common denominator of the audience, none of whom may be offended: they will then claim not only that the public wants the drivel that they give them, but indeed that nothing else is being created. Of course it is not! Not for these media; why should a serious artist bother?"—Paul Goodman

"All great art is by its very essence in conflict with the society with which it coexists. It expresses the truth about existence regardless of whether this truth serves or hinders the survival purposes of a given society. All great art is revolutionary because it touches upon the reality of man and questions the reality of the various transitory forms of human society."—Erich Fromm

"[T]he BBC cannot accept dismissal by artists and writers and men and women of sensibility as a purveyor of pap, as does commercial television in America."—Huw Wheldon, BBC Controller of Programs

"I believe that if a man were permitted the right to write all the ballads he need not care who should make the laws of a nation."—Andrew Fletcher, Scot patriot, 1704

"The artist, who through his imagination creates forms which change the vision of others, is potentially capable of changing the world more radically and more surely than the most successful and radical political philosopher."—Garbriel Laderman

They are our modern day out-riders, exploring the mountain ranges and rivers that lie ahead of our wagon train. That is just one reason why it is so dangerous and self-destructive for a society to inhibit total freedom in artistic expression.

Woman 1. Here you are dear.

Woman 2. Oh thanks, but I can't look at another dress, all this shopping has given me such a headache.

Woman. 1. I'll get you something.

Woman. 2. Wait a minute, it better be something strong.

Woman 1. I've got what you need Laura.

Woman 2. What's that?

Woman 1. Anacin.

Woman 2. Anacin?

Woman 1. Sure, take a couple.

Announcer. Anacin works fast to bring relief. Fast, strong, dependable relief when you need it most.

Woman 1. Headache all gone Laura?

Woman 2. Oh, I forgot all about it.

Woman 1. I knew it. Here you are dear.

Announcer. Anacin has more of the pain reliever doctors recommend most, yet just two Anacin tablets give you more of this specific ingredient than four of the other leading extra strength tablets. These others contain several useful pain relievers and four of them would be more than you should take, but it would require at least four of the other extra strength tablets to give you as much of this specific pain reliever as in two Anacin. For fast, strong pain relief, reach for Anacin.

Once there was a man,
Who spoke his thoughts out loud,
Who believed in what he said,
And walked out in the crowd,
But they took him
And they taught him
What they wanted him to say.

Once there was a world,
In which a man could live,
In which a tree could grow,
In which a man could give,
But they took it and
They churned it
Into modern brick and steel.
—Jeremy Clyde, "The Progress Suite—Part 5: Epilogue"

"Day after day, year after year, climbing those same steps, punching that time card. Standing in that same goddam spot grinding those same goddam holes."—gig grinder Ray Walczak, Milwaukee.

"Fortune's interviews with the young workers reveal them saying things about their employers which are remarkably similar to the complaints of college students: the job is boring, you are just a number, you feel tied down, you're in a jail cell. . . ."—Nicholas von Hoffman.

"[D]istrust is not limited to radicals. Ask shopkeepers, housewives, young executives or insurance salesmen . . . [Y]ou will find that there is a deep and pervasive feeling among all segments of the populace that 'things aren't working'. . . . [T]he great majority of Americans share that uneasiness, . . ."—John W. Gardner.

"I shall make little distinction in value between talking about middle-class youths being groomed for ten-thousand-dollar 'slots' in business and Madison Avenue, or underprivileged hoodlums fatalistically hurrying to a reformatory; or between hard-working young fathers and idle Beats with beards. For the salient thing is the sameness among them, the waste of humanity."—Paul Goodman.

It is revealing, I think, that the same kind of concerns expressed by thoughtful psychiatrists and social philosophers are not the exclusive preserve of a small group of liberal intellectual elitists. They are also finding expression on the media derived from, and designed for, the masses of people. The fact that some of the expression is not very articulate, that the rhetoric is often hard to translate, and the thinking is occasionally sort of muddle-headed, is kind of beside the point. The more significant observation is that a good many Americans are coming to share some common feelings at about the same time.

Announcer. What's "The Profile?"

"The Profile" is looking like this . . . so you get looked at like this.

When you have "The Profile . . . you not only make the scene . . . you steal it.

How can you keep "The Profile?"

By following the Profile Bread Menu Planner available at your grocer's.

The Profile Plan can help you keep slender.

And delicious Profile has no artificial sweeteners.

What have you got to lose—except tomorrow's weight.

"Man is stronger the more fully he is in touch with reality. As long as he is only sheep and his reality is essentially nothing but the fiction built up by his society for more convenient manipulation of men and things, he is weak as a man."—Erich Fromm

"Of all the people I talked to, the most frustrated and angry were those trapped in spirit-numbing jobs and in neighborhoods beseiged by pollution, noise, traffic, decay and crime. The happiest were those whose jobs gave them some relief from tedium, and a chance to live near open fields and green trees, sunlight, creeks and country roads."—Karl Fleming, Newsweek, Los Angeles Bureau Chief.

"The best answer (to how to make the citizen important again), I assume, is to try to keep stretching people's imaginations and concern, mainly through the media of communications. Television has the greatest opportunity—and the farthest to go—to widen horizons in the arts, technology, science, societal differences, the political issues of the nation and the world."—Dr. Benjamin Spock.

But there's a six-lane highway down by the creek
Where I went skinny-dippin' as a child
And the drive-in show where the meadow used to grow
And the strawberries used to grow wild
There's a drag strip down by the river side
Where my cows used to graze
Now the grass don't grow
And the river don't flow
Like it did in my childhood days.—Joe South, "Don't It Make You Want to Go Home" Copyright 1969 by Lowery Music Corp.

The voices are those of a cross section of America: the full range of ages, educational backgrounds, social positions, races, geographical regions, wealth, job categories, and so forth. These are the people who write me the thousands of letters I get every year. They are the people who, together, make up this country and set its course. We ought to listen to what we are telling each other, and try to respond with as much intelligence, imagination and compassion as possible.

Boy. I think I'm in love. Hi!

Friend. Did you talk to her?

Boy. Yeah, but she turned off like I had bad breath.

Friend. How about a little of that?

Boy. Listerine?

Friend. Shhh! Yeah, every day.

Boy. Why Listerine?

Friend. Because, dummy, Listerine kills the germs that can cause bad breath.

Boy. That's so strong.

Friend. And that's why it works so long.

Boy. If I use Listerine every day I get the girl, right?

Friend. Unless she gets you first.

Boy. Yeah, right.

Friend. Hey, Dick.

Boy and Girl. Shhhhh! Listerine Antiseptic, shhhh. Kills germs. Lasts for hours.

Oh the world is a beautiful place to be born into if you don't mind a few dead minds in the higher places.—Lawrence Ferlinghetti

"I believe this Administration finds itself, today, embracing a philosophy which appears to lack appropriate concern for the attitude of a great mass of Americans—our young people.

"Let us give America an optimistic outlook and optimistic leadership. Let us show them we can solve our problems in an enlightened and positive manner."—Secretary of the Interior Walter J. Hickel, in a letter to President Nixon

". . . Polls have repeatedly shown that when all is said and done, most Americans do want to see our problems solved, including the problems of poverty, race and the quality of life. They do want to see justice done."—John W. Gardner

"We are approaching the condition of King Oedipus of Thebes. Thebes was a tribal society, and when the King set about investigating the responsibility for misery and disorder, he found out *he* was the criminal."—Marshall McLuhan

"Either out of ignorance, or out of calculated political cynicism, our citizens are being told that crime will stop if we erase the Bill of Rights—that unity will come if we suppress dissent—that racial conflict will end if we ignore racial justice—and that protest will cease if we intimidate the people who report it."—New York Mayor John V. Lindsay

"Today, alas, our national leadership hardly seems aware of the fact we are in a crisis; in fact, it hardly appears to know what is going on in America and the world. It is feeble and frightened, intellectually mediocre, devoid of elevation and understanding, fearful of experiment, without a sense of the past or a sense of the future."—Arthur M. Schlesinger, Jr.

Once the religious, the haunted and weary
Chasing the promise of freedom and hope
Came to this country to build a new vision
Far from the reaches of kingdom and Pope
The spirit it was freedom and justice
Its keepers seemed generous and kind
Its leaders were supposed to serve the country
But now they don't pay it no mind.—Jerry Edmondton, John Day and Nick St. Nicholas, "Monster," © Copyright 1969 by Trousdale Music Publishers, Inc.

THE GOVERNMENT AS PROBLEM

To say that the government isn't working is scarcely a partisan statement. I seem to recall comparable sentiments being expressed during many of the past twenty years. Although the extent to which government is viewed as the problem—not just a lethargic institution incapable of effecting solutions—may be somewhat new. One cannot help but wonder how long a politics based upon parental hatred of children can endure.

There seems to be an increasing sentiment outside of government to get on with the job. Polls seem to indicate that a great many Americans—silent or not—recognize that we have some very serious problems in our society, are looking for leadership, and are prepared to make some sacrifices to effect solutions. I recall a white cab driver who had been giving me some pretty reactionary complaints in his unlettered way. On a long shot, my curiosity prompted me to ask for his solution to "the Negro problem." Bracing myself for the worst, he surprised me: "I think they have to be given better jobs and more money. A man has to have some dignity."

MAN. Hi. Could you tell me if the apartment is still available? It is available.

GIRL. How much?

ANNOUNCER. Nerves, stress, headache pain. When you feel one of those headaches building, Anacin has what it takes to relieve headache pain and its tension. An exceptional formula that sets off a chain reaction of relief as pain leaves, easing its tightness and nervous pressure. That's how Anacin relieves headache pain and its tension. Try Anacin.

"But we do say that until political leadership addresses itself to the major problems of our society—the huge expenditure of national resources for military purposes, the inequities practiced by the present draft system, the critical needs of America's 23,000,000 poor, the unequal division of our life on racial issues—until this happens, the concern and energy of those who know the need for change will seek outlets for their frustration."—U.S. Supreme Court Justice William O. Douglas

"Mighty nations that do not respond to the needs of their own people have traditionally tried to solve problems and overcome frustrations through violence abroad and repression at home. In the process, they have hastened their own exit from center stage. The greatest security problems for a nation are the hostility and frustration of its own citizens."—Arnold Toynbee

". . . an important thing to understand about any institution or social system, whether it is a nation or a city, a corporation or a Federal agency: it doesn't move unless you give it a solid push. Not a mild push—a solid jolt."—John W. Gardner

"What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance."—Thomas Jefferson

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."—Abraham Lincoln

"Whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of a right ought to reform the old, or establish a new government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind."—Declaration of Rights in Maryland

"The right of revolution is an inherent one. When people are oppressed by their government, it is a natural right they enjoy to relieve themselves of the oppression, if they are strong enough, either by withdrawal from it, or by overthrowing it and substituting a government more acceptable."—U. S. Grant

Others are growing increasingly impatient and violent. This trend has been predicted by most social observers whenever a government fails to respond to the legitimate demands of its citizens. Indeed, this nation was born out of just such a violent response to intransigence in government, and the legitimation of revolution in the United States has been repeatedly attested to throughout our history by political leaders of virtually every political stripe.

Mr. ONG. Mrs. Gibson, how are you today?

Mrs. GIBSON. Oh, so, so. No starch please, Mr. Ong.

Mr. ONG. After four years I don't know no starch for Mrs. Gibson? What's the matter today?

Mrs. GIBSON. Oh, a headache I woke up with, had breakfast and lunch with, now I'm doing the shopping with it. Keeps coming back. I have to take some more of these.

Mr. ONG. Oh, Mrs. Gibson, I don't want to butt in, but you should try Vanquish.

Mrs. GIBSON. Mmm, they're different.

ANNOUNCER. Vanquish is different. It gives you the well known pain reliever in this tablet, . . . plus extra medications . . . in this tablet, and this tablet, . . . and buffers as in this one. Three headache relievers and two gentle buffers in each unique caplet. Vanquish. It's got everything going for it, . . . for relief so complete your headache shouldn't come back.

Mr. ONG. I know, I know no starch.

Mrs. GIBSON. No, no. No headache.

ANNOUNCER. With Vanquish, . . . your headache shouldn't come back.

Hear you must what the people say.
You know there's something
That's going' on around here,
That surely won't stand the light of day
—Dave Crosby, "Long Time Gone"

How sharply our children will be ashamed
taking at last their vengeance for these horrors
remembering how in so strange a time
common integrity could look like courage.
—Yevtushenko

"I think the corporation today is the basic source of generic power and has the greatest ability either for ill or for good to turn this country around."—Ralph Nader

"Modern technology need not destroy aesthetic, spiritual and social values, but it will most certainly do so unless the individuals who manage our technology are firmly committed to the preservation of such values."—John W. Gardner

"[C]orporations, like all businesses whether large or small, are in the primary business of making money; indeed, they do not even exist to produce certain goods or services that may prove useful or necessary to society."—Andrew Hacker

"When I started teaching here twenty years ago, everyone fully believed in the capitalist system and we started from there. Now a lot of the students not only question the system but downright distrust it."—Professor Thomas C. Raymond, Harvard Business School

"Many a businessman feels himself the prisoner of his business and the commodities he sells; he has a feeling of fraudulency about his product and a secret contempt for it. . . . Most important of all, he hates himself, because he sees his life passing by, without making any sense beyond the momentary intoxication of success. Of course, this hate and contempt for others and for oneself, and for the very things one produces, is mainly unconscious, and only occasionally comes up to awareness in a fleeting thought, which is sufficiently disturbing to be set aside as quickly as possible."—Erich Fromm

THE CORPORATE STATE

I do not argue that the government no longer has any power. Not at all. It makes decisions that affect billions of dollars that flow from the people—as taxpayers and consumers—to the large corporations: defense contracts, agricultural and maritime subsidies, oil import quotas, natural gas rates, airline routes, and so forth.

It's just that the impetus for action tends to come from the management of the larger corporations rather than from government officials. The largest American corporations are larger, and more influential by almost any measure, than all but very few of the world's nations. These managements have a theoretical responsibility to shareholders, but in practical fact are responsible to virtually no one.

There is a split in the thinking—or at least the talking—of business management today. Milton Friedman and others take the position that the only legitimate concern of corporate management is with the making of money. Legitimate or not, that would appear to be the limit of the concerns expressed by most corporate officials. Increasingly, however, corporate management and business school students are expressing their uncomfortable feelings of disquiet, and are at least talking about their "social responsibility."

ANNOUNCER. Once in a while wouldn't you like to take a vacation from tension without leaving town? You can with Quiet World, the modern non habit-forming calmative tablet for simple nervous tension. Quiet World relaxes with calming and tension relieving ingredients. Try Quiet World and take a vacation from tension . . . without leaving town. We don't call it Quiet World for nothing.

Don't point your finger,
Say your prayers at me
The truth is hard but I'm gonna tell it:
"There's a whole lotta ways to sell it."
—Tom Paxton, "The Hooker," © Copyright 1967 by Deep Fork Music, Inc.

"Industry is a giant funnel taking in nature and turning out garbage for its own profit."—a college student quoted by Leslie V. Dix, FTC

"Why these corporations are so shortsighted in this important public relations field I cannot understand, but instead of volunteering to join in smoke abatement they are resisting it. I have about reached the conclusion that, while large industry is important, fresh air and clean water are more important, and the day may well come when we have to lay that kind of a hand on the table and see who is bluffing."—Senator Barry M. Goldwater

"He responds, as I've explained, only to stimuli affecting his corporation. That's the thing, you see. He has totally identified with his corporation. I'm sure if you talk to him about his corporation, he'll hear and understand you and might even talk to you. Otherwise he has no sensory faculties at all."—Dr. Klune in Paddy Chayefsky's play, "The Latent Heterosexual"

"When a man is measured only by a balance sheet, the system breeds a pursuit of a dollar by any means and thus may destroy ethics. And the disturbing fact is that in recent years evidence has been accumulating that many companies, which are perfectly capable of prospering without resorting to chicanery, are so obsessed with profits that their policies actually encourage lawbreaking by their officials."—Norman C. Miller, *The Great Salad Oil Swindle*

He wants to find men
Who can love for no reason
Who open their heart.
To life of all seasons
But they've all gone it seems
Off in their limousines
—Joe McDonald, "For No Reason"

"A General Motors executive said yesterday that bumpers on GM cars provide 100% protection from any damage—provided the speed of the car doesn't exceed 2.8 miles an hour."—A.P. wire service report

Meanwhile, there is a growing awareness on the part of a great many people—not just young college students—that unchecked corporate greed is today more the cause of America's shame than its great pride. Large corporations tend to exert an inhibiting influence in the growth and development of the human personality.

Stewardess

Business does to its women's bodies
What it does to its men's minds
It binds them tightly
Snuffing out the free
Covering with a uniform
Painting any parts that stick out
With the company colors
And a smile
Making replaceable people
With replaceable parts
Wigs and Brains, Inc.

They also tend to be behind most of the modern day despoiling of the air, water and land. They tend to be, like war, "unhealthy for children and other living things." Indeed, they are more than like war, they are war. For profit can come from any human enterprise. You can make money by blowing up bodies or by burying them; by administering poison gas or anesthesia. And when the only morality is measured in dollars, no appeal to human values can ever make much sense.

ANNOUNCER. Cigarettes are like women. The best ones are thin and rich. Silva Thins are thin and rich. Thin so they taste light, lighter than other 100's, lighter than most kings. Rich, well because rich is better. Cigarettes are like women, the best ones are thin and rich. Silva Thins are thin and rich.

"Nothing since the invention of printing has so drastically affected the way human beings live, think and generally react to their circumstances."—Malcolm Muggeridge.

"[Television] has it within its power to decide what kind of people we become. Nothing less."—William Deeds, M.P.

"We 're in science fiction now. . . . Whoever controls the language, the images, controls the race."—Allen Ginsberg.

"[Broadcasting] matters more over the long run . . . than what anybody else does because [it is] more persistently shaping the minds of more people than all the rest of us put together."—Archibald MacLeish.

"[There must be] something more than naked commercial selfishness [in broadcasting]."—Herbert Hoover, 1925.

"In order to keep financially alive, the industry must serve the largest possible number of people. But in order to best serve the whole community, the industry should be the voice of its intellectually and morally most advanced sector."—Frank N. Stanton and Paul F. Lazarsfeld, 1949.

"In case after case it appears that the broadcast industry itself has firmly blocked release to the public of certain facts. Although this blockage has sometimes been on behalf of the political party in power, or the military, with which large corporations are closely allied, most of it seems related to the financial and profit interests of corporations controlling broadcasting, either as station or network operators, sponsors, or a part of the business community generally, as opposed to the over-all national interest."—Harry J. Skornia, Television and the News.

"Broadcasting stations should not be simply house organs grinding out the tune of big business interests which own them—and there is some evidence that this is a real danger today."—Senator Warren Magnuson, Chairman, Senate Commerce Committee.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 520

At the request of Mr. ALLOTT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 520, a bill to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colorado.

S. 635

At the request of Mr. ALLOTT, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 635, a bill to amend the National Mining and Minerals Policy Act of 1970.

S. 1176

At the request of Mr. ALLOTT, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 1176, a bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations.

S. 1245

At the request of Mr. MOSS, the Senator from Nebraska (Mr. CURTIS) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1245, a bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 1442, S. 1443, S. 1444 AND S. 1445

At the request of Mr. MOSS, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1442, a bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 1443, a bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of non-marriage of retired employees and Members, and for other purposes; S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

S. 1561

At the request of Mr. GRIFFIN, for Mr. BENNETT, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 1561, a bill to protect the freedom of choice of Federal employees in employee-management relations.

S. 1664

At the request of Mr. SCOTT, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1664, a bill to authorize appropriations for the Commission on Civil Rights.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. CASE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Concurrent Resolution 21, calling for the suspension of military assistance to Pakistan.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent that I may be permitted to submit a statement with respect to the nomination of Jack T. Stuart, of Mississippi, to be U.S. marshal for the southern district of Mississippi.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Jack T. Stuart, of Mississippi, to be U.S. Marshal for the Southern District of Mississippi for the term of 4 years; reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, May 10, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

SURVEILLANCE OF MEMBERS OF CONGRESS BY FBI IN 1936—SO WHAT ELSE IS NEW?

Mr. METCALF. Mr. President, in view of the current furor over the surveillance of Representatives and Senators, I invite the attention of Senators to a portion of a speech in this Chamber on June 15, 1936—the remarks of Senator Burton K. Wheeler, of Montana, during the debate on S. 4552, a bill to extend the retirement privilege to the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation:

During the Daugherty administration we saw members of the Bureau of Investigation in the Department of Justice, with which Mr. Hoover was connected, at that time, breaking into Senators' offices, raiding their offices, going through their correspondence. We saw them going into Representatives' offices. Men from Mr. Burns' department were employed as elevator men here to catch what Senators and Representatives were talking about, according to the uncontradicted and sworn testimony before the committee investigating the Department of Justice. Agents were investigating every Member of the Senate who criticized in the slightest degree the Department of Justice. They came out and surrounded my house with detectives.

They sent men out to Montana to try to get something on my late colleague, Mr. Walsh. The late Senator Caraway was subject to their investigations. Practically every Member of the Senate was subjected to that tyranny by the Department of Justice, and Mr. Hoover was in the Department of Justice at that time under Mr. Burns.

So, what else is new?

REFRESHING DIFFERENT VIEWPOINT OF VIETNAM WAR

Mr. SCOTT. Mr. President, the Foreign Relations Committee has been holding hearings and will continue to hold hearings concerning our involvement in the war in Southeast Asia. Most of the testimony presented so far has characterized this Nation's involvement as being war mongering and I might say that most of this testimony has been given by persons who fail to appreciate what really has been accomplished by this administration since the President took office. On Wednesday, April 28, a former Navy lieutenant from California, Melville Stephens, presented a different point of view.

It was refreshing. He talked about the need to assure the survival of the Vietnamese people. He referred to the atrocities he observed where the enemy massacred peasants, including an 11-year-old boy. This young man, a decorated wounded veteran, who served three tours of duty, totaling 34 months, is well decorated for his actions. When I asked him to tell the committee, and those at the hearing, of the medals he received and the ribbons he was wearing on his jacket, he said:

> Senator, I think they are obvious.

This was the statement of a modest man, a man who was not looking for any personal glory or was not in any way impressed by his importance. He was telling the committee that his awards for certain deeds were incidental to the testimony he was presenting, cautioning our Nation to go slow in its program of withdrawing troops. He said we must be cautious of the price we pay for peace. Mr. President, this former assault boat commander has been through it all. Discussing the march of protesters, he said:

> I am offended to see Americans carrying the flag of the VC.

So am I and so should all of us who are privileged to be Americans. In questioning Stephens, he said he had been in Washington two weeks and that the majority of the veterans in Washington, and of others, when you talk to them one to one, were no different; their views were much the same as his own. I ask unanimous consent that his cogent remarks at the Foreign Relations meeting be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF MELVILLE STEPHENS

Senator Fulbright, I want to thank you for the opportunity to be here. I particularly appreciate the chance to speak because I know that my views are not very popular these days. However, my convictions are. Based on my own experience and what I believe is a very realistic sense of the situation and the feelings of the Vietnamese people.

I was in the Navy from June 1967 to September of last year, and spent nearly thirty-four months in the Southeast Asia combat zone. This nearly 3 years period included ten months aboard a cruiser of the seventh fleet in a gunfire support role, during which I made frequent trips to various places in I Corps; and almost two years in Vietnamese in-country tours. I worked extensively with the U.S. Ninth Infantry Division and various South Vietnamese units including the Vietnamese Marine Corps, the Vietnamese Navy, the ARVN, the regional and popular forces and the irregular defense groups. During my last tour, which ended in May of last year, I had the opportunity to travel extensively throughout the country and witness first hand the process of American withdrawal and Vietnamese units taking over the combat role.

I cannot speak more highly of my personal affection and regard for them as friends and as comrades; my concern, and the reason that I am here today, is to ask you to consider carefully your course, so that peace for Americans does not come at the cost of additional sacrifice for these people.

It seems, that since I have returned to the States, that the cries for unconditional withdrawal, and the setting of an immediate date for ending American support have become very loud, and I know that you have been listening carefully . . . I believe that these arguments have two principal weaknesses. First they are based on questions which should have been asked in the early 60's, but were not. The questions of legality, and of specific strategy were very valid ten years ago. However, we are there, we have been there for many years, the situation is entirely different and those questions are no longer the relevant ones. Second, the very truth that all wars are terrible and brutal is especially true of this one in which the civilian population is so intimately involved.

Only those of us who have fought there and lived among the people can know how really true this is. I certainly agree that it has gone on too long, and must come to an end, but I ask you to consider carefully the manner in which it is to be ended.

A great many of them have taken their stand because of the American commitment to the GVN. I would like to think that you and I and the American people have a responsibility to these Vietnamese who have had faith in us and risked their lives for something they believe in. Peace for us must not come at the cost of their lives.

As I look around Washington today and this past week, I am very offended to see Americans carrying the flag of the VC. I fear that some of the American people have, in their passion for peace, made heroes of the Viet Cong. In South Vietnam, they are not heroes.

I heard a great deal about American atrocities last week, particularly from the other Vietnam veterans who were here. I certainly do not deny that some of them took place. But there is certainly another side. I would like to tell you about two of the incidents of which I am personally aware. In the spring of 1969 near Can Tho, I was unfortunate enough to be a witness to a Viet Cong grenading of a Vietnamese School bus, which was clearly marked as a school bus. Two of the kids were killed outright, several were wounded so seriously that I doubt they could possibly have survived, and three others were maimed in the most grotesque manner. Earlier in my tour, in the city of My Tho in the Central part of the Mekong Delta, I became close friends with an eleven year old boy named Tran who had been orphaned by the Viet Cong. Tran told me that his father had been elected to a minor hamlet office late in the fall of 1967, and as an example to his father, Tran was seized by the Viet Cong and had his arm cut off with a machete. Tran's father refused to resign, but was later killed along with his mother during the Tet Offensive of '68.

Senators, as I say, I can speak from personal experience of only a few incidents like this, but anyone who spent any time at all in Vietnam can tell you of the brutality of the Communists. They have been quite blunt in stating that terror and mass executions are their principal strategy. The South Vietnamese I lived with know this. They know that they take their lives in their hands to support the South Vietnamese Government. They depend on us for the support we have promised.

Senator, I understand the passion of all of us for an end to this war, but it is my firm conviction that peace at the price of the South Vietnamese people is too expensive and one that I could not live with. I want to tell you from my personal experience, that setting an arbitrary date for American withdrawal, can only hurt the chances of the South Vietnamese; and the current program of American withdrawal is as rapid as I believe the situation permits.

When I speak of my fear for the Vietnamese people, I certainly do not refer to the generals and high ranking officials—frankly, I am sure that they will take care of themselves—but I refer to the junior officers and the troops, to the small merchants, the farmers and the local officials, the people we would consider the average citizens. I think that the issue of how we end the war is not one of a nation saving face, but of our responsibility as a nation and as individuals to these citizens of South Vietnam. Many have committed themselves because we asked them to, and I hope in our urgency for peace, that we do not abandon them.

GOOD NEWS FROM THE OIL AND GAS INDUSTRY

Mr. HART. Mr. President, most of the time, the trade press for the oil and gas industry is busy pointing out how prices are too low. There is no incentive, they tell us, to drill new wildcat wells to find new reserves. The industry, they say, is just "running out the string," and there will not be enough oil or oil to go around.

Yesterday, however, there was good news for a change. I shall read into the RECORD some headlines from "The Oil Daily" for Wednesday, April 28.

On page 1: "Texaco To Boost Spending, Earnings Up 15.3 Percent."

Page 4: "Marathon Net Jumps"; "Kermac Income for First Quarter Rises 15 Percent."

Page 5: "Cities Service Labels First Quarter Dip as Temporary"; "Murphy's Net Income Rises."

Page 6: "Conoco Earnings and Gross Set Records in First Period"; "Woods Earnings Go Up Sharply"; "Apco Revenues Up"; "Rowan Drilling Earnings Go Up"; "SOInd Nets 9 Percent Gain."

Page 7: "Tone of the Market; Triangle Boosts Price"; "Great Lakes Asks Gas Rate Increase."

Page 8: "Gulf Earnings"; "Phillips Net Up 13 Percent"; "Getty Sees Net Gains"; "El Past Natural Gas Reports Bigger Net."

Apparently, Mr. President, bankruptcy is not staring the oil and gas people in the face at present.

I ask unanimous consent that the articles to which the headlines relate be printed in the RECORD.

There being no obection, the items were ordered to be printed in the RECORD as follows:

TEXACO TO BOOST SPENDING, EARNINGS UP 15.3 PERCENT

BOSTON.—Texaco Inc. plans capital and exploratory spending in 1971 of $1.06 billion compared with $906.1 million last year, chairman Augustus C. Long told the annual meeting Tuesday.

He also said that "promising results have already been obtained" in drilling offshore Louisiana on three structures, "confirming the prospectiveness" the tracts, expected to be natural gas producers. He said expansion of recent discoveries in Indonesia will add total of 225,000 b/d by mid-1972.

Texaco's 50 percent joint venture in Ecuadors' Amazon Basin has turned up 13 separate oil fields, he noted.

He reported first quarter net of 87 cents versus 75 cents.

Stockholders were told consolidated net income of Texaco for the first quarter of 1971 totaled $236,783,000, or 15.3 percent above earnings of $205,423,000 for the first three months of 1970.

On a per-share basis, first quarter earnings in 1971 amounted to 87 cents, compared with 75 cents for the first quarter of 1970.

Texaco's worldwide operations, including the company's interests in affiliated companies, again increases in crude oil and gasoline prices, has been held up for public release until Lincoln and McCracken return from Alaska. They are due back in the nation's capital on May 2, so the price report may not be released until May 3 or 4, officials said.

After some "slight reworking," Lincoln's report was said to be in shape for release by the White House Tuesday, but a press briefing on the report could not be held by Lincoln on it until his return from Alaska and so it, apparently, will not be released until next week.

Sources familiar with the price report appeared satisfied Tuesday with the variations made in the original version sent to Nixon more than a week ago by Lincoln, following a conference at the White House on it last weekend.

The report, describing the "short-term" situation, is expected to point out that gasoline prices have dropped dramatically since last November.

Marathon Net Jumps

OIL DAILY NEWS SERVICES

Findlay.—Marathon Oil Co.'s net income for the first three months of 1971 rose 10.2 percent from a year earlier. J. C. Donnell II, president, reported Tuesday. He noted that 1971 results reflected comparison with a depressed initial period last year.

New high levels of operations in North America and improved operations at the company's Burghausen, West Germany, petroleum chemicals refinery were major factors in this year's earnings improvement.

Net income for the first quarter was $21,072,000, or 71 cents per share, compared with $19,125,000, or 64 cents, in 1971. There was an average of 80,000 fewer shares outstanding during the 1971 period.

Total revenue in the first quarter amounted to a record $291,478,000, up from $241,106,000 in 1970.

Contract development of holdings in offshore areas of Alaska, Louisiana and California was primarily responsible for all-time high North American production of liquid hydrocarbons. Higher allowable rates of production in Texas also made a substantial contribution, Donnell noted.

Domestic refining and marketing, while benefiting from new facilities which went on stream at Marathon's Robinson, Ill., refinery in the last quarter of 1970, were hampered by inadequate product price levels.

Overseas, tanker liftings of Libyan crude oil, including royalty oil, declined from a year earlier as a cutback in production ordered by the Libyan government in July 1970 remained in effect.

Volumes of crued oil refined at Burghausen held at the high rate made possible by the addition of new units in mid-1970. Sales of refined products in Europe achieved record levels on the strength of demand for hearing oil and coke.

Kermac Income for First Quarter Rises 15 Percent

OIL DAILY CORRESPONDENT

Oklahoma City.—Kerr-McGee Corp.'s consolidated net income for the first quarter of 1971 amounted to $9,223,470, an increase of 14.9 percent over income of $8,033,854 for the same quarter of 1970.

D. A. McGee, chairman and chief executive officer, told stockholders attending the company's annual meeting here Tuesday that the substantial increase in income resulted from improvements in nearly all areas of the company's operations.

Earnings per common share for the first quarter of 1971 amounted to $1.21, an increase of 16 cents over per common share earnings of $1.05 for the first quarter of 1970.

McGee said that sales for the first quarter of 1971 amounted to $148,127,617, as compared to sales of $113,762,592 for the same quarter of the previous year.

Cities Service Labels First Quarter Dip as "Temporary"

Wilmington.—Charles S. Mitchell, chairman of Cities Service Co. told the annual meeting of shareholders Tuesday that an earnings' decline in the first quarter of 1971 reflected higher costs of wages, materials and interest and price weakness in gasoline, copper and petrochemicals.

But Cities Service's "performance for all of 1971 will be more encouraging than was shown in the first quarter," Mitchell said. "There is every reason to believe that the price weakness of the first quarter is a temporary condition and recovery can be expected."

Cities Services, it was reported at the meeting had net income of $34.3 million, equal to $1.22 per share, in the three months ended March 31, compared with $38.5 million, or $1.37 per share, in the first quarter of 1970.

Directors of the company declared a quarterly dividend of 55 cents per share, payable June 7 to stockholders of record on May 10. This is the same quarterly rate paid in 1970.

Mitchell said "total sales are continuing to rise, and were at an all-time high of $475 million, up 9 percent in the first quarter. During the remainder of the year, we will realize the benefits of new projects that will be completed."

J. Edgar Heston, president and chief operating officer, stated that the long-developing energy crisis has dramatized the importance of finding and producing tremendous volumes of new oil and natural gas to satisfy America's growing appetite for energy Current demand is twice as large as 20 years ago and is expected to redouble by 1985.

Charles J. Waidelich, executive vice president-operations, announced that Cities Service had undertaken "an aggressive capital-expenditure program, totaling more than $300 million this year," up from $285 million in 1970. Included are substantial outlays for development of additional reserves of petroleum, natural gas and minerals; expansion of pipeline, and increased tanker capacity; and additions to manufacturing facilities for petrochemicals, industrial chemicals and petroleum products.

Robert V. Sellers, vice president-finance noted that "changes in the tax laws and revision in Federal Power Commission regulations have drastically altered the pattern of capital generation in the oil and gas industry." The cut in the depletion percentage and the "preference tax" reduces the ability to generate cash internally which means an increased dependence on outside sources of capital, he explained.

Charles V. Wheeler, general counsel, observed that trends in governmental activities "will influence the progress of Cities Service importantly in the years ahead." He cited steadily increasing taxes, noting that the total tax involvement of Cities Service in 1970 was twice the company's net income; the need to resolve conflicting opinions on environmental control; continued inflation; and the government's increasing role of intervention in the buyer-seller relationship.

Murphy's Net Income Rises

El Dorado, Ark.— Murphy Oil Corp had net income of $3,358,000 in the quarter that ended March 31. C. H. Murphy, Jr., president, announced.

The earnings, equal to 67 cents a common and common equivalent share, compare with $2,344,000 or 45 cents a share in the first quarter of 1970.

Murphy said the increase in earnings resulted from improved volumes and refined product prices in Canada and western Europe. Gains from the company's international oil trading and transportation activities and increased contract drilling operations from the enlarged drilling barge fleet. These factors more than overcame the adverse earnings effect of poor refined product prices in the United States, higher overall exploration expenses and the increased cost of crude oil.

Noting that first-quarter earnings were 43 percent higher than a year ago, Murphy cautioned that the same rate of gain could not be expected throughout the year.

Murphy's sales and operating revenues in the first quarter were $81,386,000, compared with $66,158,000 in the first quarter of 1970. Net production of crude oil and natural gas liquids averaged 44,742 b/d, up from 43,606. Net production of natural gas averaged 69,222 mcfd, up from 59,526 mcfd a year earlier Refinery crude runs were 65,653b/d compared with 57,644 b/d in the first period of 1970, and finished petroleum products sold averaged 135,752 barrels a day, compared with 117,679 a year earlier.

Conoco Earnings and Gross Set Records in First Period

New York.—Continental Oil Co. reported earnings and revenues in the first quarter of 1971 reached record highs for any first-quarter period.

John G. McLean, president and chief executive officer, said consolidated net income for the first quarter totaled $37.6 million. an increase of 13.8 percent over net income of $33 million in the same period last year. Per-share earnings were 75 cents in the first quarter of 1971, a gain of 21 percent from the 62 cents earned in the first quarter of 1970.

Gross revenues in the first quarter of 1971 amounted to $790.5 million, a gain of 16.9 percent over the comparable 1970 period. Capital expenditures totaled $84.9 million in the 1971 first quarter, an increase of 20 percent over capital expenditures of $70.7 million during the first quarter last year.

"The increase in first quarter net income is due to earnings' gains from each of Conoco's four major divisions," McLean indicated. "These gains were partially offset by increased corporate expenses, primarily net interest charges.

Conoco's world-wide operating volumes during the first quarter of 1971 were greater than the same period last year. Net production of petroleum liquids increased slightly to an average of 584,015 b/d. Natural gas deliveries averaged 1,275 million cubic feet per day, an increase of 4.8 percent. World-wide refinery runs rose 29.3 percent to 446,584 b/d, while refined product sales were 631,967 b/d, an increase of 14.6 percent.

Woods Earnings Go Up Sharply

Oklahoma City.—Woods Corp. announced earnings for the first quarter of 1971 were sharply higher than those for the same quarter a year ago.

Net earnings from continuous operations for the three months ended March 31 were $647,000, equal to 25 cents per share. Net earnings from continuing operations for the first quarter last year were $348,000, or 13 cents per share.

Woods reported total revenues from continuing operations rose to $12,320,000 for the three months ended March 31, compared to revenues from continuing operations of $10,580,000 for the same period a year ago.

Revenues of Woods oil and gas division rose to $1,134,000 for the quarter, compared to $899,000 for the first three months of 1970.

Apco Revenues Up

Oklahoma City.—Apco Oil Corp. reported an increase in gross revenues and a decline in net earnings during the first quarter. Gross revenue of $27,433,817 increased 5.6 percent over the $25,977,283 in the first quarter of 1970. Net earnings during the first quarter of 1971 totaled $1,050,404, compared to $1,908,421 last year.

Primary earnings per share comparison between the two years was 42 cents in the first quarter of 1971 and 77 cents for the corresponding period in 1970.

The lower earnings performance in the first quarter of this year results from several factors, said J. H. Pittinger, president. Exploration expenditures were disproportionately higher in the first quarter of 1971, he noted.

Apco accelerated its worldwide exploration efforts late in 1970 and a portion of these expenditures were written off against income in the first quarter.

"Yields on the short-term investment of our cash fell appreciably from the unusually high levels of last year, and non-operating revenue declined proportionately," Pittinger said, adding:

"Earnings from the manufacturing-marketing divisions were below last year as the result of lower gasoline prices, higher raw material and labor costs, and lower value for offshore import quota."

While the first quarter financial results were disappointing, some improvement in gasoline prices is expected as we enter the peak motor travel season and exploration expenses should moderate during the remainder of 1971, the Apco president observed.

ROWAN DRILLING EARNINGS GO UP

Houston.—Rowan Drilling Co. Inc. Tuesday reported consolidated net income of $271,525, or 25 cents a share on gross revenue of $3,963,837 in the first quarter of 1971 compared with $242,906 or 22 cents, on $5,419,872 in the first quarter of 1970.

M. C. Rowe, chairman and chief executive officer, repeated two points he made at the company's annual meeting here last week:

1) Two big land rigs, an offshore tender-rig unit and a posted barge unit were temporarily out of service in March to undergo modification, and 2) the company's Alaska aircraft charter business is operating at minimal capacity because of economic conditions associated with delays in building the trans-Alaska pipeline.

MARCH DELIVERIES

Trans Mountain Oil Pipe Line Co.'s total deliveries of petroleum for the month of March 1971 averaged 354,784 barrels per day compared to 268,684 b/d for the same period in 1970. April deliveries are expected to average 345,000 b/d.

SOIND NETS 9 PERCENT GAIN

Chicago.—Standard Oil Co. (Indiana) reported consolidated earnings for the first quarter of 1971 were $95.2 million, higher by 11 percent than the $85.6 million of the 1970 first quarter. Chairman John E. Swearingen said earnings per share were $1.38 compared with $1.24 per share for the first three months of 1970.

Total revenues for the first quarter 1971 were up 9 percent to $1,238,000,000 as compared with $1,135,000,000 in 1970

Swearingen said the higher earnings resulted from higher prices for refined products early in the quarter and increased production of crude oil and natural gas. He said costs continued to rise during the first quarter of 1971 reflecting higher wage and benefit expenses and other effects of inflation. Swearingen cautioned that unless gasoline prices improved from current depressed levels the first quarter rate of increase may be higher than that realized for the year as a whole.

New records were set in the 1971 first quarter in operations generally, Swearingen said. Net production of crude oil and natural gas liquids averaged 798,000 b/d an increase of 11 percent. Sales of natural gas totaled 3.9 billion cubic feet a day up 6 percent. Sales of refined products averaged 1,194,000 b/d, up 4 percent. Sales of chemical products were $97 million, an increase of 7 percent over the 1970 first quarter. Refinery runs averaged 972,000 b/d down 5 percent.

TONE OF THE MARKET—TRIANGLE BOOSTS PRICE

Signs detected Tuesday pointed toward a partial rejuvenation of the mid-country gasoline market. Moves last week by several key supplier regarding abandonment of Group 3 price origin basis and shifting to terminal value basis appeared to be fitting into an economical slot that observers contacted considered very acceptable.

However, it was pointed out that it was too early to assess field reaction to a move considered by many much more realistic than the pricing practice that has been followed for years.

Triangle Refineries has boosted Chicago wholesale gasoline prices to 13.25 cents from former 12.75-cent level. Field reports Tuesday indicated that Tenneco has raised gasoline prices by 55 points to jobbers in Alabama, Mississippi and Louisiana, also in Georgia and Panama City, Fla.

Effective Tuesday, American Oil partially restored dealer tank wagon from 9.4 cents to 16.4 cents in Blount County, Tenn. Action will advance retail price from 24.9 cents to 33.9 cents. Normal level is considered 37.9 cents.

One major—and a relatively new marketer on the East Coast—was said to be restoring his gasoline prices "to established levels" in the Carolinas, on Long Island and in Connecticut, Maine, Rhode Island and New Hampshire.

However, the gasoline marketing picture continues murky. This week's nationwide survey of key consuming areas revealed further slippage on both dealer tank wagon and service station price levels with the former down a quarter of a cent from last week to 16.25 cents and the latter declining to 22.55 cents.

Both Milwaukee and Kansas City continue to be two of the nation's chronic depressed areas at the pump with erosion amounting to as much as 10 cents.

GREAT LAKES ASKS GAS RATE INCREASE

Washington.—The Federal Power Commission reported that Great Lakes Gas Transmission Co. plans to increase, by $9,647,370 annually, its wholesale natural gas and transportation service rates, effective June 1.

Great Lakes said the proposed rate increases are necessary, principally because its existing rates do not generate sufficient revenues to meet interest coverages and other tests required to obtain long-term financing. The higher rates also include a minimum rate of return of 9.92 percent, designed to recoup total cost of service.

GULF EARNINGS RISE

Atlanta.—Consolidated net income of Gulf Oil Corp., for the first quarter of 1971, is $146.2 million, an increase of 5 percent over the $139.2 million earned in the first three months of 1970, board chairman, E. D. Brockett, told shareholders at the Gulf annual meeting here Tuesday.

Earnings are equal to 70 cents per share, an increase of 3 cents per share over the 67 cents per share recorded in the first quarter of 1970.

Gulf's sales and other operating revenues for the first quarter are estimated at $1,754,000,000, an increase of 11.2 percent over the $1,578,000,000 reported in the first quarter of last year.

Noting that 1971 first-quarter net income and per-share earnings exceeded that of each of the preceding five quarters, Brockett said that he looked to the remainder of 1971 with optimism.

Brockett also told shareholders of two discoveries of oil and gas, and noted that this made a total of three Gulf finds in the first quarter of 1971.

At the beginning of the year, Gulf reported the discovery of oil offshore the democratic republic of Congo.

More recently Gulf, as operator (and 30-percent interest owner) for the Danish Underground consortium, discovered oil and gas deposits in the central North Sea. Production here should begin by the second quarter of 1972, Brockett said.

Offshore Gabon, in Equatorial West Africa, Shell Gabon drilling on a license in which Gulf has a 30-percent undivided interest, tested over 1,000 b/d of clean oil.

Brockett said that these three discoveries demonstrated further diversification of Gulf's raw-material supply.

During the first quarter, Gulf recorded world-wide daily average increases in net production of crude oil, condensate and natural gas liquids, net natural gas production, crude oil processed, refined product sales and chemical sales.

PHILLIPS NET UP 13 PERCENT

Bartlesville.—Phillips Petroleum Co's 1971 first-quarter earnings were $36,115,000, or 49 cents a share, 13 percent higher than the $31,959,000, or 43 cents a share earned in the 1970 first quarter, W. W. Keeler, chairman and chief executive officer, told stockholders Tuesday at the annual meeting.

Keeler pointed out that 1971 first-quarter earnings were adversely affected by a number of factors. "Although gasoline sales volume rose, total petroleum sales volume decreased as a result of a much warmer winter, which lowered demands for heating distillates and liquefied petroleum gas," he stated. "Except for synthetic rubber and carbon black, chemical sales volumes decreased. Prices for most chemicals were lower. Costs of doing business were higher, particularly for purchased materials and for labor."

Keeler told stockholders that "for the year 1971, we should experience a continued increase in crude oil production, due especially to start of production in the North Sea and greater output from Nigeria and eastern Venezuela. We expect gas sales volume to increase, and gas prices to continue higher. We anticipate improvements from overseas manufacturing operations and less penalty from fibers activities, and will continue to benefit from cost reduction measures."

GETTY SEES NET GAINS

Los Angeles.—Getty Oil Co's first quarter 1971 consolidated net income of $31,195,000, or $1.61 per share, was up 35 percent, compared with consolidated net income of $23,099,000, or $1.15 per share, in the 1970 first quarter.

Consolidated sales and other revenues for the 1971 first quarter were $367,299,000, compared with $327,102,000 in the year-ago period.

George F. Getty, executive vice president and chief operating officer, said consolidated net income for the entire year of 1971 was expected to amount to $119 million.

He attributed the 1971 increased first-quarter earnings to greater production of crude oil, condensate and natural gas liquids by Getty Oil; price improvements for those products; increased gasoline and Number 2 fuel sales in the company's Eastern Seaboard marketing region; better charter rates for the company's available international fleet vessels; and the normal operations of the Delaware refinery, which in the 1970 first-quarter incurred higher expenses because of operating difficulties at the 42,000 d/b fluid coker.

The financial operating data of Mission Corp and Skelly Oil Co. are consolidated with the data of Getty Oil Co. First-quarter consolidated earnings of Mission and Skelly Oil totaled $10,650,000, compared with 1970 first-quarter results of $9,919,000. Getty Oil's share of Mission and Skelly earnings was $5,795,000 for the 1971 first quarter, compared with $5,245,000 for the 1970 period.

EL PASO NATURAL GAS REPORTS BIGGER NET

El Paso Natural Gas Co. reported first quarter net income of $12,047,000, or 46 cents a share diluted, for the first quarter of 1971, compared with $11,995,00, or 45 cents a share diluted for the 1970 quarter.

Sales totaled $251.5 million vs. $237 million. The net income reported by El Paso is after preferred dividend requirements.

DOROTHY LAMPTON TITCHENER

Mrs. SMITH. Mr. President, Dorothy Lampton Titchener, of Binghamton, N.Y., is a very remarkable woman. She is a true leader. She is truly a selfless person in her dedication to the cause of social and governmental action. A few of her many great attributes and accomplishments have been chronicled by the Binghamton, N.Y., Sun Bulletin of April 22, 1971.

I wish to pay tribute to her, and I ask unanimous consent that the Sun Bulletin article about her be printed in the RECORD. The only error in judgment that she ever made to my recollection was when she proposed me for Vice President in 1952.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAL ROLE WILL CAP HER 50 YEARS IN COMMUNITY ACTION

She must be near the top rank of American women volunteers in the fields of social and governmental action.

Thirty years ago, before Women's Lib was ever heard of, she was trying to run a woman for vice president of the United States.

She will mark her golden year of social action this summer by accepting the chairmanship of Binghamton Police Athletic League's appeal for support in its continuing war against local juvenile delinquency.

She is Mrs. Dorothy Lampton Titchener, widow of industrialist Paul F. Titchener, and the prime mover who planned, created and supervises 612 city housing units as chairman—by appointment of four mayors of both parties—of the City Housing Authority for the past 16 years.

Officer or director of 15 activist organizations at the local, state and national levels, Mrs. Titchener in 1969 was elected president of New York State Association of Housing and Community Renewal Officials. She is a former national public relations chairman for the Association of Housing and Redevelopment Officials and she was selected to conduct regional Housing Commissioners' Workshops in New York City for that group.

SHE KNOWS THE PROBLEMS

Mrs. Titchener is no stranger to police work and the policemen who help direct the programs of financially troubled PAL.

One disgruntled housing applicant pulled a knife on her.

Another threatened to burn her Cadillac.

Dorothy Titchener is color-blind, sympathetic and empathetic in the administration of the 612 housing units for which the Housing Authority has responsibility. She dislikes the term "housing units" as a merciless bureaucratic phrase which does not reflect the essential human factors which exist in 612 families from lonely oldsters to 14-member households.

She has the reputation among most of her tenants of being warm hearted, hard-headed, fair and tough. Her principal problem is that there are always some 300 families seeking apartments which are not available.

Mrs. Titchener feels that she administers a society in microcosm, a society embracing any society's proportion of success, failure, love, hate, happiness, despondency, culture and delinquency.

She considers law enforcement of prime importance in any society.

INCOME AND HOUSING

She feels that many otherwise astute citizens do not understand the so-called low-cost housing under the aegis of the Housing Authority. They dismiss the relationship between income and responsibility. A highly paid executive with 12 children, she says, can be considered a poor man, but neither poorer nor richer than the Vietnam veteran with no skills and a wife and child.

The state sets income limits which must be justified by an applicant's payroll deduction forms. The authority counts the dependents. Mrs. Titchener and her colleagues must then measure all the other human factors relating to an applicants' need.

Children are Mrs. Titchener's special interest. She has two daughters out of Wellesley and a son who is a research psychiatrist out of Princeton and Duke Medical School, who among them have provided her with 11 grandchildren.

And there are children by the hundreds in the Housing Authority's colonies: 165, for example, in the 27 garden apartments off Exchange street, hundreds more at Carlisle Hill and Saratoga Heights.

Most of them, she says, have benefited or will benefit from playtime spent without fee at the PAL Camp at Kirkwood.

STARTED WITH SCOUTS

In Dorothy's Titchener's 50 years of voluntary service in many areas, she has never accepted a penny in payment.

The half-century started with her election to Broome County Girl Scout Council in 1921. Elected commissioner a year later, she selected the site and raised the funds for Camp Amahami.

In 1929, she directed Broome County's first Christmas Seal Sale and became one of the founders of the Family and Children's Society. Elected to the Junior League, she headed its drive for a successful day nursery—and edited its magazine.

Becoming active in the Triple Cities Business and Professional Women's Club in 1941, she became district director, vice president and president of the State Federation. Then she became radio chairman for the International Federation.

It was as state head of the Business and Professional Women that Mrs. Titchener campaigned for nomination of either U.S. Sen. Margaret Chase Smith of Maine or Judge Sarah T. Hughes of Texas as vice president. The boys in the back rooms wouldn't buy it.

PLEBISCITE OVERWHELMINGLY ENDORSES GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, it has been brought to my attention that a plebiscite conducted by the Beverly Hills Bar Association has indicated overwhelming support for the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

This bar association, with a membership of 1,700 persons, voted by a 9 to 1 ratio to urge the Senate to ratify this convention.

I think that there is similar support for this convention around the country. A New York organization—the Ad Hoc Committee on the Human Rights and Genocide Treaties—represents more than 52 national organizations, whose membership is in the millions. They have consistently supported this convention. Their chief spokesman has been former Justice Arthur Goldberg.

I again urge this body to give its advice and consent to the genocide convention.

Mr. President, I ask unanimous consent that the letter from Mr. Martin Webster, president of the Beverely Hills Bar Association, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BEVERLY HILLS BAR ASSOCIATION,
Beverly Hills, Calif., Jan. 29, 1971.

Mrs. BETTY K. TAYLOR,
Executive Secretary, Ad Hoc Committee on the Human Rights and Genocide Treaties, New York, N.Y.

DEAR MRS. TAYLOR: We feel you will be interested in knowing that our Bar Association (1700 members) conducted a plebiscite regarding the position of the United States on the Genocide Treaty. The results favored approval of the ratio of 9 to 1.

We were pleased with the action of the Foreign Relations Committee of the United States Senate. I trust you will bring the contents of this letter to the attention of that Committee and all others who you believe might be interested in the position of our Association.

Very truly yours,
MARTIN H. WEBSTER.

THREATENED CUTBACK OF FUNDS FOR ENVIRONMENTAL CONSERVATION

Mr. PACKWOOD. Mr. President, for years the Soil Conservation Service has been doing an excellent job of helping to improve our environment. However, now it appears that at a time when the American public is becoming increasingly concerned about the critical condition of our environment, we are going to cut back on this valuable environmental conservation program.

Recently, I had the opportunity to testify on this important subject before the Senate Subcommittee on Agriculture Appropriations.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BOB PACKWOOD BEFORE THE SUBCOMMITTEE ON THE DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. Chairman and Members of the Committee, I am pleased to have this opportunity to speak to you on the subject of appropriations for the Soil Conservation Service. I have received a considerable number of letters, telegrams, and resolutions from local Soil and Water Conservation District Supervisors and the state associations urging me to speak to this Committee on their behalf.

For the past 35 years, the Soil Conservation Service has been deeply involved in assisting farmers in the State of Oregon in a variety of resource conservation programs. More recently, these programs have expanded considerably with the increased public concern for our total environment.

As I am sure you know, local soil and water conservation districts have worked with all the natural resources that contribute to our environment and have done so since they were first organized. In view of the growing concern for more emphasis on improving or preserving environmental quality and promoting rural development in general, I think it is clear that we need additional technical services and funds provided for the Soil Conservation Service to carry out this important work.

My testimony today is concerned principally with three areas: first, additional technical assistance to soil and water conservation districts: second, assistance to the Small Watershed (PL–566) Program, and third, assistance to the Resource Conservation and Development Program.

As most of you probably know, the number of technically trained people—the district conservationists and their assistants—is continually being spread thinner and thinner. The number of SCS people assisting soil and water conservation districts in my state has declined sharply over the past several years. In 1967 there were 284 SCS personnel in Oregon while this year the number has been reduced to 230. Obviously, something is wrong when more and more federal emphasis is being placed on expanding conservation and environmental programs, but fewer people are being made available to do the job within an existing and successful conservation program.

Mr. Chairman, I strongly urge that additional funds be provided to strengthen the necessary programs and allow for the addition of more personnel for the Soil Conservation Service.

With regard to the Small Watershed Program, through the Department of Agriculture the Federal Government has assisted Oregon Communities in water resource development under the provisions of PL–566, the Watershed Protection and Flood Prevention Act. Since 1954, 57 groups throughout the state have made applications for planning assistance. Although 21 watershed projects have been authorized for planning assistance, the remainder have been placed in a growing backlog, with future priorities being assigned by the State Engineer. As is the case throughout the country, applications from Oregon have far exceeded the ability of the Soil Conservation Service to service them. Clearly, the Small Watershed Program funds are inadequate to meet the current needs. At the present time Oregon has five projects authorized for construction for which no funds have been provided for installation of project measures.

A related item is the need for additional funds in the Farmer's Home Administration watershed loan program. These loans have provided a means for local sponsors to finance their share of the costs. However, because of the lack of balance in national appropriations between PL–566 construction monies for SCS and loan funds for FHA, there is a lack of orderly installation for watershed projects in Oregon. For example, PL–566 funds programed for the start of construction on the Wolf Creek project in Baker County this year were not utilized because of the inability of the Farmers Home Administration to fund the local sponsor's loan. In order to maintain an orderly schedule, it seems to me that the solution lies in securing a better balance between PL–566 monies appropriated to SCS and FHA loan funds. I would urge that this be accomplished.

Concerning the Resource Conservation and Development program, I would like to briefly mention the status of current projects in Oregon. At present, only the Upper Willamette project has been approved for operations, and the Columbia Blue Mountain project approved for planning. One other project, Grant-Wheeler, has made application with the Soil Conservation Service. I might add that two other RC&D applications for Lower Willamette and North Coast are in the final stages of preparation. Mr. Chairman, I strongly recommend that additional funds for the RC&D program be appropriated. The RC&D program is a major factor in our rural development effort.

In summary, I respectfully request the Committee to favorably consider an increase in funding for conservation operations, watersheds, and RC&D so that the level of assistance furnished to local residents in Oregon can be accelerated. The quality of our environment is at stake.

CONCERN OVER DEVELOPMENTS IN EAST PAKISTAN

Mr. KENNEDY. Mr. President, on April 1, I spoke in the Chamber to express my deep concern over developments in East Pakistan.

Suppressed reports to our Government were telling of a heavy toll being paid by the civilian population as a result of the violence. It was a story of indiscriminate killing, the execution of students and dissident political elements, and the suffering of tens of thousands of innocent civilians. It was a story of families dislocated and homes lost. It was a story of little food and water. And coming in the aftermath of tragedy by natural disaster, the outbreak of violence and the near total disruption of government services were compounding an already difficult situation. Conditions were threatening famine for millions—and the spread of epidemic and disease.

Over the last month I have communicated my concern in this matter to officials in the Department of State and elsewhere, in an effort to encourage and support reasonable initiatives by our Government and the international community to help meet the urgent political and humanitarian problems of East Pakistan.

Regrettably, the record will show that little has been done. And so the plight of the people in East Pakistan is rapidly deteriorating into a nightmare of more suffering and death for millions.

Although reports suggest that violence has subsided considerably, reports also indicate that feelings are tense between the people and the army of the central government. The great bulk of the population is alienated as a result of the army's violent repression—which, as events in Dacca last week underscore, continues sporadically.

Moreover, reports also indicate that the army effectively controls little ground—and that except for Dacca, and Jessore, and the area immediately surrounding these cities, government services and administration are practically nonexistent. The transportation and distribution of available foodstocks and medical supplies is at a standstill—even in the area ravaged by last fall's natural disaster, where conservative estimates say a million persons are solely dependent for survival on effective relief operations. The tragedy of the Bengali people in East Pakistan has now spilled over into India, which so far has found it necessary to give asylum to well over a million refugees.

Mr. President, hundreds of thousands of people in East Pakistan—perhaps millions of people—are slowly reaching the point of starvation and death.

We are conditioned in the world we have created, to accept such suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas. But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past.

In the case of East Pakistan—in the effort to help her people caught in the passion of conflict—I cannot believe that our Government and the international community stand paralyzed in face of great tragedy. The situation can no longer be ignored. At stake are human lives—innocent lives—Pakistani lives—thousands, even millions of lives—whose destruction will burden the conscience of all mankind, unless something more is done to save them.

It is easy to deplore the repression and political disorganization in East Pakistan. It is easy to deplore the deteriorating conditions of the people. It is easy to proclaim a policy of concern. It is easy to advocate meaningful steps to ameliorate the conflict and bring relief to the people.

But such rhetoric is no alternative to action. And I strongly feel that whatever our own Government has done on the humanitarian needs in East Pakistan, has fallen short of what should have been done—and, like so much of our moral and humanitarian leadership in recent years, has been done without a sense of urgency, creativity, and deep compassion for those in dire need.

And so today, as an American concerned about the dignity and preservation of the ultimate resource on our planet, I appeal for immediate action by the United Nations, which so far has chosen silence over leadership. I appeal to the leaders of Pakistan, to the leaders of other countries, and to our own Government, to support a mercy mission and airlift into areas in need. And, hopefully, the appeal of the Indian Government for assistance to meet refugee needs within her borders, will receive a sympathetic response by all concerned.

Let us leave no stone unturned in accomplishing this objective. But let us do so with meaningful action to meet immediate needs, and with the urgency a serious crisis of people demands.

ADDRESS BY HELEN DELICH BENTLEY

Mrs. SMITH. Mr. President, a very forceful and impressive address was given on April 28, 1971, by Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, before the Star Spangled Flag House annual dinner in Baltimore, Md.

Because it is very worthy of reading and consideration, I ask unanimous consent that it be placed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Pride and Productivity

During the presidential campaign of 1860 Alexander Stephens of Georgia was asked why he believed Lincoln's election would mean war. "Because," he said, "there are not virtue and patriotism and sense enough left in the country to avoid it."

The observation has the ring of currency for anyone who examines the American scene today. On the surface at least, we appear to be a house divided—not on one overriding issue as in Lincoln's day but on many issues basic to our values and actions.

For the first time in a long time, thoughtful Americans are questioning our capacity for self-government.

We believe in the rule of law. But increasing numbers of our citizens reject and flaunt the law when it serves their mood of the moment.

We believe in free speech. But some among us claim the privilege for themselves alone while denying it to others.

We know that the country's deepest roots are spiritual. But we don't want our children acknowledging the fact during school hours.

We demand clean air and water and responsible use of the land. But we endure a floodtide of hard-core pornography.

We subscribe to the proposition that a government is only as good as its word. But when our Government insists on keeping its word to protect the liberties of a small and struggling nation in Southeast Asia, its leaders are mocked and their integrity challenged.

Meanwhile, the doomsayers tell us—usually from comfortable quarters outside the workaday world—that our problems are too big and too many to be solved. Even if we had the will and the way to save the cities and bring the races together and make jobs for everybody, we couldn't afford the dollar cost.

No wonder good people are asking, "What's this country coming to?"

It's a fair question. If we care about our future we had better answer it candidly and realistically in the light of our own responsibility to contribute to the national supply of virtue and patriotism and sense.

One of the items in short supply, it seems to me, is pride in our heritage. Too many of us are too quick to equate change with progress—to condemn and dismiss the past because it has produced a less-than-perfect present. It's almost as if we were ashamed of what our fathers have wrought.

Well, confession may be good for the soul, but so is the truth. And the truth is that the American system of governing and living has worked better and longer than any other system devised by man.

Has the performance measured up to the promise? Of course not. But those who read failure into the record of America simply don't understand what self-government is all about and their role in making it work.

What was promised nearly two hundred years ago was the opportunity for men to live useful, productive lives, according to their conscience and talents, free from oppression by the state or their neighbors. What was guaranteed was not happiness but the right to pursue it—not peace but the right to earn it—not solutions to problems but the right to reach them in a reasoned, orderly manner.

These standards have served us well. We have held to a government of laws dedicated to the dignity of man. We have built an economy that outproduces all others and has shown a tremendous adaptability to changing markets and needs. We have shared our resources with nations less fortunate than our own and we have used our power to nourish and support freedom around the world.

Let's keep the record straight. Some of the problems that vex and divide us today are the result of progress we have made in living up to our ideals as a Nation.

Those who despair at signs of hostile communication between the races forget that a few decades ago there was no serious communication at all.

Those who renounce the system because it tolerates a 12 percent poverty level don't allow for the fact that, by present standards, the rate used to be 30 percent.

Those who demand "Peace Now" echo the sentiments of us all. Neville Chamberlain responded to a similar demand in 1938 and the dictator he was trying to accommodate brought the world to its knees.

Those who deplore crowded and disruptive conditions on our college campuses should be reminded that until a generation ago only the privileged few made it to a campus.

I don't minimize our problems but neither do I think they are insoluble. This is a "can do" country. We have proved it in a thousand crises since a handful of patriots won a fight for independence they had no right to win. But the doing takes time and patience and dedication and a sense of purpose.

The President of the United States has promised to bring to an honorable end our involvement in a war which he did not start. By any fair reckoning, he is making good on that promise. Not enough, say the protestors: "Stop the war now or we will stop the Government."

The reasoning is a symptom of the times. We want instant cures for all that ails us. We want them to be cheap and painless, uncomplicated but the lessons of the past or their long-run implications for the future.

I can understand impatience with the War. I can understand the cry from the ghetto and the desire of the young to make the Country over in their own image—to build a better society than they found. What I cannot understand is the feeling that the way to build is to tear down—that old values and institutions must be rejected out-of-hand.

There is something very sad about the person who sees in the flag of his Country on the wrong he believes it has done. There is something pathetic about the citizen who uses the flag only to express dissent and never to affirm his identity with the Country's triumphs and trials.

Between what is and what ought to be there is the all-important ground of what can be. This is where the builders have to work and this is where they need the inspiration and guidance that history affords.

To know where we are going, we must know where we have been. "My Country right or wrong" is more than the boast of the professional patriot. It's a fact of life for each of us. We can criticize the system as we like, change it or improve it as we will, but we cannot escape the consequences of what we do as Americans.

Daniel Webster said it simply in a simpler age: "I was born an American; I will live an American; I shall die an American; and I intend to perform the duties incumbent upon me in that character to the end of my career."

The duties incumbent upon us "in that character" have not changed. They include the duty to judge a man by what he does, to respect the integrity of a government which functions by consent of the governed, to honor laws enacted in our name, to accept the rule of the majority, to proclaim by deed and word the dignity with which every man is endowed by his Creator.

These are the disciplines that hold a society together and give it body and thrust. No one can force us to assert them. No one can save us if we choose to ignore them.

The challenge of the 'seventies, as I see it, is not whether we can manage change and the pressures that change will bring to bear upon our social and political and economic lives. Rather, it is whether we can manage ourselves—whether we will have the sense to use our freedom wisely, to compose our differences for the common good, to keep our commitment to constant moral values.

"Give me a lever long enough and a place to stand," the Greek mathematician (Archimedes) said, "and I will move the world."

We have all the leverage we need in a bountiful land and a blessed heritage and a system that offers rich rewards for hard work and fair play. We seem to be unsure of a place to stand.

During the decade of the sixties, according to the F.B.I., the number of serious crimes in this Country jumped from two million a year to five million a year—an average annual increase of 11 percent. The New York Times recently summed up the state of law and order in metropolitan New York in these terms: "This city's eight million people live in daily fear of mugging, robbery and other violent crimes."

What has gone wrong? Have we abandoned our belief in the sanctity of life itself? Or have we permitted our concern for the rights of the lawbreaker to blind us to the rights of his victim?

Sociologists tell us to chalk it all up to social unrest. I don't buy that because the record doesn't support it. There are other causes for the soaring crime rate, and one is that we have created a climate in which the would-be criminal has every reason to believe that crime does pay.

The statistics as recited by Roger Freeman of Stanford University tell the story. Only 20 percent of the offenses known to police are cleared by arrests. Of those arrested, only one in six goes to jail. The one in 30 criminals who is unlucky enough to wind up behind bars serves on the average only 55 percent of the time to which he was sentenced.

We can't have it both ways. We can't expect the law enforcement officer to do his duty when the courts stack the deck in favor of the criminal.

Neither can we expect government to provide our young people with the direction and discipline that we fail to provide in the home and school and church. Drug abuse is claiming a grim and growing toll of youngsters throughout our society. Let's treat it for what it is—a disease of major proportions. But the best cure is prevention, and the best way to prevent it is to instill in our children the ability to choose between right and wrong.

We are a productive people. Americans have always found satisfaction in an honest day's work and in the fruits of their labor. We must not make the mistake of relegating the work ethic to a lesser place in our scale of values.

Again, the choice is ours. We can have a welfare state if that is what we want. But the cost will be staggering, not in dollars alone but in damage to the human spirit.

Today, an estimated 10 million American adults exist outside the Nation's labor force. Most of them lack skills for the work to be done. Some of them are paid more for not working than they could earn on available jobs.

Experience has demonstrated that reliance on Government dole is a one-way street, and it isn't the way to a vigorous, cohesive society. Between 1965 and 1970 the Federal Government alone spent more than $250 billion on social programs. Those were years of unperecedented civil strife and violence. As President Nixon has pointed out: "Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters, but how we spend it."

The President's spending welfare program would replace the present rewards for idleness with incentives for work. Let's hope the Congress has the foresight to pass it.

Like everyone else, the working man has a responsibility to relate his aspirations to the public interest. The inflation that has broken the back of millions of family budgets is no longer due to excessive demand. It is the result of upward pressure on costs—stemming mainly from rising wage rates.

Recent collective bargaining agreements in major industries have added to this pressure by exceeding probable productivity gains. Union leaders and members will serve their Country well by practicing reasonable self-restraint in contract negotiations scheduled this year.

The power of organized labor needs no further documentation. If I read the American mood right, what most of our people need and want from labor and management alike is an end to bickering and a willingness to get on with the job of providing quality goods and services.

We are dangerously close to pricing ourselves out of world markets. By demanding ever larger wage increases and ever broader fringe benefits, we have pushed production costs to the point where corporations and consumers the world over find it increasingly difficult to "buy American."

And that's only the half of it. In many areas of our economy we are demanding Grade-A pay for less than Grade-A work. The quality of American goods and services simply doesn't measure up to the competition in the international marketplace.

It isn't the eight dollars an hour that the longshoreman collects, for example, that hurts us. It is the fact that he often fails to do eight dollars worth of work. It isn't just the construction worker's superior pay that hurts. It is the fact that he often builds an inferior house.

Let's face it. We are not turning out as good products today as we used to. They don't work as well, they don't last as long, and they don't perform as promised. The buyer of the American car expects trouble, the buyer of the foreign car doesn't. And when we take the car to the garage for repairs or servicing, we expect more trouble, and usually get it.

Why? Why do we have to call the appliance man two and three times before he makes it to the house—and then call him back to do the job right? What has happened to the pride in workmanship that made this Country great?

Other countries have it. The Japanese have it. That's one reason Japan has taken markets away from us and is flooding this Country with her products. The Russians appear to have it to a greater degree than we do. Remember, ideology is not a prime consideration in the world of economics. If the Russian trademark comes to signify better workmanship and serviceability than ours, people are going to buy Russian goods and ship them in Russian bottoms—and that's what more and more people are doing in many markets vital to our national interest.

Perhaps we have had it too good for too long. Perhaps we feel that we can get by with less effort, less care, and less than the best we're capable of. If so, we are dead wrong and we're going to pay a fearful price for the lesson.

The quality of life is all the rage these days. The masters of rhetoric bombard us daily with exhortations to clean up the air, banish the slums, beautify the cities, and purify the water. This is all well and good. Improving the physical environment is important to all of us.

But the quality of our life cannot be separated from the quality of our work. We improve society by improving ourselves. And that means giving the best of ourselves to the task at hand. It means reaching out for new challenges—seeking higher standards of achievement—adhering to the moral and ethical principles that we know are right—doing the best we can, not what we can get by with.

Let's keep our values straight. Two cars in the garage and one in the driveway are not the end of the American dream. Merely putting in time on the job, no matter how high the pay and how strong the security, is not the American way. The good life is not the soft, comfortable life.

Do we have to have the bottom fall out to make us realize that we get from the economy only what we put into it? Will it take another Depression to remind us that personal initiative and self-reliance and pride of achievement count more than one-upmanship at the bargaining table?

I'm talking about attitudes and actions—actions that reflect a person's belief in his worth as a human being and his obligation to earn and preserve the opportunities of American citizenship that others have won for him. This is the spirit of America—not just to be free but to use freedom nobly and vigorously, to do all that our aspirations and instincts require, and to excel in all we do.

Young people especially seem to be following an "all-or-nothing" approach. Last spring the campuses were aboil with protest—some of it violent and much of it unreasoning. The same students returned in the fall with a completely opposite outlook—one of indifference and apathy. It was as if they were saying, "Since we can't have our way, we quit."

Well, life isn't that simple. If we're going to give a good account of ourselves in this increasingly competitive, admittedly imperfect world of the 70's, we've got to have the endurance and perspective to match our faith.

"What we require," as James Michener wrote a year ago, "is a balance between protest and stability. This is never easy to obtain but is worth attempting because we know that if through indifference we lose our liberties, we shall not regain them in this century."

We must demand as much of ourselves as we demand of society. There are no free lunches, and no freeways to Utopia. If we want the freedom not to be robbed, we must crack down on the freedom to rob. If we want more leisure, we must earn it by giving a day's work for a day's pay. If we want a better government, we must do a more effective job of participating in the political process.

Pride and productivity have carried this Country a long way. I am confident that we have enough virtue and patriotism and sense to solve the problems that confront us. The system is sound. It's up to us to make it work.

NEW BREED OF TOURIST IN WASHINGTON

Mr. SCOTT. Mr. President, an interesting column has appeared in the Washington Star. It was written by Smith Hempstone. The title is, "New Breed of Tourist Comes to Washington." It makes a great deal of sense.

Mr. President, I ask unanimous consent that this fine column on another view of recent developments in the Nation's Capital, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Breed of Tourist Comes to Washington

Spring is tourist time in Washington, bringing Americans in the tens of thousands to visit their national monuments, to recapture the roots of their past.

A new breed is with us now and has been these past 10 days. And their banners (with apologies to Longfellow) bear some passing strange devices. They want an end to the war in Vietnam (who does not?). They want free abortions on demand, clean water, gay liberation, union lettuce, Nixon's political scalp, jam on Thursdays. They want, they want. They want everything, these babies who were always picked up when they cried, and they offer so little aside from the spectacle of themselves clustered lemming-like in the streets.

Their spearhead was a group of about 1,200 Vietnam Veterans Against the War, who put on demonstrations of their version of search-and-destroy missions, ending up by discarding their decorations. To this observer's knowledge, no reporter in this city of reporters made a serious effort to discover how many of the 1,200 actually had served in Vietnam or to validate the decorations they said they held.

Many of them, including their leaders and the badly wounded ones, unquestionably were genuine. Perhaps, as in the case of all those Black Panthers "killed" by the police, some enterprising writer for the New Yorker will put the record straight.

Then came Saturday's emote-in down Pennsylvania Avenue to the Capitol. There were the usual hirsute patriots carrying the flags of North Vietnam and the Viet Cong, the placards of Mao Tse-tung and Leon Trotsky, chanting obscenities. They were, it is true, peaceful, although nothing really is more insulting than to praise a man for doing what he ought to do.

Finally, after five hours of rambling, repetitious speeches and folk music, the crowd of 200,000, largely white and young, trickled off to do its thing. Medical personnel were kept busy dealing with drunkenness and overindulgence in narcotics. End of Phase Two.

Now we are in the middle of Phase Three. We have in town a sizable group of ladies and gentleman who call themselves the Peoples Coalition for Peace and Justice. One of their leaders is a philosopher named Rennie Davis, who once was involved in some litigation in Chicago.

These worthies are here to rap (as they say) with federal employes in an effort to persuade them to join in a general strike and to sign a made-in-Hanoi "Peoples Peace Treaty" to end the war. On Monday and Tuesday, "tribesmen" of the Mayday Movement, a group of militants associated with the Coalition, have promised to extend our political education by attempting to block early-morning computer traffic at 21 key points in downtown Washington and suburban Virginia.

And it is, of course, gratifying in the extreme to know that the Nixon administration, in its wisdom, has put at the disposal of the Coalition a portion of federal parkland here to use as a training ground and assembly area for people who have announced their intention to break the law. It is probable that the whole shebang will cost the taxpayers not less than $1 million, and possibly a good deal more (the tab for the three-day 1969 Vietnam War Moratorium was $688,714).

Now the people of this country have the right to assemble here peacefully to petition their government. But they do not have the right to interfere with the lawful activities of other citizens. They do not have the right to plot (however sophomorically) the overthrow of their government or to try to interfere (however ineffectually) in the process of government. There is a place for such people and it is called jail.

This cup, of course, will pass from us. Rennie Davis & Co. are not going to become the government of this country. Mrs. Sallye Davis (Angela's mama and one of our speakers last Saturday) is unlikely to become attorney general. While Rep. Bella Abzug has, admittedly, a certain entertainment value, I do not see her as a future secretary of state.

Meanwhile, a few home truths which should not go unsaid: While 1,200 veterans demanded an immediate end to the war, 2.49 million others did not cry out for peace at any price; while 10 senators and 29 representatives endorsed Saturday's rally, 90 senators and 406 representatives did not; while 200,000 Americans chose to take their politics into the streets last week, nearly 200 million others did not.

Which is not to say that the Vietnam veterans who did not come to town, the congressmen who did not endorse the demonstration, the Americans who did not choose to spend Saturday listening to David Ifshin and Peter, Paul and Mary, like the war.

It means merely, I like to think, that they want the war ended without a scuttle, that they prefer ballots to ballyhoo, that—when all is said and done—they desire a democracy rather than a mobocracy.

And so they must unless the prophecy of W. B. Yeats—"Things fall apart; the centre cannot hold; Mere anarchy is loosed upon the world."—is to come to pass. Unfortunately, it can happen here.

ARENA STAGE—A CREDIT TO THE CULTURAL LIFE OF NATION'S CAPITAL

Mr. McINTYRE. Mr. President, since its opening in 1950, Arena Stage has grown at an amazing rate and has offered consistently more ambitious and more professional productions for the audiences of Washington. The Arena Stage, with the adjacent Kreeger Theater, is certainly a credit to the cultural life of our Nation's Capital.

I have, on occasion, attended Arena Stage and have been much impressed. To show my appreciation, I ask unanimous consent that a Saturday Review article entitled "Arena Stage: Full Speed Ahead" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arena Stage: Full Speed Ahead

(By Henry Hewes)

Washington, D.C.—The record of Arena Stage is splendid. Although its national reputation owes a great deal to the fact that two of its recent productions A*The Great White Hope* and *Indians*) happened to go on to win high acclaimon Broadway, a critic who has followed Arena Stage's progress since its inauguration in 1950 is more impressed by the consistency and daring with which this company has risked its future solvency to reach out for the very best.

For Arena has raised its production standards to a quality unsurpassed by any American producing organization. Its activities have widened progressively from year to year. And its facilities have evolved from a 247-seat converted moviehouse to a 500-seat renovated brewery to a handsome new 811-seat theater of its own.

The current offering in the present facility, a documentary drama about the *Pueblo* incident, is a stunning demonstration of the theatricality that can be achieved in an arena where the audience completely surrounds the playing area. When we enter, we can hear all around us the foreboding pulse of the ship's turbines. Through the stage floor's inlaid grillwork radiates the internal glow of the engine room. As the play begins, sections of the floor rise up to become the Captain's bridge. And above this area are suspended catwalks and ladders, which not only suggest the totality of a naval vessel, but also provide dynamic acting areas that director Gene Frankel has used to add a vertical forcefied of interplay to the action.

In this superbly dramatic atmosphere, Stanley R. Greenberg objectively retells the *Pueblo's* story by alternating between the two formal hearings—one naval, one Congressional—and a chronological re-enactment of the events themselves. Shepperd Strudwick portrays Commander Lloyd Bucher, whom he strikingly resembles, with controlled conviction. He emerges not as a by-the-book officer, but as an extraordinarily patient protagonist whose sentimental consideration for his men may be more deeply American than the official pragmatism of our political and military leaders.

Where *Pueblo* is less successful is in its attempt to counterpoise these two philosophies with clear dramatic impact. To do this would require more delineation of what occurred in secret Washington deliberations, and these are excluded because Greenberg has chosen to use only those words and events available in print. Nevertheless, we do leave the theater with a fresh awareness that our government and our military establishment are operating under dangerously schizophrenic conditions. And we recognize that the decisions of Commander Bucher and his men are symptoms of a currently insoluble American dilemma.

Because all plays do not thrive equally well in a large threater-in-the-round like this one, Arena Stage has just built and unveiled an adjacent 500-seat proscenium stage, which is named the Kreeger Theater. Eschewing caution, Arena's founder and artistic director, Zelda Fichandler, opened the Kreeger with the American premiere of a most difficult work, Peter Barne's *The Ruling Class*. The play had won its blasphemous young author the critics' award as the most promising playwright of the 1968–69 season. But because it had not been a commercial success in the West End, no New York producer proved willing to attempt it.

Oddly enough, the production here better realizes Mr. Barnes's strange and remarkable play than did the one in London. Credit for this must be shared. First of all, the drama benefits from the intimacy of the theater itself. The Kreeger has a fine semi-thrust audience-stage relationship, somewhat similar to the one that makes New York's Theater De Lys so satisfying.

Then to assure the optimum performance of the work, Mrs. Fichandler has imported British director David William and two Canadian actors, Douglas Rain and Eric House, to play the two leading roles. They are marvelous. Mr. Rain, who recently finished a long and highly acclaimed London stint starring in *Hadrian VII*, is completely at home as another religiously deluded Britisher, the fourteenth Earl of Gurney, who believes he is both Jesus Christ and God. His eccentricity, which proves less troublesome to his family than does his sincere espousal of Christ's philosophy of love, is made hilariously entertaining by Rain, who superbly combines eloquence and vulgarity, as he cautions skeptics, "Please remember, you're dealing with the Big One." But Rain also totally convinces us of the sincerity of his belief, so that Barnes's challenging argument is emotionally and intellectually supported.

When the Earl's family consults a psychiatrist and he is able to cure the Earl of his delusions, Rain nicely makes the transition to the more horrendous but more socially acceptable eccentricities of an ultraconservative member of the House of Lords. With the same fanaticism that he followed the God of Love, he turns to the God of Justice, and he becomes a moralizing avenger, a Jack-the-Ripper who stabs any woman who offers him love.

Mr. House is delightful, too, as a British butler who breaks into a vaudeville dance at the solemn reading of a will that bequeaths him a small fortune. And the rest of the cast, from the regular Arena Stage company, blend beautifully into this most original work.

To accept two such large theatrical challenges and emerge as successfully as Arena Stage has done reflects both a shrewdness of judgment and a remarkable efficiency on the part of its leadership. But this is only part of the reason for Arena's national eminence. It has, in a surrounding where community spirit does not noticeably flourish, made itself a responsible, functioning part of Washington life.

An important part of Arena's community service is a children's theater program, which is startlingly different from the old-fashioned, innocuous stuff Americans have have come to associate with the genre. Called Living Stage and led by Robert Alexander, an inspiring and committed spokesman for the capacity and wisdom of today's children, the company consists of six performers who are expert at improvising. Sometimes they go to high schools, and sometimes small parties of youngsters are brought into a large rehearsal space at Arena. The performers encourage the kids both to become involved in exercises where each of the audience uses his own creative imagination and to make suggestions for scenes they would like the actors to improvise, indicating how they would like them to come out. There is no censorship as the actors level with the kids and insist that the kids level with them.

Is this expansion into a second theater and the maintenance of a public service children's program practical for an organization that in the fall of 1972 will find it most difficult to raise the $300,000 needed annually to cover its deficit? That deficit is currently being supported by a Ford Foundation grant, but the subsidy was awarded with the understanding that Arena is to expect no further support from Ford beyond this point. Administrative Director Tom Fichandler doesn't minimize the problem, but he hopes that some revenue may be gained by booking visiting attractions into the Kreeger at those times when the company is not performing there. Conceivably, the Kreeger could become a plus item.

Indeed, there is a possibility that smaller theaters will be most in demand in the future. For gathering together in such an intimate atmosphere to share a genuine theater experience may be an ideal change of pace from the nightly viewing of TV masterworks in the living room.

Whatever happens, Arena Stage is proceeding full speed ahead, as if its board were going to be able to raise $300,000 annually in the District of Columbia, where there are no industrial corporations capable of giving substantial financial assistance. If the funds are not forthcoming, the Fichandlers insist they will not continue on a smaller budget with reduced standards and activities. It is a proud attitude, but their twenty-one years of dedicated work entitles them to it.

LEON SULLIVAN ELECTED TO GENERAL MOTORS BOARD OF DIRECTORS

Mr. SCOTT. Mr. President, in Pennsylvania there is a remarkable individual who during the earliest period of his young life took the leadership in setting the direction of the civil rights movement. He is an exceptional man who has given so much time and energy for the purpose of equal justice. Leon Sullivan is a black minister in the city of Philadelphia. He is a leader in the Opportunities Industrialization Centers of America. He founded this organization in 1964.

Today after these many years of service to others he has been elected to the board of directors of the General Motors Corp., the first black man to be so recognized. Mr. President, there is an exceptional news article on the Reverend Mr. Sullivan in Business Week for April 10. I commend it to the reading of Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Business Week, Apr. 10, 1971]

A Black Director Pushes Reforms at GM

"For several years, I didn't talk with white people," says Philadelphia's Reverend Leon

H. Sullivan, "because I didn't want them to try to persuade me not to do what I was doing." Sullivan now talks readily to whites, and he is generally the one doing the persuading. His newest and most important white audience: 22 fellow members of General Motors Corp.'s board of directors.

Sullivan's election to GM's board, like most of the activities of that puissant corporate giant, is portentous for U.S. business. In a broad sense, it highlights the gradual shifts of U.S. industry to meet mounting social challenges. More specifically, Sullivan himself, a nationally-known civil rights activist, symbolizes the swelling band of blacks appearing on corporate boards.

At least 14 major companies—Pan American, Chase Manhattan, First National City, A&P, and CBS among them—have elected Negro directors in the past year or so, and more will follow. Though most of these directors see themselves as businessmen or lawyers rather than as advocates of minority groups, Sullivan's outspoken social commitment could ultimately drive them toward more militant stands. This would intensify already gnawing questions about the role of directors as representatives of special interest groups and, in fact, about the role of directors generally.

Sullivan became the first black director of the world's largest industrial corporation last January 4, after GM Chairman James Roche personally made a trip to Philadelphia to offer him the job. They met in a small office at Progress Plaza, the black-owned shopping center that Sullivan organized.

"I told Mr. Roche he should have no illusions about what I am," Sullivan recalls. "He knows I'm a man who expresses his opinions, and that I will not be tied to the traditions of the board. I'm more interested in human returns than capital returns. My main concern is helping to improve the position of black people in America. I want to be a voice from the outside on the inside."

Dissenter.—If anybody at GM wondered what that meant, they are finding out fast. At the most recent of three board meetings Sullivan has attended, he cast the lone vote supporting the Episcopal Church's request that GM pack up and get out of South Africa. Sullivan had told his fellow directors earlier that GM and other U.S. companies are underwriting apartheid. "The South African government should be told that apartheid must come to an end," he insists, "or else, office by office, plant by plant, business by business, we should get out."

Beyond this, Sullivan has begun to move on just how GM should help blacks. This week, he disclosed to Business Week details of what he is asking GM management to do. "We'll see how far GM wants to go," he adds.

Program.—Sullivan and staff members of the 90-city Opportunities Industrialization Centers of America, the job training organization he founded in 1964, met in Philadelphia with a GM team headed by Treasurer Roger B. Smith and again with a second GM group in Detroit. They discussed three components of Sullivan's three-year plan for GM.

One is to set up a new black dealership program to add 50 new dealers in the next 36 months. Sullivan's people visited all the country's black auto dealers and found most of them in bad shape [page 54]. "We're getting letters from blacks all over the country wanting GM dealerships," Sullivan reports. He wants GM to lend a generous helping hand with money and management training to present and future black dealers—especially training on such matters as finding better locations, managing cash flow, and learning about service departments and the used-car end of the business. He wants GM to set up a "model dealership right here in Philadelphia where I can watch it." His idea is to bring in black dealers for intensive training. "This will be my personal project, if GM will cooperate. GM is going to have to back me up."

Sullivan also wants GM to supplement existing auto mechanic training centers with centers aimed specifically at inner-city blacks, starting in 10 cities such as New York, Philadelphia, Washington, Seattle, and Atlanta. Graduates would go to work for GM and other auto companies and their dealers. Sullivan wants 1,000 mechanics trained the first year, 3,000 the second year, and 5,000 the third, "at a minimum."

Finally, Sullivan wants GM to hire an initial 225 blacks as junior, middle management, and sales executives to work throughout GM. "People have said for years, 'I can't find them.' Well, I'll find them," he promises. "I'll recruit them, and together with the GM Institute, I'll train them. My goal is to get 1,000 black executives, men and women, in the next three years. I want to see them working all over GM, moving up that ladder."

Implications. Such ambitious proposals, to be followed by more, show how much is at stake in Sullivan's new foothold on the commanding heights of American business. Like such figures as Justice Thurgood Marshall and Senator Edward Brooke, he is now a "first," and his election to GM's board is another milestone in the black struggle toward full participation in society. Further, Sullivan's election raises at least two other issues of compelling importance.

First, it reinforces GM's avowed determination to take a new approach on the social-issue front [BW-July 11, 1970 p. 72]. It is one of several moves—appointing a vice president for environmental matters, and creating a five-man public policy committee—that herald this new readiness. If GM now follows through on Sullivan's proposals, it will move into a position of decisive leadship in minority training and hiring. "When I go to the annual meeting in 1972," Sullivan says, "I want GM to make a report on hiring minorities that will really impress America."

Second, such action strengthens GM's hand in its tough new stance toward its most searching critics, such as Ralph Nader and the Nader-flavored Project for Corporate Responsibility in Washington that runs Campaign-GM. In recent speeches, Roche, probably looking toward next month's annual meeting, lashed out against people who "seek less to correct a wrong than to condemn a system . . . [who] crusade for radical changes in our system of corporate ownership, changes so drastic that they would all but destroy free enterprise as we know it."

Project Responsibility is pushing three proposals on GM's proxy statement calling for greater disclosure in annual reports and for changes in the election and composition of GM's board. Project official Susan L. Gross believes GM's "shift in strategy" is aimed at "destroying our credibility." Nader, who regards GM's recent moves as "cosmetic," calls Roche's speech "unvarnished GM, a massive display of GM's malignancies."

Sullivan so far is sidestepping the broad questions of corporation reform, but he is far from confused about his role. I'm not tied to GM," he says. "I'm not a businessman or a professional director. I'm a minister, and I see my role as GM as an expression of my ministry. When I'm not effective, I'll resign." Almost as an afterthought, he adds: "If I resigned, it could mean a worldwide boycott of GM."

Gamble. Talk like this tells many businessmen that GM is taking a considerable risk with Sullivan on its board. The price could be, at the least, a painful public relations backfire. But people who know GM and Sullivan do not agree. They reason that GM carefully checked out its man, and by electing him showed it was ready to accept his goals. Even Nader, who calls Sullivan's election "a good appointment," believes GM "is prepared to move in his particular area of interest.

Sullivan, in turn, proceeds cautiously. As the NAACP's Assistant Executive Director, John Morsell, says: "He didn't get where he is by being impulsive." Sullivan's rhetoric is uttered without truculence or threat. And he habitually balances his demands with expressions of confidence in GM and its management. "I'm not interested in wrecking GM," he says. "I want to help GM make a profit. I've been impressed with the sensitivity I've found on the board. I think they want to see GM move forward."

Though Roche consistently denies that critics' pressure precipitated Sullivan's appointment, outsiders persist in seeing a connection. A black director of another company offers this assessment of GM's choice: "The guy is a good fire escape. Nothing he's going to cost them will be half as expensive as what Nader was getting ready for them." Franklin Thomas, the head of Bedford-Stuyvesant Restoration Corp. who also sits on the boards of CBS and First National City Bank, has a less cynical view. "It seems that some of the major corporations are reaching for additional perspectives," he says, "and Leon Sullivan's appointment reflects this."

Asked for his reasons why GM picked him, Sullivan replies: "First, I'm black. Second, I have good credentials, a solid education. I'm not frightened by corporations. It seemed like the moment to get some outside voice in GM that will express itself. It's impossible to people who know me that I can be put in a pocket. If I'm silenced, I'll leave. But I think they knew what they were doing."

The man who knows best agrees that the corporation knew what it was doing. Says Chairman Roche: "For some time, we've been considering adding to our board to include a minority member. We wanted to find somebody who had a record of accomplishment, somebody who had roots in the minority communities around the country, and somebody who could counsel and advise us with respect to policies and procedures regarding minorities." After looking over many candidates, GM "came to the conclusion that Dr. Sullivan seemed to have the best talents and those qualities we were seeking."

Roche indicates that GM expects two-way benefits from Sullivan. "I think he can be very helpful to GM in giving us suggestions as to how we might make greater progress with our programs, and then secondly, in interpreting that progress to the people on the outside. He will know at first-hand what we are doing and what progress we are going to make."

Militant. This strongly suggests either that GM feels it knows how much it must deliver to win Sullivan's cooperation, or else that it has committed the sort of blunder it rarely makes. As Sullivan's background shows, he would be a bad choice as a token black who would be content to sit near the door.

Tall, articulate, and proud, GM's new director is a shrewd 48-year-old black activist who left Charleston, W. Va., in 1943 to study at Manhattan's Union Theological Seminary. After several years as a militant civil rights worker helping Harlem's Adam Clayton Powell, and following a stint in a small church in South Orange, N.J. ("I was getting a big head in Harlem"), Sullivan accepted a call to lead Philadelphia's Zion Baptist Church, the largest black church in the city. "The congregation gave me a free hand," he says. Church membership has grown from 600 to more than 5,000 members, and the church still provides Sullivan with his sole means of support.

"He doesn't bang his shoe on the desk. He get the facts, and gives advice."

In the early 1960s, Sullivan developed his "selective patronage" or boycott tactics to pressure Philadelphia businessmen into hiring blacks. "They thought I had horns," he says. This work brought him considerable prominence, and he subsequently went to Atlanta to help Martin Luther King and Ralph Abernathy work out their Operation Breadbasket boycotts.

Philosophy. Despite all this activism on behalf of blacks, Sullivan is traditional about economic maters. Self-help is the keystone in his approach. He started the Opportunities Industrialization Centers to enable young blacks to train themselves and he takes pride that the OICs train Chicanos and white Appalachians as well.

He believes in creating black businesses. While he solicits financial help from foundations and corporations, he insists that blacks contribute, too, as a matter of pride and as a way of retaining control of their activities.

Sullivan's philosophy of self-reliance hardly antagonizes businessmen, of course, and he has a long roster of business admirers. The latest, not surprisingly, is James Roche. "I think Dr. Sullivan's philosophy basically is a very sound one. He recognizes that whatever can be done for the minorities should be done within the framework and concepts of our American system."

William B. Eagleson, Jr., president of Philadelphia's Girard Trust Bank (whose board Sullivan joined last October), says he has helped the bank with its minority loan program, finding ways to assist faltering black entrepreneurs who were not attractive credit risks. "He does this not by banging a shoe on the desk," says Eagleson, "but through discussions, getting the facts, giving advice."

Former Chase Manhattan Chairman George Champion, who now serves as head of a 25-man advisory committee Sullivan formed to drum up business support for his OICs, calls Sullivan "the most persuasive man I've ever met, and the most dedicated." Thomas B. McCabe, chairman of Scott Paper Co.'s finance committee, helped Sullivan set up the advisory committee. "I take my hat off to GM," says McCabe. "He is no yes-man. He'll be a very strong advocate for what he believes in."

Hurdles. A businessman's idea of a good job, though, falls far short of what GM's organized critics in Washington would like to see. In fact, Theodore Jacobs, who runs Nader's Center for Study of Responsive Law, feels Sullivan is "going to have a tough time being effective without using some extra-corporate methods. If he is really going to be effective, he won't last long." At the Project, Susan Gross labels his election as more "corporate charity. What GM gives, GM can take away," she says. "We need structural changes in corporations."

Sullivan is steering as careful a course with such critics—in fact, with anyone who wants to tell him how to do the job—as with GM's board and management. "I hear from people all over the country," he relates. "Most of them have their own agenda, their own interests. I must be my own man and not the tool of anyone."

Then he rounds things off: "I'm willing to see as many people as I can. I will learn from everyone." Nader? "I have never met Mr. Nader but I have great respect for him." The Project? "I will value the opinions of these groups and look deeply into their positions." He plans to meet with Channing Phillips, a Washington minister who was a Project candidate for GM's board last year, and with Marion Wright Edelman, a member of the Project's board. He adds, "My decisions will be made entirely independently of Campaign-GM or any other group."

Caution: The blunt fact is that, while Sullivan is sympathetic to the objectives of some corporate reformers, he does not yet have to take a public position. When the Project's three proposals came up for a vote before GM's board, Sullivan simply said he had not had enough time to study them. "I did nothing definitive. I'm letting my opinions evolve as I learn more." For the present, it is clear that Sullivan will stick to minority hiring and leave broad corporate reform to others.

For their part, GM's Washington critics seem willing to leave it at that. "We've been careful about claiming him as our director," says Susan Gross. Channing Phillips accepts the fact that "the broader interests cannot be served by a single man."

In another quarter, the NAACP's John Morsell hopes Sullivan at least "can stiffen the corporation's nominal commitment to equal opportunity." And Joseph L. Bower, a Harvard Business Administration professor, is one who believes Sullivan will fill a critical role, "even if he doesn't deliver the goods," by asking questions that would otherwise go unasked.

Sullivan will hardly be satisfied with that. Doubts about his effectiveness, in fact, steam mostly from the uneasy conviction that he and GM will sooner or later come to blows. Few directors, black or white, can ever push through their ideas over management objections. Nader wants Sullivan to "break new ground as a director" with such tactics as issuing minority reports and holding meetings in black ghettos to solicit consumer complaints.

Sullivan, though, is unlikely to wage war on GM from the board room. He believes, or says repeatedly that he does, that GM's management intends to follow through with his suggestions. Effectiveness, in such a case, would mean helping GM to do what it has already decided to do. "Mr. Roche said it was his desire to work with me, and I have no reason to doubt it." But Sullivan adds his usual hedge: "We shall see what we shall see."

No one doubts that Sullivan means it when he says he will resign if he feels stymied at GM. But he tempers his hopes with realism. "I don't see myself as Sir Galahad or Mr. Clean. I'll do what I can."

Whether or not Sullivan is now, or will become, a new breed of corporate director, he clearly stands apart from the roster of black men already on America's corporate boards. Comparison with Sullivan's missionary fervor makes them appear racially unconcerned, an image they dispute. Yet there is little doubt that their sense of their responsibilities differs markedly from those that Sullivan expresses.

Philadelphia lawyer William T. Coleman, who sits on Pan Am's board, insists that "a black should not be chosen just because he's a black." Like most black directors, Coleman argues that "a director must always remember that he represents the stockholders. That's why he's there."

But Thomas Wood, a director of Chase Manhattan, points out that representing stockholders entails more than short term profitability. "The main job is to work for tomorrow," says Wood, "and in the long run you may have to do things to insure that tomorrow is worth working toward."

Franklin Thomas sees his board membership as part of his broad commitment to neighborhood renewal. "One of my purposes is to get the financial institutions in the city to realize that it makes good social sense and good business sense to make areas like Bedford-Stuyvesant better places to live."

Sullivan, meantime, is looking beyond GM's shareholders and GM's daily concerns to the vast, interrelated problems of society as a whole. The missionary in him believes deeply that the 1970s must inexorably be a decade of black progress, while the realist in him fears that progress could be thwarted. "Unless business uses its resources to help people," he warns, "it will lose those resources."

SAFEGUARD ABM THREATENED WITH OBSOLESCENCE

Mrs. SMITH. Mr. President, I have repeatedly opposed the Safeguard ABM program. My principal opposition has been that I have felt that it would be obsolescent before it could be put in place. I have repeatedly made that warning to Senators in the debate on authorization and appropriations for the Safeguard ABM.

I have, therefore, read with interest today's column by Rowland Evans and Robert Novak, in which they report that the Safeguard ABM program is now threatened with obsolescence.

FLINT JOURNAL COMMENTS ON WITHDRAWAL FROM VIETNAM

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an editorial published in the Flint, Mich., Journal of April 29, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Whitewashing Foe Is No Answer to War

Peace demonstrators in Washington keep the rhetoric flowing on the Vietnam involvement and the wisdom of immediate and unilateral withdrawal of U.S. troops.

As the speeches resound and the rejoinders pour forth, it is evident that almost all of it is in the form of restatement of old opinions and earlier stances and very little attention is being paid to the realities of the moment.

The size and the mood of the major peace gatherings of the week—if not of the militant aftermath in Washington—indicated the growing willingness of major segments of the population for the quick withdrawal sought by the peace leaders.

There is no denying the validity of those peace rallies which are of a nonviolent, orderly nature.

It is too much to ask at this late stage of the game that those addressing these rallies, or those responding, "stick to facts." Unfortunately, the passions and the frustrations on both sides have implanted too many misstatements, too wide a gap between the parties and too great a lack of faith in each other.

Neither side can legitimately accuse the other of being responsible for this disastrous lack of communication. Both sides have ignored the weaknesses in their position and overemphasized the strong points. Both have been guilty of distortions and on each side some have been guilty of pure fabrications or wishful thinking.

This past cannot be ignored, but it must be minimized as much as posible so that it does not hamper reasonable decisions in the present.

Simply put, the immediate question is whether it is best to withdraw immediately without regard to the consequences or to continue the war for an unspecified longer time in the hope that South Vietnam can, in a reasonable period of time, become strong enough to deny North Vietnam a victory through force of arms.

It is understandable that those advocating immediate withdrawal put as good a face on their position as possible. But it is essential that those who have not yet committed themselves to this "peace-now" policy recognize that strategy.

In trying to persuade the nation, the peace-now advocates are showing a growing tendency to whitewash the foe in order to make more palatable their willingness to let North Vietnam achieve its purposes.

Perhaps the peace proponents can convince the citizens and the legislators and the Nixon administration that immediate, unreserved and total withdrawal is the best way, but the only way a correct decision can be made is to acknowledge certain realities.

A favorite ploy has been to hold up Ho Chi Minh, now dead a year and a half but still a driving force in this contest, as "the George Washington of his nation." There is just enough truth to the picture to warrant its use, but there is much more of deception.

It would be far more accurate to call him the "Napoleon of his nation." He was, indeed, a patriot and a fighter for independence and a charismatic leader and a remarkable individual. However unlike Washington, he was not content to forego war and settle for independence.

He led his nation into adventures inimical to the peoples' best interests. He was as ruthless as Stalin and Hitler in the extermination of those who opposed him. He won power on the grounds of a liberal constitution modeled after our own—and in a little more than a decade, after stamping out every sign of political independence within his nation, tore it up and instituted a Communist constitution providing almost limitless powers for himself and his party successors.

In trying to put a better light on their position, the peace advocates also seek to picture the struggle as strictly between two viewpoints within South Vietnam. Yet, in the darkest days of South Vietnam's fight against the Viet Cong, nobody argued that more than a small handful of native South Vietnamese were Communists. Most of the opposition to the earlier regimes, and even today's leaders, were not for communism but against the current rulers.

If it had not been for the deliberate intrusion of the North Vietnam, this dispute would have been settled long ago.

Those who condemn the thrusts into Cambodia and Laos never admit that if the North Vietnamese were not violating the borders of those two nations there would be no reason for such actions, or that the primary responsibilities still lie with the aggressive policies set by Ho Chi Minh and carried through by his successors.

To be creditable, those advocating withdrawal now must first acknowledge the North Vietnamese are the aggressors forcing their own philosophies and government upon the people of South Vietnam, Cambodia and Laos. Then they must admit that a precipitate withdrawal will favor these goals.

After that, they are free to argue that, despite these facts, it is to our best interests to withdraw immediately and try to convince the people of this policy.

It does not serve our interests now or in the future to sell this withdrawal on the grounds of a whitewash of the foe.

EDWARD G. UHL, PRESIDENT OF FAIRCHILD HILLER CORP.

Mr. GOLDWATER. Mr. President, the one industry in which the United States remains supreme throughout the world is the one we call aerospace. It has developed most of the outstanding leaders in the last two decades and the leadership is beginning to pay off.

Certainly among the outstanding men who have blossomed through the great strides this industry has made is Edward G. Uhl, president of Fairchild Hiller Corp.

Recently the magazine Aviation Week and Space Technology published an article entitled "Leadership Forum" about this wonderful American. Because it so concisely demonstrates the type of thinking practiced by these men, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDWARD G. UHL

All of us in the aerospace industry are concerned about reduction of R&D effort and the lack of public interest in new space and aircraft programs. It is easy to assume that our industry is being singled out by opponents in the Government. I believe rather that our problems are symptomatic of a more general and therefore more distressing national problem.

When one reads the newspapers today or listens to a television news program, he cannot help but become somewhat discouraged about the future of the United States (as well as the aerospace industry). Every form of media hammers incessantly at America's problems—the poor, the urban crisis, the Negro situation, the threats to the environment, the corruption among public and private officials—the list is endless. Periodical literature, novels and in-depth studies of all sorts are examining consistently the flaws in the American system and character. The net effect of all this is that we are in danger of becoming a nation of critical self-analyzers rather than a nation of doers.

This trend toward self-criticism has had its impact on the business and Government leaders of our country. Before embarking on any venture, no matter how sound or ultimately useful to the country, our purported leaders agonize and strain over the possible criticisms that may be made concerning their attempts. As a consequence, we have a leadership crisis in the country at the present time with no one willing to embark on risky but potentially worthwhile programs. Similarly, the desire to have a consensus approval of each new venture has rendered our forces for technological and social progress practically immobile. When one stands around waiting for each segment of the population to agree to a specific venture, he foredooms that venture either to be stillborn or to become a mediocre compromise.

Instead of focusing continually on what is bad for our society and worrying about possible criticism of a contemplated action, the United States must move forward in the direction of setting objectives and instituting constructive programs. This leadership should begin in our Government, but it should also be carried on enthusiastically by business, civic and cultural leaders. The accent must turn to the positive at all levels—from national commitments to individual business and social ventures. Our ultimate tests as a nation will not be how we have analyzed our failings but what we have done to establish and attain new goals, thus making the future better than the past. To do that effectively, we obviously must examine the past; however, we cannot permit yesterday's sins to make us fearful and hesitant in moving forward on new programs and objectives for tomorrow.

CONFIRMATION OF NOMINATIONS OF AMTRAK DIRECTORS

Mr. GRIFFIN. Mr. President, I am pleased that the Senate has confirmed President Nixon's nominations for the board of directors of Amtrak. Except for the appointment of the Secretary of Transportation and of Mr. Roger Lewis, the new chief executive officer, the other six nominees served as the incorporators of Amtrak.

While considerable dissatisfaction has been expressed by several Members of Congress with the elimination of certain routes, I believe the incorporators deserve a great deal of credit for getting the system in operation on schedule under very trying circumstances.

In the space of just 4 months, the eight incorporators had to effect a smooth transition from a private rail passenger system operated by some 25 railroads to a system operated by a single national corporation. This task involved selection of the routes within the basic system; negotiation of contracts with the railroads, including the thorny problem of developing a formula to determine the railroads' out-of-pocket costs for passenger service; and planning for immediate improvement in passenger comfort and convenience.

With a very limited budget, the incorporators had the delicate task of balancing the need to insure the corporation's financial solvency with the need to provide attractive and efficient passenger service. Some lines have been drawn and if service is to be improved, some sacrifices must be made.

If the corporation had emphasized quantity of service over quality of service, in the long run it undoubtedly would be subjected to even greater public criticism than it is presently receiving.

As it is, the corporation is expected to incur operating losses of $100 million during its first year of operation compared with operating losses of over $235 million per year which have plagued the railroads in the past.

At the same time, the incorporators have taken steps to assure greater passenger comfort.

The trains operating over the National Rail Passenger System will be utilizing the best 1,100 passenger cars in the country—all of which have been built since the mid-1950's. In addition, the corporation will have representatives—or quality control people—who will actually ride on the trains to assist passengers and evaluate what improvements are needed.

The standard by which Amtrak will be judged is not necessarily by the number of trains it operates but by how well it operates the trains that are run.

The frequent criticism of Government bodies, whether they be corporations, departments, or agencies, is that they are inefficient and often accomplish a great deal less than is expected. In the case of Amtrak, the reverse seems true: the criticism is against efficiency and modest and achievable goals.

I can fully appreciate and sympathize with the concerns of Senators who believe that additional service should be provided. As a matter of fact, I too regret that a number of large Michigan cities will be cut off from all rail passenger service as well as the fact that at present there is no rail service from Detroit to the eastern part of the United States. The senior Senator from Vermont (Mr. PROUTY)—the ranking Republican on the subcommittee which will oversee Amtrak's operations—also will experience some substantial loss of service in his State, but, at the same time, he recognizes the importance of assuring that the corporation is given a chance to prove itself.

If additional routes are needed now, a better approach would be to pass the resolution reported last Friday by the Senate Commerce Committee which authorizes $100,000 for a 2-month study by Amtrak to determine the desirability of extending service.

It has been my personal privilege to know one of the nominees for many years. I refer to David W. Kendall of Michigan, who has done an outstanding job as chairman of the interim board of directors. His wealth of experience as a lawyer, as an executive officer of one of the Nation's largest automobile companies, and as counsel to President Eisenhower has been particularly important to this new corporation.

I know that Dave Kendall and the other incorporators have devoted a great deal of time and energy to the job of getting Amtrak off the ground. For the past 3 months, they have worked 7 days a week and almost 24 hours a day in order to meet the May 1 deadline. To their credit, even the strongest critics of the new rail system have expressed high respect for the qualifications and efforts of those who have served as incorporators and will serve as members of the first board of directors.

I salute the nominees and wish them well in the trying days and months ahead.

ADDRESS BY SENATOR BUCKLEY

Mr. SCOTT. Mr. President, when the 92d Congress was formed late after the November elections and the new junior Senator from New York (Mr. BUCKLEY) was certified, some questioned his credentials. Many asked whether the Republican Party would welcome him. I, for one, offered my support to the Senator and was convinced from my talks with him that he was a Republican.

Mr. President, there is no question where the Senator from New York stands in his support of the Republican principles. His recent speeches have set this tone. His articulation in support of President Nixon's program to return government to the people comes across loud and clear.

To share his personal thoughts with the Senate, I thought it appropriate to place in the RECORD the text of a recent speech he made in Philadelphia. These penetrating and progressive ideas provide the guidelines to the thinking and motivation of this attractive addition to the Senate, the junior Senator from New York.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BUCKLEY

I want to thank you for the ecumenical spirit you have displayed in inviting a hyphenated Republican to address you. I take this as still another example of the good-natured tolerance which has typified this city and state. Actually, I didn't have to wait until tonight to come to appreciate your special virtues, as they are so well personified by your two very able Senators.

Although he is still a relatively recent arrival, Dick Schweiker has already made his mark on the Senate. After quietly observing some painfully inefficient though admittedly quaint practices on the Senate floor, he decided that there are times when freshmen ought to be heard as well as seen. He did a sort of time and motion study on the Senate last year and came up with a list of recommendations. Miraculously, the Senate leadership, perhaps nudged just a little by Hugh Scott, bought the package. And as a result of Dick's competence and perseverance, the Senate is now running more smoothly than it has in a generation.

Your Senior Senator, of course, needs no introduction from me. Hugh Scott's reputation has a way of preceding him wherever he goes, and justly so, for his virtues are legion. Most prominently, of course, he is the leader of our party on the floor of the Senate. This is a job calling for the wisdom of Solomon, the patience of Job, and—in some cases—the ability to deny things thrice even while the cock is crowing.

Hugh's parliamentary skills, however, tell only part of the story. He is a ready wit, a splendid raconteur, and a duly acknowledged authority on Chinese art. On the side he has managed to squeeze in the time to write a treatise on the law of bailments as well as a brace of treatises on practical politics. The first of these, published in 1949, was rather humbly titled "How To Go Into Politics." I can't say whether it ever made the Book-of-the-Month Club, but it surely must have made its mark somewhere, for in 1968 Hugh felt encouraged enough to write a second volume, this one rather more appropriately titled, "How to Run for Office and Win." And the spirit which prompted the selection of that title is precisely the spirit which led the party to national victory in 1968 and will lead it again to victory in 1972 both here in Pennsylvania and in the Nation at large. It is about the recapturing and rekindling of that spirit that I most want to talk with you tonight.

I don't know how many of you stayed up for the late, late show on election night last year. If you did, you may have caught my act at 1:30 a.m. when it was finally conceded that the New York Times' worst fears had been realized. And if so, I know you shared my astonishment when in the elation of victory I found myself proclaiming—on live television, in color, coast to coast—that I owed my election to a new politics and that I was its voice.

I will have to confess that until recently I have felt deeply embarrassed over my preemption of that new left's slogan. However, now that Richard Nixon is talking about more power to the people, I feel better. Because it would appear, if I may paraphrase Barry Goldwater, that plagiarism in pursuit of politics is no vice.

But I do feel compelled to explain what it was that I anointed myself the voice of—if only to dispel the notion that I took that occasion to make my first overture to the left.

Anyone closely associated with the New York political scene last fall understood what I was talking about because I was elected by a coalition which cut right across the traditional political spectrum. It was a coalition which included an astonishing 42 percent of New York's blue collar vote. Over 900,000 Democrats crossed over to a third party line—one labeled "conservative" at that—to reaffirm their support of my positions. And at least as of November third of last year, it was a coalition which represented a majority sentiment in New York State. I say this on the authority of Charles Goodell, who in an election post-mortem confirmed that over half of his vote came from traditional Republican loyalists who in a run-off would have voted for me.

This coalition was one which cannot be explained away, as a few have tried to do, as a temporary alliance of haters—of sinister forces marshalled by "the night riders of the hard right" to use the moderated rhetoric of one New York Times editorial.

Quite the contrary. It wasn't fear which caused tens of thousands of men and women to become involved for the first time in their lives in a political effort, and one at that which all the pros knew was doomed to failure. It wasn't hate which caused more than forty thousand individuals to mail in contributions. It wasn't a hardening of political arteries which mobilized the largest, most effective corps of student volunteers to work for any candidate anywhere in the country during the 1970 campaign.

Rather, it was love of country, an abiding faith in country, an overriding concern for the welfare of America which brought together the coalition which elected me. It was a concern which was shocked into focus by the tremors which swept this nation a year ago, which forced Americans to a realization of the extent to which their institutions and values had been eroded. They had witnessed a paralysis of authority as wave after wave of filth and violence reached their climax last May in the mindless orgy of destruction which set fire to a hundred campuses. And everywhere Americans turned, they saw other signs of a deep-seated national trouble: the seemingly uncontrollable rise in crime rates and welfare roles; the explosion of pornography; the flight from reality manifested both by the Woodstock phenomenon and the drive for peace at any price; the frustrations born of the unredeemable promises of big brother government.

Small wonder that Americans in and out of New York State felt an unprecedented concern last year over the institutional health of their country. This was the mood in New York throughout the campaign, a mood which I believe caused New Yorkers to vote for what they considered to be in the national interest rather than in their private interest. The times were simply too serious to place self above country.

I know that it is difficult to read national trends into last year's elections. In State after State it is clear that local issues or acute economic dislocations had a decisive influence on the outcome.

But this was not the case in New York last fall. There were no overriding local or economic issues. The campaign provided the voters with sharply defined alternatives, and the voters opted for the alternative which I alone represented, the alternative which at the national level is represented only by the Republican Party. I submit, therefore, that what happened in New York last fall has a deep significance for the country, and it should have a very special interest for the Republican Party. Because the views I expressed, the alternatives I proposed, were wholly consistent with the main thrust of the Republican critique ever since Franklin Roosevelt first began to unfold his new deal

I believe we stand at a turning point in our Nation's history. There is a fluidity in the political scene, a regrouping going on as Americans search for more realistic, more effective approaches to government. And if New York is any indication, Americans are showing a new predisposition to listen to the traditional Republican analysis and a new willingness to become directly involved in the political process. This is a willingness borne of a sense of urgency, and founded on a continuing faith in the essential soundness of the American system.

We Republicans have a significant opportunity to reshape the politics of this country precisely because the people are searching for new answers. Honest answers—answers which substitute common sense for theory, and toughness for soft-headedness.

There have been a number of factors which have opened up this opportunity. Perhaps the most important of these has been the palpable failure of the panaceas spun out by the New Deal, Fair Deal and Great Society Utopians. The liberal theologians have promised us that every one of our problems could and would be solved if only enough authority were concentrated in Washington and sufficient billions spent by the superior brains who have chosen to settle on the banks of the Potomac. Their programs have been adopted, the sprawling bureaucracies have been created, and those billions upon billions of dollars have been spent. But nothing has been solved. The problems have merely grown more acute while government has increasingly intruded itself into every corner of the lives of its citizens.

Another, most important factor is the enduring common sense of the American people—a common sense which has restored sanity to our public affairs in the past and which can save us again if we deal honestly with the public.

The American people understand that we live in a predatory world and that we must look to our own defenses if we are to remain secure and independent. They understood that in a world of nuclear missiles we can no longer retreat to a policy of isolationism. They understand the need for firmness in law enforcement if we are to cope with crime; and because they know human nature, they know that a free society cannot co-exist with chaos. They can sense what is false in political cant, and increasingly they resent being patronized or deceived. They are ready, in short, for a politics which will make a serious and sustained effort to bring political assumptions, political expectations and political language into the closest possible intimacy with reality.

This is the task and the opportunity which faces the Republican party today. We Republicans can build a new coalition, a majority coalition, which will incorporate those millions upon millions of Democrats who have become disenchanted with the left ward drift of their party's leadership. These Democrats—and Americans generally—are not only beginning to understand the extent of the failure of all those gauzy Federal programs which were to have solved all of our problems for us, but they are also beginning to take full measure of the true cost of these programs: the cost in terms of ever increasing taxes and inflation; the cost measured in the erosion of personal freedom as government increasingly regulates our lives: the cost reflected in an ever widening gulf between government and the governed.

But if we are to succeed, we must do more than just point the finger at the failures of past democratic administrations. We must also take the initiative in formulating and then selling workable alternatives in areas where we have too often been silent. We must, for example, be able to demonstrate that we know how to cope with pollution without turning back the technological clock; that we can give minority groups effective access to economic opportunities without smothering their initiative through governmental paternalism; that we know how to begin cutting back the size of government in Washington and how to return effective authority to State and local governments.

This last, of course, was the central theme of the President's "State of the Union" message. Richard Nixon's assertion that he will make a concerted drive to reverse the historic flow of power to Washington is in my mind the most refreshing and the most vitally important proposal to be made by any American President since World War II. It is a proposal which I profoundly believe a substantial majority of Americans have been waiting for, hoping for, a proposal which will meet with an overwhelming popular response—once its import is fully understood and once the public is convinced of the seriousness of the administration's commitment.

It provides us with a clear standard against which to judge any proposal for action at the national level—a standard I might add, which from time to time we will need to apply to proposals which eminate from the White House itself.

And this is just one of a number of thoughtful, imaginative programs and policies which the administration has offered in recent months.

To cite just a few, the administration has submitted bloc grant revenue sharing proposals totalling $11 billion which would have the unprecedented effect of dismantling more than one hundred existing Federal bureaucracies, and of transferring their responsibilities to State and local government which are far better equipped to handle them. This is a bold, workable blueprint for cutting back the size and influence of the Federal government, and one which ought to have the broadest appeal. Yet because we live in a less than perfect world, and because the proposals do not bear the democratic stamp, it is less than certain that they will be enacted by the present Congress.

Although the Sierra Club has failed to note it, an administration has for the first time in our history presented a comprehensive environmental game plan which will achieve rational planning, enforceable rules, and effective results in the battle against pollution and in the battle to save what remains of our natural heritage. It is a plan which will achieve all this by utilizing and channeling our technology, and not by repudiating it.

On the international scene, the administration is charting a consistent and prudent policy which accepts without apology the role of leadership which history has thrust upon the United States, while at the same time dispensing with that messianic zeal which far too long has attempted to remodel the world in the American image. It is a policy which will be prudent in its commitments, but which will not flinch from commitments once made merely because the going gets tough. It is a responsible policy which is best designed to secure world peace because it can be relied upon by our friends and because it allows no room for miscalculation by our foes. It is a policy which has already achieved quiet miracles in the Middle East.

These are just some of the specifics which ought on the merits to sell themselves. But unfortunately, in the world of so-called "practical" politics, it simply is not enough to come up with a better mousetrap. It is one thing to propose and another to enact. It is already apparent that if the administration is to make significant progress, it must overcome the forces of inertia and partisanship which stand in the way of true reform.

And it is also apparent that we will never effect such reform until we are to effect a significant shift in the balance of power within the United States Congress.

We are facing a critically important election in just another year and a half, not only because the Presidency is at stake but because so many influential democratic Senators and Representatives will also be seeking reelection. These include a handful of men who by virtue of tenure and committee positions have a disproportionate influence on the affairs of this Nation: Men who can effectively veto any attempt by the President to reverse the flow of power to Washington and to restore a better distribution of responsibilities within the Federal system.

Thus if we are to change the course of events, we will have to carry our message to the people effectively and convincingly by speaking in honest terms about real problems and about common sense approaches to them. The audience is there, waiting—but we must overcome the wall of public cynicism which has been created by too many years of easy promises and spongy rhetoric.

We must convince an intelligent, restless, and gunshy electorate that there is a way out of the bureaucratic maze we have constructed, and that we Republicans have worked out the map and can point the way.

Only then will we be able to exert the full leadership to which our clearer understanding of the dynamics of a free society entitles us. Only then will we begin to elect in sufficient numbers public officials who are willing to relinquish authority at the national level, and to reassert initiative and responsibility at the State and local levels.

This will require a very special and sustained effort on the part of not only those of us who hold public office, but most especially, on the part of all those private citizens on whose generous contributions of time and money our political processes have always depended. The task which we must set for ourselves is not an easy one, but it can and must be accomplished and I know from my own experience in New York last fall that the impossible can be achieved if enough good people will set their minds and hearts to it.

And frankly, if we love this country and want to pass it on to the next generation reasonably intact, we have little choice. Because, if you will forgive my closing on a somber note, the sands are running out for this country unless we achieve a sharp change of course: and we will have to work for that change through the Republican party because whatever its flaws and limitations, the Republican party continues to offer the best hope for what remains the last best hope for mankind.

THE CALLEY CASE

Mrs. SMITH. Mr. President, I noted with interest Thursday night the press challenge to President Nixon on his actions in the Calley case in ordering that Lieutenant Calley be confined to his quarters rather than the stockade and in publicly stating that he would act as the final reviewer in the case under his power as Commander in Chief of the Armed Forces. The challenge was the latest in the criticism of alleged improper and unethical intervention by the President.

I was interested in the fallacious analogy that attempted to place Lieutenant Calley in the same situation as that of a case in a civilian court and that it was unthinkable that a civilian murderer would be permitted to be free on bail. The fallacy of this attempted analogy should be evident in the apparent overlooking of the simple fact that Lieutenant Calley is in no manner free on bail but rather still imprisoned. The President's action did not release him from imprisonment. It only changed the place of his imprisonment from the stockade to quarters during the period of the appeal and review of his case. He is not out free on bail.

As for the President's public statement that he would act as the final reviewer in this case, such is no more than a statement that he would exercise the authority vested in him. In no way did it either commit him to a specific type of decision or in any way indicate what his decision might be.

The lead editorial of the Portland Press Herald of April 8, 1971, incisively put this matter into proper perspective when it stated:

> Neither the President nor the people are justifying My Lai or absolving Lt. Calley of his participation in it. It is not a misplaced sense of mercy nor the guilt of a whole society that motivates the public or its Chief Executive. It is the inability to extract and isolate the simple commission of the crime from the complexity of circumstances which surround it. Those circumstances make it impossible for millions to accept this deed, in all its horror, in the strict legal context of premeditated murder.
>
> The President is not interfering. He simply promises the principals and the people a review of the case by the ultimate authority.

I think the President performed a very wise and useful service to his Nation and to Americans in his statement. For one of the more overriding aspects of this tragic case was the tremendous national emotion over the verdict and sentence. Even some who had theretofore called for Calley's scalp suddenly shed crocodile tears for him and seized upon the decision and verdict to attempt to discredit the Army.

In his public statement, the President acted to "cool" down the national emotion. He succeeded dramatically in doing so. How effectively and quickly he so dramatically "cooled" down emotions was very clearly evidenced in the mail I received on the Calley verdict. What had been an exceedingly heavy volume of mail—and overwhelmingly for Calley and against the jurors in the case—not only suddenly dropped off to a mere dribble but significantly shifted—following the President's statement.

It was impressively evident that the President's statement caused many Americans to pause in their judgment, to gain perspective, and to replace emotion with reason.

I ask unanimous consent to place in the RECORD the full text of the Portland Press Herald editorial of April 8, 1971, entitled "Complexity of Circumstances."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMPLEXITY OF CIRCUMSTANCES

Army Capt. Aubrey M. Daniel III, may be overplaying his role as prosecutor in the court martial of Lt. William L. Calley Jr. when he challenges the President of the United States for intervention and intent to review the case.

The Captain wrote the President of this concern saying that he feared the presidential action would open the system of military justice to charges "that it is subject to political influence."

Despite his concern about political influence, the Captain sent copies of his letter to six senators.

The prosecutor expressed shock and dismay at Mr. Nixon's intervention "in the midst of the public clamor."

That clamor almost necessitated White House intervention. No other source bears the qualifications. Any other source would have been more susceptible to charges of politics or expediency.

Captain Daniel suggested that the President should be expressing support for the six jurors who, with their families, have been "subject to vicious attacks upon their honor, integrity, and loyalty to this nation" since the verdict. He feared political expediency might make the work of those jurors meaningless and said that "for this nation to condone the acts of Lt. Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless."

Those who harass and threaten the jurors and their families are fools and, were it possible, their incarceration might serve society as well as the imprisonment of Lt. Calley. But the jurors' efforts cannot be made meaningless. Indeed, they have made the whole matter more meaningful than ever before. We do not read the public outcry as condonation. Neither do we see inconsistency in President Nixon's earlier characterization of My Lai as a "massacre" and his present stance in the Calley case.

Neither the President nor the people are justifying My Lai or absolving Lt. Calley of his participation in it. It is not a misplaced sense of mercy nor the quilt of a whole society that motivates the public or its Chief Executive. It is the inability to extract and isolate the simple commission of the crime from the complexity of circumstances which surround it. Those circumstances make it impossible for millions to accept this deed, in all its horror, in the strict legal context of premeditated murder.

The President is not interfering. He simply promises the principals and the people a review of the case by the ultimate authority

---

THE WAR POWERS BILLS: PUBLIC ANESTHESIA

Mr. GOLDWATER. Mr. President, the editorial section of last Monday's Washington Post contains an interesting analysis of the various end-the-war and shackle-the-President resolutions. The piece was written by Mr. Kenneth Crawford, whose memory of congressional efforts in the field of military policy clearly retains an accurate impression of the words spoken by the Chairman of the Foreign Relations Committee 10 years ago when he was then arguing for broad presidential powers to cope with emergencies free of legislative restraint. Also, Mr. Crawford concludes that the weight of historical evidence shows that Congress might actually be more impulsive than Presidents where war is concerned. Here is a writer who seems to understand the plain fact that regardless of what Congress does the President will act according to his own sense of what is required by America's national security interests.

Mr. President, this kind of penetrating and realistic analysis can clear away much of the misconceptions about the true nature of the war powers bills and vividly reveal the sudden turn-abouts which can and do occur in the minds of Members of Congress. These same points are among the reasons for my own deep doubts about the wisdom of this type of legislation. So that the original viewpoints of this fine article might come to the attention of all Members of Congress, I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 26, 1971]

A VARIETY OF END-THE-WAR RESOLUTIONS—NEW PUBLIC HEARINGS BEFORE SEN. FULBRIGHT'S COMMITTEE

(By Kenneth Crawford)

This time something tangible may well come of the Senate Foreign Relation Committee's hearings on the war in Asia, which opened to the cheers of anti-war Vietnam veterans. Public demand for withdrawal, shown by polls and dramatized by demonstrators, is turning Congress around. The rate of turnaround suggests panic. Chairman William Fulbright hopes to sustain the momentum with public hearings on a variety of end-the-war resolutions.

Previous committee victories have been insubstantial. Its efforts have repealed the Gulf of Tonkin resolution, which President Johnson invoked for authority to escalate the war, and put over a resolution forbidding use of U.S. ground troops in Cambodia. The Nixon administration accepted both these measures, explaining that it didn't need the Tonkin authority to wind down the war and had no intention of sending troops across Vietnamese borders once the raids on Cambodia sanctuaries were completed.

The administration will not be this amiably inclined toward proposals now before the committee, especially the McGovern-Hatfield resolution calling for withdrawal of all American forces by the end of this year and, a cut-off of funds for any purpose other than withdrawal as of May 1. Even some members of the committee feel that this is too drastic a limitation and consider mid-1972 a more realistic deadline. A modified version of McGovern-Hatfield would seem to have a chance for adoption by the House as well as the Senate, so much has the atmosphere changed in the last few months.

The President can be expected to resist any such limitation. He has argued that to fix a time certain for withdrawal would be to sacrifice his bargaining power both to negotiate a peace settlement and to assure release of U.S. prisoners of war. Moreover, he has not abandoned his hope of leaving a small, professional residual force in Vietnam after the main body of American troops has been withdrawn. Sen. Vance Hartke's demand that he pull out at once and rely upon the North Vietnamese to release prisoners later strikes the administration as imprudent, not to say totally irresponsible.

An alternative proposal—that the United States agree to withdraw its troops three months after the prisoners are released—is kicking around the Capitol but is not under consideration, so far as is known, at the White House. If worse comes to worst, if Congress shows signs of forcing withdrawal on any terms, or no terms, this might be a fall-back position for the President.

Also before the Fulbright committee is a resolution by Sen. Jacob Javits limiting presidential power to make war. It would authorize the President to use the armed forces to repel attacks on American territory, citizens or property but require him to seek congressional authorization within 30 days of the start of military operations. He could continue only if Congress approved. Some such measure is needed, Javits believes, to give Congress the share in war-making responsibility the authors of the Constitution meant it to have by vesting it with sole authority to declare war and to provide the armies and weapons to fight it.

This is an idea to the changeable heart of Fulbright and to several members of his committee. They insist, in the face of much historical evidence to the contrary, that Congresses are less impulsive than Presidents where war is concerned. They imply that the mistake of intervention in Vietnam would never have been made had Presidents Eisenhower, Kennedy and Johnson been required to seek formal approval from Congress before going to the aid of South Vietnam.

Adoption of the Tonkin resolution with only two votes against it in the whole of Congress would seem to dispute the validity of this assumption as many other such votes have over the years. But Fulbright now explains his sponsorship and defense of the resolution as an abberation induced by the Johnson administration's lies about alleged North Vietnamese attacks on American ships in the Gulf, an explanation that rests upon a tortured interpretation of the record. Intercepted messages clearly show that the attacks were ordered.

It is fascinating to trace the twists and turns of Fulbright's thinking about foreign policy and the manner of its formulation. It is important, too, because Congress and the public opinion it reflects have twisted and turned with him, but more slowly. He has been a weathervane if not a bellwether.

Ten years ago, in a lecture at Cornell, later printed in the Cornell Quarterly, Fulbright argued for expansion of presidential authority to conduct foreign affairs with a minimum of interference from Congress. In the dangerous and fast-changing world of the 1960s, menaced by nuclear weapons, he said, the President should have power to deal with emergencies unfettered by legislative restraints.

"It is my contention," he lectured, "that for the existing requirement of foreign policy we (of Congress) have hobbled the President by too niggardly a grant of power."

The world of the 1970s is not very different from the world of the 1960s but Fulbright now wants to make Congress' grant of power to the President far more niggardly than it has been. So do others who agreed with him 10 years ago. What has intervened, what has made the difference, is, of course, the Vietnamese experience. Had that war been quickly and easily won, as Congress expected it to be when it started, there would be no clamor for curtailment of presidential powers. Indeed Fulbright might still be advocating their expansion.

In 1964, Fulbright foresaw that the United States either would have to train and equip the South Vietnamese to defend themselves or to expand the conflict by intensified intervention. Pending a decision about the alternative to be adopted, he said, the United States had no choice but to "support the South Vietnamese army and government by the most effective means available . . . to meet its obligations and to fulfill its commitments . . ." In 1965, the Tonkin resolution authorized pursuit of the expansionary alternative and Fulbright and Congress were all for it.

Since then frustration has worn down the public and Congress. And something has happened to Fulbright. Last year he made a speech that contained no mention of obligations or commitments. He said it made no difference to the United States or to the people of Indo-China who ruled "these small and backward lands." He demanded that the United States give up "the untenable dream of an anti-Communist government in Saigon." Within a period of five years he had not only changed his mind; he had changed his concept of America's place in the world and of the proper internal arrangements for keeping it.

Then speaking last week to the American Society of Newspaper Editors, Fulbright conceded that Congress is "slow-moving and sometimes inefficient" but he said he didn't deplore this because "a legislative body's accomplishments consist as much in what it prevents as it does when it enacts." In other words, if it doesn't do much of anything it will make no bad mistakes. If it will now force the President to abandon Vietnam and assert the power to prevent future Vietnams, as well as lesser adventures, it will be doing what it does best.

The trouble is that what it does best won't solve the problems of the 1970s either at home or abroad. It won't be enough to avoid mistakes. The worst effect of Vietnam may be that it has anesthetized U.S. government.

COSPONSORSHIP OF ODOMETER BILL

Mr. HART. Mr. President, there has been a lot of attention to methods for wiping out crime in the streets as part of the great law and order campaign. That is good.

But it seems at the same time we should take simple steps—especially when they are so obvious—to wipe out "white collar crime."

The bill regulating odometers which the senior Senator from Washington (Mr. MAGNUSON) has previously introduced, and I am honored to cosponsor, is a good example.

It is generally accepted that each year at least 1 million consumers buy cars on which the odometer reading has been adjusted to make the car seem a better bargain than it is. In fact, I have reason to believe that the number is much, much larger than that.

Of course, it is pure conjecture as to the average overspending for these cars. But say that it worked out to be $300. With 1 million such sales, that would be $300 million that consumers spend yearly for no value.

Much as such expenditures hurt—I can tell Senators that this is just the beginning for consumers hoodwinked with this practice.

As is evident, consumers buying used cars generally do so because they cannot afford new ones. Most of us are aware that as a car is used—that is, as the mileage piles up—certain mechanical repairs can be anticipated.

The used car buyer generally plans for those—figuring, say, that a "factory official car" is almost as good as new and likely to run about 40,000 miles before he faces major problems, such as with the transmission. As he goes down the line, the time lag before the new owner will face major expenditures shortens.

My mail pile in recent years has contained too many tales of where things did not seem to work out that way to be coincidental. Thus, we hear stories such as of the schoolteacher who retired and bought an "almost new" car to drive to her retirement spot in Florida—only to run into about $400 in mechanical repairs on her way there.

The problem hits on the other end of the age scale too.

The first car for most young men is a used car. Thus they make up a great percentage of the 23 million consumers who buy used cars annually.

In the case of the young, I suspect the harm done when a car turns out to be much more "used" than it was presented to be is deeper than merely economic.

For them it is the crushing blow of realizing that the adult world they are entering can be deceit-filled. Is it any wonder that a kid who has saved for months for that "little beauty," who treasures it, and then discovers that he has been taken is disillusioned with "the establishment."

Mr. President, it is wonderful that we are as a nation deeply troubled these days about crime. The bill offers us a chance to take one small step to save a lot of people in the future from being the victims of crime.

I am, as I said, honored to cosponsor it and hope for support from Senators.

NEW DIRECTIONS IN UNITED STATES-CHINA RELATIONS—ADDRESS BY SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by me before the National Model United Nations in New York City on May 2, 1971.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN UNITED STATES-CHINA RELATIONS

(An address by Senator JAVITS, delivered to the National Model United Nations, Statler Hilton Hotel, Grand Ballroom, New York City, Sunday, May 2, 1971)

A spring thaw—long overdue—seems to be cracking the ice of the glacial impasse which has characterized Sino-American relations for the past 20 years. Chairman Mao and Premier Chou have launched upon a course of "Westpolitick" which could be as portentous for Asia as Willy Brandt's "Ostpolitick" is for Europe. There are great opportunities, as well as potential dangers in both. But above all, hopeful and welcome as the signs may be, there should be no euphoria over ping-pong diplomacy.

UNITED NATIONS

For, a very crucial test lies just ahead—the question of Chinese representation in the United Nations. Neither the U.S. nor the Peoples Republic of China can control the timing of the "moment of truth" on this issue. The time table of the United Nations General Assembly forces it upon us this fall—probably in October–November.

Last November, the U.S. shifted the emphasis of its position on this issue in the General Assembly. The U.S. moved from a position of opposing Peking's entry to one of opposition to Taipei's expulsion. I was closely involved in this evolution as the U.S. Delegate to the General Assembly responsible for that issue.

The time has now come, in my judgment, for the U.S. to help find a formula which will provide for U.N. membership for the government of the Peoples Republic of China, carrying with it occupancy of the permanent seat on the Security Council; and provide that the government of the Republic of China on Taiwan is affirmed as a regular member of the United Nations. This is clearly the best policy for the U.S. and I believe that it is an interim solution which would command very broad support in the General Assembly.

It is possible, however, that the Chinese Nationalist government will refuse to cooperate in attaining this position. In such circumstances, there have been hints that the U.S. policy will be one of "going down with the ship"—to wit, sticking to the old position of insisting that the Republic of China on Taiwan is the sole legitimate government of all China. This would likely result in the General Assembly voting to seat the Peoples Republic of China and to expel the Republic of China on Taiwan.

Peking's participation in the United Nations will open important new opportunities, not only with respect to the bilateral Sino-

American issue, but also to Chinese participation in nuclear arms control negotiations being conducted under U.N. auspices. We must not expect, however, that Mainland China will display the courtesy and consideration toward the U.S. as a member of the U.N. that was shown to the visiting U.S. pong-pong team. It is to be expected that the U.S. and Peoples Republic of China will be ranged against each other on most issues that the debate will be brisk and that there will be lots of propaganda from Peking.

TAIWAN

The most contentious issue in relations between Washington and Peking has been the status of Taiwan—the seat of the Nationalist Government of Generalissimo Chiang Kai-shek since his defeat in the civil war and escape from the Chinese mainland in 1949.

For most of the past 20 years, the U.S. has appeared to go along with the contention of the Chiang Kai-shek government that it enjoyed control of Taiwan on the basis of its claim to sovereignty over the whole of China. Indeed, both Taipei and Peking have been firm in their insistence that Taiwan is a province of an indivisible China.

Beneath this diplomatic veneer of apparent acquiescence in Generalissimo Chiang Kai-shek claims, however, the U.S. has consistently maintained a quite distinct legal position. With respect to the issue of sovereignty over Taiwan, President Truman declared on June 27, 1950:

> The determination of the future status of Formosa must await restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.

On April 28, 1971, the State Department spokesman of the Nixon Administration declared:

> In our view sovereignty over Taiwan and the Pescadores is an unsettled question subject to future international resolution.

The Spokesman went on to say:

> We regard the Republic of China as exercising legitimate authority over Taiwan and the Pescadores by virtue of the fact that the Japanese forces occupying Taiwan were directed to surrender to the forces of the Republic of Taiwan.

In testimony before the Symington Subcommittee, of which I am a member, on November 24, 1969, the State Department made it explicitly clear that the U.S. does not consider the question of sovereignty over Taiwan to have been settled either by the U.S.-Japan Peace Treaty of September 8, 1951, or by the Japan-Republic of China Peace Treaty of April 28, 1952. The U.S. position with respect to those treaties was stated as follows:

> In neither treaty did Japan cede this area to any particular entity. As Taiwan and the Pescadores are not covered by any existing international disposition, sovereignty over the area is an unsettled question subject to future international resolution.

For background purposes, it is important to recall that Taiwan was ceded "in perpetuity" by China to Japan by Treaty in 1895. At the time it was ceded to Japan in 1895, Taiwan had been a "province" of China only for eight years. Previously it had been claimed as a dependency, under frequently tenuous or questionable control by Peking since 1683. Except for the personnel of a garrison government, there was an official ban on Chinese migration to Taiwan, lifted only in 1875

In my judgment, the U.S. has since 1949 acquired a new obligation—an obligation to the 12-million indigenous Taiwanese people who make up 85 per cent of the population of Taiwan.

The Taiwanese people deserve the right to determine their own future. Accordingly, I feel that the status of Taiwan should be determined by referendum of the people of Taiwan of what will be their Constitution, their sovereignty or form of government for the future, a right which they have not enjoyed since 1949 and which under circumstances created by admission of Peking to the U.N. they need now to have.

JAPAN

As the emerging economic superpower of Asia, situated next door to China, Japan must be considered as a central factor in developments bearing on China and U.S.-China relations. From an economic viewpoint, Japan is likely to be more important to China than the U.S.; and the possibilities for China to develop trade and credits to aid in its economic growth are likely to be greater from Japan than from the U.S.

The growth of trade and economic ties between Japan and China is in the long term interest of the U.S. The most hopeful course for Asia in the 1970's and 1980's would be one in which China opted for economic development and normal economic relations with its neighbors, in place of the overriding priority Peking heretofore has given to ideological communist politics at home and abroad. The normalization of China's relations with Japan, and its other non-communist neighbors, is dependent on the prior normalization of its relations with the United States—in somewhat the same way that West Germany's normalization of its relations with its East European neighbors required a prior normalization of its relations with the Soviet Union. In the interests of peace in Asia, the U.S. should adopt a policy of easing the process of the normalization of Peking's relations with its Asian neighbors.

The acute need of the Asian people in the remaining decades of this century is rapid economic development—not ideologically controlled political revolutions. China may be moving toward an acceptance of this principle. If it is, we should encourage it.

INDOCHINA

I believe it would be very unwise to assume that the Chinese invitation to the U.S. table tennis team indicates any willingness on Peking's part to help us end the Vietnam war—that is what I meant by euphoria. Nonetheless, any improvement in Sino-American relations is bound to have important, if subtle, implications for the situation in Indochina.

Even during the period of greatest U.S. escalation in Vietnam care was taken to avoid giving Peking reason to believe that our operations threatened China's borders. This U.S. prudence—in an otherwise improvident war—derived from memories of China's massive intervention in the Korean War.

There have been many hints coming out of Peking in recent months that it too has now concluded that the U.S. is getting out of Vietnam and that the U.S. is not fighting in Vietnam any longer for the purpose of "containing China."

This mutual recognition that we do not pose the mutual military threat to each other that previously dominated strategic planning in both Washington and Peking could contribute to an earlier and more satisfactory resolution of the Vietnam war than might otherwise be the case.

This could prove true in terms of an international peace conference to deal with the problems of Indochina, more probably than in terms of any efforts by Peking to exercise military restraint on Hanoi.

There are indications that Peking has been moving with diplomatic adroitness in recent months to bolster its own position in Indochina at the expense of Soviet influence, and at the expense of the larger ambitions of the Communist Party of North Vietnam to establish its own hegemony throughout Indochina. A revised view of U.S. intentions must have contributed to this important new facet of Chinese diplomacy in Indochina.

SOVIET UNION

An easing of the military situation in Southeast Asia, especially one marked by the withdrawal of American forces from Indochina has important implications for Peking's own strategic planning and allocation of resources. The withdrawal of U.S. forces from Vietnam, the diminution of any feared U.S.-supported "threat" from Taiwan, strengthens China's security generally and with reference to the Soviet Union, with whom it is engaged in a bitter and protracted ideological and border disputes, particularly. But this should be a calming factor.

For, the U.S., however, has very rightly assured the USSR that we have no intention of trying to exploit or aggravate Sino-Soviet antagonisms for our own advantage over Moscow. In his State of the World message of February 25, 1971, President Nixon said:

> "We see . . . no advantage to us in the hostility between the Soviet Union and Communist China. We do not seek any. We will do nothing to sharpen that conflict—nor encourage it."

In my judgment there can be no questioning of the correctness of the policy President Nixon has stated.

Since 1965, the United States has been bogged down in Vietnam in a way which has been quite detrimental to our interests elsewhere—especially in Europe and the Mideast. During the same period, the Peoples Republic of China has been bogged down in the confusion and preoccupation of its own, unique "cultural revolution." This domestic preoccupation of China, with frenzied ideological overtones, has been detrimental to Peking's interests outside its borders.

With both the U.S. and China freed from their respective preoccupations of the past six years—and perhaps on the verge of a detente in their relations with each other—Moscow will find it more difficult to advance its ambitions than it has in recent years. This could have a most salutory effect on curbing expansionist Soviet ambitions in the Mideast, which has become the primary arena of U.S.-Soviet confrontation.

In closing I would like to pay tribute to the China phase of the diplomacy of President Nixon. I continue to be a critic of his Vietnam policy. My views on that issue are well known. But I do not wish my differences over Vietnam policy to obscure my admiration and support for the imaginative and successful policies the President has pursued with respect to the two giants of Asia—Japan and China. The "new chapter" which has been opened up in Sino-American relations, together with the most skillful and foresighted agreement negotiated with Japan for the reversion of Okinawa—which "new chapter" I hope will also include an agreement on trade in textiles—are important achievements in the best interest of our nation and world peace.

SECRETARY RICHARDSON PUNCTURES HEALTH CARE MYTHS

Mr. BENNETT. Mr. President, the President has proposed a bold comprehensive health plan for the 1970's to help us overcome the crisis in national health care.

The President has clearly enunciated his health policy in a number of major proposals. However, many of today's health and social issues are not so clearly visible. Too many of the issues concerning health reform have been shrouded in myth.

An excellent article in a recent issue of the New York Times by Health, Education, and Welfare Secretary Elliot L.

Richardson helps explode some of these myths by showing how health care in the United States is a current example of a vast social issue encrusted with a layer of invention and illusion. The Secretary's article examines some of the Nation's health myths in order to see the administration's health proposals in light of the true problems behind them.

I ask unanimous consent to have printed in the Record the New York Times article of April 2, 1971, titled "Myth and Reality: Problems of Health Care."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 2, 1971]

Myth and Reality: Problems of Health Care

(By Elliot L. Richardson)

Social issues are often shrouded in myth and misconception. As an example, for too long it was popularly believed that fathers of welfare families irresponsibly abandoned their wives and children to live carefree, devil-may-care lives financed by the public's largesse. But careful analyses by social scientists revealed that, in fact, able-bodied men on welfare were often forced by the system to leave their families.

Health care in the United States is a current example of a vast social issue encrusted with a layer of invention and illusion. We all know there is something wrong with the current health care system, and it is commonly held that too few doctors, greedy insurance companies, and an apathetic government are at fault. But are these the real problems? Does such conventional "wisdom" mislead us to propose inadequate solutions to complex problems? Let us examine some of the nation's health myths in order to see the Administration's health proposals in light of the true problems behind them.

Myth: The United States is the only major industrial nation in the world that does not have a national health service or a program of nationalized health insurance. This claim was made last month on the floor of Congress, and the idea is widely shared, even among some health "experts." Those who hold this view seem to have in mind the British and Eastern European model in which services are paid for out of general tax revenues. But the British model is not the typical Western European model. In fact, continental health-insurance schemes are predominantly financed by employer-employe contributions and operate within the framework of national standards. This is basically the route the President has proposed that we travel—national health insurance, not nationalized health insurance.

Myth: There is a gross shortage of doctors in America. In fact, we have one of the highest ratios of doctors per capita in the world—and the number of physicians is growing at a rate faster than the population. The basic problem is maldistribution. There are too few doctors in the ghettoes, in rural America and in the primary care disciplines, such as general practice and pediatrics, while there is no real shortage of doctors in suburban practices or in certain specialties like surgery. To meet this paradox of scarcity amid plenitude, the Administration has proposed incentives to bring doctors to the areas and types of practice where they are most needed.

Myth: It is better doctoring that is making us a healthier nation. In fact, infant mortality rates have declined and longevity has increased due largely to better nutrition and sanitation, higher income, and improved education. For example, when we replaced the horse and buggy, the death rate of infants and children fell because of an accompanying decline in fatal diarrhea caused by animal filth. In recognition of these interrelationships, the Administration has proposed efforts to clean our environment, provide a basic income for poor families, provide adequate nutrition, and make education available to more people. In truth, the Administration is concerned about health and not only medical care. That is one reason why we feel that very expensive federally financed health insurance schemes may, in fact, pre-empt too large a share of Federal tax revenues for medical care, when a more balanced approach would better achieve health goals.

Myth: Insurance companies are getting fat on health insurance. In reality, these companies on the average have retained less than 6 per cent of premiums for administrative overhead and profit on group health insurance. The Administration's choice to build upon the present strengths of our system was based on a desire to reform, not dismantle, our health care institutions. We see no need to create another mammoth bureaucracy in response to the misconception that we are making the rich richer.

An Old Saying: "An ounce of prevention is worth a pound of cure." Not all ancient wisdom is myth. Prevention is a more satisfactory solution than cure. It can be demonstrated that significant improvements in our health status will come about more through prevention of accidents and chronic disease than through improvements in curative medicine. The President's proposed health education, accident prevention, and biomedical research programs are targeted at those areas of prevention where we can hope to have the greatest success.

With our health program we have attempted to eschew the simple, grant solution, which often turns out to be both expensive and misdirected. A hallmark of a responsible government is the ability to distinguish between sound reasoning and chimeras.

EDUCATION SPECIAL REVENUE SHARING

Mr. TAFT. Mr. President, I am honored to be a cosponsor of the education special revenue sharing measure which was introduced by my good friend the distinguished Senator from Vermont (Mr. Prouty) on Thursday, April 29.

I believe that the sharing of Federal funds with our States and localities in the area of education will provide the opportunity for innovative educational programs designed to meet the individual needs of each community. Local educators and administrators are in the best position to initiate and to implement educational programs based on their understanding of local needs and potentials. Involvement of parents and educators as members of State advisory councils is an excellent way of making education more responsive to the people it serves.

The standards and formulas contained in this legislation will insure equitable distribution and use of these funds at the State and local levels. The areas of assistance to the States include education for the disadvantaged, education for the handicapped, vocational education, assistance to schools in federally affected areas, and supporting materials and services.

As a member of the Committee on Labor and Public Welfare, I look forward to the careful consideration of the education special revenue-sharing bill.

GOVERNOR MILLIKEN SUPPORTS REVENUE SHARING

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement by Michigan's Gov. William G. Milliken on revenue sharing be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Gov. William G. Milliken, Governor's Conference on Revenue-Sharing, Lansing, April 2, 1971

Ladies and Gentlemen, my only purpose this morning is to welcome you to this conference, so my remarks will be brief. I do want to thank you for coming.

As local officials, it seems to me that you have a better understanding of the urban crisis than anyone in the State. For each of you, the urban crisis is not just a handy phrase that you can throw into speeches, but an everyday headache produced by the rising cost of services, by sinking tax bases, militant citizens, deteriorating neighborhoods, and proliferating crime.

None of us can say with certainty how this headache can be cured, but I know of one prescription that is absolutely useless—and that is despair.

Despair over the plight of the cities has grown phenomenally during the past few years. It has produced no solutions. If anything, it has only made a bad situation worse.

One can find examples of this despair wherever he looks. In the current issue of NEWSWEEK, Stewart Alsop quotes Henry Ford—the first Henry Ford—to the effect that the cities are finished. Mr. Alsop then goes on to spell out all the grim evidence that there is to support Mr. Ford's predictions. But the important fact, it seems to me, is that Mr. Ford made this prediction in 1920, and that half a century later, the cities are still surviving.

Surviving, but there is no use denying the fact that some of them are very sick. Yet, I for one, cannot believe that the current sickness of the cities is fatal.

I believe that President Nixon's revenue-sharing plan can play a very important role in curing the ailments of the cities. We should remember that the Administration's programs are not just creations of the President. They are the result of patient efforts by many organizations—and they reflect approaches that have been discussed nationally by both governors and mayors. The basic idea of revenue-sharing was first advanced in Congress in 1958. It has since been supported by Democrats and Republicans. I believe today all of us should support it.

Quite frankly, if state and local officials do not have a united front—if we are fragmented—we are not going to get what we all need from Congress.

I believe the President's basic approach is the best approach for Michigan because among other things, it is the best approach for the cities—and I believe it is the approach that has the best chance of Congressional passage.

I gather from the rhetoric of the current debate that many people wonder whether states and local units of government are ready to manage greater resources. There seems to be fear of incompetence, prejudice, and corruption. The truth is that no level of government has a monopoly on virtue or vice. But if we are to disarm our critics, we are going to have to bring antiquated state and city governments up-to-date.

Personally, I believe that Michigan's state government and most of the local governments of this state are as professional and progressive as any in the country. I believe we lack only the resources to provide truly effective public service. I ask why we, who have worked hard to build an efficient administration, should be considered among the least advanced by critics who are not really very familiar with what we are doing. In any event, the way to improve our public institutions is to continually test and challenge them. If we simply ignore or by-pass them, they are going to stagnate.

There could be a two-pronged approach to this question. One would be to provide incentives for states and localities to improve their management. I believe this is already included in the expanded 100-million-dollar program to improve management and planning in the President's Urban Aid package.

In our common efforts to obtain badly needed financial support for the federal government, I believe it is important that we distinguish between the two versions of revenue-sharing being discussed in Washington—general revenue-sharing and special revenue-sharing. Special revenue-sharing is President Nixon's proposal to consolidate existing federal programs into six major areas of grants to state and local government. I am very sympathetic to this proposal because it will permit much greater flexibility for state government to utilize federal funds where they are needed in Michigan without going through extensive red tape with federal agencies. However, the entire special revenue-sharing legislative package has not been presented to the Congress, and I believe it therefore makes sense to fully assess the impact of this legislation upon local units of government before taking a final position.

The *general* revenue-sharing program is the version we must focus on if we are going to have fiscal relief this year. The general revenue-sharing legislation was worked out among the national organizations of state and local government and subsequently presented to the Congress by the President. General revenue-sharing provides $5 billion in *new* money to share among state and local governments. If we want fiscal relief this year, the general revenue-sharing legislation offers the best hope for immediate action.

It would be tragic if the President's program became simply a political football in this pre-election year. The crises of the states and the cities should not bear partisan labels.

While you in this audience represent both major parties, I hope you are united in your search for relief from the financial pressures which afflict our cities. I hope, too, that we can agree that the federal income tax is a dynamic source of future aid. I hope we can agree to work together for revenue-sharing this year.

We clearly face one of the most serious threats ever confronted by our federal system—a threat that can be eased by federal revenue-sharing. The states and cities share the *burdens*. They now must more equitably share the revenues they help produce. If we are to succeed, we need a strategy among and within the states. I hope such a strategy can evolve from our meeting today.

Most of all, I hope we can join together in an attack on despair—the most dangerous form of pollution affecting our cities today.

Thank you.

THE BRITISH AND FRENCH SST

Mr. ALLOTT. Mr. President, the British and the French are not being properly respectful of the U.S. Congress.

Congress recently decided that the SST is a cumbersome object whose time will never come. It proceeded to relegate it to a museum for inventions that never got off the ground. But while Congress has been busy relegating, the British and French Governments have been proceeding calmly with their SST project.

In this regard I invite the attention of the Senate to a newsstory published in the Washington Post of April 23. The article, filed from London, reports on the decision by the British and French Governments to proceed with the production of five more Concordes, bringing the total number of Concordes to 10. The report also says that the governments have authorized the purchase of materials necessary for producing number 11 through 16.

Mr. President, so that all Senators can consider this interesting story, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Obviously, Mr. President, the Concorde project is not without problems. No new technology is without problems. No new technology is without problems in the early stages of research and development. But the British and French leaders are proceeding on the assumption that these problems will yield to steady advanced work.

Thus it continues to appear increasingly likely that the age of commercial supersonic flight will soon be a reality. Thus it is imperative that the United States come to grips with the fact that, the United States, along with the rest of the world, must learn to live with the supersonic flight.

In this regard, I call the Senate's attention to an important column published in the New York Times of April 23. The author of the column is Mr. Najeeb E. Halaby, president of Pan American Airways. Mr. Halaby's call for international cooperation in dealing with issues relating to the SST is sensible.

Mr. President, so that all Senators may consider Mr. Halaby's wise counsel, I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 23, 1971]

CONCORDE MODELS GIVEN GO-AHEAD

(By Alfred Friendly)

LONDON, April 22.—Encouraged by the technological performance of the first two experimental models of the Concorde, Britain and France agreed today to authorize production of Concorde models 6 to 10.

In addition, they permitted the manufacturers to begin buying supplies for models 11 to 16—all, it is hoped, for ultimate commercial sale.

But, according to the French and British ministers who made the decision, they still are faced with the "very difficult" problems of the plane's noise—on takeoff, landing and in flight—and the uncertainty of what noise levels will be allowed over the countries and in the airports where the Concorde must operate if it is to be commercially viable.

At a press briefing, John Davies, British Minister for Trade and Industry, declined to say how the negotiators appraised the recent vote of the U.S. Congress to refuse more government money for construction of an American SST: Whether it offered a great sales opportunity for the Concorde or, alternatively, presaged an American decision to forbid any SST from operating from any airport in the United States.

Reports here said that France favored a price of about $24 million per plane while Britain thought it should be closer to $30 million.

A communique issued after today's meeting referred to "encouraging" technological progress and this could be taken as an "implicit vote of confidence" in the airplane, Davies said.

British Overseas Aircraft Corp. (BOAC) and Air France, both controlled by their respective governments, are considered likely to buy the supersonic jet. Just how many other airlines will follow suit remains unclear.

The two governments said they would meet at the end of the year to reconsider the project.

[From the New York Times, Apr. 23, 1971]

SST IS ALIVE AND WELL IN EUROPE

(By Najeeb E. Halaby)

Congress has, for the time being at least, grounded the American SST. It had concrete concerns about the SST, both ecological—that it might threaten the environment; and economic—that it might tax instead of benefit the people.

But the SST and the issues it has fomented remain with us. Indeed, the SST is alive and flying in England, France and the Soviet Union, and will soon be offered on the world markets.

So this is a time neither for gloating, as though the SST had vanished; nor for grieving, as though the SST had vanished. It is a time for measured reflection.

To face our responsibility to the future and to assure that whichever SST takes the eventual and inevitable dominant place in the world's long-range air fleets will be a sound and welcome one, I propose a two-part program:

First, that an international forum be convened to reach agreement on realistic airworthiness, safety and ecological standards for supersonic commercial flight, and to pool technology to meet such standards.

Second, that the airlines conduct a thorough "fly before buy" program of concentrated SST testing under actual airline conditions. to assure that any SST meets all these requirements—plus economic requirements—before being considered acceptable for commercial service.

(These proposals were first broached in a personal letter which I sent to Secretary of Transportation John A. Volpe on March 4, 1971.)

Setting the safety, efficiency and environmental standards for an SST is obviously beyond the province of a single nation, because the SST will affect many nations. And developing a machine to meet these exacting standards may also prove beyond the capability of a single nation.

Many local and highly vocal constituencies have proposed neighborhood noise laws to bar SST's from their airports. Aside from the dubious constitutionality of addressing local legislation to international problems, it must be patently preferable to establish uniform standards acceptable to all the neighborhoods of the world, and in fairness applicable to every new airplane, whether propeller, jet, SST, or nuclear-powered, for that matter.

The same logic applies even more strongly to concern about harm to the atmosphere, since the world is a unified organic system, and the air that swirls over Siberia today may fill the California skies tomorrow.

The United States should take the initiative in calling for such an international conference on supersonic flight. The nucleus might be the four nations already involved in SST technology, and an international agency like the U.N.'s Atomic Energy Agency, staffed by scientists and engineers of many nations, might grow from this nucleus.

The agency would espouse the principle of technological togetherness that has already enriched the world by sharing research and knowledge in outer space, in medicine, in the peaceful uses of atomic energy.

The second aspect of my proposal is that even after an SST passes the muster of the international group, it undergo thorough prolonged tests under actual airline conditions.

It is one thing for a factory test pilot to put a new bird through its paces, to run it past all the red lines, to overload it, overstress it, subject it to abuse far more brutal than it will ever see in commercial service, and then to pronounce it sound. It is quite another thing to fly back and forth across the ocean every day on schedule in a new airplane.

We want, in effect, to take an advanced airplane and turn it into a routine transport, a completely familiar vehicle with no surprises or mysteries for crew, passengers, or society, and we want to accomplish this before we invite paying passengers aboard.

We know that worldwide supersonic flight will become as commonplace in the decades ahead as jet travel is today. And we know that Congress in voting against the American SST reflected the honest and strong reservations of a cautious citizenry.

The program I propose is a responsible one for reconciling the progress that is certain, and the caution that is essential.

POLISH CONSTITUTION DAY

Mr. TAFT. Mr. President, today, May 3, Poles everywhere, including citizens of Polish origin in the United States, celebrate a Polish national holiday—the Polish Third of May Constitution Day. This holiday will be observed throughout the month by Americans of Polish descent to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of individual freedom in Europe.

As was the case shortly after May 3, 1791, Poles again find their individual liberties stifled by outside intruders. Russia was one of the intruders in 1795, and Soviet Russia is again the culprit today.

Let all Americans join with the Poles this day in hopes that the principles of self-determination, freedom, and justice for all will be the right of the Poles and of all peoples throughout the world.

AWFUL INCREASE IN FEDERAL SPENDING

Mr. ALLOTT. Mr. President, all Senators and all Americans—at least those who did not enjoy their recent encounter with the Internal Revenue Service—owe a debt of gratitude to the distinguished junior Senator from Nebraska (Mr. CURTIS).

Senator CURTIS recently compiled a dramatic set of data regarding the awful increase in Federal spending. His presentation was well received in the Senate and has occasioned much comment elsewhere.

Today I invite attention to one journalist's response to Senator CURTIS' presentation. It is especially interesting because of what this journalist—Mr. Willard Edwards of the Chicago Tribune—has to say about the laxity of his fellow journalists when it comes to reporting vital information about runaway Federal spending.

Mr. President, so that all Senators can profit from this column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VAST SPENDING BILLS STUN SENATOR

(By Willard Edwards)

WASHINGTON.—Sen. Carl T. Curtis, [R., Nebr.], armed with charts and statistics, trudged up to the press gallery the other day to air an astounding analysis of new spending proposals in the first 60 days of the 92d Congress.

If the subject had been the Viet Nam War, the Calley trial or the alleged misdeeds of J. Edgar Hoover, Curtis would have drawn a capacity audience.

When reporters learned that he intended to discuss legislative extravagance, the customary group of 40 or 50 listeners dwindled to 11. Some were obviously bored and others hostile, accusing him of engaging in a "political" attack. Few bothered to take notes or file stories.

This neglect was, to phrase it mildly, unfortunate. Curtis had performed a remarkable research job and drawn conclusions with alarming implications for every taxpayer. He presented formidable data to support this finding.

In a period of inflation and yawning budgetary deficits, the spending fever in Congress is raging out of control. American taxpayers simply cannot survive the crushing burden contemplated in new domestic legislative proposals advanced as panaceas for national needs.

Curtis, a high-ranking member of the Senate Finance Committee, has long been disturbed by the propensity of many of his colleagues to regard huge appropriations as the easiest way to deal with any problem that might arise, particularly in the fields of health, welfare, education and the environment.

He was unprepared, however, for the shock encountered in a review of 85 House and Senate bills introduced up to March 15 which proposed staggering spending increases in addition to those submitted by President Nixon in an "expansionary" budget of $229 billion.

JUSTICE IN THE COAL FIELDS

Mr. McGOVERN. Mr. President, on Wednesday, April 28, U.S. District Court Judge Gerhard Gesell handed down a 45-page decision in which he removed W. A.—Tony—Boyle from his position as trustee of the United Mine Workers of America Welfare and Retirement Fund. Josephine Roche, another trustee, was similarly removed. The decision is one of far-reaching importance to this Nation's working and retired miners and their families. For the Nation's miners and their families the decision may mark the beginning of a new era.

The decision will come as no surprise to those who followed the investigation of the UMWA by the Senate Subcommittee on Labor, presided over by the Senator from New Jersey (Mr. WILLIAMS). Nor will it come as a surprise to those who noted the Government Accounting Office report pointing out that the retirement fund is approaching insolvency, or those who read the January 1971 issue of Fortune magazine which described it as "unquestionably one of the most poorly managed pension funds extant."

Most important, it will come as no surprise to the more than 50,000 miners who are estimated to have been arbitrarily denied pensions after paying into the fund throughout their working years. For the more than 70,000 miners who now receive some benefits, but who have found their hospitalization and other health benefits restricted, this decision can only mean good news.

As the court said:

> No considerations of equity intervene to bar prospective remedies for mismanagement of the Fund by its trustees. The Fund has been seriously compromised. It has failed to develop a coherent investment policy geared to immediate or long-term goals. It has collaborated with the Union contrary to the trustees' fiduciary duties, and has left excessive sums of money on deposit with the Union's Bank in order to assist the Union. In their day-to-day decisions, the trustees have overlooked their exclusive obligation to the beneficiaries by improperly aiding the Union to collect back dues and by cutting off certain beneficiaries unfairly.

More than even this court decision is involved. Nearly 7 years ago, as a result of complaints by miners to the Secretary of Labor, the Secretary filed a legal action in the district court. That action concerned the fact that in 23 of the union's 27 U.S. districts, union members do not have the right to elect their own district leaders. The district leaders are appointed by the same Mr. Boyle who has just been required to step down as trustee of the union's welfare fund for actions which were harmful to the miner beneficiaries.

A second, more recent suit was filed in an attempt to invalidate the election which reinstated Mr. Boyle as president, and which was followed by the vicious murders of his opponent Jock Yablonski, Mrs. Yablonski, and their daughter. That second case is set for trial on May 17. In the event that a new election should be called, the Landrum-Griffin Act requires that it must be supervised by the Department of Labor.

But the prior issue, the matter of who controls the districts—and by implication the voting procedures and the polls will not have come to court. Perhaps the Department of Labor believes that it can effectively police every square mile of coal country throughout West Virginia, Kentucky, Illinois, Ohio, Pennsylvania, and elsewhere. The miners do not share their faith. As long as the issue of who controls the districts remains unsettled, that is what would be required to insure a free and safe election.

Because of that, I have been in correspondence with the Department of Labor and Justice in an attempt to learn why the case involving union autonomy in the districts could not come to court first. The extraordinary answer that the Department of Justice gives, is that they have the same lawyers prosecuting both cases, and they just do not have time. They have had responsibility for this case for some 76 months, most of which time preceded the suit to have the election set aside. Yet they cannot assign another lawyer(s). The Department of Justice says it is "obviously impossible" to act to bring the prior case to trial first.

The Department of Justice has failed to exert even the most rudimentary efforts on behalf of the miners' suit. The 76-month delay in making the judicial process available to the miners of America can only be described as the most extraordinary example of executive inaction. I have one object and one object only in releasing my correspondence and in making public these facts; to persuade the Department of Justice that equity cannot be served by inaction, that further delays, an unwillingness to assign the necessary lawyers, an inability to understand that every additional day of delay is intolerable, can only work to undermine the fabric of our system of justice.

Mr. Boyle has now been found to have acted irresponsibly with relation to his 110,000 UMWA members, and all retired miners. The courts will soon have an opportunity to determine whether his election as President of the union should be recalled as well. In this context I find its "obviously impossible" to understand how the Department of Justice can justify its conscious but unconscionable inaction. I call upon that Department to act immediately to bring the autonomy suit to court.

Mr. President, I ask unanimous consent that the Gesell court decision and my correspondence with the Department of Justice be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

March 17, 1971.

Hon. John N. Mitchell,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Mitchell: As you must be aware, on December 6, 1964, the Secretary of Labor filed suit in the action now titled *Hodgson* v. *UMW* (U.S.D.C. for the District of Columbia, Civil Action No. 3071–64). No trial date had been set though nearly seven years have elapsed.

It is incredible to me that any suit should take this long to come to trial. During all this time some 170,000 miners have been denied the right to select their own District Officers and have been advised not to initiate further court action. After seven years of waiting for their case to be brought to trial, it would seem that serious questions might be raised—not whether their cause is meritorious or not, for that is clearly for the courts to decide—but whether the judicial process is available to them at all.

This is a matter of great interest to me and I look forward to your prompt reply regarding the exact status of this suit.

Sincerely,

George McGovern.

Department of Justice,
Washington, D.C., March 25, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: The Attorney General has asked me to reply to your letter of March 17, 1971, regarding the case of *Hodgson* v. *United Mine Workers of America, et al.*, Civil Action No. 3071–64 in the United States District Court for the District of Columbia.

This action to dissolve the trusteeships which had been imposed on a number of the Districts of the United Mine Workers was filed in December 1964 and an Amended Complaint to include District 17 was filed in August 1965. Great care had to be taken in developing the Government's case, mainly by deposing the officers of the Districts and of the International Union who were, of course, hostile witnesses. Forty-two depositions in all were taken in many parts of the country, the last of which was completed in November 1968.

The Labor Department completed a pretrial audit of the financial records of the Union on March 27, 1969, and on March 29, 1969, the Government filed with the Court its Certificate of Readiness indicating it was ready for trial. Despite opposition from the defendants, the case was placed on the ready calendar for August 1969.

On July 31, 1969, the defendants brought a motion to remove the case from the ready calendar. The motion was denied; however the Pretrial Examiner found that it would not be possible for the case to be reached for trial before the New Year, and on reference of the matter to Judge McGuire, the Court set the case down for trial on February 11, 1970.

In 1970 the Labor Department decided that an early (1962) legal position with respect to the question as to whether Districts 28 and 29 were in trusteeship was in error. The Labor Department, by letter of February 4, 1970 to the United Mine Workers, stated that it had been concluded that said Districts were in trusteeship. Although the two Districts mentioned were not party defendants in the suit, the actual defendants claimed surprise, alleging that they had relied on the previous position as a complete defense to the action, and moved for a postponement of the trial and for leave to pursue further pretrial proceedings in the light of the changed situation. Over the Government's vigorous opposition, Chief Judge Curran granted the motion and referred the case back to the Pretrial Examiner.

The defendants were permitted to take a number of depositions of officials of the Labor Department, and on July 7, 1970 the Government moved to end any further pretrial proceedings and for the setting of an immediate trial date. Judge Waddy, who was assigned as the Trial Judge for the case, denied the motion but specified that pretrial proceedings were to be concluded by January 15, 1971, after which the Pretrial Examiner was to issue a Pretrial Order for the Court.

A hearing before the Pretrial Examiner was scheduled for January 26, 1971; it was postponed by the Examiner to March 3 because defendants' counsel was actually engaged in the preliminary injunction hearing of the case which the Government had brought against the United Mine Workers to set aside the election of officers and to compel the keeping of records. On March 3, 1971, the Pretrial Examiner issued the required Pretrial Order and on March 5 the Government filed a motion for an immediate trial date. The motion is pending before Judge Waddy.

It is indeed unfortunate that this case did not go to trial on the date originally scheduled but it must be remembered that the delay was directed by order of the Court which, as mentioned above, the Government strongly opposed. Now that the supplemental pretrial proceedings ordered by the Court have been concluded, you can be assured that we are making every effort to have the case set down for trial at the earliest possible date.

Sincerely yours,

L. Patrick Gray III,
Assistant Attorney General.

U.S. Department of Labor,
Washington, D.C., April 1, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: This is in reply to your letter dated March 17, 1971, requesting information regarding the status of *Hodgson* v. *United Mine Workers of America, et al.* (U.S.D.C., D.C., Civil Action No. 3071–64).

I share your concern over the fact that the members of the Districts involved in this suit are being denied the right to elect their own officers and the fact that, although pending in court since December 15, 1964, this case has not yet been tried. Within two and one-half months after this Administration took office the Government notified the court that it was ready for trial. As a result of our efforts trial was originally scheduled for February 11, 1970, but was postponed over the Government's objections to permit the United Mine Workers to conduct further pretrial proceedings. Since that time the United Mine Workers' attorneys have deposed six officials of this Department.

The pretrial proceedings were completed on March 3, 1971, when a final pretrial conference was held. Immediately following this conference the Government filed a motion requesting the court to give this matter preferential treatment by setting an immediate trial date. On or about March 11, 1971, the United Mine Workers filed an opposition to this motion. This matter has been referred to Judge Joseph C. Waddy and we are hopeful that he will set this case down for trial in the very near future.

Let me assure you that we will do everything possible to avoid any further delay in the resolution of the important issues involved in this case.

In your letter you state that Union members have been advised not to initiate further court action. There is no provision in the Labor-Management Reporting and Disclosure Act of 1959 which would preclude a member from challenging a trusteeship not involved in the suit filed by the Department of Labor. With respect to the trusteeships being challenged by the Government, however, section 306 of the Act provides that once the Secretary of Labor has filed suit "the jurisdiction of the district court over such trusteeship shall be exclusive and the final judgment shall be res judicata."

Sincerely,

J. D. Hodgson,
Secretary of Labor.

April 12, 1971.

Hon. John N. Mitchell,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

Dear Mr. Mitchell: On March 17, 1971, I wrote both you and the Secretary of Labor concerning the more than six-year delay in the trial of *Hodgson* v. *United Mine Workers of America*, et al., CA #3071–64, in the U.S. District Court for the District of Columbia. That case, of course, is the Government's suit to lift trusteeship from various districts of the UMWA; it is through these district trusteeships that the union officers maintain their tight control over union operations and insure their own re-election.

I cannot say that either your response or that of Secretary Hodgson adequately explains or justifies the 76-month delay in bringing this suit to trial. Mr. Hodgson seeks to shift the blame to the predecessor administration and you appear to shift it to various judges of the District Court. Both of you, however, assert that the case is at long last ready for trial.

On this basis, I had my office check with your Mr. Orlikoff who is handling the case to get the exact trial date. Mr. Orlikoff indicated that no date had been set and that a motion for a date had been pending before Judge Waddy for over a month. When my office suggested that Mr. Orlikoff might appear before Judge Waddy as a preliminary matter any morning and try to get a specific date, Mr. Orlikoff indicated there is no warrant for such extraordinary action.

But is it really extraordinary action to appear before the Court and ask for a trial date in a case as ancient as this one? And can it conceivably be called extraordinary action to plead for an immediate trial in light of the pending trial on May 17, 1971, of the Government suit to upset Mr. Boyle's election? If a new election is ordered without the trusteeships lifted, I am informed the challengers' role, always difficult, will be rendered well nigh impossible.

I am, therefore, constrained to write again. This time to ask why the Department does not appear before Judge Waddy and ask for an immediate trial date before the election case is tried on May 17. I must venture the thought that the failure to take such a routine step hardly evidences a real desire on the Department's part to end these trusteeships in time to make a fair re-election possible.

Sincerely,

George McGovern.

Department of Justice,
Washington, D.C., April 26, 1971.

Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: The Attorney General has asked me to reply to your letter of April 12, 1971, regarding the case of *Hodgson* v. *United Mine Workers of America, et al.*, Civil Action No. 3071–64 in the United States District Court for the District of Columbia.

As I advised you in my letter of March 25, 1971, the Pretrial Examiner issued an order terminating pretrial proceedings in the trusteeship case on March 3, 1971, and on March 5, 1971, the Government filed a motion for an immediate trial. The defendant had eight days, or until March 13, to respond. However, on March 11, Judge Bryant unexpectedly set the election case for trial on May 17, 1971.

Pretrial proceedings in the election case have not yet been completed; in fact, three depositions were taken in Abingdon, Virginia, on April 6, and there are other matters which must be accomplished to comply with Judge Bryant's orders. A vast amount of work is required to prepare the election case for trial, and considering the magnitude of the cases and the fact that the attorneys for the respective parties are the same in both actions, it is obviously impossible to cram the trial of the trusteeship case into the period before the election case is to begin.

With respect to your comment on the conduct of a possible new election, I wish to remind you that the Landrum-Griffin Act provides that if an election is declared void, the new election will be conducted under the supervision of the Secretary of Labor.

Sincerely yours,

L. Patrick Gray, III,
Assistant Attorney General.

[U.S. District Court for the District of Columbia, Civil Action No. 2186–69]

Willie Ray Blankenship, et al., Plaintiffs, *v.* W. A. (Tony) Boyle, George Titler, Edward L. Carey, The United Mine Workers of America, Bituminous Coal Operators' Association, The United Mine Workers of America Welfare and Retirement Fund of 1950, The National Bank of Washington, C. W. Davis, Josephine Roche, George L. Judy, Henry S. Schmidt, Wilmer J. Waller, Barnum L. Colton, Defendants.

MEMORANDUM OPINION

This is a derivative class action brought on behalf of coal miners who have a present or future right to benefits as provided by the United Mine Workers of America Welfare and Retirement Fund of 1950. Plaintiffs have qualified under Rule 23.2 of the Federal Rules of Civil Procedure. Jurisdiction is founded on diversity and on the general jurisdiction of this Court, 11 D.C. Code § 521, in effect at the time suit was filed.

Defendants are the Fund and its present and certain past trustees; the United Mine Workers of America; and the National Bank of Washington and a former president of that Bank.[1]

Plaintiffs seek substantial equitable relief and compensatory and punitive damages for various alleged breaches of trust and conspiracy. Defendants oppose these claims on the merits and in addition interpose defenses of laches and the statute of limitations. The issues were specified at pretrial conferences, and after extensive discovery the case was tried to the Court without a jury. Following trial, the case was fully argued and detailed briefs were exchanged. This Opinion constitutes the Court's findings of fact and conclusions of law on the issues of liability and equitable relief.

I. BACKGROUND

A. Organization and Purpose of the Welfare Fund

The Fund was created by the terms of the National Bituminous Coal Wage Agreement of 1950, executed at Washington, D.C., March 5, 1950, between the Union and numerous coal operators. It is an irrevocable trust established pursuant to Section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. § 186(c), and has been continuously in operation with only slight modifications since its creation.

The Fund is administered by three trustees: one designated by the Union, one designated by the coal operators, and the third a "neutral party designated by the other two." The Union representative is named Chairman of the Board of Trustees by the terms of the trust. Each trustee, once selected, serves for the term of the Agreement subject only to resignation, death, or an inability or unwillingness to serve. The original trustees named in the Agreement were Charles A. Owen for the Operators, now deceased; John L. Lewis for the Union, now deceased; and Miss Josephine Roche. The present trustees are W. A. (Tony) Boyle, representing the Union; C. W. Davis, representing the operators; and Roche, who still serves.[2]

Each coal operator signatory to the Agreement (there are approximately fifty-five operator signatories) is required to pay a royalty (originally thirty cents, and now forty cents per ton of coal mined) into the Fund. These royalty payments represent in excess of ninety-seven percent of the total receipts of the Fund, the remainder being income from investments. In the year ending June 30, 1968, royalty receipts totalled $163.1 million and investment income totalled $4.7 million. Total benefit expenditures amounted to $152 million.

In general, the purpose of the Fund is to pay various benefits, "from principal or income or both," to employees of coal operators, their families and dependents. These benefits cover medical and hospital care, pensions, compensation for work-related injuries or illness, death or disability, wage losses, etc. The trustees have considerable discretion to determine the types and levels of benefits that will be recognized. While prior or present membership in the Union is not a prerequisite to receiving welfare payments, more than ninety-five percent of the beneficiaries were or are Union members.

The Fund has maintained a large staff based mainly in Washington, D.C., which carries out the day-to-day work under policies set by the trustees. Roche, the neutral trustee, is also Administrator of the Fund serving at an additional salary in this full-time position. Thomas Ryan, the Fund's Comptroller, is the senior staff member next in line.

The trustees hold irregular meetings, usually at the Fund's offices. Formal minutes are prepared and circulated for approval. In the past, a more detailed and revealing record of discussions among the trustees has been prepared and maintained in the files of the Fund by the Fund's counsel, who attended all meetings. The Fund is regularly audited, and a printed annual report summarizing the audit and other developments was published and widely disseminated to beneficiaries, Union representatives, and coal operators, as well as to interested persons in public life.

From the outset the trustees contemplated that the Fund would operate on a "pay-as-you-go" basis—that is, that the various benefits would be paid out largely from royalty receipts rather than solely from income earned on accumulated capital. Always extremely liquid, the Fund invested some of its growing funds in United States Government securities and purchased certificates of deposit. It also purchased a few public utility common stocks, and in very recent years invested some amounts in tax-free municipal securities. The chart attached as Appendix A reflects in a general way the growth of the Fund's assets and its investment history until June 30, 1969.

From its creation in 1950, the Fund has done all of its banking business with the National Bank of Washington. In fact, for more than twenty years it has been the Bank's largest customer. When this lawsuit was brought, the Fund had about $28 million in checking accounts and $50 million in time deposits in the Bank. The Bank was at all times owned and controlled by the Union which presently holds 74 percent of the voting stock. Several Union officials serve on the Board of Directors of the Bank, and the Union and many of its locals also carry substantial accounts there. Boyle, President of the Union, is also Chairman of the Board of Trustees of the Fund and until recently was a Director of the Bank.[3] Representatives of the Fund have also served as Directors of the Bank, including the Fund's house counsel and its Comptroller. The Fund occupies office space rented from the Union for a nominal amount, located in close proximity to the Union's offices.

B. The responsibilities of the trustees

The precise duties and obligations of the trustees are not specified in any of the operative documents creating the Fund and are only suggested by the designation of the Fund as an "irrevocable trust." There appears to have been an initial recognition by the trustees of the implications of this term. Lewis, who was by far the dominant factor in the development and administration of the Fund, stated at Board meetings that neither the Union's nor the Operators' representative was responsible to any special interest except that of the beneficiaries. He declared that each trustee should act solely in the best interests of the Fund, that the day-to-day affairs of he Fund were to be kept confidential by the trustees, that minutes were not to be circulated outside the Fund, and that the Fund should be soundly and conservatively managed with the long-term best interests of the beneficiaries as the exclusive objective. While he ignored these strictures on a number of occasions, as will appear, his view is still accepted by counsel for the Fund in this action, who took the position at oral argument that the duties of the trustees are equivalent to the duties of a trustee under a testamentary trust. Counsel stated, "You can't be just a little bit loyal. Once you are a trustee, you are a trustee and you cannot consider what is good for the Union, what is good for the operators, what is good for the Bank, anybody but the trust." (Tr. 2590).

This view, which corresponds with plaintiffs' position, is not accepted by all parties. While acknowledging that a trustee must be "punctilious," counsel for some of the par-

---

Footnotes at end of article.

ties urge that trustees as representatives of labor or management may properly operate the Fund so as to give their special interests collateral advantages (*e.g.*, managing trust funds so as to increase tonnage of Union-mined coal), and that this is not inconsistent with fiduciary responsibility since such actions ultimately assist beneficiaries by raising royalty income. But there is nothing in the Labor-Management Relations Act or other federal statutes or in their legislative history which can be said to alleviate the otherwise strict common-law fiduciary responsibilities of trustees appointed for employee welfare or pension funds developed by collective bargaining. Indeed, the statute under which the 1950 Fund is organized was designed expressly to isolate such welfare funds from labor-management politics. In *Lewis* v. *Seanor Coal Co.*, 382 F. 2d 437, 442 (3d Cir. 1967), the court indicated that Congress was motivated by the example of the UMWA's pre-1950 Fund:

> "This provision was written into the statute because of the special concern of Congress over the welfare fund of the United Mine Workers of America, which already was in existence and which Senator Taft described as administered without restriction by the union so that "practically the fund became a war chest . . .for the union." '

See also United States v. *Ryan*, 350 U.S. 299, 304–05 (1956).

It is true that trustees are allowed considerable discretion in administering a trust as large and complex as the Fund. In determining the nature and levels of benefits that will be paid by a welfare fund and the rules governing eligibility for benefits, the trustees must make decisions of major importance to the coal industry as well as to the beneficiaries, and their actions are valid unless arbitrary or capricious. *E.g., Roark* v. *Lewis*, 130 U.S. App. D.C. 360, 401 F.2d 425, 426 (1968); *Kosty* v. *Lewis*, 115 U.S. App. D.C. 343, 319 F.2d 744, 747 (1963). On these matters, trustee representatives of the Union and the Operators may have honest differences in judgment as to what is best for the beneficiaries. Congress anticipated such differences in enacting § 302(c) of the Labor-Management Relations Act, and sought to tamper them by the anticipated neutrality of the third trustee. The congressional scheme was thus designed not to alter, but to reinforce "the most fundamental duty owed by the trustee": the duty of undivided loyalty to the beneficiaries. 2 *Scott on Trusts* § 170 (3d ed. 1967). This is the duty to which defendant trustees in this case must be held.

C. *Conduct of the Trustees*

Before dealing in detail with the specific breaches of trust alleged, a general comment concerning the conduct of the trustees is appropriate to place the instances of alleged misfeasance into proper context. It has already been noted that the trustees did not hold regular meetings but only met subject to the call of the Chairman. There was, accordingly, no set pattern for deciding policy questions, and often matters of considerable import were resolved between meetings by Roche and Lewis without even consulting the Operator trustee.

The Fund's affairs were dominated by Lewis until his death in 1969. Roche never once disagreed with him. Over a period of years, primarily at Lewis' urging, the Fund became entangled with Union policies and practices in ways that undermined the independence of the trustees. This resulted in working arrangements between the Fund and the Union that served the Union to the disadvantage of the beneficiaries. Conflicts of interest were openly tolerated and their implications generally ignored.[4] Not only was all the money of the Fund placed in the Union's Bank without any consideration of alternative banking services and facilities that might be available, but Lewis felt no scruple in recommending that the Fund invest in securities in which the Union and Lewis, as trustee for the Union's investments, had an interest. Personnel of the Fund went on the Bank's board without hindrance, thus affiliating themselves with a Union business venture. In short, the Fund proceeded without any clear understanding of the trustees' exclusive duty to the beneficiaries, and its affairs were so loosely controlled that abuses, mistakes and inattention to detail occurred.

II. ACCUMULATION OF EXCESSIVE CASH

A. *The breach of trust*

The major breach of trust of which plaintiffs complain is the Fund's accumulation of excessive amounts of cash. A basic duty of trustees is to invest trust funds so that they will be productive of income. *E.g., Barney* v. *Saunders*, 57 U.S. (16 How.) 535, 542 (1853); *Spruill* v. *Ballard*, 36 F. Supp. 729, 730 (D.D.C. 1941); *In re Hubbell's Will*, 302 N.Y. 246, 97 N.E. 2d 888, 892 (1951); 2 *Scott on Trusts* § 181 (3d ed. 1967). It is contended that the trustees failed to invest cash that was available to generate income for the beneficiaries, and in total disregard of their duty allowed large sums to remain in checking accounts at the Bank without interest. It is further claimed that this breach of trust was carried out pursuant to a conspiracy among certain trustees, the Union, and the Bank through its President, and that all these parties are jointly liable for the Fund's loss of income resulting from the failure to invest.

That enormous cash balances were accumulated and held at the Bank over the twenty-year period is not disputed. The following figures are representative.

Fiscal year	Amount of cash in demand deposits at end of year	Percentage of cash to the fund's total resources
1951	$29,000,000	29
1956	30,000,000	23
1961	14,000,000	14
1966	50,000,000	34
1967	75,000,000	44
1968	70,000,000	39
1969	32,000,000	18

The significance of these huge sums has greater import when two factors are considered.

First, not only did the trustees have a duty to invest but the early minutes of the Fund clearly reflect the trustees' knowledge that income could be earned by investment in Government securities without sacrificing desired liquidity. The safety and practicality of using excess cash in this manner were also fully appreciated. Yet the money remained at the Bank on demand to the Bank's advantage but earning nothing for the Fund. This practice continued in spite of suggestions from successive Operator trustees that the money should be used to earn income for the beneficiaries.

Second, the Fund could easily have met its obligations with only a fraction of the cash maintained in its checking accounts, as the most cursory examination of its accounts clearly shows. The income and outgo were constant and unusual demands on the Fund could in any event always be anticipated sufficiently to liquidate Government securities should this have been unexepectedly necessary. Over the years the Fund paid out monthly approximately $10 million to $14 million for medical and pension benefits and administrative expenses. Against these obligations the Fund had a predictable steady income in the form of monthly royalty payments which, for each month in the years 1967, 1968 and to the date of the complaint in 1969, always totaled from $10 million to $14 million. In addition, there was regular, predictable investment income in the range of $2 million to $3 million per annum. Plaintiff's Exhibit No. 1627, annexed hereto as Appendix B, charts the cash which was held in the General, Pension and Administrative checking accounts by month from 1953 to June 1969, and reflects the regularity of the Fund's income and outgo. tI will be immediately noted that cash balances greatly in excess of the Fund's day-to-day needs were permitted to accumulate from the outset. Even the formula of having two to two-and-one-half times monthly expenditures in cash, a formula urged by the trustees as appropriate but without apparent justification, was ignored in practice.

The beneficiaries were in no way assisted by these cash accumulations, while the Union and the Bank profited; and in view of the fiduciary obligation to maximize the trust income by prudent investment, the burden of justifying the conduct is clearly on the trustees. *Cf. Pepper* v. *Litton*, 308 U.S. 295, 306 (1939).

Three explanations were seriously presented in justification of the cash accumulations: the trustees' general concern as to the future course of labor relations and other developments in the coal industry which might make it necessary to have money readily at hand on short notice; tax factors; and what was characterized as inadvertence or accident. None of these explanations will withstand analysis.

(a) *Uncertainty about the future*. Prior to 1950, strikes and labor disputes had caused mine shutdowns, placing heavy demands on the then-existing welfare programs. Any repetition of these or similar conditions would have shut off royalty payments, perhaps for a considerable period. While this factor could therefore justify the trustees in maintaining a substantial, highly liquid reserve, it affords no justification for the failure of the trustees to put the large accumulations of excess cash to work for the beneficiaries. Roche testified that she favored maintaining an amount equal to several months' expenditures in cash, because "that is the only way you can be sure." Such naivete by a trustee is unacceptable, particularly in light of the trustees' knowledge that short-term Government securities, which the evidence showed were redeemable on one-half hour notice, for example, were readily available and would have generated substantial income for the Fund while still assuring maximum liquidity.

This reliance on future uncertainty must also be weighed in the light of conditions existing in the coal industry in the latter years of the Fund's history under review. These were succinctly epitomized by a Union economist at the trial. In brief, it appears that beginning around 1960 the industry was profitable and increasingly stable, with encouraging prospects for the future, all of which was reflected in the increasing amount of coal mined and the favorable progress of the Union in its effort to organize increasing numbers of miners for work at the Union scale. Prosperous conditions made any reoccurrence of the pre-1950 experience far less likely.

(b) *Tax considerations*. The Fund has from the beginning been competently advised by experienced outside tax counsel. Naturally its return was examined by field audit from time to time. The Fund first sought an exemption from income tax as a charitable trust. This was denied in 1954, after a long delay while the requested ruling was being processed at the Treasury Department. This negative ruling was prospective, and thereafter the Fund understood that it would have to pay taxes on any amount of

---

Footnotes at end of article.

investment income that exceeded its administrative expenses. In fact, investment income never exceeded administrative expense and indeed was usually well below. In one year the spread was $2.4 million. It was obvious that even if income exceeded expenses and taxes became due on the excess, the Fund would have profited to the extent of its after-tax income.

An additional latent worry was apparently the possibility that royalties would be treated by the Internal Revenue Service as income, which would have been disastrous for the Fund. Tax counsel advised that royalties were not income, and they were so reported. The Internal Revenue Service agents conducting audits seemed interested in the point, but took no action. The Fund never asked for a ruling, preferring to let the Internal Revenue Service make the first move. When the question arose as to another welfare fund, the Anthracite Fund, the IRS eventually ruled that royalties were not income. Significantly, the Fund's representatives, although familiar with the Anthracite Fund's problem, were not sufficiently concerned even to inquire as to the final ruling of the IRS in the matter.

Thus none of these tax considerations can justify the trustees' failure to invest.

(c) *Accident or inadvertence.* There was no proof to support this desperate theory which the Fund itself does not advance and which in any event is in effect an admission of failure to adhere to minimum fiduciary standards of care and skill in administering the trust. 2 *Scott on Trusts* § 174 (3d ed. 1967). The Fund's Comptroller stoutly denies accident or inadvertence, and the proof shows that the trustee well knew at all times that cash was steadily accumulating.

Under the most charitable view, this accident theory can help to account only for the staggering accomulations of cash in the period 1966 to 1968, when Lewis was in failing health and the trustees met infrequently. However, as is clear from the discussion of the conspiracy aspects of this case, *infra*, these accumulations were only an extension of a conscious, longstanding policy of the trustees.

The following testimony by Roche is revealing:

"Mr. Lewis felt very strongly, sir, the necessity of having a good deal beyond what we could invest without raising the taxation problem, keeping it very much in a situation where we could get at it at once. He did not feel enthusiastic for a long time over tax-exempt securities such as municipals.

"I talked to him frequently about it personally, aside from the general discussions we had. And I finally in '67–'68 realized how strongly I probably had been mistaken myself on anything that had to do with minute fiscal things. And I said, you know, Tom Ryan we both have the utmost confidence in, and he feels we ought to get some of this money out, make it earn money. Now let's think again about municipals. And he did. . . . And finally he definitely agreed in '68, he said, Yes, we better go ahead, go ahead.

* * * * *

"So it was really a long-delayed decision which really probably, and I know completely from the point of view of a financial expert, that there is no excuse perhaps for it at all. To us who had felt that need, too, but felt these other things so terribly imminent, it is not the brightest chapter that we have, but we did some other things that perhaps made up for it a little bit.

* * * * *

"[T]he fiscal requirements certainly didn't justify what we had on deposit. I know that perfectly well." (Transcript pp. 957–60.)

Considering this testimony, and the enormous cash balances which existed in 1966 through 1968, the following excerpt from "A Statement by United Mine Workers of America Welfare and Retirement Fund," printed in the United Mine Workers Journal on May 1, 1969, in answer to growing criticism of the trustees' policies, takes on special significance:

"*The criticism:* "Large" bank deposits drawing no interest.

"*The record:* At most times during our existence, our bank balances were not nearly so high as we would like to have them in relation to our monthly expenditures.

"In January of 1965 the Trustees made substantial improvements in the benefit programs which had the effect of increasing our expenditures by over $45 million annually. As a consequence, as income permitted, our cash balance was allowed to build up somewhat. Our cash balance on June 30, 1968, was actually no greater in relation to our monthly and annual expenditures than it had been at times in the past when expenditures were at a lower level.

"With the conclusion of negotiations for a new three-year contract between the Union and the operators in October, 1968, the potential need for cash reserves has lessened and these balances have been reduced considerably."

This statement was signed by Roche, Ryan, and Welly K. Hopkins, General Counsel of the Fund. It is not only lacking in candor, as was much of Ryan's testimony at trial, but actually misleads.

The trustees well knew that cash deposits at the Bank were unjustified. It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested. It remains to be determined whether the Union, the Bank, or certain individual defendants are also responsible for the breach of trust.

B. The conspiracy as to cash deposits

Plaintiffs contend that the Union and the Bank conspired with the trustees to maintain the excessive cash at the Bank for their respective benefit. On this phase of the case the applicable law is well established and need here only be briefly summarized.

A conspiracy is an agreement between one or more persons to accomplish an unlawful object or to accomplish a lawful object in an unlawful manner. *American Tobacco Co.* v. *United States*, 328 U.S. 781, 809 (1946); *Edwards* v. *James Stewart & Co.*, 82 U.S. App. D.C. 123, 160 F.2d 935, 937 (1947). The gist of a civil conspiracy, however, is not the agreement itself, but the civil wrong alleged to have been done pursuant to the agreement; the allegation of conspiracy bears only upon evidentiary and other formal matters. *Edwards* v. *James Stewart & Co., supra; Ewald* v. *Lane*, 70 App. D.C. 89, 90, 104 F.2d 222, 223 (1939); *Martin* v. *Ebert*, 245 Wis. 341, 13 N.W. 2d 907, 908 (1944). The civil wrong here is a breach of trust; and it is settled that where a third person "has knowingly assisted the trustee in committing a breach of trust, he is liable for participation in the breach of trust." 4 *Scott on Trusts* § 326 (3d ed. 1967); *see Jackson* v. *Smith*, 254 U.S. 586 (1921). If the third person's participation in or inducement of the breach is pursuant to an agreement with one or more of the trustees, he is liable as a conspirator.

That there was opportunity to conspire as to the cash balances cannot be doubted. There is, however, no direct evidence of an agreement, no unguarded admissions of conscious impropriety. Lewis, the dominant actor in these events, is dead and the named individual defendants contest charges of conspiratorial participation. Plaintiffs rely on documents, circumstantial evidence and inference to support the claim.

Despite the denials, there is clear and convincing proof that there was an agreement among Lewis, Roche, and Colton made contemporaneously with the creation of the Fund and the Union's acquisition of a controlling interest in the Bank, to use the Bank as the sole depository of Fund moneys and to maintain large sums in interest-free accounts at the Bank without regard to the Fund's needs. Late in 1949, Lewis, through an agent, solicited Colton to become president of the Union's newly acquired Bank. At their second meeting, Lewis discussed with Colton the transfer of both the Union and the Fund accounts from previous depositories to the National Bank of Washington. As early as April 30, 1950, the Fund had over $36 million on deposit in checking accounts at the Bank, and the balance remained near or above this level for more than a year thereafter. Over the next twenty years the trustees' decision to leave cash in the Bank without interest greatly benefited the Bank and the Union as the Bank's majority shareholder. At all times these sums well exceeded the immediate cash needs of the Fund, as the previous discussion has shown.

This banking arrangement met strong objection from the Operators' trustee, Owen, who at a trustees' meeting as early as August, 1950, demanded that all moneys of the Fund be withdrawn from the National Bank of Washington. He stated:

"It is undoubtedly the law that a trustee should not deposit trust funds in a bank which he controls or in which he has a substantial participation. Amongst other criticism, he may cause the dividends upon his stock to be enhanced by the Bank's use of a large deposit of his trust's funds for loan purposes. Also, conflicting interests may arise; or losses may occur."

The trustees' minutes through 1950 and 1951 reflect that Lewis and Roche, rather than replying to Owen's repeated complaints on this score, ignored his protests altogether and Lewis even equivocated as to his interest as a trustee holding bank stock for the Union.[5] In March of 1951, Owen included the Fund's relationship with the Bank as one of four matters on which he believed his proposals had been rejected, "utterly without justification," by Lewis and Roche "acting jointly."

The formal minutes of the Fund reflect practically none of this crucial discussion held at trustee meetings. Mitch, the Fund's attorney, attended the meetings, however, and thereafter prepared what he designated a stenographic draft of the proceedings based on copious contemporary notes. The stenographic drafts are in evidence. These were reviewed by Roche and possibly others and a truncated, far less informative formal minute was developed. Roche struck out most of the informative detail. No satisfactory explanation was offered as to why this was done, and the inference is unavoilable that Lewis and Roche had a conscious desire to conceal the actual embarrassing discussions that had taken place.

Lewis and Roche chose, without taking legal advice in the face of strong objection to the legality of their actions, to advance the interests of the Union and the Bank in disregard of the paramount interest of the beneficiaries who were entitled to receive the benefit of prudent investment of their funds.

The Union urges that Lewis kept his own conscience, acted solely as a trustee and after 1960, when he became President Emeritus, an honorary position, was wholly removed from any executive authority in the Union's affairs. Hence, it is claimed, the Union cannot be held responsible for Lewis' actions, neither prior to nor especially after 1960. This position cannot be squared with the facts. Lewis totally dominated the Union both before 1960 and to a large extent thereafter, especially as to financial matters, including the Fund. Other Union officers knew of Lewis' actions with regard to the Fund and the Bank, but uttered not a word of

---

Footnotes at end of article.

protest. While Boyle, in the period after 1960, often suggested that Lewis raise pensions, which would have had the effect of reducing the Fund's bank balances, neither Boyle nor any other officer sought to break the long-standing practice of retaining Fund moneys in non-interest-bearing checking accounts at the Bank rather than in investments. When the Welfare Fund agreement was renegotiated in 1964, 1966 and 1968, the Union could have designated another representative to act as trustee, had it been unwilling to accept the benefits of the course that Lewis had so obviously set.

The inference is also unavoidable that Lewis made more than a mistake of judgment as a trustee. He acted to benefit the Bank and to enhance its prestige and indirectly the prestige of the Union, not simply to keep money needed by the Fund in a safe place. The minutes show that he knew the large demand deposits were unnecessary for any legitimate purpose of the Fund. Moreover, he was not lacking in financial sophistication. He had been president of a bank himself and the record shows his many financial dealings and the manner in which, as President of the Union, he utilized the considerable financial resources of the Union for the Union's benefit. The conclusion is clear that Lewis, in concert with Roche, used the Fund's resources to benefit the Union's Bank and to enhance the Union's economic power in disregard of the paramount and exclusive needs of the beneficiaries which he was charged as Chairman of the Board of Trustees to protect.

Lewis acted for the Union when he entered into the conspiracy.[6] A conspiracy once formed is presumed to continue; to escape continuing liability, a party must affirmatively withdraw from the conspiracy and seek to avoid its effects. *See Hyde* v. *United States,* 225 U.S. 347, 369 (1912); *South-East Coal Co.* v. *Consolidation Coal Co.,* 434 F.2d 767, 784 (6th Cir. 1970). The Union did not withdraw from the conspiracy; it had full power to end this breach of trust, yet it knowingly perpetuated the breach and continued to reap the benefits thereof.

Any doubt as to Lewis motivation is fully dissipated by other evidence showing respects in which the Fund was used to benefit the Union during Lewis' chairmanship, to be discussed later. There is no suggestion that Lewis personally benefited, but he allowed his dedication to the Union's future and penchant for financial manipulation to lead him and through him the Union into conduct that denied the beneficiaries the maximum benefits of the Fund. A finding of conspiracy to maintain excessive cash at the Bank, justifying an award of damages against the Union in favor of the beneficiaries, is required.

The Bank, for its part, contends it played no conscious role in these arrangements and that it merely acted as a responsible banker handling the Fund's business in accordance with sound conservative banking practice. To be sure, the Bank did not overreach in any manner. It treated the Fund fairly. It performed extensive services for the Fund free of charge. There is no showing that the Bank conducted its business on the premise that the cash would not be summarily withdrawn. It was always highly liquid—indeed more liquid than other comparable banking institutions. Moreover, it did not receive any pressure from the Union to increase dividends for the Union's benefit, and dividend levels were in accord with the general parsimony that conservative bankers usually display toward shareholders at dividend time. There is no evidence that the Union or anyone connected with the Fund ever required the Bank to loan money to a friend or associate without adequate security and no such loans were made. Nor did the Bank show any favoritism toward the Union or the Fund contrary to proper banking standards.

While the measure of the benefits the Bank received from this relationship is unclear, and certainly not as monumental as the size of the deposits suggests, the Bank was in a position to make money on the Fund's large demand deposits and in fact did just that. The deposits enhanced the Bank's earnings and its prestige and position in the banking community.

It is likely that the initial agreement among the Union (acting through Lewis), Roche, and the Bank (acting through Colton), to maintain trust accounts in a bank substantially owned by a Union whose president was a trustee, and the losses of income to the beneficiaries caused thereby, are sufficient without more to hold the Bank liable in conspiracy for damages under the special circumstances of this case.[7] This was not the theory on which plaintiffs proceeded, however, and the Court need not make such a finding.

The Bank recognizes, as does the Court, that the above facts, plus a showing of actual knowledge on its part that the funds maintained by the trustees in non-interest-bearing accounts were substantially in excess of the Fund's need for cash, will render it liable. The Bank vigorously denies that any such actual knowledge may be inferred from the facts established at trial. A review of those facts leads the Court to a contrary conclusion.

The Bank knew, from the time of the 1950 meeting between Lewis and Colton, that the accounts came to the Bank without solicitation at the initiative of the Chairman of the Board of Trustees of the Fund who was also President of the controlling shareholder of the Bank. The Bank knew that these were trust accounts, and from its own extensive experience in acting as trustee knew of the high standards governing the conduct of trustees. The Bank knew the actual dollar amounts in the Fund's various interest-free accounts, and the percentage of the Fund's total assets that these accounts represented. The offices of the Bank, the Union, and the Fund were in close physical proximity. There were a number of interlocking relationships among the Union, the Bank, and the Fund throughout the twenty-year period.[8] Colton, the President of the Bank, was well aware of the propensity of the Union to use the Bank for Union objectives, as witnessed by his remarkable personal financial dealings with the Union, the Bank's loans to coal operators backed by Union collateral, and the unusual financial relationships between the Union and Cyrus Eaton, which the Bank aided.

The Bank strongly urges that it was ignorant of the terms of the trust agreement, the needs of the Fund for liquidity, or the possible tax consequences of enlarging the Fund's investment income, and hence that it had no way of knowing whether or not the obvious failure of the trustees to invest constituted a breach of trust.[9] Any inquiry into these matters woulld, of course, have revealed their total irrelevance to the startling size of the cash deposits continuously maintained by the trustees over almost twenty years. In the face of its full knowledge as to the size of the deposits and the relationship between the Union and the Fund, the Bank could hardly have assumed that the deposits were justified by any such possibilities. Its lack of inquiry into these suspicious matters is only further evidence of the Bank's awareness of the real reason for the deposit benefits it was receiving year after year.

Never in this entire period, Colton testified, did he ever discuss the Fund's accounts with anyone, inquire as to the Fund's needs or plans, or question the propriety of what was taking place. Not even casual inquiries were addressed to the interlocking directors and the nature or future prospects of the account were never mentioned at a single Board meeting. Since the Fund's business with the Bank accounted for over twenty percent of the Bank's time deposits, and grew to over thirty percent of its demand deposits, this disinterest in the Bank's principal account is indeed more than remarkable. Perhaps this may be accounted for by incompetence, but Colton did not exhibit this characteristic on the stand. His explanations are unacceptable. In the light of all the facts and circumstances this silence and disinterest buttress the sole inference permissible on the totality of all the facts: that the Bank knowingly accepted and participated in a continuing breach of trust that redounded substantially to its own benefit.

This conclusion draws strong support from the cases which hold that where a bank enters into a transaction with a trustee, with actual or constructive knowledge that the transaction is in breach of the trustee's fiduciary duty, the bank may be held liable for the resulting loss to the trustee. *See, e.g., Union Stock Yards Bank* v. *Gillespie,* 137 U.S. 411, 416 (1890); *Anacostia Bank* v. *United States Fidelity & Guaranty Co.,* 73 U.S. App. D.C. 388, 119 F. 2d 455 (1941); *American Surety Co.* v. *First National Bank,* 141 F.2d 411 (4th Cir. 1944); *Restatement of Restitution* § 138 (1937); 4 *Scott on Trusts* §§ 324 et seq. (3d ed. 1967). It is true, as the Bank suggests, that the Uniform Fiduciaries Act, 21 D.C. Code § 1701 et seq., modifies the law in this jurisdiction to limit a bank's liability for transactions with a trustee to cases in which the bank has actual knowledge of a breach of trust or knowledge of such facts that its action amounts to bad faith. In *Colby* v. *Riggs National Bank,* 67 U.S. App. D.C. 259, 92 F.2d 183 (1937), the Act was construed to require "actual knowledge of misappropriation," and misappropriation was taken to mean "wrong appropriation, or the use of a fund to a different purpose from that for which it was created; but not necessarily a dishonest purpose." 67 App. D.C. 259, 270. As the foregoing discussion demonstrates, the Bank knew that the money deposited in the Fund's checking accounts was being used for an improper course over a twenty-year period.

The Bank and the Union seek support from *United States* v. *Falcone,* 311 U.S. 205 (1940), and *Direct Sales Co.* v. *United States,* 319 U.S. 703 (1943). Both those cases dealt with the sufficiency of the evidence to support an inference of conspiracy. The decisions stand, at the most, for the proposition that the act of selling morphine in large quantities to a doctor known to be selling drugs illegally is sufficient to support a finding of conspiracy to violate the narcotics acts; while the act of selling sugar in large quantities to a known bootlegger is not necessarily sufficient to support a finding of conspiracy to violate the alcoholic beverages acts. This distinction, which counsel for the Union correctly labeled "a question of how bad the fish smell," is irrelevant in this case; for it is not only the nature and size of the deposits involved, but also the close and interlocking relationships among the Fund, the Union, and the Bank, the evidence of the original understanding between Lewis and Colton, and the long course of dealing to mutual advantage that irresistibly support a clear inference of conspiracy here.[10]

To summarize this aspect of the case, the Court finds: an agreement among Lewis, Colton and Roche to maintain on deposit at the Bank substantial sums in interest-free accounts, without relation to the real needs of the Fund for liquidity or otherwise, for the benefit of the Union and the Bank and in

---

Footnotes at end of article.

disregard of the best interests of the beneficiaries; knowing participation in the breach of trust by the Union and the Bank, beginning in 1950 and continuing at least until this lawsuit was filed; and resulting injury to the beneficiaries measured by the loss of income on funds wrongfully maintained in interest-free accounts.

III. OTHER BREACHES OF TRUST

Plaintiffs specified at pretrial six categories of conduct, in addition to the excessive cash balances, allegedly constituting breaches of trust and claimed that as to each the Union, the Bank, and the individual defendants conspired. Some of these claims were abandoned in whole or in part as proof developed in the course of the trial, and only those fiduciary issues remaining at the end of trial need to be considered in this opinion. The Court is satisfied that plaintiffs have by clear and convincing evidence established conduct which violates the trustees' fiduciary duty to the beneficiaries in all respects still urged, except with regard to the claim that the trustees failed to collect or properly to determine delinquent royalty payments. The Bank and Colton are not shown to have conspired as to any of these breaches, and no participation by the Union was proved except as hereinafter indicated.

A. Withholding health cards

The proof on this issue reflects a serious impropriety by the then-trustees of the Fund which has now apparently been rectified. Coal miners entitled to benefits are issued health cards which are used to obtain appropriate medical and hospital services directly from local physicians. When certain marginal coal operators in some sections of the country failed to account properly for royalties, and hence were in flagrant violation, the health cards of miners employed by those operators were revoked by the trustees, apparently on the theory that this action would lead the operators to pay up to avoid wildcat strikes. This practice was highly improper, for the benefits owed the miners as qualified beneficiaries could not, under the terms of the Fund, be cancelled solely because their particular employer was in default on his royalty payments. This policy was of limited duration. Initiated in 1962, it was terminated by 1966 and affected some 7,000 card holders. It was arbitrary and capricious, and hence constituted a breach of trust. There is no proof, however, that this action was taken by the trustees to assist the Union in the conduct of labor disputes, nor is there any other proof of conspiracy on this aspect of the case.

B. Use of misleading application forms

The proof showed that the Fund called on Union locals to assist beneficiaries and potential beneficiaries of the Fund in preparing pension applications, and to carry out other administrative functions. It should be understood that the Fund as a practical matter is required to work through the locals in processing applications. The expense of establishing field offices exclusively for the Fund would be enormous, and in any event information from Union records may be required as a cross-check on the applicant's representations. This arrangement, however, has been seriously abused, and the trustees must be held at least partially responsible.

The trustees sponsored an application form which incorrectly implies that Union membership and Union approval is necessary before an application will be processed. The Application for Pension, for example, carries at its foot a space for certification by the local and by the district that the applicant "is currently a member of Local Union No. —" and 'is a member of District No. —." There is ample documentary and testimonial evidence that applicants were improperly led by this form and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as "back dues" to reinstate their Union membership. The full extent of illegal collection of back dues by the Union through this device is unknown.

There is no proof that the trustees had actual knowledge of these improper practices by Union locals. In delegating certain functions to the Union local and district offices, however, they should have recognized the potential for abuse of the benefit application process where non-Union member beneficiaries were concerned. In continuing to use patently misleading forms which encouraged applicants to believe that a paid-up Union membership was a prerequisite to receiving benefits, the trustees were grossly negligent, to an extent that constitutes breach of trust. The trustees have apparently not acted decisively even to this date to terminate use of these misleading forms.

No cause of action was pleaded against the Union for fraud in collecting back dues from individual beneficiaries. Although the Union knowingly used the trustees' neglect to its own advantage, damages are recoverable only by individual beneficiaries who were defrauded, not by the trust itself. Since this action is only derivative, relief on this aspect of the case will be limited to an injunction to terminate the improper use of application forms in the future.

C. Investment in utility stocks

This issue relates to the Fund's purchase of stock of certain electric utility companies, principally Cleveland Electric Illuminating Company and Kansas City Power & Light Company. While these stocks are on the list approved for trustees, the propriety of these investments is challenged on the ground that they were made primarily for the purpose of benefiting the Union and the operators, and assisting them in their efforts to force public utilities to burn Union-mined coal. The investments have declined in value and are said to have been in violation of the trustees' duty of undivided loyalty to the beneficiaries.

In the late 1950's and early 1960's, the Union was engaged in a vigorous campaign to force public utility companies to purchase Union-mined coal. Public relations and organizational campaigns to this end were pressed vigorously in several cities. Lewis, then a trustee, worked closely with Cyrus S. Eaton, a Cleveland businessman. It is undisputed that between February and April 1955 the Fund purchased 30,000 shares of Cleveland Electric, and in March of that year the Union loaned Eaton money to enable him to buy an additonal 20,000 shares. Eaton then went on the Board of Directors of Cleveland Electric. Similarly, between January and March 1955 the Fund purchased 55,000 shares of Kansas City Power & Light, and in June of the same year the Union loaned Eaton money to buy an additional 27,000 shares. In each of the years from 1956 to 1965 the Fund gave a general proxy for all of its shares in Cleveland Electric and Kansas City Power & Light to Eaton. The Union and Eaton were pressing the managements of each company to force them to buy Union-mined coal. The Fund purchased both Cleveland Electric and Kansas City Power & Light stock on the recommendation of Lewis, who was then fully familiar with the Union's activities affecting these companies and proxies were given to the Union by the Fund at Lewis' request.

Schmidt, who became a trustee of the Fund in 1958, was president of the principal coal operator standing to benefit from Cleveland Electric's additional purchases of Union-mined coal. He was acquainted with the activities of the Fund and of the Union with respect to Cleveland Electric, and actively encouraged them. When the Union's campaign to push Union-mined coal focused on Cleveland Electric in 1962 and 1963, the Fund purchased an additional 90,000 shares, with the hearty approval of Schmidt.

Further indication that these particular challenged stock purchases were made primarily for the collateral benefits they gave the Union is found in a general course of conduct. Lewis and Widman, the Union men spearheading the efforts to force utilities to buy Union-mined coal, discussed some seventeen utility companies on the Fund's investment list, looking toward the possibility of obtaining proxies from fifteen. Proxies were in fact given the Union by the Fund not only on Cleveland Electric and Kansas City Power & Light, but on the shares the Fund held in Union Electric, Ohio Edison, West Penn Electric, Southern Company and Consolidated Edison. The intimate relationship between the Union's financial and organizing activities and the utility investment activities of the trustees demonstrates that the Fund was acting primarily for the collateral benefit of the Union and the signatory operators in making most of its utility stock acquisitions. These activities present a clear case of self-dealing on the part of trustees Lewis and Schmidt, and constituted a breach of trust. Roche knowingly consented to the investments, and must also be held liable. The Union is likewise liable for conspiring to effectuate and benefit by this breach of trust.

D. Collection of royalties

The Fund followed a set routine to make sure royalties were current and fully paid. Reports filed by operators with state and federal authorities were carefully checked and correlated with any information available from the Union. Delinquency notices were sent to any operator in arrears, and if payments were not brought into line the matter was referred to counsel. Numerous suits were filed when the controversies could not be resolved by negotiation. Collection techniques were vigorous and persistent.

It was inevitable over a twenty-year period that some operators would fail to pay royalties on time. This was particularly likely in the case of marginal operators confronting financial difficulties of one kind of another, but occasionally larger operators were also in default. Some delinquencies reflected honest differences as to the amount owing. There was never a time, however, when overdue royalty payments represented more than a small fraction of the operators' royalty obligations. Royalties were delinquent in amounts ranging from $5 million to a high of $9 million per annum. These figures contrast with annual royalty receipts in the range of $170 million to $185 million. Moreover, collection efforts were in progress on many of these delinquencies.

Two specific situations were highlighted by the proof. Plaintiffs leveled particular criticism at arrangements made by the trustees to collect royalties from some small operators by dealing with associations representing those operators, and also at the Fund's failure promptly to collect royalties from West Kentucky Coal Co., a large operator controlled by the Union in conjunction with Cyrus Eaton and defendant Colton, then President of the Bank. Admittedly the trustees had to make difficult business judgments in each of these situations, but the evidence of breach of trust is not clear. In the first instance the actions of certain locals [11] and the inadequacy of available records of coal mined made effective collection impractical. The cost of pursuing some of these small operators would undoubtedly have exceeded the royalty sums, if any, that would by legal or other means ultimately have been collected.

In the instance of West Kentucky, a substantial dollar delinquency, as high as $700,000 in 1961, was tolerated over a period of time. This company, a large but margi-

---

Footnotes at end of article.

nal operator, in 1963 eventually made its royalty payments current with aid of an ear-marked loan from the Union, and its royalty payments to the Fund eventually exceeded $40 million. Difficult judgments had to be made by the Fund's representatives during the period of deficiency, but these were made honestly and the decision temporarily to tolerate substantial non-payment ultimately redounded to the benefit of the Fund.

The Union's heavy stock interest in West Kentucky (acquired as early as 1954) should have disqualified Lewis from any participation as a trustee in decisions involving royalty collections from that company. He wholly ignored the conflict of interest. The Fund was placed in an indefensible position of having to deal with a Union-controlled operator. The royalties were eventually paid, however, and no substantial dispensations were granted West Kentucky which were not granted other flagrantly delinquent operators. Thus the West Kentucky episode reflects the loose standards of fiduciary responsibility which governed Lewis' conduct rather than a breach of trust by any other trustee.

E. Pension increase

One of the principal subjects of inquiry at the trial involved the circumstances under which monthly pensions were raised from $115 to $150 on June 24, 1969. This $35 increase was not without consequences, since it involved an additional annual disbursement from the Fund of approximately $30 million. Plaintiffs do not seek a rollback of the pension increase, but assert that the motives for which it was made, and the manner in which it was made, are grounds for removal of Boyle as a trustee, and for monetary relief from Boyle, Judy, and the Union for any injuries the Fund may suffer as a result of the action. A full discussion of the incident is required.

Roche broke her hip early in June, 1969, and for most of that month was recuperating at the Washington Hospital Center. She was nonetheless in frequent contact with her office by telephone and although immobile was otherwise fully functional. Lewis, still a trustee, was at home in Alexandria where he had remained more or less continuously for many months. He was alert but his health was failing. No trustee meeting had been held since February, 1969. Schmidt, the Operator trustee, had resigned on that date and a vacancy existed. On June 4, 1969, defendant Judy was installed as Schmidt's successor at a brief semi-social meeting held at Lewis' home. Roche, already hospitalized, knew of the meeting and approved of Judy's designation, but could not attend.

Lewis died on June 11, 1969, and Boyle, who had been president of the Union since 1963, was designated as the Union's trustee representative, and hence Chairman of the Board of Trustees of the Fund, at a meeting of Union officials on June 23. Boyle had received some general information concerning the Fund's operations which led him to feel that a sizable pension increase could be financed. As an energetic Union leader, he was confident that if additional money were needed, the operators could be forced to increase their royalty payments when the next collective bargaining agreement was negotiated. He felt the unexpended balance of the Fund was far too large, and that a pension increase was long overdue. Indeed, at Union meetings and elsewhere he had promised that if he ever had anything to do with the matter he would increase pensions at the earliest possible opportunity. Boyle had urged Lewis to raise the amount of the pension but Lewis had refused to act.

When Lewis died and Boyle was named trustee, an election contest for presidency of the Union was looming.[12] Boyle undoubtedly recognized that if he delivered on his pension promises to the rank and file, his position would be strengthened in the campaign. These election considerations account for the timing of his actions, but they were not the primary factor motivating Boyle. He genuinely believed that a pension increase should be made in the interests of the miner beneficiaries. Boyle knew that Roche was opposed to a pension increase, but with her hospitalized he was in a position to force the issue with Operator trustee Judy, and undoubtedly felt that the end—that is, the increase in pensions—justified the means. Even if Judy refused to go along, the Union's position in subsequent bargaining would be strengthened. Thus, Boyle decided to see if he could bully it through. As soon as he was designated trustee, Boyle called a meeting of the trustees for the next day at his offices at the Union.

Judy approved the increase in a private session with Boyle immediately before the formal meeting, under circumstances which will be mentioned later. The increase was formally approved a few minutes later and an announcement was thereafter sent out over Boyle's name to all pensioners and potential beneficiaries.

This action was taken in unnecessary haste. The trustees did not adequately consider the implications of their action, and while the increase was not wholly irresponsible it was not approached with adequate regard for the trustees' fiduciary obligations. Roche was not consulted or even advised of the action in advance, and in fact continued vigorously to oppose the pension increase. No detailed projections of the Fund's long-term ability to pay were made, nor were possible alternative changes in benefit payments considered.[13] The trustees took no contemporaneous steps partially to offset the added payout by eliminating unnecessary administrative expenses or by investing cash in income-producing securities. In short, the increase was handled as an arrangement between labor and management with little recognition of its fiscal and fiduciary aspects.

Prior to June 24, Judy had never attended a meeting of the trustees except for the pro forma session at Lewis' home earlier that month. He was president of the BCOA and well familiar with the negative attitudes of some operators towards higher benefits. He had some general knowledge of the Fund's fiscal position. Before he entered the meeting he had been warned by the Association's lawyer that matters of substance might be raised by Boyle, and it had been suggested he not act without further consultation. He failed to call Roche for her views or to question Boyle as to his representations, and after making some hasty mental calculations proceeded on the basis of his own generally favorable attitude. At the trial he took the position that money to support a pension increase was available, that the miners deserved the increase, and that he approved of it on the merits. He testified that he had no obligation to consult the operators, pointing out that his predecessor had never consulted them.

After the action had been taken, however, he was called on the carpet by the operators, some of whom violently opposed the pension increase. He made little, if any, effort to justify his action on the merits. He rather argued that he had simply been placed in an impossible position at the meeting because Boyle had advised him that he, Boyle, had Roche's proxy and that the neutral trustee was in Boyle's pocket.

Thus two explanations are suggested for Judy's conduct: that he voted to increase pensions because he believed it was the correct thing to do, and that he voted for the increase because he was led to believe Boyle and Roche were for it.

While Judy undoubtedly felt that the miners needed a pension increase and that there was money available to pay it, this was not solely why he acted. Judy would not have voted for the increased pensions at the June 24 meeting on the spur of the moment, without advance warning, against the advice of counsel, knowing that the royalty payments of the coal operators might be affected, if he had not been falsely led to believe by Boyle that Boyle had Roche's proxy. It was a serious error of judgment for Judy to have accepted Boyle's representations and for Judy not to have checked with Roche, at least by telephone. While Judy was forced to resign under pressure a few days later when the operators learned that Boyle did not have Roche's proxy, and while he was but a passing participant, his conduct fell below the standard of care and skill required of a trustee. He acted hastily and without taking the normal precautions requisite for responsible fiduciary actions.

Boyle of course also proceeded without regard to his fiduciary obligations in pushing through the pension increase. He failed even to notify the neutral trustee of the meeting or of the contemplated pension increase, which was itself in neglect of the duty of a co-trustee. *See Wilmington Trust Co.* v. *Coulter*, 41 Del. Ch. 548, 200 A.2d 441, 451 (1964); Bogert, *Trusts & Trustees* § 554 (2d ed. 1960). He brought about the action by a hasty power play, fortifying his position by falsely indicating that Roche supported his proposal. Unlike Judy, Boyle remains a trustee. It has been shown by testimony and by Boyle's demeanor at the trial that he considers the fund in effect the property of the Union to be used in whatever manner the immediate and long-term objectives of the Union warrant. As Boyle's conduct in this instance demonstrates, such compulsions of militant Union leadership are inconsistent with the dictates of prudent trusteeship.

The most revealing document in this entire episode is the full text of the press release which the Fund's public relations man issued on the day of the pension increase. It reads as follows:

"WASHINGTON, D.C.—W. A. "Tony" Boyle, President of the United Mine Workers of America, succeeded John L. Lewis today as the Chief Executive Officer and Trustee of the Union's Welfare and Retirement Fund, and immediately boosted the pension of retired soft coal miners from $115 to $150 monthly.

"The new pension rate will be effective August 1. It was voted at the first session of the Trustees attended by the Union chief. He was chosen trustee at a meeting of the International Executive Board yesterday, and as chief executive officer of the Fund, as set forth under the UMWA contract with the bituminous coal industry, called a meeting of the trustees, and the pension boost was adopted. Other trustees are George Judy, for the coal operators, and Josephine Roche, also director of the Fund, as the neutral.

"Pensions now are going to approximately 70,000 retired soft coal miners. Last year, the Fund paid out $96 millions in this benefit alone. Other benefits are complete hospital care for miners and their families, and death benefits to widows and survivors.

"Chairman Boyle also called for an immediate in-depth study of all benefits of the 23-year-old Fund, with complete analysis of the entire program for miners, their widows and families. He has received scores of suggestions for possibly improving the benefits at a series of rallies in the coal fields of West Virginia, Pennsylvania and Illinois in recent months.

"The new chief executive of the Fund, like his predecessor, will accept no pay for serving as Trustee."

Nothing could more blatantly expose the realities of what had occurred in this instance and had been occurring for some time. However correct or incorrect the pension increase decision may have been, it reflected the Un-

---

Footnotes at end of article.

ion's influence over Fund policy and the loss of independence that the Fund's continuous deferences to the Union's self-interest had by this time achieved.

IV. THE INDIVIDUAL DEFENDANTS

Before considering the involvement of each of the named individual defendants, a brief statement of the applicable legal standards is required. The elements of conspiracy or participation in breach of trust discussed earlier with respect to the Union and the Bank are equally applicable to the individual defendants. An officer of a corporation or other entity found to have participated in a breach of trust is not liable simply by reason of his officership, but an officer is liable if he personally knows of the breach of trust and participates therein or fails to take action to correct it. *See Strauss* v. *United States Fidelity & Guaranty Co.,* 63 F.2d 174 (4th Cir. 1933); 4 *Scott on Trusts* § 326.3 (3d ed. 1967). It is not necessary to prove that the individual personally profited from the transaction. And one who knowingly joins a conspiracy "even at a later date takes the conspiracy as he finds it, with or without knowledge of what has gone on before." *Myzel* v. *Fields,* 386 F.2d 718, 738 n. 12 (8th Cir. 1967), *cert. denied,* 390 U.S. 951 (1968).

Josephine Roche. Roche had a distinguished public career before joining the Fund, and she has played a unique role in the affairs of the Fund since its inception. She has been both the neutral trustee and the Administrator, a full-time salaried position. While she has had a long interest and commitment to the welfare objectives of the Fund and has contributed substantially to many of its unique welfare successes, her business experience was more limited. She did not profit personally in any way by any of the actions taken. She idolized John L. Lewis and felt entirely confident to follow his leadership in financial matters, apparently without independent inquiry. She was an active participant in each breach of trust except the pension increase. Indeed, without her affirmative approval they probably would not have occurred. She accepted without question the accumulations of excessive cash at the Union's Bank even when the propriety of depositing these balances was raised at trustee meetings, and in the face of advice that the cash could be invested without impairing the liquidity of the Fund. Perhaps she failed wholly to recognize the full implications of her actions, but naiveté and inattention cannot excuse her conduct. She violated her duty as trustee in all the respects previously discussed, and she must be said to have knowingly furthered the conspiracies as to the cash and the utility company investments.

W. A. (Tony) Boyle: Boyle was not a party to the original conspiracy, and never adopted its ends. He was not responsible for the accumulation of excessive cash at the Bank, although he knew about it. From the moment he became President of the Union in 1963, and indeed earlier, he sought to persuade Lewis to have the Fund pay out larger benefits, which would have had the effect of reducing cash balances. Boyle also insisted that various loans and other financial involvements engineered on behalf of the Union by Lewis in cooperation with the Fund and the Bank be terminated, and this was done. This did not disentangle the Union from the conspiracy as to the cash balances, but it is action inconsistent with individual participation by Boyle in any conspiracy. The failure of the Union to supplant Lewis after Boyle became president cannot, on the evidence before the Court be considered sufficient to hold Boyle as an individual conspirator although the agreement was renegotiated after 1963 and Lewis could have been removed.

Boyle, however, violated his duty as trustee in several particulars. His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards. In addition, he continued to serve as director of the Bank and member of its Executive Committee after becoming trustee, a relationship which conflicted with that degree of independence required of a trustee under the circumstances of this case. He took only limited action to modify the inappropriate application forms that encouraged improper cash levies by the Union on applicants as a condition precedent to receiving pension benefits.

George L. Judy: Judy is guilty of poor judgment but not of conduct that violated his duty as trustee. He should have consulted the independent trustee before acting hastily at Boyle's insistence and without adequate information in approving a pension increase which had substantial effect upon the long-term operations of the Fund. No relief is required as to Judy, since he is no longer a trustee and there is no likelihood he will be one in the future. He was a trustee for only six weeks, and did not participate in any conspiracy. The case as to him is dismissed.

Barnum L. Colton: Colton was a party to the original conspiratorial agreement to place excessive cash in the Bank, and as the chief executive of the Bank he participated in carrying out that breach of trust. His collaboration with the Union was far more than that which followed merely from his office.

C. W. Davis: Davis, the trustee representative of the Operators, is a nominal defendant named to assure proper implementation of any equitable relief against the Fund. He is not shown to have engaged in any improper conduct. All the events here reviewed occurred prior to his designation as trustee.

V. RELIEF

All defendants contend that the doctrine of laches bars any relief for the claimed breaches of trust, and alternatively that the statute of limitations bars any claim for damages by reason of events occurring more than three years prior to the filing of this suit. Plaintiffs assert that laches, not the statute of limitations, is applicable to all causes of action herein, and urge that they have not been guilty of any unreasonable delay which would bar relief.

It is clear that an action to redress a breach of trust sounds in equity, and that the statute of limitations is inapplicable to such a suit in the District of Columbia. *See Naselli* v. *Millholland,* 88 App. D.C. 237, 188 F. 2d 1005 (1951); *Haliday* v. *Haliday,* 56 App. D.C. 179, 11 F.2d 565, 569 (1926); *Nedd* v. *Thomas,* 316 F. Supp. 74, 77 (M.D Pa. 1970) 3 *Scott on Trusts* § 219 (3d ed. 1967). Nor is the statute of limitations strictly applicable to the cause of action against the Union or the Bank, for it is the breach of trust they conspired to carry out, not the conspiracy itself, which is the gist of the action. See cases cited page *supra; Restatement of Trusts* 2d § 327 (a), Comment k. It is true that courts customarily follow the statute of limitations even in equity cases where essentially legal relief, such as damages or an accounting, is sought. *Columbian University* v. *Taylor,* 25 App. D.C. 124, 131 (1905). This rule, however, is not strictly followed in this jurisdiction. *Haliday* v. *Haliday, supra,* 56 App. D.C. 179, 11 F.2d 565, 569 (1926). The guiding principle is that "laches is not like limitation, a mere matter of time; but principally a question of the inequity of permitting the claim to be enforced. . . ." *Holmberg* v. *Armbrecht,* 327 U.S. 392, 396 (1946).

The Court is mindful of several factors which bear upon the equity of awarding damages for the excessive cash accumulations at the Bank going back to 1950. The actual size of the deposits was never concealed, but was regularly reported in the annual reports of the Fund which were widely distributed. The relationships of the Union and the Fund with the Bank were mentioned on numerous occasions in the Mine Workers Journal and elsewhere. Certainly by reasonable diligence most, though not all, of the relevant facts as to the cash deposits could have been readily ascertained. The delay has prejudiced the defendants in that some of the major participants in these events are now dead, and if damages were assessed for the Fund's loss of investment income over the full twenty years, both the Union and the Bank, whose resources will necessarily feel the major impact of the judgment, would be seriously injured. In assessing the reasonableness of the delay, however, the Court must consider the impecunious nature of the beneficiaries, the obstacles of Union discipline which could well have intervened, the fact that the class of beneficiaries was continually changing, and the fact that as late as May, 1969, the Fund through a statement in the Union newspaper disingenuously represented that the large cash balances were necessary for the operation of the Fund. Thus the delay is not inexcusable, but it must be taken into account in determining the period for which damages will be assessed.

Moreover, the Court notes that while the beneficiaries have suffered as a result of the Fund's loss of investment income, they have benefited to some extent from the Union's activities over the past twenty years. In the longer view of matters, the Union's strength protects the interests of the beneficiaries, past and prospective; the Union should not be weakened to a point where its stance at the bargaining table will be substantially impaired.

Balancing these factors, and recognizing the similarity between this action in equity and one at law for damages, the Court will adopt the three-year limitation provided by 12 D.C. Code § 301(8) as to the damages aspect of this case.

No considerations of equity intervene to bar prospective remedies for mismanagement of the Fund by its trustees. The Fund has been seriously compromised. It has failed to develop a coherent investment policy geared to immediate or long-term goals. It has collaborated with the Union contrary to the trustees' fiduciary duties, and has left excessive sums of money on deposit with the Union's Bank in order to assist the Union. In their day-to-day decisions, the trustees have overlooked their exclusive obligation to the beneficiaries by improperly aiding the Union to collect back dues and by cutting off certain beneficiaries unfairly.

Alongside these serious deficiencies must be placed the pioneer role of the Fund, which by constant effort has led in the development of a board program of welfare benefits for a distressed segment of the working population. The many beneficial and well-motivated actions cannot, however, excuse the serious lapses which have resulted in obvious detriments to many beneficiaries. There is an urgent need for reformation of policies and practices which only changes in the composition of the Board of Trustees, an adjustment of its banking relationship, and other equitable relief can accomplish.

Further proceedings must be conducted on the measure of damages, but as the Court indicated before trial it is desirable at this stage to establish the nature of equitable relief which must be taken for the protection of the beneficiaries. Equitable relief shall take the following form.

Neither Boyle nor Roche shall continue to serve as a trustee. Each shall be replaced by June 30, 1971, under the following procedures. A new trustee must first be named by the Union. Consonant with the provisions of the Agreement, the new Union trustee and the existing trustee representing the Operators shall then select a new neutral trustee. The neutral trustee shall be designated on or before June 15, 1971, and the designation will then be submitted for approval by this Court before the new trustee takes office on June 30.

The newly constituted Board of Trustees selected as required by the decree shall then immediately determine whether or not Roche shall continue as Administrator of the Fund. No trustee shall serve as Administrator after June 30, 1971.

Upon the selection of a replacement for Boyle and the neutral trustee, the newly constituted Board of Trustees shall be required to obtain independent professional advice to assist them in developing an investment policy for creating maximum income consistent with the prudent investment of the Fund's assets, and such a program shall be promptly put into effect.

The Fund shall by June 30, 1971, cease maintaining banking accounts with or doing any further business of any kind with the National Bank of Washington. Following termination of this relationship, the Fund shall not have any account in a bank in which either the Union, any coal operator or any trustee has controlling or substantial stock interest. No employee, representative or trustee of the Fund shall have any official connection with the bank or banks used by the Fund after June 30, 1971. The Fund shall not maintain non-interest-bearing accounts in any bank or other depository which are in excess of the amount reasonably necessary to cover immediate administrative expenses and to pay required taxes and benefits on a current basis.

A general injunction shall be framed enjoining the trustees from the practices here found to be breaches of trust and generally prohibiting the trustees from operating the Fund in a manner designed in whole or in part to afford collateral advantages to the Union or the operators.

Counsel are directed to confer and prepare a proposed form of decree carrying out the equitable relief here specified. This proposed decree shall be presented to the Court and any disagreements as to form settled on May 13, 1971, at 4:00 p.m. On May 21, 1971, plaintiffs shall furnish the Court and defendants with a precise statement of the amounts of compensatory damages and attorneys' fees and expenses claimed in light of this Opinion, a statement of the method used to compute the claims, and a list of witnesses to be called at the damage phase of this proceeding. No punitive damages will be awarded. A hearing as to compensatory damages is set for June 21, 1971, at 9:30 a.m.

GERHARD A. GAULL,
U.S. District Judge.

APRIL 28, 1971.

FOOTNOTES

[1] The Bituminous Coal Operators Association and two individuals named defendants, Carey and Titler, were dismissed at the close of plaintiffs' case for lack of proof. Schmidt and Waller were not served.

[2] Lewis and Boyle have been the only Union trustees. There has been a succession of Operator trustees. Owen served until 1957, followed in sequence by Henry Schmidt, George Judy, Guy Farmer and C. W. Davis.

[3] Boyle resigned from the Bank board after the record in this case was closed and following his indictment for other alleged misconduct.

[4] In one instance, Roche was momentarily troubled by Ryan's going on the Bank board but when she took this up hesitantly with Lewis he "just smiled," and Roche let the matter drop.

[5] The stock of the Bank owned by the Union was held by the three Union officers named trustees for the Union. Lewis and later Boyle were each a trustee during their respective service as President of the Union.

[6] The Union claims that it cannot be held liable for the acts of Lewis except upon "clear proof" that the membership of the Union actually participated in, authorized, or ratified his actions. This position is based upon Section 6 of the Norris-LaGuardia Act, 29 U.S.C. § 106. Section 6, however, applies only to actions taken in the course of a labor dispute. By no view of the facts in this case can the management of the Welfare Fund by its trustees be termed a "labor dispute" as that phrase is defined in 29 U.S.C. § 113(c). See Columbia River Packers Ass'n v. Hinton, 315 U.S. 143, 146–47 (1942).

[7] This theory of the case would present the question whether it was a breach of trust for the trustees to deposit any money whatsoever in the Union's bank. There is a conflict among the cases as to whether a trustee may under any circumstances deposit trust funds in a bank in which he has a substantial interest. See the full discussion in 2 Scott on Trusts §§ 170.18, 170.19 (3d ed. 1967); *compare* Caldwell v. Hicks, 15 F. Supp. 46 (S.D. Ga. 1946) (deposit improper), with In re Sexton, 61 Misc. 569, 115 N.Y.S. 973 (1908) (deposit proper). It is universally held however, that any such deposits will be subjected to the closest scrutiny for signs of self-dealing or negligence where the bank fails or the funds are left on deposit uninvested for an excessive period of time. *See, e.g.,* In re Culhane's Estate, 269 Mich. 68, 256 N.W. 807, 811 (1934). And where the bank has notice that the trustee is acting in breach of trust in allowing such deposits to be made, it is liable along with the trustee for losses to the trust. *See* Olin Cemetery Ass'n v. Citizens Savings Bank, 222 Iowa 1053, 270 N.W. 455, 459 (1936). Where the initial deposits are upwards of thirty million dollars and form a substantial percentage of the bank's business, as in the case of the Fund, it would be an extreme principle which would absolve the bank from any responsibility for resulting losses to the trust.

[8] In considering the interlocks between the Bank and the Fund, two individuals involved occupied positions of special significance. Ryan, the Fund's comptroller, knew full well that the cash deposits were excessive and, in effect, at one stage had so advised the trustees. He was named to the Advisory Board at the Bank in 1963, and became director in 1965. He was also an honorary member of the Union. Hopkins, initially inside general counsel of the Union and later inside general counsel of the Fund, was a director of the Bank and of course fully familiar with the provisions of the Trust and the legal responsibilities of the trustees. He attended trustee and Bank meetings. The knowledge of Ryan and Hopkins, insofar as it arose from their duties at the Fund, is not strictly imputable to the Bank. *See* Arlington Brewing Co. v. Bluethenthal & Bickart, 36 App. D.C. 209 (1916); 3 Fletcher, Cyclopedia of Corporations §§ 793, 808 (Rev. ed. 1965). Their knowledge was, however, continuously available to the Bank throughout the period.

[9] The only reference in the testimony to any communication on these matters between Lewis and the Bank is the following, from the cross-examination of Colton:

Q: Did Mr. Lewis ever tell you anything about the need of substantial balances in the fund accounts?

A: It seems to me that in the early '50s they had some difficulties and Mr. Lewis made the statement to me in one of our meetings that he would like to feel that the fund always had sufficient funds on hand to protect several monthly payments to miners so they shouldn't be in the position of being short of money. [Transcript p. 197.]

[10] The finding of an agreement between Lewis and Colton in 1950 is not an essential element of the cause of action against the Bank and Colton as to the later years of the period under review. For whatever the nature of the understanding at the time the account was opened, the continuous maintenance of huge sums of money in demand deposits over the years was more than sufficient to convey to Colton and the Bank knowledge that the Bank was benefiting from a breach of trust.

[11] In the period 1959–1964, the trustees were hobbled in collecting royalties from some 16 to 18 small operators because Union organizers had told the mines they didn't have to pay full royalties. This practice by the Union organizers was improper, but the evidence failed to show complicity by the trustees of the Fund.

[12] Joseph Yablonski had announced his candidacy on May 29, 1969. Boyle had relieved him of his position with the Union's Nonpartisan League on June 9.

[13] The range of alternative increases in benefits was indicated by Ryan in a report to the Union's Executive Board on March 14, 1968. Besides a pension hike, Ryan noted that the following changes were among those being urged on the trustees: broadening eligibility for pensions to include totally disabled miners with ten years' service, regardless of age; making miners' widows eligible for medical care benefits until the age of 65; providing additional medical benefits for incapacitated children of miners; paying Medicare premium for beneficiaries over the age of 65; extending benefits for unemployed or disabled miners; and increasing widows' and survivors' benefits. According to Ryan's estimates, the additional cost of these modifications would eventually amount to over $35 million annually.

CITIZEN-SOLDIERS AND THE ALL-VOLUNTEER ARMY

Mr. KENNEDY. Mr. President, the Gates Commission and advocates of an all-volunteer army persistently have derided the question of whether there would be less civilian responsiveness in an all-volunteer force.

The Commission report stated:

> In either a mixed or volunteer force, the attitudes of the officer corps are the preponderant factor in the psychology of the military; and with or without the draft, professional officers are recruited voluntarily from a variety of regional socioeconomic backgrounds. It is hard to believe that substituting a true volunteer for a draftee or a draft-induced volunteer in one of every six positions will so alter the military as to threaten the tradition of civilian control, which is embodied in the Constitution and deeply felt by the public.

While I do not believe that an all-volunteer army will lead to a military coup or to complete dissolution of civilian control, a paid professional military raises serious questions for a democracy.

Thus, the Association of State Universities and Land-Grant Colleges stated:

> The continued presence in substantial numbers in the Armed Forces of officers from a wide variety of civilian educational institutions and backgrounds is one of the best guarantees against the establishment in this country of a military caste or clique. . . .

I invite the attention of Senators to a commentary in the spring issue of Foreign Policy entitled "ROTC, Mylai, and the Volunteer Army." The authors carried out an attitude questionnaire of randomly selected service academy, ROTC, and non-ROTC students and surveyed the existing literature concerning officer attitudes. The authors concluded that ROTC officer candidates, and particularly humanities majors—those least likely to enter the military in an all-volunteer system—were: less willing to obey immoral orders, least willing to use nuclear weapons, least capable of imagining a situation in which a military takeover of the U.S. Government would be justified, most critical of the size of the military budget.

The authors argued that the citizen officer should represent the noblest attitudes and values in American society—values which we maintain would include a refusal to obey immoral orders, a reluctance to sling nuclear weapons around, and a strong disinclination for any military coup or other invasion of the political process.

They also concluded:

> If you don't like the way the military functions, you can't expect it to improve by insulating yourself from it.

Their final statement is of importance to those who see the need for internal reform in the military as well as in our other institutions.

> A volunteer army of "pros", void of citizen officers coming in out of the draft, *would* be dangerous. As Peter Barnes recently put it:
>
> ". . . an end to the draft would shield the army from the influx of citizen-soldiers who are the yeast of internal change. The army *needs* Yosarians, Ronald Ridenhous, independent-minded ROTC junior officers and J.A.G. lawyers—soldiers who do their jobs . . . whose loyalties are to civilian, not careerist values."

Much of the preceding analysis rests on the premise that an all-volunteer Army would result in a sharp reduction of ROTC officers particularly among the brightest students.

For those who might question that premise, I would recommend a January 1971 Naval War College Review article entitled "The Officer Corps in an All-Volunteer Force: Will College Men Serve?"

The conclusion of the authors were almost diametrically opposite to the Gates Commission which stated that the "estimated supply will be more than adequate to meet anticipated accession requirements to meet the Army officer corps in a 2.5 million man force without the draft."

After a survey of ROTC professors at 28 colleges and universities and an attitude questionnaire of some 2,400 Army and Air Force ROTC students and 1,200 Navy, Air Force, and Marine Corps OCS candidates, the authors concluded:

> During the pre-Vietnam period of 1961–65, conscription was required to maintain the officer corps in a 2.6 million man force. Given the current attitudes of college youth, return to this approximate force level on an all-volunteer basis is not considered feasible. Consequently, it is concluded that in the current environment, minimum officer needs for the Air Force may be marginally obtainable, but Army, Marine Corps, and Navy officer requirements will be unattainable except at the expense of quality.

The study found that 64 percent of the Navy OCS students would not have enrolled in the officer program in the absence of a draft. Similarly 47 percent of Army ROTC, 43 percent of Air Force OTC, 32 percent of Marine Corps OCS, and 29 percent of Air Force ROTC students also would not have entered these programs. In each of these programs an additional 15 to 18 percent of the students were undecided. What is particularly noteworthy is that only 30 percent of the Army and Air Force ROTC seniors and graduates stated they would have enrolled in the absence of the draft.

These studies raise serious questions for the Gates Commission conclusions of the feasibility and desirability of shifting to all-volunteer force. Mr. President, I ask unanimous consent that the articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

ROTC, MYLAI, AND THE VOLUNTEER ARMY

(By Ed Berger, Larry Flatly, John Frisch, Mayda Gottlieb, Judy Haisley, Peter Karsten, Larry Pexton, and William Worrest)

Voluntary professionals may replace citizen-soldiers in the American armed forces of the 1970's. Apart from the question of draft reform and plans to end conscription entirely after Vietnam, widely discussed in Washington today, the Reserve Officers Training Corps (ROTC) is under attack on many of the nation's campuses. ROTC has been asked to leave a number of universities, while falling enrollments, broken windows, burned-out offices and a hostile student environment have led each of the three armed services to cancel some of their programs. Still, ROTC currently provides a majority of the career officers in the military services as well as the reserve system.

ROTC has made an inviting target for critics of the Vietnam war. Those seeking ROTC's demise have also made much of the indoctrinary nature of its curriculum, the presence of external, government control of the program, and the militarization they feel that the ROTC student experiences—all occurring within an academic setting with the contrary goal of liberating and stimulating the students' powers of inquiry.

Defenders of ROTC have warned that its removal from the nation's campuses would severely injure the efficiency of a military that has increasingly come to depend on the technical and managerial skills that the ROTC graduate can offer. Such an argument is not a very telling blow to the case of the critics. Indeed, many of these critics are quite satisfied with an arrangement which may weaken the ability of the government to prosecute its policies in Southeast Asia, at the same time that it rids the campuses of an alien spirit. But several ROTC defenders have offered an argument that does alarm some of the critics.

ROTC VS. THE PROS

These defenders have argued that dismantling ROTC would result in an increase in the number of officers recruited from the enlisted ranks and in the size or number of the service academies. In the former case—recruitment from the ranks—tests have established that the average enlisted man, with less than a college education, scores higher on psychological attitude scales measuring authoritarianism, acceptance of military ideology, and aggression than does the average college-bred officer candidate.[1] These same ROTC aefenders have then claimed (without verifying the claim) that the latter case—an increase in the number of service academy graduates—would have the same effect. The average West Pointer or Annapolis graduate, they argue, is less flexible and able to think for himself than the average ROTC or Officer Candidate School (OCS) officer. Thus ROTC and OCS officers may provide a desirable "leavening," a counterbalance to the more aggressive values of academy graduates and "rankers." The Association of State Universities and Land-Grant Colleges put it this way in a recent report: "The continued presence in substantial numbers in the Armed Forces of officers from a wide variety of civilian educational institutions and backgrounds is one of the best guarantees against the establishment in this country of a military caste or clique. . . ."[2]

For those critical of the presence of formally accredited ROTC programs on campus, the suggestion that the death of ROTC would result in expansion of service academies and enlisted-oriented OCS programs should provoke serious reflection. If the citizen-officer defenders are correct, any changes in present recruitment that would result in a significant increase in the flow of professional soldiers from the enlisted and academy ranks might be counterproductive. That is, the demise of ROTC would only temporarily dislocate military leadership plans. And any increase in the percentage of authoritarian, aggressive "leaders" would, we submit, be undesirable. But are the citizen-officer defenders correct?

The question concerns the nature of citizen-officers—ROTC and college-grad OCS types who serve for two or three years as platoon and company grade officers or pilots and then either stay on as careerists or (in most cases) resign. Some citizen-officers rise to high command, but all, whether they stay on or not, may be faced as lieutenants, due to the nature of modern, dispersed military deployment, with awesome on-the-spot decisions. For the inhabitants of many a Vietnamese hamlet or river village, survival may well depend on the attitude of the platoon leader, gunboat skipper, or helicopter gunship pilot approaching, guns trained, on their homes.

We know that the average ROTC or college grad OCS student scores lower on F-scale (authoritarianism) psychological measurements than the average enlisted man or non-college peer.[3] Thus, for those concerned about the attitudes and values of individuals placed in positions of military authority and responsibility, the ROTC or college grad OCS officer would appear to be a safer bet than one acquiring his commission without first acquiring a college degree. It is probably not simply the fact of the college experience that makes the difference. Less advantaged youths, after all, receive a different moral education in their environments than do the college-bound, suburban children of the middle and upper-middle classes. But, for whatever reasons, the difference between the two potential military leader groups is a known, significant quantity.

What is unknown is just how such ROTC students compare with their service academy counterparts. Are the ROTC types more "flexible" than the academy types, as claimed? One leader of the anti-ROTC movement at Harvard thinks not: "An officer trained at Princeton kills on orders as quickly as an officer trained at the Point."[4] Is there any significant attitudinal distinction between the two types at all?

MEASURING ATTITUDES

The best way of answering such a question would be to measure the attitudes of the two groups in the field, a year or two after graduation or commissioning. But the Defense Department does not appear ever to have conducted such an investigation; and our own research capacities did not allow for such an analysis. We had to be satisfied with administering an attitude questionnaire (with a near 100 percent response) in the spring and fall of 1970, to 90 randomly selected service academy (Annapolis) students, 177 ROTC students (110 Air Force and Army ROTC students from the University of Pittsburgh and 67 Naval ROTC students from

---

Footnotes at end of article.

Ohio State University), and 117 male non-ROTC college undergraduates.[5] Such a comparison may be of limited value if earlier researchers are correct when they claim that ROTC graduates quickly adjust and adapt to the codes and mores of the professional military. But such a claim is highly moot, and even if a certain amount of adjustment and adaptation does occur, if significant differences between ROTC and academy types exist upon entry into the officer corps, it seems reasonable to expect that *some* of those differences would persist.[6]

Over the years, a number of studies have made using attitude questionnaires to analyze service academy students, and to compare ROTC undergrads to non-ROTC undergrads. But to the best of our knowledge service academy and ROTC students have never been systematically compared. C. J. Lammers has compared the development of values and attitudes, i.e., the "socialization," of Royal Netherlands Naval College midshipmen and Candidate Reserve Officers, but the circumstances of that socialization process are not altogether the same as those we are dealing with. And furthermore Lammers was concerned only with "the socialization process," not with attitudes. John Lovell, in his study of "the professional socialization of the West Point Cadet," compared West Pointers to a sampling of Dartmouth students, 82 percent of whom expected to perform military service upon graduation, but the samples did not appear to be exclusively composed of ROTC students, and Lovell did not pursue the attitudinal comparison very far. R. W. Gage and William A. Lucas have compared the attitudes of ROTC and non-ROTC students, and both have concluded that ROTC students are significantly more accepting of authority and military ideology than non-ROTC students; but neither study included a[7] sampling of service academy students. Thus the need for our own study.

THREE GROUPS

Our three sample groups do not spring from precisely the same social background. In terms of family income, parents' level of education, and father's occupation, our Annapolis respondents come from families with slightly higher incomes, better educated parents, and more professional fathers than either the non-ROTC students, who were next, or the ROTC students, whose social origins were slightly more humble than either of the other groups. But these differences in social origins are not relevant to the differences we found in the attitudes of members of our three groups—that is, *there was no difference in the response of representatives of one level of social origin from those of any other level.*

This surprised us, since one would expect lower class respondents to be somewhat more authoritarian than those whose parents were college graduates and professional people. And this would probably have been the case if our respondents had been sampled at random from the public at large. But Annapolis students were overrepresented in the upper economic echelons. And since these same Annapolis students were consistently more authoritarian, absolutistic, and militaristic than either of the other two groups, the "class differentials" were neutralized.

R. W. Gage, in his earlier study, found that ROTC students were more "patriotic" and accepting of military discipline than non-ROTC college students,[8] and we found that ranking to apply with every aspect of aggressiveness, absolutism, "patriotism," and military discipline tested for. *But our service academy students were consistently more aggressive and absolutistic than our ROTC sample.* When asked what their reaction might be if, while walking with their girl friend, someone were to make "a vulgar, obscene comment about her," nearly half (49 percent) of our sample of Annapolis officers-and-gentlemen-to-be indicated that they would offer some form of physical response, typically: "I'd kick his teeth in." Only 31 percent of the ROTC sample, and only 23 percent of the non-ROTC group, gave similar responses (see Table 1). No less than 60 of the 90 Annapolis respondents indicated that, if given the choice, they would prefer to serve in a "combat" capacity, while only 32 percent of ROTC students preferred "combat" duty to the alternatives offered: administrative or technical work. The question was more hypothetical for the non-ROTC male undergraduates, many of whom will see no service at all, but, for what it is worth, predictably, only 8 percent indicated that they would prefer combat service to the other less belligerent options.

TABLE 1

[Percent and (number)]

	Offer physical response to insult to girl friend		Offer verbal response or ignore insult		Prefer combat duty		Prefer administrative or technical service	
Annapolis (90)	49.9	(44)	16.1	(29)	66.7	(60)	25.5	(23)
ROTC (177)	31.6	(56)	57.6	(102)	32	(57)	64	(113)
Non-ROTC control group (117)	23	(27)	62.4	(73)	7.7	(9)	69	(81)

Note: Figures do not always total 100 percent because some respondents had no opinion or no preference.

John Lovell long ago noted that West Point students "tend to be more 'absolutistic' in their strategic perspectives than their Dartmouth peers."[9] Our study revealed the same distinction between our Annapolis and our Pittsburgh-Ohio State sample (see Table 2). Seventy-seven percent of the Annapolis sample agreed with the statement, "war is the inevitable result of man's nature," while only 55.3 percent of the ROTC, and 39 percent of the non-ROTC samples agreed. And twice as many Annapolis students (24 percent) agreed *strongly* with that statement as their Pittsburgh-Ohio State peers. No less than one in every three midshipmen could conceive of circumstances in which a takeover of the U.S. government by the military would be justified, while only 19.5 percent of ROTC, and 18 percent of non-ROTC students, were of the same mind. Only 8 percent of the non-ROTC "control" sample felt that the U.S. should ever use nuclear weapons in situations other than retaliation. A larger percentage (16 percent) of ROTC students, and a still larger percentage (28 percent) of Annapolis students were "first-strikers."

MY COUNTRY, RIGHT OR WRONG

While only 39 percent of our *combined* sample of academy and ROTC officer candidates indicated that they would obey orders morally repugnant to them (see Table 3), nearly half (48 percent) of all our officer candidates who indicated a preference for combat duty, and 44 percent of those who indicated that they would offer physical violence to one who insulted their girlfriend, would obey such orders. The same positive correlation between aggressive propensities and what we regard as undesirable behavior exists with regard to our questions about the use of nuclear weapons. Less than one in every five (19.5 percent) of our *combined* samples of officer candidates felt that the U.S. should ever strike first with nuclear weapons. But 27.3 percent of those showing a preference for combat duty, and 28 percent of our "physical force" group, were nuclear "first-strikers."

TABLE 2

[Percent and (number)]

	Agree that "war is the inevitable result of man's nature."		Disagree		Military takeover might be justified		Regard "first-strike" use as acceptable	
Annapolis	77	(68)	22	(20)	33.3	(30)	28	(25)
ROTC	55.3	(98)	37	(65)	19.5	(34)	16	(28)
Non-ROTC "control" group	39	(46)	47.8	(56)	18	(20)	8	(10)

Our heroic fighter sample were not the only ones to correlate positively to "first-strikers." We asked our subjects whether or not they agreed that "the practice of war is a science best left to professionals." Of those who agreed, 28 percent were also "first-strikers" (Table 3). One West Point cadet may have spoken for this group when he recently observed that "small tac nukes" could be of considerable value in suppressing revolution in Latin America: "Well, you have got to hold the spread of Communism [which he defined as 'sedition, and so forth'] down, and keep whoever is in government there. That's what's important."

Lieutenant William Calley says that he went to Vietnam "with the absolute philosophy that the U.S.A.'s right. And there was no grey . . . there was just black or white." In another interview he told John Sack: "I'll do as I'm told to do. I won't revolt. I'll put the will of America above my own conscience, always.'[10]

Footnotes at end of article.

TABLE 3

[Percent and (number)]

	Percent who would obey morally repugnant orders	Percent who consider "first strike" to be acceptable	Percent who agree with "My country right or wrong"
Combined officer candidates (267)	39 (105)	19.5 (52)	52 (138)
Officer candidates preferring combat (117)	48 (56)	27.3 (32)	63.2 (74)
Officer candidates offering physical force response (100)	44 (44)	28 (28)	69 (69)
Officer candidates feeling war a science for professionals (125)	53.6 (67)	28 (35)	67.2 (84)
Annapolis sample (90)	41 (67)	28 (25)	74 (67) [1] 40 (71) [2] 19.5 (23)

[1] ROTC. [2] Non-ROTC.

Moreover, as in the case of our fighter group, no less than 53.6 percent of those who agreed that war was a science best left to the control of pros indicated that they would obey morally repugnant orders. Over half (51.7 percent) of all officer candidates agreed with that pre-Nuremberg canon of the ardent statist, "My country, right or wrong," but no less than 67.2 percent of those feeling war to be a science best left to professionals, and approximately the same percentage of "fighter" types found this conscience-evading dogma attractive.

For one familiar with Morris Janowitz's distinction between "heroic" and "managerial" professional military officers,[11] this high correlation between "fighters," "professionals," service academy students (see Table 3), and undesirable propensities may be somewhat surprising, unless one is also familiar with John Lovell's research. Lovell could find no statistically significant difference at West Point between "heroic" fighter types and "managerial" types (our "pros") in terms of absolutism.[12] "Pros" are just as dangerous to have around as "fighters."

The Science of War

How did our three categories of students like the "pro" and "statist" tenets? No less than 72 percent of Annapolis respondents agreed with the remark that war was a science best left to professionals (with 33.3 percent agreeing *strongly*), whereas only 47.5 percent of our ROTC "citizen" officer candidates, and only 18 percent of the non-ROTC "control" group, agreed. And the same pattern held for the dogma found to be so attractive to our "pros." Almost three of every four Annapolis students sampled (74 percent) found the adage of Captain Stephen Decatur, U.S.N., "My country, right or wrong," to be attractive, whereas only 40 percent of the ROTC and 19.5 percent of the non-ROTC students approved of this pre-Nuremberg code of conduct.

These attitudinal distinctions occurred again when our subjects were asked their opinions about the military budget and the war in Vietnam. Only a few non-ROTC students and only a handful of the ROTC sample felt the military budget was too small (Table 4), but 39 percent of the Annapolis sample thought the budget inadequate. On questions relating to the Vietnam war, however, ROTC students were closer to their fellow officer-candidates than they were to their non-officer-bound peers. Four of every five non-ROTC students objected to the war in Vietnam, while only 36.7 percent of ROTC, and 28 percent of Annapolis students found the war objectionable. Only 10 percent of our sample of non-ROTC students expressed a willingness to volunteer for service in Vietnam, while 40 percent of the ROTC, and 60 percent of the Annapolis samples indicated they would volunteer for that war. Only one of every four non-officer candidate respondents imagined that he would obey a direct order morally repugnant to him; no less than 38 percent of the ROTC sample and 41 percent of the Annapolis sample indicated that they would obey such an order. Only 18.7 percent of non-ROTC students felt that the atrocities committed at Mylai were "extremely rare" in Vietnam, but the same percentage (38 percent) of the ROTC and Annapolis samples considered Mylai "extremely rare."

TABLE 4

[Percent and (number)]

	Military budget too small	Object to presence of U.S. troops in Vietnam	Would volunteer for Vietnam	Consider Mylai "extremely rare"
Annapolis	39 (35)	28 (25)	60 (54)	37 (32)
ROTC	10 (18)	36.7 (65)	40 (71)	37 (67)
Non-ROTC "control" group	4 (5)	78.5 (92)	10 (12)	18.7 (22)

It could be argued that our officer candidate groups, having once committed themselves to military service, find Vietnam tolerable and Mylai exceptional largely because they recognize that they must live with a decision to serve that may one day thrust them into a Southeast Asian rice paddy or river delta. They may have come to accept the validity of "morally repugnant orders" as a result of their introduction to the military's traditions, mores, and missions—the military's point of view.

However, we think it more likely that they were *always* more positive toward the war and the military than those who avoided the officer candidate programs. We suspect that the reasons for the persistent attitudinal differences between those who are officer candidates and those who are not lie primarily in the process of self-recruitment by which means they selected military futures in the first place, and less in the process of military "socialization" taking place as they prepare for command. Our reasons are twofold, having to do with (1) self-selection and (2) the impotence of "militarization."

The research of William Lucas and C. J. Lammers shows that there is a self-selection process at work in both the American ROTC and the Dutch naval officer corps. "Militaristic" young men elect at age 17 or 18 to pursue a course that will make them officers.[13] Moreover, Lammers notes that the regular academy midshipmen, many the sons of naval officers, are considerably more accepting of military ideology than their reserve officer candidate counterparts.[14] That seems to be the case with our service academy and ROTC samples, and the reason may well be related to the reasons they gave for selecting Annapolis or ROTC. Nearly half of the Annapolis sample (48 percent) indicated that one of their reasons for seeking appointment was a desire to "be a career officer." Only 17 percent of the ROTC sample indicated that such ambitions had motivated them (Table 5). Nearly three in every four (73 percent) of the ROTC sample confessed that a prime motive for joining the program was a "preference to serve as an officer versus an enlisted man" (a few wrote in "to dodge the draft"). Slightly more Annapolis (26 percent) than ROTC (19.2 percent) students indicated that an important reason for joining was a "belief in military traditions and methods." Conversely, nearly half (47.5 percent) of the ROTC sample said that an important reason for seeking a commission was a desire to secure "training for assuming positions of responsibility in civilian life," while only 36.5 percent of career-bound Annapolis midshipmen gave a similar response. In short, the ROTC students appear to have a more limited and "practical" reason for service than the professional-minded middies. As one anonymous Annapolis ditty puts it:

TABLE 5.—REASONS IMPORTANT IN DECISION TO SEEK COMMISSION

[Percent and (number)]

	Desire to make a career of military	Due to belief in military traditions and methods	Desire training for responsibilities in future civilian life	Prefer to be officer rather than enlisted man
Annapolis	48 (43)	26 (23)	36.5 (31)	56 (49)
ROTC	17 (29)	19.2 (34)	47.5 (84)	73 (130)

Footnotes at end of article.

Some join for the love of the Service,
Some join for the love of the Sea,
But I know a guy who's in Rotcie;
He joined for a college degree.

Similarly, just as Lammers found disproportionate numbers of naval officers' parents in his sample of Royal Netherlands Naval College midshipmen, we found that the fathers of 33.3 percent of our Annapolis, 12.4 percent of our ROTC, and only 2.3 percent of our non-ROTC samples had been commissioned officers. Moreover, when we added those whose fathers had served in a non-commissioned status we got similar results (see Table 6). Apparently many of the sons of military officers seek programs that will allow them to emulate their fathers.

TABLE 6

[Percent and (number)]

	Father a commissioned officer	Father served in military in some capacity
Annapolis	33.3 (30)	89 (80)
ROTC	12.4 (22)	81.7 (145)
Non-ROTC control group	2.3 (3)	68.2 (80)

THE IMPOTENCE OF MILITARIZATION

Once in the programs, a buttressing of prejudgments, values, and goals may occur. C. J. Lammers and William Lucas both maintain that officer candidates "socialize" one another over time, and Lammers hypothesizes that where initial motivation is low, such "socialization" may actually serve to drive the student out of the program.[15] But when we asked respondents to recall views held on entering college, or created an *erstaz* time-lapse by comparing various school years, *we did not find evidence of any significant shifts on the part of either officer candidate group in a direction away from that non-officer candidate group might be taking.* All three groups, for example, showed a slight increase, from freshmen to seniors, in opposition to the war in Vietnam, a slight shift from conservative to moderate, or from moderate to liberal views, and a slight move toward a more critical view of the size of the military budget. In the case of immoral orders, to offer one illustration (see Table 7), fewer and fewer officer candidates indicated a willingness to obey immoral orders with each succeeding class. Not all of these differences were statistically significant, but they all point in the same direction as John Lovell's study of West Pointers, the Feldman-Newcomb study of college undergrads, and the Campbell-McCormack study of Air Force Academy classes.[16] Thus we feel that while there may be some reinforcing of previously held values taking place within the officer candidate programs that we did not detect, we doubt that there are many new values being created. Surely some traditions, mores, attitudes are "learned" by officer candidates—particularly by those at the "closed-circuit" service academies—but our data leads us to claim that the differences between our three subject samples are less a function of in-house "militarization" or "humanization" than they are a function of a self-selection (or joint-selection) process occurring when young men of 17 decide whether to seek a professional military career, or a program that offers leadership training for future civilian life and a chance to serve as an officer rather than an enlisted man, or no voluntary military service at all. It is this decision that separates the fighters" and "pros" from the "citizen soldiers" and "civilian types."

TABLE 7

[Percent and (number)]

	Would obey orders morally repugnant
Combined officer candidate:	
Freshmen (78)	48.5 (38)
Sophomores (55)	42 (23)
Juniors (62)	35.5 (22)
Seniors (70)	30 (21)

The liberal arts environment of academe may have *something* to do with the fact that ROTC students are less absolutistic, less aggressive, less militaristic than service academy students, but *our* data could not prove it. Furthermore *if* ROTC *units on campus do not significantly "militarize" any of those who volunteer to take their programs, neither do we find any evidence suggesting that the "liberal arts" environment of academe does any "liberalizing" of* ROTC *students.* The responses of freshmen ROTC students fall between those of their Annapolis and non-ROTC peers, and so do those of sophomores, juniors, and seniors. College education, four years of relative insulation from the school of hard knocks, apparently "humanizes" *all three* groups at approximately the same pace. If pre-college self-recruitment is the key factor, then the *particular* college environment may make very little difference, since our evidence, as well as the Lovell and Campbell-McCormack studies, suggest that there may be a progressive softening of many of the "hard-line" views held as freshmen by members of all three groups.

THE MYLAI MENTALITY

In the spring of 1969, Ronald Ridenhour, a college-bound Vietnam veteran, precipitated an investigation into the March, 1968 massacre of the villagers of Mylai. Before the dust had settled, two generals, three colonels, nine other officers, and six enlisted personnel faced courts-martial.

Of the 20 men (14 officers and six enlisted men) involved, facing charges ranging from mass murder to suppressing evidence, one (Major General Samuel Koster) was a West Pointer. One (Brigadier General George Young) was a graduate of Columbia Military Academy and The Citadel ("the West Point of the South"). Twelve, including six of the officers, had entered the Army as enlisted personnel with high school educations. These included Captain Ernest Medina (charged with murder), Captain Eugene Kotouc (charged with murder), Captain Kenneth Boatman, Captain Dennis Johnson, Major Robert McKnight, Colonel Robert Luper (all charged with suppressing evidence or making false official statements), and six enlisted personnel, four of whom were charged with murder. Of the remaining six officers all had attended colleges in the South, several for only a year or two. These were First Lieutenant William Calley (charged with murder), who had attended one year of junior college, Captain Thomas Willingham (charged with murder), a graduate of Murray State College, Kentucky, Major Charles Calhoun, a Clemson graduate, Lieutenant Colonel William Guinn, who had attended the University of Tennessee and the University of Alabama, Lieutenant Colonel David Gavin, a graduate of Mississippi Southern College, and Colonel Oran Henderson, who attended military base extension centers of the University of Maryland and George Washington University. Captain Willingham, the Murray State graduate, was the only one of the eight charged as principals in the massacre who was a college graduate.

Members of one platoon, Lieutenant Calley's, were accused of committing the vast majority of the murders. The platoon appears to have developed the impression (as one of its members put it) that "if they wanted to do something wrong, it was always all right with Calley. He didn't try to stop them." Calley impressed one soldier as "a kid trying to play war."

A few weeks before Mylai, Calley ordered one of his men, PFC Michael Bernhardt, to shoot a woman running from them. Bernhardt called in Vietnamese for the woman to stop, but did not fire on her when she continued to run. Bernhardt was convinced that the woman was a noncombatant, but Calley was furious. Thereafter, Bernhardt explained, "I would just fire and miss on purpose. . . ." Bernhardt had been a junior and an ROTC honor student at the University of Miami before he enlisted "to test [his] courage under fire." Consequently he was only a private when his platoon entered Mylai. Bernhardt was the last of his platoon to enter the village. He was appalled by the indiscriminate killing going on. When he spoke of reporting the massacre to his congressman, Captain Medina warned him to keep silent. Bernhardt was the key source of Ronald Ridenhour's information about Mylai, and was a willing witness before the two non-West Pointers, Colonel William Wilson and General William Peers, who pressed home to overdue investigation.

When it appeared possible that the White House or the Army was prepared to allow Lieutenant Calley to leave the service before being formally charged with any crime, Captain William Hill, a reservist and thoroughly "civilianist" legal officer at Fort Benning (to which post Calley had been transferred during the course of the investigation), urged his careerist superior to overcome his reluctance to offend higher-ups and "to go ahead with the trial even if he had to defy the Pentagon [or the White House]." Hill was instrumental in precipitating the lodging of formal charges against Calley a day before Calley's separation from the service would have withdrawn him from the Army's jurisdiction.

When word reached West Point of the charges against General Koster, head of the Americal in 1968, and Superintendent of the Academy in 1969, the Corps of Cadets were assembled to hear Koster tell them that "throughout my military career the cherished principles of [our Academy's] motto—Duty, Honor, Country—have served as a constant guide to me." The Corps gave Koster a 90-second ovation. As one plebe put it, "everybody [here] seemed to sympathize with the general."[17]

Simultaneous with news of Koster's implication came word of the first recorded case of a West Point graduate ever to request a discharge on the basis of selective conscientious objection to a war. First Lieutenant Louis Font, 23, had been attending Harvard Graduate School in Government at the time.[18]

While our first data were being assembled, in late May, 1970, the Army charged two officers, Captain Vincent Hartmann and First Lieutenant Robert G. Lee, Jr., with attempted murder and manslaughter for ordering their men to conduct "target practice" on a number of Vietnamese huts in 1969. One woman eventually died of wounds inflicted during this "target practice"; her nephew was wounded. Neither officer had ever attended college.[19]

In early 1968 Lieutenant Commander Marcus Aurelius Arnheiter, a graduate of the Naval Academy, was relieved of command of the U.S.S. *Vance*. Several junior officers of Arnheiter's command, Lieutenant (j.g.) William Generous (an ROTC honor graduate, Phi Beta Kappa, from Brown University), Lieutenant (j.g.) Edward Mason (an OCS college graduate), and Ensign Luis Belmonte (another OCS college grad), had complained

---

Footnotes at end of article.

that Arnheiter had hazarded his vessel, falsified its location while entering prohibited areas, sought to draw enemy fire on his ship, and generally taken the vessel, as Arnheiter put it, "where the action is."

At one point, the junior officers claimed, he ordered Lieutenant (j.g.) Mason, in an armed motor whaleboat, to fire at a number of Vietnamese ashore. Mason refused. "I can't see shooting a bunch of civilians or even shooting at them," he told Arnheiter. Mason says he feared that Arnheiter would "interpret my shooting as somebody else's shooting and start shooting himself." The Vietnamese turned out to be refugees from a coastal village bombed out by American air strikes. As one crewman put it, "that kind of guy [Arnheiter] could start World War III."

Arnheiter's executive officer, Lieutenant Ray Hardy, another product of the Naval Academy, remained loyal to his chief and enforced Arnheiter's often bizarre orders. (Hardy acquired an ulcer in the process.) All of those who came to Arnheiter's defense (Rear Admiral Walter Baumberger, Rear Admiral Daniel Gallery, and Captain Richard Alexander) were Academy graduates. Admiral Gallery referred to the non-Annapolis critics of our veritable Captain Queeg as "oddball officers who should have been wearing beads and picketing the White House." Arnheiter himself called them a "bunch of dissident malcontents . . . a Berkeley-campus type of Vietnik/beatnik [20]

Would that there had been a Mason at Mylai.

THE RESPONSIBILITIES OF "HARVARD BASTARDS"

What are the lessons of our experiment in attitude-behavior analysis and our excursion into the backgrounds of officers involved in "alleged misconduct" in Vietnam?

Certainly one conclusion is that *those critics of ROTC who have suggested that "an officer trained at Princeton kills as quickly on orders as an officer trained at the Point" are probably incorrect*. ROTC (and probably college-grad OCS officers) appear to be less belligerent and less militaristic than either non-college or service academy officers. (Indeed, one Ohio State NROTC student went so far as to note that he had joined ROTC to "work constructively to 'pacify' the military. . . . ") This is not to say that the ROTC student is the ideal officer candidate. We would prefer officers from a still more humanistic mold, but we are not likely to get a lottery drafting of college graduates for Officers Candidate School for some time, and meanwhile the apparent contrast of service academy and ROTC student values suggested by our analysis ought to provoke those intent on driving ROTC from the liberal arts campus to some serious second thoughts.

We do not feel it proper that there be any formal relationship between the military and the academic community. ROTC, like OCS and the Marine Corps' summer training program for officer candidates, could well go "off campus." But it should be allowed—indeed, it should be encouraged—to "stick around." Since we are of the opinion that the military is going to be with us in the U.S. for some time, we feel that any "reform" that makes it difficult for a Princeton English major or a Pittsburgh philosophy major to become an officer is most undesirable. Major William Muhlenfeld recently put it nicely when he argued that it was

". . . of utmost importance that [our] armies be led by just and compassionate men—men who understand that as leaders they are also public servants who have a profound responsibility to minister to the welfare of those they command, to serve with. . . the wisdom to see beyond their actions to the effects their actions wreak. This kind of leadership must come from the university. . . The paradox is that we must wait for the professors to learn."

One senior officer was more explicit: "[Lieutenant] Calley never would have become an officer if we were not so short-handed. Why are we short-handed? Because the bastards at Harvard wouldn't . . . step up to their responsibilities." [21]

Our own notion of the "responsibilities" of "Harvard bastards" may differ somewhat from the Army's, but, in any event, for the benefit of the American GI, as well as the Vietnamese villager, we hope that college graduates continue to serve as officers.

THE HUMANIST AS OFFICER?

Which leads us to our second conclusion. We feel that English, philosophy, "humanities" majors should be encouraged to become military officers (and probably, for that matter, policemen, social workers, and government officials as well). Why humanities majors? Because these were the types who consistently gave the "best" responses to our questionnaire. Those who indicated that they were humanities majors [22] were *less* willing to obey immoral orders than were social science, natural science, or engineering majors (Table 8). They were the *least* willing to use nuclear weapons; they were the *least* likely to respond physically to insult; they were the *least* capable of imagining a situation in which a military takeover of the U.S. government would be justified; they were the *least* interested in endorsing "My country, right or wrong"; and they were the *most* critical of the size of the military budget.[23]

TABLE 8

[In percent]

College major	Willing to obey morally repugnant order	Willing to respond physically to insult to girl	Willing to use nuclear weapons	Military takeover might be justified some day	Agree with "My country, right or wrong"	Disagreed with "My country, right or wrong"	Felt military budget too high	Felt military budget too low	Feel military "most dangerous" to U.S. Government
Humanities (29)	14	14	37	14	14	72.5	72.5	6.7	55
Social Science (100)	30	33	65	23	39	46	51	16	14
Natural Science (102)	37	40	75	26	37	43	41	19	8
Engineering (117)	42.5	30.5	76	22	48	38.5	24	17	2

The trouble is that humanities majors do not seem very enthusiastic about joining the military, nor are they the bemedalled recruiting officer's dream-come-true. Isabella Williams has found them to be less interested than any of the other majors in joining ROTC, and more insistent than others on "the right of the soldier to criticize his superior officer and/or government policies without facing sanctions for his dissent." [24] Very few (less than 5 percent) of our ROTC sample were humanities majors. But they were disproportionately represented in that group of respondents who feel that the military, as an organization, constitutes one of the "most dangerous" threats to the American system of government (see Table 8).

Many military men, concerned as they are with "leadership," body counts, power, and discipline, are probably quite satisfied with any system that allows Yosarians, Pete Seegers, and Staughton Lynds to stay clear of the military. The advocates of a volunteer professional army argue the virtues of such a self-selection process. We are not as convinced of the advantages of any system that can do without the citizen officer or, for that matter, the citizen soldier.

THE CITIZEN-OFFICER

Which brings us to our third conclusion. *If you don't like the way the military functions, you can't expect it to improve by insulating yourself from it.* William Lucas feels that ROTC is undesirable because it "does not reflect the composition and attitudes of society," [25] and thus serves as no check on service academy Arnheiters and "up-through-the-ranks" Medinas. But Lucas did not *compare* ROTC people to the other types of officer candidates. Had he done so, we feel that he would have discovered significant differences. Moreover, we are a little uneasy with the way Lucas has phrased his hypothesis. We are not at all certain that officers *should* reflect the "attitudes of society," as society is presently structured. The "up-through-the-ranks" and service academy officers probably *do* reflect such attitudes. What Lucas may have intended to say and, in any event, what we feel ourselves, is that the citizen officer should represent the noblest attitudes and values in American society—values which we maintain would include a refusal to obey immoral orders, a reluctance to sling nuclear weapons around, and a strong disinclination for any military coup or other invasion of the political process.

Some will say that we are naive—that one officer is as powerless as the next to effect any significant check on the ways of a military which, after all, takes its orders from civilians in Washington. We admit that having "good" officers does not mean that they will receive "good" orders. We concede that if a sensitive officer distinguishes between combatants and non-combatants, moral and immoral orders, he may still kill the combatants, may still obey the "moral" orders. But we have seen infantry lieutenants in Cambodia wearing peace symbols on the TV news, telling reporters of how they had deliberately led their men clear of the combat zone. We have seen young Army doctors refusing to collaborate, young Army lawyers demanding justice, and young junior officers protesting the war. A volunteer army would end all of that.

It is true that the most significant changes must occur higher up the ladder of authority (which is why we suggested politics and government service for humanities majors). But the vicissitudes of the antiwar movement have demonstrated the difficulties that dissenters will have in penetrating the political process. The military and the police are more accessible. We must all work towards the day when war and inequity no longer exist, but in the meantime, for the villagers at Mylai and those under the guns of Arnheiter, Mason, and the *Vance*, the presence of a "good" officer counts.

Which is why we were chagrined to find that 84 percent (31 of 37) of those who felt the military is "most dangerous," also favored a volunteer army! A volunteer army of "pros," void of citizen officers coming in out of the draft, would be dangerous. As Peter Barnes recently put it: [26]

". . . an end to the draft would shield the army from the influx of citizen-soldiers who are the yeast of internal change. The army *needs* Yosarians, Ronald Ridenhours, inde-

---

Footnotes at end of article.

pendent-minded ROTC junior officers and J.A.G. lawyers—soldiers who do their jobs but who are not committed to the cover-you——— system, whose loyalties are to civilian, not careerist values."

Critics of ROTC, ironically, the Army needs you!

FOOTNOTES

[1] R. W. Gage, "Patriotism and Military Discipline as a Function of the Degree of Military Training," Journal of Social Psychology, LXIV (1964), pp. 101–111; E. G. French and R. R. Ernst. "The Relationship between Authoritarianism and the Acceptance of Military Ideology," Journal of Personality, XXIV (1955), pp. 181–191; William A. Lucas, "The American Lieutenant: An Empirical Investigation of Normative Theories of Civil-Military Relations," unpublished Ph.D. thesis, University of North Carolina, 1967, passim.

[2] Cited in Harvard Bulletin (May 25, 1970), p. 26.

[3] i.e. Gage, loc. cit.

[4] Harvard Bulletin (May 25, 1970), p. 29.

[5] We asked West Point and the Air Force Academy for permission to survey random samples of their cadets, but neither academy authorized the study.

[6] The "earlier researchers" are Gene Lyons and John Masland, Education and Military Leadership: A Study of ROTC (Princeton, 1959), p. 169.

[7] C. J. Lammers, "Midshipmen and Candidate Reserve Officers at the Royal Netherlands Naval College: A Comprehensive Study of a Socialization Process," Sociologia Neerlandica, II (1965), pp. 98–122; John Lovell, "The Professional Socialization of the West Point Cadet," in Morris Janowitz, ed., The New Military (New York: Norton, 1946); Gage, op. cit.; Lucas, op. cit.

[8] Gage, op. cit., pp. 101–111.

[9] Lovell, op. cit., p. 129.

[10] Cited in Ward Just, "Soldiers." Atlantic (October 1970), p. 66; Calley, interviewed by Sack, "The Confessions of Lieutenant Calley," Esquire (November 1970), p. 229.

[11] Morris Janowitz. The Professional Soldier (Glencoe, Ill., 1960); "Changing Patterns of Organizational Authority: The Military Establishment." Administrative Science Quarterly, III (March, 1959), pp. 473–493.

[12] Lovell, op. cit.

[13] Lucas, op. cit. p. 53; Lammers, op. cit., p. 109.

[14] Lammers, op. cit., p. 106.

[15] Lammers. op. cit., p. 119; Lucas, op. cit., pp. 75–77, 120–127.

[16] Lovell, op. cit., p. 129; Kenneth Feldman and Theodore Newcomb. The Impact of College on Students (San Francisco, 1969). I. p. 31; Donald Campbell and Thelma McCormack, "Military Experience and Attitudes Toward Authority," American Journal of Sociology, LXII (1957).

[17] New York Times, Nov. 25, 1969, p. 16, and March 18, 1970, p. 1 ff; U.S., Dept. of Army, U.S. Army Register, Vol. II (G.P.O., 1969), pp. 157, 742, passim; Seymour Hersh, Mylai 4 (New York: Random House, 1970), 20, 26, 32, 124, passim; Joseph Lelyveld, "The Story of a Soldier Who Refused to Fire at Songmy," New York Times Magazine (December 14, 1969), 32ff.

[18] New York Times, March 18, 1970, p. 17.

[19] New York Times, May 29, 1970, p. 1.

[20] New York Times, May 8, 1968, p. 12; May 10, 1968, p. 1 ff; U.S. Dept. of Navy, Register of Commissioned Officers (NavPers, 1966); Neil Sheehan, "The 99 Days of Captain Arnheiter," New York Times Magazine, Aug. 11, 1968, pp. 7–9, 69–75.

[21] Muhlenfeld, "Our Embattled ROTC," Army (February, 1969), p. 28; Atlantic, (Nov. 1970), p. 83.

[22] There was no statistically significant difference among choice of major in our universe of respondents on grounds of family income, father's level of education, or any other criteria.

[23] Cf. Feldman and Newcomb, Impact, I, p. 167.

[24] Isabella Williams, "The Other West Points," unpublished term paper, August, 1969, in possession of Prof. Peter Karsten, History Dept., University of Pittsburgh.

[25] Lucas, op. cit., p. 52, but see his more recent views in "Anticipatory Professional Military Socialization and the ROTC," in Charles Moskos, ed., Armed Forces and Society, forthcoming, 1971.

[26] Peter Barnes, "All-Volunteer Army?" New Republic (May 9, 1970), p. 23. See also Peter Karsten, "The American Citizen Soldier: Triumph or Disaster?" Military Affairs, XXX (1966), pp. 34–40.

THE OFFICER CORPS IN AN ALL-VOLUNTEER FORCE: WILL COLLEGE MEN SERVE?

(By Col. Robert L. Nichols, U.S. Marine Corps; Capt. Alfred R. Saeger, Jr., CHC, U.S. Navy; Col. Hans H. Driessnack, U.S. Air Force; Lt. Col. LeRoy House, U.S. Army; Comdr. Richard G. Reid, U.S. Navy)

(NOTE.—In order to determine the feasibility of an all-volunteer officer corps in the absence of a draft, a group research project at the Naval War College examined the attitudes of college youth toward military service. They concluded that the draft provides the major incentive for first-term officer volunteers in all services and that without a draft it will not be feasible to obtain a sufficient supply of qualified officers to maintain a 2.5 million man force.)

For those interested and involved with national security, it is a critical period in time. The whole issue of national defense requirement—how much, what kind, and how much will it cost—has been caught up in the larger issue of the type of society this country sees for itself in the decade ahead. The American public has been made keenly aware of such problems as increased crime rates, deterioration of cities, pollution of air and water, and the continuing unrest on college campuses. A national debate has evolved over the priority national defense should enjoy in relationship to society's social and environmental needs. The war in Vietnam and the operation of the draft have brought into question our existing military manpower procurement policies. These policies have been challenged as archaic and inequitable, and the proposition has been made that the Nation should abandon conscription in favor of voluntary recruitment.

Conscription was introduced to this country during the Civil War—the first conflict that called for the use of large bodies of men over a sustained period of time. It was reintroduced in World War I. With the threat of America's involvement in World War II, Congress enacted the first national peacetime draft on 6 September 1940. This act subsequently resulted in the induction of over 16 million men during the 5-year period of hostilities. At the time of its passage, opposition in the Congress was considerable, and renewal of the act in August 1941 was accomplished by the narrow margin of one vote.

In the post-World War II period the United States for the first time found itself in a significantly different international role. National security requirements and worldwide commitments demanded the largest peacetime military force in the history of the Nation. The administration requested Congress to extend the Military Training and Selective Service Act of 1940. The legislation was extended to 31 March 1947, but upon the recommendation of President Harry S. Truman, Congress permitted the act to expire.

During this period, from March 1947 to March 1948, the United States experienced its only true volunteer armed force in an environment of extensive peacetime military commitments. Attention was directed to enhancing the image of the Armed Forces and making service life more attractive to the youth of the country. Innovative steps were taken to improve the living, working, and training conditions of men in service. The Army spent $20.5 million for recruiting in an effort to induce eligible young men to volunteer. Despite these concerted efforts, the Army fell more than 20 percent below minimum manpower goals. President Truman ended the experiment on 17 March 1948 and asked Congress to enact universal military training and to reenact Selective Service. Congress rejected the request for universal military training but acceded to his desire for the selective draft. This action culminated in passage of the Universal Military Training and Service Act of 1951 which has been the basis in law for maintaining U.S. military strength for the past two decades.

In 1966 the President and Congress again reviewed the operation of the Nation's conscription laws. The Marshall Commission, appointed by President Johnson, while finding certain inequities in the Selective Service System, rejected the idea that the Nation adopt a voluntary system of manpower procurement because of its inflexibility in times of crises. It is interesting to note that some of the provisions suggested by this earlier commission were the use of lottery-type selection system, the draft of 19-year olds, and the tightening of student and occupational deferments. Similarly, the Clark Panel, appointed by the Congress that same year, also rejected the all-volunteer concept on the grounds of inflexibility, expense, and lack of a unifying influence on the Nation.[1]

On 27 March 1969 President Nixon announced the creation of an Advisory Commission to develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force as soon as the reduced manpower requirements in Vietnam would permit. The 15-member commission, chaired by former Secretary of Defense Thomas S. Gates, Jr., submitted its report to the President on 21 February 1970. The Commission recommended that the present Selective Service System should be replaced by an all-volunteer force by 30 June 1971, when the present draft law expires. A standby draft system would be required in the event of national emergencies, and that system would be invoked only by resolution of Congress at the request of the President.[2]

A key element to the effectiveness of any military establishment is the procurement and composition of its officer corps, and it is this subject which shall be examined in some depth. Noteworthy is the fact that in recent years the major portion of the officer corps has been recruited from the ranks of college graduates. While it is important to continue to attract college-graduate officers, it is generally acknowledged that without a draft a college-graduate officer corps will be more difficult to recruit. Consequently, crucial to determining the feasibility of the all-volunteer force concept is an examination of the college-trained officer procurement programs currently in being. By far the largest single source of newly commissioned officers for the Army is the Reserve Officer Training Corps (ROTC) located on college campuses across the country. The Navy relies on its Officer Candidate School (OCS) for the majority of its new officers. In the Air Force, the ROTC and Officer Training School (OTS) programs share equally as the major sources of commissioned officers. Both the Navy OCS program and the Air Force OTS program are composed of college graduates.

During the last few years, a number of schools have either ended their ROTC programs or indicated they planned to phase

---

Footnotes at end of article.

them out in the future. It is not clear whether these are isolated incidents or the beginning of a trend. However, with advancing weapon systems technology and the complexity of the roles required of officers, it is important that the majority of new officers continue to come from the college campuses. Consequently, the campus-centered ROTC and college-graduate OCS/OTS programs will continue to be the major source of new officers for years to come.

While this may be so, one needs only to read the daily newspapers to be aware of the fact that a social change has been underway on college campuses over the past several years. Campus unrest and disorders have resulted in such acts as the physical takeover of administration buildings and the burning of ROTC offices. These actions are not confined to any particular section of the country, but appear to be widespread. They occur at both large and small colleges, both public and private schools, and involve some of the most prestigious universities in the country.

Much of the unrest and the resulting physical violence have been attributed to youth's hostility toward existing authority, typified by the draft, and sparked by revulsion against the war in Vietnam. Another element that is contributing to campus unrest, and will continue to do so for the next few years, is described by academic officials as a "new breed" of youngsters to whom the traditional campus seems wholly outdated. Dr. Kenneth Hoffman, professor of mathematics and chairman of the commission studying the future of education at the Massachusetts Institute of Technology, conceded: "The change in students during the 1960's was tremendous—yet you wonder what is going to come in the 1970's when you see the pace of change as reflected in our entering freshmen and the unrest in high schools."[3]

While studies have been conducted by various groups concerning the development of a voluntary armed force, they tend to pose the question of professional officer motivation primarily in economic terms. Little has been done by way of measuring the attitudes of college youth toward military service. The question that presents itself is. How deep do these antimilitary feelings run, and how will they affect officer procurement efforts in the future? Specifically, given the current attitudes of college youth toward the military, can the United States expect to maintain an adequate number of college-trained officers in the Armed Forces under an all-volunteer force concept? To answer this question a research project was developed, and a national survey was conducted at the college level.

The President's budget message of April 1969 suggested that active duty force levels would eventually return to pre-Vietnam levels which, for the period FY 61–65, averaged 2.6 million men. The Secretary of Defense gave some indication of postwar force levels in January 1970 when he reported that U.S. treaty obligations will not permit reduction of the Armed Forces below 2.4 million men without a considerable expenditure to maintain a large and modern reserve force.[4] Based on these factors, the study group assumed 2.5 million men to be a reasonable force level approximation upon which to develop officer's strength estimates.

Pre-Vietnam experience indicates that such a force would include approximately 320,000 officers, representing 12.7 percent of the total active duty force. This total would be distributed by service as indicated in table 1. Also shown is the estimated officer accessions required during the 1970's to maintain the officer corps strength. These estimates are based on continuation of Selective Service and are computed from anticipated loss rates for all reasons, both voluntary and involuntary.

TABLE I.—OFFICER DISTRIBUTION FOR 2,500,000 FORCE AND PROJECTED AVERAGE ACCESSIONS REQUIRED FOR 1971-80 BY SERVICE

Service	Number of officers	Percent of total corps	Average annual accessions 1971–80
Army	101,690	32	10,800
Navy	69,795	22	7,300
Marine Corps	16,605	5	2,000
Air Force	131,602	41	8,200
DOD Total	319,692	100	28,300

Source: Office of the Secretary of Defense, Directorate for tatistical Services, "Selected Manpower Statistics," Apr. 15, 1969, p. 19-24; Center for Naval Analysis, "Computation of Officer Accessions 1971–80," Working Paper (Washington: February 1970).

These data represent requirements which officer procurement programs must satisfy. The projections indicate the Armed Forces will need approximately 28,300 first-term officers annually in order to support a 2.5 million man force. The primary source for meeting this need is the male college graduate.

Officer procurement programs have traditionally emphasized the baccalaureate degree as a desirable requirement for a commission, although each of the services has commissioned officers with less than this level of academic education during periods of mobilization in order to meet minimum officer needs. Approximately 25 percent of the present officer corps are not college graduates (the majority of these officers are products of older programs which required only 2 years of college or in some instances no college at all). The emphasis on college-trained men is reflected by the increasing proportion of officers who are college graduates as demonstrated in table II.

TABLE II.—ESTIMATED EDUCATIONAL LEVEL OF COMMISSIONED OFFICERS ON ACTIVE DUTY BY SELECTED YEARS, 1956-67

[In percent]

Educational level	1956	1960	1963	1967
College graduate	55	57	69	73
Some college	84	90	93	91
High School graduate	98	99	99+	99+

Source: Office of the Secretary of Defense, Directorate for Statistical Services, "Selected Manpower Statistics," Apr. 15, 1969, p. 37.

The accelerated rate of change in weapons technology, coupled with the many options available for their deployment, has carried with it the demand for increased numbers of technically and managerially qualified commissioned officers. The impact of battlefield mobility tactics and small-unit independent actions in unconventional ground warfare has created new demands for tactical and technical leadership skills among junior officers. Several analysts have emphasized that military officers must not only possess the traditional military attributes and skills, but must thoroughly appreciate the many aspects of our national, political, economic, and social life. They must have technical competence as well as a broad outlook, judgment, and wisdom.[5]

The demand for highly skilled military officers coincides with the increased complexity of the American economy. The armed services must compete for talent in a highly competitive labor market and must continue to tap those social groups most likely to predispose young men toward a military career. College graduates represent the primary source within American society for providing the quality demanded by the officer corps. It has been estimated that during the 1970's approximately 400,000 male students annually will earn baccalaureate degrees.[6] The ability to attract sufficient numbers of these young men to military service is a prerequisite to an all-volunteer force.

Most officers enter active duty at the ensign or second lieutenant level and receive their initial commission as a result of one of the service-sponsored officer training programs. A brief description of the three primary programs—service academies, ROTC (Reserve Officer Training Corps), and OCS (Officer Candidate School)—is necessary for subsequent analysis.

The U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy all conduct 4-year courses combining academic and military education and all award a bachelor's degree. The services are currently experiencing a career retention rate of approximately 75 percent among Academy graduates after the initial 4 or 5 years of obligated service have been completed.

For the Army, the ROTC is a major source of new officers each year. There are both 2- and 4-year programs leading to Reserve commissions, although outstanding graduates may qualify for the Regular Army. Navy ROTC is unique in that a distinct part of its "Regular" program provides a sizable number of scholarship-assisted graduates for the Regular Navy. The "contract" programs of NROTC compare to the Army's standard ROTC program. The Marine Corps participates to a limited degree in the Navy ROTC program. Air Force ROTC offers two principal programs. One sponsors academic preparation leading to flying duties as a rated officer, while the other program sponsors students desiring a nonflying duty assignment.

The Army's minimum active duty requirement varies from 2 years for Reserve officers to 4 years for full scholarship holders. The overall career retention rate for Army ROTC graduates averages approximately 25 percent. The Navy requires 3 years' active duty for contract Reserve officers and 4 years for Regular ROTC graduates. Average career retention is approximately 7 percent and 27 percent respectively. The Air Force has the longest active duty requirement, demanding 4 years active duty for nonflying officers and 6 years of service for pilots and navigators. The average career retention rate for Air Force ROTC officers is approximately 50 percent.

Army OCS is a prime source of second lieutenants during expansion periods. Candidates are chosen from warrant officer and enlisted applicants who possess at least a high school education. College graduates may enlist for the Army OCS but are required to complete basic and advanced individual training before entering OCS training. The majority of Army OCS graduates are commissioned as Reserve officers. All candidates for the Navy OCS program must have a college degree except for a limited number of meritorious enlisted men. With minor exceptions, the Navy program awards a Reserve commission. The Air Force Officer Training School (OTS) limits its input to college graduates only, including those enlisted men who are in the Airmen Education and Commissioning Program (AECP). Distinguished graduates may qualify for Regular Air Force commissions. The Marine Corps OCS is used to fill unprogramed Marine officer requirements, and the selection criteria vary yearly. The Marine Platoon Leader Course (PLC) is a college source program conducted during the summer months. Army OCS demands a minimum active duty commitment of 2 years and currently achieves a career retention level of 75 percent. Air Force OTS requires a 4- and 6-year service obligation, the longer term being for flight trainees, and OTS achieves a career retention rate of approximately 48 percent. The Navy and Marine programs all have minimum service requirements of 3 years for Reserve and 4 years for Regular appointees. These programs are experiencing retention rates of approximately

---

Footnotes at end of article.

15 percent for Navy OCS, 50 percent for Marine OCS, and 30 percent for Marine PLC.

The contribution to officer accessions by the various procurement programs during the period FY 61–65 is shown in table III.[7] It can be seen from this table that during the pre-Vietnam period the United States obtained the majority (64 percent) of its first-term officers through the OCS and ROTC programs. Further, it should be noted that, excluding the direct appointees and special category officers from the 5-year totals, the ROTC and OCS programs have provided 90 percent of the first-term officer accessions. This group is obviously vital to the maintenance of a viable and well-qualified professional officer corps.

TABLE III—PERCENTAGE OF TOTAL ANNUAL OFFICER ACCESSIONS BY SOURCE FOR FISCAL YEARS 1961–65

[In percent]

Service	OCS/OTS [1]	ROTC	ROC/PLC [2]	Academy	Other [3]
Army	8	[4]63		3	26
Navy	[4]41	17	2	7	33
Marine Corps	[4]31	12	33	4	20
Air Force	[4]31	[4]32		4	33

[1] Includes Navy AOC, Marine OCC, Air Force OCS, and AECP.

[2] Although a significant source of Marine Corps officers, this group assembles for training during the summer months only and was unavailable to this study group.

[3] Includes direct appointments, medical, dental, nurses, chaplains, lawyers, women officers, interservice transfers, NESEP, Navy Limited Duty Officers, and recalled retired and Reserve officers.

[4] Program included in Naval War College Survey, March 1970.

Source: Alan E. Fechter, "The Supply of First-Term Military Officers" (Institute for Defense Analysis, Alexandria, Va.: 1967), p. 55.

One reason for suspecting that an adequate supply of volunteer officers could prove difficult to obtain is that the center of current dissent is the college campus. The most vocal and physical manifestations of opposition to the Vietnam war, to the draft, and to ROTC units on campus are found among college youth. As previously discussed, the primary source of officers is this same college youth, and the direct results of their protests have been significant. During the 1968–69 academic year, student pressures caused four ROTC units to be "invited" to leave campus. During the same period, student groups at 49 universities convinced the administration that compulsory ROTC should be discontinued.[8] This general disaffection with the military resulted in a dramatic 35 percent decline in the Army and Air Force first-year ROTC enrollments and a 25 percent decline overall during the 1969–70 academic year.[9]

While the Vietnam war has undoubtedly accelerated and amplified youth's dissatisfaction with the military, these attitudes are not just a recent phenomenon. The change in attitudes began in the early 1960's and is manifested in the ROTC enrollment data portrayed in figure I. Student pressure over the years has been the major factor in the sharp decline in the number of compulsory ROTC units. The related decline in MS–I enrollment is clearly evident. The only aberrations in the enrollment curve are the 1961–62 Berlin buildup and the 1965–66 Vietnam build-up.

Essentially, production from this vital source of college trained youth is supported by draft pressures. Figure 2 displays the close parallel between production and draft calls when the lag time between increased draft pressure and the 2- to 4-year production lag is taken into account. A slight decline in production was experienced in the early 1960's, but this was rescued by the combined effect of the 1964 ROTC Vitalization Act and the 1966 jump in draft calls. The study group forces that with a continued reduction in draft calls, the ROTC production curve will assume a slope similar to the MS-1 enrollment curve in Figure 1. In any event, these data clearly indicate that a significant downward trend in attitudes was established before the war became a major issue.

Another supporting hypothesis is that economic incentive at or below comparability with the civilian sector will be inadequate to attract college graduates in sufficient numbers to satisfy requirements. There is substantial evidence that, although significant, the pay of officers is not the prime inducement for service.[10] There is also a finite limit to monetary incentives which are politically feasible. The possibility of the President and the Congress approving monetary incentives which would raise officer salaries above comparability is unlikely. Historically, officer salary increases have lagged behind civilian raises, and basic scales have remained below the level of comparability.[11] There is another important aspect to the monetary considerations of an all-volunteer concept. Assuming the legislative and executive branches did agree on salary increases adequate to initiate a volunteer system, the political feasibility of maintaining comparative rates on a continuing basis is a moot question. The costs of such a system during periods of mobilization would be astronomical and must be considered by the Congress in making their initial decision. Consequently, the feasibility of a volunteer system based primarily on monetary incentives appears questionable.

Research Design. The central problem and the subordinate notions just presented describe the basic framework and direction of the research effort. A review of prior investigations reveals that considerable research has been accomplished in the general area of attitudes toward military service. Although not current, these earlier efforts have been particularly useful in the formulation stage of the study and have been invaluable throughout the study in comparative and trend analysis.

The principal deficiencies in available data are lack of timeliness and lack of information related specifically to potential officers. The increased pitch of campus dissent and the ominous drop in ROTC enrollments this year established a clear requirement for current data directly from this primary source of officers. Other research on this subject has concentrated on active duty junior officers and enlisted inductees or enlistees. Since no current data on the attitudes of potential officers toward military service could be located, an original research effort was considered mandatory.

Before specific methods of collection were established, it was necessary to formulate the exact information that would be required to support the central problem. Answers to the following questions were deemed essential: What are the current attitudes toward military service among prospective officers (namely ROTC and OCS candidates)? What percent of these officers would have volunteered for a commissioning program if there had been no draft? What is the strength of realistic monetary incentives? Has the image of being a military officer deteriorated in the eyes of prospective officers? What has been the impact of the Vietnam war on current attitudes toward a military career? Are there quality differences between those who indicate they would volunteer and those who admit they are definitely draft motivated? Current information on these points should lead to a confirmation or denial of the downward trend in attitudes of college youth toward military service and permit a realistic appraisal of the central problem—the supply of officers under an all-volunteer force system. Critical questions concerning anticipated officer requirements under an all-volunteer force concept generated a need for a variety of quantitative data regarding force levels, annual accessions, and retention rates. These data were taken almost exclusively from Department of Defense (DOD) sources. Over 20 direct interviews and telephone conversations were conducted by members of the study group with key DOD manpower officials, high ranking military officers, social scientists at several universities, and with four of the key research associates who worked for the Presidential Commission on the All-Volunteer Force.

The groups of prospective officers whose attitudes were required are described in the previous section on officer resources. The large size and geographical dispersion of these groups dictated two features of research. Since it was impossible to conduct sufficient personal interviews to approach any degree of representativeness, the questionnaire was selected as the primary data-gathering instrument.

The ROTC sample was stratified to insure representatives by service (Army and Air Force) and by year of school (freshman through senior). The sample size was established by using the standard error of the proportion to insure an accuracy of plus or minus 6 percent at a .05 probability level on the key draft motivation question.[12] Sufficient universities were purposefully selected (from among those having voluntary ROTC programs only) to insure adequate representation along geographic, size, and school sponsorship lines. At the universities selected, approximately 20 percent of the ROTC enrollment in each school year was surveyed.[13] A total of 3,000 questionnaires were mailed to 29 universities. Of these, 2,400 were returned from 28 universities. This represents a 1.7 percent sample of the total Army and Air Force 1969–70 ROTC population of 145,000 students.

The samples of the Navy OCS, the Air Force OTS, and the Marine Corps OCS were taken from a total of 10 different classes which were in session during February 1970. A total of 1,250 questionnaires were sent to these schools, and 1,197 were returned, which yields a 12 percent sample of the programed FY-70 output of 9,800 officers from these sources.

The basic questionnaire was designed to secure essential information in three general areas: biographical data, extent of draft motivation, and attitudes toward a variety of military-related subjects. The ROTC questionnaire was pretested by administration to 117 students representing 4 class years at a nearby university. This pretest was accomplished by the study group to afford the opportunity to gain firsthand the reactions and suggestions of the students. As a result of this effort, several questions were eliminated and others were extensively revised. None of the pretest responses are included in the final data. The NOCS, AFOTS, and MCOCS questionnaires required only minor adaptations (primarily in the biographical section) to the basic ROTC questionnaire.

A special questionnaire was designed to obtain information from Professors of Military Science and Aerospace Studies, pertaining to the overall ROTC program. The insights provided by these senior officers from their vantage points proved extremely valuable in the interpretation of the basic data.

All questionnaires were mailed to the school military faculty for administration. The inherent danger of sponsorship bias was recognized; however, steps were taken to minimize these effects. First, individual envelopes were attached to each questionnaire with specific instructions for the respondent to seal his reply in the envelope provided. Second, at no point were respondents asked for their names or other identifying information. In this way the anonymity of the respondent was assured thus minimizing bias and encouraging frank answers. The frequency of voluntary write-in comments and the high percentage of responses to sensitive questions (e.g., as to father's income; over 90 percent responded) indicate the objective of these sarfeguards were realized.

Analysis of the Survey Data. The officer corps of the U.S. Armed Forces is composed primarily of volunteers. That is, officers have

---

Footnotes at end of article.

entered military service as a voluntary action and not as a result of being conscripted. It has been argued that since the officer corps is currently composed of volunteers, there is little reason to believe that it would be difficult to recruit sufficient numbers of officers under all-volunteer armed force concept.

Realistically, it should be recognized that a given percentage of the current officer corps was motivated to volunteer by the pressures of the existing draft laws. Many of these officers were "reluctant volunteers" at first, but after experiencing service life they decided to remain on active duty. The question that comes to mind is, What percentage of the current officer corps do they represent? There is evidence to indicate that it is substantial.[14] While the overall size of this particular group is unknown, one may conclude that many present career officers would not now be in the service had it not been for the initial exposure to service life induced by the draft.

In considering an all-volunteer armed force, two groups of more immediate concern are the college students and the recent graduates who enroll in officer procurement programs. These represent the primary source of future officers. What is their attitude toward military service? Would they volunteer in sufficient numbers to maintain required force levels in the absence of a draft?

There is ample evidence to conclude that during the last decade the attitudes of youth toward military service have indeed changed. While the United States may eventually withdraw its combat troops from Vietnam and the armed services may be reduced to pre-Vietnam levels, world conditions will never return to 1965 nor will the attitudes of college youth reflect those of 1965. Consequently, while some earlier data are available, any forecast of volunteer officer accessions in the absence of a draft would be deceiving if developed by using the attitude data generated during this earlier period. For these reasons it was considered essential that current data be obtained for a meaningful analysis.

Earlier studies, which were based on a 1964 DOD survey, implied a substantial draft effect on the procurement of first-term officers.[15] A comparison of the current attitudes of college youth toward military service with these earlier studies is appropriate. Therefore, the 1970 Naval War College survey posed the same question to current officer candidates concerning draft motivation that was asked of first-term commissioned officers in earlier DOD surveys. A comparison of the responses reveals that the negative trend toward voluntary service evident in 1968 continues in 1970. More complete appreciation of this decline is obtained by a review of the principal procurement programs.

In the 1964 survey, 46 percent of the first-term officers who entered military service from an OCS program indicated that they would have volunteered without the draft. This percentage dropped to 31 percent of the officer candidates currently enrolled in the Navy OCS and Air Force OTS programs.

The 1964 DOD survey data indicated that 52 percent of the first-term officers who entered military service through an ROTC program would have done so without the draft. The current study shows that of the college students now enrolled in Army and Air Force ROTC programs, only 46 percent would have joined these programs in the absence of a draft.

Figure 3 reflects the relative degree of volunteerism and draft motivation by program and service. It is obvious that a wide disparity exists among the various programs. Surprisingly, only 20 percent of the Navy, ACS candidates indicate they would have volunteered in the absence of the draft. The fact that the Navy currently receives far more applicants than it can accept for this program is evidence of the impetus provided to other service programs by the Army draft. Another partial explanation of the differences in volunteerism among programs is the difference in obligatory service associated with each. Those selective programs which require the longer obligatory service commitment tend to attract a higher percentage of career motivated individuals. In this example, the Navy OCS program carries a 3-year commitment, while the Air Force ROTC program requires 6 years obligatory service for rated (flying) officers and 4 years for nonrated officers. Another factor influencing the relatively high degree of volunteerism in the Air Force programs is the attraction provided by the opportunity for flight training. Additionally, Air Force ROTC candidates are at least partially screened for career motivation. By contrast, this is not a requirement for Army ROTC. The high percentage of volunteerism displayed in the Marine Corps OCS program is probably due to the large number of noncollege graduates (16 percent) and the high percentage of prior enlisted personnel (20 percent).

Figure 4 represents the relative "interest in a military career" among the candidates of the various programs. These results are consistent with and provide further evidence of the significant differences observed in figure 3.

It is important to note that the overall percentage of true volunteers (46 percent) in the Army and Air Force ROTC includes all participants, freshmen through seniors. While the students enrolled in ROTC III and IV (primarily juniors and seniors) must commit themselves by contract to serve on active duty upon graduation, this is not the case for those students enrolled in ROTC I and II (primarily freshmen and sophomores). On those campuses where no compulsory ROTC program exists (over 80 percent), students may enroll in ROTC I and II as an elective for academic credit without committing themselves for any further ROTC training or subsequent military service. Upperclassmen, on the other hand, have arrived at a hard decision point. If they become eligible for the draft at the end of their senior year, they can either be conscripted in the Army enlisted ranks or enter one of the officer procurement programs. Since the underclassmen are still several years away from having to face that decision, the pressure of the draft is considerably less.

Table IV provides an indication of the degree of volunteerism associated with each college class year group. Since it is the ROTC senior and not the freshman that becomes the first-term officer, the relatively low percentage of seniors who would be in the program without benefit of the draft is significant. On this particular question there exists a high degree of consistency between responses of the ROTC seniors and those of the new college graduates in the OCS/OTS programs. This indicated reduction in productivity in the absence of the draft may, in fact, make it uneconomical to continue the ROTC program at many institutions under an all-volunteer force scheme.

TABLE IV.—ARMY AND AIR FORCE ROTC RESPONSE TO THE DRAFT MOTIVATION QUESTION[1] BY CLASS YEAR

Class year	Percent responding "Yes"[2] (percent)	Number of respondents
Freshman	54	724
Sophomore	45	529
Junior	40	453
Senior/graduate	30	741
All classes	46	2,447

[1] The question asked, "If there had been no draft and you had no military obligation, would you have enrolled in ROTC?"

[2] Those responding "Yes, definitely" or "Yes, probably." These data proportionately adjusted for relative program size and population distribution by class.

Note: A chi-square test of the class year differences in volunteerism was statistically significant at the .01 probability level.

Source: Naval War College Survey, March 1970.

Previous studies have suggested that geographic source, marital status, academic achievement, and socioeconomic background are among the factors which may be predictors of attitudes toward military service. Examination of the Naval War College Survey data permits the following observations concerning these factors.

The Naval War College Survey compared the percentage of total respondents by geographical region who indicated they would have volunteered for their respective officer programs in the absence of a draft. Currently, officer procurement programs oriented toward college graduates draw heavily from the South. Approximately 50 percent of the Army and Air Force ROTC members are from colleges in this area. In the absence of a draft, the existing area imbalances would be amplified somewhat by virtue of the indicated higher percentage volunteerism in the South (45 percent) and the significantly lower percentage in the Northeast (31 percent).

The survey data also indicate an inverse relationship between academic achievement and the propensity for military service. It is observed that the volunteers in all the officer programs sampled fell below their draft motivated counterparts in academic achievement. These findings are consistent with those of previous studies which measured the relationship of career motivation to educational attainment.[16] Significantly, of the 71 advanced degree members included in the OCS/OTS sample, only nine indicate voluntary enrollment in the absence of the draft and only two indicate they are motivated toward a military career. Similarly, of the 87 candidates for advanced degrees included in the ROTC sample, only seven are true volunteers and only two of these are career motivated. This inverse relationship of academic achievement and propensity for military service may be evidence of the relatively better earning opportunities the academic achiever perceives in civilian pursuits. It may also be associated with the general aversion of persons with higher academic achievement toward the military environment.

Survey data indicate that over 40 percent of the candidates enrolled in college oriented procurement programs are confined to two academic disciplines—engineering and business administration. It appears that except for select fields, such as medicine and law, the services have not identified their needs by academic specialty. Generally, officer candidates are enrolled regardless of their academic majors and are assigned to duty in accordance with service needs. Career retention studies demonstrate that failure to recognize first-term officers' education, training, and personal interests is at the root of dissatisfaction with assignments during the first tour of active duty and is a prime influence in their decision to reject a service career.

The expected inverse relationship between father's income and the degree of volunteerism is confirmed by the survey data. A similar comparison between father's occupation and volunteerism reveals that an inverse relationship also exists but is not statistically significant in all programs. As might be expected, of the 192 sons of military fathers in the survey, a high percentage (72 percent) indicate they would volunteer for service in the absence of a draft.

Married candidates represent a large segment in the OCS/OTS sample (41 percent), while the percentage of married students in the ROTC sample is comparatively small (10 percent). The study group anticipated that the married group would reflect a larger degree of draft motivation than the single group. In the OCS/OTS sample, single candidates were found to be somewhat more favorably disposed (36 percent) toward volunteering for a commissioning program than were married candidates (34 percent). However, this small margin is reversed in their response to an expressed interest in a military career (married—16 percent vs. single—

Footnotes at end of article.

11 percent). This indicates that an almost equal response to voluntary service may be expected from these two groups in the absence of a draft.

Based on the responses to the Naval War College questionnaire, the typical officer candidate currently enrolled in the officer programs surveyed feels rather strongly that he could obtain a good position in civilian life at a much better salary than he will be receiving as a newly commissioned officer. However, having entered the program, the officer candidate believes that military service as an officer, in the career field of his choice, will clearly enhance his potential for a rewarding position when he returns to civilian life.

Generally, the officer candidate strongly supports the concept that every able-bodied male citizen has an obligation to serve his country in some kind of *national* service. However, he does not feel that such service should necessarily be in the *military*. In fact, he is inclined to believe that during peacetime, military service should be on a voluntary basis. This negative attitude toward military service is influenced by the U.S. involvement in the Vietnam war, but this factor is only one of several that frame this general attitude. Interestingly enough, while this negative attitude toward required military service is rather strong, an equally firm conviction is expressed that a strong military force is essential to U.S. world leadership.

Becoming a commissioned officer in the Armed Forces of the United States is considered a distinct achievement. However, becoming an officer in the Armed Forces is not what the new college graduate prefers for himself upon graduation. In fact, were it not for the threat of the draft, less than half of the officer candidates would voluntarily have entered the officer programs. Despite the other attitudes expressed, it is this latter fact that must be recognized and realistically assessed before an all-volunteer armed force can be considered feasible.

Clearly, the threat of the draft is the strongest motivating factor currently influencing college youth to volunteer for officer training programs. In recent years the increased draft calls resulting from requirements for Vietnam have prompted greater numbers of college trained youth to volunteer for military service. Consequently, certain officer procurement programs (most notably the Navy OCS and Air Force OTS) received an abundant supply of applicants and became more selective. This selectivity is typical of the behavior of employers in a loose labor market. With the draft stimulating more potential officers to seek commissions than otherwise, the labor market for newly commissioned officers has been predominately a buyers' market. In some programs available positions are, in effect, rationed by establishing high educational and other standards. This procedure is apparent in the Navy OCS program (which displayed the highest percentage of draft motivation) where the grade point average is 3.1 on an adjusted 4.0 scale and where 13 percent of the candidates possess advanced degrees. The Air Force OTS program has also enjoyed sufficient applicants to afford considerable selectivity.

It has been argued that with decreasing military manpower requirements and the increasing population, there will be sufficient numbers of college graduates to satisfy officer requirements. However, the data indicate that the magnitude of the officer procurement problem in the absence of the draft will pose serious difficulties for those programs surveyed.

One surprising fact revealed during the course of this study was the large percentage of the sample population that did not answer positively for or against many of the questions. There was some concern during the pilot testing of the questionnaire that the undecided group was larger than should be expected. However, discussions with students in the pilot sample revealed that while the questions were clear, they simply had not formed an opinion on some of the topics addressed.

Economic Incentives. The analysis thus far has examined the capability to man the officer corps of the Armed Forces in the absence of a draft and without the application of other inducements. Earlier studies implied that an all-volunteer officer corps was feasible, providing the basic pay of first-term officers was increased substantially (28 percent). In an effort to determine the effect monetary incentives might have for enticing the currently "reluctant volunteer" to become a "true volunteer" in the absence of a draft, the following question was asked: "If you did *not* indicate that you would have enrolled in the ROTC/OCS/OTS program in the absence of a draft, would you have enrolled in the program under any of the following conditions?"

If the service agreed to pay my college expenses at the school of my choice in return for an equivalent number of years of active duty (e.g., 3 years college for 3 years active duty).

If the service provided a $100 monthly allowance during each of 4 college years in exchange for a 2-year military obligation.

If the initial pay and allowances offered by the service were comparable to or greater than the initial salary of the civilian occupation I intend to pursue upon graduation.

In a "no draft" situation I would not have considered volunteering for ROTC/OCS/OTS under any of the above conditions.

Recognizing that these data apply only to the nonvolunteer group, a comparison of the responses received showed that 34 percent of the total would favorably respond to financial assistance while in college in exchange for military service. Another 32 percent would favorably respond if the pay of first-term officers was comparable to the initial salary of the civilian occupation they intended to pursue. A disturbing fact is that in the absence of the draft, 34 percent of the nonvolunteer group would not volunteer under any of the incentive conditions posed in the questionnaire. Most notable, in the Army ROTC program 47 percent of the nonvolunteers did not respond favorably to the range of incentives offered.

An integral part of this study is a survey of Army Professors of Military Science (PMS) and Air Force Professors of Aerospace Studies (PAS). A questionnaire was designed to obtain a personal appraisal of student attitudes toward the ROTC program and military service from responsible individuals living in the campus environment and associated with college students on a daily basis. Of the 28 colleges and universities surveyed, 21 ROTC unit commanders responded.

A review of these responses reveals the following assessment. All but two respondents report a generally negative attitude of college youth toward the ROTC program and toward military service in general. Influence of the Vietnam war on the attitudes of campus youth toward the ROTC program is described by the respondents as being substantial. Significantly, the comments of the military professors ascribe a greater impact of the Vietnam war on campus attitudes than do the student questionnaire responses.

Most respondents indicated that the ROTC program had incurred losses following the draft lottery; however, few were able to relate the losses directly to the lottery itself. Two respondents indicated that an approximately equal number of withdrawals by low lottery risk members had been replaced by applications from high lottery risk students. The nature of the responses does not permit a definitive conclusion as to the effect of this first draft lottery on the ROTC program. However, it does demonstrate the importance of the selection of a meaningful date to conduct the draft lottery so as to minimize the disruptive effect it may have during the class year. Otherwise, a degree of turbulence in ROTC membership can be expected following the draft lottery each year.

Judgment of the respondents reflects a unanimous opinion that the ROTC program would suffer a severe reduction in membership in the event of an all-volunteer force. Many expressed the view that continuation of an ROTC program on their particular campus would be of questionable value given the small number of volunteers who would be attracted to the program. The majority indicated that currently less than 12 percent of the ROTC membership is career motivated, although a few claimed a career group as large as 30 percent. A few, however, reasoned that the quality of membership would improve by virtue of the anticipated high level of career motivation which would characterize an all-volunteer program.

It is the judgment of a majority of military professors that monetary incentives, such as increased monthly allowances and scholarships, would be unable to offset the expected drop in ROTC enrollment resulting from an all-volunteer armed force. Similarly, a great majority of the professors do not consider first-term officer pay to be an influencing factor in attracting students to the ROTC program. In fact, some identified a general unfamiliarity with officer pay and allowances on the part of ROTC students, particularly those at the freshman and sophomore level.

The study group experience supports this observation on the basis of its contact with college students during the pilot testing of the survey questionnaire. Students requested elementary information about first-term officer pay in order to answer questions posed in the questionnaire. There is some evidence that interest in the pay of junior officers is not manifested by ROTC members until they reach their senior year, at which time the immediacy of military service becomes a reality.

This generally pessimistic appraisal of campus attitudes is cause for concern. The fact that this appraisal was made by a uniquely qualified group of observers, representing both public and private institutions in all regions of the country, including both Army and Air Force programs, is particularly significant. Despite the subjective nature of the responses, an unmistakable conclusion is reached that Professors of Military Science and Aerospace Studies consider that ROTC is regarded with apathy and general dislike by the large majority of campus youth. They indicate that the draft provides the principal stimulus for the program, and in the absence of a draft the ROTC program could not be sustained on many campuses.

The feasibility of obtaining sufficient military officers under voluntary conditions will, in large measure, be determined by the attitudes of eligible youth toward military service. Toward this end, the principal officer procurement sources were surveyed, using attitudinal survey techniques. While recognizing that attitudes may change with changing circumstances, analysis of the survey results does permit certain conclusions and recommendations.

Conclusions.

1. The security of the United States demands a guaranteed system of providing qualified young men to serve as officers in the Armed Forces. The needs of the Armed Forces for a steady flow of qualified college graduates into the officer corps cannot be left to the free choice of the market place. During the pre-Vietnam period of 1961-65, conscription was required to maintain the officer corps in a 2.6 million man force. Given the current attitudes of college youth, return to this approximate force level on an

all-volunteer basis is not considered feasible. Consequently, it is concluded that in the current environment, minimum officer needs for the Air Force may be marginally obtainable, but Army, Marine Corps, and Navy officer requirements will be unattainable except at the expense of quality.

2. The possibility of military service as a conscripted enlisted man in the U.S. Army provides the major incentive for first-term officer volunteers in all the services. However, without this pressure, monetary incentives would entice some college youth to enroll in one of the officer procurement programs. College-related financial assistance, such as a combination of scholarships and increased monthly allowances for officer candidates, will be just as effective as a substantial increase in first-term officer pay. Nevertheless, in the absence of a draft, both types of incentives will be required if the college oriented officer procurement programs are to remain productive.

3. A significant downward trend in ROTC enrollment was established before the Vietnam war became a major issue. This trend was obscured by the dramatic increase in draft calls during the 1966-69 time period. Under the pressure of high draft calls, the current group of advanced ROTC students committed themselves in 1968 for military service upon graduation. Consequently, it is expected that the impact of reduced draft calls and negative campus attitudes will result in sharply curtailed ROTC enrollment and production beyond the 1970 time period.

4. The high degree of selectivity now being enjoyed by the Navy OCS and the Air Force OTS programs will diminish substantially in the absence of a draft. While deterioration in quality can be expected without the draft, overall motivation and retention should improve as these programs shift to attracting candidates on career merits rather than draft pressure.

5. The prolonged involvement in Vietnam has exerted a negative influence on the college oriented officer procurement programs. It has, in fact, contributed to the decision by several prestigious universities to abandon their ROTC programs. In addition to the immediate impact on enrollment, withdrawal actions by these schools may permanently change the character of the ROTC program. If generally higher quality universities drop the ROTC program and are not replaced in kind, the overall quality of the ROTC product will be adversely affected.

6. The ROTC scholarship program is accomplishing its objective of attracting quality students. Unlike the Navy Regular program, however, there is no evidence that the Army and Air Force employ career motivation criteria in the selection of scholarship students. Consequently, in the absence of a draft, approximately half of the ROTC scholarship holders questioned would drop out of the program.

7. In the absence of a draft, the officer corps would attract college youth of lower socioeconomic background and reduced level of academic achievement. Furthermore, existing geographic imbalances in the officer corps would be amplified somewhat by virtue of the higher percentage of volunteerism in the South and the significantly lower percentage in the Northeast.

8. Candidates are generally enrolled in the college oriented officer procurement programs regardless of their academic field of study. Almost half the candidates surveyed were limited to two academic disciplines—engineering and business administration. This approach to officer procurement may, in fact, contribute to eventual dissatisfaction with military service. Failure to recognize education, training, and personal interests in the utilization of college graduates is a primary influence in first-term officer decisions to reject a service career.

Recommendations.

1. That a system of conscription be retained and incentive programs progressively implemented to reduce or eliminate reliance on the draft. Should experience demonstrate attainability of an all-volunteer force under their conditions, maintain a standby draft system for use during general mobilization.

2. That existing ROTC monetary inducements be revised to include an increase in the monthly allowance and that a substantial increase be made in the number of ROTC scholarships awarded.

3. That the military departments establish criteria for identification of officer requirements by field of academic study.

4. That scholarship inducements be employed to support procurement of officers with selected degree specialties and that the criteria for award of ROTC scholarships be revised to include consideration of the career motivation of recipients.

5. That consideration be given to the utilization of monetary incentives in non-ROTC institutions as a means of inducing contract commitment to one of the college graduate officer programs such as OCS/OTS.

6. That first-term officer pay be raised to a level of comparability with civilian salaries for new college graduates.

7. That maximum publicity be given to existing and proposed monetary incentive programs. The full potential of incentive programs cannot be realized unless the desired population is aware they exist.

FOOTNOTES

[1] National Advisory Commission on Selective Service, "In Pursuit of Equity: Who Serves When Not All Serve?" Report (Washington: U.S. Govt. Print. Off., February, 1967).

[2] *Report of the President's Commission on an All-Volunteer Armed Force* (Washington: U.S. Govt. Print. Off., February 1970), p. 9.

[3] "The Real Revolution Campus," *U.S. News & World Report*, 12 January 1970, p. 29.

[4] "Laird Says Volunteer Plan Would Cut Forces a Third," *The New York Times*, 30 January 1970, p. 16: 1, 2.

[5] Gene M. Lyons and John W. Masland, *Education and Military Leadership* (Princeton: Princeton University Press, 1959), p. 11.

[6] Encyclopedic Almanac, *The New York Times* (New York: 1969), p. 205.

[7] It should be noted that force levels during this period averaged 2.6 million officers and men.

[8] U.S. Dept. of Defense, *Annual Report of the Secretary of Defense on Reserve Forces* (Washington: 9 February 1970), p. X.

[9] U.S. Dept. of the Army, Office of the Adjutant General, *Enrollment Report Army Reserve Officers Training Corps Opening of School Year 1968–69* dated December 1968 and 1969–70 dated December 1969; U.S. Dept. of the Air Force, *Enrollment and Production of Graduates of AFROTC Units*, 31 October 1968 and 31 October 1969.

[10] Franklin Institute Research Laboratories, *Career Motivation of Army Personnel—Junior Officer Duties*, Technical Report 1–212, v. I: Summary Report (Washington, 1968), p. 24. On file, DCSPER, U.S. Dept. of the Army. See also Harold Wool. *The Military Specialist* (Baltimore: Johns Hopkins, 1968), p. 116.

[11] Bette Mahoney and Joan McRae, *The Opportunity Costs of Military Careers*, Study S–291 (Arlington, Va.: Institute for Defense Analysis, March 1967).

[12] A ratio of 60 percent to 40 percent draft motivated vs. volunteer was used based on the pretest survey data. For a discussion of this method of determining sample size, see John R. Stockton, *Business Statistics*, 2d. ed. (Cincinnati: South-Western, 1962), p. 245.

[13] It is recognized that control of randomness in the selection of individuals was relinquished to the ROTC faculty.

[14] A 1961 DOD study indicates that 33 percent of Army officers surveyed (lieutenant through colonel) indicated that their initial motivation for entering the service was "drafted or ordered to duty." (As reported in Morris Janowitz, ed., *The New Military Changing Patterns of Organization* (New York: Russell Sage Foundation, 1964), p. 274.

[15] Alan E. Fechter, *The Supply of First-Term Military Officers*, Study S–290 (Arlington: Institute for Defense Analysis, March 1967), p. 23.

[16] Bette Mahoney and Alan Fechter, *Military Compensation and the Supply of Career Officers*, Study S-290 (Arlington: Institute for Defense Analysis, May 1967), p. 10; *Career Motivation of Army Personnel, Junior Officers' Duties*, p. 36.

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 699) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask for a brief quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, last Friday, the Senate adjourned for lack of a quorum. Pending at that time was my amendment to S. 699—offered by my distinguished colleague, the Senator from Montana (Mr. METCALF) and me—an amendment which, if adopted into law, would have postponed for 7 months the new Amtrak rail system. The system began operating at 12:01 Saturday morning. My amendment is still pending. I must admit, therefore, that at this time the issue would appear moot. One cannot postpone what has already occurred. At this time it must be said that all efforts to postpone Amtrak were either prevented—as was done here in the Congress when the Senate failed to produce a quorum last Friday—or denied—as was the case when the issue was raised in the courts. I do think, in passing, that if the Senate had acted favorably on this amendment last Friday, the court might very well have granted an injunction to permit the full Congress to act. But since the Senate was prevented from acting, the issue—as I said—is moot.

Voting now on this amendment would thus be a gesture of blatant futility. If adopted—and I believe the Senate would adopt the amendment—nothing would be gained; nothing at all. It has never been customary for me to ask the Senate to undertake meaningless acts of futility. I would prefer to look elsewhere for a remedy; I would prefer to take action that will have meaning—action that will result in the correction of the inequity visited upon the people of Montana and other parts of the Nation with the abolition of sufficient rail passenger service. That is the real issue at stake—the restoration to my part of the country of adequate rail service. It is to this question that I intend to devote my efforts and energies in the days ahead.

In this regard, it should be said that as recently as last Friday, negotiations began with officials of the National Rail Passenger Corporation to determine how to meet the rail crisis facing Montana. I am encouraged but not satisfied with the progress thus far. I am encouraged, as well, by the legislative remedies to right this wrong that remain available here in Congress—remedies that could be taken in connection with appropriate authorization or appropriations bills. It should be said, therefore, that although the efforts of last Friday were unsuccessful in putting off the Amtrak system—and I support Amtrak generally—I certainly have not capitulated or acquiesced so far as the interests of Montana are concerned. Today, those interests are not being served by Amtrak. I intend to see that they soon will be and shall work tirelessly to that end in the days ahead.

I am in receipt of a news story published in the New York Times of today, bearing the heading "Miles City, Mont., Mourns End of Passenger Trains." The subheading reads, "Dim Railroad Depot Is the Quietest Place in Town." I shall read portions of this story, and I ask unanimous consent to have the article printed in the RECORD in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. The article reads in part as follows:

> Miles City, a ranching center with a population of about 10,000 on the Burlington Northern line, is one of hundreds of towns and cities that are without passenger trains since the National Railroad Passenger Corporation, or Amtrak, took over all railroad passenger trains this weekend.
>
> THE THEORY
>
> In theory, service will improve in the towns that are left with service because of the savings from not having to serve the unprofitable places that have been cut off.
>
> Such places as Harper's Ferry, W. Va., Barnesville, Ga., and Dothan, Ala., are in the same predicament as Miles City, Glendive, Missoula, Forsyth, Billings and Bozeman, Mont. They are all without passenger trains, most of them for the first time since the beginning of the railroads.
>
> The people of Miles City are not simply saddened by the loss of passenger service. They are angered.
>
> Many regard it as another doubtful step in the march of civilization, on a par with the slaughter of the buffaloes and the pollution of the Yellowstone River, which runs past Miles City.

Another part of the article reads as follows:

> Part of the resentment is peculiar to the Western states. The Federal Government gave the railroads large tracts of land in the 19th century to induce them to extend their lines into the undeveloped areas of the West.
>
> The Burlington Northern still owns 1,439,137 acres in Montana, most of it valuable for ranching, oil and coal. These holdings stir deep animosity among many people.
>
> Half a dozen men sat drinking at the bar of the Golden Spur yesterday afternoon. "Damn it," said an automobile dealer wearing a Stetson and cowboy boots, "if the railroad is not going to run passenger trains, then I say let's make them give back the land and oil and coal we gave them."

Mr. President, shortly I shall move to proceed to the consideration of calendar No. 81, S. 166, and to other items on the calendar that have been cleared. That action will result in the displacement of the Metcalf-Mansfield amendment and along with it, the underlying bill. They will go back to the Senate calendar. They will remain there until again called up on motion. At an appropriate time in the future, I intend to again call up S. 699 to which the Metcalf-Mansfield amendment is pending and, assuming the entire issue has been resolved, S. 699 undoubtedly will be passed unencumbered and sent to the House.

Mr. METCALF. Mr. President, I concur with my colleague, the majority leader, that the resolution upon which we sought a vote last Friday is now moot. May 1 has come and gone. The operative date of Amtrak has passed and is now a matter of history. Future results as a result of the resolution adopted by the Commerce Committee, decisions of appellate courts, and other actions are still to be determined. But there is no point today on May 3 to press an amendment that was only pertinent prior to May 1. Nor is there any reason at this time to oppose confirmation of the nominees for directors of the National Railroad Corporation.

Mr. President, today's mail brought a letter from a visitor to Montana whose condition may be diagnosed as pre-Railpax frustrated. His recital suggests that he will not again attempt a visit by common carrier to the Big Sky Country, because his condition would clearly worsen after May 1 when all of the passenger trains on the southern route of the Burlington-Northern are discontinued and, instead of being unable to get reservations to travel on one of two trains, he will be unable to get reservations to travel on no trains.

Mr. Smith came to Montana with his family and attempted to reserve space on the soon-to-be-discontinued southern route train out of Butte. He was told the train was fully booked, but he would be waitlisted in case another car were added.

Mr. Smith then tried the airlines. There is one serving this area of 65,000. On Saturdays and Sundays there are two flights per day. He was given standby listing on a flight out of Billings, over 200 miles away. The Smiths drove to Billings and were booked on separate flights to Chicago.

Mr. Smith asks:

> Would you please explain how a person can travel in your state without renting an automobile?

Mr. President. I am unable to answer that question or the next one—

> How can you explain the removal of the rail service and the fact that there is no competition among the airlines industry to provide better service?

I feel sure that Halftrak's designers will be able to persuade Mr. Smith that the service he is about to see is better than the service he has seen, and I am therefore inviting Mr. Kendall to reply.

I ask unanimous consent to have Mr. Smith's letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: During my recent trip to the state of Montana my wife and family encountered the following:

1. Being in Livingston, Mont. on Thursday, April 15, 1971, we attempted to make train reservations to return to Chicago from Butte on Saturday or Sunday April 17 or April 18, 1971.
2. Unable to get train reservations but given a promise that I would be put on the waiting list or another car would be put on I proceeded to arrange for airline reservations.
3. To my amazement there is only one airline that serves the northwest from Chicago's O'Hare field. This is Northwest Airlines and all flights to Chicago from Butte were filled for Saturday and Sunday. (I think there's only one flight per day.)
4. I then ask about the flights from Billings (some 235 miles away) and was advised they were full but I could be placed on a standby.
5. I accepted this as my only possibility to get home.
6. This meant I must drive from Butte to Billings some 235 miles and hope my family and I could get a flight home sometime in the next two days.
7. Upon arrival at Billings we (the four of us) could be split up and sent to Chicago upon separate flights.
8. When the weather at Helena did not permit a landing and flight No. 72 came directly to Billings this give us the seats to Chicago.
9. After a two hour delay for mechanical problems and a over cooked meal we arrived at Chicago happy to be home.

Would you please explain how a person can travel in your state without renting a automobile? How can you explain the removal of the rail service and the fact that there is no competition among the airline industry to provide better service?

Mr. PROUTY. Mr. President, it is true that because of the lack of a quorum on Friday last, it was not possible to take action on the amendment submitted by the distinguished majority leader; but I say to him, in complete sincerity and honesty, that the mere fact he introduced that amendment, in my judgment, will do more to bring about a restoration of meaningful railroad passenger service in this country than anything else that could have been done.

I might point out that the Committee on Commerce took action last Thursday which will require the directors of Amtrak to appear before the committee and indicate in detail the whole situation as it relates to trains that are not now or will not be in operation. That was done in large part because of the respect and admiration of members of the committee for the integrity of the distinguished majority leader.

My objection is the same as his. I want passenger service restored in this country. My own section of New England has no passenger service whatsoever. We have not had trains taken off. We have none now. The Senate joint resolution which the committee ordered reported last Thursday requires Amtrak to report to Congress by June 30, 1971, on the feasibility and desirability of expanding service beyond that included in the basic system.

It is because I believe that Amtrak will be the method and the means through which we can restore service in that area, as well as in the State of the distinguished Senator from Montana, and elsewhere throughout the Nation, that I felt his amendment was not wise at the time.

It threatened to destroy the operation so painstakingly put together by the corporation at its inception, rather than building upon the basic service system established by it.

In conclusion, I would like to express my conviction that the action taken by Congress in establishing Amtrak and the actions of its directors in the past months to begin its operation are firm steps forward toward a national rail passenger system.

The course which Congress must take is one which builds upon this established base—not one which sets back, or even cripples, its development. Accordingly, I will urge immediate passage of the study resolution when it is reported by the Commerce Committee this week. This study will provide the explicit information needed by Congress to determine how and when Amtrak should be strengthened and expanded to serve the needs of the Nation.

But, again, I say to the Senator from Montana, the distinguished majority leader, he is entitled to the greatest credit from all of us who are interested in railroad passenger service.

Mr. MANSFIELD. I thank the distinguished Senator from Vermont very much.

EXHIBIT 1

MILES CITY, MONT., MOURNS END OF PASSENGER TRAINS—DIM RAILROAD DEPOT IS THE QUIETEST PLACE IN TOWN

(By Roy Reed)

MILES CITY, MONT., May 2.—Casey Barthelmess, 80 years old, once a bronc buster and a cowpoke, shifted on his crutches, outside the depot. He tried to sound uninterested in what happened.

"I thought there might be a little excitement," he said, "but it was pretty quiet." His voice had betrayed him by going hoarse in mid-sentence.

He had just watched the coming and the going of the last passenger train through Miles City. As he spoke, the train could still be heard in the distance as it sped toward the end of the line at St. Paul.

It had been a quiet event, as Mr. Barthelmess said. But there was drama in it for the 10 or 12 who had come to the old brick station to say good-by to 90 years of history.

THE BELL TOLLS

The eastbound Mainstreeter from Seattle pulled into the dim Miles City station at 10:58 P.M., one hour and three minutes late. It came in like a funeral train, moving about five miles an hour, its bell seeming to toll rather than ring in the night chill.

The engineer stopped the train beside the worn brick platform and one passenger, a middle-aged man, got off and walked quickly away.

Then two other men, a Montana editor and a companion, got on. Like hundreds of others they were taking a last ride to record, or just to feel, how it was the day the passenger trains stopped running in southern Montana and in many other places across the United States.

Miles City, a ranching center with a population of about 10,000 on the Burlington Northern line, is one of hundreds of towns and cities that are without passenger trains since the National Railroad Passenger Corporation, or Amtrak, took over all railroad passenger trains this weekend.

THE THEORY

In theory, service will improve in the towns that are left with service because of the savings from not having to serve the unprofitable places that have been cut off.

Such places as Harper's Ferry, W. Va., Barnesville, Ga., and Dothan, Ala., are in the same predicament as Miles City, Glendive, Missoula, Forsyth, Billings and Bozeman, Mont. They are all without passenger trains, most of them for the first time since the beginning of the railroads.

The people of Miles City are not simply saddened by the loss of passenger service. They are angered.

Many regard it as another doubtful step in the march of civilization, on a par with the slaughter of the buffaloes and the pollution of the Yellowstone River, which runs past Miles City.

The loss of passenger trains is especially painful to those old enough to remember how good the service once was.

Carter Snell, an 86-year-old retired rancher and wool buyer, said he and his family used to ride the train from Miles City to their ranch 20 miles away and the train would let them off there.

"The trains stopped anywhere you wanted them to, by God, in those days," he said.

Miles City has had only two daily passenger trains east and two west for several years. Many here admit that they have not used the trains much since the coming of good highways and easy automobile travel. But they still resent having the trains taken off.

Part of the resentment is peculiar to the Western states. The Federal Government gave the railroads large tracts of land in the 19th century to induce them to extend their lines into the undeveloped areas of the West.

DEEP ANIMOSITY

The Burlington Northern still owns 1,439,137 acres in Montana, most of it valuable for ranching, oil and coal. These holdings stir deep animosity among many people.

Half a dozen men sat drinking at the bar of the Golden Spur yesterday afternoon. "Damn it," said an automobile dealer wearing a Stetson and cowboy boots, "if the railroad is not going to run passenger trains, then I say let's make them give back the land and oil and coal we gave them."

Many who have continued to ride the trains here are older people or those with illnesses that require attention in Minneapolis or Seattle. They either fear flying or find it too expensive. And they are uncomfortable on buses.

Mrs. Emily Robinson, 78, has to go to Minneapolis at least once a year for medical attention. She has always gone on the train and she thinks it is a "crime" that the trains have stopped.

"I'll use the plane now," she said. "I don't think I could sit on a bus for 24 hours."

Some will not be able to afford airplanes. Frontier Airlines charges $22 to fly from here to Billings, 145 miles away. The train fare was $6. It costs $5.65 on the bus.

A coach seat on the train from Miles City to Minneapolis cost only $25.75.

FEW MOURNERS

Despite the emotional wrench of losing the trains, not many people here went to the station last night to mourn the Mainstreeter's last trip.

It was a Saturday night, much like any other here; 200 or 300 went to the Elks Club for the annual fiddler's contest, and several hundred other men and women crowded the bars and cafes on Main Street and ate, drank and danced.

But memory or sentiment edged aside the frolic here and there.

Casey Barthelmess left the fiddler's contest early to pay his respects to the trains. Bill Dunn, the postmaster, whose father was an engineer, came and looked on unsmiling with his hands in his pockets. Mrs. Patricia Birdwell and her son Brian rode double on a bicycle to come to the station.

The mourners drifted away as the rumble of the Mainstreeter died in the east. All except Casey Barthelmess. He stayed awhile, slumped on his crutches, and talked of playing on the railroad tracks when he was a boy, and of riding free on the freight cars, and of the day a man was run over by a train.

Finally, the old man tired of talking and the railroad station became the quietest place in town.

Mr. MONDALE. Mr. President, I would like to take this opportunity to comment on Amtrak and to renew my support for the legislation that will postpone the implementation of this plan for 6 months. I believe that this delay is needed for several reasons.

First of all, I think that the Congress was misled regarding the original legislation that made Railpax possible. It was not my intention, when voting for this legislation, to force the elimination of over half of the passenger trains that are currently operating or were operating as of April 30, 1971. My State will lose all passenger service, except for a single route traveling from Chicago to the Twin Cities, and then continuing across the State via Willmar, Breckenridge, Fargo-Moorhead, and Grand Forks.

Even though the legislation allows Amtrak to add routes in the future, I do not think that this is a very satisfactory solution. This addition of routes will be a painstakingly slow process and I know that many of these routes will be lost forever once they are discarded by Amtrak.

When the preliminary report establishing the routes was first made available last fall by Secretary of Transportation Volpe, I immediately protested the reduction in passenger train service for Minnesota and for the entire Nation. I followed this up with protests to Mr. George Stafford of the Interstate Commerce Commission and finally with Mr. David Kendall when he was appointed

Chairman of the National Rail Passenger Corporation. The final report added two additional routes and made a few other minor changes but this was still not enough to make for an adequate rail passenger system.

The limited effect of Amtrak will force Minnesotans into using less dependable forms of transportation. Airlines serve only a small number of Minnesota communities and oftentimes the fare is much more than many people can afford. Automobiles are restricted by snow and ice in the winter and often are not available to students, senior citizens, and other people who cannot afford to own an automobile or are not in a position to operate one. Amtrak will force other regions into identical situations and will cause even greater problems in the six States that are totally excluded from rail passenger service.

Labor would also benefit if we could delay the implementation of Amtrak for 6 months. Many railroad employees from Minnesota have contacted me to express concern over the job protection that will be provided by the existing legislation and by the contracts that Amtrak has negotiated with the railroads.

I share these concerns and would like additional time to study these matters.

I think that the Congress was misled by the administration, the Department of Transportation, and the Office of Management and Budget. They told us that this legislation and that the amount of money that they requested were adequate to provide a rail passenger network for this Nation. In fact, much more money would be needed to provide an adequate system and these agencies were not willing to advocate that position even though they would have had very little trouble in obtaining approval from the Congress. I feel, therefore, if the administration and the Department of Transportation can consider spending a billion dollars in Federal funds for the development of the SST, then I can see no reason to exclude consideration for an increased Railpax appropriation and thus preserve necessary routes and stops which would otherwise be discarded.

DESIGNATION OF THE WASHAKIE WILDERNESS AND THE SHOSHONE NATIONAL FOREST IN WYOMING

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to Calendar No. 81, S. 166.

The PRESIDING OFFICER (Mr. Hughes). The clerk will report the bill.

The legislative clerk read as follows:

S. 166, a bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

NATIONAL RAILROAD PASSENGER CORPORATION

The legislative clerk proceeded to read sundry nominations in the National Railroad Passenger Corporation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The legislative clerk read the nomination of Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

OFFICE OF ECONOMIC OPPORTUNITY

The legislative clerk read the nomination of Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of William T. Pecora, of New Jersey, to be Under Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

DESIGNATION OF THE WASHAKIE WILDERNESS AND THE SHOSHONE NATIONAL FOREST IN WYOMING

The Senate resumed consideration of the bill S. 166, to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Wyoming (Mr. McGee).

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator McGee

Mr. President, the bill before us to establish the Washakie Wilderness Area in Wyoming will serve admirably to enhance and improve upon the existing wilderness system in the State of Wyoming in the interest of the public. The bill also happens to represent the fruits of much endeavor, including considerable dialogue between Senator Hansen and me, not over the wisdom of designating these lands, but over the details involved, chiefly the boundaries. My colleague and I have worked long and hard at this job, with much assistance from the Interior Committee, U.S. Forest Service, conservationists, local residents, industry and others. We have reached agreement on satisfactory and widely accepted lines which we ask the Senate to approve today, as it did last October, only to have the measure die for lack of House action in the 91st Congress.

This bill, of course, owes its genesis to the Wilderness Act of 1964, which directed that Primitive Areas be studied by the Department of Agriculture to determine their suitability for inclusion in the National Wilderness Preservation System. Such a study was made on the Shoshone Forest of Wyoming, Mr. President, culminating in this bill, which proposes to include most of the Stratified Primitive Area and some contiguous land in the Wilderness System by joining it to the existing South Absaroka Wilderness to form the newly-designated Washakie Wilderness. This is an area approximately 80 miles southeast of Yellowstone National Park. It is a region offering true wilderness values for the public, including opportunities for unusual adventure and challenge in a pristine setting on land free of man's interference with the works of nature.

The area being added to the Wilderness totals about 280,000 acres, while the existing South Absaroka Wilderness to which it is being added is 483,130 acres in size.

Much of the difficulty which surrounded the history of this legislation to this point, and which necessitated the lengthy consideration on the part of Senator Hansen and me, was concerned with a 35,000 acre area we in Wyoming call the DuNoir Valley, which lies along the west end of the wilderness area. Conservationists in particular were eager to have this area included in the wilderness designation being considered today for several reasons, although it did not appear within the originally-proposed boundaries published by the U.S. Forest Service. The DuNoir, unlike many wilderness areas in Wyoming, is not confined to the top of peaks or the very high ground which no one else wants for commercial use. It is lower, enjoys a particular wealth of wildlife and represents a significant calving ground for the magnificent elk which reside in our mountain regions. In the early 1920's, the DuNoir was visited by the old Wyoming Timber Company, which cut some wood, mostly for railroad ties. But the timber removed was skidded out by horses and floated. Never was mechanized equipment in there. The passage of half a century has largely covered the relatively minor incursions of man on this region.

In the bill before you, the DuNoir is not designated as Wilderness, but as a special management unit which will be treated much as though it were inside the boundaries of the Washakie Wilderness. In this way, Mr. President, we have moved to insure, for generations yet to come, the benefits to be derived from the magnificent DuNoir Valley.

It has been a spirit of cooperativeness, a demonstrated willingness to tackle some difficult and sometimes precise questions and work out solution, which has resulted in this bill reaching the floor of the Senate under the joint sponsorship of Senator Hansen and me. Many people were involved in the solution of the differences which occurred in the early history of this legislation, and I wish to thank all for staying with us. America, I am confident, will be the richer for the preservation of these lands in their natural state.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled, "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–80), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 166 designates as wilderness a unique mountain area located within the boundaries of the Shoshone National Forest in northwest Wyoming. It is approximately 200 miles northwest of Casper and 80 miles south of Yellowstone National Park. Access is from U.S. Route 26 and 287, and on the east from State Route 20. The proposed wilderness is characterized by deep, narrow valleys exposing the strata which were built up by volcanic activity. Broad, flat-topped mountains and plateaus separate the canyons.

In this area elevations range from 8,150 to 12,615 feet. It has only 29 percent timber cover, of which the predominant species is the Engelman spruce. The higher sites are barren with only grassland vegetation. Since much of the higher elevations are above timberline, the proposed wilderness is rich in the petrified remains of forest, ferns, and animal life of other geologic ages.

Some 16 lakes and nearly 40 miles of streams are found here. The trout fishing in the area as well as the big game hunting are well known.

Elk, moose, deer, bighorn sheep, and black and grizzly bear inhabit the area, along with many varieties of smaller animals such as bobcat, snowshoe rabbit, and badger.

Summer temperatures in the area rarely exceed 80 degrees, with winter minimum ranging between 30 and 40 degrees below zero Fahrenheit. Summers are short with an average growing season of less than 60 days, though frost can occur on any day of the year.

Included within the 208,000 acres of proposed wilderness served by this proposal are opportunities for a variety of outdoor recreation activities which include hiking, riding, back-packing, hunting, fishing, camping, and photography.

Most of those who visit the area for recreation are from Wyoming; however, a large number of people from outside the State use commercial packer facilities. Generally, from within 350 miles drive by automobile, a population of 500,000 people has access to the area. Thirty-two percent of the visitors come for hunting.

LEGISLATIVE BACKGROUD

The Wilderness Act of 1964 (78 Stat. 890) established the National Wilderness Preservation System which encompassed some 54 national forest areas.

The proposed Washakie Wilderness results from a review of one such National Forest area by the Secretary of Agriculture. Pursuant to receiving this review, the President of the United States recommended that the area in northwestern Wyoming known as the Stratified Primitive Area be designated as a wilderness area.

On November 7, 1967, Senator Hansen submitted an original bill, S. 2630, which included the Stratified Primitive Area and proposed that it be designated as a wilderness area.

On February 19 and 20, 1968, hearings were held on S. 2630. At that time the Secretary of Agriculture submitted his report on behalf of the Department in support of S. 2630.

In the 91st Congress, two bills were introduced. S. 1468, introduced by Senator Hansen, included the area within the original Stratified Primitive area. Also included within the boundaries of the Washakie Wilderness proposal were approximately 9,500 acres which met the criteria for wilderness. This area protected elk and wildlife migration routes.

Senator McGee's bill, S. 164, would have increased the original wilderness area proposal by 45,000 acres.

S. 1468 as reported from committee was in a form acceptable to both Senator Hansen and Senator McGee. The final bill represented a compromise whereby most of the additional area included within S. 164 was included within the special management provisions set forth in S. 1468.

That bill, S. 1468, passed the Senate October 14, 1970, but did not reach House consideration in the 91st Congress. This bill, S. 166, is identical to S. 1468.

MINERAL SURVEY

The U.S. Geological Survey and the Bureau of Mines, Department of the Interior, conducted a field investigation of the area during the summer of 1965. Generally, they found only minimal evidence of the presence of minerals. There has been no oil or gas leasing activity in the area, and although older rock formations indicate that there may be some oil, the prospect of the area becoming a source of oil and gas is considered minimal. Likewise, it is believed that any coal, bentonite, or phosphate in the area is so deep in the earth's crust as to make it uneconomic to mine at the present time.

ENLARGED AREA

This bill includes approximately 2,000 additional acres of land within the wilderness classification which were not originally included within the administration recommendation. The additional acreage is centered primarily around an area in the southwestern part of the proposed wilderness near a high, peaklike abutment known as the Ramshorn. The acreage was added mainly to act as a buffer zone to the Ramshorn as well as to provide for the inclusion of additional acreage which is of such quality that it should be given wilderness protection.

SPECIAL MANAGEMENT AREA

Special management provisions are provided for an area of approximately 35,000 acres which lies west of the proposed wilderness addition, generally referred to as the DuNoir area. The DuNoir is an unusually scenic region, but the committee decided it did not qualify for wilderness, and spelled out special management provisions which preclude timber harvesting, additional roadbuilding, and motor vehicle use in the area, except as necessary for the administration of the unit by the Secretary of Agriculture.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee by unanimous vote favorably reports S. 166 and recommends its enactment.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the Calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON COMMERCE FOR INQUIRIES AND INVESTIGATIONS

The resolution (S. Res. 81) authorizing supplemental expenditures by the Committee on Commerce for inquiries and investigations was considered and agreed to, as follows:

S. Res. 81

Resolved, That the Committee on Commerce, or any subcommittee thereof, is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed $150,000, in addition to the first amount and for the purposes stated in Senate Resolution 25, Ninety-second Congress, agreed to March 1, 1971, such amount having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations. Of such $150,000, not to exceed $14,000 (which shall be in addition to the amount specified in section 2(1) of such resolution) may be expended for the procurement of individual consultants or organizations thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–82), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 81 would authorize the Committee on Commerce, or any subcommittee thereof, from the date of its approval through February 29, 1972, to extend not to exceed $150,000 (of which amount not to exceed $14,000 could be expended by the committee for the procurement of individual consultants or organizations thereof) for inquires and investigations, such funds to be in addition to the amount ($1,233,800) and for the purposes stated in Senate Resolution 25, its annual expenditure authorization. agreed to March 1, 1971. The Committee on Commerce is requesting the additional funds—to respond to the crisis in the railroad industry—of which the Penn Central's collapse and its need for Federal financial assistance in order to prevent cessation of essential services is the prime example.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 81 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

At the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquires and investigations.

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION"

The resolution (S. Res. 88) authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90–148, the Clean Air Act, as amended) entitled "Progress in the Prevention and Control of Air Pollution", be printed as a Senate document.

Sec. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–83), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 88 would provide (1) that the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90–148, the Clean Air Act, as amended) entitled "Progress in the Prevention and Control of Air Pollution," be printed as a Senate document; and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$717.18
2,500 additional copies, at $65.82 per thousand	164.55
Total estimated cost, S. Res. 88	881.73

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF THE "REPORT OF THE JOINT ECONOMIC COMMITTEE"

The resolution (S. Res. 97) authorizing the printing of additional copies of the "Report of the Joint Economic Committee" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Joint Economic Committee two thousand additional copies of its report to the Ninety-second Congress, first session (Senate Report Numbered 92–49), entitled "Report of the Joint Economic Committee on the February 1971 Economic Report of the President, Together With Statement of Committee Agreement, Minority and Other Views," pursuant to section 5(b) (3) of Public Law 304, Seventy-ninth Congress, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–84), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 97 would authorize the printing for the use of the Joint Economic Committee of 2,000 additional copies of its report to the 92d Congress, first session (S. Rept. 92–49), entitled "Report of the Joint Economic Committee on the February 1971 Economic Report of the President, Together With Statement of Committee Agreement, Minority and Other Views," pursuant to section 5(b) (3) of Public Law 304, 79th Congress, as amended.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 2,000 copies	$1,200

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

The resolution (S. Res. 107) authorizing supplemental expenditures by the Committee on Government Operations for inquiries and investigations was considered and agreed to, as follows:

S. Res. 107

Resolved, That the Committee on Government Operations is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed the sum of $50,000 (in addition to the amount provided in section 9 of Senate Resolution 31, Ninety-second Congress, agreed to March 1, 1971), such sum having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations. Such sum shall be expended for the purposes specified in sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with the committee's jurisdiction under rule XXV of the Standing Rules of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–85), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 107 would authorize the expenditure by the Committee on Government Operations through February 29, 1972, of not to exceed $50,000 for inquiries and investigations. These funds, which would be in addition to the $1,582,200 authorized for use by that committee by Senate Resolution 31, agreed to March 1, 1971, would be utilized for field hearings on S. 10, a bill to establish a national policy to revitalize rural and other economically distressed areas.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 107 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

Such sum (was not) included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations.

PAYMENT OF GRATUITY TO FLORENCE H. LOUDERMILK

The resolution (S. Res. 111) to pay a gratuity to Florence H. Loudermilk was considered and agreed to, as follows:

S. RES. 111

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Florence H. Loudermilk, widow of Charles G. Loudermilk, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AUTHORIZATION FOR THE PRINTING FOR THE USE OF THE COMMITTEE ON PUBLIC WORKS OF ADDITIONAL COPIES OF HOUSE DOCUMENT 92-70, ENTITLED "CONTROL OF HAZARDOUS POLLUTING SUBSTANCES"

The resolution (S. Res. 110) authorizing the printing for the use of the Committee on Public Works of additional copies of House Document 92-70, entitled "Control of Hazardous Polluting Substances" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Public Works two thousand five hundred additional copies of House Document 92-70, entitled "Control of Hazardous Polluting Substances", a report of the Secretary of Transportation, submitted to Congress in accordance with section 12(g) of the Federal Water Pollution Control Act, as amended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-86), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

The Committee on Rules and Administration is reporting this original simple resolution in lieu of Senate Concurrent Resolution 14, which as referred to the committee would provide (1) that there be printed as a Senate document the report of the Secretary of Transportation, entitled "Control of Hazardous Polluting Substances," submitted to Congress in accordance with section 12(g) of the Federal Water Pollution Control Act, as amended; and (2) that there be printed 2,500 additional copies of such document for the use of the Senate Committee on Public Works.

This action is taken by the Committee on Rules and Administration because the report in question has already been ordered printed as a House document, and since the 2,500 additional copies of the report requested by the Committee on Public Works may be obtained within the $1,200 statutory limitation on printing additional copies by a simple resolution.

The prnting-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

2,500 additional copies, at $420.18 per thousand	$1,050.45

AUTHORIZATION FOR A STUDY OF NATIONAL FUELS AND ENERGY POLICY

The Senate proceeded to consider the resolution (S. Res. 45) to authorize a study of national fuels and energy policy, which had been reported from the Committee on Interior and Insular Affairs with amendments: On page 3, in line 14, strike out the word "make", and insert the words "make, in accordance with the national policy enunciated in the Mining and Minerals Policy Act of 1970 (84 Stat. 1876),";

On page 7, at the beginning of line 3, strike out the date "January 31, 1972," and insert in lieu thereof "February 29, 1972,";

And on page 8, strike out the language of Sec. 7 reading:

The expenses of the committee under this resolution, from the date of its agreement through January 31, 1972, shall not exceed $———, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

And insert in lieu thereof:

The Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed $200,000, in addition to the first amount and for the purposes stated in Senate Resolution 35, agreed to March 1, 1971, such amount having not been included in that resolution because at the time at which that resolution was considered there was a need for public hearings and other information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations pursuant to the study authorized by this resolution.

And reported from the Committee on Rules and Administration with additional amendments:

On page 6, in line 3, strike out through line 9 the language:

SEC. 3. The chairmen and ranking minority members of the Committees on Commerce and Public Works or their designees and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy or their designees shall participate in the study authorized herein and the Senators so appointed shall serve with the committee in an ex officio capacity.

And insert in lieu thereof:

SEC. 3. The chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate in the study authorized by this resolution and shall serve as ex officio members of the committee.

And in line 24, strike out "Such advisers shall serve without compensation."

On page 7, in line 2, after the comma, insert "or any subcommittee thereof,";

In line 3, strike out down through line 14 the language: "(1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (4) and with the prior consent of the chairmen of other committees of the Senate to utilize the services, information, facilities, and personnel of such committees as needed to assist in carrying out the purpose of this resolution," and insert in lieu thereof: "in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of this resolution."

On page 7, at the end of line 25, strike out "by September 1, 1972.";

On page 8, in line 5, strike out "The", and insert the words "For the purposes of this resolution, the";

In line 10, strike out the words "and for the purposes stated", and insert in lieu thereof the word "specified";

At the beginning of line 11, strike out "35" and insert in lieu thereof "34";

And in line 17, after the word "resolution." insert "Of such $200,000, not to exceed $12,000 (which shall be in addition to the $6,000 specified in section 2 of such Senate Resolution 34) may be expended for the procurement of individual consultants or organizations thereof."

So as to make the resolution read:

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified in rule XXV of the Standing Rules of the Senate to—

(a) make a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(b) make, in accordance with the national policy enunciated in the Mining and Minerals Policy Act of 1970 (84 Stat. 1876), a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

Sec. 2. In carrying out the provisions of section 1 the committee shall, in addition to such other matters as it may deem necessary, give consideration to—

(1) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as to worldwide trends in consumption and supply;

(2) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short range needs and to provide for future demand for the years 2000 and 2020;

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(4) technological developments affecting energy and fuel production, distribution, transportation, and/or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(5) the effect that energy producing, transportation, upgrading, and utilization has upon conservation, environmental, and ecological factors, and vice versa;

(6) the effect upon the public and private sectors of the economy of any recommendations made under this study, and of existing governmental programs and policies now in effect;

(7) the effect of any recommendations made pursuant to this study on economic concentrations in industry, particularly as these recommendations may affect small business enterprises engaged in the production, processing, and distribution of energy and fuel;

(8) governmental programs and policies now in operation, including not only their effect upon segments of the fuel and energy industries, but also their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs; and

(9) the need, if any, for legislation designed to effectuate recommendations in accordance with the above and other relevant considerations, including such proposed amendments to existing laws as necessary to integrate existing laws into an effective long-term fuels and energy program.

Sec. 3. The chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate in the study authorized by this resolution and shall serve as ex officio members of the committee.

Sec. 4. The chairman of the Committee on Interior and Insular Affairs is authorized to appoint an advisory panel or panels of nongovernmental experts in the fields of fuels and energy and the environment.

Sec. 5. For the purposes of this resolution the committee, or any subcommittee thereof, is authorized through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of this resolution.

Sec. 6. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 45

Whereas adequate supplies of fuel and energy resources in all forms are essential to the continued welfare of the Nation, which includes national security, balanced growth, and safeguarding and enhancing the quality of the environment; and

Whereas authoritative estimates forecast that by the year 2000 the population of the United States will increase to approximately three hundred million persons and that the consumption of fuel and energy resources may increase over 200 per centum; and

Whereas the maintenance of adequate energy and fuel supplies at reasonable price levels, the continued fiscal stability of the basic energy and fuel industries, the proper development of adequate facilities for the production, distribution, transportation, and/or transmission of fuel and energy resources consistent with environmental quality legal requirements and national goals, together with the manpower and equipment to meet these objectives, are essential to the well-being of our Nation; and

Whereas there now exist various and sometimes conflicting laws and regulations setting forth national goals which affect fuels and energy policy and which are vital to the development of fuel and energy resources; and

Whereas the Congress last reviewed national fuels and energy policy in 1962; and

Whereas, in view of these and other considerations, it appears that a Senate committee study of the fuels and energy industries is indicated to determine what, if any, changes in the implementation of existing and prospective Government policies and laws may be desirable in order to coordinate and provide an effective national policy to assure a continuation of reasonable and efficient sources of fuels and energy consistent with environmental quality laws and policies and with national security: Now, therefore, be it

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified in rule XXV of the Standing Rules of the Senate to—

(a) make a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(b) make, in accordance with the national policy enunciated in the Mining and Minerals Policy Act of 1970 (84 Stat. 1876), a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

Sec. 2. In carrying out the provisions of section 1 the committee shall, in addition to such other matters as it may deem necessary, give consideration to—

(1) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as to worldwide trends in consumption and supply;

(2) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short range needs and to provide for future demand for the years 2000 and 2020;

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(4) technological developments affecting energy and fuel production, distribution, transportation, and/or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(5) the effect that energy producing, transportation, upgrading, and utilization has been upon conservation, environmental, and ecological factors, and vice versa;

(6) the effect upon the public and private sectors of the economy of any recommendations made under this study, and of existing governmental programs and policies now in effect;

(7) the effect of any recommendations made pursuant to this study on economic concentrations in industry, particularly as these recommendations may affect small business enterprises engaged in the production, processing, and distribution of energy and fuel;

(8) governmental programs and policies now in operation, including not only their effect upon segments of the fuel and energy industries, but also their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs; and

(9) the need, if any, for legislation designed to effectuate recommendations in accordance with the above and other relevant considerations, including such proposed amendments to existing laws as necessary to integrate existing laws into an effective long-term fuels and energy program.

Sec. 3. The chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate in the study authorized by this resolution and shall serve as ex officio members of the committee.

Sec. 4. The chairman of the Committee on Interior and Insular Affairs is authorized to appoint an advisory panel or panels of nongovernment experts in the fields of fuels and energy and the environment.

Sec. 5. For the purposes of this resolution the committee, or any subcommittee thereof, is authorized through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimburseable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of this resolution.

SEC. 6. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate.

SEC. 7. For the purposes of this resolution, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed $200,000, in addition to the first amount specified in Senate Resolution 34, agreed to March 1, 1971, such amount having not been included in that resolution because at the time at which that resolution was considered there was a need for public hearings and other information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations pursuant to the study authorized by this resolution. Of such $200,000, not to exceed $12,000 (which shall be in addition to the $6,000 specified in section 2 of such Senate Resolution 34) may be expended for the procurement of individual consultants or organizations thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–87), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 45 as amended would authorize the expenditure of not to exceed $200,000 (not to exceed $12,000 of which could be used for the procurement of consultants) through February 29, 1972, by the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, to—

(a) make a full and complete investigation and study (including the holding of public hearings in appropriate parts of the Nation) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals, including the high priorities—national security and environmental protection; and

(b) make, in accordance with the national policy enunciated in the Mining and Minerals Policy Act of 1970 (84 Stat. 1876), a full and complete investigation and study of the existing and prospective governmental policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States, taking into account: the Nation's environmental concerns, the investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel and necessary related industries, and the need for maintenance of an adequate force of skilled workers.

The chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairman and ranking minority member to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, would participate in the study authorized by this resolution and would serve as ex officio members of the committee.

The chairman of the Committee on Interior and Insular Affairs would be authorized to appoint an advisory panel or panels of non-Government experts in the fields of fuels and energy and the environment.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 45 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

Such amount (was not) included in that resolution because at the time at which that resolution was considered there was a need for public hearings and other information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations pursuant to the study authorized by this resolution.

AMENDMENTS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Amendments adopted by the Committee on Interior and Insular Affairs, and the explanations therefor are as follows:

On page 3, line 14, insert a comma and the following phrase after the word "make" at the beginning of the line: "in accordance with the national policy enunciated in the Mining and Minerals Policy Act of 1970 (84 Stat. 1876)."

On page 7, line 3, strike out "January 31, 1972", and insert in lieu thereof "February 29, 1972".

On page 8, beginning on line 1, delete all of section 7 and substitute the following:

"SEC. 7. The Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed $200,000, in addition to the first amount and for the purposes stated in Senate Resolution 35, agreed to March 1, 1971, such amount having not been included in that resolution because at the time at which that resolution was considered there was a need for public hearings and other information to determine the total amount of expenditures to the committee would incur in conducting its inquiries and investigations pursuant to the study authorized by this resolution."

This amendment was necessary under the legislative Reorganization Act amendments of last year to explain why the committee did not request funds for this study at the time our regular budget request was made and approved by the Senate. Because of the complexities involved in beginning this fuels study, the committee did not have sufficient time to begin the study until now.

AMENDMENTS BY THE COMMITTEE ON RULES AND ADMINISTRATION

At the request of the Committee on Interior and Insular Affairs, the Committee on Rules and Administration is reporting Senate Resolution 45 with the following additional clarifying and technical amendments:

On page 6, beginning with line 3, strike out through line 9, and insert in lieu thereof the following:

SEC. 3. The chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairmen and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate in the study authorized by this resolution and shall serve as ex officio members of the committee.

On page 6, lines 24 and 25, strike out "Such advisers shall serve without compensation."

On page 7, line 2, immediately before "is", insert a comma and "or any subcommittee thereof,".

On page 7, line 3, beginning with "(1)", strike out through line 14 and insert in lieu thereof the following: "in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of this resolution."

On page 7, line 25, strike out "by September 1, 1972".

On page 8, line 5, strike out "The" and insert in lieu thereof the following: "For the purposes of this resolution, the".

On page 8, line 10, strike out "and for the purposes stated" and insert in lieu thereof "specified".

On page 8, line 11, strike out "35" and insert in lieu thereof "34".

On page 8, line 17, after the period, add the following: "Of such $200,000, not to exceed $12,000 (which shall be in addition to the $6,000 specified in section 2 of such Senaate Resolution 34) may be expended for the procurement of individual consultants or organizations thereof."

Additional information relative to the background and need for the study which would be authorized by Senate Resolution 45, excerpted from the report by the Committee on Interior and Insular Affairs thereon (S. Rept. 92–53), is as follows:

BACKGROUND

Energy is fundamental to the industrial strength and high standard of living of the United States today. Future economic growth will depend on rapidly increasing requirements of still greater quantities of energy in all forms. Historically, the United States has had more than adequate supplies of diverse and competitive energy resources. In recent years, however, there have been numerous examples of failure in supplying all of the energy which the country requires. Blackouts resulting from the failure of electrical energy supply have increased sharply, some natural gas distribution companies are unable to supply all new customers, dependence upon oil imports is increasing, and natural gas reserves are declining.

These numerous developing problems in the energy system have occurred during a period when the only energy policy was a *de facto* one resulting from a series of narrowly based laws, regulations and decisions made by Congress and by a large number of different Federal, State and local agencies. This has led to the widespread belief that a coordinated national energy policy is needed in order to prevent future disruptions in our energy supply.

NEED FOR THE STUDY

Numerous energy studies have been and are being made by industry, various agencies and departments in the Executive Branch of the Federal government, state regulatory agencies, many universities, private research foundations and by industry trade associations. These, however, are aimed at more specific and narrower problems which face these different groups. No previous attempt has been made to make a comprehensive analysis of existing energy policies or of identifying conflicting policies, of describing systematically the numerous energy problem areas, and, most important, to suggest an internally consistent set of alternative policies that lead to solutions of present problems and prevent future ones.

Unanimous support for the need for this study was received during hearings on February 25, 1971, from such diverse interest groups as National Coal Association, the United Mine Workers, American Petroleum Institute, Independent Petroleum Association of America, American Public Power Association, Independent Natural Gas Association, National Economic Research Associates, Westinghouse Electric Corporation, and the Consumers Federation of America. Senators Bellmon, Randolph, Ribicoff and Tower all added their favorable comments during the hearings as to the need for this study. Written comments supporting the resolution were also received from the American Gas Association, the American Mining Congress, Edison Electric Institute, National Rural Electric Cooperative Association, Shell Oil Company, Union Carbide Corporation, former Senator Thomas H. Kuchel and Senator Cooper.

INCREASE OF THE LIMIT OF EXPENDITURES FOR HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES

The Senate proceeded to consider the resolution (S. Res. 105) increasing the limit of expenditures for hearings before the Committee on Armed Services which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the enacting clause, and insert:

That the Committee on Armed Services is authorized to expend, through February 29, 1972, from the contingent fund of the Senate not to exceed the sum of $20,000 (in addition to the amount provided in section 2 of Senate Resolution 30, Ninety-second Congress, agreed to March 1, 1971), such sum having not been included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the total amount of expenditures the committee would incur in conducting its inquiries and investigations. Such sums shall be expended for the purposes specified in sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with the committee's jurisdiction under rule XXV of the Standing Rules of the Senate.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing supplemental expenditures by the Committee on Armed Services".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–88), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 105 would authorize the Committee on Armed Services to expend from the contingent fund of the Senate, during the 92d Congress, $20,000 in addition to the amount ($10,000), and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, as amended. The committee has had an exceptionally large number of meetings this session of Congress, and has already expended over $9,000 of its original $10,000 for transcripts of the proceedings of those meetings.

Senate Resolution 105 has been reported from the Committee on Armed Services in the format customarily employed for such purpose. Due, however, to recently enacted provisions of the Legislative Reorganization Act of 1946, a new procedure is now required. Specifically, section 133(g) of that act requires that any standing committee (except the Committee on Appropriations) desiring authorization for the expenditure of funds in excess of the $10,000 per Congress authorized by section 134(a) of the same act shall offer one annual authorization resolution to procure such authorization. Section 133(g) also stipulates that any funds in addition to those authorized in its annual expenditure authorization may be obtained by a committee during that year only by means of a supplemental expenditure authorization resolution. Since these new provisions limit authorizations for additional funds to an annual basis, it is not now possible to consider or treat them as supplements to the statutory $10,000 granted committees on a biennial basis.

Section 133(g) further stipulates that the supplemental resolution shall contain an explicit statement of the reason why authorization for the additional expenditures was not included in the annual expenditure authorization request.

While the Committee on Rules and Administration approves the request for additional funds contained in Senate Resolution 105, it is required to report the resolution with an amendment in the nature of a substitute to accommodate the requirements stated above. The title has been amended accordingly.

BILL PASSED OVER

The bill, H.R. 4246, to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER (Mr. Hughes). The bill will be passed over.

AMENDMENT OF THE SMALL BUSINESS ACT

The bill (S. 1260) to amend the Small Business Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended by striking out "$2,200,000,000" and inserting in lieu thereof "$3,100,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–90), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY

The bill would amend the Small Business Act to increase by $900 million the amount of certain loans, guarantees, and other obligations or commitments outstanding at any one time from the business loan and investment fund of the Small Business Administration. This increase will permit a continuation of five SBA programs through fiscal year 1972.

The committee unanimously ordered S. 1260 reported.

PURPOSE OF THE BILL

Subsection 4(c)(4) of the Small Business Act (Public Law 85–536, as amended) places an overall limitation upon the total amount of all loans, guarantees, and other obligations or commitments which may be outstanding at any time under five programs financed from the business loan and investment fund of the Small Business Administration. These programs are:

(1) The regular business loan program (sec. 7(a) of the Small Business Act).

(2) The displaced business loan program (sec. 7(b)(3) of the Small Business Act).

(3) The trade adjustment loan program (sec. 7(e) of the Small Business Act).

(4) The prime contract program (sec. 8(a) of the Small Business Act), and

(5) The economic opportunity loan program (title IV of the Economic Opportunity Act of 1964).

Loans made under the economic opportunity loan program are also subject to an additional ceiling, which is not proposed to be amended by S. 1260.

The present limitation on the five programs mentioned above is $2.2 billion. This amount was increased from $1.9 billion by Public Law 91–558, approved December 17, 1970.

At the time that the increase to $2.2 billion was requested by the Small Business Administration, it was contemplated that the new limitation would permit the five covered programs to be continued through fiscal year 1972. However, by the time that the Committee on Banking and Currency ordered the bill reported (S. Rept. 91–1366, November 23, 1970), it was clear that the increase would enable SBA to continue its programs only through fiscal year 1971. S. 1260 will permit these programs to continue through fiscal year 1972.

S. 1260 was introduced by Senators McIntyre, Sparkman, and Tower on March 16, 1971. Hearings were held by this committee's Subcommittee on Small Business on April 21. Among the witnesses was Hon. Thomas S. Kleppe, Administrator of the Small Business Administration, who appeared in support of S. 1260.

Mr. Kleppe informed the committee that SBA now thinks that it will reach its present ceiling in May of this year, somewhat earlier than anticipated. There are two reasons why the ceiling is being reached earlier than anticipated. The first is that SBA has been significantly more successful than expected with its guarantee program, primarily under section 7(a) of the Small Business Act. Under this program, the agency may guarantee up to 90 percent of an acceptable loan from a bank or other lending institution. With budgetary restrictions on SBA's direct loan program, the guarantee program has grown at a rate which could not have been anticipated earlier. Under the 7(a) program, guarantees were originally budgeted for fiscal year 1971 at $500 million, but the current estimate for this year is over $750 million and for fiscal year 1972 is over $850 million.

The second reason for the premature reaching of the ceiling is the unanticipated decline in loan repayments. The following table shows how SBA's projections of loan repayments have changed over the past 2½ years, and how those projections accord with actual experience.

[In millions of dollars]

	5 programs covered by S. 1260—Estimates presented in 1969	All SBA loan programs	
		Revised estimates	Actual experience
Fiscal year:			
1970	316.3	225.1	174.8
1971	372.9	225.2	[1] 171.1

[1] Estimated.

Thus the estimates which were presented to this committee in the 91st Congress were in error regarding repayments by over $343 million, presumably because of a general slowdown in the economy.

The committee was assured by the Administrator of SBA that the ceiling proposed by S. 1260 would be adequate to see the agency through fiscal year 1972.

RENEWAL OF AUTHORITY FOR CEILINGS ON DEPOSIT INTEREST RATES AND WAGE AND PRICE CONTROLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 90, H.R. 4246 and that S. 699 be displaced and go back to the Calendar.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 4246, to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill, which had been reported by the Committee on Banking, Housing, and Urban Affairs with an amendment to strike out all after the enacting clause, and insert:

EXTENSION OF AUTHORITY FOR THE FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS AND SHARE ACCOUNTS IN FINANCIAL INSTITUTIONS

SECTION 1. Section 7 of the Act of September 21, 1966, as amended (Public Law 91-151; Public Law 92-8), is amended by striking out "1971" and inserting in lieu thereof "1973".

REMOVAL OF TIME LIMITATION ON THE AUTHORITY OF THE PRESIDENT TO APPROVE CERTAIN VOLUNTARY AGREEMENTS

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "714 and 719" and inserting in lieu thereof "708, 714, and 719".

PRICE AND WAGE CONTROLS

SEC. 3. (a) Section 202 of the Economic Stabilization Act of 1970 (Public Law 91-379) is amended—

(1) by inserting "(a)" before the text of such section; and

(2) by adding at the end thereof a new subsection as follows:

"(b) The authority conferred on the President by this section shall not be exercised with respect to a particular industry or segment of the economy unless the President determines, after taking into account the seasonal nature of employment, the rate of employment or underemployment, and other mitigating factors, that prices or wages in that industry or segment of the economy have increased at a rate which is grossly disproportionate to the rate at which prices or wages have increased in the economy generally."

(b) Section 206 of such Act is amended by striking out "May 31, 1971" and "June 1, 1971" and inserting in lieu thereof "September 30, 1971" and "October 1, 1971", respectively.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, during the further consideration of H.R. 4246, I ask unanimous consent that the time on any amendment, motion, or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, the time to be equally divided and controlled between the mover of such amendment and the manager of the bill; that no amendment not germane be received; that time on the bill be limited to 1 hour to be equally divided and controlled between the majority leader and the minority leader or their designees; and that either of these leaders may from the time under his control on the bill allot such additional time as may be desired to any Senator during the consideration of any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object and I have no intention of objecting, if the distinguished Senator from West Virginia will clarify the request, I understand time on the bill can be yielded on any amendment.

Mr. BYRD of West Virginia. That is correct.

Mr. PROXMIRE. Time on the bill is 1 hour.

Mr. BYRD of West Virginia. Equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the acting majority leader yield time on the bill?

Mr. BYRD of West Virginia. Mr. President, I yield time under my control to the Senator from Wisconsin.

Mr. TOWER. Mr. President, will the distinguished Senator from West Virginia rephrase his request so that I may control the time on the minority side since the minority leader is not in the Chamber?

Mr. BYRD of West Virginia. Yes. I do so now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

RENEWAL OF AUTHORITY FOR CEILINGS ON DEPOSIT INTEREST RATES AND WAGE AND PRICE CONTROLS

Mr. PROXMIRE. Mr. President, H.R. 4246, as amended by the Committee on Banking, Housing and Urban Affairs would: first, extend until June 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; second, extend on a permanent basis the President's authority to initiate a program of voluntary credit controls; and third, extend until October 1, 1971 the President's authority to establish mandatory price and wage controls.

DEPOSIT RATE CONTROL AUTHORITY

Section 1 of the legislation extends until June 1, 1973, the authority to establish flexible ceilings on the interest rates paid by financial institutions on time and savings deposits. This authority was first enacted by the Congress in 1966 in order to restrain excessive competition for funds by commercial banks and savings and loan associations. Unless renewed, the authority expires on June 1, 1971. The Federal bank regulatory agencies are unanimous in recommending that the authority be renewed.

The renewal of the flexible rate control authority is essential to protect the homebuilding industry from another serious credit shortage such as was experienced during 1966. Unrestricted competition for savings deposits between commercial banks, mutual savings banks, and savings and loan associations permitted large commercial banks to divert funds from thrift institutions and smaller commercial banks. Since thrift institutions place the bulk of their funds in home mortgages, the loss of savings deposits by these institutions resulted in a sharp drop in new home construction.

In renewing the flexible deposit rate control authority, it is expected that the financial agencies will continue to administer the ceilings so as to promote a reasonable flow of savings to mortgage-oriented thrift institutions.

VOLUNTARY CREDIT CONTROLS

Section 2 of H.R. 4246 removes the expiration date of the President's authority to initiate a program of voluntary credit controls similar to those President Truman put into effect during the Korean War. Under this authority, the President could establish committees of private lenders to work out voluntary programs for channeling credit from less essential to more essential uses. The authority is contained in the Defense Production Act which expires on June 30, 1972. Since a related authority for mandatory credit controls was enacted into permanent law in 1969, the Committee saw no reason why the voluntary credit control authority should not also be made permanent. The Federal Reserve Board, which would administer the authority if implemented, has testified that it has no objection to making the authority permanent.

WAGE AND PRICE CONTROL AUTHORITY

Section 3 of H.R. 4246 extends until October 1, 1971, the President's standby authority for controlling prices, wages, salaries, and rents. This authority, which expires on June 1, 1971, was first enacted by the Congress on August 15, 1970—Public Law 91-379; 84 Stat. 799—in order to give the President maximum authority for fighting inflation. Although the enactment of the authority was originally opposed by the administration on the grounds that it was not needed and that it had no intention of using such authority, the President has used the authority to stabilize wages and prices in the construction industry. During the hearings on H.R. 4246 and S. 1201, the administration supported a 2-year renewal of the authority.

The committee had serious reservations about applying the price and wage control authority to a single industry. An industry subject to price controls has no control over the price it must pay for the products of other industries. Likewise, workers subject to wage controls have no protection against a continued rise in the cost of living. For these reasons, the committee has recommended the administration adopt a voluntary system of wage-price guideposts before applying mandatory controls to any specific sector of the economy. Such a program of voluntary wage-price guideposts was also recommended by Arthur Burns, the chairman of the Federal Reserve Board, in his testimony before the committee.

As a specific restriction on using the wage-price control authority on a single industry, the committee approved an amendment requiring a specific finding by the President. Under the amendment, the President is prohibited from using the authority in a single industry unless he determines that wages or prices in that industry have increased at a rate which is grossly disproportionate to the rate for the economy as a whole, after taking into account any mitigating factors such as the seasonal nature of employment or the rate of unemployment or underemployment in the particular industry.

Because of the broad grant of power given the President, the committee decided to recommend a renewal of the wage and price control authority until October 1, 1971, rather than the 2 years as was proposed by the administration.

Although the House bill would extend this authority to April 1, 1973, the House bill also provides that the entire authority expires 6 months after the date of the first order issued under the authority. The fact is that the President has issued an order.

Since the President has issued an order under the legislation on March 29, 1971, with respect to the construction industry, the authority contained in the House bill would effectively expire on September 29, 1971. Under either bill, the Congress is thus given an early opportunity to review the need for continuing the wage-price control authority, to examine the results achieved in the construction industry, and to assess the progress made by the administration in curbing general wage and price increases by a voluntary guidepost system or by other means.

VARIABLE RESERVE REQUIREMENTS

Mr. President, the Committee also considered a proposal which would have authorized the Federal Reserve Board to distribute the impact of tight money more evenly throughout the economy. As the author of this proposal, I believe the Federal Reserve Board has a responsibility to conduct monetary policy in such a way that socially important segments of the economy are not unduly damaged.

Unfortunately, in our recent post-war history this has not been the case. For example, in five times over the last 20 years the homebuilding industry has been devastated by the Federal Reserve Board's tight money policy. Moreover, the impact of tight money on housing seems to be getting worse and not better, despite numerous actions taken to deal with the problem.

One member of the Federal Reserve Board, Gov. Sherman Maisel, who is the outstanding authority on that board on housing, has estimated that the homebuilding industry accounted for 70 percent of the impact of the Board's tight money policy in 1966. When an industry comprising only 3 percent of GNP bears 70 percent of the burden of fighting inflation, something is obviously wrong with the way monetary policy works.

Because of the inherent difficulty in changing our fiscal policies, it seems evident that we will make increasing use of monetary policy as a tool for managing the economy. If this is the case, it it likely that the homebuilding industry and other socially important sectors of the economy will suffer during the next credit shortage. These sectors will include State and local financing, small business, and agriculture.

Section 4 of S. 1201 which I introduced would have permitted the Federal Reserve Board to deal with this problem by establishing variable reserve requirements on commercial bank loans. During a period of tight money, the Board would establish high reserve requirements on business loans and low reserve requirements on housing loans. The effect of this change would shift money from business spending into housing. In this way, the Board could at least partially offset the impact of its restrictive monetary policy on the homebuilding industry.

Of course, they could also do that with respect to State and local governments and other sectors, which have been crippled in tight money periods.

Under this proposal, the Board could also have facilitated the flow of credit for the following additional purposes: poverty area development; State and local financing small business; family-sized farming; and export financing. In addition, the Board was authorized to restrain the flow of credit to those sectors of the economy where, in the Board's judgment, credit restraint would help stabilize the national economy.

This proposal was strongly supported during the hearings by the National Association of Homebuilders and the AFL-CIO. However, the Federal Reserve Board opposed the idea, although at least one member, Gov. Andrew Brimmer, approved the idea in principle but had reservations over some of the specific providings. After hearing the testimony, the Subcommittee on Financial Institutions voted 5 to 4 to favorably report the proposal to the full committee. However, a majority of the full committee was opposed to the idea and the provision was deleted from the legislation.

Mr. President, I am naturally disappointed that the reform measure was dropped from the bill. I realize it is difficult to enact reform legislation unless there is a crisis which makes the need for action overwhelming. In our present economic circumstances, there is a ready availability of mortgage credit. Indeed, the Federal Reserve Board has been expanding the money supply at an annual rate of 10 percent over the last few months. With commercial banks bursting with loanable funds, it is easy to forget the tight money conditions of 1969 and 1966. However, despite the favorable credit conditions we enjoy today, the basic problem will not go away. Unless the Federal Reserve Board can come up with some specific alternative recommendations for improving its monetary policy, the homebuilding industry and other important segments of the economy will once again be devastated the next time the Board finds it necessary to supply the monetary breaks.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **PROXMIRE.** I yield myself 2 additional minutes.

The home building experts who testified estimated that this could be as early as next fall or next winter.

I understand the Federal Reserve Board has been studying the impact of monetary policy on housing and that it intends to submit a report to the Congress by September 15 together with its recommendations for stabilizing the flow of credit to the homebuilding industry.

Mr. President, I realize that it is difficult for Members of the Senate to understand an esoteric subject such as monetary policy. Nonetheless, monetary policy has a profound impact on our economic life. Unlike central banks in other countries, the Federal Reserve Board has consistently refused to assume any responsibility for allocating credit to specific sectors of the economy in order to achieve important social and economic objectives. Up till now, the Board has been able to convince a majority of the Members of the Congress that its laissez-faire policy is the only proper policy for a central bank to follow, although, as I say, it is the only one that follows it. Since the issues are complex, and since the Federal Reserve has always managed to impart a certain mystique to its operations, it has been able to operate with relatively little congressional supervision. I hope that the hearings on this legislation will establish a record for the long term reform of the Federal Reserve System which I believe is so urgently needed.

I yield the floor.

Mr. **TOWER.** Mr. President, I yield myself 3 minutes.

I recommend the passage of the bill before us, H.R. 4246, as reported by the Committee on Banking, Housing and Urban Affairs, with a provision that the wage and price controls authority be extended from 6 months to 2 years; that is to say, to meet the provisions of the

House bill, which contains the 2-year authority.

The Senate version of the bill grants general wage and price control authority to the President for a period of 6 months from date of enactment, at which time it would be presumably reviewed and renewed by Congress. The House version of the bill extends the authority for 2 years, which I personally favor as a more practical housekeeping provision. Congress can always rescind the power during the 2-year period, if it is so inclined.

The Senate version of the bill regarding the regulation of interest rates for financial institutions is essentially the same as the House version, granting a 2-year extension to regulation Q authority.

Neither bill has any specific effect on the currently imposed restraints on the construction industry, other than that they would expire in 6 months under the Senate version and in 2 years under the House version, as the general wage and price authority extension may be determined in conference.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield myself such time as I may need on the bill.

Mr. TOWER. Mr. President, on the bill or on the amendment?

Mr. PACKWOOD. On the bill first.

Mr. TOWER. Mr. President, I yield 5 minutes on the bill to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) has dwelt at length on the decision of the committee to strip out of the bill the delegation of the powers to the Federal Reserve Board to set variable reserve requirements and has spoken in such a way as to indicate that the committee was not perhaps willing to undertake some of the social priorities that that delegation might entail.

In committee I voted to strip that power from the Federal Reserve Board. I think that is a power, Mr. President, that the Senate and the House should act on together, and not delegate to the Federal Reserve Board.

The argument is going to be made that the Federal Reserve Board is an agent of Congress, not an executive agency, and that is true. The Federal Reserve Board is historically, actually, and legally independent of the executive, and in theory is an arm of the legislative branch. As a matter of practice, we have given great autonomy to the Federal Reserve Board and have bent over backward not to interfere in its decisions.

The Senator from Wisconsin made reference to the fact that this is the only central bank in the world that operates with a laissez-faire attitude. That is true. But it should be called to the attention of the Senate that the Federal Reserve Board is also the only central bank in any nation that is not part and parcel of the political process.

Let me make it clear, Mr. President: I think the Federal Reserve Board should be part and parcel of the political process of this country. I think that the decisions they take in regard to monetary matters should be considered in the light of the effect they will have on the national economy. But I do not think that is a decision the Federal Reserve Board should make for itself.

Look at the Federal Reserve Board: Seven members appointed by the President—not by Congress—to serve for terms of 14 years, and, once appointed, almost impossible to remove, beholden to no one, subject to election by no one. It was suggested, if this power had not been stripped from the bill, that we give this board of seven members with 14-year terms the power to determine what should be the reserve requirements for banks as far as loans to industry, to small business, and to local and State governments are concerned.

It is my contention, Mr. President, that if Congress wants to help the housing industry and small business, we had better specifically direct the Federal Reserve Board to do it, and not just delegate the power to them generally, and hope that the Federal Reserve Board, in its wisdom, with its members insulated from any kind of process, might undertake such relief.

I would be perfectly willing to join with the Senator from Wisconsin in a bill to specifically help the housing industry, if that is the industry we want to help, and specifically direct the Federal Reserve Board to do something. But I do feel that is a decision we in Congress should make, and not attempt to delegate it away.

Now, Mr. President, I call up my amendment No. 62 to H.R. 4246.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. I ask unanimous consent, Mr. President, to make two technical corrections. There are two technical mistakes. On page 1 of the bill, line 1, the figure "24" should read "23," and on page 2, line 9, the word "by" should read "be." I ask unanimous consent that those corrections be made.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PACKWOOD's amendment (No. 62), as modified, is as follows:

AMENDMENT No. 62

On page 3, beginning with line 23, strike out all through line 13 on page 4 and insert the following:

"Sec. 3. (a) Section 202 of the Economic Stabilization Act of 1970 (title II of Public Law 91–379) is amended to read as follows:

"'§ 202. Authority

"'(a) If the President determines, after taking into account the seasonal nature of employment, the rate of employment or underemployment, and other mitigating factors, that prices or wages in any particular industry or segment of the economy have increased at a rate which is grossly disproportionate to the rate at which prices or wages have increased in the economy generally, he may issue such orders and regulations as he deems appropriate to stabilize prices, wages, and salaries in that industry or segment of the economy at levels not less than those prevailing on May 25, 1970.

"'(b) Whenever the Congress shall by concurrent resolution determine that the public interest requires the imposition of general controls affecting all industries and segments of the economy, the President may issue such orders and regulations as he deems appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970.

"'(c) Orders and regulations issued by the President pursuant to this section may provide for the making of such adjustments as may be necessary to prevent gross inequities.'"

On page 4, after line 17, insert the following:

"(c) The amendment made by subsection (a) to section 202 of the Economic Stabilization Act of 1970 does not affect any action taken by the President pursuant to such section prior to the date of enactment of this Act."

Mr. PACKWOOD. Mr. President, my amendment would specifically do one thing. The bill, as presently worded, delegates generally to the President the power to set wage and price controls, and the only limitation on that power relates to the imposition by the President of wage and price controls in a specific industry or specific occupation. In the bill, we have said if he is going to do that, he must make certain findings before he does it. He is not prohibited from doing it, and, most importantly, if he wants to institute wage and price controls generally, across the board, in this respect he is empowered to do so under the bill.

Mr. President, I do not think that is a power the President should have. We have been arguing ever since the Tonkin Gulf resolution was passed about the fact that Congress has not had the authority, or the power, or been able to undertake the responsibility, or whatever it was, to make war, and that we have delegated to the President the power to send troops overseas. Without getting into a discussion, Mr. President, as to whether we have or have not done that, it has been interesting to note that day after day for the past 5 years, on the floor of the Senate, we have been listening to Congress talk about reasserting its powers.

What I am asking in my amendment is for Congress to reassert its powers in the field of wage and price controls. My amendment would inhibit the President from instituting wage and price controls—these are general wage and price controls, Mr. President—unless Congress first, by concurrent resolution, authorized it. It would not prohibit the President from instituting specific wage and price controls, but if he wants to make the further decision to establish general wage and price controls, that will affect the entire economy—the most significant domestic act that can be done—he will be prohibited from doing it, under my amendment, unless Congress asks first.

When we had witnesses on this question, Mr. President, I asked them as to the merits and possibilities of this kind of amendment, and I would like to quote from the record of the hearings on March 1, 1971, before the Financial Institutions Subcommittee of the Senate Committee on Banking, Housing, and

Urban Development. The witness was Dr. Burns of the Federal Reserve Board.

I asked this question of Dr. Burns:

> I have some misgivings about yielding this power to the President. Is there any reason why the legislation we chose to enact cannot leave with Congress the discretion as to whether or not to trigger the policy decision to institute wage and price controls?
>
> Dr. BURNS. It could be done through a triggering device.
>
> Senator PACKWOOD. It would not be that difficult a piece of legislation to enact, would it?
>
> Dr. BURNS. I would think that a triggering device could be written into legislation, a device that would work reasonably well.

I asked the question again of Under Secretary of the Treasury, Charles Walker:

> Let me ask you the same question I asked Dr. Burns. While I have misgivings about giving the power to the Executive to make the decision to impose general controls, I don't argue with giving the Executive the authority to Administer such controls.
>
> Would it be relatively easy to draw a piece of legislation which would enable Congress to quickly trigger the policy decision as to whether or not we should institute either general or specific wage and price controls and also providing for the Administration to administer them?
>
> Dr. WALKER. I think it would be.

Then, when Representative REUSS from Wisconsin was on the stand, I asked him this question, in relation to the imposition of wage and price controls:

> What you are saying is that Congress could do it; Congress probably should do it, but in all likelihood Congress probably will not do it?
>
> Mr. REUSS. A fair statement.

Mr. President, there is no reason to give to the President the power to institute general wage and price controls. I even have misgivings about giving him the power to institute specific wage and price controls, but I frankly do not think I have the votes to stop that. There is no earthly reason why we in this body should give him the power to institute general wage and price controls.

Inflation is not an emergency, if by an emergency we mean some unexpected happening occurring immediately. It is not a nuclear attack on the United States. Its effect on the economy is gradual. Congress is perfectly able, if it wishes, to exercise that power.

Most of us have spent a fair portion of our adult lives campaigning across our States, asking the citizens of our States to send us to the U.S. Senate and give us the power to exercise our own independent judgment and brains as to what the basic domestic and foreign policy of this country ought to be.

I hope we have not grown so weary that we are tired of wrestling with that responsibility. It is very easy to give this power away. It is easy to say, "Let us delegate it to the President. Let us let him make the decision." Then if he makes it unwisely or unpopularly, we can criticize him, and if he makes it wisely or in a popular way we can applaud him, and we will all be reelected forever. But I do not think that is the obligation of Congress. Congress is intended to be the principal policymaking body in this Nation, foreign and domestic. We can make no greater domestic decision than whether or not we are going to impose wage and price controls on an otherwise free enterprise system of producing.

So I ask that we adopt my amendment to H.R. 4246 and that Congress have the courage and the willingness to put this monkey on its back and that Congress decide, if and when we want to decide, when wage and price controls generally should be enacted.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

Mr. PROXMIRE. I ask unanimous consent that the time for the quorum not be charged against either side.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PACKWOOD. Mr. President, I left out one matter.

I asked the administration what their view might be on my amendment, and by letter of April 30, 1971, from Secretary of the Treasury Connally, they have indicated that they prefer my amendment, that they will support it, that the administration is not asking for general wage and price controls, and that this view is also shared by the Office of Management and Budget.

I ask unanimous consent to have the letter from Secretary of the Treasury Connally printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF THE TREASURY,
> *Washington, D.C., April 30, 1971.*
>
> DEAR SENATOR PACKWOOD: This letter is in response to your request for Administration views on your proposed amendment to H.R. 4246, "To extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization."
>
> As we understand your amendment, the President would be authorized to institute wage and price controls in specific industries or segments of the economy in which there is a clear case for doing so, but institution of a general wage-price control program would have to be preceded by adoption of a concurrent resolution by the Congress.
>
> We support your amendment. It provides a workable mechanism with the safeguards we have consistently advocated with respect to such powers, namely, that general wage-price controls should not be instituted by the Chief Executive—short of an all-out national emergency—without a further mandate from the Congress.
>
> Your proposal would surely permit speedy Congressional action in the event of such an emergency, and it would also leave the President free to use the price and wage control powers in connection wtih specific industries, as in the recent instance of Executive Order 11588, approved March 29, 1971, relating to construction wages and prices.
>
> We have been advised by the Office of Management and Budget that there is no objection to the submission of these views.
>
> Sincerely yours,
>
> JOHN B. CONNALLY.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The Senator from Oregon is a very able and conscientious Senator, and he knows a great deal about this subject. I agree with much of what he has said about this amendment. Although I oppose the amendment, I think there is much to be said for a reluctance to give the President the kind of authority which would give him power to impose wage and price controls.

I recall that when Mr. Burns appeared before the Joint Economic Committee, he said he would give the President this authority for 2 weeks. The administration is asking for the authority for 2 years, and I have been so concerned about it that that is one of the reasons why I have limited the present authority to 6 months.

If we provide that before wage and price controls can be imposed, it is necessary to introduce a resolution to do so to have it referred to committee. to have hearings on it, to discuss it in the hearings, then to bring it out on the floor and debate on the floor that kind of resolution, we can imagine the effect that this could have on the country.

After all, if one is a businessman or the head of a labor union and anticipates that Congress is about to impose wage and price controls, there is every reason why one might proceed to try to push up his price or wages as rapidly as possible. It can be argued that this can be made retroactive. That creates great disruption in the country. It is difficult for business and labor unions to know what the future may bring.

If one reads this amendment carefully, he will see that there is no requirement on the part of the President to impose these wage and price controls even if Congress passes the resolution. Of course, the administration is going to accept it. They can do what they want. If they want to put them in effect, they can. If they do not want to put them in effect, they do not have to. So Congress can go through the difficult and onerous debate of whether or not we ought to have wage and price controls and, after coming to the conclusion that we should have them, find that the President decides he is not going to use them.

Because of the very nature of inflation—it creeps up and drops back and goes up—I think it is important that the decision be made very swiftly and be made by the President of the United States on the basis of the best advice he can get and not on the basis of a long, extended debate in Congress.

Under the committee bill, the President would still have to come to Congress for money to implement general controls, so Congress would still have final authority, whether this amendment is adopted or not. It is true that he could put into effect very quickly the order and it could hold for a few weeks or a couple of months. But in order for the President to sustain it, he would have to come to Congress to get the funds. On the basis of everything I have seen and heard, those funds would be very substantial, because it would require quite a bureaucracy to make wage and price controls effective, especially in a period such as the present, when we have a war on, when the war is unpopular and is winding down, and there is none of the fervent patriotism we had in World War II and to some extent in the Korean war, which persuaded people and business and labor unions to discipline themselves, because they were dedicated to the overall effort to win the war.

Furthermore, this amendment discriminates against organized labor. For example, the President can control the wages of a particular group of workers, but not the general level of prices. There is much complaint about what the President is doing now in the construction industry, and I share sympathy for those workers. That could be imposed elsewhere. On the basis of this amendment, it could be imposed against workers across the board; it could be imposed by the President on workers in any kind of industry; and there would be no requirement that Congress pass implementing legislation to make it effective as there would be if we had wage and price controls affecting prices and profits.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TOWER. The Senator says that this amendment will be antilabor, because it will allow the President to control wages in specific industries. It will also allow him to control prices.

Mr. PROXMIRE. But not the general price level.

Mr. TOWER. Neither would it allow him to control general wage levels without coming to Congress first.

Mr. PROXMIRE. The Senator can see the impracticality of putting this into effect so far as prices are concerned. The construction industry, for example, is in such a position that if their prices for what that industry produces were limited, they would still have to pay higher prices for what they buy. Therefore, it is not a practical, effective kind of operation for imposing price controls.

For that reason, the President has not really enforced price controls in the construction industry. He is working in that direction vaguely, but he has indicated a firm restriction on wage increases in construction. I do not say that this amendment necessarily would be but it could be discriminatory against labor.

Mr. TOWER. Mr. President, will the Senator from Oregon yield?

Mr. PACKWOOD. I yield.

Mr. TOWER. I should like the Senator to address himself to this question. I should like to ask the distinguished proposer of the amendment if this would have any effect on the current restraints being exercised in the construction industry. It is my understanding that this amendment is not retroactive and therefore would have no effect on that. Is that correct?

Mr. PACKWOOD. That is the advice I had from the legislative counsel when we had it drafted.

Mr. TOWER. Would this be discriminatory toward labor?

Mr. PACKWOOD. This is discriminatory toward either everybody or nobody.

As to the argument that it is going to be difficult to set price deadlines or executive salary deadlines, but not those of construction workers, we face the same thing under the present bill. This bill applies to profits, wages, rents—everything the President has the power to set. It does not discriminate against labor alone; and if there is a failure in this amendment, there is a failure in the entire bill.

Mr. PROXMIRE. The difficulty is that the Senator has not required action by Congress if a restraint is put into effect by the President against the construction industry or any other industry, but it does require it if he puts an overall limitation on wages and prices.

I do not refer to this President specifically, but any President can act if he wishes to restrict a particular industry or a particular group, such as labor in the construction industry, but he cannot act to restrain prices overall unless Congress acts. Then, as the Senator points out in his amendment, the President is not mandated to put it into effect. He may do it if he wishes.

Mr. PACKWOOD. That is correct. That is, so far as I am concerned, I indicated in my principal remarks that I would be happy if he could not even have the power specifically for price controls, but I do not have the votes to do that. I see no reason there to justify that by saying that we can take half a loaf or we will not take any, but will give the President the power to institute wage and price controls over the entire economy or any portion of an industry. I do not think, in good conscience, that we can go a bit further and say that we are exercising responsibility when we give away this critical power.

The Senator from Wisconsin makes the argument that we cannot move faster, that Congress is immobile. If we are, then it is our fault, not the President's.

As I look at the history of legislation, and all this argument as to whether Congress should exercise its power which stems from the problems we have had in Southeast Asia, the Gulf of Tonkin resolution which was introduced on August 5, 1964, was passed on August 7. So this Congress can move fast if it wants to. On the salary increase legislation for Congress 2 years ago, the bill took us the sum total of 6 days to pass. If we can pass an act in 6 days, we can act on wage and price controls in a substantially faster manner, because it is a much greater national emergency.

Mr. PROXMIRE. If the Senator from Oregon would yield on that, the difficulty with enacting wage and price controls is that the inflation situation is not a clearly identified emergency. Prices creep up. Wages creep up. They differ in the varying industries. We have all kinds of index prices, including the wholesale price index, the manufacturers price index, the consumers price index, the wage price index, and so forth, so it is very complicated and statistical. It is hard to mobilize congressional approval. It takes hearings, studies, and there is opposition to consider. It is hard to put into effect. That is why, in the Korean war, when we imposed wage and price controls, it was done on the basis of provision in the Defense Production Act which was then exercised by the President at a later date. This is not the efficient way and the logical way to put it into effect.

Mr. TOWER. Has not the administration already stated that if it determines it should seek controls, it will come to Congress and ask for a joint resolution authorizing it anyway?

Mr. PACKWOOD. That is what they stated.

Mr. TOWER. So the Senator's amendment is entirely consistent with what the administration proposes to do under the authority, anyway.

Mr. PACKWOOD. That is what the administration has indicated. I heard much of the fact that when we first passed wage and price controls a year ago, they said they would not use it all, but went ahead and did. It is not a question of whether they will or not. The question is whether Congress will put this monkey on its back as to whether it wants wage and price controls.

I find the argument of the Senator from Wisconsin fallacious. Not 12 months, 6 months, or 3 months. We have not passed a concurrent resolution giving him the power to institute wage and price controls. We are not asking for a full-dress argument on what the controls should be when they go into effect, on which industry is to be controlled. All we are asking is that some time in the future, by a concurrent resolution, we give the President the same power we give to him in this bill. If we can make that decision, it can mean that Congress will make it, not the President.

The PRESIDING OFFICER (Mr. WEICKER). Who yields time?

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time on the amendment.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Oregon.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Virginia (Mr. Spong), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Allen), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), and the Senator from Minnesota (Mr. Humphrey) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Kansas (Mr. Dole), the Senator from Colorado (Mr. Dominick), the Senator from Nebraska (Mr. Hruska), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Oklahoma (Mr Bellmon) is absent on official business.

The Senator from Delaware (Mr Boggs) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), the Senator from Maryland (Mr Mathias), and the Senator from Illinois (Mr. Percy) are detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 30, nays 41, as follows:

[No. 57 Leg.]

YEAS—30

Allott
Baker
Beall
Bennett
Buckley
Chiles
Cook
Cooper
Cotton
Curtis
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Jordan, Idaho
Packwood
Pearson
Prouty
Roth
Schweiker
Scott
Smith
Taft
Tower
Tunney
Weicker
Young

NAYS—41

Aiken
Anderson
Bayh
Bible
Byrd, Va.
Byrd, W. Va.
Case
Eagleton
Eastland
Ellender
Ervin
Gravel
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Stennis
Stevens
Stevenson
Symington
Talmadge

NOT VOTING—29

Allen
Bellmon
Bentsen
Boggs
Brock
Brooke
Burdick
Cannon
Church
Cranston
Dole
Dominick
Fulbright
Gambrell
Hruska
Humphrey
Inouye
Long
Mathias
McGee
Miller
Montoya
Mundt
Muskie
Percy
Saxbe
Spong
Thurmond
Williams

So Mr. Packwood's amendment, as modified, was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 4, line 16, strike "September 30, 1971" and "October 1, 1971" and insert in lieu thereof "March 31, 1973" and "April 1, 1973".

Mr. TOWER. Mr. President, I yield myself as much time as may be necessary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, this amendment would bring the bill into conformity with the House bill which provided for a time limitation of 2 years rather than 6 months. This is something imminently desired by the administration. As a matter of fact, the administration does not favor the Senate bill in its present form.

It seems to me far more practicable for planning purposes that the President be given 2 years. This does not mean that he would continue to exercise that authority for 2 years because at any point in time Congress can review the exercise of this authority and terminate it at any time it chooses.

Therefore, from a practical managerial standpoint it seems reasonable that the time be 2 years.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from New York for so much time as the Senator needs.

Mr. JAVITS. I thank the Senator.

Mr. President, I agree with the Senator. I voted against the previous amendment because I believe our economy is still in grave trouble; and I believe we are at war and, therefore, we should have the machinery on the books which is compatible with war so long as we stay at war.

I think the element of unsettlement—paying out some line and then pulling it back in—which is represented by the short date, is a disadvantage in the bill.

I am glad the ranking minority Member has filed the amendment and I shall support it.

Mr. SPARKMAN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I wish to ask the distinguished Senator from Texas if he would consider changing the time period of his amendment from 2 years to 1 year? His proposal, I understand, is for 2 years.

Mr. TOWER. The Senator is correct.

Mr. SPARKMAN. I wonder if the Senator would change that to 1 year. As the Senator knows, we had considerable discussion in committee on this matter and the committee did not even go for 1 year. The House bill that has already passed calls for a 2-year extension.

Mr. TOWER. Two years.

Mr. SPARKMAN. The House passed bill provides for 2 years, but if we pass the bill with a 1-year extension, it is my understanding that the House will accept the bill, and in that way we would avoid the necessity for a conference.

I wonder if the Senator would be willing to accept an amendment at a 1-year rather than a 2-year term.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. I think 1 year goes further than the House because the House language provides that once the President invokes this legislation—and he did on March 29—it expires in 6 months. So if we go along with the House this will expire in less than 6 months, in September. For that reason, the Sparkman proposal is a considerable compromise.

Mr. TOWER. That is, from the time of the inception of action by the President?

Mr. PROXMIRE. That is right, and it would be effective over the action of the President of last March, we made clear in the committee. So the House bill will expire on March 29. I would say the Sparkman proposal would go rather far toward accommodating the views of the administration that its authority should go longer than 6 months.

Mr. TOWER. Let me ask the Senator a question for clarification. Is there anything in the committee bill at all that affects the current construction industry controls except in the limitation here with respect to the final 1- or 2-year general authority?

Mr. SPARKMAN. My understanding is that there is nothing in the bill that affects the authority.

Mr. PROXMIRE. Not in the Senate bill.

Mr. TOWER. In other words, it is not retroactive?

Mr. SPARKMAN. That is correct. The only change necessary in the Senator's amendment in order to do what I have proposed is to delete the two dates of "September 30, 1971" and "October 1, 1971" in the present bill and insert in lieu thereof "April 30, 1972" and "May 1, 1972." That is the amendment I propose to the Senator's amendment.

Mr. TOWER. Would the Senator have any idea how long the House is going to take to complete action? Rather than wait too long, I would go ahead with the 2-year extension.

Mr. SPARKMAN. I understand with the 1-year extension I propose there could be prompt action. There has been discussion between the House staff and the Senate staff. I believe I am accurate in saying that the House will accept our bill with the 1-year extension.

Mr. TOWER. In that case, since I know what the outcome will probably be on my amendment if I press it to a record vote, I always proceed on the basis that half a loaf is better than none at all——

Mr. SPARKMAN. This is at least three-quarters of a loaf.

Mr. TOWER. Therefore I accept the amendment of the Senator from Alabama.

The PRESIDING OFFICER. Does the Senator from Texas so modify his amendment?

Mr. TOWER. I so modify my amendment.

The amendment, as modified, is as follows:

On page 4, line 16, delete "September 30, 1971" and "October 1, 1971" and insert in lieu thereof "April 30, 1972" and "May 1, 1972."

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. TOWER. I am prepared to yield back my time.

Mr. PROXMIRE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. Bentsen), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Massachussetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Virginia (Mr. Spong), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Alabama (Mr. Allen), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), and the Senator from Minnesota (Mr. Humphrey) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), the Senator from New Jersey (Mr. Williams), the Senator from Maine (Mr. Muskie) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Kansas (Mr. Dole), the Senator from Colorado (Mr. Dominick), the Senator from Nebraska (Mr. Hruska), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from Delaware (Mr. Boggs) is absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from South Carolina (Mr. Thurmond), and the Senator from Delaware (Mr. Boggs) would each vote "yea."

The result was announced—yeas 67, nays 4, as follows:

[No. 58 Leg.]

YEAS—67

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bible
Brock
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Cook
Cooper
Cotton
Curtis
Eagleton
Eastland
Ellender
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Young

NAYS—4

Buckley
Ervin
Hartke
Packwood

NOT VOTING—29

Allen
Bellmon
Bentsen
Boggs
Brooke
Burdick
Cannon
Church
Cranston
Dole
Dominick
Fulbright
Gambrell
Goldwater
Harris
Hruska
Humphrey
Kennedy
Long
Mathias
McGee
Miller
Montoya
Mundt
Muskie
Saxbe
Spong
Thurmond
Williams

So the bill (H.R. 4246) was passed.

The title was amended, so as to read: "An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, once again the Senate is deeply indebted to the distinguished Senator from Wisconsin (Mr. Proxmire). He, together with the able chairman of the Committee on Banking, Housing and Urban Affairs, the distinguished Senator from Alabama (Mr. Sparkman) assured the prompt and overwhelming adoption by the Senate of this measure extending the President's authority over wages, prices, and credit. No authority, may I say, may prove more critical considering the present adverse state of the economy. Senator Proxmire and Senator Sparkman are to be commended. Their leadership in this matter was outstanding.

The Senate is grateful as well to the distinguished Senator from Texas (Mr. Tower). He joined to assure the efficient disposition of this proposal. His support was vital to its overwhelming approval.

The distinguished Senator from Oregon (Mr. Packwood) and other Senators deserve our commendation, as well. Their contributions to the debate were most helpful. The Senate is most grateful.

ORDER FOR ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be an additional period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

THE MAYDAY DEMONSTRATION

Mr. TUNNEY. Mr. President, the wild antics of the Mayday demonstrators are deplorable.

Overturning vehicles, throwing rocks, disrupting traffic, clashing with police are acts of anarchy.

They are contrary to the yearnings of a majority of Americans for peace.

They damage efforts to end American involvement in the war in Indochina.

They polarize and divide Americans at a time when they should be united.

I support the peace movement. I want to see a target date for getting out of Vietnam at no date later than the end of this year. But I deplore the fact that people who supposedly support peace in Vietnam are so willing to bring violence within our own country.

I want our troops out of Vietnam, and I want them out of Washington, D.C., as soon as the current disorders abate.

Until that time, I believe our police and the military police should use whatever force, within constitutional limits may be necessary to keep our bridges and streets open.

The demonstrators tried to trample the rights of Americans peacefully to go to their jobs, and they failed.

They tried to act with plan and coordination, and they failed.

They tried to rally massive support, and they failed.

They did succeed, however, in hardening the attitudes of those in the administration who want to keep our bombers in the air over North Vietnam and our troops on the ground in South Vietnam.

The vast majority of Americans want the war to end. Just as emphatically, they do not want lawlessness and rebellion here.

With other Senators, I supported the April 24 peace marches in Washington, D.C., and in San Francisco because they brought hundreds of thousands of Americans together in orderly and legitimate assembly.

I reject the Mayday protests.

I reject them as un-American, and I reject them as harmful to getting our troops out of the quagmire of Southeast Asia.

And I reject their premise that violence overseas must be matched by violence in our Nation's Capital.

RECOGNITION OF SENATOR GURNEY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the remarks of the distinguished Senator from New York (Mr. BUCKLEY), the distinguished Senator from Florida (Mr. GURNEY) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the conclusion of the remarks of the distinguished Senator from Florida (Mr. GURNEY) on tomorrow, there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the additional period for morning business be concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

Mr. BYRD of West Virginia. Mr. President, for the purpose of laying before the Senate the pending business at this time, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 93, S. 421, and that it be stated by the clerk.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk proceeded to read as follows:

> S. 421, to amend title X of the United States Code, to provide special health care benefits for certain surviving dependents, reported with an amendment.

The PRESIDING OFFICER. Is there obection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Armed Services with an amendment: On page 2, line 1, add the following new section:

> SEC. 2. This Act becomes effective as of January 1, 1967. However, no person is entitled to any benefits because of this Act for any period before the date of enactment.

So as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1079 of title 10, United States Code is amended by adding the following new subsection at the end thereof:
>
> "(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from a disease or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until they pass their twenty-first birthday."
>
> SEC. 2. This Act becomes effective as of January 1, 1967. However, no person is entitled to any benefits because of this Act for any period before the date of enactment.

Mr. BYRD of West Virginia. Mr. President, there will be no further action on the bill today.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for the remainder of the afternoon and that the Senator from Virginia (Mr. BYRD) now be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPTION OF CHROME ORE FROM LIST OF MATERIALS SUBJECT TO RHODESIAN EMBARGO

Mr. BYRD of Virginia. Mr. President, last week, the distinguished Senator from Nevada (Mr. CANNON) spoke on the floor of the Senate in regard to the exemption of chrome ore from the list materials subject to the Rhodesian embargo.

It seems to me that that speech was significant. The distinguished Senator from Nevada (Mr. CANNON) is chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves. He expressed grave concern that under the embargo on trade with Rhodesia, because of that embargo, the United States is dependent upon the Soviet Union for 60 percent of the chrome ore it needs.

Mr. President, chrome ore is a strategic material and extremely important to the national defense of the United States.

The distinguished Senator from Nevada called attention to legislation which I have introduced in the Senate, S. 1404, which legislation, if enacted, would exempt chrome ore from the list of materials subject to the Rhodesian embargo and, thus, would end our dependency upon the Soviet Union for this highly important commodity.

Now, Mr. Persident, when the United States, at the request of Great Britain, put an embargo against trade with Rhodesia 4 years ago, the senior Senator from Virginia expressed concern and spoke in opposition to the embargo. However, the embargo was put on by executive action. It did not come to the Senate. President Johnson, acting alone, put an embargo on U.S. trade with that small African nation.

Mr. President, it seems to me that what our country has done to Rhodesia is unjustified and unprincipled. I see no justification for the United States to deny its citizens the right to trade with that peaceful country of Rhodesia. What has Rhodesia done? The only thing it has done is that it has sought its independence from Great Britain just as the United States did in 1776. As to whether Rhodesia should be independent of Great Britain or continue her dependency on that country, that is a matter, it seems to me, that should be decided by the peoples of those two countries. I do not feel that the United States has any right to inject itself into that dispute. Nevertheless it has done so.

President Johnson, speaking on behalf of our Nation, unilaterally decreed that embargo. So, while I personally oppose the embargo in all instances, I am concerned today, and the legislation which I have introduced is concerned, only with strategic materials; namely, chrome.

I think it is highly significant that the able junior Senator from Nevada, the chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves, who I am not sure shares my views in regard to total embargo with Rhodesian trade, nevertheless expressed to the Senate last week his grave concern that the United States is now dependent upon the Soviet Union for this strategic and critical material.

The present administration has asked Congress through S. 773 to promote the disposal of 1,313,600 short dry tons of metallurgical grade chromium—chrome ore equivalent—from the Government stockpiles. This constitutes about 30 percent of this material that we now have on hand to assure an adequate supply in case of emergency.

The Senator from Nevada pointed out that this proposal to release chromium ore from the stockpile creates somewhat of a problem. There is no domestic production of the type of material in question and we are dependent upon foreign sources to supply our requirements. Based upon the present rate of consumption, the subcommittee which the junior Senator from Nevada heads estimates that the amount to be disposed of would supply our total requirements for a period of less than 2 years.

The distinguished Senator from Nevada pointed out also that testimony before his subcommittee left it unmistakably clear that while the amount of material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be short lived. The principal importation sources in calendar year 1970, in descending order, were the Soviet Union, Turkey, and South Africa, with the Soviet Union supplying about 60 percent of the needs of the United States.

Mr. President, the distinguished chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves, the junior Senator from Nevada, strongly urged in his speech last week that the

Foreign Relations Committee, to which committee was referred S. 1404, the legislation introduced by the senior Senator from Virginia, take prompt action on that measure. As the Senator from Utah states, a serious problem has been created for this Nation, a problem which we cannot continue to ignore.

Mr. President, I concur in the views expressed by the distinguished and able Senator from Nevada. I feet that this is a problem that cannot and should not be ignored. To me, it is astonishing that our committee would permit itself to be in a position of being dependent upon the Soviet Union for a critical and strategic material such as chrome ore.

I hope that the Foreign Relations Committee will give this matter early consideration. I think it deserves early consideration.

I want to say frankly that I am so greatly concerned about our country being dependent on the Soviet Union for a strategic material that when the stockpile bill comes to the floor of the Senate, if the Foreign Relations Committee has not acted affirmatively in this matter, I feel it appropriate to permit the Members of the Senate to cast a yea and nay vote as to whether the United States will continue to be dependent upon the Soviet Union for a material critical to our own national defense.

Mr. President, I call the attention of the Senate to an editorial which was published in the Fort Smith, Ark., Southwest Times-Record of April 13, 1971. Among other things, the editorial had this to say:

> The U.S. embargo on purchases from Rhodesia didn't seem to us to make sense from any standpoint. Any dispute any other country might have with Rhodesia certainly wasn't a U.S. dispute. And, economically, it surely didn't make sense to pay twice as much for the metal as had been paid before.

Mr. President, I ask unanimous consent that the text of the editorial to which I have referred be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Move Against Rhobesian Ore Boycott

> Pressure is building up in Congress to stop letting Russia gouge this country on chrome ore prices.
>
> And the route proposed to accomplish that is by ending the boycott of chrome purchases in Rhodesia.
>
> Back when that country declared its independence from Britain, a clique in the United Nations forced through a resolution calling for "sanctions" against it. And the U.S., going along with the resolution, ended its purchases of Rhodesian chrome.
>
> The metal is vitally important. So another source had to be found. This country ended up buying from Russia—and shortly after the embargo against Rhodesia went into effect, Russia increased the ore price from $30.50 a ton to $72 a ton.
>
> And that's the kind of economic squeeze which has been in effect since then.
>
> The U.S. embargo on purchases from Rhodesia didn't seem to us to make sense from any standpoint. Any dispute any other country might have with Rhodesia certainly wasn't a U.S. dispute. And, economically, it surely didn't make sense to pay twice as much for the metal as had been paid before.
>
> Senator Harry Byrd of Virginia has introduced a bill to end the embargo. To us, it seems to make sense from every standpoint. And it should win the approval of the Congress.

OKINAWA

Mr. BYRD of Virginia. Mr. President, the Senate will soon be called upon to consider a change in the Treaty of Peace with Japan. Negotiations have been going on between the two countries for quite a while. In response to an inquiry by the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. Fulbright), the Secretary of State has informed the Committee on Foreign Relations that the change in the treaty of peace affecting Okinawa will be submitted to the Senate at a reasonably early date for consideration. In my judgment, that is the appropriate way for this matter to be handled.

The Treaty of Peace with Japan was ratified by the Senate in 1952; and any change in that treaty, I submit, must come to the Senate for approval or disapproval. Two years ago I introduced a resolution in the Senate declaring it to be the sense of the Senate that any change in the Treaty of Peace with Japan should be submitted to the Senate for approval or disapproval.

It is interesting to note that the Senate approved that resolution by a vote of 63 to 14. I am pleased that the administration—the Department of State—will follow the recommendation of the Senate resolution. I think it is the only appropriate course that can be taken. Contrary to the view of some of my colleagues, I am not surprised they took that course because I have known President Nixon for a long time and I had great confidence he would submit to the Senate any proposed changes in the treaty of peace.

I find that certain what might be called liberal publications, which in the past have been urging the Senate to assume its prerogatives, have been saying that the Senate has too frequently shirked its responsibilities, and I agree. Now, when the Senate is prepared to assume its responsibilities in respect to the treaty on Okinawa, we find the New York Times coming out and stating that the Nixon administration is making a mistake to have the treaty considered by the Senate, and that it should be done by unilateral action, by Executive action, because the New York Times feel the Senate may not do what it wants done.

One of those Members of the Senate who has been strong in his belief that the Senate should reassert its responsibilities in connection with foreign policy is the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. Fulbright). The Senator from Arkansas has addressed a letter to the editor of the New York Times in which he takes issues with the view of the New York Times. He points out that it is the constitutional responsibility of the Senate to act on treaties and that any change in treaties from every logical sense should be submitted to the Senate before any change becomes effective.

The chairman of the Committee on Foreign Relations states in his letter to the New York Times that he strongly favors the restoration of Okinawa to Japan and:

> As chairman of Senate Foreign Relations Committee, I will do all that I can to secure Senate approval of a treaty or restoration.

However, Mr. President, he is strong in his position that the only proper course, the only appropriate course, and the only logical course is to have the Senate vote on any changes which are proposed in the treaty of peace. I concur in that view expressed by the distinguished Senator from Arkansas.

I disagree with him, however on whether or not the United States should give up the unrestricted right to our bases in Okinawa, but that is beside the point. The point I am mainly concerned with today is that any change in those treaties which the Senate has already ratified not be done by unilateral action, but that it be done by the Chief Executive with the advice and consent of the Senate.

The letter to the New York Times by the Senator from Arkansas is a splendid one. It sets forth the case with clarity. Even though I am not in agreement with the last paragraph of his letter, I think it sets forth the case in excellent fashion.

Mr. President, I ask unanimous consent that the text of the letter from the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. Fulbright), dated April 22, 1971, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> April 22, 1971.
>
> Editor,
> *New York Times,*
> *New York, N.Y.*
>
> To The Editor: Having followed with interest and admiration your many editorials urging the Congress to retrieve its constitutional authority in foreign relations, I was taken aback by your editorial of April 19, urging the return of Okinawa to Japan by executive agreement on the ground that a Senate debate might make the Okinawa accords "hostage to the Southern textile lobby and other protectionist interests."
>
> I have no knowledge of President Nixon's motive in submitting the Okinawa reversion to the Senate as a treaty. Perhaps the *Times* is correct in regarding the action as a device in a "Southern strategy" for the 1972 election.
>
> The more important consideration is that, whatever his motive, the President acted in accord with the Constitution. Okinawa was placed under American administration by Article 3 of the Japanese peace treaty. The normal and proper means of altering a treaty is by means of another treaty. If the President were at liberty to alter treaties by executive agreement, the Senate's authority to grant or withhold its advice and consent would be reduced to a nullity; the President could simply concur in any terms desired or insisted upon by the Senate and later alter a treaty to suit himself.
>
> The *Times* is correct in pointing out that the Bonins and other islands were restored to Japan by executive agreement. In the case of the Bonins the reversion agreement required approval by the Japanese Diet but not by the United States Senate. There have been other instances of treaty revision by executive agreement, but no number of precedents for an unconstitutional action can make such action constitutional thereafter.
>
> The *New York Times* may well be correct in its belief that compliance with constitutional procedure in restoring Okinawa could cause serious embarrassment in our relations with

Japan. That same risk—of difficulties in foreign policy—has been invoked on numerous other occasions as an excuse for circumventing the constitutional authority of Congress—especially in matters of the war power. The question really is one of priorities. Which is more important to us: speed and efficiency in the conduct of foreign policy or the integrity of our constitutional processes?

For my own part I strongly favor the restoration of Okinawa to Japan and, as Chairman of the Senate Foreign Relations Committee, I will do all that I can to secure Senate approval of a treaty of restoration. I also share the *Time's* apprehension at the possible embarrassment to Premier Sato or the possibility of anti-American riots in Japan if the Senate should engage in a protracted debate on textile. But I am not willing to see our constitutional procedures undermined as the price of avoiding these risks. I therefore commend President Nixon on his decision to submit the Okinawa reversion agreement to the Senate for its advice and consent.

Sincerely yours,

J. W. Fulbright,
Chairman.

Mr. BYRD of Virginia. Mr. President, I also ask unanimous consent that an editorial from the Chicago Tribune of today, May 3, 1971, entitled "We Need a Free Hand in Okinawa," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

We Need A Free Hand on Okinawa

Sen. Harry F. Byrd Jr. of Virginia has raised important questions concerning the proposed reversion of Okinawa and the remainder of the Ryukyu Islands to administrative control by Japan. The United States acquired these territories thru the peace treaty with Japan in 1952 and has ever since had unrestricted control over them. Okinawa is the largest American military complex in the Far Pacific and constitutes a vital base as long as the United States continues its treaty protection of Japan and other Pacific and Asiatic nations.

At a meeting in Washington with Prime Minister Sato of Japan in November, 1969, President Nixon agreed in principle to an early reversion of Okinawa, any agreement to be contingent upon "necessary legislative support." Mr. Byrd previously had submitted an amendment stating that any changes in treaties between the United States and Japan should be subject to Senate approval. The amendment was adopted, 63 to 14, and President Nixon has said that he would regard Okinawa as a treaty issue requiring two-thirds Senate approval.

This has not satisfied some newspapers and dovish elements, which contend that the President should accomplish the reversion by executive order rather than take the treaty route. Sen. Byrd has made clear his insistence that the Senate exercise its prerogatives in the area of foreign policy and in the ratification of treaties. We thoroughly agree with him. It is true that the process was breached when President Johnson returned the Bonin Islands to Japan by executive agreement, but that should not stand as a precedent.

Leftist elements in Japan have made Okinawa a focus for agitation in the hope of creating a climate that would force the Japanese government to repudiate the 1960 Mutual Security Treaty with the United States. Hardly anyone would object to a future restoration of Japanese control over the Ryukyus, but until the war in Viet Nam is liquidated and there is some cutting back in the defense commitments of the United States to Far Eastern nations it is imperative that this country retain a free hand.

Sen. Byrd states, however, that while Japan is not likely to seek removal of our Okinawa bases, it does want a veto over United States action affecting Okinawa. It wants to deny the United States authority to store nuclear weapons there and would require consultation before our military forces based there could be used.

Similar inhibitions written into the 1960 Mutual Security Treaty with Japan have already proved damaging. When North Koreans seized the intelligence ship Pueblo in 1968, Adm. Frank J. Johnson, commander of naval forces in Japan, testified that one reason help could not be sent to the ship was that approval first must be obtained from the Japanese government to use United States aircraft in Japan, those being the nearest aircraft available.

"It would be foolhardy, in my judgment," Sen. Byrd told his colleagues, "to commit the United States to defend most of the Far East and then give away this country's unrestricted right to use its military bases on Okinawa. For four long years we have fought the Viet Nam war with one hand tied behind our back [actutally six years as of this date]. As a result, the war has been prolonged and the casualties increased. Let us not be so foolish as to get into a similar position by giving someone else control over our principal military complex."

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that an editorial from the Nashville Banner of April 29, 1971, entitled "For Senate to Help Decide," dealing with the Okinawa question, be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

For Senate To Help Decide

Virginia Sen. Harry F. Byrd Jr., is right in his insistence—which he has pushed since the subject of Okinawa's possible reversion to Japan came up—that any decision on that matter is a treaty issue, requiring two-thirds Senate approval.

In further validating that view, he mentions the fact that the Nixon Administration—in communications by both the President and Secretary of State, William P. Rogers—has formally agreed to submit to that body ANY change in the Treaty of Peace with Japan.

It must not be forgotten, indeed, that the United States obtained post-war title to Okinawa as a result of that Treaty (which as such had to be ratified by the Senate) and any change in the agreement must also be submitted to that level of advice-and-consent authority.

Two important principles are involved: (1) The constitutional role of the Senate in foreign policy and in ratification of treaties; and (2) whether it is wise for the United States at this time to give up the unrestricted right to use our great military base in the Far Pacific.

Senator Byrd cites with disfavor the contrary view of some news media—including the New York Times—now urging reversion of Okinawa to Japan by Executive agreement rather than by submitting it to the Senate.

The Virginia statesman does not give tacit assent to the matter of that reversion by any line approach. He clearly believes the advisability of that to be a moot question, subject to determination by careful, competent assessment. On one point, however, he holds a conviction firmed by knowledge of the constitutional process and concern for preserving it: ANY change in a treaty—including this one—should and must be achieved by and with the consent of the Senate.

When that question was put to the Senate 18 months ago, in discussion of the policy viewpoint to be presented to Prime Minister Sato of Japan on the occasion of his 1969 visit to the United States, the body approved it 63 to 14.

Senator Byrd was right then, and he is right now.

QUORUM CALL

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Calendar 93, S. 421, a bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. Immediately following recognition of the two leaders under the standing order, the Chair will recognize the distinguished junior Senator from New York (Mr. Buckley) for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Florida (Mr. Gurney) for not to exceed 15 minutes, upon the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the close of which the Chair will lay before the Senate the unfinished business.

I ask unanimous consent that when the period for the transaction of routine morning business is closed tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 3 o'clock and 30 minutes p.m. the Senate adjourned until tomorrow, Tuesday, May 4, 1971 at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate May 3, 1971:

U.S. CIRCUIT COURTS

James L. Oakes, of Vermont, to be a U.S. circuit judge, second circuit, vice Sterry R. Waterman, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 1971:

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be members of the board of directors of the National Railroad Passenger Corp. for terms commencing April 29, 1971, as indicated:

For a term of 2 years:

Catherine May Bedell, of Washington.

David Walbridge Kendall, of Michigan.

John A. Volpe, Secretary of Transportation.

For a term of 3 years:

Frank S. Besson, Jr., of Virginia.

David E. Bradshaw, of Illinois.

Charles Luna, of Ohio.

For a term of 4 years:

John J. Gilhooley, of New York.

Roger Lewis, of New York.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975.

OFFICE OF ECONOMIC OPPORTUNITY

Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity.

DEPARTMENT OF THE INTERIOR

William T. Pecora, of New Jersey, to be Under Secretary of the Interior.

EXTENSIONS OF REMARKS

"SALUTE TO STEEL" THEME OF WEIRTONIAN BANQUET—SENATOR RANDOLPH STRESSES NEED FOR REALISTIC APPROACH TO INDUSTRIAL PROBLEMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. RANDOLPH. Mr. President, Weirton, W. Va., is a city whose economy is largely dependent on the steel industry. As the home of the Weirton Steel Division of National Steel Corp., the industrious citizens there are well aware of the importance of this industry, not only to our Nation but to a fine community such as the Northern Panhandle area.

On May 2 the Weirtonian Lodge No. 183 of the Order of Italian Sons & Daughters of America gave public recognition to this vital industry with a "Salute to Steel" at its 16th annual banquet.

I was privileged to speak at this event, attended by approximately 300 residents of Weirton and nearby places. The program was widely representative of the community.

The invocation was given by Col. Durward Brown, of the Civil Air Patrol; Mike Sinicropi served as chairman; and Trent Ciarocchi was toastmaster.

My colleague in the House of Representatives, Representative ROBERT H. MOLLOHAN, attended. Remarks were given by John Redline, president of the Weirton Steel Division, and Circuit Judges Ralph Pryor and Callie Tsapis. The benediction was by the Reverend Fr. James Altmeyer.

Among the guests was James Henry Heriot of Wheeling, W. Va., who earlier that evening was presented the Civil Air Patrol's second highest citation, the Gen. Carl Spaatz Award, in a ceremony at the lodge. He is the first West Virginian to be so honored.

Mr. President, I ask unanimous consent that my address be printed in the RECORD.

There being no objection, the address was ordered printed, as follows:

A SALUTE TO STEEL

(By Senator JENNINGS RANDOLPH)

At some time in the fifth or sixth century, before Christ, Greek warriors placed weapons in the temple of Ares, the god of war, located in the city of Mycenae.

Earlier this year, according to a news dispatch, archeologists digging in the ancient ruins uncovered two highly unusual spearheads. They were given to a metalurgist for analysis and chemical examination. He determined that the spearheads were of solid steel, rather than the case-hardened wrought iron common to that period.

Now the significance of this event is not lost among steel men today. It is the first solid evidence that the ancient Greeks were able to produce steel 2,000 years before it was first produced in Europe. It is pure academic speculation, but I'm sure that some historians will begin to argue that the fall of Troy was not so much a result of a wooden horse, but of a steel spearhead.

I recite this historic data only to illustrate that man's dependency on metals stretches farther back in time than many of us had imagined. Similarly, our "Salute to Steel" tonight emphasizes the fact that man's dependency on metals stretches far into the future.

In our complex and diversified industrial society today, there is no one basic industry. But all of us know that steel is one of the several basic industries, such as food, fuels and energy, transportation and textiles, which are essential to the kind of country we are today.

Steel represents 95 percent of the metals consumed by our economy. It is the single most useful industrial raw material in our country.

Steel's importance to our American economy cannot be overstated. In 1969, the latest complete figures show, the industry had total revenues of $19.5 billion and total assets of $23.3 billion. With more than half a million employes, it is a mature industry. Yet, in its technology and much of its fixed plant it is a young growing and changing industry. Incidentally, National Steel's employment is 30,500 and the Weirton Steel Division employs 12,500.

Steel's importance to Weirton and to the entire area is well-documented. Weirton Steel has a regular monthly payroll, in salaried and hourly employes, of $9.8 million. I am informed that during the first week of April, the company distributed $7.6 million in vacation pay and $650,000 in regular vacation bonus, as provided in the labor agreement with the Independent Steelworkers Union. This meant that in a single week, more than $14.5 million in wages alone was pumped into this area's economy.

I have said that steel is a growing and changing industry. I think this is best demonstrated by the fact that, since the end of World War II, the industry's total capital spending amounted to $30.3 billion—and more than half of that expenditure came during the decade just past.

It is likely that capital spending worldwide by the steel industry will reach $20.0 billion in this decade. This indicates not only our own continuing domestic United States modernization, but progress by overseas competitors.

We know that steel is produced in 37 states and that steel products are made in all 50 states. What is not commony realized is that the 275 American companies which make or finish steel have operations in more than 300 communities. For each of the 506,000 workers directly employed by the steel industry, there are eight other Americans employed in factories that use steel in their products. This work force accounts for one-third of all manufacturing jobs in the country.

I cite these statistics to show how pervasive, and how vitally important the continuing growth and progress of the steel industry is to all of our citizens.

To meet increasing competition around the world, the American steel industry has been virtually rebuilt since 1961. Its equipment, technology, quality of product and productivity all are greatly advanced. There is no comparable bargain in the world today—and this must not be allowed to change if steel is to continue to hold its predominant position among basic materials.

To all of us concerned with a balanced and viable industrial economy, the unparalleled rise in imports presents a problem which must be dealt with in a fair and equitable manner.

Last year, the U.S. trade deficit in steel amounted to almost one billion dollars. We imported into the United States $1 billion more in steel than we exported. Figures released last April 2 show that 1,230,000 tons of steel were imported during the month of February, the highest February total ever. In the first two months of this year, imports were 2.5 million tons, a record figure for those two months, and 71 percent more than the same two months of last year. Part of this large increase is presumably due to the inventory buildup now going on among domestic users, but the basic problem remains.

As part of the solution to the problem of rising imports, the U.S. steel industry has suggested a two-year extension of the Voluntary Limitation Program as agreed on by European and Japanese steel producers at the beginning of 1969. The agreement also would reduce the annual import growth as now allowed in the Voluntary Limitation Program.

It is most important that we all realize fully what is at stake. The American people have traditionally been among the most generous in providing aid where needed abroad. We encourage competition and reject trade barriers artificially designed to enforce unfair advantages. But we are mindful of what unlimited imports can mean to basic industries—the recent surge of shoe imports has already forced the closing of several factories in the Northeast, and more than 100,000 jobs in the southern textile industry were lost last year to imports of textile products, mostly from Japan. And our glass industries likewise suffer from serious and damaging import competition.

The problems that face your industry with respect to steel imports are no different from those which face or potentially face almost all American manufacturing firms. The costs of foreign producers in almost any field are substantially less than those necessarily incurred in producing here in America.

I think the situation was most accurately defined by National Steel's President, George Stinson, when he said recently that it involves not only a disparity in production costs, but a fundamental difference in the philosophy of doing business.

Speaking of the factors involved in negotiating a more effective quota extension, Mr. Stinson told a Detroit audience:

"We have no right to make a plea for help with respect to imports if these imports under-price our products by reason of better costs arising from better productivity and efficiency in general; or from initiative and imagination or technological developments or better management." Mr. Stinson goes on to say:

"We have every right, however, to make our case based on non-controllable costs arising from higher labor rates which flow from our higher standards of living; from higher pension, insurance and medical costs which American business is by custom required to meet, from mandated costs imposed by laws dealing with the environment, social security, workmen's compensation, taxes and the like which our government imposes along with all other American business. These costs place us at an inevitable disadvantage with respect to foreign-made products which all American business is powerless to change."

All of you who are involved in the industry are painfully aware that these differences exist, and each of you strives to overcome the competitive edge through greater productivity and efficiencies.

It is the second factor listed by Mr. Stinson in his analysis of foreign competition which should be of broader general interest. Our American system—in which we believe—requires that business operate as free and independent private enterprise; that it provide for its own capital requirements, earning a profit in order to grow and attract capital; that it be subject to anti-trust laws that ensure competition and that discourage unwarranted mergers.

The system under which we operate finds little parallel abroad, where much of the world steel industry is publicly owned, where its capital is provided largely or wholly by its governments, where cartels replace competition and where profits are not an essential requirement.

Voluntary limitations on shipments from abroad won't just happen. It will require forceful action in Washington and concern and support of the individual worker. It is to alert our decision-makers and consolidate public sentiment to the dangers of massive market disruptions that we must pledge ourselves.

Abraham Lincoln recognized the need for mobilizing public opinion to produce action more than a century ago when, as a candidate for the U.S. Senate, he spoke during his campaign at Ottawa, Illinois. Lincoln said:

"In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed. Consequently, he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

Lincoln was right. And you will be right if you think greatly of your task and that of your fellow workers; if you think of your company and other companies as effective instrumentalities in the strength of our economy and the betterment of mankind.

RESEARCH IN SMOKING AND HEALTH—PAST, PRESENT, AND FUTURE

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. PREYER of North Carolina. Mr. Speaker, recently Dr. Marvin A. Kastenbaum, director of Statistics of the Tobacco Institute, addressed members of the North Carolina chapter of the American Statistical Association who were meeting in Greensboro, N.C. Dr. Kastenbaum is a distinguished graduate of North Carolina State University where he earned both his M.S. and Ph. D. I believe that the Members of this Congress would be interested in some of his comments which result from his analysis of statistical data in the field of smoking and health.

The data follows:

RESEARCH IN SMOKING AND HEALTH—PAST, PRESENT, AND FUTURE

(By Marvin A. Kastenbaum)

Address to the North Carolina chapter of the American Statistical Association, Greensboro, N.C., April 7, 1971

A. INTRODUCTION

In a recent article (1) in the Journal of the American Geriatrics Society a well known American surgeon made the following statement about the prevalence of lung cancer in the United States:

"By projection of available statistics, it was predicted that if people continue to smoke as they do now, there will be 630,000 deaths from cancer of the lung in the year 2000, of which 177,000 could be prevented if smoking were discontinued now."

Apparently, this physician was so convinced of the truth of this statement that he chose to repeat it four years after he had first published it in the prestigious Journal of the American Medical Association (2).

If we take this statement at face value, and assume that very few people begin smoking before age 15, then certain inferences follow immediately from it:

1. If smoking were discontinued in 1970, almost no persons under 45 years of age in the year 2000 will have ever smoked in their entire lives. That is to say, more than 70% of the population of the United States in the year 2000 (projected by the U.S. Bureau of the Census to be 300,000,000) will never have smoked.

2. No deaths from lung cancer among members of the U.S. population under 45 years of age in the year 2000 could be attributed to smoking.

3. Deaths from lung cancer among former smokers in the year 2000 could be associated with smoking only by virtue of an alleged risk they accumulated prior to 1970 (thirty years earlier!).

4. In spite of this, we are told that if all smoking were discontinued in 1970 453,000 (630,000 minus 177,000) people in the United States would die of lung cancer in the year 2000.

In 1968, the National Center for Health Statistics reported a total of 64,400 deaths from lung cancer in the United States. This represents a crude death rate of 32.2 per 100,000 live population in the U.S. in 1968.

5. The startling result of logically following the original statements is that we are led to believe that the crude death rate from lung cancer in the U.S. in the year 2000 will be 453,000/300,000,000 or 151 per 100,000 live population if all smoking were discontinued in 1970. This rate will be over 4½ times the 1968 rate (151 versus 32.2), in spite of the fact that 70% of the U.S. population in the year 2000 will never have smoked, and in spite of the fact that the remaining 30% will not have smoked for 30 years.

It is fair to state that these inferences are no more absurd than the original statement. Yet this statement has appeared at least twice in the medical literature in the past four years.

B. EXTRAPOLATION AND CONJECTURE

I have begun my talk with this example in order to highlight the level of extrapolation and exaggeration which may be found throughout the current and scientific literature. The situation may be worse in the popular press.

For instance, on February 14, 1971, in an article appearing in the *Washington Post* (3) on the subject of cancer cures, a Nobel prize winner wrote:

"More than two million citizens who have had cancer would not be alive today had they been left untreated."

This statement is probably more theological than scientific. The fact is that we no more know how many bodies have been saved from death from cancer as a result of therapeutic treatments than we know how many souls have been saved from purgatory by evangelical crusades. We would like to *believe* that both the scientist and the theologian are successful in their respective endeavors. Nevertheless, common *beliefs* do not necessarily form the body of common *knowledge*.

The same *Washington Post* article went on to say:

"Cigarette smoking is, of course, the best known of the environmental factors in the United States. Nevertheless, the surge in lung cancer has not been halted, partly on account of the momentum of decades of innocence; partly on account of psychosocial stupidity in the fact of overwhelming evidence, and to a large degree because of unanswered technical questions."

My opinion on this subject, while admittedly unpopular, is not one which I attribute to "psychosocial stupidity". I rather look with a great deal of skepticism upon what is alleged to be the "overwhelming evidence" which is continually referred to. I do not question the fact that a massive bibliography on this subject exists. That the contents of this bibliography represent unimpeachable evidence in either the scientific or the legal sense is debatable. For just as my statistical training taught me to differentiate between association and causation, so my mathematical training has permitted me to separate conjecture from proof.

In this respect I either differ from or misunderstand the philosophy of my colleagues who are proponents of a Bayesian approach to inference. For if I once allow my personal feelings to influence the ultimate outcome of an experiment and the conclusions I draw therefrom, then I am dealing at most only in conjecture and not in proof. All of you who are mathematically trained are well aware of some of the famous conjectures which have been put forth by outstanding mathematicians Some of these conjectures were ultimately proved; some have been disproved; others have defied the attacks of the best minds in mathematics for centuries. For statisticians the most famous of the recently disproved conjectures was Euler's suggestion that orthogonal Latin squares of sizes congruent to 2 modulo 4 could not be constructed. If Professor R. C. Bose had assumed the same personal probability that Euler attached to this problem in 1782, he and his associates would not have achieved notoriety as "Euler's Spoilers" in 1959. In fact, Professor Bose would not have bothered to question the conjecture at all.

C. THE DESIGN OF EXPERIMENTS

During the summer of 1967, I took a course in phage genetics at the Cold Spring Harbor Laboratory on Long Island. One of the experiments which I was privileged to reproduce was Joshua Lederberg's work on Transduction in E-coli (4). That experience did not convert me into a biologist, but it did possibly make me a better statistician. For it taught me the meaning of "elegance" in the design and performance of experiments. As a result, I now judge the preponderance of experiments in the area of smoking and health as neither elegant nor conclusive.

In the company of statisticians I feel obliged to elaborate a bit on what I have just said. We professional statisticians are sometimes presumptuous when we think that we can help sophisticated scientists and engineers plan their experiments. One can safely say that some of the most outstanding scientific experiments were designed and performed by investigators who had little or no knowledge of what we call "experimental design". This point was brought home to me very vividly by a scientific administrator who said, "Enrico Fermi probably knew nothing or experimental design". I could hardly deny his statement, but I could respond with the same degree of confidence by asking, "How many Enrico Fermis do you have on your staff?" The fact is that in spite of what most scientists think of themselves, there are precious few Nobel laureates around. As a result, the statistician's attitude must be that better planning can only enhance the relative frequency of successful experiments.

One of the most famous examples of a poorly designed study in the area of smoking and health was reported recently in the *Archives of Environmental Health* (5) (6). Its purpose from the outset was to demonstrate that cancers of the type observed in human lungs could be induced in the lungs of beagle dogs as a result of cigarette smoking. This study would not have received much notoriety if its results had not been prematurely released to the press early in 1970. But apparently the sponsors of the research were so convinced of the conclusiveness of the findings, that they announced the results at a specially convened press conference at the Waldorf-Astoria. In essence, the authors alleged to have demonstrated that smoking caused lung cancer in beagle dogs. The early and unusual nature of the release of this report precluded its publication in the prestigious *New England Journal of Medicine*. The editor of this journal discussed his general philosophy concerning the publication of scientific papers in an admirable article (7) which appeared in Science in mid-1970. A second medical journal found it difficult to publish the existing manuscripts after receiving a large number of unfavorable reviews from independent referees. Finally, after a series of bizarre circumstances, the two revised manuscripts were published in the *Archives of Environmental Health* in December, 1970.

I call these papers to your attention because I think you, as statisticians, might wish to examine them. You will find that a number of questions can be raised about the design of the experiment, the alleged randomization of the experimental material, the total number of animals assigned to treatment groups, and the questionable use of statistical techniques for analyzing the data.

The significance of this study is that it failed to demonstrate that cigarette smoking could induce squamous-cell carcinoma in the lungs of beagle dogs. What is more interesting is that this is the most recent of a number of experiments extending over a period of more than twenty years, which have failed to produce squamous-cell lung cancer in animals as a result of tobacco smoke inhalation.

D. CONFOUNDING

I have reiterated this point to emphasize my fascination with the recently reported results (8) of a study at the University of Nebraska Medical Center. An eminent scientist at this institution found that certain nitrosamines administered in the *drinking water* of rats give rise to squamous cell carcinomas of the lung, the same tumor that in man is associated with cigarette smoking. That the route to the lung should be via the stomach rather than the rachea is indeed a tantalizing concept to contemplate and to study.

I have also been fascinated recently with reports in the medical literature associating alcohol consumption with cancers of the oral cavity. Even one of the most avid and outspoken anti-smoking advocates has written (9) that with this disease it is hard to separate the effects of smoking and drinking That it to say, smoking and drinking may be completely confounded. As statisticians, we should be interested in the confounding of factors in an experiment. If I were to tell you that 85% of smokers also drink alcohol, would you draw any conclusions about the effect of tobacco without taking into account the confounding effect of alcohol? No. Yet this factor which is almost completely confounded with smoking has been all but ignored in the reports of diseases associated with smoking. Is it that inhalation has been demonstrated to be the only path for disease induction in the lung? No. It's just simpler for us to think that diseases of the lung come from breathing, and diseases of the gut come from eating and drinking. Yet we currently see evidence that *ingestion* can cause disease of the lung and oral cavity.

Other factors which have come to light recently as possibly being confounded with cigarette smoking habits are the use of tranquilizers and the longevity of parents.

In one of the early epidemiological studies (10) of American males, those individuals who "admitted" using tranquilizers had a higher death rate than those who did not. In spite of the fact that these figures have been on record for many years, no attempt has been made to infer that tranquilizers are a cause of death. Yet tranquilizers have a relationship with increased death which is similar to cigarettes. Moreover, the same investigator from the University of Nebraska (8) who testified before a Congressional committee in March said:

"A source of amines of great concern to me is the large number of drugs that have been introduced in the past few decades. Several hundred drugs, some of which are in common use, are secondary or tertiary amines, and an examination of the structures of these indicates that they would nitrosate readily in conditions prevailing in the stomach and give rise to nitrosamines; some of those that would be produced have been shown to be carcinogenic. A most serious aspect of this is that many of the drugs of this type are tranquilizers, antihistamines, appetite control agents and vermicides, types of drugs that are taken by people in quite large doses for long periods."

Can we really separate the increased use of tranquilizers and other similar medications in the past few decades from the increased per capita consumption of cigarettes in the same period?

In another study (11) involving over one million Americans, data was collected on the longevity of the parents and grandparents of many of the subjects. Results of the analysis of these data were postponed for many years until they were reported in January, 1971, (12) in *Circulation* as follows:

"This paper is based upon an analysis of data from a prospective epidemiological study in which a large number of men and women were traced for six years after they answered a detailed questionnaire. The subjects were divided into seven groups according to the longevity of their parents and grandparents. Death rates from coronary heart diseases, hypertensive heart disease, and stroke were found to be considerably higher among subjects with short-lived parents. This was found to be the case for coronary heart disease among men without a history of high blood pressure or diabetes, who were not seriously overweight, who took some exercise, *and who never smoked cigarettes regularly.*"

I place a great deal of emphasis on the recent publications of the findings of these older studies, because the original inferences from these studies have been used as the foundations for what is alleged to be the "overwhelming evidence" against tobacco smoking.

E. EXAMPLES OF "OVERWHELMING EVIDENCE"

One example of what passes as the current "evidence" is an article which appeared in the *Journal of Allergy* in June 1969, (13) which summarized a study on the health of children of smokers and nonsmokers as follows:

"Seven hundred twenty-seven families were administered an acute illness questionnaire by phone to explore possible differences in health of smokers' and nonsmokers' children. Smokers' children were sick more frequently (primarily respiratory illness). In addition, some evidence suggested that the amount of tobacco smoke in the home environment may be related to chance of illness."

For those of you who are students of sample survey techniques, I recommend this paper as an example of how *not* to conduct a survey. As to the analysis of the results, I can only refer you to table 1 (13, page 338) in which a "chi-square" test appears to have been used. In order to clarify their technique, the authors have the following footnote concerning chi-square:

"X^2 does not test whether the two samples came from the same population (i.e., the null hypothesis) but rather whether the smokers' children's health sample came from the same population as the nonsmokers' children's health sample. We felt that the statistical question at our current level of knowledge was the probability of the smokers' children belonging to the population indexed by the nonsmokers' sample (a specific rather than a general statistical question)."

I leave the interpretation of this gibberish to you. I have tried, without success, to reproduce the chisquares and the associated probabilities.

Another good example of a questionable study was an article appearing on January 16, 1971, in the prestigious British medical journal *Lancet* (14). The following summary preceded the report on *smoking and neurotic illness*:

"During a health screening survey of 1471 middle-aged individuals from a South-East London group practice, each individual completed a questionary which included items related to psychiatric state and smoking. The smoking habits of 124 individuals with confirmed psychiatric disorders were compared with those of a demographically matched group which was free from psychiatric illness. No significant differences were found between the two groups for the proportion who smoked, amount smoked per day, or duration of smoking for either sex. There was no significant correlation between the amount smoked per day and psychiatric severity. This study therefore gives no support to the hypothesis that smoking habits are related to neurotic illness."

I would like to emphasize the fact that these conclusions were drawn on the basis of a study of 37 males and 87 females with psychiatric disorders.

The results of another study (5) which dealt with smoking and cancer of the urinary tract were published in the New England Journal of Medicine on January 21, 1971. The abstract of this article reads as follows:

"Interviews were conducted with 470 patients with transitional or squamous-cell carcinoma of the lower urinary tract, more than 90 per cent of whom had a bladder tumor. An age-stratified and sex-stratified but otherwise random sample of 500 persons drawn from the population of the entire study area was also interviewed as a control. Among men, cigarette smokers have a relative risk of bladder cancer of 1.89 as compared with non-smokers, and about 39 per cent of the cases are related to smoking. This amounts to 16.4 cases per year per 100,000 men 20 years of age and over. Among women 20 years of age and over, the comparable figures are 2.00, 29 per cent and 3.9 cases per year per 100,000. For both sexes risk is increased among those who smoked heavily and those who inhaled. None of the excess risk of bladder cancer associated with cigarette smoking is explained by any indirect association with occupational experience. No significant risk is associated with pipe or cigar smoking. The data also suggest that incidence rates will increase during the next decade or so, especially among women."

I want to remind you that these sweeping estimates are based on the observations of 356 males, 286 of whom were smokers, and 105 females, 55 of whom were smokers.

The investigators matched what started out to be about 500 patients, most of whom had bladder cancer, with an alleged "random sample" drawn from the general population of the surrounding area. They then examined the smoking habits of the two samples, and, having found a difference (in smoking habits), concluded as follows:

"The present findings indicate that about 35 per cent of cases of cancer of the lower urinary tract in the study population are associated with cigarette smoking. If this association is accepted as causal, and if it is generalized to the entire population of the United States, smoking is associated with about 3100 deaths per year from cancer of the lower urinary tract.

It does not seem likely that any systematic bias could produce this association, for it was present in both sexes and all relevant age groups, and risk was increased among inhalers and heavy smokers. Moreover, because the present study was population based, additional support is provided for earlier, similar findings from studies of different design. This is especially so since the estimate of relative risk obtained, about 2.0, is characteristic of previous reports. (1964 Surgeon General's report)

A noteworthy exception to the general support of the association between smoking and bladder cancer is the prospective study of Doll and Hill. (16) Although that study has not been confirmatory, the number of deaths due to bladder cancer in the series, 36, is small. *Moreover, because the study is limited to a single occupational group, physicians, the results are difficult to generalize.*"

I am dismayed by the wild extrapolations and imaginative exaggerations in all of these studies, but I am particularly fascinated by the rejection of the results of the Doll and Hill study by the authors of the bladder cancer study. The results of Doll and Hill form the basis for some of the most significant conclusions in the much heralded report of the Royal College of Physicians (17) which was released in January, 1971, also.

F. IGNORING OR MINIMIZING CONTRADICTORY EVIDENCE

In the early 1950's, Doll and Hill studied the effects of different smoking patterns on the health of 32,000 male British physicians, comparing them especially with the male population of England and Wales. Among the criticisms of this study is the one raised by the authors of the bladder cancer study; namely, that British physicians are a highly select group by occupation, socio-economic status, etc., and should not form the basis for extrapolation to or comparison with the general population.

Yet while the Royal College report generally ignores this objection to the Doll and Hill study, it takes a different view of a similar and contemporaneous study of employees of the American Tobacco Company, which revealed a disease incidence lower than that of the general population. Without citing the substance of this study, the Royal College report dismisses it by saying it is statistically unsound, and then cites a *non-existent* reference (17, page 51) for this conclusion.

It is interesting to note that the study of the tobacco company employees (18) revealed that their cigarette consumption was double the national average and that their mortality rates were:

29% below expectancy for all causes.

30% below normal expectancy for all forms of cancer.

29% below normal expectancy for lung cancer.

25% below normal expectancy for cardiovascular disease.

21% below normal expectancy for coronary artery disease.

Obviously, these findings are hard to reconcile with the claims against cigarettes. They are purportedly statistically unsound because the sample was not representative of the entire population; it had obviously been selected according to occupation. But what could have been a more highly selected group (according to occupation) than the British doctors?

The tobacco company employees were all better-protected medically by being enrolled in a well-financed, prepaid plan, which was not common practice at the time. However, who could have been better cared for medically than a group of physicians?

It would appear that when the results of a study fit the obectives of certain authors, the biases can be overlooked. When they don't, the biases nullify the validity of the study.

G. SHAMEFUL EXTRAPOLATIONS

On the weekend before the Royal College report was released, the *Sunday Times* of London carried a feature under the heading "1 in 3 men and 1 in 4 women in the U.S. quit smoking". The source of this story was one sentence in the Royal College report (17, pp. 1415) which said,

"One in three of men and one in four of women in America who were smoking in 1966 had stopped by July, 1970." (19)

The reference for these data was a speech delivered at the National Conference on Smoking and Health in September, 1970, (19).

I would like to read you some pertinent parts of the speech because *this additional information* formed the basis of a somewhat different story in a subsequent issue of the Times. (20)

"However, we do know this: from a part of our study which consisted of reinterviews of about three thousand of the people who were first interviewed in 1966, we have found that 33.8 percent of the men and 25.4 percent of the women who were smoking in 1966 have quit smoking. In other words, a third of the men who were smoking in 1966 were no longer cigarette smokers and a quarter of the women who were smoking in 1966 were no longer cigarette smokers."

I want to emphasize the fact that this statement was made by a government official. The 1966 survey he referred to was a federally subsidized study of 35,000 people. The 1970 survey was a federally subsidized follow-up of 5,000 people in the 1966 survey. The fewer than 3,000 people, whose answers are alleged to have formed the basis for the extrapolations, were a subsample of the 5,000. We are not told how the subsample was drawn; we are not told how the sample 5,000 was drawn from the 1966 sample of 35,000 individuals; we are not told about the errors and biases inherent in the 1966 sample. We are merely told by an official of the U.S. government that 1 in 4 men and 1 in 3 women have quit smoking. This is enunciated as an official finding of the United States Government. It is accepted without qualification by a peerless organization such as the Royal College of Physicians, and becomes another example of how many distinguished medical organizations are listed in the anti-smoking ranks through uncritical acceptance of second-hand data.

You should be interested to know that U.S. Government figures, released by the same federal agency (21) in the same month that the Royal College of Physicians report appeared, do nothing to support the original allegation. If anything, they contradict it.

When all this information was brought to the attention of the British press, the Sunday Times (20) retracted its earlier statement.

H. ABUSES OF STATISTICAL TECHNIQUES

The general abuse of statistical techniques in the scientific literature and the support and countenance of these abuses by the federal government is already having repercussions which can and will affect the future of the entire statistical profession. These abuses do not occur only in the area of smoking and health. They have been endemic in all areas of science and are now reaching epidemic proportions. The following are two examples of statements appearing in the recent medical literature.

1. In February, 1971, a leading diabetologist charged (22, 23) that the final published data in a controversial study using the diabetes therapeutic agent, Tolbutamide, were presented in such a way as to give a "misleading impression" of both the findings and their significance. He charged that the report "shields the true significance of certain findings from most readers and actually gives them misleading impressions, sometimes by presenting the data as percentages and 'denominators'—the total patients involved—but omits the product of the two factors, which yields the actual number of patients with positive findings."

When he actually calculated the baseline risk factors for the number of patients at risk per clinic, it turned out that the clinics with the highest number of patient-risk factors at the outset of the study also had the highest number of deaths.

2. In the same month, February, 1971, an editorial in the *Nebraska State Medical Journal* (24) said:

"We need a law to deal with statistics abuse; this can be as bad as drug abuse or child abuse. For instance, it may be possible that mother's milk is a precursor to the use of marihuana, for one is often followed by the other. It would be interesting to know how many pot smokers were raised on mother's milk; I might get a government grant and look into this, but it's probably been done.

"By counting the diminishing number of people in the average automobile on the highway and then extrapolating, it seems obvious that in 10 years, automobiles racing down the interstate will have nobody in them.

"The story of the statistician who drowned in a pool where the water was only five feet deep on the average, is a good example of statistics abuse; it was 10 feet deep at the end where he met his end. And the man with his head in the refrigerator and his feet in the oven, or the other way around, felt comfortable on the average, statistics abusers will happily tell you.

"Drugs, children, and statistics are abused by people who do not understand them."

We in the statistical profession may be amused by unkind statements about statistics and statisticians. After all, members of our profession have always been vilified for the acts of data manipulation practiced by unqualified individuals who pass as "statisticians". But, abuses in statistical reporting have reached a new low, and are continuing very rapidly to unfathomable depths. We can no longer stand in the background. We must shake ourselves free of our lethargy. Otherwise, we are apt to find ourselves flushed down the drain with the rest of the garbage.

I have had occasion recently (25) to document some of my observations and recommendations on this subject, and I will conclude my talk tonight by reading some of these to you.

I. OBSERVATIONS

1. Much of the scientific "evidence" which is reported these days is based on statistical inferences resulting from the analysis of samples of data. Generally, the investigators who do the fundamental research are competent in their respective fields. This competence does not necessarily extend into the realm of statistical theory and analysis. In fact most investigators would be hard pressed to explain or defend the statistical techniques upon which their conclusions are based. This is contrary to the accepted procedures of science.

2. Many large or long range studies are initiated with the full knowledge that the results will depend on the statistical reduction and evaluation of the data. Yet few of these studies have the benefit of competent advice in the preliminary planning and design stage. As a result, we continue to witness the failure of many federally sponsored research programs, not because they are wrong in concept, but because they have not been properly designed to yield conclusive results. I expressed my views on this subject not long ago in Gatlinburg, at a conference on "inhalation carcinogenesis" (26).

3. At a time when the impact of statistical analysis is sharply increasing, the overall influence of statisticians in the federal government is diminishing. This is not to say that competent statisticians no longer work for the government. On the contrary, many do. However, there no longer exist the strong groups which could at one time be found in many government agencies; for example, U.S. Bureau of the Census 1940–1960; National Institutes of Health 1950–1965; National Bureau of Standards 1940–1960. This change may be attributed to many phenomena such as: the retirement and death of a number of outstanding members of the profession; the succession to administrative positions by several very competent people; the movement to universities during the early 1960's; the loss of appeal of government jobs to competent statisticians who find more money and more challenge elsewhere; frustration resulting from the inability of statisticians in some government agencies to make themselves heard and to influence policy decisions.

4. In many areas of science, the federal government relies on reports which are based on data collected by private agencies with some or no public funds. Opinion polls and other private surveys are good examples of this.

Generally these data are not scrutinized by responsible scientists in government, nor are they always available for scrutiny by independent agencies. Ordinarily such studies would stand or fall of their own weight in the scientific community However, when government policy is based on a limited analysis of such studies, very serious questions can and should be raised.

J. RECOMMENDATIONS

1. Panels of senior statistical advisers should be available to Congress and to the Executive Branch for the interpretation of "evidence" upon which government policy is to be made.

2. All scientific undertakings involving public funds should have the benefit of advice from professional statisticians. Much of this advice can be provided by in-house staffs of statisticians Where major studies (intra- or intermural) are to be undertaken, however, independent consultants of recognized competence should be used to approve both the design of the experiment and the inferences drawn therefrom. Independent advisers with some influence may be able to override decisions which are based on vested interests rather than national interests.

3. Statisticians in the federal government should play a larger role in the design of experiments undertaken by their respective agencies. This role should carry with it the responsibility for reporting on and defending the stated results of an experiment. If probability statements are to be made, the ultimate risks associated with these statements should be borne by a person in authority. When the statistician assumes his proper role in these matters, his authority and stature should be tied to his responsibility.

4. Government policy should not be based on studies over which the government cannot exercise some control, access or review. Data from studies carried out with private or public funds should be made available for independent review and confirmation, before the results from the basis of government action.

Finally, I feel that professional statisticians should take a strong position on the ethics and standards of their profession. This matter has been discussed at various times by our professional societies, but no concrete program has evolved. Abuses in statistical reporting are no different from abuses in advertising—and the latter are regulated by law when they result in false and deceptive trade practices. I would rather see the statistical societies take some concrete action along these lines than to have the action be assumed by default by the legislative arm of government.

REFERENCES

(1) Ochsner, A. and F. Damrau (1970), "Control of Cigarette Habit by Psychological Aversive Conditioning: Clinical Evaluation of 53 Smokers", *Journal of the American Geriatrics Society,* Vol. 18, No. 5, pp. 365–369.

(2) Ochsner, A. (1966), "Palliation by Surgery", *Journal of the American Medical Association,* Vol. 196, No. 10, pg. 852.

(3) Lederberg, Joshua (1971), "Cancer 'Cure' Has Limitations", *The Washington Post,* February 14, 1971, pg. C2.

(4) Morse, M. L., E. M. Lederberg, J. Lederberg (1956), "Transduction in *Escherichia coli* K–12", *Genetics,* Vol. 41, pp. 142–156.

(5) Hammond, E. C., Oscar Auerbach, David Kirman, Lawrence Garfinkel (1970), "Effects of Cigarette Smoking on Dogs: I. Design of Experiment, Mortality, and Findings in Lung Parenchyma", *Archives of Environmental Health,* Vol. 21, pp. 740–753.

(6) Auerbach, Oscar, E. C. Hammond, David Kirman, Lawrence Garfinkel (1970), "Effects of Cigarette Smoking on Dogs: II. Pulmonary Neoplasms", *Archives of Environmental Health,* Vol. 21, pp. 754–768.

(7) Ingelfinger, Franz J. (1970), "Medical Literature: The Campus Without Tumult", *Science,* Vol. 169, pp. 831–837.

(8) Lijinsky, William (1971), Statement presented at the hearings before the Intergovernmental Relations Committee of the Committee on Government Operations, March 16, 1971, Chairman Representative L. H. Fountain.

(9) Wynder, E. L. (1971), "Etiological Aspects of Squamous Cancers of the Head and Neck", *Journal of the American Medical Association,* Vol. 215, No. 3, pg. 452.

(10) Hammond, E. C. and Daniel Horn (1954), "The Relationship Between Human Smoking Habits and Death Rates", *Journal of the American Medical Association,* Vol. 155, No. 15, pp. 1316–1328.

(11) Hammond, E. C., (1964), "Smoking in Relation to Mortality and Morbidity. Findings in First Thirty-Four Months of Follow-up in a Prospective Study Started in 1959", *Journal of the National Cancer Institute,* Vol. 32, No. 5, pp. 1161–1188.

(12) Hammond, E. C., Lawrence Garfinkel, Herbert Seidman, (1971), "Longevity of Parents and Grandparents in Relation to Coronary Heart Disease and Associated Variables," *Circulation,* Vol. 43, pp. 31–44.

(13) Cameron, Paul, J. S. Kostin, J. M. Zaks, J. H. Wolfe, G. Tighe, B. Oselett, R. Stocker, J. Winton (1969), "The Health of Smokers' and Nonsmokers' Children", *Journal of Allergy,* Vol. 43, No. 6, pp. 336–341.

(14) Eastwood, M. R. and M. H. Trevelyan (1971), "Smoking and Neurotic Illness", *The Lancet,* pp. 104–108.

(15) Cole, Philip, R. R. Manson, H. Haning, G. H. Friedell (1971), "Smoking and Cancer of the Lower Urinary Tract," *New England Journal of Medicine,* Vol. 284, No. 3, pp. 129–134.

(16) Doll, R. and A. B. Hill (1964), "Mortality in Relation to Smoking: Ten Years' Observations of British Doctors", *British Medical Journal,* No. 1, pp. 1399–1410.

(17) A Report of the Royal College of Physicians, (1971) *"Smoking and Health Now",* Pitman Medical and Scientific Publishing Co. Ltd., London, England.

(18) Cohen, J. and Heimann, R. K. (1962), Heavy Smokers with Mortality", *Industrial Medicine and Surgery,* Vol. 31, pg. 115.

(19) Harn, Daniel (1970): Address given at the National Conference on Smoking and Health, San Diego, California, Sept. 9–11.

(20) Brandon, Henry (1971), "Americans Are Smoking More", *Sunday Times,* London, England, January 10, 1971.

(21) "The Health Consequences of Smoking"; A Report of the Surgeon General: 1971. U.S. Department of Health, Education, and Welfare; Public Health Service.

(22) Seltzer, H. S. (1971), "Misleading Impression of Findings Laid to U.G.D.P. in Published Data", *Medical Tribune and Medical News,* Vol. 12, No. 6.

(23) "The Tolbutamide Debate", *Medical World News,* Jan. 8, 1971, pp. 37–46.

(24) Cole, Frank, "Statistics Abuse", *American Medical News,* Feb. 22, 1971, Vol. 14, No. 7, pg. 4.

(25) Kastenbaum, Marvin A. (1971), Private Communication to the President's Commission on Federal Statistics.

(26) Kastenbaum, Marvin A. and T. J. Mitchell (1970) "Studies in Inhalation Carcinogenesis: A Critique", *Proceedings of the Conference on Inhalation Carcinogenesis,* Gatlinburg Tennessee, October, 1969, pp. 445–452.

FEDERAL CIVILIAN EMPLOYMENT, MARCH 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the March 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of March was 2,872,891 as compared with 2,871,910 in the preceding month of February. This was a net increase of 981.

These figures are from reports certified by the agencies as compiled by the Joint Commitee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of March totaled 2,834,812. This was a net increase of 603 as compared with employment reported in the preceding month of February. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,664		−13,211
November	2,843,411	+4,747	
December	2,838,320		−5,091
January 1971	2,829,637		−8,683
February	2,834,209	+4,572	
March	2,834,812	+603	

Total employment in civilian agencies of the Executive Branch for the month of March was 1,688,219, an increase of 890 as compared with the February total of 1,687,329. Total civilian employment in the military agencies in March was 1,146,593, a decrease of 287 as compared with 1,146,880 in February.

The civilian agency of the Executive Branch reporting the largest increase during March was in Department of HEW with 1,000. The largest decrease was in Department of Agriculture with 2,488.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 262 and Navy with 234. The largest increase was in Air Force with 371.

Total Executive Branch employment INSIDE the United States in March was 2,631,530, an increase of 2,800 as compared with February. Total employment OUTSIDE the United States in March was 203,282, a decrease of 2,197 as compared with February.

The total of 2,834,812 civilian employees of the Executive Branch reported for the month of March 1971 includes 2,522,297 full time employees in permanent positions. This represents a decrease of 1,270 in such employment from the preceding month of February. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,834,812 includes some foreign nationals employed abroad, but in addition there were 99,499 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number of February was 100,115.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of March totaled 30,537, an increase of 241 as compared with the preceding month of February. Employment in the Judicial Branch in the month of March totaled 7,542, an increase of 137 as compared with February.

DISADVANTAGED PERSONS

The total of 2,872,891 reported by the Committee for March includes 20,544 disadvantaged persons employed under federal opportunity programs, an increase of 389 over the preceding month of February. (See Table 4 of accompanying report.)

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full time in permanent positions by executive branch agencies during March 1971, showing comparisons with June 1969, June 1970, and the Budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	March 1971	Estimated June 30, 1971[1]
Agriculture	83,425	82,912	82,769	85,600
Commerce	25,364	25,427	27,832	28,400
Defense:				
Civil functions	31,214	30,297	29,830	30,900
Military functions	1,225,877	1,129,642	1,080,443	1,079,500
Health, Education, and Welfare	102,941	102,297	104,024	105,300
Housing and Urban Development	14,307	14,661	15,246	16,000
Interior	58,156	59,349	56,514	58,000
Justice	35,106	38,013	40,354	43,600
Labor	9,723	10,217	10,790	11,600
Post Office	562,381	565,618	567,735	585,200
State	24,658	23,618	23,188	23,600
Agency for International Development	15,753	14,486	13,734	14,000
Transportation	60,386	63,879	66,990	69,600
Treasury	79,982	86,020	89,354	93,500
Atomic Energy Commission	7,047	7,033	6,935	7,000
Civil Service Commission	4,970	5,214	5,325	5,500
Environmental Protection Agency[2]			4,846	6,700
General Services Administration	36,176	36,400	37,187	39,900
National Aeronautics and Space Administration	31,733	31,223	29,634	29,900
Office of Economic Opportunity	2,856	2,387	2,432	2,500
Panama Canal	14,731	14,635	14,291	14,800
Selective Service System	6,584	6,665	6,621	6,500
Small Business Administration	4,099	4,015	3,986	4,100
Tennessee Valley Authority	11,987	12,657	13,406	13,300
U.S. Information Agency	10,500	9,989	9,789	9,900
Veterans' Administration	147,606	148,497	150,106	154,400
All other agencies	26,200	27,420	27,975	29,700
Contingencies				5,00
Subtotal	2,633,762	2,552,571	2,520,427	2,574,000
Public Service Careers		552	970	[3] 4,900
Total	2,633,762	2,552,571	2,522,297	2,578,900

---

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Source: Civil Service Commission estimate of persons in "entry" component for whom ceiling relief has been granted.

MAINE'S SECOND DISTRICT SPEAKS OUT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. HATHAWAY. Mr. Speaker, in February of this year I mailed questionnaires to my constituents in the Second Congressional District of Maine concerning a number of issues facing the 92d Congress and the American people. Replies have since been examined, results compiled, and, by means of a second newsletter, total survey findings are being sent this week to all households in the second district.

Response to the questionnaire was gratifying—there were more than 15,000 replies—and the depth of concern about the problems facing the Nation was impressive. The results of the February questionnaire are tabulated below for the information of Members of the House and Senate. They have also been sent to the White House and released to the Maine press for statewide distribution.

The results follows:

MAINE'S SECOND DISTRICT SPEAKS OUT

NATIONAL ISSUES

1. The national and international issues listed below were rated by questionnaire respondents in order of their importance—36.7 percent of those responding, for example, thought the economy was first in order of importance, 22.3 percent said it was the second most important issue, and so on:*

	1	2	3	4	5	6	7
a. The economy	36.7	22.3	16.1	8.6	7.2	5.5	3.1
b. The environment	16.8	20.1	19.1	14.8	13.1	10.3	5.2
c. Poverty	6.6	11.3	19.0	20.4	16.0	16.0	10.4
d. Health care	4.4	9.0	10.6	18.7	25.2	19.6	11.5
e. Education	3.1	10.2	12.2	15.7	16.5	17.8	22.3
f. Vietnam war	28.6	18.8	12.7	8.4	9.0	12.1	9.4
g. The Mideast	1.8	7.5	9.2	12.8	12.5	18.3	37.1

Note: "Other" issues suggested by respondents varied widely, with no single issue being predominant.

LOCAL ISSUES

2. Local issues were also rated by respondents in order of importance:*

	1	2	3	4	5
a. Crime	20.1	18.4	23.2	19.7	17.6
b. Drug abuse	15.4	27.2	23.6	18.7	13.2
c. Fuel-power crisis	6.4	14.1	15.8	25.0	36.0
d. Pollution	21.2	21.6	20.4	24.1	11.6
e. Unemployment	32.4	16.9	17.1	18.6	12.7

Note: "Other" local issues suggested varied widely; none was predominant.

THE ECONOMY

3. Respondents stated whether or not they would support the following economic alternatives if inflation continues (by percentage):

	"Yes"	*"No"*
a. Voluntary wage-price guidelines	70.9	29.1
b. Wage controls	63.5	36.5
c. Price controls	77.0	23.0
d. Controls on interest rates	80.5	19.5
e. Restoration of a 5% surtax	28.8	71.2
f. Restoration of a 10% surtax	10.2	89.8
g. Reduced Government spending possibly extending to some essential services	76.7	23.3
h. Increased excise taxes on certain items such as liquor and tobacco	71.2	28.8

THE WAR AND U.S. FOREIGN POLICY

4. Second-District residents were asked to select one of the following alternatives regarding the U.S. presence in Vietnam:

32 percent called for complete U.S. withdrawal now, entrusting the defense of South Vietnam to the 1,200,000-man South Vietnamese army;

14 percent recommended barring the use of funds for U.S. combat action in Vietnam after July 1, 1971, except for removal of U.S. troops;

37 percent suggested a "time-table" withdrawal of U.S. troops up to July 1, 1971, and the maintenance of an American "peace-keeping" force of some 280,000 troops, to be withdrawn as the military situation warrants;

17 percent called for escalation of the war to include an all-out attack on North Vietnam using all resources except nuclear weapons to bring about a complete military victory.

5. On whether the United States should extend diplomatic recognition to Red China, 64 percent of those responding said "Yes," while 36 percent said "No."

6. Regarding whether the United States should support the admission of Red China to the United Nations, 61 percent answered "Yes," while 39 percent said "No."

7. On the question of supplying Israel with economic and military assistance necessary to the maintenance of a "balance of power" in the Middle East, 59 percent said "Yes," while 41 percent answered "No."

THE DRAFT

8. Respondents chose one of the following four alternatives concerning how the military services should be manned after June 30th of this year, when the current draft law expires:

14 percent recommended extending the present law for four years;

12 percent called for extending present law for two years, while reducing draft calls to zero;

18 percent suggested repeal of the draft in favor of an all-volunteer army;

56 percent recommended reforming the Selective Service System in favor of a plan that would offer every young man the choice of volunteering for the military service, of volunteering for acceptable alternative civilian service (*e.g.*, Peace Corps, Teachers Corps, hospital work, etc.), or of taking his chances under the lottery system.

VOTING AGE

9. Last December, the Supreme Court upheld a congressional enactment extending to persons between the ages of 18 and 21 the right to vote in Federal elections. Of those responding to my questionnaire, 84 percent said the 18-year-old vote should also apply to State and local elections, while 16 percent thought it should not.

10. Of the 84 percent favoring extension of the right to vote in State and local elections to 18-through-20 year olds, 33 percent thought this should be accomplished on a State-by-State basis; 67 percent recommended that it be done on a national basis, by means of an amendment to the U.S. Constitution, requiring a two-thirds vote in both Houses of Congress, followed by ratification by three-fourths of the States.

HEALTH CARE

11. Sixty-three percent called for enactment by this Congress of a federally funded national health insurance plan that would guarantee financial health-care coverage to every American citizen; 37 percent expressed opposition to such a law.

THE SST

12. Fifteen percent of all respondents said the Federal Government should continue to subsidize the supersonic transport plane; 85 percent said it should not.

CONSUMER AFFAIRS

13. Seventy-six percent of all respondents favored and 24 percent opposed creation of an independent, Cabinet-level department in the Federal Government which could plead the case of consumers before Federal regulatory agencies that have jurisdiction over such areas as unsafe products, questionable credit practices, and deceptive advertising.

14. Eighty-three percent said they favored and 17 percent said they opposed legislation that would permit citizens to bring "class action" damage suits—law suits in which a number of consumers victimized by fraud or deception in the marketplace could pool resources and share court costs.

EDUCATION

15. Congressman Henry S. Reuss (D-Wis.) has proposed a new idea to help spread education among citizens who, in their youth, ended their schooling at too early an age. The proposal is for a "sabbatical year" for adults, age 25 and older, who earn less than $10,000. Qualifying persons would be given grants to cover education costs and lost salary for a full 12-month period. The plan is generally designed to aid the so-called "middle American" by broadening his educational horizons and improving his earning potential. Fifty-seven percent said they favored the suggested plan; 43 percent said they opposed it.

FREEDOM FROM INFORMATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. METCALF. Mr. President, persons who deal with public service corporations are familiar with their tendency to hide information which is relevant to regulators and customers. The deficiency is especially noticeable in areas of central importance to enforcement of law and order in the fields of antitrust, environmental protection, and ratemaking. I refer specifically to the inadequacy of reporting of beneficial ownership of the corporations, pollution by their facilities, payments made to retainers, stock option benefits for company insiders, and reports on corporate profits.

Some information can be gleaned from the annual reports of the corporations to regulatory commissions. Utility corporations frequently file their rate increase requests before they file their annual reports to regulatory commissions. About a year after the commissions file their annual reports, the Federal Power Commission and Federal Communications Commission publish their annual comparisons of utility statistics. These publications usually are not available until well after the utilities have gotten the courts to nail down the rate increase upon the basis of one-sided information which had not been properly challenged, because neither the regulators nor protestants had the information and staff resources for the adversary presentation which is supposed to characterize our regulatory and judicial system.

Potential parties to a rate or environmental case face a further impediment before the regulatory commissions. Most of these commissions will not provide free copies of the annual reports and further submissions of the utilities. Some commissions have arrangements with private reporting companies to charge exorbitant fees for reproduction of such documents. The Interstate Commerce Commission, for example, has been requiring some persons to pay a private reporting company more than a dollar a page.

This freedom from information method of protecting utilities reaches its zenith in the State of Arizona. There the Arizona Corporation Commission regards even the annual reports of utilities as "confidential." The commission relies upon a statute which would permit the reports to be public on order of the commission.

Mr. President, this is one of the reasons why consumer protection legislation should include the modest disclosure requirements embodied in the Utility Consumers' Information and Counsel Act, which is S. 607 in this body and H.R. 4872, H.R. 5488, and H.R. 7444 in the House.

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent correspondence between the Arizona State Corporation Commission and the Southwest Research and Information Center in Albuquerque.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

ARIZONA CORPORATION COMMISSION,
Phoenix, Ariz., April 16, 1971.

(Attention of Richard Morgan, Research Associate).

SOUTHWEST RESEARCH AND INFORMATION CENTER,
Albuquerque, N. Mex.

GENTLEMEN: Reference is made to your letter requesting copies of the annual reports or excerpts therefrom of several electric utilities operating in Arizona.

The annual reports of the utilities are the only documents in our office that are not open to public inspection and the information contained therein is confidential. We regret that we are unable to assist you.

Very truly yours,
ROBERT G. KIRCHER,
Director, Utilities Division.

APRIL 19, 1971.

Mr. DICK HERBERT,
Arizona Corporation Commission,
State Capitol Annex,
Phoenix, Ariz.

DEAR MR. HERBERT: We are a non-profit organization doing research on the problems of electric power development in the Southwest. On April 13, I sent a letter to the Arizona Corporation Commission requesting information on the accounts of several electric power companies which operate in your state. I received a reply, dated April 16, from Mr. Robert G. Kirshner, Director of Utilities Division, which said, "The annual reports of the utilities . . . are not open to public inspection and the information contained therein is confidential." I am surprised by this regulation, in that all other state utility commissions which I have contacted do willingly furnish this information at a nominal cost.

I am writing to you because of your favorable testimony in the *Congressional Record* of February 26, 1970, regarding the problems of regulating utilities in Arizona. I hope that you might help me find the information that I am looking for. I would like copies of the balance sheets of 1969 and 1970, including revenues, profits, and expenditures on advertising, public relations, and research and development, submitted by the following utilities:

Arizona Public Service Company
Tucson Gas and Electric Company
Salt River Project
Arizona Power Authority
Arizona Electric Power Cooperative

If there is any cost for these copies, I will remit by return mail. If this information is truly not available, I would appreciate your giving me an explanation for this policy. Thank you.

Sincerely,

Richard Morgan,
Research Associate.

Arizona Corporation Commission,
Phoenix, Ariz., April 23, 1971.

Re: Your letter of April 19, 1971 addressed to Mr. Dick Herbert.

Mr. Richard Morgan,
Research Associate, Southwest Research and Information Center, Albuquerque, N. Mex.

Dear Mr. Morgan: In reference to your letter of April 19, 1971, Mr. Dick Herbert is no longer with the Arizona Corporation Commission as he completed his term of office. The reply dated April 16, 1971 from Mr. Robert G. Kircher, Director of our Utilities Division, was correct and enforced by the Commissioners. The Arizona Revised Statutes, Section 40-204, sections C and D read as follows:

C. "No information furnished to the commission by a public service corporation, except matters specifically required to be open to public inspection shall be open to public inspection or made public except on order of the commission, or by the commission or commissioner in the course of a hearing or proceeding."

D. "Any officer or employee of the Commission who divulges any such information is guilty of a misdemeanor."

Annual reports of the utilities are not open to the public, and the information contained in those reports is confidential. I hope that you can understand the position of the Commissioners in this type of situation as we are governed by these statutes and our Utilities Division has been instructed to abide by those rules.

If you should have any further questions with regard to this matter, please feel free to contact me again.

Sincerely,

William R. Johnson,
Executive Secretary.

CONGRESSMAN WYLIE LEADS MOVE TO RESTORE PRAYER IN PUBLIC SCHOOLS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. HUNT. Mr. Speaker, I want to call attention to the commendable efforts of our colleague from Ohio, the Honorable Chalmers P. Wylie, to instill life in the movement that seeks as its objectives the restoration of voluntary prayer in the public schools via a constitutional amendment as proposed in his House Joint Resolution 191. While it is acknowledged that a petition to discharge the committee from further consideration of the resolution is less desirable procedurally than having the measure considered on the committee's own initiative, Congressman Wylie and others now recognize that the discharge petition is the only alternative if there is to be any opportunity at all for the House to vote on the resolution in the 92d Congress. I have signed this petition and urge all those Members who have introduced similar or identical resolutions to do likewise.

Based on the strong public interest in this move, the Evening Star of May 1 carried an article outlining the history of the prayer movement and Congressman Wylie's thinking in deciding to initiate the discharge petition. The article follows:

Congressman Wylie Leads Move To Restore Prayer in Public Schools

Almost nine years after the first of two U.S. Supreme Court decisions that had the effective impact of banning prayers and Bible reading from many of the nation's classrooms, the fight to restore the right to pray in public schools continues.

In Congress, prompted by strong grassroots support in his state, Rep. Chalmers Wylie, R-Ohio, has introduced a discharge petition in an attempt to get a prayer amendment bill out on the floor for open discussion and a vote.

The amendment is tied up in the Judiciary Committee by Rep. Emanuel Celler, D-N.Y., who is opposed to the measure.

Wylie admits that filing a discharge petition is not a popular move, but after talks with Celler felt it was the only avenue left open. He has some 40 signatures, but needs 218, or a simple majority of the House, to bring it to the floor.

The Ohioan reflected a veiled optimism about the prospects of bringing the bill before the Congress, much of it resting on the fact that the discharge petititon has been introduced fairly early in the session. It marks the third time a discharge petition has been used to try to bring a showdown.

Last year, near the session's end, a discharge petition was introduced, and back in 1964 former New York Representative Frank Becker tried this route. Becker got some 160 signatures, but fell short of his goal.

A source of hope—and at the same time consternation—comes from the fact that 100 congressmen have filed prayer amendment bills similar to his. He scans, first, the list of those who have bills pending, and second, the list of those who've signed the discharge petition. It bothers him.

SOME HOLD BACK

"I was assured flatly by those who led this drive that they had the commitments—the positive commitments—of more than 218 members of the House to sign the discharge motion," he said.

"That may be so," he added, "but if it is, those who made these commitments have certainly not delivered."

Wylie, an active United Methodist layman, said that over the course of the years since the prayer issue came to the fore "more than a majority of the members of the House have introduced or cosponsored prayer amendments like mine, but I have noticed no great drive among those who ostensibly back this proposal to sign the motion that would get it to the floor for a vote.

"If they really want that action, it now is up to them . . . to take the actual step of signing my discharge petition."

One of the groups that keeps constant pressure on for passage of the bill—the exact language of the Dirksen Amendment—is the Back to God Movement. This week, Mrs. Bennett Miller of Washington presented the signatures of 170,000 persons on petitions supporting prayer in the schools.

In Ohio, Mrs. Ben Ruhlin presented Wylie with 100,000 signatures. In earlier efforts, the Jaycees produced 360,000 names.

Mrs. Miller, the national coordinator for the Back to God Movement, cites a 122 percent increase in crime since the court decisions and believes the decisions play a role in that crime rise.

SEES A CONNECTION

"Regardless of the reasons for the breakdown of authority and deteriorated moral climate in our schools and streets, and the 122 percent increase in crime since 1963 the lack of any spiritual emphasis played its part in the formative years of the youth" she said.

The Rev. Robert Howes, an associate professor at Catholic University, and head of Citizens for Public Prayer, told Wylie: "Time and again we have noted . . . the matter of school prayer involves the whole idea of religion in our public life.

"Much more is at stake than a mere morning moment, however important this is in and of itself. What is involved, at this crisis point in our development as a people is a return of America to the reverence of its foundation."

The bill Wylie is authoring reads: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

If the 218 votes are obtained, the measure still will need a two-thirds vote margin of victory in both houses to be sent to the states for ratification. Three-fourths of the states then would have to ratify the amendment within seven years of its passage.

But Wylie and those backing the bill think that if it ever clears Congress the people will pass it. The latest national poll indicates 80 percent still believe the matter of clarifying the public prayer issue—positively—is a congressional must, he said.

Mrs. Miller has issued a call for more help in her campaign. The Back to God Movement's headquarters are at 3004 Adams St. NE, and the telephone number is LA 6-3613. Howes' number is 265-3900.

JAMES RESTON ON ED MUSKIE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. KYROS. Mr. Speaker, as we know only too well, the corollary of leadership is exposure to intense criticism. Senator Edmund Muskie's increased role as leader of the Democratic Party is, of course, accompanied by increased attention to his performance, and it is certainly not to be expected that this attention always be favorable.

Throughout the years, however, James Reston's columns have become noteworthy for the long-range perspective which they offer in the midst of the evanescent popular wisdoms expressed in Washington. In his column of April 28, appearing in the New York Times, Mr. Reston brings us back to what I personally feel so very strongly: Senator Edmund Muskie of Maine is the most solid candidate for the highest national office. I am confident that the strength of his character and intellect will be reflected by increasing strength with the American people during the months ahead, particularly as more of our citizens have the opportunity to meet this man from Maine, and listen to him. For the benefit of my colleagues who may have missed Mr. Reston's column when it originally appeared, I insert it herewith:

Big Ed Muskie of Maine

(By James Reston)

Washington, April 27—The man in the middle of Washington's smoky-room gossip these days is Big Ed Muskie of Maine. Much of the smoke is coming from the Senator himself, but suddenly all the pros in both parties are muttering against him, which is the treatment usually reserved for the front-runner.

For example, John Mitchell, the Attorney General, who ran President Nixon's last campaign and may run his next, expresses the view that Muskie will never make it through the Democratic nominating convention. In his opinion, the Democrats will tear each other apart in the primaries and wind up with a badly wounded nominee, "probably Humphrey or Kennedy."

Publicly, the Democratic candidates are sticking to their pledge not to criticize each other, but privately they are sniping at the Senator from Maine. Muskie, they complain, is poorly organized, indecisive, inexperienced on urban questions and foreign policy, an Adlai Stevenson without Stevenson's eloquence, experience or big-state political base.

This, it should be noted, is strictly Washington stuff. Poor Ed—he has nothing going for him but the people, the pollsters and a quiet personal New England determination to ignore the gossip and run his campaign in his own careful way and at his own time.

Well, he says, maybe there is something to all this criticism. Maybe he has been ambiguous, maybe he has waffled on Vietnam, maybe he has not been too well organized, but let's wait and see. People keep drawing my profile every day, he says, and the pressure will get much worse, but there's plenty of time.

Muskie has recently responded to the criticism by stepping up the pace of his campaign and sharpening up his shafts at the Nixon Administration. He has kept adding to his staff, though he is still short on professional political advisers. He has been talking out on the Calley case, supporting the public protests against the war though not the violent militants, attacking the F.B.I. for its snooping on the Earth Day rallies, and working energetically but quietly on urban and foreign policy problems.

Nevertheless, he has not increased his lead since the first of the year, probably because he is a cranky Yankee and not so sure that the main issues of the moment—the war and the economy—will look quite so promising a year or fifteen months from now. So he has been hodling back and conserving his energies and his ammunition for later on.

For the Republican strategists, this is good news. They might be worried if Muskie established himself early as a sure winner in the Democratic nominating convention and could therefore avoid a divisive struggle in the primaries and on the convention floor. But the longer he waits, the greater the chances are, in the Republican view, that the Democrats will fall out and the war and economy issues will begin to fade.

Attorney General Mitchell, for one, believes time is on the side of the Republicans. He says nobody has asked him to run the 1972 campaign, "and I'm not volunteering." but he thinks the outcry against the war and unemployment will have declined substantially by next spring, and that nobody, certainly not Muskie, will be able to unite the Democratic party.

Nor is Mitchell particularly worried about the 11.5 million 18–21-year-old voters who will be eligible to participate nationally in the '72 election for the first time. Though the Gallup Poll indicates that three out of four 18–21-year-olds favor the Democratic party, he is not convinced that they will develop enough enthusiasm for any of the Democratic candidates to be decisive.

Instead, he points to "about five and a half million" older floating voters who under the new 30-day residence requirements are likely to be a bigger factor in the 1972 voting than ever before. He identifies these as men in lower and middle management jobs who are constantly moving from one location to another and who tend to be rather conservative. In 1968, long legal residence requirements for voting made it difficult for these men to cast their ballots, but the new 30-day rule, Mr. Mitchell believes, will bring them in far greater numbers to the Republican side.

Muskie and his staff are inclined to agree that this is a time for careful and quiet analysis of the changing electorate, rather than for starting a dramatic personal campaign which no candidate can maintain from now until the summer of 1972 and beyond.

What the Muskie men are concerned about now is holding the middle ground, avoiding any open splits in the party, and organizing the young. For example, one key issue is how to enable college students in the 18–21-year group to register and vote in the college towns and cities, where they will be on Election Day 1972 rather than at home.

So the muttering against Muskie is probably less important than the private organization building that is going on behind the headlines. The Senator from Maine is still the best television performer in the Democratic party, still more acceptable to most of the large voting groups in the ranks of the Democrats, and his problems, while formidable, seem desperate only when you forget the problems of his opponents, including Senators Humphrey and Kennedy and even President Nixon.

LIBERALS SHOULD HEED CRITICISM

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. DENNIS. Mr. Speaker, I recommend to the attention of my friends and colleagues, particularly those of a "liberal" persuasion, the following timely and thoughtful column by Walter Trohan, from the Chicago Tribune of April 30, 1971:

Liberals Should Heed Criticism

(By Walter Trohan)

Washington, April 29.—Liberals have their place in this world—make no mistake about it. But, if they have their place, so do conservatives, and let us not forget that, either.

If conservatives are extremists, as some liberals would have us believe, liberals can also be extremists. Extremists are intolerant of any opinion but their own.

The great trouble with liberals is that so many are so positive they know what God would do if He would only take the time to study the problem. So many are so positive that God could have made a better world if He had only consulted them at the time, and so many are so positive that they can repair the mistakes almost overnight, even at this late date.

There is no doubt that many liberals are sincere and honest in their desire for reforms they consider essential for the advancement of many. But it should be obvious that in these ranks are many phonies who are in for what they can get; and they are doing very well, indeed, in politics, for one example, and on the campuses, for another.

Liberals have been in the saddle for almost 40 years in one party or the other and more often in both, yet we have not achieved the instant perfection they have been promising. In fact, it can be argued that things have gone from bad to worse.

Traditionally liberals have been against war, but they had no monopoly in this because all good men are, even in the military. However, they abandoned their traditional position in 1939, confident that victory in that war would bring all nations and all peoples into one happy and democratic world.

Liberals made it a holy war. They joyously allied themselves with one form of totalitarianism, Communism, to defeat the totalitarianism of Nazism and Fascism. How many wonder whether it would not have been better to let and to help the rival forms of totalitarianism destroy one another!

At any rate, instead of ending all war, World War II has spawned more than 40 wars since 1945. One of these is the war in which Viet Nam, which liberals are denouncing as an unholy war. They are impatient with the way in which President Nixon is winding it down and want it ended instantly, no matter what it may mean to those Vietnamese who do not want to live under Communism or what it may mean to our world image as the protector of small nations against aggression, especially Red aggression.

The 40 years of liberal rule have seen the growth of statism in the quest for reforms, often unobtainable reforms. Even worse, the 40 years of liberalism seem to have spawned a growth of nihilism, especially among the young.

So many are urging the destruction of whatever has been established as the only way to deliver the instant perfection. Some liberals have been blaming conservatives for their failures, altho conservatives haven't been in power nationally. Conservatives have been ridiculed as people who yearn to live in the 18th century or at the court of Louis XIV.

It would be great if we could have the 18th century prices, 19th century taxes, and 20th century wages, but even conservatives know this cannot be done. Conservatives know also that we cannot redistribute the wealth thru taxes, as liberals are striving to do.

Conservatives want to apply the lessons of the past to the promises of the present in order to win a better future. Liberals, true liberals, should invite such examination and scrutiny of their reform proposals. They should be as interested in the exposure of fallacies so that liberals and conservatives can join in getting on the right track.

SECRETARY OF STATE ROGERS ADVANCES THE CAUSE OF PEACE IN THE MIDDLE EAST

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ALBERT. Mr. Speaker, I think we should all applaud Secretary of State Rogers for the personal initiative he has taken to advance the cause of peace in the Middle East. The talks he will have with the leaders of Israel and the Arab states, and his very presence in the area, will bring home to all concerned the great importance we attach to helping the two sides achieve a just and lasting peace.

We know that Secretary Rogers is not taking any new proposals with him and that we should not look for dramatic progress in resolving the intractable problems which have blocked an Arab-

Israeli settlement for over two decades. Nevertheless, we can point to significant progress that has been made during the past year, and I believe there is a basis for new steps in forging a settlement which will provide security and new opportunities for peaceful development for all countries in the area.

It is important to take advantage of the present favorable climate resulting from 9 months of ceasefire and the recent developments in the Jarring talks which have opened the way for negotiating a peace agreement. Secretary Rogers now wants to keep up the momentum of these developments and to encourage the parties to move forward in confidential, serious peace talks under Jarring's auspices.

No one can question the importance to U.S. interests of progress toward peace in the Middle East. We are pleased that Secretary Rogers has moved constructively and forcefully to help the process along.

JACKSONVILLE, FLA., POLICE, ST. REGIS PAPER CO. PUBLISH "DRUG USE—DRUG ABUSE"

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BENNETT. Mr. Speaker, the Fraternal Order of Police in Jacksonville, Fla., the Third Congressional District of Florida, has published a very informative and worthwhile booklet "Drug Use—Drug Abuse" in cooperation with the St. Regis Paper Co.

I want to commend this effort by the police officers and St. Regis employees to the Nation by inserting in the RECORD a letter by the police lodge president, George Grosse, and the news release announcing the publication. The booklet is aimed at educating the public about drugs. The material basically came from U.S. Government publications, and was prepared for wide distribution in Jacksonville.

A large group of local sponsors joined the Fraternal Order of Police Jacksonville Consolidated Lodge No. 530 in the production of the booklet, and they all deserve great credit for the good work they have done.

To education the general public on the problem of drugs is a highly meritorious endeavor and all of us should be aware of the good such a program can accomplish:

FRATERNAL ORDER OF POLICE,
JACKSONVILLE CONSOLIDATED,
Jacksonville, Fla.

TO OUR CITIZENS: There is no question that there is a serious problem in this nation with the use and abuse of drugs, particularly among the young. In our opinion, there are several reasons for the tremendous upsurge in the use of drugs. One is the failure of parents to recognize symptoms of drug use in their children. Another is the failure of our young people to recognize the dangers and heartache that await them with the use of drugs.

Read this book and learn about the problem and the symptoms of drug abuse before it is too late. Only if we have the cooperation of a concerned and knowledgeable citizenry can we protect the children of the Jacksonville Area from this very real menace.

This booklet is being distributed throughout the community of Jacksonville by the Fraternal Order of Police in conjunction with the participating sponsors listed herein without whose help and sincere dedication the wide distribution of this pamphlet would not be possible.

Sincerely,

GEORGE GROSSE,
President.

FRATERNAL ORDER OF POLICE, JACKSONVILLE CONSOLIDATED, LODGE NO. 530

JACKSONVILLE, February 16.—Seventy thousand copies of a booklet entitled "Drug Use—Drug Abuse" is being published today by Fraternal Order of Police, Jacksonville Consolidated Lodge No. 530. "The 24-page booklet is aimed at educating the public, and parents in particular, in identifying drugs that are most often abused in their use," states Bill LaVake, F.O.P. President.

The material from the booklets is reprinted from U.S. Government publications. The booklet relates in simple question and answer form detailed information concerning the up and down drugs, amphetamines and barbiturates; marihuana and the hard drugs, heroin, cocaine; and hallucinogens such as LSD, STP and DMT. A unique feature of the booklet is four color protographs which will make it simple for parents to identify the different types of drugs and the implements used in their preparation.

LaVake said, "The booklet is intended to supplement the efforts of other official agencies concerned with the drug abuse problem. Quantities of the booklets will be made available to these groups for distribution through civic clubs and other interested organizations." LaVake continued, "Although the F.O.P. sponsored the publication, monies for printing were donated by concerned businesses and industries in the Jacksonville area." *St. Regis Paper Company provided $3,500 worth of paper to print the booklets on.*

"This is the culmination of a six-months' long project initiated during F.O.P. Past President George Grosse's administration and we sincerely hope the booklets will produce a significant decrease in drug abuse," LaVake said.

Single copies are available at 25¢ each to cover mailing costs from:

Drug Education Bock, P.O. Box 29, Ortega Station, Jacksonville, Florida 32210.

NEVADA MUSTANG HAS FANTASTIC BAG OF TRICKS

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BARING. Mr. Speaker, in line with the recent hearings in the House and Senate Interior Committees on legislation for the protection of wild horses, I believe this article which appeared in the Reno Evening Gazette on Saturday, March 27, by Nevada Senator Cliff Young, might be of interest:

NEVADA MUSTANG HAS FANTASTIC BAG OF TRICKS

(By Senator Cliff Young)

(NOTE.—State Sen. Cliff Young, R-Reno, is admired as one of the most entertaining and persuasive speakers in Nevada government. The following are remarks he made on the Senate floor March 22 on a favorite subject.)

Mr. President, I rise in opposition to the motion. This is the bill, of course, that makes the Mustang the State animal for Nevada. Over the years I have divided bills into three categories, good bills, meritorious bills and bills with extraordinary merit. I have concluded after some time that this bill falls clearly within the latter category a sort of legislative hole-in-one.

There is something about the name "mustang" that has a glandular effect on many of our citizens. It seems to increase production of hormones. I notice, most particularly in the stockmen, youth, and even newspapermen, all affected by its mystic spell.

I introduced this bill first out of respect for a very fine woman, Velma Johnston, also known as "Wild Horse Annie." At that time, Mr. President, I thought it was only an ordinary bill. After she testified on it I was convinced that it was a meritorious bill. And about two weeks after that there was testimony before the Federal, State, and Local Governments Committee by the opponents of the bill and at that time I realized that truly this was a meritorious bill with extraordinary qualities.

Let me give you the reasons why I arrived at that conclusion. Some of the testimony indicated that this noble animal is really more ferocious than a mountain lion and can only be approached with safety in a vehicle. Another witness testified that its reproductive capacity is such that if not controlled it could shortly denude the State, and there wouldn't be enough food left for a jackrabbit. A third witness testified that there are no mustangs, which led me to conclude that perhaps they're invisible when they perform these depredations.

All these qualities taken together, the fact that it is more ferocious than a lion, capable of denuding the landscape and perhaps move with a phantom-like skill results in the conclusion that perhaps here at last we have a military weapon that can be put to great use in Vietnam. I think it has more destruction potential than the Vice President's golf club. Can you imagine what would happen if some of these mustangs were taken by helicopter to Laos or Hanoi? The Ho Chi Minh trail would soon become impassable. Pandemonium would rage near Hanoi. I can almost see the telegrams now going to Paris telling the envoys to stop 'horsing' around and start seriously negotiating for peace.

Another witness testified that there are no mustangs at all. We have in our midst a man equally at home in the saddle or in the seat of high finance. I am hopeful that sometime during discussion he can reaffirm the fact that there are indeed mustangs and thereby forestall a traumatic impact upon the youth of our country. To say that there are no mustangs would be like saying there were no pioneers, no 49'ers, no stage coach riders, no Buffalo Bill, no Kit Carson. We have had hundreds of letters from interested boys and girls and because of this I hope that the distinguished chairman of the Finance Committee will be able to refute this statement and reassure the youth of our State.

Another reason I think the bill has tremendous merit is the amount of publicity generated by this noble animal. All the deer, antelope, and chukars in the State, and indeed even Fish and Game Commission itself might disappear overnight, and there would be scant mention of it in the papers the following day. Yet half a dozen mustangs get caught on a snow-swept ridge and the publicity is tremendous. Mustangs have been featured in National Geographic and Life Magazines, New York Times, Christian Monitor and other publications. I don't want to give you the impression that all of the great newspapers are for the mustang. There is one in Northern Nevada in Elko County which apparently supports a contrary position. I happened to see one of its editorials which indicated that possibly this bill was introduced as a result of the ecological madness that is sweeping over the country. The editor referred to a "hammer-headed, scrawny, runt" in his column. I trust he was referring to the mustang and not the introducer. The mustang has the potential to generate more news than George Miller and the Welfare program and we have to admit that there has been a remarkable job in this field. Most important, I think the mustang as a State symbol means something to the youth of our State. You have received many letters and I have received hundreds of them. One in particular stands out and I would like to read a portion of it to you. It is from a little girl in the 8th grade. She says, "Dear Sir, I have been thinking for a while and thought I might ask you if you could do something about the killing of wild mustangs." She then expresses her support for mustangs and concludes, "I have often told my brother to stop sniffing glue because it isn't fair to the horses."

Seriously though, there is a lot to commend the mustang as a State animal. It stands as a symbol of an indomitable fight for survival. About 50 years ago there were nearly a million mustangs; its numbers are now down to about 15 or 17 thousand. They have been chased by mechanical contrivances from the air and on the ground, they have been pursued by well-fed horses carrying well-fed riders. They have been shot, corraled, made into dog food and pushed into the most arid and hostile portions of our environment. And still they continue to fight on. Their record stands as something that even their arch rivals cannot match. They have done it all without federal aid or subsidy.

Mr. President, the very mention of the word "mustang" has a unifying effect. Even the people who are protesting treatment by welfare authorities have used it as a rallying point. I am convinced that with a mustang as our State animal a new spirit of harmony will prevail in Nevada. I can see liberals and conservatives, polluters and ecologists, lawyers and the non-lawyers, welfare rights protesters and the Nevada Taxpayers Association, and even Wild Horse Annie and Nevada stockmen going down the road together in a new spirit of unity and harmony. For these reasons, Mr. President, I hope that we will vote down this motion and then agree to make the mustang our State animal. Before we vote I would like to prevail upon the distinguished chairman of the Finance Committee to give us his observations on the merits of this bill and, in fact, indicate whether in his opinion mustangs still exist in the State of Nevada.

ISRAEL INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ANDERSON of California. Mr. Speaker, the State of Israel has just begun her 24th year as a nation.

On May 14, 1948, Mr. David Ben-Gurion read the proclamation to a group of tearful but happy Jews gathered in Tel Aviv, and a few hours later, at midnight, the State of Israel came into existence. It was a paradox of history in 1948, that this nation of people, one of the oldest on earth with a record of almost 4,000 years as a nation, should be welcomed into the family of nations as a new member. In the intervening 23 years, the Israelis have demonstrated that they are a young and dynamic nation, while at the same time showing that they are the inheritors of the wisdom of their forefathers.

In the 23 years of her existence as a free state, Israel has become a model of courage, prosperity, and progress. Against seemingly unsurmountable odds, and in the face of constant danger from hostile neighbors, Israel will not be deterred from the course she charted 23 years ago, when in her Declaration of Statehood she stated:

> It (Israel) will foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice, and peace as envisaged by the prophets of Israel; it will insure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the holy places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

The world is well aware of the trials faced by the State of Israel; there have been three wars between the Israelis and their Arab neighbors in the past two decades, wars that have drained away vital energy, riches, and time from the Israel people. More important, however, is that the pride of Israel, her young people, have been sent off to battle, slowing the process of nation-building. The Israelis live in an atmosphere of constant war, being subjected daily to the threat of renewed hostilities. But in spite of these burdens, the Israelis have amassed one of the most astonishing records of growth and development of any nation in the history of the world. The Israel triumph over adversity is truly one of the miracles of our time.

In every field of endeavor, the Israelis have shown an uncommon capability to provide new insights, to seek new approaches and to devise new methods. It is perhaps this innovative spirit which has made the State of Israel so prominent in so many different enterprises. But for all the initiative and invention of the Israel people, they have not been able to find the formula of peace for their land. It is the hope of all free men that the Israeli statesmen and diplomats, will be successful in their efforts at convincing the leaders of the Arab States to set aside their weapons of war and to accept the Israeli offers of peace and cooperation.

On the occasion of the anniversary of Israel independence, we join the many friends of Israel around the world in offering our heartiest congratulations and expressing the hope that the next celebration in Israel shall be for a permanent and meaningful peace.

THEY WERE NOT FOR PEACE OR FREEDOM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. WYMAN. Mr. Speaker, the vast majority of the 2.5 million young men who have seen service in Vietnam are loyal Americans. During the past week, a very small percentage of these veterans marched on the Nation's Capital, under the Vietcong flag and a portrait of Mao Tse tung. They burned the American flag and committed numerous acts that fall in the category of misdemeanor or plain bad taste. They heard numerous speakers, some of them Members of Congress, echo the party line of our sworn enemies.

The sad part of this demonstration is the fact that some of the marchers are sincere pacifists, who are being used by hard-core militants whose publicly stated objective is to destroy our way of life. If the Vietnam war was settled tomorrow, this hard core would quickly seize another "cause" as a means for embarrassing our Government.

Mr. Speaker, such hard-core militancy only invites reaction. Under the Vietcong flag it is contemptible. In this regard, a very interesting and timely article by Leo "Tar" Paulin appeared in the Bethesda-Chevy Chase Advertiser, April 28.

The article follows:

THEY WERE NOT ON OUR SIDE

(By Leo "Tar" Paulin)

First came a contingent of Vietnam veterans, less than a thousand strong, a minute percentage of the 2.5 million Americans who have seen service in South Vietnam. The TV cameras gave them generous coverage. The broadcast microphones relayed the Vet's unsubstantiated charges throughout the land. The people at home heard the United States villified and castigated. Nobody questioned the credentials of the accusers.

At night the ex-soldiers crept into their sleeping bags. Those with girls found places on the fringes of the crowd. A Star reporter asked one, "How long do you plan to stay here?" The protestor answered, "As long as the booze, dope and girls last." These are the "intellects" who would chart America's foreign policy.

All day last Friday and early last Saturday morning a vast multitude gathered from many parts of the land. Their bodies covered acres of greensward in beautiful Washington. According to official estimates they numbered between 175,000 and 200,000, less than .2% of the population, and not more than the number of spectators at a soccer game in Argentina.

On Saturday they marched to the Capitol. Along the way they burned the American flag. They marched under the flag of the Viet Cong, under a huge portrait of Mao Tse-Tung. They heard a long list of speakers, including some members of Congress and David Dellenger, one of the "Chicago 7" and a self-proclaimed Marxist, bitterly denouncing the United States and demanding immediate withdrawal of all American troops.

Over and over the speakers parroted the Hanoi line. The protestors were not on our side; they unashamedly gave aid and comfort to the enemy. And along the way many of them were taken to hospitals suffering from bad LSD trips. These too, are the people who would chart America's foreign policy.

There is deep tragedy in the latest demonstration. Many, many thousands among the marchers are sincere pacifists. But they are not the ones who organized the demonstration. The leadership is the same communist-inspired militants who virtually made a prisoner of Lyndon Johnson when he was in the White House, and who mounted such pressures that Johnson decided against seeking a second term.

The hard core demonstrators are not nearly as concerned with the Vietnam conflict as they are with the destruction of Capitalism. The war could end before you finish reading this piece and the militants would immediately mount another offensive on another front to disrupt the nation.

No sane citizen anywhere in this nation approves of our involvement in Indochina. And to no one, anywhere, is the war more distasteful and tragic than it is to President Richard Nixon.

Before Mr. Nixon took office he pledged to bring an end to America's role in the war. He is fulfilling his promise in an admirable and courageous manner. During his two years in office he has reduced our forces in South Vietnam over 50%. He is ahead of his announced schedule in bringing home the remainder of our troops.

Unless this nation is willing to be a party to a colossal carnage we must adhere to Mr. Nixon's policy of Vietnamization. Acceding to the demonstrators' demands for immediate withdrawal is paramount to extending an open invitation to the hordes to the North to pour over the DMZ and to slaughter the million North Vietnam refugees in South Vietnam with all the ferocity which attends a cultural revolution in Red China, is it possible the demonstrators want this?

It is difficult to rationalize that the demonstrators would willingly turn Indochina over to the Communist forces of the Far East. But it is equally difficult for any student of the peace offensives in this country to conclude otherwise. Never in all the protests has there been one word of reproach against Hanoi. Why?

We're in a ghastly bind in Vietnam and it wasn't of Nixon's making. And it prompts one to speculate on where we would be today if the Hatfields, the McGoverns, the Mathiases, the Fulbrights, the Muskies, the Kennedys and a host of others in Congress, plus all the well-intentioned peaceniks would back our President and this country instead of lending aid and comfort to Hanoi. It is not unreasonable to conclude that meaningful negotiations would long ago have been underway in Paris.

Peaceful protests are one of the basic American freedoms. People have a constitutional right to assembly. But it is totally repugnant to see good Americans parading under the Viet Cong flag and the Mao banner. And the fact that those among us who think differently (the vast majority of the populace) did not rise up and tear those badges of tyranny from the hands of the marchers is a foreboding omen for the nation. It has ever been true that the prelude to dissolution is a sotted licentiousness nursed with lazy inertia incapable of generating righteous indignation.

IS THE SOVIET CIVIL DEFENSE PROGRAM REALLY BETTER THAN OURS?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. SCHMITZ. Mr. Speaker, recent confirmation of the continuing Soviet effort to attain an unsurpassed military capability on the nuclear level has been brought to our attention by the Secretary of Defense and Senator HENRY JACKSON. While they have dealt in the main with the most recent developments in Soviet deployment of strategic offensive and defensive weapons, the Soviets now have an intercontinental ballistic missile force practically 50 percent larger than ours in numbers of delivery vehicles and many times larger than ours in terms of total megatonnage or destructive power, there has been no real official notice taken of an equally determined drive being undertaken by the Soviets to improve their civil defense capabilities.

Civil defense is of real importance to a power like the Soviet Union whose force in being and under construction make sense only when viewed in light of the intention to acquire a first-strike capability against the United States. This is because a first-strike capability consists in being able to lower the enemy's retaliatory capability below a certain threshold of acceptable damage through the use of counter-force weaponry and ballistic missile defense—BMD. BMD consists not only of active defense measures, such as the 64 launcher Galosh system currently operational around Moscow, or the new Galosh system now under construction, or the 1,200 site SA-5 surface to air missile Tallin system of which Dr. John Foster, Director of Defense Research and Engineering, has said:

> If the SA-5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles.

But also passive defensive measures such as civil defense.

Civil defense procedures limit damage. A well organized civil defense program, especially easy to organize in a totalitarian society such as the Soviet Union, can substantially lower the level of damage to the population resulting from a nuclear exchange. Dr. Eugene Wigner, U.S. Nobel laureate, has calculated that successful massive evacuation of Soviet cities prior to launching an attack on the United States would leave us with a best shot possibility—the Soviet strike does not damage our weapons system, their antiballistic missile systems are completely inoperative, and we aim only at evacuated civilians—of inflicting only 5 percent fatalities on Soviet society. Civil defense of this magnitude, or even anything approaching this magnitude, is a very real factor in damage limitation. It is therefore a very real factor in preparing for a first strike capability, the criteria for which is the ability to limit damage to one's own society.

The following article from Survive magazine of March–April 1970, gives us a good look at the magnitude and comprehensive nature of the Soviet civil defense program. It also draws some unsettling comparisons between their efforts to protect their population and our lack of effort in the same direction.

It should be kept in mind that for as long as there are nuclear weapons in the hands of governments outside of the United States that can reach the continental United States there is the possibility of these weapons being used against us.

While serious analysts of nuclear strategy have long ago seen through the spurious thinking behind the assured destruction strategy advocated by former Secretary of Defense McNamara—that is, constructing one's military forces in such a manner so that retaliation is limited to striking only enemy civilians and industry while hoping against hope that the enemy would not develop an efficient means of effectively limiting this damage to himself through a combination of offensive and defense systems—the United States has still not taken measures designed to alter our force posture in a manner suitable to implementing a sounder strategy. On the other hand, the Soviets are going all out to lower the level of damage we are able to inflict.

The author of this extremely interesting article, Joanne Levey Gailar, is exceptionally well qualified to discuss Soviet civil defense programs. She is a member of the staff of the civil defense research project at Oak Ridge National Laboratories and has specialized in Soviet civil defense for a number of years.

Miss Gailar points out that—

> The Soviets spend one to three times more on civil defense in one year than the total amount allocated by the U.S. federal government for civil defense in past eight years. For a country only 15% larger than ours to spend over ten times more than ours on civil defense points to a seriousness of interest and order of magnitude greater than ours.

And, it might be pointed out, a country with a GNP one-half ours.

The author also brings forth the rather startling information that a review of the Readers Guide to Periodical Literature from 1966 to 1969 turned up only nine articles dealing with civil defense:

> Readers Guide of March 1966 to February 1967 contained seven articles on "Civil Defense"; Readers Guide, March 1967 to February 1968, but two articles, one of which was on Russian civil defense; and Readers Guide, March 1968 to February 1969, not a single article on civil defense, U.S. or otherwise. Thus in the same years that Soviet Periodicals and newspapers stepped up the number of articles on civil defense, American articles in periodicals and newspapers have decreased to zero.

For those who after reading Miss Gailars article wish to pursue the matter of Soviet civil defense further we are extremely fortunate to have an English translation of the Soviet Civil Defense Handbook which was recently translated by the Oak Ridge National Laboratory and is now available from the National Technical Information Services, U.S. Department of Commerce. In order to familiarize my colleagues with this valuable work I include a portion of the U.S. editors preface in the RECORD following Miss Gailar's article.

Needless to say the Soviet civil defense program calls our entire strategic force posture based on second strike retaliation against civilians into question, if not rendering it totally obsolete. The contradiction embodied in attempting to construct strategic forces designed to limit damage to the United States through both deterrence and defense, if deterrence fails, without utilizing a counterforce posture—which has a first strike option inherent in it by way of happenstance rather than design is now rather obvious.

The article by Joanne Levey Gailar which appeared in Survive magazine of March–April 1970 and a portion of the American editors introduction to the Soviet Civil Defense Manual, follow:

Is the Soviet Civil Defense Program Really Better Than Ours?

(By Joanne Levey Gailar)

SOVIET PROGRAM GROWING; AMERICAN PROGRAM SHRINKING

When I speak to various groups on Soviet civil defense, a question that repeatedly comes up is this one: If someone so desired, could he not make just as good a case for the extensiveness of the U.S. civil defense effort as you have made for the Soviet one? This question is asked invariably by reflective, intelligent members of the audience, those who want to be sure that I have not been oversold on the earnestness of the Soviet civil defense effort by the Soviet material I have read.

I freely acknowledge that in the event of nuclear war, no one can give an ironclad guarantee that the Soviet program to protect their essential industrial workers in urban blast shelters and to evacuate everybody else to the surrounding countryside and provide fallout protection for them will work.[1-5] I can attest, however, both to the earnestness and the intensity of the Soviet effort to instruct their entire population in the means and methods of defense against nuclear weapons, compared with a very low-key American program. The Soviet program appears to be growing in strength and effectiveness, while the American program is shrinking.

INSTRUCTION OF SOVIET POPULATION—NATIONWIDE, COMPULSORY, DIRECTED

Numerous articles,[6-11] for example, on the civil defense instruction of school children in grades five, six, seven and nine leave no doubt that the Soviet school children in all fifteen republics of the Soviet Union are being taught to protect themselves. Details about the 1968–1969 curriculum which include important changes in method and content of courses taught in the previous year, letters of suggestion and criticism from parents and teachers, and descriptions of equipment (gas masks, first-aid kits) and teaching materials (manuals, handbooks, posters, film strips) supplied to the schools, all point to the fact that Russian school children indeed receive a thorough training in civil defense.[12]

Nor is it school children alone who are instructed in civil defense. Marshal V. I. Chuykov, U.S.S.R. Chief of Civil Defense, when outlining the 1969 civil defense program in an interview, stated, "It is pertinent that this year the task of training the population in the 21-hour program is to be completed." [13] And as Joseph Romm, the then Director of Civil Defense, testified at a recent hearing, "They (the Soviets) have a tremendous civil defense training program. Their society is different. They can direct people to be trained. There is *no question* that over 100 million people have taken their *intensive* civil defense training course. *They are now, I think, in their sixth mandatory* training cycle.*" [14]

INSTRUCTION OF U.S. SCHOOL CHILDREN—SPOTTY, VOLUNTARY, UNDIRECTED

On the other hand, I know of no similar nationwide program in the U.S. for instructing our own population. While the national Office of Civil Defense has provided training for instructors of adult education courses and has developed with the Public Health Services a medical self-help training course, these courses have been adopted in what Mr. Romm describes as "spotty fashion" at the junior high school and high school levels. Under a training program like ours, which in Mr. Romm's words is "voluntary . . . not directed," [15] only a very small fraction of our populace, either in school or out of school, is learning about civil defense. In fact, few of us know of any children who have received any civil defense training.

DIRECTION OF SOVIET PUBLIC ATTENTION TOWARD CIVIL DEFENSE

Similarly, the attention of the Soviet public is continuously directed toward civil defense through all the press media—newspapers, magazines, movies, radio and television, while the attention of the U.S. citizen is rarely called to civil defense matters through any press medium whatsoever. A Soviet article informs us, for example, "It is very pleasant to note that in recent times materials on this subject (civil defense) have been published in all the central newspapers, and also in the magazines 'Kommunist,' 'Sovety deputatov trudyashchikhsya,' 'Sovetskye profsoyuzy,' 'Ogonek,' 'Nauka i Zhizn,' and others." [16] Another Soviet source indicates that "more than a thousand persons have participated and are participating in (providing) television broadcasts in all studios." [17]

But skeptics need not take the word of the Russian sources. U.S. resident reporters in Moscow from two of our most distinguished newspapers verify the outflow of articles on civil defense in the Russian press. Bernard Gwertzman of the New York *Times* reports: "The article (on large-scale civil defense preparations in the Soviet republic of Kazakhstan) in *Pravda*, the Communist party newspaper, was the latest of a series in recent years stressing the importance of civil defense." [18] And Charlotte Saikowski of the *Christian Science Monitor* attests, "A drive to bolster public awareness of civil defense is under way here. The Soviet press recently has carried a number of articles about air-raid drills in factories, training exercises on farms, and other measures designed to prepare Russians in the event of nuclear war. . . . Movie houses show special films and veterans of World War II give lectures on the subject (of civil defense)." According to Miss Saikowski, "Justification for this heightened attention to civil defense is the allegedly growing threat of the 'forces of imperialism' and attempts of the West to undermine the Communist camp." [19]

ATTENTION OF U.S. POPULACE DIRECTED AWAY FROM CIVIL DEFENSE

On the other hand, when Dr. Eugene Wigner, U.S. Nobel laureate, submitted an article on civil defense to the New York *Times*, it was politely received but never printed. A similar effort to interest the *Reader's Digest* in reprinting an article on Soviet civil defense was turned down with comments implying that the subject of civil defense was of little interest. That these are not isolated cases is substantiated by a review of the *Readers' Guide to Periodical Literature* for the past three years. *Readers' Guide* of March 1966 to February 1967 contained seven articles on "Civil Defense"; *Readers' Guide*, March 1967 to February 1968, but two articles, one of which was on Russian civil defense; and *Readers' Guide*, March 1968 to February 1969, *not a single article* on civil defense, U.S. or otherwise. Thus, in the same years that Soviet periodicals and newspapers stepped up the number of articles on civil defense, American articles in periodicals and newspapers have decreased to zero. I recently questioned ten people at random; like me, none had seen a program or even a spot announcement having to do with American civil defense on television for several years.

PARTY AND GOVERNMENT MANDATE STRENGTHENS SOVIET CIVIL DEFENSE; EVACUATION PLANS CONSOLIDATED

The increase in articles on civil defense in the Soviet Union can be viewed legitimately as a reflection of government and party concern. Soviet civil defense was given a major boost in 1966 at the Twenty-third Party Congress when the Central Committee of the Communist Party called for strengthening civil defense.[20-23] The Soviet government gave legislative teeth to this mandate with the Law on Universal Military Obligation, article seventeen of which calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union.[24-26]

Another result of the party and government mandate was to substantially consolidate and strengthen existing plans for pre-attack evacuation and dispersal of large segments of the civilian population during periods of crisis escalation. V. I. Chuykov, Soviet Chief of Civil Defense; O. V. Tolstikov, former Soviet Chief of Civil Defense; and Lt. Gen. D. Shuvyrin, First Deputy Chief of Soviet Civil Defense, have all recently emphasized that urban pre-attack evacuation is an extremely effective measure in saving lives. Shuvyrin, in describing evacuation as "the most radical means of defense," indicates that through evacuation, "it is possible to achieve a reduction in the population density by scores of times in the large cities." In addition, he points out that the feasibility of evacuation is enhanced in the Soviet Union (1) by the socialist system and the planned economy, which enables the S.U. to organize and carry out evacuation on a nationwide scale; (2) by the vast expanse of the motherland, the great capacity of the surburban area, which permits the settling of an enormous quantity of individuals in rural localities, and (3) by a well-controlled transport, which can move people out of cities in a short period of time.[27] Marshal Chuykov, in an article appearing in *Science and Life*, a widely distributed and highly regarded Soviet magazine, makes the same claims for the feasibility of evacuation [28] as Shuvyrin, stressing that in the light of its effectiveness, supplying people with food and water—not defending from nuclear weapons—is the really knotty problem.[29]

That the Soviets take evacuation seriously is also evident in the comprehensiveness and detail of their program. Every town, for example, has an evacuation transport commission, which is headed by the deputy chairman of the local Council of Workers' Deputies, whose responsibility is to coordinate the evacuation of the population by rail, motor and water.[30]

Elaborate evacuation plans including the designation of collecting points at which the evacuees would assemble; evacuation passes for *every* man, woman and child,[31] the presence of a doctor or nurse with every evacuation train or convoy of trucks; explicit instructions on what every family should take [32] (depending on climate and season) and the maximum weight of luggage and contents.[33] There are also plans for receiving the evacuees in the country [34]—providing them with food, water, and jobs, and even for having their mail delivered to them at their new addresses.[35] Thus, the seriousness with which the Soviets take evacuation is evident in (1) the declarations of their military strategists of its effectiveness, (2) the existence of civil defense evacuation commissions in every town and village, and (3) the comprehensive and detailed plans for carrying it out.

DECREASING BUDGET ALLOCATIONS WEAKEN U.S. CIVIL DEFENSE

I have suggested that the increase in articles on civil defense in the Soviet press is a reflection of government and party concern. By the same token, *it is likely that press apathy toward civil defense in the U.S. is a reflection of government apathy, which is evident in decreasing budget outlays for civil defense.* While the U.S. government authorized $238.9 million for civil defense in 1962, only $105.1 million,[36] less than half the 1962 allocation, was authorized for 1966, the year that the Communist Party in the Soviet Union issued its mandate to strengthen civil defense. And the allocation for civil defense for 1969 was $68.1 million,[37] the lowest

---

Footnotes at end of article.

(Decreases in civil defense allocations admittedly reflect budgetary cuts to offset expenditures incurred by the Vietnam War. However, even when allowing for the higher priority of military requirements in Southeast Asia, the wisdom of so severly curtailing our civil defense program seems questionable. Joseph Romm has testified before the House of Representatives as follows:

"Last year I emphasized that the FY 1969 budget estimate of $77.3 million was the minimum *sustaining level for the national civil defense effort. The FY 1969 appropriation was $61 million, or 21% less than the sustaining budget and 29% less than the FY 1968 appropriation. As a result,* essential *parts of the FY 1969 program have had to be* severely curtailed *and some elements deferred.")*[38] (*Author's italics.*) authorized Federal expenditure for civil defense in the past eight years.[39]

Present policy of attempting to provide fallout protection for people near their homes and places of work has prevailed since 1958 when the Federal Civil Defense Administration (FCDA) declared that national civil defense policy "which now includes planning for the movement of people from target areas if time permits, will now also include the use of shelter to provide protection from radio-active fallout." [40] In the same release the FCDA cast serious doubt on the effectiveness of blast shelters when they stated, "There is no assurance that even the deepest shelter would give protection to a sufficient number of people to justify the cost." [41] While the wording of the 1958 FCDA release seems to give equal billing to evacuation and fallout protection, in practice national policy since that time has placed almost exclusive emphasis on fallout protection with virtually no consideration of evacuation. Nor has any effort been made to provide blast protection for the population.

In citing the absence of a workable evacuation plan in the U.S., I am not suggesting that we should inaugurate such a plan ourselves. On the contrary, a federal order to evacuate our population during a period of crisis could very well serve to escalate the crisis rather than diminish it. Also, as the Soviets themselves recognize, an evacuation policy has a greater chance of success in the U.S.S.R. where there is a well established tradition of public obedience to the directives of a strong central government and a distinct separation of cities (in contrast to the megalopolises of the U.S.). And, finally, as the Soviets again correctly surmise, they could evacuate their population with reasonable confidence that we would not attack them unless we were ourselves attacked. Thus, I am not criticizing the U.S. for deemphasizing evacuation as a civil defense policy. I simply want to point out that successful evacuation of Soviet cities during a period of escalating international crisis could give the U.S.S.R. a decided strategic advantage over us. It would degrade our deterrence capability, take the teeth out of McNamara's policy of assured destruction, and offset the strategic balance by substantially reducing the number of Soviet urban casualties in a countervalue attack. However, the only answer today to a successful Soviet evacuation might be a return to our pre-1958 evacuation policy, even with all the inefficiency and confusion an actual evacuation would entail.

ROUGH ESTIMATES OF CERTAIN, SPECIFIC SOVIET CIVIL DEFENSE COSTS

While figures on the cost of the Soviet civil defense program are not available, it is possible to make some very rough estimates of annual expenditures for certain specific civil defense activities, which we know exist, and to extrapolate the cost from that of the same civil defense activity were we to inaugurate it in the U.S. Let us take, for example, the cost of civil defense instruction of the population. As we have already noted from Mr. Romm's testimony, over 100 million Russians have received intensive civil defense training. We also know that the present civil defense training course for adults in the Soviet Union is twenty-one hours, while school children receive eighty hours of civil defense instruction by the time they complete the ninth grade. Keeping these figures in mind, let us consider the cost of training 85 million Americans—the equivalent of 100 million Russians—in civil defense. If we allow $1 per hour per person (*The amount paid to U.S. industrial workers (in the Soviet Union workers receive civil defense training during work hours)* [44] *would doubtless be considerably more than $1 per hour. However, since we must include students and the unemployed, an average cost of $1 an hour seems fair.*) for a 21-hour program of instruction, the cost to our national economy would be about $1.7 billion (to the Soviet economy, over $2 billion), a figure which is more than our total national allocations for civil defense for the past eight years. (*The reader should be aware that even were we to inaugurate a civil defense instruction program similar to the Soviets' the actual costs would not be reflected in the federal defense allocations. Nevertheless, the cost of such a program would represent a real allocation of national resources "costing" approximately the amount we suggest. The Soviets, of course, may also keep their books in a similar way.*) And this does not include the cost of training the instructors, who, in the Soviet Union receive 35 hours of special instruction for civil defense teachers.[45] Nor does it include teaching materials, such as slides, posters, and textbooks; nor equipment, such as gas masks and first-aid kits. Also, we must keep in mind that instructing the population is but one aspect of civil defense.

Again we know from Mr. Romm's testimony that the Soviet Union has a "heavy military organization from top right down to the bottom" [46] specifically to assist the civilian civil defense organization. The civil defense military organization is headed by V. I. Chuykov, a full fledged Marshal, and senior colonels are located in small political jurisdictions (equivalent to our cities and states), where they head up units of civil defense which consist principally of military people. The Soviet Union has several schools to train these people. One is the two-year Moscow military civil defense academy established in March 1967 to train junior officers in civil defense.[47-48] The costs for operating this academy and maintaining the civil defense military units are difficult to determine, but undoubtedly are considerable.

We have yet to mention the costs for urban blast shelters, which the Soviets have provided, at least in some degree, for essential workers in vital industries. And, of course, there are expenses connected with the elaborate plans that the Soviets have for evacuating the bulk of population, all people who are non-essential to vital industries,[49] to the countryside.

A COMPARISON OF CERTAIN SOVIET AND U.S. CIVIL DEFENSE EXPENDITUBES

We have estimated the cost of instructing 100 million Soviet citizens in civil defense to be about $2 billion. It is difficult to determine the time period over which this instruction has taken place, as we know that the thrust to provide every one with a minimum of 21 hours of training was a fairly recent one.[50] However, even if we should say that this training took place over the past six years, the *total* federal allocation in the U.S. to *all* civil defense activities during this same period—$573.7 million—would represent 28.7% of the amount spent by the Soviets on one single aspect of their program: educating the public.

We have yet to mention the cost of the U.S. instruction program. Of the total federal allocation for civil defense over the past six years, $573.7 million, the amount spent on education and training activities was $63.7 million. [51] Thus, the budgetary allocation for all education and training activities over the past six years in the U.S. has averaged $10.6 million a year, or 11.1% a year of the total authorized outlay for civil defense over this period.[52] If we were to use this percentage to extrapolate the total cost of the Soviet program over the past six years, we would arrive at the staggering figure of $18 billion, or $3 billion a year. Even if we were to raise the percentage of the Soviet civil defense outlay for education to 33⅓%, we would still arrive at a figure of $6 billion, or approximately $1 billion a year. Thus, we can say with some degree of certainty that the annual Soviet budget for civil defense lies somewhere between $1 and $3 billion. Or, put another way, the Soviets spend one to three times more on civil defense in *one* year than the total amount allocated by the U.S. federal government for civil defense in *eight* years. For a country only 15% larger than ours to spend over ten times more than ours on civil defense points to a seriousness of interest an order of magnitude greater than ours.

SOVIETS RECOGNIZE NEED FOR BLAST PROTECTION

Thus, the Soviet Union, unlike the U.S., provides compulsory and nationwide civil defense instruction for its population. But the differences between the two programs do not end here: there is also an essential difference in philosophy over the importance of blast protection. The Soviets recognize the need for affording protection from the blast effects of nuclear weapons to people in cities and have provided such protection in all cities with subways. The Moscow subway system, for example, extends for over seventy-five miles and has more than eighty stations. U.S. visitors to the Soviet Union have attested to the depth of this subway and to the presence of both heavy blast doors in the stations and high-speed escalators, which convey passengers down into them. Nor is Moscow the only city with subways equipped with blast doors. Again U.S. visitors have observed similar protective facilities in both Leningrad and Kiev. Baki and Tbilisi also have subways, and new ones are being established in Tashkent and Kharkov. That all seven systems are designed for blast protection is substantiated by a recent Russian television scenario on "Reliable Means of Protection." This scenario, which includes shots from a film of a subway, has the accompanying script: "These structures can protect a person from blast waves, light radiation and radioactive contamination. Here you see the subway. In cities which have one the residents will always find protection in it." [53]

PROTECTION IN UNITED STATES LIMITED TO FALLOUT

Meanwhile, since 1958, the policy of the U.S. has been to focus exclusively on fallout protection. Thus, there has been no emphasis even on using preferentially those fallout shelters that afford some measure of blast protection. This policy has led, for example, to the identification of 10 million fallout shelter spaces in Manhattan (much more than the peak population of the island) with no preferential selection of those shelters for public use which might offer protection from blast as well as fallout.

SOVIETS STRESS FALLOUT PROTECTION IN RURAL AREAS

While the Soviets recognize the need for blast protection in cities, they emphasize protection against fallout in the country. Thus, there are explicit manuals with detailed instructions both on erecting hasty shelters out of materials at hand and on converting vegetable bins, cellars and basements and silage pits to fallout shelters.[54] Village dwellers are given blueprints and

---

Footnotes at end of article.

allotted bricks[55] for strengthening these facilities.[56] Since the centerpiece of the Soviet civil defense program is to evacuate all nonessential urban dwellers to rural areas, it is hardly surprising that they stress increasing the fallout facilities in the country.[57] [58]

UNITED STATES DISCONTINUES RURAL SHELTER DEVELOPMENT PROGRAM

Meanwhile, the U.S. Office of Civil Defense, which appropriated funds to four agricultural engineers for the past year and a half for a minimal "Rural Shelter Development Program," brought this program to a close on December 31, 1969.

SUMMARY: YES, THE SOVIET CIVIL DEFENSE PROGRAM IS INDEED MUCH BETTER THAN OURS

Coming back to our original question—Is the Soviet civil defense really better than ours?—we have no choice but to answer in the affirmative. That the Soviets take civil defense more seriously than we do and are instituting it much more effectively than we are is evident in these facts which we have considered:

(1) Instruction of Soviet school children is nationwide, compulsory and directed; instruction of U.S. school children is spotty, voluntary, undirected.

(2) Direction of public attention toward civil defense in the Soviet Union is apparent in the increased use of all press media for civil defense purposes over the past three years; direction of public attention away from civil defense in the U.S. is apparent in the virtual disappearance of any mention of civil defense from all news media during the same period.

(3) Party and government have issued mandates for strengthening civil defense in the past three years and have funded a greatly extended program, of which one aspect alone, public instruction, has cost about $2 billion; U.S. government has decreased total appropriations for civil defense from $105.1 million to $68.1 million over the same period of time, its eight-year total for civil defense allocations coming to less than the Soviet expenditure for instructing their population.

(4) Soviet policy is to recognize the need for blast protection and to provide it, for example, in seven urban subway systems; U.S. policy is to focus exclusively on fallout protection with no provision for preferential use of shelters which offer some degree of blast protection.

(5) Soviets stress fallout protection in rural areas and provide free blueprints and materials to farmers and villagers; the U.S. brought its extremely small Rural Shelter Development Program to a close at the end of 1969.

FOOTNOTES

[1] V. I. Chuykov, "Civil Defense Stressed as Common Concern," *Nauka i Zhizn'* (*Science and Life*), January 1969.

[2] A. Bardin, "Role of Students in Civil Defense," *Voyennyye Znaniya* (*Military Knowledge*) (Moscow, 1967).

[3] I. Apostolov, "Methods of Protection: Evacuation and Dispersal," *Voyennyye Znaniya* (*Military Knowledge*), No. 4 (Moscow, April 1967).

[4] S. Nurmagambetow, "Civilian Defense in Kazakhstan Discussed" (originally entitled "Civil Defense—A Public Affair") *Kazakhstanskaya Pravda* (January 10, 1969).

[5] D. Shuvyrin, "Development of Civil Defense System Traced," *Voyennyye Znaniya* (*Military Knowledge*), No. 10 (Moscow, 1968).

[6] "Secondary School Civil Defense Curriculum" (originally entitled "Civil Defense Training Program for Students in the Fifth, Sixth and Seventh Grades of the Eight-Year and Secondary General Education Schools"), *Voyennyye Znaniya* (*Military Knowledge*), No. 9 (Moscow, 1968).

[7] A. A. Sychev, "Civil Defense Training in Secondary Schools" (originally entitled "Study and Expand Experience"), *Voyennyye Znaniya* (*Military Knowledge*), No. 9 (Moscow, 1968).

[8] "Civil Defense Training in Cherkasskaya Oblast," *Voyennyye Znaniya* (*Military Knowledge*), No. 7 (Moscow, 1968).

[9] "Civil Defense Training in the Schools" (originally entitled "A New and Very Important Subject"), *Voyennyye Znaniya* (*Military Knowledge*), No. 3 (Moscow, 1968).

[10] A. Tsikhun, "Civil Defense Training in Belorussia Discussed" (originally entitled "A Sacred Obligation"), *Sovetskaya Belorussiya* (10 April 1969).

[11] Ernits, "Estonian Teachers Instructed in Civil Defense," *Voyennyye Znaniya* (*Military Knowledge*), No. 8 (Moscow, 1968).

[12] For a more detailed account of what Soviet pupils learn, see: Joanne Gailar, "Soviet Civil Defense Instruction in Grades Five, Six and Seven," *Survive*, Vol. 2, No. 5, September-October 1969, pp. 2–5.

[13] V. L. Chuykov (as interviewed), "Civil Defense Chief Outlines 1969 Program Tasks" (originally entitled "In the Prejubilee Year"), *Voyennyye Znaniya* (*Military Knowledge*), No. 1 (Moscow, January 1969).

[14] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970." Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Ninety-First Congress, First Session, Subcommittee on Independent Offices and Department of Housing and Urban Development, Part I, p. 796.

[15] *Ibid.*, p. 789.

[16] V. Sergeyev, "Current Civil Defense Propaganda Means Discussed" (originally entitled "Universal Attention to Informational Propaganda"), *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, July 1969).

[17] K. Kotlukow, "Technique of Civil Training by Television Discussed" (originally entitled "If You Go on the Air"), *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, March 1969).

[18] Bernard Gwetzman, "East Soviet Adds to Civil Defense," New York *Times*, August 15, 1969, p. 1.

[19] Charlotte Saikowski, "Forces of Imperialism Cited: Kremlin Alerts Citizens on Civil-Defense Preparedness," *The Christian Science Monitor*, February 26, 1969, p. 14.

[20] O. V. Tolstikov, *CPSU on Imperative Upgrading of Civil Defense*, Atomizdat Publishing House (Moscow, no date).

[21] "Extension of Pupil Civil Defense Instruction" (originally entitled "What is New in Student Training?"), *Voyennyye Znaniya* (*Military Knowledge*), No. 10 (Moscow, October 1967).

[22] "Spreading Civil Defense Information" (originally entitled "Only Specifically!"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968).

[23] L. I. Brezhnev in report to Twenty-Third Congress, as quoted in "Everyone Should Know This," *Kommunist Tadzhikistan*, March 29, 1968.

[24] Extension of Pupil Civil Defense Instruction," p. 15.

[25] A. Getman, "The Role of DOSAAF in training Youth" (originally entitled "Teach the Youth Military Affairs"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968).

[26] V. I. Chuykov, *Civil Defense in Nuclear Missile War*, Atomic Publishing House (Moscow, 1968).

[27] Shuvyrin, p. 4.

[28] Chuykov, "Civil Defense Stressed As Common Concern," p. 43.

[29] *Ibid.*, p. 44.

[30] Tolstikov, p. 8.

[31] Ye. Pipus, "Evacuation, Dispersal Discussed by Civil Defense Official" (originally entitled "Everyone Ought to Know This"), *Bakinskiy Rabochiy* (Baku, September 5, 1969).

[32] Apostolov, p. 9.

[33] V. Vinogradov, "What Alarm Signals Mean" (originally entitled "On Signals"), *Voyennyye Znaniya* (*Military Knowledge*), No. 3 (Moscow, 1968).

[34] Morozov, pp. 1–3.

[35] G. Malinin, "Lessons Learned from a Factory Civil Defense Exercise," *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1967).

[36] "The Fiscal Year 1969–70 Defense Program and the 1969 Defense Budget," Statement by Secretary of Defense Robert S. McNamara before the Senate Arms Services Committee–Prepared January 22, 1968, p. 215.

[37] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970," pp. 806–807.

[38] *Ibid.*, p. 788.

[39] "The Fiscal Year 1969–70 Defense Program and the 1969 Defense Budget," plotted from Table 2, p. 215.

[40] Federal Civil Defense Administration Release, SR 571, May 7, 1958, p. 1.

[41] *Ibid.*, p. 4.

[42] Tolstikov, p. 13.

[43] On-Job Training in Civil Defense Makes Progress," *Voyennyye Znaniya* (*Military Knowledge*), No. 8 (Moscow, 1968).

[44] *Ibid.*, p. 1.

[45] Sychev, p. 16.

[46] "Independent Offices and Department of Housing and Urban Development Appropriations for 1970," p. 795.

[47] Ya Bryanskiy, "New Civil Defense School in Moscow," *Voyennyye Znaniya* (*Military Knowledge*) No. 4 (Moscow, 1968).

[48] F. Popenko, "Moscow Civil Defense School Reports Activities," *Voyennyye Znaniya* (*Military Knowledge*), (Moscow, February 1969).

[49] Chuykov, "Civil Defense in Nuclear Missile War," p. 34.

[50] Tolstikov, p. 13.

[51] As given by Miss Bette E. Funn, Administrative Assistant in the Training and Education Division of the National Office of Civil Defense.

[52] Plotted from information given by Miss Funn. (See reference 51.)

[53] Kotlukov, p. 47.

[54] L. Gorshdov, "Vegetable Storage Bins as Shelters," *Voyennyye Znaniya* (*Military Knowledge*), No. 4 (Moscow, April 1967).

[55] V. Morozov, "Civil Defense in Rural Areas" (originally entitled "A Primary Concern"), *Voyennyye Znaniya* (*Military Knowledge*), No. 3 (Moscow, 1968).

[56] A. D. Gorchakov, Yu. A. Zhukov, L. I. Koshelve, N. A. Rossal and A. A. Khomko, *Simple Shelters for Protection Against Weapons of Mass Destruction*, State Publishing House on Literature on Construction and Architecture (Moscow, 1964).

[57] B. Morkovkin, *Civil Defense in the Countryside* (Moscow, 1964).

[58] A. P. Durikov and V. I. Chumakov, *Protecting the Rural Population Against Radioactive Contamination*, Publishing House for Agricultural Literature (Moscow, 1963).

Civil Defense

WHY WE HAVE TRANSLATED THE SOVIET CIVIL DEFENSE HANDBOOK

The USSR has a way of working inconspicuously on important projects. The news of Sputnik, for instance, practically exploded in our journals, destroying myths and preconceptions we had unconsciously harbored since 1944. Similarly, Soviet civil defense preparations have received little publicity in our media. Unfortunately, perhaps, the publication of their 1969 civil defense handbook is far from the colorful launching of a Sputnik, but the careful planning evidenced by it may have as much intrinsic importance as that which culminated in the Sputnik launching.

This handbook and other Russian publications on civil defense have been carefully studied by the Oak Ridge Civil Defense Research Project. Their practicality and completeness are impressive—especially their plans for the evacuation and dispersal of the urban population into the rural areas. For these reasons, and since no comparable handbook has been published by our own government, we believe that its English translation will be valuable and interesting to the American public and that knowledge of the extent and character of the Russian civil defense preparations will be important to our leadership.

WHY THIS PARTICULAR HANDBOOK?

We have chosen this handbook first and foremost because of its thoroughgoing nature. While it is not difficult to find numerous Russian articles on the Soviet civil defense program—Soviet newspapers, periodicals, and broadcasts contain an abundance of information on this subject—this handbook is unusual in that it presents the Soviet civil defense program in its entirety under one cover: its reason for existence, its organization, its aims and goals, and its means and methods of implementation, even down to such minute details as to what to wear beneath protective clothing under various temperature conditions, how to convert a tractor-mounted farm sprayer into a decontaminating machine, and how to administer artificial respiration "when injuries to the ribs or upper limbs make all [the ordinary] methods of artificial respiration impossible" (p. 242).

Above all, it is a comprehensive and detailed account of the Soviet civil defense program from the *Soviet* point of view,[1] thereby affording the reader firsthand knowledge of where Soviet emphasis lies and allowing him to draw his own conclusions.

A further reason for selecting this particular handbook is its high endorsement by Soviet authorities. It is described by F. Popenko, a Soviet reviewer for the military journal, Voyennyye Znaniya, for example, as "the most thorough work among the books of civil defense published this year (1969)." According to Popenko, "The need for this publication had long been ripe."[2]

Intended as a textbook for agricultural VUZ (higher educational institutes), this handbook is the product of editor-in-chief N. I. Akimov and four other editors, with certain technical sections of chapters written by additional specialists. The Russian text consists of 351 pages, and 130,000 copies have been printed, priced at one ruble, one kopeck each (about $1.12 at the current official dollar-ruble exchange rate given in the 1970 World Almanac, p. 559).

Before studying this translation, the U.S. reader may well wonder, why read a handbook which addresses itself primarily to rural civil defense when U.S. civil defense emphasis has been almost exclusively urban? Moreover, since a little over half the Soviet population lives in cities, would not an urban civil defense handbook have greater relevance than a rural one even in Russia? The answer to this last question is no—not in the context of the Soviet civil defense program. It is essential to realize at the outset that the keystone of Soviet civil defense is the evacuation and dispersal of the overwhelming majority of the urban population to rural areas during periods of escalating crisis, with urban blast shelters provided primarily for on-shift workers in vital industries in target cities. Soviet rationale for moving people to the country is simple: "The simultaneous dispersal of workers and evacuation of the plants and institutions will greatly decrease the number of people in the cities; this in turn will sharply reduce population losses in case of a nuclear attack by the enemy. . . . a nuclear attack of an unprotected large city may result in the loss of life of as much as 90% of the population. An early dispersal and evacuation could reduce the losses considerably, to a level between 5% and 8%" (p. 68).

Thus, because of the unexpected tremendous influx of people in the country, rural civil defense assumes a highly important role. Chapter 11 underscores this fact and goes on to indicate other reasons for the significance of rural civil defense as well (pp. 250–251):

(1) Agricultural regions provide human and material resources for civil defense and furnish manpower and materiel for rescue and emergency repair operations in stricken cities;

(2) In wartime, "not only . . . a large part of the dispersed workers, service personnel, and evacuated non-working population (would be transported to the country), but also the main material reserves";

(3) Rural communal buildings, hospitals, and other medical institutions would serve as the main base for treating the injured if the "big cities with their large populations (should . . . serve as targets of a nuclear enemy attack";

(4) The rural regions would have a primary role in protecting people, animals, plants, food, water supplies, and fodder from contamination by radio-active and chemical substances and bacterial agents;

(5) Responsibility for assuring the output of agriculture during wartime and in the post war years would fall to the countryside.

CONTEXT OF THE PRESENT SOVIET CIVIL DEFENSE PROGRAM

Before we examine the Soviet civil defense program, a few basic considerations are instructive. First, the Soviets have consistently put their civil defense effort within the framework of the threat of imperial aggression. This remains true today, the threat from Communist China and occasional allusions to it notwithstanding. (See Introduction, p. 2, and Chapter 1, pp. 4–5.)

Second, the civil defense program occupies an important position in the overall defense of the country. V. I. Chuykov, Chief of Soviet Civil Defense and a marshal of the Soviet Union, has admitted, "Civil defense alone is not capable of assuring the protection of the population and material resources." Such protection, he goes on to say, can be achieved only through the joint efforts of civil defense and the armed forces. But, he adds, neither is success in these areas possible without civil defense; in the event of nuclear attack, civil defense is vital to the "achievement of victory."[3]

Third, it is important to remember that when Marshal Chuykov and other Soviets speak of the importance of civil defense, they do so from experience. There are many Russians living today who vividly remember enemy attack on their homeland during World War II. They have seen Red Square on fire and the Kremlin ablaze; they have participated in the evacuation of over 10,000,000 people and over 1300 basic industries from vulnerable areas to the interior.[4]

Fourth, Soviet Civil Defense was given an authoritative boost at the Twenty-Third Congress, when the Central Committee of the Communist Party called for strengthening civil defense in 1966[5–7] and when the Soviet government strengthened this mandate by passing the Law on Universal Military Duty in 1967. Article 17 of this law calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union.[8–10] Implementation of the new law has taken place to the extent that today, by the time a Soviet school child completes the tenth grade, he has received a total of 115 hours of civil defense instruction.[11–12] The publication of this 1969 handbook is a result of the continuing Party- and government-backed emphasis on civil defense.

Fifth, the entire Soviet civil defense derives from the Soviet concept of modern warfare. Chapter I of this handbook explicitly describes World War III: "If the imperialists were successful in unleashing war, it would be an armed struggle among countries of two opposite world systems—capitalist and socialist. . . . Thus, it follows that [such a war] would be waged with the widespread use of weapons of mass destruction and, above all, nuclear weapons. Such a war would encompass an enormous area and involve whole continents. Not only troops, but also centers of vital industry, transport, energy production, and communications would be subject to devastating attack. . . . Distinctions between front and rear would disappear" (p. 5).

Cities would be targeted: ". . . one nuclear explosion is sufficient to destroy a large city with a population of millions and to contaminate an enormous area with radioactive materials."[13] And "in agricultural regions people, animals, and plants would be affected by fallout, and food products, fodder, water sources, and other assets would be contaminated" (p. 6).

". . . many administrative, industrial, political, and military centers, ports, airfields, mining enterprises, and other important installations could be subjected to nuclear and chemical attack, and the surrounding territories contaminated with radioactive fallout, poisonous chemicals, and bacteriological agents" (p. 9).

It is from this view of war that the rationale of the Soviet civil defense effort proceeds: If cities would be targeted, remove the bulk of the urban population into the country, providing those who would remain behind with blast shelters; if contamination from fallout, poisonous chemicals, and bacterial agents would constitute the main danger to people, animals, plants, food, water supplies, and fodder in the country, concentrate on providing protection (such as fallout shelters) from such contamination in rural areas. Moreover, confidence is expressed that civil defense will succeed. As Marshal Chuykov has pointed out, "Although the weapons we have examined are called mass weapons, with the knowledge and skillful use of modern defense measures, they will not injure masses, but only those who neglect the study, mastery, and use of these measures."[14]

FOOTNOTES

[1] Leon Goure, director of Soviet studies at the University of Miami's Center for Advanced International Studies, has recently presented a comprehensive review of the Soviet civil defense program in "Soviet Civil Defense Revisited, 1966–1969," Memorandum RM-6113-PR (Santa Monica, 1969).

[2] F. Popenko, "New Book on Civil Defense Reviewed" (originally entitled "Not Only for Students . . ."), *Voyennyye Znaniya* (*Military Knowledge*), No. 12 (Moscow, 1969), p. 4; in *Translations on USSR Military Affairs*, No. 577, JPRS 49,649 (January 20, 1970), p. 87.

[3] V. I. Chuykov, *Civic Defense in Nuclear Missile War*, Atomic Publishing House (Moscow, 1968); Soviet Military Translations No. 485 (22 October 1968), p. 30.

[4] I. Kovalev, "The Role of Transport in Modern War," *Kommunist Vooruzhennykh Sil* (*Communist of the Armed Forces*), No. 23 (Moscow, December 1967); in JPRS 44,268, Soviet Military Translations No. 418 (February 7, 1968), p. 5.

[5] O. V. Tolstikov, *CPSU on Imperative Upgrading of Civil Defense*, Atomizdat Publishing House (Moscow, no date); Soviet Military Translations No. 485, JPRS 46,720 (October 22, 1968), p. 8.

[6] "Extension of Pupil Civil Defense Instruction" (originally entitled "What is New in Student Training?"), *Voyennyye Znaniya* (*Military Knowledge*), No. 10 (Moscow 1967); in JPRS 43,558, Soviet Military Translations No. 411 (December 5, 1967), p. 15.

[7] "Spreading Civil Defense Information" (originally entitled "Only Specifically!"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968); in JPRS 45,130, Soviet Military Translations No. 429 (April 22, 1968), p. 14.

Footnotes at end of article.

[8] "Extension of Pupil Civil Defense Instruction," p. 18.

[9] A. Getman, "The Role of DOSAAF in Training Youth" (originally entitled "Teach the Youth Military Affairs"), *Voyennyye Znaniya* (*Military Knowledge*), No. 2 (Moscow, February 1968); in JPRS 45,130, Soviet Military Translations No. 429 (April 22, 1968), p. 9.

[10] Tolstikov, p. 30.

[11] "Secondary School Civil Defense Curriculum" (originally entitled "Civil Defense Training Program for Students in the Fifth, Sixth, and Seventh Grades of the Eight-Year and Secondary General Educational Schools"), *Voyennyye Znaniya* (*Military Knowledge*), No. 9 (Moscow, 1968), pp. 26–27; in JPRS 46,811, Soviet Military Translations No. 487 (November 6, 1968), pp. 40–46.

[12] A. A. Sychev, "Civil Defense Training in Secondary Schools" (originally entitled "Study and Expand Experience"), *Voyennyye Znaniya* (*Military Knowledge*), No. 9 (Moscow, 1968), pp. 12–13; in JPRS 46,811, Soviet Military Translations No. 487 (November 6, 1968), pp. 14–19.

[13] According to Colonel General O. V. Tolstikov, First Deputy Chief of Civil Defense of the USSR, in a 1968 publication, U.S. strategy includes "various plans of 'assured destruction' of many millions of people and up to 80% of the industrial potential, and of at least 200 of the largest cities" of the Soviet Union ("CPSU on Imperative Upgrading of Civil Defense," Atomizdat Publishing House, Moscow, pp. 1–26; in JPRS 46,720, Soviet Military Translations No. 485, p. 7). However, the 1970 revised edition of this pamphlet omits this specific statement and instead says that U.S. strategy threatens to kill "many millions of people and up to 80% of the industrial potential," and to "destroy several hundred large cities and other targets of the attacked side" (p. 10).

[14] V. I. Chuykov, "Civil Defense as a Common Concern" in *Nauka i Zhizn Science and Life*), No. 1 (Moscow, 1969), pp. 43–47; in JPRS 47,772, Translations on USSR Military Affairs No. 511 (2 April, 1969), p. 43.

HOW THE ROLLOVER METHOD RECLAIMS MINED LAND

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BRINKLEY. Mr. Speaker, I recently received a copy of the Engineering and Mining Journal, April 1971, from Mr. E. Bruce Harrison, vice president of Freeport Sulphur Co., of New York. Contained in this Journal was an article concerning the Freeport Kaolin Co., a division of Freeport Sulphur, and its excellent progress with land reclamation and water pollution abatement programs at its mines in Georgia. After reading the article, I thought it would be of great interest to my colleagues in the House:

HOW THE ROLLOVER METHOD RECLAIMS MINED LAND

Freeport Kaolin Company, a division of Freeport Sulphur, is making good progress with land reclamation, reforestation, and water pollution abatement programs at its mines in Georgia.

The company's three-fold conservation program is being undertaken with the cooperation of state and federal officials, the University of Georgia's School of Forestry, and other leading companies in the industry.

It is estimated that U.S. production of wet-processed kaolin, restricted almost entirely to the State of Georgia, runs 2.5 million t.p.y. Plants using wet-processing techniques are most numerous in an area within about 50 miles east of Macon in a band approximately 15 miles wide. Freeport's open-pit mines are situated in this area near Gordon, Georgia, where the company's processing plants are located. The company operates five different properties within a three-mile radius of a centrally located degritting plant. From there the clays are slurried and piped some six miles to the plant site. The company's conservation program embraces both the mining tracts and the water-courses adjoining the plants.

For several years state and federal officials throughout the United States, as well as various conservation groups, have raised objections to the unsightly and hazardous conditions often associated with areas where open-pit mining has been undertaken. The "rollover" method, a complex mining technique developed by Freeport, and the key to the company's land reclamation program at Gordon, is clearly a step forward in this respect.

Instead of leaving mined-out areas in a disrupted state, where vegetation will not grow immediately, the rollover method leaves a relatively flat surface where a minimal effort is required for land reclamation and reforestation, and where little or no stream pollution occurs. Such a landscape contrasts sharply with the traditional strip-mined surface where unconsolidated soil conditions, poor water percolation and steep slopes are conducive to extensive erosion with resulting stream pollution.

THE ROLL-OVER METHOD

Freeport's mining method consists of the removal of the upper portion of the overburden and levelling of the surface with scrapers. The balance of the stripping and the mining itself is accomplished by two walking draglines. This equipment handles approximately 4½ million cu yd per year.

Before the mining operation starts, all the marketable timber is sold, while unusable growth and underbush is removed by bulldozers. Next, a cut, 70 ft to 90 ft wide, depending on dragline size, is staked out at the pre-selected edge of the orebody, parallel with the drill pattern, thus making the drilling data a more accurate guide for the selective mining of the clay.

The dragline is then placed at one end of the cut, at a right angle to the longitudinal direction of the pit, and digs what is known as a "box cut." The overburden is removed to the bare clay and placed 180° away. The dragline is then moved around to the front of the pit, mining the clay from this position and casting it between the edge of the pit and the removed overburden. The dragline is next moved again to the same side from which it dug the first box cut and digs another cut, continuous to the first one, and removes the overburden to the bare clay, again casting 180° away. The machine is then moved again to the front of the cut and the clay is mined and placed between the overburden just removed and the edge of the pit. This procedure is followed for the total length of the cut.

At this point, there is a windrow of overburden and a windrow of clay stockpiled next to and parallel to the edge of the cut. The dragline is then turned around and starts digging a new cut, of the same width, casting the overburden on the void left on the first cut. The overburden so cast is rough-leveled by the dragline and further leveled by a bulldozer to a smoother surface. The clay is then mined and placed on top of the smoothed overburden surface. This procedure is followed to the end of the cut and back and forth across the orebody.

The roll-over method provides ample flexibility in mining scheduling and has the following other advantages:

It leaves a relatively flat surface with a windrow of overburden at one end of the pit and an open cut at the opposite end with windrows of clay piles in between.

It provides for the stockpiling of clay, thereby separating the actual mining rate from the kaolin production use rate and thus, allowing for full use of the stripping machines.

After the clay has been removed, only a minimum amount of effort is required for land reclamation and reforestation.

REFORESTATION

In 1965, Freeport inaugurated a reforestation program in mined-out areas where the roll-over method had been employed. The first step in the program was experimentation with various types of ground cover to establish the simplest and most economical seeding method. The results of these experiments indicated that native Georgia "slash pine" would be best suited to the soil and climate.

Initial trial seeding of approximately 15 acres produced a favorable crop of seedlings, about 80% of which had taken root by the spring of 1966. The application of "10–10–10" fertilizer to these seedlings in 1967 established the value of this fertilization in subsequent plantings. During the same year a trial planting of grass was undertaken which was partially successful, but which proved to be expensive.

Later in 1967, 50 more acres were planted with improved one-year "slash pine" seedlings which had been produced and recommended by the Georgia State Forestry Commission. Other experiments currently in progress include the planting of small areas with oak, cottonwood, hickory, sycamore and similar hard woods. While it is still too early to predict the outcome of these experiments, Dr. May of the Kaolin Strip-Mined Land Reclamation Research Council feels the initial results for sycamore seedlings are promising for certain areas. The other major kaolin companies are also members of the Research Council and participate in its work.

The rate of planting maintained at the company's mining sites at Gordon is 800 seedlings per acre, well above the 500 established-trees-per-acre minimum set in recently enacted state legislation affecting open-pit mining operations in Georgia. The high planting rate was designed to exceed state requirements despite normal seedling loss.

A new stage in the program is the planting of an additional 125 acres, again using the improved seedlings provided by the Georgia State Forestry Commission. These have now become the standard for all future plantings. By the end of 1970 up to 300 acres had been reclaimed by reforestation.

PROCESS WATER POLLUTION ABATEMENT

In 1968, the company put into operation a third phase of its conservation programs with the completion of a million-dollar treatment system for effluents from the plant at Gordon. The system consists of a series of pumping stations and pipes through which plant process water is channelled to a 600-million-gallon waste pond created by a dam approximately half-a-mile in length. The function of the system is to prevent solid material from returning in neighboring streams and to insure that released water is chemically neutral.

THE NEED FOR IMPROVING THE ECONOMIC CONDITIONS OF WAGE EARNERS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, it is the unusual that always makes the news, while the ordinary events receive little attention from most of the citizenry. As an example, few of us recognize how desperately the average wage earner has been affected by the continuous rise in prices of the past few years.

The Communications Workers of America, which is widely recognized as one of the Nation's most responsible unions, recently pointed to this problem in an advertisement which appeared in a number of newspapers.

CWA pointed out that the wage increases it negotiated with Bell telephone companies in 1968 have been completely eroded by price increases. From all of this, the union concludes that a wage increase of about 25 percent would be justified at this time. Whether that is the correct figure or not, the facts clearly point to the need for improving the economic conditions of wage earners at this time.

I insert the text of the CWA advertisement together with a letter from President Joseph A. Beirne, into the RECORD:

CWA IS SERVING NOTICE—OUR MEMBERS DESERVE MORE INCOME

CWA—The Communications Workers of America—strongly feels its sense of responsibility to its members and to the country as a whole. For over 30 years, CWA has helped improved the standard of living of the men and women of the telephone industry. The improvements CWA has negotiated in communications pay rates have done their full share to keep the American national economy moving ahead.

CWA is proud of the record of economic progress that it has written on behalf of the more than half a million working people represented by the union.

We are determined that this record—which we believe is impressive by any standard—will continue to be written in terms of higher incomes for telephone employees.

Notice has just been served on the Bell Telephone System that we will seek substantial pay adjustments for our members employed by the various Bell System operating affiliates.

The issue, very simply, is whether we can regain the level of buying power we achieved in 1968 and secure some additional improvement—in recognition of our members' increased productivity. Our economic surveys demonstrate that a wage increase of 25 per cent is easily justified.

THE SITUATION HASN'T REALLY CHANGED

There was a time when government officials and newspaper editorial writers used to agree that a high wage policy is good for the nation. Now too many of them "point with alarm".

But now, in 1971, some of the off-the-cuff critics would have you believe that a fair pay increase will "ruin" the national economy. CWA, with its long experience in collective bargaining economics, applies the only fit word for that line of argument: "nonsense".

The validity of wage increases that give working people a fair share of the national productivity has not changed an iota.

Workers are not "getting rich". Wages are not "too high". Wage adjustments follow rising prices; price increases come first.

Look at these facts about the telephone industry:

1. The cost of living has risen 17.7% since our last Bell System contracts were negotiated in 1968.

2. Telephone wage levels are lower than in other utility or regulated industries.

3. Productivity in telephone labor has been rising by 5.5% over the past 10 years, and it will continue to increase in the future.

OUR PEOPLE HAVE A REAL PROBLEM

In communities throughout America, telephone people are known as good citizens. CWA, their union, is known as a leader in developing responsible activities to benefit the entire public.

Nevertheless, some government officials and some commentators would like to pin the label of "reckless irresponsibility" on unions like CWA that are trying only to win a decent break for decent working men and women.

We resent and we reject these smear efforts. We believe they are based on faulty comprehension of present-day economic problems. We believe they play into the hands of those corporate elements which have traditionally tried to keep wages down and profits high.

CWA people working in the Bell System and other telephone companies have a real problem. Their pay is too low. Their income is eroded by rising prices.

That's why we have served notice on the Bell System that our members need more income.

That's why we are convinced that wage increases will benefit not only our members but the buying power of those wages will benefit the entire public.

That's why, in the collective bargaining ahead, we know that you—the telephone-using public—will support the efforts of hard-working telephone employees to enjoy their fair share of American opportunity and a decent standard of living.

FACT SHEET: COMMUNICATIONS WORKERS OF AMERICA, AFL–CIO

CWA represents more than one-half million telephone, communications and other workers in the United States and Canada.

CWA is the largest communications union in the world. Although one of the youngest of the major unions, CWA is among the dozen largest labor organizations in the AFL–CIO. About half the members are women.

CWA members work as switchboard operators, installers, clerks, linemen, cable splicers, repairmen, engineers, laboratory technicians, telegraph operators, directory salesmen, communications equipment production workers, secretaries, data processors, radio, TV and newspaper employees and in many other occupations.

There are more than 850 chartered Locals in the Union. The members live and work in some 10,000 different communities, indicating a very wide and even geographic spread across the map. Because of the fact that its members are almost everywhere—in the big cities, the smallest towns, the suburbs, in completely rural areas and at the far-away places on the edge of the desert, the mountains, the lakes and the oceans—CWA's political polls are noted for their almost uncanny accuracy.

The union has a record of high membership activity in community affairs, legislation, politics and volunteer work with neighborhood agencies.

Joseph A. Beirne has been president of CWA since 1943. He is the first labor leader ever to serve as president of the United Community Funds and Councils of America (1966–68) and serves on a number of Presidential commissions, boards and agencies.

Beirne, as president of CWA, is head of the union's 14-member Executive Board. Other members of the Board are CWA Secretary-Treasurer Glenn E. Watts; Executive Vice Presidents James M. Massey, George E. Gill and Gus C. Cramer, and Vice Presidents Morton Bahr, W. K. Edwards, R. B. Porch, Walter Schaar, Arthur B. LeFevre, D. L. McCowen, D. K. Gordon, John Carroll and James Booe. Four others who head up bargaining units also sit in on Board meetings. They are Patrick J. Morgan, National Director of CWA's Western Electric Installation unit; Frank J. Novotny, National Director of CWA's Western Electric Sales unit; J. Curtis Fletcher, Independent Telephone Director, and George T. Myerscough, National Director of CWA's Long Lines unit.

Each of the nine vice presidents heads up a regional office, established to give members closer and better representation. CWA regional offices are in New York City, Washington, Atlanta, Lansing, Chicago, St. Louis, Omaha, Denver and San Francisco.

The Union's headquarters are at 1925 K Street, N.W., Washington, D.C.

Conventions, held annually, are considered models of democratic procedures. All delegates are rank-and-filers. An unusual communications network makes it possible for all delegates to be heard easily from the floor. All sessions are open to the public.

The Union was founded at meetings in Chicago and New Orleans in 1938, after earlier attempts to form a national union to represent telephone workers had failed. The organization was first known as the National Federation of Telephone Workers. Convention delegates constitutionally changed the name to the Communications Workers of America in 1947.

COMMUNICATIONS WORKERS OF AMERICA,
Washington, D.C.

We in CWA believe that our 1971 collective bargaining negotiations with Bell Telephone System companies, and with other communications corporations, are among the most important economic events on the domestic scene.

Furthermore, we want you to know precisely what CWA is saying and doing in the course of these negotiations. We in CWA are conscious of the public interest in our negotiations and of public concern about the direction of the whole economy.

That is why CWA has taken advertisements in leading American newspapers to explain its position, and why we intend to go to the public with our case throughout these negotiations. We believe that you may find this first advertisement—a copy of which is enclosed—of more than transient interest.

Inflation, as the advertisement points out, has eroded all the wage gains won by CWA members in 1968. The economic condition will be improved only—I repeat, only—by substantial wage gains this year. Any alternate program that seeks to prevent our people from gaining their income equity will be unsatisfactory for communications workers and dangerous for the whole economy.

We very much want you to know where CWA stands, and we seek your support.

Sincerely,

JOSEPH A. BEIRNE,
President.

DEFENSE STILL FIRST PRIORITY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. WYMAN. Mr. Speaker, no matter how much we understandably long for the things money will buy at the domestic level, it remains the first obligation of this Congress and this Nation to maintain an adequate defense deterrent.

Unless we keep America strong enough militarily to deter attack upon us, everything will go down the drain.

Frankly, we are not doing this. Renewed appeals to revised priorities in spending are almost always at the expense of defense dollars, the largest controllable source of dollars in the Federal budget.

Certain Members in the other body want to cut out or back on the B-1, the manned follow-on bomber after the B-52. Others would require less shipbuilding, fewer planes, and reduced research and development.

All this at a time when Soviet capabilities are demonstrably increased in almost every field from missiles to ships to submarines.

Certainly waste is to be eliminated, cost-overruns checked, and excess procurement adjusted downward. But the sad truth is that billions more dollars are needed for a minimum realistic defense for the United States, not less. We should be building five times as many naval vessels and twice as many submarines. The B-1 should be much further along, and the Navy's ULMS—deep-diving long-range, missile carrying subs—program sharply accelerated.

All this in the name of survival. Regretful but a fact of life. In this connection I commend a reading of Joseph Alsop's current column remembering that no nation ever dealt successfully with communism from weakness.

The article follows:

NATION'S DARKEST TIME

(By Joseph Alsop)

The chances are disagreeably high that the present may be remembered as the darkest time in the American story. In too many ways, it too much resembles the time in the British story, when government and people refused to respond to the grim challenge of Adolf Hitler—until it was much too late, and there was no possible response except a second World War.

The young fools (most of whom have never even heard of Adolf Hitler) demonstrate around the Capitol. Within the Capitol, the old fools prate of peace. Meanwhile, if facts mean anything at all, the vast power of the Soviet Union is being mainly used for military preparations which could end in war.

Facts probably do not mean anything at all, in view of the condition of wishful somnambulism that now afflicts so many politicians, almost all American intellectuals, and large sectors of the media. Yet the facts deserve to be clearly set out for consideration by the non-somnambulists. So here they are.

Some months ago, to begin with, one of the American reconnaissance satellites brought back evidence that the Soviets had halted deployment of their huge SS-9 missiles at the 300-level. The SS-9 is what the Pentagon calls a "counterforce weapon," specifically designed to break the backbone of the U.S. nuclear deterrent, the Minuteman ICBM system.

The federal Arms Control Agency, the bastion of wishfulness in the Nixon administration, promptly circulated a secret memorandum that the halt in SS-9 deployment meant the arms race was over. Secretary of Defense Melving Laird also announced the halt to the public, in a tone of cautious hope. The cheers were deafening.

A little later this winter, a second reconnaissance satellite brought back very different news. Having ceased to dig silos for the SS-9 missiles, the Soviets were now digging even bigger silos, with several special features. The news plainly indicated that the Soviets would soon be deploying quite new missiles, even more powerful and threatening than the SS-9s.

In consequence, this reporter went to the most normally realistic men in the government, to ask what future numbers they were thinking about. These men replied that the Soviets could hardly prepare to deploy more than 20 of the new missile-monsters this year—or not enough to be unduly alarmed about immediately.

Yet a little later, once again, there was still more news, this time of a truly appalling nature. The news was that the Soviets were already digging silos for twice the maximum expected number of the new monster-missiles—or above 40 in all. If this tempo continues, therefore, the Soviets may perhaps prepare for deployment of anywhere between 80 and 100 of their new monster-missiles before the year ends.

THE WISER ANALYSTS do not expect the monster-missiles to be mere improved SS-9s. They expect altogether new weapons, certainly "mirved," and quite possibly carrying up to 10 one-megaton warheads apiece. When the new silos receive the new missiles that are destined for them—which takes about 18 months—that will then give the Soviets more than enough power to destroy the Minuteman system.

If these facts are not enough to frighten non-somnambulists, there are still worse facts to come. Briefly, the Soviets are going to the immense expense of digging their new missile silos without having finally tested the monster-missiles the silos are to hold.

This strange phenomenon of heavy spending in preparation for deployment, before any tests of the weapon to be deployed, has been seen before in the Soviet Union. To be specific, it was seen in the early stages, just after the Cuban missile crisis of 1962, when the Soviets were carrying on their nuclear-strategic buildup with great urgency.

The fact that the same strange phenomenon is being seen again, in immeasurably more dangerous circumstances, obviously means two things. It means that the Soviets have great confidence in their new monster-missile, whatever its form may be. And it also means that there is again urgency—that for reasons of their own, in fact, the Soviet military planners have some sort of deadline in mind.

If there is such a deadline, that also has a logical meaning. It means that the Soviets are preparing for positive action of some sort. Just possibly, they are preparing an attempted first strike, to knock out U.S. nuclear-strategic power. More probably, they have in mind some sort of hideously grave confrontation with this country, with overwhelming power on their side.

So this time of somnambulism may well be remembered as very dark indeed!

A NATION CANNOT SURVIVE TREASON FROM WITHIN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. SPENCE. Mr. Speaker, certain individuals in this country, including some Members of Congress, are helping to prolong the war in Vietnam by their words and actions. As far as I am concerned, these people are guilty of giving aid and comfort to the enemy.

I do not know the reason for their conduct—whether they are naive, unrealistic, weak of resolve, or politically motivated; but sooner or later they will be exposed for what they really are.

They will be haunted by the spirits of thousands and thousands of brave men who have laid down their lives to make it possible for these people to live in a free land and engage in activities that would not be allowed in countries which they are aiding by their actions.

They will have to answer to the youth of today, and those yet unborn, for helping to weaken this country to the extent that our enemies will be encouraged to promote Korea and Vietnam-type situations which our young people will have to fight.

This is not just a question of some being on the other side from me on a political issue. This I can respect. But these people are working against the best interests of this country, even more insidiously than our more apparent enemies. For them I have no respect. Whether they be elected officials or private individuals, they have only my contempt.

Whether they burn the U.S. flag, or demonstrate with the enemy flag, or give support and favorable publicity to those who do, they must be recognized as serious obstacles to the continued peace and freedom of this country.

Since there is information available to the general public which indicates that the survival of our Nation is in jeopardy, I would seriously question the motives of anyone who directly or indirectly helps to weaken our defenses or undermine our resolve to defeat those who would destroy us.

Centuries ago, Cicero described eloquently the problem we have today:

Marcus Tullius Cicero (106-43 B.C.): "A nation can survive its fools, and even the ambitious, but it cannot survive treason from within. An enemy at the gates is less formidable for he is known and he carries his banners openly. But the traitor moves among those within the gate freely, his sly whispers rustling through all the alleys, heard in the very halls of government itself. For the traitor appears no traitor; he speaks in the accents familiar to his victims, and he wears their face and their garments, and he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation; he works secretly and unknown in the night to undermine the pillars of a city; he infects the body politics so that it can no longer resist. A murderer is less to be feared."

"MR. DEMOCRAT"

HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. PELL. Mr. President, there recently appeared in the Providence Sunday Journal an article entitled "Mr. Democrat," written by Mr. C. Fraser Smith about Lawrence P. McGarry, director of the Providence Public Works Department and chairman of the Providence Democratic City Committee.

This commentary on Mr. McGarry, affectionately known as Larry by his many friends, of whom I count myself as one, ably relates the positive effect one man can have on our society when he dedicates himself to a life of public service in his community.

Today, in this era of instant demonstrators and protestors, when people's concern for government only becomes apparent when they themselves are personally affected, it is refreshing to see extolled a man like Larry McGarry, who has worked hard and long with great effectiveness for his goals and ideas that he believes in.

His trademark in politics has been that of a man who is both loyal and who keeps his commitments. Mr. President, I ask unanimous consent that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MR. DEMOCRAT

(By C. Fraser Smith)

The band played *Hey, Look Me Over* as the candidates marched toward the dais.

Near the back of the line as it slipped between the tables at the 1025 Club was Lawrence P. McGarry, chairman of Providence's Democratic Committee. For the candidates it was the easiest kind of campaigning. More than 1,000 voters had come to them.

For Mr. McGarry, hobbled by what he thought was neuritis, the 50 paces were not easy. Just before last November's election, doctors would discover that the problem was much more serious: multiple sclerosis.

In spite of that, and not because of it, Mr. McGarry could be the Democratic Party's candidate for mayor in 1974, or sooner if Mayor Joseph A. Doorley should move on to other contests in 1972. Insiders say the powerful city committee would endorse him eagerly.

It would be like winning one for the Gipper and there is nothing now visible on the political gridiron that could do more than boo. McGarry's team, as they say, has all the horses.

Even if his illness or his inclinations keep him out of the race as a candidate, it is unlikely that anyone could win without his endorsement and support. He can be king or kingmaker. But in the interests of drama and clarity, it is helpful to assume that he will be a candidate.

There are those who would hate to hear the words "Mayor McGarry" pass their lips. But there are others, if their on-the-record testimony is the guide, who would feel a rare tide of joy and reassurance that there is justice in the world.

The polarity of responses is part of the McGarry reign as party boss in Providence, six fast-moving years in which his name has become a code word, moving some to vilify and others to adore.

Those who find him distasteful believe he has sunk the city's roots into the 19th Century, that he has been more sensitive to roads and garbage than to people, and that his personal style is unbecoming to a public figure. They feel the newspaper should "get" him.

Those who love him—and that term is by no means unwarranted—fiercely resent his public image. They blame the newspapers for treating him unfairly.

Although most of his admirers would argue that "good politics is always good government," there are some episodes which undermine their faith. Patronage, despite its humanitarian characteristics, is patronage. And when the choice is between qualifications and party, qualifications often are revised.

But the issue here, primarily, is the process and not the product. Who is Larry McGarry? What makes up his "machine"? Why is his image clouded?

It is true that his press has been fairly one-dimensioned. But one of the biggest factors in that circumstance is Mr. McGarry himself. He does not have to be told that elections cannot be won in classrooms or in the homes of college graduates. (Not yet, anyway.) So he plays to the voters in the walkups, the three-deckers and the cottages.

He adopts some of the style of the late Mike Quill, the transit union boss of New York, who liked to call Mayor Lindsey—John Lindesley.

During the last mayoral campaign, Mr. McGarry dubbed Lester Millman, "Harvey Hillman" and said, "I can never remember his name."

When his endorsed candidate was opposed in a primary in Ward 7 last fall, Mr. McGarry publicly threatened that "not another leaf will be picked up" if the challenger won. The challenger lost.

When the Urban Coalition named a Task Force on the Administration of Justice, Mr. McGarry volunteered, "I don't see a working man on the list. If you own a business and have got a million dollars you're on it." He called the new appointees a bunch of "stuffed shirts."

"I though I was reading the Chafee for Governor Commission," he said. Not overcome with the validity of complaints of racism and brutality among the police, Mr. McGarry dubbed the task force, "The Red Herring Committee."

When brutality was charged last fall, Mr. McGarry said, "I'm sick and tired of these constant gripes and complaints. If they (the blacks? the 'stuffed shirts'?) don't like it here in the city, why don't they move?"

An editorial writer saw this question as the ultimate racial slur. It is probable, however, that in the tenement houses it was received as a logical question.

Not everyone will find Mr. McGarry's remarks amusing. That will not surprise Mr. McGarry. He would be surprised only if a majority of voters indicated they are looking for fancy language. There is little to suggest any such trend among those who travel from tenement house to polling place.

If the signs were there, Mr. McGarry would see them. After a lifetime of participatory politics, he appears to have psychic tools that can cut to the bare bones of public feelings. He can see the threads of common thought. City Clerk Vincent Vespia says, "He knows who snores and who doesn't."

Thus, among his associates he is known as a "great predicter." One friend declared that he is clairvoyant. In 1968, he predicted that Governor Licht would beat the unbeatable John H. Chaffee by 20,000 votes. (I heard him tell 7th Ward Democrats assembled in the St. Bart's Hall on election eve, that he "felt" Democratic votes in the air.) The margin of victory was about 11,000.

Last year, Mr. McGarry predicted Governor Licht would win by 40,000 votes. The margin was less than 2,000.

But it may be, as he intimates, that the prediction is important, not for its precision, but for the impact it will have when made in clubrooms, bars, restaurants, on the telephone and anywhere.

It is a part of the McGarry magic, a constant drama of shadow and act. It is part illusion—his solemn declarations in behalf of the two-party system in Providence, his insistence upon loyalty to endorsed candidates and his apparent confidence when the race is close.

If Larry says it's so, it probably is so. It is faith. It is an extra dimension of strength that comes only when the machinery is running well. It is part illusion, but it is mostly real. And the reality is people. People who would follow Larry McGarry anywhere.

The following is reciprocal. Understanding that the people were against the income tax, he opposed it too. Suspecting that they were disgusted by charges of police brutality, knowing that his old parish was being splintered by the work of socially conscious priests, and being naturally suspicious of anything swooping down from the East Side. Mr. McGarry makes it clear that he, too, resents the interference.

WHOSE OX IS BEING GORED

Whether this makes him responsive or reactionary is not the easy question most "good government" spokesmen would say it is. It is, to some extent, a question of whose ox is being gored.

From the viewpoint of the man called "Mr. Democrat" all the right oxen are protected. They are protected by the ward committee chairmen, a baker's dozen of special men. They are among the men that Larry knows best. In many ways they are his pressure points. Through them, Larry reads the city.

Their ranks include an undertaker, sexton at the North Burial Ground, an attorney, a city solicitor, a probate judge, a butcher and a public works department supervisor. Government may be moving away from the people, but the ward committeemen are not. They are the people.

You do not have to tell any of these men that "more people live in tenement houses than in mansions and their votes count just as much."

"These are the people you can ask to come out," Mr. McGarry says. "They're accessible. And this is where your ward committee shines."

Thus in the 13th Ward, as in the city's other wards, there is a man like Adolf Gianquitti. Mr. Gianquitti, proprietor of Adolf's Meat Market, is a political handyman. He has had his fights with Mr. McGarry, but now he is chairman of the 13th Ward Democratic Committee.

"I help a lot of people out when they're in trouble. Broke, I help them. This 'n that. They borrow from me. I let 'em take it. I feel if I can do these things, I may as well run and get a little recognition," he says.

Mr. Gianquitti had trouble with Mr. McGarry in 1966 when the recognition he sought had been reserved for someone else. He teamed up against the endorsed slate. Mr. McGarry then charged that Adolf lived in North Providence.

It is true, Mr. Gianquitti says, that his family lives in North Providence. He himself sleeps in a small room above his butcher shop "two times a week, sometimes three."

"The law says I only have to sleep there once a year to make it legal and later on I might sleep there more," he predicted last summer. Like some of his Federal Hill neighbors, Mr. Gianquitti is caught in transit. He has done well with his meat store. Like a lot of others, he moved his family to the suburbs. But his business and some of his interests are on the hill.

For the election work, Mr. Gianquitti has a truck outfitted with a loudspeaker system. But he talks to the voters every day. ("Basically," Mr. McGarry says, "the most important thing a ward committeeman does is be a politician 365 days a year. You simply cannot run to the people on primary day or election day and say, 'Hey. You're my friend.'")

Men like Mr. Gianquitti say "You're my friend" every day in almost every way. At one time, the 13th Ward Democratic Club made its headquarters in a building right behind Mr. Gianquitti's market on Atwells Avenue. It was the kind of setup that draws voters and politicians.

One of the few that surpasses it in both point of service and performance is the Russell J. Boyle Funeral Home on Smith Street. Mr. Boyle, former president of the city council, gives lessons to the neighborhood anti-poverty fighters. He has a staff of men who serve not only as funeral directors, but ambulance drivers, real estate men, keepers of the private public assistance rolls and public relations men of great humor and skill.

(When Lester Millman started running for mayor last fall, he said Mayor Joseph A. Doorley's aides looked like a brace of funeral directors. For those who have not read widely in the books that divine political strategy, this remark was undoubtedly counter-productive, a slur on the Doorley team and a tasteless gaffe in the sacred context of death.

(What seems ironic, meeting Mr. Boyle's men, is that they are funeral directors who might easily be described as mayoral aides, meeting the needs of the constituents day-by-day.)

Mr. Boyle himself is already a legend on Smith Hill. Last year he had 289 funerals and the chances are high that not all of them are paid for or ever will be. For a long time, Mr. Boyle did not send bills. He does so today, he says, only because the accountants demand it.

Mr. Boyle has a face like Jack Kennedy. His eyes appear to work independently, one of them twinkling and reflecting the usual irony of his remarks while the other tries to peer behind the face of the listener, to see through and measure.

He says, "Larry takes care of the people who are loyal to him. He formed his circle of friends and the city got tremendous, responsible personnel.

"People who worked for the city, he'd make it a point to get to their funeral. They were his friends and he didn't forget them. To know Larry is to know he's a man of a lot of feeling," Mr. Boyle said.

Everyone who knows him well says so. But some suggest that his feelings are eclipsed by his calculations and by his personal estimation of value—to him. Stay on his side and remain satisfied of his natural disposition toward fair and "humanitarian" gestures. Oppose him and feel the force of every bit of pressure he can find to beat you. Every one.

But Mr. McGarry's interest in victory is not limitless. Rumors that he loses sleep over the loss of two of the 26 city council seats are not true according to Eddie Clement, an aide to Rep. Robert O. Tiernan. Two may be the optimum number of Republicans, he agrees.

"You could elect ONE, but who would he talk to?" Mr. Clement inquires.

WHO WOULD HE TALK TO?

Accepting Mr. Clement's joke as an indication of policy, we may conclude that Mr. McGarry believes he could win the two council seats he now leaves for the GOP. A generous thing, to be sure.

It is the limited toleration one can extend to one's opposition, lending them legitimacy and preserving the illusion of two-party democracy. One also denies them the forum that could develop beneath any party that was totally excluded from the city's administrative and political processes.

It is the kind of toleration that is seldom if ever extended willingly to one's own, the maverick elements that won't wait their turn.

Such a group of independent Democrats live in the 4th Ward. It is the "Out Back" of Providence Democratic politics. It is a place where Byzantine devices are employed to make the regular team a winner. It is the domain of "T.B."

"T.B." is Tony Bucci. In Washington, he says, he is known as "Mr. Asphalt." Having maneuvered the country's major oil companies into a position where they had to favor his clients with asphalt shipments, Mr. Bucci picked up a new nickname.

To be Mr. Asphalt and to be feared in Washington, one suspects, puts Anthony Bucci on a plateau not far removed from that of "Mr. Democrat."

Ask anyone else who advises Larry on political matters and they will ask you if you think Larry needs advice. Ask "T.B." and he smiles.

"You'd have to ask him," he says.

He says, "I think we think alike. He's a stickler for uncompromising loyalty and we also have a fetish for a man keeping his word because in politics you don't draw written contracts. The politician, he's got his word. Larry's word is good. He can go to sleep. I think I'm the same way."

He says he admires Mr. McGarry's ability to unite. It is the kind of talent a 4th Ward politician would appreciate.

"If I run Jesus Christ, I'm going to have a primary," Mr. Bucci says. Last year, four different slates appeared, on the primary ballot. Last names were duplicated throughout. It was not easy for the voter to find his way to the right Mr. Smith or Mr. Jones.

In these fights, it would seem, Democratic winners would take all. There is no reason to reward the unfaithful.

"You take care of your friends first. If there are any leftovers, you take care of the rest," says "T.B." Losing is losing and no one should expect otherwise.

"I don't gamble, but I don't know of anyone who bets on a losing horse and cashes the ticket," he says.

What must be done, in his view, is convince all the big bettors that you have the winner. Larry can do this.

The idea is to get everyone involved in the decision-making or candidate-choosing process. The idea of victory supersedes, in the political organizer's mind, the idea of who should win. The "who" of it is only important after your machinery is together.

WHO HAD $75,000 FOR THE CAMPAIGN?

From "T. B.'s" point of view, Larry's greatest success came in 1963 when he became "the chief protagonist" in reconstruction of a unified party. There were three candidates and each one had something going for himself. But none had enough votes.

Larry's selection criterion, according to some, was money. Who had $75,000 for the campaign? Joe Doorley did not have it, but he could get it. The others could not. Joe Doorley had to be the man.

From that point, the job settled down to selling the contenders two ideas: 1) accept the results of the informal polling among the city committeemen; 2) work for the winner.

Since then, to quote the great Irish historian, Dan Pat Murphy, it has been a matter of maintenance.

"The Irish are great maintenance people," Mr. Murphy says. They are not necessarily the kind of people who can widen their embrace, enlarge their constituencies and make their administrations truly democratic.

Someone like John O. Pastore may like primaries, suggesting from Washington that a good scrap in the ward is healthy. Mr. McGarry says he disagrees, but there is a blank spot in the loyalty ethnic. It is a spot that may come up unexpectedly or by design. It is a happening that signals a kind of open season in which one may, for example, oppose a Mayor Reynolds or, more recently, a Congressman Tiernan.

Some say Mr. McGarry's alleged opposition to Robert O. Tiernan defines the term "thick" as applied to Irishmen. The word means stubborn, belligerent perseverance that takes a man counter to his own best interests and allows him to break his own most cherished rules.

Eddie Clement, Mr. Tiernan's aide, says this report of disagreement is not a fruitful area of discussion. He did not know, he said, if Larry had "sandbagged" Mr. Tiernan in the primary fight with John A. Notte. To sandbag is to "take a walk" in the middle of election day, to put a leash on the drivers and to hide the voting lists from the callers. Mr. Clement says he doesn't know if this happened or not.

"I have an old Irish mother who says, 'When you win, don't ask questions,' " Mr. Clement says. He discounted the reports of bad blood. "We're in the business of electing Democrats," he said.

If Mr. McGarry did work against Mr. Tiernan it was not the only time he violated a cardinal rule of political loyalty. But some of his admirers believe it was a significant illustration of some basic characteristics that sometimes overrun his fundamental adherence to Democratic Party discipline.

Mr. Tiernan was from Warwick. He was one of those suburbanites that get fat off Providence pluralities. He was a good government candidate, who had not worked long enough for his endorsement. He was not Mr. McGarry's choice.

Mr. McGarry wanted a television personality, Salty Brine. Mr. Brine lost his saliency when a deal with Joseph A. Bevilacqua, now house speaker, fell through, observers say.

Mr. Bevilacqua had agreed to fall out of the endorsement race if he drew no unusual support in the early, testing rounds of voting. But as the state committeemen stood to vote for their early choices, Mr. Bevilacqua apparently thought he saw something. "What if I pick up 10 votes in Westerly?" he may have said to himself.

It was at about this time, to Mr. McGarry's way of thinking, that Mr. Bevilacqua should have "dropped." Mr. Bevilacqua did not drop.

Mr. McGarry shouted at him, "Drop, you ———, drop!" Mr. Bevilacqua did not drop. Not soon enough anyway. While he was thinking it over, Mr. Brine dropped and Mr. Tiernan went on to win.

This kind of public lapse is usually dealt with unmistakably. Vincent Vespia, the city clerk, who has watched the Democrats work for years, offered an example.

INTO THE DEEP FREEZE

There was recently, Mr. Vespia said smiling, a councilman who made a public display of opposition to the mayor and to Mr. McGarry. "Humanitarian" principles were used by Mr. McGarry to reconcile it initially, he says.

But, as Prof. Dooley says, politics ain't bean bag. Various live political bodies who have chosen public opposition to the organization, according to Mr. Vespia, have slipped quietly into "deep freeze" and may be viewed in their state of suspension by those who know where to look.

There are some opponents and potential opponents who always do well, however. A significant number of them are Republicans. Even more are Italian.

Recently, 20 city department heads, many of them making $17,000 a year, took out an ad in the Federal Hill neighborhood newspaper, *The Echo*.

What these men said was similar to what factory workers have said traditionally to the mill owners—"Thank you for the Christmas turkey." Partly as a result of this brand of co-opting, the city's Italo-American community, by far the largest number of registered voters among the ethnic groups, has never elected a mayor.

Beating the Italians, an Irish poll will inevitably make clear, is no small part of the joy of politics. Give up the department heads, but don't let 'em have the council president's job and don't let 'em get the mayor's office.

Mr. McGarry's ability to pick winners is based, so say the insiders, on his insistence that those who lose the preliminaries must fight the main event.

This kind of consolidation, stock taking and investment counseling is fortified by patronage power of great depth and variety. Mr. McGarry can call the state house and blackball favor-seekers who have fallen from grace. His ward committees and the councilmen are the city's real personnel system. Job qualifications, to a large extent, are what he says they are.

Neither the school department nor the police and fire departments escape this scrutiny. Police department promotions, it is said, must be cleared through Mr. McGarry. And he is said to have accelerated the departure of former chief Howard A. Franklin.

Thus, his influence. When you name the chief of police, you decide what kind of law enforcement the city will have. (If you give a man his job, you can take it away. Sometimes you have to get a signed resignation in advance.)

It is not unusual to invest political leaders with this kind of power. Usually, however, the leaders are elected leaders.

That is not to say that Mr. McGarry could not be elected, or even that he has had no experience as a candidate. He has been elected and re-elected to two of the city's most important political bodies: the Employee Retirement Fund and the Democratic City Committee. He has the trust of the men and women at the center of the city's Democratic Party.

But one of Mr. McGarry's well-known adversaries suggests that adoration of the chief is not far removed from fear.

"He predicates everything on fear. Endorsements, jobs, everything. Until you call him, resist him, you're the guy who's losing.

"His secret is, he's always got someone in the middle he can use. Keep them in there to work for you till the tide starts going the other way and then you can sacrifice them. He plays the ball game tough without any concern for anything but power," this man said.

While fear may be a part of the McGarry way, it is not fear of Mr. McGarry alone. It is also fear of the uncertainty and need that come in the days that follow defeat. In those days, the world falls apart for men and women who owe their livelihood to the Party and to McGarry.

But most of them have few illusions. They rationalize whatever fear there may be as part of the game. The times they have volunteered their resignations after rare Democratic defeats are times to recall with good humor. As winners now, they can recall these days without anger or emotionalism.

One of this breed is Arthur Parenteau. He is not the kind of politician you'll find in the lobby of the Biltmore Hotel on election night. He is more than a little paunchy and seems to have only about one tooth left. For many years, Mr. Parenteau was "a roller man" with the Department of Public Works.

A few years ago he was made sexton at the North Burial Grounds. It is a job that seems fitting for a ward-level politician, but Mr. Parenteau says he get few opportunities for politicking. He does not wear campaign buttons on his suits, he says, smiling.

"I told them I never thought I'd get a job walking on people," he says. That he would have some kind of a job, on the other hand, was never in doubt. The Democrats had won hadn't they?

Mr. Parenteau is the current caretaker in what Mr. McGarry refers to as "The Mighty 10th." Like the city chairman, Mr. Parenteau grew up with politics in the 10th Ward. He is the chairman there now.

For him, politics and livelihood merge, leaving no seams or patches or democratic theory showing. There is no difference between jobs and winning politics.

Whatever else Larry McGarry may do, he does not abandon men like Arthur Parenteau, Russell Boyle, Tony Bucci, Adolph Gianquitti and the others. And even if he did they would know he was doing it for the good of the party.

IMPLEMENTATION OF EMERGENCY EMPLOYMENT PROGRAM

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. TUNNEY. Mr. President, on April 1, 1971, the Senate passed and sent to the House a measure entitled the "Emergency Employment Act of 1971." The bill would provide for direct Federal support for programs of public service employment for unemployed persons during periods of high unemployment. In view of the tremendous unemployment in my home State of California, I hope that the House will act swiftly to enact this legislation and that the President will not delay in approving this much needed bill.

It is my hope that this program can be implemented as quickly as possible after final passage in order to begin at once to provide jobs for the thousands of unemployed persons that have been victimized by our present economic situation. In pursuit of this goal, I think it is particularly important that our local officials be fully informed of the provisions of this bill so that they may begin immediately to develop ways in which to implement the program created by this bill. In this way, we can avoid a needless delay that would otherwise occur between enactment of the bill and actual implementation of the programs. I therefore ask unanimous consent that the excerpts from the bill and the Senate committee report on the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 31

A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Employment Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) there are great unfilled public needs in such fields as environmental quality, health care, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement;

(2) to meet the urgent need for greater public services and the equally urgent need for public service employment which will provide meaningful jobs for unemployed or underemployed persons, it is necessary to devote resources to public service employment and related training and manpower services;

(3) times of high unemployment severely limit the work opportunities available to low-income persons, especially those from socioeconomic backgrounds generally associated with substantial unemployment;

(4) expanded work opportunities must keep pace with the increased number of entrants in the labor force, including the many young people who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force;

(5) many of the persons who have become unemployed as a result of technological changes and shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services; and

(6) providing resources for public service employment during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressure which tend to generate further unemployment.

FINANCIAL ASSISTANCE

SEC. 3. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available in times of high unemployment to public and private nonprofit agencies and institutions for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable.

AUTHORIZATION

SEC. 4. (a) There are authorized to be appropriated for each fiscal year prior to July 1, 1973, such amounts as the Congress may determine to be necessary for carrying out this Act.

(b) For the purpose of providing financial assistance for any fiscal year under this Act to enable eligible applicants to carry out public service employment programs, the Secretary is authorized, out of funds appropriated to carry out this Act, to obligate expenditures equal to the sum of the amounts determined in accordance with the following clauses:

(1) $500,000,000 when the Secretary determines that the rate of national unemployment (seasonally adjusted) equals or exceeds 4½ per centum for three consecutive months prior to any such determination, but no more than one determination may be made under this clause in any given twelve-month period; and

(2) $100,000,000 for each increment of one-half of 1 per centum by which the Secretary determines that the average rate of national unemployment (seasonally adjusted) for three consecutive months prior to any such determination exceeds the rate specified in clause (1), not to exceed an aggregate total under this clause of $250,000,000 in the first twelve-month period after enactment or $500,000,000 in any given twelve-month period thereafter.

(c) No further obligation of funds may be made under subsection (b) subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months.

(d) Whenever the Secretary makes any determination required by subsection (b) or (c), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

ELIGIBLE APPLICANTS

SEC. 5. For the purpose of entering into arrangements with the Secretary to carry out public service employment programs under this Act, eligible applicants shall be—

(1) States;

(2) cities, counties, and other units of general local government; and

(3) public and private nonprofit agencies and institutions (including local service companies and public service agencies and institutions of the Federal Government).

APPLICATIONS

SEC. 6. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, in times of high unemployment, for unemployed and underemployed persons in jobs providing needed public services in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status:

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancements or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurance that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(14) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employmyent, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(15) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field; and (B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(16) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATION

SEC. 7. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approval request for funds does not exceed 80 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

APPORTIONMENT

SEC. 8. The Secretary shall apportion funds made available pursuant to this Act among States and local areas within each State on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the unemployment in each such area.

TRAINING AND MANPOWER SERVICES

SEC. 9. For the purpose of providing training and manpower services for persons employed in public service employment services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts available for carrying out this Act.

SPECIAL PROVISIONS

SEC. 10. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in public service jobs under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(d) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(e) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to provide the effective use of funds.

(f) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules and regulations, and make such payments, in installments and in advance or by way of reimbursment, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774 (d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

(g) Acceptance of family planning services provided to participants shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(h) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(i) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(j) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(k) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 11. As the rate of unemployment approaches the objective of section 4(c), the Secretary shall establish procedures to assure that maximum efforts will be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act and that, on the basis of a review as described in section 6(b) (13), the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

SPECIAL REPORT

SEC. 12. The Secretary shall transmit at least annually a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(4) "city" means an incorporated municipality having general governmental powers.

(5) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

EFFECTIVE DATE

SEC. 14. This Act shall be effective upon enactment and the determinations to be made under section 4(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

EMERGENCY EMPLOYMENT ACT OF 1971

A BRIEF SUMMARY

The Emergency Employment Act of 1971 is an emergency piece of legislation sharply focused upon the crisis of high unemployment. It is stopgap legislation designed to deal with an extremely serious national problem in a responsible manner for the immediate future. The bill would be in effect for a relatively short period of time, during which period long-range and comprehensive legislation will be considered by the Congress.

The bill will deal with a national emergency which has two parts:

1. The rapid increase in unemployment in the past 15 months which has created substantial hardship for hundreds of thousands of individuals and their families; and

2. The inadequacy of many vital public services, some of which are being drastically curtailed because of lack of local and State revenues, severely aggravating problems in our most troubled cities and rural areas.

The proposed Emergency Employment Act of 1971 would address both these urgent national problems. During periods of high unemployment, it would authorize the appropriation of funds to enable State and local government agencies, and certain other eligible applicants, to hire the unemployed in jobs providing needed public services.

The responsible authority administering the program would be the Secretary of Labor. Eligible applicants would be States, cities, counties, and other units of general local government, and public and private nonprofit agencies and institutions. The Secretary could contract with them for employment programs under which the Federal Government would pay up to 90 percent of the cost of the programs.

Funds would be triggered as unemployment increased. If the national unemployment rate averaged 4.5 percent for 3 months, a total of $500 million would be authorized. For each increase in the unemployment rate of one-half of 1 percent (.5 percent), an additional $100 million would be authorized. Thus, if unemployment were to average 6 percent for 3 months (as it did in December 1970; January and February 1971) a total of $800 million would be authorized. If unemployment were to average 7 percent for 3 months, $1 billion would be authorized. (However, the bill sets a ceiling of $750 million through the fiscal year ending June 30, 1972, and $1 billion for fiscal year 1973.) The authorization would expire June 30, 1973.

* * * * *

CONSIDERATION FOR GROUPS ESPECIALLY HARD HIT BY UNEMPLOYMENT

Section 8(b) was added in committee to provide generally for equitable distribution of public service jobs among various significant segments of the unemployed population. A principal factor in determining equitability would be the relative number of unemployed persons in each segment.

The reference in the section to equitable distribution of jobs among significant segments "in accordance with the purpose of this Act" is designed to incorporate those segments identified in the section 2 "Statement of Findings and Purposes" as experiencing particularly serious unemployment problems during this nationwide unemployment crisis. These groups are: low-income persons and migrants, persons of limited English-speaking ability and others from socioeconomic backgrounds generally associated with substantial unemployment; new entrants into the labor market, including young and older persons and recently separated veterans; persons receiving welfare assistance and persons who have become unemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, and as in the defense, aerospace and construction industries.

Workers laid off in aerospace, defense, and construction industries

It is well known that many unemployed scientists and engineers and other aerospace and defense workers have exhausted their unemployment benefits and have no idea where to turn next. Meanwhile their idle talents constitute a scandalous waste of valuable national resources. Especially as they are often unemployed because of Federal governmental decisions.

It is the intent of the committee that this target group receive an equitable share of the funds available under this Act.

Aerospace, defense, and construction workers who are unemployed "as a result of shifts in the pattern of Federal expenditures" are referred to in the "Statement of Findings and Purposes" section 2(2) as persons who could usefully be employed in providing needed public services.

There are currently over 400,000 unemployed aerospace workers. Included in this group are approximately 60,000 unemployed scientists and engineers.

From December 1969 to December 1970, the number of California aerospace workers declined by 82,000. During this same period over 40,000 aerospace workers in the State of Washington lost their jobs. Substantial aerospace unemployment has occurred in cities around the nation such as Boston, Wichita, Dallas, and St. Louis.

As a result of cutbacks in federal aerospace spending together with a general slowdown in commercial aircraft purchases, over one third of all aerospace employees have lost their jobs during the past two years. An additional 600,000 employees have lost jobs due to general defense cutbacks during this period. These employees worked in areas such as armaments, chemical manufacture and defense planning for private corporations and the Department of Defense.

* * * * *

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the legislation may be cited as the "Emergency Employment Act of 1971".

Section 2. Statement of findings and purposes

This section sets forth the purposes of the legislation to provide unemployed persons with employment in jobs providing needed public services and related training and manpower services during times of high unemployment and to enable such persons to move into employment or training not supported under this Act.

Section 3. Financial assistance

This section provides that the Secretary of Labor shall enter into arrangements with eligible applicants to make financial assistance available to public and private nonprofit agencies and institutions for the purposes, during times of high unemployment, of providing employment and related training and manpower services for unemployed persons in jobs providing needed public services and related training and manpower services, and enabling such persons to move into employment or training not supported under this legislation.

Section 4. Authorization

This section authorizes appropriations of $750,000,000 through June 30, 1972, and $1,000,000,000 for the fiscal year ending June 3, 1973, for the purpose of carrying out this Act.

From the sums appropriated, the Secretary of Labor is authorized to obligate expenditures up to the following annual levels: $500,000,000 when the national rate of unemployment (seasonally adjusted) equals or exceeds 4½ percent for three consecutive months, and additional amounts of $100,000,000 for each increment of one-half of one percent by which the average rate of unemployment exceeds 4½ percent for three consecutive months. No further obligation of funds may be made after the unemployment rate has declined below 4½ percent for three consecutive months.

Section 5. Eligible applicants

This section provides that the following shall be eligible applicants to carry out public service employment programs under this legislation: States, cities, counties, and other units of general local government, Indian tribes, and public or private nonprofit agencies (including local service companies, and public service agencies or institutions of the Federal Government).

Section 6. Applications

Subsection (a) of this section provides that financial assistance under this legislation shall be available only pursuant to an application from an eligible applicant approved by the Secretary. Such application shall set forth a public service employment program designed to provide employment and related training and manpower services for unemployed persons, and to enable such persons to move into employment or training not supported under this legislation.

Subsection (b) provides that programs assisted under this Act shall be designed with a view toward developing new careers, proving opportunities for career advancement, providing opportunities for continued training (including on-the-job training), and enabling individuals employed under such programs to move into public or private employment or training not supported under this legislation.

Subsection (c) sets forth provisions which an application for financial assistance for a public service employment program must include.

Section 7. Approval of applications

This section provides that, before he may approve an application for financial assistance under this legislation, the Secretary must determine that the application meets the requirements of the legislation, that opportunities have been provided to the community action agency, the Governor, and officials of local governments, for comments on the application. The approvable requests for funds may not exceed 90 percent of the program costs, unless waived by the Secretary.

Section 8. Distribution of funds

Subsection (a) of this section provides that funds available under the legislation shall be apportioned on an equitable basis among States and local areas within States, including Indian reservations, and among rural and urban areas. To the extent practicable, such funds shall be apportioned on the bases of the relative numbers of unemployed persons and the severity of unemployment in each such area.

Subsection (b) provides that financial assistance be made available in such a manner that, to the extent practicable, public service opportunities will be available on an equitable basis among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

Section 9. Training and manpower services

This section provides for training and manpower services related to the public service jobs, allowing 20 percent of the funds under the legislation to be used for such purposes.

Section 10. Special responsibilities of the Secretary

Subsection (a) of this section provides that the Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under the legislation to assure that (1) in the event that any person employed in a public service job under the legislation and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling, and (2) as the rate of unemployment approaches the objective of section 4(c) of the bill—when the authority for further funding under this legislation would be detriggered because the overall unemployment rate is falling below 4½ percent—or financial assistance will otherwise no longer be available under the legislation, maximum efforts shall be made to locate employment or training opportunities not supported under this legislation, and persons who have been employed in public service jobs under the legislation shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

Subsection (b) provides that the Secretary shall review the implementation of the procedures established under subsection (a) at intervals six months after funds are first obligated under this legislation and at six month intervals thereafter.

Subsection (c) provides for the Secretary to reserve such amounts as he may deem necessary to provide for a continuing evaluation of programs assisted under this legislation and their impact on related programs.

Section 11. Special provisions

This section contains general and administrative provisions.

Section 12. Special report

This section provides that the Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this legislation, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, and the extent to which segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of the legislation.

Section 13. Definitions

This section contains definitions of terms used in the legislation.

The term "public service" is defined as including but not limited to work in such fields as environmental quality, health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

The term "unemployed persons" means (A) persons who are without jobs and who want and are available for work, and (B) adults who or whose families receive welfare assistance benefits who are determined by the Secretary of Labor (in consultation with the Secretary of Health, Education, and Welfare) to be available for work, and who are either persons without jobs or persons at work in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance. The determination of whether persons are "without jobs" shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed. This definition of "unemployed persons" is not applicable to the term "rate of national unemployment (seasonally adjusted)" used in the triggering provisions of section 4, which term refers to the seasonally adjusted unemployment statistics announced by the Bureau of Labor Statistics on a monthly basis.

Section 14. Effective date

This section provides that the legislation shall be effective upon enactment and makes clear that the determinations with respect to the triggering provisions of section 4(b) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to such enactment.

GREEK RESISTANCE LIVES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EDWARDS of California. Mr. Speaker, for the many millions of the people of the world who love Greece and who pray for that great country's return to representative government, the voice of Melina Mercouri is one of courage and hope. Indefatigable in her efforts to rally world opinion against the military junta that has now been in power in Greece for 4 years, Miss Mercouri has written for the New York Times of April 21, 1971, the following article that describes precisely the spirit of resistance that still resides in that unhappy land:

Greek Resistance Lives

(By Melina Mercouri)

PARIS.—We once had an unwelcome guest in our house. It was during the wartime occupation of Greece by the Germans. Nazi officers were billeted in people's homes. We drew Gunther. Gunther had a constant need to prove that he was of the "master race." He did so by brandishing an enormous revolver and commanding us to watch him urinate on the living room floor. Then he would wave to us with the revolver and say:

"If you don't like it, why don't you do something about it?"

I am reminded of Gunther when friends, or pretended friends, ask: "If the Greek people detest the colonels' regime so much, why don't they do something about it?"

Any fairly impartial observer of the Greek scene will tell you that at least, I repeat, at least 90 per cent of the Greek people oppose the regime, which took power in a coup four years ago today. Yet to date there has been no large manifestation of resistance. Can one then deduce that the Greek is a coward? Let anyone tempted to think so study the record of Greek resistance against the Nazis. Their courage was an inspiration to all of Europe. Their efficiency was applauded by Churchill. Hitler, in what he considered praise for the Greek fighter, spoke of his "contempt for death."

No, we Greeks have no death wish. We equate love of liberty with love of life. The Greek is only too well aware that the colonels' regime subsists only by force of arms, by court-martial and by torture. He knows that Mr. Papadopoulos, who was the coordinator of the C.I.A., with the Greek intelligence service, K.Y.P., was an able student.

He has created a vast spy system in Greece. Spies are present in every office, in every class of every school, in sports clubs, in municipal administrations, in public places. The tourist, seduced by the sun and beauty of Greece, may not know that the waiter who serves him an ouzo, or the taxi driver who takes him to the Acropolis, could be on the spy payroll. But the Greek knows it.

Yet if active resistance is slow and cautious in forming, the Greek has used another weapon, the weapon of isolation. The colonels are isolated. They have only their tanks and their spies. Not one single politician of any stature has in any way joined or given support to the regime.

Who supports them? Sad to say, their bulwark is the American State Department and the American Pentagon.

Spokesmen for the State Department, in justification of heavy arms shipments to Greece, have stated that the Greek regime was moving toward democracy. Permit me to say that not only is this not true, but also the State Department knows it's not true. Of course it would prefer that the colonels erect a more presentable facade, but so far the results have been pitiful.

There are many Americans who deplore and militate against their Government's support of the Greek junta. We know them and cherish them. There are others who say:

"Of course we hate dictatorships, but there are military considerations. Greece occupies a strategic position. It is the southeastern flank of NATO."

Let us then forget human considerations, or moral considerations. In this foolish age when peoples assign their destinies to Pentagon determination, let us have a look at military considerations. In time of crisis, what kind of ally could the present Greek regime be?

The junta, to stay alive, had to purge 2,000 officers from the Greek Army. These included the very best of the NATO-trained forces. Does not military consideration compel an examination of what this means to the efficiency of the Greek Army?

To name all the officers purged or imprisoned by the junta would make a very long list, but it is a list of men whose hostility will one day explode. They resent bitterly that the junta, to maintain power, has resorted to bribe and purchase. Those who were not purged saw their salaries tripled. Does a mercenary army make a reliable ally? I submit that for military consideration.

But there is a longer list. It numbers eight million. These are the Greek people. They, who once admired the Americans, now see them as the main support of their oppressors. Admiration has turned to rancor. If in time of crisis the American Pentagon believes that the Greek people would support a hated regime, or would forgive the country that armed them, they are making a historic blunder, a blunder of monumental proportions.

If the moment comes in which the junta has to divert its rigid surveillance of the Greek people because its army is needed elsewhere, then as surely as night follows day the Greek people will rise up and crush them. On that day the question will no longer be asked: where is the Greek resistance?

GOODBY TO THE WILD HORSE?

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BARING. Mr. Speaker, in line with the recent hearings in the House and Senate Interior Committees on legislation for the protection of wild horses, I believe this article which appeared in the Reader's Digest of May 1971, by Hope Ryden, might be of interest:

Good-By to the Wild Horse?

(By Hope Ryden)

On the vast open reaches of Texas' Fort Hood military base, in what was until recently the heartland of the famed mustang, only one wild horse is left. This venerable bay stallion has avoided capture and shipment to a pet-food plant for so long that the military have dubbed him "Born Free." The name is appropriate. Despite advanced age, the defiant creature still rears on his hind legs to paw a challenge at helicopters that approach too close.

A century ago, millions of wild horses ranged over the West. Today, scattered across 11 states, only about 16,000 remain. And they are going fast. A 1959 federal law, supposedly designed to protect them, is so full of loopholes and so callously flouted that its actual effect is to speed the horses' destruction.

The mustang is a paradox. He has been idealized in legends, books and movies. Yet his enemies are formidable. Stockmen regard him as a competitor for their herd's grass, despite the fact that he has been pushed into barren areas of little value. Some sportsmen's associations want the horse destroyed so his last retreats can be filled with game animals. Horsehunters run him to exhaustion from airplanes and helicopters, then sell his flesh to dog-food canneries and mink farms.

I first became aware of the wild horses' plight in the summer of 1968. At my ABC news studio in New York, I got a phone call from a special agent for the International Society for the Protection of Animals. "You'd be interested to know," he said, "that 200 wild horses are about to be rounded up and auctioned to dog-food canneries by the U.S. government." The horses, he explained, were located on the Montana-Wyoming border, in the federally owner Pryor Mountains. Officials of the Bureau of Land Management were insisting that the horses had destroyed the vegetation so badly that erosion was setting in. By eliminating the horses, they could "upgrade" the area and lease it to ranchers for grazing.

I flew West with a TV film crew to cover the Pryor mustang story. Little did I realize the battle I was getting into, or that further investigation would lead me into all 11 states where the wild horses remain.

BRIGHTER IMAGE

When I arrived in the Pryor Mountains, Dean Bibles, then BLM district manager in Billings, took me up onto the barren, 8000-foot-high slopes. The area *was* eroded-looking, the grass sparse, the sagebrush stunted. It was hard to believe that anything could survive there. Then, suddenly, there they were—the first wild horses I had ever seen! And they were spectacular. Sweeping across the mountain slope, tails and manes streaming, screaming with an exuberance never heard in any pasture—in the brief instant before they disappeared, those horses brightened my whole image of modern America. Our streams may be polluted, I thought, our air dirty, our landscapes tamed. Yet we still have wild horses.

The sight of them carried my thoughts back to the dawn of American history, and to the colorful role these horses played in it. Although few people realize it, horses actually evolved as a species in North America, eventually spreading over a then-existing land bridge into Asia and Europe. About 8000 years ago, however, America's horses died out, possibly of an epidemic. Only when the Spanish arrived in North America in the 16th century, did the horse return to his primeval haunts.

The Spanish prized their Andalusian horse, and with good reason; he was a remarkably tough and agile animal. He was small, but what he lacked in size he more than made up in looks and can-do spirit. He had a wide, intelligent forehead, delicate flaring nostrils and small ears. He came in every shade, from solid black to the wildest appaloosas, paints, roans and buckskins. Fast and maneuverable, he could break trail tirelessly, cross mountain ranges unshod, survive desert treks without food or water.

Inevitably, some Andalusians ran away, or were stolen by Indians. And for many bloody decades the little horse helped the red man fight off white settlers. But despite their passion for their newly acquired horses, the Indians proved to be poor herdsmen. So, by the 19th century, huge herds of wild horses drifted over the West.

The white man was quick to use these available mustangs (from the Spanish *mesteño*). Indian ponies helped explorers Lewis and Clark, the early trappers, the cowboys, the Pony Express riders and untold numbers of pioneers to open the West. As I tramped over the Pryor Mountains and other wild-horse ranges, I learned much about the mustang's precarious way of life.

LORD AND MASTER

Each band is a harem of mares dominated by a single battle-scarred stallion who won't tolerate the approach of any other adult male horse. Only when a mare is about to give birth in the spring does the stallion allow her to roam from the harem. She then seeks a secluded spot where she drops her foal, often with another mare standing solicitously by as "aunt."

The stallion remains constantly on the lookout, not only for rival studs, but for men, wolves and mountain lions. When the herd must flee, its lead mare heads toward the nearest escape trail, while the others run single file behind her. The stallion takes the dangerous rear position; from there he can hurry his mares along or stop to make snorting stands against the enemy.

These bold stands have not, however, helped him against man. As far back as the 1880s, the government and cattlemen were slaughtering thousands of mustangs as part of an unofficial policy of starving the Plains Indians into submission in order to clear the area for cattle-raising. At the turn of the century, the killing slackened briefly as cowmen discovered that a gentled mustang made a superb working horse. But they insisted on "breeding him up" by turning big savalry and draft stallions loose with wild mares. Unfortunately, these breeding experiments raised a question that today has nearly sealed the mustangs' doom: Are the remaining horses really wild, or are they domestic? If they are domestic, who owns them?

The stockmen's associations early decided that *they* owned the horses; by range tradition, they had first claim to any unbranded steers in their vicinity. Why not horses, too? This fuzzy situation was clarified in the early 1900s, when Western states adopted laws which gave over to newly formed state livestock commissions all revenues from sales of "slick" (unbranded) domestic animals, including horses. Thus, despite centuries of freedom, the mustang is now legally defined as an "estray," or unbranded domestic animal. State livestock commissions have turned the job of mustang-catching over to professional horse-hunters, who retain sale profits in return for the "service" they perform.

The usual method of mustang-hunting is brutal in its simplicity. The hunters locate a herd by airplane, then buzz it repeatedly, sirens shrieking, to start a stampede. After blasting the stallion with buckshot, they drive the leaderless herd to the catching corrals—often a distance of many miles. Some horses, their lungs bursting from exhaustion, drop dead on the run. Others, piling into the corral, fight and trample each other. After the auction (they sell for a few cents a pound), the mustangs are roped and hobbled, dragged into trucks and hauled to the packing plant.

WILD HORSE ANNIE

In 1959, an attempt was made to outlaw airborne horse-hunting. A Nevada rancher named Velma Johnston (now known as "Wild Horse Annie") campaigned until she got Congress to pass a bill making it a federal offense to run wild unbranded horses with planes on public lands. But the Wild Horse Annie bill was only a stopgap prohibitive measure, not a protective one, and mustangers soon found loopholes galore. One tactic was to release a branded mare or two near a wild herd, and then corral them all. If accosted by a sheriff, the mustangers would claim that they were only gathering their own stock. Another scheme was to drive the wild horses onto private property and corral them openly.

Although Wild Horse Annie and her supporters continued to fight the anti-horse interests, they eventually came to realize that there is only one way to save the mustang: new legislation that will remove him from his perilous estray status and put him under the full protection of the Department of Interior. Some sportsmen's associations bitterly oppose this idea, maintaining that horses in wildlife refuges will destroy the forage and thwart efforts to build up target game.

REPRIEVE

This mustang-vs.-game controversy was at the heart of the bitter legal battle I became involved in when I went West to film the Pryor Mountain horses. During the filming, three facts became clear to me. First, claims made by BLM officials that elimination of the horses was "humane," because they were starving anyway, were nonsense; the horses were clearly in good condition. Second, although the area *was* undeniably scrubby, this could not be blamed primarily on the mustangs, but rather on normal land erosion and other factors. Third, even with the horses gone, the rugged Pryor slopes were simply too dry and steep to sustain cattle, and not craggy enough for the bighorn sheep that the state game officials hoped to introduce.

Armed with these facts, plus films of the mustangs themselves, I returned to New York and put together a news feature. It was aired by ABC on July 11, 1968, and for several weeks afterward both ABC and the BLM were deluged with letters from an outraged public.

At this point, the battle to save the Pryor horses moved to Washington; it really heated up when several powerful Congressmen and animal- and horse-protection organizations joined the fray. The upshot was that Secretary of the Interior Stewart Udall declared the Pryor Mountains a Wild Horse Refuge.

Thus, one little band of 200 horses has—for the moment—been saved. But individual battles on behalf of single bands of mustangs offer no real solution. Clearly, new legislation is required.

In the current session of Congress, several bills have been introduced in both the House and Senate. The strongest of these, according to Wild Horse Annie and many conservationists, is one sponsored by Sen. Henry M. Jackson (D., Wash.). Among other things, the Jackson bill would place the mustangs in a new category of protected animals called "national heritage species"—thus firmly closing off the horse-hunters' loopholes.

Some such law must be enacted—*soon*—if the mustangs are not to be lost forever. For their contribution to our history, for the way they have adapted to the harshest of environments, for their pure untamed magnificence, our wild horses deserve to be respected. And protected.

REPLY TO WTOP EDITORIALS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Benjamin Ginzburg, executive secretary of Accuracy in Media, a nonpartisan, nonprofit organization to promote accuracy in news reporting, located in my northern Virginia district, recently called my attention to an editorial broadcast on April 17 and 18, 1971, by WTOP-TV and WTOP radio, questioning the right of Congress to investigate charges of distortion and falsification leveled against radio and television stations. Mr. Ginzburg's organization requested and was granted permission by WTOP to present an opposing view.

As I believe all Members of this Congress, as well as all who read this RECORD, will be interested in exploring both sides of this question, I insert the editorial and the editorial reply, which was broadcast on April 26 and 27, 1971, at this point in the RECORD:

[A WTOP editorial, broadcast Apr. 17 and 18, 1971]

FIRST AMENDMENT ALSO PROTECTS BROADCASTERS

The hallowed American tradition of a free press *mut* be broad enough to include news on television and radio.

Congress has triggered that issue by demanding formally that CBS explain how it assembled the controversial television documentary called "The Selling of the Pentagon."

Congress wouldn't dream of such action had a major newspaper published an exactly identical report on the Pentagon, and the reason is the First Amendment to the U.S. Constitution. That amendment, which guarantees a free press, marks the key distinction between this nation and the dictatorial governments which dot the globe today.

Alert, vigorous, and unfettered news media are the best insurance against a tyranny in the United States. In current times, TV and radio have become the prime sources of news for most Americans. Broadcast journalism, therefore, must have the protection of the First Amendment.

The fact that the airwaves easily become overcrowded makes some regulation necessary. But it's a long and perilous jump from government allocation of available frequencies to government involvement with broadcast news.

Broadcast journalists—like all journalists—have heavy responsibilities. But the practice of journalism doesn't take place in a vacuum. Any news organization pays for sloppiness in reporting with a loss of its most precious asset—credibility.

The same non-governmental checks which have restrained irresponsible newspapers over almost two centuries operate today to restrain irresponsible electronic news organizations.

An intensive national debate is now taking place over the CBS documentary. Whether the program was fair or unfair will be decided ultimately by the public.

The First Amendment guarantees which protect newspapers from government must protect broadcast news with equal strength. The way the news is gathered by broadcasters is no proper business of Congress.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

[A WTOP editorial reply, broadcast Apr. 26 and 27, 1971]

(A recent WTOP Editorial said that Congress has no right to second-guess television newsmen in the gathering and preparation of news. An organization known as Accuracy in Media has a dissenting view, and has engaged *Mr. John Beinhardt* to present a reply.)

Accuracy in Media, a private organization which seeks to improve the accuracy of news reporting, supports the right of Congress to investigate charges of staging and distortion in TV news. The networks serve neither the public interest nor their own in refusing to cooperate in such investigations. They have a duty to quell public doubts about their credibility by proving the authenticity of their reporting and correcting any unprofessional practices.

CBS and NBC have been charged with fakery in two recent documentaries. Accuracy in Media has formally charged that the CBS documentary, "The Selling of the Pentagon," contains serious violations of the Television Code of the National Association of Broadcasters. We charge that CBS used "artifice" to mislead with respect to material facts. NBC has publicly admitted that part of the documentary, "Say Goodbye," was faked.

Congress has a duty to investigate such charges to determine how best to protect viewers, whose rights are paramount. Because the airwaves are not available to everyone, broadcasting, unlike other modes of expression, is subject to government regulation, to quote a Supreme Court decision. The Court has stated: "Differences in the characteristics of the news media justify differences in the first amendment standards applied to them."

The FCC has labeled deliberate slanting of the news "a fraud upon the public." Congressional investigations are needed from time to time to protect the public against fraudulent practices, including the staging and distortion of TV news.

Broadcasters with nothing to hide should not hesitate to cooperate in such investigations. Those who refuse to cooperate, claiming the protection of the first amendment, can only arouse suspicion and undermine their credibility.

COVERAGE OF PRESCRIPTION DRUGS UNDER MEDICARE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. HALPERN. Mr. Speaker, I wish to commend the distinguished gentleman from Wisconsin (Mr. Obey) for his exceptional articulation of this most pressing matter. I am pleased to join with him and with other Members in cosponsoring this important and much-needed amendment to the Social Security Act. This bill would expand the scope of the present medicare program to include the costs of outpatient prescription drugs required by present and future beneficiaries.

Prescription drugs now represent the largest single personal health expenditure that the elderly must meet almost entirely from their own resources. Average annual per capita drug expenditures for persons over 65 are more than three times that of the younger population groups. It is true, of course, that many older people have purchased on their own additional health insurance protection over and above that afforded by medicare. The Social Security Administration recently reported that the net number of persons with additional hospital protection, for example, is nearly 10 million. But only about 3 million older people have managed to obtain out-of-hospital drug insurance, or only about 15 percent of the elderly.

For many beneficiaries, and particularly for those with chronic conditions, annual drug outlays may reach several hundreds of dollars. And these expenditures are in addition to whatever other deductibles and coinsurance costs older people are now being asked to pay under medicare. Many of the aged must get along on social security cash benefits and perhaps some meager savings—major drug expenses can literally destroy the financial security of the retired husband and wife.

Study after study has shown clearly that there is a need for this sort of legislation. Congress has repeatedly postponed action nevertheless. I say that further delay is totally unjustified. H.R. 2355 has been carefully drafted and designed to meet most of the problems regarding administration of a drug benefit pointed out 2 years ago by the Task Force on Prescription Drugs. It is, therefore, a feasible, as well as desirable, revision in the medicare protection scheme.

The bill proposes to extend the "vendor" concept to the provision of pharmaceutical services for medicare beneficiaries. The administrative arrangements for the program, therefore, would not involve the beneficiaries, just as they are not involved when these people are patients of hospitals or extended-care facilities. Individual recordkeeping and filing would, thereby, be eliminated.

This bill is, Mr. Speaker, an important piece of legislation, and I commend it to the Members for their careful consideration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Tuesday, May 4, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Ellender).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator Spirit, Thou Light of the World and Revealer of Truth, we thank Thee for the occasional dazzling flashes of pure beauty, pure goodness, pure love, which show us who Thou art and what Thou dost desire of us. We thank Thee that the vision of Thy holiness throws into vivid contrast the cruelty, the horror, the greed, the oppression, the ugliness which still stain the life of man and efface the divine image of Thy creation.

Help us to hear Thy call and to say with the prophet, "Here am I, send me." Send us, O Lord, into this very world to help remake it. When Thou hast shown us the way, help us to do the right though difficult thing, to give the unpopular message in the uncongenial place, to sacrifice our personal advantage when sacrifice is the only way to redemption, to do what we do for the good of the Nation and the welfare of mankind.

We pray in Thy holy name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Agriculture and Forestry.

(The nominations received today appear at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes;

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel;

H.R. 1100. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes;

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes;

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79-A, 153, 158, 209, and 231, and for other purposes;

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18-A, 113, and 191, and for other purposes;

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes; and

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316-A, 317, 145, 193, and 318.

The message also announced that the House had agreed to House Resolution 414, that the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands, in the opinion of the House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of the House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel. Referred to the Committee on Commerce.

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes. Referred to the Committee on Post Office and Civil Service.

H.R. 1100. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40–K, and for other purposes;

H.R. 1444. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92; and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes;

H.R. 4353. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets Nos. 79–A, 153, 158, 209, and 231, and for other purposes;

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18–A, 113, and 191, and for other purposes; and

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission docket Nos. 316, 316–A, 317, 145, 193, and 318. Referred to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 3, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR BROCK AND SENATOR TAFT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and disposition of the Journal on tomorrow, and the recognition of the joint leadership, the distinguished Senator from Tennessee (Mr. Brock) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Ohio (Mr. Taft) to be recognized for a like period of time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. Scott) desire to be recognized at this time under the standing order?

FREIGHT CAR CORPORATION

Mr. SCOTT. Mr. President, I have joined with the distinguished chairman of the Senate Commerce Committee (Mr. Magnuson) as a cosponsor of his bill (S. 1729) to establish a National Freight Car Corporation. I am pleased to note that Senators from both political parties are sharing as cosponsors in this effort.

As a former member, I am fully familiar with the considerable effort which the Commerce Committee has made in past sessions to find a workable solution to the chronic shortage of railroad freight cars. The Nation is faced with a paradox that finds on the one hand a genuine shortage of cars where needed, and on the other, too frequently, too little usage of cars actually available. There is every reason to believe that this situation will worsen unless Congress acts effectively to meet a potential crisis affecting not only the railroads and shippers, but ultimately the American consumer.

As with all complex problems, it is doubtful that this one yields to any single solution on which all could agree. Certainly, however, the approach proposed in S. 1729 warrants the fullest consideration. Congress has already established, through legislation which I supported last year, a National Rail Passenger Corporation to deal with the difficulties facing the passenger segment of the rail industry.

What is being proposed in S. 1729 is a similar corporation that could serve, for the first time, as a source for badly needed new freight rolling stock. Equally intriguing is the bill's proposal for a computerized identification control system which would make it possible, on a nationwide basis, to locate unused freight cars and to greatly increase their utilization. I am aware that similar efforts are already underway within the industry, and I believe that these should be encouraged.

I recognize that the financing provisions of this legislation are more controversial, especially those which would increase railroad per diem costs. On these, I must express some reservations. I am concerned especially that the proposed per diem surcharge may prove to be too great a burden for railroads already in or faced with the prospect of bankruptcy. I am confident, however, that this matter will be thoroughly examined in any forthcoming hearings by the Senate Commerce Committee, and I cosponsor this legislation with this in mind.

OUR CHINA POLICY

Mr. SCOTT. Mr. President, in addressing the joint luncheon of advertising clubs of Greater Boston and the New England Broadcasting Association in Boston, Mass., our distinguished colleague, Senator Brooke, made a searching review of our past and present policy in regard to mainland China. These views, while not necessarily shared in full by me, are an important contribution to our thinking.

I ask unanimous consent that the full text of Senator Brooke's remarks be printed in the Record.

There being no objection, Senator Brooke's remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Brooke

During his campaign for the Presidency in 1968, Richard M. Nixon stated a profound but at the time almost heretical truth:

". . . taking the long view we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates, and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation."

With a few modifications, we might apply these same words to ourselves. For we, too, have "nurtured fantasies," "cherished hates," posed a threat—perhaps unintentional but no less real—to the Mainland Chinese, and done more than any other nation to isolate the peoples and the government of China.

For 22 years we have not had a policy toward China, but a program of contrived retaliation.

We have refused to recognize a government which for nearly a generation has exercised effective control over the largest nation in the world.

We have refused cultural contact with the oldest continuing civilization in the history of man.

We have criticized our allies and neutral nations alike when they sought out the natural, if still limited, markets which 800-million people provide.

And then, the ultimate irony: we have argued that China merits isolation because it is a revolutionary power seeking to change the world order. If the world order from our perspective were such as I have described, would we not find it in our interests to foment change?

I do not speak today as an apologist for Communist China. The regime of Mao Tse-tung is harsh and demanding, stern and dictatorial. China is the self-proclaimed leader of a world revolution. It is the country once described by its own (former) Minister of Communications as: "a country of 500-million slaves ruled by a Single God [Mao Tse-tung] and 9-million Puritans [the Communist Party]." Leaving ideology aside and looking at China only in traditional, geopolitical terms, it represents a natural rival of the United States. With one-quarter of the world's population and vast, largely untapped natural resources, it faces us across the Pacific Ocean as a real rival for control of the landmass of Asia, and a potential rival for control of the sea as well.

Toward such a power, isolation in self-defeating. Intransigence is hurtful to ourselves.

In the West we have a popular maxim—in three words: "know your enemy." The Chinese sages have said the same thing in a more courteous way: "I am not concerned that the man does not know of me. I am concerned that I do not know of him."

We would do well to heed the advice of such universal wisdom: we need to know more about China, and to formulate an effective policy on the basis of that knowledge.

In 1949, when Mao Tse-tung took over the Mainland, we believed and hoped that by denying his government diplomatic recognition we could facilitate its downfall. Twenty-two years later, through many reverses, that government still stands.

In the early 1950's we engaged in a land war to prevent the expansion of Communist control over all Korea. We found ourselves engaged against Chinese troops. They withdrew and so did we. But the lesson of the Yalu is that, short of nuclear war, military containment will not work.

Toward the end of that decade and into the 1960's we and the Soviets alike practiced technological containment. The Nuclear Test-Ban Treaty, the Non-Proliferation Treaty, and the Soviet's firm refusal to share their nuclear research with the Chinese were all part of a plan to maintain the nuclear predominance of the two super-powers. But China had scientists who were trained in the West. And combining their ingenuity, Mainland China developed a nuclear capability. They now have missiles with an estimated 6,000 mile range and rockets powerful enough to launch earth satellites.

We have heard a great deal in recent weeks about a "new China policy". It is said that our "trade policy" has been modified to permit exchange of goods with the Mainland; that our "policy" toward admission to China to the UN has been the subject of a recommended reversal; that our "policy" on permitting travel to China has been quietly revised.

But in each of these instances the word "policy" has been grossly misused. For policy is really an established goal and a rational means for its achievement. To use the word to describe minor modifications of outstanding regulations is to obscure the fundamental changes that are occurring and at the same time to attach undeserved importance to the symptoms of that change.

I submit that our policy toward China *has* changed. It has been a fundamental change that may well be the single most significant legacy of the present Administration. But that change cannot be understood, nor can it be facilitated, if we mistake form for substance.

Very simply, the Nixon Administration has completely reversed the policy of isolation which has prevailed under four previous Presidents. It has done so with a conscious goal in mind, and through the use of rational means to achieve that goal.

Our government now knows the keen irrelevance of isolation and has rejected that program. And in its place there has been substituted a policy geared to including China in the counsels of the world.

Our ultimate goal is peace. The means we have chosen to achieve it is a strong deterrent combined with searching dialogue to discover our mutual interests.

I am not one who believes that the exchange of a few scholars and newsmen, or the reduction of barriers to trade, will reform the Chinese. Their grievances against the West—the product of a ruthless and humiliating colonial period—are far too real. And their fantasies regarding our continuing objectives in Asia have received too much reinforcement—in Korea, Formosa, Vietnam, Laos, and Cambodia to name but a few—for us to allay their fears with a few moderate pronouncements.

But I *do* believe that if we would improve our chance of achieving peace, we must operate from an understanding of both the short-range and the long-range benefits which our new policy can bring.

Most frequently cited as a possible benefit is the idea that if China were widely accepted politically it would be less fearful and therefore less hostile. But there is no indication that China is motivated by *fear*. Quite the contrary. They are motivated by faith that theirs is the way to economic development and political supremacy. They believe that the future belongs to them—that the East Wind will prevail over the West—and their revolutionary strategy is one of maximum flexibility. "When the enemy advances, we retreat; when the enemy retreats, we pursue," and wherever "the enemy is settled we harass." Korea, India, Africa, Quemoy and Matsu—and Southeast Asia by proxy—provide a continuing testimony to the durability of this doctrine. It is a teaching of Mao, embedded in the consciousness of modern China. We should expect no immediate modification.

There is another theory: that when China is sufficiently developed economically, like the Soviet Union today, it will have more to lose than to gain from turmoil and conflict and will therefore be less aggressive. It took the Soviet Union fifty years to reach that point. But Russia was a Western power with a more developed industry, a larger territory, and a considerably smaller and more manageable population. The revolution in China is only 22 years old and it is built on a very different foundation. Though China's GNP has shown remarkable growth in recent years, to the point where it exceeds the production of most Western European nations, her per capita income of $100 per year still places her among the poorest nations. What it has taken Russia fifty years to achieve, it may well take China a hundred years or more. And so, we cannot count on the mitigating effects of economic development to moderate China's policies in the foreseeable future. This, too, must remain a long-range goal.

But these are not the only alternatives available for achieving a modification of China's revolutionary role in the world today. In simple terms, we are playing to a larger audience than Peking.

There is, first of all, the world: our allies, the Asian countries, and neutral nations around the world who have, in popular parlance, been "turned off" by our intransigence on the China question. The rest of the world sees China for what it is: a populous, potentially powerful revolutionary state whose ostracism by the leading western nations has made it a magnet attracting the support and earning the respect of the West's most fervent critics.

A U.S.-China accommodation would do much to defuse this dynamic situation. It could make China more "respectable", and therefore less appealing in radical eyes. It could help to destroy the all too simple equation: "pro-change equals anti-U.S.". It would demonstrate more clearly than all our pronouncements that we accept and understand a pluralistic political world. Taken all together, accommodation with Communist China can be the first significant break in the anti-U.S. chain that has bound the world's revolutionary elites, and has posed a very real danger to our way of life.

Yet this is not really a gain, but an equalization, a restoration of a balance whose past disequilibrium was the product of our own backward movement. We must now move forward on a number of fronts if we would enjoy the benefits of our present stance.

In recent weeks President Nixon has proposed specific programs designed to bridge the barriers that have divided us from China.

However we are dealing with a totalitarian society and therefore we must not deceive ourselves into believing that the Chinese will prove readily receptive to western ideas. American tourists in Peking may show to the Chinese people that Americans are devoid of horns! But China has never had a democratic, individualist tradition, and we should not expect that cultural exchange will lead to a new revolution that is pro-west. Rather, through the exchange of scholars, newsmen and private citizens, we ourselves have much to gain from their ancient culture and much to learn of their present way of life.

Likewise, the relaxation of trade restrictions will not lead to a great upsurge in economic contact and mutual exchange. The Chinese have been far more conscious than we of the benefits of a favorable balance of trade. Not once in the last 22 years have their imports exceeded their exports, and they have made a conscious effort not only to maintain an overall balance, but to keep trade with Communist and non-Communist regions, and even with individual countries, roughly in balance. Thus, if we are to acquire a portion of the Chinese market, it must be accomplished in one of two ways: either we must import goods from China which are roughly equivalent in value to the products we would sell to them, or we must compete successfully with other Western nations for their share of the Chinese market.

The value of China's foreign trade has averaged approximately $4 billion per year over the last decade. And the direction of that trade has changed drastically and encouragingly: throughout the 1950's the Communist bloc states accounted for nearly ¾ of China's foreign exchange, but since 1960, the balance has swung heavily in favor of the West. Japan and West Germany are China's two largest trading partners, with Britain, Australia and Canada close behind. Proportionately, the *West* now accounts for ¾ of China's trade. It is time for us to participate in this market.

Our political relationship with China is still the major unresolved issue between our two countries. Actually there are two specific issues: recognition of Communist China, and its admission to the United Nations.

Fifty-nine nations in the world presently have diplomatic relations with, or recognize, Mainland China. Of these, seven are members of NATO and our closest allies: Britain, Canada, Italy, France, Denmark, Norway and the Netherlands. Eight nations have extended recognition within the last two years.

Ideally, we should follow suit and recognize Communist China. But practically there are still impediments to such a step on the part of both powers: China is bound by its support of North Vietnam, and we are bound by our support of Formosa, or Taiwan.

Taiwan is one of our most difficult foreign policy questions. Chiang Kai-shek was a wartime ally who shortly thereafter lost his country in civil strife. For twenty-two years we have supported his regime on the offshore Chinese island of Taiwan.

The Nationalist Chinese have lived for years with a faith and hope of returning to the Mainland. For them recognition as the legitimate government of China is the fiction which maintains them. Consistently they have severed relations with the nations which have recognized Communist China.

But a prolongation of this course can only mean the virtual isolation of Taiwan—and of the United States as her protector. Isolation, intransigence, inflexibility on the part of Taiwan can mean economic and political stagnation, and even revolution. Taiwan must move toward acceptance of dual recognition. And we must persuade her to do it—in her interest and our own.

In the United Nations, the question of admission is likely to arise and be resolved within a year—or at most, two. From only 11 nations supporting China's admission in 1951. the number in 1970 was 51 and for the first time constituted a majority of the voting states. Among those either voting in favor or abstaining were also a majority of our NATO allies—despite our best efforts to the contrary.

The United States has nothing to gain from continued opposition to the seating of Communist China. We are only isolating ourselves, appearing irrational in the eyes of the world, and denying the very real benefits of China's participation in world affairs. Mainland China has reportedly made significant advances in medical research: it should be a part of the international conferences and organizations discussing this subject. Mainland China has a nuclear capability. To discuss arms control and disarmament without her participation is to put the negotiators at a serious disadvantage. Mainland China has food surpluses, new production techniques, and an extraordinary culture; it makes no sense to deny these benefits to the nations and peoples of the world.

We have two courses of action available to us, either of which would accomplish the result of China's admission to the U.N. First we can simply let it be known that we will no longer oppose the seating of Mainland China and its assumption of China's seat in the

Security Council. This course of action would require that we simply abstain when the matter once again comes to a vote.

But the resolutions on seating Communist China have consistently contained a second operative clause: the expulsion of Nationalist China. It is for this reason that I favor a second course of action which is more constructive and more in keeping with our long-time policy. The United States should sponsor a resolution of its own: admitting Mainland China, granting it a Security Council seat, but providing for the continued membership of Taiwan in the General Assembly. This removes from us the onus of obstructing the admission of the most populous nation in the world, and it would place the ball squarely in the court of Peking and Taipei for determination as to which, or both, would accept membership on those terms. The alternative for the U.S. is to delay Peking's admission for at best a year or two, and to suffer inglorious defeat at the hands of world democracy. The price is one we should not have to pay.

Finally, I would turn to a course of action which does not involve our direct relations with China, but may in the long run be the most significant course we choose. Put in simplest terms, we cannot harness this country to the containment of change. We cannot see in every revolution a communist threat; we cannot paint each socialist ruler red. To do so is to attribute extraordinary power to the revolutionary influence of Communism—and not coincidentally, to encourage every proponent of change to look to our adversaries for assistance. The Department of Defense, in 1966, conducted a study of the 149 serious internal insurgencies which had occurred over the last several years. They found that Communists were involved—not leading, not dominating, not initiating, but only *involved*—in 38 percent of these insurgencies. And this figure included seven instances in which a Communist government was itself the target of the uprising.

We must realize that we live in revolutionary times. That change, often violent change, is inevitable in the developing world. And we must understand that the Communists can capitalize on this condition only if we permit them to do so—through supporting unpopular governments because they are "stable", or "pro-West", through branding every nationalist leader as a Communist; through making economic aid conditional on support of our politics.

More than a single policy is at test in our relations with Communist China. It is up to us to prove our system works. What is at stake *is* our way of life. But it is being challenged in a way no ABM can counter, no radar can detect, no defense pact can deter. The challenge that is before us can be met. We must *begin* by improving our relations with Communist China. We must continue by countering their appeal with our own. We must understand the nature of the struggle and adapt our policies to meet it. And we *can* win.

REFERRAL OF SENATE RESOLUTION 112 TO COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, on behalf of the joint leadership, and with the approval of the chairman of the Committee on Rules and Administration, the distinguished Senator from North Carolina (Mr. JORDAN), I asked unanimous consent that Senate Resolution 112, to permit the appointment of Senate pages, without discrimination on account of sex, submitted by the distinguished Senator from New York (Mr. JAVITS) on yesterday, be referred to the Committee on Rules and Administration with instructions that it be reported from that committee to the calendar on Tuesday next, May 11, 1971.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from New York (Mr. BUCKLEY) for 15 minutes.

FIRST ANNIVERSARY OF THE KENT STATE TRAGEDY

Mr. BUCKLEY. Mr. President, a year ago today, four students lost their lives at Kent State University. Much has been written about their deaths, and about the weekend of rioting and violence which led up to the fatal confrontation.

To my mind, one of the most moving and perceptive statements of the true meaning of the tragedy, is an unpublished essay written a week after the event by a young New Yorker who was then an undergraduate at Kent State.

I would like to take the occasion of this sad anniversary to read this student's reflections into the RECORD:

> Today is Monday and I am afraid. Because I am a college student in 1970 and I should be doing something, but I don't know what. Projections into the future are blurred and distant, like the wrong end of a telescope. So I look backward for a clue. Travelling through twenty years of life seemed so easy and so natural. Why should twenty seconds of reflection now appear so painful?
>
> A single thought keeps running through my mind. It was something my father told me many times when I was a child. It seems so long ago and it never struck me as any kind of philosophical pearl one is inclined to string up along the way. This is what he said: "When I dropped a book in my home, my mother make me pick it up and kiss it. Never," he added, "without the admonition that the ideas and ideals in books are precious. They represent the advance of civilization, the recorded progress of mankind.
>
> Now until Kent State University was closed did I experience the full impact of what my father had been taught, and I through him. A childhood memory haunts me. My school is closed and I have lost my voice, my mentors, my audience, my fellows and my life's inspiration. I have dropped my books and much as I try I can't find them. So I ask myself painful questions. Is this the way of reason and logic? Are our schools destined to be politicalized? To become arenas of physical combat rather than intellectual development?
>
> What will become of 20,000 students who on that fateful Monday went to their classes, stayed in their dormitories, obeyed the regulations? The Class of '70 was erased in a single afternoon. Whatever their role in the tragic events that day, the body of undergraduates seeking their identity in the laboratories of society now walk around with the stigma of death and violence.
>
> We ask to be judged with equality, but receive instead equal punishment, and we feel lonely and abandoned. The politicians have embraced the generation gap, but does that mean we will be left out of the mainstream of society? This apparent end does not relate to any of the means.
>
> The radical segment of Kent State students sought a confrontation and succeeded. The students who died no longer have a say among the living, but as martyrs they will live on as symbols of our failures on the campus. Unfortunately, there were no victors, only losers. A battle cry is hardly sufficient reward for the living.
>
> I talked with some of the National Guardsmen. I thought, gee, they look just like we do, young, eager to get back to their education or jobs. Some asked how they might get to meet some of the coeds at Kent. Others asked about the town and the people. Afterward, I tried to rationalize the events of that day. The young men in uniform did not burn down school buildings. Nor did they smash through the business section of town, attack the firemen and police officers, or loot the stores. Yet, they will carry forever the memory of an act of war they neither wanted or wished for the rest of their lives.
>
> Since Kent was closed, I have cried myself to sleep more nights than I care to remember or admit, only to be awakened by nightmares. I can cope with the warm perspiration and the cold chill of fear in time, but the frustration of being dispossessed and the inability to correct an injustice to my University gnaw at my inner self.
>
> The students of Kent failed. Of this there is no doubt. The 95 percent who did nothing to cope with a wave of discontent as well as the 5 percent who did too much. But the failure has many authors. We had no student vote on whether to picket or demonstrate, so the democratic process was lost. The voice of reason, from our instructors, was silent. On the other hand, some faculty members were seen exhorting the fired radicals to smash the National Guard just before the rifles roared. What are the priorities of our teachers? To encourage intellectual exploration? To question and challenge? Certainly not to politicalize our schools, ignore our democratic ideals, overrule the authority of our parents, or deride our elected leaders. Are they not just as lacking in their responsibility if they see and hear nothing and thereby convey nothing?
>
> I have watched television newscasters and commentators, read newspaper accounts, listened to political spokesmen, but the questions remain unanswered. And so another Monday is here and I am afraid for myself, and for all our people.
>
> We have dropped our books and there they lie, filled with solutions and sanity and the hope of the future, but no one will bend.

I am deeply saddened, Mr. President, that this first anniversary of the Kent State tragedy should be marked here in Washington by a new resort to confrontation politics. The true lesson of Kent State, seared in the memory of this young student, is, of course, wholly lost upon those who would inflict their barbarities upon the Nation's Capital. But I trust that it will not be lost upon others who may be tempted from time to time to believe that disruption is a legitimate substitute for discussion. I trust, and believe, that the vast majority now understand that the cause of peace will not be advanced one iota by the threat to paralyze this city, while the attempt to carry out that threat could unleash the violence which here, as at Kent State, could still claim its victims.

I believe, moreover, that we have learned much in the last year. The demonstrators, by and large, have avoided the more flagrant acts of violence; and the forces of reason and order have made it clear that this Government does not intend to be intimidated, that it will not roll over and play dead at the command of the motley Pied Pipers who have ordained this demonstration. The sober firmness which has been exhibited by the authorities of this city and government has stripped confrontation politics of its glamor; and, hopefully, the sobering effect of this firmness will be to remind the country that it is time to back away from this springtime madness; that it is time to pick up the books.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Florida is recognized for not to exceed 15 minutes.

(The remarks of Mr. GURNEY when he introduced Senate Joint Resolution 91 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Pursuant to the previous order, the Senate will now proceed to the consideration of routine morning business, with the statements therein limited to 3 minutes.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow following the remarks of the distinguished Senator from Ohio (Mr. TAFT), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday following the remarks of the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED ASSISTANCE FOR VICTIMS OF UNEMPLOYMENT

Mr. TUNNEY. Mr. President, unemployment is a national disaster as devastating and disruptive as any caused by an earthquake or hurricane, and its victims must be helped.

They must receive Federal assistance on the same broad scale and effective measure as those who lose their homes and their possessions to natural havoc.

I wholeheartedly support legislation now being drafted by the Committee on Public Works to apply the principles of our Disaster Relief Act to the cataclysm of unemployment.

The legislation, I am sure, will be a legislative landmark in assisting the unemployed with mortgage payments, loans and income until they find new work.

I intend, however, to offer a far-reaching amendment that will bring direct assistance to those who may be among the most unfortunate of the unemployed—the victims of cutbacks in Government contracts or operations.

For many of these Americans, the prospects are dim they will get their old jobs back. This particularly applies to aerospace industries where the immediate prospect is for more unemployment, not less.

Specifically, my amendment would provide aid whenever substantial unemployment results from cutbacks in Federal contracts or curtailment or closing of military bases and other Government facilities.

As provided in the bill now being drafted by the Committee on Public Works, the aid would be sufficient to permit an unemployed person to retain his home, his family, and his dignity. He would receive unemployment compensation for as long as an employment crisis existed. His mortgage payments would be met for 12 months. Alternatively, he could receive a long-term, low-interest loan of 80 percent of his normal salary, up to $12,000 for 1 year.

This amendment will go a long way in shielding communities from the devastating effect of an abrupt cutback in Federal spending.

It will round out governmental responsibilities toward sustaining the economic equilibrium of communities that depend on Federal contracts or installations.

It will rescue workers who are swallowed into huge Federal procurements for weapons systems or aerospace systems only to be regurgitated when those programs are abandoned.

The dimensions of our national disaster in unemployment is indicated by grim statistics:

Five million unemployed nationally; 700,000 of them in California, an increase of 200,000 in 1 year. Nationally, 800,000 persons have lost defense-related jobs in the past year; in California, 172,000 aerospace workers have been thrown out of work since 1968, and the figure will reach 200,000 by the end of this year.

Of the jobless in California, 150,000 are not eligible for unemployment compensation, and many more have exhausted their benefits. Presently, the United States is utilizing less than three-quarters of its manufacturing capacity, but prices continue their inexorable rise—5.2 percent this past quarter.

The excruciating problems of unemployment have been under extensive review for the past 3 months by the Public Works Subcommittee on Economic Development, of which I am a member.

Subcommittee Chairman Senator MONTOYA held hearings in Raleigh, N.C.; Memphis, Tenn.; Wichita, Kens.; Albuquerque and Santa Fe, N. Mex.; Seattle, Wash.; Anchorage and Fairbanks, Alaska; and Los Angeles. This has been a tough-minded search for sound legislation.

My distinguished colleague and chairman of the Public Works Committee, Senator RANDOLPH, has personally participated in these hearings, as have I. Under his able leadership and that of Senator MONTOYA, the committee is now completing the unemployment disaster bill. As Chairman RANDOLPH has announced, the committee will hold final hearings on this major new legislation on May 12 in Washington. An outline of the legislation was adopted by the committee at a meeting on April 29.

I am delighted to have joined in this long effort, and I am pleased as well that we are now so near to major legislation.

The proposal which Senator RANDOLPH and the Public Works Committee are now considering would provide aid to economically distressed areas in the following manner:

First. Allow the President, with appropriate certification, to declare any area eligible for emergency aid which has suffered or will suffer an unusual or abrupt rise in unemployment so as to disrupt the economic life of the area. In making this judgment, the President must find that any of a series of specific economic events has occurred. For example, he would find that there has been or will be 6 percent or greater unemployment resulting from an abrupt rise in joblessness, over 6 of the last 12 months; or that unemployment had risen by 50 percent within the preceding year; or that Vietnam veteran unemployment had been 25 percent or more above the national average for 3 of the last 12 months.

Second. For any eligible area, a Federal coordinating officer can develop a swift survey of needed projects which will stimulate employment, and he would coordinate Federal and State employment aid.

Third. Massive Federal aid would flow immediately to eligible areas. These funds would pay for the lion's share of accelerated public works construction, and could pay for substantial financial aid to job-producing private organizations. Equally, Federal grants could underwrite massive programs of income maintenance to stretch out unemployment compensation; could allow Government funding of rent or mortgage payments for up to 12 months; or could provide a long-term, low-interest emergency loan to pay substantially all the normal salary of an individual for 12 months, up to $12,000 yearly. Repayment of his loan could be delayed until after the person receiving the loan found a new job.

These proposals build on the basic concepts of the Disaster Relief Act of 1970 which provides permanent authority for quick Federal aid to victims of natural disasters. My fellow Californians have been helped already by that program in the weeks following the tragic February earthquake.

I hope that these ideas will receive a broad welcome in the Senate. My distinguished colleague from Washington, Senator JACKSON, has already announced on April 14 to the Senate that he supports and will propose a Regional Economic Disaster Relief Act similar to the Federal aid program for natural disasters. I also recall hearing Governor Evans of Washington testifying before the Economic Development Subcommittee in our Seattle hearings that he likewise favored "economic disaster" legislation. Both of these distinguished leaders speak from harsh immediate experience, because Washington joins my State of California in suffering terribly from our present economic crisis. The support of Senator JACKSON for these ideas will be especially valuable in the Senate's consideration of these matters.

Beyond this, I believe my amendment will help those victims of unemployment in aerospace until that industry is revitalized through conversion to pollution controls, rapid transit and other domestic priorities.

I have discussed this amendment with the Senator from Tennessee (Mr. BAKER), ranking Republican on the Economic Development Subcommittee, and he expressed deep interest in it. It is my hope that the amendment will receive broad bipartisan support.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed and that after passage of several bills the morning business be resumed again, if need be.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, which will be stated by the clerk.

The assistant legislative clerk read as follows:

S. 421, to amend title 10 of the United States Code, to provide special health care benefits for certain surviving dependents.

The Senate resumed the consideration of the bill.

AN ACT RELATING TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 860.

The President pro tempore laid before the Senate a message from the House of Representatives that the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 860 was passed, together with third reading.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The bill is open to amendment.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to strike title 4 of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The amendment was read, as follows:

Beginning on page 15, line 1, strike all language through line 10, page 17.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD).

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 860) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 860

An act relating to the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ECONOMIC DEVELOPMENT OF TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 101. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is authorized to be appropriated to the Secretary of the Interior, for payment to the government of the Trust Territory of the Pacific Islands as a grant in accordance with the provisions of this title, an amount which when added to the development fund established pursuant to section 3 of the Act of August 22, 1964 (78 Stat. 601), as augmented by subsequent Federal grants, will create a total fund of $5,000,000, which shall thereafter be known as the Trust Territory Economic Development Loan Fund.

SEC. 102. The grant authorized by section 101 shall be made only after the government of the Trust Territory of the Pacific Islands has submitted to the Secretary of the Interior a plan for the use of the grant, and the plan has been approved by the Secretary. The plan shall provide among other things for a revolving fund to make loans or to guarantee loans to private enterprise. The term of any loan made pursuant to the plan shall not exceed twenty-five years.

SEC. 103. No loan or loan guarantee shall be made under this title to any applicant who does not satisfy the territorial administering agency that financing is otherwise unavailable on reasonable terms and conditions. No loan or loan guarantee shall exceed (1) the amount which can reasonably be expected to be repaid, (2) the minimum amount necessary to accomplish the purposes of this title, or 25 per centum of the funds appropriated pursuant to section 101. No loan guarantee shall guarantee more than 90 per centum of the outstanding amount of any loan, and the reserves maintained to guarantee the loan shall not be less than 25 per centum of the guarantee.

SEC. 104. The plan provided for in section 102 shall set forth such fiscal control and accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 105. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this title.

SEC. 106. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any relevant books, documents, papers, or records of the government of the Trust Territory of the Pacific Islands.

TITLE II—CONTRIBUTIONS TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Chapter 1.—EX GRATIA CONTRIBUTIONS

SEC. 201. The Congress recognizes and declares that—

(1) certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, now administered by the Secretary of the Interior, hereinafter referred to as the "Secretary", pursuant to the Act of June 30, 1954 (68 Stat. 330), as amended (48 U.S.C. 1681), suffered from the hostilities of the Second World War and the military occupation thereafter;

(2) the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

(3) the Governments of the United States and Japan have agreed to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services; and

(4) payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, and settlement of postwar claims, will meet a longstanding Micronesian grievance and will promote the welfare of the Micronesian people.

SEC. 202. (a) There is hereby authorized to be appropriated and paid into a Micronesian Special Fund the sum of $5,000,000, which shall be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended.

(b) Funds approximating $5,000,000 appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with section 2 of the Act of June 30, 1954, as amended, shall be paid into a Micronesian Special Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds, together with the sum appropriated pursuant to subsection (a) of this section, shall constitute the whole of the Micronesian Special Fund.

SEC. 203. (a) There is hereby established a Micronesian Special Commission, hereinafter referred to as the "Commission", for the purpose of determining the Micronesian inhabitants who are entitled to ex gratia contributions from the Micronesian Special Fund. The Commission shall be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No Commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for completing the work of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided*, That the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business: *Provided further*, That an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall complete its work as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this title.

SEC. 204. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates the various islands of Micronesia were secured by United States Armed Forces.

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this title as a person who—

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under subsection (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

(c) When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment from the Micronesian Special Fund as provided in this section, except that as to claims based on death up to $1,000 shall be certified to the Secretary and paid immediately upon adjudication.

(d) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Committees on Interior and Insular Affairs of the Senate and House of Representatives concerning its operations under this title. The Commission shall, upon completing its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount allowed thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(e) In the event that funds remain in the Micronesian Special Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Special Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims exceed a total of $10,000,000, the Secretary shall make pro rata payments.

(f) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 205. There are authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Commission and the Foreign Claims Settlement Commission under this Act.

SEC. 206. On view of the fact that the agreement for the payment of the ex gratia funds authorized by this chapter was negotiated by the Governments of the United States and Japan, and personnel appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands in filing all claims covered by either chapter 1 or chapter 2 of this title, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either chapter 1 or chapter 2 shall exceed, in total, 1 per centum of the amount paid on such claim or claims, pursuant to the provisions of this title. Fees already paid for such services shall be deducted from the amounts authorized by this title. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

Chapter 2.—POSTWAR CLAIMS

SEC. 207. In order to promote and maintain friendly relations by the settlement of meritorious postwar claims, the Micronesian Special Commission established by section 203 is authorized to consider, ascertain, adjust, and determine all claims by Micronesian inhabitants of the trust territory against the United States or the government of the Trust Territory of the Pacific Islands on account of damage to or loss or destruction of private property, both real and personal, or personal injury or death, including claims for a taking or for use or retention of property where no payments or inadequate payments have been made therefor, when such damage, loss, destruction, or injury was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, or military personnel or United States Government civilian employees, or employees of the trust territory government acting within the scope of their employment: *Provided*, That no claim shall be considered by the Commission unless it is presented in writing within the time provided in section 203(d) and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlement made by the Commission and any payments made by the Secretary under the authority of this title shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall not be subject to review.

SEC. 208. There are authorized to be appropriated $20,000,000, which shall be in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, and which shall be used by the Secretary to pay the claims allowed under section 207.

SEC. 209. Any funds appropriated for the purposes of this chapter which remain after the settlement of claims under the provisions of this chapter shall be covered into the Treasury of the United States.

TITLE III—FREE ENTRY OF CITIZENS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Sec. 301. The Act of June 27, 1952 (66 Stat. 163), as amended, is further amended by adding at the end of title II thereof the following new section 293:

"Sec. 293. (a) Nothing contained in this title, except for sections 212(a), (27), (28), and (29), 215, and 241(a)(1), (6), and (7) shall be construed to limit, restrict, deny, or affect the coming into or departure from the United States of a citizen of the Trust Territory of the Pacific Islands who presents a valid identity certificate issued by the High Commissioner of such territory: *Provided*, That nothing contained in this section shall be construed to give or to confer upon any such citizen any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"(b) The High Commissioner of the trust territory shall issue an identity permit, upon request, pursuant to such regulations as he may prescribe, to any citizen of such territory who resided in the territory on July 18, 1947, including a citizen temporarily absent from the islands on that date, and to any citizen of such territory who was subsequently born or naturalized there, if after that date or after his birth or naturalization he continued to reside in the trust territory or in the United States, its territories or possessions, and has taken no affirmative steps to acquire foreign nationality.

"(c) Any person who comes to the United States pursuant to the provisions of this section shall, upon completion of the residence and physical presence requirements of section 316(a) of this Act, be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such coming, for the purpose of petitioning for naturalization."

TITLE IV—NATIONALS AND CITIZENS OF TRUST TERRITORY OF THE PACIFIC ISLANDS SERVING IN THE ARMED FORCES

Sec. 401. Section 3253(c) of title 10, United States Code, is amended to read as follows:

"§ 3253(c). Army: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Army unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

Sec. 402. Section 8253(c) of title 10, United States Code, is amended to read as follows:

"§ 8253(c). Air Force: persons not qualified

"In time of peace, no person may be accepted for original enlistment in the Air Force unless he (1) is a citizen of the United States, (2) has been lawfully admitted to the United States for permanent residence under the applicable provisions of chapter 12 of title 8, (3) is a national of the United States, or (4) is a citizen of the Trust Territory of the Pacific Islands and presents a valid identity certificate issued by the High Commissioner of such trust territory."

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5674.

The PRESIDENT pro tempore laid before the Senate H.R. 5674, to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, was read the third time, and passed.

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 79, S. 699.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill S. 699 to require radio telephone on certain vessels while navigating upon specified waters of the United States.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, it was to this bill that I sought to add the Metcalf-Mansfield amendment which, if adopted, would have postponed the implementation of the so-called Amtrak rail passenger system. A bill identical in effect to the Metcalf-Mansfield amendment now appears on the calendar, identified as S. 1698. It is the Metcalf-Mansfield bill and should such a legislative vehicle be considered in the future, it would be unnecessary to retain on the calendar two identical proposals for our objectives. I, therefore, ask unanimous consent to withdraw the yeas and nays on my amendment to S. 699, and to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–78), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to reduce vessel collisions and mishaps by requiring that certain vessels be equipped with and monitor a bridge-to-bridge voice communication system while navigating upon specified waters of the United States.

BACKGROUND AND NEED FOR THE LEGISLATION

The need for this legislation is clear. Under present law, the statutory rules of the road require certain whistle signals to be sounded by vessels approaching each other. While this legislation would not alter the Rules of the Road, it would help supplement the inadequate system of conveying information that they provide. From 1965 to 1969, there were over 300 collisions between vessels that would be subject to the new radiotelephone requirement. These collisions resulted in 115 deaths and $20 million in property damage. In a number of cases, collisions also have resulted in substantial environmental damage through the spillage of oil and other cargoes, fire, and explosion. The committee received expert testimony which established that in the overwhelming majority of these cases, the ability to understand intentions between approaching vessels would have prevented these tragedies.

The efficacy of the type of system envisioned by the bill is demonstrated by the widespread voluntary use of radiotelephones on vessels and by successful experience where regional systems have been adopted. On the Great Lakes, where a regional system of bridge-to-bridge communication has been in effect for several years, very few collisions have occurred even though the water is heavily trafficked. Similarly, since the introduction of a voluntary radiotelephone system on Delaware River and Delaware Bay in 1960, the number of collisions in the area has been cut to a quarter of its former annual rate. This drop in collisions, extending over a 10-year period, is dramatic evidence of the effectiveness of bridge-to-bridge radiotelephone capability.

S. 699 was introduced at the request of the Department of Transportation. Similar legislation was endorsed by the President last year (H. Doc. 91–340) and was included in the President's first special message to the 92d Congress (H. Doc. 92–36). The National Transportation Safety Board, the Coast Guard, and Federal Communications Commission, as well as various labor and management groups in the vessel operation industry, all testified to the need for this legislation and in support of the bill.

WHAT THE BILL DOES

The bill would require that all power-driven vessels of 300 or more gross tons, all passenger vessels of 100 gross tons or more, all towing vessels of 26 feet or more in length, and all dredges or similar vessels likely to obstruct navigation be able to transmit and receive navigational information on a frequency or frequencies designated by the Federal Communications Commission in consultation with other cognizant agencies. The requirement would apply to the navigable waters of the United States inside the lines which demarcate the inland waters of the United States.

The bill would further require that the master or person in charge of the vessel, or the person designated by him to pilot the vessel, maintain a listening watch on the designated frequency. The watch would be required continuously while the vessel is navigating and the radiotelephone would be exclusively for the use of the persons named above for the exchange of navigational information. It is not intended to replace existing radio facilities or radio officers carried aboard vessels under existing law or agreements. The bill would also permit the use of portable equipment.

During the hearings on the bill, several witnesses raised narrow and special problems with respect to various provisions of the bill. A number of these were regional in nature, as in the case of the special conditions prevailing in New York and San Francisco or on the Great Lakes where an existing system, including an agreement with Canada, is already in effect. The committee believes that these special situations can best be dealt with administratively rather than legislatively. Section 7 of the bill provides that the Secretary may issue exemptions with respect to any provision of the act, upon such terms and conditions as he deems appropriate, if he considers that safety will not be adversely affected or where a local communication system complies with the intent of the legislation but does not conform in detail.

Some concern was also expressed with respect to the requirement of a continuous listening watch on the bridge-to-bridge channel. A similar bill in the 91st Congress would have permitted leaving the bridge-to-bridge channel when there was "no risk of collision." However, this rather ambiguous and subjective standard, requiring an ad hoc determination in each case, was opposed by the National Transportation Safety Board, Coast Guard, and Federal Communications Commission. The recent tragedy in San Francisco Bay, involving the collision of the *Arizona Standard* and the *Oregon Standard,* lent further support to the argument against inserting such language in S. 699. In that case, both vessels were equipped with radiotelephone devices, but apparently were not listening on the same frequency. The best radio equipment in the world is of little use if no one is listening.

While the committee therefore determined not to include statutory exceptions to the requirement for a continuous listening watch, it recognizes that some adjustments may be required in administration. For example, the committee received testimony relating to a specific problem that pilots may have when using portable equipment. Pilots are now using their portable radios both for meeting and passing purposes and also for exchanging navigational information with towboats and other land installations, and it may not be practicable to maintain a continuous listening watch on the bridge-to-bridge frequency at all times on this portable equipment. However, to the extent that adjustments are necessary, the committee believes that they can be more finely tailored, and that the interest of safety can best be served, by permitting administrative flexibility.

Similarly, there was testimony that the bill ought not to apply to towing vessels under 45 feet, particularly those engaged in certain logging operations and shipyard work outside normal channels of navigation. However, there are approximately 1,500 towing vessels between 26 and 45 feet in length and no information to suggest that all of them are engaged in these types of operations. In addition, from 1965 to 1969, these vessels were involved in 53 collisions resulting in $626,000 of property damage. Consequently, the committee determined not to exempt towing vessels under 45 feet, though an administrative exemption may prove appropriate in certain circumstances.

EXPLANATION OF AMENDMENTS

The committee made certain amendments to the legislation which are essentially technical or conforming in nature. At page 1, line 10, the committee amended the statement of purpose of the bill in section 2 to conform to section 4 by referring to a "frequency or frequencies". This is also intended to make clear that there is sufficient administrative flexibility to permit the use of separate calling and working frequencies if that becomes desirable. A similar amendment was not required to section 5 since the reference there could be interpreted to apply solely to a designated calling frequency.

The amendment at page 2, line 9, was to correct an erroneous section reference.

The amendment at page 2 line 16, deleting "at the waterline", was made at the suggestion of the Coast Guard because it is difficult to measure vessels in that manner and in order to better conform with other regulations.

The amendment at page 3 line 12, is intended to make clear that the radiotelephone is for the exclusive use of the master or person in charge of the vessel, or of the person designated by the master or person in charge to pilot or direct the movement of the vessel.

The amendment at page 3 line 20, is intended to make clear that the master is not personally required to do the physical work of restoring the radio but can cause it to be restored by another.

The amendment at page 5 lines 1 and 4, was requested by the Coast Guard to make clear that the maximum penalty for noncompliance need not be assessed in every case.

The amendment at page 5 line 11, establishes an effective date of May 1, 1971 or 6 months after the promulgation of regulations, whichever is later.

CONCLUSION

The increase in varieties and amounts of hazardous materials shipped on the navigable waters of the United States makes the need to prevent collisions one of urgent importance. The enormous amounts of petroleum products so carried and the potential for a catastrophic casualty in our inland and coastal waters is a matter of growing public concern. The threat of major pollution, and ever-present chance of fires and explosions of major proportions dictate the adoption of collision avoidance measures. The requirement of bridge-to-bridge radiotelephones is an important measure in the prevention of such possible collisions between vessels engaged in the transport of hazardous materials.

COST OF THE LEGISLATION

Enforcement of the legislation will not result in additional cost to the Government. Compliance by Government vessels will result in an initial one-time acquisition cost for radiotelephone equipment of approximately $300 per vessel for an estimated total cost of $500,000 for all Government vessels.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as amended, as follows:

S. 699

An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vessel Bridge-to-Bridge Radiotelephone Act".

Sec. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency *or frequencies* dedicated to the exchange of navigational information, on navigable waters of the United States.

Sec. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

Sec. 4. (a) Except as provided in section 7 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commissions, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

Sec. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

Sec. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

Sec. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

Sec. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

Sec. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of not more than $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of not more than $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

Sec. 10. This Act shall become effective May 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Nelson). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that there again be instituted a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Additional Findings of Fact in Docket No. 22-A, Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding Docket No. 22-A, the Jicarilla Apache Tribe of the Jicarilla Apache Reservation, N. Mex., plaintiff, against the United States of America, defendant (with an accompanying report); to the Committee on Appropriations.

National Capital Region Water and Waste Management Report

A letter from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the National Capital Region Water and Waste Management Report (with accompanying report); to the Committee on the District of Columbia.

Proposed District of Columbia Administrative Improvements Act

A letter from the Assistant to the Commissioner of the District of Columbia transmitting proposed legislation for improvements in the administration of the government of the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

Proposed Development of Personnel Dosimeter for Uranium Miners

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the University of San Francisco, San Francisco, Calif., for a research project entitled "Development of Personnel Dosimeter for Uranium Miners" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Veterans Medical Care Act of 1971

A letter from the Administrator, Veterans' Administration, submitting a draft of proposed legislation to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

EXECUTIVE REPORT OF A COMMITTEE

Mr. CHURCH. Mr. President, as in executive session, from the Committee on Foreign Relations I report Executive O, 81-1, "International Convention on the Prevention and Punishment of the Crime of Genocide." I ask unanimous consent that the report be printed together with individual views.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GURNEY:

S. 1754. A bill to convey reserved phosphate interests of the United States in certain nonphosphate lands in Highlands County, Fla. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHILES:

S. 1755. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; and

S. 1756. A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PEARSON:

S. 1757. A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

By Mr. FONG:

S. 1758. A bill for the relief of Benigno Domlao Jacinto;

S. 1759. A bill for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza;

S. 1760. A bill for the relief of Editha Espirito Rabara; and

S. 1761. A bill for the relief of Burgos Jose Maglay. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the Cache National Forest, Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 1763. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to. Referred to the Committee on Commerce.

By Mr. INOUYE (for himself, Mr. Beall, Mr. Eagleton, Mr. Percy, Mr. Stevenson, and Mr. Tunney):

S. 1764. A bill relating to the Federal payment for the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. BENNETT:

S. 1765. A bill for the relief of Takaaki Shiraki. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Proxmire, Mr. Tower, and Mr. Bennett):

S. 1766. A bill to provide for the striking of medals in commemoration of the Bicentennial of the American Revolution. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PELL:

S. 1767. A bill to amend title II of the Social Security Act to provide that benefits payable thereunder shall be periodically increased or decreased so as to correspond to increases or decreases in the cost of living; and

S. 1768. A bill to amend title II of the Social Security Act to increase the annual amount that individuals are permitted to earn without suffering deductions in the monthly benefits payable to them thereunder. Referred to the Committee on Finance.

By Mr. GURNEY (for himself, Mr. Pastore, Mr. Young, Mr. Dole, Mr. Thurmond, Mr. Buckley, Mr. Allott, Mr. Humphrey, Mr. Bible, Mr. Ervin, Mr. Bennett, Mr. Goldwater, Mr. Randolph, Mr. Stevens, Mr. Pell, and Mr. Javits):

S.J. Res. 91. A joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 1755. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; and

S. 1756. A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. CHILES. Mr. President, today, I am introducing the Student Assistance Act of 1971 and the Secondary Student Loan Market Act of 1971. Together, these bills give strength and substance to the present laws that provide for guaranteed student loans. The program for these insured loans is a good one but it needs some adjustment. Nevertheless, over the last 5 years that it has been in existence, it has grown from $77 million in 1966 to $863 million in the first 9 months of fiscal year 1971, for a cumulative of $3.15 billion. In 1970, there were 921,896 students receiving assistance from this program for a total of $840 million at a cost to the taxpayer of $74 million. The three other major programs, NDEA loans, college work study, and economic opportunity grants provided assistance to 1,121,000 students at a cost of $512 million. Dollar for dollar, the taxpayer's money goes further and to more students with the guaranteed student loan program than with any other form of student financial assistance.

The changes these bills provide for in the present legislation will enable more students and more lending institutions to join together in helping to insure that the financial barriers to higher education will become less and less significant.

Specifically, the Students Assistance Act of 1971 increases the amount of a loan to $2,500 for courses of study where costs are unusually high, insures the interest as well as the principle of the loan, removes restrictive repayment limits, provides an interest subsidy in times of a difficult economy, provides added income to insure the efficient operation of the Federal insured loan program, enables greater participation by lending institutions, gives the law some teeth so that nonqualified institutions can be removed from participation in the program, and significantly decreases the amount of paperwork for the lending institutions.

To solve the problem of banks becoming overloaded with student loan paper and not being able to liquidate it, my second bill would establish a secondary market for student loan notes. Such a vehicle would allow lending institutions to keep a certain percentage of their assets available for student loans without becoming overburdened with loan paper they cannot move.

I urge my distinguished colleagues in the Senate to join me in assisting the great many students who want to continue their educations and are willing to assume the responsibility for paying their way. With this legislation, we will be assisting those students who want to be a constructive part of our society.

Mr. President, I ask for unanimous consent that the two bills be printed in the RECORD, along with an explanation of the proposed legislation.

There being no objection, the bills and statement were ordered to be printed in the RECORD, as follows:

S. 1755

A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Loan Marketing Association Act of 1971".

SEC. 2. Title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part G:

"PART F—STUDENT LOAN MARKETING ASSOCIATION

"DECLARATION OF PURPOSE

"SEC. 471. Congress hereby declares that it is the purpose of this part to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans and provide liquidity for student loan investments.

"CREATION OF AGENCY

"SEC. 472. (a) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(b) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(c) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association.

"BOARD OF DIRECTORS

"SEC. 473. (a) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President.

"(b) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders under this Act, seven of educational institutions, and seven of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(c) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors.

"(d) At the time the event described in subsection (c) has occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(e) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and until their successors have been elected. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(f) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"FUNCTIONS

"SEC. 474. (a) The Association is authorized, subject to the provisions of this part, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured under this Act.

"(b) Any warehousing advance made under subsection (a) of this section shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"COMMON STOCK

"SEC. 475. (a) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under part B of title IV of this Act, pertaining to Guaranteed Student Loans, who are qualified as insured lenders under such part.

"(b) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in section 473(c).

"(c) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(d) To the extent that net income is earned and realized, subject to section 476(b), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"PREFERRED STOCK

"SEC. 476. (a) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(b) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(c) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"OBLIGATIONS

"SEC. 477. (a) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(b) The Secretary of Health, Education, and Welfare is authorized, on behalf of the United States, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection.

"(c) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"GENERAL POWERS

"Sec. 478. The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this part in any State without regard to any qualifications or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"AUDIT OF FINANCIAL TRANSACTIONS

"Sec. 479. (a) The financial transactions of the Association shall be audited by the Secretary of Health, Education, and Welfare in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(b) The expenses of any audit performed under the section shall be borne out of appropriations to the Department of Health, Education, and Welfare, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed in to the Treasury as miscellaneous receipts.

"AUDIT REPORT TO CONGRESS

"Sec. 480. A report of each such audit for a fiscal year shall be made by the Secretary of Health, Education, and Welfare to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of the Treasury and to the Association.

"OBLIGATIONS AS LAWFUL INVESTMENT, ACCEPTANCE AS SECURITY

"Sec. 481. All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the American pursuant to this part shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"PREPARATION OF OBLIGATIONS

"Sec. 482. In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"ANNUAL REPORT

"Sec. 483. The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.

"SEPARABILITY

"Sec. 484. If any provision of this part or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the part, and the application of such provisions to other persons or circumstances, shall not be affected.".

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

Sec. 3. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(d) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

S. 1756

A bill to amend the Higher Education Act of 1965 in order to strengthen the student insured loan program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be called the Student Loan Assistance Act of 1971."

Sec. 2. (a) The first sentence of section 424 (a) of the Higher Education Act of 1965 is amended by striking out the word "three" and inserting in lieu thereof the word "eight".

(b) The second sentence of section 424 (a) of such Act is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1980".

Sec. 3. (a) (1) The first sentence of section 425 (a) of the Higher Education Act of 1965 is amended by inserting immediately before the period a comma and the following: "except that pursuant to such regulations as the Commissioner may establish, such total in any academic year or its equivalent may exceed $1,500 but not $2,500 if the student has been accepted for enrollment or is attending an eligible institution taking a course of study for which the fees are unusually high."

(2) The second sentence of section 425 (a) of such Act is amended by inserting before the period therein a comma and the following: "except that in any case where the total of loans made to any student in any academic year exceeds $1,500, such aggregate shall not at any time exceed $10,000.

(b) (1) The first sentence of section 425 (b) of such Act is amended by inserting before the period thereof a comma and the words "plus interest".

(2) The second sentence of such section is amended to read as follows: "The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part.

Sec. 4. (a) Section 427 (a) (2) (B) of the Higher Education Act of 1965 is amended by striking out "less than 5 years", by striking out "(unless sooner repaid) was", and by striking out "earlier than 9 months nor".

(b) Section 427 (a) (2) (D) of such Act is amended by striking out "(but without thereby increasing the insurance liability under this part)".

SEC. 5. (a) Section 428 (a) (4) of the Higher Education Act of 1965 is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1976", and by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1980".

(b) Section 428 (b) (1) (D) is amended by striking out "less than 5 years nor" and by striking out "earlier than 9 months nor".

(c) Section 428 (b) (1) of such Act is amended (1) by striking out the word "and" in paragraph (J) thereof, (2) by striking out the period at the end of paragraph (K) of such section and inserting in lieu thereof a semicolon and the word "and," and (3) by adding at the end thereof the following new paragraph:

"(L) provides that the lender will not collect or attempt to collect from the borrower any portion of the interest on the note which is payable by the Commissioner under this part."

SEC. 6. Section 429 (c) of the Higher Education Act of 1965 is amended by striking out "one-fourth of 1 per centum" and inserting in lieu thereof "one-half of 1 per centum."

SEC. 7. Section 434 of the Higher Education Act of 1965 is amended by striking out "up to 15 per centum of their assets,".

SEC. 8. Section 430 (a) of the Higher Education Act of 1968 is amended by striking out "(other than interest added to principal)".

SEC. 9. Section 435 (a) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this part, whenever the Commissioner determines that it is necessary in order to carry out the purposes of this part and after affording an opportunity for a hearing he is authorized to suspend or terminate eligibility under this part for any single otherwise eligible institution.

SEC. 10. Section 2 (a) (7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1976".

SEC. 11. Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding the following new paragraph at the end thereof:

"(5) Loans under title II of the National Defense Education Act of 1958 or loans to which title IV of the Higher Education Act of 1965 is applicable."

EXPLANATION OF PROPOSED LEGISLATION

Higher education directly and indirectly benefits society by increasing the abilities of its citizens and providing higher levels of scientific and cultural achievement, as well as sounder laws and more meaningful public decisions.

The value of higher education is readily seen in rapidly increasing student enrollment. While in 1960 there was an estimated 3,570,000 students in our colleges and universities, now there are almost 7½ million and by 1980 it is projected there will be over 11,100,000. And it comes as no great surprise to us that we have tremendous problems as a result of such growth.

In 1969, for example, colleges and universities spent $20.4 billion, most of it from State and Federal sources. The cost of everything keeps going up and the institutions just naturally have to keep increasing student fees.

So, going to college gets more and more expensive, not just tuition fees but everything else. So what do we find? We find that a student from an upper-income family has a much greater chance of going than does a student from a low or middle income family. No matter that both young people may have substantially equal ability and potential for learning. But we want our young people to have the opportunity for education; we would like to see every single person who has the capability and desire to learn in an institution of higher learning. But it isn't working out just that way. At the elementary and secondary level, everybody pays for a public education system to which almost everyone goes. At the higher education level, however, the taxpayers pay for a higher education system to which anyone may be admitted but is more likely to serve those whose family has the means to get and keep them there.

Back in 1787, our country made a commitment to education with the Northwest Ordinance. To fulfill that commitment requires new ideas and dedication to the difficult job. We need to remove existing financial barriers to attendance; we need to increase the resources flowing into higher education; but at the same time we must maintain the uniqueness and diversity and autonomy of the individual institutions.

It would be too much, I am sure, to expect State and local governments to provide necessary funds to do the job. Even if it could be done at those levels, the major source of funds would probably be increased sales and property taxes, and this would hit another lick at low to moderate income families.

Recognition of the benefits of increased education should compel us at the federal level to provide the needed funds and resources for higher education because the states and localities by themselves cannot subsidize education at a desirable rate and because the methods they will most likely choose will not be the best one from the point of view of insuring the equality of opportunity and preserving the diversity of a partially private system.

With the dynamic growth of students who want to continue their education after high school, whether in colleges and universities or vocational and technical schools, the increasing cost of such education, the increasing incapabilities of schools to take care of the expanding numbers of students and the inability of families to foot the bill, it is imperative that we find ways to fulfill our country's commitment to education that dates back to 1787.

Today, I am introducing two pieces of legislation that will help develop greater sources of funds for students to finance their education. I have in the first piece of legislation attempted to remove the snags in the present public laws covering federally insured student loans. This is the technical part of the legislation that I'm offering, but even thought it is technical it adds considerably to the ability to provide funds to help our students.

Helping students finance their education through loans has been a practice of the federal government for a number of years. Presently, the most significant loan program is the federally insured student loans of the Office of Education in the Department of HEW.

This is an interesting program because it involves the cooperation of American business with the federal and state governments. The loans are obtained directly from a bank or other commercial lenders. The loan is guaranted by a state or private non-profit agency or is insured by the federal government; this protects the lender against loss by death or default of the borrower; second, the federal government assists some students with interest payments on their loan. Regulations governing the program vary from state to state but follow federal guidelines.

One is eligible to borrow if at least a half-time student at an eligible institution. A student with an adjusted family income of less than $15,000 a year is eligible also for Federal assistance with interest payments.

At present, up to $1,500 a year may generally be borrowed and the Federal Government pays the full rate of interest while the borrower is in school, if adjusted family income is less than $15,000.

Since 1966, when the program began, the number of loans has increased from 48,495 to 879,308 in the first nine months of this fiscal year. The amount in loans has grown from $77 million to $863 million at a cumulative cost of around $225 million for the five years of operation. This includes the special incentive allowance made to lenders. Seventy-one percent of these loans have gone to students with adjusted incomes of less than $9,000 and 45.3% to those with less than $6,000. Sixty percent of all the students are between 21 and 28 years old and 34% are between 18 and 20 years old. In the fiscal year 1970, 921,325 students received aid totaling $840 million which cost the taxpayers less than $74 million. The three other major programs—NDEA loans, college work study and educational opportunity grants provided aid to 1,121,000, a cost of $512 million. It is obvious that for each dollar expended there appears to be more aid generated by the federally insured loan program than practically all three other programs combined.

But even though the present legislation is doing a creditable job, there are points where it should be improved. My legislation makes those necessary changes: it increases the amount of a loan to $2,500 for courses of study where costs are unusually high, it insures the interest as well as the principal of the loan, it removes restrictive repayment limits, it provides an interest subsidy in times of a difficult economy, it provides added income to insure the efficient operation of the Federal insured loan program; it enables greater participation by lending institutions, it gives the law some teeth so that non-qualified institutions can be removed from participation in the program, and it significantly decreases the amount of paperwork for the lending institutions.

In the next ten years the growth in the total higher education student population will be around 8 million with most of these students coming from low-income families. The need for available resources is growing dynamically and the $3 billion that we have loaned out will seem trivial.

At the same time, banks and private lending institutions are becoming increasingly cautious about lending out more money.

The reason for this can be seen in the nature of the loan itself and in the failure to provide for a secondary market for the lending institutions. The loans can amount to $7,500 and it might be five to seven years before payments begin on the principle and 15 to 20 years before they are paid off. The thin profit and long term non-liquidity nature of these loans often prevent the lenders from even providing funds for their own customers.

Then, too, when a few banks in an area fail to participate in the program, their non-participation puts an increased burden upon other banks to service the needs of their own customers as well as the non-participating banks. In this way many banks have become overloaded with loans and loan requests before they have been able to take care of their customers.

In the biggest county in Florida, before this past March only 12 out of 67 banks participate in the program and the few that do cannot meet the overflowing demand.

This kind of program has done an initially effective job with limited program resources. It has grown amazingly in an extremely difficult economy. What it has been able to do in the past is only an indication of what it can do in the future.

Considering the nature of our society, its divergencies of resources, needs, desires and capabilities, any program that will provide aid to our students will of necessity have to be extremely flexible. Without the flexibility to change as the economy changes and the needs of the students change, any program of aid will become highly structured and thereby result in aid being available to a limited number of students who fulfill certain requirements or to students who were just lucky enough to get some money before it ran out.

By adding to the capabilities of the present student loan programs, namely the federally insured loans, we can manage the problem of getting money to the great many students who need it by using our present free enterprise structure of banks, savings and loan institutions, and other private lending agencies without an overwhelming dependence on a Federal bureaucratic structure.

To solve the problem of banks becoming overloaded with student loan paper and not being able to liquidate it, my second bill would establish a secondary market for student loan notes. Such a vehicle would allow lending institutions to keep a certain percentage of their assets available for student loans without becoming overburdened with paper they cannot move.

By providing a release valve for the lenders it will be possible to encourage many of the more hesitant institutions that have not cooperated in the past to join in the enterprise of seeing to it that the future of our country is in the hands of a more highly educated citizenry.

This is the effect of the legislation I offer today. It will get the federally insured loan program to more students by removing many of the hitches in the present law and two, it will encourage and enable more lending institutions to participate thereby multiplying the number of outlets through which to obtain insured loans.

By Mr. PEARSON:

S. 1757. A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65. Referred to the Committee on Finance.

Mr. PEARSON. Mr. President, history advises us that the mark of a civilized society is the manner in which that society provides not for the strongest of its members but the weakest.

At the turn of the century, there were but 3 million people in the United States over age 65—comprising 4 percent of the total population. Today 20 million older Americans make up 10 percent of the total population—every 10th American. Older persons have less than half the income of the younger, with the median income of our older persons living alone being $1,734 in 1968. About a quarter of the Nation's elderly, moreover, live below the poverty line. And the largest concentration of older persons occurs in my region of the United States—the great Midwest.

Mr. President, it is an unfortunate fact that our society has ignored this quiet 20th century revolution in aging. We have, to a great extent, turned our backs on the needs of older people for understanding, involvement, and independence.

The legislation I introduce today is designed to meet one of the demonstrated needs of our older Americans. I seek today to guarantee every older American that he or she may continue to own and live in their homes despite the rising tide of property taxes which have forced so many of their generation out of their homes, their accustomed surroundings, or their family farms. In short, Mr. President, this legislation is intended to be a homestead exemption for older Americans.

This measure would grant a tax credit not to exceed $330—$165 in the case of a married individual filing a separate return—to any individual who has attained the age of 65—or married couple one of whom has attained the age of 65—and whose adjusted gross income does not exceed $6,000—$3,000 in the case of a married individual filing a separate return. The tax credit shall be allowed against real property taxes paid to any State or political subdivision thereof on property owned and used as a principal residence.

Mr. President, 65 percent of those Americans over age 65 own and occupy their own homes. One of the most agonizing fears of these people is the prospect that they may some day have to give up their hard-won home. In this wealthy and affluent Nation, such fears and such realities, I submit, need not exist. I believe it to be eminently fair and reasonable, Mr. President, that we should assure our aging Americans that they should be able to live the rest of their lives in the knowledge that no Federal, State, or local government shall take from them their home.

Finally, Mr. President, I wish to indicate for the record that the cost of this proposal as estimated by the Department of the Treasury would be $135 million annually.

I ask unanimous consent that this bill be printed in the Record at the conclusion of my remarks. I invite the attention of the Senate to it.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1757

A bill to allow a credit against Federal income tax for State and local real property taxes paid on their residences by individuals who have attained age 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Residential Real Property Taxes Paid by Individuals Who Have Attained Age 65.

"(a) General Rule.—In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter the amount of real property taxes paid by him during the taxable year which were imposed by a State or political subdivision thereof on property owned and used by him as his principal residence.

"(b) Limitations.—

"(1) In general.—The credit under subsection (a) for any taxable year shall not exceed $330 ($165, in the case of a married individual filing a separate return).

"(2) Adjusted gross income over $6,000.—The credit otherwise allowable under subsection (a) for any taxable year (determined with the application of paragraph (1)) shall be reduced by an amount equal to the amount by which the taxpayer's adjusted gross income for the taxable year exceeds $6,000 ($3,000, in the case of a married individual filing a separate return).

"(3) Joint ownership.—In the case of property owned and used by two or more individuals (other than a husband and wife) as their principal residence, the limitations provided by paragraphs (1) and (2) shall, under regulations prescribed by the Secretary or his delegate, be applied collectively to such individuals.

"(4) Application with other credits.—The credit under subsection (a) for any taxable year shall not exceed the tax imposed by this chapter reduced by the credits allowable under sections 33, 35, 37, and 38 for the taxable year.

"(1) Husband and wife.—In the case of a husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall, with respect to property owned jointly and used by them as their principal residence, be treated as satisfied if either spouse has attained the age of 65 before the close of the taxable year.

"(2) Property used in part as principal residence.—In the case of property only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the real property taxes paid by him on such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him. For purposes of this paragraph, in the case of a principal residence located on a farm, so much of the land comprising such farm as does not exceed 40 acres shall be treated as a part of such residence.

"(3) Cooperative housing.—For purposes of subsection (a), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216 (b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid real property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or accrued by such corporation.

"(4) Change of principal residence.—If during a taxable year a taxpayer changes his principal residence, subsection (a) shall apply only to that portion of the real property taxes paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) Sale or purchase of principal residence.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a) shall apply only to the portion of the real property taxes with respect to such property as is treated as imposed on him under section 164(d), and for purposes of subsection (a), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(d) Adjustment for Refunds.—

"(1) In general.—The amount of real property taxes paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of real property taxes which caused such underpayment.

"(e) DEDUCTION NOT AFFECTED.—The credit allowed by subsection (a) shall not affect the deduction under section 164 for State and local real property taxes."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Residential real property taxes paid by individuals who have attained age 65.

"Sec. 41. Overpayments of tax."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. MOSS:

S. 1762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the Cache National Forest, Utah. Referred to the Committee on Interior and Insular Affairs.

ADDITION OF WELLSVILLE CANYON AREA TO CACHE NATIONAL FOREST IN UTAH

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase 1,160 acres in the Wellsville Canyon area of Cache County, Utah, and add them to the Cache National Forest.

The area in question consists of 1,040 acres which compose the so-called Sherwood tract, and 120 acres known as the McBride tract. Together these two tracts form an enclave of private land surrounded on three sides by the Cache National Forest in north central Utah near U.S. Highway 89–91, and about 10 miles south of Largo, Utah, and 3 miles southwest of the town of Wellsville. The two tracts are situated on the Wellsville Canyon drainage, and some 268 acres of the Sherwood tract area in the Leatham Springs area, which is the municipal water source for the town of Wellsville.

Nature lovers in Utah have for years sought to keep the area in its natural state. It lies mostly in the foothills of the picturesque Wellsville Mountains, and includes some steeply rugged small canyons and ridges and a beautiful back valley-type area at the northern end known as Pigsah Trench. There has been considerable dry farming and grazing of livestock in the area in the past, but at the present time only about 50 acres are still being dry farmed, and grazing has been considerably reduced.

A number of years ago overgrazing denuded the slopes of the Wellsville Mountains, and in the twenties flash floods and mudflows wreacked havoc on the town of Wellsville and the surrounding farms but the higher slopes of the mountains have now been acquired by the Forest Service, and are being healed. The Douglas fir stands which were cut over at one time for lumber are also being protected and restored. On the whole, the two tracts are almost as verdant as they were when the area was first settled by the Mormon pioneers in 1855. The land is again covered by dense vegetation, mostly of oakbrush, mountain maple, and grass, and this is lush cover for wildlife, including deer, grouse, and recently planted bighorn sheep.

The drive of many years to protect this choice area of northern Utah was heightened when the Sherwood tract was acquired recently by the Consolidated Capitol Co. of Salt Lake City, which proposed building a summer and year-round subdivision there, with some 700 units. Since the farming, grazing, and even limited recreational use in the past has posed a problem to the water supply of the town of Wellsville, citizens immediately became apprehensive that a high-density subdivision, with its own waste disposal problems, would become an insurmountable hazard.

This fear, combined with the longstanding desire of the environmentalists to keep the area in its natural state, brought on considerable citizen resistance to the proposed subdivision, and after highly charged public meetings, the Cache County Commission in March refused to rezone the Sherwood tract for a housing development.

The tract is, however, already zoned for sale 40-acre lots, for all-season or summer homes or ranches, or for most other purposes. Thus the threat to the water system, and to the natural beauty of the area, still hangs over Cache County, and I have been asked to introduce a bill to place the entire area under the protection of the U.S. Forest Service.

I am doing so, upon request, not to aline myself especially with those who feel that the Cache County Commission is right in zoning the area for residential or other development and in seeking the extra tax revenues such development would bring, or to aline myself with those who have their money invested in the Sherwood tract development, or with those who feel that we must not "despoil thousands of years of nature's work," as one of my correspondents put it.

I am introducing the bill to provide a vehicle for hearings so that the citizens of Cache County, and other Utahans, can have an opportunity to express their views. I would hope that hearings can be held in the area, and that representatives of the Consolidated Capitol Co., of the Cache County Commission, and of the various environmentalists groups can be heard. I would hope, also, that the officials of the U.S. Forest Service would be able to give us an authoritative opinion on the worth of the two tracts as an addition to the forest system, and that experts in water supply could evaluate the possibilities of contamination of the water supply from any development which is proposed.

I have always been a strong defender of the environment, as my colleagues know, and I feel we must take a careful look at this choice area of Utah, and make sure we are using it for its best purposes. But I would attend the hearings with an open mind—and be willing to listen to all factions, all interests, and all points of view.

By Mr. BIBLE:

S. 1763. A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property. Referred to the Committee on Commerce.

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to amend the Federal Aviation Act of 1958 and impose by statute a legal limit of liability for cargo air carriers to conform with liability of surface carriers.

During the past 2 years, the Small Business Committee, of which I have the honor to be chairman, has conducted hearings and extensive examination into the impact of air cargo theft on the shipping community, particularly the small business shipper, which reached a record high of an estimated $210 million or more for 1970. Our first hearings on May 23, 1969, brought out the fact that the rate of liability for domestic air carriers is generally limited to $50, or 50 cents a pound, where the shipment weighs in excess of 100 pounds.

Paragraph 2 of article 22 and article 25 of the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw, Poland, on October 12, 1929, sets the liability for all cargo in international air commerce. The rate for such liability is 250 francs per kilogram, which is approximately $7.50 per pound.

In domestic air commerce, the air carrier's liability for the negligent loss of freight is provided for in the Federal Aviation Act of 1958, which governs the contractual arrangement and obligations of the carrier. Thus, to the extent they are valid, the tariffs filed with the Civil Aeronautics Board constitute the contract of carriage between the parties. At present, this liability is 50 cents per pound, not to exceed $50 per shipment unless a greater value is declared and paid for by the shipper on the air bill, at the time of receipt of the shipment from the shipper. This limits substantially the carrier's liability for a negligent loss of air cargo. Even gross negligence or proof that an employee of the carrier actually stole the goods would not suffice to render the tariff inapplicable.

One very important aspect of the liability of the carrier as provided by statute is the fact that the shipper is deemed to have knowledge of the provisions of the tariff, as filed with CAB, irrespective of whether or not he does. Thus, the carrier is under no obligation to affirmatively inform the shipper of its legal limit of liability or the fact that, by declaring a greater value to his shipment and the payment of 10 cents or more per $100 value in excess, he can be covered for a greater amount.

The Small Business Committee found that most of the witnesses appearing before it reflected the view of Mr. Charles Baker, Deputy Under Secretary of Transportation, Department of Transportation, when he told us on May 23, 1969:

> Maximum rates of liability are set by law at an inadequate, minimal level. These can be raised, but only if the shipper knows he can do so by declaring the value of his cargo and paying an extra fee. There is no incentive to the carrier to disclose this option to the small shipper, who typically is unaware of any limits on carrier liability.

Mr. President, in 1967 the Civil Aeronautics Board, recognizing the serious situation existing with respect to the shipper's losses posed by the carrier's limits of liability, requested the Nation's air carriers to sit down together and recommend changes in the limits of liability and other claims practices to meet more realistically the needs of the shipper.

The Senate Small Business Committee recommended in its report to the Senate in December 1969 on the impact of air cargo theft and loss:

> Recommendation 2.—That under its statutory authority, the CAB should initiate a formal Board investigation into the rate of liability of the carrier to determine if such liability is too low, and if there is justification to change the applicable tariff and amend this present rate.
>
> Should the Board not act in this most important area, legislation should be introduced to establish a select commission charged with examining such rates of liability to determine if there is a justifiable basis for changing the present tariffs relating to the maximum rate of liability of air carriers.

On November 11, 1969, to express an interest in this problem area so important to American businessmen who use air cargo transport facilities, I filed with the Civil Aeronautics Board a Memorandum of Concern suggesting the necessity of a CAB investigation to examine into the merits of increasing the limits of carrier cargo liability. The Board subsequently issued an order along these lines, but the matter has been in an inactive and silent state for 1½ years, while cargo theft losses have increased to the detriment of businesses and the shipping public using the air commerce lanes.

I am aware that the CAB, in an order of August 6, 1968, saw the problems inherent in the air carriers' liability rules by granting the petition of seven airlines to carry on joint shipper-carrier discussions relating to air freight tariff rules regarding liability, valuation, and claims. The Board recognized by its order the considerable dissatisfaction with the air carriers' liability and claim rules and practices.

The Board also stated that:

> It is clear that the general area of air freight liability, valuation and claims rules and practices warrants a close review.

It further said that since the:

> Tariff rules in question have been in existence in substantially the same form and content since the 1944–1947 inception of the air freight industry . . . technological changes, as well as sheer growth, would indicate that an updating and modernization of the carrier-shipper relationship is appropriate in order that the industry will continue to well serve the public and to prosper.

The Board's order also indicated the direction it desired the modernization to go by its language that:

> . . . a general swing in air freight toward surface carrier liability and claim rules and practices is favored by many shippers" and "such uniformity would not only generally increase the upper dollar limits on air carrier liability for loss or damage and other actions, but would also materially improve the understanding and acceptance of air freight transportation by the average surface-oriented shipper.

Mr. President, therefore, pursuant to the Small Business Committee's recommendation to the Senate, I am introducing this legislation today with the hope that it will assist in bringing this important matter to a focus.

A primary purpose of my bill is to require domestic air carriers to assume the same degree of liability as that required of other public carriers—the railroad, steamships and trucks—who must reimburse a shipper for the actual cash value of the loss of, or damage to, such goods entrusted to them for safe transport.

As Mr. Walter Perry, of the American Institute of Marine Underwriters, who testified before our committee in 1969 stated:

> . . . an air carrier, under law, becomes a bailee for the cargo. It is the one to whom goods are entrusted and which has temporary possession and a qualified property in them for the purposes of the trust. However, the liability of a domestic air carrier for cargo loss is generally limited to $50 or 50 cents a pound where the shipment weighs in excess of 100 pounds, in the absence of a greater declared value for carriage. Internationally, air carriers, regardless whether the transportation is subject to the Warsaw Convention, limit their liability to $7.48 a pound for cargo loss unless a greater value is declared. Therefore, in the absence of full declared value, one may question whether the present limits of liability for aircargo loss are sufficient inducement for airfreight forwarders and air carriers to adopt sound loss prevention programs for the control and protection of cargo entrusted to their care, in view of the inequity of the rate of liability to values handled.
>
> A glaring example of this situation occurred last September [1968] when diamonds and cash valued at $262,000 was stolen from an aircargo terminal at John F. Kennedy International Airport. The shipment weighed 48½ pounds and the air carrier's liability was a mere $362.79. Had the shipper imposed a greater liability on the air carrier by declaring at least a meaningful percentage of the value of the shipment he would have been able to recover a far greater proportion of his loss than $362.

We are sympathetically aware of the financial problems in which our airlines find themselves today. We are just as sympathetically aware of the financial problems of the millions of people and businesses who constitute the shipping public to whom substantial responsibilities are owed by the franchised air carriers for cargo in their custody.

Therefore, it would seem highly appropriate that at the time the Congress, the regulatory bodies and the airlines themselves consider the air industry's economic plight today and its future for tomorrow that this important aspect be considered. Certainly, probable dollar expenditures involved in improved security and compensatory payments for loss or damage of goods in transit would be a factor in these deliberations.

Certainly, the shipping public is entitled to have the question of air cargo liability examined into by a proper body when we consider cargo losses are running higher into the millions every year. And once again, it is the consumer who pays not only for the loss of the goods but for the economic waste involved.

There seems no question that the effect of present liability and claim practices by the airlines and that relationship to air cargo theft, pilferage and loss upon small businesses directly and the public indirectly is staggering with crime and inflation so closely intertwined and therefore a matter of deep everyday concern to everyone.

Historically, carrier responsibility for loss and damage to cargo has been built into shipping tariffs. The 50 cents per pound liability was first used by surface domestic transport, particularly in rail transport, in the last of the 1800's and the early 1900's. The Railway Express Agency used the 50 cents per pound liability figure as the first shipper in the original "Air Freight Bus." Certainly, the 50 cents per pound liability for domestic cargo is realistically inconsistent with the $7.50 liability established in the early 1930's by the Warsaw Pact for all international airlines and now quoted at $7.52 per pound.

Just 2 years ago I referred to the airline's handling of cargo security problems as lackadaisical and slipshod. Today, I believe a more realistic carrier liability requirement can serve as a substantial incentive for the airlines to undertake more affirmative security measures to protect that cargo moving in increasingly greater tonnage through our airlanes.

In my judgment the airlines have made some meager efforts in the last 2 years to improve cargo security, but their steps have been small ones compared to the problem at hand. I believe this legislation by focusing on the problem may assist in the matter we have before us.

Mr. President, in conclusion I ask unanimous consent to have included in the RECORD at the conclusion of my remarks a news article from the New York Journal of Commerce of April 26, written by Carl E. McDowell, executive vice president, American Institute of Marine Underwriters; a copy of the Memorandum of Concern filed with the Civil Aeronautics Board on November 11, 1969; an order of the Civil Aeronautics Board of July 24, 1970, instituting an investigation into liability and claim rules and practices; and the full text of the bill I introduce today.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1763

A bill to amend the Federal Aviation Act of 1958, so as to add thereto provisions with respect to through bills of lading and liability for loss, damage, or injury to property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Federal Aviation Act of 1958 is amended by adding at the end thereof a new section as follows:

"THROUGH BILLS OF LADING; LIABILITY FOR LOSS, DAMAGE, OR INJURY TO PROPERTY

"SEC. 417. (a) Any air carrier receiving property for shipment in air transportation shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any air carrier to which such property may be delivered for further movement in air transportation on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such air carrier from the liability hereby imposed; and any such air carrier receiving property for shipment in air transportation or any air carrier delivering said property so received and transported shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such air carrier to which such property may be delivered when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Board; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

"(b) The provisions of subsection (a) respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply (A) to baggage carried on any aircraft carrying passengers, or (B) to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Board to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of any other provision of this title; and any tariff schedule which may be filed with the Board pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared and agreed upon; and the Board is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. For the purposes of this subsection the term 'ordinary livestock' includes all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses.

"(c) Nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law.

"(d) Actions brought under and by virtue of this subsection against the delivering carrier shall be brought, and may be maintained, if in a district court of the United States, only in a district, and if in a State court, only in a State, through or into which the defendant carrier operates as an air carrier.

"(e) It shall be unlawful for any such receiving or delivering air carrier to provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than six months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice.

"(f) The liability imposed by this section shall also apply in the case of property reconsigned or diverted in accordance with applicable tariffs, if any, filed as in this title provided.

"(g) The air carrier issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the air carrier on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action at law brought by the owners of such property.

"(h) For the purposes of this section the delivering carrier shall be construed to be the carrier performing the line-haul service nearest to the point of destination."

SEC. 2. This Act shall take effect sixty days after the date of its enactment.

[From the New York Journal of Commerce, Apr. 26, 1971]

COUNTERACTION BEGINS—CARGO THEFT SPURS CRIME FIGHT

(By Carl E. McDowell, Executive Vice President, American Institute of Marine Underwriters)

The brazen, skillful inroads of crime on the transport of goods in American domestic and international trade has apparently aroused business and government to counterattack. What may become a war on crime is being signalled at long last.

If only the consumer could be made to realize that he pays the cost of organized thievery, surely he will support business and government in their efforts to provide greater security and control in the movement and storage of consumers' goods. One might hope that the thought of having a thief's hand in the consumer's pocketbook or pocket to the extent of 10 cents on every dollar might arouse the consumer to join in a concerted effort or war on crime.

On March 30, CBS–TV on its "60 Minutes" documentary spread across the country the record of arrogant thievery on the waterfront. Life Magazine's issue of Feb. 12, 1971 exploded the story of thievery at the airports. On April 1, Robert E. Redding, Chief of the Office of Facilitation in the Department of Transportation convened a meeting of concerned congressional committees, government agencies, and business groups to inventory the entire transportation crime situation.

Much credit for the instigation of the counterattack on crime goes to Senator Alan Bible, chairman of the Senate Small Business Committee. Early in 1969 his committee began an investigation and public hearings into the impact of crime against small business. The hearings centered on air-cargo thefts, then maritime and truck losses, and finally, the railroads. As he has said, "It is graphically clear that a cargo crime crises is upon us today. . . . law enforcement agencies, our federal transportation regulatory and policy bodies, and our transport carrier industries generally have been unable to mount an effective response."

COST TERMED 'APPALLING'

The initial investigations by Senator Bible's committee led the senator to conclude that crime-based cargo losses nationwide for 1969 totaled approximately an appalling $1,200 million. And he termed them "merely conservative estimates." He characterized "the cargo-theft pilferage problem" as being "at the heart of the biggest multi-billion-dollar racket nationally today. . . ."

Once again, it is the consumer who pays—not only for the out-of-pocket losses of the goods, but also for the economic waste which is broadly related to such losses. The dislocation to merchandising programs, to production schedules, to inventory-maintenance; the loss of customer goodwill; the increase in insurance premiums; and many other aspects of trade are difficult to measure in dollars and cents, but the overall costs are very real.

In the 91st Congress, Senator Bible introduced legislation (S. 3595) to establish a commission on security and safety of cargo. Hearings were held by Senator Magnuson's committee on commerce, but time ran out in the 91st Congress before Senate and House action could be completed. The bill has been introduced into the 92nd Congress as S. 942.

AIMS AT NEW COMMISSION

The legislation, which has been reintroduced in the Senate at this session, would create a commission comprised of representatives from each mode of the cargo transportation industry and from cargo handlers' labor organizations, terminal operators and independent warehouse and storage concerns, and the attorney general of the United States, the secretary of transportation, and the secretary of commerce.

The duties of the commission are "to undertake and compile inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss, theft, and pilferage of cargo in interstate and international commerce." In addition the commission is "to encourage the use of existing preventive technology and to promote the development of new techniques, procedures, and methods to enhance the safety and security of storage and transportation."

Action has already commenced to implement the thinking and proposals of Senator Bible's committee. New customs regulations designed to cut down theft of cargo from airports and piers went into effect on April 1. These regulations were drawn up under the direction of Assistant Secretary of the Treasury Eugene T. Rossides. They include issuance of identification cards, based on fingerprinting and possible previous criminal records, to all employes of carriers, brokers and warehouse operators. The regulations also hold carriers accountable for any loss of cargo from unloading to delivery, and require presentation of authenticated pick-up forms before cargo is released.

The Treasury Department also proposes congressional legislation to require establishment of national standards for security of high value cargo while it is in the custody of customs. The American Institute of Marine Underwriters is assisting in the preparation of standards to be incorporated in national standards. The Institute hopes that such standards will be acceptable to and adopted by terminal operators for application everywhere and not limited to areas under customs control.

In addition to action already underway by the Treasury Department, there is satisfying evidence that the war on crime is mounting elsewhere. Both Senator Warren G. Magnuson and Senator John L. McClellan have announced that committees under their leadership will call for hearings on the crime situation.

The Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission have already initiated regulatory action. The ICC has issued proposed rules requiring carriers to file quarterly reports on freight loss and damage claims. And it might be anticipated that the Federal Maritime Commission and CAB will find means of utilizing whatever standards are developed by the Treasury Department.

INDUSTRY SEES NEED

Industry is already fully aware of the need for tighter security measures applicable to goods in transit. New York and Chicago have had security bureaus in operation for many years, in addition to the strong disciplinary force of the New York Waterfront Commission. San Francisco and Los Angeles have recently organized cargo security councils. The Air Transport Association, the International Air Transport Association, and the Airport Security Council (in New York) have recently appointed or strengthened their security personnel.

It is very satisfying to note the aroused antagonism to the impact of crime on the transport of goods. But there is so much to be done. Realizing that it is the consumer that pays in the long run, obviously the consumer or average citizen is still the individual who must be awakened to his part in the counterattack.

It may well be the task of the United States Chamber of Commerce; the New York, San Francisco, New Orleans, Chicago, and other chambers of commerce or boards of trade; the Commerce and Industry Association of New York; the American Importers Association; and the National Foreign Trade Council who must urge their members to support federal legislation and regulation to bring about the necessary standards and means of control.

It is specially important that an appropriate committee in the House of Representatives initiate action parallel to that of Senator Bible's Select Committee on Small Business. The creation of a national commission on security and safety of cargo is a vital basic action in the war on crime.

MEMORANDUM OF CONCERN SUBMITTED BY SENATOR ALAN BIBLE, CHAIRMAN, SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE, TO THE CIVIL AERONAUTICS BOARD, ON NOVEMBER 20, 1969, CONCERNING CARGO LIABILITY AND CLAIMS PRACTICES AGREEMENTS C.A.B. Nos. 19891–A4, 20746–A1, 20746–A2 and 21288, DOCKET 19923

INTRODUCTION

The purpose of this memorandum is to provide the Civil Aeronautics Board with certain information and items of concern developed as a result of public hearings before the Select Committee on Small Business, held to examine the impact of air cargo theft and loss on the small business community.

These hearings were conducted pursuant to S. Res. 58 of the 81st Congress, which authorizes the Committee "to study and survey by means of research all the problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which aid the Congress in enacting remedial legislation." 95 Cong. Rec. 8926 (1949) (Report No. 598 of the Committee on Rules and Administration introduced by Senator Wherry).

As a result of these hearings and on the basis of field investigations conducted by the Committee staff and staff of the Chairman, information has been developed which details the problems being experienced by the shipping public as a result of loss and theft of cargo from the nation's air carriers. As was pointed out by the Chairman upon introduction of S. 2787, a bill to require loss, damage and theft reports of air carriers, "thievery (of air cargo) is part of the biggest multibillion dollar racket nationally—stealing from business."

Thus, it is felt to be appropriate to file this memorandum with the Board prior to Board action on Agreements C.A.B. Nos. 19891–A4, 20746–A1, 20746–A2, and 21288 to express concern over the present status of air carrier liability for lost or stolen cargo. A sufficient amount of concern over air carrier liability tariffs has been generated by the Board, shippers, air carriers, and other concerned members of the public, and the record now before the Board is so inadequate as to necessitate a full evidentiary hearing prior to Board action on the agreements. This memorandum will not undertake to express any definitive views on the substance of the proposed agreements.

As a result of the hearings on cargo theft in the air transportation industry conducted by the Senate Select Committee on Small Business during the latter part of May and July 1969, it became obvious that air cargo theft is extensive; that many, if not most air carriers are extremely lax in their security measures; that the restrictions on air carrier liability for cargo loss and theft encourage this laxness; and that much of the losses are ultimately paid, not only by shippers, but by the consumer public.

To illustrate how extensive the theft problem is, it is only necessary to look at the loss figures for the last few years at John F. Kennedy International Airport. During 1966, tonnage was transited with a value of $5,500 million with a *reported* loss by theft of $877,350. In 1967, tonnage was transited with a value of $6,333 million with a *reported* loss by theft of $2,272,373. In 1968, tonnage was transited with a value of $7,779 million with a *reported* loss of $1,854,908. For the first quarter of 1969, tonnage was transited with a value of $2,382,761,520 with a *reported* loss of $365,508.[1] The true and complete extent of the theft problem is magnified by the acknowledged fact that the majority of thefts go unreported. Further testimony elicited at the hearings indicated that this problem is not confined to J.F.K. Airport, but that other airports have similar problems in varying degrees.

The testimony at the hearings established as a contributing cause of the tremendous number of cargo thefts the laxness of the airlines in their security measures. The testimony of Captain Robert E. Herzog, Massachusetts State Police, regarding the state of cargo security at Logan International Airport is astounding. His initial statement that "I feel that there is much room for improvement in airport security . . ." becomes a monumental understatement as his testimony continues into a detailed analysis of the situation at Logan. If it were not for the serious nature of this criminal activity, the ease with which Captain Herzog's men were able to "steal" cargo during mock sorties filmed to illustrate the problems to the airlines would be comical.[2] Captain Herzog's investigations revealed that the "airline companies at Logan Airport have no conception of what was being taken from them" and that ". . . air cargo security is almost totally nonexistent."[3] It appears that the security situation at Logan is not unique.

The testimony at the hearings is replete with statements by witnesses that the limited liability of the airlines for cargo theft losses is a prime reason for the airlines failure to institute and strictly enforce security measures. It was the opinion of these witnesses that the airlines find it economically feasible to ignore security measures because the amounts they are required to pay for cargo losses under their limited liability tariffs would be far exceeded by the cost of strict security enforcement.[4]

It is apparent that the tariffs limiting liability for air cargo theft and loss on domestic and international flights should be reviewed because of their effect upon cargo loss and theft. The difference in the liability of air carriers, as compared with that of ships, railroads and motor carriers, justly raises concern by air shippers and requires a reevaluation of air carrier rules so that the air carriers' privileged status can either be reaffirmed or rejected.

The Board recognized the problems inherent in the air carriers' liability rules when by its Order 68–8–18,[5] it granted the petition of seven airlines to carry on joint shipper-carrier discussions relating to air freight tariff rules regarding liability, valuation, and claims. In its order the Board recognized the "considerable dissatisfaction with the air carriers' liability and claim rules and practices." The Board also stated that "It is clear that the general area of air freight liability, valuation, and claim rules and practices warrants a close review." The Board continued that since the "tariff rules in question have been in existence in substantially the same form and content since the 1944–1947 period of inception of the air freight industry . . . technological changes, as well as sheer growth, would indicate that an updating and modernization of the carrier-shipper relationship is appropriate in order that the industry will continue to well serve the public and to prosper." The Board's order also indicated the direction it desired the modernization to go by the language that ". . . a general swing in air freight towards surface carrier freight liability and claim rules and practices is favored by many shippers" and "such uniformity would not only generally increase the upper dollar limits on air carrier liability for loss or damage and other actions, but would also materially improve the understanding and acceptance of air freight transportation by the average surface-oriented shipper."

In addition to these broad guidelines as to what the Board expected as results from the joint discussions, the Board also required the air carriers to provide shippers with ". . . the opportunity to submit their views, both in person or in writing . . ." and that the carriers ". . . support their conclusions and any agreement filings with factual data to the maximum extent possible." It is obvious that the results of the joint discussions, i.e., the agreements now before the Board, do not live up to the Board's expectations as expressed in Order 68–8–18. The remainder of this memorandum attempts to highlight the areas in which it is felt that the "joint discussions" failed to be responsive to the Board's order.

ITEMS OF CONCERN

Based on the available evidence it would seem the Board should consider whether or not to grant approval of the airlines' proposed agreements to revise air freight tariff rules because (1) the data supplied to the Board to support the revisions is grossly inadequate, (2) there was inadequate shipper participation and (3) the record reflects a sharp division between the desires of the shipping public and the airlines' proposals.

A. Since inadequate data has been developed, the Board should order a full investigation to develop the information necessary to proceed intelligently with regard to any revision of the rules.

As discussed above, the Board in its Order 68–8–18 stated that it expected the carriers to support their conclusions and agreements with factual data to the maximum extent possible. It is apparent that this condition has been observed only in so far as certain ineffectual studies have been attempted without success. There is a definite need for the development of data as an empirical basis for resolving the many problems of the present liability rules. At the hearings conducted by the Committee, it became apparent that the need for such data existed. Mr. Mario T. Noto, Executive Director, Airport Security Council, testified that data was unavailable to appropriately assess air cargo losses resulting from criminal activity.[6] Mr. Charles D. Baker, Deputy Under Secretary, U.S. Department of Transportation, explaining that the Department of Transportation sponsored a general survey of loss and damage in transportation, concluded from this survey that the present statistical data reported from the industry is inadequate to obtain a complete picture of the economic cost of air freight loss and damage, making it impossible to relate this cost to other economic indices.[7] It is also apparent that the air carriers themselves recognized the necessity of substantiating their conclusions with factual data. An analysis of the Board's Order 68–8–18 was prepared by the staff of the A.T.A., which stated that the "Board again invites shippers and others to suggest additional rules or practices which should be embraced within the scope of this proceeding and offers to give consideration to any such suggestions." The analysis also notes that the Board will "expect the carriers to support their conclusions and any agreement filings with factual data to the maximum extent possible."[8]

It appears to be the consensus of all parties involved that there has been no

---

Footnotes at end of article.

reliable data developed. The A.T.A. in its Memorandum No. 40[9] to heads of airlines informed them of a questionnaire prepared by a special committee the answers to which were expected to provide an insight to the problems.

After emphasizing the importance of their questionnaire, the airlines were directed to submit their response by December 31, 1968. In a letter from Mr. Donald W. Markham, attorney for certain airlines, to the C.A.B., the Board was advised that a working group of airline personnel had reached some tentative conclusions based upon a review of shipper comments. However, before the group finalized their recommendations, they wished to review them in light of the data and information being collected by the airline personnel by way of the questionnaire mentioned above. For this reason, the air carriers, represented by Mr. Markham, requested an extension of the authority to discuss airline liability originally granted by Board Order 68–8–18. The Board granted an extension for six months by Order 69–3–4; [10] thereby emphasizing the importance of the development of data. At a meeting of the Ad Hoc Working Group held on March 27, 1969, the Working Group approved the subgroup conclusion that the responses to the questionnaire did not require reconsideration of the tentative conclusions previously reached.[11] This blanket approval is startling after a reading of the report of the subgroup.[12] The report is highly critical of the results of the questionnaire. It states that only four replies had been received by December 31, the original cut-off date, and as of the date of the subgroup's meeting on January 22, only 16 had been received out of a total of 35 airlines sent the questionnaire. The report assessed blame for this poor response on a series of factors, among which may be found the confusing nature of the questionnaire as a result of the amount of detail called for and ambiguities in the questionnaire itself. In addition to the small number of replies, the subgroup apparently was plagued by incomplete and patently inaccurate or unresponsive answers on nearly all the responses. It is obvious that the Ad Hoc Working Group's conclusion that the results of the questionnaire do not alter their tentative recommendations, does not give a true picture of the validity of these recommendations.[13] This bald conclusion gives the appearance that the data obtained supports the recommendations when according to the report of the subgroup, the data is not only not representative but inherently invalid.

The results of this study certainly are not the quality of data to support the airlines' conclusions that the Board envisioned in its Order 68–8–18. This conclusion is supported by the recommendation of the Market Research Subcommittee elicited by the Steering Committee at its meeting of May 14, 1969. This subcommittee was to determine whether the returns provided representative and meaningful information and whether further study was needed. In its recommendation, the subcommittee concluded that it would be desirable and useful to supplement the information obtained in response to the questionnaire.[14]

The airlines' statement in support of the agreement reiterates the airlines' recognition that no reliable data was developed and states that another study will be done.[15] This study, which is to cover four months from August 12, 1969, at the earliest will be too tardy to factually corroborate the agreements for which the airlines now seek approval. It appears that the airlines have used the dearth of data in a negative manner rather than in the positive manner contemplated by the Board. This is demonstrated by the comment found in the A.T.A. statement in support of the agreements that "The carriers after careful consideration, not only of the conflicting viewpoint of shippers, but of such inconclusive data as was produced by the shippers and responses to the airline questionnaire, concluded that they do not have any sound basis for changing the present basic limits of liability." [16]

Not only is it the opinion of the carriers that the data developed is insufficient, but it is also the opinion of certain shippers. A letter by Charles A. Washer, Transportation Counsel of the American Retail Federation, to G. J. Godbout, Director, Cargo Services, A.T.A., is an example of shipper concern over the lack of reliable data. After commenting on the absence of such data, Mr. Washer goes on to say that "Without factual data you are undoubtedly hesitant about the precipitous step of changing your limitations on liability, but is not the obverse equally true—without factual data how can you justify the continuation of the current fixed limitation?" [17] The letter of Robert B. Reedy, Chairman, NITL-Freight Claims Committee, to Mr. Godbout reiterates the complaint of no factual data to support the recommendations when it stated "Although Board Order 68–8–18 required the carriers to support their conclusions with factual data, the Working Group, while indicating its dissatisfaction with the results of a liability questionnaire, proceeded to adopt far-reaching conclusions having no basis in fact." [18] John Wilson, G. T. M. of Hartz Mountain Products Corporation, points out in a letter to Mr. Godbout that the Board's directive that conclusions of the airlines should be supported by factual data was not complied with.[19] The comments of these shippers are well taken and are substantiated on the face of the record before the Board.

B. The agreements should not be approved because, even though the Board's order directed shipper participation, shippers were allowed to attend only one meeting and were otherwise limited to submitting written comments and the agreements do not appear to be responsive to the comments they were able to make.

The Board's Order 68–8–18 contemplates a joint effort of both air carriers and shippers in the attempt to revise the liability tariff rules.

The Board stated it "believes that the carriers and their shipper customers, working together under Board supervision, should be able to develop improved rules and practices for the mutual benefit of the carriers and the public . . . that shippers, including forwarders, should be provided the opportunity to submit their views both in person or in writing; that shippers should be provided advance notice of the meetings at which they may request an appointment to be heard . . ." [20] Obviously, it was the Board's intent to encourage a true working relationship between the air carriers and shippers so that mutually satisfying revisions might result. It is evident that the manner in which the A.T.A. conducted the joint discussions violated the Board's concept of "working together." It is clear from the record that the A.T.A. setup of the discussions procedurally placed the airlines in a position of tremendous superiority in the decision making process relative to the shippers'. Instead of a collective method of making decisions, the shippers found them on the outside looking in. This resulted from the airlines limiting shipper participation to the extent that they were prohibited from actually sitting down with airline representatives to negotiate their differences. The manner in which the shippers were actually *allowed* to participate, as described below, was not conducive to productive interaction leading to the type of revisions envisioned by the Board. The situation is succinctly expressed by Mr. Alan Mills, Executive Vice President of the California Grape and Fruit League, when he says that "... the examination and discussions [should be] expanded to include shippers as a working delegation in the Working Group. It is not enough that shippers might be given the privilege to submit statements or make appearances. It is essential that shippers and carriers jointly study the subject of air freight service and to ultimately develop a statement of policies and procedures that are understood by and are binding upon both carriers and shippers." [21]

An examination of the record reveals that the extent to which shippers participated was limited to attendance at one meeting and the submission of written comments. This meeting was held on December 4 and 5, 1968, with 52 shippers present. Fourteen shippers gave brief oral presentations at the meeting.[22] Nineteen written comments were received, some prepared by individuals who gave oral statements.[23] In addition, a substantial number of letters from shippers were received by the A.T.A. Many shippers feel that, even though they were given this limited opportunity to participate, their suggestions were ignored with impunity.

An example of this is illustrated by the letter of Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Office of the Judge Advocate General, Department of the Army, to Mr. Godbout stating that ". . . their [the Ad Hoc Working Group] recommendations do not respond in any material degree to the complaints voiced by the Department of Defense and other shippers regarding damages and claim practices of air carriers." [24] Another comment illustrative of shipper feeling may be found in the letter from Mr. Robert B. Reedy to Mr. Godbout previously referred to. Mr. Reedy says that the "March 27 minutes provide no insight whatsoever nor do they give any indication that shippers' recommendations were even considered in drafting the recommended rules contained therein." [25] Perhaps the most vehement shipper comment about their participation comes from C. J. Van Duker, Executive Secretary of the Western Regional Floral Traffic Conference, in an open letter to all shipper participants in air freight liability discussions. The letter in part reads as follows: ". . . we are tired of 'cooperating' for the purpose of justifying the status quo. We are tired of reading under what conditions our claims will be 'entertained' . . . So far, the carriers appear to be paying about as much attention to you and your ideas as they do to jet smog . . ." [26] John Wilson of Hartz Mountain Products expressed very much the same view.[27]

After an examination of the record, the minutes of meetings in particular, this appears obvious. Even though the minutes explicitly state that the shippers' views were considered, it appears that they were rejected, because they would cost the airlines additional money or because they could not determine any shipper consensus. This can readily be seen by referring to the A.T.A. statement in support of the agreements in which it was said that "Although numerous shippers criticized the 15-day period for reporting concealed loss or damage, it was the conclusion of the airlines that such a requirement works to the benefit, not only of the carriers, but of the shippers, since prompt reporting is essential to a fair investigation, and early investigation is more likely to produce evidence of liability than one longer delayed." [28] Notwithstanding this comment, it is difficult to ascertain any benefit that might be received by shippers because of the 15-day limit on reporting concealed damage. (Since the rule provides that any concealed damage must be reported 15 days from the date of delivery, it is not unlikely that such damage, by the very nature of its concealment might not be discovered until after the 15 days had elapsed. A better rule would be 15 days from the date the damage might reasonably have been discovered.) The

---

Footnotes at end of article.

patronizing attitude exemplified by the airlines' handling of the concealed damage problem typifies the airlines' self-assumed position of superiority in their conduct of the joint discussions. As a result, the proposed agreements seem to reflect shipper proposals only in a very insignificant manner.

C. The board should not approve the airlines' proposed agreements to revise air freight tariff rules because the record reflects a sharp division between the shipping public and the airlines' proposals.

There is a serious question whether approval of the agreements as submitted by the A.T.A. would be in the public interest. The position of the airlines appears to be that, even though some shippers have proposed substantial changes in the liability rules, changes should not be made because the shippers cannot reach agreement on exactly what changes they want.[29] The airlines feel that, along with the disagreement among the shippers, the poor results of the attempt to collect data justify their inaction.

An area in which a sharp disagreement occurs is in Rule 32 which limits an airline's total liability in any event to the value of the shipment as determined by Rule 52 (50c per pound and $50 per shipment). The proposed agreements do not change this rule with regard to the limit on liability. This maintenance of the status quo was supported by the rationale that consideration of the conflicting viewpoints of shippers and of the inconclusive data produced by the shipper and the airlines did not present any sound basis for changing the existing rule.[30] The airlines recognize that this rule is one of the principal sources of shipper irritation; yet, they dismiss any serious attempt to resolve the problem by the above reasoning. It appears that the airlines have grasped the one straw available to them in an effort to save a rule that so obviously benefits them; that being the position of a small number of shippers who want the rule to stay the same because of the low value of the goods they ship. This position, however, is in direct conflict with the espoused position of a vast majority of the participating shippers. While it is true that many of these shippers disagree upon exactly what changes should be made, most agree that the rule as it presently exists must be altered. The following letters from shippers express their desire for changes:

William W. Wolyn, President, Aerospace Airfreight Association, Inc., April 9, 1969 [31]

Curtis L. Wagner, Jr., Chief, Regulatory Law Division, Judge Advocate General, Department of the Army, April 29, 1969 [32]

Charles A. Washer, Transportation Counsel, American Retail Federation, May 1, 1969 [33]

John R. Whittemore, Manager—Claims, Emery Air Freight Corp., May 7, 1969 [34]

W. T. Vogt, Claim Investigator, Univac Division of Sperry Rand Corp., May 8, 1969 [35]

F. L. O'Neill, Director of Traffic, 3M Company, May 8, 1969 [36]

John Wilson, Hartz Mountain Products Corp., May 8, 1969 [37]

The letters of the shippers listed above and others also disagree in various ways with the airlines' proposed rule on liability. Many wish the air carriers would delete from Rule 30 the language that the carrier shall not be liable if it proves that it and its agents have taken all necessary measures to avoid the damage or that it was impossible for the carrier or its agents to take such measures. Just as many would like to see the air carriers drop the portion of Rule 30 which protects the carrier from liability for consequential or special damages, even upon notification of their likelihood; which in the shippers' view is contrary to every other rule of liability in existence.

The granting of the authority to the air carriers to conduct joint carrier-shipper discussions carried with it the hope that these parties would resolve their differences and develop mutually acceptable rules. This goal never came to fruition.

D. CONCLUSION

Even though Section 412 of the Federal Aviation Act of 1958 sets forth no procedural requirements to guide the Board in its duty to determine whether or not an agreement is in the public interest, the Board has a duty to "undertake to inform itself sufficiently with regard to any instrument filed thereunder to enable it to accurately and objectively apply the statutory tests." *Mutual Aid Pact Investigation*, 40 C.A.B. 559 at 561 (1964). The Board in that case referred the matter to an examiner for a full evidentiary hearing and investigation because it considered the case complex, novel, and important. This is exactly what should be done in the case of air freight liability rules. The poor results of the attempts to collect data and the lack of true shipper participation require a full evidentiary hearing because it is the only vehicle by which the Board is going to be able to determine whether or not the public interest will be served by approval of the airlines' proposals. Certainly the problems of air freight liability rules and practices are complex and important enough to deserve a full scale investigation.

FOOTNOTES

[1] Hearings on the Impact of Crime on Small Business—1969 Before the Select Committee on Small Business of the United States Senate, 91st Cong., 1st Sess., pt. 1, at 141 & 142 (1969).

[2] Id. at 199, 200, 204, 216, 217, 218, & 219.

[3] Id. at 202.

[4] Id. at 166, 227, 238, 254 & Appendix 1 at A-1.

[5] Appendix 2 at A-2.

[6] Hearings on the Impact of Crime on Small Business, supra note 1, at 136 & 137.

[7] Id. at 254.

[8] Appendix 8 at A-24.

[9] Appendix 7 at A-22.

[10] Appendix 3 at A-7.

[11] Appendix 4 at A-9.

[12] Appendix 5 at A-11.

[13] Id. at A-13.

[14] Appendix 6 at A-21.

[15] Brief for Airlines at 9, Civil Aeronautics Board Docket 19923.

[16] Id. at 19 & 20.

[17] Appendix 9 at A-27.

[18] Appendix 10 at A-29.

[19] Appendix 11 at A-34.

[20] Appendix 2 at A-2.

[21] Appendix 12 at A-37.

[22] Appendix 13 at A-38.

[23] Appendix 14 at A-41.

[24] Appendix 15 at A-45.

[25] Appendix 10 at A-29.

[26] Appendix 16 at A-47.

[27] Appendix 11 at A-34.

[28] Brief for Airlines, supra note 15, at 35.

[29] Id. at 11 (footnote), 18, 19 & 20.

[30] Id. at 19.

[31] Appendix 1 at A-1.

[32] Appendix 15 at A-45.

[33] Appendix 9 at A-27.

[34] Appendix 17 at A-48.

[35] Appendix 18 at A-50.

[36] Appendix 19 at A-51.

[37] Appendix 20 at A-53.

[United States of America Civil Aeronautics Board, Washington, D.C., Order 70-7-121, Docket 19923, Agreements CAB 19891-A4, 20746-A1, 20746-A2, 21288]

AIR CARRIER AGREEMENTS ON AIR FREIGHT TARIFF, LIABILITY AND CLAIM RULES AND PRACTICES

(Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July, 1970)

ORDER

In August 1967, the Board initiated an informal inquiry of the air freight liability and claim rules and practices of the United States scheduled route air carriers, and requested that carriers review such rules and practices with a view toward improving uniformity, removing ambiguity and increasing shipper acceptance and understanding of air transportation. Subsequently, the carriers petitioned the Board to engage in discussions on the foregoing subjects, which the Board approved.[1]

By a series of agreements filed in 1968 and 1969 on behalf of the domestic air carriers, the carriers propose to revise certain tariff rules concerning air freight liability and claims matters. These agreements are the product of the series of inter-carrier and shipper-carrier meetings during 1968 and 1969, as authorized by the Board. Notices of all meetings and minutes, thereof, as well as the proposed revised rules and the carriers' supporting justification statements, have been filed with the Board and distributed to interested shippers and other parties. Major changes proposed by the carriers are set forth below.

Although the carriers intend to maintain their present limitations on domestic liability, typically 50 cents per pound or $50.00 per shipment, whichever is greater,[2] they now propose to reimburse freight charges over and above such liability limits.[3] The carriers also propose to treat each part of an assembly or distribution shipment as a separate shipment for purposes of determining the limit of liability.[4] The carriers' current domestic tariffs provide that the liability limit on interline shipments between carriers having different liability limits shall be the lowest liability limit of any of the carriers in the routing, and that excess valuation shall be charged at the highest valuation rate of either carrier. The carriers now propose to change this rule to provide that the liability limits and excess declared value rate of the origin carrier shall govern the through interline movement.[5] The carriers also propose to establish joint liability for interline shipments, whereby the consignor shall have a right of action against the origin carrier, the consignee against the destination carrier, and each may further take action against the carrier which performed the transportation during which the destruction, loss, or damage took place.[6] The carriers have also added a rule for international traffic reflecting Article 29(1) of the Warsaw Convention (Warsaw)[7] providing that the right to damages shall be extinguished if action is not brought within two years[8] along with the present domestic rule which essentially establishes a 2-year limitation for bringing such actions.[9]

The present rule on liability for charges obligates the shipper and consignee for unpaid freight charges, even though the carrier has extended credit to the responsible party. The proposed rules would relieve the other party (shipper or consignee) when the carrier has extended credit.[10]

The carriers have clarified the rule concerning their lien on shipments for sums due the carriers,[11] as well as the rule providing for notice and disposition of delayed or undelivered shipments. Shippers of edible perishables have previously objected to the lack of adequate notice to them when delay occurs, and have advocated automatic notice in such instances. Although opposing automatic notice, the carriers have rewritten these rules for clarification and simplification, and have provided for advance written instructions by the shipper whenever he desires notification of delay, etc.[12] Tariff revisions to clarify Rules 38 and 40 were filed in the tariff for effectiveness August 16, 1968, and were not protested by any party, and the Board is herein approving the agreement relating thereto.

Specific time limits are established in the carriers' existing tariffs for the filing of various types of claims. The carriers propose to extend their present 270-day time period for the filing of claims for delay and visible loss or damage to 9 months and 9 days, and to waive the payment of freight charges as a prerequisite to the filing of a claim when-

---

Footnotes at end of article.

ever any part of a shipment is not delivered.[13] The carriers state that the above change from 270 days to 9 months plus 9 days was made to satisfy shipper requests for greater compatibility with surface carrier rules, and that the waiver of payment of charges on non-delivered shipments or parts of shipments was made in response to shipper requests for a more equitable rule.[14]

The carriers' agreements also include a substantive change in their rule concerning carrier liability (Rule 30). The present rule provides essentially that the carrier shall not be liable except for its actual negligence, and shippers contend that the carriers often deny liability on the grounds that they have accorded the goods ordinary care in handling and without undue delay. The carriers now propose to adopt, for domestic purposes, the principles of Articles 10, 11, 18(1), 20(1), and 26(1) of the Warsaw Convention. The proposed rules provide that the carrier will be liable in event of loss or damage during the transportation covered by the airline and that the carrier shall not be liable if it proves it has taken all measures to avoid damage or that it was impossible to take such measures.

In addition to the international provision cited above for actions at law, the carriers propose other "international" rules to be added to the domestic tariff. Such rules would have application only to traffic moving to or from the United States when the rates of a domestic carrier are combined with those of an international carrier, and when such domestic carrier does not participate in the through international rules tariff of the international carrier. The proposed provisions reflect international rules only insofar as Warsaw traffic is concerned; hence international no-Warsaw traffic would still be governed by "domestic rules, e.g., 50 cents per pound, etc. This is substantially dissimilar to the tariffs of the international carriers, which typically treat Warsaw and non-Warsaw international traffic the same. Further, the proposed international rules for the domestic tariff perpetuate the practice of the international carriers in basing the additional charge (currently $.40 per $100.00 or fraction thereof) for excess valuation declarations on the shippers' total declared value, as distinguished from assessing the excess valuation charge only upon the amount by which the declared value is in excess of the liability limits assumed by the carrier.

From the inception of this proceeding in August 1967 to date, the Board has received a substantial volume of correspondence on this subject from shippers and various shipper groups, the general public, and Members of the Congress. Much of such correspondence and other written presentations is thoughtful and compelling, and the Board can only conclude, as it earlier indicated in 1967, that a substantial degree of public dissatisfaction has existed and will still exist with respect to the air carriers' rules and practices concerning air freight liability and claims.

With rare exception, however, protestants offer little opposition to the pending agreements of the carriers and their proposed rule changes, *per se*. Rather, the opposition has focused largely on what the carriers have not proposed to revise, and/or that their proposed revisions do not go far enough. Thus, it appears that the proposed revisions to these rules are considered typically to constitute an improvement, albeit a lesser one than most would have contemplated. The Board therefore finds that such changes do not appear to be adverse to the public interest or in violation of the Federal Aviation Act, and we will accordingly approve the agreements, subject to certain conditions, as hereinafter explained. Those agreements which we are herein ordering investigated are approved *pendente lite*.

We are not convinced, however, that the carriers have fully resolved the major issues on carrier liability, limit of liability, declared value, packing and marking requirements, and the 15-day notice rule on concealed loss and damage, and, upon consideration of all relevant matters, the Board finds that these provisions may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and that they should be investigated.

While the Warsaw principles proposed for domestic carrier liability undoubtedly constitute an improvement over the present rules, the carriers still maintain exclusions or limitations on their cargo liability which are significantly more limited than the traditional liability of common carriers. The 50 cent/$50.00 liability limit of the carriers has been both protested and supported by shippers. The amount provided by this rule would undoubtedly cover only a portion of the actual loss to the shipper in most situations and there is a serious question as to its lawfulness. More so are the carrier exceptions to these limits (footnote 2, supra). The maintenance of a total exclusion on liability for consequential and special damages also appears to warrant reexamination.

The carriers do not propose any change in their general rules on packing requirements, which typically place the full burden on the shipper to anticipate properly the hazards inherent in air transportation. Claims for damage are often denied on the grounds of improper packing, even though the carrier accepted the goods without noting any exceptions as to condition of the shipment. The Board is of the opinion that the carriers should specify packing requirements consonant with the air environment, which they should know best. Absent such carrier-prescribed packing standards, it would seem to follow that the carriers should not be permitted to deny liability for loss or damage if they have accepted the goods for transportation.

Although surface carriers also employ a 15-day notice standard on concealed loss or damage, the absence of such notice is not of itself grounds for denial of a claim. Hence the unequivocal air carrier rule on this point is more stringent than the surface carriers' rule.

The Board intends, at least initially, that the investigation be limited to the major issues just discussed. With regard to other rules and issues of lesser import, which the carriers have not resolved, the Board will instruct its staff to develop revised and improved rules to be circulated to the carriers and shippers,[15] which if adopted will obviate an investigation thereof by the Board. We will not hesitate, however, to broaden the investigation to include other rules and issues should it appear that these informal procedures are not successful.

In addition, it appears that some matters will more readily lend themselves to rule-making action by the Board, and we will review and consider this avenue for such matters as a uniform standard airbill, reserved air freight, shippers' all-risk insurance, and a shipper's claim manual.

Lastly, we turn to the proposed international rules for domestic carriers. The addition of such rules to the domestic tariff will very likely clarify numerous points on which the tariff is presently silent, and will to some degree bring such provisions into better agreement with other international provisions. While the volume of traffic which would move under the international rules of the domestic carriers is limited, we cannot find that it is in the public interest for the domestic carriers to agree to apply more onerous conditions on international traffic which is not subject to the Warsaw Convention than to Warsaw traffic. We will therefore condition our approval to insure that international non-Warsaw and Warsaw traffic are treated the same with respect to the liability limit of $7.52 per pound, and to establish uniform time limits for claims.[16] Lastly, the rules are silent as to whether the carriers' liability of $7.52 per pound is based upon the total weight of the entire shipment or only the weight of the lost or damaged packages, and are silent on time limits for filing claims on loss or overcharges, and we believe these omissions should be corrected. Accordingly, the Board will condition its approval of the carriers' agreements with respect to the foregoing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, 412, 414 and 1002 thereof

It is ordered that:

1. Agreement CAB 19891–A4 covering Rules 38 and 40, Agreement CAB 20746–A1 covering Rule 36, Rule 60(B), Rule 62 and Rule 64,[17] Agreement CAB 20746–A2 covering Rule 36, and Agreement CAB 21288 covering Rule 30, Rule 32, and new Rules 52(B), (D), and (E) (3) are approved;

2. Agreement CAB 20746–A1 covering Rule 60(A) and 60(B)(2), and Agreement CAB 21288 covering Rule 52(A) are approved, provided (a) that the definition of "international transportation" is amended to include all traffic between a point in the United States and a point outside the United States, including but not limited to "international transportation" as defined in the Warsaw Convention; (b) that notice of claims on international partial loss is treated the same as damage under the international 7-day rule; (c) that notice of claims on international total loss (including non-delivery) be made subject to a 9-month plus 9-day time limit; (d) that a 2-year time limit on international overcharge claims shall be required in conjunction with Rule 60(A); (e) that international liability at $7.52 per pound shall be computed on the weight of the total shipment; (f) that international charges for shipper's declared value shall be assessed on only that amount by which such declared value exceeds $7.52 per pound per shipment; and (g) that the absence of the 15-day domestic notice requirement on concealed loss or damage shall not constitute grounds for denial of such claims;

3. An investigation is instituted to determine whether the provisions of the rules appearing on the revised pages of the tariffs, including subsequent revisions and reissues thereof, enumerated in Note 2 through Note 16 of Appendix A to the extent they apply for or on behalf of the carriers as shown in Note 1 of Appendix A, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

4. The scope of the investigation instituted by ordering paragraph 3 above shall include as issues whether Agreements CAB 20746–A1 and 21288, embodying the provisions of Rules 30, 32, 52 and 60 of Airline Tariff Publishers, Inc. Agent's Tariff CAB No. 96 are adverse to the public interest or in violation of the Federal Aviation Act of 1938;

5. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be served upon the air carriers named in Appendix A which are hereby made parties to this proceeding.[18]

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

HARRY J. ZINK, *Secretary*.

FOOTNOTES

---

[1] See Orders 69–10–4 of October 1, 1969, and 69–6–32 of June 6, 1969, and prior orders in Docket 19923; the discussion authority expired March 30, 1970.

[2] Numerous commodities are accorded lower limits, e.g., 10 cents per pound, or $10.00

per shipment, with excess valuation charged at $2.00 per $100.00.

[3] Rule 32(B); all Rule Nos. referred to are published in Official Air Freight Rules Tariff No. 1–B, C.A.B. No. 96, Airline Tariff Publishers, Inc., Agent.

[4] Rule 52(E) (3).

[5] Rule 52(D).

[6] Rule 64.

[7] *Convention for Unification of Certain Rules Relating to International Transportation by Air* Concluded at Warsaw, Poland, on the 12th day of October, 1929.

[8] Rule 62(A).

[9] Rule 62(B); previously approved by the Board, Order 68–10–13, dated October 3, 1968.

[10] Rule 36.

[11] Rule 38.

[12] Rule 40.

[13] Rule 60; see also Order 68–10–13, *supra*, concerning the 2-year limit on overcharge claims.

[14] The carriers do not propose any change in their 15-day notice rule on concealed loss and damage, or as to packing and marking requirements, both of which were the subject of substantial shipper complaints.

[15] In addition to rules directly concerned with liability, the Board also takes note of concern expressed by shippers with rules involving carrier terms of acceptance, as well as the numerous individual carrier exceptions throughout the carriers' tariff. The staff effort will therefore embrace these aspects as well.

[16] Although the industry agreement cites $7.52 per pound, derived from 250 francs per kilogram as specified in Article 22 of the Warsaw Convention, various international tariffs currently use either the language of the Convention, or $7.48 per pound, or $16.50 per kilogram, to express the limit of carrier liability. In addition, several international carriers require that in case of partial loss a complaint must be made in 7 days, consistent with the Warsaw requirement as to damage in Article 26; for total loss, however, many international carriers impose a 120-day requirement, and some, but not all, international tariffs specify a 2-year time limit on the filing of overcharge claims.

[17] Provisions of Agreement CAB 20746–A1 concerning present tariff Rule 58(D) were earlier approved by Order 69–10–4.

[18] Persons who have previously communicated with the Board in this proceeding will be served with this order, but are not made parties to this investigation at this time. Any interested person may file documents authorized by Part 302—Rules of Practice in Economic Proceedings. Persons desiring to appear at any hearing and present relevant evidence may participate in accordance with Rule 14 of the Board's Rules of Practice. Persons desiring to formally intervene as a party in any hearings held pursuant to this investigation must file a petition to intervene and are otherwise governed by Rule 15 (14 CFR 302.14, 302.15).

By Mr. INOUYE (for himself, Mr. Beall, Mr. Eagleton, Mr. Percy, Mr. Stevenson, and Mr. Tunney):

S. 1764. A bill relating to the Federal payment for the District of Columbia. Referred to the Committee on the District of Columbia.

Mr. INOUYE. Mr. President, I send to the desk for approximate reference a bill to provide a $200 million Federal payment for the District of Columbia. As chairman of the District of Columbia Appropriations Subcommittee of the Appropriations Committee, I have been conducting hearings into the needs of the District of Columbia for funds to operate the city. During the course of these hearings it has been quite obvious that the city's need for revenue exceeds its ability to obtain that revenue. The budget proposed for the District of Columbia by the President includes expenditures based upon the imposition of a reciprocal income tax upon residents of the surrounding States, an increased Federal payment of $27 million, and an increase in the real property tax.

I do not think I am overstating the situation when I say that the likelihood of Congress imposing a reciprocal income tax upon residents of Maryland and Virginia for the benefit of the District of Columbia is remote. Despite the mayor's eloquent pleas for such a tax, I do not believe that it could be enacted in time to meet the fiscal needs of the city for fiscal year 1972.

During the course of my hearings I have been impressed by both the fact that the needs of the city are real and that the Federal presence in the city requires a much larger expenditure of funds than at least I realized prior to taking on this assignment as chairman of the District of Columbia Appropriations Subcommittee. For example, the very peaceful march upon the Congress conducted by Vietnam war veterans in the last week cost the city over $100,000 in added expenses. A less peaceful march obviously would cost the city much more. Furthermore, it is the only city in the United States that plays host to foreign dignitaries brought to these shores by the President on behalf of our country. This is the city that must provide these visitors with protection, with facilities for their entertainment, and the myriad other services which are required as the Nation's Capital hosting foreign dignitaries. Heretofore, the Congress has always thought of the Federal payment in terms of the land that the Government uses to house its offices, and the loss of tax revenues occasioned thereby. This may make up for the expenses occasioned by the employees of the Federal Government, but it does not make up for the expenses occasioned by this being the Nation's Capital with hundreds of thousands of visitors coming here every year. I know that the citizens of the District of Columbia are happy to welcome most of these visitors and are proud to receive them. But these visitors, welcomed or otherwise, do require extra police protection, extra fire services, extra sanitation services, and I believe that it is time the Congress recognizes these additional expenses.

The nature of the city of Washington has been determined by its designation as our Nation's Capital and the restrictions which we have, therefore, imposed. These restrictions include maximum height limitations on buildings, land-use decisions, and actions by the Fine Arts Commission which have caused industries and commercial enterprises to locate outside her geographic boundaries. The District of Columbia's tax revenues and ability to be financially self-sufficient have thereby been further reduced.

For these reasons the taxable value of those lands which are owned by the Federal Government are an inadequate measure of our obligation to provide special supplements to normal district revenue sources.

This is not to say that I have not found some areas where I, at least, believe that expenditures of the city could be cut back. Some of these I have pointed out publicly during the course of the hearings. Others I will discuss with members of the Appropriations Committee during executive sessions on the budget for the District of Columbia. I intend to recommend the cut of all unnecessary and all unreasonable expenses from the budget of the District of Columbia. I hope that when the committee has completed its consideration there will be no fat in the city budget. However, I am sure that no Member of this body believes that in order to provide services for our visitors we should deprive the children of the Nation's Capital of a decent education; nor should we deprive the citizens of the Nation's Capital of the usual services that every city provides its citizens.

While I am sure that Washington is not unique in this regard, I was very pleased to find that there is no evidence of major or significant corruption in the city's government. I have received hundreds of letters and phone calls from citizens in the District and surrounding areas, giving me information with regard to the District and its budgetary problems. Many of them indicated areas where expenses might be curtailed but in no instance did I receive any information that money was being illegally or illicitly spent. City official's pockets were not being lined. The Mayor and the members of his government are to be commended for this, and the best way we can show our commendation is to give them the money necessary to properly run the city government.

In sum, Mr. President, I believe that since the Federal Government is the magnet which draws thousands of people to this city and increases the expenses of the city, the Congress should recognize this situation and attempt to fully meet the especial expenses which are created.

By Mr. SPARKMAN (for himself, Mr. Proxmire, Mr. Tower, and Mr. Bennett):

S. 1766. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce on behalf of myself, and Senators Proxmire, Tower, and Bennett, a bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

This would conform to our practice to authorize the striking of medals to commemorate various historical events. Public Law 89–491 established the American Revolution Commission and specifically requested the Commission to consider the issuance of medals as a part of the national program for commemorating the bicentennial of the American Revolution. The medals authorized to be struck by the mint under this bill have been recommended by the Commission.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section explanation be printed in the RECORD at this point.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 1766

A bill to provide for the striking of medals in commemoration of the Bicentennial of the American Revolution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the Bicentennial of the birth of the United States and the historic events preceding and associated with the American Revolution, the Secretary of the Treasury (hereafter referred to as the "Secretary") is authorized and directed to strike medals of suitable sizes and metals, each with suitable emblems, devices and inscriptions to be determined by the American Revolution Bicentennial Commission (hereafter referred to as the "Commission") subject to the approval of the Secretary.

SEC. 2. A national medal shall be struck commemorating the year 1776 and its significance to American independence. In addition to the national medal, a maximum of thirteen medals each of a difference design may be struck to commemorate specific historical events of great importance, recognized nationally as milestones in the continuing progress of the United States of America toward life, liberty, and the pursuit of happiness.

SEC. 3. The Secretary shall strike and furnish to the Commission such quantities of medals as may be necessary, with a minimum order of 2,000 medals of each design or size. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1983.

SEC. 4. The medals authorized under this Act are national medals within the meaning of section 3851 of the revised Statutes (31 U.S.C. 368).

SEC. 5. The medals shall be furnished by the Secretary at a price equal to the cost of the manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

SECTION-BY-SECTION EXPLANATION

BACKGROUND

Throughout history it has been the practice of Governments to strike commemorative medals in celebration of and to perpetuate historic occasions and events. The United States government has, through the U.S. Mint, struck such medals on numerous occasions, including the Centennial anniversary of the Declaration of Independence.

In enacting PL 89–491 which established the American Revolution Bicentennial Commission, the Congress directed the Commission to recommend an overall program for commemorating the Bicentennial of the American Revolution including the issuance of commemorative medals.

Accordingly, the Commission convened an Advisory Panel on Coins and Medals composed of professional numismatists to develop recommendations for Bicentennial numismatic commemorative programs.

The Panel's recommendations regarding a commemorative medals program were adopted by the Commission.

The recommendations are that:

A *national medal* be struck by the U.S. Mint which would be singularly identifiable in both obverse and reverse design as the official national medal commemorating the Bicentennial.

A series of not less than 6 and not more than 13 appropriate commemorative medals be struck by the U.S. Mint, to be issued annually with a related commemorative stamp, having a first date of issue cancellation, as a *philatelic-numismatic combination.*

An *awards medal* be struck by a private mint as a Commission presentation piece in recognition of outstanding service, leadership or support of Bicentennial programs.

A *State medal* authorized by each State be struck by private mints in cooperation with the Commission to assure uniform size, composition and design to result in an official matching set of medals of all the States.

The Commission believes that this comprehensive program will result in a variety of official National and State commemorative medals to satisfy the needs of the general public and collectors and to perpetuate the Bicentennial by means of such historic mementoes.

The draft bill authorizes two kinds of medals recommended by the Commission for striking by the U.S. Mint. That is, the national medal, and the medals for the philatelic-numismatic combination series. The State medals will, of course, have to be authorized in appropriate State legislation. Also, since the awards medal is to be struck by private mints, no Federal authorizing legislation is necessary.

Section 1

This Section authorizes the Secretary of the Treasury to strike the medals authorized in Section 2 of the Bill. The designs, sizes, and metals will be determined by the Commission subject to the approval of the Secretary of the Treasury.

Section 2

This Section authorizes the striking of a national medal commemorating 1976 as the 200th anniversary of American independence. The medal, in a design approved by the Commission and with concurrence of the Secretary of the Treasury, will be struck in uniform sizes and of common and precious metals. In order that sufficient numbers of medals are produced, the striking and stockpiling by the Mint will begin a sufficient period of time prior to 1976. Distribution of the medals will probably begin no earlier than July 4, 1975, and may end on or before December 31, 1983. Various outlets will be established for widest possible distribution of the medals.

This Section also authorizes the striking of a maximum of thirteen medals (one for each year 1971 to 1983; or a minimum of six, one for each year 1971 to 1976) to create philatelic-numismatic commemoratives, a unique combination of a commemorative stamp and a commemorative medal (usually representing one specific event) affixed together in a specially designed envelope which is postmarked and cancelled on the eventful date at a pertinent historical location. The philatelic-numismatic combination was chosen as a meaningful and tangible method to perpetuate the Bicentennial era since it can portray historic characters and events in contemporary fashion for retention as official historical mementoes.

It is expected that the U.S. Mint will produce the commemorative medals, the U.S. Postal Service will produce commemorative stamps, and a private corporation on contract will package and distribute the philatelic-numismatic commemorative packages in the name of the American Revolution Bicentennial Commission.

Section 3

This Section authorizes the Secretary of the Treasury to fill Commission requests for the various medals. Generally, medal production will be based on estimates of demand.

The first philatelic-numismatic commemoratives are planned for distribution on July 4, 1971. Follow-up PNC's may be distributed on each subsequent Independence Day or a day of special significance to the realization of American independence.

Section 4

This Section stipulates that the medals authorized by the Bill are national medals. Such official designation enhances their value as historic mementoes.

Section 5

This Section provides that the Commission will receive the medals at cost from the Mint. The Commission plans to make the medals available to the general public at a reasonable price.

The national medal will be sold in both common and precious metals and large and small sizes, ranging, for example, from a small 1-5/16 inch bronze, to a 3 inch platinum medal.

The philatelic-numismatic commemoratives, all of a uniform size and composition, should be of interest both to stamp and medal collectors and to the general public for their uniqueness and historic value.

By Mr. PELL:

S. 1767. A bill to amend title II of the Social Security Act to provide that benefits payable thereunder shall be periodically increased or decreased so as to correspond to increases or decreases in the cost of living; and

S. 1768. A bill to amend title II of the Social Security Act to increase the annual amount that individuals are permitted to earn without suffering deductions in the monthly benefits payable to them thereunder. Referred to the Committee on Finance.

NEEDED IMPROVEMENTS IN THE SOCIAL SECURITY PROGRAM

Mr. PELL. Mr. President, I introduce for appropriate reference a bill to provide for automatic cost of living increases for social security beneficiaries and a bill to increase the amount of wages a social security beneficiary would be permitted to earn while receiving social security benefits.

Recently the Congress enacted a long needed increase in benefits for social security beneficiaries. While I am delighted that we were able to act to provide a 10-percent increase in social security benefits, I would urge my fellow Members of Congress not to forget our senior citizens for the remainder of this Congress.

There are many more improvements that need to be made in the social security program if the retirement years of our older Americans are going to be made, not black with poverty, but golden with the security of an adequate income.

The shocking fact is that nearly 5 million older Americans are classified as poor, and that since 1968, when the present inflationary period first began, nearly 200,000 senior citizens have been added to the rolls of the poor. While all other demographic groups were experiencing a decrease in the number of poor persons, the aged as a group were suffering an increase. In a country as affluent as our own, I find this fact unacceptable.

If the administration is not willing to use the authority given to it by Congress to end inflation through the use of wage and price controls, I do not think it is fair for us to allow the group most unable to carry the burdens of inflation, the elderly, to be penalized.

Unlike other more affluent citizens, inflation does not mean that the vacation to Florida is put off another year or that the purchase of a new car is delayed; but for the elderly pensioner it means less nutrition, less money to buy essential foods, bad health, less money for needed medications; it means not an annoyance, not a disappointment, but, disaster and despair.

While it is, no doubt, of help to the elderly when the Congress enacts periodic increases in social security benefits during periods of inflation; these benefit increases are no help to the pensioner who, during the period of inflation before a benefit increase, must do without some of the essentials of life because of a temporary loss of purchasing power. Social security beneficiaries pay an unnecessary penalty in awaiting cost of living increases provided by Congress.

To remedy this situation I propose a relatively uncomplicated bill to provide for automatic cost of living adjustment in social security benefits.

My bill provides that if the cost-of-living index compiled by the Bureau of Labor Statistics reflects a 3-percent rise in relation to a stated base period, then social security benefits would be adjusted upward by the same percentage. The legislation also provides that in the event such a cost-of-living increase should result in an actuarial deficiency in the trust fund, the Secretary of Health, Education, and Welfare shall report this fact to Congress, together with recommended changes for additional finances.

For the typical retired worker, the average social security benefit is only about $1,400 a year. For the average retired couple, social security provides approximately $2,400 in annual benefits.

Those funds are obviously not enough for retired persons to live in comfort. When the Social Security Act first became law in 1935, the intent of the program was that the benefits provided were only to be supplementary to other income elderly persons were expected to have from private pensions, investments, and rents. Consequently, since a social security beneficiary was expected to be living off those so-called retirement incomes, a limitation was put upon the wages a person could receive when receiving social security benefits.

Studies now show that very few elderly citizens have incomes other than their social security benefits on which to live. Only one person in 10 who made a contribution to a private pension plan, according to a report of the Senate Labor Subcommittee of which I am a member, actually now receive pension benefits when he retires. According to another study, pension benefits make up only 3 percent of the income sources of elderly persons. This means that for most older Americans, social security is not a supplementary payment, but it is an only payment.

Unless an elderly person wants to live on only $1,400 a year, he has no choice but to seek work. I do not believe our senior citizens should be penalized by sanctions in the social security program if they do not want to live in poverty and if they want to work. It is for this reason I am today introducing a bill to increase the earnings limitations imposed on recipients of social security benefits.

Under existing law, an individual receiving benefits can earn only up to $1,680 a year before his additional earnings are offset, either in part or in whole, by deductions from his benefits. In the past two Congresses, I have introduced legislation to increase the limitation. I am now proposing an increase in the limitation to $2,700.

A higher earnings limitation would have two beneficial effects. It would permit our senior citizens to supplement to a degree the modest benefits provided by social security, without returning to the work force as full-time employees.

In addition, the increase would permit the Nation to receive to a larger degree the benefit of the contributions these senior citizens can make to our society, and at the same time, permit the senior citizens to lead fuller lives by using their talents and abilities, if they wish, in part-time remunerative activities.

Mr. President, while, as the sponsor of the bills I have just described, I would hope that those bills would be given priority consideration, there are a number of other bills which I have cosponsored with other Senators that I believe should also be given a high priority in this Congress.

It is important that when the Congress enacts a cost-of-living adjusment provision as I have suggested, that the level of social security benefits be at least even with the rate of inflation which has already diminished the value of social security benefits.

Therefore, as a cosponsor of S. 923, I would urge the Congress to consider favorably the provisions of that bill providing for a 15-percent across-the-board increase in benefits in 1972. This provision would provide an equitable starting point from which automatic increases could begin.

Minimum benefits are now at a level of $64 a month. This represents $770 a year, which is less than one-half of $1,749, the poverty threshold for an aged person. As a cosponsor of S. 923, I would propose raising this minimum to $100 this year and then to $120 in 1972.

With this approach, with the automatic cost of living increases, the relaxation of the outside earnings limitation, and a 15-percent boost in benefits, a large number of elderly persons could be lifted out of poverty.

We are all aware of the increasing cost of health care, a cost that is increasing at twice the rate of normal inflation. Few persons, other than the elderly, however, are more sensitive to those increases. The elderly are the primary people who are sick and who are hospitalized. Despite the benefits of medicare, they are finding that health costs are eating up more and more of their limited incomes. The elderly spend three times as much on health care as the average person—an estimated $595 in Rhode Island—while the average reimbursement is equal to only approximately half of those costs—an estimated $307 in Rhode Island.

We must seek ways to reduce this burden of health costs. Two steps I believe we can take now are included in S. 923, which I have cosponsored.

I would urge the elimination of the expensive part B premium for physician coverage under medicare. In July, when the new part B rates go into effect, an elderly couple will be paying about $135 a year for limited physician coverage alone. The bill I have cosponsored would merge the part B premium into the financing of part A through the traditional payroll tax, with some funding from general revenues.

I would also urge consideration of the inclusion of out-of-hospital prescription drugs in the medicare program.

The elimination of the part B premium and the coverage of prescription drugs as proposed in S. 923, I would note, are recommendations that have the support of the National Advisory Council on Social Security, the AFL–CIO, and the National Council of Senior Citizens.

Mr. President, in some instances the lack of an adequate pension would not be such a significant burden on the elderly if there were ways in which they could obtain, without difficulty, personal services which they need, such as help with their housework and in the preparation of hot meals.

It is for this reason I have also cosponsored S. 882, a bill to authorize payment under the medicare program for the services of household aides, and I have cosponsored S. 1163, a bill to authorize the establishment of a permanent and expanded "meals on wheels" program capable of providing low cost, nutritionally sound meals to be served in senior citizen centers, community centers, and other public and private nonprofit institutions. In order to aid senior citizens in their transport between their homes and these centers, I have also cosponsored S. 1124, a bill to establish a demonstration grant program to focus on the development of low cost and efficient means of transportation for senior citizens.

Mr. President, our senior citizens are a significant and ever-increasing segment of our population. In my own State, at the turn of the century, senior citizens represented a little over 4 percent of the population. Now they are approaching 11 percent of the population.

We cannot, as a Nation concerned about the welfare of our citizens, sit idly by and allow such a large segment of our population to enter into a period of retirement which is synonymous with poverty and despair. Our senior citizens have worked hard and long to make our Nation the great Nation that it is. They deserve a rest. They deserve some time in which they can enjoy the relaxations of a leisurely retirement without the burdens of economic deprivation. The bills I offer here today and the bills I have cosponsored, I believe, offer the possibility of making our senior citizens' retirement years truly the golden years. I would commend these bills to your attention for your support.

By Mr. GURNEY (for himself, Mr. PASTORE, Mr. YOUNG, Mr. DOLE, Mr. THURMOND, Mr. BUCKLEY, Mr. ALLOTT, Mr. HUMPHREY, Mr. BIBLE, Mr. ERVIN, Mr. BENNETT, Mr. GOLDWATER, Mr. RANDOLPH, Mr. STEVENS, Mr. PELL, and Mr. JAVITS):

S.J. Res. 91. A joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week." Referred to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. GURNEY. Mr. President, I am today introducing a resolution which would designate the fourth week of November as "National Family Week." I am happy to include Senators Pastore, Young, Dole, Thurmond, Buckley, Allott, Humphrey, Bible, Ervin, Bennett, Goldwater, Randolph, Stevens, Pell, and Javits as cosponsors for this legislation.

This legislation, which has also been introduced in the House by Representative John T. Myers, would authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

Mr. President, the basic strength of our society is the family. William Makepeace Thackeray once stated:

> As are families, so is society. If well ordered, and well governed, they are the springs from which go forth the streams of national greatness and prosperity—of civil order and public happiness.

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

> One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.
>
> The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations. Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: "The extinction of faith in the familistic system is identical with the movements in Greece during the century following the Peloponnesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves."

The Time article continues:

> Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone.

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I also think it fitting to designate National Family Week to coincide with Thanksgiving Day, the traditional time when families throughout the Nation are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

In the March 1969 issue of Science Digest, Mr. Arthur Mandelbaum spoke about the true image of the American family:

> Ogden Nash once defined a family as a unit, composed not only of children, but of men, women, and an occasional animals and a common cold. But this is an idealized, false, homogenized image of the American family. It does not exist except in some Hollywood or T.V. fantasy. Families do not have such a harmonious and boring architecture, they come in all sizes and shapes; fascinating, fantastic, wonderful and quite human, unpredictable and plausible, in different genetic combinations and qualities, covering a range of varied sensitivities.

We can appreciate this statement, Mr. President, since in the last few days we have certain events occur in Washington. I know in some instances of young people who participated in these unpleasant and tragic events of the last few days that come from my home State of Florida. And I know that in some instances their parents had no idea that they were in Washington at all. They have communicated that fact with my office.

The parents are heartbroken. They deplore the fact that their children were engaged in these events that occurred in the last few days. I suspect that every Member of the Senate can relate similar circumstances.

I do not think there is any question in my mind that a lot of the trouble we have experienced in the last few days can be traced right back to the families and the lack of supervision by the parents of the children and the mark of inculcation of certain basic values that every society must have, which are necessary, even though they are very different, in order that society may stick together. Certainly the problem of discipline is involved there, also.

I think a good deal of what has happened in the last few days in Washington can be traced directly to family problems and the lack of family cohesiveness.

I am hopeful that the Senate will early consider and speedily and favorably act on this resolution and that various organizations within local communities will join together to make such an observance as meaningful as possible.

ADDITIONAL COSPONSORS OF BILLS

S. 75 AND S. 77

At the request of Mr. Nelson, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 75, the Detergent Pollution Control Act, and S. 77, the Mined Lands Restoration and Protection Act.

S. 1498

At the request of Mr. Nelson, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1498, a bill to ban strip mining for coal.

S. 1608

At the request of Mr. Sparkman, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 1608, to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 108

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. Williams), I ask unanimous consent that, at the next printing, the names of Senators Hart, Mondale, Cranston, Inouye, and McGovern be added as cosponsors of Senate Resolution 108, to disapprove reorganization plan No. 1.

The PRESIDING OFFICER (Mr. Talmadge). Without objection, it is so ordered.

SENATE RESOLUTION 112

At the request of Mr. Gurney, for Mr. Javits, the Senator from Kentucky (Mr. Cook) was added as a cosponsor for Senate Resolution 112, providing for appointment of female Senate pages.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. McGovern), I ask unanimous consent to have printed in the Record a statement by him announcing open hearings by the Subcommittee on Indian Affairs on May 13 and 14.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Announcement of Open Hearings by Subcommittee on Indian Affairs

Mr. McGovern. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Indian Affairs on several judgment distribution bills for May 13 and 14. Those to be heard on May 13 are:

S. 1462, to provide for the distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of the funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142 and 359, and

S. 101, to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets numbered 326-D, 326-E, 326-F, 326-G, 326-H, 366, and 367, consolidated, and for other purposes.

On May 14 the Subcommittee will consider the following:

H.R. 1100—To provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes.

S. 1103 (H.R. 1444)—providing for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93;

S. 1231 (H.R. 6072), providing for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission docket numbers 18-A, 113, and 191, and for other purposes;

S. 1070 (H.R. 6797) providing for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316 and 193;

S. 805, S. 1066 (H.R. 4353) providing for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Kansas, Nebraska and Oklahoma.

The hearings will be held in room 3110, New Senate Office Building and will begin at 10:00 a.m. Anyone wishing to testify at these hearings should so advise the staff of Committee on Interior and Insular Affairs.

NOTICE OF HEARINGS CONCERNING OIL POLLUTION OF THE SEA

Mr. PELL. Mr. President, I wish to announce that on Wednesday, May 19, the Subcommittee on Oceans and International Environment of the Committee on Foreign Relations will begin 2 days of public hearings on Executive G—the IMCO Oil Pollution Conventions and Amendments to the 1954 Convention on the Prevention of Pollution of the Sea by Oil.

Briefly, these conventions and amendments are aimed at accomplishing three things. First, the Convention Relating to Intervention on the High Seas would establish the right of a coastal nation to take whatever action it deems appropriate "to prevent, mitigate or eliminate" the threat of oil pollution that might result from a maritime accident. Second, the Convention on Civil Liability for Oil Pollution Damage would write into international law the standard of absolute liability against the owner of a tanker involved in any maritime accident which causes oil pollution damage. And, three, the amendments to the 1954 convention would tighten up existing rules and regulations governing the discharge of oil at sea.

Mr. President, during its 2 days of hearings, the subcommittee will endeavor to hear from as wide a range of both governmental and nongovernmental witnesses as time permits. The subcommittee will also be receptive to the submission of written statements for insertion into the hearing record. I hope in this way, Mr. President, that a full, complete record can be compiled on these conventions and amendments.

In this regard, I also wish to renew my invitation to the members of the Subcommittee on Air and Water Pollution of the Public Works Committee who may wish to sit in on these hearings. And, at the same time, I want to extend a similar invitation to the members of the Commerce Committee's Subcommittee on Oceans and Atmosphere.

Mr. President, the conventions and amendments which the subcommittee will be considering represent the first international agreements relating to various aspects of the oil pollution issue to come before the Senate in this "Age of Ecology." Whether or not these agreements measure up to the honest concerns that have been expressed on this issue, is something that the Subcommittee on Oceans and International Environment will endeavor to determine. I hope that a favorable judgment can be rendered.

NOTICE OF HEARINGS CONCERNING CORRECTIONAL REFORM

Mr. BYRD of West Virginia. Mr. President, the Senator from North Dakota (Mr. BURDICK), as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, has asked me to announce hearings for May 13 at 2:00 p.m. in room 155 of the Senate Office Building. The purpose of this hearing will be to hear Mr. David Rothenberg, executive secretary of the Fortune Society and other members of the society regarding their views on correctional reform.

ORDER FOR RECOGNITION OF SENATORS McGOVERN, PERCY, AND HART ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished senior Senator from Virginia (Mr. BYRD), the following Senators be recognized, each for 15 minutes, and in the order stated: Messrs. McGOVERN, PERCY, and HART.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks by the able Senator from Michigan (Mr. HART), there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce have until midnight tonight to file a report on an original resolution authority a study of rail passenger service.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF REFERENCE OF A COMMUNICATION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from consideration of the letter from the Office of the Secretary of the Air Force, dated March 4, 1971, addressed to the President of the Senate, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes, and that the letter be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RAISING SHEEP—A REAL CHALLENGE

Mr. HANSEN. Mr. President, a number of industries in America today face specific problems which affect their ability to prosper, or to even to survive. Some are plagued by competition from abroad, where consumer items often are produced at half the cost of those produced here, because laborers abroad are paid a fraction of what the American laborer is paid.

Some are hard-put to cope with changes in our economy, while other industries have difficulty adjusting to changing times and changing demands.

Mr. President, I invite the attention of Senators to some of the problems faced by an important industry in my State—the lamb- and wool-producing industry. Raising sheep in these times, under the circumstances at present imposed on growers, has been characterized by one experienced Wyoming rancher as "one hell of a challenge."

And he is right: for in order for this industry to survive today, its members must cope not only with foreign competition which threatens producer income from wool and lamb meat sales, but with inflation, which affects all of us; with predatory animals, which kill sheep; with increased costs for equipment, grazing leases and labor; and with an acute labor shortage which grows more serious every year.

It is important for the consumer to know something about the mechanics of producing the products he buys, and about the problems faced by those who produce these products, because the consumer then will not draw false conclusions.

Sheep producers in this country are facing some very serious problems, some of which were outlined in an article written by Pat Schmidt and published in the Riverton, Wyo., Ranger of April 29, 1971.

Mr. President, the article does an excellent job of pointing out some of the challenges faced by the sheep producer. I ask that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sheepman: His Plight; His Problem; His Hope

(By Pat Schmidt)

Wyoming Woolgrowers and, for that matter, woolgrowers across America face a real challenge if they are to make a go of it in their business during the next few years.

A variety of problems must be met. Major sources of trouble are low wool prices, the lack of buyers, the rapid fluctuation in the lamb market and the high overhead due to inflation.

Granted, the sheepman is guaranteed incentive payments for wool based on a 72-cent national average until 1973, but this will not necessarily be renewed at that time.

The crux of the problem lies in the field of competition, competition from sheepmen and textile manufacturers in foreign countries where lower labor costs and little or no inflation prevail.

Another problem which could arise in the future and break the sheepman's back is an increase in grazing fees, according to Jack Geraud, Fremont Sheep Company, of Riverton. The margin of profit is so minute that even a minor change would make a vital difference.

Fulton Jameson, President of the Wyoming Woolgrowers Association, feels one of the major sources of the problem is, surprisingly, the current mode of changing styles so often.

At first one would think the increased changing of styles would be a boon to the sheepmen, but this is not the case. Wool is an expensive product, but one which is a good investment because of its long-wearing potential.

With the changing styles, the period of wear expected is shortened and cheaper materials are more practical.

Another source of problems as far as other materials are concerned is synthetic fiber with its wash 'n' wear characteristics. This problem is being overcome little by little, however, as different processes such as combinations of wool and synthetics are adapted. Still the cost is high, and, no matter what the values involved are, wool is fighting a short-term, cheaper product.

FOREIGN LABOR CHEAPER

Americans have become accustomed to hearing of unbelievably cheap labor in foreign countries and are perhaps hard to impress with comparative figures.

The sheepman's labor price contrast with foreign competitors is so extreme, however, that it should impress anyone. The cost to shear a sheep in the United States is about 70 cents; in Australia, it averages around 8 cents. In 1939, it was about 10 cents in the United States.

This does not even take into account the difficulty some people have finding shearers; in some parts of the state, men are brought from as far away as Texas and Idaho to handle the shearing.

Wool prices, which were as high as $1.50 during the Korean War, are now around 18 cents a pound. Whether the 18-cent figure is where the market will bottom out is yet another question. As Geraud says, "I feel the wool situation will resolve itself and improve with the economy. I can't believe we will have to put up with this price very long."

Incentive payments up to the 72-cent average are, of course, guaranteed, but, if the figure remains at or about 18 cents, incentive payments will be around 400 per cent for 1971. The incentive program is one of the few subsidy programs which is self-supporting. The entire payment amount is taken from revenues raised through imported wool and lambs.

The figuring of the incentive is roundabout, but it is done in a manner which encourages each seller to get the highest price.

After America's woolgrowers report the prices for which their wool is sold, a national average is computed. The difference between this national average and the 72-cent base is then used as a percentage figure for determining individual payments.

(Example: The year 1970's national average was 35.5 cents per pound of wool, leaving 36.5 cents per pound or 102.8 per cent of the 72 cents to be made up in incentives. Local growers then multiply the price they pay for their wool for that year times 102.8, and the total is incentive amount paid him last year.)

Using this method, a man who sells for more than the national average receives more than 72 cents a pound while it is quite possible to end up below the national norm.

The 35.5-cent figure was down from 41.8-cent figure nationally in 1969.

There is also an incentive paid for not shearing lambs. This incentive paid $1.46 in 1970, up from $1.09 in 1969.

SHEEPHERDERS VS. PREDATORS

Another basic problem confronts the sheepman. Sheepherders are hard to come by and are necessary to protect herds from predators. Sheep-tight fencing was once thought the answer, but that just locked the sheep in an enclosure where the predators could wreak even more havoc.

According to Geraud, it is a matter of record that sheepmen using such systems suffered up to 10 per cent losses last year.

In a Department of Agriculture newsletter, 1969 predator losses in Wyoming were reported to be 140,000 sheep and lambs, 30 per cent of the total crop loss. About 94,000 of these were attributed to coyotes, 8,700 bobcats, 8,200 to eagles, 8,500 to dogs, 10,600 to bears and 9,200 to other predators.

These figures seem a bit high, but even if the loss is half that quoted, the sheepman's grudge against the predators is easily understood.

Here the question of predator control enters. Whether it is the proper course ecologically to eradicate the pests, current efforts and those in the past have proven ineffective, as losses to predators have continued to rise. Sheepmen maintain predators are on the increase.

According to Jameson, efforts to get the cattlemen to help eradicate predators have brought little response. He noted that if a sheepman goes out of the business, he would probably change to cattle and compete with the beef industry—a change that would in the long run hurt the cattleman and cattle market.

Geraud felt the switch could come and could be done in a relatively short period.

He expressed hope for the future of the domestic sheepman, and said, "We've had dark days before down through the years when it appears hopeless, but I think this time we will see a real crossroads."

There is some hope, however, as Geraud and others hastened to point out.

Several types of predator repellants such as flashing lights or chemicals on the sheep have been discussed, but none have proven effective. Primary means of control are still hunting and poisoning.

MORE CROPS CONSIDERED

Another solution which might help is currently being watched very closely—this would be the production of three lamb crops in two years.

This would enable sheepmen to capitalize on the recent upswing in slaughter lamb prices to the fullest extent but would probably increase overhead disproportionately since at least one lamb crop would come in the dead of winter.

One of the primary means of the sheepman making a living now is through drastic cutting of overhead, and every sheepman is spending sleepless nights thinking of new corners to cut.

Lower import quotas or higher tariffs on textiles and foreign wool might be the answer. Geraud feels higher tariffs in foreign countries are one of the main causes of all the sheepman's and textile manufacturer's ills in this country.

Currently there are about one million breeding ewes in Wyoming according to Geraud. At one time there were about 2½ million head in the state. Still Wyoming ranks second only to Texas. Surprisingly, there has been a gain in the smaller sheep-producing states in the midwest, while Texas and Wyoming have dropped drastically. Currently the total is dropping around four per cent annually in Wyoming.

The sheepman is facing a declining wool market, an incentive payment which may be dropped, a lamb market which gives some hope but which is still not all that healthy, a healthy mounting pradator problem, a labor problem, a closing of textile factories and a layoff of wool buyers in the area.

"It's one hell of a challenge," understates Jack Geraud.

The importance of the sheepman and his effect on the economies of Fremont County and Wyoming can be measured by the large amount of wool and lambs marketed in Fremont County last year—930,741 pounds of wool and 3,489,936 pounds of unshorn lamb.

Any great change in this area would certainly upset the economy of Fremont County.

STRIP MINING IN CAPITOL REEF

Mr. MOSS. Mr. President, I have today sent a telegram to Secretary of the Interior Rogers Morton asking him to seek immediate purchase of the leasehold interest in the area threatened by strip mining for building stones in Capitol Reef National Monument. This may be the only way we can protect this magnificent area from those who would despoil it for short-term personal economic gain.

Capitol Reef is unique in all the world. It is the fabled "land of the sleeping rainbow," with spectacularly colored cliffs and yawning chasms. It is an area rich in the history of Indian settlements and our Utah pioneers. It is an area whose remarkable scenic beauty has been recognized by four Presidents, and an area that the U.S. Senate voted last year to be a new national park.

It is incomprehensible to me that we can even contemplate strip mining Capitol Reef. It is incredible that anyone could say "we contend that the highest economic value of the land is in the building stone." In my opinion, the highest economic use for Capitol Reef is not as a stone quarry any more than the highest economic use for the Wasatch Mountains is as a gravel pit.

The strip-mining operations threaten permanently to scar and disfigure the landscape. These scars would be visible from popular overlooks. They may even extend along the entrance road to the monument, where every visitor would view this eyesore. Once accomplished, the strip mining would be a permanent mark upon the face of Capitol Reef. It may destroy forever Utah's chance to make this area into a national park.

It is contended that Wayne County and the State of Utah would reap economic benefits from the mining. I believe that strip mining would be an economic blunder of the most serious magnitude. If the area is mined, the economic benefits end as soon as the supply of strippable stone is depleted. If the area remains unspoiled and is made into a national park, it will attract visitors as long as there are people interested in scenery, history, recreation, and camping.

We all know that America's recreational needs are growing year by year, and the amount of money that Americans spend on recreation is likewise increasing at a rapid rate. Having this area, unspoiled, as a National Park will bring to the economy of Wayne County and Utah many times over the amount of revenue that can be gained by quick and thoughtless exploitation for building stone.

I am confident that the Park Service officials can and will move quickly in this matter. It is imperative that they do so.

I ask unanimous consent that the telegram which I sent to Secretary Morton be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MAY 4, 1971.

HON. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

Urge immediate action to appraise and purchase area in Capitol Reef National Monument threatened by strip mine operations. Imperative that we protect this magnificent area in National Park System. Copy of statement made in Senate will follow.

Senator FRANK E. MOSS.

SENIOR CITIZENS' MONTH—MAY 1971

Mr. GURNEY. Mr. President, President Nixon has designated this month as the period in which we, as a nation, can pay tribute to our older citizens. It is entirely fitting that we pause on this occasion to consider the place of older Americans in our society.

The initial observation I think we can all make is that our older citizens are not receiving the attention or the consideration they deserve from the point of view of their numbers, from the point of view of their importance to our society.

I think I can illustrate this with some illuminating figures. There are in America today approximately 7 million college students. That figure includes full-time and part-time students in universities, colleges, junior colleges, and the like.

Contrast that figure of 7 million college students with the total number of persons in our country over the age of 65: That second figure is 20 million, roughly three times as great. In spite of their numbers, our senior citizens are systematically neglected by the press; their needs and interests, their difficulties, hopes and aspirations, receive little national attention. Think of what would happen if even 10 percent of our older citizens—2 million persons—decided to demonstrate their grievances in the fashion that some of our college students demonstrate theirs. We should, as a Nation, pay attention to the ideas and the problems of college age youngsters. But, simple justice demands that we give attention to the needs of a group of Americans that is three times as large as our college population—our senior citizens.

I am happy to say that this condition is changing for better. Our Special Committee on Aging has laid the groundwork in the last 2 years for a national effort to improve the lot of our senior citizens, retired persons—persons over 65. The thrust is, of course, economic; but we are also interested in housing, nutrition, transportation, and recreation needs of our older citizens.

President Nixon has proclaimed May 1971, as Senior Citizens' Month. Let me quote a portion of his proclamation:

> The generation of Americans over 65 have lived through a particularly challenging time in world history. The fact that our country has come through the first two-thirds of the twentieth century as a strong and growing Nation is the direct result of their devotion and their resourcefulness. We owe them a great deal—not only for what they have done in the past but also for what they are continuing to do today. Perhaps the greatest error which younger Americans make in dealing with the elderly is to underestimate the energy and skill which they can still contribute to their country.
>
> During the last year, several hundred thousand older people wrote to officials of the Federal Government and told us in their own words—some sad, some hopeful—about what they need and what they desire. We learned once again that what they seek most of all is a continuing role in shaping the destiny of their society. We must find new ways for helping them play such a role—an undertaking which will require a basic change in the attitudes of many Americans who are not yet elderly.

The President also recently named Dr. Arthur S. Flemming to be full-time Chairman of the 1971 White House Conference on Aging, which begins in Washington on November 28. The selection of that distinguished gentleman indicates the importance which the President attaches to the conference. Dr. Flemming, who was President Eisenhower's Secretary of Health, Education, and Welfare organized the first White House Conference on Aging in 1961. He is the former president of three colleges and universities, the former president of the World Council of Churches, the National Conference of Churches, and the American Council on Education. We all wish him well in his latest important assignment.

Mr. President, in connection with the White House Conference on Aging—if you will, the National Conference—the State counterparts are now beginning to meet around the Nation. In my own State, the Florida Conference on Aging will be meeting in Orlando beginning May 11, 1971. Our hope is to have a session of the Special Committee on Aging convene in Orlando the day before, May 10, to hear the views and recommendations of the participants. My State is blessed with a population of senior citizens proportionately greater than most other States: Older citizens retire to Florida to take advantage of the sun and delightful climate we rightfully boast about. We know firsthand of the vitality and energy of these retired persons. They are bustling and busy people, full of life and fun. They do not look upon retirement as enforced idleness, but rather as a new challenge and a new opportunity. I think it is time that we as a nation began to give these people the respect and the honor that is their due, and develop, not a patronizing sympathy, but genuine concern for their problems, hopes, and aspirations. We owe it to them to do so; we also owe it to ourselves because these individuals have a great many lessons and a great deal of wisdom to share with us.

NO-FAULT INSURANCE

Mr. EAGLETON. Mr. President, the concept of "no-fault" insurance is being increasingly discussed, cussed, analyzed, and reanalyzed.

The Commonwealth of Massachusetts has been experimenting with the system for several months.

It is my understanding that the Senator from Illinois (Mr. STEVENSON) intends to introduce a "no-fault" bill applicable to the District of Columbia.

I found an article on this subject written, by Morton Mintz, and published in the Washington Post of May 2, 1971, to be interesting. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO-FAULT INSURANCE VOTE NEARS

(By Morton Mintz)

Congress is heading toward a day of decision on an automobile insurance system that collects $14 billion a year but pays out to claimants and policyholders a net of $7 billion, or 50 cents on the dollar.

The system is a consumer issue with a potential for vast impacts on more than 100 million car owners and on the safety and repairability of the vehicles the auto industry will design for them hereafter.

But it is also an issue with a potential for drastic restructuring of the insurance business, which deducts $6 billion from the $14 billion of premiums for selling and other administrative expenses and for profit.

The legal profession's stake is also measurable. For litigating personal-injury and property-damage cases lawyers get $1 billion of the $14 billion, or reform advocates estimate, about one-quarter of their total income.

Last Friday, a House Commerce subcommittee headed by Rep. John E. Moss (D-Calif.) completed eight days of hearings on his bills for no-fault insurance, under which a motorist's own insurer compensates him for specified injuries and losses no matter who—if anyone—was responsible for an accident.

On Monday, the Senate Commerce Committee will begin a 10-day hearing on the similar, pioneer no-fault bills and related legislation cosponsored by Sen. Warren G. Magnuson (D-Wash.), the committee chairman, and Sen. Philip A. Hart (D-Mich.), chairman of the Senate antitrust subcommittee.

Magnuson and Hart, in a March hearing, attacked the White House position, which is that the present system "needs change badly, and needs it now," but that Congress should enact a resolution appealing to each of the states to adopt a no-fault plan.

VOLPE NOT TO OBJECT

However, under questioning by Moss, Secretary of Transportation, John A. Volpe said he would not object to a law setting federal standards for the states to meet, so long as there would be no federal "take-over" of regulation.

But two experienced state legislators from Illinois and Massachusetts testified that the administration approach is doomed to fail.

Anthony Scariano, of Chicago, said that to suggest that state legislatures substantially controlled by lawyers and insurance agents who thrive under the present system to enact genuine no-fault plans is to play "a cruel hoax on the long-suffering auto accident policyholder and potential victim."

Scariano gave the House subcommittee data on the legislatures of 10 selected states—California, Florida, Illinois, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania and Texas—for 1969 which showed:

The lawyers headed 16 of the total 20 state senate and house committees with jurisdiction over no-fault bills (an insurance agent heads another).

That only Michigan had neither a house nor a senate subcommittee with such jurisdiction that was not controlled by lawyers and insurance agents.

Scariano, joined by five other members of the Illinois House, sponsored a no-fault bill in 1967. It died in committee. In 1969 he tried again. Lawyer-legislators asked him, he said, "What are you trying to do? Repeal our livelihood?"

SAVING $100 MILLION

In the Massachusetts House, Michael S. Dukakis led a long battle for a no-fault plan. Last year an extremely restricted version was adopted. Even so, motorists in his state are being saved an estimated $100 million in premiums this year alone.

Before Moss, Dukakis protested any proposal to let the states act "in their own sweet time," (Secretary Volpe conceded to the congressman that after the first state enacted a workmen's compensation law, the last did not do so until three decades later).

The "guaranteed" result, Dukakis testified, will be a "crazy quilt" of state laws that will wrap motorists in different rules whenevery they leave their home states.

Almost no one any longer even bothers to offer a blanket defense of a system that in 1967, according to a massive Department of Transportation study, paid out $5.6 billion for losses that were actually $4 billion greater; gave an average permanently and totally disabled accident victim liability payments of $12,556 for an average total economic loss of $78,000 and often overpaid small claims—all while denying coverage, or charging discriminatory rates, to the unlucky.

Senate commerce committee sources said that the basic question raised by such facts is how can coverage be expanded—almost two-fold—to cover every motorist and to provide swift and adequate compensation to victims, all without increased costs to consumers?

MAIN ELEMENTS

The key elements in the Hart-Magnuson answer are these:

A no-fault bill requiring every vehicle owner to buy a policy covering himself, his family, passengers, persons using his car and pedestrians he may hit. An insurer could not deny such a policy to any owner who has a valid license and pays the premium. The policy, in event of accident, would pay *all* hospital and rehabilitation costs, up to $1,000 a month for 30 months in lost wages and other economic loss, except for damage to the vehicle (Moss would set a $36,000 limit).

A bill to authorize the Transportation Department to require auto manufacturers to design vehicles to reduce property damage. The 1975 models, for example, would have to have front and rear bumpers that would absorb a crash at 5 miles per hour into a fixed barrier with no damage to the car.

Sens. Hart and Magnuson, backed by insurance industry sources say this provision alone would decrease accident repair costs by $1 billion annually.

The National Association of Independent Insurers, whose members write more than half of the auto insurance policies, told the Moss subcommittee that the no-fault bills are "a gross overkill." This group, along with organizations of mutual firms and most companies that sell directly to consumers, favors, letting the states experiment.

The Hart-Magnuson and Moss bills would retain the liability system for death, loss of an eye or other "catastrophic harm." Last Friday, Nationwide Mutual, the fifth-largest auto insurer, proposed a no-fault system that would eliminate the liability system completely.

ENVIRONMENT, ECONOMICS, AND PUBLIC POLICY—ADDRESS BY DR. HAROLD E. PASSER

Mr. BAKER. Mr. President, I have just had brought to my attention an address delivered on April 26 to the Business Economists conference at Chicago by Dr. Harold E. Passer, Assistant Secretary of Commerce for Economic Affairs. The subject of Dr. Passer's remarks was "The Environment, Economics, and Public Policy," certainly a timely one.

As most of us are aware, we are only now entering the enforcement phase of our national effort to abate and control environmental degredation. It is in this enforcement phase that the real "crunch," as it were, will come. It is only in the enforcement phase that the society will at last become aware of what the trade-offs involved really are. Serious enforcement of stringent pollution standards will necessarily involve shifts in certain economic balances, often quite substantial. As we begin to require industry to internalize costs that have heretofore been external to the costs of production and distribution, we will have to confront as a society how those costs will be borne. We must also confront a long series of difficult choices between various degrees of environmental control and their relative costs, not only economic but as they relate to our social values and standard of living.

Dr. Passer does not pretend to have the answers to any of these questions, but he does, in my opinion, an unusually cogent job of raising them. I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENT, ECONOMICS, AND PUBLIC POLICY

(Remarks by Dr. Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs)

As recently as ten years ago, the question of environmental deterioration received only sporadic attention from public officials and was of minor importance as a political issue. Today, preserving the environment ranks very near the top of our list of goals, and cannot be ignored or even minimized by any public official.

This sudden emergence of the environment as one of the foremost public policy issues should be of great interest to economists and particularly to business economists. The relationships between environmental and economic problems need to be analyzed and understood in order that government polices to improve the environment will have maximum effectiveness.

FEDERAL GOVERNMENT ORGANIZATION TO PROTECT THE ENVIRONMENT

The year 1970 brought the establishment of the major Federal agencies to protect the environment. President Nixon's first official action in 1970—the first official Presidential action in the decade of the 1970's—was to sign the National Environmental Policy Act of 1969. This act established the Council on Environmental quality (CEQ), which advises the President on environmental policy just as the Council of Economic Advisers advises him on economic policy.

Several months later, in April 1970, the President by Executive Order created the National Industrial Pollution Control Council (NIPCC) to advise, via the Secretary of Commerce, the President and the Chairman of CEQ on industrial programs to curb pollution.

NIPCC and its 30 sub-councils are composed of about 250 business leaders drawn from a broad spectrum of American industry. The Department of Commerce furnishes the supporting staff to NIPCC including technical and administrative help. The Executive Director of NIPCC, Walter Hamilton, is Deputy Assistant Secretary of Commerce for Industry Economics. The major purpose of NIPCC is to serve as a communications channel between industry and Government on environmental problems.

President Nixon took two additional steps in 1970 to adapt the structure of the Federal Government to environmental needs. He created the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce to bring together the major Federal scientific and technical programs dealing with the seas and the atmosphere. The creation of NOAA strengthens our scientific capability for dealing with these problems and also makes possible a unified approach. NOAA came into existence in October 1970.

President Nixon also established the Environmental Protection Agency (EPA) by bringing together in a single organization the major Federal pollution control programs from other Federal departments and agencies (Interior, Agriculture, Health, Education, and Welfare, and Atomic Energy Commission). The mission of EPA is to carry on the fight against pollution on an integrated basis by placing in one agency responsibility for implementing and enforcing environmental standards. EPA deals with pollution problems related to water, air, noise, pesticides, solid waste, and radiation.

To summarize, the major Federal Government organizations to combat pollution were set up in 1970 as follows:

CEQ, to formulate policy;

EPA, to enforce standards;

NOAA, to centralize scientific research; and

NIPCC, to provide a communications channel between Government and industry.

CEQ is in the Office of the President, EPA is an independent agency, while NOAA and NIPCC are in the Department of Commerce.

ENVIRONMENTAL MYTHS

One of the basic difficulties in establishing policies in environmental protection is that the intensely emotional public interest in the environment is not matched by a general knowledge and understanding of environmental problems. Let me illustrate this lack of knowledge by mentioning some widely-held environmental myths.

Myth Number 1: The U.S. environment has continuously deteriorated since the Pilgrims landed at Plymouth Rock in 1620.

First, we should note that some serious environmental problems of the past are no longer with us. In the 19th Century, a major source of pollution, and a major health hazard, in U.S. cities was animal waste from the horses used to pull horse-drawn streetcars, buggies, drays, and wagons. The coming of the electric streetcar and the automobile eliminated the animal waste problem. Another health hazard was polluted drinking water, which was a source of cholera, yellow fever, and typhoid. Now we not only have disease-free drinking water, but it contains additives to reduce tooth decay.

Second, our environment in important respects has not deteriorated. Last summer the National Bureau of Standards and the Environmental Science Services Administration of the Department of Commerce reported on the analysis of 88 air samples that were collected at three representative continental and oceanic sites. This information was compared with data collected as far back as 60 years ago. To the surprise of many people, this comparison indicated that the atmosphere today has precisely the same percentage oxygen as in 1910—20.95 percent. The NBS–ESSA report further indicated that the burning of all known, recoverable fossil fuels would not significantly lower the oxygen content of the atmosphere.

We also know that fish caught half a century ago (and only recently analyzed) contain more mercury than fish caught in 1970. Compounding this mystery is the additional fact that fish containing mercury have been caught in lakes where there never has been an industrial discharge of mercury. As Thomas R. Shepard, of *Look Magazine,* pointed out in a recent speech, the only possible explanation is that the mercury came from deposits in nature.

Professor Crenson, of Johns Hopkins University, said in a recent article that city air is probably cleaner today than fifty years ago when coal-burning factories, locomotives, and home furnaces were in use. We know from careful measurement that the air in New York City is cleaner now than five years ago. We also know that automobiles today emit much less air pollutants than ten years ago.

Thus, we should approach our pollution problems with a sense of perspective. We have had pollution problems for a long time, but they have changed over the years. Despite our growing population and increasing affluence, it is possible to reduce pollution if we are willing to exert enough effort.

Myth Number 2: Industry is the only source of pollution.

To anyone who has lived in Washington, D.C. the falsity of this myth is self-evident. There is very little industry in the Washington area, yet the Potomac River is badly polluted. The reason, in large part, is the raw or nearly-raw sewage dumped into the Potomac by communities in the Washington area.

This problem is not restricted to Washington. Only one-third of the Nation's population is served by sewers and adequate treatment plants. The greatest municipal waste problems exist in the areas with the heaviest populations, particularly the Northeast. In addition to sewage, municipalities have serious solid waste disposal problems, which are created largely by consumers as they discard newspapers, magazines, containers, and other nonusable parts of goods they purchase. Northern cities and States that salt their streets and highways in the winter to melt ice and snow also contribute importantly to water pollution.

Agriculture is another major source of pollution. Animal wastes from cattle, horses, hogs, sheep, and chickens in the U.S. are equivalent to the wastes that would be generated by a human population of two billion persons (or ten times the U.S. population). Agriculture and home gardeners are also a source of water pollution from fertilizers, herbicides, and pesticides.

Myth Number 3: Because industry is the sole source of pollution, we can simply require industry to stop polluting and absorb the cost in their profits. Therefore, elimination of pollution will benefit the public, through an improved environment, and at no cost to itself.

Once we recognize that industry is only one of several major sources of pollution, this myth loses much of its force. But regarding industry pollution, there still is the question of who pays for the cleanup.

To an audience of economists, I need not explain at great length the proposition that the consumer or society will pay the cost of the cleanup. To reach any other conclusion is to assume that somehow we can alter the distribution of income and the incidence of taxation through environmental requirements in a way that has not been previously possible.

It should be clear that the cost of preventing environmental degradation will be reflected in business costs and prices, in the case of industrial pollution; and in agricultural costs and prices, in the case of agricultural pollution; and in local, State, or Federal taxes in the case of governmental pollution.

I do not mean to imply that the American people would not favor environmental cleanup if they were aware of the economic costs involved. But I think that they should be aware of these costs in order that they can have well-informed opinions about environmental policy.

ENVIRONMENTAL POLICY ISSUES

The Federal Government is now well organized to formulate and implement policies to prevent environmental deterioration. These policies represent a broad range of approaches. We should not rule out any alternative until we have more knowledge and experience. Thus, it is appropriate to discuss the environmental policy issues that are still unsettled.

NATIONAL VERSUS LOCAL OR STATE STANDARDS

One of the basic issues still to be completely resolved is the question of uniform national pollution standards vs. varying local or State standards. It brings into focus several interesting but difficult problems. The first involves the possible conflict between the right of State and local self-determination on the one hand, and the need to achieve compatibility of State and local standards for products marketed for nationwide or regional consumption.

Nationwide standards, with a consistent system of enforcement by the Federal Government, would cut through the layers of jurisdictional authority, and provide consistency and stability.

In many cases, the overriding consideration dictating a need for uniform national standards is the effect that conflicting local standards would have on the nationwide market systems of many firms and industries. A producer of detergents could not make and market at reasonable cost a product that must satisfy hundreds of conflicting local standards. Likewise, automobile manufacturers could not design and produce, at reasonable cost, emission controls for cars that would satisfy conflicting State or local standards.

There are precedents already in law for the Congress has enacted the Federal Insecticide, Fungicide, and Rodenticide Act, which contains hazardous substances provisions, and is considering Administration proposals for improvement of this act and for a new toxic substances bill. The FIFR Act authorizes Federal control over pesticides by establishing registration and labeling requirements. The proposed toxic substances bill prescribes minimum standard tests to be performed on these substances. In both cases, nationwide marketable products are involved. Use of these products could have a harmful effect on humans and wildlife beyond the regions in which the products are sold.

There also are instances, however, in which it is advantageous for State and local governments to establish environmental standards. Local governments can set standards for pollution abatement problems affecting the local area alone, such as in the case of sanitary land-fill requirements. It should also be recognized that even where national standards are called for, a State or local government could still require a more stringent standard by the use of its taxing power.

The issue of national vs. State and local standards also involves a recognition of the fact that pollution can occur at more than one stage of the production or consumption process:

1. The *input stage,* affecting the raw materials and other factors entering into the production of goods and services. This, in effect, involves the technical characteristics of the production process and the raw materials that are used.
2. The *output stage,* affecting the disposition of effluents as they enter the environment during the production process.
3. The *consumption stage,* when goods are used or discarded.

It is more likely that purely local or State or regional problems will arise during stages (1) and (2), while the problems that occur at stage (3) are likely to be national in scope. For example, the typical smokestack problem may be of concern only to the community in which production takes place. Even this is not strictly correct, because dirty air does not stop at political boundaries. But when throwaway containers are produced and distributed throughout the country, the solid waste problem created by their disposal transcends the boundaries of the community where such containers are manufactured. Local or regional standards, therefore, might be appropriate in the first case, whereas national standards would be appropriate in the second.

Another argument for national standards is that they would tend to establish a uniform national price for the use of our air and water resources. In the absence of uniform standards, there would be an economic incentive for industry to relocate to those areas where pollution controls were less stringent.

This leads us to an important argument for varying environmental standards. It is possible that we might want to use such an approach to alter prevailing population and migration patterns. In view of overcrowding and other urban problems, it might be advisable to use a "new town" and "growth center" concept to utilize the drawing power of a lower environmental standard to help attract the industry and jobs that are necessary to support a viable community. In such cases, the justification for nonuniform standards is based on social rather than economic grounds, and might deserve some consideration.

THE ASSIMILATIVE CAPACITY ARGUMENT

Closely allied to the pollution standards problem is the broad issue of the assimilative capacity of the environment. There are limits to the amounts of pollutants that the environment can assimilate. In some cases, we are approaching the environment's level of tolerance and the closer we get to that level, the more likely we are to reach society's level of tolerance. Thus, a pollution abatement program is essential.

The assimilative capacity argument attempts to reflect the different environmental conditions existing in various locations as a factor in establishing pollution standards. It asks the question of whether we set uniform national standards that raise the overall quality of the environment or whether we permit State and local governments to establish varying standards that might raise the level of pollution in areas that are presently less populated or industrialized, and lower it in others.

I have already mentioned one of the interesting points involved in this issue. Should we permit nonuniform standards, based on the assimilative capacity relationships presently existing, to influence industrial migration?

A second point is our time reference. Our concern with cleaning up the environment is not limited to the present but extends far into the future. We should try to project future developments resulting from current or proposed environmental policies. For example, certain areas are at this time capable of assimilating more pollutants, because they are less industrialized or less densely populated. If environmental policies attract industry to those areas, then we may be building future pollution problems if we do not plan carefully.

This raises the important question of whether natural resources, such as rivers, streams, lakes or forest lands, belong to and should be preserved for and enjoyed by the entire Nation, or whether the local residents of an area should have the exclusive right to their use and enjoyment. We must decide whether or not individual communities or States should be permitted to decide how these resources are to be used or whether such decisions should be in the hands of the Federal Government.

AMBIENT VERSUS EMISSION STANDARDS

There is a compromise possible between the assimilative capacity issue and the need to establish uniform environmental standards. This compromise involves the establishment of national *ambient* standards rather than emission standards. Let me use an example to explain how this would work.

The Clean Air Act, as amended December 31, 1970, directs the Environmental Protection Agency to publish proposed national primary and secondary ambient air quality standards for each pollutant for which air quality criteria have been issued. The primary standards are intended to protect the public health while the more stringent secondary standards are to protect the public welfare. The public welfare, in this case involves the safety of crops, property, and human comfort.

The critical factor in this requirement is the distinction between an emission standard and an ambient air standard. The emission standard regulates the amount of pollutant a particular source, such as a municipal incinerator, can emit into the atmosphere. An ambient standard defines the level of air quality that must be satisfied in a particular area that covers more than the atmosphere surrounding a single source. It might be the atmosphere over an entire city, for example.

An ambient standard, in effect, is the net result of the pollution emitted by several sources. It is less stringent than an emission standard since it reflects the fact that emissions from an individual source will be diluted as they are assimilated into the atmosphere.

The ambient standard allows for the assimilative capacity of the environment beyond the general allowance implicit in the emissions standard. Therefore, the apparent conflict between national and local standards can be resolved by permitting the Federal Government to establish uniform ambient standards and allowing local governments to establish the specific emission standards that would enable their communities to satisfy the national standard. In sparsely populated and less industrialized areas, the emission standards could be more lenient than in areas that are highly industrialized and heavily populated.

In some cases, it might be necessary to leave decisions on emission standards to regional authorities. Such authorities might be necessary when river basin problems are involved.

ENVIRONMENTAL STANDARDS OR TAXES?

At the Federal level, we are currently implementing or proposing to implement both standards and taxes to reduce pollution. Emission standards for automobiles will be established on a national basis. The Administration is developing tax proposals related to the use of lead in gasoline and to sulphur dioxide emitted to the atmosphere in the burning of fossil fuels.

The question of taxes vs. standards was discussed by the Council of Economic Advisers in their 1971 report and also by the Joint Economic Committee in their recent report. I should like to contribute only one point to this discussion.

Advocates of the tax approach emphasize that it permits each polluter to make his own adjustment, depending upon his control costs as related to the tax. Because control costs for one substance (say sulphur dioxide) may vary widely, the tax approach permits an efficient use of society's resources in curbing pollution. I agree that this is a correct analysis.

But I think that it is important to recognize that the standards approach also leads to efficient use of resources. Under a national standards approach, various "polluters" will find that control costs differ and, therefore, the addition to the costs for different products will differ. This will mean that the cost and price of some products will rise substantially while for others there will be little or no rise. Then, through the market system, as consumers react to price changes, there will be signals sent to producers to concentrate on those products and those processes in which the pollution control cost is low. This will tend to reduce the production of products involving more pollution and increase the output of products involving less pollution. By the same process, it will tend to put the cost of pollution abatement right where it belongs—on the products that cause the pollution.

Thus, either standards or taxes are compatible with a market system and encourage efficient use of resources. The choice of a tax or a standard in a specific case should depend on which can be administered most effectively. This, in turn, will depend on many factors including the number and location of "polluters."

SCALE OF PRIORITIES

Pollution abatement is both a technological and an economic problem. The two are interrelated, because the technology of pollution abatement will help determine, in part, the cost of cleaning up our environment.

As an economic problem, pollution abatement involves the allocation of scarce resources among alternative uses. There is a need, therefore, to establish a scale of priorities which recognizes that there necessarily must be (1) trade-offs in the realization of competing objectives (e. g., pollution abatement vs. urban renewal or the expansion of health facilities) and (2) trade-offs within the area of pollution itself.

Since this Nation has only a limited supply of resources, we should recognize that we cannot accomplish all of our environmental objectives over a short period of time. Some environmental as well as competing non-environmental objectives may have to be postponed until later or at least undertaken at a reduced level of activity.

Because pollution abatement requires the use of scarce resources, our rate of increase in real economic growth and standard of living as conventionally measured will be affected. Many pollution abatement efforts will require more productive resources per unit of output than at present. More labor or capital or raw materials will be required to produce a given amount of output in order to comply with existing and future environmental standards.

An increase in the amount of additional real resources required to comply with pollution standards can be satisfied in one of two ways: (1) increasing the rate of increase in real GNP through a higher rate of investment or (2) diverting resources from the production of other goods and services.

In either case we would be diverting resources from the production of goods and services for current consumption. We would benefit, of course, not only from an improved environment in an esthetic sense but also in terms of better health, which could mean reduced medical expenses, and purer air and water, which would reduce cleaning bills and water treatment costs.

Perhaps the most difficult policy question is the speed with which pollution is abated. If we try to do this quickly, the costs will undoubtedly be much higher. We will experience more of a drag on real per capita incomes and there will be adjustment problems from sudden changes such as shutting down factories or halting homebuilding because sewage-treatment facilities are not available. Another very real cost of moving quickly is the many false steps that we will take because our knowledge of pollution is so limited. The detergent manufacturers who, in good faith, invested millions of dollars in NTA, as a substitute for phosphates, only to find NTA also unacceptable, illustrate the pitfalls when knowledge is incomplete.

THE NEED FOR ADDITIONAL AND IMPROVED DATA

Our experience with pollution control problems and the policymaking process points to the critical need for a systematic and comprehensive body of data on the important relationships between technological applications, business, population, regional and national patterns of economic development, and the biosphere. These data would enable us: (1) to measure and evaluate more reliably the relative environmental impact associated with different patterns of production; (2) to establish realistic environmental standards; (3) to determine the cost of cleaning up our environment more accurately than we can now; and (4) to determine and evaluate the economic impact of pollution control.

The Council on Environmental Quality (CEQ), with the assistance of the Department of Commerce and other Government agencies, has already undertaken a comprehensive effort to develop data sources and information for policy formulation and analytical purposes. This effort at developing an Environmental Quality Information and Planning System (EQUIPS) has begun with the Input-Output Model in the Office of Business Economics of the Department of Commerce. This model is already operational and used for a variety of analytical purposes.

The EQUIPS effort extended the OBE Model by adding data on total waste generated in all economic sectors, including agriculture, industry, government, and households. The use of these data in the standing input-output model will make it possible to identify specific types of waste resulting from each unit of output generated for intermediate and final consumption.

The Model will make it possible to examine current levels of treatment, untreated waste residuals, and benefits and costs associated with increasing the level of waste treatment. The purpose of these analyses will be to examine benefits and costs of alternative decisions and policies related to environmental quality and other national objectives. The Model is designed to indicate opportunities, priorities and early warning signals in the environmental quality area.

The EQUIPS effort is the first step toward obtaining an extensive body of data pertaining to all aspects of the environmental problem. Additional effort at refining and broadening the data will be undertaken in the coming months.

HUMAN RIGHTS AND THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, last October 24, in Milwaukee, Wis., a Governors Conference on the United Nations was held, sponsored by the Institute of World Affairs of the University of Wisconsin at Milwaukee, an institution which has long taken an active and leading role in world and international affairs. I should like to recommend to Senators a paper delivered by Llewellyn

Pfankuchen, professor of political science at the University of Wisconsin at Madison at this conference.

The paper is particularly relevant at a time when we are questioning the ability of the United Nations to promote world peace and protect human rights, and when we are considering the Genocide Convention.

Mr. President, I ask unanimous consent that the paper, entitled "The Issue Before Us," be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE ISSUES BEFORE US

(By Llewellyn Pfankuchen)

I can think of no better way of kicking off this conference than by repeating what Richard N. Gardner wrote in an article entitled "Can the United Nations Be Revived?" which many of you may have read in the July issue of *Foreign Affairs*.[1]

"Twenty-five years after the League of Nations was born a successor organization was being formed at San Francisco. This fate, at least, has been spared the United Nations. The United Nations is not dead. But it certainly is ill. It is suffering, even supporters admit, from 'a crisis of confidence,' a 'decline in credibility,' and 'creeping irrelevance.' However we define it, the fact is that the world organization is being increasingly bypassed by its members as they confront the central problems of the time.

"To be sure, a negative diagnosis of the patient's condition requires some qualification. One can argue that the important thing to say about the United Nations is not that it has fulfilled so few of its ambitious mandates, but that it has accomplished so much in the face of all the difficulties inherent in the international situation....

"The twenty-fifth anniversary of the United Nations, however, is an opportunity not just to celebrate past achievements, but to launch a continuing process of renewal and reform. If this process is to begin, we must pull no punches in analyzing the current state of the world organization. The United Nations today probably enjoys less confidence on the part of its members and the public at large than at any previous time in its history. The obvious reason is its demonstrated inability to deal with the central problems of war and peace in the world. It is hard to explain to people in most countries why the organization cannot do something to bring peace to Vietnam. It is hard to explain to Arab and Israeli opinion why it cannot assure a just settlement in the Middle East. It is hard to explain to African opinion why it does not implement its innumerable resolutions calling for an end to colonialism and racial discrimination in Rhodesia, South West Africa, South Africa and the Portuguese territories. It is hard to explain to American opinion why the United Nations does nothing to prevent the Soviet Union from suppressing liberty in Czechoslovakia or stop communist support for 'wars of national liberation.' It may even be hard to explain to opinion in communist countries—and elsewhere too—why the United Nations is silent in the face of unilateral U.S. actions in the Dominican Republic and Southeast Asia.

"The decline of the United Nations is particularly notable in the United States, the country which took the leading role in its formation and provided far and away its greatest single source of support. Relations between Washington and the world organization turned sour during the Article 19 crisis and became increasingly abrasive during the late Johnson years over Vietnam and the U.N. role in the Arab-Israel crisis. The Secretary-General's abrupt withdrawal of UNEF and the pro-Arab bias of certain U.N. resolutions alienated opinion in the administration, Congress and the public at large. The present American attitude toward the organization, however, is less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, the American leadership in the world body has declined to an all-time low. Despite the noble efforts of a revitalized United Nations Association and other nongovernmental organizations, the American people seem less interested in the United Nations than ever before—as may be verified by the empty galleries at U.N. meetings and the decline in coverage even by papers like The New York Times."

Mr. Gardner has a long list of reforms in his article, which doubtless will be discussed in the committee meetings here today. It is a formidable agenda, and many voices will be heard; but I should like to add the voice of the United Nations Secretary-General. We do not hear him very much—his voice is almost drowned out in the turbulence of our affairs. But there is a sense in which he is the Number One political leader of the world, and certainly no other single person can claim to represent most of the world's people as he can. He has an agenda of his own; it is presented in his "Annual Report . . . on the Work of the Organization" made public last month. The following quotes, however, are from a speech of his delivered in Ottawa.[2] After pointing out that the United Nations is suffering from a crisis of authority, he declared that "strengthening the United Nations should be not just a desire but an obsession," and he proposed the following agenda:

"First and foremost, the decisions of the United Nations, particularly of the Security Council, must be enforceable.

"Second, unused provisions of the Charter . . . should be activated. . . . There are . . . valuable provisions of the Charter for establishing subsidiary bodies for fact-finding and for purposes of conciliation in political disputes which may be activated far more frequently.

"Third, the International Court of Justice must be empowered to interpret the United Nations Charter. Our goal should be the acceptance by all Member States . . . of the compulsory jurisdiction of the International Court of Justice in all international legal disputes.

"Fourth, . . . I consider the idea of the universality of the United Nations the priority item of this year's agenda for world affairs. . . . Concerned citizens rightly cannot understand why the organization charged with keeping peace in the world cannot deal with the Indo-China war and other matters involving the excluded countries. . . .

"Fifth, I have recently recommended that global authorities related to the United Nations be established to deal with serious global problems. . . . The air and water of the earth circulate universally. They are no respectors of national boundaries or of any other man-conceived barriers. . . .

"Similarly, I hope that steps will swiftly be taken to establish the proposed international régime to administer the resources of the sea-bed, generally recognized as 'the common heritage of mankind'.

"Sixth, the United Nations urgently needs a stand-by force . . . In my view, a ready, trained, stand-by force is a prerequisite for effective maintenance of international peace and security.

"The most important lesson we have learned from the astronauts and the cosmonauts is that the world is a single unit, a rather tiny place; that the conditions of life are incredibly fragile; and that human life is confined by its own requirements to a very small fraction of the earth's biosphere. The penalty of technological mastery of the earth is that, henceforth, there is no escape from the responsibility of planetary management....

"I do not criticize national pride. National pride is natural. I say only that the sense of belonging to the human community must now be added to, and become dominant over, other allegiances. Man now has not only the possibility but the necessity for recognizing and for demonstrating his essential unity. This has always been the vision of the great religious teachers, philosophers, sages and wise men of the past. Today, it is a basic requirement for progress. . . .

"Are there any short-cuts to constructing the needed world order and the body of enforceable world law together with the necessary executive, legislative and judicial functions? I do not think so. It is generally recognized that law derives from norms of behaviour accepted by the community, and that in course of time, as usage proves their worth, bodies of law become enforceable. If we accept this concept, then there is no aspect of world affairs and national affairs that does not require the attention of world citizens as they work steadfastly to usher in the new world order. Whatever contributes to the sense of world community . . . serves to build the world order we all so earnestly desire. . . ."

EDUCATION IN AMERICA

Mr. GURNEY. Mr. President, James Bryant Conant, in his annual report to the Board of Overseers of Harvard University some years ago, said:

> The primary concern of American education today is not the development of the appreciation of the "good life" in young gentlemen born to the purple . . . Our purpose is to cultivate in the largest possible number of future citizens an appreciation of both the responsibilities and the benefits which come to them because they are Americans and are free.

I think these remarks have a great deal of validity yet, in spite of the fact that, in many cases, higher education has strayed from this mark.

I think most Americans are appalled by the conditions they find on the country's campuses today. A great deal of time and effort and money has gone into the creation of our State university systems. The people, I think, are beginning to question the wisdom of these expenditures and are beginning to wonder whether the return is commensurate with the expenditure. The State college and university system in California comes immediately to mind: The State of California has lavished great efforts into creating that system. For their trouble, they have gotten rebellion, riots, and mayhem. The recent college disorders trace their ancestry to Mario Savio at Berkeley in 1964. Those beautiful college campuses, which are more luxurious than any country club one could imagine, have been left in shambles by "flower children."

In my own State, we now have a course entitled "How To Make Revolution in the United States," sponsored by the student government's Center for Participant Education at the Florida State University: The gentleman who "teaches" this course, Jack Lieberman, whom the press now refers to as "Radical Jack," recently laid seige to the Florida State Senate in Tallahassee. Wearing his badge with pictures of Marx and Lenin, this former head of the SDS recently taunted State Senators who do not share his outlandish political philosophy.

---

[1] Richard N. Gardner, "Can the United Nations Be Revived?" *Foreign Affairs*, July, 1970, Vol. 48, pp. 660–61.

[2] U Thant, "The United Nations: The Crisis of Authority," *UN Monthly Chronicle*, August-September, 1970, Vol. VII, No. 8, pp. 90–91.

I think the time has come when we should begin to think about reassessing the role of government in our higher education system. It is bad enough to have the outrages we have in many of our universities today; it is intolerable that we, as taxpayers, have to contribute to the support of and finance the very people who are vowing to tear down our institutions. This has nothing to do with legitimate criticism of the Government or dissent as to particular policies of the Government. I am prepared to accept heresy; but subversion and actions designed to bring down the Government are in a completely different category.

However difficult it may be, we must face the fact that there are too many people in our colleges today who are not college material. We have allowed the specious notion to come into play that all Americans as a matter of right are entitled to a college education. They are not. Rather, we should seek to make it possible for everyone who has the ability and the will to earn a higher education—to make it possible for those youngsters to achieve that goal. The presence of many unqualified or badly motivated youngsters in our colleges today is a great tragedy. It is unfair to the youngsters themselves—it arouses hopes which cannot be satisfied. It is unfair to the other students—their courses are diluted to accommodate the slower students. It is extraordinary to me that we have the need for remedial reading courses in colleges today, but that sadly is the case in many institutions. Finally, it is unfair to ask society to foot the bill for this sort of nonsense. The bill is not only in terms of facilities and faculty salaries. It must be viewed also in terms of the costs of disruptions and social costs as yet uncalculable. How do you put a price tag of alienation on thousands of young Americans, alienation brought about by feeling of futility and hopelessness many youngsters have, who have not the ability or the will to succeed in college? It is as I say, time to reassess the problem. I invite the attention of Senators to an editorial published in the Wall Street Journal of April 26, 1971, which recites Yale University's experience with tuition loans to its students, the repayments of which are deferred until after graduation. The Journal comments about the implications of such a scheme for other colleges around the country:

> At the same time, the advantages of some sort of deferred payment plan could be considerable. It would make the decision to go to college or not very much a matter of individual choice and ability rather than external circumstance. This would be as true for the poor, bright student eager to go to college as for the bored middle class student anxious to put it off for awhile. Furthermore, if the approach grew more widespread, it could bring economic pressures to bear on the universities that could prove quite healthy. Rather than seeking to impress the government with their need for money, universities would have to impress prospective students with the quality of their education. Since there is a diversity of potential students, the already varied choice of educational experience available in America would gain economic support; the tendency of universities to vie for more and more government aid threatens diversity.

Mr. President, I ask unanimous consent that the entire editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Proper Place To Send the Bill

The universities currently are strapped for funds, and while we can sympathize with their difficulties, it's possible that in sorting out their financial problems they will manage to solve certain other problems too. For the problems that have so troubled the universities recently have a lot to do with the way educations are financed.

In the past, Americans have tended to believe that education should not necessarily be financed by the person to be educated; rather, the funds for his education have come from the government, because one person's education is presumed to benefit all society; or from his parents, because they see a college education as the key to their child's social mobility, a way to increase his potential earning power, and even as a way to get him (or her) married properly.

But lately this system of financing educations has begun to show some faults. Not only is higher education getting too expensive for it; the system itself has contributed to the disaffection of students and all the difficulties that has caused for the universities.

An article by Stephen J. Tonsor, a University of Michigan historian, in the journal Modern Age puts it well. He writes that "higher education, indeed the whole structure of middle class family life, provides the perfect paradigm of the welfare state, and it is precisely in these areas that the limitations of welfareism are most clearly evident. The adolescent child and the adult student are asked to postpone a meaningful role in the societies in which they participate. Their roles and identities are undefined, their responsibilities non-existent. They are excluded from the present work of society and they are asked to prepare for a future not of their own choosing."

The point Mr. Tonsor and others suggest is at first perhaps a bit unthinkable: Much might be gained, both for students and for universities, by shifting the financial responsibility for education received to those who receive it.

The suggestion is not necessarily unworkable. Mr. Tonsor favors the idea of establishing an independent corporation to offer long-term loans to students on a national scale. The corporation could borrow from private lenders and make student loans to be paid back over many years with interest.

And notably, Yale University recently announced a plan to give its students the option of taking a loan from the university for all or part of their tuition, to be paid off in regular installments based on a percentage of the student's postgraduate income. The university hopes to rely on short-term borrowing for operating funds until the plan begins to produce funds itself.

Now such proposals raise some immediate questions, of course. Yale officials are quick to point out that their plan as now constituted is "experimental" and does not come anywhere near solving their budgetary problems; and it takes little financial expertise to notice that if college costs continue to rise and college graduates continue to grow more and more disaffected with high-income careers in business or the professions, Yale could find itself in a lot of trouble.

At the same time, the advantages of some sort of deferred payment plan could be considerable. It would make the decision to go to college or not very much a matter of individual choice and ability rather than external circumstance. This would be as true for the poor, bright, student eager to go to college as for the bored middle class student anxious to put it off for awhile.

Furthermore, if the approach grew more widespread, it could bring economic pressures to bear on the universities that could prove quite healthy. Rather than seeking to impress the government with their need for money, universities would have to impress prospective students with the quality of their education. Since there is a diversity of potential students, the already varied choice of educational experience available in America would gain economic support; the tendency of universities to vie for more and more government aid threatens diversity.

Finally, there may be reason to believe that the principle of financing education out of a student's future income rather than money in hand could help the universities to get away from their current status as sanctuaries for aging adolescents. They might, as Mr. Tonsor suggests, "continue to educate people so long as they are able to make a convincing case that society will reward them for deepening their capacities and enlarging their skills."

These might include people who are dissatisfied and want to change their careers, people who decide they want to update their technical training and conceivably even people who are fed up with the outside world and want to drop out for a few years of study in order to regain perspective. The actual educational needs of adult Americans are huge and largely unmet.

Here surely are important possibilities for universities to consider as they try to deal with their financial problems. Mr. Tonsor notes that "institutional reform usually begins because of financial crisis." For universities right now, the potential rewards of the reform make the crisis a very mixed evil.

THE ABM—A MAGNET OF DESTRUCTION

Mr. EAGLETON. Mr. President, I invite the attention of the Senate to the perceptive and persuasive remarks of my senior colleague from Missouri (Mr. Symington) on some of the practical effects of having and installing a highly questionable antiballisitic missile system.

Senator Symington addresses his remarks specifically to the ABM's effect on Missouri. However, they are relevant to other States as well.

In an excellent editorial, the Springfield Leader & Press asked rhetorically "What would the ABM serve?" It answers:

> Since it could not possibly, even if functioning with 100% efficiency, knock out more than a fraction of those incoming missiles, and since an interception setup would invite a heavier onslaught of bombs—perhaps up to 600—the ABM would actually invite a heavier, more widely dispersed fallout. . . .

The Springfield Leader & Press goes on to point out:

> But even the assumption that the ABM is an effective defense is fallacious, these experts claim—its unsuitability and unworkability now are well recognized "even in the Pentagon."

The one argument that may have carried the day for proponents of the ABM in the 51–50 Senate showdown two years ago was that the ABM could provide "a bargaining chip" for the Strategic Arms Limitation Talks then scheduled. Well, SALT proceedings have been going on for some time, and that "chip" has proven of no benefit.

The ABM has been proven a waste of money to date, and there are other, more important things to spend American dollars on—that, undoubtedly, is the weaponry Sen. Symington intends to use in the shaping Senate battle.

Mr. President, I ask unanimous consent that the entire editorial of the Springfield Leader & Press of April 28 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAGNET FOR MISSILES

Sen. Stuart Symington is mustering his forces for a renewal of his old battle against the antiballistic missile system, the ABM which he fought so hard a couple of years ago. Most particularly, the senator opposes an ABM installation to protect the ensiloed offense missiles at Whiteman Air Force Base, in Missouri, on the theory that the risks it would invite would far outweigh defensive gains, if indeed there would be such a thing as gains.

Missouri's senior lawmaker is gathering his information through qualified experts, including Wolfgang Panofsky, director of the Stanford Linear Accelerator Center, and George W. Rathjens, former weapons specialist for the federal government, now a professor at Massachusetts Institute of Technology.

Some of the facts gathered by these men are blood chillers for Missouri and much of the Midwest to contemplate.

In case of a nuclear attack on the U.S., contends Panofsky, Whiteman Base would serve as a "magnet," for incoming missiles—in order words the base itself is the real danger—and assumption is that a "reasonable" attack might bring as many as 300 missiles raining down on the Whiteman area.

Rathjens takes up the theme here to explain the probable effects: assuming winds of 15 miles an hour, a fallout would cover an area of 35,000 square miles with a dose of radiation approximately 1500 roentgens within the first four days—far more than enough to kill everyone without adequate shelter.

That cloud of death would range across eastern Missouri, over the St. Louis area where as many as 4 million humans might be caught, and on northeastward over Chicago and Detroit. The death toll, Rathjens estimates, would probably range from 250,000 to as many as 20 million, depending on shelter and air conditions, but more likely would range from 1 million to 5 million.

And what would the ABM serve? Since it could not possibly, even if functioning with 100 percent efficiency, knock out more than a fraction of those incoming missiles, and since an interception setup would invite a heavier onslaught of bombs—perhaps up to 600—the ABM would actually invite a heavier, more widely dispersed fallout, Rathjens points out.

But even a assumption that the ABM is an effective defense is fallacious, these experts claim—its unsuitability and unworkability now are well recognized "even in the Pentagon."

The one argument that may have carried the day for proponents of the ABM in the 51–50 Senate showdown two years ago was that the ABM could provide "a bargaining chip" for the Strategic Arms Limitation Talks then scheduled. Well, SALT proceedings have been going on for some time, and that "chip" has proven of no benefit.

The ABM has been proven a waste of money to date, and there are other, more important things to spend American dollars on—that, undoubtedly, is the weaponry Sen. Symington intends to use in the shaping Senate battle.

PRIZE-WINNING ESSAY BY KATHLEEN EPELDI, BOISE, IDAHO

Mr. JORDAN of Idaho. Mr. President, it was a pleasure to learn that, for the second year in a row, an Idaho student has been named among the five national winners of the Ability Counts contest sponsored by the President's Committee and Governor's Committee on Employment of the Handicapped.

Miss Kathleen Epeldi, 17, of 1615 North 23d Street, Boise, a student of Bishop Kelly High School, entered the competition with 35,000 students from junior and senior high schools in 47 States, the District of Columbia, the Virgin Islands, and Puerto Rico.

This year, the students investigated the attitudes other members of their home community have toward employment of the handicapped. In many towns, the students encountered a general lack of knowledge about the abilities of handicapped workers. They found there is understanding of the needs felt by the handicapped man or woman who wants to be self-sufficient. Miss Epeldi was among the students who found her community has members who do understand those needs and who are endeavoring to help the handicapped individual build a better life. Discussing the lot of the unemployed handicapped person, Miss Epeldi noted:

> It is difficult for us lucky ones to imagine how it would be. But we can do more than just shake our heads and move on—we can change their world by changing our own attitudes.

I congratulate Miss Epeldi for her winning report, the Disabled American Veterans, who donate the prize money for the student winners, and the sponsoring committees for the changes encouraged by this annual contest—instilling young people with positive attitudes toward their handicapped peers; focusing national attention on the capabilities, potential, and accomplishments of the handicapped.

I ask unanimous consent that Miss Epeldi's report be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(By Kathleen Epeldi, Bishop Kelly High School, Boise, Idaho)

"Sitting, rocking, waiting for time to pass . . . breakfast, always the same . . . the mail boy at 10 o'clock but never any letters for her . . . a bit of lunch . . . the young one's running past on the way home from school . . . dinner, a silent affair . . . television, the shows are all the same . . . early to bed. Such a life." [1]

Yet, this is the life of millions in America today. It is difficult for us lucky ones to imagine how it would be. But we can do more than just shake our heads and move on—we can change their world by changing our own attitudes.

Even though I did come up against some attitudes which were largely the result of ignorance of the handicapped and their abilities, I found that there is more being done to help the handicapped in my community than I had previously thought. While doing research on the handicapped labor force in Boise, I discovered many favorable situations in which disabled laborers have become a vital element in their various jobs.

Mr. Brownfield, owner of an orthopedic equipment store in Boise, is one person who definitely recognizes the great potential of the handicapped. He employs many disabled workers and finds that they generally perform better work than unimpaired workers in this particular field because they can anticipate the needs of the people who will wear the braces and artificial limbs which are being manufactured. They are also loyal to their job since they have experienced the terrible fear and uncertainty of unemployment and dependency for life.

Mr. Brownfield also brought up the problem of the physical limitations which handicapped people encounter when looking for a job. The architectural barriers are obstacles which simply can't be overcome until people start giving more consideration to this important element of our labor force.

Mr. Jorgenson, the occupational therapist at the Elks Rehabilitation Center, stressed the need for sheltered workshops with more area, equipment, and staff to meet the growing needs of rehabilitating people to meet the demands of a modern vocation. He also cited the problems of placement, once they are ready for a job.

"The problem of getting an employer to accept someone who looks different, and to ignore the pressure which might result from other employees, is a common one for therapists." [2]

Attitudes such as these require both time and patience to change. Then again, the public is simply not well enough informed on the skills which handicapped workers have to offer. The stories of handicapped people who have conquered their disability and become outstanding citizens are unlimited, but they don't seem to have much of an effect on the general public since they have such a small circulation.

After having observed handicapped workers preparing for vocations at the rehabilitation center and watching them on the job in one of the city hospitals and local shops, I am convinced that the only thing my community is lacking is a new awareness of disabled people as hard-working citizens who are contributing their share to the welfare of the community. Perhaps the most difficult thing for us to realize is the fact that disabled people are not the only ones who are handicapped. We ourselves are unknowingly suffering from the biggest handicap of all—that of prejudice—if we fail to see the big task ahead of us. We must help others to help themselves.

---

[1] *Communications:* a program guide, by the President's Committee on Employment of the Handicapped.

[2] Mr. Jorgenson, occupational therapist, Elks Rehabilitation Center, Boise, Idaho.

POLISH CONSTITUTION DAY

Mr. PROXMIRE. Mr. President, 180 years ago Poland adopted a Constitution which declared:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

How strange those words sound when played against the realities of the Polish state today.

How strange it is that the most joyous and public celebration of the adoption of this historic document must come outside of Poland itself.

And how strange—in the face of subsequent warfare which has scarred the land—that the approval of this constitution came without a bloody revolution.

It is my fondest hope that we may soon see the lamp of freedom rekindled in Poland.

The remembrance of the adoption of this great document must surely chill the hearts of the men who now oppress the Polish people who remain in subjugation in their native land.

It is, therefore, all the more important that we who are free join to commemorate this historic day in the life of the Polish people and nation.

MINING IN WILDERNESS AREAS

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Oregon (Mr. Packwood), and his request for insertions in the Record, relating to mining in wilderness areas.

There being no objection, the statement and insertions was ordered to be printed in the Record, as follows:

Mining in Wilderness Areas

(Statement of Senator Packwood)

Mr. President, I shall shortly introduce two bills pertaining to mining in wilderness areas. One relates specifically to mineral resources in lands comprising the Three Sisters Wilderness in Oregon. The other relates to the disposition of mineral resources in wilderness areas.

Reports are rampant in Oregon that the United States Pumice Supply Company plans to mine block pumice in the Three Sisters Wilderness sometime in the future. I ask unanimous consent that at this point in my remarks articles from the February 19, 1971, Bend, Oregon Bulletin, and the February 23, 1971, Oregon Journal be printed in the Record. I believe these two news accounts reflect accurately the concern of Oregonians about this report.

Despite Forest Service's Objections: Sisters Wilderness May Be Mined

(By Bob Gaston)

A hike into the Three Sisters Wilderness area in the future might provide you with a new spectacular sight: a huge dump truck barrelling down a 30-foot-wide road from Rock Mesa to Devils Lake.

The truck will be loaded with block pumice being mined from Rock Mesa, a unique lava formation just northeast of Wickiup Plains. The potential mining site is less than a mile east of the Pacific Chest Trail and about two miles south and slightly west of the South Sister.

The mining operation, if and when it comes, will be legal. Under the Wilderness Act of 1964, wilderness areas can be mined. The law states that persons with valid mining claims must be permitted access to their claims.

The U.S. Pumice Co. of Los Angeles has mining claims to 1,460 acres around Rock Mesa. It will work through the U.S. Forest Service when it wants to start mining.

The mining issue came to the attention of local Deschutes National Forest officials recently when Supervisor Earl Nichols' office was presented with an updated report on the mining claims from the service's regional office in Portland.

The firm first filed claims in 1961. U.S. Pumice apparently learned of the block pumice deposits from U.S. geological reports, Nichols said.

Just when the company will start mining is a matter of conjecture. U.S. Pumice Co. responded only in general terms to inquires from The Bulletin, which posed questions in one letter and five-long distance telephone calls to the firm's Los Angeles office.

Officials would only say that the company plans to maintain its claims. It won't say if, or when, it will mine the area. U.S. Pumice employs from 25 to 70 persons, depending on the season.

Block pumice is used for 24 different products, with the main one being a panel board used for both interior and exterior construction. Development of the panel board has increased the firm's sales from less than $1 million in 1962 to almost $2 million in 1970.

The firm is now mining at Lee Vining in California, according to Forest Service officials. They indicate the company has enough pumice deposits there to last for three to five years.

Forest Service geologists have already certified that Rock Mesa contains plenty of high-grade block pumice, maybe even enough for 20 years of mining.

Officials on the Deschutes National Forest are not happy about the prospect of having Rock Mesa mined, but they say they can't do anything to keep U.S. Pumice Co. from minings its claims.

The Forest Service might give conservationists a cause for cheer by refusing U.S. Pumice access to Rock Mesa. Such action would force the firm to take the Forest Service to court to gain access.

A columnist writing in "American Forests" has suggested that the Forest Service should provoke a legal suit against 'tself by blocking mining interests in wilderness areas. He says that in court it could cite the Environmental Quality Act, the Multiple Use Act or even the temper of the times in making its case.

When that was suggested to Deschutes National Forest Supervisor Earl Nichols about a week ago, he said flatly, "We can't do that. They'd beat us in court."

But today Nichols announced he was sending Don Peters, land staff officer on the Deschutes, to the service's regional office in Portland Monday to find out what the local office's options under the Environmental Quality Act, passed in 1969.

"We'll be asking specifically about what we can do at Rock Mesa in regards to the environmental act," Nichols said.

The one club the Forest Service presently holds over the operation exists in the permit U.S. Pumice must obtain from Deschutes officers to get into Rock Mesa.

If a road is built, it will have to be constructed where and how the Forest Service wants it—within reasonable limits.

Nichols said it has been suggested that the Forest Service force U.S. Pumice to either pack out their material on horseback or fly it out by helipcopter.

But Nichols says the Forest Service must let the firm do what a "prudent miner" would do.

"We're always getting the term 'prudent miner' thrown back at us," Nichols said. "We can't restrict an operator too much."

But Nichols and Peters say they will use that permit to see that damage to the wilderness area is kept to a minimum.

They will most likely require that the road be built on an existing trail. The trail was once a road that cars used to travel even before jeeps were heard of, according to Peters.

The road would be about three miles long, taking off where Forest Service Trail No. 12 now begins—just beyond Devils Lake where the Cascade Lakes Highway turns sharply to the south.

"Our concern is that the country and its vegetation are extremely fragile," Nichols said "Once you make a mar with a road, it will be impossible to completely wipe out," he added, noting that the intent of the wilderness is to give a person an experience where he sees no works of man.

Nichols, while insisting that the Forest Service cannot deny U.S. Pumice access to its claims, indicated he would welcome any help from conservationists or the public to block mining at Rock Mesa.

The only "out" he sees is to have Congress alter the Wilderness Act to keep miners out of wilderness areas.

Hands Off the Sister, Mister

Anyone familiar with the federal Wilderness Act of 1964 knows that it has a hole in it big enough to drive a truck through—a mining truck.

Mining, which is about the most destructive activity conceivable in a wilderness area, enjoys a specially privileged position under the Wilderness Act, as mining always has under the federal land laws.

Part of the Three Sisters Wilderness, that lovely Cascade Mountain area west of Redmond and Bend, is threatened with a miner's invasion because of that loophole in the law. The U.S. Pumice Co. of Los Angeles holds mining claims to 1,460 acres around Rock Mesa, about two miles south and slightly west of the South Sister and less than a mile east of the Pacific Crest Trail.

The firm first filed the claims in 1961, and Earl Nichols, supervisor of the Deschutes National Forest, told the Journal the original understanding was that it would begin to mine pumice in the area next year. Whether it will or not, he said, he does not know, but speculation that it might was stirred recently when the regional Forest Service office in Portland issued Nicholas' office an up-to-date report on the mining claims. The Bulletin, Bend's daily newspaper, reported it has quizzed U.S. Pumice about its intentions in a letter and five telephone calls, but received answers only in general terms.

Mining in that part of the Three Sisters Wilderness would be outrageous, but it would be legal. The Wilderness Act bars roadbuilding, construction, and other evidences of man's handiwork in designated wilderness areas for all other purposes, but specifically exempts mining from the ban. Filing of new mining claims in wilderness areas is allowed to continue until Dec. 31, 1983, and claims filed by then can be worked thereafter.

The act, in this case, would allow U.S. Pumice to build a road into the wilderness area to develop its claims. The traffic of the rock-hauling trucks would be added to the already heavy summer recreation traffic on the Cascade Lakes Highway that leads to Bend.

There's a possibility that later federal environmental protection laws might supersede the Wilderness Act on this point. The Forest Service is studying them now.

But if that hope fails, the best remaining possibility is to convince the pumice company that its desecration of an established scenic wilderness with a quarry would cost it far more in public good will than the rock would be worth.

Similar public outrage greeted the news about three years ago that the Kennecott Copper Corp. was thinking of exercising old copper claims it holds in the spectacular Glacier Peak Wilderness in Washington state. The protest apparently had its effect: At least, the mining and accompanying roadbuilding has not yet begun there.

Similar protest would greet a miner's invasion of the Three Sisters Wilderness, and it would be an entirely justifiable outcry.

Continuation of Senater Packwood's Statement

Mr. President, I ask unanimous consent that a letter I received from Mr. Bob Gaston, Managing Editor of the Bend Bulletin, dated February 24, 1971; together with copies of letters from Ivan Bloch, Ivan Bloch & Associates, of Bend, Oregon, dated April 16, 1971;

and from Mr. Graham W. McGowan, Director of Congressional Affairs, Environmental Protection Agency, dated March 16, 1971, be printed in the RECORD. These letters will indicate the points at issue and why I have chosen to introduce legislation to clarify the questions of mining within wilderness.

THE BULLETIN,
Bend, Oreg., February 24, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: As you see from the enclosed clipping, U.S. Pumice Co., a Los Angeles firm, has plans to mine block pumice in the Three Sisters Wilderness someday.

Forest Service people here say they can do nothing to stop U.S. Pumice Co. from mining its claims at Rock Mesa.

But we at The Bulletin say the U.S. Forest Service could deny U.S. Pumice Co. access to its claims. That would force the company to take the Forest Service to court to gain access. When we first suggested that tack to Earl Nichols, the Deschutes National Forest supervisor, he wouldn't go for it at all. But he called back about a week later to say that he was investigating the Forest Service's options in the Rock Mesa case in light of the Environmental Quality Act.

In your opinion, could the Forest Service legally keep U.S. Pumice from mining Rock Mesa under any provision of the Environmental Quality Act?

I'm sure the majority of Central Oregonians would be against any mining at Rock Mesa. If the Environmental Quality Act won't help keep out the miners, how about getting some help from you?

You could introduce a bill that would ban wilderness area mining of any material with a value, say, of less than $5 per cubic foot. It might not have much of a chance of passing, but it would at least call attention to the Rock Mesa situation.

We'd sure appreciate any help you can offer.

Sincerely,

BOB GASTON.

IVAN BLOCH & ASSOCIATES,
Bend, Oreg., April 16, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senator,
Washington, D.C.

DEAR BOB: Upon return, I find from the local Bend Bulletin and discussions with Oregon Environmental Council members that an attempt is under way to mine a pumice deposit in the Three Sisters Wilderness Area. The Company which owns claims on some 1,460 acres (the old magic number!) is the U.S. Pumice Co. of Los Angeles. I am certain you have already received correspondence on this subject; if not, let me know and I will send you further details.

Although it's been a long time since I read the Wilderness Act, I recall that it does permit mining "on a prudent" basis, whatever that means. I also gather there is apparently now no way to prevent this kind of operation within the Act unless and until it is amended. Having followed the copper situation in the Glacier Peak area ever since it became an issue, I realized a blanket mining prohibition by Congress is a political improbability. Further there is no doubt the U.S. is getting shorter and shorter of some major minerals.

Pumice, even in block form, is not a strategic or critical material. It is a very low value material to boot. The few "bucks" that might accrue from minor mining of the U.S. Pumice deposit would in no way measure to other dollar-benefits, etc., etc.

Would it be possible to get an amendment to the Act which would restrict mining only to "strategic and critical materials" under the accepted definition of such materials? If I can be of help to you in this matter re availability of pumice, value, and the general outline of "strategic/critical" materials, let me know.

Your position on critical issues continues to be one which we appreciate. Keep up the good work, and let us know if we can be of help.

Sincerely,

IVAN BLOCH.

MARCH 16, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for your March 8 letter concerning the proposed plans of U.S. Pumice Company to mine within the Three Sisters Wilderness Area.

It is correct that within the purview of the 1964 Wilderness Act mining may take place under the supervision of either the Secretary of the Interior, in the case of Park Service land, or the Secretary of Agriculture, in the case of Forest Service land. The Three Sisters Wilderness Area is, as you know, on Forest Service land.

Before making any determination as to whether or not the Environmental Protection Agency can interest itself in this matter, it will be necessary to find out what type of claim U.S. Pumice holds, whether it is a valid claim, and what will be the end use of the product to be mined. In this connection, we are asking the Forest Service to give us some additional data. These questions are highly complex and each one must be subject to a separate review. We want to have available to us all of the necessary facts to make a proper analysis of the situation.

Please be certain that we shall contact you as soon as we have had an opportunity to study this material.

Sincerely,

GRAHAM W. MCGOWEN,
Director of Congressional Affairs.

CONTINUATION OF SENATOR PACKWOOD'S STATEMENT

Mr. President, it is well to disclose, too, my communications with the U.S. Forest Service regarding the reported plans of the U.S. Pumice Supply Company. On April 2, 1971, Mr. M. M. Nelson, Deputy Chief, U.S. Forest Service, wrote to me:

"The United States Pumice Supply Company owns ten placer claims totaling 1,460 acres known as the Hermana Group. These claims, located in 1961, are for block pumice which is still locatable under the mining laws. To date there has been no removal of pumice for commercial purposes, but the company has performed annual assessment work as required by law."

Now under Public Law 84-167, which amended the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, in Section 3, it is stated:

"A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. 'Common varieties' as used in this Act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called 'block pumice' which occurs in nature in pieces having one dimension of two inches or more."

I do not believe there is any necessity to cover the mining provisions contained in The Wilderness Act of 1964, Section 4. As pointed out in the letter I received from the Environmental Protection Agency, under the 1964 Wilderness Act, mining may take place under the supervision of either the Secretary of the Interior, or the Secretary of Agriculture.

Mr. President, the question of mining laws, the effect of the Environmental Protection Act, and The Wilderness Act meeting on a collision course if not clarified is an immediate one. This is why I have chosen to put in the second bill relating to all wildernesses, and not limited to the problems now facing the Three Sisters.

This second bill will be overriding legislation relating to exploration, location, development, leasing, mining, processing, or other utilization of mineral resources, and will place the responsibility of deciding whether the wilderness area left intact, or the mining of a mineral designated as strategic or critical is in the best interests of the people of the United States upon the President.

There are other bills pending in Congress relating to mining. One has been introduced in the House by Representative Udall, following his entanglement with the mining laws and the EPA in Arizona. In fact, this was documented by *Sports Illustrated* in an article entitled "When a Law Fights a Law," by Bill Gilbert. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

Mr. President, the question involved here is one that cannot be passed over lightly, but goes to the heart of our wilderness system, and I believe it should be scrutinized closely by the Congress. I hope these two bills which I will shortly introduce will provide the necessary vehicle for doing just that. I shall be glad to add co-sponsors when I introduce these two proposals.

WHEN A LAW FIGHTS A LAW

(By Bill Gilbert)

Those encountering the Mining Law of 1872 for the first time find it an incredible act. Literally, they do not believe such a law can exist. Yet there it is on the books, giving—to industry or any citizen—license to take over huge tracts of the nation's public lands.

Before the act was passed a hundred years ago there was no national mining law, but there was a lot of mining and passion and money tied up in mineral exploration and exploitation. Unable to start afresh, or believing it politically imprudent to do so, the Congress simply collected most of the traditions, practices and local laws then current in the Western mining country, roughly codified them and declared them the law of the land. The resulting statute, with all its vagaries, loopholes and contradictions, more or less defies summarization. What follows is simply a listing of those of its provisions that prominently affect the country's public lands.

The law provides that on most of our public lands (virtually all of the 450 million acres of the Bureau of Land Management, the 140 million acres under the jurisdiction of the U.S. Forest Service and even on portions of our national parks and federal wildlife refuges) any American may stake a mining claim. To do so he simply marks off the claim area and then registers its location at a county courthouse where he must pay a token fee (in most states the charge is about $1.50 per claim). Claims are usually 20 acres in size but a man may stake as many of them as he wants. He is not required to ask permission of a public lands agency, *e.g.,* the Forest Service, before staking the claim. After he has done so, he is not required to inform the agency where his claim is or what he plans to do with it.

Having staked a claim on public lands, the claimant can immediately begin mining operations. He may erect living quarters on the claimed land for himself and his employees. To facilitate mining operations he may timber the land, raise crops, pasture livestock on it and make use of its water resources. He may not be denied access to his claim and can construct a road—anything from a donkey trail to a paved highway—to it. He must obtain a permit from the Forest Service for his road, but the agency cannot deny the permit, only require that the builder meet certain specifications.

A mining claim, though it is on public lands, may be sold or traded for private gain. No federal taxes are paid on a claim since the land theoretically belongs to the public.

In general there are only two ways in which a claimant can lose his land. If he fails to make token ($100 worth) improvements on the claim each year, another prospector may restake the land and claim it for himself. Secondly, a claimant may lose his land (but, on the other hand, may gain almost perpetual use of it) through validation proceedings. Under this process a public-lands agency sends a mineral examiner to look at the claim. He makes a report of his findings to the Bureau of Land Management, a division of the Department of the Interior. If it appears that a "prudent man" can conduct a profitable operation on the claim, it is validated, which means the claim holder can do more or less anything he wants with it. If, on the other hand, the mineral examiner does not find evidence that a prudent man could turn a profit, the BLM will invalidate the claim. The miner must leave it and the land reverts to the public. However, a miner whose claim has been invalidated may appeal the BLM decision, first through a series of administrative tribunals in the Department of the Interior and from there to the federal courts. Large mining companies usually ask that their claims be validated prior to commencing operations so as to avoid future disputes. However, this is not necessary. In effect, a claim is treated as valid until the BLM declares it invalid. Agencies do not enter into these proceedings lightly as they are costly in terms of money, manpower and time. Even an uncontested invalidation case may take 18 months and a hard, messy one may drag on for a decade. Finally—and most ironic of all—the day after a claim is invalidated, another would-be miner may restake it.

A claim holder may also patent his land. He simply applies to the BLM for the patent and provides evidence that he can make a profit from the land. The BLM then patents his claim, which means that the land becomes his private property—the patent being a valid land deed. In theory virtually all of our national forest land is open to being patented; and, in fact, hundreds of thousands of acres have in this way been transferred to private control.

The mining industry, by whom and for whom the Mining Law of 1872 was created, believes it to be a splendid law and that any tampering with it will inevitably result in the destruction of the American way of life. The industry is, however, very cautious about making public statements on the controversial questions being raised these days by land managers, environmentalists and lawyers. Many of these people feel the mining law has created devastating land problems and abuses. For example:

The law not only permits but encourages (by giving subsidies in the form of virtually free land) spectacular and speculative exploitation. Millions of acres of land are vulnerable to despoilation, not because they possess minerals of value but because a miner has a hunch they might, and it costs him little or nothing to play his hunch.

If a mining claim can be regarded, as it often has been in the courts, as giving its holder *de facto* ownership of public lands, then no public-lands agency can be sure exactly how much land it controls or how it can manage its holdings. There may be as much as 20 million acres of national forest lands encumbered by mining claims. At least, that is one estimate. The uncertainty about just how many acres are involved arises from the fact that the claimant does not need to tell the land agency when he claims land from it.

Perhaps the most notorious abuse of the mining law has had nothing to do with either real or hunch mining. For generations Westerners who wanted a nice secluded site for a summer cabin, real-estate development, resort or, in a few cases, a gambling casino or house of infamy would simply stake a claim or claims in a national forest and proceed to occupy and use the land as they so desired. During the last decade the Forest Service has been trying to crack down on some of these "illegal occupancy" cases and retrieve some of this fraudulently claimed land. However, given the ubiquitousness of the practice (over 100,000 claims have been examined so far) and the limited resources of the agencies involved (the Forest Service employs only 40 mineral examiners, the BLM about 60), the best guess is that it will take another 20 years to clean up just the current cases.

For those who think it a bad statute, the worst feature of the Mining Law of 1872 is that it gives public agencies no real autonomy in the use of their own land. No matter how valuable a tract may be for grazing, timbering, recreation, no matter what its water, wildlife, wilderness or scenic values may be, a miner, if he wants the land, is entitled to take it. No other special-interest group has been so favored. Ranchers and lumbermen have been granted certain privileges over the years on public lands, but even they must secure permits and pay fees. The miner needs nothing under the law of 1872.

Currently the Forest Service is involved in a series of major disputes in which miners, attempting to exercise their rights under the mining law, are threatening valuable Forest Service resources—the home waters of the rare cutthroat trout in the Humboldt Forest of Nevada; the entire White Cloud mountain complex in Idaho's Sawtooth Forest; the Stillwater area in Montana's Custer National Forest. These are the most prominent of the current confrontations between Forest Service and mining interests.

In the final analysis, however, another dispute—and the solution of it—may prove more consequential. This case, relatively small in terms of land and resources, involves Ash Canyon in the Huachuca Mountains of southern Arizona. Here a few forest rangers are trying a new approach in defense of their lands.

The Huachucas are little-known mountains but in some respects they are unique. Rising at the Mexican border, they extend 25 miles northward, with their highest peaks soaring to about 9,500 feet. Surrounding the Huachucas is the Sonoran Desert. What makes these mountains singular is their range of climate. There are in the foothill canyons microenvironments that are tropical and more than a mile up on the mountain peaks ones that are subarctic. In consequence the flora and fauna is unusually varied. A greater assortment of reptiles, birds and mammals can be found in the Huachucas than any comparably sized area in the U.S.

By and large the mountains are still wilderness. There has always been some ranching, lumbering and mining but, due to the difficult terrain and the lack of resources thereabouts, the mountains have not really been disturbed. Most of the range belongs to the Forest Service, being part of the mammoth Coronado National Forest. Just two rangers are assigned to oversee the Huachucas and adjacent valleys, a 300,000-acre chunk of land. The supervisor is Adrian Hill, a Forest Service veteran, and his assistant is Chuck Shipp, a young ranger who was assigned to the district last June. The area also has two full-time nonprofessional maintenance men. These four men are responsible for everything that goes on in the district—fighting fires, erosion and floods, issuing grazing and camping permits, enforcing the provisions of the permits, cutting trails, clearing springs, building impoundments, locating lost hunters and hikers, assisting miners.

The two regular rangers spend much of their time simply driving, horsebacking and hiking about their vast domain trying to find out what is happening within it. Last July 29 while making a routine patrol along the eastern flank of the Huachucas, Chuck Shipp discovered what looked like trouble in Ash Canyon, one of the many canyons that scar and torture the sides of the Huachucas.

An elderly prospector named Bill King, who had held some claims in Ash Canyon and had pecked away at them for beans for more than a quarter of a century, had leased his holdings and become associated with one Alvin C. Hartley of Los Angeles and Las Vegas. Both men have a certain amount of notoriety. King had come into possession of his claims after killing an early partner, James Kelly. He was acquitted of the murder but retains the reputation of being a formidable gunman. He wears a six-shooter in his belt and normally cradles a .30–30 over his arm. Over the years King has run off more than one innocent visitor to the section of national forest on which he holds mining claims. His cohort Hartley is a bit less colorful but has had trouble with the law, too. He is on parole from California and has convictions for receiving stolen property and carrying a concealed weapon.

At their first meeting Hartley told Chuck Shipp that he had organized something called Cochise Mining and Exploration, Inc. He planned, he said, with the advice of his technical expert, Bill King, to take a lot of gold out of Ash Canyon, build some roads through it to the west side of the mountains, strip 150 acres for placer operations and construct a placer mill and wells.

"Right from the beginning this whole Ash Canyon thing really bothered us," recalls Shipp, who by temperament and age is an environmental activist. "In the first place there is no history of productive mining in the Huachucas, no mineral survey that justified the kind of operation Hartley was talking about. But the mountains have very important natural, wildlife and recreational values. It seemed almost criminal to tear them apart for marginal mining operations. Also, it seemed to us that this scheme in Ash Canyon had the smell of a promotion, not a legitimate mining operation. We got the feeling that Ash Canyon—and maybe more of this range—was to be gutter not for gold but for a few photographs in a stock prospectus."

This latter suspicion was confirmed by an investigation conducted by the Arizona Corporation Commission. Last winter the commission found that Hartley, an unregistered stock salesman, had peddled unregistered shares in Cochise Mining and Exploration. It ordered Hartley to cease and desist in this felonious activity, but the order was of an empty, post-factum sort. Late in November, Hartley left the Huachuca scene for Mexico, taking with him a hundred glossy Cochise stock certificates. He has not been seen since.

Between the end of July and mid-December, Shipp made 38 trips to Ash Canyon (on one visit he was unable to proceed up a Forest Service road, being blocked by Bill King and his six-shooter). Cochise Mining and Exploration began building a placer mill and, more important, cutting without permit a 1½-mile, 130-foot-wide road up Ash Canyon across Forest Service land. Shipp was convinced that the work already done had seriously and adversely affected drainage patterns in the canyon. It also seemed obvious to the ranger that if Hartley should return and settle his curious financial and leagl problems, he could and would mount new operations in the Huachucas that would further ravage the land.

Shipp telephoned Ray Russell, the director of mining and recreation resources at the Tucson headquarters of the Coronado National Forest. "Ray had been following the case," says Shipp, "and I guess I told him in effect that they had sent me down here to protect a public resource and I didn't feel I had any authority to do so. We'd lost a good part of Ash Canyon and the chances were we'd lose more. I asked Ray if he had any suggestions. I also made a suggestion. We'd all been getting directives about the new Environmental Act and I asked Ray if there was anything in that which might help us. He said he would take a look."

Russell looked, and then he decided to do three things. He started proceedings leading toward a trespass hearing in federal court, charging King and Hartley with cutting a road without permit in Ash Canyon. He got in touch with the nearest Forest Service mineral inspector and asked that the King-Hartley claims be examined to see if they could be invalidated. Both of these actions were more or less conventional ones under the old rules of the Forest Service-Mining Law game. However, the third step Russell took, or rather suggested be taken, was extraordinary, something that nobody within the Forest Service had ever thought of doing before. Russell asked that the Forest Service seek a federal injunction, based principally on the provisions of the National Environmental Policy Act of 1969 (hereafter NEPA), to halt all mining operations in Ash Canyon while a study of the environmental impact of such operations was made.

"I am not a lawyer," Russell says, "but it seems to me under Section 102 of NEPA if any land changes are contemplated we are required to make an environmental impact study before the changes are permitted. So I applied this to Ash Canyon. The mining operations that King and Hartley were talking about there would certainly result in environmental changes. O.K., so we are required to make a study on the consequences of these changes. This kind of study will cost some money, tie up a lot of men and take a lot of time. Suppose we start such a study. The Mining Law and the Environmental Act appear to be in basis conflict. I thought maybe Ash Canyon would be a good place to find out where we stood legally—which law we should obey."

Clyde Doran, the Coronado National Forest supervisor, approved Russell's recommendation that the service seek a NEPA injunction in Ash Canyon and started the request for such action through departmental channels. Also, before paper work on the recommendation was completed, Doran made the matter public. He told the local press about Russell's proposal—that they were going to try to get permission to do something absolutely new, challenge the Mining Law of 1872 on the grounds it was in conflict with the Environmental Act.

Change, especially precedent-setting action, unsettles all bureaucracies, and the Forest Service is no different. If the service pushed for an injunction and all that it implied, it would certainly become involved in a bitter battle with the mining industry.

"The whole question is of special interest to us in the Coronado," Clyde Doran says, "since there are indications we may have more rather than less mining activity here in the future." It is something of an understatement when Doran says there are "indications" of future mining ventures and problems in southern Arizona. During the past 18 months it is estimated that some 250,000 acres of Doran's 1,800,000-acre forest have been staked in claims by giant mining concerns—Anaconda, Hanna Mining, Hecla, Kerr-McGee. When old claims and new claims by small operators such as Hartley and King are added, it is likely that somewhere between a third and a half of the Coronado is not, in a practical sense and according to the Mining Law, a public forest at all—it is a potential mine.

The reason for this sudden interest in southern Arizona mineral deposits is gossiped about openly within the mining community. The big operators are fearful to certain that they will soon lose control over major foreign holdings—that their mining properties in Chile, Peru and elsewhere in South America will be nationalized. Therefore, they are looking for domestic mines, particularly in Arizona where there are minerals and favorable tax laws. These political and economic factors, along with the ever-increasing demand for metal products, make it almost certain that mining pressure on national forest lands will markedly increase during the next few years. They also explain why land managers like Doran believe that if the Forest Service does not now get additional authority to control, direct and tame the exploiters, they may shortly have very little land left to manage.

The National Environmental Policy Act to which Russell and Doran have turned in the Ash Canyon case is, like the Mining Law, not well understood, but for different reasons. It is so new that few are certain whether it is a real law or simply another pious statement of good intentions.

"I have a theory," says Malcolm Baldwin, a young lawyer employed by the Conservation Foundation, one of the most respected organizations along Washington's Environmental Row (a collection of offices and chambers in the vicinity of DuPont Circle, lying mostly between Massachusetts Avenue and the National Rifle Association). "Until a law is fought over, either before it is passed or later in the courts, nobody really knows what it means. There have been few suits to date involving NEPA. It was written mostly by Scoop Jackson's staff and there was no great debate. You didn't have, say, the American Mining Congress and the Sierra Club at each other's throats when it was being considered. In fact, nobody paid much attention to it—it just eased through. This business in Arizona may provide a significant test case. Obviously if the Forest Service has enough nerve to ask for a NEPA injunction, it could be a formidable weapon."

It is said that a motto of the Devil is "Let's organize this thing." If true, his Satanic Majesty probably created the concept of the Regional Office. Regional offices—religious, educational, military, corporate, federal—neither sow nor reap. They are not concerned with ideas and policy, which is the business of Headquarters; nor with action—chasing bulldozers out of canyons—which is the work of the field staff. However, they are exquisite instruments for muddying ideas until they cannot be translated into action, for muffling action so that it cannot influence ideas or policy. The function and ambition of a Regional Man is to hide dirty linen, keep boats from rocking and at all times present a very low profile.

The Albuquerque office of the U.S. Forest Service is not that different from regional offices everywhere. Having been brought into the Ash Canyon case during the second week of January, Albuquerque did what Regional Offices do best—sat down tight on the whole affair. The request for a NEPA injunction looked as if it would not be approved, disapproved or bucked on to Washington, where decisions are made. In what passed for furious action at this administrative level, the Regional Office promised to send a Regional Attorney to Tucson in late February to discuss with the Coronado foresters the implications of a NEPA injunction. The first meeting was postponed but the conference was finally held a few weeks ago. The attorney is now in Washington and is said to be formulating his case. So that is how the matter officially stands at the moment.

Fortunately, the Ash Canyon affair has broken out of channels. While anonymous Albuquerque men were brooding over the embryonic case, word of its imminent hatching spread. On March 17 Arizona Congressman Morris Udall submitted a bill to the House of Representatives that would drastically revise the Mining Law of 1872.

Ash Canyon and the issues it raises, the challenge to the Mining Law, the question of the public right to regulate use of public lands, has become too large and knobby to be stuffed back in any Regional Man's bag. Like it or not, injunction or not, Ash Canyon has become a case to which we are all party. The proceedings promise to be long and difficult.

ARTICLE BY ROBERT YOAKUM, LAKEVILLE, CONN.

Mr. RIBICOFF. Mr. President, Robert Yoakum of Lakeville, Conn., is a constituent and a well-known writer. His articles over the years in the New Republic and other periodicals have won him a reputation for perceptive reporting, accuracy, and timeliness.

Mr. Yoakum, who reports regularly for Newsday and the Times, of London, has begun writing occasional columns with a refreshing, light approach to the events of the day. These columns, which appear in several newspapers throughout the country, are humorous and provide, as only humor can, new perspective for the world's problems.

Mr. President, I ask unanimous consent that one of Mr. Yoakum's columns, as it appeared in Newsday, March 24, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN LONDON TOWN, THERE IS ONLY ONE "GOD" AND HIS NAME IS "LETTERS TO THE EDITOR"

(By Robert Yoakum)

LONDON.—If it is true that Hell hath no greater fury than a woman scorned—and I don't know, never having dared to scorn one—the letter writer who has been rejected by The Times of London must come in a close second.

To understand the bitterness with which unprinted writers assail The Times one must remember that the publication of a letter in that paper is, for some Britishers, the one clear way of earthly immortality.

Think of the frustration that builds up: 90,000 people wrote to The Times letters section last year; approximately 85,500 didn't get in. Even so, most rejected writers keep trying, hoping that the portals of heaven will someday open.

Even now and then The Times, which encourages humor as well as controversy and correction, does open its columns to the losers. At such times funny or furious letters pour in at an average of more than 500 a day, more than twice the usual number.

The most recent outpouring of this sort occurred when J. Armour-Milne (Pelham Court, Bishopric, Horsham, Sussex) wrote a splenetic letter asking why three of his offerings had been turned down. "I wonder why," he wrote, "when one considers the amount of drivel that is to be found in the Letters to the Editor."

Mr. Armour-Milne complained that in each case he has written about a subject on which he was an expert with international credentials. "What does one have to do in order to be recognized by the Editor of The Times?" he asked, certainly not suspecting that he was about to succeed.

On the day Mr. AM's query appeared in print one could hear typewriters clacking, and quill pens scratching, all over the United Kingdom. Postmen braced themselves.

Hockley Clarke, Editor of Birds and Country Magazine, peered from his seat on Mt. Olympus (he has had over 40 letters published in The Times) and informed Mr. Armour-Milne that he had done it by writing about "birds, animals, tomato plants, bats, caterpillars, hotels, the Christmas post, chemical sprays, railway closures, wintering in England, &c."

H. F. Martin wrote that "During a long life—I was born in 1889—I have written seven letters to The Times, of which three were published. The subjects were Roast Duckling, Bloaters, and Farming Finance."

Mr. Armour-Milne had written on Very Serious Subjects, so he may have found these entries unhelpful and even irritating. Neither could he have been enlightened or amused by the contribution of Philip G. Sharp, who wrote that many years earlier he, too, had composed "what I thought was a very good letter to your paper which was not published, and I complained to a friend of mine that it seemed that one had to be a member of the Athenaeum (an exclusive London club) to get a letter accepted.

"I asked his advice as to how to become a member of this august club and his reply was that he thought that the first step towards membership was to get a letter published in The Times."

Some nights, as I lie in bed awaiting sleep, I like to imagine Mr. Armour-Milne's expression of growing incredulity as he read column after column of the very "drivel" that he had damned—and, as it turned out undamned. This flood of printed frivolity must have confirmed his darkest suspicions.

With what scowls, for example, did he read this? "Sir,—I have now had three letters printed in the Times and I am an expert at nothing. Yours faithfully, A. J. Hill."

And the advice of H. M. E. Cardwell must have made him shudder: "Sir,—Brevity. Yours faithfully."

A few correspondents tried to make Mr. Armour-Milne feel better. One of these, Oliver Nicholls, told how publication didn't always bring happiness:

"In 1961 controversy raged in your columns on the subject of cleaning Old Masters. In May of that year I dropped you a line and you, Sir, saw fit to publish it, and behold, the controversy stopped dead—just like that.

"There are times, Sir, when having the last word can be as infuriating as having no word at all."

Still other letter writers felt that the Editor should ignore Mr. Armour-Milne.

"I hope nothing will move you to answer such a presumptuous question," wrote John Hocknell, tongue in cheek. The Editor's method of selecting letters, he said, "should not be bandied about by ordinary people." To have received a private letter of acknowledgement, as Mr. Armour-Milne had, "is to have moved in the foothills of immortality. Only grosser spirits would seek public proof of your editorial regard."

But no one, in my view, will improve on a letter printed by The Times twenty-five years ago. It was written from the Calvary Club by Colonel Wintle:

"Sir,—I have just written you a long letter. On reading it over, I have thrown it into the wastepaper basket. Hoping this will meet with your approval, I am Sir, your obedient servant, S. D. Wintle."

MISS SUSAN TIBBETTS

Mr. THURMOND. Mr. President, my State of South Carolina has been highly honored recently by the achievements of one of its young citizens.

Miss Susan Tibbetts, a senior at Rock Hill High School in Rock Hill, S.C., has been named the Betty Crocker All-American Homemaker of Tomorrow. This honor, given by the General Mills Corp., came to Miss Tibbetts after competition with approximately 650,000 girls from all 50 States and the District of Columbia.

This deserving young lady received a $5,000 college scholarship to attend the school of her choice. Her mother, Mrs. Ann Tibbetts of Rock Hill, tells me that she plans to attend Furman University in Greenville, S.C., where she will pursue a double major in English and Spanish.

Her philosophy was reflected in an essay she wrote as part of the Betty Crocker scholarship search. In this composition her theme was "to create an atmosphere of love and togetherness in the home." Such an emphasis reflects a maturity beyond her years, and the judges recognized this when they chose her over 50 other State winners in the national awards presentatiton ceremony in Williamsburg, Va., on April 22.

Mr. President, this remarkable young lady brought an impressive record with her to the Betty Crocker scholarship search competition. She was th South Carolina winner in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Her speech, entitled "Freedom—Our Heritage," showed her deep feeling for patriotism and devotion to the values and institutions which make our country great.

She received the DAR award from the Rock Hill Chapter of the Daughters of the American Revolution, recognizing her as an outstanding student in leadership and scholastic achievement.

She was a cowinner representing the Fifth Congressional District in the South Carolina Star Student program. This award, presented by the South Carolina Chamber of Commerce, was based on her outstanding college board examination scores.

She was a runnerup in the National Council of Teachers of English contest which was designed to recognize high school students with high potential as future teachers of English.

As a high school junior she was one of two Rock Hill High School students selected to represent their school at Girls State.

Mr. President, Susan Tibbetts carries an overall grade average of 98.5. Her achievements show what is possible when one sets a worthy goal and disciplines himself or herself to the diligent pursuit of that goal. I take great pride in this outstanding young citizen of South Carolina.

INDUSTRIAL SAFETY

Mr. PEARSON. Mr. President, I have recently had the opportunity to read an article on the subject "Will Industrial Accidents Cease April 28, 1971?" by Robert L. "Bob" Simmons, of the Beech Aircraft Co., of Wichita, Kans.

Mr. Simmons stresses the importance of the proper attitude toward industrial safety programs. It seems to me this is a most worthwhile article. I call it to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL INDUSTRIAL ACCIDENTS CEASE APRIL 28, 1971?

(By Robert L. "Bob" Simmons)

Is safe always safe? What makes an object or an act safe? Is your safety device necessarily safe for me or is mine yor you?

Most Beechcrafters are pretty much like all Americans and perhaps like people everywhere. We believe in Safety, if it is convenient; if it is something we are personally concerned about at the moment; or if we've just had our pants scared off by the unsafe act of the "other" person.

Really isn't safety an attitude, not a thing? Isn't it an approach to our play, to our work and to our responsibilities of life?

Doesn't a lack of good safety practices and the resultant accidents reflect more a lack of concern for other people than just the use or non-use of a device which may or may not make the operation safer if used?

Doesn't a breakdown of good two-way communication cause many accidents? Couldn't this breakdown occur between two workmen, or any two citizens; between a workman and his supervisor or a citizen and representatives of law enforcement agencies? Couldn't this communication breakdown also occur between company representatives and the union? Couldn't it also be a breakdown in two-way communications between a government agency and the company or between a government agency and the people it is intended to serve?

Why all these questions about safety?

We very soon (April 28th) will be living with a new act of our National Congress (Occupational Health & Safety Act) which could be very beneficial to all concerned in the field of industrial safety if it is used properly. If on the other hand it is not taken seriously and used wisely it could add to the problem it was intended to help alleviate. It should behoove us all to become informed on this new law. (A free copy may be obtained from: U.S. Bureau of Labor Standards, 341 Ninth Ave., Room 920, New York, N.Y. 10011.)

The workmen and his union, supervision and management along with the entire public deserve the safest most efficient machines, methods and materials with which to do their job, whatever it may be. The human element must however continue to remain paramount in our thinking.

If any one group should get out of hand or consider themselves to be the sole judge of what is safe, won't we all suffer?

Recently a device was put on a machine allegedly because of pressure from a government agency. Granted the best device available wasn't chosen but when that device increased the danger to the workman in the name of safety something is wrong. Isn't that "something" a lack of two-way communication at all levels?

A wise man once said, "the safest place for a ship is in the harbor, but then that isn't what ships are built for". A device that prevents a machine from performing the operation for which it was designed not only increases the man hours and operations to do a job but will ultimately increase the risk of an accident, because of those very extra hours and operations.

Using the wrong safety device on a machine is as dangerous as leaving one off and often more so. Trained and experienced workmen prevent accidents if a safety first attitude exists at all levels.

Whenever a workman is placed in a position that in order to get his job done he has to break a company rule and remove an alleged safety device neither he, his company nor his government that pays the controlling Agency are served, are they?

Should a device ever be put on a machine without full instructions being given by the safety department as to its proper use? Shouldn't signs be posted and official instructions be printed to establish responsibility?

Do we not need to be more concerned with true safety rather than just satisfying the technicalities of rules and laws for the appearance of compliance with good safety practices?

SIDNEY SALOMON, JR.—OUTSTANDING AMERICAN

Mr. SYMINGTON. Mr. President, a distinguished citizen of Missouri, Sidney Salomon, Jr., had been selected for a signal honor. Unico National, a service organization of men of Italian descent, has chosen Mr. Salomon to be the recipient of their highest recognition—the Antonio R. Rizzuto Award.

A man of deep civic concern and involvement, Mr. Salomon has long been a leader in local, State, and national affairs. As one of the former joint owners of the St. Louis Browns and St. Louis Cardinals baseball teams, and with his son the present owner of the St. Louis Blues hockey team, Mr. Salomon has worked to provide the entertainment and recreation which have helped make Missouri's largest metropolitan area a sports center important not only to the Midwest, but also to the Nation.

It is not only in the sports field, however, that Mr. Salomon has become nationally known.

When St. Anthony's Hospital in St. Louis was about to close, Mr. Salomon was asked to and did successfully put a lay board of directors together for the Sisters and assisted financially to help keep it going.

In 1962, because of unsolicited contributions to Italian orphans and contributions to other Italian-American groups including a completely equipped playground and school facilities to Sacred Heart Villa—a religious Italian-American high school—Mr. Salomon was awarded the Distinguished Service Medal with the Commendation of the Order of Merit from the Italian Republic.

In 1959, after years of helping in the financing and personal contributions through Mrs. Julia Skouras and directly to Father John Carroll Abling, of Boys' Towns of Italy, Mr. Salomon was awarded the Michaelangelo Award.

In addition, Mr. Salomon is a member of the board of the Development Council of St. Louis University, and a member of the board of directors of the St. Louis City and St. Louis County Chapters of the National Foundation of Infantile Paralysis, Inc.

As is true of all metropolitan areas today, St. Louis faces many challenges. With the interest and responsible leadership of such men as Sidney Salomon, however, these challenges will be successfully overcome.

I ask unanimous consent that newspaper articles from the St. Louis Globe Democrat of March 3 and the Creve Coeur Citizen of March 9, together with a short biography of this outstanding American be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat, Mar. 3, 1971]

SIDNEY SALOMON JR. TO RECEIVE UNICO NATIONAL AWARD

Sidney Salomon Jr., St. Louis business executive and president of the St. Louis Blues Hockey Club, has been named recipient of the highest award of Unico National, it was announced Tuesday.

Presentation of the Antonio R. Rizzuto Award will be made to Salomon at ceremonies during the Unico National convention, which will be held in St. Paul, Minn., Aug. 9–15.

Salomon was granted the award because of his unselfish service to his fellowmen regardless of race, color or creed in keeping with the fundamentals and principles embodied in the Unico National's creed, it was announced.

Unico is a service organization of men of Italian descent. The letters of the organization stand for unity, neighborliness, integrity, charity and opportunity.

Salomon's nomination for the award was made by the St. Louis chapter of Unico. His selection for the award was made by the Unico's board of directors from several candidates submitted by chapters in the organization.

[From the Creve Coeur Citizen, Mar. 9, 1971]

NATIONAL AWARD TO SALOMON

An Announcement has been received that Sidney Salomon, Jr., president of the St. Louis Blues Hockey club and local business executive, will be presented the Antonio R. Rizzuto Award at the Unico National Convention to be held in St. Paul, Minn. Aug. 9 to 15.

Mr. Salomon, whose name and biography was submitted by the Saint Louis Chapter of Unico, was selected from a number of persons submitted by other Chapters in the Organization. The selection was made by Unico's Board of Directors, meeting at the Mayflower Hotel in Washington, D.C. Feb. 18–20.

The Rizzuto Award is granted to an individual, not a Unico Member, on the following basis:

He must be an individual, not a member of UNICO National, who has either made a definite contribution in services or otherwise to UNICO; or he may have contributed to the general betterment of mankind through science, music, drama, etc., or he may have contributed in some way to the welfare and advancement of Italians in our Country or abroad; has shown service to all Americans regardless of race, creed or religion. Basically, those persons to be honored will have upheld, believed in and practiced the fundamentals and principles embodied in our UNICO Creed.

A medal, together with appropriate citation, will be presented to the Vastola and Rizzuto awardees.

Past recipients of the Antonio R. Rizzuto Award have been: Claire Booth Luce, Mrs. George P. Skouras, Judge Juvenal Marchisio, Honorable Judge Michael A. Musmanno, John A. Volpe, Secretary of Transportation, Former President Harry S. Truman, Senator John Pastore, Jack Valenti, Henry Salvatori, Jeno Paolucci.

Mr. Salomon was granted the Award because of his unselfish service to his fellowman regardless of race, color or creed, in keeping with the fundamentals and principles embodied in Unico National's Creed.

Sidney Salomon, Jr.—Insurance Company Executive—Born in New York City April 20, 1910. Graduated Culver Military Academy. Married Jean Korsch—2 children, Sidney III and Susan. Entered Life Insurance Business 1929, Annual Member Million Dollar Round Table, National Association Life Underwriters 1935–62.

Appointed Executive Assistant Postmaster General, Washington, D.C. 1945.

President, Sidney Salomon, Jr. & Associates Life Insurance General Agents, St. Louis, Missouri.

Member Board of Directors—Bank of St. Louis—Former Executive Vice-President, and member Board of Directors—St. Louis Browns, American League Baseball Club.

Former member, Board of Directors and Part owner—St. Louis Cardinals, National League Baseball Club.

Former President, Founder, Miami Marlins, Miami Baseball Club, International League, President, St. Louis Blues Hockey Club, Inc. Governor, National Hockey League, Inc., Chairman, Advisory Council Eastern Missouri Professional Golfers Association.

Advisory Council, American Professional Golfer's Association. Member American Battle Monuments Commission 1961–69.

Treasurer-Democratic National Committee 1950–51. Finance (Fund Raising) Director, Democratic Senatorial Campaign Committee, 1954–56.

National Finance Chairman Kennedy-Johnson Committee 1960.

Delegate at Large—Democratic National Convention 1956, 1960, 1964, 1968. Member Democratic State Committee. Democratic National Committeeman, 1968–71. Member Missouri Appelate Judiciary Commission, 1959–64. Honorary Colonel for all five Missouri Governors since 1949. Member Missouri Academy of Squires.

Member Board of Development Council, St. Louis University. Member Board of Directors—St. Louis and St. Louis County Chapters, National Foundation Infantile Paralysis, Inc.

Member Board of Trustees, American Medical Center, Denver, Colorado. Member Board of Trustees, Harry S. Truman Library, Independence, Missouri.

Served from 2nd Lieutenant to Major—USAAF from 1942–45.

In 1959, after years of helping in the financing and personal contributions through Mrs. Julia Skouras and directly to Father John Carroll Abling, of Boys' Towns of Italy, Mr. Salomon was awarded the Michaelangelo Award.

In 1962, because of unsolicited contributions to Italian Orphans and contributions to other Italian-American groups including a completely equipped playground and school facilities to Sacred Heard Villa, (a religious Italian-American High School) Mr. Salomon was awarded the Distinguished Service Medal with the Commendation of the Order of Merit from the Italian Republic.

When St. Anthony's Hospital, St. Louis, Mo. was about to close, Mr. Salomon was asked to and he successfully put a Lay Board of Directors together for the Sisters and assisted financially to help keep it going.

ADDRESS BY SENATOR BEALL BEFORE CONVENTION OF MARYLAND LEAGUE FOR NURSING

Mr. BEALL. Mr. President, on April 29 I had the privilege of speaking before the Maryland League for Nursing Convention.

I ask unanimous consent that the text of my remarks and a summary of the provisions of the Nursing Education Act of 1971, S. 1614, which I cosponsored, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Health affairs have in the past been largely a private affair. That was yesterday.

Health affairs today are moving rather rapidly to become a principal matter of public policy. And accompanying that movement has come an emerging consumerism—an emerging consumerism backed, quite often, by Federal money.

Consumer participation, particularly in the ghetto and other deprived areas has become an important force of change. In some instances it has even caused serious problems to professionals in the health field.

This particular consumer has sought power within the very structure of the medical care system and demands a substantial role in governing health care institutions.

This consumer participation is a plus factor but, at times, I fear that this concentration of one set of consumers may impair our vision because we are *all* consumers of health services. To not recognize that fact and to move ahead to design a system of health care delivery that does not recognize that fact, I think, is to foredoom us to repeat the failures of the past.

First, this morning, I would like to slice through some of the murk that has been allowed to develop by unchallenged woe-sayers of what has come to be the "cause celebre" of 1971—the health crisis.

Second, I will lay out a few of the proposals of this administration for "curing" that crisis.

Third, I would like to mention some changes I would think we all might wish to see in the healing arts, and then make an announcement I think will be of special interest to you.

Passions have been raised about health in the United States. And where passions prevail, reason retreats. When we use the term health crisis, we should, in my view, use it advisedly. If we restrict the crisis to the cost of health care, that is one thing—an acceptable use of the term, in fact. But if we use the term generally to cast doubt on the quality of health care—that to me is a totally unacceptable use of the term.

Since 1950 life expectancy in the United States has increased by 3.4% . . . the infant death rate has dropped 2.3% . . . the maternal death rate has gone down 66% . . . the neo-natal death rate has fallen by 19.5%.

Between 1960 and 1968 days lost from work per person have decreased by 3.5% . . . days lost from school have decreased by 7.5%.

Health care expenditures have increased at a faster rate than the GNP . . . in 1965 total health expenditures amounted to $18 billion (4.7% of GNP) . . . in 1970 they amounted to $67 billion (or 7% of GNP).

In 1963 there were 12.4 hospital beds per 1,000 people . . . in 1968 there were 13.5.

Between 1950 and 1966 while the population of the U.S. was increasing by 29%, the number of people in health occupations increased by more than 90%—three times as fast. In 1960 health workers comprised 2.9% of the labor force. By 1966 the percentage was 3.7 and rising. Our supply of physicians increased by 34% during the same period.

In 1950 48.7% of employed workers were covered by hospitalization. By 1967 70.5% were covered.

20 years ago, only 50% of the population as a whole had health insurance. Today 88% have it.

I believe you will agree that in general our critical health problems today do not arise because the health of our people is worsening; or because expenditures on health care have been niggardly; or because we have been negligent as a nation in developing health care resources; or because we have been unconcerned about providing financial protection against ill health.

Just as Secretary Richardson mentioned before the health subcommittee, of which I am a member, our present concerns go to two broad problem areas: The first is the inequality in health care. The other is the pervasive one of rising medical costs.

The rendition of statistics I gave are in the raw—they are gross. They pertain to the nation as a whole. They mask differences among sub-populations in the United States . . . and these differences have become intolerable. The level of maldistribution has become the crisis; not the general physician-to-population ratio but the differences between suburb and ghetto.

The impressive growth in the number of people covered by health insurance conceals the fact that only 29% of all personal health expenditures were paid by insurance in 1968.

When we look beyond our borders and compare ourselves with other nations, any sense of accomplishment over our long-run gains in health status is mitigated by the fact that other advanced nations are doing better than we are. While cross-national comparisons are imperfect and must be used with caution, we note that Sweden, which devotes about as much of its natural product as we do to health, out-performs us on comparable health indices.

The other major problem is pervasive inflation in medical costs. I hardly need remind this well-informed group that, since 1960, hospital costs have been rising at 15% per year, and physician fees have been increasing at more than twice the rate of the consumer price index. Under these circumstances, relatively minor episodes of illness become heavy burdens, and serious illness is transformed into large and lingering debts, and sometimes bankruptcy.

So far, I have tried to share with you a conception of what is, and what is not, at the crux of the health care crisis. I should now like to probe a bit into the causes.

For some time there has been a migration to our large urban areas. It is to be expected that physicians, as well as other service personnel, dependent as they are on a reservoir of population for their livelihood, would migrate too. Lately, physicians have left the central cities and moved to the suburbs because there were no "disincentives" (as the sociologists put it). . . . That is, no loss in income or status or professional prestige . . . for moving out of the city. By the same token, fewer services are now available from primary care physicians—general practitioners, pediatricians, and internists—because their numbers are declining. And they have been declining for a number of reasons: the large infusion of research dollars into the medical schools after the Korean War gave young medical students a clear signal at that time of national priorities. To further confound, the increase in knowledge has been leading to an increase in specialization

Our medical care system is geared to sickness, not to health. The incentives have been to care for the sick—and constantly to do a better job of caring—and few incentives or none to prevent illness, or to diagnose illnesses in their early stages and treat them before they become "interesting".

Our insurance plans also reward people if they go to the hospital for services, and penalize them if they obtain the same services outside the hospital. No wonder, then, that hopitals have been excessively and inappropriately used.

A most comprehensive set of proposals has been submitted by this administration to attack many of the problems I have just been enumerating.

The Nation is confronted by a geographic maldistribution of health care services. The administration proposes to attack this problem in many different ways.

First, the administration proposes to promote the development of out-lying health education centers; that is, community facilities generally affiliated with medical and dental schools. Medical schools will be encouraged to expand their capacity for graduating physicians in these "scarcity" areas at a much faster pace than in the existing medical school buildings. Medical schools will be encouraged to hold down the cost of medical education by converting community hospitals and other clinical facilities into teaching facilities. In effect, the administration will implement the recommendation of the Carnegie Commission report on "Higher Education and the Nation's Health". The F.Y. 1972 budget will contain up to $40 million for this purpose.

Incentives for the development of health maintenance organizations will be provided. This will put health care resources in areas now lacking them.

Support of the training of "Medex" and similar types of physician's assistants will be expanded to enlarge the capacity of physicians to care for patients . . . and to lessen the burden that many family physicians carry in small towns and other scarcity areas.

Development of new neighborhood health centers or, as we prefer to call them, family health centers, will be supported which will later evolve into health maintenance organizations or "HMO" satellites.

A new Health Service Corps under the authority of the Emergency Health Personnel Act of 1970 will be created.

Incentives to new medical and dental graduates to practice in areas lacking physicians and dentists will be provided by forgiving part or all of the guaranteed loan indebtedness they incur while in school.

The Nation is also confronted by the maldistribution of certain types of services, and primary care services in particular.

The administration's proposals, here, for example, contain incentives to increase the supply of primary care physicians. I have introduced a family practice assistance bill of my own to further the administration's interest in this area.

These are but some of the administration's proposals in a very comprehensive health care program that has been sent to the Hill.

Now if I may turn to some of the administration's proposals to bring medical costs under control.

For the long run, the strategy calls for a determined effort to prevent illness, and thereby reduce demands on our health care resources. Among proposals in this regard, the most important are:

To maintain the broad base of medical research, and upon that base, launch major new programs to conquer cancer. As you know, an additional $100 million in fiscal year 1972 has been proposed for this purpose.

The Occupational Health and Safety Act will be implemented for our working population.

In fiscal year 1972, $69 million will be budgeted for family planning—doubling last year's program. As a health measure, family planning not only allows women to avoid the birth of unwanted children, but also can prevent illness of mothers and children through, for example, the proper spacing of births.

To improve the nutrition of households in general, and of children in particular, the administration nearly tripled the outlays for food stamps between fiscal year 1970 and fiscal year 1971—from $577 million to $1.4 billion. The fiscal year 1972 budget calls for more than an additional $500 million.

In addition to the anticipated reduction in demand for health services through prevention, the administration is also proposing a number of direct actions to reduce medical care costs. In effect, incentives are offered to shift the medical care industry from its preoccupation with acute care in hospital settings. Incentives will be offered for the application of preventive measures—procedures like immunizations to prevent an illness from occurring; or multi-phasic health screenings; or special tests like "pap smears," to catch a disease in its early and treatable stages; or the early ambulation of surgical patients, which leads to early recovery and rehabilitation.

This shift to preventive medicine will occur, if there are sufficient incentives. Prepaid arrangements in health maintenance organizations should provide one such incentive. Under these arrangements, HMOs will receive a contractually-fixed amount for the care of their enrolled members. If the HMOs Health care staff pays little attention to prevention and continues with acute care in hospitals, then they will exceed the contracted amount for the care of each person. If, on the other hand, the HMO bends its concern to prevention—or, in other words, to low cost consumer care—its costs will be within the set amount. It will profit by maintaining the health of its members. Will this be sufficient incentive? There is convincing evidence that it will be.

I have now given you my views as to how the administration sees the crisis . . . and its causes and some of its proposals to alleviate them.

Now I'd like to wing rather broadly with you, if I may, on three or four other concerns that are not all really legislative in nature.

Institution changing is always one of our most difficult tasks, whether it be changing the seniority system of the United States Senate or changing the way we run our health industry. In this day when hospital nursing positions go unfilled—it would seem to me to make good sense to investigate altering the working hours to accommodaate those licensed non-practicing nurses who would like to get out of the house and practice their profession . . . not for 8 hours a day, but for 3 or 4 hours while the children are in school. I think that possibility might be vigorously pursued. Health consumers would be the gainers. Women's Liberation should like that one, too! 282,000 licensed nurses are not presently practicing.

The U.S. Health Care System has been regulated since the late 1800 by a comprehensive licensure scheme.

Licensure was developed in recognition of the fact that the consumer of health services seldom possesses the knowledge necessary to allow him to make an effective evaluation "of the product" he receives . . . that is, of the medical attention he receives. Physicians were the first recipients of license required for practice. With the development of yet other types of medical practitioners, the need to assure their competence was answered by granting licenses delineating qualifications and scope of practice limitations for the various occupational groups. Today, there are approximately 25 health professions and occupations licensed in one State or another.

Licensure is justified primarily as a means of ensuring the quality of providers of health care. Many, though, question the efficacy of licensure as a quality control device. Most licenses are issued upon examination immediately after completion of the professional or occupation training. Very few laws require periodic relicensure, reevaluation, or continuing education. It is perhaps unrealistic to think that one-time licensure, at career inception, provides much of a check on quality in an industry in which such rapid strides in knowledge and technology are being made.

I think that it is most important that this particular situation—that of licensure—should be made more responsive to the rapid changes that have taken place and I am sure will continue to take place in the health professions.

Another recent development that has greatly interested me that I believe will have a profound effect on the consumer side of the provider/consumer equation is the growing number of physician's assistants programs. Even though, here again, some institutional problems arise—like licensure and malpractice questions—I would think this would be a "natural" area to which nurses might gravitate.

I have saved until last my most pleasant duty. I am today co-sponsoring a new three year program of institutional support to schools of nursing—the Nursing Education Act of 1971.

Although the exact dollar figure of support will be developed in committee, I do think the bill will be a boon to nursing.

Besides authorizing grants to schools of nursing based on a stipulated amount per graduate, the bill will also extend the present program of traineeship for advanced training of professional nursing and will extend and increase from 66⅔% to 75% the present construction grant program. Under this bill this grant construction program will be extended to assist associate degree schools of nursing, too. I am very happy to be a co-sponsor of this most important measure.

SUMMARY OF MAJOR PROVISIONS—NURSING EDUCATION ACT OF 1971

1. Authorizes a new 3-year program (FY '72 thru FY '74) of institutional support grants to schools of nursing on a capitation formula of a stipulated amount per graduate—the exact dollar figure to be determined by Committee upon legislative hearing testimony. The formula, on the basis of graduates, is patterned upon the "Health Manpower Assistance Act of 1971."

2. Special project grants are authorized to schools of nursing and non-profit agencies, organizations and institutions to achieve priority goals such as increased educational opportunities for disadvantaged nursing students, increased supply or improved geographic distribution of trained nursing personnel or promote preventive health care.

3. Financial disaster relief grants are authorized for schools of nursing, where necessary, with appropriate safeguards, including provision for full financial disclosure.

4. Extends for 3 years the present program of traineeships for advanced training of professional nursing.

5. Extends for 3 years present construction grant authorities; broadened to include authority for guaranteed loans and 3% interest subsidies, patterned upon the "Health Manpower Assistance Act of 1971." Support extended to assist associate degree schools of nursing; and present grant ceiling of up to 66⅔% of construction costs increased to 75%.

6. The existing nursing student scholarship program is extended for three years with the great amount increased from $2,000 to $3,000.

(a) Existing nurse student assistance programs liberalized with respect to maximum loan amounts ($1500 to $2500); and repayment terms.

(b) Forgiveness for nursing student loans is authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or non-profit private agency or institution, including neighborhood health centers. The forgiveness rate is increased to 33⅓ percent per year for full-time employment in an area defined by the Secretary of HEW as a health care shortage area.

(c) The bill also authorizes Federal repayment of guaranteed loans for nursing students in exceptional financial need who are unable to complete their studies.

(d) Where nursing students are unable to secure a guaranteed loan, provision for direct loans is authorized.

8. Expands present Nurse Talent Search program from disadvantaged youth to potential nursing candidates regardless of age, experience, education, or financial need and eliminates contract limitation.

9. Such sums as may be necessary are authorized to be appropriated for carrying out the provisions of this Act.

THE MIDDLE EAST IS NOT INDOCHINA

Mr. RIBICOFF. Mr. President, last Thursday evening, the distinguished Senator from South Dakota (Mr. McGOVERN) spoke to an important gathering here in Washington concerning U.S. foreign policy in the Mideast. In his usual forthright manner, the Senator addressed himself to the significant differences between continued American involvement in Indochina and, as he put it, "the substantial national interest in maintaining our Israeli ally in the Mideast."

Senator McGOVERN, who has spoken out so often and so eloquently against continuation of the Vietnam war, pointed out that—

> There is virtually no important similarity between the lamentable role we have played in Indochina and the role which we must continue to play in the Mideast.

It is particularly significant at this time that the Senator's voice, so often raised in behalf of peace, has been raised to admonish those misguided elements in the peace movement who champion the cause of Israel's enemies.

The distinguished Senator made it clear that—

> It is the obligation of those of us who have led the peace movement in this country to educate our constituents to the vital distinction between preventing war in the Mideast by placing the American guaranty behind Israel's right to survive, and perpetuating the war in Indochina by fighting the internal struggles of the people of that area for an indefinite period of time with American troops and pilots.

I heartily recommend Senator McGOVERN's remarks to all Americans concerned over the tragedy of Vietnam and its aftermath. We must not allow our revulsion for the war in Indochina to, as Senator McGOVERN stated—

> Cloud our judgment and render us unable to carry our our responsibility for acting in support of peace in the world.

I ask unanimous consent that the text of Senator McGOVERN's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR McGOVERN AT AMERICAN-ISRAEL PUBLIC AFFAIRS SOCIETY AND JEWISH COMMUNITY COUNCIL AT WASHINGTON, D.C., ON APRIL 29, 1971

I believe that Americans of every political persuasion have come to realize that the war in Indochina has been an American tragedy, a tragedy which goes far beyond the staggering loss of life and property that we and the people of Indochina have suffered in this insane struggle.

No one who keeps his eyes and ears open can fail to notice that the American people are in a state of agony.

It permeates every aspect of our lives so deeply that it is hard to remember that ten years ago, few Americans were more than dimly aware of the existence of Vietnam, and two or three years ago, many Americans were hardly aware of the existence of Cambodia and Laos.

If one can find encouragement in an examination of our national spirit at this time, that encouragement must be rooted in the fact that a clear majority of the American people have achieved a more perceptive vision of America's crisis than have our political and military leaders.

The movement for peace in Indochina, which seemed to many to be a leftist fringe in this country five years ago, now encompasses, to one degree or another, an overwhelming majority of the American people, a fact which seems finally to have dawned upon most members of the Congress, and, to a lesser extent, upon the President of the United States.

As the first Senator to reject our Indochina policy on the floor of the Senate, I believe the American public has outstripped its leadership in achieving a realistic and moral view of the disaster in Vietnam.

Though I believe that we must continue relentlessly to build upon the pressure that has forced a reluctant administration to begin reassessing our military involvement in Indochina, I believe that the process that has gone on in the minds and hearts of the American people in their attitudes toward this war is an irreversible process.

And for this we must be pleased.

But tonight, I look beyond our involvement in the war in Indochina to broader questions of American foreign policy, and I see cause for great concern—concern for the legacy that the memory of our horrible experience in Indochina will leave upon our national spirit.

I am deeply troubled by the ever-increasing possibility that the American people, who have come together from all sides in the peace movement, will allow their revulsion for the war in Indochina to debilitate our spirit, cloud our judgment, and render us unable to carry out our responsibility for acting in support of peace in the world.

In no part of the world do I find the potential reaction of a weary and frustrated American people more disturbing than in the Middle East.

And no conceivable consequence of the assault brought upon our spirits by the Indochina war is more disturbing than a weakening of our will to maintain a necessary balance of power in the Middle East and to insure the survival of Israel.

I could not, in all candor, deny that those of us who have supported and led the movement for peace in Indochina are asked by sincere and well-meaning Americans how we can reconcile our insistence upon American withdrawal from Indochina with an equally firm insistence upon an American guarantee of the survival of Israel.

This question saddens me. It saddens me because the answer is so apparent that the question itself is a dismal reflection of how badly our judgment has been impaired by the trauma we have undergone in Southeast Asia.

Indeed, there is virtually no important similarity between the lamentable role we have played in Indochina and the role which we must continue to play in the Mideast.

This is true with respect to the merits of the conflict, the nature of our supportive role, and the degree of American self-interest involved in that area.

The specific areas of contrast do not need belaboring. The Israeli government, as everyone well knows, is a democratically elected coalition whose basic popular support is as firm as that of any government in the world.

Indeed, there is not the faintest trace of civil war, in the Arab-Israeli conflict, or any suggestion of an internal enemy.

Whatever the views of Israel's neighbors about the founding of the State of Israel in 1948, the fact is that the international community, through the United Nations, guaranteed Israel's right to exist as a sovereign nation in an area comprising about one-fifth of the territory of Palestine.

Israel's Arab neighbors never accepted the internationally recognized fact of Israel's existence.

Only recently has there been any sign that they might be willing to modify their plans aimed at Israel's destruction.

We have little choice but to believe that had the balance of power not been as it was during every moment of the past twenty-three years, Israel's neighbors would simply have made good their threats.

And now, in spite of more encouraging diplomatic sounds from the Arab world, Israel faces the most realistic threat to the balance of power in its history—by which, of course, I refer to the presence of extensive Soviet equipment and manpower in the United Arab Republic.

In short, a totally external threat to the survival of a self-supporting, democratic state to which we have a binding international commitment—a classical example of a proper area for the exercise of the American responsibility.

And what kind of American commitment and support are we talking about?

Basically, I favor the maintenance of a balance of power in the quantity and sophistication of conventional arms, which I believe must include the maintenance of Israel's control of the air, the assurance of secure, defensible boundaries, international insistence on a directly negotiated settlement of the dispute between Israel and its neighbors, and the deterrence of Soviet intervention in the area through firm American guaranty that a Soviet threat to Israel is intolerable.

No one has ever suggested that we send one American soldier—not even in an advisory role, much less in a military capacity—to Israel.

Several weeks ago, General Dayan said as emphatically as he could that American manpower was the last thing in the world that Israel wanted.

Appropriately for the contrast between our role in the Mideast and Indochina, General Dayan wisely noted that Israel simply could not afford the enmity of the American people which he knew would result if Israel had to fight a war with the aid of American servicemen.

I do not believe that this issue will ever arise if a proper balance of arms is maintained. And the Israelis have asked for nothing more than the right to *purchase*—not to be given, but to purchase—arms from us in sufficient quantity to assure that proper balance.

Finally, I do not believe that there is any ground of comparison whatsoever between the substantial national interest in maintaining our Israeli ally in the Mideast, and whatever benefit we derive from propping up the regime of Messrs. Thieu and Ky in Vietnam.

And those who are familiar with my views on our foreign policy know that my recognition of American national interest in Israel has no root whatsoever in a mindless, reflexive anti-Communism—a description I emphatically reject when applied to the American commitment to Israel.

It is the obligation of those of us who have led the peace movement in this country to educate our constituents to the vital distinction between preventing war in the Mideast by placing the American guaranty behind Israel's right to survive, and perpetuating the war in Indochina by fighting the internal struggles of the people of that area for an indefinite period of time with American troops and pilots.

And I believe that it will be the obligation of those who lead this country to channel the full force of the peace movement that has won the hearts of the American people into assuring genuine peace in the Middle East.

I gladly accept that obligation.

Let me add this final note.

One of the most pathetic symptoms of national frustration over the continuation of the unauthorized and unpopular war in Indochina has been the disillusionment suffered by young Americans, especially those in college.

Unfortunately, the effect of the rage these young people feel can, in extreme instances, result either in a total rejection of international responsibility, or in a severe impairment of judgment and a doctrinaire grasping of every political position which bears the revolutionary label.

Perhaps the saddest, and in many ways the most ironic, symptom of this thoughtless approach to political thought is the emergence of a minority of young people, including young Jews, who have turned their backs on support for Israel because they find that posture inconsistent with some philosophies of the new left.

I understand that here in Washington, for example, on the campuses of George Washington and American Universities, and on other American campuses, leftist students, including Jewish students, distribute the anti-Israel propaganda of the Palestine Liberation Front, El Fatah, and other Arab militants who supposedly carry the banner of third world revolutionaries.

We must not fail to do all we can to provide a decent life for the Palestinian people, who for one reason or another lost their homes during the original Arab-Israeli war.

And the just settlement of the Palestinian refugee problem is of paramount concern to Israel, to the Arab states who have refused to render any assistance to the alleviation of this problem, and to the international community.

But how has it happened that even a minority of our youth now show disdain for the peaceful, social and political revolution that is Israel?

How have even the most revolutionary of our youth missed the impact of the monumental struggle for liberation and self-determination which the Israelis waged twenty-three years ago against British troops—a struggle which enabled tens of thousands of survivors of the Nazi holocaust to find refuge from the crowded leaking ships that transported them in circles around the Mediterranean Sea when no country would take them?

And how can any student of third-world problems ignore the admiration that so many emerging nations of Asia and Africa have shown for the remarkably successful democracy of Israel's struggle for liberation? Or the fact that Israel is helping some 37 less-developed countries?

I fervently hope that by ending the war in Indochina, we can help to dispel the confusion of illusion and reality that the rejection of Israel represents.

Let us begin by dispelling the illusion which our national policymakers, and yes, leaders in Congress, have tried to market as reality—the illusion that we have sent our men and our resources to Indochina in the name of self-determination, and to win the hearts and minds of the people.

Where is the truth of self-determination and winning the hearts and minds of people any more apparent and profound than in the struggle and experience of Israel?

Yes, my friends, that is the difference between illusion and reality.

No wonder that our young people, who know the fallacy of this distorted rhetoric about self-determination, who have borne the greatest sacrifice and suffered the burden of Indochina, find it very difficult to accept self-determination as a legitimate concept.

But that is precisely what Israel is all about, and that is the fact that we must understand ourselves. We must see that issue clearly, and in so doing, help those who are younger to understanding and political maturity.

Then shall we heed the admonition of Isaiah:

"Open ye the gates, that the righteous nation which keepeth the truth may enter in."

TRIBUTE TO MISS JOYCE RICHARDSON

Mr. THURMOND. Mr. President, five outstanding 4-H members from South Carolina were brought to Washington for the National 4-H Conference which took place during the week of April 17-24. These 4-H'ers were accompanied by their very able leader, Miss Joyce Richardson, who is assistant extension specialist for 4-H Club work at Clemson University. The leadership and dedication of Miss Richardson has played a major role in making the 4-H program meaningful to many students in South Carolina. Because of her contributions and the efforts of others like her, more than 3 million young people now belong to 4-H.

Any boy or girl between the ages of 9 and 19 may join 4-H by agreeing to work on a project and following 4-H ideals and standards. The main requirement is a willingness to learn by doing and "to make the best better"—the 4-H motto.

These young people carry on a wide variety of projects in agriculture, citizenship, and personal development. They apply the latest scientific findings to learn the "why" as well as the "how" of what to do. Developing character and citizenship are long range goals.

Mr. President, I applaud Miss Richardson for her role in the development of the character and citizenship of our young people. During these critical decades few activities are more vital to the future of our Nation.

I wish also to pay tribute to the five South Carolina delegates who attended the national conference with Miss Richardson. They are Miss Gerri Spann, of Sumter; Shelton Parker, of Harleyville; Edward Fludd, of Santee; Miss Anita Wright, of Greenwood; and Miss Ann Simmons, of Ware Shoals.

THE OEP'S OIL REPORT STRESSES NATIONAL SECURITY

Mr. HANSEN. Mr. President, yesterday the Office of Emergency Preparedness released its Report of Crude Oil and Gasoline Price Increases of November 1970. The report is the result of a study conducted as a result of Presidential Proclamation 3279. The report came to three major conclusions which can be fairly summarized as follows:

First. The crude oil price increase of 25 cents per barrel has not been justified on short run, national security grounds.

Second. The 25 cents per barrel increase in the price of crude oil can be justified because of sound national security considerations in the long run.

Third. Crude oil price increases alone will not be sufficient in the future to insure the achievement of our national security objectives.

The report is an important and interesting one. While I do not find myself in complete agreement with it, I do recognize it as an objective, comprehensive analysis of the national security ramifications of last November's increase in the price of crude oil.

At this time, however, I do not want to dwell on the details of the report. Rather, I would like to call to your attention the remarks submitted to the task force by the able Senator from Texas (Mr. TOWER). As one of only four congressional men who submitted responses to the Federal Register notice concerning the study, Senator TOWER has contributed significantly to the balance of the final report.

In his December 3, 1970, remarks to the President's Oil Policy Committee Senator TOWER made two things quite clear. First, our national security is dependent to a significant degree upon our ability to insure petroleum resources sufficient to meet our energy needs and secondly, our present level of domestic exploration activity, now at a 15-year low, is not at a high enough level to provide us with this insurance.

Mr. President, it is apparent from the balanced tone of the Oil Policy Committee's report that its members heeded the alarm sounded by my colleague from Texas. So that all Senators can study Senator TOWER's remarks in conjunction with the "Report of Crude Oil and Gasoline Price Increases of November 1970," I ask unanimous consent that his submission to the Oil Policy Committee be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN G. TOWER

I appreciate the opportunity to submit my views concerning the recently announced increases in the price of some crude oil produced in the United States.

I will assume that other interested persons will submit to you, during the course of your investigation, the ample statistical data which documents the decreased levels of operating profits of domestic oil exploration companies. I feel certain that this data will show that decreased profits in this industry are the result of the near static price level of crude oil over the past 15 or so years, while the costs of finding new reserves have greatly increased during this period. I believe that a substantial increase in the price of domestically produced crude oil is justified to restore this loss of profits.

But, there is an even more important justification for increasing the price of crude oil. Our national security is directly related to a strong, viable domestic oil exploration industry.

I will explain how an increase in the price of crude oil affects our national security by stating and then discussing the elemental concepts of this relationship.

(1) Domestic exploration for new reserves of crude oil is at a 15 year low. Drilling activity can be measured in several different ways: the number of drilling rigs in existence, the number of drilling rigs actually cutting holes, the dollars invested in drilling equipment, or the number of feet of holes drilled, to name some of the measures most often used.

In this instance, measure used is unimportant because all such measures show a marked decline over the past 15 years.

(2) The continued existence of our domestic oil exploration companies is contingent upon their exploring for new reserves of crude oil. Each day, fourteen million barrels of oil are consumed in this country. We produce approximately 10 million barrels per day of this oil. New reserves of crude oil must be found to replace those being consumed.

If the consumed oil is not replaced, it is easy to see that we will use up all our producing reserves. As a matter of fact, at the present time, we possess only about a 9 year's supply of known producing reserves of oil, at the present rate of consumption. This is an overly optimistic figure, however, because the rate of consumption is almost certain to increase in the future. Our producing reserve cushion has decreased from in excess of a 20 year's supply in the early 1960's to the present level of about 9 year's supply. This 9 year reserve figure is misleading in another way. The flow of this oil cannot be substantially increased above the present level of production. Not only are there physical limitations, such as lack of additional pipelines and refinery capacity, but also, formations which contain the oil can only give up that oil at certain ideal rates. If these ideal rates are exceeded, significant percentages of oil will probably be irretrievable due to loss of pressure and other technical reasons.

So, we probably have less than a 9 year's supply of proven crude oil which we cannot produce as fast as we may need it. Without additions to this reserve supply, it will almost certainly continue to decrease.

(3) Increasing the price of crude oil increases the operating profits of domestic oil exploration companies.

This statement seems self-evident.

But the real issue is whether the increase is large enough to offset inflationary and other cost increases. Cost increases must be made up. These inflationary increases must be offset just to get the oil companies back to normal. I feel that a 25¢ per barrel increase is not enough to offset inflationary cost increases. This 25¢ per barrel increase under investigation represents only an 8 percent increase in the price of crude oil. Cost increases attributed to inflation have increased more than 8 percent. So, not only must operating profits increase, they must increase enough to offset inflationary and other cost increases.

(4) The amount of operating profit of domestic oil exploration companies is the primary factor which determines the amount of exploration for reserves of oil that these companies can perform.

Oil exploration companies must finance exploration for new reserves from one of two sources: invested capital or operating profit. Thus, the amount which can be invested is limited. The primary source of exploration funds is operating profit. If operating profit decreases, the amount of exploration must be decreased. Thus, when the management of these companies decides how much exploration that they can do, the primary factor which determines this is the amount of operating profit.

(5) It follows, therefore, that increases in the price of crude oil are prerequisites to increasing the amount of exploration for new reserves of oil and that increases in the price of crude oil should result in increases in exploration, if these increases are large enough to offset increased costs.

During the 1960's domestic exploration companies spent an average of 7.2 billion dollars per year searching for new reserves. But between now and 1985, this country will consume approximately 100 billion barrels of oil. It is estimated that, in order to find that quantity of new oil, expenditures of around 22 billion dollars per year throughout the 1970's will have to be made. Thus, our exploration expenditures must triple.

(6) Increased domestic exploration for oil translates into increased productive capacity.

The reason this statement is true is that fortunately this nation possesses the necessary physical ingredients for successful oil exploration.

First, we have the necessary undiscovered reserves of crude oil. The U.S. Geological Survey estimated undiscovered crude oil in place exceeded two trillion barrels of oil within the United States and its continental shelves to a depth of 200 isobaths. While our future needs are great, our reserves are greater.

Secondly, we possess requisite men, machinery and technology to convert domestic exploration dollars into proven producing capacity. We know this is so because, until very recently, this nation enjoyed virtually unlimited supplies of crude oil to meet the increasing demand. The availability of large quantities of crude oil is one of the main reasons this nation holds a position of preeminence in the world today. Abundance of oil is one of the primary reasons we enjoy the highest standards of living anywhere on earth.

So, we have the undiscovered reserves of oil and the means to find them. Needed are continued adequate economic incentives in the form of operating profits.

(7) Adequate domestic oil producing capacity is necessary for the maintenance of our national security.

National security demands that we have available the reserves of oil necessary to propel our armed forces when needed and to maintain the mobility which is so vital to our military strength. But, national security, as it relates to crude oil, means more than that. It means, also, world-wide bargaining power. We must maintain that international bargaining strength which is based on the knowledge that this nation can supply its own energy needs and those required to meet our commitments. Further, national security includes the capability to provide for our vital industrial and consumer needs.

It is estimated that unless new reserves of crude oil are found, we will have used up all our surplus producing capacity by the end of 1971. This means that increases in consumption will have to be met through increased imports of crude oil from foreign countries.

It has been recognized that it is not wise to allow limited imports of crude oil to meet our needs. In 1959, President Eisenhower implemented the Mandatory Oil Import Quota System. He said that the new system was "designed to insure a stable, healthy (oil) industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program as the certified requirement of our national security would make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States."

President Eisenhower correctly recognized the national security aspects of the domestic oil industry, that there were maximum safe import levels and that to exceed these levels would impair the viability of the domestic oil industry. The Presidents since President Eisenhower have similarly recognized that vital relationship. Thus, we must not allow ourselves to rely on imports of foreign oil to the detriment of our domestic industry.

The events in the Near East in the past few months have demonstrated again the wisdom and necessity of maintaining a strong domestic oil producing industry. The relatively minor disruptions in the flow of mideast oil produced serious repercussions around the world. Yet, the deficiencies in the United States' supply of crude oil caused by these disruptions have largely been made up by increasing the production of oil in Texas and Louisiana. This higher level of production from secure domestic sources cannot be sustained indefinitely. We must continue to add to our producing reserves.

(8) Maintaining our national security is necessary.

Can there be any serious argument against the concept of this nation's maintaining a strong national security posture? Can there be any doubt that if this nation reduced its level of national security that other hostile countries would not take advantage of this reduced level of security? In my opinion, we must continue to maintain a strong defense posture. A vital link in this posture is a viable domestic oil industry.

(9) Therefore, it follows from the foregoing that increasing the price of domestically produced crude oil is necessary.

I realize that you already understand and acknowledge much, if not all of what I have submitted. However, this investigation seems an appropriate time and place to review the basic concepts which relate adequate prices of domestic crude oil to our national security.

TWIGS FOR AN EAGLE'S NEST—ADDRESS BY MICHAEL STRAIGHT

Mr. PELL. Mr. President, Michael Straight, Deputy Chairman of the National Endowment for the Arts and Humanities, was recently honored by being asked to deliver the annual humanities and arts lecture at the University of California in Los Angeles.

Mr. Straight, who has been with the endowment since 1969, has been an ardent and able representative of our Federal Government's efforts to support esthetic endeavors in our country. I admire him both in his official capacity and as a personal friend. His presentation, "Twigs for an Eagle's Nest," is a most erudite and meaningful discussion of the need for patronage in the arts, patronage which is now partially supplied by the Federal Government. And what is even more important is the need for that patronage to be of a supportive and undemanding nature.

Mr. President, Mike Straight's statement is most eloquent. I have read many articles and statements about Federal support of the arts, its pitfalls and problems, and think that the subject has been no better presented than in Mr. Straight's message. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed the RECORD, as follows:

TWIGS FOR AN EAGLE'S NEST

(By Michael Straight)

Castiglione, in his classic work, *The Courtier*, speaks of Urbino as a blessed city. Chief among its blessings, he adds, is its government. It has been ruled by the very best lords, among them, Guidobaldo da Montefeltro. In proof of Guidobaldo's worth, he tells us:

"Among his other praiseworthy deeds, he built on the rugged site of Urbino, a palace regarded by many as the most beautiful to be found in all Italy. And, he furnished it so well, with every appropriate article, that it appeared to be, not a palace, but a city in the form of a palace. He furnished it not only with all that is customarily used, such as bases of silver and hangings of the richest gold and silk; by way of embellishment, he added innumerable antique statues of marble and of bronze, paintings of outstanding merit, and musical instruments of all kinds; nor would he admit any object that was not very rare and very excellent. Next, at very great expense, he gathered together a large number of very excellent and very rare books in Greek, Latin and Hebrew, all of which he adorned with gold and silver, judging that this was the supreme distinction of his great palace."

Urbino, to Castiglione, was a blessed city because it was ruled by Guidobaldo; Guidobaldo was a worthy ruler because he was a great patron of the arts. In our own time, and on a minor scale, Lady Gregory's nephew, Hugh Lane, attempted to act in Guidobaldo's spirit. He offered to give his own, rich collection of French Impressionist paintings to Dublin, if Dublin in turn would establish a Municipal Gallery of Modern Art. A number of private citizens responded to Lane's offer.

Among them was Lord Ardilaun, head of a family of prosperous brewers. He made what he felt was a generous contribution; the city in its turn, put up the less-than-princely sum of Two Thousand Pounds. So the supporters of the Gallery went back to Lord Ardilaun. They asked him to give again, and his lordship said *no*. Or rather, he said that he would make a second subscription, but only if the people of Dubin "gave some sort of evidence" that they really wanted a Gallery of Art.

Fair enough, many Americans might say, committed as we are to the principle of matching grants. But, Lord Ardilaun's offer led the most eloquent of Irishmen to clout him with a formidable weapon—a poem:

You gave, but will not give again
Until enough of Paudeen's pence
By Biddy's halfpennies are lain
To be some sort of evidence;
Before you'll put your guineas down
That things it were a pride to give
Are what the blind and ignorant town
Imagines best to make it thrive.

By way of contrast, Yeats goes on to contrast the unfortunate brewer with Guidobaldo. And, for good measure, he throws in Duke Ercole, as well:

What cared Duke Ercole, that bid
His mummers to the market-place
What th' onion-sellers thought or did
So that his Plautus set the pace
For the Italian comedies?
And Guidobaldo, when he made
That grammar school of courtesies
Where wit and beauty learned their trade
Upon Urbino's windy hill,
Had set no runners to and fro
That he might learn the shepherds' will.

Yeats presents the Duke of Urbino to Lord Ardilaun, with his poet's plea:

Your open hand but shows our loss,
For he knew better how to live.
Let Paudeens play at pitch and toss,
Look up in the sun's eye and give
What the exultant heart calls good
That some new day may breed the best
Because you gave, not what they would,
But the right twigs for an eagle's nest!

II

In political terms, needless to say, the poem was a failure, Lord Ardilaun was not persuaded. In terms of our discussion, it contains four challenging beliefs:

First, art is central to a good life;
Second, great patronage is needed to sustain great art;
Third, the people cannot for the present provide great patronage of the arts;
Fourth, through the arts, a great culture will be born.

Let us consider these ideas in turn.

III

Art is central. Without it, Yeats declared, Ireland would be "a little, greasy, huxtering nation, groping for halfpence in a greasy till." The Renaissance dukes are, for him, the model; they "knew better how to live." In the narrow sense of 'the arts,' they placed the highest value on painting and sculpture, music, dance and theatre. In the broader sense of art itself, they were trained to a high level of aesthetic sensibility, discerning, and requiring proportion and order in all things. Thus, Guidobaldo extended his sensibility so far that, in Castiglione's words, his palace "appeared to be, not a palace but a city in the form of a palace."

Today, in the suburbs of Los Angeles, the idea of a city in the form of a palace, a work of art, seems bizarre. It would not have seemed so to the founders of our nation. In Georgia and Florida, in Maryland and Virginia, in New England and in Pennsylvania, the towns that made the Revolution and created the nation were planned communities, orderly, harmonious, unified by adherence to an accepted style. Drama and dance may have been proscribed in those towns by Puritanism; but, glassware and silverware, hog benches and bedspreads, doorknobs and cradles, were all seen as works of art. Bullfinch, like Bramante, moved in the mainstream; Trumbull and Morse, like Piero della Francesca and Berruguete, saw themselves as the means of conveying the great truths of their time to the great majority of the people.

Here, as in Europe, the arts were moved to the rim of society in the 19th Century, Aesthetic sensibility shrank, from being a general characteristic, to a form of eccentricity. Expansion made the planning of new towns impossible. The industrial revolution raised to a dominant role a new class, without inherited taste or an acquired concern for beauty. The rise of democracy led to contempt for culture, which was seen as the affectation of an outworn aristocracy. It was said, no doubt with malice, that, when Andrew Jackson's supporters flooded into the White House after his inauguration, they clawed gobbets from the immense cheese that he set out for them, and then wiped their hands on the White House curtains. True or false, the point is made. "The mind of this country, taught to aim at low objects, eats upon itself," said Emerson. Writing at the same time, de Toqueville noted that, even for the cultured minority, the arts were looked on "as a transient if necessary recreation, amid the serious labors of life." The arts were fragmented and diminished, the architect settling for the beautiful building in place of the beautiful city; the painter escaping to the wilderness. As for literature, de Toqueville notes:

"The inhabitants of the United States have, at present, properly speaking, no literature. The only authors whom I acknowledge as Americans are the journalists. They indeed are not great writers, but they speak the language of their country, and make themselves heard. Other authors are aliens; they are to the Americans what the imitators of the Greeks and Romans were to us at the revival of learning, objects of curiosity, not of general sympathy. They entertain, but they do not act upon the attitudes of the people."

That was in 1835. From then on, no church, no aristocracy, no elite of any kind was able to impose its own aesthetic standards on the nation. The nation, in turn, made no effort to train itself through the one means that became available—education. The development of aesthetic awareness was never seen as part of the necessary preparation for American life.

This national indifference to the general level of aesthetic awareness has led to a continuing and costly division between art and entertainment. Its boundary lines, of course, are indeterminate; there have been entertainers who have produced profound works of art—Mark Twain is one example. There have been great artists—Charles Chaplin is one—who have captured the whole world of entertainment. But, in general, the division has persisted between what de Toqueville called 'journalists' and 'authors' and what later, and lesser, critics have called 'high art' and 'mass art.'

On one side of the spectrum today, Americans listen to more music—popular music—than men ever listened to before. They receive more man-made images: films, billboards, advertisements, than men ever saw. They read more, in newspapers and magazines, than men ever read. An immense number of individuals, working in the mainstream of commerce, produce these works. With skill and sensitivity, they reflect current moods. Most of them, nonetheless, work within the limits noted by de Toqueville: "They entertain, but they do not act upon the attitudes of the people."

On the other side of the spectrum, many serious artists work on the margin of society, making little or no effort to enrich or to alter the perceptions of the majority. The inability of the serious artist to influence the world around him has been elevated to a concept by some critics; the concept of noncommunication has become a game which, ironically, any number may play. The Biennial Exhibition, now on display at the Corcoran in Washington, has among its featured works two very large mounted canvases which are fastened, front to front. A puddle of paint squeezed onto the floor around them indicates to the passerby that the canvases were painted, and then fastened together when the paint was wet. But, only by prying the canvases apart, and so destroying the work, can the paints be revealed. Thus, the principle of non-communication is carried to its logical limit—no one has access to the work of art, including the artist himself.

We have come now to the dead end of a century-and-a-half of aesthetic neglect. The results can be seen all around us: in the decay of our cities; in the formless squalor of our suburbs; in the mindless destruction of our heritage; in the alienation of our young citizens. They feel what Yeats felt when he spoke of "a great huxtering nation, groping for halfpence in a greasy till." They understand, if we do not, that in the cities which we have built, and in which three out of four Americans now live, human scale has been destroyed, and with it, two essentials of human happiness: the sense of communion between the individual and his surroundings, and the sense of community, through which individuals are joined.

We cannot, as a nation, continue to live in this way. The cost, in waste, in destruction, in alienation, in division and disorder, is beyond the capacity, even of this continent, to meet for long. The determination as to where Americans will live, and how they will live, will be made in future years by conscious decisions concerning our cities, our highways, our resources, arrived at and carried out through the democratic process. These decisions will require, in all citizens, a heightened awareness of our external surroundings, and of our inward needs. This awareness will be attained in large measure, through education and the arts.

Thus:

"The arts are much more than a form of entertainment: a way of filling up our newfound hours of leisure. . . . They are an indispensable means through which imagination may be freed, and through which we can gain new perceptions and heightened understanding."

These words, contained in a message sent to the Congress by President Nixon, accord with our conviction: art is central; it is a part of our capacity to survive.

IV

The second conviction voiced by Yeats concerns the relationship of art and patronage. Wit and beauty learned their trade in Guidobaldo's grammar school; the brilliance of their achievements is in part a measure of the excellence of his patronage.

It is of course easy, in the long history of art, to note the exceptions to Yeats' rule. The French Impressionists are a monumental example. But, on balance, most of us would agree that, through many centuries, there can be traced a close and a direct relationship between patronage and art. Shakespeare had Mr. W. H., "the onlie begetter of these ensuing sonnets," Haydn, "My Prince . . . satisfied with all my works. . . ." Mencken would add that in the United States, our would-be Shakespeares and Haydns had what he called the "booboisie." And, unjust as his comment is, it is true that where high costs are incurred, as in theatre and in architecture, creativity suffers. The commercial theatre is shaped by the ten dollar ticket; our cities and suburbs display, not what our architects and designers can do, but what our homeowners want, or are willing to settle for.

In general, the worth of the patron may be measured by the sum of three qualities:

Discernment: the ability to identify artistic genius *in its lifetime:*

Restraint: the recognition that the artist, in Haydn's words, must "venture," and cannot be "pestered;" and

A Command of Resources: to grant to the artist the time and the scale that his work requires.

These qualities were acquired over many centuries by the traditional patrons of art: the court; the aristocracy; the Church. In the Nineteenth Century, the Maria Theresas and the Catherines; the Esterhazys and the Rasumovskys; the Borgheses and the Estes were washed away. Yeats' appeal to the beer barons to step forward in their turn was written on the eve of the First World War. That was the last occasion on which in Europe, private individuals commanded the resources that great patronage of the arts required. When the war was over, we had stumbled into what Henry Wallace called the Century of the Common Man. From then on, in democratic nations, the survival of art institutions came to rest upon the willingness of the people themselves, acting through their governments, to become patrons of the arts.

V

Here, we come to the heart of the problem of public patronage. Guidobaldo and Duke Ercole may have scorned the aesthetic judgments of the shepherds and the onion sellers; now, the judgments of the onion sellers and the shepherds—the majority—are governing. Yet, the third conviction contained in Yeats' poem is that, in his day, the majority could not sustain great patronage of the arts. Dublin, for him, was "a blind and ignorant town." Left to themselves, its people would play at pitch and toss while the arts died of neglect.

Yeats, for all his wanderings, was no opponent of democracy. He was himself a Senator. He wrote as a participant, a passionate participant, in the political life of his country. His views have since been shared by many men. T. S. Eliot, writing in 1947, conceded that "the practise of the arts has no longer, on any large scale, the benefit of private patronage." Going far beyond Yeats' intuitive response to an immediate circumstance, Eliot, in his essay, *Notes Toward a Definition of Culture,* went on to dismiss the possibilities of democratic patronage of the arts under any circumstances, and for all time. Education, he maintained, could not be a means of transmitting aesthetic awareness; the majority would always be incapable of appreciating or of sustaining high standards of art. For Eliot, the concept of a democratic culture was, simply, a contradiction in terms. So, preferring culture to democracy, he became a Royalist.

Eliot's conclusion is plainly without significance for us. Culture is one realm in which the people clearly govern, as consumers. They are not about to surrender their power to any old, or to any new elite.

Eliot himself sensed this, and drew from it an inescapable conclusion. "I see no reason," he wrote, "why the decay of culture should not proceed much further, and why we may not even anticipate a period of some duration of which it is possible to say that it will have no *culture*."

If today, we focus, not upon art itself, but upon specific forms of art; if we view those forms as given and unalterable, then we might persuade ourselves that the symphony orchestra, say, like our national emblem, the Bald Eagle, is an endangered species, on its way to extinction. We could then immobilize ourselves in attitudes of despair. But, art forms are adaptable, and art is constantly changing. Experience, a better guide than theory, argues that in England, the land of his adoption, Eliot was wrong.

Thirty years of public patronage in Britain has shown that democratic government can develop and exercise the qualities necessary for great patronage of the arts. It can be discerning. It can act with restraint. It can provide funds in amounts sufficient to permit the arts to flourish.

It does not, of course, follow that government in the United States can act on the same scale, and with the same sensitivity. Three contrasts between our nations should be noted before any conclusion is drawn:

First, Britain is a small, metropolitan country. One-third of its citizens can go to a concert hall or a theatre in London, and return home for the night. Another third can do the same in Manchester. The Arts in Britain are concentrated, accessible, within easy reach.

Secondly, Britain has been, and still is, what Eliot called "a healthily stratified society." In culture, as in taste, the majority still respects the judgment of an acknowledged elite.

In addition, private patronage of the arts in Britain has been all but eliminated by the nature and extent of taxation. Apart from the box office, government is the dominant, if not the only source of financial support.

The United States, in contrast, is an immense continent, with a rich diversity of cultures. Our health lies in our freedom from stratification; we acknowledge no elites. Our system of taxation, by encouraging private initiative in all forms of philanthropy, works to disperse and to diversify patronage. Our political system inhibits the display of personal power. Neither the President of the United States, nor even the head of the Ford Foundation, can act in the grand manner of Guidobaldo and Duke Ercole.

In developing a role for the Federal government, as a patron of the Arts, we start, of course, from where we are. Given the immensity of the continent, we set out to make the arts accessible. Given the absence of elites, we minimize, as far as we can, the exercise of aesthetic judgment on the government's part. Given the national commitment to diversity of patronage, we try to ensure that individuals, foundations, corporations, and state and local governments keep pace with the Federal government, as it expands its programs in support of the arts. This course seems to me to be aesthetically wise as well as being politically necessary, for it guards against the emergence of an academy, an official, government-sponsored Art.

In shaping its programs, the government starts by determining what arts institutions and artists want and need. In making grants within these programs, it relies on the advice of panels, created for each art form. The panels are drawn from the world of arts, and they are charged with considering each applicant on the basis of merit alone. When grants are made, the government's role is, almost wholly, to ensure that funds are spent for the purpose for which they are given. Beyond this, the Law under which the Endowment operates declares: "In the administration of this Act, no department, agency, officer or employee of the United States shall exercise any direction, supervision or control over the policy determination, personnel, or curriculum, or the administration or operation of any . . . agency, institution, organization or association" to which a grant is given. This prohibition is not a means by which the Endowment absolves itself of all responsibility; between the completion of a grant and its renewal, an evaluation of the purpose and performance of the grantee must take place. But, to recall Haydn's phrase, while the patron may appraise the artist's work, it cannot pester him.

The National Endowment for the Arts was established in 1965. If we measure its record against the standards we have set for patronage, we can, I believe, conclude that it has met the first and the second tests. It has shown discernment in supporting the best that the nation can offer in the arts. It has acted with restraint. No artist that I know of has been pestered in the midst of his creation. A Senate committee, reviewing the record of five years, concluded that it "negates the concern of those who feared the establishment of "a cultural czar.'"

Our third standard, in judging partonage of the arts is the patron's command of resources. Here, we can best look, not at where we are now, but where we are heading.

For the first three years of its existence, the Endowment was funded at a level of about $7 million a year, or about four cents for every citizen. That was very little, in terms of a percentage of the federal budget, in terms of the arts budgets of other governments, and in terms of need. But, it must be remembered that the appropriations were voted at the end of a century-and-a-half of alienation between the arts and society. A significant minority of congressmen in 1966 felt that the arts were radical, if not subversive; a majority of congressmen in 1968 supported the view that the arts were essentially frills. In turn, the artists themselves were in no sense committed to the cause of public patronage. Spokesmen for our symphony orchestras made it perfectly clear: they neither needed nor wanted Federal support.

President Nixon called upon the last Congress to double its appropriations for the Endowment. The Congress went a long way toward meeting the President's request. The Endowment, in turn, was able for the first time to offer limited and selective support to our eighty-eight leading orchestras, whose needs, by 1970, were only too clear. This year, the President is asking the Congress to raise the appropriation for the Arts Endowment to $30 million, again, almost double the present level. At that level of funding, the Endowment will be able to offer some assistance to another hard-pressed sector of our culture—our museums. Other, vital sectors—the music conservatories, for example—are almost overwhelmed by mounting costs. But, at best, they will have to hold on for another year.

The conservatories are the source of tomorrow's fine musicians; in making no provision for them—and we are making no provision—we are supporting the present at the expense of the future. What, then, are we to do? If all of the $30 million we hope to receive were to be expended on music, the Endowment could assure the training and the employment of our musicians. But, in any program of public patronage, a balance must be kept between art forms. Again, the Endowment could maintain a balance between the arts, and, within each form, it could concentrate its support upon the finest institutions. Then, for a handful of institutions, the $30 million would provide decisive rather than marginal support. But, this course would work against our commitment to diversity in the arts. It would force the government to make harsh aesthetic judgments. It would offend the spirit of democracy.

The Endowment will have to obtain increased appropriations if it is to meet the third test of patronage. In the intense competition of the political arena, it will succeed only if it has strong public support.

So we come back to Eliot and to Yeats. We can, as I suggested, discard Eliot's position in the certain knowledge that Americans will not support for long activities which are not for them. Yeats, in contrast, is concerned with a particular time and place. And his concern bears on our situation, caught as we are between our inheritance and our needs. Our inheritance has created a gap between our artists and our nation, not only as to the importance of art but as to its nature and purpose. And, since the arts are in need of substantial public support, this gap is a continuing threat to all that we hope to do.

Let me cite one example of the way in which this gap between the artists and the nation makes itself felt:

In 1967, *Poetry*, an old and a respected journal, published a poem by a young American whose works have appeared in many contemporary anthologies.

The title of the poem, and the poem, itself, were brief. They both consisted of one word, l-i-g-h-g-h-t.

The Endowment, until last year, sponsored the publication of *The American Literary Anthology;* an annual collection of works published in small literary magazines. Its purpose was, in part, to support deserving writers, so its rates were generous: $500 was paid to each poet whose work was selected for republication.

The jury of distinguished poets who acted for the *Anthology*, selected the work I referred to as one of the outstanding poems of the year. Their judgment was not questioned. So, one page of *The American Literary Anthology, Volume 11*, became a point of intersection, a *rendevous*, for two widely separated aspects of contemporary culture: a very large payment, by conventional standards, and a very small product.

I should, of course, add that the size of a poem is not a measure, either of its worth, or of the effort that its creation requires. It was explained to me by an enthusiast of Concrete Poetry, that the author of *Lighght* had succeeded in compressing into one word the entire history of an important school of theology. In turn, if the author were asked how long it took him to write the poem, he might reply, as Whistler did: *a lifetime*.

Granting these considerations, the gap remains.

A Congressman seized upon the poem as evidence of the pointless profligacy of public patronage of the arts. A number of newspapers promptly endorsed his view. The poem, in a matter of weeks, reached a level in the national consciousness second only to Joyce Kilmer's *Trees*. The White House and the Congress were flooded with letters from outraged taxpayers, demanding the abolition of the National Endowment for the Arts.

It was my good fortune, a year ago, to answer many of these letters, and to visit with the Congressmen who were receiving them. I learned quite quickly that I could not take refuge in the fact that the total appropriation available to the Endowment amounted to one cent in every two hundred dollars of the Federal budget. Nor could I murmur that a single miscalculation on the part of the Pentagon could cost the same taxpayers more than the Endowment, in its wildest moments, would dream of spending over the next fifty years. The comparison, I was reminded, was invalid; armaments are essential to the nation's survival, the arts are not.

This irritating but predictable episode could be cited in opposition to public patronage of the arts. The White House did not see it in that way. Neither did the House of Representatives which, in June, voted by the resounding margin of 262 to 78 to sanction the continuing growth of the Endowment. Nonetheless, the episode points to a continuing threat to public patronage—the gap between our artists and our nation.

The Endowment is one thread, stretched across that gap. If it is stretched too far, it will be broken, as earlier attempts to create public patronage were broken in the Thirties, the Forties and the Fifties. It will survive if its limitations, as well as its possibilities are understood. It cannot be given sole responsibility as a patron. It cannot cover every expression of art. Between the outer and the inner boundaries of free speech, there is a realm in which artistic expression is entitled to the protection of the Constitution and yet is inappropriate for government endorsement and support. As it moves along the boundary line, ill-defined as it is, the Endowment is made to learn that it is guarded by high voltage wires. The Endowment, as a branch of government, cannot be a party to subversion. It cannot be expected to promote art whose aim is violence, or whose form is obscene. These are limitations on public patronage of the arts, when one function of the arts is to reflect the anger, the frustration, the desire to cast off all inhibitions that are present in our nation. But, the limitations are marginal rather than central, by the standards we have set. They would become central and crippling only if the artists themselves made them so.

The attitude of our artists is of course determining. The gap will be closed when artists regain the desire and the capacity to communicate with the majority of citizens. It is for the moment perpetuated because many artists still seek security within the enclaves which they have inherited, and to which they have become accustomed. Our security-minded musicians resist change in our symphony orchestras, relying on the defensive clauses of a union contract as the French army once relied on the Maginot Line. Our politically-minded painters announce that they will boycott the city run by Mayor Daley. Chicago, which could care less, continues to be torn down and rebuilt by businessmen and engineers. Our writers meet to confer honors upon each other; in the libraries of many high schools and army posts, the shelves marked "Contemporary Literature" are bare.

Our artists need to raise their own horizons; to believe in themselves. The nation will take them seriously only when they take seriously their own role in our national life.

VI

We come, in closing, to the fourth belief voiced by Yeats: that a new society may be created through the arts if the arts in turn can build upon wise and generous patronage; upon what Yeats called "the right twigs for an eagle's nest."

The metaphor is precise. The patron is in no sense the creative equal of the artist, and still less, his master. He is diminished in scale by the metaphor to the tiny proportions of those donors who can barely be seen, kneeling devoutly in the lower corners of 15th Century portrayal of the Holy Family and the surrounding saints: the role of the patron is, simply to assemble the twigs.

That seems to me to be exactly right. But, $30 million worth of twigs is quite a bundle. And, we will need more. For the present, the problem of arts organizations throughout the nation is: how can we meet next Friday's payroll? But, if we can get by the Fridays of the next decade, there are, it seems to me, reasons for optimism.

One is the promise that technology offers to the performing arts. For the moment, the television sets that suffice for Rowan and Martin, cannot do justice to *The Magic Flute.* But, electronic technology is still in its infancy. We will, before long, be able to be present when the lights are dimmed in the Music Center; when the conductor takes his place, and the audience falls silent, in Severance Hall; when the curtain rises in the Minneapolis Theatre, or in the Metropolitan. We will be able to see and to hear all that follows, with the scale and the fidelity to sound and color that the occasion requires. The performance will be live, and not a recapitulation. The arts will gain what they must have, in return for national support—a national constituency.

If, then, the arts become more accessible, is there any assurance that the majority of citizens, or even a significant minority, will demand more, in the way of artistic content, than they receive, on radio and television today? The answer, it seems to me, lies plainly in education, and, contrary to Eliot's conclusion, there is every reason to believe that cultural standards can and will be heightened through our schools. In the newly-created, and very small programs of the Endowment, almost three hundred painters and sculptors and over three hundred poets, are now at work in school systems in every state; helping to release the artist that is present, but perhaps imprisoned, in every child. The program is capable of indefinite extension—to music, to dance, to design, to architecture and town planning. In all of these areas of imagination and of action, the gains are demonstrable by now; the direction is plain.

The Fifth Graders who are writing poems in P.S. 61 in Manhattan; the Tenth Graders who are designing and assembling model cities in St. Louis, will, before long, be adults, seeing more, demanding more, than we see and settle for today. They will be perplexed by remarks such as these, in which distinctions are drawn between "art" and "entertainment." They will be amused to think of us, scrambling to secure ten cents a head, for the arts this year, from the Congress. The twigs are tiny, but, enough of them, if they are well assembled, can bear a good deal of weight; can provide a substantial nest, from which the eagles of the next century will spring.

THE ABBEVILLE HIGH SCHOOL BAND

Mr. THURMOND. Mr. President, the State of South Carolina was highly honored during the recent Cherry Blossom Parade and festivities held here in Washington. On this occasion the Abbeville High School Band from Abbeville, S.C., won first place in two categories of national competition.

In the open marching category, this band, under the able direction of Mr. Leland Scott, captured first place in competition with 84 other bands of all sizes from across the country.

Mr. Scott's Abbeville Band also won first place honors in the parade category, competing with other bands numbering 75 or less in membership.

Winning first place in two areas of national competition is no small achievement, and I wish to pay tribute to all the members and to Mr. Scott, who was assisted by Mr. Larry Cook, the assistant band director for Furman University in Greenville, S.C. The band captain is Miss Patty Dellinger, a senior at Abbeville High School, and the drum major is Phillips Jones, a sophomore.

Mr. President, this talented group has won the AA State championship for marching in South Carolina high schools for the past 4 years.

This was their first year to compete nationally in the Cherry Blossom Parade, and their accomplishment reflects the excellent leadership of their directors and the devotion and discipline of each of the members.

I wish to pay tribute to Miss Judy Anderson, who is one of the assistant band directors, and to the members of this outstanding Abbeville Grenadier Band, and they are: Marva Koerber, Judy Floyd, Demarice Copelan, Sheryl Broome, Carolyn Fleming, Ralph Koerber, Jennie Wilson, Beth Jones, Lisa Haygood, Pam Hammonds, Tara Beckwith, Susan Beckwith, Patsy Rawls, Mike Epps, Dianne Ferguson, Barry Baughman, Henry Gilliam, Marvin Koerber, Johnny Goin, Johnny Wells, Jean Broome, Rusty Patterson, Skip Wilson, Larry Partridge, Karen James, Barbara Alexander, Dianne Saxon, Jeri Moats, Deborah Sentell, Joyce Broome, Raney Gillispie, Junior Hammonds, Tommy Ferguson, Benny Rambo, Russell Williams, Joe Hawthorne, Ross Campbell, John Waldrop, Eric Moats, Jack Moss, and Rosmary Chandler. Additional members are: Janet Kizer, Jane Campbell, Holly Perkins, Johnelle Mabry, Jane McMillan, Bobby Bowen, Clara Peeler, Rene Hagen, Becky Hammonds, Janice Pelfrey, Cathy Copelan, Debbie Settles, Cheryle Caldwell, Billy Mims, Janis Floyd, Billy Ward, Neil Keith, Carl Floyd, Beth McMillan, Donnie Cobb, Carl Wright, Cynthia Ferguson, Cheryl Arnold, Gail Bolts, Patricia Hammonds, Nancy Lind, Ree Dugan, Cheryl Telfrey, Laurie Gillispie, Joey Savitz, Ricky DeLoach, Bobby Jackson, Jim Wilson, Art Davis, Bobby Driggers, Tommy Driggers, and Jerry Ware.

Mr. President, several articles, congratulatory editorials, and letters to the editor have appeared in South Carolina newspapers lauding the achievement of this Abbeville High Grenadier Band.

I ask unanimous consent that an article written by Fletcher Ferguson, which appeared on page 1 of the April 7 issue of the Press and Banner of Abbeville, S.C.; an editorial entitled "True Champions Again Prove Themselves," published in the April 14 issue of the same paper; and a letter to the editor in that same issue, written by Rev. C. M. Smith and Joe Brubaker, of Abbeville, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ABBEVILLE HIGH GRENADIER BAND NATIONAL MARCHING CHAMPION: DIRECTOR SCOTT'S UNIT ALSO WINS FIRST IN CHERRY BLOSSOM FESTIVAL PARADE

(By Fletcher W. Ferguson)

The Abbeville High School Grenadier Band came home from Washington, D.C., and the annual Cherry Blossom Festival last Sunday with the national marching championship and a Cherry Blossom Grand Parade divisional championship, achieving a goal its members and Director Leland S. Scott had set out to accomplish several years ago.

Like the "Man of La Mancha," the band had set out in quest of what many termed "The Impossible Dream," but last weekend it became reality—Abbeville's first national championship in any kind of competition.

The unit received a hearty farewell the prior Monday evening when it presented a "Cherry Blossom Preview" at the Abbeville

Plaza parking lot, but it was accorded a tumultous ovation when its members debarked from three chartered buses at the high school band room Sunday night.

The story began back some six years ago when the Abbeville band won the Class A inspection championship, its first award ever in South Carolina state competition. The following year, it placed third in the marching competition for "another first."

Then came the "break through" when in 1967 it was crowned the State Class A champion and people about the Palmetto State began to take serious notice of the then Panther Marching Band.

The following year it moved up to Class AA and again the state championship, plus a fourth place finish in national competition at The Mardi Gras in New Orleans. Along the way, the unit was piling up trophies in various and sundry competitions and through its excellent performances in the "Music In Motion" program at Forest City, N.C., and later here, it became one of "The Bands" in the two Carolinas and Georgia.

Last spring, a scant few points separated Abbeville from the tremendous-size band of Liberty High School, Bethlehem, Pa., as it ranked second in all phases behind the Bethlehem unit in the "Festival of States" competition at St. Petersburg.

Later on in the spring, it was decided to change the band style to Grenadier, which meant a tremendous outlay of money and revamping of marching and playing tactics.

The effort paid off and Abbeville won the Class AA competition at the Furman University Band Contest, captured class and overall honors at the S.C. Upper State Fair, won its fourth consecutive South Carolina State marching championship and missed the overall title by one-half point in an after-competition decision following a tie for first place, won the Class AAA drill championship at the Carolinas Carousel in Charlotte and then took the title trophy in the big Greenville Christmas Parade.

Last Thursday morning, after but a few hours rest, the Grenadier Band showed its collective heels to 17 other top-rated bands from throughout the nation in the Cherry Blossom Festival national competition by taking the marching championship. Several of the military judges for the occasion, which include strict inspection, commented upon Director Scott's unit as "the finest high school band" they had ever seen.

The Grand Parade championship came in a separate competition, participated in by 86 bands classified according to the number of bandsmen. Abbeville, with 84 boys and girls in its overall marching unit, competed in the under-75 bandsmen class (which did not count drill teams, color guards, majorettes, ets.). It was the biggest classification in the parade.

That Abbeville had won a national championship was the "word of the day" in the area from Friday afternoon when the announcement was made until the three buses rolled in about 9:15 p.m. Sunday. The return had been set for "between 10:30 and 11," and the arrival ahead of schedule set a record in itself.

The party was again fortunate to have Patrolman Jack Mitchell of the S.C. Highway Department as escort, a job he so ably handled when the band went to St. Petersburg last spring. Also accompanying the band and lending a hand to Director Scott was Joe Cook, assistant band director at Furman University. Both Mrs. Mitchell and Mrs. Cook were also in the party.

Several "band grads" and a few others were of the opinion that the unit deserved special recognition when it reached home. Upon entering the bandroom, Director Scott, Assistant Director Judy Anderson, bandsmen and chaperones found a replica of the Washington Monument sitting in the middle of the room, a shy Grenadier aside a pennant which read "We're No. 1," and several other banners indicating recognition of the accomplishment.

Members of the Band Booster Club had refreshments awaiting the group when it arrived.

Whatever other honors Abbeville—the City, County or area—may win, it will take something extra ordinarily special to top the thrill of this first National Championship, brought home by the Abbeville Grenadier Band of 1970–71.

True Champions Again Prove Themselves

The Abbeville High Grenadier Marching Band has been hailed as the "top news getter" in Abbeville County and that it surely is. On more than one occasion during the current school year, it has received national recognition.

Surely the past week end of activity at the Cherry Blossom Festival in Washington, D.C. enhanced the prestige of this fine unit and sponsored considerable favorable recognition and publicity for Abbeville High School and Abbeville County.

Competing with 18 championship bands from various parts of the nation, the Abbeville contingent was accorded 1st Overall Marching, 4th Overall as Best Band and in the big parade was rated 1st in bands under 75 (musicians). This is quite a collection of awards to add to the numerous proofs of proficiency already accorded this unit.

It is most difficult to continuously praise this unit. One finds a paucity of word combinations to express the depth of praise and appreciation for what these young people are contributing to their school, their county and their state. Surely there is a proper appreciation here and throughout South Carolina for their contributions and fine representation; surely, too, there is a proper appreciation for the long hours of practice and the determination to achieve perfection not only in musical renditions, but in all aspects of a marching band.

We are grateful; we are thankful.

April 7, 1971.

Abbeville High School Band,
Care of Mr. Leland Scott,
Abbeville High School,
Abbeville, S.C.

Dear Band: The Administrative Board of Grace United Methodist Church at their regular meeting April 4th 1971 passed a resolution asking us to express to you our deep appreciation for the splendid way you represented Abbeville High School and Community at The Cherry Blossom Festival in Washington last week.

We feel you not only win trophies but you represent many of the things that we of the Church stand for by your discipline, your attitude, and your vitality. We can always count on you to conduct yourselves in such a way that it makes us proud.

Keep up the good work and remember we are pulling for you at all times.

With heart felt regards:

CMS/pdm

Sincerely,

C. M. Smith,
Pastor.
Joe Brubaker,
Church Lay Leader.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. PEARSON. Mr. President, I was necessarily absent last Monday when the Senate considered the Emergency School Aid and Quality Integrated Education Act of 1971. Of the first three votes recorded, my position has been previously indicated. I wish now to indicate that had I been present and voting on the final three amendments numbered 41, 42, and 37, offered by Senator Ervin, I would have voted "nay."

I ask unanimous consent that the permanent Record reflect these positions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VIETNAM WAR

Mr. HRUSKA. Mr. President, on April 7, President Nixon briefed the American people on the war in Southeast Asia. He wanted to present the latest facts so that, as he put it, Amercians could judge for themselves the success or failure of our policy in Vietnam. During a press conference on April 29, the President gave the people more information on the war.

Mr. President, it is my firm conviction that most Americans will give President Nixon the continued support he requested. Unfortunately, a few people had already judged the President's policy before he spoke. These people were naturally the first to criticize. Indeed they spoke out against his policy almost before he had finished speaking.

It is true that no dramatic, theatrical announcements were made. No dates were set for complete troop withdrawal. No promises were made for instant peace. Instead, the President discussed frankly how far we had come in this war and where he believed we are heading.

The President's noisiest critics know him well enough to concede he will adhere to the goal of getting us out of Vietnam—and in a way that will help to build world peace. Knowing this, they chose to condemn and criticize without listening to the President's words. But the American people were listening, and I believe they appreciate the President's courage in following the path that will bring us peace at a price we can afford.

An increase in the monthly rate of withdrawal from 12,500 to 14,300 was announced on April 7. This will bring another 100,000 troops home between May 1 and December 1, 1971. It was promised earlier that our forces would be down to 284,000 by May 1, 1971. We actually reached that figure ahead of schedule in mid-April.

Mr. President, if this is widening the war and increasing our involvement, as some critics proclaim, then this Senator's ability to perform simple subtraction is seriously impaired. In April of 1968 we had 543,000 American boys in Vietnam. Two years later we have 284,000 over there. President Nixon has brought 259,000 troops home during that period—this is indisputable. It is now equally clear, no matter how his detractors complain to the contrary, that the success of allied actions in Cambodia and Laos have allowed the President to keep to and increase his withdrawal rate.

In his address to the Nation, President Nixon asked the American people to look at the record in deciding whether to support him. He said that every decision made has reduced American involvement and casualties. Mr. President, it is this record which I support. Because I am absolutely committed to ending this war, I could not in good conscience support the President if his accomplishments were not so clear and convincing.

Americans are tired of this war, and with good reason. It is now clear that the involvement of our country in this war is coming to an end. The key question at this point is how we end it. We must not let our desires to see an early end obscure this vital question.

The American people are tired of an ineffective welfare system, rising medical costs, higher prices, and other ills which need resolution. Yet few would contend that these problems could be corrected overnight in any meaningful way. In the same way there is no instant solution to extricating us from Southeast Asia without seriously jeopardizing our future hopes for world peace. It took a number of years and hard work by two previous administrations to get us as deep into Vietnam as President Nixon found us when he took office.

Now that the course of our involvement has been turned around and the end of the road is in sight, several self-announced experts on the war want an immediate termination. This would be both unrealistic and unwise. On April 7, the President repeated his offer to Hanoi of an immediate ceasefire and release of prisoners of war, complete withdrawal of outside forces, and a political settlement. I have not heard that this offer was accepted by Hanoi. It will surely not be accepted so long as North Vietnam believes there is any possibility of a unilateral withdrawal of American forces in the near future.

The President has more recently proposed the transfer of all prisoners of war on both sides to a neutral country like Sweden. I have not heard that this offer was accepted, nor do I expect to in view of Hanoi's past record.

Unfortunately, Mr. President, there are those in this country and in this body who have fostered Hanoi's hopes in this area by continually calling for immediate withdrawal or a fixed withdrawal date. We do not need this, no matter how honest the convictions from which these calls arise. We need to get firmly behind the President in his careful and logical plan for getting us out of the war. By doing this we will further guarantee the success of his program and increase the possibility of withdrawal at a still greater rate.

In order to compare the trends of our involvement in Vietnam, I ask unanimous consent that several summaries be printed in the RECORD.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

Troop strength

[Democratic Administration]	
December 1965	184,300
December 1966	385,300
December 1967	485,600
December 1968	536,100
[Republican Administration]	
April 1969	543,000
November 1969	480,000
December 1969	474,400
April 1970	425.000
October 1970	384,000
December 1970	344,000
February 1971	330,000
April 1971	284,000
Projected December 1971	184,000

Combat deaths

[Democratic Administration]	
1965	1,369
1966	5,008
1967	9,378
1968	14,592
[Republican Administration]	
1969	9,414
1970	4,221

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of Calendar No. 93, S. 421.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 421) to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STENNIS. Mr. President, the purpose of this bill is very plain, and its application is very limited. We have a law on the books now that provides special educational benefits and care for retarded children of men in the service.

That bill was so drawn that in the case of a very fine sergeant in Vietnam who was killed in action, his child was automatically cut from the rolls under the law as written, at the very time his family most needed the benefits of the general act.

This amendment to that general act is limited in its application. It would apply only in cases like that, where one is on the rolls and is entitled to the benefits and the father dies while he is eligible for receipt of hostile pay.

The amendment would provide that his dependents shall not be cut off. The bill passed the Senate last year, and it went to the House. It was not rejected by the House at all, but was amended and came back over here, as I recall, in the rush of things at the last minute, and the Senate did not get to take it up or get it to conference.

I feel sure that the membership understands that the bill was reported unanimously.

The PRESIDING OFFICER (Mr. TALMADGE). The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER FOR ADDITIONAL TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAY DAY WAS "GREEN-UP DAY" IN VERMONT

Mr. AIKEN. Mr. President, several times recently, I have advised the Senate of things going on in Vermont which have lent and can lend encouragement and inspiration to the other States.

I now have to report another event which could have far-reaching results.

Last Saturday, May 1, a successful demonstration occurred in my State.

This demonstration—called Green-Up Day—was put on largely by our young people and extended into every community throughout the length and breadth of Vermont.

Young people rose early last Saturday morning—I understand about 75,000 of them—and began scattering over all the highways of the State—interstate, State-Federal, and local roads.

By 9:30 a.m., every mile of the interstate highway had been closed to the traveling public, with State police guarding the access roads.

The interstate highways remained closed until 12:30 p.m., when they were again opened to the public.

During this time, what did the young people of Vermont do?

They collected virtually every glass bottle, every metal can, every scrap of paper which had been cast onto the roadsides by careless and unthinking people.

The result was that by Saturday evening Vermont was undoubtedly the cleanest State in the Nation.

State officials reported to me that several hundred thousand cans were collected which filled five huge tractor trailer trucks.

The cans will be taken to Albany, N.Y., where they are being put through a recycling process for eventual reuse.

The glass containers are being shipped to Dayville, Conn., for recycling.

So successful is the can recycling activity that I understand several Vermont towns are now considering ways to collect cans on a year-round basis and sell them to can companies for recycling on a continual basis.

In order to pick up the litter, some 200,000 30-gallon-capacity plastic bags were distributed throughout the State, as well as some 40,000 reinforced paper bags.

By Saturday morning Green-Up Day officials discovered that they needed more bags to collect the litter.

So some 12,000 additional bags were purchased and airdropped by the Civil Air Patrol to key airports throughout the State of Vermont.

Green-Up Day involved many citizens and many industries—State and local governments participated by donating trucks to pick up the refuse.

The spirit of Green-Up Day was infectious, and I understand that Governor Sargent of Massachusetts sent an observer to watch the activities.

What this country needs is more successful demonstrations like the one which occurred in Vermont on May Day—a demonstration which gives our young people something constructive to work for and leaves our roadsides clean and attractive.

Mr. President, I want to add that Vermont was honored on May Day, last Saturday, by the presence of the distinguished majority leader of the Senate. I do not know whether he was there planning to demonstrate with the young people, but I am satisfied that he was impressed, because Sunday morning, when we drove 40 miles to the airport, we did not see one single scrap of paper, one bottle, or one can along the roadside.

Also, Mr. President, I ask consent to have printed in the RECORD at this point a story appearing in today's Christian Science Monitor, entitled "Greening of Vermont."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"GREENING OF VERMONT"

(By Monty Hoyt)

The Green Mountain Boys never had it so green.

The largest cleanup operation in the nation, Vermont's second annual Green-Up Day, attracted 75,000 over the weekend who scoured the state's highways and streets collecting an estimated 36,000 cubic yards of roadside rubbish.

By noon the cry went up in many parts of the state: "We're out of trash."

Lured by the warm, inviting weather of a sunny May Day, thousands of Vermonters took to the highways and byways carrying their litterbags behind them. Many enthusiasts jumped the gun by cleaning up their yards in advance and in areas where the snows had melted earlier, the "Greening of Vermont" had been going on for several weeks.

Greening up has become a year-round way of life in many Vermont communities. In Calais for example, townsfolk have offered their barns for storing bottles, cans, and paper until they can be properly separated and collected.

OUT-OF-STATERS BEWARE

Out-of-staters should beware that Vermonters intend to keep their state green, too. Litterers can be fined up to $500; and, as happened recently, one offender found himself clearing debris until his sentence had been worked off.

The assault on litter, even more successful than last year in terms of the numbers of volunteers, carried a new environmental twist: Many of the cans and bottles collected are to be recycled.

Sponsors of the first statewide recycling project estimate that as many as 1 million cans are being trucked to the Continental Can recycling center in Albany, N.Y., as a result of Saturday's green-up effort. Sorted bottles go to a glass manufacturer in Dayville, Conn. Fewer areas of the state participated in the bottle recycling project because bottles had to be color separated into greens, browns, and whites before taken to collection centers.

To continue the recycling effort, Vermont bottlers have volunteered on a year-round basis to pick up cans and bottles from towns that will collect and sort them. An experimental collection center will be started this week in Burlington, which if successful will be started in several other cities.

INTERSTATE HIGHWAYS CLOSED

Vermont's interstate highways were closed from 9 to 12 in the morning to aid the volunteers working along the rights-of-way. Visitors to the state were stopped along the border, handed litterbags and literature about the campaign, and invited to join in the clean-up. As happened last year, sightseeing Canadians entered into the spirit of things and helped in the antilitter campaign.

James Fayette, president of the Vermont Bottlers Association, enthused: "It has made Vermonters litter conscious. They'll find they start putting even gum wrappers in their pockets," he said.

"This is the greatest statewide education program in environmental matters I've seen," the green-up coordinator Joseph T. Newlin allowed. But he added: "Hopefully, we won't have to do this every year. The object is to educate the people not to throw things away. Recycling is the ultimate answer to solid-waste-disposal problems."

16 PERCENT TURNOUT

Although 16 percent of the population turned out on statewide basis, some of the rural areas drummed up almost a total citizen effort.

In Windham County in the southwest part of the state, 4,000 volunteers collected 11,000 bags of refuse, including 500 bags of cans. Plastic green-up bags were colored coded—green for cans and beige for paper and bottles—to make sorting easier for collection vehicles picking up the litterbags along the roads.

Tiny Charlotte, Vt., became so involved in greening up that several town mothers banded together and prepared one of those delectable, old-fashioned community suppers for the volunteers. The noontime guests numbered more than 400 and included the Governor.

Since 75 percent of the participants were teen-agers or younger, the tenor of the day almost took on that of a scavenger hunt. Last year's scouts found items as varied as fox tails and wall safes. But this year's winner was a Putney, Vt. youth who found a $100 bill.

Gov. Deane C. Davis toured the northern counties by air and car to view the progress; Lt. Gov. John S. Burgess covered the activities in the southern part of the state.

In his tour, the Governor noted that less trash was found along the roadside, indicating "the educational program of the past year has been paying off."

FOCUS: RESIDENTS SUPPORT "THE GREENING OF VERMONT"

Green-up coordination Mr. Newlin reported 90 percent of the 10,400 miles of roads in the state had been covered by the sweeping broom of volunteers.

Mr. Newlin stressed the voluntary nature of the project: More than 200 state highway trucks, National Guard vehicles, and numerous private vehicles helped pick up the litter bags. The use of 100 trucks and 20 trailers was donated by the state's malt and beverage dealers for collecting cans and bottles for recycling.

Almost without exception, everyone working donated his time and services.

The entire promotion, including advertising and plastic bags, cost $17,000, Mr. Newlin said. But he attributed Green-Up Day as a major factor in reducing the annual $200,000 costs for the Highway Department's clean-up program.

Visitors to the state could not but be impressed by the high degree of civic cooperation and organization in Green-Up Day. The end result—miles and miles of roadside greenery unscarred by thoughtless litter—appeared to justify the means. For as one roadway sign proudly proclaimed: "Today Vermont becomes the Clean Mountain State."

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Vermont yield?

Mr. AIKEN. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. I want to extend to the State of Vermont, through the distinguished senior Senator from Vermont (Mr. AIKEN), and its Governor and first lady, Governor and Mrs. Davis, my congratulations for undertaking the kind of cleanup job achieved on Green-up Day on last Saturday, May 1. It was a May Day expression in the finest American tradition.

People of all kinds—young, old, and in between—businessmen, farmers, workers, all went out on the roads and into the towns and villages doing a remarkable job of cleaning up.

Of course, we have come to expect that the great State of Vermont would be first in everything, and once again she is first in inaugurating a Green-up Day.

I understand that the first application of this kind of May Day demonstration was on May 1, 1970—a year ago.

I must say, I was tremendously impressed and pleased with the way the people of Vermont worked together to clean up their State, although it really did not need much cleaning up.

I was particularly impressed by the fact that they closed the interstate road system and no traffic was allowed on the freeway. Everything was cleaned up and as we came back on Sunday from Vermont, all I can say is that Vermont looked as clean as a whistle.

Mr. AIKEN. It would be a wonderful thing if we could have another demonstration, and clean up all the streets and all the main roads and the back roads for many miles around Washington, D.C., as well as other cities in this country of ours.

Mr. MANSFIELD. The Senator from Vermont will recall that I made a suggestion that the other 47 contiguous States might do well to follow the example of Vermont and set aside at least 1 day each year as "Green-up Day."

This is really news, because it is a return to some of the old virtues which made this Republic what it is today.

Mr. AIKEN. We had observers from neighboring States. I think that they will probably follow our example now. I hope so, anyway.

Mr. MANSFIELD. They should.

QUORUM CALL

The PRESIDING OFFICER (Mr. TALMADGE). What is the will of this Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business again be concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. There is no pending business before the Senate.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA, SENATOR THURMOND, AND SENATOR BYRD OF WEST VIRGINIA TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the senior Senator from Virginia (Mr. Byrd) be now recognized for not to exceed 15 minutes, following which the Senator from South Carolina (Mr. Thurmond) be recognized for not to exceed 10 minutes, following which the junior Senator from West Virginia (Mr. Byrd) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S VIETNAM ACTIONS PLACED IN PERSPECTIVE

Mr. BYRD of Virginia. Mr. President, as the Nation's Capital is being harassed by antiwar demonstrators, it is worthwhile, I think, to put President Nixon's Vietnam actions in perspective.

President Nixon had nothing to do with sending combat troops to Indochina.

It was the administration of Lyndon B. Johnson that propelled the Vietnam war into the longest—and one of the most costly—in American history.

President Johnson began large-scale combat operations in Vietnam in the spring of 1965. He and his Secretary of Defense, Robert S. McNamara, then began to send more and more American military personnel to Vietnam, until the total for a particular time reached 540,000. All together, 2½ million Americans have served there.

It was more than 4 years ago that I began to speak out against the Americanization of the war in Indochina. It was more than 4 years ago that I began to continually call the attention of the Senate and the Nation to our current casualties and the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

From the very beginning, I stated that it was a grave error of judgement for the United States to become involved in a ground war in Asia. But when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

From the beginning, it has been my deep conviction that U.S. involvement in a long war in Southeast Asia is not only costly in lives and treasure to Americans, but is also highly advantageous to our chief adversary, the Soviet Union.

With that thought in mind, I had a standard question which I put to every high official of the Department of Defense who came before the Senate Armed Services Committee. That question was: "In your judgment, is U.S. involvement in a long war in Southeast Asia advantageous to the Soviet Union?"

I was deeply disturbed and alarmed at the attitude of Secretary of Defense McNamara and his top civilian advisers. To me, it was clear that they did not regard U.S. involvement in a long war in Southeast Asia as being advantageous to our chief adversary Russia.

As a result, there was no sense of urgency in the Department of Defense under Mr. McNamara to bring the war to an end. As a matter of fact, it was the very foolish McNamara policy of a so-called limited war that in fact prolonged the war and increased the casualties. The McNamara line—which one heard throughout official Washington during 1966, 1967 and 1968—was the "merits" and "sophistication" of a limited war.

So when President Nixon came to office in January 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon; the new Secretary of Defense, Melvin R. Laird; the President's Foreign Affairs advisor, Dr. Henry Kissinger; and the Secretary of State, William P. Rogers, decided to reverse the Johnson–McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the North.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement. In a few more months, American troops will no longer be assigned to combat missions.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

Instead of putting more and more men into Vietnam, as was done by President Johnson and Secretary McNamara, he has been taking more and more men out of Vietnam.

Instead of following the McNamara policy that a long, limited war in Southeast Asia is somehow advantageous to the United States—or at least not disadvantageous to the Soviet Union—President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise and definite steps to bring American involvement to an end.

Over the weekend, I read again the official testimony of 4 years ago of high Defense Department officials before the Senate Committee on Armed Services.

The testimony, to my mind, made clear that the McNamara team in the Defense Department had no sense of urgency in bringing the war to an end.

I shall quote from the testimony of only two, but these two, in my judgment, personified the basic civilian thinking in the Defense Department under Secretary McNamara.

First, I quote from the hearing on June 28, 1967, when John T. McNaughton, of Illinois, Assistant Secretary of Defense for International Security Affairs, was nominated to be Secretary of the Navy.

The following is a part of the colloquy that I had with Mr. McNaughton:

> Senator Byrd. Let me ask you this question.
>
> During the past 2 years do you feel that the war has greatly widened?
>
> Mr. McNaughton. Widened during the past 2 years? No.
>
> Senator Byrd. Now, could I recite what seems to me areas where it has been greatly widened. Two years ago, that is, April of 1965, we had 29,000 ground troops in Vietnam. Today, we have got in round figures 462,000 ground troops in Vietnam. Now, it seems to me that so far as the American people are concerned that the war has been greatly widened.
>
> Mr. McNaughton. I agree that the war has "widened" if you use the word "widened" in that sense.
>
> The war has been greatly intensified.
>
> Senator Byrd. It has not been widened insofar as going beyond the physical boundaries of Vietnam?
>
> Mr. McNaughton. That is correct.
>
> Senator Byrd. It has not been widened insofar as bringing in additional allies to help us?
>
> Mr. McNaughton. Well, we have gotten some additional allies. The Koreans and the Australians and New Zealanders and the Thai and the Filipinos have all contributed forces in that period, a total of over 50,000, between 50,000 and 60,000 forces.
>
> Senator Byrd. While it hasn't been widened beyond the borders of Vietnam, it may be widened so far as the contributions of the American people are concerned?
>
> Mr. McNaughton. It has intensified in that sense; that is correct.
>
> Senator Byrd. Intensified both in regard to manpower and in regard to economic resources?
>
> Mr. McNaughton. That is correct. And furthermore—a correction of my original answer, Mr. Senator—the actions against North Vietnam have been intensified in that period.
>
> Senator Byrd. During that same period of 2 years, while the American ground forces were being built from 29,000 to 462,000 today, the harbor at Haiphong has been an open harbor insofar as cargo going to the Vietnamese enemy is concerned; is that correct?
>
> Mr. McNaughton. That is correct, with minor qualification. There have been some strikes on some facilities. The answer in substance is "Yes."
>
> Senator Byrd. In other words, while the war has been greatly widened insofar as the American people are concerned in the way of combat troops, and in the way of economic resources, we have done nothing to shut off the supplies going through the harbor at Haiphong?
>
> Mr. McNaughton. For practical purposes, that is correct.

Senator Byrd. Do you see an end to the fighting in Vietnam within the next 12 months?

Mr. McNaughton. It could happen. But this is a matter of probability. I think it is unwise for me to say something which could be taken out of context and construed to imply optimism or pessimism. There is a chance.

Senator Byrd. Do you see a long war?

Mr. McNaughton. We have already had a long war, Senator. I believe the best chance for a short war is to be prepared for a long one. The best chance to shorten the war is to be dug in with absolute perseverance to see through a long war if necessary.

Senator Byrd. Is a long war in Vietnam to the advantage of the Soviet Union in your judgment?

Mr. McNaughton. This is similar, Senator, to a question put to Mr. Nitze. And I would answer about the same way. I think that the Soviet Union on balance wants to see the war ended, but not if she has to take steps to bring it to an end which would work to her disadvantage, and not if it came to an end on terms that would severely disadvantage her. And, therefore, the question can only be answered in terms of what the outcome is likely to be. I think the Soviet Union would like to see the war brought to an end on terms acceptable to her.

Senator Byrd. Do you feel that with the United States so deeply involved in Vietnam, suffering heavy casualties, and fighting a very costly war from an economic point of view, that it is or is not to the advantage of the Soviet Union to keep it going?

Mr. McNaughton. I think that it is to their disadvantage to keep it going. And I would like to make this strictly a personal opinion, Senator.

Senator Byrd. In all of these I am seeking your own personal judgement.

Mr. McNaughton. I am labeling this clearly so that there is no misundertanding.

Senator Byrd. I was hoping that all of this would be your judgement.

Mr. McNaughton. Yes.

I think that the military power of the United States is greater today than it has ever been. I think that the Soviets do not think of the war in Vietnam as something that is weakening the United States in the way you implied your question. I have forgotten the final sentence of your question, but I do not think that they want to keep the war going in order to weaken us. I do not believe that.

Senator Byrd. You do not believe that. I must say that I am 100 percent in disagreement with you.

Mr. McNaughton. I am sorry that we are in disagreement.

Senator Byrd. I respect your opinion.

To get back to my original question, to which I assume your answer would be "No," the original was this: Is a long war in Vietnam to the advantage of the Soviet Union in your own personal judgment? I assume your answer is "No" to that question.

Mr. McNaughton. The answer is "No, if they can bring it to an end on terms that fall within their shaded area of acceptability."

Senator Byrd. If they can accomplish all their objectives, perhaps they would like to. But assume they don't accomplish their objectives.

Mr. McNaughton. They have some minimum objectives. I don't know what they are, unfortunately. But I would suspect that they would like to see this war brought to an end. They do have the problem that Secretary Nitze raised, of their position in the world; and they cannot be in a position of running out on a colleague, or of being put in an embarrassing position vis-a-vis China. They have a very complex problem to face, too. So I just can't answer your question yes or no.

Senator Byrd. I have been fearful that a great many individuals in high positions in our Government have taken that view—that the Russians will not be advantaged by a long war. I can't help but believe that a long war logically from every point of view is an advantage to Russia. We are losing men every day. We have these great economic commitments to Southeast Asia, and the Russians have an opportunity to hit us elsewhere and stimulate adverse activity elsewhere as they did in the Middle East.

But anyway, your judgment may be right and my judgment may be wrong.

Mr. McNaughton. Let me add, Senator, that we do not, in our decisions or behavior, count on my being right or your being right on this point.

Senator Byrd. I think it is very important, though, what is the real thinking of the men who have to make these vital decisions. And to me it is a matter of vital consequence whether or not they believe that a long war is to the advantage of the Soviet Union. And I can't help but see that a long war is to the advantage of the Soviet Union.

But if they don't feel that way, naturally they are going to make decisions differently from what they would otherwise.

So much for Mr. McNaughton, whose testimony showed he believed that it was to Russia's disadvantage to keep the Vietnam war going, and that the Soviets did not think the war was weakening the United States, as I had suggested.

Now, on August 17, 1967, Mr. Townsend Hoopes, of Virginia, was nominated to be Under Secretary of the Air Force.

I read into the Record at this point my colloquy with Mr. Hoopes when he appeared before the Committee on Armed Services, which was considering his nomination:

Senator Byrd. Thank you, Mr. Chairman.

Mr. Hoopes. I would like to welcome one who lives in Virginia, with many children, to the committee today.

I might say for the record that I have not had the privilege of knowing you, but I am very much impressed by your appearance before the committee this morning.

I would like to ask one or two questions.

* * * * *

Senator Byrd. You have had wide experience during the past 2 years with the economic problems throughout the world which confront the service?

Mr. Hoopes. Generally speaking; yes, sir.

Senator Byrd. And that would include Southeast Asia as well as the areas that we mentioned a moment ago?

Mr. Hoopes. It would include Southeast Asia in a broad sense, particularly as far as the impact of what is going on there relates to areas with which I had closer contact and for which I had closer responsibility.

Senator Byrd. In what areas did you have closer contact and closer responsibility?

Mr. Hoopes. I would say the broad area we call the Near East and Southeast Asia. It includes the southeast flank of NATO, Greece and Turkey. It runs through the Near East, and includes Iran, Afghanistan, India, Pakistan, and Ceylon; it stops essentially at the Himalayan frontier.

Senator Byrd. What about the Soviet Union?

Mr. Hoopes. I have had no direct responsibility for the Soviet Union, but of course, that is a pervasive factor in all our considerations.

Senator Byrd. That covers your consideration of all the other matters?

Mr. Hoopes. It does, indeed, in every problem area.

Senator Byrd. Now, another question along that line. You agree, of course, that we are involved in a very costly war in Vietnam?

Mr. Hoopes. I do, indeed, sir.

Senator Byrd. Costly in regard to resources, economic resources; costly in regard to casualties?

Mr. Hoopes. I do, indeed, sir.

Senator Byrd. And it has been a somewhat lengthy war?

Mr. Hoopes. Yes.

Senator Byrd. And I assume you will agree, too, that the end is not now in sight?

Mr. Hoopes. I don't see any evidence of it.

Senator Byrd. Is it your judgment that a long war in Vietnam, insofar as the United States is concerned, would be to the advantage of the Soviet Union?

Mr. Hoopes. I would say not necessarily, Senator, because I think the Soviets would calculate to some extent, as we do, that the longer the war goes on, the larger the opportunity for an escalation. And I believe that the Soviet Union does not desire a confrontation with the United States in any part of the world at this time.

Senator Byrd. Is it your belief that the Soviet Union would like to see the war in Vietnam ended—on their own terms, naturally—do you think that the Soviet Union would like to see the war in Vietnam ended at an early date?

Mr. Hoopes. I would say that, on balance, the Soviet Union would probably like to see an ending of the war in Vietnam.

Senator Byrd. Has there been any evidence that the Soviet Union is decreasing the military materiel that it is sending to North Vietnam?

Mr. Hoopes. I don't believe there is. I have limited information on that subject.

Senator Byrd. Am I correct in interpreting your response to my questions to be that it is your view that the Soviet Union would not be advantaged by a long war in Vietnam?

Mr. Hoopes. I would say from what I know of the prevailing opinion in the Soviet Government that on balance it would like to terminate the war, because it would fear that the longer the war went on, the greater the risk of a military escalation which might involve it directly.

Let me give you an example of why I believe the Soviet Union is quite reticent about confronting the United States at this time. In the recent Middle Eastern War in June, you may recall that Premier Kosygin took the initiative on the hotline to make it completely clear to us that there would be no Soviet intervention on behalf of the Arabs. This was highly disappointing to the Arabs. But I think it was a clear signal of the Soviet reticence about facing this kind of military situation with us.

Senator Byrd. I am pleased to hear you say that you feel the Soviet Union is reticent in regard to a basic situation with the United States. But that is not exactly the purport of my question.

The Soviet Union does not have to face the United States in Vietnam. It has not been facing the United States in Vietnam. The North Vietnamese and the Vietcong have been facing the United States. And the United States has been pouring resources and manpower in opposition, not to the Soviet Union, of course, but to the Vietcong and the Vietnamese.

Now, it is not to the Soviet Union's advantage, in your judgment, that we continue to pour resources and manpower in opposition, not to the Soviet Union but to North Vietnam and to the Vietcong?

Mr. Hoopes. I would agree with that, sir. I think the Soviet Union is not displeased by our expenditure of resources, human and material, in Vietnam. But I don't believe that they would conclude from that that the United States is being severely weakened. It is a fact of history, I think that every war we have fought in has rendered us afterward militarily and industrially stronger than before. And the Soviet Union is aware of this. I would say that the Soviets have to balance their desire to see us expend resources wastefully against their fear that a wider war might involve them.

Senator Byrd. Is it your feeling then, that the longer the war goes on, the stronger the United States would be?

Mr. Hoopes. No, sir; I wouldn't argue that.

Senator Byrd. You said a moment ago that history shows that after each war we are stronger than we were before. Would that naturally lead to your belief that if this war goes on 2 or 3 or 4 years longer, we would be better off than if it were ended quickly?

Mr. Hoopes. I think it happens to be an historical consequence. But I wouldn't turn it around and argue that it was therefore desirable for us to——

Senator Symington. Would the Senator yield?

Senator Byrd. I yield.

Senator Symington. I think you are a bit mixed on that, Mr. Secretary. At the end of World War II, this country had $24.5 billion in gold, and owed $7 billion abroad redeemable in gold. Today we have $13.2 billion in gold, and owe over $30 billion abroad that can be called tomorrow morning. I think the Senator from Virginia is correct in the implications of his question.

The gross national product of the United States does not necessarily have anything to do with our financial position, specifically our fiscal and monetary positions. We had the dollar gap and other things after World War II. Those problems are no longer with us today.

To me, a great problem today is inflation. We will have a trillion dollars' worth of life insurance out among the citizens by the end of this year. We have retirement plans, pension plans, and so forth. I predict all these are going to be vitally affected, especially because of this $70 million-a-day expense in Vietnam.

So I would hope you would give full consideration to the implications of the questioning of the Senator from Virginia, because I believe the longer this war goes on the more it is weakening the United States, not strengthening it. I hope you never give the impression that wars are what make capitalism work because that is exactly what the Soviets have been preaching for a long time, the theory of Marx.

Thank you, Senator.

Senator Stennis. Any further questions, Senator?

Senator Byrd. Yes.

Senator Stennis. Proceed.

Senator Byrd. I want to say again that I feel that you are a tremendously able individual. I am not in any way discounting that. I am interested in the philosophy, however, of those who are in a high position of our Government, who make decisions regarding Vietnam. And certainly, you have been in a position to influence decisions, and you will be in a position to—in even a more important position in regard to influencing decisions of Government. And I am not clear in my own mind from your response to my various questions, and I would be glad if you would correct. The best that I can determine is that you do not agree with my assertions that a long war in Vietnam is to the advantage of the Soviet Union.

Mr. Hoopes. I would like to try to correct what may be a misunderstanding. I certainly am not, obviously, an advocate of war, short or long.

Senator Byrd. I am aware of that; I am certain of that.

Mr. Hoopes. You asked me what I thought the Soviet judgment would be on the question of U.S. involvement in a long war. And I gave you my best judgment, which was that the Soviet Union probably does not believe that we are being decisively weakened by our expenditures at the current level in Vietnam.

Senator Byrd. Do you think we are being weakened?

Mr. Hoopes. I believe we are expending very substantial resources.

Senator Byrd. Am I correct, though, in assuming that you do not agree with me that a long war is to the advantage of the Soviet Union? Leaving out what they think, what is your judgment? Does your judgment coincide with mine, or is it contrary to mine?

Mr. Hoopes. If the Soviets could be assured that this war would stay at a low level, a relatively low level, and would be contained, that it would not escalate in a way that might involve them directly, I think I would probably agree with you, sir.

Senator Byrd. Let me state it once more. My belief is that a long war in Vietnam is advantageous to the Soviet Union. Now, is that your personal view, or is it not your own personal view?

Mr. Hoopes. I would say it is not my personal view, in broad terms.

Senator Byrd. You do not agree with my assumption that a long war in Vietnam is to the advantage of the Soviet Union?

Mr. Hoopes. I couldn't agree with the way you have stated it, which is somewhat in isolation of other factors which would bear upon Soviet considerations.

So much for Mr. Hoopes. His testimony concerned me so greatly that I held up his confirmation for about 10 days.

Mr. Hoopes had stated that "the Soviet Union would probably like to see an ending of the war in Vietnam," and denied, "in broad terms," my assertion that a long war in Vietnam worked to the advantage of the Soviet Union.

Today, 4 years after the testimony of Mr. McNaughton and Mr. Hoopes, I continue to believe that a long war is in the interest of Moscow.

And I feel that had there been clearer recognition of that fact, then officials in the Johnson administration would have acted differently.

And had they acted differently—had they had a real sense of urgency about ending the war—then I think we would not have had as long a war in Vietnam as we have had.

Now we have a different administration. And the Nixon administration has adopted a firm policy of disengagement from Vietnam, which in my opinion has so far been successful.

The record is clear. President Nixon and his associates have reversed the course of ever-increasing American involvement in Vietnam.

I think these facts should be stated and should be recognized by the American people.

Mr. GRIFFIN. Mr. President, does the Senator have any time remaining?

The PRESIDING OFFICER. Does the Senator yield time, and if so, to whom?

Mr. BYRD of Virginia. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute remaining.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. I wish to compliment the distinguished Senator from Virginia upon his excellent and very statesmanlike remarks. It proves again that, although he sits on the other side of the aisle, he indeed is an independent and a nonpartisan.

I commend the Senator and associate myself with his remarks.

Mr. BYRD of Virginia. I thank my good friend from the State of Michigan.

I want to say, too, that I see on the floor of the Senate a former distinguished Member of this body, the former Senator from Delaware, Mr. Williams, who has rendered such great service to the Senate and to his State as a Member of the Senate.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senator from South Carolina (Mr. Thurmond) is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I would like to commend the Senator from Virginia for his excellent remarks, which are very timely and which I hope every Member of this body will read.

COMMUNIST PLANNING OF MAY DAY DEMONSTRATIONS

Mr. THURMOND. Mr. President, the Nation's Capital is still experiencing the onslaught of the alleged peace demonstrators who have been converging on the Nation's Capital during the last week for the so-called May Day demonstrations.

There are some people who seem to take their statements of an interest in "peace" at face value. Some Members of Congress have announced that they will address rallies and demonstrations in connection with the events. Certainly the political leaders who are intending to participate must be ignoring the revolutionary ideology of the people who have been organizing and promoting this demonstration.

We are engaged in a war against a Communist enemy in Vietnam. The Communists in every country of the world have joined together in solidarity to promote support for the Communist government and to urge a hasty retreat by the United States. While some of the people involved in these demonstrations may be of good intentions, it is manifest that such an elaborately organized program did not happen by spontaneous events. It is clear that a small group of people have joined together for various reasons to attack the United States and the position of the President of the United States. The leaders of this demonstration received their stimulus from a meeting in Hanoi in which they signed a so-called peace treaty dictated by the Communists. The purpose of their activities is to organize as broad a support as possible behind this Communist document.

When we look at the participating leaders of the demonstration we find a strange mix. We find that convicted criminals, such as Rennie Davis, are among the principal leaders. We find that other key organizers, such as Fred Halstead, Donald Gurewitz, and Carol Lipman are prominent members of the Trotskyite Communist party.

Nor is it true that this is strictly a Trotskyite Communist group. In addition, other leaders belong to the People's Coalition for Peace and Justice, which includes such well known Moscow Communists as Gilbert Green and Jarvis Tyner, members of the party's national committee. In addition, there is Sylvia Kushner, a notorious Communist from Illinois; Irving Sarnoff, formerly active in the Southern California District of the Communist Party; and Sidney Peck, who is a former Communist leader in Wisconsin.

Obviously, it is no coincidence that these demonstrations are timed for May Day, the traditional day for celebrating Red victories.

I find it hard to believe that a group of Communists in such a key role in this demonstration are really interested in peace and justice and I find it astonishing that Members of this Congress will support and encourage activities prepared and directed under the Communist aegis. Anyone who lends his support to these activities is undermining the social and political stability of the United States, and is joining in an unprincipled attack on our national security.

Mr. President, for some reason the national media have chosen to ignore the well-documented background of these so-called peace leaders. However, the Washington newsletter, Human Events, in last week's issue has published this information for all to see.

Mr. President, I ask unanimous consent that the article "Media Should Expose Peace Protest Background" from Human Events, April 24, 1971, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDIA SHOULD EXPOSE PEACE PROTEST BACKGROUND

Across the country, the media are now starting to give broad coverage to the spring "peace" protests that will begin with a rousing demonstration in Washington on April 24.

We learn that such honorable statesmen as Ed Muskie, George McGovern and John Lindsay, are whooping it up for the demonstrators. The flower children, of course, have rallied to the great cause of peace, and the Beautiful People are all behind this wonderful occasion. But we look in vain on television, radio or in the big metropolitan newspapers for just an inkling that peace may not be what the leaders of these demonstrations have in mind.

Where, oh where, are those honest journalists who will simply tell the truth: that the protests beginning April 24—while undoubtedly supported by many honest and patriotic persons—have been plotted, organized and directed by domestic Communists and their fellow travelers who crave an American humiliation in Viet Nam?

Where are those media men—who so pride themselves on their "integrity" when assailing the Administration—who will frankly and publicly acknowledge that Hanoi and its leaders have had a major hand in working out the strategy for these demonstrations?

The information is all there, as Human Events has consistently reported, but the major media refuse to let the public in on it. Because so many of the reporters are blindly enamored with the goals of these protests—the immediate, unconditional withdrawal of all U.S. troops from Viet Nam—they find it terribly difficult to divulge the stark, but embarrassing facts.

Since we have gone to great lengths to spread the word about who's behind the protests but have found that the word has not spread very far, we would like to involve our readers in a project that we hope will help goad the media into more fully disclosing the nature of the demonstrations. We urge those other than our readers to join in.

From now until this pro-Hanoi conceived and directed peace offensive is over, interested persons should not request—but demand—that the networks, the local TV and radio stations and the major papers, in the area publicize the Communist manipulation of these demonstrations.

Call, write and wire—and if you're put off, do it again. Make yourself a general pest until you see some results.

While we have, for your convenience, published the addresses and telephone numbers of the TV networks on this page, we are advised that it is also extremely important to complain to the local TV and radio affiliates if the networks continue to distort the truth about these demonstrations. If the locals feel enough heat, they will inform the networks, which are extremely sensitive to what their affiliates have to say. Indeed, a small percentage of the locals have the power to compel a change in network policy.

There is no excuse for the media to omit the fact that there is very heavy Communist involvement in these demonstrations.

Rep. Richard Ichord, a Missouri Democrat who is chairman of the House Committee on Internal Security, has disclosed this involvement in great detail on pages 9787–9790 of the April 6 *Congressional Record,* the official proceedings of Congress. The ranking minority member, Rep. John Ashbrook, an Ohio Republican, is scheduled to deliver a similar speech this week.

The essential facts, as we have reported, are these. The National Peace Action Coalition (NPAC) and the People's Coalition for Peace and Justice (PCPJ), both of which, according to Ichord, "are known to be operating under substantial Communist influence," are the two major organizations taking part in the April 24 through May 5 demonstrations. They are, in fact, the prime movers behind the protests.

The leaders of these two groups have boasted that sustained, two-week protest actions will commence April 24 with a mammoth assembly near the White House and will culminate May 5 with the "encirclement" of the Capitol to compel Congress to ratify the so-called "People's Peace Treaty." This "treaty," noted Ichord, "is a document drafted in Hanoi which is in complete accord with the Communist position on Viet Nam."

On June 19–21, 1970, the Trotskyite Socialist Workers Party (SWP) and its youth arm, the Young Socialist Alliance and the YSA-dominated Student Mobe, held a conference in Cleveland, Ohio, for the purpose of planning future "peace" demonstrations. The conference resulted in the birth of the National Peace Action Coalition as the Trotskyite-controlled group to carry out massive anti-war demonstrations. The SWP, as the networks have not informed us, is a Communist splinter group which, according to Ichord, advocates the overthrow of our government by force and violence. Moreover, it is completely attuned to the ideals of Ho Chi Minh.

Four of the NPAC's five national coordinators, Ichord points out, "are affiliated with the Socialist Workers party. The NPAC steering committee includes representatives of several organizations that are dominated by the Socialist Workers party and its youth arm, the Young Socialist Alliance. Among the prominent Socialist Workers party members serving on the NPAC steering committee are Fred Halstead, Donald Gurewitz and Carol Lipman."

At about the same time the NPAC was being created, the Communist party faction of the now defunct New Mobe held a strategy action conference in Milwaukee, Wis., on June 26–28, 1970. From this conference resulted the People's Coalition for Peace and Justice. Here's what Ichord says about *this* group:

"Among the top leadership of the PCPJ are such well-known Communist party functionaries as Gilbert Green and Jarvis Tyner, members of the Communist party's National Committee. In addition, there is Sylvia Kushner, a member of the State Committee of the Communist party of Illinois; Irving Sarnoff, formerly active in the Southern California District of the Communist party; Sidney Peck, former Communist party leader in the state of Wisconsin; and David Dellinger, who is often described by the press as a leading pacifist, but who describes himself as a non-Soviet Communist. There is also, of course, Rennie Davis, who was convicted in Chicago for violation of the anti-riot laws."

The PCPJ group is not a pacifist or anti-war group any more than is the NPAC group. Both are prowar, in fact, when it is being waged by Hanoi. Both groups border on treason in their diligent work toward a thunderous American defeat in Viet Nam.

These groups, furthermore, are working closely with Hanoi in preparing for these demonstrations. Xuan Thuy, chief of the North Vietnamese delegation in Paris, made a significant contribution to the "peace" strategy when he called for unity in the anti-war movement.

According to the pro-Communist *Guardian,* a split between the NPAC and the PCPJ had threatened to weaken the impending anti-war demonstrations in the Nation's Capital. But Rennie Davis' PCPJ in late February finally agreed to co-sponsor the April 24 protest that had initially been planned only by the NPAC.

"The move," said the *Guardian*, "decided on with virtual unanimity, resolves a previous conflict between NPAC's April 24 date and the People's Coalition call for May 2 mass protest in the Capital. The split had become a cause for *international* concern and, until the People's Coalition decision, prospects for a united action this spring appeared bleak.

"Instrumental in the decision were numerous messages from constituent organizations whose members have provided a significant proportion of both participants and funds for previous actions. *An urgent plea from Xuan Thuy . . . addressed to all anti-war forces in the U.S., also convinced many that the need for unified action was paramount.*" (Emphasis added.)

This is the sort of information, unfortunately, that we have not yet seen or heard in the major news media. Perhaps our readers—and their friends—with a bit of perseverance can make the media somewhat more honest by bringing the facts about these demonstrations to their attention.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized for 15 minutes.

A NEW JERSEY NEWSPAPERMAN WINS THE PULITZER PRIZE

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent to insert in the RECORD a statement by Mr. WILLIAMS entitled, "A New Jersey Newspaperman Wins the Pulitzer Prize."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A New Jersey Newspaperman Wins the Pulitzer Prize

(Statement by Senator Williams)

Mr. President, I was delighted to learn today that one of New Jersey's most distinguished newspapermen, William A. Caldwell, has been awarded the Pulitzer Prize for Commentary.

Mr. Caldwell, as a columnist for The Record of Hackensack, N.J., has become a familiar and respected figure to thousands of newspaper readers in Bergen County. He has utilized his column as an effective force for community improvement, and has earned the admiration of his fellow journalists, of public officials, and of private citizens throughout New Jersey.

This singular honor is one which Mr. Caldwell has certainly earned through the consistently high quality of his writing, and through a lifetime of devotion to his profession and his community. The announcement issued yesterday by Columbia University detailing Mr. Caldwell's achievements and his background follows:

For Distinguished Commentary—William A. Caldwell of The Record of Hackensack, N.J., for his daily columns.

"William A. Caldwell has been writing a column about local affairs in Bergen County, N.J. for more than 40 years, touching upon everything from the handicap of being born a December child to the divisive tragedy of racism. He calls his commentary 'Simeon Stylites' after the Fifth Century Syrian hermit who spent 35 years in meditation atop a pillar in the desert.

"As a liberal in a conservative community he has his daily arguments with his readers in the Record of Hackensack, N.J., of which he is associate editor. But he has not lost many and he has the reputation of having persuaded the majority to take a more active role in the work of their community. For his distinguished commentary, he received the Pulitzer Prize for Commentary today. As was the case in 1970, when the award for criticism or commentary was first established, the Columbia trustees gave two separate and co-equal $1,000 prizes in each category.

"Mr. Caldwell was born in Butler, Pa., December 5, 1906 and grew up in Titusville, Pa. where his father was managing editor of the Titusville Herald. When he was 14 and a sophomore in high school at Hasbrouck Heights, N.J., to which the family had moved, his father died and he had to leave school.

"After a few odd jobs as a part-time reporter, he joined the Record (then the Bergen Evening Record) in 1926 and has remained with the organization ever since. In addition to his column, he writes editorials and is active in civic affairs. Last June, he was awarded an honorary LL.D. by Rutgers University. He and his wife live at 936 Glen View Road, Ridgewood, N.J. They have two grown daughters and a son."

LABOR NEWS CONFERENCE INTERVIEW OF RUDY OSWALD ON MINIMUM WAGE

Mr. BYRD of West Virginia. Mr. President, at the request of the junior Senator from New Jersey (Mr. Williams), I ask unanimous consent to insert in the Record a statement by Mr. Williams with respect to the Labor News conference interview of Rudy Oswald on the minimum wage, together with the text of Mr. Oswald's interview.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Labor News Conference Interview of Rudy Oswald on Minimum Wage

(Statement by Senator Williams)

Mr. President, we are in a period of our country's history when the cost of living is escalating at an unprecedented rate, yet nothing is being done to lessen this heavy burden for those who suffer most from inflation—the employee who works for the minimum wage or less.

These workers represent the "working poor" in this country. For them an increase in the minimum wage is a desperate need. I say this because a man who labors for $1.60 an hour in today's economy fails by more than $700 to earn what the government considers to be the poverty line—$3,900 for a non-farm family of four.

Mr. Rudy Oswald, an economist for the AFL–CIO's Department of Research, has recently been interviewed in depth on the radio program entitled "Labor News Conference." I believe that Mr. Oswald shed some important light on problems regarding the minimum wage and the need for an increase in the rate and coverage of the minimum wage law.

Mr. President, the text of Mr. Oswald's interview follows.

Labor News Conference

America's lowest-paid workers are even worse off now than they were when the minimum wage was last improved in 1966, an AFL–CIO economist declared today, as he called for an immediate boost to "at least $2 an hour."

"The inflationary impact of the last five years" has cut the 1966 value of the $1.60 minimum wage to "only $1.24 today, which is less than it was before" Congress made the last improvement, declared Rudolph Oswald, of the AFL–CIO's Department of Research. That "deterioration of buying power . . . makes it mandatory" that there be a new and higher federal floor under wages, he stressed, on Labor News Conference, broadcast Tuesday at 9:35 p.m. (EST), on the Mutual Broadcasting System, and heard in Washington on WAVA–FM.

Oswald said that low-paid workers also continue to suffer from employer-violations of the federal Wage and Hour law, noting that "inspections of only about 5% of the establishments covered by the law" revealed that half-a-million workers "were short-changed some $93 million last year." Noting that the minimum wage law has been on the books since 1938, he said, "it is hard to believe that after (more than) 30 years," employers would not be aware of the law and what it requires. He said that mounting employer-violations could be curbed by the addition of more inspectors "to assure that workers . . . are actually paid" the minimum wage required by law.

The union economist turned aside the contention that the rise of unemployment for the past two years makes this the "wrong time to raise the minimum wage." He said that "if we listen to that argument, it would always be 'the wrong time' to raise the minimum wage," yet past improvements have been followed by a decline in unemployment. He pointed out that when the minimum wage was first established in 1938, "unemployment was double the current rate," and it decreased in the following years. He said that unemployment has also eased after other minimum wage improvements, "largely because we've always been so modest in the increases."

Oswald said the AFL–CIO will also push hard in this Congress to extend minimum wage coverage to all wage and salary employees. "If a job is worth doing, it's worth a wage that is at least enough to support the worker and his family," he declared.

Questioning him on the AFL–CIO produced public affairs interview were James F. Welsh, of the Washington Evening Star, and Donald Finley, of United Press International.

Minimum Wage Chiselers

Mutual Announcer. The following time is presented as a public service by this station and the Mutual Broadcasting System.

Harden. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Rudolph Oswald, an economist in the AFL–CIO's Department of Research.

More than 30 years ago, President Franklin D. Roosevelt signed into law the federal Wage and Hour Act, putting a floor under wages and setting a ceiling on hours. Yet despite education and enforcement programs, either through cheating or carelessness, American employers shorted their employees' pay envelopes some $93 million last year, according to a recent report of the Secretary of Labor. Year after year, the number of unlawful wage underpayments grows. All too often, it is some of the nation's lowest-paid workers who suffer those losses. Here to question Mr. Oswald about growing violations of the Wage and Hour Law, how they can be curbed and efforts to strengthen and improve the Fair Labor Standards Act in the current Congress, are James Welsh, of the Washington Evening Star, and Donald Finley, Washington correspondent for United Press International. Your moderator, Frank Harden.

And now, Mr. Welsh, I believe you have the first question?

Welsh. Mr. Oswald, could you define exactly the AFL–CIO legislative proposal for changing the minimum wage this year—in this Congress? What is the situation now, and, what are your proposals?

Oswald. Mr. Welsh, the federal minimum wage is currently at $1.60 an hour.

The AFL–CIO proposes that this be increased, immediately, to at least $2 an hour.

Also, the law currently covers the bulk of wage and salary employees—some 45 million workers. We propose that it be extended to cover all wage and salary employees, so that all workers will be guaranteed at least this basic minimum wage.

Welsh. How long has it been since the minimum wage has been raised—and—why has it been so long?

Oswald. Congress, in 1966, increased the minimum wage to $1.60 an hour—in steps.

The inflationary impact of the last five years makes it mandatory that it now be increased to at least $2 an hour, so that the workers who are suffering from this deterioration of buying power be reinstated.

As a matter of fact, that $1.60—in 1966 terms—is only $1.24 today—which is less than it was before the minimum wage was increased from $1.25 to $1.60 an hour.

Finley. Mr. Oswald, there has been a federal minimum wage since the 1930's. Just how effective has enforcement of this minimum wage been? Have there been many violations?

Oswald. Sad to say, the Labor Department, in its inspection of only about 5% of the establishments covered by the law, found that workers were short-changed some $93 million last year—1970. We know that actual violations are substantially greater than that.

Nearly half-a-million workers were found to have been short-changed in either the minimum wage or the overtime provisions of the law—or both.

Finley. What are the overtime provisions of the law?

Oswald. The overtime requirements, Mr. Finley, are that employers pay one and one-half times the minimum wage for hours, in excess of 40, worked in a week.

Welsh. Well, if there are so many violations now, what you are saying, I believe, is that the law is not being enforced. Many, many thousands of workers are losing money that is due them under the minimum wage provisions. If you had a higher minimum wage, wouldn't there be even more violations? How do you square all of these things?

Oswald. We find that although violations have been increasing recently, millions of workers are paid what the law requires.

For example, just this last February, employees who were covered by the Act for the first time in 1966—in laundries, hospitals and schools—had their minimum wage increased from $1.45 to $1.60. This meant that some 1.5 million workers received wage increases, as a result of the last step increase in the minimum wage. They also received an increase of about $300 million in total payroll—substantially more than the violations that were uncovered.

Obviously, more inspectors are needed to assure that there are no violations and that workers are actually paid what they should be paid.

However, increasing the minimum wage has brought increased benefits to millions of workers.

Welsh. Let me ask another question about the violations. We've heard that workers are being cheated out of about $100 million in wages. That's a substantial sum. Whose fault is this, exactly? Is it the federal government's fault? Another question—is there any way for these workers to go about claiming the money that is rightfully due them?

Oswald. Mr. Welsh, it is not the federal government's fault that they are being underpaid, it's the employer's fault for not obeying the law.

Welsh. But isn't there an enforcement of the law obligation on the part of the government?

Oswald. Yes, the Labor Department has been given responsibility of enforcing the Fair Labor Standards Act.

An employee who is not paid the proper minimum wage has the right, under the Act, to complain to the Department of Labor's Wage and Hour Division. The Labor Department is supposed to investigate the complaint and secure compliance with the law and back payments due.

The worker also has the alternative route of going to court directly and suing the employer for wages due, plus an equal amount for court costs. However, most poor workers do not have the ability to go into court—they don't have their own lawyers to sue for this back payment. That's why the law established the Wage and Hour Division of the Department of Labor as the enforcement arm for the Fair Labor Standards Act.

Finley. Mr. Oswald, are most of these violations intentional, or, are there some cases where employers are just ignorant of what the law provides?

Oswald. Mr. Finley, it is hard to believe that after 30 years, employers wouldn't know that there is a minimum wage law that requires payment of $1.60 an hour, and requires that workers be paid time and one-half for hours worked over 40.

Finley. Under the present law, there are many exemptions—many jobs are exempt from the law. May it be that employers are confused as to which jobs are exempt and which are covered by the law?

Oswald. There may be, on occasion, some confusion on exemptions.

But, the AFL–CIO believes that the minimum wage is so low, and the overtime requirement so minimal—basically, it hasn't changed since the 1930's—that payment of less than time and one-half for overtime or payment of less than $1.60 an hour, while it may not be prohibited for certain employers, would actually be an exploitation of the workers.

Welsh. Mr. Oswald, let me shift the subject just a bit. In proposing to raise the minimum wage—fairly substantially—how do you handle the dilemma of raising the minimum wage while facing the threat of cheap labor foreign competition? How can you pay a shoe factory worker in America what should be considered a fair wage, and then solve the problem of millions of shoes made by cheap labor coming in from a place like Italy?

Oswald. Mr. Welsh, we find that often, the result of importation of foreign products has nothing to do with the wages that are paid American workers, nor the prices charged American consumers.

We believe that a worker working in the United States should earn a basic minimum wage—certainly, enough to reach above the minimum poverty level that's defined for the United States—about $3800 a year—in 1969. In 1971 prices, that would be approximately $4100 a year.

If a worker working year-round, full-time doesn't earn even this amount of money, then certainly, we're saying that many fully-employed workers can't even expect to support a family at a poverty standard of living.

Welsh. Yet, isn't this part of what's at the heart of the problem of import quotas and the drive for higher tariffs—the differential between American wage standards and the wages of the Japanese textile workers, for example? Won't there be more pressure on you to support higher tariffs?

Oswald. The tariff problem does concern the AFL–CIO, substantially because of its impact on workers—and it's impact is on both high-wage industries, such as steel and auto, as well as it is on low-wage industries, such as shoe and textile.

It's a problem that we're trying to get Congress to consider, and develop means of restricting the dumping of foreign goods, and other loopholes in the current law that encourage the exportation of U.S. capital, with the goods produced brought back to compete with American labor.

Finley. Regardless of the competition from cheaper foreign labor, there is also the argument that some employers would just eliminate jobs, rather than pay a higher wage—that they feel they could do without the job, rather than pay, say $2 an hour.

Oswald. This argument is made by employers regularly—whenever the minimum wage has been discussed before Congress.

The results have been just the opposite. We find actual employment increases following each of the minimum wage changes. We know that many employers exploit their employees by paying them low wages, and that even if a particular employer wanted to raise his wages up to a decent standard, he would be unable to, because of the unfair competition of other employers.

Therefore, raising the minimum wage for all employers has the beneficial effect of helping all workers achieve the benefits of the higher minimum—of lessening unfair competition.

Findley. Unemployment has come down in the last couple of months, but it's still much higher than it was when President Nixon took office. Isn't this the wrong time to raise the minimum wage—a time when unemployment has been rising, as it has the past two years?

Oswald. Mr. Findley, if we accept that argument, it would always be "the wrong time" to raise the minimum wage.

We're already late, in terms of raising the minimum wage. It should have come about earlier.

However, even the first increase in the minimum wage was introduced in 1938, when unemployment was double the current rate. And, following introduction of the first minimum wage in 1938, unemployment decreased.

We find that unemployment has decreased in other years, following changes in the minimum wage, largely because we've always been so modest in the increases that have been made over the years—as it has risen from the original 25¢ an hour, to $1.60 an hour.

Welsh. Do you look on raising the minimum wage as an alternative to what's provided in the Nixon Family Assistance Plan? That plan has a good chance of passing this year, I believe, and it contains a provision that the working poor—people who are working, but at fairly low wages—will be subsidized by government funds. Is raising the minimum wage an alternative or a complement to that?

Oswald. We believe that raising the minimum wage is a basic necessity, in order for the welfare operation to work properly.

Otherwise, we're asking the taxpayer to supplement the low-wage worker—the worker who is being exploited by management.

Only if we raise the minimum wage to at least the poverty level—to at least $2 an hour—will we assure the worker who is working full-time, year-round, of enough income to support himself and the basic family of four.

Welsh. Well, let's put it this way—let's assume that Congress acts favorably on your plan—that it does raise the minimum wage to $2 an hour. That would provide for a $4000 annual income for the minimum people. Is there need then for subsidizing the working-poor through the Family Assistance Plan, or, should that be dropped?

Oswald. There is still the need to subsidize the working poor.

There are many who do not work full-time, year-round—where there is seasonal unemployment—where there is unemployment because of illness. Many others are unable to work because of disability, because there are minor children in the home, because of old age, and for other reasons.

Welsh. There is another provision of the welfare reform assistance plan that for those people required to work, there is an odd little minimum there—$1.20 an hour. That looks extremely low, compared to $2.

Oswald. That $1.20 an hour makes no sense whatsoever.

It's below even the federal minimum wage in existence today. Certainly, taxpayers should not be asked to supplement an employer who exploits his workers. The purpose of the Fair Labor Standards Act, as set forth in its preamble, states that the Act's purpose is to end the exploitation of workers, and to end those conditions that are detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency and general well-being of workers.

Findley. Mr. Oswald, President Nixon's chief domestic goal has been to control inflation. There is evidence that there has been some easing of inflation. If the minimum wage is raised to $2 an hour, presumably, most of the people who are not getting the minimum wage—or just barely getting it—the unskilled or lower-skilled workers—if these people start getting higher wages, isn't this going to cause the higher-skilled workers to also ask for higher wages, to put them in relatively the same position that they were in with the lower-skilled workers? This is going to increase the inflationary pressures, isn't it?

Oswald. No, Mr. Findley, because with the great time lag since Congress acted, in terms of raising the minimum wage to $1.60 an hour, and today, we find that all other workers have moved substantially ahead of these workers.

For example, in 1968, the minimum wage was about 55% of average hourly earnings. Today, it's only 45% of average hourly earnings in the total private economy.

Obviously, their condition has substantially deteriorated.

Findley. President Nixon is on an expansionary program for the economy right now. Do you feel that increasing the minimum wage would contribute to the goal that he has set for the economy?

OSWALD. Certainly it would, Mr. Findley.

Expanding the economy requires that there has to be an increase in consumption expenditures and increased housing expenditures.

Unless workers receive enough income to increase their consumption expenditures and their expenditures for housing, just investing in new plant and equipment will mean that people don't have the income to buy the things that we're currently capable of producing.

That's already one of our big problems—we're capable of producing substantially more than people are able to buy with their limited incomes.

WELSH. Following on that question, if the wage—the minimum wage—went to $2, how many workers, do you estimate, would get pay increases? How many workers would go up from $1.60—and how many workers who are now between the $1.60 and the $2 would get increased pay?

OSWALD. We find that those who are paid more than $2 normally do not get wage increases when the minimum wage goes up.

It's basically the group between $1.60 and $2 and the group that is currently not covered at all by the Fair Labor Standards Act and are paid less than $2 an hour who make a direct gain.

The number of workers in the United States who are paid less than $2 an hour is approximately 10 to 11 million, according to the most recent studies of the Department of Labor and the Bureau of the Census.

WELSH. Are most of them in the South?

OSWALD. A substantial number are in the South, but, we find that there are many in the Midwest, some in the East and far-West, and other areas, as well.

A survey found that two out of five workers who were underpaid in violation of the Minimum Wage Law were heads of families.

So, we know that raising the wages for these workers will have a substantial impact on the well-being of families currently in poverty.

WELSH. Why wouldn't there be corresponding pressure to raise the wages of the fellow who is now at $2?

OSWALD. As I indicated earlier, many of these workers have received increases in the past few years, whereas the minimum has not changed at all since 1966, when Congress acted, making the $1.60 effective February of 1968.

Raising it to $2 would just reestablish the relationship that has deteriorated in the last few years.

FINLEY. Is the AFL–CIO proposing that the minimum wage be extended to all workers? How about newspaper delivery boys, for instance, and salesmen on commission? Are you proposing that they also receive the $2 minimum?

OSWALD. We're asking that workers generally be paid a $2 minimum.

Anyone who is working for a living should receive at least that basic minimum income.

If the job is worth doing, it's worth a wage that is at least enough to support a worker and his family.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Rudolph Oswald, an economist in the AFL–CIO's Department of Research. Representing the press were Donald Finley, Washington correspondent for United Press International, and James Welsh, of the Washington Evening Star. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

MUTUAL ANNOUNCER. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

DISRUPTIVE EVENTS OF RECENT DAYS

Mr. BYRD of West Virginia. Mr. President, I rise to speak again on the disruptive events of recent days which have been caused by the so-called May Day protesters. I have no criticism of any person or persons who sincerely engage in lawful, legitimate, and reasonable means of dissent. My remarks are directed toward those persons who have deliberately set out to disrupt, in an unlawful manner, governmental activities here in the Nation's Capital. I will briefly review incidents of the past few days.

On April 28, a large group of demonstrators blocked the entrance to Selective Service headquarters, preventing employees from entering or leaving the building. The D.C. Police arrested 208 of these demonstrators and charged them with violating 22 D.C. Code section 1107, which prohibits interfering with free access to public or private buildings. Those arrested were taken before the Superior Court where they were charged. Bond was set at $500 for a very few, but, for the majority, at $250. Members of this group were then released upon the payment of 10 percent of their bond.

On April 29, another large group of noisy, unruly demonstrators clamored into the headquarters building of the Department of Health, Education, and Welfare at 4th and Independence Avenue, SW., shouting obscenities, and disrupting employees from performing their work. The demonstrators culminated their irrational behavior with ripping down a recently constructed wall within the building. This group of demonstrators was not arrested within the building for destroying Government property, as they should have been, because GSA guards, acting on orders from HEW officials, requested the D.C. Police not to make any arrests within the building. I want to note, Mr. President, that HEW officials have not filed any formal complaint against these protesters to date. The D.C. Police arrested this group outside the HEW building for "parading without a permit." They were taken to police headquarters and held there until taken before Superior Court judges where they were released after posting $10 collateral.

Destroying Government property and disrupting Government employees from their work constitute serious offenses which are expensive burdens for the taxpayers of this country who have to foot the bill for such juvenile and destructive behavior. HEW officials who refused to allow these lawbreakers to be arrested on the spot should be severely criticized. Such officials have a duty to protect Government property charged to their care, and they should see to it that those who deliberately destroy Federal property are arrested.

On April 30, 370 demonstrators were arrested for blocking the entrance to the Justice Department. This was just a repeat performance of the protesters arrested during the previous 2 days for similar disruptive activities—filthy and slovenly in appearance—obscene in both words and gesture—and completely defiant of all laws and the rights of others. The 370 demonstrators were arrested at the request of the Justice Department and charged with obstructing entry to a Federal building. This offense carries a maximum penalty of 6 months in jail or a $500 fine or both. I commend the Department of Justice officials for taking the necessary steps, including the arrest of lawbreakers, to insure that the Department and the employees therein could function in a normal manner. This group of demonstrators was also taken before Superior Court judges, where with few exceptions, their bond was set at $250, and they, too, were released upon the payment of 10 percent of that amount.

Now, Mr. President, I think it is an absolute outrage that these deliberate lawbreakers should be treated in such a light-handed manner by judges of the Superior Court. These were not occasional lawbreakers who broke the law through oversight, ignorance, or carelessness. This was a group who acted with full knowledge of their objective, and with a previously announced intent, and they should be punished to the full extent of the law. I have tried with very limited success to determine what law or rationale prevailed upon the judges of the Superior Court, when they returned these lawbreakers to the streets after paying $10 or $25. I have been informed that the full amount of the bond was not enforced because no bondsman in this area would write the bond and if they did not meet their bond, the District of Columbia had no place to incarcerate them. My answer to that is that where there is a will there is a way, and places could be found to incarcerate them.

Yesterday's activities proved that the treatment accorded by judges of the Superior Court to lawbreakers arrested previous to yesterday was totally and completely insufficient to deter them from their announced course of unlawful activity. Many of the same demonstrators who were released on $10 collateral were back on the streets yesterday slashing tires, damaging automobiles, blocking traffic, and indulging in other disruptive and unlawful activities.

I am informed that 414 of the 7,000 demonstrators arrested yesterday were brought before the Superior Court last evening and charged, and the majority of those are being held under $250 and $500 cash or surety bonds. I commend the judges who followed this firm course of action. Had the Superior Court judges acted in a like maner last week when the first groups of disruptive lawbreakers were brought before them, many of the demonstrators indulging in yesterday's unlawful activities would still have been in jail or would, at least, have thought twice before subjecting themselves to additional stiff fines and/or jail sentences.

I want to applaud Police Chief Jerry Wilson; the D.C. National Guard; the Department of Justice; and all others who had a part in the masterful handling of yesterday's abortive effort by radical elements in our society to shut down the Nation's Capital. Notice has finally been served on demonstrators—

the revolutionaries who organize them and those who participate in them—that disruption and violence will no longer be tolerated. I hope that the Mayday events of this year will mark a turning point in official attitudes toward those who seek to destroy democratic social processes.

The demonstrators have failed on two counts: they have failed to intimidate the Government and disrupt it; and they have failed miserably to serve the cause which they purportedly espoused. The average American, I am certain, is bound to respond more favorably to the reasoned course which the President of the United States is following with respect to the war in Vietnam than to the press and television pictures of young militants obstructing traffic, letting the air out of automobile tires, and battling police in the streets.

The police, the Justice Department, the military, and all who took part in curbing the destructive demonstrations used admirable restraint. The training and instruction which the police have received has paid off. The strategy and tactics of Sunday's revocation of the permit and Monday's confrontation with the militants have been overwhelmingly successful.

I hope that Rennie Davis and others who may have been involved with him in organizing the disruption will be prosecuted to the full extent of the law. For too long, Government has dealt too leniently and too tolerantly with those who would tear it down.

It is heartening to know that in the present situation Government has acted swifty and decisively and effectively. This is not repression, as apologists for the militants may attempt to claim. Anyone, any group, may still come to Washington to engage in peaceful, legitimate, reasonable, lawful, dissent and sensible dialog with their representatives in the Federal Government.

But those who come bent on disruption and destruction should understand that criminal behavior and anarchy will no longer be permitted.

To Chief Wilson and his men; to the District of Columbia National Guard; to the Department of Justice; to the other participating law enforcement agencies—well done.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Rebellion in the Nation's Capital," written by Mr. David Lawrence, and published in today's Washington Star.

There being no objection, the article was ordered to be printed in the Record, as follows:

REBELLION IN THE NATION'S CAPITAL

(By David Lawrence)

A deliberate effort by a group of militant demonstrators to close down the federal government failed to attain its objective yesterday. But the damage done to the Nation's Capital was considerable.

Thousands of workers did not go to their jobs for fear of being caught up in the traffic jams due to the threatened blocking of the bridges leading to the city. Many persons refrained from going to the downtown stores.

The radicals had announced in advance that they intended to "close down the government." Copies of a manual distributed by the protesters designated as targets for disruption of all bridges over the Potomac River and other highway arteries by which thousands of employes of government and private business travel to and from Washington each day.

More than 7,000 of the demonstrators were arrested by the police, who were assisted by 4,000 combat-clad Army troops. A contingent of Marines and 6,000 other soldiers were stationed in the city or nearby. Volleys of tear gas were used to rout the raiders. But, despite even these efforts, traffic on some of the bridges and elsewhere was blocked for short periods by the slashing of tires or other devices.

The fact that in the United States an organization can undertake a well-planned attack to close off the main entrances to the city of Washington is an example of the extremes to which demonstrators will go. Up to now the rallies have not done any great damage. They usually have been in the nature of parades or marches. But the plan for Monday and Tuesday of this week was actually designed to shut down the government for two days.

Many employes living in suburban areas who have important jobs stayed at hotels in Washington on Sunday night in order to be sure of reaching their offices. But the city as a whole suffered from the threatened disruption. For although the effort to block all traffic was not successful, the publicity given the intention to produce congestion at the bridges caused many people to stay away yesterday.

Many of the streets were littered by garbage and trash as well as by abandoned cars and other obstacles. The police had a number of trucks handy to remove the debris but traffic was nevertheless delayed in some instances. In spite of all this, government offices reported that they had normal attendance. But lots of the private businesses did not have the same experience. It certainly was not a fruitful day for business in Washington.

The presence of the troops played a considerable role in discouraging the militants. There were no major confrontations, but sizeable numbers of soldiers were in evidence at the bridges and other target areas along with the police. They were scattered along most of the main streets, too, to be on hand in case of trouble. On the whole, the task of protection was well done.

But the big question is why did any organization plan such an attack on their own government? The attempt to close government buildings and particularly the Pentagon, was a move that could have involved serious consequences. If an international crisis arose and the Pentagon was not able to function quickly, the defense organization would still bear the responsibility to act.

Some significant comments are being made on Capitol Hill.

Senator Strom Thurmond, Republican of South Carolina, said:

"We may clearly impeach the democratic intentions of the organizers of these demonstrations when we note the open and unabashed participation in key leadership positions of members of the Communist party, U.S.A."

The question now is how many other members of Congress will speak out emphatically against the rebellion by an organized group which tried to block the bridges and close government offices. Likewise, it will be interesting to see what the courts do with the question of punishment for the many thousands who participated in the demonstrations and followed leaders who brazenly declared that their purpose was to close down their own government.

Doubtless many of those arrested expect only small fines, but rebellion is rarely treated lightly by any government in the world.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to my able senior colleague.

Mr. RANDOLPH. Mr. President, my colleague has spoken of a serious problem. I commend him on his documentation and on the earnest manner in which he has presented this subject. I want the Record to indicate that, I, too, believe that it is important, as my colleague from West Virginia has pointed out, to call attention to the rights of those who come to Washington to plead their cases and to seek redress of grievances. There should be balance and understanding, as we evaluate the current controversy.

Mr. President, it is not only in Washington, D.C., the Nation's Capital, that this disruption and obstruction are taking place. I recall that on April 14, the Public Works Committee, through its Subcommittee on Economic Development, opened 2 days of hearings in Seattle, Wash. We were there to consider the very severe problem of unemployment in Seattle and, in some measure, throughout the Northwest. We were attempting to find ways and means to help people. The purpose of the hearings was a responsible one, and practically all of the people who came to counsel with us were responsible people from the private sector as well as from Government.

We ran into a situation in which our hearing was disrupted. Senator Magnuson was the first witness on April 14. That is his home city, and the State he represents. I am sure that Senators, regardless of their membership by party in this body, value his long service in the House and in the Senate in connection with progressive programs, to help people, all types of people.

We had been alerted, in a sense, that there were elements that would be represented at the hearing who would try to disrupt that session. After about 2 minutes of testimony by Senator Magnuson, some 20 or 30 persons rose in the center of the hearing room. They had loudspeaking equipment attached to their bodies, and one or two had foghorns, as we call them, which of course could drown out any of the proceedings, including the testimony being given by Senator Magnuson.

Obscenities were hurled by those who stood. Beyond the profanity and the obscenity, beyond the necessity to recess the hearing because we could not carry on the business for a period of some 25 minutes, was an experience that I think Senator Montoya, Senator Baker, Senator Magnuson, Senator Tunney, and the Senator now speaking never will forget.

A young woman in the group, perhaps 23 years of age, called out obscenities; she denounced the purpose of the hearing; she said that, in effect, we were not there to help people. Further, I report to my colleagues in the Senate—she pointed to every Senator in that room by name and said in the strongest language possible, which is documented: "We shall kill every one of you!". She pointed to Senators Magnuson and Baker and Tunney and Montoya and me. "We shall kill every one of you. We shall kill all of the Senators of the United States, and we shall kill all of their children."

That incident was in Seattle, Wash., on April 14. I say, quietly but earnestly, that this is an indication of the revolutionary strength which appears at many points in our country; and what the Senator (Mr. BYRD, of West Virginia) has said about the situation in Washington, D.C., is being duplicated, in certain degrees, throughout the country where Senators are holding public hearings and where the conduct of the Federal Government is moving forward through proper and necessary channels.

That tense time may seem to be, in a sense, bizarre. But if Senators are interested in talking to the five Senators who were present, I think they will better understand the tension of the situation, the seriousness of the situation, and of course the revolutionary aspect of the situation in that day's hearing.

It is my conclusion—said with considerable reluctance, but I believe that I should state it because I feel it is necessary—that these people, 10 or 12 who spoke, were not interested in the programs of employment of men and women who are out of work in Seattle or in Washington or in the United States. I hope these people are interested and concerned, as they assert, about the problems of America, and efforts to help men and women. I hope they are. But I have the feeling that they actually desire to overthrow the Government of the United States. Their very statements indicate that belief—in Seattle, in many other parts of the country, in Washington, D.C., throughout the Nation.

It is when we face a situation, as I have described, that we go beyond just the casual or ordinary recognition of isolated problems of disruption and disorder. There must be an awareness on the part of the American people to the fact that this situation does exist. Men and women must be alerted to the danger.

I thank my colleague for permitting me to supplement his statement, and I conclude by emphasizing that there are the inherent rights of dissent and protest and demonstration. We must protect those rights. But there are also responsibilities for those who plead a cause—be it peace now in Vietnam or other causes they champion.

Mr. BYRD of West Virginia. I thank my senior colleague. He has very appropriately expressed the concern on the part of himself and others of us, and the American people, with respect to some of the problems which, regrettably, increasingly confront the committees of Congress as they go about the country trying to do the work of the people.

CIVIL SERVICE RETIREMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 94, S. 1204. I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. TALMADGE). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1204) to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, there will be no action on this bill today.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the close of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders, under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: Messrs. BROCK, TAFT, BYRD of Virginia, MCGOVERN, PERCY, and HART.

At the conclusion of the remarks of the Senators under the orders for which they will be recognized, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the then unfinished business, Calendar No. 94, S. 1204, a bill to allow certain service to be credited for purposes of civil service retirement.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 5, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 4, 1971:

FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1977:

Ernest G. Spivey, of Mississippi, (reappointment).

Earl S. Smittcamp, of California, vice Paul Arthur Dobson, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 1971*

The House met at 12 o'clock noon.

Rev. R. Herbert Fitzpatrick, First Baptist Church, Riverdale, Md., offered the following prayer:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7: 14.

Our Heavenly Father, we believe Thy promise and pray that we may meet the conditions of Thy Word, that we may have Thy healing touch for our land. We are in desperate need of Thy blessings and the manifestation of Thy power in our Nation. In this hour when men are so restless, troubled, striving for a solution to the problems that beset us at this time, we look to Thee for direction.

We pray especially for these men and women who have been endowed with such a tremendous responsibility. We pray that Thou wilt give them the spirit of wisdom and understanding, courage and faith, strength and peace for this troubled hour.

In the name of Him who loved us and gave Himself for us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4246. An act to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; and

S. 1260. An act to amend the Small Business Act.

RESIGNATION FROM SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.
May 1, 1971.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This letter is to inform you of the fact that I am tendering my resignation as a member of the Select Committee on Small Business.

It has been a most rewarding experience to have been a member of this Select Committee since it was originally created by resolution which I introduced in 1941.

Unfortunately, because of the press of other duties I feel it would be in the best interest of the Congress to take this action and allow another Member to assume the responsibilities in my place on this most important Committee.

I do not wish to in any way imply that my action in this instance signifies any diminution in my interest in the problems and prospects of small business and wish to assure the Congress and small business throughout the country that I shall continue to maintain my interest in this area and work toward the solution of problems which confront and beset this most vital part of our free enterprise system.

Sincerely yours,

WRIGHT PATMAN,
Chairman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER. Pursuant to the provisions of House Resolution 19, 92d Congress, the Chair appoints as a member of the permanent Select Committee on Small Business the gentleman from Minnesota, Mr. BERGLAND, to fill the existing vacancy thereon.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 1795) for the relief of Leonard Alfred Brownrigg.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

GHEORGHE JUCU AND AURELIA JUCU

The Clerk called the bill (H.R. 3929) for the relief of Gheorghe Jucu and Aurelia Jucu.

There being no objection, the Clerk read the bill as follows:

H.R. 3929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gheorghe Jucu and Aurelia Jucu, who were lawfully admitted to the United States for permanent residence on February 6, 1964, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 1836) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

There being no objection, the Clerk read the bill as follows:

H.R. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge, in whole or in part, the individual liabilities of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer, clerks at the Clare, Michigan, post office, to the United States for the loss resulting from the burglary at that post office on the night of April 27, 1968.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT F. CHEATWOOD, WALTER R. COTTOM, KENNETH GREENE, KENNETH L. MARCH, ERNEST LEVY, AND ESTATE OF CHARLES J. HILER

The Clerk called the bill (H.R. 1890) for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler.

There being no objection, the Clerk read the bill as follows:

H.R. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following persons and to the Estate of Charles J. Hiler the amounts set forth in the following schedule:

Robert F. Cheatwood	$117.71
Walter R. Cottom	131.21
Kenneth Greene	117.71
Kenneth L. March	117.71
Ernest Levy	99.71
Estate of Charles J. Hiler	131.21

These amounts are in full settlement of the respective claims of the aforementioned individuals against the United States for per diem payments for Army Reserve active duty training performed at Reading, Pennsylvania, on detached duty from the Indiantown Gap Military Reservation, Annville, Pennsylvania, from April 19, 1966, to April 28, 1966, inclusive. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES C. SMITH

The Clerk called the bill (H.R. 2246) for the relief of Charles C. Smith.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RICHARD C. WALKER

The Clerk called the bill (H.R. 3749) for the relief of Richard C. Walker.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SGT. ERNIE D. BETHEA, U.S. MARINE CORPS (RETIRED)

The Clerk called the bill (H.R. 3753) for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired).

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4667) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARIA G. ORSINI (NEE MARI)

The Clerk called the bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JESUS MANUEL CABRAL

The Clerk called the bill (H.R. 1931) for the relief of Jesus Manuel Cabral.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. NGUONG THI TRAN (FORMERLY NGUYEN THI NGUONG)

The Clerk called the bill (H.R. 2117) for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, A13707-473D/3).

Mr. DELLENBACK. Mr. Speaker I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PLACING LT. GEN. KEITH B. McCUTCHEON, U.S. MARINE CORPS, ON THE RETIRED LIST IN THE GRADE OF GENERAL

The Clerk called the bill (H.R. 7500) to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

There being no objection, the Clerk read the bill as follows:

H.R. 7500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, Lieutenant General Keith B. McCutcheon, United States Marine Corps, when retired, shall be placed on the retired list in the grade of general: *Provided,* That he shall be entitled to retired pay based on the highest grade held by him while on the active list.

Mr. FISHER. Mr. Speaker, H.R. 7500 is a bill to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

The bill would do exactly what the title states but with retired pay based on his highest active duty grade—lieutenant general. No increase in retirement pay would be authorized, so actually there is no cost involved in this legislation.

Lieutenant General McCutcheon was nominated by the President on October 16, 1970, for appointment to the grade of general for service as Assistant Commandant of the Marine Corps. The nomination was confirmed by the Senate on December 9, 1970. Before assumption of office, General McCutcheon was admitted to the U.S. Naval Hospital, Bethesda, with a serious illness. The medical conclusion in his case is that he will not again be fit for duty. There is every indication that his medical situation is terminal. Regrettably it was not possible for General McCutcheon to become Assistant Commandant, and another officer has assumed that post. General McCutcheon will be retired for physical disability.

The circumstances of General McCutcheon's case are most unusual, and certainly every compassion attaches to his situation. Very few precedents of this nature exist. Maj. Gen. Claire L. Chennault, U.S. Air Force, dying of cancer, was advanced on the retired list to lieutenant general with no increase in retired pay. Rear Adm. Charles C. Kirkpatrick, U.S. Navy, was nominated and confirmed for service as a vice admiral, but physical disability prevented his appointment. The Judge Advocate General of the Navy concluded that the admiral would have to be retired in the grade of rear admiral in the absence of special legislation enacted by the Congress. No generally similar cases have been found in the Army or Marine Corps, so there have been very isolated instances in the past of comparable situations.

The placement of Lieutenant General McCutcheon, when retired, on the retired list in the grade of general would give an equitable result analogous to that presently available for officers selected to grades up to and including major general under the provisions of title 10, United States Code, section 1372 (3) and (4). These provisions authorize an officer to retire in the grade for which selected if his promotion is denied because of physical disability. However, since the officer selection process terminates with selection to the grade of major general and service in the two senior grades is by reason of appointment to a statutory post or to duty of great importance and responsibility, the advancement authorized by the foregoing provisions does not apply to the grades of general and lieutenant general.

Lieutenant General McCutcheon has served with distinction in three major conflicts, World War II, Korea, and Vietnam. In Vietnam he held positions of great responsibility, first as commanding general, 1st Marine Aircraft Wing, and deputy commander, 3d Marine Amphibious Force, in 1965 and 1966. During 1970, he commanded all Marines, ground and air, in Vietnam. He has been in the forefront of the development and growth of Marine Aviation as an integral, equal element of the Marine Air Ground Team since the earliest days of World War II. His contributions in every grade throughout his 33 years of distinguished service have been vital in the development of concepts and techniques for the employment of Marine aviation in amphibious warfare.

Lieutenant General McCutcheon would have been the first Marine aviator to be advanced to the grade of general on the active list.

Gentlemen, I feel confident each of you will want to help in this compassionate act.

Mr. BROOKS. Mr. Speaker, Lt. Gen. Keith B. McCutcheon is a man of dedication and patriotism who has served his country well throughout the years, wherever the Marine Corps was called upon to protect our Nation's interests. His record of service is one to which I and all other marines look as a source of inspiration and guidance. Clearly, he is a man who loves his country and the Marine Corps.

I have personally known Lieutenant General McCutcheon and have seen him here in Washington and in the field in Vietnam. From my observations, it would be hard to find a man who deserves more to be honored by his fellow countrymen. He not only is an able and distinguished combat leader, he excels at inspiring in his men and those of us who know him the finest principles of citizenship.

A gentleman, a leader of men, a courageous fighter, a true and loyal friend, and a great American—all of these describe Keith B. McCutcheon. For these reasons, I strongly support this measure to advance him to the level of general of the U.S. Marine Corps upon his retirement.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Private Calendar.

STOCK MARKET ACTIVITY AND GOVERNMENT SUSPENSION OF ABBOTT LABORATORIES INTRAVENOUS SOLUTIONS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, a doctor in my congressional district has called my attention to some very strange stock market activity which preceded—by 1 day—Government action against a product of Abbott Laboratories.

On Saturday, March 13, the Food and Drug Administration ordered Abbott Laboratories to stop further shipments, except for emergency situations, of intravenous solutions until a contamination problems causing blood infection was cleared up. Intravenous solutions account for approximately 8 percent of Abbott's sales and Abbott provides 45 percent of the Nation's supply of intravenous solutions.

Between March 1 and March 11, Abbott Laboratories was not a big volume trader on the New York Stock Market. On 1 day shares traded dropped as low as 400 and never rose above 12,500. It rose in price on 5 days, fell on 3 days and remained stable on another day.

But on Friday before the FDA's public announcement, trading soared to 103,700 shares which fell heavily, 2¾. After the announcement on March 13, Abbott stock continued to fall in moderate trading for the next 8 days. In all, it lost about 12 points in the 8 trading days following the announcement.

This is a documented proof of insider trading.

I have requested the Securities and Exchange Commission to investigate the list of "smart" traders who sold before the adverse public announcement and determine how they developed such investment wisdom.

CLOSING OF PUBLIC HEALTH SERVICE HOSPITALS TREATING NARCOTICS VICTIMS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, at the very time when more human lives than ever before are being shattered in the vicelike grip of narcotics, the administration has announced the closing of one of the only two Public Health Service hospitals in the entire United States organized to treat narcotics victims.

The Clinical Research Center at Fort Worth, Tex., is the only such facility operated by the Public Health Service west of the Mississippi River. It has been in operation for more than 30 years and serves patients from 33 States. If it closes, there will be only one remaining facility of its type—at Lexington, Ky.

In announcing the closure and shutting off acceptance of new patients as of the first of this month, the Public Health Service declared it would hereafter refer narcotics patients to some 235 so-called community-based clinics. It cited 14 in the State of Texas. Yesterday, my office was able to reach by telephone 11 of these. Some of them have never treated a single narcotics patient. All but two have no inpatient facilities whatever. The two with any such facilities are strictly limited, and one of them freely admits that its treatment has been heretofore unsuccessful.

Under leave to extend my remarks, I shall insert in today's Record a recitation of the responses received from each of these clinics as well as statements from eminent authorities in the field of narcotics treatment, and I invite the membership to examine the contents of this report.

To close this hospital at the very time when drug abuse is reaching such epidemic proportions is utterly incongruous. To rely upon such community clinics as the administration cites to take over this massive task is dangerous and almost fraudulently irresponsible.

REPRESENTATIVE ROUSH INTRODUCES LEGISLATION TO HELP LOCAL COMMUNITIES DEVELOP AND IMPROVE THEIR COMMUNICATION FACILITIES

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I am today reintroducing a bill to help local communities develop and improve their communication facilities. On March 4, 1971, I introduced this same bill with 40 cosponsors, today there are 16 more Members of Congress adding their names to a proposal to help implement a nationwide, emergency reporting number, "911."

It is the purpose of this legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include in that legislation funds to be used by local communities who wish to adopt "911" as the single, emergency number but who find attendant costs too high to meet. The actual installation of "911" is not costly, but many times communities must make a number of renovations and improvements to make the single, emergency number effective. This legislation is intended to help them meet those costs.

Presently under the Safe Streets Act the Law Enforcement Assistance Administration can make grants for this purpose, but presently there is no specific reference in the law to this purpose and no reservation of funds for just that purpose. The present legislation would specify funds for the implementation of "911" throughout the United States where local communities desired this service.

Mr. Speaker, so far when addressing this House about the need for improved emergency communications, I have concentrated on the aspect of crime reporting. However, I have always had in mind an integrated emergency communications system for each community which would be responsible for all emergency reporting, including fires, health emergencies, and disasters. I intend in the next few weeks to elucidate some of the important assets of a single, nationwide, emergency reporting number to meet these needs as well. While it is true that some communities will prefer to coordinate only fire and police, or only ambulance and fire services, or some other combination, the ideal is to integrate as many of these services as possible.

PROPOSED HEARING ON DISTRICT OF COLUMBIA REPRESENTATION

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, I wish to announce that Subcommittee No. 1 will commence hearings the latter part of June on various proposed constitutional amendments to provide voting representation in Congress from the District of Columbia. The exact dates will shortly be announced.

These hearings, held in the wake of congressional action establishing the position of nonvoting Delegate to the House from the District of Columbia, will be held on House Joint Resolution 253, which was introduced by Judiciary Committee chairman, EMANUEL CELLER, and several other similar or related proposals. Mr. CELLER's joint resolution is identical to his 90th Congress proposal House Joint Resolution 396, as favorably reported to the House by the House Judiciary Committee on October 24, 1967. This amended version of the resolution was the product of 4 days of hearings conducted by the full Committee on the Judiciary. However, despite the support of the committee, the legislation did not reach the floor of the House.

Notwithstanding the distinctive methods for providing representation from the District of Columbia and the different numbers of elected Representatives contained in the various resolutions, the primary purpose of all of the proposed constitutional amendments is to provide the citizens of the District of Columbia with voting representation in Congress.

Broad public and committee support for the proposed amendments has been based primarily on the premise that participation by the people in their government is the basic principle of a representative government. Opponents of the amendment, on the other hand, have emphasized that the establishment of the position of House nonvoting Delegate provided the only practical solution, and national representation for District of Columbia citizens is a right, which is waived by those who choose to reside in the District of Columbia.

The subcommittee hearings will be directed exclusively at the proposed constitutional amendments to provide voting representation for the District of Columbia and will not be concerned with legislation designed to establish home rule or to revise the structure of the District of Columbia government.

DEMONSTRATORS SHOULD CLEAN UP THEIR DEBRIS

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Speaker, those of us who work in Washington have seen a lot in the last couple weeks. We have watched our clean white bridges smeared with sporadic smears of black and red spray paint. We have seen our flower-lined malls and parks buried under a pile of garbage, beer cans, and papers. And we have all been aware of signs which have been ripped down, park benches which have been used for firewood and monuments which have been decorated with profanity.

Now, in the midst of all the havoc, it appears that justice does, indeed, exist. Because of the skills and discipline of police, and the superb coordination between the Justice Department, police, and soldiers, a disruption that could well have grown to epidemic proportions failed to accomplish its purpose.

The dissidents failed, to be sure. But they still left their scar. And I, like thousands of people around the United States, am appalled at the fact that for many, it was as simple as paying their $10 and going on their way.

One of my constituents, Mrs. Charles A. Tuttle, of Omaha, called me this morning, equally upset. She had a suggestion, and I would like to propose it to my colleagues: why not let the punishment fit the crime?

These are the people who overnight turned our downtown malls into pigpens. Let them clean up the mess. These are the people who were so busy with the paint. Let them get busy with scrub brushes. Why should Washingtonians have to bear the brunt of what, for many, has been a week of parties, wine, pot, and "doing your own thing" at the expense of everyone else? It is time these people took the responsibility for their actions.

Next time, instead of a fine, give them a bucket and brush.

CONGRATULATIONS TO OUR POLICE AND TROOPS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, I think a word of praise is in order for the police forces of the Washington metropolitan area, as well as for the troops who were brought in yeterday to deal with the proposed disruptions of our Government. The most effective device of all, in my opinion, was to displace the mob from their encampment at West Potomac Park. This threw the leaders of the mob into disarray. In fact, apparently they have been unable to regroup their mob for effective action.

I congratulate the metropolitan area police force, and I trust that same display of firm discipline will be practiced in the future to thwart efforts to disrupt the functions of our Government. Those of us who feel a sense of security from the method of handling the proposed anarchy must be thankful when we recall the days of Ramsey Clark.

AN APPEAL FOR FUNDS

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, it is often said proverbially that lightning does not strike twice in the same place—but for the second time in less than a week the Democrats have attempted an assault on my Republican pocketbook by a direct mail appeal for funds.

Only last Tuesday, in a statement which appears in the CONGRESSIONAL RECORD, I called upon Mr. Lawrence O'Brien to remove my name from his mailing list of those being solicited for contributions. At that time I expressed my surprise that the Democrats were so desperate that they were begging for contributions from Republican Congressmen—but now after a second attempt I am convinced that this must be so and that they are really grasping at straws.

Once more I call upon Mr. O'Brien to remove my name from his mailing list. If the Democrats are so hard pressed for funds they should be more frugal and stop wasting their postage by asking Republicans to help bail them out of their financial mess.

CAPITAL MAY DAY

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HUNT. Mr. Speaker, yesterday the most infamous of all May Days in this Capital took place. Preceding May Day 1971 came the declaration and the avowed intention by certain subversive units to disrupt the Federal Government, to put a stop to the orderly progression of governmental affairs in this Nation's Capital. As a result the U.S. Government and the Washington, D.C., Police Department stepped in with everything that they could command, in a most forceful manner, resulting in the arrest of 7,000 people who were incarcerated along with their infamous leader, Rennie Davis. I hope they make the charge stick on Mr. Davis, because he is one of the persons who is responsible for the most disorderly collection of hoodlums that this country has ever seen in the streets of our Nation.

I take this opportunity to say that a few of them, of course, will not be those persons who were justly picked up, and they will be, of course, discharged if found not guilty, but the majority of those who sought their level of water must now pay the penalty with submersion. Anarchy in this country cannot be tolerated and must be handled firmly.

MAY DAY ACTIVITIES

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, there has been much said in this body and the other body and the news media about what happened yesterday with the so-called May Day activities here in Washington. A moment ago a remark was made about what a terrible thing it was to make 7,000 arrests. I certainly agree. It was a sad day for our Nation and our Government when we had to make 7,000 arrests, and they could have made many more. There were many more anarchists running loose wanting to destroy our Government. I think we had to hold those people to save our Government and this city.

What really concerns me is that some in this body and some in the other body, particularly those with political aspirations who desire to be President of the United States, speak about the action of yesterday and talk of it not as an effort to overthrow our way of government by mob rule, but merely are saying it was counterproductive.

I am really concerned when we have prospective presidential candidates merely making remarks about the activity yesterday and about the anarchy in this country by referring to it as counterproductive and not criticizing it for what it really is, an effort to destroy our way of life and our way of government, and even our two-party system, our political system which I think every Member here should want to protect.

I praise the President for his bold action to stop this, the police department, the National Guard, and all those who participated in protecting our city and Government.

SHIPS TO TRANSPORT PRISONERS OF WAR, IF RELEASED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I read with great interest last week a speech by Secretary Laird in which he stated that he had been assured by leaders of neutral nations that ships would be made available to transport prisoners of war for internment in neutral countries or for their immediate release. The following day, the managing director of the Swedish American Lines announced in Stockholm that his company will make ships available to carry Americans held prisoner in Southeast Asia if they are released.

Representatives of the Saigon government have made proposals to North Vietnam that all prisoners be released to the custody of neutral countries. This proposal has President Nixon's endorsement. Unfortunately, the North Vietnamese have not replied to this very humane idea. In light of the assurance of ships to transport the prisoners, I would hope the North Vietnamese will look with favor upon the proposal and speed the release of all prisoners.

Mr. Speaker, I commend Secretary Laird for the initiatives he has taken to free our prisoners of war and hope his efforts will not be in vain.

I would urge the Department of State to use every resource at its disposal to see that all neutral nations become a part of this humanitarian effort.

A JOB WELL DONE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I think the Chief of Police of this city and the police force are to be congratulated for the method in which he handled yesterday's disturbance. There was very little blocking of the streets and no violence in arresting those people and no police brutality. They were doing what had to be done.

I called my daughter last night who is in high school back home, and she said, "Daddy, I heard and saw on television they stopped some man, and he got out, and he beat up a couple of them. Was that you?"

I said, "No, if they had stopped me, it would have been me." I want to tell you when I came to work yesterday and today, I was prepared, and if anybody tried to slash my tires, there would have been something going on—I do not mind telling you.

CONGRATULATIONS TO THOSE WHO STAND FOR AMERICA

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, congratulations are extended to those officials of government, including police and military, who have faced up to the threat of anarchy in the Nation's Capital City in recent days. They are helping to preserve America and its institutions. The refusal to yield control of our Government to the riffraff which has descended upon the Nation's Capital is a monumental step. Washington and the Nation do not need the harassment which these and other demonstrators seek to perpetuate upon us. We are indebted to the President for accepting the responsibility for strong action and to those who have carried out his decision so effectively.

America wants law and order. Now it is time to round up the ringleaders. Too few of them have been arrested. It is not enough to incarcerate the lackeys. The leaders also must pay the penalty. They have conspired against the Government and the people of the United States. There are laws against conspiracy. Let the laws be enforced.

SYMPATHIZES WITH DEMONSTRATORS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I share with many people a difference of opinion as to the tactics that were used by some of the demonstrators here yesterday. But I think it is very foolish we do not recognize that much of this activity is caused by our refusal to respond to their demands as well as to the demands of 73 percent of the people of this country for action on the part of the House to end this war.

The people have spoken out, people who represent both sides of this aisle.

The people are asking that we withdraw all of our efforts and energies from a war which has been overwhelmingly rejected by the people, a war which has never been consented to by this House, and which is being conducted now illegally and unconstitutionally by the President of the United States without our consent. We have removed the legal pretext of the Gulf of Tonkin resolution. We have adopted the Cooper-Church amendment, which originally tried to prevent the kind of invasion which recently took place in Laos.

But the war goes on, and according to the President's remarks, will go on. And the people feel a need to create a sense of urgency in this venerable body. We must act now to end the war, to end our military involvement in Southeast Asia, to limit our military spending, to address ourselves to the problems in this country we have neglected for so long, and restore the confidence of the American people in the power and representativeness of this U.S. Congress.

I should like to make one further comment about due process. All our citizens are entitled to the safeguards of the Constitution. It is our most fundamental law. They are entitled to its protection in the ordinary running of their lives and in times of crisis. What we have been witnessing the last 2 days in this city has been a complete disregard of these fundamental rights. Many innocent people have been picked up by the police, many have never been advised of the charges against them; many have had no access to a lawyer to advise them of their rights. We who are the lawmakers should not tolerate this. We must end this illegal war in Indochina now and we must create a system of justice which can function in crisis in accord with the Constitution of the United States.

The SPEAKER. The time of the gentlewoman from New York has expired.

TRIBUTE TO THE DISTRICT OF COLUMBIA POLICE DEPARTMENT AND NATIONAL GUARD

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOGAN. Mr. Speaker, I did not ask for this time to debate the war in Vietnam, but as a passing comment, 62.5 percent of my own constituents support President Nixon's stand in Vietnam.

But I did take the floor to indicate my immense pride in the Washington Police Department. They did an outstanding job yesterday and today, under the most trying circumstances, in keeping the traffic moving and in keeping the Capital of the United States safe. All of us in this Chamber, in this city, and in this country owe these police officers, who have worked long and hard into the night, a tremendous vote of thanks. It is a source of personal pride to me that so many of my own constituents and so many of my personal friends are included among these dedicated police officers.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HOGAN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I believe the gentleman would include also the District of Columbia National Guard.

Mr. HOGAN. I would accept that amendment, Mr. Speaker, and thank the gentleman from Mississippi for his reminder. I most certainly include the District of Columbia National Guard in my commendation.

CONGRESSIONAL VOTE ON VIETNAM WAR

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, an earlier speaker made the comment that if the war were to end tomorrow, the problems of the country would go on. I suspect some would go on. But I think it would be well if we could end the war and find out exactly what effect it would have in calming things down here at home.

The gentlewoman from New York made a good point. She said in effect that there has been a different kind of work stoppage around here for the last 10 years, and that is with respect to the Congress not facing up to the issue of the war in Vietnam. Let us not kid ourselves. Everyone in this Chamber knows that we have not had one vote on the war in Vietnam in either the House or the Senate in the last 10 years, and I mean a direct "yes" or "no" vote on the war in Vietnam. We even hide the money for the war in Vietnam in the Defense appropriation so that we do not have to have a specific vote on the issue.

So we do not have to congratulate ourselves on the failure of work stoppages elsewhere, when we have had a work stoppage in defiance of the Constitution right here in the House for the last 10 years.

GOVERNMENT AGENCIES SHOULD BE REMOVED FROM WASHINGTON, D.C.

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I have a litle different observation to make than some. It seems to me that when a relatively small number of people can cause so much concern and could possibly disrupt government in Washington, it is time seriously to think about moving some of the offices and agencies out of Washington. We have talked about this for a good many years, but as the Government expands and gets bigger and bigger, we continue to put about 90 percent of the agencies and increased functions into this area. I think we should look at every bill that comes up, and every time we can do so, move an office or part of an office out of Washington.

PROPOSED LEGISLATION TO FORBID OVERNIGHT CAMPING ON FEDERAL PARKS AND OTHER PUBLIC LANDS

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, in 1969 the House passed a bill—which unfortunately failed in the Senate—to forbid overnight camping, sitting in, or building a temporary building in which to sleep on Federal parks and other public lands in the District of Columbia and to forbid the issuance of a permit for such a purpose.

I am reintroducing this legislation in the hope that the House will repass it and that the Senate will this time approve it. I have added a section providing that penalties for violating this law will be up to 3 months in jail and up to $1,000 fine per person, or both.

The so-called Mayday tribe encampment and its aftermath have done extensive damage to the city, although the fine work of police and troops in controlling the demonstrators has greatly minimized the scope of disruptive activities. West Potomac Park, the campsite of the demonstrations, is covered with litter which will cost thousands of dollars to remove. Far more serious has been costly damage to private property in some areas and the tremendous expense of calling up troops and National Guardsmen.

The demonstrators cannot come to Washington in enormous numbers in order to force their will on Congress and the Nation if they do not have a place to stay.

Parklands, set aside for public enjoyment and the beautification of the Capital City, should not be used as a campground for people planning to paralyze the operation of our Federal Government.

I hope my colleagues will join me in cosponsoring this legislation.

CONFERENCE REPORT ON S. 70, RURAL TELEPHONE BANK

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 28, 1971.)

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. POAGE. Mr. Speaker, I yield 30 minutes to the gentleman from Oklahoma (Mr. Belcher).

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

This is a good report. We had very few differences to work out with the Senate. I believe the differences were resolved in the best way, and it is a good conference report and ought to be approved.

Mr. POAGE. Mr. Speaker, I yield myself such time as I may consume.

I thoroughly agree with the gentlemen from Oklahoma that this is a sound report and that it is a reasonable compromise and that it is in line with what I believe the House wants to pass. I, therefore, urge the House to accept the report.

The gentleman from California (Mr. Teague) is not on the floor now, but I talked with him only a few moments ago. He is interested in a fair consideration of the report. He does not want to delay anything, but he is not in favor of this report, and I would not want the printed record to place him in a false light.

All of the other conferees felt it was a good report. As a matter of fact, I believe we probably have a better bill now than the bill which came from the committee. I feel that both the bill and the report are two restrictive but they do let us get moving in the direction we should have moved years ago.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I rise in support of this measure and I congratulate the conferees on their efforts, and urge its passage.

Mr. POAGE. I thank the gentleman.

Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR POSTAL SERVICE TO RECEIVE PASSPORT APPLICATIONS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 409

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 531) to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport, and all points of order against section 1 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 409 provides for consideration of a Senate bill, S. 531, which, as reported by our Committee on Foreign Affairs, would authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport. The resolution provides that points of order against section 1 of the bill, providing for the transfer of such funds to the Postal Service, are waived.

Mr. Speaker, S. 531 would authorize the Secretary of State to transfer to the Postal Service the execution fee of $2 for each passport application executed by postal officials. This would be accomplished by making periodic adjustments on the books of the Treasury.

Passport applications have increased 140 percent during the period from 1960 to 1969, and this increase is expected to continue. State Department passport agencies and Federal district court clerks have been swamped with applications. It has also been found that more people must travel great distances in order to apply for passports.

To meet this passport-application crisis, the Department of State and the Post Office Department on July 1, 1970, agreed to start a pilot program for the acceptance of passport applications at certain first-class post offices in the State of Connecticut and in Detroit, Mich., and Houston, Tex. The State Department agreed to reimburse the Post Office Department $2 for each passport application executed by it since that is the same amount that is charged for this service by present offices which are authorized to process passport applications.

The pilot program has been successful and this legislation would provide for needed expansion of the service throughout the United States. The proposed authorization would expire on June 30, 1973. It is expected that by that time the departments concerned will have had sufficient experience to determine whether the procedures for reimbursement are satisfactory.

Mr. Speaker, I urge the adoption of the rule in order that S. 531 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the purpose of the bill is to authorize the Secretary of State to transfer to the U.S. Postal Service the execution fee—$2—for each passport application handled by postal officials.

Currently, passport applications are accepted at 10 State Department passport agencies located in cities around the country and by clerks of Federal district courts. These have been overwhelmed by ever-increasing applications as Americans continue to travel abroad in ever-increasing numbers. This legislation will provide a convenient and nearby location for many more Americans to apply for passports, at their local post office.

A pilot project was begun on July 1, 1970, mutually operated by the Department of State and the Postal Service in Connecticut and Detroit, Mich. It has been a success. This legislation would make it national in scope, bringing closer to many people a place to apply for their passports. The bill also permits the Secretary of State to have the Treasury credit the account of the Postal Service in the amount of $2 for each passport application processed by the Postal Service.

No cost estimate is available. Because the pilot project was very small in scope, no accurate estimate of expense or number of applications processed by the Postal Service is now possible. The authority provided in this legislation expires on June 30, 1973; by that time sufficient information should be available to determine whether the program should be made permanent.

The committee reported the bill by a vote of 20 to 3.

Mr. Speaker, I urge adoption of the rule.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 531) to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 531, with Mr. Andrews of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Ohio (Mr. Hays) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. Thomson) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has one simple purpose—to provide greater convenience for American citizens who wish to travel abroad.

A passport is a necessary document for any citizen who wants to leave the United States. The passport itself is issued only by the Department of State, either in Washington or at one of its 10 passport agencies around the country. The problem which this bill addresses is the matter of making application for the passport.

When an individual applies for a passport, he must fill out an application blank with basic vital statistics, give evidence that he is a citizen, such as a birth certificate or naturalization papers, and supply two photographs. Applications are presently taken at one of the U.S. passport agencies, a clerk of a Federal court, or a State court having naturalization jurisdiction. At the time of application, the individual pays $2 for the application and $10 for the passport itself. In the case of applications before a Federal authority, the $2 is paid into the Treasury. The law permits State courts to retain the $2 fee.

It may appear that there are plenty of places at which an individual can apply for a passport. The fact is, however, that more Americans are going abroad than ever before. Something like 2 million people will apply for passports this year. Many of them do not live close to a passport agency or a Federal court. State courts are heavily burdened with judicial duties and give passport applications a low priority. In fact, a number of State courts will not take applications. In others, it is necessary to make an appointment several weeks in advance just to have the clerk check and accept the application.

Last year the problem of service to the citizen became so critical in some areas that 45 Members of this body introduced or sponsored bills to improve passport processing. My subcommittee held a number of hearings on this subject at which Members of this body appeared or to which they submitted statements in support of improved service. The Department of State acknowledged the problem. In light of this overwhelming evidence, the subcommittee determined that corrective action was necessary.

Shortly after our hearings concluded, the Secretary of State's Committee to Facilitate Travel made its report in which it recommended that the U.S. Postal Service accept applications. Rather than press for passage of legislation we decided to let this proposal be tried on a pilot basis. By arrangement between the

Department of State and the Postal Service, 11 centers where there are first-class post offices were authorized to accept applications. As in the case of other application centers the charge is $2 for the application. This sum goes to the Treasury. The State Department has been able to reimburse the Postal Service for each application it handles from its regular appropriations. So long as the program has been on a limited basis the Department has been able to draw on its appropriations. If, however, the arrangement is to be expanded, some better way must be found to provide reimbursement to the Postal Service.

The purpose of this bill is to reduce the mechanics of bookkeeping while, at the same time, maintaining fiscal responsibility in the handling of public funds. The Postal Service will deposit the fees it collects in a separate account which periodically will be transferred to it.

I can think of no simpler, less costly, and more expeditious way to give the public the service it deserves. Many of the bills that were introduced provided for more passport agencies financed out of a revolving fund. Members should realize that the work of the passport agency is highly seasonal—heaviest from May to October. To set up more places around the country would mean additional rent, office equipment and salaries. Many employees would be seasonal workers. It is estimated that each new passport agency office will cost more than $100,000.

But more passport agency offices will not resolve the issue. Thousands of Americans all over the country will still be far removed from these new offices.

Some argue that the use of post office facilities will interfere with the mail service. This is nonsense. In the first place, the only post offices that will be used are first-class post offices. Every one of them has a window with a bonded employee to handle items such as registered mail. These employees have nothing to do with the sorting or delivery of the regular mail.

Every State has a number of first-class post offices so the workload on any one of them will be minimal. Moreover, the greatest demand for applications comes at the time of the year when the post offices are least burdened.

A question has been raised whether there will be any diminution in security—whether passports will be issued, for example, to those seeking to evade prosecution. There will be no diminution of security. All that the post offices will do is what the courts now do—take the application. It still remains with the passport office to make the necessary security determination before issuing the passport.

I saw a newspaper story—evidently planted—that the rate of error in application handling by the Postal Service was much higher than that of the courts. I asked the Department for a statement on this accusation. Because the Boston passport agency has handled about 60 percent of post office applications, a study was made there. The error rate for applications made in post offices in that jurisdiction was 5.5 percent compared with a rate of 5.2 percent for the courts.

Finally, this bill carries a 2-year authorization. Congress will have an opportunity to review the entire operation then and determine whether it should be extended or terminated.

I can think of no more efficient way to give the public the service it should have and still not add to the cost of Goverment. In fact, this bill will even produce a small amount of revenue to the extent that the post office is used instead of State courts. Frankly, I do not look on this bill as a big moneymaker. It will be a self-supporting service. And it meets the appeal of President Nixon to bring Government closer to the people.

Mr. Chairman. I urge the House to pass S. 531.

So that there is really no significant difference.

This is an administration bill. The administration wants it. It was reported out of the committee, I believe, with only three votes against it. I urge that the House pass the bill.

Mr. Chairman, a couple of questions have been asked; I want to answer them for the benefit of the Members.

One Member asked, in view of Mr. Blount's edict, will a postal employee jeopardize his job if a Congressman intercedes for an applicant?

The answer is "No." The post office, like the courts, simply accepts the application. Neither the courts nor the post office can hold up the application.

A Member would intercede, if there was any adjudication to be done, at the State Department or the passport agency. That is where you would intercede. This would continue to be done. A Congressman can still seek expeditious handling by contacting the State Department or one of the passport agencies.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I want to commend the gentleman from Ohio (Mr. HAYS) for his comments on this legislation, but more importantly I would like to commend the gentleman from Ohio for his early awareness of this problem which has been confronted applicants for passports in the past, particularly with many people from the Northeastern States and Texas and Michigan, and other areas of the country. These Members came to the chairman and his subcommittee and explained to him the long waiting time which took place in certain urban areas in obtaining passport applications and getting them processed properly.

The gentleman and his subcommittee reacted sympathetically and held hearings, and did attack this problem, and did come up with solutions by providing the pilot programs in the post offices in Connecticut, Michigan, and Texas. I understand that it has worked well, and I undertsand it has reduced that long waiting period which thousands of people have endured.

Again I certainly want to commend the gentleman for providing a remedy to the situation which had heretofore caused so many American people to wait in long lines and in cities far distant from their homes in order to obtain a passport.

Mr. HAYS. I thank the gentleman from Connecticut (Mr. GIAIMO). I want to say to the gentleman that this matter was brought to my attention as chairman of the subcommittee by the gentleman from Connecticut (Mr. GIAIMO) and also the gentleman from Connecticut (Mr. MONAGAN) and many others.

This has not been a problem in my constituency. There will be no post offices handling this in my constituency, but I could readily see that it was a problem for other Members. You always hear around here that Congress is not responsive, it does not react. Well, the Congress is responsive and it does try to react as soon as it is aware of a problem.

The remarks made by the gentleman from Connecticut (Mr. GIAIMO) brings up the next question: How many post offices will be made available for applications if this bill passes?

At the moment there are 11 accepting applications—eight in Connecticut, two in Texas, and one in Michigan. If this bill passes, the State Department plans an additional 91–32 in Massachusetts, principally around the Boston area for the convenience of the people in and around Boston who are having to stand in line. In New York City and in the suburban areas, 26; the San Francisco area, 24; and in Minnesota nine.

This is not to say that others will not be added if a problem arises, but these are the places where they have found a problem existing now, and these are the places they propose to correct the situation.

The third question that has been asked of me: How many employees does the passport division have?

At the moment they have about 300 permanent employees in Washington, and about 200 permanent employees in the field, plus several hundred temporary employees outside of Washington. The problem is to staff these agencies for 5 months of heavy work.

Some people said, "Let us open up more passport agencies." Well, this would just compound the problem we already have. This work for the Post Office Department comes at an off season for the Post Office. The big season for the Post Office occurs when the demand for passports is low, such as in the Christmas season. At times like that there are relatively few applications being received for passports.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise today in support of S. 531.

This legislation, which the gentleman from Ohio has explained in some detail, will enable the Federal Government to improve its service to the increasing number of Americans who apply for passports yearly.

At present, passport applications are accepted through the Department of State's 10 passport agencies located in principal cities, and by clerks of court in Federal district courts and various State courts. As the committee report notes, these facilities have been overwhelmed by the growing number of applications.

The program authorized by this legislation will enable the State Department to expand the program for acceptance of passport applications at post offices. Such an expansion will be a great convenience to our constituents, particularly those who live in an area from which large numbers of Americans travel abroad.

Mr. Chairman, I urge that we approve this legislation and permit this new approach to the handling of passport applications.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I rise in support of this legislation, which does no more than authorize the Secretary of State to transfer to the Postal Service the execution fee of $2 for each passport application. I support this bill, because it does represent a substantial step in the direction of providing our people with the type of service they are entitled to in making their applications for a U.S. passport.

For several years we have been in a situation of crisis which the gentleman from Connecticut (Mr. GIAIMO) has referred to, a situation in our State, and in certain other areas. It has been said by the gentleman from Ohio that the applications for new passports in the Nation rose in 9 years by 140 percent, and certainly this was true of our State.

In addition to the rise in volume, the Connecticut courts which had always accepted these applications, refused to do so further, and, therefore, there was no place for people to go who had customarily been able to go a reasonably small distance to make their applications. Many of them had to go out of the State, to New York, in order to do it. So I think the Department of State should be given credit for taking this step. And particular credit is due to Barbara Watson, the Administrator of the Bureau of Security and Consular Affairs of the State Department who after the report of the Special Committee To Facilitate Travel, which was headed by Senator Saltonstall, put a pilot program into effect. So successful has this program been that it is now recommended that it be expanded and that the amount paid for the passport should be transferred to the Postal Service to compensate them for the time involved.

Another beneficial result of the test program has been the fact that in our Connecticut probate courts some 97 of them have also agreed to join in taking applications for passports. So as a result of the activities of Members of Congress, of the hearings of this committee, and a result of the interests and action of the State Department, we now have an infinitely better system than we had before and one that is giving service to the people.

This bill, whose counterpart I introduced in the House, and which has been recommended by the Secretary of State, would expand a successful passport application test program that has been operating in Connecticut and two other States for the last half year. It would also provide an additional source of revenue to the Postal Service.

The need for efficient passport procedures has become only too evident during the last decade. Between 1960 and 1969, applications for new passports rose by 140 percent. In fiscal year 1970, passport demand reached an all-time high. The passport office reports that it issued 2,079,863 passports, an 18.2 percent increase over fiscal year 1969. Fiscal 1971 projections forecast an additional 12 percent increase.

This decade-long rise in the number of Americans traveling abroad has of course strained existing passport facilities to the breaking point. Many applicants must now travel significant distances and wait inconvenient periods of time to have their applications accepted. Delays and congestion during the rush season have become intolerable. At passport agencies themselves, work backlogs and extra hours have become a way of life.

I have tried to remedy this situation for some time now, and am pleased that progress has been made. During the 1970 hearings of the Subcommittee on State Department Organization and Foreign Operations of the House Foreign Affairs Committee, I suggested to the State Department that probate courts in Connecticut could ease the annual passport logjam by accepting passport applications. In August 1970, the State Department enacted this suggestion, and during the 1971 passport hearings, the Administrator of the Bureau of Security and Consular Affairs for the State Department, Barbara M. Watson, testified:

> At our request, the Probate Assembly of the State of Connecticut approved the participation by Connecticut Probate Judges in the taking of passport applications. As a result some 96 Probate Courts in Connecticut are now accepting passport applications. These measures have ameliorated the problem in certain areas of the country. They are not, however, a complete solution.

I also wrote to former Senator Leverett Saltonstall, chairman of the State Department Committee to Facilitate Travel, and suggested immediate administrative action to improve passport application procedures. In June 1970, the State Department announced that 12 first-class post offices in eight Connecticut cities and in two cities in two other States would take passport applications on a 6-month trial basis. Miss Watson testified to the success of this program, especially for Connecticut citizens. During the 6-month trial period, 12 Connecticut post offices processed 7,074 passport applications. The two other cities participating in the program, Detroit and Houston, processed 2,408 and 1,485 passports respectively.

The legislation under consideration by the House today will allow the State Department to expand this successful test program. This pilot project has made more convenient passport service available at the community level, and it has done this through already existing facilities, with a minimum of new bureaucracy. The argument is sometimes made that the program will interfere with mail delivery. However, clerks and not mail handlers or carriers will normally administer passport services, and mail efficiency will not be affected. This legislation therefore deserves the support of all of my colleagues. Its passage will provide an essential step toward efficient passport services for the American public.

There is an argument made that this proposed expansion of service would interfere with the moving of the mail. Certainly, I would be the last one to want to do that. I believe, however, that because of the type of clerks who would be involved, because of the relatively small volume, and because it does not affect the mail handlers and those who actually deal with and deliver the mail, it would not impose any substantial burden on the Department and it would be a source of income at the same time.

Mr. Chairman, I support this legislation, and I hope that it will have the support of all Members of this body.

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise in opposition to this bill, and for the reason that we have absolutely no business in Congress at this time, of all times, of adding additional burdens, not related to moving the mail, to the postal service.

I was particularly interested to hear the gentleman from Ohio (Mr. HAYS) say that even more postal employees are going to be used to process applications for passports in San Francisco.

The Postmaster General, who is also Chairman of the Board of Governors of the new Postal Corporation testified before the House Post Office and Civil Service Committee only about a month and a half ago in his first appearance since the Corporation was established, and stated that in San Francisco it takes 11 days to deliver certain categories of mail within that city. Yet the gentleman from Ohio tells us that even more postal employees in San Francisco are going to be used, not for the purpose for which they were hired but to issue passport applications. The gentleman says it is nonsense.

I say how nonsensical can you be here today to load these added duties on postal employees who are unable now to move the mail.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I said—and I hope the gentleman listened carefully—that no employee who is engaged in moving the mail would be used for this purpose; that they would be bonded clerks who are involved in handling registered mail, and things like that.

If you go into a big post office, you can find them standing there doing nothing. In their spare time they would be accepting these applications.

I know mail does not move, not only in San Francisco but in other places, but by using people who are not involved in moving the mail, I cannot possibly see any objection to this measure.

Mr. GROSS. The gentleman assumes that all that is involved in the issuance of passports in a first-class post office in this country is someone standing at a window. I doubt if the committee, in its hearings, went into the question of how many hours are spent by employees of the various post offices answering telephone inquiries concerning the issuance of passport applications?

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. The post offices will not issue passports.

Mr. GROSS. I said passport applications.

Mr. HAYS. They do not issue the application. They take the completed application, check the photographs to determine that they are of the applicant, take his oath that his answers are true. That is all. It is then sent to the passport agency. He pays $2 for the application and $10 for the passport.

Mr. GROSS. All right. All right. It is a process of providing a passport application. If you want to play around with semantics, go right ahead. The fact remains that there is now a duty and a responsibility upon certain postal employees, not only to process passport applications, but to answer their telephones in season and out and provide information on the procedure for making these applications.

Mr. HAYS. I do not think there will be any telephones.

Mr. GROSS. I say again that the Postal Service has no business taking on this added duty and I do not care whether it is a clerk at a window or an employee answering the telephone and trying to provide information. Their business is to move the mail; to collect and distribute the mail. It is not to process passport applications.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I do not know about the gentleman's constituents, but my constituents are too smart to call a Government bureau about anything, because they know they are not going to get an answer, whether it is the post office, passport agency, or what have you. If they want an answer, they call my office.

Mr. GROSS. Well, I would hate to think that all the wisdom in the world reposes in any Congressman's office, or that all the answers to everything are to be found in the gentleman's office. Sooner or later the gentleman has to go to the bureaucracy. Do you not do so?

Mr. HAYS. All the time, every time, but the bureaucracy will respond to a Congressman whereas normally they give a constituent a smart aleck answer.

Mr. GROSS. I am absolutely opposed to this imposition of new duties upon those who man the Postal Service until, and unless, it demonstrates to the public that the mail is being moved with certainty and expeditiously.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. May I have 2 additional minutes?

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield the gentleman from Iowa 2 additional minutes.

Mr. GROSS. I thank the gentleman from Wisconsin.

Recently, I read the story of a woman in Philadelphia who lost a valuable parcel that was being transported through the mail. After repeated and prolonged efforts to find some trace of this valuable package, the suggestion on the part of a postal employee was, "Light a candle and pray it may come to light someday."

The gentleman says the pilot program of processing applications in post offices has been successful. I see no evidence whatsoever that any official of the Postal Service appeared before the gentleman's committee to state on the record that the pilot program has been successful.

So far as contact with employees is concerned, I do not know what experience the gentleman from Ohio has had with the new Postal Service, but when I call over there I am told to whom I can talk and to whom I cannot talk. I suspect that is the gentleman's fate.

And the gentleman is now under the edict issued by the Postmaster General which prohibits him from contacting ordinary postal employees, and they cannot contact him. This means if the gentleman or any other Member of Congress has any difficulty in behalf of an applicant for a passport he is going to have to talk to the person assigned to him by the Postmaster General to redress whatever complaint he has.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman I was in that unfortunate status up until January of this year, and then I became chairman of a committee. Now when they give me that answer I say, "Listen, you: do you want to come up and talk to me or do you want me to send a Federal marshal after you with a subpena"?

Since I have become a chairman I have found I can talk to anybody. Sometimes I have to get a little rough.

I agree with the gentleman it should not be that way, but I do not put up with that foolishness, and I have authority now.

They say, "What jurisdiction does your committee have over me?" I say, "Come up and I will tell you when you get here."

Mr. GROSS. I do not know whether I should say it is fortunate or unfortunate that we cannot all be chairmen of committees.

Mr. HAYS. Unfortunate.

Mr. GROSS. Mr. Chairman, I am opposed to the bill. The Postal Service has no business getting into the field of passports at this time.

Mr. HAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I thank the gentleman for yielding to me.

I represent one of the cities that has had considerable complaint about the passport service.

Although this bill will not cure the problems for the city of Houston and its rapid growth, I do think it is a step in the right direction. As I understand it, additional studies are being made to try to cure some of the problems that some of us in the larger cities have that are not processing points or issuing points This bill will alleviate the problems of the public in regard to standing in line at one central point. I think when they find post offices are being used for the taking of applications—and, as I understand it, they may even have more than one post office in a major city handling them—that will be a help.

Mr. HAYS. Will the gentleman yield?

Mr. CASEY of Texas. Yes; I am glad to yield.

Mr. HAYS. They may very well have six or seven branch offices accepting them in the suburbs. I will say to the gentleman that if this approach does not alleviate the problem in Houston, we will take another look at it and a continuing look at it. I would ask the gentleman, if this bill passes, to let them continue it down there. If it does not work, if he will talk to members of the subcommittee, we will do everything we can to help them.

Mr. CASEY of Texas. I am going to support the bill because I do think it is a progressive step, and I want to thank the chairman, the gentleman from Ohio, and the members of his committee for the very fine cooperation I have had in trying to alleviate my problem. I could not ask for better help from the chairman and his committee, particularly the chairman. His interest has been greatly appreciated not only by myself but the people of Houston.

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I doubt if this bill has any earthshaking significance. The discussion indicates that perhaps the subject is not one about which all of the members of the Committee on Foreign Affairs are very knowledgeable. I must admit, for instance, that I am not knowledgeable about the business of whether or not passports have been processed rapidly enough and what the reasons for the delay are.

My reason for voting against the bill is quite simple. I have an instinctive feeling that the Post Office is an inappropriate agency to be taking an oath regarding an individual's application for a passport. I have the strong feeling, also, that the Post Office is already overburdened in its primary function; that is, getting the mails delivered in a reasonable course of time.

I would suppose that if there is a delay, it may arise in part because of the difficulty in processing the applications here in Washington and not because of delays in the field. So far as I know, in my own area of New Jersey there is no undue delay and the process of accepting applications is one that can be handled without resort to post offices.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. HAYS. I think New Jersey probably does not have much of a problem. I think perhaps they are handled in the State courts up there. Is that correct?

Mr. FRELINGHUYSEN. That is the case.

Mr. HAYS. In Connecticut, for example, State courts do not handle it or did not handle it, so it was necessary to go to a Federal court. The problem was not getting the passport issued. The problem was to have the application handled. It got so bad that you had to call up and make an appointment 3 weeks in advance with the court simply to get your application accepted. That is the thing we are trying to cure. My suggestion, if I may say so, the gentleman, is let the notaries public do it.

Mr. FRELINGHUYSEN. I might say to the gentleman from Ohio that it does seem to me if there is delay in the field, perhaps the process should be changed. I am not quite sure what the significance of the oath taking is in any event, but I would think that a simple notarization of an application would be adequate to discharge any obligation that may exist.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, will the gentleman yield to me?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. HAYS. May I say further to the gentleman that I probably agree with him. Maybe we ought to dispense with the oath altogether. But when you mention that you get anguished outcries about security and that this would jeopardize the security of the country. I suggested let us use notaries public, and I got an anguished outcry from the Passport Division. They say, "Oh, we cannot do that. There are 50 States and 50 different sets of laws governing who is qualified to be a notary public. You cannot do that. You will be jeopardizing the security of this Nation." So we tried to do it in another way. I am not wedded to my way. I am just trying to break ground here to help out some Members of Congress.

Mr. FRELINGHUYSEN. I appreciate the gentleman's comment. It underlines the reasons why I shall vote against the bill.

Mr. THOMPSON of Wisconsin. Mr. Chairan, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, my basic reasons for joining in the opposition to this bill are based on my membership on the Post Office and Civil Service Committee rather than my membership on the Foreign Affairs Committee.

I do note, however, one feature of the bill I think is positive.

I would hope the chairman of the subcommitee, the gentleman handling the bill, the gentleman from Ohio (Mr. HAYS), would concur with me that it is practical to set a June 1973 limit on this legislation so we can at that point review the record that would then be available to us.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman knows that I am very strong for setting limits on legislation. The State Department comes up every 2 years regularly and asks me for an open ended, ad infinitum authorization to spend money for their buildings. Every time I say to them, "We will give you money for 2 years and we will see how well you have done." That is the reason for it. We do want to take another look at it and we do want to get the evidence and we do want to see if the plan works. And, I will say to the gentleman that if it does not work, I will be the first one to try to go to some other method.

Mr. DERWINSKI. I thank the gentleman.

I should like to remind the Members that in the basic thrust of the recent postal service reorganization we have, in effect, segregated the postal service from the rest of the Federal Government. For example, the employees of the postal service will no longer be civil service employees. They will be covered by a contract negotiated by management and labor. The operation of the department will basically be beyond the jurisdiction of even the President who will appoint nine members of the Board of Directors, but who will have little control over them or their policy.

The question might well arise as to whether or not 2 years from now the Postal Service will wish to keep this additional obligation and responsibility.

Incidentally, I noted when testimony on this matter took place before the Post Office and Civil Service Committee in July 1970, at that time the Post Office indicated that this was a test, they did not indicate any great desire or, frankly, any real opposition to being handed this assignment. However, in testimony presented to the committee they did list a number of services that they render for other departments and agencies of the Government, including the Department of Commerce, the Department of Defense, the Peace Corps, the Agency for International Development, the Department of Justice, the Department of the Interior and Treasury.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield further to the gentleman from Ohio.

Mr. HAYS. In fact what this bill is all about is that they are doing this now but are not getting paid for it. All this bill merely proposes to do is to allow them to be reimbursed the $2 fee which the State courts now keep, but this will now be transferred to the Post Office Department. I suspect that might have had, in view of the big deficit, some effect upon their decision and that they are a little more willing, in fact, a little bit anxious, to go ahead and do this processing. But, basically, this is supposedly a trial.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. Of course, if this bill does not pass the Postal Service will not be reimbursed and I assume it will quit the business of processing applications.

Mr. DERWINSKI. I would suspect that the gentleman from Iowa, as the ranking minority member on the Committee on Post Office and Civil Service, is much closer to the Postal Service than am I and is in a better position to speak for the Postmaster General.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. I yield further to the gentleman from Iowa.

Mr. GROSS. I am not at all convinced of that. You have convinced me to the contrary, last year.

Mr. DERWINSKI. But I do feel, Mr. Chairman, that this is a saving feature in this bill which is the fact that it limits to only 2 years the authority. I honestly feel that 2 years from now we may find the Post Office asking to be relieved of this burden. I would certainly hope that at least in this period of time we will have some statistics to show the real existency of error, and the problems that this may or may not cause. All we are working on is hearsay. However, I do wish to reemphasize that my personal opposition to the bill is based more on my experience with the Post Office Department than with the State Department.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOLAND. Mr. Chairman, I want to express my support for this legislation empowering the U.S. Postal Service to take passport applications. American travelers now must apply for passports at the State Deartment's baffling few passport offices—just 10 of them exist—or at a handful of Federal and State courts. Now that the number of Americans traveling abroad is steeply moving upward, the bureaucratic delay and dithering they encounter in seeking passports is increasing proportionately.

People in my home city of Springfield, Mass., for example, often endure long waits, because of the mountainous backlog of passport applications gathering dust at the Federal courthouse there. In other parts of the country—indeed, in many parts of the country—the traveler's plight is equally grim.

The welcome relief this bill would offer—in time saved, in redtape cut—is more than obvious. An experimental program allowing a few first-class post offices to take passport applications, in operation for almost a year now, has been a striking success. The legislation now before us, therefore, is not one of those visionary new programs that founder even before they begin. It is firmly rooted in first-hand experience. Bringing passport services to post offices throughout the United States, the bill would make traveling the pleasant experience it should be.

The right to travel freely is fundamental to our way of life, Mr. Chairman, and we in the Congress must do our best to keep anything from inhibiting that right.

Again, I urge prompt passage of this bill.

Mr. VANIK. Mr. Chairman, I rise in support of S. 531, a bill which will enable passport application to be executed in first-class post offices throughout the country. This is a simple and easy reform—but a long overdue one.

Last year I testified before the Subcommittee on State Department Organization and Foreign Operations of the House Foreign Affairs Committee on the need for legislation of this sort.

At that time, I reported a situation which I had been observing for some time in the Federal Office Building in Cleveland where one of my District offices is located. During the entire spring of 1970—and of this year—there have been lines out in the hallways of the building of 20 or 25 people waiting, long hours, to have their passport applications reviewed and have the oath of allegience taken. Naturally, with my congressional office right across the hall, some of these people have come into my office to make some very formidable protests about the terrible delay and the congested condition of the passport office. This delay is not the fault of the Cleveland passport officials. They have worked hard to meet the load of work thrust upon them. They have done a good job. There is simply too much work for this small staff of two people to handle—last year they handled over 22,000 applications in a single year. As a result the service which has been provided is totally inadequate for the Cleveland community; the same problem exists throughout the country.

This is why I support this bill which will enable the Department of State to expand the program for acceptance of passport applications from a few "experimental locations" like Detroit to post offices in the areas of heaviest application load and eventually to first-class post offices everywhere. At present, passport applications are accepted, generally, only through the Department of State's 10 passport offices located at various principal cities and by clerks of court in certain select courts. This is obviously inadequate when one considers that the volume of passport applications rose 140 percent between 1960 and 1969. Since the Postal Service's workload is lightest in the spring and summer when passport applications are heaviest, the service will easily handle the extra workload.

I hope, Mr. Chairman, that this bill will pass today.

Mr. THOMSON of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. HAYS. Mr. Chairman, I yield myself 1 minute in order to conclude debate.

Mr. Chairman, as the gentleman from Illinois (Mr. DERWINSKI), has said, this is a trial program. He said there has been no evidence adduced that there is not a big error; there is evidence. A study was made of the Boston office, I read that earlier, and the error is only three-tenths of 1 percent difference between the Post Office and the people in the courts who have been doing it for years and years.

I think it works. I think it will help the taxpayers. I think it will be convenient for the public. The bill passed, I believe, unanimously in the other body, and I see no reason why it should not be passed here. It is a trial run for 2 years.

Therefore, Mr. Chairman, I urge that the bill be passed.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso clause in section 1 of the Act of June 4, 1920, as amended (22 U.S.C. 214), is hereby further amended by striking out the period after "$2" and inserting in lieu thereof "or to transfer to the Postal Service the execution fee of $2 for each application accepted by that Service."

SEC. 2. The amendment made by this Act shall become effective on the date of enactment and shall continue in effect until June 30, 1973.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 531) to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport pursuant to House Resolution 409, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 241, nays 124, not voting 67, as follows:

[Roll No. 79]

YEAS—241

Abbitt
Abernethy
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bergland
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carney
Carter
Casey, Tex.
Celler
Cleveland
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Danielson
de la Garza
Dent
Dickinson
Dingell
Donohue
Downing
Drinan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Fountain
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Hagan
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Latta
Link
Lloyd
Long, Md.
Lujan
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKinney
Macdonald, Mass.
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Mills
Minish
Mink
Minshall
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Konski
O'Neill
Patten
Pelly
Perkins
Pettis
Pickle
Poage
Podell
Poff
Price, Ill.
Pucinski
Quie
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Tiernan
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Whalen
White
Whitten
Widnall
Wolff
Wright
Wyatt
Yates
Young, Tex.
Zablocki
Zwach

NAYS—124

Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brotzman
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Byron
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Collier
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dulski
Duncan
Dwyer
Edwards, Ala.
Eshleman
Flowers
Flynt
Forsythe
Frelinghuysen
Frey
Galifianakis
Gettys
Goldwater
Goodling
Gross
Grover
Gude
Haley
Hall
Hammerschmidt
Hastings
Henderson
Hillis
Hunt
Hutchinson
Johnson, Pa.
Jones, N.C.
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Leggett
Lennon
Lent
McClory
McEwen
McKevitt
McMillan
Mathis, Ga.
Miller, Ohio
Mizell
Myers
Nelsen
Nichols
Patman
Peyser
Pike
Pirnie
Powell
Preyer, N.C.
Price, Tex.
Quillen
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Skubitz
Smith, N.Y.
Springer
Stafford
Steiger, Ariz.
Stratton
Stuckey
Talcott
Terry
Waldie
Wampler
Ware
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wydler
Wylie
Wyman
Young, Fla.

NOT VOTING—67

Abourezk
Addabbo
Alexander
Anderson, Tenn.
Ashley
Biaggi
Burton
Carey, N.Y.
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Cotter
Davis, Ga.
Delaney
Dellums
Denholm
Diggs
Dorn
Dow
Dowdy
Edwards, La.
Esch
Foley
Ford, Gerald R.
Ford, William D.
Frenzel
Green, Pa.
Griffin
Gubser
Halpern
Hawkins
Hébert
Jacobs
Jonas
Long, La.
McCulloch
Madden
Mann
Metcalfe
Miller, Calif.

Mitchell
Moorhead
Murphy, N.Y.
O'Hara
Passman
Pepper
Pryor, Ark.
Purcell
Rangel
Rarick
Rees
Riegle
Rostenkowski
Runnels
Ruppe
Sisk
Snyder
Spence
Staggers
Stokes
Thompson, N.J.
Thone
Watts
Yatron
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Staggers with Mr. Snyder.
Mr. Madden with Mr. Jonas.
Mr. Green of Pennsylvania with Mr. Esch.
Mr. Rostenkowski with Mr. Thone.
Mr. Passman with Mr. Zion.
Mr. Carey of New York with Mr. Halpern.
Mr. Murphy of New York with Mr. Don H. Clausen.
Mr. Runnels with Mr. Spence.
Mr. Purcell with Mr. Frenzel.
Mr. O'Hara with Mr. Ruppe.
Mr. Miller of California with Mr. Riegle.
Mr. Thompson of New Jersey with Mr. McCulloch.
Mr. Watts with Mr. Yatron.
Mr. William D. Ford with Mr. Clay.
Mr. Delaney with Mr. Diggs.
Mr. Dow with Mr. Dellums.
Mr. Denholm with Mr. Moorhead.
Mr. Ashley with Mrs. Chisholm.
Mr. Addabbo with Mr. Anderson of Tennessee.
Mr. Sisk with Mr. Metcalfe.
Mr. Mann with Mr. Long of Louisiana.
Mr. Burton with Mr. Hawkins.
Mr. Jacobs with Mr. Alexander.
Mr. Biaggi with Mr. Abourezk.
Mr. Rees with Mr. Stokes.
Mr. Foley with Mr. Mitchell.
Mr. Cotter with Mr. Rangel.
Mr. Rarick with Mr. Davis of Georgia.
Mr. Clark with Mr. Dorn.
Mr. Dowdy with Mr. Edwards of Louisiana.
Mr. Griffin with Mr. Pryor of Arkansas.
Mr. Pepper with Mr. Gubser.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FREEDOM OF CHOICE IN SELECTING SCHOOLS

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY of Texas. Mr. Speaker, I have today introduced a joint resolution proposing an amendment to the Constitution emphatically guaranteeing to the parents or guardians the freedom of choice in selecting the school their child or ward attends.

It would give solely to the parent or guardian, and to the local school authority, the right and duty of designating which school a student shall attend.

And it would state emphatically that such a decision "shall not be impaired or denied, either directly or indirectly, by this Constitution, or by any law, ordinance, regulation, or action of the United States, or of any State or political subdivision thereof."

This resolution, and this entire issue, has nothing to do with integration or segregation—for every child in our land is fully entitled to the highest quality education in the best of facilities that we, as taxpayers, can afford.

I view this issue solely on a basis which we, as Americans, hold so dear. And that is the right of our people to select a home near a school, and expect that our children shall attend it. In doing so, we, as parents, consider such dominant factors as the quality of education our child shall receive, the safety of our youngsters in journeying to and from class, and the convenience of public facilities and recreational areas in the neighborhood of our choice.

The U.S. Supreme Court, in its recent decisions, has in effect denied that Americans have the right to make this choice—and that it is legal, constitutional, and indeed, desirable, that children shall be bused to distant schools to achieve some quota of racial balance set by a court.

The Court's decision, unless action is taken by Congress, has sounded the death-knell for the concept of the neighborhood school. And it is going to have a tremendously detrimental impact on the quality of education in the public school system of America.

Mr. Speaker, we, in this body, on several occasions have expressed our opposition to a program of forced busing through enactment of the Whitten-Casey amendments to educational appropriation bills prohibiting expenditure of Federal funds to implement such a policy. The American people have been vigorous in their opposition to a program of forced busing and the destruction of the concept of the neighborhood school system. The administration has repeatedly stressed that it, too, was opposed to forced busing.

As an attorney, I view the decision by the Court as highly questionable, and an unacceptable interpretation of the Constitution.

The joint resolution I introduced today will make it emphatically clear to all concerned that we believe that freedom of choice in selecting schools for their dependents is one of the rights guaranteed to a citizen by this great document. I urge my colleagues to join in support for this measure.

NEW ROLE OF TENNESSEE STATE UNIVERSITY

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, the campus of Tennessee State University is located in Nashville, Tenn., in my congressional district. This great institution has a rich heritage of educational achievement and service to the State of Tennessee and the Nation. It is a land-grant university with a dedicated faculty and staff, a dynamic student body, and illustrious alumni serving throughout the State of Tennessee, the Nation, and the world.

Since its founding in 1912, TSU has produced 14 college and university presidents; nearly 30 percent of the Nation's black engineers; school superintendents in centers such as St. Louis, Mo.; Gary, Ind., and Detroit, Mich., as well as 70 percent of the black principals and teachers in the State of Tennessee, judges, State senators, State legislators, city councilmen, and many other local and State government leaders. Since 1953, it has produced more than 300 Air Force officers who are now of field grade or above.

Recently the State of Tennessee Board of Education, recognizing the past services of TSU and its opportunities for greater future service to the State and Nation, issued a position statement on the new role of TSU.

So that my colleagues in the House may know of the challenging role assigned to TSU, I am including in the RECORD the most recent policy statement promulgated by the Board of Education of the State of Tennessee:

POSITION STATEMENT OF THE TENNESSEE STATE BOARD OF EDUCATION REGARDING TENNESSEE STATE UNIVERSITY

At the outset we express to the administration, faculty and student body our deepest gratitude for the warm hospitality and friendliness extended to us at the March 16 meeting of the Board of Education on the Tennessee State University campus.

The Board has long recognized the singularly magnificent tradition of service provided the State and nation by this great institution. The presentations made to the Board by the staff and the President of the Student Council provided additional insights into the comprehensive role and operations of this institution and confirmed our high regard for its enlightened and dedicated public service. It is against this background of understanding of the past achievements, problems and aspirations of the University that we consider its present and future role and scope.

It is our genuine belief that in the future Tennessee State University cannot accept—nor can the State of Tennessee afford—the outmoded past role of an essentially black institution. This is a Tennessee school, supported by Tennesseans, staffed by Tennesseans, and for the most part, serving Tennesseans. It is a Land-Grant institution.

Tennessee State University must move from the traditionally black school position of relative isolation into the mainstream of the total educational function serving all Tennesseans regardless of race and ethnic heritage.

To accomplish this objective, the cooperation of the total Tennessee community is required—service organizations, social groups, government agencies, other educational institutions—all must realize that here at Tennessee State University there is now, and exists for the future, an educational base on which we must build a viable institution to better serve all the citizens of Tennessee. This Board expresses its full faith and confidence in the ability of Tennessee State University—its administration, faculty, and student body—to serve the educational needs of the many individuals and groups in the State.

We call upon Tennessee State University to exercise its most creative talents and ingenuity to plan, devise, propose, promote and implement policies, programs, and attitudes that will move this institution into more progressive activities to serve not just the black community but all the citizens of Tennessee.

Unanimously adopted by the Tennessee State, State Board of Education, March 16, 1971.

RESOLUTION TO AUTHORIZE INTERMENT OF UNKNOWN SOLDIER OF VIETNAM WAR IN ARLINGTON NATIONAL CEMETERY

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, today I have introduced a House joint resolution to authorize the interment of an unknown soldier from the Vietnam war in the Arlington National Cemetery, Va., to be implemented after the United States has concluded its participation in the hostilities in Southeast Asia.

Fifty-one years ago, on December 21, 1920, a similar resolution was introduced in the House, the adoption of which resulted in the creation of the Tomb of the Unknown Soldier. Over the years, that marble monument which is the final resting place of a fightingman from World War I, whose identity is known only to God, has become a national shrine, representing the American ideals of valor, duty, sacrifice, and patriotism. Protected by a guard of honor during daylight hours, it has become a symbol for all our citizens of the American spirit of freedom and democracy which are the cornerstones of our Republic in both times of peace and times of war.

The original resolution which resulted in the establishment of this shrine was introduced in Congress by my father, Hamilton Fish. It was the last piece of legislation signed into law by President Woodrow Wilson, before he left office in March 1921.

Unknown casualties of World War II and the Korean war have joined their comrade of World War I and are also enshrined near the tomb at Arlington. The action to place these unnamed and unknown representatives of those who died in those later conflicts was made through Executive order issued by President Eisenhower in 1958.

The House joint resolution I have introduced today reads as follows:

H.J. RES. —

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is hereby authorized and directed to cause to be brought to the United States, a body of an American who was a member of the Armed Forces, who served in Southeast Asia and who lost his life during the Vietnam War and whose identity has not been established, for burial in the Memorial Amphitheatre of the National Cemetery at Arlington, Virginia.

SEC. 2. The implementation of this Joint Resolution shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as established by the President or the Congress of the United States.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Joint Resolution.

Mr. Speaker, this resolution differs from the resolution adopted by Congress in 1921 in only one important respect, and that is the timing. That first resolution which established the Tomb of the Unknown Soldier was passed shortly after the cessation of the hostilities in World War I. On the other hand, this resolution is introduced while the Indochina conflict, although nearing an end, still rages.

It may well be asked, why this difference in timing. Why have I introduced this resolution, which, when enacted, will not become effective until the U.S. participation in the Vietnam war has ended? My reasons are many.

First, and of primary importance, I introduce this resolution at this time because of the unique difference in the nature of the Vietnam war from those wars which preceded it. It is a war which started so gradually that it was not immediately apparent to the public, or even to the Congress, what would develop of our commitment or what sacrifices would be required by those who served in the Army, Navy, Air Force, and Marines in that far-off land.

Yet, in spite of the obscurity of its beginnings, over the years it has become the longest war in our history, has resulted in over 50,000 dead, over a quarter of a million wounded, and has involved 2.5 million of our young American fightingmen. Because of these facts it has mustered a lower level of public support than any other war in our history.

Another tragically unique feature of the Vietnam war is that, unlike World War I, World War II, or even Korea, the weight of the sacrifice has been borne almost in its entirety by those who have fought in Vietnam, and by their parents and loved ones who have grieved alone over the death or maiming or capture of a son, a husband, or a close relative. There has been no rationing. There has been no public or widespread sacrifice. Rather there has been a national policy of business as usual, so that the very real loss suffered by a minority of our citizens has tended to be forgotten or ignored by the majority.

Because of all these facts which have fueled public discontent with this conflict, opposition to this war has reached such a level that many seriously question the worth of the sacrifice made by so many young Americans. There are even doubts in the minds of many veterans who have survived the conflict and returned to this country whether their sacrifice and the sacrifices of their brothers were worthwhile. They wonder—and who can blame them—if anyone even cares.

I am introducing this resolution at this time of heightened protest against the Vietnam war, so that Congress, through its adoption can proclaim that whatever the war, wherever the battlefield, when an American soldier dies in hostile action his sacrifice is not forgotten; he has not died in vain. Through the adoption of this resolution, Mr. Speaker, Congress can show that, despite our divergent opinions on the wisdom of this conflict, one sacrifice is not to be weighed against another. We will be underscoring our recognition that there are no second-class wars; there is no second-class sacrifice. Death at Chateau Thierry, or Guadalcanal, or the Inchon Reservoir, or Hamburger Hill, is the same death—a death of honor, recognized, valued, and cherished by our Nation.

Mr. Speaker, it is for these reasons I introduce this resolution now. I feel it is the appropriate time, and urge its adoption. On April 19, 1971, through administrative error the gates of Arlington National Cemetery were symbolically slammed in the face of Vietnam veterans. Let us then, here in Congress assembled, throw wide those gates to honor and enshrine all those who have fought and bled and died in the far-off bitter war.

THE UNITED STATES IN SPACE—THE MANNED PROGRAM

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked to consider the NASA authorization bill for fiscal year 1972. This bill, as drawn up by the Science and Astronautics Committee, defines a program addressed to two primary goals; maintaining the present low profile of the U.S. space program and providing a maximum return to the taxpayer on his space investment.

This article is the second in a series of seven over the next 3 weeks which will discuss the United States in space. It is my earnest hope that this background will provide my colleagues a fuller understanding of this country's commitment to space—a commitment leading to a better tomorrow.

The tenth anniversary of man in space. It is all the more appropriate to discuss our manned program on this the concluding day of man's first decade in space. On May 5, 1961, Freedom 7 was launched, carrying with it the hopes and prayers of the entire free world. For Astronaut Alan Shepard the 15 minutes of his first journey in space contained as much the element of victory as his first step on the moon almost 10 years later.

Ten years and $24 billion ago this Nation dedicated itself to landing a man on the Moon and returning him safely to Earth. As a single goal, this project became as important and as challenging—and as expensive—as any major activity the country had ever undertaken.

Ten years later the success we have enjoyed has exceeded even our wildest expectation. As a nation we met the challenge; we achieved our goal. And undeniably the most remarkable aspect of the entire program was the performance of man himself—with man proving to be the most versatile and valuable of the entire complement of "equipment" our lunar probes contained.

But today with our Apollo triumph behind us we are faced with a serious question. The question is not whether we should have adopted our lunar goal or directed our resources to its accomplishment. The question instead asks what is man's role in space? What should his role be today and in the future, given the dollars we have invested in manned space and the results we have obtained.

No one can deny that the experience we have gained in our manned program represents a base of knowledge which has had beneficial impact on virtually every phase of our daily lives. Nor can anyone deny that the investment we have made in skills and facilities will be returned to our Nation a thousandfold within this very decade. Finally, in the strictest sense of man in space, no one can deny that until we are able to produce a machine with the intelligence, experience, judgment and physical mobility of man, man does and must have a role in space. Man, we must concede, is the most highly sophisticated data sensing, data gathering,and data processing "device" in existence.

Interestingly enough, one of the major encumbrances of our present space program is the overwhelming amount of data returned by our unmanned automated satellites. Much of the information is valuable, but an inordinate amount is repetitious or otherwise nonessential. The system has simply been choked by unnecessary information. In contrast, man with his proven ability to discriminate and assess has provided a significantly higher return of essential and meaningful data than any of the unmanned space-borne missions. Man, as he is uniquely able to go to the heart of the problem, has relieved a major burden from the scientific and technical community here on earth.

The value of man is also that he is motivated. He is goal oriented. When he is impeded, he creates, evaluates, and pursues an alternative. And finally, man is creative and imaginative, a capability hardly challenged by even the most complex of equipment.

How does this translate to man in space? Apollo 14 is a most recent example. First, the entire fate of this $400 million mission hinged on the ability of man to overcome a faulty landing system and touch down in safety. As an unmanned, remote controlled mission then, Apollo 14 would have failed.

What of the crews' other accomplishments? The geographical area they covered, the scientific instruments they set up, the experiments they performed, no robot will be able to duplicate before the turn of the century.

The obvious comparison is the U.S. Apollo versus the Soviet launched Lunokhod moon rover. Consider the clumsiness of the Lunokhod. Consider the lack of mobility of the device, the limited number of experiments it could perform and the meager amount of data it gathered.

This is not to deprecate the value of the unmanned mission. The manned and unmanned will, in fact, continue in existence as a compliment to one another. But it has been man in space who has greatly expanded our knowledge of the phenomena of space and established the potential value of his role. It has also been man who has clearly demonstrated a high degree of effectiveness as a space experimenter. In the estimation of the National Academy of Sciences, through our manned space program, we "now possess the keystone for a near-term understanding of the entire process of planetary evolution." Thus, the capacity of man in terms of his total ability and overall performance would, therefore, compellingly dictate his continuing role in space. And what of man's new role?

After the completion of the Apollo program in late 1972, our next manned effort will be to orbit a space laboratory, Skylab. Skylab is a direct adaptation of the Apollo system in which the last stage of the Saturn V rocket will be converted into a laboratory and crew living quarters.

The single most important task of the Skylab will be solar observations with the orbiting crew working in conjunction with special ground observation teams. The mysteries of our solar system were chosen as the focal point of activity because of their fundamental impact on virtually all of the natural processes here on earth. With the systems on board Skylab, including a large telescope, intensive and continuous examination of the entire solar system will be permitted for the first time.

The Skylab, of course, will have numerous other important objectives. In the course of the program three teams of three men each will visit the laboratory for periods of time extending up to 56 days. Therefore, one of the program objectives will be the determination of the effects of weightlessness on man over extended periods of time. Major emphasis, in fact, will also be placed upon investigating and solving many of our most pressing terrestrial problems. The entire topic of ecology, particularly pollution detection and monitoring, will be one focus. Oceanography, the study of current and water heat patterns, and food location will be studied. Water management and control, and forestry will be investigated. Agriculture will be another focus with stress upon crop production and disease detection. Finally, geography, cartography, and geology, including natural resource location and earthquake detection, will be studied. In essence, the mission of the Skylab will be the utilization of space to achieve a better life on earth. As a basic element of the mission, the Skylab work will play a fundamental role in determining the optimum mix of man and machine for all future space effort.

As imaginative and bold a step as the Skylab represents, when the program ends in 1973, this country will then close down all manned space activity for a minimum of from 4 to 6 years. This cutback in activity is caused by the steady reduction in our space budget over the past years.

However, when, hopefully, the United States resumes manned flight in the 1978 time period, it will be within the framework of one of the most futuristic, efficient, and cost-saving concepts ever envisioned—the space shuttle. Picture a 707 airplane strapped onto the back of a 747 airplane. Then imagine the 747 "carrying" the 707 to an altitude of a few hundred thousand feet and returning to earth for a conventional airport landing. The 707 would then continue into space to place its cargo of people or equipment in orbit. The 707 could remain in flight for up to 1 week before returning—again to a conventional airport. The two vehicles could then be mated again for flight within a few days. That is the concept for space travel of tomorrow. The name of this reusable space transportation system is the space shuttle.

This feature of reusability will permit expensive elements such as engines, electronics, and structures to be amortized over many missions, possibly as many as 300 flights, rather than be charged to the cost of each mission as in the case of our present program of space flight operations. With the versatility and the economy of this vehicle, the United States will be able to place into space scientists and engineers as well as almost any size and shape manned and unmanned vehicles.

This impact on launch cost cannot be understated. In the first days of our space program, the cost to place 1 pound in orbit was $100,000. By comparison, the Apollo vehicle was orbited at a cost of $1,000 per pound. The promise of the shuttle, however, will be to reduce this cost to less than $100 per pound—a reduction of 90 percent from today's price. The savings the space shuttle offers is the most compelling justification of the program to those critics who complain about the rising cost of our space activity.

But the source of even greater cost savings will be the new satellite designs permitted. Today's sophisticated and complex spacecraft costs on the order of $15,000 to $30,000 a pound to build because of the high reliability, redundancy, and structural strength we must provide to guard against failure. With the availability of the shuttle, our spacecraft can then be built using cheaper, more conventional design and more standard components. In addition to placing satellites in orbit, the shuttle will also be able to investigate any type of random satellite failure as well as to undertake periodic in-orbit repair and maintenance. The end result will, therefore, be satellites less sophisticated and less costly to design, launch, and operate.

The further implications of the shuttle are that it will do away with the large stable of boosters the United States now maintains.

As a final note, let me touch for a moment on the activities of the Soviet Union and its manned program. In terms of the total number of manned flights, we might casually conclude we possess a clearly defined lead. We have flown 24 manned missions; the Soviets 18. But a comparison of the number of manned launches yields a very erroneous impression. Perhaps we can discount that the U.S.S.R. accomplished the first manned orbital flight; the first full day of manned space flight; the first simultaneous flight of two manned spacecraft; the first flight with three men; the first space walk; and the first docking of two manned spacecraft. These accomplishments after all were duplicated by the United States—sometimes years later.

But what about the first simultaneous flight of three manned spacecraft, the record for the longest manned flight and the first attempt to assemble a manned orbiting space station? In terms of the longest flight, with time and good fortune the record will be ours—in 1973, 4 years after the record was set—providing the Russians make no progress in the intervening period. The space station? Barring further delays and budget cuts, in 1973 we will also be able to duplicate that feat.

Recently, we have read that the Russian orbiting laboratory carried most of the systems they have been developing for permanent use in space and that they now plan to accelerate their space program. Our space experts are now betting that this first space laboratory will soon be followed by the establishment of permanent manned stations on the moon in addition to the extensive use of manned and unmanned vehicles for exploration. At the same time, it is anticipated that the Soviet scientists will be working on a reusable space shuttle, a prototype version of which was reportedly to be tested during this month. Finally, within this decade, we fully expect manned Russian flights to several of the planets.

Perhaps the measure of success the Soviets have enjoyed will permit history to repeat itself. Recall for a moment your reaction when the Russians launched their Sputnik I, then their 1,000-pound Sputnik II with an animal on board—and then 1 month later, when our widely advertised first launch attempt with a 4-pound "satellite" on board exploded on the launch pad. Imagine also your feelings if we had landed but a small mechanical tractor on the moon as a "grand" accomplishment to counter three teams of astronauts.

Man in space has made a monumental contribution. The list of benefits we have derived—tangible and intangible—is already endless. Yet we have just started to reap the benefits from our work and investment in space. To stop now is to waste the $38 billion already spent. To stop now is to give up just when man in space can become productive. To stop now is to relinquish the use and control of space to the U.S.S.R. To stop now is to ignore the needs of tomorrow.

There is no justification for retreat.

THOUGHTS ON THE ARREST OF DEMONSTRATORS IN WASHINGTON, D.C.

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, yesterday Washington, D.C., witnessed mass arrests of Americans, the actual number exceeding 7,000, many of whom are here to protest our military involvement in Vietnam. Undoubtedly some of those arrested violated the law, either through acts of violence or by nonviolent civil disobedience. The people who did so quite correctly should have been arrested and tried. If found guilty, they should pay the consequences of their unlawful acts.

Those who came here to commit violence have displayed a lack of understanding as to what will move this country and this Congress. The violent actions of this week are, to use an overworked word, counterproductive.

In marked contrast, the peaceful actions of the Vietnam Veterans Against the War, culminating in the April 24 rally on the steps of the Capitol and led by John Kerry, had a positive impact on the country and the Congress, as did the hundreds of thousands of people who came on that day to peacefully petition the Congress to end the war. It is easy to simply condemn the actions of the violent who are destroying their own cause—without addressing ourselves to an even greater issue: that of the Government's indiscriminate actions yesterday. Over 7,000 were arrested; and I state now with confidence that many, if not most of them, ultimately will have the charges against them dismissed because many were arrested in a dragnet operation which swept up many innocent bystanders.

About 10:30 last night, I visited the Washington Coliseum where approximately 2,000 of those who had been arrested were being held. Picture 2,000 young men and women in the pit of the Coliseum ringed by U.S. Army troops. The immediate and whimsical thought that came to mind was "Where are they keeping the lions?"

I talked with about 20 of these young people most of whom ranged in age from 18 to 22 and some of whom came from my district; the others came from all over the country. They asked me to call their mothers and wives to tell them that they were safe and unharmed. A number asserted that they were on the street not engaging in any illegal act and had been arrested without cause. Their clothes reeked of tear gas. The sanitary facilities were inadequate and it was dismaying to see long lines of young people being escorted to the latrines under guard by U.S. troops. I must say that the demeanor of the troops was excellent. They were friendly and courteous in their dealings with these prisoners and during the time that I was present the prisoners showed no hostility to the troops.

The young people told me that arrests had started as early as 7:30 in the morning and continued during the day. Not one of them had been "booked" by the police. They had been moved from an open-air stadium to the Coliseum which was enclosed because the weather in Washington was quite cold.

While I was there two members of the Justice Department—Will Wilson, Assistant Attorney General of the Department's Criminal Division and James Turner, Deputy Attorney General in the Department's Civil Rights Division—were present. They told me that bail for the "garden type variety" of charge, which, in effect, was a disorderly conduct charge, would be $10 in cash. Those who had the cash were to be put on buses and taken to police headquarters where they would be permitted to pay their bail and be released. Those who did not have the $10 would be held over night. The Justice Department had provided about 10 attorneys from the Civil Rights Division who were there on behalf of the Government to assist the police in processing the prisoners. There were several young lawyers, furnished, I believe, by the Legal Aid Society and the American Civil Liberties Union who were told that they would shortly be permitted to assist the prisoners once the processing started.

In my discussion with the Justice Department's attorneys I asked how it was possible that the 2,000 present, let alone the 7,000 arrested, could be charged when many of them surely could not be singled out by the arresting officers as having participated in any illegal incident. I was told that the officers had in most of the cases been able to make positive identification. I simply do not believe this to be possible with these large numbers. The effect of this kind of indiscriminate arrest is that it gives the nihilists, the militants who glory in violence, a great propaganda victory and weapon. The militant leaders are already saying that 7,000 young people came to Washington willing to violate the law in opposition to the war in Vietnam. They point to these arrests as proof positive to support their violent tactics.

I do believe that an overwhelming majority of the young people arrested, and surely all who were in that coliseum, are in fact opposed to the war in Vietnam and wish to see our Government, as I do, get out now. But the overwhelming number were not prepared to engage in violence nor did they contribute to the violence. What I fear has happened is one, a great propaganda victory has been given the nihilists—in prior years they took the name "crazies" and this year they are called the May Day Tribe and May Day Collective—and second, equally important, these young people have been radicalized to a far greater degree than was necessary or is helpful to our country or the cause with which they are associated.

When I left the Coliseum at about 11 p.m. to return to my office to make the telephone calls to the parents and wives all I could think of was Sinclair Lewis' statement, "It Can't Happen Here." All of us must see to it that it does not. As a Member of Congress I protest and will do all I can to keep it from happening here.

THE UNITED STATES AND PUERTO RICO

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 30 minutes.

Mr. BADILLO. Mr. Speaker, the 2.7 million Puerto Ricans on the island of Puerto Rico and the 1.5 million in the United States represent one cohesive social and cultural body and community. Solutions to the many and varied problems with which this community is confronted cannot be left to the Governor of Puerto Rico, the mayor of New York City or other State and local officials alone. We, in the Congress, have a responsibility to help meet the needs of all these—both on the mainland and on the island—and we must develop a coordinated and meaningful policy to deal with this community. I propose, therefore, the implementation of a four point program to begin to cope with the problems facing Puerto Ricans today:

First. In every legislative act that is submitted to this Congress that has to do with providing services to the American citizen in housing, welfare, health, education, job training, or in any other manner, I will request and, if necessary, submit amendments to insure that American citizens living on the island of Puerto Rico receive the benefits of such legislation to the same extent as American citizens living on the United States mainland;

Second. I propose and urge the Federal and Commonwealth administrations to immediately undertake a thorough study of the island's economic status with a view toward developing and presenting to the Congress an economic program which will insure that the standard of living of American citizens living on the island of Puerto Rico can be comparable to the standard of living of American citizens living on the mainland;

Third. I will propose legislation to authorize community and economic development programs in New York City and other parts of the country to serve American citizens of Puerto Rican origin and, specifically, to authorize programs for education, manpower training and community development to be carried out in English and Spanish and with the needs of the Puerto Rican community built into the programs; and,

Fourth. I urge the establishment of a national employment bank under which Puerto Ricans who must seek jobs on the mainland could be trained in Puerto Rico to work in identifiable existing jobs in different parts of the mainland and at the same time receive such training, including in writing and speaking the English language, as would make it possible for them to be full participants in mainland life.

First. Including American citizens from Puerto Rico in legislation designed to benefit other American citizens.

Much discussion has been devoted to Puerto Rico's political future—whether it should maintain its present Commonwealth status, whether it should be admitted as the 51st State or whether it should be an independent country. This is a question which only the people of Puerto Rico should decide, free of any outside influence or pressure. However, until such time as a final decision is made by the people of Puerto Rico, the United States and the Congress have an obligation to recognize that Puerto Ricans are American citizens and to make certain that Puerto Rico receives its fair share of Federal aid and assistance.

Not only is Puerto Rico specifically excluded by statute from nine Federal programs, including the school milk program, the food stamp program, and a portion of the Social Security program, but it is also continually discriminated against through unrealistic and arbitrary ceilings or discriminatory formulas based on the low per capita income. Puerto Rico is presently being short-changed in such areas as school lunches, health and welfare programs, and educational assistance.

There is no logical reason in my mind why Puerto Rico should not be treated the same as one of the States. Some of my colleagues will immediately cry that why should Puerto Rico receive equal treatment when it does not contribute to the general revenues through income tax? Mr. Speaker, if most Puerto Ricans are earning less—far less—than the Federal poverty level, they are not going to pay taxes even if the Internal Revenue Act was applicable to the island. The fact that Puerto Rico does not pay income tax should not be a controlling factor in public welfare and medical assistance policy decisions. It would be a strange system that determined welfare eligibility by the amount of Federal taxes the prospective recipients were fortunate enough to be paying. Furthermore, Puerto Rico contributes to the general welfare in many equally important ways.

Puerto Ricans have been subject to the draft since 1917 and have served in all wars since World War I. In the current war in Indochina, for example, some 27,000 island youths have been inducted into the Armed Forces since the 1964 Gulf of Tonkin Resolution was passed. This represents a higher proportion per population than in any of the 50 States, and almost 300 island youths have been killed in action.

Puerto Ricans from Puerto Rico are required to serve in the Armed Forces of the United States to the same extent as other Americans in all 50 States based upon the fact that Puerto Ricans are American citizens; then the same basis of American citizenship should be used to provide the Puerto Ricans in Puerto Rico with the same assistance that other Americans in all 50 States receive.

This is not the case at the present time. Last year the Family Assistance bill, pending in Congress and approved by this House, provided welfare assistance to the extent of $1,600 per family of four if they lived in any of the 50 States. The same American family, if they lived in Puerto Rico under this legislation, however, would benefit only to the extent of 55 percent. This is as absurd as saying that a Puerto Rican should only serve in Vietnam to the extent of 55 percent. If the Puerto Rican who lives in Puerto Rico is entitled to the disabilities of being an American citizen to the extent of 100 percent, then he should receive the benefits of being an American citizen to the extent of 100 percent as well.

Thus, Mr. Speaker, I call upon my colleagues in the House and the Senate—particularly those who are committee and subcommittee chairmen—to see to it that Puerto Rico is included and equitably treated in every piece of legislation coming before the Congress.

If, however, I must undertake this task alone, I am fully prepared to offer amendments, where necessary and appropriate, to all pending and future measures to place Puerto Rico on a basis equal with the States. It must be clearly understood that I by no means intend to ask that American citizens in Puerto Rico receive anything more but that they simply receive the same as American citizens in the 50 States.

Second. Establishment of an economic development plan for Puerto Rico.

Puerto Rico is standing at a dangerous precipice and its future direction and goals will be decided within the next few years. The current recession in the United States is felt as a depression in Puerto Rico. Hotels are closing, as we all know from the newspapers. But what is not generally known is that migration to New York City and other parts of the country has increased again.

The basic problem is that the number of jobs created each year in Puerto Rico is far less than the number of people that join the labor force annually. There is no program in effect now or in planning which would reconcile this disparity. Only when this is done can Puerto Ricans be said to have a choice of whether to stay or migrate. At the present they are compelled to migrate by economic reality regardless of policy pronouncements by the Commonwealth government disclaiming the encouragement of migration.

I propose and urge that the national and Commonwealth administrations immediately undertake a thorough study of the island's current and future economic status with a view toward developing and presenting to the Congress a comprehensive economic development program which will close the current gap between the labor force and the labor market. I envision such a program to be developed along the lines of the Appalachian Regional Development Act, designed to assist in resolving the severe economic problems of the island; to assist the Commonwealth in meeting its special problems, particularly in preventing another mass exodus to the mainland; in promoting and encouraging the island's economic development; and in establishing a framework for joint Federal and Commonwealth efforts in the area. The Congress should not be responsible for developing such an economic redevelopment program but the initiatives must be taken, and taken immediately, by the Nixon and Governor Luis A. Ferre administrations. It should be made clear that I do not intend that the Congress would impose a program for economic development upon the people of Puerto Rico, but merely that it would provide such assistance as might be needed and requested to achieve a higher level of development.

Third. Legislation for mainland authorization of bilingual community and economic development programs.

At the same time, we must not forget or ignore the Puerto Ricans in the United States. We must recognize their important and vital role in our country. They must be afforded every opportunity to fully participate in the society and in the United States' future. Puerto Ricans have special needs and problems, as well as separate identities, and our Federal, State, and municipal agencies must realize this fact of life.

The Puerto Rican community in the United States has made specific proposals to lift itself out of poverty. For example, groups such as the Puerto Rican Community Development project, Aspira of America, the Puerto Rican Forum and others have made specific proposals to various agencies of the Federal, State, and local governments. However, these proposals consistently run into funding difficulties and this is one of the reasons why specific authorizing legislation as I have proposed is essential.

As the third prong of my overall formula, therefore, I propose that Puerto Rican economic development programs—those developed and formulated by Puerto Ricans to meet the particular needs of Puerto Ricans—be separately and directly funded by the Federal Government. Included in such efforts would be the whole range of economic opportunity programs, assistance for small businesses, bilingual education, and economic development.

Puerto Ricans are not concentrated in one specific area, as are many other ethnic or minority groups. Thus, they often do not benefit from various programs aimed at assisting one neighborhood or geographic area. For example, there are a large number of Puerto Ricans who do not live in one of the 26 poverty areas of New York City and accordingly, they are not benefiting from urgently needed assistance in housing, education, welfare, and other critical areas. Because of this situation, a comprehensive program for Puerto Ricans, wherever situated, is required.

Fourth. Establishment of a national employment program.

Finally, as the fourth phase of my proposal, I urge the establishment of a national employment program or bank, designed to provide job training for unskilled and semiskilled Puerto Ricans who are forced to seek employment on the mainland. This job bank would also assist them in locating suitable and meaningful employment—where available and clearly required—in various locations throughout the United States. These predetermined employment opportunity areas would not be in sections where there are currently substantial concentrations of employment and underemployed Puerto Ricans.

The Commonwealth of Puerto Rico has done pioneer work in this area through its migrant division which has a number of offices on the mainland. Under this program for migrant workers, developed by the Commonwealth of Puerto Rico at its own expense, Puerto Ricans enter into a contract in Puerto Rico to work on farms in New Jersey, Long Island, Pennsylvania, and Connecticut. They are brought to the farms in the United States and return to Puerto Rico at the end of the season. This program clearly indicates that Puerto Ricans are willing to go to any area of the continental United States if jobs are available. Unfortunately, the program itself is a disaster because the pay that the Puerto Rican receives for such work is well below the minimum wage and the conditions under which he must live are disgraceful. What is needed is a program which would identify jobs in manufacturing and the service trades, jobs with a future which would provide a decent living wage. There is no doubt in my mind that even more Puerto Ricans would be willing to apply for such jobs than already apply for seasonal migrant farm labor.

The proposed program would be jointly carried out by the Federal Government and the Commonwealth of Puerto Rico and would include not only job training in Puerto Rico but, also, intensive instruction in written and spoken English and Spanish, where necessary, perhaps leading to a high school diploma or its equivalent to insure that once in the continental United States, the individual would be at a level which would enable him to more fully participate in mainland life and to compete successfully for other employment, when necessary.

It should be clearly recognized that the migration of Puerto Ricans from the island arises almost exclusively out of a search for expanded economic opportunity and security. The migration of Puerto Ricans from the island to the mainland is not for political or religious reasons, but purely for economic reasons. Moreover, it is not the migration of people in search of welfare. If it were, we would find that the Puerto Rican aged would be leaving Puerto Rico. The fact is that it is only the poor and the young who leave Puerto Rico for the United States. For this reason, the median age of the Puerto Rican in New York City is slightly over 19, and Puerto Ricans constitute the youngest ethnic group in New York City and in the Nation.

As people are seeking economic opportunity, we should have a program to provide for it. The job bank I have proposed would assist Puerto Ricans in being more productive members of society and full participants in the economy and the Nation's riches. This program becomes particularly critical in light of a possible renewal of mass migration from the island to the mainland.

One may well ask, Mr. Speaker, how such a situation developed and why a program such as I have just proposed is necessary. In order to fully understand and appreciate the current plight of Puerto Ricans, it would be well to briefly review some of the background and developments over the past several decades and to examine some of the factors contributing to the current crisis.

Puerto Ricans were by no means a new phenomena on the mainland or in New York. During the early years of the 20th century Puerto Rican cigarmakers settled on the lower East Side. They were soon followed by merchant seamen on the island-to-New York run, who congregated near the waterfront in Brooklyn, and by women garment workers who were brought to sew in local factories.

However, massive migration began to play a significant role in the demographic changes in the island in 1940. Puerto Rico had a typically backward, traditional agrarian economy. Its economy was dependent on sugar and was a one-crop, export oriented island with a small land area, a large and rapidly growing population and very low per capita income. The small land area and large population resulted in a population density of 546 persons per square mile—one of the highest in the world. The island lacked any form of large or medium-scale industry; it was plagued by the scarcity of fertile productive land and the per capita average annual income was $125.

Because of the greater economic opportunities which most Puerto Ricans thought would be available on the mainland, there began a steady rise in migration from the island to urban areas in the United States, particularly New York. From 1945 to 1962 nearly 578,000 Puerto Ricans emigrated to the United States, constituting 85 percent of the total emigration during the 20th century. The largest number—some 446,800—emigrated during the period 1950–60 which comprised 65.6 percent of the total emigration.

We must not lose sight of the fact, Mr. Speaker, that we are not talking about aliens from some foreign land but American citizens—subject to the United States Constitution and to all Federal laws of general application—with the exception of the tax laws—participants in a common market and in an economy integrated into that of the United States by various means.

At about the time that the flow of people from Puerto Rico to the mainland was beginning to peak, the Commonwealth of Puerto Rico began its massive and highly publicized economic development program which came to be known as "Operation Bootstraps." This was a program developed entirely by Puerto Rico without any aid from the United States. It brought a number of diversified industries into the island through such devices as a number of tax benefits including "tax holidays" and tax-free investment to U.S. firms and a number of other attractive incentives. As a consequence, Puerto Rico has moved from an island whose main product was agriculture to manufacturing. Nevertheless, jobs were not created in sufficient number to meet the demands of the growing labor force.

The sheer force of numbers worked against Operation Bootstraps as the number of people joining the labor force was vastly larger than the number of jobs which were available. Thus, while conditions in Puerto Rico improved, the number of Puerto Ricans leaving the island increased at the same time. Without the massive migration to the United States, there would have been no dramatic rise in per capita income, in better housing, in expanded employment opportunities or other benefits which have been credited as the achievement of Operation Bootstraps. Had there been no emigration it is obvious that the Puerto Rican economy would have had to supply a great many more jobs than it has generated in the last two decades.

In fact, the peak net migration rate, which occurred in 1953, was sufficiently large to exceed the rate of natural increase and cause a reduction in the absolute population. From a percentage increase of 18.3 percent in the 10-year period of 1940–1950, the population of Puerto Rico increased by only 6.3 percent during the following decade. Although a portion of this decline can be attributed to reduced fertility levels, the major factor was the emigration from the island to the mainland. As George C. Myers has stated:

> Without these migration losses Puerto Rico's population would have increased by 27.5 per cent in the ten-year period [1950–1960], and this figure excludes births that would have occurred to persons if they had not moved, but remained in Puerto Rico.

Total net migration losses were experienced by nearly all of the island's municipios, particularly rural municipios and those containing small urban areas. The economic reality is the fact that the economy of Puerto Rico could not—and still cannot—absorb the large, growing population. The labor market is simply unable to effectively cope with the burgeoning, and largely unskilled, labor force—I believe that Puerto Ricans should be able to migrate—but not because they are compelled to do so.

But what of those who left the island to seek their fortune and a better way of life on the mainland? Most experts agree that the migration I previously discussed was motivated primarily by the quest for economic opportunity. This is certainly the reason, for example, why my aunt left Caguas for New York as she believed that she could earn a better living on the mainland than on the island.

Unfortunately, for most of the migrants, their aspirations have not been realized and migration to the mainland has not provided the salvation many of them imagined. Migrating Puerto Ricans had on the average less than 5 years of education; their knowledge of English ranged from none to bad; and many came from rural areas of extreme poverty. With their poor English and lack of education and any usable industrial skills, job opportunities were generally limited to menial, low-paying jobs in factories and restaurants. The employment problem is increasingly complicated by the fact that many unskilled jobs are gradually being automated and the Puerto Rican is being squeezed out of the job market because the work he did is being turned over to the machines.

While exact figures are unavailable it is well known that Puerto Ricans have a higher unemployment rate than blacks; a lower median income; and a greater percentage of school dropouts—more than 60 percent of Puerto Rican students never finish high school.

Puerto Ricans who are employed are more than any other group concentrated in occupations with the lowest pay and status. In 1960, for example, 70.6 percent of employed Puerto Rican males were in low-income occupations. Four times as many Puerto Ricans as blacks get public aid to supplement these low earnings.

Mr. Speaker, I could easily spend the remainder of this afternoon citing various figures and statistics to demonstrate the plight of the mainland Puerto Ricans. It should be obvious, however, that since the migration of Puerto Ricans is the migration almost exclusively of poor people, the statistics would logically indicate the existence of the worst possible conditions and the greatest and most urgent need for a positive program.

Even where Puerto Ricans do return to the island, however, there is no escape from the vicious cycle of poverty. The current per capita income in Puerto Rico is only $1,426 annually—substantially below that of any State and almost half that of Mississippi, the poorest of 50 States. A recent New York Times article compared this figure with Venezuela's annual per capita income of $902, the highest in South America, and with Mexico's $600. However, Mr. Speaker, Puerto Rico is not a Latin American nation; it is an integral part of the United States and is, as I have mentioned, interrelated in U.S. economy. Comparing Puerto Rico's economic status with Latin America makes about as much sense as comparing Hawaii's with the Far East's.

Puerto Rico does not benefit from the mainland's minimum wage laws, a particularly controversial issue now being considered by Mr. Dent's labor subcommittee.

Although personal income has reportedly experienced an increase of 12 percent over the previous year—reaching $3.8 billion according to a Journal of Commerce article—the average pay for industrial workers in Puerto Rico is approximately $1.60 per hour, less than one-half the U.S. average.

Four out of every five Puerto Rican families on the island earn less than $3,000 annually, with one-half receiving less than $1,000 per annum. Unemployment, according to the U.S. Labor Department, is at 12.2 percent—a rise of almost 2 percent over the last year. However, in realistic terms, unemployment approaches 25 to 30 percent when you consider those who have been discouraged and rejected and are no longer seeking work. This is compounded by the fact that Puerto Rico's 2.7 million population will double in less than 30 years and we are now on the brink of another movement of massive migration to the mainland. In 1968, migration from Puerto Rico to the United States was over 77,000 from a near-zero figure in 1960. What is particularly tragic is the fact that many of the new migrants and potential migrants are now young people with some skills, a commodity the island can ill afford to lose.

In addition to wages being a fraction of those on the mainland, the cost of living in Puerto Rico is much higher. While exact figures are unavailable, some statistics place island costs at as high as 25 percent more than in New York, Chicago or Boston.

Mr. Speaker, because of my place of birth and background I feel a special responsibility for Puerto Rico and Puerto Ricans, whether they be in the South Bronx, in Lorain, Ohio, or in Caguas, where I was born. If we are going to meaningfully and effectively cope with our urban crisis and the impending influx of Puerto Rican migrants, we must make certain that Puerto Rico receives its full and fair share and that the island's economic development and progress is encouraged and aided to the fullest extent possible. I urge our colleagues to actively participate in this vital undertaking and to work with me in ending the current discrimination against Puerto Rico and in bringing equity to the treatment of "La Isla Verde" as well as to the more than one million Puerto Ricans now on the mainland.

Thank you.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I yield to my colleague from New York.

Mr. RYAN. Mr. Speaker, I appreciate the distinguished gentleman from New York, my friend and colleague, yielding. He has set forth a constructive program which is worthy of support by Members of Congress. He is to be commended for bringing renewed attention to the needs of the people of Puerto Rico.

It is unfair and grossly discriminatory that American citizens living on the Island of Puerto Rico should not receive the full benefits of Federal laws just as American citizens on the mainland do.

Puerto Rico is entitled to be treated the same as the 50 States with respect to food programs, education, and health and welfare programs. The exclusion of Puerto Rico or the application of discriminatory formulae to Puerto Rico is unfair. Therefore, I join the gentleman in urging appropriate legislation, and I will happily support amendments to insure that Puerto Rico is included to the same extent that every State in the Union is included.

Economic conditions in Puerto Rico account for much of the migration to the mainland which has occurred in the last 20 years. We welcome American citizens from Puerto Rico—they have made, and are making, valuable contributions to the mainland society. But, on the mainland they have also faced serious problems and too often are victims of poverty and deprivation. And added to these burdens is the unconscionable weight of discrimination.

Our colleague is correct in calling attention to the failure of the Federal Government to adequately respond to the needs of Puerto Rico. This failure reflects a general failure on the part of the Federal Government, whether deriving from inattention or intention, to address the needs of minority group members. This is related to the failure to cope with the problems of our cities. Since the cities are populated, in increasing percentages, by minority group members, the decline and decay of our urban centers inevitably means increased deprivation for them.

This failure also stems from an unwillingness to meet very basic needs. One example—and there are many—is the bilingual education program. This is a good, sensible program aimed at giving children who come from homes in which English is the second language a chance to overcome what might otherwise be a severe handicap—the inability to communicate clearly in English, the dominant language of the Nation. Yet, while the Congress authorized $80 million for this program for fiscal year 1971, the administration requested only $25 million. In fiscal year 1972 the authorization is $100 million, yet again the administration only requested $25 million. Of course, Congress shares the blame as well. It could have exceeded by large amounts the administration figures. Instead, for fiscal year 1971, it matched the administration figure, and for fiscal year 1972 the House has increased it by only $2 million.

The dialog we are conducting today must focus on these failures, not only insofar as they affect the Commonwealth of Puerto Rico, but also as they concern the millions of members of minority groups in the 50 States.

Mr. BADILLO. I thank my colleague from New York. I know I have had his support during the short period I have been in the Congress for the securing of additional bilingual programs for New York City, and I know I can count on his support for legislation of the type I am proposing today.

Mr. RYAN. The gentleman has made a very valid point about the fact that in the State of New York and in the city of New York schoolchildren who speak Spanish are being shortchanged because the bilingual education program is not being fully funded. And the funds which have been appropriated have not been fairly allocated among the States with the greatest need. As a result, children of Puerto Rican background in the city of New York are being shortchanged on their education.

Mr. BADILLO. Yes. In spite of all our efforts right now only 3 percent of the Spanish-speaking children in New York City are receiving benefits of bilingual programs. That indicates how much we have to do just to provide for the needs of the Spanish-speaking children in New York City alone.

Mrs. ABZUG. Mr. Speaker, I would like to commend Congressman BADILLO, my colleague from New York, for his very thoughtful and constructive proposal to end the discrimination that exists against Puerto Ricans both in Puerto Rico itself and on the mainland and the resulting pattern of economic exploitation and poverty among these people. I myself represent the 19th District in Manhattan, in which we have large numbers of Puerto Ricans whose conditions I will be describing in my remarks in addition to what Congressman BADILLO said here today.

Puerto Rico is suffering an economic recession that is five times worse than the recession here in the United States proper. Because of the lack of economic development in Puerto Rico, consumers there are forced to depend on imports for almost everything that they use, eat, or wear. Even the rice and beans that are the mainstay of the Puerto Rican diet are produced and processed in the continental United States, where costs are higher, and then they are transported to Puerto Rico aboard U.S. registry ships, which increases the cost to the consumer.

The Puerto Rican workers, finding themselves caught in an economic squeeze between high unemployment and the high cost of living, come to the mainland looking for a better life, but all too often, as the thousands of Puerto Ricans living in the 19th Congressional District can testify, and all over Manhattan and New York State and elsewhere, this dream becomes a nightmare.

Initially, the Puerto Rican has to adjust to the culture and the language barrier, which for some of them is insurmountable. If he is lucky enough to find a job, he soon realizes that he has to work very long hours in order to make up for his inability to earn a higher wage. He starts at the bottom of the economic ladder, lucky if he is earning a minimum wage, and barely subsisting as his pay is based on piecework.

Most Puerto Ricans are just one paycheck away from poverty. A robbery or family illness may leave them no choice but to go on welfare. And so although many Puerto Ricans dream of returning to their native land with enough money to buy a little property and build a home, they find themselves again in an economic squeeze. In Puerto Rico itself the only future open to them is seasonable work in the U.S.-owned hotels or as service or manual laborers in the sugarcane fields. And here they could rediscover that when the depression comes they are the first to suffer.

Just last week when the financial crisis in New York City led Mayor Lindsay to project drastic cuts in services and employment, the Hispanic community in a statement signed by several hundred organizations, civic clubs, community corporations, store-front antipoverty agencies, and civic groups that represent and serve the Puerto Rican population of our city, issued a warning that "the anticipated cuts represent the death knell for the disenfranchised of our city least able to defend themselves in an era of spiralling inflation and governmental interference."

I would like to cite a few of the points made in this statement because I think it shows very clearly the precarious and vulnerable position of the Puerto Rican community in New York.

The statement, prepared by the Puerto Rican Coordinating Committee Against City-State Budget Cuts, notes that wholesale firing of city employees from key agencies whose principal services affect the poor will adversely hit the Hispanic employee, "who in most cases was the last to be hired, holds a provisional status, and makes a modest income, who will be unable to apply for unemployment insurance and, collectively, will be the man or woman hurt most by being let go in a time of a business slowdown and repressed job market."

The statement points out that the majority of Puerto Ricans in manufacturing jobs earn low pay and are frequently engaged in seasonal work so that at one time or another during the year they are forced to depend on supplemental welfare assistance.

Approximately 40 percent of the 350,000 families on welfare in New York City are Puerto Ricans, and some 700,000 children are involved. The 10-percent cut in welfare payment required by the "soak the poor budget" enacted by the State legislature will tragically affect these children.

Cuts in the city department of social services personnel will have a disastrous effect on the Puerto Ricans in the agency—since they make up most of the case aides and messengers, the jobs which are always the first to be eliminated. Most of these semiskilled assistants who will be dismissed under current city plans are ineligible for unemployment insurance and will have to fall back on welfare assistance while trying to find other jobs.

The Puerto Rican Coordinating Committee points out that "this shuffling of people from one public treasury to another is pointless, time consuming, heartbreaking and, in the long run, far more expensive."

Mr. Speaker, the Puerto Ricans, blacks, and poor people are being especially hard hit by the budget cuts ordered by the State and the current dismissals and cutbacks in city services. They will suffer even more, if the shockingly drastic reduction in city employment and in welfare, health, educational, drug addiction, and other services projected by Mayor Lindsay are allowed to come to pass.

The Puerto Rican community is joining with millions of other New Yorkers in demanding more State aid and tax reform to rescue them from the disaster that New York City's financial plight means for them. It is therefore a very good suggestion that the gentleman makes today in suggesting that there has to be an evaluation and a commitment with regard to real legislation and concern and attention given to the needs of the Puerto Rican population who are here and in Puerto Rico.

In the long run, if the Puerto Rican people on the mainland and in their native land are to survive with dignity and to have some hope, they will have to have the minimum human rights, which they do not have now, such as adequate employment, shelter, food, clothing, health care, education, and medication.

Again I want to commend the gentleman from Puerto Rico for bringing these proposals before the House. All of us should find the time in our committees and in our deliberations to give very serious consideration to a real Bill of Rights for the Puerto Rican people in this country and in Puerto Rico, which is something we have not done up to today.

Mr. BADILLO. I thank the Congresswoman from New York.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I certainly will.

Mr. HALL. I can certainly understand the gentleman's concern about people who have been displaced from the Commonwealth and brought to the United States. I do not understand all of the statements that he is making about the Commonwealth territory itself. I would like to ask the gentleman if the Resident Commissioner of Puerto Rico has been advised of this special order.

Mr. BADILLO. Oh, yes. He received an advanced text of my speech several days ago.

Mr. HALL. I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, my neighboring colleague from New York has spoken with considerable wisdom on a subject that has received far too little attention from this body and this Nation.

The nature of the plight of the Puerto Rican citizen, as Mr. BADILLO has stated throughout his remarks, is one that transcends the bounds of any State or local government. On the island, and on the mainland, citizens of Puerto Rican descent are widespread, and thus the problem demands a Federal remedy, one that cannot much longer be postponed.

Mr. BADILLO's four-point program would be a forthright first move in this direction, and I urge my colleagues on the various committees to adopt the spirit of these proposals.

We must also understand that as no single agency or locality can effectively deal with Puerto Rican problems, no single attitude can be assumed in relation to the Spanish-speaking American populace. They are a diverse and multifaceted group. The questions that arise for the Puerto Rican are often far removed from those that involve the Chicano, or any other Spanish-speaking American, and must be treated as such.

The success of the programs we design will ultimately depend on their ability to deal with the individual: His interests, his concerns, and his human needs, in relation to his background and his environment. Therein lies the strength of Mr. BADILLO's proposals which provide for action in just such a manner.

Mr. BADILLO, as a fellow New Yorker, you know well the efforts currently being made in our city toward establishing bilingual education standards. At this point, what can be said of the merits of those efforts, and how do they fit into the national scope of other programs in other cities with substantial numbers of Spanish-speaking Americans?

Mr. ROYBAL. Mr. Speaker, the plight

of the Puerto Rican in this country is an all too familiar subject to anyone who is aware of the larger Spanish-speaking minority's neglected status in the United States. As a member of one segment of this vast Spanish-speaking segment of the population, I have urged for many years that the Federal Government consider the Puerto Rican, the Cuban American, the Mexican American, and other Latin Americans in this country as constituting a single minority. Whereas our national political institutions in the past have preferred to identify the various elements of the Spanish-speaking community as regional problems to be left to the care of the States, the time has come for our Federal officials to view this group as a subject of nationwide concern requiring comprehensive Federal programs.

Certainly no greater evidence of this need for a comprehensive Federal view of the Spanish-speaking minority is required than reference to the fact that both the Puerto Rican and the Mexican American minorities receive both the least education and the poorest paying jobs of any groups in our society with the Puerto Rican averaging less than 5 years of schooling with 70.6 percent of them in low-income occupations and the Mexican American averaging 8 years of education with 76 percent of its men working as manual laborers.

The unique language and cultural barriers confronting both these groups dictate a form of Government assistance which aims at improving the socioeconomic status of this national minority while respecting their unique cultural attributes. In conclusion, I join with my Puerto Rican colleague from New York, Congressman BADILLO, in calling for greater efforts by the Federal Government to alleviate the continuing problems of Puerto Ricans, Mexican Americans, and all other members of the Spanish-speaking population who together comprise the second largest minority in this Nation.

Mr. RODINO. Mr. Speaker, I commend the gentleman from New York (Mr. BADILLO), for his timely and forthright remarks. He has outlined a comprehensive approach toward a subject of deep and immediate concern to all of us—the need to improve the welfare of the Puerto Rican community here and on the island itself.

My own State of New Jersey possesses a Spanish-speaking community of well over 100,000 people, many of whom live in the greater Newark area. And while we have just begun to fully recognize the depth of the problems facing Puerto Ricans, and have only just begun in a small and hesitating way to programmatically respond, the need to dramatically increase our efforts is shockingly clear. The gentleman from New York has with great clarity and foresight and sense of realism described the nature of Puerto Rican patterns of migration to the mainland United States, and he has coupled that description of economic deprivation with a blueprint for action. Whether the future of Puerto Rico will be best suited by continued commonwealth status or statehood or even independence are questions that should not keep us today from the task of improving the welfare of these American citizens and I say to the gentleman today that I will be happy to cooperate in every way to assure a better future to our Spanish-speaking community.

GENERAL LEAVE

Mr. BADILLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. (Mr. TEAGUE of Texas). Is there objection to the request of the gentleman from New York?

There was no objection.

A CALL FOR CONGRESSIONAL AWARENESS OF THE PROBLEMS OF PUERTO RICO

(Mr. CÓRDOVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CÓRDOVA. Mr. Speaker, I regret that I could not be present when the gentleman from New York (Mr. BADILLO), spoke on Puerto Rico today.

I must thank my able colleague from the 21st District of New York for making available to me an advance draft of his remarks, and I am grateful to him for his interest in my constituents. I can assure him I share his interest in his own constituents, those of Puerto Rican origin as well as those who are not.

I subscribe to his call for congressional awareness of the problem of Puerto Rico: The problem of a very densely populated island which is fully integrated into the economy of the Nation, yet has extremely limited natural resources, and of the consequent need for making extensive to Puerto Rico, as fully as possible, all programs designed to meet the problems of disadvantaged areas. Indeed, I hasten to assure him that for over 2 years I have labored assiduously in this direction, as I am certain did the men who preceded me as the elected representative of the citizens of Puerto Rico in Washington, and I have been gratified by the response which has been generally forthcoming from the administration and from my colleagues on both sides of the aisle and in the other body. But the gentleman from New York, who has a great deal more political experience and astuteness than I, will doubtless recall and agree with the maxim that politics is the art of the possible. Speaking in terms of the family assistance plan, it was not possible to enact it in the 91st Congress, because the two Houses failed to agree on a measure. The enactment of the family assistance plan is extremely important to my constituents in Puerto Rico. But it will not be enacted in the 92d Congress, as it was not enacted in the 91st, unless it has the fullest possible measure of support. It is true that the plan proposed by the administration, and the measures passed by the House and Senate in the 91st Congress, restrict Puerto Rican participation to the proportion borne by our per capita income to that of the least prosperous State. But there is no intent to discriminate against Puerto Rico: It has simply been felt that if welfare benefits were suddenly raised in Puerto Rico to the mainland level, from the present very much lower levels, this might have undesirable social and economic effects. I must say that, while I would like to see our welfare payments in Puerto Rico reach mainland standards, I cannot be certain that the fears of ensuing social and economic disruption are unfounded. What I do know is that this proposed application of the family assistance plan to Puerto Rico on a tailored basis will result in welfare payments of more than double the present amounts. My constituents need this help. The measure supported by the administration, and now before the Ways and Means Committee, would provide them very substantial help. I urge my colleague from New York to support it, and not to reach out for a moon which, as a practical matter, he will not get no matter how eloquently and earnestly he speaks on the floor of the House.

As to my distinguished colleague from New York's second point, that studies be undertaken by the Federal Government and the Government of Puerto Rico looking toward the presentation to Congress of an economic program to bring the standard of living in Puerto Rico to a level comparable to that on the mainland, we in Puerto Rico certainly welcome further studies in this direction, and certainly need no directive from Congress to address ourselves to our problems. And in fairness to those who were in power in Puerto Rico from 1940 to 1968, my political adversaries, I must point out that during that period a program was implemented in Puerto Rico to develop manufacture and promote tourism, and thus provide jobs. This program is in full swing, but has had its occasional setbacks, more often than not in response to economic downswings on the mainland. Yet it has been successful to a marked degree, even if it has not achieved a complete solution of our problem. One of the reasons for the very substantial progress achieved has been the selective application of the Federal minimum wage by industry committees charged with the duty of bringing the minimum wage in Puerto Rico up to the Federal minimum as quickly as possible in each segment of industry without substantial curtailment of employment. We must, indeed, continue to raise wage levels in Puerto Rico, as we have been raising them for years, in order to continue to improve our standard of living. But we must continue to provide jobs for our people, at an increasing pace, hence we must fight to preserve the selective application of the Federal minimum wage to Puerto Rico, under the industry-committee system, and we must object to arbitrary, across-the-board increases, which take no account of the curtailment of employment which may result.

As to the third proposal of the gentleman from New York: Legislation providing programs to help the Puerto Rican communities on the mainland, it has become obvious to me that these communities are in sore need of help in the fields of education, housing, and economic opportunity, hence I commend the gentleman from New York for calling attention to this very real need.

Turning to the fourth phase of the proposal of the gentleman from New York, the establishment of a program designed to provide job training for unskilled and semiskilled Puerto Ricans to assist them in obtaining jobs on the mainland, I must say it is very clear to us in Puerto Rico that those who have chosen to migrate to the mainland in search of economic opportunities have generally come ill-equipped in skills and language, and we are addressing ourselves in Puerto Rico to the task of improving the quality of our public school education, and particularly the quality of the English language program, which has been quite low. We are also intensifying vocational education, and availing ourselves as fully as possible of existing manpower programs. It is not accurate, however, to credit the Government of Puerto Rico with the development of a program for sending migrant farmworkers to the mainland. As a matter of fact, Puerto Rican workers commenced to be recruited by farmers' organizations on the mainland, and as the practice grew the Government of Puerto Rico decided to step in and regulate it by protective legislation, requiring employment contracts to be approved by the Puerto Rico Labor Department, and to establish offices on the mainland to protect migrant workers. As a result, most of the migrant workers recruited from the mainland are now protected by Government-approved contracts, although a minority still come on their own. But the important point is that migrant farm labor is not a program developed by the Government of Puerto Rico, but by mainland farmers. It is simply regulated by Puerto Rico, to such an extent that every spring I receive inquiries from Members who represent farming communities, and some of whose constituents protest that they are unable to obtain the labor they urgently need because of the interference of Government officials in Puerto Rico who, in one way or another, discourage would-be migrants.

Nevertheless, migration from Puerto Rico is a fact, both in the case of temporary farm labor and in that of the number of people who leave the island on a permanent basis in search of economic opportunity. We welcome all the help we can get from the Federal Government toward the end of providing jobs in Puerto Rico, and of providing those who cannot find jobs there and find it necessary to seek opportunity on the mainland, with the education and skills necessary for them to find and realize on available opportunities.

Fundamentally, as I indicated at the outset, overpopulation is a factor that cannot be ignored in addressing ourselves to the problems of Puerto Rico. Our birthrate has declined sharply from 41.9 per thousand in 1945 to 23.5 in 1968, but our death rate has gone down even more sharply from 13.7 per thousand in 1945 to 5.9 in 1968. In an effort to meet this problem, the present administration has instituted a program for the dissemination of birth-control information. But this is, necessarily, a long-range program. Meanwhile, we must intensify the effort to create new jobs and to maintain the jobs that now exist. To this end, we invite the help of the distinguished gentleman from New York, and of all the Members of this body.

Mr. Speaker, a pertinent tabulation follows:

VIETNAM ERA VETERANS, SERVICE AFTER AUG. 4, 1964

	Population (millions)	Vietnam era veterans (thousands)
Puerto Rico	2.689	43
Connecticut	3.032	61
Iowa	2.825	58
Kansas	2.249	43
South Carolina	2.590	41
Kentucky	3.219	62
Mississippi	2.216	30
Oklahoma	2.559	52
Colorado	2.207	45
Oregon	2.091	50

Source: 1970 Annual Report of the Administrator of Veteran Affairs.

THE STATE OF THE ECONOMY: AN ANALYSIS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 60 minutes.

(Mr. WHALEN asked and was given permission to revise and extend his remarks, and include extraneous material.)

I. INTRODUCTION

Mr. WHALEN. Mr. Speaker, on November 5, 1968, inflation was one of the more serious problems troubling the voter as he trekked to the polls. Indeed, during the 31 months between October 31, 1965, and October 31, 1968, the cost of living, as measured by the Consumer Price Index, rose at an annual average of 4 percent per year using 1967 as the base year—from 94.9 on October 31, 1965, to 105.7 as of October 31, 1968.

In a speech delivered November 10, 1969, former Secretary of the Treasury, Henry H. Fowler, candidly acknowledged that this spiral was generated by "a steep advance in Government expenditures, coupled with sharp expansion of business spending on plant and equipment and of personal income, the whole giving rise to an excessively rapid growth of economic activity."

Statistics clearly substantiate Secretary Fowler's conclusions. During the 2 years between July 1, 1966, and June 30, 1968, total Federal outlays increased $44.1 billion, or 32.7 percent—from $134.7 billion to $178.8 billion. Under almost any circumstances a 32.7-percent growth in Government spending in a 24-month period would be inflationary. In addition, the timing and the nature of the 1966–68 increase heightened inflationary pressures.

First, the $44.1 billion expenditure expansion came at a time when the Nation was operating at optimum plant capacity—90.5 percent utilization. This meant that the demand sparked by increased Federal spending could not be met with existing production facilities. The economy responded to this situation with a significant boost in capital goods purchases. Between December 31, 1965, and December 31, 1968, expenditures by business for new plant and equipment increased 24.5 percent—from $54.42 billion to $67.76 billion.

Second, $23.7 billion of the aforementioned $44.1 billion increase in the Federal budget was allocated to military requirements. Defense wares, of course, do not find their way into the Nation's marketplace. Thus, the expanded purchasing power spawned by increased Federal spending during fiscal years 1967 and 1968 was not absorbed by a commensurate growth of merchandise which the consumer could buy. This simply meant, therefore, that more dollars were chasing relatively fewer goods—the classic cause of inflation.

Third, tax receipts failed to match the growth of Federal expenditures during the period July 1, 1966, to June 30, 1968. Consequently, the gross national debt grew from $264.7 billion to $290.6 billion. To cover this deficit, the Federal Government extracted $25.9 billion from the money market. In so doing, it created an acute credit shortage. This contributed to the expansion of the prime interest rate to 5.80 percent in 1968—it had been as low as 4.30 percent in 1964.

Mindful of these facts, Dr. Arthur M. Okun, Chairman of President Johnson's Council of Economic Advisers, concluded in a 1969 lecture:

> Surely, in any meaningful sense, the Federal budget was the engine of the inflation in the period of 1966 to 1968.

On election day, 1968, in choosing a new President, the voters evidently agreed with Dr. Okun's assessment.

II. ECONOMIC PROBLEMS CONFRONTING THE NEW ADMINISTRATION

The hangover from an all-night binge is extremely excruciating—at least so I have been told! By the same token, whoever was elected President on November 5, 1968—be he HUBERT H. HUMPHREY, George C. Wallace, or Richard M. Nixon—inevitably would have to face the "hangover" stemming from the economic binge experienced by our country during the previous 36 months.

Dr. Jules Backman, research professor of economics, New York University, described it this way:

> Unfortunately, after a period of price inflation which has lasted several years, the choice is not between pleasant and unpleasant policies. Whatever is done will hurt some groups. The question is which is the "least worst" policy, not which is the best policy. The ending of a period of price inflation is always painful. A postponement of the day of judgement only results in an increase in the pain.
>
> So let us not set up false alternatives. Of course we are against unemployment. Of course we are against price inflation. Of course we would like the best of all worlds. But we are not choosing between unemployment and price inflation. That choice is already built into the policies of the past few years. We are choosing among degrees of unemployment now or in the future. We can only hope to limit the price we pay, not to escape it.

Dr. Okun concurred with Professor Backman's views. He observed that if Americans insist on a better price performance we "must" accept some extra unemployment and some sacrifice of output and real income. Unfortunately, we must say: 'Yes, Virginia, there is a trade-off between employment and price stability'."

This, then, was the economic dilemma confronting the new administration as it assumed office on January 20, 1969.

The problem, in fact, was twofold.

First, the second stage of inflation—the cost-push phase which automatically follows demand-pull inflation—already was in evidence. In 1968 output per man hour in the manufacturing sector of our economy grew 4.7 percent. During this same 12-month time frame, however, industrial compensation per man hour increased 7.1 percent. This, in part, accounts for the 3.3 percent growth of unit production costs in 1968. Obviously, during periods of relatively full employment, such as existed in 1968, the producer can pass on his higher costs to his customers in the form of higher prices.

The reason for the large growth in manufacturing wages in 1968 is more easily understood when one examines labor's "real" purchasing power—that is, what the money wage actually buys—as of that time. In December 1965, according to the Bureau of Labor Statistics, spendable average weekly earnings—in 1967 dollars—of manufacturing employees was $104.42. Due to the erosive effects of inflation, plus higher taxes, the manufacturing employee's spendable average weekly earnings, as of December 31, 1968, had dropped to $103.99. This represents a 43-cent decline in "real" buying power over a 3-year period. It was only natural—and completely justifiable—that labor, in negotiating new wage contracts, not only would seek to recuperate this loss in "real" wages but also would bargain for a higher dollar settlement as a hedge against future consumer price acceleration.

Second, the prospect of a slowdown in the Nation's economy had been identified as early as September 5, 1966, by Henry C. Wallich, professor of economics, Yale University. In his Newsweek column of that date Professor Wallich commented:

> The further the inflation is allowed to travel, the nastier will be the ultimate crash.

In fact, by January 20, 1969, the seeds of an economic downturn already had been planted.

What were they?

A. FISCAL POLICY

On June 28, 1968, President Lyndon B. Johnson signed the Revenue and Expenditure Control Act of 1968. This legislation imposed a 10-percent surtax on individuals and corporations and restricted fiscal year 1969 expenditures to $180.1 billion. This resulted in a $28.1 billion "about face," shifting the Federal budget from a $25 billion deficit in fiscal year 1968 to a $3.1 billion surplus for the fiscal year ending June 30, 1969. With the stroke of the Presidential pen, our fiscal posture abruptly changed from stimulation to restraint.

B. MONETARY POLICY

By the time the new administration assumed office the Federal Reserve System already had begun its policy of monetary restraint which it then pursued throughout most of 1969. For example, in December 1968, this independent body's 12 district banks raised their discount rate—interest charged commercial member banks—from 5¼ percent to 5½ percent. The discount rate was boosted to 6 percent in April 1969. In the same month the cash reserve requirement for commercial banks in major financial centers was increased from 16½ to 17 percent of deposits. The Nation's money supply—circulating currency and demand deposits—this became frozen at approximately $200 billion throughout most of 1969 as a result of these, and other Federal Reserve policies. The Federal Reserve Board of Governors, in an effort to stem inflation, in effect challenger the economy to do more business in 1969 with the same amount of money.

C. OPERATION OF THE MARKETPLACE

Perhaps the most significant portent of things to come was the diminution of consumer buying power resulting from the 1966–68 demand-pull inflation. Every high school student remembers the role of price in a market economy—as prices go up, demand declines. Admittedly, supply-demand-price relationships do not operate perfectly in the United States due to the built-in rigidities in our economy. However, the law of supply and demand has not been completely repealed. In the long run, price, in fact, does affect supply-demand decisions. Consequently, as prices rose in 1966, 1967, and 1968, certain segments of our society suffered. For instance, those living on fixed incomes—such as pension recipients—witnessed a 12-percent decline in their buying power between December 31, 1965, and December 31, 1968. Employees of firms operating in a highly competitive environment, during these same years, saw their ability to buy gradually dissipated. Their employers simply were unable to offset any cost increases by raising their prices; hence, wages lagged. Finally, as noted previously, real factory wages declined 43 cents per week over a 36-month period.

What lesson can be drawn from this? When the consumer suffers a reduction in his purchasing power, there eventually follows a decline in the production of the items which he buys.

III. ECONOMIC PROBLEMS—1969–70

How did the new administration propose to handle the twin problems—cost-push pressures and an incipient economic downturn—with which it was confronted?

Herbert Stein, member of the President's Council of Economic Advisers, described the strategy, or "game plan," in a September 22, 1970, address to the Citizens Research Council of Michigan. Dr. Stein indicated that the administration's objective has been "to curb inflation without causing a recession and to do this by first steadily slowing and then steadily reviving the growth of demand."

While some have criticized this "gradual" approach, it was stoutly defended by Professor Okun, Chairman of President Johnson's Council of Economic Advisers. Dr. Okun, on November 10, 1969, told participants of the New York University School of Commerce's Moskowitz Lecture Series:

> Even though the gradualist strategy has tested our faith and our patience at times, it has been a valuable investment. And I believe that the message is finally getting through that the U.S. Government puts equal weight on the two parts of the gradual disinflation formula.

If the new administration has erred, it was not in the execution of its strategy. Rather, it was in implying in public statements that disinflation could be achieved at no cost. In so doing, the previously cited admonitions of Professor Backman, Dr. Okun, and other economists were ignored.

The inauguration of a new President does not automatically erase adverse conditions bred during previous years. The new administration, therefore, during 1969 and 1970, could not escape paying the "price" which inevitably would be exacted by 1966–68's "demand-pull" inflation.

What was this "price?"

First, understandably, efforts of labor to catch up with lost buying power continued. As a consequence, average factory compensation per man hour in 1969 rose 6.4 percent, contrasted with a 2.1 percent expansion of worker productivity; 1970 saw the same pattern. Industrial wages were boosted 6.7 percent; productivity increased 1.2 percent. This led to a 5.5-percent cost-of-living advance in 1970—using 1957–59 prices as 100, the Consumer Price Index rose from 131.3 on December 31, 1969, to 138.5 on December 31, 1970.

Second, the seeds of an economic downturn—sown in 1966, 1967, and 1968—began to bear fruit. Reduced consumer purchasing power, coupled with the fiscal and monetary restraint commenced in 1968, culminated in a decline in output in 1970. The Industrial Production Index dropped in 8 of 12 months last year. Production, overall, fell 4.2 percent in 1970—from 171.1 percent of the 1957–59 average on December 31, 1969, to 164.0 percent on December 31, 1970.

As a result, gross national product, which measures the economy's total output of goods and services, dropped $2.8 billion in 1970—using 1958 "constant" dollars to iron out the effects of inflation. The number of jobless in December 1970, mounted to 6.2 percent of the civilian labor force. This figure, incidentally, was influenced by the previous fall's General Motors strike.

In humanistic terms, any unemployment is undesirable. Nevertheless, the 1969–70 record represents a marked improvement when contrasted with the "cost" or "price" of previous postinflationary downturns. For example, World War II's inflation inspired a recession during the late 1940's. Unemployment reached 6.8 percent in August 1949—October's 7.9 percent is discarded because of the effect of a nationwide steel strike. The jobless figure remained at 6.5 percent as late as January 1950. The aftermath of the Korean war's "demand-pull" inflation created an unemployment level of 6.1 percent in September 1954. Between 1958 and 1960 the economy suffered from a further recession, this time occasioned by post-Korean "cost-push" inflation. Unemployment during this period rose to 7.5 percent in July 1958, and a 1960 high of 6.6 percent in December of that year.

Indeed, 1970's unemployment statistics compare favorably with those recorded during the economic revival of 1961–64. The percentage of the Nation's labor force which was unemployed in May 1961, stood at 7.1 percent; 5.8 percent in January 1962; 5.9 percent in February 1963; and 5.6 percent in January 1964. In fact, unemployment finally fell below 5 percent only when our military involvement in Vietnam accelerated.

IV. THE ECONOMY TODAY

Has the "hangover," occasioned by the economic binge of 1966–68, been brought under control? Have we begun the transition from the "price-paying" process, described by Professors Backmun and Okun, toward a realization of the administration's goal of "curbed inflation and revived demand?" Paul Samuelson, MIT professor and Nobel laureate in economics, answers these questions affirmatively. Addressing an April 22, 1971, luncheon meeting of the Woman's National Democratic Club, Professor Samuelson noted that during the first quarter of this year the economy achieved "genuine improvement." He predicted:

> The year 1971 is going to be much better than 1970.

Recent economic indicators support the Nobel laureate's conclusions.

First, significant progress has been made in bringing prices under control. The cost of living, computed on an annual basis, rose only 2.7 percent between December 31, 1970, and March 31, 1971. This represents the smallest quarterly rise in the Consumer Price Index—from 119.1 on December 31, 1970, to 119.8 on March 31, 1971—in 4 years.

Interest rates likewise have declined. The prime rate hit 8 percent during the first quarter of 1970. Twelve months later commercial banks were charging their lowest-risk borrowers only 5¼ percent—the prime rate moved up to 5½ percent on April 23, 1971.

Second, output soared during the period January 1 to March 31, 1971. The Industrial Production Index moved from 104—1967 base year—as of December 31, 1970, to 104.5 on March 31, 1971. This represents an annual advance of 1.92 percent. Accordingly, during the first quarter the total value of goods and services increased $28.5 billion, the largest dollar expansion in history. Eliminating the inflationary bias, "real" growth of the gross national product was 6.5 percent, the highest quarterly gain since April to June, 1968.

The first quarter's gross national product results should be tempered by the fact that a portion of the total can be attributed to the resumption of automobile production following last fall's strike—September 14 to December 20. Nevertheless, as noted in the business outlook section of the April 24, 1971, issue of Business Week:

> Most impressive was the significant increase in final demand. GNP minus investory changes rose by a hefty $30 billion. This is setting the stage for more solid industrial gains.

V. THE FUTURE

How will the economy perform during the remainder of the year?

A. INFLATION

1. PRICES

The combination of 6-percent unemployment, 72.3-percent plant utilization—as of the fourth quarter, 1970—and a 5.3-percent first-quarter productivity increase should more than offset the pressures generated by increased wage demands.

The First National City Bank of New York, in its January 1971, Monthly Economic Letter points out that during the 1958 recession, 12 months of high unemployment elapsed before the rapid increase in the cost-of-living index was halted:

> But over the next 12-month period—

The Monthly Economic Letter continues—

> the number of unemployed fell by 1.4 million while the rate of increase in consumer prices slowed to a virtual halt.

Thus, First National City Bank officials conclude that—

> In 1971 there are good prospects that the rate of inflation will decelerate significantly as the full effects of the 1970 slowdown in economic activity work through to the price indexes.

2. INTEREST RATES

According to the April 23, 1971, issue of U.S. Financial Data, published by the Federal Reserve Bank of St. Louis, the Nation's money supply during the past 4 months "has increased at a 10.3 percent compounded annual rate." Loan growth, on the other hand, "has not accelerated in the past 4 months compared to the previous 5." These factors account for the expansion of member bank reserves from their recent low of $27.5 billion on May 27, 1970, to $30.8 billion on April 21, 1971. This growing availability of bank funds should insure that long-term interest rates will remain substantially below their 1969–70 levels.

B. OUTPUT-UNEMPLOYMENT

Any further gains are contingent upon the performance of two important segments of our economy—the businessman and the consumer. What is the likelihood of business firms expanding their investment in capital goods? Will the consumer, during the remainder of 1971, abandon his caution and significantly increase his level of spending?

1. CAPITAL INVESTMENT

Economists often refer to the "multiplier effect" exercised by increased purchases of capital goods—buildings, machinery, and equipment. By this is meant that every new dollar invested in capital goods is respent several times within the economy. An increase in capital investment, therefore, is essential if, in 1971, unemployment is to be reduced and new entries into the labor force are to be absorbed.

According to a recent Associated Press dispatch, McGraw-Hill's annual survey of business' plans for new plant and equipment reveals that—

> U.S. businesses plan a four percent increase in capital investment in 1971.

This represents an improvement over preliminary estimates released last fall by McGraw-Hill. At that time, due to excess plant capacity—72.3 percent utilization during the fourth quarter, 1970—only a 2-percent rise in capital expenditures was envisioned. This doubling of capital investment intentions between last fall and this spring, according to McGraw-Hill's chief economist, Douglas Greenwald, stems from the need for plant modernization and the anticipation of a 7-percent rise in the dollar value of manufacturing sales in 1971.

Even more encouraging is the McGraw-Hill finding that business' preliminary projections reflect a rising level of capital spending in 1972, 1973, and 1974. According to Mr. Greenwald, this investment expansion is predicated upon an expected 22-percent increase in the dollar value of sales by the end of 1974. If this level of capital spending materializes, it is anticipated that total manufacturing employment, by the end of 1974, will grow 11 percent.

2. CONSUMER SPENDING

In the final analysis, purchases of capital equipment by business firms are determined by what the consumer does or does not do. Recent indices manifest a greater willingness on the part of the individual citizen to part with his earnings and savings. During March, for instance, private housing starts reached a 1,918,000 annual rate—contrasted with the 1,433,000 units constructed in 1970; 450,626 automobiles were sold during the first 20 days of April. This is 12.5 percent above the figure for the comparable period in 1970. As reported by Thomas Mulaney of the New York Times:

> Total retail sales around the country in the week ended April 10 (just prior to Easter) were up 14 percent.

Despite this acceleration of consumer demand, the average American still saved 7.2 percent of his take-home pay—disposable income—during the first 3 months of 1971, an abnormally high rate. If the consumer continues to regain his confidence and reverts to his more normal 6 percent savings—of disposable income—pattern, he will spark a rapid economic expansion during the balance of 1971.

VI. CONCLUSION

One rose does not make a summer. Similarly, 3 months do not make a year—or 4 years. Consequently, as recommended by the Morgan Guaranty Trust Co. of New York in its April, 1971, Morgan Guaranty Survey, one should use "caution" in interpreting recent economic data. Yet recent indicators have led First National City Bank of New York economists to conclude—in the April, 1971, Monthly Economic Letter:

> Considering the relative mildness of the recession, the strength of the revival is, in fact, impressive . . . the current business upswing has started along the kind of path that has led to vigorous economic recovery in the past, and there is every reason to believe that it will continue on that path. This key fact can be seen in any number of ways.

Thus, evidence accumulates that the economy is in transition. It clearly is moving from the painful "price" exacted by 1966–68's "demand-pull" inflation toward the dual goal of "curbed inflation and revived demand." It is this fact which prompted Professor Samuelson, during his April 22 speech, to remark that next year when the man in the street enters the election booth, he "will know that in November 1972, he is better off."

MINORITY LEADER'S ATTACK ON SENATOR MUSKIE

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Under a previous order of the House the gentleman from Maine (Mr. KYROS) is recognized for 30 minutes.

(Mr. KYROS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. KYROS. Mr. Speaker, I rise at this time to discuss certain comments that were made by the House minority leader last week, on April 29, at the American-Israel public affairs luncheon held here in Washington.

Mr. Speaker, at that time the gentleman from Michigan made certain remarks about a great American, a great Senator and an outstanding Democrat, Senator EDMUND MUSKIE, which need to be put in perspective, particularly because many House Members have indicated their intention to discuss those remarks in full.

In substance, those remarks were erroneous and, apparently, the gentleman from Michigan was misinformed both as to Senator MUSKIE's statements to Soviet leaders and his general policy regarding the Middle East. In addition, it is my feeling that the discussion of foreign policy as it deals with Southeast Asia, and now particularly with the Middle East, should be devoid of all partisanship.

Certainly an area in which the United States is vitally interested, in which we even today, through our Secretary of State, Mr. Rogers, are attempting to achieve some kind of stability and some kind of a rational peace, requires the unified support of people all over this country to insure that that policy can be maintained.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KYROS. I will be happy to yield to my colleague from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wish to commend the distinguished gentleman in the well for taking this time to put into proper perspective the remarks of the minority leader last week on the 23d anniversary of Israel's independence, held here at the Rayburn Building.

I was at that luncheon and I also heard the remarks. The remarks were in bad taste. This was a solemn occasion marking the 23d anniversary of Israel's independence and hardly the place for a partisan attack on a Member of the Senate. I was deeply concerned that the remarks made were very obviously designed to carry out orders from the White House to stop MUSKIE. It is very apparent the White House high command has decreed that MUSKIE is the man they have got to beat, otherwise he is going to beat them in 1972. MUSKIE has the support, the quality, and the stature, but more importantly, the understanding of the difficult problems confronting both our country and the world. It is for this reason that the White House strategy is to stop MUSKIE at all cost. It is obvious all the top guns of the Republican leadership have been given orders to "get MUSKIE before he gets us."

Mr. Speaker, the minority leader followed an old, old political tactic: When you cannot say anything good about your own position, then try to discredit your opposition; find a scapegoat. While the minority leader did not name the particular Senator by name, it was obvious that he was indeed talking about the Senator from Maine. The minority leader had to take off against MUSKIE because he could not very well defend this administration's position in the Middle East.

This administration has suggested that we make the Soviet Union a member of the permanent peacekeeping force in the Middle East. That is like having the fox watch the chicken coop. We should be trying to get the Soviets out of the Middle East instead of legalizing the presence of their troops in this troubled area. This administration has not been able to understand Soviet presence in the Middle East; Soviet imperialism. If this were a problem to be resolved between the Arab States and Israel, the problem would be solved tomorrow, but it is the intransigence of the Soviet Union that makes a solution to the Middle East situation impossible.

So, when we have an administration that encourages and recommends that we make the Soviet Union a member of the permanent peacekeeping force, obviously this administration wants to deliver the Middle East and Israel to Soviet influence and domination; a cordon sanitaire of pro-Soviet states in the Middle East.

Nor could the minority leader defend the other concept of this administration's lack of understanding of the problems in the Middle East, namely opening the Suez Canal with no guarantees to Israel. Right now Secretary of State Rogers is in the Middle East. He is trying to get the Suez Canal opened. Who wants it opened most? The Soviet Union wants it open, because they want to be able to move their fleet out of the Mediterranean into the Indian Ocean and to continue their conspiracies and intrigues into that part of the world. Israel has insisted on territorial guarantees before she will agree to open it up; guarantees that Egyptian troops will not cross the Suez. Israel has a right to make such demands, but there is no evidence that Secretary Rogers agrees with Israel's problems.

Finally, the distinguished minority leader made some pronouncement about what the Senator from Maine had told Kosygin in a recent conversation in Moscow.

I think we ought to be very grateful to Mr. Jack Anderson for his column, "The Washington Merry-Go-Round," which appeared in the Washington Post today. Mr. Anderson had obtained a copy of a secret memorandum that had been prepared by the State Department for the top leaders of the administration on what Senator MUSKIE did tell Kosygin and Gromyko during the Moscow conference.

Mr. Speaker, I will ask unanimous consent that the entire column be placed in the RECORD at the conclusion of all our remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Anderson's column discloses a secret memorandum prepared by the State Department on what Senator MUSKIE actually told the Soviet leader. I have no reason to doubt that Mr. Anderson is stating the case correctly, because Mr. Anderson has wide resources in this Capitol.

Mr. Anderson, in quoting from the secret document, says that Senator MUSKIE told Mr. Kosygin and Mr. Gromyko in no uncertain terms:

> "Acting as if Israel dces not have a security problem is not going to allow a settlement." It is necessary to deal with both Arab deisre to recover territories and Israeli desire for security. . . .

The secret memorandum states further:

> There was extended discussion of Israeli view of security with Muskie expressing understanding for Israeli feeling about Golan Heights. "This is not a question of logic."

In defending Israel's right to the territories she captured in the 6-day war, the memorandum says Senator MUSKIE: "distinguished between acquisition of territory in war and rectifications of borders in areas sensitive to security of one or another state."

It is quite clear that Senator MUSKIE had made a very strong and persuasive case before Kosygin and Gromyko in Moscow that Israel is entitled to retention of Golon Heights, and needs these borders in order to have a method of defending herself, and that there can be no peace in the Middle East until the Soviet Union and the Arab States realize that Israel must have these defensive boundaries.

I say, Mr. Speaker, that it comes in bad grace for anyone today to try and create the impression at an Israeli luncheon honoring the 23d anniversary of Israel that somehow or other Senator MUSKIE is insensitive to the needs of the Israelis.

I am glad the gentleman in the well, the gentleman from Maine (Mr. KYROS), has taken this time to put into perspective what it is that Senator MUSKIE said in Moscow and as to his strong position and understanding of the Middle East. I hope we will hear no more of this distortion from the distinguished minority leader. Of course, when we listen to the minority leader attack Senator MUSKIE and then we listen to Senator DOLE, the Chairman of the Republican National Committee on television Sunday attack Senator MUSKIE, we see the pattern unfold; all of the big Republican guns are centering on ED MUSKIE. It becomes very clear and obvious to this Member: MUSKIE is the man to stop—but I do not believe they will succeed.

Mr. KYROS. Mr. Speaker, I wish to commend my good friend from Illinois (Mr. PUCINSKI), for his remarks. And I truly believe, as the gentleman does, that this issue should not have been brought into partisan politics at all. Our attitude toward the Middle East should remain bipartisan, because the United States' position is one of self interest, and the survival and security of Israel is unquestionably in that interest. It is my sincere belief that the interest of Israel and other nations will best be served by keeping this out of politics entirely.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. KYROS. I am happy to yield to the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Speaker, I would just like to observe that it looks to me like the administration is working both sides of the street. The Secretary of State apparently speaks to the Arabs on the administration's policy toward the Arabs, and apparently the minority leader is trying to kid the Israelis about the administration's policy toward Israel. But I really do not think his remarks were aimed at Israel or Israeli assumptions, I think his remarks were aimed at the Jewish population in the United States, hoping that somehow or other he can talk and double-talk his way into having them believe somehow or other that Mr. Muskie is antagonistic toward Israel. The fact is that I have known Jewish people all my life, and if the minority leader does not know it I can tip him off that they are too smart to swallow that. About the only thing he is going to do is to insure that they are not going to vote for any Republicans in the next election, along with an awful lot of other people.

Mr. KYROS. I thank the gentleman from Ohio for his remarks.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. KYROS. I yield to my friend from Illinois.

Mr. MIKVA. Mr. Speaker, I, too, want to commend the gentleman in the well for taking time to bring this issue into the public forum. It was a distinct displeasure last week to listen to the minority leader of this House as he launched on what really were some very blatant and irresponsible misrepresentations directed against Senator Muskie.

Like the gentleman from Michigan (Mr. Gerald R. Ford), a lot of us were invited to the luncheon of the American Israel Public Affairs Committee to honor the 23d anniversary of the founding of the State of Israel; unlike the gentleman from Michigan (Mr. Gerald R. Ford), every other speaker there refrained from using the occasion for partisan political purposes.

As a member of the audience to which the gentleman from Michigan (Mr. Gerald R. Ford) spoke, and as a loyal supporter of the commitment that this country made a long time ago toward defending Israel's right to survive, I, for one, resented the cynical use of half truths and mistruths that the minority leader exercised toward the distinguished Senator from Maine. The minority leader seemed to believe, as my colleague, the gentleman from Ohio just stated, that an entire group of potential voters can somehow be influenced to support one candidate or oppose another on the minority leader's say-so. I think he is going to have a very rude shock in 1972.

Senator Muskie has been a longtime friend of Israel and a supporter of America's commitment to Israel's security. He needs no defense from me or anybody else on that score.

At the same time his has been the voice of sanity calling for increased understanding with the Soviet Union on winding down the arms race in order that we might devote more of our vast resources to the crying human needs at home and abroad.

I am glad that my colleague, the gentleman from Illinois (Mr. Pucinski), is going to insert in the Record the entire column by Mr. Anderson that appeared in this morning's Washington Post. I think it makes very clear that Senator Muskie in his conversation with Mr. Kosygin was not bartering Israel's survival for any points in his debate, but rather was urging the Russians to do something that he has consistently done, and that is to talk seriously about deescalating the tremendous arms race between the Soviet Union and the United States.

I emphatically resent the minority leader's misrepresentation of Senator Muskie's position on these crucial issues; it is a calculated, cynical example of partisan politicking of the worst variety.

I think it grossly diminishes what heretofore has been a bipartisan and apolitical expression of support for Israel's right to survival, a right which Senator Muskie has vigorously defended.

Mr. KYROS. Mr. Speaker, I thank my most able colleague, the gentleman from Illinois. From my experience here I would say that he is exceedingly knowledgeable and capable of understanding the problems of the Middle East. He has often expressed his views on the floor of the House, and is a gentleman to whom many people look when trying to understand the difficult problems in that part of the world. I am delighted to have the gentleman's help in putting this matter in perspective.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. KYROS. I yield to the gentleman.

Mr. WOLFF. Mr. Speaker, I appreciate this opportunity to comment briefly on the remarks made by Mr. Ford. I was present at the time the minority leader made the statements that he did, and I speak now as a member of the Committee on Foreign Affairs and the Near East Subcommittee. Having just returned from Israel and knowing the high regard that the people of Israel hold for Senator Muskie, I want to communicate that to the Members of the House and to repudiate the statements made by the minority leader. I am sorry to see a question with such serious implications being injected into this very tragic situation that exists in the Middle East. Politics really have no place in an area where we are trying to smother the flames that could engulf the entire world. I feel that it is important that the minority leader be informed as to the true nature not only of Mr. Muskie's feelings, but also of the statement that he has made. I personally have had experience talking to Mr. Muskie about the Middle East and can vouch for his strong convictions and support for Israel—not for the Jewish vote, but because of the fact he feels, as I have understood Mr. Ford has stated in past remarks, that we must support Israel because, to put it in Mr. Ford's words, the security of the United States is tied to Israel and Israel's security is tied to the United States.

I think it is in the U.S. interest that Mr. Muskie speaks in support of Israel. The distortion that has occurred as a result of remarks in debate by Mr. Ford are also indicative of the fact that a great amount of misinformation pervades our debates today, and I appreciate the fact that you are standing there and providing us with the opportunity of setting the record straight.

Mr. KYROS. I wish to thank the gentleman from New York. I must say again, with regard to the Middle East crisis as well as to Southeast Asia, that I know the gentleman has made many trips there, and as a member of the Foreign Affairs Committee, he has contributed greatly to the understanding of people like myself, as a result of his knowledge of those areas. I appreciate the gentleman's remarks today.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. KYROS. I am pleased to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that there be included in the Record at the conclusion of this discussion some pertinent excerpts of what Senator Muskie has said about Israel on a number of occasions.

On the David Frost Show on March 31, 1971, Senator Muskie said:

> The local security situation below the Golan Heights, on the Syrian border; the Sharm El-Sheikh situation which, you know, controls the entrance to the Gulf of Aqaba, over which the Six Day War began in 1967, the very narrow waist of Israel on the West Bank of the Jordan—these are three local security problems that Israel has every right to be concerned about. And she's trying to pursue them the best she can in a tactical situation which is very difficult.

In his speech at Palm Beach, Fla., on February 18, 1971, Senator Muskie said, among other things:

> Every nation has to be concerned with its security interests and Israel must be as well . . .

In a speech at Cleveland, Ohio, on February 10, 1971, the Senator said:

> Israel's neighbors must recognize that Israel is here to stay. They must recognize—and so must others—that the United States is and will remain committed to Israel's security. That is what I told the students at Hebrew University I would say when I went to Cairo, and that is what I did say, both in Cairo and in Moscow.

So, Mr. Speaker, I believe the record is very clear on the position that Senator Muskie has taken on the issue of aid to Israel. For the minority leader to try to distort that position in a speech before 400 very distinguished Members of the Congress and members of the Jewish community is, as the gentleman from Maine said, to try to bring this issue into a bipartisan forum at a time when we ought to be standing together. Our Nation for 23 years has been committed under four different Presidents to the principle that Israel is here to stay, and nobody is going to drive Israel into the sea. I believe the distinguished Senator from Maine, Senator Muskie, has taken that position and has stated it as eloquently and as unequivocally as anything that I might say on this floor.

The SPEAKER pro tempore (Mr. Hechler of West Virginia). Without objection, the various excerpts adverted to by the gentleman from Illinois will be included in the Record.

There was no objection.

Mr. KYROS. I thank the Speaker, and I thank the gentleman from Illinois for his eloquent remarks concerning Senator Muskie's position on Israel. I would suggest that in the light of our discussion of the minority leader's remarks, and in view of the fact that we now have provided sufficient information for him to correct those remarks, that he no longer can be dismayed at what he thought was Senator Muskie's position and intent. I believe that the minority leader's remarks were indeed unfortunate—not only as regards a great U.S. Senator, but also as regards a foreign policy which we would all like to be behind in the Middle East. I think the minority leader's remarks were unfortunate in the face of our Nation's fine attempts to achieve a military balance and stability in that area of the world.

Above all, I would call the attention of the Members of this body to the fact that Senator Muskie attempted to restate to Premier Kosygin that many Americans today are concerned about the high cost of military spending, and that both the Soviet Union and America mutually would benefit if the cost of such spending in each of our countries were diverted to domestic needs. This is a view which Senator Muskie has expressed often and publicly in recent years.

Senator Muskie did not explicitly or by any implication suggest that this lessens in any way America's pledge to Israel's security. On the contrary, the Senator has been most emphatic in conveying both to Soviet and to Egyptian leaders his support of the American commitment to Israel's security.

Mr. Speaker, I yield the balance of my time.

Mr. REES. Mr. Speaker, I join my colleagues in expressing their dismay at the actions of the Republican minority floor leader in his purely partisan attack on Senator Edmund S. Muskie of Maine, before the meeting of the American-Israel Public Affairs Committee last Thursday.

This was a bipartisan meeting to which Members of the Congress were invited. The theme of the meeting was the 23d anniversary of the founding of the State of Israel. It was a time to recognize the accomplishments of Israel and to honor this country which is deeply admired by so many of us. The meeting was not for the purpose of making an unfounded, irresponsible partisan attack on a Member of the opposite party.

As the charges were patently misleading, I would like to include for the Record what Senator Muskie has said publicly concerning Israel, not what the minority leader said he said.

Mr. ECKHARDT. Mr. Speaker, I would just like to add my voice to those who have spoken out against the irresponsible and improper remarks by the House minority leader at the luncheon meeting of the American-Israel Public Affairs Committee on April 29. While I am very concerned about the inaccuracy of Mr. Ford's statements, I am equally concerned about the impropriety of issuing such a callous political "cheap-shot" at what was without doubt a nonpartisan meeting. The luncheon was arranged by the leadership of both parties and a most distinguished group of leaders of the American Jewish community as well as the Israel Ambassador were present. The remarks of the minority leader were a great source of embarrassment to the organizers of the meeting and the Ambassador was made especially uncomfortable.

Senator Muskie is a friend of Israel and a great humanitarian. I can understand the minority leader's desire to discredit a leading contender for the Democratic presidential nomination, but this time Mr. Ford only discredited himself. The Senator's conversations with Soviet leaders centered on the need to limit the arms race and in no way reflected any desire to weaken Israel's security. Senator Muskie should be commended for his sincere efforts to lessen the dangers of a world conflagration. The strategy of those who oppose an arms limitation is evidently to sound the alarm that our friends' defensive capabilities will be weakened by any such limitation and then to appeal to interest groups in the United States that have a special affinity or affection for a particular friendly nation. This is a sad commentary on both the policies and politics of the GOP.

I hope that the minority leader will take the time to reassess his own position on arms limitations and will extend a most necessary apology to the junior Senator from Maine.

Mr. VAN DEERLIN. Mr. Speaker, it is with great reluctance that I add my voice on this matter. I hold the minority leader in high personal regard as one who normally places the public interest above any other consideration.

But the gentleman's remarks at last week's luncheon cannot be explained away as an excess of spontaneity. They followed the lines of a prepared press release, appearing to be part of a carefully orchestrated partisan attack on a front-running Democratic leader. If I have any nose for these things, the gentleman's speech was written in executive offices of the White House.

Had the subject been economic trends, the environment, or even ping-pong, Senator Muskie would have been fair game. He is entitled to no special protection against harsh partisan attack—even for the kind that Mr. Nixon likes to call "a cheap shot." But the delicate balance of peace in the Middle East, Mr. Speaker, is no subject for such byplay.

We all yearn for stability in that troubled area—in approaching this goal, let us cast aside the vestiges of disruptive and totally unnecessary partisanship.

Mr. PRYOR of Arkansas. Mr. Speaker, I am pleased to join my colleague from Maine, Mr. Kyros, in opposing the use of half-truths in maligning Senator Muskie's position on foreign policy.

I must admit that I am struck by the fact that in defense of bipartisanship in foreign policy, the minority leader has leveled an absolutely partisan attack. More important, however, is the fact that this is certainly not the time in American history to create discord where none need exist. There will certainly be many opportunities over the course of the next year and a half for Democrats and Republicans to have honest differences of opinion. Those differences serve to make both the two-party system and America, itself, strong. There is no need, however, for differences to be fashioned from half-truths and I am proud to be associated with my colleague from Maine in combating it.

(The material referred to by Mr. Pucinski is as follows:)

[From the Washington Post, May 4, 1971]

Kosygin Harsh With Muskie on Mideast

(By Jack Anderson)

A hush-hush reporter to the State Department on Senator Ed Muskie's recent conversations with Soviet leaders reveals, ominously, that Premier Alexei Kosygin spoke "in uncompromising harsh terms" about the Middle East.

A U.S. embassy interpreter, Sol Polansky, accompanied Muskie to the Kremlin with the understanding that his notes would belong to the senator, not to the State Department.

Later, however, the State Department demanded a full report on the talks. Despite Ambassador Jacob Beam's agreement to respect Muskie's rights to his own confidential conversations, the embassy obediently submitted a detailed summary intended for the eyes only of top administration officials.

We have been shown a copy of the summary, which gives the highlights of Muskie's four-hour meeting with Premier Kosygin and earlier visit with Foreign Minister Andrei Gromyko.

"Kosygin," states the summary, "appeared sober, attentive throughout, with some iciness showing through when talking about Jewish problem and heat when talking about Vietnam, and in general was conspicuously more doctrinaire and polemical than Gromyko.

When the conversation got around to the Middle East, Muskie stressed "that no area had more potential for destroying any constructive U.S.-Soviet relationship, that it has poisoned the atmosphere on both sides, and resolution of this problem will help eliminate others.

"Kosygin replied in uncompromising harsh terms, charging specifically that:

"A. Israel is settling people on seized Arab territories.

"B. U.S. did not call for settling Arab-Israeli conflict by peaceful means but supported aggression—another example, he said, where U.S. takes position 'on other side of barricade from SU' where major problem is involved.

"C. Israel is like gangster who in U.S. (where there can be large-scale gangster problem) might seize your house and demand that you negotiate with him for its return.

"D. Rejoicing in USG (U.S. government) circles over Israel's victory surprised U.S.S.R. since 200 million Arabs will never be reconciled to loss of territory, and this has become inflammatory factor in the situation.

"E. Arabs will remember U.S. policy and this will not create confidence but rather will build tension by implication between Arabs and U.S."

Kosygin added "that U.S.S.R. had said all along that Israel must exist as independent state but must give up occupied territories. U.S.S.R. was acting in accordance with the relevant SC (United Nations Security Council) resolution.

"Muskie replied that the situation is not black and white as Kosygin described it. It is a question of what is really security.

" 'Acting as if Israel does not have a security problem is not going to allow a settlement.' It is necessary to deal with both Arab desire to recover territories and Israeli desire for security," Muskie said.

MUSKIE, GROMYKO ARGUE

Earlier, Muskie reported to Gromyko on his talks with both Israel and Egyptian officials. The summary quotes Muskie as saying: "While neither side wishes the resumption of hostilities, except as a last resort, their respective positions on territory make the possibility of settlement discouraging. . . .

"Gromyko questioned Israel's view that it can gain security by clinging to occupied territory . . . 'It seems to us that when offered peace and effective guarantees, Israel runs away.'

"There was extended discussion of Israeli view of security with Muskie expressing understanding for Israeli feeling about Golan Heights. 'This is not question of logic.'

"Gromyko argued against need for even minor rectifications, saying that U.S.S.R. would have answered similar withdrawal offer from Nazi Germany with massed artillery salvos.

"Muskie replied that he distinguished between acquisition of territory in war and rectifications of borders in areas sensitive to security of one or another state. He cited examples of Soviet borders with Finland and Poland and the Oder-Neisse border. He also recalled that it was only after the Six Day War that U.A.R. (Egypt) was ready to concede Israel's right of passage through Suez and right to exist.

"Gromyko argued, in turn, that U.S. position on what is necessary to achieve a settlement has continued to expand since 1967, and he referred to international convention which states that U.A.R. has sovereignty over canal, and if U.A.R. agrees to Israeli passage, it should be considered a goodwill gesture of peace.

"Gromyko also asserted that U.S. could exert 'sobering influence' on Israel to get it to agree to peaceful settlement."

Footnote: The unauthorized embassy summary, incidentally, completely contradicts House GOP leader Gerald Ford's recent attack upon Muskie. Ford gave a distorted account of what Muskie had told Kosygin, although the GOP high command had a complete report of the conversation. Apparently, Ford hoped his attack would keep wealthy Jews from contributing to Muskie's presidential campaign.

EXCERPT OF STATEMENTS MADE BY SENATOR MUSKIE ON THE SUBJECT OF ISRAEL: DAVID FROST SHOW, MARCH 31, 1971

FROST. How about that other flashpoint of trouble, the Middle East. Currently, with the Egyptian Premier, President, apparently making some concession, the onus, and a lot of opinions coming out of Washington, seems to be that at the moment, it's Israel who's being too unyielding. That seems to be the general view that's emerging at the moment. Is it one you could go along with?

MUSKIE. Well, that's a tactical judgment which is difficult to make without knowing what is being said privately, as well as publicly, by both sides. Israel has very real security problems. They cannot be solved, I don't think, wholly by guarantees, whether they're four power guarantees, or two power guarantees.

The local security situation below the Golan Heights, on the Syrian border; the Sharm El-Sheikh situation which, you know, controls the entrance to the Gulf of Aqaba, over which the Six Day War began in 1967, the very narrow waist of Israel on the West Bank of the Jordan—these are three local security problems that Israel has every right to be concerned about. And she's trying to pursue them the best she can in a tactical situation which is very difficult. And so I'm not going to try to second guess the tactical moves from the sidelines. But I think that all the countries involved ought to understand, and in a realistic way, Israel's security problems in this connection.

SENATOR MUSKIE'S REMARKS; SPEECH AT PALM BEACH, FLA., FEB. 18, 1971

Then I went to Moscow. You have read more about that than you have about the others. But I had three hours with Mr. Gromyko and almost four with Mr. Kosygin. We discussed many things.

But having come out of the Middle East with these strong impressions that I just described so briefly, I felt that there was one point above all that I must make to the Soviet Union. The Soviet Union up to that point, and indeed, up to this point, has indicated complete, one hundred percent support of the Egyptian position, with respect to withdrawal from territories. And, I felt it was important to emphasize Israel's case for secure and recognized borders. And I was able to do so from my first-hand exposure.

Most of my time with Mr. Gromyko was spent in discussing and debating this question. I also went into it with Mr. Kosygin, not in such details, because I had already covered it with the foreign minister. But both the Egyptians and the Russians tend to cast this question of borders in the context of the principal of withdrawal from conquered territories which is part of the Security Council's resolution. So finally I used an historical precedent to drive the point home to Mr. Gromyko. I said, "What the Israelis are talking about as essential to their national security is a rectification of borders, related to their security needs." And, I said, "Mr. Foreign Minister, you Russians understand what is meant by rectification of borders. You had a little something of it at the end of the Finnish War in 1940. You had a little something more of it along the Polish border, at the end of World War II. Every nation has to be concerned with its security interests and Israel must be as well . . ."

SENATOR MUSKIE'S REMARKS AT CLEVELAND, OHIO, FEB. 10, 1971

Israel's neighbors must recognize that Israel is here to stay. They must recognize—and so must others—that the United States is and will remain committed to Israel's security. That is what I told the students at Hebrew University I would say when I went to Cairo, and that is what I did say, both in Cairo and in Moscow.

ISSUES AND ANSWERS: FEBRUARY 7, 1971

Mr. GILL. Senator, there has been some confusion by new reports about your talks with Russia's Premier Kosygin. Now you reportedly said during that conversation with Mr. Kosygin that there was a large body of opinion in this country that would favor cuts in military spending. To clear up the confusion about that conversation, can you tell us what you did say to Mr. Kosygin on this point?

Senator MUSKIE. First of all I did not say what you have described in your question. I made it clear to Mr. Kosygin as I did to every head of state I met on the trip, that I was there as an individual Senator, that I was not there in any official capacity, that I did not represent the Administration, that I was not there to criticize the Administration, that I was there to exchange points of view and to express my own in the process.

Now, with respect to the question of armaments, I launched this discussion in terms of the long term. I pointed out that I believed that unless we found a way to reach meaningful agreements with the Soviet Union that what we would see would be an escalation of arms, the commitment of even greater proportions of our material resources to the cost of arms, a diversion of those resources away from the problem of dealing with human needs of our people and those of other people around the globe, and the end result of this kind of movement would be an increased risk of war and the end of life on this planet. And so that in terms of the long-term, I wanted him to understand how urgent was my feeling that the Soviet Union and the United States find some way to stabilize the arms race.

Secondly, I said that because we each had the power to destroy each other, we each understandably feared the ultimate intentions of the other, that that fear and the distrust which it breeds are real problems that we each must deal with and that these fears are exacerbated by such problems as the Middle East problem, the continually-arising problem of Berlin, and others. That in addition there were internal developments from time to time in our countries that raised doubts as to the ultimate intentions of the other, problems such as the treatment of Jewish minorities in the Soviet Union, problems such as the continuing speculation now that hard-liners are taking over in Moscow and the Soviet Union. I mean, this was the frankness with which we discussed developments.

REMARKS BY GERALD R. FORD, TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, WASHINGTON, D.C. APRIL 29, 1971

(Excerpts taken from page 2 of Ford's release)

"In exercising such caution it is vital that we maintain the great bastion of bi-partisan Congressional support of Israel. Such support strengthens the hand of our President who is committed to a just peace. But I am troubled that some very important Members of the United States Senate are abandoning bi-partisanship on the Middle East and are making statements that facilitate the Soviet Union's anti-Israel pressures.

"I am thinking of one Senator who is seeking our highest national office. Earlier this year he went to the Middle East and then called on Soviet Premier Kosygin in Moscow. He told Kosygin that "there was a strong body of opinion in the United States" opposed to U.S. defense appropriations linked to our foreign commitments including the Middle East.

"I am dismayed that such a well-informed Senator could visit Israel and Egypt where he actually witnessed the ongoing Soviet military build-up and still find it possible to go to Moscow and tell Kosygin that there was disunity between him and President Nixon on U.S. military spending that relates to Israel's security. This was a disservice to Israel's security. It was a disservice to the bipartisan foreign policy objectives of the United States. It tended to undermine the credibility of American deterrence of the growing military involvement against Israel. It undercut the impact of President Nixon's visit to the U.S. Sixth Fleet in the Mediterranean last Autumn when the President served notice on Moscow that we were prepared to defend freedom in the Mediterranean.

"I am dismayed that this Senator could

ignore what the Soviet Union is doing not only in the United Arab Republic but also through its intervention in such places as Ceylon, Sudan and East Pakistan. Russia's MIG's and Russian bombs are killing peasants in those places. But some are too busy denouncing our own nation to notice."

INCREASING MARITIME IMPORTANCE OF THE INDIAN OCEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, still another chapter in the Communist pursuit of total sea domination is now being written. Not in the Atlantic or Pacific Oceans, as you might expect, but in an area of completely new maritime importance—the Indian Ocean.

What accounts for this increasing publicity of the Indian Ocean? While vast in size, it is smaller than both the Atlantic and the even larger Pacific Ocean. Still, it encompasses an area of approximately 17 million square miles. Islands in the Indian Ocean which are practically unknown to Western writers are suddenly receiving great attention in the press. Such islands as Ceylon and Madagascar are suddenly figuring in headlines and in commentary. They are important because they have emerged as important communications links and bases.

The Indian Ocean washes the shores of three continents—Africa, Asia, and Australia. Continents, especially in the first two cases, upon which the Communists are seeking a dominant role in world influence.

The first signs of any real interest in the Indian Ocean by the Communists occurred in 1968 when a small Russian task force, including a cruiser, a missile-carrying frigate or destroyer and an antisubmarine vessel of the Soviet Pacific Fleet, spent about 4 months visiting ports in the Indian Ocean. Within a year, two more Soviet naval groups had ventured into the area. During one sortie, the naval craft escorted noncombatants of the Soviet space program for tracking and capsule recovery. But, their real mission, as it turned out, was to make sure everyone got a good look at their hammer and sickle ensigns.

From this level of activity, it has become clear that the Soviet Navy intends to maintain a continuing presence, much along the lines of that which they have done on a larger scale in the Mediterranean over the past half decade. It is not only the number of Soviet ships which makes the development of Soviet interest in the area obvious, but also the frequency of visits.

It may well be that the Indian Ocean will become an area in which the future of U.S. maritime policy may face its greatest test.

To date, the only interest we have taken to impose our influence, other than operate a near-ridiculous naval force consisting of a seaplane tender and two aging World War II destroyers, is to develop, along with the British, an air and radio communications base on Diego Garcia, an obscure atoll in the middle of the Indian Ocean. Purpose of the facility, which will cost $19 million to build, is to fill a gap in worldwide U.S. naval communications and provide support for American and British ships and planes operating in the Indian Ocean. Officials say the base will also serve as an intelligence facility to monitor the movements of the expanding Soviet naval presence.

If the Soviet Union continues to emerge as the only visible power in the region through naval deployment, then the nations of this area may always have to consider their future with an eye to whether it will meet with the approval of Communist leadership. The United States does not have much time to "wait and see" what the ultimate Communist intentions in this region may be, unless we wish to chance letting the area go by default. The Soviet Union has already decided to maintain and increase their naval power there.

We must give some serious thought to the Indian Ocean—now.

PURE DRINKING WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, in a recent statement to colleagues in the House, I endeavored to point out the many areas of water-hygiene research which suffer from a lack of basic and applied research to determine both immediate and long-range health effects. During the past 2 years, virtually every recognized authority in the area of water hygiene has publicly stated that we are dangerously unaware of the effects which recently discovered water contaminants will have on future generations.

When confronted with the many scientific studies, magazine articles, and public statements on this subject, it would seem that responsible governmental authorities have been almost scandalously negligent in protecting the quality of our drinking water sources. Yet, this body has appropriated billions of dollars to combat water pollution, and you may ask, where is the problem?

Quite simply, the problem is one of oversight. Although we have launched a massive and largely successful program to treat the direct causes of pollution: Sewage, industrial wastes, pesticides—and the effects of pollution, such as eutrophication—we have largely overlooked the problem of drinking water hygiene. The fiscal year 1971 Federal water pollution water control effort to abate the pollution of our lakes, streams, rivers, and coastal waters amounted to well over $1 billion; yet, last year's total budget for the Office of Water Hygiene of the Environmental Protection Agency was $2.8 million. This Office, which is charged with research, planning, and surveillance of drinking water standards and water distribution systems, was able to spend $235,000 specifically for research on treatment and distribution of public water supplies.

Our failure to address this kind of research and development should not be interpreted to mean that Congress is not willing to respond to these problems. Past accomplishments have been dramatically successful. To this day, many areas of the world are subject to epidemic outbreaks of waterborne diseases such as typhoid, yet these diseases were virtually eliminated in our own country by the 1930's, due to advances in drinking water treatment. The same can be said for our more recent efforts to halt pollution of interstate and coastal waterways. Less than $1 million had been appropriated for advanced waste treatment programs prior to 1964. Yet, in a relatively short period of time, we can point with pride to the Lake Tahoe treatment program, which converts wastes into clean water meeting the highest standards. And we can be justly proud of the progress which is allowing successful treatment of the advanced eutrophication in the Great Lakes.

Not only are these advances worthy of note, but also the applied technology which has accompanied them. In effect, we now have the tools to investigate the chemical and biological contaminents in drinking-water sources, and our mandate is to match the successes in waste treatment with future successes in water hygiene technology.

Mr. Speaker, many of the ideas I have mentioned are forcefully presented in a statement by Dr. Jay H. Lehr, executive director of the National Water Well Association, presented last year to the House Subcommittee on Executive and Legislative Reorganization. Since Dr. Lehr so clearly describes the effort necessary to guarantee safe drinking water for the entire Nation, I would like to conclude these remarks by inserting portions of his statement:

Does a Water Hygiene Problem Exist Today?

Overconfidence or apathy seems to pervade the public's attitude with respect to drinking water. Common daily experience plus a current myth about the future, falsely implies that the quality, safety and adequacy of our municipal water supply systems are above reproach. Perhaps the myth can be stated as follows: Everyone knows we have launched a massive water pollution control effort and that waterborne disease outbreaks are a thing of the past.

This statement is simply not true and the dangers of this misinformation are illustrated by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30% gastroenteritis attack rate in Angola, New York in 1968 due to a failure in the disinfection system, and the 60% infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969 as a result of the ineffective cross connection control procedures.

The recent discovery of critical amounts of mercury in our water supplies as a result of industrial waste disposal is even more conclusive evidence of the existence of very current water hygiene problems.

The Federal Water Quality Administration has assumed the primary epidemiological role of digging up facts on the extent of the contamination. But FWQA has little capability for assessing human health effects of mercury, and even its data collection system based on quickie telegraphed reports, may not be adequate. Likewise, the Food and Drug Administration has limited jurisdiction, coming into the picture only when the mercury is taken up in the food chain, which it apparently has.

The National Communicable Disease Center (now known as Center for Disease Control) probably is best equipped to provide an over-all assessment of the health effects, but it came into the present picture late.

From the standpoint of environmental health, the point of all of this is that here we have a potentially lethal contaminant which has been allowed to build up to possibly dangerous levels in water, perhaps affecting many elements in the ecological balance, without coming to attention of Federal authorities (it is, after all, a national problem) and then dealt with in a piecemeal fashion by several agencies which rarely communicate their findings to each other.

It was this sort of fragmentation which presumably led to formation of the proposed Environmental Protection Administration. But will EPA be organized in such a way that a mercury contamination problem such as this, can be dealt with swiftly and effectively? And who will be providing the health data to EPA?

The answer to both these questions I believe, must be found in the establishment of a greatly strengthened Bureau of Water Hygiene working within the Environmental Protection Agency.

PAST SUCCESS IS THE KEY TO CURRENT FAILURE

In a somewhat different sphere, scientific work on chlorine and the discovery that it can disinfect drinking water is a major cause of the pollution of our waterways. I do not refer to the role that chlorine itself may play as a "pollutant," although, astonishing to say, this has been the subject of very little research. Rather, the confidence that chlorination would make any water supply "safe" no matter how badly polluted to start, is the keystone of our sewage disposal system, namely. "dump in the nearest river".

Speaking before the Diamond Jubilee Meeting of AWWA in 1956, Abel Wolman characterized the accomplishments of our forefathers over the preceding century, from the standpoint of the sanitary quality of the Nation's public water supply system, as "one of the most dramatic improvements in public health that the world has ever known." As a result of past progress such words as typhoid, dysentery and cholera have become anachronisms. For instance, diseases which plagued the cities of the East Coast in the mid-1880's have all but disappeared, such as typhoid fever, which has declined from 75–100 deaths annually per 100,000 persons to less than 0.1 on a National basis.

By the 1930's, the state-of-the-art in municipal drinking water treatment advanced to a point where water borne disease was all but eliminated. As part of our way of life, people expect to travel anywhere in the United States and drink water from public supplies without fear of getting sick. In other times and in other countries, the accomplishment of that feat would be considered an idealistic dream. Yet, the water works industry of the United States under unifying controls of federal and state health regulations made the dream come true during the first half of this century. All three elements, a knowledgeable and dedicated industry, a strong federal control effort, and intelligent determined regulation at the state level, were required to accomplish the feat.

There is ample evidence that after achieving safe water for the entire nation, federal and state efforts began to lag. Control in many areas has relaxed. Criteria standards, and design practices are still pointed toward prevention of communicable disease as they were in the 1920's. Not as they are now in 1970.

During the 1950's and 1960's, Federal, state and local program emphasis shifted from stressing the treatment and protection of our drinking water systems to curbing the discharge of organic pollutants at the source. The resultant decrease in interest or concern has led to a backsliding of state and local community water supply programs which were evaluated against the U.S. Public Health Service Drinking Water Standards. In the face of lagging efforts at the federal level and in some states, imperfections in the nation's water supply are beginning to show up.

OUR WATER HYGIENE PROGRAM MUST BE UPDATED

C. C. Johnson, Administrator of Consumer Protection and Environmental Health Service, speaking in Sept. 1969, before the Chesapeake Section of AWWA on "Preliminary Findings of the Special Community Water Supply Survey", said, "The question we face is this: Are we going to wait until the public health statistics reveal a drinking water crisis or are we going to begin now to upgrade our water treatment and distribution systems to cope with the problems of our own time and place? In the case of water hygiene, as in all of the many environmental problems that face our Nation and the world today, if we must wait for epidemiological studies of human illness to convince us of the hazards, it may well be too late".

The philosophy of letting the nation's control over public water supplies deteriorate until adverse health effects are noted is condemned. In fact, it is generally conceded that the involuntary use of our citizens for bioassay is immoral. Yet, isn't that precisely what is being done, when a necessary condition for a budget increase, public health safeguards are allowed to fall lower and lower to the point where adverse health effects can be observed?

I think for a long while in this country we sort of mesmerized ourselves into thinking that the only water problems we had were water pollution control problems. As a result of that, very little attention was given to what we call the water hygiene aspects of the water problem.

The backsliding in local, county, state and Federal water hygiene programs can be traced to a lack of Federal leadership associated with the popular misconception, that water pollution control efforts are a panacea which will not only restore and enhance the quality of our lakes, streams, and coasts to the benefit of fish and aquatic life and recreational pursuits but also guarantee delivery of healthful quantities of safe drinking water to the consumer's tap. This is not true insofar as drinking water is concerned.

Water pollution control efforts can assist the delivery of safe water to the consumer's tap but the community drinking water supply must be treated in any event. Pure water can be collected, treated and delivered to individual homes only under the close scrutiny of competent local, state and Federal programs.

These programs must begin to receive the needed resources to conduct necessary planning and research both to catch-up on past voids and looking to the future, to provide training and technical assistance to assure full application of existing technology and to conduct active, constructive surveillance and enforcement programs.

FEDERAL RESPONSIBILITIES

The Federal water pollution control effort of the Department of the Interior now exceeds $800 million per year and is scheduled to rise to well over $1 billion next year, while the Federal water hygiene efforts of th Bureau of Water Hygiene situated in the Department of Health, Education and Welfare is currently being subject to a budget cut from $2.7 million to $2.4 million. I am in complete agreement with the major attack being waged through the Federal Water Quality Administration against water pollution. It must not be minimized in any way if it is to succeed. In contrast, however, I am appalled by minimal support being given to the Bureau of Water Hygiene.

It is crucial that we have support at the Federal level to overlap state boundaries and variations in state capabilities in the field of water supply. There is no reason why there should be any better water supplies in one state than another, and the development of adequate criteria based on meaningful research is essential to our setting reasonable and understandable standards and then keeping these standards abreast of our changing environment.

The federal government has a responsibility and a role which it cannot avoid, and the water supply industry in the United States certainly encourages and depends upon the federal departments for fulfilling their responsibilities.

CURRENT COMMUNITY WATER SUPPLY STUDIES

The Community Water Supply Study was launched to determine the quality and dependability of water being delivered to a cross section of the population including many small towns up through the largest cities. A total of 969 public water supply systems located in 9 areas of the country have been investigated. The study includes 5% of the systems and 12% of the urban population on a National basis when compared with statistics from the last comprehensive facilities inventory conducted in 1962. In addition to large metropolitan systems like New York City, Cincinnati, and New Orleans, the study includes 760 systems serving populations of less than 5,000 persons.

Using the 1962 PHS Drinking Water Standards as a guide, each water supply system was investigated on three bases. First, drinking water quality was determined by sampling the finished and distributed water and returning these to the laboratories of the Bureau of Water Hygiene for bacteriological, chemical and trace metal analyses. Second, the status of the water supply system facilities was determined by a field survey of the system and the gathering of information on a) source of supply; b) treatment, if any; c) distribution system pressures, and d) operations. Finally, the status of the surveillance program over the water supply system was evaluated by obtaining bacteriological water quality data for the previous 12 months of record from state and county health department files.

While we all hold the Drinking Water Standards in high esteem, an unexpectedly high number of communities exceed either the recommended or mandatory constituent levels and a surprisingly larger number of communities show deficiencies in operations and surveillance.

For instance—in excess of 80% of 969 systems investigated, primarily communities of less than 100,000 people, failed to meet one or more of the provisions of the U.S. PHS Drinking Water Standards because of water quality deficiencies or system risks; one out of every four samples (based on 3,563 samples) exceeded one or more of the recommended limits in the Drinking Water Standards; 9% of the samples evidenced bacterial contamination at the consumers tap; 11% of the samples drawn from systems using surface waters as a source of supply exceeded the recommended organic chemical limit of 200 parts per billion; 53% of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capability, and/or inadequate system pressure; 79% of the systems were not inspected by State or county authorities in 1968, the last full calendar year prior to the study, and 50% of the chief operators of the supplies did not remember when, if ever, a state or local health department has surveyed the supply; 77% of the plant operators had inadequate microbiological training and 46% were deficient in chemistry relating to plant operation; cross connection prevention ordinances, plumbing inspection programs on new construction, and re-inspection programs were lacking in a vast majority of the systems studied; the study showed that as to training 61% of the personnel responsible for the operation of water treatment facilities have not had formal training even at the short course level; 77% were deficient in microbiological training; 72% were deficient in chemical training.

The smaller water systems often operated by part-time personnel, generally have the poorest records of operator training and experience.

THE ADEQUACY OF WATER HYGIENE RESEARCH

We must not lose sight of research and development needs which exist today. Each of us faces a host of new questions on a day-to-day basis. One day the questions concern arsenic, the next day, nitrates. And how about mercury? Is there a general accepted detecting method? And, once the measurement is made, what criteria is used to judge health effects?

It is evident that a broad program of research and development is vitally needed to investigate and elucidate potential hazards, thereby insuring the strength of the Nation's water supplies and to provide for a higher degree of efficiency and effectiveness in the management of water supply systems. For example, a recent Bureau of Water Hygiene Report summarized some of the potential hazards as follows: "Water for direct and indirect human ingestion contains varying amounts of organic and inorganic material and in some cases may harbor bacteria and viruses. In order to safeguard the health of the American public by having the mechanism to detect, analyze, and remove any hazard in water, many studies MUST be conducted. Compounds to which people are exposed number in the thousands and include herbicides, insecticides, corrosion inhibitors, water softeners, coagulants, coagulant aids, fecal material, industrial waste material and breakdown products, household waste material and breakdown products."

Using the carbon-chloroform-extraction technique, it is known that many of these organic and inorganic compounds are in drinking water. What we need to know is: (1) Specifically, which chemicals are in water?; (2) What is the concentration of each chemical in the water?; (3) What are the efficiencies of recovery (for analysis) of the compounds?; (4) Are the chemicals at the environmental concentration a hazard, either acute or chronic, to the health of the users?; and (5) If a hazard exists, what procedures can be used to effectively cope with the problem? It is equally apparent that virology criteria must be added to future editions of the Drinking Water Standards stressing the need to develop new methods of sampling, isolating, concentrating and enumerating enteric viruses. And, aside from detection procedures, health effects, and constituent levels there is the need to develop and demonstrate new municipal and individual water treatment procedures.

SEEKS RIGHTS FOR GROWERS OF FLUE-CURED TOBACCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 3 minutes.

Mr. MIZELL. Mr. Speaker, it is my privilege at this time to introduce legislation authorizing the Secretary of Agriculture to extend to growers of Flue-cured tobacco the right to lease and transfer poundage allotments through the entire marketing season.

I am honored to be sponsoring this bill with my friend and distinguished fellow member of the North Carolina congressional delegation and fellow member of the Committee on Agriculture, the gentleman from North Carolina (Mr. JONES).

I am also quite pleased to have as cosponsors of this legislation such distinguished gentlemen as Mr. ABBITT, Mr. MCMILLAN, Mr. MILLER of Ohio, and Mr. WAMPLER.

This measure, Mr. Speaker, is designed to have a stabilizing effect on the tobacco market, preventing growers from experiencing heavy losses in any given year by providing greater leeway in the amount of income a grower can receive through lease and transfer operations.

A similar provision was included in a burley tobacco bill, of which I was a sponsor, which was passed by the Congress on April 1.

That bill also provided for discretionary authority to be given the Secretary of Agriculture to determine if burley leases and transfers could be transacted throughout the marketing season.

Last week, Secretary of Agriculture Clifford M. Hardin made it known that this discretionary authority would be put to full and good use, that leasing and transfers of allotments could proceed through the marketing year.

The Secretary's decision was in response to a letter written to him last week by my distinguished colleagues, Mr. CARTER, Mr. MILLER of Ohio, and Mr. WAMPLER, and myself.

And I believe the time has now come to extend that same authority to the Secretary for Flue-cured tobacco as well as burley, to extend to Flue-cured growers the same right to a more stable income.

I believe this legislation being introduced today is needed in order to maintain the fairest, most effective policies possible, as they related to both Flue-cured and burley tobacco growers, and to the tobacco industry in general.

I urge my colleagues to join with me in voting for rapid passage of this equitable and much-needed legislation.

RICHARD ALAN PIZITZ IS BIRMINGHAM'S MAN OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN), is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, Birmingham's 1970 Man of the Year is Richard Alan Pizitz. He was nominated by the Birmingham Chapter of the National Secretaries Association and the Pilot Club of Birmingham and was selected over 15 other well-qualified nominees.

Citing his accomplishments as the 1970 president of the Greater Birmingham Area Chamber of Commerce as the basis for his nomination, those who nominated him pointed out that 178 new members joined the chamber in 1970—the largest number of new members in recent history. During his administration, the chamber raised $1 million for industrial development and endorsed implementation of correct measures for pollution control.

It was also during his term, and in large measure through his efforts, that Birmingham was selected as one of the Nation's 13 All-America cities in 1970. Besides his duties as chamber president, cochairman of the model cities program, and a member of the Birmingham Centennial Corp., board of directors.

An outstanding businessman, as well as civic leader, Mr. Pizitz has been president of Pizitz Department Store since 1966 and is a lifelong Birmingham resident.

Other outstanding community service which further enhanced his Man of the Year Award comprises his membership in the Community Affairs Committee, the advisory board of the University of Alabama in Birmingham, the University of Alabama in Tuscaloosa Executive Advisory Board for the masters in business administration program, executive committee of the Samford University Chair of Private Enterprise, Miles College Advisory Council, National Young Leadership Cabinet of the United Jewish Appeal, Mayor's and Governor's Councils on Youth Opportunity.

The Birmingham Post Herald in saluting Mr. Pizitz editorially after his deserving selection said:

> He was in every way the 1970 Man of the Year. It is only proper that he should receive the title officially.

No greater tribute could be paid a man than that paid Dick Pizitz by the Pilot Club which joined in his nomination, whose sentiments I share, when it wrote:

> He expected no remuneration, no accolades, because his reward has been the deep satisfaction of helping his fellow man, his city, country, state, and nation.

THE 100TH ANNIVERSARY OF THE EPISCOPAL DIOCESE OF BETHLEHEM, PA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, at the present time the Episcopal Diocese of Bethlehem, Pa., is celebrating its 100th anniversary. Unlike so many anniversary observances, this celebration was not keyed solely to the diocese's past service and spiritual guidance in Pennsylvania communities. It was instead a refreshing, optimistic prediction of the church's expanded role as a leader in efforts to mend the tears in the fabric of American society in the next 100 years. Accordingly, on April 24, 1971, a panel of distinguished Americans, representing a broad cross-section of interest and endeavor, was invited to discuss several major problems which Americans will have to solve in the next century.

The Right Rev. Frederick J. Warnecke, bishop of Bethlehem, was the guiding force behind this unique and relevant genre of celebration. I would like to commend him for his energy and his efforts to make the Episcopal Church a creative, healing force in America.

I call the attention of my colleagues to two articles from the Bethlehem, Pa., Globe-Times, which report the various activities included in the diocese's 100th anniversary celebration:

[From the Bethlehem (Pa.) Globe-Times, Apr. 24, 1971]

SENTIMENT AGAINST WAR STRONGER, PANELISTS AGREE

(By Sharon Szymakowski)

A college president, a woman church leader and a former Pennsylvania governor all declared today that a great swelling of opposition to the Vietnam war has been growing in the U.S. over the past three months.

The statements were made in Grace Hall at Lehigh University during panel discussions on "Creativity in Crisis," the first major event opening the Episcopal Diocese of Bethlehem's centennial observance.

"One big reason for the changes," Yale University president Dr. Kingman Brewster told the audience of 600, "has been a realization that Vietnamization does not offer a chance for peace and the people have concluded that we have nothing left in Vietnam except continued killing."

Former Gov. William W. Scranton, presiding officer at the convocation, said that in his view, the change in opinion has occurred because of certain practical factors.

"A lot of people who have been in favor of this war now conclude that the war is wrong because we haven't been able to fight it as wars should be fought."

"The big question is how do we end it," Scranton continued. "It is not just a matter of getting out, but we have to consider our withdrawal in terms of what our leadership in the world is going to be after we get out."

Scranton, who recently served as chairman of the President's Commission on Campus Unrest, said we would like to see the war end, and that through its ending, the U.S. make an impact on the world that it is trying to uplift the value of peace.

"I hope we can come out with a plus in the eyes of the world," he said.

Dr. Cynthia Wedel, first woman president of the National Council of Churches, saw the Calley case as a factor for the change in the national mood.

MORAL HORRORS

"The ambiguities of the Calley suit brought home the moral horrors in this war," said the frequent Bethlehem visitor.

The discussion of the war's impact continued for several minutes prior to adjourning the convocation for a luncheon break.

The Rt. Rev. John E. Hines, presiding bishop of the Episcopal Church, said that during his travels in behalf of the church, he noticed a swelling of opinion against the war, particularly in the last three months.

He told the audience that the church's House of Deputies failed to come up with a definitive stand against the war during last year's convention in Houston.

But, he continued, "If such a meeting were to be held today, although I have no way of supporting it, I would say that the same body would take a strong position against the war."

John C. Goodbody, president of the Seabury Press, was panel moderator. He asked the war reaction question as a tie-in with this weekend's protests against the war in Washington, D.C.

In addition to Bishop Hines, Brewster and Dr. Wedel, taking part in the panel were the Rev. Herbert J. Rayan, professor of historical theology at Woodstock College, N.Y.; the Rev. Robert A. Bennett, a leader of the Union of Black Episcopalians; Harry Bertoia, abstract sculptor, and Robert Saudek, film and television executive, who was unable to attend the morning session.

WELCOME BY BISHOP

The Rt. Rev. Frederick J. Warnecke, bishop of Bethlehem, gave welcoming remarks at the convocation's opening.

He made particular emphasis on welcoming those not of the Episcopalian faith. In the audience were the Rt. Rev. Joseph McShea, bishop of the Catholic Diocese of Allentown, and Dr. Edwin H. Frey, director of the Greater Bethlehem Area Council of Churches, as well as leaders of other faiths.

Bishop Warnecke noted the unique concept of the Centennial saying there were no "self-congratulator banquets."

He said that instead the diocese would present in panel form its concerns for the future, and would distribute contributions to the community rather than undertake fund drives for the church.

"In the happiness of this celebration the Diocese of Bethlehem is sensitively aware of the pain in the world today and of the crisis in man and in his society."

"There is the gross immorality of war, of poverty in the midst of plenty, of discrimination and injustice on the basis of race, of brutality. There is the break-down of communication not only between generations but between disciplines, between forms of art, between citizens and their government.

"There is a sense of lack of meaning in life for many, both old and young. There is a continuing destruction of the good earth by man's senseless pollution of it.

"There is the questioning of values, of institutions, of ideologies. Crisis seems like a pallid word to describe the situation.

"Yet we at the anniversary believe that this is not a cause for despair but rather a call to creativity of a radically new kind.

"This is the keynote of this Convocation—a call to hope and freedom expressed in many new ways and radically new forms.

NEXT 100 YEARS

"Centennial" for the Diocese of Bethlehem refers to the coming 100 years as not to the past. Centennial looks forward not backward. It is the beginning of an adventure in life in a new world that we make today in this Convocation."

Scranton introduced Cong. Fred B. Rooney, a city native, who read a brief statement of congratulations from President Richard Nixon. Greetings were also noted from Sens. Hugh Scott and Richard Schweiker, as well as Gov. Milton Shapp.

Scranton's introductions were humorous and pertinent. He occasionally elicited a ripple of laughter from his position in front of a huge world map backdrop.

Goodbody was equally at east as moderator as he encouraged the audience to participate by asking questions.

Dr. Wedel, Rev. Mr. Bennett and Father Ryan gave formal presentations during the morning session.

Bertoia's presentation was anything but formal—he played tapes that combined sounds of some of his metal sculptures, stating they were "free as the wind."

The final panelists completed their presentations in the afternoon.

Dr. Wedel said during her presentation that "the only source of creativity is people. God created us so that we could be creative."

She spoke of the different approaches of the "establishment" and of minority groups.

"The Establishment comes prepared with facts to use in choosing the most rational and useful solution," Dr. Wedel said.

"Ghetto people come with emotional drives, and couldn't care less about rationality. Each group is right. There is a good deal to be said about rationality. Also we can think of hurting badly and wanted to get something done immediately."

She said that out of this may come a clue for solving the crisis.

IF WE LISTEN

"We are at the exciting creative point that people are coming face-to-face. The potential creativity in confrontation and conflict can be recognized if we listen to people."

She suggested listening to the minority voices, and to the young. Challenging the overemphasis on rationality and practicality, Dr. Wedel urged listening and learning from one another as a possible solution to current crises.

TWO PERSPECTIVES

Rev. Mr. Bennett told the audience he was speaking from the perspective of a black, and from the larger view of an American.

"One of the things we are beginning to realize is that we are here and here to stay."

He mentioned this fact as one that blacks are finally understanding, as are whites. "The problem for us has been recognizing who we are," the theologian said.

"What the United States needs is not simply to react, but to respond. As Christians, our call is to do just that."

Speaking again of black oppression, he said, "We are the symbol of the fact that humiliation and defeat need not destroy. We are looking forward with hope.

"Our outlook is a positive thing, and with religious connotations. We hope that Americans will respond, not react, and in that response we will all face the future unafraid."

Father Ryan undertook the "Creativity in Crises" theme from three viewpoints—that of a priest, a historian and a theologian.

"As a priest, I see a concrete way in which Joseph and Mary responded to crises by the creativity of their daily lives. As a historian, I see social responses between the individual and society.

"And as a theologian, I think of creativity in terms of hope and redemption."

The noted ecumenist said he was fearful of the attitudes he has confronted, those that have an "awareness of change but no sense of crisis." He said he feels that the actual crisis is the refusal to see that a crisis exists.

A possible solution, Father Ryan stated was to change current institutions with trust and hope.

SIGNIFICANT CHANGE

The Rev. Mr. Bennett, in answer to a question, told the group he has noted a "significant change" in the attitude of the black community in the past few years.

"Burn it down was heard from the blacks a few years ago but you don't hear it anymore," he reported.

Attitude now, he said, is one of "building up". The Rev. Mr. Bennett noted there is a mood of "getting one's house in order" in preparation for being fully accepted "for the first time" as citizens of this country.

In a lighter touch, he quipped that he recognizes just how much of an influence blacks have made by the "soul" music offered by the Moravian band. Also, he noted, a white mother asked him recently how he liked her son's "Afro-haircut".

Turning serious, he said that to overcome the black-white problem, "you have to see people as individuals".

Perhaps, the clergyman stated, music, which is part of the black's culture, might lead the way.

As with the music, so might racial issues be solved "by letting ourselves go and forgetting about taboos such as don't get too near and others", he maintained.

After a question on creativity in education was raised, Mrs. Wedel challenged an attitude of "What was good enough for me and my father is good enough for my children" as "very damaging to our society."

Formerly, she said, educational methods were "stifling" and people were forced into a certain mold.

Under new education concepts, Mrs. Wedel related, children are no longer part of "a harsh, competitive system but are, instead in an atmosphere in which brighter ones help the slower, and in which each helps the other."

The morning session ended dramatically with a 10-minute taped performance of music created by Bertoia on vertical metal rods which he designed.

When some 100 of the instruments vibrated on tape, Grace Hall was filled with the full harp-like sounds.

[From the Bethlehem (Pa.) Globe-Time, Apr. 26, 1971]

ART SHOW CAPPING DIOCESE "CREATIVITY" EVENTS SEEN BY 1,000

(By Lois Simonds)

A "Creativity in Crisis" art exhibit at Lehigh University, viewed by some 1000 persons, capped weekend observances of the 100th anniversary of Bethlehem Diocese of the Episcopal Church.

The exhibit, which opened yesterday and will continue through May 9, brought to a dramatic conclusion the weekend observances during which a panel comprised of noted educators, politicians, artists and clergymen on Saturday called for a renewed concern for human needs.

Revolution or social despair by young people were pictured as the two alternatives by former governor William W. Scranton unless changes are made in this country.

He called for changes in Congress in state legislatures and in the judicial system.

"Last year college students worked very hard to bring about some changes . . . in some cases they were set back by acts of violence . . . but now a great number of them have become despairing," he told some 600 persons in Lehigh's Grace Hall.

SCRANTON WARNS

While noting that social change can never come fast enough for young people, he stressed "it can come soon if we all work at it."

"We have to be strong and willing to take sides and to say things that are not popular . . . if we give up, we have to be ready for revolution," warned the former governor, who served as head of the President's Commission on Campus Unrest.

Scanton declared "A leader must be ahead of the people and when he gets behind them people have an opportunity to do something about it".

As an example of incidences of people "frequently being ahead of leaders," he cited the political campaign of Eugene McCarthy. "He was so convincing in the primaries that the president (Lyndon Johnson) decided not to run."

Other members of Saturday's panel were Dr. Kingman Brewster Jr., Yale University president; Robert Saudek, film and television executive; Harry Bertoia, sculptor and Mrs. Theodore O. Wedel, former president of the National Council of Churches.

Also serving as panel members were John C. Goodbody, president of Seabury Press; the Rt. Rev. John E. Hines, presiding Episcopal bishop; the Rev. Robert A. Bennett, assistant professor of biblical studies at Episcopal Theological Seminary, and the Rev. Herbert J. Ryan, professor of historical theology at Woodstock College.

YOUTH WORK PROPOSAL

Dr. Brewster proposed that human needs might be improved by conscripting young people for two or three years to do physical labor in the cities to clean them and to work toward a halt of other environmental decay.

"We must be willing in the '70s literally to mobilize for decency" he told the gathering.

Dr. Brewster stated "We must consider universal service as the essential down payment on our freedom."

Mrs. Wedel, who is associate director of the Center of Voluntary Service, called for a need to challenge "the overemphasis on the rational and the practical."

Noting that it was very important in the early days of America to establish law and order, she contended "Now we must begin to realize that we've done that job at a great cost to a great many people, done it by keeping many people in their place."

Mrs. Wedel called for a challenge of many assumptions which "are behind many of our hangups today." Among these assumptions, she noted, are that there may not be enough material things to go around, that by giving "someone else a little freedom we lose some ourselves," and the assumption that peace and tranquility are the best things to work for.

SCIENCE NOT ENOUGH

Saudek, a visiting lecturer in visual studies at Harvard University, noted "science is not enough, it does not kindle man's soul."

Stating that in some television today, "the miracles of truth-telling are stifled by government," he called for major changes in the use of television.

Among the changes he proposed were for free television time to be given to all legally qualified political candidates, that candidates should appear themselves, and that commercial and public broadcasters should establish in federal courts . . . "once and for all" their rights under the First Amendment.

Saudek also cited a need for public television to take its side, with financial and creative independence, alongside commercial television.

Father Ryan warned against a trend to make the universe "the most efficient highway system in the world to get nowhere."

He maintained that the greatest place for change and creativity is within institutions but he pointed out that man must not trust institutions too much nor must the institution be totally rejected.

Father Ryan proposed a change, made within the institutions, with trust, confidence and hope.

RESPOND, NOT REACT

The Rev. Mr. Bennett, the only Negro on the panel, urged the group to listen to what the black man has to say and then, he said, the white community should respond, not react.

Explaining the difference, he noted that for whites to say simply no to Negro demands or to simply ask what to do for blacks is reaction. For whites to take seriously the persons involved in a situation, to take seriously what is being said, is a response, the Rev. Mr. Bennett stated.

The Rt. Rev. Frederick J. Wahnecke, Bishop of Bethlehem Diocese, welcomed the panelists.

Among the visitors to the art exhibit was Charles Lucet, French Ambassador to the United States, who made the stop after speaking at Lafayette College. He was a weekend guest of Mr. and Mrs. I. C. Hanners of Springtown.

Included in the Episcopal centennial art exhibit which opened yesterday, are works by Winslow Homer, Whistler, John Singer Sargent, and Thomas Moran.

The assemblage of American art works was coordinated by Mrs. Peter Prichett as part of the centennial celebration of the Episcopal Diocese. Co-chairman of the exhibit was Mrs. Philip I. Berman.

Part of the exhibit was a lithograph by Mrs. Jonas Salk, wife of the noted scientist and developer of polio vaccine. The poster created by Mrs. Salk reflects the exhibition's theme "Creativity in Crisis" and showed a youth opening a path to a town.

CONGRESSIONAL POLICY STATEMENT NEEDED TO PUSH USE OF RECYCLED MATERIALS IN FIGHT TO CLEAN UP THE ENVIRONMENT

(Mr. DOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOW. Mr. Speaker, all of us are concerned about what is happening to our environment and the efforts being made to clean it up. I have been conducting an extensive study since the beginning of the 92d Congress. The Federal Government can make a major move in this field by merely making the policy decision to encourage the use of the greatest amount of recycled material in all the products it purchases.

The Federal Government is the largest single purchaser of many items purchased in the U.S. market. With little or no additional cost to the taxpayers the Federal Government can help immensely by encouraging greater use of recycled material. Legislation I introduced yesterday with 40 cosponsors from both sides of the aisle will require all Federal departments and agencies to make greater strides in using products made from recycled material.

Joining me in this legislation are LES ASPIN, Democrat, Wisconsin; HERMAN BADILLO, Democrat, New York; JONATHAN B. BINGHAM, Democrat, New York; BENJAMIN B. BLACKBURN, Republican, Georgia; JOHN BRADEMAS, Democrat, Indiana; JAMES A. BURKE, Democrat, Massachusetts; JAMES C. CLEVELAND, Republican, New Hampshire; SILVIO O. CONTE, Republican, Massachusetts; JOHN D. DINGELL, Democrat, Michigan; DON EDWARDS, Democrat, California; EDWIN W. EDWARDS, Democrat, Louisiana; MARVIN L. ESCH, Republican, Michigan; EDWIN B. FORSYTHE, Republican, New Jersey; DONALD M. FRASER, Democrat, Minnesota; SAM GIBBONS, Democrat, Florida.

ELLA T. GRASSO, Democrat, Connecticut; GILBERT GUDE, Republican, Maryland; KEN HECHLER, Democrat, West Virginia; HENRY HELSTOSKI, Democrat, New Jersey; FRANK HORTON, Republican, New York; JACK F. KEMP, Republican, New York; EDWARD I. KOCH, Democrat, New York; PETER N. KYROS, Democrat, Maine; CLARENCE D. LONG, Democrat, Maryland; PAUL N. MCCLOSKEY, Jr., Republican, California; ROMANO L. MAZZOLI, Democrat, Kentucky; PATSY T. MINK, Democrat, Hawaii; ALVIN E. O'KONSKI, Republican, Wisconsin; J. J. PICKLE, Democrat, Texas; BERTRAM L. PODELL, Democrat, New York; CHARLES B. RANGEL, Democrat, New York; FRED B. ROONEY, Democrat, Pennsylvania; J. EDWARD ROUSH, Democrat, Indiana.

WILLIAM F. RYAN, Democrat, New York; CHARLES M. TEAGUE, Republican, California; ROBERT O. TIERNAN, Democrat, Rhode Island; JOSEPH P. VIGORITO, Democrat, Pennsylvania; LAWRENCE G. WILLIAMS, Republican, Pennsylvania; CHARLES H. WILSON, Democrat, California; and LESTER L. WOLFF, Democrat, New York.

The major complaint of the recycling industry is that they cannot compete for Federal purchases because specifications in many areas exclude recycled material despite the fact that a recycled product can be as good and as economical.

The Federal Government should take the lead in the effort to use recycled material to the greatest extent possible. In many cases it can be accomplished without an increase in cost. In those other cases some increase will be justified when we consider it as part of the price of saving our environment.

Our first bill, H.R. 8005, authorizes and directs the General Services Administration and the Defense Supply Agency to purchase paper for Federal use with as great an amount of recycled material as is possible consistent with the purpose for which the paper was procured.

This bill will eliminate restrictive specifications which until recently have barred recycled paper. While the General Services Administration has started slowly to revise its specifications, congressional action is imperative to assure that the policy of utilizing recycled material is crystal clear.

Unfortunately only 14 of the 122 GSA paper specifications have been changed to date and these to a bare minimum.

The second bill, H.R. 8007, is a study bill which established a Federal policy for the maximum use of recycled materials at all levels of procurement. The bill also requires a joint study and recommendations by the two procuring agencies of the Federal Government, the General Services Administration and the Defense Supply Agency.

Heretofore, under the Waste Recovery Act passed by Congress in 1970, demonstration grants and some study effort of recycled materials by the Department of Health, Education, and Welfare was provided. My bill takes the approach that the procuring agencies should get into the act, and report back to Congress within 6 months on what they are doing and can plan to do, and report annually on their progress each year thereafter.

To demonstrate the feasibility of using recycled paper I decided to become the first Congressman to print his regular constituent newsletter on recycled paper. The newsletter, which I circulated among House Members a week ago Friday, was printed on 50 percent recycled paper. This paper is of equal, if not better, quality than other offset papers and, most important, the cost was comparable.

The procurement mechanism will, I feel, prove the point that if a free market is opened up for those in the recycling industry, they can and would compete. Endless tons of paper litter our streets and highways and fill unsightly dumps. The first annual report of the Council on Environment Quality, issued in August 1970, said only 19 percent of scrap paper discarded in the United States was ever reused. Compare this to the 50 percent of paper which the Japanese reclaim and reprocess each year for the use of their people.

Much the same can be said for other solid wastes which eventually wind up as air, water, or land pollution.

The Federal Government must take the lead in promoting the use of recycled material. There are many products and materials which are simply discarded as solid waste when they have been used or damaged. This accumulation of waste matter presents a danger to health and welfare to every American. We can no longer afford the luxury of dumping these items and destroying the environment.

Many products and material could be recovered and reused as the raw material for new products and materials. Such recovery would eliminate the noxious and dangerous accumulation of solid waste. At the same time it would further efforts to conserve natural resources and preserve the environment.

I am pleased to report to my colleagues that positive steps are also being taken by the Joint Committee on Printing which is reviewing its purchases of papers used by the Government Printing Office. This report is to be completed by July.

Mr. Speaker, one of the keys to solving our solid waste problem is to make people aware that there is a tremendous loss of resources when discarded material simply lies in a dump, cluttering up the landscape. As I have said I feel the Federal Government must take the lead and use products made from recycled material whenever it can.

In the district I am privileged to represent there are efforts to increase the use of recycled material. The town of Ramapo in Rockland County is using recycled paper. The city and State of New York are making efforts in this direction and I am sure there are others that I have not heard about.

Newspapers in the 27th District of New York are also using recycled paper in their publications. Among them are the Poughkeepsie Journal, the Rockland Journal-News and the Evening News in Newburgh.

I would strongly urge every Member of this House to look into the use of recycled material in his own office and to encourage his State and local officials to do the same.

This is a simple, painless, and in many cases cost-free way of eliminating a great deal of solid waste, cleaning up the environment and conserving natural resources.

Mr. Speaker, I would like to include the text of my two bills for the information of my colleagues.

H.R. 8005

A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds that—

(1) there are many products and materials which, after they have been used or damaged, are discarded or scrapped as waste matter;

(2) the accumulation of this waste matter presents a danger to the health and welfare of the citizens of the United States;

(3) many products and materials (otherwise discarded as waste matter) could be recovered and reused as the raw material for new products and materials;

(4) such recovery and reuse of such waste matter will abate the noxious and dangerous accumulation of such waste matter and will aid in the effort to conserve our scarce natural resources; and

(5) the Federal Government has the responsibility to lead in the effort to utilize recycled material by procuring and using, to the greatest extent possible, those products and materials which have, as part of their composition, recycled material.

(b) It is the purpose of this Act to authorize and direct the Secretary of Defense (hereinafter referred to as the "Secretary") and the Administrator of the General Services Administration (hereinafter referred to as the "Administrator") to take the necessary and proper actions to insure the procurement and use (to the greatest extent possible) by the Federal Government of products and materials which have, as part of their composition, recycled material, and to jointly conduct a full and complete study of the feasibility of the procurement and use by the Federal Government of such products and materials.

Sec. 2. (a) The Secretary and the Administrator are authorized and directed to take the necessary and proper actions, including the promulgation of standards and regulations, to ensure the procurement and use (to the greatest extent possible) by the department, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled material. Such standards and regulations promulgated by the Secretary, or by the Administrator, shall be promulgated in the same manner as those standards and regulations promulgated under the provisions of the Federal Property and Administrative Services Act of 1949 relating to procurement and use by the Federal Government of personal property.

(b) The Secretary, through the Defense Supply Agency, and the Administrator are authorized and directed to jointly conduct a full and complete study of which products and materials procured or used by the departments, agencies, or instrumentalities of the Federal Government could be required to have, as part of their composition, recycled material while meeting the use specifications of such departments, agencies, or instrumentalities.

Sec. 3. (a) The Secretary and the Administrator, in carrying out the joint study under this Act, are authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics for the purposes of this Act, and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Secretary and the Administrator, upon their joint request.

(b) For the purposes of securing the necessary scientific data and information the Secretary and the Administrator may jointly make contracts with universities, research institutions, foundations, laboratories, and other competent public or private agencies to conduct research into the various aspects of the problem of using products and materials which have, as part of their composition, recycled material. For such purposes, the Secretary and the Administrator are authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code.

Sec. 4. The Secretary and the Administrator shall report to the Congress, from time to time, the findings and results of the study conducted under this Act and the final report shall be made no later than the one hundred and eightieth day after the date of enactment of this Act. Such final report shall include the findings and results of the study, and specifically—

(1) recommendations as to the necessary and proper legislative, administrative, or other actions that should be taken in order to ensure that the departments, agencies, and instrumentalities of the Federal Government procure and use (whenever possible) products and materials which have, as part of their composition, recycled material; and

(2) what actions the Secretary and Administrator have already taken, either jointly or separately, to promote and ensure the

procurement and use by such departments, agencies, and instrumentalities of such products and materials.

Sec. 5. The Secretary and the Administrator shall make a joint annual report to the Congress with respect to the progress that they are making in providing for the procurement and use by the departments, agencies, and instrumentalities of the Federal Government of products and materials which have, as part of their composition, recycled materials. The report submitted under this section shall be submitted to the Congress within 60 days after the end of the calendar year for which such report is submitted. The first such report shall be due within 60 days after the end of the first calendar year ending after the date of enactment of this Act.

Sec. 6. For the purposes of this Act the term "recycled material" means any product or material completed for sale or use which has been—

(1) scrapped, used, damaged, or otherwise discarded; and

(2) recovered in whole or in part and reused as all or part of the contents of any new material or product; or

(3) the salvageable wastes or by-products of which are recovered and reused as all or part of the contents of any new material or product.

H.R. 8007

A bill to authorize and direct the Administrator of the General Services Administration to prescribe regulations with respect to the amount of recycled material contained in paper procured or used by the Federal Government or the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(f)(1) Except as provided in subparagraph (2), the Administrator shall prescribe regulations establishing standards with respect to the contents of any paper procured or used by any Federal agency or the District of Columbia. Such regulations shall specify that the contents of such paper shall consist of as great an amount of recycled material as is possible consistent with the purpose for which such paper was procured.

"(2) In carrying out the provisions of this subsection, the Administrator shall coordinate his efforts with the requirements, policies and authority of the Joint Committee on Printing as indicated under section 313 of chapter 3, and chapter 5 of Title 44 of the United States Code (relating to standards of quality of paper).

"(3) Except for the provisions of subparagraphs (4) and (7) of section 602(d) of the Federal Property and Administrative Services Act of 1949, the regulations prescribed by the Administrator under this subsection shall apply (in as uniform a manner as is practicable) to all paper procured or used in the United States by any Federal agency or the District of Columbia.

"(4) For the purposes of regulations prescribed by the Administrator under this subsection, the term 'recycled material' means any paper which:

"(1) has served the purpose for which it was originally manufactured;

"(2) has been scrapped or otherwise discarded as an element of solid waste; and

"(3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper;

except that such term shall not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process.

"(5) For the purposes of this subsection, the term 'United States' means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico."

Sec. 2. Section 602(d) of the Federal Property and Administrative Services Act of 1949 is amended by striking out at the beginning of such section "Nothing" and inserting in lieu thereof "Except as provided in section 201(f), nothing".

ADDITIONAL SUPPORT TO EXTEND THE CHILDREN AND YOUTH COMPREHENSIVE HEALTH PROJECTS WHICH EXPIRE JUNE 30, 1972

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, support for H.R. 7657 is increasing. The bill which would extend for an additional five years, the children and youth comprehensive health projects which are now slated for oblivion as of June 30, 1972, has at this time 37 cosponsors. There are at the present 67 programs in 29 States delivering comprehensive health care to 450,000 children and youth of lower socioeconomic levels in central cities and rural areas. These children and youth projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I urge Members to become cosponsors of this legislation. I am appending to my statements further information on some of these programs:

Summary Impacts of the Children and Youth Programs

(By Vernon E. Weckwerth, Ph. D., director, systems development project, University of Minnesota)

The Children and Youth program is unique by legislative design and has demonstrated its effectiveness in organizational impacts on care delivery, effective implementation of planned, continuous, complete care which by a certain number of measures have produced healthier children. The program is also characterized by the existence of having an information system which not only can measure performance and costs of care on an ongoing basis but *predict* these as well.

For the program as a whole, the 69 service delivery projects have over 490,000 registered children and youth out of a maximum residing in these geographical service areas of 3.4 million children and youth. These children are from the least well, lowest income, most health-service deprived populations across the nation.

MAJOR IMPACTS

1. For the first time, health departments, teaching hospitals and medical schools became directly involved, as both grantees and deliverers, in both preventive and curative services for large populations of children. As a result medical school curricula were changed and additionally, organizational capacities to deliver care created for the first time in most grantees.

2. The disease distributions of presenting conditions were changed as children moved from encounter care services to supervised care. Conditions believed to be preventable have in most cases dropped in prevalance among the registrants. Most dramatic are the rising rates of "well children" upon subsequent assessment for those who have been under planned service programs.

3. By reorganizing and experimenting critical interchange and substitution of lower cost, local health workers can do the job in lieu of non-available and higher cost personnel.

4. Service linkages to the polyglot of other purveyors have been established, and a coordinated service system is now operational in many projects with good progress being made in most others.

5. Because of its management information system, the C & Y Program is the only health program that can give quarter by quarter data on measures of continuity, completeness and costs of care as well as future trend data on delivery and costs. Such measures as backlogs of services, terminations, retention, changes in health status, hospitalization and cost measures provide a self-correcting data for administrative decision making.

SELECTED FINDINGS

1. Rates of hospitalization have fallen to about one-third of what they were three years ago.

2. Costs of care per child year have dropped by over 30% during the last 2½ years—this in spite of national trend of nearly the reverse magnitude. The numbers reflect actual dollar costs, unadjusted for inflation, but including all federal and matching funds.

3. All services, not just medical and hospital care but full dental services, nursing, nutrition, speech and hearing, social service, physical and occupational therapy are included for all children who need them. Many of these services are provided on a family basis because individual case care would not solve the problem. Even with these complete and continuous services, the costs per child year range from a regional high average of about $375 per child per year to a national average of $130 per child per year. As compared to the national average of some $350 per man, woman and child in the nation, these projects are performing at unanticipated low costs—particularly considering that these children are drawn from the least healthy areas in the nation.

CONCLUSION

Without doubt, not all of the answers are available to all questions, but more is known for decision- and policy-making purposes about the C & Y program, and more results are demonstrated for this program than for any other federally sponsored health care program. These projects are living evidence of 69 unique ways of demonstrating that care can be delivered effectively to the most deprived parts of our populace on a complete, continuous, planned, quality basis, yet at a cost which this nation not only can afford, but more importantly, *cannot* afford *not* to continue. This evidence of diversity in delivery to match local idiosyncrasies yet with national review and assessment is critically important as a policy consideration as well—lest we once again make the mistake and produce one uniform program which on the average fits the nation as a whole, but individually fits nowhere *within* the country.

THE CAPTIVE NATIONS SCORECARD AND CAPTIVE NATIONS WEEK, JULY 18–24

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, with the 1971 Captive Nations Week coming up in the period of July 18–24, it is not too soon for our Members to begin relating the whole issue of Vietnam to the basic captive nations fact. Fundamentally, our successful struggle in Vietnam and throughout Southeast Asia is to prevent the addition of other peoples and nations to the already staggering and long list of captive nations. As has been so often in the past, those who would undermine our struggle and the President's resolve for the national self-determination of South Vietnam, Laos, and

Cambodia—regardless of the motivation or reason—would be contributing to the extension of the captive nations list, which is only another way of saying the accommodation of determinative Soviet Russian aggression through a Hanoi proxy.

The article on "The Captive Nations Scorecard," authored by Dr. Lev E. Dobriansky of Georgetown University for the summer issue of the Ukrainian Quarterly, examines against a meaningful background the critical test that Moscow, basically, has posed for us in Vietnam. As he puts it with reference to Vietnam, "The mess President Nixon inherited has been progressively dissipated, and we can come out of it honorably and successfully if responsible Americans can stubbornly resist the use of this vital issue as a political football in our domestic politics." But reckless domestic politics is not the entire explanation. In his captive nations approach to political warfare on the U.S. terrain, he states:

> One would have to be blind, indeed, not to see Hanoi's long arm of supporters in most of the antiwar demonstrations here.

Not only Vietnam and political warfare in the United States are specifically related to the captive nations approach in this article, but also other contemporary events, such as the Kudirka case, the 24th Congress of the Communist Party of the Soviet Union, and Secretary of State Rogers' plea for "a policy no longer haunted by the past, but committed freshly to the opportunities for the future." In the captive nations rest these opportunities for they are the real issue of peoples in bondage and under tyranny. For its synthetical qualities, I commend this article to the reading of our Members and our represented people:

The Captive Nations Scorecard

(By Lev E. Dobriansky)

With the cross-currents of opinion and irresponsible, as well as subversive, action prevalent in the United States, the annual maintenance of a scorecard on the captive nations becomes increasingly necessary. Not that this country is an immediate candidate for the list, although this situation could be radically altered by a significant technologic breakthrough on the part of the Russians, but rather that other nations are on the brink of being listed by virtue of typical American impatience and protracted inability to understand the incessant Cold War we're pitted in. It is not without striking significance that those areas of the world which are currently most affected by Cold War operations, both as potential victims and aggressors, are also vividly aware of the massive reality of the captive nations and the lasting utility of captive nations analysis. This includes particularly the free area of Asia and, on the side of the aggressor, Moscow, Peking and Hanoi.

The manifest irony of the contemporary situation, roughly the past thirteen years, is that the "home of the free and the brave," where the Captive Nations Week Resolution originated and the captive nations movement in its total meaning was launched, has on the popular level shown to be relatively hesitant, fearful, and somewhat confused. To be sure, in broad outlines of official structure and private participation the movement continues to be well intact, but its full content of implementation in government and beyond still remains only potential in character. In tune with the note of cumulative causation in history itself, the origin and growth of the movement in the United States have been substantially documented and doubtlessly will serve as an indispensable background for the near future.[1] Also, on the tenth anniversary of the passage of the resolution Congress accommodated the publication of a cogent presentation of official views concerning the movement.[2] However, despite these and numerous other evidences of the broad outlines, the dominant fact is that the United States—again, broadly speaking—lags behind other areas of the world in understanding and appreciation of the captive nations approach.

Why has this ironical condition been so? This question is often posed after lectures on the subject have practically given the main points of explanation. The answers to this seemingly complex question are actually more than one. The first and foremost is the uncanny ignorance of our populace, both formally educated and less so, concerning the Soviet Union, the chief area of threat and hostility toward the U.S. This may sound like a harsh indictment of our people, but assuredly in any forum devoted to the subject it wouldn't take long to detect serious weaknesses on this score. Closely related to this, indeed buttressing it, is the typical American distaste for history, for the fundamental requisite of knowing how an object or situation has come to be what it is. Aside from the subject of the cumulative development of the captive nations, far too many aren't even cognizant of the unique development and precious traditions of these United States; witness many a fool permitted to speak from a college rostrum on the vacuity of history. The third all-embracing explanation covers a wide range of phenomena and activities under one sufficient caption—a growing demoralization in respect for authority and the individual person. No matter how one attempts to twist or distort it with notions that are thought to be new, this caption more than adequately embraces the fleeting superficialities of our times, such as sex mania, drugs addiction, oriental-styled demonstrations, bombings, women's liberation, accented crime, pornography, black, student and other forms of illusory power, and a host of other acultural expressions of human exhibitionism.

Mention is necessarily made here of these superficialities, which some self-made philosophers regard as "change," solely because they pertain in some degree as corrosive agents to the moral fibre of our nation which, whether it is generally recognized or not, is the ultimate target of both Moscow and Peking. The morale of a nation is in a way even far more important than its armament, and to the extent that it is being progressively undermined, as here in the United States, the nation becomes increasingly vulnerable not, as many think, to some sort of radical or communist takeover, but rather to excessess of reaction within and miscalculations without that will inevitably lead to a hot, global war.

Since 1965, after the critical presidential campaign the fall before, the U.S. has become a fertile terrain for political warfare by manipulated indigenous forces and external influences. Korea, Hungary, Cuba and now Vietnam symptomize with cumulative effect the steady erosion of America's national will to employ its vested power, both physical and moral, to curb decisively the aggressive designs of the remaining two imperial complexes in the world, the USSR and Red China. Allied with the demoralizing agents are the neo-isolationism, self-indictment and masochism sweeping several sectors of the nation that cannot help but implode with a variety of spurious, moralistic rationalizations and unstably concern itself with matters of secondary and trivial import on the scale of world conflict.

AMERICA'S LOSS OF MORAL CONSCIENCE

In all of this not so complex environment, what is of crucial importance to the evolving captive nations analysis is America's progressive loss of moral conscience toward one billion of humanity under totalitarian Red tyranny and oppression. This dismal development goes hand-in-hand with our growing incapability to undertake the primary and essential tasks of Free World leadership and responsibility. Vacuous utterances about "policing the world" and the like are nothing but expressions of insularity toward the realities of our world. Any translated objectification given to them would certainly produce vacuums that our enemies would rapidly occupy to our severe strategic disadvantage. Logically, no matter how you slice it, the interwoven pattern of eroded national will, disused power, confusion as to the historical meaning of America, rationalized preoccupations with ostrich-like activities, and an appalling loss of moral conscience toward the billion of humanity reduces itself to a declining faith in world freedom, which can and will include our own in the end if redress and leadership along the line are found wanting.

For some time now it has been of intriguing interest to the writer and others that practically all of the self-proclaimed advocates of "social justice," the instant "humanists," our "sociological" preachers and the like tend to be long on moralistic exhortations relevant to ostrich-like absorptions and completely silent when it comes to the captive nations and their relevancy to our long-term freedom. A number of causal reasons can be offered to explain this glaring fact—yes, including even ignorance and subversive intent—but the fact is simply mentioned here to point out the freedom-conscience gap on the part of a current vocal segment in our nation. However, inexorable events, if not reasoned judgment, will in the trying years ahead fill in this gap and fully justify and substantiate the captive nations analytical approach. It surely doesn't require much common sense to perceive the simple truth that gained freedoms at home—and there have been many—will count for naught if total national freedom is perilously endangered and lost.

OTHERS CONSCIOUS OF CAPTIVE NATIONS

While the U.S., most countries in Free Europe, and Japan pursue business-as-usual and wallow in a maze of implosiveness and every imagined domestic problem, others on both sides of the dividing line between developing democracy and totalitarianism maintain, but for different reasons, a vivid consciousness about the over two dozen captive nations. Those who are particularly threatened by Red imperialist totalitarianism have advanced the captive nations movement with unprecedented fervor and dedication. In Asia, from the Republic of Korea down to the Philippines and India, the annual observance of Captive Nations Week grows progressively and activities throughout the year, such as the World Anti-Communist Conference, place stress on the haunting reality of all the captive nations.[3] The Republic of China, cognizant of the some 700 million captives on the mainland, has consistently and superlatively propagated the truths about all the captive nations. Needless to say, those closest to the borderline of freedom in Asia, even including to some degree Japan, cannot avoid being conscious of the cumulative list of captive nations, for the immediate threat over-

---

Footnotes at end of article.

shadowing them is the threat of their addition to the list.

For reasons negative in character the opposite side, too, is conscious of the captive nations movement. Obviously the movement pertains to the very populaces under their totalitarian control and in the long-run points to the expansion of freedom and the demise of their tyrannical regimes. From 1959 to the present, the record of persistent denunciation against Captive Nations Week by Moscow, Peking and the less significant Red centers is a long and vehement one. Could one expect it to be otherwise when the resolution itself lays bare the nature of the enemy and his cumulative conquests? One of the lastest tirades against the movement, published in several Moscow organs and in a variety of languages for its world distribution, makes for fascinating reading in abuses of half-truths.[4] For instance, it is stated, "The facts show that the provocative activity of the organizers of Captive Nations Week increases sharply whenever the international situation is aggravated." This half-truth is then applied to the Russian rape of Czecho-Slovakia with the strong implication that captive nations advocates should have remained silent in the name of "peaceful coexistence" as interpreted by the Russians. One often wonders what level of mentality Red propagandists strive to impress.

In the realistically structured thought of captive nations analysis, this and similar contrived Red dialectics can be handled with ease. Typical of Russian distortions, for example, the same source attacks the writer's book in this vicious vein: "The author of this vindictive scrawl literally falls over himself, attempting to prove that the Soviet Union is 'vulnerable in the national respect.' This preacher of fascist ideology, repeating the hackneyed propaganda thesis of Goebbel's ministry, openly advocates a preventive war against the USSR."[5] The play on a reader's naiveté here is infinite. As to facts, the inner quote by the Red writer is his own fabrication. *The Vulnerable Russians* or any of my writings purposely avoid a depiction of the USSR as a national state. And on the matter of preventive war, this, too, is his concoction, for nowhere can he find a substantiation of this in twenty-five years of literary output. As to guilt by theoretic association with the Nazis, this technique scarcely needs comment. Despite numerous basic differences in the thesis, let it be said that even the devil preys upon the good for his own diabolical ends, as the Russian totalitarians themselves so well know and practice.

Briefly, the captive nations mode of analysis and approach, which is so disconcerting to our enemies, is clearly far superior than any other type of treatment existing in the state of our social scientific disciplines today. Fundamentally, it is a genetical analysis that empirically commences at the origin of Soviet Russian imperio-colonialism and down to the present sturdily answers the fundamental question "How did this whole phenomenon of imperialist Red domination over peoples and nations come to be what it is?" From many angles, the merits of this total historical framework of reference are far-reaching and simply cannot be matched by any other mold of analysis, especially a shifting, pragmatic one that depends more on the ear than the brain. As our adversaries well know, this genetical type of analysis constantly puts forward the real evolution of Soviet Russian imperio-colonialism so that there can never be any lapse in memory on the part of both the teacher and the taught, and room for exploitable dupes and the unwary is thereby severely restricted. The groundwork of the analysis also allows for a more penetrative analysis of current problems, the preclusion of hairbrained theories flouting evidence itself, the prudent minimization of repeated errors, a more flexible, rational adjustment to accidental changes in the Red environment, and certainly a more intuitive grasp of futural uncertainties. By the very nature of its content on expansive interrelationships, the analysis continually enforces a capacity to interrelate events effected by the strategic behavior of our prime enemy. Thus, for example, Moscow's build-up and imperial consolidation within, and "wars of liberation," can be more readily perceived and appreciated against the background of captive nations than on the basis of anything else.

To put it mildly, American global thinking is highly unstructured and floats largely on currents of development and change, and the immediate problems they pose. If it possesses background, it is in the nature of a mere succession of past developments and change, without a meaningful structure differentiating for the present and the future past essentials and unessentials. This also may seem as a harsh, critical indictment, but a bit of sober reflection on the relative decline of American power since 1945, its lost opportunities for expanded freedom had it possessed a global vision for the future grounded in the firm realities of the past, and its present state of national confusion and even absurdity cannot but lead one to serious doubts about its capability to exercise its world responsibility and insure an enduring peace. As the writer strongly points out in his current book, "In a way, we, the U.S., are like the infant child. On the scale of psycho-political warfare, 'peaceful co-engagement,' 'competitive coexistence' or whatever you wish to call it, in comparison with the Russian totalitarians we are grossly inferior in the critical areas of diplomatic maneuver, propaganda, ideological vision, totalistic thinking, long-run planning, espionage, political initiative, and sheer national will."[6] Much of this is the result of our inability to shed quickly old preconceptions and myths that have founded our relations with the USSR, grounded our foreign policy for too long, and have ultimately been responsible for our present, unpredictable state.

THE SCOREBOARD

Over fifty years of Eurasian history are, with pointed essentiality for our national scorecard, along with probable projections for the period ahead:[7]
security, chronologized in this convenient

The Captive Nations—Who's Next?

Country, people, and year of Communist domination

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolia	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Yugoslavia (Serbs, Croats, Slovenians, etc.)	1946
Poland	1947
Rumania	1947
Czecho-Slovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

Who's Next?

South Vietnam? Algeria? Cambodia? Israel? Laos? Tanzania? Bolivia? Thailand? Egypt? Guatemala? Chile?

This scorecard is the summarical result of genetical analysis applied to the greatest, single reality in our world, the one billion captives under Red totalitarian captivity and, fundamentally, in terms of decisive power, Soviet Russian imperio-colonialism. Myths and historically foolish utterances, expressed even on our highest official levels, about "Yugoslavian freedom," "Rumanian independence," "communist polycentrism," Armenians, Georgians, Ukrainians as being types of Russians, somewhat less than "the Great Russians," and the Red Chinese threat to Moscow in no way alter the structural framework conveyed in this scorecard. On the contrary, if present tendencies in the U.S. continue, the so-called leader of the Free World ironically will be contributing to further additions in this long list of captive nations, and the scorecard, which is firmly fixed objectively, will doubtlessly make deeper subjective imprints on those who have refused to face cumulative reality.

It may alarm most of us to know that, by virtue of our limitations and conceptual errors, we contributed heavily to the origin and development of this massive, captive nations reality. If one examines the scorecard, our contribution toward the captivity of all the nations under communist domination by 1924, was the ignorant unwillingness of our Government to secure the principle of national self-determination for all the non-Russian nations following the collapse of the Tsarist Russian Empire. No responsible mind can deny the crucial historical facts that our entrance into World War I was decisive, that we expressed the principle and possessed the power to enforce it, and had allies in France and Great Britain receptive to such action. What we lacked was appreciative knowledge and vision, and we helped an empire that increasingly threatens our national existence to be restored.

By the close of World War II our power was globally supreme, commanding the skies, harnessing the atom, and fielding the mightiest war machine in the world. But pathetically our diplomacy and leadership once again failed us, and like children escaping realities, for which present Vietnam is a microscopic parallel, we were hell-bent on demobilization. Back to the scorecard and you'll find that all of the nations listed from 1940 to 1951 could have been saved from their present captivity had we, again, the knowledge of whom we were dealing with and the vision to employ the power vested in us. Rank foolishness about Soviet Russian retaliation, free elections in the Central European countries, the Chinese agrarian revolution, to mention only a few, were the myopic rationalizations of the times. Had the far-seeing instincts of a Patton been given full support of expression, the waves of freedom would have even washed the Urals and beyond.

As for the remaining two captive nations on the scorecard, our incapacity to understand revolutionary warfare and its manipuliations of nationalism and still more agrarian reform accounts more than our failure to apply our power early and decisively.

Aside from the period of the late 20's and the 30's, when Russia concentrated on building its industrial and war machines on the basis of its original captive resources, each decade registers cumulative additions to the captive nations list. For our decade of the 70's, yes, indeed, four decades of impressive experience cannot but influence one to ask "Who's Next?" Regardless of constantly shifting rifts in the Red Empire, one must objectively acknowledge the tremendous feat of conquest achieved by the Russian totalitarians, and at that with comparatively inferior resources. One can well imagine what

---

Footnotes at end of article.

the future holds should they attain to strategic nuclear superiority, primarily in their global psycho-political warfare.

The misinformation and misleading interpretations being dispensed by a variety of sources to the American public could contribute substantially to the extension of the captive nations list. Just to cite a few of abundant, current examples. One supposedly witty writer falls for the Russian technique of non-interference in the affairs of others, so long as they pursue their interferences, and admonishes us that "both by example and the judicious application of a little pressure, we can help in the work of the liberation of man."[8] It's evident that like others in this organ he has no conception of Soviet Russian strategy and tactics, nor is he reliable in treatment of facts. "Nothing is sadder," he writes, "than Captive Nation's Day, and nothing has been more despicable than politicians who've exploited the anguish behind it, by suggesting we could "free" Poland or Estonia if we really wanted to. No single issue has given more impetus to the idea that there are secret Russian collaborationists in our government than this one." First, if anyone knows of any "Captive Nation's Day," he would be striking a factual revelation. And second, his two interpretations adequately measure the scope of his naivete, for no congressional supporter of the resolution ever exploited it in the way suggested and, even aside from the issue, practical political wisdom is enough to assume that we have our Hiss' today.

For the careful analyst it is hardly a surprise to see this drivel introduced into the CONGRESSIONAL RECORD by none other than Senator Fulbright, one of the most illogical and misleading voices in our nation. This is said from direct, substantiating experience, and not just remote analysis. The Senator believes such "observations are worthy of the attention of the Senate."[9] In the same period, the Senator offered his interpretative gems in a lecture at Yale University: "It is assumed, *a priori*, that the natural and inevitable condition of the world is one of basic antagonism."[10] Mind you, *a priori*, as though no captive nations exist. Then, after speciously dubbing our experience with Nazi Germany, another imperialist power, as "atypical," thereby placing the Russians and the Red Chinese, also two imperialist powers, in a different light, the Senator dialecticizes in this fashion: "I do not contend that this assessment of Russian and Chinese ambitions is untrue, but only that it is not necessarily true. . ." Evidently, necessity for the Senator is only sensed when the roof caves in. Moreover, the documented record shows that the Senator's conception of the Soviet Union is identical with that recently expressed by another thinker of our day who, with reference to the U.S. and the USSR, ignorantly writes "Our two nations are still adversaries."[11] In short, it is this kind of current opinionating, divorced from essential facts and even nonsensical, that serves the fixed ambitions of our "adversaries" more than their own propaganda machines can accomplish in our direction.

THE INESCAPABLE REALITY OF THE CAPTIVE NATIONS

However much we seek to escape the imposing reality of the captive nations, this reality is inescapable. It is the foundation stone for the ambitions and global strategies of both Moscow and Peking, and at the same time the very existence of the captive nations is the source of our most serious national problems. A detailed, causal analysis through the captive nations approach can easily establish the sequential causation of problems from the captive nations base, Russian and Red Chinese aggressive threats, to our national security response, budgetary allocations, inflation, cramped domestic priorities and so on down the proliferating line. There is nothing simplistic in this; with a captive nations background, the analysis emphasizes a cumulative causation of paramount problems that otherwise would not exist if the reality and its exploitable resources were not there. Parenthetically, this force of cumulative causation in historical time is a vital factor in the calculations of a Russian or Chinese global strategist since the seemingly endless proliferation of problems for his adversary is an advantage of great effect in itself. This is not to say that they do not have problems, both human and technical, but the former are efficiently managed through totalitarian means.

For our purposes here, the basic relevancy of the captive nations to several news-making subjects in the recent period can be shown to exemplify the formula on causation above as well as furnish additional insight into the broad generalizations advanced earlier. These subjects include Vietnam, the Kudirka case, political warfare on the U.S. terrain, and the 24th Congress of the Communist Party of the Soviet Union, with emphasis on the so-called nationalities problem. There are other subjects, but these will suffice. An essentialist treatment of each will also suffice.

(a) *Vietnam and the captive nations*

Certainly no war engulfing our involvement in this century has been as badly managed as the Vietnam war. The responsibility for its inordinate costs—900,000 lives, $115 billion, 2.8 million disrupted young American lives, 53,771 U.S. deaths, 131,995 South Vietnamese military deaths. 703,280 North Vietnamese military deaths and so forth—does not rest with our straightjacketed military, but rather with our civilian leaders and behind them substantial segments of our electorate. The nature of the war was never fully understood, and until the end of the 60's our objectives in it were never lucidly explained to the people. The mess President Nixon inherited has been progressively dissipated, and we can come out of it honorably and successfully if responsible Americans can stubbornly resist the use of this vital issue as a political football in our domestic politics.

By the same token, this war has produced an inordinate amount of political absurdity and, from a global viewpoint, stupidity galore. Pseudo-moralistic harangues about it being "an immoral war" and the President's policy being "morally callous" because it shows "no concern for the sanctity of human life" reflect the political immaturity of their dispensers, not to say their twisted ethics.[12] To artificially isolate Vietnam from the global pattern of Red imperialist strategy, to ignore the direct and indirect aggression of proxy Hanoi, to view this merely as a "civil war," not to mention numerous other false views, actually measure the desperate need for captive nations education on the part of broad sections of our population. For the techniques and propaganda used by the enemy in Vietnam are old techniques repeated by the Soviet Russians as far back as 1917. Outside the vacuum of moralistic cliches and drenched in facts of the past as well as the present, our involvement in Vietnam has been not only necessary but also thoroughly moral.

From the broad captive nations viewpoint and background, Vietnam is only a new terrain for Soviet Russian and Red Chinese imperialism, the two chief supporters of Hanoi. With North Vietnam joining the family of captive nations, it was only a question of short time before Red aggression would force South Vietnam into the family, and then Laos and Cambodia and so forth domino-like. The much bandied domino theory in discussions on Vietnam is no theory from the captive nations analytical viewpoint. It is clearly a cumulative, domino fact established for fifty years. Thus, President Nixon in effect expressed the positive principle of national self-determination when he recently stated: "The issue very simply is this: Shall we leave Vietnam in a way that, by our own actions, consciously turns the country over to the Communists? Or shall we leave in a way that gives the South Vietnamese a reasonable chance to survive as a free people?[13]

Conversely, the President could just as well have said "As so often in the past, are we prepared, especially now as a Free World leader, to permit the addition of another and unquestionably other nations to the long list of captive nations?" This is what it amounts to, and the consequences for us by such additions would be globally disastrous. Those with limited or irresponsible attitudes toward this crucial issue may ponder the next Vietnam should South Vietnam fall under the sprawling cover of the captive nations. They might also re-examine their moral consciences, as countless before have in the 40's and the 20's.

(b) *The Kudirka case*

Vibrant conscience expresses itself in many diverse ways, and one of the most important is ready access to political asylum. This has been a time-honored principle of our Republic and a prime reflector of the American conscience. An outrageous violation of this principle occurred in November 1971, when a Lithuanian sailor by the name of Simas Kudirka leaped to freedom from a Russian fishing trawler off Martha's Vineyard and was brutally returned by our Coast Guard. The disclosures in this case will indicate the lapse of conscience and political ineptitude described earlier, in this case a sample of the authorities involved.

It is unnecessary here to dwell on the eye-opening details of the case, for the published hearings are available to the public. From the politico-moral viewpoint, suffice it to say that, traditionally, the extension of political asylum under whatever circumstances, on land, sea or in the air, has been automatic. One of the conclusions arrived at by a congressional body with reference to an involved officer clearly shows the moral aspect of this scandalous case: "In other words, he was saying: 'I've got it made. What do I care for any other human being.' If this attitude is typical of high officials in the Coast Guard, God help America."[14]

But the additional fact is that this human being was defecting from Russian domination of his captive land, Lithuania. A politico-moral sensitivity to this circumstance could only be derived from proper training in terms of the captive nations approach. The testimony reveals how gravely derelict we are in this important respect. Consider this from a Coast Guard officer: "I didn't and I still don't feel there is any facts that the Russians go around killing people." This quote is accurate, but the committee did also conclude, "A reading of the many communications on the Kudirka case points up the need not only for aggressive action but for a refresher course in basic English for both Coast Guard and State Department officers."[15] However, aside from the English, it would probably flabbergast the officer to learn that over the past fifty years some 80 million lives have been sacrificed by the Russian totalitarians. The answers given by Admiral Ellis to Representative Derwinski's questions concerning education on the Soviet Union and Russian contempt for international law are enough to indicate the low state of our training.[16]

(c) *Political warfare on the U.S. terrain*

A careful documentation of this subject would have to cover enemy subversive preparations as far back as 1961, that is for overt operations in the form of bombings, propaganda, demonstrations and assassinations. Those of us who as far back as 1952 advocated the creation of a Freedom Acade-

---

Footnotes at end of article.

my for the study of Red political warfare can take pride in our vision of things to come. Some senatorial reactions to the bombing of the Senate in March 1971—such as "You wonder what motivates people to do a thing like this" or "The massive bombardment we are continuing year after year against the people of Indochina has its counterpart in the mounting destruction of humane values in our own land"—actually underscore the desperate need of this Academy, even for some naive Senators.

The relation of this dimension to the captive nations lies in the fact that the Russians, through proxy procedure, have established and are supporting training centers in these nations for this operation. For years Moscow has maintained simulated American towns in Ukraine for such training. Cuba has over forty such centers to receive young American renegades under cover of cutting sugar canes. The ouster of four Russian diplomats from Mexico in March, 1971, involved the training of Mexican traitors in North Korea. One would have to be blind, indeed, not to see Hanoi's long arm of supporters in most of the anti-war demonstrations here. In short, it is not just Communist Party participation in this operation to achieve defeat for the U.S. in Vietnam; [17] the preparatory and supporting sources are in Havana, Hanoi, Prague, Pyonyang and other proxy centers of captive lands.

(d) *The 24th CPSU and the captive non-Russian nations in USSR*

While captive resources are increasingly exploited for the training of traitors in political warfare management in the U.S. and elsewhere, patriots and freedom-fighters in the captive nations seek ways and means to express their nation's desire for freedom and hope for eventual liberation. It should be emphasized that our traitors receive substantial support from our enemies, the patriots in and from the captive nations have not enjoyed equivalent assistance. Nonetheless, in the recent period, the Russian rape of Czecho-Slovakia, the outbreaks in Poland, the arrests of intellectuals in Ukraine, the inter-republic frictions in Yugoslavia, and the mutual charges of imperialism and colonialism in Moscow and Peking also reflect the basic and imposing reality of the captive nations within the Red Empire itself. The cardinal objective of Moscow and its syndicate members has been and will continue to be the acquisition of Free World agreement to the permanent captivity of their dominated peoples, but the captive nations themselves will from time to time impress themselves on Free World attention, if not on its prudent and insurable aid.

Thus, as concern the pressure of invincible nationalism and the captive non-Russian nations in the USSR, the 24th Congress of the Communist Party of the Soviet Union, held in March-April of 1971, served up additional examples of the far-reaching ramifications and impact of the captive nations. The demands on the part of the Japanese, Belgian, Chilean and other delegations to the Congress for "independence of each party and noninterference in one another's affairs" may be viewed by some as expressions of nationalism, but there is little reason to count on them. Each of these parties would be for naught in their respective countries if there were no powerful Soviet Union. The same applies to the CP's in the Red Empire, as in Yugoslavia, Rumania, Poland, Ukraine and so forth.

What by far was more important was the string of slavish obeisances uttered by leaders of the non-Russian CP's in the USSR. Listen first to Brezhnev: "All the nations and nationalities of our country, above all the great Russian people, played their role in the formation, consolidation and development of this mighty union of equal nations that have taken the road to socialism." No sooner was this myth propounded that the so-called Ukrainian quickly added, "The revolutionary energy, dedication, diligence and profound internationalism of the Russian people have quite legitimately won them the sincere respect of all the other peoples of our Socialist motherland." Plainly, isn't Russian domination a paradise of priceless blessings? The Armenian Kochinyan put in his bit of praise for "the role of the culture of the Great Russian people." The Azerbaijan Aliyev piped in "the friendship and mutual assistance of Soviet peoples, headed by our elder brother, the great Russian people"; and the Turkestanian Rashidov ranted about "the great striving of people of all nationalities to learn the Russian language . . ." as . . . "convincing evidence of the dedication of Soviet peoples to this union, of their love and respect for their elder brother." Oh!, so sweet this Russification!

Underlying each of these spurious utterances is, of course, the fear of rampant nationalism in the USSR, which justifies the Amalrik question "Will the Soviet Union Survive by 1984?" The Latvian Voss brought this into focus with his euphemisms about "Our whole Socialist reality brings up the people in the spirit of friendship and fraternity of the peoples of the U.S.S.R. . . . The Latvian rabble, already thrown on the dustbin of history, maliciously libel the friendship and unity of the Soviet people. They spread untruthful statements that suppression of national minorities exist in the U.S.S.R. . . . Only isolated, politically immature people fall for the bait of such nationalistic fables." Need more be said about the towering reality of the captive nations, particularly those in the Soviet Union itself?

A NEW FOREIGN POLICY? PINGING RATHER THAN PONGING

The scope, ramifications, theoretic structural unity, and fundamentalism of captive nations reality and mode of analysis should be perfectly clear by now. In present-day, confused America, these aspects and features deserve wide circulation for sober thought and action. The forum provided by Captive Nations Week in the third week of July (the 1971 Week being July 18–24) should generate such constructive discussion. The President can lead in this with a more forceful proclamation. The Congress can pave new paths by creating a Special House Committee on the Captive Nations. And our foreign policy toward the Soviet Union can be realistically reshaped to deal effectively with Moscow. Even the ping-pong diplomacy of the present, engendering evolving American-Red Chinese contacts and relations, necessitates careful consideration of the captive nations in the Red Chinese imperial complex.[18]

Upon the issuance of the 617 page State Department report on the State of the World, Secretary of State Rogers declared, "My great hope is that the path we are taking can help create among Americans a new national unity and purpose in our foreign policy—a policy no longer haunted by the past, but committed freshly to the opportunities of the future." One cannot but strongly share this hope, and at the same time point to the captive nations approach as its best means of realization. The President's doubt about us ever having another war won't be justified without this approach. To secure peace with freedom means to ping rather than just pong. Opportunities for pinging are great with the captive nations.

FOOTNOTES

[1] See Lev E. Dobriansky, *The Vulnerable* Russians, New York, 1967, pp. 454.

[2] *Forward-Looking Addresses . . . on the Captive Nations Week Movement,* USGPO, Washington, 1969, pp. 105.

[3] See, e.g., "The Reality of the Captive Nations . . ." Congressional Record, vol. 116, pt. 32, pps. 43409–43427.

[4] A. Borisov, "U.S. Anti-Communism," *International Affairs,* Moscow, November 1970.

[5] Congressional Record, vol. 116, pt. 32, p. 43400.

[6] Lev E. Dobriansky, *U.S.A. and the Soviet Myth,* The Devin-Adair Company, Old Greenwich, Conn., 1971, p. 206.

[7] See for similar projections *Captive Nations Week; Red Nightmare, Freedom's Hope,* USGPO, Washington, D.C., 1966, p. 173.

[8] Nicholas von Hoffman, "America as Liberator of Man: Whom Do you Choose?" The Washington Post, Apr. 2, 1971.

[9] "America as Liberator of Man," Congressional Record, Apr. 5, 1971, p. 9643.

[10] Senator J. W. Fulbright, A New Internationalism," Congressional Record, Apr. 14, 1971, p. 10357.

[11] Theodore Sorensen, "Russians Show an Increasing Interest in What Goes on Here," The Sunday Star, Washington, D.C., Apr. 4, 1971.

[12] E.g. Kingman Brewster, Jr., address, Yale University Alumni, New Haven, Conn., Feb. 20, 1971.

[13] "Nixon: Involvement in This War Is Coming to an End," The Washington Post, Apr. 8, 1971.

[14] Attempted Defection by Lithuanian Seaman Simas Kudirka," report, Committee on Foreign Affairs, Feb. 4, 1971, p. 91.

[15] Ibid, p. 10.

[16] Hearings, Committee on Foreign Affairs, 1971, p. 185.

[17] See "Plans of Militant Antiwar Groups To Launch Massive Demonstration," Congressional Record, Apr. 6, 1971, p. 9787.

[18] See "The Geographical Expression of Mainland China," Congressional Record, vol. 116, pt. 32, pps. 43442–49.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The first Shriners Hospital for Crippled Children was opened in 1922. As the need increased, more units were added until there are today 19 orthopedic units and three burns institutes in which more than 150,000 children have been hospitalized without charge.

"LEST WE FORGET"

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Maj. Wilfred K. Abbott, U.S. Air Force, FR3081739, San Diego, Calif. Married and the father of two children. The son of Mr. and Mrs. Ronald Abbott, Afton, Wyo. A 1956 graduate of Pasadena City College. Officially listed as missing

September 5, 1966. Since, officially listed as confirmed prisoner August 9, 1969. As of today, Major Abbott has been missing or held prisoner in Southeast Asia for 1,701 days.

SCHOOLS IN HEALTH PROFESSIONS ARE IN HARD TIMES

(Mr. GIAIMO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIAIMO. Mr. Speaker, at a well-attended press conference this morning a coalition of major health training organizations presented their alternative to the administration budget for the National Institutes of Health and the Health Services and Mental Health Administration.

While I have not examined all parts of this alternative budget in detail, and cannot therefore endorse the proposals in their entirety, I would like to offer observations concerning the priority that health training, research, and services have received in administration thinking, and encourage my colleagues both on the Appropriations Committee and throughout Congress to similarly consider the arguments of this coalition.

The fact is that through a variety of circumstances, some of them inadvertently fostered by past Federal actions, schools in the health professions, and particularly schools of medicine, are in the midst of extremely hard times.

Hard times for all schools of health professions, in turn, mean both short-range problems for the Nation's medical care needs and long-range problems in training the next generation of physicians, nurses, pharmacists, and other health professionals, performing the medical research which is, in the end, the most economical use of public funds, and providing for the still further inflated demands for service that are sure to result from whichever form of national health insurance, service or tax credit is adopted by the Congress.

Hard times in health, moreover, illustrate that convenient economies in complex fields, particularly those encompassing research, training and service, lead to unmet goals, decreased effectiveness and "catch-up" programs in place of innovation.

And no economy in health, in turn, is so false as those achieved at the expense of research and manpower development.

Research, as those of us know who deal with appropriations in other technical areas, is a long-range investment which is, however, the most economical use of public funds, since the end result saves unnecessary labor, saves on cumbersome, expensive and symptom-oriented alternatives, and, in medicine, can prevent illness and save lives. Moreover, researchers supported through Federal funds help create new and meaningful jobs in the application of those research findings.

Ironically, however, the onslaught of cutbacks in medical research funds have undermined the fiscal base of every medical school in this country. Such cuts, in 1966–67 and every year since, relative to inflation's rise, were probably initially to the good, forcing internal reassessment of priorities in some fields of medical research. That particular pendulum has gone too far, however, and threatens to cut off the fruits of a generation of medical research as well as the base for the next generation's research.

Research, in addition, is intimately tied to the manpower capability of American schools of health professions, since research cuts have not been compensated for by increased education, training or service support for health professions schools. More than half of the Nation's medical schools, in fact, were recipients this year of special project or emergency-type grants, enabling them to limp along, but small compensation for major discomfort in times of increased need.

Manpower, therefore, can be seen as a resource in health which can be developed only when the schools can afford the students, and when the students can afford the schools.

The first condition—the ability of health professions schools to operate effectively, and to carry out the research and training so obviously needed in medicine—can be satisfied by adequate research support from the National Institutes of Health, by assistance in the construction and operation of schools in different health fields, and by allowing the kind of elbow room which is necessary to find better ways to develop and distribute medical care.

The second condition—the ability of the most qualified of students to attend expensive health professions schools—is also dependent on wise congressional action in both authorization and appropriation activity.

Although the Health Professions Education Assistance Act expires this year, quick action by the honorable gentleman from Florida (Mr. ROGERS) and his colleagues will hopefully avoid a situation in which every incoming first year medical student will be financially stranded, without either Federal loan or scholarship support. Extension of this act will be only a necessary prelude, however, to examination of the full spectrum of congressional health training mandates, with the goal of rationalizing the process of student support, combining that support with adequate capitation payment to schools of the health professions, and avoiding the kind of cliff-hanging deadlines which inhibit planning.

In summary, the time has come for all Members of Congress to reflect what they perceive to be the health manpower and medical research needs of the Nation, particularly when examples from their districts and States are clearcut and call for action.

In Connecticut, for example, both the new University of Connecticut School of Medicine and the Yale University School of Medicine have made significant attempts to increase the size of their medical classes, without compromising the quality or altering the kind of student produced. Both, however, have been hard pressed to innovate in times of the Federal fiscal scramble, when even Congress has shown reticence in meeting the one great, universally acknowledged manpower shortage in the Nation, that of health manpower.

I would encourage the honorable members of that subcommittee considering the budget of the Department of Health, Education, and Welfare to consider the presentation and arguments of this unique coalition of medical, osteopathic, dental, nursing, optometry, pharmacy, veterinary, and other health professional schools.

As a cooperative effort of fundamentally different groups, this coalition cannot be considered a special interest group in the usual sense, except that they hold the health of the Nation, the training of all health professionals, and the performance of medical research as their special interest.

I am not, of course, advocating an indiscriminate "shopping bag" approach to health appropriations, and I do recognize from hard experience the many demands placed on the public dollar. Nevertheless, the size, prestige, laudable intentions and commonsense of this coalition warrant the particular consideration of all Members of Congress, and especially those Members most familiar with funding problems addressed by this coalition.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RONCALIO, for 60 minutes on Monday, May 17.

(The following Members (at the request of Mr. POWELL) and to revise and extend their remarks and include extraneous matter:)

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. BRAY, for 10 minutes, on May 5.

Mr. ROBISON of New York, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. MIZELL, for 3 minutes, today.

Mr. BUCHANAN, for 5 minutes, today.

(The following Members (at the request of Mr. BADILLO) and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH in three instances and to include extraneous matter.

Mr. FISHER, immediately prior to the vote on H.R. 7500 on the Private Calendar today.

Mr. BROOKS, immediately following Mr. FISHER during consideration of H.R. 7500 on the Private Calendar today.

Mr. CHAMBERLAIN, and to include extraneous material.

Mr. BETTS, and to include extraneous material.

Mr. de la Garza to extend his remarks in the Extensions of Remarks.

(The following Members (at the request of Mr. Powell) and to include extraneous matter:)

Mr. Kuykendall.
Mr. Horton.
Mr. Ashbrook in two instances.
Mr. Gude.
Mr. Derwinski.
Mr. Kemp in four instances.
Mr. Spence.
Mr. Scherle.
Mr. Fish.
Mr. Rousselot.
Mr. Brotzman.
Mr. O'Konski.
Mr. Halpern in five instances.
Mr. Brown of Ohio.
Mr. Steiger of Wisconsin.
Mr. Veysey.
Mr. Terry.
Mr. Zwach.
Mr. Schmitz
Mr. Wylie.
Mr. Clancy.
Mr. Wyman in two instances.
Mr. Quillen.

(The following Members (at the request of Mr. Badillo) and to include extraneous matter:)

Mr. de la Garza in 10 instances.
Mrs. Grasso in six instances.
Mr. O'Hara in two instances.
Mr. McFall in six instances.
Mr. Murphy of New York.
Mr. Hamilton.
Mr. Stuckey.
Mr. Harrington in three instances.
Mr. Begich in three instances.
Mr. Eilberg in two instances.
Mr. Fauntroy in three instances.
Mr. Rees.
Mr. Sarbanes in five instances.
Mr. Hathaway.
Mr. Foley in three instances.
Mr. Udall in 10 instances.
Mr. Zablocki in two instances.
Mr. Gonzalez in two instances.
Mr. Hagan in three instances.

(The following Members (at the request of Mr. Kyros) and to include extraneous matter:)

Mr. Bevill.
Mr. Wright in two instances.
Mr. Kluczynski.
Mr. O'Neill in three instances.
Mr. William D. Ford.
Mr. Conyers in five instances.
Mr. Howard in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 166. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. KYROS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 5, 1971, at 12 o'clock noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuand to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

Mendel J. Davis, First District of South Carolina.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

667. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

668. A letter from the Administrator, Environmental Protection Agency, transmitting the National Capital Region Water and Waste Management Report, pursuant to section 704 of Public Law 91–650; to the Committee on the District of Columbia.

669. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with the University of San Francisco for a research project relative to the development of a personnel dosimeter for uranium miners, pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

670. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

671. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case numbered A11 977 348, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

672. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. House Resolution 240. Resolution to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; with amendment (Rept. No. 92–171). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. House Resolution 401. Resolution to refer the bill (H.R. 6204) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended. (Rept. No. 92–172). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2035. A bill for the relief of William R. Karsteter; with amendments (Rept. No. 92–173). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 2110. A bill for the relief of the estate of Julius L. Goeppinger; with amendment (Rept. No. 92–174). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 6998. A bill for the relief of Salman M. Hilmy (Rept. No. 92–175). Referred to the Committee of the Whole House.

Mr. PERKINS: Committee on Education and Labor. H.R. 3613. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; with amendment (Rept. No. 92–176). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 6638. A bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; with amendment (Rept. No. 92–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 7931. A bill to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes (Rept. No. 92–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. for the Commission on Civil Rights (Rept. No. 92–179). Referred to the Committee of H.R. 7271. A bill to authorize appropriations the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 8027. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. BRINKLEY (for himself, Mr. Edwards of Louisiana, Mr. Byrne of Pennsylvania, Mr. Pepper, Mr. Brasco, Mr. Robison of New York, Mr. Pickle, Mr. Hicks of Washington, Mrs. Hansen of Washington, Mr. Rangel, Mr. Collier, Mr. Collins of Illinois, Mr. Robinson of Virginia, Mr. Bevill, Mr. Blackburn, Mr. Rosenthal, Mrs. Hicks of Massachusetts, Mr. Schwengel, Mr. Mann, Mr. Williams, Mr. Clark, and Mr. Schmitz):

H.R. 8028. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself, Mr. Mathis of Georgia, Mr. McDonald of Michigan, Mr. Kyros, Mr. Hillis, Mr. Cleveland, Mr. McKevitt, Mr. McKinney, Mr. Hastings, Mr. Fraser, Mr. Eilberg, Mr. Derwinski, Mr. Scott, Mr. Rarick, Mr. Addabbo, Mr. Nichols, Mr. Ware, Mr. Hunt, Mr. Roberts, Mr. Fisher, Mr. Winn, Mr. Mazzoli, Mr. King, Mr. Lennon and Mr. Daniel of Virginia):

H.R. 8029. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 8030. A bill to restore the investment tax credit; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 8031. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8032. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. Roush):

H.R. 8033. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 8034. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. DONOHUE (by request):

H.R. 8035. A bill to amend title 10 of the United States Code to establish a NATO Defense Medal, and for other purposes; to the Committee on Armed Services.

By Mr. EVANS of Colorado:

H.R. 8036. A bill to limit and control expenditures made by or on behalf of candidates for election to Congress, and for other purposes; to the Committee on House Administration.

By Mr. FASCELL:

H.R. 8037. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN (for himself, Mr. Abbitt, Mr. Broyhill of Virginia, Mr. Daniel of Virginia, Mr. Downing, Mr. Gude, Mr. Harrington, Mr. McKinney, Mr. Poff, Mr. Robinson of Virginia, Mr. Satterfield, Mr. Scott, Mr. Steele, Mr. Thompson of New Jersey, Mr. Wampler, and Mr. Whitehurst):

H.R. 8038. A bill to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Green of Pennsylvania and Mr. Nix):

H.R. 8039. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTINGS:

H.R. 8040. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HECHLER of West Virginia:

H.R. 8041. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

H.R. 8042. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

H.R. 8043. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veterans or widow of a veteran as the result of the increase in social security benefits provided by Public Law 92-5 or by any increase in railroad retirement benefits during the calendar year 1971; to the Committee on Veterans' Affairs.

By Mrs. HICKS of Massachusetts:

H.R. 8044. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care in service facilities for certain members of the uniformed services and their dependents after such members are separated from active duty; to the Committee on Armed Services.

H.R. 8045. A bill to amend the Federal Water Pollution Control Act to provide for the control of pollution in the Boston Harbor; to the Committee on Public Works.

H.R. 8046. A bill to provide for the control of pollution in the Boston Harbor; to the Committee on Public Works.

H.R. 8047. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

H.R. 8048. A bill to amend title II of the Social Security Act to increase to $1,000 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. Gerald R. Ford, Mr. Cederberg, Mr. Chamberlain, and Mr. Vander Jagt):

H.R. 8049. A bill to provide a program in the Department of Agriculture under which the Federal Government, in partnership with the government of the States, will assist in the provision of adequate housing for migratory agricultural workers; to the Committee on Banking and Currency.

By Mr. KARTH:

H.R. 8050. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH (for himself, Mr. Biaggi, Mr. Burke of Massachusetts, Mr. Burton, Mr. Collins of Illinois, Mr. Dellums, Mr. Rosenthal, Mr. Sarbanes, Mr. Wolff, and Mr. Roy):

H.R. 8051. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. McFALL (for himself and Mr. Sisk):

H.R. 8052. A bill to amend the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

By Mr. MINSHALL:

H.R. 8053. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8054. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. Jones of North Carolina, Mr. Abbitt, Mr. McMillan, Mr. Miller of Ohio, Mr. Stubblefield, and Mr. Wampler):

H.R. 8055. A bill to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the lease and transfer of tobacco acreage allotments; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 8056. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. REES:

H.R. 8057. A bill to enlarge Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. ROONEY of Pennsylvania:

H.R. 8058. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH (for himself, Mr. Burke of Massachusetts, Mr. Burton, Mr. Dow, Mr. Flowers, Mr. Fulton of Tennessee, Mr. Gibbons, Mr. Gray, Mr. Halpern, Mr. Kuykendall, Mr. Mazzoli, Mr. Miller of California, Mrs. Mink, Mr. Morse, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mrs. Sullivan):

H.R. 8059. A bill to provide Federal assistance to State and local governments for the purpose of developing and improving communication procedures and facilities with respect to the prompt and efficient dispatch of police, fire, rescue, and other emergency services; to the Committee on the Judiciary.

By Mr. SANDMAN (for himself, Mr. Sebelius, Mr. Whitehurst, Mr. Burlison of Missouri, Mr. Addabbo, Mr. Keating, Mr. Lloyd, Mr. Roncalio, Mr. Dickinson, Mr. Price of Illinois, Mr. Widnall, Mr. Morse, Mr. Frenzel, Mr. Eilberg, Mr. Derwinski, Mr. Buchanan, Mr. Nelsen, Mr. Rhodes, Mr. Córdova, Mr. Railsback, and Mr. Flowers):

H.R. 8060. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDMAN (for himself, Mr. LENT, Mr. MICHEL, Mr. FORSYTHE, Mr. LENNON, Mr. SHOUP, Mr. SCHNEEBELI, Mrs. HICKS of Massachusetts, Mr. HOSMER, Mr. HALPERN, Mr. SHRIVER, Mr. GUBSER, Mr. ANDERSON of Illinois, Mr. ROYBAL, Mr. PETTIS, Mr. WAGGONNER, Mr. ANDREWS of North Dakota, Mr. ARENDS, and Mr. J. WILLIAM STANTON):

H.R. 8061. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. KYL, Mr. STEIGER of Arizona, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. RUPPE, Mr. CAMP, Mr. SEBELIUS, Mr. MCKEVITT, and Mr. CÓRDOVA):

H.R. 8062. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. KYL, Mr. STEIGER of Arizona, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. CAMP, Mr. LUJAN, and Mr. TERRY):

H.R. 8063. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. KYL, Mr. STEIGER of Arizona, Mr. DON H. CLAUSEN, Mr. CAMP, and Mr. TERRY):

H.R. 8064. A bill to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 8065. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of California:

H.R. 8066. A bill to authorize and direct the Secretary of Defense and the Administrator of the General Services Administration to insure the procurement and use by the Federal Government of products manufactured from recycled materials; to the Committee on Government Operations.

By Mr. VANIK:

H.R. 8067. A bill to bring the tax reductions for individuals provided by the Tax Reform Act of 1969 into immediate effect; to the Committee on Ways and Means.

H.R. 8068. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.J. Res. 606. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.J. Res. 607. Joint resolution proposing an amendment to the Constitution of the United States to insure the right of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 608. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 609. Joint resolution to authorize the interment of an unknown soldier from Vietnam in the Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. HOLIFIELD (for himself, Mr. ANDERSON of California, Mr. BURTON, Mr. CORMAN, Mr. DANIELSON, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HANNA, Mr. HAWKINS, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MCFALL, Mr. MILLER of California, Mr. MOSS, Mr. REES, Mr. ROYBAL, Mr. SISK, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. CHARLES H. WILSON):

H.J. Res. 610. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. BROWN of Ohio:

H. Con. Res. 289. Concurrent resolution relative to citizens radio service; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself and Mr. BURKE of Massachusetts):

H. Con. Res. 290. Concurrent resolution relative to asset depreciation range; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H. Res. 421. Resolution urging that import controls be placed on men's wearing apparel, textile goods, and shoes manufactured in foreign countries employing cheap labor; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HENDERSON:

H.R. 8069. A bill for the relief of Joyce Ann Farrior; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 8070. A bill for the relief of Angelo Battista Nolli; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 8071. A bill for the relief of Antonio Cipoletta and his wife, Rita Cipoletta, and their children, Gaetano Gipoletta, Patrizia Cipoletta, Sabrina Cipoletta, and Antonia Cipoletta; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 8072. A bill for the relief of the estate of Eva Odisho, John K. Otis, William C. Otis, and Joseph J. Otis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

70. The SPEAKER presented petition of Henry Stoner, York, Pa., relative to the exchange of prisoners of war; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

DR. GEORGE L. "SHORTY" COLLINS RECEIVES EDWIN T. DAHLBERG PEACE AWARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EDWARDS of California. Mr. Speaker, I am pleased and proud to advise my colleagues in the House of Representatives and the U.S. Senate that Dr. George L. "Shorty" Collins, Baptist College chaplain at Grace Baptist Church in San Jose, Calif., will on May 13, 1971, be awarded the Edwin T. Dahlberg Peace Award at ceremonies to be held at this year's American Baptist Convention being held in Minneapolis, Minn.

I am particularly pleased that "Shorty" Collins is receiving this high honor, because he has been a personal friend and associate of mine for many years. His humanity and leadership have been an inspiration to all of us who have been working for peace and justice in California and elsewhere.

The peace award statement to be presented to Dr. Collins reads as follows:

> For the testimony of his life as a persistent, gentle, courageous advocate of peace and justice; For his quiet, personal influence which has led students, faculty, friends and co-workers to dedicate their lives to the cause of peace; For the spirit of reconciliation which permeates his life and builds bridges of respect and affection even to those who oppose him, the American Baptist Convention awards to Dr. George L. Collins the Edwin T. Dahlberg Peace Award, May 13, 1971.

The name of George L. "Shorty" Collins is synonymous with reconciliation. His witness is quiet, persistent, and enduring. He has a personal manner that embraces both gentleness and great courage. He is a loyal disciple of Christ, a prophet in the truest sense of the word, a constant witness to the reconciling power of the gospel.

Both in his vocation as a campus pastor and in his service with the Fellowship of Reconciliation, he has worked for international, racial, and community peace, and economic justice. In the face of critical opposition he has stood for the principles which make for human well-being within the family of nations, within the State, and within the community. He has singlemindedly kept before himself and his coworkers the evils of war and militarism. He has given sledge hammer blows at cited injustices in American society while at the same time in a most creative way, he has employed his keen wit and his human kindliness both to empower the blows and to disarm the agents of the injustices.

"Shorty" Collins is a most gentle and persistent advocate of peace. Even in the tension which inevitably swirls about his advocacy he is a walking testimony that man can know peace in the midst of strife. He has refused to hate those who disagree with his political and economic convictions and is loved by almost all who know him.

Probably his greatest contribution has been the personal influence he has had on faculty, friends, and coworkers which has led many of them to recognize and accept their individual responsibility to work for peace. Some of those who have taken light from Shorty's torch are working in the Mekong Delta project, some in the State Department, others in the United Nations. Some are in the ministry working for peace in their own way. But all these and many others carry a more diligent and vigorous activity in the various ministries of reconciliation, because they saw Shorty at work and learned from him.

Shorty Collins has served in the campus ministry at the Colorado School of Mines, the University of Wisconsin, and San Jose State College. Currently he is serving part time as Baptist College chaplain at Grace Baptist Church, San Jose, Calif., and part time as the bay area representative of the Fellowship of Reconciliation.

The Edwin T. Dahlberg Peace Award was founded in 1964 to give recognition to American Baptists who have worked constructively for peace with justice and freedom. The award is granted annually by the General Council of the American Baptist Convention to the person or church who has done an outstanding work for peace, with evidence of activity and solid accomplishment within the last 3 years.

Peace, under the terms of the award, includes international peace, racial peace, community peace, peace between labor and management and other types of peace that bring reconciliation between persons, groups, and nations. Peace does not mean just the lack of hostility but positive efforts to build solid foundations for peace and the conditions that make for peace.

The founders of the award are Mr. and Mrs. Victor H. Gavel, active members of the Delmar Avenue Baptist Church, St. Louis, Mo., where Dr. Dahlberg served as pastor 1950 to 1962. Mr. and Mrs. Gavel have long been interested in supporting positive efforts toward peace.

Dr. Edwin T. Dahlberg is recognized as one of the great Christian leaders of our day and an outstanding advocate "of the things that make for peace." In addition to the many responsibilities he has carried through the years at the local, association, and State levels of American Baptist and ecumenical work, he has served as president of the National Council of Churches and the American Baptist Convention.

List of award recipients follows:

AWARD RECIPIENTS

Martin Luther King, Jr., 1964.
L. Kijungluba Ao, 1965.
W. Alvin Pitcher, 1966.
No award given, 1967.
Leon H. Sullivan, 1968.
Kyle Haselden, 1968.
Zelma George, 1969.
Frank M. Coffin, 1970.

PREDATOR CONTROL PROGRAM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. METCALF. Mr. President, on March 8, 1971, Sports Illustrated published an article written by Jack Olsen dealing with the U.S. Fish and Wildlife Service's Predator Control program. The program was originally intended to aid ranchers and sheepmen by poisoning animals that prey upon cattle and sheep.

However, as the article points out, the program has gotten out of hand. Arsenic, cyanide, thallium, strychnine, and 1080 are in widespread use throughout the West. Serious ecological damage has been encountered as a result of this indiscriminate poisoning.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POISONING OF THE WEST—PART I

(By Jack Olsen)

It was just after dawn on a chilly November morning, and the three surveyors were scratching about the barren earth southwest of Fort Stockton, Texas looking for the old cedar stakes that would give them their bearings. The men were members of a seismic team, jolting and bullying the earth out of its geologic secrets on behalf of a major petroleum company. One of them, 49-year-old Raymond Medford, reached down to tug at a gray pipe protruding from the chalky soil; as he did, there was a sharp report and something tore upward into the fleshy part of his hand. "What happened?" one of the other men shouted. Medford, confused and shocked, was running in circles. Then he calmed and said, "That thing went off! It had an explosion, whatever it was." A doctor in Fort Stockton looked at the bloody hand, administered first aid and sent the surveyor off to bed. An hour later Medford was dead.

Investigation showed that the pipe in the earth was a so-called "coyote getter," a deadly device loaded and cocked and set to shoot a cyanide charge into the mouth of any animal that pulled at its aromatic wick. If the local doctor had known that cyanide had penetrated deep into Raymond Medford's hand, he could have saved his patient. But the coyote getter had been unmarked, and the doctor had proceeded without the crucial knowledge that he was dealing with a notorious poison. The local sheriff acknowledged that the device should have been clearly marked but no charges were pressed following the inquest. As one of his deputies observed later, "Who wants to prosecute somebody for killing coyotes?"

A Colorado hunting guide and jack-of-all-trades named Bill Miles discovered several dozen sheep carcasses lying in an open corral east of Craig, Colo. He asked around and found that the sheep had been slaughtered and laced with sodium fluoroacetate, "1080," one of the most subtly dangerous poisons known to man. The carcasses were to be used by Government trappers to kill predators in the surrounding sheep country. Not far from the carnage ran a stream that fed Craig's public reservoir, but Miles was told not to worry; the carcasses would be positioned at strategic locations out on the sheep range long before their toxic contents could leach into the watershed supplying the town of 4,000.

But Bill Miles had had previous experience with the poisoning Establishment around Craig; he was on intimate terms both with the sheepmen of the area and their surrogates, the men of the U.S. Fish and Wildlife Service, and he had learned to distrust the one group as much as he distrusted the other. Miles mounted a daily watch on the pile of poisoned meat, and twice within two weeks he saw snow cover the carcasses and then melt into the watershed. He began making a photographic record of what was going on, and local sheepmen began to harass him. Not long afterward, Miles was told to mind his own business or suffer the consequences. When he continued to take daily photographs of the scene, three of his hunting dogs died on his doorstep. In the front yard of his house were tire tracks and leftover evidence of meat poisoned with thallium. Miles kept up his investigations of the poisoning practices and more than once nearly came to blows with fellow townsmen and the federal poisoners. His business fell off, and soon be moved away.

Dinosaur National Monument, straddling the border of Colorado and Utah, is one of the most environmentally sacrosanct portions of the U.S. Like all national parks, it is administered strictly in accordance with nature, and the intentional poisoning of animals within its borders is considered the ultimate offense against park law and order. In the spring of 1970 cowhands who worked for a rancher named Tim Mantle were searching for strays inside the park borders when one of Mantle's valuable Australian sheep dogs suddenly stiffened and died. A few minutes later another dog went into convulsions, and when the shocked cowmen dismounted to see what was wrong they found that the second dog had stopped breathing. By the time their vital organs were transported to a laboratory, diagnosis was difficult, but the best guess was 1080—the favorite chemical of the U.S. Fish and Wildlife Service's death squads.

The incident happened four miles inside the park borders, but Dinosaur officials were not surprised. "I've found any number of live coyote getters inside the park," said one of them, a wildlife ranger, "and we've had plenty of other evidence that the poisoners come right across our borders." Just outside the park on a lonely access road, another park ranger had found the skinned remains of foxes, badgers and coyotes, and when he stopped to investigate a strange-looking pipe jutting from the earth, he set off a coyote getter and barely escaped with his life.

These three incidents, multiplied ad nauseam, characterize the programs of extermination and revenge that are in full swing throughout the Western half of the U.S. The programs already have brought whole species of animals to the edge of extinction and threaten still others. They also threaten *Homo sapiens*, that poor creature who lately has begun driving six miles out of his way to buy phosphate-free laundry soap, all the while turning his back on poisoning programs that are directly and specifically contaminating millions of acres of his country.

The coyote getters that explode every summer in the hands of unsuspecting people may be the least of the problem. To be sure, the very idea that the ugly devices lie in wait for both coyote and nature lover is annoying. *The Denver Post* suggested that the deadly gadgets be renamed "little boy getters," but that name would not have been completely descriptive. The cyanide-loaded cartridges are also old man getters, dog getters, Girl Scout getters, cow getters, fox and marten and wolverine and magpie and hawk getters. They are getters, in fact, of anything that has the natural curiosity to reach down and pull lightly on the carrion-scented wick that protrudes above the ground and wafts a smell of decay and musk to the winds.

But coyote getters—fascinatingly newsworthy as they may be—seem to be a negligible hazard, a minor earth pollutant compared to certain other poisons that are saturating the countryside. Dr. Alfred Etter, student of the conservationist Aldo Leopold and himself a former professor of conservation and ecology, told a congressional committee: "The fact is that poisons are being distributed all over the Western states year after year by federal, state, county and private interests, and are often left in the environment to poison any animal that happens to have a taste for meat, tallow, oats, honey or rice, or even a curiosity about foul-smelling attractants."

Etter was not talking about the DDT and

parathion and mercury compounds and other pesticides and fungicides and herbicides with which overzealous industrialists and agriculturists and exterminators and ordinary citizens are inadvertently poisoning the earth. He was talking about poisons used specifically and purposely to kill animals. These include the cyanide that is found in coyote getters, the arsenic that is put out in honey buckets, the thallium that is impregnated into bait carcasses, the strychnine that is encased in sugar-pill coatings, and 1080, a pinch of which is toxic enough to send several dozen adult humans into writhing, convulsive death.

To add to the efficiency of miracle poisons like 1080, there is a new sophistication in poisoning techniques. At one time the West was protected by its very limitlessness; a pioneer might strap on snowshoes and trek 10 miles across a mountain, shoot a grizzly, lace its body with strychnine and call this activity a day's work. But nowadays the poisoner works from airplanes, trail bikes and tough pickup trucks that carry him and his thallium bait bucket and his coyote getters to every corner of the range in a few easy hours.

"The whole sheep range out there, why, that whole country's plastered with poison," says crusty Paul Maxwell, former trapper and bulldozer operator and now president of the National Council of Public Land Users. "As soon as it gets cold enough so the poison baits will keep, they've got traps and 1080 stations and getters and strychnine and arsenic and everything else all over this countryside, and hardly any of it marked. The people who could crack down on this—the Forest Service and the Bureau of Land Management and the different state fish and game commissions—why, they're advocating poisoning, too! The people we're entrusting with taking care of our public land are out contaminating it. I assume they must be padding their pockets from the stockmen."

Says an equally perturbed Wyoming trapper, "Up here they're killing wild animals faster'n they can be born. Many sheepmen who use the national forest for grazing go in with sacks and sacks of strychnine pellets, some in peanut butter, some in honey, and throw 'em around like seed, and they kill everything in the area before they bring their sheep in." To supplement this frenzied poisoning by private ranchers, the U.S. Fish and Wildlife Service annually distributes tons of 1080-baited meat, bangs coyote getters into the earth by the tens of thousands, throws strychnine pellets across the countryside by the hundreds of thousands and utilizes several dozen other killing techniques, including aerial hunting and the gassing of dens.

In response to these pressures, the number of wild animal species is dropping, but the Fish and Wildlife Service's annual budget for killing and poisoning rises inversely in magnificent adherence to Parkinson's Law. (The budget for the Wildlife Services program in 1971 was $8,092,300. In 1960 it was $4,370,935.) The money, of course, comes ultimately from the very taxpayers and consumers who stand to lose the most from this systematic annihilation of the nation's fauna. Says Glen Sutton, who spent over four decades working as a predator trapper for the U.S. Fish and Wildlife Service, embracing some of its methods but disdaining others, "I'm afraid a lot of these animals are going to be extinct soon. The bear and mountain lion are next. There's too much pressure from sheepmen; they want 'em *all* killed. Nowadays you don't see one bear track where you used to see dozens. The poisons are getting them."

Says another retired Government trapper, Charles Orlosky, who lives high in a remote area of the Rocky Mountains: "Around here the poisoners have wiped out weasel, marten, mink, for, badger, and they've got to be able to make a fair living trapping for pelts up here, but now I do it just for a hobby, for something to do. There aren't enough fur-bearing animals left in these mountains to support a trapper, and I don't care how hard he works at it. Mostly, I blame the 1080 poison. They say it's only dangerous to canine species, but that's just not true. I've found all kinds of birds feeding on 1080 stations—eagles, magpies, Canada jays, Clarke's nutcrackers, woodpeckers—and those that don't get killed pack away the poisoned meat in places where the martens and the weasels can find it and get poisoned themselves.

Last winter was the first time in years that we didn't have a pair of eagles feeding up here. They just disappeared. And where there used to be magpies all over the place, we didn't see one all winter. These are major changes, crucial changes. My God, if they can wipe out whole species way back here in this part of the Rockies, they can wipe them out anywhere."

There is ample evidence that the combination of stockmen and federal poisoners has already succeeded in eliminating certain animal populations and endangering others. As Michigan's conservation-minded Congressman John Dingell said at a House hearing in 1969:

"They are poisoning them off in a fashion that is disgraceful to behold. They are doing it without shame or mercy." There are broad acres of California where coyotes once were common and now are completely eliminated. A trapper in southwest Texas was asked when he saw his last wild badger, and his reply was to shrug his shoulders and say, "It's been so long I can't even remember." The kit fox, full grown at five or six pounds and a master controller of rodents, has vanished from thousands of square miles of the prairie. Like all canines, the tiny fox is particularly vulnerable to 1080. The black-footed ferret, never common, is about to flicker out and die as a species, victim of the poisons that are also wiping out the prairie dogs on which the ferret dines.

An outdoorsman in Idaho says sadly, "Every year for the last five or six years I've seen this pair of fishers in a little spring hole where I hunt. This year they were gone. Nearby, I found a poison bait." Hikers came across two dead golden eagles in the sheep country of northwest Colorado, a region where eagle populations have diminished sharply, and a Denver laboratory provided the diagnosis: strychnine poisoning. Two of the last surviving California condors fell to 1080-treated grain, and a Government report noted, "It is unthinkable that this sort of mistake can be permitted to recur." But it will recur again and again, with condors and other species, simply because there is so much poison scattered on the land that it cannot be avoided by wildlife.

The poison is being distributed and utilized with typical American enterprise. The U.S. Fish and Wildlife Service and private manufacturers of poisons have even managed to export some of their deadly expertise. A well-publicized "victory" over Canadian wolves was accomplished by aerial distribution of 1080 supplied by an American manufacturer. Dozens of nations have begun to send in orders and repeat orders for American-made predacides, and recently the Japanese paid U.S. chemical technology the ultimate compliment: they began manufacturing a 1080-like product of their own. The Fish and Wildlife Service, in a generous hands-across-the-border gesture, helped Mexican authorities put out 83 poison stations from Tijuana to the mouth of the Colorado River along the international border, with predictable results. Within three months coyotes were "no more to be seen" (to quote an exuberant Fish and Wildlife report), and "in Rumerosa a considerable portion of the dog population was poisoned. Only two dogs survived in the village." When this same Government agency and the Pan American Sanitary Bureau distributed 1080 in Chihuahua, they managed to kill several grizzly bears, some of the last grizzlies that exist below the northern reaches of the American continent.

After the bears were poisoned, stockmen displayed a predictable attitude: What good is a grizzly? The question recalled a remark by Wisconsin's Senator Gaylord Nelson to a committee of Congress: "I have a lawyer friend who had a scientist friend who spent all of his time studying the spider, and one day the lawyer asked him, 'What good are spiders?' and the scientist said, 'They are interesting, and may I ask, what good are you?' "

Large numbers of concerned Americans have been taking cram courses in ecology, but there are still millions who ask questions like what good is the spider and what good is the grizzly. The answer, of course, lies in nature's delicate adjustments, worked out over millions of years of massive trial and error, of survival experiments and adaptation and compromise. These processes are mysterious, inscrutable, so much so that the more one learns about them, the more one becomes reluctant to step on an ant or swat a fly for fear that some dire ecological catastrophe will ensue. As Charles Darwin warned, we are ignorant "of the mutual relations of all organic beings, a conviction as necessary as it is difficult to acquire." But as Darwin might not have anticipated, we are beginning to learn. And the more a person learns about the balance of nature, the less he is likely to ask questions like the ones that a sheepman recently bellowed across a room: "Which is worth more, livestock or predators?" and, "How much taxes do coyotes pay?" As ecological knowledge grows, we no longer consider which is "worth more," which is "good" and which is "bad," which is "destructive" and which is "useful," but *how do they relate to each other and to us, and how do we all relate to the land that sustains us?*

"Harmony with land is like harmony with a friend," Aldo Leopold wrote. "You cannot cherish his right hand and chop off his left. That is to say, you cannot love game and hate predators; you cannot conserve the waters and waste the ranges; you cannot build the forest and mine the farm. The land is one organism."

If Leopold and other scientists are correct, if the land is indeed one organism and there is a total and critical interdependence among all living things, then the deliberate poisoning of vast areas of the U.S. will have been a long stride toward the end of life as it is known on the North American continent. Dr. Lee Talbot of the President's Council on Environmental Quality said that "during the past 150 years the rate of extermination of mammal species has increased 55-fold. If it continues to increase at the same rate (hopefully it's unlikely), virtually all the remaining species of mammals will be gone in about 30 years." No one need feel that the U.S., officially and unofficially, has failed to do its part.

Warnings of the dangers of wholesale poisoning have been issued loud and clear for many years. One of them came nearly a quarter of a century ago from the late J. Frank Dobie, dean of Southwestern naturalists, in his classic work *The Voice of the Coyote*.

"Sheep are the arch-predators upon the soil of arid and semi-arid ranges. Wherever they are concentrated on ranges without sufficient moisture to maintain a turf under their deep-biting teeth and cutting hoofs, they destroy the plant life. . . . Unless long-term public good wins over short-term private gain and ignorance, vast ranges, already greatly depleted, will at no distant date be as barren as the sheep-created deserts of Spain. Metaporically, the sheep of the West eat up not only all animals that prey upon them—coyotes, wildcats and eagles especially—but badgers, skunks, foxes, ringtails and others. On sheep ranges, wholesale poisoning and trapping have destroyed nearly all of them."

The effect of Dobie's anguished broadside was precisely nil. Similar impassioned attacks on Western poisoning and grazing practices have been equally futile, and nowadays certain sheepmen (and sometimes certain cattlemen) go about spreading poisons, all the while humming *Home on the Range* and totting up imaginary economic benefits of the slaughter. Not long ago a weekly Colorado newspaper printed a story about a rancher and his wife and children who spent a delightful winter weekend cruising their property on snowmobiles, throwing out strychnine "drop baits" to kill coyotes. The item ran as a social note. The Western stockman who does not engage in such popular practices is branded an eccentric, sometimes an outright traitor, and those who protest against this drenching of the American landscape with poison are called "little old ladies in tennis shoes." In sheep country, there is no harsher epithet.

The irrational hatred of animals that kill other animals (a hatred that was good enough for Dad and is good enough for most ranchers) is deep-grained, going back to the hard times when the loss of a few lambs or a calf might cause a serious shortage in the winter larder. But while modern scientists have learned that predators are sorely needed ecologically, and while stock operations have long since passed out of the shoestring category of the old West, sheepmen have continued their anachronistic war on predators as though their very existences depended on poisoning the last one off. Dozens of naturalists have issued public warnings against the resulting toxification of the American range, but there is hardly a legislative body that has paid the slightest attention. This includes the Congress of the United States, where a session is not complete without the introduction of antipoisoning legislation, a few chuckles and a prompt pigeonholing of the matter. The sheepmen seem to possess a mysterious power. Arnold Rieder, a former Montana state senator and one of a handful of Western politicians who have spoken out against the sheep industry's practices, tells why:

"The woolgrowers are the best organized livestock group of all. To a great degree they control the stockgrowers' associations, and that means control of the state capitals of the West and the delegations that are sent to Washingon. Invariably, sheepmen get their way. They're always the ones who make the most noise about coyote loss, the ones who demand the most poison."

Sometimes the hatred of sheepmen for coyotes, bears and mountain lions seems to go so far beyond the dimensions of reality as to be almost pathological in origin. Frank Dovie wrote about a sheepman on the Frio River in Texas who liked to saw off the lower jaws of trapped coyotes and "turn the mutilated animals loose for his dogs to tear to pieces." Stories of skinning coyotes alive are common, as are stories of setting them afire. "I had one sheepman tell me, 'Bring me a live coyote, will you?' " says trapper Acel Rowley of Vernal, Utah. "I said, 'What're you gonna do with it?' He said, 'I'm gonna take him and tie his jaws shut and soak him with kerosine and touch a match to the end of his tail and turn him loose.' "

Only an imbecile would conclude from such Western horror stories that sheepmen have a monopoly on cruelty to animals or that all sheepmen share the same lack of compassion or rapport with nature. Most woolgrowers abhor the violence that some of their fellows commit. There are many sheep ranchers who oppose the wholesale poisoning and killing that goes on around them, and specifically forbid it on their own properties. But too many other private poisoners carry on their work by land and by air, and with gusto.

In Wyoming the personal pilot for a rich stockman learned that he could glide down on coyotes in the wintertime and drop them with heavy patterns from his shotgun. From this it was a short step to gunning eagles from the air. After the pilot had perfected his techniques and increased his efficiency by taking along a rancher to serve as aerial gunner from the copilot's seat, he began to warm to the idea of eliminating predators in the mass. He learned that coyotes and other animals were getting wise to the poison stations scattered about the state; often trappers would see tracks where predators had made wide detours around the deadly baits. An established predator-control technique by ranchers in Wyoming had become the baiting of game carcasses, and if no road kills or natural kills were available, antelope or deer were shot and laced with poison. All of this was illegal, of course.

Growing more certain of his improving techniques, the pilot began flying to remote areas of the range and gunning down antelope and deer instead of predators. Then he would make a short landing, doctor the carcass with poison and fly away. The aerial poisoning became so widespread—and the pilot so fearless of prosecution—that it was soon the talk of the state. Before long the pilot was being called upon by ranchers around the state for advice and guidance on his advanced poisoning techniques.

One day a tip came in from a U.S. Fish and Wildlife trapper who had deep contempt for the pilot's practices. He told game wardens that the pilot was going to fly some poisoning missions in a few days, and he named the sheep spread where the operation would take place. The Wyoming Game and Fish Commission provided a plane, and when the poisoner took off, wardens followed in their own aircraft at a discreet distance. They followed—and followed. The poisoner's plane led them all over the state, climbing and diving and snaking through canyons and over mountain passes and under power lines, and at last, with a contemptuous waggle of wings, turned homeward and landed without a semblance of a threat to any wildlife.

The wardens gave up. The Wyoming Game and Fish Commission was poorly funded for such expensive operations as aerial surveillance, and anyway it was plain that someone was tipping the pilot off. One of the wardens felt that the leak was coming from the airport; others were convinced that the tip came from inside the Game and Fish Commission itself. Such leaks are common in Western states; they are another reason that antipoisoning laws are largely unenforced.

For a while the pilot's activities seemed to slow, but after a discreet period of watching and waiting he resumed his poisoning fullscale. "We'd find all these carcasses on the ranches," recalls one of the frustrated wardens. "Most of them were deer, but some were antelope, and they were all loaded with poison. I can't imagine a worse offense in the outdoors than killing game animals and then filling them with poison to kill more animals.

"We were furious about it." But neither fury nor frustration was enough to solve the case and bring the pilot and his imitators to justice. Nor would there have been much likelihood of a conviction—or a meaningful penalty—if the pilot *had* been caught. To be sure, he had refined and perfected an effective (and illegal) poisoning technique, but that only made him different in degree from so many of the sheepmen of the region. As one local woolgrower put it, "Sure, poisoning game is illegal. So's crossing the double yellow. If everybody's doing it, can it be much of a crime?" Indeed no. Nowadays the pilot's operations are more extensive than ever. His price has risen from $75 to $150 an hour, and even the most dedicated game wardens of Wyoming have given up on the case.

Anyone who remains dubious about the power of the sheepmen or the impossibility of serious prosecution of illegal poisoners in sheep country has only to study the so-called Arambel Case, a landmark in the annals of frustrating Western jurisprudence. The case began when a trapper named Jim King was putting out bobcat sets two miles north of the Big Sandy Creek in western Wyoming. At the tip of a narrow point of rocks, where he usually installed a trap, King saw what appeared to be a jellified blob of meat. He took a closer look and recognized an antelope quarter, fresh and showing signs of having been doctored. King finished putting out his string and then telephoned a game warden named Darwin Creek, 40 miles away in Pinedale, Wyo. Creek brought in an enforcement-minded colleague, Max Long, and the two wardens drove to the scene. They found tire tracks and boot prints fanning out in several directions from the original bait, and by the time the long afternoon was over they had picked up seven quarters of antelope and deer. Five of these had been in remote areas, but one had been alongside a trickle of water that joined a fishing stream below, and one was close to another stream that was popular with campers.

It was December, the air was cold and no one was around, but Creek and Long knew that unseasonal warm weekends might bring dozens of visitors to the camping area. They made plaster of paris prints of the tracks, interviewed the closest inhabitants and rushed the seven quarters to the Game and Fish Commission Research Laboratory at Laramie. Chemists took one look at the meat and quickly put on gloves. After preliminary tests they advised Creek and Long to remove their clothes and burn them. The final analyses showed that the slabs of meat were carrying a heavy load of 1080, which is supposed to be used in predator control only by U.S. Government trappers but, in fact, sifts into the hands of private poisoners all over the West. According to Creek, "One of the doctors at the game and fish lab said there was enough poison in any one of the quarters to kill people for a mile down that stream. It was the highest concentration of 1080 they'd ever seen."

Creek and Long now face the classic dilemma of the Western conservation officer. The baits had been found in sheep country, on public land, and all signs pointed to one person, an influential Basque-American stockman named John Arambel, member of a prominent ranching family. To investigate, or not? Neither Creek nor Long paused to consider the consequences; they made an investigation, picked up a few tidbits of information around the area and sent for Arambel to meet them at the sheriff's office. Creek tells what happened: "After we gave him his rights, he denied everything. We told him we could place him at the scene. We told him witnesses had spotted his pickup, and the tire tracks matched. After a while he broke down and admitted that his hired help had shot the deer out of season, but he said he had gotten the antelope after the animal had been killed by a car. He also admitted that his men had laced the carcases with 1080 and had distributed the poisoned quarters on public land. But when we asked him where he got the 1080, he refused to tell us. If you know how dangerous 1080 is, you know how bad we wanted to know where he got it. But he wouldn't tell us. He admitted that they put a lot of 1080 into the quarters to make sure they did a good job, but that was all. Finally we offered him immunity on the whole case if he'd just tell where he got the 1080, and he *still* refused. His lawyer took him into court and pled him guilty to killing a game animal out of season, using a game animal for trapping and wanton waste of game, and the judge fined him $164. He could have gotten something like 18 months and a $300 fine, but you could see how the judge felt. Before he passed sentence he told Arambel that he understood his problem. He said something like this, 'I know you ranchers are having a lot of trouble with those coyotes.' "

The Arambel trial took place in 1967, in sheep country, and the local reaction was predictable. The people of the area are still annoyed at Creek and Long—"the Gestapo," as one housewife calls them—and John Arambel has become a local folk hero. All he did was cross the yellow line.

There are larger significances to the Arambel case than a sheep-country judge's leniency or a sheep-country people's distorted code of ethics. As Darwin Creek explains, "There is no way to figure the amount of poison that's put out illegally in the state of Wyoming, but it's something awful. Our wildlife is disappearing fast, especially animals like bears and martens and foxes—animals that'll take a poisoned bait. If all the people of Wyoming knew what's going on, they'd be shocked and something would be done, but that's the trouble: all the people of Wyoming don't know. It's kept quiet. This case is an example of *how* they keep it quiet. The truth is that Max and I had some pretty flimsy evidence. If John Arambel had denied everything and pleaded not guilty and put up a strong defense in court, he'd have had a good chance to beat the case. Why did he plead guilty? Because if there'd been a court fight it would've made headlines all over Wyoming, and then reporters and outsiders would've become interested, and, sooner or later, they'd have wanted to know what we wanted to know right from the beginning. Where'd Arambel get the 1080? And that was one question that could not stand publicity. As soon as the press and the public found out what 1080 was and how it killed and how it was leaking around the state of Wyoming, there'd have been a terrible fuss, so they came in and pled Arambel guilty and got it over with quick and quiet. There was a little tiny item way down in the corner of the local paper, and that was the end of it."

The horror that men like Max Long and Darwin Creek feel at the mention of 1080 is largely unshared by the growing army of conservationists in the U.S. as a whole, and for a simple reason: like the majority of the people of poison-drenched Wyoming, they know nothing about it. Or they only know that 1080 is the favorite poison of the U.S. Fish and Wildlife Service and therefore conclude that it must be safe, reasonable and practical. It is not. The poison was unsafe in the years when it was used only by the trained mammal-control agents of the U.S. Fish and Wildlife Service; it is manifestly unsafe now that it is also being used by the zealous sheepmen of the West.

Of all the lethal agents of history, from Socrates' hemlock down through the Borgias' legendary deadly elixirs and the nerve poisons of modern warfare, it is difficult to imagine a more insidiously homicidal poison than sodium fluoroacetate. The most infinitesimal amounts of 1080 are toxic. A single ounce used at maximum efficiency could kill 200 adult humans, or 20,000 coyotes or dogs, or 70,000 house cats. Except in large quantities of water, 1080 apparently does not degrade biologically or physically. It is colorless, odorless and almost tasteless. No antidote has yet been found.

A 1950 summary by the U.S. Fish and Wildlife Service noted that since its introduction there had been 12 known and four suspected deaths from 1080. The Department of Health, Education and Welfare reported several years later that there had been "13 proven fatal cases, five suspected deaths, and six nonfatal cases. . . ." The truth is that no one is certain how many have died from 1080 poisoning, especially now that it is finding its way into private hands, but there is very little doubt that there have been deaths other than the diagnosed ones. Glen Crabtree, a research biochemist at the Fish and Wildlife laboratories in Denver, tells of a case where a child died from sucking dried-up paper cups that had been used to hold 1080 solutions months before. "Then there was a case in Texas where 1080 cups were put in a barn," Crabtree says, "and the farmer was told to lock the barn and didn't, and a little boy got in and died. In eastern Colorado a store owner kept 1080 solution in a pop bottle. A store employee drank it. And then, of course, there have been the suicides." Crabtree remembers a particularly unpleasant case in which he was called for expert advice. "A woman who worked as a secretary at a pest-control company became despondent, and she took some 1080 out of a locked cabinet and ingested it. Then she changed her mind and called for help. But there's no changing your mind with 1080. During the night the doctors called me, and I told them there was nothing they could do but try to allay the symptoms. Apparently, it was quite painful. She had convulsions, and she lasted several hours."

Where convulsions are present, Crabtree points out, any experienced physician would suspect poisoning, but there also are 1080 cases where the doctor is not present at the time of the convulsions, or the patient does not suffer convulsions at all. In these cases, Crabtree says, doctors "would probably diagnose the death as a heart attack."

The danger to surrounding wildlife from a fatal dosage of 1080 does not end with the victim's violent death. "Following absorption," wrote Fish and Wildlife Biologist Eric Peacock, "sodium fluoroacetate appears to act without being chemically changed." The Western Montana Scientists' Committee for Public Information reported: "Since 1080 remains stable and does not degrade easily, it is extremely hazardous to animals higher in the food chain. House cats, dogs, pigs, foxes, skunks, carrion-eating birds and coyotes have died after eating 1080-poisoned rodents."

But none of these profoundly negative indications has prevented the use of sodium fluoroacetate by both public and private agencies, or its widespread sale by the two U.S. firms that manufacture it—Tull Chemical and Roberts Chemicals—and the Japanses chemical company that imitates them. The only federal restriction on the deadly poison is a requirement that the labels be registered by the U.S. Department of Agriculture. The Wildlife Services makes rules on the use of 1080 for its staff, but they are merely guidelines, not laws. State and local laws about the lethal chemical are almost nonexistent, and the ony effective control on its use seems to come from the two manufacturers. According to their spokesmen, both companies limit the sale of the poison to pest-control operators.

"The distribution of 1080 has always been a problem," says Dr. Ralph Heal, executive secretary of the National Pest Control Association. "And it has always haunted the Fish and Wildlife Service—the possibility of this poison getting into private hands. I've been told that there have been some bad leaks. I know that they tightened their opertion terrifically about three years ago when they had a real scare after a batch of 1080 got out. The main thing we've got to watch out for is some character setting himself up, getting somebody to write insurance for him and then qualifying himself with the manufacturers. This is always a possibility." It is more than a possibility. It has happened.

A few years ago frightened Fish and Wildlife officials began hearing rumors that 1080 was popping up in illegally baited carcasses throughout the West, and hurried consultations were held with Tull Allen, head of Tull Chemical. "Fish and Wildlife told me that the 1080 I'd sent to three predator-control boards in Wyoming was not being used by Government trappers at all," Allen says. "What they were doing was dispensing it to sheepmen to use themselves. I cut off all shipments to those people. They'd lied to me, pure and simple." Several years have gone by since Allen put the last shipment of 1080 into the hands of the Wyoming sheepmen, but the official federal poisoning Establishment is still nervous over the leakage.

There is little doubt that the flow of deadly 1080 continues into private hands, controlled only by the good intentions and limited capabilities of the two manufacturers. It is pointless to argue whether the total amounts are large or small, for 1080 is a substance that is toxic in the most microscopic quantities. It is also pointless to argue that the poison is being spread way out there in the middle of nowhere, and therefore it cannot do much harm. As poisoners become more and more bold, 1080-treated carcasses have begun turning up alongside public watersheds in dangerous numbers. "It's common practice for poisoners to put them out on ice-covered reservoirs in the winter," Trapper Charles Orlosky reports. "Reservoirs are attractive places to wildlife, and the trappers have found out they get a high percentage of kills that way. Then, when spring comes, the remains of the bait settle right into the water and they don't have to go to the trouble of burning them."

Defenders of Wildlife News, the trade journal of activist conservationists, is the only U.S. publication that has mounted a continuous program against the deliberate toxification of the U.S. "What is to be the eventual result year after year of this relentless poisoning of our biota and lands?" the journal has asked. "How much 1080 is washed, during heavy rains, into our streams—and absorbed by the root systems of our grasses . . .? With millions of pounds of 1080-treated baits on Western lands, one ponders the issue of how much of this poison is absorbed by grazing livestock from contaminated grasses, and subsequently transferred to human stomachs in a leg of lamb or roast of beef."

A discussion with a top expert on 1080 is of small consolation. Glen Crabtree impresses one as a dispassionate scientist first and foremost, and no mere apologist for his own Government agency. He minces no words about what is known and what is unknown about the deadly substance. Does it indeed remain intact as it passes from the body of one animal to another? "Yes, it does," he says. Is it biodegradable? "Our information here is sketchy." Does it break down in solution? "It's degradable in solution over a period of time." Are there genetic effects of ingesting the substance? "We know nothing about that." Can it be absorbed by grasses, and thence by cattle and sheep and eventually humans?

"It usually takes a fairly concentrated amount of a substance for such translocations to take place. We've had no indication from experience that this occurs, but *we have no data on it*." Is 1080 a subtle menace to our water supplies? "In the present state of our knowledge it *appears* not to be a danger to public water systems." If a minute amount of 1080 were to get into a water system and be consumed by humans, what would be their symptoms? "It would depend on the amount, but with a very small amount they might get a lot of depression, possibly some convulsions. With larger amounts, of course, they might show definite symptoms of poisoning, symptoms that any able physician would recognize, or they might simply appear to be suffering from heart trouble." Is it possible that 1080 could accidentally leak into public water supplies and cause depressions, convulsions and deaths attributable to heart attack, and that no one would know the cause? "I don't think that has ever happened, and it is extremely unlikely because of the dilution factor. But if you ask me if it's possible, in all honesty I have to say, yes, it is theoretically possible."

One comes away from a discussion with this plain-spoken biochemist—and other experts in the field—with the uneasy feeling that there are serious gaps in the toxicological profile of sodium fluoroacetate. Whole tables and booklets have been prepared on such practical matters as the exact amount of 1080 required to kill kangaroo rats, ferruginous rough-legged hawks, Rhode Island red hens and Columbian ground squirrels, but no one seems to have done much research into an equally practical matter: What is the total amount of 1080 and other poisons that the sodden soils and polluted waterways of the West can absorb without becoming lethal agents themselves? One asks, and one is told: "Nobody knows."

Someday we may be dying to find out.

Two Rebuttals

(By Jack Berryman, chief of the Government's Wildlife Services)

We're not thrilled at being the defenders for poison. We use only the most selective, effective and humane toxicants with the least impact on the environment and nontarget species. It is hard to find a graceful way of killing an animal. No matter how you do it, it is dead.

Animals will be doing damage, and the public wants the heritage of animals. The goal for the future will be more sophisticated methods that can be applied more discreetly. Sophistication costs more money and requires more supervision. Landowners are an independent lot. If what they want done isn't done, they'll do it themselves. They can throw the bait around where nontarget animals also will be killed.

Facts show that Wildlife Services is not decimating the wildlife population. We have not brought to the verge of extinction any target animals, let alone any of the others. None of the poisons we use move through the food chain or pose any threat to humans. We use such small amounts they're just not in the food chain. Some of the poisons have been in use for 50 years, others for 25 years. There has been no environmental accumulation of any significance.

This program was once based on amount of kill. It was a case of "how many did you get." With that kind of background, it was a difficult adjustment, but we have turned the whole thing around. There have been large gains, and the program has been redirected. It's a whole new approach. Some legislation has been attempting to halt the Government program and if this legislation is passed, all our gains and efforts will be lost.

Critics will actually help bring about needed action. We appreciate the roles played by both extremist groups. They push both ways and help develop better programs inside the two ends they represent.

Many different collections of people and task forces have looked into the facts. The truth is there would be more criticism if the Government ducked this business rather than tackled it. The Wildlife Services' program is like a plane flight. No news unless it crashes. The program is no news unless there's a violation of guidelines

It is the responsibility of the Government to make some unpopular decisions. It takes more courage to stay with the program than to abandon it. And one last point. I would not like to leave the impression that the job is being done 100%. There's a lot to do and not everyone is trying to do it.

(By Edwin Marsh, executive secretary, National Wool Growers Assn.)

If the predator-poisoning program is not made more adequate, the sheep industry will be forced out of business. Predators—especially coyotes, the prime sheep killers—are increasing. The program will have to be intensified and continued until such time that we can develop—through research—other control methods. Careful research in Utah has produced calculations that $3,538,846 are lost annually by the range sheep industry to predators. This loss is equal or surpassed in many states. We are doing extensive research at present, hoping to find more humane control methods. One possibility is a repellent on sheep that would discourage predators. Poisoning may be a painful death for predators. But the death suffered by sheep at the mercy of predators is not exactly pretty. Allegations that the poisoning program is harming the environment are vastly exaggerated. I do not think that the balance of nature is being destroyed by the poisoning program. Survival of the wool industry is at stake. The present poisoning program is inadequate to control degradations in sheep areas. We are not interested in control work where there are no sheep. The fact that degradation of sheep by the coyote population is increasing dangerously is indication enough that the present poisoning program is inadequate. We know the program has many enemies, but we will certainly fight to maintain—and increase—it. We have to, if we expect the range sheep industry to survive.

CARGO BARGES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. LEGGETT. Mr. Speaker, this bill, to facilitate the transportation of cargo barges specifically designed for carriage aboard a vessel, is necessary if we hope to obtain for U.S.-flag companies the operating flexibility in foreign waters for efficient and economical cargo shipment in the years ahead. The design, development, and construction of barge-carrying ships is one of the latest innovations in the seagoing transportation of cargo.

This unique type of ocean shipping will permit rapid loading and discharge of cargo barges either in the port area or estuary or in the open seaway adjacent to a port and proceed promptly to the next port of call. The Lash or the Seabee vessels may unload or load directly from a pier, if one is available, but may avoid long waiting periods if such facilities are congested.

I am informed that the utilization of the barge-carrying ships will double the utility of a single ship. Normal port times of a so-called break-bulk ship is in the neighborhood of 3 to 5 days whereas the barge-carrying ships will be able to enter and leave its port of destination within 24 hours. While it is completing its voyage to other ports, the barges discharged can be unloaded, and reloaded for the homeward leg of the voyage.

In the interest of efficiency and economy of operation U.S.-flag operators will find it necessary to reshuffle and consolidate cargoes in these barges. This will entail transfer of cargo from one ship-carried barge before or after the movement of the cargo by barge between points in foreign waters. To obtain such flexibility of operation in foreign waters it will be necessary to extend like rights reciprocally to foreign-flag barges used in the same kind of operation in U.S. waters.

This legislation will provide maximum flexibility for U.S.-flag companies in implementing this efficient new approach to cargo handling without conflicting with our cabotage laws. It is purposefully narrow in scope covering only barges used as part of an oceangoing barge ship system and only cargoes in the foreign commerce.

This legislation is necessary to realize fully the economic potential of this latest innovation in ocean transportation.

ARVN 39TH RANGERS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. SCHMITZ. Mr. Speaker, the philosopher Epictitus once pointed out that—

> Appearances to the mind are of four kinds. Things either are what they appear to be; or they neither are nor appear to be; or they are and do not appear to be; or they are not, and yet appear to be. Rightly to aim in all these cases is the wise man's task.

The Armed Forces Journal of April 19, 1971, had a short article dispelling one of the many false appearances which certain segments of the television media seem so determined to create in the minds of viewers:

More TV Parallax

One of the most vividly remembered TV scenes from the Lam Son 71–9 invasion of Laos was that of frightened South Vietnamese rangers hanging onto the skids of helicopters bringing dead and wounded from the battlefield into Vietnam, Col. Robert F. Molinelli observed the unit, the 39th Rangers, from above, and had some comments on what actually occurred during the reported "retreat" of this unit.

"The ARVN 39th Rangers went into Laos with about 420 men and set up their firebase. They were hit hard by a North Vietnamese Regiment which came in from above the DMZ. The ARVN Rangers were outnumbered six or eight to one. For three days we were unable to get supplies in to them. When they were low on ammunition they went out and took NVA rifles and ammunition and fought on. When they decided to move off their hill, they beat their way right through that North Vietnamese regiment, killing them with their own guns and ammunition in many cases . . . and they were carrying their wounded and at least two of their dead. They were down to 253 men I would call effectives when they joined up with the 21st Rangers.

"The news media said they were overrun. They were not. I observed them until dark that day and they were never overrun. There were reports they were not a match for the NVA. The Air Force photographed the slopes of their firebase and we counted 637 NVA dead. That was all we could see in the open and only on the sides of the slope around their position. Seventeen of their men did panic and they did leave hanging onto helicopter skids. There were a lot more who did not, and I am disappointed that their story hasn't been properly told."

INTERSTATE TAXATION OF INDIVIDUAL INCOMES INTOLERABLE BURDEN WITHOUT A STANDARD

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. HUNT. Mr. Speaker, I have taken the floor many times before over the past 4 years to comment upon the tax injustices being practiced by many States and/or their subdivisions on workers within their borders who reside in other States. I have introduced and reintroduced legislation to curb these practices, motivated initially by familiarity with the Philadelphia wage tax—now at the level of 3 percent of gross earned income—which has been imposed on New Jersey residents working in that city since 1940 at rates equal to those for residents.

Retroactive to January 1 of this year, New Jersey residents who work in Philadelphia and elsewhere in Pennsylvania will also be burdened by the new Pennsylvania State income tax. Unfortunately for these New Jersey residents, whose property, sales, and special purpose taxes are set at rates to compensate for the lack of a New Jersey State income tax, the imposition of the Philadelphia and Pennsylvania income taxes at the full rates, without the benefit of offsetting credits for taxes paid in New Jersey, has become an intolerable burden for many.

On February 22, 1971, the letter I sent to all the Members of this House explained the proposal I am sponsoring in the present Congress—H.R. 24—in these words:

> Many of you will recall that the so-called Interstate Taxation Act was passed by the House in both the 90th and 91st Congresses, and each time, an amendment was approved to prevent double taxation of the same income of an individual by several states. The proposal to which I call your attention, however, would do this and much more. While requiring tax credits in situations that would otherwise result in double taxation, the proposal would also make equitable taxation a reality for those individuals who have no "home" state income tax against which to apply a credit for income taxes paid in another state. This objective would be accomplished by requiring the taxing state or its subdivisions to make "appropriate adjustments" to recognize the benefits which are not available to an individual not resident or domiciled in such state. It should be borne in mind that those few states which do not yet have an income tax have compensated by proportionately higher levies in the form of real estate, special purpose, sales, and other taxes.
>
> Furthermore, my proposal would permit legitimate taxation of persons who are statutory residents of a state but who nevertheless still claim their domicile in another state. Such tax, however, would be subject to a credit for the amount of taxes paid to the state in which the income was earned. The important exemption from this provision is for those who are ordinarily required to reside in a state different from that of their domicile. This group consists of those who are already exempt from income taxes under the laws of the District of Columbia: namely, Members of Congress, their staff assistants whose domiciles are in the Member's state, and certain presidential appointees.

Mr. Speaker, on March 25, 1971, the Senate of New Jersey approved a resolution which resolves, in part:

> That this House hereby expresses and records its vigorous opposition to the discriminatory taxation of New Jersey residents by the Commonwealth of Pennsylvania through the imposition of a tax upon the income of New Jersey residents which is derived from their employment within the Commonwealth of Pennsylvania, and its further general opposition to all such unfair interstate taxation upon persons whose places of work and residence are in different states; and
>
> "Be it further resolved, That this House firmly supports the efforts and activities of citizens and citizen groups which are engaged in combating the imposition of such taxes, and urges all citizens of this State to lend their support to pending Federal legislation designed to combat this evil; and
>
> "Be it further resolved, *That this House hereby respectfully memorializes the Congress of the United States to act promptly and effectively upon the pending legislation which would prohibit or restrict such taxation;* . . . (Emphasis added)

As I have repeated time and again, legislation of this character is quite properly within the purview of the Congress inasmuch as those who are being unfairly taxed have no voice whatsoever in the governments that tax them. Because interstate taxation of individual incomes is becoming increasingly prevalent, and because there is absolutely no standard now existing respecting such tax levies, I urge my colleagues to give this matter their serious attention.

The full text of the New Jersey Senate resolution follows:

SENATE RESOLUTION NO. 2006, STATE OF NEW JERSEY

> Whereas, By reason of the income tax recently enacted by the Commonwealth of Pennsylvania, thousands of New Jerseyans who commute to work in Philadelphia and other parts of Pennsylvania adjacent to this State will be subject to taxation of their earnings in the same manner as residents and citizens of Pennsylvania; and
>
> Whereas, With respect to those New Jerseyans who work in the city of Philadelphia, this new tax will be in addition to the tax upon earnings which has hitherto been imposed by that city; and
>
> Whereas, Such commuters, while contributing greatly to the commercial activity and economic prosperity of those areas of Pennsylvania in which they work, actually receive only minimal government services from the Commonwealth of Pennsylvania, and are excluded from educational, welfare and other services which have created the demand for new revenue sources in that Commonwealth and have led to the imposition of this new tax; and
>
> Whereas, Imposition of such taxes upon persons who have neither a voice in the levying or disposition of the revenues, nor an equitable share in the benefits created thereby, is highly discriminatory and in effect levies a tribute upon them for the privilege of crossing State lines to earn a living, contrary to the letter and spirit of the United States Constitution, Article IV, Section 2, and Amendment XIV, section 1; and
>
> Whereas, Experience by the people of this State with similar taxation imposed by the State and city of New York indicates that such taxes, once begun, continue to grow more burdensome and more inequitable as the taxing jurisdiction abuses its position in order to mulct a nonresident population without voice or vote in the establishment of its fiscal policies; and
>
> Whereas, There are now pending in the Congress of the United States several bills aimed at ending this abuse; now, therefore
>
> Be it resolved *by the Senate of the State of New Jersey:*
>
> That this House hereby expresses and records its vigorous opposition to the discriminatory taxation of New Jersey residents by the Commonwealth of Pennsylvania through the imposition of a tax upon the income of New Jersey residents which is derived from their employment within the Commonwealth of Pennsylvania, and its further general opposition to all such unfair interstate taxation upon persons whose places of work and residence are in different states; and
>
> Be it further resolved, That this House firmly supports the efforts and activities of citizens and citizen groups which are engaged in combating the imposition of such taxes, and urges all citizens of this State to lend their support to pending Federal legislation designed to combat this evil; and
>
> Be it further resolved, That this House hereby respectfully memorializes the Congress of the United States to act promptly and effectively upon the pending legislation which would prohibit or restrict such taxation; and
>
> Be it further resolved, That duly authenticated copies of this resolution, signed by the President and attested by the Secretary, be transmitted to the Governor of the Commonwealth of Pennsylvania, the President of the Pennsylvania Senate and the Speaker of the Pennsylvania House of Representatives; to the Mayor of the city of Philadelphia and the President of the Philadelphia City Council; to the Vice-President of the United States and the Speaker of the United States House of Representatives, and to each of the members of the Congress of the United States elected from this State.

THE 10TH ANNIVERSARY OF U.S. MANNED SPACE FLIGHTS BY NASA, CHEERS FOR PIONEER ALAN SHEPARD AND OUR U.S. ASTRONAUTS, AND OUR NASA-PRIVATE INDUSTRY TEAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, on Friday morning, May 5, 1961, more than 2,000 sailors in their dress white uniforms lined the decks of the aircraft carrier, U.S.S. *Lake Champlain*, stationed in the Atlantic Ocean about 300 miles off the Florida coast. The weather was perfect, clear skies and a calm sea. Those on board reported there was complete silence as all eyes were peering into the sky.

Suddenly a bright orange object appeared 10,000 feet overhead and the thousands of voices shouted in unison as they watched the first U.S. manned spacecraft parachute back to earth. Just 11 minutes after impact, Astronaut Alan B. Shepard, Jr., and his Freedom 7 Mercury spacecraft were on the carrier deck after a 15-minute flight from Cape Canaveral.

At the launch site 580 news correspondents had watched the Redstone rocket launch Freedom 7. An estimated 45 million people saw the event on television and millions more heard it reported over worldwide radio networks. The world had just witnessed the first of 24 U.S. manned space missions conducted by the National Aeronautics and Space Administration.

Shepard's suborbital flight demonstrated the engineering concepts of the Project Mercury space vehicle system. It protected man during the stresses of rocket powered launch and reentry to earth. Shepard also reported no disorientation during 5 minutes of weightlessness.

Three months prior to the 10th anniversary of the Freedom 7 mission, Shepard commanded the 24th American manned space mission, Apollo 14. This third lunar landing flight was launched January 31, 1971. He spent 9 days in space, including more than 9 hours exploring the moon's surface.

In retrospect, Project Mercury, the first U.S. manned flight program, had been initiated October 7, 1958. This venture to launch a man into earth orbit and return him safely was undertaken to carry out objectives set forth in the National Aeronautics and Space Act of 1958. Three of these objectives are: to contribute to the expansion of human knowledge of phenomena in the atmosphere and space; development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space; and preservation of the role of the United States as a leader in space.

The success of Freedom 7 gave Project Mercury officials assurance that an orbital flight could be undertaken in a short time. It also inspired the President, who requested NASA to recommend a plan for future manned-space flights.

On May 25, 25 days after President John F. Kennedy had presented the NASA Distinguished Service Medal to Shepard at the White House, he addressed a joint session of the U.S. Congress and said:

> I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.

Congress endorsed this goal, and that summer NASA began to marshal the Government-industry-university personnel and facilities to accomplish the task.

A second suborbital flight by Virgil I. "Gus" Grissom on July 21, 1961, confirmed Shepard's success. The Project Mercury objective was achieved February 20, 1962, when John H. Glenn, Jr., completed a three-orbit mission.

The succeeding Mercury missions later that year and the final flight in 1963 demonstrated that man could survive in weightlessness and operate efficiently as a pilot-engineer-experimenter for as long as 34 hours.

In 1961 and 1962 more than a million man-hours of engineering studies were undertaken before final decisions were made on precisely how the moon landing would be carried out. Project Apollo—a three-module spacecraft to carry three astronauts around the moon—had been presented to industry in 1960. The launch vehicle would employ clustered rocket engines with high-energy upper stages.

Early in the studies it was determined that rendezvous and docking of spacecraft and Saturn launch vehicles would be employed in a lunar landing mission of about 10 days.

In December 1961 the Gemini program was announced to explore space for up to 2 weeks and to perfect operational techniques required for the Apollo lunar landing. The Gemini spacecraft would carry a two-man crew.

Two unmanned test flights preceded 10 manned missions during 1965 and 1966. Flights of 4, 8, and 14 days confirmed, from a medical viewpoint, that man could fly a lunar mission. Astronauts demonstrated in more than 12 hours of extra-vehicular activity—EVA—that work could be performed outside of a spacecraft. In addition, 52 different scientific and technical experiments were conducted in flight.

Gemini proved that man could operate effectively in space, respond to the unexpected and execute alternate and contingency plans when necessary. Also, the NASA flight operations teams, supported by the Department of Defense recovery forces and the U.S. Weather Bureau, developed the ability to meet unexpected situations quickly.

While Mercury and Gemini were being completed, the Apollo industrial teams were selected to develop the spacecraft and Saturn launch vehicles. The facilities to test and launch the Apollo system were constructed. At the peak, 300,000 personnel and 20,000 business firms participated.

The first manned Apollo earth orbital mission was to be launched in February 1967, when a spacecraft fire took the lives of astronauts Virgil "Gus" Grissom, Edward H. White II, and Roger B. Chaffee, January 27 during a prelaunch test. An investigation of the accident and review of the program produced an improved spacecraft, and safety operational procedures were tightened. Successful unmanned flight testing which qualified all segments of the spacecraft and Saturn V for manned operations continued late in 1967 and 1968.

The first earth orbital manned mission was in October 1968. Two months later the Apollo 8 lunar orbit mission at Christmas demonstrated that man had developed a system to escape earth orbit, navigate in lunar orbit and return safely.

Two additional missions, Apollo 9 and 10 early in 1969, completed preparations for landing on the moon.

On July 16, 1969, Apollo 11 was launched. At the Kennedy Space Center press site and Apollo news center at Houston, 3,497 news correspondents reported the story to the world. Four and a half days later the Eagle—the lunar module—landed and the world watched as Neil Armstrong descended to the surface and said:

> That's one small step for a man, one giant leap for mankind.

The succeeding missions, Apollo 12 in November 1969, and Apollo 14 early this year yielded vast amounts of additional scientific data.

Apollo 13 failed to execute its landing on the moon because of an oxygen tank rupture in the spacecraft. The safe return of the crew, however, again demonstrated the Apollo team's ability to react immediately to the unexpected and to devise successfully procedures to meet a serious emergency in flight.

The 10 years of progress can be visualized by comparing Shepard's Mercury and Apollo missions. The Mercury-Redstone rocket produced 78,000 pounds thrust, while the Apollo Saturn V, the world's most powerful rocket, produces 7.5 million pounds thrust in the first stage, 1.6 million pounds in the second and 200,000 in its third stage. The 100,000 pound Apollo spacecraft outweighed the combined Mercury spacecraft and Redstone by 15 tons.

Accomplishments of the decade include 24 manned space missions of Mercury, Gemini and Apollo in which 20 astronauts have accumulated 6,919 man-hours in space. The spacecraft have traveled approximately 32 million miles. Approximately 40 man-hours have been spent on the lunar surface by six astronauts who deployed 18 geophysical instruments on the moon and returned 216 pounds of lunar rock and soil to earth.

The achievements and failures have been carried out before the eyes of the world. About 200 teams of scientists from universities, Government, and private organizations in 30 States within the United States, the Virgin Islands and 18 other countries are analyzing the lunar surface material and geophysical data transmitted back to earth.

An agreement reached between the National Aeronautics and Space Administration and the Academy of Sciences of the U.S.S.R. on October 29, 1970, sets forth procedures and a schedule for joint efforts to design compatible docking and rendezvous arrangements. Another agreement provides for initiating an exchange of lunar samples obtained by the two countries and establishes procedures to produce recommendations for joint consideration of the objectives and results of space research, the improvement of existing weather data exchanges, research with meteorological rockets, techniques for studying the natural environment and the expanded exchange of data on space biology and medicine.

Some of the findings thus far are:

No evidence of water or life.

Ages of rocks and soil returned range from 3.3 to 4.6 billion years. The age of the earth is generally accepted as 4.6 billion years. None of earth's rocks have been found to be older than 3.5 billion years, and few have been found more than 50 million years old because of destruction and covering by erosion and other processes.

Lunar rocks have produced new evidence on the question about the formation of granite. Other data noted first in lunar rocks have now been observed in earth rocks.

Lunar surface material has fallen into three categories: First, igneous rocks, solidified after melting; second, breccia, chunks of rock and soil cemented together by temperature and pressure, and third, fines, small fragments of material.

The rocks are similar to those found on earth but have different chemical compositions.

The seismometers have recorded that numerous moonquakes occur about the time the moon is closest to earth during its monthly cycle.

Seismic signals imply that the moon lacks processes such as mountain building and continental drift on the earth.

Magnetic fields have been detected on the moon which are stronger than expected but much less than that of earth.

The solar wind is not disturbed as it approaches the moon and therefore there are no charged particle layers around it similar to earth's ionosphere.

Comparison of helium trapped in the solar wind striking the moon's surface with helium trapped at various depths in returned surface material may improve understanding of the evolution of the sun throughout the history of the solar system.

The laser reflector experiment enables scientists to improve knowledge of earth-moon distance to a precision of 15 to 30 centimeters or 5.8 to 11.7 inches. It also will increase knowledge of wobbles of earth's axis, which is vital to understanding earthquakes.

The information has excited scientists who will continue to study it for many years. The Space Science Board of the National Academy of Science has stated:

> The Apollo Missions do not simply represent the study of a specific small planet but rather form a keystone for a near-term understanding of planetary evolution.

Recently, when Alan Shepard was asked to comment on what he considered to be the significant achievements of manned space flight, he said:

> I feel we have reached the payoff stage, the stage when the information we have learned in the early flights, the techniques we have used for putting man in space and using his abilities have reached fruition so that the public, the nation and the world can benefit from the tremendous technology.

HISTORY OF U.S. MANNED SPACE FLIGHT

	Date	Flight time (hours, minutes, seconds)	Revolutions	Spacecraft name	Remarks
MERCURY					
Alan B. Shepard, Jr.	May 5, 1961	00:15:22	Suborbital	Freedom 7	America's 1st manned space flight.
Virgil I. Grissom	July 21, 1961	00:15:37	do	Liberty Bell 7	Evaluated spacecraft functions.
John H. Glenn, Jr.	Feb. 20, 1962	04:55:23	3	Friendship 7	America's 1st manned orbital space flight.
M. Scott Carpenter	May 24, 1962	04:56:05	3	Aurora 7	Initiated research experiments to further future space efforts.
Walter M. Schirra, Jr.	Oct. 3, 1962	09:13:11	6	Sigma 7	Developed techniques and procedures applicable to extended time in space.
L. Gordon Cooper, Jr.	May 15–16, 1963	34:19:49	22	Faith 7	Met the final objective of the Mercury program—spending 1 day in space.
GEMINI					
Virgil I. Grissom, John W. Young	Mar. 23, 1965	04:52:31	3	Gemini 3	America's 1st 2-man space flight.
James A. McDivitt, Edward H. White, II	June 3–7, 1965	97:56:12	62	Gemini 4	1st "walk in space" by an American astronaut. 1st extensive maneuver of spacecraft by pilot.
L. Gordon Cooper, Jr., Charles Conrad, Jr.	Aug. 21–29, 1965	190:55:14	120	Gemini 5	8-day flight proved man's capacity for sustained functioning in space environment.
Frank Borman, James A. Lovell, Jr.	Dec. 4–18, 1965	330:35:01	206	Gemini 7	World's longest manned orbital flight.
Walter M. Schirra, Jr., Thomas P. Stafford	Dec. 15–16, 1965	25:51:24	16	Gemini 6A	World's 1st successful space rendezvous.
Neil A. Armstrong, David R. Scott	Mar. 16–17, 1966	10:41:26	6.5	Gemini 8	1st docking of 2 vehicles in space.
Thomas P. Stafford, Eugene A. Cernan	June 3–6, 1966	72:20:50	45	Gemini 9A	3 rendezvous of a spacecraft and a target vehicle. Extravehicular exercise—2 hours 7 minutes.
John W. Young, Michael Collins	July 18–21, 1966	70:46:39	43	Gemini 10	1st use of target vehicle as source of propellant power after docking. New altitude record—475 miles.
Charles Conrad, Jr., Richard F. Gordon, Jr.	Sept. 12–15, 1966	71:17:08	44	Gemini 11	1st rendezvous and docking in initial orbit. 1st multiple docking in space. 1st formation flight of 2 space vehicles joined by a tether. Highest manned orbit—apogee about 853 miles.
James A. Lovell, Jr., Edwin E. Aldrin, Jr.	Nov. 11–15, 1966	94:34:31	59	Gemini 12	Astronaut walked and worked outside of orbiting spacecraft for more than 5½ hours—a record proving that a properly equipped and prepared man can function effectively outside of his space vehicle. 1st photograph of a solar eclipse from space.
APOLLO					
Walter M. Schirra, Donn Eisele, Walter Cunningham	Oct. 11–22, 1968	260:8:45	163	Apollo 7	1st manned Apollo flight demonstrated the spacecraft, crew and support elements. All performed as required.
Frank Borman, James A. Lovell, Jr., William Anders	Dec. 21–27, 1968	147:00:41	10 revolutions of Moon.	Apollo 8	History's 1st manned flight to the vicinity of another celestial body.
James A. McDivitt, David R. Scott, Russell L. Schweickart	Mar. 3–13, 1969	241:00:53	151	Apollo 9	1st all-up manned Apollo flight (with Saturn V and command, service, and lunar modules). 1st Apollo EVA. 1st docking of CSM with LM.
Thomas P. Stafford, John W. Young, Eugene A. Cernan	May 18–26, 1969	192:03:23	31 revolutions of Moon.	Apollo 10	Apollo LM descended to within 9 miles of Moon and later rejoined CSM. 1st rehearsal in lunar environment.
Neil A. Armstrong, Michael Collins, Edwin E. Aldrin, Jr.	July 16–24, 1969	195:18:35	30 revolutions of Moon.	Apollo 11	1st landing of men on the Moon. Total stay time: 21 hrs., 36 min.
Charles Conrad, Jr., Richard F. Gordon, Jr., Alan L. Bean	Nov. 14–24, 1969	244:36:25	45 revolutions of Moon.	Apollo 12	2d manned exploration of the Moon. Total stay time: 31 hrs., 31 min.
James A. Lovell, Jr., John L. Swigert, Jr., Fred W. Haise, Jr.	Apr. 11–17, 1970	142:54:41		Apollo 13	Mission aborted because of service module oxygen tank failure.
Alan B. Shepard, Jr., Stuart A. Roosa, Edgar D. Mitchell	Jan. 31–Feb. 9, 1971	216:01:59	34 revolutions of Moon.	Apollo 14	1st manned landing in and exploration of lunar highlands. Total stay time: 33 hrs. 31 min.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. MINISH. Mr. Speaker, on May 3, 1791, Poland reformed the Polish system of government in a bloodless and orderly way. Poland thereby adopted a Constitution eliminating the weaknesses of the Polish parliamentary and social system, and adopting a philosophy familiar to all Americans.

The Polish Third of May Constitution said:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

While the democratic principles espoused in the Third of May Constitution could not forestall the partition of Poland in 1795 by Russia, Prussia and Austria, nonetheless, these great principles are reverently continued by Poles everywhere. In America, this holiday is observed by Americans of Polish descent with appropriate ceremonies throughout the month of May, thereby paying tribute to the Polish nation and its basic principles which Americans of all descents wish to espouse.

The similarities between the Polish philosophy and that of democratic America demonstrates the inherent liberalism and equity of the Poles. The sovereignty of the people, a primary principle of the Polish Third of May Constitution, has nowhere been so highly regarded and practiced as it has within the United States.

We must therefore mark the anniversary of this important occasion, not only because of its importance to Polish-Americans, but because of its deep significance to all peoples. We must strongly support the principles of a sovereign people, for that principle is the very underpinnings of our own free and democratic Nation.

Therefore, let us join hands with our

Polish brethren and wish the people of Poland a future free of the fetters preventing their realization of freedom and sovereignty.

THE FEDERAL BUDGET FOR 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. MAHON. Mr. Speaker, as is our annual practice, the Committee on Appropriations some weeks ago held an overall hearing on the President's budget for the fiscal year 1972. Those hearings have recently been printed and released. A copy was sent to each Member with the following letter:

House of Representatives,
Committee on Appropriations,
Washington, D.C., April 27, 1971.

Dear Colleague: I enclose a copy of the overall FY 1972 budget hearings held by the Committee some weeks ago, which I trust you will find helpful especially in connection with consideration of fiscal measures during the session. The hearings focused on the main features of the budget, its overall policy recommendations and economic and legislative assumptions. A number of subjects were covered; much helpful information is in the printed book.

The *newly adopted full employment budget concept*, under which the level of spending is more or less geared to revenues that would be received *if* the economy were operating at so-called full employment, was discussed in considerable detail. Of course, the actual *Treasury deficit is projected heavily in the red*—$11.6 billion deficit for 1972 on top of the $18.6 billion projected deficit for 1971 on the *unified basis* (omitting the borrowed trust fund surpluses, the deficit on the *Federal funds basis* was estimated in the budget at $23.1 billion for 1972 on top of an estimated $25.5 billion for 1971).

As you are aware, the budget proposed *spending* $229.2 billion in FY 1972, about $16 billion above the current year estimate. The President proposed *new budget obligating authority* for FY 1972 *of a quarter of a trillion dollars*—$249 billion.

About $170 billion of the new budget obligating authority proposed for 1972 will require action at this session—mostly in the appropriation bills. As you know, appropriations for debt interest, for social security and other so-called permanent appropriations do not require annual Congressional action. About $38 billion of the $170 billion is for ongoing programs which require reauthorization bill actions prior to appropriations actions. Another $11.8 billion involves new legislative proposals, such as general revenue sharing and the all-volunteer Army.

Cordially,

George Mahon,
Chairman.

Copies were of course also made available to the press and others. Copies are available—as long as the supply lasts—in the committee offices, room H-218 in the Capitol.

The budget is such an important document—touching as it does the lives and welfare of every American in one way or another—that I thought I should call attention to these hearings. The printed hearings contain much helpful information.

REVEREND ALBERTSON OUTLINES UNIVERSITY PROBLEMS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EDWARDS of Cailifornia. Mr. Speaker, I would like to share with my colleagues the statement of the Reverend James Albertson of the University of Santa Clara in Santa Clara, Calif. Reverend Albertson addresses himself to the problems of the institutions of higher education in this country today. We must all be concerned about this. What would become of America if these institutions were to fail us? Imagine a nation without young people skilled in such fields as science and sociology. Many of us deplore the present state of American society but without the trained people to meet these problems, our chances of overcoming our disorders as a society diminishes. If we wish to improve our society, one of the first steps we must take is to insure that our colleges and universities can function and address the problems that face this society. Then we must make this education available to every single potentially qualified individual who desires this education.

The statement referred to follows:

Statement by Rev. James Albertson, S.J., Academic Vice President, University of Santa Clara, Calif., Before the Special Education Subcommittee, Committee on Education and Labor, U.S. House of Representatives, April 23, 1971

Madame Chairman and members of the committee, one of the commentators on American higher education has described the current scene in terms of a nightmare vision. He sees the collection of American colleges and universities as a man standing in the middle of a darkened street down which he is peering toward what looks to be a solid wall closing off the street. Just beyond him are two signs which may offer direction. As he comes closer he can make out an arrow pointing ahead with the words "One Way," and another sign with the words "Dead End."

It is unfortunately true, as you have heard many times in the course of testimony, that in several senses American higher education appears to be moving down a one-way street toward a dead end. Most spectacular and most pressing, of course, is the financial cul-de-sac. Expenses are mounting faster than income and the date on which reserves will be exhausted at the present pace of liquidation can, for many institutions, be rather precisely calculated. For some it is only a very few short years away. The dead end is in the next block.

When we consider that in the areas of natural and social science perhaps ninety percent of all knowledge we have amassed has been gathered in the last generation, it is distressing to realize that the great body of American colleges and universities which has taken over three hundred years to develop and which has played a key role in that growth of knowledge may be dead of financial starvation in just another generation.

But the financial dead end facing so many of our institutions of higher education is not the only one. The apparent inability to change educational structures and policies in order to adapt to the changing requirements of society's demand for new forms of postsecondary education is another.

It is this second kind of dead end which I should like to emphasize in my remarks before you today.

Nearly every major study of American higher education in the last five years has pointed to the urgent need to develop ways of providing vastly expanded varieties of educational options to young people of college age who are just completing high school and to older adults already at work in life careers. The traditional patterns are not enough and they are clearly breaking down under the mounting pressure to provide new things and to provide them for more people.

The typical American college program today is a mixture of nineteenth-century liberal arts idealism, early twentieth-century curricular eclecticism, post-spunik scientism, the mythology of residence colleges as a community of learners, the vision of research and teaching as equal parts of the scholarly whole—all interlaced with the more recent endeavors of the colleges to become centers of social action, rallying points for political causes, dispensers of miniature welfare programs, models of participatory governance, and also providers of resource people for the local community and for the nation at large. Each of these ingredients can be defended, and well defended, as meeting a need of the people more or less present and more or less pressing. Each contributes to a definable and desirable goal.

But instead of making from among this increasing number of recognized needs a selection of those which it could most effectively meet with its existing and foreseeable resources of money and talent, the typical American college has simply added each newly conceived goal on top of the last as part of the ever heavier burden it is attempting to carry. The urge for accretion is apparently irreversible; the street is evidently "one way" only, with no possibility of turning back. And as the colleges begin to stagger and some even to fall under this burden the inevitable end is in sight.

It is certainly possible, and very much to be hoped, that the deteriorating economic situation of so many of our colleges and universities will stimulate a reassessment of goals and programs in view of available resources. More comprehensive planning, which views the parts as subservient to a consciously considered whole rather than the whole as a hodgepodge collective of autonomous and competing parts, is being forced on many institutions as a result of financial necessity. The university which cannot support both a college of engineering and a college of humanities may have to decide which one it will eliminate.

The college which cannot afford both a full-scale remedial program for educationally disadvantaged students and an extensive and costly honors program for the academic elite must make a choice or a compromise, and it must reassess its goals to do so. Straitened budgets are forcing most schools to exercise tighter fiscal control and are arousing in many the desire for better cost accounting and program budgeting.

And so the current financial squeeze will—if its grip can be loosened enough to prevent strangulation—very hopefully have the desirable effect of shaking out the overcrowded agenda of our schools' objectives and of thus freeing the separate institutions of extraneous burdens so they can do well what they can do best. In this way better educational opportunities can become available to the American people.

But even if this shaking out does take place there is considerable evidence from recent history to show that the present body of institutions of higher education will be unable to meet the full need for innovation and reform.

There are so many things that need to be done if meaningful opportunities for postsecondary education are to be opened to the fifty percent of college-age students who will not be in our colleges in 1975, and opened also to the much larger percentage of those beyond college years whose education stopped with high school, that recent studies have been able only to begin their enumeration. The Assembly on University Goals and Governance of the American Academy of Arts and Sciences has produced a list of eighty-five theses to stimulate academic reform, and each of these theses could generate one or a dozen specific innovations in the procedures of American higher education.

Some of the new models of education being imagined are, of necessity, radical departures from current practice. Schools are envisioned in which students of all age are free to come and go as the varying demands of their work experience dictate—schools which, in other words, offer not a pre-packaged program terminating in a degree and a push out the door, but rather give a continuing open opportunity for educational experiences which parallel the changing needs of a person's life and career patterns. Other schools are envisaged which have no buildings or classrooms but offer instruction over cable television to everyone who cares enough to tune to the proper channel, and which then offer degrees to those who can meet the standards of certain examinations. Even other schools are projected which have no specific curriculum or list of courses, no examinations, and no degrees but only a faculty and a student body that encounter one another in whatever ways they find most intellectually exciting and stimulating.

To implement any one of these new models of education requires such a change in the way colleges—and the faculty, administration, alumni and donors who make them possible—are accustomed to operate that one has the strongest doubts these models can be created out of the environment of existing structures of American higher education. Our experience thus far with academic reform shows, for example, that any change which would involve substantial modification of the behavior patterns of individual faculty members has little chance of getting beyond the drawing board or a committee recommendation. An administration whose personal experience, channeled and reinforced by the accrediting associations, has been with courses and credits and degrees is ill-equipped to be innovative in unstructured forms of education. Nor can alumni and donors be expected to be enthusiastic in support of an institution whose new image seems to them to bear no relation to the one they remember from the days when their loyalty was first won.

In short, there are strong reasons to believe that the requirements of post-secondary education in the generation ahead will not be wholly met by a reformation of the existing structures and institutions of higher education—not even if the current financial crisis of these institutions is met. Some of the new modes of education which will be needed are so radical a departure from what we are doing now that that almost surely will not grow out of our institutions of today. New institutions and new ventures, many of them with very specialized objectives, will be necessary.

I am encouraged to note that recognition of the need to support such new institutions and new ventures is so evident in the bill to establish a National Foundation for Higher Education, H.R. 5192, which is now being considered by this committee. The activities to be supported by this Foundation include: "the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experimental learning"; "reforms designed to expand individual opportunities for entering and re-entering institutions and pursuing programs of study tailored to individual needs"; and "the creation of new institutions and programs for examining and awarding credentials."

In addition to the present financial crisis of existing institutions and programs of higher education there is another no less urgent but perhaps less immediate need for vigorous support of innovation. It is this need which I commend to your consideration.

Madame Chairman and Members of the Committee, it has been a pleasure to have had the opportunity of presenting these views to you.

LAW DAY—CHANGE THROUGH REASON

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. STEELE. Mr. Speaker, recently, I had the opportunity to talk to a group of young people—black and white, bearded and clean shaven, dressed in suits and ties and jeans and sandals. We talked to each other, discussing hopes and hopelessness.

And I came away with a far deeper insight into the ambitions of our younger generation. I also came away determined that I was going to fight to get those youngsters to believe in a Nation we had built, and that I was going to fight just as hard to get this Nation to believe in the dreams of its young people.

I think that disaffection of our young people is a vitally appropriate topic for this particular Law Day, for law forms the framework of common beliefs on which a democratic society can grow—not the limits within which our society stagnates. The common beliefs which underlie our legal structure are facing the greatest challenge in our history because it is a challenge from within. Hope and achievement lie in the stars, not on the ground, and yet, for too long our national eyes have been cast downward.

Too many of us see only the riots and the drugs on campuses and equate this to the actions of all our youth. Too many of us find it expedient to say "to heck with all of them" and stomp off into the seeming security of age and sophistication. Too many of us find it equally easy to piously state that students have a right to dissent while turning away and ignoring the words and meaning of their dissent.

Yet, it is up to us to make students and the rest of their generation feel that they have something to look up to—a government, a family, a system of justice to be proud of. Let us not make the mistake of judging the quiet majority of our young people on the actions of the vocal minority. But let us not make the mistake of thinking that the majority of our young people do not have the same questions, albeit not the same actions, as the vocal minority.

Dissent is one of this Nation's priceless values. It must be protected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

In this snowballing world of ours, there is a growing manifestation of unrest—unrest against traditions. The revolutions of science, technology, industry, communications, education, religion, and morality are exploding throughout the world.

It is indeed true that the recurrent shock of our age is the discovery that concepts and patterns of action of a more secure past no longer fit present reality. The revolution of equality—racial and economic—has given life to new hopes and aspirations, but it has also unleashed deep and dangerous passions.

Changes, of their very nature, produce challenges, and today, on the national level, as well as the campus level, we are facing challenges to our freedoms, traditional principles, accepted values, and historic goals.

Our children have seen us fly men to the moon and back with fantastic skill, build the biggest aircraft in history, and sell 8 million cars in a single year, but remain incapable of eliminating air and water pollution, coordinating our sprawling transportation network, or living in harmony with our fellow man both at home and abroad.

I think that the young may have something when they point out our disorientation in our national priorities.

Let us vault out of the trenches of complacency and reverse this trend. We must put our institutions to work for us rather than becoming intolerant victims of our own genius.

In his now famous soul-searching "State of the Judiciary address," Chief Justice Warren E. Burger called for a heralded streamlining of American overcrowded courts.

"The days of apathy are past, and I intend to be neither timid nor apathetic," he said, in telling about the judiciary's need for more money and better management. He called for a new Judiciary Council of Federal judges, legislators, and executive branch representatives to work on legislation affecting the Federal courts.

Overburdened with frivolous appeals, the courts—I am sure we all agree—simply do not have the manpower and the tools to deliver prompt, effective justice.

I wholeheartedly endorse as most constructive the proposal for a Judicial Council. Therefore, on Tuesday, I will introduce in the Congress legislation to establish a Federal Judiciary Council whose vital purpose will be to advise the Congress, the Executive and the Judicial Conference of the United States on all matters affecting the administration of the courts of this Nation.

As drawn up, my measure calls for the Council to be composed of six appointed members who will serve without compensation. Two will be selected by the President; one each by the Judiciary Committees of the Senate and House and two by the Judicial Conference. No member shall serve more than two full 4-year terms.

I can only say that the need for such a Council is long overdue when you consider the tendency of Americans to look to the courts to solve all problems. It is clearly the time that the Congress had some authority to turn to on the impact of proposed legislation on the administration of justice in the courts. And, it is equally desirable that workable legislation be proposed to modernize court procedures and thereby ease court congestion.

This clearly, is one way we can improve our institutions. This, clearly, will provide justice under law.

I want to be able to turn to a young person and say look around you and see what is going on that makes this the greatest Nation on earth—not just go read such and such a book and accept on faith what needs to be lived everyday.

As we advance into the new decade of the seventies, America faces challenges greater than any which it has tackled before. This is no time for complacency; neither is it a time for anarchy. This is not the time to abandon the drive and optimism and the imaginative creativity which has characterized this country since its birth.

This is not the time for timidity or doubt or mediocrity in high places. This is the time for boldness and energy—for cooperation and understanding—so that working together we can turn dreams into reality.

EARTH WEEK PROJECT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. LONG of Maryland. Mr. Speaker, the growing citizen interest in cleaning up the environment has brought on a new problem: People are bringing more trash to dropoff points and reclamation centers than county sanitation workers are able to collect. Last week, for example, a half-acre, 7-foot-high pile of junk was collected in Watersedge, Md., by citizens participating in the Earth Week project. Bob Heeter, of Citizens Action Against Pollution, asked me for help when it was discovered that it was beyond the ability of the county sanitation department to clean up the mess.

I called four trash and contracting firms—Potts & Callahan, Buzz Berg, Joseph J. Hock, and C. J. Langenfelder & Sons—which donated thousands of dollars of time, service, and equipment to clean up the junk. United Iron and Metal hauled away some of the metal scraps.

County officials, too, went out of their way to assist in the effort, even though many county trucks were committed to other areas of the county. Charles Farley, chief of the bureau of sanitation, Alfred Jungers, chief of the bureau of highways, Jack Rudasill, superintendent, street cleaning division, and William Tierney, assistant director of the department of recreation and parks, were extremely helpful.

In 2 days, the Watersedge dumping site was cleaned up, with the help of these firms and individuals. It is a pleasure to be able to honor those who helped by including their names in the CONGRESSIONAL RECORD.

CALIFORNIA'S "OPERATION IDENTIFICATION" HELPFUL IN CRIME PREVENTION

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. DANIELSON. Mr. Speaker, Monterey Park, one of the cities I represent, has developed a novel system to prevent burglaries from private homes. "Operation Identification" was started a few years ago and has been proven successful, reducing the number of thefts occurring in participating households drastically. Over 30 communities in southern California have already adopted this method conceived by Monterey Park Police Chief Everett F. Holladay. Inquiries about it have come from nearly every State and from a few foreign countries.

Not only is "Operation Identification" a deterrent to crime, but it also provides assistance to law enforcement officers in cases where property is stolen. Apprehension of the criminal is made much easier, and there is a high probability that the stolen items will find their way back to the owners.

Most amazing, perhaps, is the low cost of initiating and maintaining the program. To the residents of Monterey Park, there is no cost involved. The small investment of $300 to service the whole community has been made by a local civic organization, the Exchange Club. And it could conceivably be done for a lesser amount.

In these days of television specials about the "besieged majority," and constant warnings from various media, it is good to see a constructive, workable plan of prevention in action. "Operation Identification" could also be used effectively in the public sector.

I commend the reading of this article from the Washington Post, April 25, 1971, to my colleagues. It gives details for implementation and it may prove helpful to communities in their districts.

The article follows:

COULD A CALIFORNIA PROGRAM HELP REDUCE D.C. BURGLARIES?

(By Jack Harrison Pollack)

Every 16 seconds a burglary was committed in the U.S. last year. In 1971 there will be an estimated two million burglaries—an all-time high.

Thousands of California homeowners have been dramatically reducing burglaries through a simple, free, new method. It not only discourages theft, but aids police in identifying and recovering stolen property.

Householders in more than 30 Southern California communities now have their drivers' license numbers engraved on the valuables that burglars most often steal from homes—television sets, radios, hi-fi's, tape recorders, typewriters, adding machines, bicycles, cameras, binoculars, tools, jewelry, musical instruments and other portable possessions. If a license-engraved belongings are stolen, it makes them too "hot" for a thief to sell or handle because the driver's license can readily be used by authorities to trace the owner at his most recent address.

Called "Operation Identification," this unique license engraving is done with a small, lightweight $10 electric etching tool. It is loaned to people without cost for three days when they apply at their local police station front information desk any time of the day or night. At home, with this etching tool's tantalum carbide or diamond point, the person then engraves his license number on the metal, glass, wood, plastic and ceramic surfaces of his prized possessions.

After he does and returns this etching device, he is given a blank form to list, for his personal files, all of his engraved objects and the exact spot where the license number is etched. He is also given a small blue and yellow sticker to paste on his front door or window which reads:

"We have joined Operation Identification. All items of value on these premises have been marked for ready identification by Law Enforcement Agencies."

Since this unique crime prevention program quietly began in residential Monterey Park, Calif. (pop. 50,000), several years ago, only three burglaries have occurred there among the 3,000 participating households. And in only one home was a license-engraved object stolen—a transistor radio.

In sharp contrast to this amazing near-zero record, Monterey Park's 7,000 still unstickered residences have suffered more than a thousand burglaries. Largely because of apathy, the victims have never gotten around to borrowing the free etching tool. But after a burglary, they invariably do.

"When we get everybody to participate, we'll have licked the burglary problem," says Everett F. Holladay, Montery Park police chief, who conceived this idea.

The local Exchange Club, a civic organization composed of business and professional men, has paid the entire cost of this home protection project. Thus far, the total investment has been less than $300—mainly for purchasing a dozen etching tools and printing the stickers.

People shouldn't engrave their license number on removable parts such as doors, lids and plates, advises Chief Holladay, but preferably in a conspicuous place near the manufacturer's serial number, if there is one. Many manufacturers of appliances and equipment engrave serial numbers on their products. Though insurance companies and police departments have long urged that these serial numbers be listed and filed for ready reference in case of theft, few people do it.

"It is usually very difficult and time-consuming to get from a victim an accurate verbal description of a stolen object," observes Chief Holladay. "Sure, some people are stopped by police officers because of suspicious actions and seemingly stolen objects in their cars. Mere suspicion, though, is insufficient cause for arrest. But when your operator's license is etched on your property, it helps to apprehend a thief possessing it who doesn't have a bill of sale or other proof of ownership. This is prima-facie evidence of an offense and reasonable cause to detain a suspect for further investigation. It also enables the prompt return of your stolen property."

Many stolen valuables are sold at police auctions because ownership can't be established. Proper identification has always been a problem for law enforcement. Thousands of messages are teletyped daily to police departments describing stolen items. But sheer volume of information prohibits any single police department from having more than a cursory knowledge of them and it is generally limited to a local area. "The average patrolman can't be expected to identify a stolen item on sight unless the crime has been reported, has occurred locally and he has had a pre-shift briefing," says Chief Holladay.

But the results of license-engraving among cooperating Monterey Park homeowners have been so spectacular that recently 30 other

Southern California towns have adopted "Operation Identification."

Requests on how to start an "Operation Identification" project have poured into Monterey Park from law enforcement and community agencies in nearly every other state and a half dozen foreign countries. Many ask: "Why isn't a social security number used instead of a driver's license?" The answer: because of federal restrictions, a social security number can't be used to trace individuals. Your's operator's license is often the only number readily identifiable by law enforcement agencies. In some states like California, it is never changed or reissued.

This would be exactly the problem if such a plan were tried in Washington: numbers on operators' permits change every couple of years.

"It's a great idea if we could get a (standard, unchanging) number," says Deputy Chief of Police Mahlon Pitts, in charge of the Criminal Investigation Division.

Pitts feels that stickers "wouldn't deter an addict who needs a boost. He won't go around looking for a decal at night." But, Pitts feels, the system would have great value in recovering stolen property, as long as the numbers were always marked in the same place on stealable items, and as long as the number couldn't be obliterated by being scratched or filed off, or treated with acid.

CRISIS IN AMERICA

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ROY. Mr. Speaker, there is a crisis in America which is only now gaining recognition. I hope it is not too late. This crisis is rural America, where one-half of America's poor people live and where two-thirds of America's dwellings are substandard. We must act now to reestablish a sound balance between urban and rural America to insure stability for the future. We cannot expect those 20 million Americans who have left their farms over the last 30 years to return unless we assure them of a fair return for hard work and a decent environment.

Mr. Speaker, we have heard much about the benefits that revenue sharing will bring to our rural areas. This may be, but what of the immediate needs? I confess that rhetoric about "new" money being infused into rural areas to revitalize them is mystifying. What about those funds already appropriated for agricultural programs for fiscal year 1971—less than 2 months from termination—which have been impounded by the Nixon administration? As of March 1971, $260 million were being withheld from the Farm Credit Administration, $47 million from the Agricultural Stabilization and Conservation Service, $25 million from the REA, and $179 million from the FHA. These figures do not even begin to include moneys which, though not directly administered by the Department of Agriculture or the Farm Credit Administration, do directly benefit the rural American.

We simply must address ourselves immediately to the multitude of problems currently confronting those in our rural areas. New directions in our thinking, intensive concentration on truly effective programs, substantial upgrading of community facilities, housing and public services—all these things must come together without delay to bring revitalization to our rural areas.

RETURNING POWER TO PEOPLE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. QUIE. Mr. Speaker, I shall insert in the RECORD an article which presents a compelling case for governmental decentralization, by Patricia M. Lines, a Minnesota lawyer now working as a research associate at Harvard's Center for Law and Education. The paper first appeared in the January 1 edition of the Ripon Forum.

Just the other day, I heard about an elderly lady who actually wrote the President about a chuckhole in the road running by her house. This is a poor reflection on local government, if on no other grounds than on lack of accountability and visibility.

If the American faith in our people is not to become a hoax—an outworn myth indoctrinated through our school systems—then we must view the increase of centralized authority in this country with alarm and regret. We have the tools with which to reverse this trend and we must do it.

There are problems involved in decentralizing because of the diversity of community structure in America. The strength of this article is that it deals with these problems in a basic philosophical context which values the participation of our citizens in their own governing. I join Miss Lines in urging that top priority be given to President Nixon's proposal.

The material referred to follows:

THE EVILS OF CENTRALIZATION AND HOW TO RESTORE AN INTEGRATED FEDERALISM

WHY DECENTRALIZE?

As everything around him has gotten bigger, the individual has gotten smaller by comparison. He's been lost in the mass of things. . . .

The machinery of government seems increasingly remote, increasingly incapable of meeting his needs when action is needed. The community itself begins to appear less relevant, and its standards and restraints become less effective.

Power has been flowing to Washington for a third of a century, and now it's time to start it flowing back—to the states, to the communities, and most important, to the people.—Richard M. Nixon

Since the Emancipation Proclamation, if there is any single historical principle guiding the Republican party, it is this: government should be as close to the people as possible, and excess concentration of powers should be resisted as a danger to the liberty of the people. Thus the party "of the people"—the GOP—has traditionally preferred to meet social ills with individual action, and where that is inadequate, with governmental action at the lowest possible level. Variations on this theme appear in Republican party platforms throughout its history—it may take the form of advocacy of states rights, individual rights "individualism," "peoples rights," "local self-government," "maximum reliance on subordinate levels of government," "voluntarism," or "decentralization of power."

Opposition to concentrations of power sounds like a negative philosophy. In the past 50 years, Republican "action" towards this goal has often been negative. But there is also a positive version: the nation needs to strengthen local government in small cities and towns and to create community-oriented governments in large cities. This is only one part of the whole picture regarding redistribution of power, but is has far-reaching implications.

The basic idea is essentially Jeffersonian, but it should not be arbitrarily limited to an agricultural economy. The essence of Jefferson's plan for sound government provided for a well-ordered hierarchy among governments, with each performing those functions that suited it best. The system provided at least one tier of government—a small and immediate local government—where an individual "feels that he is a participator in the government of affairs, not merely at an election one day in the year but every day."

We are still searching for a design of government that can maximize the opportunity for an ordinary individual to come forward and influence his immediate environment through the political process. This principle, which, as enunciated by the President, calls for a reversal of the trends towards greater concentrations of power, should also require the creation of new, community-sized governments within large cities. In either case, the fundamental goal is to make government small enough to permit popular self-determination. Thus, local governments should be small enough to give individuals informal access to information and to the policy makers. In large cities, populous states and the federal government, where a relatively small number of officials controls policy for a large population, such an intimate relationship between man and state has become a relic of the past. With this in mind, this essay will set forth the major philosophical reasons why this should be cause for alarm, and why Republicans should back "decentralization"—that is, why they should continue to search for a system of government which permits active and genuine participation by ordinary people in the political process.

WHY DECENTRALIZE?

1. For Freedom. Although the Anglo-American democratic tradition has proved amazingly durable, even its staunchest supporters have occasionally displayed moments of pessimism. John Adams, Walter Lippman, William Hocking and Lord Bryce all observed that the potential for crowd mentality was an ever-present danger to democracies. John Dewey decried irrelevant considerations in voting, sloganism, the inability of the individual to keep well-informed on national issues or to formulate his opinions on these issues in a rational and competent manner.

Irrational rule

Such men were appalled at the behavior and opinions of the "mass man"—the irrational offspring of mass media, national TV, national centralized powers and the pollsters. This individual often permits the media, a centralized political party, a giant labor union, or some other strongly centralized and powerful group to preempt individual decision-making. To be sure, there may be possible adjustments that might minimize these dangers in large governments, but these cannot be adequately discussed here. For the purposes of this study, the point to observe is this: the malady, the "mass" mind, does not appear in a cohesive community. It is a phenomenon found almost exclusively in larger jurisdictions. Walter Lippman, for example, in his most pessimistic book, *The Public Philosophy,* never once considered the political behavior of the common man in his own community. Dewey did, on the other hand, and found the salvation of democracy in small local governments. "Democracy must begin at home," Dewey declared, "and its home is the neighborly community." Likewise, Lord Bryce, on completing his monumental survey of modern democracies, concluded simply, "Smaller areas are better than large areas, because in the former men can know one another, learn to trust one another, reach a sound judgment on the affairs that directly concern them, fix responsibility and enforce it."

The point is well made. Certain essentials are found only at a community level. Only here can there be a personal relationship between the governors and the governed. Here the intermediaries—the mass media—are only a secondary channel of information flowing back and forth between the electorate and the elected. Here the scale permits men to engage actively in the dialectic give and take that is so vital to sound decision-making. And here every can can hear the local demagogues debate one another; only on a small scale can every man sift the facts and enter directly into the debate and the opinion-making and decision-making process.

It is no small coincidence that the 1933 legislation in Germany paved the way for authoritarianism by first annulling local government—by abolishing the sovereignty of the states and substituting Reich regents for state presidents. Nor is it surprising that the first French Republic, where the local governments were new and unaccustomed to self-government, proved so unstable. The Revolutionary government had abolished the local provinces and created arbitrary departments within France, dampening the natural development of home rule. In contrast, in America and in Switzerland, the local governments existed in democratic form before the republic emerged, and became the building blocks of the new republic.

It is true that even in a small community, popular rule can become mob rule. Most often, however, the interpersonal relationships among the actors works to mollify vigilante action. One can only conclude with Jefferson, "that the evils flowing from the duperies of the people are less injurious than those from the egoism of their agents." In other words, it is easier to turn overly-centralized power into tyranny than it is to subvert decentralized popular control into mob action of any comparable consequence. Thus, decentralization also offers a constructive alternative to both the repression advocated by the extremists on the right and the anarchy advocated by the extremists on the left.

EVILS OF CENTRALIZATION

The centralization of democratic institutions threatens the liberty and welfare of the people in other ways as well. As governmental operations grow in scope, the distance between individuals and decision-makers also grows, and communications between them falter. First, the individual citizen in a centralized democracy becomes increasingly powerless while a technocracy—located within the large centralized bureaucracies—assumes control over most public policies affecting his life. The average man lacks the technical knowledge to make positive decisions about all but the simplest issues and the central bureaucracy manages to keep the data to itself. Secondly, the ordinary man casts his vote in a national election, but thereafter, he does not communicate his individual will to his duly elected representative, except through "public opinion."

To win voter approval, the politican campaigns on cliches and emotion-laden slogans: "power to the people," "no busing," "black power," or "white power." A leader is elected not for his well-thoughtout programs, but for his ability to hit upon the right slogans and project the right image. In the end, leadership is mediocre and public opinion dominates emotional issues while the technical nuts and bolts of government fall under the influence of special interest groups and bureaucrats. Even if concerned with issues, there is little an individual citizen can do to make his vote effective in promoting or defeating any single governmental act. Worse, the vote for a candidate may be irrelevant to the issue-oriented voter, for he has no choice in the selection of nominees—an act executed behind close doors in legendary smoke-filled rooms. Finally, the individual with an informed opinion may be able to resist the impact of mass advertising, but he has no power to persuade the remainder of the electorate to his point of view. He simply cannot compete with national TV.

Can't do attitude

2. For an Impact on People. Undoubtedly the structure of the body politic has a profound influence on the basic attitudes and culture of the people living within the system. In a survey of Watts residents after the 1965 riots, when asked who would have to do something about the problem, residents responded, in order of frequency, the police, the mayor, the federal government, the whites, the governor, Negroes and whites together, "they" (that ubiquitous group), and finally, the respondents themselves. The thought that the people should take the initiative came last. The results would be the same in any typical urban community—white or black—where people have been deprived of the right to participate in the problem-solving process.

Decentralists expect a different response from a self-governed community. They expect a "can do" attitude, a willingness to attack problems. When responsibility falls on the shoulders of those who stand to suffer most from neglect of duty, it is less likely that they will shrug it off. Moreover, the small-scale political arena is less formidable—one does not need to possess the tenacity of a Ralph Nader to attempt and succeed at a local reform movement. In short, decentralization makes citizen participation more likely.

Education is the most important byproduct of this participation. Learning is not limited to classrooms, and when one is young. The streets, the back alleys, the coffee houses, and the public forum can all serve educational purposes, albeit some will be more constructive than others. Especially in impoverished, culturally deprived communities, development of strong and genuine citizen participation can lead people into a greater awareness of their own problems, and broader issues as well. They become more cognizant of the weapons available to attack such problems. Finally, they become motivated to master the skills needed to work effectively in this arena.

These educational results are not easily measured on an objective scale. Rarely has anyone even attempted such a measurement. In one available test, however, active involvement and responsibility for youths in a tutorial program produced a dramatic change in the reading test scores of the young tutors. In this experiment, New York City's Mobilization for Youth rejected the paternalistic notion that only teachers could teach, and hired youths—good and poor readers alike—to tutor younger children. At the end of a seven-month period, the younger children showed a modest improvement, whether tutored by good or poor readers. But a remarkable change appeared in the reading test scores of the tutors themselves. The poor readers advanced, on the average, three and a half years in the seven-month period.

Such a result suggests that responsibility has powerful educational value. Such effects make community organization in poverty areas a "social work" tool. A program is justified not just for what it will do to physical problems facing people, but for what it can do to the attitudes and development of the people involved.

5. For a Sense of Community. A much-worn phrase in the oratory of the decentralists is "a sense of community." But it should not be underrated. This quality, insofar as it is capable of definition, exists where a group of people come together to live in an intricately woven fabric of rich and meaningful interpersonal bonds. It exists where people join together, either formally or informally, in the performance of a broad scope of public duties and functions relating to their life and environment. The community structure gives its members a sense of belonging, a sense of place, an identity. It serves not only its present constituency, but future members as well. It provides a context for the otherwise fragmentary and specialized roles that every individual assumes in the modern world.

Assessing the losses

A community cannot be expected to survive if it has no purpose or function. Municipal consolidation, school consolidation, central districts, special districts and similar centralizing measures of the last half-century must ultimately destroy the small community. Even without a formal dissolution of its political boundaries, the gradual erosion of political power in small towns and rural areas destroys community spirit and contributes to the decay. These consolidation efforts have usually been advocated as "progressive." Indeed, they may permit some efficiency in some governmental functions—redistribution of tax resources, increased specialization in service output, and administrative efficiency, for example. However, there may be corresponding inefficiencies and hidden costs in the greater size. The loss of community can be a severe loss to humanity.

To begin, as the small community declines, many things which can give a man an identity and a sense of place and purpose slip away. A common man's genius is not normally recognized beyond the circle of his community. Centralization and its concomitant specialization leave little room for the cabinet maker, the craftsman, the country fiddler, the hometown Thespian, the local sheriff, the school master, the familiar magistrate, the town wit, and the town fool; it replaces them all with factories, mass-produced art and music, Hollywood spectaculars, a police force of a thousand strangers, a bureaucratic government, and politicians known only by their images projected through their public relations experts.

At the same time, man is losing any meaningful role he may have had as a citizen. The state has given him a number; he is relegated to filing the appropriate papers at the appropriate times, and, on election day, to pressing little levers in a booth. Of course at all times he must abide by the rules set somewhere beyond his own experience. He sees government and politics as something removed, distant, and for other people. This is exactly what politics is for most big city residents. The average man will never meet the man who decides his fate. The decision maker is literally removed, to city hall, the statehouse, or the nation's capitol.

Demodernization

Renewed emphasis on community could reverse current centralizing trends and bring people together in meaningful nuclear groups. The populace would be richer in its culture, in its ties to the past and most important of all, in personal bonds between neighbors. These are the things that make a community. By bringing people together, self-government can be a catalyst to spur their development.

4. To Restore Community Sanctions. These are the spiritual reasons why action to rebuild communities is necessary. There are practical, concrete reasons as well. In these days of almost hysterical concern over a breakdown in "law and order," one should observe the relationship between crime and the decline of the community. The cohesive community doubtless can do much to hold antisocial behavior in check. Social sanctions, concern for one's reputation, personal bonds—all are more effective deterrents to criminal behavior than one more policeman on the corner. Indeed, in small towns and rural America, where political and social integration seems to be higher than elsewhere in the nation, the major crime rates are the lowest.

Of course, the high crime rate in the city is probably partially due to a large population of the poor and underprivileged. But similar proportions of poor people living together in small communities do not begin to show the crime patterns of their city cousins. For example, the chief of police of Lawnside, New Jersey, a poor all-black town of 2500 people, reports that there is virtually no crime there, save for occasional rowdiness and disorderly behavior of "out-of-towners" who come in on weekends. The social patterns in this town seem to resemble small towns everywhere—they do not at all mirror the pattern of a similar racial and economic population in a big city. In urban neighborhoods which have experienced a strong community movement such as the area served by Mobiliaztion for Youth in Manhattan or the East Columbus Citizens Organizations, a favorable impact on crime rates has been reported, but the relationship has not been scientifically evaluated. Of course, the crime index of a sense of community. It would seem on balance, that developing a sense of community is a desirable goal in and of itself.

5. For Flexible Strength in Government—the Politics of Dissent.

I hold that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical . . . this truth should render honest republican governors so mild in their punishments of rebellions as not to discourage them too much.—Thomas Jefferson.

Lord Bryce, the tireless student of modern democracies, found that the most decentralized nation, the nation where small local governments were the most important part of the entire system—Switzerland—was also the most stable at all levels of government. His observations are still valid today. Conversely, in the United States, after a generation of governmental centralization, civil disorder has become commonplace.

Powerlessness and riots

The subject of civil disturbance has been much studied lately, but without careful examination of the relationship between political powerlessness and riots. For example, the Kerner Commission, and the various state groups reporting on the ghetto riots of the last half of the sixties all assumed, without providing proof, that conditions of poverty and prejudice caused riots. (This was before students started rioting in earnest.) These studies did not look at the political system itself, but focused on how the same old system could be patched up to improve the delivery of government services in poor areas.

This approach is well-intentioned, but it leaves several questions unanswered. Why aren't the poor always rioting? Why did the students take it up? Why did it occur in the late sixties? Why did it happen when the black were narrowing? Why were the worst ghetto riots often in areas where the black was "upwardly mobile?" Why are middle and upper class blacks sympathetic, if not supportive? Why are there not fewer riots where the city, state, or federal government has provided generous anti-poverty programs? What's all the talk about revolution? The obvious answer is that the disturbances should first be considered as political phenomena, before they are treated solely as a product of poverty.

The ones most likely to protest are those who most frequently are denied the opportunity of participating in the democratic process. It is certainly obvious that if one wished to organize a little rebellion now and then, the best recruit today would be either a black or a youth—representatives of the most disenfranchised groups in our population.

Shut it down

Why do people take to the streets? All but one of the ghetto riots began with some police-community incident that mushroomed into rocks, clubs, and bullets warfare, complete with the usual wartime pillagers and looters. The students, generally more organized, often have spokesmen, and "demands," before they move into more formal stages of insurrection. Yet there seems to be a common thread: these people have had exasperating experiences with the government (or university administration) which wields considerable power over their daily lives. When the exercise of this power is found oppressive, the black or the student may first seek constructive channels for redress, but these have evaporated. It is futile to try. The bureaucracy running their lives presents a chain of command in which power and responsibility is so removed that no one can be sure who is responsible, and the only sure way to reach the "powers that be" is to attack everywhere.

Assuming that civil disturbances are symptoms of discontent with the governmental process, the important question, then, is not how to *control* them, but how to restore the peaceful *constructive* channels of dissent that are *supposed* to exist in a democracy.

There are too few people making important decisions for the discontented. The system is too centralized. The city government, or the university, have treated the blacks, or the students, as subjects to be cared for, disciplined, directed, controlled. The situation is so bad that the most militant groups claim that they would prefer to tear down the existing institutions rather than improve or replace them.

Work within the system

Decentralization, as defined here, might provide a constructive outlet for the more restless, powerless people. It could provide these groups with an opportunity to attack their immediate problems in an orderly, responsible manner. It gives them clearer targets, the locally elected leaders, and an excellent weapon—the ability to vote for another candidate, or to sponsor a candidate. The necessity for government by demonstrations, peaceful or otherwise, would fade and the country might once again work towards realizing the full potential of a federal democratic system. Rather than alienating minorities, or younger citizens, the government would benefit from their energy, their ideas, and their active participation within the system.

The changing American scene—the eclipse of the individual

Assuming that strong local governments are essential to a healthy democracy, what is the prognosis for America today? It is true that over half of the population lives within local governmental jurisdictions of less than 50,000—rural areas or smaller cities. But almost one tenth of the entire population now lives in cities of over 1,000,000 and almost one fifth lives in cities over 500,000. In these large cities there is no effective "local" government. Contact with officials, with political processes, and with democratic nations is a difficult thing for all but the city elite. The individual feels severed from the sources of power. To combat this, in the largest cities, administrators have organized a vast array of community bodies in order to better serve the people, but few of these come close to providing the intimate contact between man and man, and man and politics that should exist at this level of government. In the city, government is a alien power, and politics is a dirty word. Politicians are a class unto themselves, to be held in suspicion. Participatory democracy has become a fading memory, except in a few quaint small towns and rural states.

Trend to bigness

For people living in cities, and to some extent, for people living in declining communities elsewhere, local government does not exist, or it no longer serves them as individuals. These people face great aggregations of power without the opportunity to participate at the ground floor of the national power structure. The effect is aggravated because not only governments, but almost all of the major institutions in the nation have become increasingly centralized, while the individual has lost power and authority within their structures. Fewer and fewer people own and control the income-producing capital of the nation. Union mergers have left a diminished number of labor leaders to serve as the collective voice of a much expanded body of workers. In the academic world, the large universities grow larger, and students more numerous, but the policy-making group has not expanded. Even the church seems to be controlled by national organizations rather than local congregations. Government bureaucracies have, of course, assumed a life of their own. They can manipulate and negotiate with the other major groups in the policy-making process to preserve their own position in the system, all without reference to the citizens they purportedly serve.

The real individual is eclipsed by the abstract mass man as these institutions grow more centralized. In the public sector, the reduced influence of the individual citizen may be demonstrated in many ways. The ratio of elected officials to citizens, for example, tells something about a single person's chances of ever becoming an elected official, having personal contact with elected officials, influencing them directly, or individually communicating a need to them. In 1787, the Constitution of the United States mandated that a congressman would represent 30,000 people. In 1970, a congressman represented 469,000 people. The chances for direct contact with a congressional representative have been reduced by more than ten.

The same has occurred in state and local governments. Town meetings, which permitted every townsman to come and vote on important issues, exist only in a few regions of New England. Today a majority of Americans look to big city government as their most immediate direct political contact. But here a handful of elected officials make decisions for millions of people, or in the case of New York City, about twice the number of people in the United States when the first Congress convened. Population has increased steadily while the governmental structure has either remained unchanged or has become more centralized.

Ballooning budget

To further reduce the effectiveness of a single voter, the largest, most centralized levels of government have expanded most rapidly. This, too, can be roughly measured. In the early twentieth century local governments in the aggregate were spending more than combined state and national governments. Federal spending did not overtake local spending until the early 1920's. Today the federal government spends over twice as much as state and local governments combined. The role of all levels of government, measured by relative purchasing power, has grown. Total government spending, once an imperceptible part of the gross national product, now accounts for 30 percent of it and over two thirds of this is controlled by the federal government (over 20 percent of the GNP).

No one can say at which point the trend towards increased centralization will destroy a free people. Therefore, men who value their freedom will be ever watchful that power and responsibility is never entrusted to the care of a few. Even now, the gradual centralization of the last fifty or sixty years has altered the concept of the American idea. Especially in large cities, the individual citizen has no immediate contact with government.

A New Republican Policy

The traditional Republican concern for government at the level closest to the people should make thinking Republicans become Urban Jeffersonians. But in recent years, Republicans have applied the "government of the people" principle only to urge more responsibility for state governments, as was the case in the proposed "Opportunity Crusade"—a poverty program alternative sponsored by House Republicans; in President Nixon's 1969 manpower program, where he directed the Department of Labor to reassign primary responsibility for federal manpower programs to state governments; and the 1968 Omnibus Crime Control Act, in which Republicans sought to require state management of crime control programs. This may have been appropriate in the past, for small rural states, where state government continues to be close and responsive to a vast majority of the people. State governments are small enough to permit citizen control and participation only in Alaska, Idaho, Maine, Montana, Nevada, North and South Dakota, Vermont and Wyoming, where no city is larger than 75,000, but state programs have an entirely different effect in New York, Illinois, Michigan or California. Here there are cities which hold double the population of the entire United States at the time of Jefferson; big city government is no counterpart to Jefferson's concept of a small "ward" government.

Too few Republicans have equated their own preferences for state's rights with the demand for community control in Harlem. Yet, population is a determining factor in an individual citizen's opportunity to become involved, or know someone involved, in the manipulation of political power. A program controlled by the state of Idaho or Vermont, or the community in Harlem would offer comparable self-determination for the people living in these respective areas. Or, to take another example, one autonomous school district in Harlem would be comparable to a state-wide school system in Vermont—where the citizens are resisting *regional* consolidation.

Although the growth of the economy and the population has affected the relationship of state and city governments to the individual, Republicans have not adjusted their philosophy to account for the change. It should be the task of Republicans, the historical defenders of "government by the people," to rehabilitate and modernize that concept for the circumstances of today. In other words, the party ought to reinterpret its philosophy to deal with changed conditions, and state the philosophy in terms that are comprehensible to everyone. Now is the time to start: throughout the nation, a growing fear of "big government" is coloring citizen response to national politics. The average citizen feels that things are getting out of hand. Young people feel there are no opportunities for them to assume a meaningful role in society. Minorities desire—and some demand—the opportunity to control their own destinies. Decentralization of political power should have universal appeal, except to those firmly entrenched in the centralized bureaucracies of the nation, for it strengthens the role of the individual and provides a chance for each to influence governmental decisions, at least at the local level.

The decentralization principle holds out a special promise for racial minorities. These groups now live in increasing numbers in large cities, where the smallest effective political unit, city government, has a population in the millions. Here, discrimination, poor education and lack of experience in government affairs effectively disenfranchise the urban poor. This *de facto* disenfranchisement leaves them vulnerable to gross manipulation by the power structure, and they know it.

Power, not handouts

To be sure, some minority leaders continue to see their needs in terms of welfare and jobs within the establishment, but a vigorous and growing segment has become concerned with power. The whole movement for community control in black and Puerto Rican areas of large cities, and the Indian occupation of Alcatraz, are manifestations of the new thinking. Here are the natural allies of the new Republican.

The creation of community governments would give racial groups control at the community level, although they are a minority city-wide. For many blacks, Puerto Ricans and other minorities, direct contact with government would become a real possibility for the first time. Obviously, the concept is extremely popular among most inner-city minority populations. Today these people can act only as a pressure group, and in coalition with others, because the body politic is usually large.

Black leaders, for example, are aware of this aspect of the centralization-decentralization alternative. Metropolitan consolidation, frequently advocated as a way to shore up the revenue base of the city, would probably be opposed by many black leaders. To them, consolidation (a form of centralization) will dilute the black vote just as it is about to become a majority. For example, resistance to merger of St. Louis and St. Louis county, a plan rejected overwhelmingly by Missouri voters in November, in 1962, was due in part to political considerations by local leaders who feared they would lose their power base. Black leaders, especially, feared a dilution of their political power both in St. Louis and in Miami, where a consolidation move was successful. Conversely, one wonders why consolidation is suddenly so popular among whites in Gary or Hartford—when it was given a cold shoulder just a few years before. Metropolitan consolidation and centralization is a good way to squelch the nascent political power of racial minorities.

Urban Jeffersonians

In suburbia and in rural areas—where most Republicans live—people have resisted consolidation as much if not more than city blacks. This may be due in part to racism, or to fear of higher taxes, but conceivably the suburbanite or the small town denizen also instinctively desires to keep the size of his local government manageable. Consolidation is resisted as vigorously in racially homogeneous areas, such as Vermont, Delaware, Iowa or Washington.

In conclusion, it seems time to turn the slogan "states rights" into the slogan "Community rights." In fact, forward-looking Republicans have begun to adapt Jefferson's scheme for government to urban areas. In large cities, where immediate and intimate contact with government is difficult, they are urging organization of community and neighborhood political units capable of exercising genuine, well-defined governmental powers vis-à-vis local matters. Backers range from Charles Goodell and several House Republicans who opposed the Green Amendment (to transfer control over the community action program from communities to city governments), to Slade Gorton, Attorney General and Lud Kramer, Secretary of State of Washington, who separately called for community districts with specific governmental powers in Washington's large cities, to John Sears, Republican mayoral candidate in Boston, who adopted a neighborhood-by-neighborhood approach to his city.

Republicans with an eye to the future should constantly seek to find new ideas and new programs that will promote individual action, self-determination and a wide dispersal of power among the people. This is the direction most befitting the party's history and tradition.

In the 1968 campaign, President Nixon promised to organize a new Hoover commission, but this time, to give it a mandate to develop a strategy for restoring governmental powers to local governments. If this mandate is carried out without also examining ways of creating community-sized governments where they no longer exist, the Republicans will have failed the millions of Americans who live in these areas. Of course the process is slow and often difficult, but a national policy could take shape. More importantly, much can be done at the state and local level to create genuine community governments. Time will tell if Republicans are able to respond adequately to the changing conditions of an urban America.

The non-existence of a genuine community within the nation's large cities, and the gradual decline of community power elsewhere pose serious threats to liberty, to individual initiative and development, to human and personal conduct of government affairs, and to the security and stability of the nation. Of course, no one would seriously advocate complete balkanization of the nation into thousands of small local governments, but there is a place for communities within the federal system. Political decentralization in the city would go far in reviving community spirit and individual action where people are now largely apathetic and alienated. But it must be done in a way that enhances community development: it must recognize existing communities in the large city (Harlem, the Bronx Park community, Hyde Park) and it must give the community meaningful and relevant powers and functions. Of course not every city function can be decentralized, but there are many vitally important areas—education, recreation, youth programs, law enforcement, to name a few—where a smaller community can adequately serve in an important capacity. In fact, some of the most severe and pressing problems of today are essentially community-level problems—mental health, delinquency, ignorance, apathy, unrest.

In this article, I have not focused exclusively on decentralization as it affects racial minorities, or the poor. This is contrary to most of the prevailing rhetoric advocating decentralization, but it is done with a purpose. The basic goals of political decentralization are not limited to any racial or economic groups; they should apply to all. Nor have I discussed the potential of decentralization for increasing efficiency and responsiveness in government, for I believe that that issue is debateable and depends on the function to be decentralized, the government structure and the citizens themselves. Nor have I discussed the desegregation-decentralization conflict. Finally, I have not discussed the many federal and local efforts to encourage citizen participation in various programs. These are all complex issues, and must await treatment in separate papers. The point to be made here is simply this: we need a decentralized power structure—for freedom, for a sense of community and for stability. That should be sufficient justification for a major effort in seeking out and implementing plans that can redistribute political power in the nation.

END OF PROGRAMS RUN BY THE POOR FORESEEN UNDER NIXON PROPOSAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. FRASER. Mr. Speaker, in this morning's Washington Post, Nick Kotz has provided a disturbing account of the Nixon administration's efforts to dismantle the poverty program. According to Kotz, these efforts will only be intensified if the administration's special revenue-sharing plans are approved.

I am including the Post article at this point in the RECORD:

END OF PROGRAMS RUN BY POOR FORESEEN UNDER NIXON PROPOSAL

(By Nick Kotz)

Last year the Nixon administration closed the Memphis antipoverty agency, citing excessive conflict between city hall and the programs militant leaders. Now black youths who formerly ran the program's self-help clothing business meet behind a locked door marked "White Man Keep Out."

In the Mississippi Delta, the administration recently suspended funding of two black-directed Head Start programs, maintaining they would be operated more efficiently by groups controlled by local white officials. As a result, several hundred black Head Start employees have lost their paychecks and may lose new homes they bought to replace plantation shacks.

These local developments provide a foretaste of what may occur on a national scale if Congress adopts one of President Nixon's revenue-sharing proposals, which would take $1.5 billion that now goes directly to 926 Community Action programs and give it instead to state and local governments, starting in 1973.

These governments would not have to continue funding Community Action—the seven-year-old experiment designed to involve minority groups and the poor in running programs created to help them. Federal regulations currently require local officials to share authority over the programs with citizen groups and the poor.

The Nixon administration is opposed to giving funds to agencies that battle with regularly elected officials. It also sees benefits from cities and states having freedom to set their own spending priorities and contends they could administer the programs better than the less experienced poverty groups.

But Community Action supporters see other results: the end or sharp reduction of many programs, with diminishing of "maximum feasible participation by the poor" in those that do remain.

They cite several reasons. First, Community Action agencies have often clashed with local governments on such issues as welfare payment levels. Second, control of the money means control over job patronage, the agencies now hire a total of 100.000 men and women, most of them poor and from minority groups. And third, even with the best of intentions cities and states would be under pressure to use the poverty funds for such politically urgent demands as schools, housing and police protection.

Federal support has already been withdrawn, or is scheduled to be withdrawn, from a number of poverty agencies around the country, with results that could represent a preview of what is ahead if the President's plan takes effect.

THE CASE OF MRS. SMITH

Independent funding of programs operated by the poor was dramatic in such states as Mississippi, where poor blacks previously were without economic, political or organizational power.

"To me this program has meant everything," says Mrs. Frances Smith, 40, who started as a teacher's aide in Bolivar County, Miss. Once a 10th grade dropout, she passed a high school equivalency test and is taking college courses. Today she is director of a Head Start center in a program which this summer will lose control to local white officials.

"Instead of going across the tracks to care for white people's kids for $15 a week," she says, "we are doing something for our own people."

Mrs. Smith makes $85 a week which, when added to her husband's sporadic earnings as a construction laborer, "means we are buying milk, eggs and bacon for our four children for the first time."

"We would lose everything—our homes, our belongings, all our hopes for the future," says Mrs. Smith.

For the Joseph McChristian family in Holmes County, Miss., the Head Start program has permitted them to buy a $12,500, 3-bedroom, red brick house with a Farmers Home Administration mortgage requiring $91 monthly payments. This was formerly beyond their wildest dreams, even though McChristian sought work as a carpenter by day and was a dirt farmer by night. The difference: his wife's $90 weekly salary as a Head Start supervisor. Her regular OEO paycheck convinced the FHA to grant the mortgage.

"We were living outside before," says McChristian, using a southern black expression referred to a porous plantation shack. "You know the big difference? With heat and running water, the kids leap up to go to school. In the other house, they were too cold to get out of bed."

HOME LOSS FEARED

With suspension of funds to the independent Holmes County program, Mrs. McChristian has lost her Head Start check, and the McChristian family worries that it will lose its new brick home.

Impoverished blacks have gained more than income and technical skills from independent funding of OEO programs. They often have developed independent political power that for the first time influenced the dominant white, affluent communities in which they live. This has happened in a number of cities around the country and it has happened in some of the most rigid white communities of Mississippi.

"Black people never had too much to do with each other before," McChristian says of Holmes County. "They were afraid to discuss things. We have learned to trust each other and work together."

Brought together by their own Head Start program and protected by the independent funding, Mississippi blacks have used the resulting organization to win other benefits from the local political scene, such as access to welfare, hospital care, low-cost housing and the right to vote.

SOME WHITES ADJUST

White leaders, to a limited degree, have started to accommodate the new political cohesion of blacks. A white storekeeper in Holmes County reversed his position as an opponent of the black Head Start program and became an enthusiastic supporter when the newly organized blacks indicated they might boycott his store. The same man was an elected supervisor of the county; he became convinced that the previously unorganized blacks now had the power to threaten his reelection.

The poverty agencies also have produced leaders who went on to gain power within conventional community politics. Robert Clark, of Holmes County, became director of an OEO program for seasonal farm workers and, building on that experience and his following, was elected as the only black member of the Mississippi state legislature.

Similar stories of launching into political power from a poverty program are found in other parts of the country. Among the beneficiaries: Parren Mitchell, a college professor who became a leader in a Baltimore poverty agency and then was elected as a Democratic member of the U.S. House of Representatives.

Among the strongest factors in the trend to put poverty agencies under control of city halls and state houses is the history of conflicts of the agencies with their local governments. The Nixon administration contends that it is irrational for the government to give financial support to one agency that fights against regularly elected officials. Many politicians, including Democrats, agree.

George Romney, Secretary of Housing and Urban Development, said recently that liquidation of OEO's Community Action programs is part of an overall plan "to put an end to the idea that a private citizens' group can veto the elected representatives of the people."

The trend toward local government takeover of federally financed Community Action programs began during the Johnson administration, when Congress authorized greater local government control. But it has accelerated the last two years.

Under President Nixon, OEO has emphasized administrative efficiency, the provision of services (rather than community organization of the poor to get needed services), and, above all, cooperation with state and local officials.

The Nixon administration, as have other critics, points out that many antipoverty agencies have been characterized by chaotic administration. Many have lacked clear goals, torn between the often conflicting role of coordinating other government social service agencies and organizing the poor to protest inequities in these same agencies. And in some programs, fraud has been uncovered.

REPLIES OF SUPPORTERS

In answer to these criticisms, supporters say that incidences of fraud are no greater than in businesses, including prestigious national corporations, and in city halls and statehouses. Disorderly administration was inevitable, they say, as the uneducated poor tried their hand for the first time in the white-collar world of offices and budgets. Of conflicts and shifting goals, supporters reply that institutional change is never painless and neatly executed.

Supporters stress that the programs were specifically created because of the failure of state and local governments to meet or even to recognize the problems of the poor. OEO advocates blame limited progress in erradicating poverty on: insufficient, Vietnam-drained funds that never matched promises; the inability of a new, weak agency to coordinate or reshape powerful, long-established government institutions, and a failure of the sponsoring Johnson administration to couple the Community Action concept with adequate income-maintenance and job programs.

The 926 Community Action agencies provide health care, food assistance, day care, manpower, legal aid, community organization and other services. Since 8.1 million of the 10.4 million program participants and a majority of the 100,000 program jobholders are from minority groups, the fate of these agencies has significant civil rights implications.

OEO Director Frank Carlucci explained in an interview why he cuts off Community

Action agencies' funds if local elected officials are flatly opposed to programs and are hostile to the poor: "You need a community response to make a program work. When a community doesn't respond, you have to make a decision. You put your seed where it can flower. That may seem a heartless approach, but with limited money, I want to put it in where it can do the most good."

FRICTION A KEY

Consequently, Carlucci (as did his predecessor, Donald Rumsfeld) has cut off programs where he feels that Community Action by the poor has produced excessive friction between the poor and city hall. Recent fund cut-offs of programs in cities like Memphis and the suspension of the independent Mississippi Head Starts' funds are cases in point.

The Nixon administration has ordered the independent, black-operated programs in Bolivar, Sunflower and Holmes counties to accept the full control sought by county antipoverty agencies dominated by white political and economic power. Funds of the Sunflower and Holmes programs already have been suspended because program leaders, employees, and parents of Head Start children have refused to join the other programs, fearful that loss of new-found jobs and independence would result.

The Nixon administration says it has ordered the black Head Start programs to come under complete control of local agencies to achieve increased economic and administrative efficiency.

But in the eyes of blacks, the Nixon administration, as part of its Southern political strategy, is finally permitting the white power structure to take over programs whose formation the whites could not prevent seven years earlier.

HEAD START PROGRAM

The struggle for control is particularly intense because the Head Start payrolls represent a principal source of buying power in the poor rural counties, exceeded in federal aid only by large subsidy payments to major plantation owners. Illustrative of the struggle in Sunflower County, suspended and now penniless black Head Start employees have applied for food-stamp aid only to be told by the county welfare office that they are ineligible because jobs were available to them in the other white-dominated program.

Meeting with HEW officials recently, Amzie Moore, chairman of the Bolivar County Head Start program, recited the history of the Mississippi programs and what they meant to blacks.

He told how Mississippi's state and local officials first refused to participate in any of the 1964 antipoverty programs. Led by Mississippi Democratic Sens. James Eastland and John Stennis, the state bitterly fought against the proposal to let blacks and white supporters operate independent Head Start programs. Later, the three Mississippi counties created their own antipoverty agencies in order to seek control of the independents. On a yearly basis, the last three Mississippi governors have vetoed at least one of the independent programs, only to be overridden by OEO.

Moore also told how Head Start leaders were regularly threatened and had their buildings and homes burned.

"FIRST-CLASS CITIZENSHIP"

"You'll put us back where we were before 1960," Moore argued. "We need time to reach people, to get economic power. No one wants to perpetuate a program for the sake of it, but if you take this away, we won't have anything. We can't afford to compromise at this point—the sunrise of the 21st century—for anything less than first-class citizenship."

The regional HEW officials, both black, listened silently, but then stressed again that good administrative and business procedures demanded that his program be absorbed to eliminate duplication of services and jobs. Not finished fighting (appeals are now being made on all three programs) but contemplating the ultimate choices that may face him, Moore said bitterly: "Yeah, I'll cave in. I'll crawl if it's going to save those peoples' homes and those jobs."

Compromises by black antipoverty leaders are too late in Memphis. OEO Director Carlucci said funds were cut off last year because "there was unnecessary conflict" between black program leaders and local government officials.

The sequence of events in Memphis roughly parallels that in a number of other cities.

When Washington Butler, a black and a former atomic chemist, arrived in Memphis to become director of the antipoverty program, he came equipped with Ivy League suits and enormous confidence that he could commence to work for meaningful programs. But after two years of planning and politicking by the agency, militant blacks complained that the program had done little to touch the core of ghetto problems.

BEARD AND DASHIKI

At this point, Butler identified himself with efforts at pride and self-reliance by the ghetto residents. Along with his top aides, he grew a beard and donned a dashiki. He formed a series of self-help ghetto enterprises called the "black arcades," which manufactured dashikis and pottery and operated retail grocery and record stores.

From that moment on, local white officials considered the program menacing, associating dashikis and self-help businesses with "black power." With the encouragement of the city, OEO cut off funds for the program.

A new, smaller program, tightly controlled by city government, is now being funded by OEO.

Instead of offering young blacks "hopes within the system," Butler says, the city has driven them further into isolation. The blacks involved in the self-help enterprises now meet behind locked doors and react to inquiries with suspicion and considerable hostility.

RURAL EFFORTS IMPERILED

OEO director Carlucci has stated repeatedly that he expects local communities to use their revenue-sharing funds to continue Community Action agencies. He acknowledged in an interview, however, that many of the 496 rural agencies might have difficulty winning local support because rural areas generally are more conservative and lack the structure of social service programs that are an accepted part of city life.

But he stressed that "good urban programs" would not have trouble surviving. He cited programs in Chicago, Boston and 20 other cities given superior OEO ratings.

However, directors of some programs cited by Carlucci as outstanding are much less certain of the future. For example, he praised the Compton-Willowbrook program, one of five in Los Angeles County.

The OEO rating report cited this program for "excellent relations with city government, excellent political contacts, and excellent grass roots support"—all seemingly perfect qualifications for local support.

Yet program director Leroy Hayes said that city and county governments of an area with more population than 37 states have given only $50,000 annual support to the poverty programs.

"If we are going to be relying on local government or even the local citizenry to come up with a lot of money," Hayes told a Senate subcommittee, "that would put a lot of us out of business."

COMPETING NEEDS

Government and civic officials from Boston, Chicago and New York stressed that competing government needs would take precedence over the Community Action agencies, with resultant weakening or dissolution of them. A Washington Post random poll of 10 agencies given the highest ratings by OEO showed that 9 of 10 felt their programs would be hurt or destroyed.

The nation's mayors, in a new study prepared for OEO, take a middle position. The mayors indicated that they support general revenue sharing, but also favor a vastly expanded OEO program.

Their report, "The Mayor and Economic Opportunity Programs," prepared by the National League of Cities and U.S. Conference of Mayors:

Favored doubling community action funds, while the administration budget proposes to cut them.

Opposed the administration's proposal to increase the local share of program costs from 25 to 30 per cent.

Called for a five-year extension of the OEO program. The administration is asking Congress for a two-year extension, as a transition to its revenue-sharing plan, when OEO would be left as a research and demonstration agency.

In criticizing the Nixon revenue-sharing plan, the Urban Coalition, League of Women Voters and 25 other groups said they had little confidence that state and local governments now would respond voluntarily to the needs of the poor.

Despite the sentiments of these groups few members of Congress are rushing to OEO's defense.

The situation in Mississippi, which still has the worst poverty in the nation and the weakest state-local government response to it, confirms the concern of poverty program advocates. State and local officials acknowledged in interviews that continuation of present antipoverty programs would have extremely low priority in the event of revenue sharing.

Viewing the prospects ahead and expressing the thought of many Mississippi blacks whose hopes were raised by civil rights and antipoverty programs, Bolivar County's Moore said of revenue sharing:

"The Nixon administration is turning the money and program back to the same people who have kept us in slavery for 350 years."

A FRESH LOOK AT MANPOWER-EMPLOYMENT LEGISLATION

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. QUIE. Mr. Speaker, I insert in the RECORD a paper on the manpower-employment dilemma. It was prepared by Sar A. Levitan and Robert Taggart III of the Center for Manpower Studies at the George Washington University. The paper was presented to the National Conference on State and Local Manpower Policy Planning which met on April 30 in Salt Lake City.

This paper outlines the administrative difficulties, the lack of political accountability, and the difficulties of adjustment to different levels of employment which plague our manpower programs.

One of the most valuable aspects of the presentation is the suggestions it outlines for compromises which could help overcome the legislative quagmire which has stalled constructive bipartisan action by the Congress. For this reason, I hope that all Members of Congress who are interested in manpower-employment policy will give this article close examination:

REVENUE SHARING, PUBLIC EMPLOYMENT, AND THE REFORM OF MANPOWER PROGRAMS

(By Sar A. Levitan and Robert Taggart III)[1]

THE NEED FOR ACTION

The need to overhaul and reform our manpower efforts is generally recognized. The federal government now spends more than $3 billion to provide a wide range of labor market services to those who need help in finding or better preparing themselves for civilian work. These services are delivered through a number of separate categorical programs including the Manpower Development and Training Act, the Job Corps, New Careers, the Work Incentive program, the Neighborhood Youth Corps, Job Opportunities in the Business Sector, and others which were added in the 1960s to the older vocational education and rehabilitation programs and tne federal-state Employment Service. These combined efforts provide needed assistance to millions of Americans, as manpower services have assumed an increasing place in the agenda of public responsibilities. Nevertheless, there is widespread agreement that the manpower effort falls far short of accomplishing what it could and should.

Those who are close to the programs are keenly aware of their administrative difficulties. Operated by a variety of agencies at the federal, state, and local level, the programs are aimed at differing clienteles and needs, varying in their eligibility standards, benefit levels, application procedures, and methods of delivery. There are some 10,000 separate contracts between federal officials and public or private delivery agencies. Because services are fragmented and freqeuntly uncoordinated, clients are often unable to find the assistance they need. Some of these difficulties are the inevitable result of designing and implementing experimental social programs, but many problems result from the underlying philosophy of the manpower efforts—the centralization of authority at the federal level. While only part of one program, the Job Corps, is operated directly by the feds, the others are administered by state and local groups under detailed federal regulations and theoretically under close oversight. Funding comes with many strings attached, and the operating agencies have little flexibility. Centralized administration has too often resulted in the Procrustean solution of forcing all local efforts into rigid programmatic forms.

There is a more abstract but equally inimical aspect to this situation. The reins of power are gripped by federal officials and the bureaucracies which administer the programs at all levels with little political accountability for their decisions. At the national level, most manpower legislation has drawn bipartisan support. Congress has established overall priorities, but its committees have been able to devote only cursory attention to administrative oversight. At the state and local level, there has been almost no accountability because elected officials have not been drawn to participate actively in manpower programs, and they have relied upon the feds for the monitoring of projects. Most of the decisions left to local agencies have been highly technical and have usually been made by the employment service or the state vocational education department. These agencies are remarkably free from political control and they operate normally as self-sustaining bureaucracies. The experiment with "maximum feasible participation" by the disadvantaged was relatively shortlived, and concerted attempts were made to transfer power back to the functional bureaucracies. In other words, the public has had very little chance to participate in the decision-making process, with little control over priorities or program operations.

Complicating matters is the current economic slump. The manpower programs were designed for and implemented under favorable economic conditions. Labor markets were extremely tight in the final half of the 1960s generating a need for additional workers which made it easier to find employment for those who were helped. But the recession has made jobs scarce and new manpower approaches and priorities are needed under current conditions. Certainly a public employment program of some sort assumes prime importance when private sector jobs are not available. But other changes are also necessary if the manpower programs are to operate effectively in a slack economy.

If the above observations are valid, there are three major reasons for reassessing and overhauling the manpower effort that expanded during the past decade. First, administrative reforms are in order to reduce red tape, delay, wasteful overlap, and inflexibility. The goal is to improve program efficiency. Second, decisionmaking is too centralized at the federal level, and too concentrated in the hands of functional bureaucracies. Decentralization is needed to strengthen political accountability and when feasible to enhance grassroots participation. Third, the manpower efforts are geared for tight labor markets. The need is to adjust to a changing economic environment, with different approaches to provide jobs for the recession's victims.

THE DIVERGENT PATHS

Any one of these reasons is adequate justification for overhauling the manpower effort. But each suggests a different path of reform, and it is difficult to compromise the divergent interests.

For those who are most concerned with the technical and administrative problems of the manpower programs, the generally accepted goal is one-stop, individualized service. Ideally, the client should be able to get all the help he requires through a single, easily accessible local agency with the capability to assess his needs and to purchase or provide all the prescribed manpower services.

This ideal, however, remains elusive and proposed changes, to be acceptable, must balance competing interests. Cities are wary of state authority and demand automatic pass-throughs of funds, while local community groups that receive direct federal funding fear control by the mayors or governors. Vested interests at all levels, especially the bureaucracies who presently administer the programs and possess most of the needed expertise, can be expected to defend their turfs. Even if the separate manpower services could be coordinated for one-stop delivery, there is no assurance that any group would provide the sympathy, understanding, and knowledge required for individualized attention. Agencies that speak for and to the clients of manpower services are usually in opposition to those that represent the "establishment" and can deliver the goods. While the present administrative structure of the manpower programs only widens this dichotomy, the differences are fundamental and not easily resolved.

Of course, Congress could attempt to resolve the most obvious administrative deficiencies that beset the manpower efforts. But there is no great public pressure for reform, and few members of Congress care to invite a confrontation with the varoius vested groups that are "involved" in manpower programs. Any improvements must, therefore, come about from a compromise among the interested parties. Though voluntary agreements are welcome, they will not eliminate all, or even most, of the administrative problems of the manpower programs. Legislative reforms can and should be made; but by the time all safeguards, pass-throughs, and exceptions are introduced to make the legislation acceptable to a plurality of interests, the changes will have little political appeal and their substantive impact will be minimal. Reform cannot offer immediate or complete elimination of administrative problems; no group will be completely satisfied with any compromise; and the purposes are so complex that the public at large will not be moved. On the other hand, no bill for revenue sharing or public employment will be acceptable to the proponents of reform unless it promises improvement in the administration of the manpower programs and makes the necessary compromises between competing interests. Administrative reform is apparently a necessary but not sufficient condition for legislative action on the manpower front.

Those concerned with the increasing centralization of government and the inability of states and localities to meet their financial responsibilities find the sharing of federal revenue an appealing solution. The Nixon administration has proposed a general purpose distribution of federal funds, initially at the rate of $5 billion per year, plus six special revenue sharing programs totaling $11 billion for broadly earmarked social purposes. Funds allocated to manpower training (exclusive of appropriations for vocational education and vocational rehabilitation) would total $2 billion. These shared revenues would be distributed to state and local governments on a formula basis for their essentially discretionary use in the provision of manpower services.

Manpower revenue sharing promises administrative improvement over present efforts, but this is only one of its purposes. Likewise the revenue sharing approach is only one of the many possible paths to reform. Proponents argue that state and local governments can administer manpower programs more effectively than the feds because of their closer proximity to clients' needs and local conditions. But an even more important reason for this transfer of authority is to place power into the hands of those who are politically accountable, so that the "community" will have more control over its government. Political accountability, however, does not necessarily insure administrative effectiveness. For this reason manpower reformers may not necessarily agree with advocates of revenue sharing, and vice versa.

Concern with the continuing high levels of unemployment has led some to consider public employment a top-priority measure that should precede action aimed at improving administrative efficiency or arrangements that deal with political philosophy and the relative responsibilities of federal, state, and local officials. Although they may recognize the need for administrative reform, especially in light of the changed economic environment in which the manpower programs must operate, they tend to feel that this can wait until the current, more urgent needs of job creation are met. And though they may agree with the principle of decentralization, advocates of public employment will support reformor revenue sharing proposals only if they are assured large-scale public job creation.

The situation is further complicated by the fact that each of these divergent paths has numerous alleys, so that the political map is checkered with positions representing various views on revenue sharing, reform, and public employment. On the issue of comprehensive manpower reform, four major proposals were submitted in the 91st Congress, varying in the degree of decentralization and decategorization, as well as in their provisions for public employment. A Senate passed version stressing public employment and reorganization but little decategorization had to be compromised with a House bill putting stress on administrative reform and a greater degree of decentralization and decategorization. The Senate version won out, but the bill was vetoed by the President. He objected to the fact that the programs were not decategorized, that the states and localities were not given enough authority, and that the authorized public service jobs would become permanent "make-work" sinecures.

---

[1] This paper is part of a continuing evaluation of manpower programs supported by a grant from The Ford Foundation to The George Washington University's Center for Manpower Policy Studies.

A raft of alternative manpower proposals were submitted for the 92nd Congress. Three separate public service employment proposals were introduced in the House and one in the Senate. Separately, the administration proposed the creation of 200,000 jobs for relief recipients under its welfare reform measures. These various proposals differ significantly in the size of the authorization and in the types of jobs that they would create. In addition, the administration's Manpower Revenue Sharing Act would permit transitional public employment, categorical programs, out of shared revenues, but is chiefly concerned with the decentralization of revenues and authority. The 92nd Congress is still young and more proposals are likely to be added.

A guidebook is needed to follow the complex legislative developments. The Manpower Revenue Sharing Act would sharply curtail the federal role in manpower efforts, passing authority to governors, mayors, and county court houses, with federal responsibility largely limited to supplying the funds. At the opposite extreme, Congressman James O'Hara and Senator Gaylord Nelson favor public employment, categorical programs, and federal control. Probably representing the majority in both the House and Senate, they insist that action on public employment should precede all other manpower legislation. A number of other Congressmen have staked out intermediate positions, while Senator Jacob Javits and Congressman William Steiger have labored diligently but fruitlessly to compromise these proliferating views and divergent interests.

A variety of lobbying groups are also involved. Generally, the mayors support both revenue sharing and public employment; their needs are so critical that they will accept money from anywhere. The governors have not mobilized very effectively, but the National Governor's Conference endorsed legislation which would have given them greater responsibility for manpower. The AFL–CIO strongly supports public employment and is opposed to reform measures that would weaken federal control. Representatives of various agencies, such as vocational educators in HEW, have pushed to retain their present role. The Chamber of Commerce of the United States has spoken in favor of a comprehensive reform bill, but not surprisingly opposes the initiation of any new categorical public employment effort.

The intricate maze of conflicting interests must be balanced if any manpower legislation is to be forthcoming. While the interplay of personalities and lobbying groups will have much to do with the eventual developments on the manpower front, the issues themselves must be discussed and resolved if a compromise is to be reached.

THE CRITICAL ISSUES

There are many weighty issues hidden in the technical language of the manpower proposals. The most formidable obstacle to compromise centers on the nature of public employment. There is wide agreement that, with the currently high levels of unemployment, the government has an added responsibility to provide employment for those who are forced into idleness by adverse economic conditions. The controversy is over the types of public jobs which should be created. The administration's position is that increased public service employment should be transitional, leading to "real" jobs in the public or private sector. To this end, the Manpower Revenue Sharing Act would put a two-year limit on participation by any individual in the program. Most proponents of public employment, on the other hand, oppose such a restriction because they want to create "meaningful" positions which will absorb the structurally as well as cyclically unemployed, putting them to work in useful public service alongside other public employees. Whichever view is taken, the two-year limit is arbitrary and has become a critical issue because of the rigid stance assumed by the administration in vetoing the Employment and Manpower Bill of 1970. The administration presumably seeks to insure that every reasonable effort is made to train and place those who have special difficulties, utilizing and developing their talents fully rather than letting them idle in "make-work." But if workers are to be placed in unproductive jobs, then the two-year limit is obviously excessive and every effort should be made to prevent the waste of manpower before it happens, instead of waiting for two years until the employee is discharged. On the other hand, there is wide agreement that employment must be found or created for public assistance recipients, as suggested by the administration's proposal for the creation of 200,000 work-relief positions. The two-year rule will not insure training, nor will it obviate the need to help those who cannot be trained. The administration's rigidity on this point is inconsistent with its position that states and localities can best decide the types of public employment which they need. Revenue sharing cannot start out with restrictions on local decisions. It might also be embarrassing to ask Congress to limit tenure on federal payrolls to two years.

Decategorization is a much more substantive issue. It is obvious that too much emphasis has been placed on programs rather than the services which they provide. Rules and reporting procedures have been formulated for each categorical effort, and there are gaps and overlaps in coverage. But despite the fact that decategorization could permit more individualized service and a better coordinated delivery, proponents of categorical programs argue that the present system provides built-in controls by allowing comparison of performance among similarly funded projects. Such comparisons would not be feasible if categorical programs were eliminated and each locality's efforts assured a distinct purpose and form. Suggestive is the fact that the knowledge and improvements generated by the federally-operated Job Corps probably exceed the insights gained from the much larger and older vocational education program, whose administration is decentralized to the local level. Oversight and control become more difficult once decategorization has occurred and guidelines and reporting procedures for specific programs are abandoned.

Most of the opposition to decategorization of programs has been generated by self-interest, real or imaginary. Clients, sponsors, and administrators of the various programs have a vested interest in their continuance. The potential, but unproven, benefits of decategorization do not carry a great deal of political weight when balanced against the rigid opposition of those involved in existing efforts. Thus, despite its promise, decategorization has practical and political drawbacks which militate against any sudden change in this direction.

Another crucial issue concerns the ability of state and local governments to plan and direct manpower efforts. While it is true that mayors and governors are closer than the Washington officialdom to the problems which must be met and that they have greater political accountability, there is no assurance that they have the expertise or the power to provide leadership on the manpower front. There is no monopoly on ability at the federal level, but it is generally true that state and local salaries lag far behind federal and private pay scales, tending to attract less qualified personnel. More significantly, though the mayors and governors have much power in theory, many of their policies are dictated by functional bureaucracies or else by pressure from local vested interests. Whether mayors and governors will assume greater leadership as more resources are channeled through their hands is debatable.

The fact remains, however, that up to now state and local governments have had only limited responsibility in designing and overseeing manpower programs. They cannot be expected to step in and administer such efforts without serious difficulties. It took most of the last decade to hone the federal manpower tools to their present level of effectiveness, and while county officials, mayors, and governors can learn from this example, they cannot entirely avoid repeating old mistakes and many communities will experiment with approaches that have little potential pay-off. It is legitimate to question the impact of any sudden transfer of authority into local hands.

A closely related issue is that of maintaining federal priorities. Decategorization will reduce the potential oversight of the feds, while decentralization will purposefully eliminate control from above. The explicit intent of revenue sharing is to move decision-making authority to the state and local level. But some control must be retained. There are cases where federal priorities are obviously contrary to those at the state and local level. There are certain functions, such as research and development, that are more effectively performed at the national level. There are some programs, such as Job Corps, which may require federal administration. And there must be some oversight to insure that shared revenues are used for their intended purposes—that manpower funds are used to provide manpower services rather than to build housing or stock ponds. The critical issue is the degree of control which will be retained. The Manpower Revenue Sharing Act would distribute 85 percent of all funds with no strings attached, retaining 15 percent for federal use. If 25 or 50 percent were retained or if more careful restrictions were placed on the use of shared funds, the implications would be far different. The need for decentralization must somehow be balanced against the need to maintain federal priorities.

Another thorny issue is the distribution of decentralized authority. States and city governments both want more control, while nongovernmental groups, such as community action agencies, are wary of any transfers of power to the elected officials. The legislative proposals that led to the manpower bill vetoed by the President last year contained markedly different conceptions of the proper distribution of authority. One stressed the role of the governors; another gave the U.S. Secretary of Labor authority to contract directly with any governmental or private organization; another attempted to divide control between governors and elected local officials by utilizing a complex system of pass-throughs, but retained considerable federal authority as an active partner in manpower programs. The vetoed measure designated counties or combinations of local governments with a population of more than 100,000, or cities over 75,000, as prime sponsors, eligible for automatic pass-throughs of funds allocated to the states. The governors did not express active interest in assuming greater manpower responsibility and states were given only the small piece of the pie that was left over after the counties, cities, and combinations of local governments took their slices. The Manpower Revenue Sharing bill accepted the 100,000 cut-off, providing some incentive funds for the establishment of metropolitan-wide sponsoring groups.

Whether or not this provision will become a point of controversy remains to be seen; but it seems that the proposed distribution of manpower responsibilities between state and local levels is a reasonable compromise of the major alternatives.

A final and very essential issue is the amount of additional funds which will be provided under any new manpower legislation. The administration's revenue sharing proposal would authorize an additional $435 million of annual federal outlays above current outlays of $1,565 million, and an automatic 10 percent increase in funds whenever the unemployment rate exceeds 4.5 percent for three consective months. The Senate approved Emergency Employment bill (S 31) authorizes $500 million for this purpose and an additional $100 million for each one-half percent rise in unemployment over 4.5 percent. Though there is general agreement that manpower funds should be increased when unemployment rises and though debate has centered on the purposes rather than the levels of increased funding, this matter will become critical if other differences can be resolved. Needless to say, pressure will be mounted by the states and localities against any future cutbacks, even with economic conditions improve. In determining the amount of countercyclical increase, therefore, provision must also be made to reduce outlays when economic conditions improve to enable state and local officials to plan their noncyclical manpower efforts.

In trying to compromise divergent interests—integrating manpower reform, public employment, and revenue sharing proposals—all of these issues must be faced and resolved. While it is a fact of political life that compromises are reached by balancing vested interests, any successful agreement will need to deal with all the major problems.

A WORKABLE COMPROMISE

The logjam on manpower legislation is the product of rapidly shifting interests and concerns. In turn, bills have been discussed on comprehensive manpower reform, public employment, and now revenue sharing. This process is akin to leveling a chair by sawing down one leg after another. There can be no satisfactory agreement unless the three basic issues are attacked together and unless, in the process, there is a true spirit of compromise. If this spirit can be attained, grounds for agreement can be easily hammered out. Until last year manpower legislation achieved a remarkable record of bipartisan support.

One path to compromise is the incremental introduction of revenue sharing. The administration's bill promises $4.6 for every $3.6 now available under the Labor Department administered manpower programs, along with an automatic 10 percent boost in funds when unemployment is about 4.5 percent. All of this, except for the 15 percent retained by the feds, will be turned over to state and local elected officials. Instead of distributing the entire amount, the revenue share could be limited to the added dollars plus the automatic boost. More funds could be added during a recession by extending the trigger mechanism and raising the automatic federal contribution when unemployment rises above 4.5 percent. Manpower funds could be boosted, for example, by 10 percent for each 0.2 percent increase in unemployment. This would mean that funds allocated to manpower efforts would double if unemployment rises to 6.3 percent for three consecutive months.

The most important point is that the present categorical manpower programs would be retained, while the mayors and governors would have glue money to fill gaps or to start entirely new efforts according to local needs Gradually, the shared portion of manpower funds could be expanded. Revenue share could be pegged as an increasing percentage of federal categorical allocations; for instance, one-third in fiscal 1972, one-half in fiscal 1973, and three-fourths in fiscal 1974. Alternatively, authorization levels for the shared revenue could be stated in dollar terms, say $500 million in fiscal 1972, $1.0 billion in fiscal 1973, and $1.5 billion in fiscal 1974. In this way, the portion of manpower funds administered by the state and local governments would be gradually increased. When the economy picks up, cutbacks in manpower outlays could come from the federal programs. Local efforts would not need to be reduced, and their continued funding could be assured.

The legislation could also provide for an automatic pass-through of funds to each city or combination of local governments with more than 100,000 population with the remainder of funds administered by the states. The formula for distributing the incremental shared funds among the states and localities could be based on criteria such as the number of persons in the labor force, the number of unemployed, and the number of low-income individuals 16 years of age or older, as in the administration's revenue sharing proposal. Neither of these arrangements should be controversial, since they are similar in the vetoed manpower reform and revenue sharing bills.

Much could be done at the national level to improve the performance of existing categorical programs. Availability of funds allocated directly to states and communities should ease federal reexamination of program effectiveness and the reallocation of funds among the categorical programs. For instance, changing economic conditions might favor the transfer of resources from private to public sector efforts; Operation Mainstream, the Neighborhood Youth Corps, and the Public Service Careers could be expanded using JOBS funds that are less effective in a slack economy.

One possibly useful change in the federal programs would be the initiation of variable matching grant formulas, requiring contributions from participating state and local governments. With discretionary funds provided under revenue sharing, governors and mayors could "shop around" for the services and delivery systems best suited to their needs. At the same time, the feds could adjust the matching formulas among programs to influence acceptance of their desired priorities. To maximize their leverage, states and localities would use their shared revenues to match federal outlays, participating to the maximum feasible extent in these national programs. However, all or some portion of matching funds could be included as federal outlays in the calculation of the aggregate amount of revenue sharing. This would insure that states and localities would have money to operate their own programs in addition to participating in federal efforts.

With the revenue shares which are not used as matching funds under the categorical programs, a variety of manpower services could be provided. Under current conditions, the most appropriate and likely use of those funds would be for public employment. It is contrary to the intent of decentralization and eventual decategorization to create a new federal program or to put restrictions on the use of shared revenues. Instead, the governors, mayors, and county commissioners should be allowed to create public employment positions if they deem this to be their most critical need, and the nature of these jobs should depend on local circumstances. However, federal funds can be used as an incentive for the creation of "meaningful" opportunities and the provision of worthwhile training. Authorizations for the Public Service Careers (PSC) program could be expanded, with an attractive matching formula, so that there would be an inducement to combine local public employment programs with subsidized training. Since PSC provides subsidies for only a year and a half, states and localities would have an incentive to see the trainees become fully productive on the jobs or would move on to positions elsewhere. There would be no requirement that locally initiated public employment efforts tie in with PSC, but it is doubtful that additional federal dollars will be refused.

SOMETHING FOR EVERYONE

It is the essence of compromise that everyone gets a little less than desired, but enough to satisfy minimal anticipations. This briefly outlined proposal combines the most essential features of manpower reform, revenue sharing, and public employment.

The proposal features reform at the federal level, including needed adjustments to changing economic conditions, with a gradual decentralization of control to the state and local level. Gradualism is important to minimize outright and active oppositions of vested interest groups. More significantly, gradual decentralization will grant states and localities the time and resources to build up expertise in the design and administration of manpower programs. The retention of federally administered programs that are currently operating with a fair degree of success provides a foundation on which states and localities can build their own manpower structures.

Revenue sharing is an integral part of the proposal. An increasing portion of manpower funds are to go directly to the states and localities. Within broadly designated guidelines, the mayors and governors will have few restrictions on the use of these monies, particularly in reference to the public employment efforts they may undertake. National policies will be pursued through the continuing federal programs, and attractive matching grants can be formulated to induce states and localities into desired actions, using carrots rather than sticks to insure federal priorities. Funds will be assured for the operation of state and local programs as well as for the matching of federal outlays. By the gradual implementation of revenue sharing, the core of federal programs can be retained as insurance in case the anticipated benefits do not materialize. It is better to wade than to plunge into unknown waters.

Finally, the proposal provides substantial resources for the mounting of state and local efforts to meet current needs. In many areas, most of the shared funds will undoubtedly go for public employment. The mayors and the governors will be free to implement any type of program which will meet their needs. If they have critical shortages of public employees, they can fill their requirements by upgrading the underemployed. If the problem of hard core unemployment is more critical, they can create suitable positions that can be filled by the unskilled and deficiently educated. The availability of federal training assistance under Public Service Careers and the allegedly widespread shortage of productive public employees would suggest that most funds will be used to create "worthwhile" slots. The compromise should help smooth disagreements over the quality and transitional character of public employment positions; by permitting a more rapid passage of the needed legislation, it will hurry resources into the hands of mayors and governors where they are critically needed.

It is vital that a workable compromise be reached. This requires on the part of all parties a flexibility which has been conspicuous by its absence since the onslaught of the recession. It is vital that manpower reform, revenue sharing, and public employment legislation be considered together so that the necessary tradeoffs can be made explicitly. The victims of unemployment have suffered from present inaction and it is essential that all efforts turn to compromise.

LAKE SUPERIOR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. DINGELL. Mr. Speaker, Administrator William D. Ruckelshaus of the Environmental Protection Agency announced on Sunday, May 2, 1971, that he had served a 180-day notice on the Reserve Mining Co. of Silver Bay, Minn., for polluting the interstate waters of Lake Superior in violation of the Federal-State water quality standards.

I shall include the text of the EPA announcement at the conclusion of my remarks.

I have some reservations about the manner in which EPA has acted which I shall discuss later. However, the Agency's action is surely welcomed by all of us who have in our own way been working to save Lake Superior.

In this regard, I feel that it is appropriate to give recognition to a lady who has been waging a valiant fight for several years to save Lake Superior. I refer to Mrs. Verna Mize of Potomac, Md., who testified April 16 before the Subcommittee on the Environment of the Senate Commerce Committee.

I commend Mrs. Mize for a job well done. So that my colleagues may have an opportunity to know of her activities on behalf of Lake Superior, I will include the text of her statement to the Senate subcommitte at the conclusion of my remarks.

Mrs. Mize deserves great credit for her efforts. The same cannot be said for Reserve Mining and all of those who participated with Reserve Mining in the outrage which it has visited upon Lake Superior.

Turning to the EPA enforcement action, I congratulate Mr. Ruckelshaus for taking this positive, long-delayed enforcement step toward eliminating this degradation of Lake Superior by Reserve Mining.

I am, however, concerned about two aspects of this action.

First, section 604.24 of title 18 of the Code of Federal Regulations provide that EPA "shall notify" the person violating the "Federal-State water quality standards" and, in such notice, shall designate a time when and a place where any person receiving such notice may appear in an informal hearing relative to the alleged violation of standards so that, if possible, there can be voluntary agreement reached as to appropriate remedial action. This course was followed, Mr. Speaker, when Mr. Ruckelshaus announced, last December, that 180-day notices were issued against the cities of Atlanta, Cleveland, and Detroit. I have not seen the formal notice, but I note that the press release does not indicate any such date. I hope one has been set, because I would not want Reserve Mining to claim later that it was not afforded this procedure.

Second, the EPA release stated:

> Mr. Ruckelshaus stated that *he had arranged to employ the services of a nationally recognized engineering firm to study the Reserve Mining Company's pollution problem, to submit possible on-land disposal plans, and to evaluate any plan which the company might submit.* Mr. Ruckelshaus stated, Although the Reserve Mining Company has the primary responsibility for ending pollution in Lake Superior, *I have no assurance that the company will come forward with an acceptable on-land disposal plan.* Hence, I have concluded that I must take positive steps myself, rather than wait for six months for a plan which may or may not be forthcoming. *In short, if the company does not respond affirmatively, the government, in order to protect the waters of Lake Superior, will have to take the unusual step of formulating a plan to dispose of the company's waste. Then, either the company will adopt the plan, or something equally effective, or we shall be obliged to take the legal remedies provided by applicable statutes.* (Emphasis added.)

Certainly, it is quite proper for EPA "to employ" an engineering firm "to study" the pollution problem and "to evaluate any plan which the company might submit." But I believe it is unwise and inconsistent with the statutory enforcement scheme for EPA to spend public money to hire this firm "to submit possible on-land disposal plans."

Reserve Mining has allegedly violated water quality standards. EPA has notified the company of the violation. Under the law, Reserve Mining has an obligation to abate the violation within the time prescribed in the notice or face court action.

By the above statement EPA has effectively concluded that Reserve Mining will not act to comply with the law and propose an effective abatement program. In view of this statement, Reserve Mining might decide that, since EPA has so concluded and is having a plan prepared, it will not go to the expense and time to prepare their own abatement plan. Rather, the company can sit back and wait for EPA's plan and then ask for more time to study it. All this may delay pollution abatement well beyond the 180-day notice period to the public's detriment.

Mr. Speaker, EPA's action in engaging a firm to prepare an abatement plan is quite "unusual." Moreover, I believe it will establish a bad precedent. I note that last October the National Air Pollution Control Administration rejected a proposal of the Union Carbide Co., which was in violation of an abatement conference, to cost-share the construction of a scrubber at its Marietta, W. Va., plant to reduce sulfur dioxide emissions. The rejection was in part made because of the precedent.

It is not EPA's responsibility to devise the means for abating violations of water quality standards. EPA has neither the funds nor personnel to do so. It is the polluter's responsibility. The public has had to bare the cost of the pollution to date. The public should not have to bear the cost of pollution abatement too.

I strongly urge that Mr. Ruckelshaus reconsider and notify Reserve Mining that if it does not come up with an effective abatement plan within this 180-day period, EPA will promptly seek a court order for Reserve Mining to do so.

The material referred to follows:

[News release of the Environmental Protection Agency, May 2, 1971]

RUCKELSHAUS SERVES 180-DAY NOTICE ON RESERVE MINING COMPANY

William D. Ruckelshaus, Administrator of the Environmental Protection Agency, today served a 180-day notice on the Reserve Mining Company of Silver Bay, Minnesota, for polluting the interstate waters of Lake Superior in violation of the Federal-State water quality standards.

The Administrator took the action following the Federal-State enforcement conference on Lake Superior, which was reconvened April 22 and 23 in Duluth, Minnesota.

Ruckelshaus said: "We are taking this action in view of the company's continued delays in coming up with an effective, acceptable, and timely plan for pollution abatement. Lake Superior is a priceless natural resource and we are committed to save it." He pointed out by serving the 180-day notice, EPA is laying the foundation for future court action to halt the pollution of the lake.

Under provisions of the Federal Water Pollution Control Act, 180-day notices are issued directly to waste dischargers who cause or contribute to violations of water quality standards. These notices provide an opportunity to negotiate voluntary compliance. However, if the violator refuses to take action within that time period, the matter can be referred to the Justice Department for court action.

Ruckelshaus noted that Reserve has been discharging 66,000 tons of tailings directly into Lake Superior daily from its ore-processing plant at Silver Bay. At the August 1970 session of the enforcement conference on the pollution of Lake Superior, which was initially convened in May 1969, it was concluded that the tailings have a harmful effect on the ecology of the lake by reducing organisms necessary to support fish life. The firm was directed to submit preliminary plans by December 1, 1970, but failed to do this until January 1971 when another session of the conference was held. A technical committee named by the conferees found the plan "unacceptable."

Thus, almost two years have elapsed since the conference was initiated, and no specific abatement program has yet been established for Reserve. The discharge of 66,000 tons per day of taconite tailings into Lake Superior has continued unabated.

Mr. Ruckelshaus stated that he had arranged to employ the services of a nationally recognized engineering firm to study the Reserve Mining Company's pollution problem, to submit possible on-land disposal plans, and to evaluate any plan which the company might submit. Mr. Ruckelshaus stated, "Although the Reserve Mining Company has the primary responsibility for ending pollution in Lake Superior, I have no assurance that the company will come forward with an acceptable on-land disposal plan. Hence, I have concluded that I must take positive steps myself, rather than wait for six months for a plan which may or may not be forthcoming. In short, if the company does not respond affirmatively, the government, in order to protect the waters of Lake Superior, will have to take the unusual step of formulating a plan to dispose of the company's waste. Then, either the company will adopt the plan, or something equally effective, or we shall be obliged to take the legal remedies provided by applicable statutes."

STATEMENT OF MRS. VERNA G. MIZE, BEFORE THE SUBCOMMITTEE ON THE ENVIRONMENT OF THE SENATE COMMERCE COMMITTEE

Mr. Chairman and members of the committee, thank you for inviting me to testify here today.

I am Mrs. Verna Mize and presently reside in Potomac, Maryland. I was born and reared in Michigan's Upper Peninsula—and it is *this* fact that explains the activities I am about to outline. I believe my experience will illustrate the need for the kind of legislation you are considering. (S. 1032)

For nearly four years, I have been waging a life-and-death battle—the outcome of which will affect the lives of Americans for centuries—a battle to save Lake Superior—the legendary "shining Big Sea Water" that I have loved from the minute I first saw it as a small child—Lake Superior, clean and transparent—sweet to drink and surpassingly beautiful to behold! To comprehend what is at stake, one must relize that Lake Superior contains 1/12th of all the fresh water on earth. Its value for drinking water alone has been calculated at 1.3 *trillion dollars!* To this must be added its inestimable recreational, economic and aesthetic worth. Lake Superior is the *last clean* Great Lake and, since it flushes the others, *they* can't be saved unless Lake Superior is. Yet, many feel that priceless Lake Superior is being "killed" by a giant polluter—and we who CARE are powerless to prevent it. Private individuals, and even groups of them, are no match for rich and powerful industries and their lobbies. My appeals to officials who—it seems to me—should be protecting the public interest in this precious natural resource have been unheeded. Since the President has repeatedly expressed an interest in the Great Lakes, it is beyond my compression how officials can ignore or circumvent his wishes.

In the summer of 1967, I first learned of Lake Superior's peril when I boasted that it was so clean that one could drink directly from it. A friend informed me that this would be extremely hazardous because "The Big Lake"—as we affectionately call it—was being contaminated by *millions* of tons of taconite tailings which were being dumped into it by the Reserve Mining Company at Silver Bay, Minnesota. My first reaction was disbelief! "Surely," said I, "No state would permit harm to come to pure Lake Superior!" I was soon to discover that the situation was infinitely more grim than I had been told, as I gathered information about Reserve from every possible source.

It may be well to explain that taconite is iron-bearing ore—and tailings are the pulverized wastes that remain after the iron has been extracted. Simply stated—and perhaps it is oversimplification—the ore is ground and crushed to flour-like fineness, during which process it is repeatedly washed with enormous amounts of water from Lake Superior—some *600 million gallons a day!* Giant magnets remove the particles of iron, and the waste is dumped into clean Lake Superior at the rate of approximately 67 thousand tons a day—a day, mind you—or some 47 tons a minute!

Here is a sample of the waste-laden water taken from near Reserve's "waterfall of tailings"—and here is a picture of that shocking scene.

In order to conserve the Committee's time by avoiding a lengthy recital of the history of Reserve's controversial operations, I ask that, with the Committee's permission, the following documents be entered in the record as if read:

An article, "Call It Lake Inferior," by George Laycock, from the May 1970 issue of Audubon, the official magazine of the National Audubon Society.

Articles entitled, "The Art of Pollution," by Grant Merritt, and "Perspective on the Pollution of Lake Superior by Taconite Tailings," by Charles W. Huver, Ph.D. both from the March 1970 issue of The New Twin Citian Magazine, published by Metropolitan Magazines, Inc., St. Paul, Minnesota.

An article, "The Pure Railroad," by David P. Morgan, in the January 1969 issue of TRAINS—The Magazine of Railroading, published by Kalmbach Publishing Company, Milwaukee, Wisconsin.

An article, "New Life for Waste Lands," from the September 1970 issue of the Environment magazine which, I understand, is published by The Committee for Environmental Information, St. Louis, Missouri.

The Report of the Mesabi Trust dated March 17, 1971.

Brochures of the Empire Iron Mining Company, Palmer, Michigan and the Reserve Mining Company, which outline the process used by each.

In order to be fair, I am including a copy of Reserve's beautiful full color brochure. You will notice, however, that it contains not one picture of their *dumping*.

The publication, "Your Visit to Reserve" states that they produce 10 million 800 thousand tons of pellets (iron) a year and that for every ton of pellets there are two tons of waste—tailings. Gentlemen, this means 21 million 600 thousand tons of waste are dumped into pure Lake Superior by Reserve annually. Not far from Isle Royale National Park and the new Apostle Islands National Lakeshore—the latter almost opposite the taconite plant at Silver Bay—Reserve is using clean Lake Superior for a convenient free private dump! It operates under permits granted by the State of Minnesota in 1947 and by the Corps of Engineers in 1948. The permit from the Corps has been renewed repeatedly, although it is revokable.

Naively, I thought that public officials in my native State of Michigan and also here in Washington were as unaware of Lake Superior's plight as I had been, so I determined to inform them. As it turned out, I had not only been "in the dark" about Reserve's use of the lake for an industrial dump—I was also ignorant about the power and influence of that multi-million dollar company, owned jointly by Republic Steel and Armco Steel.

I made up my mind to contact every official who might help—and I did so—but without getting any real action. Oh, I had polite replies and words of thanks "for bringing the matter to my attention," as bureaucrats put it—and even an occasional pat on the back for my efforts. Little more! Nobody seemed willing to be committed or involved. When concern—real and pretended—for the environment became popular, I wrote letters again—but with the same negative results.

When the Lake Superior so-called "Enforcement" Conference was convened in May 1969, I had high hopes for Lake Superior. I felt certain that Reserve would be required to stop its dumping and to deposit its tailings on land, just as all other taconite plants do. My hopes were dashed, however, as one session after another adjourned without substantive results—and Reserve continued its free dumping. Since the conference was first convened two years ago next month, some 43 million tons of tailings have been dumped into that sweet water!

Last summer, after three years of writing letters without results, I decided to use my vacation to circulate in Michigan's Copper Country a petition to President Nixon asking him to intervene. I felt I could get at least a hundred signatures to prove that I was not the only one who cared about Lake Superior's fate. So, I started out for my native Houghton County. There, I found, each town and village had its Lake Superior devotees. In less than a day, a host of volunteers joined the campaign. The petitions were posted everywhere—in banks, stores, restaurants, filling stations, resorts, bars, barbershops, a senior citizen center, and in the tabernacle of a Bible camp! A local radio station (whose manager had signed the petition on the airplane that took me "home") made daily announcement of where the petitions were located so that people could sign conveniently. The local League of Women Voters cooperated, as did the Chamber of Commerce. Everybody wanted to do his part for Lake Superior. One zealous worker returned a sheaf of signed petitions with a note regretting she had obtained only 390 signatures because of the short time available! Another visited patients in the hospital and said, "Just think, even the sick and the dying want to do their part to save Lake Superior!" A 16-year-old schoolboy from Monroe, Michigan, wrote to inquire how he might help. A college professor, in returning his, reported that he had no trouble getting signatures and would obtain more if I would send him the forms. In response to the flood of requests, I left supplies of blank forms at designated places.

Some tourists even took them away and mailed them back filled with signatures. The tourists, who were from every part of the country, welcomed the opportunity to sign. Their recurring sentiment was that the *only clean* Great Lake must be saved at all costs. Their lakes, they said, were already polluted—unfit for drinking, swimming, fishing, boating—pleasure of any kind. They appreciated Lake Superior for the gem that it is. It is evident from the addresses on the petition that people everywhere care about the fate of the Big Lake and want it saved! This was proved by 5,182 individuals who signed the petition in a brief ten days. Many wanted to continue the campaign, but I felt the message should reach the White House before the August session of the conference. I suspect that many would take advantage of the legislation you are considering, if it is passed, which would enable them to sue to save their heritage.

You may be wondering if there is an alternative to using the lake as a dump. Indeed there is—and it is used by every other taconite plant. All of Reserve's competitors deposit their tailings *on land*. In Michigan, where not a grain of waste is dumped into Lake Superior, the Empire plant near Ishpeming, for instance, uses an alternate method and even recycles the water! (See their brochure.) Yes, there *are* alternatives and, in my opinion, Reserve should be required to adopt one. No company should be allowed to purloin a priceless natural resource for private gain!

Now to get back to the Lake Superior "Enforcement" Conference. After 23 months and five sessions costly to the taxpayers, Reserve's dumping continues unabated. I feel that the conference has been an exercise in futility. Saul Friedman, in the Detroit Free Press, reports that even Murray Stein, Chairman of the Lake Superior Enforcement Conference, acknowledges "it has been a cumbersome and ineffective device in ending the pollution of Lake Superior." After repeatedly failing to meet deadlines for submittal of an alternate method of tailings disposal, Reserve, at the *fifth* session of the conference last January, finally submitted the long-awaited plan. They proposed to *continue* dumping into Lake Superior! As I understand it, they propose to thicken the tailings with chemicals and to pump them deep beneath the surface. This would be convenient, of course, because a horrified public would no longer see the ugly "waterfall" of tailings. In effect, the dirt would be swept under the rug! Although the Technical Committee that studied Reserve's so-called "alternate" plan has, I understand, rejected it—I am told that the committee has recommended *further study* and a plan that would overcome the objections! I have yet to see or hear a forthright official statement that *only on-land* disposal of the tailings will be acceptable. Officialdom continues to ignore the facts and/or to make compromises with them—and all the while, Lake Superior is being *studied to death!!*

At this rate, Reserve can go on making unacceptable proposals indefinitely—leading to still more studies and delays. Indeed, according to the Minneapolis Tribune and other sources, Reserve *saves* from $14,000 to $24,000 *each day* they are permitted to postpone spending the necessary money to convert to on-land disposal. There are indications that Reserve and its beneficiaries may actually be *counting* on delays and the savings derived therefrom. For instance, the report of the Mesabi Trust states: "It is likely that considerable time will elapse before a solution to this problem is found, during which various hearings and other proceedings may take place." Worse yet, the volume of dumping is likely to increase and even more than the present twenty-one and a half million tons will be dumped—because Reserve's brochure states: "Reserve looks forward to continued growth. All of the company's facilities have been designed and built with expansion in mind." The foregoing statement is Reserve's own—not that of an enemy. Their *own* words betray them!

It was necessary to give you this background information so that you might know that my experience with officials did not concern some insignificant local problem, important only to a few—but the most precious water resource of all!

In my efforts to rescue Lake Superior, I wrote or otherwise contacted officials from the state legislature level to the President of the United States, including members of the Congress, the past and present Governors of Michigan, the Attorney General and Department of Natural Resources of that state—and also committees, commissions, surveys, bureaus, agencies and councils! I saw the Lake Superior Enforcement Conference Chairman, who is also the government's chief water quality enforcement officer—and even a member of the staff of the President's Environmental Quality Council. It made no difference whom I approached—my efforts were in vain! Sometimes, the staffs of officials were enthusiastic, and help seemed imminent—but it always ground to a sudden and unexplained halt.

I even wrote the Corps of Engineers with whose permit Reserve operates. I suggested certain lake-wide tests and recommended that the rail cars that carry ore to the plant and return empty—be used to haul away the tailings—either back to the pits from whence they came or to other abandoned mine pits, there to serve a useful purpose as fill. The aforementioned article, "The Pure Railroad" is testimony to Reserve's *capability* to move the tailings away from Lake Superior. Several engineers have told me this was an excellent idea. Admittedly, this would be more costly than simply using the lake as a FREE private dump—but waste disposal is an expected business expense that Reserve should assume just as all its competitors—indeed all businesses—and even we individuals—must. As a matter of fact, some mining companies in Northern Michigan are having considerable success in revegetating and reforesting tailings basins—and this with a view to conserve the land for game preserves and the tailings for possible future use. There is a feasible alternative *now*; so further studies are, in my opinion, delaying tactics that may cost the taxpayers untold sums, posterity a backbreaking burden—and Lake Superior its very life!

Everybody in officialdom seems to agree that Lake Superior is a priceless natural resource—but nobody has been willing to take action to save it! Where else can a private citizen go for help? I hope that the frustrating experience of *this* private citizen will convince you that some recourse should be provided by the Congress. The individual citizen with limited time and resources is no match for rich—and therefore powerful—industries, which can hire attorneys and lobbyists who have nothing but time and almost unlimited resources to stall and delay action.

And now, Gentlemen, since I try never to let pass an opportunity to intercede for Lake Superior, I here and now beg *you*—each of you—to help me save Lake Superior. Further delays are intolerable. The fate of Lake Superior is not negotiable!

I will close by quoting from a letter to the New York Times of September 28, 1969, from Dr. Loren R. Graham of the Institute for Advance Study, Princeton:

"Lake Superior is the last of the Great Lakes that can be called clean. The saving of this magnificient lake from the fate of Lake Erie is a task that fully deserves a permanent effort of nationwide scope. It is the largest body of fresh water in the world. It follows automatically that *its pollution would be the greatest crime in the pollution of fresh water of which man is capabale . . .*" He continued: "Let us hope that we never have to ask, 'Who killed Lake Superior?' "

Gentleman, I believe Lake Superior is being killed. I cannot be an accessory by failing to defend it—and I hope that *you* cannot!

Thank you.

ON VIETNAM AND VICE PRESIDENT AGNEW

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. GOLDWATER. Mr. Speaker, the Republican National Committee's excellent publication Mondat again this week has a few stories in it that I believe would be of interest to my colleagues. They are as follows:

TV NETWORKS IGNORE PRO-ADMINISTRATION VIETNAM VETERAN

The three major television networks last week ignored testimony before the Senate Foreign Relations Committee of a Vietnam veteran who argued against a fixed date for withdrawal from Vietnam and for President Nixon's Vietnamization program.

Former Navy Lt. Melville L. Stephens, who spent nearly 34 months in the Southeast Asia combat zone, criticized calls for unconditional withdrawal from Vietnam and the setting of an immediate date for ending American support. The two weaknesses of these arguments, he said, are that, first, they are based on supposition valid a decade ago, and, second, if put into effeect, they would result in a settlement of the war which would be unacceptable for the South Vietnamese.

"The reason I am here today," Stephens testified, "is to ask you to consider carefully your course, so that peace for Americans does not come at the cost of additional sacrifice for these people. I ask you to consider carefully the manner in which it (the war) is to be ended." Stephens declared that the overwhelming majority of the Vietnamese people are opposed to the Communists and a great many of them have taken this stand because of the American commitment to help. "I would like to think that you and I and the American people have a responsibility to these Vietnamese who have had faith in us and risked their lives for something they believe in," Stephens said. "Peace for us must not come at the cost of their lives."

The former Navy officer said he was offended by some demonstrators he saw carrying the flag of the Communist Viet Cong. "I fear that some of the American people have, in their passion for peace, made heroes of the Viet Cong. In South Vietnam they are not heroes." Stephens noted that in recent weeks he has heard a great deal about American atrocities in Vietnam but very little about Communist atrocities. He personally knew of two, he said: One, which he saw, was a Viet Cong blowing up a clearly marked school bus, which killed two children and wounded several others; and, two, an 11-year-old South Vietnamese friend of his whose right arm was cut off with a machete because the boy's father was elected to a minor hamlet office. The father and mother of the boy were later killed in the Tet offensive of 1968.

"Anyone who spent any time at all in Vietnam can tell you of the brutality of the Communists," Stephens told the Senators. "They have been quite blunt in stating that terror and mass executions are principle strategy. The South Vietnamese I lived with know this. They know that they take their lives in their hands to support the South Vietnamese government. They depend on us for the support we have promised."

Stephens said he understands the passion of everyone for an end to the war but it is his firm conviction that peace at the price of the South Vietnamese people is too expensive and a peace that could not be lived with. "I want to tell you from my personal experience, that setting an arbitrary date for American withdrawal can only hurt the chances of the South Vietnamese," he declared, "and the current program of American withdrawal is as rapid as I believe the situation permits. . . . I think that the issue of how we end the war is not one of a Nation's saving face, but of our responsibility as a Nation and individuals to these citizens of South Vietnam. Many have committed themselves because we asked them to, and I hope in our urgency for peace, that we do not abandon them."

STUDENTS AGREE WITH AGNEW MEDIA CRITICISM

A random sample of 50 dormitory residents at the Storrs Campus of the University of Connecticut has shown a majority of students agreeing with Vice President Agnew's criticisms of the media but not with the Vice President. The poll, conducted by Seth Schneider, a student in international relations, asked students if they agreed or disagreed with quotes taken from Agnew's November, 1969, speech about the media. The quotes were not attributed to the Vice President. Sixty-four percent of the students surveyed agreed with Agnew's statement that the TV news media "wield a free hand in selecting, presenting and interpreting great issues in our Nation;" 94 percent agreed the media could "make or break a personality or event," and 70 percent agreed the media should be more responsive to its audience.

When the students were asked: "Do you agree with Spiro Agnew?", 90 percent said no, 10 percent said yes. Interviewer Schneider commented on the poll in the U of Connecticut paper, "Chronicle," saying: "I find this a dangerous situation, because in the U.S. today people are forgetting about the important issues and looking for personalities that they find agreeable and with whom they can identify. This means moving further and further from the issues and a realistic approach dealing with issues, causing an even dimmer future."

VIETNAM "DATING GAME" IS BOMBING HALT PLEA WARMED OVER

Every so often in the Vietnam debate there emerges a new central theme, which, its advocates say if only followed will lead to an end of the war. The theme has changed over the years. In 1968, the cry was stop the bombing. This they said would lead to "serious discussions" with the enemy and thus hasten an end to the war. Presidential candidate Hubert Humphrey was a prime pusher of this line. In a Salt Lake City speech he announced that he would favor a bombing halt as an acceptable risk for peace. He felt such action would lead to a negotiated settlement with the Communists. The bombing was halted and next year marks the third anniversary of the "serious discussions" with the enemy in Paris. So much for stopping the bombing.

But the critics of the Nixon Administration's Vietnam policies are resourceful. They have come up with a new theme, a sort of "Dating Game" which goes like this: If the President would set a fixed date for American withdrawal from Vietnam, the war could be ended and American prisoners of war set free. This, in the words of Washington Star Foreign Editor Crosby Noyes, is "an entirely phony issue."

As President Nixon said in his April 7 Indochina Progress Report: "The difficulty in making such an announcement (a fixed withdrawal date) to the American people is that I would also be making that announcement to the enemy. And it would serve the enemy's purpose and not our own. If the United States should announce that we will quit regardless of what the enemy does, we would have thrown away our principle bargaining counter to win the release of American prisoners of war; we would remove the enemy's strongest incentive to end the war sooner by negotiation; and we will have given enemy commanders the exact information they need to marshal their attacks against our remaining forces at their most vulnerable time."

Why a fixed withdrawal date on the part of the U.S. would lead to "serious discussions," advocates of the plan don't say. President Nixon, supported by South Vietnam's President Thieu, has put forth a five point program for peace in Vietnam:

An internationally supervised cease-fire in place throughout Indochina;

The establishment of an Indochina Peace Conference;

Negotiation of an agreed timetable for the complete withdrawal of all U.S. forces from Vietnam on the basis of North Vietnamese reciprocity and international verification;

A fair political settlement reflecting the will of the South Vietnamese people and of all the political forces in South Vietnam;

The immediate and unconditional release of all prisoners of way by all sides.

The United States has also supported South Vietnam's proposals of July 11, 1969, calling for free elections in which all people and parties of South Vietnam, including the National Liberation Front (NLF) can participate and for a mixed electoral commission on which all parties including the NLF can be represented to work out the modalities and verification procedures for such elections.

In addition, the United States has undertaken other major steps toward peace. Each of these steps was urged by the Communist side and its American supporters as constructive contributions designed not only to reduce U.S. involvement but also to open the door to negotiations. These steps include:

The 1968 halt to the bombing of North Vietnam;

Agreement on the participation of the NLF in the Paris talks;

U.S. agreement to the principle of troop withdrawals;

U.S. troop withdrawals totally 265,000 by May 1, 1971, to reach a total of 365,000 U.S. troops withdrawn by December 1, 1971. The authorized ceiling for U.S. military personnel in Vietnam will have dropped from 549,000 in January 1969 when President Nixon took office, to 184,000 by December 1971. Further reductions are expected under the Nixon Administration's Vietnamization program;

A series of de-escalatory steps substantially cutting back B–52 activity and U.S. tactical air activity in Southeast Asia;

Appointment of a new senior negotiator in Paris.

The response?

Hanoi and the National Liberation Front (NLF) have rejected these proposals and all other proposals and steps for peace:

They refuse even to consider the Allied proposals as agenda items at the Paris talks.

They have continued to reject all notions of reciprocity, verifiable open elections or internal verification.

Despite their promises, they refuse to negotiate with the Government of Vietnam.

They demand that the United States commit itself unilaterally and unconditionally:

To total unilateral withdrawal of all troops and war material, and the dismantling of all U.S. bases,

To the overthrow of the leaders of the Government of Vietnam (President, Vice President and Prime Minister),

To the arbitrary imposition of a so-called "coalition" government established prior to any elections and in the absence of any international verification. It would consist of the NLF's "Provisional Revolutionary Government" and various personages defined in the NLF's view as "really standing for peace, independence and neutrality."

In exchange for such a total unilateral commitment by the U.S., Hanoi and the NLF have pledged absolutely nothing. They have at best indicated that if all this was done they might "discuss"—i.e., not release—the prisoners of war.

While Hanoi continues to deny that there is a single North Vietnamese soldier outside of North Vietnam, 100,000 North Vietnamese soldiers are in South Vietnam, 90,000 are in Laos, and 50,000 are in Cambodia continuing to wage wars of aggression against North Vietnam's neighbors.

These facts raise the question as to whether the demand for a fixed date for U.S. withdrawal from Vietnam isn't another political ploy designed to embarass President Nixon. Those who feel this is the case point to a remark by Democratic Sen. Birch Bayh that, although he voted for it, a Senate resolution calling for a U.S. withdrawal from Vietnam by December 31, 1973 "doesn't mean anything at all. It's ambiguous. It's pie in the sky. Like a Mother Hubbard skirt, it covers everything and touches nothing."

EXCEPTIONAL CHILDREN'S WEEK

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. STEELE. Mr. Speaker, in a number of States, the week of May 3 to 7 is dedicated to the achievements and artistic craftsmanship of the Nation's 7 million handicapped children. "Exceptional Children's Week" is a celebration of hope. The Congress has duly noted the crisis aspects of providing education for the child with special means by devising the funding mechanisms and programs that make special education a reality. This week, examples of the artistry of these children is on display in the large open lounge next to the Education and Labor Committee on the first floor of the Rayburn Building. Mr. Speaker, I recently had the honor to address the conference in my home State of Connecticut designed to formulate a program of increased quality education for exceptional children.

This conference was cosponsored by the bureau of pupil personnel, special education services of the State department of education, the Connecticut College Office of Community Affairs, Eastern Connecticut State College, the school of education at the University of Connecticut and the Norwich area special education project. Under the leave to extend my remarks in the RECORD, I include those remarks which point out the need for further Federal action if we are to reach the goal of full education opportunity for the handicapped by 1980.

PARTNERSHIP BETWEEN FEDERAL, STATE, AND LOCAL DISTRICTS FOR BETTER FUTURE PLANNING SPECIAL EDUCATION

Ladies and gentlemen, I am delighted to participate in this timely and important conference. As a Nation, we have only recently begun to devise the funding mechanisms and programs needed to provide public education for the child with special needs. At all levels of government, it is all too clear that programs have been poorly coordinated and underfunded for many years. The latest figures from the Office of Education estimate that there are now 6 million school-age and one million preschool-age children who are handicapped. Only 40 percent of these children receive any special education at all. This is an intolerable situation in a country which aims to provide an equal educational opportunity for each and every child.

Earlier this month, Sidney P. Marland, Jr., U.S. Commissioner of Education, urged that we adopt as one of our national goals, the provision of full educational opportunity for every handicapped child in the Nation by 1980. "The right of a handicapped child to the special education he needs is as basic to him as is the right of any other young citizen to an appropriate education in the public schools," said Dr. Marland. "It is unjust for our society to provide handicapped children with anything less than the full and equal educational opportunity they need to reach their maximum potential and attain rewarding, satisfying lives."

Today I would like to bring you up to date on recent developments in programs of special education at the Federal level. Then I will discuss some specific objectives which must be achieved in the decade ahead if Dr. Marland's goal is to be fully realized by 1980. And finally, I should like to talk about the potential role of the teacher, parent, and concerned citizen in strengthening the Federal, State and local partnership in special education.

Ten years ago, the Federal Government was spending less than $1 million a year for services relating to special education. This year, the figure is about $170 million. In addition, it is estimated that state and local oulays will total nearly $3 billion in 1971. Connecticut in particular has made impressive progress during the last few years in meeting the needs of its exceptional children. But remarkable as these developments have been, they pale beside the problems of many thousands of children who have yet to be served. Edward Martin, head of the Bureau of the Handicapped in the Office of Education, estimates that adequate programs for all 7 million handicapped children would cost about $10 billion a year. In the long run, however, such expenditure is an investment which not only results in savings for the taxpayer, but also prepares the handicapped person for a full and productive life in society. According to a recent interview with Dr. Martin: "A handicapped child who does not receive special education is likely to wind up in an institution or on the welfare rolls. . . . The cost to the public of maintaining him in that dependent status may total, in a normal lifetime, around $300,000. The same child could grow up to be a responsible, self-supporting adult if he had the benefit of 15 years of special education at an average cost of $2,000 per year, or $30,000 in all. In other words, educating a handicapped child costs only one-tenth as much as neglecting him." Thus one of our goals must be to increase public awareness of the urgent need for sufficient funds for special education.

Money, however, has not been the only problem. There has also been a lack of coordination between a variety of Federal programs affecting the education of the exceptional child. In 1966, as you know, Congress passed major legislation affecting special education. Under Title VI of the Elementary and Secondary Education Act (ESEA) funds were provided for a program of State grants, regional resource centers, and several other purposes. Existing programs continued to function under separate legislation, however, and subsequent programs, such as the Handicapped Children's Early Education Assistance Act, were not integrated with Title VI of ESEA. This situation not only created confusion for those applying for Federal funds, but it also led to a certain loss of focus at the national level. Rather than a comprehensive approach to the education of the handicapped, we had created a legislative jungle which sometimes hindered as much as it helped.

Just last year, in an attempt to remedy this situation, the Congress enacted the Education of the Handicapped Act, Title VI of the Elementary and Secondary Education Amendments of 1969/79 (P.L. 91-230). In my view, this legislation is bound to have a profound and constructive impact on special education. A recent article in the journal, *Exceptional Children*, summarized the accomplishments of this piece of legislation in these words:

> In treating the authorities of programs for the handicapped as a single, interlocking package, the Congress has:
>
> Clearly recognized the distinctiveness of the handicapped as a major target population;
>
> Established a legislative framework which prepares for a total response to their needs, increasing authorizations from $320 million to $486 million by 1973;
>
> Reaffirmed and extended the mandate of the Bureau of Education for the Handicapped as a part of that response;
>
> Encouraged the increasing efforts of special education to emphasize the humanity of handicapped people and to resist mechanical categorizations of them as extensions of particular afflictions; and
>
> Given impetus to the broad range of cooperative actions among state and local agencies and universities.

Specifically, this legislation amended and consolidated the various special teacher training programs, the Early Education Assistance Act, and provisions for instructional media for the handicapped, with the programs formerly authorized under Title VI of ESEA, and extended their authorizations through 1973. In addition, a new program was created which provides special assistance for children with specific learning disabilities in the form of support for research, teacher training, and model centers. The amendments also revised the teacher fellowship program under the Higher Education Act to include teachers of gifted and talented children, and called on the Commissioner of Education for an evaluation report and recommendations to the Congress on the extent to which the needs of the gifted are being met.

In fiscal year 1971, Connecticut received $415,459 under the Education of the Handicapped Act. For the coming year, both the President's budget and the House-passed appropriation bill request additional funds for special education.

According to the latest annual report from the Office of Education on the education of the handicapped (*Better Education for Handicapped Children, Annual Report Fiscal Year 1969—Aid to State and Local Schools*), during the 1968-69 school year the two major programs of aid served approximately 225,000 handicapped children through grants of more than $54 million. 41,000 staff members received inservice training and 16,500 new staff members were employed. This year the Office of Education reports that grants totalling almost $30 million have been awarded to help train approximately 20,000 people for work in the education of the handicapped. Compared to the 237,000 additional teachers and specialists who are needed if all handicapped children are to be served, however, it is obvious that we still have a long way to go.

Other recent developments at the Federal level include the establishment of a national Special Education Information Center in Washington, D.C. to provide computerized information to parents, teachers, and other interested persons on the facilities and other special education programs available to handicapped children throughout the country. The Center, which is a part of the Bureau of Education for the Handicapped, conducted a nation-wide survey to determine the names, addresses, and the services of every educational project in the United States which offers programs for the handicapped. The nature of the response so far indicates that this will be an invaluable resource for those who are interested in improving educational opporunity for the handicapped.

It is apparent from this brief summary of activities at the national level, that significant strides are being made in the right direction. It is equally obvious, however, that there is much to be done if we are to reach the goal of full educational opportunity for the handicapped by 1980.

The Commissioner of Education has already established target objectives for fiscal 1972. These include:

Programs for an additional 250,000 school children, raising the total number to nearly 3 million;

Career education, including placement and employment services, for 250,000 teen-age handicapped children already receiving special education;

17,000 trained teachers to support the additional special education programs, and 12,000 teachers trained to work with handicapped children in their regular classrooms.

Long-range goals must also include an emphasis on preventive health care for young children, an expansion of programs for the preschool-age handicapped child, and the provision of badly needed services to the inner-city and rural child.

In the interim it may also be necessary to consider the possibility of providing some form of emergency aid to those parents and children whose needs cannot now be met in the public school system. In Connecticut, for instance, about half of our handicapped children are being served with Federal, State, or locally-funded programs. This compares favorably with the efforts being made in many other States, but the fact remains that many thousands of lives will remain unfulfilled as a result of our inaction. We must have full funding if we are to meet the astronomical costs of providing special education.

My third and final point is the pressing need for better coordination and communication among people and programs of special education at all levels. There is great potential in the regional service concept which allows small school districts to pool their resources and thus expand their programs. There is great potential in the improved exchange of information and even staff between the various levels of government. And there is great potential in establishing better communication between Congress and the people it serves. As your representative in Washington, I am often struck by the many issues which neither the educator nor the legislator can resolve alone, by the many challenges which neither the Federal Government, the State nor the local district has the resources to meet independently. The partnership between people, programs and levels of government must be both strengthened and improved if our efforts to aid the expectional child are to provide maximum benefits.

If existing programs are to be improved and new programs devised to meet your needs, your views are essential to the legislative process. Both the concerned legislator and the concerned teacher, parent and citizen share a common goal—quality education for every American child. I look forward to working with you to achieve this goal, and I hope that I have given you some idea of the issues which we will be facing together in the coming years. I thank you for your continuing devotion to the cause of special education, I solicit your advice, and I pledge my assistance to your efforts to insure that each exceptional child will soon share in the equal educational opportunity which this Nation has promised to make a reality for all.

THE INTERNATIONAL WALK FOR DEVELOPMENT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution designating May as "Human Development Month" and May 8 and 9 as the "International Walk for Development Weekend."

As a member of the U.S. sponsoring committee of the International Walk for Development, I have long been aware of the humanitarian work of the Young World Development organization of the American Freedom From Hunger Foundation.

The development of human resources is a cause which we can all support. The walk itself is symbolic of the commitment to that cause. As a sign carried by some of the walkers says: "Walking hurts, but hunger kills."

By walking or sponsoring a walker we can make a contribution to the noble goals of human resource development. As outlined by the sponsors of the walk, they are:

First. Reduction of world military expenditures.

Second. Assuring an adequate existence for every family and every nation.

Third. Feeding the world's population.

Fourth. Living at ease with our own and the world's diversity of peoples and cultures.

Fifth. Harnessing the growth of the world's population.

Sixth. Reversing the degradation of the earth and its environment.

To the end of accomplishing these objectives, walks for development will be held in more than 350 communities in the United States and in 51 countries around the world.

In the midst of this dedicated activity it is difficult not to hear the echo of the late Robert Kennedy who often quoted:

> Some people see things as they are and ask why. I dream of things that never were and ask why not.

We have heard much of the need for the "lift of a driving dream" for our

Nation. Projects such as the International Walk for Development provide that lift and a sense of purpose for many thousands of Americans.

Equally important, the results of the human resource development activities will allow others to see and share such dreams.

Mr. Speaker, I commend our colleagues Don Fraser and Fred Schwengel for sponsoring this special order, and I hope the House will add its collective sanction to the International Walk for Development by early and favorable action on the resolution.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today, May 3, is a significant date for millions of Americans of Polish ancestry, and for Poles everywhere in the world. It is an important Polish national holiday—the Polish Third of May Constitution Day.

Throughout the United States today, Americans of Polish descent pay tribute to the land of their ancestors, and remind their fellow Americans that Poland was one of the pioneers of liberalism in Europe.

On May 3, 1791, without a bloody revolution and without even serious domestic disorder, Poland eliminated the basic weaknesses of her parliamentary and social system and adopted a democratic constitution.

Unfortunately, this dramatic highlight of Polish history led to but a short period of democracy. Only 4 years later came the third partition of Poland by Russia, Prussia, and Austria.

In the Polish Third of May Constitution is found this significant statement of democratic principles:

> All power in civil society should be derived from the will of the people; its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

This philosophy of government is based on the same principles that our own Republic adopted at about this time period, and under which we have operated for nearly two centuries.

Separated from Europe and its 19th century turmoil by 3,000 miles of ocean. the United States grew and prospered during the years that Poland became a pawn in the hands of European military powers.

Today, as we recall that bright moment of Poland's history, we join in a prayer that the spirit of freedom shall remain alive in the hearts of the brave Polish people until the inevitable day that Poland again shall take its place among the world's democracies.

POLISH AMERICAN CONGRESS, INC.,
April 19, 1971.

Hon. WILLIAM D. FORD,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FORD: Since the outbreak of World War II, during which Poland's valiant struggle against nazi-communist totalitarianism has become "an inspiration for mankind", the United States Congress annually commemorates one of the brightest events in Polish history—the adoption of May 3rd Constitution of 1791. These special observances in both Chambers of Congress demonstrate American friendship toward the Polish nation, whose millennial heritage of Christianity and participation in the growth of Western culture is now being ruthlessly suppressed by communist tyranny.

The Poles, longing for the day of deliverance, do need your words of hope and encouragement to sustain them in psychological resistance to communism and Soviet domination.

The Polish American Congress, representing over twelve million Americans of Polish ancestry, sincerely appreciates your past participation in May 3rd Observances and appeals for your assistance in making the coming program in the Congress as impressive and memorable as in the previous years.

I am taking the liberty of enclosing a factsheet dealing with this event.

Sincerely yours,

CASIMIR I. LENARD,
Executive Director,
Polish American Congress.

MAY THIRD—THE POLISH NATIONAL HOLIDAY

On May 3rd Poles everywhere and citizens of Polish origin in many countries celebrate a Polish National Holiday—the Polish Third of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3rd in 1791, barely two years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May Third Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans who have been reared in the principle given use as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national, sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish Third of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the Third of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Mediation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

LETTER OF COMMENDATION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. LONG of Maryland. Mr. Speaker, one of my constituents, Mr. Daniel E. Zabel, 13 Bonnie Avenue, Bel Air, Md., has brought to my attention the outstanding job being done by two teachers at the Villa Cresta Elementary School, Baltimore County: Miss Rose A. White and Mrs. Elizabeth Riley. These teachers have shown an exceptional concern for their students outside the classroom as well as inside. I would like to pay tribute to them by including Mr. Zabel's letter of commendation in the CONGRESSIONAL RECORD, as follows:

HON. CLARENCE D. LONG, *Towson, Md.*

DEAR MR. LONG: In a day in which there is so much criticism of our institutions and leaders, I feel those, who by their example prove the validity of our system, deserve equal time. It is for that reason that I would call to your attention Miss White and Mrs. Riley, teachers at the Villa Cresta Elementary School, Baltimore County, and hope you will share this information with their supervisors.

While knowledge of their abilities as teachers reaches me only at second hand, the enthusiasm with which it is conveyed leaves no doubt in my mind as to their effectiveness. Recently I helped the entertainment committee with their Fiesta, and experienced this close teacher-student relationship, which I can say was mutual admiration.

Touching close to my life are my own grandchildren and it is in this context that the above teachers have renewed my faith in my fellow man and of the best of our way of life.

It was at a time of personal trouble and illness of my daughter and her husband that these two teachers sought out my grandchildren to take them to the movies, bowling, and other recreational activities. I understand that this is not just an isolated incident of their industry, thoughtfulness, and charity, but that many have been touched by them.

It is my sincere hope that these words will in some way convey my thoughts and bring to these fine examples of the teaching profession the recognition that I believe is due them.

Sincerely yours,

DANIEL E. ZABEL.

NATION'S CRIMINAL JUSTICE SYSTEM REQUIRES REFORM

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. FORSYTHE. Mr. Speaker, on Saturday this Nation observed "Law Day U.S.A." It was a reminder that if constructive changes are to come in our society, they must result under law and through reason.

That Law Day occupies only a single calendar day is merely symbolic. For it is an annual reminder that while the principles embodied in the observance are constant their viability cannot be taken for granted. Instead, they must be nurtured and sustained by all Americans.

Much of this Nation's attention has been centered these past few weeks on the throngs of young Americans who have demonstrated here in Washington and in other places against the war.

Thus, there is a temptation to dwell on the issue of violence, of mob actions and the place for peaceful dissent within the law in our society.

But there is another serious problem in this country. That is the problem of our floundering system of criminal justice; a system in which the speedy trial is too often only a heady philosophy expressed by wishful thinking politicians

Our courts and the judges who preside in them are the ultimate guardians of our basic freedoms.

There is no excuse for the shortage of judges, of prosecutors and of accessory help for them, or for the hopelessly inadequate court facilities in far too many urban communities.

There is no excuse for larger and larger dockets, and heavier and heavier backlogs, in trial courts and in some places in appellate courts, and often in both.

The inevitable results are a denial of justice, citizen disrespect for the law and those who enforce and administer it, and a general breakdown in the administration of justice.

In many States, not, I am glad to say my own, judges are elected. If there is any single principle upon which most leaders concerned with the administration of justice almost universally agree, it is that any system other than a merit selection plan is undesirable.

Chief Justice Warren E. Burger, in an address to the American Bar Association last August, put his finger on the real problems facing the Federal judiciary and recommended steps to be taken to improve the system in the future.

Justice Burger pointed out that while 61 new Federal district judgeships were added by Congress last year, it was the result of efforts which began 5 years earlier:

> We see therefore that the additional judges, needed in 1965, were not authorized until 1970—

Justice Burger said:

> We cannot solve our problems by meeting needs five or more years after they arise. The time to plan for 1975 and 1980 needs is now, and I hope this can be accomplished, not simply by adding more judges, but by the more efficient use of judicial manpower and greater productivity through improved methods, machinery, management and trained administrative personnel—

He said.

The Chief Justice pointed out that while more judges were added, more laws were passed resulting in more cases coming before the Federal courts.

Observed Justice Burger:

> The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in terms of caseloads.

Included in the Chief Justice's recommendations were the following, which I believe are particularly important:

> The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probation and parole services.
>
> The whole process of appeals must be reexamined. It is cumbersome and costly and it encourages delay and it takes too long. Some courts . . . have developed procedures to screen out frivolous appeals. Finally at some point is indispensable to any rational—and workable—judicial system.
>
> We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained, and that the representation is on a high professional basis. It is professional representation we promise to give—nothing more—and always within accepted standards of conduct. This Association has now provided lawyers with comprehensive and authoritative standards and it is up to the courts and the bar of every state to make sure they are followed.

This Nation, if it is to protect the sense of confidence in the courts which is essential in maintaining the fabric of ordered liberty for a free people, must make changes in its judicial methods and procedures and machinery.

I call on the Congress to cooperate with the judiciary in this regard.

SLAUGHTER OF SEA MAMMALS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. STEELE. Mr. Speaker, some of the most historic whaling communities in the Nation can be found in my Second District of Connecticut. So, I am no stranger to the lore of this ancient and venerable craft. And, I am as concerned as anyone that the whale be saved from extinction threatened by the bootleg whaling fleets of foreign nations. However, it has come to my attention that there is disagreement among the various affected government agencies over the proper position the United States should take on whale conservation and membership in the International Whaling Commission. Based on the following information published in the latest edition of the trade bible, Ocean Science News, I have called for an investigation of the official Government's position on marine mammal conservation.

Under the leave to include my remarks in the RECORD, I include the following article which pinpoints the need for immediate clarification of United States policy and the need for action to preserve and protect all marine mammals.

OCEAN SCIENCE NEWS

The U.S. has taken unilateral actions over the last 12 months in regard to international whaling operations. In June of 1970, the Interior Department—without regard to the efforts and actions of the International Whaling Commission (IWC), without regard to the findings of a special study group of the IWC's Scientific Committee, without prior consultation with the State, Commerce and Defense Departments—added the sperm, finback and sei whales to the official U.S. Endangered Species List, thus prohibiting their taking by American whalers and any import into the U.S. of products derived from their taking by whalers of other nations. Interior also failed to consult with either Dr. J. L. McHugh, U.S. Commissioner to the IWC (and at that time himself in the Interior Department) or with Dr. D. G. Chapman, Chairman of the IWC Scientific Committee (also with the University of Washington Center of Quantative Science in Forestry, Fisheries and Wildlife) and, seemingly, ignored testimony offered before a meeting of the IWC by observers from The Fauna Preservation Society, the International Society for the Protection of Animals, the International Union for the Conservation of Nature and Natural Resources, the International Association of Game, Fish and Conservation Commissioners, and the World Wildlife Fund, none of whom suggested that there should be a complete ban on the killing of sei, fin or sperm wholes—only that the catch limit is set by the IWC, for some stocks, were too high. More recently (OSN,23Apr71), Commerce Department established an absolute ban on whaling by U.S. citizens effective 31Dec71—again without any evident consultation with either U.S. or other experts. This is a unilateral action, taken without recognition of our membership in IWC, which includes these member nations: U.S.S.R., Japan, U.K., Canada, Norway, Australia, New Zealand, Republic of South Africa, Mexico, Spain, Portugal, The Netherlands, Panama, Iceland, France, Chile and Peru.

Personally, we like whales, especially porpoises; we view them more as friends and associates than as wild animals to be killed and hunted for profit. However, that's a subjective view and, perhaps, not very realistic in the world in which we live. Marine mammals have been hunted and harvested for many centuries as both food and sources of materials for commerce. It is something men do, and one does not change the human species overnight (or even in centuries). Indeed, sperm whale oil is classified as a strategic material and is substantially stockpiled by the U.S. government. (Office of Emergency Planning, a White House agency, tells us we have 23.4 million lbs. of sperm oil stockpiled, that it is worth $7 million—compared to the $4.8 million the government paid for it—and that we haven't bought any of it since 1955. Attempts to develop substitutes for the great lubricating qualities of sperm oil have yet to produce a completely acceptable replacement.) And, many people in other parts of the world depend on the meat from marine mammals as an important source of animal protein in their diet. Whales are big, beautiful, majestic and apparently quite intelligent. When viewed as food, however, it is difficult to argue convincingly that they are much different from beef cattle or chickens. Besides, among the toothed whales, there are marine mammals that eat other marine mammals for the same purpose. It's all part of nature's way.

What is important is that species not be fished to the point of extinction. And, so long as whales are a common high seas fishery resource, well beyond the exclusive limits of any single national jurisdiction, and so long as a number of other countries still conduct whaling operations—mainly the U.S.S.R., Japan, Norway, Canada, Republic of South Africa, Australia, and a few smaller operators—*the only hope for conservation of the species lies in the development of effective international control.* Without international control, the big whaling nations (U.S.S.R., Japan, Norway) would most likely go all out to catch what's left before the others do. That would be the end of many important species of whales.

The International Whaling Commission has not stood out as the paragon of international regulatory agencies. Indeed, until a few years ago it was rather a dismal failure. In recent years—as much through the efforts of the U.S. delegation as anything—the IWC has grown in effectiveness and stature and shows every indication of becoming even more effective in the future. Unilateral action as taken by the U.S. can only generate distrust in the U.S. and the IWC among other IWC members and thereby weaken the effectiveness of its controls. It has been a tough battle, bringing the IWC to the point of beginning to exercise effective protective controls on world whale stocks. The U.S. action can only work in the direction of reversing this trend—if not bringing about the dissolution of the IWC entirely. The guilty party, specifically, appears to be the Bureau of Commercial Fisheries, as it was called in Interior, or the National Marine Fisheries Service, as it is now called in Commerce's National Oceanographic & Atmospheric Agency.

The IWC in 1963 concluded (rather belatedly, it is true) that the blue and humpback whales were, indeed, endangered species and placed an absolute ban on their taking. Killing prohibitions on white and gray whales were approved even earlier. In 1965 the IWC agreed to a program for a stopped reduction in the taking of fin and sei whales. It has also introduced controls on the taking of sperm whales, limiting the catch only to males 38 feet long or over and only those found north or south of the 40th parallels; the harem herds (sperm whales are polygamous) and calves remain largely between 40° S. and 40° N., while lone males range beyond those limits to feed.

A summary of presently estimated whale stocks outlines the nature and, indeed, the urgency of the need for continuing progress towards effective international control of whaling. The two major world whaling areas are the Antarctic and the North Pacific. In the Antarctic there remain an estimated 6,400 blue whales, 1,700 humpbacks and 1,500 right whales; the number of these species in the North Pacific isn't known but is almost certainly less. The Antarctic population of blue whales is believed to be at 4% of its virgin (stock before the onset of whaling) stock; the humpback, at 5%. The Antarctic fin whale population is estimated at 70,000; in the North Pacific, 32,500, compared to virgin stocks of 250,000 and 65,000 respectively. At these population levels, which are at 33% and 50% of original levels (maximum sustainable yield—msy—for fisheries stocks occurs, generally, when harvesting holds stocks at 50% of virgin levels), sustainable yields are estimated at 2,700 and 1,700 respectively; quotas have been set accordingly by the IWC. IWC's long range objective is to restore stocks to msy levels and hold them there.

Sei whale populations in the Antarctic and North Pacific are at 75,000 and 46,000, respectively—a little over the msy level—with sustainable yields of 5,000 and 3,100 animals, respectively. Sperm whale stocks are estimated for Southern Hemisphere at 300,000 animals and for the North Pacific at 210,000. No evidence of over harvesting has been discovered in the Southern Hemisphere, though the take of mature males in the North Pacific is considered too high, and the IWC members have agreed to a reduction in 1971. Stocks of other whales, such as the minke (just now becoming subject to considerable harvesting by both the Norwegians and the Japanese) are considered to be well above msy limits.

IWC enforcement procedures still leave something to be desired. International inspectors are not yet allowed on whaling expeditions, but broadly speaking, at least, the catch can be checked by monitoring the ratio of the various whale products brought into port—oil, meat, teeth, baleen, etc.—which increasingly is done. IWC member states do agree to the rulings of the IWC and appear to be trying to adhere to them. Norway, which dropped out of the IWC a few years ago, is back in. There are reported to be two "bootleg" whaling operations (i.e., operating outside the IWC under flags of convenience)—one possibly out of Panama and the other thought to be emanating from somewhere in the Caribbean. There is no effective machinery for dealing with this kind of piracy—though Peru a few years back detained such a bootleg (i.e., outside of the IWC) fleet operated by Onassis (of Jacqueline and Greek shipping fame) and made him pay a $3 million fine before releasing it. (See Colombos, C. John, "The International Law of the Sea". McKay, 1967, New York.) The IWC certainly isn't perfect, but it's better than the *laissez-faire* situation which previously existed, and its effectiveness has been improving. It is irresponsible for the U.S. to work against the IWC. Our action could be disastrous for the whales we are all trying to save, if the unilateral position taken by Interior and Commerce Departments, and hence by the U.S. government, were to result in the failure of the IWC.

SPEEDUP IN COURTS IS NO CURE-ALL FOR CRIME

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EDWARDS of California. Mr. Speaker, be wary of efficiency. In judicial matters, that principle should be considered an unalterable one. Somehow, however, our values in the business world often impose themselves as desirable standards for all governmental activity, and efficiency then becomes a goal to be achieved for its presumed virtues alone. But to sight our judicial reforms on achieving efficiency is to aim at the wrong target. Justice is too fragile a product to be submitted to expedient dispensation. Increasing the efficiency of our judicial system is desirable only insofar as it contributes to a higher aim, namely, the assurance of greater equity and fairness in our legal system.

This is to say that in the event of a conflict, efficiency should always defer to justice; certainly a reasonable proposition, but one often ignored in practice. If we are to guard against the persistent erosion of our civil liberties and prevent the evolution of our courts into virtual judicial vending machines, then it must be acknowledged that justice must never be abridged merely to increase the case-handling ability of our court system.

In last Sunday's edition of the Washington Post, Chief Judge David L. Bazelon of the District of Columbia Court of Appeals treats this very problem. He points out the deceptions that elude many proponents of reform and discusses the undesirable consequences that can result from certain efficiency schemes. The article is a fine statement of the largely unrecognized and undesirable side effects some of these proposals would leave, and suggests a most instructive analysis of the potential dangers of some current proposals.

Mr. Speaker, I insert herewith the full text of this excellent article:

SPEEDUP IN COURTS IS NO CURE-ALL FOR CRIME

(By David L. Bazelon)

(NOTE.—The following is excerpted from a lecture given last week at the New York University School of Law by Bazelon, who is chief judge of the U.S. Court of Appeals for the District of Columbia.)

From all sides we are assailed by cries of a crisis—a crisis of crime in the streets and congestion in the courts. We hear the cry that we can reduce both street crime and court congestion by increasing the efficiency of the courts.

In the name of efficiency, many proposals for reform have been advanced. The courts are urged to experiment with new ways of managing their calendars, and new ways of expediting the flow of paper through the court system.

Certainly any such reforms that can help the courts cut into their backlogs are long overdue. But I think there is a grave danger that we have been oversold on the benefits of judicial efficiency. In a great burst of wishful thinking, many of us seem to have decided that cutting down on court backlogs will cut down on crime. The theory seems to be that would-be criminals are more likely to be deterred by the threat of swift punishment than by the threat of remote punishment.

But in reality we know next to nothing about the way deterrence really operates. There is simply no evidence that speeding up the judicial system is likely to make a measurable dent in the crime rate.

First, if the public is led to expect such miracles from judicial reforms, we may put the more important reforms on the back burner. It would be a serious mistake to think that it is more important for us as a nation to repair our judicial machinery than to repair the institutions that provide unliveable housing, inadequate health care, and insufficient food to the people who commit the crimes that concern us.

Even if we were to dispense with trials altogether, and simply lock up every person who was not discharged at his preliminary hearing, we would still have a serious crime problem. For every criminal we take off the streets, a dozen more will come of age until we do something about the conditions that force people into a life of crime.

Second, there is another danger inherent in allowing the public to expect too much from judicial reforms. That is the danger that in our enthusiasm we will be willing to pay an inflated price for judicial efficiency. In the name of efficiency, we are urged to rely ever more heavily on guilty pleas, to eliminate "frivolous" appeals, and to pare to the bone collateral review of criminal convictions.

Devices like these may cut down court backlogs. But we should not forget that problems come to the courts only when every other social mechanism we have has failed to solve them. Almost by definition, these problems are hard problems—cruelly hard problems. Speeding up the process of decision doesn't make them any easier to solve. And devices like those just mentioned will speed up decision only at the cost of short-circuiting the process established by the Constitution for the administration of criminal justice.

A QUESTIONED BARGAIN

I think that we are already relying far too much on acceptance of bargained guilty pleas. In hopelessly backlogged courts, most defendants are convicted without any trial at all. Some of our most vital decisions about guilt and sentence are made not out in the open, but behind the scenes. Equal adversaries do not compete in public before an impartial judge and jury—instead, the two sides meet in secret in a test of nothing more than raw bargaining power.

Today the practice of plea bargaining is widely regarded as indispensable for the operation of our system of criminal justice. We are told that the courts would collapse into chaos if every defendant exercised his right to a trial. If so, we are in a sorry state indeed, for the continued existence of the judicial system is dependent upon the good will of criminal defendants. But if they continue to have our best interests at heart, and the practice of plea bargaining is to continue, at the very least we should bring it out into the open and surround it with safeguards.

The American Bar Association and other groups have made important proposals in this regard. The courts of the District of Columbia, I am happy to say, are presently experimenting with devices intended to put such plea bargains as are made on the public record.

But no safeguards can eliminate the fundamental problems inherent in plea bargaining. When the government actively encourages defendants to forego the very rights that government is established to secure, it may not offend the Constitution but it certainly raises some pretty basic problems. With one hand we offer the defendant a public adversary trial, and with the other we rush him out of the courtroom and into the bargain basement, where he can buy a short sentence by pleading guilty. One result of the bargain system is that the resulting sentences are based less on any rational or consistent policy than on the fluctuating demands of the marketplace.

To begin with, a prosecutor negotiating a plea simply doesn't have before him the information necessary to make any sort of informed judgment. He usually knows almost nothing about the defendant. He often has as little as 10 or 15 minutes to reach his decision. And in any event, his options are severely limited by the economics of the marketplace. For in order to buy a guilty plea, he has to offer something in return. What he offers is a sentence significantly shorter than a defendant would expect to receive if he were found guilty after a trial.

If that short sentence is sufficient to serve whatever ends we seek to serve through the sentencing process, then it must be true that sentences handed out to defendants who go to trial are too long. Conversely, if the defendants who go to trial are, by and large, getting sentences of the proper length, then the sentences resulting from the plea bargaining process are too short. If the basic aim of our sentencing policy is to rehabilitate defendants, then the result of our commitment to plea bargaining must be either that the prisons are clogged with people who should have been out on the streets a long time ago, or else the streets are clogged with people who should still be receiving rehabilitative treatment. It is a false efficiency indeed that speeds up the criminal process in order to speed up an unrehabilitated defendant's return to the streets.

In order to speed people through the system, then, we are running a bargain counter that may tempt even innocent people to plead guilty. For any defendant—innocent or guilty—must pay a high price for asserting the right to go to trial. We may be confident that not many innocent defendants are convicted, but we know that imperfections in the factfinding process must mean that some are. And one ironic quirk of the plea bargaining process is that it gives the heaviest sentences to the group most likely to include some innocent people—the group with close cases. For an innocent defendant is most likely to resist the pressure to plead guilty, and insist on going to trial. Some of these people will be convicted—after all, no system of justice is perfect—and those innocent people will get the heavy sentences reserved for people who insist on trials.

A CRUEL PARADOX

The problem is even worse in the context of the delays that presently beset the criminal system. For court backlogs increase the pressure on all defendants, innocent or not, to give up and plead guilty. The price of a trial is not only a longer sentence for defendants who are found guilty. For defendants unable to make bail, insisting on trial may increase the time they spend in jail in another way as well. In many jurisdictions, the usual sentence on a plea of guilty to a misdemeanor is "time served"—the amount of time spent by the defendant in jail before the plea was entered. Since it usually takes a longer time to get a trial than it does to get a plea taken, the price of a trial is several extra months in jail even for an innocent defendant.

Life magazine recently told a story that makes the point. One defendant, in jail for 10 months, was approached by his lawyer with the suggestion that he enter a guilty plea; he could probably get a one-year sentence which, with credit for time served and good behavior, would put him right out on the street. If he insisted on trial, on the other hand, he would have to spend a few months in jail before he could get one, and would get a stiff sentence as well if he lost. The poor defendant could hardly believe it: "You mean if I'm guilty I get out, but if I'm not innocent I stay in jail?" But that's the way the system works.

That story makes clear, I think, that court backlogs and bargained pleas are both damaging to our system of criminal justice. If we can only reduce backlogs by increasing bargains, it's hard to see what we gain. Criminal trials are too valuable to sacrifice for the sake of efficiency.

But there may be other matters that could be removed from the courts at far less cost to society. Automobile negligence cases come immediately to mind. Or Congress—and the state legislatures—could cut down on the judicial burden by providing more efficacious means of challenging criminal prosecutions under statutes that are unconstitutional on their face. At present, it seems that the only way to challenge an unconstitutional statute is often to violate it and wait for trial.

If we take steps to clear the courts of unessential matters—and more important to do something about the causes of crime rather than its results—we may be able to move toward a world in which we mean what we say, a world in which every defendant who wants one can have what the Constitution is supposed to guarantee him—a fair, speedy, and public trial.

VA EMPLOYEE EDDIE REINMUTH RETIRES AFTER 52 YEARS OF SERVICE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I wish to call the attention of the House to a forthcoming retirement in the Veterans' Administration.

Edward Reinmuth, better known as "Eddie," plans to retire the end of May after completing more than 52 years of service in the Veterans' Administration and its predecessor agencies—Bureau of War Risk Insurance and the Veterans' Bureau.

Upon graduating from the Washington Business High School in 1919, he started his career as a clerk-stenographer in the Life Insurance Division of the Bureau of War Risk Insurance when the agency was scattered in various buildings in Washington, D.C. He moved with the agency into the present Central Office, 810 Vermont Avenue NW., then known as the Arlington Building—when it opened in 1920.

Eddie was too young to serve in World War I and was rejected for service in World War II for physical disability—so it is believed that he is the first employee to actually serve all 52 years in this agency alone.

After working in the Insurance Division in many capacities, he decided to study law. He graduated from Columbus University Law School in 1934 and was admitted to practice before the District of Columbia Bar the same year. He successfully passed the adjudicator's examination and was appointed an adjudicator in the Dependents Claims Service in 1935.

This service handled claims for death compensation and pension filed by widows, children, and dependent parents of deceased veterans of the Civil War, the Indian wars, the Spanish-American War, World War I and peacetime service.

After serving as claims authorizer, legal consultant and section chief, he was designated in charge of establishing, staffing, and maintaining dependents and beneficiaries claims divisions in the 13 branch offices of the VA, which were created in 1946 by Gen. Omar Bradley, then Administrator, and in which all claims for death benefits, including insurance, were adjudicated.

When the branch offices were reorganized in 1949, Eddie headed the supervision of death claims activities in the 13 newly established district offices. He actively participated in the supervision of these offices by personal visits and in 1955 assisted in consolidating them into three offices—Philadelphia, Denver, and St. Paul.

He also supervised the preparation of guidelines and other instructional material for use by the RO's and presided over several training sessions for adjudication officers who would be responsible for the death claims work.

Eddie was promoted to the position of

Assistant to former VA Administrator, W. J. Driver when Mr. Driver was Director of the Compensation and Pension Service. He served in that same capacity under former Directors A. W. Stratton, A. W. Farmer, and J. C. Peckarsky, and now under J. T. Taaffe, Jr., present Director of Compensation, Pension and Education Service.

Eddie is one of the few native Washingtonians who has served his entire career in VA Central Office.

BETHEL FLOOD CONTROL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BEGICH. Mr. Speaker, there is a serious threat to the city of Bethel that I believe deserves our immediate attention. Because of the erosion along the banks of the Kuskokwim River, there is a strong possibility that the river might overflow and cause immeasurable damage to life and property in Bethel.

The Bethel area is the trading center of the Kuskokwim River Basin and is also an important cultural region to the State. Any flood to this area would have not only a great effect on the people of Bethel but also on the entire western region.

The Alaska State Legislature is keenly aware of this problem and has passed the following joint resolution that I commend to your attention:

SENATE JOINT RESOLUTION NO. 33: RELATING TO FLOOD CONTROL IN THE BETHEL AREA

Be it resolved by the Legislature of the State of Alaska:

Whereas Bethel, Alaska is the trading center of the Kuskokwim River Basin, and is in all ways important as a cultural and regional center; and

Whereas a major threat to the continued existence of Bethel and the safety of its citizens is the continued erosion of the Kuskokwim River banks which prevent flooding of the area; and

Whereas major structural measures to prevent the banks from eroding are essential at the earliest possible time in order to remove this imminent threat to Bethel and its citizens; and

Whereas a recent report by the Corps of Engineers recognized the serious nature of the problem existing at Bethel, but declined to fund a corrective project for the reason that the necessary structural measures were not economically feasible;

Be it resolved that the Seventh Alaska Legislature considers the protection of the Bethel area citizens and their property of the highest priority and urgently requests that the Corps of Engineers and the United States Congress seek and provide adequate funding for a Corps of Engineers project in the Bethel area to alleviate the existing disaster potential occasioned by the erosion of the banks of the Kuskokwim River.

Copies of this Resolution shall be sent to Lieutenant General F. J. Clarke, Chief of Engineers, U.S. Army; the Honorable Jennings Randolph, U.S. Senator and Chairman of the Senate Public Works Committee; the Honorable George H. Fallon, U.S. Representative and Chairman of the House Public Works Committee; the Honorable Allen J. Ellender, U.S. Senator and Chairman of the Senate Appropriations Committee; the Honorable George H. Mahon, U.S. Representative and Chairman of the House Appropriations Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

LT. JOHN E. O'NEILL, VIETNAM VETERAN, SEEKS PRIVILEGE OF TESTIFYING BEFORE SENATE FOREIGN RELATIONS COMMITTEE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. FISHER. Mr. Speaker, recently the Senate Foreign Relations Committee provided a forum, with television coverage, for former Navy Lt. John Kerry to present his views about the war in Vietnam. Mr. Kerry, a leader of the Vietnam Veterans Against the War, was in Washington as a protester.

I recently received a copy of a letter, the original of which was sent to the Senate committee, written by Navy Lt. John E. O'Neill, a constituent of mine, in which he requested the committee to grant him the same privilege as that accorded to Mr. Kerry.

It is assumed the committee will grant the request. From reading Lieutenant O'Neill's letter it is apparent that he is eminently well qualified to discuss the same subject matter as was presented by Mr. Kerry. They served in the same mission. Both were decorated. It happens, however, that their views are diametrically opposed.

Under leave to extend my remarks I include a copy of Lieutenant O'Neill's letter to the Senate committee. It follows:

APRIL 26, 1971.

DEAR SIR: I am currently a Lieutenant in the United States Navy stationed at the NROTC Unit, Holy Cross College. I have submitted my resignation from the Naval Service and it has been accepted. I will revert to the inactive reserves on June 4, 1971.

I graduated from the Naval Academy in June 1967. I spent most of the period from August 1967 to May 1969 on board a small minesweeper, the USS *Woodpecker*, an Operation Market Time in the waters of the Republic of Vietnam. From May 1969 until May 1970, I was attached to Coastal Divisions 11 and 13. I received two Bronze Stars for heroism and various other decorations.

On April 22, 1971, Mr. John Kerry appeared before the Foreign Relations Committee of the United States Senate to testify on the views of Vietnam veterans concerning the course of the war in Southeast Asia. His testimony purported to represent the prevailing view of veterans, namely the United States aid to the Republic of Vietnam should end immediately.

My qualifications to speak on the war are the same as Mr. Kerry's. As a matter of fact, I was assigned to the same organization (Coastal Division 11) while I was in Vietnam. In addition, I had one uncle killed in World War II (Lt. Crane, USN); one uncle killed in the Korean War (LCDR Vogel, USN); one cousin killed on the USS *Scorpion* SN Frankie). Unlike Mr. Kerry, I would not presume to speak for the dead. (Including some nine members of the class of 1967 at the Naval Academy). However, my father (Rear Admiral E. J. O'Neill, USN, Retired) and three of my brothers (Brian, Edward, and Michael) are veterans. For them and myself, I would like to testify before the Senate Foreign Relations Committee in favor of the Nixon policy on the conduct of the war.

I have never joined any veteran's organization and I never will. Nor have father or brothers joined any such organization. We like to speak for ourselves. I believe that my views are far more in line with those of the average veteran than Mr. Kerry's. I think as a matter of justice and equity, I should be allowed to testify before the Senate Foreign Relations Committee, for after all, the United States has always been the forum of the people.

I will be in Washington in June and will be happy to testify at any time. I request your assistance in gaining the right to testify. I believe that a combined total of forty-three active service years in the United States Navy, spanning three wars, merit a favorable consideration of this request.

My current mailing address is:

Lt. John E. O'Neill, 717911, NROTC Unit, College of the Holy Cross, Worcester, Massachusetts 01610.

After June 4, I may be reached:

c/o Rear Admiral E. J. O'Neill, USN (Ret.), Post Office Box 6012, San Antonio, Texas.

Sincerely,

JOHN E. O'NEILL,
Lieutenant, U.S. Navy.

THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE POLICY STATEMENT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. MINISH. Mr. Speaker, it is obvious that the State of Israel requires the steadfast support of the United States as never before. Those of us in Congress would do well to keep in mind the fact that Israel is a nation attempting to retain her security against the threat of annihilation, which is a threat strengthened by the Arab-Soviet bloc.

In this context, I believe it is appropriate to insert into the CONGRESSIONAL RECORD the text of the statement submitted by the Executive Committee of the American Israel Public Affairs Committee to its 12th annual policy conference in Washington. The statement was adopted in Washington on April 29.

I include the article as follows:

THE GOAL

The goal in the Middle East is peace. A genuine and lasting peace can be achieved through negotiations between the parties directly concerned. A peace between sovereign states cannot be imposed by the Great Powers and its durability cannot be contingent on their intervention or guarantees.

Four years after the six-day war, the Arab states still reject a negotiated peace with Israel. While Egypt professed to offer peace in its communication to Ambassador Gunnar Jarring, she stated conditions which made peace impossible. Moreover, on April 17, Egypt announced her readiness to join with Libya and Syria in a new federation which, inconsistent with Egypt's earlier offer, reaffirmed the 1967 Khartoum formula of "no negotiation, no recognition and no peace" with Israel. Fortified by Soviet support and by the position of the Great Powers on territorial issues, the Arab states are encouraged to believe that the Great Powers will ultimately impose a settlement which will force Israel back to the pre-1967 demarcation lines, exposing her to renewed attack.

The Government of the United States can play a major role in preventing a new war and in promoting a negotiated peace which will lead to stability and security for all states in the area.

The Arms Race

The Soviet Union has expanded its presence and influence by deploying weapons and military personnel in Arab states and by spearheading a diplomatic offensive against Israel. The Soviet Union intensifies its pressures by continually providing Egypt with the most sophisticated planes and artillery in its arsenal. Once again, as always in the past, the Soviet Union is setting the pace in the Middle East arms race.

In mid-1970 President Nixon announced that Israel would receive the weapons she needed to defend herself and that the balance of power would be maintained, and he recognized Israel's need for "defensible" borders.

This strong stand was widely supported in Congress.

We welcome this crucial decision, which helped to persuade Egypt that she could not bring about Israel's destruction.

We commend our Government's determination not to permit an arms imbalance. It is essential that our Government continue to provide Israel with military supplies to enable her to deter renewed aggression.

We also urge our Government to give sympathetic consideration to Israel's economic needs which arise from the War of Attrition waged against her by the Arab states, aided and abetted by the Soviet Union.

Geography and security

We regret that the United States accedes to Egypt's position that Israel must withdraw to the old Egypt-Palestine international frontier, abandoning territories which have served as bases for Egyptian aggression.

Israel believes that she must have the security that geography can provide; but the United States is asking Israel to accept most of the Arab boundary demands and to entrust her security to international "guarantees"—which proved so valueless in the past.

Our Government has stated that the UN Security Council resolution of November 22, 1967, which calls for secure and recognized boundaries, neither bars nor endorses the pre-June 1967 armistice lines. Yet its proposals are tantamount to an endorsement of those precarious frontiers. Our Government has frequently stated its opposition to an imposed peace. Yet the procedure it has adopted is tantamount to imposition and impedes attainment of a negotiated peace.

Our Government should reject pressures on Israel which would force her to surrender to Arab terms. A peace-at-any-price solution, imposed by the Great Powers, has proved to be a prelude to war in the past.

We appeal to our Government to reconsider its stand on territorial issues in order to enable Israel and the Arab states to negotiate freely and to establish agreed and secure boundaries.

The United States should work to obtain withdrawal of Soviet military forces and oppose any arrangements legitimizing their presence, which constitutes a threat to the survival and independence of all the states in the region.

We believe that all outstanding issues between the Israelis and the Arabs can be resolved by peace treaties obligating the parties to each other and leading to:

Peace.

The establishment of secure and recognized boundaries and demilitarized zones.

Freedom of navigation through the Suez Canal and the Straits of Tiran.

Resettlement and compensation for refugees, Arab and Jewish.

Preservation of the unity of Jerusalem with free access to the Holy Places for all faiths.

Effective controls to end terrorism and hijacking.

The end of economic warfare, boycotts and blockades.

Deescalation of the arms race.

Much will depend on a firm and consistent policy by the United States. The United States and Israel share a common objective: the achievement of an Arab-Israel peace contributing to the welfare of both Arabs and Jews.

BACKGROUND

In 1957, after the Sinai war, our Government joined with the Soviet Union in insisting that Israel withdraw from all territories occupied in that conflict without requiring the Arab states to negotiate a peace settlement.

That action led to the 1967 war.

The Arab post-1967 strategy has been to create a mood of panic and crisis—a peace-at-any-price or war-at-any-moment psychology—to intimidate the Great Powers into forcing Israel's surrender as in 1957.

Yielding to this pressure, our Government early in 1969 agreed to join Big Four talks to draw guidelines for a settlement.

Our Committee criticised this procedure on the grounds that:

1. The Arab governments would rely on the Great Powers to impose a settlement, thus relieving them of the need to negotiate a peace treaty.

2. The United States would be subjected to pressures to agree to compromises at Israel's expense.

These apprehensions were confirmed.

As the Big Power talks began—and encouraged by them—Egypt renounced the UN cease-fire and opened up her fourth war against Israel, the War of Attrition.

Late in 1969, Secretary of State William P. Rogers announced proposals for a settlement which went a long way to meet Soviet-Arab demands.

While our Government continued to adhere to the fundamental principle of "no withdrawal without peace," these proposals weakened Israel's negotiating position.

Boundaries

The United States has called categorically for Israel's complete withdrawal from Sinai to the old international frontier, with demilitarized zones and with international arrangements at Sharm el-Sheikh to secure navigation through the Straits of Tiran.

Abandonment by Israel of Sharm el-Sheikh would enable Egypt to close the Straits of Tiran as she did in 1967 and blockade Israel's ports of access to the Red Sea, the Orient and Africa.

The U.S. proposal on Sinai sets a precedent which encourages the Arab states to demand that Syria's old international frontier also be restored. This would return the Golan range to Syrian forces, from which they could resume attacks on Israel's Galilee and Jordan Valley villages and renew their schemes to divert the northern sources of Israel's water supply.

In the case of Jordan, our Government has called for a return approximately to the former armistice lines—with only "insubstantial" changes.

These proposals make it impossible for Israel freely to negotiate secure and recognized boundaries.

The issue here is Israel's security. It is not territorial expansionism by Israel. Return to the 1967 lines means retreat to 1967 close-range exposure to terrorism, siege, renewal of attack and war.

While continuing to maintain that Jerusalem should be a unified city and opposing arbitrary return to its partition, our Government has proposed that Jordan become a partner in its administration—a form of condominium or binational rule which is neither feasible nor equitable. Jordan has no just claim to Jerusalem and merits no reward for her record there. She seized the Old City by defiant aggression in 1948. She expelled the Jews, desecrated their synagogues and cemeteries, and denied access to the Holy Places to Christian and Moslem Israelis—as well as to Jews.

Refugees

The United States has proposed that Israel permit the Arab refugees to opt for repatriation to Israel or resettlement in Arab lands with an annual quota to be fixed between Israel and Jordan.

Mass repatriation would mean the destruction of Israel by a hostile fifth column. The U.S. proposal goes beyond past UN resolutions and feeds irredentist opposition to the exchange of populations and resettlement, the only realistic solution. The proposal ignores world experience in solving other vast refugee problems in that way.

The Arab war against Israel created two refugee problems.

More than 500,000 Jews were forced to leave Arab lands, where they were the victims of discrimination and oppression. Most of them were resettled in Israel.

A similar number of Arabs fled what became Israel in 1948. They fled because Arab leaders destroyed their right to self-determination by starting a war against the UN resolution that would have established an Arab Palestine. While many of these refugees have been settled in other Arab lands, the majority have been denied resettlement and have been exploited as hostages by Arab governments in their war against Israel.

Arab governments must assume their share of responsibility for solving the refugee problem. Arab refugees must be resettled in Arab lands where there is room and opportunity for them to lead useful lives. Israel has announced that she is prepared, even in advance of a general settlement, to enter into international discussions for the development of a five-year plan to resolve the refugee problem with international and regional aid.

The Cease-Fire

Initially, all the parties rejected the Rogers plan, but when it became apparent that Egypt was losing her War of Attrition, Egypt, Jordan and the Soviet Union changed their position. In the summer of 1970, they accepted the U.S. proposal for a cease-fire and standstill agreement as a preliminary to the resumption of talks under the auspices of UN Envoy Gunnar V. Jarring.

Israel feared that a temporary cease-fire would undermine the original 1967 UN unlimited cease-fire and provide a respite to facilitate a Soviet-Egyptian missile build-up near the Suez Canal. Nevertheless, Israel agreed to the U.S. initiative.

Israel's fears that the standstill provision would not be enforced were, unfortunately, well-founded. The Soviet Union and Egypt swiftly violated the agreement, and, despite Israel protests, they installed a massive missile system in the prohibited zone. Israel refused to participate further in the Jarring talks unless the violations were rectified.

In January 1971, although the violations were not rectified, Israel agreed to return to the talks at the urging of the United States and Ambassador Jarring resumed his mission. The UN envoy then adopted the Rogers proposals. He called on Egypt to agree to peace with Israel; but at the same time he called on Israel to agree to total withdrawal from Sinai. Egypt's response was to mention the word "peace" in connection with Israel, but setting forth conditions that precluded peace. She declined to negotiate unless Israel agreed to total withdrawal. Israel declared that she would negotiate on all issues including boundaries but without preconditions, and stated her position that she could not withdraw to the 1967 lines.

Egypt revealed the insincerity of her ostensible desire for a settlement by including reservations and escape clauses.

Egypt called for the withdrawal of Israel from all the territories, including those claimed by Jordan and Syria. There was the unrealistic proposal that demilitarized zones be astride the borders in equal distances. There were ambiguous reservations on undertakings to ensure freedom of navigation in the Suez Canal and the Straits of Tiran, such as Egypt has used to justify the denial of navigation in the past. There was a call for Big Four troops, which would put the Soviet Union on Israel's frontier.

The spurious nature of Egypt's talk of peace became demonstrably clear on April 17, when the announcement of a new Arab federation of Egypt, Libya and Syria included a revival of their 1967 declaration of no negotiations, no recognition, no peace with Israel.

If the Arab rulers were sincere, they would be willing to negotiate all the terms of the agreement by which all the peoples in the area must live.

CONCLUSION

Perhaps some day new Arab leaders will rise to repudiate negative doctrines, to abandon past enmities and to participate in a new era of cooperation which will help all the peoples of the Middle East. The death of President Nasser may have liberated the people of Egypt from past servitude to pan-Arab slogans. And King Hussein has overcome the terrorist forces which constituted a major obstacle to an Arab-Israel peace.

It has taken Egypt and Jordan 23 years to speak of peace with Israel. Israel has always called for peace. Given additional time, Egypt may yet come to recognize that she must be ready to make a contribution to a fair and just peace and that she cannot expect Israel to surrender to her ultimata.

We are confident that whatever differences there may be between the United States and Israel over tactics can be resolved, as have others in the past, for there is a basic understanding and friendship between the United States and Israel, an understanding which rests on their shared commitment to democracy and freedom—an understanding crucial to Israel's development and survival and consistent with the highest interests of the U.S.

A CRITICAL CHOICE ON WELFARE REFORM

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ULLMAN. Mr. Speaker, the time is rapidly approaching when Congress will be voting on alternatives for welfare reform. As this most important decision is made, I believe that it is important to ponder its significance. The basic decision is whether we are willing to devote our resources to giving people another chance. I believe that this Nation owes its citizens opportunity, not a guaranteed income. Richard A. Nenneman in the May 1 Christian Science Monitor, speaks cogently to this point, and I commend his article to your attention:

TREND OF THE ECONOMY—THE QUALITY OF WELFARE: MUST IT BE RESTRAINED?

(By Richard A. Nenneman)

This is not a column about the economy this week, or this month, or even the rest of this year. The nation appears to be moving ahead again, and while the experts argue about the speed of that forward motion, let us look at a longer-range problem that troubles all Americans—the welfare muddle and the related problem of our attitude toward individual responsibility.

Both are more than economic matters. They reflect our view of society and of man. But how we resolve them will have a profound effect on how the American economy develops from now till the end of the century.

In the hundreds of letters and comments in response to a recent page in this newspaper on the federal budget, there was this comment from a woman in Pennsylvania: "I am an old lady, 81. A proud American, of double pioneering background, back to 1624. Courage, enterprise, willingness to work—all this must be retained in our country. Things must not become too cheap and easy."

And on a question about federalizing welfare, she added, "More than enough is being done. The birds on the tree must use their bright eyes to get their bugs and worms or else. The present system is ruinous to character and will be ruinous to a country as mighty as ours has been."

She was not against government spending per se. She wanted to go along with the space program, for instance: "The universe out there seems full of possibility."

But this woman's doubts about welfare—from whatever level of government—reflect the fears of probably millions of Americans that money got too easily will ruin the fiber of any people. Yet, most of these same people are humane and would admit that every man deserves something approaching an equal chance in life.

What is difficult for many of us to see is how completely the nation has moved away from its 19th-century moorings, which were on the farms and in small-city life. It was easier for an individual to think of himself as someone who mattered. If he had problems, there was also someone around who saw he had a problem and could help him.

Of course some of the mythology of the rugged individualist was overdone. But the American experience has in actuality been built on the basis of more individuals taking their destiny into their own hands, on a sturdy self-reliance. This is the element that we at least think makes us different from other nations.

The problem today, as all over the world mankind becomes urbanized, is to reconcile this desire for individualism with the fact that in the big cities we are necessarily all dependent on one another. None of us can expect to survive for long in any degree of civilized personal existence if our neighbors feel they are unjustly deprived either of their share or their chance. And our "neighbor" today may literally be millions of people, which calls for a great adjustment in thinking from the kind of neighborhood—and the kind of personal concern—associated with small-town America.

The question to be resolved about welfare is not whether everyone deserves something approaching an even chance in life. Our society is founded on that proposition. The question is whether there is any feasible road besides what fits the general description of social democracy for an urbanized industrial society.

Is America following the example of the Western European nations, only more slowly? Or is there another way, one that is humane and does recognize changed social conditions, but also is in harmony with the special elements of the American past? This, I think, is the basic question Americans are wrestling with as they try to solve the welfare dilemma.

GAO REPORT: MORE COMPETITION IN DEFENSE PROCUREMENTS FOUND POSSIBLE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ASPIN. Mr. Speaker, I would like to call attention to a report issued in March of this year by the General Accounting Office. The report, entitled "More Competition in Emergency Defense Procurements Found Possible," deserves our careful consideration because it brings to light a serious source of wasteful spending on the part of the Department of Defense.

The Armed Services Procurement Act stipulates clearly that proposals be solicited from the largest possible number of suppliers when a negotiated procurement exceeds $2,500. The law makes exception for time limitations when the procurement is deemed to be of an emergency nature.

During fiscal year 1968, the Department of Defense negotiated procurements classified as "emergency" totaling $5.4 billion, 72 percent of which were issued on a noncompetitive basis. Although the actual dollar amount of so-called emergency procurements declined from $6 billion in fiscal year 1967 to $2.5 billion in fiscal year 1970, the percentage of noncompetitive procurements remained at approximately the fiscal year 1968 level.

The GAO, in preparing its report selected 54 contracts valued at $33 million which had been awarded noncompetitively. After detailed study, the GAO concluded that 36 of these contracts should have been awarded on a competitive basis because other suppliers were available who could have delivered the requested items at lower prices within similar time limits. These 36 contracts amounted to a total of $31.5 million.

On the basis of this representative sampling, it is reasonable to conclude that the Department of Defense has wasted tens of millions of dollars each year by negotiating too many contracts on a noncompetitive basis.

I would like to cite the following example which is illustrative of the many instances of noncompetitive contracts which were covered in the report: The Army purchased 812 multiplexers at a cost of $3.24 million. Supplier "A" was eliminated from consideration for the contract because the Army determined that supplier "A" could not begin deliveries until July 1968, one month later than requested. However, supplier "B" who was awarded the contract, was given until August of 1968 to begin deliveries. If competition had been obtained for that contract, as much as $1.65 million could have been saved on the $3.24 million contract. In other words, the costs could have been cut in half.

Mr. Speaker, instances of unjustified waste such as that which I have described seem to be proliferating unchecked within the Department of Defense. There is obviously a lack of procedural guidelines within the Pentagon for determining when a contract is of an emergency nature, and if it is, whether that precludes awarding the contract on a competitive basis.

These consistent violations of the Armed Services Procurement Act must be halted, and I call on the Department of Defense to institute a fixed procedure for the awarding of contracts on a noncompetitive basis.

First, the Pentagon should determine how much more quickly one contractor can deliver the requirements than other contractors can. Second, an estimate should be done on how much additional cost this would involve. And, third, a statement from the requesting agency should be required which specifically explains why the materials have to be received on the date requested.

This sort of procedure would be both easy and quick and could lead to savings of a significant amount of money each year. It is disturbing that the Pentagon has allowed such an important determination to be made in such an arbitrary and haphazard manner for so long.

I would like to underscore the report of the General Accounting Office and urge the Department of Defense to strict compliance of the Armed Services Procurement Act at the earliest possible date.

ON CHOKING OFF THE HEROIN TRADE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. VAN DEERLIN. Mr. Speaker, our colleagues, Congressmen Rangel, Hamilton and Dellums, are on the right course in the approach they have taken, through the introduction of H.R. 7822, to cutting off the domestic supply of hard narcotics—particularly heroin—at the source.

The plant from which heroin is derived, the opium poppy, is not grown in the United States, so our entire supply must be imported, mainly from the Middle East. In the countries where opium is produced, controls vary widely. Those governments that have been reluctant to exercise adequate controls might do so if threatened with loss of their U.S. aid, as provided by H.R. 7822.

I particularly applaud the language in the bill that would make the withholding of such assistance automatic, rather than leave it to the discretion of the Executive, if a country failed to take action to prevent the smuggling of drugs into the United States.

Experience has taught us that when given a choice, the executive branch is notably reluctant to use authority mandated by Congress for reducing or suspending foreign aid. A case in point are the 1968 amendments to the Fishermen's Protective Act, which directed the Secretary of State to "take such actions as he may deem appropriate" to recover fines and other penalties illegally extracted from our fishing fleet by foreign governments. If a claim were not honored within 120 days, an equivalent amount of aid was to be withheld from the offending government.

But what has happened? Despite a series of seizures that should have triggered action by the State Department—nothing. The Department's lawyers have interpreted the language as a polite request, rather than a forceful mandate from Congress, and Ecuador and Peru continue to take in and shake down our fishing boats with relative impunity.

It may be the Executive can fully grasp the intent of Congress only when it is cut out of the decisionmaking process altogether in legislation of this type.

Our colleagues deserve credit for wording H.R. 7822 so as to remove opportunities for the Executive to thwart the will of Congress. However the bill does—and wisely, in my view—contain an escape hatch, for the President may ask Congress to allow aid to continue if he deems it in the "overriding national interest." But the onus would be on the Executive to show why the assistance should not be rescinded, and termination of the aid would be automatic unless Congress accepted an administration appeal and granted a specific waiver.

The heroin problem is ubiquitous. No section of the country is spared. In my own county of San Diego, it is believed that as many as 2,000 persons are addicted. In 1969, in San Diego, there were 4,791 arrests for hard narcotics violations. County officials estimate well over $100 million is stolen annually, in cash and property, to enable addicts to support their habit.

I am proud to be a cosponsor of H.R. 7822, and urge its early consideration by the Committee on Foreign Affairs.

STATUE OF BOB BARTLETT PLACED IN ROTUNDA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BEGICH. Mr. Speaker, in the rotunda of the Capitol there now stands a statue of a most important figure in the achievement of Alaska's statehood—Bob Bartlett.

Last week, on April 27, 1971, the people of Alaska made their first contribution to Statuary Hall in the form of a bronze statue of Bob Bartlett, territorial Delegate to Congress and Alaska's first senior Senator.

The statue is the work of Felix G. W. deWeldon who spent many hours with Mrs. Bartlett while working on the statue.

It was she—

Mr. deWeldon said—

who helped me to show her husband's sensitivity.

Mrs. Bartlett came from Alaska to attend the ceremony in the rotunda and to unveil the statue of her husband. Also present for the unveiling were the two Bartlett daughters.

Bob Bartlett spent so much of his productive life in Washington that it is fitting that his likeness will remain here always. He first came to the Congress in 1945 as a nonvoting Delegate from the Territory of Alaska. Many of you were his colleagues until 1959 when he became Alaska's first senior Senator. He remained in the Senate until his death on December 11, 1968.

It is with pride that Alaskans have honored their first citizen to be commemorated in Statuary Hall. The son of Klondike pioneers, Bob Bartlett seemed to embody the best qualities of a new land; pride, energy, and an ability to dream of things yet to come.

I hope that the millions of people who will visit the Bartlett statue will take the time to look at his face because it is one of warmth and compassion. We all would do well to remember that a capacity for friendship is the greatest of gifts and Bob Bartlett had that in abundance. His statue is a lasting reminder of his many friends and of their appreciation and love.

VETERANS' ADMINISTRATION HOSPITAL VOLUNTEERS EARN SALUTE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EILBERG. Mr. Speaker, the work of volunteers, who put in long hours with no pay at our Veterans' Administration hospitals across the country, should be given wider notice.

I am afraid that many of us and our fellow Americans simply take this marvelous effort for granted.

On February 22, 1971, the work of these volunteers was noted in special ceremonies at the Veterans' Administration hospital in my city, Philadelphia.

Some 135 individuals and 47 groups were honored.

Their volunteer service amounted to a minimum total of 23,900 hours.

Many of the individual volunteers are affiliated with various veterans and fraternal groups and these affiliations are indicated by the group's initials in the list which follows. Many of the individual volunteers are not affiliated with these groups. Their names in the following list carry no initials.

I would like to add my heartiest congratulations and thanks to all my fellow Philadelphians who year in and year out give of themselves to this worthiest of efforts and with the unanimous consent of my colleagues here enter their names and honors and the names of the groups also honored in special tribute:

LIST OF HONOREES

HONORABLE MENTION

Regularly Scheduled (RS) Volunteer Workers still active who served during 1970 but not entitled to 100 hour certificates or the next plateau (300, 500, 1,000, etc.) certificates.

Dorothy Bandor
Lavina R. Bardsley, ALA
Albert Beaty
Dolores Bridges, MOCA
Catherine M. Carr, CWVA
Florence Carter, ARC
George Cessna
Anna Clay, IBPOEW
Rose Cloud, SCC
Anna Compton, VFWA
Ethel Corcoran, AMVETS
Richard Croft
Elizabeth Davy, DAR
Eileen F. Grabiec
Florence Graham, ALA
Eleanor W. Greene, ALA
Ray Gregory, Masonic Svc. Assn.
Frederick Haas, VWWI
Linda Haentze
Andrew Harkisheimer, American Legion
Clifford L. Hoag, USAAC
Vada Hyde
Lillian M. Jacobs, DAR
Elizabeth Jones, CWV
Jean McC Joyce
Louis Katz, Jewish Welfare Board
Ethel Kehm, AMVETS Aux.
James Kehm, AMVETS
Helen King, American Legion
Joseph R. Klotz, Jewish Welfare Board
Ann Lavelle
Harry Lincoln
Inez Lincoln
Mabel Dotsen
Margaret Lippincott, AMVETS Aux.
Paul Luciw
Florence Martin, AMVETS Aux.
Henrietta McCloskey, AMVETS Aux.
Mae McElvaney, VFW Aux.
Ann McHugh, American Gold Star Mothers
Anna McKenna, VFW Aux.
Ann Miller, Jewish War Veterans Aux.
Sarah Myers, American Legion
Fay Morgan, IBPOEW
Jane Olson, ARC
Joseph Poduslo
Michael Radvansky, 315th Infantry
Emma Reutlinger, DAR
Catherine Rotay, ALA
Samuel Schiff, Jewish War Veterans
Wilson Shive, VWWI
Margaret Shockley
Meyer Squires
Paul S. Stewart, Masonic Svc. Assn.
Capt. K. Strehle, Salvation Army
Anna Suhar, CWVA
William Toy, VWWI
Jean Lyons Tustin, DAV Aux.
Anna M. Vito
Katherine Wagner
Lelah M. Weiss, ARC
Emeline M. Wiggins, IBPOEW
Beatrice Williams
Lida Wright
Jacob Zaslow, DAV

CERTIFICATE OF APPRECIATION—100 HOURS

Mary Abrams, Jewish War Veterans.
Louise Alberts, DAR.
Neta R. Anderson, DAR.
Timothy Babbage.
Margaret Barnes, C.D. of America.
Ethel Bischoff, VFWA.
Mark Braunlick.
Hilda Brophy.
Kathryn Brownse.
Kathryn Cannon.
Edith Carbaugh, ALA.
William Clark, AMVETS.
Anna Coady, AMVETS Aux.
Amelia Di Prima, C.D. of America.
Anna Dugan, C.D. of America.
Elizabeth Frick, AMVETS Aux.
John A. Frick, AMVETS.
Katherine Gormley, ACSH.
Horace Hopkins, American Legion.
Dorothy Jones, AGSM.
Kathyrn Kilpatrick, DAR.
Ernest P. Knorr, Masonic Svc. Assn
Howard Lambert, American Legion.
Anne C. Lauff, American War Mothers.
Anne Marie Longfellow, ARC.
Katherine Padula, C.D. of America.
Marion E. Roberts, DAR.
Prudence Sheperla, VWWI.
Margaret Siegman.
Ralph Twiford, Navy Mothers Club.
Antoinette Vermillion, ARC.
Elizabeth Weatherby, AGSM.
Jennie Weintraub, Jewish War Veterans.
Virginia Wood, AGSM.

CERTIFICATE OF MERIT—300 HOURS

Walter Bardsley, Masonic Svc. Assn.
Helen Doris Braun.
Vincent De Paul.
Donald E. Digian, American Legion.
Francis Fager.
Bettyann Helene Funk, AGSM.
Sarah Gooddell.
Helen Hoeffer, Navy Mothers Club.
Vada Hyde.
Margaret Miller.
May Richards.
Dorothy Rose.
Pauline Sitkin.
Isaac Smith, Jewish War Veterans.
Florence Toupe.

CERTIFICATE OF OUSTANDING SERVICE—500 HOURS

Elizabeth Aro, ALA
Alma Day, Marine Corps League
Carol E. Oakes, AWM
Emily O'Toole, AWM
Catherine Thompson, AWM

CERTIFICATE OF DEVOTION TO VOLUNTEER DUTY—1,000 HOURS

Esther R. Biddle, ALA
Paul J. Biddle, AMVETS
Rose Gorman, CWVA
Marie Kenney, ALA
Florence Killion
Mary Olsen, DAVA
Tillie Rose
William Tadley
Frances Urwiler, ALA
Bernadette Ward, ALA
Mae Weisgrow, DAVA

VA BRONZE PIN—1,750 HOURS

James Doonan, AL
Eleanor Kilpatrick, MOPHA

VA SILVER EMBLEM—2,500 HOURS

Agnes Hausler, VFW
Fae McElvaney, VFWA

VA GOLD EMBLEM—5,000 HOURS

Edward Johnson

100 PERCENT AT VAVS MEETINGS—FEBRUARY, MAY, SEPTEMBER, NOVEMBER 1970

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Overseas Association
American Red Cross
AMVETS
B'nai B'rith Women
Catholic War Veterans Auxiliary
Disabled American Veterans Auxiliary
Jewish War Veterans Auxiliary
Masonic Service Association
Military Order of the Cootie Auxiliary
Military Order of the Purple Heart Aux.
Navy Mothers Club
Supreme Cootiette Club
315th Infantry Association
Veterans of Foreign Wars
Veterans of Foreign Wars Auxiliary
Veterans of World War I
Women's Army Corps Veterans Association

Organizations to receive certificates in recognition of exceptional or continued outstanding service to patients through VAVS:

American Gold Star Mothers, Inc.: Rep: Mrs. Catherine M. Gormley. Dep: Mrs. Elizabeth Nittrouer.

American Legion: Rep. Mr. Samuel J. C. Greene, Dep: Mr. William W. Woolingham.

American Legion Auxiliary: Rep: Mrs. Frank Kenney. Dep: Mrs. Frank Ward.

American Red Cross: Rep: Mrs. Lelah Weiss.

American Overseas Association: Rep: Mrs. Charles Ward. Dep: Miss Ann McCaughey.

American Veterans Committee: Rep: Mrs. Florence Miller. Dep: Mr. Chester Sheets.

American War Mothers: Rep: Mrs. Catherine Thompson. Dep: Mrs. Emily O'Toole.

Amvets: Rep: Mr. James Kehn. Dep: Mrs. Ruby Earle.

Amvets Auxiliary: Rep: Mrs. Ethel Corcoran. Dep: Mrs. Dorothy Gorman.

B'nai B'rith Women: Rep.: Mrs. Eugene Glaser. Dep: Mrs. Beatrice Silvers.

BPO Elks of the United States: Rep: Mr. Frank P. Nocitra.

Catholic War Veterans: Rep: Mr. Cheston Hunter. Dep: Mr. Charles J. Parker.

Catholic War Veterans Auxiliary: Rep: Mrs. Rose Gorman.

Daughters of the American Revolution: Rep: Mrs. Earle F. Jacobs. Dep: Mrs. Lawrence Kilpatrick.

Defense Personnel Support Center: Rep. Mr. Samuel Hedd. Dep: Mrs. Emily Keenan.

Disabled American Veterans: Rep: Mr. Jacob Zaslow.

Disabled American Veterans Auxiliary: Rep: Mrs. Mary Olsen. Dep: Mrs. Mae Weisgrow.

40–8 Voiture Locale No. 1, Inc.: Rep: Mr. Elmer R. Confair. Dep: Mr. Max Ochs.

IBPOEW—Department of Veteran Affairs: Rep: Mr. Dennis C. White. Dep: Col. Wm. A. L. Clay. Second Dep: Mrs. Emeline Wiggins. Third Dep: Miss Theanita Cambridge.

Jewish War Veterans: Rep: Mr. Isaac Smith. Dep: Mr. Joseph Goldstein.

Jewish War Veterans Auxiliary: Rep: Mrs. Ann Miller. Dep: Mrs. Mildred Lermack.

Jewish Welfare Board: Rep: Mrs. Milton Gold.

Marine Corps League: Rep. Mrs. Alma M. Day.

Masonic Service Association: Rep: Mr. Paul Stewart. Dep: Mr. Ernest P. Knorr.

Military Order of the Cootie: Rep: Mr. I. Frank Houck.

Military Order of the Cootie Auxiliary: Rep: Mrs. Evelyn Hibberd. Dep: Mrs. Dolores Bridges.

Military Order of the Lady Bugs: Rep: Mrs. Florence E. Miles. Dep: Mrs. Marie V. Nixon.

Military Order of the Purple Heart, Inc., Rep: Mr. James Valentine.

Military Order of the Purple Heart Aux.: Rep: Mrs. Eleanor Kilpatrick, Dep.: Mrs. Elizabeth Watson.

Mothers of World War II: Rep. Mrs. Stella Snyder.

National Catholic Community Service: Rep: Mrs. William Dougherty. Dep: Mrs. Catherine Auerwick.

Navy Mothers Club of America, Inc.: Rep: Mrs. Helen Hoeffer. Dep: Mrs. Marge D'Ulisse.

Old Guard, City of Philadelphia, Inc.: Rep: Col. Harry S. Burr.

Order of the Eastern Star: Rep. Mrs. Ruth E. Whiteley. Dep: Mrs. Frances Schott. Second Dep: Mrs. Helen G. Daniel.

Reserve Officers' Assn. Ladies' Clubs: Rep: Mrs. Charles Hangsterfer. Dep: Mrs. John Gilmore.

Supreme Cootiette Club: Rep: Mrs. Rose Cloud. Dep: Mrs. Mary McKinley.

The Salvation Army: Rep: Mrs. A/Captain K. Strehel. Dep: Mrs. Mabel Hagerty.

315th Infantry Association: Rep: Mr. Michael Radvansky. Dep: Mr. Cheston Hunter.

United Spanish War Veterans: Rep: Mr. John Lynch. Dep: Mr. J. A. Colemen.

Veterans of Foreign Wars: Rep: Mr. Cassel Wechter. Dep: Mr. Thomas C. Hart.

Veterans of Foreign Wars Aux.: Rep: Mrs. Mae McElvaney. Dep: Mrs. Ann Compton.

Veterans of World War I: Rep: Mr. Wilson Shive. Dep: Mr. William Toy.

W.A.C. Veterans Association: Rep: Mrs. Ann L. Godsho.

HONORABLE MENTION

Brith Sholoh: Rep: Mr. Aaron Goldenberg. Dep: Mr. Samuel Winkler.

Philadelphia, USAAC Post No. 1: Rep: Mr. Clifford L. Hoag. Dep: Mr. Charles Carpenter.

Polish Legion of American Vet. Ladies Aux.: Rep: Mrs. Marge Barber. Dep. Mrs. Marion Rodemer.

Veterans of World War I Auxiliary: Rep: Mrs. Mary Dougherty. Dep. Mrs. Alma Tracey.

HOW TO STAY ALIVE

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. ZION. Mr. Speaker, great concern is being shown in Congress for the health crisis that our country is facing today. Contributing significantly to this problem are the questionable life styles adopted by average Americans.

The National Institutes of Health on May 4 is presenting "How To Stay Alive," a 1-hour health documentary sponsored by Bristol-Myers Co. This program focuses on our life styles, the impact of our longevity, and even more important how we have altered our daily activities to help achieve normal life spans.

Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article by Sylvia Porter, who includes specific information concerning the program which I think will be of interest to my colleagues:

"HOW TO STAY ALIVE", AN NIH DOCUMENTARY

(By Sylvia Porter)

Test your chances of staying alive:

How often do you exercise? Daily, three times a week, weekends only, rarely or never?

How much do you smoke? Not at all, five cigarets a day, one-half to a pack, two packs or more?

What's your weight as against your height and age?

What are your cholesterol and triglyceride levels? Your blood pressure?

Do you drink an average of more than three ounces of alcohol daily? Have such between-meal snacks as potato chips, peanuts?

When was your last physical checkup?

The medical bill for circulatory diseases in our country is now soaring past $6.2 billion a year, an almost unbelievable 10 per cent of our national bill for all illnesses. At the top of all killers in the U.S. are diseases of the heart and blood vessels.

The loss to the nation in terms of income and productivity from deaths caused by heart attacks tops $1 billion a year, with half of it lost in the top-productive age group of 45–64.

The loss to the nation in terms of income and productivity from persons becoming ill of heart conditions and unable to work tops $2.6 billion annually, and again the bulk of the loss is in the most productive age group of 45–64.

The economic costs involved in heart and blood vessel diseases alone—not to mention the emotional and other costs—are so vast that any steps which might possibly curb these costs come most properly into the economic sphere. What's more, our costs are jumping instead of sinking. We are actually falling behind other nations in keeping our men alive longer.

Thus, I learned with pleasure that the National Institutes of Health (NIH) is presenting a one-hour TV special, "How To Stay Alive," under the sponsorship of Bristol-Myers Co., Tuesday, May 4, on the ABC-TV network (WTVW-7 in Evansville at 9 p.m. CDT).

The show will demonstrate dangerous activities which shorten our lives and will concentrate on obesity, diet, exercise, smoking, stress, blood fats, blood pressure.

The NIH will also submit its life-extending recommendations to us and our physicians.

As one illustration, you surely are aware of the danger of a high cholesterol level, but the NIH doctors will say this is not the "terrible bugaboo" it has been pictured. New discoveries in another blood fat—triglycerides—have added another warning device, with the two comprising what are called blood lipids. In some patients, "cholesterol was found to be relatively normal, while the blood triglyceride count was dangerously high."

Has your physician ever had your triglyceride count checked? Interpreted it with your cholesterol level?

As another illustration, during the German occupation of Scandinavian countries, when butter, milk and cream became scarce, the incidence of coronary artery diseases went way down. But a NIH doctor will explain, the disease rate went way back up after World War II when these foods again became abundant—"pretty good proof, on a large scale, that there is something to dietary control."

As a third illustration, stress aggravates high blood pressure and circulating blood fats—high risk factors in heart diseases—but exercise lowers them. And a NIH physician will add, "Sex is also a very good exercise."

We can't do anything about any adverse family histories we may have, but we can do a great deal about every life-shortening activity or life-lengthening hint I've excerpted here from the coming show. Just by honestly answering the sample quiz in this column, you're helping yourself to stay alive.

NONCHEMICAL CONTROL OF PESTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. OBEY. Mr. Speaker, there has been much discussion in the past few weeks regarding $12.7 billion in funds appropriated by the Congress for various projects which have been "frozen" by the administration. But there is no money which has been frozen which is of greater importance to the protection of our environment than $1 million in funds which were earmarked for use in research on nonchemical methods of pest control.

Just about a year ago when the 1971 agriculture appropriation bill was before the Congress, Senator NELSON and I discussed at length in the Senate and the House the need for additional funds in that budget for research in the nonchemical control of pests.

We pointed out that according to Department of Agriculture officials additional funding totaling $4.4 million "could be utilized effectively" in 1971 for such research, and additional funding of $2.6 million could be utilized for staffing several pesticide research laboratories.

When indicating that they could effectively use additional money to do research in the nonchemical control of pests—which includes the use of sterilized males, light and sound, integrated control techniques, and biological controls—the Department outlined the types of research they could conduct with those additional funds.

The Congress responded by adding over $4 million not requested in the Department budget for the staffing and equipping of these labs and $1 million for increased research to develop methods of pest control that do not involve conventional insecticides.

Some weeks ago I wrote to the USDA in an effort to find out what had been done with that $1 million in increased funds. To my dismay I was told that "in view of the overall Federal financial situation" this $1 million was "placed in budgetary reserve."

Mr. Speaker, I sincerely regret that decision to freeze these funds. Frankly, I consider it a shortsighted action and a foolish mistake. It brings into question whether this administration is truly committed, as it says it is, to reducing the pesticide burden in the environment and to limiting the adverse effects of pesticides on nontarget organisms.

There are other indications too which make me question their understanding of the importance of this matter.

In testimony before a House committee a few weeks ago, for example, Under Secretary of Agriculture Campbell said that biological controls for insect pests have met "relatively meager success." While allowing that "several interesting leads" with regard to sex attractants and hormones for insect control have been made, he said "at present they are hardly more than leads."

I might add that the first report of the President's Council on Environmental Quality also gave scant—and in my view superficial treatment—to the subject of alternatives to the use of pesticides. That report seemed to ignore the breakthroughs which are made public almost daily in various kinds of nonchemical control for pests, including the development of a new breed of genetically flawed mosquitoes which could in time wipe out infestations of normal but disease-carrying mosquitoes.

The administration and its Council on Environmental Quality seem most skeptical about nonchemical means of pest control because such means now available remain relatively small in number.

But as the Mrak report on pesticides and their relationship to environmental health pointed out:

> The prime reason for the slow development of these alternative methods is that generally this research requires a great expenditure of time and money.

Furthermore, said the report:

> This aspect of pest control deserves greater attention and the research effort should be both encouraged and supported.

Mr. Speaker, I am particularly concerned about this "freeze" because of the particular projects which would have been carried out had these research funds been made available as the Congress intended.

To quote directly from correspondence I received from the Office of the Administrator, Agricultural Research Service:

> The non-chemical control funds would have been used to conduct large-scale field tests of biological, cultural, and genetic techniques that have been *promising* in laboratory or small field tests. Specifically, the tests would have involved sterile insect releases of the tobacco budworm, a destructive pest of cotton, and the corn earworm (bollworm on cotton), as well as cultural control of the green peach aphid and integrated control of the codling moth.

The importance of this particular research can be seen when it is viewed in light of a report by the American Chemical Society last year which indicated that the eradication of just three pests—the boll weevil, the boll worm and the codling moth—could reduce the amount of insecticides applied annually in the United States by an estimated 40 percent.

I might point out that while some research is being carried out to control the cotton boll weevil with nonchemical means, other research to gain knowledge about the control of this pest with nonchemical means has been put off. The tobacco budworm has developed a resistance to insecticides and alternative biological controls are urgently needed. The codling moth continues to be destructive to several types of fruit crops.

So, Mr. Speaker, the point is clear: The administration is withholding funds for research on controlling by nonchemical means the very pests for which we now use a major portion of all insecticides. Clearly this means that unless research on a major scale is begun now—including that which would have been carried out had this freeze not been put into effect—we cannot look forward to any day soon when we will have at hand alternative means to control certain pests which we attempt to control today with thousands of pounds of chemicals. Developments such as this, Mr. Speaker, emphasize my concern that we will not have alternative means of pest control available for the time when our farmers are told they must stop using one or another pesticide.

As the Farmers Union noted in a newsletter some time ago:

> Farmers, dependent upon pesticides on the production of crops, are caught in the middle of an emotion-laden controversy in which some say pesticides should be banned, and others say they are perfectly safe.

There is "urgency" in the matter said that farm organization, and one of their recommendations for seeking a solution is that research budgets "be doubled or tripled."

Less than 2 months ago the Environmental Protection Agency issued notices of cancellation for three new chemicals—aldrin, dieldrin, and mirex. Many studies indicate these substances have been found to be harmful to the environment. If these findings are correct, their use ought to be prohibited.

But what happens when more and more of these chemicals are barred from use, and no alternative means of controlling their target victims is available. I doubt that those concerned about our farmers or those concerned about the environment, and I consider myself in both categories—urge the prompt facing of that dilemma.

We can avoid it. But we would not unless the Congress and the administration take seriously the need for increased research, expensive though it may be, to control pests without environmentally damaging chemicals. The Congress last session took a step forward in this regard when it voted to increase by $1 million the funds available for such research. Unfortunately that forward-looking and prudent action was frustrated by the administration's decision to freeze this badly needed money.

The administration ought to look at this one again and raise its sights a few yards and release this money now.

A BALANCED LOOK AT THE FBI

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. UDALL. Mr. Speaker, the editorial pages of the Nation's newspapers have for several weeks been smoking with broadsides aimed either at the Federal Bureau of Investigation, and its Director, J. Edgar Hoover, or at vocal critics of the agency. Few controversies have been marked by such partisan and emotional commentary—on both sides.

Last Sunday, the editors of the Los Angeles Times took exception to the tenor of the current debate, and offered the most thoughtful and balanced analysis of the issues involved that I have seen. I commend this excellent editorial to my colleague's attention:

HOOVER, THE FBI AND THE NATION

J. Edgar Hoover ought to resign. Just about everybody knows that: the last several Presidents and attorneys general, senators, congressmen, heads of police departments, FBI agents.

Until recently just about nobody said that. Hoover has been a symbol, untouchable. The FBI which he built and over which he has exercized absolute sovereignty since 1924, has, for much good and some ill, been immune from the normal influence of the political process.

Now the criticism is sharper, more frequent, sometimes reckless and demagogic. This criticism is coming in conjunction with other things. The people are increasingly uneasy about surveillance by the government. The Army has been found out snooping on all kinds of politicians and public figures. Attorney General Mitchell rudely asserts the government's absolute right to tap wires without a court order when the government decides the "national security" may be affected. Electronics make easy the secret eye, and the people are uneasy under its glance, real and potential.

So now the debate about Hoover, the man, and the FBI, the organization, is becoming partisan and polarized. The right defends him because he has become an emblem of law and order, anticommunism. The left attacks him for the same reason. Some Democratic candidates for President see Hoover as a chink in Mr. Nixon's armor, as if there were something different about the FBI under this Administration. There isn't, of course. And Mr. Nixon seems to be saying that if only people would stop criticizing Hoover, he could retire with dignity and not "under a cloud."

The trouble with that is the criticism won't stop, because, its more reckless aspects aside, there is reason for criticism. Hoover has simply been there too long. And he is too old for so demanding an executive job. He is 76.

It is sad, for he has done much good for police work in the country, and for the country. The FBI under Hoover has set standards for professionalism and correct conduct in police work that have influenced police forces throughout the nation.

Hoover has done much to make law enforcement a respectable career. On the whole, he has been neither partisan nor reckless in his use of the enormous potential power of a national investigative agency. He established trust. No mean accomplishment, when you consider the history of the use of national police through the world in the last 47 years.

Yet his accomplishments have not been without their costs, and now, at his advanced age after so long on the job, the costs are beginning to be revealed. What was once a necessary job of public relations has become tainted with personalism, and what was once a tough new director's sensible insistence on independence has become touched by a pettish use of authority. It is pretty well established that within the FBI he brooks no criticism of procedures or decisions; good men of independent judgment have been forced to leave; open discussion is frowned upon and punished.

That kind of conduct, like his querulous remarks about public figures, is embarrassing. And, to the FBI itself, damaging. In his zeal, perhaps, for the good name of the FBI, the director has kept that organization from cooperating with other government law enforcement agencies; taken an all-or-nothing approach.

His single-minded approach to the threats facing the country has been at times singularly effective: the bank robbers and kidnapers, Nazi saboteurs and Communist spies. Now Hoover sees the danger as leftist internal dissent. True, true; but there are other dangers. Organized crime, for instance, in which the FBI has shown little interest even as that crime has grown to great proportions. Hoover's FBI was reluctant to touch corruption within organized labor, chary of looking too closely into violations of civil rights laws in the South. The FBI has not been partisanly political; but its direction has had a strong color of ideology, and Hoover has appeared to recognize where the power lies in Congress. There is more to law enforcement in the 1970s than Hoover perceives.

So, for the good of his FBI, and for the country, he ought to offer his resignation, and accept such extraordinary honors as the country can devise for his extraordinary work, and let the President and the country get on with the difficult task of finding a successor who will, over the years, do as good a job as he has done in the past 47.

But the successor is only part of the problem. Would the country be willing to entrust such power to one man for the next 47 years? No. What has to be devised is a new mechanism for handling the FBI, for bringing it under the scrutiny of the people without opening it to the control of any President or any political party. You can't depend upon finding another Hoover, nor should you.

Congress has already voted to make the appointment of Hoover's succesor subject to confirmation by the Senate. There is serious discussion of limiting his term by law. To avoid political influence, his term ought not be coincidental with the President's; maybe six years, or nine years, would suffice. There are proposals also for a public commission to oversee the bureau's operations. Not foolproof, certainly, but probably sound.

The country needs the FBI. The country needs the FBI to be both effective and restrained. The FBI needs confidence in itself. And the country needs confidence in the FBI.

GEORGETOWN UNIVERSITY LAW SCHOOL TO DEDICATE NEW BUILDING

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. EDMONDSON. Mr. Speaker, after 80 long years, the Georgetown University Law Center is moving to a new and modern location.

The new Georgetown Law School building is scheduled for completion this coming September, and as an alumnus of the Georgetown University Law School, I want to offer my sincere congratulations and best wishes to the faculty and students on their new "home."

The new law school, built at a total cost of $11.3 million, will provide vastly improved library facilities, parking space, and classroom accommodations, and will continue to provide students with easy access to the Congress, the Supreme Court, the District of Columbia courts, and the Library of Congress.

Mr. William Delaney has written an excellent article which appeared in the May 3 Evening Star, regarding the new Georgetown University Law School, and I would like to include his story at this point in the RECORD:

GEORGETOWN UNIVERSITY LAW SCHOOL GOING MODERN

(By William Delaney)

Of the 145 accredited law schools in America, the one closest to the Capitol and the Supreme Court will soon be moving a couple of blocks closer.

After 80 years in a Victorian hodge-podge on the fringe of Washington's shopping district, the Georgetown University Law Center will open this September in a modern, spartanly utilitarian new home designed by Kennedy Center architect Edward Durrell Stone.

Shorn of its typically Stone-planned marble facing for reasons of economy, the $11.3-million structure occupies the entire block between 1st, 2nd, F and G Streets NW, within easy walking distance of the District's court complex, Union Station, the Senate office buildings and—just beyond the Capitol—the Supreme Court and the Library of Congress.

LOCATION HAS VIRTUE

By virtue of its location, the new school will provide a readily accessible lecture site for important lawyers on quickie business trips to Washington—though only slightly more so than the present red-brick school at 506 E St. NW.

But the biggest advantage of the new building, according to Dean Adrian S. Fisher, lies in its structural capabilities.

Two of its three underground levels will provide parking for 200 cars.

Two of the four floors rising from an encircling promenade level will house the law library, quadrupling the school's present open-stack space and tripling the seating space for students.

The floor on the street level, immediately below the elevated "campus-like" promenade, will house offices for the school's legal assistance programs (providing clients with direct access from the street), the placement office and student activities areas, including a chapel.

Also on that street-level, semi-underground floor, is a 500-seat auditorium for both student "moot court" practice and for use by outside judicial groups and bar associations as a conference center. "We'd be able to accommodate the Supreme Court in here, if they're so disposed," said one school official.

Seminar rooms surrounding the auditorium and large classrooms on the promenade level are designed for eventual installation of closed-circuit television, enabling another 900 to look in on proceedings in the moot-court room.

LIMITATIONS REMOVED

"A building is no substitute for teaching," says Fischer, "but this does take away the artificial limitations that our present building has."

The present Georgetown Law Center, just southeast of the main Hecht Co. department store, opened in 1891 and today is a cluttered jumble of buildings, housing what has grown into one of the nation's half-dozen largest law schools.

Though Georgetown's main campus is some 3 miles to the west, its law school first opened 101 years ago at 4th Street and Pennsylvania Avenue NW, close by the Capitol.

And despite discussion over the years of moving it to the main campus, the lure of a downtown location—with proximity to local and federal court rooms—has always won out, especially in view of Georgetown's traditionally strong evening division for working students and the current trend toward community-involved, "clinical" law training.

COST $2.3 MILLION

The new site, acquired in 1965 at a cost of $2.3 million, was described by Fischer's predecessor, Dean Paul R. Dean, as perhaps "the last available large property desirably located in the downtown judicial area."

For old Washingtonians like Fischer, the site evokes odiferous memories—it was, for many years, the location of the old Holmes & Son bakery.

The new building's planners set out to get a big-name architect and ultimately found one in Stone, whose new National Geographic Society headquarters here then just had opened.

"He gets a lot of flak for the Kennedy Center," concedes Associate Dean Thomas C. Fischer, a 32-year-old alumnus and chairman of the school's building committee, "but he was clearly a good choice for us, I think."

The building designed by Stone was a sleek, marble-faced block with overhanging roof, like the Geographic building and Kennedy Center. In 1965 prices, it was designed to cost $12 million.

By substituting a buff-colored brick for the marble, chopping down the eaves and making a few other adjustments, the building committee cut back the projected cost to $9.5 million.

The center was to be completed for dedication on July 4, 1970, in the school's 100th anniversary year. But construction difficulties—labor troubles and revisions in the foundation work (the Center Leg Expressway, running subsurface along the west front of the school, caused an elevation in the water table under the site)—have delayed the formal opening until this Sept. 17–18.

And the projected cost has risen by nearly $2 million, largely due to inflation, Fischer says.

Despite its spacious classrooms and library, and despite a record 4,800 applicants thus far this year, the new building was designed to house a student body only slightly larger than the present one.

ENROLLMENT TO RISE

According to Fischer, the present enrollment of about 1,570 (1,100 day, 350 evening, 120 advanced level) was boosted last fall in anticipation of the new building and will rise again this fall to an envisioned stable level around 1,800.

Meanwhile, Dean Fischer says, negotiations are underway to sell the present law school site. Though he declines to identify prospective purchasers, he expects that the purchaser will want to raze the memory-laden old buildings and put the E Street site to some new use.

As for Fischer, the former deputy director of the U.S. Arms Control Commission who became the school's dean in 1969, the new building will provide him with the Washington executive's dream—a top-floor corner office with a window framing the Capitol dome.

"Just barely," he chuckled the other day, pointing a visitor toward the window of his uncompleted new suite, "but there it is."

HON. NICK BEGICH, ALASKA AT LARGE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BEGICH. Mr. Speaker, Alaska's geographical size is one-fifth that of the entire United States and because 95 percent of the State is rural, modern technological communication systems would be of great assistance to our State's growth.

Satellite technology offers Alaska the opportunity to instantly link one end of the State to the other without the burdensome rate base of ground network investment. Alaska's growth depends on our ability to communicate messages swiftly and dependably. It is for this reason that the Alaska State Legislature passed the following joint resolution:

HOUSE JOINT RESOLUTION NO. 78

Relating to additional frequency allocations by international agreement for satellite communications

Be it resolved by the Legislature of the State of Alaska:

Whereas satellite technology offers a unique opportunity for Alaska to realize an integrated communications system while avoiding the burdensome rate base of ground network investments; and

Whereas present domestic satellite proposals utilizing the 4 and 6 GHz bands are limited in signal strength (power flux densities) because of international agreement, thus requiring elaborate ground stations too cumbersome for rural-Alaskan use; and

Whereas full accruement of satellite communication efficiencies to the user public requires greater frequency availability; and

Whereas the dedication of additional bands, such as between 1700–2700 MHz, would afford the use of simple and very low cost earth stations suitable for bush communications, as well as educational-instructional television reception (ETV–ITV); and

Whereas liberalized utilization of band sharing, regionally administered, would especially benefit Alaska which has not developed extensive frequency traffic; and

Whereas the availability of these bands is predicated on International Telecommunication Union (ITU) allocations to be reviewed this summer at Geneva during the World Administrative Radio Conference for Space Telecommunications;

Be it resolved that the Alaska State Legislature strongly urges ITU acceptance of the following United States proposals as adopted December 18, 1970 by the Federal Communications Commission in Docket No. 18294:

(1) 87 108 MHz, providing for FM satellite broadcasting within a band now utilized by most radio receivers;

(2) 614 890 MHz, authorizing broadcasting

satellite service in a band compatible with television receivers now in the hands of the general public;

(3) 2150 2200 MHz uplink, for communication satellite systems on a demand-assignment, multiple access basis for low demand users in remote areas (e.g. Alaska);

(4) 2500 2690 MHz downlink, for low-demand users in remote areas and satellite service systems dedicated to the distribution of education and public service material.

Copies of this resolution shall be sent to the Honorable William P. Rogers, Secretary, Department of State; the Honorable Dean Burch, Chairman, Federal Communications Commission; Dr. Clay T. Whitehead, Director, Office of Telecommunications Policy; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

DRUGS—CRISWELL SPEAKS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. COLLINS of Texas. Mr. Speaker, recently the White House held a 1-day meeting to discuss America's drug problem with the Nation's religious leaders. The meeting was effective and Dr. W. A. Criswell, a leading Southern Baptist, brought the message home.

Many of my friends heard his sermon at the First Baptist Church in Dallas. We need more of this straight talk from the pulpit. I want you to read the discussion that resulted from this stimulating White House Conference:

An Address Delivered By Dr. W. A. Criswell, Pastor, First Baptist Church, Dallas, Tex.

On the radio, you are sharing the services of the First Baptist Church. This is the Pastor, bringing an address, not a sermon, entitled "Drug Addiction is Spelled D-E-A-T-H." I will read a scripture as a background. It is the familiar and meaningful one in the twelfth chapter of the Book of Romans:

I beseech you therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy acceptable unto God, which is your reasonable service.

And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God. Romans 12:1, 2.

As I begin the address may I remind you that I cannot speak the langauge of the underworld. I have never been introduced to it and when I listen to it, I am shocked beyond measure. For example, behind a screen the Conference at the White House presented the shadows of those who were standing there. The reason for their shadowy appearance was, according to the Commissioner, to hide the identity of these men who are informers. They are men who live in the underworld. They had turned and had become informers to the government. They are called "fingers." They tell the undercover agents the names of those who are engaged in this illicit traffic. Their language is beyond anything I ever heard. Many of their words I do not even know what they mean. Many are dirty. For example, heroin is called that four-lettered word for human excretion. Truly, they have a world of their own. It is down and down and down. I have never been introduced to it. Consequently, when I deliver this address it is altogether from the viewpoint of one who is looking at it for the first time. I just lay before you what has been introduced to me.

DRUG DEFINITIONS

First we are going to begin with definitions. I need this. I cannot understand without it. So we shall begin with definitions.

Drug—That is any substance that has an effect upon the mind or body. Coming back Saturday from Washington, I was offered liquor half a dozen times. These airplanes are flying bars. I said to the stewardess, "Did you know that is a powerful drug you have in your hand?" She said, "What? This wine? It couldn't be." Alcohol is the most widely used drug for evil that is known to humanity. A drug is any substance that has an effect upon the body or mind.

Habituation—The psychological desire to repeat the use of a drug because of emotional reasons, such as escape from tension, dulling of reality, euphoria (getting high, living in an ephemeral world). Habituation refers to the psychological need for a drug.

Addiction—Refers to the physical dependence upon a drug. That brings into play the word tolerance.

Tolerance—Refers to that reaction of the body whereby the body requires a larger and larger amount of the drug to produce the same effect. Addiction also includes in it "withdrawal."

Withdrawal—When the drug is stopped, the "withdrawal" period is characterized by such distressing symptoms as vomiting and convulsions. When you use the word "addiction" you are referring to a physical dependence upon a drug that the human body has more and more tolerance for and needs larger amounts of it to produce the same effect and when it is stopped, the user, the addict, falls into vomiting and convulsions.

Marijuana—Marijuana is an easy to grow hemp plant. It has long, narrow, jagged edged leaves growing like poorly spaced spokes on a wheel. It grows about five feet tall in this country. Here in America it is relatively weak. But in Old Mexico the plants are twice as strong and in India, in the moist warm climate of India, it is four or five times as strong. The flowering pods have a sticky resin which produces a marijuana effect. It is classified as a hallucinogen.

Hashish—Hashish is a dark brown purified resin extract prepared from the dried flowers of the hemp plant, the marijuana plant. It is five times stronger than marijuana. It is placed in brick form and smuggled into America.

Now these are the words the underworld uses for marijuana. It is called "grass," "hay," "jive," "Mary Jane," "pot," "weed." A marijuana cigarette is called a "joint," a "reefer," a "stick," and the stub end of it is called a "roach." They burn it down (because of the high price) to that last little speck.

Hallucinogens—These drugs are capable of provoking changes of sensations. The resulting illusions, hallucinations and delusions may be either minimum or overwhelming, depending on the person and the dose.

LDS—LSD is the most potent of all of the hallucinogens. It comes from a fungus that spoils rye grain. A Swiss chemist, Albert Hoffman, accidentally discovered its mind-altering properties in 1943. The word "psychedelic" is a term invented to describe some of the effects of LSD. In the underworld, LSD is called "acid." A "good trip" is someone taking LSD who has pleasant imageries and emotional feeling. But a bad trip, a "Bummer," results in terrifying images and emotions of dread and horror.

Stimulants—Stimulants are drugs which increase alertness, reduce hunger and provide a feeling of well-being. The amphetamines are stimulants. They have an effect upon the central nervous system and they are the most dangerous of the stimulants. Benzedrine, in the dark world, is called "beenies," "beans," and "cartwheels." Dexedrine is called "dexies." And metamphetamines, methedrine, is called "speed," "crystals," "crank," "meth."

These stimulants, these amphetamines, down there in that underworld, are called "pep pills," "wake ups," "eye openers," "copilots," "drunk drivers," and "uppers."

Sedatives—Sedatives induce sleep. In small doses they reduce tension and anxiety. The barbiturates constitute the largest group of sedatives. Down there in the underworld they are called "goofballs," and "sleepers," and "downers." The tranquilizers calm and relax and diminish anxiety. Both sedatives and tranquilizers can be physically addicting. Withdrawal effects occur when the drug is stopped. The most common mode of suicide with drugs is with these barbiturates, the sleeping pills. Depressants produce impaired judgment, slow reaction timing, slurring of speech, staggering, loss of balance, a quarrelsome disposition, sometimes a coma and death.

Narcotics—Narcotics relieve pain and induce sleep. They are opiates. Narcotics originally came from the opium poppy, a bitter, yellowish brown drug resin prepared from the dry juice of unripe pods of the poppy plant. Morphine is one of the active components in opium. Heroin is morphine chemically altered to make it six times stronger. From opium also comes codeine and paregoric. There are many synthetic chemicals that have morphine-like effects.

Heroin, that one drug heroin, accounts for 90% of the narcotic addiction problem. In the underworld it is called "H," it is called "horse," it is called "junk," it is called "smack."

THE SESSION AT THE WHITE HOUSE

We met in the East Wing of the White House after 9:00 and we stayed in that session until 6 o'clock in the evening. An aide said to me, 98% of all the church members in the United States are represented here in this meeting. There were about 70 leaders. On my right sat Bishop Ziecinski, head of the National Polish Catholic Church. On my left sat the famous Rabbi Kertzer of New York City. And this good old Baptist was right in the middle!

The meeting was opened by Egil Krogh. They all called him "Bud" Krogh, an Assistant to the President for Domestic Affairs. In his introductory remarks he said, "The final answer is out of the reach of government."

He introduced Attorney General John N. Mitchell. Because of his wife, Martha, I paid particular attention to his sartorial attire. Attorney General Mitchell is an older man. But he was nattily dressed. In a blue suit, in a white shirt, in a red and blue tie and a handkerchief to match. The Attorney General said that the government has conducted for two years an all out drive against drug abuse. He said that President Nixon had called together the fifty governors to discuss the problem, then the radio and TV executives, and now he has called you. He said that drugs make a user a slave to sensation who asks the question, "Why not?" The drug addict needs the answer the religious leaders of the nation can give to him.

Krogh introduced John Ingersoll, the Director of Bureau of Narcotics and dangerous drugs. He started his speech off with a joke. He said that a visiting preacher passed the hat. When the hat came back he looked in it and saw nothing. He bowed his head for the prayer and said, "Dear Lord, I thank you that I got my hat back from this congregation!" John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs said: "The drug problem is as old as civilization. Back in 5000 B.C. there was a drug problem. There existed then, as there is today, a chemical religion with false prophets everywhere presenting its ephemeral bliss." Were you here the Sunday before? Did you hear me talk about the ancient government of Babylon and the ancient civilization of that far famed city? And do you remember I said a part of that religion that goes back to Babylon is sorcery? The word in Greek is "pharmakeia," pharmacy, drugs. Black magic. Always there has been a culture, a religion of drugs, as far back as mankind can search in archaeological records.

Krogh then introduced Miles J. Ambrose, Commissioner of the Bureau of Customs. He spoke on smuggling. He had a display there half as long as this church is wide. I was horrified. A large percentage of that display was religious, Christian objects. They would take a cross and stuff it with heroin. Take a crucifix, a big one, and the back of it, solid heroin. Take a bronze plaque of the Lord's Supper and the back of it, solid heroin. Take candles they burn in cathedrals. The inside of them, solid heroin. I could not believe as I looked at it.

I held in my hand solid hashish. It was in the form of ancient pottery. Solid hashish. You would never guess it in the earth. The only reason the customs official became suspicious of it was because it looked like cheap pottery yet they had an enormous insurance on it. Becoming suspicious, the officials found it was solid hashish. "This problem is compounded," said Miles Ambrose, "because there are 250 million people who come into this country every year. Our citizens go and come and go and come and others come. There are, also, 67 million parcels that are mailed into this country every year." There is no heroin in America. All of it has to be imported. It has to be smuggled in. Is there any medical use for heroin? None at all. It is solely a drug smuggling operation. Yet that drug problem costs America eight billion dollars a year.

There was a hush. Everything stopped. And somebody whispered to me, "The President is coming." He walked in. We all stood and applauded. He is personally one of the finest men you could ever meet. He is warm hearted, very open and very dedicated.

I quote from the President. He said he was surprised that addiction starts at such an early age, even at 12 years of age. We cannot approach the problem, he said, with anger, but with sorrow. We can be angry at the pusher, at the junkie, but not at the addict. We must seek after rehabilitation rather than punishment. Why does a young person, he said, give up on the democratic system to turn to something he thinks leads to a way out, but it doesn't? He has a spiritual need, that young person, the President said. He has a spiritual need that must be filled. If there is an answer, you gentlemen have it, he said. That young person must have something to believe in, to turn to. The worst thing that can happen to a young person is to have no faith and no belief in anything. The heart of the problem is a spiritual vacuum. That is the judgment of the President of the United States.

John Broger, Director, Office of Information, U.S. Armed Forces, introduced a Chaplain who had just come back from Viet Nam. And as I listened to that Chaplain speak, my heart was filled with indescribable sorrow. The men that are sent over there to fight for us in Viet Nam are immediately introduced to the whole world of heroin and drug addiction. Now, the tragedy of the situation in Viet Nam is this: For a salary of $200 a month, a soldier in Viet Nam can buy the purest heroin uncut and live on it every day. When the soldier comes back to the United States, it takes a minimum of $1,000 a day to keep up the addictive habit he has acquired in Viet Nam. What happens to the soldier? He disintegrates. And the Chaplain said that only in religious faith is there a hope for the return of that soldier to society. Religious faith, he says, is the cornerstone of rehabilitation.

I read in a book that there are practically no men who become addicted to heroin who ever come back into society and take their place as once they were. The loss of human life in this drug traffic is sorrowful enough to make an angel weep.

Krogh introduced Dr. Bertram S. Brown who is Director of the National Institute of Mental Health. Quoting President Nixon from an earlier address, Dr. Brown said, "The problem has grown from one of local concern to one that threatens the future and well-being of America." Then still quoting the President he said: "College is too late to face the problem. High School is largely too late. We must meet the problem in Junior High and elementary grades." Fear and scare are not enough. They must be told and taught the reasons for refusal to indulge.

At the lunch hour George Romney, three times governor of Michigan and candidate for the GOP nomination for President of the United States, spoke. He is Minister of Housing and Urban Development. He preached a regular sermon. That fellow is fervent. One of the things that he said, and I thought I ought to share it with you, is his appraisal of the present situation in which we live. He said that the Nixon Administration inherited a greater crisis than either Lincoln or Franklin Roosevelt. He said that their crises were capable of explicit definition. In the days of Lincoln it was slavery or freedom. In the days of Franklin Roosevelt it was hunger or jobs. But he said today the crisis is of the spirit and defies definition. And he said, we must have an answer that is spiritual. The drug problem is an illustration of this spiritual vacuum that has swept over America.

THE TRAGEDY OF THE DRUG PROBLEM

Now, my words. Drug addition is spelled D-E-A-T-H. I hold in my hand a UPI story out of the daily newspaper. It is datelined Tacoma, Washington. I read from the UPI newstory:

"A railroad employee found the well-dressed body of a young man in a corner of an empty boxcar behind the Union Pacific depot. In the jacket pocket were empty pill boxes and a billfold identifying the youth as (then it goes on and tells about the boy). When the body was moved a suicide note was found. It said, 'Dear Dad, Dope ruined my life and took away my happiness forever. I thought I was experiencing life. I found it was death. I hope to God people taking dope find what I found in it sooner than I did. Goodbye, Dad, your son, Love, Ricky.'"

You spell dope addiction D-E-A-T-H.

I went to Haight-Asbury. I was out there two or three times, just looking at it. The Haight-Asbury District in San Francisco originally captured the attention of the world because of the idealistic, flower children who converged there. It looked as if there were appearing on the horizon of American life a new, glorious phenomenon. Young people would travel all over the country to see it. They had vaguely heard about the drug overtone involved but they had no introduction to it. What did Haight-Asbury develop into? A knowledgeable writer spent many weeks with the youngsters on the streets, on the pads and in their rooms. Now I am going to quote from him.

"This is the end of the flower children, the hippie movement." I quote from him, talking about them. "They would share their food, most of which had been panhandled on the streets. They would talk readily about free love but very little about the alarming rise of venereal disease brought on by such practices. They even wore buttons saying 'Syphilis can be fun'. Gradually the idealism of the streets gave way to con artists, thugs, exploiters and hard core pushers and junkies who made the whole community their victim. Peace and love are gone from the streets of the district today. All that remains is crime and violence and death." Drug addiction is spelled D-E-A-T-H.

Why the drug problem? I have it summarized here so I can briefly present it. But before I do, I can tell you are not going to like it. But I am bound and responsible to declare the truth. Why the drug problem? Two reasons. One is found in our adult world. And the other is found in our young people's world.

First, the adult world. Why the drug problem? It is because of our modern drug culture among adults. For a growing number of adults, drugs are a way of life. They take pep pills to get up, tranquilizers to get out, a cocktail to start the evening. They cannot talk without that liquor. They cannot even carry on a conversation unless they are stimulated by some kind of a drug, a cocktail to start the evening. They take barbiturates to go to sleep. There is an estimated ten billion capsules and dangerous tablets that are produced every year in this country, no small part of which finds its way down into the underworld.

The message of American advertising is, "Cure your pains by chemicals." Adults set up powerful examples. There is the "necessary" cigarette. They cannot last through an evening without nicotine. There is the liquor before dinner. There are the diet pills, the sleeping pills, the tranquilizing pills. When the same parents see their teenagers use drugs, they call them fiends and criminals and degenerates. The young people merely are following in their parents' and society's footsteps. If there ever lived a hypocritical culture and a hypocritical generation, it is the present culture and the present generation of American citizens.

Marijuana is no more intoxicating and no more addictive and no more fraught with overtones of tragedy than alcohol. Let us look at this attitude toward liquor, which is liquid pot. Never, never is it proposed to attack liquor or to oppose it as they do other drugs. We are getting to the place where we are willing to face nicotine and the deadly effects of tobacco. We are beginning to say to the advertising media, "You can't bring that stuff into our living room and present it there before our children. It has death in the package. There is emphysema and lung cancer." We are facing up to the truth of tobacco. But there are no proposals to face and to outlaw the drugs liquor and alcohol. Rather, the turn of our society is in the other direction. Texas is now in the process, legally, to establish what they said they would never establish again in the history of civilization—open saloons. We are talking about marijuana and alcohol. Both of them drugs. One of them is liquid. The other is dry. Now look at this quote. I read from Dr. Donald B. Lourie, in his book entitled *Drug Scene*. Now listen to him. "The proponents for the legalization of marijuana point out that alcohol is a dangerous drug which is perfectly legal in our society." That is right, isn't it? The proponents for the legalization of marijuana point out that alcohol is a dangerous drug which is perfectly legal in our society." They say that marijuana is no more dangerous than alcohol. And that is right. There is not a doctor in the land that will stand up here and deny that. The proponents for the legalization of marijuana say that marijuana is no more dangerous than alcohol is.

Now, it seems to me that we ought to stand up and say that as we oppose marijuana we shall also oppose alcohol. But they don't ever say it. What do they say? Admitting that alcohol is a dangerous drug, they simply ask the question whether we are to add to our alcohol burden another intoxicant. In the United States there is currently a death from automobile accidents every 11 minutes and an injury every 18 seconds. They simply ask shall we add another intoxicant, such as marijuana, and increase the number of inebriated drivers and pedestrians and attain a death rate of one every 5 minutes and an injury every 8 seconds? Never is it proposed that we oppose all of these drugs that have devastating effects upon the mind. Never are we to oppose liquor. Liquor is a sacred cow. We dare not speak of it. We dare not touch it. But the proposal is made that we fight marijuana to the death because we already have one intoxicant drug that is decimating our people, slaughtering them on the highways, breaking up our homes and families. We have already one of them. But do noththing about that one. It is merely that American society and American national life cannot stand another one. Therefore, we oppose the entrance of marijuana. That is the reasoning of the educational and political and economic leadership of present day America. What yellow cowardice!

I said there were two reasons for the drug problem. One is the hypocritical example of the Adults. The whole world of America is sot. It drinks. It is the exception that does not. Then we turn around and look at that teen-ager who is also experimenting with drugs. There is the example of the adult. That is why the drug problem.

Second, in the young people there is a lack of deep, spiritual dedication on the part of youth. Three things about them that lead them into the use of drugs. One is curiosity and experimentation. Another is peer pressure. I run across that phrase all the time, "Peer Pressure." That is, wherever the little boy is, he will have a friend his own age that pushes him into experimentation. If there is a teen-ager he will have a friend his age pushing him into it. If there is a young adult, he has a friend to push him into it. "Peer Pressure." It means a lot to a youngster to be in, to belong.

Why does a young person take drugs? First, curiosity. Second, peer pressure. Third, hedonistic pleasure. To have a good time in it. As Dr. Nolan Estes said to me this morning, they are taught to believe, persuaded to believe, that happiness is just a pill away. They are bored. There is nothing else to do. If worried, pills will make them lose all of their worries. If some of them are failures, pills, drugs will make a way out to forget it.

If the youth is experimenting, he needs to be given the facts. Medically, socially and legally—drugs kill. You spell them D-E-A-T-H. Drugs kill. These boys and girls that are experimenting with them need to be taught those awesome and terrible facts. They kill body and soul. If you use them you face a social problem. You face a medical problem and you also face a legal problem.

Second, if it is peer pressure that leads the youngster to experiment, the youngster needs the strength of the Christian community. Here is a Christian group, belong to them. That is why, years ago, long before I ever faced any problem like this, long years ago before I ever thought of a problem like this, that is why I brought to this church a program to call these young people out of the dens and the dives and the joints and to bring them here where they can have a Christian fellowship and a Christian community. When you are out there I do not think a young person can finally say no. The age groups press and push and suggest, then finally mock and ridicule. Most any young person will succumb. We need a Christian community to which the young person can belong where there are not pushers and junkies and addicts. They can build their homes here at the church. They can fall in love down here. They can marry down here. They can look forward to every triumph in every future in every unfolding year.

Think, if it is hedonistic pleasure that is the reason the youngster uses drugs, if it is because of the kick he gets out of it and the excitement in it. We are dealing there with a moral and a spiritual vacuum. The boy's life, the girl's life is empty and he or she needs to re-assess the meaning and purpose of life in Christ Jesus. As one boy said: "I was helpless. I was hooked. But I found a Saviour in the Lord. And He saved me and He delivered me and He sees me through." That is the road. Let's walk in it. This is the way. Let's follow it. The Jesus way. The Glory Road. The highway to heaven.

Are you a youngster? Make your friends down here and when you are enticed out there, no, no. Are you a teen-ager? Make your friends down here. And when it is suggested, out there, no, no. If you are an adult, put your life down here in the community of Christ. When you are invited to deny the Lord, no.

You spell drug addiction D-E-A-T-H. You spell Jesus Christ L-I-F-E. He said I am come that they might have L-I-F-E, and have it more abundantly, aboundingly, overflowing. Ah, my people. Our children. Our teenagers and young people. And our adults and parents. Let us walk in the way of the Lord. And let God give us those rich benedictory, heavenly blessings that only the riches of God could afford. In His gracious hands how many precious gifts He has to bestow! And they are ours for the asking, for the having, for the taking and for the receiving.

PRIVATE PENSION PLANS SOMETIMES BESET BY FRAUD AND MISMANAGEMENT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BROOMFIELD. Mr. Speaker, today, private pension funds cover more than 27 million workers in the United States. Reserve assets held by the pensions amount to $125 billion and are expected to reach $200 billion by 1980, yet these plans are virtually unregulated by the Federal Government. At the present time, there are no minimum standards for their establishment or administration and, all too often, no practical means by which a beneficiary can secure his rights.

Some pension plans are beset by fraud and mismanagement. Few can claim to protect employees against the loss or substantial reduction of their benefits because of job transfers, lack of tenure, or plant shutdowns.

Of course, pensions serve a useful and important purpose. Because they are tax free, they release new sources of capital for business investment, thereby stimulating the entire American economy. It would be a mistake to try to replace them.

Clearly, Mr. Speaker, Federal regulation is our best, our only, answer to this problem, and that is the purpose of the bill I am offering today.

This legislation, originally introduced by Senator JAVITS, would establish an independent agency in the executive branch to protect the rights of workers covered by pensions. The agency would register all proposed pension plans, establish rules for their conduct, and set minimum funding standards to assure their operation on a sound and solvent basis.

Under this legislation, no pension plan would be allowed to set eligibility rules so high as to deny benefits to all but a few employees. They would be required to follow certain minimum vesting procedures: specifically, after 6 years of employment all workers would have a nonforfeitable right to at least 10 percent of the benefits he had earned up to that time. Each year thereafter an additional 10 percent of his benefits would vest, so that after 15 years he would have a right to full recovery of his plan's earnings.

Under this legislation, workers would be able to transfer from one employer to another without a loss of pension benefits. This provision, termed "portability," would create a central clearinghouse in which all pension plans could participate on a voluntary basis.

Finally, under this legislation, a Federal insurance program would be established to guarantee that pension benefits will be paid, even if an employer goes out of business before the plan is fully funded.

Each of these provisions, Mr. Speaker, seems to me essential, if American workers are to receive fair treatment under their pension plans. For too long, these Americans have looked to their pensions for security in their later years, only to see those expectations cruelly denied. I urge that this bill receive the most careful consideration by my colleagues.

C.A.N. NOISE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. RYAN. Mr. Speaker, at long last, noise is being recognized as a major pollutant. Pollution usually refers to the presence of unwanted physical substances in our environment—chemicals and smoke pouring out of factory chimneys, chemicals and sewage contaminating our rivers and lakes, junked cars cluttering our landscape. Noise is different from these forms of pollution, because it is not a physical substance. But noise is a pollutant nonetheless.

Excessive noise is annoying and irritating. It is a direct hazard to our physical and mental health. It makes our cities and towns far less pleasant places in which to live.

And, as we must with all pollutants, we must make every effort to combat its rising presence. To that end, I have introduced a comprehensive legislative package to meet the problems of noise pollution through Federal action. But if noise is to be combated it will take more than just good laws and stern enforcement. It will take the concern and personal action of each individual.

Today, I would like to bring to the attention of my colleagues one particular group of individuals that is doing an admirable job in focusing attention on our decaying environment—Consumer Action Now, Inc. This organization is

to be commended for the efforts it has taken to meet the problems of pollution.

At this point, I include in the RECORD the recent C.A.N. newsletter on noise pollution—"Noise: The Sonic Boomerang":

[From the Consumer Action Now, Inc., Newsletter, No. 4]

NOISE: THE SONIC BOOMERANG

MORNING IN MANHATTAN

Whenever it is, it's too early. But your alarm-clock/radio goes into its pre-programmed buzz and someone flushes a toilet somewhere and there you are and it's officially Today.

Very deftly, (down to a science now, do-it-with-your-eyes-closed) you get things switched from Alarm-clock to Radio and lie there admiring the new crack in your ceiling and hoping Gene Klavan will have something funny if not something good to say about the weather or the traffic or the progress in the Strike. (There's always a strike. And it's never progressing.)

Your husband wakes up and lights a cigarette and starts to say something sweet but a truck backfires under your window and he drops the cigarette and almost burns a hole in the electric blanket. (Much activity: Swatting-out of embers.)

For a moment, you indulge in the superb fantasy that your office has been time-bombed during the night and you won't have to get up after all today, but the newscast says that the only casualty was a telephone company in Redwing, Ohio, and then the guy next door starts his electric razor and the radio goes into a spasm of static and it's easier to get up than to lie there and listen.

The bachelor upstairs must be happy today because there's a woman's voice floating down the bathroom pipes and the Cough next door seems worse this morning and you'd think people who can afford to pay $475 a month rent could afford to buy themselves a bottle of cough medicine.

But then, of course, it's really none of your business.

In the cab downtown, you roll up the windows, not only because the air is Unhealthy again, but because the drills and hammers of 4.3 construction sites are more than you're really ready for yet. And besides, the blasts from the street repair right outside your loudly heated/air-conditioned (all-glass, no windows) office building are going to be with you for the rest of the day. Not all the time. Just at odd moments like when you're about to formulate the single sentence that will awaken all America to the wonders of the New Improved Plastic Soapdish, or to solve the ineffable mysteries of the universe.

A fire engine starts, brakes screech, horns honk and the cabdriver yells some of those words you were 21 before you understood. And a clock chimes.

It's nine o'clock in the morning.

And you say you're not aware of noise pollution?

HOW LOUD IS LOUD

And when does it become Too Loud?

We all could debate the problem forever. And in fact, between "Roger, turn the radio down" and "Lucy, for goodness sakes, stop mumbling", that's exactly what we do.

Because sound is not an objective phenomenon. It isn't a Thing to be measured in inches. Or an Entity that either is or isn't.

Sound is merely the sensation of hearing. By definition, a subjective experience.

Now, an inch is an inch, whoever you are. But Loud is more like a matter of taste. So how can we standardize a measurement for sound?

By standardizing our experience of it.

And that's how we get to the Decibel System. One decibel is the smallest unit for measuring sound, simply because one decibel is the smallest sound the human ear can hear. A perfectly arbitrary whimsical arrangement. And therefore easy to comprehend.

But the Decibel System, once it gets going, isn't as easy as 1-2-3. Because it doesn't make the usual linear progression (wherein "20" is twenty times greater than "1").

The human ear can hear such an immense range of sound, that if we counted things that way, the slam of a door would get rated in millions. And who'd bother counting what a firecracker was?

So the Decibel System is logarithmic. (It keeps multiplying itself by ten.) Which means that, while 10 decibles is ten times louder than 1 ($10 \times 1 = 10$) 20 decibels is a hundred times louder than 1 ($10 \times 10 = 100$), and 30 decibels is a thousand times louder than 1($10 \times 10 \times 10$) and so on.

While you'd pretty much need a computer to go on from there, try to keep the general theory in mind, when reading a decibel chart.

For instance, when you read that the sound level on a New York City Street is only 17 decibels higher than on a suburban street, it might make you feel like renewing your lease. (Is 17 decibels worth a commute?)

Is it?

Well, sound, as we said, can be highly subjective. But—logarithmically speaking, the New York street is almost 4 times (400%) louder.

How loud is too loud?

Your move.

NOISE IN NEW YORK—OR: YOU KNOW I CAN'T HEAR YOU WHEN THE SUBWAY'S RUNNING

New York is not only the noisiest city in the country, but it vies with Tokyo, Rio and Madrid for the grand slam title of the noisiest city in the world.

Ironically, New Yorkers say they aren't bothered by the general din as much as out-of-towners, and are likely to claim that what *really* disturbs them is the sound of chirping crickets on a weekend in the country.

Of course we've never heard anyone say that on a subway platform.

But who can hear anything on a subway platform.

What follows is a sampling of some of the decibels we live with* which just may lead you to conclude that the sweetest sounds you'll ever hear are still inside your head.

	Dbs
A gentle breeze	15
A whisper at 5 feet	34
A bedroom you can fall asleep in	35
1968—NYC building code limit on noise coming through apartment walls	45
Falling asleep can take up to an hour-and-a-half	50
An average New York City bedroom	50
A window air-conditioner	53
An office	55
A normal conversation	60
A nine-typewriter typing pool	65
A lunch counter at 12:30	65
A vacuum cleaner (10 feet away)	70
An average New York City street	70
A burst of 70 decibels of noise causes automatic physical reactions; will awaken most people	70
A washing machine	78
Typical heavy traffic	75–80
A ringing alarm clock	80
A front row seat at a musical	82
Beginning of hearing damage with 8 hour daily exposure	85
Legal limit allowed in factories for 8 hour exposure	90
You have to shout to be heard 6 inches away	90
A subway	92–110
Rush hour traffic	92
Human body cannot adapt, remains on constant "alert"	95
A motorcycle take-off; a lathe	97
A home lawn mower	98
"Inevitable hearing loss" from 8 hour daily exposure	100
A New York City garbage truck	100
An SST, 16 miles away	100
An SST, 8 miles away	106
Construction site—air hammer	107
Construction site air compressor, 3 feet away	110
New York's limit for airplane noise in residential areas near airports	112
A discotheque	110–120
Most people feel physical pain	130
A foundry	130
A minimum estimate of SST "boom" (50 mile radius under plane's path)	124–130
A hand gun	144
A jet plane at take-off	150–160
Heavy artillery	180

These figures have been gathered from a variety of documented sources. Decibel charts often disagree, probably the result of the circumstances and surroundings in which the measurements were taken.

BANG BANG YOU'RE DEAD

A loud explosion can shatter your eardrums. And a constant din can shatter your nerves. But sound can affect you in a hundred other ways, can make you literally, physically ill.

That's not a new-fangled theory. (In fact, the word "noise" comes from the same Latin root as the word "nausea".) And reams of recent scientific tests have proved that noise has definite harmful physical effects.

Nothing ever goes in one ear and out the other. All sound is instantly transmitted to the brain and to almost every nerve, gland, and organ in your body. In fact, sound doesn't only "go in" your ear. It can penetrate directly through your skull and your torso.

The result of any loud sound is to set the body on instant alert, part of our instinctive animal reflexes. To your body, noise means trouble, and it automatically prepares for a fight. (It doesn't know you can't fight city hall.)

So—it releases adrenalin, increases blood pressure, constricts blood vessels, tenses muscles (voluntary and involuntary), speeds the heart, raises cholesterol, dilates the pupils, disrupts your previous thoughts, and stops doing irrelevant things (like, for instance, digesting foods). If the noise were a gunshot and you had to defend yourself, all those reactions would be useful things.

But since the noise is usually a jet or a jackhammer (or typewriters, traffic or a factory machine) it really isn't helpful at all. In fact, depending on your general health, constant noise can be very harmful.

Start with that increase in adrenalin. It can lead to hypertension and heart disease. It can influence other glands like your hormones. It can actually exhaust your adrenalin supply, which can cause a gamut of awful results.

All that confusion of blood pressure and blood vessels can contribute to heart and circulatory problems. It can also cause headaches—migraine (or yours).

Muscle tension can lead to cricks and aches, to a general state of tension and fatigue. And stomach-muscle tension can lead to ulcers.

Constantly responding to these "false alarms" can weaken the body's defense against disease, which can make it easier to catch a virus. And also harder to shake it off.

And yes, the body does respond. Constantly.

Studies show no one ever gets "used to"

---

*The "gentle breeze" is on there strictly for comparison.

noise, even when you think you no longer hear it. A sudden sound of 70 decibels triggers the whole "alert" mechanism. Exposed to a constant level of 95 decibels, the body does not and cannot adapt. It remains in a constant Emergency State. (Think about *that* if you live near an airport.)

None of these connections or symptoms are theoretical. They're all the results of careful tests, using noise as a stimulus.

How many people have died from noise is harder to determine. Certainly those with pre-existing weaknesses have been further weakened by all that stress.

It's especially bad for post-operative patients. Which is why Philip Blaiberg's phones were muffled when he returned home from his famous heart transplant.

It has also been estimated that the SST's sonic boom may trigger some final heart attacks in people with less spectacular heart trouble. And for some, at least, the world will end not with a whimper, but a bang.

BANG BANG YOU'RE DEAF

Our eyes can close, our mind can wander, but our ears "hear" 24 hours a day. And people who are subjected to constant loud noise can—and do—go deaf from it.

Repeated loud noise builds up to produce the same effect as a single shattering explosion. It simply does it over a longer period of time. The effect of noise on hearing is cumulative.

While factory workers experience a high percentage of hearing loss and occupational deafness, studies have also shown that a 70 year old Maabian tribesman has the same hearing capacity as a 20 year old New Yorker. (Just *living* with noise can take its toll.)

Discotheque deafness is one of the diseases we invented in the '60's. An Australian study showed that people who spent one night a week in a discotheque for a period of six months, had already damaged their ears. And a "fairly significant" temporary hearing loss followed a single disco evening and lasted for up to 12 hours in a group of Florida students.

A hearing aid, incidentally, may not help people with noise-induced hearing loss. It may simply make loud or sudden noises all the more painful.

AND OTHER SOUND EFFECTS

Noise annoys.

It also frightens, confuses, and demoralizes. Which is why the Indians had a War Cry and the Japanese went around yelling "Banzai!"

Noise also depresses and disrupts. It can ruin your mood, your work and your sex life. And if that's not depressing, what is?

In extreme cases, it can even drive you crazy.

It can bring on epileptic fits, paranoid phases, and outbursts of violence. In unstable people it can be the final straw that pushes them to murder.

The 1967 Detroit Riot Studies implicate the constant ghetto noise as a factor contributing to riot behavior.

Noise can disturb or prevent sleep. And if you've read any of the many studies on sleep-disturbance and dream-deprivation, you know the damage it can do to even the most stable personalities. (Irritability, depression, extreme fatigue, mental fogginess, tension and even mild to severe psychotic symptoms.)

Experiments have also shown that you don't have to be actually awakened for noise to disturb your sleep. The brainwave patterns of sleepers can be radically altered through noise without awakening them.

If you've always suspected there was scientific truth to the idea that there are "Day People" and "Night People", you may be right. Tests are showing there are indeed two basic metabolic types, requiring rest at different times of day. And to waken a night person at 7 a.m. (the official starting time for construction work) may produce the sleep-deprivation syndrome.

In fact, waking anyone up even an hour earlier than his personal sleep-rhythm dictates, may produce the same effects.

Exposure to nerve-jarring factory noise is responsible for many accidents, and probably for badly-made factory goods.

But even office work can be affected.

A World Health Organization report says that office noise costs American business a 4 million dollar-a-day loss through inefficient work.

Children learn less in noisy schools, and studies have shown that ghetto children exposed to constant noise may simply "tune out" in self-defense and may have to be educated to listen to verbal communication.

The pattern of a noise may determine how much it bothers you. Constant noise and illogically intermittent sounds are the most disruptive and tension-producing; like waiting for the other shoe to drop.

Some people are more affected by noise than others. But which people is still open to discussion.

Our own casual observations lead us to conclude that we're most bothered by noise when we're bothered by something else first. The subway is louder when we're tired, the children's shouts are awful when we're sick, and the music is unbearable when we're not dancing.

BUSINESS IS FUNDAMENTALLY SOUND

Eighty percent of all Americans who work, work in factories.

Hearing loss is America's biggest non-fatal health problem.

Somewhere, there's a connection to be made.

Could it be in the fact that a decibel count on standard factory machines shows most of them register between 90 and 130 decibels . . . and that accoustical experts seem to agree that some people will suffer hearing damage when exposed to 80 decibels for a 40 hour work-week . . . still more at 85 decibels . . . and that "the risk becomes significant at 90 dB(A) and hearing losses are nearly inevitable . . . at 100 dB(A)".

Given this widely recognized information, you'd think industry would do something, wouldn't you?

Well, after they didn't, Uncle Sam did.

"In May 1969, a new regulation required that industry doing more than $10,000 worth of business with the Federal Government reduce noise levels (to 90 decibels) so as not to deafen more than 10% of its workers".*

With an Uncle like that, who needs an enemy?

Needless to say, there are a lot of factories that don't do any business with the government. And even those who do, are—at 90 decibels—exposing their workers to "significant risk". But as we read, the industry viewpoint is that "It isn't practical to protect everyone."

What happens to the guy who loses his hearing because it wasn't "practical" to protect him?

Well, he can collect workman's compensation. If, that is, he lives in a state that considers deafness a disability. Believe it or not, some states don't.

And of those who do, Michigan pays a maximum of $28,000 compensation for total hearing loss, while Nebraska reckons being deaf is only worth $1,850 per ear. If you go deaf in New York, you have to quit your job for six months before you can collect. Then they'll pay you $80 a week for 150 weeks. After that, you're on your own.

You might, however, try getting a job at the First National City Bank. They have a special program for hiring the deaf.

SST vs. SSH!

Sound travels at a speed of 738 miles per hour. The Super-Sonic Transport travels faster than that.

The result of breaking the sound barrier is a sonic boom. There's nothing obscure about the term "boom"—it's just that: a great big 130-or-more-decibel BOOM! It sounds like a twelve gauge shotgun in the next room, and has a radius of 50 miles under the plane's path. And that's just an *average* boom. Many may be much, much louder.

Those are called "Superbooms". And whether an SST goes Boom or Superboom can depend on the wind, the weather or the land it's passing over. Skyscrapers, we're told, can reflect the shock waves and double their intensity. So big cities are more likely to get big booms.

Big cities are also more likely to have airports equipped to take-off and land the supersonic planes. And that's even more noise. Richard Garwin, of President Nixon's Science Advisory Committee, says it would be like fifty jets taking off at once. So that even 13 miles away, it would register 100 decibels.

It has also been suggested that the cockpit noise may be dangerous for the pilot.

But just because you're not a pilot and you don't live within 13 miles of Kennedy, don't relax, and think you're safe.

The "Boom Zone" of the SST would be a corridor 20 to 30 miles *on either side* of the ground under the plane's path. A transcontinental flight would affect an area of 100,000 square miles or 10 million people. Another estimate has it that when both the American SST and the French CONCORDE are operating, 65 million people in the United States will be exposed to about 10 booms a day. And another 39 million will get anywhere from 1 to 9 of them.

A special report to the Secretary of the Interior estimates that by the late 70's, 125 million people would be affected.

Affected how?

Re-read chapter on the physical effects of noise, for openers. Now keep in mind the "startle reaction". A loud noise makes you jump and start. And then go on to imagine what would happen to a surgeon in the middle of a delicate operation, or a window washer on a scaffold, or a driver on a mountain road.

And if you happened to be watching a game in the Astrodome, you might like to know that the boom has already ripped off roofs, caused an airport control tower to explode, and otherwise shattered windows and made general mischief with property.

You think things are noisy now? If the SST goes through, these are going to be the *Good Old Days*.

SST vs. USA?

It seems to us that most of the reasons for building the Super-Sonic Transport have little to do with any tangible benefits to come from the plane itself.

Sure, Someone is going to be able to move his merchandise from here to there a little faster. And Someone will make or save a few bucks. And Someone will also sell a few planes.

And that's all there is to the SST.

A positive value? Maybe. But what is America going for? The short trip or the long run? Saving Forever? Or a few hours?

We've been told it's a question of National Pride. And America's pride comes from Being First. So much, that we've stopped asking "First at *what?*"

We're the first country to land on the moon. And the first country to drop an atom bomb. And it almost seems that we don't know the difference. All we know is that we were the First.

Well, there's something that *some* of us would like to be first at. We'd like to be the first country whose government valued its environment over its technology. And valued its people more than its profits.

---

*"The Tyranny of Noise," Barron.

The Nixon Administration is obviously not ready for that one. Despite the Senate's encouraging 52 to 41 vote against it, Mr. Nixon keeps insisting that not building the SST is even worse than building it. He points to the fact that 150,000 jobs would be lost if the SST were dropped.

Now, perhaps our solution is simpleminded. But we don't think there has to be that unemployment. When America is suffering a transportation crisis (the cities losing money through dying commuter lines, the country being choked with runaway traffic) we think this same engineering talent could be put to work where the real problems are.

And where finding solutions would improve all our lives.

As well as our environment.

And be of greater benefit to the economy—the nation's, the City's, and the citizens' economy—than any fleet of SSTs.

And as we see it, the phrase should be updated to read: What's good for *Americans* is good for the country.

The Politics of Noise

1. THE SILENT MAJORITY

Most laws regulating noise today are based on the old English Common Law Doctrine of Nuisance, whose precedents were set in the 13th century. An if you've ever asked to use the term "cultural lag" in a sentence, we'd like you to feel free to use it in that one.

Our Constitution provides many nice points which could be used in a case against noise, but have *rarely* been used with much success.

For instance, the Preamble assures us of our "domestic tranquility" and "Tranquility" is legally defined as a state of quietness.

But in test cases, judges have ruled that when you agree to live in a city, you agree to accept any and all noises that go with it. (Which means you can't win a case against your next-door construction site.)

Then too, under the Commerce Clause of the Constitution, Common law holds the right of habitation to be superior to that of commerce; the Fourteenth amendment says that no state can deny equal protection under the no state can deny equal protection under the law; and the "Balance of Rights" Doctrine holds that the individual and Society (or commerce) are to be equal.

Yet Detroit (or "commerce") is favored in our battle against air pollution as well as noise pollution, and Hempstead, Long Island lost its case to limit aircraft noise from Kennedy.

Last September the city of Boston filed claims against 19 airlines and the Massachusetts Port Authority, asking they pay costs for soundproofing fifteen schools near Logan Airport, and reimburse the city for property depreciation caused by the noise pollution.

We admire their spirit but we don't like their chances.

Constitutional or not, the law protects commerce and is most often built around the realities of current technology rather than the requirements of human existence.

So while 200 million Americans are simply forced to suffer in silence, the SST may get a sympathetic ear.

2. THERE OUGHT TO BE A LAW

New York City, believe it or not, does have some anti-noise laws. A loud party or a barking dog can still bring the cops to your door. And, technically at least, blowing your car horn is illegal.

All other laws so far, cover only the realm of "Nuisance noise" and leave what's a nuisance open to interpretation. No actual decibel levels are set. And the laws are made even more useless by a list of qualifiers.

A noise doesn't count as a Nuisance if, for instance, it's "mobile" (a train, plane, garbage truck, fuel or loud-speaker truck, etc.); "temporary" (The Saint Patrick's Day parade, or any construction site—"temporary" being interpreted as up to five years); or "socially useful" (which may apply to all repairs or construction.

Daytime construction is specifically exempt from all regulation between 7 AM and 6 PM—six days a week. And if that makes you wonder how come Third Avenue was being drilled on at 8 PM last month, it's because over-time permits are easy to get. All the contractor has to say is that he'll suffer "loss or inconvenience" by quitting at six. And from then on it's your loss (or inconvenience).

New York also has noise provisions in its 1968 Building Code. And while we're the first city in the country to have them, our standards are lower than the lowest set in Europe; and are limited to regulating walls, floors, ceilings, and noise from outside equipment. No regulations are set for interior walls, ventilating ducts, plumbing pipes, electrical boxes, or a list of other noise conductors found in most apartments. Yet. However . . .

3. THERE MAY BE

Sometime in February a noise code will be presented to the New York City Council by Mayor Lindsay.

The code was prepared by the Bureau of Noise Abatement (a part of the Mayor's Environmental Protection Agency) and will set specific standards against noise. And—provide stiff fines for violators.

The areas the code covers include:

The establishment of specific sound levels for motor vehicles, air compressors, refuse compactors, air conditioning systems, and construction apparatus. It will apparently expand on the "unnecessary noise" standards and establish "quiet zones". The plan is to hire twenty-two noise pollution inspectors to watch for violations.

Further, if the E.P.A. is indeed allowed to prosecute violators in a special Environmental Court (another proposal up before the city council), we might really begin to see great improvements in New York.

And if Mayor Lindsay's noise code goes through, it will be the first such code in the country.

On the State level, Assemblyman Andrew Stein introduced a bill to set a state-wide noise limit of 108 PNdb*, which would ban the SST from New York State airports.

Sound and Fury

Perhaps one of the most interesting things to be learned from Robert Alex Baron's book "The Tyranny of Noise" (St. Martin's Press, 1970) is how much one person can really accomplish, if sufficiently enraged.

Anger is the operative word. We all care about The Awful Things That Are Happening, but human nature as it is—most of us don't get involved in the burning issues of the day until we've been burned.

Mr. Baron got burned.

By a 1964 subway construction project that began right across the street from his apartment. That began at 7 a.m. every morning, to be precise, and lasted for several years.

Since just *passing* a construction site is enough to make most of us temporarily insane, the idea of having to live with one is a torture no man should endure. (In fact, Mr. Baron reminds us, noise has been used as a form of torture as far back as ancient China, and despite the many advances in the field, it remains a standard practice in Brainwashing.)

What Mr. Baron learned in his rounds of complaint was that the citizen has no recourse and no escape from the tyranny of noise. The constitution doesn't protect him from this particular invasion of privacy. The few laws that exist are (as so many "antipollution" laws) designed to protect Industry and the status quo of industrial technology. And such laws, far from helping the citizen, render him even more helpless by actually *legalizing* the excesive noise.

What Mr. Baron *did* about it constitutes our sermon for the day.

After meeting with the police, the Transit Authority, the construction company, the Board of Health, the Governor, and (even with the help of then-city-councilman Theodore Kupferman) getting precisely nowhere, he did, first of all, not give up.

He began to study the whole problem of noise pollution. And in 1965 formed his own neighborhood into an action group: The Upper Sixth Avenue Noise Abatement Association. They continued to fight (and lose) their local problem, but at the same time created national awareness of the losing battle against noise.

This small group eventually grew into the larger Citizens for a Quieter City, Inc. whose accomplishments have included introducing the Quiet Garbage Truck to New York (the city now owns 10 and has plans for 200 more) importing and demonstrating "silenced" construction tools (which have now been produced by American companies) and developing the current "Project Quiet City," a neighborhood experiment in noise abatement.

The lucky experimental neighborhood is the Lincoln Center area, West of Central Park, from 59th to 74th streets. The area will be treated to the silenced construction equipment, reduced night time traffic, enforcement of horn-blowing laws, and special "Quiet Zones" around its schools and hospitals.

CQC hopes to prove through this Before-and After study that New York can be quieter, and that New Yorkers will want to keep it that way.

While Mr. Baron points out that little has been done to really control noise pollution, his own accomplishments also point to the fact that a few strong, stubborn people *can* get together and get things done.

Most of the crises in America today seem to come down to the same thing. A battle of the Individual vs. Society. A society that seems to take our needs and desires as individuals into ever-diminishing account. The irony is that if, as individuals, we lose—then, in fact, our society is lost. And that truly perfect concept—a government of the people, by the people and for the people—shall indeed have perished from the earth.

CAN-DO

You can try complaining, if the noise gets too bad. Try the Department of Noise Abatement (277–1400) and if they can't help, call Citizens for a Quieter City (355–6206) and join the fight.

Protect yourself. When looking for a new apartment, try to be in it once on a weekday (to see how noisy the traffic sounds are) and once at night (to see how noisy your neighbors are). On the very first night in their new apartment, some friends of ours found they were living below three stewardesses who kept strange hours and couldn't afford carpeting because they'd obviously spent all their money on high-heeled bedroom slippers.

Some general tips for keeping things quiet that you also might pass on to the folks upstairs. Keep your TV, hi-fi, etc. off the floor and away from connecting walls. By the 11 o'clock news the volume should be low. . . . Use rugs or carpets wherever possible, *especially* in children's bedrooms or playrooms . . . Keep your dog's toenails clipped. The patter of little feet gets amplified a lot when it travels through your floor . . . And so does the clatter of most women's shoes.

If outside noise is a problem, accoustical ceiling or wall tile may help. But then again, it may not. So get an expert to survey your house before you invest a lot of money . . . A row of bookshelves against the offending wall may help, and so might heavy drapes.

---

*PNdb are perceived noise decibels.

And if you'd like to redecorate King Arthur style, tapestries on the wall can soak up sound . . . If you're really going crazy from street noise, you can build a special sound-trap wall which, we understand, is very expensive. And which leads us to amend that "Silence is Gold."

Those plastic and paper garbage bags we mentioned last month can help eliminate the 5 AM clatter of metal cans.

AND SO TO BEDLAM

Having discovered that most of our bedrooms are at least fifteen decibles too loud to fall asleep in, we visited the *Sleep Shop* at *Hammacher Schlemmer* to find out what remedies New York's most imaginative grown-up toy store had to offer. And here we found:

1. A box of Nods. Ear stopples. Made of wax and looking like gumdrops, ear plugs that "comfortably conform to shut out noise and water." $5 for what looks like a few month's supply.

2. The "Invento" Sleep Sound Machines. Made to fit neatly on a night table and make, as the salesman told us, "nice noise." (And maybe drown out the traffic below?) The first model ($19.95) made one sound. A low whirr (which sounded to us like the air conditioner that keeps us awake on August nights). The $25 one has two sounds. A High Whirr and a Low Whirr. (Actually, they probably *do* mask sounds, and are less distracting than the television set. Although it depends on what programs you watch) . . . But the *third* machine—the $65 *third* machine—does imitations of rolling surf and the pitter-patter of gentle rain, and then, rather prosaically, of something called "white sound" (like a radio when the station has gone off the air). Which sound, if you go to bed late enough, you can get from your radio absolutely *free*.

3. If the noise pollution comes from within, you might try the Winko Anti-Snore Mask. ("For Him or For Her") "Subdues and helps control harsh snoring or sleep talking." All that for $2.50.

4. Lastly, if the local noise is too loud to fight, you might attack insomnia from another angle. With *Magic Fingers* ($45). A self-timing vibrator that fits under the mattress and jiggles. Either that, or just *think* about it and laugh yourself to sleep.

LETTERS TO C.A.N.

DEAR CAN: I loved the recycling issue and thought you might be interested in a few memories from my European childhood. We'd never heard of "recycling." We were simply taught that wastefulness is a sin: ("waste not, want not" is a phrase that every English child is heartily sick of hearing).

We saved every paper clip, rubber band and paper bag that came into the house. Parcels were untied carefully, the brown paper saved to be wrapped around the next package leaving the house; all those knots were untangled, with total disregard for broken nails, and every piece of string stored in a kitchen drawer.

Groceries were brought home in a shopping cart or a string bag: there was very little excess packaging, in fact even eggs were protected only by the flimsiest of paper bags. All our food leftovers went to the dogs or the hens or the compost heap.

As for our clothes, shirt collars and cuffs were turned, socks were darned, (even torn sheets were darned and turned sides to middle). Once a dress had passed through its last hand-me-down, the material would quite likely turn up as a cushion cover or a stuffed toy. German housewives used to use their soapy wash water for several loads of laundry, from light clothes to dark clothes to really dirty clothes, and then use the suds to wash the kitchen floor! Today German washing machine manufacturers still provide housewives with this option.

So we re-used things—not so much for necessity, but the feeling that to waste anything was wrong and stupid. It's an attitude that persists to this day—my seventy-year old Aunt recently arrived to visit us in New York bringing her own supply of the backs of used envelopes!

With all good wishes for your success in educating us all and hopefully teaching us to change our attitudes.

Yours sincerely,

MRS. D. HEATH.

DEAR CAN: I'm glad you don't disapprove of disposable diapers. I don't know if I could cope without them. But you said it was important to follow directions on the box about disposal. And there are no directions to speak of on the brand I use. Is there something I should know? Mrs. R. L.

First choice: the incinerator. Second best: trash can. Fold so that plastic lining is on the outside, and if the diaper has tapes, tape is closed. If possible, use a plastic bag for the day's collection. If you must flush, first remove plastic lining—it can clog your plumbing and the city's sewage system—and throw that part in the trash can. Swish the inner lining in the john so it falls apart before flushing. Never flush if you have a cesspool or septic tank system.

CAN, INC.

Co-chairmen: Ilene Goldman, Lola Redford.

Treasurer: Arlene Weltman.
Secretary: Barbara Niles.
Publicity-PR: Carlin Masterson.
Newsletter: Hildy Johnson.

ANNIVERSARY OF THE POLISH CONSTITUTION

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mrs. GRASSO. Mr. Speaker, it has been written that the history of man is a history of weeping. Perhaps no nation better exemplifies this than Poland. There, a people devoted to freedom has been forced to bear the yoke of slavery. The entire history of the Polish nation has been a struggle against foreign tyranny and oppression.

Today, May 3, we celebrate the 180th anniversary of the Polish Constitution of 1791. One hundred and eighty years ago the light of freedom again appeared in that brave land, as it has so often through the years. On that day, the King of Poland with the leaders of the people, Stanislaw Malachowski and Ignacy Potocki, presented a new constitution to the Polish Diet. It was accepted by acclamation, and the people celebrated throughout the land.

The new constitution was based on the English model. Not only did it create greater freedom and order at home, but it also served as a declaration of independence from foreign domination. The new Polish Constitution was praised by freedom loving people everywhere. Edmund Burke praised Poland's actions and George Washington publicly acclaimed Poland's new found liberty.

One foreign government was not pleased, however. It was to Russia's interest have a weak, subservient Poland. And Russia quickly moved to crush the new government. Aided by several Polish traitors, Russia invaded Poland in April 1792. In spite of the brace efforts of men like Thaddeus Kosciuszko, who had so recently helped defend the freedom of America, the new Polish Government fell. Russia had its way. Poland was once again enslaved.

Today, our hearts go out to our Polish brothers and sisters. They are a people who have fought long and hard for liberty.

Let Poland stand as an example to all who hold liberty dear. The Polish people have never given up the struggle. Some day, with the grace of God, Poland will again be free to fulfill the hopes expressed so well on May 3, 1791. Never has a people fought so long and so consistently for personal liberty. May we never forget their devotion to freedom and their willingness to defend it.

JOHN KERRY'S STATEMENT ON BEHALF OF THE VIETNAM VETERANS AGAINST THE WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a statement which might well become an historic document made by a very articulate young veteran, Lt. John F. Kerry, who, like so many others of the two and a half million American men who have served in Vietnam, now feel that this war is immoral, illegal and tragic beyond description.

I am honored to have Lt. John F. Kerry as one of my constituents in Waltham, Mass. I cannot describe the tremendous pride which the people of Massachusetts have in this courageous officer of the U.S. Navy who is now expressing his convictions and his conscience on a national scale with regard to the war in Southeast Asia.

I have stated on several occasions in the past few weeks that I have the hope that, just as Selma led to the enactment of the Voting Rights Act of 1965, so also the activities on behalf of peace by the Vietnam Veterans Against the War in April 1971 may lead to a prompt cessation of all hostilities in Indochina.

The text of the statement given by Navy Lt. (j.g.) John F. Kerry before the Senate Foreign Relations Committee on April 22, 1971 is as follows:

STATEMENT OF MR. JOHN KERRY, REPRESENTING THE VIETNAM VETERANS AGAINST THE WAR

Mr. KERRY. Thank you very much, Senator Fulbright, Senator Javits, Senator Symington, Senator Pell. I would like to say for the record, and also for the men behind me who are also wearing the uniform and their medals, that my sitting here is really symbolic. I am not here as John Kerry. I am here as one member of the group of 1,000, which is a small representation of a very much larger group of veterans in this country, and were it possible for all of them to sit at this table they would be here and have the same kind of testimony.

I would simply like to speak in very general terms I apologize if my statement is general because I received notification yesterday you would hear me and I am afraid that because of the court injunction I was up most of the night and haven't had a great deal of time to prepare for this hearing.

I would like to talk on behalf of all those veterans and say that several months ago in Detroit we had an investigation at which over 150 honorably discharged, and many very highly decorated, veterans testified to war crimes committed in Southeast Asia. These were not isolated incidents but crimes committed on a day to day basis with the full awareness of officers at all levels of command.

It is impossible to describe to you exactly what did happen in Detroit—the emotions in the room and the feelings of the men who were reliving their experiences in Vietnam. They relived the absolute horror of what this country, in a sense, made them do.

They told stories that at times they had personally raped, cut off ears, cut off heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in fashion reminiscent of Genghis Khan, shot cattle and dogs for fun, poisoned food stocks, and generally ravaged the countryside of South Vietnam in addition to the normal ravage of war and the normal and very particular ravaging which is done by the applied bombing power of this country.

We call this investigation the Winter Soldier Investigation. The term Winter Soldier is a play on words of Thomas Paine's in 1776 when he spoke of the Sunshine Patriot and summer time soldiers who deserted at Valley Forge because the going was rough.

We who have come here to Washington have come here because we feel we have to be winter soldiers now. We could come back to this country, we could be quiet, we could hold our silence, we could not tell what went on in Vietnam, but we feel because of what threatens this country, not the reds, but the crimes which we are committing that threaten it, that we have to speak out.

I would like to talk to you a little bit about what the result is of the feelings these men carry with them after coming back from Vietnam. The country doesn't know it yet but it has created a monster, a monster in the form of millions of men who have been taught to deal and to trade in violence and who are given the chance to die for the biggest nothing in history; men who have returned with a sense of anger and a sense of betrayal which no one has yet grasped.

As a veteran and one who feels this anger I would like to talk about it. We are angry because we feel we have been used in the worst fashion by the administration of this country.

In 1970 at West Point Vice President Agnew said "some glamorize the criminal misfits of society while our best men die in Asian rice paddies to preserve the freedom which most of those misfits abuse," and this was used as a rallying point for our effort in Vietnam.

But for us, as boys in Asia whom the country was supposed to support, his statement is a terrible distortion from which we can only draw a very deep sense of revulsion, and hence the anger of some of the men who are here in Washington today. It is a distortion because we in no way consider ourselves the best men of this country; because those he calls misfits were standing up for us in a way that nobody else in this country dared to; because so many who have died would have returned to this country to join the misfits in their efforts to ask for an immediate withdrawal from South Vietnam; because so many of those best men have returned as quadriplegics and amputees—and they lie forgotten in Veterans Administration Hospitals in this country which fly the flag which so many have chosen as their own personal symbol—and we cannot consider ourselves Americas best men when we are ashamed of and hated for what we were called on to do in Southeast Asia.

In our opinion, and from our experience, there is nothing in South Vietnam which could happen that realistically threatens the United States of America. And to attempt to justify the loss of one American life in Vietnam, Cambodia or Laos by linking such loss to the preservation of freedom, which those misfits supposedly abuse, is to us the height of criminal hypocrisy, and it is that kind of hypocrisy which we feel has torn this country apart.

We are probably much more angry than that, but I don't want to go into the foreign policy aspects because I am outclassed here. I know that all of you talk about every possible alternative to getting out of Vietnam. We understand that. We know you have considered the seriousness of the aspects to the utmost level and I am not going to try to dwell on that. But I want to relate to you the feeling that many of the men who have returned to this country express because we are probably angriest about all that we were told about Vietnam and about the mystical war against communism.

We found that not only was it a civil war, an effort by a people who had for years been seeking their liberation from any colonial influence whatsoever, but also we found that the Vietnamese whom we had enthusiastically molded after our own image were hard put to take up the fight against the threat we were supposedly saving them from.

We found most people didn't even know the difference between communism and democracy. They only wanted to work in rice paddies without helicopters strafing them and bombs with napalm burning their villages and tearing their country apart. They wanted everything to do with the war, particularly with this foreign presence of the United States of America, to leave them alone in peace, and they practiced the art of survival by siding with whichever military force was present at a particular time, be it Viet Cong, North Vietnamese or American.

We found also that all too often American men were dying in those rice paddies for want of support from their allies. We saw first hand how monies from American taxes was used for a corrupt dictatorial regime. We saw that many people in this country had a one-sided idea of who was kept free by our flag, and blacks provided the highest percentage of casualties. We saw Vietnam ravaged equally by American bombs and search and destroy missions, as well as by Viet Cong terrorism, and yet we listened while this country tried to blame all of the havoc on the Viet Cong.

We rationalized destroying villages in order to save them. We saw America lose her sense of morality as she accepted very cooly a My Lai and refused to give up the image of American soldiers who hand out chocolate bars and chewing gum.

We learned the meaning of free fire zones, shooting anything that moves, and we watched while America placed a cheapness on the lives of orientals.

We watched the United States falsification of body counts, in fact the glorification of body counts. We listened while month after month we were told the back of the enemy was about to break. We fought using weapons against "oriental human beings." We fought using weapons against those people which I do not believe this country would dream of using were we fighting in the European theater. We watched while men charged up hills because a general said that hill has to be taken, and after losing one platoon or two platoons they marched away to leave the hill for re-occupation by the North Vietnamese. We watched pride allow the most unimportant battles to be blown into extravaganzas, because we couldn't lose, and we couldn't retreat, and because it didn't matter how many American bodies were lost to prove that point, and so there were Hamburger Hills and Khe Sahns and Hill 81s and Fire Base 6s, and so many others.

Now we are told that the men who fought there must watch quietly while American lives are lost so that we can exercise the incredible arrogance of Vietnamizing the Vietnamese.

Each day to facilitate the process by which the United States washes her hands of Vietnam someone has to give up his life so that the United States doesn't have to admit something that the entire world already knows, so that we can't say that we have made a mistake. Someone has to die so that President Nixon won't be, and these are his words, "the first President to lose a war."

We are asking Americans to think about that because how do you ask a man to be the last man to die in Vietnam? How do you ask a man to be the last man to die for a mistake? But we are trying to do that, and we are doing it with thousands of rationalizations, and if you read carefully the President's last speech to the people of this country, you can see that he says, and says clearly, "but the issue, gentlemen, the issue, is communism, and the question is whether or not we will leave that country to the communists or whether or not we will try to give it hope to be a free people." But the point is they are not a free people now under us. They are not a free people, and we cannot fight communism all over the world. I think we should have learned that lesson by now.

But the problem of veterans goes beyond this personal problem, because you think about a poster in this country with a picture of Uncle Sam and the picture says "I want you." And a young man comes out of high school and says, "that is fine, I am going to serve my country," and he goes to Vietnam and he shoots and he kills and he does his job. Or maybe he doesn't kill. Maybe he just goes and he comes back, and when he gets back to this country he finds that he isn't really wanted, because the largest corps of unemployed in the country—it varies depending on who you get it from, the Veterans Administration says 15 percent and various other sources 22 percent—but the largest corps of unemployed in this country are Veterans of this war, and of those veterans 33 percent of the unemployed are black. That means one out of every ten of the nation's unemployed is a veteran of Vietnam.

The hospitals across the country won't, or can't meet their demands. It is not a question of not trying; they haven't got the appropriations. A man recently died after he had a tracheotomy in California, not because of the operation but because there weren't enough personnel to clean the mucus out of his tube and he suffocated to death.

Another young man just died in a New York VA Hospital the other day. A friend of mine was lying in a bed two beds away and tried to help him but he couldn't. He rang a bell and there was nobody there to service that man and so he died of convulsions.

I understand 57 percent of all those entering the VA hospitals talk about suicide. Some 27 percent have tried, and they try because they come back to this country and they have to face what they did in Vietnam, and then they come back and find the indifference of a country that doesn't really care.

Suddenly we are faced with a very sickening situation in this country, because there is no moral indignation and, if there is, it comes from people who are almost exhausted by their past indignations, and I know that many of them are sitting in front of me. The country seems to have lain down and shrugged off something as serious as Laos, just as we calmly shrugged off the loss of 700,000 lives in Pakistan, the so-called greatest disaster of all times.

But we are here as veterans to say we think we are in the midst of the greatest disaster of all times now because they are still dying over there—not just Americans, but Vietnamese—and we are rationalizing leaving that country so that those people can go on killing each other for years to come.

Americans seem to have accepted the idea that the war is winding down, at least for Americans, and they have also allowed the bodies which were once used by a President for statistics to prove that we were winning that war, to be used as evidence against a man who followed orders and who interpreted those orders no differently than hundreds of other men in Vietnam.

We veterans can only look with amazement on the fact that this country has been unable to see there is absolutely no difference between ground troops and a helicopter crew, and yet people have accepted a differentiation fed them by the administration.

No ground troops are in Laos so it is all right to kill Laotians by remote control. But believe me the helicopter crews fill the same body bags and they wreak the same kind of damage on the Vietnames and Laotian countryside as anybody else, and the President is talking about allowing that to go on for many years to come. One can only ask if we will really be satisfied only when the troops march into Hanoi.

We are asking here in Washington for some action; action from the Congress of the United States of America which has the power to raise and maintain armies, and which by the Constitution also has the power to declare war.

We have come here, not to the President, because we believe that this body can be responsive to the will of the people, and we believe that the will of the people says that we should be out of Vietnam now.

We are here in Washington also to say that the problem of this war is not just a question of war and diplomacy. It is part and parcel of everything that we are trying as human beings to communicate to people in this country—the question of racism, which is rampant in the military, and so many other questions such as the use of weapons; the hypocrisy in our taking umbrage in the Geneva Conventions and using that as justification for a continuation of this war when we are more guilty than any other body of violations of those Geneva Conventions; in the use of free fire zones, harassment interdiction fire, search and destroy missions, the bombings, the torture of prisoners, the killing of prisoners, all accepted policy by many units in South Vietnam. That is what we are trying to say. It is part and parcel of everything.

An American Indian friend of mine who lives in the Indian Nation of Alcatraz put it to me very succinctly. He told me how as a boy on an Indian reservation he had watched television and he used to cheer the cowboys when they came in and shot the Indians, and then suddenly one day he stopped in Vietnam and he said "my God, I am doing to these people the very same thing that was done to my people," and he stopped. And that is what we are trying to say, that we think this thing has to end.

We are also here to ask, and we are here to ask vehemently, where are the leaders of our country? Where is the leadership? We are here to ask where are McNamara, Rostow, Bundy, Gilpatric and so many others? Where are they now that we, the men whom they sent off to war, have returned? These are commanders who have deserted their troops, and there is no more serious crime in the law of war. The Army says they never leave their wounded. The Marines say they never leave even their dead. These men have left all the casualties and retreated behind a pious shield of public rectitude. They have left the real stuff of their reputations bleaching behind them in the sun in this country.

Finally, this administration has done us the ultimate dishonor. They have attempted to disown us and the sacrifices we made for this country. In their blindness and fear they have tried to deny that we are veterans or that we served in Nam. We do not need their testimony. Our own scars and stumps of limbs are witness enough for others and for ourselves.

We wish that a merciful God could wipe away our own memories of that service as easily as this administration has wiped away their memories of us. But all that they have done and all that they can do by this denial is to make more clear than ever our own determination to undertake one last mission—to search out and destroy the last vestige of this barbaric war, to pacify our own hearts, to conquer the hate and the fear that have driven this country these last ten years and more, so when 30 years from now our brothers go down the street without a leg, without an arm, or a face, and small boys ask why, we will be able to say "Vietnam" and not mean a desert, not a filthy obscene memory, but mean instead the place where America finally turned and where soldiers like us helped it in the turning.

Thank you.

THE WABASH CANNONBALL—WE LOVED YOU

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. MYERS. Mr. Speaker, last Friday, April 30, the legendary Wabash Cannonball made its last run between Detroit and St. Louis. Many have traveled on this famous train while many others have fond memories of this once great American train.

My family and I joined our colleague, Representative J. Edward Roush, in Fort Wayne to make this historic last trip. The train pulled out of the Fort Wayne station at 9:25 a.m., its three coaches packed with train enthusiasts as well as many schoolchildren.

At each stop as it headed southwest through Indiana, schoolchildren got on with their teachers and rode to the next station where schoolbuses were waiting to return them to their classes. Many had sack lunches, candy bars and bananas to make their journey more pleasurable. Most were riding a train for their first time and probably their last.

Just outside of Fort Wayne, the teachers and students of the Indian Village Grade School stood along the fence dividing the track from the school playground. All were waving and shouting as the train slowed down by previous arrangement. Many were holding up signs they had designed and painted. Typical were: "Goodby Cannonball, we will miss you;" "Cannonball, we loved you." Others just said "Cannonball" in large black lettering. This was a great event for those children, but their expressions and signs brought more than one tear from the passengers on board the Cannonball.

At Lafayette, the city fathers were out in force including Mayor Don Blue, of Lafayette, and Maj. James Williamson, of West Lafayette. They bid official farewell to the Cannonball with a bottle of champagne across the cow catcher.

The Wabash railroad has always been "the railroad" for the Myers family. My uncle, Tom Edwards, now deceased, of Decatur, Ill., was once an engineer on the famous train. His son and my cousin, Don Edwards, lost his life on the Cannonball on April 8, 1945, when the train hit an open switch at Palmer, Ill.

Conductor W. C. Kindlespacker, Perrysville, Ind., had a tear in his eye as he left the train at Danville, Ill., for the last time. Other crewmembers on this final run were engineer Joseph Blackburn, Peru, Ind.; fireman T. Spencer, Peru; porter H. I. Williams, St. Louis; brakeman K. E. Walter, Denver, Ind.; cook Cha Barnes and waiter Wardell Price, both of St. Louis.

Now silenced is the jingle, the rumble, and the roar as she glides along the woodlands, through the hills and by the shore. She was mighty tall and handsome. She was known quite well by all. She was the combination in the Wabash Cannonball.

ADDRESS BY JAMES M. ROCHE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. BROOMFIELD. Mr. Speaker, in our concern to cleanse our environment and to protect the consumer, we also have a duty to listen to the advice of industry. Mr. James M. Roche, the chairman of General Motors Corp. and a resident of my congressional district, outlined some of the problems which confront the auto industry in a speech delivered March 25 in Chicago. I commend Mr. Roche's remarks to my colleagues:

An Address by James M. Roche, Chairman, General Motors

I was very pleased to receive Bill Clark's invitation to address the Executive Club of Chicago. It is always pleasant to return to where I have so many fond memories and pleasant associations.

Your Club has a well-earned reputation. Your membership reflects a great diversity of interests and a fine record of accomplishments. The Club is known as an excellent forum for frank and thoughtful discussion. Here is a place to raise issues that should concern all of us who care about the well-being of our country and its economy.

Today, then, let me call your attention to a serious, yet subtle, threat to our American system of free enterprise. I would like to discuss this threat, and the personal responsibility it places upon us, as businessmen, to help counter it.

There are two premises on which I think we can all agree. The first is that our country—by almost any measure—is preeminent in the world. To assert this is not to deny our faults. We are still short of achieving many of our national ideas. But neither should we deny the blessings we enjoy as a nation. Most apparent perhaps is our unmatched material well-being. More important, though, are our high levels of education, health, and individual opportunity, and of course our freedoms, the priceless heritage our history has served to enlarge.

A second premise, like the first, is also too little acknowledged. It is that our free competitive economic system has been essential to the achievement and the preservation of these national endowments.

These beliefs may seem fundamental to us. Nevertheless, they are questioned by some people in our society today. Notwithstanding that America is the envy and the aspiration of the world, there are those who maintain our economic system is not the best, and ask is there not a better way. Some who question our society and its achievements are young. Some are well-intentioned. Some are sincere.

But there are others. Their final objectives are not what they first profess. Their beliefs, their purposes, run contrary to the principles of the majority of our people. They question many of our institutions, including our economic system. They crusade for radical changes in our system of corporate ownership, changes so drastic that they would all but destroy free enterprise as we know it. Deliberately or not, they are also weakening our free competitive system.

AN IDEA DIMINISHED

Many observers have noted the recent growth of a group of critics who have launched, and have pressed, an assault on the reputation of America. It has already diminished the idea of America in the eyes of many people, at home and abroad. The damage they do is greatest among our young, who are no longer even given the time to judge our system by their own experience. Instead, their ideals are aborted, at an age and often in a place—in our schools—where ideals ought to be instilled rather than destroyed.

The current disparagement of America holds many ironies. One is that the country is criticized for the relatively narrow area of shortcoming without credit for the broad range of achievement. For example, the nation is credited less with a superior system of public higher education than it is criticized for not making it freely available to all, even the unqualified. The nation is credited less with an incomparable transportation system than it is faulted for its traffic jams. The nation is credited less with having two-thirds of its families own their own homes than it is condemned for its slums.

Another irony is than many of today's problems are an outgrowth of yesterday's progress. They are marks of a society that, on the whole, has had extraordinary success in meeting the aspirations of earlier generations. Yet some who criticize our system would substitute other systems which have fallen far short of ours. In most other countries, the quality of our daily life is still no more than a hopeful vision. In those places, such criticisms as we hear would be mere frivolities, idle pastimes of the academic. Where there are no roofs, there are no leaks.

Nevertheless, in our country this climate of disparagement and doubt is real. Its depressing impact upon the national mood is affecting the attitudes and values of our younger generation. All of us with a concern for our society's future must recognize and deal with what is really a kind of national malaise.

To the extent that doubt and disparagement are directed toward free enterprise, they are of direct and immediate concern to us as businessmen. And it is all too evident that, in too many cases, the climate of criticism is highly adverse to free enterprise. The equating of profit with immorality is spreading a cloud of suspicion and distrust over all we have achieved and hope to achieve.

To those of us in business, progress is both our goal and our habit. We understand that progress means change. We never expect nor want things to stay as they are, much less to turn back to simpler days. Progressive change has brought our country to its present high position. Competitive enterprise has been a principal engine of change and progress. Business has not only responded to change, but has caused change. Out of this process of competitive innovation comes progress.

STEWARDS OF PROGRESS

From here, we must go forward. There is more, much more to do. For us, tomorrow is today's responsibility. We are stewards, committed to progress, duty-bound to leave things better than we found them. This is the way of free enterprise. Just as it has made possible our past progress, so is it essential for the accomplishment of the future objective of our society.

American business today has no lack of challenges. The list is long and familiar to all of you. It includes inflation, foreign competition, unsatisfactory productivity, urban rebuilding, minority opportunity, pollution control, and in many areas, increasing government regulation.

Some of these challenges—inflation, foreign competition, unsatisfactory productivity—are tied together. Our rising costs and lagging productivity have damaged our country's competitive position. They have lessened the ability of many industries to compete in world markets. They have also resulted in an influx of imported merchandise never before experienced in the United States.

American business, from the perspective of the world, is plainly in trouble. There is much we must do to bolster our ability to compete against others, and to strengthen our essential contributions to the continued progress of our society here at home.

Many of those who seek change do not share the businessman's obligation to progress. Their goal and their habit is to criticize. They thrive on the sensational accusation and the publicity it gains. At a time when our system is so challenged, all of us—not just some of us—should work to improve free enterprise. None of us can afford to impair it.

THE PLACE FOR DOUBT AND DISSENT

This is not to say that any institution in our society should be above criticism, nor that there is no need for criticism. But criticism should be constructive, and doubt should be honest. Doubt truly is the beginning of wisdom, and if the freedom of dissent cannot survive in America, then it can survive no place at all.

Some of today's disparagers, however, lay a false claim to follow the noble American tradition of outspoken criticism. This criticism, however, was for the most part constructive. At heart, these earlier men and women were builders. They were doers, as well as doubters.

Yet too many today seek less to correct a wrong than to condemn a system. Too many critics focus on a particular fault for no more than a moment, and offer few if any solutions. They jump from cause to cause, going wherever popularity or expediency leads, using whatever means are at hand, inflaming any issue that promises attention.

Each of their criticisms may seem inconsequential by itself. Yet taken together, these criticisms, in their number and in their intensity, are an indictment of economic America that can do lasting damage to our system. The criticisms themselves are a form of harassment unknown to businessmen in other times. They tend to mislead the courts and government into other forms of business harassment. This unjustified harassment—and much of it is unjustified—is a covert danger we can no longer ignore.

Much of the modern criticism of free enterprise is by no means idle, nor is it intended to be. Many of the critics have the professed aim to alter "the role and influence of corporations and corporate management in and upon American society." Their philosophy is antagonistic to our American ideas of private property and individual responsibility. Henry G. Manne is Kenan Professor of Law and Political Science at the University of Rochester. He has observed that these critics would like to carry corporate decisions into the streets, where they have already taken many of the decisions of some universities and other institutions.

Those critics whose aim is destructive are following a basic tactic of divisiveness—and with considerable success. They are endeavoring to turn various segments of our society—government, labor, and universities—against business. They are trying to make America in the 1970's a society at war with itself.

Their ultimate aim is to alienate the American consumer from business, to tear down long-established relationships which have served both so well. They tell the consumer he is being victimized. New products are being foisted upon him, whether he wants them or not. These products are not as good as they should be—that is, they are less than perfect. Businessmen are greedy and uncaring. Corporations are beyond reach and above response to the consumer's needs. Advertising is false. Prices are padded. Labels are inaccurate. Therefore, the consumer, many would have us believe, is helpless and unprotected when he shops, and is really not responsible for what he buys.

THE NEED FOR CONSUMER SUPREMACY

This delusion—that the consumer cannot trust his own free choice—strikes at the very heart of our free competitive system. The system is founded on the conviction that in the long run the consumer is the best judge of his own welfare. The entire success of free enterprise can be traced to the vitality it gains by competitive striving to satisfy the discriminating customer. To destroy the concept of consumer supremacy is to destroy free enterprise. If the consumer can be convinced that he really does not know what is good for him—and this is what the critics try to do—then freedom leaves free enterprise.

In other words, if the consumer cannot protect his own interest, then someone else must do it. That someone else will then dictate what can be made, what can be sold, and at what price. That will surely mark the end of free enterprise. The greatest of our economic freedoms—the freedom to decide our purchase—will be gone.

This cannot happen, many will say. To them we should reply, look back. Look back at only the past decade to see how rapidly we have expanded the role of government in the marketplace.

To protect the consumer, a new aspect of bureaucracy, "consumer affairs," has been created, not only in Washington, but in state capitals, and local communities. Since 1900, Congress has passed 69 major consumer laws, but two-thirds of these have been enacted in only the last eight years. To the extent that new laws and new officials do protect the consumer against fraud and deception, and safeguard his health and safety, they are good. But too much of this new development is unnecessary, and does not deliver a value to the consumer commensurate with the potential cost in higher taxes and higher prices.

Also to protect the consumer, it has been mandated that many of the products he buys be altered. In this way too, consumer choice is sometimes unnecessarily reduced, and costs are added without equivalent increase in value. For these unwanted products as well, it is the consumer who pays.

THE COST OF HARASSMENT

Make no mistake, the results of irresponsible harassment have added significantly to the cost of doing business. The higher taxes are costly. Adapting products to new regulations is costly. Meeting daily harassments, answering criticism, defending against public attack, all these carry costs—in time and energy as well as dollars.

Yet, the fashion is still to call for these new controls of business. The regulations and inspections of administrative agencies have their harassing counterpart in the legislative halls where there are also those who seek to devise new means to impair the free workings of our economic system.

Individuals and agencies have competed—sometimes blindly—to be on the crest of the wave of consumer protection. In the 1960's consumer legislation came into political vogue. Much of this was necessary, and serves our society well. Yet the short-term political advantage offered by spectacular but unsound consumer legislation can do lasting damage to the very consumer it purports to help.

The consumer—that is, all of us—is the loser when irresponsible criticism and ill-conceived legislation break down faith in our economic system, when harassment distracts us from our modern challenges, when the very idea of free enterprise is diminished in the eyes of the young people who must one day manage our businesses.

Every unwise impairment of free enterprise carries some additional costs to 200 million individual Americans. It carries other great collective costs to the extent that it further reduces the ability of American industry to compete in the markets of the world.

America no longer enjoys the technological edge over other advanced countries that we once did. This is especially true in the case of such industrialized nations as Germany, Japan, France, and Italy. They are enjoying substantial annual increases in productivity as opposed to the slower rate of increase in our own economy. They too are experiencing inflation but, because we start from a higher base, the gap in dollars-and-cents costs is widening in many industries. This growing competition disadvantage against America is an important fact of international economic life. Yet it is little acknowledged by some of the critics. They demand that American business be more socially responsible, but give too little consideration to the costs of meeting social aspirations.

Yet the costs must be considered when business is directed to achieve the social as well the economic aspirations of a society. The costs of meeting these social aspirations are superimposed upon our present very high cost base. They simply compound the difficulty of competing with foreign manufacturers whose economies have not yet lifted their societies to the level of ours, and consequently have not experienced the same demands for still further social advances.

AN ADVERSARY CULTURE

Corporate responsibility is a catchword of the adversary culture that is so evident today. If something is wrong with American society, blame business. Business did not create discrimination in America, but business is expected to eliminate it. Business did not bring about the deterioration of our cities, but business is expected to rebuild them. Business did not create poverty and hunger in our land, but business is expected to eliminate them.

As citizens and Americans, we heartily endorse all these objectives. No thoughtful American can be opposed to equal opportunity, to better housing and education, and to the elimination of poverty from our land. But every thoughtful American must face the fact that new aspirations entail new costs.

We should also recognize that business is not always the best vehicle for their accomplishment, although there is much business can contribute. Business nevertheless is often a convenient scapegoat. But blaming business, or government for that matter, does not excuse us from our own personal responsibility as citizens, as parents, as teachers.

These considerations pose questions which should be much on the mind of every American. Because if our society does not give them a satisfactory answer—and soon—whatever capacity American business does have to influence social change for the better may be severely impaired. Business, burdened by new and unnecessary social costs, may find itself hard-pressed to maintain the economic progress that has so distinguished our history.

The climate of criticism and disparagement has dulled the reputation of business We read and hear very little that is good about business. Seldom, if ever, is business credited with meeting its basic corporate responsibilities. I submit that American business is fulfilling vital social responsibilities every day—and with great success.

THE CONTRIBUTIONS OF BUSINESS

Business does its job when it provides useful jobs at high wages, when it provides useful products at fair prices, when it provides economic growth that produces taxes for government and earnings for stockholders. These are the long-standing social responsibilities of business. Their fulfillment by American business over two centuries has made our America what it is. It is an achievement to be proud of—an achievement to talk about.

Earlier, I said we must be ready to accept change. And business today is expected to respond to the new aspirations of the society it serves. This broad public expectation must be recognized, and these new challenges must be accepted. The costs of many are non prohibitive. For example, the cost of providing greater job opportunities, particularly for minorities, can usually be absorbed in the normal course of business. The same is true of the cost of supporting community and educational activities—business' traditional citizenship role. And for these, we do get value. However, in other areas, for example in the control of pollution, costs are usually substantial. To the extent that they cannot be absorbed, they will raise the price of the product and in turn the overall level of prices in our economy.

ASPIRATIONS AND THEIR COST

As a Nation we must be mature enough to face up to the costs involved in meeting our new aspirations. It can mean a weakened competitive position in the world. It can mean higher prices for the consumer, and higher taxes for the citizens. This is no dire forecast. This is already a fact. We are weaker abroad. We have experienced higher prices and higher taxes.

Yet we must not allow this to slow our nation's progress toward the fulfillment of our social aspirations. Our task is to achieve our national social objectives at the least possible cost to our society, to assure full value for the dollars that must be spent, to mount an efficient effort. This is clearly a job where business, and businessmen, have much to contribute. Society must define its objectives and establish priorities.

President Nixon, in his recent Budget message, has pointed the way. He has committed the nation to far-reaching programs to improve the quality of American life. To help accomplish these ends he has proposed sharing $16 billion of Federal revenue with state and local governments. This is one way, as he put it, to give people "the opportunity to become more involved in the decisions that affect their lives."

As businessmen, we should follow the President's lead, again in his words, "to harness the powerful mechanism of the marketplace . . . to encourage improvement in the quality of life." We strengthen the roots of America every time we strengthen individual responsibility. Whether this is revenue sharing, which gives more responsibility to local taxpayers, or efforts to assure greater consumer choice in the marketplace, the benefit is the same: an increase in the free exercise of responsibility, which is the essence of our democracy.

It is not enough that management should be aware of what benefits—and what costs—are involved in fulfilling social objectives. The owners of American business—and virtually every American has a direct or indirect stake in business—must make the ultimate decision.

In the end, management must be responsive to the wishes of the stockholders. Management is obliged to inform stockholders as to the problems and the short-term costs as well as the potential long-range benefits of a greater and more direct involvement in social objectives. Then, management must abide by the owners' decision. Through his proxy, every stockholder has that right to decide and must exercise it. After that has been done, management has the responsibility to manage, to preserve and protect the business while leading it in the directions pointed by the stockholders.

A TIME FOR DECISION

Free enterprise has come to a crisis—a crisis in the sense of a time for decision. Tough decisions must be made, by all of us, and soon. Society expects much of us. Yet if we are to be effective, we must work together with the other segments of our society. Instead, at this very time when free enterprise needs support, it finds itself the target of much irresponsible criticism that causes disunity in our society.

Having pitted consumer against producer, some critics are now busy eroding another support of free enterprise—the loyalty of a management team, with its unifying values of cooperative work. Some of the enemies of business now encourage an employee to be disloyal to the enterprise. They want to create suspicion and disharmony, and pry into the proprietary interests of the business. However this is labeled—industrial espionage, whistle blowing, or professional responsibility—it is another tactic for spreading disunity and creating conflict.

The dull cloud of pessimism and distrust which some have cast over free enterprise is impairing the ability of business to meet its basic economic responsibilities—not to mention its capacity to take on newer ones. This, as much as any other factor, makes it urgent that those of us who are in business, who have made business our career, who are justifiably proud of our profession, that we stand up and be counted. It is up to us in the business community to reaffirm our belief in free enterprise.

Business has high goals, large responsibilities, and every incentive to fulfill them. In a climate of understanding, it can continue to provide rising standards of well-being for ourselves and our families. In a climate of encouragement, business can continue to expand job opportunities for the millions of new workers who are entering the labor force. In a climate of confidence, business can continue to offer the wide variety of quality products which consumers demand. In a climate of growth, business can continue to generate the earnings and pay the dividends on which investors, large and small, depend.

This competitive system of ours has achieved results beyond man's imagining. Its potential for further advance is greater than even the achievements in the past. It is time to tell this story with the enthusiasm and strength to match our conviction.

THE ENLARGEMENT OF FREEDOM

Where the disparagers would diminish freedom, let us enlarge it. Where they would turn other segments of society against us, let us go out and work with government, with the universities, with the press. Let us work together to create a better understanding of what must be done, and how it can best be done. Then let us all join together to get it done—to build the better America to which we all aspire.

This is a job for us in business. We, more than others, appreciate the importance of free enterprise. We, more than others, should therefore feel obligated to work to preserve and protect it.

Let us take this as our mission, as our personal responsibility. For only if we give of ourselves to the fullest, will we draw the full measure of personal satisfaction from the success and the continued progress that I am sure await our nation.

PRESIDENT NIXON'S SEARCH FOR PEACE IN SOUTHEAST ASIA DESERVES THE NATION'S HELP

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BROTZMAN. Mr. Speaker, I would like to insert in the RECORD an editorial from the Salt Lake Tribune and I wish all Americans could read it. The commentary focuses attention on President Nixon's avid search for peace on Southeast Asia and calls upon the Nation to understand and support his efforts.

The full text of the editorial follows:

MR. NIXON DESERVES THE NATION'S HELP AS CRUCIAL VIETNAM WAR POINT NEARS

There was disappointment in President Nixon's Wednesday night announcement concerning U.S. troop withdrawals from Southeast Asia. But to also indulge deep despondency would be a great mistake. The President is displaying a measure of fortitude that deserves the public support he has, in fact, openly requested.

It is true his latest report on the Vietnam war did not, except for a modest 1,700-man increase in the monthly U.S. combat force pullout, carry any dramatic new development indicating an early end to America's Indochinese involvement. Mr. Nixon, as much as anyone, would have preferred such an announcement. It simply, based on essential considerations, was not possible.

The President's report, for its challenging frankness, was important. He talked, not so much to the world, as is often his purpose when dealing wih Vietnam policy, but more directly to the American people. And he said that his overriding concern continues to be for a world at peace, reiterating that how the U.S. fulfills its responsibility in Southeast Asia will determine whether that goal is achievable.

On this crucial point he said: ". . . it is important how we end this war. By our decision we will demonstrate the kind of people we are, and the kind of country we will become." His chosen course, he stressed, is "to end this war—but to end it in a way that will strengthen trust for America around the world, not undermine it; in a way that will redeem the sacrifices that have been made, not insult them; in a way that will heal this nation, not tear it apart."

The President asked for the understanding that he cannot, as leader of a country on which other nations depend for mutual protection against future aggression, suddenly deprive South Vietnam of the military help previously pledged and provided. And he clearly intimated that "running out" now would cause a domestic upheaval every bit as disturbing as international repercussions.

The fact remains that Mr. Nixon's Administration has reversed the U.S. role in Vietnam. Total American troop strength has been cut by 265,000 men, casualty rates have dropped and the South Vietnamese are continually taking on the burden of their own defense.

In a way that was characteristic of the entire report, Mr. Nixon acknowledged public doubt, admitting that repeated assurances from Washington, on the prolonged war's imminent settlement have proven false. And he asked to be judged on the record, to be held politically accountable if he does not conclude the U.S. involvement in the war honorably and timely.

President Nixon is avid in his search for peace. He is also well aware there is seldom a quick and easy way through major international conflict. The process usually requires a combination of resiliant toughness and conciliatory attitude poised on a foundation of enduring patience.

He has asked the nation to be resolute and patient a little longer, to show the world once more that the United States is an ally that can be trusted in adversity, but more than that, a country dedicated to ways of peace, not war. He should have that help.

HOW WE CAN WITHDRAW WITH HONOR AND SAFETY FROM VIETNAM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. ZWACH. Mr. Speaker, much has been said, and much has been written about our involvement in the Vietnam conflict and how we can withdraw with honor and with safety for the people over there.

I was impressed by the words of Editor Harold Schoelkopf, of the St. Cloud Daily Times, in our Minnesota Sixth Congressional District.

Mr. Speaker, with your permission, and for the edification of my colleagues and all the others who read it, I hereby enter Editor Schoelkopf's column in the CONGRESSIONAL RECORD:

EDITOR'S NOTEBOOK

(By Harold Schoelkopf)

The huge anti-war demonstrations in Washington put additional emphasis on the fact that the American people have had their fill of the Viet war and want it to end—quickly. It is without doubt the most unpopular war in which this country has engaged—a war that apparently was never intended to be won, but which could have been won in the first six months had America unleashed its full power.

It was a war started by the Kennedy administration, escalated during the Johnson regime to full-grown size, and inherited by President Nixon. He now faces the fearful task of withdrawal—always one of war's most hazardous challenges. Immediate withdrawal could expose our remaining forces to another Dunkirk, followed by a massive invasion of South Vietnam by the communists hordes and the threat of one of the world's greatest bloodbaths and massacres.

After the demonstrations in Washington with probably more to come, the "peace delegates" in Paris might as well fold up their tables and chairs and go home. Nothing will be accomplished there now.

Two crucial differences separate the North Vietnamese and American negotiating positions: the question of prisoners of war, and the announcement of a date for United States withdrawal. Mr. Nixon contends that a firm troop withdrawal date would provide crucial information to the enemy, and has made the fixing of a date contingent upon the release of American prisoners. The North Vietnamese perceive the American refusal to set a withdrawal date as the only hindrance to a negotiated settlement. A flat offer has been made to release U.S. POWs once such a date is established.

We could call Hanoi's bluff, offer a fixed withdrawal date, and force the North Vietnamese to respond in turn by moving immediately to release the prisoners.

This course, although diplomatically daring, has the advantage of putting the North Vietnamese on the defensive. The next move would be theirs. Besides, it might actually bring at least a phased POW release. Finally, it might shorten the war, or at any rate American participation in it.

Success in such a maneuver is far from certain. However, the alternative is a continuation of the present sparring about withdrawal dates and the release of prisoners, and a continuation of the war. We think the chance is worth taking.

FORMER MEMBER E. Y. BERRY SENDS EDITORIAL

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SCHERLE. Mr. Speaker, from January 1963, until his retirement last December, our former colleague the Honorable E. Y. Berry served with distinction on the House Foreign Affairs Committee. The following editorial from the McLaughlin, S. Dak., Messenger, which E. Y. just sent me, should therefore be of great interest to this House. Its message embodies many of the concepts which E. Y. practiced during his 20 years of service to this body. His many friends in this Chamber will be pleased to know that he is enjoying his retirement out in the Black Hills and still maintains his active interest in current affairs.

I include the article as follows:

CHINESE PING-PONG

A ping-pong team from the United States played in Red China last week. American news men were permitted to go along with the players and TV cameras recorded part of the play. Then the ping-pong team was given a carefully guided tour around a small part of China. The Chinese smiled at the Ping-pong players.

To hear some of the news broadcasters talk about the event one would think the Chinese had torn down their gun factories, thrown their atomic weapons in the ocean and Chou had eloped with Kate Smith.

Perish the thought that such pleasantries were partly because Red China thinks it has a chance of getting into the United Nations this summer.

Let us also forget that thousands of innocent Chinese have been killed in the Communist take-over of that country.

It would also be bad manners to bring up the fact that Red China was the aggressor in Korea where we lost a lot of men. Or that Red China is furnishing weapons to the North Koreans. Or that on the same day the Chinese were hosting the ping-pong players they were telling the black people in the United States they should stage a revolution.

There are many the way it is who think Red China should be admitted to the United Nations. South Dakota Senator George McGovern has been in favor of admitting Communist China to the United Nations off and on since he was a professor at Mitchell.

The United Nations was started after the Second World War as an agency to keep the peace. It is supposed to be the police force of the world.

The United Nations was going to be the court before which the peace-loving nations could haul the aggressors and have justice done.

If the court and the police are controlled by the crooks the other citizens aren't going to get much justice. We already have Soviet Russia and her henchmen sitting on the United Nations.

The Communist government, was forced on the Chinese people. The government of Red China has tried to enslave the other people of southeast Asia.

Letting Communist China into the United Nations is putting another vote in that world court on the side of the aggressors—ping-pong parties notwithstanding.

SPEAKING OF WELFARE, CONGRESS HAD BETTER GET TO WORK, TOO

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BROWN of Ohio. Mr. Speaker, I call the attention of my colleagues to a recent editorial in the Philadelphia Inquirer citing President Nixon's leadership in advocating long needed welfare reforms and recommending that the Congress should get to work, too, since every day the welfare problem has grown worse.

The editorial follows in full:

SPEAKING OF WELFARE, CONGRESS HAD BETTER GET TO WORK, TOO

President Nixon, addressing the Republican governors in Williamsburg, made some praiseworthy remarks about the dignity of work and the desirability of requiring welfare recipients to accept available jobs they are able to perform.

"If a job puts bread on the table and gives you the satisfaction of providing for your children and lets you look everyone else in the eye," he said, "I do not think that is menial . . . Scrubbing floors or emptying bedpans—my mother used to do that—is not enjoyable work, but a lot of people do it, and there is as much dignity in that as there is in any other work to be done in this country."

That is an appropriate response to those who say they can accept only "meaningful" jobs, and where applicable the President's statements should be taken to heart.

To keep the welfare problem in perspective, however, it must be recognized that his work-or-else comments have no application to the overwhelming majority of people on welfare—who are not candidates for the labor market because they are elderly or disabled or children.

As an example of the limitations of work requirements, consider the figures in a Pennsylvania Department of Welfare report just issued.

Nearly three quarters of the welfare recipients in this state are in the Aid to Dependent Children category—including the children themselves and mothers taking care of small children. Seven percent are on old-age assistance. Six percent are blind or otherwise disabled. About 13 percent are in the general assistance classification and it is in this group, numbering more than 105,000 in Pennsylvania, that work requirements could be most effective if the work could be made available.

With welfare recipients in Pennsylvania now totaling more than 800,000, the highest number since 1940 in the latter stages of the Great Depression, the magnitude of the problem hardly can be denied.

Mr. Nixon's welfare proposals include not only work requirements for the able-bodied but benefits for the working poor and other enlightened changes that would help to strengthen rather than weaken family ties among poverty victims and would reward rather than penalize those who strive to support themselves and their families to the best of their abilities.

Speaking of work, then, Congress should proceed with its own on this reform program. It has now been two years since the President proposed it—and every day since then the problem has grown worse.

CAPT. SAMUEL L. GRAVELY, JR., USN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 4, 1971

Mr. BYRD of Virginia. Mr. President, I wish to pay tribute today to Capt. Samuel L. Gravely, Jr., USN, of Richmond, Va., who has recently been selected for the rank of rear admiral.

During his 29 years in the Navy, he has distinguished himself on many occasions and has had command of several ships.

That Captain Gravely is the first of his race to be selected for rear admiral is in itself newsworthy; that he has accepted this honor with such modesty and dignity is typical of his devotion to the service of his country.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial, entitled "The First Negro Admiral," published in the Richmond Times-Dispatch of Friday, April 30, 1971. The editor of the Times-Dispatch editorial page is Mr. Edward Grimsley.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FIRST NEGRO ADMIRAL

It is a distinct pleasure to pay tribute to the first Negro appointed to star rank in the United States Navy, especially when the appointee achieving this distinction is a native Richmonder and a former carrier of The Times-Dispatch.

Samuel L. Gravely Jr.'s selection as the first person of his race to be an admiral in the Navy appears to have been a highly popular one with associates of all ranks who know him.

"They picked the right man," said another Negro officer, Dennis D. Nelson, a retired lieutenant commander. He called Gravely "an extremely modest guy," and added: "That accounts for his success. The rest of us talked too much."

The Samuel L. Gravely Jr. file in our library contains a score of news stories that have appeared over the years recounting the "firsts" achieved by the Richmonder—first of his race to graduate from a midshipman's school, first Negro officer assigned to a fighting ship, first to command such a ship, first to achieve the rank of commander, first to become a line officer captain. In many of these stories there are tributes not only from fellow officers but also from enlisted men who served on ships commanded by Gravely.

"You get all the workings of the ship in the barber shop," commented the barber in one of Gravely's crews, "and the sailors know the captain better than he knows himself. They all like him." Another sailor remarked that it takes the enlisted men four or five days under a new captain to determine whether he is "the captain" or "just another four-striper," Capt. Gravely, he added, "is definitely 'the captain'."

Admiral Gravely was born on State Street in Fulton on June 4, 1922, attended Webster Davis elementary school and Armstrong High, and then went to Virginia Union University for two years before entering the Navy as an enlisted man in 1942. Commissioned an ensign in 1944, he remained in the Navy until 1946, when he returned to Virginia Union and subsequently was graduated with a bachelor of arts degree in history. Because of the Korean War, he was recalled to duty in 1949, and the rest of the story is not only his personal history but a significant part of the Navy's history as well.

SPEECH BY ROBERT E. HARTNESS, YORK COUNTY HIGH SCHOOL, S.C.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 4, 1971

Mr. THURMOND. Mr. President, this week's activities in Washington may tend to give the impression that many of our youth have defected to the cause of our Nation's enemies. It is useful, therefore, to keep a true perspective on the loyalty of young Americans, and not be misled by the sensationalist attacks upon the internal security of our country. We must keep our eye upon the millions of young Americans who stand four-square for our Nation's principles.

A good example of this steadfastness has recently come to my attention in the form of a wonderful speech by a high school senior at York High School, in York County, S.C. The author of this speech, Robert E. Hartness, obviously shows himself to be a true patriot and a fine American. He shows a maturity and a grasp of reality which would put many adults to shame.

In this speech, Robert perceives the dedication of the Communists to their cause—a dedication which, incidently, is being demonstrated in the so-called May Day activities. But more important than that, Robert pits the Communist commitment against his own greater dedication to the American cause. As long as we have young Americans with his devotion and understanding, our future will rest secure. Robert is the son of Mr. and Mrs. John Hartness, of Sharon, S.C., and they are to be congratulated for instilling in him the basic principles of Americanism and citizenship.

Mr. President, I ask unanimous consent that the speech by Robert E. Hartness, entitled "Communism: A Threat to the Constitution," be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COMMUNISM: A THREAT TO THE CONSTITUTION

Our Constitution is being threatened by the communists, who are waging war on many fronts to win the world. These communists are trying to corrupt the youth of our country. We Americans have been warned by F.B.I. Chief, J. Edgar Hoover, who said: "We are at war with communism, and the sooner every redblooded American realizes this, the safer we will be." We must not be apathetic citizens; we must face the fact that communism is threatening our Constitution. Otherwise, this great document, with its rights and privileges, will not survive.

That the communists are succeeding is shown by this letter written by a college student to his fiancee breaking off their engagement:

"We Communists have a high casualty rate. We're the ones who get shot and hung and lynched and tarred and feathered and jailed and slandered and ridiculed and fired from our jobs, and in every other way made as uncomfortable as possible. A certain percentage of us get killed or imprisoned. We live in virtual poverty. We turn back to the party every penny we make above what is absolutely necessary to keep us alive.

"We Communists don't have the time or the money for many movies or concerts or T. bone steaks or decent homes or new cars. We've been described as fanatics. We are fanatics. Our lives are dominated by one great overshadowing factor: the struggle for world Communism. We Communists have a philosophy of life, which no amount of money could buy. We have a cause to fight for a definite purpose in life. We subordinate our petty, personal selves into a great movement of humanity. If our personal lives seem hard or our egos appear to suffer through subordination to the Party, then we are adequately compensated by the thought that each of us in his small way is contributing to something new and true and better for mankind.

"There is one thing in which I am dead in earnest about and that is the Communist cause. It is my life, my business, my religion, my hobby, my sweetheart, my wife and my mistress, my bread and meat. I work at it in the daytime and dream of it at night. Its hold grows on me, not lessens, as time goes on. Therefore, I cannot carry on a friendship, a love affair, or even a conversation without relating it to this force which both drives and guides my life. I evaluate people, books, ideas, and actions according to how they affect the Communist cause and by their attitude toward it. I've already been in jail because of my ideas, and, if necessary, I'm ready to go before a firing squad."

Ladies and gentlemen, you have just heard the words of a self-confessed communist. This young man, together with many others, is dedicated to the downfall of America, the country which allows them to operate due to its passionate love and desire to give everyone equal rights. But these men are not paving the way for an invasion by professional Soviet troops. Their objective seems, instead, to be to sow the seeds of doubt and dissension in the minds of Americans. In 1924, Lenin delivered his plan for world conquest when he stated:

"First, we will take eastern Europe, then the masses of Asia; then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

Let us delve into this plan further. Since World War II, it has been increasingly alarming to observe the Soviets following this plan. Vital decisions were made concerning the fates of Germany and Japan at the Yalta Conference. Those decisions were made invariably in favor of the communists. At this conference, Roosevelt was advised by, among others, Alger Hiss. In 1952, Elizabeth Bentley exposed two spy rings in which Hiss and other prominent government officials had participated. It is reasonable to assume that these men were prominent in Roosevelt's decisions which turned over all of Eastern Europe to Communist Russia.

As Americans became less demanding on the Soviets, they showed no tendency to mellow. This evidenced by the successful completion of the second stage of Lenin's plan for world conquest, that of taking "the masses of Asia." This was accomplished by taking control of the mainland of China. This occurrence was foreshadowed when Chiang Kai-shek was excluded from the conference at Yalta and when, at the end of the war, the United States demanded that the communists be given representation in the government of China. When the Chinese failed to meet these demands, we placed an embargo against exports to China; and Russian-supplied Communists overran the country. Chiang Kai-shek was forced to withdraw his Nationalist Army to the island of Taiwan and leave the mainland to the communists.

The third step in Lenin's plan, that of "encircling the United States", has been more subtle and harder to follow than the two previously mentioned steps. A major step in this phase of the plan was the setting up of Castro as a communist dictator in Cuba, only ninety miles south of Florida. Instead of isolating Cuba in an effort to drive Castro out of office, the government of the United States has pumped millions of dollars into Cuba's faltering economy, enabling Castro to stay in office. Each day, Cuba becomes more of a threat to the safety of Americans.

I have attempted to diagram the Soviet plan for world conquest as delivered by Lenin in 1924. This plan which Lenin designed has been rigidly followed, as we can readily see by a statement made by Khrushchev in 1962: "The United States will eventually fly the communist Red Flag . . . they will hoist it themselves." Lenin left room for open war in his plan, but there has not been a declared war because the Soviets have not needed one. If situations continue to regress in the next ten years as they have in the past decade, America, as we know it, will cease to exist.

But this need not happen. When our forefathers assembled to revise the Articles of Confederation, they eventually drew up a completely new theory of government, known as the Constitution of the United States of America. In describing the American form of government, Thomas Jefferson once said:

"Yes, we did produce a near perfect Republic. But will they keep it, or will they, in the enjoyment of plenty, lose the memory of freedom? Material abundance without character is the surest way to destruction."

But, the Constitution has not stood for one hundred and eighty-two years because intelligent men such as Jefferson have supported it. It has lived because the American people have defended it in all crises. Now faced with the threat of communism, our Constitution needs each one of us more than ever before. It is not the job of a few select individuals to support our Constitution; it is the duty of all Americans to support our barrier against tyranny. But we must not tarry, for in the words of Senator Thomas Dodd, "We have no more ground to give, no time to lose, no margin for error."

TRIBUTE TO LAW ENFORCEMENT OFFICERS PROTECTING THE NATION'S CAPITAL

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mr. KUYKENDALL. Mr. Speaker, no tribute is too great to pay to those members of our law enforcement agencies who at this moment are protecting the Nation's Capital against the destructive forces which are attempting to institute a reign of terror in this city.

The patient determination of Chief Wilson and his Metropolitan Police Department, and the Federal Bureau of Investigation, and the members of the Armed Forces to maintain order with the least possible force is one of the most magnificent demonstrations of maintaining the law that I have ever witnessed.

Those misguided young rebels who shout so loudly against the land of their birth should consider the treatment they are receiving here, in the face of the strongest provocation, against how they they would be treated in the countries whose slogans they shout and whose aggression they applaud.

I know that every decent American who holds the privileges of liberty as sacred and precious things join me in saying a most heartfelt "thank you" to all the law enforcement officers engaged in this tragic week's affairs.

SEX, NUDITY, AND OBSCENITY IN MOVIES ARE NOT THE MONEYMAKERS FOR THE INDUSTRY—NOT DIFFICULT TO UNDERSTAND WHY INDUSTRY IS EXPERIENCING FINANCIAL DIFFICULTY—RETURN TO FAMILY MOVIES NEEDED

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 3, 1971

Mr. RANDOLPH. Mr. President, the pendulum is changing, and the sex exploitation films may be on their way out. Exhibitors are complaining and box office receipts are down as a result of the permissiveness and in many cases the "trash" which has found its way to the screens of our community theaters.

I have voiced strong objection to Jack Valenti, president, Motion Picture Association of America, Inc., over movies I thought to be in very poor taste. In a letter last year to Valenti, I stated:

> A feasible recourse might be for citizens (particularly mothers) to picket theaters displaying the ever-increasing "everything goes," nudity, and perverted sex presently dominating the American screen.

Apparently the theaters have been picketed—but in another manner. Citizens, in increasing numbers, have been refusing to go to theaters, and this has had catastrophic consequences at the box offices.

Mr. President, I am not a believer in straitjacketed ideas that some would wish to compel others to accept. I believe there must be freedom of choice at the movie box office. I do, however, hold the conviction that movies should be educational, stimulating, entertaining, artistic, and in good taste.

The movie industry is experiencing high unemployment and lower profits. This is due, I believe, to the poor quality of movies to which the public has been subjected. This is not to say there have not been good movies produced. I maintain that an overabundance of "R" and "X" rated movies have dominated the American screen. They are beginning to be rejected.

Mr. President, McCandlish Phillips, of the New York Times News Service, has written an article entitled " 'X' May No Longer Mark Film Industry's Features." He states that film industry executives believe there is a tendency by the public to steer clear of certain movies.

Sherrill C. Corwin, chairman of Metropolitan Theaters Corp., a string of 40 theaters in southern California and a former president of the National Association of Theater Owners, told Phillips:

> I think that everyone is regaining his senses, and we're going back to some of the values that mean so much to us, without losing the freedom of the screen. I personally call it the "No, No, Nanette" syndrome.

It is my hope that a course has been determined which will change the type of movies that now contribute, in large degree, to a lessening of the strengths that have kept the Nation strong.

I ask unanimous consent the article by Mr. Phillips be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEX ON THE MOVIE SKIDS? "X" MAY NO LONGER MARK FILM INDUSTRY'S FEATURES

(By McCandlish Phillips)

NEW YORK.—Major segments of the American motion picture industry are turning away from the detailed exploration of sex that has marked some recent feature films.

Several companies have put an outright ban on X-category films in their production schedules. Most of them have also decided to make very few, if any, R-category films. X-rated films are those with content to which no one under 17 is supposed to be admitted, while R-rated films keep out those who are under 17 except when accompanied by an adult.

A storm of complaints by exhibitors, and declining box office receipts, have combined with other factors—notably including the huge success of recent films without heavy sexual content—to spur the change.

The shift is already a fact in the film schedules at oldline studios and among independent feature filmmakers, but it will not become widely apparent to theatergoers for at least six months.

HARD JUDGMENT

Camera eyes are being averted from the bedrooms into which they have peered so often lately—not, industry sources say, out of any moral inhibition but out of a hard judgment of what will pay off best. Sex has proved not be the magic ingredient for box-office success it had seemed for a while to be.

"Permissive films might have been successful six months ago, but they aren't now," said James Aubrey, president of Metro-Goldwyn-Mayer. "The whole country has undergone a remarkable reversal in taste."

Aubrey used a term that others in the industry also summoned in speaking of a public "backlash" against "the permissive type of entertainment that all of us had overindulged ourselves in."

"There is certainly a swing," said Jones Rosenfield, vice president at 20th Century-Fox in reference to feature films. "It's away from the heavy emphasis on sex and sensuality. Apparently the availability of hard-core pornography on the screen has dried up the market for titillation and light voyeurism to a great extent."

Fox quietly instituted a policy of making no X-rated pictures last year, shortly after suffering what one production executive called "an absolute disaster" when the company released two X-rated films in one week—"Myra Breckinridge" and "Beyond the Valley of the Dolls"—and "got our brains beat out for it," as he recalled.

American International Pictures recently ordered its directors to stop making films calculated to be tagged X or R and to "make all films within the G and GP range," to which persons of all ages are admitted.

The move is designed to get films in a classification "where the whole audience can come and see them" and that means an "absence of nudity, copulation, et cetera," Samuel Z. Arkoff, chairman of the A.I.P. board, said.

SOUTHERN TURNOFF

Such pictures play well in "8 or 10 cities in the country but have absolutely no legs at all through the whole South and much of the Midwest and other places, too," said James H. Nicholson, president of the company, which releases about 30 pictures a year.

"Youngsters in their middle and late teens are the most valuable part of audiences today—certainly for their future patronage—and producing films to exclude them is financial suicide," he said.

Pictures are rated on the basis not only of sexual content but also on other elements adverse to children. American International has found that a relatively mild horror picture that get a G rating, instead of an X, can double its audience.

"Exhibitors on the West Coast tell us they would like a G or GP horror picture," Nicholson said. "In the South and Midwest, they simply say flatly we will not play an R."

In swinging away from shockfilms, producers are not abandoning shock titles.

"We've already been given GP ratings on 'Blood and Lace,' 'The Incredible Two-Headed Transplant' and 'The House That Screamed,' " an A.I.P. announcement boasted.

NEWSPAPER ADS CITED

About 30 daily newspapers in the United States refuse to accept advertising for X-rated motion pictures—a fact that makes it extremely hard for exhibitors to make the showing of such films locally known.

Joe Solomon of Fanfare Corporation has decided that his company will avoid X-rated pictures and "concentrate on G and GP pictures." A film called "The Curious Female," now in release, will be "the last of our X films," he said. Stephen Ellman, advertising director for Fanfare, said:

"As the backlash to permissiveness and pornography began to spring up in this country, calls kept coming in saying, 'Joe, we can't play your picture in Memphis,' or 'We can't play this in Omaha.'

"The backlash originates in the areas and cities where the newspapers and certain local groups begin to bring pressure on community officials, like the district attorney or sheriff, and on the theater owner for playing a certain film.

"The problem for the theater owners is there's too much harassment, and they're losing part of their audience. When you have a G picture, you don't have to worry about ratings, and kids lying about their age, about the police dropping by."

"About 95 percent of the country's affected with it. The only place that's not really affected with this problem is New York City, but believe me, what's in New York is not what's in the rest of the country."

INCESTUOUS BUSINESS

"This is sort of an incestuous business," another producer remarked. "The people in New York and Los Angeles, where most of the people in our business seem to stay, tend to feed on one another, and don't know the mores of the rest of the country.

"Pictures which do open well in New York and Los Angeles can engender a great deal of comment on television, and it's not generally realized that the other parts of the country may remain stony cold."

He said he thought the country was "going through a period of one step back."

For a while the industry "wallowed in its new-found freedom," Aubrey of Metro said. "I think all of us in the film business found ourselves with an inventory of films that, inexplicably, there was no longer an audience for," he added.

"The pendulum has begun to swing back towards the middle as fast as taste is concerned, but I don't in any way feel that what we went through was bad," Aubrey said. "People do use bad language in certain situations, and we all know that people who are going to make love undress."

The test, he said, is whether such elements are "indigenous to a story, rather than just exploitational."

No one in the industry expects any future scarcity of films exploiting sex, since nearly anyone can make such a film who has "a camera, two people and a hotel room," as one producer put it. What is expected is a substantial de-emphasizing of sex content in films made for general national release.

Most producers and exhibitors who are now veering away from explicit sex made it clear that they would be equally ready to swing back to it if the public mood so dictates.

"People are sick to death of the explicit language, unnecessarily used, and of the sexual situations dragged in by the heels," said Sherill C. Corwin, chairman of Metropolitan Theaters Corporation, a string of 40 theaters in southern California and former president of the National Asscciation of Theater Owners.

"I think that everyone is regaining his senses, and we're going back to some of the values that mean so much to us, without losing the freedom of the screen. I personally call it the 'No, No, Nanette' syndrome."

PUBLIC FED UP

Eugene Picker, the current president of the association and president of the entertainment division of the Trans-Lux Corporation here, said the public "has been fed up with the kind of material that has been presented lately."

"I've been in this business close to 50 years, and it runs in cycles," he said. "There's a period when Westerns become the rage, then suddenly it switches to musicals; now we've reached the peak of these so-called sex pictures.

"It looks to me like 'Love Story' and romantic types of pictures is going to be the next round."

"Generally we don't run X pictures, and we'd just as soon have a lot fewer R pictures," said Mel Gerber of Martin Theaters, Inc., at Columbus, Ga., a company that operates 160 theaters in nine Southern states.

"In five years the 13-to-17-year-old group becomes our prime motion-picture audience, our mainstay, and we're turning them away. That seems to me about as unwise a policy as you could think up."

The Motion Picture Association of America said that since the present rating system began on Nov. 1, 1968, the ratings had run this way through April 16:

Rated G, 283 pictures, or 25.3 percent; 416 pictures rated GP, or 37.5 percent; 335 pictures rated R, or 30 percent; 83 pictures rated X, or 7.4 percent.

Many more than 83 pictures with the X rating have been on the market. Any producer, who wants an X rating can "stick the X on himself, and I would guess that there are perhaps 300 or more self-applied X ratings," said James Bouras, a member of the association's rating administration.

TIME WILL TELL

Bouras said it would take six months to a year for the new trend to become apparent.

"They are still submitting to the assumptions of a year and a half ago," he remarked.

A high executive at Columbia Pictures, a company that has not had an X-rated film, said the public had failed to appreciate the rationale behind the X-rating, which is not that the film was necessarily dirty but that it contained the kind of subject matter that is mature.

"The symbol X has unfortunately taken

on a taint," he said. "I think it's an unfortunate symbol. Instinctively, people shy away from it. By any other name, it might not appear to be as objectionable."

In Maryland, a state that imposes film censorship and where hard-core films are not shown in theaters, the situation seemed to be different.

Philip Glazer, president of the Associated Pictures Company at Randallstown, Md., said that customers "do not want to see in a theater what they see on television." Pictures that go beyond the proprieties of television are what the people are "going out and plunking down their money for," he said.

However, Glazer argued for the wisdom of some reserve. "The producers used to be smarter," he said. "They'd show you a little, and you'd come back next week and think you were going to see more. Once you've seen it, you've seen it and you may not be too anxious to see it again."

BASIN COULD BE GREAT PUBLIC WORKS PROJECT

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. FOLEY. Mr. Speaker, in view of the urgent need for public works projects, and the employment they provide, not only in my own State, but across the Nation, I insert in the RECORD the following article from the April 21 Wenatchee Daily World:

BASIN COULD BE GREAT PUBLIC WORKS PROJECT

Senator Henry Jackson minced no words last week in telling the President that he has been grossly negligent in solving the unemployment crisis in this country.

He said Mr. Nixon should immediately release $146,500,000 of funds appropriated for federal activities in the state of Washington and "restore hope to some of those who have borne the brunt of this ill-conceived effort to make the working men and women of America pay the total price for the control of inflation."

Jackson told Mr. Nixon there is something specific he should do at once: release appropriated funds. Said the Washington senator: "While men and women face the desperation of unemployment your administration has impounded $11.1 billion in funds appropriated by the Congress for important and worthwhile projects across the entire country."

What Jackson is saying is: "Get public works started."

A good place to begin is the Columbia Basin Project. There a mere $1,400,000 (for a tunnel) is tied up. While the amount is small, it could start a building program of some three-quarter billion dollars, the amount necessary to bring water to the remaining 500,000 acres of land in the million-acre development.

The Daily World's managing editor found out in Washington, D.C., last week that the Bureau of Reclamation is ready to go into action at once in many places in the West if funds are released. But it has not been asked to start making plans for a sizable public works development to reduce unemployment.

It should be, for there is no finer program for the long-range development of the West than federal reclamation.

Commissioner Ellis Armstrong, while emphasizing to the Daily World that a Reclamation make-work program is not now being considered, revealed some graphic facts to show how worthy and necessary more reclamation is.

He recently told the Senate Subcommittee on Public Works appropriations that it is estimated in 50 years the population of the West will increase to about 300 per cent of the 1960 population and the water supply requirements will be about 500 per cent of those of 1960.

"These projects . . . point up the necessity for an aggressive action program," Armstrong told the senators.

"A 10 to 20-year lead time is required to bring today's complex projects into operation. We simply cannot wait until a crisis develops before we begin to do something."

One measurement of the effectiveness of stimulating economic growth is the trend in increased federal income tax collections attributable to federal reclamation projects. Armstrong said more than $800 million in tax collections were attributable to irrigation in fiscal year 1970. The revenues include collections directly from project farmers and those from supporting business and services, not to mention the workers engaged on the construction.

Furthermore, reclamation is a wealth-producing venture. The gross value of crops grown on federal projects approaches $2 billion annually.

Armstrong pointed out some additional good reasons for considering reclamation as a make-work development. He told the senators that a Washington State University study of the Columbia Basin shows growth in every major economic indicator while adjacent dryland area showed nominal or no growth.

Population and business establishment growth in the project area, exceeded the comparison area by a ratio of 17 to 1. Employment and wages grew by a ratio of 20 to 1. The property tax base increased by a ratio of 6 to 1. And postal receipts and retail sales tax collections increased by a ratio of 17 to 1.

The consumer benefits, too, from irrigation developments, Armstrong went on to say. The stability provided by irrigated areas is one of the reasons why today the housewife spends less of the family income on food than ever before—only 16 cents out of each dollar of disposable income. During the past 20 years, the percentage for food has decreased an unbelievable 50 per cent.

To those who say "what about surplus crops," Armstrong replies: Only 20 per cent of a year's supply of crops exists at this time and it takes a long, long time to bring about more irrigated farms.

The Daily World discovered in Washington, D.C., that there is no ground swell for a public works program, such as was formulated during the depression of the early '30s. Most Congressmen fear they'll be criticized for having instigated "leaf-raking" projects, as were those of the '30s.

There will be leaf-raking if federal moneys for Federal reclamation is released to provide jobs but it will be the kind that is highly desirable—in the yards of the new homes that irrigation will create in the rural areas and in adjacent towns, and in the yards of willing workers who were able to save their homes from foreclosure because they found new jobs provided by a sympathetic administration.

EDUCATION REVENUE SHARING LONG OVERDUE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. KEMP. Mr. Speaker, President Nixon's message on education revenue sharing offers a far-reaching solution to many of the problems now faced by elementary and secondary educators across the Nation. Federal expenditures on elementary and secondary education have increased over the past decade from $0.9 billion in 1961 to $5 billion in 1972. But as Federal assistance has grown, so have Federal strings and redtape. Many school districts have reached the point that they have a full-time person hired to do nothing, but seek out possible sources of Federal aid and write applications in the proper bureaucratic prose.

This situation often means that the schools which need Federal aid the most are the last to receive it—if, indeed, they receive it at all. Poor school districts cannot afford to hire a Federal grantsman. As a result, they may be totally unaware of Federal programs for which they might be eligible. Their students fail to benefit, while rich school districts reap the rewards.

The President's proposal would eliminate the overlap and duplication which now characterizes Federal aid to elementary and secondary education. In the place of more than 300 different authorizations, he would substitute a single authorization. States would be free to spend funds according to their own needs in areas of national concern—education of the disadvantaged and the handicapped, education of federally connected children, vocational education, and supporting materials and services. Programs would be tailored to what a State's children need, rather than to what Washington wants.

States would no longer have to file exhaustive plans for Federal approval. Instead, they would develop their own plans for intra-State distribution of the funds, after the opportunity for public involvement and comment. Differences in local strengths and weaknesses could be taken into account, as no uniform Federal standard would be applied. Educational officials would be free to design badly needed programs, rather than required to spend a large portion of their time filling out Federal forms.

I feel that the changes proposed by the President are long overdue. Educators should be allowed to return to their primary responsibility—the education of the children of this country. Education revenue sharing would allow such a return. I urge my colleagues to support the President's proposed Education Revenue Sharing Act.

PORTUGUESE GUINEA: NAILING A LIE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SCHMITZ. Mr. Speaker, some segments of the mass media seem to take great pleasure in attacking our stanch NATO ally Portugal. Portugal's war against Communist aggression in Africa has been falsely termed a war of "colonialist suppression," and Portugal's efforts to better the lot of her citizens in

Africa—black and white—are labeled "colonialist exploitation." The result of this massive press campaign is that the American people know little or nothing of the true situation in Portuguese Africa and of the reasons for Portugal's determination to stay in Africa. One of the finest articles to appear on this subject is "Portuguese Guinea: Nailing a Lie," by John Biggs-Davison, a member of the British Parliament and an on-the-spot observer of what is really happening in Portuguese Guinea.

Portugal's war in Africa can no longer be ignored by the American people nor can they permit the media to persuade them to side with and support Portugal's Communist enemies. For if Portugal is defeated in this war, the resulting Communist regimes will give the Soviet Union bases which will enable its growing fleet to dominate and, very likely, eventually to control the South Atlantic. "Portuguese Guinea: Nailing a Lie" is a superb antidote to a very poisonous campaign of distortion and falsehood.

Portuguese Guinea: Nailing a Lie

(By John Biggs-Davison, M.P.)

(Note.—Mr. John Biggs-Davison is also an author and journalist concentrating particularly in African affairs. The first M.P. to travel to Angola shortly after the outbreak of the war in the north of that country in 1961, he has combed many of Africa's trouble spots and investigated at first hand "nationalist" claims to have taken over large areas of Portuguese Africa.

(The Conservative Member of Chigwell since 1955, Mr. Biggs-Davison is the Hon. Secretary of the Conservative Parliamentary Foreign Affairs Committee, the Vice-President of the Pan-European Union and Chairman of its British Committee. He is Chairman of the British Commonwealth Union, a co-Founder of the Pakistan Society and a Fellow of the Royal Geographical Society.

(Mr. Biggs-Davison is married, with four daughters and two sons. An ex-Royal Marine officer, he has taken a special interest in subversive and amphibious warfare. The struggle in Guiné is both.)

"THIS IS WAR"

Guinea in the rains—dark drizzle, alternating with desceptively strong sun that beats relentlessly through helicopter perspex. My teeth chatter uncontrollably. After a shivering flight back from the interior in a "chopper" with a shattered window, I have fever.

On a hard bench in the Military Hospital outside Bissau, I await the result of a malaria blood test. Next to me sits a tall Negro soldier with belly-ache. Surgeons and medical orderlies stand expectantly.

Suddenly, deafening din. Through the windows of the white-washed hall we can see a first Alouette "eli"—they drop the "h"—touching down. Seconds later, the first battle casualty, a subaltern, is rushed in on a stretcher.

Unchecked by surgeons or staff, by-standers, including my Negro neighbour, belly-ache forgotten, crowd around the stretcher. A medical officer stoops, pipe in mouth, He is nonchalant, but efficient. A casual attitude is part of the Portuguese imperturbability, in face of that "wind of change." The subaltern is hideously gashed, but will live.

Another stretcher is hurried in and its occupant carried straight through to the operating table. Then a third casualty, lying on his side.

"This is war," a cavalry captain murmured. Trite, but true.

"THE 'MONTY' TOUCH"

I had been before to the Military Hospital. The Governor and Commander-in-Chief, General Antonio Sebastiao Ribeiro de Spinola, took me to see his wounded. He visits them nearly every day.

His approach is unsentimental, which is best. One senses him willing his soldiers to recover.

Black and white lie side by side. So do Portuguese soldiers and their prisoners.

There were civilian casualties too, one a woman with her child at her breast, for as Mr. Basil Davidson writes.[1]

"Civilian casualties are unfortunately inseparable from war. I think the PAIGC[2] tries hard to keep them to a minimum."

General Spinola is Arab-dark and spare. No chicken, he keeps himself in vigorous trim by an ascetic diet. He does not even take wine. This is a magnetic, powerful personality, not lightly to be crossed. The last No. 2 in the civil administration tried his luck—and left for Lisbon on the next flight.

The General flew me in his helicopter to Cachéu, Bula and Jete. He stood in the rain to address troops about to sail home at the end of their commission. Only once was he ruffled. That was when they turned out the guard in an operational post. Ceremonial is out. "This is war."

General Spinola was wearing his "tiger suit," plus monocle and the brown gloves and riding whip of the cavalry officer he was in Angola. Like "Monty," he cultivates a legend.

Like "Monty," he is a soldier's general. He listens to their problems and suggestions and delegates responsibility. The fat majors and colonels have been weeded out. General Spinola accepted the toughest appointment in the Portuguese service on condition that he could pick his subordinates, civil and military.

At the beginning of the struggle, there was friction between the two. Later the Governorship and the Command-in-Chief were combined in the person of General Arnaldo Schulz, who was Minister of the Interior when The Queen visited Portugal and, like his successor, served in Angola with distinction.

This year Bissau is at least as efficient as Lisbon. To anyone who knew it earlier and has endured the trials and lassitude of Guinea, where even to move is an effort, this is a sizeable miracle.

PRE-PORTUGUESE

Stone Age man was in Guinea—the principal prehistoric site is at Nhampasseré—and traces of ancient gold diggings in the Geba and Corubal valleys recall the extensive mediaeval states of the Sudan.

Portuguese Guinea has been described as an "ethnographical museum" and a "Negro Babelao". Her peoples vary widely and are easily recognisable. Dress and dwellings differ. For example, the Fulas paint their houses red, the Beafadas white.

Fuguitives and exiles from Sudanic empires conquered and crumbling into Saharan sands were thrust down towards the coast to seek refuge behind the natural defences of a myriad rivers.

Lack of modern development has preserved the old Negro and Arabic cultures. Here are people of dignity and fine physique. The women who go "topless" have nothing to be ashamed of.

The wood carvings of war canoes made in the Bijagos Archipelago are inspired by their raids upon the Beafadas for slaves to sell to the European mariners. Once the Beafadas appealed for protection to Philip III of Portugal (II of Spain). In vain.

The Mandingos, light skinned, intelligent, sensitive featured, have something of the imperial mien of golden Mali (or Melli), where Leo Africanus and mediaeval Europeans identified Mansa Musa, who ruled in Timbuktu as "Lord of the Negroes of Guinea," with Prester John, Muslim and *Haji* though he was. The fourteenth century Arab writer and historian, Ibn Batuta, noted his subjects' hatred of injustice.

FULANI INVASION

When the Portuguese arrived, the Mandingo empire of Mali had reached its furthest bounds and ran from the Gambia mouth to the Lower Geba. Invading Fulani pagans crossed the Gambia and Cabu in the last quarter of the fifteenth century but were worsted by the Beafadas who continued, with the Mandingos, to dominate the interior of Guinea, exacting tribute from the Fula (or Fulacunda) cattlemen.

Eighteenth century revolution brought Muslim Fulas to power in the massif of the Futa-Jalon. These invaded what is now Portuguese Guinea and enslaved the Mandingos and Beafadas, who in their humiliation became known as Black Fulas.

Only Portuguese occupation halted the Fula raids on the pagans of the coast north of the Geba river. To the south Beafadas and Nalus succumbed.

THE DISCOVERIES

Today Portugal takes more seriously than some of her allies the Communist design of enveloping Europe from Africa. By irony of history, this Eastern turning movement against the West is the converse of Portugal's circumnavigation, and penetration, of Africa. This was part quest for gold and slaves and fame and knowledge but part also an outflanking of the Saracen in a last mediaeval crusade. A league was sought with Prester John, the legendary Christian emperor. The Arab hold on the Eastern trade was to be broken.

The Portuguese led. Others, including England, had a finger in the pie. In the year of Agincourt English Knights took part in the Christian conquest of Ceuta. So was the half-English Navigator Prince, who from Lagos, near his castle and observatory at Sagres, sent forth the caravels of Christ.

Some then believed that the Rio Doro, the "River of Gold", lay somewhere south of Cape Bojador. From thereabouts one of Prince Henry's squires called Gil Eannes brought back in 1434 a sprig of rosemary, thus breaking the spell of superstition that had bound seafarers with terror of the seas beyond. In 1456 Diogo Gomes was exploring the estuaries of Guinea.

Next year the *Infante* Henrique died. He bequeathed Guinea "with all its islands" to his nephew, Dom Fernando. The legacy embraced five of the Cape Verde Islands. The rest were soon discovered, too, and in 1466 all received a royal charter and special privileges. In 1469 the Guinea coast between the Senegal river and Sierra Leone was reserved for the dwellers in Cape Verde and their trade.

The history of Guinea and Cape Verde is thus bound up together. They were long under the same ecclesiastical and civil jurisdiction. Today they form the single objective of those who wage, and back, the subversive war.

ALLIES AND RIVALS

Not only were English knights at Ceuta but English knights helped liberate Lisbon from the Arabs and there enthroned a Sussex priest as its first bishop. English bowmen had fought at Aljuborrota where our oldest alliance was born.

The treaty signed at Windsor in 1386 was "for ever" and committed the two thrones to the defence of each other's interests and territories "wherever they may be." Yet Anglo-Portuguese dealings in Africa have not run smooth.

Footnotes at end of article.

Hakluyt records that Edward IV acceded to the Portuguese Ambassador's request "to stay" and sent an English expedition to "the segneury of Ginnee." The seadog and slaver, John Hawkins, sacked Cachéu, the oldest Portuguese settlement in Guinea—I flew there with General Spinola and our helicopter angled low over the ancient fortress—and captured slave caravels lying in the broad river.

In 1578 Drake sacked Cidade Velha, in Praia, which was then the capital of Cape Verde. This was Europe's first settlement in Africa and you may see there the ruins of Africa's only Gothic church.

In 1600 the Guinea coast was annexed to Cape Verde. Captains-Major were stationed at Cachéu and Bissau, now the capital. Portuguese sovereignty was exercised in various fortified *pracas* and the policy was ordained of friendly treatment of the natives, propagation of Christianity, control and settlement of *lançados* (outlaws) and a national trade monopoly.

For centuries, however, the Portuguese writ ran little beyond the coastline and river banks. The native chiefs feared that if Europeans were allowed inland they would discover the source of their slaves and become interlopers. Not that the European of the era before quinine could easily survive in the dense rain forest that pressed hard upon the coast.

NEGRO GOVERNOR

In 1792 300 English merchants attempted to colonise the island of Bolama but quarrelled with the inhabitants and gave up. Portuguese authority only became undisputed after the arbitration of President Grant. A statue in the American's honour stands on the Graham Greenish waterfront at Bolama, which in 1839 became the capital of what, under the overseas reorganisation done by the Liberal regime in Lisbon, was known as the Guinea district under Cape Verde.

Portugal was fortunate in having an outstanding Governor to defend her territorial claims. Honorio Pereira Barreto was a Negro of Cachéu. His statue stands in the *Praca* Honorio Barreto in Bissau.

THE CAPITALS

Bissau became the capital during the Second World War. Between 1879 and 1942 it was at Bolama, now ghostly with departed splendour.

Bissau, with a population approaching 30,000, has wide avenues, modern buildings, some of architectural merit, a fascinating museum, an imposing club for the business community, a cinema, a whitewashed Cathedral and the old fortress of São José de Bissau, known colloquially as Amura and still a barracks. On the outskirts, towards the airport at Bissalanca, stands a superb housing estate, constructed under General Schultz, complete with market, mosque, church and social services.

PACIFICATION

In 1886 the Casamanca was ceded to France in exchange for Congo territory now within Angola and the definitive frontiers were drawn. The "scramble for Africa", a phrase popularised in a *Times* leader of 1884, was on. To assert her sovereignty, Portugal must show "effective occupation." She must pacify the virtually unadministered tribes of the interior. To this end were fought a series of little wars, which ended only in 1915.

Old men can still remember the pacification. Carlotta Peres, proprietress of an excellent restaurant at Nhacra, near Bissau, was mistress of Captain Teixeira Pinto, who with native troops combed the Oio forests free of hostiles in 1913. In 1962 Madame Peres performed her own pacification. Single-handed, she suppressed the local revolutionaries with the thickness of her stick and the strength of her personality. She was invited to Lisbon and met Dr. Salazar.

The PAIGC is active in Oio today.

TOURISM?

Late in August, 1969, I returned from Cape Verde and a fourth tour of Guinea. My first visit was in October, 1962, not long after the guerrilla war began; I returned in February, 1966, and again in May, 1968. I have received the fullest access to classified information by the Army, Navy and Air Force.

I once told a colleague where I was going. "Ah, Portuguese Guinea," he sagely replied, "that's in South America, isn't it?" But then few British have ever gone there, apart from some Protestant missionaries. There is no British consul. The Consular Corps consists of an able Frenchman—his country is concerned for Senegal next-door—and a Portuguese acting for Belgium.

Guinea has had, and can provide, tourist attractions. But it is no honeymoon haunt in 1969. Much of the buffalo, wild pig, gazelle, crocodile, lion and leopard which would formerly attract the hunter, has been killed or driven off in six years of war and aerial activity. I did sight, and miss, a basking croc. from a LDM (medium landing craft) escorting a convoy down the Rio Cumbija.

In the slime on the banks were terrorist footprints. Men now hunt men in Guinea.

CLIMATE AND COUNTRY

I have now sampled every season, except the cool weather round Christmas. The climate of Guinea may be summed up as humid heat, punctuated by tornadoes. Malarial and unhealthy, it is yet a beautiful country. White settlers are few; there are not many large plantations; there is no railway except in the dockyard at Bissau.

Both the old capital and the new are on islands and the Bijagós Archipelago fringe the mainland, which is pancake flat until it reaches the foothills of the Futa-Jallon. The view from the air is of dark green mangroves, emerald green rice paddies, sub-Saharan savannah.

The territory is minutely dissected by tidal rivers, negotiable by frigates in what is an amphibious war, and a multitude of lesser streams. Measuring 13,948 square miles which is about the size of Holland, but substantially less at high tide—some 1,500 square miles are periodically flooded—this is a land where there is said to be more water than land. "Guiné," according to the 1913 *Boletim* of the *Sociedade de Georgrafia*, "does not require roads because there are many navigable rivers"!

It is an enclave hemmed in by Senegal and the Republic of Guinea (Conakry). In 1905 a former *adjoint* to the Mayor of Dakar called M. J.-E. Giraud, full of the *mission civilisatrice*, addressed the *Société de la Geographie*, of which he was a member.

"Souhaitons même que dans un avenir rapproché notre pays puisse acquérir pacifiquement les deux enclaves de la Gambrie anglaise et de la Guinée portuguaise, dont le rôle naturel parait d'être rattacher à notre Soudan occidental dont la cohesion serait ainsi complête."[3] France and England have left. Portugal remains.

THE PEOPLE

Portuguese Guinea, with half a million folk, is densely inhabited by African standards. The population increased substantially between 1950 and 1960, owing to better health and rising living standards.

There are more than 30 tribes, and, apart from Lebanese traders, ubiquitous on the West Coast or Africa, a permanent white and mulatto population of about 7,000 supply lighter threads in the ethnic tapestry.

The natives may speak *Creolo* or one of many dialects but will describe themselves "Portuguese," which in law they all are.

From the Bijagós Archipelago through Senegal to the Gambia are Felupe (more correctly Dyola), an assortment of tribes described as "typically Negro." Matrilineal, they worship a god of the sky and the rain.

The Arab culture of the Fulas, who form 20 per cent of the population, is apparent in their music and dances, their gowns, turbans and tarbooshes.

RELIGION

The Fulas, Futa-Fulas and Mandingos (12.5 per cent of the population of Guinea) are Muslim. Among the Balantas (30 per cent), Manjacos (14 per cent) many are Animist, as is more than half the entire population. Seven other tribes account for about five per cent of the population of Guinea.

As elsewhere in West Africa, Islam makes many more converts, more easily, than does Christianity. Only five per cent of the population is recorded as Christian, mostly Catholic.

In 1940 Guinea achieved ecclesiastical independence of the see of Santiago de Cabo Verde. In 1955 it became an Apostolic Perfecture. This is mission territory. Portuguese and Italian Franciscans are among the religious and secular clergy who preach, teach and care for the lepers, the sick and the orphans—including war victims from both sides.

At Bor, near Bissau, the Franciscan Missionaries of Mary have run a famous children's home and nursery since 1935. Their girls are taught cooking, sewing, embroidery and other home crafts, and are in high demand as wives.

FAITH AGAINST COMMUNISM

The Muslim Fulas are a sword arm of Catholic Portugal. The Army builds and repairs mosques. The dazzling new *mesquita* at Bafatá is celebrated in Islam. The Government fly *hajis* (pilgrims) to Mecca and Medina.

When in Aldeia Formosa (Quebol), I call on Cherno Raschid, a holy man whose spiritual sway extends to the Republic of Guinea. I remain the only non-Portuguese white man with whom he has conversed. Amilcar Cabral, the leader of the nationalist party, the PAIGC, sent him an emissary, but the Cherno keeps the peace for Portugal.

AGRICULTURE AND INDUSTRY

The tribespeople till, and herd, semi-nomadically, under tribal custom. Only a third or so of the country is cultivated but it was self-sufficient in rice, the staff of life for many, until terror and conflict disrupted agriculture and obstructed communications in parts of the Province.

The main crops are the *mancarra* (cashew nut) in Farim, Bafatá and Gabu districts; palm oil in Cachéu, Gebu and Bijagós; rice in Manosa, Catió, Fulacunda, Bissau and São Domingos. As is usual in West Africa, millet, cassava, sweet potato and sugar cane are also grown. Research has been done at the Pessubé agricultural station on cocoa beans, groundnuts and pineapples. There are agricultural demonstrators and veterinary staff in the interior.

There is good timber, which, with groundnuts and coconuts, is a main export. Sawmills, extraction plants and the Sacor oil refinery at Bandim are the chief industrial enterprises. The bauxite deposits are hard to get at and Guinea lacks sources of power.

HOW GUINEA IS GOVERNED

The people of Guinea are all Portuguese citizens with the rights and duties of Portuguese in Macao, Madeira or Minho.

Like other Portuguese Provinces, Guinea sends representatives to the National Assembly and Corporative Chamber in Lisbon, as well as to the Overseas Council, which advises the Minister of *Ultramar*. Guinea's "M.P." is James Pinto Bull, formerly Secretary-General of the Provincial Government,

---

Footnotes at end of article.

who retired from public service to go into business.

Like other Overseas Provinces, Guinea exercises considerable local autonomy in finance and administration. A provincial budget is drawn up annually and voted on by the Legislative Council, which consists of members elected for four years, together with the Secretary-General, a legal and a financial officer.

The basic administrative sub-division is the *posto*. The *chefe de posto* (district officer) works with the *regulos* (traditional chiefs) and *chefes de tabanca* (village headmen). The tribespeople in effect govern themselves through their own councils. Those who move to town usually maintain their ties with their villages.

The posts are grouped in nine *concelhos,* Bissau, Bolama, Bafatá, Bissorá, Cachéu, Catió, Farim, Gabu (Nova Lamego) and Mansoa, and three *circunscricões,* Bijagós, Falacunda and São Domingos, under Administrators.

Local civil and police officers include Natives, mulattos and a number of Goanese exiled from the "State of India." One admirable *chefe de posto* I have met had a Portuguese father and a Fula mother.

There are elected Municipal Councils in the larger, and Municipal Committees in the lesser, towns.

EDUCATION

The civil administration, the Armed Forces and the Missions are partners in education, and in town and *tabanca* (Creole for village) there are Islamic schools where Muslim boys squat to chant from the Koran.

There are 21,512 pupils in primary, and 1,858 in secondary school, and 346 at the Honório Berreto Lyceum in Bissau, named after the celebrated Negro Governor. 490 pupils are training at the Industrial, Professional and Technical School. The Dr. Silva Tavares Agricultural Apprenticeship School takes boarders from the countryside. At Bafatá the Catholic fathers run a trade school for boys.

18 scholarships are awarded annually for secondary and higher studies in European Portugal by the State, the Provincial Government, the Bissau municipality, administrative departments, the Trade and Industrial Association, private enterprise and the Gulbenkian Foundation.

A few native seminarians train for the priesthood in the *metropole.*

EXAMPLE TO AFRICA

In 1963 a World Health Organisation mission to Guinea, Angola and Moçambique came to the following conclusions:—

(a) The Portuguese authorities gave the WHO experts every facility. Nothing was hidden from them and they were not dissuaded from going anywhere.

(b) There are exemplary health services in all three provinces.

(c) The local inhabitants have full confidence in the health services.

(d) The Rural Labour Code is strictly applied in all three provinces, which applies without discrimination to all racial and cultural groups and guarantees workers and their families medical assistance.

(e) Existing plans would lead to a better standard of living.

(f) There are first-class hospitals in the three provinces.

(g) There is no racial discrimination.

M. Raoul Follereau of WHO recorded that "within a few years leprosy will be conquered and you will then be able to be one of the first territories in the world where leprosy will have disappeared." The Portuguese conquest of both leprosy and sleeping sickness has been commended as "an example to Africa." The only threat to its complete success is the terrorist obstruction of inoculation and supervision.

But Mr. Basil Davidson [4] knows better than WHO:—

"Elsewhere the last twenty years of the colonial period saw a great deal of effort directed at tropical scourges such as these. But not in Guine; the colony could simply not afford it."

Mr. Davidson was writing in 1969 but retailing 1954 statistics given by Commander Teixeria de Mota, now Naval Chief of Staff in Guinea, in his authoritative two-volume monograph, *Guine-Portuguesa* [5] and quoted by the PAIGC leader, Amilcar Cabral, in his *Report* to U.N. of 1961.

AFRICAN FORCES OF SUBVERSION

In PAIGC the Portuguese are at grips with a formidable, insidious foe. The military forces of Amilcar Cabral may number 6,000, of whom about half may be in Portuguese territory.

His armed forces of "popular revolution" (FARP) include an *Exercito Popular* (People's Army) and a *Guerrilha Popular.* On paper at least PAIGC reproduces an administrative and command structure after the Portuguese pattern. Amilcar and his comrades are, after all, Portuguese in upbringing and education, The PAIGC troops wear camouflage uniform similar to the loyal Portuguese and are difficult to distinguish from their own black soldiers and irregulars. The majority of rebels are Balantas.

Cabral has divided Guinea into northern, eastern and southern "inter-regions," subdivided into zones.

The People's Army (E.P.) comprises mobile groups intended to operate anywhere under the direct orders of the Inter-Regional Committee. Their role is to engage the enemy, sustain the guerrilla forces (G.P.) and mobilize and organize the people against their rulers.

The basic E.P. unit is a group of 21 made up of:

Leader.
Political Commissar.
Bazooka aimer.
Bazooka loader.
L.M.G. aimer.
L.M.G. loader.
6 riflemen.
7 snipers.

Each such group contains 3 sub-groups with its leader and 5, usually supported by a mortar operated by 4–6 men and a heavy machine-gun manned by a team of 4.

That is the basic unit. A tougher proposition are the *bi-groupos,* hard-hitting combat units endowed with additional fire power. A *bi-grupo* consists of the following:—

Leader.
Political Commissar.
3 bazooka aimers.
3 bazooka loaders.
3 L.M.G. aimers.
3 L.M.G. loaders
9 riflemen.
3 snipers.

There are three sub-groups to each *bi-groupo.* The sub-group is made up of a leader, bazooka aimer, bazooka loader, together with three riflemen and snipers. The normal supporting arms for a *bi-grupo* are two mortars and two heavy machine guns.

TERRORIST BASES

The G.P. have installed bases and some field hospitals in densely forested parts of the Province. In Oio, where PAIGC is strong, there are about 12 bases and more in the South. The main ones are at Canjambari on the Northern, and Unal on the Southern Front. Each base is manned by a garrison whose strength may range from 32 to 64, besides its leader and political commissar, and comprises four groups, each consisting of a leader and eight rank and file. Their weapons are rifles and both light and heavy machine guns. The base itself is also provided with a bazooka, a heavy machine-gun and a mortar. As fast as the Portuguese destroy a base, the PAIGC make it good. Field hospitals, served by Cuban doctors, have been set up at Morés and Xitole.

In addition to the FARP, a teenage *Milicia Popular* (M.P.) has been recruited to spy and forage. The M.P. is organized in regions, zones, sections and groups. Each group includes a leader, political commissar and 15 militia of both sexes. Every section, zone and region is controlled by its Committee and, at the top, the Revolutionary Committee consists of a Chairman, Political Commissar, two Vice-Chairmen (one of them a woman) and a Secretary.

24 TONS OF CAPTURED ARMS

Except for air support, possession of which would "escalate" operations to the discomfort of the republics harbouring the terrorists, the PAIGC lacks for little in the way of warlike material. In some respects it is better armed than the Portuguese. Its troops are equipped with Soviet, Czech, East German, Chinese, Cuban and a sprinkling of American and British weapons. These include Russian 82 mm. recoilless cannon, 82.5 mm. bazookas, heavy and light mortars, 12.7 mm. anti-aircraft machine guns, multi-barrelled Kalashnikov automatic rifles, land mines, anti-personnel mines and grenades.

In August I inspected the 24 tons of Communist material just captured at Colina do Norte, on the northern border with Senegal. Some of it was displayed under the flagstaff of the local garrison; the rest I saw at the Air Force base at Bissalanca, where it had been taken by the green-bereted parachutists who had shared in this most successful operation. (In Portugal the paras are part of the Air Force.)

The 1968 version of the Degtyarev, as used in Vietnam, was in evidence. A bazooka was marked, "Cuba Exercito Rebelde."

Ammunition boxes bore at one end the name of a Soviet manufacturer, at the other "PAIGC Conacry."

In my possession are Soviet-made "dum-dum" bullets, which are against the conventions of war.

Also amongst the captured material were exercise books for instruction and propaganda literature in Portuguese, all printed in the USSR. A booklet commemorating the centenary of Lenin's birth contained photographs of PAIGC leaders.

These are the weapons, physical and psychological, of the PAIGC of Amilcar Cabral. There are other revolutionary parties, too. We may pass briefly over BNGC (*Bloc des Naturels de Guinée-Bissau*). Its leader, a Fula called Oumaro Gano, once worked in Senegal, until Amilcar Cabral had him chased into the Gambia. BNGB believes in a peaceful negotiation of autonomy, and is against Cape Verdian dominance in Guinea.

The PAIGC rival FLING (*Front pour la lutte pour l'indépendence de la Guinee Portugaise*), which now does little but talk and bring out its paper *Bombolon.* Its weapons and soldiers are strictly controlled by the Senegalese *gendarmerie.* François Mendy has been replaced as leader by Benjamin Pinto Bull and the party is divided within itself. Paulo Dias heads a pro-Cuban, pro-Chinese fraction.

But the OAU has cut off funds for FLING in accordance with its policy of one movement per territory to be "liberated"—FRELIMO for Moçambique, MPLA for Angola, PAICG for "Guinea-Bissau". Senegal, too, has withdrawn support from FLING. When President Senghor's Francophil "African Socialism" was under fire from the Marxist PAI (*Parti Afriçain de l'Independence*) in 1966, he entered into an agreement with Amilcar Cabral granting PAIGC bases and free movement in his territory. This is one reason why PAIGC have been able to step up their operations. Another is the presence of Cuban mercenaries acting as instructors, radio operators and medicos. On the 19th November last year a Cuban army captain, Pedro Rodriguez Peralta, was captured after being

---

Footnotes at end of article.

wounded in a Portuguese ambush. He had been attached to the PAIGC by the Cuban Government five months previously.

PAIGC A CAPE VERDE MOVEMENT

Note the "C" in PAIGC—the African Party for the Independence of (Portuguese) Guinea and Cape Verde. Cape Verdians are something of an élite in Guinea. They are to the fore in official and commercial posts. Thus, in Bissau, if you embark on the somewhat lengthy task of sending a cable or cashing a cheque, you are likely to be served by a pretty Cape Verdian girl. There are Cape Verdian ground staff in the Air Force (Guinea and Cape Verde constitute a single Air Zone) and Cape Verdian engineers in the Bissau dockyard.

From Amilcar Cabral down, Cape Verdians predominate in the hierarchy of PAIGC, which is resented by Negro members. In July, 1967, some of the leading Negroes plotted to assassinate Cabral; but he got wind of the conspiracy and some of them were liquidated. They say that there is talk in the PAIGC of having to fight another war, when they have ousted the Portuguese, a war against the Cape Verdians.

AMILCAR CABRAL

The Secretary-General of the Party was himself the son of a Cape Verdian father and a Mandingo mother. He was born at Bafatá. He won a scholarship to Lisbon University after doing well at the Lyceum in São Vicente in Cape Verde. His teacher of English told me what a good pupil Amilcar was. He became an agronomist in the administration of his home Province and showed exceptional promise. Unfortunately, he fell foul of a white superior who was his professional inferior. He drifted to other jobs in Lisbon and Angola, then defected to Conakry, by 1958 the capital of the Republic of Guinea which under Sékou Touré's leadership had defied General de Gaulle and opted out of the French Community. Amilcar may have been influenced by his Marxist wife, a white Portuguese whose brother is serving as an officer in the Army. They have since parted.

Cabral attended the "Three Continents" Conference at Havana in 1966, met the late Ché Guevara and is highly thought of by Fidel Castro. In October, 1969, he was prominent together with Judas Honwana of the Mozambique Liberation Front (FRELIMO) and five other leaders of African 'liberation' movements, at an international symposium held by the Russians at Alma-Ata, capital of the Soviet Central Asian Republic of Kazakhstan. The gathering, jointly sponsored by the Soviet Afro-Asian Solidarity Committee and the U.S.S.R. Academy of Sciences, was to commemorate the centenary in 1970 of Lenin's birth and its theme was Leninist teaching on national liberation revolutions. Cabral is certainly a cut above some of the postures further South, who, like Dukes of Plaza Toro, lead their regiment from behind in places like Dar-es-Salaam.

POLITICAL WARFARE

Besides up-to-date Communist arms, PAIGC has the use of *Radio Libertacão* in Conakry. Some extravagant claims are broadcast, for instance, the "capture" of Bedanda, where in 1968 I visited a locally recruited Negro company, embarked in the LDM (medium landing craft) of a river convoy—and missed my croc. Six months before that Algiers Radio reported a raid on Bissau. Moscow Radio went one better and reported the bombing of Bissau by 20 aircraft. In fact there was a long range mortar attack on the airport. Little damage was done.

PAIGC commit fewer atrocities than the organizations operating against Portugal in Angola and Mocambique—though, cruelly, faked letters purporting to come from company commanders in Guinea are sometimes sent to the homes of serving Portuguese soldiers falsely announcing their death in action. Examples have been shown to me at the Lisbon offices of the *Movimento Nacional Feminino*, which roughly corresponds to the W.R.V.S., by its leader Madame Cecilia Supico Pinto, who might be described as Portugal's "Lady Mountbatten". She has the same burning concern for the wounded and distressed. We first met in Guinea in 1966. "Lady Mountbatten" had become the Portuguese soldiers' "Vera Lynn." She visited units in all sectors and sang *fado* to her own guitar accompaniment. Nothing like this had happened before, and it was not the normal behaviour of a Portuguese society lady. "Celinha," as she is known, also told me of Communist women who have impersonated her own welfare workers and ghoulishly appeared in peasant homes to give lieing news of a son or husband dead in a Guinea swamp.

WAR OF WORDS

Monotonously, under datelines not even as near as Conakry, there appear reports of most of Guinea passing under PAIGC control. On each visit I have found such reports exaggerated to the point of fantasy. The story goes that when Amilcar Cabral met the international Press in President Sékou Touré's capital a naïve, or naughty, journalist asked him: "Why then is this Press conference being held here?"

In subversive war "control" is a different term which can be misleading. Deep penetration is child's play for the well-armed guerrilla fighters who lay mines or ambushes on roads, tracks and rivers, and make their nocturnal flits from inviolable bases in foreign territory. Compare Angola, Mocambique, Rhodesia. Who controls what in Vietnam? Not that the PAIGC are as successful as the Vietminh and the Vietcong. Bissau is not Saigon.

The Bijagós Islands and the islands of Bissau and Bolama are unscathed by terrorism. I have motored unarmed and without military escort from Bissau to Nhacra and beyond, whereas elsewhere one travels in convoy. A murderous outrage near the capital some while ago turned out to be a *crime passionel*. . . . In Bolama a few months ago a mine exploded on the road from the local airfield to the sea, damaging a car and wounding two soldiers and a civilian. A second mine was discovered the same day on the same road. But the probable source of these outrages was the Zunquiera area on the mainland opposite Bolama.

This is a tract where the Portuguese concede "dual control." In such areas communications are so difficult that the people must needs placate the latest visitors, be they Portuguese on patrol or a guerrilla group.

General Spinola, who is practical as well as aggressive, ordered withdrawal from Béli in the east and, if it pleases them, the terrorists may claim to have occupied the surrounding territory that borders the Republic of Guinea. But there is no population for them to "control." It has long since fled the terror and the war.

SUBVERSIVE GRAND STRATEGY

At the time of my first visit, in 1963, the Balantas, and others, fell under revolutionary persuasion. By 1965 the south country along the Rio Cacine was a cockpit of guerrilla activity seeping north-westward towards the heart of the Province.

PAIGC strategy was to try to link up another of their strongholds in the traditionally turbulent Oio region around Farim, Mansaba, Mansoa, Bissorâ, and drive a wedge through the narrow waist of the country. They thus hoped to sever the peaceful loyal, groundnut-producing north-east from the trading ports of Bafatá, Bambadinca and Bissau.

The Portuguese, however, reinforced their river patrols, using naval landing craft and marines as well as soldiers, and garrisoned the southern border posts of Gadambel, Sangonha and Cacuca to intercept infiltrators.

In Oio villages were fortified and their inhabitants armed. Posts were established round Bissum to check incursions from Senegal. A line of defended villages runs from the neighbourhood of Cambaju on the Senegal frontier to Bambadinca.

PAIGC still infests Oio, notably round Canjambari, Mores and Sara. But Quitáfine, in the south, is hardly as described by their propaganda. Last year it was largely cleaned up with the assistance of parachutists landed from helicopters. In August of this year I spent a day and a night in what Mr. Basil Davidson calls the "liberated zone, the coastal zone of Quitáfine".[6] A political commissar, formerly a schoolmaster, had been captured in the Catió sector and the battalion commander gave examples of co-operation between Balantas and Fulas against the enemy of their peace.

OPENING UP THE INTERIOR

Terrorism has profited from poor communications with the Province, and road building is a major civil-military activity. In 1968 I drove without escort along the straight tarmac road connecting Bambandinca with Bafatá. Bambadinca is the port—it has two jetties, one for high, the other for low, tide—for Bafatá, which is the second commercial centre in Guinea and a pretty Portuguese town, all white and terracotta.

Last August I flew along the line of the road Pelundo-Catora. Between Bula and Catora it is already metalled and the tarmac will eventually go through to Teixeira Pinto.

Airfields are being enlarged, to take jets, at Bafatá, Nova Lamego and Cufar, near Catió in Quitáfine.

"FIGHT FOR THE PEOPLE"

Improved communications by road and air will lighten the heavy, unremitting labours of the Armed Forces. But, as their commanders are the first to acknowledge, there is no purely military solution to their problem. Given the situation and terrain of Guinea, the attitude of her neighbours and the calibre and armament of the PAIGC, the Portuguese military achievement is remarkable and without widespread popular support their position would by now have become untenable.

In their field manual the Portuguese proclaim that "the fight against subversion is a fight for the people and never against the people." The reference is to Mao Tsetung's treatise, *Guerrilla Warfare*, in which the Chinese veteran says that "it is only undisciplined troops who make the people their enemies and who, like the fish out of its natural element, cannot live."

The Portuguese claim that they are taking the "water" away from the "fish."

This is the main purpose of the policy of "regroupment." It is a difficult operation and the authorities were slow to start. It was objected that tribal life and agriculture would be disrupted. But terrorism was already doing this and one of the PAIGC's successes has been to compel the importation of rice into a Province which formerly grew at least enough for its needs. In Bissau I watched the unloading of rice from a Greek merchantman.

REGROUPMENT

Regroupment is now a main instrument of countersubversion. In its early stages it was a largely civil undertaking. Thus, in Oio the administration regrouped Balantas at Bissum and a predominantly Balanta population at Antotinha. Since then it has become a joint enterprise with the military; in the first instance on the responsibility of individual units, latterly as part of a co-ordinated plan.

New, and better, villages are built by the people, with expert help, along roads and rivers and near Army posts where they can be shielded from terrorist influence and intimidation and protected against armed attack. There the fugitives of war can be

---

Footnotes at end of article.

brought back from their places of refuge on both sides of the frontiers and afforded security from molestation or conscription into the service of PAIGC. Thousands who were impressed into the terrorist ranks have come back to the flag. Often they bring their weapons with them. Safe conducts and propagandist strip cartoons in bright colours are disseminated and dropped from the air.

SOCIAL ASSISTANCE

On the more positive side of this battle for the people, regroupment is used to bring them education and social services. The civil power, the military and the *regulos* meet in refreshingly unbureaucratic local committees. The invention of the last Governor, General Arnaldo Schulz, they are known as *cadmils*. They undertake the sinking of wells, the running of peasant co-operatives, the distribution of improved ploughs and seeds, and organize collective cultivation. In the first year of its life the *Club de Mancarra*, a producers' co-operative at Bajacunda banked 14,000 *escudos*.

The Army build primary schools and "sanitary posts" in each area of regroupment. They are later handed over to the civil administration. Guinea has never before enjoyed medical care on this admittedly still imperfect scale. The "sanitary posts" and the Army doctors attract many patients from across the frontiers. The Air Force operates a "flying doctor service," moving serious cases to the hospitals in Bissau, Bafatá, Farim, Teixeira Pinto or Catió.

Young officers of Lisbon's *jeunesse dorée* and from the University find a new sense of purpose in helping the people of Guinea to improve their conditions of life.

SELF DEFENSE

Each regroupment is garrisoned by regular troops until the people are ready to undertake their own defense. Members of nearly every tribe, Mandingos, Manjocos and Balantas, as well as Fulas, are issued with Mausers, sometimes with Lee-Enfields, and with light machineguns. Some 79 mm. grenade throwers and mortars have been distributed and a certain number of heavy machine-guns. Captured Communist weapons are also given out. It has been found that this helps the people to overcome the fear inspired by the scale and quality of the PAIGC's armament.

Cambaju, on the southern border, has withstood frequent attacks, in one of which the civilian defenders killed 20 terrorists. That is but one example of the courage and loyalty Portugal can command among the people of Guinea.

The people's war against the PAIGC has revealed that the Fulas, although unshakeably loyal, have no undisputed pre-eminence in valour. As was found by the British in India, the idea of a martial race *par excellence* is often a myth.

MILITANT PRIVATE ENTERPRISE

Not all the self-defense villages are the product of regroupment. Near Xitole 25 traditional Fula villages and in the area Camamudo-Fajonquito-Contuboel 10 Fula and Mandingo villages have made themselves responsible for their own protection against the terrorists.

As for the Felupe, they need little help and advice. Barbed wire they disdain. In the north-west of Guinea round Susana and São Domingos, these former, and perhaps sometimes recidivist, headhunters prefer their own bows and arrows to the firearms proffered by the Portuguese authorities. The Felupe terrorise the terrorists and in bloodthirsty, hot pursuit, have been known to cross the Senegal frontier and have thus caused Portugal to be arraigned at U.N., an organization which, as a body, cares nothing for frontier violation in the interests of subversion.

Having accompanied a Felupe patrol, I would not care to be their enemy. Their more peaceable sport is wrestling. Bouts sometimes end fatally—for rival spectators.

DISENCHANTMENT

Not all those who revert to their Portuguese allegiance are peasants. In Bissau in 1968 I met intellectuals, including an idealistic former *chefe de posto*, who had become disenchanted with revolution. They were engaged in broadcasting counter-subversive propaganda. Among them was a former interpreter of Amilcar Cabral who had acted in the *Creole* propaganda film, *Labanta Negro*, made by Italian Marxists.

The Portuguese also cultivate friendly personal relations with officials of the neighbouring republics. Across the border from Bajacunda there was stationed a Senegalese police chief who had fought under the tricolor at Monte Cassino, in Indo-China and Algeria, and was on excellent terms with his Portuguese opposite numbers, whom he told of his weariness of war. When President Sékou Touré's men of Guinea-Conakry show a disposition to fraternize on the frontier with Portugal's Guinea, they are speedily transferred.

RAFAEL BARBOSA

I was in Bissau soon after that extraordinary scene at the Governor's Palace in early August, when the Chairman of the PAIGC Central Committee (with him were Raul Nunes Correia and Pascoal Anrigema) declared that he had been "deceived by promises in the name of the winds of history and renounced the revolution before a large crowd. General Spinola replied that there must be no recriminations. For a better Guinea "we must build and not destroy."

I talked to Barbosa and Correia. Rafael is grey and aged after years of prison. He declared himself a Protestant and sickened by violence. He mentioned in particular the recent wounding at Bula of two women and two babies. Raul is younger, dark and a bit of a "card." He owes his qualifications as a mechanic to the University of Kiev and has placed them at the service of the Portuguese Air Force.

91 other prisoners were declared to be rehabilitated at the same time as these three.

WORDS AND DEEDS

For Guinea, asleep through centuries, the war has induced social expenditure and a new approach. At the same time, it is fair to remember that a development plan had been introduced before the war broke out and that there were some devoted officials—*homens de Guiné*—who served her ably and well. John Gunther,[7] who was never "*inside* Portuguese Guinea," was unjust when he said that the place was "shabby, almost moribund".

As often, Mr. Basil Davidson is out of date in writing of the struggle as the "company's war." The C.U.F.[8] monopoly handles most commodities; but it is losing money, and the authorities protect the peasant by fixing prices for his crops. His groundnuts fetch more in Guinea-Bissau than in Guinea-Conakry, in Senegal or the world at large.

In the Republic of Guinea scarcities and high prices fail to commend the ideology of Sékou Touré. The Soussou President is suspect to the Fulas and Futa-Fulas, who on both sides of the border remained faithful respectively to Portugal and to France.

Mr. Davidson is more accurate when he says of Portuguese Africa that:

"There were none of the basic conditions, upon which revolution on Europe and Asia had been founded: no large proletariat, no crystalized working class, no masses of peasantry deprived of land . . .

And of Portuguese Guinea that:

"There has been no great problem of land expropriation or rural indebtedness."

Almost one hears a murmured "Too bad!"

The PAIGC claims as proto-martyrs of the revolution the Bissau dockers, who in 1959 struck against exploiting shipmasters. About 30 were shot by the police. Their grievances have since been redressed. Dockers can now earn 30 *escudos* a day, which is a high wage in Africa. They have excellent canteens and rest rooms.

In 1956 I was invited to the dockers' annual outing. Drums beat, *vinho* and palm wine flowed and there was much dancing. A leading docker exchanged orations with the Governor. Both ended "*Viva Portugal!*" They embraced. An official account recorded that—

"Twelve hundred stevedores and dockers held their annual get-together lunch, at which they consumed (1) six hundred and fifty kilos of rice, (2) eleven hogs, (3) ten goats, (4) one cow, (5) one thousand two hundred rolls. All this was washed down with one thousand litres of red wine, eighty litres of brandy and . . . one hundred and fifty litres of the local palm wine!"

This potentially revolutionary force has been won over. In Guinea there is no genuine basis for popular uprising. How significant were President Sékou Touré's words:

"If these people do not want to be liberated, we, who are free and conscious, have a duty to liberate them."

MORALE

How are the Portuguese standing up to this messy, treacherous war of hide-and-seek and blast-and-run?

One sees the weariness in many eyes, but despite hardship and the appalling climate of a land where in the rains everything rocks of fecund decay, morale is high.

The soldiers have few amenities—occasionally a cinema, *fado*, ration wine laced with vitamins or Sagres beer. The empties they will hang on the barbed wire to tinkle a warning of an approaching enemy.

But in some respects the Portuguese peasant-soldier's standard of life is higher in Guinea than in Europe. He has the pay and the opportunity to buy American cigarettes and the Yardley toiletries which, with Lifebuoy soap, Land Rovers and Raleigh cycles, are a principal British export.

ON THE ROAD

I accompanied a road convoy in 1968 from Buba (which was bombarded before the Granada TV cameras) to Aldeia Formosa. Nothing was laid on for me; I asked the battalion commander at the last moment to allow me to go. The escorting infantry included Negroes and Arab-faced peasants from Algarve. Their officer was a subaltern from Macao. Their debonair-desperado air would have enpurpled a British R.S.M. Some of the men were stripped to the waist or capless under a pitiless sun. Some had cut Redskin fringes as seen in the King's Road, Chelsea, in the trousers of their camouflage suits. Revolvers dangled from lanyards, cigarettes from mouths. Some seemed clothed in nothing but their equipment and a crucifix.

The bush came right up to the appalling laterite road and choked us with thick red dust. At danger points, particularly one road junction, we dismounted until scouts were sent out and reported all clear. Otherwise, the troops chattered, laughed and sang, and bought bananas by the roadside for a few *centavos*. . . . Their cheerfulness was unfeigned.

Saluting in Guinea is capricious. An officer may take a parade with nothing on his head. More serious is the absence of malaria discipline. Authoritarian Portugal does not believe in compelling a free man to swallow antimalaria tablets. Some soldiers fear that it affects their virility.

RONCO

Units differ vastly. Who was it said that cavalry prevented warfare from being a vulgar brawl? In 1968 I stayed at Mansabá with a *Batalhão de Cavalaria* of style and tradition. There was no mess silver, but the cook was from the Lisbon Ritz. Loyal toasts were drunk. The Colonel made a speech in Portuguese, which referred to the oldest alliance

---

Footnotes at end of article.

(more than we deserve, I thought) and ended in English: "God save the Queen!" Then his officers raised the war cries of a cavalry charge. All of which is *ronco*, an approximate Portuguese equivalent of the English "bull."

Mandingo chiefs and native girls training to be nurses were entertained in the mess. There was Mandingo dancing before dinner and singing afterwards in the sergeants' mess. That battalion was a family.

A gay captain from the Azores excelled at singing *fado*. By the small hours he was on patrol. At breakfast time he signalled that he had made contact with a terrorist base, captured some arms and taken care of some women and children who had accompanied the terrorists from Senegal.

Mansabá was growing as Mandingos were re-grouped under the protection of the cavalry. The school worked two shifts. A civilian teacher, a native lady, officiated in the morning, a cavalry sergeant in the afternoon. The local militia embraced Mandingo and Fula (old enemies) and also Balantas. The Army reconciles the differences of centuries.

The battalion ran a large irrigated farm. Fruit, vegetables and cotton were grown and sold in Bissau. Nearby a working party, which included white soldiers and was commanded by a Fula sergeant, was clearing bush to lengthen the air strip.

EQUIPMENT

Operating mainly as infantry, the battalion had some aging Ferret armoured cars. "Foxes" the Portuguese have renamed them. Owing to the perfidious arms ban, civil officials ride in brand new Land Rovers, but the Army officers, who protect them, in antique jeeps. The damp and dust of Guinea are an insidious foe. Much of the transport is old and has clocked up a prodigious mileage.

At the busy and growing naval base at Bissau they enquired wistfully about Merlin engines. The landing craft used as transports and for the operations of marine commandoes (*fuzilerios especiais*) are also old. Bearded, bare-chested sailors, piratically picturesque, may live in their cramped quarters for years on end.

SALUTE

In his platitudinous treatise on guerrilla warfare, the late Ché Guevara correctly remarked: "The peasant is evidently the best soldier."

I salute the Portuguese peasant soldier and his officers. Their constancy rebukes those who by abandoning their African responsibilities thought that they had made a virtue of necessity, whereas what they did was not necessary and certainly not virtuous.

Portugal holds. But to what purpose? Unless Esso strikes oil, some good timber, groundnuts, cashew nuts and palm kernels do not suffice to justify the sacrifice of so much blood and treasure. Portugal, however, glories in her sense of history and vocation and she knows that collapse in Guinea would undermine her in Angola and Mocambique, whose glittering potential exceeds that of the *metropole* and attracts world-wide investment.

The Portuguese approach is unfashionable. Yet it is an attitude that must come back into vogue, if Europe is to live.

ON GUARD FOR THE WEST

Guinea grows in strategic significance.

In 1918 the German Colonial Association called for the occupation of "the productive lands of the Senegal and Niger basins, and thence southward to the sea". Already in September, 1914, Solf, the Secretary of State in the *Reich* Colonial Office, had submitted proposal for the "partition of the African possessions of France, Belgium and Portugal". Bolama and Bissau he rated second only to Britain's Bathurst as naval and commercial ports of the first rank.

These were the war aims of the Kaiser's Germany. What is the grand design of the "heartland" empire of Soviet Russia, whose Red Fleet shows the Red Flag in the Mediterranean, the Atlantic and the Indian Ocean?

Nkrumah's Ghana was the intended Soviet link in a chain which was to stretch from the Mediterranean to West Africa and connect her sphere of influence across to Castro's Cubs, whose "Gulf of Guinea subversion plan," disclosed by the defecting Dr. Lionel Alonso, is manifest in Portuguese Guinea. The Yugoslav-designed naval port at Sekunde near Takoradi and the Soviet-built air base at Tamale far exceeded the needs of the Ghanian forces.

Ghana has since been redeemed from her self-styled Redeemer. But MIG's bombed Biafra and Conakry, where a Chinese envoy has been received, continues as a main centre of subversion. Guinea is the last territory in West Africa north of the Equator still possessed by a NATO power. 276 miles out to sea lies Cape Verde.

Mr. Basil Davidson describes them[9] as Guinea's "off-shore islands," destined, with the Bissagós, for attack and "liberation"—though to speak of the "liberation" of islands uninhabited when Portuguese were settled there in communion, never since broken, with Portugal-in-Europe, is a meaningless hypocrisy.

In 1967 Amilcar Cabral declared the "liberation of the Islands" to be indispensable to "the struggle of the peoples of Angola, Mozambique and South Africa (the aerodrome on Sal island being a South African Base (*sic*)".*[9] That magnificent all-weather air base, Portugal's unsinkable aircraft carrier, is indeed the objective of those who would sever, or menace, Europe's line of communication with Southern Africa, the Commonwealth and allied countries of the Indian Ocean basin, the Far East and Australasia.

"SATO"?

The only African ports in dependable allied hands are Portuguese or South African. If NATO is necessary, there is greater need today for a "South Atlantic Pact," extended into the Indian Ocean. It is more than time to put an end to the bans and boycotts and blockade directed against Portugal and her friends in Africa. For Britain, they are bad business, bad strategy, bad faith.

AN AFRICAN "BRAZIL"?

These vital considerations apart, the Luso-tropical experiment deserves the objective examination it seldom receives. U Thant's repeated refusal to visit Portuguese Africa and see for himself is regrettable, though not unexpected. Less understandable, unless it arises from a desire that Portugal should not succeed where they failed in the discharge of African responsibilities, is the hostility of allies who profit from her constancy.

At least, it is generally conceded nowadays that Portugal is "colour-blind." In Guinea churches, clubs and cinemas, schools and swimming pools are open to all. Black soldiers command white. All races in the Armed Forces share quarters and messes.

Commander Teixeira de Mota writes[10] of the "informal personal and direct relationships" which both European and African in Guinea prefers "to those of class and caste."

"The whole history of Portugal overseas (he goes on) involves a constant intercourse of different races and civilizations and neither colour nor culture imposes economic or social barriers. Individuals really mean more to the Portuguese than racial or cultural purity. . . . Portugal's own history is a continuous process of fusion of races and cultures."

But what is a "European" Portuguese?

"ULYSSES"

The celebrated Brazilian Luso-tropicalist, Gilberto Freyre, writing of a Portugal that is Semitic as well as Celtic and Latin, Portugal that was African when the centuries of chivalry were not yet spent, compared the Portuguese with Ulysses. For he is restless with the restlessness of Moor and Jew, restless within his Iberian confine. For him "the tropics were mother lands, native lands, and strange lands to which he returned with very special rights—almost the rights of a tropical expatriate who has wandered in Europe, absorbing her qualities in his blood, being and culture, until Europe has also become intimately his."

In Guinea one sees on the walls of public buildings and of peasant homes thatched with grass, a poster depicting a black soldier and his white comrade clasping hands in friendship beneath the flag of Portugal. Below are the words Juntos Venceremos, "Together we shall conquer."

Portugal fights on, and in the end the West will be grateful.

FOOTNOTES

[1] *The Liberation of Guiné: Aspects of an African Revolution* (Penguin African Library 1969).

[2] The revolutionary *Parti do Africano da Independencia da Guiné e Cabo Verde.*

[3] "Let us even wish that in the near future our country may be able peacefully to acquire the two enclaves of English Gambia and Portuguese Guinea, whose natural role appears to be attached to our Western Sudan, of which the close cohesion would thus be complete.'

[4] *The Liberation of Guiné: Aspects of an African Revolution.* (Penguin African Library 1969).

[5] Agencia General do Ultramar, Lisbon, 1954.

[6] *The Liberation of Guiné: Aspects of an African Revolution.* (Penguin African Library 1969).

[7] *Inside Africa* (Hamish Hamilton 1955).

[8] *Companhia União Fabril.*

[9] *The Liberation of Guiné: Aspects of an African Revolution* (Penguin African Library 1969).

[10] *Guiné-Portuguesa, 1 Volume. Monographias des Territórios do Ultramar.* (Agencia Geral do Ultramar 1954).

WISCONSIN ELECTRIC COOPERATIVE PRINCIPLES AND PURPOSES

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. O'KONSKI. Mr. Speaker, the Wisconsin Electric Cooperative at its annual meeting at Madison on March 29 and 30 adopted its statement of intent, beliefs, and goals.

The resolutions, embodying the principles and purposes of the Wisconsin Electric Cooperative, are broad in scope and are aimed at the complex and pressing problems of the modern day.

The Wisconsin Electric Cooperative is to be commended for its farsighted statement of principles and purposes, which I am pleased to call to the attention of my colleagues.

The resolutions follow:

WISCONSIN ELECTRIC COOPERATIVE PRINCIPLES AND PURPOSES

A statement of intent, beliefs and goals adopted by delegates to the 1971 annual meeting of Wisconsin Electric Cooperative at Madison, Wisconsin, March 29 & 30, 1971.

1. REA LOAN FUNDS

We believe that many rural electric cooperatives, in order to serve their consumer-members properly on an area coverage basis, must depend on continuation of the REA 2 percent loan program, therefore, We request the Congress to appropriate increased loan funds for a projected two-year construction program to assure these cooperatives adequate growth capital to meet the increasing power requirements for rural people, and,

We urge that the REA Administrator establish such fiscal requirements and recommendations for cooperatives so they can build up and enhance their own financial condition through adequate reserve funds, and,

We recommend the establishment of a minimum of at least 15 per cent of total plant investment as a guideline for minimum adequate reserve funds.

2. WHOLESALE POWER—G & T LOANS

We believe that G & T loans are, and have been from the beginning, a most vital element in the REA program because they have provided the rural electric systems with an effective bargaining leverage and have given the systems a realistic alternative when existing power suppliers refuse to provide wholesale power on acceptable terms and conditions.

We believe this bargaining leverage is even more important to the rural electrics today as they have to struggle to survive in an industry where technology and economics are putting a dangerous squeeze on the smaller electric systems. And we believe the G & T program cannot serve as a bargaining tool if wholesale power suppliers can feel assured that Congressional and/or administration policy decisions will put a stop to G & T loans, therefore,

We urge that both Congress and the Administration support the G & T program that it might continue to be a viable force, recognizing that REA has never had adequate funds for this job but also recognizing that the needs for help at the wholesale power negotiating table is now greater than ever.

3. SUPPLEMENTAL FINANCING

We believe that rural electric cooperatives, aided by their national association, having properly established a cooperatively owned and controlled credit institution, incorporated as the National Rural Utilities Cooperative Finance Corporation, as a self-help means of providing future growth capital, supplementing the traditional REA loans, which must be continued, therefore,

We encourage each WEC member cooperative to continue to add its prescribed investment to the initial capitalization of this institution, and to operate in accordance to the statements of viewpoints and objectives set forth by the Long-Range Study Committee as guidelines for policy and operation.

4. CFC FINANCING FOR G & T COOPERATIVES

We believe that the Cooperative Finance Corporation offers a new hope as an important source of supplemental financing. We recognize that the backlog of loan fund appropriations grows ever larger while the level of appropriated loan funds has remained static, offering little hope for the immense needs for the generation and transmission systems of the nation, and that for more than two years REA has not approved a single loan for the full cost of any major generating unit. We also recognize that the G & T power supply commitment to distribution member systems and the G & T cooperative obligation to the power pools in which they participate are approaching critical deadlines, therefore,

We urge CFC to lend its leadership and ingenuity to the development of innovative ways to finance generating units and transmission systems. We further urge CFC to protect the future access of rural electric systems to continue 2 percent REA financing in all circumstances wherein such is required to assure system integrity and to carry out the purposes of the Rural Electrification Act of 1936.

We commend the many dedicated rural electric leaders and the NRECA and CFC boards of directors for their tireless effort of the past few years in bringing this self-help supplemental financial institution into operation.

5. 1971 ANNUAL MEETING THEME

We believe that our 1971 annual meeting theme, "Our Third Dimension," which refers to member involvement in the business affairs of cooperatives, encourages us to look at the important role of the member in our electric cooperatives, therefore,

We propose that electric cooperatives evaluate their member relations and member information programs, and that each board of directors carefully consider establishing those programs which will best inform and involve all segments of their memberships, including women, in the business affairs of the cooperatives.

6. MEMBER INVOLVEMENT (SUBMITTED BY STATE YOUTH BOARD)

We believe that electric cooperatives must emphasize adult member involvement and member relations activities in order to preserve a fundamental principle of cooperation, therefore,

We propose that rural electric cooperatives accomplish this objective through such means as adding home service advisers to their staffs, constantly encouraging their members to express their views in cooperative publications and that adult members be encouraged to work together with youth in programs sponsored by the cooperatives for youth.

7. YOUTH INVOLVEMENT (SUBMITTED BY STATE YOUTH BOARD)

We recognize the need for youth involvement and for youth's voice in our policies today. We commend those cooperatives which have asked youth to participate in their annual meetings, to work on various committees and to help educate their peers on the policies and functions of rural electric cooperatives. We further recognize the need for all cooperatives to support community youth activities, therefore,

We urge all electric cooperatives to study the possibilities for greater youth participation within their cooperatives and their communities in order to stimulate interest in the cooperatives and the communities and to help prepare their young members for their future responsibilities.

8. POLLUTION CONTROL (SUBMITTED BY STATE YOUTH BOARD)

We believe that pollution of all types is a nationwide problem that threatens our continued existence. We recognize that water and air are no respecters of political boundaries. We also recognize that it is economically unfair to industry to allow standards to vary across the nation, therefore,

We urge the Congress to provide funds for adequate research programs for finding ways to eliminate pollution from industrial and agricultural processes, and from all other pollution causing activities, and to set strict but reasonable nationwide standards to control pollution of our air, water and land.

9. NATIONAL POWER POOLING AND INTERCONNECTIONS

We believe the principal hope for future substantial reductions in the cost of power lies in the future development of a nationwide power grid employing extra high voltage transmission lines and interconnections and utilizing generating units of a size scale substantially greater than those now commonly in existence and integrating therein for power pooling and interchange purposes all power supply systems, including those owned by commercial power companies, the Federal and state governments, municipalities, power districts and cooperatives, and,

We believe that it is vital to the welfare of electric consumers everywhere that all power suppliers, whether large or small and whether investor, public or consumer owned have the right to participate in the construction and benefits of modern, large scale unit components and power pooling, and that this principle has tacit recognition in the formation and operation of M.A.P.P. and the Upper Mississippi Power Pool, therefore,

We commend the operational principles established by M.A.P.P. and the Upper Mississippi Power Pool permitting participation by all segments of the electric supply industry, and,

We urge that legislation be enacted that will encourage and require the development of a nationwide power supply grid which will permit participation by all segments of the power supply industry to the end that modern technology in the generation and transmission of power to bring about lower costs and greater reliability can be utilized and will result in benefits to all consumers on an equitable basis.

10. RESEARCH & DEVELOPMENT

We believe there is a critical need for future sources of abundant, low-cost electric power which will create minimal impact on our natural environment together with decreased use of natural resources, therefore,

We urge the Congress and the Atomic Energy Commission to speed development of the fast breeder reactor to achieve its benefits as soon as possible, and, to intensify research on the safe disposal of radioactive wastes from reactor fuel reprocessing, to finance major research and development programs for various technologies which promise more efficient use of resources for commercial power production with significantly reduced adverse environmental effects.

11. RURAL DEVELOPMENT

We believe that many of today's pressing urban problems are due to an overwhelming population congestion which places impossible demands on the capacity of cities to provide jobs and services, therefore,

We recommend a highly coordinated, comprehensive rural development program including, but not limited to: Programs to attract industries and commercial enterprises to rural areas to provide jobs; Programs to expand existing industries and to launch new ones, especially those which will develop the natural resources of rural areas; Programs to make available to rural areas the same type of employment services now provided for urban centers including surveys to accurately identify the unemployed and underemployed, and to provide counseling, testing and training services aimed at giving rural people new marketable skills; Programs to assist farmers and other land owners in the development of income-producing resources; Programs of highway and public transportation improvement to further develop the full potential of industry, recreation and agriculture in rural areas.

We propose that all electric cooperatives and their associations add new impetus to their efforts to enhance the quality of rural life in every way possible, and work actively in the cause of rural development to help provide the jobs and income levels that will encourage rural residents to remain in rural areas, and those who have left for the crowded cities to return.

12. RURAL HOUSING

We believe that the improvement of housing in rural areas is one of the most pressing needs for creating a better life for rural people, and that improved housing is basic to the further development of agriculture and industry in rural areas, and that improved housing will help curtail the outflow of population in rural areas, therefore,

We reaffirm our support of the plan created by Wisconsin Electric Cooperative for developing a new approach in cooperative housing for rural areas, and urge the Board of Directors to continue to support WEC's effort to serve in any capacity necessary as a means of achieving the goal of providing adequate, low-cost, quality housing for rural people.

We commend the Federal Office of Economic Opportunity for refunding the Wisconsin Rural Housing Cooperative with a $150,000 grant for 1971 to continue implementation of its rural housing plan.

13. CONSUMER INTEREST PROTECTION

We believe that the interests of consumers are universal and actions of every department and agency of the federal government can and do affect consumers. And we believe that all Americans, regardless of their vocations and divergent interests, share a common interest as consumers, that there are all too many examples of fraudulent and deceptive practices used by the unscrupulous and the negligent to the detriment of the consumer's pocketbook, health and safety, and that we and other consumers deserve to be protected against fraud, price-gouging and indifference to the needs of consumers, therefore,

We support the establishment of an independent Federal agency which will provide consumer representation in the highest councils of government, and which also will have a watchdog function over consumer activities which are housed in the departments and agencies of the Federal government.

We urge that particular emphasis be placed on working with consumer groups, such as Consumer Federation of America and its affiliated local and state organizations, in behalf of meaningful consumer protection legislation, as these efforts will result in the double benefit of protecting our individual interests as consumers and of showing urban Congressmen and their constituents that rural electrics support legislation which directly benefits all people, urban and rural.

14. PROJECT SANGUINE

We believe that presently not enough valid information is available or known on which to make a final decision for either supporting or rejecting the completed Sanguine Project in parts of Northern Wisconsin, believing that a great deal of misinformation and misunderstanding has developed as the result of individuals and groups seeking to deter and terminate any fair consideration of the Sanguine program. We further believe that Northern Wisconsin will continue to suffer severe loss of population, business development and economic growth unless serious efforts to change the rapid economic deterioration are put forth, and while there is the possibility that some economic growth opportunity might be created by the Sanguine Project, we suggest that this possibility should be fully and carefully considered along with all other factors in the assessment of this program, therefore.

We urge that the initial tests programmed in the Project Sanguine schedule be continued and completed, as well as any additional tests required to allow for a fair and complete evaluation of the total project to be undertaken.

15. ACRE—AND OUR ROLE IN POLITICS

We believe that electric cooperatives must develop greater awareness concerning the political origins of this program, and the continuing political involvement demanded by the urgent need to obtain adequate REA appropriations, adequate wholesale power, and to protect the integrity of their service areas, therefore,

We recommend that electric cooperative directors, employees and members join together to provide a substantially broader base of support for ACRE, the Action Committee for Rural Electrification, which seeks to focus our mutual interest and influence in bipartisan political activity.

16. CO-OP AND MUNICIPAL COOPERATION

We believe that rural electric systems and municipal systems have numerous common characteristics and share many common problems, therefore,

We urge the rural electric cooperatives to work toward gaining legislative and economic strength by working together with municipal electric systems, and we support the efforts of the recently created MEUW-REC Joint Action Committee which has been set up to provide a vehicle for achieving the goals of coperation in the areas of employee training, legislation, safety programs, mutual assistance in emergencies, standarization of equipment, and other areas where working together would be of mutual benefit.

17. NATIONAL POWER CRISIS

We believe that mounting evidence shows that the electric industry is facing an ever increasing demand for electric power, and that the reserve generating capacity of the nation is approaching dangerously low levels with several regions already having suffered brownouts or blackouts during peak load periods, therefore,

We call on all segments of the electric utility industry to take immediate steps to cooperate in planning interconnections, pooling of generating capacity, and construction of transmission facilities to assure an adequate and reliable supply of electric power for the nation.

18. NATIONAL FUEL CRISIS

We believe that the increasing acquisition of the nation's coal and uranium resources by oil companies could lead to the eventual domination of the nation's fossil and nuclear fuel supplies by oil interests, and that this domination would eliminate competition, resulting in a threat to every energy user, whether that user is a large industry or simply a homeowner purchasing electricity, therefore,

We support the enactment of legislation or federal restraining measures which would preserve competition among producers of the nation's fuel supplies by declaring it unlawful for any oil company to acquire any coal or uranium assets and by requiring that oil companies divest all present interests in coal or uranium assets.

19. TELEPHONE CO-OP BANK

We believe that an economical and efficient network of telephone communications ranks with electric service in making possible rural America's impressive contributions to the economy of this country, and to the general well-being of its people, therefore,

We urge the Congress to make possible a continuation of this contribution by approving legislation now pending which would authorize establishment of a Rural Telephone Cooperative Bank as a user-owner source of supplemental growth capital.

20. WEC SELF-FINANCING

We affirm the fact that the self-financing program of WEC is necessary and of critical importance for continuation of its valued services to over 400 electric and telephone systems in rural America, and

We recognize that our rural electrification program is facing a period of inadequate funding which reflects unfavorably on many electric systems' loan requirements and that the limited availability of funds could adversely affect the need and the opportunity for our member-systems to support vital WEC services through continuation of the self-financing program which has served so well for over thirteen years, therefore,

We urge that all present investors in WEC's self-financing program continue their current investment effort and further urge that any investments which may soon expire be renewed so that WEC's operating capital structure will not be impaired.

21. NEED TO INFORM

We believe that if the critical problems now facing the rural electric program are to be resolved successfully, the broadest possible base of public and member understanding and support must be elicited and obtained, therefore,

We support informational programs designed to acquaint various publics and our members with the needs and objectives of the rural electrification program in order to obtain greater understanding and support by the people.

RESTRUCTURING THE EXECUTIVE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. VEYSEY. Mr. Speaker, the President has proposed restructuring Government activities to consolidate similar programs now administered by seven departments into four larger, but more orderly departments. For too many years, Government has been allowed to grow like an untended garden with little thought given to the tedium of upkeep and weeding so necessary to flourishing flowers.

We have, so to speak, let the Government organization go to seed.

Many Americans are distressed about Government operations almost to the point of despair. But, I am convinced we can rescue their faith. We have enacted sound, progressive programs during recent years and with a better organization, using the most modern management techniques, we can put the programs in an environment where they will flourish.

An editorial in the Washington Star reiterates the great need for reorganizing Government and commends President Nixon for his detailed proposals, but it also cautions Congress to scrutinize the legislative proposals with an eye to the proper placement of each Government program.

The purpose of restructuring domestic programs is to make Government an effective agent of the people. I trust we will promptly consider the tasks of reorganizing.

I include the editorial in the RECORD:

RESTRUCTURING THE EXECUTIVE

President Nixon, his face still stinging from the legislative slap that ended the SST hassle, has turned the other cheek to Congress by sending to the Hill his ambitious plans for streamlining the executive branch. The members will be tempted to let him have it once again. But this time, Congress should stay its hand.

The reorganization plan, first proposed in the President's latest State of the Union address, is sure to raise some congressional hackles. The proposal to reduce the total number of cabinet departments to eight would mean a major reshuffling of the entrenched congressional committee system. And unless human nature changes abruptly in the coming weeks, considerable reluctance can be expected from those chairmen who will be asked to preside over the dissolution of their empires.

But even though the pill may be bitter, the prescription is valid. Now that the details have been filled in, it is clear that the proposal would not eliminate any of the present functions of the federal government, nor would it add any new ones. It does not fulfill the predictions of those who anticipated the creation of bigger, less workable departments to replace the present big and barely workable ones.

It would, rather, replace the ungainly result of haphazard governmental growth with a structure based on logic. It would eliminate duplication, clarify lines of responsibility and make the government more comprehensible. It might make the government function with something approaching efficiency. It might save the taxpayers some $5 billion a year.

This is not to say that the proposal is perfect in its present form and that it should be swallowed whole by Congress without debate or alteration. Even a quick review of the plan turns up at least one questionable compromise and one seeming blunder, indicating that painstaking congressional consideration is not only justified but demanded.

The President has proposed a compromise solution to the struggle between the environmentalists and the military over control of the civil construction activities of the Army Corps of Engineers. The Pentagon, citing the possibility of national emergency, fought to keep the engineers in the Defense Department. The environmentalists charged the corps with a spotty ecological record, and demanded that they be placed under the watchful eye of the proposed Department of Natural Resources. Mr. Nixon's compromise would leave the engineers in the DOD, but would transfer the funding, planning and evaluation functions to Natural Resources—a move that would appear destined to increase the confusion, inflame the conflict and further tangle the lines of responsibility.

Then there is the matter of the Indians. For some reason not readily apparent, the Bureau of Indian Affairs would be moved to the Department of Natural Resources. If there are arguments for such a move, they had better be good. As it stands on paper, it appears that someone up there still thinks of the Indians in the same category as coal, oil, fish and wildlife—items to be exploited for the benefit of the latecomers to North America. Surely the Indians belong with the rest of us under the Department of Human Resources.

Despite these preliminary reservations, though, the President's reorganization plan is essentially sound and should be given the full and respectful attention of Congress. Mr. Nixon is right about the need for reform. The present structure of the government is a mess. Americans are losing faith in the ability of the government to perform. Further tinkering will only compound the problem. A major restructuring of the apparatus is overdue.

SHOE IMPORTS CONTINUE TO EAT INTO AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. WYMAN. Mr. Speaker, the shoe industry in New Hampshire continues to face further declines in employment and output as a result of the alarming increase in imports of foreign footwear. As the following letter from Irving R. Glass, president of the Tanners' Council of America, indicates, shoe imports are up 25.3 percent from last year. And during this past March, foreign-made footwear skyrocketed to 66.9 percent of domestic production, as opposed to 42.1 percent for all of 1970.

Shoe manufacturing for a long time has been the No. 1 industry in the State of New Hampshire. Not only is it the largest employer of labor in the State, but it is a major industry in most of the 20-odd cities and towns where shoe plants are in operation. Since 1968 more than a dozen New Hampshire shoe factories have been forced to shut down, leaving thousands of workers jobless.

Clearly, this is far too high a price to pay for the illusive goal of truly free trade. Why should the American worker be asked to sacrifice his job to aid nations that more often than not blatantly discriminate against American products?

I urge speedy consideration of orderly marketing legislation to establish as U.S. policy that trade is a two-way street.

The letter follows:

Tanners' Council of America, Inc.,
New York, N.Y., April 28, 1971.

Dear Congressman: Some quarters have charged us with crying wolf about shoe imports, with exaggeration about the imminent death of an American labor intensive industry. You can now judge whether we have exaggerated or actually been too conservative in our projection of a devastating import flood.

The March foreign trade returns are in. In that month, shoe imports soared to 31,518,000 pairs, an increase of 25.3% from last year. In March imports climbed to more than 66.9% of domestic output. In all last year shoe imports were only 42.1% of domestic production.

Even more ominous, March confirms the drastic upward surge of imports during the two previous months. The tally for the first quarter is:

Shoe imports, first quarter

	Million pairs
1971	87.5
1970	68.7
Increase	27.3

How long can the U.S. delay some reasonable action to stop the engulfing flood of low wage cost foreign shoes, to keep job opportunity in labor intensive industry, to preserve a viable American economy? Every week and every month that goes by without moderate import restrictions, such as proposed in the Mills Bill, brings irreparable damage to job opportunity in this country and thereby to our entire economy. For whom the bell tolls . . .

Sincerely yours,

Irving R. Glass,
President.

CONGRESSIONAL APPROPRIATIONS PROCEDURES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HORTON. Mr. Speaker, for some time I have realized that congressional procedure with regard to the budgetary process is becoming increasingly inefficient. As Congress fails to update its appropriations procedures, more and more of the task of setting budgets straight and of setting spending priorities has fallen to the Office of Management and Budget in the executive branch—not where the Founding Fathers intended this function to rest.

Through much deliberation, I have arrived at two suggestions which I believe would help to put both the budget and the powers of Congress back into balance. My proposals are outlined in a weekly column I wrote last year, and I insert my statement into the Record at this time:

Congress Must Revise Procedures To Fight Inflation and Prevent Waste

(By Congressman Frank Horton)

The people of America have a right to expect Congress to watch over the purse-strings of government, to set Federal spending priorities and to achieve balance in the budget without waste. Of all branches of government, Congress is closest to the people and it should be equipped to respond to demands for more efficient use of tax dollars and an end to inflation.

At the present time, more and more of the responsibility for government fiscal policy has fallen into the hands of the Executive Branch by default. The procedures Congress follows to make spending and budgeting decisions are far too disorganized and "stop-gap" to enable it to effectively plan and carry out a business-like plan for the government's $200 billion a year budget.

As years have passed and Congress has failed to update its appropriations procedures, more and more of the task of setting budgets straight and of setting spending priorities has shifted to the Budget Bureau, or what is now called the Office of Management and Budgeting. This is not where the responsibility belongs. Congress must adopt tax laws, set spending priorities and adopt appropriating legislation for every function of government.

Where has Congress failed in its fiscal responsibility and what steps can be taken to place these powers back into the hands of responsible representatives of the people?

First of all, Congress has failed to recognize that national problems have grown so diverse and the Federal budget has grown so large that it is impossible for Congress to complete action on appropriations for the coming fiscal year between the months of February and June. Each year, the President submits his budget to Congress near the end of January—the budget which will go into effect in the fiscal year beginning July 1st of the same year. This means that Congress must sift through each spending item in hearings and prepare and pass through both the House and Senate about 14 massive appropriations bills—all before the 30th of June. If Congress could accomplish this, then all Federal agencies and states and localities would know exactly how much is to be spent for each Federal function and program at the start of the fiscal year. This would permit a planned and well-organized implementation of the budget.

However, it has been many years since Congress has completed its appropriations work by the June 30 deadline. Unlike the earlier days of smaller budgets and six or seven month sessions of Congress, we now find ourselves considering legislation ten, eleven or twelve months a year. Frequently, less that half of the appropriations are acted upon before the beginning of the fiscal year—leaving Federal agencies and the taxpayer with stop-gap "continuing resolutions" which enable programs to operate at the same level of the past year, until action is taken on the spending legislation.

Recognizing that this yearly appropriations lag made it impossible for Federal, state and local government to plan efficiently any of their programs which involve Federal funds, I proposed a change in the Federal fiscal year to the calendar year. Beginning the fiscal year on January 1st instead of July 1st would give Congress and the Executive more time for budget planning and for reviewing appropriations and spending priorities.

Spending bills enacted between the President's budget message in January and the adjournment of Congress in the fall would not take effect until the first of the following year. There would be no need for stopgap resolutions now needed to keep agencies' programs and payrolls going on a month-to-month basis.

I first made this proposal in the 90th Congress—over three years ago. And each year since the performance of Congress in completing action on appropriations has been slower, less organized, and less suitable to the task of accomplishing efficiency without inflation.

While a change in the Federal fiscal year would give Congress the time it needs to make the fiscal decisions required in the 1970's it is not the only reform that is needed. What is even more essential is a new procedure which will force Congress to make fiscal responsibility and budget balancing a priority, along with the priorities we set for spending on particular programs.

Present appropriations procedures place fiscal responsibility last on the priority list. In acting on individual spending bills, each house of Congress makes separate decisions as to whether more or less money should be allocated for each program than was budgeted by the Administration. Through this procedure, we may add funds to a housing bill or subtract funds for a defense project or leave both as they were when approved in Committee or by the Executive.

But there is no mechanism which forces Congress to look at the entire budget picture at once, to determine if its spending priority decisions can be accommodated within a balanced budget.

With the time pressure currently placed on Congress by the July fiscal year, the time is never taken to look back over all of the spending decisions on individual programs to see if they are in line with the year's expected tax receipts, or even to see if they are in line with the spending ceilings Congress itself adopted earlier in the budgeting process.

The result has been that Congress is rapidly losing its power over spending priorities—because it has not exercised them in an organized or businesslike way. Congress places higher priority on one or more important areas too often without regard for the overall spending result.

My personal practice has been to balance "yes votes" for additional funds for high priority programs with "no votes" for spending on low priority items—thus seeking a balanced budget. But the actions of Congress as a whole often do not reach a balanced result. More funds are added than subtracted from the Administration budget.

This leaves the Administration with the job of holding up spending on programs which it determines should be cut back or it results in Presidential vetoes which place the President's priorities in opposition to those of Congress.

Again, this is an example of where Congress, by failing to adopt better fiscal procedures, has ceded powers to the Executive by default—in this case, the powers over spending priorities.

I have prepared a proposal which would help to put both the budget and the powers of Congress back into balance. The proposal is a simple one, and it will be adopted if Congress is serious about retaining some say over how citizens' tax dollars are spent.

After all appropriations bills for the next fiscal year are passed and acted on in conference committees, both Houses of Congress should measure the total amount appropriated against the total budget ceiling agreed upon by the House and Senate. Where the appropriations exceed the budget ceiling by a certain percentage—say two per cent—then amendments to the individual spending bills should be prepared and enacted, reducing the total appropriation for each program by two per cent—the same percentage. This is the only way the budget ceiling can have any meaning—if Congress stays within it during the appropriation process. This is the only way that Congress can retain power over spending priorities, without having to remove funds, through veto or budget holdbacks, from program areas which Congress feels are of very high priority.

To me the choice is clear. Either we adopt these reforms in the next Congress, and thus enable our system to function effectively under the Constitution, with Congress controlling the purse strings. Or, without such reforms, we will continue an era of budget waste, inflation and stopgap measures, with Congress fumbling its fiscal powers away—along with the tax dollars of our citizens.

ALLEGATIONS REGARDING MAINE SUGAR

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HATHAWAY. Mr. Speaker, last week, the gentleman from Iowa (Mr. GROSS) brought to our attention a composition by expose writer-turned White House employee-turned expose writer Clark Mollenhoff which appeared in a number of daily newspapers across the country. The article intimates possible wrongdoing on the part of Mr. Fred Vahlsing, Jr., president of the Maine Sugar Industries, Inc., of Easton, Maine. The allegation made concerns the transfer of Maine Sugar Industries equipment from Easton to a Vahlsing-owned plant in Montezuma, N.Y. The suggestion by Mr. Mollenhoff is that the transfer wrongfully took place after Vahlsing's receipt of a "freeze order" on Maine Sugar Industries' assets.

With permission, I insert into the RECORD, a Lewiston, Maine, Evening Journal article regarding Mr. Vahlsing's response to the Mollenhoff suggestion, together with a letter from Mr. Henry C. Rackliff, president of the Aroostook Development Corp. of Easton, to the Economic Development Administration's Director of Business Loans, Mr. Jeff Cahill. Mr. Rackliff, I should point out, is one of a large number of business and civic leaders who have joined with Mr. Vahlsing over the past several years in an effort to enliven the agricultural economy of a severely hard-pressed area of the State of Maine by making possible for that area the prospects of a second cash crop and heightened employment.

The article follows:

VAHLSING SAYS ARTICLE "ERRONEOUS"

Fred H. Vahlsing, Jr., president of the Maine Sugar Industries Inc., of Easton, Maine said today that an article which appeared in the Boston Herald-Traveler Sunday, Apr. 25, containing certain facts about trucks transporting certain property from Maine Sugar Industries Inc., of Easton, Maine to Maine Sugar of Montezuma, N.Y., (which he also heads) is completely erroneous, and without fact.

In addition, Vahlsing stated that the article that appeared in the Boston newspaper was a serious and damaging blow to the Northeast sugar beet industries struggle to establish a vital sugar beet industry.

"Presently, I would like to point out, unemployment is ranging between ten and 12 per cent in the area surrounding the Maine Sugar Industries plant," he declared.

"This industry is not only vital to the agricultural economy of Northern Maine, which has for many years, been based upon a one-crop economy, but also this industry is a prime factor in the correction of the unemployment problem," he said.

Vahlsing further stated that he would hold discussions with the counsel for Maine Sugar Industries Inc., in order to review his and Maine Sugar Industries Inc. course of action."

In addition, Vahlsing said he hopes that the Federal Bureau of Investigation, from whom he presumes Mollenhoff received his information, makes its findings completely public. He stated he wished that the writer would have the opportunity to visit Maine Sugar Industries Inc., during Christmas time when people who count on jobs and paychecks do not have enough funds to have an equally joyous Christmas as he presumes the writer has, "considering his standard of living."

AROOSTOOK DEVELOPMENT CORP.,
Easton, Maine, April 26, 1971.

Mr. JEFF CAHILL,
Director of Business Loans, Economic Development Administration, U.S. Department of Commerce, Washington, D.C.

DEAR MR. CAHILL: I have been a Republican all my life, having served years as a Republican Representative from Aroostook County.

This article is a pack of lies and is a belligerent and obvious political attack on Mr. F. H. Vahlsing, Jr., using our industry which we have struggled so hard to build and which we need so badly as political fodder. We are considering right now to send a delegation to the White House demanding whose behind all this stuff and since you investigated the industry, we would like to have your comments before we make our move.

We have never seen anything as rotten as this and I am considering resigning from the Republican Party.

Very truly yours,
HENRY C. RACKLIFF,
President.

JEFFREY H. EBSARY, EAST AURORA HIGH SCHOOL, SAYS THANKS TO TAXPAYERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. KEMP. Mr. Speaker, as a member of the Committee on Education and Labor, keenly aware of the financial crisis in the field of education, and as the U.S. Representative of the 39th District of New York, deeply interested in the problems of our youth today, it was indeed a pleasure to be on hand at the dedication of the new East Aurora, N.Y. High School.

Mr. Speaker, high school education in East Aurora dates back to 1838 when the Aurora Academy was erected on the Main Street site. On May 25, 1968, district voters approved by a vote of 2,222 to 536 an expenditure of $5.4 million to construct the new building on the Center Road site.

The freedom to move, to think, and to create is the philosophy behind this new building. Some of our youth today, who think they are the "movers," do not do much thinking and creating. Therefore, it was a pleasure to hear Jeff Ebsary express the gratitude of the student body for what the taxpayers had given them. At this point I include his remarks:

How exactly does someone, privileged as I am to express the gratitude of the student body of E. A. High School, tell you thanks for this magnificent building?

I wish I could say it directly as well and as sincerely as our paperboy does it when he comes to collect each week for the papers he leaves at our house every morning. This fellow has a priceless talent I'm sure he doesn't yet realize or appreciate—and I envy him at this moment, for it enables him, when he says thank-you, to convey the idea that he really means thank-you for the extra tip he usually gets for a job well done.

At this moment, with all the sincerity that I can muster, I want you to know that while we have waited a long time for a new school, this one is absolutely perfect, and is more than we ever imagined we would have.

It may seem that kids today take most things for granted, but you can be assured that we have never taken for granted the possibility that we would have a school like this.

Another way to tell you thanks—perhaps indirectly—is to have you know that many of us seniors wish our high school careers were not ending quite so soon so that we might really be able to take advantage of all that this great new school has to offer.

I, for one, would just love to be able to play another year of football on the beautiful new field we know we're going to have, and I know that those kids pursuing music, science, industrial arts, and fine arts would love to be able to study and learn here for a few more years.

And so, in behalf of all my present schoolmates, and all those who will attend here in the years to come, I say a most sincere Thank you, very much!

MARCHERS IGNORE FACTS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. CHAMBERLAIN. Mr. Speaker, it has often been said that a man should be judged not by his words, but rather by his deeds. This is a sound bit of philosophy—yet it is seemingly disregarded by the President's Vietnam war critics.

President Nixon upon assuming office pledged to end American involvement in the Vietnam conflict, and in a way that would hopefully avoid future Vietnams. The President kept faith with the American people. He deserves our support.

I include in the RECORD for the benefit of my colleagues an editorial from the Jackson, Mich. Citizen Patriot, of April 27, 1971, which has put the recent peace demonstrations in plain perspective:

MARCHERS IGNORE FACTS

Saturday's peace march on Washington and parades and continuing demonstrations in the capital and other cities are noteworthy for the size and the orderliness of the crowd.

It is impossible to minimize the significance of such a demonstration even though the participants represent only a very small portion of the population.

It also has to be said, however, that the marches largely are futile because they will have little impact on President Nixon's timetable for ending American involvement in Vietnam. More than that, the marchers seem totally out of touch with reality with respect to the war.

Their cry of, "Peace, now," has a pleasant sound to all Americans who are weary of the war, regard it as useless and futile and would like to see it stopped.

The demonstrators seemed determined to ignore the arithmetic and the practical military aspects of the conflict.

The report by the Nixon Administration Monday that the number of American troops in Vietnam dropped to 281,400 last week, or only a little more than half of the peak of 543,400 in April of 1969, seemingly was ignored by the marchers and the anti-Nixon members of Congress who used the crowds as sounding boards for their own political pitches.

The demonstrators seem not conscious of the fact that it took many years to transport more than 500,000 troops to Vietnam and that they simply cannot be brought back overnight.

In denouncing President Nixon they seem to forget that the buildup came under his predecessor, President Lyndon B. Johnson and was directed and urged by the man the late President John F. Kennedy named as his secretary of defense, Robert S. McNamara.

The effort to make this Mr. Nixon's war and blame him for anything and everything that has gone in Vietnam simply is not fair.

A demand for an immediate end to the fighting and evacuation of all American forces requires the assumption of responsibility for the fate of the South Vietnamese and the probable loss of American lives in a hasty withdrawal. More than that, it means abandoning to the good offices of the Hanoi regime the fate of the Americans now held as prisoners of war.

Are the marchers, and the senators and representatives who cheered them on, willing to accept that responsibility?

We hope not, only there may have been many among the crowd who sincerely hope for a complete Communist victory in all Southeast Asia.

And who among the crowd is willing to offer guarantees that the Communists will respond any better to an immediate end to the fighting by Americans than they have to the many peace feelers which have been sent out by the Johnson and Nixon administrations?

We also want an end to the war which has cost so many American lives and will claim more, no matter what is done.

But as long as Mr. Nixon has a plan for disengagement by American forces and actually is carrying it out, as the troop strength figures show, harassing him with marches and political pressure serves no purpose.

WILD HORSE'S EXISTENCE THREATENED—PRESERVE OUR HERITAGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. ASHBROOK. Mr. Speaker, there is evidence today that along with the obvious need for our Nation to save and conserve our environment, we also have an urgent need to protect the traditions that make up our national heritage.

In this regard, the humanitarian effort to save our Nation's wild horses and burros is of particular interest to Congress and has received widespread support from citizens all over our Nation.

The wild horse, or "mustang," once roamed our western grasslands in great number. The Bureau of Land Management states that of the 2½ million wild horses that once roamed free, only 17,300 now exist—and this number is still being reduced. Disease and starvation have played a part in this, but more recently, they are being threatened by those killing them for sport and for commercial use in pet food.

Mr. Speaker, I was privileged to be one of the original sponsors of the wilderness bill which set aside thousands of acres in the West for future generations to enjoy. I think it has now become obvious from the outpouring of concern of our people, particularly our young people, that we must not only save and preserve our wilderness areas but also our national heritage.

Today, the Great Plains stand empty where once great herds of buffalo roamed. Our majestic mountain peaks are practically void of life where they once were inhabited by the bald eagle. This proud bird is now in danger of becoming extinct. The wild horses of the West also represent a colorful chapter in our Nation's history. We owe it to ourselves and to future generations not to let these animals become simply another closed chapter.

For this reason, I have joined in the national effort to provide for the protection of our wild horses and have introduced legislation to place the protection of these horses under the jurisdiction of the Secretary of the Interior. This bill, H.R. 7953, would prohibit the horses from being sold for commercial purposes and would provide fines and prison terms for those who disregard these provisions.

Many of my colleagues have introduced similar bills or bills containing additional provisions—all designed to offer maximum protection to free-roaming horses and burros. I am hopeful that Congress will pass the best possible bill to see that full protection is given.

Mr. Speaker, I have received a great deal of correspondence from the 17th District in Ohio expressing concern and support for this effort. Most recently, I received a large number of letters from young people in my hometown of Johnstown. I do not believe that this legislation would come to the attention of Congress had it not been for the initial interest and support by our Nation's young people. Credit should also go to the teachers in our schools for their efforts in organizing and directing this humanitarian effort.

In this regard, I would like to submit for the RECORD the names of the young people and their teachers who recently wrote my office regarding this issue. I think we in Congress owe these young students and their many counterparts a debt of gratitude for their efforts to see that our Nation's future includes the rich and proven traditions of our heritage:

Teacher, Mrs. Eunice Melick—Dave King, Frederica Hall, Dave M., Laura Davis, Georganne Glick, Teresa Lynn Hickman, Jeff Smith, John Johnson, Donald A. LaRue, Judy Heim, Tamara Richtee;

Teacher, Miss Darsie Gettinger—Ricky Burris, Beth Hoffer, Sandy Priest, Debbie

Miller, David Fisher, Elizabeth Eichner, Terrie Lundy, Molly Goldsberry, Eva Cannon;

Others include Danny Slane, David Hendren, Kenny Crockett, Jeff Wingo, Paul Grice, Robi Zeallear, Barbi Ritter, Robert DeVault, Gary Montgomery, Robin Harvey, Sue Toomey, Betty Miller, Cheryl White, Tammy Stagg, Mark Hacraft, Barbie Zinni, Mitch Grindle, Jo Gibson, Valerie Deal, and Mark Grindley.

SCHOOL SUPERINTENDENTS STUDY SOVIET EDUCATION

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. DE LA GARZA. Mr. Speaker, the other day I had a letter from Mr. Ken White, superintendent of the Independent School District of Mission, Tex., a town of about 14,000 located on the Mexican border.

My good friend, Mr. White, was one of 24 school superintendents chosen by the National Association of School Administrators to visit the Soviet Union and to study their educational system. These superintendents ranged in location from Craig, Alaska, to Mission, Tex.; from California to Maine—from 22 States; from schools where there were 100 students in high school to a system where there were 176,000 high school students.

The trip was a working trip, but because Superintendent White's letter is so eloquent, I would like to share it with all of you. Here it is:

DEAR KIKA: I have just returned from three weeks in the Soviet Union. Our purpose, as school administrators, was to study Soviet Education. The purpose of my letter is to express gratitude to my nation and the elected officials who govern it. I saw nothing there for which I would trade my American citizenship.

Please know that in saying this I do not intend disrespect for the Soviet people. In fact, the things that I observed there helped prompt this letter. I am sure that you realize that we are not struggling with a second-team nation. Their greatness stems, I think, not from their system, but from their unity of purpose. It seems that we are struggling with a nation where the entire population is pulling in one direction and nationalistic pride is tremendous.

There is also a national commitment to education and this commitment rests on firm support from the parent, the populace as a whole, and the government. It is apparent that the Soviets place priorities on their educational system.

Somehow, as I return to my job as administrator in a small school, I feel that we must rededicate ourselves to some of the basic things from which we as a people can draw strength. I, for one, have had quite enough from those things and those groups that seek to bring attention to their cause through irresponsible action.

In the Soviet nation we were told that there is no crime—and I saw evidence that this is basically true. Then I thought smugly: There is no crime because there is no freedom. Then I had a disturbing thought: Which is better—No crime through a complete absence of freedom, or rampant crime from irresponsible use of freedom?

Of course, I still choose the freedom. Somehow I wish as a nation we could get our freedom based on responsibility.

MRS. MARY GEORGE WAITE ASSUMES TOP BANKING POST IN ALABAMA

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BEVILL. Mr. Speaker, Mrs. Mary George Waite, who lives in Cherokee County, Ala., and is president of the Farmers & Merchants Bank of Centre, has been elected president of the Alabama Bankers Association.

Not only is Mrs. Waite the first woman to be elected president of the Alabama Bankers Association, but she is also the first woman to be elected to the presidency of any State banking association in the entire Nation.

We are all extremely proud of Mrs. Waite. I know that she will serve in this office with great distinction.

At this time, under unanimous consent, I am placing in the RECORD a recent article about Mrs. Waite's election, which ran in South magazine and an editorial from the Birmingham News:

IT'S A FIRST IN THE UNITED STATES: A LADY STATE BANKING PRESIDENT

It might be pleasing to a small minority to report that Mrs. Mary George Waite of Centre has been a pioneer in the women's liberation movement. There's no denying that Mrs. Waite has gone a long way in her chosen profession—further, in fact, than any woman in the entire United States.

But accuse her of being a lib leader and prepare to duck. If you doubt this, ask her about the libs.

"They are for the birds," she will respond. "I happen to like for a gentleman to open a door for me, hold my chair, to extend to me those courtesies which gentlemen of the South have always extended to their ladies."

To say that Mrs. Waite feels so strongly about the subject that she will make a speech about it is not a figure of speech. She has a speech she has made many times to women's organizations. Its title: "I like being a girl."

Lib leader though she may not be, Mrs. Waite has nonetheless made a sizable dent in a profession which for years has prided itself on its masculinity—banking.

Mrs. Waite is president of the Farmers & Merchants Bank of Centre. While this in itself is remarkable, there are other women who have been bank presidents. What is unique about Mrs. Waite is that this month she will assume the office of president of the Alabama Bankers Association. This is a first and it is a bigger first than many might imagine.

Not only is Mrs. Waite the first woman to be elected president of the Alabama Association, but she is also the first woman to be elected to the presidency of any state banking association in the entire nation. That covers a lot of years and a lot of state associations.

Some might well say Mrs. Waite has been destined for a unique career from birth. She was born Aug. 18, 1918 in Centre and was an instant "celebrity" in that small town since she was the first and only World War I "war baby" in Cherokee County. Her father, the late J. O. Jordan, had departed several months before for France with the A.E.F. when Mary George arrived.

Mrs. Waite laughingly recalls that being a "war baby" might have had some advantages, but it also carried with it one distinct disadvantage.

"Some women have the privilege of fibbing a little about their age as they grow older," she said. "It would be pointless for me to try because everybody in the county knows I was born in 1918."

Mrs. Waite grew up in Centre, and following high school graduation, she enrolled at Huntingdon College in Montgomery, graduating in 1939. It was while she was at Huntingdon that she met her roommate's brother, Dan Waite of Clanton, then a University of Alabama student. They were married in 1940.

Being an only child, Mrs. Waite recalls that she had vowed that when she married she intended to have several children. Tragically, of the three daughters born to the Waites, only one survives. Linda Gail died at the age of three months in January 1950; and in 1965 20-year-old Diane died of leukemia. (In 1968 Farmers and Merchants opened its first branch in West Centre—appropriately, it was designated the Diane Branch.)

The Waite's other daughter, Betty, is now Mrs. Tommy Graves, the mother of two daughters and yet another little one is expected in July.

Mrs. Waite's first job was not in the bank, which since 1923 had been headed by her father. Having majored in English at Huntingdon, she taught school in Centre while her husband served in the Southwest Pacific during World War II. He suffered a complete physical breakdown while overseas and has never fully regained his health.

It was not until 1957 that Mrs. Waite entered the banking profession. On Jan. 1 of that year her father died, and she immediately entered the bank as chairman of the board and president.

It is no secret that Centre and Cherokee County were a little dubious of a "woman bank president" but Mrs. Waite was not long in dispelling any doubts as to her capabilities to do the job. How well she has done is best seen in the bank records. Under her imaginative leadership Farmers & Merchants has grown from a $5,000,000 bank to a $16,000,000 institution in the past 14 years.

Mrs. Waite makes light of the bank's growth.

"All banks have grown in recent years," she insists. But the people of her city and county would argue that Mary George—that is the only way she is ever addressed by the homefolks—has had a great deal to do with the bank's growth.

Mrs. Waite vividly recalls her first Bankers Association meeting.

"It was to be a seminar on farm credit programs, and since we make a lot of farm loans, I felt it would be wise for me to attend," she said. "When I got to the meeting in Montgomery, there were about 100 bankers present—all men but me. I don't know who was the most uncomfortable—the 99 or me."

But she emphasized that from the beginning her male counterparts went out of their way to make her feel at home.

"They have been wonderful to me," she said, "and I always tried as hard as I knew how not to use the fact that I was a woman to get any advantage on them. I think I would have been resented if I had tried to push myself forward in the association."

Actually the election of Mrs. Waite as ABA president this year is no surprise. The big surprise came two years ago when she was elected second vice-president. That meant she would in two years reach the top spot.

Neither she nor any other banker could have known two years ago what would face banking in Alabama during her one-year administration, it could be a very tough year for banks in the Alabama Legislature, and Mrs. Waite is well aware of this.

"This will be a defensive year for us," she said. "We will not be so interested in passing any legislation as we will be in killing legislation."

It is no secret that Gov. George Wallace, in his quest for new state revenue, will look toward the banks. Part of his motivation is unquestionably politics—many bankers supported a candidate other than Wallace in 1970.

Mrs. Waite is particularly concerned about the much-discussed escheat bill which probably will be pushed by the administration. Such a measure would take funds from dormant accounts in banks and give the money to the state.

"This is an indirect tax on the people, because this money belongs to them," Mrs. Waite said. "It certainly does not belong to the state, and I do not feel the state has any right to it."

Mrs. Waite does not foresee a recurrence of the bitter brawling within the ranks of banking which exploded in 1969 on the issue of mergers.

"I think the courts have pretty well settled that issue," she said.

But for the record, she expressed her firm opposition both to the merger as well as to the establishment of holding companies—the latter now being sought by several major metropolitan banks.

"I am not speaking for the association regarding the proposed holding companies—I am speaking purely as an individual banker," she emphasized. "I just do not believe any form of statewide banking is good for the people."

SPEAKING OF WOMEN'S LIB . . .

When you mention the name of Mrs. Mary Jordan Waite, the immediate response by those who know her is likely to be an outpouring of high praise. Surprisingly, perhaps, the praise more often will be for her deep involvement in efforts that attract little public attention rather than her better known accomplishments in the field of banking.

Today, at its 78th annual session, the Alabama Bankers Association elected Mrs. Waite president of that organization, the first woman to be named president of a state banking group.

This is hardly her first "first" during her years as a Cherokee County High School teacher of English, and for the past 14 years as president of the Farmers and Merchants Bank at Centre, a position in which she succeeded her late father. Her other "firsts" in the world of banking are numerous.

Always throughout her professional career as teacher and banker, Mrs. Waite's interest and contributions have turned time after time to the children and young people of her community and state. They changed the rules to make her an honorary member of the Future Farmers of America, and she was the first woman to serve on the executive committee of the Choccolocco Council, Boy Scouts of America. She has received high honor from the National 4-H Club Foundation. National officeholder in the National Association of Bank Women, she has performed high service for the American Cancer Society and the Alabama Business and Professional Women.

Mrs. Waite has served in all these public and civic-minded roles with distinction. Proof of her selfless interest is the recognition tendered her by her friends and associates.

REES INTRODUCES LEGISLATION FOR EXPANSION OF SEQUOIA NATIONAL PARK

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. REES. Mr. Speaker, today I am introducing legislation that will expand one of America's greatest national parks. I am proposing that Sequoia National Park be expanded southward on the Kern Plateau and in the Kern River drainage to include another 250,000 acres.

This area is the last major unprotected bloc of wilderness in the Sierra, and it is also the habitat for a number of rare and endangered species. Only about half of the existing Sierra redwood, *Sequoia gigantea*, are protected in the existing park. Most of the rest are within the area that my bill would add. Moreover, this addition embraces the habitat for the unique and endangered golden trout, which needs the isolation of wilderness to survive.

This wilderness will not survive if it is not added to Sequoia National Park. The area is now administered by the Forest Service. For 15 years or more, the Forest Service has promised that some of the area would be protected as wilderness, yet it has still to give secure protection to one acre of the area in this bill. Its plans remain indefinite, and change with each changing ranger and regional forester. The southern part of the whole wilderness, which used to run south to the Domeland area, has been turned over to logging. Now the central part has been chopped up by roads and timber sales also. This fragile and serene country is being destroyed by logging and eroding timber development roads. The timber is commercially marginal, and the soils are very susceptible to erosion whenever the surface is broken. New highways, promoted by local boosters, are being platted across the area. Permits are being issued for high density resorts around its edges. Dams are being planned on the Kern River. While the Forest Service talks vaguely of protecting it, it is really acquiescing in its destruction. By the time the Service may get around to proposing any plan to Congress, we will only be able to deliberate over how to bury the corpse.

Conservationists have been actively petitioning the Forest Service now for almost two decades to protect the area. It is time to face the fact that the Forest Service is either suffering from a paralysis of will power, or that it has no intention of moving affirmatively to protect this great southern terminus of the Sierra. In any event, it is now time for Congress to do its duty in superintending the management of this part of the public domain. The National Park Service has demonstrated that it is capable of protecting the parts of the Sierra entrusted to its care. The only problem it suffers from is that too many people want to enjoy the land in the parks it administers. Part of the answer is to expand the areas given secure protection: to protect them from unjustifiable logging, intruding roads and vehicles, and inappropriate commercialism. We should expand the park southward to embrace more of its adjacent wilderness and the features that give this park renown and meaning. We should complete the historic work begun so long ago by rounding out this classic national park.

I am attaching to my remarks a short description of the features included in this addition to Sequoia National Park.

I include the article, as follows:

PROPOSED ENLARGEMENT OF SEQUOIA NATIONAL PARK

Elevations in the area range from 12,000 ft. to 5,000 ft. in some of the lower areas in the south. Therefore, there is a wide variety of life zones, ranging from Upper Sonorran to Alpine.

From the main crest of the Sierra Nevada on the east the proposed addition extends to the approximate longitude of Mineral King. The southern boundary of Sequoia National Park marks the northern limit while the southern limit has been determined by the encroachment of timber sales and road construction giving the area an average north-south dimension of approximately 10 miles.

Much of the southern portion of the area below 6,000 ft. in elevation consists of brush and scrub forest. This section is an important wintering area for the deer herd of Sequoia National Park. Between elevations of 6,000 ft. and 8,000 ft. there are stands of Yellow Pine and Fir, and on the west many scattered groves of *Sequoia Gigantea*. This portion of the forest contains the only commercial timber included in the proposed addition. Above 8,000 ft. the forest consists mostly of Lodgepole Pine, a noncommercial species at the present time. Should a market develop for this tree, there might be great pressure put on the Forest Service to allow timber harvesting in the watershed of streams containing Golden Trout. The Forest Service is far more vulnerable to this kind of pressure, with its historic preoccupation with selling timber, than would be the Park Service. Above elevations of 10,000–11,000 ft., alpine conditions restrict the growth of forest.

The Sierra south of Sequoia National Park is characterized by large rolling meadows that are very fragile due to arid conditions. The rolling, relatively gentle high country extends as far south as Lake Isabella. The only chance to save a portion of this gentle yet beautiful country in its natural state for future generations to enjoy is to add it to Sequoia National Park.

Glaciation during the Ice Age created a rugged alpine landscape in the Sierra to the north. The southern limit of the glaciers reached only to the northern portion of the proposed Park addition, leaving the rolling, gentle pre-glacial landscape much as it was before the Ice Age. This ancient landscape, along with unique volcanic formations, should be preserved for their scientific value alone.

The only natural habitat of the Golden Trout is Golden Trout Creek, an important tributary of the Kern River. The Creek originates near the main Sierra Crest, flows westward just south of the present Park boundary, and joins the Kern River at the point where the river crosses the present Park boundary. Golden Trout have been transplanted successfully to other areas, but it is biologically important to maintain a pure strain of the species in its native habitat. The fish cannot stand heavy fishing pressure. Yet the newly completed road up the east side of the Sierra to Horseshoe Meadows, and demands of vehicle users to open the area up to mechanical access, threaten the Golden Trout's very existence in its native habitat. The Forest Service only recently acquiesced to demands from vehicle users to have access to a part of the area that the Forest Service had previously stated should be off limits to vehicles. This susceptibility to pressure further demonstrates the inability of the Forest Service to adequately protect the wilderness values of the area and, perhaps, even the Golden Trout itself.

A related subspecies of the Golden Trout has been recently recognized in portions of the Little Kern River drainage. This subspecies is even in more urgent need of protection since not much is known about it, and it is much more limited in distribution.

Presently, the Forest Service is managing only the northern half of the area included in this bill in such a way to protect its wilderness values and the Golden Trout. In the southern half of the area, new roads and timber sales are being planned. It is imperative that while Congress deliberates upon this bill's merits, the Forest Service be directed to declare a moratorium upon further development.

"PEACE" LEADERS AT HOME PLAY INTO COMMUNIST HANDS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SPENCE. Mr. Speaker, as you know, four fellow Congressmen and myself recently completed a personal inspection tour of Southeast Asia as members of the House Armed Services Committee.

We returned from this tour with renewed confidence that President Nixon's strategy is working, combat deaths and injuries have been sharply reduced, our men are coming home in record numbers and Vietnamization is proceeding ahead of schedule.

One of our colleagues on this tour, Congressman C. W. Bill Young of Florida, has concluded that our disengagement now is being delayed not by the enemy in the field but by the activities of some of our so-called leaders at home.

What Mr. Young has to say should concern all of us who are determined to end the Vietnam conflict with honor, and in a way that will leave the South Vietnamese with the capability of handling their own defense. For this reason, I am putting into the Record an account of Congressman Young's report as it appeared in the Clearwater Sun, one of the fine newspapers in his home district:

[From the Clearwater (Fla.) Sun, Apr. 23, 1971]

Record Dunedin Crowd Hears GOP Solon—Doves, Prolong War, Young Says

(By Wally Dillon, Sun Correspondent)

Dunedin.—U.S. Representative C. W. Bill Young charged this morning that the Vietnam war might have been concluded "with honor," six months to a year ago if public speeches of Sen. J. William Fulbright (D-Ark.), and Rep. Paul N. McClosky Jr. (R-Calif.), had not led the North Vietnamese to believe that America would surrender voluntarily.

Speaking before the largest audience ever assembled at a meeting of the Dunedin Council of Organizations at Dunedin County Club, Young pulled no punches in discussing his recent visit to the Vietnam, Cambodian and Laotian war zones.

Young stated that "Hanoi Hannah," the propaganda voice of the North Vietnamese, is heard by a large percentage of U.S. soldiers in the war zone and the most effective propaganda is simply recordings of speeches made by "doves" in Congress which advances immediate and unconditional withdrawal of U.S. forces.

"These are the very people who, two years ago, stated how we must support our troops in the Far East. They are pulling the rug out from under our troops today," Young declared.

"I hope that these people will examine their consciences and find out who the dead and maimed soldiers were who fell in battle in the meanwhile. I am convinced that our participation in this slaughter could have been ended six months to a year ago had it not been for our own people advocating our surrender," Young stated.

Young also blamed certain news media, specifically the New York Times and the Washington Post for editorially calling for an "unconditional surrender."

News reports that South Vietnamese forces were badly beaten in the recent Laotian invasions are highly exaggerated Young said.

"Newsmen, who were denied advance notice of armed forces intentions were so incensed that they decided they were going to make the invasion look like a terrible defeat," Young charged.

The Congressman said that of 22 battalions of South Vietnamese troops committed to the Laotian invasion, 18 performed "with honor," two were "hit badly" and only two "performed badly."

As proof, Young cited the fact that the First ARVIN Division, which was the main unit in the Laotian invasion, launched a new offensive only a few days later.

"Despite what some politicians say," Young said, "the drug problem in Vietnam is nothing like they would have you believe."

"These young Americans in Vietnam are nearly all outstanding, fine people," he said.

Young, supporting President Richard Nixon's Far Eastern policies emphatically noted that, "We are in a world community and are being challenged both militarily and economically. I support the President's Guam doctrine all the way."

Noting that the recent conviction of Lieutenant William L. Calley on charges of murdering civilians at My Lai had "a highly demoralizing effect on our U.S. troops in the combat zones," Young said that front line troops had spoken strongly about the incident.

"They told me," he said, "that the enemy is not necessarily in uniform . . . there is no way to tell who can be trusted."

Two and three year old children suddenly appear on the battlefield with little packs on their backs, Young stated, then walk toward American troops.

"When they near our troops, suddenly the little child and his back pack explode, killing and maiming our soldiers," he said.

"This enemy is willing to take the life of a little child to kill or wound a few of our people," Young declared.

"I hope and pray that never again will our country be involved in a conflict but I pledge to do all in my power to see that if we are, we will not be hampered in limited actions that this country's soldiers will be able to fight with the full capabilities for which they are armed," Young concluded.

LET US NOT CRIPPLE NARCOTICS TREATMENT

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. WRIGHT. Mr. Speaker, under the 1-minute rule today I made reference to the announced closing by the administration of the U.S. Public Health Service Clinical Research Center in Fort Worth.

This is one of only two such institutions in the United States. The other is at Lexington, Ky.

Two years ago the administration announced that this center at Fort Worth—the only one west of the Mississippi River—would be closed in 1969. Public hearings were held by the Senate Committee on Labor and Public Welfare, and the demonstrated need for the facility was so overwhelming that the Department of Health, Education, and Welfare rescinded its plan and kept the center open.

Now, even though the menace of narcotics abuse has grown even more rampant in the past 2 years, the Department has again announced that the facility will be closed. It has shut off acceptance of new patients as of the first of this month and has sent reduction-in-force notices to the employees of the center.

It would be difficult to imagine a more unfortunate or more untimely circumstance than this.

To close the Fort Worth hospital, as the administration proposes—at the very time when drug abuse is reaching epidemic proportions—would be "utterly incongruous" in the words of Dr. Charles Sprague, Dean of Southwestern Medical School. It would be false economy and shortsighted folly.

At no time in history has the menace of narcotics abuse been more widespread across the Nation than today. The problem grows at an alarming pace, and no city in America is immune.

Less than 2 weeks ago, the gentleman from Illinois (Mr. Murphy) and the gentleman from Connecticut (Mr. Steele) reported from Saigon that between 10 and 15 percent of our American troops in Vietnam—perhaps as many as 40,000 in all—have been hooked on hard drugs. Where will these unfortunate men go to get treatment? Last year between 60 and 90 U.S. servicemen died from overdoses of heroin.

In one New York high school, no less than 1,200 students—40 percent of the entire student body—have experimented with heroin. Throughout the country, we hear of the alarming spread of drug abuse in junior high schools and even elementary schools. In Washington, Judge Alfred Burka of the District Court of General Sessions recently estimated that between 75 and 85 percent of all criminal suspects brought before his bench were narcotics users.

A knowledgeable San Antonio physician believes that 90 percent of the crime in that city can be traced to narcotics use and traffic. Many criminologists believe that at least 50 percent of the street crime in America has its roots in illicit drugs.

Dr. Dale C. Garell, director of adolescent medicine at the Los Angeles Childrens Hospital, testified 2 years ago that drug abuse is "the number one health problem in the United States today," and cited statistics for Los Angeles County. In 1960, there were 13,000 arrests for drug law violations. In 1967 the figure had jumped to more than 31,000. It is estimated that the figure exceeded 40,000 last year.

Tragically, an ever-increasing number of addicts are young people. Dr. Garell declared that juvenile drug offenses in Los Angeles had increased by nearly 500 percent in 7 years. And Dr. John E. Ingersoll, director of the U.S. Bureau of Nacotics and Dangerous Drugs, told the Senate District Committee in 1969 that fully 20 percent of all new addicts discovered in the previous year were juveniles.

Many of these alarming facts came to light in public hearings 2 years ago in Forth Worth where then Senator Ralph Yarborough, chairman of the Senate Committee on Labor and Public Welfare, conducted hearings on the proposed closing of the Fort Worth Center. An extremely persuasive case was made. The administration, confronted with the overpowering facts, withdrew its plans to close the center. Now it has revived those plans. Why? The facts are certainly no less staggering today.

Educators, physicians, criminologists, social workers, former drug patients—all made the same plea: To close the center would be costly, counter-productive, almost criminally negligent.

It would slow down much-needed research. It would hopelessly overcrowd the Lexington facility. It would make voluntary commitment infinitely more difficult for the great body of our population which lives west of the Mississippi—including areas of southern California and the southwest in which drug abuse is particularly rampant.

The administration says that it wants to change the concept of drug treatment by closing big hospitals like the Fort Worth Center and encouraging instead the creation of a number of small, community clinics.

Admittedly, there is a need throughout the country for community-based treatment centers. But for heaven's sake let us get them organized before we close one of the two hospitals we have. Let us build the lifeboats before we sink the ocean liner.

The blunt fact is that we do not now have the "community-based clinics." Forty-seven States have no State program whatever for rehabilitation of narcotics victims. This is like advocating the abolition of cortisone because we hope to provide a better drug at some future undisclosed date.

It is like a father junking the family stationwagon on the ground that he thinks it would be nice—sometime in the indefinite future—for each member of the family to have his own Volkswagen. Meanwhile, they would be completely without transportation.

SURVEY OF COMMUNITY-BASED CLINICS

In announcing the closure of the Fort Worth facility—the only such Public Health Service Hospital anywhere west of the Mississippi River—the administration announced that hereafter it would turn over the treatment of these unfortunate narcotics victims to certain "community-based clinics" throughout the country. The announcement made reference to some 325 such institutions and cited 14 in the State of Texas.

Yesterday, my office was able to reach by telephone 12 of these 14 upon which the Government apparently intends to rely in the future for long-term treatment and rehabilitation of narcotics victims.

I am including at this point a recitation of exactly what we were told by officials at each of these institutions:

Amarillo Hospital District Community Mental Health Center, 2103 W. 6th Street, Amarillo, Texas—Mrs. Louise Evans, a spokesman for the center, said it does have an in-patient narcotic treatment program in association with a hospital, but that perhaps 80 per cent of the patients treated so far have been adolescents.

Travis County Mental Health and Mental Retardation Center, 1516 Red River, Austin, Texas—Mr. John Wymer, executive director, said this center can place approximately 80 in-patients for treatment in a section of the Austin State Hospital, a Texas institution used mainly to care for mental cases.

If the Austin center were called on to increase its in-patient treatment load, Mr. Wymer said, rehabilitation and psychiatric services would have to be vastly increased. Mr. Wymer said that while he approves of the community center approach for drug addict treatment, results so far in Austin have been poor.

Bayshore Mental Health and Mental Retardation Center, 1410 Louisiana Street, Baytown, Texas—This center does not have a long-term in-patient treatment program for narcotics addicts. If a patient requires longer than three months of hospital care, he normally is sent to Austin State Hospital, a mental institution. For shorter-term patients, the center places them in Methodist Hospital in Baytown. The center itself has neither a methadone program nor a half-way house.

Bell County Mental Health and Mental Retardation Center, Belton, Texas—Mr. Warren Townsend, Assistant Administrator, said the Bell County Center does not have an in-patient treatment program. The center can refer patients on a short-term basis to a local hospital, but this institution is not equipped for long-term care of addicts, Mr. Townsend said. He expressed belief that current federal budget restrictions on narcotic programs, combined with the end of drug treatment at the Clinical Research Center in Fort Worth, would prevent the development of an effective narcotics treatment program in Texas for at least three to five years.

District VI Mental Health Center, 3804 S. Central Expressway, Dallas, Texas—Mr. Steve Washington, staff social worker, said it is his understanding that the center presently does not have facilities for in-patient treatment of drug addicts.

Presbyterian Hospital of Dallas Community Mental Health Center, 8200 Walnut Hill Lane, Dallas, Texas—Mr. Papas, Assistant Administrator, said the center at present has no in-patient treatment program.

El Paso Center for Mental Health and Mental Retardation Service, 4815 Alameda Avenue, El Paso, Texas—Mr. Bill Steffens, Director, said the center has no in-patient treatment facilities or program.

St. Joseph-Mid-Houston Community Mental Health Center, 1919 LaBranch Street, Houston, Texas—Sister Amelia, Assistant Administrator to St. Joseph and Administrative Director of the center, said in-patient narcotics treatment can be provided only for adolescents, not for adults. Eighteen youngsters are presently under treatment.

Kingsville Community Mental Health Center, Kingsville, Texas—Miss Beryl Hill, Director, said the center presently has no facilities for in-patient treatment of narcotic victims. If beds are needed, Miss Hill said, they can be provided only under a contract with a mental hospital.

Laredo Community Mental Health Center (listed as Rio Grande Area III Mental Health Center for Starr, Webb and Zapata Counties), Laredo, Texas—Gilberto Morales, Case Supervisor, said the center has no in-patient treatment program, but makes arrangements at a hospital in Harlingen for those needing care.

Northwest San Antonio Mental Health Center, Bexar County Hospital, 4502 Medical Drive, San Antonio, Texas—Narcotics victims can be handled as in-patients only if they also are adjudged to be mental cases.

Wichita Falls Community Center for Mental Health and Mental Retardation, 2007 Wenonah Street, Wichita Falls, Texas—Doyle Lamb, Assistant Administrator, said the center has no in-patient treatment facilities for narcotics addicts.

Obviously, the time has not yet arrived when we can safely rely upon such institutions as these to provide reliable long-term treatment for the most unfortunate affliction of drug addiction.

But even assuming we can successfully stimulate the development of smaller, locally oriented facilities at some time in the future, they still will not provide the complete answer.

As pointed out by Dr. Robert Leon, professor of psychiatry at the University of Texas Medical School in San Antonio, part of the necessary treatment often is to provide a complete change of environment. Rehabilitation would be rendered impossible for some addicts if they were released directly into the streets and ghettos where the horrible temptation ensnared them and the dreadful habit enslaved them in the first place.

Moreover, the Nation simply does not have the pool of trained and experienced personnel to staff all the local treatment centers we need. Would not there be, then, a continuing and even greater need for both the Fort Worth and Lexington facilities to provide training and internship, to carry on sound research and medical investigation?

HEW admits that its concern is basically budgetary in recommending the closing of the Center. Budgetary? How much is the growing national menace of narcotics abuse costing us? How much is it worth to fight it?

We have been spending only some $10 million annually on treatment and rehabilitation of drug victims and new research at such facilities as Lexington and Fort Worth. But the cold cost of drug addiction to our economy was recently estimated by the Director of the National Institute of Mental Health at more than $500 million a year.

The Federal Government is spending about $39.9 million this year on enforcement activities trying to stem the flow of heroin, cocaine, and morphine. This is the smallest sum in the budget for any major crime control effort. It is a tiny fraction of the profits that organized crime makes in importing narcotics, and a pitiful figure compared to what society pays in crime losses to keep the addicts going.

If we are to keep pace with the growing problem of illicit drugs and the tragic damages they are inflicting upon our human and material resources, we need to be expanding the services provided at the Fort Worth Center. We certainly cannot afford to eliminate them.

The narcotics evil is a menace to the very fabric of society. Mental health problems are on the increase. This is definitely not the time to restrict and curtail—in fact to cut in half—our national capacity to cope with these problems.

LOUIS STULBERG

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. EILBERG. Mr. Speaker, one of the most dynamic leaders of the labor movement today is the president of the International Ladies Garment Workers Union, Louis Stulberg. Mr. Stulberg's profile is featured in this month's issue of American Labor: The Magazine of Labor News. I call this article to the attention of all my colleagues as meriting their review. I extend to my friends in the ILGWU the wish that they have the benefit of Louis Stulberg's excellent leadership for many years to come.

At this point, I include Louis Stulberg's profile in the RECORD:

PROFILE: LOUIS STULBERG

"Give me your tired, your poor, your huddled masses yearning to be free," begins the Emma Lazarus poem on the Statue of Liberty—and never did the mounting tide of earlier immigrants give more of them than they gave to the ILGWU.

The International Ladies Garment Workers Union has consistently been an organization comprised largely of ethnic minorities: first the Germans and Irish, then the Jews, then the Italians, and of late—the Puerto Ricans and the Blacks.

It's still a melting pot in which bubble the ambitions, the hopes and the destinies of some 450,000 workers plying their trades in 38 States, 5 Canadian provinces and Puerto Rico.

Out of this fusion have come some of the most creative designers of this—or any—century, some of the most colorful and imaginative leaders in the entire labor movement and some of the most progressive social programs in labor history.

This is the heritage of Louis Stulberg who succeeded David Dubinsky as president of the International Union in June of 1966 and who—by any measurement—has lived up to both its expectations and demands.

The succession itself, to turn the clock back some five years, was a moment of drama. Ever the showman, Dubinsky had kept the announcement of his proposed retirement a closely guarded secret up until practically the minute he unfurled it. "Only seven members of the union knew about it in advance," said Leon Stein, editor of "Justice," the ILGWU's award-winning publication, of the incident. "I was one of them because I happened to help prepare the statement."

Before a stunned and emotion-packed board on March 16, 1966, Dubinsky stepped down after 34 years in office, stating he was aware that the decision came unexpectedly, but urging the board nevertheless "to respect my wishes . . . and to proceed immediately to elect my successor."

Chosen to succeed him on March 18 was General Secretary-Treasurer Louis Stulberg, who suddenly found himself on "center stage" in one of the most dramatic moments of the union's history.

In the terminology of the theatre, "D.D." was a hell of an act to follow. But most observers are almost unanimous in their opinions that Stulberg has followed it well.

Re Stulberg's subsequent election to the presidency, one ILGWU official stated that he was "the most logical man" for the job at the time and "certainly the best equipped."

Stulberg had been working in the International Union's General Office since 1945 when Dubinsky first appointed him as assistant executive secretary. For better than a decade he had been assistant manager of Local 10 (the cutter's union in New York, which he joined in 1927) and had been a manager of Local 62 for about the same time period. Local 62, composed of undergarment workers, is predominantly female and a continuously revolving door in terms of ethnic composition. Thus, he brought to his assignment considerable first hand knowledge in many areas of the union's activities.

Pursuing his own course and assessing the union's needs out of his own experience and judgment, Stulberg—during the five years he has been in the top executive post—has transformed many of the ILGWU policies, modernized its structure, changed much of its image and—in the process—has provided greater overall benefits and greater proportionate wage increases for his members than any officer has ever done before, this—in the face of growing imports, during a period of an almost complete revolution in women's fashion which disrupted many sections of the industry and vis-a-vis perhaps the worst national economic downturn in better than a decade.

Through all that, the new president managed to procure for his people the highest standard of living they have ever achieved. A pretty impressive performance by any yardstick.

STULBERG THE MAN

Stulberg, the man, is a little more difficult to set into print than are his achievements. Though he puts one at ease quickly enough, still it would be stretching it to catalogue him, at any initial meeting, as the outgoing type.

A feeling of reserve is there despite the humor which is an inherent part of his personality and despite the informality of the interview which was held in his suite at the Americana in Florida where he was attending the winter meeting of the AFL-CIO Executive Council of which he is a vice-president.

To the writer he appeared more a "measurer" of men first than one who gives of himself immediately. How long it takes to "measure" any individual is an imponderable, of course, but Stulberg's commitment of friendship—once made, however—according to close associates—takes a lot of shattering to disrupt. If he's with you, he's with you all the way. One has to earn that commitment—which seems fair enough.

Like many other international presidents, Stulberg is not a limelight hunter. That comes through immediately. Soft spoken, more analytical than emotional in his reactions, he is far more concerned with what can be done to better the conditions of the workers in his industry than with the projection of any personal glory for himself. That, too, comes through in the very emphasis he gives to his interests.

One cannot qualify this characteristic as modesty because it isn't that at all: rather, it might better be amplified as his sense of the relationship of values. He has a purpose, he knows that purpose and the achievement of that purpose is more important to him than anything else.

Actually—though he should be accustomed to it by now—he still seems a bit uncomfortable when too much of the spotlight is on him.

EARLY YEARS

By formal definition, Stulberg would have to be classified as an immigrant. He was born in Poland on April 14, 1901, came to Canada as an infant, spent his childhood and got some of his schooling in Toronto (Harbord Collegiate Institute) and—in that same city—joined the ILGWU in 1916. Subsequently, he emigrated to Chicago, attended the University of Chicago, leaving there to work in a number of cities before ending up in New York.

But though the above data is factual enough, the word "immigrant," as it is generally applied, somehow—in Stulberg's case—does not fit. If a distinction is applicable here, he might more reasonably be placed in the category of "first generation" for by training, schooling and in his thinking, that is what he actually is. And his ideals and beliefs are American to the marrow.

"He's a combination of the best of both worlds," stated an ILG worker of him effusively; a glorification Stulberg would be most uneasy with, because as a man—with admittedly many of the faults of man, and as an individual with an acute sense of the absurdities and contradictions that make up what is known as character—he'd be the first to admit was a bit of an overstatement.

If it was such, however, it was uttered not out of any sense of sycophancy—(for the speaker had no notion it would be recorded here)—but rather as an expression of the genuine regard of one individual for another. And as such, it should be respected and let stand.

On a man-to-man basis, Stulberg is easy to talk to. He's relaxed, he's pretty much in command of the scene at all times, straight in his answers and meticulously honest. There's a working ego there, of course—it's one of the traits of leadership—but it never gets in the way of truth or alters it. Stulberg sees things as they are, with a seasoned eye and with a refreshing amount of warmth and humor.

If life is treating him well now, there were many lean years, and allusions to them cropped up often in the conversation. He hasn't forgotten his past. "When I started as a cutter the pay was $3.00 a week for 54 hours. I cut canvas, sateen and sometimes—my fingers."

When he was elected president, one company head said of that incident: "I'm sorry he cut his fingers. Let's hope he doesn't cut our throats."

After five decades with ILGWU, Stulberg is now, in a sense, its father image and—to this observer—quite a good father, indeed.

ON PROBLEMS AND CHANGE

The union he heads, as noted before, is a composite of ethnic minorities, but to the question of whether such a mixture posed any "situations", Stulberg answered that there were many problems the union faced but that race, religion or country of origin were not among them—and never have been.

"With the change in the composition of the garments," he explained, "and with women's acceptance of the type of garments they buy today, there's more section work in the process than before. The business of making a garment is fractionalized . . . divided into anywhere from 6 to over 30 parts . . . with different workers on different sections."

Under these conditions, Stulberg pointed out, less experienced help is required. And since such labor is generally procured from minorities or immigrants, the union has always been a kind of haven for this citizenry to begin with.

"No one has ever been excluded because of color or creed," said Stulberg, "and every ILG worker knows this.

"We never had anything like that even over 50 years ago when I started in the trade." Stulberg added, "when skill meant a lot more than it does now; when it was nothing to cut out a front composed of 16 or 18 parts; *when the tailoring that went into the garment was the thing that sold it,*" he dismissed the subject as one that needed no further discussion.

"Today . . ." he stopped and his face slowly widened into a grin as his thoughts moved to another area, "I don't want to call some of the things that women wear 'shapeless' because I'll probably never live it down . . . so let's call them 'casuals' . . . with emphasis on color . . . which hide any number of contours, if you know what I mean . . ."

The writer replied he knew what he meant.

What Stulberg could not quite fathom in this context, and he admitted it openly, was why women—whom he believed dress principally for men (a supposition vociferously denied by many females, incidentally) allow themselves to be seen in some of the clothes they wear.

But since the subject matter at hand lay more in the field of economics than in the motivational drives of the opposite gender, the fascinating dialogue was left in limbo.

ON FASHION AND WEBSTER

What was causing some of the ups and downs in the industry of late, he mentioned with what seemed to be a straight face, was the very ups and downs of the hemlines.

"Our fashion industry is predicated on the production of two, three, or four styles a year—one for each season. And then there's cruise-wear, too," he said. "Now, if you don't know whether to make a long or a short skirt or a short or a long dress, you've got yourself a kind of little trauma."

In this sense, the whole world of fashion was sort of like show business. "If the public likes what a designer creates, the house can make a fortune. But if the guess is wrong—you can be stuck with all your inventory and can't even give it away. And a lot of dollars and a lot of jobs can be at stake."

"Webster's dictionary," the writer noted with a poker face, "defines a dress as 'an outer garment for a woman or a child.'"

"Does it really?" Stulberg replied with as straight a face.

Did he have any comment on that?

"Well—" he said finally, "Some people make a living writing dictionaries. I'm sure he never made a nickel in the garment industry.

"A dress is a part of life that touches one of the basic human instincts. Call it 'sex' for want of a better word. To some it's more important even than food. A lot of ladies have skipped a lot of meals to buy one of those 'outer garments' as Mr. Webster calls them. I'd say it's a little more than a piece of cloth that covers a piece of skin."

ON FASHION LEADERSHIP

"We're in an era of rapidly changing fashions," Stulberg said. "And America is no longer among the followers. We're the innovators now. I think we set more trends than any other country in the world. And as long as we can do that, I believe we'll be able to hold our own."

With the exception of the miniskirt (and he wasn't certain that that wasn't an improvement on an American version) "we're responsible for the creation of everything our women wear today," he said, from the pants suit to the brassiere mentioned before.

"Even the present underwear is American in origin," he continued, "which has an interesting history of its own."

Originally, according to the ILGWU president, this diaphanous creation was made of black lace and sold in the 1890's by peddlars principally to the ladies of the evening. By what process it ultimately assumed the mantle of respectability it enjoys today is not known, but it's big business now.

A lot of this business has gone south during the past generation and many of the plants there are still unorganized. And the ILGWU—strange as it may sound—still spends the bulk of its dollars for organizing purposes. Statewide, including Puerto Rico, the membership is about 435,000—representing about 55 percent of the workers in the women's and children's-wear industry.

On a sub-division breakdown, it's about 96 percent organized in the coat and suit field; between 66 to 70 percent organized in the dress field.

"The tough one is the underwear industry," Stulberg aid. "That cuts the overall percentages down."

Organizing efforts were becoming increasingly expensive according to him because the battle with many of the larger firms is no longer one of wages but of principle.

The facts are open secrets. Some corporations in the garment industry are so opposed to the very concept of a union shop that they actually exceed the union wage scales in an effort to dissuade their workers from joining. And every time the ILG negotiates a wage increase, the corporation matches or betters it to help discourage any organizing drive.

"We try to tell these people that even though they may be getting a few pennies more—*because of our efforts and our efforts alone*—they're getting none of the safeguards that a union can provide and a great deal less in fringe benefits, and that what God gives He can take away." There was a pause, "But the other side isn't sitting still either. They spend as much trying to keep their members *out* of the union as we do trying to get them to join."

Section 14B of the Taft-Hartley Act was another seemingly unresolvable problem at the moment, in Stulberg's book.

"When you organize a shop today, the workers know that they are entitled to the benefits you get for them—whether they become members or not. We've got situations like that in the South where some sub-sections of the plant have refused to come with us—even though we negotiated the contracts. And there's no legal way we can make them join, because the law says they don't have to."

It was one piece of legislation he felt, that had to be repealed.

Mounting layoffs, too, were a deterrent to organizing progress. "People are more afraid these days," he said, "when they hear that a plant may have shut down in their town or nearby—or there's been a reduction in the workforce. . . . They don't want to rock any boats at such a time."

In the face of all that, however, the ILGWU has negotiated the most substantial percentage wage increases in its history; a 15 percent wage boost in 1966, a cost-of-living increase between that and the agreements consummated in 1970; all in all—a 40-odd percent increase in the last four years.

On business in general, Stulberg felt the American workers had been given "a hosing" to date by the Administration; that fear, rather than confidence was the mood of the times; that President Nixon "thinks he can please people with words"; that most of his promises are never translated into action; that even when some pretty good laws get on the books there's rarely enough money allocated for enforcement; that the economy has suffered; that inflation has skyrocketed and that unemployment was at a truly dangerous level.

"In my opinion, Mr. Nixon is a poor president," he summed up. "I hope we can find somebody to beat him the next time around."

AUTOMATION NO THREAT

Re technology and/or the growth of conglomerates, Stulberg said the garment industry had not yet too much to worry about on either score.

"There are some exceptions, of course," he said, "but the majority of the businesses in the garment industry are still relatively small. A lot of it is still 'family' in a sense. Many of the employers we deal with were pressers, cutters, operators not so long ago. They hock what they have to go out on their own and if they have a couple of good seasons, they're in business."

Mergers wouldn't affect the job situation much, in his estimation; nor present innovations in technology. "With all the so-called improvements made, the cutter still handles one piece of goods at a time, the operator still sews on one collar or sleeve at a time, the presser still presses one garment at a time. They haven't found a way yet to automate those operations. There've been some improvements in speed and quality but it's still the same old business. . . .

"You can't take a piece of material, throw it into a machine and come out with a dress or a completed pair of pants—as yet. Maybe tomorrow," he shrugged, "but it's not on the horizon."

A number of experiments have been made, he observed, on sewing by fusion with heat. "They haven't mastered it as of now," he said. "But even if they did, they'd still be fusing only one seam at a time.

"And they haven't found a machine yet that can spread chiffon as well as a man—or that knows when to lay velvet with the nap up or when to face it nap to nap.

"We've got a lot more problems of underemployment due to fashions and the economy," he concluded, "than we have with automation."

VITALITY EVERYWHERE

There's a kind of vitality in the ILGWU that comes through, no matter whom one talks to at the central offices. One senses a drive no matter what the project and the projects seem endless.

As a labor organization, it is probably as politically oriented as any in the country—and far more than most. Even on a local-by-local basis, this interest and fervor prevails. The union apparently looks upon itself as both a political and economic institution and the educational material from the New York headquarters covers both areas of concern.

"It's a way of life," said Gus Tyler, Director of Political Education. "Our membership is constantly involved; legislative drives, fund raising . . . the whole works.

"We supply the candidates we're supporting with what few other unions can give. Not only money—we put that on the line soon enough—but a solid core of activists. We don't separate education from politics. It's all one. Our educational program is over 50 years old. We cover not only issues but how you move, register and vote and how you get out the vote. Our political machinery is working all the time."

The relationship between the locals and the central headquarters is, also—in a sense—unique. There's brotherhood, yes, but it's really more like "family." A closeness of blood, one might say, rather than of abstraction.

The nerve center is 1710 Broadway and practically everything radiates from there. Its growing up processes were actually a bit different from the norm. It did not come about via a merger of a variety of independent locals formed in various sections of an area, as in the history of many of the craft unions, but started rather as a centralized force in New York City and poured out from there as smaller satellites about a mother star. And the energy that warms them all is still that mother star.

The ILG is not only politically conscious, but socially conscious and culture conscious as few others in America. It has probably placed more mortgage money in low-cost housing projects than any other labor organization in the United States. It has been a constant sponsor of the arts for almost half a century.

It backed one of the finest musicals ever written when it produced "Pins and Needles" a generation ago. Few people know that it commissioned an oratorio to be composed on the occasion of the union's 40th anniversary.

It has backed sports activities on the old Randall's Island, music groups, choral groups; it backs an ILGWU Art Show every year. The list goes on.

Stulberg has been an active participant in all of these ventures for over a quarter of a century. Based in New York, he loves New York, the excitement of New York, the rhythms of the city and—for all of its problems—the individual kind of humor it creates.

And he *feels* humor far better than most. His style is understatement, but the message is clear. And perhaps his very *understanding* of communications made him feel so strongly that the labor movement was overlooking a vital area in this field that might help provide a brighter future for its members.

INTERNAL VS. EXTERNAL

The area was not internal, he began obliquely, acknowledging that coverage there—in the main—was pretty comprehensive; that his own union, "as well as many others," were doing a thorough job at the membership level.

Justice, the ILGWU newspaper, he pointed out, is published twice a month and sent to every member. It is printed not alone in English but in Spanish and Italian as well, to help keep many thousands of foreign speaking workers informed. In earlier days there was an edition in Yiddish; in Montreal, there's an edition in French, for the French-Canadian membership.

Re activity at the local level, there are some 50 to 60 separate publications printed on a scheduled or occasional basis by various locals in a variety of languages which include (over and above Spanish, Italian, French and English) Greek, Portuguese, Chinese (in New York) and Japanese on the West Coast. One paper even used to be printed in Pennsylvania Dutch. These publications vary in quality, content, size and in reproduction techniques. Some are printed, some are offset, others are just mimeographed sheets.

Yet regardless of quality or lack of it, "All of them," said Stulberg, "generate a sense of community involvement."

In the area of public relations (as distinct from mailings) the ILGWU sponsors leadership institutes in which staff people are brought together for periods of from 3 to 14 days for round robin discussions and briefings on what the union is planning and doing and what part each person present can play in any overall organizing or political drive.

URGES INVESTMENT IN MEDIA

But in any examination of these vital and worthwhile efforts, "When you boil them all down," Stulberg observed dryly, "what are you doing except talking to yourself? Our members read our material—we hope—and other union members read their union's material . . . and that's the beginning and the end of it."

No union, nor any group of unions, as he placed the argument in focus, had any real mass media vehicle to reach the public at large. Every major form of general media in America was in outside hands; controlled by private business interests and generally—in both editorial and news coverage—acting as protagonists for the other private business interests upon whom their livelihood depended.

"In that area—we've missed the boat completely," he said.

Did he have a solution?

Again that dry sense of the absurd which is so much a part of Stulberg's makeup, arose. "I'm not saying we should buy the New York Times, or N.B.C.," he replied, "but let's use them as examples. What would be wrong with unions buying into newspapers—major newspapers in all the major markets or into radio or TV?"

Did he mean buying outright?

"It doesn't have to be 100 percent. A sizeable interest would be enough." It could be done, he was certain, if the labor movement could get together on the idea. "We could invest in half-a-dozen or a dozen papers in an equal amount of markets. We could certainly use a paper in New York . . . in Chicago . . . in San Francisco—as a start."

He wasn't talking of some kind of a propaganda sheet, was he?

"Hell no!" Stulberg stepped on the concept fast. "We've got more than enough house organs now. I'm talking of responsible newspapers, responsibly run. I wouldn't want them to be pro-labor no matter what any more than I like them being so anti-labor now . . . no matter what. I'd ask for a fairer balance, that's all."

Did he feel it must be a multi-union effort?

It would have to be, he insisted, otherwise it might wind up representing just one union's point of view—which would be bad.

Did he think other unions might come along?

He didn't know.

Had he opened up any conversations along these lines with other union leaders?

"I've talked about it with a few but at the time I was talking to them—they knew and I knew it was just talk."

The ILGWU went into radio on its own, some years back, Stulberg recalled, building a New York FM outlet, whose call letters were WFDR. "I imagine you know what those initials stand for," he smiled. "We were convinced it was the wave of the future."

So—

"So we lost a million . . . maybe more, before we were convinced that maybe it wasn't."

Returning to newspapers, ALM asked whether the ILGWU president would be willing to back his idea of investing if other unions came along.

"I'd be willing to go to my General Executive Board tomorrow," he answered without any hesitation, "and urge them to be a participant. And I think I'd have my way."

Could he think of any reasons for overall lack of union interest in such ventures?

"Maybe we're just not equipped for it," he shrugged. "I don't mean financially; I mean emotionally. Perhaps not too many of us think that way. But if the thinking could be changed . . ." he looked out of his window facing the beach. "I think it would be a tremendous step in the right direction."

It was a natural opening which led to a question on the future directions of the ILG, itself.

Stulberg again chose to start obliquely.

"We're celebrating our 70th anniversary as a union," he noted quietly. "Both the ILG and myself were born practically at the same time." He paused at the reflection.

"We're in a very special kind of industry and the largest industry in New York. But it's mobile. So very mobile. Squeeze it too hard and it just moves away.

"When the union was born, the industry was located chiefly at the major points of disembarkation—where the immigrants landed. There were clusters of plants in New York, Philadelphia, Boston. Later—Baltimore, Chicago and Cleveland. A lot of that has changed. . . .

"But through most of those early years for the thousands of immigrants that worked in the garment industry the ILG was the first experience with democracy they had ever had. It was the first place they learned to react without fear when someone said: 'All in favor raise their hands.' They had never experienced anything like that before.

"Every new group has enriched it and I think it has enriched every new group in return." His voice trailed off. Then he began once more on a stronger note.

"I don't visualize much change in the immediate future for our people. Fashions come and go but work will remain. Better conditions, yes—we're always fighting for that. . . .

"But in a sense, the past is prologue. And true progress comes only out of the spirit. If we can hold to our beliefs that we can make a better society, we'll make it. The world doesn't just go round and round. It goes forward as well."

IMPORTS ARE AFFECTING MORE INDUSTRIES ALL THE TIME . . . AND THERE'S NO REAL END IN SIGHT

On the subject of imports, Stulberg was a lot more serious. "It's affecting more industries all the time and there's no real end in sight. In our own particular area, it used to be just cloth that was imported by the billions of square yards. Now—the finished garments are being moved in as well. So we're no longer on the outside looking in; we're right in the middle of the muddle. In some types of merchandise the trickle has become a flood."

He mentioned the brassiere industry as one such flood. "These components lend themselves to mass production. And style is not a factor." He enumerated a number of foreign locations that were now producing and exporting this product: Haiti, The Dominican Republic, many nations in South America, Taiwan, Korea, the Philippines, Hong Kong.

"In some of these places they pay as little as 9 cents an hour," he shook his head almost in disbelief at such an incomprehensible figure. "The fringe benefits alone that we negotiate with our employers are almost five times that much."

On how to face up to the challenge of this kind of competition, he had no easy answers. The machinery abroad, he observed, was as modern as those in American plants, the management personnel—often largely American in the U.S. based multi-national companies—was equally capable. Against such odds, by and large, Stulberg felt that for the ILGWU worker, trouble lay ahead.

There were occasional foul-ups due to inexperience, he observed on a lighter note, letting his innate sense of the absurd take over for a moment in the recapitulation of an "in" story.

"Once in a while they don't measure so good over there," he grinned. "I've seen brassieres come in with two different cup sizes on the same garment."

Agreement was mutual that this product—at best—would attract a limited market and never be a threat to the balance of payments.

Style, however, was a different story . . . and color. These could not be produced on an assembly-line basis 52 weeks of the year like brassieres.

"I recall . . . it was several years ago," Stulberg began, "when red was hot. They were cutting it by the millions of yards here. Couldn't get enough of it. Then one day—I think it was May 24 . . . it just died. Like someone had come in with a scythe and cut it all down. The next day, you just couldn't give red away."

There was no rational explanation for it, he said. The women—by some endemic mental telepathy—had just decided that it was passé.

He mentioned the story to indicate that this had been the nightmare of the importer of finished garments in the past, but that with the growth of air freight, even that hurdle could now be overcome. "A dress or a blouse takes up very little room when you compact hundreds of them into a carton," he said. "And all you need here is just the final touch—the pressing. When that happens in great volume, we'll be reaching a crisis stage."

He was a believer in reciprocal trade, Stulberg said, but when pressed on how he would define "reciprocal" on a nation-by-nation basis, he countered that the area was still open to a lot of exploration and admitted that very little had yet been accomplished.

He approached the problem, in ALM's view, from the classical union standpoint that the best solution was to raise the living standards of the foreign workers involved. When it was suggested, respectfully, that this Utopia lay more in the realm of wishful thinking than in reality and that this formula had been tried for years by the labor movement with what might scarcely be termed spectacular success, he acknowledged the lack of accomplishment but restated his beliefs that continued efforts in that direction could provide the only ultimate solutions.

When it was pointed out that workers laid off because of imports—in whatever industry—were growing increasingly more fed up with long-range theoretical planning and that unemployment rarely induced a philosophical outlook, Stulberg replied that he knew from his own experience what "no work" meant and what it could do to the human spirit.

"There are only two ways to go," he said. "We can try to work out agreements with other governments but that doesn't mean they're going to cooperate at the speed we want. Or we can talk of legislation, hard or soft. And that road might take even longer than the first one.

"We haven't made too much progress. I know that as well as anyone," he said. "We've been discussing the disparities in wages among workers in different countries for a long time. I can go back 18 years when I had a meeting with some Japanese labor leaders at an ILO meeting in Geneva, I believe. They told me that their people worked 49 hours a week and that their workers' pay was equivaelnt to our $30.00.

"When it came their turn to ask me questions, I didn't tell them that we worked 35 hours because they wouldn't have believed it; they would have thought it was just another American boast. So I said we worked 40 hours. When it came to wages, I lowered the scales there as well. I knew they wouldn't believe it was between $90 and $100 a week, so I told them it was between $60 and $70.

"Well—when they heard the word 'week,' they became very excited," Stulberg went on. "The $30.00 they were talking about was for a month. And the percentage differences between our wages and most of the rest of world's haven't changed very much since then."

To the concept of restrictive tariffs he gave short shrift. "We restrict, so they restrict . . ."

"But they restrict right now," noted ALM. "They not only have prohibitive tariffs on many products but out-and-out prohibitions on importations of many others as well."

Admitting the truth of all that, Stulberg could not be swayed from his original position that some form of reciprocal agreements on a country-by-country basis was—from both the political and economic standpoint—the most sensible solution . . . and that it could not be immediate.

"It's just gone too far too long for any overnight answers."

On who would work out such arrangements and whose judgments would be considered, Stulberg concurred that there was a battle ahead and that organized labor would have to have a solid voice in the conversations if agreements (presuming they could be gotten) were to be meaningful at all.

He outlined one of the ironies that had surfaced in informal talks with leaders in the textile workers' unions. "They're fighting a battle to protect many of the major companies whose plants they can't even organize. The J. P. Stevens and the like. Stevens isn't fighting this flow of foreign cloth as much as the TWUA," he said. "If they're fighting at all. Apparently they may have a financial interest in some of the stuff that's coming from Portugal, or Korea or wherever."

CHANNEL CHANGE THROUGH LAW AND REASON

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BETTS. Mr. Speaker, last Saturday evening, May 1, I was privileged to hear an address by Hon. Anthony Celebrezze, judge of the U.S. Circuit Court of Appeals. The occasion was the celebration of the 80th birthday of longtime former dean of the law school at Ohio Northern University, Ada, Ohio, Judge Claude Pettit. It was also Law Day and Judge Celebrezze gave a very thoughtful analysis of the Law Day theme for 1971—"Channel Change Through Law and Reason." I was so impressed with the manner in which Judge Celebrezze handled the subject that I am recommending that my colleagues read and study this sober and reasoned approach to a very sensitive issue. Judge Celebrezze's speech follows:

Speech by Hon. Anthony Celebrezze

As I stand before you on this university campus, my mind races over the new ways of thinking and living that some of the youth of our society have chosen for themselves:

Long hair, student protest, rock music and the rejection of family careers.

Many of these new life styles represent a rejection of the institutions which we helped to create.

Indeed, the theme chosen for this law day, 1971—"Channel Change Through Law and Reason"—largely reflects one generation's fears that our youth with its new life styles may act lawlessly and without reason.

I do not intend, however, to speak to you tonight about these oft spoken fears that American institutions are being arbitrarily rejected by our youth.

Nor do I intend to lecture about the importance of law and order in our system of justice and liberty.

Rather, I intend to speak about why I believe the slogan of "channeling change through law and reason" is as much the theme of the values sought by America's youth as it is the hope of the slogan makers of this law day, 1971.

Implicit in today's theme of "channeling change through law and reason" is the inevitability of change itself.

This is the age of the machine and of the electronic transmission device.

Our industrial society is creating change for change's own sake.

Our technology is creating change at an ever quickening pace.

Our communications media are broadcasting change in less time to more persons than ever before in history.

As a consumer, we are confronted by a corporate state built upon change. Essentially the same commodities are frequently merchandised and packaged to cater to our changing emotional needs.

As a working man, many of our jobs depend upon the planned obsolescense of our so-called durable goods.

As a purchaser, we are bewildered by the endless array of material goods from which we have to choose.

In Alvin Toeffler's book "Future Shock," he notes that a computer study revealed that in a recent year, a prospective purchaser of an automobile had 25 million options open to him if we assume that all of the accessories to the cars for sale were interchangeable.

One cannot make a rational choice between 25 million alternatives. Such a bewildering variety of choice—so large as to be incapable of reasoned decision making—is the natural outgrowth of change for change's own sake.

Moreover, just as a machine is impersonal—

So is change in the age of machines a dehumanizing experience.

Some have said that the rapidity with which change encompasses us and dehumanizes our existence is a major cause of the alienation in our society—leading a few to violence, apathy or despair.

As former President Lyndon Johnson observed in his inaugural address, "Change and growth seem to tower beyond the control and even the judgment of men."

Looking at our society today, we can see where change has gotten out of hand.

While America is the world's largest producer and consumer of material goods, we are surrounded by polluted rivers and lakes:

By the scarred soil of strip mining:

By the decaying hearts of cities where the "other Americans" have lived too long in dismal, unchanging poverty.

We read the painful story of technological change in the faces of the men and women whose jobs are threatened by or lost to automation.

We can see the hardship of change among those older citizens who lack the means to enjoy their lengthened life span and also among the young ones—the children of the poor—who lack the opportunity to build the needed foundation for a good and abundant life.

As we look around us, we cannot be satisfied with the quality of life today.

Although technological and industrial change have brought us an abundance of material goods, when left to generate their own momentum, computers can relegate us to mere numbers on magnetic tapes, electronic devices can brutalize our privacy, and machines can deprive us of our jobs and personal dignity.

But these are not the inevitable results of the age of machines.

We are a nation of men, not automated devices.

We are eminently capable of producing a technology which functions as our handmaiden.

A technology which frees us from repetitive tasks and enables us to develop our family and spiritual values.

The one question we must face, however, is: How can we hold together the fabrics of our nation while we are trying to cope with the change that surrounds us?

First: We must make sure that our laws create a standard of what is fair and reasonable conduct.

No nation, no matter how great its people, can maintain order when its laws do not comport with everyday notions of justice.

The surest way our nation can foster lawlessness is to create laws which impose an unfair or unreasonable standard of conduct on its people.

The lawlessness of prohibition was simply a reflection of the fact that Congress imposed on every person a moral standard of conduct which was inconsistent with what most people thought was fair.

Similarly the American Revolution was in direct response to King George III's imposition of taxes and laws which did not reflect the reasonable expectations of the New World colonists.

Second: We must insist that our laws anticipate the dangers of change.

It is eminently reasonable that we have a free press and a free flow and interchange of ideas in our democracy.

Indeed, the right of any person to express political, economic or moral views in an appropriate place and manner should be inviolate.

But, in today's world of instant communication and commercialization, it is no longer reasonable to use the First Amendment right of free speech as a shield for the panderers of pornography.

Similarly, advances in technology have made it possible to record, store and retrieve unlimited amounts of data on each of us. There has been much talk of centralized computer banks to colate vast amounts of information which is being compiled about each of us every day.

Life insurance companies record significant personal data that you give them in order to obtain a policy. Credit card companies, banks and department stores record every transaction you make on computer tapes as part of their accounting procedures.

These organizations now have the right to sell this information to anyone claiming a proper "business purpose." And for the most part, you may never even know that your personal dignity and independence are being compromised by our increasingly mechanized existence.

While Congress has recently enacted the Fair Credit Reporting Act, it will have to do considerably more than that single piece of legislation if it is to anticipate the dangers which advances in technological devices are posing to our privacy.

Third: Not only must laws be fair and anticipate our Nation's needs, but also our laws must assure that all have an equal opportunity to participate in our society.

White or black, farmer or merchant, conservative or liberal—all of America must stand together. While our Nation is composed of persons from around the world, our strength has always been derived from a sense of national unity and a national subscription to the Judeo-Christian ethic and a common legal system. In this epoch of change, we must be particularly careful not to sacrifice these traditions of unified moral and legal codes which have permitted us to become the "melting pot of the world."

Fourth, and finally, to meet the challenge of change, we must resolve to become part of the process of lawful change.

For too long, most of us have stood and looked at America as if she were a rushing brook and we were just helpless leaves being drawn along with the current.

We are not.

We are a nation of men, not abstract laws.

America's greatest resource is her manpower, its energy, and its eagerness to participate.

Every day, each of us sells or uses our working skills, purchases the goods and services of others, and consumes any number of different products. These daily activities of our 205 million people should be used as new and lawful ways of expressing reason.

Consider for example, the problem of pollution. Consumers in large numbers have begun to purchase products which minimize the contamination of our environment.

In addition, the lives of endangered species are being preserved, not by abstract laws, but by consumers who have refused to purchase their furs or skins.

Industry, in recognition of the consumer's concern, now markets some of their products as the safest or the most sensible, rather than the slickest or the sexiest.

Similarly, many of our youth have chosen careers which contribute to community service

Many young lawyers are actively engaged in "Pro Bono" or public service work.

Consumer class actions and antitrust treble damage suits have been effectively utilized by concerned citizens to create a climate of fair trade practices.

The daily activities of 205 million people is a resource more powerful than the age of the machine. In the area of ecology, consumers have shown that our technological society is not unresponsive and impersonal to priorities expressed through law and reason.

In closing, as I look past this decade of the seventies and into the next decade, I do so in the expectation that Americans will heed the theme of law day, 1971, and of our youth. I urge all of you here today to respond to the challenge of change around us.

As students and teachers,

As employees and employers,

As purchasers and consumers,

Let your response to change be revealed in your daily activities.

We can humanize our technological and industrial state:

With responsive and just laws,

With the eager daily participation of a reasoning populace, we can—

In the words of President Nixon in his law day proclamation—channel "Change by orderly process, and . . . resolve the basic paradox of a system of liberty under law: that the supremacy of the law rests on its recognition of the supremacy of the people."

BACON SIPHON COULD AID STATE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. FOLEY. Mr. Speaker, I call the attention of my colleagues to a news story which appeared in the April 19 edition of the Wenatchee Daily World. It refers to testimony presented by William G. Wolford, of Ephrata, Wash., president of the Columbia Basin Development League. The testimony by Mr. Wolford outlines the need to provide funds to build the second Bacon siphon and tunnel, which is the essential step necessary to complete the second half of the Columbia Basin reclamation project. I should point out that the Congress has appropriated money to start the second Bacon siphon for each of the last 2 fiscal years, but the administration has refused to spend the money. For the 1972 fiscal year, the administration has completely excluded the siphon project from its proposed budget.

The item follows:

BACON SIPHON COULD AID STATE

Projects such as the second Bacon siphon and tunnel in the Columbia Basin Project should be financed to help solve unemployment problems in the Northwest.

This testimony was presented in Seattle last week by William G. Wolford, Ephrata, president of the Columbia Basin Development League.

Wolford testified before the Senate Subcommittee on Economic Development. Presiding was the subcommittee chairman, Senator Joseph M. Montoya (D-N. Mex.).

U.S. Senator Warren G. Magnuson (D-Wash.) sat in on the meeting and also testified.

The persistent unemployment problems of the Northwest and the establishment of an economic development program as an alternative to Federal revenue sharing was explored.

"An existing Federal agency (the U.S. Bureau of Reclamation) can be funded to complete an already-authorized project, thereby creating permanent values and employment opportunities, allowing the state to become considerably more self-sufficient," Wolford testified.

The economic impact of the second Bacon siphon and tunnel—making possible irrigation of the East High area—would include increasing that area's present $16.6 million annual product from dryland farming to an estimated $358 million annual gross state product, he said.

About 1,500 jobs would result from production in the East High area. The irrigation project also would create employment for an additional 26,601 persons in the state, Wolford said.

The project would support an additional 67,567 people by jobs resulting from irrigation of the East High area, based on existing worker to non-worker ratios in the state.

The Second Bacon siphon and tunnel would cost about $18 million and would make possible more than $900 million in new reclamation construction work.

Funds totaling $1,055,000 necessary for starting the project were held in budgetary reserve during fiscal year 1971, ending June 30.

Congress will be asked to add this amount to the fiscal year 1972 budget, said Wolford.

"Our population is a mobile population," he noted. "It makes good sense to develop the areas of economic potential which will assist the areas in economic distress.

"Agricultural development brings new opportunities for people in areas of high unemployment. Farm employment and agricultural industry alike offer jobs to our minority groups and unskilled workers.

"Industrial dispersion would be encouraged and, to the extent that new jobs are created, urban crowding and the flight to the cities would be eased.

"By re-establishing orderly development of this, and probably other reclamation projects, the quality of life is enhanced through the creation of water-oriented recreation, outdoor sports and rural living.

"The environment is maintained at a favorable level and, more often than not, sparse population growing old and old communities dying on the vine are revitalized."

In conclusion, Wolford asked:

"Why not complete existing Federal programs which represent sound, self-liquidating investments in agriculture and power, and thereby help satisfy many of our other recreational, social and economic aspirations by so doing?"

WHO ARE THE PRISONERS OF WAR?

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HARRINGTON. Mr. Speaker, present estimates reveal over 1,600 Americans missing or captured in Indochina. While this is a significant figure, it is by no means staggering for a war where 50,000 of our men have died and 300,000 lie wounded. It is further dwarfed by the 135,000 Vietnamese soldiers who have died and the millions of civilians left homeless. Yet the plight of these 1,600 individuals is one of the most emotionally tinged of the war.

Every sensitive person regardless of political persuasion realizes the futility of exacting revenge from individuals. Which of us would not like to see the prisoners free and united again with their families under conditions of peace? However, the means of obtaining this end are less readily agreed upon.

In my mind the most effective and immediate means of obtaining their freedom is to end our involvement in Vietnam. Surely, a prolongation of our role will not bring about their release but will only serve to increase their number. Their plight can not be separated from the question of the war itself and attempts to do so are more form than substance.

That politicians would seize upon the natural anguish of the prisoner's families and friends as a means of justifying a continuation of the war or "sanctifying" present policies, is a political ploy of the worst sort. Such grandstand gestures as prisoner-of-war raids or stern threats delivered against the backdrop of a wife's tears, accomplishes little except politicizing the prisoners, making their release more difficult.

Recently, the Ipswich Chronicle, an outstanding weekly newspaper on Massachusetts' North Shore, spoke eloquently on this point. The insight expressed in that editorial would be of value to everyone and I insert it for the benefit of my colleagues:

Who Are the Prisoners of War?

This week's letter writing campaign on behalf of American prisoners of war now held by the North Vietnamese plays to a high purpose—more humane treatment of POWs as required by the 1949 Geneva Convention.

And certainly one must admire the efforts of former Navy pilot Gardner Gray who single-handedly organized the Ipswich POW drive in which thousands of form letters and possibly not a few original letters are being mailed to the president of the Republic of North Vietnam.

As the Vietnam war drags on it seems right that something be done about it, anything almost—even at the expense of shifting attention from the heart of the problem.

The number one problem is bringing enough political pressure to bear on the administration and congress to end the war. Inevitably, that is the only way to end the degradation and suffering now endured by our men held captive.

One would like to believe that this past weekend's veterans peace rally in Washington will be judged in historical perspective as a turning point.

Of all the rallies thus far, it was apparently the most homogenous, its ranks swelled by a variety of economic, ethnic and social groups from all parts of the country; including for the first time the men who have fought in Vietnam and returned to tell about it.

The notion that America's high ideals are served by continuing to ravage the people and countryside of Southeast Asia is simply untenable, even to those who have been trained and indoctrinated to do so.

We respect those seeking better treatment of prisoners of war this week, but we would hope even greater efforts will be spent by Ipswich residents on behalf of ending the war.

Its continuation directly affects every man, woman and child in Ipswich, not to mention those yet unborn.

Like many another community Ipswich has a welfare problem, but the state cannot provide the necessary resources or manpower until the war is ended.

Ipswich has an unemployment problem, but until the Vietnam war is ended and the country fully converted to a peacetime economy the jobless picture will continue.

Ipswich has a drug problem, but until the nation's war economy is shifted to peacetime it will be difficult to adequately fund antidrug programs.

Ipswich has a youth alienation problem, but until the country's narrow perspective in Vietnam is ended that antipathy will continue.

Ipswich has pressing financial pressures which are prompting cutbacks in critical school needs, but there is no real solution until the end of the Vietnam war permits greater federal aid to education.

The needs of prisoners of war are unchallenged, but so are the needs of countless millions of Americans who receive inadequate food and shelter or who face a lifetime crippled by inadequate education or job training because of our country's present financial priorities.

The success in terms of participation of the POW letter writing campaign suggests that perhaps another drive directing letters to President Nixon and key members of Congress should be undertaken.

It may be too much to ask that Ipswich residents equal the eloquence of John Kerry, leader of Saturday's march in Washington.

But the simple facts are eloquent enough.

Write President Nixon, Vice President Agnew, Secretary of Defense Laird and members of Congress and tell them like it is.

The war is evil, the war is senseless, the war is illegal.

Tell them where the prisoners of the Vietnam war are—here in Ipswich just as sure as in North Vietnam.

MARTIN HAROLD KELLY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HOWARD. Mr. Speaker, last Wednesday, the residents of the Third Congressional District of New Jersey lost one of their most outstanding friends, a man respected and loved by everyone, and a man whose great achievements dispel the notion that "nice guys finish last." His name was M. Harold Kelly, and he was publisher of the Daily Register of Red Bank.

Mr. Kelly, who joined the newspaper 43 years ago as a cub reporter saw the one-time small weekly grow into one of the best and most influential daily newspapers in the State of New Jersey. The success of this newspaper was in no small way the result of the great dedication and drive of M. Harold Kelly.

Harold Kelly was a warm man with a quick Irish wit. He was quick to shake your hand, always smiling—and always trying to help someone else. Many of us in the Third Congressional District feel we are better persons today because we have had the opportunity of knowing and of sharing the friendship of M. Harold Kelly.

At this point, I place in the Record an editorial from the Red Bank Daily Register:

Martin Harold Kelly

In collecting, writing, printing and distributing news about events of the day, newspaper people normally are inured to their impact. That was not the case Wednesday afternoon when word reached The Daily Register offices that our publisher, Martin Harold Kelly, had died.

The shock and sadness that followed that report has not diminished, even as this is being written. It is difficult to believe that one so energetic—and one whose enthusiasm and optimism were so contagious—would be called to his eternal reward at the comparatively early age of 60.

In those six decades, however, Harold Kelly lived a full, worthwhile life in which he generously gave of himself to a variety of community, religious and charitable activities.

His association with The Register began 43 years ago when he was hired as a cub reporter by the late John H. Cook, founder of the weekly newspaper that—with his help—was to become one of the finest in the nation.

In those early years, he worked with such people as James J. Hogan of Fair Haven and the late W. Harry Pennington of Red Bank, and with them, in 1959, took over full ownership of the paper upon the death of Thomas Irving Brown.

That was the year that The Register became a daily operation, a change in which Mr. Kelly played a prominent role. It was considered a great risk in publishing circles, but his faith in the newspaper, its employes and in the community it serves resulted in a most successful changeover.

In 1965 when Mr. Hogan and Mr. Pennington retired, the paper was sold and Mr. Kelly was retained as president and publisher. Among his proudest accomplishments after that was the move of the newspaper from antiquated facilities on Broad St. to a modern plant on Chestnut St.

When disaster struck last Christmas Eve and fire destroyed the Chestnut St. building, his characteristic courage, determination and pride inspired loyal Register employes to perform the difficult feat of continuing the paper's publication, uninterrupted.

The days and weeks since then have been difficult and trying. Although he had planned the modernization of the composing room through what is known as the "cold type" process, the fire caused an acceleration of those plans that caused him much personal concern and worry.

In a week in which the newspaper has approached a degree of normalcy as regards deadlines and delivery times, Mr. Kelly is not with us to enjoy another of the successes which he so ably helped bring about.

Mr. Kelly was not among those in the profession who are known as "ivory tower" publishers. With a thorough background in the profession, he spent considerably more time with employes—in almost all cases on a first-name basis—in the news room, advertising departments, composing room, printing plant, circulation department and the business offices than he did in his own office.

We have dwelt here thus far with M. Harold Kelly, newspaperman, because that, of course, was what he has been since his youth. The tributes that have come from such personages as Gov. William T. Cahill and our former governor, Richard J. Hughes, have cited him not only for his professional excellence but for his personal qualities and the bonds of friendship that he has earned.

There are so many things for which he will be long remembered. In the days when he performed on baseball diamonds in the county and in recent years when he took up golfing, his companions knew that he wanted to be part of a winning effort. They also knew, though, that just as important was the ability to be able to joke and laugh about it.

He was proud to trace his heritage to his great-grandmother, an Irish immigrant, and of his birthplace—Sandy New in Lincroft—where he succumbed. He was steadfast in the religion in which he was reared, Roman Catholicism, and was a part of all the activities in the parishes to which he belonged, yet he and his family for years practiced what recently has become to be known as the spirit of ecumenism.

Then, too, he will be remembered as devoted to his wonderful wife, Madeline, whose encouragement and devotion he cherished and often praised; as a beneficent father of three fine daughters, and as an extremely proud grandfather of two. They all are very much in our thoughts, and our hope is that they are consoled by the knowledge that his love and affection for them surpassed all else.

Many people in Monmouth County and throughout the state will echo the words of former Gov. Hughes: "This man—Harold Kelly—with his cheerful smile, brains and integrity was one of the bright spots of my public career. I treasured his friendship, and I will miss him ever so much."

Harold was a man of integrity and warmth. His strength included the honesty to speak up when silence may have been a more popular alternative, and to labor in the constant search for truth.

We at The Register will sorely miss him, but we are grateful for the leadership he has provided us. His 43 years with us have passed speedily, but the memory of him will be lasting.

GYPSY MOTH COULD DISRUPT OUR ENTIRE ECOSYSTEM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. KEMP. Mr. Speaker, today I testified before the House Agriculture Appropriations Subcommittee in support of research moneys which I feel are urgently needed to control the gypsy moth. I also pointed out that soil conservation service activities have been most valuable to Erie County and I am hopeful the projects which are needed to protect our environment will be accelerated. At this point I include my statement:

STATEMENT OF HON. JACK F. KEMP

Mr. Chairman: Thank you for this opportunity to submit testimony advocating appropriation of funds for two vital purposes:

(1) Soil Conservation Service activities, and

(2) the support of research necessary to control the Gypsy Moth.

My Congressional District, the 39th District of New York State, includes part of the city of Buffalo, but is largely a mixture of Buffalo suburbs and agricultural countryside all falling within the Erie County Soil and Water Conservation District. The citizen directors who govern this locally organized and operated district are therefore working to solve not only the environmental problems of farmers but also those of urban residents.

Soon after the district was created in 1943, the Soil Conservation Service agreed to assist in conservation planning and practice establishment activities, and shortly thereafter began to make the soil survey for that purpose. Since then, community planners have learned that soils information is just as important in their work as it is for farmers. As a result, they told county government that the survey urgently needed acceleration. Local funds are given to Cornell University to provide a soil scientist to work with the SCS soil scientists. As the mapping in each town is finished, it is interpreted for use by local people, and usually is published by the town.

Unfortunately, the demand for this information still cannot be met—despite the fact that it is extremely important that this data be available for the decision makers in this rapidly urbanizing district before they make too many mistakes which cannot be corrected. I feel that the Soil Conservation Service should be given additional funds to complete this vital job more quickly—and since District directors tell me that the same need exists around most cities, I am asking for national appropriations for this agency.

I am also much concerned that other operations of conservation districts are being curtailed because of reduction in Soil Conservation Service personnel at a time when the public has become more conscious of the need for environmental improvement. Erie District needs two man-years of additional professional manpower to keep up with the workload. My directors say that this agency needs 93 extra man-years of technical assistance in New York State alone, and in the country as a whole, 2,300 man-years. It will take $23 million in additional appropriations to meet the expectations of district cooperators.

There is no active watershed project in my District, but I am conscious of the flood control needs of others because we were the recipients of benefits from a project finished years ago. Buffalo Creek, the first to be completed of the eleven flood prevention watersheds authorized in 1944, is contributing so much less sediment to Buffalo Harbor that there are considerable savings in dredging.

I believe it is important that Soil Conservation Service appropriations for watershed planning and construction be increased, and that more new starts be authorized.

The best and most economical solution to environmental problems is to prevent their happening in the first place. Increased appropriations for the Soil Conservation Service activities which I have briefly outlined will be an investment in the prevention of future environmental crises and I urge your favorable action.

The second part of my testimony concerns a destructor of our natural resources, small in size, but a very real threat to our environment: the Gypsy Moth.

This insect is a menace to the public welfare as well as to all the hardwood forests of the eastern United States. The pest is marching through State after State devouring tree foliage, defacing homes, interferring with the use of yards, streets, playgrounds and parks by our citizens, and causing health problems where people are sensitive to the caterpillars.

For example, Gypsy Moth is a real nuisance on Long Island and elsewhere in the Southeastern part of New York State. Caterpillars drop down onto children and others from defoliated trees. The insect crawls over and into homes, which must be cleaned or repainted after the attack. Visitors leave the area because trees are denuded and the pest crawls into their belongings.

In the northern part of the State, Gypsy Moth has crossed our border into Canada and threatens to circle Lakes Ontario and Erie and move into Michigan. It is ravaging choice oak and other hardwoods in Broome and Tioga Counties in the South. Continued defoliation, year after year, will cause the death of these beautiful forest giants in the suburbs and in the adjoining cities and woodlands.

The Gypsy Moth epidemic last summer constituted a severe crisis. Widespread defoliation of the forest canopy and understory exposed the forest floor to intense sunlight, scorching it and increasing the danger of forest fires. Watershed values were lost and temperatures disrupted the entire ecosystem. Wildlife was driven out of the forest, and in parts of New Jersey timber rattlesnakes escaped to the lowlands, turning up in populated valley communities.

The Gypsy Moth was brought to the United States in 1869 by a biologist interested in crossing it with the silk moth to produce a race of hardy, silk producing insects. Several of these imports escaped from the scientist's laboratory in Medford, Massachusetts and formed the entire basal stock responsible for the present infestation in the Northeast. Being native to the forests of Europe and Asia, it had no natural enemies or other form of control mechanisms on this continent. At first, its spread was gradual, but by 1906 it was recognized as a major threat and a Federal quarantine was established. Of only limited effectiveness, these early control measures did not prevent the eventual spread of the moth throughout New England. True control was achieved only by the use of DDT after World War II. Since 1963, however, recognition of the environmental hazards of DDT have led to restrictions on its use, with a subsequent rapid proliferation of the Gypsy Moth.

It is important to know something of the life habits of this insect to truly appreciate the potential impact threatening our forests. The adult Gypsy Moth causes no damage. In the Fall, each female lays an egg-mass containing 100 to 800 eggs. Overwintering in this stage, they hatch out in the Spring as caterpillars about 1/16 of an inch long. After feeding for 40 days, each of these caterpillars grows to a length of 1½ to 2½ inches long, an increase in biomass of many thousandfold. As they have no natural controls, it is easy to see how they can spread rapidly and destroy huge areas of valuable forests.

A brief look at some recent statistics verifies our worst fears concerning the destructive potential of the Gypsy Moth. Last year, in New York alone, more than 240,000 acres were defoliated. In an eight-state area, a total of 796,563 acres were ravaged. Connecticut suffered damage on 468,706 acres, New Jersey on 129,835 acres, and Pennsylvania on 10,500 acres. These numbers are especially frightening when we look at some historical records. In 1969, Pennsylvania suffered defoliation of 800 acres; in 1970, 10,500 acres were affected. New Jersey presents a case history which illustrates what can happen when the infestations of Gypsy Moths go unchecked. Until 1966 no damage had occurred. In that year, a single 5 acre patch was detected. In 1967, 1,035 acres were defoliated; in 1968, 5,025 acres were damaged; in 1969, the area afflicted multiplied tenfold to 51,525 acres; and last year the outbreaks covered a total of 129,835 acres.

Concentrations of the Gypsy Moth were found last year in Delaware, Maryland, and Virginia, indicating that it might be on its way to the commercial forests of the Appalachian and Ozark Mountain ranges. The New England States, New York, Pennsylvania, and New Jersey will probably be the hardest hit again this year, but concerned scientists are looking for it as far west as California, and as far south as Florida where its egg cases have been found. The United States Department of Agriculture estimates that if the moth spreads throughout the 340 million acres of forest land in the eastern United States, 112 million acres would be susceptible to defoliation. And with the absence of DDT, there is nothing currently available which would stop it from continuing to spread. G. K. Iverson, Deputy Director of the U.S. Agricultural Research Service recently summed up the situation: "The sad fact is that available tools cannot effectively control this destructive pest."

Although the State of New York is suffering a serious attack of Gypsy Moth, the menace of this insect is not New York's problem alone; its path of destruction is rapidly spreading from State to State and action must be taken now to halt its advance. President Nixon took note of this serious problem by recommending funds for Gypsy Moth control in his May 2 speech outlining agricultural proposals.

I am appearing today to advocate appropriations which will provide for research to increase our arsenal of tools to fight the Gypsy Moth. We are duty bound as legislators to act quickly and vigorously to provide for a scientifically and environmentally-sound program of control. I urge this committee to act favorably on the measure and to provide funds for research into methods of controlling the Gypsy Moth.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mothers asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1600 American prisoners of war and their families.

How long?

STAND UP FOR AMERICA

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. CLANCY. Mr. Speaker, tomorrow one of my colleagues from Ohio is receiving an award that I believe is worthy of special note. The Honorable WILLIAM H. HARSHA of the Sixth Congressional District in Ohio is being presented an honor certificate by the Freedoms Foundation at Valley Forge for his outstanding radio program "Stand Up For America."

A ceremony similar to the one being conducted tomorrow is held annually to honor those who have contributed in building a better understanding of our constitutional government, the dignity and worth of the individual, our free enterprise system, and the precepts embodied in the American credo.

It is especially appropriate that this is the second consecutive year BILL HARSHA has been honored by the Freedoms Foundation. He is a devoted patriot who has ong been a proponent of the freedoms and ideals he so ably expressed in his July 4, 1970, broadcast. At a time when we are overwhelmed with unjustified criticisms of our Nation and Government, I commend the text of this program to my colleagues and congratulate BILL HARSHA for his positive, cogent remarks:

STAND UP FOR AMERICA!

When, in 1776, the representatives of the 13 colonies convened in Philadelphia to sign the Declaration of Independence, they endorsed a most profound document which forever ended our political bonds from the rule of Britain. In doing so, they burst the shackles of tyranny and oppression and struck a blow for freedom which has endured for 194 years.

Indeed, the United States of America has endured, but her history has not merely been a record of endurance. From the independence of the 13 original colonies to the union of the 50 states, from the landing of the Mayflower to the launching of the Apollo, America has expanded and progressed as a Nation. But, most important of all, she has rendered a convincing testimony to the belief that man—whatever his race or creed—can unite with his fellow man to further the common cause of freedom and equality of all men and that she *can* succeed in doing this.

There are those, however, who would have us believe that America no longer serves this purpose, that she is only a shadow of the democracy she professes to be and that she cannot endure much longer. They would have us believe that the American Dream of life, liberty and the pursuit of happiness which brought many of our forefathers to her shores is only an illusion. Rather than advocate peaceful, responsible and progressive change, these dissidents clamor for violent revolution.

In the face of such criticism and under the sobering influence of the turbulent sixties, many—who truly love their country and who firmly place their belief in her democratic traditions—find themselves confronted by these troublesome questions: What is happening to America? What can be done to soothe the violent tempers bent on tearing this country down rather than building it up?

I have asked these same questions of myself and in contemplating them I cannot convince myself that America is dying nor that the ideals set forth in the Declaration of Independence and in the Constitution are beyond her grasp. These questions are not new to Americans—nor are they unanswerable. Listen, for example, to those asked by President Abraham Lincoln almost 100 years ago in his First Inaugural Address on the eve of the Civil War:

"Before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes, would it not be wise to ascertain precisely why we do it? Will you hazard so desperate a step while there is any possibility of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from, will you risk the commission of so fearful a mistake?"

Would Americans risk so fearful a mistake today? I do not—for the moment—think that this is the case. America is not perfect, but she has never admitted to be without fault. Yet, she still is the greatest nation on earth—the greatest form of government yet conceived—compared to any other past or present. The very nature of her Constitution and Declaration of Independence is such that its allows for the possibility of human errors and provides a means for correcting them. Americans have the right of free speech, the right of dissent, the right of protest and the right to vote to effect change, when warranted, through peaceful means. The fearful mistake is when these means are abandoned and replaced by violence and destruction, or equally as tragic, when complacent citizens ignore any existing injustices in our society.

In both of these cases, the dissatisfied and the complacent Americans have sadly forgotten what happened and what was intended on July 4, 1776, when 13 colonies united "to form a more perfect union". They forget that we are still striving and must continue to strive for that purpose. America is the greatest experiment in human dignity and freedom ever attempted by man. But, it is an experiment not yet completed and we must continue to endeavor to make it better.

As we commemorate the birth of our Nation on this July 4, 1970, we must not only recall the basic tenets on which this country was founded; we must also reapply them to America today. And we must remember that we have succeeded thus far as a Nation only because we have believed in the unalienable rights of every man and upheld them in times of crisis in the past. It is the time to remember—not just on July 4 every year, but on every day—that 194 years ago America made known her declaration to tyranny and injustice that she will not surrender to their dictates anymore than she will surrender to the dictates of those who would destroy her. It's time to "stand up" for America and the principles America represents.

EDUCATION REVENUE SHARING

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. TERRY. Mr. Speaker, the President's message on education revenue sharing charts a new course for Federal involvement in the business of aiding elementary and secondary education. The size of the Federal role in education has grown geometrically over the last 10 years. Unfortunately, we cannot point to convincing evidence that these enormous expenditures have relieved the crises in our classrooms.

Throughout the years, the goal of parents, school administrators, legislators, and Federal administrators has been to secure quality education for all our children. But their good intentions, supported by generous Federal funding, have not produced the results we all want and expect. Almost daily we read reports of the failures of educational reform, and of expensive programs that produce few measurable results. Most alarmingly, we read of unhappy classrooms. We read that we are failing our children by falling short of providing meaningful experiences in the one institution—education—that all Americans recognize and support as being the key to rewarding and successful lives.

Part of the problem, as the President's message recognizes, is that our growing programs of Federal assistance have been accompanied by a growing amount of Federal strings and redtape. State and local educators, in their quest for additional support, have been diverted from their primary responsibility—education of children—as they sought to understand Federal guidelines and fill out Federal forms.

Education revenue sharing would provide State and local officials with the flexibility and responsibility they must have if our educational system is to respond to our changing times. The challenges facing educators, public and private, are great. Existing narrow, categorical programs of assistance to elementary and secondary education do not always provide the proper responses to these challenges. Education revenue sharing, with its emphasis on development of local programs to meet local needs, would do so.

Reform of Federal programs in the field of education is long overdue. The President's message strikes a bold—and much-needed—note of such reform. I hope my colleagues will join in this reform, for the benefit of all the schoolchildren in the country.

NEW YORK TIMES ASKS PASSAGE OF MILITARY PAY BILL TO INSURE EQUITY FOR OUR GI'S

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in my testimony on the draft before the Committee on Armed Services, I noted that the legislative history of military pay increases reveals that our current pay structure relies heavily on the power to compel young men to enter the military at subsistence wage levels. I also noted that this policy of deliberate neglect has resulted in many of our servicemen living in poverty.

There is simply no logic to a system which compels young men to leave civilian life, and then forces them to choose between poverty and welfare. Moreover, the difference between military entry pay represents a tax-in-kind of nearly $2 billion on those who are compelled to join the Armed Forces.

Strong support for the concept of competitive wages came from the Committee on Armed Services, under the leadership of Chairman HÉBERT. As the committee stated in its report on H.R. 6531:

> We should not use the draft as a means of compelling young men to serve at substandard pay.

The House united behind this principle and overwhelmingly passed the compensation portions of the committee bill.

The legislation now faces an uncertain fate in the Senate. I hope the other body will take note of the support for the House pay bill stated in today's New York Times.

I commend this item to your attention:

> A TAX ON GI'S
>
> If the Administration were to tell Congress that since the nation cannot afford its new $76-billion defense budget, the cost of new arms would be taken out of the pay of privates and other low-ranking G.I.'s the lawmakers would be rightly indignant.
>
> But such an indirect tax on servicemen is, in effect, what the Secretary of Defense has proposed and the Senate Armed Services Committee has accepted in endorsing the Administration's cut-rate draft bill, calling for military pay raises of only $987 million. Secretary Laird vigorously opposed much larger increases recommended by a Presidential commission and endorsed to a substantial degree by the House because, he said, the money would have to be taken from other defense funds and would have "a very adverse effect on our budget."
>
> The Advisory Commission on an All-Volunteer Armed Force last year urged increases totaling roughly $3.2 billion as a means of achieving the peacetime goal of an all-volunteer force. In making its recommendations, the commission argued that the pay raises are justified on the grounds of equity alone. Existing pay scales in the lower ranks are so low, the commission noted, that they amount to a "tax in kind" on draftees and draft-induced volunteers who are compelled to serve for wages substantially below what they could expect to command on the civilian job market.
>
> For example, the current *monthly* salary of recruits is $134. Under the Administration proposal which is now before the Senate, a recruit's pay would be raised to $201 per month. The Presidential commission recommended a figure of $301. The Senate should at least match the increase voted by the House, which would raise recruit pay to $268 per month.
>
> A Government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

SST VERSUS POLLUTION?

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. McFALL. Mr. Speaker, there is a popular misconception that those who favor the development of the SST, as I do, are either ignorant of or indifferent to environmental hazards. In fact, there are many who equate a vote for SST development with a vote for pollution. It is difficult for them to comprehend that one can be in favor of clean air and technological advance.

I was interested to hear that point of view defended most eloquently by an outstanding scientist, aeronautical engineer, and airplane designer who is also the inventor of an antipollution device which he claims is capable of making the air of New York City cleaner than that in the countryside.

I refer to Maj. Alexander de Seversky, a pioneer in aviation and a member of the Aviation Hall of Fame, an honor he has earned by a series of important contributions to aviation, including an all-metal amphibious plane with the first fuel-carrying wing, the first long-range all-metal fighter plane, the Thunderbolt fighter plane of World War II, and many other refinements and innovations that have helped to make air travel what it is today.

In a recent interview on the Today Show, Major de Seversky demonstrated his new invention to clean the air by a process of electrostatic precipitation, which he claims will be a breakthrough in the battle against air pollution and will, in time, pay for itself. It was an exciting demonstration and a reminder of the creative genius that has made this Nation great.

In the same interview, Major de Seversky made some predictions about airplanes of the future, which he says will rise vertically, eliminating the need for long runways, and will travel at supersonic speeds. He considers the development of supersonic transport both essential and inevitable, and points out how the research in space technology trickles down to everyday life, contributing "new materials, new methods," and new developments in related fields.

In answer to a question, Major de Seversky said:

> I think we should have built the two first (SST) airplanes. Because, you know, the scientific mind does not produce until it's under duress.

He backed up that perceptive statement by pointing out that we made greater technological advances in 1 year of war than in 20 years of peace. But he does not believe that war is the only necessary pressure for scientific development.

He pointed to the peacetime challenges of space exploration and the need to provide more efficient air travel. It is research of this kind, he says, that will inspire the scientist to overcome difficulties—including the difficulty of pollution.

On this broadcast, he stated his view that scientists would come up with acceptable solutions if they were told that the SST could never go into production unless they made it pollution-free and noise-free. These goals, he believes, are possible—and given these goals, in Major de Seversky's words:

> Every scientific mind would strain itself to accomplish this.

Like Major de Seversky, I have great faith in the inventive genius of man, and I believe as he does that the problems of air and noise pollution are not insoluble if men have the goal and incentive to solve them.

The incentive is provided when we are working toward a long-range goal—as we worked toward the goal announced by John F. Kennedy in 1961 to put a man on the moon by the end of the decade. Not only was that goal realized, but the "spinoff" from the technology developed in the process has far-reaching implications for all Americans. That bold decision, made 10 years ago, advanced us not only into the space age, but into the computer age. In this massive effort of teamwork, we multiplied our store of knowledge in the whole range of physical and biological sciences and broadened our concept of the universe of which we are a small part.

Mr. Speaker, we learn by doing. To limit endeavors is to limit our acquisition of knowledge.

In the long-range goal to develop an SST that is pollution-free, we would be promoting research that will provide us with different materials, new techniques, and broaden our outlook on countless other problems. Major de Seversky mentions housing as an example, predicting that "lovely homes could be mass produced" with the new plastics that are being developed for air travel.

"Research," he says:

> Is everything. We cannot afford to slow down on research because this will solve our problem on earth. And it will decrease our poverty and make a better life for everybody.

Mr. Speaker, that is my goal for America—not merely to create jobs for a handful of people, or to produce a means of rapid global travel for a handful of people, but to give free rein to the inquiring mind and to scientific research that will make a better life for everybody.

THE GREAT HIGHWAY ROBBERY: VICTIM, THE HOMEOWNER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. CLAY. Mr. Speaker, I wish to bring to the attention of my colleagues the following editorial comment prepared by KSD–TV and radio in St. Louis and aired on April 25, 1971.

The editorial follows:

> FOLLOWING THE GREAT HIWAY ROBBERY: VICTIM, THE HOMEOWNER
>
> With St. Louis facing the most severe financial crisis in its history, KSD and KSD–TV call for a moratorium on further hiway expansion within the city limits. This eating away of property tax must stop. After all, the schools, the hospitals, the parks, the city services, all depend on what has become a constantly shrinking tax base.
>
> As the panel stated, almost three million dollars a year, of property taxes, has been wiped out by hiways. In addition, as soon as news of future freeways gets out, we see a slow depreciation in neighborhood tax base. Owners refuse to make repairs, properties run down, and tax returns drop, years before the construction starts. On I–44, there was a 12 year downward tax trend in the areas affected.
>
> Citizen protest is mounting all across the country . . . 16 months ago, the Gov. of Massachusetts declared a 3 year moratorium on all freeway construction within greater Boston, until such time as the builders could

prove compelling need. Citizen protest stopped city freeways in New Orleans and Memphis.

We believe this is the time for the Mayor, the Board of Public Service and the Board of Aldermen to place a moratorium on any further hiway expansion within the city until the State of Missouri finds a way to refund to the city the property taxes lost through hiway construction. As Mr. Sansone stated, this would be an immediate revenue sharing measure, with the greater portion supplied to Missouri by federal road funds.

We urge the city at this time to refuse approval to the planned North-South Distributor Highway on the basis of citizen protest. We urge the Mayor to appoint a study committee to suggest alternate plans, to assess the environmental loss, the hazards to schools, the threatening of historic areas like Lafayette Park and the displacement of residents. Such a committee should have members representing the Board of Public Service, the City Plan Commission, parks and city services, school administrators, citizens' groups, business interests, architects, environmentalists and urban planners.

Finally, for long-range planning, this station believes the state gasoline tax should be earmarked not only for hiways, but for mass transit within cities and for rapid transit in cities and suburbs. We urge the Legislature to work toward this end.

THE COLD WAR, REVOLUTIONARY WAR, AND U.S.A. AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. DERWINSKI. Mr. Speaker, that some segments of our populace, both silent and the theoretically vocal, are in a grave state of confusion concerning the realities of our world, particularly Vietnam, the two imperial complexes, the U.S.S.R. and Red China, and the incessant cold war, is perhaps the understatement of the year. Except for the backstage manipulators of most of the so-called antiwar demonstrations, they have scarcely a comprehension of the long list of captive nations that has been established over the past 50 years basically by the Soviet Russian imperio-colonialists. The present threat to South Vietnam, Laos, and Cambodia is no exception to this captive nations list-building by Moscow.

The fundamental interrelationship of the cold war, revolutionary warfare, and Soviet Russian imperio-colonialism is strongly and clearly suggested in three contemporary works that neatly supplement each other and produce a pattern of thought and background which are well nigh indispensable to the challenges and threats confronting us today. The first for one's serious reading is the "History of the Cold War" by André Fontaine, Pantheon Books, N.Y., 1968; the second is Robert Thompson's "Revolutionary War in World Strategy, 1945–1968," Taplinger Publishing Co., N.Y., 1970; and the third is "U.S.A. and the Soviet Myth" by Dr. Lev E. Dobriansky of Georgetown University, Devin-Adair, Greenwich, Conn., 1971.

The following reviews, two of three written for the Ukrainian Quarterly by Dr. Dobriansky and one which appeared recently in the Santa Ana Register, give an impressive indication of the complementary of these three works and the need for our examining them to understand the psycho-political warfare aimed at us:

[From Pantheon Books, New York, 1968, page 432]

HISTORY OF THE COLD WAR

(By André Fontaine)

Unquestionably this work is "must reading" for anyone seeking to understand with perceptive meaning the phenomenon called the Cold War. As the reviewer, one will not agree with the author's many expressed opinions, but he will be impressed by the scholarly treatment provided in the world. The author is the foreign editor of *Le Monde* and brings all his literary skills and experiences to bear on an exposition that is a basic source of reference in this vital field. The book covers the period from the October Russian Revolution in 1917 to the Korean War in 1950, and its well-documented data are a mine of essential information for any student of the problem. The volume is a translation from the original French.

To offer an adequate indication of the rich content of this work, it is perhaps best to relate in staccato fashion the highlights and essentials that impressed this reviewer most. First and foremost is the author's sound thesis that the Cold War really commenced back in 1917 and not in 1947, as most analysts and observers mistakenly believe. Thus the title of the book. His historical accounts of Russia from 1917 to 1921, China, the Stalin-Hitler pact and many other phases are impressively done, but the book seriously suffers in its patently inadequate treatment and coverage of wars for national independence by the many non-Russian nations and peoples in the former Tsarist Russia Empire. This defect is unfortunate because the newly independent states were the first to feel the pangs not only of Russian cold war strategy and techniques but eventually were victimized by the first aggressions of Soviet Russian imperio-colonialism.

Philosophically, the writer envinces a strong pragmatism toward man's problems in the age of "the airplane, the atom, space, mass communication, automation, decolonization and the population explosion" (p. 8). "Neither so-called scientific socialism nor so-called liberal capitalism furnishes a ready-made solution to the problems of our poor world," he continues. In the end, he says, be prepared "either to compromise or to perish." One wonders whether the author was prepared to compromise with Nazi imperialism thirty years ago, or was that an entirely different age in mankind's development? His de-emphasis of ideological rivalry, such as capitalism vs. socialism, Marxism vs. Christian sociology, etc. is well taken, but his failure to assign adequate weight to the force of Soviet Russian imperialism, regardless of its form and degree of intensity, leads us into a rather murky area on how to deal with the Russians. As Marx himself pointed out time and time again, compromise with the Bear long enough and you'll end up in its belly.

Many interesting historical insights are recorded throughout the work. Napoleon in exile on Saint Helena saw the world becoming in time "either an American republic or a Russian absolute monarchy" (p. 12). In a tradition of such insight Henri Martin, Jules Michelet, De Tocqueville and others "believed that the decisive battle between despotism and liberty would be waged between Moscow and Washington." The naiveté of Secretary of State Seward is shared by many of our contemporaries in State and elsewhere: "She [Russia] has our friendship, in every case, in preference to any other European power, simply because she always wishes us well and leaves us to conduct our affairs as we think best" (p. 13). Seward in 1862 viewed the emancipation of the serfs as heralding a long era of Russian-American friendship for world peace; almost a century later Franklin D. Roosevelt "would use similar language" (p. 14).

In addition to others, the illusions of Woodrow Wilson are well quoted, as, for example, this message to Congress on April 2, 1917: "Russia was known by those who knew it best to have always been in fact democratic at heart, in all the vital habits of her thought, in all the intimate relations of her people that spoke their natural instinct, their habitual attitude towards life. The autocracy that crowned the summit of her political structure . . . was not in fact Russian in origin, character or purpose" (p. 17). In sharp contrast to such illusions the author quotes, among others, Gogol's *Dead Souls*: "And you, Holy Russia, caught up in a whirlwind, like a troika that no one can catch. You raise dust storms, bridges crash down and everything recoils . . . You surpass everything! . . . And he who contemplates you stops as though transfixed by a divine miracle . . . the troika cleaves the air, inspired by God . . . Every living thing on earth flees and disappears, and the other peoples and empires draw back and leave the way open to you, Holy Russia!" (p. 18). The Dostoyevsky of *The Devils* observed, "The only 'God-bearing' people is the Russian people . . . A truly great people can never reconcile itself to playing second fiddle in the affairs of humanity, not even to playing an important part, but always and exclusively the chief part . . ." For good measure, the anarchist Bakunin in 1848 saw that "from an ocean of blood and fire, the star of the Revolution would rise in Moscow, high in the sky, to become the guide to humanity."

The account on the Bolsheviks, Mensheviks and Lenin is absorbing and revealing. Lenin first declared himself as a Communist, rather than remaining as a Social Democrat, in Switzerland. In 1914 he was so fed up with socialist bickering that he "came within an inch of giving up politics." The legend that Lenin was sent by the Germans in a *sealed* train to the crumbling Russian Empire is scotched. As the narrative shifts to 1917–18, a fairly accurate description is given of the non-Russian peoples throwing off the Russian yoke. The author's insights are also keen. He writes, "Although Soviet Russia could if necessary put up with the existence of a totally independent Finland, it could not put up with an independent Ukraine, which was both its breadbasket and its coal bucket" (p. 29). Yet, what is disturbing to the careful reader is that though the writer is familiar with the essential facts of the Russian/non-Russian problem and his perceptions are clear, in many places one finds the conceptual confusion of the USSR as "Russia" or a "nation." Such imprecision causes one to wonder about his manageable grasp of the facts.

As far back as 1918, Churchill expressed the fear that Bolshevism's victory would lead to a "powerful Jacobin military empire, animated with the Russian national spirit" seeking "to reconquer all the lost Russian provinces" and "to divide the peoples of the Entente by revolutionary propaganda supported by the financial resources of a powerful state" (p. 40). In a nutshell, this is the story of Soviet Russian imperio-colonialism. Employing early the Russian tricks of trade, Lenin sought in 1919 "an economic agreement with all countries, but particularly with America" (p. 71). The operations of the Russians in the Spanish Civil War are well described in this work, as well as Russian maneuvers in China.

The selected quote for chapter five on "Two Irons In The Fire" further indicates the author's sense of the Russian imperialist problem and Moscow's skillful cold war tactics, though his conceptual framework still leaves much to be desired. Marx, in a letter to Lion Philips on June 25, 1864, observed, "The only ones in this tragi-comedy who imperturbably pursue their old objectives and who play masterfully are the Russians" (p. 97). This quote applies so well today on all continents. In this same chapter the author furnishes an excellent account of the importance of Ukraine, the role of Stalin, and the weakness of the Western powers. For example, in testifying on the validity of the Franco-Polish treaty of 1921, Georges Bonnet in 1938 stated it was, provided Moscow and Warsaw could restrain "a strong autonomist movement aimed at the constitution of an independent Ukrainian Republic" (p. 104).

These are only a few of the salient parts of this important work. The book deals adequately with the curious courses of Polish foreign policy, the Stalin-Hitler pact and the hypocrisy involved in diplomatic negotiations prior to it, the unbelievable naivete of Roosevelt in his relations with Moscow, and the consequences of Yalta and Teheran. His adulation of Kennan and the policy of containment is subject to a few worthwhile strictures. However, all that has been given above, should make it quite evident that the work is a valuable one. We're looking forward to the next volume dealing with the period following Korea. To what extent the author will cover Khrushchev, Nixon, Eisenhower and Congress' Captive Nations Week resolution, will indicate his feel for non-Russian nationalism in the USSR.

[From Taplinger Publishing Co., New York, 1970, p. 171]

Revolutionary War in World Strategy, 1945–69

(By Robert Thompson)

By all odds, this compact and lucid work on revolutionary warfare is a veritable bible for anyone who seeks a solid background to this type of warfare since the close of World War II and an incisive understanding of its requisite conditions for success as well as pointed requirements for the defeat of the enemy employing it. No excessive enthusiasm over this work is indicated by a humble suggestion that copies of this highly expert study be placed in the hands of responsible but uninformed "doves" in Congress and elsewhere, in used libraries throughout the country, and on lists for mandatory reading by all sensitively concerned with national security. It is no exaggeration to state that the book's treatment of Vietnam makes the "doves," the publicity-seekers, the demonstrators and the dupes appear as silly exhibitionists, many of them influenced and manipulated, to be sure, by communist propaganda and political warfare artisans.

The author possesses credentials for handling this not so complex but nevertheless new subject, at least to most Westerners, that by far surpass those of our officials, baby doctors, and university professors who, ad nauseum, have been vocalizing about Vietnam. He played a key, cooperative role in the annihilation of communist insurgency in Malaysia, was the head of the British Advisory Mission in Vietnam, and has been an adviser to President Nixon on Vietnam matters. Not only on the level of direct experience are his credentials outstanding, but one can say they are also exemplary on the level of scholarly research, extraordinarily lucid exposition, and a keen grasp and insight into world realities. It is with good cause that the jacket of the book emphasizes "World Realities."

In coverage, the work rigorously defines the essence and nature of revolutionary war, the aims and content of Russian foreign policy, and the Cold War. It then deals very concretely and essentially with all the major examples of revolutionary warfare in the 1945–69 period. The treatment is factual, dispassionate, maximally objective, and with penetrating interpretations and cool judgment. Throughout the work, the primacy and power of the USSR in supporting crucial revolutionary war manifestations are emphasized. To the reviewer, this study of a given, specialized area furnishes a most vital ground of justification and empirical support for his thesis on the number one enemy of the Free World, namely Soviet Russian imperio-colonialism, as developed from numerous angles in his works on *The Vulnerable Russians* and *U.S.A. and The Soviet Myth*. What the author provides is impressive and conclusive data for the third part of what the reviewer dubs as Moscow's global Troika policy, the so-called wars of liberation in the Third World. And as the foreworder of the work, Vera M. Dean, observes, "The same policy would have been followed by the Tsarist Empire had there never been a Communist revolution."

Before enumerating several of Sir Robert's major observations—and there are many that simply cannot be adequately mentioned in the scope of a review—three critical points deserve expression at this juncture. One, those who tend to develop a parochial interest in given nations or states, be it China, Israel, Poland or Ukraine, or in area studies, be they Latin America, Africa or the USSR, can profit immensely from the global study presented here. It is integrated, logical, factually based, and intellectually compelling. Covering all continents from the focal point of Russia's expanding global influence, the study illumines and enhances the relative meaning of each of these nations, states or areas. Far too many analysts tend to view Vietnam, Egypt, Ukraine, Cuba etc. in virtual isolation from events in other areas. As the author strongly emphasizes for the future, "The rules of the game, as laid down by Russia, would be that communist countries are off-limits, that the remainder are a free-for-all, and that, in any free-for-all, a communist party only has to win once" (pp. 161–162). This global formula for the totalitarian Russian imperio-colonialists underscores the inter-relatedness of all areas and, indeed, the depth and strength of the captive nations thesis.

The second important point is the inevitable significance and primacy of the captive non-Russian nations in the USSR as Russian expansionism proceeds in this decade. Lithuania, Byelorussia, Ukraine, Georgia, Turkestan and so forth will unavoidably take on new meaning and stature in Western studies and policy. There is every reason to prepare solidly for this development as the opportunities will be boundless with the pressures emanating from Moscow and felt more discernibly in all parts of the world. Sir Robert is correct in holding that the "containment of China both physically and ideologically, i.e. the imposition of 'limited sovereignty' is essential if Russia is to retain control in achieving her general goal of eliminating American influence from the European-Asian land mass and substituting her own. This control is necessary if Russia is to develop her strategy of gradual penetration, low-level contact and avoidance of confrontation" (p. 146). He adds, "For this strategy to be successful, Russia needs to keep the West confused and reluctant to become involved and to isolate the United States." With the opening of Sino-American relations and "victory" in Vietnam, developments in Asia may assume an entirely different light as Chinese national interests against Russian imperial sway exert themselves and the entire character of the Eurasian land mass becomes a focal point of world interest and inquiry, particularly that of the USSR.

Finally, of a negative nature, despite the acuity and sharpness of analysis in this work, it is evident that the author doesn't seem to have a firm grasp of the realities within the USSR itself. His constant use of the term "Russia," as indicated by the quotes here, appears to synonymize it with the USSR. Factually, it is Russian policy at work, not Byelorussian, Ukrainian or any other non-Russian national policy in the USSR. But to avoid analytic confusion and also to convey an appreciative understanding of the critical Russian/non-Russian complex in the USSR, a preliminary statement to this effect could have been made. His comments, for example, on Russian partisan warfare during World War II—"Initially, however, the German forces were well received and welcomed by the peasants in Russia, but partisan activity and the mutilation of German prisoners soon provoked German reactions against civilians which, in turn, created a hostile population" (p. 36)—are rather weak and faulty in the light of historical evidence. He is unaware of the UPA, the Ukrainian Insurgent Army, and his seeming thesis on the origin of revolutionary warfare in 1945 indicates an equal unawareness of its uses by Moscow against the non-Russian republics in the 1917–22 period, despite its inchoate features.

Having said this, one cannot possibly use these strictures as a detraction from the work and its brilliant analysis and observations. For one, the author is careful in making all necessary distinctions as, for example, "Out of the 149 various outbreaks of violence between 1958 and 1966 communists were involved in only fifty-eight and in seven of those they were themselves the target of uprisings" (p. 2). The two Vietnam wars are marked by communist leadership: in Cuba, it expressed itself after victory; in Algeria, it was denied and opposed, though the communist cause was advanced by sheer events. On the specific plans of revolutionary warfare, the writer is equally discriminating and clear: (1) that of communist party organization build-up; (2) "is a period of guerilla warfare starting at a very low tempo but gradually rising in scale" (p. 5); and (3) when "a point of equilibrium with the government has been reached, in effectiveness rather than numbers, then . . . the whole revolutionary movement goes over to the offensive and is prepared to engage in more open warfare until the government collapses and victory is won." An important point that is repeated throughout the study and which most Americans fail to understand, in Vietnam and elsewhere, is that the aim of revolutionary war is always political.

Almost all of the writer's perceptive observations on what the reviewer calls the world's "Russian problem" are well-grounded in fact and evidence. For instance, he minces few words in his overall observation that "Since 1917 Russian foreign policy has been dictated by two basic aims, the domination of the world through revolution and through the rise to power of communist parties in all countries, and the absolute necessity of defending the Soviet base" (p. 26). More accurately, the Soviet Russian base in the USSR. His comment on superficial negotiations with the Russian Empire, such as the SALT talks, consular conventions etc.—what the reviewer has called "confetti diplomacy"—are choice. As he says, "an atmosphere of illusion will be created because none of these subjects is relevant to the real field of conflict—which is people" (p. 146).

If one seeks a provocative exercise in complementary reading for a coherent comprehension of global realities, it is modestly suggested that he consume his book first, then Andre Fontaine's *History of the Cold War*, and both *The Vulnerable Russians* and *U.S.A. and The Soviet Myth*.

[From the Santa Ana (Calif.) Register, Mar. 21, 1971]

Book Urges U.S. Captive Nations Cast Off Russ Yoke

"U.S.A. and the Soviet Myth" by Lev E. Dobriansky. Devin-Adair $6.50. Reviewed by Ann Terrill.

The theme for this somewhat confusingly written but highly cogent book is that the United States should take the initiative in helping the captive nations of the USSR to overthrow their Russian masters in the Kremlin. Primary among these would be the Ukraine, major breadbasket of the Soviet Union.

Dobriansky has enough credentials to make this theory interesting, and they're all listed on the book jacket. Among other things, he has been on the faculty of the National War College, consultant to the House of Representatives' Select Committee to Investigate Communist Aggression, vice-chairman of the Task Force on National Security and Peace, and strategy staff member of the American Security Council.

The author comes to his task in a state of thorough disenchantment with what he calls the "myth" of Soviet Russia and its actual status, aims and aspirations. This "myth," he claims is not only perpetuated in high places too often for comfort, but is spread widely by an uninformed or deliberately misleading press.

Dobriansky gives chapter and verse substantiating his charges. He quotes liberally from the nation's press and its politicians.

He believes that Ukraine, Georgia and many other "republics" that have been engulfed during the centuries of Russian imperialist-expansionism, will ruin Russia, which actually constitutes a minority both in statute miles and in population within its own closely held and ruthlessly dominated sphere.

Dobriansky takes the long view of Russia, as well. The "Russian problem" as he terms it, has little to do with whatever current political regime is in power. He sees the Muscovites as a barbaric breed, cunning, sly and totally without conscience in their drive for world domination. It is at the "Russian menace" rather than the "communist menace" that we must look.

The author, who is currently on the staff of Georgetown University, insists that Russians have always been totalitarian in outlook and philosophy and that the commune as a way of life has been accepted easily by the majority of true Russians. But the other members of what is often wrongly referred to as "Soviet Russia" are not quite that way. Dobriansky says the record shows them to be freedom loving individuals and nations, who would love nothing more than to break loose from Moscow and its regimentation. If they once broke loose, eastern Europe would follow.

He shows that aggression, accompanied by duplicity in diplomatic and other spheres has been Russia's cup of tea since Ivan the Terrible. He seeks to show that the average Russian has an almost mystic belief that his nation will come to own the world. This belief was first observed by a foreign writer more than 100 years ago, according to Dobriansky.

In Dobriansky's view, the future looks black indeed, but is not without hope if we as a nation, act now.

INTERNATIONAL WALK FOR DEVELOPMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HOGAN. Mr. Speaker, again this year, I would like to give enthusiastic endorsement to the American Freedom From Hunger Foundation which, along with over 40 other participating nations, is sponsoring a hunger walk in 300 cities across the Nation on behalf of the International Walk for Development which is to take place on May 8, 1971.

In soliciting sponsors to contribute a designated sum of money for each mile completed, the walking participants of the project raise donations for both domestic and international projects designed to provide for the basic health care and educational needs of the less fortunate.

The primary purpose of this program is to make the problem of hunger and development, both in America and in the neighboring nations of the world, an issue sufficiently meaningful to encourage active involvement on the part of the private sector of the American public. As the purposes of the project itself demonstrate, alleviating the problem of hunger and poverty extends beyond actual donations of food and money. An equally critical aspect rests with the need for expanded and continuing education.

I join with the young people participating in the Walk for Development in hoping that this program will, as it has in the past, continue to awaken increasing numbers of the American public into an active concern for our own national needs. We must, at all costs, avoid the affliction of nearsightedness with respect to our own American poor.

DEMONSTRATIONS, TRIBESMEN, AND RATIONALITY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. WYLIE. Mr. Speaker, I would like to take this opportunity to commend Chief of Police Jerry Wilson, the District of Columbia Police Department, the Capitol Hill Police, and other law enforcement agencies involved, including the military, for their professional conduct in the handling of the May Day "tribesmen" who unsuccessfully sought to disrupt our Government.

On Sunday, May 2, in the Washington Sunday Star there appeared the following editorial which, I feel, is worthy of note by the entire membership of this body. Additionally, the editorial states my own feelings and opinion better than I can about this whole unfortunate episode in our history.

The editorial follows:

DEMONSTRATIONS, TRIBESMEN AND RATIONALITY

This past fortnight has been a curious one for Washingtonians. And the next few days could become somewhat trying, given the stated and illegal plans of Mayday "tribesmen" to block 21 key intersections here and in suburban Virginia during peak rush-hour periods.

It all began with the dignified week-long protest of some 1,000 members of an organization called Vietnam Veterans Against the War. The veterans made it clear that they want the war ended immediately, without regard to the consequences, a proposal with which we cannot agree.

More than 2.5 million Americans have served in Vietnam, most of them (it can be assumed) without a pronounced degree of enthusiasm. The surprising thing is that only 1,200 of them should have become sufficiently radicalized to make the trip here. But those who did had a right to be heard and, as President Nixon observed at his Thursday night press conference, it was "rather hard not to hear them." Those who had shed their blood in Southeast Asia had a particular call on the American conscience which would in no way have been diluted had some members of the press made a more earnest effort to establish both the validity of the decorations their comrades discarded and the fact of their service in Vietnam. If Mr. Nixon's acts and words are not to be accepted at face value—and they should not be—then it follows that those of his foes also should be examined.

There followed the massive outing of April 24, an all-purpose anti-war protest, love-in, freak-out and rock session to which virtually anyone who was for or against anything was welcome. The revival, which bore a curious similarity to the camp meetings with which our ancestors were wont to relieve the tedium of frontier life, was, in the main, good-natured. It is always disappointing, however, when the highest political statement of which some people are capable is the defilement of their country's flag and the provision of aid and comfort to their nation's enemies.

Those who feel strongly enough to wish to petition their government on behalf of pacifism, union lettuce, a $6,500 guaranteed annual income, black power, gay liberation or any other cause have the right to do so as long as they do not interfere with the rights of others. The April 24 crowd's record in this respect was generally good.

But this past week's scag carnival and the events scheduled for tomorrow through Wednesday are a different matter which deserves a different response. President Nixon addressed himself to the subject Thursday evening:

"The Congress is not intimidated; the President is not intimidated. This government is going to go forward . . . those who come and break the law will be prosecuted to the full extent of the law."

We are glad to hear it and we support that position to the fullest. Rennie Davis & Company have no constitutional right to prevent government employees from entering federal offices. They have no right to splash paint around congressional offices. They have no right to damage government or private property. They have no right to prevent other Americans from going about their lawful business. They have no right to inflict the loss of hundreds of thousands of dollars in trade on District businessmen. They have no right to make hardpressed taxpayers finance their freakouts in the form of police overtime and cleanup services.

This is the capital of the United States, which is why the Mayday "tribesmen" are here. It is also a place where people live, where they work and try to make ends meet. Those of the poor who are unable to work these next three days will not thank the "tribesmen." And, in our view, the tab for these shennanigans should be covered by a special grant from the federal government to the District Building.

To date, both the police and the administration have acted with admirable restraint, for which we congratulate them. It is our earnest hope that it will be possible for the police to handle the situation this week, without the assistance of the Guard or federal troops. We do not want a Kent State here. But we do want, we insist on, order. To that end, the authorities will have to add firmness to restraint. Above all, the people should take no action against the demonstrators.

Our support of the people's right to petition the government, as opposed to our distaste for the acts of our present visitors, does not mean that we support the recent demonstration's goals, that we believe such action is desirable or that we are incapable of evaluating the worth of one cause as opposed to that of another.

Insofar as the war is concerned, we believe that massive American involvement in it should be terminated as quickly as possible. But this must be done in a reasoned, orderly and honorable way. Mr. Nixon, who in little more than two years has cut American casualties in half and made parallel reductions in both troop levels and draft calls, is doing just that. Therefore we support his Southeast Asian policy, not that of this past fortnight's demonstrators.

It may be (undoubtedly is) cathartic to stand on a street-corner bellowing "bring the brothers home" and "get out now." But it is hardly a substitute for a rational policy. Such a policy could not be implemented unless our troops were to abandon their equipment, leaving behind a situation of chaos which would be an indelible stain on this country's record. To press for such a thing is to become part of the problem, not (as they say) part of the solution.

And while mass demonstrations may provide an escape valve for legitimate dissent, amusement for teen-agers, solace for the emotionally distressed and a fertile field of activity for political extremists, we do not think the streets are a proper forum for the conduct of public affairs. This is not a banana republic. We hold elections here at regularly stated intervals. One such was held in 1968. It brought to office Mr. Nixon and several hundred senators and representatives. Mr. Nixon's mandate is rooted in his election, that of the members of the Congress in theirs. Neither has the obligation, constitutional or otherwise, to add the prestige of high office to a demonstration designed to discredit the occupants of those offices.

Nor can it be maintained that the quality of oratory or thought characteristic of such demonstrations is calculated to contribute to the already debased currency of political debate and intellectual exchange. Has any one of the demonstrators of the past fortnight said or done anything likely to improve race relations, heal generational scars, bring a just peace to Southeast Asia or solve any of the myriad problems which each of us faces daily? If so, we did not hear it.

When he was inaugurated, President Nixon called for a lowering of voices. We have taken him and his vice president to task when they have violated this sensible suggestion; both have been doing much better of late. And so, in the main, have the American people. We need more of the same.

Mr. Nixon has made good on every promise he made in respect to Vietnam. We urge the people to give him (and the country) the chance to complete what has been begun, to allow him to end the Southeast Asian venture in a rational fashion. If not with victory, without defeat; if not with honor, then without disgrace; if not with democracy assured, at least with tyranny denied. He must, of course, be judged. But the time and the place for that judgment are not now and in the streets but in November 1972 at the ballot box. That is the American way and it is a good way.

We do not expect those encamped now at West Potomac Park either to hear this appeal or to act favorably on it. They do not revel in the feast of reason. They would destroy what others have built, replacing it with nothing better than their own fantasies. But they are not the Nation, and life—although it sometimes seems that way—is something more than a comic strip; they will not succeed.

For the next three days, let each of our actions be guided by common sense and restraint. Let the authorities act with coolness and firmness, with the knowledge that they have the public's support. In the end, both this city and this Nation will survive. Both have too much going for them to be shaken by the likes of Rennie Davis and his misguided followers.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HAMILTON. Mr. Speaker, since the coming of the automobile in the early 1900's, traffic accidents have claimed the lives of nearly 2 million Americans—nearly twice the number as have all the wars in U.S. history. The toll in disabling injuries and subsequent economic loss is also staggering—now running at an estimated $9 billion each year.

While the Federal involvement in highway and traffic safety dates back to 1924, it has been only recently that the Congress has zeroed in on the automobile as a target for new safety standards. In 1966, Congress passed the landmark National Traffic and Motor Vehicle Safety Act, which authorized the Transportation Secretary to set standards and grading procedures for tires, conduct safety research and develop standards on automobiles, and to require manufacturers to conform to safety standards set by the Federal Government. The act created the National Highway Traffic Safety Administration—NHTSA—which is an independent agency with two major responsibilities—administering the Highway Safety Act and the National Traffic and Motor Vehicle Act.

Under the Highway Safety Act, NHTSA sets the standard and allocates Federal matching funds for State and local traffic and driver safety programs. Under the Traffic and Motor Vehicle Act, the agency is authorized to set safety standards for motor vehicles and equipment.

While its ultimate goal is the development of a safe automobile, the NHTSA's more immediate concern is the reduction of highway accidents, the reduction of severe injuries in accidents, and improved probability of surviving and recovering from injury in highway accidents.

To date, NHTSA has issued 34 motor vehicle safety standards. These standards have triggered a growing debate among automobile manufacturers, insurance companies, the consumers, and Members of the Congress. The auto industry charges that the Government is moving too fast, imposing new and expensive regulations without regard for time, or the industry's know-how in meeting those requirements. The insurance industry, which in 1970 paid out $8 billion in auto accident claims, says the Government is moving too slowly, and that even tougher standards should be imposed. The consumer lobby, which in the past has been surprisingly docile about automobile safety, also is a growing force, urging that new safety standards be implemented quickly.

The most controversial of the standards ordered by NHTSA is the passive-restraint device—a system to protect front-seat passengers in automobiles from serious injury in head-on crashes at 30 miles an hour. The primary device now being considered is an "air bag" which is inflated milliseconds before a crash by a sensing mechanism in the car. Auto manufacturers have complained that it is too expensive, it has been unreliable in tests, and has little value in collisions other than head-on crashes.

Another device of particular interest to insurance companies is a shock absorbing bumper, to protect vital systems of the car and reduce minor collision damage. Auto manufacturers, who have allocated only about 25 percent of recent price increases to new safety features, still complain they are not being given enough time to develop and implement the change.

The NHTSA is asking that the new bumpers be installed by August 1, 1972, on all new cars. The agency wanted the passive-restraint devices on 1972 models, but postponed the effective date until 1974. Starting with the 1976 models, NHTSA will require that automobile occupants be protected against side collisions, rollovers and angular collisions.

NHTSA has some compelling evidence that motor safety devices are working. In 1970, the agency says, there were 55,300 motor vehicle accident deaths—1,100 fewer than in 1969. At the same time, there was a 5-percent increase in motor vehicle travel in this country, indicating that more people were traveling more miles with more safety in 1970. About a third of those lives which were saved, NHTSA says, were because of collapsible steering columns, improved windshields and by lap and shoulder belts.

HOW MUCH LONGER CAN WE BURN OR BURY?

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. FISH. Mr. Speaker, the Washington Post recently published an editorial on the increasingly critical problem of solid waste management and disposal. While the focus of the article is on the difficulties faced by local governments in the Washington metropolitan area, it is symtomatic of the nationwide search for better methods of disposing of mounting piles of solid waste.

My colleague, Hon. GILBERT GUDE, who represents suburban Montgomery County, Md., strongly believes that we need to speed up the development of advanced solid waste technology. Today, in testimony before a House Appropriations Subcommittee, he has urged approval of a substantial increase in funding under the Resource Recovery Act. Congressman GUDE points out that—

> A new technology is emerging and local governments are ready to try it if they are shown that advanced methods can work in full-scale systems.

He concludes:

> We have a rare opportunity to leapfrog existing technology and to come out on top of the solid waste problem before it buries us.

There is no question but that we must develop a national framework to attack this serious problem. Later this week, I will be reintroducing my Solid Waste

Management Act. Among other things, this legislation would establish a nationwide system of solid waste processing and recycling centers. These regional recycling centers would be financed through a system of disposal taxes, to be levied on products or containers which pose disposal or recycling difficulties. The measure also authorizes an ongoing program of research and development, aimed at improving solid waste disposal techniques and equipment.

Representative GUDE has already indicated his strong support for this type of approach to the solid waste problem and his help in this effort is greatly appreciated. Mr. Speaker, the Eighth Congressional District of Maryland is most fortunate to have as their Representative a man who has repeatedly shown deep concern over the problems of pollution and continually suggests and supports constructive responses.

Mr. Speaker, I include the April 1 editorial from the Washington Post and a copy of Congressman GUDE's May 4 testimony before the House Appropriations Committee to be printed in the RECORD.

[From the Washington Post, Apr. 1, 1971]

HOW MUCH LONGER CAN WE BURN OR BURY?

According to field correspondent Alex Ward, who has just returned from mostly foliated Forest Heights, Md., there has been a set of secret negotiations between Washington and Prince George's County—also attended by representatives of the two concerned superpowers, the United States and Maryland—that may bring about some sort of detente in the Oxon Cove Jurisdictional Trash War.

Though the session was closed to the press for some ill-defined reason, reliable sources say that officials of the District of Columbia have reportedly agreed tentatively not to dump trash on the section of landfill nearest Forest Heights—whose citizens had complained that the site is a health hazard. You may recall that the war intensified earlier this month when the District government decided on an incursion onto land that Prince George's had barred from city use. Now the land really belonged to the National Park Service, which in turn had said the District could go right ahead.

As we understand it, the latest proceedings were amicable, and Forest Heights sources—namely, Mayor Clifford R. Armhold—said the only area of disagreement is the date on which the District should withdraw from the entire landfill site. (The town and county are holding out for March 31, 1972).

Well, all these tragicomic aspects aside (including any domino theories to which you may subscribe), Greater Washington is likely to experience more skirmishes in the future for solid waste disposal is now a serious national problem that, as much as anything, threatens to undo our environment. As it stands, the nation is generating about 350 million tons of household, industrial and commercial waste each year; some 15 million tons of scrap autos alone are discarded annually.

A comprehensive study of the problem made last year by Automation Industries, Inc., of Los Angeles, estimates that increases in propulation and per-capita waste generation will increase the amount of household waste 80 per cent by 1982.

What will we do with it all? If we continue as we have for the last 5,000 years or so, we'll make more primitive attempts to burn or bury what we throw away. That would mean groping about for more landfill sites—which we've come to discover are, more often than not, unsanitary. Or, we'll continue to build fancy incinerators that spew any manner of questionable particulate matter—dust, ash, or maybe worse—into the air that we try to breathe.

That's the grim and expensive outlook unless immediate attention and money are directed to the urgent goal of reducing the volume of wastes, and encouraging their constructive reuse. The first serious effort in this direction came with the Solid Waste Disposal Act of 1965, which was aimed at funding a national research and development program and aiding state and local governments in planning and developing new disposal programs.

Since then, ideas and exepriments have begun to show that waste may be significantly reduced or reused. The need now is for some regional pilot programs to work out successful systems for the collection, transportation and recycling of waste in forms useful to industry and individuals.

An approach to such a system has been proposed by Automation Industries, whose largest facility is the Vitro Silver Spring Laboratory here. The proposal points out that existing techniques permit the recovery of some 40 per cent of the materials in solid waste, with possibilities for using the rest to generate heat and power. The envisioned system would convert waste into usable cellulosic fibers; metal and glass would be separated; and a residue would be fed to a "fluidized bed reactor" for special burning into carbon dioxide, water and a small amount of ash.

New research could then be concentrated on the reside portion of the process, to convert organic materials into things such as cell protein, alcohols and so on; ash could be made into building blocks; and in the long run, other changes in packaging and social habits might even reduce the amount of waste generated in the first place.

We're in no position to know whether this particular proposal contains the best approach to these problems. But the need to speed up experiments in new solid waste disposal systems is becoming devastatingly obvious. Rep. Gilbert Gude (R-Md.) says he intends to push for more legislative efforts in this direction—and certainly the Washington area would be a fine place to begin.

TESTIMONY OF HON. GILBERT GUDE OF MARYLAND

Mr. Chairman, I am most grateful for the opportunity to appear before your subcommittee to discuss the appropriations to implement the Resource Recovery Act of 1970. This legislation was passed unanimously, and was intended to promote the development of advanced solid waste management systems through a program of research and development and assistance to local solid waste projects using new and improved technology.

We authorized a total of $172 million for this fiscal year. This authorization includes $152 million for the Office of Solid Waste Management. Funding of about $29.3 million is proposed in the budget. The remainder of the authorization, $20 million, was for the Department of the Interior's functions under the act, principally the work being done by the Bureau of Mines. No funds have been requested for the Interior functions under the act. I realize that this item is the responsibility of another subcommittee, but I thought I should mention it to present a complete picture of the proposed appropriations under the act.

I am here today because I do not believe the recommended funding is enough to begin to come to grips with one of our biggest and surely most neglected environmental problems at all levels of government. I hope the committee will consider providing the full funding authorized in the Resource Recovery Act.

Solid waste disposal is costing us $4.5 billion per year, and the job is growing every day. Fifty years ago, the average American generated a little less than 3 pounds of trash per day. Now he produces nearly 5.3 pounds and he is expected to produce 8 pounds by 1980. In 1970, we threw away 28 billion bottles, 48 billion cans, 30 million tons of paper, 4 million tons of plastic containers, 100 million tires, and 6.3 million automobiles, to say nothing of mountains of garbage.

Added to this is the ironic fact that cleaner air and cleaner water are going to mean more solid waste as more particulate matter is extracted and better sewage treatment produces more sludge. What on earth are we going to do with it all?

American industry is taking a fresh look at the possibilities of reducing waste byproducts through reclaiming and recycling materials, and reinstating returnable containers. These efforts by industry are vital, but they are not what I wish to talk about today.

The critical need for federal funding is to encourage better management of municipal solid wastes, which the President's Council on Environmental Quality calls "the clearest threat to health and the environment." We have been disposing of solid waste in the same old way for about 5,000 years. The Director of New York City's Environmental Protection Agency recently observed that there are only two real differences between our system and the Romans: The Romans wore togas and the trash was dragged off by horses. Instead of excavating old wine jars, tomorrows archeologists will be digging up pop tops. Today, about 46% of our solid waste is handled by open burning. Another 16% is burned in incinerators, and the remaining 38% becomes so-called "sanitary" landfill or is dumped in the sea.

Not one of these techniques can pass muster in a society that calls itself modern. All are stop gap methods. For example, some believe that landfills in rural areas are the answer. Perhaps we can put Penn Central to work hauling our trash to hinterland. But it seem very doubtful to me that Americans in the countryside are going to be willing to tolerate dumping grounds in their backyards to bail out the cities.

The solid waste problem here in the Washington Metropolitan Area is acute and is repeated across the nation. People are protesting the proposed D.C. incinerator because of potential air pollution. Nobody really likes the idea of more landfill in Prince George's County, or in Montgomery County next to the Gude Nursery—and that includes me!

Local officials are finally looking for alternatives, but there are now no full-scale plants to test and demonstrate the economics of advanced recycling technology. I believe it is essential to fund the Resource Recovery Act at authorized levels that will soon produce more live options in this field.

There are some promising ideas and pilot projects. Let me list a few:

The Bureau of Solid Waste Management has provided grants to a California Company which is developing a system, the CPU–400, to shred solid waste, remove and recycle the rock, metal and glass components, and to use the remaining organic material as a source of energy. I understand that about 3 million of the Fiscal 1972 request is allocated to this project.

I would like to point out that this firm, the Combustion Power Company, was formerly in aerospace engineering. We are all familiar with the employment problems resulting from the winding down of the war and by recent shifts in domestic spending priorities. In hearings last year before the Conservation and Natural Resources Subcommittee of the Government Operations Committee, on which I serve, we asked representatives of aerospace firms whether they were able to move into environmental fields. Most said that the major problem was the lack of adequate levels of funding for research and development in these fields. The market is not yet large enough, and government funding is at comparatively low levels in the research and development, as opposed to the construction end of pollution control. The appropriation we are considering today is precisely the kind of program needed to utilize the talents of scientific and engineering personnel no longer employed in defense and aerospace industries.

The Bureau of Mines Metallurgy Research Center at College Park, Maryland operates a pilot project which sorts incinerator residues into various components, using modified mining equipment. This is the Interior Department's project for which no funding has been requested, but it deserves mention as an important part of the federal research effort in this field. Glass ferrous and nonferrous metals and even gold and silver of marketable quality are sorted out. And the problem of space for disposal is greatly reduced. The whole operation of shredders, grinders, and giant magnets looks like one of Rube Goldberg's wildest dreams. But it works for a plant which could serve a community about the size of Montgomery County, it is claimed that operating costs will run about $3.52 a ton to process and the reclaimed material can be sold for at least $12.00 per ton. The Tuscaloosa Metallurgy Research Laboratory is working on developing means of making structural products from glassy materials in the residues.

In my own district, the Vitro Laboratory of Automation Industries has developed a proposal for a total solid waste management system, which would create a national public corporation to handle the collection, transportation, and recycling of waste for return to industry as useful products. The company has sought funding to a comprehensive study of what legislation, economic incentives, and recycling techniques would be required to implement a national system.

These are only a few of the ideas waiting to be tried, and our local governments are looking for new approaches. The Delaware legislature has voted $1 million for planning in design of a waste recycling plant. They will need $10 million more to follow it through. Columbus, Georgia is looking for assistance to find an advanced incinerator which would produce usable metal and glass and steam energy. They even hope to sell the incinerator's excess warm water to catfish farms. Apparently catfish thrive on warm water.

My own state of Maryland is looking into pyrolysis techniques proposed by Monsanto Corporation which involves shredding solid waste and heating it to high temperatures in the absence of oxygen. Since there is no oxygen, there is no burning and most of the material is converted to gas. Then the gases are burned, greatly reducing their volume and producing virtually no air pollution. Disposal costs are estimated at about $10 a ton, but reclaimed materials and heat sales could bring the cost down to between $4.50 and $5.00 per ton. Maryland, too, is seeking help from the Office of Solid Waste Management.

In summary, I hope the committee will consider recommending full funding for the Resource Recovery Act. Only education and highways take a larger share of municipal budgets than solid waste disposal. Breakthroughs in this field could mean significant relief to local governments, by improving performance and ultimately cutting the cost of providing an essential service.

Plenty of top flight scientific and technical people are available for an expanded research and development effort where their talents are needed. Some promising new approaches are already emerging, and local governments at last seem ready to try them if they can be shown that advanced technology will work economically in full-scale systems. With adequate funding of the Resource Recovery Act, we can exploit a rare opportunity to leapfrog existing technology and come out on top of the solid waste problem before it buries us.

MIKVA SPEAKS FOR HATCHER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. CONYERS. Mr. Speaker, today is the primary election for Mayor in Gary, Ind. A number of us in the House are supporting Mr. Richard Hatcher primarily because he has given new leadership in the fight to save our cities. His continued efforts to revitalize Gary have encouraged all who are committed to this fight, whites as well as blacks. The great work he has been doing under the toughest of circumstances is known around the country, but especially in our Nation's Capital. This leadership is extremely important to the citizens of his city because in Washington D.C. Mayor Hatcher's voice is heard and respected. I am hoping that today's vote will bring his renomination so his voice will continue to be heard.

Dick Hatcher's impressive record in creating low- and middle-income housing in his city is ample testimony to the realism of his order of priorities—his first objective has been to directly improve the lives of the citizens of Gary. His concentration on manpower programs to reduce unemployment further shows his responsible leadership in combating urban poverty. He has been a politician who has truly been for the people. His courage and dedication in defying the machine wanting to control him or kick him out is a model for all with political aspirations.

A survey of the programs he has initiated makes it obvious that Dick Hatcher will continue to strive toward the improvement of the individual, providing him with a job and a decent place to live, with adequate education for his children. He has been a Mayor every city would be proud of.

Mr. Speaker, one of our most able colleagues, the gentleman from Illinois, Mr. Mikva, was recently in Gary as the featured speaker at a testimonial dinner for the mayor. His moving statement stands as a tribute to Richard Hatcher and I include it at this point in the Record:

Speech of the Honorable Abner J. Mikva of Illinois, at the Testimonial for Mayor Richard Hatcher, Given by the Municipal Employees of Glen Park in Gary, Ind., on April 21, 1971

I am here tonight to talk about your Mayor, Mayor Hatcher. As some of you may know, I come from a city which is famous for its mayor. In fact, we just re-elected him for his 5th four year term, and so, after 20 years of observing this Mayor cum laude I consider myself something of an expert on the subject of Mayor-watching. And I'm here to tell you that yours is one of the best.

It is not easy, this sport of evaluating Mayors. How do you determine whether he is a good one or not? It seems to me there are several ways to measure how good a job a Mayor is doing, one which is irrelevant, the second of which is useful but unreliable, and the third of which is the one that really counts.

First, you can sit in your living room or on your porch and look around and count up the problems of the city, and blame them all on the guy in office. To the extent that the city approximates your idea of perfection, that's how perfect or imperfect the Mayor must be.

By this standard there isn't a public official in the country worth a nickel—mayors, Congressmen, Senators, and even Presidents—because life in America today is far from perfect. But government is the art of the possible, and it is neither realistic not very constructive to pretend that the men in office are responsible for causing all the problems of the city or the country.

A second way to measure a Mayor is to ask "what's he done for me lately?" By this approach, each community or area of the city adds up how many dead trees have been cut down and replaced with new seedlings, how many parks have been built or refurbished, how many streets have been repaved, and so on. Presumably, the higher the total, the better the mayor. On this scale, Mayor Hatcher has done an admirable job in his freshman term.

He has repaved 924 blocks, more than 7 miles of street. He has built additional housing for the senior citizens of Gary. More than 500 vacant lots and alleys have been cleared and cleaned. Numerous parks and playgrounds have been improved, including quite a few here in Glen Park. Pitman Square has been blacktopped, and additional recreational facilities installed. Gilroy Stadium has been substantially improved. The playground at 51st and Indiana has a new sunshelter.

More than 3,000 dead elm trees have been cut down around the city, and replaced with an equal number of new trees. Something like 11,000 abandoned cars, which are not only unsightly but represent a potential danger to children as well, have been removed in 1970 alone.

In the area of housing, the Department of Housing and Urban Development reported in 1968, when Mayor Hatcher first came into office, that 47% of all the housing in the city of Gary was substandard, meaning that it did not even meet the minimum standards of livability set by the federal government. Since his election, Mayor Hatcher has built 2,687 new housing units, with 800 more planned in the near future. In addition, 2,397 substandard units have been rehabilitated and now meet the federal government's criteria for a decent place to live.

When Mayor Hatcher took office, he inherited one of the worst crime problems of any city in the country. At that time, Gary had a violent crime rate higher than that of New York, Chicago, Philadelphia, and several other larger cities. Since that time, the crime rates in those cities have risen steadily, and are now as much as 30% higher than they were in 1968. During the same period, Gary's crime rate has remained fairly constant, showing a statistical increase of about 6%, virtually all of which can be attributed not to additional crimes being committed but to more efficient detections and reporting by the police. And speaking of policemen, Mayor Hatcher has increased the number of policemen in the city by almost 50%, and has provided them with a $1000 pay raise.

The trouble with this second approach to evaluating mayors is that it is inadequate. First of all, there will never be enough to go around. If there were an unlimited supply of funds and of competent administrators, it would be reasonable to judge a mayor on how effectively he utilized those resources to solve the problems of the city. But in reality, there is never enough money or manpower to properly deal with all the problems, so a certain failure rate is built into the job. Mayor Hatcher has done an outstanding job of obtaining the maximum resources available, thus making it possible for him to do the things he has done. The art of grantsmanship, of knowing what federal funds are available and applying for them in a manner calculated to obtain approval, is a difficult but essential art for an urban mayor these days. Mayor Hatcher has been very successful in bringing federal funds into Gary, money which would be very much more visible to you if it weren't forthcoming. Admittedly, it hasn't been enough to solve all the problems, but it never will be. Without the funds which have been obtained, Gary's problems would be far worse.

Let me finally get to the third criterion for evaluating urban mayors—the one which I think is the only really sound one in the long run. It is an intangible one, a spiritual one, almost. That is, whether the mayor really cares; Cares about the city and the people of the city and the problems of all the people of the city, and whether the city he seeks to build is one that is only alabaster, or whether it has a soul. Whether he seeks to move toward a single society—or whether he is willing to pit race vs race, ethnic group vs ethnic group. In this regard, you are fortunate to have a mayor of the dedication of Dick Hatcher.

You may be troubled about the problems of Gary (and I hope you are, for I know Mayor Hatcher is). You may feel that more should be done to improve your own neighborhood, Glen Park. But you at least know that your mayor cares, and that his dream is worthy of a decent city.

More than anything else, our cities need hope. They need people and Mayors who love the city and who want to make it a better place to live and work in. Unfortunately, too many city dwellers in the past, including public officials, have been people who never really liked cities. They came to the city from the country because that is where the jobs were, or at least the hope of a job. But they continued to hold to country living as the ideal, and so sought to make the city more like the country. The culmination of this anti-urban bias among urban dwellers has been seen in the revolutionary migration to the suburbs in the 1960's. At long last, increased affluence and better transportation to and from job sites made it possible for a lot of people to live as they had always wanted—living in a non-urban setting while maintaining their job in the city, which provided the money to pay for the second car and the lawn mower and the landscaping and the various costs of life in suburbia. But an interesting thing has been happening. The people who fled to the suburbs have been finding out that suburbia was not all they had it cracked up to be. The homogeneity of living on a tree lined street full of houses filled with people just like themselves set a tone of boredom and blandness which the children recognized and rebelled from even before their parents had figured out why they still weren't happy. This new environment lacked the vitality, the crazyquilt variety, the constant activity and experience provided by the city. The problem now is where do we go from here. Because of the rapid and extensive flight of the upper middle class and professionals (most of whom were white) out of the city, the problems of the cities worsened rapidly. More people, with less money, in less housing, and fewer jobs. The people who migrated to suburbia took the tax base of the city with them. Moreover, in most instances they continued to work downtown and to demand and deplete the city's services without contributing proportionately to is resources. Because in many instances these people had little stake in the living conditions or the schools in the city, they allowed them to deteriorate.

The problem for most cities today is how to reverse the deterioration of the inner cities. A recent study warned that our big cities are in danger of becoming ghost towns if we do not act to prevent this. To do so, two things are necessary. First, understanding of the real problems, as opposed to the symptoms of those problems. And second, the dedication and application to finding solutions. Mayor Hatcher has offered leadership on both these fronts, and as a result Gary is far from a ghost town today. Unemployment in Gary is not as severe as in many other cities. Industry is not fleeing the city as it is in New York for example, thus compounding the city's problems by removing jobs and tax funds, both of which are in short enough supply already.

The problem of today's cities must be attacked from the bottom up, much as a doctor must treat a victim of an auto accident. If the man has cuts and bruises, broken bones, and has stopped breathing, obviously the most severe problem must be dealt with first. Stopping the bleeding and setting the bones will be to little avail if oxygen is not immediately restored to the brain and the blood cells. First he must begin breathing again, then the bones can be set and the cuts treated. Similarly, when a limited amount of federal money or local tax funds are available to deal with a whole range of complex urban problems, someone must be in a position to identify and understand the entire condition of the patient, not just one or another symptom or injury. He must then insure that the first efforts made are directed to the most severe conditions, in order that the other efforts are not futile. Then, when the patient's critical condition is stabilized and the breathing is restored to the body, additional attention can be directed usefully to the remaining woes of the patient.

This is perhaps the most difficult, and certainly the most unpopular part of a Mayor's job. He must maintain broad perspective, and avoid catering to one group or another simply for political considerations. He must objectively examine the patient as a whole, and decide where the emergency aid is first to be applied. It is in the nature of things that each group, each neighborhood, each industry is acutely aware of its own problems, and is not so concerned with those of the others. It is the job and the responsibility of the Mayor to transcend sectional or special interest considerations, and to attack the problems in a coordinated, logical fashion. He will not make a great number of friends this way, but it is the responsibility of the citizenry to understand and appreciate that hard choices must be made and that the needs of the city must take precedence over the needs of any single area or group. To the extent that these fundamental needs of the city are attended to all the residents benefit, either directly or indirectly. Any other approach would leave us like the patricians of France who devoted the entire resources of the country to gratifying their own desires and needs, at the expense of the peasants. Then when the peasants arose in 1789, the ruling class sat in their houses amid the flames and the bloodletting wondering why everyone was so upset.

Gary has a great deal to be proud of in the stewardship of Mayor Hatcher. He has refused to ignore reality and has avoided the politically expedient course of attending to ignore reality and has avoided the politically expedient course of attending to the needs of the powerful at the expense of the city and the populace. I am pleased to be able to offer Mayor Hatcher this tribute of words tonight, and I envy all of you, who are in a position to pay tribute to your mayor in a much more meaningful fashion—by joining hands with him in making Gary a great city in which every citizen can live in peace, in prosperity, and in happiness, and together with his brother.

To quote from the Talmud: "The day is short, the work is great, the Master of the household is urgent. It is not incumbent upon thee to finish the job, but neither art thou free to desist therefrom."

LEADERSHIP

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. QUILLEN. Mr. Speaker, I recently had the pleasure of attending the southern regional meeting of the Federation of Republican Women held in Gatlinburg, Tenn., in my district.

Mrs. Gladys O'Donnell, president of the National Federation of Republican Women, was guest speaker of the session, which was the ninth in a series of workshop-type meetings the NFRW is holding throughout the country this year.

Mrs. O'Donnell, a native of California, has been actively involved in politics since 1936, when she served as an alternate delegate to the Republican National Convention. Since then she has attended several conventions and in 1968 she addressed the convention in Miami Beach, Fla.

Delegates from Tennessee, Kentucky, and Arkansas participated in the 2-day session in Gatlinburg, with Mrs. Dorothy Clawson serving as general chairman.

The Republican Party in Tennessee has always known Mrs. Clawson to be a hard and dedicated worker—one who can be counted on to get the job done.

The success of the recent meeting in Gatlinburg is due in large part to Mrs. Clawson's untiring efforts. She and other Republican women from my district and my State joined hands to make the meeting a memorable occasion.

I submit for inclusion Mrs. O'Donnell's speech, entitled "Leadership," available for readers of the RECORD:

LEADERSHIP

(By Gladys O'Donnell)

General Mark Clark, in describing leadership, said:

"All my life, as a soldier and educator, I have been engaged in a search for a mysterious intangible. All nations seek it constantly because it is the key to greatness—often to survival. That intangible is the elusive and electric quality known as leadership. However you define this quality, one thing is certain—there is never enough of it available."

Leadership is not necessarily good. Within the span of our memories there are many men who led their followers, and their countries, into monstrous dead-ends of no return—Hitler, Stalin, Mussolini, Mao, Castro—and many a lesser man on a lesser scale. People—especially young people—often mistake notoriety, boldness of action, and eccentric and erotic violation of accepted standards of conduct as leadership—a kind of courage—when actually it is a cover-up for personal failure.

We have seen these people in action with many of our young protest groups—men whose youth is rapidly vanishing and is in some cases long gone—have been mistaken as leaders simply because they believe in nothing—reject everything.

The quality of life in our country, and our image before the world, is diminished every time the Abbie Hoffmans, Jerry Rubins, Wm. Kuntslers, S.D.S., or Black Panthers appear on our campuses or on television as representatives of dissent in America.

There has always been dissent in America and it is a good and healthy thing. Each generation has felt it as the impelling force to action—to improve our way of life. They have worked within the framework of the Constitution and democratic processes to advance our nation. And we have succeeded to a degree never before equalled. This is not to say that our problems have all been solved—far from it—but it is to say that we are aware of our shortcomings and work to conquer them. So, while we know that much remains to be done, let us never hesitate to put down those whose quest for personal power is rooted in the destruction of everything Americans have built.

It is small comfort to review our own mistakes—but a necessary exercise (especially concerning youth).

We have tried to give our children happiness by surrounding them with all of the things indulgent parents could provide.

We were so eager to give, we denied them the satisfactions of achievement—those personal triumphs—however small—that build character and give zest and fulfillment to life. In the procedure they *lost their "worlds to conquer"*. The strong will survive our good intentions—but many have taken tragic detours.

Dr. Rolf A. Weil, President of Chicago's Roosevelt University, recently wrote:

"This generation, for better or for worse, has been raised in a highly permissive environment. Values are not accepted on faith or by parental authority. There is an experimental and questioning spirit—a desire to learn from experience".

"It may be costly to reject the wisdom of the ages, but the young have a desire to make it on their own—even if it means rediscovering the wheel. They tend to reject materialism, at least during their college years. This is particularly true of young people from middle and upper class backgrounds who can enjoy a short period of simulated poverty, secure in the knowledge that their families will be standing by to shower them lovingly with necessities or luxuries whenever called upon to do so."

And that is exactly what we do—rush in to rescue them from reality—again—dismayed afterward to be rejected—again. No wonder they say insanity is hereditary—you can get it from your children.

There are some very important things you cannot give to people, things money cannot buy—like self-confidence, self-respect, honor, dignity and pride. Without them nothing else means very much.

Now, when we need it most, we hear from Dr. Gallup, and whatever your opinion of polls, you will like this one:

1. Students in the great majority shun extremism.

2. Students of the new left give a favorable rating to the *Ku Klux Klan.*

3. Students of the far right think highly of the Weathermen and the Black Panthers.

Which means that extremism brings people full circle—the far right and the far left *can't really tell the difference.*

This survey may indicate that change is in the air—what TIME magazine calls *"The Cooling of America."* Or it may mean that the economic slow-down is bringing home to youth some of the *hard* facts of life. Whatever it is—it can only be beneficial.

There is no way to have the good life without carrying responsibility—it simply does not roll ready made off a government production line. Ours may *not* be the best of all possible worlds, but as long as we have freedom to aspire, to work, to dream, and to achieve, we can hope that we may eventually make it so. It was Robert Browning who said: "Ah, that man's reach should exceed his grasp—or what's a Heaven for?"

So it has been since the beginning of time and so, we pray, it may be until the end of time, for herein lies the hope of all humanity.

If this sounds idealistic, it is. But it is essentially what leadership—as we speak of it—is all about. Individuals with what General Clark called that mysterious intangible, that electric quality, can translate idealism into reality. They are leaders—and leaders have been performing this alchemy since the dawn of history.

We have no reason to believe that America, which has been so richly blessed with genius and talent, should suddenly stand helpless before the problems of today. A people with the imagination and creativeness to master the air, harness the tides, control the atom, and land men on the moon, possess strength and resourcefulness in heroic measure. Whatever our problems are, in the vernacular, we may not "dig it", but we can "cut it." Triumph over adversity is "our thing"!

We begin with leadership. Not the guidance of one man or one group of individuals, but the collective force of a free people galvanized into action on common problems—what President Nixon has endeavored to build. The history of America is not a history of what government has done for people, but of what people have done for themselves and for each other. Today's problems demand action in the same tradition and in splendid measure. They require mobilization of the social and economic strength of every sector of our society and a special mandate to the Nation's women. This is where *our Federation possesses enormous potential.* A half million women can exert decisive influence in all of our problem areas—if we are united and *work together.* Can you think of a single problem that could hold its own against 500,000 determined women?

In my over three years as president of the NFRW I have been impressed by the inherent strength of our membership—the genuine talents in so many, the vision and innovation of their leadership. Our challenge is to bring the full force of this ability to focus on the problems of our time and a victory for our Party in 1972.

At our recent Board Meeting in Denver a full day of reports by State presidents and chairmen reflected the range of club activities. Great emphasis was rightly given to our greatest national resource—our fine *young people*—and bringing them into the mainstream. And beginning early to create an awareness of who they are—since this seems to be in question. *They are Young Americans*—young citizens—heirs to all this country's greatness as well as our weaknesses—and architects of its future. Eleven and a half million of them between 18 and 21 will be eligible to vote in the Presidential election in 1972.

YOUNG VOTERS CLINICS

Who could be better qualified than our Republican women to guide them in:

1. The value of this privilege of self government.

2. The need to know what they are voting for and why.

3. The responsibility to exercise their votes.

4. I would like to suggest that each club provide these young voters with an Election Calendar on a 3 x 5 card carrying the dates of the elections in their states plus some words to inspire respect for the privilege.

Another Area—Special Emphasis—Community Service—Only if the people address themselves to modern problems—crime, drugs, environment—can they be solved.

This is where leadership in our own neighborhoods must be mobilized and polarized. We have long been aware of the destructive force of nuclear weapons—by now we should be aware of the danger of poisoning by the wastes of our affluence. *Every* citizen can do *something*—and every citizen is morally responsible to help.

Read our *Communty Service Manual* for ideas—and read FOCUS for news about what clubs in other states are doing.

There is no other area where results are so immediate, where the goals are so achievable or more rewarding. This activity especially lends itself to involvement of young people. Recruit them for week-end assaults on littered areas—shopping centers—picnic grounds, etc. Start a plant-a-tree campaign.

Burt Bacharach sings "What the World Needs Now is Love, Sweet Love." Actually what the world needs now is a good clean-up job—*in every sense*—physically, morally and spiritually.

3 Legislative Areas—where voices and leadership of America's women should be paramount, for upon women rests responsibility for survival of the moral values of our society.

First—Two Bills introduced by the late Senator Everett Dirksen:

1. *Voluntary School Prayer Amendment.*

2. *Anti-Pornography Bill.*

Both bear directly upon the moral climate of our country—both are bottled up by two professional bleeding hearts of the opposition:

Congressman Emanuel Celler, Chairman, House Judiciary Committee.

Senator Birch Bayh—Senate Subcommittee on Judiciary.

Hearings on both issues—refused by both Committees. If they are ever held—*bundles of petitions* bearing thousands of names—which were circulated by Federation women across the nation that I shall present as evidence of public concern in both areas, and support for action.

Third Legislative Objective upon which we should target is the Equal Rights Amendment. This has been both misrepresented and misunderstood. It too is a bill which Democrat Representative Celler denied hearings, saying that it would get out of Committee over his dead body. Well, we did get it out of Committee—with a discharge petition—and the Congressman is still around—but *he is 84 and we have hopes!*

The Equal Rights Amendment is essentially economic. Women represent 40% of the nation's work force, and if you wonder why they are unhappy, take a look at any payroll.

These are some of the things women can do in these times of dislocation, uncertainty and confusion—to restore order and sanity.

The women of our nation *can change the world* and we can save our values—our society. We are a vital part of today. We must be a *moving force* for tomorrow. Instead of submitting passively to the destructive litany of what is wrong with America, let us miss no opportunity to tell what is good and right about this great nation. And whatever needs to be done to *improve the quality of life* and provide *opportunity for the less fortunate,* let us do those things remembering that we will accomplish nothing by destroying what we have.

Let us remember too, that only by helping people to help themselves can we build the self-reliance, self-respect and sense of fulfillment that truly give purpose to life, and keep our nation strong, and keep us free.

There is a great tendency these days to miss the first article of faith in America's beginnings. It was to create and sustain an environment in which mankind's universal longing to be free could be realized. We have grown so accustomed to this blessing as a matter of course, that we abuse it and ignore it.

Maxwell Anderson wrote a great play, years ago. It was called *"Valley Forge".* In it he had George Washington saying "this liberty will seem easy by and by when nobody has to die to get it."

Countless Americans have died to preserve it, and in a hostile, suspicious and dangerous world, we dare not forget the price paid for the "rights" we enjoy. This responsibility rests upon the shoulders of every American—and our generation will accept it in full measure.

DONALD T. REGAN ADDRESSED THE EXECUTIVES CLUB OF THE GREATER BOSTON CHAMBER OF COMMERCE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. STUCKEY. Mr. Speaker, Donald T. Regan, chairman of the board of Merrill Lynch, Pierce, Fenner, and Smith, Inc., recently addressed the Executives Club of the Greater Boston Chamber of Commerce. I include his remarks at this point in the RECORD for the edification of my colleagues. My reason will become quite clear when Mr. Regan's remarks are read. He is a man who is aware of the need for policing his own industry in order to prevent unnecessary Government intervention. He is a man who realizes that his is the type of industry which necessarily requires a certain amount of Government regulation. It is chairmen of boards around the country that have made our American free enterprise system the best system in the world.

The address follows:

SPEECH BY DONALD T. REGAN

Good afternoon. I'm delighted to be back in Boston again. As some of you know, I went to that small university across the river about 30 years ago. I recall the experience with great pleasure, probably heightened by two intervening developments—a long absence, and residence in New York. There's nothing new about discontent with New York life—about 75 years ago, William James called New York "the permanent earthquake condition." But coming back here reminds me that cities can have virtues as well as deficiencies.

Today, I would like to start my talk with someone else's words rather than my own. So, let me quote: "I don't think we have a capitalistic system now. There are too many government controls over the market mechanism, too many subsidies, and far too much oligopoly and sharing of monopoly over the market mechanism." The speaker went on to argue that government power should not be used to protect corporations from competition, which led him to the intriguing and very capitalistic conclusion that "if power is going to be responsible, it has got to be insecure."

Now, if you had to guess the identity of the man I am quoting, I suppose you might pick the head of a great corporation—perhaps you might choose James Roche of General Motors. In fact, the man I quoted is a kind of a walking anathema to Roche. He is Ralph Nader. You can see that, philosophically at least, Nader oscillates on our wavelength.

The trouble with those of us who defend capitalism is that we don't appear at the bulwarks until the bugles sound. When we see the capitalistic system under full-scale attack, we rush to the battlement to defend it. But we do not give sufficient and continuous time and attention to explaining and, if you like, to preaching capitalism's merits. Thus there comes a sense of slack, instead of the dynamic tension that I believe is necessary. I do not suggest that we should seek to glorify yourselves. In the old Pennsylvania Station in New York stood an imposing statue of a railway president, with his overcoat over his arm and a blueprint rolled up in his hand. Incidentally, the man was A. D. Cassatt, grandfather of Tony Cassatt, whose firm merged with Merrill Lynch some years back. Monuments such as the one to A. D. Cassatt would be ludicrous today—especially since today's railroad executive would have to be depicted with a bag and an airline ticket in his hand, probably going to Washington.

You may recall Winston Churchill's famous remark about democracy: "It is the very worst political system in the world—except for all the others." Much the same can be said for capitalism. And when the system acquits itself well, we businessmen should be the first to point that out.

Let me be more explicit. Just about a year ago, if you happened to work on Wall Street, you had to hack a path to your office through the gloom. Alarm was in the air. The most cited statistics on the Street was not the Dow Jones Industrial Average, although that was gloomy enough, but rather the number of firms in the securities business that were failing. One hundred and fifteen firms—or 70 or 80, the number varies—were being forced out of existence, and it was all very frightening. We were told we were living in "a state of anomie," defined as "the anxiety of feeling there is no bottom." I recall a character in a Joseph Conrad novel who went around with a charge of explosive in his pocket. He was all wired up, prepared to blow himself to bits—and, of course, to take a few bystanders with him—the moment anything went wrong. For a while, Wall Street had that kind of mentality: it could not change or adapt; in case of trouble it could only go up in smoke.

The atmosphere now is quite different. Few except the people personally damaged are lamenting the passing of those 115 firms. Indeed, the current view about those recently departed is typified by a remark made by Voltaire, when asked for comment on the death of a contemporary. Voltaire said: "He was a staunch patriot, a talented writer, a loyal friend, and a devoted husband and father—provided he is really dead." This change of attitude can be easily explained. Last year was bad. This year looks pretty good. The difference accounts for the restoration of the old confidence.

But the competitive, free enterprise system has not gotten its due. What was at work last year was a deep and significant force: the self-correcting mechanism of a market economy. Wall Street was riddled with inefficient firms, many of them comparable to Mom and Pop candy store operations. They were under-capitalized. What capital there was had poor quality. Many firms lacked professional management. All were protected by a fixed price structure, which effectively prevented the more efficient from passing the savings on to their customers.

But the mechanism managed to work despite all the protective layers. And the process was surprisingly misunderstood at the time. Many people then seemed to believe that the capitalistic system was supposed to be riskless. But of course if it were that, it could not correct itself, and so it could not work. We would then have to live with the planners of a controlled economy. To my mind, that would be the greatest risk of all.

Looking at the present in the light of all this, we can see that lots of debris has been blown away. We are re-building with mechanisms that are markedly improved. Stronger firms can afford new capital investment, and that will mean more improvements still.

The cause of a lot of 1970's troubles dated back to the big volume years of 1968 and early 1969. Wall Street firms were bringing in lots of business through the front door, but they could not process it properly through the back. A costly and sometimes fatal log jam built up.

Let me explain for a moment how we measure the dimensions of the log jam. Securities owed to others following a sale must be delivered on the fifth business day from the initiation of the transaction. At the worst point on record, December of 1968, these "fails to deliver" came to the total of $4.1 billion. To keep the matter in perspective, you have to remember that what these figures represent is a fail to deliver securities within five days—in other words, delays beyond the legally set five-day limit. The great majority of such fails are resolved within a few days after that time.

Now look at where we are today. The first quarter of 1971 saw the largest volume for three months on record on the New York Stock Exchange—a total of 1.1 billion shares changed hands. You may also be interested to know that the ten biggest trading days in history, on which 21 million shares or more were traded, also came in the first quarter of this year. The quarter's total of 1.1 billion shares compares with around 845 million for the second biggest quarter in history—the second quarter of 1698. Yet in March of this year fails to deliver came to $1.74 billion, compared with that $4.1 billion in December 1968.

Now I draw two conclusions from the present level of fails. One is that the securities industry has a lot of improvments yet to make. The other is that it is working better than it did two years ago.

Wall Street's difficulties in processing paper track back to the continued existence of that decorative but destructive piece of paper, the stock certificate. That piece of paper is encumbered with traditions that concern not only brokers, but also bankers and lawyers; it physical possession is essential in myriad ways to fiduciary, secured lending, taxation and bankruptcy practices. In its seemingly endless journeys, it drags a long train of related pieces of paper. It has more potential offspring than a Delaware shad.

Today, member firms of the NYSE subscribe to a growingly effective mechanism called the Central Certificate Service. This service handles stock certificates somewhat in the way gold is moved at Fort Knox—that is, although ownership of the certificate changes, they never actually leave the vaults in which they are stored. Over $23 billion worth of certificates were handled by the Central Certificate Service in the first quarter of 1971. A lot of excess movement of paper is thus eliminated.

A committee called BASIC, made up of members of the banking and brokerage industries, has been at work on this matter of the stock certificate for some time. Much too slow at first, it now seems to be picking up speed. I get somewhat impatient when I hear that several years may be required before more processing is done electronically. It did not take the banks anything like that long to move to the use of magnetic ink on their checks. But the point is that the strings tying us to the stock certificate gradually are being cut. That spells revolution.

So do changes in our pricing structure. Partly because of the fixed-price system, a good deal of brokerage business has been escaping the floor of the New York Stock Exchange and going to other markets. As water finds its own level, so customers go where the price is right.

This movement away from the Big Board has led us all to re-think our concept about what a stock exchange really is. Essentially, we are discovering, an exchange is not a building or a floor or a geographic point. It is really only a system of communications about prices and trades—communications that must move in milliseconds, and prices that must be published, true, but still essentially only a system of communications, enabling people to buy and sell in public. We foresee a central marketplace, a kind of coalescence of all markets, adequately regulated to assure customers of the best prices, with no secrets kept. And I, for one, don't care much where they put the computers.

A step is being taken in this direction with the advent of Nasdaq, a quotation system that is centralizing the vast and scattered over-the-counter markets. Nasdaq brings customers quick quotations on some 2,500 stocks, significantly including 32 that are also listed on the New York Stock Exchange. In existence only a few months, it is working very well, and it also spells revolution.

All this has far-reaching importance. What we are discussing here are the basic workings of our capital-raising markets, the heart-beat of our economic system. Keynes found that the free enterprise system's most glaring deficiency was the failure of savings, by which he also meant profits, to pass over smoothly into new investment. It is just that critical conjunction that I am now talking about—that is, the way Wall Street handles the money that becomes new investment, and the price that it charges for the handling.

Obviously, we have a great deal further to go before we can even begin to be satisfied. Permit me to become technical for just a moment to illustrate the point. Right now, Nasdaq does not carry instant information on actual transactions, so that the last sale price of a stock traded over the counter is still not immediately available to a customer. In the absence of such information, a regulation of the New York Stock Exchange that forbids short sales on what we call a down tick—meaning when the last trade took place at a lower price than the previous trade—cannot be applied. That is dangerous. Ways must be found to apply even-handed regulations to all these markets, these communication centers as they emerge.

In terms of our pricing structure, also, more must be done. The rates for brokerage services are still mostly fixed. Recently, rates were cut free, and became competitive, for transactions with a value of over $500,000. Above that level brokers are competing—not without a certain amount of confusion, but still competing. Firms are posting different prices and offering different services—a healthy forward step. It has long been my view that we must be entirely free of this fixed price system, all the way up and down the line, so that the benefits of competition will not be extended to one group and denied to another.

But the fixed-price system still hobbles us. A year ago, when we were afflicted by that mood of anomie, the industry wrung a pricing concession from the SEC. A service charge of $15, or 50% of the commission rate if that amount were smaller, was imposed on all transactions. That was intended, of course, to keep those sinking firms from going down for the third time. Now, however, with the volume of transactions at record highs, the service charge, which is still in effect, is inevitably coming in for a good deal of criticism. John Moss of California, one of the most competent and effective members of the House of Representatives, who has for years served on various committees that affect our industry, is pressing the SEC either to justify or to eliminate the service charge.

That service charge has meant tens of millions to Merrill Lynch. Despite my respect for such a sum of money, I call now for the end to that service charge. Let us indeed end it. And at the same time let us be rid of the whole artificial and encumbering structure of fixed prices. Competition, and the corrective mechanism of free enterprise, will see that the price is right.

As for that security blanket, the stock certificate, more has to be done there, too. I won't be satisfied until it is eliminated completely. When you receive your bank statement, you know the bank holds for your account the total that the statement shows. You need no certificate of ownership beyond that. You don't ask to see your pile of money stashed away somewhere in a little box. I believe the ownership of securities must someday be validated in the same way.

You understand that Wall Street is by no means in agreement with me in all these matters. But naturally I believe I am right. You may recall the story about the difference between a neurotic and psychotic. The psychotic contends that two plus two equal five. The neutrotic says: "no, two plus two equal four—but I can't stand it." That kind of reluctance to face reality—in this case, the simple reality that the time of club mentality and protected market has passed—can still be found on the Street. But the cracks in the monolith are showing up every day.

So, the on-going operation of the self-correcting market mechanism has done Wall Street a lot of good. But let me add quickly that this corrective process is like an ever-flowing river. I am most assuredly not saying that Wall Street has no more troubles, or that no more Wall Street firms will collapse. Perhaps they will—I don't know. I only suggest at the beginning of 1971, we have succeeded at least in seeding the old with the new.

Still, the whole job cannot be accomplished by the industry alone. For good and sufficient reason, we are a very closely regulated industry. And I believe we are straining against the bonds of regulation, in the same way as the communications industry and the banking industry and the energy industry are doing. This is not because we seek to throw off regulation, and mulct a helpless public. It is because we are changing at a revolutionary pace—yet we are regulated by methods belonging to the era that we are leaving behind. As good capitalists, I think we have the right to ask the regulatory bodies to change along with us, in everyone's interest.

Over the next couple of years, the securities industry is likely to be caught in the glare of government investigations. The two chambers of Congress and the SEC are all pledged to throw the spotlight on us. In the interest of fairness, and for the sake of the public and our industry, the probing spotlight should swing wide enough to light up some of the government's own musty corners. Business claims no immunities. Bureaucracies should claim none.

The form, organization, and methods of the SEC have been essentially unchanged for too long. It is made up of an appointed chairman and five commissioners, each of whom has one vote. The commissioners are served by a staff of civil servants, many of whom have what amounts to lifetime tenure. For years now there has been a kind of underground debate going on about whether the commissioners or the staff wields more power. The commissioners themselves are unhappy. One of them, James Needham, recently called for a single administrator to replace the multi-member mechanism, which he said, "impedes the ability of the agency adequately to respond to the growing needs of the securities industry." Similar recommendations were made by the Ash Commission. And Manny Cohen, a distinguished former chairman of the SEC, pointed out last month that the SEC is "in bad shape" because of "budget and personnel problems."

The President has just appointed a new chairman of the SEC, William J. Casey. With his advent a new opportunity opens up for new and better relationships between the SEC and the industry it oversees. The brokerage industry is changing and accommodating, is prepared to admit its mistakes of the past and is eager to gear for the markets of the future. The challenge to the commission is to respond in kind—to regulate for the future, not the past.

Of course the SEC cannot operate properly, if as Manny Cohen said, staff members "can't get on a train to conduct an investigation outside of Washington" because they can't afford it. That sounds a bit too frugal to me. For fiscal 1970, the SEC had a total budget of $21.9 million. But, unlike most other government agencies, the SEC also generated revenue: it submitted to the Treasury about $15.5 million from fees charged for registration of securities, for charges on the volume of transactions on stock exchanges, and for fees for certain broker-dealer registrations. In the past, for example in fiscal 1969, the SEC has actually turned into the Treasury amounts larger than its total budget—in business terms, it made a profit.

Still, the fees charged are very modest. For registration of securities, the fee is one fiftieth of 1% of the total amount of the offering. I believe the industry is in a position where no one would be materially damaged if those fees were doubled. In that event, the SEC might feel free to ask, and to get, more money from the Congress. Staff members could afford to take trains. I think that would mean better regulation for a changing industry, and I favor it. Merrill Lynch won't object—perhaps strangely, we are willing to feed the hand that bites us.

Let me conclude with a word about the economy and the markets as we read them now. You'll be pleased to hear that we do not predict the stock market at Merrill Lynch—we have not been in the business all these years without learning something. It is said of mules that they will work for you for ten years in return for a chance to kick you once. Some such understanding of life's hazards, I think, lies behind our policy of refusing to guess where the Dow Jones Industrial Average is going to be at the end of the year. Our prediction would only come back to kick us later on. Also, our caution comes from agreement with the sage who said "there's nothing stable in the world; uproar is your only music."

Still, perhaps I can shed a little light. Generally, despite some disappointments in the last couple of months, we still believe that the fundamental trends of demand in the economy are strong. Final sales of cars and the rate of housing starts are both moving upward in an encouraging pattern. The gap between real disposable income and real purchases is narrowing—which is another way of saying that the volume of consumer goods buying is advancing to a level of about 3% above a year ago. Disposable income is growing in real terms despite the recession. And the rate of increase of the consumer price index has come down to an annual rate of less than 3 percent.

If the consumer shows more confidence, that will give the economy a big boost.

On the less exuberant side, we are worried about the prospect of an escalating budgetary deficit. We do not agree with the Administration's "1065" target for the GNP for this year; our estimates run closer to 1045. That brings us to a projected budgetary deficit of around $21 or $22 billion. While there is no doubt that the economy needs considerable budgetary stimulus, that strikes us as just about as much as it can take. If the deficit gets greater, either because of a tax cut or added government expenditures, we'll be worried that the increased profits and decreased inflationary pace that we project for the third and fourth quarters of this year may be jeopardized.

The key to sound growth is productivity. Although it is perking up, with about a 3% increase in the first quarter, we have yet to see the strong, sustained improvement that is needed. If productivity were to go to 4 percent, for example, that would bring labor costs down to a 3 percent rate—a sound basis for future expansion. Productivity more than any other indicator will be the determinant of the immediate future.

Interest rates right now are at a critical point. Short-term rates fell sharply all during 1970, and then dropped another 160 basis points to their mid-March low. Now, they are rising again, to about 4 percent levels. Guessing about rates is as dangerous as predicting the market, but with increased demand from the government and the demand from business that will be the corollary of economic revival, we expect short-term rates will probably rise somewhat.

The spread between long and short-term rates is narrowing. The Federal Reserve Board is still increasing the money supply at a high rate—an annual rate of 8½% for the first quarter, 10½ percent for the four weeks ending April 7. Savings institutions have a good supply of money, and so do commercial banks.

On the demand side, corporations are entering the market with bond borrowings whose volume will very nearly match the huge borrowings of 1970. Mortgage demand, business loans, consumer credit, and government borrowings to cover that deficit I spoke of, will all be high. Still, Lionel Edie's experts think the supply is sufficiently plentiful so that long term rates will soon head somewhat lower.

What I have said about Wall Street does not add up to a prescription for the millennium. None of us is looking for that. It would hardly suit our character. Alexis de Tocqueville said that "life would have no relish for Americans if they were delivered from the anxieties which harass them." New anxieties would doubtless take the place of the old, even if all my suggestions were carried out. But I'd be happy to cope with some new ones.

THE 1052-CLASS DE'S AND THE OTHER SIDE OF THE COIN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HOSMER. Mr. Speaker, there has been considerable disparagement in the press of the 1052-class destroyer escorts. One of these ships, the U.S.S. *Hepburn* (DE–1055) was commanded for 26 months during precommissioning and commissioned service by Comdr. S. D. Landersman, U.S. Navy.

On April 29, Commander Landersman was relieved by Comdr. J. W. Sellers, U.S. Navy, in change of command ceremonies in the Gulf of Tonkin.

Commander Landersman's remarks on that occasion present an eloquent case for this class of ships as well as testimony of this officer's dedication to his service and his country. The remarks follow:

REMARKS BY COMDR. S. D. LANDERSMAN, USN, AT CHANGE OF COMMAND, APRIL 29, 1971, U.S.S. "HEPBURN" (DE 1055), GULF OF TONKIN

Today I am completing 26 months of duty on this ship, I have taken her from the builder's yard, through commissioning, acceptance trials, fitting out, shipyard availabilities, shakedown, fleet exercises, and deployment to the combat zone. No officer has had command of a ship of this class as long as I have. No one has operated a ship of this class as much as I have. No one has made as many landings. One of the other skippers of a ship of this class called me the "Dean" of the 1052 Class Commanding Officers. When I speak it is not only for this ship, but for the entire class of ships.

There are many people who do not think well of these ships. They are uninformed. There are many people who waste time and words calling these ships a mistake. They are foolish. The ships of this class are in the fleet now. The time for talk about trying to do away with them is past. They are here, with us now. This is the time to learn how to use them, not abuse them. Rather than criticise these ships, we must employ them in the roles of the destroyers they are replacing, and to do this, operators on all levels must know their strengths, their weaknesses, and their differences and how to utilize them. We must learn new operating standards and techniques and accept new concepts of shipbuilding and ship employment.

When I reported as Prospective Commanding Officer of this ship I had the same reservations and doubts that many of the detractors of these ships espouse. I did not enjoy satisfaction from my time in precommissioning through the first months of duty with this ship. But I had decided on a philosophy which is, after all, the only philosophy for a commanding officer. "I will do everything in my power to make this ship the best that it can be. I will do everything possible to make it work. And after I have thus tried, if it still does not perform adequately, then I will know that it cannot be made to work, that the ship is a gross mistake, and I will bring appropriate attention to this fact."

Criticism of the ship and its class, especially by a commanding officer is inappropriate until the ship has been given time to operate at sea, where a ship belongs. An evaluation based on less is meaningless.

A commanding officer has to have the attitude that "this is my ship, I am in command of it, which means that it commands me totally, every minute of every day. I must make it function, or else prove that it cannot function."

To make the ship function properly required constant analysis of problems and every conceivable action to correct these problems. In this new ship we constantly analyzed the problems. We recommended solutions. We made, in many cases, our own solutions. Most importantly, we made the ship go.

I wrote official and personal letters and messages, made phone calls, and visited people, pointing out problems that existed in this ship and in the ships of this class, and recommending solutions. It took a long time. There were many problems. There were many people who did not want to act to correct the deficiencies. There were too many people who opposed change. A few people did respond. But progress was very slow. It still is, but progress has been made. Many of the deficiencies of this class ship have been corrected, and many are being corrected. We still have a ways to go.

But the reservations and doubts that I had in the beginning are gone. The frustration and the lack of satisfaction have been replaced by the finest sense of accomplishment, self satisfaction, and inner personal reward. I have no reservations and doubts about this ship. I have full confidence in it and would welcome the opportunity to take it anywhere on any assignment. It is strange that the only Navy people who criticize the ships of this class have never deployed in one. The press hasn't taken the trouble to ask any of us out here in the Western Pacific about these ships.

During this deployment with the U.S. Seventh Fleet *Hepburn* has performed in more varied duty assignments than most destroyers, perhaps more than any. Naval gunfire support, surveillance, escort, plane guard, and patrol are just a general indication of these duties. A more exact listing includes 12 different destroyer type duty assignments. The ship has proven that it is capable of meeting every commitment. Could this be done in a ship as deficient as our libelers would have us believe?

The class deficiencies and problems of these ships are well advertised, but the most important ingredient in making a ship perform is not the steel, aluminum, hardware, electronics, and equipment. It is the people, and good people can make almost any ship work. This ship has excellent people; the Best Crew in the World.

Just before we deployed to the Western Pacific a knowledgeable officer asked me if I were hesitant to go to a combat area in a ship which was supposed to have so many deficiencies. I replied that my crew could go in a bathtub with an outboard motor and get every job done.

We live in an era of change which calls for an open mindedness to new ideas and an acceptance of change. The detractors of these ships suffer from the same malady that causes so much difficulty between the old and young of today; opposition to change. Just because we have operated destroyers with four boilers and two propellers for the last 60 years is no reason to say we must do so now. "We've always done it that way," is by itself a poor reason.

The destroyermen of these new DEs are a new breed, and I like to think that we in *Hepburn* are pioneers of this new breed. The new breed of DE destroyerman comes with a new fresh attitude, "we only need one." One boiler operation of our one propeller, one rudder, and one gun. The new breed of DE destroyerman is more proficient at taking care of his equipment, because he has only one. He makes it work because he only has one and he has confidence in it. More than that may be a needless use of the taxpayers' money.

I like that attitude displayed by the Commanding Officer of one of the other ships of this class when he was asked by a former destroyer skipper if it was difficult shiphandling these new DEs. He snapped back, "I can put it right in your pocket!" How many officers have had the challenge and thrill of backing a 4000 ton single screw DE with a large sensitive bow mounted sonar dome into a berth alongside another ship? How many officers who sit behind desks and find time to malign an entire class of ship without ever operating one, will ever be in such a position? Only the new breed of DE destroyerman has had the opportunity, and he does it on one boiler, with one engine, and he'll probably use one tug. It's a challenge, but is being done, as are the hundreds of other evolutions necessary to make these economical ships operate.

I would enjoy seeing a disparager of these ships stand here in the Gulf of Tonkin, and tell this crew that this ship is a great mistake, that it cannot defend itself, that it is unreliable, slow, or unable to perform adequately. He would be laughed over the side, if not thrown.

This ship has fired her gun at the enemy in Vietnam, the first ship of the class to do so. We were the first to plane guard for an attack carrier and the first to embark a helicopter detachment, to name just a few of our firsts. We have also steamed more miles, and more days between refuelings than a destroyer can, and in a long transit where fuel is so precious to a World War II destroyer, we can operate faster than those older ships. When more speed is needed, our second boiler can be brought into use and provide enough speed for any assignment. These new DEs are among the fastest ships on two boilers in the destroyer force. And I'll tell you a secret; no one really knows just how fast they will go. We only know that they will beat anything on two boilers.

Some time ago we were told that this ship couldn't be ready for shakedown training and that we couldn't get through shakedown training. We not only got ready, but we finished so well that the compliments and congratulations from higher authorities flowed in for months. We were told that this ship couldn't fire night illumination and destruct at the same time in naval gunfire support because we didn't have the necessary equipment. We fired night illumination and destruct with what we had, the first ship of the class to do so, and taught the others how it was done.

This crew in this ship can accomplish anything they put their minds to. All that it takes is for someone to tell them they can't do it.

For that reason I am grateful to those who calumniate, deprecate, and malign this class of ship. It will result in even greater performance from this new breed of DE destroyermen.

Among the many accomplishments of this ship of which I am particularly proud is the fact that we have never had a man killed or seriously injured, and I hope that that record will continue.

Commander Sellers, who is about to relieve me, is a destroyerman of extensive experience. He has previously commanded 2 ships, has operated in all parts of the world, and has served in duties which have prepared him well for this command. I know that ***Hepburn's*** **accomplishments will continue.** My last order to this crew is serve him with the same devotion and provide him with the same support you have given me. I know that you will.

My thanks to you officers and men for making this ship one we have all been proud to serve in. My thanks for your respect, for your patience with my idiosyncrasies, for your tolerance of my moods, for your trust, and for your long hours of hard work and watch standing. Being your Commanding Officer has been a rare honor, a privilege few men are fortunate enough to experience. You are the best crew in the World. I salute you.

ANTIWAR TELEPHONE DIRECTORY AND PLANS FOR STOPPING THE GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. RARICK. Mr. Speaker, just as the Communist Daily World promulgates the party line to be followed by its faithful in the United States in attempting to undermine and eventually destroy the family, religion, free enterprise, and other basic and traditional institutions; so does the local Quicksilver Times, member of the Communist-oriented Liberation News Service Underground News Syndicate, disseminate orders and instructions to the antiwar fascist brownshirt-like shock troops now creating tensions and agitating in our Nation's Capital. Never since Hitler's Brown Shirts have any "cobble boots" been heard in any nation's capital. For the most part it is the same old program with the same people—just different names and more extreme goals.

So that our colleagues may be made aware of the various groups aiding and abetting the hard-core commies, their dupes, sympathizers, and allies who are precipitating the turbulence, thereby causing a denial of constitutional rights, an inconvenience, and an injustice to the peaceful, law-abiding citizens, I insert a telephone directory of cooperating organizations at this point in my remarks:

[From the Quicksilver Times]

PHONES

Quicksilver Times, 483-8000.
Abortion Counseling, 483-4632.
Amazing Grace Church, 333-1210.
A.U. Draft & Vocations Center, 686-2385.
American Civil Liberties Union, 483-3830.
Catholic Draft Counselling, 832-1176.
Catholic Peace Fellowship, 529-9704.
Consumer Help Center, 362-4357.
Citizens Grievance Center, 393-3333.
Committee for Returned Volunteers, 667-3776.
Community Bookshop, 833-8228.
D.C. Central Library, NA8-6776.
Drug Offenders' Rights Committee, 244-6688.
DRUM, 726-7405.
DMZ GI Coffeehouse, 737-3250.
Emmaus House Draft Counseling, 529-9704.
Fabrangen, 667-7829.
Free Advice, 333-5596.
Free Clinic, 965-5476.
Food Coop, 462-2818.
Gay Liberation Front, 387-3134.
Georgetown Legal Interns, 347-7518.
GI Office, 244-2831.
G. W. Univ. Draft Center, 338-0182.
High School Information Center, 338-6318.
Insurgent Printing, 882-5229.
IPS (Institute for Policy Studies), 234-9382.
Jews for Urban Justice, 547-8852.
Job Coop, 387-3390.
Legal Aid, 629-5179.
Maryland Student Union, 654-6312.
Mattachine Society, 363-3881.
Mont. County Hotline, 949-6603.
National Lawyers' Guild, 667-4567.
National Tenant's Organization, 347-3358.
National Welfare Rights Organization, 347-7727.
No. Va. Hotline, 527-4077.
No. Va. MayDay Collective, 321-7790.
Newsreel, 833-3775.
Peace Center, 234-2000.
People's Law Institute, 387-5760.
People's Peace Treaty Office, 347-7613, 347-7614, 347-7615.
People Power Unlimited (Job Coop), 234-6664.
Pilot District Project, 332-6595.
Off Our Backs, 462-4142.
Rap House, 234-8011.
Rap Shop, 667-3500.
Rap-Id-Rescue, 676-7221.
Rockville Free Clinic, 424-3928.
Runaway House, 462-1515.
SANE, 546-4868.
Second House, 483-0622.
Switchboard, 387-5800.
Third World Coalition, 234-5566 or 844-0525.
United Farm Workers, 587-0510.
Vietnam Veterans Against the War, 638-3321.
Washington War Tax Resistance, 546-6231 or 546-8840.
WAFU, 387-5437.
Woman's Liberation, 232-5145.
Young Socialists' Alliance, 833-9560.

I have pointed out on several occasions that the Institute for Policy Studies—IPS—has planned and served as the strategic command post for anti-American activities such as the present antiwar demonstrations—see CONGRESSIONAL RECORDS, volume 115, part 28, page 38598; volume 116, part 28, page 37417; and pages 12475-12477 of April 28, 1971. I, therefore, find it difficult to understand how President Nixon can continue to tolerate as chairman of his White House Conference on Youth a man who has served as an associate fellow of the Institute for Policy Studies.

I am sure that the hard-working taxpayers of this country find it hard to comprehend why the Commissioner of Internal Revenue has favored the Institute for Policy Studies with a tax-exempt status. To grant such a status to any group which aids and abets the enemy in its effort to overthrow the U.S. Constitution should be considered an act of treason and not an act deserving special privilege by tax exemption.

A good project for Secretary of the Treasury Connally who is the superior of the Commissioner of Internal Revenue or for the President who is Secretary Connally's boss would be to determine which of the organizations listed above in the telephone directory are enjoying a tax-exempt privilege; and to immediately hold public hearings directed toward revoking such favored status of any organization found to be so privileged. It is an insult to every taxpayer and every serviceman for their Government leaders to place such radical and extreme groups in a tax-exempt category.

Every effective army has to have an organization, be trained, be provided logistic support, and know what to do in case of capture by the enemy. I insert at this point in my remarks such vital information passed on to the antiwar troops:

EVERYTHING YOU NEED TO KNOW ABOUT MAY DAY

PEOPLE'S CITY

West Potomac Park, site of People's City, has been liberated since the Vietnam Vets moved in April 19. A 24 hour-a-day permit has been granted until May 10.

The roots of our community are communes and collectives and tribes which together form the regions and constituency groups. Each region is going to have to initiate programs and activities for everybody else, too . . . helping it all come together, bringing the war home.

Each region should choose representatives to be responsible for working along with the services and activities already set up. These include food, medical, day care, movement centers, information, communications, resistance training, and a daily newspaper. Specific information can be gotten at the reception centers.

Each region should divide into groups and have those groups take care of the specific jobs around the regional camp—security, food, thinking about tactics and discussing it with everyone, etc. Tactics means knowing the city, knowing the park and your own location in the park, and how you plan to move together as a group.

People's City is going to be our home for a while. We'll all get together in Town Meetings; announcements will be made on the latest information; a message board will be put up; and, mimeographed sheets will be put out to pass the word around.

We should build our community and decorate it. Put up flags and banners and signs—try to define your areas so that we give shape to the space. Make bulletin boards and walls for murals and writings and posters and notes. Paint the sidewalks. Silk screen our own clothes. We'll have movies at night and plays, skits and music all the time.

RECEPTION CENTERS

For information in Washington, people should contact the two reception centers. The main reception center will be located at the Friends' Meeting House, 2111 Florida Ave. NW and may be reached by calling 265-5842 or 265-5838. This center will have all information on specific topics—such as information about housing, medical and legal aid. (Other numbers for information on specific topics—such as legal aid are available in the May Day phone list, see page 8).

The second reception center will be a tent marked by balloons, flags, and signs at People's City, West Potomac Park. It will have all relevant information except housing. Both reception centers will be open 24 hours a day.

CAMP SECURITY

The overall community security is being taken care of by the Vietnam Vets. Each region should choose a collective to help the Vets. Regions should also set up security for their own campsites.

Sanitation and land care

Toilet facilities will be provided by the Park service. Trash cans are plentiful at the campsite (why not bring one of your own anyway), so there is no need to clutter our community. Daily trash pick ups will be made.

FEEDING THE AMERICONG

Raintree Tribe of Indiana and David Martin and crew from New Hampshire will prepare, distribute, serve and with the help and work of our brothers and sisters, clean up. Communal, tribal feasts will nourish us with granola for breakfast, peanut butter for snacks, and a vegetable, rice, bean salad dinner. Serving time is not yet set but a gathering gong will call us together. We will serve food that will liberate our bodies from unnutritious and poisonous foods, and build us up for the action which we will be involved in. As we eat, so we will become.

Notice—Much, much, much food is needed. Please bring all you can to 2111 Florida Ave. NW, the main Reception Center. Rice, rolled oats, honey, oil, raw vegetables, carrots, celery, cabbage, boullion, and if people are bringing canned goods, contents should be green beans, kidney beans, chick peas (garbonzo beans). Anyone wanting to donate money, write a check to People's Peace Treaty and send it to 1029 Vermont Avenue NW.

CHILD CARE

We couldn't have a community without our children, so plans are in the making for a child care center at the campsite itself. This facility would probably be in use until May 3rd. On May 3rd we will take our children to Ebenezer United Methodist Church, 4th and D Streets SE. For complete information, the day care number will be listed in the telephone directory (call 411) as the Spring Little People's Center.

The Ebenezer Church day care center will remain open til 9:00 p.m. each evening; after that children may be taken to the main reception center at Quaker House, 2121 Decatur Place NW.

MOVEMENT CENTERS

Movement centers are divided into two categories: regional centers and training centers for the People's Lobby and the May Activities.

TRAINING CENTERS

Why training? The war continues on poor people in this country and in Indochina. The Spring Offensive for peace and justice is committed to intensive non-violent actions: People's lobbying, demonstrations and civil disobedience May 3, 4, & 5. For these actions we need organization, discipline and training. The training will be of the demonstrators, not marshals, who will work out their own actions and discipline. Trainers will pose situations and questions, not solutions or authoritarian positions.

Training will be an exciting, experimental, reflective learning process, not a top down process as some people might read the word. Some of our actions to stop the war might lead to civil disobedience and police attack or jail. Let's be prepared.

Information will be available at the reception centers on the time and location of meetings on training in organizing the following kinds of actions: sitting in; creative rapping; police attack; non-violent self-defense; civil disobedience and jail; affinity groups; target strategy & tactics; creative lobbying. Training is also available on first aid and legal self-defense. Trainers can come to your region or locality for training.

There will be five target training centers for the People's Lobby. Each center will stay open all week, for informational purposes and to plan smaller actions on the days when their target is not in focus.

Congress (April 26)—Lincoln Memorial Congregational Temple, room 203, 1851 9th St., NW.

Selective service (April 27)—Science Bldg., Georgetown Univ., 37th & O Streets, NW.

Internal Revenue Service (April 28)—First Congregational Church, 10th & G Streets, NW.

Health, Education & Welfare (April 29)—William Penn House, 515 East Capitol St.

Justice Department (April 30)—St. Joseph's Priory, 4200 Harewood Ave., NE.

The phone numbers of each of these centers will be available from the main reception center at 2121 Decatur Place, 265–5838.

Also, one or two mass lobby centers will provide daily afternoon training, early afternoon mass meeting, later evening training on the day prior to the mass lobby schedule People will be training into Life Action Teams of 10 people each for the specific scenario. (See Calendar for April 29 and 30 lobby actions.)

Some specific May Day target training will go on during this week at the camp site and other training centers. But the major training will be done over May 1 and 2. Hopefully each target group will have at least 6–8 hours of training before May 3rd. Contact the Reception Centers for further information.

REGIONAL AND GROUP CENTERS

These movement centers will provide information on regional activities and have available space for small meetings and discussions. The following movement centers have been set up (if your group or region isn't listed, contact the reception centers for its location):

Region and movement center

Upstate N.Y., So. Virginia, North Carolina, Florida: Dumbarton Methodist, 3130 O Street NW, FE3–7217.

Pittsburgh, Ohio, Vermont: St. Paul's Episcopal, 2430 K Street NW.

New Hampshire: FE7–2020.

Boston: St. John's Church, 3240 O Street NW, 338–6677.

Washington, D.C., No. Virginia: 1750 Columbia Rd. NW, 387–1617 or 780–1235.

New York City, Long Island: 2000 P St. NW, Rm. 410, 462–3232.

Michigan: 1st Baptist, 1326 16th St. NW, 667–5092.

Texas, Arkansas, Louisiana, So. Carolina. Mississippi: 15th St. Presbyterian, 15th & R Street NW, 234–0300.

Connecticut, Chicago, Maryland, New Jersey, Western Mass., Rhode Island: None.

Central & Eastern Penn.: 1st Congregational Ch., 10th & G Streets, NW.

Indiana, Wisc., Minn., Missouri, Kansas, Downstate Ill., Neb.: 628–1443.

Women's Center: St. Stephen's Church, 16th & Newton Sts., NW 265–0142.

Gay May Day: All Souls Unitarian, 16th & Harvard NW., 462–0005.

ROCK AND SOUL FESTIVAL

Free music! Free dope! Free food!

Celebrate the people's struggle against sexism, war, racism, and repression. Come to the MayDay Festival of Life and the Sunday Soul Meeting on the Washington Monument grounds May 1 and 2. Music will be provided by Johnny Winter, Phil Ochs, Arlo Guthrie, Jay Giles, Mandrill, Holy Modal Rounders, Tim Hardin, Dreams, Third World, Wilderness Road, Mitch Ryder, Pride, Richard Pryor, Elephant's Memory, Swallow, Jonathan Edwards, and many more (we're still waiting to hear from James Brown, the Jefferson Airplane, and the Grateful Dead, for sure).

PHONES

Reception Center, 265–5838 or 265–5842.
MayDay, 347–7614 or 347–7615.
Legal, 833–9480.
Medical, 546–0024 or 546–0025.
People's Coalition, 737–8600.
Quicksilver Times, 483–8000.
Switchboard, 387–5800.
Free Clinic, 965–5476.
Women's Liberation, 232–5145.
Gay Liberation Front, 387–3134.
Vietnam Vets, 638–3321.
Third World Coalition, 234–5566 or 844–0525.

The Medical Committee for Human Rights is providing medical care for all the spring demonstrations. Their number is 546–0024–25.

Teams of medics led by MD's will be present at all actions. A church basement staffed by internists and psychiatrists will be open for prolonged care. A schoolbus with first aid supplies will be placed at a strategic location. Portable telephone communications will be maintained with hospital emergency rooms, the Mayor's command center, and the Mayday command center. Ambulances will be provided by the Red Cross.

The Medical Committee for Human Rights hopes to hold training sessions in first aid and medical consciousness during free time, probably in the church basement. These will not be to train medics for these demonstrations but for the future.

The number for medical information is 546–0024 or 0025.

BUSTED: WHAT TO DO

The following is a list of things for someone to do if he or she gets busted:

(A) When you get busted:

(1) Remain calm and be observant.

(2) Once you are busted do not resist because assault on a policeman is a felony. Resisting may now be treated as assault in D.C.

(3) Make your name known clearly and loudly so that those around you will know who you are.

(4) Get the name and/or badge number of the arresting officer.

(5) In the police wagon get the name and phone number of those who are there with you—especially if they witnessed your bust.

(6) When you get to the station, you only have to give your name and address if you want to. You have a right to a lawyer before you say anything. Give them your name and address, and do not answer any other questions.

(7) If you have the money to post collateral then you can pay it and get out but you should ask for a court date. You can change your mind later and forfeit the money by not showing up. This will result in a conviction, however. If you are wanted, on probation, or being prosecuted elsewhere, pay the money and get lost.

(8) Keep your mouth shut!! You can only do harm by talking, so keep quiet!! Do not talk!!

(9) You only are entitled to one phone call so call the number of someone whom you are sure will be home or the arrest number. That number is 833–9480. Write it on your forearm now in ink

(B) When someone else is busted:

(1) Get the name of the person busted.

(2) If possible get the arresting officers name and/or badge number, the charge, and where they are being taken.

(3) Get the name and phone numbers of other witnesses. Later get this information to the legal aid office at 833–9480.

(4) If you can raise collateral (usually $10.00 to $25.00), you can go down to the cellblock yourself and get the individual out. If they have the money, they can get themselves out. If the court date is set then the money will be refunded if the individual

has the charges dropped or is found not guilty. (It usually takes about an hour after a bust for the police to know whether or not they have someone.) If you are going down to get someone out there's not any point in extreme haste.

(5) Whether or not you get the person out, let legal aid know.

(6) Be observant of what is happening when you see a bust and write down what you see. (dates, time, etc.)

(C) General Information:

(1) Carry some dimes so that you can make phone calls.

(2) Carry a pen and some paper or index cards so that you can write down the arrest information mentioned above.

(3) Do not carry any address books, names, or phone numbers or the like that you do not want to give the authorities.

(4) If possible carry about $25.00 in cash as the police will not accept checks of any kind as collateral. It is best to conceal the money on your person as they may take your personal effects when they place you in a cell and they are often not returned.

(5) Do not answer any questions!! Keep quiet!!

(6) Remember that you have a right to a lawyer. If you are unsure as to what to do then do nothing and wait for a lawyer. (ask for one of course.)

(7) Lawyers will be available in cellblocks as well as in court. If you wish to speak to a lawyer, contact bust central.

EMERGENCY BAIL FUND

Bail money collected by groups may be kept by the groups for individual members or transmitted to the Emergency Bail Fund for general use. For direction to the Emergency Bail Fund collection people, call 347-7518.

Observe that the troops come from various parts of the Nation and are from communes, collectives and tribes which together form regions and constituency groups.

As revealed by the above communication to the troops, a permit was given to the "People's Army" to bivouac in West Potomac Park from April 19 to May 10.

Tourists visiting the Nation's Capital and residents of the surrounding area are not permitted to camp overnight in Potomac Park since to do so would be a deprivation of the rights of others and therefore a violation of the law. Why then are rabble with designs to disrupt the orderly operations of Government granted a privileged sanctuary in the heart of the Nation's Capital for their campsite?

The permit, according to a press report, was revoked Sunday since there would have been a threat to the safety of the general public if the camp permit had been permitted to continue in effect. While the revocation was in order, many question why the permit was issued in the first place.

At any rate, the Commander in Chief certainly bears the ultimate responsibility for allowing the potentially explosive situation to develop as he now seeks to gain respectability as a champion of law and order. However sincere the demonstrators may have felt their cause to be, by now they should understand that they were used by the administration just as the Quebec Liberation Front was used by Trudeau to gain public support for himself as a strong advocate of law and order in Canada.

It is also of interest to taxpayers to know that they are paying the full costs of the operation including ecological damages and toilet facilities for the "People's Army."

Before engaging in combat an army must have a mission and be well instructed regarding overall strategy, tactical procedures for specific skirmishes and the targets to be attacked. I insert instructions of this nature provided the antiwar troops:

MAY DAY STRATEGY, TACTICS, AND TARGETS: SHUTTING DOWN THE GOVERNMENT

STRATEGY

Washington, D.C. is a colony. It is ruled by a committee of Congress made up of racist white southerners. The overwhelming number of people living in Washington are black. Virtually the only industry in Washington is the Federal Government with the overwhelming majority of the employees being white and with a few exceptions, all upper echelon employees being white. This means that most employees of the Federal government commute to work each day from the suburbs of Virginia and Maryland.

Because of the racist nature of the Federal Government, closing down the apparatus that controls the War against Indochina and America's oppressed is a relatively easy operation if it is coordinated.

Twenty-one targets have been selected for the Mayday actions. The targets (see map) are broken into two general categories: (1) traffic circles and (2) bridges. These targets if blocked during the early morning rush hour will seal off the Federal Triangle area of Washington and the Pentagon. All of the targets selected deal directly with the Federal Government and blocking these targets will have a minimum impact on the surrounding black community. These targets were specifically chosen to minimize disruption of the black community. No disruptive actions will take place North of Massachusetts Avenue NW or East of 6th Street, SE and NE, which are the borders of the black community.

Our disruption of Washington must be seen as an attack on the Federal Government, specifically those sections dealing with the war against the people of Indochina and America. It must not be seen as an attack on the employees of the Federal Government. We wish to win them as allies and so we need to minimize their antagonism towards us.

By May 3 every government employee will know that to attempt to get to work he or she will have to brave a six hour traffic jam. We are attempting to create a "four-day weekend" consciousness among government employees. If this is successful, any employees caught in traffic jams will blame themselves for attempting to get to work and therefore, not us.

Our tactical approach to stopping the government is decentralization and concentration. By this we mean that the targets are decentralized and our demonstrators are concentrated. No target will have less than a thousand demonstrators and no major target (See map. Targets bearing asterisks will have more than three thousand demonstrators.) Our targets are decentralized to (a) insure the total halt of traffic and (b) to increase the difficulty of Federal forces containing our demonstrations.

Our numbers are concentrated in an effort to defeat the Federal forces' primary defensive tactic which is dispersal (dividing us into small units) and containment (isolating the small unity).

COMMUNICATIONS

For communications, we suggest regions to secure bull horns and short range walkie-talkies. The walkie-talkie operators need to be familiar with the equipment and establish codes to prevent interception and false information from being beamed in on their frequencies. The radios can be easily jammed or be made useless by false messages being beamed in, so you should establish an alternate system such as runners. The May-day collective will maintain several coordination centers and is setting up several alternative means of communication. We will monitor all police and military frequencies to provide up to date information for all participants. The information will be sent out over AM radio frequencies from special mobile transmitters. These transmitters will broadcast May 3 and 4 over clear channels and cover all twenty-one target areas. Every participant should bring a transistor radio.

Our own logistic preparation should be oriented towards individual self-contained units. People should bring wire cutters for fences, squeeze bottles of water for gas, bamboo flutes, tamborines for people's music, balloons and flowers for joy, dope and food to share with the GI's and fellow demonstrators.

TACTICAL APPROACHES

The following are a few of the nonviolent civil disobedience tactics being planned by various regions.

Waves.—The regional groups will be broken into units of 10–15 people. Monday morning the units will move in waves one unit in each wave, onto the road. They will sit down in a circle, and pass the pipe and play music until traffic is stopped. The next wave will then move to the road. This will last until noon when people will return to the Liberated Zone (West Potomac Park). The same thing will happen Tuesday. People will move on Wednesday to the Capitol and stay. This tactic is particularly effective at traffic circles where there are many roads leading into the circle.

Street party.—The regional group will move in mass to their circle target playing music and dancing getting as close as they can to the target. They will disperse if gassed or charged with batons but always regroup. They stay put if threatened with arrest.

Troop teach-in.—The region will encircle troops guarding a circle or line up several deep along troop lines protecting bridges. They will establish a one to one relationship to GI's and demonstrate solidarity. Food and dope will be passed out. If a large group of GI's come over to our side the breach will be filled with demonstrators moving through and sitting in on the target road. The Mayday legal facilities will have special sections to serve troops who join us and a special GI counseling center will be located in the liberated Zone. These regions are bringing wire cutters to get through fences to the GI's. Wedges and other formations sent to break up the concentrations of demonstrators will be absorbed amoeba-like and and given intensive arguments about why they should join us.

Sit-in.—The region will march up a street towards a circle or bridge and when confronted by police or troops will sit down. They will maintain their ground.

LAY OF THE LAND

The District of Columbia is most likely one of the easiest cities to understand and travel within, for it was one of the few which was laid out by a city planner.

The district is sectioned off into four areas, designated North West, North East, and South West and South East. Base lines for these sections are North, East, and South Capitol Streets and an imaginary line extending West from the Capitol Building.

Numbered streets run north to south; the lettered streets travel east to west. House and buildings number for each section start at each base line. For example, the 900 block on "C" Street, NW is between 9th and 10th Streets, NW. The 300 block on 7th Street, SW is between "C" and "D" Streets, SW.

As one travels North, and the singled lettered paths and trails in D.C. and, a new sequence appears, of one syllable words, starting with "A" begins. For instance, in one part of NW Washington, Benton, Calvert, Davis, Edmunds, Fulton, Garfield, etc. appear, following "W" Street.

Pennsylvania Avenue is numbered the same as lettered trails; Connecticut Avenue is the same as a numbered path. Most other diagonal paths and trails have no standard pattern.

TARGET SITES

1. Site one, Rosslyn Plaza, is on the Virginia side of the Francis Scott Key Bridge, which connects George Washington Parkway, Lee Highway, Route 66 and Fort Myer Drive. It is probably one of the most heavily traveled single areas in the entire Metropolitan area.

Site one affords excellent, low flat, open areas which are adjacent to or near all the aforementioned major highways from Northern Virginia.

Just North of Rosslyn Plaza is the Marriot Hotel, where it was found, the "High Command" of the Pentagon regularly dine. As one leaves Key Bridge, travelling West, the Marriot Hotel is clearly visible on the right and it provides an excellent staging area and superb parking facilities.

Traffic, during rush hour is normally stalled, and it is believed that it would present extreme problems for the defense forces of the Federal Government to prevent any disruption of traffic from not occurring. Massive defense of Rosslyn Plaza would normally disrupt traffic, one-third of which travels to the Pentagon, and the defense forces would thus be doing our job.

Also, use of gas in Rosslyn Plaza may be prohibitive since it is directly adjacent to the business section of Arlington and the "prestigious" Marriot Hotel. Their reluctance of using gas, however, is naturally not certain; we are merely speculating on probability.

2. Site two, the D.C. side of Key Bridge is restrictive in area and severely limited in mobility. "M" Street can be easily secured by defense forces.

Thirty-fourth and thirty-fifth streets are extremely steep, and can be easily blocked by police without affecting the flow of traffic at all.

The traffic both to and from Key Bridge is intense; congested traffic is normally a problem during rush hour. Whitehurst Highway, which travels under Key Bridge is a major thoroughfare and can be relatively easily disrupted from a flat, open area which is directly adjacent to Key Bridge, "M" Street and Whitehurst. One word of caution: this open area is extremely small, perhaps supporting only several hundred people.

3. This area is a comparatively isolated region, leading to the Theodore Rooveselt Bridge from the Virginia side. There is a very great expanse of open grassy plains which lies next to the George Washington Parkway, Arlington Blvd., which leads directly to the Pentagon, and Route 66, which directs traffic onto the TR Bridge.

This area, normally, carries relatively little traffic. However, if Rosslyn Plaza is disrupted, there is the possibility that traffic could be diverted to TR Bridge via Route 66.

4. The D.C. entrance to the TR bridge has one open land area which can accommodate large numbers of people. This area is the grounds for the Kennedy Performing Arts Center, presently under construction.

The Kennedy Arts Center lies adjacent to Rock Creek Parkway, a major interchange.

5. The Virginia side of the Arlington Memorial Bridge contains acres upon acres of open space leading to the bridge. In the event that Fort Myer Drive is disrupted at Rosslyn Plaza (see site 1), Memorial Drive may be used as an auxiliary road to Fort Myer by Federal Authorities.

Also, in the event all points South are effectively disrupted, Arlington Ridge Road, which changes into Route 110, may be utilized as one of the prime access roads from Northern Virginia to the Pentagon.

6. There is much land which can sever the Arlington Memorial Bridge entrance from the Lincoln Memorial grounds and the entrance to Rock Creek Creek Parkway, and Ohio Drive South. There are very large grassy areas west of Lincoln Memorial facing the Potomac adjacent to Ohio Drive.

7. Washington Blvd., containing the only direct access roads to the Pentagon from northern points, contains large expanses of flat open areas.

Specifically, the first access route, fed from Arlington Blvd. leads to the Pentagon North Parking Area, where tens of thousands of cars arrive daily. The terrain is flat and open and is bounded from the north by the Boundary Channel.

The second access route, Highway 110, leads from the area near Rosslyn Plaza directly to the Pentagon grounds itself. It travels under Washington Blvd, and splits off into a small operational access road which leads onto the Pentagon ground itself.

There exists in and around the Pentagon grounds, very large flat open spaces, particularly the area just north of the Pentagon.

Resistance from authorities is expected to be very rough, although it will be difficult to execute without a general disruption of traffic which achieves a potential goal.

8. The loop just west of the Pentagon serves the Naval annex, the U.S. Marine Corps and the Pentagon personnel via Washington Blvd. "North to South", from the Arlington Bridge, Columbia Pike, and Shirley Highway, East and West.

Just south of the loop, massive road construction is underway. There are acres upon acres of flat open space at the loop on Washington Blvd. and the access ramp from Shirley Highway "West" are vulnerable to disruption particularly.

The Loop, specifically, is the main feed-in to the Pentagon South Parking Area, and disruption of this general area could have demonstrable effects.

9. Shirley Highway, just south of the Pentagon South Parking Area boasts large bushes which tend to obscure visibility of the Pentagon Parking Area considerably.

Shirley Highway is probably the key road to the Pentagon, the U.S. Naval Annex and Henderson Hall, headquarters for the U.S. Marines, the latter two both off Washington Blvd., west of the Pentagon South Parking Area.

Expect, however to find tight restrictions on mobility, as Federal, local and military authorities will attempt to keep these areas, particularly Shirley Highway open.

10 & 11. The Rochambeau Bridge and George Mason Bridge are possibly the two most heavily traveled bridges leading to and from Washington, D.C. The Rochambeau Bridge directs traffic into D.C. and the Mason Bridge delivers traffic into Virginia. Both bridges, for simplicity, are known as the 14th Street Bridge complex.

In addition, the 14th Street Bridge is added greater importance because over 70% of the traffic flows to and from the Pentagon.

The two main arteries are the George Washington Parkway and Shirley Highway. This is a large open area of several acres between both the Rochambeau and Mason Bridges, which also shares its borders with the George Washington Parkway and the Potomac River.

Just south of the 14th Street Bridge is the Marriot Hotel which offers a large parking lot. East of the Marriot Hotel and south of Shirley Highway, an additional several acres of open flat land exists.

There appears little likelihood that gas would be utilized here, because of the proximity to the Pentagon and the Marriot Hotel.

12. The D.C. side of the 14th Street Bridge is one of the more heavily travelled thoroughfares in D.C. Approximately 70% of the traffic here will be Pentagon Personnel.

The Jefferson Memorial grounds provide low level open spaces for massive gatherings. The area, however, will provide many logistical problems as the dispersal and containment tactic the federal authorities can employ can be ideally implemented at the Jefferson Memorial grounds.

The importance of this juncture is the fact that an enormous rate of traffic flow will be traveling to the Federal Triangle, where most of the government operates.

Specifically, the most vulnerable area is the exit of the 14th Street Bridge leading to the Case Memorial Bridge and 14th Street. There is one intersection which joins both immediately following the exit of the Bridge.

13. Washington Circle itself is massive and can accommodate large numbers of people. However, other than the Circle, there is little room for . . . gathering. Adjacent to the circle is the George Washington University Hospital, with its emergency entrance facing Washington Circle.

There are several prestigious luxury apartments north of the circle which occupy most of the immediate land. "K" Street, in addition to intersecting with the circle, travels under the circle which might provide other complications.

It is, however, a major site, intersecting Pennsylvania, six blocks from the White House, with main artery, New Hampshire Avenue.

14. Dupont Circle, a crucial intersection where much traffic flows from the downtown "Federal Triangle" to the affluent, predominantly white NW section and Maryland suburbs.

The circle itself is open and provides easy accessibility to any of the particular arteries joined at Dupont.

Some of the more notable landmarks at Dupont are the Iraq Embassy, Riggs National Bank, the Washington Club and a Peoples Drug Store.

Some caution must be exercised at Dupont Circle for Connecticut Avenue travels under the circle, from north to south.

15. Scott Circle, three blocks from Dupont Circle sports much open land not only on the Circle green itself, but also in front of the Gramercy Hotel, which is south of the Circle on Rhode Island Avenue. Also, there is a small lot adjacent to Scott Circle where the abandoned Philippines Embassy stands.

The main arteries, Massachusetts, Rhode Island Avenues and 16th Street are often heavily travelled.

There is also much open space in front of the Australian Embassy and the infamous National Rifle Association, which are at opposite ends of Scott Circle on 16th Street.

16. Thomas Circle is a key junction for Massachusetts and Vermont Avenues. Massachusetts Avenue runs beneath Thomas Circle, yet there is a large open area, capable of sustaining several hundred people, directly south and adjacent to the Western end of the Massachusetts underpass.

Thomas Circle green is long and thin, divided into three separate areas by the circle access roads.

The Sonesta Hotel provides some area for mobility, which lies directly north of Thomas Circle.

Between 14th Street and Massachusetts Avenues, just east of the Circle green is a large parking lot which is unrestricted.

17. Mt. Vernon Square, joining Massachusetts and New York Avenues with "K" Street, provides a large area for manueverability in the green itself, where the D.C. Public Library is located. Directly west of the Library there is much land, which is increased by a church on "K" and Massachusetts Avenues, overlooking the library.

18. The Commodore intersection, near

Union Station has a large open area directly across from the U.S. Post Office and the National Guard Headquarters.

The two main arteries at Commodore, Massachusetts Avenue and North Capitol Street, lie adjacent to this open area, where perhaps ½ acre of land is available. The area is also several blocks from the Senate Office Building.

19. Stanton Park, a lower-middle class residential area, two blocks east of the Senate Office Building, is a small open area, measuring approximately 75 yards in length and 21 yards in width.

With the exception of Massachusetts and Maryland Avenues, which intersect at Stanton Park, there is little of importance. A gas station, a small church and a laundromat fill its borders.

20. Seward Square, two blocks away from the 5th precinct of the D.C. Police Department, and three blocks away from the House of Representatives Office Building, has a small area of open land, where North Carolina and Pennsylvania Avenues intersect.

It is one of the major crossroads into the Federal Triangle from points east and southeast of D.C.

One disadvantage is that Seward Square is divided into 4 sections, thus forcing any large group to be vulnerable to the dispersal and containment strategy of the defense forces.

21. Folger Park, although seemingly insignificant, does serve a vital purpose. Should the Seward Square disruption succeed, all eastbound traffic would prevent much traffic arriving from eastern points to the Federal Triangle from reaching their destination.

Folger is a small park in a semi-residential, semi-commercial area. It is relatively isolated and is two blocks south of the House Office Buildings.

REGIONAL TARGETS

The following regional targets have already been determined by participants from those areas. Further information and developments are available at the MayDay information tent in People's City.

Regions and targets

Upstate N.Y., So. Virginia, No. Carolina, Florida—Key Bridge (1 & 2).

Pittsburgh, New Hampshire, Ohio, Vermont—Roosevelt Bridge (3 & 4).

Boston—Arlington Memorial Bridge (5 & 6).

Washington, D.C., No. Virginia—14th St. Bridge (11 & 12).

New York City, Long Island—Dupont Circle (14).

Michigan—Washington Circle (13).

Texas, Ark., So. Carolina, Louisiana, Miss., Georgia, Alabama—Scott Circle (15).

Conn., Chicago, Maryland, New Jersey, Western Mass., Rhode Is.—Mt. Vernon Square (17).

Central & eastern Penn., Indiana, Wisc., Minn., Mo., Kansas, Downstate, Ill., Nebraska—Intersection of Pennslvania & Constitution.

Gay May Day—Surprise target.

It is my opinion based on facts available and personal first-hand observation that the so-called nonviolent "antiwar" demonstration is intended as a trial run—a rehearsal or training exercise—for the shock troops to ascertain their reaction under nonviolent conditions, and to determine just how much the troops would be permitted to get away with in their "peaceful" maneuvers.

The entire operation provides a classic exercise of the tactic of pressure from below and pressure from above which Communists used so successfully in Czechoslovakia and other subverted countries in gaining control of those once free countries. The invading hordes of degenerates and misguided young idealists from collectives and communes throughout the country provide the pressure from below while their cohorts in positions of power in government, religion, news media, and other areas—who cooperate with the enemy by granting them special privileges, carrying on public relations, supplying them with money and logistic support or aid and abet them in other ways—provide the pressure from above. The great majority of decent, law-abiding citizens are caught in the middle between these two pressures.

President Abraham Lincoln once said that if the United States ever succumbed as a nation it would not be as a result of invasion from without but rather subversion from within. I was disappointed over the recent vote to reduce funds to the House Internal Security Committee which has performed such a creditable task in keeping Congress and the American public informed with regard to subversive forces in our country.

What must be done now to strengthen our internal security is the enactment and enforcement of effective laws to curb subversives, Communists and to punish traitorous activities. Freedom must be considered in the light of prudence. We must no longer grant freedom to those who use their freedom to destroy freedom of others.

However, there is another problem. We have had statutes in the past to protect our internal security but the Supreme Court has knocked them down. Since the High Court continues to act as if soft on subversion and international movements which undermine American institutions; Congress, as the elected representatives of the people, must assert its constitutional power to remove from the Supreme Court any appellate jurisdiction in cases emanating from laws made by Congress to protect the internal security of the country. This is our power to do.

It is time for Congress to consider a bill such as my H.R. 390 to impose restrictions upon the appellate jurisdiction of the Supreme Court. I insert the text of H.R. 390 and several pertinent newsclippings:

H.R. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1259. Appellate jurisdiction; limitations

"The Supreme Court shall not have appellate jurisdiction to—

"(1) decide that any provision of a statute of the United States, a State statute, or a State constitution, is invalid because it is in violation of any provision of the Constitution of the United States, or

"(2) reverse, alter, or modify any decision or rule of law made by the Court,

except upon the concurrence of the full membership of the Court.".

(b) The section analysis at the beginning of chapter 81 of title 28, United States Code, is amended by adding at the end the following new item:

"1259. Appellate jurisdiction; limitations.".

[From the Washington (D.C.) Post, May 3, 1971]

PEACE CITY EXODUS: END OF EASY LIFE

(By Jim Mann and Tom Huth)

At dawn's light, yesterday, about 45,000 people were dancing, smiling, nodding their heads to music, making love, drinking wine and smoking pot. They had succeeded in turning downtown Washington into a smaller version of Max Yasgur's Woodstock farm.

Less than an hour later, the surprise announcement came: the police had revoked their permit and ordered them to vacate the premises.

And by 1 p.m., after the police had arrested the remaining stragglers, all that was left of the encampment was a dusty parkland with smoldering bonfires, crumpled blankets, a few discarded boots, soda and wine bottles, and a sign scrawled in blue paint in the dust: "We shall return."

It was the end of 10 days of Peace City. Born amid protest on a small field in West Potomac Park, it suffered drug problems among its youth, turned to politics in its maturity, swelled its ranks with rock music in middle age—and then died a day before it reached its life goal: to become a staging ground for a massive political blowout.

During the past week, it had been a small community, confined to the southeastern tip of the park near the Jefferson Memorial. At first it was inhabited by a predominantly teen-aged crowd of self-styled "street people," seemingly more interested in drugs than in politics.

Later in the week, however, an older and more politically active group had moved into the park, singing songs, chanting slogans and organizing for the attempt today to stop the government and, symbolically, the Vietnam war.

On Saturday, the camp that had held only a couple of thousand people suddenly grew to about 60,000, as youths from all over the East Coast and beyond—a modern-day Sherman's army of youth, traveling by thumb, feeding its belly with rock music and assorted liquids, and little else—swarmed into the city for a much-advertised rock concert.

They were not runaway "street people" or full-time political radicals, but young people from colleges and high schools and factories and communes.

Peace City outgrew its boundaries. The rock concert was held on a polo field originally outside the camping area. The overflow wandered over the entire park area from the Lincoln Memorial to the Washington Monument and onto the Mall beyond.

It was mind bogging. The kind of rock festival—with thousands camping out all night—that had been rejected by authorities in rural cow pastures across the nation was taking place in the nation's capital in and around the country's picture-post card tourist attractions.

The night had brought the bad drug trips, stretchers and ambulances, that were familiar sights for those who had been present earlier in the week. There were also warnings from the stage of the rock concert that there had been rape attempts against some of "your sisters." (Police yesterday had recorded at least two rapes at the concert Saturday night.)

By daybreak yesterday, it was a vision, a Washington of the absurd. People were sleeping on the ground, in their cars, on the top of vans, in the bushes, down by the Potomac and by the Tidal Basin.

Everything that was combustible had been used as firewood: construction materials, shrubs and bushes, snow fences, wooden shacks, park benches.

Slogans in red and blue paint covered construction equipment, fences and parts of monuments, proclaiming revolution, demanding peace, denouncing the President.

Just before 6 a.m., with the sky becoming pink behind the Washington Monument to the rear of the rock concert, people began to stand up and dance to the continuing rock music.

VIBRATING BONES

"Just a little music to keep them bones vibrating for a new day," intoned Claude

Jones as he began a rendition of Bob Dylan's "I Dreamed I Saw St. Augustine."

The Tidal Basin was full of discarded wine bottles, cigarette packs and milk cartons. There were enormous piles of trash in the middle of the campsites.

Just after daybreak, two new D.C. police department helicopters began to zoom over the area, lending an odd warlike atmosphere to the dawn. No one had any idea then of their significance.

Just after 6:30 a.m., as Claude Jones began to play "When the Roll Is Called Up Yonder, I'll Be There," the police began to appear on the edge of the park, unnoticed by most of the campers.

Within minutes, the announcement came: "People, we have bad news. We have just been told that our permit is revoked. The police have asked us to leave these grounds and to pick up our trash and remove it from the area. . . . Everyone just stay together and stay cool."

Perhaps because of the early morning hour, the first announcement produced surprisingly little up-roar. There were a few angry shouts and obscenities, but many people left immediately, heading toward the Washington Monument and then up 14th Street and Constitution Avenue.

Some began promptly to hitchhike back home, asking directions for the expressways or putting out signs bearing the names of states. They seemed to be those who had come primarily for the weekend rock concert rather than for today's demonstrations.

"We never heard about blocking any bridge," explained Jim Lima and Steven Shaughnessy, two high school students from Levittown, Long Island. "We were planning to leave today (Sunday), anyway."

Those who had come to hear the music were a little annoyed with the concert. By word of mouth or through leaflets and flyers, they had been led to believe that some of the biggest names in rock music—the Jefferson Airplane, James Taylor, Arlo Guthrie, Country Joe and the Fish—would play at the concert. One youth even said he had heard that ex-Beatle John Lennon would be there.

Down the dusty main road of the camp came a slow stream of campers moving out—shuffling people with bedrolls; one with a bugle; another with a tambourine; one with a back pack draped with an American flag, one man with frayed jeans, one leg and crutches. A few dogs wandered about.

As the morning wore on, tents came down one by one, with the stakes rolled into the canvas and the bundle hefted onto someone's back. Timber that served as tent poles and benches was tossed into bonfires that sent stacks of smoke into the gray sky.

Just before 10:30 a.m., 100 to 200 who had decided to stay beyond the noon deadline gathered at the main tent, Rennie Davis spoke, then others, then David Martin in blue overalls with a toothbrush in the pocket and a work cap. He said:

"I called my wife last week, and I told her to come and bring the baby, because I'm going to stay. This is my home, and they're going to have to carry me out."

Those who were staying were not talking of staying to fight. They were staying simply because it was their city, and they would be arrested.

30 TO 40 LEFT

Only 30 to 40 were left when noon came, and the long police line in the distance started moving forward. The group, sitting cross-legged in the dust, was happy and cool, and Martin led them in song. They sang "Power to the People," "Give Peace a Chance," "Michael Row the Boat Ashore."

Raymond Arlo from New York City, wearing a black ribbed sweater, instructed his fellow lawbreakers once more not to resist arrest. When the police move in, he said, "We're going to love them so much they're going to be people."

Then the police moved in. "Man, here they come. I've never seen that many police," said a blonde girl.

The group, encircled by newsmen greater in number than they were, chanted, "The whole world is watching" and "Peace and love, peace and love. . . ."

The police took them, one by one, firmly under the armpits and walked them to the waiting police buses. They were frisked and their pictures were taken. One youth stood against the bus putting Chapstick on his lips. A headlock was applied to one protester who did not go as easily as the rest.

Another youth, waiting his turn to be arrested, held a burning red candle in his hand and sang. A sheep dog tried to follow the protesters toward the bus and was tied to a tent pole. Police Insp. T. E. King patted him on the head.

The television newsmen sat calmly on folding chairs watching as the last of the group was led away.

The policemen, their helmets on and some with face-guards down, walked silently along with their nightsticks and tear gas guns. At the front of the line, Officer M. J. Cullinane read the Quicksilver Times as he strolled.

A phone in the demonstrators' headquarters tent rang without answer.

[From the Washington (D.C.) Post, May 3, 1971]

JUSTICE CALLED SHOT ON CLOSING CAMP

(By Paul W. Valentine)

The decision to close down the vast antiwar encampment in West Potomac Park at dawn yesterday was made 12 hours earlier at a closed-door meeting in a fourth-floor office of the Justice Department.

In the office of Deputy Attorney General Richard G. Kleindienst, a handful of ranking officials from Justice, Defense, Interior and Washington metropolitan police departments met from 5 p.m. to about 6 p.m. Saturday to discuss the action.

A basic decision was made to revoke the permit for the encampment and to fly in federal troops as possible support for police who would handle the actual closing down of the park.

The result: an estimated 45,000 persons were quietly expelled from West Potomac Park, and those few remaining were arrested without violence.

The reason stated by police for revocation of the permit for the park's use was that the continued presence of large crowds whose leaders have vowed widespread disruption of the city today and Tuesday "constituted a threat to general public safety."

Police tried to take precautions for almost every possible contingency. Police brought tear gas and shotguns to the park. They were never needed.

Dupont Circle, Montrose Park and the Washington Monument grounds—all favorite gathering spots for young activists—were closed to the public yesterday. Foot policemen were stationed along downtown business streets to prevent window-breaking or "trashing" by youths leaving the park.

These plans were kept under wraps overnight. Few officials beyond those at Kleindienst's office Saturday were informed of the new strategy, and government spokesmen generally refused to discuss details yesterday.

President Nixon, in San Clemente, Calif., was kept informed of developments.

Rank-and-file policemen, many of whom were kept on alert overnight Saturday in downtown hotels and motels, did not know what was planned until they were awakened before dawn and deployed to the park. Only Police Chief Jerry V. Wilson and some deputy chiefs, inspectors and captains knew of the plan in advance.

Kleindienst, the No. 2 man in the Justice Department, was the highest-ranking official of his department at the Saturday meeting. Spokesmen would not say what other officials were present.

Protesters at the park, led by the militant antiwar group called the Mayday Tribe, had been authorized by the Justice Department to use the parkland near the Lincoln Memorial until May 9. They had planned to use it as a launching point for mass traffic disruptions this morning and Tuesday.

Police spokesman Paul Fuqua outlined yesterday five factors he said contributed to official determination that the encampment posed a threat to public safety:

The unexpected large number of persons present.

Repeated public statements of protest leaders vowing widespread disruption of the city.

The pattern of smaller-scale disruptions (causing more than 1,000 arrests) in the previous two weeks of demonstrations in Washington.

Continuing violations of the permit since the protesters arrived more than a week ago, including use of tents and fires and camping on the parkland.

Violation of public laws such as those prohibiting possession of marijuana and other drugs.

Justice Department sources also said privately that government officials figured that closing down the encampment would scatter the demonstrators and fragment their efforts to regroup for the planned disruptions of traffic this morning.

A spokesman for the Interior Department, which has jurisdiction over national parklands, said the Justice Department "called most of the signals" in planning the camp shutdown and in dealing with the protesters earlier.

Wilson said, however, that once the basic decision had been made, "I had latitude to do whatever happened to be necessary."

After the meeting in Kleindienst's office, Wilson said he met to map specific tactics with his own assistant and deputy chiefs, plus Secret Service representatives. General Services Administration officials and suburban police officials.

He acknowledged that the move against the park at 6:30 a.m. when many persons were asleep or winding down from an all-night rock concert, was done in part because of its surprise element.

"There was always the potential for trouble and (the dawn notice) had the advantage of not giving a lot of time for crowd organization," he said.

Mayday Tribe organizers reacted angrily to the police action, contending they had not been notified in advance as provided in the permit agreement with the Justice Department.

The six-page agreement said that if revocation of the permit was planned by the government, consultation would be sought first "if possible or reasonable," with Mayday organizers. Philip Hirschkop, attroney for Mayday, and other leaders said they were not notified until after the action was taken.

[From the Washington (D.C.) Post, May 3, 1971]

CAMPERS OUSTED, STILL PLANNING TO SNARL CITY TODAY

(By Bart Barnes and J. Y. Smith)

Police cleared West Potomac Park of an estimated 45,000 antiwar demonstrators early yesterday in an effort to foil the protesters' plans to bring government operations to a halt today and Tuesday.

By last night, National Guardsmen had taken up positions in Georgetown and some other parts of the city. Their purpose was to take over normal police functions so that the police force would be free to deal with today's scheduled protests, spokesmen said.

The principal tactic advocated by the Mayday Tribe, the organizers of this week's protests, is to block the major arteries leading into the city and thereby prevent government workers from reaching their jobs.

Police Chief Jerry V. Wilson said in response to a question that it was a logical conclusion to assume that the revocation of the permit to camp at West Potomac Park was aimed at heading off the planned traffic tie-up.

The Guardsmen last night patrolled at first on foot. Later, they confirmed their activities to jeep patrols in Georgetown, around George Washington University, the White House, DuPont Circle and elsewhere.

Georgetown University appeared to attract the largest number of those evicted from West Potomac Park. A university spokesman said last night that about 3,000 persons, apparently potential demonstrators, were on the campus. A Georgetown University official said they were "not welcome to return" after last night.

But yesterday's major event was the clearing of West Potomac Park. It sent at least three-fourths of the 45,000 back home—to the suburbs and to points as diverse as Florida, Indiana and Massachusetts.

But there were estimates that as many as 10,000 protesters organized by the Mayday Tribe, had regrouped at the universities, churches and elsewhere to plan for the fourth and most militant stage in the spring peace offensive in Washington.

The demonstrators still planned to stop traffic at the bridges over the Potomac River and at key intersections this morning and to march from the Washington Monument grounds to the Pentagon.

How successful they would be was uncertain. Including the National Guardsmen on patrol last night, an estimated 10,000 federal troops and Guardsmen were on alert at nearby military installations ready for street duty. Wilson has promised that any traffic tie-up that occurs will be minimal.

The appearance of Guardsmen on the streets last night was their first in the current series of protests.

In the course of the police action at West Potomac Park and related incidents elsewhere, about 300 persons were arrested and were being given bond hearings at Superior Court last night. There were no reports of violence.

Yesterday, to back those clearing West Potomac Park, other policemen were stationed along downtown streets to prevent possible violence. The U.S. Capitol, Washington Monument grounds, Dupont Circle and Montrose Park were closed to the public.

In regard to possible tie-ups today, the federal government announced that normal leave policies are in effect today, meaning that employees are expected to report for work as usual. Some departments suggested that employees report early, and there were persistent reports, unconfirmed last night, that top agency officials were told to come in at 5 a.m. today.

Today's traffic-blocking activities are to start a third consecutive week of antiwar protests in Washington that began last month with an encampment of the Vietnam Veterans Against the War on the Mall.

At one point the government won an injunction, upheld by the Supreme Court, against the veterans' encampment, but then declined to use it.

The veterans' protest was followed by the massive and peaceful antiwar rally April 24 and then last week by a series of marches, picketing and sit-ins at the entrances to various federal agencies downtown. More than 1,000 were arrested and detained briefly during last week's activities.

Today's planned actions represent a new and untested tactic, according to protest leaders.

On the premise that peaceful demonstrations such as the one April 24 have failed to achieve peace in Southeast Asia, leaders of today's action have said they plan to create "a level of social chaos that America's leaders will be unable to accept."

They reason that the majority of Americans favor immediate peace in Southeast Asia and contend that they will blame the government and not the demonstrators, for any inconvenience.

A Pentagon spokesman maintained yesterday that the movement of federal troops here, from as far away as Ft. Benning, Ga., was "precautionary." He said the troops would not be used unless the Justice Department requests them.

As of yesterday afternoon, Justice Department officials said "it's still a metropolitan police activity," but Army spokesmen conceded that deployment plans are ready for this morning if troops are needed.

The number of troops on alert in the area was the largest since the riots of April, 1968, when 11,600 were brought into the city to quell rioting that followed the assassination of the Rev. Dr. Martin Luther King Jr.

Over the weekend, the troops were airlifted or convoyed here from Fts. Eustis, Lee and Belvoir in Virginia; Meade in Maryland; Bragg, Pope Air Force Base and Camp Lejeune in North Carolina, Ft. Benning, and the Marine base at Quantico, Va.

They were stationed at Andrews Air Force Base, the Soldiers Home, Ft. Myer, and the Anacostia Naval Air Station. By 3 a.m. yesterday, planes were seen landing at Andrews every three minutes with armed troops.

A contingent of about 200 soldiers, presumably part of the 3d Infantry assigned to guard the White House, was seen entering the basement of the Executive Office Building at 5:25 a.m.

The 515th Military Police Battalion from Ft. Meyer was the first unit to go on standby alert Friday night. Yesterday, 2,000 troops of the 82d Airborne Division arrived from Ft. Bragg.

Other units brought to the area included the 1st Field Army Support Command from Ft. Lee, the 91st Engineers Battalion from Ft. Belvoir, the 7th Transport Battalion from Ft. Eustis, a battalion of 850 marines from Quantico, the 519th Military Police Battalion from Ft. Meade and the 44th Aviation Battalion, which arrived with five helicopters from Ft. Benning.

The Pentagon's deployment, military spokesmen said Saturday, came "in response to the determination by the federal government that illegal conduct, breaches of the peace and attempts to close down government services will not be permitted."

Metropolitan police cancelled all days off and leaves today and men were put on staggered, 12-hour shifts to cope with any disruptions. An undisclosed number of policemen was being billeted for a second night at hotels within the city.

The decision to move on the West Potomac Park campsite was made Saturday afternoon in a private meeting at the office of Deputy Attorney General Richard Kleindienst at the Justice Department.

Those attending included "ranking officials" of the Departments of Justice and Interior, the Pentagon and the Washington police department.

Reasons given for revoking the permit were assessments by government officials that there would be a threat to the safety of the general public if the camp permit were to continue in effect.

Police plans were a well-kept secret. Even the strike force, many of whom spent the night at downtown hotels including the Washington Hilton, did not know their specific assignment until 5 a.m. yesterday.

At 6 a.m., a police press release disclosed the revocation of the Interior Department park permit, although earlier, police had denied that additional forces were being called to duty.

Police massed two deep along Independence Avenue between the Lincoln Memorial and the Tidal Basin shortly before 7 a.m. while many persons at the rock concert were still sleeping.

The police order to clear the camp was first read from a sound truck at 6:45 a.m. It was repeated several times during the next 4½ hours as the crowd began to disperse.

Shortly before noon, about 750 policemen swept through the campsite and arrested between 50 and 100 persons who refused to leave.

The police sweep through the encampment was delayed for several hours as Insp. T. E. King walked alone through the grounds, talking to protesters and urging them to leave voluntarily rather than face arrest.

When the arrests did come, demonstrators did not resist, and there was virtually no violence.

NUMBERS LISTED FOR INFORMATION

The District of Columbia, Alexandria and Fairfax County have announced that special telephone numbers will be available today and Tuesday for motorists to call about traffic conditions caused by antiwar demonstrators in their jurisdiction: The numbers are:

D.C.: 629-3871.
Alexandria: 750-6311.
Fairfax County: 591-3333.

Arlington County police urged motorists and others to listen to radio reports rather than call police for conditions. No special numbers have been set up in Montgomery and Prince Georges counties.

But the government action was denounced by protest leader Rennie Davis, who told a press conference:

"The U.S. government insists on martial law in Saigon and virtual martial law in Washington, D.C. . . . Nixon has decided to suspend the Constitution," he said.

But Sen. ———, another opponent of the war, said it could be "counterproductive" if demonstrators were successful in interrupting the government.

George Wiley, executive director of the National Welfare Rights Organization, also at the press conference with Davis, protested the cancellation of an afternoon soul rally, scheduled for the Monument grounds.

"The city is virtually under a state of martial law," he said.

After sweeping through the campsite once but permitting newsmen and medical personnel to remain, police regrouped at the south end and swept again, ordering all newsmen and medics out.

Small knots of demonstrators, meanwhile, headed into the area generally between the White House and Georgetown University, in the vicinity of Pennsylvania Avenue.

At one point a section of 17th Street NW near Constitution Avenue was blocked off as a contingent from women's liberation, joined by a number of male bystanders, held a march.

A few arrests were made after paint was tossed at nearby buildings.

Forty-two Quakers were arrested in Lafayette Park, where they walked after a Sunday afternoon meeting and formed a circle and clasped hands. Motorcycle police had been keeping the park clear, allowing people to walk through but not to gather there.

In other parks around the city, Sunday strollers as well as demonstrators were met by police. Dupont Circle was sealed off soon after police moved on West Potomac Park and Montrose Park in Georgetown soon after that.

In closing the parks, police spokesmen cited a broadly worded regulation authorizing police lines barring the public "when (police) consider it necessary for the protection of persons or property."

Throughout most of the afternoon and early evening, however, those who remained in town met in state and regional groups to discuss tactics for the rush-hour disruptions this morning.

Mayday organizers reportedly scaled down the number of target intersections from 22 to 12 or 13.

In addition to the 3,000 protesters who gathered at Georgetown University, a "couple of hundred" were made welcome at the American University Student Association and about 300 remained on the campus of George Washington University, according to spokesmen for those institutions. The spokesmen said the situation was quiet at both campuses.

(NOTE.—Contributing to this story were Washington Post Staff Writers Donald E. Graham, Eugene Meyer, E. J. Bachinski, Jean R. Hailey, Martin Weil, William N. Curry, John Hanrahan, William L. Claiborne, Sanford J. Ungar and Michael Hodge.)

SEEKS REASONABLE COMPENSATION FOR ALASKA'S MEDICAL AIDES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BEGICH. Mr. Speaker, many citizens in Alaska depend solely on the U.S. Public Health Service program for all their medical needs. Without doubt, these services provide the most beneficial health program in Alaska today. However, because of the ever increasing demands made on these dedicated medical aides and the increasing number of cases they are called upon to handle, the present program does not adequately compensate those who work so diligently and unselfishly.

The dedicated men and women who staff the Public Health Service hospitals are well-trained and deeply concerned individuals who share the common goal of providing good health care for all Alaskans.

Presently, the salaries of these medical aides does not take into consideration the continuously increasing workload nor the increased skills and time needed to perform their jobs properly. If we hope to continue to attract these dedicated people, the U.S. Public Health Service will have to provide a more reasonable and just compensation for each medical aide.

The Alaska State Legislature is also concerned with this matter and has passed a joint resolution to that effect and I submit it for inclusion into the RECORD.

HOUSE JOINT RESOLUTION NO. 40—RELATING TO VILLAGE MEDICAL AIDE SERVICES

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Public Health Service program which provides for the services of medical aides in many remote areas of Alaska has proven to be one of the most beneficial programs concerning the health and general well-being of many Alaskans; and

Whereas the duties placed upon these medical aides has steadily increased, along with the necessity that the aides possess more skills and devote more and more time to their duties; and

Whereas the existing salaries of the medical aides do not take into consideration the continuously increasing workload nor the increased skills and time needed to perform their jobs properly; be it

Resolved by the Alaska State Legislature, in the light of Alaska's high cost of living, that the United States Public Health Service is respectfully requested to provide reasonable compensation for each medical aide.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Elliott Richardson, Secretary of the Department of Health, Education, and Welfare; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

COURT DIES—AND ADDICTS' HOPES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SCHEUER. Mr. Speaker, the State of New York has begun to choke off funds from vital social service programs throughout the State. Citing severe financial constraints, the Governor and budget cutters in the State Assembly have slashed narcotics treatment budgets far below present levels.

These cuts are not painless. They are not trimming fat from inflated programs. They are gutting successful operations that have offered narcotic addicts a real chance to escape a life of crime and degradation. The following article in the May 1, 1971, issue of the New York Post describes the impact of these budget cuts on addicts and their families seeking treatment. Seventeen of my colleagues have protested these devastating budget reductions in a letter to Governor Rockefeller. I include both the Post article and the text of the letter at this point in my remarks:

COURT DIES—AND ADDICTS' HOPES

(By Marc Kalech)

Nobody wanted Special Term, Part Three of the State Supreme Court, to close down. But when it finally did there were a lot of people who were glad the agony was over.

Justice Edward Dudley adjourned the court, thanked the staff and everyone packed up belongings and slowly filed out of the tiny courtroom, heads bowed, trying to avoid the confused stares of the parents and narcotic addicts waiting in the hallway.

Part Three had just completed an agonizing week of turning away heroin addicts who wanted to enter the state's Narcotic Addiction Control Commission's rehabilitation program.

Part Three had spent the week telling parents who had made the decision to turn in their children to the state for up to three years, that the court could not help them any more.

NCAA told the court last week that it would not accept addicts into its enforced-treatment program for at least two months because of state budget cuts.

Dudley, administrative judge of the State Supreme Court for Manhattan and the Bronx was spending his one week of the year presiding in the basement courtroom of the Edgecombe Rehabilitation Facility at 611 Edgecombe Av. in upper Manhattan. The wood-paneled courtroom is only about 30 feet long and 20 feet wide.

Dudley, at the request of defense lawyers, consented to allow a reporter to observe the last session of the court.

A father sat before the justice and asked the court to issue a warrant for the arrest of his 24-year-old son "before he kills himself."

The man stared at Dudley in confusion as the balding jurist told him that the court was going to dismiss his petition.

The man listened to the decision and then quietly stood, wondering what had happened. He turned to one of the two uniformed guards to ask what he could do next but the guard was calling the next case.

A sobbing mother entered with her young son. The woman told the judge that she had no proof that her son was addicted "but I know he uses drugs. I'm his mother."

She said the boy's friend had threatened her life if she turned her son in. She wanted him examined by a doctor to determine if he was using heroin.

Dudley dismissed the case and told the woman to return in 60 days if she still thought her son was using drugs.

"Should I come back after I've been killed," she screamed.

A mother and father accompanied their 16-year-old daughter before the court.

The girl had already been examined by a NACC doctor and was found to be addicted. The parents expected the girl to be committed but the doctor could not be reached to testify at the girl's trial.

Since the date of the trial could not be advanced, Dudley announced that the case had to be dismissed.

"Do what?" the startled mother shouted. "Please, I want this child put away. She has taken all her sister's things. I have to have this child out of the house."

The judge said, "There is no more money and this facility is closing down. I'm sending her home."

The little girl looked helpless. As she left the court she looked up at her parents. Her father said: "I don't care what the Goddamn judge or anyone says, she's not coming home with me."

A self-petitioner stood before the court. He wanted to be taken off the streets. Dudley explained the budget cuts to the boy. He said the court could not hear his case now but he could repetition when the court reopened.

ASKED TO HOLD OUT

"You've come here yourself. That's good. I hope you can hold out another two months," the judge said.

A mother had brought her son in for a medical exam. The boy entered wearing the baggy denims and torn sneakers that were issued to him after his exam.

The doctor said that the boy was addicted. The boy did not want to accept the finding and requested a trial. The doctor could not be reached to testify and the case was dismissed.

The boy explained that if he entered the program he would be released in a few months. "If I go out on the streets in a couple of months I'm going to go back on heroin," he said.

"I need a long period of time to get myself together. I've never been locked up before and I don't like it so I'm going to get myself together."

In all, the justice heard 34 cases before the morning was through. He dismissed 27 petitions and certified seven addicts to NACC programs.

Most addicts that were certified had come to court before the budget cuts were announced and had been in custody since.

As the morning drew on, Dudley grew more testy and his frustration became more apparent and spread to the rest of the staff.

"I think this one of the most frustrating things we have ever engaged in in this court," he said during a break.

"Because of the shortsightedness of our political figures, we're not only not able to continue at present levels, we're not able to continue at any level."

Dudley thought that the NACC program was "no panacea, no magic cure" but that it had "given some people hope . . ."

The justice stopped for a moment. Maybe he was thinking of the mother whose son had not been accepted. "He's going to kill himself," she said.

APRIL 29, 1971.

Hon. NELSON A. ROCKEFELLER,
Governor of the State of New York,
The Executive Chamber,
The Capitol,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: We were shocked and dismayed by the recent announcement of substantial cutbacks in funding for the State Narcotics Addiction Control Commission. At a time when heroin addiction is destroying our youth in ever-increasing numbers, turning our streets into jungles, terrorizing our population, killing three New Yorkers every day, we must vastly enlarge, not slash, the size of our treatment facilities.

We understand the pressures for fiscal restraint on the state and national level. But reductions in addiction treatment programs are false savings. The cost to society of addiction-related crimes is bound to be far greater than the cost of programs which seek to rehabilitate addicts and thereby reduce such crimes.

The budget cuts will prevent the Narcotics Commission centers from accepting new addicts for treatment for the next 60 days, which will require them to turn away about 1300 drug abusers. Judges will not be able to commit convicted offenders to treatment programs, and no addicts will be able to come off the street and seek treatment voluntarily. Current waiting lists for treatment programs will grow intolerably large. Addicts will either be put into prisons which are actually schools for crime, or kept on the streets where they will continue to threaten the quality of life for 8 million New Yorkers.

At a time when our narcotics treatment programs are reaching only a measly 10% of New York's addicts, it is inconceivable to us that you could even consider reducing an already inadequate treatment and rehabilitation program. Such actions condemn New York to more years of crime and fear while we pretend to be curing a cancer with band-aids. We urge you to rescind these cuts in the budget of an agency that is crucial to the war on crime and drug addiction.

Sincerely,

Bella S. Abzug, Joseph P. Addabbo, Herman Badillo, Jonathan B. Bingham, Frank J. Brasco, Hugh L. Carey, Shirley Chisholm, John G. Dow, Seymour Halpern, Edward I. Koch, John M. Murphy, Otis G. Pike, Bertram L. Podell, Charles B. Rangel, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, and Lester L. Wolff.

We cannot escape the problems of drug addiction. Drug abuse of all kinds is escalating among the young and those who see less and less hope for satisfying lives. Cutting treatment programs will only increase the rate at which the problems outstrip our ability to cope with them.

ALLEGANY COMMUNITY COLLEGE AIDS IN RECYCLING GLASS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. BYRON. Mr. Speaker, the students at Allegany Community College are active in many community activities—the latest is the recycling of glass in an effort to help improve the environment. The students, led by George J. Krein and Roger L. Creswell, organized collection points throughout Allegany County, helped segregate the glass by color, and joined in the Glass Carvan to Baltimore.

It is this type of student activity that indicates broad student interest in many phases of American life. I would like to commend the students at Allegany Community College for their participation in the Glass Caravan on April 17. The students are also investigating the possibility of procuring a glass recycling center to be located in Allegany County.

The Glass Caravan was organized by the Middle-Atlantic Region of the Student Council on Pollution and the Environment—SCOPE—to demonstrate the necessity for more recycling of glass. The Maryland Glass Corp. in Baltimore is the recycling center at the present time and was the terminus of the Caravan. The Maryland Soft Drink Association also sponsored the Caravan.

The flyer put out by the Allegany Community College students states:

> This effort is based upon the belief that public action and demonstrated concern can bring about lasting and meaningful change for the benefit of society.

This is a very positive approach to the problems of the 20th century—an approach which I encourage and applaud.

RADICAL "COMMON CAUSE" IS BEING EXPOSED

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. ROUSSELOT. Mr. Speaker, I want to insert in the RECORD a recent editorial from the Jefferson City, Mo., Post-Tribune titled "Radical 'Common Cause' Is Being Exposed." The conclusion of this comment is that Common Cause "despite its nonpartisan claim, is nothing more than a new highly partisan group which supports Americans for Democratic Action policies.

The text of the editorial follows:

RADICAL "COMMON CAUSE" IS BEING EXPOSED

Slowly but surely "Common Cause" is being exposed for what it is—a highly partisan new radical organization on the national scene. It is nothing more than a second Americans for Democratic Action, which most Democrats denounce.

Thank to the Republican National Committee, more is coming to light about "Common Cause," which has been as busy as the proverbial bee on the Washington scene and in metropolitan areas.

The other day the GOP undercut "Common Cause's" claim to political non-partisanship. It also labels the organization's chairman, John Gardner, as a "purveyor of the radical Democratic line. . . ." Gardner is supposed to be a nominal Republican. If so, he's one wearing sheep's clothing.

The GOP newsletter also notes that Jack Conway, "Common Cause" president, is a Democrat and a cofounder of the radical Business Executives for Peace. In fact, "Common Cause's" executive committee and policy council are dominated by Democrats.

The late Cardinal Cushing of Boston once said that if something acts and talks like a duck it is a duck. In the same light, "Common Cause," despite its non-partisan claim, is nothing more than a new radical wing of the Democratic Party.

CRIME INSURANCE FOR SMALL BUSINESS BLOCKED

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. KLUCZYNSKI. Mr. Speaker, at a time when small business continues to be in desperate need of crime insurance, it is with regret that I read in Thursday's, April 29, Washington Post of the successful efforts by affected insurance companies to block immediate crime insurance coverage for District of Columbia small businessmen. It appears that the insurance industry is aggressively taking steps to prevent the implementation of an order by District insurance superintendent, Edward P. Lombard, that the companies make available crime insurance coverage before a Federal subsidy program goes into effect on August 1.

Because of the interest of my colleagues and the American people in this most vital subject, I place the article by Maurine Beasley and Eugene L. Meyer entitled "Quick D.C. Crime Insurance Blocked," in the RECORD:

QUICK D.C. CRIME INSURANCE BLOCKED

(By Maurine Beasley and
Eugene L. Meyer)

The D.C. Court of Appeals responding to an emergency request from affected insurance companies, yesterday blocked efforts to provide Washington's small businessmen with crime insurance immediately.

The court granted a stay, pending a full hearing, from an April 15 order by District insurance superintendent Edward P. Lombard that the companies make available such coverage before a federal subsidy program goes into effect Aug. 1.

The effect of the court action, Lombard said yesterday, is "that an effort to have a nonsubsidized program has been delayed to the point where it will be very close to the federal program if it finally goes into effect" at all.

Lombard said the court ordered hearing will be "around June," but Mayor Walter E. Washington said the District would press for an earlier date.

Lombard said he felt the court decided "that the principle of subsidy is of paramount importance." For himself, he added, "It would appear the need for subsidy is rather clear and there will be no relief for the public without subsidy."

It was a cleancut victory for the insurance companies, which had opposed the mayor's view that crime insurance could be required without a subsidy. The mayor first proposed that the government-backed pool, known as the D.C. Insurance Placement Facility, write crime insurance in 1968, but insurance companies blocked it in the courts.

Lombard issued the April 15 order after opposing it privately.

Last September, the same court that acted yesterday ruled that crime coverage could be included in the pool program, which has been limited to damage from fire, vandalism and malicious mischief.

Crime insurance covers losses from thefts and burglaries, apart from those incurred during civil disorders.

Insurance companies here, between the mayor's decision to go ahead and Lombard's April 15 order sought a 44.8 percent increase in crime insurance rates, claiming large losses without the subsidy. Lombard ordered the raise rescinded.

WITHHOLDING OF FUNDS CALLED UNDERMINING OF INTENT OF CONGRESS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I am highly disturbed over recent reports that the Nixon administration is impounding urgently needed funds which have been appropriated for the current fiscal year by the U.S. Congress. Historically, Congress has been charged with the responsibility of authorizing and appropriating funds, and the executive branch has been charged with the responsibility of administering the programs which Congress has funded.

However, we are now faced with the situation in which the executive branch is refusing to spend funds which have been explicitly earmarked by Congress for a particular purpose. This is a blatant undermining of the intent of Congress and an erosion of congressional power by the executive branch. It raises questions which go directly to the heart of the longstanding separation of powers doctrine. This practice not only violates the principle of separation of powers, but violates, as well, Mr. Nixon's own avowed understanding of the process of American government. Mr. Nixon himself has written:

> The principles underlying the government of the United States are decentralization of power, separation of power and maintaining a balance between freedom and order. Above all else, the framers of the Constitution were fearful of the concentration of power in either individuals or government. The genius of their solution in this respect is that they were able to maintain a very definite but delicate balance between the federal government and state government, on the one hand, and between the executive, legislative, and judicial branches of the federal government on the other hand.

Mr. Speaker, in withholding the funds which Congress has duly appropriated, Mr. Nixon not only violates an historic and longstanding legal principle of American government, but he once again demonstrates that he is either incapable or unwilling to reconcile his actions, or as in this case, his inaction, with his rhetoric.

And once again, the victims of this latest presidential fiasco are the people. Recent information indicates that Mr. Nixon has withheld $191 million which Congress has appropriated for Appalachian regional development, $757 million in basic farm programs, and more than $600 million in aid to the cities. The frozen aid to the cities is particularly distressing at a time when our cities are literally crying out for lack of funds. I find it unbelievable that a President of the United States can, on the one hand, withhold $200 million for urban renewal and $200 million in water and sewer facility grants and on the other hand, send a message to Congress which refers to a: "sorely inadequate supply of housing and community facilities, vast wastelands of vacant and decaying buildings, acre upon acre of valuable urban renewal land lying empty and fallow, and an estimated 24 million Americans still living in substandard housing."

The message further said:

> Many of our central cities—once symbols of vitality and opportunity—have now become places of disillusion and decay. As many suburban neighborhoods have grown older, they, too, have begun to deteriorate and to take on the problems of the central cities. Even some of the newest suburban "subdivisions," planned and developed in a shortsighted, haphazard manner, are not prepared to provide essential public services to their growing populations. They are already on their way to becoming the slums of tomorrow.

Yet, these are the very words which appear in President Nixon's message to Congress on March 5 of this year.

The case against Mr. Nixon's refusal to release these funds is a strong one. The Speaker of the House of Representatives has declared that—

> In determining how much he will spend on any given program, the President is in effect legislating and administering simultaneously.

Yet the Constitution provides that Congress shall legislate and the executive branch shall administer.

In determining which appropriated funds shall be spent and which shall be withheld, the President, in effect, is deciding which laws shall be executed and to what extent they shall be enforced. The chairman of the Senate Subcommittee on Separation of Powers, one of the most respected constitutional authorities in the country, has stated unequivocally that the President "has no authority under the Constitution to decide which laws will be executed or to what extent they will be enforced."

Referring to the practice of impounding funds, this chairman, the senior Senator from North Carolina, continues:

> Yet by using the impounding technique, the President is able to do just that. He is able to effect policy by determining which of the laws passed by Congress he will enforce, and to what extent.

Perhaps even more significant is that by impounding funds that have been appropriated, the President is actually practicing a line or item veto. And there is no provision in the Constitution empowering the President to act in this manner. It is well established that the Constitution empowers the President to veto a bill completely or accept it in its entirety. It is certainly well established that the Constitution does not empower a President to accept only part of a bill and reject a part. Yet this is precisely what the President is doing when he spends some of the funds which Congress has appropriated, and impounds other funds.

And what is the Nixon administration's answer to these charges? The administration cannot cite one iota of constitutional evidence for this practice. The only argument which I have heard on behalf of the administration is the one put forth by Caspar Weinberger, the Deputy Director of the Office of Management and Budget. His weak argument is merely that someone has done something similar to this before. In other words, Mr. Speaker, the Nixon administration's main argument in defense of its clearly illegal practice is, basically, that two wrongs make a right.

I, for one, do not think the American people are going to accept this argument. I certainly do not accept it, and I join many of my colleagues in demanding that President Nixon uphold his oath of office and carry out his constitutional obligation to give the American people the money and the programs which their elected Representatives have approved.

INSIDE THE PRISONS OF HANOI

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SIKES. Mr. Speaker, those who seek favor with the Communists will do well to think on an article by Louis R. Stockstill in the Reader's Digest for April. It is entitled, "Inside the Prisons of Hanoi":

INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

(NOTE.—The following report on the shocking conditions within the prisoner-of-war camps of North Vietnam, and on the threat these conditions pose to the survival of hundreds of U.S. citizens, has been drawn from lengthy interviews with some of the men who have been released, and from informed sources in Washington, Saigon and Paris.)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors doubletime him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls. Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,[1] its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

---

[1] There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking daylight will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

Now it is winter, bringing the cold he detests and fears most. He has wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

GONGS AND JUDAS HOLES

Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gong," a metal ring periodically assaulted by a metal rod. It echoes and reechoes. And as it fades, he strains to hear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judas Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a wash-day, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guard shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guard slams open the Judas Hole to check.

Body and Soul. As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is a recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding, he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

SHATTERED RULES

How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatened with each passing day. Some of the POWs have already died.[2] Others face almost certain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases, their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "show-case" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. These is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

---

[2] North Vietnam has told U.S. anti-war groups and Senators that 23 prisoners have died. But the lists cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

But conditions are still deplorable. You can show your concern over Hanoi's treatment of our prisoners-of-war by signing the statement below (adding a personal message if you wish) and sending it at once to: "Help Our POWs," American Red Cross, P.O. Box 1600, Washington, D.C. 20013. The Red Cross will tabulate the responses and see that your message gets to the government of North Vietnam. Millions of protests from indignant Americans cannot fail to have impact, even in Hanoi. Don't wait. Sign and mail your letter right now, then call a friend and ask him or her to do the same. The one hope these prisoners have is that their fellow Americans will not forget them.

WE WANT PROOF, NOT PROPAGANDA

President Ton Duc Thang,
Democratic Republic of Vietnam, Hanoi, c/o American Red Cross, "Help Our POW's," Box 1600, Washington, D.C.

Mr. President: You have claimed repeatedly that American citizens held in your "detention camps" are being treated humanely. But you offer no proof of this. Except under the most restricted circumstances, you will not even allow foreign observers to enter these camps.

Proof of your sincerity would be the immediate repatriation of all sick and wounded captives and the release (or transfer to some neutral nation) of all prisoners whose health has been jeopardized by long confinement. By doing so, you could perhaps end some of the uncertainty and dismay your policies have created throughout the community of nations. I join with millions the world over in urging you to take these steps.

PIPELINE REPORTS SUPPRESSED

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. O'NEILL. Mr. Speaker, one of the most serious ecological questions confronting our Nation today is the decision to build or not to build the trans-Alaskan pipeline.

For many years this country has experienced industrial growth and technological advancement, never considering the possible environmental consequences. The effect is easily seen in traffic congestion and air pollution in our major cities.

Today, many of us are asking the environmental questions, not for the purpose of stopping progress, but in the hope that we might fully understand the ecological consequences of our decision before an irreparable mistake is made.

The decision to build the trans-Alaskan pipeline is one such case. One of my distinguished colleagues, Representative Les Aspin, Wisconsin, has written an article in National Parks and Conservation magazine regarding the risks that construction of the pipeline would pose to the Alaskan environment and to the Alaskan Natives. I include his article in the Record for your consideration:

Pipeline Reports Suppressed

(By Representative Les Aspin)

The Federal Government so far has failed to confront and resolve the ecological and human consequences of the proposed trans-Alaska pipeline. One especially disturbing aspect of this failure are the recent attempts to suppress two vitally important documents that were critical both of the pipeline itself and of the Interior Department's draft of its environmental impact statement.

The first document, a 38-page report authored by Harold Jorgenson (then of the Bureau of Land Management), details many of the omissions and unfounded assumptions in the impact statement. Mr. Jorgenson concludes that the impact statement's summary "seems too much to assume that 'what's good for the oil industry is good for the country.'"

Although dated January 8, 1971, the Jorgenson Report still was not public at the time of the Interior Department's pipeline hearings in Washington on February 16th. Not until I placed a copy of the report in both the pipeline hearings record and the *Congressional Record* did the Department agree to make the Jorgenson Report available to the public.

The second critical document that was kept away from the public's reach was a 21-page report on the impact statement written by the Alaskan office of the Army Corps of Engineers. This report is both revealing in what it says about the pipe and surprising. It is surprising because the Corps frequently has been criticized for failing adequately to consider the ecological consequences of many of their own projects. But in this report the Alaskan Corps office demonstrates a real concern for the environment. Its report asserts that the conclusions of the impact statement "appear to be unsupported opinions which, in fact, in many instances they indeed are."

The Corps of Engineers' report criticizes the Interior Department impact statement for:

Failing to "fully comply with the letter and spirit of the Environmental Policy Act," which requires a full report of the expected ecological consequences arising from a proposed project.

Assuming without sufficient data that immediate development of the Alaskan oil deposits is necessary for national security.

Agreeing to stipulations that "are too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations."

Unfortunately, though dated February 5, 1971, the existence of the Corps' report was not publicly known during the pipeline hearings held in Washington and Alaska. In fact, it was still bottled up in the Pentagon on March 5 when I released the report to the press and subsequently placed it in the *Congressional Record*.

What are the implications of these attempts to keep the two reports quiet? The first and most disturbing implication is that these are attempts to undermine and violate the clear intent of the Environmental Policy Act of 1970. The intent of that Act was to require a thorough and objective study of the likely ecological consequences of a proposed project *before* that project could be approved. The purposeful thwarting of the act, if allowed to continue, bodes ill for the integrity and efficacy of future environmental impact statements.

A series of inescapable implications of the attempts to keep these reports secret is that the impact statement is inadequate; that the two dissenting reports effectively hit upon many of its shortcomings; and that many of the top officials involved with the pipeline proposal know, in light of such criticism, that the impact statement will be hard to defend. Secretary Morton's encouraging statements (see page 40), made a couple of days after the Washington pipeline hearings, represented the first public glimmer of recognition on the part of Interior that all is not well with the pipeline.

After scores of witnesses have testified against the pipeline in both Alaska and Washington, after the two dissenting reports have come to light, after new statements on the pipeline have been made by Secretary Morton, and in the light of the intense public attention that is now focused on the pipeline issue. Interior's draft impact statement is not very persuasive. Briefly and selectively, I would like to touch upon a few of the more salient questions that the draft impact statement fails most clearly to answer adequately. These areas relate to what should have been the impact statement's overriding concerns: the risks that construction of the pipeline would pose to the Alaskan environment and to the Alaskan natives depending on that environment.

If approved, the Alaskan pipeline would be the largest ever constructed in the United States. Each day, it would carry millions of gallons of oil across 780 miles of the most rugged, pristine terrain in the country. Climatic conditions in Alaska are the most severe in the United States. No one can predict accurately the consequences of this vast and unprecedented project or assure that it can be safely built and operated. Many of the technical problems of building a huge pipeline through the frozen Arctic environment have not yet been solved. In fact, the week before the Washington pipeline hearings, Alyeska Pipeline Co. (the subsidiary of seven oil companies that was formed to build the pipeline) stated that the pipeline has not yet been designed, and that it will be designed "as we go along" (Journal of Commerce, February 5). It is difficult, indeed, to see how the Interior Department could discharge its primary obligation to the public and, at the same time, approve this pipeline sight unseen.

The risk of pipeline fracture resulting from an earthquake was inadequately considered and grossly understated by the impact statement. As the statement points out, "the southern two-thirds of the proposed pipeline route is subject to the occurrence of large earthquakes, magnitude 7 or greater." In fact, the segment of the pipeline route from Valdez (the southernmost point) to Willow Lake is subject to earthquakes of up to 8.5 magnitude, and from Paxon to Donnelly Dome up to 8.0 magnitude. (By way of comparison, the earthquake that had such tragic consequences in Los Angeles in February had a magnitude of 6.5.) In the 70-year period between 1899 and 1969, there were 23 earthquakes with Richter magnitudes greater than 6 within 62 miles of one or more of the proposed pumping stations.

The previous Secretary of the Interior, Walter Hickel, admitted to the chairman of the Senate Interior Committee that "we cannot provide assurance that large earthquakes will not rupture the pipeline." He went on to state that the effects of such a break would be minimized by installing a series of cutoff valves. The draft impact statement concedes that "there is a probability that some oil spills will occur even under the most stringent enforcement." Dames and Moore, Alyeska's seismic consultants, have stated: "We believe the most effective provision for protection against the adverse effects of fault displacement earthquakes would be appropriate spacing of shut-off valves"—thereby tacitly admitting that the pipeline cannot be guaranteed against fracture, and that the most that can be done is to attempt to cut down on the amount of oil that will be spilled.

Alyeska's present plans call for automatic shutoff valves at approximately 60-mile intervals. This may sound like a reasonable solution to the problem, until one realizes that 1 mile of the pipeline will contain 500,000 gallons of oil! This is almost twice as much oil as was released during the Santa Barbara oil blowout in 1969. The prospect we appear to be facing, therefore, is that up to 100 times as much oil as was spilled at Santa Barbara could be loosed over the Arctic landscape. But the impact statement barely glances over the almost certain eventuality of a spill and the potentially disastrous effects a large spill could have on both the environment and the way of life of the native Alaskans.

This leads up to another major defect of the impact statement, its almost total failure to consider the impact of the pipeline on the people who live on or near the pipeline route, most of whom make their living from the land. An oil spillage would be a tragedy for the entire nation. But it would be more than this for the native Alaskans who live in the path of the pipeline. Their already tenuous existence depends entirely on maintaining the delicate balance of their ecosystem.

Alaskan Indians and Eskimos have for thousands of years lived and hunted on the land and fished on the waters to be traversed by the pipeline. Recent archaeological surveys have uncovered prehistoric hunting and fishing campsites (up to 13,000 years old) on the path that the pipeline is to take. Many of the present-day inhabitants depend on the land in a way that has changed little for centuries. Hunting and fishing are not sports for them, but essential means of survival in a harsh environment.

For example, the 150-odd Indian inhabitants of the native Village of Allakaket, which is about 50 miles from the pipeline route, harvested the following items in 1967: 230 caribou, 48 moose, 12 black and brown bear, 110 beaver, 100 muskrat, 10 red fox, 15 lynx, 15 porcupine, 10 land otter, 30 martin, 20 mink, 10 weasel, 5 wolf, 30 rabbit, 12,000 salmon, 7,800 whitefish, 1,000 grayling, 100 charpike, 200 grouse, ptarmigan, and spruce hen, 1,000 duck, 10 geese, and 550 pounds of wild berries. This harvest was valued at approximately $97,000. As these figures show, fish represent a particularly important item. It has been estimated that the native Alaskans who live along the Yukon River catch about 450,000 fish a year for sustenance.

It is thus very easy to imagine the impact an oil spill would have on these people. But it is unnecessary to rely on imagination. The following statements, all by officials of the Interior Department and the Alaska State Department of Fish and Game, make plain what will happen in the event of a pipeline break:

"There is no place on the pipeline site where an important watershed would not be threatened by a major spill. A spill along the small tributary of Koyukuk could infect the entire Yukon River drainage. Some areas, such as tributaries to the Minto Flats, are particularly sensitive, and a spill there would threaten one of Alaska's most productive waterfowl breeding habitats."

"A major resource disaster could result from a major pipeline break in these particular areas of the Yukon River and its tributaries."

"With miles between shutoff valves, any rupture would be catastrophic, no matter where it occurred."

"A pipeline break at the wrong place at the wrong time could be devastating to a broad spectrum of the life of a significant area, affecting native food supplies."

"Pipeline breaks or leaks could cause pollution of lands and waters that would be indescribable."

"Public concern for the aquatic resources in the Tanana and Yukon drainages is high. A major [pipeline] break could pollute the water in almost all of Central Alaska and the estuaries."

"Oil leaks occurring in the drainage of the Sagavanirktok, Koyukuk, Tanana and, Copper Rivers and Minto Flats pose serious threats to important waterfowl habitat."

Yet, none of these statements were included in the impact statement! The people who live along the pipeline route, and depend on the land for their very livelihood, face the prospect of a catastrophic disruption of their way of life. The impact statement made no reference to this fact whatever. Nor did the Interior Department include in its proposed stipulations governing the project any protection against catastrophe for the natives. Incredibly, flying in the face of the statements of some of the Department's own officials, the draft impact statement concluded that "the proposed pipeline system would not result in any significant adverse environmental effects that can be related to present or future cultural features of most Alaskans." The assumption that the mere stating of such an unsupported conclusion can erase the evidence of hard facts is little short of remarkable.

Not only did the impact statement underestimate the potential effect the pipeline could have on the natives' way of life, but it failed to provide for adequate compensation to the natives for any economic loss that they incur as a result of the pipeline. One of the draft stipulations provides for the indemnification of the U.S. government for the costs of cleaning up an oil spill. But the actual inhabitants—whose very way of life could be destroyed by an oil spill—are not even protected for *economic* loss they suffer as the result of a spill, let alone the greater loss due to destruction of their way of life. Moreover, the draft stipulation on native training and employment by Alyeska is extremely vague and requires Alyeska to reach agreement only with the Interior Department, not with those natives in whose homelands the pipeline will travel. In short, the impact statement blithely assumes that neither the construction of the pipeline nor any possible oil spill poses a significant threat to the natives.

Some of the other basic questions which the impact statement failed to answer include the following:

Are there alternate pipeline routes, such as a Canadian route, which would be safer than the Prudhoe Bay-Valdez route?

Will that part of the pipeline that is underground eventually break due to the melting of the permafrost by the oil's 160° F-heat?

How will the aboveground portion of the pipeline affect migratory patterns of the caribou and other Alaskan species?

Are there alternate methods of transporting the oil that involve less risk to the environment than a pipeline, wherever routed?

I believe the trans-Alaska pipeline issue will receive a growing amount of public attention over the next several months. The final decision, unless Congress intervenes, will be made by the Interior Department. That decision could take as long as two years, according to Secretary Morton. The longer the better, I think, for we have not yet had either the time or the resources to begin effectively to refute one of the impact statement's most basic unsupported assumptions—that the immediate construction of the pipeline is essential to national security.

There is growing evidence that many of the "facts" on which the national security argument is based are either distorted or simply incorrect. It appears that the estimate of lower-48 oil reserves is understated, while the estimate of future domestic demand for oil is overstated. The possibility of the development and use of other sources of fuel (such as coal or electricity) was not even considered in determining long-range demands for oil. The necessity of the oil import quota system to the maintenance of national security was left unchallenged. The vulnerability of a 780-mile pipeline to sabotage went unmentioned. The net balance-of-payments benefits from producing North Slope oil instead of importing oil were grossly exaggerated.

So far, the draft impact statement has been released and two pipeline hearings have been held by Interior. Out of this has emerged a growing awareness that the impact statement failed to consider many basic ecological problems associated with the proposed pipeline. The one thing that can be predicted with some assurance, however, is that in the coming months there will be new questions and new data on the pipeline (especially, I think, on the national security issue). The eventual outcome is unsure. But a report such as the Interior Department's draft impact statement leaves room for a great many questions.

RECOGNITION AND HONOR IN HIS TIME

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HAGAN. Mr. Speaker, the article "A Medal for Mr. Truman" by Paul Harvey which I read in the Savannah, Ga., Evening Press, has expressed extremely well an attitude and ideas which I feel all of my colleagues should note.

I personally remember with warmth and pride the outstanding qualities of leadership demonstrated by a most engaging, earnest, and dedicated President—the Honorable Harry S. Truman. Some of my own recollections of this fine man go back to 1962 when he so graciously accepted my invitation to speak to the Hibernian Society on St. Patrick's Day down in Savannah. I shall never forget his asking me to come visit with him to discuss that invitation at the Mayflower Hotel. Not only I, but all of Savannah, Chatham County, and the entire State of Georgia were delighted, proud, and gratified by his presence during this annual festive occasion. My personal association with President Truman also included a tour through the Truman Library which he personally conducted and these things will always stand out as some of the greatest experiences of my life.

Because of our appreciation for his services, and because we should take time to commend and honor a man for the efforts he put forth in our lifetime, I bring this provocative article to your attention with the hope and belief we should all support such a bill:

A MEDAL OR MR. TRUMAN

(By Paul Harvey)

CHICAGO.—There is a bill on the Hill proposing a medal for Mr. Harry S. Truman. May I second the motion.

History judges most presidents after they're gone; judges them by the long-range results—the long-range effects—of their decisions.

The one most agonizing decision of the Truman Administration already has been evaluated.

Truman had been President less than three months when he learned that Americans had unharnessed the atom and suddenly in his hands was a secret weapon 2,000 times more lethal than any weapon theretofore.

With this weapon of decision in his folded fist, on July 2, 1945, he demanded that Japan surrender.

On July 29 the Japanese cabinet met, but chose to ignore the surrender ultimatum.

President Truman, as commander in chief, left with an unprecedented decision, did not procrastinate.

Aware of the terrible toll in American lives resulting from our tedious amphibious invasions of South Pacific islands—knowing that there were years of blodoy surf between us and the ultimate invasion of Japan—on Aug. 6, he lowered the boom on the enemy.

In one blow, four square miles of Hiroshima, Japan, were destroyed; 135,000 Japanese were killed or injured.

But when it was either them or us, Truman chose to kill them.

In subsequent years, President Truman was more damned than praised for that decision.

Monday-morning quarter-backs called it unnecessary, diplomats called it cruel, scientists said they were "ashamed" of their science. The President was labeled a "sadist," a "barbarian," a "monster."

And for two decades thereafter, American leaders, self-conscious, feraful, fought pulled punch wars with out-dated weapons.

And on the alter of their timidity, in an unending forced march, American sons were sacrificed.

Perhaps it serves no purpose to draw parallels between the costs of "enforcing peace" the Truman way and this other way:

But no man can be insensitive to the cruel indictment which Truman suffered for doing what he believed best:

And though historians can already see the humaneness of the swift-knockout strategy, officially nobody has told him so.

While in the White House, Truman frequently presented the Congressional Medal of Honor with the words "I'd rather have this medal than be President."

He repeated that statement so many times it must have reflected a very agonizing personal question, until then unanswered.

While he lives, would it not be most appropriate for our former Commander in Chief to receive our nation's highest military decoration?

And let the inscription read that when the chips were down—and it was either them or us—he was on our side.

TAYLOR J. SWAN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. EILBERG. Mr. Speaker, a career spanning three decades will come to a close May 1 as Greyhound driver Taylor J. Swan retires.

Swan drove an estimated 1½ million accident-free miles during his years with Greyhound.

The veteran driver joined the transportation company in 1942. Prior to coming to Greyhound, Swan was a licensed steam engineer.

Throughout his many years on the road, Swan has viewed the changes occurring in the transportation industry. He said:

> Things have improved so much. Buses, terminals, service, and more—I could almost write a book on this.

A native of Roseville, Ill., Swan is a member of Amalgamated Transit Union, Holmesburg Fish and Game Protective Association, and the Cleveland, Tenn., Church of God. In past years, the Greyhound driver was a pistol and big-bore rifle enthusiast—entering various competitions.

What advice does Swan have for young people just entering the transportation industry? He said:

> Always wear a smile. Try to make each day's work as safe and smooth as you can.

Swan will leave the driving to someone else as he plans to travel quite a bit. Other retirement plans include moving to Augusta, Ga., later this month.

Presently, Swan and his wife reside at 4615 Pennypack Street, Philadelphia, Pa. They have two children.

CONGRESSMAN CABELL DISCUSSES DISTRICT OF COLUMBIA, ITS HISTORY AND ITS GOVERNMENT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. FISHER. Mr. Speaker, twice each month the Texas Breakfast Club meets in the Rayburn Building. The meetings are always well attended, mostly by Texans who work in Washington, and their guests. The present chairman of the group is the Honorable Luther Holcomb, vice chairman of the Equal Employment Opportunity Commission.

Recently the club was privileged to hear a very interesting talk by our colleague, EARL CABELL. He discussed the District of Columbia, its past and present. Because many interesting aspects of this subject were developed, a copy of the speech follows:

Speaking before Texans in Washington is always difficult, especially in choosing the subject matter. We are such an active and diverse group with interests ranging the length and breadth of this great city. It is trying, indeed, to find a topic which is common enough to be of interest to all, yet distant enough to be informative.

But a common point does exist and it is surprisingly obvious. For, in addition to being Texans, we all live or work in this our nation's capital, Washington, D.C. And although we still call Texas home, we should be interested in what happens in and around this city as much for the effect it has on our personal lives as its effect on Texas as a whole.

As a member of the House District Committee, I feel qualified to spend a few minutes with you this morning to give you a little background on Washington.

There has been a lot of controversy on how Washington is run. The legal basis for the District is found in the main body of the Constitution itself, which provides that Congress has the power to exercise exclusive legislation in all cases over a District which shall be the Seat of the Government of the United States. The framers of the Constitution realized that it was necessary that some location be provided for the national government which could be controlled only by that government. Some consideration was given to putting the Capital City within the boundaries of a state or within the limits of an existing city, but the disadvantages of these proposals became quickly evident.

During one of the early periods of the country, the Continental Congress was surrounded in Philadelphia by a mob. When pleas from the Congress for the Mayor of the city and the Governor of the state were ignored, the Members had to slip out and go over to New Jersey to meet and transact the public business.

Thus, the problem was solved by providing for the establishment of a government at a location in the unsettled wilderness between Maryland and Virginia which would be under the control of the Federal government.

The first government of the city of Washington was established in 1802 and consisted of a Mayor appointed by the President and a city council elected by the people. Beginning in 1820, the people were permitted to elect the Mayor. This form of government was continued until 1871.

In 1871, by an Act of Congress, a Territorial government was formed. This government was so corrupt and irresponsible that the District went bankrupt in 1874. The Federal Government was then forced by circumstances and demands of national interest to pry off the bankrupt bonds and exercise the full "exclusive legislation in all cases" in the District of Columbia. During all these years, no one has ever successfully challenged this power of Congress.

From 1878–1967 the District operated under the commissioner form of government.

In 1967 the three-man board was abolished by Congress and in its place was created a single commissioner, an assistant to the commissioner, and a nine-member Council. All of these persons are appointed by the President.

The District has dual status as a municipal corporation and as a branch of the Federal Government. While the District has a municipal form of government, Congress has treated it, in some respects, as a branch of the United States Government in budgetary and accounting legislation, and as a state in highway legislation.

All legislation affecting Washington must be passed by Congress. Four committees are concerned with and responsible for this legislation. They are the House and Senate District of Columbia Committees and the House and Senate Appropriations Committees whose subcommittees on the District of Columbia have jurisdiction over all expenditures of the District.

In 1924 Congress began making lump sum authorizations to the District. This annual authorization has increased from $23 million in 1957 to $126 million in 1970. Only once since 1954 has Congress appropriated the entire amount.

Beginning in 1958, Congress granted the District loan authority to borrow money. The 1958 loan ceiling was $75 million. By fiscal 1970 the ceiling had risen to $392 million.

In 1970 the borrowing authority was raised to a 9% ceiling for 1971 and 1972 which is expected to yield an estimated $610 million for the General Fund, $72 million for the Sanitary Sewer Fund, $110 million for the Highway Fund, and $57 million for the Water Fund.

The District ranks at or near the top in general expenditures when compared with sixteen cities in the U.S. of comparable size.

No. 1. General city expenses.

No. 1. Per capita expenditures for police protection.

No. 1. Expenditures for Public Health and Hospitals.

No. 2. Operating expenses per pupil in education.

No. 4. In Public Welfare.

No. 4. Expenses in fire protection.

From 1965–1970 the spending budget increased more than 100% from $397 million to $806.4 million. The 1971 payment authorization of $126 million represents 28.7% of the General Fund Revenues. This can be compared to the 1956 figures in which the payment authorization was $20 million and only 18% of the General Fund.

During the present Congress, in addition to the ever-present revenue and new loan proposals, there will be many others brought forth that will affect the city.

You can see that the District of Columbia benefits in many ways by having the Federal Government located here.

The Federal Government supplies massive monetary support. The Federal Government employs over 200,000 District residents. The mean average household income in the District is over $10,500. I cannot believe that credence can be given to the charge that the Congress has been penurious with the District.

THE LONGEST SOFTBALL GAME

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. HOWARD. Mr. Speaker, I am proud to announce that a new world record—for the longest softball game ever—has just been set by some 200 of my constituents in Neptune City.

In a feat of prodigious endurance never before equalled in the history of mankind, two fluctuating but dedicated teams battled through 821 innings over 128½ hours from early Monday, April 12 to the evening of Saturday, April 17. Fire company floodlights and automobile headlights provided night-time illumination as players of all ages and both sexes took turns in the lineup. The final score, which was in doubt right up until the last out, was the Reds 900 runs on 1,260 hits, and the Blacks 894 runs on 1,238 hits.

Borough Patrolman John Rowland, who supervised the proceedings, was quoted in the Asbury Park Press of April 18, as saying:

> As near as we can tell, the old record for a marathon softball game was 110 hours. We called the Associated Press and Guinness's World Book of Records, and they said they had nothing listed. But we heard someone played 110 hours up in North Jersey.

Mr. Rowland plans to submit full particulars on the game—including press clippings and scorebooks—to Guinness, in hopes it will be recognized officially as the record.

The marathon was conceived by Ken Martin, a Neptune City High senior, who also did most of the organizing. The official scorer—who got 15 hours of sleep all week—was 19-year-old Al Hartmann.

Mr. Speaker, a newspaper article describing the game follows:

[From the Asbury Park Evening Press, Apr. 18, 1971]

THERE'S JOY IN NEPTUNE CITY OVER LONG-PLAYING RECORD

NEPTUNE CITY.—The longest softball game in the history of the borough—and maybe of the world—finally ended last night.

After 128½ hours and 820½ innings of nonstop action, a hardy band of ballplayers called it quits at 6:32 p.m., leaving dusty Memorial Field deserted for the first time since early Monday morning.

The Reds won the game, edging the Blacks by the narrow margin of 900 to 894, but that really didn't mean very much. What mattered most to the youngsters who took part in the game—more than 200 in all—was that they had set a new world record for endurance on the field of softball combat.

At least they think they did.

"As near as we can tell, the old record for a marathon softball game was 110 hours," says John Rowland, a borough patrolman, director of the Neptune City Organized Sports Committee, and supervisor of the game.

"We called the Associated Press and Guinness' World Book of Records, and they said they had nothing listed. But we heard someone played 110 hours up in North Jersey."

Mr. Rowland plans to submit full particulars on the game—including press clippings and scorebooks—to Guinness, in hopes it will be recognized officially as a record.

The idea for the marathon originated with Ken Martin, 50 Evergreen Ave., a 17-year-old senior at Neptune High School, who acted as coordinator.

"We'd been playing a lot of softball the last few weeks," he recalls, "and I remembered a marathon game that was started here about four years ago. It was Easter vacation and we knew we weren't going to be doing anything special, so I suggested trying again.

"It really got to be a serious thing after it got going."

It got so serious for young Martin that he wound up in bed with a chill and a 102 degree temperature after three days and nights of almost continual play. He recovered enough to return for the final few innings yesterday, but he plans to get plenty of rest again today.

Another young man who definitely won't be playing ball today is Al Hartman, 19, of 115½ Hawthorne Ave., the game's chief scorekeeper. He got just 15 hours sleep all week.

"I played the first day, then kept books the rest of the time," young Hartman relates. "Somebody had to do it, and I was one of the few who knew how."

By yesterday afternoon his eyes had grown red and his voice raspy—from "screaming and no sleep"—but he stayed at his post sprawled out on a chaise longue, for the most part) right to the end.

He took a few days off from his job at the Brisbane Child Treatment Center, Wall Township, where he is a supervisor of children, to be on hand for the game.

Players were shuttled in and out of the teams' lineups as needed—and as available. Several times there were barely enough to keep things going—18. At other times the field, behind the Veterans of Foreign Wars building on Sylvania avenue, was crowded with spectators—many of them potential substitutes.

By week's end many had played on both teams—and at practically all nine positions.

The players ranged from peanut-sized 7-year-olds to men well into middle age—and even included a fair share of girls.

Joseph Meyers, 44, of Lawrence Drive, who lives near the field, played more than four hours yesterday.

"I saw them playing every day," he explained, "and I figured I'd give someone a chance to rest."

Community involvement extended far beyond the immediate neighborhood. Fire companies here and in Avon set up floodlights at night to permit the game to continue. Several merchants donated refreshments for the players, and one service station contributed gasoline for use in cars that were helping to light the field.

And one woman, who asked to be anonymous, donated $50, which was used to buy hot dogs and hamburgers.

Linda Chapman, 16, of 131 Hillside Ave., and Cathy Collier, 17, of 78 Avondale Ave., volunteered to provide hot drinks, and helped the well-chilled players survive some difficult nights. Two tents were set up alongside the field, and players took turns sleeping there at night.

The best thing about the game, from Patrolman Rowland's standpoint, was that it gave the kids something to do."

"We haven't had any problems with juveniles all week," he said. "It's been fantastic, and usually, on a vacation like this, there's quite a bit of mischief—especially when they get that first whiff of spring."

The youngsters already are making plans for another marathon game in the summer. And they're girding for the inevitable challenge to their record.

"I'm sure someone else will try to beat us," Patrolman Rowland remarks. "But we'll be right back and set another new record if we have to."

The game was finally halted to give the participants a day of rest today. School reopens tomorrow.

PATRIOTS' MARCH FOR VICTORY WILL CLIMAX VICTORY WEEK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. RARICK. Mr. Speaker, for the past 2 weeks, our Nation's Capital has been plagued with hordes of anti-Americans demanding our surrender in Vietnam. Their banner has been the Vietcong flag; their sign, the clenched fist; and their slogan, "Out now."

This week is being observed by many patriots as Victory Week. It will be marked with peaceful visits to universities, Government offices, and embassies as well as with prayer services. The culmination will be a Patriots' March on May 8 to end the war by victory.

In contrast to the mislabeled "antiwar" demonstrators, the observers of Victory Week have Old Glory as their banner; the Holy Bible and the cross as their signs; and as their slogan, "For God and Country."

The observance of Victory Week is a sign of hope, a desire for permanent peace, and a reminder of our birthright to perpetuate our individual liberties under God.

I insert a schedule of events for Victory Week and a newsclipping from the Christian Beacon at this point in the RECORD:

VICTORY: MAY 3 TO 8, MONDAY THROUGH SATURDAY

Tuesday afternoon, May 4: Washington Marathon, Radio Station WFAX.

Tuesday, May 4: University Day. Visit to Universities in area by teams.

Wednesday, May 5: Embassy Day. Visits to: the following embassies: Taiwan, Korea (South), Viet Nam (South), Laos, Cambodia, and Thailand.

Thursday, May 6: Justice Day. Visit to: J. Edgar Hoover, Federal Communications Commission, and Pentagon. 8:00 p. m. Memorial Service. Park across from Washington Cathedral.

Friday, May 7: 8:00 p.m. Prayer meeting on Capitol Steps, East Side.

Saturday, May 8: 11 a.m. Assemble for Patriots' March for Victory.

THE CHALLENGE IS IN WASHINGTON

To All Readers of the Christian Beacon:

In every section of the United States there are those who faithfully read this paper, rejoice in the stand which it takes, and desire to help the cause which it represents. Seldom have we ever come to our readers with the appeal which we are now making. Never in the history of our ministry have we reached such a strategic moment when issues are so focused and drawn that we can actually see that we are in a position to really count and do some good for righteousness' sake.

We will always call the April 24 march of the so-called peace groups the "hippie surrender march." Ninety percent were hippies. They called for "Out now," which is surrender. But they did have the largest gathering in Washington so far as marches are concerned up to this present point. I was there. We passed through their ranks, talked to many of them, gathered up their literature, and heard their foul and abusive language.

The whole thing was dope-oriented, sex-oriented, anti-U.S.A. The Viet Cong flag led the procession. Chants for Ho Chi Minh were loud and pronounced. It was the nearest thing to a Communist demonstration in the United States that you could possibly have. The Paris Peace Conference leaders had put their blessing upon it. Hanoi had spoken in favor of it. The United States is asked to surrender now and leave Southeast Asia to the Communists whatever they may desire to do with it.

The most favorable kind of press publicity was given. Senator Fulbright arranged his hearings before his committee on how to end the war so that the leader of the U. S. Vietnam Veterans Against the War could have the finest platform possible for television and national coverage. He got it.

On Monday, April 26, part of the coalition of the groups that are continuing with their May Day demonstration (May Day will be the Communist day throughout the world) went over to the Secretary of Defense's home and put a Viet Cong flag on the lattice of his front porch and then reenacted some of their mischief on his lawn. The disgrace which all of this represented to the nation seems to have brought little reaction. Saturday night after their by march they burned the benches and all the wood that they could get their hands on in the Sylvan Park, just at the foot of the Washington Monument. The press did not report this. They will be leaving the city on May 5, and in the providence of God our March for Victory comes in.

We have arranged some preliminary exercises for persons in the area. Friday evening, May 7, there will be a prayer meeting on the Capitol steps, and then Saturday, May 8, the March for Victory will take place. We have accepted the challenge laid down by these pro-Hanoi leaders in the United States.

God in His providence arranged that we should come after them, for our date was selected before theirs, and God in His providence has given us a clear indication now as to what we shall have to meet and do. Washington needs a bath. Pollution needs to be removed. There needs to be some kind of a cleansing from all that has been heard in her parks and beloved Capital.

The march of the hippies brought immediate reaction from the whole Communist world in the Far East. A story from Peiping by Mark Gayn, Chicago Daily News, Foreign Service, reads: "The banquet, a glittering affair, was given by Sihanouk to mark the first anniversary of what is known here as the 'Indochina summit,' a two-day meeting somewhere in south China of representatives of the Communist or allied regimes of North and South Vietnam, Laos and Cambodia.

"Spokesmen of each, as well as of China and North Korea, delivered speeches in which they spoke of the defeats being suffered by U.S. forces, of the rising antiwar sentiment in the United States, and of the coming victory."

Here we have the three matters—U.S. defeats, anti-war sentiment, the coming victory. Our enemies, the enemies of all we love and hold dear, have possession of the word victory, and this big affair in Washington has given them greater encouragement and courage. This is disastrous.

Another story from Peiping by the same service, "G.I.'s Lured to Desert to Viet Cong," says: "The Viet Cong Monday offered special protection and unstated rewards to U.S. antiwar servicemen in Vietnam who cross over its lines out of sympathy for the Communist cause.

"The offer was a new attempt to stir rebellion among U.S. forces. It was contained in an order of the day issued to all 'South Vietnam's People's Liberation Armed Forces,' and was distributed here [Paris] by the Viet Cong delegation to the Paris peace talks. . . .

"The appeal was timed to coincide with anti-war demonstrations in the United States which the North Vietnamese and Viet Cong delegations here have been using increasingly as a propaganda weapon at conference sessions."

Our March for Victory comes at this strategic moment. The press thus far has virtually blotted it out. Instead of reporting with all the expansive news that they have been carrying from Washington that another march is scheduled for the victory forces, as would be the normal thing to do, all of this has been cut out. We are back where we were before April 4, when the press did nothing for us until just two or three days before our March when the White House said the March had been cancelled. But a hundred thousand of our people came.

Our whole March is distinctive. We have been able to bring representatives of every segment of our national life. The whole family comes for freedom. The hippie surrender march represented the masses of these young people who have been misled and deceived in our high schools and colleges.

This then is the basis for my appeal to you and to all who may read this *Christian Beacon*.

First, we must outdo the hippies. If we can bring more people into the city for the May 8 March than they had for theirs it will shake the capitals of the world, and the Communists will say, "Well, there is more life and strength than we ever dreamed."

Never have we been in a position where our presence in Washington could mean so much as this will mean to the cause of freedom. God has arranged this for us in His providence. If we should fall far short, there will be tremendous rejoicing in the Communist world and our March will be used to further harangue the country against victory. There is nothing left for us to do but to look to God in prayer and rally our people to come to our nation's capital with our flags, our banners, our Bibles, our hymns of thanksgiving and praise. "Onward, Christian Soldiers!"

Is is not magnificent that God's providence has let us know what we have to meet and what the enemy is saying and doing, and we know now that if we can all be there—and I mean all of us, every member of the family—that we can produce more than they produced and do it in an orderly and honorable manner for the glory of our God. Who would have thought that in the providence of God He would give such an opportunity to those of us who read the *Christian Beacon* and want to be a part of the struggle to help save our country's freedom.

This is the last appeal we will be able to make as this *Christian Beacon* goes out across the country. Recently in Southern Michigan we had one of the most thrilling rallies that I have been in. The people are stirred; some were in tears. There is a sense of terror gripping many people. Two men told me that for the last March they did not decide until 7:30 that Friday evening to come, after they heard some abusive reports on the radio.

There will be plenty of parking space in Washington. We need only to fill up our cars, five and six, or to get the buses that are still available.

Washington is the place where we all should come. We should lay aside every other consideration and unite now in giving a united witness to the whole world that America has been a land in which we have rejoiced in God's faithfulness, for "In God We Trust." It is on our every coin. It is this faith that leads me now to appeal to you at whatever the cost to be in Washington, and if you are unable to be there, then you must help finance someone else's trip, and especially among the young people.

At the Michigan rally a chorus from the Grace Bible Church Christian School sang. It was thrilling. They were attractive. The audience raised nearly $4,000 for the expense of the Washington March; $600 of it was raised first to pay the cost of a bus to take these young people to Washington. What a glorious spirit it was. That is the spirit that I trust will grip you as you reach this point in this appeal and that you will turn in prayer and sacrifice and be in Washington, D.C. with us on May 8.

Never has a moment of this nature come to us. We are in a place now to speak, really to speak, throughout the whole world. Please do not fail the cause. Join us all in Washington, May 8. "To God be the glory. Great things He has done." "If God be for us, who can be against us?"

Indeed it is a privilege to be in this position as those who believe that God is able to deliver and that He will deliver those who look to Him and who will stand and not compromise. Let us make it indeed the greatest gathering we have ever seen in our nation's capital, and may it truly be a march to victory.

The only way to deal with the Communists' world-wide onslaught is to stop it and have victory over it. This is our duty in the charge which we have from our Saviour to occupy—yes, to occupy until He comes.

I will look forward to seeing you readers of the *Christian Beacon*, hundreds of you, yes, may I say thousands of you, in Washington, D.C. May 8.

Yours in Christ,

Carl McIntire.

THE CONTRIBUTIONS OF GEN. WILLIAM J. SUTTON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. SIKES. Mr. Speaker, it has been my privilege to observe the significant and valuable contributions of Maj. Gen. William J. Sutton to the defense programs of America over a period of many years. In particular, he has rendered outstanding service for a stronger reserve program in the U.S. Army. He is now retiring and his wise and helpful guidance will be greatly missed.

I note that the Senior Reserve Commanders Association has adopted a resolution commemorating his services, and I am pleased, indeed, to submit this resolution for inclusion in the Record. This resolution attests to the fact that those who know Bill Sutton best know him as a great soldier, a loyal citizen, and a wonderful friend.

The resolution follows:

Resolution of Senior Reserve Commanders Association

Whereas, Major General William J. Sutton was appointed in 1963 to the position of Chief Army Reserve on the staff of Department of the Army, and

Whereas, under the provision of PL 90–168 he was reappointed to the same position in 1968 as its first statutory appointee, and

Whereas, General Sutton has brought dignity, prestige, and integrity to the office of Chief Army Reserve, and

Whereas, General Sutton has displayed the courage and determination to withstand forceful opponents of the U.S. Army Reserve Program thereby insuring the continuation of the Program as a viable part of this country's defense, and

Whereas, General Sutton has given unselfishly of his strength, knowledge, and wisdom to the Senior Reserve Commanders Association and has been faithful and dedicated to the cause of National Defense, and

Whereas, General Sutton will enter retirement on 31 May 1971 from the U.S. Army having served his country as a true patriot for over 44 years, and

Now therefore be it resolved, the Senior U.S. Army Reserve Commanders hereby recognize and commend the outstanding contribution of MG William J. Sutton on the occasion of his retirement.

SCHOOLCHILDREN STILL GO HUNGRY AT LUNCHTIME

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. O'NEILL. Mr. Speaker, although our Nation is approaching a trillion dollar GNP, many of our school age children still go hungry at lunchtime. The need to support and augment the 1972 budget for child nutrition programs is imperative, if we are to keep our youngsters healthy.

It is disgraceful for a nation like ours, the most advanced and technologically capable nation in the world, to allow its children to eat improperly balanced meals or no meals at all while in school. We must insure that all our children have a decent lunch. I ask my colleagues to read the remarks of Thomas P. O'Hearn before the Senate Appropriations Subcommittee on Agriculture.

The remarks follow:

STATEMENT OF MR. THOMAS P. O'HEARN, CHAIRMAN, LEGISLATIVE COMMITTEE, THE AMERICAN SCHOOL FOOD SERVICE ASSOCIATION

Mr. Chairman, and members of the Committee, I am Thomas P. O'Hearn, Director of Food Services for the schools in the Archdiocese of Boston. I also serve as the Legislative Chairman for the American School Food Service Association. This Association includes more than 50,000 members who are concerned with the administration and operation of food service and nutrition education programs for children. These 50,000 members are public service employees and include state level administrators and technicians in the field of nutrition, local and supervisory personnel, food service program managers, and the personnel who prepare and serve the food to children.

On behalf of the Association, I wish to thank you for the opportunity to testify before this Committee on the 1972 budget for Child Nutrition Programs. We are very mindful and very appreciative of your support and interest in the expansion and strengthening of these programs to improve the nutrition of our Nation's children. We are particularly grateful for the prompt action of this Committee last fall to provide substantial increases in funds to assist in expanding the lunch programs to additional needy children.

Mr. Chairman, I shall try to be brief, covering only a few major points of particular interest to my Association. These points of view on the 1972 budget proposals are all consistent with the Association's goal of promoting good nutrition for all the Nation's children through the federal-state food service program for children.

We are, of course, most concerned that the budget envisions no expansion whatsoever in cash appropriations to finance the cost of free and reduced priced lunches for needy children and no increase in funds for the general support of the program so that all children may take part.

First, on funds for free and reduced price lunches—the proposed budget amount of $356.4 million for this purpose is based on reaching 6.6 million needy children daily at a cost of 30 cents from federal funds. This amount is clearly inadequate by reason of several factors: (1) USDA regulations permit a much higher payment than 30 cents from federal funds on such lunches (as much as 48 cents) and many schools are receiving such amounts. (2) Reports from states and local school districts made to the Department of Agriculture indicate that the original estimate of 6.6 million children is more than one million children short of the actual need. (3) USDA official figures show that 6.7 million needy children received lunches in February. (4) The number of children qualifying for free and reduced price lunches has increased over the past several months due to increased unemployment in many parts of the country.

Our own estimate is that the target figure of need should be 8 million needy children rather than the USDA figure of 6.6 million.

We are most mindful that recent legislation in P.L. 91–248 makes it mandatory that all children from families with income below the poverty level must be provided free or reduced priced lunches. In the event that adequate funds do not become available to meet this legislative requirement, local school officials will have no choice but to discontinue their lunch programs.

On the second point, with regard to general support for Child Nutrition Programs, we have an equally deep concern. Again, the Administration's budget proposes a stand pat, no increase program for 1972. This position is directly counter to the mandate given by Congress to the states in P.L. 91–248 to extend the National School Lunch Program to all schools not already under the program. This position, also, takes no account of the fact that increases in minimum wages and in the cost of goods and services generally have to be reflected in the cost of producing and serving lunches to children. In the absence of increased federal support, this only means that children must pay a higher price for their lunches and that less children will take part in the program.

Frankly, we feel that we are losing ground toward reaching our goal of trying to provide nutritionally balanced lunches for all children in school. It is true that, in the past two years alone, we have been able to increase the number of needy children receiving lunches by 3.2 million. We are very proud of that record, and we shall improve on it. However, participation by children who pay for their lunches has actually declined. In the same period of time, total program participation has increased by only 2.5 million.

In other words we have lost over 700,000 paying customers. We are losing these paying customers because lunch prices have inflated to the point that children from families just above the poverty level, who are not eligible for free or reduced price lunches, have been forced out of the program. We are seriously concerned that this trend may continue, and we feel that it will continue unless additional federal funds are made available for general support of lunches for all children. In just the past five years, the cost of producing type "A" lunches increased by 25%, from about 48 to 60 cents. During the same period, the federal contribution per lunch has remained static at about 5 to 6 cents and is projected in next years budget at 5 cents.

We therefore, have two recommendations:

1. The appropriations to finance the lunches for needy children must be adequate to meet fully the legislative requirement in P.L. 91–248 that all such children be provided with a free or reduced price lunch.

2. The federal contribution per lunch from section 4 funds should be increased to at least 10 cents to partially offset the heavy increases in labor and food costs that schools have experienced in the past few years and which cannot be without price increases to children.

. . . . We note that the proposed budget lists an increase of $134 million for 1972 in the value of food commodities to be distributed to Child Nutrition Programs. The total amount for 1972 ($302 million) would be far in excess of food donations for any previous year. While such a volume of food donations would be very welcome, we feel it necessary to raise a question as to whether or not school officials can safely plan, in light of past experience, their food service programs on the basis that full budgeted amounts will actually be available in the kinds of foods that schools can effectively use.

. . . . The Administration's budget again proposes the elimination of funds for the Special Milk Program. We are not in favor of this action for several reasons:

1. There are still several million children attending schools without lunch programs. A large proportion of these schools serve children from low-income families. The least we can do for these children until an adequate food service program is established is to be able to continue to provide milk either free or at a token price of a few pennies to promote an adequate level of milk consumption.

2. The program makes available a valuable nutritional supplement to children at recess periods or when they first arrive at school in the morning. In many cases, also, children are receiving milk free under the program.

3. Because of the nature of the budgetary process, the decision of whether the milk program will continue is not likely to be known until some time next fall. In the meantime, schools operating in the summer, as well as child care institutions and summer camps, will have to gamble on whether or not they will receive their normal payment to assist in financing the cost of milk service. In short, we believe the timing of the proposed action is inequitable.

All in all, the Association's position is that the milk program should be continued at the current level until such time as nearly all schools and institutions presently participating should be given official notice of at least six months prior to the ending of this program.

. . . . Mr. Chairman, I have one final comment, we are seriously concerned over the very minor amount proposed in the budget for nutrition education, training, and surveys. These funds are being made available under a new provision contained in P.L. 91–248. For the first time, there is authority to make a beginning on eliminating perhaps the most important cause of malnutrition and poor diets. . . here I refer to the general ignorance that exists in all segments of the population with respect to the principles of good nutrition.

Specifically, the budget figure of $750,000 for 1972 is much too small to make any realistic beginning on these specific objectives. We therefore respectively recommend that the amount be doubled to $1.5 million so that all states will have sufficient funds to employ a minimum staff for the purpose of developing and initiating programs of nutritional training and education for workers, cooperators and participants in Child Nutrition Programs as provided for in P.L. 91–248.

Again, let me express my personal thanks and the gratitude of our Association for the opportunity to testify before this Committee.

THE UNITY OF FREE NATIONS IN SOUTHEAST ASIA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1971

Mr. ASHBROOK. Mr. Speaker, since this administration came to power emphasis has been placed on the necessity of unity among the free nations of Southeast Asia in their fight against aggression. Stress has been placed on the impossibility of the United States acting as a "world policeman" and that military preparedness plus the unity of free nations through regional alliances is the key to the preservation of freedom. Any progress made to date in the implementation of this strategy might well have been cancelled by our unfortunate change of policy toward Red China.

The May 8, 1971, issue of Human Events, the highly observant newsweekly on current events here in Washington, raised this all-important theme. How are our friends in Southeast Asia reacting to our new China policy? What effect upon the unity of free nations in this area will the new China posture cause? These are, of course, questions that apologists for Red China ignore in their preoccupation to gain worldwide respectability and recognition for this bandit regime.

Following is the May 8 article, "Nixon's Peking Diplomacy Imperils Southeast Asia," from Human Events which I insert at this point in the RECORD:

NIXON'S PEKING DIPLOMACY IMPERILS SOUTHEAST ASIA

We do not claim to know precisely what the Administration is up to in the current courting of Red China, but whatever the reason, it is beginning to look as if the game is not going to be worth the candle.

Perhaps, as the insiders will tell you, we are engaged in a devious plot to drive a wedge between Moscow and Peking. That, of course, is the probable explanation for what's happening, but such intrigue will hardly be time well spent if we also succeed in driving a wedge between ourselves and our Asian allies. And it is this latter possibility that appears far more likely—and ominous—at the moment.

Keeping our alliance together in Southeast Asia has to be considered far more important than initiating some desperate Machiavellian maneuver—with no assurance whatever of success—that may encourage the two Communist superpowers to leap at one another's throat.

The Sino-Soviet quarrel, we might also note, blossomed rather fully without any concerted outside interference on our part. Indeed, the argument could be made that the friction between Moscow and Peking has lessened as we have warmed up relations with Mainland China. Franz Michael of the Sino-Soviet Institute, in fact, has documented the gradual easing of tensions between the two Red powers during the Nixon Administration.

The spirit of détente between America and Peking, however, has clearly caused a deep uneasiness among some of our Asian friends. At the 16th annual ministerial conference of the Southeast Asian Treaty Organization in London last week, the six foreign ministers attending issued a communiqué that was striking for its omission: There was no mention in the 10-page document of Peking or the recent overtures made by the Red Chinese government.

"The omission," reported the New York *Times*, reflected a skepticism shared by several of the Asian members of the alliance about the true motives behind the Chinese gestures toward improved relations with the United States."

This skepticism was voiced by Lt. Gen. Jesus M. Vargas of the Philippines, secretary-general of the organization, who said that it was still too early to tell whether Mao's China had eliminated her "well-known sinister ways" in dealing with Southwest Asia. "We are still waiting for some concrete indication of change."

Australian minister Leslie Bury also sounded a note of apprehension. "To those of us who are more nearly China's neighbors," he said solemnly, "there is as yet little to inspire confidence that Peking has in fact abandoned those policies which have prevented her from being regarded as a responsible member of the family of nations."

Even more disturbing has been the almost frantic reaction in Thailand. In the wake of our diplomatic overtures to Peking, Thailand, itself, is now rushing to develop contacts with both Red China and North Viet Nam. Thailand's Foreign Minister Thanat Khoman suggested that his country is moving toward a rapprochement because it no longer trusts the United States to come to its defense. The Nationalist Chinese, of course, are also alarmed at our diplomatic games.

Not only do they fear we may let Red China into the United Nations, but they are now wondering what we plan to do with their future. Incredible as it may seem, the State Department last week even questioned the "legal status" of Taiwan, suggesting that the island might be part of Red China after all.

Especially in view of the wary reaction among our anti-Communist allies, we can see no legitimate reason for recognizing Peking or allowing her into the United Nations.

Despite all the lavish hospitality bestowed on our table tennis team, Red China has by no means reformed. She is still an outlaw in the family of nations. She was a clear aggressor during the Korean War and she is still calling for South Korea's violent overthrow. She wrested territory away from India and she flattened Tibet. Tenzing Gyatso, the 14th Dalai Lama of Tibet, wrote only two months ago from India that the Chinese "have launched a veritable reign of terror" in his country.

Mao and Chou have stirred up revolutionary activity in Africa, Asia and Latin America. They are not only a major supplier of North Viet Nam, but they are conducting insurgency schools for revolutionaries from many Southeast Asian countries, including Malaysia, Burma and Thailand. Just last month, in fact, Radio Peking called upon "the Thai peasants to actively participate in the armed struggle under the leadership of the Communist party of Thailand. . . ."

Yet the Red Chinese are also actively trying to stir up revolution in this country. FBI chief J. Edgar Hoover wrote in 1970: "During the past year . . . we have experienced a definite increase in our Chinese investigations due to the stepped-up intelligence activities on the part of the Communist Chinese aimed at procuring highly technical data, both overtly and covertly, and the efforts of Chinese Communists to introduce deep-cover intelligence agents into this country."

Mao has lent his support to the Black Panther party and other revolutionary groups, including Progessive Labor. For Red China harbored Robert Williams, an American now back into his country, who urged U.S. Negroes to rise up and revolt.

Walter Judd, chairman of the Committee of One Million Against the Admission of Red China to the United Nations, cannot understand this great drive to recognize Red China. While there is great pressure to "trade" with Peking, says Judd, her greatest exports are "communism" and "heroin." Great Britain, he points out, recognized Mao's mainland in January 1950 in order to reap supposed trade benefits. "What has she gotten in return? Imprisonments, beatings, storming of British Embassies and people and no increase in trade.

"De Gaulle showed his defiance of us by recognizing Red China. And it was the Chinese Communists who organized the great [Paris] riots in the spring of '68, a major factor in overthrowing de Gaulle. Israel made overtures way back 20 years ago toward Red China. And it was the Communists from China who organized and trained the Palestinian guerrillas which almost blew up into an all-out war against Israel last fall.

"I would think people would see what's happened when folks have followed these policies of softness toward communism and be wary."

SENATE—*Wednesday, May 5, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our God, our help in ages past, our strength in every age, enlighten our minds by Thy spirit that we may serve Thee aright this day.

Be in our home to make them sanctuaries of love, and havens of peace. Be with those who have no home that they may find the home of their soul in Thee.

Be in our schools to make them academies of democracy and arenas where fullness of life and understanding take place.

Be in our executive and legislative chambers that all who work therein may serve with noble purpose.

Be in our churches that they may mediate Thy grace to all men.

Draw together youth and age in firm alliance that the authentic revolution of free men under God may be brought to rightful consummation and that all unholy revolutions may dissolve in emptiness and futility.

In the name of the Great Gallilean. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 5, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 531), to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benie, and Gerald L. Thayer;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiller;

H.R. 3929. An act for the relief of Gheorghe Juca and Aurelia Jucu; and

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Acting President pro tempore (Mr. GRAVEL):

S. 70. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes;

S. 531. An act to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; and

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred, as indicated:

H.R. 1836. An act for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Beneie, and Gerald L. Thayer;

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler; and

H.R. 3929. An act for the relief of Gheorghe Juca and Aurelia Jucu; to the Committee on the Judiciary;

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 4, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Tennessee (Mr. BROCK) is now recognized for not to exceed 15 minutes.

MAY DAY DEMONSTRATIONS

Mr. BROCK. Mr. President, I should like to take this opportunity publicly to applaud the calm, efficient way the Justice Department, our District of Columbia police, and others teamed to squelch the May Day group's abortive attempt to stop our Federal Government from functioning. The actions of our public officials and of the general public in the face of extreme provocation have been magnificent.

We all know that it was not just happenstance when the nihilistic antics of these insurgents were snuffed out so efficiently. President Nixon set the stage for this result when he made it perfectly clear that neither he nor the Government of the United States was going to be intimidated—and we were not.

Armed with the strong backing of our President, and the support of the people, those charged with enforcing the law were able to deal with these revolutionaries with a minimum of force and a maximum of effect.

Despite their boasting, the anarchists found themselves not only outflanked, but outwitted.

Let me add one further point. It would be tragic if we were to confuse the actions of a militant few who care not for the rights of their fellow man with the efforts of those who demonstrate peacefully for a cause in which they believe and who work daily for a lasting peace. It is this distinction which tells the story.

No society can survive if a few are allowed to violate the rights of others. President Nixon, with courage and calmness, afforded the people of Washington the opportunity to make that choice. They made it, and this Government has not hesitated in its continuing effort to serve the cause of peace and justice.

Perhaps, in light of this situation, some Members of Congress might find it worthwhile to review their own actions with regard to protesters, their leaders, and this Government. In recent weeks we have seen a few Members of both House and Senate see fit to criticize the Government, its administration and, in particular, the FBI.

Fortunately, I have seen only one case in which the individual utilized the kind of paranoaic demagoguery we had hoped went out with Bilbo. Yet some others have chosen to ridicule such actions as the surveillance of Earth Day participants—even though they included the leader of the current fiasco—Rennie Davis. Not incidentally, Mr. Davis was convicted of conspiracy to incite riots in the trial of the Chicago Seven and, more recently, has again been indicted for conspiracy in the current conflict.

I wonder if those who are so quick to condemn the Justice Department would now repeat their accusations. I wonder if they have viewed the slashed tires, the hundreds hospitalized by contaminated narcotics, or the strewn garbage resulting from the presence and actions of Mr. Davis and his friends.

If a Member of this body still desires to share a speaker's platform with this anarchist, that is his right. However, he should not be too surprised if the majority of America insists that the FBI continue to monitor the activities of Rennie Davis—even in the presence of a Senator.

Mr. HANSEN. Mr. President, will the distinguished Senator from Tennessee yield?

Mr. BROCK. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I want to thank the distinguished Senator from Tennessee for initiating this colloquy, calling attention, as is most proper in this Chamber, to the actions of those who have occupied the headlines of the newspapers throughout the country for the past several days.

Mr. President, Americans everywhere are calling for an end to irresponsibility.

We have had the opportunity this week to see misguided Americans at their worst, flaunting acts of violence and risk to innocent citizens in the streets of the Capital City of the United States, the greatest Nation on earth.

I am proud of the effective manner in which the Department of Justice, the military forces involved, and the local law enforcement officials of the District have responded to these attacks upon law-abiding citizens of this area, and to the oral threats that these demonstrators have made that they would disrupt the process of government and close down the Government of the United States.

We are beginning to get a reaction to this extreme civil disobedience that has taken place in this city from Americans throughout the land. Almost everyone in America detests such action, regardless of wide-ranging opinions on the conduct of U.S. policy in Indochina. This country, with its great freedoms, affords every opportunity for all voices to be heard through legal means, through the congressional hearings, through elected representatives, and through the normal processes of government in a democracy.

Yet, these accessible channels apparently are not enough for the irresponsible few, for those who throw tantrums when they are unable to achieve immediately their goals through lawful procedures At the same time that we detest their actions, we feel a sorrow for them that they are so blinded by their emotions that they cannot see that in most other countries, they would be allowed no voice in government at all, and that if they dared even to suggest that an attempt would be made to disrupt government in those other nations, they would be sent "to the salt mines," as the expression goes.

We also feel great sorrow for these young people, that they have been encouraged by elected officials who search for any means to seek to discredit the policies of our President, Richard Nixon, or to try to give the impression that he is in trouble with the electorate. The people who have communicated with me voicing their disgust with the tactics employed by these demonstrators have not failed to point out to me that they are convinced many of these young people have been encouraged by elected officials, for what they believe could be personal political gain—a chance, for example, to become one or another party's nominee for President.

Mr. President, despite the irresponsible action of those demonstrators who said they would come to Washington to disrupt the Government of the United States, and who received from some quarters of the Halls of Congress encouragement to come to Washington for that purpose, there has been business as usual this week in government.

The forces of law and order in this historic city have handled these incidents in an exemplary manner.

I am hopeful those who participated in the lawless acts against society will realize and very much regret the dangers to life they have created by blocking fire trucks and ambulances, by removing manhole covers, by throwing objects into traffic and stretching lines across streets. I believe many now know that such acts of violence will not be tolerated by this administration, which is charged with the safety and defense of this city as well as the Nation.

Mr. President, I do not charge that every act of lawlessness and violence is the direct result of encouragement, either explicit or implied, by politicians seeking to exploit a growing weariness with the war in Southeast Asia. But I do charge that much of the brazenness, the callousness of those many, so much in evidence on Monday, was encouraged by politicians.

As the fires of dissent grew out of control, threatening, indeed, to bring our Government to a standstill if not checked, every elected official sharing any identity with this group hastily and anxiously disavowed their actions and condemned their irresponsibility.

Curiously—ironically—those who were committed to bring "government to a halt" were the first to complain of the inadequacy of the comforts and conveniences of a modern jail and lack of early, speedy processing by the judiciary.

There is an old saying: "If you play with fire, you're apt to get burned."

We have all learned something this week:

Without strong, effective law enforcement, anarchy will soon replace the protection and safeguards of duly constituted government. We all must obey all the laws.

Mr. SCOTT. Mr. President, will the distinguished Senator yield?

Mr. BROCK. Mr. President, I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I commend the distinguished Senator from Tennessee and the distinguished Senator from Wyoming for their remarks today. I am in agreement with them.

I note, Mr. President, that last week we had those with the white hats. This week it was the ones with the black hats. What was accomplished by the peaceful, young college people last week and the veterans the week before has, unfortunately, been turned around and against the cause of peaceful demonstration. The announced intentions of the leaders of this week's group—to disrupt our Government and to harass our 318,000 Federal employees in Washington—have failed. I salute the excellent work by our police, all of the forces, the Office of the Attorney General, the District of Columbia officials, the Mayor, and the military troops that were pressed into service. Mr. President, I hope the demonstrators of the future—and I know there will be others—will recognize that government and particularly the Halls of Congress will always remain open to serve the intended function to legislate the affairs of this great Republic. The right to demonstrate for peace abroad does not give anyone the right to break the peace at home.

Mr. BROCK. Mr. President, I thank the minority leader for his normally fine contribution.

It is apparent to all of us that we cannot abandon the rights of some at the expense of others.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Tennessee for bringing this matter to the attention of the Senate. It is certainly vital that we have the matter placed before the Senate and the other Members of Congress.

Mr. President, a funny thing happened to me Monday on the way to this forum. Someone deliberately punctured a tire on my car. Normally this would not be at all funny. However, in this case the tire was supposedly cut in the name of peace, because I would not agree to stay away from my office.

This strikes me as funny only in the sense that it is ludicrous. It is absurd to suppose that somehow slashing tires and other malicious actions in Washington should help bring an end to a war half way around the world. It was not a very pleasant experience to find myself in the center lane on Constitution Avenue with a flat tire, especially with the turmoil created by cars, and trucks trying to dodge metal and plastic trash cans being thrown into the bumper-to-bumper traffic by irresponsible demonstrators.

This was only one small incident, and really unimportant in the overall picture of what is happening in our Nation's Capital.

It cost me only for a new tire; but other people suffered much more of a loss in damage to their property.

President Nixon, the administration, the Washington police, and our servicemen gained in public respect for their firm but fair handling of those who would disrupt the running of the Government.

If, indeed, these people who took part in this week's malicious activity were antiwar protesters, then they caused serious damage to their cause.

However, I would like to say that I am getting a little sick and tired of hearing about the great idealism that would lead people to carry out destructive acts such as traffic disruptions and bombings. There seems to be a concerted propaganda effort to make it appear that the so-called antiwar protesters are acting out of some superior moral inspiration.

It seems to me that their performance Monday had parallels in the early 1930's when brown-shirted youths intimidated Germans. We all know what happened as a result of that rule-or-ruin campaign.

Now the rule-or-ruin people are back with us. They have renounced the democratic process and have opted for government by force, or government by riot.

In my estimation these people are as lacking in sound moral character as they are in good judgment.

These people dress oddly and yell obscenities to get attention, then use the word "peace" to lay claim to moral superiority.

These people are bankrupt.

They leave destruction in their wake. They wreck facilities that belong to the American people; they destroy private property as well. They offer no solutions to problems abroad or at home.

The people who really have the moral courage in this country are those who are working day by day for a lasting peace, not shouting for a momentary peace that follows any surrender.

We were not wrong—and we are not wrong—in going to the aid of the people of South Vietnam. We wanted to—and want to—assure them of a democratic government.

Our objectives were and are noble in every sense of the word.

This is not intended as a defense of the Nixon administration, nor of Presidents Johnson or Kennedy. I simply say that American motives were the best in trying to help the Vietnamese people.

Now it may well be that our efforts to help have been less than effective. We should never have become involved in a land war in Vietnam. But best laid plans time and again have gone astray.

Nevertheless, I say that it was and is right to want to help maintain democracy in the world. It was and is right to live up to treaty commitments.

Why is it, I ask, that the United States should be portrayed as the "bad guy" in Southeast Asia. We are not the invaders. Our operations there have either been under treaty obligations or with the approval of the governments in the nations where our troops have been operating.

It is North Vietnam that is the invader of South Vietnam, of Laos, of Cambodia.

It is the Soviet Union and it is Red China that aids and abets these North Vietnam invasions.

If these people demonstrating in

Washington really want peace, their appeals should be addressed in that direction—toward Russia and Red China and North Vietnam.

Instead, these demonstrators seek to embarrass their own Government much to the pleasure of our enemies.

I am certain there is a hard core of dissidents that know exactly what they are doing. Their objective is much more than to simply make an antiwar protest. These people are at war with the U.S. Government. They want to tear it down for various reasons.

Then, there are thousands of others who are being duped into helping in the effort to destroy our Government and the American way of life. I feel genuinely sorry for these young people who are being lured to demonstration areas by music and drugs, then being used to tear down their own country.

Of course, those who foment revolution also are glad to have the aid and comfort of people in positions of responsibility. I hope that this brief episode—we will hope it is brief—will provide some pointed lessons in this regard.

Mr. President, a network referred to me the other day as one of the leading "hawks" in the Senate. I would rather think of myself as an American eagle, but I do not suppose the network would go for that. I certainly do not think of myself as a "hawk." What I want is for us to get American troops from Southeast Asia just as quickly as possible without sowing the seeds of a wider conflict in the future. I think that is exactly what President Nixon is doing, and that is why I support him.

It has been popular to talk about the "credibility gap" in regard to our government. I believe that President Nixon has closed that "gap" and has demonstrated he says what he means and means what he says in regard to Vietnam. We are getting out.

The credibility gap now lies with the so-called antiwar protesters. These protesters put on the biggest show of hyprocrisy in modern times Monday when they tried to rampage through Washington. Thank God they failed miserably in their avowed objective of closing down our Government.

SOME PERSPECTIVE ON THE ANTIWAR DEMONSTRATIONS

Mr. JAVITS. I wish to make a few observations upon the antiwar demonstrations going on in Washington now.

It is vital that the anti-Vietnam war demonstrations of the last several days be put in proper perspective in view of the many critical questions involving the conduct of the demonstrators and the practice of law enforcement.

Neither the frustrations in terms of ending the Vietnam war of many of those who practiced civil disobedience here in the last few days, nor my respect for their sincerity, nor my feeling that their civil disobedience was not productive to the effort to end the Vietnam war, should or do interfere with my support of the enforcement of law and my judgment as to whether it was well and fairly done.

For, I believe that there are important civil liberties questions raised by the technique of mass arrests and the failure of the law enforcement officials to observe the appropriate arrest procedures which must be followed in order for proper cases to be presented at trial. These are questions which are vital to our people especially in these times.

My office has received numerous complaints about the techniques of mass arrests of people not engaged in any unlawful activity throughout the day of May 3. Similar evidence was presented before Chief Judge Harold Greene of the District of Columbia Superior Court by the Public Defender Service in arguing for release of prisoners held at the Coliseum.

Numerous examples were cited of people who were going to work, going to school, or observing the demonstrations who were summarily arrested by the police and taken either to one of the jails or cellblocks around the city or to the practice field near Kennedy Stadium. These people were held from 12 to 24 hours with no appropriate basis for bringing a proper criminal charge. They were denied the right to see lawyers or make telephone calls. The same was true of many arrested who were breaking the law.

The reason that there was no appropriate basis for the arrests of the bystanders and indeed for those who were arrested for alleged violations of the law was that the Federal and city law enforcement authorities chose early on the morning of May 3 to abandon a procedure which was worked out after the 1968 riots to insure that there was a proper basis for arrest. This decision to abandon these procedures was not countermanded even after the rush hour had ended and the situation was fully under control. The procedure which was abandoned involved the use of field arrest forms requiring the arresting officer on the scene to fill out a short form giving the pertinent details regarding the arrestee, the nature of the offense, the place of arrest, and name of the arresting officer. It also required the photographing of arrestees on the scene.

On May 3 the policy of making wholesale arrests and of making no attempt to fill out field arrest forms or to photograph the arrestees on the scene became the subject of a habeas corpus application before Judge Greene in the Superior Court of the District of Columbia.

Evidence brought out at the hearing before Judge Greene under oath from Justice Department attorneys who volunteered to process people held at the coliseum showed that arrest forms were filled out at the coliseum, people were photographed for the first time at the coliseum, and a list of seven officers was used to fill in the name of an "arresting officer" which was changed on one of the forms to read "court officer." This information was then used for later filling out the field arrest form.

These procedures were clearly improper; they precluded the possibility of successful prosecutions. In fact, Chief Judge Greene ruled last night that all those who were still held and did not have proper field arrest forms should be released immediately. This has been affirmed by the District of Columbia Court of Appeals. However, in spite of the lack of basis for detaining a large group among those arrested on May 3, most arrestees were held a minimum of 12 hours and in most cases closer to 24 hours before the majority were released on $10 collateral. Only a small number—approximately 500—were brought before the superior court for arraignment. This amounted to "de facto preventive detention" and a suspension of the civil liberties of the arrestee, albeit for a short time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. All time for the transaction of morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 2 minutes, and I yield my time to the Senator.

The ACTING PRESIDENT pro tempore. The Senator is advised that all time for morning business has expired.

Mr. MANSFIELD. I ask unanimous consent that the time for the transaction of routine morning business be extended by 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I thank the majority leader.

The notion of dragnet arrests—sweeping of the streets into police vans all people in a certain area—is, in the absence of a clear, lawfully promulgated ban, inimical to the rights of all citizens in a free society. Admittedly the situation on May 3 had great potential for violence and serious disruption. The police had a very difficult task and did nonetheless keep the city functioning at its normal level in spite of the difficulties. But, was it necessary to pay the price of bad precedent set in this situation, for mass arrests to take place indiscriminately without proper arrest forms being filled out, leaving no basis for a proper criminal charge against any arrestee? There are those who will ask whether, if people can be detained on that basis for one day, why can't people be detained in this and future demonstrations of civil disobedience for several days or several weeks? I have confidence that the District of Columbia Police Department could have adequately handled the situation using the proper procedures; I do not think there was adequate justification for abandonment of those procedures.

It is most important that Americans do not say, "We are for civil liberties, but not when it might be difficult to grant people those liberties." Let us not in our thankfulness for nonviolence relax our vigilance in the protection of such liberties. That is why I speak today—to be sure that we recognize and learn from our deficiencies, that we are not carried away by an emergency to jeopardize fundamental liberty, and that we give the people confidence that we are determined, even in times of turmoil, jealously to guard the freedom of the individual in every possible way.

I ask unanimous consent that an order

to show cause and a subsequent order by Chief Judge Harold Greene, together with an order from the District of Columbia Court of Appeals, all discussed in my remarks, be placed in the RECORD. I also ask unanimous consent that an article in the Washington Post describing an arrest be placed in the RECORD.

There being no objection, the orders and the article were ordered to be printed in the RECORD, as follows:

[Superior Court of the District of Columbia, SP 50–1971]

SHOW CAUSE ORDER

(John Doe and Approximately 1,700 Detainees Confined Adjacent to Robert F. Kennedy Memorial Stadium *ex rel.* Public Defender Service for the District of Columbia, Plaintiffs v. Jerry V. Wilson, Chief of Police, Metropolitan Police Department, Washington, D.C.; Thomas A. Flannery, United States Attorney for the District of Columbia, Washington, D.C.; C. Francis Murphy, Corporation Counsel for the District of Columbia, Washington, D.C.; Walter E. Washington, Commissioner of the District of Columbia; Commanding Officer, District of Columbia National Guard)

It appearing that with respect to a number of persons arrested on May 3, 1971 in connection with demonstrations no field arrest forms or the equivalent or photographs were prepared and are in existence;

And It Appearing Further That it is extremely unlikely that a successful prosecution can be brought under the circumstances without a field arrest form or the equivalent and a photograph;

And It Appearing Further That in the normal course of events a considerable period of time may elapse before all the persons arrested on May 3, 1971 will be presented to the Court;

And It Appearing Further That the interests of justice require that persons against whom charges cannot be sustained shall not be held in confinement;

Now Therefore the Respondents Wilson, Murphy, Washington, and Commanding Officer, District of Columbia National Guard are ordered to show cause why a Writ of Habeas Corpus should not be granted, and it is

Further Ordered that the said respondents shall make return of the writ before this Court at 8:00 P.M. on Tuesday, May 4, 1971 according to the command of this writ and certify the true cause, if any, for the continued detention of the persons with respect to whom the law enforcement authorities have in their possession neither a field arrest form or the equivalent nor a photograph prepared contemporaneously with the arrest, and under what color or pretense such persons are detained or restrained of their liberty and it is

Further Ordered that inasmuch as solely legal matters may be at issue, the persons described above who are still so detained need not be brought physically before the Court at 8:00 P.M. May 4, 1971, but shall be so brought before the Court during a continued session of the Show Cause hearing if the Court should then so order.

Witness the Honorable Chief Judge of the Superior Court of the District of Columbia this 3rd day of May 1971.

HAROLD H. GREENE,
Chief Judge.

MAY 3, 1971.

[Superior Court of the District of Columbia, SP 50–'71]

JOHN DOE *v.* JERRY WILSON

ORDER

This matter having come on to be heard upon the Court's Order to Show Cause Why a Writ of Habeas Corpus should not be issued and the Court having heard the arguments of counsel, it is hereby ordered:

1. Any person arrested on May 3, 1971, who is still in detention and with respect to whom a field arrest form or the equivalent or contemporaneous photograph exists shall be presented to the Superior Court for arraignment by 5 p.m. on May 5, 1971.

2. Any person arrested on May 3, 1971, who is still in detention and with respect to whom no field arrest form or the equivalent or contemporaneous photograph exists shall be released without collateral, bond, or citation immediately upon his submitting to the District of Columbia law enforcement authorities his name, fingerprint and photograph. Any person refusing to supply his name, fingerprint and photograph shall be presented to the Superior Court for arraignment between 12 noon and 5 p.m. on May 5, 1971.

3. The defendants are ordered and directed that any information secured from any person as a result of the second paragraph of this Order shall not be used to constitute an official arrest record; shall not be disseminated to the Federal Bureau of Investigation or otherwise unless and until such person shall have been convicted for an act or acts committed on May 3, 1971, and shall be submitted to the Superior Court for destruction ninety days from this date.

HAROLD H. GREENE,
Chief Judge.

MAY 4, 1971.

[Superior Court of the District of Columbia, CA 4553–'71]

RUTH ANN KOENICK *v.* JERRY WILSON

ORDER

The Court is taking the Motion for a Temporary Restraining Order under advisement. In the meantime, the collateral schedule is ordered suspended, with the exception of collateral for routine traffic offenses. Chief of Police, Jerry Wilson and his subordinates are ordered not to take any action with respect to collateral pending further order of this Court. The Court will remain open for arraignment and bond setting until further notice.

HAROLD H. GREENE,
Chief Judge.

MAY 5, 1971.

[District of Columbia Court of Appeals, January Term, 1971, No. 5827]

JERRY V. WILSON, ET AL., APPELLANTS, *v.* JOHN DOE, ET AL., APPELLEES

(SP 50–71)

Before: Fickling, Kern and Reilly, Associate Judges.

ORDER

This cause came on for consideration on appellants' motion for stay pending appeal and the court heard argument of counsel. Upon consideration thereof it is

Ordered pending review by this Court with respect to the issue of the authority of the trial court to entertain the above entitled action the order of said Court may remain in effect until final disposition of this appeal except in the following respects: (1) Paragraph 2 of said order is amended to read as follows:

"Any person arrested on May 3, 1971, who is still in detention and with respect to whom no field arrest form or the equivalent or contemporaneous photograph exists shall be released without collateral, bond, or citation immediately upon his submitting to the District of Columbia Law enforcement authorities his name, and such additional information as is required by the Metropolitan Police Department collateral receipt form and fingerprint and photograph. Any person refusing to supply the foregoing information shall be presented to the Superior Court for arraignment between 12 noon and 5 p.m on May 5, 1971."

(2) Paragraph 3 of said order is deleted.

By the Court:

AUSTIN L. FICKLING,
Associate Judge.

MAY 5, 1971.

[From the Washington Post, May 5, 1971]

BUSTED ON A "DISORDERLY" RAP

(By Henry Allen)

"Once we've arrested you we can't unarrest you," the policeman explained.

Twenty-one hours later, as dawn streamed down on the grimy, blanketed masses huddled on the concrete floor of the Washington Coliseum, John Conroy, a civil rights lawyer from the Justice Department, informed me my crime was something called "disorderly."

During those 21 hours, the processing of my part of the 7,000 prisoners matched the charge. We were held with no legal amenities, few physical ones, plenty of promises and even more rumors.

I knew only one thing for sure. The charge wasn't jaywalking. I was being careful about that on Monday morning. Even though the police bullhorn was warning us to clear the area, and the prospect of tear gas grew larger and helmeted police were marching down on us we waited on the corner for the WALK sign to flash because police were standing in front of us too. Waiting.

They waited until we got to the other side of the street and then they busted us, me and two friends I'd just eaten breakfast with in a restaurant near Washington Circle.

We explained that the gas, the other police and their bullhorn had left only this street as an exit. We said we were only following police orders to leave the area. But as they shoved us against the paddy wagon and kicked our feet out into regulation frisk posture, they explained they couldn't unarrest us.

An arrest usually entails taking the suspect's name and noting the offense, date, time and place. We didn't get the benefit of these legal niceties. One officer told Sally, one of my friends, to take off her coat, and then ran his night stick along her buttocks.

When the paddy wagon unloaded me, Sally and Mike—a former fellow corporal in the Marines in Vietnam—we were hustled into a Hertz Rent-A-Truck and we realized that if the police department had to rent its paddy wagons—a lot of people were being busted.

Inside the Rent-A-Paddy the prisoners swapped bust stories until they realized there was only one story and everybody told it the same way: They were just walking down the street and the cops arrested them.

On the way to the D.C. Jail, those who weren't arguing politics with excruciating restraint with the cops in front of the wire screen moved automatically into Phase I of immediate action of Street People in Distress: They shared.

They shared food and cigarettes and water and legal advice and bail money and everything else they had that anyone needed. They saw another truckload of prisoners and cheered.

And when the cops hustled them through the steel door of the exercise yard at D.C. Jail, they heard a thousand other prisoners-of-demonstration cheer, and sensed from the roar and the field of raised fists that no matter what any government official might say on the 6 o'clock news, some kind of victory was being won.

There was no legal aid.

There were no telephone calls. (Prison officials said the phone was "out of order.")

The only medical aid, until Monday night, was supplied by demonstration medics.

Until the middle of the afternoon, male prisoners had three holes in an exposed stone bench at the head of the exercise yard to urinate in. Prisoners inside the jail tossed down blankets so the prisoners outside could jerry-rig an enclosure where women urinated on the grass. Later, a crane lowered portable toilets into the yard.

"It's like Vietnam," Mike said. "It's like when we used to go out and sweep the VCS (Viet Cong suspects.)"

"How did you know who was a VCS?" somebody asked.

"They were the ones with the slanted eyes," Mike said.

There was something else in the jail yard I'd never thought I'd see after I left Vietnam until I saw it a week and a half ago at the veterans' encampment on the Mall. Then, I thought I'd never see it among students and kids and non-veterans. But in the jail yard I saw the tough, almost amused cynicism of people who are no longer surprised that other Americans will sweep them off the streets on charges so ridiculous that no one even bothered to laugh at them.

"It's President Nixon's new program," said David Bernstein, 22, a cab driver from Boston. "It's called Americanization."

While prisoners stared from inside the jail at the bizarre phenomenon of detainees who almost seemed to relish their plight, the crowd debated the issues.

Would accepting food from 'the pigs" corrupt them? Some people thought so. They fasted.

Should they accept tents? One side argued that they didn't want to give the government the opportunity to say it gave them adequate shelter.

Should they refuse to be processed?

Should they refuse to leave D.C. Jail and stage a non-violent confrontation? A violent confrontation?

The politicians argued. The people listened. Or played volleyball and basketball with the two balls the guards gave us. We rapped with the guards. They said they dug us.

Some people took the tents, some didn't. Some processed, some didn't. Some stayed, some left.

Everybody wanted blankets but the supply didn't immediately match the guards' promises. Night was coming on cold. A few people panicked and fought over the blankets as they came in the door.

So when chow—beans and hot dogs—arrived and we saw we only had enough at once to feed a single line of 1,586 people, the veterans were asked to control the crowd. It wasn't hard.

Some people didn't understand they couldn't have seconds, or go to the head of the chow line for coffee.

A certain revelation lit some faces when they were told: "You're in jail."

We huddled around fires built from wood pallets the guards brought in. The people lay down in groups together under their blankets in the cold.

Around 3 a.m. we were told we could move to the Coliseum to be processed. Some went. Some stayed.

At the Coliseum some of the detainees talked with National Guardsmen and active-duty troops who said they were on their side. Mayday leaders told us bustees we could wait until 8 p.m. (last night), when all charges would probably be dropped.

I elected to be processed—fingerprinted, mug shot, name, address, date and place of birth.

At 6 a.m., I was informed of my rights by Conroy, the Justice Department lawyer. Conroy told me how much information I had to give.

I would have liked to talk a little more with Conroy. I hadn't seen him since we were classmates at Hamilton College nine years ago. But at our stage of gray-faced exhaustion there were more important things to do than swap alumni notes. I said I'd been fine and he said he'd been fine.

I let the similarly exhausted bureaucrats grind me through their legal mill.

At 7:59 a.m. the Coliseum was roaring with antiwar chants and rhythmic clapping and I was up in the lobby paying $10 for the privilege of walking outside onto a street in Washington and waiting to be tried on June 24.

Mr. TAFT. Mr. President, the Federal Government could not tolerate the shocking acts of vandalism which occurred in Washington this morning in the name of "peace."

All of us support the right to petition the Government peacefully. The freedom to assemble is in the great American tradition.

But to drop rocks and other debris on passing motorists, to attempt to block streets and bridges, to block entrances to buildings, and to hurl abusive insults at the public in general and Government officials in particular cannot be tolerated.

All of us are working for peace. Some may disagree with the President, but their right to disagree stops at that point where they interfere with other persons.

The District law enforcement officers and others have shown remarkable restraint under very trying circumstances. They are to be praised for the way they handled this week's demonstrations.

Mr. EASTLAND. Mr. President, all Americans are deeply concerned about the growing wave of attacks on law enforcement officers. In recent weeks, this offensive has reached unprecedented proportions.

The police officers of this Nation have been subjected to physical assaults which last year left 100 brave men dead in the line of duty. Thus far, in 1971, these attacks on lawmen continue at a level which threatens to surpass last year's deadly total. I have introduced legislation—both in the 91st Congress, and I plan to do so again this year—to offer the protection of the Federal Government in these incidents. It is my hope that this proposal will become law.

I am just as concerned—and perhaps even more so—about the rising tenor of verbal attacks which are now centered on law enforcement. It is my judgment that this bold abuse—directed at lawmen in general, and the Federal Bureau of Investigation in particular—can and will be more harmful in the long run to law enforcement and to the Nation.

Whatever the motives of these who would heap abuse on our dedicated professionals in law enforcement, the result is the same. These attacks are seriously undermining America's confidence in law enforcement and in the Nation itself.

It is my contention that every American owes a deep debt of gratitude to the law enforcement officer. This brave and dedicated professional has historically formed a buffer between those who abide by the law and those who would break the law. Now, the policeman is called to an even higher task—to stand between the citizen and the revolutionist, forming the last line of defense before a force which is determined to replace government with anarchy. The law enforcement personnel of this Nation stand today as a cornerstone of government.

Yet, these men are victims of the worst abuse ever applied to any segment of our society. In the last several years, a series of events have combined to make the task of law enforcement more difficult than it has ever been.

Initially, there began a breakdown in the morality of our society—a sense of permissiveness which permeated the land. Individuals and groups sought to assert the right to select the laws they would obey. Confrontations with law enforcement agencies were deliberately created, and too often the enforcement officer was cast in the light of the villain even though he was doing nothing more than carrying out his duty.

At the same time the Supreme Court greatly expanded its jurisdiction and authority. Decision after decision was handed down, piling one restriction after another on the law enforcement officer. For a time it seemed whenever a case went to trial the police were the defendants and the criminals the accusers. Individual rights were given such prominence that it seemed society had no right whatever to protect itself. The search for truth often was forgotten as the courts appeared intent only in searching for error.

Meanwhile, law enforcement faced new and even more demanding challenges. As crime grew by leaps and bounds, law enforcement found itself confronted with revolutionary activity. Riots swept the land. Demonstrations erupted into violence.

All the while, there was an undercurrent growing among many of our people. To them it was fashionable to be against the establishment—and what greater symbol of the establishment than law enforcement. A mere assertion of wrong on the part of the law officer became fact in the minds of many—no matter the total lack of evidence.

Mr. President, these are troubled times for America. We are faced with a situation unprecedented in 200 years of history.

Consider, if you will, the FBI's list of "10 most wanted fugitives." This gage of criminal activity has carried the names of the infamous of the underworld. In all its years, this lineup of criminals included murderers, kidnapers, bank robbers, and the like.

Today, however, the list of "10 most wanted" has been expanded to include 15 names—and nine of them are revolutionaries. More than half of the criminals which law enforcement officials would like most to apprehend are people wanted for sabotage, mob and riot action, theft of government property, conspiracy, and violent acts—not against the person, but against the Nation.

Let us take a look at some of those listed:

Cameron David Bishop—wanted for dynamiting the transmission towers in Colorado which supplied power to defense plants.

H. Rap Brown—inciting to riot and arson.

Karleton Lewis Armstrong, Dwight Alan Armstrong, Leo Frederick Burt, and David Sylvan Fine—bombing a University of Wisconsin building in which a research worker was killed.

Susan Edith Saxe and Katherine Ann Power—theft of Government property and the murder of a Boston police officer following a bank robbery.

Bernardine Rae Dohrn—mob action, and violation of Federal antiriot laws and conspiracy.

Mr. President, these are but a few of the many persons of similar background and offenses who are wanted by the FBI. They are not the "elite" of a group of revolutionaries who have openly advocated the use of explosives, have been known to acquire firearms and incendiary devices—and have said that the Government of this Nation must be overthrown.

Let us look at the statements made by these people.

> The correct choice will never be made by so-called representatives or bureaucrats, but only by the people fighting in the streets.

A statement by New Years Gang on March 3, 1971, a group claiming responsibility for bombing an Army ammunition plant.

The Panther 21 letter in the Berkeley Barb, March 5-11, 1971.

> Do you recall the old "Ask what you can do for your country? Destroy it—mentally, morally, psychologically, and physically—destroy it. And whatever you do—do it good.

These are the statements of avowed revolutionaries—people who have made it their sole aim in life to destroy the system of government in America today.

Mr. President, I submit further that these people are ready to back up their words with action—and they have done so with terrifying results.

Consider the activities attributed to the Weathermen, a former faction of the Students for Democratic Society who have vowed to make the 1960's "look like a Sunday school picnic" when compared to the 1970's. On March 6, 1970, a series of dynamite explosions destroyed a Greenwich Village townhouse, killing three Weathermen. On June 9, a bomb exploded at the New York City police headquarters. On October 5, the Weathermen underground took credit for bombing a police statue in Chicago.

Look at the actions of the Black Panther Party, whose leader Huey P. Newton stated:

> Our goal is to crush American capitalism and American imperialism.

By their own admission, acts of the Black Panthers resulted in the death of six police officers and wounding of 22 others in 1970 alone. Its leaders have openly traveled in Communist countries and made statements in radio broadcasts from these countries.

This action is not limited to open revolutionary groups. These disruptions have spread to college campuses, where last year alone there had been 180 demonstrations, 12 arson incidents, nine bombings, and 23 attacks on ROTC buildings. All of this amounted to $3.3 million in damage.

Revolutionary activities have erupted in every sector of this country and now have exploded in the very heart of the Nation, that symbol and shrine of freedom, the Capitol itself. The bomb which seriously damaged this building was no mere prank nor harassing tactic—it was, by any description, an act of open and violent revolution.

Only through the diligence of the FBI are we today on the brink of apprehending those responsible for this act.

Mr. President, the Federal Bureau of Investigation is charged with the responsibility under the law of investigating the activities of those who would advocate the overthrow of our Government. Espionage, sabotage, and inciting to riot—these are the activities of revolutionaries—and these are the activities that the FBI is charged to investigate.

The intent of the Congress is clear and unmistakable. The FBI has not only the jurisdiction and the authority—but the explicit responsibility—to keep these activities under close and constant surveillance.

It is my opinion that the FBI would be in serious neglect of its duty and responsibility under the law and to the American public if they did not investigate the activities and actions of these revolutionary groups.

There are cries that Congress should investigate the FBI for its actions. It is my opinion that it would be imperative for Congress to investigate the FBI if it were not performing these duties.

I would find it amusing—if it were not so deadly serious—that those who view with such horror the FBI's efforts to infiltrate the violent revolutionary groups are the same critics who applauded the FBI for its infiltration and virtual destruction of the Ku Klux Klan. I see little difference between KKK violence and SDS violence—with the possible exception that the radical activities of recent months have proven more destructive.

Much has been said of recent about electronic surveillance or "bugging" by the FBI. It is my opinion that these are wild charges—largely unsupported—made in an effort to make newspaper headlines and gain time on the national television networks.

However, I maintain that the FBI should have the same authority to fully investigate criminal activity—whether it occurs in the Halls of Congress or on Main Street, U.S.A. A Member of Congress, when he is suspected of breaking the law, should have no more immunity than the average citizen. It is imperative that the FBI be just as diligent in investigating wrongdoing by people in high places as they are in surveillance of Federal crimes in any area of our national life.

Yes, Mr. President; these are troubled times. America is under attack from every quarter. Our Nation finds itself beseiged by a force unknown in our history.

In the front ranks of these battles against anarchy stands the police officer. He is the defender of our Nation and of freedom itself.

It is indeed a tribute to law enforcement that these professionals have withstood the attacks—both physical and verbal—and met the challenge. During this period of growing abuse of police, the law enforcement officers have become more dedicated in their duty, more scientific in their approach, and more efficient in combating crime.

It is my opinion that this growing professionalism and dedication is a direct result of the influence and leadership of the Federal Bureau of Investigation and its Director, J. Edgar Hoover. No agency—no American—has been more responsible for upgrading the profession and maintaining its high level of efficiency.

This man and the agents of his Bureau have been in the forefront in America's battle against crime. Their bravery and professionalism is an important chapter in our Nation's history.

The FBI has not only advanced its own war against crime—but this agency has made its facilities, its knowledge, and its leadership available to law enforcement on every level in an effort to aid the Nation's battle against lawlessness.

Nearly 300,000 local police officers benefit annually from FBI professional training schools. Non-Federal officers who proudly carry the title "FBI Academy graduate" as they advance their careers in law enforcement number nearly 6,000. At the same time, law enforcement agencies over the entire Nation have at their disposal the facilities of the world's most modern crime laboratory, maintained by the FBI here in Washington.

Without a doubt, Mr. President, America is a greater country today because of the efforts of J. Edgar Hoover and the agents of the Federal Bureau of Investigation.

Millions of Americans share this view. Our country owes a special debt of gratitude to the dedicated professional lawman who forms the bulwark of our defense against lawlessness.

It is in the best interest of this Nation that we turn aside from the pettiness of the hour. We must raise our eyes to the horizons of tomorrow, look with assurance toward a future without violence and anarchy—a day when we are once again free of fear, when we have thrown off the shackles of terror—a day when the lawless, the revolutionary, and those who would rob us of this great and precious freedom for which so many have paid so great a price, are gone and forgotten.

A new generation of Americans is entitled to this legacy of freedom.

I maintain that the FBI—indeed, all law enforcement officers—are dedicated to this end. Every American should pledge himself anew to this highest of all goals—a greater, stronger America.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED LEGAL SERVICES CORPORATION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-104)

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

In the long, uphill struggle to secure equal rights in America, the Federal program of legal services for the poor is a relative newcomer to the cause. Yet it has already become a workhorse in this effort, pulling briskly and tirelessly at the task as the Nation moves ahead.

The legal services program began six years ago as a small experiment within the Office of Economic Opportunity. It grew swiftly, so rapidly that today more than 2,000 lawyers work for the poor in some 900 neighborhood law offices. No less than a million cases a year are now processed by these dedicated attorneys, with each case giving those in need new reason to believe that they too are part of "the system."

A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.

The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

A NEW DIRECTION

The Nation has learned many lessons in these six short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

For 2 years, this administration has studied means of delivering improved, high quality legal services to those in need, as well as the question of what the proper role and structure of the legal services program should be. In 1969, we upgraded the status of legal services, recognizing it as a separate program within the Office of Economic Opportunity. Because of its importance, I also specifically asked the President's Advisory Council on Executive Organization (the Ash Council) to examine the question, and last November the Council recommended that the Government create a special corporation for the program. The role of legal services lawyers was also considered by the recent White House Conference on Youth, and a task force there expressed strong concern that the independence of these attorneys be maintained.

Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

INDEPENDENCE FOR THE CORPORATION

True independence for a corporation created by the Government demands a governing body drawn from a wide spectrum and safeguarded against partisan interference after its appointment. I believe that we can best meet these requirements by appointing the board of directors for the Legal Services Corporation on the following bases:

—The members of the board should be appointed by the President, by and with the advice and consent of the Senate.

—The board should consist of eleven members, no more than six of whom may be of the same political party.

—A majority should be members of the bar of the highest court of a jurisdiction, and none should be a full-time employee of the United States.

—Members should be appointed for three-year terms and serve no longer than nine years consecutively.

—The board chairman should be elected by the members from among their number and serve a term of one year.

—No board member should be involuntarily removed except by a vote of at least seven members, and only for reasons of malfeasance, persistent neglect, or inability to perform. Political pressures cannot be a basis for removal.

These provisions, all painstakingly designed to insulate the board from outside pressures, find an apt precedent in the corporation created four years ago to promote freedom and initiative in noncommercial broadcasting. In establishing the Corporation for Public Broadcasting, the Congress was once again dealing with a sensitive area of our national life, and it chose much the same course that I am recommending today.

The primary mission of the Legal Services Corporation should be the review and approval of applications for funds submitted by neighborhood law offices, special units of private law firms, and other attorneys who seek to provide legal assistance to the poor. The decision in the case of each individual grant or contract should be made by the Corporation's president—an official employed by the board—based upon guidelines established by the board.

To advise the board of the Legal Services Corporation, I propose that an advisory council also be established with its membership including eligible poor clients and representatives of the organized bar.

As a further means of assuring its independence, I recommend that grants made by the Corporation to neighborhood offices and other recipients not be subject to veto by governmental officials. It is important, however, that State and local officials be given ample notice of new grants. Therefore, I propose that the Corporation be required to notify the Chief Executive Officer of the State, Commonwealth, District of Columbia or possession at least 30 days prior to approving a grant or contract for that area, so that full consideration could be given to the views of that executive. Thus the legitimate concerns of the jurisdiction involved could be taken into account before proceeding, but the Corporation would retain its independence.

As yet another guarantee of that independence, and also to assure continuity and facilitate long-range planning, I propose that funding by the Congress be appropriated on a 3-year basis.

INDEPENDENCE FOR THE LAWYER

While it is important to insulate the corporate structure so that public funds can be properly channeled into the field, it is even more important that the lawyers on the receiving end be able to use the money ethically, wisely, and without unnecessary or encumbering restrictions.

The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

At the same time, it would be a waste of our resources and a dilution of the legal services program if these same lawyers were also to become involved in criminal suits, since legal representation in criminal cases is already available to the poor under many other programs. Counsel for the indigent has been held by the Supreme Court to be a constitutional requirement in felony cases. States now provide for such counsel, and the Federal Government has made substantial sums of money available for criminal representation. Thus I propose that legal services lawyers be prohibited from criminal representation.

For this same reason, legal services attorneys who are given full-time grants or contracts should devote their entire professional efforts to representation of eligible clients, and should not be permitted to engage in the outside practice of law. Certain lobbying activities, as well as partisan political action, should also be proscribed. The latter two activities would be another dilution of resources, and would have the further disadvantage of placing the Legal Services Corporation itself squarely in the political arena, where it does not belong—and thus inviting those political pressures from which its independence is designed to insulate it. On the other hand, these limitations should not impair the right of the legal services attorney to prepare model legislation or to respond to the inquiries of legislators. Such actions are traditionally within the scope of the attorney's right to represent a client and must be preserved.

STRENGTH FOR THE FUTURE

In discussing the broad contours of this program, we must not overlook the challenges ahead. The Nation can be proud that we have come so far already. Under this administration alone, the legal services caseload has increased some 97%—from approximately 610,000 cases in fiscal year 1969 to an estimated 1,200,000 cases in fiscal year 1971—and the budget allocations have increased during this period by approximately one-third. Yet today, perhaps four out of every five legal problems of the poor still go unattended. The challenge to us is thus a significant one, and if we are to succeed in so delicate an undertaking we must devise a program which will have the full support not only of the Congress and the executive branch, but of the people as well.

The full financial support of the government is clearly needed in this endeavor. I propose that upon the date of incorporation, all of the funds then appropriated for legal services activities in the Office of Economic Opportunity, including those for research and training, be transferred to the Legal Services Corporation, so that it can undertake existing Office of Economic Opportunity obligations.

To help us broaden the attack on our unmet needs, I am also proposing two new initiatives:

—First, I propose that specific authorization be given for grants to individual lawyers. This will increase the opportunity for the private bar to participate in legal services and will enable the corporation to channel greater resources into rural areas.

—Second, I propose that the Legal Services Corporation be authorized to identify the principal legal problems of the poor involving the Federal Government and then work with appropriate governmental agencies in trying to solve them. Hopefully, this effort might in many cases eliminate the need for poor persons to seek redress in our overcrowded courts. It would also conserve the resources of the corporation without denying to any lawyer the right to bring a suit which he deems necessary.

The Federal program of providing legal services to Americans otherwise unable to pay for them is a dramatic symbol of this Nation's commitment to the concept of equal justice. It is a program both new and unparalleled by any other system of justice in the world. I urge the Congress to join with me in adopting this proposal to give it new strength for the future.

RICHARD NIXON.

THE WHITE HOUSE, *May 5, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GRAVEL) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today appear at the end of the Senate proceedings.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Chair recognizes the Senator from Ohio for 15 minutes.

ASSET DEPRECIATION RANGE—ADR

Mr. TAFT. Mr. President, for many years American industry has been able to overcome the wage rate differential with respect to foreign competitors by virtue of greater efficiency. The efficiency and productivity of American industry have been the keys to our high standard of living and the purchasing power of the American employee.

American industry has been able to pay its employees higher wages than are received by foreign workers because American industry had an advantage in greater productivity. We had more modern plants, more modern machinery, more modern equipment, and more modern work practices. Today that competitive advantage is being lost. If we do not maintain this productivity advantage there will be a sharp reduction in the purchasing power of the American worker, a further loss of jobs through foreign competition, and a loss of export markets and large portions of domestic markets as well.

Since World War II, American industry has increased its productivity at a rate of more than 3 percent per year. During the last 4 years, however, this rate of productivity growth has declined to 1.7 percent. Compensation per manhour during the last 2 years rose at an annual rate of 7 percent. As a consequence, unit labor costs have increased at a rate of 5.3 percent. This increase in unit labor costs has had a direct effect upon the economic problems which now beset this country.

The significance of productivity is illustrated by the fact that an increase of 0.4 percent in the productivity growth rate for American industry would result in an additional $250 billion in additional gross national product during the next decade. This increase would mean not only higher profits but more purchasing power for the American worker and more job security for those who are now threatened by foreign competition.

The American worker has found himself on an inflationary treadmill. He has found that his wage increases have been eaten away by higher prices and he questions whether he has any more purchasing power today than he had several years ago. Americans do not want higher wages if those wages will not bring a better standard of living.

It is imperative that there be greater productivity which can be translated into more purchasing power, and a better standard of living.

In this context it is absolutely essential that we undertake a major national effort to modernize the tools and productive equipment of American industry. On April 22 I spoke in the Senate of the important role which the restoration of the investment tax credit would have in this endeavor.

Today I wish to commend the administration, and particularly the Treasury Department, for initiating asset depreciation ranges—ADR—which would permit accelerated depreciation. This is a vital step if American industry is to be modernized and retain its productivity advantage over foreign competitors.

According to a survey conducted by McGraw-Hill the percentage of obsolete machinery and equipment used by American industry declined from 1962 to 1968. Between 1968 and 1970, however, the percentage of outmoded manufacturing equipment increased over 7 percent.

This obsolescence has had a direct relation to the American balance of trade. From 1962 through 1967 the United States experienced an annual average trade surplus of almost $5 billion. Between 1968 and 1970, however, our balance of trade declined 70 percent to an annual rate of only $1½ billion. American goods are now becoming less competitive in both foreign and domestic markets, and this trend threatens the jobs and buying of every American wage earner.

One of the principal reasons why American industry has not retained its competitive advantage is that most other industrial nations permit their industries to recover the cost of machinery and equipment over a much shorter period of time. These shorter depreciation periods increase the cash flow of foreign competitors and give them a greater capacity to reinvest in new and modern productive equipment. In some cases, like Japan, this source of investment funds is further supplemented by government donated and guaranteed financing. By shortening recovery periods, ADR would bring the American tax structure more into line with those of other industrial nations. The following chart prepared by the President's Task Force on Business Taxation, dramatically illustrates the competitive advantage which foreign firms have over American industry as a consequence of their nation's tax policies.

Country	Representative cost recovery period (years)	Aggregate cost recovery allowance (percentage of cost of assets)		
		First taxable year	First 3 taxable years	First 7 taxable years
Belgium	10	20.0	48.8	89.0
Canada	10	20.0	48.8	79.0
France	8	31.3	67.5	94.9
Italy	6	20.0	65.0	100.0
Japan	11	34.5	56.9	81.4
Luxembourg	10	28.0	60.4	101.9
Netherlands	5	10.0	42.4	77.1
Sweden	5	30.0	65.7	100.0
Switzerland	6⅔	15.0	58.4	90.0
United Kingdom	12	57.8	78.1	102.1
Western Germany	9	16.7	49.6	83.8
United States	13	7.7	33.9	66.1

At the present time the United States reinvests a smaller portion of its gross national product in productive equipment than any other major industrial nation.

County	GNP (1967-68)	
	Percent reinvested in fixed assets	Percent reinvested in machinery and equipment
United States	16.6	6.9
United Kingdom	18.2	
Italy	19.4	
Germany	23.1	10.8
France	24.9	8.9
Japan	34.0	25.1

Source: OECD Observer, February 1970.

In this context it is astounding that certain Democratic presidential hopefuls, and high labor officials would sacrifice the jobs and buying power of American workers by attacking ADR. Do they really believe that they can gain favor with the American worker by placing him at a competitive disadvantage so that his job may be taken by a foreign worker?

Is the scent of the White House rose garden so alluring that these candidates would keep the American worker in front of outmoded and obsolete equipment?

Have political sunspots blinded them to the job opportunities, job protection, and purchasing power needed by every American?

By their rhetoric these spokesmen have shown themselves to be either grossly misinformed, or the perpetrators of a shameless deception upon the American worker and his family.

These tactics could sacrifice the American worker and his family upon the altar of political expediency.

Let us look at the record, far-reaching changes under our tax depreciation policies were effected in 1962 under President John F. Kennedy. At that time, the Treasury Department reduced depreciable lives 30 to 40 percent on the average, and permitted taxpayers to use them as a matter of right for 3 years and substantially longer depending on facts and circumstances other than just the taxpayer's experience. This furnishes not only the most important precedent for the ADR but constitutes the basis for the ADR itself. These changes in 1962 involved a reduction of billions of dollars in tax revenue and were effected administratively.

Some of the Democratic presidential hopefuls would have us believe that their real objection to ADR lies not with accelerated depreciation, but rather with the fact that the ADR was instituted administratively. One prominent Democrat has even gone so far as to say that these Treasury proposals "will constitute a mockery of the constitutional power of Congress to levy taxes."

Where were these same critics back in 1962? At that time they tiptoed around like smiling little elves whose leader had just given out candy.

Where was their sense of outrage that President Kennedy had not sent his proposal over to the Congress to be subjected to the political exigencies of those times.

Where was the "mockery of the constitutional power" in 1962?

The loudly critical voices were strangely silent when it was John F. Kennedy rather than Richard M. Nixon who was helping to make American industry competitive.

One Democratic hopeful has said that the proposed ADR system is, "nothing more than a shallow attempt to permit businessmen to avoid paying tax." Accelerated depreciation is not a tax avoidance device at all. It simply defers the time when taxes are paid. By taking the depreciation now, instead of in later years, the businessman simply generates cash flow which can be used to modernize his plant and equipment. By taking depreciation now there will be less depreciation to take later and taxes will be accelerated in later years when capital equipment has been modernized and the plant is more efficient and productive. Increased production on a more efficient basis will in turn generate new tax revenues in addition.

In 1969 we enacted provisions for accelerated depreciation with respect to pollution control equipment. But this is limited and confusing. If a manufacturer installs pollution control equipment on an obsolete furnace he gets an accelerated writeoff. But if he builds an entirely new furnace with pollution control devices built in he is denied the accelerated writeoff even as to that portion of his total investment related to pollution control equipment. The result is that there is a strong incentive to clean up obsolete equipment rather than to construct new pollution-free facilities which will be modern enough to protect the competitive posture of America's workingmen.

In 1962 President Kennedy made the following statement when he announced new depreciation guidelines:

> By encouraging American business to replace its machinery more rapidly we hope to make America's products more competitive, to step up our rate of recovery and growth, and to provide expanded job opportunities for all Americans.

Where were the Democratic critics in 1962 to tell him that he was wrong? At that time a Senator from Minnesota said on July 12, 1962:

> This particular announcement, to my mind, is of great significance to the wellbeing and the prosperity of the American economy. It is my view that the action which has been taken will have a more immediate effect upon the economy than even a tax cut, even though it should not be regarded as a substitute for that worthy endeavor. The Revisions will offer a huge incentive for new capital investment.

But today, with a Republican President in the White House that same Senator is heard to say:

> This is the wrong move at the wrong time for the wrong reason. Accelerated depreciation in light of the present state of the economy, consumer demand, and utilization of industrial plant capacity is like giving a pair of track shoes to a cripple.

The reserve ratio test was inaugurated entirely administratively. There was no legislation whatever. The President at this time is simply removing it administratively. He is using the same procedure that was used by President Kennedy. President Kennedy accelerated depreciation administratively. There was no new enabling legislation whatever. President Nixon is also changing depreciation schedules by administrative action. For Democratic hopefuls to attack this procedure now as a mockery of constitutional power when they were acquiescent in 1962 is transparently hypocritical.

To the extent that their criticism goes beyond procedure and strikes at the substance of the President's action I suggest that it undercuts the hope for a more productive national economy. Without more modern facilities the American worker will not be able to compete with his foreign counterpart. He will not have job security, and he will not receive increased purchasing power.

To lay aside any doubts which may exist as to the propriety of the procedures used in implementing ADR I ask unanimous consent to insert at this point in the RECORD a statement prepared by Attorney Frederic H. Hickman and comments prepared by Attorneys Joel Barlow, John Ellicott and Jeffery H. Howard.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF FREDERIC W. HICKMAN

Re: Authority of the Treasury to promulgate proposed regulations § 1.167(a)-11

It is the purpose of this paper to consider whether the Treasury has authority to promulgate proposed Regulations § 1.167(a)-11, commonly referred to as the "ADR Regulations." It is the conclusion of this paper that the Treasury possesses that authority.

It is *not* the purpose of this paper to discuss the political question of whether it would be wiser tax administration to seek legislative change. In this connection the classic paper on Treasury regulations notes that even assuming the Treasury has authority to change existing practices by regulation, ". . . it should not be overlooked by the Treasury that some contemplated changes will be of such importance that it will be wise tax administration to present the situation to Congress and seek the change there. The existence of power does not require its exercise, and there will be situations where legislative rather than administrative power should be invoked." (Griswold, "A Summary of the Regulations Problem," 54 Harv. L. Rev. 398, 417 (1941))

It is important to note the distinction between legal authority, on the one hand, and political desirability, on the other, as some of the "legal" criticisms opposing the regulations are in truth directed primarily to the second point. Tax practitioners and other students of the legal process may bring important experience and wise counsel to the political decision, but that decision is one which the Treasury has the ultimate authority to make based on all of the facts, political and otherwise, known to it.

What Is a "Reasonable Allowance"?

The statutory language on which the regulations expand is that in Section 167(a) which gives to taxpayers "a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) . . ." of property used in the trade or business or held for the production of income. That same language, virtually unchanged, has existed since 1913.

The regulations are dealing then with the question of what kinds of allowances may be "reasonable." Regulations under such a provision are necessarily more nearly legislative in character than interpretive and, indeed, Section 167(b) of the Code, added in 1954, expressly gives the Secretary power to promulgate detailed rules.

Over nearly six decades a vast array of computational procedures have been accepted as producing a "reasonable" allowance. In practice, depending on the computational methods employed, widely different dollar allowances might be produced for a given year and all would qualify as a "reasonable allowance." Under such circumstances, the regulations are in effect promulgating entire systems and it is unrealistic to deal with them as if they involved ordinary "statutory construction." But it is not necessary to fit these regulations neatly into a pigeonhole, for the Secretary has wide latitude in either case. In the case of truly legislative regulations the Griswold paper states:

"[I]t would seem that the Treasury should have the same power to amend the regulation prospectively that Congress would have if it had enacted the legislation directly. One exercise of legislative power should not exhaust it. But, as a matter of wise tax administration, the Treasury should be held to have no power to amend a legislative regulation retroactively." (p. 411)

With respect to interpretive regulations, the paper states:

"Where the statutory provision is very general and indefinite, such as the definition of gross income, perspective changes in the regulations under it should be allowed as a means of working out the complex concept outlined in the statute. But where the statute is narrower, and the regulation very specific, then it becomes an element in the law and not a brush stroke in limning out a concept. Such a regulation may be beyond administrative change even for the future." (pp. 416–17)

Under either of the foregoing principles, the ADR regulations would be valid even if, as argued by some, they represent a change in the prior regulations.

But the ADR regulations do *not*, as will be seen, overrule the prior provisions of the statute or regulations. They only expand the area within which allowances will be deemed to be "reasonable." Surely the question of "reasonableness" in a matter so complex need not stay fixed and static for six decades. One need only consider the radical changes in the science of financial accounting since 1913 to see that the concept of what is "reasonable" in this context is dynamic and changing. The existence of decisions (either administrative or judicial) as to the reasonableness or unreasonableness of the allowances claimed by particular taxpayers in the past should not prevent a fresh look at what may be reasonable for taxpayers generally at some later date and after additional experience. If General Motors or the Army Corps of Engineers were to take the position that what is "reasonable in respect of safety or pollution matters is no longer subject to examination on the merits because of scattered court decisions 10 or 20 years ago, one can imagine the indignation of the "public interest groups" which now argue that the Treasury can no longer broaden its views on what is "reasonable" because of Supreme Court decisions directed, as we shall see, to much narrower points. It is indeed a frightening intellectual position that argues that our administrative processes needs not and cannot constantly examine what is and what is not "reasonable" in light of prevailing conditions.

THE "RE-ENACTMENT DOCTRINE"

Some argue, in effect, that it is no longer the phrase "reasonable allowance" which is the proper subject for regulations, but that the statute must now be read as if it also contained language (unspecified) implementing certain concepts of "useful life." These concepts are written into the statute, it is urged, by virtue of the repeated reenacment of the basic statutory provision for a "reasonable allowance" against the background of long-standing Treasury regulations and practices with respect to "useful life" and by court decisions interpreting that phrase.

The proposition that statutory re-enactment in effect turns regulations into statutes has turned up from time to time in judicial language since the turn of the century. It is, however, discredited by the commentators and by the Supreme Court alike. Thus, Griswold says, in summarizing his conclusions:

"The reenactment of a statute as such should be regarded as wholly without significance in determining the weight to be given an administrative construction of the statute." (Op. cit. p. 423)

And the Supreme Court in *Helvering* v. *Reynolds*, 313 U.S. 428 (1941), states:

"That rule is no more than an aid in statutory construction. While it is useful at times in resolving statutory ambiguities, it does not mean that the prior construction has become so embedded in the law that only Congress can effect a change." (p. 432)

Thus, it is still the phrase "reasonable allowance" with which the regulations are properly concerned. Prior administrative practices and interpretations are relevant, of course, but are subject to modification under the principles above set forth.

ADR REGULATIONS DO NOT CHANGE EXISTING REGULATIONS AND SUPREME COURT HOLDINGS

Relevant portions of the regulations dealing with "reasonable allowances" and "useful lives" read as follows:

"§ 1.167(a)–1. Depreciation in general.

(a) *Reasonable allowance*. . . . The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the estimated useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167(g) and § 1.167 (g)–1. . . .

(b) *Useful life*. For the purpose of section 167 the estimated useful life of an asset is not necessarily the useful life inherent in the asset but is the period over which the asset may reasonably be expected to be useful to the taxpayer in his trade or business or in the production of his income. . . ."

The substance of paragraph (a) has been in the regulations since 1919. The words "useful life" first appeared in the statute in 1954 and paragraph (b) was added to the regulations in 1956.

The Supreme Court decisions in *Massey Motors, Inc.* v. *U.S.*, 364 U.S. 92 (1960) and *Hertz Corporation* v. *U.S.*, 364 U.S. 122 (1960), hold that the provisions of the regulations above quoted were valid and controlling. Specifically, both cases involved the question of salvage. Paragraph (a) of the regulations states that the aggregate amount of deductions may not exceed the excess of cost over salvage and the court held that salvage was to be computed as of the end of the "useful life" as defined in paragraph (b). The court further held that the regulatory language to that effect, inserted in the regulations in 1956, reflected the law in effect prior to the 1954 Code.

The proposed ADR regulations do not in any way change these regulatory rules nor do they provide a result different from that in the Supreme Court decisions in *Massey* and *Hertz*. Indeed, they are very careful to preserve those results. (See, *e.g.*, Proposed Regs. § 1.167(a)–11(c) (1) (i) and –11(d) (1) (i).)

ADR REGULATIONS DEAL WITH MATTERS NOT SPECIFICALLY COVERED PREVIOUSLY: ACCEPTABLE METHODS OF DETERMINING USEFUL LIFE TO TAXPAYER

The proposed ADR regulations accept the definition of "useful life" which appears in the regulations and was approved in *Massey* and *Hertz*, and go on to deal with the question, not previously answered, of methods of determining the collective "useful lives" of the major groups of assets used by the taxpayer.

At the very heart of the problem of determining "useful lives" is this unavoidable fact: *there is no reliable way* to arrive at an accurate determination of remaining "useful life" except in isolated instances of short lived assets. Predicting the extent to which depreciable assets will be used four or five years hence is no more reliable than predicting next month's weather, or next year's corporate earnings, or the status of United States troops in Viet Nam in 1973. It is not possible to overemphasize this point. Any reasonable depreciation procedure must proceed from this fundamental fact.

Thus, Messrs. Surrey and Warren writing in 1950 state:

"The determination of the proper depreciation deduction thus remains an area of controversy between taxpayer and Bureau. In fact it ranks as one of the three issues most frequently in dispute, the other two being partnership matters and ordinary and necessary business expenses.

But since the proper amount turns essentially on probabilities, disputes over depreciation are necessarily settled by negotiation with the revenue agents and the Technical Staff and are rarely litigated." (*Federal Income Taxation*, pp. 258–59)

A 1960 edition of the same text states:

"In the case of the usual classes of depreciable property—buildings, machinery, equipment, automobiles, etc.—this determination is necessarily an estimate which may vary from a reasonable prediction to a vague guess depending on the experience and other data available." (p. 378)

In the face of the inexorable fact that no correct answer is possible, the determination of useful lives of depreciable properties necessarily is, and has for many years been, an essentially irrational process. The word "irrational" is used advisedly and in full awareness that much "rationalizing" accompanies the process. But the trappings of rationality do not change a "vague guess" into a rational result. It is characteristic of the human mind that where rationality does not exist, it is invented or pretended. Thus the parties to the determination—the taxpayer and the Government—typically approach the project with an array of data and statistics. But the question to be resolved is what will happen during periods up to fifty years in the future, and the only data available is data relating to the past. The determinations from that data involve a combination of conjecture, extrapolation and wishful thinking indulged in by both parties. Arcane mathematical theories and arguments are bandied about by negotiants whose technical proficiences rise slightly, if at all, above accounting matters. "The very mystery that surrounds mathematical arguments—the relative obscurity that makes them at once impenetrable by the layman and impressive to him"—results in giving such arguments "a credence they do not deserve and a weight they cannot logically claim." *

In short, whatever the superstructure of scientific phraseology and mathematical theory employed, there is at the bottom the inescapable fact that the future—which is what must be measured—is essentially unknowable.

The best that can be said is that for *taxpayers generally*, and assuming that the past provides some guidance to the future, there may be some "range" within which it is "probable" that the "useful life" will fall. But even that goal depends on variables canceling each other out in a large volume of data and become unrealistic for individual or small groups of taxpayers.

---

* Cf. Tribe, "Trial by Mathematics," 84 Harv. L. Rev. 1329, 1334 (1971).

In assessing the ADR system it is necessary to keep in mind that it—like the Guideline Procedure on which it is based—is dealing with '"group" or "composite" accounts, and thus with average useful lives of a number of different assets. Thus, for example, a manufacturer of motor vehicles does not under the guidelines distinguish between different kinds of machinery for tax purposes but aggregates in a single composite account all of its machinery and equipment, whether production, power plant or special purpose and all special purpose structures. The company may be reasonably confident that such an investment aggregating several hundred million dollars will not be used up in two or three years, but there is no conceivable way that it can know with any accuracy what the actual average useful life will turn out to be, given the millions of variables and such total imponderables as technical innovation and obsolescence.

THE ADR REGULATIONS ARE A REFINEMENT OF THE 1962 GUIDELINE PROCEDURES, WHICH RECOGNIZED THE ESSENTIAL UNKNOWABILITY OF USEFUL LIVES

The Guideline Procedures prescribed by Rev. Proc. 62–21, by establishing uniform "useful lives" on which taxpayers generally might rely, recognized that traditional methods of "proving" useful lives for individual taxpayers were illusory and were producing wrong results. Indeed, it was acknowledged that the guideline lives prescribed were very substantially lower than what taxpayers had "proved" at the time. The guideline lives prescribed represented only the roughest estimates and it was not intended that they be immune from all future adjustment. The Guideline Procedure also recognized the possible validity of the proposition, contended for by many students of the subject, that the assumption of shorter useful lives for tax purposes tends ultimately to bring about shorter actual lives than would otherwise occur through increased cash flow with which to fund replacement and innovation.

Thus it was Rev. Proc. 62–21 which made the conceptual breakthrough and recognized the unrealism in traditional methods of "proving up" useful lives. The ADR regulations are simply further refinements and improvements upon that basic breakthrough. The proposed regulations make three major changes:

(1) *Range of lives.* In lieu of prescribing the period to be used as a single number, the ADR regulations prescribe a "range of numbers" within which the taxpayer can choose. One can argue with the numbers selected, but the concept of a "range," as distinguished from a single number, is surely more reasonable.

(2) *Repair-Capitalization Conventions.* The ADR regulations prescribe new procedures with respect to repair-capitalization problems. This was most desirable because the guideline procedures had so changed traditional approaches as to greatly aggravate the confusion which already existed in this area. The distinction between repairs and capital expenditures has also turned on concepts of "useful life" and extensions of "useful life." The guideline procedure was designed to render (and did so) determinations of "useful life" for individual assets unimportant, which in turn led to fresh difficulties in distinguishing between repairs and capital improvements.

(3) *Reserve ratio abolished.* The reserve ratio test is abolished under the ADR regulations. The reserve ratio test specified by the guideline procedures was an attempt to tie group life ultimately to the taxpayer's own past experience. But it has the same fundamental defect that all statistical tests used for this purpose have, namely, that it reflects only what has happened in the past and gives guidance for the present and the future only to the extent that one is willing to make the assumption that the past will repeat itself. That is a most doubtful assumption in any case and totally unrealistic with long-lived assets. It may be reasonable to make informed guesses about the near future on the basis of the recent past, but it is quite another thing to predict what will happen 20 or 25 years from now on the basis of what happened 20 or 25 years ago.

In addition to this fundamental defect, the reserve ratio test had the further vice of being relatively unsophisticated. Notwithstanding the formidable mathematical equations which accompanied the explantion of the reserve ratio test, the test was fundamentally just plain arithmetic based on some rather simplistic assumptions. The arithmetical principles of the test were not a new invention but had been used off and on over a period of years as a rule of thumb test.

These vices of the test were compounded by the irony that while it was too simplistic adequately to interpret even the past (let alone the future), it was too complicated to be readily understood by most of the practitioners, revenue agents and courts that would be called upon to deal with it. Its only virtue was that for those who found it necessary to pretend that an accurate estimate of remaining useful lives was possible, it offered a false sense of mathematical justification.

In fact, the test as refined and applied by the Treasury and the Internal Revenue Service over the near decade since the Guideline Procedure was promulgated has been such that very few taxpayers have been subjected to adjustments in useful lives, and such adjustments as there were have been minimal in amount.

Thus, as a practical matter, the entire country has for nine years been permitted to operate on standard lives without being required to attempt to prove the unprovable fact of "useful life" to each individual taxpayer. The revolution occurred nine years ago, not today!

The proposed ADR regulations meet the problem of essential unprovability in a straightforward and honest fashion. They recognized that there is not and cannot be a single, accurate "useful life." The best that can reasonably be done is to select a "range" of probability for taxpayers generally, within which the taxpayer will be allowed to select the period over which it will write off its properties. In a commendable effort to avoid past confusions and semantic squabbles the regulations have avoided use of the term "useful life" in this connection.

There have been complaints about the ranges selected. Professor Bittker complains, for example, that:

"The 1962 guidelines cannot be simultaneously too long and too short."

But that assumes that there is some one correct number. There is not. We have lived with the guideline lives for 9 years already and with the benefit of hindsight it begins to appear that for some taxpayers the guideline lives were perhaps shorter than actual lives of assets in service in 1962 and for other taxpayers they were perhaps longer. But it is too soon to know even for assets in service in 1962. Whether the guideline lives are longer or shorter than actual for individual taxpayers claiming allowances in 1971 will be proved only by the passage of time. Perhaps, as the original Guideline Procedures assumed possible, it will be true that setting shorter lives will cause faster retirement and replacement than now exists. Under all the circumstances, if a range is to be used a 20% variation from the lives which have been in use and under observation for nearly a decade seems not unreasonable. The Treasury does not claim infallibility and the proposed regulations expressly reserve the right to make future changes if that should be deemed advisable.

STANDARD USEFUL LIVES NOT PRECLUDED BY PRIOR REGULATIONS AND COURT DECISIONS

The critics complain that the statute, the regulations and the decisions of the Supreme Court require that the "special circumstances" of the taxpayer's own use of the assets must be taken into account and that the Treasury cannot administratively forego examining those circumstances in every case. But this is not the case.

It is true that the regulations are express in holding that it is the life in the taxpayer's business, rather than the physical life of an asset, which must be taken into account for depreciation purposes. The *Massey* and *Hertz* cases approved those regulations. (Note that even that approval does not render the regulations immune from prospective changes under the principles discussed earlier.)

But, neither the statute, the regulations nor the Supreme Court decisions have ever settled the difficult question of exactly what must be done to establish the useful lives to be used, although some general guidelines were inserted in the regulations in 1956. The proposed ADR regulations do not revoke the statutory interpretations set forth in the regulations nor overrule the *Massey* and *Hertz* decisions. In *Massey* and *Hertz* only a limited class of short lived assets were involved and the actual number of years during which the assets were usable in the taxpayer's business appears not to have been in issue. The cases simply did not involve the problems of determining average lives of long lived assets or of group accounts containing such assets.

The actual holding of the *Massey* and *Hertz* cases is expressly preserved in the ADR regulations: The taxpayer may not depreciate below salvage and may not compute salvage on a scrap basis unless he would normally expect to keep the asset until such time as it would only produce scrap value on disposition. If the taxpayer has short lived assets, like the taxpayers in *Massey* and *Hertz*, on which the lives are reliably provable, he is free to prove them and use them (but he cannot then have his cake and eat it too by using the average lives prescribed for accounts assumed to contain both long and short lived assets). "Special circumstances," where they permit reliably provable estimates, may be taken into account by the taxpayer to this extent. The Treasury quite rightly agrees not to contend for the lengthening of "useful lives" on longer lived assets on the basis of "special circumstances" which are invariably speculative in such cases.

Thus, the proposed regulations deal with an aspect of "useful life" not previously covered in the regulations or in the Supreme Court decisions, namely, the manner in which taxpayers may go about selecting the useful lives for composite accounts where no factual proof is reliable or satisfactory. This kind of refinement surely lies within the Treasury's authority to determine what is or is not a "reasonable" allowance. This would be true even where the proposed regulation represented a rejection of existing regulations or traditional holdings based on those regulations and is, *a fortiori*, true where, as here, no such rejection of prior law is required.

RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION AND THE PRESIDENT'S TASK FORCE

The American Bar Association and the President's Task Force on Business Taxation have recommended legislative reforms of depreciation which are basically similar to each other and also similar to certain features of the proposed ADR regulations.

It is being argued that these proposals constitute a recognition that the reforms proposed by regulations are permissible only by legislation. Such an inference is wholly improper.

So far as the American Bar Association is concerned, the committee which drafted the proposals never addressed itself to whether or to what extent the proposals might be implemented by regulation as distinguished from legislation. Furthermore, the American Bar Association proposals were far more radical than the ADR regulations. They were intended to eliminate the concept of useful life entirely and to substitute for it the concept of "cost recovery periods." The cost recovery periods were to be frankly "shorter than the period which the Secretary or his delegate shall determine to be the shortest useful life with respect to property in that class." Taxpayers would have the option to eliminate salvage entirely in determining the aggregate amount of depreciation deductions, an option which would overrule *Massey* and *Hertz.* The proposals of the President's Task Force were essentially similar to the American Bar Association proposals in these substantive respects and thus they, too, go far beyond the proposed ADR regulations. Whether or not the ADR regulations could, by prospective application, overrule these specific and fundamental aspects of existing depreciation procedure, the fact is that they did not do so.

REPAIR AND CAPITALIZATION PROCEDURES

The problem of determining what is a repair and what is a capital improvement sounds simple in principle and often appears so in the numerous cases dealing with an occasional new roof, new furnace, etc. As applied, however, to large and sophisticated industrial installations, particularly in conjunction with group accounts, it is in actual practice one of the most complex and bewildering aspects of depreciation.

The basic test which has been employed to distinguish current expense from capital expenditure is whether or not the expenditure extends the useful life of the asset. But that depends upon first determining what that useful life is, with all of the uncertainties discussed earlier. Furthermore, it is necessary to determine whether certain repairs were assumed in setting the useful life in the first place. For example, it might be assumed that a particular asset would last 6 years without major overhaul and 10 years if substantially rebuilt at the end of the fifth year. If the taxpayer uses a 6 year life, then the rebuilding extends that life and should arguably be capitalized. But if it is using a 10 year life the rebuilding does not extend the life used and should not be capitalized. All of which is complicated by the fact that the taxpayer must make many decisions at a time when no one has any idea whether either the 6 year or the 10 year life is accurate.

The result has been that a variety of rules of thumb have been used, many of which have little relation to logic or reality. In many cases items are capitalized or not capitalized depending upon limitations expressed in terms of dollars or of percentages of investment or years of assumed useful life. An almost unbelievable controversy has been raging in the railroad industry, for example, over the assertions of revenue agents that such picayune items as restenciling numbers on freight cars must be capitalized on any cars over 14 years old (the guideline life), or, in some cases, 10 years (70% of the guideline life).

In a large physical plant the simple problem of identifying individual repairs and improvements and the assets to which they relate would be a full-time (and relatively unproductive) job for an army of revenue agents. The Internal Revenue Service long ago gave up trying to audit on such a basis. Some methods of dealing with such problems reasonably and in bulk is essential and reasonableness and uniformity are long overdue.

Under the proposed regulations such items will be expenses if they fall below a certain percentage of the original account to which they relate and if they exceed that percentage they will be added back to the vintage account to which they relate and the account redepreciated. In certain circumstances where the accounts are fully depreciated or nearly fully depreciated (and the assets, accordingly, are relatively old), such an add-back can, in effect, result in the immediate deduction of some items. In the case of newer vintage accounts, however, the "add back" can mean that taxpayers would get only over future years expenditures which they now get currently. The basic concept is that repairs and improvements will be written off in a manner consistent with the underlying properties to which they relate. The repair convention provided by the regulations is actually a codification of a basic approach long used in many Internal Revenue Service audits, standardized as to percentages and adapted to mesh with the depreciation provisions proposed. There are technical complexities in the proposed repair conventions which need simplification and improvement, the most pressing need being for the development of averaging or other appropriate conventions to apply where identification of repairs with assets cannot be achieved without enormous record-keeping burdens. However, the overall concept is in line with practices used in the past, seems not unreasonable and is, in any event, far more satisfactory than pot-luck procedures to which taxpayers are now subjected

CONCLUSION

Putting aside the question of whether it *should* do so, the Treasury *has authority* to issue the proposed ADR regulations. The proposed regulations are addressed to the problem of determining a "reasonable allowance." There is more than one way to be "reasonable," and the Treasury lacks authority only if its proposals fall outside that broad concept. In prescribing optional "standard lives" the proposed regulations continue what has in effect been the practice for nearly a decade. The procedure which the proposed regulations prescribes for determining the "allowance" is realistic, for the reasons described above, and more realistic than that previously in effect. Under these circumstances promulgation of the regulations lies within the Treasury's authority.

[36 Federal Register 4885 (March 13, 1971)]

COMMENTS OF JOEL BARLOW, JOHN ELLICOTT, AND JEFFREY H. HOWARD

IN THE MATTER OF: PROPOSED AMENDMENTS TO THE INCOME TAX REGULATIONS (26 CFR PART 1): ADDITION OF SECTION 1.167(A)-11 PROVIDING FOR DEPRECIATION BASED ON ASSET DEPRECIATION RANGES

The purpose of these Comments is to put to rest assertions that the Treasury Department lacks authority to prescribe the regulations proposed in the Federal Register of March 13, 1971, providing asset depreciation ranges for various classes of assets first placed in service after December 31, 1970.

Proposed Section 1.167(a)-11 of the Income Tax Regulations provides an elective modified calculation of annual depreciation allowances for certain assets first placed in service after December 31, 1970. This alternative depreciation arrangement, described as the Asset Depreciation Range or ADR System, permits the taxpayer to elect to base depreciation of an asset on any number of years within the designated range of years for that particular class.

The ADR ranges are generally from 20 percent shorter to 20 percent longer than the present "Guideline" lives specified in Revenue Procedure 62-21, 1962-2 Cumulative Bulletin 418. In no case may an asset be depreciated below its estimated salvage value but a 10 percent tolerance in salvage estimation is included in the ADR rules. There are also special provisions dealing with retirements and repairs which are designed to simplify administration.

Strong criticism has been mounted against these proposed regulations, including attacks by distinguished members of law school faculties.[1] This criticism is unjustified. The facts are:

(1) That the statutory provisions from which the Treasury Department derives its power to prescribe depreciation regulations are sufficiently broad to encompass the instant proposed regulations.

(2) That there are at least three precedents in the history of our income tax laws where the Treasury has taken similar administrative actions in the field of depreciation, in each case with no greater statutory power than is now available to it and without Congressional or judicial challenge.

(3) That these proposed regulations are the inevitable, realistic and practical end-product of new depreciation policies instituted by administrative action, beginning in 1962, with express Congressional approval.

A. Statutory authority for the ADR system

Section 7805 of the Internal Revenue Code of 1954, as amended,[2] grants the Treasury the broad authority to promulgate all "needful rules and regulations for the enforcement of this title." Given the complexity of the Internal Revenue Code, it is not surprising to find that the Courts consistently and repeatedly uphold Treasury regulations under this Section. In ruling upon the validity of such a Section 7805 regulation in *Commissioner* v. *South Texas Lumber Co.,* 333 U.S. 496, 501 (1948), the Supreme Court observed that:

"This Court has many times declared that Treasury regulations must be sustained unless unreasonable and plainly inconsistent with the revenue statutes . . ."

In the light of this attitude, the courts have struck down Section 7805 regulations only where there is an attempt to amend by regulation a clear, specific and unambiguous statute. *See, e.g., Koshland* v. *Helvering,* 298 U.S. 441 (1936); *O'Neill* v. *United States,* 410 F.2d 888 (6th Cir. 1969); *F. H. E. Oil Co.* v. *Commissioner,* 147 F.2d 1002 (5th Cir. 1945), *modified,* 149 F.2d 238;[3] *Edmund P. Coady,*

---

[1] See, e.g., Comments of Professor Boris I. Bittker, Yale Law School, sponsored by Taxation with Representation, and Comments of Robert J. Domrese, Harvard Law School, submitted to Senator Sam J. Ervin, Jr., Chairman of the Senate Judiciary Subcommittee on Separation of Powers by Ralph Nader.

[2] Hereinafter referred to as the "Code."

[3] Professor Bittker places considerable reliance upon the 1945 opinion of the Fifth Circuit in the F. H. E. Oil Co. case which invalidated a regulation permitting current deductions for intangible drilling expenses. As Professor Bittker points out in a footnote the opinion was later modified when the court determined that the taxpayer did not come within the scope of the regulation in any event.

Putting that aside, Professor Bittker correctly notes the conclusion of the Court of Appeals that expensing intangibles would be inconsistent with Section 23(a) of the Internal Revenue Code of 1939 prohibiting deductions for capital improvements. He does not note, however, that the court was equally motivated by its conclusion that statutory percentage depletion was inconsistent with the regulation and distinguished an earlier case upholding the regulation prior to the enactment of percentage depletion.

Thus, the F. H. E. Oil Co. case is not even a

33 T.C. 771 (1960), *aff'd*, 289 F.2d 490 (6th Cir. 1961).

The substantive statutory provisions governing the recovery of the cost of capital assets through depreciation deductions have always been expressed by Congress in broad language. Thus, Section 167(a) of the Code provides that:

"There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) of property used in the trade or business, or

(2) of property held for the production of income."

This language clearly compels interpretation. Although essentially this same provision has been in our income tax statutes since 1913, there has not been a settled and consistent interpretation of its meaning. The Treasury Regulations have employed the phrase "useful life" as the measuring standard of depreciation but that phrase itself has been the subject of varying meanings. Less than 11 years ago the Supreme Court was moved to say that:

"It is true, as taxpayers contend and as we have indicated, that the language of the statute and the regulations as we have heretofore traced them [to 1956] may not be precise and unambiguous as to the term 'useful life.' It may be that the administrative practice with regard thereto may not be pointed to as an example of clarity, and that in some cases the Commissioner has acquiesced in inconsistent holdings. . . ." *Massey Motors, Inc.* v. *United States,* 364 U.S. 92, 100 (1960).

When one contrasts this with the language of the Court in *Cammarano* v. *United States,* 358 U.S. 498 (1959), and in *Fribourg Navigation Co., Inc.* v. *Commissioner,* 383 U.S. 272 (1966), which Professors Domrese and Bittker cite respectively in support of the proposition that the "useful life" concept of the early regulations acquired the force of law by Congressional re-enactment in the face of long-standing consistent interpretation, it is apparent that the suit will not fit.

This is the Court's description of the *Cammarano* regulation:

"Here we have unambiguous regulatory language, adopted by the Commissioner in the early days of federal income tax legislation, in continuous existence since that time, and consistently construed and applied by the courts on many occasions to deny deduction. . . . In these circumstances . . . [re-enactment] 'was taken with knowledge of the construction placed upon the section by the official charged with its administration. If the legislative body had considered the Treasury interpretation erroneous it would have amended the section. Its failure so to do requires the conclusion that the regulation was not inconsistent with the intent of the statute [citations] unless, perhaps, the language of the Act is unambiguous and the regulation clearly inconsistent with it.' " 358 U.S. at 511.

And Professor Bittker's quotation from *Fribourg Navigation* is as follows:

"Over the same extended period of years during which the foregoing administrative and judicial precedent was accumulating, Congress repeatedly re-enacted the depreciation provision without significant change. Thus, beyond the generally understood scope of the depreciation provision itself, the Commissioner's prior long-standing and consistent administrative practice must be deemed to have received congressional approval." 383 U.S. at 283.

In contrast to the regulations and practices before the Court in *Cammarano* and *Fribourg Navigation* the concept of "useful life" for depreciation purposes passed through several revolutionary phases both before and since the last statutory enactment in 1954, responding to changing times and to complementary provisions in our tax laws.

The situation prevailing prior to the depression has been described as follows:

"Prior to 1934, the taxpayer had wide leeway as to the amount which he could write off each year against his current income as allowance for the cost of machinery, equipment and buildings. So long as his policy was consistent and in accordance with sound accounting practice, the tax authorities raised little question, realizing that the cost could be written off only once." Address by Under Secretary of the Treasury Marion B. Folsom, National Press Club Luncheon Meeting, March 24, 1954.

With the publication of the first "Bulletin F" in 1931 and its rigorous enforcement beginning in 1934, T.D. 4422, XIII–1 Cumulative Bulletin 58, standardized lives tied to the inherent physical endurance of the asset became the rule. In these depression years the Bureau of Internal Revenue was motivated to extend depreciable lives and thereby reduce depreciation allowances to protect the revenues.

Since salvage was the estimated value of the asset at the end of its useful life, a consequence of the physical life approach was to permit taxpayers disposing of assets before the expiration of their physical lives to depreciate below the anticipated actual recovery value of those assets. This was of no great concern prior to the Revenue Act of 1942 since in that period the excess of the disposition proceeds over the asset's adjusted basis was taxed as ordinary income, offsetting the earlier "excess" depreciation.

The Revenue Act of 1942 changed the asset disposition profits into capital gains. With this change and the 1954 accelerated depreciation provisions of the Code very much in mind, the Treasury Department redefined useful life in the 1956 regulations, rejecting the physical life approach in favor of the useful life of the asset in the business. The Commissioner was then successful in persuading a majority of the Supreme Court in the *Massey* case to apply the same interpretation to earlier years, for purposes of determining salvage values, in the absence of any prior inconsistent regulatory provision.

Since the critics of the ADR System rely heavily on the *Massey* case, it is appropriate to state here what that case holds and what it does not hold. Massey Motors, a franchised Chrysler dealer, set aside a number of new cars for company officials and employees to use in the business. It also rented cars to a finance company. These cars were sold after being driven from 8000 to 40,000 miles, well before they were physically exhausted. The issue before the court was whether Massey Motors could calculate depreciation by estimating the theoretical salvage at the end of the physical lives of the cars or was required to use higher salvage estimates based on the shorter lives actually experienced in the business. The Court's holding is most succinctly stated in the following paragraph from its opinion:

"Some assets, however, are not acquired with intent to be employed in the business for their full economic life. It is this type of asset, where the experience of the taxpayers clearly indicates a utilization of the asset for a subtsantially shorter period than its full economic life, that we are concerned with in these cases. Admittedly, the automobiles are not retained by the taxpayers for their full economic life and, concededly, they do have substantial salvage, resale or secondhand value. Moreover, the application of the full-economic-life formula to taxpayers' businesses here results in the receipt of substantial 'profits' from the resale or 'salvage' of the automobiles, which contradicts the usual application of the full-economic-life concept. There, the salvage value, if anything, is ordinarily nominal. Furthermore, the 'profits' of the taxpayers here are capital gains and incur no more than a 25% tax rate. The depreciation, however, is deducted from ordinary income. By so translating the statute and the regulations, the taxpayers are able, through the deduction of this depreciation from ordinary income, to convert the inflated amounts from income taxable at ordinary rates to that taxable at the substantially lower capital gains rates. This, we believe, was not in the design of Congress." 364 U.S. at 96–97.

What the Supreme Court did in the *Massey* case was to interpret the relevant provisions of the 1939 Internal Revenue Code, in the absence of any contrary interpretative regulation, to reach a result in the absence of which, because of the 1942 Revenue Act, taxpayers in somewhat unusual circumstances would have been able to trade capital gains for ordinary income.[4]

The 1956 regulations, defining useful life and salvage in accordance with the taxpayer's experience, interpreted, or re-interpreted, Section 167(a), a provision which was not new in the 1954 Code. They reflected the revenue concern which arose by reason of the capital gains disposition provisions of the Revenue Act of 1942. Their application to 1954 Code years was accepted by the Court in the companion case to *Massey, Hertz Corporation v. United States,* 364 U.S. 122 (1960).

The question before the Court in *Hertz* was whether the 1956 regulations were "valid" under the statute (364 U.S. at 126) not whether those regulations were unchangeable. By giving effect to the 1956 regulations in the face of a conflicting administrative practice prevailing at the time of adoption of the 1954 Code, under which the 1956 regulations were issued, the Supreme Court confirmed the broad power of the Treasury Department to interpret and reinterpret the broad statutory depreciation provisions of the Code.

"Useful life" underwent another profound change in 1962 with the adoption of the Depreciation Guidelines of Revenue Procedure 62–21. The guideline lives were new standardized asset lives grouped in broad

---

clear holding on the narrower ground for which Professor Bittker advances it—that deductions for repairs under the ADR System are inconsistent with Section 263 of the 1954 Code, successor to Section 23(a) of the 1939 Code. More important, Professor Bittker overlooks the nature and purpose of the ADR System repair deduction allowance which is very different from the deduction regulation at issue in the F. H. E. Oil Co. case. The repaid allowance is not a 100 percent deduction as under the regulation at issue in the F. H. E. Oil Co. case, but is limited to one year's depreciation on the vintage account. Moreover, the allowance is a two-edged sword. If the repair rule is elected, otherwise deductible as well as otherwise capitalized expenditures must be subjected to the repair allowance with its ceiling on current deductions and requirement that expenditures exceeding the ceiling be capitalized. The evident and stated objective of the rule is to reduce needless administrative costs and controversy. Such provisions bear no resemblance to the regulation struck down in the F. H. E. Oil case. The prohibitions of Section 263 are not so absolute as to preclude a flexible and reasonable application. *Cf.* Cincinnati, New Orleans and Texas Pacific Railway Co. v. United States, 70–1 CCH USTC ¶ 9344 (Ct. Claims, 1970).

[4] The proposed ADR System carefully avoids overturning the Massey holding. Salvage under the ADR System is "the amount which is estimated will be realized upon a sale or other disposition of the property in the vintage account when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service." Proposed Regulations § 1.167 (a)–11(d)(1)(i).

categories. They were available as a matter of right to any taxpayer no matter how far they might depart from his own particular useful life experience. Furthermore, while they were promulgated after extensive industry studies, the Guideline lives were shorter than those which were actually justified by the experience of most taxpayers: "The new reform provides guideline lives, based on analyses of statistical data and engineering studies *and assessments of current and prospective technological advances,* for each industry in the United States."[5]

The words "useful life" remained, but their meaning had been substantially changed. True, the reserve ratio test was included as a technique for later adjustment to reconcile the new lives with experience, but subject to many qualifications. Broad asset groupings still would permit substantial deviations between actual and guideline lives for particular assets. Moreover, the test was subject to an initial moratorium and various transitional rules which modified and delayed its impact. There can be no dispute that useful life did not mean the same thing in practical application in 1962 that it did in 1961.

The enactment of Section 1245 in 1962, reversing the capital gains disposition result of the Revenue Act of 1942, was an important statutory development facilitating the adoption of the Guidelines with their new useful life concept. Section 1245 takes on special significance in the light of the background of the *Massey* case described previously. The need for restrictive interpretations of "useful life" was greatly diminished by the adoption of Section 1245 and this was fully known to Congress. Section 1245 opened the door for the major shift in administrative depreciation policies embodied in the Guidelines, precursor of the ADR System. See S. Rep. No. 1881, 87th Cong., 2d Sess. 95 (1962).

Two significant and new depreciation provisions, Sections 167(b) and (d), were added as part of the 1954 Code and deserve attention here, since both enlarged the foundation upon which depreciation regulations may be premised. Section 167(b) provides that:

"(b) For taxable years ending after December 31, 1953, the term 'reasonable allowance' as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods . . ."

Section 167(d) provides that:

"(d) Where, under regulations prescribed by the Secretary or his delegate, the taxpayer and the Secretary or his delegate have, after the date of enactment of this title, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Secretary in the absence of facts or circumstances not taken into consideration in the adoption of such agreement . . . ."

It is well recognized that statutory provisions such as these expressly delegating authority to make regulations, confer the broadest discretion. "Where the regulation is really legislative—that is, where it has been made pursuant to an actual and proper delegation of legislative power by Congress to the Treasury—then it would seem that the Treasury should have the same power to amend the regulation prospectively that Congress would have if it had enacted the legislation directly." Griswold, "A Summary of the Regulations Problem," 54 *Harv. L. Rev.* 398, 411 (1941); *see also* Surrey, "The Scope and Effect of Treasury Regulations Under the Income, Estate and Gift Taxes," 88 *U. Pa. L. Rev.* 556, 557–558 (1940); Eisenstein, "Some Iconoclastic Reflections on Tax Administration," 58 *Harv. L. Rev.* 477, 505, 527 (1945). Courts are bound to accept such legislative regulations if reasonable and within the delegated authority irrespective of their own views.

The Depreciation Guidelines and their successor, the ADR System, each with their shorter, standardized lives and simplified administration, are fully consistent with the objectives Congress had in mind in adopting Section 167(b). Noting the difficulties inherent in interpreting Section 167(a)'s "reasonable allowance," the House Ways and Means Committee stated:

"Interpretation of the word 'reasonable' has given rise to considerable controversy between taxpayers and the Internal Revenue Service. The determination of useful life for a particular asset, or the average useful life for a group of similar assets, is a matter of judgment involving, in addition to physical wear and tear, technological and economic considerations. The method of allocating depreciation allowances to the years of use is also a matter of judgment. In many cases present allowances for depreciation are not in accord with economic reality, particularly when it is considered that adequate depreciation must take account of the factor of obsolescence. The average machine or automotive unit actually depreciates considerably more and contributes more to income in its early years of use than it does in the years immediately preceding its retirement.

"There is evidence that the present system of depreciation acts as a barrier to investment, particularly with respect to risky commitments in fixed assets.

Comparatively slow rates of write-off tend to discourage replacement of obsolete equipment and the installation of modern, up-to-date machinery. Under long-run peacetime conditions, in the absence of the inflationary pressures existing in the forced-draft economy of the postwar period, present tax depreciation methods might depress business capital expenditures below the level needed to keep the economy operating at high levels of output and employment." H.R. Rep. No. 1337, 83d Cong. 2d Sess. 22 (1954).

The additional source of legislative authority for the ADR System derived from Section 167(b) seems to have been largely overlooked by the ADR's critics, although Professor Bittker seems to recognize the possibility of a Section 167(b) foundation in his comments. He seeks to overcome the consequences of this recognition by noting the presence of the phrase "useful life" in Section 167(b)(4) from which he concludes that Section 167(b) is as limited in terms of supporting the adoption of the ADR System as Section 167(a). But his construction of Section 167(b) is not supportable. Section 167 (b) contains an explicit grant of authority to prescribe legislative regulations qualified only by the language of its concluding sentence that "Nothing in this subsection shall be construed to *limit or reduce* an allowance otherwise allowable under subsection (a)." (Emphasis added.) The phrase "useful life" is used only in Section 167(b)(4) which refers to depreciation methods other than straight line, declining balance and sum-of-the-years-digits. This phrase does not appear in Section 167(b)(1), (2) or (3). More important, the term "useful life" is not defined in Section 167(b) and, as we have seen, the meaning of that term had not been tied to the taxpayer's asset holding period experience by consistent administrative practice under Section 167(a) when Section 167(b) was enacted. Clearly the legislative regulation delegation of Section 167(b) is not so narrow as Professor Bittker contends.

Professor Bittker wholly overlooks Section 167(d) which authorizes agreements between the Revenue Service and a particular taxpayer on useful lives and depreciation rates. This provision was enacted to remove "sources of irritation and fruitless controversy in administering depreciation policy." H.R. Rep. No. 1337, 83d Cong., 2d Sess. 24–25 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 11 (1954). The same objective of reducing needless controversy and simplifying administration is one of the purposes of the new ADR System. See Treasury Department News Release, March 12, 1971, announcing publication of the proposed ADR regulations. Moreover, the proposed regulations expressly provide that "an election to apply this section [Section 1.167(a)–11 of the Regulations] to eligible property constitutes an agreement under section 167(d). . . . Thus, Section 167(d) furnishes additional explicit statutory authority for the ADR System.

B. Administrative precedents

On at least three prior occasions the Treasury Department has effected important changes in depreciation allowances by administrative action without enabling legislation other than the broad and general statutory provisions previously described in these Comments.

As the depression deepened business depreciation deductions, theretofore largely determined at the discretion of the particular taxpayer, became a political target. Legislation was introduced in 1934 which would have arbitrarily reduced depreciation allowances by 25 percent for a three-year period. Secretary of the Treasury Henry Morgenthau, Jr., advised the Ways and Means Committee that this legislation was not required since the Treasury Department could achieve the same end by administrative action under Section 23(b) of the Revenue Act of 1932, the substantially-identical predecessor of Section 167(a). Secretary of the Treasury Morgenthau stated:

"It is intended that this end shall be accomplished, first, by requiring taxpayers to furnish the detailed schedules of depreciation (heretofore prepared by the Bureau), containing all the facts necessary to a proper determination of depreciation; second, by specifically requiring that all deductions for depreciation shall be limited to such amounts as may reasonably be considered necessary to recover during the remaining useful life of any depreciable asset the unrecovered basis of the asset; and, third, by amending the Treasury regulations to place the burden of sustaining the deductions squarely upon the taxpayers, so that it will no longer be necessary for the Bureau to show by clear and convincing evidence that the taxpayers' deductions are unreasonable. These changes will increase the revenue substantially, and, although difficult to estimate, records indicate that the amount of the increase in revenue will equal that which would result from the proposal of the Ways and Means Committee." Letter from the Secretary of the Treasury to the Chairman of the Ways and Means Committee, House of Representatives, January 26, 1934, in H.R. Rep. No. 704, 73d Cong., 2d Sess. 8–9 (1934)

Congress acquiesced in this administrative action and did not alter the depreciation statute. The Ways and Means Committee gave this explanation in its report on the Revenue Bill of 1934:

"Your committee believes that the plan of the Secretary will be the best course to pursue. It will give greater equity and increase the revenue by as great an amount as the subcommittee plan. Consequently, no changes in the existing law are recommended. It should be observed that it is proposed not only to reduce the rates where they may be excessive, but also to reduce the allowance by spreading the unrecovered basis of any asset over the remaining useful life. This method of applying the depreciation rate to the cost of the asset reduced by depreciation previously allowed has long been used in Great Britain. In the opinion of your committee, it will automatically effect large reductions in these allowances. H.R. Rep. No. 704, 73d Cong., 2d Sess. 9 (1934).

---

[5] Revenue Procedure 62–21, 1962–2 Cum. Bull. 418, 463–64 (Answer to Question 3, emphasis added).

See also S. Rep. No. 558, 73d Cong., 2d Sess. 11 (1934).

This 1934 action is of particular significance since it took place at a time when the recognition of administrative powers had not developed to its present state and long before the enactment of the legislative regulation provisions of Section 167(b) and (d). Congress expressly acquiesced in this administrative action despite the fact that it was equivalent to a 25 percent statutory reduction in depreciation allowances.

In 1953 the Treasury Department, moving away from the stringent burdens placed upon taxpayers by T. D. 4422, XIII–1 Cumulative Bulletin 58, which was the product of Secretary Morgenthau's 1934 letter, had issued Revenue Rulings 90 and 91, 1953–1 Cumulative Bulletin 43 and 44, in which it was stated that a taxpayer's depreciation would not be disturbed in the absence of a clear and convincing basis for a change. Congress was also concerned with the inadequacies of depreciation allowances under T.D. 4422. The 1954 Internal Revenue Code as originally passed by the House included a provision which would have become Section 167(e) providing that the Internal Revenue Service could not disturb a depreciation rate used by a taxpayer so long as the useful life determined by the Internal Revenue Service to be correct did not differ by more than 10 percent from the useful life used by the taxpayer.

Commenting upon this provision and the Treasury's new administrative depreciation policy embodied in the 1953 rulings, the Ways and Means Committee Report on the 1954 Code said:

"The bill also provides that the Internal Revenue Service may not disturb a depreciation rate used by a taxpayer so long as the useful life determined by the Internal Revenue Service to be correct does not differ by more than 10 percent from the useful life used by the taxpayer.

"At the present time, the Internal Revenue Service has announced that, as a matter of administrative policy, internal revenue employees will not disturb depreciation deductions unless there is a clear and convincing basis for a change. The committee's bill is not intended to affect that particular administrative policy in any way nor is it intended to be a statutory substitute for that policy. However, if the Commissioner finds by clear evidence that the useful life of property as estimated by the taxpayer is too short, but the difference between the Commissioner's estimate and that of the taxpayer is 10 percent or less, the bill provides that no change can be made by the Commissioner. Moreover, should the Commissioner decide to withdraw present administrative policy, the bill provides statutory assurances to taxpayers that in no event will Internal Revenue Service employees disturb the taxpayer's estimate of useful life where judgment as to its duration differs by less than 10 percent.

"It is hoped that by providing a minimum statutory leeway for the taxpayer in making his estimates of useful life, most of the needless friction in this area will be eliminated." H.R. Rep. No. 1337, 83d Cong., 2d Sess. 24–25 (1954).

The Senate Finance Committee deleted the 10 percent statutory leeway since it concluded that the objective could and would be achieved by administrative action already taken. It said:

"Your committee has eliminated the '10-percent leeway' rule provided by the House bill, designed to assure a specific zone of administrative tolerance in the determination of service life. Under this provision, the Internal Revenue Service would not be permitted to disturb a depreciation rate unless the corrected rate differed by more than 10 percent from the useful life uses by the taxpayer. It appears that this provision would be considered inadequate and unsatisfactory by some taxpayers, and might be a substantial source of misunderstanding and distortion. The practical effect of eliminating this provision in assuring flexibility in administrative policy should not be great since policies already announced by the Internal Revenue Service under recent rulings should afford taxpayers freedom from annoying minor changes which would disturb the original estimate of service life." S. Rept. No. 1622, 83d Cong., 2d Sess. 28 (1954).

This Congressional recognition that a measure of tolerance in applying depreciation rules can be and should be achieved by administrative action rather than by statute has particular relevance to certain provisions of the ADR System, notably the 10 percent repair allowance deduction and the 10 percent salvage value minimal adjustment provision designed, in each case, to avoid irritation and fruitless controversy.

As previously noted, probably the most far-reaching changes in our tax depreciation were effected in the Depreciation Guidelines of Revenue Procedure 62–21, 1962–2 Cumulative Bulletin 418. No special statutory authority was sought or given in connection with these major changes, save the enactment of the depreciation recapture provisions of Section 1245. These major administrative changes were under consideration when the House Ways and Means Committee reported the Revenue Act of 1962. The Committee's Report stated:

"The Secretary of the Treasury has indicated that further depreciation revisions will be announced this spring. He has specified that the basic objective of these revisions is to provide realistic tax lives in the light of past actual practices and present and foreseeable technological innovations and other factors affecting obsolescence. The Secretary has stated that another facet of this objective is to achieve a more simple and flexible system of depreciation moving toward guideline lives for broad classes of assets used by each of the industries in our economy." H.R. Rep. No. 1447, 87th Con., 2d Sess. 8 (1962).

By the time the Revenue Act of 1962 emerged from the Senate Finance Committee the Depreciation Guidelines had been promulgated. The Committee Report described the Guidelines in the context of the investment credit provisions of the 1962 Act. It deemed these to be complementary provisions:

"The Secretary [of the Treasury] pointed out that American industry today must compete in a world of diminishing trade barriers in which the advantages of a vast market, so long enjoyed here in the United States, are now being, or are about to be, realized by many of our foreign competitors. An increase in efficiency and productivity at a rate at least equal to that of other leading industrial nations is in the long run necessary, therefore, both from the standpoint of the U.S. balance-of-payments position and to continue to improve our standard of living. The investment credit as a form of investment stimulation already is in use by the United Kingdom, Belgium, and the Netherlands, and is in the process of being enacted by the Australian Parliament.

"To achieve an increased rate of capital formation, a two-pronged course of action is being followed in the area of capital formation. First, the Treasury Department has recently announced a series of depreciation revisions. The objective of these revisions is to provide realistic tax lives in light of past actual practices and present and foreseeable technological innovations and other factors affecting obsolescence. The new guideline lives are expected initially to result in an annual revenue reduction of $1.5 billion of corporations surveyed by 21 percent. Another facet of this objective is to achieve a more simple and flexible system of depreciation through the use of guideline lives for broad classes of assets used by each of the industries in our economy." S. Rep. No. 1881, 87th Cong., 2d Sess. 11 (1962).

The pattern of history is apparent from this experience. There can be no doubt as to the power of the Treasury Department to issue the proposed regulations embodying the ADR System. History suggests only that the wise and prudent course is for the Treasury Department to consult with the appropriate Congressional committees in advance of an important administrative change of this character. We understand that such consultations have been made.

C. Administrative necessity

Prior to Revenue Procedure 62–21 depreciable lives were determined on an asset-by-asset basis according to the taxpayer's particular asset-life experience following the precepts of "Bulletin F," an outgrowth of the depreciation, and Revenue Rulings 90 and 91, 1958–1 Cumulative Bulletin 43 and 44. Recognizing that "the determination of the useful economic life of an asset" on which depreciation deductions are premised under Section 167 of the Internal Revenue Code of 1954 "is a matter of judgment and estimate," Revenue Procedure 62–21 permitted taxpayers to adopt, at their option, new and generally substantially shorter lives for broad classes of assets. In announcing the new Depreciation Guidelines in July, 1962, the Treasury Department said:

"Revenue Procedures 62–21 provides basic reforms in the guideline lives for depreciation and in the administration of depreciation for tax purposes. It sets forth simpler standards and more objective rules which will facilitate adoption of rapid equipment replacement practices in keeping with current and prospective economic conditions."

* * * * *

"New guideline lives for machinery and equipment are set forth which, on the whole, average 30 to 40 percent shorter than those previously suggested for use by taxpayers. The new guidelines will automatically permit more rapid depreciation deductions than those presently taken on 70 to 80 percent of the machinery and equipment used by American business. They will not disturb the depreciation taken on the remaining 20 to 30 percent of business assets on which depreciation is now as fast as, or faster than, that provided in the new guidelines."

* * * * *

"The emphasis in this broad class approach is on achieving a reasonable overall result in measuring depreciation rather than a needless and labored item-by-item accuracy."

* * * * *

"The administrative revision of depreciation guidelines and practices contained in this Procedure is based on a recognition that depreciation reform is not something which can be accomplished once and for all time. It reflects an administrative policy dedicated to a continuing review and up-dating of depreciation standards and procedures to keep abreast of changing conditions and circumstances." [6]

The attractiveness of these new broad and shorter standard depreciation lives was lessened by the inclusion in the Guidelines rules of a reserve ratio test. By the application of this test depreciable lives could be increased if future experience demonstrated that the taxpayer's replacement practices were not measuring up to the standards set by the Guidelines. Though intellectually appealing, the reserve ratio test has proved to be administratively impractical and has not in fact been put into widespread application.

---

[6] *Depreciation Guidelines and Rules,* U.S. Treasury Department, Internal Revenue Service, Publication No. 456 (7–62), July, 1962, 1, 4.

The Treasury Department knew, in 1962, that if the reserve ratio test were applied with the Guidelines business would not elect to follow Revenue Procedure 62-21. So a three-year moratorium on the application of the test was embodied in Revenue Procedure 62-21 itself. Moreover, the test itself incorporated a substantial tolerance:

"An important feature of the reserve ratio test is the latitude it allows taxpayers in the determination of their depreciable lives, provided they meet reasonable standards. The margin of tolerance contained in the Reserve Ratio Table encompasses rates of replacement as much as 20 percent slower than the tax life used but only 10 percent faster. Thus the reserve ratio test will more quickly indicate the taxpayer's right to faster depreciation writeoffs than the possibility that longer tax lives should be used."

In addition to the moratorium and the tolerance built into the reserve ratio test itself, depreciation allowances were not to be subject to adjustment under Revenue Procedure 62-21 if the taxpayer was "moving toward" satisfying the test within the initial guidelines life cycle. Finally, the taxpayer could justify his asset lives on the basis of "facts and circumstances" despite his inability to satisfy the test.

These ameliorations of the reserve ratio test proved inadequate. When the three-year moratorium expired in 1965 the Treasury Department was compelled to adopt two additional transition rules, the "transitional allowance rule" and the "minimal adjustment rule" of Revenue Procedure 65-13, 1965-1 Cumulative Bulletin 759. The combined effect of these rules was to preclude substantial adjustments by application of the reserve ratio test for approximately six more years or through 1970.[7]

The Treasury Department now finds itself in a very difficult dilemma. If it applies the reserve ratio test strictly in 1971 and future years, there will be widespread controversy with taxpayers, disparity of treatment, high administrative costs, painful adjustments and very unfortunate economic consequences. It may be contended at this juncture that this is the price which taxpayers (and the Treasury Department) must pay for having embarked upon the ambitious guideline program knowing they would eventually have to measure up to the reserve ratio test.

There is more to the present predicament than this. In particular, the inability of many taxpayers to satisfy the reserve ratio test may be attributable in large measure to circumstances largely beyond their control. Among these circumstances are:

(1) The suspension and subsequent repeal of the investment tax credit which was instituted with the guidelines and was expressly designed to stimulate the purchase of new machinery and equipment which, in turn, would help the taxpayer to meet the reserve ratio test.

(2) The credit squeezes of 1966 and 1968-9 which reduced the availability of capital to purchase assets.

(3) The tax surcharge of 1968-1970 which likewise reduced the availability of capital.

(4) The inflation and profit squeeze of 1968-1970 which depressed capital asset formation.

(5) The stock market decline of 1969-1970 which drastically reduced the supply of new equity funds.

(6) The business recession of 1970-1971 which was most severely felt by the capital goods industries.

(7) Shifting national priorities which have reduced the anticipated expansion of some segments of industry.

The ADR System is a measured and sensible answer to the depreciation dilemma of 1970. It is not the revolutionary give-away some of its critics would have us believe.[8] In contrast to the 30 percent to 40 percent shortening of depreciable lives of the Guidelines, it establishes a tolerance of 20 percent from the Guideline lives. This is a modest and reasonable advance considering the vast technological changes of the 1960's which tend to create ever-increasing obsolescence. Moreover, the United States is increasingly affected by economic developments outside its borders. It is no longer realistic or possible for business here to stay competitive without capital recovery allowances comparable to those of our major competitors in Europe and Japan. Even with the ADR System the United States will be last in rank in this respect and significantly lower than with the combined investment credit and Guidelines of 1962.[9]

Critics of the ADR System place great stress upon the elimination of the reserve ratio test, claiming that this is tantamount to the adoption of a capital recovery allowance free of the "useful life" concept which has acquired the force of a statute. We have already demonstrated that the "useful life" phrase itself has no immutable meaning. The ADR System does not do away with "useful life." It simply re-interprets that phrase in today's world, just as the Depreciation Guidelines did in the world of 1962.

The period within which an asset is in use does not necessarily mean that it is useful, in a productive sense, for a like period. Congress recognized this when it granted statutory recognition to the obsolescence in the depreciation statute and when it provided for accelerated methods of depreciation and conferred broad authority to prescribe regulations in 1954 by enacting Section 167(b). In a shrinking, competitive world there is every reason to believe that useful lives will become more uniform, hence the shift to uniform lives for broad asset categories in the Guidelines and now in the ADR System.

The reserve ratio test was devised as a theoretically ideal instrument for reconciling standardized lives to actual experience in every instance. It proved, however, to be administratively unworkable. Its complexity and ever-present threat deterred many from adopting the Guidelines. It could not adjust to changing economic conditions and governmental and private-sector developments. It was, in any case, still a backward-looking device and far from perfect as a measure of what useful lives will be for assets currently in service.

The fact is that there is no simple means for perfectly measuring a taxpayers' useful life. The ADR System is an effort to achieve simplicity and to approach as nearly as practicable the equitable solution. There must be a measure of liberality for taxpayers for any such system to be effective. Otherwise it will not achieve widespread adoption which is one of the most important objectives.

Professors Bittker and Domrese assert that the revenue effect of the adoption of the ADR System would be unprecedented. In so asserting they cite the revenue estimates of the Treasury but neglect to mention the Treasury Department's statement that: "It is anticipated, however, that the increase in employment and business activity will provide substantial additional feedback revenues to offset these reductions." Treasury Department News Release, January 11, 1971, page 4.

Moreover, the overall revenue figures are misleading. A very substantial portion of th revenue reduction is attributable to the modified half-year convention for calculating depreciation allowances in the year assets are first placed in service by the taxpayer. Yet neither Professor Bittker nor Professor Domrese has objected to this feature of the ADR System the authority for which apparently is beyond legal challenge. Putting aside the convention, the revenue effects of the ADR System do not stand out as unprecedented in contrast to the $1.5 billion revenue loss estimated in 1962 from adoption of the Guidelines,[10] taking into account the very substantial economic expansion and inflation of the past eight years.

In any case, this estimable concern with revenues does not rise to the level of legal argument. The "instructive parallel" Professor Bittker finds in the unanticipated revenue loss following upon the enactment of Sections 452 and 462 of the 1954 Code is not instructive since, in contrast to this earlier experience, the Treasury has calculated and evaluated the revenue effects of the ADR System and is not rushing to Congress for corrective action.

Mr. JAVITS. Mr. President, I, too, have submitted testimony to the Internal Revenue Service which is considering the question of depreciation allowances. With respect to this matter, I agree with the Senator from Ohio. I think that the implementation of revised depreciation schedules as proposed by the U.S. Treasury is very much in the interest of the American worker and the Nation.

I ask unanimous consent that my testimony before the Internal Revenue Service may be made a part of my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS

I favor the revised depreciation schedules expected to be issued by the Treasury as being in the interest of American workers and of the American economy. The American economy is just beginning to emerge from its fifth postwar recession. This recession—while mild by historical standards—was aggravated by persistent inflationary pressures and by the conversion of part of our nation's industries from war to peacetime production.

---

[7] These rules were effective for a "transitional period" beginning, in most cases, with the year 1965, and equal to the guideline life. The guideline life for most machinery is twelve years. The transitional allowance rule provides substantial insulation from the reserve ratio test for the first half of the transitional period or through 1970 for such machinery. Thereafter the allowance diminishes rapidly.

[8] The ADR System incorporates some features which may not be attractive to the electing taxpayer. A taxpayer making an ADR election must do so on his tax return for the year; he may not do so retroactively when confronted with possible depreciation adjustments as in the case of the Guidelines. Moreover, in making the election the taxpayer must do so with respect to all eligible assets, including used property unless it exceeds 10 percent of the total, not merely with respect to assets falling into a particular guideline category. The taxpayer electing ADR must establish reasonable salvage values and can suffer adjustments if he fails to do so, a requirement not imposed by the Depreciation Guidelines. See T.I.R. 399, September 28, 1962, Question and Answer 46. The taxpayer electing ADR may not exceed the tolerances of the depreciation ranges regardless of his facts and circumstances, while he may adopt the Guidelines with lives longer or shorter than those prescribed under appropriate circumstances.

[9] See table accompanying statement of Paul W. McCracken, Chairman, Council of Economic Advisors, on President's Announcements of Changes in Depreciation Allowances, released January 11, 1971.

[10] See S. Rep. No. 1881 87th Cong., 2d Sess. 11 (1962)

As our nation moves to re-establish the health of our domestic economy, monetary and fiscal stimuli are required. This stimulative activity must be made to walk a delicate tightrope and insure that the stimuli are adequate in terms of getting our economy moving again—without refueling the inflationary fires that are now in the process of being banked.

The desire to get our economy moving again while containing inflation is a non-partisan issue. In the debate over the state of our nation's economy, there is full bipartisan agreement that a six percent rate of unemployment is unacceptable. Unfortunately, there is less unanimity of opinion about the need to take concrete measures to restore the health of our nation's business economy.

In terms of the overall health of our economic system, the bankruptcy of major corporations such as Penn Central approaches in economic—though, of course, not in human terms—the seriousness of a six percent unemployment rate. But, liquidity and cash flow problems and the deteriorating profit situation of our nation's corporations, in turn, can be translated directly and quickly into loss of jobs.

Reversing the coin, measures that will assist our nation's corporations and that will help restore the confidence of our nation's businesses will be job creating and will have the effect of helping to get our economy moving again.

In my opinion, the Administration's proposal to revise the depreciation schedules to permit a 20 percent faster write-off on the assets involved and to ease first year treatment for such assets is an essential measure toward the ends of promoting a healthy economy, reducing unemployment and increasing job opportunities and the likelihood of economic recovery continuing without setbacks.

In my view, there is a long-run direct correlation between the tax treatment accorded our nation's businesses, the levels of business investment, the productivity of our economy and the social and national goals upon which Americans can agree.

I agree fully with President Nixon that "steadily rising productivity is one of the secrets of the success of the American system. There is nothing more important for labor and management to do for themselves and for their country than to keep raising productivity." I would also add that the Congress has a special responsibility to develop and support policies and legislation which will contribute to raising productivity thus insuring the continuing competitiveness of the American economy both at home and abroad. In my view, the Administration's proposal to revise depreciation schedules is one such policy.

It may be useful to briefly outline some of the background on the Administration's proposal—for this background cannot be divorced from the action taken in the Tax Reform Bill of 1969 to repeal the investment tax credit. It also cannot be divorced from the fact that our present regulations on depreciation are the most repressive in the industrialized world and that they are 20–30 years out of date. In addition, the worldwide competitive position of American business which is already severely burdened by badly outdated depreciation schedules, was severely aggravated by the Tax Reform Act of 1969 which repealed the investment tax credit.

During the debate on the Tax Reform Act of 1969 and when it became clear that this law would cut consumer taxes while increasing taxes on our nation's corporations through the repeal of the investment tax credit, I asked for and received a written commitment from the Department of the Treasury to make available "a study of the various alternative proposals for depreciation reform and the estimated revenue effects thereof." I asked for this study in the realization that most industrial nations have some form of investment preference, in the form of tax reductions geared to the level of investment spending or in the form of accelerated depreciation schedules, and because I believed that Congressional repeal of the investment tax credit would leave the United States without any significant investment preferences in its tax system for producers. When the Treasury study was forwarded to me, I placed the alternatives that Treasury had developed in the Congressional Record, volume 116, part 19, pages 25683–25695, for the information and the review of the Congress.

The Congress thus has had the necessary information available to it for review and comment for some nine months. It was my further understanding that this was an area of considerable discretion as to whether the Treasury could change depreciation schedules administratively or whether legislation would be required. I stated on the Senate floor on July 23, 1970 that "This mistake [repeal of the investment tax credit] could be rectified by legislation or by the Administrative determination to revise tax depreciation policy." This statement was not challenged either on the Senate floor or after the publication of the Congressional Record.

When I placed this material in the Congressional Record, it was clear that American business was facing an increasingly serious profit squeeze as well as a serious liquidity crisis. The deterioration of the profits picture of American corporations continued throughout 1970 and profits after taxes dipped to the seasonally adjusted rate of $30.9 billion in the fourth quarter of 1970 as compared to $34.3 billion in the first quarter of 1970 and $37.0 billion in the fourth quarter of 1969. Its reflection in increasingly unacceptable unemployment is now clearly seen.

Turning to 1971, the latest available information makes it clear that business investment continues to lag and that this will directly contribute to the unacceptably slow rate of recovery of our economy—nor do I wish to fail to emphasize that we are not out of the woods by any means—and could have a serious reaction and a reverse of the recovery.

The March issue of the U.S. Department of Commerce publication, *Survey of Current Business*, indicates that: "Investment expectations for 1971 by industry groups show more of a mixed pattern than they did a year ago when most industries were scheduling increases. Many industries are now programming declines in expenditures for new plant and equipment in 1971 and only about a half dozen major industry groups are expecting a larger year to year expansion or are scheduling smaller cutbacks than those achieved from 1969 to 1970."

This information reconfirms my view that a permanent, modern equipment investment incentive such as a revised depreciation schedule is important not only for the short-term recovery of our economy, but for the long-term economic health of our economic system.

The permanence of this incentive is essential if business confidence is to be regained and maintained and if adequate future levels of investment in plant and equipment are to be forthcoming. Certainty is something that all business planners need and permanently revised and updated depreciation schedules will contribute substantially to the stimulation of investment flows over the long term.

In turn, the present political debate over the implementation of revised and updated depreciation schedules only contributes to the maintenance of a climate of business uncertainty. The debate, by contributing to this uncertainty, serves to prolong the recession and in turn the high rate of unemployment which opponents of the revised depreciation schedules deplore.

Revision of our nation's outmoded depreciation schedules is needed in spite of one's opinion on the possible reinstatement of the investment tax credit. I realize that many leading economists, including high Administration officials, support the reinstatement of the investment tax credit. However, many of these same advocates view this reinstatement as an anti-cyclical device to stimulate the economy at this time. I urge that the history of the investment tax credit be carefully reviewed. Such a review seems to indicate that an on-again—off-again investment tax credit has indeed proved to be an inadequate short-term economic device that often did more harm than good. Because of the time lag between Administration requests and Congressional action, the net result has been that the investment tax credit was reinstated at the wrong time and thus contributed to the galloping rate of inflation in the late 1960's and was repealed at the wrong time in 1969, thus contributing to the economic recession of 1969–70. I would suggest that again, tinkering with the investment tax credit at this time may have an equally adverse result in terms of our long-term economic goals.

Let us not play politics with our economic system either by criticizing steps being proposed to give our nation's businesses similar investment incentives enjoyed by our competitors in the other developed countries of the world; or by again attempting to use the investment tax credit as an anti-cyclical device looking toward political ends. Rather let us correct the present inequities built into our tax system which were aggravated by the ill-advised Tax Reform Act of 1969; and the permanent revision of our depreciation schedules is an equitable means toward this end. If these measures then prove to be insufficient, additional steps again of a permanent nature could be taken. But I do not believe that it is now the course of wisdom to move precipitously into one area, when the results of revision of the depreciation schedules remain in the future.

What is at stake in the debate over the Administration's proposals to revise the Treasury regulation as they regard depreciation is the efficiency, competitiveness and productivity of our nation's industrial plant. The health of this industrial plant, in turn, will help determine the number of jobs and income available to Americans in the months and years ahead and the confidence with which Americans will view their economic system and their nation. The rebuilding of this confidence and support of measures taken toward this end—such as the Administration proposals to revise our badly outmoded depreciation schedules—are of the highest national interest and should take place now.

The table below shows the comparative costs to the user of machinery and equipment for manufacturing between the United States (which is the base country with an index of 100) and the other leading industrial nations prior to January 11, 1971 (announcement of the advanced depreciation rates in the U.S.), and after institution of the proposed ADR system.

	Before ADR	After ADR
Belgium	85	91
Canada	97	104
France	81	87
West Germany	83	89
Italy	82	88
Japan	81	87
Netherlands	94	101
Sweden	83	89
United Kingdom	74	80
United States	100	93

This is a comparison of the weight of income tax on investments for machinery and equipment in manufacturing, taking into account both the tax rates of the individual countries and the investment incentives, including depreciation deductions, which they offer. It shows that prior to the advanced depreciation schedule in the U.S., the cost of getting the use of capital equipment in this country exceeded that of any other industrialized nation except Canada. It also shows that the ADR system would rectify this situation considerably.

For example, the annual rental cost of this type of equipment in the UK was 22 percent below the cost of the same goods in the U.S. This was true even though the UK's depreciation allowance was much less accelerated than that of the U.S. In the UK, 44 percent of the cost of equipment could be depreciated in the first 5 years. In the U.S., 53 percent of these same costs were subject to depreciation within the same period of time. However, because the British tax rate was only 42 percent, and the UK had an investment grant of 20 percent (similar to the former U.S. investment tax credit, but not limited to the amount of tax liability), the total incidence of the taxes on machinery and equipment for manufacturing was much lighter in Britain than it was in the U.S.

Mr. TAFT. I thank the Senator from New York for his contribution.

Mr. SCOTT. Mr. President, I support the proposal for accelerated depreciation schedules as suggested by the Treasury Department.

Compared with other nations, U.S. tax policy to encourage capital outlay has been restrained; indeed it might be termed "unsophisticated." There seems to be some sort of fear that recognition of the problem of capital equipment obsolescence through more realistic depreciation schedules is bad per se.

In the literature of national accounting, all elements in the destruction of capital—including wear, obsolescence, and accident—are subsumed under the term, "capital consumption." As production proceeds over time, a certain amount of fixed capital—plant, equipment, and commercial buildings—is used up. Part may be physically worn out and part may become obsolescent because of the invention of superior types of capital. But in both classic and contemporary economics, these depreciation charges appear as a cost or, in other words, as a deduction from the concern's gross proceeds or gross income.

I recall one of the early moves by President John Kennedy to get the economy moving was the installation of more rational depreciation schedules. Those schedules, incidentally, were based on proposals prepared in the last year of the Eisenhower administration.

The opposition voiced today to the proposals set forth by Treasury Secretary Connally seems rather petulant and querulous.

I would hope it is not simply part of the "Presidential syndrome" dominating the mental processes and oral responses of so many of my colleagues.

America has played a remarkable part in re-equipping the industrial machines of war ravaged nations all over the free world.

In the meantime, the problem of industrial obsolescence has become an acute one in our own country.

Accelerated depreciation schedules can improve our domestic economy and enable us to compete in world markets as well. I would hope these proposals will be supported by a majority of my colleagues, regardless of party.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Chair recognizes the Senator from Virginia (Mr. BYRD) for 15 minutes.

EFFECTS OF DEFICIT FINANCING ON THE FINANCIAL SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, now that the Nixon administration has embarked on a course of deficit financing, I think that it is important that the Senate take a close look at the possible effects of this policy on the financial situation of the United States.

Deficit financing has boosted the national debt from $288 billion at the beginning of 1960 to $389 billion at the beginning of the current year. This increase in the debt, along with continuing Government deficits, has resulted in serious depletion of the gold holdings of the United States.

In January 1960, the Government's gold holdings totaled $19.5 billion. At the beginning of 1971 that total was $10.7 billion, a reduction of almost 50 percent.

This steady decline has jeopardized the financial status of the United States in the international community. As our debt has gone up, our gold holdings have gone down, strongly indicating a lack of confidence in the American dollar.

This becomes increasingly clear each day. An Associated Press story, sent Tuesday from London, dramatically illustrates the falling confidence in the dollar, stating that "currencies speculators sent the dollar reeling on European markets today."

The story also said that a flood of U.S. money was exchanged for West German marks, Dutch gilders, and Swiss francs.

The latest edition of the afternoon newspaper has this to say, and I quote from the Associated Press dispatch from Frankfurt, Germany:

> The U.S. dollar took a pounding in European foreign exchanges yesterday and begins to look like the money nobody wants.

The New York Times this morning, in a dispatch datelined Paris, begins its report in this way:

> Europe's financial centers were buffeted today by the greatest wave of currency speculation in two years. Corporations, banks and others who control large sums of money exchanged unwanted dollars—

I repeat, Mr. President, unwanted dollars—

> for West German marks, Swiss francs, Dutch guilders and other "strong" European currencies.

The Journal of Commerce, published in New York, began its report on page 1 today in this way, and I quote from that newspaper:

> Dollars continued to swamp currency markets throughout the Continent of Europe yesterday. Everywhere central banks had to come to the rescue as dollars persistently pressed against the minimum exchange rates that had been set by international agreement years ago.

Mr. President, this country, in my judgment, faces a very serious situation because it has refused—I repeat, it has refused—to put its financial house in order.

I note that some of the officials of our Government are not concerned about this. Well, I am not an expert on high finance. I do not pretend to be. But this Senator from Virginia is concerned about it.

The facts are that the monetary reserves of the United States—gold stock, special drawing rights, foreign currencies and automatic drawing rights under the International Monetary Fund—totaled $14.3 billion at the end of March.

For the first time since World War II, our monetary reserves are not the largest in the world. West Germany now has $16 billion in reserves, as compared with our $14.3 billion.

It seems to me that what is happening in Europe today points up dramatically the need for the Government of the United States to put its financial house in order.

Yet what do we find? We find, Mr. President, that during the 12-year period beginning with fiscal year 1961 through fiscal year 1972, the Government will have run a cumulative deficit of $145.9 billion—a deficit every single year for those 12 years.

But, more important than that, Mr. President, and the basic reason, in my judgment, for what is happening to the dollar in Europe today, is that for the 6-year period—namely, the last 3 years of President Johnson's administration and the first 3 years of President Nixon's administration; I am carrying this to fiscal 1972, because the fiscal 1972 budget is the budget the Congress presently is considering—the deficit for those 6 years alone will be $111 billion.

Yes; $111 billion. Is it any wonder, Mr. President, that the Associated Press report coming out of Frankfurt, Germany, today would say, "The United States dollar took a pounding in European foreign exchanges yesterday, and begins to look like the money nobody wants"?

Through the decades, the American dollar has been the bulwark of currencies throughout the world. I was in Europe just a few weeks ago. I was there during the Easter recess. I could see this thing coming.

The people of Europe, the businessmen of Europe, the financiers of Europe are beginning to lose confidence in the dollar, just as they did in 1968 when the Senate was called upon to remove the ceiling on the amount of gold which the United States would keep.

Mr. President, as I have stated, I am not an expert on high finance. I do not pretend to be.

But I think logic and sound commonsense suggest that somebody has to pay for all of the spending programs.

If this country could indefinitely just go ahead spending more and more money, running up more and more deficits, without anyone having to pay for them, we would have accomplished a formula which would bring untold prosperity to every country in the world. But, Mr. President, that simply is not the case.

It may well be that the Europeans may force this Nation—this Congress, this administration—to do what it appears will not be done otherwise, and that is to put the Government's financial house in order.

This is not a very popular cause to plead. Everyone wants something, and so many people think they can get something for nothing. I submit that that cannot be done.

I submit that the deliberate deficit-spending program which began with the President's state of the Union address this past January envisions a 2-year deficit in Federal funds of $48 billion.

But already, today, the morning press carries a report from the Director of the Budget, Mr. Shultz, in which he says the deficit will be even greater than had been anticipated a few months ago.

I think it is just tragic, Mr. President—just tragic—that the trend which the Government, up to last January, had followed in trying to get inflation under control and trying to get its spending under control, now has been completely reversed. While in the last 3 years of the Johnson administration the accumulated Federal funds deficit totaled $49 billion, the accumulated deficit for the first 3 years of Mr. Nixon's administration will be $62 billion.

It seems to me that this Republican administration is throwing away a very important asset that it has had over the years. In the public mind, it was the party of fiscal responsibility.

I do not speak as a Republican. I have no right to suggest what the Republican Party should do. I speak as an Independent Democrat. But I have supported the Republican cause in the past when I believed it to be right. I have supported their financial policies when I believed them to be right. I shall continue to support their financial policies when I believe them to be right.

But I cannot refrain from speaking out against a deficit-spending program which is undermining the value of the American dollar.

Our unsound financial policies is the reason that the European money markets are downgrading the American dollar and the reason the central banks are changing their American dollars into other currencies—the Swiss franc, the Belgian franc, the German mark, and maybe even the Spanish peseta. I noticed when I was in Spain last month that the peseta has improved tremendously in relation to the American dollar.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am happy to yield to my distinguished colleague from Georgia.

Mr. TALMADGE. I am sure that my distinguished friend, who serves with me on the Committee on Finance, is aware of the fact that Germany alone now possesses more dollars than we have gold at the present time.

Mr. BYRD of Virginia. The Senator is indeed correct. For the first time in recent history, the United States is no longer the No. 1 country in monetary soundness. West Germany is now No. 1.

Mr. TALMADGE. I am sure also that my friend from Virginia is aware of the fact that we have had only two favorable balance-of-payments years in the last 21 years, if my memory serves me correctly. Is that not correct?

Mr. BYRD of Virginia. The Senator is correct.

Mr. TALMADGE. Does the Senator think we can continue to scatter dollars all over the world year after year, more than we receive, and maintain our economic viability?

Mr. BYRD of Virginia. I do not. I think unless we give greater attention to our financial difficulties, and unless we are willing to face some difficulties, face some hardships, possibly, and put our financial house in order, everyone is going to be worse off. The American dollar is devaluing itself. The rest of the world knows that we are on an unsound course.

Somebody has got to pay for this. The American people have got to pay for it either through increased taxes or through more and more inflation in the form of a cheapened dollar which buys less and less. That is what we are headed for—more and more inflation.

Mr. TALMADGE. I compliment my distinguished colleague for bringing this matter to the attention of the Senate.

Mr. BYRD of Virginia. I thank the Senator very much.

Mr. President, in conclusion, I ask unanimous consent that tables showing the national debt and gold holdings of the United States for selected dates from 1960 to 1971; Federal taxes and spending from 1968 through 1972; and deficits in Federal funds and interest on the national debt from 1961 through 1972, be included in the RECORD

I also ask unanimous consent to have printed in the RECORD several interesting and informative articles and comments which have recently appeared in the press on the subject of gold and the dollar. These items include a column by Hobart Rowen in the February 21 edition of the Washington Post; an article concerning German acquisition of U.S. gold, by Clyde N. Farnsworth, in the March 26 edition of the New York Times; an article on the same general subject in the April 11 edition of the London Sunday Telegraph; an article on the decline in our gold stock in the April 24 edition of the New York Times; and an editorial entitled "Faith in the Dollar" in the April 17 edition of the Charlottesville, Va., Daily Progress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

National debt

	Billion
January 1971	$389
January 1970	369
January 1965	318
January 1960	288

Gold holdings

January 1971	10.7
January 1970	11.4
January 1965	15.4
January 1960	19.5

Source: Treasury Department.

FEDERAL TAXES AND SPENDING

(All years are fiscal years, July 1–June 30)

Fiscal year	1968	1969	1970	1971 (est.)	1972 (est.)
Federal fund receipts in billions:					
Individual income taxes	$69	$87	$90	$88	$94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153
Federal fund expenditures in billions:					
Total outlays	143	149	156	164	176
Federal fund deficits (—):					
Total deficits	—27	—5	—13	—25	—23

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 (ALL YEARS ARE FISCAL YEARS, JULY 1-JUNE 30)

[In billions of dollars]

	Receipts	Outlays	Deficit (—)	Interest
1961	75.2	79.3	—4.1	9.0
1962	79.7	86.6	—6.9	9.2
1963	83.6	90.1	—6.5	10.0
1964	87.2	95.8	—8.6	10.7
1965	90.0	94.8	—3.9	11.4
1966	101.4	106.5	—5.1	12.1
1967	111.8	126.8	—15.0	13.5
1968	114.7	143.1	—28.4	14.6
1969	143.3	148.8	—5.5	16.6
1970	143.2	156.3	—13.1	19.3
1971 [1]	139.1	164.7	—25.6	20.8
1972 [1]	153.7	176.9	—23.2	21.1
12-year total	1,323.8	1,469.7	145.9	168.4

[1] Estimated figures.

Source: Office of Management and Budget.

[From the Washington Post]

NIXON'S ECONOMIC PUSH AT HOME AWAKENS DOLLAR WORRIES ABROAD

(By Hobart Rowen)

President Nixon's new activism, symbolized by a willingness to run substantial budget deficits, has not only alarmed some of the more conservative members of his party, but has reawakened fears in Europe about the U.S. dollar. The gnomes are still alive and well in Zurich, thank you.

It has come through loud and clear to Treasury and Central Bank officials in Europe that domestic expansion has been allocated the No. 1 priority here, well ahead of the balance of payments problem despite an extraordinary pileup of dollars abroad.

European officials did not quite believe it when they heard it first from Economic Advisers Paul W. McCracken and Herbert Stein last October that American policy would aim at a high growth rate in 1971.

In November, a Common Market official in a widely discussed comment at a press dinner in Washington was skeptical of the 8 per cent real growth rate suggested by Stein. He said then that continued inflation and an excessive balance of payments deficit would result, possibly precipitating a demand for devaluation of the dollar.

But Stein was merely giving a good advance look at the administration's plans: the new Budget and Economic Report call for 7½ per cent real growth from the fourth quarter of 1970 (depressed by the auto strike) to the fourth quarter of 1971.

Said a European yesterday: "I think it (Nixon's economic plan) is incredible, dangerous and provocative."

The President's Economic Report not only scoffed at the inability of any particular balance of payments tally to measure the "strength or weakness" of the U.S. international position; but pointedly said that there was no domestic policy this country could follow that would eliminate B.O.P. deficits if major European countries pursue policies that build up balance of payments surpluses.

"I'd rather have a healthy economy (at home)," said a high White House official, "and take my chances (on the BOP deficit)."

Behind this new, tougher, U.S. attitude is the reasoning that the dollar has in reality become nonconvertible into gold. For better or worse, it is felt here, the world is on a dollar standard.

This was never put more bluntly than in a recent report made for a conservative research group, the American Enterprise Institute, whose advisory board is headed by Economic Council chairman McCracken. (McCracken, of course, severed active ties with the Institute when he joined the Nixon administration.)

The report by Professors Gottfried Haberler and Thomas D. Willett, said: . . . "it is now fairly generally realized that . . . foreign central banks cannot convert large sums of dollars into gold for the purpose of changing the composition of their reserves, as France did under de Gaulle in the 1960s."

Ironically, it is the growing disproportion between the size of the U.S. gold stock and U.S. liabilities to foreign official institutions that makes the dollar nonconvertible now. As Haberler and Willett say, "there simply is not enough gold to permit large-scale withdrawals. . . . The point of no return has definitely been passed."

Not all American officials take this more relaxed attitude toward the balance of payments deficit. Treasury and Federal Reserve officials have been increasingly concerned about the rapid drop in interest rates, far below comparable levels on the Continent—which simply accelerates the flow of short-term capital out of the United States.

But the White House concentration on domestic recovery has caused a great deal of discomfort abroad. For example, Mr. Nixon's commitment to a goal of 4½ per cent unemployment by next year has posed a problem for politicians in Canada. Can they shoot for any lesser improvement than their powerful neighbors to the south? They would prefer to, but may feel bound to follow the U.S. example.

In Europe, monetary authorities that earlier were skeptical about a large issue of Special Drawing Rights—paper gold—will now probably be able to knock out a second installment of SDRs that would come anywhere near the $9.5 billion budgeted for 1970, 1971 and 1972.

This shows that the French Minister of Economy and Finance had a prophetic view of the situation at the Copenhagen meeting of the International Monetary Fund last September.

In an interview then with this correspondent, M. Giscard d'Estaing said that the three-year allocation of SDRs had been a mistake, and that "the next agreement" would have to take into account actual increases in dollar reserves held by foreign authorities.

Last week's report on the U.S. balance of payments for 1970 showed an increase of $7,615,000,000 in official foreign dollar holdings, compared with about $1.5 billion that most Europeans consider tolerable. On that basis, Giscard d'Estaing would argue that allocations of SDRs for 1973 ought to be zero.

The way it turns out, the United States would have been wiser to have gone along with a small initial allotment of SDRs—and hope that it would build up; the risk now is that the system will be suspended after 1972.

So far, the failure of the United States to achieve a better payments equilibrium—which was a condition for the activation of the SDRs—has not led to an open confrontation between the United States and the European powers. No one wants to be first in line, starting what might be a run on the dollar. For one thing, that might upset currency relationships in Europe, just at the time that the Common Market is striving toward monetary unity.

[From the New York Times, Apr. 24, 1971]

U.S. GOLD STOCK OFF $76 MILLION

WASHINGTON, April 23.—United States international monetary reserve assets declined by $192-million to $14,342,000,000 in March, the Treasury reported today.

The decline included a drop of $76-million in the gold stock, to $10,963,000,000. This was almost entirely accounted for by a previously reported sale of $75-million of gold to Switzerland.

The gold stock at the end of March was the lowest in two years.

Among other reserve assets, special drawing rights, or "paper gold," fell $25-million to $1,443,000,000; holdings of foreign currencies fell a further $71-million to $256-million; and automatic drawing rights in the International Monetary Fund fell $20-million to $1,680,000,000.

[From the New York Times, Mar. 26, 1971]

WEST GERMANY TRADES DOLLARS FOR $500 MILLION OF U.S. GOLD

PARIS, March 25.—The West German central bank, its coffers bulging with surplus dollars, has acquired $500-million worth of gold from the United States.

The transaction was described by Bundesbank officials as a "friendly repurchase." They stressed that it did not alter the German policy of refraining from converting dollars into gold.

It was nevertheless seen by observers as a sign of unease by the biggest foreign holder of dollars over the tremendous dollar influx in recent months.

The acquisition relates to gold the Bundesbank sold to the United States after the 1969 upward revaluation of the mark.

Funds at that time were leaving Germany, and the central bank was short of working balances in dollars.

CLAUSE ATTACHED

There was a repurchase clause attached to the earlier agreement that the Germans have now exercised. Observers said that Washington had not expected this clause to be exercised so soon.

The Germans formally pledged in 1968 that they would not demand American gold for their dollars.

The United States has ways of discouraging conversions by the Germans. For instance, the Bonn administration wants American forces—the present contingent is 280,000 troops—to remain on German soil.

President Nixon has said there will be no withdrawal at least through 1972.

In the last three months, according to authoritative Paris sources, some $6-billion has left the United States. Since March 1, the figure is $1.5-billion. These funds have been attracted by higher European interest rates.

So much flowed into Germany that the Bundesbank now has the highest currency reserves in the world—more than $16-billion.

CONVERTIBILITY IN THEORY

Theoretically, surplus dollars held by foreign institutions can be cashed in for gold at the American Treasury.

But foreign official dollar holdings are now about twice as high as American gold stocks of $11-billion.

Massive demands for gold would probably be met by a formal suspension of gold convertibility. This could lead to a series of events that would bring chaos to the monetary system.

There have been small conversions in recent months by Belgium, the Netherlands and Switzerland.

The big question is how much longer the surplus countries of Western Europe and Japan will continue to swallow dollars.

No government wants to trigger a dollar crisis, but many are nervous over the size of their dollar holdings and are bringing increasing pressure on the United States to do something about the fundamental cause of the dollar flight—a 20-year string of deficits in the American balance of payments.

[From the Sunday Telegraph, Apr. 11, 1971]

U.S. LEAD TAKEN BY GERMANY

For the first time since the war the United States has fallen from its position as holder of the largest gold and exchange reserves in the world.

Figures released last week show that the West German reserves, including about $10,000 million (£4,000 million) for dollars have exceeded those of the United States, which stand at $14,600 million.

The change is a reflection of a growing dollar balance-of-payments crisis which is causing uneasiness in Western financial circles.

Its root problem is American expenditure on the Vietnam war and the military overseas. Last year the balance of payments deficit was $10,700 million and it is expected to be extremely large again this year.

EUROPEAN SUPPLIES

European anxieties over the large supplies of dollars held by their banks are believed to have been voiced by Signor Franco Malfatti, President of the Commission of the European Communities, when he visited Washington last week.

Making the situation slightly worse is that as the United States recovers from its mild recession it is drawing in more imports.

Mr. David Kennedy, former secretary of the Treasury and now ambassador-at-large, set off last week on a world tour during which he will discuss trading problems in a number of Western capitals.

[From the Daily Progress, Apr. 17, 1971]

FAITH IN THE DOLLAR

Some bad news, no matter how underreported for a time, simply will not go away.

What with My Lai trials, Laotian campaigns, Mideast alarms, SST votes, ecological crusades and such, not much has been heard recently of the dollar's chronic problems abroad.

The problems have not, however, gone away. That old balance of payments devil is still with us and, if anything, is showing signs of again becoming a headline issue.

Last year the U.S. foreign deficit was the largest in history—$10 billion. We paid out that much more for goods and services, in military expenditures, investments and other financial transactions than we took in.

This year's deficit, while expected to be somewhat smaller, will still be uncomfortably huge at a current estimated $6 billion.

Traditionally, the United States has traded at a considerable profit which has gone far to offset losses in other areas. But last year's trade surplus, originally targeted for $1.5 billion, had shriveled to $650 million by the time the actual accounts were in and the showing is expected to be no better this or next year.

Dollars flowing to strong economies, particularly West Germany, are pressuring inflation and thoughts of again revaluing upward some currencies and converting some of the surplus dollars into gold from the U.S. reserve. Switzerland, perhaps as a polite warning, recently cashed in $75 million for gold.

U.S. gold reserves have been declining in recent months, to approximately $11 billion, almost a billion under a year ago. With addition of the Treasury's holdings in foreign currencies and of Special Drawing Rights, the international "paper gold" created two years ago by the free world's leading economic powers, plus automatic loan rights from the International Monetary Fund, total U.S. reserves are close to $15 billion. But this is still far short of the dollars in foreign hands.

Foreign bankers have been making unhappy noises, particularly as to the absence of any significant corrective measures. On a recent U.S. visit, Sir Frederic Seebohm, chairman of Britain's Barclay's Bank, largest banking group in the world outside the United States, suggested a run on American gold would not be out of the question.

It would not, however, be likely. The effect, widely recognized, on economies other than American could be disastrous. But if unpleasantness and even pain in our dealings abroad are to be avoided, some steps to put our accounts in better shape are essential. Bringing our own inflation under control would be an excellent beginning and diminishing the drain of the Vietnamese war would be a great help.

Some sign of a policy in Washington on the deficits other than "just throwing them over the shoulder," as Sir Frederic complained, might also help.

Despite its problems, the dollar is the medium exchange of the world's still indisputably largest and strongest economy. That and the faith that in the long run it is as good as gold are its great strengths as the world's basic reserve currency, which status up to now has permitted us to pump out dollars as if the world's capacity and tolerance were infinite.

Faith is a wonderful thing. When strong, it can move mountains and power a world economy. But sustaining it occasionally requires tossing something a little more tangible than good intentions into the pot.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair recognizes the Senator from South Dakota (Mr. McGOVERN) for a period not to exceed 15 minutes.

(The remarks of Mr. McGOVERN when he introduced S. 1773 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THE LINCOLN COMMUNITY HIGH SCHOOL WIND ENSEMBLE AND COLLEGIATE LINCOLNAIRES, OF LINCOLN, ILL.

Mr. PERCY. Mr. President, I should like to pay tribute to the Music Department of the Lincoln Community High School, to the 150 members of the Wind Ensemble and the Collegiate Lincolnaires, to Superintendent Robert W. Jones of the Lincoln Community High School, to Directors Alan Tidaback and William Smock, and to the 12 chaperones, who have today, through the arrangements made by Joy Webb, secretary, made it possible to give a perfectly wonderful concert in the Senate rotunda in the Old Senate Office Building.

People standing there listening to it along with members of the staff and some Members of the Senate, commented that it was the finest high school band and choir they had ever heard since they came to Washington.

I must say, it is not only the finest concert I have ever heard since I came to Washington, but also the finest I have heard in Illinois—which means that it could be looked on parochially by those of us in Illinois as the best in the country.

These young people have come to Washington to study and learn more about their Government, to understand better the democratic process and to see how it works. They will take back that knowledge with them, but while here they have contributed to a wonderful and inspiring example of what can happen when 150 young people get together and dedicate themselves to bringing about harmony through the use of their voices and the playing of musical instruments.

May they be an inspiration to us to find ways to bring about harmony among all the American people as well as the people in the rest of the world.

POLISH CONSTITUTION DAY—MAY 3

Mr. PERCY. Mr. President, at the beginning of this year, when Cardinal Wyszynski made his brilliant and courageous appeal for social justice in Poland, he was acting in the progressive tradition of the Polish Constitution of 1791 which established a modern constitutional monarchy and parliamentary system.

As we celebrate Polish Constitution Day, I would like to recall Cardinal Wyszynski's appeal for freedom of religious life, the right to social justice, the right to truthful information, freedom of speech, the right to good living conditions, and the right to live without fear of official persecution.

These freedoms, these rights are safeguarded in any modern, democratic constitutional system. The dedication of Cardinal Wyszynski and the people of Poland to these freedoms and rights, after decades of denial, testifies to their faith that one day Poland will be truly free. Their independent spirit continues to survive the restrictions and repressions imposed by Communist rule.

I congratulate the people of Poland for their perseverance in the face of adversity. I congratulate, as well, Americans of Polish heritage who maintain their devotion to freedom and to Polish traditions.

Mr. President, on May 3, 1971, on the occasion of Polish Constitution Day, Col. Casimir I. Lenard, executive director of the Polish American Congress, addressed a luncheon of the National Press Club in Washington, D.C. This was an honor for Colonel Lenard and for the Polish American Congress of which my distinguished friend Aloysius A. Mazewski is president. Even more, it was an honor and tribute for all Polish Americans, since Colonel Lenard was invited to speak as a representative of more than 12 million Americans of Polish descent.

It is my pleasure to share with my colleagues in the U.S. Senate the views expressed by Colonel Lenard at the National Press Club. I ask unanimous consent to have Colonel Lenard's speech printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY CASIMIR I. LENARD, EXECUTIVE DIRECTOR, POLISH AMERICAN CONGRESS, BEFORE THE NATIONAL PRESS CLUB, MAY 3, 1971

Thank you, Mr. President. Distinguished guests, members of the National Press Club, ladies and gentlemen—it is indeed an honor to be with you today as a representative of over twelve million Americans of Polish descent.

At the outset, I believe it behooves me to impress upon you that the time allotted me, generous as it is, does not allow a truly in-depth explanation of the complexities which exist in my subject, which is: The Role of Polish Americans in the East European Crisis. I will, however, attempt to cover the most important facts of the situation . . . the "situation" being the relationship between the country of Poland and the American Polonia.

Polonia encompasses those of Polish descent living in areas other than Poland. These are the people who have either fled Poland to escape oppression or sought other countries more conducive to being a better home for their families and themselves. The American Polonia has one great and consuming goal . . . and that is to be better *Americans.* In being good Americans, Polonia also feels a strong bond between itself and the mother country. At this point, I would like to briefly outline how the Polonia, as it exists, came about and what it really is.

Some historians of Polish-American relations begin their history with the name of John of Kolno—(a town in Mazovia, Poland) who allegedly discovered America in 1476, while piloting an expedition commissioned by King Christian of Denmark. The noted Polish scholar, Professor Boleslaw Olszewicz, suggests that this tale be relegated to the limbo of legends for lack of documentary evidence.

The immigration of Poles to America is generally divided into the following periods: that of the eighteenth and early nineteenth centuries, the "economic" immigration of the latter half of the nineteenth century and the "political" immigration of the twentieth century. As early as October of 1608, twelve years prior to the landing of the Mayflower at Plymouth Rock, several Poles arrived at Jamestown, having been engaged by the Virginia Company for the express purpose of manufacturing glass, pitch and tar for export to England. These pioneers of American industry also pioneered American civil liberties—and here I might say that perhaps Poles were an early forerunner of the great labor movement in the United States which exists today. The small band of Poles in Jamestown refused to work when they were denied representation in the first legislative assembly on the American continent, the Virginia House of Burgesses, held in July, 1619, at Jamestown.

Until recently, it was not fully realized by the Americans, not even by some in the American-Polish element itself, that Poles also had played a significant part among the earlier immigration of liberty-loving spirits from among Europe's soldiers, politicians, intellectuals, and artists—and they were not behind other nationalities in contributing their quota of creative effort to the colorful pattern of modern America.

The names of a few personalities such as General Casimir Pulaski, General Thaddeus Kosciuszko, both of whom fought in the American Revolutionary War, Madame Helena Modrzejewska (Modjeska) or Ignace Jan Paderewski are popular all over the world.

But the names of hundreds and thousands of others are usually forgotten: Dr. Alexander Curtius, the founder of the first high school in New York in 1659; the oldest and largest Polish family on the American continent, Zaborowski (Zabriskie), settled in the Dutch colony of New Amsterdam first mentioned in 1662; the family of John Anthony Sadowski—pioneers of Virginia, Pennsylvania, Kentucky and Ohio, known today as the Sandusky family, first noted in 1735; P. Sobolewski, journalist, editor of the first Polish-American magazine printed in the United States, in 1841; J. Tyssawski, statesman; Dr. Felix P. Wierzbicki, pioneer of California; A. Debinski, civic leader; Conrad Norwid, poet; Count Adam Gurowski, author; Sir C. S. Gzowski and C. Bielawski, engineers, are among those not usually remembered.

At this point of my historical review I must pause and reiterate the significance of today's date. It was on May 3rd in 1791, barely two years after the adoption of its Constitution by the United States, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria. With special observances in both Chambers, the Congress demonstrates today America's friendship toward the Polish nation, whose millennial heritage of Christianity and participation in the growth of Western culture is now being ruthlessly suppressed by communist tyranny.

More than one hundred Polish families arrived in the United States and settled in Texas and established the first Polish settlement at Panna Maria near San Antonio, in 1854.

The Polish exiles were not immune to the great crisis of the 19th Century which culminated in the Civil War. The number of Poles living in the United States at that time is established at 30,000. General Wlodzimierz Krzyzanowski was one of the first to respond to President Lincoln's appeal for volunteers by organizing a militia company in Washington. Another exile from Poland, Joseph Karge, from Poznan, became Commander of the New Jersey Cavalry. As a General, Karge accepted in 1870, the chair of foreign languages and literature at Princeton University. Among those prominent in the Confederate Army are General Brigadier Zebulon York and Colonel K. Tochman, who originated the "Polish Brigade of New Orleans."

Another famous Polish name is Ignace Jan Paderewski, composer, pianist, and statesman. His efforts influenced President Woodrow Wilson to mention the cause of Poland in the Fourteen Points that he submitted to the Peace Conference at Versailles in 1918. In 1919, after the restoration of a Polish State, Paderewski was appointed Prime Minister of Poland. In World War II about 900,000 Americans of Polish descent served in the American forces, which is an extremely high percentage in comparison with other national groups.

The Poles in America formed their community life around the Church and their fraternal organizations—many of these organizations have been in existence for over 90 years and have helped to sustain the Poles as a homogeneous group. Successive waves of immigrants served to maintain a link between the mother country and Poland. However, changes in the political arena in Poland and Europe after World War II had their effect on the Polonia, and it became apparent that a central organization which would adjust its program to the needs and purposes of the American Polonia was required. Such an organization came into existence in 1944 when 5,000 delegates representing all Polish American fraternal, civic, educational, business and professional organizations, together with eminent prelates from the Roman Catholic and the Polish National Catholic churches, agreed on a unified action in behalf of a free and independent Poland and for the betterment of Americans of Polish ancestry. And thus was born the Polish American Congress—the organization I represent here today—and whose President, Mr. Aloysius A. Mazewski, is here with us. It was the first large body of Americans that strenuously opposed many of the unjustified concessions that the Western Alliance granted the Soviet Union in particular and communism in general during World War II and its aftermath.

Subsequent developments on the international scene that culminated in the outbreak of the Cold War in 1948, proved the PAC position and forewarning to be correct. This opposition, however, to the unwarranted coddling of the Kremlin tyrants and their design for world domination, has been only one aspect of the mutli-faceted activities that were planned for the PAC twenty-seven years ago.

In parallel pursuits, the Polish American Congress strove to serve Americans of Polish ancestry, known collectively as American Polonia, in many and diverse ways—in politics on local, state, and federal levels; in education; in civic undertakings; in the study of sociological problems and a search for their solution; in supporting cultural institutions and subsidizing studies in Polish American history; in supporting the Polish American press; and others too numerous to mention here.

In the first phase of its history, the PAC devoted the major part of its resources and energy in acquainting American public opinion with the right of the Polish nation to full freedom and independence with a fully recognized and accepted western boundary along the Odra-Nysa (Oder-Neiss) rivers.

Toward this end, PAC representatives conferred with the wartime President Franklin Delano Roosevelt and with every Chief Executive of the nation in a post-war era—Truman, Eisenhower, Kennedy, Johnson and now President Nixon. Comprehensive memoranda have been presented to the Secretaries of State—Byrnes, Stettinius, Acheson, Dulles, Rusk and Rogers.

The case for a free and independent Poland within the framework of America's enlightened self-interest, has been presented to the United States Senate and the House of Representatives, as well as to mass communications media in numerous papers and publications.

The PAC had articulate delegations at the constituent assembly of the United Nations in San Francisco in 1945 and at the conference in Paris in 1948. The PAC supported United States economic assistance to Poland and strongly favors cultural exchanges between the American and Polish people.

And this brings us to the current situation and the December 1970 events in Poland.

I do not believe there is any need to repeat the chronology of the tragic events which took place in the Polish Baltic ports. We are all too well acquainted with the actions, the deaths and the injuries. I do believe, however, it is important to consider their reasons.

The prevailing opinion in the West is that the main reason for the riots was the exorbitant raise in the price of the basic commodities. In my opinion, this approach is not entirely correct. The raise in prices was only the proverbial "straw that broke the camel's back." Under the calm surface of the national life in Poland, there was and is a very strong undercurrent of revolt—a deep dissatisfaction with the communist rule and with the economic conditions created by the communist regime. The basic element we are looking for in this picture is the impatience of the Polish people and their hatred of the communist system.

Proof of these assertions can be found in the political measures taken by the new regime. Mr. Gierek, in his first statement, said that the line of communications between the party and the ruling personalities and the people was broken. He promised to restore it. His predecessor, Gomulka, he said, had lost touch with realities. Gierek also stated that the party recognized its mistakes. This was a strong condemnation.

Secondly, the new Premier Piotr Jaroszewicz, in his inaugural address to the Sejm called for full normalization of relations between the communist government and the Catholic Church. Shortly after this, in one of his sermons, Stefan Cardinal Wyszynski enumerated demands which were tantamount to a political program—these, in fact, were aimed at the restoration of true democracy.

Next, they promised to increase the role of the Parliament—they would give it the power to implement party policies, allocate monies, control housing, etc. The new regime also promised and already started to reorganize the trade unions—to give them more freedom of action, to move from the role of a policeman for the party to its proper role as a defender of workers' interest. At this point I wish to acknowledge the strong position the AFL–CIO Executive Council took on February 19, 1971, in supporting the Polish workers struggle for food and freedom. Another significant move was the liberalization of the policy viz-a-viz writers. As you can see, these were not economic steps.

Now, let us review some of the economic considerations. Prices were lowered. Wages were increased. And the party made some moves to alleviate the economic difficulties, including increase in the production of housing. Gierek obtained some help from Russia—the amount is unknown and no figures have been published. One thing, however, is clear. Poland did not get any more grain from Russia than Mr. Gomulka announced in his last speech to the workers on December 3, 1970, namely 2 million tons. There was additional Russian help but this came in the form of either supplies or currency to buy supplies abroad. Poland needs four million tons of grain and in order to survive the current ordeal it may become necessary to kill much of its cattle and live on a very poor diet until harvest time.

It is not clear what additional economic improvements will be made—they speak in generalities. They speak of giving more incentives, they want to introduce the people to the decisionmaking process, and they speak of reducing the power of arbitrary party men, the shop managers who had their own way until now, and they also speak of utilizing funds from the enterprises to alleviate most glaring hardships. However, no shift has been made to decentralize the economy. All of this amounts to an easy political and economical way to gain the people's confidence and to give the people some incentive to work.

The last Plenum in mid-April made some important changes in Polish agriculture—there will be higher taxes on land but there will be less compulsory purchase of agricultural products from the peasants—they won't have to surrender the food at a lower price and therefore have an incentive to produce more thus helping to create a free market.

Let us now consider the effect of the December events in Poland on Eastern Europe.

In East Germany, the January reforms lowered prices and were aimed at improving the lot of the consumer.

In the USSR during the 24th Communist Party Congress, both Brezhnev and Kosygin devoted much time explaining that the consumer will be able to obtain more goods since there will be a shift from heavy industry to consumer products.

The same occurred in Bulgaria and Romania where Mr. Ceausescu promised to raise wages by 20% and to reintroduce freedom of action to the trade unions.

Our next question naturally is what will the future bring? What can we expect to happen in Poland?

This is difficult to judge—we know that Gierek is a devoted communist, a technocrat, one who used a strong but efficient hand in Silesia. I don't believe we should expect any substantial changes in the existing political system in Poland. We could only hope for some improvements in the economic picture combined with some increased efficiency in administration. Even if Gierek wanted to make some basic changes, he is fully aware there is a certain line which he can't cross because if he does, he will be toppled by the Kremlin itself—he is expected to work within the framework of the Communist system. We note here that Gierek's statements about the principle of rotation and about the Party being at fault were not published in the Russian press although they were carried in the other block countries. Now, since there is a certain margin of freedom left to the rulers of the satellite countries—and this was not fully exploited by Mr. Gomulka—one can only hope that this margin of freedom will be utilized by Mr. Gierek and here is where we could hope for certain improvements. Of course, Russia still plays the dominant role concerning Poland's future. The prevailing atmosphere in Poland now is limited but moderate hope for betterment. At the same time, the people are of the opinion that if Mr. Gierek does not improve the situation in a matter of months, they are going to riot again—there is a constant threat of a general strike.

At this point in my discussion I must digress and bring the American Polonia into the picture again—I reiterate that the members of the Polonia consider themselves as American citizens who have the right and consider it their duty to make recommendations on Polish matters to their government and fellow Americans, which they believe to be in conformity with U.S. interests. We cooperate with the Polish political emigration and its organs for the achievement of our common purposes. We endeavor to strengthen our contacts with responsible representatives of other East European nationality groups within the American community.

In this political activity we clearly distinguish between the Polish nation and the alien government imposed on it by force. I should note here that a segment of U.S. public opinion still does not fully appreciate this distinction. The Polonia exercises its right and recognizes its duty to deny moral recognition to that government and its claim to express the will of the Polish Nation. The Polish communities' denial of moral recognition to the Warsaw government is a powerful obstacle to the cynicism and hypocrisy of those Western statesmen who seek to treat the situation in Poland as normal and to build a bridge of understanding with the Russians on that basis. It is, however, understood that working contacts with the authorities in Poland are sometimes necessary. Those of us who make such contacts take care, in performing these delicate tasks, to give as little handle as possible to regime propaganda.

As the ultimate goals for Poland we consider the recovery of external political independence and internal freedom together with the country's western frontier being the Oder and Neisse. It is in the true interest of the United States that Poland should be free and independent. Poland is the axis of the East European system. As long as Europe is deprived of its Eastern half it cannot be united and strong, or possess the necessary balance. And only a strong, united and properly balanced Europe can give lasting security to the United States. Consequently, the withdrawal of Soviet influence to the Eastern borders of Poland must be an objective of long-term American policy. In this context it is important to consider the crucial European Security Conference, which, if convened, very well may be our last chance to break the Soviet grip on Europe and bring freedom to its oppressed nations.

Keeping the above in mind we recognize the need for continuing aid and cultural exchanges with Poland. United States policy assumes that the process of restoring Poland's external independence and enabling her to adopt democratic forms of national life will be a long one. In the hope of shortening it, the U.S. is taking practical steps to facilitate trade between Poland and the West, and to promote cultural exchanges. From the practical point of view, this is the correct policy. The more Poland's economic situation improves and the closer its culture links with the West, the stronger will be the morale of the Polish population and its ability to go on resisting the communist invader. This policy should be subject to certain conditions. Trade and cultural exchanges with Poland must not be an end in themselves, but be subordinated to the overriding political aim of helping the Polish people to free themselves from foreign tyranny. The criterion of progress will not be simply the increase in the economic turnover measured in figures, or the number of exhibitions arranged on either side, but how far these developments contribute to the material and spiritual strength of the Polish nation.

From this point of view, the planning of American economic help to Poland should lead to bold initiatives over and above the current mark. In this connection any number of projects could be mentioned: Assistance in the form of grain and other foodstuffs; modernization of Polish industry through training; the adoption of American patents and exchange of professional people; expansion of Polish tourism—the improvement of existing facilities and development of new hunting, skiing and health spas; and also the creation of student exchange and information centers.

At this point, it should be obvious that the Polonia is deeply sensitive to what is going on in Poland and Europe—that is why we welcome and support the movement in the United States and Europe in demanding that the hideous war crimes committed by the Russians against 4200 Polish officers during World War II be brought to world attention. We support our Congress in its Sense of Congress Resolution calling on the President of the United States to instruct the United States Delegate at the United Nations to join international demands for a United Nations investigation of the Katyn war crimes. I recall, that in its final report, dated December 1952, the Select Committee investigating the Katyn Forest massacre requested the President of the United States to instruct the United States delegation to seek the establishment of an international commission which would investigate other mass murders and crimes against humanity. I firmly believe that had the recommendations of the Committee been carried out then the occurrence of such crimes and incidents that followed might have been prevented.

I briefly touch upon Polonia's interest and need to participate in the Bicentennial celebrations across the nation—showing America the Polish contribution to the rich mosaic of American life. I mention here the preparations, on a world-wide scale, to honor in 1973 the 500th Anniversary of the birth of the famous Polish scholar Mikolaj Kopernik.

I am not able to give justice to the subject of ethnicity here today—although I note in the room a large group of people deeply involved and dedicated to this subject from the point of the Catholic Church. I hasten to add that the Polonia has lived ethnicity since its arrival in the United States—so the subject is not foreign to us. We wish to state publicly that we are very proud of our Polish heritage and the manner in which it supports the democratic principles of this glorious country of ours—which, contrary to some visionaries of doom, is not going to fall apart. We see its future in the nourishing of the ethnic spirit, using the best of ethnicity as a transfusion to save an ailing America.

Our involvement in U.S. politics would require a great deal of discussion; suffice it to say, we are very proud of our legislators of Polish descent and others that represent us and we wish to express our deep appreciation for what they have done for us up to date. At this juncture however I would be remiss if I did not state, that Polonia has matured politically and no longer belongs to one party. We welcome discussion and representation on both sides of the political spectrum and state that our approach to politics has become very pragmatic—don't take us for granted.

Since my topic deals with Polonia's relationship to the situation in Eastern Europe, I close with this thought:

Polonia is willing and able to assist the people of Poland and Eastern Europe in its difficult period—and obviously has used a great deal of restraint and mature judgment in its actions and public pronouncements. We could only hope, that the new leaders of Poland will recognize this and act accordingly.

MAY DAY IN WASHINGTON

Mr. PERCY. Mr. President, I think it very symbolic that the same day, May 3, was May Day so far as the demonstrations here in Washington were concerned. I should like to commend the law enforcement officials, whether they be from the District of Columbia or the military, for the manner in which they preserved freedom—the freedom to go to work, the freedom to move down the avenues, the freedom of tourists to come to Washington—many young people having come here for the first time in their lives to see their Capital—and the freedom of people to continue with their normal plans.

I am deeply sympathetic with all of those who have tried to evidence their concern through peaceful demonstrations and the exercise of the right of free speech, to emphasize their desire and the desire of all Americans to see this tragic war in Indochina ended at the earliest possible moment.

However, Mr. President, there is a right and a wrong way to do things. It is wrong to have the intent and purpose of stopping democratic institutions, the very institutions that would be able to bring this war to a halt under the provisions of the Constitution, and to try to stop the Government.

I would say, as President Lincoln so eloquently expressed it, in Springfield, when he was addressing the young men in the Lyceum—and I paraphrase his thought—that there is no grievance that is justification or rectification for mob rule.

We could not accede, no matter how many of us are devoted to finding ways of ending this war, to mob rule in Washington, D.C.

Mr. President, it was very symbolic that this was done on May 3, 1971.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. CURTIS. Mr. President, I commend the Senator for his remarks.

I desire to state that I have prepared a resolution expressing the sense of gratitude of the Senate for the fine work done by the police during this time of disturbances here in Washington. I shall introduce the resolution tomorrow. It is my hope that a great many Senators from both sides of the aisle can become cosponsors.

I appreciate the Senator's yielding to me so that I could make my announcement. I shall welcome his cosponsorship.

Mr. PERCY. Mr. President, I thank the Senator from Nebraska very much indeed. I feel certain that we all recognize that in actions of this type mistakes are made on both sides. There was excess on the side of some demonstrators and there was moderation on the part of some, too. There was probably some excess on the side of those who were carrying out the law through the process of government. I am sure that some mistakes will be revealed as having been committed that day. However, I feel that these mistakes were made through their motivation to be diligent in carrying out their duty.

I trust that such mistakes will be rectified in the future, and that we will learn by our errors and not have a repeat of this kind of experience on either side.

RESCISSION OF ORDER RECOGNIZING SENATOR HART

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the recognition of the senior Senator from Michigan (Mr. HART) at this time be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed, under the order of yesterday, to the consideration of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senate will proceed to the consideration of morning business for a period of 30 minutes, with statements made therein limited to 3 minutes.

THE SO-CALLED PEACE DEMONSTRATIONS

Mr. ALLEN. Mr. President, the so-called peace demonstrations that have been taking place in the Nation's Capital for the last few days are a national disgrace and actually constitute open rebellion. If these people are so dissatisfied with our country, I wish they would leave it. In fact, I would contribute to a fund to send them on a one-way trip to Hanoi, which they like so well, or to China or Russia.

I believe Americans are fed up with radical and disloyal efforts to direct our Government from the streets and gutters of the Nation. And, in my judgment, never again should any mass demonstrating groups be allowed to come into the Mall and park areas and establish their camps, depriving tourists and other law-abiding Americans legitimate access to our national shrines and museums. These are areas which are paid for by all the people, and they must be kept open for all the people.

I am happy to say that normal Government activities have gone on without interruption despite the best efforts of the radicals to bring the Government of the United States to a halt and to its knees. Much credit goes to the various police elements and other law enforcement officers and to the troops who, despite every effort to harass them, maintained a purposeful calm and kept traffic moving and Government in operation. They deserve the thanks and commendation of the Nation.

Mr. President, I commend the distinguished Senator from Nebraska for his announced intention of offering a resolution on tomorrow commending the law enforcement officers. I hope that he also has in mind including our thanks to the troops on duty for their services in this emergency situation.

We are going to have to adopt a firmer and harder policy against these illegal and disloyal protests and demonstrations. As a Government, we must not and will not give in to this type of coercion.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the orders for recognition of Senators previously granted there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CURRENT DOLLAR CRISIS AND THE BASIC INJUSTICE OF OUR EUROPEAN OCCUPATION

Mr. SYMINGTON. Mr. President, last month in West Germany, on a trip with the distinguished chairman of the Joint Atomic Energy Committee, the senior Senator from Rhode Island, we were told that there was no unemployment in that great country; in fact, their prosperity had reached the point where they were importing 2,700,000 workers into the country from other lands, including citizens of nations behind the Iron Curtain.

At a U.S. Pershing missile base in southern Germany a young GI from my State of Missouri asked me why his wife could not work on the base. He said:

> There are many women working on the base, I was drafted to come over here to defend this country, my wife came with me, we have no money, and she would be glad to take the same salary that is being paid the civilians who are working on the base.

When I thereupon asked the commanding general of said base to reply to this GI, he stated, "The answer is simple—the Germans won't allow it. They prefer to fill the civilian jobs with their own people." As is the general custom, the rates we pay are higher than the prevailing rates.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I asked the distinguished Senator from Missouri to yield at this point because I wish to make a comment and perhaps ask a question before he gets into the main part of his address.

The Germans are not allowing dependents of American servicemen to work on U.S. bases; is that correct?

Mr. SYMINGTON. That is what I was told by the general commanding the base in question. The next day I went to another base and asked the same question. The commanding officer told us that only a certain percentage of our people were allowed to work on the base.

I then asked for the figures and was told there were 775 German civilians working on this U.S. base yet only 70 Americans were allowed to work on that same base.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. SYMINGTON. I am glad to yield.

Mr. MANSFIELD. Is it true there appeared in the press a few days ago a story to the effect that the wives and dependents of American GI's will now be allowed to do KP?

Mr. SYMINGTON. Yes, I believe I read the item the majority leader just mentioned.

Mr. MANSFIELD. I think that is a true statement of fact. It just brings us back again—and I know of the distinguished Senator's interest in this question—to the fact that we have 525,000 military personnel and dependents, not in West Germany only but in Western Europe. To maintain those 525,000 military personnel and dependents takes $14 billion out of the defense budget every year. Is that correct?

Mr. SYMINGTON. That is correct.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask that I be recognized for 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. That figure has never been contravened on the floor of the Senate and it has been cited time and time again. This is just the beginning of a question that will achieve more importance.

I will allow the Senator from Missouri to proceed on my time for the remainder of his speech.

Mr. SYMINGTON. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, the next morning the papers over there reported a lecture, a warning, that was being given to us by their financial leaders with respect to the careless manner in which we back here were handling our own financial problems.

Some 8 years ago I began presenting to my colleagues on the Senate floor a growing apprehension about our foreign political, military and economic policies; policies which were and are causing a sharp rise in our persistent unfavorable balance of payments. At that time I warned that this continuing outflow of American dollars could only result in severe damage to the value of the dollar itself.

Since 1963, on this floor, I have warned again and again about that growing danger; and as of this morning we face it in more practical fashion.

Financial experts pointed out only last week that—

> Such recent financial crises as those of 1967 and 1969 were the result of speculation and panic; whereas this latest crisis of today is the calculated work of European moneymen, serving notice to the United States that they were tired of the rules of the game.
>
> "Flexing new financial muscles of their own, and fed up with what they saw as the U.S. failure to live up to its obligations, they were debating a decisive new step away from the system that was virtually dictated by the triumphant United States at Bretton Woods, N.H., 27 years ago. There was a growing rift in the Atlantic alliance, and the consequences would be as sweeping as they were incalculable.
>
> "What had forced this dramatic showdown? At bottom, of course, the Europeans were reacting to the endless deficits in the U.S. balance of payments, a result of the country's chronic inability to earn as much as it spends and invests abroad. Last year saw the biggest deficit yet, a staggering $9.8 billion, and in the first three months of this year the U.S. chalked up a record quarterly deficit estimated at $5 billion—as much as some had predicted for all of 1971."

The above remarks were in an article in Newsweek magazine which came out before the start of the present dollar crisis in Europe.

In any case, I would serve notice to this administration, as I did to the past administration, that if this policy of sending some $100 million a day out of this country in a fruitless effort to finance most of the rest of the world and defend most of the world is not changed, the value of the dollar could well continue to disintegrate, to the point of catastrophe.

For over 5 years, some of us in the Senate, led by the distinguished majority leader, have been urging that the United States reduce substantially its military posture in Europe, and surely the above gives further justification to this request.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I shall be glad to yield.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Rhode Island is recognized on his own time.

Mr. PASTORE. Mr. President, I want to endorse and associate myself with everything the distinguished Senator from Missouri has just said. I was on the trip that he discusses. Everywhere we went, he asked many, many questions. Some of the answers were rather vague, and some, of course, were even harder to understand.

I do not think anyone is taking the position that the overall military posture in Europe should be cut down in its role as a supplement to the deterrent power that we have at the present time. What we find fault with is the mix—who is doing what and giving how much as a contribution to this overall military posture.

Much of the involvement of the United States in Europe is predicated upon a situation that existed immediately after World War II. Then Europe was bankrupt and we were booming. Now the tables have turned. As a matter of fact, Mr. President, we learned that in Germany, which has a population of 91 million people, they import some 2,700,000 foreign workers. An American wife cannot get a job even on an American base. Why? Because that job has to be reserved for German Nationals. This, for me, is hard to understand.

We went to Austria. Austria is not a partner in NATO, but we Senators wanted to get a closeup idea of the situation there. Austria we found has only a 2-percent unemployment rate, while in this country we have an average rate of between 6 and 7 percent. Austria is booming too.

What we are saying it that a greater contribution has to be made by our allies. After all, they have at least as much, and even more, at stake than we have in Europe. The time is at hand when we ought to be allowed to take back some of our troops. We ought to be allowed to relax some of our commitments, just so we can help bring about financial stability in this country. That is what the Senator from Missouri is saying.

No one is saying that the overall forces in Europe should be cut down, but why, in the name of commonsense, do we alone have to live up to our commitments, while not one of the NATO alliance members has done the same? That is what we are talking about, and the time has come when I think this Government has to put its foot down. We have to begin to talk about American problems. We have always understood our allies' problems, but they never seem to understand ours. Today Europe is booming. I say fine, marvelous. But we are not booming. Yet our commitment goes up and up and up, and they have not fulfilled their own.

I hope this country, through its Government, and through the Congress, will begin to assert itself so that we can bring about some semblance of equity within our organization as to whose responsibility it is to defend and protect their own security.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. I am in full accord with what the distinguished Senator from Rhode Island has said.

Also, after reading all of his speech, and listening to most of what the distinguished Senator from Missouri has said, I think it is time that we begin to look after our own interests. I would say that, on the basis of the colloquy had on the floor this afternoon, we have laid the foundation for an amendment—not a resolution, but an amendment—to bring about a reduction in U.S. troops and dependents in Europe, and a substantial reduction from the number of 525,000 now, which calls for taking out of the defense budget, I repeat, $14 billion every year.

Mr. PASTORE. That is right, and I want to say to the distinguished majority leader that while we were there we were told about the ministers conference of the NATO organization in December of last year. There certain pledges were made that over a period of 5 years they might spend anywhere from $500 million to $5 billion. That is only a pledge, and that is not enough, when we realize that we already spend about $14 billion. That just is not enough.

Do the Senators want to know why they held that conference in December? Do the Senators want to know why they made the pledge? Because of the Mansfield resolution. That is the only way they are going to act. Unless we begin to pass resolutions in the Congress to cut off money, they are never going to provide their share. The time to do it is now. We would act not because we dislike them, not because we do not want to defend them. It is because we expect them to put up their proper share to defend themselves.

Mr. SYMINGTON. Mr. President, I want to associate myself not only with the remarks of the majority leader but also with the senior Senator from Rhode Island. This trip was his idea, and it was about the most informative trip I have been on in the some 19 years I have been in the Senate. I again thank the Senator for his wisdom in suggesting that we take it.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

Report of Agreements Under the Agricultural Trade Development and Assistance Act of 1954

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, report of agreements signed providing for foreign currencies submitted for March and April 1971 (with accompanying reports); to the Committee on Agriculture and Forestry.

Report of Conclusion of Judicial Proceedings Regarding Docket No. 289, Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding docket No. 289, the Peoria Tribe of Indians of Oklahoma and Mabel Staton Parker on behalf of the Piankeshaw Nation; and the absentee Delaware Tribe of Oklahoma and the Delaware Nation, et al., plaintiffs, against The United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report of Order Dismissing Petitions Before the Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding dockets Nos. 236–K, 236–L, and 236–M, Gila River Pima-Maricopa Indian Community, et al., petitioners against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report of Federal Contributions Program Equipment and Facilities

A letter from the Director of Civil Defense, Office of the Secretary of the Army, Department of the Army, transmitting, pursuant to law, federal contributions program equipment and facilities for the quarter ending March 31, 1971 (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation Permitting Persons From Countries Friendly to the United States to Receive Instruction at United States Academies

A letter from the Secretary of the Navy, submitting a draft of proposed legislation to amend and extend for a temporary period the Act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Report of Study of Impact on Banking Systems

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report on the study of the possible impact on the banking systems and other economic effects of changes in existing law to be made by section 2 of that Act governing income taxes, intangible property taxes, so-called doing business taxes, and other similar taxes that are or may be imposed on banks by State and local governments (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of the Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, the annual report of the Federal Power Commission for the fiscal year July 1, 1969 to June 30, 1970 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation to Continue the International Coffee Agreement Act of 1968

A letter from the Acting Secretary of State, submitting a draft of proposed legislation to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1969 (with accompanying papers); to the Committee on Finance.

PETITION

A joint resolution of the Legislature of the State of Maine was presented to the Senate by Mrs. Smith, for herself and Mr. Muskie.

The joint resolution, which reads as follows, was referred to the Committee on Finance:

Joint Resolution Memorializing Congress to Lower the Retirement Age Under Social Security From 65 to 62 Years

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, social security legislation is now under consideration by the Congress of the United States; and

Whereas, a proposal has been made to lower the retirement age from 65 to 62 at which full benefits could be received; and

Whereas, the lowering of the retirement age will assist approximately 8 million citizens for the first year; and

Whereas, of these 8 million citizens, 3.5 million persons will become eligible for the first time; and

Whereas, of these 3.5 million citizens, 1 million persons may act to claim benefits in the first year; and

Whereas the cost of this provision will be approximately 2.6 billion dollars a year, now, therefore, be it

Resolved: That we, your Memorialists, recommend and urge that the Congress of the United States give immediate and favorable consideration to this provision lowering the retirement age for receiving full benefits under socal security from 65 to 62 years; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to members of the said Senate and House of Representatives from this State.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

Mrs. SMITH. Mr. President, on behalf of the Senator from Mississippi (Mr. Stennis), I report from the Committee on Armed Services, together with supplemental views of Senators Symington, Schweiker, Hughes, and Dominick, H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. COOK (for himself, Mr. Scott, Mr. Baker, Mr. Taft, and Mr. Weicker (by request)):

S. 1769. A bill to establish a Legal Services Corporation and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1770. A bill to establish a system of general support grants to State and local governments; to authorize Federal collection of State income taxes; and to encourage modernization of State tax systems. Referred to the Committee on Government Operations and, by unanimous consent, when reported by that committee to be referred to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 1771. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

By Mr. GRAVEL:

S. 1772. A bill for the relief of Ho Shing Fan. Referred to the Committee on the Judiciary.

By Mr. McGOVERN (for himself, Mr. Percy, Mr. Hart, Mr. Mondale, Mr. Kennedy, Mr. Nelson, Mr. Cranston, Mr. Cook, Mr. Schweiker, Mr. Bayh, Mr. Gravel, Mr. Eagleton, Mr. Hartke, Mr. McGee, Mr. Humphrey, Mr. Pastore, Mr. Moss, Mr. Randolph, Mr. Tunney, Mr. Ribicoff, Mr. Harris, Mr. Hollings, Mr. Spong, Mr. Stevenson, Mr. Muskie, Mr. Pell, Mr. Javits, Mr. Case, Mr. Mathias, Mr. Hatfield, Mr. Hughes, Mr. Jackson, and Mr. Montoya):

S. 1773. A bill to amend the Food Stamp Act of 1964. Referred to the Committee on Agriculture and Forestry.

By Mr. TOWER:

S. 1774. A bill to furnish assistance to farmers in emergencies caused by natural disasters. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. Curtis):

S. 1775. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 1776. A bill to provide equitable treatment of veterans enrolled in vocational education courses. Referred to the Committee on Veterans' Affairs.

By Mr. HATFIELD (for himself, Mr. Randolph, Mr. Miller, Mr. McGovern, and Mr. Packwood):

S. 1777. A bill to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. RIBICOFF (for himself and Mr. McIntyre):

S. 1778. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof. Referred to the Committee on Finance.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 1779. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas, and for other purposes. Referred to the Committee on Public Works.

By Mr. BENNETT:

S. 1780. A bill to amend the National Labor Relations Act in six areas closely related to one another, all of which touch in varying degrees the kinds of collective bargaining units which should exist under the act. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON:

S. 1781. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts of such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS

By Mr. COOK (for himself, Mr. Scott, Mr. Baker, Mr. Taft, and Mr. Weicker (by request)):

S. 1769. A bill to establish a Legal Services Corporation and for other purposes. Referred to the Committee on the Judiciary.

LEGAL SERVICES CORPORATION ACT

Mr. COOK. Mr. President, on behalf of the administration, I am today introducing legislation to create an independent, nonprofit legal services corporation. Fathered by the Office of Economic Opportunity, the legal services program over the last 6 years has proven to be one of the most successful programs of the war on poverty. Its 2,000 attorneys in 900 neighborhood offices handle more than a million cases per year on behalf of the poor. Through the dedicated efforts of program attorneys, individual tragedies have been averted and gross injustices remedied.

This bill is a testament to the value of the program and to the administration's commitment to equal justice for all Americans. It provides in general for:

An independent, nonprofit legal services corporation to be incorporated under the laws of the District of Columbia for the purpose of providing legal services in noncriminal matters to persons financially unable to afford counsel;

An 11 member bipartisan board of directors—a majority of whom must be lawyers—appointed by the President with the advice and consent of the Senate;

An advisory council which includes representatives of the client community and the organized bar;

A president appointed by the board who is required to be a member of the bar;

The power to represent the collective interests of the poor before Federal agencies.

The administration bill builds on the foundation of the past 6 years, while acknowledging and dealing with some of the problems revealed by the program's short history. Through carefully drawn limitations, the bill insures that the energy and resources of the corporation will be focused on the specific legal needs of the poor. But at the same time it preserves the professional independence of the program attorneys.

By providing a permanent, independent home for the legal services program, we can demonstrate to those who are poor and powerless that the system does listen and respond to their needs. I believe this bill is an excellent beginning in the establishment of a legal services program. Although there may be some disagreement over specific provisions in the bill, I urge my colleagues to give it their thoughtful consideration.

By Mr. MUSKIE:

S. 1770. A bill to establish a system of general support grants to State and local governments; to authorize Federal collection of State income taxes; and to encourage modernization of State tax systems. Referred to the Committee on Government Operations and, by unanimous consent, when reported by that committee to be referred to the Committee on Finance.

INTERGOVERNMENTAL REVENUE ACT OF 1971

Mr. MUSKIE. Mr. President, I am today introducing the Intergovernmental Revenue Act of 1971. I ask unanimous consent that the bill and a section-by-section analysis, with exhibits, be printed in the Record following these remarks.

The ACTING PRESIDENT pro tempore (Mr. Gravel). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. MUSKIE. Mr. President, our States, cities and counties are in dire need of financial assistance. The Congress must respond to their call for help. We cannot continue to allow local governments to face, as many of them now do, either financial insolvency or forced cutbacks in such necessary services as police and fire protection, health care, and education of our children.

The bill I introduce today would meet the financial crisis of State and local governments directly. It is based on the 1969 recommendations of the Advisory Commission on Intergovernmental Relations. I first introduced this bill with former Senator Goodell in June 1969, and it has been substantially revised after 7 days of hearings in the last Congress.

Again this year, it will receive a thorough airing before the Subcommittee on Intergovernmental Relations, which I chair.

The concept of revenue sharing has gained solid backing from the Governors of our States and the mayors of our cities. It has received strong support from the American people. It is not difficult to understand why.

Today, as in the past, we must rely on the States and localities to provide the functions which are performed best by the levels of government closest to the people—essential services such as keeping the streets safe and clean, building and maintaining decent schools, collecting trash on a regular basis and building adequate sewer systems. Yet, in increasing numbers, State and local governments cannot find the financial resources to pay for these services.

This inability of State and local governments to meet their bills, in large part, is a result of a fiscal imbalance in our Federal system which must be corrected.

By a "fiscal imbalance" I mean simply there exists today a great imbalance in revenue raising capacity between the Federal Government and the State and local governments. To a significant extent, that imbalance exists because the States have not effectively utilized the most lucrative source of tax revenue—the income tax.

Ever since the Federal income tax was enacted, the discrepancy between the revenue raising capacity of the Federal Government and State and local governments has grown. Income taxes provide the greatest single portion of the revenue raised by government. And, in 1969, 91.1 percent of all income taxes in the United States were collected by the Federal Government.

The income tax is extremely lucrative because its returns grow automatically as the economy expands. Every time the economy expands one percent Federal income tax revenues increase 1.5 percent.

Many State governments, for whatever reason, have not tapped the income tax as a principle source of revenue, and many communities are barred from use of the income tax by State law. These governments have relied on property and sales taxes for the greatest part of their taxes. Unlike the income tax, revenues from property and sales taxes do not necessarily reflect growth in the economy as a whole. Furthermore, the property tax is now being used to finance services—such as social services—which it was not designed to pay for.

That means that when State and local governments want to increase police protection or build better schools, or just stay even with the added costs of inflation, they are forced to either raise existing taxes or levy new taxes. In the past 12 years alone, in order to increase their revenue at roughly the same rate Federal income tax revenues have increased, State governments have raised tax rates or enacted new taxes no less than 450 times. During the same period the Federal income tax rate has actually decreased.

If State and local governments could utilize the income tax as effectively as the Federal Government has done, they doubtlessly would not be in the position of having to continually call on their citizens to pay higher tax rates. But they have not, and we must look to the future rather than the past.

Now, the revenue pools of State and local governments are running dry. Some experts have, in fact, predicted that next year the incomes of State and local governments will run $10 billion short of their expenditures.

The results of this inability of State and local governments to raise enough tax revenue to pay for the increasing cost of government are clear.

In many States, including the one which taxes its citizens the heaviest, programs are cut back or delayed for lack of money at the same time that taxes are increased.

In Massachusetts, earlier this year, the Governor placed a freeze on State government hiring to hold down costs. In Kentucky, the legislature slashed $16 million from the budget across the board to stave off going into the red.

In many larger cities, insufficient funds have forced mayors to cut public payrolls, put off needed capital improvements, and reduced the quantity and quality of public services. In Cleveland and Detroit, city employees have been laid off because the city governments could not afford to pay them.

In some communities, citizens have voted to close their schools rather than approve tax levies to pay for them.

We in the Congress may find comfort in the argument that the fiscal crisis confronting our States, cities and counties is of their own making—that is the result of their failure to enact modern forms of taxation or to reform inefficient systems of government. But criticism will not solve the problem. State and local governments need more money now, and they need Federal assistance in modernizing their own tax structures so they can meet more of their needs with their own resources.

Revenue sharing is one way to provide more money now, and to provide as well strong incentives for reforming State tax systems.

The purposes of the Intergovernmental Revenue Act are to provide immediate fiscal relief for our State and local governments which so badly need it, to restore State and local governments to more equal partnership in our Federal system by allowing them to share in the benefits of the Federal income tax, to help our Federal-State-local tax system become more progressive, to assist the economically weaker States to improve their services without increasing the burden on their already overtaxed taxpayers, to stimulate tax efforts at all levels of government, and to provide significant assistance to the economically distressed urban areas.

In its first full year, the bill will create a $6 billion fund of Federal revenues to be shared with State and local governmental units. That fund will be made up of 1.3 percent of the total taxable income of Federal tax returns and 10 percent of the total amount of income taxes collected by State governments across the Nation.

The 10-percent bonus for State income tax collections, which would be returned on a proportional basis to States with income taxes, would provide $1 billion more in revenue sharing than under the administration's plan in the first full year. These additional funds—and more funds for other programs directed at the needs of our people—can be made available without increasing this projected budget deficit. They can easily be made available by reducing wasteful expenditures for extravagant military hardware that do nothing to add to our national defense or by ending our involvement in that costly and fruitless war in Southeast Asia.

I, by no means, want to imply that the only differences between the bill I am introducing today and the administration's revenue-sharing proposal is that my bill provides more money. There are several significant differences.

First, this bill is a general revenue-sharing bill which is in no way tied to special revenue sharing. As such, it is not intended to replace or allow cutbacks in existing categorical grant programs. Revenue sharing and categorical grant programs provide solutions to different problems within our federal system, and their roles must not be confused or combined. Both of them are needed.

Revenue sharing is needed because the distribution of income and wealth varies so widely throughout the country. There are vast differences in the taxpaying ability of the various communities across the Nation. As a result, all governmental units cannot provide all the necessary services and facilities their people need. It is this specific problem in the federal system which revenue sharing is intended to solve.

At the same time, however, we must continue and expand Federal categorical assistance. These programs are directed at critical problems, national in scope, which must be attacked by the Federal Government, because the States and localities alone cannot deal with them, or have not dealt with them effectively in the past. Many States and communities have not responded affirmatively to demands for equal opportunity for all their citizens. Many have responded with less vigor than others to the educational needs of their people, and to the poor families who must rely on public assistance.

Revenue sharing is not the answer to these problems. That is why we need categorical assistance programs, and that is why it is not the intention of my revenue-sharing proposal to attempt to replace such programs. Our national domestic problems are so grave today, that we must not talk about gutting categorical grant programs; we must consider ways to expand them.

Second, the fund in my bill has been designed to expand automatically and rapidly. The reason for this is that the revenue-sharing fund is based not only on a fixed percentage of Federal taxable income, but it is also tied to the rapidly expanding State income taxes.

Through the 10-percent bonus for State income taxes and through an option which authorizes State income tax collection by the Federal Government, the bill includes strong incentives for the States to make greater use of the progressive income tax. The $1 billion in additional money provided by this bonus would be shared on an equitable basis by the States which have income taxes and their local communities.

Third, this legislation provides for an equitable apportionment of shared revenues to cities, counties, and townships within the States—with a special emphasis placed on a community's need.

It permits the States and local governments to agree on a formula for distribution of shared revenues to local governmental units.

It requires the States to make a fair and equitable distribution to governmental units of less than 25,000 population based on such factors as need, population, tax burden and revenue raising effort.

It guarantees weighted shares to cities, counties, and townships of more than 100,000 with a high percentage of low-income residents and public assistance recipients and to cities between 25,000 and 100,000 with substantial need measured by the number of low-income families.

Thus, this legislation would in effect compensate those large cities, counties, and townships in which a substantial percentage of the population is too poor to pay taxes. It does so by giving those communities additional assistance. The city of Baltimore, for example, which has a high percentage of poor people in comparison with the rest of its State, and which has made a considerable effort to raise revenues from local taxes, would receive more than three times as much shared revenue as it would under the administration's bill.

Fourth, this bill would guard against the use of funds to perpetuate discrimination by providing a mechanism through which any individual can file suit against a governmental unit which he believes is using money it receives under this act in a discriminatory manner. It does not rely on the inclination of officials in Washington to enforce civil rights laws as the sole safeguard against the use of shared revenues for discriminatory purposes. The President's bill has no such provision.

Fifth, this bill as a convenience to the States, contains a provision giving the States the option of having the Federal Government collect their State income taxes.

Mr. President, several weeks ago, I had the privilege of addressing the leaders of our cities on the subject of revenue sharing. In that speech I set down several objectives I believe revenue-sharing legislation must meet.

It must not be a substitute for, or a basis for reducing the funding of, categorical assistance programs.

It must allocate funds within the States in proportion to need.

It must provide adequate safeguards against the use of funds to perpetuate discrimination.

My belief has not changed.

And I believe the legislation I introduce today meets the criteria for revenue sharing I set out in my speech to the city officials.

It would provide State and local governments with much needed financial assistance without scrapping vital categorical aid programs.

It recognizes the need factor in apportioning assistance to local government units within the States.

It contains adequate safeguards against funds being used for discriminatory purposes.

The bill I introduce today will not, in itself, reverse the order of our national priorities. It will, in itself, offer no panacea to the financial difficulties of State and local governments. But it will help. And it provides a logical and workable beginning toward correcting the fiscal imbalance in our system that we in the Federal legislature have allowed to exist too long.

Mr. President, I expect that during the hearings and in committee, this bill will be revised. Indeed, I welcome the help of my colleagues on both sides of the aisle—especially that of my good friend Senator Baker who most eloquently argued for the cause of revenue sharing in introducing the administration's bill—in improving this legislation. But if the

Congress is to enact revenue-sharing legislation this year—and I believe we must—we need a sound basis on which to begin. I believe this bill provides that sound basis.

Exhibit 1

S. 1770

A bill to establish a system of general support grants to State and local governments; to authorize Federal collection of State income taxes; and to encourage modernization of State tax systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Revenue Act of 1971."

DECLARATION OF POLICY

Sec. 2. (a) The Congress finds that an imbalance exists between the revenue capacity of the Federal Government and the revenue capacities of State and local governments; that this imbalance exists largely because the Federal Government has better utilized the individual income tax as a revenue raising measure than have State and local governments; that because of their inability to raise adequate revenue State and local governments have found it difficult to pay for the essential services they must provide for their residents; and that the financial crisis of State and local governments could be eased significantly if they received general financial assistance from the Federal Government and if they better utilized the individual income tax as a revenue raising measure.

(b) Therefore, the Congress declares it to be the policy of the United States to provide general financial assistance payments to the States and local governmental units to help them pay for essential governmental services; to allow State and local governments to share in the benefits of the Federal income tax; and to encourage the States to make better use of the income tax themselves.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

DEFINITIONS

Sec. 101. For purposes of this Act—

(1) "Secretary" means the Secretary of the Treasury;

(2) "State" means the several States and the District of Columbia;

(3) "State entitlement" shall mean the general support payment to which a State is entitled under section 104 of this Act;

(4) "taxable income" means taxable income as defined in section 63 of the Internal Revenue Code of 1954 as shown by returns made by individuals of the tax imposed by chapter 1 of such Code;

(5) "total personal income" means the aggregate personal income for residents of a State as defined by the Office of Business Economics of the Department of Commerce;

(6) "revenue ratio" of a State, city, county, or township means the ratio, for the most recent annual period for which usable data are available, between—

(A) the total receipts from all taxes (as defined by the Bureau of the Census of the Department of Commerce) imposed by such State, city, county, or township; and

(B) the total receipts from all taxes (as defined by the Bureau of the Census of the Department of Commerce) imposed by the State and all its political subdivisions;

(7) "population ratio" of a city, county, or township having a population between twenty-five thousand and ninety-nine thousand nine hundred and ninety-nine shall be 50 percent or the percentage by which the population of the city, county, or township exceeds fifty thousand, whichever is greater;

(8) (A) "Poverty ratio" of a city, county, or township shall be 1.25 or such lesser number obtained by—adding the low-income ratio of such unit of government to its welfare ratio, and dividing the resulting sum by two.

(B) The "low-income ratio" of a unit of government shall be the ratio which the percentage of families in such unit of government having annual incomes of less than $3,000 (or such higher amount as may be established by or pursuant to the latest data available from the Department of Commerce) bears to the percentage of such families in the entire State.

(C) The "welfare ratio" of a unit of government shall be the ratio which the percentage of families in such unit of government who regularly receive assistance, under a Federal, State, or local program of public assistance, bears to the percentage of such families in the entire State.

GENERAL SUPPORT FUND

Sec. 102. (a) There is hereby appropriated for a general support grant for each of the five fiscal years beginning on or after July 1, 1971, and ending on or after June 30, 1976, an amount as determined by the Secretary equal to the amount obtained by adding—

(1) 1.3 percent of aggregate taxable income reported on Federal individual income tax returns for the calendar year for which the latest published statistical data are available from the Department of the Treasury at the beginning of such fiscal year, and

(2) 10 percent of the State personal income taxes collected by all the States for the latest twelve-month period preceding the fiscal year for which published statistical data are available from the Bureau of the Census.

(b) In each of the first three years following the enactment of this Act, the Secretary shall deduct an amount not to exceed one-half of 1 percent of the amount appropriated under this title for the purpose of enabling the Secretary to carry out his duties and responsibilities, including the provision of any requisite statistical or data gathering activities required under this Act. The Secretary is hereby authorized to spend the amount so deducted for such purposes as in his discretion will facilitate the equitable distribution of the general support grants established by this Act.

BASIC PAYMENTS TO THE STATES

Sec. 103. Subject to the provisions and qualifications of this Act, the Secretary shall, during the fiscal year beginning July 1, 1971, and during each fiscal year thereafter, pay to each State from amounts appropriated under this title for the fiscal year in which payments are made, a total amount equal to the entitlement of the State under section 104. Such payments shall be made in installments periodically during any fiscal year but not less often than once each quarter. Proper adjustments shall be made in the amount of payment to each State to the extent that payments previously made were in excess of or less than the amounts required to be paid. Adjustments in payments by the Secretary under this section shall be final and conclusive.

STATE ENTITLEMENT

Sec. 104. (a) The Secretary shall determine the basic entitlement of each State to an amount of support grants during the fiscal year beginning July 1, 1971, and during each fiscal year thereafter as provided in this section.

(b) The total entitlement for each State for each fiscal year shall be the amount equal to the sum of—

(1) the amount appropriated under this title pursuant to subsection 102(a)(1) (and not deducted pursuant to subsection 102 (b)) multiplied by the ratio of the product obtained by multiplying the total resident population of the State for the fiscal year by the tax effort factor of the State and then dividing such product by the sum of such products for all States, and

(2) 10 percent of the State personal income tax collections of the State for the preceding fiscal year as determined by the Secretary pursuant to section 102(a).

(c) For purposes of subsection (b), a State's tax effort factor for any fiscal year is the result obtained by dividing (1) the annual total of State and local taxes plus the net profits from the operation of State-owned liquor stores collected by the State and its political subdivisions by (2) the total personal income of individuals residing in the State for a closely related annual period.

QUALIFYING AGREEMENTS WITH THE SECRETARY

Sec. 105. (a) In order for any State or local government to qualify for any payments provided by this Act, the Governor of the State, on behalf of his State and any recipient political subdivisions, shall enter an agreement with the Secretary assuring—

(1) that such payments shall be used solely for governmental purposes;

(2) that the State and its political subdivisions shall adhere to the same methods of public scrutiny and debate over the use of funds and the same budgetary process, laws, and responsibility with resepct to the fiscal control and accountability for all payments received under this Act as they do with respect to funds derived from their own taxing powers, and the State will report annually to the Secretary, at such time as he may prescribe, on the disposition of such payments. If the Secretary so prescribes, such report shall include a five-year projection of State government expenditures.

(3) That, except as required by this Act, the State shall impose no restrictions on the use of funds distributed to political subdivisions which are not applicable to the use of funds which its political subdivisions derive from their own taxing powers, other than to prohibit a political subdivision from spending any portion of the funds distributed to it for purposes which are in conflict with any State plan enacted into law dealing with the utilization and development of the State's human and physical resources or particular aspects thereof;

(4) that the State shall confirm by annual reports filed with the Secretary following each of the first three years after the effective date of this Act, that the State distributed to each city, county, and township government for which an allocable share is specified in this Act, a total amount not less than the sum of the annual amount allocable to that government under this Act plus all amounts it received from the State during the State fiscal year that ended in calendar 1970, or demonstrate to the satisfaction of the Secretary that any failure to meet this requirement is entirely offset by the intervening transfer from the local government to the State of financial responsibility for direct support of particular services or facilities;

(5) that the State and its political subdivisions shall adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from any funds received by a State or its political subdivisions under this Act;

(6) that the State and its political subdivisions shall make reports to the Secretary, the Congress, and the Comptroller General in such form and containing such information as they may reasonably require to carry out their functions under this Act, and provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act.

(b) Each State shall distribute in each fiscal year out of payments of the State entitlement—

(1) to each city, county, and township

having within its boundaries a population of one hundred thousand or more an amount not less than the product obtained by multiplying (A) the general support entitlement for the State under section 104 by (B) twice the local revenue ratio of the city, county, or township, and (C) the poverty ratio of the city, county, or township.

(2) to each city, county, and township having within its boundaries a population between twenty-five thousand and ninety-nine thousand nine hundred and ninety-nine an amount not less than the product obtained by multiplying (A) the general support entitlement for the State under section 104 by (B) a fraction representing the product of (i) twice the local revenue ratio of the city, county, or township, (ii) the population ratio of the city, county, or township, and (iii) the poverty ratio of the city, county, or township; and

(3) to other units of government within the State (which may include independent school districts) an amount established pursuant to State law: *Provided, however,* That in no event shall the State withhold from distribution to political subdivisions in any year an amount in excess of 60% of the State entitlement or the product obtained by multiplying the State entitlement for such year by the revenue ratio of the State, whichever is lower. Such distribution to other units of government (and the inclusion or exclusion of units of government) shall be fair and equitable, but may favor units of government which service relatively greater populations, contain relatively more low-income families, or have high local tax burdens in relation to individual income, as compared with similar units of government within the State.

(4) In no event shall any political subdivision of a State receive under subsection 105 (b) an amount in excess of 60% of the State entitlement.

(c) To encourage States to take the initiative in strengthening the fiscal position of local units of government and to maximize flexibility in the use of general support payments for meeting the particular needs of differing State-local fiscal systems, the Secretary shall accept an alternative plan for the distribution of general support funds made available to local units of government under this section, provided the plan is enacted by the State legislature and conforms to at least one of the following conditions:

(1) Each city, county, and township having a population of 25,000 or more receives a total amount under the State alternative plan equal to or greater than the general support payment it would otherwise have allocated to it under the provisions of this section.

(2) The governing bodies of cities, counties, and townships which comprise at least 50 percent of the governments otherwise entitled to receive general support payments pursuant to subsection 105(b)(1) and (2), and which together would be entitled to receive at least 50 percent of such general support payments required to be distributed pursuant to such subsections, concur by formal resolution, that the State's alternative plan will result in the use of general support funds that accords better with the requirements of the State and its local units of government.

(d) The proposed State alternative plan as authorized in subsecton (c) shall be submitted to the Secretary with such supporting information as he may require annually not later than ninety days preceding the fiscal year to which the plan pertains. In the event of the acceptance of such an alternative plan, its provisions shall govern the use of funds otherwise allocated by this Act to cities, counties, and townships.

(e) Determinations under this section of this Act shall be made by the Secretary on the basis of the most recent acceptance data available from the Department of Commerce.

POWERS OF THE SECRETARY

SEC. 106. (a) Not later than two years following enactment of this Act, the Secretary of the Treasury shall make such recommendations to Congress as may be necessary to make more equitable the allocation of funds under this Act to States and to local units of government. Such recommendations shall be based on data which takes into account such factors as personal income, market value of taxable property, effective rates of property and other local taxes, and other factors for measuring the relative tax efforts of units of government.

(b) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, studies, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section.

(c) For the first three fiscal years following the enactment of this Act, the Secretary shall reimburse, with funds provided to him in section 102(b), Federal agencies for the cost of providing any data which in his discretion are necessary for the proper administration of this Act. For subsequent fiscal years there are authorized to be appropriated sums sufficient to enable Federal agencies to provide information required by the Secretary for the administration of this Act.

(d) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any undertaking required by section 105, the Secretary shall notify the Governor that further payments under this Act will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall withhold payments to such State in excess of the amounts to which the political subdivisions of such State are entitled under section 105(b). In the case of the failure of the State to comply, for a period in excess of six months after receipt of notice, the Secretary shall forthwith cancel any payments withheld pursuant to this paragraph for the current and for any subsequent fiscal year and shall reapportion and pay such cancelled payments to all other States then entitled to receive payments under section 104 in proportion to the original installments paid to such States for the fiscal year to which such cancelled payments pertain. Such payments to all other States shall be considered payments made pursuant to section 104.

(e) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor and a political subdivision of a State, that there is a failure by such political subdivision to comply substantially with any undertaking required by section 105, the Secretary shall notify the Governor and political subdivision that further payments under this Act will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall direct the Governor to withhold an amount of the payments to the State allocable to such political subdivision under the plan then in effect in the State. In the event of a failure by such local government to comply for a period in excess of six months after the receipt of notice, the Secretary shall direct the Governor to forthwith cancel any payments withheld for the current and for any subsequent fiscal year for which there is noncompliance, and the Governor shall reapportion and pay such payments to all other political subdivisions of such State then entitled to receive payments pursuant to section 105(b), in proportion to the original payments made to such political subdivisions for the fiscal year to which the cancelled payments pertain.

JUDICIAL REVIEW

SEC. 107. (a) Any State which receives notice under section 106 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is inconsistent with the preceding sentence and is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITION AGAINST DISCRIMINATION

SEC. 108. (a) The provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) shall apply to any activity, program, or service financed in whole or in part from any funds received by any State or its political subdivisions under this Act. The Secretary of the Treasury shall promulgate regulations to carry out the provisions of such title VI with respect to the distribution and use of any funds under this Act. Whenever the Secretary of the Treasury determines that any State or political subdivision receiving funds under this Act has failed to comply with the provisions of such title VI, or any regulation of the Secretary promulgated with respect thereto, he is authorized to (1) refer the matter to the Attorney General with a recommendation that approriate action be instituted, (2) exercise the powers and functions provided by such title VI, or (3) take such other action as may be provided by law.

(b) Any person adversely affected or aggrieved by an action of an official of a State or political subdivision thereof in violation of subsection (a) of this section, or in violation of regulations promulgated by the Secretary of the Treasury pursuant thereto, may bring a civil action for relief on his own behalf or on behalf of a class of persons similarly situated against such official. Any such action may be in any district court of the United States in which such person resides, or in which the claim arose, or in the United States District Court for the District of Columbia. The court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

(c) In any action commenced pursuant to

this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(d) In the case of an alleged act or practice prohibited by this section which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under this section before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

REPORT BY SECRETARY

SEC. 109. The Secretary shall report to the Congress not later than the first day of March of each year on the operation under this title during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the trust fund during the preceding fiscal year; an estimate of the expected appropriation to, and disbursements to be made from, the trust fund during the current fiscal year; and any changes recommended by the Secretary concerning the operation of the trust fund.

CONGRESSIONAL STUDY

SEC. 110. (a) The Appropriations Committee and the Finance Committee of the Senate and the Appropriations Committee and the Ways and Means Committee of the House of Representatives shall conduct full and complete studies, at least once during each Congress, with respect to operations under this title of this Act, and to the financing of State and local governments and report findings to each House, respectively, together with recommendations for such House, respectively, together with recommendations for such legislation as they deem advisable.

(b) This section is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—FEDERAL COLLECTION OF STATE INCOME TAXES

FEDERAL COLLECTION

SEC. 201. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. FEDERAL COLLECTION OF STATE INCOME TAXES

"(a) GENERAL.—Where the law of any State or possession of the United States imposes an income tax, upon the request of the proper officials of such State or possession authorized to make such request pursuant to State law, the Secretary or his delegate is authorized in his discretion to enter into an agreement with such State or possession, under which, to the extent provided therein, the Secretary or his delegate will administer and enforce such income tax in behalf of such State or possession.

"(b) COSTS.—As a part of any agreement entered into pursuant to subsection (a), the Secretary or his delegate shall require that such State or possession pay to the Treasury Department the cost of the work or services performed (including material supplied) in administration and enforcement of such tax."

(b) The table of sections for chapter 77 of such Code is amended by adding after the item relating to section 7516 the following new item:

"Sec. 7517. Federal collection of State income taxes."

(c) Subsection (c) of section 7809 of such code (relating to deposit of collections) is amended—

(1) by striking out "and" in paragraph (2);

(2) by renumbering paragraph (3) as paragraph (4); and

(3) by inserting a new paragraph (3) immediately following paragraph (2) as follows:

"(3) Work or services performed (including material supplied) pursuant to section 7517 (relating to Federal collection of State income taxes); and".

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL REVENUE ACT

Section 1 provides that this legislation may be cited as the "Intergovernmental Revenue Act of 1971".

DECLARATION OF POLICY

Section 2 sets out congressional findings that an imbalance exists between the revenue capacities of the Federal Government and the State and local governments primarily because the Federal Government has better utilized the individual income tax than have the States; that inadequate revenues have made it difficult for the States and local governments to pay for essential services; and that the financial crisis of State and local governments could be eased significantly by general financial assistance (revenue sharing) from the Federal Government and by better utilization of the income tax.

Section 2 further declares the national policy to provide general financial assistance payments to the States and localities; to provide State and local governments a share of Federal revenues; and to encourage the States and localities to make greater use of the income tax.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

Section 101 defines several terms used in this title of the act.

GENERAL SUPPORT FUND

Section 102 establishes an automatic five-year appropriation for general support grants (revenue sharing). The section directs the Secretary of the Treasury to determine the annual appropriation as an amount equal to (i) 1.3 percent of Federal individual taxable income and (ii) 10 percent of State personal income tax collections. Automatic appropriations to under the foregoing formula would expire after five years, thus permitting Congress to reassess the effectiveness of revenue sharing and the funding formula after a significant period of operation.

In fiscal 1972 the appropriations under Title I of the Act would approximate $6 billion determined as follows:

[In billions of dollars]

(A) 1.3% of Federal individual taxable income	5.0
(B) 10% of State personal income tax collections	1.0
Sum of (A) and (B)	6.0

This section further provides a ½ of 1% set aside, for the first three years following enactment, to be used by the Secretary of the Treasury to fulfill his administrative and data gathering responsibilities under this title.

BASIC PAYMENTS

Section 103 requires the Secretary of the Treasury to make quarterly payments from amounts appropriated to the States and to adjust subsequent payments to reflect any previous over or under payments.

STATE AREA ENTITLEMENT

Section 104 directs the Secretary of the Treasury to determine by formula, the amount of the entitlement for each State. The formula specified in this section allocates to each State an amount that depends on the population and relative tax effort in each State. In addition the formula provides a 10% bonus measured against State income tax collections.

The Secretary would obtain for each State its:

(A) resident population;

(B) tax effort, *i.e.*, the result of dividing the annual total of State and local taxes plus profits of State-owned liquor stores by the total personal income of individuals in the State; and

(C) State personal income tax collections.

The allocation for each State is determined as follows:

(A) After multiplying factors A and B for each State, the products are added to determine the sum for the 50 States and the District of Columbia. This total becomes the denominator for calculating a ratio between each State's population-tax effort product and the total population-tax effort product for all States. The amount of the appropriation equal to 1.3% of Federal individual taxable income, multiplied by this ratio for any State, would yield that State's entitlement under subsection 104(b)(1) in the first year under the bill.

(B) Those States having State income taxes would also receive an additional amount equal to 10% of the State personal income tax collection.

Exhibit A shows estimated State entitlements for $6 billion in shared revenues under the foregoing formula.

QUALIFYING AGREEMENTS WITH THE SECRETARY

Section 105 (a) requires the Governor of a State to enter an agreement with the Secretary in order to qualify to receive revenue sharing payments. States would pledge to adhere to these conditions:

(1) Use of shared revenues only for governmental purposes.

(2) Financial control and accountability over payments to the State and local governments of the same type the State and local governments give to State funds.

(3) Maintenance of the unrestricted character of the funds distributed to cities, counties and townships, except that a State could prohibit cities, counties and townships from spending the money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources.

(4) Confirmation by report to the Secretary that in each of the first three years after the effective date of the Act that the State did not reduce its grants out of its own funds to eligible cities, counties and townships because of the Federal aid assured to these governments under this Act. It is thus the intent of the Act that the States not reduce their grants out of their own funds to eligible cities, counties and townships.

(5) Adherence to all Federal laws in connection with any activity or program supported by funds provided in this Act so that these funds do not perpetuate practices that conflict with national policy.

(6) Submission of reports as necessary to the Secretary, the Congress and the Comptroller General to help them carry out their responsibilities under the Act.

Subsections 105 (b) and (c) prescribe two methods of determining allocations of shared revenues between a State and its political subdivisions and among political subdivisions.

Under subsection (c) the State and its political subdivisions may agree to any method of distribution which is fair and equitable, so long as general purpose local governments having populations of 25,000 or more (a) are guaranteed an amount equal to their statutory entitlement under the Act, or (b) agree by majority vote to the plan of distribution. Those governments making up the majority must also represent at least 50% of the statutory dollar entitlement of local governments having populations of 25,000 or more within the State.

Subsection 105(b) sets out the statutory formula for distribution of shared revenues within a State, applicable when the State and its political subdivisions do not agree to an alternative plan of distribution. Under the statutory formula, the State must distribute—

(1) To cities, counties and townships having a population of 25,000 or more, a portion of the State entitlement in accordance with a formula based on the tax receipts, size and percentage of poverty level families of each such city, county and township; and

(2) To other political units within the State, an amount established by State law, which shall be fair and equitable and which may favor units of government with relatively large populations or poverty level families, or relatively high tax burdens. In any event the State may not withhold from distribution to its political subdivisions an amount in excess of 60 percent of the State entitlement or the proportion which taxes raised by the State bears to all taxes collected by the State and its political subdivisions, whichever is lower. This provision will provide the necessary flexibility for the States to make distributions to smaller communities in light of particular circumstances within the State, while at the same time assuring smaller units of government that the State will not retain a disproportionate amount of the State entitlement. In addition, under subsection 105(b)(4), the amount which any single local government may receive under the statutory formula is limited to 60% of the State entitlement.

Computation of the statutory pass-through to cities, counties and townships having populations of 25,000 or more is in two stages. The distribution formula provides for the allocation of shared revenue among large jurisdictions on the basis of three factors: revenues raised from taxation, population, and need as measured by relative numbers of poverty level families.

(A) Under the first part of the formula, the basic entitlement of a city, county or township with a population between 25,000 and 99,999 is determined in accordance with the "revenue ratio" and "population ratio" of the local jurisdiction.

The revenue ratio of a particular jurisdiction is defined as the ratio of the taxes it collects to all taxes collected by the State and/or political subdivisions within it. For jurisdictions between 25,000 and 99,999, the revenue ratio is automatically doubled. The population ratio for jurisdiction between 25,000 and 99,999 is either .5 or the percentage by which the jurisdiction's population exceeds 50,000, whichever is greater.

The basic entitlement of local jurisdictions with populations between 25,000 and 99,999 is determined by multiplying the doubled revenue ratio and the population ratio of the jurisdiction by the total amount of shared revenue received by the State. The definition of population ratio makes it impossible, under the first stage of the computation, for any local government to receive less than the amount allocable to it on the basis of its revenue ratio. However, local governments with populations above 75,000 and below 99,999 will receive additional shares equal to the percentage by which their populations exceed 50,000.

In the case of local governments with populations over 100,000, the basic entitlement, under the first part of the formula, is determined in accordance with only the revenue ratio, which is defined in the same way as for communities between 25,000 and 99,999. For jurisdictions with more than 100,000 population, too, the revenue ratio is automatically doubled. Thus, those jurisdictions are assured, under the first stage of the computation, of an amount of shared revenues equal to twice the proportion of the taxes they raise to all taxes raised within the State. To determine the dollar amount that jurisdictions with more than 100,000 population will receive, their doubled revenue ratio is multiplied by the total amount of shared revenue received by the State.

(B) Under the second stage of the computation, the entitlement of the local government as determined in (A) above is adjusted to take into account its share of the State's poverty level families. This is accomplished by determining the relationship of the percentage of poverty level families in the local jurisdiction to the percentage of poverty level families in the State. Determination of the "percentage of poverty level families" as defined in the Act, takes account of both families whose annual incomes are under $3,000 and families who regularly receive public assistance.

The poverty ratio of a community may be less than 1 or as high as 1.25, thus making it possible for a poor community to receive as much as 25% more shared revenues than it would receive if its allocation were based solely on its tax collections and its size.

POWERS OF THE SECRETARY

Section 106 directs the Secretary to make recommendations to the President and the Congress, within two years after passage of the Act, as to how to improve the allocation of general funds under the Act. This section further directs the Secretary to obtain the requisite statistical data, reports and other materials he needs to discharge his responsibilities under this title and gives him authority to reimburse Federal agencies for the cost of providing any data necessary to the administration of this Act from the funds allocated for the Secretary by a percentage set aside in the first three years following the enactment of the Act. It further authorizes appropriations after the first three years to support the continuing information requirements of the Secretary under the Act.

This section also empowers the Secretary, after giving notice and conducting a hearing, to stop payments to a State or local government that fails to comply with the agreements required under section 105 of the Act until such time as corrective action is taken.

JUDICIAL REVIEW

Section 107 permits a State to file a petition for review of the Secretary's action in the appropriate United States Court of Appeals. The scope of the judicial review authority is spelled out and includes final appeal to the Supreme Court.

PROHIBITION AGAINST DISCRIMINATION

This section makes Title VI of the Civil Rights Act applicable to activities financed in whole or in part from general support funds. This section further expressly guarantees the right of individuals to sue in the Federal district courts in case of violations of Title VI, and provides, in appropriate cases, for the payment of reasonable attorney's fees to the prevailing party.

REPORT BY THE SECRETARY

Section 109 requires the Secretary to report to the Congress on the operation of the trust fund for the preceding and current fiscal years. He must file a statement of the actual and estimated appropriations and disbursements from the trust fund and may recommend changes in its operation.

CONGRESSIONAL STUDY

Section 110 charges the respective Appropriations and Legislative committees of both the House and the Senate to conduct a full and complete study with respect to the operation of the trust fund at least once during each session of Congress. This section explicitly provides that the Congress retains the same rule-making authority with respect to these rules as it does with other rules.

TITLE II—FEDERAL COLLECTION OF STATE INCOME TAXES

Section 201 adds a new section to Chapter 77 of the Internal Revenue Code to allow the proper officials of any State and the Secretary of the Treasury to enter into an agreement for Federal administration and enforcement of that State's income tax. It requires that the State pay to the Treasury Department the cost of any work or services performed as a result of the agreement.

If the States, on their part, evidence a willingness to enter into the agreements authorized under this section, the day may come when taxpayers of a State can discharge both Federal and State tax liabilities with a single set of tax officials. States have tended increasingly to conform their income tax laws to the Federal Internal Revenue Code. The prospects of working out a mutually accepted agreement have thereby been enhanced. Currently several States are considering the enactment of a personal income tax for the first time. If the Secretary of the Treasury had this authority, one or more of these States might immediately take steps to enter into an agreement in order to avoid the cost of establishing its own income tax administrative machinery.

EXHIBIT 3

Estimates of State entitlements under Intergovernmental Revenue Act of 1971

State:	*Muskie bill entitlement*
Alabama	87.21
Alaska	9.10
Ariozna	57.275
Arkansas	47.845
California	657.40
Colorado	70.545
Connecticut	64.625
Delaware	18.45
District of Columbia	23.07
Florida	163.37
Georgia	115.94
Hawaii	32.47
Idaho	25.09
Illinois	317.49
Indiana	133.60
Iowa	87.085
Kansas	63.935
Kentucky	80.11
Louisiana	101.30
Maine	28.76
Maryland	123.925
Massachusetts	192.585
Michigan	254.61
Minnesota	140.29
Mississippi	61.99
Missouri	111.505
Montana	23.33
Nebraska	35.285
Nevada	12.32
New Hampshire	20.405
New Jersey	155.865
New Mexico	28.505
New York	765.43
North Carolina	150.905
North Dakota	17.82
Ohio	222.14
Oklahoma	65.19
Oregon	78.90
Pennsylvania	373.385
Rhode Island	23.83
South Carolina	65.43

State:	*Muskie bill entitlement*
South Dakota	19.695
Tennessee	86.57
Texas	230.930
Utah	36.16
Vermont	17.77
Virginia	137.065
Washington	96.875
West Virginia	47.87
Wisconsin	169.71
Wyoming	10.36

Mr. BAKER. Mr. President, I am delighted that our distinguished colleague, Senator MUSKIE, has taken this important initiative today, in introducing for consideration the Intergovernmental Revenue Act of 1971.

When I first came to the Senate in 1967, I was assigned to two subcommittees chaired by the junior Senator from Maine—the Subcommittee on Intergovernmental Relations and the Subcommittee on Air and Water Pollution. I readily became aware of the deep commitment on his part to maintaining the Federal nature of our Government. Throughout his long public career—as a State legislator, a Governor, a Senator, and a member of the Advisory Commission on Intergovernmental Relations—Senator MUSKIE has endeavored to strengthen and revitalize those units of government closest to the needs of the people: State, county, and city governments. Coming as he does from a region of this country where pure democracy was—and in some instances still is—very nearly realized in the town meeting, his confidence in local government and in the people remains strong.

In the last Congress Senator MUSKIE introduced a general revenue-sharing bill devised, in large part, by the Advisory Commission on Intergovernmental Relations. Because I knew of his great interest in revenue sharing, I made a special effort to solicit his support for the President's proposal in this area before I introduced S. 680 on February 9. Although he gave the bill careful consideration, he found for some of the reasons he has outlined today that he preferred drafting his own bill to supporting the President's proposal.

Although Senator MUSKIE has not, as I did, sought specific cosponsorship of his proposal, he did extend to me the generous courtesy of permitting me to review his bill prior to its introduction today. This is characteristic of the Senator's fairmindedness, and I appreciate it very much.

In reviewing the Senator's proposal, I was immediately struck by what appear to me to be the many areas of similarity between his approach and that of the President. Although there are significant and important differences between the two bills, I find their mutuality far greater than their disagreement.

I find this similarity most encouraging for two reasons, one substantive and the other strategic. The fact that the two bills share many substantive features do not indicate an effort on either side to plagiarize or preempt, far from it. It indicates to me that the administration and Senator MUSKIE have independently determined that certain fundamental features of general revenue sharing are necessary if the scheme is to accomplish its goals.

As for strategy, the many areas of agreement between the two bills should provide a major boost for the concept of general revenue sharing. I said when I introduced S. 680, and I have said many times since then, that my interest and the President's interest is not in any particular bill or in who gets the credit but in the concept itself. I do not expect to see S. 680 enacted precisely as written, and I doubt very much that Senator MUSKIE would expect that his bill will be enacted as written. But we are all moving in essentially the same direction, and this confluence must certainly act to improve significantly the prospects for congressional action.

Let me mention briefly those areas in which the two bills are in agreement. First, they both seek to address the same urgent need, which is the growing fiscal crisis confronting our State and local governments, by sharing a small portion of Federal revenues with those governments. The bulk of the funds to be shared by each bill would derive from an annual appropriation equal to 1.3 percent of the personal taxable income reported for the prior calendar year. The shared funds would be allocated among the States by both bills on the basis of population and revenue effort. Each bill offers each State the option of negotiating with its own constituent governments a formula for sharing the revenues within the State. Each bill provides that each State must pass through to local units of government an aggregate amount at least equal to the proportion of all revenues raised within the State raised by local governments. Each bill contains language barring the use of any of the shared funds for discriminatory purposes. Each bill provides for judicial review, for annual accounting and reports, and for discretionary judgments by the Secretary of the Treasury. In each of these major elements the bills are strongly similar where not identical.

The principal differences between the bills are, in my view, four in number. First, the Muskie bill provides an incentive to States for the enactment of personal income taxes and a bonus for those who now have such taxes or which later impose them. Second, the bill mandates sharing with local units of governments only where the population of those governments exceeds 25,000 persons, where the President's bill requires sharing with all communities with populations over 2,500 persons. Third, the bill would give proportionately greater relief to communities with a high concentration of poor persons. And fourth, the Senator's bill would require specifically that each State maintain its current level of assistance to each local unit of government within that State.

I find these differences by no means insuperable. I might eventually prefer one or two of them. I reemphasize that our areas of agreement are far greater than our areas of disagreement.

When I introduced S. 680, I tried to articulate the reasons for my opposition to the tax credit alternative, which is essentially the State personal income tax alternative. Although I understand the motivation behind such an approach—which is to broaden State resources in a more progressive way—it seems to me that a system of 50 different State personal income taxes would have the effect of greatly inhibiting the free movement of people and goods from one State to another, as the States fashioned their personal tax structures to compete for industry and employment.

I also question the wisdom of limiting the passthrough mandate to communities which are urban in character, that is, with populations of 25,000 or more. A major element of the urban crisis is poverty in rural areas, which drives the unemployed rural worker into our cities.

But again, these are details that can be openly discussed and debated on their merits during the coming hearings. I am delighted, by the way, that the Senator intends to hold hearings on general revenue sharing, and I look forward to the exposure that such hearings will provide.

Mr. President, I would make one last point with reference to the Senator's statement today, and that has to do with the relationship between general revenue sharing and special revenue sharing. Although the two concepts have certain broad purposes in common, they are quite distinct and separable. Neither is dependent upon the other. The Senator has implied today that President Nixon's general revenue-sharing proposal would cut into existing categorical grant-in-aid programs. I state categorically that it would not. It is true that the President's six special revenue-sharing proposals would involve a degree of "grant consolidation"—I frankly wish that the six proposals had been called "grant consolidations" or "block grants" so that we might have avoided this unnecessary confusion—the President's general revenue-sharing proposal would in absolutely no way whatsoever affect existing categorical grant-in-aid programs, unless one wanted to argue that the funds proposed to be shared could otherwise be used to expand existing grant programs or to fund new ones, and this is as true of Senator MUSKIE's bill as it is of S. 680. So I earnestly wish that we could avoid this specious confusion between general revenue sharing, which does not in any way affect categorical grant programs, and so-called special revenue sharing which would affect them. If Senator MUSKIE likes general revenue sharing and does not like special revenue sharing, that judgment is most clearly his prerogative. But it only diminishes the honesty of debate on the issue to persist in seeking to confuse the two quite distinct proposals.

Mr. President, I close in reiterating my desire to work closely with Senator MUSKIE, Senator HUMPHREY, Congressman REUSS, and the many others who are devoted to the concept of general revenue sharing. It is a concept that is urgently in need of practical realization, and I think that the Senator's bill will make a significant and important contribution to the common goal that we seek together.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that S.

1770, the bill on revenue sharing just introduced by the Senator from Maine (Mr. MUSKIE), be referred to the Committee on Government Operations, and that if and when reported from that committee it be then referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. FULBRIGHT (by request):

S. 1771. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended. Referred to the Committee on Foreign Relations.

A BILL TO AMEND FURTHER THE PEACE CORPS ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend further the Peace Corps Act (75 Stat. 612), as amended.

The bill has been requested by the Director of the Peace Corps and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I ask unanimous consent that the bill together with the letter to the Vice President dated April 13, 1971, be printed in the RECORD at this point.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1771

A bill to amend further the Peace Corps Act (75 Stat. 612), as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,800,000" and inserting in lieu thereof "1972" and "$72,300,000," respectively.

PEACE CORPS,
Washington, April 13, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed for your consideration are copies of draft legislation "To amend further the Peace Corps Act (75 Stat. 612), as amended."

The proposed legislation would authorize appropriations of $72,300,000 to carry out the purposes of the Peace Corps Act during the fiscal year 1972.

In his message to the Congress transmitting Reorganization Plan No. 1 of 1971, which would establish a new national volunteer service agency to be known as Action, the President stated his intention to delegate to the new agency the principal authority for the Peace Corps currently vested in the President and delegated to the Secretary of State. He also announced his intention to submit additional legislative recommendations to the Congress relating to the new agency.

In order to assure continued financing of Peace Corps activities pending congressional action on the President's proposals, we recommend legislation to authorize appropriations for the Peace Corps for the fiscal year 1972.

The Office of Management and Budget has advised that enactment of this draft bill would be in accord with the program of the President.

We respectfully request that the bill be referred to the appropriate committee for consideration.

Sincerely,
JOSEPH H. BLATCHFORD.

Mr. FULBRIGHT. Mr. President, I reserve my right to support or oppose this legislation and propose amendments to it. As Mr. Blatchford's letter points out, the President intends to transfer the Peace Corps Act authorities vested in him to the new Action Agency to be established under the pending Reorganization Plan No. 1.

The broad nature of my concern about the President's proposal is set forth in a letter to the senior Senator from Arkansas, the chairman of the Government Operations Committee, and I expect the Committee on Foreign Relations to give it serious consideration.

I ask unanimous consent that my letter of April 20, 1971, to the senior Senator from Arkansas be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 20, 1971.

Hon. JOHN L. MCCLELLAN,
Chairman, Government Operations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with respect to Reorganization Plan No. 1, which proposes the merging of domestic voluntary service programs into a new agency to be called Action. The plan, as it stands, is concerned strictly with domestic programs and I have no particular views on this aspect.

But in his message of transmittal, the President announced that he intends to transfer the authorities vested in him in the Peace Corps Act from the Department of State to the new agency when it is established. I do have some questions about this subsequent transfer, arising mainly from the impact the Peace Corps has on foreign relations. I intend to explore the questions further during consideration of the Peace Corps legislation this year, possibly with a view to amending the Peace Corps Act to insure that the Peace Corps keep its separate identity and that the authority of the Secretary of State and our Ambassadors not be diluted.

With best wishes, I am
Sincerely yours,
J. W. FULBRIGHT,
Chairman.

By Mr. McGOVERN (for himself, Mr. PERCY, Mr. HART, Mr. MONDALE, Mr. KENNEDY, Mr. NELSON, Mr. CRANSTON, Mr. COOK, Mr. SCHWEIKER, Mr. BAYH, Mr. GRAVEL, Mr. EAGLETON, Mr. HARTKE, Mr. MCGEE, Mr. HUMPHREY, Mr. PASTORE, Mr. MOSS, Mr. RANDOLPH, Mr. TUNNEY, Mr. RIBICOFF, Mr. HARRIS, Mr. HOLLINGS, Mr. SPONG, Mr. STEVENSON, Mr. MUSKIE, Mr. PELL, Mr. JAVITS, Mr. CASE, Mr. MATHIAS, Mr. HATFIELD, Mr. HUGHES, Mr. JACKSON, and Mr. MONTOYA):

S. 1773. A bill to amend the Food Stamp Act of 1964. Referred to the Committee on Agriculture and Forestry.

ENDING HUNGER IN AMERICA

Mr. McGOVERN. Mr. President, at the beginning of this new Congress, I pledged to introduce legislation that would for once and for all end the tragedy of continuing hunger and malnutrition in America. Today, I rise to fulfill that pledge.

I wish it were no longer necessary to introduce this kind of legislation. I wish that the unfortunate and totally unnecessary blight of malnutrition had been adequately dealt with by the legislation enacted by the last Congress.

But this was not the case. Despite all the effort and energy invested by so many over the last several years, the legislation passed late last year, and under considerable duress, falls far short of that goal.

Just how far short was made dramatically clear last week during a hearing of the Select Committee on Nutrition and Human Needs. Testimony before the committee indicated that the new food stamp regulations issued recently will result in hundreds of thousands of needy persons being eliminated from the food stamp program and millions of people now on the program having their benefits reduced.

I must say that this testimony was so startling that I was at first skeptical it could really be so. After all the claims made that hunger was being ended and the food stamp program being expanded, how could this kind of movement backward be possible? Yet, it is so, and the Department of Agriculture has confirmed the fact.

Early next week, I intend to introduce a sense of the Senate resolution that these new regulations be held in abeyance for at least another month beyond the Agriculture Department's projected May 17 closing date. I have already written the Secretary of Agriculture requesting such a delay. I hope that he will act immediately, to make a Senate resolution unnecessary.

The measure we are introducing today, however, will not leave the fate of America's hungry poor a matter of hope—or of administrative discretion. It will, if enacted by Congress, finally guarantee all Americans an adequate diet.

The proposed legislation is designed to remedy the most glaring inadequacies of the bill which I have described as a mixed bag of groceries for America's poor, some fresh and some stale. I accepted last year's bill as the only alternative to letting the food stamp program die altogether.

I would now like to review briefly the key points of the bill being introduced today.

As chairman of the Select Committee on Nutrition and Human Needs, it gives me great pleasure to announce that nine of the members of that committee are cosponsors of this bill—Senator PERCY and myself, and Senators HART, MONDALE, KENNEDY, CRANSTON, NELSON, COOK, and SCHWEIKER. Also sponsoring the bill are Senators BAYH, EAGLETON, GRAVEL, HARRIS, HARTKE, HOLLINGS, HUMPHREY, MCGEE, MOSS, MUSKIE, PASTORE, PELL, RANDOLPH, RIBICOFF, SPONG, STEVENSON, TUNNEY, CASE, HATFIELD, JAVITS, MATHIAS, HUGHES, and JACKSON.

I send the bill to the desk, together with an explanation, and ask unanimous consent to have these two documents printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. McGOVERN. The first point to be

made is that the proposed legislation sets a firm target date for finally eliminating hunger in the Nation. It does this by requiring a genuine nationwide food stamp program by July 1, 1972. The administration has repeatedly said that that was its goal—a nationwide food stamp program to put an end to hunger in this country. I want to give whatever credit is due for the progress that has been made in this direction. But what I have on my mind today is the painful gap that still exists between the goal of ending hunger and the actual achievement of it. This legislation would finally implement that goal.

The second point of the proposed legislation is that it would provide a truly adequate diet under the food stamp program. The Agriculture Department continues to use the economy diet, $108 a month, or 29 cents a meal, for a family of four, a diet described as inadequate by its own research division. We propose to raise that to the level of the so-called low-cost food plan, or $134 a month for a family of four. This is by no means a luxury diet. It simply fulfills the mandate of the food stamp law which requires an "adequate nutritional diet."

A third point, one to which I attach great importance, has to do with the so-called "work requirement." It was said, during the days of debate on this subject, that I opposed a work requirement. It would be more accurate to say I oppose this particular work requirement in the present law. Frankly, if I had my way, we would take steps in this country to guarantee a work opportunity for every man and woman who wanted to work. This requirement cuts off food stamps to children where a parent or even an older brother or sister refuses work. Many of these families have been neglected so long that they are disorganized. It is very frequent that one member of the family is an alcoholic or for one reason or another is not responsible to other members of the family. Yet, under the terms of this legislation, if, in a family of eight or 10 children, either one of the parents or any one of the children above the age of 18 refuses to work, the entire family would be cut off from food benefits. Personally, I cannot accept denying children food because some adult in the family is found unwilling to work. This approach makes these children twice damned for the acts of their parents or their older brothers or sisters. I do not think the American people believe in this sort of recrimination against innocent children because of the wrongs of others in a particular family.

This work requirement does not contain language regarding suitability of work in terms of training or work conditions, contrary to current labor law. Neither does it provide for payment of the prevailing wage in an area for a specific type of work.

A fourth object of the new legislation is to eliminate the red tape which is currently strangling the food stamp program. As this program has grown, it has become increasingly difficult to administer, not to mention more expensive. The proposed legislation simplifies the administration of the program by eliminating complex certification procedures, by moving the purchase of stamps from banks to post offices, and by giving greater financial assistance to those local governments who are doing an exemplary job.

Finally, the proposed legislation aims at easing the provision of assistance to the Nation's elderly poor. It will permit the elderly to gather in groups and purchase meals together. This would be both a nutritional and social boon to our aged citizens. The present law, as interpreted by the new regulations, limits individual elderly persons to purchasing meals served in their homes.

The bill which I have introduced today, along with the distinguished Senator from Illinois (Mr. PERCY) and others, addresses itself to what we consider to be defects in the present law. I would like to make it clear that we are not saying that no progress has been made. There certainly has been progress—we are now serving some 13 million persons with family food assistance, compared with only 3 million 4 years ago. But this progress has brought us only halfway home. I am convinced that the legislation which we introduce today can bring us the rest of the way. There are still an estimated 12 million needy persons not participating for reasons which this bill addresses itself to.

Mr. President, we all have an obligation to live up to our promises to end hunger in America. Nothing less than this Nation's human dignity is at stake. The time is long past to make good on our promises to America's hungry poor. We need only the will to end hunger—the resources are obvious. We had the will to go to the moon, and we did. We had the will to sponsor great strides forward in all walks of civilization, and we did. How can we be satisfied to go just halfway toward ending hunger? Would we have been satisfied to go halfway to the moon? Will we be satisfied in finding half a cure for cancer?

Two centuries ago, a great English biographer wrote:

> A decent provisions for the poor is the true test of civilization.

Our failure to muster the will to end hunger in America may overshadow every last one of our great, but superficial, strides toward civilization.

EXHIBIT 1

S. 1773

A bill to amend the Food Stamp Act of 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adequate Nutrition Act of 1971".

SEC. 2. The Food Stamp Act of 1964 as amended (7 U.S.C. 2011–2025), is amended as follows:

Definitions

(1) Section 3 is amended by adding at the end thereof the following new definitions:

"(n) The term 'operating agency' means any State agency, the Secretary, or any public agency or private nonprofit organization administering any program pursuant to sections 10(g) of this Act.

"(o) The term 'political subdivision' means any county, city, township, or other unit of general local government responsible for administering public assistance programs within a State."

Eligible Households

(2) Section 5 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Secretary shall require every individual who is a member of a household that is participating in the food stamp program, other than an individual described by clause (1), (2), (3), (4), (5), or (6) of subsection (d) of this section, to register for employment with the local public employment office or, when impractical, at such other appropriate office as shall be designated in regulations issued by the Secretary of Labor. If the Secretary finds that any such individual has failed to register for employment without good cause, the continued eligibility of the household (of which such individual is a member) to participate in the food stamp program shall not be affected, but the value of the coupon allotment, determined under section 7(a) of this Act, authorized to be issued to such household shall be reduced by an amount which bears the same ratio to the amount determined by subtracting from that authorized allotment the amount charged therefor pursuant to section 7(b) of this Act as the number of such unregistered individuals in such household bears to the total number of individuals in such household. Before any such reduction is made, the individual concerned shall be afforded reasonable notice and opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act. A reduction in the food stamp allotment of any household under this subsection shall continue so long as such individual fails or refuses to register for employment as provided herein.

"(d) An individual shall not be required to register pursuant to subsection (c) of this section if such individual is—

"(1) ill, incapacitated, disabled or over sixty years of age;

"(2) a mother or other relative of an individual under the age of eighteen who is caring for such individual;

"(3) an individual under the age of eighteen;

"(4) an individual eighteen years old or over who is a student regularly attending a school, college, or university, or the equivalent thereof, or regularly attending a course of vocational or technical training designed to prepare him for gainful employment;

"(5) an individual whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or

"(6) an individual eighteen years old or over and is employed at least 30 hours per week or earns at least $48 per week.

"(e) If the Secretary of Labor finds that any individual registered under subsection (c) of this section has refused, without good cause, to accept suitable employment in which such individual is able to engage and that such employment was offered through the public employment offices of the State, or was otherwise offered by an employer and the offer of such employer was a bona fide offer of employment, the eligibility of the household (of which such individual is a member) to participate in the food stamp program shall not be affected, but the value of the coupon allotment authorized to be issued to such household shall be reduced in accordance with the method set forth in subsection (c) above. Before any such reduction is made, the individual concerned shall be afforded reasonable notice and opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act. A reduction in the food stamp allotment of any household under this subsection shall continue so long as such individual fails or refuses to accept employment as provided by this section.

"(f)(1) In determining whether any employment is suitable for an individual for purposes of subsection (e) of this section, the Secretary of Labor shall consider the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, the length of his unemployment, his realistic prospects for obtaining work based on his potential, and the distance of the available work from his residence.

"(2) In no event shall any employment be considered suitable for an individual if any one of the following conditions applies—

"(A) the position offered is vacant as a direct result of a strike, lockout, or other labor dispute;

"(B) the wages for such job are payable at a rate less than the highest of the following:

"(i) the State or local minimum wage;

"(ii) $1.60 per hour or the minimum hourly rate which is or would be applicable to the job under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act, as amended, applied to the job, whichever is higher; or

"(iii) the prevailing rate of pay in the same labor market area for persons employed in similar work in the locality; or

"(C) the hours and other terms and conditions of the work offered are contrary to or less favorable than those prescribed by Federal, State or local law or are substantially less favorable to the individual than those prevailing for similar work in the locality."

Value of the coupon allotment and charges to be made

(3)(A) Subsection (a) of section 7 is amended by adding at the end thereof the following: "In determining the amount necessary to purchase a nutritionally adequate diet for any household, the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food specified in the Low-cost Food Plan described by such Service and published in the 'Family Economics Review'."

(B) Subsection (b) of section 7 is amended by striking all after *"Provided further,"* and inserting in lieu thereof the following: "That notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotments bears the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions: (i) that the issuance of coupons shall take place no less often than once per week, and (ii) that any household may purchase its entire monthly coupon allotment at any time of issuance for that month or may elect to purchase any portion of its monthly allotment having a face value of three-quarters, one-half, or one-quarter at any time of issuance for that month and thereafter may purchase the proportionate remainder of that allotment which has not previously been purchased for that month."

Administration

(4) (A) Subsections (b) and (c) of section 10 are amended to read as follows:

"(b) Subject to the following conditions, the operating agency shall assume responsibility for the certification of applicant households and for the issuances of coupons. Applicant households shall be certified for eligibility solely on the basis of a simplified statement, conforming to standards prescribed by the Secretary, and such statement shall be acted upon and eligibility certified within seven days following the date upon which the statement is initially filed. The Secretary shall, however, provide for adequate and effective methods of verification of the eligibility of recipients subsequent to certification through the use of sampling and other scientific techniques. If a household, certified as eligible in any political subdivision to participate in the food stamp program or a program of distribution of federally donated foods moves to another political subdivision in which either program is operating, the household shall remain eligible to participate in such program in such other political subdivision for a period of sixty days from the date of such move without regard to compliance with any requirement of the new political subdivision.

"(c) In the certification of applicant households for either the food stamp program or a program of distribution of federally donated foods there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

"B) Subsection (e) of section 10 is amended to read as follows:

"(e) The State agency of each State shall submit for approval a plan of operation specifying the manner in which such State intends to conduct such program. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) for the use of the eligibility standards promulgated by the Secretary under section 5 of this Act and the certification procedures specified in subsection (b) of this section; (2) safeguards which restrict the use of disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (3) that the State agency shall undertake effective action to inform low-income households concerning the availability and benefits of the food stamp program and encourage the participation of all eligible households; (4) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program; and (5) for the submission of such reports and other information as may from time to time be required. Notwithstanding any other provision of law, the State agency shall, in conjunction with the appropriate Federal agency, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under the Social Security Act and have its coupon allotment distributed to it with such grant or payment. The State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States post offices directly or by mail, or in such other manner convenient to participating households as shall best insure their participation.

"(C) Subsections (g) and (h) of section 10 are amended to read as follows:

"(g) (1) By April 1, 1972, if a food stamp program is not being operated by the State agency in every political subdivision of any State, the Governor of the State shall have the right directly to administer the food stamp program in any such subdivision in which the program is not being operated. If the Governor shall fail so to act by May 1, 1972, the Secretary shall directly administer the food stamp program in any such subdivision through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary, and such program shall be in operation by no later than June 30, 1972.

"(2) If, one hundred and eighty days after a food stamp program has begun to operate in a political subdivision in any State, a three-month period should occur in the course of which the number of persons participating in that program is less than 50 per centum of the number of persons in that subdivision who are from households whose annual income is below the poverty level as determined by the Secretary in consultation with the Secretary of Health, Education, and Welfare (which number shall be determined annually on the basis of the most recent available data from the Secretary of Commerce), the Governor of the State in which such subdivision is located shall have the right directly to administer the food stamp program in such subdivision. If the Governor refuses to exercise his right or fails to do so within thirty days of being notified of said right by the Secretary, the Secretary shall directly administer such program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. If the Governor accepts administration of the program and participation does not increase to 66 per centum within one hundred and eighty days then the Secretary shall directly administer the program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. When the Secretary administers a food stamp program through a public agency or private nonprofit organization, he shall require the public agency or private nonprofit organization to observe all the appropriate provisions of this Act and regulations issued pursuant thereto.

"(h) Members of an eligible household who are sixty years or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and served to them in any location other than a resident institution or boardinghouse by a political subdivision or a private nonprofit organization which is operated in a manner consistent with the purposes of this Act and is recognized as a tax-exempt organization by the Internal Revenue Service. Meals served pursuant to this subsection shall be deemed 'food' for the purpose of this Act."

Cooperation With State Agencies

(5) Subsection (b) of section 15 is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 75 per centum of the sum of: (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsections 10(a) and 10(c) (3) and (4) of this Act and in making certification determinations for households other than those which consist solely of recipients of public assistance. In addition, the Secretary shall pay an operating agency in a State 50 per centum of the cost of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor and shall pay 100 per centum of such costs if the number of persons participating in the food stamp program administered by such agency is equivalent to or greater than 66 per centum of the number of persons in the political subdivision covered by that program who are from households whose annual income is below the poverty level as established by the Secretary pursuant to section 10(g)(2) of this Act. In the event that a public agency or private nonprofit organization is authorized to administer the food stamp program in any area in accordance with the provisions of section 10(g) of this Act or that such an agency or organization undertakes activities pursuant to section 10(a), the Secretary is authorized and directed to reimburse such agency or organization for all of the costs it incurs in carrying out such program or activities."

Appropriations

(6) Section 16 is amended to read as follows:

"SEC. 16. To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $3,500,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotment shall be transferred to and made a part of the separate account created under section 7(d) of this Act. If the Secretary determines that any of the funds in such account are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury. With funds appropriated under this section, the Secretary is authorized to conduct, or contract with public agencies or private nonprofit organizations to conduct research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purposes of this Act."

EXHIBIT 2

EXPLANATION OF FOOD STAMP BILL, 1971

Work Requirement. A work requirement exists in the current law which cuts off entire families from food stamp benefits if any single member of the family should be found able but unwilling to work. This bill is designed to protect the children and others in a family who may be unable to work. Essentially, it would require a reduction in food stamp allotments commensurate with the number of individuals who are required to register for employment, but who refuse to do so. In other words, if in a family of six there were one adult who was required by the law to register for work, and that individual refused to do so, the family would receive henceforth $\frac{5}{6}$ of the food stamp allotment that they would normally be entitled to.

The bill provides that before any such reduction is made, the individual concerned shall be afforded reasonable notice and opportunity for a fair hearing.

The following adult individuals would not be required to register for employment:

(1) anyone ill, incapacitated, disabled, or over sixty years of age.

(2) a mother or other relative of an individual under the age of 18 who is caring for such individual.

(3) persons under 18.

(4) an individual over 18 who is regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare him for gainful employment. (NOTE: The new law prevents students from receiving stamps unless they are financially needy.)

(5) an individual whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household.

(6) an individual who is employed over 30 hours per week or who earns at least $48 per week.

This work requirement would protect families from the vagaries of any individual's actions within the family and would not allow whole families to be cut off from food stamps if one member refused to work.

Suitability of Work. Consistent with current labor law, the bill would require that employment suitability consideration include the degree of risk to the individual's health and safety, his physical fitness for the work, his prior training and experience, the length of his unemployment, his realistic prospects for obtaining work based on his potential, and the distance of the available work from his residence.

The employment shall not be considered suitable if the position offered is vacant as a direct result of a strike, lockout or other labor dispute, or if the wages for the job are payable at a rate less than the highest of the state or local minimum wage of $1.60 an hour or the minimum hourly rate applicable under the Fair Labor Standards Act of 1938, or the prevailing rate of pay in the same labor market area for persons employed in similar work in the locality.

Value of Coupon Allotment. The current food stamp allotment provides benefits at the Economy Diet level of $106. a month for a family of four, equal to 29¢ a meal. The Department of Agriculture itself describes this diet as nutritionally inadequate on a continuing basis. Last year the Department said of the economy diet, "the public assistance agency that is interested in the nutritional well-being of its clientele will recommend a money allowance for food considerably higher than the cost level of the economy plan." The Low-Cost Plan required by this bill provides $134 a month for a family of four.

Certification of Households. Certification of eligible households would be by execution of a simplified statement containing the necessary information on a family's income and other factors to establish the family's eligibility and eligibility must be certified within seven days. Certification would remain in effect when a family moves to another political subdivision for a period of 60 days from the time the family moved. In addition, the State plan would provide that the state make every effort to insure that all eligible households are certified to participate in the program.

In addition, by April 1, 1972, if a food stamp program is not being operated by the State agency in every political subdivision of any State, the Governor of the State shall have the right directly to administer the program in that area. If he fails to act by May 1, 1972, the Secretary shall directly administer the program through any appropriate Federal, State or county agency or through any public agency or private nonprofit organization approved by the Secretary. The program shall be in operation by no later than June 30, 1972.

Further, if, 180 days after a food stamp program has begun to operate in a political subdivision, a three-month period shall occur in which the number of persons participating is less than 50% of those determined to be from households whose annual income is below the poverty level as determined by the Secretary, the Governor of the State shall have the authority to administer the program. If he fails to do so within 30 days, the Secretary shall directly administer the program.

Assistance to States. The Secretary is authorized to pay each State agency an amount equal to 75% of the salary and other expenses of personnel involved in carrying out the administration of the certification procedures of this Act. In addition, the Secretary shall pay 50% of the cost of issuing coupons to eligible households and of collecting the sums required from participants. The Secretary shall pay 100% of these costs if the program is covering more than 66$\frac{2}{3}$% of those in poverty in the area.

In the event that the Secretary authorizes a public agency or non-profit private organization to operate the program, the Secretary is directed to reimburse that agency for all of the administrative cost of the program.

Appropriations

[In millions]

Fiscal year 1972	$2,500
Fiscal year 1973	3,500
Fiscal year 1974	3,500

The Administration has requested $2 billion for FY 1972. This level assumes that the average number of participants in that year will be about 11.5 million per month, allowing for a rate of program growth of about 1.5% per month. The proposal also assumes that USDA will pay out about $14.25 in bonuses per person per month.

Yet, since December 1968, participation has more than tripled, going from 2.8 million persons to over 9.5 million in December 1970. This rise is due to higher program benefits, greater availability, and unemployment.

The monthly rate of program growth ranged from 3% to over 15%, with an average monthly rate of about 10%.

Program growth would be minimal if unemployment drops in fiscal 1972. However, most economists are projecting unemployment to continue at or near the 6% rate for this budget period. The projection also further complicates the pressures for higher food stamp benefits as their income level declines.

Program growth from among the Americans who live in poverty can be expected to increase steadily, as monthly participation figures show. If certification procedures are simplified, such as self-certification for the family who receives welfare payments, normal program growth would be accelerated.

Another source of program growth is the expansion of food stamps to new areas, an action which the Administration has previously acknowledged as basic program policy. If the food stamp program continues to replace commodity distribution, program growth would also accelerate as a result.

All of this can be summarized this way: the food stamp program continues in the expansionary phase which has been its dominant character. If anything, the growth pressures are greater than at any previous time. Given the condition of the economy, program growth in fiscal 1972 is likely to be at least 4% per month, at a minimum. If the level of program benefits monthly $14.00–$14.25 per person range, an average 13.5 to 14 million persons per month will be reached at an annual cost of $2.44 billion. If the monthly growth rate is larger, as higher unemployment or better program administration would cause, or average program benefits show an increase, the cost could easily reach $2.7 billion or more.

Finally, when fully in operation (by FY 1973) the program will be reaching between 16–20 million poverty-level individuals, for a program cost of 2.74 to 3.43 billion dollars.

We have also included a provision which will allow needy families to purchase their coupons on a monthly, bi-monthly, or weekly basis.

Mr. PERCY. Mr. President, as I stood in this Chamber last New Year's Eve, I stated that I was casting a vote with tremendous reluctance for a food stamp conference report that posed a serious question of conscience. Today, speaking as the ranking Republican member of the Select Committee on Nutrition and Human Needs, I am honored to join the chairman, the distinguished Senator from South Dakota (Mr. McGOVERN), in introducing our suggestions for a more reasoned reform of the food stamp program.

At the Follow-Up White House Conference on Food, Nutrition and Health on February 5 of this year, Secretary of Health, Education, and Welfare Richardson suggested that the end of the 91st Congress only signified "half time" in the fight against hunger. Secretary of Agriculture Hardin stressed that "much more remains to be done."

Our proposals try to remedy the inhuman decree which says that if a father cannot or will not work for some reason, his family should not eat. I believe strongly that children should not have to suffer for the sins of their father. In the dying hours of the 91st Congress the Senate reluctantly accepted this in order to salvage the rest of the program. We pledged, however, that we would return this session to right the inequity that we were forced to impose. Our suggestions today would simply make a proportionate decrease in the number of stamps to a family where an adult refused to work or to take a job. This provision would be in harmony with the relevant provisions of President Nixon's proposed Family Assistance Plan.

The other major improvement our bill would provide would be in the minimum level of support for what the Department of Agriculture terms a nutritionally adequate diet. We would mandate in the law itself that the Secretary of Agriculture, in determining the amount necessary to purchase a nutritionally adequate diet, set an amount not less than the cost of food specified in the Department's low-cost food plan.

Our reforms include many of those that the Senate passed more than 18 months ago, but which were eventually lost in the Conference Committee last December:

We would require a minimum weekly issuance of stamps.

We would permit a purchaser to buy his month's allotment of food stamps in segments of 25 percent, 50 percent, 75 percent, or all of them at any issuance point during the month.

We would permit self-certification for both public assistance and nonpublic assistance households.

We would maximize the time allowed for certification to 7 days.

We would permit full utilization of the U.S. Post Office facilities for issuance of stamps.

We would require that the food stamp plan be implemented throughout the Nation by June 30, 1972, with provision for State and Federal oversight.

We would allow the elderly to use stamps in feeding programs run by nonprofit agencies outside of their homes.

We would increase administrative assistance to the States for both certification and issuance costs.

Finally, we would authorize $2.5 billion for fiscal 1972, $3 billion for fiscal 1973, and $3.5 billion for fiscal 1974, thereby ending the uncertainties of open-ended funding.

Mr. President, if there is any question in anyone's mind whether this is an excessive amount, I should only like to remind my colleagues in the Senate that the Bureau of the Budget, well over a year ago, estimated that in order to close the gap on hunger in this country, it would require a budget of $2.9 billion; so that by today, with inflationary costs and the problem of delivery of food and food services, the figure of $2½ billion for fiscal 1972 is on the conservative side, if anything, by the Budget Bureau—now the Office of Management and Budget—figures alone.

We are only working toward an adequate program in 1973 and 1974, at which time we would have the additional costs for the delivery of food services that we do not now have.

I am therefore pleased to join the distinguished chairman, the Senator from South Dakota (Mr. McGOVERN) and my many other colleagues from both sides of the aisle in a renewal and a reaffirmation of our commitment to ending hunger in America.

I should also like to state categorically, Mr. President, that this administration has done more to feed the hungry in America than any previous administration in the history of this country. We recognize that food and nutrition must be weighed against other priorities of Federal spending, yet this administration has recognized the importance of this program. While it has allocated vast resources in the way of manpower and funds to try to close the hunger gap both as it affects schoolchildren, and the impoverished, the destitute, and the elderly, it has not ultimately reached the level necessary to eliminate hunger in America.

It is for this reason that I have recently counseled Secretary Richardson not to permit the experimental program of feeding the elderly across the country to lapse. The program has proven itself to be extremely successful.

Thirty-one feeding centers in Chicago have made the difference between hope and encouragement, and concern and care, for thousands of the elderly in the city of Chicago. The newspapers and the news media have recently pointed out the serious deficiencies, the loneliness, the bitterness, and the neglect that many of the elderly in this country feel. We have, certainly, by taking the Committee on Aging of the Senate to the city of Chicago demonstrated and proved that. Members of the Senate have been able to see it with their own eyes. We need to do more, not less, in this area.

I commend the members of the Committee on Nutrition and Human Needs for their diligence and for what they have done to alert the country to this problem, and to the sense of priority which we have developed and the responsiveness of the Nixon administration to this entire problem.

Mr. COOK. Mr. President, as a cosponsor of the "Adequate Nutrition Act of 1971," I believe that both the distinguished Senator from South Dakota (Mr. McGOVERN) and the distinguished Senator from Illinois (Mr. PERCY) have eloquently presented today a clear view of the provisions within this bill. The 1970 amendments to the Food Stamp Act, which were hurriedly passed in the final hours of the 91st Congress, fall short in combating hunger and malnutrition in America. This fight—and it is a fight—will be desperately lost unless more reasonable reform is passed into law. Such reform is contained in the bill being introduced today.

The work requirement in the existing law is not only harsh, but it is also contradictory to the attempt to break the poverty cycle. The present work requirement denies the children benefits of adequate nutritional diet if the father fails to register for work or refuses to work. Evidence from numerous sources suggests that malnutrition not only results in physical damage to the young person, but also can cause changes in the brain which may be manifested by faulty intellectual development. Without a nutritional diet to grow, the child's ability to learn and to develop is limited. With such limitations, poverty will be a way of life for that child from a low-income family. For the rest of his life, this limited person is a burden on the taxpayer. Such a tax burden can be avoided if foresight is used in legislation. The work requirement in the "Adequate Nutrition Act of 1971" is more in accordance with the purpose of the Food Stamp Act and is more reasonable by reducing the food stamp allotment commensurate with the number of individuals who are required to work but who fail to do so, rather than cutting off an entire family from benefits. The provision in the bill for increasing the value of the allotment to $134 per month is also more in accordance with the declared purpose of the Food Stamp Act to maintain an adequate level of nutrition for low-income households.

One proposal of the bill which I feel should be noted here today is the suggested full utilization of post offices in the issuance of food stamps. During past meetings of the Select Committee on Nutrition and Human Needs, I have expressed my strong interest in using post offices for this purpose. I do not know of any organization in the United States that is better equipped to distribute and to sell food stamps than the Post Office. With post offices located all over the country in both urban and rural communities, recipients would not have to travel an unreasonable distance and spend money for travel costs to buy food stamps. When one considers the fact that banks now charge about $.95 per coupon transaction, the utilization of post offices in issuance of food stamps would allow for both lower costs and more efficiency in the administration of the distribution of stamps as well as for the use of existing facilities.

Mr. President, I urge all of those who are sincerely concerned with the devastating effects of hunger on the productive life potential of low-income citizens to give this proposed legislation serious consideration.

By Mr. TOWER:

S. 1774. A bill to furnish assistance to farmers in emergencies caused by natural disasters. Referred to the Committee on Agriculture and Forestry.

DROUGHT DISASTER ASSISTANCE

Mr. TOWER. Mr. President, on April 21, I made a personal tour of Texas areas affected by severe drought, and I can personally attest that it is a disaster as pervasive and as dreadful as any of the sudden natural calamities which we read about when nature goes on a rampage. Because no one is thrown about and killed and because houses are not discovered miles from their foundation, there is not the obvious emotional impact of a hurricane or tornado. Because there is absent the sad spectacle of people shoveling mud out of their living rooms, we do not empathize as fully with the victims of drought as with the victims of flood. But, even if no one is killed in a drought as in other natural disasters, hope and ambition are killed, and economic well-being is either denied or severely limited.

A drought is month after month of cloudless skies darkened only by night or by billows of dust when the wind rises. It is not being able to discern the roadway from the roadside when it is covered by precious topsoil. It is not being able to keep your face or your clothes clean.

But these are simply inconveniences compared to the reality of dead cotton crops, dead feed grain, dead wheat, ravaged grasslands, and starving cattle.

Nature does not have to rage and rave and create drama to create havoc in men's lives; it can quietly do nothing—such as it is now doing in my State—and it can ruin life: vegetable, animal, and human.

I can tell my colleagues sincerely, it is so dry in Texas, not even the weeds will grow.

On my trip I flew over this area with Secretary Hardin, OEP Director Lincoln, Congressman BOB PRICE, and others. We discussed at length what assistance could be rendered to try to alleviate economic hardship for those adversely affected.

Congressman PRICE and I were assured that the Federal Government had sufficient authority to deal with the severe drought conditions without a full disaster declaration from the President. Our disaster programs which would be triggered by a Presidential declaration are designed primarily to assist local areas where there has been loss of utilities, destruction of property and loss of life. This is not the experience, of course, with drought. Schools, local government facilities, houses, and other physical properties are unaffected by drought, as we all know.

A drought is an agricultural disaster and as such can best be dealt with on the Federal level by the Department of Agriculture.

We were assured that adequate Federal assistance would be available through an agricultural disaster declaration by the Secretary of Agriculture and this action has been taken.

I am somewhat dismayed that there has been some misunderstanding of my position in this area, and I wish to make my position clear.

I am extremely concerned over the adverse situation resulting from the persistent drought in Texas. The Agriculture Department has the authority to take steps to alleviate the drought situation.

To give a progress report, there are currently 81 counties in my State which have been approved for emergency assistance in obtaining livestock feed to preserve and maintain foundation herds at not less than 75 percent of the feed grain current basic county support rate, including the value of any applicable price support payment in kind.

For other livestock, eligible farmers and ranchers may obtain CCC-owned feed grain at not less than 100 percent of the current basic support rate.

This applies only to those who are unable to obtain sufficient feed for their livestock through normal channels without undue financial hardship.

Permission has also been granted at this time for grazing or haying on feed grain, wheat, and cotton acreage diverted or set aside under the cropland adjustment program in 125 Texas counties. This is permissible only in areas certified by the Governor with the concurrence of the Secretary of Agriculture who designates the area.

At this point, 235 counties have been made eligible for low-interest rate emergency Farmers Home Administration loans enabling farmers and ranchers to complete 1971 farming operations and to begin 1972 operations.

In addition, 62 counties have been certified for assistance to implement emergency conservation measures including the control of wind erosion or rehabilitation of farmland damaged by wind erosion or other natural disasters, and the Federal Government has released $2 million to the State ASC committee to share with farmers the cost of these conservation efforts.

Also, the Small Business Administration has informed me that they have the legislative authority necessary to make loans to businesses adversely affected by the drought situation if that business constitutes a major portion of a local economy. For example, should drought kill the cotton crop in an area, a cotton gin whose operation is severely inhibited by the lack of available cotton may obtain SBA loan assistance to remain in operation.

The Economic Development Administration has also informed me it has the legislative authority necessary to make economic assistance loans to areas which meet their criteria as a result of significant local economic depression resulting from drought disaster or any other cause.

But my experience has now shown that there is need for additional congressional action to enable the Federal Government to fully meet the needs for assistance due to the current drought in Texas. And I believe this need for increased legislative authority would exist in any severe drought situation anywhere in the country.

I, therefore, take this opportunity to introduce a new bill to furnish assistance to farmers and ranchers in emergencies caused by natural disasters.

As my colleagues are aware, drought conditions are working severe economic hardship on farmers and ranchers in Texas as well as adjacent and other areas of our Nation. The administration has taken some significant steps to render valuable assistance under existing legislation, but our experience in Texas has demonstrated that the Federal Government needs to have the freedom to take additional steps required by the situation.

A drought is a unique form of natural disaster in that it does not render sudden devastation; but as it persists and as it covers a wider and wider area, the effects of drought are no less significant to either farmers and ranchers or the public generally.

Today I offer a bill which I feel needs the immediate attention of Congress and which will do much to assist farmers and ranchers who suffer from extensive drought conditions.

The bill I introduce today is identical to one introduced in the House of Representatives May 3 by my fellow Texan, Representative BOB PRICE.

It would enable the Secretary of Agriculture at his discretion, and in any area in which he has determined a natural disaster exists, to:

First, make available to affected farmers and ranchers any farm commodity or product owned or controlled by the Commodity Credit Corporation on such terms and conditions as the Secretary may deem to be in the public interest;

Second, make available such assistance to unemployed farmworkers as the Secretary deems appropriate but not to exceed the maximum amount and duration of payment under the State's own unemployment program; and

Third, provide up to $2,500 forgiveness on emergency Farmers Home Administration loans.

Mr. President, in the current case of Texas, this bill would allow the Secretary of Agriculture to move more quickly in providing feed assistance for livestock, and would be of significant assistance in providing credit for economically burdened farmers and ranchers and in assisting local economies.

I believe many of my colleagues, particularly those from States with significant agricultural interests, will understand the benefits to farmers and ranchers which could result from passage of the legislation I introduce today. I ask that the Senate give early attention to this legislation. It is legislation which not only is needed now, but which is already overdue.

I also ask that this legislation be referred to the Committee on Agriculture. It deals specifically with the Agriculture

Department and is designed to meet the additional needs of agricultural disasters.

Finally, Mr. President, I wish to state that while the administration has a great deal of the authority required to act, not enough action has been taken and it has not happened rapidly enough. I sense a need for the additional authority which I seek today in the legislation I have offered, but in my opinion the administration has not acted to the full measure of its existing capabilities even though I was assured that this full measure of assistance would be made available.

I am disappointed with the level of assistance which has been rendered, and I am determined to see that full assistance is provided. I shall work in Congress for rapid passage of the legislation I introduce today, and I shall work also to insure full implementation of the assistance which the administration can render under existing authority. The wheels of Government have moved too slowly. The farmers and ranchers in my State are facing virtual economic collapse in many cases. We must have a full response at the Federal level to insure that the agricultural industry in my State maintains a viable economic position which will enable full recovery when the drought is ended.

Mr. President, I have just this moment returned from a personal conference with President Nixon on the drought situation in the Southwest. He expressed his continuing concern for the drought-stricken area and has directed his domestic counsel to cooperate with me in receiving suggestions on what can additionally be done to most effectively provide relief to the stricken areas.

Mr. President, I ask that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1774

A bill to furnish assistance to farmers in emergencies caused by natural disasters

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That in any area in which the Secretary of Agriculture determines that an emergency exists because of flood, drought, fire, hurricane, earthquake, storm, disease, insect infestation, or other natural disaster—

(1) The Secretary may make available any farm commodity or product thereof owned or controlled by the Commodity Credit Corporation and livestock feed, whether in Commodity Credit Corporation stocks or private stocks, including grain, mixed feed, hay, or any roughage, to farmers and stockmen affected by the disaster, on such terms and conditions as he may deem in the public interest;

(2) The Secretary may make available such assistance as he deems appropriate to unemployed farm workers. Such assistance shall not exceed the maximum amount and the maximum duration of payment under the unemployment program of the State in which the emergency exists, and the amount of assistance under this section to any such individual shall be reduced by the amount of unemployment compensation or by private income protection insurance compensation available to such individual for such period of employment; and

(3) The assistance authorized under this section shall be made available through the funds and facilities of the Commodity Credit Corporation.

Sec. 2. Section 232 of the Disaster Relief Act of 1970 is amended by striking out "except that this clause (A) shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President,".

By Mr. TUNNEY (for himself and Mr. Curtis):

S. 1775. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

THE NATIONAL AGRICULTURAL MARKETING AND BARGAINING ACT

Mr. TUNNEY. Mr. President, I am today introducing, for myself and Senator Curtis, legislation designed to give farmers bargaining power in the marketplace. Identical legislation has been introduced in House by Congressman Bernie Sisk of California.

In 1967, the Congress enacted the Agricultural Fair Practices Act which established the policy that because agricultural products are produced by numerous individual farmers, and most of the products are perishable, they have very little marketing and bargaining power unless they are able to voluntarily join together in cooperative organizations.

However, the 1967 act did not include an affirmative duty to bargain. Thus the 1967 act's prohibition against unfair bargaining practices has not been effective. The legislation which I am introducing today creates a mutual duty for producers and purchasers of agricultural commodities to bargain in good faith. The bill would not, however, impose an agreement upon the parties. This bill contemplates and encourages a good-faith mutual desire on both sides to arrive at a reasonable solution beneficial to both.

The bill defines bargaining as the mutual obligation of a handler and a qualified association of producers to meet at reasonable times and to negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contracts, and other contract provisions.

In addition, the bill sets up administrative machinery by which the bargaining parties are defined and the policy and procedures are enforced.

Finally, this legislation amends the Agricultural Adjustment Act to extend eligibility for marketing orders to all agricultural commodities.

Agriculture is the No. 1 industry economically in the State of California producing an annual farm income of $4.5 billion. Farmers—particularly small farmers—face severe economic difficulty given the farmer's vulnerability in the marketplace.

It is my hope that hearings will be held on this legislation and that Congress will soon enact this or similar legislation designed to insure the continuation of an economically sound and diversified agricultural industry.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1775

A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AGRICULTURAL MARKETING AND BARGAINING—LEGISLATIVE FINDINGS AND PURPOSE

Sec. 101. Congress has already found that because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Congress hereby finds, further, that membership by a farmer in a cooperative organization can only be meaningful if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of the members of such organization who have had a previous course of dealing with such handler. The purpose of this title, therefore, is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale, and marketing of agricultural products and to provide for the enforcement of such obligation.

SHORT TITLE

Sec. 102. This title shall be known and may be cited as the "National Agricultural Marketing and Bargaining Act of 1971."

DEFINITIONS

Sec. 103. When used in this title—

(a) "Qualified association" means an association of producers accredited in accordance with section 105 of this title.

(b) "Association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15 (a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317; 12 U.S.C. 1141(a)), or in section 1 of the Act entitled "An Act to authorize association of agricultural producers" approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

(c) "Board" means the National Agricultural Bargaining Board provided for in this title.

(d) "Handler" means any person other than an association of producers engaged in the business or practice of (1) acquiring agricultural products from producers or associations of producers for processing or sale; (2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; (3) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (4) acting as an agent or broker for a handler in the performance of any function or act specified in (1), (2), or (3) above.

(e) "Person" includes one or more individuals, partnerships, corporations, and associations.

(f) "Producer" means a person engaged in the production of agricultural products as a farmer, planter, rancher, poultryman, dairyman, fruit, vegetable, or nut grower.

NATIONAL AGRICULTURAL BARGAINING BOARD

Sec. 104. (a) There is hereby established in the Department of Agriculture a National

Agricultural Bargaining Board, which shall administer the provisions of this title.

(b) The Board shall consist of three members who shall be appointed by the President with the advice and consent of the Senate. The original Board shall be composed of one member for a one-year term, one member for a three-year term, and one member for a five-year term. The President shall indicate the length of term when making the appointment of the original Board. Thereafter, as the term of each member expires, the President shall, with the advice and consent of the Senate, appoint a successor to serve for a term of five years. Any individual chosen to fill a vacancy caused by other than expiration of the term shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall select one member of the Board to serve as Chairman.

(c) Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office but for no other cause.

(d) A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board. Two members of the Board shall, at all times, constitute a quorum of the Board.

(e) All of the expenses of the Board, including all necessary traveling and subsistence expenses incurred by the members of the Board or the employees of the Board under its orders, shall be allowed and paid in the same manner as payment of such expenses for employees of the Department of Agriculture.

(f) The Board shall have authority from time to time to adopt, amend, and rescind, in the manner prescribed by subchapter II of chapter 5 of title 5, United States Code, such rules and regulations as may be necessary or appropriate to carry out the provisions of this title.

QUALIFICATION OF ASSOCIATION OF PRODUCERS

SEC. 105. (a) Only those associations of producers that have been qualified in accordance with this section shall be entitled to the benefits provided by this title.

(b) An association of producers desiring qualification shall file with the Board a petition for qualification. The petition shall contain such information and be accompanied by such documents as shall be required by the regulations of the Board.

(c) The Board shall provide for a public hearing upon such petition. The Board shall qualify such association if based upon the evidence at such hearing the Board finds—

(1) that under the charter documents or the bylaws of the association, the association is directly or indirectly producer owned and controlled;

(2) the association has contracts with its members that are binding under State law;

(3) the association is financially sound and has sufficient resources and management to carry out the purposes for which it was organized;

(4) the association represents a sufficient number of producers and/or a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers; and

(5) the association has as one of its functions acting as principal or agent for its producer-members in negotiations with handlers for prices and other terms of contracts with respect to the production, sale, and marketing of their product.

(d) After the Board qualifies such association, it shall give notice of such qualification to all known handlers that, in the ordinary course of business, purchase the agricultural commodities that such association represents.

(e) A qualified association shall file an annual report with the Board in such form as shall be required by the regulations of the Board. The annual report shall contain such information as will enable the Board to determine whether the association continues to meet the standards for qualification.

(f) If a qualified association ceases to maintain the standards for qualification set forth in paragraph (c) of this section the Board shall, after notice and hearing, revoke the qualification of such association.

BARGAINING

SEC. 106. (a) As used in this title, "bargaining" is the mutual obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to the commodities that such qualified association represents and the execution of a written contract incorporating any agreement reached if requested by either party. Such obligation on the part of any handler shall extend only to a qualified association that represents producers with whom such handler has had a prior course of dealing. Such obligation does not require either party to agree to a proposal or to make a concession.

(b) A handler shall be deemed to have had a prior course of dealing with a producer if such handler has purchased commodities produced by such producer in any two of the preceding five years.

(c) Nothing in this Act shall be deemed to prohibit a qualified bargaining association from entering into contracts with handlers to supply the full agricultural production requirements of such handlers.

(d) It shall be unlawful for a handler to negotiate with other producers of a product with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to such product while negotiating with a qualified bargaining association able to supply all or a substantial portion of the requirements of such handler for such product.

(e) It shall be unlawful for a handler to purchase a product from other producers under terms more favorable to such producers than those terms negotiated with a qualified bargaining association for such product.

(f) Whenever it is charged that a qualified association or handler refuses to bargain as that term is defined in paragraph (a) of this section, the Board shall investigate such charges. If, upon such investigation, the Board considers that there is reasonable cause to believe that the person charged has refused to bargain, in violation of this Act, the Board shall issue and cause to be served a complaint upon such person. The complaint shall summon the named person to a hearing before the Board or a member thereof at the time and place therein fixed.

(g) The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise at the hearing and give testimony. In the discretion of the Board, or the member conducting the hearing, any person may be allowed to intervene to present testimony. Any hearing shall, insofar as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States.

(h) If, upon a preponderance of the evidence, the Board determines that the person complained of has refused to bargain, in violation of this title, it shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to bargain as that term is defined in paragraph (a) of this section and shall order such further affirmative action, including an award of damages, as will effectuate the policies of this title.

(i) If, upon a preponderance of the evidence, the Board is of the opinion that the person complained of has not refused to bargain, in violation of this title, it shall make its findings of fact and issue an order dismissing the complaint.

(j) Until the record in a case has been filed in a court, as hereinafter provided in section 106, the Board may at any time, upon reasonable notice and in such manner as it deems proper, modify or set aside, in a whole or in part, any finding or order made or issued by it.

ENFORCEMENT OF ORDERS AND JUDICIAL REVIEW

SEC. 107. (a) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the refusal to bargain occurred or wherein the person who engaged in such refusal resides or transacts business, for the enforcement of its orders made under section 105 and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board or the member before whom a hearing was conducted shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, or a member thereof, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28.

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the refusal to bargain was alleged to have occurred or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under paragraph (a) of this section and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

(c) The commencement of proceedings under paragraph (a) or (b) of this section shall not stay enforcement of the Board's decision but the Board or the reviewing court may order a stay upon such terms as it deems proper.

MISCELLANEOUS PROVISIONS

SEC. 108. The Board shall at all reasonable times have access to and the right to copy evidence relating to any person or action under investigation by it in connection with any refusal to bargain. The Board is empowered to administer oaths and to issue subpenas requiring the attendance of witnesses or the production of evidence.

SEC. 109. In case of contumacy or refusal to obey a subpena issued to any person, the district court, upon application by the Board, shall have jurisdiction to order such person to appear before the Board to produce evidence or to give testimony touching the matter under investigation, and any failure to obey such order may be punished by the court as a contempt thereof.

SEC. 110. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 111. Complaints, orders, and other processes and papers of the Board may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before the Board shall be paid the same fee and mileage allowance that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

SEC. 112. All processes of any court of which an application or petition may be made under this title may be served in the judicial district wherein the person or persons required to be served reside or may be found.

SEC. 113. The provisions of this title are severable and if any provision shall be held unconstitutional or invalid by a court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

SEC. 114. The activities of qualified associations and handlers in bargaining with respect to the price, terms of sale, compensation for commodities produced under contract, or other contract terms relative to agriultural commodities produced by the members of such qualified associations shall be deemed not to violate any antitrust law of the United States. Nothing in this title, however, shall be construed to permit handlers to contract, combine, or conspire with one another in bargaining with qualified associations.

TITLE II—ASSIGNMENT OF ASSOCIATION FEES

SEC. 201. If any producer of a farm product voluntarily executes and causes to be delivered to a handler, either as a clause in a sales contract or other instrument in writing, a notice of assignment of dues or fees to a qualified association directly representing the specific product involved, by which the handler is directed to deduct a sum from the price to be paid for such product and to pay the same over to such association as dues or fees for the producer, then such handler shall deduct the amount authorized from the price to be paid for any farm product being sold by any such producer and pay said amount over to the qualified association as assignee.

SEC. 202. No provision which is inserted in any contract that is prepared by a handler which makes ineffective an assignment of the dues or fees described in section 201 is valid.

SEC. 203. An assignment of dues or fees as described in section 201 may not exceed 2 per centum of the total value of the product which is delivered by the producer to the handler.

SEC. 204. Payment need not be made under an assignment of dues or fees pursuant to section 201 until the handler has available and under its control funds owing to the producer that are sufficient in amount to make the payment of the amount involved. In the case of an annual product, such payment need not be made until the end of the product year.

TITLE III—MARKETING ORDERS

SEC. 301. The Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and subsequent legislation, is further amended as follows:

"Section 8c(2) is amended by inserting after the third sentence ending with the words 'Southwest production area.', the following: 'Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after a referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however*, That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein'."

By Mr. JORDAN (for himself and Mr. CHURCH):

S. 1776. A bill to provide equitable treatment of veterans enrolled in vocational education courses. Referred to the Committee on Veterans' Affairs.

Mr. JORDAN of Idaho. Mr. President, I introduce today on behalf of myself and my distinguished colleague from Idaho, Senator CHURCH, a bill to provide more equitable treatment to veterans enrolled in vocational education courses.

Under present law, vocational students who are enrolled in educational courses under the GI bill are subject to being counted absent from their courses on some days when the school is not in session. The law provides that vocational students may have 30 days of excused absences during a 12-month period, not counting weekends and legal holidays established by Federal or State laws during which the institution is not in session. If the student is absent in excess of the 30 days, he does not receive compensation during any of such days.

The difficulty is that most schools have vacation periods which do not consist solely of weekends or legal holidays. For example, it is standard practice for many institutions to allow a 2-week vacation period for Christmas. It has been brought to my attention that veterans studying at such institutions may be given unexcused absences for up to 10 days during such a vacation period.

This situation seems to me to be clearly inequitable, especially since academic students do not receive similar treatment. The inequity is clearly pointed out in a letter which I received from Mr. Andrew J. Riksem, a vocational student at the College of Southern Idaho. I ask unanimous consent that the text of this letter be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL). Without objection, it is so ordered.

(See exhibit 1.)

Mr. JORDAN of Idaho. Mr. President, the bill which Senator CHURCH and I are introducing today is designed to correct this inequity. The bill would allow the vocational student to take regular school vacations that the school establishes in conjunction with legal holidays without being charged for absences. Veterans enrolled in vocational courses have served their country just as well as those who enroll in academic courses and they are entitled to fair treatment. I believe that this bill is an appropriate step toward providing them with the type of treatment they deserve.

EXHIBIT 1

APRIL 23, 1971.

DEAR SENATOR JORDAN: I am a Viet Nam returnee currently enrolled in vocational training at the College of Southern Idaho and feel I am being personally persecuted by the Veterans Administration.

I have discussed this problem with various concerned persons and officials of this school. Neil Cross, Assistant Director, has allowed me to read recent correspondence with you concerning this particular matter. Also I have perused several letters concerning the V.A.'s outlook of this situation. So I understand *what* is happening to me . . . and I also want to know *why* I am being discriminated against.

On October 26, 1970 I enrolled in the welding course at C.S.I. and following are the days of recorded absences *required* by V.A.

October, '70—28; November, '70—4, 17, 27; December, '70—2, 7, 21*, 22*, 23*, 24*, 28*, 29*, 30*, 31*; January, '71—no absences; February, '71—2, 18, 25; March, '71—1, 2, 8, 10*, 11*, 12*, 16.

Please acknowledge I have put a star above the dates which were school holidays when I *could not* be in school. If there is question on the above dates they may be confirmed by C.S.I. officials.

My last two checks from V.A. have been considerably short. I assume because I have used up the allotted days of absence.

My main question is as a student of a fully accredited institution, why should I be handled differently because of my educational objective? The officials at the College of Southern Idaho also feel this biased handling is not necessary.

Your assistance on this matter will be greatly appreciated.

With sincerity,

ANDREW J. RIKSEM.

EQUITY NEEDED FOR VETERANS SEEKING VOCATIONAL EDUCATION

Mr. CHURCH. Mr. President, I am pleased to join with my colleague, Senator JORDAN, today in introducing legislation which will change the current law to provide equity to veterans seeking vocational, as opposed to academic, education under the GI bill.

Mr. President, under current law, a vocational education student receiving aid under the GI bill may lose benefits for not attending a class which he cannot attend because the school itself is not in session. This inequity is a result of a provision in current law which limits to 30 days the number of excused absences which a vocational education student may take during any 12-month period—excluding weekends or legal holidays established by Federal or State law. For every day in excess of this 30-day maximum, the vocational education student loses benefits.

It is a recent, and I think desirable, development that many educational institutions today are providing both academic and vocational education under the same school administration. As we all know, many academic institutions have traditionally provided for vacation periods which are not solely limited to an established legal holiday. One of the best examples of this is the traditional 2-week vacation which many schools grant during the Christmas season. While an academic student may now take this entire 2 weeks and lose none of his benefits under the GI bill, a vocational student who may be attending the same school may lose 10 days of benefits under the GI bill. I think that this is clearly inequitable and feel that the law should be changed to put academic and vocational students on the same footing.

The legislation which Senator JORDAN and I introduce today would achieve that goal by allowing absences to be excused where the educational institution which the student attends is not regularly in session.

Mr. President, I ask unanimous consent that the text of our bill appear following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1776

A bill to provide equitable treatment of veterans enrolled in vocational education courses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1681(b)(2) of Title 38, U.S. Code, is amended to read as follows: "(2) to any veteran enrolled in a course which does not lead to a standard college degree for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends, legal holidays established by Federal or State law during which the institution is not regularly in session, or vacation periods established by the institution in conjunction with such holidays; or"

By Mr. HATFIELD (for himself, Mr. RANDOLPH, Mr. MILLER, Mr. MCGOVERN, and Mr. PACKWOOD):

S. 1777. A bill to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE NATIONAL YOUTH SERVICE ACT OF 1971

Mr. HATFIELD. Mr. President, I send to the table for myself and Senators RANDOLPH, MILLER, MCGOVERN, and PACKWOOD a bill entitled "The National Youth Service Act of 1971." The proposal was first introduced April 22, 1969, but no other action was taken on it during the 91st Congress.

The concept of service has been bandied about for quite some time, and most particularly during recent months in connection with the military draft. Some have suggested national service as an alternative to military service. But, this utilization of the word "service" is contradictory to any common use or experience of service-oriented activity. Service by its very nature is a voluntary expression free of external coercion. Be that as it may, it is not the proper role of the Government to force individuals into activities which it deems appropriate, no matter how it is rationalized. To conscript men and/or women into national "service" for any length of time is tantamount to the totalitarianism that this country has opposed since its founding. We would become the very thing we were fighting. But, there is a definite role the Government can and should play in stimulating service opportunities both at home and abroad. There already exist Federal, State, and private programs that reflect the areas of greatest need for service-oriented activities.

However, coordination and the scope of the programs is rather constrained. The purpose of the bill I am introducing today is to help coordinate and further stimulate citizen participation in voluntary service activities.

Earlier this year, President Nixon sent a reorganization plan to the Congress. The plan would combine all of the Federal/volunteer organizations, with the exception of the Teacher Corps, into one agency. This is very similar to part of the proposal I am introducing today which could be easily adapted or replaced by the President's reorganization plan. More importantly, however, is the focus and the magnitude of the National Youth Service Act.

First, it is youth oriented. Members of our society between the ages of 17 and 27 have exhibited an idealism and vitality that has been of great value to our country. But, that energy could be much more beneficial if provided with an expanded opportunity to meet people's needs.

A second important aspect of the National Youth Service Act is its focus on service learning. The individuals participating in various programs under the act would not only provide a service to others but would also be learning certain skills. References are made throughout the bill to youth service and learning programs. Such programs are designed to improve educational opportunities, improve health and welfare, contribute to the development, conservation or management of natural resources or recreational areas, strengthen library services, and improve community services. These programs could be undertaken on an experimental basis and then adjusted as experience and reflection determine.

A third distinguishing feature of the act is its scope. While the act would not create new Federal or State bureaucracies, it would substantially increase the potential of already existing programs, whether on the Federal, State, or private level. Funding would be provided through the National Youth Service Foundation which would be operated by a 21-member board of trustees.

The National Youth Service Foundation would be authorized to make grants to or contract with public and private nonprofit agencies for recruitment and training of 17- to 27-year-olds, for periods up to 2 years for, and to conduct, youth service and learning programs as defined in the act; agree to furnish 17- to 27-year-olds to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation; recruit and train 17- and 27-year-olds for, and to conduct, youth service and learning programs; provide technical assistance to any public and private nonprofit agency receiving assistance under the act; and develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for community betterment.

There is authorized to be appropriated for the National Youth Service Council an amount not to exceed $2 million for any fiscal year. Authorizations for the National Youth Service Foundation are divided into: First, those for grant and contract awards; and, second those for the activities carried on directly by the Foundation. In the first category, authorizations are provided of $75 million for the first fiscal year; $300 million for the second fiscal year; and $600 million for the third fiscal year. The second category provides for authorizations of $75 million for the first fiscal year; $200 million for the second fiscal year; and $300 million for the third fiscal year.

I wish to stress the positive objective of the bill. We are passing through a time when the temptation is greater to adopt measures designed to repress the energies of young people in the cities and on the campuses. But, we have to recognize that energy per se is neither moral nor immoral. It is amoral. It can be used to shape a sword or a plowshare. By providing constructive ways for all young people to use their energies and talents, they will have a chance to relate to and serve their society—as well as to help peacefully improve it where necessary.

Mr. President, I ask unanimous consent that the bill which I have introduced be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1777

A bill to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II—GENERAL PROVISIONS

SHORT TITLE

SECTION 101. This Act may be cited as the "National Youth Service Act of 1971".

DECLARATION OF PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that the talents and energies of young people should be more effectively devoted to voluntary service and learning opportunities to the benefit of the whole Nation.

(b) The Congress declares that young people at all educational levels from high school dropouts through graduate students can and will take advantage of increased service and learning opportunities; that a huge number of domestic tasks remain unmet which simultaneously provides a unique opportunity for young people to serve and learn; that future manpower requirements for increased skills in the fields of education, health, conservation, welfare, job training, and governmental affairs are increasingly difficult to fulfill, and can be alleviated by a coordinated effort to increase service and learning opportunities for young people; and that the experience young people acquire in service and learning projects will serve to increase manpower skills and to strengthen their understanding of the world in which they live.

(c) It is the purpose of this Act, therefore, to strengthen, supplement, and coordinate programs and activities contributing to the policy contained in this section.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "Youth service and learning program" means a program primarily designed to—

(A) improve the educational opportunities of persons in the area to be served by any such program, including projects for counseling, custodial services, library assistance, tutorial work, teaching assistance, and maintenance of educatonal equipment;

(B) improve the health and welfare of the persons in the area to be served by any such program, including projects for clinical or clerical assistance in nonprofit private or public hospitals or public health centers or other related facilities; health surveys, increasing sanitation services, improving air and water pollution control services, and increasing services to the handicapped;

(C) contribute to the development, conservation, or management of natural resources or recreational areas in the area to be served by any such program, including projects for historical site restoration, camp site building and maintenance, trail construction and maintenance, protecting and maintaining forests, animal care and game services, grounds keeping and landscaping, soil surveys and water shed improvements;

(D) strengthen library services in the area to be served by any such program, including projects for increased staffing of bookmobiles, reading and recording services for the blind and young children, cataloguing, shelving and repairing books, and preparing exhibits; or

(E) improve community services available to persons in the area to be served by any such program, including projects for increased day camp and child care services, assistance for museum professional personnel, playground maintenance and operation, and assisting probationers and the disadvantaged, particularly helping unemployed youths locate services available to improve their skills and employability

and is conducted or is to be conducted substantially for participation by persons who have attained 17 years of age but not 27 years of age. For the purpose of this paragraph "youth service and learning program" includes any program designed to increase the skills and employability of youths.

(2) "Private nonprofit agency" means any agency owned or operated by one or more corporations, organizations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) "State" means each of the several States and the District of Columbia.

TITLE II—COORDINATION OF YOUTH SERVICE AND LEARNING OPPORTUNITIES

ESTABLISHMENT OF THE NATIONAL YOUTH SERVICE COUNCIL

SEC. 201. (a) There is hereby established in the executive office of the President the National Youth Service Council (hereinafter referred to as the "Council") which shall be composed of—

(1) the President, who shall be Chairman of the Council;

(2) the Secretary of the Interior;

(3) the Secretary of Agriculture;

(4) the Secretary of Labor;

(5) the Secretary of Health, Education, and Welfare;

(6) the Secretary of Housing and Urban Development;

(7) the Chairman of the Civil Service Commission;

(8) the Commissioner of Education;

(9) the Director of the Peace Corps;

(10) the Director of the Teacher Corps;

(11) the Director of the Office of Economic Opportunity;

(12) the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America;

(13) the Director of the National Youth Service Foundation; and

(14) two individuals between the age of 17 and 27 appointed by the President.

(b) Each member of the Council from a department or agency of the Federal Government may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(c) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

(d) Whenever any matter is considered by the Council relating to the interests of a Federal agency not represented on the Council, the Chairman shall invite the head of any such agency to participate in the business of the Council. The authority contained in this subsection may be exercised by the Chairman in any case in which the agency concerned is in a Federal department the head of which is a member of the Council.

FUNCTIONS

SEC. 202. It shall be the function of the Council to—

(1) advise and assist the President as he may request with respect to youth service and learning programs conducted or assisted by any agency of the Federal Government;

(2) assure effective program planning for summer and other related youth programs of the Federal Government;

(3) provide effective procedures for the coordination of youth programs and activities of all agencies of the Federal Government;

(4) develop and encourage, to the extent practicable, the adoption by appropriate agencies of the Federal Government of common procedures and simplified application forms for recruitment and transfer into any youth service and learning program conducted or assisted by any agency of the Federal Government, particularly with respect to the Job Corps, the Neighborhood Youth Corps, the Volunteers in Service to America, the Teacher Corps, the Peace Corps, and the National Youth Service Foundation;

(5) develop adequate procedures and encourage each agency of the Federal Government administering a youth service and learning program to coordinate at the local level recruiting and informational activities so that the young people in any such locality may be aware of the full range of service and learning opportunities available;

(6) to encourage the development of cooperative programs among agencies of the Federal Government administering or conducting youth service and learning programs with particular emphasis on cooperative programs designed to more effectively meet the unmet community needs and services;

(7) encourage State and local agencies and private nonprofit and other private agencies and organizations to participate fully in efforts to provide service and learning opportunities for youths;

(8) resolve differences arising among agencies of the Federal Government with respect to youth service and learning programs; and

(9) report to the Congress at least once in each fiscal year on the activities of the Council during the preceding fiscal year.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Council may employ a staff to be headed by an executive director and a deputy director. The executive director, subject to the direction of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel, including not more than five persons who may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and who may be compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) The Council shall, to the fullest extent possible, use the services, facilities, and information, including statistical information, of other Governmental agencies as well as private research agencies. Each department, agency, and instrumentality of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Council, upon request made by the Chairman, such information as the Council deems necessary to carry out its functions under this title.

(c) The Council is authorized to establish an advisory committee and may consult with such representatives of State and local governments and other groups, organizations, and individuals as the Council deems advisable.

COMPENSATION OF THE EXECUTIVE DIRECTOR

SEC. 204. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(92) Executive Director—National Youth Service Council."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(128) Deputy Director—National Youth Service Council."

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated such sums as may be necessary, not to exceed $2,000,000 for any fiscal year, to carry out the provisions of this title.

TITLE III—NATIONAL YOUTH SERVICE FOUNDATION

ESTABLISHMENT OF FOUNDATION

SEC. 301. (a) In order to carry out the purposes of this Act, there is hereby established an agency to be known as the National Youth Service Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of 15 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom 4 members shall be appointed from among officials of agencies of the Federal Government, administering any youth service and learning program, and 11 members shall be appointed from among individuals from private life who are widely recognized by virtue of their experience or ability as specially qualified to serve on the Board. The Director of the Peace Corps, the Director of the Teacher Corps, the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America, the Director of the Neighborhood Youth Corps, the Director of the Job Corps, and the Director of the Foundation shall serve as ex officio members of the Board. In making appointments from private life, the President is requested to give consideration to the appointment of individuals who—

(1) will be representative of youth in the United States, and

(2) will provide collectively the appropriate regional balance on the Board.

(c) The term of office of each appointive trustee of the Foundation shall be six years; except that—

(1) the members first taking office shall serve as designated by the President, five for terms of two years, five for terms of four years, and five for terms of six years, and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Foundation, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of enactment of this title. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years in duration. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy.

(f) A majority of the trustees of the Foundation shall constitute a quorum.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 302. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate, in making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive Officer of the Foundation. The Director shall receive compensation at the rate provided for level IV of the Federal Executive Salary Schedule, and the Deputy Director shall receive compensation at the rate provided for level V of such Schedule. Each shall serve for a term of four years unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Foundation may delegate to him consistent with the provisions of this title.

AUTHORITY OF THE FOUNDATION

SEC. 303. (a) The Foundation is authorized to—

(1) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies, including junior colleges and other institutions of higher education, under which such agencies will recruit, select, train and enroll persons who have attained the age of 17 years of age but not 27 years of age, for periods up to two years in a youth service and learning program assisted under this title;

(2) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies to conduct youth service and learning programs;

(3) enter into arrangements in any State to furnish persons who have attained 17 years of age but not 27 years of age to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation to be conducted by such agency or organization;

(4) to recruit, select, train and enroll persons who have attained 17 years of age but not 27 years of age for youth service and learning programs;

(5) conduct youth service and learning programs;

(6) provide technical assistance to any public and private nonprofit agency receiving assistance under this title;

(7) develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for the betterment of the community.

(b) No payment may be made under paragraphs (1), (2), (3), (6), and (7) of this section, except upon application therefor which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

LIMITATIONS ON PAYMENTS

SEC. 304. (a) No payment may be made pursuant to this title in excess of 50 per centum of the cost of the program, project, activity, or award for which the application is made. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, or services. For the purposes of this subsection, financial assistance under any provision of Federal law other than this Act shall be considered financing from a non-Federal source.

(b) Not more than 12½ percentum of the funds provided in this title for grants or contracts pursuant to paragraphs (1), (2), and (3) of section 303(a) shall be made available within any one State.

(c) No compensation or stipend paid to any individual pursuant to this title may exceed $5,000 in any fiscal year. This limitation shall not apply to medical or travel expenses and other special expenses as determined by the Foundation.

(d) Assistance pursuant to this title shall not cover the cost of any land acquisition, construction, building acquisitions, or acquisition of major equipment.

(e) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) In addition to any authority vested in it by other provisions of this title, the Foundation, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per-diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(9) rent office space in the District of Columbia; and

(10) perform such other functions as are necessary to carry out the provisions of this title.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Foundation deems appropriate.

ADVISORY COUNCIL OF YOUTH SERVICE AND LEARNING PROGRAMS

SEC. 306. (a) There is established an Advisory Council on Youth Service and Learning Programs (hereinafter referred to as the Advisory Council) composed of 24 members appointed by the President from among individuals who are widely recognized by reason of experience, education, or scholarship as specially qualified to serve on such Advisory Council. In making such appointments the President shall give due consideration to any recommendations submitted by the Board. At least 8 members appointed to the Advisory Council shall not have attained the age of 27 years on the date of appointment,

(b) The Advisory Council shall advise the Board on broad policy matters relating to the administration of this title. The Advisory Council shall select its own chairman and vice chairman.

(c) Each member of the Advisory Council who is appointed from private life shall receive $100 per diem (including travel time) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. (a) For the purpose of making payments pursuant to paragraphs (1), (2), and (3) of section 303(a) of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $300,000,000 for the fiscal year ending June 30, 1971, and $600,000,000 for the fiscal year ending June 30, 1972.

(b) For the purpose of carrying out other provisions of this title there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $300,000,000 for the fiscal year ending June 30, 1972.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1779. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes. Referred to the Committee on Public Works.

ECONOMIC DISASTER RELIEF ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Economic Disaster Area Relief Act of 1971.

The purpose of this measure is to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas and to extend a meaningful program of Federal assistance to the people who live in these areas.

Mr. President, hundreds of areas of this country are currently experiencing critical economic downturns and millions of able-bodied American working men and women are out of work—not by accident or by some freak chance of fate, but because this administration planned it that way. They are the victims of a man-made disaster that has had a more devastating economic impact on the people of this country than any natural disaster we have ever endured.

The record on this matter is very clear to anyone who wishes to read it. The high interest rates of the past 2 years, the veto of the Public Service Employment Act last fall, the failure to institute wage and price guidelines, the freezing of funds appropriated to meet critical social needs, the virtual "no new starts" public works policy, and a whole range of other actions by this administration make it clear that today's unemployment and economic problems have been created by a series of conscious choices on the part of the administration.

Many of these conscious policy choices have been made in the name of fighting inflation. Inflation is a matter of great concern, but the policies adopted to date and the cures which have been proposed are threatening to kill the patient. This administration has dealt with inflation by the single-minded expedient of creating the highest levels of unemployment in 9 years to choke off consumer demand.

The tragic results of the administration's failure to take positive action to relieve economic stagnation and to reduce unemployment are obvious. Look at the statistics for March of this year:

Unemployment again reached 6 percent, leaving 5½ million people out of work. This is double the number of persons unemployed in February 1969.

Five major labor areas were added to the substantial unemployment list, bringing the total number in that category to 50, the highest level since 1962.

Sixteen of the 150 major labor areas have unemployment rates of 9 percent or more.

Five major labor areas have unemployment rates exceeding 11 percent.

Mr. President, these statistics do not tell the full story. The full story is one of regional economic depression, of personal suffering; of loss of self-respect and dignity, of mortgage foreclosures, repossessions, eviction notices, and personal deprivation.

The quality of family life in this country, the standards of social welfare and economic security we have worked to achieve for the people of this Nation are consciously being eroded as a matter of administration policy. An irreplaceable national resource in the form of trained engineers, scientists, and skilled and blue-collar workers lies idle and forgotten while the Nation's cities, transportation systems and natural environment continue to decline and degrade.

Mr. President, the highest duty of the Federal Government is to promote the general welfare, the security, and the well-being of our citizens. This duty is not only being neglected, it has been repudiated. Instead of a national commitment to a policy of full employment, high productivity, and a rising standard of living, we have a Presidential commitment to policies which have created intolerable unemployment and economic disaster areas in many regions of the country.

Last year the Congress adopted a Comprehensive Disaster Relief Act to provide a comprehensive and coordinated Federal response and assistance program to areas stricken by natural disasters such as hurricanes, earthquakes, and floods. This act provides that when a natural catastrophe strikes which, "in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government," the President may make a wide variety of programs of Federal assistance available to the people of that area.

The U.S. Government recently invested over half a billion dollars through various disaster relief programs to help alleviate the effects of the earthquake in California. This was a very laudable and justifiable investment. In my view, the employment and economic disaster brought into being by this administration is surely deserving of at least the same kind of response we extend in times of natural disasters.

The measure I am introducing today, the Economic Disaster Area Relief Act of 1971, is designed to do just that. The act recognizes that the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and a stagnant regional economy cannot be distinguished from the personal suffering caused by natural disasters such as floods, hurricanes, and fire.

The bill would amend the Public Works and Economic Development Act of 1965, as amended, by adding a new title VI. The bill provides for the following:

First. Establishes in the Executive Office of the President an Office of Economic Aid to Depressed Areas.

Second. Sets forth procedures for Presidential designation of economic disaster areas eligible for assistance under the act. An area is eligible for a wide range of assistance under the act when the President determines: that the area is experiencing or is likely to experience unemployment rates in excess of 6 percent; that unemployment has increased by 50 percent within a 1-year period; that the area's economy is adversely affected by changes in Federal policies; or that an area is experiencing critical economic conditions and would benefit from assistance under the act.

Third. Provides that a Federal coordinating officer shall be designated to coordinate the administration of Federal grant-in-aid programs and the special economic recovery programs established by the act. The Governor of the State in which the designated area is located is required to appoint a State coordinating officer to work with the Federal officer.

Fourth. Mandates the assistance and cooperation of other Federal agencies in the development of a coordinated and tailormade plan of assistance designed to target in on the achievement of economic and employment objectives.

Fifth. Authorizes the reprograming of appropriated funds within an area to attain a better focus on economic revitalization.

Sixth. Allows the modification and waiver of procedural and administrative requirements which impede the granting of timely assistance through existing grant-in-aid programs.

Seventh. Establishes a $2,000,000,000 Federal Economic Recovery Fund to provide direct recovery assistance. The fund is not categorical and revenues may be used for unrestricted grants to States and local government, to enlarge existing grant-in-aid programs, for loans to prevent mortgage foreclosure and repossession, for housing, relocation, and unemployment assistance, and for such other forms of assistance which will best meet the needs of local residents. The fund is designed to provide an immediately available, unrestricted source of revenue to be used to deal with pending or existing economic disasters in any region of the country. Maximum latitude is granted to the President and the Director of the Office of Economic Aid to Depressed Areas to establish priorities and develop assistance programs to rejuvenate local economics and to create new employment opportunities.

Eighth. Requires each State to develop full employment and economic recovery plans for guidance in dealing with future regional recessions and unemployment problems. Among other things, the State plan must include an up-to-date continuing status report on all public works projects—planned and under construction—which could be accelerated by funds made available under the act.

Ninth. Provides for a gradual phasing out of assistance made available under the act when the goals of economic recovery have been attained.

Tenth. Prohibits discrimination in the allocation of benefits made available under the act, and authorizes the Director of the Office to issue such regulations as are necessary to implement the act.

Mr. President, the Economic Disaster Relief Act of 1971 is designed to do three things which are not being done today: First, to give the President the tools and the money to undertake early action to prevent local economic recessions from growing into major regional economic depressions. Second, to provide a program which will enable areas already experiencing high unemployment rates and stagnant economic activity to put skilled people back to work. Third, to provide a compassionate and humanistic program of Federal aid to unemployed persons which will enable them to weather an economic downturn without having to suffer the calamity of a mortgage foreclosure, eviction and repossession of personal goods. The act also provides housing assistance and funds to buy essential food products, and authorizes the President to provide unemployment assistance to individuals whose workmen compensation benefits under State law have expired.

Mr. President, the Senate Public Works Committee has scheduled a hearing for May 12 on legislation of this nature. I invite other Members of the Senate to join with me in sponsoring this measure and in urging the Public Works Committee to incorporate this measure in Conference Committee as a new title to the Senate-passed bill S. 575, to extend the Appalachian Development Act.

Mr. President, I ask unanimous consent that the text of the bill together with the text of a statement I filed with the Public Works Committee at their hearings in Seattle on April 14 be printed at this point in the Record, and I also ask unanimous consent that a statement prepared by Senator Magnuson be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 1779

A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Disaster Area Relief Act of 1971."

FINDINGS AND DECLARATIONS

Sec. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes and fire, and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self respect and the decline in confidence in the American government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, the States and to local government to alleviate the wasteful economic disruption and loss resulting from regional economic disasters by—

(1) establishing within the Executive Office of the President an Office of Economic Aid to Depressed Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

Sec. 3. The Public Works and Economic Development Act of 1965, as amended, is further amended by adding a new Title VI and by redesignating and renumbering subsequent Titles and Section numbers as appropriate:

"TITLE VI EMERGENCY ECONOMIC DISASTER AREA RELIEF

"OFFICE OF ECONOMIC AID TO DEPRESSED AREAS

"Sec. 601(a) There is hereby established within the Executive Office of the President an Office of Economic Aid to Depressed Areas (hereinafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

"(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(c) The Director of the Office shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(d) It shall be the duty and function of the Office and the Director—

"(1) to carry out the purposes of this Act;

"(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as Economic Disaster Areas pursuant to section 4;

"(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as Economic Disaster Areas;

"(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies;

"(5) to coordinate his studies with those of the Secretary of Commerce; and

"(6) to make such studies, reports and recommendations as the President may request.

"(e) There are authorized to be appropriated for the administration of the Office not to exceed $5,000,000 for each fiscal year."

"DESIGNATION OF ECONOMIC DISASTER AREAS

"Sec. 602. (a) The President, on the request of the Governor of a State, is authorized and directed to designate an area of the country an Economic Disaster Area when—

"(1) There is a 6 per centum or greater unemployment rate resulting from an abrupt rise which has existed for six of the preceding twelve months, or which is expected to occur and which will be more than temporary in duration; or

"(2) There has been or will be a 50 per centum or greater increase in unemployment in the area within a one-year period, which will be more than temporary in duration; or

"(3) There has been or will be changes in Federal procurement or contract policies or reductions in direct or related Federal employment which adversely affect an area's economy and employment opportunities; or

"(4) There are such other critical economic conditions resulting from an abrupt rise in unemployment as the President determines would benefit from assistance under this section.

"(b) In designating an Economic Disaster Area, the President may make the designation without regard to geographical or political boundaries and any such designation shall continue for a minimum period of one year."

"FEDERAL COORDINATING OFFICER

"Sec. 603. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer, acting under guidelines prepared by the Director in consulation with the Office of Management and Budget and the Domestic Council, shall—

"(1) make an initial appraisal of the Economic Disaster Area and the area's:

"(i) local economy;

"(ii) levels of present and prospective unemployment; and

"(iii) eligibility for Federal program assistance;

"(2) establish such field offices as he deems necessary;

"(3) coordinate the administration of all Federal programs authorized under this Act; and

"(4) administer the activities of Federal personnel temporarily assigned to the coordinating officer pursuant to section 6 of this Act.

"(b) The Governor of a State in which

an area has been designated an Economic Disaster Area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer."

"ASSISTANCE OF OTHER FEDERAL AGENCIES

"SEC. 604. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an Economic Disaster Area by—

"(1) utilizing or otherwise making available, with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

"(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

"(b) Federal agencies may be reimbursed for expenditures made under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

"(c) In carrying out the purposes of this Act, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this Act.

"AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

"SEC. 605. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 4, the President is hereby authorized to reprogram up to 30 per centum of any Federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress and reduce unemployment, and respond to the condition presented in that area.

"(b) Fifteen days before exercising authority granted pursuant to subsection 7(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within fifteen calendar days of receiving the report: *Provided,* That, if Congress is not in session, the reprograming authority granted pursuant to section 605(a) shall be reduced to 15 per cent until such time as Congress shall reconvene.

"FEDERAL GRANT-IN-AID PROGRAMS

"SEC. 606. The Director of the Office, with the concurrence of the President, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive such administrative or procedural conditions for assistance which impede, frustrate, or prevent the granting of timely assistance under such programs to individuals and governmental units in areas designated to economic disaster areas.

"FEDERAL ECONOMIC RECOVERY FUND

"SEC. 602. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal Economic Recovery Fund (hereinafter called the "Economic Recovery Fund") which shall remain available until expended as hereinafter provided.

"(b) There is hereby authorized to be appropriated to the Economic Recovery Fund $2,000,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $2,000,000,000, to be used by the President for the purposes set forth in this section and in this Act.

"(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the Economic Recovery Fund. In addition, assistance may include, but shall not be limited to—

"(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

"(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

"(3) grants to accelerate Federal, State or local projects which are underway or on which the planning is completed or substantially completed;

"(4) relocation assistance for unemployed individuals and their families;

"(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the Economic Disaster Area is located, but such assistance shall not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

"(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

"(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

"(8) grants or loans to non-profit organizations and loan guarantees to private profit-making organizations for job creation and holding major employers who would otherwise substantially reduce employment in the area; and

"(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an Economic Disaster Area."

"STATE FULL EMPLOYMENT AND ECONOMIC RECOVERY PLANS

"SEC. 608. (a) The Director of the Office is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for relieving unemployment and stimulating regional economies in anticipation of future economic downturns and rising levels of unemployment. State Full Employment and Economic Recovery Plans (hereinafter referred to as "State Plans") shall be prepared and administered by a single State office to be designated by the Governor.

"(b) State Plans shall include—

"(1) short range emergency actions for economic stimulation and the creation of employment opportunities;

"(2) long range recovery plans requiring large capital expenditures and designed to improve public services and the quality of life;

"(3) an up to date continuing status report on: (i) on-going public works projects; (ii) public works projects on which planning has been completed but on which construction has not begun; (iii) public works projects which are being planned;

"(4) a contingency program for the continued delivery of essential public services, food products and the provision of adequate housing to persons displaced downturns; and

"(5) a current catalogue of State assistance programs designed to provide temporary or long term relief to individuals unemployed or otherwise damaged by economic forces beyond their power to anticipate or control.

"(c) The Director of the Office shall periodically review State Plans and shall prepare for submission to the Congress an annual report on the status of State planning and the actions of his Office under this Act.

"REVOCATION OF ELIGIBILITY

"SEC. 609. Any region designated as an Economic Disaster Area shall remain eligible for Federal assistance under this Act for a minimum period of one year. The Director of the Office shall recommend the removal of an area from the designated list of eligible areas only after a full review of the local economy, the area's employment level, the improvements resulting from assistance made available under this Act as well as the removal of the area from the Department of Labor's monthly bulletin on 'Area Trends in Employment and Unemployment.' Benefits made available under this Act shall be phased out over a reasonable period of time and in an orderly manner which will not disrupt the local economy."

"REGULATIONS AND NONDISCRIMINATION

"SEC. 610. The Director of the Office shall issue and may alter and amend such regulations as may be necessary to implement this Act. Such regulations shall include provisions for insuring that the relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to designation of an area as eligible for benefits under this Act."

DEFINITIONS

"SEC. 611. As used in this Act—

"(1) 'Director' means the Director of the Office of Economic Aid to Depressed Areas;

"(2) 'Economic Disaster Area' means a geographical area which the President has designated as meeting the criteria of section 4 of this Act;

"(3) 'Federal agency' means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

"(4) 'Federal coordinating officer' means an employee of the Office of Economic Aid to Depressed Areas who shall serve as the chief Federal officer in dealing with areas designated as Economic Disaster Areas;

"(5) 'Federal Economic Recovery Fund' means the fund established in section 9(a) of this Act to finance the programs authorized by this Act;

"(6) 'Full Employment and Economic Recovery Plans' means contingency plans prepared by the individual States pursuant to section 10 of this Act;

"(7) 'Governor' means the chief executive of any State;

"(8) 'Local government' means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this Act, shall include any Indian Reservation or Indian community which enjoys a trust relationship with the United States:

"(9) 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

"(10) 'United States' means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

STATEMENT BY SENATOR HENRY M. JACKSON

Mr. Chairman, I want to express my appreciation for the interest which you and other members of the Public Works Committee have shown in the economic problems which confront the State of Washington, and in particular, the City of Seattle. The citizens of Seattle, facing the dubious distinction of having the highest unemployment rate of any city in the Nation, welcomes your interest and presence.

This two day hearing by the Subcommittee on Economic Development provides an excellent forum to discuss the myriad economic ills of our State, the factors which contributed to these problems, and the effect unemployment has had on the economy and the individual. I feel such testimony is essential to the development of programs designed to reduce unemployment and to maximize the benefit to our economy.

I wish I could join you in hearing the testimony of elected officials, business leaders and concerned citizens, but I am scheduled to address the Senate today on the same matter which concerns you here today—the economic problems of Washington State and our nation and what can be done to ameliorate this depressing situation.

It is a most distressing experience to receive letters from constituents pleading for help because they have no jobs, because they have used all their unemployment benefits, or because they simply cannot feed their families.

We tend to deal with statistics or numbers to reveal the magnitude of the unemployment problem, but if this situation is put on an individual case basis, the misery, anxiety and suffering become much more apparent. The recently graduated scientist or engineer will retrench temporarily, but can usually rebound because he has maximum flexibility, no firmly established community ties, and can relocate or even be retrained if necessary. However, the mid-career employee who has a mortgaged home, children in school, and has become firmly implanted in the community with major family and business responsibilities is likely to become extremely depressed and perhaps lose all self-confidence. The prospect of facing a bank foreclosure on home and car, the thought of being unable to provide adequate schooling for children, and the potential of poverty is nearly impossible to tolerate. Perhaps the cruelest blow is dealt to the employee who has devoted long years to his work and who looks forward to retirement in a few short years. Now out of work and in his mid-fifties, the prospect for employment even at a reduced pay scale is remote. Worse yet, many find that their retirement benefits are lost. Many of these people have lost all hope.

Mr. Chairman, our unemployment situation in Washington is not only geographically widespread, but it is in some respects unique. Consider these examples:

The loss of more than 50,000 Boeing Company jobs in the Seattle area since 1968;

The drastic reduction of employees associated with the nuclear reactors at Hanford, with the possibility of still further reductions in the labor force;

The large-scale layoffs in the forest products and home building industries.

The diverse farm problems which have reduced many to bankruptcy and threaten far more.

Perhaps the most frustrating part of the harsh economic blow which the State of Washington has been dealt is the fact that in most respects it as been something over which the affected businesses have had little or no control. The success of our three most economically important businesses, aerospace, agriculture, and forestry, is dependent upon moderate-to-low interest rates and the availability of money. The record high interest rates, when coupled with a "tight money policy" have been particularly disastrous to our economy. For example:

The forest products industry depends upon the housing market for the purchase of 50% of its total output, and housing starts have been greatly reduced during the past two years;

The Boeing Company, whose revenues are derived predominantly from commercial aircraft sales, cannot sell planes if the airlines are unable to finance them at reasonable interest rates. Superimposed upon this is the recent decision by Congress to terminate the SST program.

The farmer, who has always been dependent upon the banks for operational loans, has frequently been unable to secure capital even at exorbitant interest rates.

One of the factors frequently overlooked in the economic plight of our State is the adverse secondary effects which occur whenever a major industry falters. Although this situation is most prevalent with subcontractors or other suppliers to the aerospace industry, it also applies to the agriculture and forest products fields. Like an iceberg, much lies below the surface and must be carefully surveyed to fully appreciate its vastness.

There are no simple solutions to the complex problems which confront our State. Complex problems require complex solutions, both of a short term and long term nature.

The purpose of this hearing is to consider what immediate assistance can be provided to stimulate the economy and to reduce unemployment levels. I know the committee will receive numerous lists of badly needed public works projects, and as a cosponsor of the accelerated Public Works bill in the Senate, I hope these recommendations will be favorably received. The House of Representatives is scheduled to take up their APW bill on April 21, and I am confident this Committee will expedite action so it may become law and be implemented immediately. As presently written, Seattle, Tacoma and other hard pressed Washington cities will be among the first to benefit under the bill.

Another measure which can be of real assistance to my State is the Emergency Employment Act, which I co-sponsored, along with 33 of my colleagues. This measure, which recently passed the Senate, is designed to put some 150,000 unemployed persons to work in State and municipal public jobs during the next two years. Enactment of this legislation is essential not only because of the sharp rise in unemployment in urban areas generally, but also because the drop in revenues available to city governments has resulted in a severe cutback of vital municipal services—a matter which compounds the hardships suffered by the unemployed. At a time when there are so many highly capable men and women sitting idle, temporary employment measures such as this must be made available without delay.

I am well aware of the fact that last December the President vetoed the Employment and Manpower Act, which provided for a permanent public service employment program. I am equally aware that he is opposed to the Emergency Employment Act. However, if he attempts to kill this measure, which promises immediate albeit temporary relief to so many who want to contribute to the nation's economy, and I am reasonably certain Congress will override his veto.

An existing program which can provide significant temporary employment assistance if extended and expanded is the Employment Supplement Program. The Employment Supplement Program in Washington State has been generally acknowledged as a highly effective way of providing those most severely affected by the economic slump with a source of temporary income and the dignity of work. There are approximately 700 public agencies and non-profit organizations in the Seattle area alone who have requested participants from this program. However, the program has operated on such a limited scale that these requests were not filled. Yet it is estimated that there are thousands of eligible applicants in Washington, and the figures continue to rise rapidly as more people exhaust their extended unemployment entitlements. I have written Secretary of Labor Hodgson about this matter, and I trust he will see fit to approve the proposal submitted by the Washington State Employment Security Department to extend this program to encompass the ESP's training period and expand this program to encompass 10,000 participants on a Statewide basis. I feel it would be extremely unfortunate if a program with such potential should expire due to lack of funds.

One of the most poorly understood, but potentially most devastating actions the President has taken is to impound federal money which Congress has appropriated and intends to be expended for public purposes. A recent review of this matter by Senator Ervin revealed that in excess of $11 billion has been frozen by the President. When countless unemployed walk the streets looking for work, this is a cruel and unwise impoundment of public monies. In effect, the President is exercising an item veto over appropriations acts by Congress, a power which he is denied in the Constitution.

I have obtained a breakdown of these frozen funds as they affect the State of Washington. In addition to the millions of dollars for agricultural research, military construction, environmental research, atomic energy, and water resource development programs, there are more than $125 million of Federal Highway Trust Fund monies sitting idle and ready to provide work if only the President would approve of their expenditure. Not only should much of this frozen money be spent to stimulate the economy, but a formula should be developed so that when released, a preference would be given to high unemployment.

The aforementioned, while offering great potential for reducing unemployment and stimulating our State economy, provides little hope for one segment of our unemployed—the highly trained and highly productive. Never before in the history of the United States have so many skilled engineers and scientists been reduced to poverty and human suffering as a result of a shift in "national priorities." The Boeing Company alone has been forced to release nearly 7000 engineers and scientists in the past three years because a decision was made by a bare majority of the Congress to terminate the SST program. In addition to the thousands of engineers and scientists who have already lost their jobs at Boeing, several thousand more will be released this year. In addition, there is the unemployment multiplier effect which hits equally highly skilled help in firms which do a large share of their business with Boeing and other firms in the aerospace industry.

Although many of these people may well end up working in accelerated public works or in public service programs if they are enacted, I am concerned that their talents will not be fully utilized and the benefits which could be derived from their experience and abilities will be lost. One of the most difficult tasks facing me, this Committee and other members of Congress, is how to best employ these people to benefit the United

States and the employer to the maximum extent.

Here is where we must differentiate between short range and long range programs. The short range programs will help the skilled and semiskilled wage-earner worker while being of nominal assistance to the highly trained salaried individual. There is some immediate federal assistance available to these people, such as the National Registry for Engineers, which is essentially a job bank which matches personnel skills with job opportunities. Similarly, the Department of Labor has initiated a small program to retrain or relocate technically trained persons. Both of these programs offer little assistance to most of those desiring substantive work.

I am hopeful that testimony received by this Committee during the next two days will stimulate ideas as to how long-range self-help programs can be designed to assist the unemployed and help the United States to more adequately meet the many social and environmental problems which are now areas of prime national concern. Whatever the testimony, I am sure there will be no single answer to the myriad unemployment problems confronting the State of Washington. Federal loan programs will help some, retraining may be a partial solution to others, and government research and development or production contracts will help certain businesses.

I again wish to express my thanks to the Committee for their sincere interest in the economic problems confronting the State of Washington. I am hopeful that many of the recommendations received at this hearing can be translated into short-term and long-term assistance programs which will bring relief to the unemployed of my State.

STATEMENT OF SENATOR MAGNUSON

Mr. President, today I join my colleague from Washington in sponsoring the Economic Disaster Area Relief Act of 1971. This measure answers the dire need in certain areas of the country for special aid and assistance when economic conditions create the severest kinds of human dislocation.

This measure also recognizes the blunt fact that federal decision making can and does randomly, harshly, and unfairly affect certain communities in the United States. The Seattle/King County area in Washington State is experiencing additional economic hardships because of the recent decision to cancel the SST program. This decision, coupled with the general downturn in the economy, has placed this area at the very top of the Nation's unemployment statistics with an adjusted rate of 13.1% unemployed. These figures are all based on "insured unemployment" and do not indicate how many others in this area are not covered by unemployment compensation or have given up their search for new employment. These figures, also, do not reflect "underemployment" which is an economic fact of life in Seattle/King County area. Engineers, scientists and skilled aerospace workers are taking whatever job is available in order to support their families. This certainly is a tragic waste of educational capability, scientific background and actual work experience.

This measure creates in the Office of the President a special office which will give leadership and hope to communities suffering severe economic dislocation; this legislation also provides a 2 billion dollar pool of funds from which the President can draw in order to finance emergency federal assistance to communities with disastrous economic problems.

Mr. President, the Senate Public Works Committee recently held hearings in Seattle and other parts of the nation in order to get a better understanding of the existing situation and to see if legislative action is needed. I have been informed that the committee is considering emergency legislation similar to that which is being introduced today by Senator Jackson and myself. I applaud this effort and pledge my wholehearted support to the Public Works Committee in seeking a legislative solution to this great problem. This bill being introduced today, is, in my judgement, timely, and presents the Committee with a potential amendment to the Accelerated Public Works legislation (H.R. 5376) recently passed by the House which is now pending before the Senate Public Works Committee.

Mr. President, my statement before the Senate Public Works Committee in Seattle, follows.

STATEMENT BY SENATOR WARREN G. MAGNUSON, BEFORE THE SENATE PUBLIC WORKS COMMITTEE, APRIL 14, 1971

Mr. Chairman and members of the committee, welcome to Washington. I speak, I'm sure, for all Washingtonians when I say that we sincerely appreciate your coming here today. Mr. Chairman, I am especially pleased that both you and Senator Montoya, chairman of the Subcommittee on Economic Development, have come to view up-close the economic disaster which has struck Seattle and the rest of Washington. The concern which both the full committee and the subcommittee obviously feel for the economic plight of this area will help, I'm sure, to focus national attention upon the difficulties we face.

Mr. Chairman, note that I say difficulties—not difficulty. Two separate and distinct problems face us and demand solution. First, is the immediate problem of severe unemployment and the hardships it has created. It is here now and must be met with emergency measures now. Second is the long-term, more complex problem of creating a new economic base capable of sustaining growth and prosperity in the future. Both are serious. But they are separate problems requiring separate approaches and different solutions.

First, then, what are the dimensions of the immediate unemployment problem?

Washington has the highest unemployment rate among the 48 contiguous States.

And Seattle, with a February unemployment rate of 13.1 per cent, is the first major city in the Nation since 1962 to experience unemployment above 12 per cent.

In 1968, Washington's unemployment rate was 4.3 per cent. In February of this year, it was 11.8 per cent.

In 1968, about 59,000 persons in Washington were jobless. In 1969, there were 67,000. In 1970—117,000. This January, there were 161,000. In February, there were 162,000; and after the defeat in Congress of the SST, there were approximately 180,000.

In 1968, the aerospace industry employed 104,000 people. By the end of this year, that figure will have dropped to about 29,000.

The State's three major urban centers—Seattle/Everett, Tacoma, and Spokane—have all experienced sharp increases in unemployment. In 1968, the unemployment rates for these three areas were, respectively: 2.9, 4.2, and 4.7 per cent. This February, the seasonably adjusted rates for the same areas were 10.9, 9.5, and 7.7 per cent.

In addition to the major metropolitan areas, 17 other areas in the State are now classified as persistent unemployment areas. That means they have had unemployment far above the national average for a prolonged period of time. Two others are listed as substantial unemployment areas—in other words, they have unemployment rates above 6 per cent.

At this time, then, Washington's three major urban centers as well as 19 other areas are struggling with unemployment above the national average. Taken together, they comprise 25 of the State's 39 counties. Translated into more human terms, this means 3 million of the States 3.5 million residents live in areas where unemployment is above 6 per cent. It is not difficult to imagine how that is affecting local tax revenues and the ability of local governments to meet their responsibilities.

The impact on business has also been severe. Commercial business failures increased from 119 in 1969 to 298 in 1970. In Seattle alone, the number of failures soared from 12 in 1969 to 68 in 1970—an increase of more than 500 per cent.

But it is the family without a paycheck that is suffering the most. There are 60 per cent more families in the State with employable—but unemployed—members on welfare now than there was a year ago. In the industrialized western part of the States, the increase has been an even greater 87 per cent. Some 92,000 families—or 280,000 persons—were buying their groceries with food stamps rather than cash in January and the total continues to rise. In the Puget Sound region alone, food stamp recipients quadrupled between 1969 and 1970—from 39,000 to 150,000. As a result, King County, which includes Seattle, has the dubious distinction of consuming more food stamps than any other county in the Nation.

Foreclosures have shot up even faster. In all of 1969, there were only 189 foreclosures in the State on FHA guaranteed mortgages. But in just the first three quarters of 1970, there were 1,034.

To sum up:

Washington has the highest unemployment rate in the contiguous United States.

Seattle is the first major city in the country to experience unemployment above 12 per cent since 1962.

Statewide unemployment has nearly tripled in two and one-half years.

Unemployment in the Seattle/Everett area has nearly quadrupled in the same period.

By the end of this year, aerospace employment will have shrunk to about a third of its 1968 size.

85 per cent of the State's population lives in areas where unemployment is above 6 per cent.

Commercial business failures in the State increased 150 per cent in 1970 and more than 500 per cent in Seattle.

Foreclosures on FHA mortgages increased nearly 1,000 per cent in 1970.

Mr. Chairman, in the past two years we have heard a great deal about the administration's game plan for the economy. But so far, the President's economic game plan has been about as successful as the Vice President's golf game. And while there have been some signs that the President may now be prepared to take a more active role in the Nation's economic affairs, there is still reason to question whether he will take the concerted, forceful action which is necessary if areas such as Seattle are to recover anytime soon. As Northwestern University economist Robert Eisner told the Joint Economic Committee in February:

"In view of the unemployment that has developed and the discouraging slack in capacity well noted by the Council [of Economic Advisers], the 1972 budget, and the economic report which accepts it, manifest a timidity which entails a reckless gamble with the jobs and well-being of a significant segment of the American people."

Mr. Chairman, we cannot afford to confront this area's unemployment problem with timidity nor can we leave its solution to mere chance.

As I noted at the outset, this problem is here now and must be confronted with emergency action now.

For that reason, I have urged all federal agencies to re-examine their procurement and contracting policies in view of the severe unemployment caused here and elsewhere by cutbacks in aerospace and defense industries.

I've urged the Departments of Labor and HUD to accelerate planning for their joint program scheduled to begin this summer to re-orient unemployed aerospace professionals for jobs in local government. And I have been assured that the Seattle/Everett area is one of the ten regions under consideration as a recruitment area for this pilot program.

In addition to urging immediate executive action, we must also seek emergency legislative action. For example:

The emergency employment act of 1971, which would provide $1.75 billion during the next two fiscal years for additional jobs in the public sector.

Senate Concurrent Resolution 4, which calls upon the President to put 1,500 unemployed aerospace engineers and 500 veterans to work in the nation's model cities programs.

Senate Resolution 58, which calls upon the President to use the public works funds that Congress has already approved but which he has refused to spend.

Senate Bill 735, an amendment to the National Housing Act, which would allow the Federal Government to insure loans made by private lending institutions to jobless homeowners in danger of losing their homes.

And, Mr. Chairman, your proposal, the accelerated public works act of 1971, which would provide Federal funds to finance the construction of urgently needed public works projects while, at the same time, employing the unemployed.

As a co-sponsor of your bill, Mr. Chairman, I can assure you the need for such public works projects is indeed great in Seattle and throughout the state. Furthermore, I can assure you that a great number of these projects could be started this year if the necessary Federal funds were available. In Seattle, local matching funds are available and the blueprints are drawn for the following projects:

24 street and sewer projects, creating 8,780 man days of employment and costing $16,810,000.

6 new fire stations, requiring 14,799 man days of work and costing $2,623,000;

13 park and recreation projects, providing 3,867 man days of employment and costing $1,322,500;

3 water projects, creating 21,978 man days of employment and costing $3,245,000;

2 new municipal buildings, requiring 22,096 man days of work and costing $5,050,000; and

16 city light projects, creating 70,659 man days of employment and costing $8,678,800;

For a total of 64 projects providing 142,179 man days of employment and costing $37,729,300.

Similar needs exist throughout the state. For example, according to the Economic Development Administration in Washington, D.C., there are 20 EDA project proposals worth $38 million now pending from Washington state.

A recent survey of the second congressional district, which encompasses four counties north of Seattle, turned up the following public works investment needs:

In seven Indian communities—$10 million;

In Jefferson County—$16.5 million;

In Skagit County—$20 million;

In Clallam County—$31 million;

And in Snohomish County—$115 million.

Eventually, we will have to undertake the construction of these urgently needed public works projects. We can build now or wait for inflation to push prices even higher. We can employ now or wait for unemployment to rise even further. But the proper choice is obvious. Common sense and the immediate need for jobs dictate that we should build now and employ now.

That is what we *should* do, and that is what we *can* do if the accelerated public works act is passed by the Congress and implemented by the President.

Mr. Chairman, up to this point I've spoken only of economic first aid-emergency action to meet the immediate unemployment problem. Now we must turn our attention to the second problem. Once we have applied this economic first aid, what can we do to ensure sustained economic health in the coming years and decades? Unlike doctors with their miracle drugs for our physical health, economists have no ready prescriptions for our economic health. But examination of what has occurred here does provide three broad guidelines for the future.

To begin with, let's review briefly two of the statistics mentioned earlier. As you will recall, in the past two and one-half years, Aerospace employment in Washington has declined to about a third of its 1968 level. During that same period, total unemployment has nearly tripled. In other words, there has been a very close correlation between decreases in Aerospace employment and increases in total unemployment. The moral of that story is strikingly clear—if we are to avoid the pitfalls of a boom-or-bust economy in the future, our first task is to diversify and broaden our industrial base.

Second, just as we must diversify the economy, we must also diversify responsibility for our economic health and welfare; so that the burden is more equitably distributed among all levels of government. We cannot gamble our entire economy upon the Federal Government or one or two Federal projects. Now, I am not suggesting that the Federal Government's role in Washington will not continue to be a large and important one. For example, the Department of Labor and the Department of Health, Education, and Welfare are spending a combined total of more than $1 billion in Washington State this year. And, as chairman of the Senate Subcommittee which oversees both departments' budgets, I expect their expenditures in Washington will continue to grow in the coming years.

For what is more important to a healthy economy than a healthy and well educated population? I would also expect that the expenditures of other Federal departments in Washington will continue to grow just as they have over the years; until now, in fiscal 1971, we find the following approximate amounts being spent here:

$658 million out of the defense budget;

$260 million by the Department of Transportation;

$237 million by the Interior Department;

$61 million for public works;

$13 million for military construction;

And $296 million from the budgets of the Treasury Department, Postal Service, and other Government agencies.

But the Federal Government cannot carry the burden alone. State and local governments must be prepared to shoulder more of the responsibility and to provide greater leadership in economic affairs. Industry, too, must take a hard, searching look at itself and its responsibilites to the community.

Finally, Mr. Chairman, we must constantly remember in the years ahead that economic health must not be purchased at the price of environmental destruction. Now, Mr. Chairman, that statement may sound strange and unrealistic to some people in this country. For they have conjured up a view of the world in which economic growth and environmental integrity are mutually exclusive.

Their's is a negative view of the world and their watchword is "Stop". Stop the development of technology, they tell us, and the environment will be safe. Stop the growth of our economy, they promise, and men will lead more joyful lives. It is not only a negative view, Mr. Chairman, it is also a very unrealistic view.

Instead of this negative and unrealistic view, we must develop a positive and realistic outlook. And our watchword must be "advance". Let's not halt technological development. Let's advance it so that it will not only be environmentally safe, but so that it can also be used by man to preserve and enhance his economic environment.

The guidelines for the future, then, are:

Diversification of economic activity;

Diversification of the responsibility for our economic health; and

Economic development without environmental destruction.

Within those guidelines, there is an opportunity here as vast as the Pacific Ocean. Ready access to the Pacific via Puget Sound; the availability of a wide variety of engineers, scientists, and technicians; and the expertise of the University of Washington's Department of Oceanography and College of Fisheries make this the natural center for a national oceanographic research and marine development effort.

Through the cooperative efforts of all levels of Government and the business community, development of this vast potential can provide much of the diversified economic activity which is so critically needed. With planning, not only can this economic development be achieved without ecological damage but, in fact, it can teach us much about how we can use technology to preserve and enhance the natural environment.

And this is not merely a dream. The new National Oceanic and Atmospheric Administration has already announced that Seattle will be its west coast headquarters. Early this summer, NOAA's Administrator will come to Seattle at my request and make a thorough inventory of this region's oceanographic and marine resources.

The Senate Commerce Committee's Subcommittee on Oceanography will come to Seattle, together with officials of NOAA, for hearings to determine the best methods for establishing the Puget Sound area as the National Center of Oceanographic Research and Marine Development.

Because the potential is so vast, I have already taken steps to assure that this great natural resource is not lost at such time as oil shipments begin to come south from the Alaskan north slope. I have introduced legislation giving the Coast Guard broad new authority to regulate vessel movements in our harbor and coastal areas to reduce the possibility of tanker collisions and the oil spills they cause.

Another proposal would require all vessels operating in Puget Sound to use bridge-to-bridge radio systems to further reduce the possibility of collisions. I have been working closely with the Commerce Department to assure that tankers constructed to enter Puget Sound will utilize every known pollution safeguard. And because cooperation among public officials at all levels is so important, I have written to mayors and port officials throughout the Puget Sound area spelling out my concerns and asking for their comments on these proposals.

Oceanographic research and marine development is only one of several potential sources of economic diversification and long-term growth. Others include:

Development and demonstration of new high-speed urban and inter-urban mass transit systems;

Application of the same systems management techniques, which put huge jets into the sky and men on the moon, to our massive human development problems;

Creation of new methods for managing our great natural recreation areas so that more people may enjoy them without destroying them;

Development and demonstration of comfortable and practical low-cost housing.

With planning, cooperation, and sensible development, I am confident that economic diversification and economic health can be achieved while, at the same time, we preserve our natural environment. That must be our long-term objective.

But, before I close, let me stress once more that we are faced with two different problems—the long-term problem, which I just discussed, and the short-term, immediate problem of severe unemployment, which I examined earlier. And let me emphasize that, while we plan for the future, we must also act now to solve the problem which must be solved now—the immediate problem of extreme unemployment and the need for accelerated public works construction.

Thank you.

By Mr. BENNETT:

S. 1780. A bill to amend the National Labor Relations Act in six areas closely related to one another, all of which touch in varying degrees the kinds of collective bargaining units which should exist under the act. Referred to the Committee on Labor and Public Welfare.

Mr. BENNETT. Mr. President, today I present for appropriate reference a bill to amend the National Labor Relations Act in six areas closely related to one another, all of which touch in varying degrees the kinds of collective bargaining units which should exist under the act. All these amendments are designed to correct misconceptions and misconstructions of the law by the National Labor Relations Board, and to some extent by the courts as well.

Without going into great detail about any of these separate amendments, Mr. President, I shall comment briefly on each one, cite the reasons for proposing it, and identify briefly the situation each amendment is designed to remedy.

The first amendment encompassed in this bill relates to so-called economic strikers. That is, employees who strike in furtherance of some economic goal, such as a demand for a wage increase, but who are not involved in any claim that an unfair labor practice has been committed.

Mr. President, this provision has a fairly long history. Under the 1935 Wagner Act, several NLRB and court decisions developed the proposition that though replaced economic strikers had no right to reinstatement, they might still vote to determine what union would represent employees of their former employer. To correct this, Congress in the 1947 Taft-Hartley Act specified that permanently replaced economic strikers would have no vote in NLRB elections. Nevertheless, in recent decisions the NLRB and the Courts have given a substantial right of replacement to an economic striker. The present state of the law appears to hold that economic strikers remain employees and are entitled to reinstatement at whatever future time their replacements might leave. This seems to eliminate a major risk involved in striking, and thus it encourages industrial unrest. The amendment remedies this defect by excluding a replaced economic striker from the definition of "employee" under the Act.

Mr. President, the second amendment deals with coalition bargaining, a subject about which we all heard a great deal during the last copper strike. Coalition bargaining is a fairly recent development on the industrial relations scene. Generally speaking, its purpose is to force company-wide negotiations with a team representing various unions, rather than adhering to the statutory pattern where a union deals with an employer only on behalf of employees in the particular bargaining unit where those employees work. The NLRB has required that a company meet not only with the representative of employees in a particular unit, but with a team of other unions representing employees in other bargaining units as well. This, despite such important considerations as different expiration dates for contracts, and the fact that under the act separate units are designated because employees in those units have separate and distinct concerns, concerns very different from the interests and concerns of workers in other bargaining units. In short, the NRLB would force upon employers and employees a bunching of bargaining representatives where the employees they represent are strangers to one another and where their interests are so diverse as to warrant the establishment of their own separate bargaining units in the first instance. My amendment, Mr. President, would restate the intent of Congress that employers be compelled to bargain in each case only with those representatives duly designated as the bargaining agent for employees in a particular unit. This does not limit the right of any union to consult in any way it sees fit with any source of advice and counsel in connection with its own bargaining responsibilities. Rather, the amendment seeks to restate the congressional purpose of giving to employees in a specific bargaining unit the right to be represented in negotiations with their employer by a union they have chosen to speak for them.

Another amendment, Mr. President, the third in this group, addresses itself to what might be called a type of reverse gerrymandering—a later amendment deals with direct gerrymandering of units, and I will discuss it shortly. Here the NLRB, instead of carving up established and appropriate bargaining units, has ordered the consolidation of several units into one. This, even though no union seeks election in the new and enlarged unit, and even though established patterns of separate bargaining exist. This makes a sharp departure from the long-time practice where petitions to merge or consolidate such units would not be entertained unless a genuine question of representation was found to exist.

Mr. President, this amendment would end this type of ad-lib consolidation and merger, but would not bar a legitimate petition by a rival union. Neither would it affect established rights of employees to move to decertify a particular union. It is designed to put a stop to what I would call a novel reverse type of gerrymandering, a practice which can only generate industrial strife by disturbing lawful and establishing bargaining relationships.

The fourth of these amendments, Mr. President, would clarify the right of an employer to seek an NLRB election among his employees. The requirements of the law are clear enough. The same rules apply in an election regardless of who files the petition. Nevertheless, the NLRB has applied more restrictive rules to employers seeking elections than to unions. Under its present practice the Board requires an employer to show by a variety of so-called objective considerations that he has reasonable grounds for doubting an incumbent union's majority status. The fact that the certification of that union may be many years old, or that there has been a very considerable turnover of employees, will not be viewed by the NLRB as objective considerations. Further, the employer is prohibited from polling his employees about union preference. He is, for these various reasons, effectively prohibited from exercising a right the act confers upon him. The amendment here corrects the inequity of present Board holdings by authorizing an election on the petition of an employer who is confronted by one or more claims for representation, and where there has not been a valid election in the unit within the preceding 12 months.

The next amendment, which likewise touches upon the bargaining unit, is aimed at stopping the growing practice of directly gerrymandering established and logical units of employees. This is usually done to arrive at a new unit in which a particular union might be expected to win an election. Despite a congressional directive in the Taft-Hartley law that the extent to which employees have been organized shall not be controlling in determining an appropriate bargaining unit, the NLRB has nevertheless diluted that prohibition to the point where it is now almost meaningless. This amendment would stop the various gerrymandering practices under which employees have been denied a fully effective voice in their own collective bargaining affairs.

In the bill's sixth proposal, Mr. President, an additional amendment would prevent the NLRB from fragmentizing an appropriate multiemployer bargaining unit. Until recently, where a multiemployer unit had been established with the consent of the parties, the NLRB held that it was an unfair labor practice for a union to insist then on dealing with individual members of that multiemployer unit. Nevertheless, in recent reversals of that long-established pattern, the NLRB has held that a union might disregard such multiemployer history and negotiate on an individual basis; also, that a union might single out some members of such a group for individual bargaining, but bargain with the rest as a group. Obviously such whipsaw tactics are disruptive of peaceful relationships. Multiemployer units existed long before even the Wagner Act became law. Further, they have been recognized as appropriate bargaining units in NLRB decisions for decades.

The amendment here, as indicated earlier, would make it clear that an appropriate multiemployer unit cannot be fragmented by a union which has been a party to multiemployer negotiations in that unit. At the same time, it makes clear that no employer can refuse to bargain with a group of unions who are joint representatives of his employees.

Mr. President, all these amendments are necessary to redirect the National Labor Relations Board along lines prescribed for it by the Congress in the Taft-Hartley and Landrum-Griffin Acts.

They should be promptly enacted.

By Mr. NELSON:

S. 1781. A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the act relating to water quality standards, and for other purposes. Referred to the Committee on Public Works.

CLEAN WATER FINANCING ACT

Mr. NELSON. Mr. President, 5 years ago I introduced a bill providing 90 percent Federal aid for the construction or upgrading of municipal waste treatment plants. Even then the conclusion was inescapable: If the Federal Government did not step in with massive aid to cope with the rapidly mounting wastes of our cities, the ruin of our rivers and lakes from one end of the country to the other was only a matter of time.

Today I am reintroducing this proposal to put the Federal funding of this vital water pollution control program on the same 90–10 basis as our Interstate Highway System and urge adoption of this measure as Congress acts on the future of the national water quality effort.

Adopting the 90–10 formula is the best way to accomplish the objective of protecting our water resources. Furthermore it would be an effective means of relieving the pressure on the property tax system at the local level. The 90–10 aid for water pollution control is also probably as effective a method as could be devised to implement the tax sharing concept now being so widely discussed.

To provide the funds for 90–10 Federal aid for water pollution control, this proposal, the Clean Water Financing Act of 1971, would authorize a total of $25 billion over the next 5 years.

To eliminate the funding gaps that have occurred in the past between authorizations and appropriations in this crucial effort, the clean water measure would also authorize the Administrator of the Environmental Protection Agency to incur obligations up to the full $25 billion during the 5-year period, with Congress liquidating the obligations at the rate of $5 billion a year. A similar approach was used in the Urban Mass Transportation Act amendments last year and has been proposed by the National League of Cities for the water pollution control program.

The case for 90-percent Federal aid to achieve adequate municipal waste treatment plants in this country is even more compelling than in 1966.

For the next 6 years alone, $33 to $37 billion will be necessary to meet State and local water pollution control facility needs, according to a survey by the National League of Cities and U.S. Conference of Mayors.

In my State, the Wisconsin League of Municipalities estimates the total need for the next 5 years at $816.5 million, and the State estimates there will be $300 million in projects eligible for Federal water pollution control aid under the present program for the next 5 years.

All around the country, the tragic story of severe pollution and inadequate treatment continues to unfold. In the New York City area, no less than five of 18 municipal systems are still pumping raw sewage into those already polluted waters. In Boston, five municipal systems dump 400 million gallons a day of primary-treated sewage into the harbor.

On the west coast, Los Angeles and Los Angeles County together pour 700 million gallons a day of sewage into the Pacific, most of it with only primary treatment; San Diego puts in 80 million gallons a day of primary treated sewage. In San Francisco Bay, roughly 700 billion gallons a day of effluent is going in from about 20 industrial and municipal outfalls, with about half of the wastes treated at only primary levels.

In the Mississippi River close to the Gulf of Mexico, the city of New Orleans discharges millions of gallons a day of raw sewage.

Meanwhile, the demand intensifies for every more efficient waste treatment. For many cities, mounting waste loads and the increasing complexity of wastes are already rendering secondary waste treatment facilities obsolete.

Yet already, cities and States are staggering under the burden of gigantic and accelerating demands for all services. And with the continuing squeeze on State and local resources, anything less than massive Federal help on the scale of the Interstate Highway System program would mean we are merely toying with the problem of municipal pollution instead of solving it.

In sum, with the 90–10 Federal aid formula and financing on the scale of the Interstate System, we could take a giant stride in this country toward stopping the devastation of our rivers and lakes and parts of the ocean itself. In the long pull, this would be an investment return for the future well-being of America far greater than that from the Interstate Highway System.

Anything short of a dramatic reordering of priorities for pollution control funding will only insure increasing environmental filth and destruction everywhere, if that is conceivable. The less we spend, the more it costs: Already, according to the U.S. News & World Report, water pollution does an estimated $12 billion in property damage alone each year in the United States.

Also, to achieve the most effective waste treatment levels possible, I have proposed in testimony on S. 192, my ocean pollution control bill, that the EPA Administrator in issuing any permits for disposal of liquid or solid wastes in the ocean would have to require that at the earliest practicable date, the permittee adopt the best available waste treatment or recycling methods. I am introducing an amendment today to S. 192 to clarify this.

Because almost all water pollution ultimately winds up in the ocean it is clear that to protect the fragile marine environment as well as clean up our rivers and lakes, such a requirement is going to have to be set on all waste dischargers inland as well as in coastal areas, and the Clean Water Financing Act includes this requirement by amending the water quality standards program.

And as waste treatment and solid waste management technology improve, the pollution control standard should be upgraded. Under this approach, as the new technology becomes available, the standards would have to be further upgraded and industry and municipalities would have to act to meet the new standard by incorporating the new technology.

I ask unanimous consent that a copy of the Clean Water Financing Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1781

A bill to amend section 8 of the Federal Water Pollution Control Act, relating to grants for the construction of treatment works, in order to increase the Federal share of construction costs and to authorize the obligation of certain amounts for such grants, and to amend section 10 of the Act relating to water quality standards, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Financing Act of 1971".

SEC. 2. (a) Effective for fiscal years beginning after June 1, 1971, subsection (b) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"(b) Federal grants under this section shall be subject to the following limitations: (1) no grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 90 per centum of the estimated reasonable cost thereof as determined by the Administrator; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicants has made provision satisfactory to the Administrator for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (6) the percentage limitation imposed by clause (2) of this subsection shall be decreased to 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if enforceable water quality standards have not been established for the waters into which the project discharges, in accordance with this Act in the case of interstate waters, and under State law in the case of intrastate waters."

(b) Section 8(d) of such Act is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following:

"(2)(A) To finance the program and activities under this section, the Administrator is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $25,000,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $5,000,000,000 prior to July 1, 1972, which amount may be increased not to exceed in aggregate of $10,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $15,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $20,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $25,000,000,000 prior to July 1, 1976. The total amounts appropriated under this paragraph shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

"(B)" The allotment provisions of subsection (c) of this section shall apply to the amount obligated under this paragraph in each fiscal year."

(c) Section 8(f) of such Act is amended by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

Sec. 3. Section 10 of the Federal Water Pollution Control Act is amended by inserting at the end thereof the following: "(1) Within six months after the effective date of this subsection, the Administrator shall issue regulations to insure that the water quality standards established or revised pursuant to this section shall include the requirement that the best available waste treatment or recycling technology shall be adopted at the earliest practicable date."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 10

At the request of Mr. McClellan, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 10, a bill to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes.

S. 523 AND S. 573

At the request of Mr. Muskie, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 523, the National Water Quality Standards Act, and S. 573, a bill to amend the Clean Air Act and the Water Pollution Control Act by providing for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters.

S. 582

At the request of Mr. Hollings, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 582, a bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones.

S. 945, S. 946, S. 947, S. 948, AND S. 976

At the request of Mr. Hart, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 945, the Uniform Motor Vehicle Insurance Act; S. 946, the Motor Vehicle Group Insurance Act; S. 947, to amend the Internal Revenue Code of 1954 to exclude from gross income contributions by employers to plans providing motor vehicle insurance coverage for employees; S. 948, to amend section 302(c) of the Labor-Management Relations Act of 1947; and S. 976, the Motor Vehicle Information and Cost Savings Act.

S. 1291

At the request of Mr. Scott for Mr. Case, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1291, relating to the preservation and protection of certain lands in Prince George's and Charles Counties in Maryland.

S. 1382

At the request of Mr. Muskie, the Senator from Minnesota (Mr. Mondale) and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of S. 1382, a bill to provide financing for research and development in aviation and high-speed ground transportation in urban areas.

S. 1408

At the request of Mr. Muskie, the Senator from Indiana (Mr. Hartke) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof.

S. 1410

At the request of Mr. Humphrey, the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Bayh), the Senator from New Jersey (Mr. Williams), the Senator from Missouri (Mr. Eagleton), the Senator from Nevada (Mr. Cannon), the Senator from Tennessee (Mr. Baker), the Senator from Iowa (Mr. Miller), the Senator from Utah (Mr. Moss), and the Senator from Illinois (Mr. Stevenson) were added to S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical, political involvement with elected officials on the local, State and Federal levels of government.

S. 1461

At the request of Mr. McGovern, the Senator from California (Mr. Cranston), the Senator from Rhode Island (Mr. Pell), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of S. 1461, the Truth in Advertising Act of 1971.

S. 1485

At the request of Mr. Ribicoff, the Senator from Illinois (Mr. Stevenson), was added as a cosponsor of S. 1485, a bill to establish a Department of Education.

S. 1534

At the request of Mr. Humphrey, the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from New Jersey (Mr. Williams), the Senator from Hawaii (Mr. Inouye), and the Senator from New Jersey (Mr. Case) were added as cosponsors of S. 1534, a bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents.

S. 1554

At the request of Mr. Humphrey, the Senator from Nevada (Mr. Bible), the Senator from New Jersey (Mr. Williams), the Senator from Rhode Island (Mr. Pell), the Senator from Hawaii (Mr. Fong), the Senator from Indiana (Mr. Bayh), and the Senator from California (Mr. Cranston), were added as cosponsors to S. 1554, a bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 70 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 70 years of age or older.

S. 1612

At the request of Mr. Miller, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 1612, the Rural Community Development Revenue Sharing Act of 1971.

SENATE JOINT RESOLUTION 82

At the request of Mr. Miller, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of Senate Joint Resolution 82, a joint resolution expressing a proposal by the Congress for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam.

SENATE RESOLUTION 113—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO INVESTIGATE ECONOMIC AND FINANCIAL CONCENTRATION

WHO OWNS AMERICA?

Mr. METCALF. Mr. President, no one knows who owns America. The available facts show that concentration of economic and financial power has increased markedly during recent years. Government methods of collection of data on ownership of corporations, and the holding companies which control them, are primitive. The geneology and kinship of the "grandfathers"—the beneficial owners of the holding company conglomerates—is not a matter of public record in many instances.

This administration, like its predecessor, is notably weak regarding law enforcement in the corporate sector. Government and corporations keep a great deal of data—much of it irrelevant and of questionable veracity—about millions of our citizens. But we do not collect and collate the basic data upon which antitrust, rate, pollution control, and equal opportunity law enforcement should be based.

The computers in which the Defense Department stores data on civilians, including Members of Congress, need to be declared surplus, and put to use by civilian agencies—including the Congress—in collecting the information upon which meaningful law enforcement in the corporate sector can be based.

For these reasons I am today submitting a Senate resolution to establish a Special Committee To Investigate Economic and Financial Concentration. It would be composed of a chairman plus two members each from the following committees: Agriculture and Forestry; Banking, Housing and Urban Affairs; Commerce; Finance; Government Operations; Interior and Insular Affairs; Judiciary; Labor and Public Welfare.

This committee would be empowered to study and investigate the extent of concentration of economic power in and financial control over the production and distribution of goods and service in the commerce of the United States, and to submit to the Senate by January 31, 1973, for reference to the standing committees, a final report of its study and investigation together with its recommendations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article by Stephen Aug in the May Washington Evening Star, entitled "Railroads Ownership Mystery Deepening."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAILROADS OWNERSHIP MYSTERY DEEPENING

(By Stephen Aug)

The mystery of who actually owns some of the nation's largest railroads deepened this year as several of the big lines told the Interstate Commerce Commission in their annual report that their major owner was a single holding company, records on file at the ICC showed today.

ICC regulations have required for many years that every railroad list on its annual report to the commission its 30 largest shareholders. For years the requirement was fulfilled by simply listing brokerage firms which held the shares for customers and so-called nominee names which were actually some of the country's biggest banks.

But this year, the records show that nine big railroads listed only a single holding company as their sole owner—and no other list indicated who held the shares of the holding company.

SOLE OWNER LISTED

A spokesman for one of the nine—Starr Thomas, vice-president for law at the Atchison, Topeka & Santa Fe Railway—said his company had even received a request to disclose publicly on ICC records the 30 largest shareholders. As a result other railroad's sole owner is listed as Santa Fe Industries of Wilmington, Del.

Santa Fe Industries was formed about three years ago for the purpose of allowing the railroad to diversify into nontransportation businesses. Through the holding company, Santa Fe can issue stock and bonds without ICC permission.

Normally, the ICC would require the proceeds of any securities issued for transportation purposes. But by forming the holding company, the railroad may issue securities by using normal Securities and Exchange Commission procedures—and SEC doesn't care about the use to which the proceeds are put.

SIMILAR SETUPS

Other railroads listing only their holding companies as their sole owners are:

Chicago & North Western, owned by Northwest Industries Inc.; Denver & Rio Grande Western, owned by Rio Grande Industries; Illinois Central and Illinois Central Industries; Kansas City Southern and Kansas City Southern Industries; Penn Central Transportation Co. and Penn Central Co.; Seaboard Coast Line and Seaboard Canal Line Industries; Southern Pacific Transportation Co. and Southern Pacific Co., and Union Pacific and Union Pacific Corp.

Indications, however, appeared that the ICC—prodded largely by public outcry over the excesses of railroad-based conglomerates—and at least one senator are getting ready to try to force some public disclosure of railroad ownership.

LEGISLATION PROPOSED

The ICC recently sent proposed legislation to Congress which would require, among other things, a listing in its public records of the actual owners of railroads and truck lines. It would go further than the old records which permitted banks and brokers to list themselves as shareholders.

The commission legislation would require banks to identify by name the beneficial owners of the shares they hold and would require brokers to identify customers for whom they hold railroad stock.

And Sen. Lee Metcalf, D-Mont., was expected to introduce today a resolution calling for an investigation of the extent of concentration of economic power in and financial control over production and distribution of goods and services in the United States. The study, which would be completed by Jan. 31, 1973, would be aimed at recommending legislation and establishing national guidelines concerning control of industrial and transportation assets.

Metcalf, who has been critical of the diversification activity of a number of western railroads—in particular the Burlington Northern—was also expected to seek public disclosure of interests by major banks and other financial institutions in the transportation industry.

A number of the railroads contacted by the Star were willing to provide some indications of the identities of the largest shareholders.

Seaboard Coast Line, for example, said its largest shareholder is Mercantile Safe Deposit & Trust Co. of Baltimore. The bank had controlled the old Seaboard Air Line Railroad and the Atlantic Coast Line before they merged to become SCL in 1967.

A spokesman for the Rio Grande said the largest holder of its stock is the Spokane International Railroad, a subsidiary of Union Pacific. While the second largest owner is listed as Merrill Lynch, Pierce, Fenner & Smith, Inc.—the nation's largest broker—the third largest is the St. Louis & Kansas City Land Co., a subsidiary of the Burlington Northern Railroad.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL). The resolution will be received and appropriately referred.

The resolution (S. Res. 113), which reads as follows, was referred to the Committee on the Judiciary:

S. RES. 113

Resolution to establish a Special Committee To Investigate Economic and Financial Concentration

Resolved, That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Economic and Financial Concentration (hereinafter referred to as the "committee") consisting of seventeen Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman;

(2) two Senators who are members of the Committee on Banking, Housing and Urban Affairs;

(3) two Senators who are members of the Committee on Agriculture and Forestry;

(4) two Senators who are members of the Committee on Commerce;

(5) two Senators who are members of the Committee on Finance;

(6) two Senators who are members of the Committee on Government Operations;

(7) two Senators who are members of the Committee on Interior and Insular Affairs;

(8) two Senators who are members of the Committee on the Judiciary; and

(9) two Senators who are members of the Committee on Labor and Public Welfare.

One Senator appointed from each such committee under clauses (2)-(6) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

(f) The committee shall cease to exist on January 31, 1973.

SEC. 2. It shall be the duty of the committee—

(a) to make a full and complete study and investigation of the extent of concentration of economic power in and financial control over the production and distribution of goods and services in the commerce of the United States, and to hear and receive evidence thereon with a view to determining, without limitation, (1) the causes of such concentration and control and their effect on competition, inflation, the level of prices and pricing policies of industry, employment, profits, consumption and the use of resources; and (2) the effect of existing Federal and State laws and policies and the administration thereof upon such concentration and control, including, but not limited to, tax, patent, purchasing, investment and other such laws and policies.

(b) to make recommendations with respect to the foregoing, including proposed legislation, improvements in the administration of existing laws, regulations, and procedures, and the establishment of national guidelines and standards for enterprises engaged in commerce of the United States.

(c) on or before January 31, 1973, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employe and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed, under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $——— shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 114—SUBMISSION OF A RESOLUTION REPEALING THE CONNALLY AMENDMENT

REPEAL OF THE CONNALLY AMENDMENT

Mr. HUMPHREY. Mr. President, I wish to speak today on a means of enhancing a rational alternative to the use of force for the resolution of national and international conflict. That alternative already is available in the form of the United Nations organization, but after 25 years of existence the U.N. is still hampered in its realization of the goals which it set out to accomplish due to the benign and not so benign neglect of its Founding Fathers. Its organs can only function effectively when they receive the active support and respect from member countries, most important of whom are the permanent members of the Security Council.

At the crux of the basic idea of a system of world government and the hope of world peace is the observance and application of a world law. The International Court of Justice was intended to be the judicial body which would advance these goals and actually create law based on the precedent of its own decisions for the entire international community. It was conceived as an extension and improvement of the Permanent Court of International Justice, established under the League of Nations. The World Court was made, as specifically set forth in articles 7 and 92 of the Charter, an integral part of the United Nations. Article 93 of the Charter provides that "all Members of the United Nations are ipso facto parties to the International Court of Justice." Therefore, when countries joined the United Nations they automatically accepted the World Court as the "principal judicial organ of the U.N."

Many countries accepted the compulsory jurisdiction of the World Court, according to article 36(2) of the Court's Statute. The United States, who was unfortunately never a member of the League, nor of the Permanent Court, accepted in Senate Resolution 196 the court's compulsory jurisdiction with one seemingly innocuous qualification. An amendment of six words—"as determined by the United States" was tacked onto the resolution.

It is those six words which have prompted me and several other of my distinguished colleagues to waste thousands of words in an effort to have what is commonly referred to as the Connally amendment repealed. My reasons for waging this campaign were and still are that this amendment has hamstrung the effective functioning of the World Court. It created an unfortunate precedent which other countries followed. The net result has been that the World Court's jurisdiction has been accepted by the parties to an international dispute in the rare instance that the parties were prepared to release the case from what it deemed to be its domestic jurisdiction.

Under these circumstances it is amazing to find that the Court has functioned at all. I maintain that the constrains which the Connally amendment have placed the powers of the Court could be removed with the repeal of those haunting six words. In fact, it is incumbent upon the United States, as the principal founder of the United Nations, to set the example for other countries if we are to expect the World Court and the United Nations in general to take on a new, more forceful role for the rest of this century.

Today, few people would deny that the need is even greater than in 1945 to have a judicial organ capable of adjudicating questions which go beyond the confines of national competence and which are not sufficiently accounted for in other international instruments. There are simply many more situations than ever before in world history which would most appropriately fall under the jurisdiction of the International Court of Justice.

Other nations have already recognized the important potential of the World Court and are seeking ways to improve its position. In December 1970, the 25th anniversary of the United Nations, the General Assembly passed a resolution which called for a study of the Court to "facilitate the greatest possible contribution by the Court to the advancement of the rule of law and the promotion of justice among nations."

Our Government has endorsed this resolution and I am greatly encouraged by the recent statements of the President and the Secretary of State which call for breathing new life into the World Court. I regret, however, that the administration has not taken the essential first step of requesting the repeal of the Connally amendment.

We must recognize once and for all that this amendment has hampered the effectiveness of the Court and has rendered little advantage to this country and given us much embarrassment. From the time of President Truman, when the Charter was presented to the Senate for advice and consent, each succeeding administration has favored a complete and unqualified acceptance of article 36(2). In other words, no administration has openly endorsed the Connally amendment.

The irony of all this is that it is now 1971, and I regret to say that those six words still plague our commitment to the World Court and have influenced the position of other countries who have accepted the statute of the Court.

It was August 2, 1946, that the Senate agreed to the amendment by a rollcall vote of yeas 51, nays 12, and 33 who did not vote. The amendment thus permitted the United States, rather than the International Court, to determine whether any dispute to which the United States is a party involves a matter within its domestic jurisdiction which in effect limits the jurisdiction of the Court to hear any case in dispute.

The Senate Committee on Foreign Relations considered the elimination of the Connally amendment reservation in 1950, but no action was taken. Another study was undertaken in 1956, but once again no action was taken.

Disturbed by the harmful ramifications which the amendment unleashed, and the impasse in the Senate, I submitted a resolution—Senate Resolution 94—to repeal Senate Joint Resolution 196—the Connally amendment—on March 24, 1959. Between 1959 and 1960, I put all my energies into the passage of this repeal, by giving speech after speech in the Senate and testifying before the Senate Foreign Relations Committee, which was holding hearings on the question. I made the point then, and I repeat it now, that the words "as determined by the United States" negate the whole intent and purpose of the declaration of adherence. It is no submission to a court's jurisdiction if you reserve to yourself the power to decide, in every case, whether or not the Court has jurisdiction.

I further maintained that the reservation has a double-edged effect. The statute of the Court provides that every party to a dispute may assert each and every right that its opponent has; so whenever we bring suit, our opponent is also entitled to avail itself of this same right to decide, by itself, unilaterally, whether the case is subject to the Court's jurisdiction. We are, therefore, impotent to bring any nation before the tribunal against its will so long as we have this reservation.

The end result is that on the basis of the principal of reciprocity any country who is brought before the court by another country having a self-judging reservation like the Connally amendment may invoke that reservation and thereby cause the case to be dismissed. The classic example is the Norweigian Loans case. Now that the precedent has been set, the court is necessarily weakened since its power to review certain cases is limited to those instances when a self-judging clause is not invoked by one party or the other.

Aside from the serious constraint which the Connally amendment-type reservation imposes on the court, there is also a fundamental principle underlying the United Nations which is contradicted by the endorsement of such a reservation. Article 1(1) of the Charter states as its purpose the maintenance of international peace and security through a number of peaceful means and "in conformity with the principle of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace." Yet the Connally movement weakens whatever machinery we have for the settlement of international disputes and enhances the power of individual States to decide whether or not they should be cooperative and seek an equitable settlement of an international dispute.

I had hoped that my efforts in 1959–60 would convince the skeptics who had three basic arguments, which were all highly tenuous. The weakest arguments were essentially fears of the unknown. The opposition claimed that it would never be clear exactly how the court would decide a close question as to whether a dispute was actually within the domestic jurisdiction of the United States or not. In addition, the court's legal standards would be far too vague and dependent on political considerations to warrant an unquailfied submission by the United States to its jurisdiction.

Second, the international makeup of the judges would be such that they might be overly influenced by foreign idealogies alien to our own legal and political philosophy. In this case, judicial decisions would be prejudiced from the outset.

The third objection was that the United States might be forced to exercise its veto power in the Security Council to override the enforcement of an adverse decision. This recourse would, thus, be more damaging to our international image than retaining a domestic jurisdiction reservation.

I think that I, along with my colleagues who supported a repeal of the amendment, answered all these objections. My main point was that in accepting Senate Resolution 94, the Senate was not going to jeopardize our national security, but would be raising our international prestige and hence, furthering our own international interest by providing some solid machinery for the adjudication of international disputes.

I advanced the same arguments in 1961 when I submitted along with Senators Javits and Morse, Senate Resolution 39 to repeal the self-judging reservation which limits our adherence to the court.

Action was postponed and has been ever since that time. I submit today the same resolution I submitted in 1959–60 and 1961 to repeal the Connally amendment. And I urge the President and my colleagues in the Senate to lend their support to this resolution in order to facilitate the achievement of a stronger World Court and, hence, a stronger United Nations.

The ACTING PRESIDENT pro tempore (Mr. Gravel). The resolution will be received and appropriately referred.

The resolution (S. Res. 114), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 114

A resolution relative to the jurisdiction of the International Court of Justice

Resolved (two-thirds of the Senators present concurring therein), That S. Res. 196 of the Seventy-ninth Congress, second session, agreed to August 2, 1946, is hereby amended to read as follows:

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

"a. the interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d. the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration shall not apply to—

"a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

"b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States; or

"c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

Provided further, That such declaration shall remain in force until the expiration of six months after notice may be given to terminate the declaration."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the Record an article by Frederic L. Knight, Jr., entitled "Nations' Self-Interest Leaves World Court On the Sidelines."

There being no objection, the article was ordered to be printed in the Record, as follows:

Nations' Self-Interest Leaves World Court On the Sidelines

(By Frederic L. Knight, Jr.)

The World Court, at The Hague, has attained the nirvana so hopelessly out of reach for any court in this country: It has run out of cases to decide. In an era of persistently overpopulated court calendars that sorely tax our judicial resources, it might at first be thought refreshing to find a court that is able to manage its workload.

Unfortunately, the implications for the attainment of any sort of system of world order are less than refreshing. When the only international judicial body having near-global jurisdiction runs out of things to do in a world that has hardly run out of disputes to settle, danger signals are flying.

The court disposed of its current workload earlier this year with its decision in the Barcelona Traction Case between Belgium and Spain, an issue of some delicacy in current international relations. Belgium was claiming reparation on behalf of its shareholders in Barcelona Traction, a Canadian company that Belgium asserted had improperly been declared bankrupt by a Spanish court. The company had consequently lost all its assets in Spain.

The World Court held that because the asserted harm had been done to the Canadian company rather than to the Belgian stockholders, Belgium had no standing to maintain the claim. Only nations, not individuals or corporations, may be parties before the World Court. Since Canada showed no interest in pursuing the claim, the Barcelona Traction Co. stockholders were out of luck.

JUSTICE GRINDS TO HALT

The narrow holding has some significance for stockholders and others interested in a burgeoning new kind of megacorporation, the multinational enterprise. But the real significance lies in what the case tells us about the current stage of evolution (or, perhaps, nonevolution) of the World Court. The history of the case is instructive on this score.

The Barcelona Traction Co. was declared bankrupt in Spain in 1948. Proceedings to contest the bankruptcy crawled through the Spanish courts for several years and diplomatic protests were made. Finally Belgium in frustration, applied to the World Court for relief in 1958. That proceeding was discontinued in 1961 and a new one filed in 1962. In 1964 the court rendered a judgment rejecting two preliminary objections made by Spain, but reserving judgment on two others.

One of the two objections left undecided in 1964 was Spain's assertion that Belgium did not have standing to maintain the claim—the very objection on which the court based its decision six years later. Thus the wheels of international justice in this case have finally ground to a halt 22 years after the alleged violation of international law by Spain, without deciding whether Spain did in fact violate international law.

It must be said that the delay has not been entirely the court's fault, though one might wonder why it was necessary in 1964 to postpone consideration of the preliminary objection that ultimately decided the case. But delay is only one disturbing element here. More disquieting is the court's timidity in grappling with the issues presented. This diffidence must be considered a cause, as well as an effect, of the current disillusionment with international adjudication as a dispute-settling mechanism.

The court in the Barcelona Traction Case used a traditional approach to decide that only the state of incorporation—Canada—could assert the claim. In so doing it rejected other legal theories that seem more in tune with the realities involved.

This diffident approach has been developing since 1962, when the court issued its advisory opinion in the U.N. Expenses Case. The court determined that expenses incurred by the U.N. in the Middle East and the Congo were "expenses of the Organization" within the meaning of the U.N. Charter, which meant that they could be charged to the members.

The aftermath is well known. Several members, notably the Soviet Union and France, declined to pay and a U.N. crisis resulted. It was finally abated when the United States backed off from its position that voting privileges should be withdrawn from the delinquents.

The General Assembly then returned to normality, but it is questionable whether the World Court did. The scars remained from what appeared, in retrospect, to have been judicial overactivism in stepping into a heated political controversy among U.N. members.

SOME UNFORTUNATE CASES

One might expect that the court would react by proceeding more cautiously in the future. That is indeed what has happened. In 1963, the court declined to decide the merits of a case between Cameroon and the United Kingdom, on the ground that the issue involved was moot. In 1964, it issued its preliminary judgment in the Barcelona Traction Case, in which it postponed decision on the issue that it has now found dispositive.

In 1966, it handed down its opinion in the celebrated and highly unfortunate Southwest Africa Cases. It reversed (while denying that it was doing so) its 1962 decision in the same cases and held that Ethiopia and Liberia did not have standing to challenge South Africa's exercise of its mandate over Southwest Africa. This was followed by the North Sea Continental Shelf Cases, in which the court reached an inconclusive result, calling on the parties to negotiate their differences further. This series of cases has now culminated in the Barcelona Traction decision.

This, of course, is an oversimplified look at the court's work since 1962. One cannot conclude that all these decisions have been wrong. One might, however, discern a pattern that does not lead to optimism about the court's present and future role as a dynamic force in the development of a world order system.

A FRAGILE STATE

The politics of international judicial activism are of a fragile mold. Granted, if the World Court is to retain the confidence of the nation-states that are the potential parties before it, it cannot act like a Warren Supreme Court. Greater caution is required not only because the court's jurisdiction depends on the consent of the suitors but because the effectiveness of its judgments depends on acceptance by those states affected by them. A judicial body in a horizontally structured international system simply cannot survive as a viable institution if it assumes a role beyond the range of consensus among its constituents.

On the other hand if the court is to be more than a bystander to settlements of international dispute, it must be willing to take account of rapidly changing world conditions in shaping the law and must face those issues that are legitimately placed before it. If this results in a fine line between dynamism and caution, it nevertheless does not relieve the court from the necessity to discover that line, and even to be alive to the prospect that nations may from time to time be prepared to see the line inch toward a greater adjudicatory role in the give and take of international intercourse.

In this delicate state of affairs, the World Court is not, at the moment, a constructive participant in the development of what is rather wistfully referred to as a world rule of law. International dispute settlement does not, of course depend entirely or even primarily on judicial decisions, even in those situations in which peaceful settlement is possible.

One would, however, be loathe to conclude from this that the strengthening of the judicial dispute-settling mechanism may safely be neglected. The World Court must be restored at least to the participatory role it occupied before the U.N. Expenses Case, and it must be prepared to grow beyond that point.

Judicial boldness may gradually return in the cyclical nature of things, particularly in view of the recent seating on the court of five judges (there are 15 in all). But a further boost is necessary, and might well be provided in a most timely fashion if the most powerful and influential nation in the world were now, at last, to declare that it trusts the court. This the United States could do simply by repealing the Connally Amendment which permits us to keep controversies involving us out of the court merely by saying that they are our own business.

TILTING AT WINDMILLS

The call for repeal of the Connally Amendment has, of course, been made in years past and has consistently fallen on deaf ears. It is rather unfashionable these days to renew the call, partly because it bears some resemblance to windmill-tilting and partly because of a general decline of faith in international law. One can only reply that all is not lost and that if there ever was an appropriate time for repeal of the Connally Amendment, it is when, for all practical purposes, the World Court is in danger of fading from the scene if nothing is done to boost its stock.

It is high time we stop worrying about wolves in the form of international judges howling at our door trying to get in and devour us while we mind our own business. It is true that a progressive World Court unfettered by the Connally Amendment might narrow the categories of affairs some among us would like to see committed entirely to domestic U.S. discretion.

It might even decide a few cases against us. So be it; the court is not at all likely to be insensitive to our domestic interests, and a willingness on our part to entrust it with a more significant role is clearly worth the minimal risk that our domestic or foreign policy will be in the least bit hedged by its intermeddling.

The case for repeal of the Connally Amendment should not be overstated. Repeal would be no panacea for the world's tensions. It would not even guarantee a new dynamism in the World Court. It just might, however, ease the way toward revitalized World Court participation in the painful process of constructing a framework for world order, and by so doing strengthen the entire United Nations system. That should be case enough for repeal.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the 1947 resolution of the American Bar Association, calling for the repeal of the Connally amendment be inserted in the RECORD. This resolution, which was first passed in 1947, remains the position of the ABA today and should be considered as an authoritative guideline for what action should be taken here today.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONNALLY RESERVATION

Whereas, The Declaration accepting on the part of the United States compulsory jurisdiction of the International Court of Justice and providing that the Declaration should not apply to disputes with regard to matters which are essentially within the domestic jurisdiction of the United States, contains the further limitation that decision as to what matters are essentially within the domestic jurisdiction of the United States shall be "as determined by the United States," and

Whereas, The Statute of the International Court of Justice, Article 36, paragraph 6, provides that in the event of a dispute as to whether the court has jurisdiction, the matter shall be settled by the decision of the court, and

Whereas, This limitation leaves to a party to a dispute, rather than to the court, the right, in certain circumstances, to determine the jurisdiction of the court, and

Whereas, The limitation, furthermore, tends to defeat the purpose it is hoped to achieve by means of the Declaration, and invites similar reservation by other nations, with attendant confusion, doubt, and possible frustration,

Now, therefore, be it resolved, That the Senate of the United States should reconsider the subject of the Declaration of compulsory jurisdiction and should eliminate therefrom the right of determination by the United States as to what constitutes matters essentially within the domestic jurisdiction, and,

Be it further resolved, That a copy of this resolution be sent to the President of the United States, the Secretary of State, and the members of the Senate Committee on Foreign Relations.

SENATE RESOLUTION 115—SUBMISSION OF A RESOLUTION MODIFYING THE CONNALLY AMENDMENT

Mr. JAVITS. Mr. President, I send to the desk an alternative resolution to that of the Senator from Minnesota, which, without repealing the Connally reservation outright, would undo a great deal of the damage which the reservation in its existing form has done to the ability of the United States to promote and utilize the machinery of the World Court and of international law and adjudication.

One of the principal problems of the Connally reservation, as it is presently written, is that it may, under the World Court's "rule of reciprocity" be invoked by an adversary against the United States. Under this rule, any nation before the Court may invoke any limitation on jurisdiction reserved by its adversary. Thus in 1955, when the United States sought to pursue a remedy in damages on behalf of its citizens who had lost relatives in an air crash, the adversary party, Bulgaria, was entitled to invoke the Connally reservation to claim the matter within its own domestic jurisdiction, and thus avoid payment.

By way of a recently prominent example, the dispute over a 200-mile limit for fishing rights claimed by Ecuador was of such a nature as to permit a party claiming such a limit to invoke a "domestic jurisdiction" reservation. Ecuador is not a signatory to the Court's jurisdiction, but had the party asserting its claim been a signatory, the United States would have been unable effectively to pursue a nonviolent judicial remedy in the International Court.

Although I disagree with those who express grave reservations over a complete repeal of the Connally amendment, I am sympathetic to one of their arguments. That argument states that treaties and international agreements notwithstanding, the body of international common law is so vague and amorphous that safeguards must be maintained against having its application to the United States depend upon a broad discretionary grant of jurisdiction to the World Court. The resolution which I introduce today deals with that problem by retaining for the United States the right to decide the question of domestic jurisdiction in all cases which do not arise under a treaty or international agreement to which the United States is a party.

Mr. President, it has become commonplace for every nation to proclaim its dedication to the rule of law in international life. But the tragic persistence of armed conflict in so many parts of the world forces us to recognize that substituting the rule of law for the rule of force is an imperative that must be pursued now even though the achievement of this goal will require a long and difficult struggle. In the meantime, the strengthening of the World Court as an institution, can be, even in the short run, effective in resolving some of the nettling disputes which arise between the United States and other nations.

The Secretary of State, Mr. Rogers, has indicated the desire of the present administration to utilize the World Court in an expanded role in settling international disputes to which the United States is a party. Each of the three previous administrations indicated a desire to see the Connally reservation repealed. I hope that in considering my resolution and the one offered by the Senator from Minnesota, the Senate will join in the effort to build a stronger system of international law.

The ACTING PRESIDENT pro tempore (Mr. Gravel). The resolution will be received and appropriately referred.

The resolution (S. Res. 115), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 115

A resolution relative to the jurisdiction of the International Court of Justice

Resolved (two-thirds of the Senators present concurring therein), That S. Res. 196 of the Seventy-ninth Congress, second session, agreed to August 2, 1946, is hereby amended to read as follows:

"*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

"a. The interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d. the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, That such declaration shall not apply to—

"a. disputes the solution of which the parties shall entrust the other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

"b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States; provided, with regard to disputes other than those arising from the interpretation or application of a treaty or other international agreement to which the United States is a party, the question of whether such disputes are within the domestic jurisdiction of the United States shall be determined by the United States; or

"c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

Provided further, That such declaration shall remain in force until the expiration of six months after notice may be given to terminate the declaration."

Mr. HUMPHREY. Mr. President, will the Senator yield.

Mr. JAVITS. I yield.

Mr. HUMPHREY. I wish to join with the Senator in his effort. It is very constructive. Our two resolutions do complement and supplement one another. I would be very appreciative of the cosponsorship of the Senator from New York on my resolution to repeal the Connally reservation, as I should be happy to join with him on his resolution.

Mr. JAVITS. I thank my colleague. I ask unanimous consent that I may be made a cosponsor of Senator Humphrey's resolution, and he may be made a cosponsor of mine.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I also commend the Senator from New York on his resolution on the war powers. I have studied it very carefully. At the time he introduced it, I did not have a chance to give it the careful study I believe a resolution of that importance requires, but I find that it is in the national interest, and I hope there will be favorable action on that resolution by the Committee on Foreign Relations.

Mr. JAVITS. I thank my colleague very much.

SENATE RESOLUTION 116—SUBMISSION OF A RESOLUTION CALLING FOR RELEASE OF HEALTH CARE FUNDS

Mr. HUMPHREY. Mr. President, there is in this Nation a major health-care crisis. The President of the United States recognizes this and has proposed some far-reaching steps for dealing with it. But I must admit he puzzles me. Perhaps if he had not delivered his health message of February 18 I would not be so confused. But he did make that speech. And he did send to the Congress a budget request of nearly $3.6 billion for next year's health activities of the Department of Health, Education, and Welfare.

Specifically, the administration is requesting for fiscal 1972, $95.2 million for the Food and Drug Administration; $1,602.8 million for Health Services Mental Health Administration, and $1,889.5 million for the National Institutes of Health, for a total of $3,587.5 million.

This is $183.8 million more than the Congress appropriated for the current fiscal year 1971, which has but a mere 2 months more to run.

Now let us take a look at the fiscal 1971 appropriation. It amounted to $3,403.7 million. The Nixon administration, which says that was not enough and wants more for next year, has so far refused to spend even that amount. In fact, as of April 12, 1971, the administration had released only $3,177.5 million, while impounding the difference of some $226.2 million.

That $226.2 million is approximately the same amount as our entire spending for the National Cancer Institute; it exceeds Government spending on heart and lung disease research.

It is several million dollars more than combined spending by the National Institutes of Health on biologics standards, dental research, child health and human development, eye research, environmental health sciences, and overseas scientific activities.

The United States ranks 13th among industrialized Nations on infant mortality, 11th in life expectancy for women and 18th in life expectancy for men.

We still are a long way from finding a cure for cancer, which kills on the average of 1,000 Americans every day.

The health of the American people is too important to become part of an economic juggling act staged by a callous administration.

This is not an isolated incident, Mr. President. In all, some $12 billion in funds appropriated by the Congress, after extensive debate and study, for fiscal 1971, have been impounded by this administration.

This deliberate thwarting of expressed will of Congress raises fundamental questions of separation of powers.

The administration cannot be allowed to continue to frustrate the will of Congress if our system of government, with its checks and balances, is to continue as a partnership of three equal branches.

Mr. President, today I submit a sense-of-the-Senate resolution urging the President to quit playing games with the American people and immediately release these urgently needed funds appropriated by this Congress for the health activities of the Department of Health, Education, and Welfare.

I ask unanimous consent that my resolution be printed in the Record at this point along with a chart prepared by the Department of Health, Education, and Welfare showing health appropriations for fiscal year 1971 and amounts actually released by the administration, clearly indicating, in its own figures, the extent to which health funds have been impounded.

The ACTING PRESIDENT pro tempore (Mr. Gravel). The resolution will be received and appropriately referred; and, without objection, the resolution and chart will be printed in the Record.

The resolution (S. Res. 116), which reads as follows, was referred to the Committee on Government Operations:

S. Res. 116

Whereas this national Administration has sent to the Congress a budget requesting nearly $3.6 billion for the Health functions of the Department of Health, Education, and Welfare, including the Food and Drug Administration, the Health Services Mental Health Administration and the National Institutes of Health for Fiscal Year 1972; and

Whereas that amount is more than $183 million in excess of the amount appropriated by the Congress for Fiscal Year 1971; and

Whereas this national Administration has impounded more than $226 million of the funds appropriated by the Congress for Fiscal Year 1971 for health; and

Whereas the Administration is asking for more money for next year than appropriated for this year, despite the fact it refuses to release all FY 1971 funds; and

Whereas medical science is yet to conquer cancer, heart disease, birth defects, mental retardation and so many other afflictions that every day kill, cripple, maim and otherwise afflict millions of persons; and

Whereas the United States ranks 13th among industrialized nations in infant mortality, 11th in life expectancy for women and 18th in life expectancy for men; and

Whereas the Congress has taken note of the pain and suffering of the American people and the need and opportunities for relieving them; and

Whereas the Congress, after extensive debate and study, has appropriated $3,403.7 million for Food and Drug Administration, Health Services Mental Health Administration, and National Institutes of Health in the Department of Health, Education, and Welfare, and the Administration has released only $3,177.5 million as of April 12, 1971, and embargoed the remaining $226.2 million; and

Whereas this impounding of funds constitutes a deliberate thwarting of the expressed will of Congress, and threatens the balance and separation of powers as set forth in the Constitution. Now, therefore, be it

Resolved that it is the sense of the Senate that the President of the United States forthwith release, for immediate usage, all such funds appropriated but not released.

The chart is as follows:

HEALTH APPROPRIATIONS

[In millions of dollars]

Appropriation	Appropriated	Released
Food and Drug Administration:		
Food and drug control	85.5	85.5
Environmental Health Service:		
Environmental control	38.0	38.0
Health Services, Mental Health Administration:		
Mental health	388.1	388.1
St. Elizabeths Hospital	22.0	22.0
Health Services research and development	57.6	57.6
Comprehensive health planning and services	247.6	247.6
Maternal and child health	255.9	255.9
Disease control	45.8	45.8
Medical facilities construction	195.5	20.5
Patient care and special health services	84.1	84.1
Regional medical programs	106.8	72.3
National health statistics	10.1	10.1
Retirement pay and medical benefits for commissioned officers	19.5	19.5
Office of Administrator	10.8	10.8
Indian Health Service	122.8	122.8
Indian health facilities	18.7	17.6
Emergency health	3.9	3.9
HSMA, total	1,712.7	1,502.1
National Institutes of Health:		
Biologics Standards	9.1	9.1
National Cancer Institute	232.2	232.2
National Heart and Lung Institute	194.4	194.4
National Institute of Dental Research	35.6	35.2
National Institute of Arthritis and Metabolic Diseases	139.3	137.5
National Institute of Neurological Diseases and Stroke	106.7	103.0
National Institute of Allergy and Infectious Diseases	103.1	101.9
National Institute of General Medical Sciences	166.3	160.1
National Institute of Child Health and Human Development	95.0	94.5
National Eye Institute	31.1	30.0
National Institute of Environmental Health Sciences	20.8	20.1
Research resources	66.3	66.3
John E. Fogarty International Center for Advanced Study in the Health Sciences	3.6	3.6
Health Manpower	428.7	428.7
National Library of Medicine	21.2	21.2
Office of the Director	8.7	8.7
Scientific Activities Overseas (Special Foreign Currency Program)	28.9	28.9
NIH, total	1,691.0	1,675.4
HEW, total	3,403.7	3,177.5

Source: Department of Health, Education, and Welfare.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. SCOTT for Mr. CASE, the Senator from New York (Mr. JAVITS), and the Senators from Massachusetts (Mr. KENNEDY and Mr. BROOKE) were added as cosponsors of Senate Concurrent Resolution 21, calling for the suspension of military assistance to Pakistan.

THE HEALTH SECURITY ACT—AMENDMENT

AMENDMENT NO. 66

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRAVEL. Mr. President, I submit an amendment to S. 3. Last January 25, I cosponsored with the distinguished Senator from Massachusetts and other colleagues a far-reaching bill on health security. As noted in the opening statement of that bill:

> The health of the Nation's people is the foundation of their well-being and of our Nation's strength, productivity, and wealth; adequate health care for all of our people must now be recognized as a right.

In the days since that bill was introduced, it has become clear to me that while the bill addresses the physical health care needs of the American people in excellent fashion, it does not make sufficient allowance for the mental health needs of the American people.

For example, it is estimated that at least 1 person in every 10—20 million people in all—has some form of mental or emotional illness, from mild to severe cases, who should and would benefit from treatment.

The most recent available figures indicate that in 1968, an estimated 1,602,000 persons received treatment in public and private mental hospitals, psychiatric services in general hospitals, and Veterans' Administration psychiatric facilities.

At any one time, there are more people in hospitals with mental or emotional illness than with all other diseases combined.

In addition to hospitalized patients, over 1,775,000 people received treatment at outpatient clinics and community mental health centers.

In my amendment, Mr. President, hospitalization for the mentally ill would be extended from 45 days to 90 days of inpatient care. There is no justification for limiting hospital care of psychiatric patients to 45 days, since care for patients with other chronic illnesses, such as rheumatic fever, kidney transplants, or severe burns or trauma, is not similarly limited, and for the same good reasons—adequate care and, hopefully, cure.

The important items in care for any ill person include a treatment plan, qualified personnel, and utilization review. I feel no distinction should be artificially created among daycare services offered in a hospital or community mental health center facility and those offering suitable organized settings.

The mentally ill are equally entitled to skilled nursing home services and home health services as are persons with no more crippling physical illnesses. In this modern age, we should not, I submit, permit one degree of suffering to continue needlessly while we mobilize to remove needless suffering on a general front. It may be considerably less expensive to provide these services to mentally ill persons than to allow them intentionally to become so seriously ill that they require hospitalization.

A comprehensive health service organization cannot truly be termed comprehensive if care and treatment of equal measure is not provided to well over half the individuals requiring hospitalization.

May I point out, Mr. President, that it has often been stated by practicing physicians of internal medicine or of general medicine that as many as one-half of the patients they examine have complaints for which no organic basis can be found.

In years past, a diagnosis of mental illness was a gloomy diagnosis indeed, since we too often had little understanding of the causes or of effective methods of treatment.

In the last 20 years, however, there has been a revolutionary change in the care and treatment available to persons suffering from mental and emotional illness.

New medications such as tranquilizers and lithium have allowed thousands, indeed hundreds of thousands of people to leave mental hospitals and to function successfully with a measure of contentment in their home communities.

New forms of therapy, such as group psychotherapy, family therapy, and behavior therapy, have been added to the armamentarium of the mental health worker. In this manner, treatment has become possible for many for whom little could have been done in the past.

Because there is as great a need for mental health care as for other physical illnesses, and because effective modes of treatment are available and should be available for all those Americans who would benefit from them, I propose that S.3 be so amended to make mental health benefits comparable to those for physical illness.

There is not much to be gained by encouraging close cooperation of workers in the mental health and health fields and say nothing of the need to meet mental health care of the American people through comprehensive prepaid health plans.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT—AMENDMENT

AMENDMENT NO. 67

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. RIBICOFF. Mr. President, today I am submitting an amendment to S. 976, the Motor Vehicle Information and Cost Savings Act.

I am a cosponsor of the bill with the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. PROXMIRE).

I am pleased that I am joined on this amendment by Mr. HART and Mr. MAGNUSON.

The purpose of my amendment is to establish a national periodic inspection program for emissions of air pollution from automobiles.

One of the key provisions of S. 976 requires that the Secretary of Transportation, through the National Highway Traffic Safety Administration, amend highway safety standard No. 1, relating to periodic motor vehicle inspection, to create a national diagnostic auto safety inspection program.

Such a diagnostic test program, according to studies of the Senate Antitrust and Monopoly Subcommittee, could improve the efficiency of vehicles by $7 billion, save consumers as much as $10 billion in unnecessary or unsatisfactory repairs, and reduce the tremendous cost in damage, life and injury associated with automobile accidents each year.

The States would establish the necessary inspection facilities, for which Federal funds up to 100 percent would be available—50 percent under the Highway Safety Act of 1966 and 10 to 50 percent from the highway trust fund under this act.

My amendment would expand the diagnostic inspection for safety by adding an inspection for air pollution for all automobiles currently on the road. There would be a single inspection for both safety and pollution, at the same time, using the same inspection facilities.

The amendment is designed to build upon the Clean Air Act, which already provides standards for new motor vehicles and which authorizes the testing of in-use vehicles by the Administrator of the Environmental Protection Agency. Under the amendment, the Secretary of Transportation and the Administrator of the Environmental Protection Agency would cooperate in establishing and enforcing inspection emission standards for all automobiles.

The inspection would occur first, on a periodic basis, as required under highway safety standard No. 1, in accordance with plans submitted by the States; second, whenever title to the vehicle is transferred; and third, whenever the vehicle is involved in an accident resulting in damage to safety or pollution-control-related parts.

There would be two sets of standards: those applicable to vehicles manufactured in 1972 and thereafter, and those applicable to vehicles manufactured prior to 1972.

With respect to vehicles manufactured beginning in 1972, the amendment requires that the inspection emission standards for the useful life of the vehicle be the same as the emission standards for the new vehicle. The amendment complements section 207 of the Clean Air Act Amendments of 1970, which gives the Administrator of the Environmental Protection Agency the authority to order the recall of any category of noncomplying 1972 vehicles and to require a warranty on emissions performance from the manufacturer on all future new cars as soon as the Administrator determines that adequate testing methods and inspection facilities are available.

My amendment would establish the necessary inspection facilities.

Under the amendment, the inspection emission standards would come into effect at the same time that the Administrator activates the warranty under the Clean Air Act—that is, when an effective quick test for emission has been developed. In this way, the car owner will not have to pay for repairing something for which the manufacturer is properly responsible.

While a quick test is not yet available, a great deal of research is in progress. My amendment should stimulate further work in this area of technology, because this national inspection program would create a large market for a successful device.

For vehicles manufactured prior to 1972, there is no practical way of establishing specific emission standards for the various makes, models, and years. Such standards would be complex, expensive to the car owner, difficult to enforce, and probably unfair to lower income persons.

However, there is one simple, inexpensive, fair, and extremely effective way of achieving substantial reductions in emissions on all vehicles—a properly tuned engine. A tuneup on an older vehicle will reduce emissions by 33 percent or more—a very significant gain to the public health at a very small cost and inconvenience to the owner.

Therefore, the inspection emission standards for all vehicles manufactured prior to 1972 require that the engine shall be tuned according to specifications established by the Secretary in consultation with the Administrator. These specifications, which would be based in part on the manufacturer's original instructions, will call for the engine to be tuned in a manner which results in the lowest level of emissions practicable for that particular vehicle. This level, of course, will vary for different vehicles, depending on age, mileage, and other factors.

Beginning with the 1968 model year, all vehicles—except for California—were covered by Federal exhaust emission standards for hydrocarbons and carbon monoxide under the Clean Air Act. Each vehicle is supposed to meet the standards throughout its useful life, defined as 5 years or 50,000 miles, whichever occurs first, with one tuneup at 25,000 miles.

The Federal Government has never had the capability to test vehicles on the road or the authority to hold the manufacturers responsible for violations. Once a production certificate, based on a test of a few prototypes, was issued, all the American people could rely on was faith that the air was becoming cleaner. The evidence since 1968 has shown that most vehicles are failing to meet the Federal standards a few hundred or a few thousand miles after they leave the new car dealer. A periodic tuneup will help to restore many of these vehicles close to the original Federal standards.

Vehicles manufactured before 1968 are not covered by any Federal standards. They tend to receive less care and service than newer vehicles. Yet, they will show the greatest improvement by volume in emission control when they have a tuneup.

Mr. President, the automobile remains today by far the largest source of air pollution—90 million tons or 60 percent of the total per year—especially in urban areas. At present there are approximately 50 million cars without pollution-control mechanisms, and many of the remaining 30 million are not in full compliance with the existing Federal standards. Meanwhile, the vehicle population continues to soar—there will be 150 million motor vehicles by 1980—and there are no standards for vehicles which have passed their useful life.

Last Friday William Ruckelshaus, the Administrator of the Environmental Protection Agency, announced stringent national air pollution standards for 1975. He said that many cities would have to limit automobile traffic sharply and rely on mass transit, car pooling, staggered work hours, and possibly elimination of the automobile from certain areas of the city. By enacting an inspection program for in-use vehicles in 1971, the Congress can help to ease the air pollution crisis which will exist in 1975 in our metropolitan communities.

My amendment will result in substantial prevention and control of air pollution at its principal source—the vehicle on the road. It sets reasonable standards which are entirely within the scope and purpose of previous air pollution legislation enacted by Congress.

My amendment challenges the private sector, the Government, and the people to cooperate toward a common goal—environmental quality—which can never be achieved by any of the three acting alone. The auto companies must make cars that are as pollution-free as technology permits and exercise more social responsibility. The Government must set and enforce environmental standards which are consistent with the public health and which promote the necessary technological advancements. The people, here the car owners, must do their part to demand greater efforts by Government and the private sector and to keep their vehicles as clean as possible.

Hearings on S. 976 opened on Monday in the Senate Commerce Committee. It is my understanding that my amendment will be considered along with the bill in committee.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 67

On page 14, between lines 13 and 14, insert the following:

"DIAGNOSTIC INSPECTION PROGRAM AUTHORIZED

"SEC. 15. The National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new title:".

On page 14, strike out line 14 and insert in lieu thereof:

"TITLE V—DIAGNOSTIC INSPECTIONS"

On page 14, line 15, line 17 and line 23 insert quotation marks.

On page 15, line 3, after the period, insert the following: "The standard shall be expressed in terms of motor vehicle safety performance applicable to new or used motor vehicles."

On page 15, between lines 3 and 4, insert the following new paragraph:

"'(2)(A) The emissions of air pollutants, as defined by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act, from the engine of a light-duty motor vehicle shall be inspected periodically at least once per annum; whenever title to such vehicle is transferred for purposes other than resale and whenever such vehicle sustains damage if any emission-control mechanism, subsystem, or functional nonoperational part, as defined by the Secretary in consultation with the Administrator, is damaged.

(B) The inspection emission standards applicable to vehicles manufactured prior to model year 1972 shall require that the vehicle be tuned so as to perform in accordance with specifications established by the Secretary in consultation with the Administrator.

(C) The inspection emission standards applicable to the useful life (5 years or 50,000 miles, whichever occurs first) of vehicles manufactured in model year 1972 and each year thereafter shall be the same as the standards established under the authority of Section 202 of the Clean Air Act for new vehicles of model year 1972 and each model year thereafter respectively. The Administrator of the Environmental Protection Agency, in consultation with the Secretary, in accordance with Section 207 of the Clean Air Act, shall prescribe methods and procedures for measuring emissions for purposes of this subparagraph, as soon as he is satisfied that such methods and procedures are available. The inspection emission standards applicable to the years following the expiration of the useful life of such vehicles, and the inspection emission standards applicable to such vehicles until methods and procedures for measuring emissions are prescribed, shall be the inspection emission standards applicable to motor vehicles manufactured prior to model year 1972 under subparagraph (B) of this paragraph.

(D) The Secretary in consultation with the Administrator shall distribute to the general public information on how to reduce emissions in order to compliy with the inspection emission standards prescribed under this paragraph.

On page 15, line 4, strike out "(2)" and insert in lieu thereof beginning quotation marks and the following: "(3)".

On page 15, line 5, after the word "condition", insert the following: ", and a certificate of compliance with the inspection emission standards,".

On page 15, strike out lines 20, 21, and 22.

On page 15, line 23, on page 16, lines 10, 11, and 20, on page 17, lines 5, 12, 13, 16, and 22, on page 18, lines 17, 19, and 23, on page 19, lines 3, 6, 9, 11, and 13, insert beginning quotation marks.

On page 19, line 15, strike out "Act" and insert in lieu thereof "title" and ending quotation marks.

NOTICE OF HEARINGS ON CUTBACKS IN MEDICARE AND MEDICAID PROGRAMS

Mr. MUSKIE. Mr. President, I wish to announce today that the Subcommittee on Health of the Senate Special Committee on Aging will hold a hearing next week concerning "Cutbacks in Medicare and Medi-Cal Coverage."

The hearing is scheduled to be held Monday, May 10 at the Board of Supervisors Hearing Room, room 381, Los Angeles Hall of Administration, 500 West Temple Street, Los Angeles, Calif. at 10 a.m.

As I stated at the organization meeting of the Committee on Aging in February, this hearing will be the first in a series the Subcommittee on Health will hold throughout the Nation examining the standards of health care that elderly Americans receive. We will be exploring the wide range of problems in delivering a decent level of health care to older Americans. The hearings will not only include an exploration of what appears to be inadequate financial assistance to the elderly for medical care, but also the equally serious problem of health manpower and health care delivery systems. Even if the elderly had—which they do not—adequate health insurance, such as that proposed by the Senator from Massachusetts, the elderly still would not receive decent health care; there are simply not enough doctors trained to treat the special problems of the elderly nor are our institutions of health care organized to deliver these special services.

The subcommittee is especially interested in delving into the area of home care health teams which would allow high quality medical services to be delivered to the elderly at home, avoiding the need for expensive hospitalization and the difficult problems of transportation for the elderly. I hope also to investigate the need for creating rehabilitation services for the elderly. Right now, treatment for a stroke or a broken hip, if adequate, is not followed up by that kind of rehabilitation service that would allow the elderly to return to productive and happy lives.

Finally, there is the area of mental health care of the elderly, which needs detailed investigation.

These hearings will complement those being held by the Health Subcommittee of the Committee on Labor and Public Welfare regarding the financing of health insurance. The Health Subcommittee of the Committee on Aging does not intend to explore the areas of health insurance or alternative systems of financing health care.

Mr. President, at the end of these hearings, I hope we can recommend to the Congress specific proposals for modifying our health care systems to raise health care services for our older consumers to a decent level.

NOTICE OF HEARINGS ON FARM CREDIT ACT OF 1971

Mr. McGOVERN. Mr. President, as Chairman of the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture and Forestry, I announce that hearings will will be held on S. 1483, the so-called Farm Credit Act of 1971, on May 17, 18, and 20, beginning at 10 a.m., in room 324 of the Old Senate Office Building.

Anyone wishing to testify should notify the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

THE CAPITOL POLICE FORCE

Mr. GURNEY. Mr. President, I should like to take a few minutes this morning to mention the outstanding job that Chief Powell and his Capitol Police Force have been doing throughout the demonstrations of the last few weeks. Sergeant at Arms Dunphy, a member of the Board of the Capitol Police Force, and Chief Powell have directed their men in such a way as to guarantee our freedom from delay and harassment. During most of the year, these men are given little credit for their exceedingly difficult task. It is only when the pressure is put on, as it has been in recent weeks, that their discipline and cool headedness under pressure becomes apparent.

It is fitting to note that, under circumstances that would severely try the patience of most men, the members of the Capitol Police Force have maintained a calm and reasonable stance. To my knowledge, there has not been even a single accusation of overreaction, brutality, or even rudeness attributed to the Capitol Force. This is an outstanding record.

For my part, I speak of an incident that took place in my office only last week. I would like to publicly thank the men who assisted me and my staff in a situation that required firmness and patience.

But the efforts of this special group are not confined to the handling of demonstrations and protests. Day in and day out, the Capitol Policeman acts as an information service to our constituents, a guard for our staffs, offices, and our vehicles, and as protector of the security of the Capitol itself.

I think it safe to say that without their efforts, we would not be able to meet here today. These few officers and men daily insure that the secure and orderly operation of the Senate and the House can continue. I think that all of us, and all of our staff members, owe a debt of gratitude to these dedicated men.

NEW ENGLAND FUEL OIL PROBLEMS

Mr. PROUTY. Mr. President, with the coming of spring, concern about home heating oil and the problems of the beleaguered New England consumers of this product also fade.

My purpose in speaking today is to warn that, despite the warm weather, despite the fading memories of winter, critical decisions must be made now by the Federal Government to assure adequate supplies of reasonably priced home heating oil for New England consumers next winter. Next fall may be too late; we must act now and we must make changes in our import policy now, if we are to avoid the heating oil problems and crises that have accompanied New England winters for the past 6 years.

I fear that unless we start now and make changes now, New England may well experience a critical shortage of heating oil and a continuing escalation in the price of this critical product next winter. I also fear that the competitive strength of the small independent businessmen, who have been the backbone of the New Engand fuel oil market, will be eroded as a result of Federal policies that favor the major oil companies.

Last June 17, President Nixon signed Proclamation 3990, allowing the importation of 40,000 barrels a day of No. 2 fuel oil into the east coast. At that time the White House announced that the purpose of the new program was to "alleviate the price, the supply and the competitive situation in connection with

No. 2 fuel oil on the east coast particularly New England and the Middle Atlantic States."

I applauded the President's action at the time, and I was equally pleased that the program was extended for the year 1971. The President's action marked the first recognition by any administration, Democrat or Republican, of the particular problems and concerns of New England homeowners.

Unfortunately, only one of the three goals of the program was achieved. Added supplies of home heating oil were made available for New England, thereby averting a major fuel crisis, and for this, we in New England were most grateful. Unfortunately, however, the program failed to alleviate either the price or the competitive situation.

Let us examine for a moment why the program failed to achieve two of its goals.

First, the program could have provided price relief in the amount of $50,000 a day for the oil consumer in the Northeast. This did not occur, however, because the savings of $50,000 a day were diverted from consumer relief into oil company profits. As soon as the new program for New England was announced, the two major companies who dominate the Caribbean, Esso and Shell, moved their prices sharply upward. During the period from August 1 to December 1, 1970, the Caribbean price of home heating oil moved from 6½ cents to 9½ cents per gallon. This unwarranted price escalation prevented consumer price relief while providing a financial bonanza of $50,000 a day for the oil companies involved.

Second, the program failed to alleviate the competitive problems of east coast independent terminal operators. Since they are forced by law to purchase No. 2 fuel oil only in the Western Hemisphere geographic areas, these operators have been seriously affected by the ever escalating costs of oil from this area and are unable by law to seek cheaper oil elsewhere.

My concern is not simply for the past deficiencies in the program. Rather, Mr. President, my concern is that these problems will not only continue but will be far more critical next winter. Not only does it appear that prices will continue to escalate, but it also appears that the supply will be greatly diminished. This pessimistic outlook has its basis in recent developments in the oil market which I should like to briefly review.

First, as a result of the new Venezuelan tax reference values—amounting to an increase tax of nearly 2 cents per gallon on home heating oil—there will be little chance of a reduction in prices; in fact, there is every chance that there will be another increase in retail prices this summer or next fall as a result of the Venezuelan price moves.

It might also be noted that because of the relationship established under the new Venezuelan tax regulations between rates on high and low-sulfur residual fuel oil, refineries in the Caribbean will have a greater incentive to use distillate oil, that is home heating oil, for blending with residual oil to lower the sulfur content of the latter product. In other words, the new Venezuelan tax policies will divert more and more home heating oil away from the residential heating market and into the heavy fuel market as a blend. This does not augur well for the supply picture for next winter. Already, the second largest refinery in the Caribbean has, within the last 2 weeks, begun notifying independent terminal operators that it will have no No. 2 fuel oil to sell in the coming winter. Insofar as independent operators are limited by law to purchasing No. 2 fuel oil only in these markets this action is critical to both supply and competition.

Mr. President, the solution to these problems I have outlined is simple but requires immediate action.

The step which must be taken is to remove the present restriction in the No. 2 fuel import program which forces independent operators to make purchases only in the Western Hemisphere. Removal of this restriction will avert a critical New England fuel crisis next winter and will cause no harm since the problems leading to its enactment no longer exist.

At the time this restriction was put into effect it made sense. The price of Caribbean oil was substantially lower than the American price and there were reasons to give the Venezuelans some preferential access to our market. However, the refineries in the Caribbean have substantially raised their prices. Additionally, the Venezuelans have raised their tax sharply. Therefore, neither the refineries nor the Venezuelans now deserve any special consideration by our Government.

Nor is there any reason for treating east coast independent terminal operators any differently from major oil companies. When you examine the oil import program closely, Mr. President, you discover that there are no geographic limitations on the importation of crude oil; the import licenses which the major oil companies receive for importation of crude oil for their east coast refineries enable them to purchase that oil anywhere in the world. In contrast, the terminal operators who hold tickets under the No. 2 fuel oil program are singled out and forced to purchase in a particular geographic area.

As I have pointed out, this geographic restriction works to the disadvantage of the consumer in the Northeast and to the advantage of the major oil companies and it must be ended.

The removal of this restriction is essential if independent operators on the east coast are to obtain a sufficient supply of home heating oil to meet the expected demand next winter. The realities of the situation necessitates, however, that this action be taken immediately.

Time is a critical factor because of the peculiar nature of the home heating oil business. We are entering what is called the "summer fill" period. It is the time when consumer demand for heating oil is low; wholesale prices have historically taken a downward swing, during this period, and independents have usually been able to fill their storage tanks at more reasonable prices. Unfortunately, the downward swing will probably not take place in the United States or in the Caribbean this summer because of the factors I have already cited. I am informed, however, that home heating oil will be available at more reasonable prices at European refineries in the coming months. One reason is that European refineries have less storage capacity and are less capable of increasing the proportionate yields of gasoline during the summer; hence, there is greater incentive to move heating oil. I am also informed that persons who purchase home heating oil from European refineries during the summer will, through longer term contractual arrangements, be able to secure additional quantities at reasonable prices during the winter as well.

Providing independent purchasers access to European refineries could thus have a favorable impact on heating oil prices in New England; if the independent can secure substantial supply at reasonable prices, I believe that they will be able to hold the line against a heating oil price increase in the coming winter.

The amendments to the oil import proclamation and the regulations which would give New England access to European heating oil can be made quickly and simply. A proposal was submitted by the Independent Fuel Terminal Operators Association to Gen. George A. Lincoln, chairman of the Oil Policy Committee on February 3; again on April 14 the association requested that prompt action be taken on this request. This matter has now been before the Oil Policy Committee for 2½ months; I see no reason why it cannot be decided upon very quickly. If we do not have fast action, prices on home heating oil along the east coast will increase again next winter. Such an increase of 1.3 cents per gallon has just been announced by one of the two major refineries in the Caribbean. As all New Englanders know, each 1 cent a gallon increase costs New Englanders $45 million more in order to keep warm during the winter months. This particular one will cost us $60 million.

Mr. President, the action we are seeking provides a test of the commitment to our Government in the fight against inflation. The oil import program and the level of imports allowed under that program have a direct bearing on oil prices in the Northeastern States. Knowing of the President's strong commitment in this critical fight to bring price stabilization to our Nation, I am sure that he will want to take prompt action to prevent any further price escalation for such an essential product.

My concern for New England home heating oil consumers has been heightened by very disturbing reports that have appeared in the press in the last few days to the effect that an effort is being instituted to completely eliminate the No. 2 fuel oil program next year. I would view this as a tragedy of the greatest magnitude and I am sure that all of us in New England, and in fact throughout the Northeastern States, will do everything we can to assure that it does not happen. In fact, it might be comforting to the homeowners of New England, who may be concerned about prices and supplies for the coming winter, if the White House could provide assurances as soon as possible that these rumors and reports of an end to the program were false and that the program will be continued—at a much higher level—in 1972.

Mr. President, I hope that the Western Hemisphere limitations for the home heating oil import program will be removed immediately and that the independent businessman who provides much of our heating oil in New England will be able to purchase oil from European refineries. In this way, the program which the President commendably established last year will be able to plan an effective and important role in assuring adequate supplies at reasonable prices of a product so critical to the health, safety, and economic well-being of the New England States.

TENTH ANNIVERSARY OF AMERICA'S FIRST SPACE FLIGHT

Mr. ANDERSON. Mr. President, 10 years ago today Alan Shepard flew the little Freedom 7 capsule on America's first space flight—a breathtaking mission that lasted 15 minutes. This was a historic beginning that led rapidly and directly to the many subsequent steps that took us to the moon. I do not believe many now remember the qualities of steadfastness and courage and faith required to make those early decisions and to fly those first spacecraft that opened a new dimension for the first time to Americans. I would like to pay tribute to our space pioneers, to those like Alan Shepard who took the risks, who understood the possibilities, who succeeded in turning our eyes upward and outward. Few today would look back and say, "that was wrong, we were in error, the United States should never have challenged the barrier and promise of space."

Yet at that time, I recall many hesitant voices—whispers of caution, murmurs of fear, echoes of isolationism. I remember people saying we should stick with monkeys for a generation or so, perhaps because they felt man was too unreliable. Others felt the vehicles were not perfected and told us to wait for another generation of technology. There were even some who said, "leave space to the Russians and we will cultivate our own gardens."

I, for one, am glad we did not listen to the small voices around us at that time. I, for one, am proud to look back and know that one of the great designs of history has come about through hard, dedicated work in which I have had a part. And I know I share this pride with many Senators, Members of the House of Representatives, down the street at NASA, and across the country in every State and township.

But looking back is only one privilege of leadership—we have a duty to look forward and guide the destinies of the generations yet to come as wisely as possible. Decisions that may permanently affect the strength of the Union—its place in the congress of nations, its health and safety in the dynamic, turbulent years that lie ahead—are never easy to make or simple to formulate. Such decisions require both care and courage, an understanding of both risk and returns, and above all, a clear and steadfast vision of the real issues at stake. Such decisions should not be compromised; they should be dealt with in terms of fact, not partisanship or personality.

It was with these thoughts in mind that I read a recent communication from the senior Senator from Wisconsin, printed in the Record of April 30 of this year. In that communication he urges, quite simply, that we dismiss our Nation's future in space—apparently because the Senator did not like an answer he received from the space agency.

Mr. President, I deeply respect my colleague from Wisconsin; he is energetic, effective, and intelligent; he is also a very busy man. But in this case, on this issue, I feel he has been misled by his own zeal and restless energy; I feel he has not taken the time necessary—and I can assure you it requires a lot of time—to become fully familiar with our national space program, with its place in our national priorities, with its accomplishments, values, returns, and future promise. He is not a member of the Senate Committee on Aeronautical and Space Sciences; he has not participated in our hearings for the past 3 years while we have been developing and critiquing the concepts for the Nation's next steps in space. It is difficult, therefore, to accept without question the rather summary judgment expressed in his communication.

That judgment, in short, is that the United States of America should quit, now, the exploration and exploitation of space, that we should expressly and purposefully deny ourselves and our descendants the benefits of space science and technology, that we should turn our backs on a dimension of human activity that is as much part of our world today as were the open western lands a century ago. I hasten to point out that these are not the words of the Senator from Wisconsin; these are simply the consequences of following his advice, advice that we should not develop a space shuttle.

What is the space shuttle? To oversimplify, it is a concept that will make space as available—technically and economically—as the airplane has made long distance travel. Like an ocean vessel or an aircraft or a rocket, an economical space transportation system has a role to play in exploration, in science and technology, in civil life, and if necessary, even in defense. The shuttle is, first and foremost, an economical transportation from earth to space—and back to any point on earth. Without a shuttle—a space system that flies like a large transport plane—I do not believe we can afford to take full advantage of the scientific opportunities in space. Such major missions become too expensive. Nor can we capitalize effectively on our scientific and technological investments that have already given us space communications, weather satellites, and geodetic programs. The commercial and social benefits of the next generation of space applications—contributing to such fields as natural resources management, pollution monitoring, weather modification and climate control, television distribution, earthquake prediction and avoidance, education, public health and safety, to name a few—will not be fully realized unless we get costs down, efficiency up, and introduce a flexibility of action not earlier thought possible. That, of course, is what the space shuttle is for, and why without it we will lose a program of promise and value.

And I would remind you, Mr. President, of the strategic position of this Nation as we project the evolution of international affairs; as we anxiously work for peace and stability and the flowering of the human spirit, we must face the real possibilities of turmoil, of conflict, of international instability. Technologies do not politely stand still simply because a single nation chooses to ignore their importance and potentialities ; we have had several lessons in that regard in my lifetime. International interaction now includes space, whether we will it or not; we can no more ignore it than we can the changing roles of oceans and land masses. Would we see the Western World without ships? Without aircraft? Without land mobility? Why should we project a Western World without the technologies in hand that allow us the freedoms of space as well?

Mr. President, I believe the question of the space shuttle should be thoroughly examined by the Senate, not lightly dismissed. I believe the issue stated properly can have but a single answer; the issue is, can America afford all the costs—social, civil, and military—of a decision to deny ourselves ready access to the total environment in which we must live. The questions remaining are ones of technical approach and management structure, of phasing and sizing and development schedules; they are not ones that call into question the basic equations of international power, of national confidence, of social progress.

WITHDRAWAL FROM VIETNAM PUT IN ADMIRABLE PERSPECTIVE

Mrs. SMITH. Mr. President, the lead editorial of the Maine Sunday Telegram of May 2, 1971, certainly puts the matter of "On Getting Out of Vietnam" in admirable perspective. It is brilliant in its "down to earth" commonsense as contrasted to the negative carping against President Nixon on this matter.

I ask unanimous consent that it be printed in the Record, and I invite the attention of every Senator to it.

There being no objection, the article was ordered to be printed in the Record, as follows:

On Getting Out of Vietnam

Nixon's "silken purse" of massive withdrawal from Vietnam is being made by his opponents into a sow's ear.

A regular hue-and-cry is on across the nation for instant withdrawal, now.

To Richard Nixon, this accusatory outcry for "faster withdrawal" must seem weirdly unjustified.

For the fact is that Nixon has withdrawn some 300,000 U.S. troops already; is bringing more back at the accelerated rate of 4,000 a week; has, through Secretary Laird, promised all ground combat will be turned over to the South Vietnamese by summer—only 60 days hence; has promised that he will withdraw another 100,000 troops by December; and has let it be known that the troop level will be down to some 45,000 by next July. In less than 48 months he will have withdrawn half of a million troops.

But these facts do not seem to have registered. Perhaps because of Laos, Cambodia, Calley, PX scandals, drug fears—Americans want out of Vietnam now, overnight.

Nixon's political rivals—along with the Congress, the public and the North Vietnamese—are berating him daily for refusing to announce publicly a firm, early withdrawal date. Instead of answering them head-on, the President goes off and tells his withdrawal story to the D.A.R. and the Chamber of Commerce, of all audiences!

We hope that John Scali—that tough minded newsman who is the President's new advisor on the public information aspects of foreign policy—will get the President to quit greeting high school choirs and the D.A.R. and let go with a left hook at the Humphreys, McGoverns and Muskies who lead the wail for instant withdrawal.

"Look, you knuckleheads" Nixon might say "I am the first 'withdrawal' president you've ever had! Ike edged us into that war; your beloved Kennedy got us in deeper; then L.B.J., with Texas guns a-blazing, got us in up to our neck, while Humphrey and Muskie supported him. But in the last 20 months I have pulled out 300,000 men . . . Why, my middle name is 'withdrawal', Richard Milhous 'Withdrawal' Nixon . . . I ran on a promise to get us out of Vietnam, and beat Humphrey-Muskie who ran on the LBJ war plank of keeping us in Vietnam, half a million strong . . . And I've virtually said I won't run for a second term unless I get us out of Vietnam before I finish my first term. . . ."

Nonetheless, a hue-and-cry is on for Nixon to announce a date—New Year's Eve, urge his carping critics—for an end to U.S. involvement.

This President Nixon adamantly refuses to do—publicly. Although naming a date publicly would be easy and popular.

But it could also be disastrous. Disastrous for reasons which the President cannot spell out publicly without needlessly risking American troops.

We will try to state some reasons why Nixon cannot now publicly announce an early withdrawal date—although we feel certain he has privately set that date.

Reason one—Nixon's withdrawal policy hinges upon Vietnamization . . . upon turning the defense of South Vietnam over to a reasonably well equipped and trained South Vietnamese army, navy, air force, which "has a fighting chance to prevent a Communist take-over."

Today there is only one leader in South Vietnam who is wholly committed to achieve this necessary "Vietnamization."

He is President Thieu—like him or not.

And President Thieu is up for re-election this October.

And Nixon must help get Thieu re-elected, if Nixon is to get the Vietnamization he needs in order to safely withdraw all American troops.

This means that Nixon cannot now publicly announce any such early withdrawal date as December 31st.

If he did, that would pull the rug out from under Thieu's re-election in October.

And that in turn could pull the rug out from Vietnamization. And that stymie withdrawal.

In short, if Nixon now announced that all U.S. troops would be withdrawn in a wild rush by December 31—as his critics urge—the whole Vietnamization program might quickly collapse.

Might collapse so quickly that the U.S. troops remaining in Vietnam could be smitten with the heaviest fighting yet seen. They might face an onslaught from the North Vietnamese, coupled with collapse of a demoralized South Vietnamese army, and simultaneously get no support from a forsaken, lame duck South Vietnamese government.

Bluntly, the U.S. troops would be in one hell of a mess.

Thus the President would be horrendously irresponsible to risk collapse of the Vietnamization program merely to make a withdrawal date announcement.

His critics are dangerously naive to urge so risky a course on him.

We believe that President Nixon has firmly and privately set a fixed withdrawal date, and that he has informed President Thieu of that date.

We believe that date is around September or October 1972. That will be 11 months after Thieu's probable re-election and about a month or two before Nixon's probable re-election. If indeed, U.S. troops are out of Vietnam by then, Nixon will surely run again.

Critics will likely seize on such a date to make it sound as though it were chosen solely for political reasons.

If they do so, they expose their ignorance of the basics in the Vietnamese war and the process of military withdrawal.

These basics are logistics of withdrawal; and weather.

Reason two. The logistics . . . As the U.S. forces withdraw down to some 186,000 (by December), our diminishing troops and their millions of tons of valuable weaponry must be withdrawn to safe enclaves. They must pull back from hundreds of U.S. bases scattered now from the DMZ in the North to the lower delta and the Gulf of Siam in the South.

They will pull back—a tricky, major maneuver—to the six or eight major coastal enclaves where the vast U.S. buildup started in 1965 . . . In the North, they must pull back to Quang Tri, the vast U.S. helicopter base; and to Phu Bai, our first big Army headquarters; and to Da Nang, the second city, where we have a major port and huge airbase; and to Chu Lai, where there is a huge U.S. hospital and airbase. The enclaves in the mid coast region will be Nha Trang; and Cam Ranh Bay, Asia's best harbor, which we built so big it dwarfs most U.S. ports; and to Bien Hoa, the airbase and vast depot outside Saigon.

Elementary military sense makes it mandatory these highly valuable bases be kept from falling into enemy hands.

Furthermore, the U.S. must spread its exodus out from a number of separated debarkation points. And should there not be an armistice by the time we withdraw, then safe, major ports may be needed to supply war material to the ARVN. If there is an armistice, ports will be needed to bring in material to rebuild devastated Vietnam.

So much for elementary logistics of safe, sensible withdrawal.

Reason three. Weather, basic to withdrawal, and the entire conduct of war in Vietnam, is weather.

Those who urge total withdrawal by December 31, ignore the paramount fact that December is the driest month. The months between November and April are the dry season down the network of Ho Chi Minh roads (The Trail) from North to South Vietnam. These are the months the enemy moves his men and weapons, the months when attack in force can be staged. Hence it is the most vulnerable of all times for the vulnerable tactic of withdrawal.

Reason four. Because Vietnamization started too late, the ARVN still has a long, long way to go. We believe President Thieu has promised to keep full speed ahead with Vietnamization—provided President Nixon assures him of needed U.S. air cover during the next dry season, when the ARVN may be fighting its toughest ground battles. Nixon, we believe, has promised such air support, if needed, because the South Vietnamese air force does not have interdiction capabilities.

Once that perilous dry season is over in April the monsoon floods will bog down any major enemy movement. And then the final stage of U.S. withdrawal from the enclaves may be accomplished with less risk.

Reason five. If "instant withdrawal" resulted either in massive U.S. casualties, or if a collapse of "Vietnamization" resulted in a walk-over by Communist forces into Saigon, then the public outrage in the United States might rip our nation terribly. There could be outrage which asked "Is this why 40,000 Americans died? Why 300,000 Americans were wounded?"

A violent right-wing reaction under such circumstances might throw America into a torment of division and self-accusation which would dwarf any demonstration yet seen in our land.

This too is a risk no responsible President should take.

For years, this newspaper has deplored and criticized our vast and wasteful and mistaken involvement in Vietnam. We wish the U.S. had been out of Vietnam long ago, and the fighting and peace-making had long ago been left to the Vietnamese themselves.

Now, at long last, massive U.S. withdrawal is underway. Now, at long last, presidential promises are being kept. We favor the fastest withdrawal feasible. But we deplore a panicky, emotional and dangerous rush for the exit—and deplore those who advocate it and employ it as a stick to beat the President.

NATIONAL WARNING SYSTEM

Mr. HUMPHREY. Mr. President, the erroneous message sent out on February 20 from the National Emergency Warning Center announcing a "national emergency" clearly shows that our national alert system needs to be completely reexamined and reevaluated. An error of this magnitude simply cannot be tolerated.

As disturbing as the erroneous message being sent in the first place was the failure of the vast majority of the radio and television stations to comply with standby emergency procedures. The Federal Communications Commission has found that only 452 of some 8,243 stations complied with the procedures to be followed in the event of an alert warning. The vast majority of stations remained on the air because they did not believe the alert warning, wanted to check it further, or failed to see it on the wire.

We need a dependable and efficient national alert system not only in the event of attack from a foreign power, but also to give us prompt warning of domestic disasters such as hurricanes, tornadoes, flash floods, storms, tidal waves, earthquakes, and fires.

In view of the serious questions raised by the erroneous alert message and breakdown in the emergency broadcasting system, Congress has an obligation to give this entire matter top priority consideration.

I wish to commend the distinguishd chairman of the Armed Services Committee (Mr. STENNIS) for promptly directing his committee staff to investigate this matter to determine how such an error could occur and why there was a breakdown in the emergency alert system. I am certain that the Armed Services Committee's study is endorsed by every Member of this body.

I would suggest that it is incumbent

upon us to examine also the equally important link in our alert system between the broadcast stations and the general public. Under our present emergency broadcast system the stations upon receiving the alert notice are to broadcast the appropriate "emergency action notification message" prerecorded tape. However, at least 25 percent of the time each day 95 percent of our country's citizens are not "tied in" to the emergency broadcasting system, since their radio and television sets are turned off. Even during daytime hours many sets are silent.

Mr. President, the country needs an efficient home warning system that would operate around the clock. In this technological age the signaling techniques are available. The necessary transmitting facilities are already in existence in the form of our commercial broadcast system. Every family should be able to purchase a television set or radio that could be either voluntarily turned off or turned to a silent standby state. In time of emergency, receivers in a silent standby state would have their speakers automatically turned on, providing each home with instantaneous warning, 24 hours a day. We have at the present time the technological knowhow to put such a system into every home in the country.

The Office of Civil Defense and the Federal Communications Commission have been conducting studies of such systems since 1963. The Weather Bureau also is studying a third system for weather warning. In the meantime, disasters such as the Palm Sunday tornadoes of 1965, Hurricane Camille, and the Mississippi tornadies strike unwarned victims. These studies should be examined at the highest levels of our Government so that we may proceed toward selection and prompt development of the most effective system attainable. Overall responsibility for a unified public alerting system should be clearly established and implemented as soon as possible.

REVENUE SHARING—RESOLUTION OF CITY OF CHATTANOOGA

Mr. BROCK. Mr. President, one of the most pressing issues facing the 92d Congress is the consideration and passage of the President's revenue-sharing legislation.

The critical situation now facing our cities is accurately outlined in a recent resolution relative to revenue sharing adopted by the city of Chattanooga, Tenn. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION RELATIVE TO REVENUE SHARING

Whereas, state and local governments are reaching the point of fiscal crisis; and,

Whereas, there is an urgent need to correct the imbalance between the ability of the federal government and of state and local governments to raise the revenues required to move toward a solution of domestic problems; and,

Whereas, the time has come to strengthen state and local governments by returning a greater share of responsibility for establishing their own spending priorities to meet these problems and the growing demand for public services; and,

Whereas, the concept of general revenue sharing has been endorsed by an impressive number of national, state and local leaders and organizations as an effective means of helping resolve the complex and crucial situation described above:

Now, therefore, be it resolved by the board of Commissioners of the City of Chattanooga, Tennessee, that they do affirm their support of the proposal for general revenue sharing and strongly urge the continuation of bipartisan efforts in the Congress to promptly enact this vital and long-overdue measure.

I, W. H. Zachry, Auditor of the City of Chattanooga, Tennessee, and, as such, keeper of the records of the Board of Commissioners of said City, do hereby certify that the foregoing is a true, compared and correct copy of Resolution No. 8835, adopted by the Board of Commissioners of the City of Chattanooga, Tennessee on March 30, 1971.

Witness my hand and the Seal of the City of Chattanooga, Tennessee, this 31st day of March, 1971.

W. H. ZACHRY,
Auditor and Clerk of the
Board of Commissioners.

AIRPORT DEVELOPMENT AND AIR NAVIGATION FACILITIES SUFFER BY FAILURE TO PROVIDE FUNDS ALREADY PAID IN USER TAXES

Mr. RANDOLPH. Mr. President, the Congress developed and passed the landmark Airport and Airway Development and Revenue Acts of 1970. It was intended that substantial funding be provided for urgent airway modernization and airport development. The purpose of utilizing the system of user tax funds contained in the acts was to insure that moneys were spent for the specific programs and in the specific amounts.

As it now stands, the administration steadfastly maintains that it has no obligation to request, nor to spend, all the funds authorized by Congress under last year's legislation. On the contrary, it appears that the administration intends to hold down spending for needed airport and airway construction, thus depriving aviation taxpayers and the public of urgently needed improvements to our air transportation system. It also appears that user tax revenues will be used to defray operation and maintenance costs of the system—a nonpriority objective—while airway and airport projects continue unfunded.

Those of us in Congress who were active on this issue thought that we had made it amply clear that capital construction for airport runways, air navigation facilities, and air traffic control equipment would have an absolute priority in the use of aviation trust funds, particularly the funds that were derived from taxes on airline passengers, air freight, general aviation fuel, and aircraft. Unfortunately, the administration—specifically, as I understand it the Office of Management and Budget—decided to interpret the law to suit its concept.

By combining all aviation costs and refusing to assign a priority to capital items, it became easy for the administration to reduce appropriation requests—and spending—for capital items, apply user-supported tax revenues to operations and maintenance expenses of the Federal Aviation Administration, and thus reduce the requirement for general Treasury fund appropriations.

The tactics of the administration are clear. By lessening the need for general Treasury funds, although at the expense of the aviation taxpayers and progress in aviation, the administration reduces, dollar for dollar, the amount of the Federal Government's budget deficit.

Reduction in the Federal deficit is, of course, a salutary goal—but the expense of that objective must not be borne by a special group of taxpayers, in this case the users of aviation. Yet this is precisely the result of the administration's action. User taxes, imposed on a special group of taxpayers for a specific purpose, would be used to reduce a general fund obligation.

Mr. President, on March 30, the able Senator from Nevada (Mr. CANNON) introduced S. 1437, a bill to further clarify the intent of Congress as to priorities for airway modernization and airport development. I cosponsor this bill. The Senator from Nevada clearly outlined the objective of his measure: to require the administration to request and the Congress to appropriate not less than $295 million for airport development and planning grants each year, and not less than $250 million for air navigation and traffic control facilities and equipment.

Then and only then—

Said Senator CANNON—

will user charge-derived trust fund revenues be available for the other purposes specified in the act.

Mr. President, I strongly support the provisions of S. 1437 and, in the interest of a better, safer air transportation system in the United States, I urge that it receive early and favorable action by Congress.

FREE WORLD SUPPORT OF PRESIDENT NIXON'S DISENGAGEMENT POLICY

Mr. SCOTT. Mr. President, a recent editorial in the London Daily Telegraph is indicative of the support throughout the free world of President Nixon's disengagement policy in South Vietnam. I commend the editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IS AMERICA STILL CREDIBLE?

Is America so rotted by the Vietnam war, so rent by protest against most of the things that the Nixon Government stands for at home and abroad, as now to be no match, in power or the will to use it, for an imperialist Soviet Russia or a resurgent China? If this were indeed so the European and other democracies, which now take American protection as much for granted as the sun and the rain, should be doing something more constructive than self-righteously deploring the presages of America's decay so eagerly served up by the media.

Has the canker eaten as deep into the American soul as the television pictures suggest? About 300,000 demonstrated against the war in Washington alone over the weekend. Eight hundred youthful-looking "veterans" from Vietnam discharged their appointed task of reflecting vocally and visually the supposed demoralisation of the American Army. The climax was a well-organised and well-photographed orgy in which the various military decorations so prized in the country's history were dishonoured, thrown away and trampled underfoot. It was a kind of anti-patriotic black mass, calculated to shock in the same way as the shouted obscenities which are now a routine part of demo techniques. Senators KENNEDY, McGOVERN and MUSKIE were among those anxious to be asociated with such proceedings. In this atmosphere the highest estimates of drug-addiction and officer-murder in Vietnam seemed credible.

And yet President NIXON—contrary to all indications when he took office, despite organised malice of unprecedented scale and intensity at home and all the enemy's efforts to exploit America's self-inflicted wounds—is resolutely achieving his objectives. More than half of the troops have already been withdrawn, and the reverse flow has been increased. The South Vietnamese, growing daily stronger, will soon be carrying the entire burden of the land fighting. The initiatives in Cambodia and Laos, far from bringing China into the war, as Mr. NIXON's denigrators predicted, must have played some part in bringing China to the contemplation of a settlement that is implied by her overtures. In America the economy is responding to treatment, the racial scene and even campuses seem to be cooling.

Abroad Mr. NIXON—despite isolationists of the Right and Left, and pandering by the Democrat leaders to the pacifist and protest movements—is showing that he is able and determined to discharge America's responsibilities. He sometimes has to trim a bit in dealings with an awkward Senate, but in a show-down it knows that he would have public opinion behind him. He did not withdraw troops from Europe. He stood up to Russia in the Syria-Jordan crisis last October, recently reinforced the Sixth Fleet to compensate for Russian moves, and is evidently not going to allow Russian expansion in the Indian Ocean to go unanswered. While seeking a missile agreement, he is telling Russia firmly that he will not allow her to steal marches or gain advantages, and is taking practical dispositions accordingly. Such things do not make such good television programmes as veterans' protests, but in the present context they are much, much more important.

HOW NONPARTISAN IS COMMON CAUSE?

Mr. BROCK. Mr. President, at its inception, John Gardner's Common Cause was hailed as the people's lobby and a nonpartisan organization for all Americans who want a voice in the rebuilding of this country.

Unfortunately, this has not been the case. An article published in the April 5 issue of Monday takes a look at what is happening with Common Cause today. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

In his "Dear Friend" letter to potential members, the Chairman of Common Cause, John Gardner, refers to his organization as a new *"independent, nonpartisan organization* for those Americans who want to help in the rebuilding of this Nation." An investigation of the organization by Monday has shown that behind the nonpartisan rhetoric *there is much more than meets the eye.*

To begin with, there is Gardner. A nominal Republican, he has become a *purveyor of the radical Democratic line* on virtually every major issue. Examples abound: In a 1969 speech to the National Press Club, Gardner *accused the President* of a "failure of leadership" in domestic affairs. The New York Times called the address a "strong indictment" that bore down *"particularly hard on the Presidency."* In May, 1970, Gardner assailed President Nixon on civil rights. In a statement on Laos this February, Gardner *ignored North Vietnamese violations of Laotian neutrality* and accused the Nixon Administration of widening the war in Indochina. He accused President Nixon of playing "Russian roulette" and "a deadly game."

Next, there is *the staff of Common Cause* and *the way the organization is run.* It's Policy Council has approved as President of Common Cause, *Jack Conway.* And *Harold Willens* has become Special Advisor to Gardner. Conway, who will be the *"chief operating officer"* of Common Cause, is a *Democrat* and former chief assistant to the late Walter Reuther, head of the United Auto Worker's union. He was also Deputy Director of the War on Poverty in the *Johnson-Humphrey Administration. Willens, also a Democrat,* is co-founder with *Henry Niles, another Democrat,* of the radical Business Executives Move for Vietnam Peace. Both Willens and the group he helped found have been unremitting critics of the Nixon Administration. Their views are indistinguishable from the democratic party's left-wing. The Washington Post has quoted *Willens* as blaming *"American militarism"* for the war in Vietnam. The Post also reported that Business Executives Move for Peace contributed $8,000 to help bail out the left-wing *Vietnam Moratorium Committee.*

A Monday poll of Common Cause's 19-member Executive Committee, which is responsible for detailed review of both past and future action, shows *Democrats outnumbering Republicans* by 11 to 6. One identified herself as an Independent; another was unreachable. The Common Cause Policy Council is also *loaded with Democrats:* Ga. State Rep. Julian Bond, Tex. State Sen. Joseph Bernal, the wife of Sen. Fred Harris of Okla., Gary, Ind. Mayor, Richard Hatcher, Henry Santiestivan, husband of the editor of the Americans for Democratic Action publication, ADA World, Cleveland Mayor Carl Stokes, Philadelphia Mayor James Tate, UAW President Leonard Woodcock and Andrew Young, Jr.

While President Nixon is fighting to *reverse the flow of power from Washington to the States,* Common Cause is doing precisely the reverse. In a signed message to members last week, Gardner reported that after "consultation with long-established organizations" it had been decided that Common Cause would not adopt the conventional local chapter form of organization. *"Nor do we want members to launch local actions* that are not a part of a national effort that Common Cause is making," he warned. The reason: "Uncoordinated *local initiatives would dissipate the power that Common Cause can exert* when all members act together "

Common Cause's stand on issues also belies the claim to nonpartisanship. Following up on charges by Newsweek columnist *Stewart Alsop* and Washington Post columnist *Kenneth Crawford* that there are no differences on the issues between Common Cause and the Americans for Democratic Action (ADA), Monday put the question to both organizations. The answer was the same: Neither could think of one major issue on which the other differed substantially. "I think there are some," ADA Press Secretary *Sarah Trott* told Monday, "but I can't think of one specifically." Special Assistant to the chairman of Common Cause, Thomas Mathews, said essentially the same thing only a little more colorfully.

Not only do Common Cause's positions follow the *liberal Democrat line,* but they also are even lobbied for on Capitol Hill by Democrats. Four out of five of Common Cause's registered lobbyists are Democrats. They are: *John Lagomarcino,* who wouldn' admit to Monday that he was a Democrat, but said he voted for Humphrey in '68 and Johnson in '64; *Jack Moskowitz,* formerly with a subcommittee of the Senate Judiciary Committee—put there by the Democrat Senator from Michigan, *Philip Hart; Wayne Horvitz;* and *Ed Anderson,* formerly with the Friends Committee on National Legislation. Anderson, when asked if a Democrat, said: "Please don't ask that." But when pressed, he said he was a Democrat. The lone Republican lobbyist is *Lowell Beck.*

How Common Cause got into one issue, the seniority system, has been reported in the New York Times which said the organization took on the controversy after Gardner, Lagomarcino and Pete Edelman, a former staff aide to Sen. Kennedy, "scouted around Capitol Hill talking with such Congressmen as Donald Fraser, Democrat of Minnesota, head of the *liberal Democratic Study Group."*

Seeking a Common Cause member's opinion as to the partisanship or nonpartisanship of the organization, Monday spoke with Mrs. M. E. Herr of Yakima, Washington. Mrs. Herr was chosen at random from material in a Common Cause press kit quoting her on the ineffectiveness of Congress. Mrs. Herr told Monday: "I think *Common Cause does lean toward the liberal Democrats* on the issues. And I think if they are partisan, and I concede it looks as if they are getting that way, I believe they should say so."

In a letter to the Washington Star last month, Common Cause member E. D. Gibson announced his resignation from the group saying: "The bloom is so soon departed . . . *Common Cause . . . is found wanting.* It has taken the easy turn in becoming another anti-government organization opposing the national policy in the Far East."

In recent weeks, other information has come to light which seriously weakens Common Cause's *pretenses to nonpartisanship.* These include:

The revelation that the organization allowed the *Democratic National Committee* to use part of its membership list to raise funds. Gardner later expressed regret over the incident causing *RNC Chmn. Bob Dole* to ask if Gardner was embarrassed *"because he goofed or because he was caught?"*

Reports in the Albuquerque Journal that *Anne Wexler, a veteran of the Eugene McCarthy* and *Joe Duffey campaigns,* is heading a voting rights division for Common Cause. The Journal also reported that she is pushing reforms contained in the report issued by the Democratic Nat'l Committee's convention reform commission headed by *Sen. George McGovern.* David Mixner, also a veteran of the McCarthy campaign and a Vietnam Moratorium Committee organizer, is working for *Common Cause on a pilot project* on the relationship between corporations, regulatory agencies and state legislatures, the Journal reported. Craig Barnes, *a defeated Democratic House candidate,* is working with Mixner.

A report in the leftist New Republic magazine that Common Cause is "serving as *a half-way house for backers of Presidential candidates* who haven't announced, such as Sen. Harold Hughes of Iowa." The magazine also reported that while Common Cause boasts of its nonpartisanship, in the early weeks of its formation "rumors were flying about that Common Cause was laying the *foundation for a third party . . ."* The New Republic reported that Gardner enjoys former Sen. Eugene McCarthy; "He thinks that every time the former Senator opens his mouth, he says something, which is unusual in Washington."

A report in Human Events that the PR firm of Doyle, Bane and Bernbach, which handled

LBJ's campaign in 1964 is providing free services to Common Cause.

To sum up, *the question about Common Cause* is not whether it has the right to employ whoever it wants or take whatever positions it wants. What is at issue is whether the organization should hire partisan individuals in prominent positions and take partisan political positions while at the same time calling itself nonpartisan. As Stewart Alsop put it: "I'm not arguing whether the *dove Democrats and Common Cause* are right or wrong. My point is that a spade really does occasionally need to be called a spade. And John Gardner, who is undoubtedly an admirable fellow, is no more the head of a nonpartisan citizen's lobby than I am. He's the head of a *lobby for liberal Democrats*—which, of course, he has every right to be."

ARIZONA FIRST TO IMPLEMENT THE 1970 CRIMINAL JUSTICE ACT AMENDMENTS

Mr. ERVIN. Mr. President, just a year ago last Friday, on April 30, 1970, the Senate passed S. 1461, a bill to improve the quality of criminal justice in America by improving and expanding the system of public support of defense legal assistance for individuals who are financially unable to obtain counsel in criminal cases. That bill amending the Criminal Justice Act of 1964 was originally introduced on March 10, 1969, by the Senator from Nebraska (Mr. Hruska), the Senator from Arizona (Mr. Goldwater), the Senator from Massachusetts (Mr. Kennedy), and myself. The Constitutional Rights Subcommittee held extensive hearings on the bill before the Senate passed it and sent it to the House. It was signed into law on October 14, 1970, after long and deliberate House consideration. It is one of the most carefully scrutinized proposals in the criminal justice field ever to undergo the legislative process.

Among other things. S. 1461 authorized the creation of Federal public defender organizations in areas with a high volume of criminal cases. At a ceremony in Phoenix, Ariz., last Friday afternoon at 4 o'clock, the U.S. District Court for the District of Arizona became the first district to implement that provision of the amended Criminal Justice Act.

Mr. President, this is a noteworthy accomplishment. I believe it is appropriate to commend the many members of the bench and bar in Arizona who have been the first to seize the opportunity presented by the new law to strengthen the meaning and effect of the sixth amendment guarantee of assistance of counsel. I think it is especially fitting to mention two particular gentlemen from Phoenix whose dedication and hard work have made this important step possible in Arizona.

Judge Walter E. Craig, senior judge of the Phoenix division of the U.S. District Court for the District of Arizona. has been a driving force in implementing the Criminal Justice Act of 1964 and in evaluating that act's operation. In addition, he has been particularly helpful in suggesting changes in the act so that it could meet today's increased demands in the field of criminal justice.

Mr. Tom Karas, through his devoted and able service as director of the Maricopa County office of Federal criminal defense in Phoenix, has made it possible for Congress to examine closely a model criminal defender organization which renders effective legal representation to poor criminal suspects. He is eminently well qualified to assume his new role in Arizona as the first Federal public defender under the amended Criminal Justice Act.

By their actions, including a great deal of unselfish service to my Constitutional Rights Subcommittee in its hearings on the Criminal Justice Act, Judge Craig and Mr. Karas have helped to lay a solid foundation for improving the quality of defense services for the poor both in Arizona and in the rest of the country as well.

Mr. President, it is gratifying to see a prompt and affirmative response to this important legislation. That response and others which will soon follow under the new law will do much to enhance the meaning of the right to counsel provided by the sixth amendment and to strengthen one of the most fundamental elements of our criminal justice system.

U.S. INTELLIGENCE ACTIVITIES IN PURSUIT OF NATIONAL SECURITY

Mr. GOLDWATER. Mr. President, in recent months there has developed in this country a growing debate over whether a democracy such as the United States should engage in undercover intelligence activities in pursuit of its own national security. In these days, when all agencies of authority are coming under heavy fire, many critics would like us to believe that effective intelligence work, involving many methods of surveillance, is incompatible with democratic principles.

The great national need for maintaining organizations such as the Federal Bureau of Investigation and the Central Intelligence Agency seems to receive very slight attention from the self-styled critics on the left-hand side of the American political spectrum.

To listen to some of these liberals talk and complain you would think that there was some easy and accessible substitute for law enforcement and for intelligence information concerning the activities of those who would undermine our national security and the maintenance of a free society.

Recently, Director Richard Helms, of the Central Intelligence Agency, dealt with this vital subject in his first public speech since he became Director in 1966. He addressed his remarks to the American Society of Newspaper Editors in Washington and presented a vigorous denial of charges that the CIA constitutes an "invisible government" which is a law unto itself, engaged in provocative covert activities repugnant to a democratic society and subject to no controls.

Mr. President, because of the importance of Mr. Helm's speech I ask unanimous consent that pertinent excerpts from it be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

SAYS CIA'S DIRECTOR: "WE, TOO, ARE HONORABLE MEN"

(Note.—Richard Helms, Director of the Central Intelligence Agency, defended the role of intelligence-gathering in a democracy in his first public speech since he became Director in 1966. Here are excerpts from his address, to the American Society of Newspaper Editors in Washington.)

I welcome this opportunity to speak to you today about the place of an intelligence service in a democratic government. In doing so, I recognize that there is a paradox which I hope can be dispelled:

On the one hand, I can assure you that the quality of foreign intelligence available to the United States Government in 1971 is better than it has ever been before.

On the other hand, at a time when it seems to me to be self-evident that our Government must be kept fully informed on foreign developments, there is a persistent and growing body of criticism which questions the need and the propriety for a democratic society to have a Central Intelligence Agency.

I am not referring to the occasional criticism of CIA's performance—the question of whether we gave advance warning of this coup or that revolt, or how accurately we forecast the outcome of an election or a military operation.

By necessity, intelligence organizations do not publish the extent of their knowledge, and we neither confirm nor deny challenges of this nature. We answer to those we serve in the Government.

What I *am* referring to are the assertions that the Central Intelligence Agency is an "invisible government"—a law unto itself, engaged in provocative covert activities repugnant to a democratic society, and subject to no controls.

This is an outgrowth, I suppose, of an inherent American distaste for the peacetime gathering of intelligence. Our mission, in the eyes of many thoughtful Americans, may appear to be in conflict with some of the traditions and ideals of our free society. It is difficult for me to agree with this view, but I respect it. It is quite another matter when some of our critics—taking advantage of the traditional silence of those engaged in intelligence—say things that are either vicious, or just plain silly. . . .

As a general rule we are silent, because we must maintain the security of our intelligence operations, but we also recognize that the people of the United States have a legitimate interest in every arm of their Government. There is, fortunately, enough fact in the open record, and in the pertinent legislation, to meet that public interest. . . .

Ironically, our efforts to obtain foreign intelligence in this country have generated some of the more virulent criticism of the Central Intelligence Agency. It is a fact that we have, as I said, no domestic security role, but if there is a chance that a private American citizen traveling abroad has acquired foreign information that can be useful to the American policy-maker, we are certainly going to try to interview him. If there is a competent young graduate student who is interested in working for the United States Government, we may well try to hire him.

The trouble is that to those who insist on seeing us as a pernicious and pervasive secret government, our words "interview" and "hire" translate into suborn, subvert, and seduce, or something worse. We use no compulsion. If a possible source of information does not want to talk to us, we go away quietly. . . .

And so I come to the fundamental question of reconciling the security needs of an intelligence service with the basic principles of our democratic society. And the root of the problem is secrecy, because it is axiomatic that an intelligence service—whatever type of government it serves—must wrap itself in as much secrecy as possible in order to operate effectively. . . . Nations have vital secrets they are determined to keep secret. They surround them with the greatest possible security, and they play rough in preserving those defenses. Accordingly, the intelligence service which is assigned to obtain this information must begin by looking to its own security.

If, at the outset of our operation, the opposition can identify the agents involved, or the means we propose to use, the enterprise is doomed from the start.

If, at the conclusion, we disclose how much we know, the opposition is handed on a platter highly damaging indications of how and where we obtained the information, in what way his security is vulnerable, and who may have helped us. He can seal off the breach in his defenses, roll up the agents, and shut off the flow of information.

If any significant portion of our secret organization is exposed, it gives the opposition a starting point to work against us. That is why we seek to preserve a secrecy which, I should note, is honored without question in many thoroughly democratic countries.

I cannot, then, give you an easy answer to the objections raised by those who consider intelligence work incompatible with democratic principles. The nation must to a degree take it on faith that we, too, are honorable men devoted to her service. . . .

I can assure you that what I have asked you to take on faith, the elected officials of the United States Government watch over extensively, intensively, and continuously. . . .

In short, the Central Intelligence Agency is not and cannot be its own master. It is the servant of the United States Government, undertaking what the Government asks it to do, under the directives and controls the Government has established. We make no foreign policy.

We are, after all, a part of this democracy, and we believe in it. We would not want to see our work distort its values and its principles. We propose to adapt intelligence to American society, not vice versa.

RELIEF TO PAKISTAN

Mr. MUSKIE. Mr. President, East Pakistan may be on the verge of a famine of shocking proportions unless this country acts immediately to help get international relief operations underway.

These are the facts.

East Pakistan cannot, under the best of circumstances, grow enough food to feed its people. It is dependent on food imports. Those imports have been cut off since the beginning of hostilities there late in March. It is reported that 200,000 tons of wheat sent by the United States have not been unloaded or distributed since the major port of Chittagong was closed down by aerial bombardment and work stoppages. Food stockpiles, never large, are dwindling day by day. Even when and if the food shipments are unloaded, there is no guarantee that they will be moved to the areas which need them most. As a result of the civil disturbances there, rail and road facilities have been seriously disrupted.

In 1943, when the food import requirements of the region were less massive than they are now, a famine occurred in which more than 1 million Bengalis perished when the Japanese invasion of Burma cut off food shipments. The requirement for food from outside the region is now almost three times what it was then. Some observers estimate that 10 to 30 million may starve to death should famine conditions develop there now as a result of barriers to food imports. In addition, medical and other public health service has been radically disrupted by the Pakistan Army campaign in the area.

The cyclones of last year left tragic misery and loss of human life in its wake. The survivors of this natural calamity must now try to survive a manmade disaster.

Last month, representatives of the International Committee of the Red Cross flew to Karachi to request the Pakistani authorities to permit them to enter East Pakistan to conduct a survey of the relief requirements there. They were turned away.

I have therefore joined other Senators, both Democratic and Republican, in urging Secretary of State Rogers to instruct the American Representative at the Pakistan Consortium talks in Paris to refuse further foreign exchange assistance and to ask other donors to do likewise unless the Government of Pakistan first, mounts an immediate emergency relief effort in the East commensurate with potential needs and second, grants the International Committee of the Red Cross observers entry to East Pakistan to plan coordinated international food distribution and medical relief efforts with Pakistani authorities.

We are not suggesting that narrow political pressures be applied to the Pakistani Government. On the contrary, we are urging only that American economic assistance, in all its forms, serve what must always be its essential purpose: helping to preserve and enhance life itself.

The time for deliberation and assessment by the administration is past. The people of East Pakistan are not planting the crops they will need in the months to come. They are not able to. America and other concerned nations must take concerted efforts and apply all appropriate pressures to deal with famine and starvation there. We can do no less if we are to continue to stand for the humanitarian principles we have always espoused. In this area where political crisis has raised the specter of further deprivation and want, business as usual is not an adequate response. Let us act now, before the savage statistics of death and hunger become daily headlines.

ALASKA NATIVE LAND CLAIMS

Mr. GRAVEL. Mr. President, yesterday morning's editoral page of the Washington Post contains a short essay on the Alaska Native land claims issue on which hearings were held again last week in the Senate and are being held this week in the other body.

I commend the editorial to the Senate as an indication of the widespread popular support that the Alaska Natives have for a bountiful settlement. To that end, I ask unanimous censent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, May 4, 1971]

LAND FOR ALASKA'S NATIVES

Although most Americans no longer live on the land, or even have a feel for it, land is still a precious value for many citizens whose culture and economy depend on it. For some 60,000 natives of Alaska—Indians, Eskimos and Aleuts—both the sacred traditions of their ancestors and their present needs are based on land. Because Congress has never settled the land claims of the natives—going back to the Organic Act of 1884—the issue has, like much of Alaska itself, remained in deep freeze.

A thaw now appears on the way. In early April, President Nixon sent to Congress a bill that would deed the natives 40 million acres of land and authorize cash payment of $500 million over 20 years and a maximum of $500 million in oil and mineral royalties. The administration's proposal is constructive and bountiful. Moreover, it illustrates that federal officials working on the project are open-minded; their earlier land claim proposals, for example, offered only rock bottom fractions of the 40 million acres.

Although the Alaska Federation of Natives, a statewide organization representing the state's 200 native villages agrees that the administration's bill is a step forward, it insists that a more just settlement would be 60 million acres. This view is shared by Sen. Fred Harris of Oklahoma and 11 other senators who have introduced a bill to that end. The 60 million figure is not a land grab, but comes from a very modest estimate by the natives themselves on what they need for fishing, hunting and bare subsistence. As Senator McGovern points out, although the natives now make up more than 20 per cent of the population, their land claims for 60 million acres is approximately only 16 per cent of Alaskan territory.

As this issue is debated in Congress in the next few weeks, and final legislation is drawn up, it will be easy to get lost in the abstract mathematics and think that that is all. It isn't. Poverty in Alaska is perhaps the most crushing in America; few natives escape the shocking conditions of a high mortality rate, high joblessness and poor education. At a time when national leaders are trying both to find ways to keep people off welfare and to persuade them to stay on the land away from the crowded cities, it would seem fortunate that here is one group—the Alaska natives—who want to do just that: earn their own living on their own land. The administration's proposal and the improvement offered by the Harris bill have this in mind.

FIRST REGULAR GENERAL ASSEMBLY MEETING OF THE OAS IN SAN JOSE, COSTA RICA

Mr. JAVITS. Mr. President, during the Easter recess, I had planned to attend the opening sessions of the first regular general assembly meeting of the OAS in San Jose, Costa Rica following my consultations with Mexican President Luis Echeverria and other Mexican and American officials in Mexico City.

I was unable to attend these opening sessions. I authorized a regular member of my staff who accompanied me to Mexico City, Kenneth A. Guenther to attend these meetings as an observer.

I ask unanimous consent that his report on this important meeting be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The First Regular Session of the General Assembly of the Organization of American States

Attached is a brief report on the opening three days (April 14–17) of the First Regular Session of the General Assembly of the Organization of American States which you authorized me to attend. These opening sessions were devoted to procedural matters including the adoption of the agenda and to the statements of the President of Costa Rica, Jose Figureres; the Secretary General of the United Nations, U Thant; the Secretary General of the OAS, Galo Plaza; the Secretary of State of the United States, William P. Rogers, and the Foreign Ministers of the assembled American States. The Secretary of State William P. Rogers, the Secretary General of the OAS, Galo Plaza, and other members of the U.S. and Latin American delegations personally expressed their regret that you were unable to attend this meeting in your capacity as the designated representative of the United States Senate.

Per your instruction, I distributed the paper you prepared entitled "Looking Toward a GATT for Private Foreign Investment" to selected delegations. A copy of this paper is appended to my report on the meeting.

The importance of the First Regular Session of the General Assembly of the Organization of American States was signaled by the presence of the Secretary-General of the United Nations, U Thant, and the prestige of the U.S. delegation headed by the Secretary of State, William Rogers.

The adoption of the agenda was not routine as it frequently is at such a meeting. Colombia and Costa Rica proposed an agenda item entitled: "Consideration of measures designed to implement the provisions of Chapter VI of the Declaration of Presidents of America, issued in Punta del Este, Uruguay in 1967 for the elimination of unnecessary military expenditures." The addition of this agenda item was approved by a 21–0 vote with Brazil and Peru abstaining after U Thant condemned as "inexplicable and inexcusabe" the fact that the nations of the world are spending 200 billion dollars a year on defense and weaponry "when so much crying misery is waiting for compassion, concern and correction all over the world." U Thant added that the "alternatives are so exciting and urgent: to alleviate poverty, to enhance the education of all, to provide better health and housing, to preserve and embellish our natural—environment. . . . We see the beginnings of such wisdom embodied in the Strategic Arms Limitation Talks and it is hoped that this may well be the entrance to a new royal road for humanity."

United States trade and aid policies were a matter of intense concern at the meeting. This concern was symbolized in Brazil's effort to have the meeting consider the institutional structure of the OAS as it relates to the consideration of trade matters. This concern was forcefully put forward in the opening statement of the Secretary General of the OAS (Mr. Galo Plaza). He indicated that Latin American countries were increasingly disillusioned with their relations with rich countries and particularly with the United States because of (1) declining levels of financial cooperation, (2) loan conditions that have the net effect of increasing the already heavy debt burden of Latin American nations, (3) marketing restrictions and (4) the difficulties in obtaining and using technology. These criticisms were echoed in the statement of Costa Rican President Figueras and in the statements of other of the Foreign Ministers of other Latin American nations.

The distinguished and large United States delegation headed by the Secretary of State William P. Rogers and included the Assistant Secretary of State Charles A. Meyer and the U.S. Ambassador to the Organization of American States Joseph J. Jova.

In his excellent opening statement of April 15, Secretary Rogers reviewed the progression of our relations with Latin America and announced that consultations would be initiated immediately "with a view to the early introduction of legislation to grant developing countries generalized tariff preferences on a wide range of products, including the 500 items requested by Latin America. The Administration will make a concerted effort to secure enactment of this legislation." Secretary Rogers made this statement in the context of the United States continuing commitment to a policy of freer trade in recognition of the fact that "Latin America particularly needs an open market in the United States."

Secretary Rogers in addressing himself to the foreign assistance outlook stated categorically that "the commitment of the United States to assistance for Latin America is undiminished. Our reorganization or foreign assistance, far from lessening that commitment, is intended to make it possible for us to fulfill it more effectively."

The issue that was not on the formal agenda of the meeting, but which was under considerable discussion in the corridors concerned the eventual effect of the future relations between the Organization of American States and Cuba and between the United States and Cuba. The diplomatic moves between the United States and the Peoples' Republic of China heightened the speculation. However, it must be noted that Fidel Castro's exceedingly hard-line statement of April 19 apparently rejected any move toward normalization of relations at this time.

Looking Toward a GATT for Private Foreign Investment

(By Senator Jacob K. Javits)

In the course of the 1960s, there has been a vast expansion of international production. International production is generally defined as production by companies whose ownership and/or control is located in one country, with production facilities in another. A number of experts have suggested that "international business is now the dominant factor in determining changes in the pattern of world exports as well as capital flows."

As more and more of world trade has become directly related to international production, and thus to the multinational enterprise, there have been various reactions. Some of these have been based on the analysis of Servan-Schreiber's "Le Defi Americain," which suggests the growing importance of the American industrial presence in Europe, and stresses the increasing inability even of highly industrialized nations to compete in the fields of advanced technology.

On the other hand, there have been a number of reactions, chiefly focused in Latin America, which have expressed a concern with the direct investment of American companies in Latin America, as well as with the increasing trend toward foreign direct investment by companies domiciled in Western Europe and in Japan. Suggestions, such as that of Professors Hirschman and Vernon for a "disinvestment corporation" or for a policy of gradual disinvestment, have been made, and these suggestions have found a measure of expression in certain clauses of the recently adopted Andean Code. It is nonetheless clear that increase in productivity which is essential, particularly in view of the problems of unemployment in Latin America which are pointed out by Dr. Prebisch, require more rather than less investment in productivity facilities; and that the resources, financial, managerial and technological, must come largely from the private sector and to a considerable extent, from foreign direct investment.

Latin America is thus to a certain extent caught between the domestic need for increased development and employment on the one side, and the fear of domination of a country's policies and exploitation of its industrial resources by foreign enterprises of great economic size.

It may well be questioned whether this dichotomy is as clear as above stated. The problems are alleviated by many factors. One of these is the increasing generalization of technical skills and knowhow, so that industrial enterprises can be established without necessarily relying upon a technology which is the proprietary possession of a foreign direct investor. In other words, the expertise necessary to build a steel mill is now generally available, and the question of capital investment can be separated from that of the availability of technology.

A second mitigating factor is the increasing internationalization of production with the consequence that new investment from abroad in Latin America comes to a substantial extent from Europe and Japan, rather than solely from the U.S., thus lessening the fear of excessive domination by companies domiciled in the U.S. Moreover, investments are being made by smaller enterprises, as these discover the desirability of geographic diversification. Most important, in a number of instances, the domestic investors in Latin American countries have bought out their former foreign partners, and have in many cases transformed licensing arrangements into wholly-owned and indigenous Latin American enterprises.

Nonetheless, there remain problems which deserve discussion in a calm and regular forum. For example, questions of interpretation of the Andean Code need discussion among the American states.

There have, of course, been a number of discussions of these problems of interpretation as well as of the more basic problem of the relationship between foreign investment, international production and the national objectives, in forums such as the special U.N.-sponsored meeting in Amsterdam in early 1969, the recent meetings in Rome, the preceding Medellin meeting, etc. What is needed, however, is a continuing forum in which these problems can be discussed on an organized and regular basis, free of either a sense of crisis or the discontinuity which arises from special conferences with a shifting group of participants.

I would suggest that it would be of mutual interest to Latin America and the United States to convene a high-level meeting that would look toward the evolution of a continent-wide foreign private investment policy which must safeguard, of course, the sovereign rights of each country.

Perhaps such a meeting could then commission a small group of Americans of unimpeachable integrity and repute who are representatives of the entire Inter-American system thoroughly to review this matter with a view toward defining the foreign capital, technological and managerial inputs required by Latin America over the next decade. These Americans would be free to work without preconceived notions as to what conclusions and policy recommendations should be made. This definition of need could then help determine the type of foreign private investment policy which should be adopted and the type of mechanism that should be established toward the achievement of the desired goals.

Then a small working group might be organized (say under the auspices of the Center of Inter-American Relations) to prepare proposals looking toward a future involvement with the OAS through the CIAP mechanism and with the Inter-American Bank.

Again, the nature and seriousness of the problem does suggest the establishment of a more permanent mechanism than the highly useful ad hoc meetings that have been held in Medellin and Rome where Latin

American investment problems were discussed by public and private representatives of both host and donor nations. It is my view that a multilateral mechanism to set forth and help enforce principles and guidelines of behavior by investor and host has never been more essential if the law of the jungle is not to take over in foreign private investment matters—with all the sad consequences this would entail for international and inter-American relations.

THE MILITARY DRAFT

Mr. McGOVERN. Mr. President, Secretary of Defense Laird has, perhaps unwittingly, revealed the reason that the administration has fought to minimize any increase in the pay of the American GI. He has noted on a number of occasions that since the Congress is unlikely to vote defense appropriations beyond the new $76 billion defense budget, any increase for the GI beyond the minimal sum agreed to by the administration will require funds that the military would like to spend elsewhere. In other words, the administration is saying that since the Congress will not give the Defense Department all the money it could spend, the shortage is going to be taken out of the pay of privates and other low-ranking GI's.

With cost overruns of millions upon millions of dollars on defense contracts, with military white elephant after white elephant exhausting the national treasury, we are told that any attempt at saving must be at the expense of the GI.

The Pentagon has often shown surer sensitivity to its mutuality of interest with defense contractors than to its responsibility for dealing fairly with the American serviceman. But this effort to minimize the proposed increase in pay so that the money can be drained away in the continuing waste, is a new high point in the perversity of Pentagon reasoning.

Mr. President, Tuesday's New York Times contains an editorial which points to this same absurdity and outrage. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TAX ON GI's

If the Administration were to tell Congress that since the nation cannot afford its new $76-billion defense budget, the cost of new arms would be taken out of the pay of privates and other low-ranking G.I.'s, the lawmakers would be rightly indignant.

But such in indirect tax on servicemen is, in effect, what the Secretary of Defense has proposed and the Senate Armed Services Committee has accepted in endorsing the Administration's cut-rate draft bill, calling for military pay raises of only $987 million. Secretary Laird vigorously opposed much larger increases recommended by a Presidential commission and endorsed to a substantial degree by the House because, he said, the money would have to be taken from other defense funds and would have "a very adverse effect on our budget."

The Advisory Commission on an All-Volunteer Armed Forces last year urged increases totaling roughly $3.2 billion as a means of achieving the peacetime goal of an all-volunteer force. In making its recommendations, the commission argued that the pay raises are justified on the grounds of equity alone. Existing pay scales in the lower ranks are so low, the commission noted, that they amount to a "tax in kind" on draftees and draft-induced volunteers who are compelled to serve for wages substantially below what they could expect to command on the civilian job market.

For example, the current monthly salary of recruits is $134. Under the Administration proposal which is now before the Senate, a recruit's pay would be raised to $201 per month. The Presidential commission recommended a figure of $301. The Senate should at least match the increase voted by the House, which would raise recruit pay to $268 per month.

A Government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, it was necessary for me to be in my home State of Iowa on April 23 and 26, 1971. As a consequence, I missed several rollcall votes in connection with S. 1557, the Emergency School Aid and Quality Integrated Education Act of 1971. I ask that the permanent RECORD show that if present, I would have voted as follows:

Vote No. 47 Leg.—Cook amendment No. 55, requiring State or local educational agencies to pay attorneys' fees in instances where Federal courts rule against such agencies for their failure to comply with this act or for discriminatory practices on the basis of race—Nay.

Vote No. 49 Leg.—Ervin amendment No. 45, barring the use of Federal funds by private nonprofit religious organizations for the purpose of religious training—Nay.

Vote No. 50 Leg.—Ervin amendments Nos. 49 and 51—en bloc—to bar the use of funds to nonprofit private schools which discriminate against teachers and students on the ground of religion—in addition to race, color, or national origin—Nay.

Vote No. 51 Leg.—Ervin amendment No. 41, conferring upon parents the right to choose the public schools which their children will attend—Nay.

Vote No. 52 Leg.—Ervin amendment No. 42, prohibiting the busing of children to change the racial composition of a public school—Nay.

Vote No. 53 Leg.—Ervin amendment No. 37, extending to all schoolchildren the right to attend the public school nearest their home—Nay.

Vote No. 54 Leg.—Final passage of S. 1557—Aye.

BOEING 707's SOLD TO AFRICA

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to an article published in the Washington Post of April 4. The article, entitled "Arms From East, West Used in Africa," was filed from Luanda, Angola, by Mr. Jim Hoagland, a veteran African correspondent for the Post and a recent recipient of the Pulitzer Prize for his series of articles on Africa. Mr. Hoagland treats the question of arms and related items sold by outside countries for use in the wars in Portugal's African colonies.

In spite of our declaration in 1961 embargoing the sales of arms to Portugal for use in that country's African colonies, we continue to supply the planes that fly Portuguese soldiers there.

In his 1971 state of the world message, the President made a protest against policies which serve colonialism in Africa. He said:

> Both our statements and our actions have made it patently clear to all concerned that racism is abhorrent to the American people, to my administration, and to me personally.
>
> We cannot be indifferent to apartheid. Nor can we ignore the tensions created in Africa by the denial of political self-determination. We shall do what we can to foster equal opportunity and free political expression instead. We shall do so on both moral and practical grounds, for in our view there is no other so solution.

Mr. President, Mr. Hoagland's article points out some practical steps which have in fact been taken to support, rather than to oppose, the denial of political self-determination in Portuguese colonies. The article notes:

> Two or three times every week the [Portuguese] military charters Boeing 727 jetliners from the government-owned airline to transport troops to Mozambique. Charters have also been arranged in Boeing 707's to bring troops from Portugal to the three territories."

These are planes, Mr. President, whose sale was approved by the U.S. Government to Transportes Aeros Portuguese.

Now, Mr. Hoagland continues, the Portuguese Government will not have to charter the planes from its own airlines. In January, the administration approved the direct sale of two Boeing 707's to the government.

This action was defended by the administration in a letter from the State Department to the Senator from New Jersey (Mr. CASE), published in February in the CONGRESSIONAL RECORD. A spokesman described the sale as "deemed not to come within the terms of the 1961 embargo on the export of arms for use by any of the parties to the disputes in Portuguese Africa."

> Portugal's foreign minister Rui Patricio—

Mr. Hoagland notes:

> Said flatly in a recent interview in Lisbon that Portugal would not give any assurances about the use of the planes.
>
> "If I buy an American car, can America tell me how I can use it?" he asked. "If I want to drive it in Africa, I will drive it in Africa. The Boeing is not an arm," he said with a smile.

Hoagland also reports an American diplomat in Lisbon defending the sale in the same way: The airplane is not an arm, and does not fall under the arms embargo.

What practical meaning is there, Mr. President, in a foreign policy which would condemn colonialism verbally and support it with material goods? Boeing 707 jetliners may not, strictly defined, be arms under the terms of the 1961 embargo. They may fall into that gray area that exists between the intent of a measure and its language.

But the airplanes are clearly used to further repressive policies in Africa, policies the United States is on record as opposing. It will certainly be so regarded by Africans.

In another instance, last September a State Department spokesman indicated that the administration stood ready to approve sales of small, civilian aircraft to South Africa. This amounted to a reversal of the policy of the Johnson administration, which had held that such aircraft could easily be adapted to military purposes, that they thereby fell into the same grey category, and that their sale would not, therefore, be approved.

Similarly, the administration has failed to take a strong stand against Britain's violation if the South African arms embargo in its recent provision of helicopters to the South African Government. As I have said before, I believe we must both maintain the arms embargo ourselves and seek to persuade our allies to do likewise.

Mr. President, if there is to be any strength of purpose to this country's policies, it will be determined by the actions we take, not simply by declarations of high moral purpose.

If we exploit ambiguities, take actions abhorrent to the intent of our declared policies—the world will be aware of the emptiness of our words.

This sale of jets to Portugal is clearly such an action.

Mr. President, I addressed this question in a speech delivered at the opening session of the African-American dialogues in Lagos, Nigeria, last month. I said then that—

> We have an obligation to try to persuade Portugal to see the wisdom and necessity of bringing to a prompt end her military activities in Africa and to grant the right of self-determination to all people in her overseas territories.
>
> If Portugal refuses to end her colonial policies in Africa, we may be confronted with a hard choice between our treaty relations with Portugal and our interests in the peaceful development of self-determined nations in Africa. I hope they change their policies, and we are not faced with that choice. But if we are, then we must not operate on the automatic assumption that these relations with Portugal are more important than our African interests and responsibilities.

Neither our interests in Africa nor our responsibilities are well-served by this sale of jets.

I would hope that the administration would reconsider and reverse its approval of the transaction, before it is completed. But failing that, perhaps the best safeguard against further such action lies in broadened public awareness of such activities by this country in support of colonialism in Africa.

To this end the public is well-served by such articles as Mr. Hoagland's. I commend him on it and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arms From East, West Used in Africa

(By Jim Hoagland)

Luanda, Angola.—Communist and Western countries are supplying increasingly sophisticated arsenals to the opposing sides in three guerrilla wars being fought in Africa.

Portugal appears to need little direct help from her NATO allies in containing the black revolts flaring across her colonies of Angola, Mozambique and Portuguese Guinea. But whatever help Portugal needs, she gets, and the need is growing.

French-made helicopters are becoming more vital to the Portuguese as they switch to more aggressive and mobile tactics. Airplanes manufactured in West Germany drop napalm and crop-killing herbicides over some contested areas. And American jet liners are used routinely for Portuguese troop movements to and within the embattled provinces.

The guerrillas, divided among half a dozen movements, depend on Communist countries for an estimated 80 to 90 per cent of their supplies and training. Some turn to the Soviet Union, China or Cuba out of ideological kinship, others do so out of necessity. An exception to the general pattern is an Angolan exile group that receives Belgian and American weapons.

The source of war materials for the three conflicts is becoming a highly volatile, if confused, issue. Each side attempts to exploit its cold war overtones, while deliberately clouding the question of its own reliance on outside help.

Weapons used by the Portuguese stir more controversy, largely because allies like France West Germany and the United States say they disapprove of Portugal's efforts to hold her colonies, and claim they are not aiding Lisbon's war effort.

Portugal manufactures most of the small arms and ammunition she needs for the three separate but related wars. But she must turn to her allies for big items, especially air transport.

Senior Portuguese officers in Angola believe, for example, that the 10-year-old struggle here may have reached a decisive point last month with the delivery of three large French manufactured SA-330 helicopters for use across this vast territory.

Riding with Portuguese troops on the helicopters' first combat mission in late February were two French mechanics checking for modifications needed on future deliveries. They were sent to Angola by Sud Aviation, the French company that builds the SA-330.

The mission came a few weeks after French President Georges Pompidou pledged in Senegal that France would stop selling to South Africa French helicopters and other weapons that could be used internally against a black uprising.

Paris has not made any commitment on the Portuguese territories, where guerrilla wars are in progress.

The Portuguese already have stationed in three territories a total of about 60 French-made Alouette helicopters, which carry a maximum of six combat soldiers each. The SA-330 can carry four times that number, and will greatly expand Portuguese mobility.

"Three [SA 330s] is enough to enable our patrols to disrupt the guerrillas' supply lines," said a high-ranking intelligence officer in Angola during briefing.

France also supplies Noratlas transport planes and Panhard armored cars for use in Mozambique and perhaps in Angola.

The propaganda debate over weapons turns especially bitter on the guerrilla accusation that Portgual uses American supplied napalm and crop destroyers over contested areas much as U.S. forces do in Vietnam. Portugal has in the past denied using napalm and herbicides.

Observations and interviews during a five-week trip through the three territories indicated strongly that napalm and herbicides have in fact been used in the three areas. The origin of the materials is uncertain.

Napalm bombs were seen stored at several bases in Angola and the commander of the Portuguese forces in Angola, Gen Francisco da Costa Gomes, readily confirmed in an interview that his forces use both substances.

"We use very little of them," he said. "They are not very good for us" because of Angola's terrain. "It is easier for us to destroy crops with a good infantry squad."

General Gomes emphatically disputed the guerrilas on the effects of the herbicides on the population. "They do not affect the people at all. We have tested them."

Observation of scar burns and defoliation in wooded area of all three territories and private conversations with Portuguese military sources suggest that napalm and herbicide use by the Portuguese has almost certainly been on a much smaller scale than the American effort in Vietnam.

Portugal, the United States and Australia were the only countries to oppose an international ban on herbicides considered by the United Nations in 1969.

The markings on the grayish-blue colored, 100-pound napalm bombs seen in Angola—including the words "in end" "napalm", and the letters "RPX" and "MI/65" do not match the official markings placed on equivalent American war material.

General Gomes and other Portuguese officials said they believe Portugal manufactures her own napalm. They were less positive about the origin of the herbicides.

Since 1961 the United States has embargoed the shipment of American arms to the Portuguese African territories, and has received assurances from Portugal that military equipment supplied under the North Atlantic Treaty Organization is not being used in Africa.

Partially as a result of this, the Portuguese have had to extend the operational life of many old American weapons, which are still being used throughout the colonies.

PV-2 Harpoon bombers, built 27 years ago to bomb Nazi submarines, are still flying anti-guerrilla missions in Angola and Mozambique, as are aged Harvard T-6s. The Angola command has a half dozen operational Korea-war vintage F-84 jets, and Mozambique pilots fly the F-84 and a few F-86s.

The biggest need modern U.S. equipment is filling for the Portuguese military in Africa is jet transport. Two or three times every week, the military charters Boeing 727 jetliners from the government-owned airline to transport troops in Mozambique. Charters have also been arranged on Boeing 707s to bring troops from Portugal to the three territories.

This summer, the government will not have to go through the motions of chartering the planes from itself. The U.S. approved a few months ago Boeing's selling two 707s directly to the government.

Portugal's foreign minister, Rui Patricio, said flatly in a recent interview in Lisbon that Portugal would not give any assurances about the use of the planes.

"If I buy an American car, can America tell me how I can use it" he asked. "If I want to drive it in Africa, I will drive it in Africa. The Boeing is not an arm," he said with a smile.

An American diplomat in Lisbon who defended the sale used almost the same words: The 707 is not an arm. He pointed out that the Portuguese already are using Boeings for military transport.

Patricio also dismissed guerrilla claims that NATO support enables Portugal to carry on the costly, widespread wars. "It is not true. We are complaining to our NATO allies that they don't give us any support. They won't even give us political support in Africa."

Portugal has about 140,000 of its 190,000-man army in its African territories. Military experts agree that the infantry division earmarked for mobilization with NATO forces if needed is below 50 per cent of its NATO requirement because of the strain of the wars.

West Germany is playing a key role in providing modern small aircraft—there are a dozen G-91 jet fighters manufactured in

West Germany stationed in Portuguese Guinea, and about eight in Mozambique.

The Portuguese also use widely the German manufactured Dornier DO-27 light aircraft for reconnaissance, strafing and some light bombing.

Most of the guerrilla movements, which operate independently of each other, have been hammering on the theme of NATO aid to Portugal in their propaganda for the past year, apparently in attempts to embarrass the Western countries enough to bring a halt to arms deliveries to Portugal, or perhaps to get Communist countries to increase their aid to the insurgents.

For some guerrilla groups, that aid is already considerable.

The most effective of the guerrilla organizations is one known as PAICC, which is fighting in Portuguese Guinea. The Soviets supply it with sophisticated long-range mortars and even, according to the Portuguese, antiaircraft guns. PAICC seems to be able to obtain as many machine guns, automatic rifles and mines from the Soviet bloc as its 6,000 to 7,000 men can use.

No other group has such a blank check. The Popular Liberation Movement of Angola, known at MPLA, is supplied with both Soviet and Communist Chinese weapons less sophisticated than those that go to PAICC, weapons captured by the Portuguese suggest.

The other major exile group fighting in Angola, known as UPA, has long been rumored to receive covert Western help. A few weeks ago, the Portuguese captured a new American recoilless rifle from UPA guerrillas.

Belgian and Israel weapons, believed to have been channeled through Congo-Kinshasa where UPA is located, are also found on UPA insurgents. UPA is considered to be friendly to the West.

Frelimo, the main Mozambique nationalist group, depends heavily on Chinese weapons as well as some Soviet bloc shipments. The Chinese have recently greatly increased their training role of Frelimo soldiers, based in Tanzania.

The organization of African Unity and, with the exception of Algeria, individual African countries seem to contribute little military material directly to the guerrilla organizations. African states appear to concentrate on financial contributions and providing bases for the guerrillas.

The supply of weapons to the combatants gives East and West a definite stake in the struggles for Portuguese Africa. But it is still uncertain how much influence each side will gain with its clients.

Asked a year ago by an American congressman if PAICC's acceptance of Communist arms indicated Communist sympathies, guerrilla leader Amilcar Cabral snapped:

"Portugal accepts NATO arms . . . but Portugal in spite of that says they don't accept the ideology of NATO. If Portugal doesn't accept foreign ideology why should we."

ADDRESS BY ARIZONA GOVERNOR WILLIAMS

Mr. GOLDWATER. Mr. President, on April 5, before the Republicans gathered at Sun City, Ariz., the Governor of my State of Arizona made one of his usual very provocative speeches.

I have known the Governor all of my life, and I know of his background in the use of the English language, particularly his background in the thought that goes into the preparation of its use.

His speech covers more than just a few points, but covers them so well that I thought the Members of the Senate and the House might enjoy the opportunity of reading them. Therefore, I ask unanimous consent that the speech by Gov. Jack Williams be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Gov. Jack Williams

At lunch recently, a liberal managing editor who is remarkably thoughtful and astute, although prejudiced in my opinion; and I, in his I might add hastily . . . suggested that the great difference today from any other time in history is the free flow of information in our country. And I might add, most of it wrong; but I didn't tell him that.

I would be inclined to agree with him, not that I think the free flow is good though. I think it is dangerous. It has the same effect on the human mind that drugs do. News can calm you down, arouse you, confuse you, discourage you, mislead you, sell you and unsell you. There is a story I read some time, some place . . . wherein a man on a rather long trip failed to see a newspaper or hear any news for six months. When he returned home, he was astounded to discover that nothing very much had happened of any real significance. The only news he found was in the vital statistics—deaths, births, and marriages and even the latter proved untrustworthy.

The other evening sitting on the edge of my bed, changing shoes I suddenly was aware that the clock radio which awakens me was pouring out its flood of news, regurgitating facts that I had heard in the morning, and I mused . . . suppose none of this news was available? Suppose I lived in some far rural area where only the seasons made news and what news I did encounter was of a substance that I could understand and really comment on?

Then I thought of the terraced hills around Rome, two thousand or more years ago, where the peasants tilled their crops and trained their grapevines, and little knew of the great happenings in the imperial city of Rome. Caesars came and went. Triumphal processions led captives between rows of condemned victims hanging on crosses along the Appian Way . . . they knew little of the exploits of Hannibal, or Cicero, or Mark Anthony, or Brutus . . . we know more about them today than the great majority living out their lives within a fortnight's journey of the Imperial City.

Once, long ago, flying in a troop carrying helicopter out of Nuremberg across the ancient invasion routes of middle Europe, we thundered over workers in the fields, stooping over to hand sow their land. They didn't even look up, and I thought how many centuries have the workers in the fields and vinyards stooped thusly, as along the trade and invasion routes, the caravans of merchants, mercenaries, and armored men clanked by.

Today, the ubiquitous radio carries news into the farthest hamlet of the most remote province of China and the inhabitants faithfully repeat Mao's words from the little red book, the communistic nations in accordance with their affluence are daily rationed news items that conform to the will of the ruling despots. In every other country behind the iron curtain, to be sure, the news is carefully tailored to fit the ruling cloth.

Only in this country has the dissemination of news been carried to an extent that you are never away from it. In the car, in the bathroom, in the street, in the office, in the home, in the school, a constant barrage of news is volleyed and thundered.

If only it had some semblance or order and unity, it would be better, but it is all contradictory . . . and today, although the conservative Republican philosophy has a better chance of being heard, especially in Arizona, still the great majority of the papers of this Nation are captives of the left, and boil out a continual flow of information that is contradictory to what I have been taught to believe.

Now, basically, one would think that the truth is easily ascertained. But words change meanings, propoganda blasts have their impact upon us, and the young—oh, especially the young, are so easily duped and betrayed.

This latter situation is particularly tragic, because today's educational system, paid for by our generation, is happily engaged in denigrating the beliefs of people who built this country. A governor gets many letters from young people. Their questions are indicative of their concern. Their concerns are inspired by what they are taught. Their teachers are their mentors and their patterns for behavior. When a child writes to me: Governor, I'm going to die because of pollution, do something about it. When a recent youth legislature considered bills relating to abortion, legalized prostitution, and ecology, I know the input came from those who teach them.

And tragically, much of this emotional input is wrong. Johnnie is not going to die from air pollution, he may die in a car wreck but He won't smother to death. At least not right away.

What are some of the erroneous ideas popular today? Some of them you may believe. And I am sorry to disabuse you of some pet ideas. Others are beliefs you have long clung to and are as right as anything is right in this ever changing world. I happen to believe that there are certain verities which never change. But these are matters I shall not discuss tonight. Such things as truth, bravery, loyalty, honor, love, kindness are the stars that hang always in the heavens of history—we never quite reach them, but as with the stars that used to guide a mariner to a safer harbor, they are there for us to guide our conduct by.

But take the population explosion. Tied into environment and ecology. This subject has everyone in a fine sweat today. Scores are making a living from the subject—one cigar smoking former Arizonan who sired six children, is garnering a livelihood preaching the evils of air pollution and the nobility of zero population growth.

Let us examine this matter for a moment. What would be a fair number of people to occupy a space. Would you believe three to an acre would not be too crowded. Essentially, since the average family is three plus, this would be one family per acre—give or take a few strangers.

Now if you and others believe that Southern California is too crowded, and New York—in fact the entire East Coast is one mass of crawling humans—suppose I suggested that we could take all the people off both coasts and resettle them in Arizona. Don't shudder! Let me continue. If we put just three people to an acre in Arizona and spread them out a bit, we could accommodate 216,000,000 people. Two hundred and sixteen million, you say increduously. Yes, I reply . . . and the population of this Nation is only about 205,000,000 as of the last census.

If this could be done, then the West Coast from Tijuana to the Canadian border would be empty of all human life. And so would the East Coast from Florida to Canada!

All of Texas would be vacant, the great Midwestern States would be empty prairies once again, with deserted towns and cities . . . The South would be vacant. In fact there would be all of the 50 States empty, except one—Arizona. They'd all be here. And they'd only be jammed together three to an acre and you've already indicated that isn't so bad.

But, you say there would be no water, no fuel, no means of economic survival for so many people. Perhaps! When I came to Phoenix there were thirteen thousand people in the Salt River Valley and there were grave doubts that the valley could support fifty thousand. Or even 25,000 for that matter. But men who didn't have our current defeatist attitude didn't know it couldn't be done, so they went seventy miles up a river to build a dam from the solid rock of the mountainside, and they brought Italian stone masons over to fit that rock together. These men had no modern equipment—horse and mule drawn wagons, fresnos, shovels, backbreaking handwork built that first dam—Theodore Roosevelt Dam. Later more dams were built (this was before the Sierra Club got in its licks) and dams were built on the Verde and the Salt and this despite the dire predictions of a doctor in Tucson, who wrote in 1908 that creating such lakes would change the climate to one of constant rainful, and dense humidity, and putting water on the valley floor would bring about a plague of water-borne diseases, such as malaria and dysentery.

This should sound familiar, because just recently I read another such article in relation to the Aswam Dam, which may or may not be a success—after all we didn't build it, Russia did. But the author had the same dire predictions, and glumly concluded his jeremiad by stating that after all man hasn't lived with dams very long. I wanted to write him and say that we'd live under the Roosevelt Dam for over half a century and were doing very well thank you; and that I had flown over the great artificial lakes in the Ozarks of Missouri and Arkansas, and as near as I can tell, the world is a better place for man having built them.

So, I suppose if we really wanted to, we could take any part of Arizona and make it habitable—from mountain peaks to desert floor. We won't do it, but it gives you a new perspective on this population problem. The truth is that people are moving into cities and towns and leaving the little sod shanty on the farm, because living is easier in the city despite the ghetto miseries. The strange fact today is that over 50 per cent of this Nation's counties lost population in the 1970 census. And there is more open space in this country of ours today than at any other time since the Civil War.

Why do people want to move from the farm to the city, from the share croppers cabin to the streets of the ghetto, from the shanty and shack to the tenement? That's easy! Living is better, regardless of what you say, if it wasn't . . . they wouldn't move.

Why do people move from the open spaces to other places? Again the answer is easy. Living is better. Why do so many come to Arizona now? Because they prefer the climate here to the cold winters in Minnesota or Michigan or the humidity and rain squalls of the Deep South and the Florida Coast?

Why do people move to big cities? Because big cities traditionally and from antiquity have been where the action is. Symphonies, plays, big sporting events, celebrities, libraries, museums—you name it! Big cities have it. Harry Leon Wilson once wrote a very provocative book called "The Wrong Twin" that I read sometime in the thirties or the twenties and while I can't remember the theme of the book, I can remember one cogent sentence: There's always a catch to something, said the hero ruefully. And that's right. There is always a price to pay. The price for all the action in the big city is that it does get on one's nerves at times, and big cities always seem to attract a wide disparity of people. Good, bad, crooked, honest, grifters, and drifters and ne'er-do-wells, and bright young men on their way up! And bright young women on their way up as well.

So, we come to the conclusion that this population thing isn't as easily solved as it would seem to be at first blush.

In fact the distortions of what is fact and what is fancy in the world today is bounded only by the limit of our imagination. And this is no idle critique of the news, of columnists (of which I've been one, may God forgive me) of editorial writers, or any wordsmith. Describing the world is very much like the five blind men trying to describe an elephant. Probably everybody is right, but everybody is wrong, too.

Now there's the youth myth. This is the age of the graduate, the easy rider, the midnight cowboy, the students for a democratic society and the Jefferson airplane, right? Or so writes Og Mandino in his book, "The United States in a Nut Shell".

Actually we're an old doddering group of people compared to the hardy young stock that defeated the British empire and wrought the words of the Declaration of Independence. In the 1800 census, the median age for everyone on our new and free island country was only 16. Half the people there were under the age of 16 and half over that age. Today our median age is 28.

And our birth rate is declining. From a high of 4,300,000 in 1960 to 3,500,000 in 1969. There are three times as many adults roughly aged 25 and over as those in the 14–25 age category.

Now all of our postwar babies are shrieking against the materialism of the older generation. But they had better understand their parents desire for the luxuries we enjoy. They (the modern teeny bopper or teenage rebel) never knew the experience as the older generation did of being evicted for nonpayment of rent, shoveling coal into a furnace all winter, huddling around one small radio, washing clothes by hand, carrying 100 pounds of ice upstairs, walking four miles to work in the middle of winter, going hungry for a day, putting cardboard in shoes, wearing hand-me-downs, kneeling and praying for daddy to get a job.

Why am I going through this exercise? Well, I'd like to put into perspective what some of us fail to take into consideration. In a Democracy, the power is with the people. Public opinion rules. Joseph Kraft in Sundays Republic wrote public opinion is created by the slow unconscious thought of great masses of men. It derives from sources too numerous and obscure to measure. It moves in ways that defy prediction. It is an unknown God, and the best way to deal with it is to show a measure of caution.

Now one last example! The war which is said to be dividing us . . . and it is. Many years ago, I read a learned treatise that no Democracy could wage a limited war. The article went on to prove how the people must be made to hate the enemy—the Hun, the Jap, the Commie, and in their hating they engage in all-out effort. So, the dreaded U-boat sank the Lusitania and we embarked on World War I. So, Pearl Harbor shocked and affronted us as a day that would live in infamy and we literally threw ourselves into World War II. The effort in Korea was short and we withdrew. The long, drawn-out agony of Vietnam, while in a classical sense is the perfect war (if any war can be said to be perfect) is wearing us down. If I read the papers correctly, Congress is losing all idea of support for the Vietnam war. It is an unpopular war. In fact, war is unpopular with our people.

To make my point painfully clear, I doubt if we could declare war today and get anybody to go. Stop and think that one over. If we declared war today, we are so agonized as a Nation and so splintered, we couldn't mount an offensive.

Yet, we know that we have enemies. And we know that they are not above attacking us. In fact, if you look at a map from 1946 until today, the forces against whom we have pitted ourselves are winning. Remember Germany, Russia, and Japan and all had pacts with one another. Measure the success of each of these three nations in the past 25 years. Japan fought for the Asian co-prosperity sphere. Today, Japan is winning the war she was thought to have lost twenty-five years ago. Germany has recovered economically and politically, Russia controls the neighboring countries all around her . . . and Russian ships now plough the waters of the Mediterranean and the waters of the Caribbean. In fact, I have stood in that mountain stronghold just outside Colorado Springs and watched a Russian submarine maneuver off the coast of Florida.

I don't want to be an alarmist. I only want to discuss with you some of the facts that get lost in the massive outpouring of news. Which nation is arming itself and which nation is unarming itself?

I need not tell you now.

But, unless we are attacked and attacked as ruthlessly and as cold-bloodedly as at Pearl Harbor, we simply will not fight.

In fact, we are in a national mood to give up. We gave up the Pueblo and ransomed her crew; we gave up on Cuba and ransomed the invaders, we are contemplating withdrawing from South Vietnam and leaving behind thousands of prisoners in the most brutal hands with no assurance they will ever be returned unless, and here is the possibility, we pay reparations and war damages and ransom them.

As long as our enemies are smart and do not openly attack us in force, we will retreat one step after another, until we find our first line of defense is on the golden sands of California, and the rockbound coasts of New England. We are following a familiar pattern of buying off our foes. The ancient tribes of Judea did that. They spent most of their time in captivity, but they survived.

So, now we come to this moment in history. You as Republicans worked to effect a change. You, as Republicans, long ago elected Republican administrations in Arizona, which you gave me the high privilege of heading. As a result, Arizona is in an enviable situation today of being debt-free, of operating without the atmosphere of scandal and rancor that marked another administration of the opposition party earlier. I need not tell you of the great advances made by the Republican administration within the past four years.

But, nationally, the drums are sounding against our president. Now we have an unfortunate situation. The President of our Nation is a political figure and is forced to keep in the political arena, where today, more than ever before, the drums of hate sound out a bitter cacophony of virulence. Republicans come to me today and say, I cannot support the President anymore because he did this, or he didn't do that: I am shocked. But, I am aware that the way the game is played is to divide and conquer, divide Republicans. Get them to give up their support of the President, and the battle is half won, at least.

All right, who would you take in his place from the democratic side? Humphrey, McGovern, McCarthy, Muskie? . . . They add up to mush. You know it, and I know it. Senator Jackson from Oregon is strong only because he is more conservative than the four I mentioned. His only strength is that he is more like us than he is like them. Would you change the patronage, the power, and the thrust of political action to get a pale carbon copy?

Oh, so there's Reagan. . . Well, there's also Rockefeller, who's beginning to sound more and more like Reagan. . . . But Nixon is President. Dump him? Elect someone else? Don't kid yourself.

And what's so wrong with Nixon? He's making the most dramatic efforts in a century to accomplish something. His plan for decentralization is one of the most exciting in history. It charts a new course, after decades of the flow of power to Washington. Revenue sharing has its chance to make the odious income tax into something meaningful and real.

And speaking of that income tax . . . a Democratic President, Wilson, gave it to us. The Republicans tried to amend it to set a limit of 25 per cent and the Democratic Congress laughed them out of the chamber, saying that only a fool would ever think the income tax would go to 25 per cent . . . So, we got the income tax . . . and Wilson also was President when we went into World War I. Remember? And the next Democratic President was F.D.R.—who promised economy and said that he and Eleanor hated war. Well, we got into another one then. And far from economy, we started the welfare state and amassed the greatest debt in history. The next President, Democrat Truman, got us out of one war and into a police action called Korea. He also recalled MacArthur, who might have ended that exercise in an old-fashioned American way of victory. But instead, we commenced the first of American retreats—the retreat from the Chosen Reservoir. And we have been retreating ever since.

Democrat J.F.K. gave us the Cuban disaster, the escalation of the Vietnam War, and the beginning of a state of euphoria known as "Camelot", that existed only in the dreams of those who fail to face reality. Pragmatist Johnson speeded up South Vietnams' tragedy, putting more than a half-million men into that fray . . . and also presided over the unraveling of civil order and domestic tranquility in our own country.

So, what a mess Richard Milhous Nixon inherited. But he has withdrawn troops from South Vietnam . . . He is not escalating that war, although if you read the Restons and the New York Times, who assured us once that the Chinese were peaceful agrarian reformers and that Castro in Cuba was a fine, friendly sort of fellow, you'd believe we were whooping it up 'gainst the Vietcong.

The domestic economy is certainly not worsening, when you read it in light of the fact that we are scaling down a war economy.

I am an eternal optimist. I know that from the public prints. We should be depressed and gloomy. But, I can remember when things were really tough. Today, we're rich enough to worry about the smoke coming out of smokestacks that indicate men are working. I can remember when the smokestacks were not smoking and men were not working. And the cardboard was in the shoe in fact, and the depression was upon the land. Strangely enough . . . then in extreme poverty, we had virtue; and in extreme depression, we had faith; and in extreme unemployment, we had neighbors. Those who say that poverty is the seedbed of crime, don't know what they're talking about. And those who say that weak America will be a better America fail to understand the lessons of history. I was an admirer of Teddy Roosevelt, who admonished us to walk softly, but carry a big stick. I am a Republican and I hope you are because I honestly think that in a world gone crazy with a false sense of values and a false measure of confidence, the Republican Party has more to offer in the way of sanity and common sense than the party of the opposition, who created a welfare state, we now admit is a disaster, who poured men and material and money into a war they never expected to win, who deliberately allowed this Nation to fall behind in its defense capability on the assumption that everybody loved us; who built up the greatest debt in the history of mankind and expected to accomplish bootstrap miracles against all the laws of fiscal common sense, who promised everything to everybody, and failed to make good on their promises.

Surely it is folly to trust those who delivered us unto our enemy, this mighty Nation bequeathed to us by our forefathers—as conceived in liberty and dedicated to the proposition that all men have a right to be considered equals.

A Republican, Abraham Lincoln gave us our party . . . and I use his words to close in prophecy—that each of us pledge ourselves that this Nation under God, shall have a new birth of freedom, and this Nation of the people, by the people and for the people, shall not perish from the earth.

EARLY RETIREMENT FOR FEDERAL FIREFIGHTERS

Mr. HOLLINGS. Mr. President, earlier this year I was privileged to reintroduce a bill granting early retirement to Federal firefighters due to the hazardous nature of their duties. Although this bill passed both Houses of Congress last year, it was vetoed by the President. As I indicated at the time of introduction, I shall continue to press for the passage of this bill, because I believe it is important and corrects a gross inequity in our Federal retirement system.

I suppose most American boys at one time or another have considered that their adult lives would be that of firemen. Although firemen play an extremely important role in our society, it is far from romantic and is fraught with occupational hazards. On April 29 the New York Times published an article by Dennis Smith, a professional fireman, concerning the hazards of the firefighter. After 8 years as a fireman in South Bronx, N.Y., he is able to review his career in what he terms as "a great sense of accomplishment." On the other hand, he graphically portrays the emotion that a firefighter lives with and the hazards he faces as a daily matter. I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NIGHTMARE OF A FIREFIGHTER

(By Dennis Smith)

Every fourth year or thereabouts the city's Department of Personnel gives notice that the filing period for the fireman's examination is open. I read such a notice recently, and a plethora of remembrances danced through my mind. I have been a firefighter for eight years, but I remember the day I filed for the exam as clearly as a king remembers his coronation, or a cardinal his elevation.

There were no budding trees to see as I walked the seven blocks from the dispossessing tenement I called home to the Lexington Avenue subway, but as I passed the firehouse on East 51st Street I felt an excitement that was once again the excitement a poet would feel upon viewing an acre of exploding crocus. There was a chromed numeral attached to the grill of the fire engine, but I saw William Carlos William's figure 5 in gold, ecstatic that I would soon be a part of the whining sirens and clanging bells.

I would play to the cheers of excited hordes—climbing ladders, pulling hose, and saving children from the waltz of the hot-masked devil. I paused and fed the fires of my ego—tearful mothers would kiss me, editorial writers would extol me in lofty phrases, and mayors would pin ribbons to my breast.

It was a summer Saturday when I took the test. Eight thousand men competed for 2,000 jobs. The fireman's test is traditionally the most difficult of all tests for the uniformed services—more men apply for it than any other, but since there are fewer jobs the examiner makes the test harder to pass.

The day of appointment came, and the swearing-in ceremony was brief. After a few gratuitous and banal remarks by city officials about courage and dedication I was given the 3-inch Maltese cross which is the badge of a firefighter, the majestic shield of the lower-class diligent. I had made it.

Now, eight years later, the romantic visions have faded. I have climbed a thousand ladders, and crawled Indian-fashion down as many halls into a deadly nightshade of smoke, a whirling darkness of black poison, knowing all the while that the ceiling may fall, or the floor collapse, or a hidden explosive ignite. I have watched friends die, and I have carried death in my hands. With good reason have Christians chosen fire as the metaphor of hell. Each fire is an ontological lesson for me, for what could be more fearful than the slow, agonizing crisping of skin, the searing of the lungs until the throat passage closes? There is no excitement, no romance, in being this close to death.

The National Safety Council has told me that firefighting is the most hazardous occupation in the United States—more hazardous than underground mining, or quarrying, or construction. There is nothing glamorous in my profession. I live in a country where the rate of death from fire is twice that of Canada, four times that of the United Kingdom, and six and a half times that of Japan. Twelve thousand persons died by fire in this country last year, over 300 in New York City. An average of eight city firefighters are killed in the line of duty each year. I live with these facts by going to funerals.

After each fire in an apartment, or a business, I sit exhausted on the dark slate of tenement stoops, or at a cobblestoned curb. My nose walls are coated with soot, and I spit the black phlegm of my trade. I am only 31, but I feel 50. Men pass by and ask how I feel, but I just nod to them. I don't feel like speaking. I feel like I have climbed a mountain, and I bask in the silent personal satisfaction of victory. And then I wonder if the price firefighters pay for the victory is worth it. Is this brutal self-flagellation, this constant ingestion of poison, this exhaustion, this aging worth it? Firefighting is a job. It is not a spiritual vocation. Hundreds of years have passed since medieval ascetics whipped themselves for glory. No, it is not worth it. At the end of the year the sanitation man's W–2 form has a higher figure typed into the amount earned space, and prison guards reap the same benefits.

Yet, I know that I could not do anything else with such a great sense of accomplishment. After a fire not long ago I sat in the vestibule of a tenement. A mother and a child were rescued by firefighters, but an 18-month-old girl was lost. A man came down the stairs, and sat next to me, the dead child on his lap. His face was covered with grime and the dark spots of burned paint chips. As we waited for the ambulance to come, he said over and over, "Poor little thing, she never had a chance." I looked up at his eyes, they were almost fully closed, but I could see they were wet, and tearing. The corneas were red from smoke, and light reflected from the watered surfaces, making them sparkle.

I wish now that each man who intends to file for the coming fireman's test could have seen the humanity, the sympathy, and the sadness of those eyes, for they explained why we fight fires. I was a part of that man sitting in a tenement hall, and together we were a part of all firefighters everywhere.

THE LEADERLESS—RABBLE—AN ARTICLE BY JAMES RESTON

Mr. BELLMON. Mr. President, this morning I was pleasantly surprised to read in the New York Times a most informative and enlightening analysis of the present disruptions in Washington, written by James Reston. This most perceptive article, entitled "The Leaderless Rabble," sums up the feelings of many of us who have watched the events of the past 3 days with sorrow and disgust.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Leaderless Rabble

(By James Reston)

Washington.—What the latest spring madness in Washington proves, if anything, is that the people are sick of violence—the violence of the war and the mob action of the antiwar demonstrators as well.

It is easy to sympathize with the protests of the pathetic rabble that came here this week, most of whom were ten or eleven years old when the United States got into the Vietnam war, but even this increasingly war-weary capital was against them.

If the people had been with them, all they would have had to do was drive their cars on to the bridges and into the other bottlenecks of the city's innumerable circles and abandon them there. Maj. Pierre Charles l'Enfant designed this capital for traffic jams, and a sullen population, determined to paralyze transportation, could have blocked it stiff.

But this is not the mood of the people here. They are not militant but sad, and most of them love this city, especially when it is flowering in the spring. They do not want to see it humiliated any more than it has been in the last few years, so they went to work through the barricades and ignored the demonstrators as much as they could.

Besides, the cops were much more professional this time, and the young men and women far less militant than they look on the television and in the newspaper pictures. This is not a revolutionary movement in any accurate sense of those words. Their most desperate and aggressive leaders have been jailed or broken down, and what is left is a disillusioned collection of roving bands, without enough public support to shut down anything more vigilant than a university.

It is still possible, of course, that in the desperation of their failure, a few of them can still create some ghastly incident, but the ingredients for a mass uprising against the Government—blazing anger, cadres of skilled, well-armed guerrilla leaders and popular support for spectacular violence—are simply not present.

Last week there was something infinitely ironic and melancholy in the public witness of the veterans against the war, but this week the mob was disorganized by one sudden push by the police, and it never regained its unity or poise.

As an instrument of propaganda, this kind of mass protest is still effective in giving the impression abroad that the United States is on the verge of anarchy. The reports of the television clips and newspaper photographs in European and Asian cities are troubling, not because they convey the truth, but because they distort the truth.

Even in this country the pictures of this week's demonstrations, focusing on the landing helicopters and the struggles around the police vans, tend to make the confrontations seem much more massive and menacing than they actually were, and this sort of thing inevitably arouses opposition to the entire antiwar movement.

The saddest characters in the capital now, outside the kids with cracked ribs and skulls, are the more moderate political leaders who have been working for a political settlement of the war by the end of the year.

They feel that, for the moment, they have lost control of the antiwar movement and are already being condemned by some of their constituents, as if they were to blame for demonstrations many of them actually opposed.

There is no evidence, however, that the Administration is trying this time to identify these antiwar politicians with the demonstrators who were here this week, or that it is changing its policy to take advantage of the opposition to the young militants.

Attorney General Mitchell watched the demonstrations, and was personally involved in directing the defense of the capital. Also, much has been learned since the tragedy at Kent State a year ago about how to handle the demonstrators. Sometimes this leads to rough police action, as was the case in many incidents here this week, but at least the risk of sniping and police gunfire was substantially reduced.

What has not been reduced, however, is the gap between the Administration's war policy and the antiwar sentiment of the rising generation. It is hard to avoid the conclusion that the people of this city, while not sympathetic to mob action to shut down the Government, are still fundamentally against the war and the present pace of withdrawal from the conflict.

President Nixon may have gained some flexibility as a result of this week's struggles, but the longing here is overwhelmingly for peace abroad and a little quiet at home.

SOFT UNDERBELLY OF ADVERTISING

Mr. McGOVERN. Mr. President, I have introduced, together with Senators Moss, Harris, Gravel, Humphrey, Hart, Cranston, and Pell, the Truth in Advertising Act of 1971, S. 1461.

The purpose of the bill is simple: to insure that advertisers have substantiating documentation available to consumers before they make advertising claims. The requirements of this bill are not burdensome and would, I am sure, be easy to meet for a great number of advertisers.

Senator Moss has said that he expects to hold hearings on this bill before the consumer subcommittee which he chairs. At that time, I am sure that many will step forward to indicate their support of this legislation.

The bill has just been endorsed by the trade publication Advertising Age in an editorial of April 12, 1971.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Soft Underbelly of Advertising

The idea that an advertiser should be prepared to substantiate his advertising claims for any consumer who wants the information strikes us as eminently fair and reasonable, and AA supports legislation to that effect introduced by Sen. George McGovern (D., S.D.) and Sen. Frank Moss (D., Utah).

The bill would require advertisers to make copies of documentation of their ad claims available on request, and the measure even specifies that the advertisers are entitled to be repaid for the cost of printing and sending out copies of survey details or other proof.

As a matter of fact, the latter provision might turn into quite a good way to zero in on potential customers. Some smart advertiser will start offering a copy of his survey results free to anyone who writes in. Not only will consumers get the copy of the survey—written in non-technical, easy-to-understand language—but they'll also receive a coupon toward their next purchase of the product, or maybe even a free sample.

This would seem to be a great way to get consumers who are really interested in the product to give it a try.

AA has always operated under the general premise that what is good for the consumer is good for business, and it was with this philosophy in mind that we have decided to occasionally request substantiation from marketers who make what we consider to be unsupported claims in their print or tv ads.

Among the first such claims to catch our attention was one made by American Home Products' Whitehall Laboratories. A tv commercial currently being aired says that "769 doctors in a national survey preferred the Dristan capsule formula two-to-one over the other cold capsule formula."

We asked Dr. J. M. Shaul, Whitehall's medical director, for the survey details, but Dr. Shaul turned down our request "for competitive reasons." He added that such material is normally made available to the Federal Trade Commission and the Food & Drug Administration.

But that's of little help to the average consumer (and our publication is written by people who consider themselves to be average consumers). We all have a right to know the basis for an advertiser's claims so we can make a wise and intelligent choice of products based on criteria other than just the price of the item.

AA has repeatedly emphasized the need for advertisers to keep their ads as factual, straightforward and honest as possible, because we are convinced that the Federal Trade Commission and others in Washington would love to see advertising reduced to a compendium of price sheets.

FTC has the distinct notion that it can break up industry "concentration," where three of four companies have dominant shares of market, in a roundabout way by attacking advertising claims. Advertising, these FTC people feel, is instrumental in building "product differentiation," which they see as "the distinguishing of similar products from each other by persuasive [non-informative] advertising and other forms of sales promotion."

At the time of FTC's move against Wonder bread and other ITT-Continental Baking products, Robert Pitofsky, chief of FTC's bureau of consumer protection, called the case the "first step" in developing restrictions on the use of "uniqueness" claims for products which are identical.

But some people close to the case view the FTC action against Wonder bread as not so much a move against Continental's ad claims as a wedge to diffuse the company's hold on the bread market by reducing its market share. "They were swimming around in a closed tank," one top agency exec told AA. "The Wonder bread ad claims gave them their opening."

This theory is at least partially supported by an FTC memorandum prepared for congressional hearings on the commission's fiscal 1971 budget. The memorandum, signed by several commissioners no longer at FTC, by some who are still there, and by former chairman Paul Rand Dixon, called for FTC to develop non-traditional ways of getting at concentrated industries with high degrees of product similarity.

The FTC memorandum said, "There seems to be no particular reason for believing that a larger number of cases of the traditional type, or even a larger number of cases against larger firms and larger industries, would make a great deal of difference in the size and cost of this country's monopoly-oligopoly problem. What is needed is not more of the same, but something different in kind."

There is an uneasy feeling among some

corporate attorneys that the commission will go after "uniqueness" claims as a convenient point of entry to break up what FTC people feel are overly concentrated industries.

We don't believe that the commission's theory on uniqueness will hold water, and we think they know it. But FTC will no doubt try to carry forward its anti-trust crusade by again probing for advertising's weakest spots.

Right now, unsupported ad claims represent the soft underbelly of the advertising business.

THE WAR IN VIETNAM—ADDRESS BY SECRETARY LAIRD

Mr. GOLDWATER. Mr. President, for the first time in more than 10 years we have an American President who is doing something to end the war in Vietnam; but to listen to the repeated criticism of the President on the floor of the Senate and to read similar criticisms on the editorial pages of some of our misguided Eastern newspapers, one would think that nothing is happening.

The war in Vietnam is winding down, maybe not as fast as some Americans would like, and this is certainly understandable because this is a war we could have won and won long ago except for the misguiding by two Presidents and a Secretary of Defense. With all of this, however, coming as happy news, there has been a growing trend in the difference in strength between the Soviets and the United States and this has concerned me greatly.

I have discussed with the President the advisability of downgrading the classification placed on this information so that the American people might be made fully aware of just what we face, but to date there has been no overall decision to do this. Nevertheless, thanks to strong men like the Senator from Washington (Mr. JACKSON), who told the American people about the new silos we are beginning to see in Russia, and thanks also to statements that are continuing from Hon. Melvin Laird, Secretary of Defense, I think the American people are being told of the growing advantage that the Soviet is beginning to enjoy over us in nearly every item of the military.

The Secretary recently made a speech before the American Newspaper Publishers Association in New York. In fact, it was on Wednesday, April 21, and while that has been some days ago, we have not been in session often lately, and I have not had a chance to get this into the RECORD before this time. Therefore, I ask unanimous consent that the speech of the Secretary be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BEYOND VIETNAM

(Address by the Honorable Melvin R. Laird)

I am particularly pleased to have this opportunity to meet with the American Newspaper Publishers Association and to discuss with its members the serious national security problems we face.

That is, in my view, a particularly timely meeting. I would not want to miss this chance to comment briefly on a matter which is of great mutual concern to the ANPA and to the Department and your profession.

As we look beyond Vietnam to the challenges of the years ahead, rarely before in our history have we needed a closer understanding among those who believe in a strong defense and a strong free press.

A strong, free country and a strong, free press go hand-in-hand. You and I share an obligation—and a unique opportunity—to preserve and strengthen both of those great national imperatives.

What we need is not to shout at one another. Rather, we need to sit down and talk over together the problems of national security news coverage which have arisen in the past decade or so. It is time for improved professional contacts—contacts that candidly recognize past mistakes and seek future understanding.

I welcome the opportunity, as you are giving me here today, to discuss openly with you some of our crucial national security problems. The President's goal of a generation of peace through partnership, strength and meaningful negotiations is a worthy goal. Our national security programs are linked to that goal.

In this month of April, 1971, I am able to report that U.S. objectives in Vietnam are rapidly being achieved and that U.S. military involvement in the war in Southeast Asia is coming to an end.

Successful negotiations in Paris remain the quickest way to resolve the Southeast Asia conflict. But Vietnamization is consistent with the goal of self-determination, should Paris continue to produce no meaningful results. Vietnamization will bring about termination of American involvement upon resolution of the Prisoner of War issue. In my judgment, Vietnamization will continue to succeed. The problems that do remain are not going to thwart the policy of United States withdrawal as announced by our Commander-in-Chief.

Now the time has come for the American people to think about America's role in promoting peace and security after Vietnam.

In 1969, when the Nixon Administration assumed office, it seemed to me that we had to shift public debate and discussion from "Why Vietnam" to "Why Vietnamization." It seemed to me profitless to continue an argument about decisions made in earlier years that had committed American forces to combat in South Vietnam. What we needed to do at that time was shift the focus from what led to increasing levels of American troops in Vietnam to what was needed and what we were doing to reduce American troop levels and terminate our involvement.

It is time now to shift the debate from "Why Vietnamization" to "Beyond Vietnam." It is time to discuss the Strategy of Realistic Deterrence which we have formulated to help achieve the goal of a generation of peace.

The changed conditions in the world today and the demands of world realities called for a new foreign policy, a new national security strategy and a different approach and attitude toward American involvement in the affairs of the world.

The President has provided the new foreign policy and the new approach that emphasize realistic involvement and vigorous negotiation while maintaining adequate strength. And we have formulated a new defense strategy that supports the foreign policy goal and approach of the Nixon Administration.

In the 1950's, you will recall, we had a defense strategy that was widely described as a strategy of massive retaliation. It was a credible or realistic strategy for that decade because we had an overwhelming strategic nuclear superiority.

In the 1960's, massive retaliation gave way to a strategy that became known as assured destruction and flexible response. This also was realistic from the standpoint of deterring nuclear war. In the early sixties, for example, President Kennedy was able to take the stand he did in the Cuban missile crisis to a large extent because we still maintained a four or five to one nuclear superiority. Unfortunately, however, the strategy of flexible response did not prevent us from becoming involved in the longest conflict in our history.

And that is precisely the challenge of the 1970's. We need a strategy for the 1970's that can effectively deter not only nuclear war but all levels of armed conflict. It was that need coupled with an awareness of the realities we face that led to the adoption of what we call the Strategy of Realistic Deterrence.

We call it realistic because it is designed to take account of the major realities facing America and the rest of the world in these difficult times. It recognizes that there cannot be any instant solutions to the problems that simultaneously confront us. And it underscores the fact that the United States by itself cannot provide realistic deterrence on a global scale.

The four basic realities which led to the new strategy are: a strategic reality; a fiscal reality; a manpower reality, and a political reality.

The strategic reality includes most notably the tremendous growth in Soviet military strength from a position of clear inferiority in the early 1960's to near parity today. It also includes an emerging nuclear capability on the part of the Peoples Republic of China.

The fiscal reality involves not only the heavy pressure in Congress for reduced defense spending but the upward pressures of inflation on the cost of everything we need to buy to maintain adequate military forces.

The manpower reality is not yet fully understood. People constitute the single biggest cost in the defense budget. Pay and related costs in FY 1972 will claim some 52 per cent of the total defense budget based on the pay increases we have recommended. It will cost us almost $18 billion more than it did in 1964 for 133,000 fewer people. And in the next year or two, manpower costs will be claiming close to 60c out of every defense dollar as contrasted to the 43c it claimed from the 1964 defense dollar.

The political reality severely complicates the other three:

Whether you look at it from the standpoint of the political and psychological effects of Soviet policy and growing presence around the world, such as in the Mediterranean and the Middle East;

Whether you look at it from the standpoint of political pressures from our allies to maintain forward deployed U.S. forces;

Whether you look at it from the standpoint of Congressional pressure to reduce those forces; or

Whether you look at it from the standpoint of gaining broad political support here at home for doing all the things we have to do to assure our national security interests while continuing to reorder our national priorities.

The most pressing reality remains the strategic reality. The most essential requirement in terms of national survival remains assuring the adequacy of our strategic deterrent.

One year ago yesterday, I spoke to the Annual Luncheon of the Associated Press here in this room. The thrust of my remarks was the deep concern I felt that by the mid-1970's the United States could find itself in a second-rate strategic position.

I regret to report today that nothing has happened in the intervening twelve months to lessen that concern. Quite the opposite is true.

In December and January, it began to look as if the Soviet Union was slowing its rapid rate of ICBM deployments after having reached a level of land-based ICBM's that gave them approximately 400 more than the 1054 possessed by the United States. The situation began to change in February and March, as we reported publicly. More recent evidence confirms the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program. This new ICBM construction effort, coupled with additional momentum in the strategic defensive area—all clearly planned months ago—must be of major concern. Moreover, while we have an advantage in submarine-based missiles today the USSR is rapidly closing that gap with an energetic construction program that continues.

Last year, I indicated that we could postpone some hard decisions in the FY 1971 transitional budget to give SALT every chance of success. We were forced to face some of those decisions in the FY 1972 budget on which I reported to Congress last month. We felt, in the light of the continuing Soviet momentum, as it was assessed late last year, that prudence dictated accelerated development of a new strategic bomber, the B–1, and a new undersea-launched strategic missile system, the ULMS. We are proceeding at the optimum development rate consistent with sound management, but, of course, no procurement decisions have yet been made.

We sincerely hope for convincing progress in SALT. But failing such progress I must tell you today that the renewed Soviet strategic weapons momentum may confront us with the need for additional offsetting U.S. actions. I would have no choice but to recommend these actions—over and above what has been presented to Congress in the FY 72 Budget—in order to preserve the sufficiency of our strategic forces. We would much prefer success in SALT.

I felt last year and I feel now that the people of America perhaps may be willing to settle for a situation of so-called strategic nuclear parity. But under no circumstances, in my view, would the American people be willing to settle for inferiority.

I can assure you of one thing: so long as I am Secretary of Defense—and no matter the criticism it may evoke—I will never refrain from recommending programs which I believe are essential to the survival of our nation and the safety of our people.

My job is to provide the capabilities necessary to prevent war, and that is what we are seeking to do under the Strategy of Realistic Deterrence. But while we can never neglect the essentials of strategic sufficiency, we have tried to fashion a strategy that will lead to the effective deterrence of all war, not just nuclear war.

If we are to prevent all forms of war, if we are to restore and preserve peace, if we are to make possible a world in which there can be expanding freedom, we must maintain adequate U.S. strength and help improve the strength of our friends and allies. That is what the Strategy of Realistic Deterrence is all about.

In its simplest formulation, Realistic Deterrence is the strategy we have designed to carry out the Nixon Doctrine. It is based on the three principles of partnership, strength, and willingness to negotiate. It seeks to steer a prudent middle course between the policy extremes of world policeman and a new isolationism. It does this by providing the means for effective development and use of the military resources of peace-seeking nations to deter conflict at all levels. Except in the field of nuclear weaponry, it calls on other nations to do more to provide for their own defense—particularly by furnishing manpower. It seeks to foster greater readiness on the part of other nations, individually and in regional cooperation, to increase their ability to defend themselves. It offers U.S. assistance—economic and military—and U.S. support to such nations where our interests are involved. The partnership it proposes means that other nations must do for themselves some of the things we have been doing for them. One of its major goals is to prevent American involvement in future Vietnams.

Realistic Deterrence means a smaller military force for the United States, but one which is more combat-ready than it has been in peacetime in the past. It means modernized equipment. It means a vigorous Research and Development program to assure our continued technological leadership. It means strengthening the National Guard and Reserves and reducing reliance on the draft.

In our FY 1972 budget, the Department of Defense is implementing the President's Strategy for Peace by completing the transition from a military force of 3.5 million men and women involved in war—largely draftees or draft-induced volunteers—to a truly volunteer force of at least one million fewer men and women who will be engaged in preventing war. We have established the goal of zero draft calls by July 1, 1973.

Let me be perfectly frank. Successful implementation of the Strategy of Realistic Deterrence is the most difficult and challenging national security effort we have ever undertaken in this country. It must be accomplished in an environment of strategic nuclear parity—a reality that leaves little margin for error and no room for failure. It must be accomplished in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space. Nor can we ignore their expanding military assistance programs and their demonstrated willingness to deploy Soviet troops and equipment in other countries.

What is required is the maximum utilization of all Free World resources for deterrence—not just those, nor primarily those—that the U.S. can provide. That is why in Asia, we are stressing a greater manpower contribution on the part of our friends and allies. That is why in NATO, a new spirit of burdensharing has evolved.

But that is also why it is so important for us in the Department of Defense to have the trust and confidence of members of the press. For it is through the press that we must seek the understanding and support of the American people. Without that support, and full understanding, the goal of a lasting peace—so elusive to so many generations before us—will have no chance for success.

At the beginning of these remarks, I emphasized how important it is for all of us to begin looking beyond Vietnam. It might be appropriate, therefore, to close by calling to your attention important forthcoming talks in NATO.

As we look ahead to the long-range national security requirements of our nation and the rest of the Free World, the meetings of the Defense Ministers in NATO next month may be the Alliance's most significant substantive discussion in at least a decade. At the Nuclear Planning Group session in the Federal Republic of Germany and then immediately afterwards at the session of the Defense Ministers in Brussels, I will continue the new level of consultations with our NATO Allies which President Nixon initiated shortly after he assumed office.

These meetings will give me an opportunity, both in the formal sessions and in my private meetings with my colleagues, to explain in full detail the new United States National Security Strategy of Realistic Deterrence.

I will speak to my fellow Ministers against a background of two decades in which the partnership, strength and willingness to negotiate among NATO members have provided peace and stability for that Alliance.

I will bring them up to date on the threat assessment as we see it today, and I will want to hear from them their view of the momentum of Soviet activities, such as the stepped-up naval operations in the Mediterranean, and the provision by the Soviet Union of sophisticated new weapons in the Middle East.

I think it is clear that we are past the day when the United States could or should discuss defense problems with our NATO allies or anyone else with a "big brother knows best" attitude. Not only are we trying to face the realities that require adequate free world strength, we are seeking conscientiously and systematically to conduct our relations to fulfill our responsibilities on a full partnership basis.

We are not going to preach platitudes to our own people or to our allies and friends as we seek to implement the Strategy of Realistic Deterrence. We ask only for recognition of the realities we face and the determination to meet them together in a timely and effective manner. In that way, we can achieve our goal of peace.

AWARD TO WILTON C. SCOTT, SAVANNAH STATE COLLEGE

Mr. TALMADGE. Mr. President, I am much pleased to learn that Mr. Wilton C. Scott, director of public relations and continuing education at Savannah State College, has been awarded a gold anniversary medallion in recognition of his outstanding work in the field of journalism education in the South.

This award, presented by the Michigan Interscholastic Press Association, will be accorded Mr. Scott Thursday evening, May 6, at Ann Arbor. Dr. John V. Fields, director of the University of Michigan Press Conference, said Mr. Scott was selected over 100 others from colleges and universities throughout the United States because of his numerous contributions to scholastic journalism and community affairs.

I know Mr. Scott is very proud of this honor and this well-deserved recognition of the splendid work he is doing in Savannah, throughout Georgia, and in the South. I join his many friends and associates in congratulating him on this occasion.

Mr. President, I ask unanimous consent that there be printed in the RECORD a telegram notifying Mr. Scott of this honor, a news article on the award, and his biographical sketch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANN ARBOR, MICH.

WILTON C. SCOTT,
Savannah State College,
Savannah, Ga.:

You will receive gold anniversary medallion from the Michigan Interscholastic Press Association on the occasion of annual banquet to be held Thursday evening May 6th. This award is for your creative work in the field of journalism education in the Southern States. We very much hope you and Mrs. Scott can be present for that occasion.

JOHN V. FIELDS,
Director.

[From the Savannah Evening Press]

SCOTT TO RECEIVE SERVICE AWARD

Wilton C. Scott, director of public relations and continuing education at Savannah State College, will receive the University of Michigan Medallion, the university's highest journalistic award for meritorious service in community services and journalism. The award will be presented Thursday during the 50th anniversary of the Michigan Interscholastic Press Association.

Dr. John V. Fields, director of the university's Press Conference, said Scott was selected over 100 others from colleges and universities across the U.S. because of his numerous contributions on a national level in school press and community affairs.

Scott organized and directed the SSC Press Institute for 20 years. Fields added that Scott edited several successful community services proposals and directed numerous community service programs.

BIOGRAPHICAL SKETCH

Colonel Wilton C. Scott, Director of Public Relations and Continuing Education at Savannah State College, was born in New Orleans, Louisiana. Colonel Scott is married to the former Lillian Shank and they reside at 1426 Cathy Street, Savannah, Georgia.

Colonel Scott received his B.A. Degree from Xavier University and his Master's Degree and 6th year specialist diploma from New York University. Included in the Colonel's varied experiences are the following: Supply and Property Clerk, U.S. Navy, Program Director of the National Catholic Community Service in Savannah, Employees Relations Officer of Savannah Army Depot, Part-time Director of Alfred E. Beach High School Adult Education Center, Director of Public Relations and Continuing Education, Savannah State College since 1947, and Supervisor of EDUCATIONAL TALENT SEARCH, "Project Seek." Scott is colonel on the staff of Governor of Kentucky.

Colonel Scott's professional memberships and awards include the following: Columbia Scholastic Press Association Gold Key Award, cited by the 85th Congress for services to Scholastic Press, National Alumni Association Gold Key Award, YMCA Distinguished Service and Service to Youth Awards, The Wall Street Journal Award, selected as Colonel on the staff of the Governor of Kentucky, Newspaper Fund Fellowship 1963, received a Duquesne University grant in Journalism in 1964, Chairman, UMCA Public Relations Committee, Executive Secretary of the National Alumni Association of Colleges, 1957–61, State Public Relations Chairman for Georgia Teachers Association, ACPRA, NSPRA, NEA, AASA, Adult Education Association of U.S.A., other associations which have honored Colonel Scott are: The Georgia Teachers Association, YMCA, Adult Education Association of the U.S.A., Phi Beta Sigma, Georgia Cancer Society, Boy Scouts, Boys Club, Mutual Benevolent Association. Colonel Scott is listed in Who's Who in Public Relations, Who's Who in American Education, Outstanding Personalities of the South. The Dictionary of International Biography, and Roll Call.

TREATY DEMANDS BY PEOPLE'S COALITION FOR PEACE AND JUSTICE

Mr. BUCKLEY. Mr. President, we are advised by the leaders of the Peoples' Coalition for Peace and Justice that we are under siege from this day forward until we ratify their "joint treaty of peace between the people of the United States and the people of South Vietnam and North Vietnam."

In recent weeks, a considerable effort has been made to persuade Members of Congress, and the public, as well, that their so-called peoples' peace treaty is a valid document deserving of serious consideration. This document purports to be an agreement entered into—by what authority, we are not told—on behalf of their respective peoples by the U.S. National Student Association, three student subsidiaries of the Communist Party of North Vietnam, and a representative of what is styled the "South Vietnam National Student Union."

Fewer than 25 percent of all U.S. colleges and universities have affiliate membership in the NSA; and fewer than 50 percent of these bother to send delegates to the NSA's national meetings because of their notoriously authoritarian procedures, and few of the delegates who are sent are democratically elected by the student bodies they purport to represent.

As for the South Vietnamese signatory, the "South Vietnamese National Student Union," it simply does not exist, except on paper. On the other hand, I am in receipt of two letters from authentic student groups in South Vietnam which repudiate the "peoples' treaty." One of these, from the Catholic Students Federation which represents 25 percent of all university students in South Vietnam, states in part:

> We fervently demand . . . that the North Vietnamese communists should immediately stop the invasion of South Vietnam . . . (W)e object to the unfair claim that they [the South Vietnamese signatory] are representing all the Vietnamese students in signing treaties or making announcements that are contrary to the rights of the people and the point of view of the Vietnamese students.

The second letter, from the Students Association at the Institute of National Administration in Saigon, states:

> (I)t is our opinion that the so-called "Peace Treaty" faithfully reflects Hanoi's aspirations, not the aspirations of the South Vietnamese people in general, and of all the students in South Vietnam in particular.

I also have in hand a detailed analysis of the so-called peoples' peace treaty which has been prepared by the American Youth for a Just Peace.

Mr. President, I ask unanimous consent to place the full text of the two letters and the analysis in the RECORD for the benefit of those few who may be so innocent as to take this impertinence at face value .

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AN OPEN LETTER OF THE CATHOLIC STUDENTS FEDERATION OF SAIGON TO AMERICAN CATHOLIC STUDENTS

SAIGON,
April 14, 1971.

DEAR FRIENDS: More than anyone, we the young people of Vietnam detest the cruel and violent war that has gone on and continues in our beloved homeland for more than a quarter of a century. This war has exhausted our country in every way: economically, politically, culturally, socially and slowly carries the Vietnamese people toward terrible annihilation.

We moderate students have the view that:

The present war of the Vietnamese people is a war of the freedom and justice loving people opposing despotic and dictatorial communist imperialism—A self defense struggle of the South Vietnamese—We struggle principally for our survival and our children—We struggle for the ideal of freedom for mankind.

In this war of self defense, the assistance of the American people and of freedom loving countries all over the world is an essential element for us.

With the sad experience of the 1945 (sic) nationalist/communist coalition in China—and in 1962 in Laos, we are skeptical about every solution that aims at bringing about a coalition between nationalists and communists in South Vietnam.

In the face of the tragic war that has wasted the latent force of our fatherland, the Catholic Students Federation of Saigon earnestly hopes that our American Catholic friends will present our point of view. We fervently demand that:

The North Vietnamese Communists should immediately stop the invasion of South Vietnam.

They should completely and unconditionally withdraw their forces and their auxiliary forces in South Vietnam. Immediately after that, the American Army and the armies of the Allies also must withdraw from the territory of Vietnam.

The people of the world must honor the right of self determination of the peoples of this small nation and we energetically resist all assistance aimed at enslaving our Vietnamese Nation.

Finally, representing the Catholic Students Federation of Saigon, we ask to clarify that: the organization of the General Assembly of Saigon Students of which Huynh-tan-Mam is the chairman, is not the representative for all the students and people of South Vietnam. Consequently, we object to the unfair claim that they are representing all the Vietnamese students in signing treaties or making announcements that are contrary to the rights of the people and the point of view of the Vietnamese students, of which we are a part.

Sincerely,
HUYNH-PHUOC-TOAN,
Central Executive Committee Chairman.

OPEN LETTER TO THE AMERICAN PEOPLE AND TO AMERICAN STUDENTS

SAIGON,
April 16, 1971.

DEAR FRIENDS: From Vietnam—this tiny land immersed into a set of untold suffering—we send you our best wishes in the name of universal love among students and in the name of international solidarity.

For almost twenty years Vietnam has been victim of a war of aggression launched against her by World Communism and waged by its two components: North Vietnam and the NFLSVN. With the support we receive from friendly nations in the Free World—and most particularly from the U.S.—our people have heroically resisted that war of aggression—in the defense of Justice and Freedom and at the price of enormous losses in lives and properties.

In the midst of our misfortune we are, however, excessively glad to know that in the United States you, too, are looking for some solution to bring Peace to Vietnam—and the sooner the better. We are very grateful for your noble intention and your magnificent gesture.

As we personally and directly suffer from war, as our own country is being devastated by war, we are longing for Peace, more than anybody else. But, talking about Peace, we could like to present, here, our own proposition concerning Peace. It is as follows:

The United States should withdraw its armed forces from South Vietnam, as soon as,

North Vietnam stops sending its troops into South Vietnam.

As Vietnamese students, we promise we will rebuild South Vietnam in accordance with the principle of Self-Determination, Freedom and Democracy.

And this leads us to discuss briefly about the 'Peace Treaty' signed in December 1970 by the American Students Association, by North Vietnamese students and by a student named Huynh Tan Mam who—according to American newspapers—pretends to be President of the Federation of Students in South Vietnam.

As we are directly affected by Peace and War, and with the view to clearing up all misunderstanding regarding peace activities, we would like to draw your attention on two points:

Huynh Tan Mam represents the students of one faculty only, not of all the seven faculties in South Vietnam. He is not qualified to sign any paper in the name of the whole Federation of Students in South Vietnam.

The 'Peace Treaty' demands an immediate and unconditional withdrawal of all American troops from South Vietnam, and overthrowing of the present government of South Vietnam and its replacement by a Coalition Government. We simply want to remind you that these three demands are exactly those voiced at the Paris Conference by the Hanoi and NFLSVN delegations.

As such, it is our opinion that the so-called 'Peace Treaty' faithfully reflects Hanoi's aspirations, not the aspirations of the South Vietnamese people in general, and of all the students in South Vietnam in particular.

Gratefully yours,
PHAN CHANH TAM,
Chairman of the Students Association at the Institute of National Administration.

THE NSA "PEACE TREATY" VERSUS THE PEOPLE—AN ANALYSIS OF A POLITICAL FRAUD

(Prepared by American Youth for a Just Peace)

The National Student Association (NSA) is asking Americans, especially young Americans, to sign and otherwise endorse a "People's Peace Treaty." The so-called "treaty," they say, can "end the war."

Obviously, ending the war is a good idea. But on what terms does the so-called "treaty" propose that this should be done, and by whose mandate?

BY WHOSE MANDATE?

The "treaty" is called the "Joint Treaty of Peace between the U.S. and the Vietnamese Peoples". Neither the name nor the substance of the "treaty" was decided by representative mandates of either the American people, the North Vietnamese people, or the South Vietnamese people.

The leaders of the National Student Association, in consultation with themselves, with the Communist Party of North Vietnam, its student fronts—North Vietnamese National Student Union and South Vietnamese Liberation Students Union—and with a few representatives of the alleged "South Vietnam National Student Union", announced the "treaty" at a Washington, D.C. press conference upon their return from a two week visit to North Vietnam as guests of the North Vietnamese government.

HOW REPRESENTATIVE IS NSA?

There are some 2,400 colleges in the United States. NSA lists only 535 affiliate memberships—or less than 25% of all U.S. colleges and universities.

Moreover, student government leaders are not elected or polled on the basis of their positions on the war in Southeast Asia. NSA is a miniscule minority within an eight million minority population of college students in a country of 20 million college-age youth and a total population of 210 million people.[1]

HOW REPRESENTATIVE IS THE COMMUNIST PARTY OF NORTH VIETNAM?

In contrast with South Vietnam's 12 major parties and 43 registered parties, the Communist Party of North Vietnam (800,000 members) is the only political party in North Vietnam (20 million people). It has never permitted any opposition parties to exist or allowed competitive elections. Coalition parties which initially shared power with the Communists in 1945 and in 1954 were liquidated.

During the 1954–56 collectivization program and the suppression of intellectuals, the Party assassinated approximately 100,000 peasants and caused the death of some 500,000 through forced labor and imprisonment. (See Bernard Fall's *The Vietminh Regime, The Two Vietnams,* and Hoang Van Chi's *From Colonialism to Communism.*)

The North Vietnamese Communist Party not only monopolized the political process, it monopolizes and exerts control over all other aspects of life in North Vietnam, such as the economy, religion, culture. For example, in January of this year the Hanoi Municipal People's Court sentenced the leader of a pop music group, Phan Thang Toan, to 15 years in jail for strumming a "melancholy, heart-rending, provocative" musical beat that encouraged young people to a "dissolute depraved, and orgy-like way of life". (See Hanoi Moi—Hanoi Today—January 12, 1971.)

The Stalinist nature of the Hanoi government is also pointed up by a 1968 North Vietnamese Presidential Decree on so-called "counter-revolutionary" crimes. It makes it a capital crime to : (1) "disrupt public order and security"; (2) "harbor counter-revolutionary elements"; (3) "defect or flee to foreign countries"; (4) "undermine the solidarity of the Vietnamese people", i.e., the Communist Party. (Radio Hanoi, March 21, 1968.)[2]

HOW REPRESENTATIVE IS THE "SOUTH VIETNAM NATIONAL STUDENT UNION"?

The "South Vietnam National Student Union" does not exist. The claim by NSA that it does is pure fabrication. There are four separate student unions in Vietnam which have never merged into a national student union. They are the student unions at Hue, Dalat, Saigon, and Can Tho. In addition, there is a Buddhist Student Union in Saigon, and a National Catholic Association.

One NSA delegate allegedly contacted a few representatives of the Saigon Student Union. But NSA has produced no evidence that any of these representatives endorsed the "treaty".

THE TERMS OF THE "TREATY"

Article I of the "treaty" states: "The Americans agree to immediate and total withdrawal from Vietnam and to publicly set a date by which all American forces will be removed."

Answer: Why isn't the withdrawal of North Vietnamese forces from South Vietnam on a publicly set date also called for? Some 400,000 North Vietnamese forces have presently crossed internationally recognized frontiers into neutral Laos, Cambodia, and into Vietnam. According to the South Vietnamese government, the North Vietnamese have killed 120,000 South Vietnamese soldiers, wounded 232,000, attacked and bombarded with rockets nearly every town and city in South Vietnam, killed 31,000 civilians (many in deliberately staged massacres such as in Hue and Dak Son), wounded 74,000 and kidnapped 38,000.

How can the people of South Vietnam ever hope to fulfill their nationhood peacefully if divisions of soldiers from a Stalinist state have a free hand in South Vietnam?

Suppose there were divisions of South Vietnamese soldiers in North Vietnam seeking to "liberate" it? Wouldn't it be logical and just to insist on *reciprocal* withdrawals as a condition for ending the warfare?

Article II states: "The Vietnamese pledge that as soon as the U.S. Government publicly sets a date for total withdrawal, they will enter discussions to secure the release of all American prisoners, including pilots captured while bombing North Vietnam."

Answer: In the past the North Vietnamese and the Viet Cong have "pledged to discuss seriously" only if the United States would unilaterally take certain steps. But in each case—the unilateral bombing halt of North Vietnam; the pledge to withdraw large numbers of U.S. forces and the actual withdrawal of over 200,000 U.S. troops—there has not been the slightest reciprocity on the other side. What reason is there to expect it now?

In exchange for the total, unilateral U.S. withdrawal—a major concession which would give to the Communists on a silver platter what they have not been able to achieve on the battlefield or politically in South Vietnam—the "treaty" merely offers to "enter discussions" about POW's without any assurance whatsoever that the POW's will be freed. This is political blackmail.

On strictly humanitarian grounds with no political strings attached, South Vietnam has offered a total exchange of POW's with North Vietnam, which the North has rejected (Paris, December 1970). Indeed, South Vietnam has already released over 1,000 POW's as compared to the North's release of less than a dozen.

Finally, it is important to note, that whereas South Vietnam has abided by the Geneva Convention regarding POW's and has always opened its POW camps to international Red Cross inspection teams, North Vietnam has totally rejected the terms of the Geneva Convention and has never permitted International Red Cross inspection teams.

Article III states: 'There will be an immediate ceasefire between U.S. forces and those led by the Provisional Revolutionary Government of South Vietnam." (PRG [3])

Answer: In the past each of the 15 cease-fires agreed to by the U.S. have been violated by the North Vietnamese and Viet Cong forces. The massive Tet Offensive of 1968 against South Vietnamese population centers was launched during one such "cease-fire" proposed by the Communists.

On October 7, 1970 the U.S. and South Vietnamese governments proposed an internationally supervised cease-fire for all of Indochina. This proposal, like all other allied and third party proposals for a cease fire, was rejected by the North Vietnamese and the Viet Cong. Madame Binh in particular used the strongest language in Paris to denounce any cease-fire as a betrayal of the so-called "liberation" war. Thus Communist performance on cease-fire and its proclaimed position on cease-fire bears little resemblance to fact.

Moreover, it should be noted that the "treaty's" proposal appears to apply exclusively to the U.S. forces and not at all to the forces of either North or South Vietnam. What kind of cease-fire will there be if there is no cease-fire between the principal antagonists?

Article IV states: "They" (U.S. and PRG) *"will enter discussions of the procedures to guarantee the safety of all withdrawing troops."*

Answer: All allied proposals for the reciprocal withdrawal of troops have been totally rejected by the Communists. All discussions of international inspection and guarantees for withdrawal have also been rejected by the other side. As with the other "articles" in this "treaty", it is only discussions about the procedures about safety that the "treaty" promises, not the safety itself.

Article V states: "The Americans pledge to end the imposition of Thieu-Ky-Khiem on the people of South Vietnam in order to insure their right to self-determination and so that all political prisoners can be released."

Answer: The South Vietnamese Government was not imposed by America on the Vietnamese people. It came to power in September 1967 as a result of internationally observed competitive elections with all other political parties. The winning ticket, which won 34.8% of the votes, was later joined by many representatives of losing slates, thus increasing the government's mandate.[4]

Since 1967, South Vietnamese have had the opportunity to vote in five major sets of competitive elections from local village officials to representatives in the National Assembly. On October 3 of this year, South Vietnamese will once again have the right to vote in competitive elections for the President and Upper and Lower House. North Vietnam has never tolerated the litmus test of competitive elections.

For America to depose the South Vietnamese Government would amount to a slap in the face and a gross denigration of the constitutional processes and of the right of

---

Footnotes at end of article.

millions of South Vietnamese citizens from all walks of life to choose their representatives.

How then can the "right of self-determination" of the South Vietnamese possibly be enhanced by an American coup on behalf of the PRG—a Hanoi puppet organization (see footnote)—which on July 11 was invited by President Thieu to participate in elections, but has rejected the option of being judged by democratic choice?

Article VI states: "The Vietnamese pledge to form a provisional government to organize democratic elections. All parties agree to respect the results of elections in which all South Vietnamese can participate freely without the presence of foreign troops."

Answer: The Vietnamese already have an elected government, and on October 3 the Vietnamese will again have the democratic right to re-elect Thieu-Ky-Khiem or vote for someone else, including the PRG should it accept President Thieu's invitation. Why then is there a need for a provisional government? But even granting this need, which Vietnamese will "pledge to form" (what does that mean?) a provisional government? The PRG led by Hanoi?

In Hue during the Tet offensive of 1968, the PRG cadres carried out mass liquidations of actual or potential political opponents. This is a continuation of the pattern established by the Communists in 1945–46 when they crushed all coalition parties and murdered nationalist leaders, and in 1954–55 when similar policies were carried out by the Communists in North Vietnam during the "consolidation".[5]

In view of this grim record, what hope is there that the South Vietnamese people will place their faith in Communist pledges to respect democratic elections?

Article VII states: "The South Vietnamese pledge to enter discussions of procedures to guarantee the safety and political freedom of those South Vietnamese who have collaborated with the U.S. or with the U.S. supported regime."

Answer: Again, nothing is said about guaranteeing the safety or political freedom of anybody. The treaty only guarantees to enter discussions about procedures.

There are, in any case, several million South Vietnamese who can be classified as "collaborators". In North Vietnam "collaborators" are counter-revolutionaries", and as the Presidential Decree on Insurgency states, are liable to summary execution. In fact, the Viet Cong and North Vietnamese have murdered ("collected blood debts") some 31,000 South Vietnamese as "collaborators".

Should this record be glossed over in exchange for a mere "pledge" about "procedures" to guarantee the "safety and political freedom" of those people the Communists have been trying so hard to liquidate?

What kind of "political freedom" will there be in South Vietnam under a North Vietnamese Communist controlled form of government when there has never been the slightest glimmering of democracy in North Vietnam? Why doesn't the NSA "treaty" demand guarantees for the rights of opponents in North Vietnam?[6]

Article VIII states: "The Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia in accord with the 1954 and 1962 Geneva conventions, and not to interfere in the internal affairs of these two nations."

Answer: In gross violation of the Geneva Accords of 1954 and 1962, the North Vietnamese have consistently and massively violated Laotian and Cambodian peace and neutrality by sending hundreds of thousands of troops into neutral Laos and Cambodia; by constructing roads—Ho Chi Minh and Sihanouk trails—through these two countries; by establishing military base areas for prosecuting the war against South Vietnam; and by launching attacks on the people and governments of these nations.

How can anyone believe that the North Vietnamese will respect Cambodia and Laos as they attempt to conquer them?[7]

Why doesn't the NSA "treaty" require United Nations supervision of both the U.S. and North Vietnamese military presence in Indochina in order to safeguard the sovereignty of these nations? Hanoi has always rejected a United Nations supervisory role.

Article IX states: "Upon these points of agreement we pledge to end the war and resolve all other questions in the spirit of self-determination and mutual respect for the independence and political freedom of Vietnam and the United States."

Answer: The Allied governments have proposed in Paris to resolve the war on the basis of: (1) an internationally supervised cease-fire throughout Indo-China; (2) an Indochina peace conference; (3) an agreed time-table for complete *reciprocal* withdrawals; (4) a fair political settlement involving all of the major forces; (5) the unconditional release of all POW's.[8]

These proposals have been rejected by Hanoi and its PRG who have even refused to discuss them.

As with so much else in this alleged "treaty", it seems the height of hypocrisy for the unrepresentative inventors of this "treaty" to believe that their one-sided proposals would be acceptable to the parties in the conflict or that such proposals could assure self-determination and peace in Southeast Asia.

CONCLUSION

The presence of the American, South Vietnamese, and North Vietnamese delegations at the Paris Peace Talks points up an internationally accepted fact: treaties are negotiated by governments. They are not negotiated by private groups.

Sometimes the negotiating governments are broadly representative of their citizens. In the United States, and in other Western democracies, the electoral process has insured such widespread representation. Sometimes, the governments negotiating treaties are authoritarian, or totalitarian in nature, representing only a tiny elite who rule by force.

The pitiful fact about the NSA "People's Peace Treaty" is that it embodies the double fault of representing a minuscule minority in America bidding for dictatorial power, on behalf of a minuscule minority in North Vietnam which already exercises dictatorial control.

The "People's Peace Treaty" is not a formula for peace. It is a disguised formula for the victory of tyranny, which undercuts the efforts to achieve a just peace.

FOOTNOTES

[1] Less than 50 percent of the NSA member institutions send delegates to the annual NSA Congress, and few of the "representatives" are democratically elected by their respective student bodies. NSA is actually run by its National Supervisory Board (NSB), consisting of a few officers and 12 area representatives who exercise wide powers, including the right to enact "emergency" policies between the meetings of the Annual Congress. See: *USNSA Handbook*, (Washington, D.C., NSA 1967); *NSA Report*, Houston, Stop NSA, 1971).

[2] For scholarly and in-depth reading on North Vietnam see: Buttinger, Joseph A., *Vietnam: A Dragon Embattled* (N.Y. Praeger, 1967); Fall, Barnard, *The Two Vietnams* (N. Y. Praeger, 1967); Hoang, Van Chi, *From Colonialism to Communism* (N.Y. Praeger, 1964); Honey, P. J., *Communism in Vietnam; North Vietnam Today* (N.Y. Praeger, 1962); Spinks, Charles, et al., *The North Vietnamese Regime: Institutions and Problems* (Washington, D.C., Center for Research in Social Systems, 1969).

[3] The Provisional Revolutionary Government was proclaimed on June 8, 1969. It is the product of a merger between the National Liberation Front (NLF) formed in 1960 and the Alliance of National Democratic and Peace Forces (ANDPF) proclaimed by the Communists in 1968 during the Tet Offensive. These organizations publicly supported Hanoi, and there is a great deal of evidence to show that they were controlled by Hanoi, and that the PRG is controlled by Hanoi. Radio pronouncements of the PRG are made only on Radio Hanoi and the Viet Cong's Liberation Radio. The Information Office of the PRG in Paris is at NLF Headquarters. (*Liberation Radio*, 2330 GMT, June 10, 1969).

[4] Nearly all candidates were committed to peace—their differences relating to acceptable conditions for peace. The most "unconditional" candidate, Mr. Truong Dinh Dzu, who received 17% of the vote, was charged with embezzlement and passing bad checks *ten months before the election.* His trial was deliberately postponed in order to allow him to run for the Presidency.

For a detailed on-the-scenes account of these elections see: Dr. Penniman, Howard, *Decision in South Vietnam* (Washington, D.C., The Free Society Association, Inc. 1967).

[5] Harrison, Selig S. (Brookings Institution), "Vietnam Had a Coalition Once", The Washington Post, April 7, 1968; Fall, Bernard, *The Viet-Minh Regime,* (Cornell University, 1956); Buttinger, Joseph, *Vietnam: A Dragon Embattled,* (N.Y. Praeger, 1967).

[6] There are 43 registered political parties in South Vietnam. There is one in the North, and two puppet fronts. There is a free trade union movement in South Vietnam with 600,000 members who have gone on strike and won demands in the midst of the war. There is no free trade union movement in North Vietnam (or in any Communist country). There are 15 opposition newspapers in Saigon. They function with intermittent censorship, but they function. There is no opposition press in the North. There are various religious groups in Vietnam such as the Hoa Hao and Cao Dai (3.5 million), the Catholic (2.5 million), and moderate and militant Buddhists. All organize of their own accord, participate and exercise varying degrees of influence in their country's political and socio-economic life. No such pluralism exists in North Vietnam.

[7] In May, 1967, Prince Norodom Sihanouk asserted:

"After the French troops left Cambodia, the Vietnamese Communists remained in our country in order to conquer it."

Neutralist Prince Souvanna Phouma of Laos stated:

"Should South Vietnam become Communist . . . it would be difficult for Laos to exist. The same goes for Cambodia and other countries."

The 1962 Geneva Accords on Laos incorporated the North Vietnamese and Russian formulation calling for a three party coalition government headed by neutralist Prince Souvanna Phouma. By April 1963 the Pathet Lao and North Vietnamese were attacking the very government which they brought into being. See: *Background Information Relating to Southeast Asia and Vietnam,* Committee on Foreign Relations (Washington, D.C., U.S. Government Printing Office, 1970); Fall, Bernard, *Anatomy of a Crisis,* (N.Y. Doubleday, 1969); Fishel, Wesley, *Vietnam: Anatomy of A Conflict,* (Illinois, Peacock Publishers, Inc., 1968); Leifer, Michael, *Cambodia: The Search for Security* (N.Y. Praeger, 1967); Shaplin, Robert, *Lost Revolution,* (N.Y. Harper and Row, 1966); Swearingen, Roger, *Communism in Vietnam, a Documentary Study,* (Chicago, American Bar Association, 1967).

[8] President Nixon's address to the nation, October 7, 1970.

ENVIRONMENTAL ECONOMICS

Mr. CHURCH. Mr. President, discussion of the environment has largely centered on abuses and the technology devoted to this abuse. Too little attention has been devoted to the costs of a clean environment. Americans still see clean surroundings as being in conflict with full employment, as a luxury only the wealthy can afford. I believe that this is an illusion. Pollution control, rather than being a luxury, is a necessity that none of us can forego.

All too often the chemical plant worker, the steelworker, or the miner is told that pollution control measures will deprive him of employment, that eliminating smoke or dirty water means eliminating jobs. This need not and should not be the case. We have the ability to see that pollution control costs are a normal part of operating costs of an industry and not some special burden placed on one site or one plant. We have the ability to see that pollution control is a normal function of industry, to see that no product imposes hidden pollution costs on the public at the expense of the sales of other products. Our legislative efforts must be devoted to seeing that the costs of pollution control are equally borne in each industry and devoted to seeing that the laboring man knows that pollution control does not conflict with his well-being.

On April 25, 1971, in the Washington Post "Outlook" section, Stewart Udall and Jeff Stansbury authored an article on the environment and the worker. It was entitled "Selling Ecology to the Hardhat." In the article, former Secretary of the Interior Udall and Mr. Stansbury focus on the relation between the environment and the worker and some of the economic problems that must be solved legislatively in order to clean up our Nation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SELLING ECOLOGY TO THE HARDHATS

(By Stewart Udall and Jeff Stansbury)

(Udall, Secretary of the Interior in the Kennedy and Johnson administrations, now heads an environmental consulting firm called Overview. Stansbury was managing editor for the Population Reference Bureau from 1968 to 1970, when he and Udall began writing a twice-weekly column for the Los Angeles Times Syndicate.)

"The working people of this nation are not at war with ecology," Sen. Henry M. Jackson (D-Wash.) angrily declared after Congress grounded the SST, "but some people are mistakenly attacking them in the place where they work."

There was a certain irony in this, since on the one hand Sen. Jackson's constituency includes the thousands of Boeing aircraft workers in Seattle, and on the other his credentials as an environmentalist are excellent—it was Jackson who authored the landmark National Environmental Policy Act.

Yet the senator put his finger on a problem for the motley coalition of ill-financed conservationists and ecoactivists who dumped the SST: If they are to go on winning battles, they must develop a strategy that will gain support, not hostility, from working men, and to do this they must convince them that they are not destroying their means of livelihood.

This problem for environmentalists is sharpened by what often appears to be a tacit unity between management and labor when faced with an ecological campaign that could conceivably close down a factory. Some corporations and their allies are warning that the fight for clean air and clean water will cost workers their jobs.

As a result, some unionists have unleashed strong attacks on environmentalists. Writing in Clear Creek, a new environmental magazine, labor lawyer Joe McCray asked rhetorically: "Why suddenly are all of the intellectuals, the professionals and the technocrats asking for crash programs to stop pollution? it is obvious. The noxious excretions of production, the chaotic disregard of human needs in our system, are touching and affecting the world of the new ruling class. The professor's hyacinths are dying . . ."

McCray's old boss, longshoremen's chief Harry Bridges, is much more blunt: "The ecology movement is obviously antiworker, first of all because it is a product of the ruling class. It recognizes no obligation to the worker."

INDUSTRY'S WEAPON

Clearly the "ecologists-are-anti-worker" argument has a strong demagogic appeal. It feeds on the growing number of incidents in which companies seek to thwart environmental reforms by closing down or brandishing the Damocles sword of unemployment over workers' heads. Examples:

In January, Union Carbide announced it would lay off 625 workers at its Marietta, Ohio, plant if the Environmental Protection Agency (EPA) imposed strict air pollution controls.

While steelworkers jammed the galleries, the Maryland Senate recently scrapped a bill that would have discouraged the use of no-return beverage cans in favor of returnable bottles. The bill's sponsor attributed its defeat to a "strange marriage of labor and management."

Olin Corp., which employs most of the work force in tiny Saltville, Va., is shutting down its soda ash plant because it apparently cannot meet the state's new water pollution standards. Long a marginal enterprise, it will leave 650 men and women without work.

In Selby, Calif., a notoriously dirty American Smelting and Refining Company (ASARCO) plant has met cleanup orders by shutting down. The corporation is threatening similar action in Tacoma, Wash. For the moment, ASARCO's stance has won the support of its Tacoma workers, but they are growing restive in their role as pollution pawns.

Charging that 6,700 men would lose their jobs, the West Virginia Surface Mine Association recently helped kill legislation to outlaw strip mining throughout the state. The ban was sought by Secretary of State Jay Rockefeller, who was unceremoniously told off by one worker: "You've honestly never had to look for a job."

U.S. Steel, which has major plants in Birmingham and Duluth, has warned Alabama and Minnesota pollution control agencies to ease up if they want the company and its jobs to stay put. In Birmingham the company has won long extensions of its cleanup deadlines; in Duluth it has extracted more modest delays.

Three weeks ago EPA ordered Pfizer Chemical Co., which manufactures nearly half the nation's penicillin at its Groton, Conn. plant, to stop dumping fibrous and nitrogenous wastes into Long Island Sound. Plant manager Stanley Emsminger swiftly put the jobs of his 2,500 workers on the line. "We will not be able to continue to produce under these conditions," he said.

"An industry's first response to environmental orders is often to create a job scare," says Norman Cole, head of the Virginia State Water Pollution Control Board. "It tries to bluff its union and its congressmen into calling off the dogs. If companies spent as much time and ingenuity cleaning up as they do stalling, the whole country would be better off."

Men like Cole, who deal with recalcitrant polluters in the political arena, know the evidence does not support most threats of environmentally caused plant shutdowns. Except for marginal firms which would soon be closed down anyway, cleanup orders almost never provide an economic justification for laying off workers or boarding up whole plants.

"Air pollution controls cost so little it's pathetic," says Ben Linsky, former environmental official in Michigan and California. "They would add only one cent to the price of an automobile tire and tube and less than two dollars to the price of a ton of steel. I see no justification whatsoever for industry's claims that environmentalists are driving it out of business."

One government estimate is that cleaning up air and water pollution would raise industry's capital investments by only about 2 per cent, and the Council on Environmental Quality has calculated that to control all of the major air pollutants would cost U.S. industry less than 1 per cent of the worth of its annual production. Yet business executives often camouflage the real economic and technological facts.

An example of this was Union Carbide's threat to fire 625 workers in Marietta, Ohio. Air pollution cleanup orders from EPA, the company alleged, made such a move necessary because neither the requisite technology nor the requisite low-sulfur, low-ash coal could be found in time to meet EPA's deadlines. Calling Union Carbide's tactics "blackmail," Ralph Nader and four public interest groups charged that plenty of high-grade coal was available but that Union Carbide preferred to use cheap, dirty coal from its own strip mine. Sen. Edmund Muskie then announced his air and pollution subcommittee would investigate this charge. The Oil, Chemical & Atomic Workers (OCAW) sharply rebuked Union Carbide and EPA refused to give ground. Shortly thereafter, Union Carbide backed down and said it never intended to use its workers as hostages.

Union Carbide is a thriving international corporation, not a tottering, underfinanced local industry. Last year its sales totalled $3.03 billion and its profits $157.3 million. Some polluting companies, of course, are not so fortunate, and a few of them are hanging on for dear life. Even so, they cannot fairly claim that environmental controls rank at the top of their list of woes. "Any plant so marginal that a small addition to its costs threatens a shutdown is probably being carried on faith credit and has been sick for a long time," says Linsky. "It is already on the verge of collapse."

Marginal plants that can stay in business only if they pollute—enjoy a hidden subsidy—the public's sacrifice of its health and environmental values. When the owners of such plants finally do close them down, they often blame the loss of jobs on environmentalists as a tactic designed to buy time for dirty plants in other communities.

CALLING THE BLUFF

The relatively low cost of pollution controls is only one reason why industry's job threats are usually a bluff. Most plants have a compelling reason to stay where they are—tax laws are often lenient, prime markets and raw materials are near, or the right kind of work force is available. Thus, though the enforcement of pollution laws varies from state to state, only a few well-heeled companies can afford to seek temporary "pollution shelters" by crossing state lines. They will be even less able to do so as the national standards written into new laws take hold.

Recently, in Ticonderoga, N.Y., the managers of an International Paper Company mill threatened such a move and tacitly won the union's support in resisting a state air pollution order. Pulp and paper workers are highly skilled, however, and not easily replaced. When they realized that International Paper could not move without them, their support waned. International Paper reluctantly stayed in Ticonderoga—and cleaned up.

Similarly, ASARCO has threatened to pull out of Tacoma if forced to meet deadlines set by the Puget Sound Air Pollution Control Agency. But ASCARO gets its copper ore from the Philippines and obviously must remain near the Pacific Coast. Oregon has served notice that it doesn't want a dirty smelter, and neither does California. ASARCO may draw a reprieve from state pollution officials, but even if it doesn't it will probably stay in Tacoma—and clean up.

Economic realities such as these are beginning to get the attention of alert union officials. It takes no little courage for them to call a company's job bluff, especially in a time of high unemployment. But there are already signs that the United Auto Workers, United Steel Workers, Teamsters, and OCAW are withdrawing from industry's coercive embrace on the job issue.

"I don't see how a work force and a community can accept the kind of desolation that results from an operation such as the mine and smelter in Anaconda and Butte, Montana," says Teamster Vice President Einar Mohn. "It seems to me that even if this operation is the only means of making a living, it just isn't worth the resulting barrenness."

The Teamsters, of course, do not work the smelters, but OCAW chief A. F. Grospiron speaks for his own men when he says: "Our members just aren't going to be forced into fighting the EPA." More flatly, OCAW official Robert Palmer declares: "Our union wants to stop pollution with controls even if it means lost jobs. If a plant can't clean up after a reasonable period it should close down. What good are jobs if you can't drink the water and catch fish any more?"

Such labor leaders are buoyed by more than courage or a public relations sixth-sense. They also know that ecological controls and environmentally sound programs create far more jobs than they abolish. Hindsight is always an easy exercise, but if, for example, President Johnson had opted in 1965 *not* to build the SST and to spend the same $800 million designing and subsidizing the air cushion train, he would have promoted a largely pollution-free new industry that today would employ tens of thousands of industrial and construction workers.

Creation of waste-recycling industries would likewise mean more, not fewer, jobs, and so would across-the-board pollution controls on all our manufacturing industries. Clearly, no group has a bigger stake than labor on balancing our priorities—a fact AFL–CIO chief George Meany may have overlooked when he launched his last-ditch campaign to save the SST.

Nevertheless, the environmental job issue has an irreducible hard core and cannot be dismissed. Marginal plans *do* close down under antipollution orders (especially when they are owned by large conglomerates), and small businesses *do* give way to impersonal, multiplant corporations. In these shifts the worker is often caught in a ruthless squeeze between industry's thirst for profits and society's demands for environmental reforms.

Furthermore, many workers *are* intimidated by dishonest job threats. "They tend to believe what the company says," observes Minnesota Air Quality Office engineer Tibor Kosa. "And why not? No one tells them the real economic facts. In Minnesota not even the state government can tell a plant to disclose the economic bases for its shutdown decision."

Small wonder, then, that some workers feel they are being unfairly asked to bear the heaviest burden of environmental reforms. This belief is encouraged by industry spokesmen and demagogic politicians who misrepresent the issues and gloss over the true economics of environmental controls. Of equal weight in the worker's psychology is his basically accurate perception—oversimplified to be sure—that most environmentalists come from a different social climate than his own and do not always understand his predicament.

Yet despite misunderstandings between workers and environmentalists, at bottom their interests and enemies are the same. If the worker thinks he is merely a pawn on somebody else's ecological chess game he is deceiving himself, for he stands to gain immeasurably from the environmental thrust toward more liveable cities, cleaner beaches, purer air, more abundant wildlife and a healthier world for his children.

Just as emphatically, the environmentalist is deceived if he thinks he can control industrial pollution wtihout winning the trust and protecting the health of the men and women who labor at its source. There is some hard truth in McCray's onesided charge that "the style of the ecology movement has time and again demonstrated contempt for the working class and unions." McCray adds: "To the extent that the recent ecology movement is an upper- and middle-class phenomenon—seeking protection for the middle-class environment, avoiding the burdens of pollution control, disregarding the working class—then it cannot enlist the trade unions in its cause, and in fact incurs the enmity of labor."

But this is only a fragment of the truth. Increasingly, younger labor leaders realize that most workers live near their plants in some of the worst urban neighborhoods, and that the very poisons environmentalists hope to remove from the outside community do their greatest damage inside the blue-collar workplace. For these reasons, the industrial worker stands to gain more than anyone else from the ecology movement.

Who, then, is really attacking the worker in his workplace? It is not the environmentalists, as Sen. Jackson charges, but those corporate managers who would prolong industry's license to pollute.

Though most environmental groups and unions do not fully realize it, their paths are slowly converging. Neither can go very much farther in the pollution fight without the other. And if society truly wants a decent environment, it can go nowhere without both of them. "Only through the politics of coalition," says UAW President Leonard Woodcock, "can we solve the desperate social problems this country has."

CONVERGING INTERESTS

The first signs of an emerging community of interest are now visible. The OCAW refused to back the SST. It is educating its workers on inplant pollution, calling upon public interest lawyers and the medical profession for help. With the United Automobile Workers (UAW) and other labor allies, it has joined and sometimes led the fight for pollution controls—though seldom receiving much credit for its efforts. Both the OCAW and UAW have also moved cautiously (and without much early success) to lay such controls on the table at contract negotiating time.

Environmentalists, for their part, helped students in five states support the UAW strike against General Motors last fall. Environmental Action, Inc., while focusing most of its energies on the markup of the 1970 Clean Air Act, also lobbied for the equally important Occupational Health and Safety Act; this young organization remains the most philosophically attuned of all national environmental groups to the needs of workers. A close cousin, Environmental Health Programs, Inc., is now building momentum for an attack on workplace pollution and is bringing together union officials, environmentalists and medical experts for this campaign.

These are small beginnings at best, but they may foreshadow a powerful ideological convergence of workers and environmentalists. In the immediate future, if the jobs-environment crunch is not to generate needless mistrust between the two groups, basic remedies must be applied. We have talked with many people in conservation, public interest law, unions and Congress about the problem. Here are some of their recommendations:

Unions should put pollution controls high on their list of contract negotiation priorities. The legal basis for negotiating occupational health issues is clear, though the subject has elicited widespread union concern only in the last few years. The legal basis for labor negotiations over community pollution is not as clear; but it must be explored because workers normally live within the zone of heaviest pollution surrounding their plants.

Congress should enact uniform national emission standards for all industries and link them to the highest available technology, not to the assimilative capacity of airsheds and watersheds or to the unfortunate state stream classification system. Putting all polluters on equal footing will make it impossible for states such as Maine and Alabama to serve as pollution shelters for companies trying to escape controls elsewhere.

Congress should also pass legislation forcing companies to disclose the full economic data supposedly supporting their shutdown threats or decisions. In Tacoma, ASARCO claims it would have to spend an intolerable $33 million to meet the state's new standards for sulfur oxide emissions. But how much would the company gain in state and federal tax credits, depreciation allowances and the sale of liquid sulfur dioxide from the recovery process? ASARCO doesn't say.

If a company can demonstrate that environmental controls forced it to shut down, the government should compensate its workers for 52 weeks, with the term being extended by 13 weeks for workers over the age of 60 and by 26 weeks for workers enrolled in approved retraining courses. Two strong precedents for such compensation are the Interstate Commerce Act, recently used by Labor Secretary James Hodgson in awarding benefits to workers whose jobs were sacrificed by the shift to the new Railpax passenger system, and the Trade Expansion Act, recently used by President Nixon to compensate, retrain and relocate unemployed shoe industry workers.

Congress should enact the McGovern-Mathias job transition bill and the Nelson and Daniels public works job bills; they would put thousands of people to work on environmentally useful projects.

Finally, environmentalists and unions should launch an all-out attack against the workplace pollution which threatens the health of millions of blue-collar employees. The chronic disease rate among these men and women is tragically high. If they can be protected from further industrial poisoning, the communities near their plants can be protected, too.

The logical and potentially powerful links between the interests of the public, the worker and the environmentalist are rightly viewed by some industrialists as a threat to their own excessive power. Will this new coalition work, though? There are hopeful omens in current and recent controversies. When ASARCO closes down the last wing of its Selby, Calif., plant next month rather than clean up, it will throw the last of 800 men out of work. One of them is Steven Pine, a 35-year employee who has seen the plant poison its surroundings and sicken its workers. Of the imminent shutdown he says: "They're doing the men a favor."

And in Seattle, a young Boeing worker with six children and unemployment staring him in the face contemplates the Senate defeat of the SST. Vincent Tricola hoped the airplane would be spared, of course, but he concedes: "We need it like a hole in the head."

WHAT CAN ONE MAN DO?

Mr. ROTH. Mr. President, it is with a sense of great pride that I commend the article entitled "What Can One Man Do?" to the Senate. Taken from the National Guardsman, it tells the story of M. Sgt. Joseph J. Pfister, Air National Guardsman and public-spirited citizen, whose love for America has found unique expression in his service to the cause of patriotism.

These are troubled times in which the values and ideals of our American heritage are too often neglected or denied. Sergeant Pfister's devotion to "Operation Patriotism" reminds us that there are still those among us who care deeply for this Nation and are determined to preserve our way of life. His example is truly inspiring to all Americans, not only for his work in behalf of patriotism but for his illustration of the power and influence which a single person, rightly motivated, can have. I feel a special satisfaction in that he is a loyal son of the State of Delaware, the first of the Thirteen Colonies to be admitted to the Union, as a constituent.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT CAN ONE MAN DO?

Msg. Joseph J. Pfister has been an Air National Guardsman for more than a dozen years. For about the first 10 years of his military career, he was merely another conscientious citizen-airman, devoting some of his "spare" time to his Nation's defense.

Outside his Delaware Air Guard activities, he followed such a crowded schedule of athletic endeavors that, said he, his family was "beginning to wonder what I looked like." But those "outside" activities involved the youth of his community, ranging from the disadvantaged to the outright militant.

Because of his experience in teaching swimming and gymnastics at the Wilmington Central YMCA, he was asked to direct a 10 p.m.-to-midnight program at the "Y". The project was aimed at keeping teenagers off the streets by giving them a constructive way of working-off their energies. And this task was in addition to the many other demands on his time, which included coaching and umpiring in two baseball Little Leagues.

Upon completion of the Air Guard NCO Academy in 1969, Sergeant Pfister "became enthralled" with MG I. G. Brown's project," "Operation Patriotism." He returned home determined to do something—and he did. He began by writing letters to the editors of local papers on Patriotism and wound up with a regular column in *"The New Castle Gazette"*, the Base newspaper and, later, two other newspapers.

Sergeant Pfister's enthusiasm for "Operation Patriotism", which was begun by General Brown about a year earlier (*Jan. '69* "GUARDSMAN"), soon found additional outlets. He began a series of presentations to grade and high school pupils on Patriotism and the role of the National Guard. This he followed with a letter-writing contest for the children on "Why I am Proud to be an American."

Result of the contest was a trip to Washington, D.C., for the 21 pupils who had submitted the best entries, judged on originality and spirit. Sergeant Pfister arranged for the trip by Delaware Air Guard bus and accompanied the youngsters on their visit to the Nation's Capital. The pupils, ages 9–13, witnessed the changing of the guard at the Tomb of the Unknown Soldier, toured as many National memorials as time would allow, and sat in the Senate gallery during a vote on a tax bill. Other school visits, writing contests and trips to Washington followed.

A couple of excerpts from the children's letters show the impact of Sergeant Pfister's presentation. An 11-year-old wrote: ". . . I wish I could share some of America with boys and girls in other countries who are homeless and hungry and cold." And a 10-year-old concluded: "If I were old Glory I'd feel very sad because I've flown through all the wars but proud because I won them all."

In addition to his on-going school presentation program, Sergeant Pfister has talked to civic, service and religious groups, as well as to prisoners from whom he received an unexpectedly warm reaction. Asked about his enthusiasm for "Operation Patriotism", he replied: ". . . With the zeal I received from the Academy and the continued support of the Governor, the Adjutant General and my Commander, I hope we can help hold the tide against the many factions that would like to overthrow our Country and especially sway our youth.

"I have nothing to gain except self-satisfaction that finally I am doing something worthwhile instead of thinking of myself—it's really great hearing people agree with me and promote this free enterprise of ours, this wonderful democracy. I don't want to see us go down hill. I feel the National Guard should lead in this effort."

But selfless effort doesn't always go unrewarded. For his "determined and enthusiastic activities under the auspices of the Delaware Air National Guard to promote a spirit of patriotism among youth" and the many attendant efforts he made toward that goal, Sergeant Pfister was singled-out by Freedoms Foundation for a National Recognition Award.

In company with such distinguished Americans as U.S. Rep. John W. McCormack, former Speaker of the U.S. House, and Movie Actor John Wayne, Sergeant Pfister was presented one of the Foundation's top 10 awards—a National Recognition Award—for his distinguished service to the Nation.

Sergeant Pfister has taken as his personal credo an admonition by General Brown to the Elks' National Convention last year when he said: "The spirit that has built America so far can continue the job. And we—you and I—as its citizens have as our greatest duty the preservation of that American spirit and all that it stands for."

By demonstrating the truth of the late Senator Everett Dirksen's remark that "Patriotism is alive and living in the National Guard," Sergeant Pfister has aptly shown what one man can do.

PLIGHT OF SOVIET JEWRY

Mr. BUCKLEY. Mr. President, events in recent months have focused attention on the plight of Soviet Jewry. They have also focused attention on the refusal of the Soviet Union and other Communist states to allow their citizens the basic freedom to seek new lives in other lands.

The Jewish Community Council of Mt. Vernon, N.Y., recently sponsored a workshop on the problems of Jews in the Soviet Union and forwarded to me a copy of the Brussels declaration, passed in Brussels by the World Conference of Jewish Communities on Soviet Jewry. I commend this moving declaration to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

LET MY PEOPLE GO!

(Text of the Brussels Declaration by the World Conference of Jewish Communities on Soviet Jewry)

We, the delegates of this Conference, coming from Jewish communities throughout the world, solemnly declare our solidarity with our Jewish brothers in the Soviet Union.

We want them to know—and they will take encouragement from this knowledge—that we are at one with them, totally identified with their heroic struggle for the safeguarding of their national identity and for their natural and inalienable right to return to their historic homeland, the land of Israel.

Profoundly concerned for their fate and future, we denounce the policy pursued by the government of the Soviet Union of suppressing the historic Jewish cultural and religious heritage. This constitutes a flagrant violation of human rights which the Soviet Constitution pledges to uphold and which is enshrined in the Universal Declaration of Human Rights. To cut them off from the rest of the Jewish people, as the Soviet authorities are attempting to do, is a crime against humanity.

Soviet spokesmen claim that there is no need for Jewish culture and education, that there is no Jewish problem in the Soviet Union and that there is no anti-Semitism. These assertions have been proven false by the Soviet Jews themselves. The entire world has heard their protest.

Tens of thousands of Jews have petitioned the Soviet authorities for the right to settle in Israel and raise their children in the Jewish tradition and culture. Letters, messages and petitions, sent at the signatories' peril from the Soviet Union to individuals, to governments, to the United Nations and other international organizations, all demand recognition of these rights.

The reaction of the Soviet authorities to this Jewish awakening has been to mount a campaign of harassment, arrests and virulent anti-Jewish propaganda. The Leningrad trial, shocking to the world, was but one manifestation of such persecution. Far from being crushed by such intimidation, Soviet Jews today demand their rights with ever greater courage and determination.

This conference urgently calls upon the civilized world to join with us and with the Jews of the USSR in urging the Soviet authorities:

To recognize the right of Jews who so desire to return to their historic homeland in Israel, and to ensure the unhindered exercise of this right.

To enable the Jews in the USSR to exercise fully their right to live in accord with the Jewish cultural and religious heritage and freely to raise their children in this heritage.

To put an end to the defamation of the Jewish people and of Zionism, reminiscent of the evil anti-Semitism which has caused so much suffering to the Jewish people and to the world.

We assembled in this Conference commit ourselves, by unceasing effort, to ensure that the plight of Soviet Jewry is kept before the conscience of the world until the justice of their cause prevails.

We will continue to mobilize the energies of all Jewish communities. We will work through the United Nations and other international bodies and through every agency of public opinion.

We will not rest until the Jews of the Soviet Union are free to choose their own destiny.

Let my people go!

"THIS CHILD IS RATED X"

Mr. HART. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that a statement by him entitled "This Child Is Rated X," and an insertion, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THIS CHILD IS RATED X

(Statement of Senator BAYH)

Mr. President, as Chairman of the Subcommittee on Juvenile Delinquency, I commend to the Senate the recent NBC White Paper entitled "This Child is Rated X," produced by Mr. Martin Carr. This film has been extremely valuable in bringing national attention to bear on the complex problems of juvenile justice, particularly those relating to incarceration. Mr. Carr deserves great credit for his energy, skill, and sensitivity in preparing this documentary. At a time when some people are anxious to attack the motives of the press, Mr. Carr's effort provides an example of the highest kind of public service. His examination of conditions in juvenile detention and correctional facilities in Texas, Illinois, and Indiana has revealed much that is wrong with our present methods of dealing with juveniles. His findings confirm my belief that the entire rationale of institutionalizing young children, many of whom have never committed a criminal act, must be reexamined.

The Subcommittee on Juvenile Delinquency has just completed three days of hearings on the problems of juvenile confinement institutions. Our investigation will continue with additional hearings scheduled to begin May 17, 1971.

During our inquiry, we have been told of the grossly inadequate or non-existent services available in these institutions, of the abuse and neglect of young inmates, and of the startling rate of recidivism at these institutions. One of our witnesses, after years of practice in juvenile courts, has concluded that "the juvenile court, which exists to rehabilitate and save errant minors, has been a complete and disastrous failure." It is not surprising that the system is a failure when children are not given fundamental constitutional protections, and when they are locked up in institutions that brutalize them more terribly than street society ever could.

Our hearings will provide a basis for legislation to improve the ways in which we deal with juvenile offenders. I am especially concerned that we develop effective ways of alleviating the severely damaging psychological and physical impact of incarceration on children. Mr. Carr's excellent documentary has dramatically demonstrated the need to find new approaches to the problems of juvenile delinquency and to implement those approaches at every level of government.

Mr. President, the transcript of Mr. Carr's fine documentary, "This Child is Rated X," follows.

THIS CHILD IS RATED X

(An NBC News white paper on juvenile justice, Broadcast May 2, 1971)

BOY. Sometimes it's, it's slapped in the, the face. And sometimes it's the paddle. Like up in, like up in detention they usually give you the paddle before they slap you.

BOY. When they hit ya, they make sure it hurts. They try their best to knock you cross the table when they hit ya.

LEROY NEU. There's not enough punishment. There are not enough juvenile delinquents being committed.

GIRL. When you're in a institution with all girls, and there's no males around, I mean a lot of girls have lo, high sex.

GIRL. It's nothing to see two girls holding hands going down the hall or something like that.

GIRL. Well, if they're hipped on the drug scene they can get maybe a couple tabs acid or something.

MOORE. You know, the schools have failed. The juvenile authorities have failed. The police have failed. The psychiatrists, the social workers, the preachers, everybody has failed.

GIRL. I landed up in jail. All I did, I cried cuz I was so scared. I stayed back from everybody else.

Dr. MENNINGER. If people have enough money of course they never go to jail, you know that. Jails are for poor people. Jails are for black people. And jails are for children.

BOY. This place don't help you any, just keeps you away from home, that's it.

LEROY NEU. Beyond any question, the youngsters who are there, deserve to be there.

BOY. I ain't planning on going to prison.

CARR. Think it might happen?

BOY. Yeah, it could.

NEWMAN. More of our children are in trouble today than ever before. Twice as many, in fact, as ten years ago. An estimated one million children will be arrested this year and begin a journey through a system of justice from which many will never emerge. A system run by a special set of rules—special because they apply only to children.

There are whole categories of crimes that are crimes only for children. Crimes like running away from home . . . truancy . . . being out too late at night. Children are not given the benefit of a "trial" to deal with these crimes. They get a "hearing" which can send them away to institutions where they remain until the authorities feel they are ready to leave or until enough time has passed so that they are legally no longer children.

Last year 162,000 of our nation's children were locked in institutions that most of us have heard of, but few of us have ever seen.

But recent stories are beginning to force the public to pay attention to these places.

In Iowa, a girl is thrown into jail because she runs away to get married: she hangs herself. She is 16-years-old.

In a Children's detention center in New York, four children attempt suicide within ten days.

In Missouri, a 17-year-old is homosexually assaulted and kicked to death by jail cellmates.

Another 17-year-old is murdered in a Miami jail.

NBC News spent the last seven months investigating our system of juvenile justice. We visited juvenile courts, detention centers, and reform schools across the nation. We chose to let the children in the system tell you their own stories . . . stories we verified with the juvenile authorities. We would like you to remember two facts as you listen to them: half the children in America who are deprived of their liberty and sent to correctional institutions have done nothing that would have been a crime for an adult. And half the children in those institutions will come back to them—having committed a more serious crime. We chose three areas of the country to examine closely. Tonight we present our results.

Chicago will soon boast a building a mile high. Its crime rate is also sky high, rising 14 times faster than its population in the last ten years.

Cook County Jail, copied from a 19th century French prison, was built to hold 1,300 people. It now holds almost twice that number. Three hundred are juveniles—accused of serious crimes. None of them has been convicted. Some have remained behind these bars as long as two years, getting a glimpse of their parents only on infrequent visiting days. Juveniles in Cook County Jail are certain to be poor and almost certain to be black. They are crowded into prison just as they were crowded in Chicago's crime-ridden ghettos. They have in fact exchanged one ghetto for another.

Producer Martin Carr spoke with a 14-year-old prisoner about life in jail.

CARR. How long have you been here.

FIRST BOY. Four months, going on five.

CARR. Five months.

FIRST BOY. Um.

CARR. That's a long time.

FIRST BOY. Up in here it is. Time pass slow.

CARR. Time pass slowly.

FIRST BOY. Uh huh.

CARR. Did you ever get to meet anybody thats committed serious crime?

FIRST BOY. Yes.

CARR. Like what?

FIRST BOY. Johnny Villos.

CARR. Um.

FIRST BOY. I met him.

CARR. What'd you talk about?

FIRST BOY. Well, why he do it, what he do it for. For a reputation he said.

CARR. What does it make you think about?

FIRST BOY. Me. Well I figure if I had a big reputation like that I would be mighty important.

CARR. Do you think he's mighty important?

FIRST BOY. Yes.

CARR. What did he do?

FIRST BOY. Killed a policeman.

CARR. Killed a policeman. And that made him important.

FIRST BOY. Yes. I guess so.

WINSTON MOORE (Executive Director, Cook County Department of Corrections). You know, a lot of people are—and you in particular feel that they see 14 or 15 year olds—in jails, and you say, Oh my, what a shame. They shouldn't be in here. Yet the victims—the victims of the crimes they have committed shouldn't be in the graveyard either. This is the one thing that disturbs me. Nobody is concerned about victims—you know, the hardships that these kids have . . . upon people in the community—you know, you are no less dead whether you are killed by a 14-year-old or by a 40-year-old, and this is mostly what they're in here for—murder.

CARR. Nonetheless, Mr. Moore, I think you're making a pre-judgment. I have found over and over and over again in kids that I've talked to, that they are awaiting trial.

MOORE. For murder.

CARR. In some instances, for murder.

MOORE. In most instances, you found.

CARR. Isn't this punishment before conviction?

MOORE. No, the law states that there are some crimes that there are no bail for. Would you let them out to go out and kill again?

CARR. I was talking to a young man here in the jail yesterday, not incidentally charged with murder, and he said while he was here he had the chance to meet and get to know somebody who was charged, with murder. Don't you think that this young man who was talking to me, has been hurt?

MOORE. If he's a 14-year-old and he's in jail he's in here for charge being of raping a white woman. You don't come to jail at 14 for being charged with raping a black woman.

CARR. Mr. Moore, how does this make you feel?

MOORE. Well, if he's here for about, you know somebody was raped. They had probable cause. Now I think that what happens in this situation that he should have been—I didn't bring him here, as I said before, I'm just a custodian of men. But had he raped somebody related to me, I would want him here.

CARR. Nonetheless, he is only charged with rape and you run this institution, Mr. Moore. Are you pleased?

MOORE. I have 1,700 men, out of 2,000 charged with something. I haven't, I don't make the laws. I don't enforce them. I'm just here as a custodian of men.

NEWMAN. Our investigation of the juvenile justice system led us, surprisingly, to a mental institution, Elgin State Mental Hospital in a suburb of Chicago. About 5 percent of the children handled by Cook County's juvenile courts land in mental institutions.

Elgin State Hospital has set up a special unit to handle some of these children. They are not described by the Hospital as emotionally disturbed or mentally ill. They are called socially deprived.

Producer Martin Carr asked the Clinical Director of the Hospital's Adolescent Division, Dr. Enrique Vicioso, what kind of children are assigned to this special unit.

VICIOSO. In the definition of mental illness, you make a definition. They are not mentally ill. They are social deprived individuals.

CARR. Socially deprived.

VICIOSO. Socially deprived who can be handled elsewhere.

CARR. What does socially deprived mean?

VICIOSO. Socially deprived is that individual who doesn't have the opportunity to have a father or a mother or a person that more or less is an authority figure. That he may be able to learn some kind of values, social and moral value.

NEWMAN. Legal Aid Attorney Patrick Murphy represents some of the children in this hospital.

MURPHY. I can think of two cases for instance involving two children, one from an area called Uptown here in Chicago, which is primarily a white Appalachian area and another from the West Side ghetto . . . black ghetto. They both ended up at the Elgin State Hospital. Recently they were both caught in consenting homosexual conduct, they both being about 13 now. Now it may be wrong to do this, it may not be. I'm just a lawyer, I can't make moral judgments, however, the people at the hospital did and they bound them to their beds for a period of 77 and ½ hours. And they tied their hands and their feet to the bedposts and spreadeagled them to the beds, in such position that the boys could only move their hands about 3 or 4 inches in each direction. They were allowed up only to shower. In 77½ hours.

VICIOSO. We're not using punishment over here. We are using a multiplicity of treatment in order to change the behavior of the person.

CARR. Nonetheless, tying a child to a bed for 77 hours sounds to me like punishment.

VICIOSO. Okay, well this is a matter of opinion. We are trying to provide here in this institution to some of the kids some kind of therapeutical um uh behavior modification and some kind of disciplinary approach to the patient.

CARR. In other words, tying a child to a bed for 77 hours does not create any physical pain?

VICIOSO. This kind of kid, no.

NEWMAN. Dr. Marvin Schwartz, Consultant in Child Psychiatry to the Cook County Court system, disagrees with this kind of treatment. He feels it hurts children.

SCHWARTZ. When you tie someone to a bed like, like one wouldn't tie a dog, but, you know, like a dog, you see—for 72 hours without any, you know, real reasons—and put that person in the middle of a room to display, this person of limited abilities, this person with terrible difficulties of adjustment who has confused ideas of himself, who has confused self concepts to begin with, ends up feeling more self depreciated, more confused. More lost and more of a nothing in our world.

CARR. In addition I understand to tying these boys to the bed for 77 hours they received intramuscular injections of some medication. And intramuscular injections is particularly painful. So that added to the punishment.

VICIOSO. Not necessarily. Not necessarily intramuscular injections is painful. You may say for instance when the needle going inside all right, it can create some kind of painful sensation, but our goal when you give medication with a patient, especially intramuscular, is because we want the medication to work as fast as possible so the behavior can be modified.

SCHWARTZ. The concern of the attorneys in this case and my concern is that we see, don't see any evidence that these drugs were being used to treat an acute situation. It was being used to quiet people down totally. Namely as a means of control.

CARR. So could there be a reason to give it intramuscularly?

SCHWARTZ. Yes, it hurts.

MURPHY. Once we got involved in the case we found out we were, the 77½ hours was, was child's play. One of, the third plaintiff, a girl, was tied to her bed for 7 consecutive days for slapping a matron. Certainly if the girl had slapped her mother and her mother had tied her to her bed as these people did for 7 consecutive days, we would be prosecuting that mother for criminal neglect and she would be on the front page of every newspaper in the state.

VICIOSO. Well in the case of this girl tying her for 7 day, I repeat again, I don't feel this is a matter of really punishment.

Everybody tried to really help this girl to modify that behavor, but unfortunately this girl has not been kept enough in a place long enough so she may be able to learn about that. As a matter of fact . . .

CARR. That's not her fault.

VICIOSO. It's not her fault.

SCHWARTZ. The community sets up institutions with limited budgets, with poorly trained staff, with poorly trained supervision—places upon these institutions the problems which are really the problems of the community which the community does not want to deal with, places into these institutions people who are—in a way are victims because we have made them what they are and then says to this institution not only does it say now hold these people in so that the rest of us can pretend they don't exist and are not here, but it says relieve our guilt and pretend you're treating them.

The shocking thing is—is not these children and not Elgin State. The shocking thing is that this is how our society deals with these things universally.

NEWMAN. Many juvenile institutions refused to open their doors to NBC News. They claimed they were protecting the children. But Indiana Corrections Commissioner Robert Heyne allowed us to film in Indiana Boys School and Indiana Girls School, hoping that public awareness of their problems might stimulate change.

Indiana Boys School, alma mater of Charles Manson, is the sixth largest in the nation. To send a boy there costs the state and local governments $8,000 a year, twice as much as it costs to send a boy to Harvard.

More than half the children in the Indiana Schools have been committed for specifically juvenile crimes. Crimes like running away from home, breaking curfew, or being hard to handle. A major study by two New York criminologists tells us that if present laws were strictly enforced, 99 percent of all children would be locked away.

The next six children *are* serving time for *juvenile* crimes. The accuracy of their statements has been checked with Indiana authorities.

CARR. Why are you here in Indiana State Boys School?

BOY. I snuck into a drive-in in the trunk of a car and there were X rated movies, you know, for 18 or over—and so they—they, I guess they just kind of got me for that mostly and put me down here. Because when I was at the police station my ma said, you know, she was mad. She said well just, just keep him, do what you want with him. And that's what started it. Then I—and then they just put me down here for that really.

CARR. How long have you been here, this time?

GIRL. Four months.

CARR. Four months at Indiana Girls School.

GIRL. Right.

CARR. How did you get here?

GIRL. I was in the orphanage.

CARR. Umm.

GIRL. In 68. At first I wasn't too sure of why I was here, because you know, they gave me a couple of reasons, because truancy and then they said my parents didn't want me. Then later on when I found out that it was because my parents didn't want me, and they just sign, you know, signed me over to the state, I felt terrible. Well, I couldn't stay there and that's why I ran twice.

CARR. After you ran away from the orphanage the second time, you ended up in jail, you were telling me. What was it like in jail?

GIRL. There were prostitutes, and then . . .

CARR. Did you know about that?

GIRL. Yeah, they had talked about it. And then there were two, I think, that was in there for murder.

And it, it really was a scary feeling to be around such people.

BOY. Well when I was four was when I got taken away from my parents and then some Williamses adopted me. And I lived with them until I was 11. Then I went to some other people and I lived there for five years and then I went to another family and lived with them for awhile and then another family and lived with them for awhile and then I got sent up here.

CARR. Where did you like it the best?

BOY. Where I lived in Greensburg. That was the best place I was in.

CARR. Why did you like it there?

BOY. I could, I could talk to them and they really cared about me. They, they'd get me out of trouble if I'd, if it wasn't my fault. I mean, I was good at getting in trouble. And, when I didn't do something and I told them that I didn't do it—and they'd believe me. They'd do their best to get me out of it. It's—I mean, they just really cared.

CARR. This is a school for . . . what?

BOY. Juveniles.

CARR. What kind of juveniles?

BOY. Delinquents.

CARR. Delinquents.

BOY. Delinquents.

CARR. Do you think you're a juvenile delinquent?

BOY. I guess so or I wouldn't be up here right now.

CARR. Do you know what Indiana Boys School is for—what kind of boys are here?

BOY. It's supposedly for juvenile delinquents.

CARR. For juvenile delinquents.

BOY. Yes sir.

CARR. You were sent up here because you broke curfew?

BOY. Yes.

CARR. What time is curfew where you live?

BOY. 11 o'clock.

CARR. 11 o'clock. And you were out later than that?

BOY. Yes, sir.

CARR. Do you think you'll ever get into trouble again?

BOY. Not after being up here.

CARR. Not after being up here.

BOY. No.

CARR. Why?

BOY. When you get out, people's going be knowing that you was sentenced to boys school and they aren't going to be wanting their children around you, figuring that it might be a bad influence on them.

GIRL. They can't love you in a place like this. I mean, they're, they're just here what, 8 hours a day, just to tell you what to do, and then they go home. I mean, you know, they may care for you, but not the way a mother and a father would.

CARR. How about your friends your age here? Do you have any?

GIRL. Up here when you get too close to a girl they automatically think you're casing.

CARR. Casing?

GIRL. That's when two girls go together.

CARR. Is there much of this here?

GIRL. There's a lot of it.

CARR. Does it hurt any girls?

GIRL. In a way yes. Well, you can get hurt, I mean not just emotionally or mentally, physically also. I mean they beat up on you and beat you over the head, and slam your head up against the wall, and everything but . . .

CARR. If you resist. Is that it?

GIRL. Yes.

CARR. Do the counselors know about this?

GIRL. Yes, but there's nothing they can really do.

CARR. So what happens to a girl who comes in here kind of innocent and inexperienced?

GIRL. She doesn't go out so innocent and inexperienced. Cuz she learns a lot of things up here.

CARR. What do you think causes a problem like homosexuality in an institution like this?

BURKES. Well, I think for the fact is you've got all girls, or boys, or what have you. And then the fact that we have adolescents, or the period of 13 through 18, where they're naturally curious about these kind of things.

CARR. What happens to a young girl who comes here?

GIRL. I think they know a lot more about the bad things when they go out.

CARR. Did you learn things you didn't know before?

GIRL. Yes, sir.

CARR. I understand that you ran away a little while ago. What happened?

GIRL. I got put in cottage 8 when I came back.

CARR. What's cottage 8?

GIRL. It's maximum security.

CARR. What's that like?

GIRL. Well, it's it's a small room and you're locked in there about 23 hours a day. I'ts real drabby and it's got writings all over the wall and you sleep on a mattress on the floor.

CARR. What does it feel like after you've been there a week?

GIRL. Like you sort of withdraw from the rest of the world. Like some of the other girls and I, I didn't even care after I was there a week. It was like you're there and you're never going to get out.

CARR. Why are you in here in a room with a thick door. no bed, no furniture . . .

GIRL. Because I ran.

CARR. What does it feel like to be in a room like this?

GIRL. I don't know. At times it just seems like the whole place is gonna fall in on me, and the only thing that I can do to protect myself would be get out and take off again.

CARR. How about drugs. Drugs is one of your problems.

Maybe it's a good idea for you to be in a place like this—keep you away from em—do you think it does?

GIRL. I had some H here.

CARR. Some heroin?

GIRL. Yes, sir.

CARR. Did you shoot it up here?

GIRL. Yes.

CARR. Which is easier to get around here? Heroin or acid?

GIRL. Well, I don't know with the other girls, but to me, I think I could get anything I wanted. And I mean in the drug line.

CARR. Why the paper plates and the paper cups and wooden spoon?

GIRL. They could file, maybe their spoons or something down and make a sharp object and kind of hurt the housemothers or hurt ourselves by breaking or maybe slashing our wrists or something like this.

CARR. Did you ever hear of that happening?

GIRL. Yeah.

CARR. Girls attempting suicide.

GIRL. Yeah. There's been only one girl that I know of that has died here in Cottage 8.

CARR. You knew her?

GIRL. I didn't know her personally, no.

CARR. You just heard about her?

GIRL. Yes. She hung herself.

NEWMAN. Charles Manson ran from Indiana Boys School five times. At least thirty boys run from here every month. Most of them run home.

(Martin Carr interviews fifth boy.)

CARR. Why did you run away?

BOY. Well, I just didn't like it up here.

CARR. Where did you run to?

BOY. I ran to home.

CARR. To your mother?

BOY. Yes.

CARR. What happened to you when you got back?

BOY. I was sent to the detention.

CARR. What's that?

BOY. It's a small room, about 12 foot long and about 6 foot, or about 8 foot wide, it's got a bed in it, a toilet and a sink, off to the side of it, a little window in the back of the room, with a big metal door.

CARR. Is that what they mean by the cage?

BOY. Yes, sir.

CARR. Why do you think they call it the cage?

BOY. Well it's like one.

CARR. How long were you in the cage?

BOY. For eleven days.

CARR. What's it like being in the cage for eleven days?

BOY. Well, after you get done climbing the walls, you just lay down for the rest of the day.

CARR. What do you mean after you get done climbing the walls?

BOY. Well, I just—trying to get out, I reckon you . . . I get claustrophobia and I can't stand to be put in one of them rooms for too long, but . . .

CARR. But you were there for a long time.

BOY. Yeh.

(Martin Carr interviews Alfred Bennett, supt. Indiana Boys School.)

BENNETT. We feel that there is a need for a kid to be placed in a unit like this simply to have control of the institution or control of the situation. It is not ideal. But it's the same old numbers game—too many boys for too short a time.

CARR. Why is it necessary to put shackles on a boy and I refer to a sign saying there is no screen around, do not use without shackles. How should I understand something like that?

BENNETT. The only time a, a shackle is used on a boy is that if there is a malfunction in the facility where he could escape. Or if a boy has a claustrophobia problem, and the psychologist recommends that the door to the unit be left open. And so a shackle is used.

CARR. Do you always get enough to eat here?

BOY. Not all the time.

CARR. What happens when you get on the end of the line?

BOY. Well, you get about half of what every one else gets, sometimes not even half.

CARR. Sometimes not even half. So you walk around hungry.

BOY. That's what you have to do and just hope you can get up towards the middle of the line next meal.

CARR. And if you were at the end?

BOY. Then you didn't get nothing.

CARR. I've heard from several boys I talked to here that there's sometimes an Oliver Twist situation. That they don't get enough to eat or they don't get any food at all. How can you explain that?

BENNETT. Well, this is a problem that does exist in a, say, a cottage that has a large number of boys. If the supervisor does not supervise adequately, it could be that the boy at the end of the line will become—will come up with less food than the one to begin.

CARR. Um. Who might this cottage supervisor be?

BENNETT. The cottage supervisors may have worked in industry, may have worked in a factory, may have been truck drivers, may have been—people from all forms of life. They may have been former salesmen, people like this. And, of course, their work before they came to us was totally different. So we are shackled with the problem of training them to handle and remold lives. Young lives.

CARR. A while ago, you were telling me that you ought to be on your knees now.

BOY. Yes, sir.

CARR. What do you mean?

BOY. Well, you get on your hands and knees with a shine rag, a little rag and shine the floor——

CARR. How long?

BOY. Well, sometimes you stay on there for a couple of days; it's according to how bad the supervisor thinks it is of what you did.

CARR. What did you do?

BOY. I was sitting right beside a bench that was supposed to be off-limits.

CARR. You were sitting next to an off-limits bench. What happens to your knees when you stay on the floor that long?

BOY. Well, you get big blisters on them.

CARR. You had other kinds of punishment too, haven't you? How about the board?

BOY. No, I never had that, except over at the school, once, and that was for when I spilt some varnish on the floor.

CARR. You got the board once.

BOY. Yes.

CARR. What does getting the board once mean?

BOY. Well, they hit you three times but it's only one time. You get . . .

CARR. Who hit you?

BOY. The principal—Mr. Kramer.

CARR. For spilling varnish. What does it feel like to be hit three times with the board?

BOY. Well, it hurts. It's not real bad, you know, but . . .

CARR. Can you sit down that evening?

BOY. Yeah. That's—Mr. Kramer's sort of an old man. He—can't hit quite as hard as some of the other security men that regularly give it to you in the company.

CARR. That regularly give it to you in the company. What's the worst punishment you've seen, really seen with your own eyes around here?

BOY. Where you get three with the board and if you cry . . .

CARR. You get three with the board. In other words you get whacked three times.

BOY. If you cry or anything you get three more and well, you're doing 75 pushups if you mess up one time.

CARR. In addition to being whacked with the board, you have to do 75 pushups?

BOY. 75 pushups. And if you mess up with 75 pushups on any of them then you have to get the board again.

CARR. You have got to get the board again.

BOY. And do your 75 over.

BENNETT. The paddle that is used is kept in this office and only approved by me as superintendent.

CARR. Do you think it's possible that cottage supervisors often resort to discipline, may enforce certain disciplinary measures just to make their job easier?

Bennett. Yes. And this is part of the problem of a large institution. We find that the supervision of staff is very difficult.

Carr. Uh huh. I understand that in the past flogging was an official disciplinary measure here.

Bennett. I would say that it has been many, many, many years since they've had what most people in the field call flogging. There was a leather strap used to spank boys. We have taken that out of our program.

Carr. How long ago?

Bennett. It's been more than a year ago.

Carr. Why might corporal punishment be necessary at an institution like this?

Bennett. It's necessary here. Simply because we have boys a short time and we have too many boys.

Carr. About how many boys that are here now really don't belong here?

Bennett. I think the number is quite high. 55 to 70 percent could be handled in, in other settings.

Carr. How many boys return here? What's the rate of return?

Bennett. Our return rate runs between 40 and 50 percent.

Carr. About half the boys that are here now will return here. Doesn't that give you a sense of failure, that you're not accomplishing what you'd like to accomplish?

Bennett. Very much so.

Carr. Do you think you're doing any harm?

Bennett. We're doing a lot of harm.

Newman. Authorities across the nation agree. Harm is being done. Yet judges across the nation continue to sentence the majority of children to juvenile training schools similar to the ones in Indiana. Judge Horace B. Holmes is one exception. As the presiding juvenile court judge of Boulder, Colorado, he tells us why whenever possible he prefers to keep a child within the community.

(Martin Carr interviews Judge Horace B. Holmes.)

Carr. You feel it is your duty or mission or object to keep children out of the institutions. Even good institutions are bad.

Holmes. The best place a youngster can be is at home. There is no place better than home for a youngster.

Carr. Your motto is attention, not detention.

Holmes. That's right.

Carr. What does that really mean?

Holmes. Means that we've got to look at kids and try to figure out what's going on and what's bothering them and what we can do to correct their activities, what we can do to correct the situation that has caused them to be this way and—you don't get it by locking them up someplace. Either in jail here or in a state institution because this isn't going to solve it.

Carr. Why not?

Holmes. Because when they come out of a state institution no matter how good it is, they come, strangely enough, kids come home again.

Carr. Why are walls and bars necessarily bad for a child who may be in trouble?

Holmes. Maybe for some youngsters it's not bad. Maybe the youngster that can't live except confined, but I think many of them are, don't need this. That this is a way of getting rid of our problems. We've done it in the mental health. We've, we've housed our, our mental health patients in, in sort of dungeons and now we're getting better and getting them out, and back into the community. Where they should be. The mental health patients should be with us. Everybody we don't like we can't get rid of—we have to live with them. And this—this is what the kids are saying too. They say we've got to live with one another. If we listen to them, maybe we'll learn something.

Newman. El Paso, Texas likes to call itself the "All-America" city. The motto is on police cars, hotel doors, phone booths, almost everywhere you look. But where the rights of children are concerned, El Paso is hardly all-American. Rights guaranteed all Americans by state and federal laws have systematically been denied.

After careful investigation, NBC News was able to document many instances of children sent away to state correctional schools without the advice of a lawyer or a hearing before a judge.

We talked to Ira Workman and his son Philip who had spent 9 months at the Gatesville School for Boys.

(Martin Carr interviews Mr. Workman and Philip.)

Carr. Philip, you were up at Gatesville, right?

Philip. Right.

Carr. How come? What'd you do?

Philip. Problems at home and couldn't get along, ran away from home quite a few times.

Carr. Uh huh. Mr. Workman, why did you think that Gatesville would be a good idea for Philip, your son?

Workman. As I understood it, I thought it was like a regular school. That they would have people up there that would put the boy on the right track and that was their sole responsibility. I did not, approve of the type of disciplinary action that was given there.

Carr. Philip, you were there, tell me about it.

Philip. They would, uh, maybe wanna get us on our feet, you know, sit us down, take our shoes and socks off—and they'd have leather straps mostly, or sometimes a stick.

Carr. Um huh. And you'd be sitting on the floor with bare feet?

Philip. Uh huh, with bare feet.

Carr. And then what happened?

Philip. And he'd hit you on the arch of your foot, cause they say that's the tenderest part.

Carr. How many times would he hit you there?

Philip. Well, sometimes up to ten times.

Carr. Did it hurt?

Philip. Yes, it really hurts. It's hard to stand really when you, they get done.

Carr. Did you ever cry?

Philip. Oh, I cried the first time.

Carr. You didn't have to send him in front of a judge in order to send him to Gatesville, is that it?

Workman. No, all I had to do was sign a paper, that, that I understand that the paper of it I signed, went before a judge. Now that's the best of my knowledge.

Carr. Did you try talking to a lawyer? Did a lawyer come down and discuss this with you?

Workman. No, I didn't talk to any lawyer.

Carr. Nobody suggested that you ought to talk to a lawyer or anything?

Workman. I cannot remember any suggestion as to talking to a lawyer.

Carr. How about you, Philip, did you talk to a lawyer at that time?

Philip. No.

Steven Bercu (attorney, El Paso Legal Assistance Society). I was told by a number of the juveniles that I spoke to that they in fact had been sent to the Texas Youth Council facilities without having had a hearing. They were now returned and I had been speaking to them.

Carr. Is that what an agreed judgment means?

Bercu. An agreed judgment is an agreement by the parents with the chief probation officer of El Paso County, the man who runs the detention home, agreeing to the fact that the child is a delinquent, without any sort of consent by the child, and then it is then taken to the judge, and without a hearing the child is sent to one of the Texas Youth Council facilities.

Carr. I take it that this is against the law, both here in Texas and against the law of the nation.

Bercu. I find it completely against the law, I can find no justification in any law in the United States for this procedure.

Carr. About how many cases of agreed judgments have come to your attention directly or indirectly?

Bercu. About 50.

Carr. As a lawyer funded by the OEO, is there anything that you can do to get these children out?

Bercu. For the majority of them, there's nothing I can do.

Carr. Why is this the case?

Bercu. Because, apparently, these agreed judgments are cases where the parents wanted their children sent away to some sort of prison.

(Martin Carr interviews Mrs. Garrison.)

Carr. Where is Emily right now?

Garrison. Brownwood.

Carr. Emily's at Brownwood—what is Brownwood, Mrs. Garrison?

Garrison. The state home and school for girls.

Carr. Did anybody explain to you at the time that your daughter was entitled to a hearing and to a lawyer?

Garrison. I don't think it was mentioned. But I at least got the impression that if we did go before a judge she may be put away for a definite and longer time than if I just signed the papers and let her go, and left it open for a while.

Carr. In other words you were frightened that if she had a hearing it would be worse?

Garrison. Yes.

Carr. So you decided against the hearing and you signed an agreed judgment?

Garrison. I don't know what I signed.

Newman. Concerned about agreed judgments, Frank Walker, Assistant County Attorney during our investigation, discussed the matter with the juvenile judge.

(Martin Carr interviews Frank Walker.)

Carr. Have you ever discussed this with the judge from this point of view?

Walker. I told him that I didn't know they existed, I didn't believe they existed, and I found that they did exist. And that was being done.

Carr. When, you mean the agreed judgment, you found . . .

Walker. Yes, we discussed it no further than that.

Carr. And the judge admitted to the agreed judgments.

Walker. Yes, he did admit to it.

Newman. NBC News requested an interview with Juvenile Judge Edwin Berliner but Judge Berliner refused to be interviewed. Nor were we permitted to talk to any of the children held in Gatesville or Gainsville on agreed judgments. In fact, the Texas Youth Council refused to let NBC film in any of its facilities. We were however, able to talk with 15-year-old Ricky Reid the night he returned home after spending 8½ months at the Gatesville School for Boys.

Carr. Did you get anything out of your 8½ months at Gatesville?

Reid. Yeah. Talked to a lot of people who'd been up there for armed robbery and burglary and car theft and—all different kinds of things.

Carr. Did you learn very much?

Reid. I learned—yeah, I learned quite a bit.

Carr. Did you like it?

Reid. Naw.

Carr. What bothered you?

Reid. The supervisor. He'd come by, you know, and he'd jump on you if you were looking at him wrong or for—getting up.

Carr. What do you mean he'd jump on you?

Reid. He'd beat the hell out of you. I seen a boy get picked up by a man weighing close to 300 pounds, thrown against a wall and the man just sit there stepping on his stomach, kicking him in the legs and head and everywhere. I seen that happen, I seen a man pull a table leg off a table and beat a boy with it.

CARR. Before you were sent to Gatesville, you were in the detention home for 2 weeks. What was that like?

REID. It was just—you're locked up. I didn't have nobody to talk to, was in a room by myself. Didn't have—I didn't have anything to do. Sat on my bunk. No mattresses on the bunk, rats running around and spiders and everything else. Place smells. Well, after about 4 or 5 days, I thought I was losing my mind. (Laugh) Nobody to talk to or anything. It was pretty bad.

I cut my wrist and man, he come by the door, he looked down, he saw me, so he walked back down the end of the hall and it started bleeding pretty bad, then—and then he walked back in and he said, he said something like, you—he said, you dirty, he said, you dirty gringo and all this stuff. He said I ought to let you bleed to death.

CARR. I've heard complaints from people here in El Paso, you've probably heard them yourself, they would rather be in Gatesville or Gainsville than in the detention home. They described it as pure hell. What do you have to say about that?

MORRIS RALEY (Chief Probation Officer, El Paso County). It isn't intended as a resort hotel.

CARR. What am I to think if a child says to me, "I was in there for about 3 weeks and I was let out only 3 times during the day for meals. I had nobody to talk to in between. I had nothing to do, I had nothing to read. I had to sit on a bunk with no mattress on it." Should I believe him? Is he telling me the truth?

RALEY. I'm not going to say. I'm going to say, draw your own conclusions.

Many times a child is booked in for protective custody which is not a legal charge, but is for their protection. Later we find that the child is completely incorrigible, by their own admission and by a statement from the parents. They exhibit that incorrigible behavior here too, believe you me.

CARR. How do they do that, Mr. Raley?

RALEY. I might bring this in at this time. That originally was a tee shirt which one of the boys was wearing in a room. In a few hours time this boy removed that shirt, started unraveling and rolling the twine. That is the tee shirt in its present form.

CARR. Why do you think he did that, Mr. Raley?

RALEY. More to trying to strike back at anyone, especially his parents.

CARR. Isn't it possible that the child made that ball of twine because he was bored? Because he had nothing better to do?

Not necessarily. Many of them will take any action to—as they see it—get even with their parents or the guards.

CARR. How would you account for this behavior on the part of the children?

RALEY. I would say a lot of it is due to the coddling, permissiveness of parents—permissiveness of law enforcement, of everyone concerned.

CARR. Are you able to overcome this permissiveness?

RALEY. Some of it.

CARR. I've heard again and again from different people in town that many times a parent in cooperation with you has sent off children to either Gainsville or Gatesville or one of the other homes in Texas without the benefit of either a hearing or a—lawyer which they are entitled to under the law.

This isn't true virtually. These children, these well these parents, first—are—cautioned of their rights, of the child's rights and many times there is an attorney in the background that the child is not aware of. Later the parents get guilt feelings, the child is resentful and you get the answer you have had. Many of them through this sense of guilt will change their story to the point where they try to clear themselves.

CARR. Isn't it always an advantage for a child to have a hearing and to have a lawyer.

RALEY. Uh—again, I'm not going to go into that.

(Martin Carr interviews Mrs. Brown.)

CARR. Why is your son in Gatesville, Mrs. Brown?

BROWN. Because he wanted to get married and he keep on running away from home. And they sent him over there because at the time, you know, we thought that was best for the boy, that he wouldn't get married. They told me that was a very nice school and very good place for the boy.

CARR. Who is this? Who told you that?

BROWN. Mr. Raley. I went to talk to him and he told me that the best thing for the boy there would be that school because it's a good school. They have a swimming pool. They have good teachers. They have freedom.

When I first sent him over there, Mr. Raley told me that I could get him out any time I wanted to. And I got very sick and I wanted to get him furlough and he say not a chance.

CARR. You're sick now, aren't you ma'am?

BROWN. Yes, I've been sick for the past 2 years, I think—2 or 3 years.

CARR. What is the matter with you. Do you know?

BROWN. I saw the doctor yesterday. He said I got a tumor, and two of them say that I got cancer.

CARR. But they wouldn't let you bring him home?

BROWN. They wouldn't let me bring him home, they say no.

You know, when they sent him away I figure well I go see him once or twice a week. And then I find out that it was miles away and then I didn't even know, I didn't even—well, as you can see, people in our position, I didn't figure that I'd ever see him at all til he come home.

CARR. How far away is Gatesville?

BROWN. Well, we make 14 hours on a bus. We borrowed some money, you know, from a finance company to go see him on Christmas . . .

CARR. Uh uh.

BROWN. . . . But since he was coming . . .

CARR. How much money did it cost you to go and see him?

BROWN. Well, so far, on back and forth these two times $250.

CARR. Two hundred and fifty dollars?

BROWN. What we spent.

CARR. Do you still owe this money to the finance company?

BROWN. Yes.

CARR. You're working too aren't you?

BROWN. Yes, I'm working. My husband working and I have, I have to, I have to find another job to help me to pay this money.

CARR. You went over to Gatesville?

BROWN. I went to Gatesville and I found him beat up.

CARR. You found your son beat up.

BROWN. Beat up. He got a big bruise on his head and he was terrified. He wasn't afraid. He—oh when anybody talk to him or get near him, he just bend his head and stay like that and he don't answer.

CARR. What are you going to say to your son when he comes home?

BROWN. I want to tell him I'm sorry. I'm going to—I don't know, I'm going to try to explain to him what did I done, and try to make up for what I done——

CARR. Do you think you can make up?

BROWN. He's a good boy—he got a good heart. And we raised them as, you know, as good as we can. We, we got a big family you know, we fight and we made up right away. We never stay mad at each other and we raised the boys that way. I think he'll forgive me, I hope at least. Because it's a lot to forgive you know. Send a boy, a 15-year-old boy to hell like that, I don't think—is if I were him, you know on my side, I think it take me a long time to forgive my family.

NEWMAN. In El Paso, Juvenile Judge Edwin Berliner has stopped the practice of agreed judgments. Since we filmed, several of the children sent to Texas Youth Council facilities in this way have been released. Nonetheless, many of the remain, sent away by a court which clearly feels that children, simply because they are children, are not entitled to full protection under the law.

The Texas Youth Council, when it learned of our investigation, refused NBC News access to any of its institutions with or without a camera. It was therefore impossible to document the many reports of brutality given to us by parents and children. However, State Senator Donald Kennard tells us that physical mistreatment is a fact of life for children in these institutions. State Representative Curtis M. Graves tells us that nearly 200 parents and juveniles have complained to him of brutality at the Gatesville School for Boys. He has personally verified this brutality, in one case by finding blood on the wall of a cell where a child had recently been beaten.

Brutality of this sort goes on every day in children's institutions across the Nation, and will go on unless we as Americans see that it is stopped.

Solitary confinement also must be stopped. No child should be forced to remain days on end in a locked room. It can only be an act of cruel and unnecessary punishment.

But more basic than this, we must stop the practice of sending children away to these institutions, where any child is condemned to be a faceless individual surrounded by a staff unable to help him, however real the desire.

Alternatives to large institutions are succeeding in several communities, such as Boulder, Colorado. Children in trouble now remain within these communities, in foster homes and small residences.

Some children must be locked away because of the seriousness of their crimes. But most children are sent away to the wrong places for the wrong reasons. They have broken laws which do not exist for adults. These laws, as they are now written, should not exist for children, either. For under these laws, children are treated as criminals for acts that should not be considered crimes at all.

We can expect children to respect the law only if we show them the respect and care that law and common sense require. This is not the case now. What is the case now cannot be permitted to continue.

CIVIL SERVICE RETIREMENT

The ACTING PRESIDENT pro tempore (Mr. METCALF). The time for the transaction of routine morning business having expired, under the previous order, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1204) to amend section 8332 of title 5, United States Code, to allow certain service to be credited for purposes of civil service retirement.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1204) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and";

(3) by inserting after paragraph (8) the following new paragraph:

"(9) subject to sections 8334(c) and 8339 (h) of this title, (A) service performed for either House of Congress or as a Member of Congress before July 17, 1947, in making disk, film, or tape recordings, or in performing such other functions and duties as may be necessary in making the recordings, and (B) service performed before October 2, 1962, as a photographer for the Democratic or Republican Senatorial Campaign Committee."; and

(4) by adding at the end thereof the following new paragraph:

"The Commission shall accept the certification of the Speaker of the House of Representatives or the President of the Senate, or their designees, concerning service and the amount of compensation received for the service for the purpose of this subchapter of the types performed by an employee named by paragraph (9) of this subsection.".

Sec. 2. The amendments made by the first section of this Act shall only apply to an individual retiring under subchapter III of chapter 83 of title 5, United States Code, on or after the date of the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–91), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This legislation would permit five employees of the Senate to receive credit for retirement purposes for periods of time they rendered service to the Democratic and Republican Senatorial Campaign Committee prior to being assigned similar duties as employees of the Senate authorized to participate in the civil service retirement system. Those covered are the photographers for the Democratic and Republican Policy Committees and employees of the Senate recording studio. For the former, the period made creditable includes any time prior to October 2, 1962; for the latter service prior to July 17, 1947.

JUSTIFICATION

There are five employees entitled to benefit under this legislation. The persons affected have continued to perform the same functions as employees as they performed prior to their being employed by the U.S. Senate. Their situation is analogous to that of members of the Capitol Guide Service, who were extended the benefits of retirement credit under provisions of the Legislative Reorganization Act of 1970. An affected employee electing to acquire credit for retirement purposes under this legislation would be required to make deposit, with interest, to the Civil Service Retirement and Disability Fund an amount equal to the amount which would have been withheld from their pay at the time had they been covered by the retirement program, or be subject to a permanently reduced annuity upon retirement.

COST

There is no direct cost if this legislation is enacted. The requirement for a deposit or a reduced annuity will eliminate any actuarial cost to the Civil Service Retirement and Disability Fund.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE SELECTIVE SERVICE ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate H.R. 6531.

The Acting President. The bill will be read by title.

The legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, reported with an amendment.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mrs. SMITH. Mr. President, would the distinguished majority leader advise the Senate if he has discussed this matter with the chairman of the committee, the Senator from Mississippi (Mr. Stennis)?

Mr. MANSFIELD. Yes, I have, and with the distinguished minority leader as well.

Mrs. SMITH. With agreement to take it up this afternoon?

Mr. MANSFIELD. No, not today. To take it up tomorrow.

Mrs. SMITH. To be pending?

Mr. MANSFIELD. Yes.

Mrs. SMITH. Mr. President, as the ranking minority member of the Armed Services Committee, I have just reported the bill to the Senate. It is a controversial bill, and if I were chairman, I would ask that it be made the pending business tomorrow night and taken up Monday, thus giving the Senate a longer time to study the report.

Of course, if the majority leader has discussed it with the chairman, I would not press for that.

Mr. MANSFIELD. If the Senator desires that, I would be glad to accede to the Senator's wishes.

Mrs. SMITH. I have no word from the chairman. If the majority leader has word from him, I would leave it in his discretion.

Mr. MANSFIELD. Mr. President, I withdraw the request. That will take care of that.

The ACTING PRESIDENT pro tempore. The request is withdrawn.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY SELECTIVE SERVICE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning business tomorrow, H.R. 6531 be laid before the Senate and made the pending business. I do so because there is nothing else on the Calendar to take up.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be an additional period for the transaction of routine morning business at this time, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WORK OF COMMITTEES

Mr. SCOTT. Mr. President, may I seize this occasion again to urge the chairmen of committees and ranking minority members, with all due respect, to exert their maximum efforts to hold hearings if need be and to report matters of legislation as soon as possible. The distinguished majority leader and I, I am sure, are of one mind that anything that can be handled early in the session does not have to be handled late. That is the kind of procedure we have been advocating, through our best arts of gentle persuasion, in the 92d Congress.

This Congress is proceeding well. It has proceeded better, in my opinion, than recent Congresses, thanks to the recommendations of certain new Members of the Senate which have been adopted and put into effect; thanks particularly, I think, to the zeal of the two assistant floor leaders, who have required that all of us proceed decently and in order. We are getting along all right on procedure, but we are a little short on substance.

It is certainly not said in any attempt to blame committees at all. I know the problems the committees have, but I would hope that they would really look over the grist and see whether they can find matters that are at least able to pass through, if not the eye of a needle, the inspection of the collective and respective committees.

So that I would hope that we can be presented with more matters, I am sure the draft bill will take up some time. But while we are being drafted to discuss the draft, this provides an excellent time for other matters to be prepared and given birth to, so that we may carry them to maturity on the floor of the Senate.

DEMONSTRATIONS IN THE CAPITAL

Mr. HART. Mr. President, very briefly, I wish to address a sensitive nerve. Permit me to say that on a national television network some 3 weeks ago, I debated with Rennie Davis and Mr. Kuntsler the question of whether nonviolent civil disobedience would be useful or appropriate in connection with the then planned events here in Washington. I took the position then—and I think events may have indicated it was right—that it would be, to use the now popular expression, counterproductive.

I do not change my view with respect to the unacceptability, under these circumstances, of civil disorder. But we should be equally troubled to realize that, apparently, the niceties of our procedures, evolved over a long history, with respect to arrest and detention, on occasions at least got lost in the shuffle. If we are going to suspend constitutional rights in order that Government employees get to work on time, let us say so; and the way you do that is by declaring martial law.

I am absolutely sympathetic with the problem of the police, given the situation with which they were confronted, that, to paraphrase the ad, "What is a poor policeman to do?" Well, the book tells him what he has to do; and if the book will not work under the circumstances, then why fudge it? Let the authorities clearly state that they are dispensing with legal procedures, and spell out their precise justification.

Should we be critical of anybody? Not until all the facts are in as to specific abuses and until we can review all the preparations made and the procedures employed in proper perspective. But let us insist that we learn from this lesson something which is more important than occasional disruption and that, in the long haul, will probably affect our survival as a free people.

I am advised that before I arrived in the Chamber, the able senior Senator from New York (Mr. Javits) addressed himself to the same problem, and I am delighted.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. I am pleased that the Senator has, without any concert with me, picked precisely the same point. I think it is critically important that we be understood.

The PRESIDING OFFICER (Mr. Roth). The time of the Senator has expired.

Mr. JAVITS. Mr. President, may I be recognized in my own right?

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. It is not just criticism of the police. They had a very tough time. Obviously, the courts have sustained the view that the Senator from Michigan and I have expressed, that it was possible either to give notice in advance whether you had an injunction or martial law or some other legal proceeding, or to obey the legal forms if you simply had to act on the spot.

That is the point we are trying to make. It can easily be misconstrued as being out of sympathy with law enforcement or something like that. Nonetheless, it must be said—because this may not be the end of it—the idea that civil liberties are compatible with law enforcement needs to be constantly affirmed, because it can easily get lost in the shuffle, and then we really have lost everything and gained nothing.

Mr. HART. Amen.

Mr. NELSON. Mr. President, I did not realize that there was going to be a dialog on this point, but I should like to associate myself with the remarks of the distinguished Senator from Michigan and the distinguished Senator from New York.

Mr. METCALF. Mr. President, just as did the distinguished Senator from Wisconsin (Mr. Nelson), I did not realize there was going to be a dialog on this subject, either; but I feel that these mass arrests—this mass sweeping up of people—have violated the civil liberties of many Americans. I agree and concur with my friend from New York and my friend from Michigan that Judge Greene acted judiciously and properly in insisting that the arrests be enumerated and that the names of those arrested and the charges placed be presented to him.

Mr. President, I have sat on a court myself and I feel that, at times, during a pressing urgency, people insist on matters that, upon reflection, they feel they have taken away some of the liberties of individuals.

So, although I have nothing but praise for the police, and I feel that they have done an outstanding job in these days of demonstrations, I think that when the Attorney General of the United States sends out a decree that "We shall arrest everybody on the streets," the Attorney General of the United States is not acting in a lawyerlike manner.

Mr. SCOTT. Mr. President, I, too, join in praise of the restraint of the police. In periods of mass protestations and mass confusion, mass arrests sometimes result, because of the deliberate confusion created by the protesters who, when the police are trying to secure the names of those who have just been arrested for violating the law, also take part in the colloquy and interrupt and interfere, and so it is, therefore, rather natural—possibly it has its unfortunate connotations—that the police say to them, "You get in the van, too." It is very difficult to tell.

Of course, the courts will move to redress any injustices but I think we should not lose sight of the fact that even mass arrests are better, in many respects, than imposing martial law.

It so happens that the civil rights of everyone in Washington, practically, were being interfered with—and are still now being interfered with—this week. They have civil rights, too. Every citizen in this area has civil rights and they were being completely ignored; they were being completely subverted by people who deliberately set themselves out to do it.

Accordingly, I personally am not afraid to say that I am not going to waste too much sympathy on a small number of people who may have been caught in this maelstrom. I regret it, and it is unfortunate. The courts exist to give them their rights. But let us never forget the greater right of all the people in this city, as well as the rest of the people in the country, to go to work and to pursue their daily lives free from molestation and interference with their civil rights.

Mr. BYRD of West Virginia. Mr. President, public safety has to be the main consideration in any assessment of the policy of mass arrests set by the Justice Department and carried out by the police in the May Day demonstrations. The mass arrests successfully thwarted the announced intention of the disrupters to stop the Government.

There seems to be no doubt that mass arrests lead inevitably to the temporary confinement of innocent persons and, undoubtedly, there are some who were appropriately arrested but who now proclaim their innocence. Such mass arrest tactics should be condemned in normal times or during a peaceful and lawful protest. But, what was the alternative in this instance?

This was not a normal situation. This has been an abnormal week in Washington—a week in which the Government of the United States and the citizens of the metropolitan area have been confronted, not with a legitimate, reasonable, lawful, and peaceful protest, but rather with a demonstration designed from the outset, and announced from the outset, to break the law and close down the Government.

In this instance, I applaud the action taken by the District of Columbia police force, the U.S. Justice Department, the National Guard, and the military units involved in thwarting this disruptive band of lawbreakers.

Mr. President, we should consider the alternatives to a mass arrest before we condemn its use in this instance. These demonstrators wanted to expand their civil rights, apparently, to the point where the civil rights of innocent people would have been severely violated.

In such a situation, Mr. President, the civil rights of a mob must give way to the civil rights of innocent, law-abiding citizens—and no mob has ever protected any liberty, not even its own.

The Government is under no obligation to let itself be destroyed by any group, but it does have a duty to protect itself, to protect innocent citizens, and to preserve order.

Protecting the lives and property of citizens is as important as protecting the rights of demonstrators. Confronted by thousands of angry demonstrators, whose leaders publicly stated that their avowed intention was to stop the Government and the operation of the city, security forces charged with public safety would have followed a weak and stupid course, indeed, had they just stood by and permitted the blocking of traffic and the tying up of the city. The actions of police in making mass arrests almost certainly prevented mass violence, bloodshed, destruction of property, and loss of life. Angered citizens, agitated by lawless demonstrators, could easily have resorted to force for self-protection in Washington Monday and Tuesday. A few individuals may have had their civil rights briefly infringed upon by the mass arrests. But which is more important: the civil rights of a relative handful of persons who have threatened to close down the Government, or the civil rights of all of the law-abiding people of a city and surrounding suburbs?

What possible good has been accomplished by this so-called demonstration?

The answer is that no good has been accomplished. The demonstrators have done a disservice to their country and to the cause they allegedly espouse.

The discussion on the relative merits of the mass arrests employed in this case will continue for some time to come—and there will certainly be cries from some corners that such a tactic is never justified.

However, Mr. President, it is noteworthy, I believe, to remember a line from the 1921 Supreme Court decision in the case of Brown against the United States. That line reads:

> Detached reflection cannot be demanded in the presence of an uplifted knife.

Mr. President, the police were forced by emergency circumstances to temporarily abandon procedures by which they should be guided in normal and less extenuating situations.

I commend the police for acting to protect the Nation's Capital and for protecting the civil rights of law-abiding citizens against those who, in the name of liberty, would threaten life and property and even liberty itself.

CHANGE OF REFERENCE

Mr. METCALF. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 1734), the Forest Lands Restoration and Protection Act of 1971, which I introduced on April 30; and, in accordance with the action taken on the bill of the Senator from Wyoming, that my bill, S. 1734, be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

"MEET THE PRESS"

Mr. MANSFIELD. Mr. President, on March 28, 1971, I was a guest on the program "Meet the Press." The interrogators at that time were John L. Steele, Time and Life; Kenneth Crawford, the Washington Post; John W. Finney, the New York Times; and Paul Duke, NBC News. The moderator was Lawrence E. Spivak.

I ask unanimous consent that a transcript of this program be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MEET THE PRESS—AMERICA'S PRESS CONFERENCE OF THE AIR

Guest: Senator Mike Mansfield, Majority Leader, United States Senate.

Panel: John L. Steele, Time & Life; Kenneth Crawford, The Washington Post; John W. Finney, The New York Times; Paul Duke, NBC News.

Moderator: Lawrence E. Spivak.

Mr. SPIVAK. Our guest today on Meet the Press is the Majority Leader of the U.S. Senate, Mike Mansfield of Montana. He has been a member of the Senate Foreign Relations Committee for 18 years, and for several years he has been Chairman of the Subcommittee on Far Eastern Affairs.

Mr. DUKE. Senator Mansfield, the Democrats as a party now seem to be moving strongly toward support for a deadline to get out of Vietnam and Indochina by the end of 1971. Do you support that?

Senator MANSFIELD. I do.

Mr. DUKE. Would you tell us why you now support this when Senate Democrats recently approved a resolution, which I believe you suggested, calling for getting out by the end of 1972?

Senator MANSFIELD. Yes, indeed. May I say first I voted for the McGovern-Hatfield amendment last year, which also had a termination date. The purpose in bringing before the Democratic caucus a more flexible proposal was to try to get much of the party together, in line with a certain, common policy. Furthermore, the purpose behind it was to give indirect assurances to the President that if he speeded up his efforts to get out of Vietnam and Indochina, as it is now, that he would be subject to a minimum of criticism as far as the party was concerned.

Mr. DUKE. But doesn't all this talk of deadlines make it more difficult for the President to deal with Hanoi and to try to guarantee the security of South Vietnam?

Senator MANSFIELD. It does, but I think things have reached a place where we have spent $115 billion, where we have suffered 350,000 casualties, with no end in sight, and that the time is here for drastic action.

Mr. DUKE. A resolution approved just a few days ago by the National Democratic Policy Council, also calling for getting out by the end of 1971, suggested that such a deadline would facilitate the Paris peace talks, but isn't it more likely that it would have the opposite effect by encouraging Hanoi to continue to drag its heels at Paris?

Senator MANSFIELD. That is a possibility, but you have to keep in mind that Hanoi has said not once but many times that before they would consider the release of the American prisoners of war held by them there would have to be some such date set up.

Mr. DUKE. Isn't there also a danger in all this that the Democratic Party will become what Senator Henry Jackson warned against on Friday, namely, the party of weakness and retreat?

Senator MANSFIELD. No, I wouldn't say that. We have to face up to the realities. I think we are in an area where we have no business. We have paid too high a price. They (the South Vietnamese) have had their elections. They will have more elections next October. It is time for them to take over. It's their country, their future, and they have got to make the decision in South Vietnam.

Mr. DUKE. Don't you think, Senator Mansfield, that the President is fulfilling his pledge to wind down the war and to bring home Americans?

Mr. MANSFIELD. Yes, I do, but I am disturbed at reports of probably a residual force of 50,000 to 60,000 at the end of a two-year period remaining there, because I think as long as they remain, they will be pigeons and we will be bound.

Mr. FINNEY. Senator Mansfield, I would like to pursue the line of questioning that Mr. Duke was advancing, particularly as it relates to the President's authority to conduct the war in Vietnam.

Now that the Gulf of Tonkin Resolution has been repealed, what Constitutional or Congressional authority do you see the President having for retaining troops in Vietnam?

Senator MANSFIELD. I think he said on the basis of his responsibilities as Commander in Chief. The Gulf of Tonkin Resolution is out; it is not a valid document, never was in my opinion. As far as the Southeast Asia Treaty Organization was concerned, there was no connection between that and what was done in Southeast Asia.

Mr. FINNEY. The President, as you suggest, talked about his right to protect the troops as they are withdrawn. Does that mean, in your opinion, that he has the authority as Commander in Chief to maintain a residual force in Vietnam?

Senator MANSFIELD. I would suppose that would depend on the point of view. I dare say that he has good arguments to back up his position, based on what his advisors have told him, but I do not think we ought to have any kind of a residual force left there. I think we ought to withdraw out of all of Southeast Asia, all of Southeast Asia, lock, stock, and barrel.

Mr. FINNEY. I appreciate that, but I wondered what your view is of the President's authority to retain troops there.

Senator MANSFIELD. I think it is questionable, but as I say, he probably has a point of view which would substantiate what he is doing.

Mr. FINNEY. The other day the President in a television interview talked about how Congress was playing games with the Chief Executive, in somewhat the same manner that he played when he was in Congress. I wonder what your response is to that?

Senator MANSFIELD. We are not playing games. This is too serious a matter. There is no politics involved, but policies are involved, and I think it is about time—the time is long overdue—that the Congress restore to itself the powers which it voluntarily gave to the Chief Executive over the past four decades.

Mr. FINNEY. You see a rather historic tug of war here going on, rather than just a political game?

Senator MANSFIELD. It is no game. I think the National Commitments Resolution is a sign of how serious we feel, and the Cooper-Church Amendment likewise.

Mr. CRAWFORD. Senator, you have been quoted recently in the press as judging the campaign in Laos as a total loss. Isn't it a little soon to make a judgment of that kind? What if it develops that this did have the effect of slowing down the North Vietnamese and securing the country for another six or eight months or a year?

Senator MANSFIELD. Mr. Crawford, you are attributing to me something I didn't say, and I would like to see the source of your information. I have never indicated it was a total loss. I certainly question its success. I do realize that there have been a lot of killings on both sides, that the trails had been disrupted temporarily, but the trails are again in operation, and on the basis of reports just today, it is my understanding something on the order of 1,500 trucks are passing down those trails, which have been intersected or interdicted on a temporary basis.

Mr. CRAWFORD. Do you feel that in the brief time between now and the rainy season, which is approximately May 1, they will be able to restore these trails?

Senator MANSFIELD. I do. As a matter of fact, I think most of them are restored right now.

Mr. STEELE. Senator Mansfield, I believe you have introduced in the Senate a proposal for a Constitutional amendment that would limit the President to one term of six years. What is your thinking behind this? Why do you think this kind of rewriting of the Constitution is desirable?

Senator Mansfield. I think it is in the interests of the Presidency that that be done, because it removes a President from party responsibility, from politics and from playing his cards in a certain fashion. In this way if he is not looking forward to a second term, he can think of the people and the nation, exclusively.

Mr. Steele. But isn't it part of our practice over hundreds of years that the President [be] chief of the political party as well as chief of state?

Senator Mansfield. That is right, but I think it should be subordinated considerably once he assumes the office of Chief Executive.

Mr. Steele. A moment ago you called for a resurgence of Congressional prerogatives. Many observers feel that this actually is already under way, as witness the vote on the SST, and the war commitments resolution, and consideration of the President's war powers.

How far would you go in this? Why do you think this is desirable? Some people are a little afraid of it, actually.

Senator Mansfield. I think that the Executive and the Legislative Branches of the government ought to work in tandem, ought to work together, ought to do what we can exclusive of politics, or as much out of politics as possible for the common good, because I think parties are subordinate to the welfare of the people and the nation as a whole.

Mr. Steele. We have had, I think, in my judgment a long slide-off of Congressional powers ever since World War II, and an emphasis on Presidential powers. How far would you like to see the trend reversed in the other direction?

Senator Mansfield. The slide-off that you refer to started in Roosevelt's time, so it goes beyond World War II as such. It preceded that war, as I recall it, but I would like to see some sort of a solution found whereby the Congress will be brought in on the take-off, rather than in on the landing, that a good sort of liaison group could be developed between the Executive and the Legislative Branches to the end that we wouldn't be at each other's throats but would be working together.

Mr. Steele. Would you like to see a weak President?

Senator Mansfield. No, but I don't want to see a President too strong or with too much power, any more than I want to see a Congress too strong or with too much power. Equality, balance.

Mr. Spivak. Senator, am I to understand that you are now for cutting off all funds for military operations, American military operations in Indochina, after December 31, 1971?

Senator Mansfield. No, but that is a matter which I have been giving a good deal of consideration because I want to see this war brought to a close, and I want to see us face up to our problems at home, and I want to get away from these worldwide commitments which we have, which incidentally doesn't mean that I am an isolationist, neo or otherwise.

Mr. Spivak. What legislation, then, do you think Congress could pass that would induce the President to take action of the kind you want him to?

Senator Mansfield. I think we ought to get together with the President and his advisers and talk out some sort of a solution to this difficulty which confronts both of us. I don't blame the President for hanging onto the powers which he has, because of the fact that I blame the Congress for giving to the President the powers which were ours under the Constitution and which we should have retained.

Mr. Duke. You say you are not an isolationist, Senator, but some people are concerned about what they feel is an isolationist spirit that is beginning to spread throughout the Democratic Party. Does this concern you at all?

Senator Mansfield. Not in the least, because it is an impossibility to be an isolationist in this day and age in which we live. With a shrinking globe, with increase in rapid communication and transportation, we can't live apart one from the other, regardless of how we feel about it, and I think we ought to live together, get along as best we can, recognize the problems of other countries, but by the same taken recognize that as far as we are concerned our people are limited in number and our resources are not unlimited.

Mr. Duke. Do you then support the Nixon doctrine as it would apply to Southeast Asia?

Senator Mansfield. I do, as it was originally introduced and defined and put into operation, but I think that it is shifting lately in a direction away from the original concepts of the Guam Declaration.

Mr. Duke. What do you mean, shifting away from what?

Senator Mansfield. Shifting away from the low profile, for example, which was supposed to be applied on a worldwide basis. There had been withdrawals, there had been reductions in bases, especially in the Far East, but we still have too many bases scattered throughout the world, too many people overseas, and too much responsibility for other people's affairs.

Mr. Finney. That is rather interesting, Senator, since you helped define the Nixon Doctrine for the President. When you see the President, do you talk as forcefully and as frankly to him as you are now talking?

Senator Mansfield. No, because I am not given the opportunity. He is a courteous man, and he briefs me on the affairs of the nation both domestic and in the field of foreign affairs, and I feel it would be impertinent for me to break in unless I am asked a question or an opportunity arises.

Mr. Finney. I don't quite understand that. Since the Senate is insisting that it should have an advisory role in the area of foreign policy, it seems to me that you then have a right to talk to him.

Senator Mansfield. Oh, I have a right, and I dare say he would listen to me, but I do not like to push myself personally.

Mr. Finney. Let me pose the big question to you, then: If you were the President, how would you end this war?

Senator Mansfield. I am not the President.

Mr. Crawford. Senator, you have had for some time—you have sponsored for some time—a resolution calling for withdrawal of troops from Europe. As I remember it, at the last session you had a majority of senators as co-sponsors. Yet this resolution has never come up for a vote in the Senate. Why is that?

Senator Mansfield. According to all the reports I read and the information which was available to me, the Administration seemed to stop at the date of June 30, 1970, before they made a decision as to what they would do in Europe. The implication was there would be a reduction. But June 30, 1970 passed, and since that time statements have been made which indicate that we intend to maintain our full force levels in Europe, a quarter of a century after the end of the Second War at a cost of $14 billion out of the Defense budget each year. I think it is about time for our allies to take over their share of the responsibilities.

May I make it very plain that what I am seeking to do is to bring about a substantial reduction, not a total reduction, and that I believe implicitly in NATO and feel we should remain in it and live up to our obligations.

Mr. Crawford. Senator, have you been influenced in holding this up somewhat by Senator Muskie and Senator Javits who, each after a trip to Europe, have come out against your proposition?

Senator Mansfield. No, not in the least. I was a little surprised at Ed Muskie, but as I recall his statement, it was not too definite. He indicated he was rethinking his position. As far as Senator Javits is concerned, he was always against the proposal.

Mr. Crawford. Senator, have you a majority of the Senate as co-sponsors in this session?

Senator Mansfield. No; I haven't introduced the resolution as yet, but I intend to, and I intend to bring it up for action.

Mr. Steele. I would like to turn to domestic affairs for the moment. The President has sent Congress quite an array of proposals, including revenue sharing and family assistance. What about his record on the domestic front? How do you view it, being past the half-way mark?

Senator Mansfield. Not too bad. He doesn't want to go as far as the Democrats want. He has given us a program which is impossible to pass in any Congress but which is laying the groundwork, I think, for future reforms. But on the whole, not too bad. He could have done much better, but he could have done much worse.

Mr. Steele. What would you like to see him do that he isn't doing?

Senator Mansfield. I would like to see him take a more active interest in the field of the economy of the nation. I wish he had done more jaw-boning so that in that way we could react more firmly against inflation.

I would like to see him do more in the field of whittling down the unemployment statistics. I am disturbed at the fact that just a day or so ago, six more cities were added to the unemployment areas, making a total of 50 which are in critical condition at the present time. Those are things which I think could have been done.

Mr. Steele. Would you characterize his record on the domestic front as good, bad or indifferent?

Senator Mansfield. Fair.

Mr. Spivak. Senator, a few minutes ago in answer to a question of Mr. Finney's you said, "I am not the President." But since you feel so strongly that the President should end the war, you must have some idea of how he should do it. How would you end the war?

Senator Mansfield. I gave my answers I think to Mr. Duke earlier. I would bring about a gradual withdrawal. I would give some consideration to a proposal made by the President of the Ripon Society about putting into effect a proposal by George Aiken: at the conclusion of the elections next year, withdraw. The South Vietnamese people supposedly will have had a chance to arrive at a decision. They will be well equipped, well supplied. They will have had experience in government; they will be out from under our skirts; and they will be able to go their own way.

Mr. Spivak. Will you be for or against sending military equipment to South Vietnam and helping to train their soldiers once we get out?

Senator Mansfield. With an advisory commission of 300 or 400 I wouldn't mind going through with it, but I would do it with my fingers crossed, because I think we have done more than enough to take care of the needs of the people in that nation.

Mr. Duke. Is it true, Senator Mansfield, that you, Senator Fulbright, Senator Aiken and some others informally agreed to hold up on some of your criticism of President Nixon because you were concerned about a lack of public confidence?

Senator Mansfield. No.

Mr. Duke. That is not true?

Senator Mansfield. No.

Mr. Duke. Do you feel that any Democrats have gone too far in criticizing the President?

Senator MANSFIELD. I can't speak for the other Democrats. All I can speak for is myself.

Mr. FINNEY. Senator, some weeks ago on a program, you said that Senator Muskie was the frontrunner among the Democratic Presidential candidates. Would that still be your appraisal?

Senator MANSFIELD. Yes, but he seems to have lost some ground in the meantime, with the others coming up.

Mr. FINNEY. Who are the others, in your opinion, that are coming up?

Senator MANSFIELD. Oh, I think that Senator McGovern is achieving additional strength at the present time. I think that Senator Hughes of Iowa is achieving a tremendous impression throughout the country. I think that Hubert Humphrey, now that he has a platform again, is a factor to be contended with.

Mr. FINNEY. How about Wilbur Mills? You had lunch with him recently. Do you think his hat's in the ring?

Senator MANSFIELD. I have read reports, but I doubt it.

Mr. CRAWFORD. Senator, I assume that you feel as most Democrats seem to, that you have an even chance, if not better than even chance of retiring President Nixon at the end of his first term. Do you feel that way?

Senator MANSFIELD. Yes, I feel that with the economy in the shape it is and the war still going on, with no end in sight, even though there will be a diminution as far as American manpower is concerned, the prospects look reasonably good for the Democrats.

Mr. CRAWFORD. Do you feel we are entering an era, as some people do, of one-term Presidents?

Senator MANSFIELD. It could be. It depends on the circumstances. That is one reason I would like to see one six-year term rather than the present system of two terms.

Mr. CRAWFORD. I wonder if I could ask you a hypothetical question.

Senator MANSFIELD. Surely.

Mr. CRAWFORD. Do you think that President Johnson could have won reelection had he run last time?

Senator MANSFIELD. No.

Mr. SPIVAK. We have less than four minutes.

Mr. STEELE. Senator, you have told us today you are very skeptical about the advisability of leaving a sizeable residual U.S. force in South Vietnam once combat is concluded. How do you feel on the other side of the world about United States' participation in a Middle East peace-keeping force?

Senator MANSFIELD. I am opposed to that, too. One Vietnam is one Vietnam too many.

Mr. STEELE. Why are you opposed to participation in the Middle East?

Senator MANSFIELD. Because the possibilities would be there for a possible confrontation, and I want to avoid one unless it is in the interest of this country.

Mr. STEELE. You had, in a very unusual move, Secretary of State Rogers this week appear in a secret session before the Senate. Could you tell us (a) why he appeared, and (b) whether it satisfied you as to the thrust of American policy in the Middle East?

Senator MANSFIELD. First, because his people requested that he appear, and I thought he should have the opportunity, just as Mr. Rusk had in 1967 at the time of the Six-Day War. I think the impression he made was excellent. He was frank and candid. He answered all the questions, and to the best of my knowledge all the members who were there, and there were 67 of them out of 80 in town, were very satisfied and pleased with the meeting.

Mr. STEELE. Does this mean that you are approving of the Rogers so-called initiative in the Middle East and that you approve of the thrust of our policy there?

Senator MANSFIELD. I always have.

Mr. SPIVAK. Senator, if the United States is unwilling to guarantee Israel's security, or to send troops for peace-keeping, do you think we should pressure Israel into giving up borders she considers necessary for her security?

Senator MANSFIELD. I don't think we should exert any pressure whatsoever, but we should do our best to try and get as a first step the Israelis and the Egyptians together, and then as a second step to get the Jordanians and the Israelis together, and then as a third step, try and get the Syrians and the Israelis together.

Mr. SPIVAK. Suppose we fail, what then?

Senator MANSFIELD. We can only go so far. We should make our best efforts, but we should not become involved physically.

Mr. SPIVAK. We have less than two minutes.

Mr. DUKE. Senator Mansfield, in answer just a moment ago to the Democratic presidential possibilities, you advertently or inadvertently left out some names. I would like to ask you about some of these. Senator Humphrey, do you see him in the picture?

Senator MANSFIELD. Yes, I mentioned Senator Humphrey because now he has a platform which he was lacking when he was out of the Senate.

Mr. DUKE. How about Senator Kennedy?

Senator MANSFIELD. Senator Kennedy I have always felt is not interested in 1972, but I forgot to mention such people as Birch Bayh, Mondale and others. We won't lack for candidates.

Mr. DUKE. How about Senator Jackson of Washington.

Senator MANSFIELD. He would be a formidable candidate. He is a man with a good record. There are differences in the party. We have to recognize that and do the best we can in line with them.

Mr. FINNEY. Senator, you met last week over lunch with Wilbur Mills and the House leaders to discuss welfare reform. Can you tell us the general outlines of the welfare reform package that is being developed by the Democratic leadership?

Senator MANSFIELD. No, I can't because the discussion was in general. A tentative proposal has been made in the Ways and Means Committee, as I recall it; nothing definite has come out of it. Nothing can be, as far as we are concerned, until they make a decision over there.

Mr. SPIVAK. We have less than 30 seconds.

Mr. CRAWFORD. Senator, do you have any prediction to make about the outcome of the Vietnamese election? I know that you are a student of Vietnamese politics.

Senator MANSFIELD. No. All I hope is they allow all the South Vietnamese to participate.

Mr. STEELE. Senator, whom do you favor in our own elections?

Senator MANSFIELD. Anyone who is nominated.

Mr. STEELE. Who is going to be nominated?

Senator MANSFIELD. I can't say. It is too early.

Mr. SPIVAK. I am sorry to interrupt, but our time is up. Thank you, Senator Mansfield, for being with us today on Meet the Press.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order named: the Senator from New Mexico (Mr. MONTOYA) and the Senator from Virginia (Mr. BYRD).

Following the recognition of the Senators under the orders previously stated, there will be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes. At the conclusion of the period for the transaction of routine morning business, the Chair, under the previous order, will lay before the Senate H.R. 6531, a bill to amend the Military Selective Service Act of 1967, and for other purposes.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 6, 1971, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 5, 1971:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Norman Vickers Watson, of Florida, to be an Assistant Secretary of Housing and Urban Development, vice Lawrence M. Cox, resigned.

DISTRICT COURT OF THE VIRGIN ISLANDS

Warren H. Young, of the Virgin Islands, to be a judge of the District Court of the Virgin Islands for a term of 8 years, vice a new position created by Public Law 91–272, approved June 2, 1970.

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Garth L. Adams
Larry G. Adkins
Richard L. Akin
Burt E. Alexander
Robert C. Allen
Steve N. Allen
Charles R. Allison
James H. Amos
Gordon E. Anderson
Joseph T. Anderson
Robert D. Anderson
David A. Andriacco
Michael J. Arent
Willard P. Armes
Michael L. Aslaksen
Grey C. Axtell
Peter T. Bahry, Jr.
Robert L. Bailey
Steven D. Bailey
George H. Baldwin
George W. Ball
John D. Bank
Richard E. Barber
Dale E. Barnes
Charles J. Barnhart
Michael E. Barnhart
Charles J. Barone
John L. Barry
Douglas L. Bash
Gary W. Basham

Clarence E. Bates
William W. Baumann
David C. Beard
Robert M. Beasley
Donald A. Beaufait
Donald B. Beaver
Larry R. Beeson
Stephen E. Beiser
Roy S. Belcher
James D. Bell
Bruce R. Belrose
Edward A. Benes
Gerald B. Benes
John R. Benesh, Jr.
James H. Benson
James R. Benson
Ralph L. Bertelson
Donald R. Bibb
Archie J. Biggers
Donald R. Bishop
Wm. B. Blackshear, Jr.
John P. Bland
Michael P. Boak
Frederick M. Bobbitt
John A. Bohn
Charles F. Bolden, Jr.
Donald R. Bolger
Craig P. Boulton
Tillman S. Boxell
Joseph M. Boyle
Gary L. Brandt
Stephen C. Brandt
William J. Brennan
Lawrence J. Brent, Jr.
Christopher W. Brindle
William W. Broadaway
Robert A. Brooks
Homer W. Brookshire
Michael O. Brosee
Gary W. Bross
Edward R. Browder
David Brown
Jack P. Brown
Kenneth J. Brown
Paul E. Brown
Richard A. Brown
Thomas F. Brunk
Charles P. Brust
Fred B. Bryant
M. L. Buchanan
Robert R. Buckley
Roger D. Bullard
William N. Bullock
Gregory J Burcham
James D. Burke
Michael W. Burkhart
Dwight E. Burns
Patrick M. Burress
Lynn A. Burrill
Michael A. Burrous
Bruce B. Byrum
Conrad H. Cadman
Robert E. Cahill
Carl F. Cain, Jr.
Charles F. Caldwell
Thomas P. Callahan
Edgar M. Campbell
Roland E. Carey, Jr.
Thomas M. Carlin
Reid O. Carlock
Ronald B. Carter
Roy L. Carter
John T. Caselli
Richard P. Cassidy
Blake J. Cate
David W. Causey
Lee A. Cerovac
Joseph M. Chaisson
Andrew L. Charlson
Robert A. Cheever
Louis E. Cimaglia
John E. Clancy
James L. Clark
Michael A. Clark
William A. Clark
Larry B. Coffman
George S. Coker
Robert L. Collins
William T. Collins
Richard A. Combs
Paul R. Conner
Donald L. Conover
George S. Converse
Stephen P. Cook
Gary R. Corn
Walter O. Cottrell
Wayne L. Courtney
John W. Cox
James R. Coyle
Norman B. Crawford
John A. Crites
Michael J. Crow
Clarence S. Crowe
Michael J. Cummings
William C. Curtis
William C. Cuseo
Louis H. Dailey
John F. Dalton
John H. Daly
Stephen J. Danaher
Wiliam L. Daugherty
Jack A. Davis
James H. Davis
William P. Davis
William R. Davis
James L. Dawson
Charles G. Dean, Jr.
Thomas C. Dean
Leonard E. Dechant
Samuel C. Decoteau
Peter M. Degnan
Robert R. Degolian
John F. Demars, Jr.
David K. Denson
Albert A. Desantis
Melvin L. Dilday
Charles L. Dismore
Charles A. Dittmar
Ronald B. Dobie
Conrad Dogil
Raymond S. Dolgert
Walter L. Domina
William I. Donaldson, Jr.
Thomas P. Donnelly, Jr.
Charles R. Donofrio
David T. Dotson
Edward J. Doyne, Jr.
James H. Dubose, Jr.
Larry W. Dudley
Georgory W. Duesing
Brendan Duff
Dennis E. Dugan
James W. Duthie
Donald L. Dziggel
Samuel G. Easterbrook
Jerry D. Edwards
Gordon L. Eisert
Milton J. Eisiminger
Donald E. Elkins
Arthur H. Ellis, Jr.
Patrick N. Ellis
Carl H. Ertwin
Gordon E. Evans
Richard S. Everhart
Richard G. Ewers
Michael O. Fallon
Thomas W. Fant
Paul C. Farmer
Peter M. Farris
William W. Faulkner
Peter O. Fay
Oscar B. Fears
Paul E. Fedeles
John R. Fenton
Stephen M. Findlay
Kenneth A. Fish
John J. Flaherty
Marvin H. Floom
Howard C. Florence
Thomas J. Fong
Melvin W. Forbush
Brian D. Ford
James D. Fortune
John T. Foster, Jr.
Frederick T. Fowler
Charles R. Fox
John F. Fraser
Warren T. Frommelt, Jr.
Charles H. Gallina
William N. Gamble
David A. Garcia
Daniel H. Gardner
Jon N. Garner
Thomas E. Garrick
Anthony L. Gasper
John J. Gaynor, Jr.
Jesse D. Geren
John W. Gerwig, Jr.
Andre G. Gib
Richard E. Glantz
John X. Golich
Ronald J. Gonzales
Robert B. Goodrich
Paul D. Gordon
Gary J. Goslin
Joel L. Goza
William J. Graham
Laurens B. Grandy
Kenneth R. Gray
Joseph R. Green
William W. Green
Robert J. Greene
John R. Gregory
Wallace C. Gregson
Steven E. Gugas
John W. Guild
Allen D. Guins, Jr.
Michael W. Hagee
Clarence E. Hagstrom
Earl B. Hailston
William F. Haizlip, Jr.
Terrance C. Hall
George E. Halloran
Lee A. Haltom
Roger C. Ham
Thomas B. Hamilton, Jr.
Richard D. Hammer
Stuart D. Hammons
James H. Haney
Robert P. Hansen
Willis H. Hansen
Thomas G. Harkins
Thomas F. Harper
Ronald C. Harrington
George K. Harris
Robert W. Harris
James P. Hartneady, Jr.
Timothy M. Hartsook
Robert C. Haskett
Jerry B. Hatfield
Dean H. Hattan
John E. Hayes
Matthew J. Heck
John B. Heffernan
Robert G. Hempel
Garland C. Hendricks
John F. Hendry
Clifford F. Henes
William C. Henning
Robert W. Hensley
Ralph E. Henson
John C. Hergert
John C. Hering
James C. Hess
Robert T. Hickinbotham
Richard D. Hickox
Thomas H. Hicks
Walter T. Hicock
Elber A. Highers, Jr.
Edward A. Highers
Marlin D. Hilton
Allyn J. Hinton
Michael G. Hire
Timothy G. Hoff
Richard C. Hoffman
Robert J. Hoffmann
John J. Holly
Charles W. Holmes
Jeffrey T. Holmes
John W. Hooper
Edward A. Horne
Dennis K. Howe
Paul A. Howes
John C. Howland
Harvey E. Huffman
Paul B. Hugenberg
William C. Hunt
William R. Hyatt
David H. Ingram
Erin L. Ireland, Jr.
Roger A. Jacobs
Richard L. Jaehne
Albert C. James, Jr.
Barry E. Jankiewicz
Joseph T. Jewell
Michael C. Jochum
Fred W. Johnson
Gerald E. Johnson
Maxwell O. Johnson
Richard W. Johnson
James D. Jones
Robert D. Jones
Robert C. Jonson
Michael A. Kalashian
Lawrence A. Kassin
Richard H. Kayser
Lawrence G. Kelly
Philip C. Kellogg
Michael B. Kelly
Lawrence H. Kener
Ernest M. Kimoto
Gary W. King
Charles H. Kinney
Samuel V. Kirk
Jack W. Klimp
David T. Knapp
William R. Knapp
Frank L. Kocevar
John L. Kosinski
Walter J. Kowalewski
Ellsworth R. Kramer
Dwight D. Kranz
Jon J. Kratz
Randall D. Krekeler
Michael L. Kudalis
Steven T. Kuykendall
Robert C. Labbe
Philip A. Lahlum
Robert D. Lankes
Roy A. Larkin
Ivan G. Larsh
Michael N. Lavelle
Richard A. Lawrence
Allan J. Leach
Thomas I. Leach
Frederick E. Leek
John W. Leslie
Stephen B. Leslie
William M. Liebenow
Robert W. List
Thomas E. Little
Lawrence H. Livingston
Charles M. Lohman
David M. Lohr
Andrew K. Long, Jr.
Theodore T. Long
Bruce L. Lorick
Thomas E. Loughlin
Connie B. Lovett
Robert K. Lunday
Bruce C. Lyon
Ross M. Macaskill
David B. Macfarlane
John M. Mack
Robert J. Mack
Kendall A. Madaras
James D. Majchrzak
Ronald A. Malmgren
John W. Mann
James A. Marapoti
Richard J. Marien
Ervin P. Martin
Jeffrey A. Marlin
James F. Martin
Robert P. Mauskapf
Craig L. Mayer
Charles W. Mayo
Michael R. McCarty
Charles W. McCoy, Jr.
Scott E. McDaniel
Charles R. McGill
John C. McKay
Robert F. McKiernan
Richard E. McLane II
Sidney F. McLaughlin
David D. McNally
Jon M. McNerney
Anthony R. Medley
Paul N. Meier
Stephen N. Melgaard
James M. Messer
Philip A. Messer
Robert H. Meyer
Robert F. Meyers
James J. Mietzel
Charles A. Millard
Charles G. Miller
Thomas O. Miller
Thomas S. Miller
Barry C. Milo
Charles P. Minor
Joseph A. Mitchell, Jr.
Christopher R. Mohr
Charles E. Moore
James B. Moore, Jr.
Michael C. Morschauser
Leonard J. Mrozak
Mark K. Mulder
Curtis W. Murray
John T. Murray
Terrence P. Murray
Clifford O. Myers III
Martin J. Nacrelli
John E. Neithammer
Garry D. Nelson
Robert R. Nelson
John F. Newhouse
Dominic Nicolosi, Jr.
Thomas E. Noel
Oliver L. North
Harvey R. Norton
Patrick A. Nourot
Timothy P. Nunan
William L. Nyland
Lon P. Oakes
Patrick P. Oates
Christopher C. Obanks
William P. O'Brien, Jr.
Bryan D. O'Connor
Steven J. Oder
Kent R. Oehm
Malcolm L. Ogilvie
John J. O'Leary
Willie J. Oler
John F. O'Neil
Jerry D. Owen
Mackubin T. Owens, Jr.
Nelson Paler
Steven S. Palmer
William M. Palmer
Thomas A. Pantke
Joseph F. Parker
John E. Parker
Michael L. Parks
Thomas L. Parrish
Michael L. Patrow
James R. Pazourek
George M. Pease
Charles A. Pelletier
John A. Penne
William C. Peoples
Donald N. Persky
Robert R. Petering
William G. Peters
Thomas H. Petersen
Ross T. Petersen
Harry W. Peterson III
Leslie B. Petty
Chester R. Pino
Richard L. Piper
Robert C. Plunkett
Simon Poljakow
Paul B. Pratt, Jr.
Gary A. Prentice
Kenneth D. Pricer
Theodore M. Printy
Lloyd H. Prosser
Richard L. Pugh
Jerry B. Pullium
William R. Purdy
Norman D. Raderer
Raymond C. Raece
James R. Ramsden
Arthur J. Rauchle, Jr.
John E. Ready
Joseph V. Reasbeck
John B. Reeside IV
Charles E. Reeves
Joseph D. Reich
Robert W. Reid
Victor F. Reston
Raymond B. Reynolds, Jr.
John E. Rice
Jesse W. Rigby
James P. Rigoulot
David B. Ripley
James D. Ritchie
James H. Roach
Joseph W. Roach
Marlen C. Robb
Kenneth M. Roberts
Leonard T. Roberts
Ray A. Roberts
William E. Roberts
Joe D. Robinson
Joe D. Robinson
Sands A. Robnick
Christian A. Rodatz
Earl C. Rodenberg
Bruce L. Rodgers
Wayne E. Rollings
Mark A. Roman
Jeffrey T. Ronald
Thomas H. Rouse
Clinton L. Rudesill
James A. Ruska
Tibor R. Saddler
Hayward L. Sawyer
Paul O. Schaefer
Marc A. Scheele
Edwin S. Schick
William H. Schopfel
John W. Schwab, Jr.
Lowell N. Schwankl
David N. Schweitzer
Joseph W. Seabrooke, Jr.
Irving E. Shafer III
Eric D. Shaffer
Edward N. Sibley
Colin B. Sillers
Goron L. Silliker
Herbert P. Silva
Charles H. Silver
Daniel C. Silver
Michael K. Simmons
Ralph E. Sinke, Jr.
Ronald C. Skelton
Douglas B. Skinner
Ronald D. Skow
Clyde E. Smith
Gilbert E. Smith
Lawrence W. Smith
Richard M. Smith
Terrance L. Smith
William A. Smith
Robert L. Snelson
Dennis L. Snook
George Solhan
Elmer R. Spears, Jr.
Hugh B. Speed
Mark S. Splain
Louis J. Stanislao
John J. Steger
William O. Steinberg
Peter R. Stenner
Jack E. Steury
Wayne L. Stevens
Charles E. Stewart
Michael D. Stewart
James V. Stiger
George F. St. John
Eric N. Steinbaugh
Dennis M. Storm
Robert D. Strouse
William H. Stubblefield
William J. Sublette
Tom E. Sulick, Jr.
Calvin L. Swanson
James B. Swartzenberg
Thomas W. Swihart
Michael B. Taggart
Joshua D. Tallentire
Thomas K. Tardy
James W. Taylor, Jr.
William M. Taylor
James P. Terry
Milton J. Teixeira

Allan G. Thaut
Daniel L. Thompson
Howard J. Thompson
Harry M. Thornley
Thomas H. Timberlake
William F. Titterud
Gary G. Todd
John R. Todd
Joseph B. Towle
George L. Townsend
Tompson R. Toyama
Thomas B. Trammell
Byron M. Trapnell
James N. Treadwell
Mark C. Treanor
Robert A. Tretsch, Jr.
Drake F. Trumpe
George E. Tucker
William T. Tucker
Thomas A. Turner
Thomas D. Turner
William A. Tweed
John W. Vagnetti
Edwin R. Valdez
Donald H. Valley
Dyrck H. Vandusen
Rondall L. Vanhoutan
Earnest A. Vanhuss
Richard W. Vaughn
Gerald J. Villano
Frederick W. Volcansek
James L. Volkmar
Kim A. Wahtera
Rudy J. Wadle
Stephen T. Waimey
Frank N. Waldrop
Patrick G. Waller
Roger P. Waniata
Buddy A. Ward
William D. Warren
Myron Wasiuta
James L. Watson
Harry B. Wease
Walter T. Weathers
James H. Webb
David L. Weber
Jefrey F. Weed
Terence A. Weigel
Laurance W. Wells
Charles T. Westcott
Newell J. Weston
William A. Wheeler
Robert L. Whitaker
Charles E. White
Edward P. Whitner
John F. Whittle
Douglas P. Wiita
Patrick D. Wilder
Dennis A. Williams
James M. Williams
John R. Williams
Leslie K. Williams
Rickey D. Williamson
Leonard H. Willis
Paul E. Wilson
Roger E. Wilson
Guy C. Windheim
James D. Wojtasek
Walter J. Wood
Claud V. Woodard
Thomas G. Woods
Waite W. Worden
Alin C. Worley
Eugene O. Wright
Wayne W. Wynkoop
William R. Wyser III
Joseph C. Yannessa
Fred J. Young
Richard I. Zabovnik
Edward R. Zaptin
Donald F. Zeller
Michael V. Ziehmn

In The Army

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

Army Promotion List

To be captain

Aaron, Samuel A., [redacted].
Abbott, Michael H., [redacted].
Ackels, Alden D., [redacted].
Adam, Leroy A., [redacted].
Adams, Curt H., Jr., [redacted].
Adams, Luther M., Jr., [redacted].
Adams, Richard M., [redacted].
Adams, Ronald E., [redacted].
Ahern, Michael B., [redacted].
Ahrens, Roger W., [redacted].
Airy, James F., [redacted].
Albright, Carl W., [redacted].
Alexander, Edward G., [redacted].
Alger, John I., [redacted].
Allen, Richard B., [redacted].
Allen, Troy N., [redacted].
Allison, David B., [redacted].
Allport, George H., [redacted].
Almes, Edward W., [redacted].
Aman, Ronnie J., [redacted].
Ambrose, Richard S., [redacted].
Ammon, Stephen L., [redacted].
Anderson, Cecil T., [redacted].
Anderson, Gary L., [redacted].
Anderson, Joseph B., [redacted].
Anderson, Lewis C., [redacted].
Andresen, Martin W., [redacted].
Andrews, James L., [redacted].
Appel, George C., Jr., [redacted].
Appler, Donald E., [redacted].
Applin, Frank M., [redacted].
Arentz, Richard T., [redacted].
Arkangel, Carmelito, [redacted].
Arlinsky, Harris D., [redacted].
Armenta, Hector, [redacted].
Armstrong, Douglas, [redacted].
Aron, Charles M., [redacted].
Arthur, Robert K., [redacted].
Ashley, Kenneth W., [redacted].
Ashley, Otis H., III, [redacted].
Asplund, Ralph E., [redacted].
Atchley, Oscar L., II, [redacted].
August, Robert L., [redacted].
Ayres, Larry F., [redacted].
Babich, James M., [redacted].
Bacheldor, Ned W., [redacted].
Bacher, John A., [redacted].
Bachman, William B., [redacted].
Bailey, Hugh, W., [redacted].
Bailey, Richard E., [redacted].
Bailey, Robert N., [redacted].
Bailey, Ronald B., [redacted].
Baird, Raymond P., [redacted].
Baldinger, Robert W., [redacted].
Ball, Michael G., [redacted].
Ballard, Stephen D., [redacted].
Banta, Donald J., [redacted].
Barber, Paul F., [redacted].
Bardot, Kenneth H., [redacted].
Barker, Ballard M., [redacted].
Barkley, Joseph R., [redacted].
Barnes, Herbert E., [redacted].
Barnett, Phillip G., [redacted].
Baron, Anthony S., [redacted].
Barr, James R., [redacted].
Barrow, Joseph M., [redacted].
Bartholomew, Mark A., [redacted].
Bartlett, James A., [redacted].
Bartosik, Harry J., Jr., [redacted].
Basham, David L., [redacted].
Basham, Owen D., [redacted].
Batchelder, Michael, [redacted].
Battles, Fred C., [redacted].
Baumann, Allen A., [redacted].
Baumann, Charles H., [redacted].
Bayliss, William A., [redacted].
Beard, Beau B., [redacted].
Beardslee, Harold M., [redacted].
Beaty, James H., [redacted].
Beaumont, Richard A., [redacted].
Beavers, James A., [redacted].
Becker, Peter K., [redacted].
Becknell, Jerry L., [redacted].
Behne, James R., [redacted].
Beinlich, William A., [redacted].
Belanger, Fred M., [redacted].
Bell, Douglas J., [redacted].
Bell, Terence M., [redacted].
Beller, Richard L., [redacted].
Belt, Richard L., II, [redacted].
Benge, Holmes D., [redacted].
Bennett, Thomas B., Jr., [redacted].
Benton, David L., III, [redacted].
Bentz, Kenneth, Jr., [redacted].
Beres, Charles E., [redacted].
Bergeron, Daniel M., [redacted].
Berggren, Tommy H., [redacted].
Bernabe, Gilbert A., [redacted].
Bernier, Barre S., [redacted].
Berry, Rolland H., Jr., [redacted].
Best, David S., [redacted].
Bezek, Robert J., [redacted].
Bianco, Frederick A., [redacted].
Bielenberg, Douglas, [redacted].
Bierden, John A., [redacted].
Bigelow, John G., [redacted].
Bippes, Jackie E., [redacted].
Birchfield, Walter, [redacted].
Birdseye, William S., [redacted].
Bishop, Gilbert L., [redacted].
Bishop, Glade M., [redacted].
Bishop, Ronald E., [redacted].
Bisno, Chester J., [redacted].
Bittenbender, Edward, [redacted].
Black, Elbert C., III, [redacted].
Blacker, Blair K., [redacted].
Blackwell, Paul E., [redacted].
Blair, Joseph M., III, [redacted].
Blake, Bruce A., [redacted].
Blakely, Jimmie L., [redacted].
Blanchard, Edward W., [redacted].
Blanchard, James A., [redacted].
Blieberger, Anton G., [redacted].
Bliss, Stephen M., [redacted].
Blodgett, David S., [redacted].
Blood, George H., [redacted].
Boerckel, Richard A., [redacted].
Bogan, Robert, [redacted].
Boggess, William W., [redacted].
Bohannon, John R., [redacted].
Bohannon, Melvin L., [redacted].
Bohannon, Roger L., [redacted].
Bohonak, Michael, Jr., [redacted].
Bolin, Harold E., [redacted].
Boling, Joseph E., [redacted].
Bond, Larry A., [redacted].
Bonnett, Mitchell E., [redacted].
Bonney, Charles E., [redacted].
Boohar, Charles W., Jr., [redacted].
Borkowski, Thomas F., [redacted].
Bouchard, Raymond E., [redacted].
Bowen, Wallace J., [redacted].
Bowers, Norman L., [redacted].
Bowes, Steven G., [redacted].
Bowman, Kenneth M., [redacted].
Bowman, William J., [redacted].
Boyle, David J., [redacted].
Boyles, Calvin E., [redacted].
Boysen, David C., [redacted].
Boyter, Norman C., Jr., [redacted].
Braccia, Joseph C., [redacted].
Bradham, Ramon F., [redacted].
Bradley, Robert S., [redacted].
Brammer, Craig W., [redacted].
Brasher, Edward L., [redacted].
Braun, Bruce A., [redacted].
Brennan, Francis X., [redacted].
Brennan, Timothy E., [redacted].
Brewer, Dennis W., [redacted].
Briggs, Lloyd C., [redacted].
Briggs, Roderick C., [redacted].
Brinkley, Barry A., [redacted].
Brinkley, William A., [redacted].
Briscoe, Charles H., [redacted].
Brock, George R., [redacted].
Brooke, Ronald M., [redacted].
Brotzman, Ellis R., [redacted].
Browder, William R., [redacted].
Brown, Barry M., [redacted].
Brown, David R., [redacted].
Brown, Lloyd K., [redacted].
Brown, Robert D., [redacted].
Brown, Stephen W., [redacted].
Browne, John T., Jr., [redacted].
Brumley, Leland J., [redacted].
Bruton, Robert W., [redacted].
Bryan, James E., [redacted].
Bryant, James A., [redacted].
Bryant, James W., Jr., [redacted].
Bryant, Michael W., [redacted].
Bryson, Thomas E., [redacted].
Bucha, Paul W., [redacted].
Bugge, Robert R., [redacted].
Bunn, Richard D., [redacted].
Bunton, David D., [redacted].
Buntz, Burke O., [redacted].
Burch, Harold E., [redacted].
Burgett, Robert C., [redacted].
Burke, Charles F., [redacted].
Burke, Michael A., [redacted].
Burnsteel, Harvey L., [redacted].
Burpee, David H., [redacted].
Burtnett, John W., Jr., [redacted].
Burton, Emmette Y., [redacted].
Bush, Charlie L., [redacted].
Butcher, Joe L., [redacted].
Butlak, Jan M., [redacted].
Butler, James E., [redacted].
Butner, Henry C., [redacted].
Byerly, Paul J., [redacted].
Byrd, Ernest L., [redacted].
Cabell, Lawrence C., [redacted].
Caggiano, Anthony F., [redacted].
Cahill, Peter J., [redacted].
Calvert, Russell W., [redacted].
Campbell, Charles O., [redacted].
Campbell, David H., [redacted].
Campbell, Douglas B., [redacted].
Campbell, Russell A., [redacted].
Cancellare, Joseph, [redacted].
Cantrell, James R., [redacted].
Capps, Freddie L., [redacted].
Carey, John P., [redacted].
Carll, Thomas H., [redacted].
Carlsen, Dale A., [redacted].
Carlson, Ronald W., [redacted].
Carlson, Roy S., Jr., [redacted].
Carlson, Terry A., [redacted].
Carmichael, John H., [redacted].
Carmody, Richard P., [redacted].
Carpenter, Bernard, [redacted].
Carr, Terry A., [redacted].
Carstensen, Harold, [redacted].

Cart, Fredrick J. [redacted].
Cartwright, Robert [redacted].
Castleman, Jerry D. [redacted].
Caswell, Edward S., [redacted].
Cato, Robert B., [redacted].
Caudell, Jimmy J. [redacted].
Cejka, David C., [redacted].
Cella, James J., [redacted].
Chaboudy, Carl H., [redacted].
Chaffin, Sherrill T., [redacted].
Chambers, Roy E., Jr., [redacted].
Chandler, Nicholas, [redacted].
Chantelau, William [redacted].
Chapman, Richard W. [redacted].
Chapman, Thaddius [redacted].
Charles, Frederick, [redacted].
Chase, Emery J., Jr., [redacted].
Chase, James E., Jr., [redacted].
Chavez, Juan I. [redacted].
Cherrie, Stanley F. [redacted].
Chesarek, William D., [redacted].
Childs, Richard E., Jr. [redacted].
Chiota, Robert J. [redacted].
Chitester, Lester L., [redacted].
Christman, Daniel W. [redacted].
Christner, William [redacted].
Christopher, Edward [redacted].
Christy, William B., [redacted].
Chudoba, Dennis L., [redacted].
Chun, Kenneth W. H. [redacted].
Chung, Norman K., Jr. [redacted].
Churchill, Floyd V., [redacted].
Churchwell, Curtis [redacted].
Churchwell, Thomas [redacted].
Cimral, Ted A., [redacted].
Cindric, Thomas A., [redacted].
Clark, Alexander J., [redacted].
Clark, Glen D., [redacted].
Clark, William B., [redacted].
Clarke, Bruce B. G., [redacted].
Class, John B., [redacted].
Clement, Stephen D. [redacted].
Clement, Thomas A. [redacted].
Clements, Theodore, [redacted].
Close, Dale H., [redacted].
Clotfelter, Wayne R. [redacted].
Clover, Robert L., [redacted].
Coates, Edward J., [redacted].
Cobb, Alvin B., [redacted].
Cohen, Gary, [redacted].
Colclasure, Wyett H., [redacted].
Cole, Coye M., [redacted].
Cole, James W., [redacted].
Cole, Michael W., [redacted].
Coleman, Byers W., [redacted].
Coleman, Patrick F. [redacted].
Coleman, Richard E. [redacted].
Collier, Samuel M., [redacted].
Collins, Patrick W., [redacted].
Collins, Philip R., [redacted].
Collum, Charles E., [redacted].
Combs, Dudley D., [redacted].
Comi, Thomas R., [redacted].
Concannon, John F. I. [redacted].
Conner, James C., [redacted].
Connolly, William J. [redacted].
Connor, John E., III [redacted].
Connor, Michael J., [redacted].
Conrey, Robert W., [redacted].
Conway, George L., [redacted].
Conway, Peter J., [redacted].
Cook, Donald E., [redacted].
Cook, Theodore L., [redacted].
Cook, William H., [redacted].
Cooper, Philip R., [redacted].
Corcoran, Charles A., [redacted].
Corey, George C., [redacted].
Corradini, Richard [redacted].
Correll, Phillip W., [redacted].
Cossey, Gerald R., [redacted].
Coughlin, James M. [redacted].
Counts, Clyde G., [redacted].
Courte, John P. [redacted].
Cowan, James D., Jr., [redacted].
Cowan, Marion C., [redacted].
Cox, Michael P., [redacted].
Cox, Robert S., [redacted].
Cozart, John W., [redacted].
Cragg, Thomas M., [redacted].
Craig, John W., [redacted].
Crean, Thomas M., [redacted].
Crook, Robert T., [redacted].
Cross, William R., [redacted].
Crossman, John S. [redacted].
Crowe, Bobby N., [redacted].
Croy, Roy D., Jr., [redacted].
Csoka, Louis S., [redacted].
Cummings, Donald L., [redacted].
Cummings, Joseph M., [redacted].
Cummins, Kent C. R., [redacted].
Curtin, Thomas P., Jr. [redacted].
Curtis, William A., [redacted].
Curtiss, Norman L., [redacted].
Dabrowski, Peter F., [redacted].
Dahlen, Karl R., [redacted].
Dahlin, Stanley C. [redacted].
Daily, James I., [redacted].
Daily, Robert R., Jr., [redacted].
Daley, Victor N., [redacted].
Dambrosia, James R. [redacted].
Dangelo, Joseph S., [redacted].
Daniele, Thomas N., [redacted].
Danielski, Arlan J., [redacted].
Danielski, Loren R., [redacted].
Danielson, Ralph M., [redacted].
Danley, John A., Jr., [redacted].
Darrah, Stephen C. [redacted].
Daskal, James A., [redacted].
Daugherty, Joseph P. [redacted].
Davenport, Peter M., [redacted].
Daverso, Frank S. [redacted].
Davies, James, III [redacted].
Davis, Burrell T., [redacted].
Davis, Carlton E., [redacted].
Davis, Chester H., [redacted].
Davis, John S., [redacted].
De Francisco, Joseph H., [redacted].
De Laar, Robert A., [redacted].
De Lorme, Leon T., Jr., [redacted].
De Vitto, John C., [redacted].
De Witt, Clyde H., Jr., [redacted].
Deakin, Craig E., [redacted].
Dean, John D., [redacted].
Deasy, Kevin B., [redacted].
Deckett, Paul E., [redacted].
Deems, John M., [redacted].
Deen, Don E., [redacted].
Degyansky, Albert W., [redacted].
Deist, Robert P., [redacted].
Dempsey, Harry J., [redacted].
Denison, Gordon R., [redacted].
Dent, Charles A., [redacted].
Dermody, Henry M., Jr., [redacted].
Devanney, Thomas M., [redacted].
Devine, Michael R., [redacted].
Devine, William S. I., [redacted].
Devney, Alan E., [redacted].
Dexter, Craig M., [redacted].
Dick, Donald E., [redacted].
Dickey, James L., [redacted].
Dickinson, William, [redacted].
Dickson, John R., [redacted].
Dickson, Weldon W., [redacted].
Dodd, David L., [redacted].
Doerfel, John S., [redacted].
Donahue, Richard J. [redacted].
Donaldson, Charles, [redacted].
Donohue, Jeremiah F. [redacted].
Donsbach, William J., [redacted].
Dorney, Christopher, [redacted].
Dorsey, John J., Jr., [redacted].
Daugherty, George J. [redacted].
Daugherty, John A. [redacted].
Doughty, Robert A., [redacted].
Douglass, David G., [redacted].
Dovas, Christos A., [redacted].
Dowden, Russell H., Jr., [redacted].
Dowdy, Edward C., III, [redacted].
Dowdy, James T., [redacted].
Dowling, John F. [redacted].
Downhour, Orbra W., [redacted].
Drillock, Serge, [redacted].
Drinkwater, David D., [redacted].
Duarte, Henry E., Jr., [redacted].
Duckworth, Walter L. [redacted].
Duffie, Jerry R., [redacted].
Duke, Wayne M., [redacted].
Dull, Dolan J., [redacted].
Dunkelberger, James, [redacted].
Dunn, Gerald J., Jr. [redacted].
Dunnem, Alvin E., [redacted].
Dunning, Thurlow R. [redacted].
Durbin, James P., [redacted].
Durgin, Harry W., [redacted].
Dyer, James L., [redacted].
Dynes, Charles G., [redacted].
Dysart, James E., [redacted].
Eanes, John T., [redacted].
Early, Gerald H., [redacted].
East, Jared G., [redacted].
Ebitz, Curtis V., [redacted].
Echols, Eugene W., Jr., [redacted].
Echols, William H., [redacted].
Eckart, Charles R., [redacted].
Edwards, Dennis L., [redacted].
Edwards, Jerry W., [redacted].
Eggers, Howard C., [redacted].
Eichorn, Frederic N., [redacted].
Eisen, Charles L., [redacted].
Elders, Telford E., [redacted].
Elley, George D., [redacted].
Elliott, Charles B. [redacted].
Ellis, Donald A., [redacted].
Ellis, Giles L., Jr., [redacted].
Ellis, John M., [redacted].
Elzey, John T., [redacted].
Emerson, William K., [redacted].
Emmons, James B., [redacted].
Endress, George W., [redacted].
Endrijonas, Audris, [redacted].
England, William L., [redacted].
Engle, Clifford L., [redacted].
Erkman, Edward R., [redacted].
Ervin, Charles P., Jr., [redacted].
Estes, Donald L., [redacted].
Etowski, Thomas J., [redacted].
Evans, Edward R., Jr., [redacted].
Evans John O., III [redacted].
Eyler, Christopher, [redacted].
Faint, Arthur J. [redacted].
Fair, Lyle M., [redacted].
Fairfull, Thomas M., [redacted].
Falconer, Thomas J. [redacted].
Falke, William P., [redacted].
Faris, John P., [redacted].
Farmelo, Gene R., [redacted].
Farmer, Berkwood M., [redacted].
Farmer, Marvin R., [redacted].
Faulkner, William L., [redacted].
Fear, Robert G., [redacted].
Featherston, Michael, [redacted].
Feret, John M. E., [redacted].
Ferguson, James E., [redacted].
Ferry, John V., [redacted].
Fiebig, Heinz, [redacted].
Fielden, Larry E., [redacted].
Finley, Frederick F. [redacted].
Finn, Russell N., [redacted].
Fish, Grosvenor W., Jr., [redacted].
Fite, Don G., [redacted].
Fitt, Charles B., [redacted].
Fitzgerald, Daniel, [redacted].
Fitzpatrick, James [redacted].
Fleming, Harry S., [redacted].
Fleming, John W., [redacted].
Flesch, Joseph E., [redacted].
Fletcher, Jeffrey, [redacted].
Fligg, Claude M., Jr., [redacted].
Floca, Samuel W., Jr., [redacted].
Flowers, James P., [redacted].
Foley, Mark J., [redacted].
Foley, Patrick J., [redacted].
Forbes, William J., [redacted].
Fordiani, Daniel C., [redacted].
Forster, Paul H., [redacted].
Forster, William H., [redacted].
Foster, Garry D., [redacted].
Fowler, James R., [redacted].
Fox, Leon F., [redacted].
Foy, June M., [redacted].
Frank, Robert T., [redacted].
Franklin, John F. [redacted].
Franklin, William A., [redacted].
Frazar, Joe N., III, [redacted].
Frazier, Edwin M., [redacted].
Frazier, Thomas M., [redacted].
Fredricks, Grant L., [redacted].
Freestone, William, [redacted].
Frey, Robert M., [redacted].
Fricke, Dennis L., [redacted].
Friedrich, Robert L., [redacted].
Frier, Ronald C., Jr., [redacted].
Froderman, Theodore, [redacted].

Frydrychowski, Roger, [redacted].
Frye, John M., [redacted].
Fuks, Joseph A., [redacted].
Funk, John E., [redacted].
Galda, Dwight W., [redacted].
Galloway, Joseph W., [redacted].
Gamboa, Anthony H., [redacted].
Garbarino, Lloyd N., [redacted].
Garcia, Jose, [redacted].
Garner, David W., [redacted].
Gasdek, Barry D., [redacted].
Gates, Elmer A., [redacted].
Gawronski, Kenneth, [redacted].
Gebott, Bradley W., [redacted].
Gehringer, George S., [redacted].
Gelsthorpe, Joseph, [redacted].
Genega, Stanley G., [redacted].
Genetti, Thomas R., [redacted].
Gentine, Carl W., [redacted].
Gentle, Howard B., Jr., [redacted].
Gerard, Paul T., Jr., [redacted].
Gerlach, Stephen R., [redacted].
Gesin, Frederick H., [redacted].
Getz, Robert A., [redacted].
Gibson, Douglas L., [redacted].
Gilchrist, Malcolm, [redacted].
Gill, Americus M., Jr., [redacted].
Gill, Clair F., [redacted].
Gilliam, James W., [redacted].
Gilmore, Lee R., [redacted].
Gimbert, Robert A., [redacted].
Ginsberg, Alvin L., [redacted].
Girdon, Terry A., [redacted].
Giroux, Ronald V., [redacted].
Gius, Gary A., [redacted].
Glass, Maurice J., Jr., [redacted].
Glasscock, Charles, [redacted].
Godfrey, Richard P., [redacted].
Godina, William J., [redacted].
Goff, John E., [redacted].
Golden, James R., [redacted].
Gonzalez, Aristides, [redacted].
Gonzalez, John A., [redacted].
Goodbary, Robert A., [redacted].
Goodell, Rodney T., [redacted].
Goodowens, Fowler L., [redacted].
Goodridge, James P., [redacted].
Goodwin, Lawrence B., [redacted].
Gordon, Donald J., [redacted].
Gordon, Terry A., [redacted].
Gore, Willie L., [redacted].
Goss, Barry W., [redacted].
Gragg, Robert L., [redacted].
Graham, Joe D., [redacted].
Grammel, Ronald G., [redacted].
Grandstaff, Terry B., [redacted].
Gray, Robert W., Jr., [redacted].
Greene, Allan R., Jr., [redacted].
Greene, James P., [redacted].
Greene, Lee F., [redacted].
Greenhouse, Aloysius, [redacted].
Griffard, Bernard F., [redacted].
Griffin, David J., [redacted].
Griffin, George L., [redacted].
Griffin, Roger A., [redacted].
Griffin, Sanford W., [redacted].
Grisham, Jerret R., [redacted].
Grubb, Richard R. N., [redacted].
Gruggel, Carl A., III, [redacted].
Gunton, Joseph A., Jr., [redacted].
Guthrie, Thomas B., [redacted].
Guy, Robert A., [redacted].
Haas, David A., [redacted].
Haddick, John A., [redacted].
Haddock, Spencer R., [redacted].
Hagen, John F., [redacted].
Hagie, Leslie E., [redacted].
Haight, Rubert Q., Jr., [redacted].
Haines, Harry C., III, [redacted].
Halberg, Richard C., [redacted].
Hall, Duane F., [redacted].
Hallenbeck, Ralph A., [redacted].
Hallissey, Stephen, [redacted].
Halvorson, Colin O., [redacted].
Hammer, Martin A., [redacted].
Hammett, Owen M., Jr., [redacted].
Handley, John M., [redacted].
Hanket, Mark J., [redacted].
Hanna, Hugh H., [redacted].
Hansen, John R., [redacted].
Hardin, James C., [redacted].
Hardison, John R., Jr., [redacted].
Hardy, Robert S., Jr., [redacted].
Hargarten, James P., [redacted].
Harkins, Gerald R., [redacted].
Harman, Steven C., Jr., [redacted].
Harmeyer, George H., [redacted].
Harmon, James D., [redacted].
Harold, Robert S., [redacted].
Harrington, John B., [redacted].
Harris, Aubrey E., [redacted].
Harris, Freddy L., [redacted].
Harris, James S. W., [redacted].
Harris, Philip R., [redacted].
Harrison, Lyle C., [redacted].
Harrison, Robert B., [redacted].
Harry, Robert E., [redacted].
Harter, Robert L., [redacted].
Harting, Bruce W., [redacted].
Hartman, Robert S., [redacted].
Harvey, Daniel B., [redacted].
Harvey, James R., Jr., [redacted].
Harvey, Thomas D., [redacted].
Hastings, Hugh W., [redacted].
Hatton, Edward T., [redacted].
Hauck, John R., [redacted].
Hawes, Thomas J., [redacted].
Hawkins, Arthur G., [redacted].
Hawkins, Raymond J., [redacted].
Hayes, Samuel B., [redacted].
Healy, Maurice W., [redacted].
Hecker, William F., Jr., [redacted].
Hedrick, John A., [redacted].
Heefner, Rodney R., [redacted].
Hegg, George H., [redacted].
Heindrichs, Charles, [redacted].
Heisner, Ralph P., Jr., [redacted].
Heisterman, Robert, [redacted].
Helmick, Robert F., [redacted].
Hemovich, Michael, [redacted].
Hemphill, Robert L., [redacted].
Henderson, Frank F., [redacted].
Henderson, James R., [redacted].
Henderson, John W., Jr., [redacted].
Hendrix, Kenneth R., [redacted].
Hengen, Orville J., Jr., [redacted].
Henkel, James R., [redacted].
Hennessee, James F., [redacted].
Hennig, Richard A., [redacted].
Herge, John C., [redacted].
Herold, Thomas J., [redacted].
Hess, Michel E., [redacted].
Hester, Arthur C., [redacted].
Hewitt, Lansing T., [redacted].
Hewitt, Leland H., [redacted].
Hibbard, Ronald D., [redacted].
Higgins, Robert W., [redacted].
Higley, John W., Jr., [redacted].
Hill, Ralph L., [redacted].
Hill, Robert J., III, [redacted].
Hillquist, David K., [redacted].
Hindsley, Joseph D., [redacted].
Hines, Kerry L., [redacted].
Hintermaier, Robert, [redacted].
Hite, Ronald V., [redacted].
Hockett, David R., [redacted].
Hodor, Robert P., [redacted].
Hoebeke, Gary L., [redacted].
Hoffman, Peter D., [redacted].
Hogan, Charles J., Jr., [redacted].
Hogler, James L., [redacted].
Holbrook, William A., [redacted].
Holcomb, Vernon A., [redacted].
Holder, Bobby D., [redacted].
Holland, Francis B., [redacted].
Holland, James G. II, [redacted].
Hollenbeck, Douglas, [redacted].
Hollinger, Gregg N., [redacted].
Hollis, James F., [redacted].
Holman, Victor G., [redacted].
Holomon, Cyril P., [redacted].
Hopgood, Daniel K., [redacted].
Hopkins, James D., [redacted].
Horler, Thomas H., [redacted].
Hospodar, William G., [redacted].
Hotop, Arthur R., [redacted].
Houdyshell, Walter, [redacted].
Housley, Robert E., [redacted].
Howe, Charles E., [redacted].
Howell, John M., [redacted].
Hoyer, Anthony X., [redacted].
Hudson, Claude K., [redacted].
Hudson, Kelly S., [redacted].
Hudson, Robert C., [redacted].
Huett, Judson L., Jr., [redacted].
Huff, William S. II, [redacted].
Hufstetler, James F., [redacted].
Hughes, Lyttle P., [redacted].
Hume, James S., [redacted].
Hunt, Carl V., Jr., [redacted].
Hunt, Russell C., [redacted].
Hupp, Dennis J., [redacted].
Hurley, Robert D., [redacted].
Ingham, Bruce E., [redacted].
Ingram, Oliver B., Jr., [redacted].
Inman, Stephen E., [redacted].
Isaac, Alfred G., [redacted].
Isham, Arthur D., [redacted].
Izquierdo, Osvaldo, [redacted].
Jackson, James R., [redacted].
Jackson, Jerry D., [redacted].
Jackson, Lawrence M., [redacted].
Jackson, Robert L., [redacted].
Jackson, William H., [redacted].
Jacobsen, Garald R., [redacted].
Jacobsen, James F., [redacted].
Jacubec, George P., [redacted].
James, Richard D., [redacted].
Jandreau, James L., [redacted].
Jantovsky, Anthony, [redacted].
Jarvis, Larry E., [redacted].
Jaunitis, Juris, [redacted].
Jeffcoat, Marvin A., [redacted].
Jeffries, Lewis I., [redacted].
Jempson, James R., [redacted].
Jenkins, Harold A. Jr., [redacted].
Jenkins, Joseph S., [redacted].
Jenks, James E. Jr., [redacted].
Jester, John N. Jr., [redacted].
Jewel, James S., [redacted].
Jiles, James H., [redacted].
Johnson, Bobby D., [redacted].
Johnson, Harry J., [redacted].
Johnson, John T. Jr., [redacted].
Johnson Martin L. Jr., [redacted].
Johnson, Thomas R., [redacted].
Johnston, J. Ford, Jr., [redacted].
Johnston, William V., [redacted].
Jones, David, D. Sr., [redacted].
Jones, David T., [redacted].
Jones, Donald E., [redacted].
Jones, Herman H., [redacted].
Jones, Jackie G., [redacted].
Jones, Steven F., [redacted].
Jones, William H., [redacted].
Jordan, Don R., [redacted].
Jorgensen, Michael, [redacted].
Juchau, William C., [redacted].
Judd, John R., [redacted].
Junnier, Barry C., [redacted].
Kadish, Mark J., [redacted].
Kahara, Calvin G., [redacted].
Kail, William E., [redacted].
Kania, Leon W., [redacted].
Kapke, John H., [redacted].
Kasner, Michael W., [redacted].
Kaucheck, David J., [redacted].
Kauffman, Richard W., [redacted].
Kaufman, Richard B., [redacted].
Kaunitz, Peter D., [redacted].
Keane, Patrick J., [redacted].
Keating, Charles F., [redacted].
Keenan, Robert L., [redacted].
Keith, John F., [redacted].
Keller, Dale F., Jr., [redacted].
Kelley, Henry L., [redacted].
Kelly, Hugh A., Jr., [redacted].
Kelley, Richard J., [redacted].
Kelly, James M., [redacted].
Kelly, Jerome E., [redacted].
Kelly, John H., [redacted].
Kelsey, James H. P., [redacted].
Kelsey, Ronald G., [redacted].
Kempf, Stephen J., [redacted].
Kendrick, William F., [redacted].
Kennedy, Freddie A., [redacted].
Kennedy, Kevin E., [redacted].
Kennedy, Leo R., Jr., [redacted].
Kennedy, Leslie D., [redacted].
Kennedy, Ollie D., Jr., [redacted].
Kenny, Patrick D., Jr., [redacted].
Kerr, Robert D., [redacted].
Kessler, Kenneth C., [redacted].

Kevitz, Eric A., [redacted].
Keyes, Joseph E., [redacted].
Kiernan, Joseph F., Jr. [redacted].
Kilcoyne, Robert L., [redacted].
Kimak, Michael D., [redacted].
Kimberling, Cecil P., [redacted].
Kimbrough, Robert W. [redacted].
Kimzey, Reed T., [redacted].
Kincaid, Kenneth T. [redacted].
King, Carlisle R., Jr. [redacted].
King, Donald E., [redacted].
King, George W., [redacted].
King William H., III [redacted].
Kinzer, Joseph W., [redacted].
Kirkpatrick, Donald [redacted].
Klein, George C., [redacted].
Klein, Warren I. [redacted].
Kleinmaier, Lee E., [redacted].
Kline, David A., [redacted].
Kline, Douglas C., [redacted].
Knapp, Richard J., Jr. [redacted].
Kneubuehl, Richard [redacted].
Knight, Daniel J. [redacted].
Knightly, John R. [redacted].
Kniker, Nathan H. [redacted].
Knobeloch, Arthur R. [redacted].
Knoche, Ernest J., Jr. [redacted].
Knowles, John D., [redacted].
Knudsen, Jerald G. [redacted].
Knudson, Richard A. [redacted].
Kobayashi, Roger S., [redacted].
Kobes, Eugene H., [redacted].
Koga, Marvin R., [redacted].
Kohler, William F., Jr. [redacted].
Kolanowski, Stanley [redacted].
Koleszar, Frank W., [redacted].
Kollar, James E., [redacted].
Kollarik, Donald M., [redacted].
Konermann, Leo L., Jr. [redacted].
Kons, David D., [redacted].
Koppler, Doit L., [redacted].
Koropey, Oleh B., [redacted].
Kotch, Stephen, Jr. [redacted].
Koy, Kenneth C., [redacted].
Kozak, Peter T., [redacted].
Kramer, Richard E. [redacted].
Kramer, William J. [redacted].
Krause, Michael D., [redacted].
Kraynak, Joseph J. [redacted].
Kreutter, Dale T. [redacted].
Krizan, Adolph C., [redacted].
Kulbacki, Walter S. [redacted].
Kulvich, Robert G. [redacted].
Kuzman, Richard J., [redacted].
Kyle, Frederick A., [redacted].
Lambert, Johnny L. [redacted].
Lamison, Kenneth R. [redacted].
Lander, Robert J. [redacted].
Lane, Carl D., [redacted].
Lane, Michael H., [redacted].
Lane, Richard J. [redacted].
Lanning, Forest D. [redacted].
Larrabee, Willis F., [redacted].
Larson, Gordon A., [redacted].
Larson, Richard G. [redacted].
Latham, Wayne K. [redacted].
Laubecher, Ralph G. [redacted].
Laux, James H. [redacted].
Lavezzi, George B., [redacted].
Law, William P., III [redacted].
Lawson, James E., Jr. [redacted].
Lawson, Roger W., [redacted].
Lazarus, Paul D. [redacted].
Lazenby, Gerald A., [redacted].
Lazzari, Joseph D. [redacted].
Leach, George C., [redacted].
Leaptrott, William [redacted].
Leary, Robert N., [redacted].
Leavens, Frank A., [redacted].
Lee, Charles B., [redacted].
Lee, Frederick O. [redacted].
Leech, Peter E., [redacted].
Legg, John D., [redacted].
Lehman, William J. [redacted].
Lehrter, John B. [redacted].
Leishner, Stanley L., [redacted].
Lemley, Kendall M., [redacted].
Lenderman, William [redacted].
Leonard, Ronald R. [redacted].
Leonard, William B., [redacted].
Leskovjan, Larry L., [redacted].
Leson, Joel J. [redacted].
Letterie, Carl A., Jr. [redacted].
Levine, Barry W., [redacted].
Lewin, John V., [redacted].
Lewis, Alan H., [redacted].
Lewis, James M., [redacted].
Lewis, James M., [redacted].
Lewis, Oscar E., [redacted].
Liberty, Larry P. [redacted].
Lichtenberger, Robert [redacted].
Lincoln, Daniel B., [redacted].
Lindman, Alan A., [redacted].
Link, John D. [redacted].
Linley, John C., Jr. [redacted].
Lippay, Andrew P., [redacted].
Lippincott, Robert [redacted].
Little, Robert D. [redacted].
Litynski, Daniel M., [redacted].
Livingston, Joseph [redacted].
Lockner, John E. [redacted].
Lockrem, Bernard J. [redacted].
Locurcio, Ralph V., [redacted].
Loftin, Dean R., [redacted].
Loggins, Louie E., Jr., [redacted].
Long, John M., [redacted].
Long, Peter J., Jr. [redacted].
Longhouser, John E. [redacted].
Love, Earl R., [redacted].
Love, James A., Jr., [redacted].
Lowe, Carl T., [redacted].
Lowe, Henry J., [redacted].
Lowe, Karl H., [redacted].
Lutz, Edwin C., [redacted].
Lyons, John K. [redacted].
Maas, Alexis, [redacted].
MacDonald, Terence, [redacted].
MacLeod, James F., Jr. [redacted].
MacNab, Craig C., [redacted].
MacVicar, Thomas D., [redacted].
Mace, Robert W., [redacted].
Madden, Jerry A., [redacted].
Maher, John C., [redacted].
Mahley, Donald A., II, [redacted].
Maimone, Emanuel P. [redacted].
Malaney, Dempsey L., [redacted].
Malone, James E., [redacted].
Malpass, John R., Jr. [redacted].
Mandulak, John P. [redacted].
Manning, James G., Jr. [redacted].
Marek, Paul M., [redacted].
Marine, Lawrence H., [redacted].
Marinelli, Libero J. [redacted].
Mark, Arthur B., Jr. [redacted].
Marler, Bobby H., [redacted].
Marm, Walter J. [redacted].
Marquis, Geoffrey F., [redacted].
Marr, William J. [redacted].
Marshall, Bruce R., [redacted].
Marshall, John L., [redacted].
Marshok, John A., Jr., [redacted].
Martinez, Jose, Jr. [redacted].
Massaro, Glenn R., [redacted].
Matteson, Michael J., [redacted].
Matthews, Cleve E., [redacted].
Mattioli, Ronald B. [redacted].
Matula, Bejamin R. [redacted].
Maulin, George R., [redacted].
Maxfield, Douglas L., [redacted].
May, Jordon H., [redacted].
Mayton, Joseph H., Jr. [redacted].
McAteer, David M., [redacted].
McBride, Donald K., [redacted].
McCann, Don B., [redacted].
McCaslin, James P., [redacted].
McChristian, Joseph H. [redacted].
McClaskey, John R., [redacted].
McCleary, William, [redacted].
McClellan, Robert, [redacted].
McCloskey, Charles, [redacted].
McCloskey, John S., [redacted].
McColl, Winston F., [redacted].
McConnell, Camden, [redacted].
McConnell, Jeffrey, [redacted].
McCormack, Jay A., [redacted].
McCoy, Ray E., [redacted].
McCullough, John H. [redacted].
McDonald, Theodore E., [redacted].
McEliece, James H., [redacted].
McFarlin, Tommie, [redacted].
McGinty, Terrance, [redacted].
McGurk, John R., [redacted].
McKelvy, Michael L., [redacted].
McKemey, William J., [redacted].
McLaughlin, Noel R., [redacted].
McLean, John M., [redacted].
McMenamy, Charles, [redacted].
McMillan, Jerry R., [redacted].
McNamara, James C., [redacted].
McQueen, Arthur H., [redacted].
Meador, Joel H., [redacted].
Meek, Ronnie A., [redacted].
Meier, Frank L., [redacted].
Mels, Robert M., [redacted].
Melvin, John T., [redacted].
Menard, Theodore A., [redacted].
Mendoza, Felipe, Jr., [redacted].
Menist, Robert L., [redacted].
Menzel, Sewall H., [redacted].
Mercier, Leo J., [redacted].
Meredith, Richard A., [redacted].
Merrill, Aubrey R., [redacted].
Merritt, Lyle W., [redacted].
Metzner, Ladd H., [redacted].
Mevis, Gary L., [redacted].
Michael, Charles B., [redacted].
Mickells, Henry G. Jr., [redacted].
Mihnovets, Nicholas, [redacted].
Mikkelsen, Morris E., [redacted].
Mikols, Walter V., [redacted].
Millard, George A., [redacted].
Miller, Larry E., [redacted].
Miller, Nathan N., [redacted].
Miller, Robert H., [redacted].
Millett, John A., [redacted].
Milton, David A., [redacted].
Milton, Frederick J. [redacted] .
Miyashiro, James T., [redacted].
Mingo, Frederick A., [redacted].
Mirus, John E., [redacted].
Misner, Dale A., [redacted].
Miyashiro, James J., [redacted].
Moberly, Kenton D., [redacted].
Modrall, Nelson E., [redacted].
Mogan, Bernard J., Jr. [redacted].
Mohlere, Richard D., [redacted].
Molepske, Robert J., [redacted].
Montague, Charles D., [redacted].
Montgomery, Edgar A., [redacted].
Mooneyham, John D., [redacted].
Moore, Allan K., [redacted].
Moore, David W., [redacted].
Moore, Eddie E., [redacted].
Moore, Michael C., [redacted].
Moorefield, Kenneth, [redacted].
Moran, Mark F., [redacted].
Morasco, Francis M., [redacted].
Morig, Robert D., [redacted].
Morimoto, Warren S., [redacted].
Morris, Lawrence J., [redacted].
Morris, William L., [redacted].
Morrison, Billy W., [redacted].
Morrison, David G., [redacted].
Morse, Thomas J. [redacted].
Mosakewicz, Felix J., [redacted].
Moseley, Charles H., [redacted].
Moss, Melvyn, [redacted].
Motal, Beverly W., [redacted].
Motes, Preston M., Jr. [redacted].
Moya, Manuel E., [redacted].
Moye, Robert J., [redacted].
Moyer, Richard D., [redacted].
Mrozinski, Joseph D., [redacted].
Mullaney, Walter E., [redacted].
Mullen, James F., [redacted].
Mullen, Orlin L., [redacted].
Muller, Frank M. [redacted].
Mullins, Lynwood S., [redacted].
Mundy, Andrew J., Jr. [redacted].
Munson, Merton, [redacted].
Murphy, Richard F. [redacted].
Murray, Donald W., [redacted].
Mushovic, Thomas J., [redacted].
Mutal, Morris F., [redacted].
Mutchler, Robert W., [redacted].
Mutter, Glen H., [redacted].
Nagy, Edward L., [redacted].
Nation, Charles E. [redacted].
Naugle, David N., [redacted].
Naylor, Paul D., [redacted].
Needels, Christopher. [redacted].
Nefzger, Melvin E., [redacted].
Nelsen, James W., [redacted].
Nelson, Carl C., [redacted].
Nelson, Charles D., [redacted].

Nenninger, Glennon, [redacted].
Newman, Carlton R., [redacted].
Newton, John P., Jr. [redacted].
Nicholls, Roger G., Jr., [redacted].
Nichols, Charles S., [redacted].
Nichols, John D., [redacted].
Nicolini, Alexander, [redacted].
Nightingale, Keith, [redacted].
Nix, Gary L., [redacted].
Novotny, Samuel, [redacted].
Nowakowski, Richard, [redacted].
Nowland, Donald E., [redacted].
Nye, James D., [redacted].
Oberst, Walter M., II, [redacted].
O'Brien, Francis W., Jr., [redacted].
O'Brien, Frederick J. [redacted].
O'Connor, David E., [redacted].
O'Connor, Joseph P., [redacted].
O'Dea, David P., [redacted].
O'Donnell, Charles F., [redacted].
Olienyk, James D., Jr., [redacted].
Oliver, Council W., [redacted].
Olivo, James A., [redacted].
Olmstead, Kim H., [redacted].
Olson, John V., [redacted].
Olson, Robert J., [redacted].
Olson, Stephen A., [redacted].
O'Neill, Eugene D., [redacted].
O'Neill, Joseph T., [redacted].
Oney, Jerry T., [redacted].
Ono, Tadahiko, [redacted].
Orlando, Louis E., [redacted].
Orr, Robert V., [redacted].
Ossorio, Peter M., [redacted].
Ostlund, Donald T. [redacted].
Ostrom, David C., [redacted].
Paek, Stephen J., Jr. [redacted].
Page, Bertrand A., II, [redacted].
Paley, James M., [redacted].
Palmieri, Ralph A., [redacted].
Parham, James B., [redacted].
Parker, James C., [redacted].
Parrish, Donald J., Jr., [redacted].
Parrott, Preston A., [redacted].
Passmore, James L., [redacted].
Patterson, Allison, [redacted].
Patulea, Gregory N., [redacted].
Peacock, David R., [redacted].
Pearson, David M., [redacted].
Peck, John A., [redacted].
Pendleton, William, [redacted].
Perryman, Gary M., [redacted].
Peters, Donald J. [redacted].
Petersen, Bradley H., [redacted].
Peterson, Carl A., Jr., [redacted].
Phalen, Clinton A., Jr. [redacted].
Phaup, Arthelius A. [redacted].
Phelps, Gleen S., [redacted].
Phelps, Robert H., [redacted].
Phillpotts, Donald, [redacted].
Phister, Leonard P., [redacted].
Pickett, Robert L., [redacted].
Pickler, John M., [redacted].
Piper, John D., [redacted].
Pittman, John V., [redacted].
Plaster, Curtis, [redacted].
Pochert, Lynn C., [redacted].
Pollard, Roymand G., [redacted].
Polonitza, Edmund H. [redacted].
Porreca, David P., [redacted].
Potts, Robert E., [redacted].
Poucher, James A., [redacted].
Powell, Robert L., [redacted].
Powers, Thomas P., Jr., [redacted].
Prehar, Bohdan, [redacted].
Price, James T., [redacted].
Price, Martin L., [redacted].
Probst, Francis J., Jr., [redacted].
Pryor, Kenneth W., [redacted].
Putnam, Thomas W. [redacted].
Pylant, Julian E., Jr. [redacted].
Quidgley, Enresto, [redacted].
Quinlan, Thomas J., Jr. [redacted].
Quinn, Jimmie B., [redacted].
Quirin, Peter H., [redacted].
Raab, David H., [redacted].
Rackovan, John, Jr., [redacted].
Radcliffe, Robert F., [redacted].
Raduege, Floyd A., [redacted].
Rafanelli, Gene H., [redacted].
Ragauskas, Raymond, [redacted].

Raiford, John A., III, [redacted].
Raines, John W., [redacted].
Randall, Herbert E., [redacted].
Randles, Douglas L., [redacted].
Ransberger, Lawrence, [redacted].
Rasmussen, Delbert, [redacted].
Rau, Paul Douglas, [redacted].
Rawden, Francis A., [redacted].
Ray, Larry H., [redacted].
Ray, Lloyd C., Jr., [redacted].
Raymond, Daniel A., Jr., [redacted].
Read, Bruce H., [redacted].
Reade, Jack L., [redacted].
Reams, Larry W., [redacted].
Reavis, John R., Jr., [redacted].
Reiss, David W., [redacted].
Redwine, Leslie C., [redacted].
Reed, Howard H., [redacted].
Reeder, Charles W., [redacted].
Regester, Stephen A., [redacted].
Rehberg, Clark F. II, [redacted].
Reiman, Lawrence N., [redacted].
Reiss, David W., [redacted].
Rektorik, Horace J. [redacted].
Reller, Frank X, III, [redacted].
Reneau, Marvin B., [redacted].
Renschen, Paul S., [redacted].
Rhode, Leroy E., [redacted].
Rhodes, Charles E., [redacted].
Rice, Glenn M., [redacted].
Rice, Robert R., III, [redacted].
Richardson, Douglas, [redacted].
Richardson, Harold, [redacted].
Richey, Rodny M., [redacted].
Richtsmeier, Ronald, [redacted].
Ricketson, Bertram, [redacted].
Riddick, Robert L., [redacted].
Riddle, Ronald W., [redacted].
Riden, Glen L., Jr., [redacted].
Riffey, Donald E., [redacted].
Riley, Melvin E., [redacted].
Riley, Richard E., [redacted].
Rinecker, Johann G., [redacted].
Ritcey, Lawrence A., [redacted].
Ritch, William N., Jr., [redacted].
Rivers, Robert, [redacted].
Roark, Thomas E., [redacted].
Roberts, Jimmie D., [redacted].
Roberts, Nathaniel, [redacted].
Roberts, William H., [redacted].
Robinson, John C., [redacted].
Rodgers, Frederic, [redacted].
Rodriguez, Jaime A., [redacted].
Roebuck, Zigmund J., [redacted].
Rogan, Dennis W., [redacted].
Rogers, John B., [redacted].
Rogowski, Kenneth A., [redacted].
Rojas, Donald C., [redacted].
Rolle, Edward N., [redacted].
Romero, Robert T., [redacted].
Romero, Silvio J., [redacted].
Rood, Robert D., [redacted].
Roseberg, John B., [redacted].
Rosenberg, Howard M., [redacted].
Ross, Jerry A., [redacted].
Rotan, Wesley G., [redacted].
Roth, Leonard W., [redacted].
Rountree, Rance H., [redacted].
Rovig, Lavern D., [redacted].
Rowe, Donald S., [redacted].
Royston, Perry E., [redacted].
Rozga, Anthony A., [redacted].
Ruhl, Garrett E., [redacted].
Rundquist, James W., [redacted].
Rushforth, Durward, [redacted].
Ryan, Terrance C., [redacted].
Ryan, William F., Jr., [redacted].
Sager, Wayne K., [redacted].
Saley, Richard W., [redacted].
Salgado, Eduardo A., [redacted].
Salomone, John L., [redacted].
Sammarco, Vlentino, [redacted].
Sandell, Lawrence J., [redacted].
Sands, Thomas L., [redacted].
Sapp, David C., [redacted].
Sayles, Rapheal H., [redacted].
Schallenberger, Morris, [redacted].
Schaltenbrand, Raymond, [redacted].
Schaufelberger, John E., [redacted].
Schauss, Charles T., [redacted].
Scheider, Martin F., [redacted].

Scheiner, James I., [redacted].
Schmalzried, Ronald, [redacted].
Schmidt, Stephen A., [redacted].
Schneider, David P., [redacted].
Schneider, Ralph R., [redacted].
Schoeller, Herbert, [redacted].
Scholl, Wayne J., [redacted].
Schrantz, Kenneth P., [redacted].
Schreiner, David M., [redacted].
Schreyach, Jon C., [redacted].
Schurter, William A., [redacted].
Schwartz, Marshall, [redacted].
Schwartz, Ronald J., [redacted].
Scott, Charles R., [redacted].
Scott, David G., [redacted].
Scott, James L., Jr., [redacted].
Scott, Robert H., [redacted].
Scribner, Theodore, [redacted].
Scruggs, Hugh F., [redacted].
Scully, John J., [redacted].
Selkis, Robert F., [redacted].
Selzer, Robert A., [redacted].
Senninger, Theodore, [redacted].
Sessen, George N., [redacted].
Settimo, Richard J., [redacted].
Severson, Daniel J., [redacted].
Sexton, Heyward E., [redacted].
Shamanski, Daniel M., [redacted].
Sharkness, Edward J., [redacted].
Sharratt, Thomas B., [redacted].
Shaver, Michael P., [redacted].
Shaw, Charles G., [redacted].
Shaw, Hubert S., Jr., [redacted].
Shaw, Michael L., [redacted].
Shaw, Ralph T., [redacted].
Shelby, William L., [redacted].
Sherrell, William W., [redacted].
Shimotori, Gene N., [redacted].
Shinseki, Erick K., [redacted].
Shrader, Charles R., [redacted].
Shtogren, Thomas A., [redacted].
Shuford, John H., [redacted].
Shukis, Charles A., [redacted].
Shurtleff, Charles, [redacted].
Siegrist, George E., [redacted].
Siffrin, John J., [redacted].
Silva, Manuel J., [redacted].
Simmons, Bobby J., [redacted].
Simmons, Timothy J., [redacted].
Simon, Gary J., [redacted].
Simpson, Edward J., [redacted].
Sims, Stuart D., [redacted].
Sinclair, Richard N., [redacted].
Singelyn, Paul J., [redacted].
Sinnreich, Richard, [redacted].
Sivigny, Michael J., [redacted].
Skerker, Alan L., [redacted].
Swidmore, Francis R., [redacted].
Skinner, Willie R., [redacted].
Slama, Richard A., [redacted].
Slaughter, Frank L., [redacted].
Slifka, John III, [redacted].
Smith, Blaine H., Jr., [redacted].
Smith, Carlton H., [redacted].
Smith, Chester C., [redacted].
Smith, Herbert J. II, [redacted].
Smith, James L., [redacted].
Smith, John C., Jr., [redacted].
Smith, Larry J., [redacted].
Smith, Lee H. H., [redacted].
Smith, Melvin S., Jr., [redacted].
Smoluk, John J. III, [redacted].
Smothers, Curtis R., [redacted].
Snoddy, James E., [redacted].
Snow, Glen L., [redacted].
Snyder, David L., [redacted].
Snyder, Robert A., [redacted].
Sobichevsky, Vladim, [redacted].
Socky, Lloyd, [redacted].
Sokness, Gary L., [redacted].
Sorrentino, George, [redacted].
Sosnowski, John J., [redacted].
Sowell, Norman E., [redacted].
Spearman, Ronald K., [redacted].
Speilman, Daniel E., [redacted].
Spencer, Darrell A., [redacted].
Spencer, Peter, [redacted].
Speranza, Nicholas, [redacted].
Sperry, Steven M., [redacted].
Spiegel, Dennis J., [redacted].
Spoerry, Stephen J., [redacted].

Sponberg, Darrel L., [redacted].
Sport, William M., [redacted].
Sprague, John F. [redacted].
Sprouse, Marvin E., Jr., [redacted].
Spruill, Matthias A., [redacted].
Stair, Gary L., [redacted].
Stamilio, Michael E., [redacted].
Stanley, Richard A., [redacted].
Staples, Arthur W., [redacted].
Starbuck, Todd R., [redacted].
Starnes, John L. [redacted].
Starnes, William F. [redacted].
Statz, John R., Jr. [redacted].
Stawski, Edmund J., Jr. [redacted].
Steele, Walter W., [redacted].
Stender, William H. [redacted].
Stephens, John C., Jr. [redacted].
Sterba, Robert H. [redacted].
Sterbenz, Henry W., Jr. [redacted].
Stevison, Jay F., [redacted].
Stills, John D., Jr. [redacted].
Stilwell, Richard G. [redacted].
Stoewe, Russell J., [redacted].
Stokes, Marvin R., [redacted].
Stolfi, John R., [redacted].
Stowell, Robert D., [redacted].
Strack, Michel M., [redacted].
Strich, Richard A. [redacted].
Strom, Larry J., [redacted].
Stroud, Richard M. [redacted].
Stuart, Rodney K. [redacted].
Stull, Joseph E., [redacted].
Stull, Michael D., [redacted].
Styer, Norman W., Jr., [redacted].
Suchan, Robert L. [redacted].
Sultenfuss, Benjamin [redacted].
Sunderland, George [redacted].
Surles, Thomas B. [redacted].
Sutherland, Garrell [redacted].
Suydam, Martin J. [redacted].
Swain, Oren, Jr., [redacted].
Sweeney, John E. [redacted].
Swensson, John K. [redacted].
Taber, Roger G., [redacted].
Talley, James R., [redacted].
Tapscott, James W., [redacted].
Tarr, Richard C. [redacted].
Tate, Roy W., [redacted].
Tavernetti, Leonard [redacted].
Taylor, Herbie R., [redacted].
Taylor, James A., [redacted].
Taylor, John W., Jr. [redacted].
Taylor, Kenneth A. [redacted].
Taylor, Louis N., [redacted].
Taylor, Richard C. [redacted].
Taylor, Wesley B., Jr., [redacted].
Tedrick, William D., [redacted].
Tepe, William R., [redacted].
Thames, John W., Jr. [redacted].
Thie, Harry J., [redacted].
Thimsen, Jeffrey J. [redacted].
Thomas, Charles A., [redacted].
Thomas, Joseph D. [redacted].
Thomas, Stanley E. [redacted].
Thomas, Trent N., [redacted].
Thomason, Jeffrey H. [redacted].
Thompson, Clark J. [redacted].
Thompson, John C. [redacted].
Thompson, Jon K., [redacted].
Thompson, Michael H. [redacted].
Thompson, Robert A. [redacted].
Thompson, William D. [redacted].
Thomson, John H. [redacted].
Thornberry, Roger W., [redacted].
Throckmorton, Terril M. [redacted].
Tiggle, Charles B., [redacted].
Timmerman, Frederic [redacted].
Timmons, Richard F. [redacted].
Tingle, Gordon W., [redacted].
Tobias, James W., [redacted].
Tonsetic, Robert L. [redacted].
Torquato, Thomas M. [redacted].
Torrence, Harry L., [redacted].
Tragakis, Chris S., [redacted].
Tragemann, Richard [redacted].
Trainor, Timothy J. [redacted].
Travis, Stuart B., [redacted].
Traylor, Jerry C., [redacted].
Tredennick, William [redacted].
Treese, Edwin J., [redacted].
Trew, Grady, [redacted].
Tudela, John A., [redacted].
Tufano, John R. [redacted].
Tuohig, Paul J., [redacted].
Turnbow, Woody W., [redacted].
Turner, Kirk E., [redacted].
Turner, William E. [redacted].
Twining, David T., [redacted].
Tyner, Saint, E.P., II, [redacted].
Tyson, William E., [redacted].
Updegraff, James S., [redacted].
Utley, Melvin A., [redacted].
Vaillancourt, Kenneth [redacted].
Van Brero, Erik, [redacted].
Van De Walle, Thomas, [redacted].
Van Horn, Frederick, [redacted].
Van Matre, Donald G., [redacted].
Van Nest, John E., Jr., [redacted].
Van Wormer, Thomas, [redacted].
Vande, Ven Martin L., [redacted].
Vanderland, Peter A., [redacted].
Vanderwal, Wouter K., [redacted].
Vann, David B., [redacted].
Vann, John M. R., [redacted].
Vasquez, Leopoldo R., [redacted].
Vaughn, Jay E., [redacted].
Vencill, Carleton P., [redacted].
Verdier, Bernard L., [redacted].
Verdier, Douglas L., [redacted].
Verga, Charles F., [redacted].
Vernon, Albert E. II, [redacted].
Vernon, Elliott H., [redacted].
Viani, Michael L., [redacted].
Vigue, Ronald L., [redacted].
Vincent, John R., [redacted].
Vlasics, Robert F., [redacted].
Voelkel, Robert L., [redacted].
Vogel, Jeffrey T., [redacted].
Voisine, Victor K., [redacted].
Volheim, Martin D., [redacted].
Von Schilling, L. K., [redacted].
Wagner, Robert L., [redacted].
Wagner, Terry L., [redacted].
Wagner, Timothy W., [redacted].
Wakelin, John R., Jr. [redacted].
Walden, Robert J., [redacted].
Waldrop, Richard S., [redacted].
Walker, Glenn D., Jr. [redacted].
Walker, James L., [redacted].
Walker, Thomas M., [redacted].
Wallace, John R., [redacted].
Walsh, Mark R., [redacted].
Walter, Ronald L., [redacted].
Walters, William P., [redacted].
Waltner, John C. [redacted].
Ward, Dennis, [redacted].
Ward, Emmett J. [redacted].
Ward, James E., [redacted].
Ward, Nathaniel P., [redacted].
Warren, James F., Jr. [redacted].
Waters, Steve R., [redacted].
Watson, James M., [redacted].
Watt, Earl A., [redacted].
Wattendorf, John M. [redacted].
Watts, James W., [redacted].
Watts, Robert P., Sr. [redacted].
Wayne, James A., [redacted].
Weatherspoon, Samuel, [redacted].
Weaver, Thomas C., [redacted].
Webb, Dois D., [redacted].
Webb, James R. III, [redacted].
Weichel, Frederick, [redacted].
Weidinger, Thomas H., [redacted].
Weiss, James A., [redacted].
Weiss, Robert M., [redacted].
Welborn, Larry D., [redacted].
Wells, John T., [redacted].
Wells, Walter J., Jr. [redacted].
West, Johnny F., [redacted].
West, Lowry A., [redacted].
Westerberg, James F., [redacted].
Westpheling, Ernest, [redacted].
Wetherill, Roderick, [redacted].
Wetzel, David C., [redacted].
Whaley, Robert E., [redacted].
Wheat, Paul A., Jr., [redacted].
Wheeler, Louis L., [redacted].
Whelan, Richard W., [redacted].
White, Francis J., Jr. [redacted].
White, Howard W., Jr., [redacted].
White, Robert C., [redacted].
White, Thomas R., [redacted].
Whitehead, Howard E., [redacted].
Whitehouse, Benjamin, [redacted].
Whitely, Robert L., [redacted].
Whitfield, Steven K., [redacted].
Whitney, Roger B., [redacted].
Whitten, Jesse M., [redacted].
Whittle, William A., [redacted].
Wiese, Frederick W., [redacted].
Wilder, Thomas F., [redacted].
Wiley, Earl T. III, [redacted].
Wilkerson, Arthur F., [redacted].
Williams, Arthur F., [redacted].
Williams, Charles F., [redacted].
Williams, Charlie R., [redacted].
Williams, Gary R., [redacted].
Williams, George F., [redacted].
Williams, Hugh A., [redacted].
Williams, Jerry C., [redacted].
Williams, Norman E., [redacted].
Williams, Reeve N., [redacted].
Williams, Richard C., [redacted].
Williams, Robert P., [redacted].
Williams, Ronald N., [redacted].
Williams, Roy D II, [redacted].
Williams, Wilburn C., [redacted].
Willis, Roy R., [redacted].
Wilson, Albertis C., [redacted].
Wilson, Edward E., [redacted].
Wilson, James C., [redacted].
Wilson, James L., [redacted].
Wilson, Lee H., [redacted].
Wilson, William F., [redacted].
Winch, Jack J., Jr. [redacted].
Winn, Burke S., [redacted].
Winstead, Edward D., [redacted].
Wise, Franklin F., [redacted].
Wolfe, John R., [redacted].
Wolff, Monte L., [redacted].
Wolf, Robert D., [redacted].
Wolfgram, Steven W., [redacted].
Womble, Carl C., Jr., [redacted].
Wong, Frederick G., [redacted].
Wood, James H., [redacted].
Wood, Marcus G., [redacted].
Wood, Norman M., Jr., [redacted].
Woodard, James A., Jr., [redacted].
Woods, Alex, Jr., [redacted].
Woodward, William B., [redacted].
Woolley, Bobby J., [redacted].
Wright, Gerald W., [redacted].
Wright, Michael L., [redacted].
Wrona, Richard M., [redacted].
Wyatt, Lawayne A., [redacted].
Wylie, Gary D., [redacted].
Wyner, James D., [redacted].
Wyrosdick, James D., [redacted].
Yager, Charles S., Jr., [redacted].
Yates, Stanley F., Jr., [redacted].
Yeager, Brian, [redacted].
Yolch, Andrew A., [redacted].
York, John M., [redacted].
York, Ray E., [redacted].
Yoshitani, Ken, [redacted].
Young, Robert H., [redacted].
Zachar, Frank, [redacted].
Zais, Barrie E., [redacted].
Zak, William E., [redacted].
Zalar, Joseph, Jr., [redacted].
Zdrojewski, Michael, [redacted].
Zehnder Joseph L., Jr., [redacted].
Zeigler, George H., Jr., [redacted].
Ziegler, Alfred J., [redacted].
Ziegler, Bernard L., [redacted].
Zimlich, Patrick, D., [redacted].
Zschoche, Robert C., [redacted].
Zweig, Richard N., [redacted].

CHAPLAIN CORPS

To be captain

Berthold, Andrew C., [redacted].

WOMEN'S ARMY CORPS

To be captain

Brajkovich, Catherine, [redacted].
Fincher, Betty H., [redacted].
Larson, Jane S., [redacted].
Martin, Glenice J., [redacted].
Psimadis, Karen K., [redacted].
Ready, Peggy E., [redacted].
Roberts, Janice I., [redacted].
Spencer, Dorothy E., [redacted].

MEDICAL CORPS

To be captain

Finney, Jackie L., [redacted].
Fisherman, William H., [redacted].
Taylor, Ronald G., [redacted].

DENTAL CORPS

To be captain

Allen, Andrew L., [redacted].
La Bounty, Gary L., [redacted].
Oxford, Robert L., [redacted].
Stanford, Thomas W., [redacted].

VETERINARY CORPS

To be captain

La Fontain, Daniel, [redacted].
Renne, Roger A., [redacted].

MEDICAL SERVICE CORPS

To be captain

Aasen, Robert B., [redacted].
Adams, Idus W., [redacted].
Adams, William D., [redacted].
Addison, Wilbur D., [redacted].
Ammerman, Frederick, [redacted].
Adki, Wayne C., [redacted].
Avery, Ronald L., [redacted].
Baker, Michael C., [redacted].
Bauer, Robert S., [redacted].
Bennett, James R., [redacted].
Bennett, Roger A., [redacted].
Berryhill, Robert P., [redacted].
Bigelow, Donald E., [redacted].
Blalock, William R., [redacted].
Blankenship, Dumont, [redacted].
Boland, Edward J., [redacted].
Bradshaw, Edward G., [redacted].
Braun, William W., [redacted].
Bronson, Marion M., [redacted].
Brown, Henry H., [redacted].
Calderwood, William, [redacted].
Choate, Philip S., [redacted].
Cook, Richard E., [redacted].
Coughlin, George H., [redacted].
Covington, Bobbie J., [redacted].
Crissey, Melvin P., Jr., [redacted].
Davis, George H., [redacted].
Eitler, Vincent M., [redacted].
Fischer, Arthur K., [redacted].
Floto, Ronald J., [redacted].
Goodspeed, Paul A., [redacted].
Grates, Frederick R., [redacted].
Guinn, Joe L., [redacted].
Hames, William H., Jr., [redacted].
Hart, John S., [redacted].
Heinz, Ronald H., [redacted].
Hilliard, Robert W., [redacted].
Hostman, James W., [redacted].
Inzer, Edwin L., [redacted].
Jackman, Timothy, [redacted].
Jolet, Earn A., [redacted].
Kearns, James R., [redacted].
Kenison, Charles B., [redacted].
Kernen, George G., [redacted].
Kulm, Gale B., [redacted].
Lemieux, Edward C., [redacted].
Lloyd, Felix R., [redacted].
Lull, George, III, [redacted].
Lynch, Edward F., [redacted].
Mathis, Wayne R., [redacted].
Matt, John E., [redacted].
Maxwell, Clyde E., Jr., [redacted].
McCormick, John, [redacted].
McDonald, Paul T., [redacted].
McGibony, James T., [redacted].
McKellar, Fred D., Jr., [redacted].
McKelvey, L. Patrick, [redacted].
McMinn, Morris T., [redacted].
Melton, Jackson D., Jr., [redacted].
Miller, John T., Jr., [redacted].
Morelli, Nicholas, [redacted].
Murry, James H., Jr., [redacted].
Myrland, Eric H., [redacted].
Parker, Thomas C., [redacted].
Parmer, Bert E., [redacted].
Pommett, Francis A., [redacted].
Pyle, John F., [redacted].
Reed, John F., Jr., [redacted].
Ressdorf, Horst, [redacted].
Risko, Michael, Jr., [redacted].
Robards, John S., [redacted].
Robertson, James W., [redacted].
Salentine, John H., [redacted].
Sanders, Walter H., [redacted].
Sargent, Martin W., [redacted].
Schuyler, Linden E., [redacted].
Scofield, Thomas C., [redacted].
Sellers, Maurice E., [redacted].
Sharp, Fred P., [redacted].
Spatz, Marvin, [redacted].
Tudor, James H., III, [redacted].
Valenti, Fred, [redacted].
Walker, Henry J., [redacted].
Watkins, William W., [redacted].
Watts, Olen C., [redacted].
Weiss, Joseph D., [redacted].
Wells, Robert A., [redacted].
Wesselmann, Albert, [redacted].
White, Julius C., III, [redacted].
Whitesell, Thomas C., [redacted].
Wiggins, David E., [redacted].
Williamson, James A., [redacted].
Wilson, Gary R., [redacted].
Wofford, Donald R., [redacted].
Yox, John E., [redacted].
Zurlo, Joseph A., II, [redacted].

ARMY NURSES CORPS

To be captain

Berry, Richard L., [redacted].
Brinsfield, Carroll, [redacted].
Brisendine, Esther, [redacted].
Brown, Irvin L., [redacted].
Burke, Carole A., [redacted].
Burke, Gerald W., [redacted].
Cade, Carolyn S., [redacted].
Cashmere, Thomas W., [redacted].
Chaney, Kenneth R., [redacted].
Chase, Harold M., Jr., [redacted].
Christner, John K., [redacted].
Diez, Sarah G., [redacted].
Ely, David R., [redacted].
Ewing, Donna M., [redacted].
Ferington, Felicitu, [redacted].
Freidhoff, Terrance, [redacted].
Fritz, John F., [redacted].
Garman, Anita W., [redacted].
Goligoski, Josephine, [redacted].
Gumbert, Terrence B., [redacted].
Gurley, Marshall E., [redacted].
Hileman, Donna L., [redacted].
Holder, Richard A., [redacted].
Johnson, Jean M., [redacted].
Johnson, Tony B., [redacted].
Kazmierczak, Eugene, [redacted].
Kramer, Robertajo, [redacted].
Learmann, Paul C., [redacted].
Morres, Anna V., [redacted].
O'Donnell, Dennis J., [redacted].
Oswald, George E., [redacted].
Pack, John T., [redacted].
Parsons, Robert W., [redacted].
Pastrano, Charlie J., [redacted].
Pelaez, Laraine M., [redacted].
Peterson, Mary L., [redacted].
Rovinski, Charles J., [redacted].
Sauter, Joseph G., Jr., [redacted].
Stanfield, John C., [redacted].
Taylor, Byron H., [redacted].
Tiers, Sharon M., [redacted].
Urban, Donald D., [redacted].
Walchek, Dennis E., [redacted].
Weddell, Rose M., [redacted].
Wetherington, Wanda, [redacted].
Wicki, Carol A., [redacted].
Zeimet, Raymond C., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be captain

Aulick, Louis H., [redacted].
Braswell, Leroy J., [redacted].
Brown, Clarence D., [redacted].
Tomlan, Jolene K., [redacted].

HOUSE OF REPRESENTATIVES—*Wednesday, May 5, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be ye followers of God, as dear children, and walk in love.—Ephesians 5: 1.

Our Father God, amid the pressure of persistent problems and the demands of daily duties we are grateful for this quiet moment when we may be still and know that Thou art God. Bowing before the altar of Thy loving spirit may we have our souls restored and our spirits renewed.

As we turn to the tasks of this day deliver us from cynicism and cowardice and lead us to the higher ground of faith and hope where Thou art that we may be true leaders of our people in this trying time.

Guide with Thy peaceable wisdom those who in this Chamber take counsel for our Nation and those who take counsel for the nations of the world, that in tranquillity Thy kingdom may go forward, until the earth be filled with the knowledge of Thy love, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

The message also anounced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents;

S. 699. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; and

S. 860. An act relating to the Trust Territory of the Pacific Islands.

A COHESIVE DEMOCRATIC LEADERSHIP

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is axiomatic that you cannot believe all you hear—or read. Some of the columnists have embarked on a program to show that the Democratic leadership of the House is falling apart. It is not. It is strong, and its strength is growing. Those same columnists have indicated there is distrust between those who serve in the House leadership. I just do not believe this. I have personal knowledge that there is understanding and cooperation of a very high order.

I do not speak for either of the principals, but I respect them as friends and I enjoy some measure of their confidence. I find nothing that indicates an effort to dump anyone among the present leadership.

May I respectfully suggest that the critics wait and watch the results—the outstanding results—which I feel are in prospect in the Congress under Democratic leadership.

DEMONSTRATIONS AND THE CONTINUING WAR IN VIETNAM

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, thousands of young Americans are at our Capitol today petitioning the Congress to take measures now to terminate our military involvement in Vietnam. The people of this country are demanding that this Congress be relevant and address itself to the grave problems which are facing us today.

Instead, the House today will be voting on two minor bills. First, a resolution congratulating former President Harry S. Truman on his 87th birthday and second, an equally "controversial" matter, a bill increasing the outstanding loan ceiling of the Small Business Administration.

Mr. Speaker, one of the slogans that we hear in the streets chanted by some of the young people peacefully assembled, "Today we will bring this Congress to a grinding halt." Mr. Speaker, how does one bring to a grinding halt a machine that is not moving?

JUDICIARY SUBCOMMITTEE OF THE DISTRICT OF COLUMBIA COMMITTEE TO HOLD HEARINGS ON H.R. 3121 AND H.R. 6968

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, on next Tuesday, May 11, 1971, at 10 a.m., in committee room 1310, Longworth House Office Building, the Judiciary Subcommittee of the District of Columbia Committee will hold hearings on two measures, H.R. 3121 which would provide for the incorporation of professions, individuals, and firms; and H.R. 6968 to amend the uniform commercial code regarding warehousemen's liens.

Any Members and others interested in offering testimony on these two measures will please contact the committee clerk not later than Friday, May 7, 1971.

POLAND'S MAY 3 CONSTITUTION

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, I have asked for this time today, to speak on a matter of primary importance to myself, to a large segment of my constituency, and to a great portion of the American population. I am speaking of the observance of the Polish May 3 Constitution Day.

This Congress has had a tradition of participation in the observances of the past but it appears to me that at no time was it more important to make our feelings and concern known, than during this year's commemoration. The adoption of the May 3, 1791, Constitution stated Poland's objective of granting the power of government to the people. It was an assertion of spirit and independence, of liberty and foresight. Now we, with our hindsight, see that this rebirth was too late, and that it was followed by the ruthless third partitioning by Russia, Prussia, and Austria in 1795.

But the harbinger was there, and periodically the independent spirit of the Polish people is rekindled. We recently witnessed a resurgence of rebellion against dominion. Just last December, the wrath of the Polish people extended so far and so deep, as to grasp, possibly for the first time, the very heartbeat of their government. Since then I have heard, from firsthand reports, of the force of feeling and of the tide of emotion that swept the country in this, their latest attempt to achieve equality and equitability for the people.

We in America see examples of the indomitability of human spirit daily in our youth, in our cities and across the Nation. It saddens me to think that we do not often widen our sights to include our brothers in other lands, who ask only the right to rule themselves. It is my sincere hope that every Member joins me today in expressing our hope for the hastening of the day that these brave people will at last be granted the rights they so earnestly seek, and have so consistently been denied: the right of assembly, the right of self-expression, and the right of self-government.

DEMONSTRATIONS IN THE NATION'S CAPITAL

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, this morning on the front page of the Washington Post there is an article by Haynes Johnson which I think is worth reading because it contains a statement that I think is quite accurate about the activities and tactics that have been going on here in the Nation's Capital the past few days.

The article says in part as follows:

> "We lost," said a 20-year-old whose first name is Dennis but who did not want to be further identified. "We got creamed. Any time you let your enemy know what you are going to do, you're in trouble. We can't let out the battle plan like that. There were CIA people who knew more than I did."

We hear a great deal these days about letting our enemy know our plans by setting a date certain for our withdrawal from Vietnam. As this young man said, any time you let your enemy know what you are going to do you are in trouble.

If a date certain is to be set it should be a mutual date, an agreed date between the United States and the North Vietnamese for withdrawal and exchange of prisoners by a certain time, our withdrawal back to the United States from Vietnam, and the withdrawal of the North Vietnamese. It makes no sense to let the enemy know what is going to happen as far as our plans are concerned, because this will, as this young man said, cause trouble.

USE OF PUBLIC PROPERTY

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, in view of recent disruptions in the Nation's Capital, I would like to call attention to H.R. 7479, which was introduced by Congressman HUNT, of New Jersey and which I have cosponsored. This legislation is designed to limit the use of publicly owned or controlled property in the District of Columbia by requiring the posting of a bond for the use of such property.

On June 11, 1969, H.R. 1053, bill identical to H.R. 7479, was approved by the House by an overwhelming vote of 327 for and 51 against. It is regrettable that the other body did not act on H.R. 1035 prior to the adjournment of the 91st Congress. Had H.R. 1035 or H.R 7479 of this Congress been in effect, we might have avoided the callup of Federal troops, to say nothing of the financial savings to the already overburdened taxpayers.

I commend my good friend Congressman HUNT for his efforts in this regard and urge immediate consideration of H.R. 7479.

> [The Washington Daily News, Wednesday May 5, 1971]
>
> (By Lee Stillwell, Scripps-Howard Writer)
>
> ### DEMONSTRATIONS WILL COST MILLIONS
>
> #### POLICE OVERTIME, DAMAGE TO PROPERTY, TROOP CALLS ADD UP
>
> Demonstrations and disorders in the Nation's Capital are costing taxpayers millions of dollars.
>
> Although complete records are not kept, a check of available figures shows the public a back-breaking price to police and clean up after demonstrations.
>
> Rep. Ray Blanton, D-Tenn., a member of the House District committee, said preliminary estimates by city officials indicate costs of policing the Monday protests alone exceed $200,000.
>
> #### PROPERTY DAMAGE
>
> Estimate of damage to public property, repair work, overtime for police and sanitation workers, and federalization of the D.C. National Guard are included in this figure, Rep. Blanton said, adding it could go higher.
>
> "It may be one of the most expensive demonstrations in recent Washington history when the final figures are in," he said.
>
> Early estimates by the National Park Service indicate the last three week's demonstrations—including park police overtime and damage to Washington Monument grounds, West Potomac Park, and the Ellipse—will reach $320,000.

A Department of Defense spokesman said there were no available figures for transporting an estimated 10,000 troops to the Capital this week but added a similar movement of 9,800 troops in May, 1970, cost $431,000.

Concerned about mounting costs to government of demonstrations, Rep. Blanton asked in 1970 for a financial study of the disruptions

Figures showed the cost of four demonstrations here between January, 1969 and May, 1970 amounted to $1,581,236 in police overtime and cleanup alone. He said "thousands of dollars in time consumed in courts" and by administrative personnel were not included.

Damage to public and private property exceeded $450,000 in the four demonstrations, Rep. Blanton said. He said 39 police officers and 730 demonstrators and on-lookers were injured.

BUSINESS HURT

Downtown business is also hurt by the demonstrations. A spokesman for the Washington Parking Association reported garages virtually empty this week in the central business district.

Leonard Kolodny, manager of the retail bureau of the Metropolitan Washington Board of Trade, said retail business was down 50 per cent during the Saturday peace march held more than a week ago.

Rep. Blanton, who said he resented low fines charged demonstrators, indicated he is exploring the possibility of introducing a bill to increase the financial burden on those responsible for violence and damage.

"I resent the taxpayers having to foot the bill for a few thousand vandals—youthful hoodlums bent on destroying and interfering with the rights of other citizens," he said.

THE DRAFT IN PUERTO RICO

(Mr. CÓRDOVA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CÓRDOVA. Mr. Speaker, I have often called attention, in appearances before committees of the House and of the other body, and in remarks on the floor, to the fact that Puerto Rico has been subject to the burden of the military draft since 1917, to the same extent as all States of the Union. My distinguished colleague, the gentleman from New York (Mr. BADILLO), also underscored this point in his remarks yesterday. But, unfortunately, he added that the 27,000 inductees from Puerto Rico since the Gulf of Tonkin resolution represent a higher proportion of our population than that of any of the 50 States.

The data that I have been able to obtain do not support the contention that Puerto Rico has been made to bear a burden any greater than that of any other State. That is why I appended, at the end of my remarks yesterday, a table showing the population of Puerto Rico and a number of comparable States, as well as the Veterans' Administration statistics showing Vietnam-era veterans from Puerto Rico and from these States.

This table explains that we in Puerto Rico have borne our share of the burden, but certainly not more than our proportionate share.

I have, however, asked my distinguished colleague from New York, and he has promised to support any facts showing that Puerto Rico has been bearing a burden out of proportion of our population, since if this were so it would certainly be my duty to see to it that any inequity is corrected, as I am confident it would be.

FURTHER LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this opportunity to announce that we will call up on tomorrow, Thursday, House Resolution 412, authorizing additional investigative authority for the Committee on Education and Labor. This is in addition to the bills listed on the Whip notice for this week.

TIME TO CHANGE DAYLIGHT SAVINGS TIME

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I am today introducing legislation that would limit the period of daylight savings time across the Nation to the 3 summer months, instead of the 6 months required under the Uniform Time Act of 1966. Under this bill, daylight savings time would not commence until the Sunday following Memorial Day, and then would cease the Sunday following Labor Day.

There can be little doubt that the State's prerogatives in this area were greatly curtailed with the passage of the act, but it is now the law of the land and we should attempt to make the act fair and equitable to all segments of the population. Why should DST not commence when summer begins unofficially for the overwhelming majority of our population around Memorial Day, and end following the last holiday?

Under the present act, in many "climes" and time zones, children are forced to go to bed during the school year while the light of day still shines through their bedroom window. Mothers have the option of using persuasion, tranquilizers, or ball bats, depending on the degree of frustration.

The problem is then compounded later in the school year when these same children must get up in the morning, greeted by a pitch-black world. In rural areas especially, those who have a long way to go to school may be exposed to unnecessary safety hazards.

INTEREST RATES, MORTGAGE CREDIT CONTROLS, AND COST-OF-LIVING STABILIZATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4246) to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

"Strike out all after the enacting clause and insert:

"EXTENSION OF AUTHORITY FOR THE FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS AND SHARE ACCOUNTS IN FINANCIAL INSTITUTIONS

"SECTION 1. Section 7 of the Act of September 21, 1966, as amended (Public Law 91–151; Public Law 92–8), is amended by striking out '1971' and inserting in lieu thereof '1973'.

"REMOVAL OF TIME LIMITATION ON THE AUTHORITY OF THE PRESIDENT TO APPROVE CERTAIN VOLUNTARY AGREEMENTS

"SEC. 2. The first sentence of section 717 (a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out '714 and 719' and inserting in lieu thereof '708, 714, and 719'.

"PRICE AND WAGE CONTROLS

"SEC. 3. (a) Section 202 of the Economic Stabilization Act of 1970 (Public Law 91–379) is amended—

"(1) by inserting '(a)' before the text of such section; and

"(2) by adding at the end thereof a new subsection as follows:

" '(b) The authority conferred on the President by this section shall not be exercised with respect to a particular industry or segment of the economy unless the President determines, after taking into account the seasonal nature of employment, the rate of employment or underemployment, and other mitigating factors, that prices or wages in that industry or segment of the economy have increased at a rate which is grossly disproportionate to the rate at which prices or wages have increased in the economy generally.'

"(b) Section 206 of such Act is amended by striking out 'May 31, 1971' and 'June 1, 1971' and inserting in lieu thereof 'April 30, 1972' and 'May 1, 1972,' respectively."

Amend the title so as to read: "An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I would ask the distinguished chairman of the Committee on Banking and Currency several questions in order to get a clarification of what is proposed to be done by this request. Would the distinguished chairman, the gentleman from Texas, outline what is incorporated in the proposed action?

Mr. PATMAN. Mr. Speaker, I will state to the distinguished minority leader that I have a short statement here which I think will embody every bit of it.

Mr. Speaker, on May 3, 1971, the other body passed H.R. 4246, with amendments.

The Members in this body will recall that H.R. 4246, as it passed the House, provided as follows:

First, it extended until March 31, 1973, authority to establish flexible ceilings on rates paid by financial institutions on time and savings deposits;

Second, it extended Public Law 91–379, which provided the President with discretionary authority to issue orders and regulations to stabilize prices, rents, wages, and salaries until March 31, 1973;

Third, H.R. 4246, as it passed the House, also provided that if the President in any manner used his standby authority to institute controls over wages, salaries, prices, and rents, authority under the act to exercise this authority would expire within 6 months of the date of the President's initial action unless the Congress renewed such authority during the 6 months; and

Fourth, H.R. 4246, as it passed the House, authorized the appropriation of up to $20 million to pay for administrative expenses for carrying out the wage-price authority.

Mr. Speaker, H.R. 4246, as it was amended by the other body, provided the following:

Section 1 of the bill providing authority to establish flexible ceilings on rates paid by financial institutions is the same as that passed by this body—the authority is extended until March 31, 1973.

Section 2 of the Senate-passed bill removes the expiration date of the President's authority to initiate a program of voluntary credit controls similar to those that President Truman put into effect during the Korean war. Under this authority, as contained in the Senate amendments to H.R. 4246, the President could establish committees of private lenders to work out voluntary programs for channeling credit from less essential to more essential users. This authority is contained in the Defense Production Act which expires on June 30, 1972. The other body reasoned that since a related authority for mandatory credit controls was enacted into permanent law in 1969, they saw no reason why the voluntary credit control authority should not also be made permanent. The Federal Reserve Board, which would administer the authority if implemented, has testified that it has no objection to making this authority permanent.

Section 3 of H.R. 4246, as reported by the Senate Committee on Banking, Housing, and Urban Affairs, extended until October 1, 1971, the President's standby authority for controlling prices, wages, salaries, and rents. The rationale behind extending the program until October 1, 1971, was that the President had issued an order under the legislation on March 29, 1971, which, given the House language, would subject this section of the act to expiration on September 29, 1971, unless the Congress took affirmative action to extend the provision further. During the debate on the floor of the Senate, an amendment was offered and adopted to extend the October 1, 1971, date contained in the Senate committee's bill to April 30, 1972—or for an additional 6 months.

Mr. Speaker, I have attempted to explain the differences between the House-passed and Senate-passed bill. In my opinion, and as I understand it, the opinion of the ranking minority member of the committee and other members of the committee, the differences between the legislation as enacted by both bodies is not substantive and, therefore, I ask that the House concur in the Senate amendments to H.R. 4246.

Mr. GERALD R. FORD. Would the gentleman from Texas answer this question: This proposal would extend the discretionary authority of the President to impose wage, price and rent controls to what date?

Mr. PATMAN. April 30, 1972.

Mr. GERALD R. FORD. This proposal does not contain the amendment that came to the floor of the House known as the Reuss amendment; does it?

Mr. PATMAN. It does not. The gentleman from Wisconsin (Mr. REUSS) is present and I call on him to answer that question.

Mr. REUSS. The statement of the distinguished minority leader is correct. The Reuss amendment was voted here, and the decision, substantially on party lines, was against the amendment, which, had it been enacted, would have prevented the President from singling out one group, one union, for specific wage-control treatment. It is not in this bill.

Mr. GERALD R. FORD. Let me ask the distinguished chairman one other question. This legislation would also extend the so-called regulation Q authority until what date?

Mr. PATMAN. Until the same date.

Mr. GERALD R. FORD. April 1, 1972?

Mr. PATMAN. No; it would extend regulation Q for 2 years.

Mr. GERALD R. FORD. Two years from what date?

Mr. PATMAN. March 31. It would extend it to March 31, 1973.

Mr. GERALD R. FORD. Mr. Speaker, I understand the distinguished ranking member of the Commitee on Banking and Currency has indicated his concurrence in the proposed legislation, and on that basis and the explanation I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object. With respect to the credit provision, who makes the decision as to the essentiality of certain credit?

Mr. PATMAN. Is the gentleman referring to regulation Q?

Mr. GROSS. The gentleman spoke of an essential credit provision in the legislation. Who makes the decision as to whether it is essential or not?

Mr. PATMAN. The Senate amendment sets up a voluntary committee for that purpose which would be selected by the President.

Mr. GROSS. What is a voluntary committee?

Mr. PATMAN. One that does not have enforcement power under law.

Mr. GROSS. Who selects the committee?

Mr. PATMAN. The President would select the voluntary committee.

Mr. GROSS. I believe the gentleman responded to the gentleman from Michigan that this is a bill providing for standby wage, price, rent, and certain credit controls.

Mr. PATMAN. That is correct; and regulation Q.

Mr. GROSS. There are also standby controls with respect to the entire credit system of this country; the entire financial system of this country, are there not?

Mr. PATMAN. That was enacted 2 years ago. It is not involved in this legislation.

Mr. GROSS. It was enacted a year ago, was it not?

Mr. PATMAN. A year ago, yes; the gentleman is correct.

Mr. GROSS. Standby controls by which the President may at any hour of the day or night turn over to the Federal Reserve Board, which the gentleman from Texas holds in such high esteem, the financial control of this country; is that correct?

Mr. PATMAN. Well, I would not go so far as the gentleman has, no; I would admit there is considerable power involved.

Mr. GROSS. What shorter route would the gentleman take?

Mr. PATMAN. I would say I admit there is considerable power in the Federal Reserve Board.

Mr. GROSS. But under the legislation promoted by your committee, you turned over all controls, financial controls which the President would delegate, under the terms of that legislation, to the Federal Reserve Board; is that not correct?

Mr. PATMAN. I would be delighted to discuss that with the gentleman when it is relevant. It is not relevant to this.

Mr. GROSS. Of course, we are dealing with credit control in this bill; are we not?

Mr. PATMAN. It is not the same.

Mr. GROSS. I understand that, but we are dealing with credit controls in both pieces of legislation.

Mr. PATMAN. I assure the gentleman it would please me very much to discuss it.

Mr. GROSS. I have always been intrigued, I will say to the gentleman, by the great trust he places in the Federal Reserve Board on one occasion and then, as with his special order in the House the other evening, he castigated the Federal Reserve Board in no uncertain terms. I have always been intrigued by this.

Mr. PATMAN. Of course, I differ with them on other things, too.

Mr. GROSS. Differ with whom?

Mr. PATMAN. The Federal Reserve Board.

Mr. GROSS. I am sure the gentleman does. That is why I cannot understand how he could put so much faith and trust in the Federal Reserve Board to control the entire financial structure of this Nation.

Mr. PATMAN. I believe this is in the public interest to do so.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on April 30, 1971, the President approved and signed a bill of the House of the following title:

H.J. Res. 567. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1971, and for other purposes.

DESIGNATING "HUMAN DEVELOPMENT MONTH" AND "VOLUNTARY OVERSEAS AID WEEK"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 22) designating "Human Development Month" and "Voluntary Overseas Aid Week."

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 22

Whereas the month of May 1971 marks the twenty-fifth anniversary of the major American voluntary programs of overseas relief and development assistance carried out under the guidance of the Advisory Committee on Voluntary Foreign Aid;

Whereas the International Walk for Development has been organized for the second weekend in May 1971;

Whereas the American people and their Government have consistently supported the humanitarian work of the voluntary agencies to the end that people throughout the world can be free from hunger, illiteracy, and disease and poverty; and

Whereas these agencies are to be commended for their outstanding work in the area of humanitarian relief and the International Walk for Development for its planned program to focus attention on the tremendous need to continue the work of human and economic development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in recognition of the twenty-fifth anniversary of the American voluntary foreign aid programs and the International Walk for Development that the President should designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May 1971 as "Human Development Month".

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF TORRANCE, CALIF., AS A GENERAL LAW CITY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 379, commemorating the 50th anniversary of Torrance, Calif., as a general law city.

The Clerk read the resolution as follows:

H. RES. 379

Whereas the city of Torrance, California, celebrates its fiftieth anniversary as a general law city on May 12, 1971;

Whereas the city of Torrance, California, located in the dynamic South Bay area, is now the third largest city in Los Angeles County;

Whereas the city of Torrance, California, due to progressive leadership, favorable and pleasant surroundings, and dedicated, hardworking citizens, has grown from eighteen hundred residents in 1921 to more than one hundred and forty thousand residents;

Whereas the city of Torrance, California, has been guided by a master plan for expansion which represents a balance between industrial, commercial, and residential development;

Whereas the city of Torrance, California, located in the center of the transportation hub of southern California, is near the Port of Los Angeles, and the Los Angeles International Airport, and is in easy access to the freeway network;

Whereas the city of Torrance, California, with all modes of transportation, excellent utilities, an abundant labor pool, and availability of land, combines to assure its continued vigorous growth;

Whereas, the city of Torrance, California, with excellent elementary schools, high schools, and tuition-free junior colleges within the immediate area, has one of the finest educational systems in the State;

Whereas the city of Torrance, California, offers a wealth of recreational activities for its citizens, and enjoys a climate which is stimulating for work and inviting for play;

Whereas the city of Torrance, California, was honored as an "All-America City" for "growth without strain," and

Whereas the city of Torrance, California, combines the best qualities and advantages of California living: Therefore be it

Resolved, That the House of Representatives send congratulations and greetings to Torrance, California, and her residents on the occasion of her fiftieth anniversary as a general law city and extends the hope of the people of the United States that Torrance, California, will continue to grow and prosper in centuries yet to come.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

Mr. ANDERSON of California. Mr. Speaker, on May 12, the city of Torrance, the third largest city in Los Angeles County, will celebrate its 50th year of incorporation as a general law city.

The meteoric rise of this oceanside community of 140,000 citizens has been nothing less than phenomenal. For, in 1910, Torrance was a pastoral scene of barley fields and plants growing wild on ranch lands. The transformation into a growing city came as a result of the dream of Jared Sydney Torrance.

Mr. Torrance envisioned an industrial city that would be both convenient and esthetically pleasing for the population. By the fall of 1912, 100 families lived in the area.

The population during the first 9 years grew to 1,800. In 1921, the threat of annexation by Los Angeles prompted the residents to vote for cityhood. Thirteen months later, oil was discovered in Torrance and the boom hit, and today, Torrance is the 102d largest city in the country.

Torrance has grown under the watchful eye of past and present city administrators and community leaders. Expansion has been guided by a master plan for balance between industrial, commercial, and residential development.

Torrance, located in the dynamic South Bay area of Los Angeles County, is ideal from the point of view of the employer and the employee. Employees have work opportunity in space technology, medicine, education, engineering, aviation, and manufacturing, to name only a few of the diversified fields. Employers in the area number over 3,200 and provide jobs for nearly 100,000 men and women.

In the center of the transportation area, Torrance is near the giant Port of Los Angeles, and the Los Angeles International Airport. The southern California freeway network is in easy access to the manufacturing and industrial plants and the transcontinental truck lines which are located within the city. In addition, the Santa Fe Railroad and the Southern Pacific Railroad maintain freight stations in the city.

As of 1967, there were approximately 1,000 acres of available industrial land in Torrance proper. A great portion of this land is located in the industrial parks. The development of these "parks" has been a strong factor in the industrial growth of Torrance and assures continuous growth in the future. The areas were selected to accommodate a concentration of industrial operations exclusively.

There are three industrial parks in Torrance, each with its own distinct advantages. One specializes primarily in heavy rail users, another in construction of multipurpose industrial buildings, while the third is an urban redevelopment project located adjacent to the Torrance Municipal Airport and offers opportunities for the utilization of corporate aircraft as well as air-freight transportation.

Over 100 major companies that have established in Torrance have recognized the South Bay area as the center of an industrial atmosphere difficult to equal in the Nation. All modes of transportation, excellent utilities, an abundant labor pool, and the availability of land, combine to assure its continued, vigorous growth.

The citizens of Torrance take great pride in the educational system which has grown from a one-room schoolhouse in 1890 to a system serving over 34,000 students today. With 36 elementary schools and four high schools, the Torrance United School District is the 10th largest district in the State of California. However, quality is far more important to the citizens and emphasis is placed on individualized instruction which allows the student to progress educationally as far as his capabilities will allow.

Torrance is proud of the fact that the greatest amount of the school dollar is spent on children and instruction and not on administrative costs. While Torrance has one of the lowest per pupil costs in Los Angeles County, the district attracts teachers of the highest caliber.

After high school, Torrance students are fortunate to have in their immediate area two tuition-free junior colleges and several 4-year State colleges. El Camino Community College, located at the northern end of Torrance, offers 2 years of regular college work in preparation for student transfer to junior status in a university, or in preparation for employment in many of the industries in the Torrance area.

The attractions of Torrance are even greater when one discovers the wealth of recreational activities in the Los Angeles area. Miles of famous beaches dot the coast north and south of Torrance and its ideal location provides a climate averaging 61 degrees with almost year-round sunshine. As a result, Torrance residents enjoy the sun and surf at Torrance beach, play tennis, softball and golf, and enjoy a reputation of being advocates of outdoor living.

Mr. Speaker, it is with great pride that I represent the city of Torrance, Calif., and I am extremely pleased that the House of Representatives has taken note of her accomplishments, her people, and her outstanding educational, industrial, and residential facilities.

Torrance is, indeed, an all-American city and will continue to be a most enjoyable place to live.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING "NATIONAL STAR ROUTE MAIL CARRIERS WEEK"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 583) designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 583

Whereas the star route mail carrier has been carrying the mail on a contract basis with the Post Office Department since 1845; and

Whereas the star route carrier has unfailingly driven through rain, sleet, snow, and other inclement weather to transport the mail from postal facility to postal facility, and to the American people; and

Whereas the star route mail carrier has faithfully performed this service with certainty, clarity, and security; and

Whereas the public has not been fully aware of the service to the public rendered by the star route carrier for the past one hundred and twenty-six years: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembed, That the President is authorized and requested to issue a proclamation designating the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calling upon the Postal Service to observe such week with appropriate recognition to the Nation's star route mail carriers.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO PROCLAIM "NATIONAL RESCUE MISSION WEEK"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 602) authorizing the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 602

Whereas, since the year 1870, the Rescue Missions in every major city of America have been ministering to the physical, material, and spiritual needs of the less fortunate in our society; and

Whereas the Rescue Missions in every major city of America have become famed throughout the Nation and the world because they have always shown a willingness to feed the hungry, house the homeless, clothe those in need, and give medical aid to the sick; and

Whereas the Rescue Missions in every major city of America have become known worldwide as the starting place of many renowned religious leaders in American life and have helped millions physically, materially, and spiritually; and

Whereas, during 1970, its one hundredth year of service to mankind, the Rescue Missions in every major city in America served more than five million meals to the hungry; provided more than two million five hundred thousand lodgings to the homeless; distributed more than one million six hundred thousand articles of clothing to the needy; and secured more than one hundred and twenty-five thousand jobs for the unemployed; and

Whereas the International Union of Gospel Missions, an organization representing the Rescue Missions of the world, will be meeting in its fifty-eighth annual convention in Chicago, Illinois, from May 22 through 26; and

Whereas a testimonial banquet is to be held in the city of Chicago, Illinois, on May 22, 1971, in tribute to the Rescue Mission ministry in every major city of America and in recognition of the Rescue Missions great contribution to the betterment of our society and of our less fortunate citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2, strike out all "whereas" clauses.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolutions and joint resolution previously considered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SALUTE TO PRESIDENT HARRY S. TRUMAN

Mr. RANDALL. Mr. Speaker, I offer a resolution (H. Res. 422) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 422

Whereas the Honorable Harry S. Truman, thirty-third President of the United States will celebrate his eighty-seventh birthday on May 8, 1971; and

Whereas the Honorable Harry S. Truman has devoted his life to the causes of freedom, peace, and the betterment of his fellow man through social and economic legislation, the adoption of the United Nations Charter, and the Marshall Plan: Now: therefore, be it

Resolved by the House of Representatives, That President Harry S. Truman be saluted for his extraordinary record of national service, and extend to him its best wishes for a happy eighty-seventh birthday.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, as the author of House Joint Resolution 422, it is a pleasure to call up this resolution under a unanimous-consent request for its immediate consideration.

In each of the years since I came to the Congress in 1959, it has been my privilege to take the floor of the House just before the 8th of May and to wish former President Truman a happy birthday. In each instance I have proceeded to recount the outstanding events that took place between 1945 and 1952 and to recall the extraordinary accomplishments of his years in office.

This year it seemed to me it would be appropriate for the House to consider a resolution paying tribute to Mr. Truman on the occasion of his 87th birthday. It was not my belief this 87th birthday is of any more significance than the others. It is, however, one that I believe will be enjoyed more by Mr. Truman than some of the others because on next Saturday in the city of Independence, Mo., May 8, 1971, Postmaster General Winton M. Blount will come to the Truman Library to participate in ceremonies marking the first day of issue of Missouri's sesquicentennial stamp.

Mr. Truman loves his native Missouri and I know he is happy that the stamp will feature the central portion of the mural of Thomas Hart Benton in the Truman Library entitled "Independence and the Opening of the West."

Later this week, I shall recall once again those things he did while President from 1945 to 1952 which, in the judgment of many will cause history to evaluate him as one of our greatest American Presidents. I wish to announce that in our remarks at that time I shall have the privilege to reveal the contents of a conversation which I enjoyed with him about 2 weeks ago. What I shall release for the first time will underline and emphasize a facet of his character that has caused us all to love and admire this great man, namely; his humility.

As a near neighbor of Mr. Truman in the city of Independence, Mo., and as a lifelong friend, it is most appropriate that this resolution paying tribute to President Harry S. Truman on the occasion of his 87th birthday be adopted today.

I wish to express my appreciation to those members of the Judiciary Committee, the gentleman from California (Mr. EDWARDS) and the gentleman from California (Mr. WIGGINS) who were consulted and who accorded me the privilege to call up this resolution without formal consideration by the Judiciary Subcommittee. Both the subcommittee chairman, Mr. EDWARDS, and the ranking minority member, Mr. WIGGINS, by giving their approval for the immediate consideration of House Joint Resolution 422 removed a time-consuming formality that enabled the resolution to be offered to the House today.

Mr. Speaker, I urge the unanimous adoption of this resolution.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, answered "present" 1, not voting 53, as follows:

[Roll No. 80]

YEAS—380

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—53

Abbitt
Alexander
Anderson, Tenn.
Buchanan
Burton
Byrne, Pa.
Celler
Chisholm
Clausen, Don H.
Clay
Davis, Ga.
Davis, S.C.
Dellums
Dent
Dorn
Dow
Dowdy
Downing
Edwards, La.
Ford, William D.
Fulton, Tenn.
Green, Pa.
Griffin
Gubser
Hansen, Wash.
Jacobs
Keating
Long, La.
McCulloch
McKinney
McMillan
Macdonald, Mass.
Madden
Mann
Miller, Calif.
Passman
Pepper
Quillen
Rangel
Rooney, Pa.
Rostenkowski
Runnels
Sisk
Snyder
Stuckey
Teague, Tex.
Thomson, Wis.
Yatron
Young, Fla.
Young, Tex.
Zion

So the resolution was agreed to.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to revise and extend their remarks on House Resolution 422, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FEDERAL PROGRAM OF LEGAL SERVICES FOR THE POOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92–104)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

In the long, uphill struggle to secure equal rights in America, the Federal program of legal services for the poor is a relative newcomer to the cause. Yet it has already become a workhorse in this effort, pulling briskly and tirelessly at the task as the Nation moves ahead.

The legal services program began six years ago as a small experiment within the Office of Economic Opportunity. It grew swiftly, so rapidly that today more than 2000 lawyers work for the poor in some 900 neighborhood law offices. No less than a million cases a year are now processed by these dedicated attorneys, with each case giving those in need new reason to believe that they too are part of "the system."

A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.

The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

A NEW DIRECTION

The Nation has learned many lessons in these six short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

For 2 years, this administration has studied means of delivering improved, high quality legal services to those in need, as well as the question of what the proper role and structure of the legal services program should be. In 1969, we upgraded the status of legal services, recognizing it as a separate program within the Office of Economic Opportunity. Because of its importance, I also specifically asked the President's Advisory Council on Executive Organization (The Ash Council) to examine the question, and last November the Council recommended that the Government create a special corporation for the program. The role of legal services lawyers was also considered by the recent White House Conference on Youth, and a tank force there expressed strong concern that the independence of these attorneys be maintained.

Today, after carefully considering the alternative, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

INDEPENDENCE FOR THE CORPORATION

True independence for a corporation created by the Government demands a governing body drawn from a wide spectrum and safeguarded against partisan interference after its appointment. I believe that we can best meet these requirements by appointing the board of directors for the Legal Services Corporation on the following bases:

—The members of the board should be appointed by the President, by and with the advice and consent of the Senate.

—The board should consist of eleven members, no more than six of whom may be of the same political party.

—A majority should be members of the bar of the highest court of a jurisdiction, and none should be a full-time employee of the United States.

—Members should be appointed for three-year terms and serve no longer than nine years consecutively.

—The board chairman should be elected by the members from among their number and serve a term of one year.

—No board member should be involuntarily removed except by a vote of at least seven members, and only for reasons of malfeasance, persistent neglect, or inability to perform. Political pressures cannot be a basis for removal.

These provisions, all painstakingly designed to insulate the board from outside pressures, find an apt precedent in the corporation created four years ago to promote freedom and initiative in non-commercial broadcasting. In establishing the Corporation for Public Broadcasting, the Congress was once again dealing with a sensitive area of our national life, and it chose much the same course that I am recommending today.

The primary mission of the Legal Services Corporation should be the review and approval of applications for funds submitted by neighborhood law offices, special units of private law firms, and other attorneys who seek to provide legal assistance to the poor. The decision in the case of each individual grant or contract should be made by the corporation's president—an official employed by the board—based upon guidelines established by the board.

To advise the board of the Legal Services Corporation, I propose that an advisory council also be established with its membership including eligible poor clients and representatives of the organized bar.

As a further means of assuring its independence, I recommend that grants made by the corporation to neighborhood offices and other recipients not be subject to veto by gvernmental officials. It is important, however, that State and local officials be given ample notice of new grants. Therefore, I propose that the corporation be required to notify the Chief Executive Officer of the State, Commonwealth, District of Columbia or possession at least 30 days prior to approving a grant or contract for that area, so that full consideration could be given to the views of that executive. Thus the legitimate concerns of the jurisdiction involved could be taken into account before proceeding, but the corporation would retain its independence.

As yet another guarantee of that independence, and also to assure continuity and facilities long-range planning. I propose that funding by the Congress be appropriated on a three-year basis.

INDEPENDENCE FOR THE LAWYER

While it is important to insulate the corporate structure so that public funds can be properly channeled into the field, it is even more important that the lawyers on the receiving end be able to use the money ethically, wisely and without unnecessary or encumbering restrictions.

The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

At the same time, it would be a waste of our resources and a dilution of the legal services program if these same lawyers were also to become involved in criminal suits, since legal representation in criminal cases is already available to the poor under many other programs. Counsel for the indigent has been held by the Supreme Court to be a constitutional requirement in felony cases. States now provide for such counsel, and the Federal Government has made substantial sums of money available for criminal representation. Thus I propose that legal services lawyers be prohibited from criminal representation.

For this same reason, legal services attorneys who are given full-time grants or contracts should devote their entire professional efforts to representation of eligible clients, and should not be permitted to engage in the outside practice of law. Certain lobbying activities, as well as partisan political action, should also be proscribed. The latter two activities would be another dilution of resources, and would have the further disadvantage of placing the Legal Services Corporation itself squarely in the political arena, where it does not belong—and thus inviting those political pressures from which its independence is designed to insulate it. On the other hand, these limitations should not impair the right of the legal services attorney to prepare model legislation or to respond to the inquiries of legislators. Such actions are traditionally within the scope of the attorney's right to represent a client and must be preserved.

STRENGTH FOR THE FUTURE

In discussing the broad contours of this program, we must not overlook the challenges ahead. The Nation can be proud that we have come so far already. Under this administration alone, the legal services caseload has increased some 97%—from approximately 610,000 cases in fiscal year 1969 to an estimated 1,200,000 cases in fiscal year 1971—and the budget allocations have increased during this period by approximately one-third. Yet today, perhaps four out of every five legal problems of the poor still go unattended. The challenge to us is thus a significant one, and if we are to succeed in so delicate an undertaking we must devise a program which will have the full support not only of the Congress and the executive branch, but of the people as well.

The full financial support of the government is clearly needed in this endeavor. I propose that upon the date of incorporation, all of the funds then appropriated for legal services activities in the Office of Economic Opportunity, including those for research and training, be transferred to the Legal Services Corporation, so that it can undertake existing Office of Economic Opportunity obligations.

To help us broaden the attack on our unmet needs, I am also proposing two new initiatives:

—First, I propose that specific authorization be given for grants to individual lawyers. This will increase the opportunity for the private bar to participate in legal services and will enable the corporation to channel greater resources into rural areas.

—Second, I propose that the Legal Services Corporation be authorized to identify the principal legal problems of the poor involving the Federal Government and then work with appropriate governmental agencies in trying to solve them. Hopefully, this effort might in many cases eliminate the need for poor persons to seek redress in our overcrowded courts. It would also conserve the resources of the corporation without denying to any lawyer the right to bring a suit which he deems necessary.

The Federal program of providing legal services to Americans otherwise unable to pay for them is a dramatic symbol of this Nation's commitment to the concept of equal justice. It is a program both new and unparalleled by any other system of justice in the world. I urge the Congress to join with me in adopting this proposal to give it new strength for the future.

RICHARD NIXON.

THE WHITE HOUSE, *May 5, 1971.*

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INCREASING THE OUTSTANDING LOAN CEILING OF THE SMALL BUSINESS ADMINISTRATION

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 423, Rept. No. 92–180) which was referred to the House Calendar and ordered to be printed:

H. RES. 423

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4604) to amend the Small Business Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4604, it shall be in order to take from the Speaker's table the bill S. 1260 and to consider the said Senate bill in the House.

Mr. COLMER. Mr. Speaker, I call up House Resolution 423 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 423?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 423.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the able and distinguished gentleman from California (Mr. SMITH), and, Mr. Speaker, pending his utilization of that time I yield myself such time as I may consume—and that shall be very brief.

Mr. Speaker, this resolution simply makes in order H.R. 4604 which would raise the lending power of the Small Business Act, the ceiling of which is presently $2.2 billion, and this would raise it to $3.1 billion. The rule is an open one and provides for 1 hour of general debate.

This is in the nature of emergency legislation in that we are advised that if it is not done that the ceiling will be reached by the latter part of this month. Therefore, it is desirable to raise this ceiling to the point that I indicated.

Mr. Speaker, I could extol the virtues of the Small Business Administration at some length here if it was thought advisable, but I see no point in doing that.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am happy to yield to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER), yielding to me. I just wondered if there are copies of this resolution, which does also make in order the consideration of a Senate-passed bill, available to the Members?

Mr. COLMER. Mr. Speaker, I will say to my distinguished friend, the gentleman from Missouri, that I am advised that the Senate bill is identical with this bill, and it is available.

Mr. HALL. The gentleman's assurance is all that I need. I presume to ask if the reason for bringing the rule up in this manner is because of the lateness in the action by the distinguished gentleman's Committee on Rules, and this explains the fact that the present rule which we are discussing and debating at this time has not been printed.

I think I understand all this. I simply want the gentleman's assurance that such action is because of the exigencies in which the Congress finds itself today, the fact that the committees have not yet turned out a sufficient backlog of work, so that the House will have proposed legislation on which to work its will. Certainly, I would like the distinguished gentleman from Mississippi's assurance that this technique of calling up just-filed proposed rules by a two-thirds majority will not become a "way of life," because this controverts the spirit of the Reorganization Act of 1970, taking into consideration rules that preclude consideration of legislation that has not yet been printed.

Could the gentleman reassure me in this regard?

Mr. COLMER. Let me say to my friend, I again want to compliment him on always being alert to see that the procedure of this body is carried out in an orderly manner.

Let me say to the gentleman that this matter was scheduled for today. The Committee on Rules considered it on yesterday and then found itself without a quorum and it was necessary to adjourn. Now for reasons that are obvious, I am sure to my learned and able friend, it was highly desirable that this legislation should be considered for the reason I mentioned today. Then there is another reason, the House should be in session today, and I will just spell it out. It has been publicized that there is a group of unwelcome visitors—and I say unwelcome because they are unwelcome so far as this Member is concerned at least—had said they had intended to move in on the Capitol today and to take over, and thus disrupt the business of the Congress. Therefore, there being nothing else of urgent nature to be considered here, it was highly desirable that this matter be considered and the House be in session on this particular day. Otherwise, we might be charged with having been intimidated by this motley group.

Mr. HALL. I thank the gentleman for his explanation—and added to that fact is the fact, I repeat, that the committees have not yet produced a backlog of proposed legislation. I could certainly have no objection to this procedure as long as the distinguished gentleman would assure me that it will not become a "way of life."

Mr. COLMER. I am sure, and again the gentleman from Missouri is conscious of the fact that I share his views on this subject—but there come times when it is advisable to change from the regular order and I think this is one of the cases.

Mr. HALL. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, first let me say to my distinguished friend, the gentleman from Missouri (Mr. HALL) that in the effort to try to cooperate with the leadership and do business, we are faced with a bit of a problem in the Committee on Rules.

I think there are two measures to be scheduled for next week—the Emergency Employment Act, H.R. 3613, and I believe the second supplemental. We do not have them and probably will not get them until Friday. They may not be voted out of the committees until tomorrow. So we are going to meet especially on Monday in order to file rules on Monday so we can do business on Tuesday. I simply want to mention that. We are not trying to violate the rules. We hope that the standing committees will expedite their business and report it so we can get it on the floor of the House.

Mr. Speaker, this resolution, House Resolution 423, will provide for 1 hour of debate under an open rule for the consideration of the bill, H.R. 4604, ceiling of the Small Business Administration.

The purpose of the bill is to increase by $900,000,000 the amount of total loans, guarantees or commitments which may be outstanding at any one time from the business loan and investment fund of the Small Business Administration.

Current law sets the ceiling at $2,200,000,000. In testimony before the Banking and Currency Committee, the SBA stated that unless the ceiling were raised, at present projected loan activity the current ceiling would be reached by the end of May. At such time the SBA would be required to cease making loans or guaranteeing them.

Five separate loan and loan guarantee programs are included among those to which the loan ceiling applies. These include the regular business loan program; loans to small businesses economically damaged by Federal Government construction activity in that area; loans to business damaged by low-cost imported goods; and the loan program for socially or economically disadvantaged small businessmen.

The bill would increase the loan ceiling by $900,000,000 to a new figure of $3,100,000,000. This new ceiling is estimated by the SBA to be sufficient to carry its activities in this field through fiscal 1972. No new authorization is contained in the bill. What the bill does provide is for the SBA to use existing and to loan to or guarantee commercial loans available funds in its loan revolving fund to the small businessmen of the Nation. No additional Federal funds will be authorized or appropriated by this bill.

The bill was unanimously reported by the committee on a voice vote. There are no minority views. No agency letters are contained in the report; the Small Business Administration did testify in support of the legislation.

Mr. Speaker, I would like to bring up one other subject. We have a former colleague of ours who has now been appointed as the Administrator of the Small Business Administration, Mr. Kleppe. I think he is going to do a tremendous job. I intend to cooperate with him in every way that I possibly can.

Over the years one thing that has concerned me has been our disaster funds, the money used when we have a disaster. You will recall that a few years ago, when we had the disaster in Alaska, the Administrator at that time did not ask us for extra funds, with the result that the SBA ran out of money. So we put some more money into the funds. As I recall, we placed an amendment in the bill to create two funds, one for conventional loans, the other for disasters. During the past year we have been faced again with a serious disaster problem. The people do not know when these disasters are coming.

We had a very serious disaster in Texas. A number of SBA representatives went down there, and I think they did a fine job in making loans to help the people who suffered losses. We had a disaster in Mississippi, Louisiana, and possibly Nebraska.

In February of this year we had a disaster in California, a very serious earthquake, and many, many people were seriously injured in the damage done to their property. They found themselves in a very difficult spot because we seem to be short of money.

I would hope that the distinguished Committee on Banking and Currency will give the new Administrator an opportunity to explain this situation and will come in here with a request for additional funds to place in this disaster fund, so that, when people are seriously injured, their homes and property, as they have been in California and elsewhere, there will be some money available.

The SBA is doing the best job they can. They are now getting out loans in California and doing everything they possibly can with the money available. I merely wish to mention this because all of us may be hurt by a disaster at some time. We could have hurricanes in Florida, tornadoes in the Middle West, or other disasters in the future. The people in such areas are those who need help a lot more than some of the recipients of foreign aid and some of our other programs from which we do not get much help in return.

I would hope that the committee would do this.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding.

I wish to join with him in expressing my pleasure at the appointment of our former colleague as Administrator of the Small Business Administration program. He has the background of accomplishment, the dedication and integrity which should enable him to point the program in the right direction. For this program, which means so much to our country, I am sure this body wishes to give the means necessary in order to make it effective, for it is necessary in our economy to vitalize small business efforts.

Mr. SMITH of California. I agree with the gentleman and thank him very much.

Mr. Speaker, I urged adoption of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOLLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 81]

YEAS—381

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell

Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Tex.
Zablocki
Zwach

NAYS—0

NOT VOTING—51

Abbitt
Alexander
Anderson, Tenn.
Arends
Ashley
Buchanan
Burton
Byrne, Pa.
Chisholm
Clausen, Don H.
Clay
Culver
Davis, Ga.
Davis, S.C.
Dellums
Dent
Dorn
Dow
Dowdy
Downing
Edwards, La.
Fulton, Tenn.
Green, Pa.
Griffin
Gubser
Hansen, Wash.
Hawkins
Jacobs
Jonas
Keating
Long, La.
McCulloch
McKinney
McMillan
Macdonald, Mass.
Madden
Mann
Miller, Calif.
Passman
Pepper
Quillen
Rooney, Pa.
Rostenkowski
Runnels
Sisk
Snyder
Steele
Teague, Tex.
Yatron
Young, Fla.
Zion

So the resolution was agreed to.

The Clerk announced the following pairs.

Mr. Rostenkowski with Mr. Arends.

Mr. Green of Pennsylvania with Mr. Hawkins.

Mr. Ashley with Mr. Steele.

Mr. Teague of Texas with Mr. Snyder.

Mr. Byrne of Pennsylvania with Mr. McKinney.

Mr. Dent with Mr. Zion.

Mr. Fulton of Tennessee with Mr. Gubser.

Mr. Rooney of Pennsylvania with Mr. Clay.

Mr. Miller of California with Mr. Don H. Clausen.

Mr. Madden with Mr. Young of Florida.

Mr. Yatron with Mrs. Chisholm.

Mr. Macdonald of Massachusetts with Mr. Buchanan.

Mr. Burton with Mr. Culver.

Mr. Abbitt with Mr. Jonas.

Mrs. Hansen of Washington with Mr. Mann.

Mr. Sisk with Mr. Quillen.

Mr. Runnels with Mr. Keating.

Mr. Passman with Mr. Pepper.

Mr. Jacobs with Mr. Long of Louisiana.

Mr. Anderson of Tennessee with Mr. Griffin.

Mr. Alexander with Mr. Davis of South Carolina.

Mr. Dow with Mr. Dellums.

Mr. Davis of Georgia with Mr. Edwards of Louisiana.

Mr. Dowdy with Mr. Downing.

Mr. Dorn with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4604) to amend the Small Business Act.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4604, with Mr. KLUCZYNSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the legislation before the House today, H.R. 4604, is an emergency bill that must be enacted if the Small Business Administration is to continue all of its lending and guarantee programs after the end of this month.

It should be made clear immediately that this legislation does not authorize the appropriation of any funds for SBA, but merely allows the agency to spend funds it already has—in other words, a revolving fund.

Under existing law, the Small Business Administration can have outstanding from its general business loans and investment funds only $2.2 billion. Once it reaches that ceiling it must discontinue further operations until loan repayments bring the fund below the ceiling.

That loan ceiling would be increased by $900 million under this bill, to $3.1 billion. The Small Business Administration estimates that the increase sought today will provide enough flexibility to carry the agency through all the remaining portion of the current fiscal year and all the next fiscal year.

This bill received unanimous approval on a record vote in the House Banking and Currency Committee.

The vote was 29 for and no votes against. The Honorable ROBERT STEPHENS of Georgia, the subcommittee chairman of the Committee on Small Business conducted hearings on this bill. He, too, will explain his provisions after I get through.

Mr. Chairman, unless this legislation is passed today, thousands of small businessmen may be denied loans, because the Small Business Administration will shortly reach its loan ceiling. The small businessmen will be unable to obtain the loans they need even though the agency will have funds for such lending. The distinguished gentleman from California (Mr. SMITH) mentioned something about disaster loans and why we did not have disaster funds. The agency, SBA, usually lets the Congress know when the funds are absolutely required because of disasters. The Congress in the past has always acted promptly. In fact, we are not late in acting now. The truth is that just 2 or 3 days ago this House passed a supplemental appropriation bill, and supplemental bills lend themselves to appropriations of this type for emergencies. That bill provided for $265 million for disaster relief. That bill went to the Senate and was passed there and is now on the President's desk. Whenever he signs it, there will be $265 million immediately available for disaster relief.

It should be made clear immediately that this legislation does not authorize the appropriation of any funds for SBA, but merely allows the agency to spend funds that it already has. Under existing law, the Small Business Administration can have outstanding from its general business loan and investment fund only $2.2 billion. Once it reaches that ceiling, it must discontinue further operations until loan repayments bring the fund below the ceiling. That loan ceiling would be increased by $900 million to $3.1 billion under H.R. 4604. The Small Business Administration estimates that the increase sought today will provide enough flexibility to carry the agency through all of the remaining portion of the current fiscal year and all of the next fiscal year.

While I strongly support this legislation, I think the Members of this body should be made aware that the reason we have to take action on an emergency basis today is that the Small Business Administration has been extremely poor in calculating its loan growth. In June of 1970, then SBA Administrator Hilary Sandoval wrote to me explaining that the loan limitation, which at that time was $1.9 billion, would be reached during the summer of 1971. However, only 2 months later, Mr. Sandoval appeared before the committee and announced that by December 1, 1970, the ceiling would again be reached. Mr. Sandoval had miscalculated by more than 6 months. This gross miscalculation jeopardized many loans to small businessmen and resulted in a cutoff of loans for several months.

When SBA testified on legislation to raise the loan ceiling from $1.9 to $2.2 billion, it stated that the increase would be adequate to meet the demands of the program through June 30, 1972. The new the summer of 1971. However, only 2 months when SBA announced that it had altered its earlier projection and that the ceiling would be reached during April or May of 1971, a miscalculation of more than a year.

The Small Business Administration blames its miscalculations on its rapid loan growth. While this rapid loan growth indicates that it is helping small businessmen, the agency at the same time is severely hindering small business by its miscalculations, which could result in loan cutoffs. The new SBA Administrator, our former colleague, Thomas

Kleppe, has assured the committee that SBA will establish a better record in its forecasts so that we will not be faced with emergency legislation such as we must deal with today.

Mr. Chairman, a recent newspaper story pointed out that the delinquency rate on SBA loans is growing at a rather substantial rate. The basis for this article was a March 29, 1971 memorandum from SBA Administrator Kleppe to all of the agency regional directors, in which he pointed out:

> In the past 2 months our loans in trouble increased by $27 million. Delinquent loans now total 9,697 accounts, and loans in liquidation have risen over the 9,000 case mark. In sum, we have 18,728 accounts in serious trouble which comprise a loan balance outstanding of $377.1 million

As a result of this article, I wrote to Mr. Kleppe, expressing my concern over the delinquency increase, as well as statements Mr. Kleppe made before the Subcommittee on Small Business concerning loan losses.

I am including in my remarks a copy of my letter to Mr. Kleppe, his reply, and the March 29 memorandum.

While there appears to be a discrepancy between the agency's figures and those reported in the newspaper, I am nevertheless concerned that at the end of March of this year nearly 13 percent of all SBA loans were in trouble and the figure appears to be on the increase.

The Small Business Administration must take immediate action to reverse this trend and in the next few months the Banking and Currency Committee will be watching the performance of this agency very closely to make certain that loan defaults begin to decrease rather than to increase at a accelerated pace.

In addition, I have asked the General Accounting Office to conduct a review of the losses to loans in the business loan and investment fund, with particular emphasis on the regular business loans, the so-called "7(a)" loans. The General Accounting Office is currently conducting a review of the loans in the small business investment company field and, coupled with the review that I have requested, we should have a detailed picture of the loan loss record of the Small Business Administration.

Mr. Chairman, I urge passage of H.R. 4604, since this legislation is the only hope that small bsuinessmen have of obtaining loans once the loan ceiling has been reached.

The material referred to follows:

U.S. GOVERNMENT,
SMALL BUSINESS ADMINISTRATION,
Washington, D.C., Apr. 29, 1971.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When I received your letter of April 26, I was reminded of our recent visit when I made it very clear that my management of the Small Business Administration was going to be strictly above board and responsive to the needs of your Committee regarding information on the status of our programs—I have not changed that position.

The newspaper article you quote in your letter of April 26, is an unfortunate example of poor and inaccurate reporting and, I trust, not an attempt to embarrass an Agency that is doing a real job of assisting small business. The facts of the matter are these:

As of February 28, 1971, this Agency was servicing 144,888 loan accounts with loan balances outstanding of slightly over $2.6 billion. These figures include Small Business Investment Companies, disaster loans, and all other lending programs of this Agency.

Of the above loan accounts, 18,720 loans (12.9%) were 60 days or more past due or classified as "in liquidation." These accounts had a loan balance outstanding of $377.1 million, or 14.3% of the portfolio—not the 29.2% as reported.

As of March 31, 1971, our total portfolio had increased to 148,299 accounts with loan balances outstanding of slightly over $2.7 billion.

As of March 31, 1971, 19,034 loans (12.8%) were 60 days past due or "in liquidation." These accounts had a loan balance outstanding of $375.9 million, or 13.8% of our portfolio—a slight improvement in the monetary value of these accounts.

Apparently the reporter applied a rounded figure of 19,000 to the business loan portion of our portfolio of 64,101 to arrive at the 29.2% rather than to the proper total of 144,888.

We provide in Table I below, the appropriate statistics for the business loan portion of our portfolio as of March 31, 1971. This will include the three basic programs in the business loan area.

TABLE I.—BUSINESS LOAN PORTFOLIO

[Dollars in millions]

	Total outstanding		Total delinquent		Percent	
	Number	Amount	Number	Amount	Number	Amount
Bus. 7(a)	48,524	$1,296.3	5,916	$183.6	12.2	14.2
EOL	16,137	176.4	3,644	38.9	22.6	22.0
DBL	1,810	170.9	105	6.1	5.8	3.6
Total	66,471	1,643.6	9,661	228.6	14.0	13.0
Total SBA all programs	148,299	2,724.1	19,034	375.9	12.8	13.8

As to your comment as to my testimony before the Small Business Subcommittee, I must point out that a quick correlation between actual and estimated loss figures and delinquency rates is difficult at best. There are two reasons for this:

First and most important is the fact of restoration to currency either from delinquency or from the "in liquidation" classification. It will be of interest to you to know that, during the first nine months of the fiscal year, 524 loan accounts with loan values of $15.2 million have been worked out and returned from liquidation to normal servicing. We are very proud of this accomplishment which we believe to be positive action in fulfillment of our mutual objectives.

Second, there is the matter of recovery from loans which ultimately are subjected to liquidation action. During the past nine months, in our three business loan programs cited above, we have completed action on 1,504 accounts. These accounts had a loan balance outstanding of $27.1 million, against which recoveries totaled $20.1 million, a recovery rate of 74%. For *all programs*, we have completed liquidation action on 2,310 accounts with loan balances totaling $41.5 million. Our recovery amounted to $23 million or 55% of balances due.

However, I would like to place in proper context the quotation in your letter "actual and estimated losses as a percentage of total disbursements were 2.37 percent." The foregoing was my answer to a direct question concerning only loss ratios in the *guaranteed portion* of our 7(a) business loan program through FY 1970. I believe the record is particularly clear on this point.

Now, as to my concern for the condition of our loan portfolio—my concern is real and it is my intent to take the necessary actions to correct the situation. Our delinquency is too high and needs attention and I have directed the regional directors to take corrective action.

Under our deferment policy, we are averaging 395 deferments per month so far in the fiscal year of 1971. This compares with an average monthly deferment in fiscal year 1970 or 357. Even with our stepped up emphasis and activity, we know that a large number of these deferments will ultimately end up in the delinquency file.

We are emphasizing an intensified loan administration function that embodies an early warning system and a continuing contact with the borrower during periods of stress. In addition, we have created an Office of Portfolio Review, similar to a bank examining staff, that makes in-depth reviews of each field office portfolio so that we can anticipate future problems and evaluate program effectiveness.

With the large growth in our total loan portfolio, it seems to me that we have one of two choices if our delinquencies and liquidations are not going to run right off the chart. The first would be a rather substantial increase in our personnel to work on loan servicing and collecting. The second would be a general tightening down on criteria for loan eligibility at the time the loans are made.

Mr. Chairman, I will always be pleased to discuss any matter regarding our Agency in full detail with you. The increased statutory limitations to which you referred in your letter as being under consideration are vital to our ability to service the small business community. I certainly hope that with this further explanation and understanding, you will move this legislation to the floor and seek its passage so we won't have to shut down much of our work. Our efforts should not be retarded because of less than factual representation in the press.

Sincerely,

THOMAS S. KLEPPE,
Administrator.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 29, 1971.

Atten.: Associate Administrator for Financial Assistance.

To: All Regional Directors.

Subject: Trouble Loan Portfolio.

One of the missions of this Agency is to generate a successful small business corps which will continue to be a provider of goods and services for all Americans. I regard the Agency's leading activity and its follow-on loan servicing to be equally significant elements of this objective.

In examining policies and procedures in support of this mission, I have reviewed the philosophy of loan administration as defined in Concept Papers No. 1 and No. 2, dated August 12, 1970, and August 19, 1970, respectively. I firmly endorse the concept and the activities of this Agency in providing "full service support" to small business loan recipients.

That this concept has not yet been fully implemented is evidenced by the determination of our loan portfolio. In the past two months our loans in trouble increased by $27 million. Delinquent loans now total 9,697 accounts, and loans in liquidation have risen over the 9,000 case mark. In sum, we have 18,728 accounts in serious trouble which comprise a loan balance outstanding of $377.1 million. This is a cause of extreme concern to me. It must be reversed by positive action.

I am aware that a continuing portfolio improvement program and increased loan servicing activity will, in some locations, place unreasonable burdens upon existing loan administration staffs. Accordingly, I am directing you to review your regionwide resource allocation with a view toward strengthening the loan administration function, in order to reverse the deterioration in our loan portfolio and to achieve the objectives envisioned in the loan administration concept paper series.

I understand that you were recently requested by the Associate Administrator for Financial Assistance to review your personal requirements. Please consider this as an extension of that request.

I expect that you will take this opportunity to advise him as to adjustments being accomplished within your region to fill this need.

In this same regard, I am directing that a review be made of Central Office resources. When vacancies occur, every consideration will be given to reallocation of these personnel spaces to field activity in support of the Loan Administration function.

If the proper emphasis is placed on this element of our Financial Assistance program, I am confident that we will not only upgrade our loan portfolio but, more importantly, provide the small business community with an increasingly effective partner for progress. I know I can count on your personal attention and full support to assure appropriate results in this effort.

THOMAS S. KLEPPE,
Administrator.

APRIL 26, 1971.

Hon. THOMAS KLEPPE,
Administrator, Small Business Administration, Washington, D.C.

DEAR MR. KLEPPE: The disclosures in the April 23 issue of the Washington Daily News that nearly 30 percent of Small Business Administration loans were in danger of going into default is, of course, very disturbing to me.

This disclosure is startling, especially in the light of your testimony before the Small Business Subcommittee only four days prior to the news story. At that time you told the subcommittee that "actual and estimated losses as a percentage of total disbursements were 1.57 percent and actual estimated and projected losses as percentage of total disbursements were 2.37 percent." There is, of course, a wide discrepancy in your figures and those contained in the newspaper article.

The newspaper article appears to have been based rather on a memorandum which you sent to all regional directors on March 29. According to the article, you noted that there was "a continuing deterioration of our loan portfolio." You also stated that this matter was a cause for "grave concern." However, during your appearance before the Small Business Subcommittee which came after your memorandum, you gave the appearance that there was nothing wrong with the loan repayment situation at your agency.

The legislation that would increase the SBA loan ceiling from $2.2 billion to $3.1 billion, H.R. 4604, will probably go to the House floor in the near future. However, in good conscience I cannot take this bill to the floor unless your agency is able to adequately explain the difference between the figures in your memorandum and those in your testimony, as well as the reasons for the high loan percentage problems and what action is being taken to correct these situations.

One of the problems that this Committee has had with the Small Business Administration in the past has been its reluctance to present the Committee with meaningful information and to respond to questions in a direct manner. I sincerely hope that this policy will not be continued under your administration and that the discrepancy between the memorandum figures and the testimony figures can be adequately explained.

Sincerely,
WRIGHT PATMAN, *Chairman.*

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill we have before us today is one that really involves no controversy. It came out of the committee unanimously. The committee supports the activities that this will underwrite. I think that we all share part of the blame for not doing these things earlier. The shortage of funds was called to our attention a number of months ago, and we could have acted earlier than we did as a committee. There is criticism of the agency in the report. The agency deserves some criticism, but also Congress itself did not act with dispatch in the way it could have on this matter which was all foreseen a number of months ago. In view of the fact that the committee has unanimously supported affirmative action on this bill and the report shows clearly the background and the full reasoning behind the affirmative vote on it, I do not believe it is necessary to put anything further in the RECORD at this time.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in support of H.R. 4604. This legislation is urgently needed. As is explained in the report, this bill does not authorize the expenditure of any additional money. Rather, it simply increases the lending ceiling of the SBA from $2.2 billion to $3.1 billion.

Mr. Chairman, as the distinguished gentleman from New Jersey (Mr. WIDNALL) stated, the agency can be subject to some criticism for not coming to us sooner for this authorization to increase the lending ceiling. However, I do want to say that the reason the timing of the Small Business Administration was off is because they are doing the job that they were appointed to do; namely, making more loans to more small businesses in an effort to keep these small businesses healthy economically and to shore up our economy.

So, Mr. Chairman, I do believe that it is of the utmost importance that we pass this bill today. It is an excellent bill.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, as the newly appointed chairman of the Small Business Subcommittee of the House Banking Committee, I strongly support H.R. 4604 and urge the House to pass the legislation.

In order to remove any doubt concerning the funding of this legislation, let me assure Members of the House that there is absolutely no authorization or appropriation connected with this bill. This section of the Small Business Act is used as a check on the lending activities of the Small Business Administration. It was placed in the act in order to insure that the appropriate committees of Congress would have a periodic review of the Small Business Administration and so that the agency would not get too extended without congressional approval.

Thus, while the agency might have funds to lend, it could not make the loans unless it was below the ceiling. Once the ceiling was reached, SBA, would have to come to Congress to get additional authority for lending. When this safeguard was placed in the act, SBA was engaged primarily in direct lending and did very little in the way of guaranty loans. However, in recent years, it has moved away from the direct loan program, a situation which I hope will be reversed, toward the guarantee route. Since SBA's exposure under the guarantee route is greater than it would be under the direct loan program, the safeguards contained in the loan ceiling are not as dramatically important as they were under the direct loan programs, and it may well be that legislation will be brought to the floor to alter the loan ceiling arrangement so that we are not faced with emergency legislation on such a frequent basis.

At the present time, the loan ceiling is set at $2.2 billion. This legislation would increase that amount to $3.1 billion, providing new lending authority of $900 million. Once again, I want to make it clear that this is only authority to lend money that the agency has and that it does not provide any additional funds for the agency.

Unless the legislation is enacted by the end of this month, SBA will have to discontinue most of its lending programs and its guarantee programs. While it is not the fault of the Congress that this situation has arisen, the job, nevertheless, falls to this body to make certain that the small businessman does not suffer. The Small Business Administration has not been accurate in its forecasts of loan ceilings and, therefore, the agency has placed the Congress in the position of having to act on this legislation on an emergency basis. Less than a year ago, the Small Business Administration requested a similar ceiling increase since it had reached the then ceiling of $1.9 billion. At that time, SBA felt that the new ceiling would be adequate until the end of 1972. Now, however, that estimate has gone out of the window.

When the new SBA Administrator, our former colleague, Tom Kleppe, appeared before the subcommittee, he assured us that in the future SBA would provide better estimates of ceiling limitations so that we would not be in the emergency situation that we face today.

Mr. Chairman, H.R. 4604 was reported unanimously from the subcommittee to the full committee and was ordered reported by the full committee by a unanimous vote of 29 to 0. In view of this wide support for the legislation, I urge its immediate enactment.

Mr. Chairman, before I conclude, I have a request from the Honorable JOE EVINS of Tennessee, who is the chairman of the permanent Select Committee on Small Business, to the effect that because he was detained, to insert in the RECORD at this point a commendation of the chairman of the full committee, the Honorable WRIGHT PATMAN, who has resigned from the permanent Select Committee on Small Business.

Mr. EVINS of Tennessee. Mr. Speaker, as chairman of the Permanent Select Committee on Small Business, it is with great regret that I take note of the resignation of Representative WRIGHT PATMAN, as a member of the committee.

The initial Select Committee on Small Business was established as the result of a resolution passed by the House which was introduced by Congressman PATMAN in 1941. He has served continuously as a member of the committee, and for many years was its distinguished chairman.

There has been no greater fighter for the Nation's small businessman than Representative PATMAN. As one of the authors of the Robinson-Patman Act, he was in the forefront of the fight against big business' unfair practice against the small businessmen of this country.

As chairman of the House on Banking and Currency which has legislative responsibility for the Small Business Administration, he has always been a leader in the crusade to preserve and protect the interests of small business and to expand its impact on the Nation's economy. Even today he is sponsoring and supporting legislation to raise the ceiling on the amount and number of small business loans.

The Nation's small business community owes him a debt of gratitude for his years of service in their interest and I know that his departure from the committee as a Member will in noways reduce his continuing interest in and support of American small business.

I know that the committee will continue to depend upon his great knowledge and background in this field and I am sure that we can count on him for his continuing guidance and counsel.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, in one bold stroke 18 years ago, Congress enacted a new law creating the Small Business Administration and thereby added three major new dimensions to the way of life for millions of small businessmen across the Nation.

First, it established for the first time a Federal agency exclusively designed to champion their cause.

Second, it created a reservoir and a clearinghouse for valuable information.

Third, it provided a program of financial assistance tailor made to meet the specific needs of the small business sector.

Suddenly doors which had been closed to the small businessman for more than 100 years began to open. And new doors leading to new concepts, new ideas, and new frontiers are now being opened daily for him in every segment of our economy.

In keeping with the intent expressed in that law, the Small Business Administration has not only an obligation but a mandate to help small business survive, grow and prosper.

The wisdom of that 1953 law creating SBA is recognized the world over and is looked upon today as a milestone in this country's economic progress and development.

Stated perhaps in its simplest terms, the goal of the Small Business Administration is to help those who cannot help themselves alone in the rough-and-tumble arena of competitive enterprise.

In other words, SBA strives mightly to build the right kind of muscle in the right places at the right time so the small businessman can fight his own battles in the marketplace.

But we must keep in mind that the Small Business Administration is a lending agency, a procurement and management assistance agency—not a welfare institution.

It is the longest bridge in the country linking the small businessman to the operation of the Federal Government.

And since there are more than 5 million small businesses in the Nation, that bridge must carry a heavy burden day after day under severe rush-hour traffic conditions.

To do this job effectively and efficiently, it must have adequate funds.

The proposed legislation now before us would increase to $3.1 billion the current ceiling of $2.2 billion on SBA's loans, guarantees, obligations, or commitments which may be outstanding at any one time from its business loan and investment fund.

This most important fund is the fuel which drives the motor of SBA's far-reaching business loan program.

It is this same fund that helps to strengthen the competitive fiber of the small business community throughout the country.

It provides much needed assistance to small firms threatened with substantial economic injury as a result of the Federal bulldozer in construction projects.

It is the source of funds to help business people who have been adversely affected by imported goods.

It is used in SBA's program to obtain prime contracts from the Federal Government for the purpose of offering subcontracts to small firms.

It is also used to provide opportunities for small businessmen who are socially or economically disadvantaged.

We are therefore in an emergency situation because SBA will reach its current limitation of $2.2 billion by the end of May 1971.

This emergency developed after legislation was enacted in December of 1970 which established the current limitation.

But this ceiling was actually based upon the fiscal year 1970 budget level and upon projections at the same rate for fiscal years 1971 and 1972. The estimated total for each of these 3 years was $705 million.

However, SBA's current approved budget plan for fiscal year 1971 contains a level of over $1 billion in loans approved.

This increase in loan approvals is primarily due to a tremendous surge of activity in SBA's guaranteed loan program.

Guaranteed business loans from fiscal year 1971 were originally projected at $500 million. But current projections place this figure above the $750 million mark and the estimate for fiscal year 1972 is over $850 million.

Unless H.R. 4604 is enacted before the current limitation is reached, it will be necessary for the agency to curtail loan approvals.

The new ceiling will permit the agency to continue approving loans for the remainder of fiscal year 1971 and for all the succeeding fiscal year.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I shall be glad to yield to the distinguished gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I want to take this time to commend the gentleman from Georgia (Mr. STEPHENS), our distinguished colleague, for the expeditious manner in which he handled the reporting of this bill out of the subcommittee which he chairs and through the full committee.

Mr. STEPHENS. I appreciate the remarks of the gentleman from Pennsylvania.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the distinguished gentleman from Mississippi.

Mr. GRIFFIN. Mr. Chairman, I want to join the gentleman from Pennsylvania (Mr. WILLIAMS) in commending the chairman of the subcommittee for his very fast action and very thorough action in bringing this bill to the floor of the House.

Further, Mr. Chairman, I predict that under the leadership of Mr. STEPHENS, long-needed legislation to benefit small business will receive intensive consideration.

I wholeheartedly support H.R. 4604 which would increase the outstanding loan ceiling of the Small Business Administration. It is only half a loaf, though. Legislation is desperately needed to revitalize the SBA direct loan program.

As I pointed out in our subcommittee hearing on April 19, 1971, small businessmen from deficit capital areas, such as Mississippi, really do not benefit from the SBA guaranteed loan program. So we have a lot of work ahead of us if we are to render real assistance to small business—the backbone of our economy.

Mr. Chairman, I missed the earlier vote on the rule on H.R. 4604 because my plane from Mississippi was late arriving. I favored the rule and would have voted for it had I arrived at the Capitol on time.

Mrs. SULLIVAN. Mr. Chairman, I urge my colleagues to support H.R. 4604 which is presently before us. This bill would increase the ceiling on the amount of loans, guarantees, and other obligations or commitments which may be outstanding at any one time in the Small Business Administration's Business Loan and Investment Fund. The bill would increase the present ceiling of $2.2 billion to $3.1 billion.

This increase will affect SBA's regular business loan program, the displaced business loan program, the trade adjustment loan program, the prime contract program and loans made under title IV of the Economic Opportunity Act of 1964. SBA estimates that this increase will enable it to operate these programs through June 30, 1972.

I feel it is important that this legislation be passed quickly so that no small businessman will be denied the help already authorized by Congress. I believe that we must provide enough money so that every deserving small businessman can be helped.

The Federal Government made a major effort to express its understanding and intention to help small business when in 1953 it created the Small Business Administration by combining the Defense Plants Act and the Reconstruction Finance Corporation.

While SBA is not the only tool the Government has to aid small business, it is the symbol of the Government's intent and does contain the vast majority of direct aid programs.

Just as important, in my opinion, is the fact that SBA lends its assistance to all Americans—be they white, black, or brown. And there the record speaks dramatically: During the first 9 months of this fiscal year, SBA's assistance to minorities has increased by 25 percent over the comparable period of the last fiscal year.

And the record also shows that other Americans—those beset by natural disasters such as the recent earthquake in California—are turning to SBA to help themselves dig out and repair not only their businesses but their homes, churches, and schools sorely damaged or destroyed by earthquakes, tornadoes, floods, and hurricanes.

All of this adds up to the fact that as President Nixon said:

> Small business is not and never has been a small matter in our national life.

That this is so—that this must remain—is vividly inscribed in SBA's record book: to meet the population explosion, SBA is currently making more loans, for more dollars, than ever before in its history. This must continue and we here in the House must raise SBA's loan ceiling to meet this challenge. And please remember, I said loan ceiling; not a handout. And that is the American way of life.

Mr. ANNUNZIO. Mr. Chairman, important legislation regarding the future of the Small Business Administration is now pending before the House. I refer to H.R. 4604 which would increase to $3.1 billion the current ceiling of $2.2 billion on the Small Business Administration's loans, guarantees, obligations, or commitments which may be outstanding at any one time from its business loan and investment fund.

This fund is the backbone, the muscle, and the lifeblood of the Small Business Administration's business loan program.

It is used to bolster and strengthen small business in all parts of the country. It helps insure that they will grow and prosper.

It is used to help small firms that are faced with economic injury because of federally financed urban renewal or highway projects.

This fund can be drawn upon to help small firms suffering economic loss because of imports.

It is used to help small firms obtain subcontracts from prime Government contractors.

Finally, the fund is vital to provide opportunities for small businessmen who are socially or economically disadvantaged.

The request for an increase in the ceiling limitation is an emergency request. It must be approved quickly for without it SBA will soon be unable to continue providing financial help to small business.

It should be made clear that the emergency developed after legislation was enacted in December of 1970 which established the current $2.2 billion limitation.

The fact is that this limitation of $2.2 billion was based upon the fiscal year 1970 budget level and upon projections at the same rate for fiscal year 1971 and 1972. It was at that time estimated that the total for each of these 3 years was $705 million.

It now turns out that these estimates were too low. SBA's current approved budget plan for fiscal year 1971 is at a level of over $1 billion in approved loans.

It is reassuring to me, and I am sure it will also be reassuring to other Members of the House, to know that this increase is due in a large measure to a tremendous increase in SBA's guaranteed loan program.

SBA figures show that guaranteed business loans for fiscal year 1971 were originally projected at $500 million. New projections now place this estimate at more than $750 million and the estimate for fiscal year 1972 is over $850 million.

The Small Business Administration expects to reach its current ceiling limitation of $2.2 billion by the end of May 1971.

Unless H.R. 4604 is enacted before then, SBA will be virtually out of loan funds. We cannot let this happen.

With the new ceiling, SBA should be able to continue approving loans for the remainder of fiscal year 1971 and for all of fiscal year 1972.

Mr. ST GERMAIN. Mr. Chairman, last month when President Nixon proclaimed the week of May 16–22 as Small Business Week, he said that "19 U.S. firms in 20 are small businesses." These firms, he continued, "do nearly three-fourths of the total volume of sales and one-third of all manufacturing."

All of this in a nation founded on the principle of independent enterprise. All of this as this industrial Nation reaches the $1 trillion mark in gross national product.

Yet—the Small Business Administration which aids and counsels our 5,200,000-plus small businesses—needs some help itself to help our small businesses.

Thomas S. Kleppe, SBA's Administrator, is asking us to raise the ceiling on SBA's revolving fund from $2.2 billion to $3.1 billion.

Why? To help small businesses with loans, guarantees, management assistance, and aid in securing a fair share of Government contracts.

This increase is $900 million. In a $1 trillion economy, you say, this is a trifling amount. But to small businesses everywhere, this additional $900 million will enable SBA to do what Congress authorized back in 1953 when it established SBA: The fundamental purposes of SBA are to aid, counsel, assist, and protect the interests of small business; insure that small business concerns receive a fair proportion of Government purchases, contracts, and subcontracts, as well as the sales of Government property; make loans to small business concerns, State and local development companies, and the victims of disaster; license, regulate, and make loans to small business investment companies; and improve the management skills of small business owners, potential owners, and managers.

That is a large order but SBA has been doing it. Last fall, it ran out of money. Today, it is asking for a new loan ceiling of $3.1 billion instead of the present ceiling of $2.2 billion.

SBA needs this authority; small businesses everywhere need the help. After all, the American tradition of free enterprise is as old as our society itself and all small businessmen—be they white, black, or brown—need to know that this tradition will be maintained if they go to SBA for assistance.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of this legislation to increase the outstanding loan ceiling of the Small Business Administration. In my opinion, it is essential that this legislation be approved by the Congress so that the Small Business Administration's program of financial assistance can be continued.

As it has been pointed out, this bill would increase from $2.2 billion to $3.1 billion the amount of total loans, including loan guarantees, which may be outstanding in the SBA loan and investment fund program.

From time to time, the loan ceiling for this program has been reviewed by the Congress and has been increased in accordance with the needs of the program. This is another one of these occasions and the present legislation is overwhelmingly favored by those who have studied the need for it. The Small Business Administration has justified the increase in the loan ceiling. The agency has indicated that within a short time it will reach its present $2.2 billion ceiling. Unless this legislation is agreed to, the SBA will have to cease its lending and guarantee programs until its revolving fund is replenished to support additional activity.

I want to point out that what is involved here does not mean the authorization of additional funds for the Small Business Administration. Since the agency makes very few direct loans, its obligations in the lending program are in the form of guarantees. We can congratulate the agency for the excellence of the repayment record in the guaranteed loan program. Such guarantees, however, are counted against the loan ceiling in the same manner as is the case for direct loans. So long as the SBA is required to charge guaranteed loans against the ceiling, legislation of this type is necessary from time to time.

I want to urge my colleagues today to support this legislation so that the SBA can continue the great work it is doing to assist the small business segment of our economy.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 4604, which would increase the outstanding loan ceiling of the Small Business Administration.

The Congress last year enacted historic legislation designed to lessen the economic impact that a natural disaster might have on a community, a business, and a homeowner. This legislation, the Disaster Relief Act of 1970—(Public Law 91-606)—provides for the financial relief of communities hit by natural disasters, some provisions of which include funds for debris removal, temporary housing assistance for individuals, small business disaster loans, food coupon assistance, and Federal grants-in-aid.

Members of a special investigation subcommittee of the House Public Works Committee, immediately following the earthquake disaster that hit Los Angeles, surveyed the devastated areas, received briefings on the extent of the damage, held hearings on the events, and assured the officials involved, and the citizens who suffered such damage that the Federal Government was deeply concerned with their plight and resolved our desire to extend a strong helping hand.

To aid the homeowner, and the businessman in getting back on their feet, the Small Business Administration is charged with the responsibility of making available long-term, low-interest loans. Under Public Law 91-606, the Small Business Administrator:

> May grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources . . . may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained.

As you know, congressional actions sometimes become ensnarled in bureaucratic redtape, and our programs are not carried out as we intended. Nowhere does this appear to be more evident than in the SBA's administration of their duties under Public Law 91-606.

The testimony before the Appropriations Committee on March 29, the Administrator of the Small Business Administration stated:

> The current estimate of the damages caused by this disaster (California earthquake) indicates that SBA will be required to approve loans in the neighborhood of $242 million.

As of May 3, Mr. Chairman, the Small Business Administration had approved only one-sixth of the loans totaling $38 million.

At this rate of approval, the Small Business Administration will be processing disaster loans for the next year and a half, in order to loan the full $242 million.

Mr. Chairman, the victims of the February 9 California earthquake need immediate relief. Many loan applicants would be quite frustrated at governmental bureaucracy by October 1972.

I call upon the Small Business Administration to cut the redtape and greatly speed up the process, and if they cannot then I suggest that Congress step in and make some changes to relieve the bottleneck that has occurred in the Small Business Administration.

Mr. BOGGS. Mr. Chairman, legislation proposed in H.R. 4604 would increase to $3.1 billion the current ceiling of $2.2 billion on the Small Business Administration's loans, guarantees, obligations or commitments which may be outstanding at any one time from its business loan and investment fund.

This fund is the backbone, the muscle, and the life blood of the Small Business Administration's far-reaching business loan program.

It is used to bolster and strengthen the small business community throughout the Nation.

It is used to provide assistance to small firms threatened with substantial economic injury as a result of the Federal bulldozer in construction projects.

It is used to help business concerns adversely affected by imported goods.

It is used in SBA's program to obtain prime contracts from the Federal Government for the purpose of offering subcontracts to small firms.

It is also used to provide opportunities for small businessmen who are socially or economically disadvantaged.

The requested increase in the ceiling limitation is an emergency request.

This emergency developed after legislation was enacted in December of 1970 which established the current $2.2 billion limitation.

But this limitation was actually based upon the fiscal year 1970 budget level and upon projections at the same rate for fiscal years 1971 and 1972. The estimated total for each of these 3 years was $705 million.

However, SBA's current approved budget plan for fiscal year 1971 contains a level of over $1 billion in loans approved.

This increase in loan approvals is primarily due to a tremendous surge of activity in SBA's guaranteed loan program.

Guaranteed business loans from fiscal year 1971 were originally projected at $500 million. Current projections place this figure above the $750 million mark and the estimate for fiscal year 1972 is over $850 million.

It is likely that SBA will reach the current limitation of $2.2 billion by the end of May 1971.

It will then become necessary for the Agency to curtail loan approvals, unless H.R. 4604 is enacted before that time.

The new ceiling will permit the Agency to continue approving loans for the remainder of fiscal year 1971 and for all of the succeeding fiscal year.

Mrs. HECKLER of Massachusetts. Mr. Chairman, small businesses are more than just important to the American economy—they are absolutely essential to its health and well-being.

Beyond that, I believe they are critical to the individual and the country as one of the last constructive outlets for courage and creativity. Small business ownership also represents an attractive alternative at a time in our history when size has become suspect and "doing your own thing" a desirable occupation.

In addition, many scientists and engineers jettisoned in the conversion of the economy, have turned to small business ownership as a restorative. Because of their backgrounds and knowledge they can make a contribution and should be courted as new constituents of Federal small business programs.

We all know how vital have been the activities of the Small Business Administration in encouraging and assisting the growth and development of thousands of American small businesses. Many would never have come into being or would have died on the vine without SBA.

Unless we approve the legislation before us to increase the ceiling on SBA loans, guarantees, and obligations, however, an excellent and wholesome program will be seriously hamstrung. And the country will be the poorer.

The new Administrator of SBA, our distinguished former colleague, Tom Kleppe, who, I am confident, will administer these funds effectively, has assured our committee that the increase in H.R. 4604 will be sufficient until June 1972.

I favor quick and unanimous approval of the increase. America's small businessmen need it, and America needs them.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
>
> That paragraph (4) of section 4(c) of the Small Business Act is amended by striking out "$2,200,000,000" and inserting in lieu thereof "$3,100,000,000".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KLUCZYNSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4604) to amend the Small Business Act, pursuant to House Resolution 423, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 383, nays 0, not voting 50, as follows:

[Roll No. 82]

YEAS—383

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Tex.
Zablocki
Zwach

NAYS—0

NOT VOTING—50

Abbitt
Alexander
Anderson, Tenn.
Arends
Ashley
Burton
Byrne, Pa.
Clausen, Don H.
Clay
Conyers
Davis, Ga.
Davis, S.C.
Dorn
Dow
Dowdy
Downing
Edwards, La.
Fascell
Fulton, Tenn.
Green, Pa.
Gubser
Hansen, Wash.
Henderson
Jacobs
Keating
Long, La.
McCulloch
McKinney
McMillan
Madden
Mann
Miller, Calif.
Pepper
Pickle
Pucinski
Quillen
Rangel
Rees
Rooney, Pa.
Rostenkowski
Roybal
Runnels
Shipley
Sisk
Snyder
Teague, Tex.
Yatron
Young, Fla.
Zion

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski with Mr. Arends.

Mr. Ashley with Mr. Keating.

Mr. Green of Pennsylvania with Mr. Don H. Clausen.

Mr. Pickle with Mr. Gubser.

Mr. Shipley with Mr. Snyder.

Mr. Byrne of Pennsylvania with Mr. McKinney.

Mr. Teague of Texas with Mr. Young of Florida.

Mr. Henderson with Mr. Zion.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Miller of California with Mr. Davis of Georgia.

Mr. Pucinski with Mr. Clay.

Mr. Roybal with Mr. Conyers.

Mr. Jacobs with Mr. Sisk.

Mrs. Hansen of Washington with Mr. Abbitt.

Mr. Alexander with Mr. Burton.

Mr. Fascell with Mr. Fulton of Tennessee.

Mr. Madden with Mr. Long of Louisiana.

Mr. Yatron with Mr. McMillan.

Mr. Pepper with Mr. Rooney of Pennsylvania.

Mr. Rangel with Mr. Rees.

Mr. Edwards of Louisiana with Mr. Downing.

Mr. Dorn with Mr. Dowdy.

Mr. Mann with Mr. Dow.

Mr. Davis of South Carolina with Mr. Runnels.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, pursuant to House Resolution 423, I call up from the Speaker's table for immediate consideration the bill (S. 1260) to amend the Small Business Act.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended by striking out "$2,200,000,000" and inserting in lieu thereof "$3,100,000,000".

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4604) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. PUCINSKI. Mr. Speaker, I was unavoidably detained, and missed the vote on the last rollcall on the bill H.R. 4604, to amend the Small Business Act. Had I been present I would have voted "yea."

THE GOVERNMENT OF THE UNITED STATES IS NOT MADE OF SUGAR CANDY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, 30 years ago, while England was undergoing the darkest hours of the Second World War, Winston Churchill gave heart to his countrymen with this unforgettable sentence:

> We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies, because we are made of sugar candy.

Perhaps there is a profound lesson here for the frenetic mob that has rampaged through the streets of Washington this week—and for any others throughout the world who may think of this Government as a fragile, feeble institution susceptible to intimidation.

The leaders of the mob boasted hysterically that by massive physical disruption they would shut down the Government of the United States and prevent it from operating.

Well, the events have proven otherwise. As we all know by now, the demonstrations in Washington this week have been a total failure. The collection of purposeful conspirators, hedonistic demonstrators, and confused youth have utterly failed in their avowed purpose.

The Government did not stop. The Republic did not totter. The Congress did not cower. The thousands of Government employees—from Cabinet officers to file clerks—have gone as usual about the vitally important business of conducting the country's affairs.

And this is the lesson: The Government of the United States, deriving its strength directly from the will of the people of the United States, has not survived for nearly 200 years because it is made of sugar candy.

Nobody was really intimidated by the demonstrators, the rioters, and the anarchists. It is really a misnomer to refer to these malcreants as antiwar demonstrators, because it has been obvious that they are not genuinely, seriously concerned about the war. If they had been, they—like every other citizen in this country—could easily have spoken their piece. The doors of most officials in Washington—especially those of Congressmen and Senators—are always open. The leaders of the demonstration knew that.

But they were not interested in rational discussion. They were interested in disruption and destruction. They wanted to set fires, to overturn garbage cans, to block traffic, to let the air out of tires, to jerk loose engine wires of innocent motorists.

They were not interested in having their say; they were interested in getting their way. They did not want to express their own constitutional freedom; they wanted to interfere with the freedom of others. And it did not work.

None of us who have witnessed this shameful spectacle can help but be proud of the way in which the Washington police have met the challenge. Quietly, methodically, without an ounce of unnecessary force, they have met the lawbreakers and taken several thousand of them into custody. Many of these undoubtedly will face trial in the future. Perhaps—just perhaps—the lesson will sink in: The foreign and domestic policies of the United States cannot be formulated by throwing garbage into the streets.

The leaders of this foolish effort have committed again the historic fallacy of mistaking gentility for weakness and tolerance for indecisiveness.

In truth the Government of the United States is the freest, most approachable and most responsive instrument of public will ever to serve and bless a land under Heaven's canopy in the history of the human race.

It is the least oppressive and the most just, the least capricious and the most compassionate, the most worthy of homage yet the most tolerant of dissent, the most publicly reviled and yet the most profoundly respected institution ever created by the mind and purpose of man. With all its human flaws and mortal imperfections, it is—as governments go—the best there is. And it is not made of sugar candy.

REFUSING TO RECYCLE

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, I was proud to join in the cosponsorship of what I consider to be an extremely important piece of legislation. I am referring to a bill calling upon the Federal Government to establish guidelines for the maximum use of recycled materials in the paper it purchases.

Urban centers are now beginning to choke in their own waste. Garbage dumps, polluted streams and rivers have become common sights in our urban landscape. Yet they are more than eyesores. They pose a very real threat to the health and well-being of our citizens.

There seems to be no end to the waste material that America continues to spew forth into the environment. And the problems of solid waste disposal are threatening to grow out of control.

About 90 percent of all collected refuse is disposed of on land, 8 percent is burned in incinerators, and 2 percent is composted, dumped at sea, or disposed of in some other manner. We put this collected solid waste in 14,000 open dumps, 94 percent of which are inadequate since the dumped waste is either not covered daily with dirt or is burned, or creates water pollution problems. Incineration is the second most frequently employed method. Yet, 75 percent of all municipal incinerators are inadequate because they are inefficient in reducing solid wastes or create air pollution problems, or both.

At the same time that our urban environment is being engulfed, our more rural environment is being ravaged too. Our forests are being cut down to provide more and more raw material for use in our paper mills.

Paper is the biggest single item in solid waste. According to statistics on municipal solid waste, paper products represent 40 to 54 percent of all waste by weight. In absolute figures, this means close to 40 million tons is being dumped on our land each year. Also, although the number of tons of paper containing recycled goods continues to rise, the amount containing unrecycled paper has grown more rapidly. Thus the ratio of recycled paper to nonrecycled paper has decreased. Finally, if we must continue with disheartening statistics, the effluent of pulp and paper mills is equal to approximately 15 percent of the aggregate effluent of American industry.

Why must this be? Why is not industry taking advantage of the technology of recycling for reuse much of the waste that now is dumped on our land? Because the Federal Government which is the largest single purchaser of paper in this Nation has not seen fit to exercise any leadership in this area. As the number one consumer of paper, this Government is in a position to lead others, and to give the needed tug to industry. If the Federal Government would lead, there would be a good chance that the rest of the Nation would follow. Paper producers, if they expected to compete, would have no choice but to use recycled material in their final product.

Until 1965, solid waste removal was thought to be a strictly local matter. In 1965, however, with the passage of the Solid Waste Disposal Act, the Federal Government became responsible for research, training, demonstrations of new technology, technical assistance, and grants-in-aid. In 1970, the Resources Recovery Act redirected the Federal emphasis from disposal to recycling. And this is where we sit at the present time.

President Nixon in his 1971 environmental program stated the following:

> The Resource Recovery Act of 1970 recognizes the importance of recycling. It provides authority to develop and demonstrate recycling technology and provides for studies of secondary markets and economics.

Mr. Speaker, the Resource Recovery Act does in fact recognize the importance of such programs. In fact, the House Interstate and Foreign Commerce Committee authorized $80 million for the implementation of these programs. The administration is hiding its own inactivity behind a veil of idealistic verbiage. It asked for only $4,093,000 for 1972 to implement these programs. In my mind this constitutes no commitment to the solution of our solid waste problem.

As part of the environmental program, the President announced that the General Services Administration is revising Federal procurement specifications to require the use of recycled paper by the Government as a stimulus for further paper recycling. Some standards have been revised, but thus far changes have been negligible. The GSA has 122 specifications for purchasing paper, and thus far only 14 of these have been revised. In addition, it is disturbing to note that minimum standards are being set. From experience we know that when the minimum content is set, this has a tendency to become a maximum.

This fact combined with the negligible funding leads me to the inescapable conclusion: If there is to be a firm commitment to the recycling of waste, Congress must be the initiating body.

Still other factors discourage recycling: Freight rates encourage the shipment of raw materials as opposed to more heterogeneous goods; we provide large depletion allowances to accelerate the development of raw materials as well as recycled materials, all Federal regulations combine to dishearten any potential recycler.

It is now up to us to decide whether this Nation's fast-disappearing open spaces will overflow with waste and garbage or whether we preserve such space for the enjoyment of our citizens. I believe that a firm Federal commitment to a policy of recycling—backed up by both funding and strict specifications for products purchased by our Government—must be instituted immediately. I urge Congress to waste no time in acting on this matter.

UNITED STATES CELEBRATES TODAY A DECADE OF MANNED SPACE FLIGHT

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. CASEY of Texas. Mr. Speaker, today marks the 10th anniversary of our first manned space flight, and I consider it most fitting that we pause a few moments to reflect on the tremendous benefits this great program has brought the American people.

A whole new generation has grown up in the decade since that first flight by our great astronaut, Alan B. Shepard, Jr.

They have come to take as a matter of course our tremendous successes in space—and in fact, many of them have lost sight of the value and importance of this program, and the unbelievable potential yet unrealized that it holds for America and the world.

They do not remember the grim days that followed the successful launch of Sputnik 1 by the Russians on October 4, 1957. For the first time, the American people were forcefully brought face-to-face with the bitter fact that a nation most mistakenly believed to be "backward" had scored a spectacular success in space. And we, who prided ourselves on our science and technology and as the world leader in the field of aeronautics, were a second-rate power. They do not remember the bitter outcry for action which swept our people, and indeed, some of the current critics of our efforts in space were then among the most vocal in Congress for immediate action to overcome the Russian's lead.

And so it was, in 1958, because of the tremendous reaction of the American people, that Congress created the National Aeronautics and Space Administration. With full support of the people and the Congress—with ample authority and funding—we moved swiftly to try and recapture the lead in the space race. And let there be no mistake about it. It was then—and it is now—a race, for in spite of the so-called easing of the cold war tensions and the growing international cooperation in our scientific research programs our national defense effort and the security of the world are closely interlaced with our space program. We cannot afford, in 1971, or in 1981, to abandon control of outer space to the Communist world any more than we could have in 1961. And those who constantly decry our efforts in space as a questionable expenditure of our national resources fail entirely to take cognizance of the importance of this factor to our security, and indeed, our very survival.

And so it was in the late 1950's and early 1960's that we planned and progressed while the Russians launched Sputniks 1 through 10, sending probes to the Moon and to Mars until April 12, 1961. On that day, our prestige and our national pride suffered again as Soviet Cosmonaut Gagarin, riding Vostok 1, rocketed to outer space in a successful mission.

Needless to say, some 3 weeks later, the hopes, the aspirations, and the prayers of the American people were riding with Alan Shepard on May 5, 1961. It was estimated that an unprecedented audience of 45 million Americans watched in awe the launch of his Freedom 7 Mercury spacecraft, and its successful touchdown 15 minutes and 22 seconds later some 300 miles off the Florida coast.

In the decade past, this great scientific and technological team which sent Alan Shepard into space has continued to bring us one spectacular success after another, in full and open view of the world.

Here, then, our space program stands today. An acknowledged leader in the field—its potential yet to be realized. Neither time nor space would permit me to list the tremendous benefits realized by the American people from this program through technological "spin-offs" or "fall-out." In every field, such as electronics, medicine, communications, industrial tools and technology, weather forecasting, university support and research, geological research, environmental and pollution control, oceanography, and a host of others have benefited directly from our investment in this program. Indeed, not long ago, our House Committee on Science and Astronautics issued a study of more than 300 pages dealing solely with the great benefits realized from the space program, entitled "For the Benefit of All Mankind."

And yet, as I said, the potential from this great program is still to be realized. It should, and it must, have a prime role in the field of oceanography and environmental control, and I would strongly urge my colleagues on the appropriate committees to insist the administration give it increasingly important duties in these critical fields. The same great talent which took us safely to the moon and back is ready and available to tackle and resolve some of the major problems we face on earth, whether it be in the field of pollution control, or in seeking new food sources from the ocean to feed our ever-growing population.

To see this great scientific and technological team slowly dismantled due to lack of support by the administration, or by this Congress, or by the people, when so much remains to be done, is unbelievably false economy, and I urge my colleagues to correct it.

Mr. Speaker, on this great day marking the 10th anniversary of our first manned flight into outer space, I think it highly appropriate that we pause for a few moments to honor the men and women of NASA and the aerospace industry who made it possible. To each of them, I express my sincere congratulations on an outstanding decade of achievement. By your diligence and your efforts, you have brought our Nation pride and glory, and have earned the thanks of this Congress and of the American people. The history of our U.S. manned space flights is a story unequalled by any nation, and you made it possible. As one who fully supports this great program, I share your own pride in our successes, and am pleased to bring to the attention of my colleagues, and our people, the attached record of our manned spaced flights:

HISTORY OF U.S. MANNED SPACE FLIGHT

	Date	Flight time (hours, minutes, seconds)	Revolutions	Spacecraft name	Remarks
MERCURY					
Alan B. Shepard, Jr.	May 5, 1961	00:15:22	Suborbital	Freedom 7	America's 1st manned space flight.
Virgil I. Grissom	July 21, 1961	00:15:37	do	Liberty Bell 7	Evaluated spacecraft functions.
John H. Glenn, Jr.	Feb. 20, 1962	04:55:23	3	Friendship 7	America's 1st manned orbital spaceflight.
M. Scott Carpenter	May 24, 1962	04:56:05	3	Aurora 7	Initiated research experiments to further future space efforts.
Walter M. Schirra, Jr.	Oct. 3, 1962	09:13:11	6	Sigma 7	Developed techniques and procedures applicable to extended time in space.
L. Gordon Cooper, Jr.	May 15–16, 1963	34:19:49	22	Faith 7	Met the final objective of the Mercury program—spending 1 day in space.
GEMINI					
Virgil I. Grissom, John W. Young	Mar. 23, 1965	04:52:31	3	Gemini 3	America's 1st 2-man space flight.
James A. McDivitt, Edward H. White, II	June 3–July 1965	97:56:12	62	Gemini 4	1st "walk in space" by an American astronaut. 1st extensive maneuver of spacecraft by pilot.
L. Gordon Cooper, Jr., Charles Conrad, Jr.	Aug. 21–29, 1965	190:55:14	120	Gemini 5	8-day flight proved man's capacity for sustained functioning in space environment.
Frank Borman, James A. Lovell, Jr.	Dec. 4–18, 1965	330:35:01	206	Gemini 7	World's longest manned orbital flight.
Walter M. Schirra, Jr., Thomas P. Stafford	Dec. 15–16, 1965	25:51:24	16	Gemini 6A	World's 1st successful space rendezvous.
Neil A. Armstrong, David R. Scott	Mar. 16–17, 1966	10:41:26	6.5	Gemini 8	1st docking of 2 vehicles in space.

	Date	Flight time (hours, minutes, seconds)	Revolutions	Spacecraft name	Remarks
Thomas P. Stafford, Eugene A. Cernan	June 3-6, 1966	72:20:50	45	Gemini 9A	3 rendezvous of a spacecraft and a target vehicle Extravehicular exercise—2 hours 7 minutes.
John W. Young, Michael Collins	July 18-21, 1966	70:46:39	43	Gemini 10	1st use of target vehicle as source of propellant power after docking. New altitude record—475 miles.
Charles Conrad, Jr., Richard F. Gordon, Jr	Sept. 12-15, 1966	71:17:08	44	Gemini 11	1st rendezvous and docking in initial orbit. 1st multiple docking in space. 1st formation flight of 2 space vehicles joined by a tether. Highest manned orbit—apogee about 853 miles.
James A. Lovell, Jr., Edwin E. Aldrin, Jr	Nov. 11-15, 1966	94:34:31	59	Gemini 12	Astronaut walked and worked outside of orbiting spacecraft for more than 5½ hours—a record proving that a properly equipped and prepared man can function effectively outside of his space vehicle. 1st photograph of a solar eclipse from space.
APOLLO					
Walter H. Schirra, Donn Eisele, Walter Cunningham	Oct. 11-22, 1968	260:8:45	163	Apollo 7	1st manned Apollo flight demonstrated the spacecraft, crew, and support elements. All performed as required
Frank Borman, James A. Lovell, Jr., William Anders	Dec. 21-27, 1968	147:00:41	10 revolutions of moon.	Apollo 8	History's 1st manned flight to the vicinity of another celestial body.
James A. McDivitt, David R. Scott, Russell L. Schweickart	Mar. 3-13, 1969	241:00:53	151	Apollo 9	1st manned all-up Apollo flight (with Saturn V and command, service, and lunar modules). 1st Apollo EVA. 1st docking of CSM with LM.
Thomas P. Stafford, John W. Young, Eugene A. Cernan	May 18-26, 1969	192:03:23	31 revolutions of moon.	Apollo 10	Apollo LM descended to within 9 miles of moon and later rejoined CSM. 1st rehearsal in lunar environment.
Neil A. Armstrong, Michael Collins, Edwin E. Aldrin, Jr	July 16-24, 1969	195:18:35	30 revolutions of Moon.	Apollo 11	1st landing of men on the Moon. Total stay time: 21 hrs., 36 min.
Charles Conrad, Jr., Richard F. Gordon, Jr., Alan L. Bean	Nov. 14-24, 1969	244:36:25	45 revolutions of Moon.	Apollo 12	2d manned exploration of the Moon. Total stay time: 31 hrs., 31 min.
James A. Lovell, Jr., John L. Swigert, Jr., Fred W. Haise, Jr.	Apr. 11-17, 1970	142:54:41		Apollo 13	Mission aborted because of service module oxygen tank failure.
Alan B. Shepard, Jr., Stuart A. Roosa, Edgar D. Mitchell	Jan. 31-Feb. 9, 1971	216:01:59	34 revolutions of Moon.	Apollo 14	1st manned landing in and exploration of lunar highlands. Total stay time: 33 hrs., 31 min.

ARMY PAYS $10 MILLION FOR WHAT A COUNTY GETS FOR FREE

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, hearings have been completed by the Communications Subcommittee on House Concurrent Resolution 215, to oppose the use of public funds to buy time for commercials on radio and television.

Meanwhile, the Army is lumbering to the conclusion of its $10.6 million broadcast ad campaign to increase enlistments enough to achieve the laudable goal of a "zero draft" by the middle of 1973.

Army and Defense Department witnesses at the House hearings maintained the time had to be purchased to get the recruitment messages aired when and where they would be most effective.

The agency witnesses pointed out that the current campaign, while unprecedented in the amount of public funds involved, is just an experiment, and that the other services will not be authorized to purchase time for their own commercials until the effectiveness of the Army's effort has been evaluated.

As is well known, broadcasters traditionally have contributed time as a public service for messages from the Defense Department and other governmental agencies. I was originally prompted to offer House Concurrent Resolution 215 by concern over the implications of the Army's rather abrupt departure from the well-established procedures followed at all levels of government in obtaining time from broadcasters.

As a result of the hearings, I became convinced that the Army had not really tried very hard to get better donated slots for the ads, before plunging into the costly campaign. The Defense Department conceded that no special effort was made to enlist the cooperation of broadcasters on a voluntary basis.

But regardless of the stance taken by the Army and other public agencies that now may be considering paid-for campaigns, one fact is inescapable: the considerable success enjoyed by some governmental entities in strictly public service dealings with broadcasters and other media.

A case in point is the county government of San Diego, my home. For a quarter of a century, local broadcasters have been making time available for spots produced by the county and deemed in the public interest.

Currently, the county health department is disseminating message on behalf of its Drug Education for Youth—DEFY—project—at no cost to the taxpayers. These spots, most featuring a "hot line" number for people with drug problems, are carried by all 23 of the county's radio stations and three commercal television outlets. Some 35 newspapers have published interviews and other articles about the program. All the broadcasters were contacted individually by the county, and asked to cooperate, as they have in the past.

The media thus were virtually blanketed, for a worthy cause, by diligence and sophisticated techniques that could well be emulated in Washington. To achieve maximum impact, special tapes were prepared for a half-dozen youth-oriented stations, while messages aimed at more general audiences went to other broadcast outlets.

County officials have expressed satisfaction with the timing, frequency—and, most important—the results of the airing of the DEFY ads. Since the media campaign was launched last summer the number of "hot line" has nearly tripled, to about 2,700 a month.

According to Mrs. Marion T. Bryant, a county officer who has been working with the media since 1947: "We have never been refused by any station."

Perhaps because the Pentagon has a public relations budget approaching $200 million a year, it doesn't feel such resourcefulness is really necessary in dealing with the media. Then again, it may just be easier to turn the whole campaign over to a hired agency, as the Army has done, rather than do it yourself.

But the accomplishments of San Diego and, I am sure, numerous other local governments, does tend to shoot holes in the argument that the media must be bought for optimum results.

Let us stick to the old way, to preserve the independence of broadcasters from unwarranted Federal influence and the public's access to the airwaves—and save some money in the process.

LEAGUE OF RED CROSS SOCIETIES IN GENEVA OFFER SUPPLIES TO NORTH VIETNAM TO BE FINANCED FROM THE UNITED NATIONS CHILDREN'S FUND

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. ICHORD. Mr. Speaker, my attention has been called to a news item in the New York Times of April 24, 1971, reporting that the League of Red Cross Societies in Geneva, Switzerland, has offered supplies to North Vietnam to be financed from the United Nations Children's Fund.

Knowing that the United States is the largest contributor to the Fund and that the Fund is financed by voluntary contributions to UNICEF and not from the U.N. budget, I contacted the U.S. State Department to get more information.

I believe my colleagues in this House will be reassured, as was I, to learn that the United States is not participating in providing such assistance to Hanoi while North Vietnam's Communist regime refuses to permit even inspection of its prisoner-of-war camps where American captives are being held.

The UNICEF Executive Board approved this program last year and merely reaffirmed it this year. It is awaiting a response from North Vietnam which has chosen to ignore the matter. This, according to the State Department, is largely because UNICEF has insisted on some suitable arrangement for inspection of policing of the aid items, primarily cotton cloth for children's clothing, so that it could not be used—for example—for military uniforms or equipment.

The proposed expenditure of $200,000 for such relief would result from line item grants from the Netherlands and Switzerland. The money would consist of Dutch guilders and Swiss francs and no U.S. contributions would be involved. It is for that reason that the State Department decided not to oppose the proposition. The absence of American dollars keeps the program from falling under the provisions of the Trading With the Enemy Act.

I now ask that the news item be inserted in the RECORD for the edification of the Members of this Congress.

[From the New York Times, Apr. 24, 1971]

RED CROSS IN HANOI ASKED TO LIST NEEDS

GENEVA, April 23.—The League of Red Cross Societies has asked the North Vietnam Red Cross Society to specify what kind of supplies it would like to obtain from a $200-thousand donation by the United Nations Children's Fund, it was disclosed today.

According to a well-informed source, once the North Vietnam Red Cross specifies what it wants, delivery of the long-discussed help from UNICEF will be almost automatic.

Henry R. Labouisse, director of the fund, will only have to be satisfied that the supplies will reach needy North Vietnamese and the league will then take responsibility for the delivery, it was explained.

The United States is the largest contributor to the Children's Fund, which is supported by voluntary donations rather than from the United Nations budget.

Mr. Labouisse said at a closed meeting of the fund's executive board today that he had asked the league to make the inquiry because the North Vietnamese Government had refused to have any dealings with the fund. It is expected that the North Vietnamese will ask mainly for various kinds of cotton cloth, in accordance with a list previously submitted to Henrik Beer, the league's president, for consideration by league members.

PROPOSED BILL ON OIL DRILLING AT SANTA BARBARA

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Speaker, this week the administration's proposal concerning oil exploration in the Santa Barbara Channel was introduced by my respected colleague JOHN SAYLOR, ranking minority member of the Interior and Insular Affairs Committee. It calls for termination of 20 leases directly seaward of the city of Santa Barbara and 15 leases adjacent to the Channel Islands. This bill recognizes, as I long have, that the best use of this area is for other than oil exploration.

However, this bill calls for compensation to the oil companies by selling oil from the Elk Hills Naval Petroleum Reserve No. 5 near Bakersfield, Calif. I have no objection to this, but this will require the bill be approved by the Armed Services Committee as well as the Interior and Insular Affairs Committee. I feel this is an unnecessary complication. If we in Congress are really serious about settling the Santa Barbara Channel problem, then we should simply pay for it. The cost will be determined by the courts, but it is reasonable to assume just compensation will be approximately what the oil companies paid for these leases, $210 million. Let us admit the Government erred in leasing these lands and buy them back. I think this is a straightforward and simpler approach. I am introducing legislation today that asks we do just that.

My bill also includes a moratorium elsewhere in the Channel where a several billion barrel reserve has been discovered As I stated before the House on the 2-year mark of the spill in January 1969, the aim should be to weigh the need to protect our environment against the need for energy resources. We should do this. The moratorium concept says the oil reserve in the other parts of the Channel can be developed when the development can proceed safely.

My bill today does basically three things: cancels the leases seaward of Santa Barbara, instructs the Congress to pay what it costs, and calls for a moratorium elsewhere in the Channel. At this point, I request the bill be printed in the RECORD.

DO NOT JUDGE GI'S BY MYLAI

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, a great deal has been said, both pro and con, about the recent conviction of Lt. William Calley in connection with the Mylai incident. I am afraid there are some who feel that the verdict was a blanket indictment of all of our servicemen. Mr. Bob Poos, a correspondent for Associated Press for 12 years and now a staff member on the U.S. House Committee on Internal Security, has written an article published in the May 2 edition of the Birmingham News entitled, "Do Not Judge GI's by Mylai." Mr. Poos served as a correspondent in Asia for 4 years, including 16 months as a combat correspondent in Vietnam. I sincerely hope that my colleagues will take the necessary time to read this timely and thought-provoking article.

[From the Birmingham News, May 2, 1971]

DO NOT JUDGE GIs BY MYLAI

(By Bob Poos, special to The Birmingham News)

WASHINGTON.—The other day while discussing Mylai and the trial of Lt. William Calley (a much-over-indulged-in pursuit these days) a friend remarked "You were in Vietnam a long time. How many American atrocities did you see?"

That question not only startled me, it left me wondering if Americans have become so enamored with self-flagellation about Vietnam—and many other things—that it is now an accepted belief that American troops in Southeast Asia are and were a brutal, bloodthirsty collection of savages intent on slaughtering a helpless populace.

If so, it is not only unfortunate, it is tragic. And it is not true.

Let me say straight off that in almost a year and a half of covering the war in Vietnam and almost four years of covering all Southeast Asia plus Japan and Korea I did not witness a single atrocity by any American soldier, sailor or Marine or any collection of them.

And at the risk of seeming immodest I will add that the reason I did not was not because I was unexposed to situations lending themselves to the commission of atrocities. During my time in Vietnam I was either in close-in combat or on combat operations with: the First Cavalry Division, the First Infantry Division, the 25th Infantry Division, the First and Third Marine Divisons, the Special Forces, the Seabees, the 101st Airborne Division and the 173rd Airborne Brigade. Additionally I spent considerable time in the field with various regiments of the regular Army of Vietnam, the Vietnamese Airborne, the Vietnamese Marines and the Korean Army and Marines.

HUE WORST OF MANY

I did see South Vietnamese troops deliberately kill prisoners and I saw them torture captives in order to extract information. And I saw the results of North Vietnamese savagery against government soldiery and civilian population alike. There was no paucity of the latter. Terror, torture and political assassination were accepted weapons in the arsenals of both indigenous Viet Cong insurgents and the North Vietnamese.

Perhaps the best known of these was the horror at Hue during the great Tet offensive. One mass grave alone there yielded the bodies of more than 300 civilians executed by the Communists. It is estimated that possibly more than 2,000 innocent victims were slain for the crime of not joining the insurgents.

Hue was only the worst of a long history of similar brutalities. They have been occurring ever since the insurgents took the field and will continue until, one way or another, the agony of Vietnam is resolved.

Just a few specifics. In 1965 2,032 Vietnamese civilians were murdered by the Viet Cong and 6,929 kidnaped. The figures for 1966 were 2,613 slain and 893 kidnaped. Generally these victims are lower level officials such as police officers, village chiefs, agriculturists, medical aid workers and teachers. To be efficient for a Vietnamese can be to sentence oneself to murder, kidnaping, torture and mutilation.

But you do not read much about this. You read about My Lai.

However, I saw no atrocities by American troops in the field. And, of course, I was not the only correspondent who covered the war in Vietnam with the infantry at company level. There were many, many others and many of them spent a lot more time with troops than I did. Yet I have never heard one of them authenicate what could be construed as a deliberate atrocity by American forces.

SAGACITY BORNE OUT

There was no lack of looking for them either. I remarked to a fellow correspondent once that it was an unrewarding pursuit to write about Communist savagery because very little of it ever saw print for one reason and another. My colleague replied "you'll never win any prizes writing about Vietnam atrocities, bud. They're all Asians and everybody expects brutality and disregard for human life from Asians, whether that's their nature or not. But you find yourself a real honest-to-God American atrocity and you've got yourself a story."

The sagacity of this statement is, of course, borne out by the millions of words that have been written and spoken about My Lai. Lt. Calley and the Americal Division, Calley's parent unit.

Prior to My Lai, however, there was no lack of enterprise on the part of correspondents searching for "an honest-to-God American atrocity," much of it by newsmen who personally opposed American policy and endeavors in Vietnam.

What is rather astonishing is that the My Lai incident was not first turned up by a correspondent in Vietnam but was instead developed by a self-employed free-lance writer in the United States who has long been a critic of the American military and much of the United States' foreign policy, including that in Vietnam.

What has largely been ignored about the My Lai incident is that it was an aberration, not the norm. And aberrations make news, the normal does not. American troops have been furnished since the big buildup in mid-1965 with literally thousands of opportunities for indiscriminate slaughter that could easily have been disguised as simple reaction "in the heat of battle." But virtually none of them took advantage of it. The norm was just the opposite: men risking their lives in order to take prisoners.

TWO "HEAT OF BATTLE" INCIDENTS

Let us examine two such incidents where, due to the heat of furious battle, atrocities could have been committed or prisoners slain—but were not.

The first occurred in February, 1966, when elements of the Second Battalion, Seventh Cavalry, First Air Cavalry Division paid a visit to the tiny village of An Thi in the rolling hills of Central South Vietnam a few miles inland from the coast.

The Second of the Seventh Cav at the time was a tough and experienced outfit with the bloody Ia Drang Valley battle already written on its colors, and it was looking for a fight this day. It found one. What Alpha and Charley companies and later, one squad from Bravo Company found, captured North Vietnamese after-action reports later revealed was a reinforced regiment of North Vietnamese regulars—also tough and warwise.

The Americans soon found themselves surrounded, pinned down and punished by a heavy rainfall that precluded air support of any kind. An Thi soon became a desperate battle for survival by the Americans. By nightfall a long row of poncho-wrapped dead in an abandoned Communist trench taken by direct frontal assault testified to the ferocity of the battle, as did an even longer row of badly wounded troopers.

Just at dusk, through the rain, falling artillery and mortar shells and beneath the rifle and machinegun bullets snapping overhead, an entire Vietnamese family, including a whispy-bearded grandfather and a babe in arms, crept into the Cavalry's lines. Several of them, including the baby, were wounded.

SAME MEDICAL CARE OFFERED

Medic Thomas Cole of Richmond, Va., and a couple of other medics had plenty to do in saving the lives of a score or more of critically wounded Americans, but they rendered the same medical care to the hapless Vietnamese that they gave their comrades. The child died during the night despite the medic's frantic efforts, and young Tommy Cole wept bitter tears of frustration and anger that such a thing could happen.

Cole and his fellow medics saved the other wounded villagers, as they did most of the American casualties.

Next day, reinforced by the Fifth Cavalry, the Seventh's troopers broke the North Vietnamese lines and inflicted a severe defeat on the enemy. Because of the savage nature of the fighting, few prisoners were taken, but some were. I saw one of them. The Seventh Cavalry commanding officer, Col. Hal G. Moore, and a private crawled into a bunker and dragged out a wounded North Vietnamese machinegunner. They did not kill him. They turned him over to a medic, who treated him.

The next incident occurred a few months later and also involved the Cavalry, this time the First Battalion of the Seventh. It took place in a nameless, abandoned village near the coastal city of Bong Son, and the cavalrymen called it "the Second Battle of Bong Son."

The First Battalion achieved something seldom accomplished in Vietnam: they got a battalion of North Vietnamese surrounded in relatively clear country and proceeded to bring about its reduction. Here, too, the fighting was brutal, including exchanges of hand grenades, point-blank rifle fire and culminating in a savage duel of machineguns.

WOUNDED PRISONERS BANDAGED

Then a rare thing happened. The North Vietnamese collapsed and began surrendering. It was the only time I ever saw it occur. Soon more than 40 of them were rounded up, some unhurt, some wounded and a few burned by a napalm strike that had been called down. At one point, a sergeant in the Battalion Command post uttered an oath, crawled over to a clump of bushes, pushed it aside and peered into a hole that was revealed. He brandished his rifle and a North Vietnamese crawled out, and then another.

No cavalryman during the entire battle made any move to harm a prisoner. The wounded ones were bandaged and cared for by the medics.

If ever soldiers were justified in wanton killing through the rationalization of "the heat of battle," these two cases of combat with armed, uniformed regulars would have furnished the example. But the American troops, instead, went to the other extreme, perhaps risking their own lives to do so.

Those were examples of restraint in combat that I happened to witness. But contrary to the entire concept that seems to be arising that the American soldier is a savage brute swaggering around the Vietnamese countryside ravaging it with fire and sword, the American soldier or Marine, in field or out, on duty or off, generally exhibited warmth and kindness toward the Vietnamese that was sometimes difficult for the latter to comprehend. The American infantryman, in fact, exemplified that peculiar American trait of wanting everyone to like him.

The newsprint industry would find it a challenge to manufacture enough paper to record all the deeds of kindness and human compassion exhibited by American troops at all levels toward Vietnamese civilians.

MARINES BUILT HOSPITAL

In matters of policy, for example, the Marine Corps established its Civic Action Platoon program where squads of men moved into Vietnamese villages and lived among the peasants, furnishing at the same time protection and instructions on the rudiments of hygiene and simple medical care. Many a United States Marine has served as midwife at births in remote hamlets.

The 1st Cavalry Division built a "Nha thoung," which means at the same time hospital and "house of love in Vietnamese" at An Khe for the civilians of An Tuc District in Binh Dinh Province. The facility maintained 76 beds plus a 10-bed maternity ward. In 1967 alone more than 2,000 patients were treated and 350 babies delivered.

In 1969 the division turned the hospital over to the Vietnamese themselves but continued to assist in its operation as did later the 4th Infantry Division when it moved into the area.

Every unit in Vietnam accomplished something similar.

Once when the Viet Cong blew up a hospital facility near Da Nang one of the Sea Bees who built it remarked to me "I can't understand why the hell they did that. We're treating them too, no doubt."

But building hospitals and furnishing instructions in hygiene and health care and teaching Vietnamese farmers how to raise hogs and poultry and simply playing in the dust with the pretty little Vietnamese children was the norm for the American forces. And the normal doesn't make news.

CAPTAIN FEEDS CHILDREN

In closing I'd like to recall just one more brief example of common American behavior that I witnessed in Vietnam. Marine Capt. Phil Arman of Toledo, Ohio, an adviser to the Vietnamese Army, found himself trapped one day on a lonely bullet-swept hill near Hiep Duc with a company of the Vietnamese 4th Division.

As dusk fell, Arman watched an old Vietnamese woman and two children, perhaps 5 years old, crawling up the hillside, pushing their way through some old barbed wire, oblivious to the Viet Cong machinegun bullets spattering around them.

Arman beckoned them toward him and helped them into the crumbling old trench in which he crouched. This young captain's future was very uncertain at that moment and he had only one thing on him of material value: a lone can of C rations. Calmly he produced the little ration can openers called "P38s" by the troops, opened the can and proceeded to feed it to the children as the gunfire roared around him.

Perhaps most Americans will ignore or forget incidents like these I have mentioned and remember only My Lai. But I won't. Nor do I think will the Vietnamese who experienced them.

Americans would do well, I think, to ponder this inscription carved on a sentry box on the Island of Gibralter by some unknown, cynical British soldier.

> God and the soldier
>   All men adore
> In time of trouble
>   And no more;
> For when war is over
>   And all things righted
> God is neglected
>   The soldier slighted.

NECESSITY OF CONGRESS MOVING SWIFTLY TO MEET PROBLEMS OF ADEQUATE POWER SOURCES AND SUPPLIES

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, I am deeply concerned that the Congress recognize the necessity of moving swiftly to meet our problems of adequate power sources and supplies.

I need not recite the litany of power failures, blackouts, brownouts and voluntary curbing of power use to illustrate my point. What disturbs me is that with the problems so obvious to all of us, we are taking precious few steps to meet them.

To plan for our present and future needs, I think we must strive for two goals: First, a national energy policy, and second, a pollution-free source of unlimited energy.

In my judgment, the most critical problem we face in the coming decades in terms of pollution as well as in terms of need, is the supply of energy to heat, cool, and light our homes, power our equipment and drive our transportation of all sorts.

We desperately need a national energy policy to prepare to meet our energy requirements with energy sources that are both an efficient use of our resources and pollution free. We have taken only the most miniscule steps toward this; we need a crash program.

It is estimated, for example, that utilities produce more than 50 percent of the deadly sulfur dioxide and 30 percent of the particulates in air pollution in our cities.

This national energy policy would evaluate for the near-term future our needs for energy, our potential sources of energy, the best sources of that energy and would seek to channel development into the best sources. It should consider the establishment of a national transmission grid which has the apparent potential of meeting peak electrical energy demands for the next few years by channeling electricity from areas of surplus to areas of shortage. This national network could take advantage of daylight and weather differentials across the country to ease peak-loading problems.

In addition to a national energy policy for planning and program purposes, I advocate an all-out crash program to develop a pollution-free source of unlimited energy by the end of the decade. This is within our grasp technologically if we are willing to make the kind of commitment we made to develop the atomic bomb or put a man on the moon.

We spend, for example, about $30 million annually on the fusion research that could produce a powerful and clean source of energy. This means we are devoting an amount equivalent to about 1 percent of our space budget to a peaceful project vital to all mankind—an unlimited, economical, clean source of energy. The Soviet Union is doubling our effort.

An all-out effort to develop a fusion plant could eliminate the intermediate step of fast-breeder nuclear reactors which present potential dangers and inefficiency.

The potential of solar energy, geothermal energy, and magnetohydrodynamics have hardly been scratched. Let us make it a national goal to accomplish this by 1980.

DEMONSTRATORS FOR PEACE

(Mr. LLOYD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, today is the day it is reported that demonstrators for peace will come to the Capitol and take congressional hostages pursuant to their objective of temporarily disrupting the operation of Government and attempting to force a date-certain withdrawal of our military forces from South Vietnam. Thinking perhaps to make myself understand their point of view better if I walked to the Capitol for the opening of the session, I found the time for this activity had been postponed from noon until 2 or thereabouts.

During the last few days, I have read and observed much of the activity which has developed in the Nation's Capital City and have made a serious effort to understand the views of those apparently so dedicated to opposition of our Government's present military policy. Bearing in mind that President Nixon has adopted and administered the policy which has reduced the troop strength from 534,400 at the beginning of 1969 to 284,000 as of May 1, 1971, with a further objective of reducing this number to 184,000 on December 1, 1971, and further bearing in mind the emphasis, although unsuccessful, on peace negotiations in Paris, it has seemed to me that our military policy has been a sincere policy of disengagement at the fastest possible, responsible rate. I am hopeful that the President may conclude that the rate of disengagement may be materially accelerated.

Certainly the efforts of this administration are a good faith effort to disengage from military operations in South Vietnam in such a way that this disengagement does not constitute a surrender and retreat from the objective of giving the South Vietnamese a reasonable opportunity to protect themselves from invasion from the north and the further objective of assisting in the stability of that country to the point where the people of South Vietnam may make free determination of the type of government they prefer and those whom they freely choose to serve them.

There have been only two Utah students who have come to my office, and both are students at Harvard University. I had seen both of them before and respect their integrity and their dedication to what they believe is right. They take the position that our present military operations in South Vietnam, including the bombing of the enemy, is immoral. They further expressed the belief that President Nixon was stretching out the war so that a final disengagement date would coincide with his political advantage.

The proposition that President Nixon or any President is playing politics with a war involving human life of this country's citizens and of the people of other countries of the world is unthinkable to me, and on the basis of reason, I cannot accept such a proposition. The charge of immorality of this war itself certainly can be defended, and it is neither reasonable nor fair to assert that the United States is the guilty party and thus give support to Hanoi.

The thing which is particularly troubling to me is the fact that students whom I consider to be responsible and rational have decided that they must support this week's activities, which are devoted to temporary disruption of the Nation's Capital City, to forcing the adoption of the point of view of those involved in the disruptive activities. This is substitution of force for the rule of reason, and whether it comes from the political right or from the left, it is contrary to the best traditions of this country or of any civilization which gives due respect to the rights of others.

I have not been in the actual compounds, in Georgetown or other areas where the demonstrators have centralized much of their activity. It does appear, however, that in addition to the dedicated and sincere participants in these demonstrations, a great crowd of other individuals have been attracted to participate because of the excitement which has triggered some and by the opportunity to indulge in antisocial behavior which has attracted some others. The witnessed actions of some who have hurled human waste at law enforcement officers, and of others who have hoisted flags of the Vietcong to replace the American flag and such other evidences of mob action out of orderly control, will not influence responsible Members of Congress in their continuous consideration the facts of life and war.

This Nation must still retain the patience and resolve to follow an honorable goal and while opinions may differ as to the best methods of achieving an honorable goal (or what that goal may be), our best hope is still the rule of reason and not the chaos of disruption and force.

This demonstration of disruption of Government has apparently been successfully defended by a combination of effective local law enforcement officers backed by Federal assistants. This obviously took massive preparation and masterful execution. The hard core who planned the disruptive demonstrations, however, have obviously learned from this experience, and I do not doubt that they may be back. On this subject of what was learned, a significant statement was recorded in today's issue of the Washington Post. Quoting a demonstrator named Dennis, his quotation was:

> We lost. We got creamed. Any time you let your enemy know what you're going to do, you're in trouble. We can't let out the battle plan like that. There were CIA people who knew more than I did.

"Dennis" obviously does not believe even the tactics of disruption can successfully accommodate the policy which he now urges upon his country.

Members of Congress, and perhaps more significantly, members of the staffs of the Members of Congress who have demonstrated sympathy or encouragement to those whose objective is the unsuccessful disruption of Government, have a very serious responsibility to bear.

Certainly the right to dissent in a free country must be jealously guarded. The right of peaceful dissent is basic to our free system. The objective of disruption of Government and the encouragement of lawlessness is basic to its destruction.

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, for many years Mrs. Rhea Eckel has stood out in the central New York community. A gracious and talented woman, she has become during her tenure as president of Cazenovia College the "First Lady of Education" in our area. I am proud to represent Cazenovia here in the House of Representatives and prouder still to call Rhea Eckel my friend.

After a lifetime of dedication to countless civic activities, Rhea decided a short time ago to retire. I know it was not an easy decision; I know also that in the strictest sense of the word, Rhea Eckel will never be able to retire, for there are thousands of central New Yorkers who still seek her advice and counsel and there are thousands who still value her wise judgment. I am among them.

On March 30, Rhea was honored at a testimonial dinner in Syracuse by her legion of friends. The main address of the evening was delivered by Father William Reilly, president of Le Moyne College in Syracuse. I would like to include the text of Father Reilly's remarks because they speak eloquently and directly to a subject that is dear to Rhea's heart: the role of the private college in our educational pluralism.

(The text follows:)

ADDRESS BY FATHER WILLIAM L. REILLY, S.J.

To present a bouquet of roses would not seem to be a burdensome task. To present a bouquet of roses to Rhea, to be privileged to offer a tribute from so many hearts, is awesome, but not in the least a labor. I commend those who prepared this living bouquet that is our gathering of love, and I thank them for asking me to convey just a bit of the fragrance of our feeling to Rhea. The realization that fourteen years of service to Cazenovia College have passed and that the first lady of higher education in Central New York is moving into a new phase of leadership, stirs mixed feelings. I confess to a certain satisfaction that our Le Moyne alumna of 1961 will be more free to answer my calls for counsel and for just plain consolation. But I can read in your eyes the nostalgia, the wistfulness, even the melancholy that is to be expected. A tendency tonight would be all too understandable to look back. All too understandable perhaps, but how untrue to our Rhea. Who would associate her with looking back? For that matter, who would associate her with a chair?

Yet, I can't resist the temptation to look back. I look back, however, not from 1971 but *to* 1971. I deem it very much in the spirit of Rhea to take vantage at the year 2000 and to reflect in retrospect across the three decades that will have passed since tonight. It is more than idle fancy because only in 2000 will we really know whether we have learned from the prophetic leadership of Rhea. Allow me then the view of Cazenovia College and all higher education in '71 from the year 2000.

We discovered then (that is, tonight) that the gospel dictum—where your treasure is, there also your heart will be—really was the wisdom that endures.

Those were difficult times in '71—perhaps not the worst, surely not the best—and the difficulty caused us to assess our values. We pondered our priorities, what we would put first, what we would sacrifice last. Priorities do entail sacrifice. And our priorities were centered, fortunately, on the person. We gave centrality to human aspirations, human potential, human needs. On the centrality of the human person we assessed our priorities in education, to determine what the person needed in education whether as tot or as graduate student. And in following such priorities we showed that we were listening to Rhea Doyle Eckel.

For in 1971 we came to grips with "equality of opportunity in higher education." This was not a shibboleth for battle or a slogan for causes, but a principle of educational priority. It meant that education was related to the aspirations, the potential, and the talents of the educand. It meant the full spectrum of educational possibilities, planned and implemented with concern and commonsense: technical or non-technical, two-year or four-year or senior or graduate, inside walls or outside. If it was a need that could be met with competence and commonsense, it was met. The criterion was the need of the person to be educated. The purpose of the given institutional response, of Cazenovia College or of any other, was evaluated in relation to that need. Opportunity for higher education was gauged not by social pressure or rigid forms or far worse—by personal financial resources.

And "opportunity" in '71 meant "freedom of choice." In the previous decade ominous pressures had been building up; cultural, economic, political pressures threatened to dull the awareness in America of its heritage of pluralism, particularly the value of educational responsibility shared between the public *and* private sectors. Voices were heard in the land, voices of a Rhea Eckel or an Alan Pifer, as they pointed out in the latter's words: "the vital elements of diversity, free choice and heterodoxy" that are safeguarded in our pluralistic system.

"Private institutions are not the only contributors to pluralism. Public institutions can and do play a part in it; but their vulnerability in times of crisis places a special burden on private institutions for the preservation of diversity, of free choice, and of the capacity to tolerate heterodoxy—in short, for the preservation of an open society."

In 1971 Americans faced up to the only alternative to responsibility shared between public and private sectors. It was of course a single system of governmental schools. They saw this alternative and rejected it as alien to our American tradition. In the words of Alan Pifer:

"It has therefore seemed wise to many Americans to distribute the safekeeping of their nation's most precious asset, its intellectual freedom, among a variety of institutions under the control of private citizens as well as of public authorities. In a totalitarian state, where intellectual orthodoxy is of the highest imperative, this kind of arrangement would be unthinkable because it is one designed to produce a babel of intellectual and artistic claims in the name of truth, perpetual challenges to authority, and a seeming lack of a disciplined sense of national purpose. Despite the attacks on it today by young radicals, and despite the clearly evident imperfections of our present society, our system of shared responsibility is one that has served the American people well, and we would be foolish to abandon it by allowing our private institutions to fail."

Strong economic pressures distort vision. Distorted vision creates illusions and mirages. But to the credit of the American people in '71, they saw through a myth that threatened to feed upon the immediacy of a sagging economy. I refer to the myth of free education. Could there be a greater delusion abroad in our country? Free higher education! All education costs, and those costs must be met. The only question is how the costs will be met and by whom. Shortsighted and tragic indeed, and vain, would be the attempt to meet those costs by sacrificing, or even crippling, the presently prevailing shared responsibility. This supreme foolishness would not even be penny-wise. Can anyone seriously believe that a single governmental system would not mean soaring taxes?

In dispelling the myth of "free education" and in planning to meet the inevitable costs of higher education, the American people in 1971 responded with intelligence. They required cooperative planning of both public and private sectors, avoiding useless re-duplication, utilizing long years of experience and resources in private institutions. The American people recognized the public educational service rendered by the private institutions. Enlightened legislators directed institutional grants as partial subvention from public funds to enable the private institution to continue their service within the pluralistic tradition. Partial subvention was given, of course, with the awareness of the far heavier burden that would come with the tax costs of a single governmental system.

Throughout the struggle to control costs, however, the need of the individual student was never lost from sight. In eschewing the criterion of personal financial resources, programs of aid were fashioned for all who needed them. The all-too-long-delayed programs for the disadvantaged were strengthened and were implemented with sensitivity and respect. And the rapidly worsening situation in '71 of the middle-income student was finally realized and corrected. Recognition of the long-range burdens imposed on the middle-income student by long-enduring loan obligations brought about realistic direct assistance to such students and enabled each to choose freely between institutions in either sector.

Americans in 1971 preserved the tradition of philanthropy, the freely directed financial support that is essential to preserving the private institutions. Tax reform did not choke off but rather encouraged philanthropy to higher education, both corporate and individual. Under the enlightened leadership of the Council for Financial Aid to Education and other groups, corporate philanthropy made full use of its tax-related opportunity to support and to continue in vigor the private sector. And the individual citizen retained his right to direct some of his resources to the college of his choice.

In responding so intelligently to the needs of higher eduction in '71, and in assuring the continuance of shared responsibility through partial public subvention to private colleges, the American people laid to rest an irrational fear that cropped up occasionally in well-meaning but uninformed hearts. It was the fear of proliferation. Given the partial subvention base for private institutions, the cry went, all sorts of profiteering outfits, eager for the so-called handout, will spring up. Balderdash! Not only will the strong peer pressure of professional accreditation eliminate the fly-by-night profiteer. More importantly, the continuance and the vitality of the private institution will always depend on the cornerstone of personal dedication and sacrifice. Those of you whose hearts are with Cazenovia College realize that the treasure of your loving service and sacrifice is there too. Without that cornerstone, any private institution, even Cazenovia College, would crumble.

We have seen Cazenovia College for 14 years flourish as it rested on the living cornerstone who is Rhea Eckel. For us and for all who hold precious collegiate education in America, she epitomizes sacrificial dedication. Such dedication is the irreplaceable condition for continued shared responsibility in educating our youth of today and tomorrow. Because of her in 1971, not only Cazenovia College but every private institution in 2000 will have, must have "the vital elements of diversity, free choice and heterodoxy"—"for the preservation of an open society."

Tonight, aware of the fragrance of her service that will never fade, we salute and we thank our "red, red rose"—our love, Rhea.

AMTRAK SERVICE REDUCTIONS NEEDS IMMEDIATE ATTENTION

(Mr. KEMP asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, upon commencement of operations by the National Rail Passenger Corp. on May 1, intercity rail passenger service was slashed drastically in most parts of the Nation.

Excluding the northeast corridor—Boston, New York, Washington, D.C.—where minor adjustments were made in the pattern of service, the number of trains was cut by 67 percent and daily train-miles by 65 percent.

I have, therefore, written to the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), respectfully requesting that he reconvene hearings in order to take prompt action on urgently needed service. I include a copy of that letter at this point and an article from the November 1970 Field and Stream:

WASHINGTON, D.C.,
May 5, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, House Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The announced framework of routes to be operated by Amtrak exclude several well-traveled and important lines linking major population centers in this Nation. It is unthinkable to establish a "national" network of passenger train operations while omitting these vital national rail connections.

If Amtrak is to be successful in its operation and improvement of passenger trains in this country, and if the public is to be served by dependable all-weather transportation and the spiraling costs of highway and airport construction slowed, then the House Committee on Interstate and Foreign Commerce must authorize additional appropriations for the purpose of expanding the urgently needed basic system into which other ancillary routes can be connected under Section 403C.

I feel the legislation I have proposed which has been cosponsored by 48 of my colleagues will provide the necessary passenger service, and establish a system that will provide a fair return to the taxpayer for his investment. My bill expands the basic system at no cost to the states and relieves the financial pressure on the states to connect ancillary routes under 403C with only a one-third contribution. These are necessary steps which must be taken promptly.

However, while Amtrak's route system has been the subject of intense discussion, it appears that other areas of Amtrak's operation (i.e., schedule for purchase of new equipment, retraining of employees, environmental impact of improved services, and other advantages for the consumer in the decades ahead) should receive Congressional attention.

Some go so far to say there is a plot to pave America and the advantages of trains will be ignored by the Congress. Certainly your committee has taken note of the fact that for four consecutive years, total U.S. commuter rail travel has increased. I feel that given good equipment, service, and proper promotion, trains not only can regain lost patronage but attract many people who today never think of train travel.

I therefore respectfully request that you reconvene hearings at the earliest possible date in an effort to report out legislation to strengthen Amtrak and to provide for research and development of rail passenger service leading to a better environment and balanced transportation service for the citizens of this nation.

Sincerely,

JACK F. KEMP.

THE PLOT TO PAVE AMERICA

(By Richard Starnes)

What could be more redolent of righteousness than an organism which calls itself "Highway Users Federation for Safety and Mobility?" It's a title that fairly reeks of rectitude, home, mother, Plymouth Rock, and the American flag. Man, anybody who'd knock mobility and safety would as soon defame the sainted memory of Babe Ruth, or play hopscotch on the steps of the Lincoln Memorial.

But, sadly, as is so often the case, the "Highway Users, etc." is not all that virtuous. It is a principal tentacle of the highway lobby—a spokesman for a precious band of rogues whose ethics would cause a wave of revulsion in a Port Tewfik bagnio. These guys, whose antecedents we will vet in a moment, have control of $5 billion a year (your dough, Chum), and with it they plan to pave every square foot of the United States they can get their greedy hands on. They are predatory bureaucrats of such skill and rapacity that even the miserable Corps of Engineers, themselves knee-jerk concrete pourers, had better look to their laurels.

The highwaymen do their dirty work in the name of road building, a traditional American enterprise that is as difficult to assail as flood control, which is the oily phrase with which the Corps of Engineers cloaks their vile deeds.

Highways? Why, dad, ain't highways what enables you to take your tads 500 miles in one day for a whack at a whitetail? Or let you live in the country and work in town? And aren't they vital to hot dog—safety and mobility? Cheerfully we answer yes, indeedy, to each question. And before the hacks in the pay of the highway lobby rush to their typewriters to have at me *ad hominem*, let me admit that I use highways frequently and I like 'em wide, smooth, and straight. I dig mobility and safety as much as the richest highway contractor alive.

But the problem hasn't got anything to do with safe highways, really. What it has to do with is a very bad law (which like so many other bad laws looked very good when people first started talking about it). The law, enacted in 1956, established the Highway Trust Fund, an incomprehensible bundle of boodle (now actually running at about $5.3 billion annually) that is financed principally by a 4 cents per gallon Federal gasoline tax. This enormous sum is earmarked exclusively for highway building, and it is where the gaudy ribbons of concrete that crisscross the country have come from.

It is also the source of a great and growing ecological disaster. No state in the Union is without its superhighway horror story, for too often the huge program of road building has careened ahead with wanton disregard for recreational and environmental values. There is no space here to detail the ecological damage wrought by the highway system, but every locality in the land has its own atrocity tale of recreational areas jeopardized, game refuges threatened, and scenic values destroyed.

The proliferating skein of highways, moreover, has generated a pall of air pollution that threatens life itself. More and bigger highways have not eased auto traffic, they have meant more autos, more traffic congestion, and more air pollution. Other forms of transportation have been neglected (the biggest railroad in the country has just gone bankrupt) until it will take a generation for them to regain parity.

As bad as this is, it is going to get worse. That $5 billion Federal money (and nearly as much again in state-generated funds) is a temptation that no politico-contractor cabal can resist. The highway lobby is as tough, predatory, and ruthless (and God knows, as rich) as any in Washington, and it is fearsome to behold when it swings into action. Such a time is at hand now, for the Highway Trust Fund is due to expire in 1972 and the highwaymen are not about to relax their extortionate stranglehold on the nation's transportation budget. The highway lobby is cranking up a whole self-serving symphony of reasons why the Highway Trust Fund should be extended: It is vital to "national defense," the interstate highway system (which was to have been completed by 1972) is only 70 percent complete, other forms of transportation are trying to "raid" the Trust Fund, and having promised the 42,000-mile system, Congress has a moral commitment to finish it no matter how thundering a failure it has proved to be.

Although the law does not expire for two years the battle over extending it has already been joined, since there is an 18-month lead time for Federal grants under it. Barring a miraculous onset of good sense in Congress, the Highway Trust Fund will be extended; the only question to be debated is whether some of the swag can be diverted to more sensible projects. Although Department of Transportation Secretary John A. Volpe is already on record that the Nixon Administration is "firmly committed" to finishing the interstate system, he did propose sluicing off some $1 billion for forest roads, roads on Indian reservations and public lands, and beauty and safety programs. All of these have heretofore been funded from general tax revenues, and anyone who has ever ventured beyond the end of the car tracks knows what short shrift they've gotten.

Even Volpe's modest proposal has raised a howl from the voracious highwaymen and some of their well-placed lackeys. This highway lobby deserves to be the object of a doctorial thesis by some hard-nosed young man who doesn't mind personal abuse. It is a covetous gaggle of contractors, truckers, interstate busniks, auto, tire, oil, and allied interests. One has only to consider their twin rallying cries of safety and mobility (55,000 highway deads every year, 250,000 or more injured, and a traffic jam everywhere you look) to realize the magnitude of their arrogance. But one more example might be adduced to further illustrate just how dismal are the prospects for correcting this sorry miscarriage of creative democracy.

I introduce to all unsuspecting Americans a publication called "The Federation Reporter," which produces what it calls "news of the month in highway transportation," and which is—you guessed it—the mouthpiece of our euphemistically named friends, the "Highway Users Federation for Safety and Mobility." This propaganda organ is one of hundreds like it that are disgorged by as many different special interests around Washington to little purpose. They certainly don't con the hard-eyed journalists to whom they're sent (my friend Mike Frome gave me his copy, and his roar of outrage over it was something notable to behold), nor do they persuade the cynical old windbags in Congress.

But the Highway Users' house organ is interesting for the occasional insights into how these freebooters operate. Take the July number, which contains a piece entitled "No Time For Complacency!" I wish space permitted me to quote the whole of this piece, but I must content myself with using it to make the point that the highway lobby has a great many powerful, highly placed friends. Like Richard Sullivan, chief counsel of the House Public Works Committee, a man who will have a great deal to say about what form the extension of the Highway Trust Fund will take. Herewith some specimen extracts from what "The Federation Reporter" bills as Mr. Sullivan's "personal views":

"The highway program is at a critical point. And because the Administration has proposed a five-year extension of the Highway Trust Fund does not mean it is the time to be complacent and assume the battle has been won. There are many people who want to see the end of the Highway Trust Fund as we know it—influenctial people who propose instead an overall transportation fund.

"My advice would be for highway people to stop being complacent, get out of their small spheres and sell—just the way the highway program was sold in 1956. You have to get out and sell the benefits of the highway program—just like you sell anything else. Too much effort is spent now on brush wars and more attention must be paid to the big picture."

Counsel Sullivan, who is far from being unique as a special pleader on the public payroll, notes that it will cost "close to $70 billion" to complete the interstate highway system (the original estimate in 1956 was $28 billion) and adds:

". . . this is going to be a tough year—we're going to make it, but it's not going to be easy and I don't think you should sit back and be the least bit complacent and say 'It's going to go.' There are a lot of people who don't want the Highway Trust Fund continued. There are a lot of people who want to get into that money one way or the other and divert it to other purposes."

I note for what it is worth that Public Servant Sullivan avers that he is "one who believes that the highway creates good social effects—good economic effects—and good ecological effects. And we should be positive about it and not negative."

But he concludes the interview he granted the busy scribe from the highway lobby with open and shameless advocacy of continuing a law that has had catastrophic effects economically and ecologically.

"I can wave the flag for the highway program," Sullivan says. "We know it's good. We know it's going to go but I want to emphasize the problems we do face.

"We need your help. We want it now. We want to make this Highway Trust Fund continue because the benefit to the country—the development of the future of this country—is intrinsically woven in a continuing, meaningful and effective highway program."

Not to belabor the point, but just bear in mind that speaking is a man on the public payroll who plays a major role in guiding the deliberations of the House committee that must pass on the highway controversy.

There is proof that the highway lobby is looking not only to finishing the voluptuous interstate system *but to continuing indefinitely an enormous endless program of road building*. Look at what these guys have done to the environment in fourteen years by spending around $4 billion a year on the average, and try to imagine the disaster that will befall the beleaguered ecology when they have a permanent highway building fund of around $7.5 billion a year, which is what the Trust Fund is expected to reach in another fifteen years. The road hogs have already built 42,000 miles of interstate highway and they want to go on and on and on even after the final 1,000 or so is wound up. Proof of this lies in their bitter opposition to a bill (S 3996) introduced by Senator Gaylord Nelson that would permit use of Highway Trust Fund money for other forms of transportation after the interstate system is finished.

The highwaymen want it all and they want it forever, and the only vision of the future that this can produce is an America where every tree and every blade of grass, every stream and every slough is eventually paved over. Senator Nelson's bill is a step in the right direction but actually it doesn't go far enough. What's needed is abolition of the Highway Trust Fund entirely and substitution of a general transportation fund. This would not mean the end of highway building, and shouldn't. But it would mean that future highways would have to be weighed against other transportation systems and against the environmental values that highways and expressways, with their built-in fumes and frustrations, inevitably destroy.

Nothing less than a great public outcry is going to stop the highway lobby. It is greedy and tough, and it has friends of great influence. Try writing your Congressman and Senators in behalf of Senator Nelson's bill (for starters) and see if I'm not right.

Mr. Speaker, I am also reintroducing my joint resolution today on which we have 48 cosponsors from 17 States. At this point, I include an up-to-date list of the cosponsors and an article from the April 12, 1971, issue of Traffic World.

Cosponsors

Mark Andrews, Republican, North Dakota.

Les Aspin, Democrat, Wisconsin.

LaMar Baker, Republican, Tennessee.

Charles Bennett, Democrat, Florida.

John Brademas, Democrat, Indiana.

Charles Carney, Democrat, Ohio.

George Collins, Democrat, Illinois.

Barber Conable, Republican, New York.

Silvio Conte, Republican, Massachusetts.

Charles Diggs, Democrat, Michigan.

Harold Donohue, Democrat, Massachusetts.

John Dow, Democrat, New York.

Thaddeus Dulski, Democrat, New York.

John Duncan, Republican, Tennessee.

Hamilton Fish, Republican, New York.

Charles Gubser, Republican, California.

Seymour Halpern, Republican, New York.

Orval Hansen, Republican, Idaho.

Michael Harrington, Republican, Massachusetts.

Louise Day Hicks, Democrat, Massachusetts.

Frank Horton, Republican, New York.

William Keating, Republican, Ohio.

Carleton King, Republican, New York.

Norman Lent, Republican, New York.

Arthur Link, Democrat, North Dakota.

Paul McCloskey, Republican, California.

James McClure, Republican, Idaho.

James McKevitt, Republican, Colorado.

Stewart McKinney, Republican, Connecticut.

William Minshall, Republican, Ohio.

Bradford Morse, Republican, Massachusetts.

Alvin O'Konski, Republican, Wisconsin.

Bertram Podell, Democrat, New York.

Walter Powell, Republican, Ohio.

James Quillen, Republican, Tennessee.

Ogden Reid, Republican, New York.

Robert Roe, Democrat, New York.

J. Edward Roush, Republican, Indiana.

Edward Roybal, Democrat, California.

Fred Schwengel, Republican, Iowa.

John F. Sieberling, Democrat, Ohio

Henry Smith, Republican, New York.

J. William Stanton, Republican, Ohio.

Samuel Stratton, Democrat, New York.

John Terry, Republican, New York.

Al Ullman, Democrat, Oregon.

G. William Whitehurst, Republican, Virginia.

Bipartisan House Group Backs Drive To Increase "Railpax" Appropriations

A bi-partisan group of 27 House members, led by Representative Jack F. Kemp (R.–N.Y.), is co-sponsoring legislation that would authorize an increase in appropriations for the National Rail Passenger Corp. by $290 million in fiscal year 1972, 75 per cent of which is to be used to help finance operation of rail passenger service over certain routes not included in the initial "Railpax" operating scheme announced on March 22 (T.W., Mar. 29, p. 15).

The proposal, H. J. Res. 540, is the latest of many bills that have been introduced in both the House and Senate dealing with the "Railpax" system. It is the first, however, to include an increase in funds along with a mandate for expanded service.

The resolution calls for increased authorizations for the Department of Transportation of $289,965,000 in fiscal year 1972, approximately $218 million of which is to be used by the DOT "to make grants to the National Railroad Passenger Corp. for the purpose of initiating and operating urgently needed intercity rail passenger service around the nation. . . ."

The resolution further sets forth specific routes over which service would have to be provided by the NRPC in accordance with the proposed resolution. The routes are listed as follows:

Buffalo to Chicago via Erie, Cleveland, Toledo and South Bend.

Detroit to Toledo.

Denver to Portland, Ore., via Cheyenne, Ogden and Boise.

Fargo, N.D., to Portland, Ore., via Billings, Butte, Spokane and Hinkle, Wash.

Denver to San Francisco via Cheyenne, Ogden and Wells, Utah.

Washington, D.C., to Cleveland via Cumberland, Md., Pittsburgh, Youngstown, O., and Akron.

It is noted in the resolution that two of the routes specified had been "highly recommended" by the Interstate Commerce Commission (Buffalo—Chicago and Denver—San Francisco) and that all but one (Denver—San Francisco) had been similarly recommended by the National Association of Railroad Passengers.

The other 25 per cent of the total called for in the resolution is to be used by the Secretary of Transportation "to undertake research and development in high speed ground transportation" including such things as design, propulsion systems, guideway development and communications.

Although the funds to be made available for "Railpax" are called grants in the text of the resolution, the proposal contains a provision whereby, if the route over which service would be made available by the grant becomes profitable, the NRPC would repay the amount of the grant to the DOT "by means of installments until such time as the grant with respect to such route has been repaid in full."

The resolution also calls for amendment of the rail passenger service act of 1970 to reduce the amount which a state would have to put up in order to retain rail passenger operations over a route not included in the initial "Railpax" network.

The act presently specifies that a state would have to subsidize at least 66⅔ per cent of the amount of loss involved in such operation, with the balance to be provided by "Railpax." The Kemp resolution would halve the states' share to 33⅓ per cent of losses up to $5 million annually. Anything over $5 million would be subject to the 66⅔ per cent share.

Co-sponsoring the resolution along with Representative Kemp, were Representatives Baker (R-Tenn.), Carney (D-O.), Conable (R-N.Y.), Dulski (D-N.Y.), Fish (R-N.Y.), Gubser (R-Calif.), Halpern (R-N.Y.), Hansen (R-Ida.), Horton (R-N.Y.), Harrington (D-Mass.), Keating (R-O.), King (R-N.Y.), Lent (R-N.Y.), McKevitt (R-Colo.), McKinney (R-Conn.), Minshall (R-O.), Morse (R-Mass.), Powell (R-O.), Reid (R-N.Y.), Roe (D-N.Y.), Roybal (D-Calif.), Seiberling (D-O.), Smith (R-N.Y.), Stanton (R-O.), Stratton (D-N.Y.), and Terry (R-N.Y.).

LEGISLATION TO REGULATE POWERPLANT SITING

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, this Congress is being asked to meet the need for increased electric power and, simultaneously, to protect the environment from poorly located or designed power facilities. The people want their lights to light, but they want clean air and water too.

Yesterday I had the opportunity to testify before the Communications and Power Subcommittee of the Interstate and Foreign Commerce Committee on what is probably the most significant environmental bill proposed to this 92d Congress. The bill proposed by the administration, would provide for the orderly planning of powerplants. Other bills are also aimed at preventing electric blackouts and brownouts.

But the administration's bill has a unique second thrust: to provide that proper powerplant siting and design will prevent the browning and blacking out of the Nation's water and air too.

Thus the subcommittee is required to deal not only with the technicalities of power, the subcommittee's specialty, but also with the environment. I hope the subcommittee will take the same balanced approach as does the President. I hope it will not be misled by phony reports of alleged benefits from the thermal pollution of our waters.

Reports of benefit are few. Reports of damage are many.

Failure to provide environmental protections in powerplant legislation could irreversibly turn our rivers into putrid streams of death that would mock the development that electric powerplants are built to support.

I urge my colleagues to act in such a way that they will not one day have to explain to their constituents why their river has become another Styx. I ask them to examine with care the legislation and my amendment to it, both of which were discussed in my testimony of yesterday, which I am inserting in the body of the RECORD:

TESTIMONY OF HON. GILBERT GUDE

Mr. Chairman, I am most grateful for the opportunity to present my views on electric power plant siting, and in particular, to endorse the Administration bill which I introduced for Mr. Reuss and myself as H.R. 6526. This is the same bill which Mr. Staggers and Mr. Springer introduced as H.R. 5277.

Undoubtedly, the Administration witnesses have discussed the major provisions of the bill, so I will not repeat these points at length in my statement. The Administration's legislation applies to all bulk power suppliers, including investor-owned, federal, state, municipal, and cooperatively-owned systems. It provides for the establishment of State, regional, and federal certifying agencies to hold public hearings and certify power plant sites, facilities, and high voltage transmission lines well in advance of construction. The utilities would be required to publish plans for system expansions at least ten years in advance. Hearings would be held on proposed site acquisitions five years ahead of construction, and a second hearing would be held on construction permits two years in advance. A "one-stop" certification procedure would be established at the state level. Every effort should be made to coordinate federal approvals, too.

The need for comprehensive, long-range planning is acute. The nation faces the prospect of blackouts and brownouts together with haphazard consideration of the environmental issues raised by power plants and transmission lines—the worst of both worlds. The utilities need a framework that will enable planning with some confidence that projects will not be halted halfway through because environmental issues never received an adequate hearing. We have seen this happen in Maryland with the Calvert Cliffs nuclear plant. And the public needs a guarantee that environmental protection features will be considered when the utilities' plans are still fluid.

I support the concept of leaving primary responsibility for regulating power plant siting and transmission routing with the states, subject to the federal guidelines which would be established under the legislation. My own State of Maryland has enacted progressive legislation to require long range planning and preconstruction review of new power facilities, taking account of environmental as well as energy needs. The new law also creates an environmental surcharge to be levied on power generation to be paid into a trust fund for research and funding of a limited state site-acquisition program. The new law is certainly not perfect, but it is a responsible beginning. I believe that the role of federal legislation should be to support and strengthen progressive state action where it exists, and to require the states to act where they have not.

The open, long-range planning requirements of the Administration bill seem to me to offer a new opportunity for action to improve the use of our land and other natural resources. The long-range plans prepared and published by the utilities in a region can provide a focal point for regional economic and land use planning. To produce meaningful projections, the utilities will have to consult with business, government, and community leaders to obtain their views on future developments. Another benefit will be the ability of others to use the utility plans to guide their own activities.

Perhaps the most important benefit of the planning process will be to facilitate joint planning and use of sites and rights-of-way by several electric utilities or by electric utilities and others with similar needs. The most obvious would be multi-utility rights-of-way or utility corridors. Long-range electric utility plans would identify the need for new transmission lines between particular areas well enough in advance for those concerned with gas, water and sewer lines to make the arrangements for joint use of the rights-of-way.

Long-range planning can assure early and systematic review of the impact of new power facilities upon the environment. In addition, I believe the planning requirements can speed the development of advanced methods of pollution control and productive use of the waste heat generated by power plants. I urge that the Committee consider an amendment to Section 4 of H.R. 6526 which would require that electric utilities describe in their annually prepared long-range plans their research and development programs to minimize environmental degradation and to promote productive uses of waste heat.

Technology is going to be as critical as geography in resolving power plant siting problems. Today, there is really no good place for a facility that pollutes the air and heats our waterways. I think that the amendment I propose would help to focus the attention of the utilities, the regulatory agencies, and the public on what needs to be done to eliminate power plant pollution at the source.

Some impressive research has been done by individual utilities, their suppliers, the Edison Electric Institute, and the Federal Government, but it is not nearly enough. In the field of recycling pollutants and waste heat, very few pilot projects have been undertaken. And yet there are intriguing possibilities for joint use of power plant sites or the establishment of industrial parks adjacent to power plants.

For example, as fossil fuel power plants install sulfur oxide control technology, by-products will be generated which could be used by adjacent industries. Current calculations show that unless there is a market close by, the cost of transporting the by-products may exceed their worth. Therefore, if an industrial firm which uses sulphuric acid or another such by-product is able to plan its location near a power plant, the sulfur can become a useful by-product rather than a solid waste disposal problem. Fly ash is another power plant waste product which could be converted to bricks or other building material.

The heated water generated by power plants can upset natural balances of plant and fish life when discharged into a river or bay. The possibilities of converting so-called "thermal pollution" into a resource have been neglected in both research and planning efforts by most utilities. Plans could be developed to use the heated water for farm irrigation, fish and shellfish culture, heating of buildings, speeding of sewage treatment processes, and other useful purposes.

I understand that the Consolidated Edison Company of New York is planning to demonstrate the use of power plant cooling effluent for space heating in New York City. This is the kind of undertaking that can provide long-term solutions to some of our siting problems. Consolidated Edison has also decided to end advertising designed to stimulate the use of electricity and the purchase of electric appliances, and instead, to promote conservation of electricity by its customers. This new policy makes sense, at least as long as we are faced with the threat of blackouts and brownouts. Consolidated Edison was one of the first targets of citizens concerned about the environment, and its management has responded with some sensible decisions on reconciling energy and environmental needs. My proposed amendment requiring disclosure of research and development efforts in utilities' long-range plans is intended to encourage other utilities to do the same.

In summary, I believe that the Administration bill provides the tools for better siting of electric power plants and transmission lines, and will establish an institutional framework for improving the use of our land and other resources as well. I urge that you consider the bill in the broader perspective of contributing to the conservation and recycling of resources as well as meeting the immediate need of reconciling energy and environmental needs before the lights go out.

Thank you again for the opportunity to be heard on this vital legislation.

TRADE LEGISLATION IS INCREASINGLY URGENT

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 1 hour.

Mr. SIKES. Mr. Speaker, in the last session of Congress the House passed the Mills trade bill. Without going into detail about the contents of the bill it can be said that it would have improved greatly the hope of the remedy for American industries and their workers which have been seriously hurt by imports. The bill was designed to prevent the unimpeded takeover of our domestic market by imports and many Members of the House will attest this takeover is a serious threat.

It was passed by this body by a margin of 215 to 165. Because of time limitation the bill, while clearing the Finance Committee of the other body, did not come to a vote there.

On the first day of the present session of Congress, the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) with several cosponsors reintroduced the bill with no changes other than updating. Many other bills of similar nature have been introduced.

Mr. Speaker, nearly 4 months of this session have now passed but the reintroduced bill has not moved from the committee because of higher priority given to other legislation. While this delay is understandable, I do not believe that the problem of import competition can be allowed to be set aside much longer.

Imports are not declining. They are rising. The so-called favorable balance of trade is again declining, and is in fact a growing deficit. Obviously, the import problem is not going away. The longer we postpone action, the more difficult the remedial action will become.

Mr. Speaker, the United States has been losing out in world trade for years, as most of us now know. The Department of Commerce admits as much. American industries and American workmen know it best of all. They feel it directly.

The reason should never have been a mystery to those who kept their eyes open. Free-trade economists, on their part, would not recognize the facts even when these could no longer be brushed aside. The fact is, our unit costs of production in many industries and in agricultural pursuits are higher than those of most of our most serious competitors. We have much higher wages than other countries. This of itself is not new. What is new is the great technological advancement in other industrial countries in recent years. It is the fast-rising productivity in other countries, combined with their lower wages that gives them the competitive advantage they hold over us.

It will be said that foreign wages have in some instances risen more rapidly than our wages, and this is true in terms of percentage increases. The trouble is that foreign wages started from a much lower base than ours. A 50-percent wage increase in many instances would not mean more in actual dollars and cents than a 10-percent increase in this country.

The result has been deep penetration of our market by a variety of imports. The minimum wage itself in this country, as established by law, is higher than the top wage in some of the countries that compete with us. It probably will go higher here within the year.

Our imports have shifted heavily toward manufactured goods, which is to say the goods in the processing, fabrication, and finishing of which the maximum amount of labor has been applied. The share of our imports composed of finished goods has moved from less than a third to roughly two-thirds.

This type of import hits hardest at U.S. employment. In the case of Japan, for example, a very high percentage of our imports consist of manufactured goods, over 90 percent in fact, while Japan imports from us principally raw materials and partly manufactured goods. Our overall trade balance in 1970 with Japan ran a deficit of over $1.2 billion.

The only type of goods in which we still hold a handsome export lead consists of the general classification of machinery, including automobiles, trucks, and so forth, and aircraft, computers, and so forth; and beyond that, chemicals. Even this lead is shrinking badly. Imports of machinery have been rising much more rapidly than our exports. In the case of automobiles and parts, we have in recent years lost our favorable trade balance altogether. In aircraft, we have maintained a wide lead. How that will turn out in the next few years in view of recent developments, such as the SST, no one can say.

The goods in which we are in a deficit position is a long and growing list. We have lost our lead in textiles, steel, automobiles, typewriters, sewing machines, petroleum, and other products. Employment in the manufacture of the broad spectrum of goods in which we have a trade deficit is at least 2 million more than in the items in which we enjoy a lead.

Mr. Speaker, in view of the continuing encroachment of imports in more and more lines, such as electronics, footwear, steel, glass, hardware, tools, textiles, and so forth, it must be clear that the goal of full employment, which is the declared statutory objective of our economy, will become more and more difficult to reach and to hold, if we do not do something to halt the import invasion of our market. My home State has a big stake in this trend. Synthetic textiles, fruits and vegetables, meat, stand out as particular examples.

The European Common Market nations seem headed for a new day in trade expansion, embarking on this route supported by lower labor costs and increasing technological know-how. They are working effectively together.

Caught in this vise is American business which clearly is in deep trouble, and American labor which is feeling the direct impact of force reductions brought on by the growing flood of foreign imports.

Both business and labor now must look to government to help them extract from this difficulty over which they have no control and which will grow worse.

Despite efforts by business and labor to provide more goods at higher quality for competitive prices, foreign produced goods continue to erode the domestic market as well as our long-established overseas markets.

Almost daily, the United States loses ground in the import-export crisis.

In consequence, I am concerned about our economy as a whole. It is not only a question of this congressional district or this or that State. We are all concerned about our total economy.

It is for this reason that I supported the Mills bill last year. It is for this reason that I favor the earliest possible revival of sound trade legislation.

A few years ago, Mr. Speaker, our rising imports were attributed to the prevailing prosperity in this country. Yet if we look at the imports of the past 5 years we will see the continuing increase year after year.

U.S. GENERAL IMPORTS

[Dollars in billions]

	Amount	Yearly increase	Percent increase
1965	$21.4		
1966	25.6	$4.2	20
1967	26.8	1.6	6
1968	33.2	6.4	23
1969	36.0	2.8	8
1970	39.9	3.9	11
Total increase, 1965–70		18.9	86

A comparison with exports shows a slightly different total trend, as follows:

DOMESTIC IMPORTS

[Dollars in billions]

	Amount	Yearly increases	Percent increases
1965	$27.1		
1966	29.9	$2.8	10
1967	31.2	1.3	4
1968	34.2	3.0	10
1969	37.4	3.2	9
1970	42.0	4.6	12
Total increase, 1965–70		14.9	55

While exports increased 55 percent imports increased 86 percent. In other words, imports increased almost 40 percent more from 1965 through 1970 than exports.

This, it should be emphasized, is not the whole story. If we look at our machinery exports—exclusive of transport equipment—which represent the bright spot in our export effort, we find that exports increased from $6.934 billion in 1965 to $11.371 billion in 1970. This growth was largely in response to our growing investment in foreign manufacturing. These investments boosted our machinery exports. The increase from 1965 through 1970 was $4.43 billion, or 64 percent.

Imports of machinery during the same period, however, rose from only $1.8 billion to $5.288 billion in 1970. This represented an increase of 188 percent. In other words, our imports of machinery, exclusive of transport equipment, but including electrical machinery, increased nearly three times as rapidly as our exports in the past 5 years.

In the past 3 years, 1967–70, our machinery imports rose 71 percent while our exports increased only 37 percent.

This trend does not speak well of our vaunted lead in exports of machinery. How long will this lead last at that rate? Can we make up the narrowing of our lead in our front-running export product—machinery—by an increase in our exportation of other manufactured products? Which ones? Textiles, steel, footwear, petroleum, electronic goods? Look at shoes. A total of 115 shoe manufacturers have been priced to the wall in Massachusetts alone in the past 8 years. There is little hope of a turnabout in these products, and we know it.

The outlook is anything but bright. It looks to me ominously as if the handwriting on the wall tells us something very vital about our trade policy. We have lost out seriously in nearly all manufactured products other than machinery and chemicals. Now we find imports of machinery, electrical and nonelectrical, the brightest star in our firmament, beginning to overcome the lead in our exports. The gap is still wide, to be sure, but the trend is very chilling, what with exports growing 64 percent in 5 years while the imports have grown 188 percent.

Mr. Speaker, our trade deficit in the items classified by the Department of Commerce under the two headings "Manufactured Goods Classified Chiefly by Materials" and "Miscellaneous Manufactured Articles," in which machinery and transport products are not included, is very serious.

In 1970, the exports in these two broad nonmachinery categories combined was $6.7 billion. Imports were almost double this total or $13.2 billion, leaving a trade deficit of $6.5 billion.

These two classifications include most of our principal industries that suffer from import competition. Among them are iron and steel, textile and apparel, footwear, toys, watches and clocks, plywood, glass and glassware, copper and alloys, musical instruments, including phonographs, recorders, records, and so forth.

They do not, however, include petroleum and products in which we suffered an additional deficit of $2.28 billion in 1970; nor meat and meat preparations in which the 1970 trade deficit was $840 million. Fruits and vegetables, fish and fishery products, both of which are considerable deficit items in our trade, are also not included.

Combined with the two broad classifications mentioned above, in which our trade deficit was $6.5 billion, we suffered a deficit of more than $10 billion in 1970.

Such a large deficit puts a heavy burden on the few items in which we have been enjoying a surplus. For example, by comparison, our surplus in machinery was only $6.1 billion. It is true that we enjoyed a surplus in a few other products, such as coal, grain, cotton, aircraft, and so forth. The overall surplus in 1970 is indeed given by the Department of Commerce at $2.7 billion; but this includes foreign aid shipments and similar items, such as subsidized farm exports and food for peace, which, if omitted, would have wiped out that surplus.

Beyond that we value our imports on the basis of their foreign value rather than what they really cost us laid down at our ports. This undervaluation is in the neighborhood of 10 percent. Since our total imports, as reported by the Department of Commerce, were $40 billion, the real cost was about $44 billion; that is, including ocean freight, marine insurance, and so forth. Thus we had an overall deficit of some $4 billion in our trade last year, so far as private competitive trade was concerned, instead of a surplus of $2.7 billion, as reported by the Department of Commerce.

Mr. Speaker, I am not alone in my anxiety over trade legislation. Our trade trends are unmistakable. They represent a clear warning. Other Members of this body, I know, are equally concerned. Many of them have in their districts industries that are sorely pressed by imports.

American business is in trouble. A very considerable part of this is due to our own Government's lax attitude toward foreign imports. The U.S. market is fair game for the overseas manufacturer but in most countries his government has found ways to hedge against U.S. imports. Thus the American manufacturer and the American workingman are doubly discriminated against. This has been going on for years and the situation gets worse. There have been spasmodic efforts on the part of some U.S. officials to carry out President Nixon's commitments to provide relief in this field. They have been unavailing. It should be clear that Congress may be the last hope if the American manufacturer is not to be driven to the wall. Congress must accept the challenge and accept it now.

I yield to my distinguished colleague from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I want to thank the distinguished gentleman from Florida (Mr. SIKES) for yielding. I want to express my appreciation to him for a comprehensive statement which involves the welfare of American business and American jobs. He is to be commended for having approached this matter as one which is in no way selfish on his part. It does not involve some provincial interest of his down in Florida. It involves the welfare of the economy and the future prosperity of the business and the working man in this country.

The tragedy is that too few people want to view it in this light. I remember last year when I lent my support to this proposal, which passed the House of Representatives, a Member of the House of Representatives asked me if I could support it because of the problems of textiles. I said to that individual then, "Certainly I could, but there were other reasons, too."

And I asked this particular Member of the House if I could support it on behalf of textiles, which happened to be the concern of this individual, if they could support it for reasons which were a predominant interest to people down in my part of the country, and I was told quickly that, no, textiles was the basis of the concern. We could not approach it from that point of view.

The gentleman has said we are going to have to do something soon, and we are going to have to do something soon because every day we wait the problem becomes more complex and more difficult. Anyone who seeks free trade as an ideal is on solid ground, but anyone who is not pragmatic enough to know that free trade is one thing in theory and another thing in practice just has not looked at what is going on in this country.

We have come to the point in time that we cannot sell anything we here in America produce for the competitive—I stress the word "competitive"—world market without protection of some sort.

I, for one, have concluded that, wherein American businesses are going to be affected and wherein American jobs are going to be lost, I am going to try to provide the protection American industry and American jobs must have if we are to preserve jobs and industries in this country.

I thank the gentleman again for, by the mechanism of this special order, bringing this problem to the attention of the Congress today. I wish to tell him I as a member of the Ways and Means Committee will, when the time comes when this action does come before the committee, be on his side.

Mr. SIKES. I am most appreciative of the comments of my distinguished friend from Louisiana.

Mr. Speaker, I yield to the distinguished gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I would like to congratulate my friend, the distinguished gentleman from Florida (Mr. SIKES), for the fine presentation which he has made on the necessity for controlling imports and especially the emphasis which he has placed on textile imports. He has presented this problem in a very impressive way and I would like to join him in reemphasizing the urgency of initiating a textile import control program which will realistically come to grips and resolve this problem.

I share his disappointment that the bill which the House passed last year was not enacted into law. The provisions of this bill would have set up the necessary machinery for bringing textile imports under control and it would have been an effective and urgently needed measure. I was especially pleased that manmade fiber and all manmade fiber products were included in the bill as passed by the House. This bill would have provided relief to this important segment of the textile industry and would have given its employees assurance that the Congress would not stand idly by and see thousands of jobs lost as a result of the overwhelming flow of imports.

Imports of manmade fibers, including all products, have increased from 84 million pounds in 1961 to 614 million pounds in 1970. Imports in 1970 increased by 30 percent over the previous year. At the end of 1970 imports represented 11.6 percent of the domestic consumption of manmade fiber and the end is not in sight unless we act now to impose meaningful controls.

I am pleased that President Nixon has rejected the voluntary plan submitted by the Japanese Textile Association as unworkable and unrealistic. We are also happy that President Nixon plans to use his executive power to bring textile imports under control. While this effort on the part of the administration is most commendable, I am more of a realist and feel that the solution to this problem is through legislation, similar to the bill passed by the House last year. I have been extremely concerned at the total lack of cooperation of the Japanese textile industry to resolve this problem through government-to-government negotiations. The Japanese have on several occasions given the impression that they are willing and eager to negotiate a voluntary control program for textiles when legislation is actively under consideration by Congress, but their enthusiasm cools when the legislative process slows down. The time has come when we must again take the initiative and provide legislation which will be responsive to this import problem. I hope that the House Ways and Means Committee will reevaluate this serious problem and report a new bill, designed to bring textile imports into proper balance.

Mr. SIKES. My distinguished friend always makes sound contributions. I appreciate his participation.

Mr. Speaker, I yield to the distinguished gentleman from North Carolina (Mr. Lennon).

Mr. LENNON. Mr. Speaker, I thank the gentleman for yielding to me at this time.

I commend the gentleman, Mr. Sikes, again for his leadership, and express my disappointment at the lack of interest apparently being shown by so many Members of Congress not only in respect to the textile area and the shoe area but also in respect to the electronics industry, the steel industry and the automobile industry.

I could stand here and enumerate dozens and dozens of categories in which this country is adversely affected as reflected by our employment figures today.

I recall when this matter was debated in depth here last year. The House passed a bill limiting it to two categories, the textile and shoe industries.

I am now reliably advised by a gentleman who certainly has the esteem and respect of every Member of the House of Representatives as well as of the other body that he has good reason to believe if the Senate had passed the bill identical to the one we passed the President would have vetoed it. I have some feeling to believe that is the reason why the matter is hanging in the Ways and Means Committee now and we have not faced up to this situation.

We used to talk about less aid and more free trade. Certainly we must consider the statistics we have for 1969 related to the shoe imports. My distinguished friend from Pennsylvania, Mr. John Dent, made the statement on the floor last year that in 1969 there were in excess of 221 million pairs of shoes imported from Spain, Italy, or Japan. That is more than a pair for every single human being in this Nation of ours.

I remember the figures given for 1969 related to textiles, both cotton and manmade fibers; 3,629 million square yards of apparel or bolt goods.

I remember the figures that were quoted in the field of electronics. While we do not have definitive figures for 1969, we do have them for 1968. We know they are in excess of 67 percent. In 1968, not 1971, 67 percent or more of the table radios used in the United States were imported. The figures quoted on the floor here for 1969 almost approach 91 percent. In every field of electronics this is happening.

Mr. Speaker, what disturbs me so much is when people talk about thinking in terms of the consumer. I believe if we do not protect the producer, how in the name of high Heaven will they ever be able to purchase any which would make it possible for goods to be manufactured in this Nation of ours?

I say to you quite frankly that I am disturbed about the importation of motor vehicles because of its impact on the steel industry at every level. You go down into the Rayburn Building, G–1, G–2, and G–3, as I have done, and you go over into the other building where we park our cars. You walk around in the District, in an area of five or 10 blocks from the Capitol and I will venture the assertion that three out of every seven automobile vehicles that you see there are imported. Human nature is the same all over the world. It is very simple. We recognize that you may have a dear friend that you have known and enjoyed every Saturday night with, and whose wife and children are close to you, but human nature being what it is, when that same family goes downtown to look for a dress or a shirt or a skirt, or a radio or a car, or whatever, something for the husband or for the family, they buy this product even though they know that ultimately it costs their best friend and neighbor his job. Something has to be done about this.

I wish I could bring myself to the acceptance of free trade without any limits, but as the gentleman from Louisiana so eloquently put it, you cannot relate that any more.

I do urge the gentleman and I urge the other Members to act on this. I do not see anybody here except the gentleman who has left now, but who is a member of the Committee on Ways and Means here. I hope that we will petition the Committee on Ways and Means seriously to consider this matter. It is getting to the point where it is really desperate in some sections of our country as the gentleman from Florida so well knows. I know the impact in my own State when we talk about the textile industry, but at the same time I come from a farm economy, too. They say that if you vote for this bill, you will restrict our exports to Japan in soybeans, and this, that and the other. But you have to remember that they are going to protect their own interests in that country. Every nation in the world will do that, but we do not seem to be willing to protect our own people. We are going to have to protect our people, Mr. Speaker.

Mr. SIKES. Mr. Speaker, the gentleman's statement is timely and so much needed. I now yield to the distinguished gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Speaker, first I want to say that over the years I am always happy to have the support and collaboration of the gentleman from Florida in the many futile attempts that we have made to have this Congress understand that the problem which we face is one of our own making, and one which cannot be wished away or swept under any rug. For instance, the President just named a council made up of five members of the Cabinet and five high White House officials. Heading it is a Mr. Peterson, an economist. In his statement to the press he made this statement:

> In terms of total jobs all the evidence I have seen says we end up with more new jobs as a result of our trade than if, for example, we were to put up a high tariff wall on our products and thereby reduce both exports and imports.

I am glad the gentleman has taken this time to give an opportunity today after this appears in the paper to brand it for what it is. It is the usual type of propaganda put out during the years of indecision in this country on this important subject. Just yesterday I had before me a witness.

This is part I of two identical thicknesses of books covering the third edition of the employment output and foreign trade of the U.S. manufacturing industries from 1958 to 1968–69.

In this particular study there is a summary, but I will not put it in the Record until I have an opportunity to talk with the Speaker of the House at some later time, but here we have the complete record. We will just take one or two items at random. I can say to this House of Representatives that the statement by Mr. Peterson is a lie from the first word to the last and the man who uttered it is a falsifier.

Let me just pick one in which you are interested. For instance, vitreous china utensils. In 1968, 52.6 percent of the American domestic market was taken by imports. The change in imports from the year before was a 65-percent increase. The ad valorem equivalent in import duties on that particular product was 5.5 percent.

In 1968 labor intensity ratio was 66 percent of every dime of production cost in that area.

All through this picture one will find other items such as, for instance, rubber footwear; 25.1 percent of the total American consumption in 1968 was imported, but by 1970 that had grown to 39 percent of the American consumption.

But, let me see what the change was from the year before, 113.2 percent.

Let us see what the labor intensity was of that particular product, 61.5 percent.

Let us see what the job loss was. In 1968 alone—and remember this is a 1-year study and, so, it was based upon the job losses from the previous 5 years, and so the industry had already been down some 40,000 jobs from its original strength in 1964, but in 1968 10,097 jobs were lost in that industry alone; 10,029 jobs were lost in the sugar industry; 4,847 jobs were lost in the textile machinery production industry, representing 13 percent of the total jobs in the industry at that time.

We find that while we were experiencing a growing economy, while the industry itself had picked up 1,000 new jobs, we lost 13 percent of the jobs in that year.

Mr. Speaker, this is computerized, a computerized study at my suggestion and started 3 years ago. The people who made this study did not have the money with which to provide the Members of Congress with the full information reflecting its full import. Every kind of number and figure dealing in trade, every type of statistic, was put into the computer and it comes out negative to the United States.

Mr. Speaker, I think it is about time that we get the truth from the departments of Government responsible to the people of the United States and that we demand to know what is the truth with reference to our trade picture. Very simply, the truth is that 63 percent of these industries produced 67 percent of all the manufacturing businesses in America and each one of these industries has sustained job losses.

The figures with reference to the automobile industry have not been brought up to date. The only figures we can get from the Department of Labor, the Department of Commerce, and the Customs Office are for 1968. The figures for 1969 are going to show an increase from 9 percent impact on the American automobile market to 22 percent in 1969. And, if it does not stop soon, if we do not do something, you will find that in 1971 some 40 percent of the American market will go to foreign corporations. Why? Because the Dodge is being built by the Mitsubishi Co. in Japan, but is now called the Dodge Colt. The Plymouth is being made in Great Britain, but it is called the Plymouth Cricket. The Ford Pinto is also made outside of this country and the only thing that goes into the Pinto that is American is the American money behind it. Not one cent of American wages is in that equipment, because the parts are made in foreign countries also.

We cannot find, I do not believe, one manufacturer in the United States in the automobile industry—I do not want to take the time of the gentleman who has taken this moment to talk to the few of us who have either the conscience to listen, or the willingness to hear the truth, but as you know I have talked to you for some 12 years. My voice will not be heard much longer, and maybe some will be happy, but there is one thing I do know, and that is that I would pray that before the Lord stills this voice forever that there will be a body of men in this Congress that will recognize one solid truth, and that is that the economy of America is worth all of the protection and all the support of this Congress.

I say to industry that while today you may move across the oceans and today you may have a guarantee of your investment by your own Government as to losses, because of confiscation of your properties, that the day will come when you will not be able to ship back to the United States, because there will not be enough customers here for you to sell to.

I further state, and I state this without any fear of contradiction, that in 5 years this Nation will not be able to sustain itself in peace or in war.

Mr. Speaker, I ask unanimous consent to put in the RECORD at this time a history concerning the specialty tool steels, and without specialty tool steels no nation can survive.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement that covers a summary, may I say to the Speaker and to my good friend, the gentleman from Florida (Mr. SIKES), a summary of the contents of this computerized study. I recommend it to you for your reading.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The material referred to follows:

REMARKS OF CONGRESSMAN JOHN DENT

Once again, I find myself compelled to voice the concern of my constituency for the disasterous consequences which inevitably will strike this country's wage earner absent an immediate and drastic change in existing U.S. trade policy.

Last year, this body formally recognized the dire necessity of positive action to prevent the demise of essential U.S. manufacturing industries under onslaught of low wage produced foreign goods.

This recognition took the form of this body's passage of the Trade Act of 1970. Unfortunately, this necessary piece of trade legislation was allowed to die in the other chamber.

Since the untimely demise of this legislation, the import problem has taken on greater dimensions. Specifically, key U.S. manufacturing industries such as glass, steel, footwear, textiles, and electronics have increasingly felt the effects of the unsatiable appetite of foreign producers for greater and greater shares of the U.S. market place. We must put the foreign producers on immediate notice that we will no longer tolerate this wholesale usurpation of our market place at the expense of our own U.S. wage earners. To this end, I strongly urge that the legislation embodied in the Trade Act of 1970 be again placed before this chamber for prompt consideration.

Let me examine for a brief moment the plight of the U.S. specialty steel industry which is just one of the many import-effected manufacturing sectors.

The U.S. specialty steel industry encompasses those establishments producing stainless steel, tool steels and certain other sophisticated high cost specialty steels. In contrast to the basic carbon steel, the specialty industry is characterized by low volume—high cost shipments.

In calendar year 1970, no less than 21.5 percent of the total U.S. demand for specialty steel products was supplied by foreign mills. This market penetration represents an increase of 22 percent over calendar year 1969 when foreign specialty steel producers supplied 17.5 percent of U.S. demand for specialty products. In short, 1 out of every 5 pounds of specialty steel consumed in the United States today was produced in foreign mills.

However, this does not tell the entire story. While volume imports of specialty steel remained relatively static during the 1969–1970 period, the U.S. market or demand for specialty products dropped 19.8 percent in 1970 over 1969. The burden of this depressed market, attributable primarily to the general economic climate, was shouldered entirely by our domestic specialty industry which experienced a 22 percent decrease in shipments in 1970 over 1969.

Further, during calendar year 1970, this country experienced a deficit balance of trade of specialty steel products in the amount of $81.4 million—up from 1969 deficit of $70.3 million.

The consequences of this foreign usurpation of our specialty steel market are idyl steel capacity and resultant unemployed or furloughed steel workers at a time of record unemployment in this country.

Mr. Speaker, we must act now to stem this import tide. Four months have now passed since the Trade Act died in the other chamber. It was expected that this session of Congress would promptly call up and act upon similar trade legislation early in the session. To date, this has not been done.

Therefore, Mr. Speaker, I strongly urge that this necessary piece of legislation be afforded top priority in the legislative business of this chamber.

STATEMENT OF EUGENE L. STEWART, GENERAL COUNSEL, TRADE RELATIONS COUNCIL OF THE UNITED STATES, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, MAY 4, 1971

Mr. Chairman and members of the subcommittee: Thank you for the opportunity to appear before you this morning and to present updated information pertinent to your consideration of Title III of H.R. 7130.

On June 6, 1967, I appeared before this Subcommittee to present a computer analysis of Government statistics concerning employment, output, and foreign trade of U.S. manufacturing industries. That presentation was based upon an analysis of all available Government statistics which are maintained in a data bank by the Trade Relations Council of the United States. Pertinent excerpts of that testimony were incorporated in the report of the Committee on Education and Labor, H. Rept. No. 638, which approved H.R. 478 for House consideration without amendment.

The Subcommittee is therefore familiar with the program of the Trade Relations Council of the United States of undertaking to assist the Congress by a systematic compilation and analysis of all available Government data pertinent to employment, output, and foreign trade of U.S. manufacturing industries.

This morning it is my pleasure to present to the Subcommittee the Third Edition of our report, Employment, Output, and Foreign Trade of U.S. Manufacturing Industries, 1958–68/69. This two-volume work expands the scope of the earlier study by adding many new industries, and it updates the information previously presented through the year 1968 for employment and output, and the year 1969 for foreign trade. The 1968 data published in the Annual Survey of Manufactures are the latest available, and the 1969 foreign trade data are the latest available on computer tapes suitable for analysis in our data bank.

These volumes are too bulky to be reproduced in the Committee's printed hearings. I request, however, that they be made a part of the Committee's official record of its hearings so that they may serve as support for the conclusions which it reaches in regard to Title III of H.R. 7130.

Title III of the bill reflects the concern of its sponsors with the impact on the welfare of American workingmen and women of excessive imports of manufactured goods made abroad under wage and hour conditions which would violate the public policy expressed in the Fair Trade Standards Act and its amendments, including those proposed for enactment in H.R. 7130.

The logic of the sponsors of the legislation in incorporating a means for protecting the standard of living necessary for the health, efficiency, and general well-being of workers in the United States from harm due to unregulated imports is unassailable. It has been the public policy of the United States since the enactment of the Fair Labor Standards Act in 1938 to protect that standard of living through positive regulation of the flow of goods in commerce within the United States.

The basic legislation outlaws the manufacture and sale of goods in the United States under such conditions as to wages and hours as would undermine the minimum standard of living required to support the general well-being of workers in this Nation. When goods move in commerce, their capacity for undermining that standard of living is every bit as great in the case of goods made abroad under substandard wage and hour conditions as from goods made in the United States in violation of the standards contained in the Fair Labor Standards Act, as amended.

If the Congress is serious about the protection of the standard of living of American workers from the damage which would be caused by the unregulated sale in the United States of merchandise whose price advantage is based primarily on the failure to observe the wage and hour standards of our domestic legislation, it must of necessity provide for the regulation of all goods moving in commerce in the United States which would have that effect regardless of their origin.

To penalize the domestic production and sale of such goods while extending the open door of welcome to the same class of merchandise made under substandard labor conditions abroad is a clear and open breach of faith on the part of the Congress with the American workingmen and women whose welfare the Congress ostensibly seeks to protect through the wage and hours legislation.

Accordingly, it is high time that this double standard of economic morality be terminated and that the Congress face up to the full consequences of its proper desire to place an economically realistic floor under the income of workers and a safeguarding ceiling over the hours which they are required to work at straight-time wages. Title III of H.R. 7130 is a straightforward attempt by the sponsors of the legislation to end that double standard and to keep faith with the American workingmen and women subject to the Fair Labor Standards Act, as amended.

The need for legislation to close the gaping loophole in the Fair Labor Standards Act was never greater than it is today. To illustrate this fact to you, I should now like to summarize the data which are contained in the new and updated study which I have presented to the Subcommittee.

The study includes data on 329 of the Nation's 425 manufacturing industries defined at the 4-digit level of the Standard Industrial Classification, and on 634 of the 1,280 product classifications of U.S. manufacturing industries defined at the 5-digit level of that Classification.

There are 321 industries at the 4-digit level of the Standard Industrial Classification for which complete data are available, either alone or in combination with other industries. These 321 industries accounted in 1968 for 70% of total employment in all U.S. manufacturing industries. The 321 industries supplied 82% of the value of shipments of maufactured goods in 1968. Products like or competitive with the output of these 321 industries accounted for 92% of total U.S. imports of manufactured goods in 1969, and for 83% of U.S. exports.

Within this group of 321 4-digit industries, there were 147 which experienced a balance of trade deficit in 1969, even when imports are taken at the value reported by the Department of Commerce (f.o.b. origin) and exports at their reported value (f.a.s. port). These 147 4-digit industries accounted for 37% of total employment in all manufacturing industries in 1968, and for 46% of the value of shipments. Most significantly, however, imports of articles like or competitive with the output of these 147 industries accounted for 78% of total imports of manufactured products in 1969, while the exports of these industries accounted for 34% of total U.S. exports of manufactures.

The balance of trade deficit (imports, landed cost; exports, valued mill) of these industries in 1968 was equivalent, at the value of shipments per worker in each of the 147 industries, to a net loss of 408,268 jobs. This figure does not represent an absolute loss of jobs in the sense of a one-for-one decline in total employment in these industries; however, the negative figure derived from the report of the job equivalent of foreign trade in these industries, of 408,268, does reasonably represent the aggregate of jobs lost and employment opportunities lost in these industries. Since the 147 industries preponderantly have comparatively high labor-intensive ratios, it may also be said that the lost job opportunities represented lost employment opportunities for comparatively unskilled workers who, in manufacturing, are chiefly employed by such industries.

The effect of foreign trade in the product categories of these 147 industries on the U.S. balance of payments was even more dramatic than the adverse employment effects described above. Taking imports and exports at the values reported by the Department of Commerce, foreign trade in products like or competitive with the output of these 147 industries resulted in a foreign trade deficit of $11.4 billion in 1969.

In marked contrast with the position of the 147 industries referred to above, analysis of the data in the report indicates that there is a separate group of 174 industries for whom foreign trade has had the opposite effect of that described for the 147 industries. This separate group of 174 industries accounted in 1968 for 34% of the total employment in all manufacturing industries, and for 36% of the value of shipments. Imports of products like or competitive with the output of the 174 industries accounted for only 14% of total imports of manufactured articles in 1969, whereas these industries supplied 49% of total U.S. exports of manufactures in that year.

Calculated at the Department of Commerce values, foreign trade in the product categories of these 174 industries resulted in a foreign trade surplus of $10.9 billion in 1969. Because the 174 industries are, in general, less labor intensive than the separate group of 147 industries previously described, the job equivalent of the foreign trade surplus (imports, landed cost; exports, valued mill) in 1968 in the product categories of the 174 industries was equivalent to 185,650 jobs, considerably smaller than the job loss represented by the job equivalent of the foreign trade deficit resulting in the product areas of the 147 industries.

Up to this point in our analysis, the following lessons of importance to your Subcommittee's consideration emerge:

1. The industries in the United States with strong export potential were unable in 1969 to create a foreign trade surplus in their product lines great enough to overcome the foreign trade deficit which was experienced by the more labor-intensive, import-sensitive industries. The $10.9 billion foreign trade surplus earned by the 174 export-capable industries failed to match the $11.4 billion foreign trade deficit of the import-sensitive industries by a half billion dollars.

2. More importantly, the employment generated by the export performance of the capital-intensive, technologically superior export-capable industries fell far below the job losses attributable to the excessive imports which impacted the product lines of the import-sensitive, labor-intensive industries. Thus, the 185,650 jobs generated by the net export performance of the export-capable industries were seriously inadequate to make up for the loss of 408,268 jobs resulting from the net foreign trade deficit in the import-sensitive industries. The net shortfall in jobs resulting from our Nation's foreign trade in manufactured products was 222,618.

For the 223,000 Americans who lost out on meaningful employment because of the net impact of foreign trade on manufacturing industries in the United States, the public policy expressed in the Fair Labor Standards Act proves to be a hollow promise. These lost employment opportunities resulted precisely because of labor conditions abroad which are substandard under the guidelines established in the Fair Labor Standards Act, and which by the magnitude of the job losses are shown to be clearly detrimental to the maintenance of the minimum standard of living necessary for the health, efficiency, and general well-being of the affected workers.

To corroborate the accuracy of our findings, there is now available from a governmental source, for the first time, a measurement of job losses in U.S. manufacturing industries resulting from foreign trade. In a paper en- Ways and Means of the House of Representatives last year, the Secretary of Labor indi- with his testimony before the Committee on Ways and Means of the House of Representatives last year, the Secretary of Labor indicated that in the year 1969, the employment equivalent of imports of manufactured articles was 1,600,000 while the employment related to merchandise exports was 1,432,000.[1] The net balance of employment attributable to foreign trade in 1969 was thus a deficit of 168,000 jobs. Moreover, this is to be compared with the similar data supplied by the Secretary for the year 1966 which indicated a net surplus of 79,000 jobs. Thus, the total change in employment attributable to foreign trade between 1966 and 1969 was a loss of 247,000 jobs in manufacturing industries.

To indicate the changes in the foreign trade position of U.S. manufacturing industries which have occurred since my last appearance here in 1967, I present for your consideration three tables of data.

In Table I, there are presented for each of 643 industries for which complete data were available, data measuring the balance of trade in the products of those industries for the years 1967 and 1969. These data are shown in the table under four columns, each of which is designed to provide a relative measurement of the competitive strength or weakness of U.S. manufacturing industries in foreign trade. Thus, the columns are headed:

I. Industries whose trade deficit grew larger;

II. Industries whose trade surplus was reduced;

III. Industries whose trade surplus grew larger; and

IV. Industries whose trade deficit was reduced.

The theory of these four subdivisions is that the measurement provided by the concept expressed in the column heading will identify industries in accordance with their relative strength or weakness in competing with their foreign counterparts. Thus, industries which had already experienced a trade deficit by 1967 and which experienced an intensification or enlargement of that deficit by 1969 can reasonably be regarded as industries which are suffering a continued deterioration in their competitive position vis-a-vis total foreign trade. Because they are in a deficit position, imports are the dominant factor in the foreign trade position of these industries.

The second column expresses a concept under which industries which enjoyed a trade surplus can nevertheless be seen as undergoing a weakening of their competitive strength vis-a-vis foreign competition. The fact of a trade surplus in 1967 distinguishes these industries from those which experienced a deficit, but the added fact that the magnitude of the surplus is dimishing as shown by the 1969 balance of trade position identifies this second group of industries as those becoming less competitive in foreign trade but not yet characterized by dominating import injury.

In contrast to these two classifications, the concepts stated in the third and fourth columns of Table I measure industries which possess competitive strength vis-a-vis their foreign competition, and whose ability to compete is strengthening. This growing competitive strength is shown by the increase in the balance of trade surplus of industries which already enjoyed a trade surplus in 1967, or by the reduction in the size of the trade deficit in the case of industries which were in a deficit position in 1967.

---

[1] Hearings on Tariff and Trade Proposals Before the House Ways and Means Committee, 91st Cong., 2d Sess., pt. 2, at 608, 613 (1970).

In the latter case (industries which enjoyed a reduction in the balance of trade deficit), it is reasonable to conclude that the persistence of a trade deficit indicates that the affected industries are suffering in some degree from import competition, but that the pressure of such import competition is lessening or being counterbalanced to a significant degree by increased exports.

The data in Table I are grouped in numerical order under the 2-digit major industry descriptions of the Standard Industrial Classification. Wherever complete information was available, data are also presented for the 5-digit subdivisions of the 4-digit industries.

In order to achieve a matching of the differently classified import and export data under Standard Industrial Classification product classification concepts, it was necessary frequently to combine two or more 4-digit industries, and often to combine with one or more 4-digit industries, one or more 5-digit industries. These combinations are indicated in the industry description in the table.

The data presented in Table I appear to justify the following general conclusions in regard to the competitive position of the major 2-digit industry groups:

1. The industries which comprise the food and kindred products group (SIC 20) predominantly have experienced a weakening of their competitive position in world trade, though 24 of the 64 industries included within that group have improved their competitive position.

2. The tobacco industries (SIC 21) have strongly increased their competitive position.

3. The textile mill products industries (SIC 22) have experienced a strong downward turn in their competitive position in world trade, with 21 of the 36 industries which comprise that group experiencing a decline in their balance of trade position in 1969.

4. The apparel industries (SIC 23) experienced a dramatic and major deterioration in their foreign trade position, with all but 3 of the 27 industry groups characterized by a balance of trade deficit in 1969.

5. The lumber and wood products industries (SIC 24) preponderantly are noncompetitive, with less than a fifth of the individual industries in a trade surplus position.

6. The furniture and fixtures industry (SIC 25) suffered a major decline in its competitive position.

7. The paper and allied products industries group (SIC 26) has experienced a worsening in its competitive position, with nearly half of the 22 industry subdivisions and the industry group as a whole persisting in a balance of trade deficit position.

8. The *printing and publishing* industry (SIC 27) is not significantly affected by import competition.

9. The *chemicals and allied products* industries group (SIC 28) has demonstrated increasing strength in its foreign trade position, though the dyestuff and pigment industries as a dramatic exception to that strength have suffered a major deterioration in their noncompetitive foreign trade position.

10. The *petroleum and coal products* industries group (SIC 29) is preponderantly noncompetitive and sustained a major enlargement of its trade deficit.

11. The *rubber and plastics products* industries group (SIC 30) experienced a dramatic increase in its trade deficit, with over two-thirds of the industry subdivisions moving to less favorable trade positions.

12. The *leather and leather products* industries group (SIC 31) is predominantly noncompetitive and suffered a major enlargement of its trade deficit.

13. The *stone, clay, and glass products* industries group (SIC 32) suffered a major shift from a strong trade position to a strikingly large deficit position. Only 11 out of the 38 industry subdivisions included increased their competitive strength vis-a-vis foreign imports.

14. The *primary metal industries* (SIC 33) increased their competitive position on an overall basis, though many sectors of the steel and nonferrous primary industries are in a growing trade deficit position.

15. The *fabricated metal products* industries group (SIC 34) is predominantly characterized by increased vulnerability to foreign competition, though 10 of the 30 industry divisions enlarged their trade surplus.

16. The *nonelectrical machinery* industries group (SIC 35) has many sectors which experienced a worsening of their trade deficit position, a greater number of sectors which saw their trade surplus reduced, but sufficient industry subdivisions which were able to boost their trade surplus to characterize the industry group as a whole as moderately competitive in foreign trade.

17. The *electrical machinery* group (SIC 36) on an overall basis experienced a decline in its trade surplus of major proportions, resulting principally from a very great deterioration in the trade deficit position of the radio, TV, and other consumer electronic product industries.

18. The *transportation equipment* industries group (SIC 37) suffered a major reduction in its trade surplus due to a strong increase in the trade deficit of motor vehicles, especially passenger cars, and a reduction of the trade surplus in other transportation equipment categories.

19. The instruments and related products industries group (SIC 38) is strongly competitive, as shown by a substantial increase in the trade surplus, though a number of sectors including ophthalmic goods, watches, and clocks sustained a continued deterioration in their trade deficit position.

20. The miscellaneous manufacturing industries group (SIC 39) is predominantly noncompetitive as measured by the number of industry sectors with a growing trade deficit, though the major industry group on an overall basis experienced a strong corrective shift in its deficit balance of trade position.

From this overview it will be seen that nearly two-thirds of the Nation's major industry groups are essentially weak in foreign trade competition, while the other third are essentially strong. Each group, however, has many industry sectors which have the opposite experience from the group as a whole.

The lesson of this assessment is that U.S. manufacturing industries appear by a preponderant margin to be vulnerable to foreign competition. Notably, more than half of all U.S. manufacturing industries are seen to be strongly and adversely affected by foreign competition as measured by enlarging trade deficits and reducing trade surpluses.

Thus, there is a real basis for concern as to the effect of the unregulated importation of goods produced by industries in foreign nations on employment in manufacturing industries in the United States. With roughly half of U.S. manufacturing industries in a position of increasing vulnerability to import competition, it would seem evident that policies permitting selective regulation of imports will be required if the Nation is to maintain the strength of its manufacturing industries in the domestic market as a source for continued employment and economic growth in the manufacturing sector.

Notwithstanding the lessening of import pressures attributable to the recession in the United States and the stimulation of export demand traceable to the stronger economic conditions abroad, a large number of U.S. manufacturing industries experienced a strong increase in imports and the enlargement of the balance of trade deficit in the products of their industries, market disruption as measured by a substantial increased penetration of the domestic market by imports, and the absolute displacement of workers and the underemployment of their work force as shown by reduced hours of work.

To help you take a closer look at particular industries which have experienced these adverse developments, I invite your attention to the data in Table II. From the 643 industries for which data are presented in Table I, a selection has been made of 110 U.S. manufacturing industries which are being significantly and adversely affected by import competition. These industries and data pertinent to a consideration of their position are shown in Table II.

The following points regarding these industries are believed to be significant from the point of view of trade policy consideration:

1. Nearly 75% of the deficit involves U.S. trade with developed rather than the less-than-developed countries.

2. The developed countries accounted for 90% or more of the foreign trade deficit of 63 of the 110 industries; the aggregate deficit accounted for by the developed countries of these 63 industries in 1969 of $7,861.3 million was equal to 59.0% of the total deficit of the 110-industry group.

3. There are only 19 of the 110 industries in which less-developed countries accounted for more than 50% of the total trade deficit; the aggregate deficit accounted for by the less-developed countries in the trade of these 19 industries in 1969 of $3,215.0 million was equal to 24.1% of the total deficit of the 110-industry group.

4. In view of these points, the adjustment of imports to relieve the excessively injurious pressure on the domestic industries would affect the less-developed countries in only a minor way.

This conclusion is emphasized by a consideration of the relative proportion of the total exports of less-developed countries consisting of manufactures. While this proportion has been increasing, manufactures still account for less than 25% of the total exports of less-developed countries, whereas nearly 75% of the exports of developed countries consist of manufactures.

Both from the point of view of the actual composition of U.S. foreign trade in the products of the 110 industries which are seriously impacted by excessive imports, and from the point of view of the composition of the total export trade of other nations, efforts by the United States Government to adjust the volume of imports in the products of these 110 industries to relieve the excessive pressure would primarily affect trade with the developed countries rather than the developing countries.

A study of the data in Table II in relation to employment changes in those of the 110 manufacturing industries for which employment data are available discloses that an increase of employment of less than 2% or an absolute loss of employment during the period 1967–1969 is associated with either a relatively high ratio of imports to new supply in the year 1967, a strong increase in the trade deficit, 1967–1969, or both. This is shown by a recapitulation of such industry data in Table III.

During the period 1967–1969, the aggregate foreign trade deficit of the 52 industries listed in Table III increased by $2,510.8 million. At the value of shipments per worker for the average of all manufacturing industries in 1968, just this increase in the trade deficit of the 52 industries represented the equivalent in output of 81,193 workers. This is reasonably close to the actual loss of employment sustained by the 52 industries during that period of 119,896 workers.

The loss of employment by the 52 industries for which data are presented on Table III is not intended as an indication of the total loss of employment due to foreign trade by import-impacted industries. It simply represents an indication that for those 52 industries for which complete data were available to permit analysis, the actual job loss was roughly equal to the job loss attributable to the deterioration in the foreign trade position of the industries concerned.

For the entire group of 110 selected U.S. manufacturing industries shown by the 1967–1969 changes in foreign trade balances to be especially sensitive to foreign competition, as presented in Table II, the net change in foreign trade was an increase in the aggregate trade deficit of the group by $5,322.1 million. At the value of shipments per worker for the average of all manufacturing industries in the year 1968, this increase in the trade deficit of the 110 industries represents the loss of the equivalent of 172,103 jobs.

Even this calculation is an incomplete indication of the displacement of employment by the net adverse impact of foreign trade on U.S. manufacturing industries because the group of 110 industries only included those for which complete data were available which were judged to be especially sensitive to foreign competition. Job losses occurred in other industries as well.

For example, the indication of the job loss in that apparel industry presented in Table III does not include the related job loss in the textile mill products industry as a result of the displacement of fabric sales to U.S. apparel manufacturers represented by the competitive impact of imported apparel. Similarly, the job loss shown for the radio and TV set industry does not include the separate job loss sustained in the industry producing electronic components of the type used in radios and TV's, the market for which is reduced as a result of the increase in imports of the finished items which displaced domestically produced radios and TV's.

When the Congress mandates an increase in the minimum wage through legislation, it is not merely the wage rates at the bottom of the wage structure which are affected, but, rather, the entire array of rates applicable to manufacturing jobs. This has both good and bad consequences. From the point of view of the workers, the upward adjustment of the wage rate structure through the mandated increase in the minimum wage is, of course, a welcome event.

From the point of view of their employers, however, the upward adjustment of manufacturing wages has an arbitrary aspect which is quite disassociated from any increase in productivity which would prevent an inflation of manufacturing costs. The manufacturer has three choices: He can increase the degree of automation practiced in his manufacturing process in order to reduce wage costs by eliminating labor; alternatively, he may attempt to increase prices to cover the increased labor costs; or, he may do neither but simply absorb the increased costs in his operating profit.

Each of these choices is subject to severe constraints. It is obviously not the intention of the sponsors of this legislation to trigger a new wave of automation which would result in a significant net reduction in manufacturing jobs. Nor could it be the intent of the sponsors to aggravate the conditions which make inflation such an intractable problem for the Nation's economy.

Finally, the great majority of manufacturing corporations in 1970 experienced their worst year from the point of view of profits. Sharply reduced earnings, absolute operating losses, and the collapse of many businesses have been the legacy of the economic recession on manufacturing industries in 1970. Everyone hopes for an upturn, and for many companies the results of the first quarter of 1971 appear promising. Yet it is too early to predict that manufacturing profits will strengthen to such a degree in 1970 as to absorb the increased costs which would result from the enactment of the pending legislation.

From the point of view of those industries who are especially import-sensitive, the mandated increase in the minimum wage will serve primarily to widen the gap between costs and prices which characterize the unfavorable competitive position of those industries in respect to imports. Therefore, it is a responsible act for the sponsors of the legislation and this Committee to consider the enactment of Title III of H.R. 7130 to provide for a mechanism to protect the workers in manufacturing industries from injury caused by imports manufactured abroad under labor conditions which are below the standard prescribed for domestic producers by the pending legislation.

To help you understand the extent to which manufacturing industries in the United States and their workers would be subject to such injury, I have prepared my final tabulation of industry data taken from our data bank. In Table IV, I have identified those industries which experienced a net loss of jobs due to foreign trade, ranked in accordance with the degree of import penetration in 1968, the latest year for which the necessary data are available to make such calculations. As you study this list of industries, I predict you will be startled by the following aspects of the listing:

1. There are a very large number of industries who have experienced a net loss of employment due to foreign trade;

2. There is a strong and direct correlation between the depth of the import penetration and the extent of the job loss;

3. Very few of the industries on the list have been the recipient of Government action to bring the excessive imports under control. For your convenience, I have identified in italics those industries which have received some Government assistance.

The data in Table IV demonstrate why it is necessary for your Committee to include in the pending bill some meaningful provisions to protect American workers from the impairment of their standard of living from manufactured goods made abroad under substandard labor conditions, and imported into the United States comparatively free of restraint under the double standard of economic morality to which I have referred.

Please bear in mind that the calculation of the import penetration ratios in Table IV is based on the dollar value of the imports compared with the dollar value of sales in the American market. The use of dollar value as the basis of the calculation understates the import penetration to a significant degree in comparison with the results that would be achieved if each industry's ratio were calculated in terms of the units of imported articles compared with the units sold in the domestic market. Data as to the units are simply not available on a consistent basis in Government statistics; accordingly, we have no choice but to use the dollar value.

In all, there are a total of 132 industries listed on Table IV. The total loss of jobs due to foreign trade in the products of these industries in 1968 was 386,499.

Where the data were available from the statistics of the Bureau of Labor Statistics, I have indicated on Table IV the change in employment of the listed industries between 1968 and 1970. You will find that in most instances the job loss due to foreign trade, measured in 1968, is generally consistent with the absolute loss of jobs which has occurred in those industries between 1968 and 1970.

Mr. Chairman, I believe that the study of the Trade Relations Council which I have presented to you this morning and the various tabulations of data taken from the study which I have submitted for your further enlightenment in regard to the impact of imports on employment in U.S. manufacturing industries provide the strongest possible foundation for the enactment of Title III of H.R. 7130. This concludes my testimony. Thank you for your attention.

Mr. SIKES. Mr. Speaker, I do not know anyone who has contributed more to the knowledge of our country and our colleagues in this important field than the gentleman from Pennsylvania (Mr. DENT). The gentleman is an expert, and his leadership has been invaluable.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am happy to yield to my very good friend and colleague, the gentleman from New Hampshire, Mr. WYMAN.

Mr. WYMAN. Mr. Speaker, I thank the gentleman for yielding, and I want to associate myself with the gentleman's leadership and his remarks, and with the remarks of my colleagues that have been made so pointedly and so effectively here today.

Mr. Speaker, I want to comment first that in regard to what the gentleman from Pennsylvania has just said about the Pinto, and about the turning to industrial capacity abroad on the part of American industry, that this is understandable, and largely true, and the reason of course is money. It is prices. You cannot blame people in America for going out and buying a car that they think is just as good, and sometimes better, if it is made abroad and costs a whole lot less—and this is true of all of the industries that are involved here, from shoes, textiles, to electronics, and there are many others.

The problem is simply that we have a standard of living in the United States of America that so greatly exceeds the standard of living available in most other countries of the world, and thrives upon escalating wage negotiations and minimum wages, and escalating prices that prevail all over America, many of them by Government subsidy, that we are living in a fool's paradise if we think we can maintain this high standard of living and these wages and these prices without guaranteeing a fair share of the American market to the American working men and women. That is the problem we face.

That is the problem that was before this Congress last year. That is why this body passed legislation designed to impose quota restrictions on foreign imports in the textile and shoe industries, and it is a shame that that legislation died aborning in the other body. I hope that the capable leader of the House Committee on Ways and Means, regardless of administration's views on this subject, will report out promptly a new bill that is designed to give to the American working men and women protection against the mounting floods of foreign imports. This will not cause a price rise in America. This will not, as many of the gentlemen who represent districts that do not have these industries in them direly predict, distress the economy by upping the prices to consumers of shirts and shoes and other products.

What it will do is stop the loss of tens of thousands of jobs in America and the consequent resort to the welfare and unemployment rolls with huge increases at taxpayer's expense in unemployment compensation. It will mean a tremendous increase in the tax bill of this country in consequence of the losing of these jobs abroad.

The cost of that to the consumers in the United States will so vastly exceed the cost of paying for shoes or textiles or other products that there is not any valid comparison. If there is anything that needs to be done at this time, it is to explain to all the people in this country that the legislation we passed last year and the proposals that my colleagues and myself are making here today and that the distinguished gentleman from Florida is making is not to shut off imports into the United States, not to build a fence around this country, not to deny the American market to foreign trade to come in here and compete. Rather it is merely to provide a reasonable measure of protection to the industries in this country against the dumping of huge quantities of goods made abroad that they cannot compete against.

The figures show that in the shoe industry for example, that in 1970 the imports of leather vinyl footwear was 235,584,000 pairs representing 42 percent of U.S. footwear production while in January and February of 1971, this year, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in just these 2 months.

The reason for this is because the shoes over there are made at a labor cost but a fraction of that in the United States. If they are then to be available for sale here without any restrictions, we simply cannot compete. This is an economic fact.

The State of New Hampshire is the seventh ranking in U.S. footwear production, but conditions have reached such a point that something must be done if the footwear industry in that State is to survive.

I would like to cite several factors that show beyond a doubt what is happening. In 1970, the level of imports reached 42 percent of our domestic production and through the first quarter of 1971 this level has increased to 64 percent of domestic production.

The employment picture in New Hampshire has become particularly grim. In 1962, there were some 18,550 workers in our footwear plants. By the end of 1970, this figure had dwindled to an estimated 15,500 workers.

Twenty-four shoe factories have closed in New Hampshire during this period. In the past 3 years, 11 shoe plants have closed. This is a particularly sad commentary when you realize that approximately 31 percent of all manufacturing employment in the State is in the textile-footwear-apparel fields.

The main problem is the labor-wage differential existing between our country and our trading partners in Europe and the Far East. How can we compete with an hourly wage rate of $0.19 in South Korea and $0.29 in Taiwan, to mention only a few examples? Domestic manufacturers now pay a wage rate including fringes of $3 per hour.

The only way to combat this situation is the introduction and passage of an orderly marketing act based on flexible import quotas that will enable our industry to have a share in the growth of our American footwear market. In this manner, foreign suppliers can continue to grow in our market without destroying U.S. producers. Only in this manner can we proceed toward the goal of liberalized trade which we all seek. To ignore this approach is to ignore the human problems that accompany abrupt economic dislocations—under the illusion that we are operating in a free trade environment.

Several years ago I signed the petition to the President urging relief for our domestic footwear industry and last year I sponsored a companion bill to the Mills bill. Mr. MILLS, himself, then said:

> I shudder to think what kind of legislation this Congress will pass in two years' time if we don't act now to help solve these problems.

Mr. MILLS showed tremendous insight of this problem, as was to be expected.

The time to act is now and I wholeheartedly support any measure that will insure viable, healthy U.S. footwear and textile industries.

The following is a fact sheet on New Hampshire's footwear industry which tells the sad story of domestic industry allowed to fall prey to imports unlimited.

Mr. Speaker, I include the following figures showing the impact of imports on the New Hampshire footwear industry:

IMPACT OF IMPORTS ON THE NEW HAMPSHIRE FOOTWEAR INDUSTRY—1971 FACT SHEET

[New Hampshire is the 7th most important footwear-producing State in America]

1. PRODUCTION

Year	Production (pairs)	Value of shipments
1968	46,369,000	$205,343,000
1969	38,618,000	183,471,000
1970	34,652,000	182,091,000

2. EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	18,570	$67,884,000	21,986	$81,576,000
1965	16,523	62,076,000	19,199	73,564,000
1968	17,980	81,964,000	20,792	95,252,000
1969	16,348	75,376,000	18,989	88,280,000
1970[1]	15,500	72,850,000	17,850	83,895,000

[1] Estimate.

Note: Ratio of New Hampshire production to U.S. total is 6.2 percent.

3. PLANT CLOSINGS

[The effects of imports in terms of factory closings has been devastating in New Hampshire. From 1962 through 1970, 24 plants have closed their doors with no end in sight. The attrition has been particularly severe during the past 3 years when 11 plants were forced out of business]

4. IMPORTS

[In 1970 imports of leather-vinyl footwear equaled 235,584,000 pairs, representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in those months]

[In pairs]

Year	Imports	Exports	United States shoe production	New Hamsphire shoe production
1959	22,277,000	3,505,000	637,364,000	49,470,000
1960	26,617,000	3,244,000	600,041,000	48,480,000
1961	36,668,000	3,035,000	592,907,000	47,370,000
1962	63,019,000	2,867,000	633,238,000	49,844,000
1963	62,820,000	2,843,000	604,328,000	45,926,000
1964	75,372,000	2,836,000	612,789,000	44,603,000
1965	85,632,000	2,491,000	626,212,000	45,642,000
1966	96,135,000	2,737,000	641,700,000	46,052,000
1967	129,134,000	2,200,000	600,000,000	39,539,000
1968	175,438,000	2,400,000	642,427,000	46,369,000
1969	195,673,000	2,300,000	576,961,000	38,618,000
1970	235,584,000	2,154,000	559,416,000	34,652,000
1975[1]	468,400,000	2,000,000	518,800,000	32,165,000

[1] Projected.

Mr. Speaker, I do not wish to transgress upon the time of other Members who may wish to speak. But I wish everyone were here this afternoon to hear these things so we could again get some action at least in this body for the protection of American working men and women.

Mr. THOMSON of Wisconsin. Mr. Speaker, I fully share the concern that has been expressed here this afternoon over the delay in trade legislation. The import problem continues to be a very serious concern.

In my home State of Wisconsin dairying is a major source of income for the people. Fortunately, imports were put under control some years ago, at first under section 104 of the Defense Production Act of 1950 and subsequently, in 1953, under section 22 of the Agricultural Adjustment Act—AAA. Further restrictions have been imposed under section 22 in order to close loopholes that developed over a period of time.

I believe it is safe to say that our dairying industry, not only in Wisconsin but throughout the country, has been substantially strengthened and its competitiveness maintained through import legislation. Domestic costs are much higher than the foreign, making difficult unprotected competition with foreign cheese, butter, milk, and the like. Therefore, I can appreciate fully the concern of other industries over imports. Because they also have high production costs, their competitive position is equally weak.

We have a variety of other industries in Wisconsin, such as footwear, some textiles, machinery, motorcycles, fur, plywood, and so forth. I recognize their claim to a reasonable degree of import controls. While section 22, to which I have referred, is not a part of the usual trade legislation, it has been expressly safeguarded by such legislation. Therefore to the extent I have a direct interest in the legislation.

There is other important legislation that is presently taking up the time of the Ways and Means Committee; but trade legislation should not take up much of the committee's time. Extensive hearings were held by the committee less than a year ago. The House passed the bill by a handsome margin less than 6 months ago.

Because the import problem is a pressing one, we should not hold up action on the legislation any longer in this session. As I say, moving the trade legislation should not delay other legislation materially. After consuming weeks and even months of the committee's time last year, it was passed after only 2 days on the floor.

So, Mr. Speaker, I join the many others who feel strongly that the trade legislation should be moved out of committee and onto the floor without further delay.

Mr. SIKES. Mr. Speaker, I yield to my distinguished colleague from Pennsylvania, Mr. Gaydos.

Mr. GAYDOS. I thank my friend in the well.

Mr. Speaker, I would like to take this opportunity to commend Congressman Sikes for what I believe is the beginning of a coordinated effort. We are the victims of foreign penetration of our domestic markets by those nations whom we have helped over the years.

I believe you and I attended a meeting of the textile people, a meeting which included representatives of labor unions, industry, and also Members of Congress. At that time I asked whether or not the proposed trade bill would include steel. Of course, the answer was, "Well, this is a textile bill." I believe if we are going to hang, we might as well hang together, because otherwise surely we will hang separately. I think we are beginning today, this afternoon, to finally coordinate all of the victims of foreign competition whether they be in steel, shoes, textiles, electronics, or what-have-you, into one concentrated effort to get behind an effective trade bill.

I have in my hand an article published in The Washington Post on April 26, 1971. This, I believe, should encourage our colleagues and all industries which have been adversely affected by our foreign trade policies that this country has pursued for the past 40 or 50 years. The article quotes our Secretary of the Treasury, John D. Connally. He is quoted as saying—

> We can't continue to hold a military, economic and political umbrella over the free world by ourselves as we have been doing.

He also goes on to point out how unfair our good friend, Japan, has been, how she maintains her indirect methods of taxation and tariffs by requiring special-entry permits, licensing permits, and other nontariff trade barriers.

Mr. Connally is further quoted as saying—

> We need "a radical change" in our basic trade position. The United States is in bad shape in world trade. . . . The standard of living in the United States is at stake—no less than that.

I recommend that Members read the article, because it is right on the point.

I ask unanimous consent that the entire article be included in the Record at the conclusion of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. Mr. Speaker, I also ask unanimous consent to include in the Record certain letters, one dated April 12, 1971, from Allegheny Ludlum Industries, Inc., to the President, a second dated April 6, 1971, from Allegheny Ludlum Industries to the Hon. Nathaniel Samuels, Deputy Under Secretary for Economic Affairs, Department of State, and a third letter dated April 21, from Crucible Stainless Steel Division of Colt Industries to Hon. Paul W. McCracken, Chairman, Council of Economic Advisers.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAYDOS. In one of these letters, the April 12 letter, to the President from Mr. Ahlbrandt, he sets forth in very concise language the problem confronting the specialty steel producers.

I believe our distinguished colleague has performed a most meaningful service this afternoon.

(The newspaper article and letters referred to by Mr. Gaydos are as follows:)

[From the Washington Post, Apr. 26, 1971]

CONNALLY URGES TOUGH TRADE STANCE

(By Don Oberdorfer and Frank C. Porter)

Secretary of the Treasury John B. Connally has suggested that the United States withdraw its overseas support for countries that fail to give it a fair break on trade opportunities.

"We can't continue to hold a military, economic and political umbrella over the free world by ourselves as we have been doing," Connally said during a luncheon at The Washington Post last Thursday. We need "a radical change" in our basic trade position, he said.

Connally made clear this is not necessarily the official government view but that he is pushing it hard within the Nixon administration.

The only Democrat in Mr. Nixon's cabinet and a former governor of Texas, Connally even suggested that this was one of the reasons for his surprise appointment to the Treasury post.

He said he and Roy Ash, president of Litton industries and chairman of a presidential commission on governmental reorganization, had presented strong arguments for this thesis while conferring with Mr. Nixon at San Clemente last summer. Connally took office about two months ago.

"The United States is in bad shape" to world trade, Connally said, and will reach "a point of decision fairly soon on how we're going to proceed in this decade and hereafter."

Getting down to specifics, the Secretary cited trade concessions made by Western European nations to smaller states in North Africa and the Middle East—concessions that presumably would discriminate against American exports.

When the United States protested the action, Connally said, the European countries explained apologetically that the concessions were made to neighbors within the Mediterranean family of nations.

If that's the way they feel, Connally said with some feeling, the United States should pull its Sixth Fleet out of the Mediterranean and let the Europeans arrange for their own defense.

He was similarly blunt about the rising industrial giant of the Pacific. "We're going to have to say to Japan 'My friends, no more.' We've got to get tough with those countries," the Secretary said.

Japan has been increasingly criticized for violating the rules of the General Agreement on Tariffs and Trade by maintaining illegal barriers to scores of imported commodities while pushing its export penetration of freer markets, such as that of the United * * * fierce competition," Connally said "We're not facing up to it . . . The standard of living in the United States is at stake—no less than that.

"We did well when we were a lean, hungry nation. There are lean, hungry nations around the world. They're going to be wanting what we have."

The Secretary explained that he didn't begrudge other nations wanting or attaining the affluence reached by the United States nor did he blame them for pressing any trade advantage against this country. But the United States must defend its own interests, he maintained.

Connally said the United States depends upon four categories for export earnings; farm products, raw materials and fuels, simple manufactured goods, and products with a high technology input. The nation suffers a trade deficit on the first three, he said, and the $9 billion annual surplus in the high technology sector "saves us."

"That has kept our head above water," he said, but Japan, West Germany and a number of other nations are hard on our heels now in this sector.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., April 12, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the domestic specialty steel industry, I am writing to request a meeting with you to discuss a situation of the utmost gravity to our industry and one which adversely affects the national security and defense of the United States.

I refer, Mr. President, to the rapidly rising imports of stainless and tool steels which accounted for approximately 22% of apparent U.S. consumption in 1970, and which continue to increase in 1971 from 1970 levels. Our industry is in the unenviable position to having experienced the worst raw materials cost inflation in two decades, while at the same time losing almost one quarter of our domestic market to foreign specialty steel producers. In certain of our most important product lines, imports now account for a disastrous share of our domestic market, i.e., 34% in stainless cold rolled sheets; 60% to 65% in stainless wire rod and cold drawn wire; and 16% in tool steel. Because of their labor cost advantages and government incentives to export, foreign producers are selling these products in our markets at discounts of 18% to more than 50% of our published prices.

As a result, Mr. President, the stainless and tool steel producers of this country are currently operating many of their most important plant facilities at a loss. If relief from current levels of import penetration are not forthcoming almost immediately, some of these plants may be closed. The consequent loss of jobs in areas where these plants are located will severely impair economic recovery in those areas, already adversely impacted by imports.

The combined impact of excessive imports of specialty steels and government policies affecting certain critical materials vital to our industry already has placed the security and defense of the United States in a precarious position.

We very much appreciate the decision you made, Mr. President, to press for the extension and improvement of the export restraints announced in January 1969 by European and Japanese steel producers. Through the efforts of our Government, a Voluntary Limitation Arrangement was negotiated with the Japanese and Western European Steel Community and became effective in January 1969. This Arrangement included a rollback of the 1968 rate of steel imports from those nations amounting to a 22% reduction as a base for the year 1969. It further provided for a 5% growth factor for the subsequent two years, through 1971.

Unfortunately, the Japanese producers involved have not adhered to their commitment to reduce their exports of specialty steel products. Instead, they have increased such imports each year since 1968. Thus in 1970, stainless steel imports were 31% above the voluntary export restraint level and tool steel imports were 77% over this level. These are products which are used in jet engines, in other aerospace applications, and in other essential components of many products vital to our national security.

Research conducted by specialty steel companies and paid for out of company funds, not by Government grants, has been responsible for the development of materials for the jet engine and gas turbine; for hardware for the aerospace industry; commercial wrought uranium and zirconium for the nuclear age; titanium; exotic electronic materials and many other lightweight, high strength, corrosion resistant materials.

Unless we can hold our ability to maintain up-to-date production and research facilities, we believe irreparable damage will occur to the specialty steel industry, essential as it is to our economy, national defense, and security. Our nation must maintain an adequate level of self-sufficiency in specialty metals, not only in production and supply capability, but also in a contemporary reserve of research technology, skilled management, and a skilled and experienced labor force.

Accordingly, Mr. President, we urgently request an opportunity to meet with you to discuss steps which may be taken to effect an improvement in the specialty steel import situation. We are most grateful to the highly competent officials of the Department of State for their appreciation of this problem and for the considerable efforts they have undertaken to obtain improvement in the specialty steel situation while negotiating for an extension of the arrangement.

We are concerned, however, that unless foreign steel producers know that this Administration at the highest level expects a successful outcome of these negotiations, only token measures of improvement will occur.

We hope we may discuss this in a meeting of specialty steel company chief executives with you, Mr. President. We hope the gravity of the problem and the critical situation facing our industry will warrant your personal attention.

Sincerely,

ROGER S. AHLBRANDT.

ALLEGHENY LUDLUM INDUSTRIES, INC.,
Pittsburgh, Pa., April 6, 1971.

Hon. NATHANIEL SAMUELS,
Deputy Under Secretary for Economic Affairs, Department of State, Washington, D.C.

DEAR MR. SAMUELS: Three newspaper reports have been published in recent days which are greatly disturbing and which, if their contents truly indicate a trend of thinking in the Japanese specialty steel industry, should be of interest to you at this time.

In the daily newspaper, the American Metal Market, of April 5, under the headline, "Japanese Stainless Makers Said Ready To Hold Line on Exports to U.S. Marts," a story says:

"Tokyo—Japanese stainless steel makers have decided to maintain their voluntary restraints on exports to the United States at last year's level of 93,500 metric tons this year, Kyodo News Service said.

"Kyodo said Nathaniel Samuels, U.S. Deputy Undersecretary of State for Economic Affairs, asked the director of the Japan Steel Exporters Association, Yoshiro Inayama, for cooperation in restricting Japanese exports of stainless steel. These exports rose in 1970 to 93,500 metric tons from 78,300 metric tons in 1969."

In the "Japan Metal Bulletin" dated March 23, we noted the following:

"In compliance with the U.S. Government's request that Japanese steel exports to the USA be controlled, the steel industry is determined to impose stricter voluntary curbs on exports of steel products to that country, according to a reliable source.

"The industry has decided to extend for another two years the current voluntary export restraint which is terminating at the end of this year. In line with this decision, the industry will lower the 5% annual increase in ordinary steel exports to about 3%, *place stainless steel in a different category, and bring its annual growth lower than ordinary steel, and also restrict stainless steel exports from this year without waiting till next year.*

Also, the Japan Economic Journal, dated March 30, confirmed the above and added the following:

"The United States recently asked Japanese steel manufacturers to hold exports of stainless steel products to the United States market in fiscal 1971 at the same level as in fiscal 1970 (around 90,000 tons) according to steel circles here."

This article further indicated that the Japanese are understood to be inclined toward accepting the U.S. request.

These stories are disturbing because they seem to center on the central theme that the Japanese will attempt to bargain that 1970 shipments should be made the base tonnage for future reference.

This is a position which cannot be condoned or accepted by American specialty steel makers.

It is now widely known that the Japanese have totally disregarded the original intent of the voluntary arrangement in specialty steel total tonnage shipped. And in certain product classifications, the violations have been greater, as you know.

For the years 1969 and 1970, stainless and tool steel imports from Japan should have been as follows (net tons):

	1968 actual	1969		1970	
		VRP[1]	Actual	VRP[1]	Actual
Stainless	82,664	65,162	86,236	67,060	103,077
Total steel	1,576	1,242	1,460	1,280	2,329
Stainless C/R sheets	56,584	44,135	50,547	46,342	58,103
S/S wire	5,704	4,449	8,697	4,671	11,908
S/S wire rod	1,527	1,191	2,219	1,251	3,600

[1] Voluntary restraint program.

The above figures clearly show increases over the voluntary restraint program of 32% and 54% for stainless, and 18% and 82% for tool steels. This compares with an average of only 5% over the voluntary restraint program for EEC countries in stainless; with an average of 70% to 80% over the voluntary restraint program in tool steels by these same countries.

The restraint import tonnage for the Japanese specialty steel makers in 1971 to the United States should be:

[In net tons]

Stainless	70,413
Tool Steel	1,344

It is thus apparent that the Japanese should reduce imports of stainless steel to the United States by 32,664 tons, or 32% below the 1970 shipments.

Relief for the specialty steel industry in our country is required immediately, as we have indicated to you, sir, and to others in Government on several occasions, always attempting to support our statements with the most recent available figures, as we are doing in this letter.

The February 1971 edition of Fortune Magazine carried an article titled "Japan Will Have To Slow Down" in which Nobutane Kiuchi, the distinguished economist and executive director of the Institute of World Economy in Tokyo, noted that the excessive growth rate and expansion in the Japanese steel industry may be the cause of pressures growing in some countries for trade restrictions. He ended by saying, "While I am all for free trade, I would regret to see economic union proceed at too rapid a pace" (referring to defensive economic union of advanced industrial nations). "It seems to me best to leave the judgment as to the pace and extent of liberalization to the importing country, and that to deprive it of such freedom is not conducive to the building of a truly free economic world order."

I agree with this view of Mr. Kiuchi and I hope you, your Department and our Administration can bring some "economic order" back into our Specialty Steel Industry. It is imperative, however, to bring to the attention of each other any misunderstandings or potential inequities as they arise, which is the reason for this letter to you.

My associates and I in the specialty steel industry stand ready to visit with you and your aides at any time for the further exploration of this problem, which is of great seriousness to all in the specialty steel industry in our country, to our national defense posture, and hopefully to our Government.

Sincerely,

ROGER S. AHLBRANDT,
President.

IMPORTS—SPECIALTY STEEL INDUSTRY

COLT INDUSTRIES,
Midland, Pa., April 21, 1971.

Hon. PAUL W. MCCRACKEN,
Chairman, Council of Economic Advisers, Washington, D.C.

DEAR MR. MCCRACKEN: You were kind enough to have a meeting with Mr. E. A. March, Mr. B. Bolles and me regarding the import problem on October 21, 1970. To keep your office informed, I am enclosing up-to-date figures and charts on the effect of imports on the specialty steel industry.

You will note that in 1970 there was a continued rise of imports into this badly distressed market. The 1971 data is a projection of the imports for the first two months of 1971, projected on a yearly basis if this level is maintained. It is startling to note that all imports of steel in January and February are "record" for this period of time, and are 71½% greater than they were for the same period of time in 1970. On Chart No. 7, you will note that imports for stainless and tool steels exceeded the voluntary levels that had been projected by 39%, and that based on the first two months extrapolation, they are at a rate of 56% in 1971 over the projected voluntary quota. The effect upon the capability of members of this industry to stay alive and the possible effect upon our defense industry for the future cannot be ignored.

Besides the loss of jobs and the revenue to the government on taxes, imports have been absorbing all the growth development and potential in this industry. Imports have depressed prices to the extent that in addition to a serious possibility of many of the companies in this industry failing rather soon, those that do survive cannot expend funds for capital improvements and developments necessary to keep the industry whole and viable. These problems, coupled with the tremendous sums of money necessary for pollution control, sharply diminish the chances of survival of many of the companies involved.

Serious efforts are being made through the State Department for quick action. However, it is startling to read, as on April 20, a dateline from Tokyo stating that a separate quota for special steel exported to the United States is being set up at the 1970 level. This is highly unacceptable and will not permit the specialty steel industry to survive. Further, the imports of stainless steel and tool steel imports to the United States should be 32% below the 1970 shipments to be at the level of the voluntary restraint agreement.

Mr. Roger Ahlbrandt, President of Allegheny Ludlum Industries, has written directly to the President on behalf of the domestic specialty steel industries, requesting a meeting, and we would appreciate any efforts on your behalf to impress upon the President the need for such a meeting so that the industry can clearly demonstrate and amplify the problems involved.

For your information, I am enclosing a copy of Mr. Ahlbrandt's letter to the President.

Sincerely yours,
MARTIN N. ORNITZ.

Mr. SIKES. Mr. Speaker, my distinguished friend has brought out a very important point. This is a nationwide problem. It affects many industries. It affects most of them very seriously. We must stand together in this country.

I yield to the distinguished gentleman from Mississippi (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Speaker, I thank the gentleman from Florida (Mr. SIKES) for yielding and wish to compliment him for taking this time that we might discuss the import problems being visited upon American workers and American industry.

The problem of apparel and textile imports has reached a level where we must act now, not after additional lengthy discussions, if we are to help one of this country's most vital industries. We have had the discussions many times before; we know the reasons these industries must not be lost from our economy. We must do something to show that we mean business.

We have gotten to the point where the level of employment in the apparel industry throughout the United States has been stationary for the last 4 years. All the growth in consumer demand for apparel has been satisfied by imports, while our domestic apparel industry has produced an almost unchanged number of garments each year. If imports continue to enter the United States at the same fast-growing pace that they are now, very soon the apparel industry, representing 1.4 million workers, will begin to employ fewer and fewer people.

The areas in which imports have made important market penetration are growing. Men's suits are among the newest to be hit hard by imports. Sweaters, men's trousers, and men's shirts are some of the other important markets which have significant percentages of imported goods.

The effect of this tremendous import penetration is, of course, to decrease the number of jobs available in the domestic apparel industry. As I said, employment has not increased in the last 4 years. As more imports enter this country, the industry will no longer stand still, it will lose employment. This means that the apparel industry can no longer provide the hundreds of thousands of jobs for people of lower skills—one of the vital roles it now plays in our economy. It will no longer be able to employ the 20 percent of the women in the manufacturing work force, as it does now. And these people will have no place to turn for employment. Lower skilled workers and women workers traditionally have higher than average unemployment rates, and the situation in the apparel industry will have the effect of raising their unemployment levels.

In my own State of Mississippi, 36,200 workers are employed in the apparel industry. This is the largest manufacturing employer in the State, and accounts for 21 percent of all our manufacturing employment. The apparel industry provides a $132 million payroll annually in Mississippi and this is vital to the growing economy in my State.

The two most important areas of apparel production in Mississippi are among the hardest hit by imports—men's and boys' shirts and separate trousers. We have 11,000 workers making men's and boys' separate trousers and 6,800 making men's and boys' shirts and nightwear. These people constitute almost half of our apparel work force, and their jobs are being very seriously threatened by imports. I know that we in Mississippi cannot afford to see these jobs lost to foreign apparel workers just because we pay our workers far more than the Japanese, Korean, and other Asian countries do. We need these workers to keep our American economy and American way of life strong.

There is no doubt that continuing to permit unchecked apparel imports will give foreign producers a tremendous stronghold in our economy and will lead to inroads in other areas. We must check the flow of apparel and textile imports now so that we can retain our apparel-textile-fiber complex as a basic force in our economy.

Are we so shortsighted that we will not stand up to the foreign producers and say that we want orderly markets that they can share with us? We have never wanted to close our markets to foreigners; we just want the chance to benefit from the growth in demand which is provided by American consumers. We must provide this opportunity for our producers now.

Mr. Speaker, my district is also a large producer of raw cotton. My cotton farmers are equally hard hit by textile and apparel imports because they depend heavily on the U.S. textile and apparel industries as the primary markets for their cotton.

Last season nearly three-fourths of the cotton sold in this country went to domestic mills; which buy practically all their cotton requirements from U.S. sources. If this industry is destroyed by textile imports—and it will be if present trends continue—then U.S. cotton growers will be forced to look to the export market for all their sales. And in the export market we have to compete with more than 65 cotton growing countries. As a result, we now hold only 10 percent of the market for cotton in the non-Communist world.

When textile imports are measured in terms of the raw cotton that would be required to make them, we find that in 1970 they were equal to 2.6 million bales, or one-third of the domestic cotton comsumption. Only 6 years earlier these imports were at the 1.1 million bale level. Thus, the increase since 1964 has been roughly equal to the annual cotton production of the State of Mississippi, which ranks second only to Texas in that respect.

The alarming thing about these imports is the way they have been accelerating. In the 4 years from 1964 to 1968 when the whole economy and especially the textile market was very strong, textile imports grew by 900,000 bale equivalents. From 1968 to 1970, a much weaker period when domestic fiber consumption dropped slightly, textile imports moved up another 600,000 bales.

If this sort of thing continues, the fiber market in this country is headed downward to oblivion and with it will go the cotton industry. The impact on farm people would be severe. Per capita income of farm people is now only about three-fourths of that of nonfarm people, and this would make it far worse.

Last year this body passed a very reasonable piece of legislation—the trade bill—that would have resulted in negotiated agreements between our Nation and textile exporting countries. As you know time ran out before the Senate could act on it. This legislation brought forth loud cries of retaliation, especially from the Japanese, who are the largest foreign customers for U.S. cotton. But cotton people know that the Japanese are hard-headed businessmen who buy wherever they can get the best deal. They know that in spite of a virtual prohibition on textile imports into Mexico, the Japanese buy as much, or more, cotton there as from the United States. So the textile retaliation talk is not aimed at raw cotton people.

Instead, the opponents of the trade bill have aimed their propaganda at soybean interests. Does it seem likely that Japanese soybean importers will go against their own best interests in seeking other sources of oil and meal because Japanese textile interests are upset with the U.S. policy? This seems highly unlikely. Besides, consider the fact that the United States produces 76 percent of the world's soybeans and supplies 91 percent of world exports. The Japanese Government would have to take the lead if retaliation were to become a reality.

Japan depends far more heavily on our exports than most countries. Nearly one-third of her exports go to the United States—nearly $6 billion worth—while she buys only about $4.6 billion in goods from us. Would Japan risk upsetting a market of this size by retaliating against the extremely mild restrictions on the textiles she sends us? Textiles, incidentally, comprise less than 10 percent of all Japanese exports to the United States. The Japanese Government knows that retaliation is a two-way street, and she has far more to lose than she has to gain from it.

Cotton farmers recognize the Japanese threats as a bluff. It is time to call that bluff and take action to keep the vital fiber-textile apparel industry complex in this country from being destroyed.

Mr. SIKES. Mr. Speaker, I yield to the distinguished gentleman from South Carolina (Mr. GETTYS).

Mr. GETTYS. I thank the gentleman.

Mr. Speaker, the gentleman in the well (Mr. SIKES) knows that I have great admiration and respect for him, and I commend him and congratulate him on the special order he has taken today, in which he is permitting some of us who feel the same way he does to express our opinions. I recognize, Mr. Speaker, that industries other than the textile industry have problems along this line, but I would like to confine my remarks to the textile industry for the reason that I have some special figures in that regard.

The textile import situation has worsened to the point where it can be summed up in one word: survival.

Last year the flood of imports in the form of basic fiber and intermediate and finished goods amounted to 4.5 billion pounds. That compares to 2.8 billion pounds in 1966.

In the case of manmade fiber textiles last year these imports increased by 30 percent over 1969—accounting for nearly 12 percent of U.S. consumption.

Existing U.S. import controls on cotton textiles have resulted in an increasing shift in the character of U.S. textile imports—from the controlled cotton items to uncontrolled imports of manmade fiber and blended textile articles.

Domestic production has proven to be little competition to textile imports from the Far East. The primary reason is the enormous wage differentials that exist. Japanese textile wages are only a fourth or fifth of those in our country. And the impact becomes apparent when you realize that the Japanese wages are still double the levels in Hong Kong and four times those textile wages that prevail in Taiwan and South Korea.

The weakened U.S. competition position in textiles is underlined by our country's experience in the world export market. During 1964–68, the most recent 5-year period for which data was available, the value of U.S. textile exports increased a mere 3 percent while those of other industrial nations increased 33 percent, with Japan registering a solid increase of 41 percent.

Our trading partners have devised, through nontariff and other mechanisms means by which they limit their own textile imports. They thereby preserve their domestic market. As a consequence a disproportionate share of Japanese textile exports are prevented from entering these and other markets and find in the United States an open market into which this increasing volume is imported.

In Western Europe government policies support and in some cases subsidize textile exports through systems of taxation. In Japan export trade in textiles and other commodities is rigidly controlled by systems of cartels and by government establishment of export prices. These prices are generally much lower than the cost of identical goods in the Japanese market.

The United States is thus being denied increased access to the world market for the production of textiles. Which means that our domestic market provides the sole opportunity for our own textile industry to maintain or even expand its employment.

These facts spell out some unavoidable truths, the most critical of which is that uncontrolled imports threaten jobs. Right now we are experiencing tough enough employment problems here at home. Unregulated imports will just add to our woes. They have already. And we have only just seen the beginning if no action is taken to restrain them.

The manmade fiber, fabric and apparel industries have been and are a major source of American jobs. Today they employ 2½ million people or one out of every eight manufacturing workers. And they provide indirect employment for a million more people. That's a total of over 3½ million textile-related jobs—jobs that are in jeopardy if no protective action is taken.

Our Nation is in danger of losing many of these jobs. The current level of imports is equivalent to over 340,000 textile apparel jobs. A total of 85,000 employees have already lost their jobs in the last 18 months alone. These are losses we can ill afford.

Total foreign textile imports have doubled since 1965. If this trend continues thousands of additional U.S. textile jobs will be lost.

These stark realities make it urgent that U.S. legislators take immediate and effective action to control textile imports.

Let me close, Mr. Speaker, by again congratulating the gentleman from Florida, the gentleman from Pennsylvania, the gentleman from North Carolina, the gentleman from Illinois who was about to speak on this subject, the gentleman from Alabama and others who have taken time this afternoon to try to impress upon this body and upon the public the grave importance of the problem facing our textile and other related industries.

Mr. SIKES. The gentleman's comments are very timely.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I join in commending the gentleman from Florida for taking this time and focusing attention on the fact that this is a nationwide problem.

I remember some 10 years ago when my good friend from Pennsylvania (Mr. DENT), the chairman of the House Subcommittee on Labor, tried to sound the alarm. I remember a decade ago that he was pretty much a lone voice in the forest, and he was belittled and ridiculed and maligned by much of the eastern press and called all sorts of invectives, because he dared to look down range and see the growing dangers to the American economy if we did not control imports here.

Today I am delighted to note more and more people all over the country are becoming aware of the fact that unless we deal with this problem and do it effectively, as my colleague from Pennsylvania said, in 5 years, the United States will not have enough production to sustain itself as an economic entity. The time has come when we must start looking at these imports and exports, not in terms of dollar volume as we do now, but in terms of man hours displaced and industry jobs displaced.

For instance, the State Department always says, "Why are you fellows getting so worked up? We are exporting $24 billion worth of American goods and services and only importing $20 billion, so you have a favorable balance of trade, and, therefore, there is no cause for alarm." If the gentlemen in the State Department and the Tariff Commission would reduce the dollar volume to a matter of man-hours and job-hours displaced, they would see why we are so deeply concerned. Of course, we export from this country $24 billion of raw materials, commodities such as scrap iron, steel, and other things, but we import into the United States the kinds of consumer goods which destroys jobs in industry after industry after industry.

My own city of Chicago a decade ago was the electronics capital of the world. The electronics industry provided the largest single number of jobs in the entire city and its surrounding areas. Today the electronics industry is a disaster area with foreign competition quietly and steadily chewing away and cutting away at company after company. One of the things that distresses me, Mr. Speaker, is that so many of our big American companies now watch this phenomena with complete impunity because they and the international banks have now invested in foreign countries and are sharing in the profits that this competition is creating here, which is eroding our ability to provide a livelihood for our people.

Mr. Speaker, I am getting weary of listening to those who say America has to learn to do what she knows how to do best, which is to produce services, and to become a service-oriented nation.

I was astounded by arguments made by the free traders when we had legislation before this House saying with complete conviction that if we can provide services best, then that is what we should be doing. I wonder what these people are doing now who think that America will make enough money to be able to afford the service industries. They say that you will have television technicians and repairmen and others working, but Mr. Speaker, there has to be a production base in order to have the ability to make money through production in order to keep the service industry going.

Mr. Speaker, I believe that the gentleman placed this in the proper perspective. This debate today clearly shows that we must devise a system of bookkeeping in international relations which will give us a month-by-month figure on the jobs displaced and the man-hours displaced by foreign competition. The dollar-volume figure is meaningless. In my own State, I have been criticized for the strong position I have taken in giving some protection to our industries and our manufacturers. In my own State some of the leading newspapers have said Illinois is one of the biggest exporters. And, you really should not be trying to hurt these great exports.

Mr. Speaker, it is true that Illinois does export a tremendous amount of soybeans. This exportation of soybeans, perhaps, puts us as the No. 1 exporter of this product in this country. But I say to my good friends who produce soybeans in Illinois that the first chance these foreign countries get to replace the soybeans now being imported into their countries through, synthetics the soybean markets will disappear. We know that as soon as these foreign countries develop a substitute for soybean byproducts that the soybean industry will suffer the same consequences that the textile industry is suffering, that the electronics industry is suffering, that the steel industry is suffering, and everyone else.

So, it is my judgment and my suggestion that simply because we are today in a good export position we ought not to be concerned about what is happening to the rest of the country.

Mr. Speaker, I think the time has come to devise some system whereby the American people will have a measure or some information other than dollar volume. That system ought to be based on man-hours and job displacement by this foreign competition.

Mr. Speaker, I congratulate the distinguished gentleman from Florida for starting what I hope will become a national dialog because as the gentleman has said this is a national problem of enormous consequences.

Mr. SIKES. The gentleman has made an excellent contribution.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am pleased indeed to yield to my warm friend and colleague, the distinguished gentleman from West Virginia, chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Florida for yielding and I wish to congratulate and commend the gentleman for his taking the time this afternoon to bring this very serious matter to the attention of the Nation, this very serious problem.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman and with the remarks of those who have spoken before me.

Mr. Speaker, a year ago I introduced a trade bill that provided for the establishment of ceilings on imports under specified conditions. Some 75 other Members also introduced the bill.

While that bill was not acted on by this body a bill that aimed at a tighter control over imports than exists under present law was reported out by the Ways and Means Committee and was passed last November. The vote was 215 to 165.

As all of us know, the bill did not make its way through the other body for lack of time. Those of us who supported that bill, including myself had reason to believe that we would have the same or similar legislation before us at this session. Indeed the chairman of the Ways and Means Committee (Mr. Mills) did reintroduce the bill on the first day of our return. That was January 21. The bill was H.R. 20, cosponsored by the gentleman from Wisconsin (Mr. Byrnes) and others.

It is now three and a half months later and no action has been taken to move the bill. It is true that other urgent legislation has been taking the time of the committee. This is understandable. On the other hand trade legislation also has high priority in the view of many of us. I have in my district several industries that have a big stake in trade legislation, namely, footwear, textiles, and glassware.

Mr. Speaker, since hearings running over 6 or 7 weeks were held by the Ways and Means Committee less than a year ago, it should not occupy too much time of the committee to give consideration to the trade bill at this time. Nor should it take much time on the floor. During all the trade bills of the past 20 years not over 2 days have been consumed by this body in its debate on the legislation on any occasion.

Those of us who are deeply concerned over the import situation have been waiting patiently for the second shoe to drop, so to speak, but we have heard no sound to date.

I do not believe that it is necessary to call further attention to the weak competitive position of this country in world trade. It has been thoroughly documented and sustained by irrefutable trade statistics. We simply cannot go on as we have in the past 10 years and ignore the handwriting on the wall. We should keep in mind that the final installment of the tariff reductions of the Kennedy round is still to take place; that is, January 1, 1972. Instead of reversing the present intolerable situation, this further duty restriction will aggravate the difficulties.

I think it is quite well known now that contrary to the official Department of Commerce statistics regularly given to the press, we are actually experiencing a serious trade deficit rather than a surplus. This is one of the realities we must keep in mind as we think about legislative priorities.

Mr. Speaker, I wish to range myself along with those who feel strongly that we need trade legislation without further delay. I say this in full awareness of the burden on the Ways and Means Committee, but also keeping in mind that trade legislation need not consume much time and further keeping in mind the pressing need for it.

Therefore, I urge sincerely and strongly that H.R. 20 be given its due consideration very soon and be started on its way.

Mr. NICHOLS. Mr. Speaker, will the distinguished gentleman from Florida yield?

Mr. SIKES. I am very pleased to yield to my warm and close friend, the distinguished gentleman from Alabama (Mr. Nichols).

Mr. NICHOLS. Mr. Speaker, I, too, congratulate the distinguished gentleman in the well, the gentleman from Florida (Mr. Sikes) upon the timeliness of the subject that he has brought to the attention of the Congress at this time.

Mr. Speaker, I appreciate this opportunity to join with my colleagues in the special order arranged by my esteemed colleague, Bob Sikes, to call the attention of this Congress to the continuing threat of imports to the textile and allied industries throughout America. Let me begin by saying that I am privileged to represent a district where textiles have traditionally provided the backbone of our economy. I am proud to represent such a district and equally proud to say to the Congress that I live in a textile town.

My first employment, as a 15-year-old boy, was in Avondale Mills, which is the largest single employer in my home community of Sylacauga, Ala. I worked with the overhaulers tearing down and repairing spinning frames in the old central mill and I later packed spools of yarn and handled reams of cloth in the packinghouse, going to such far-off destinations as Worcester, Mass., and Providence, R.I. So I have vivid memories of the textile industry, for it was in this industry where I learned to appreciate the dignity of work, the value of a dollar, and perhaps most important, the ability to work and get along with my fellow employees.

Mr. Speaker, what is happening to the textile industry today is despicable and unless the trend is reversed as I see it, by this 92d Congress, I am extremely apprehensive about the future of this vital industry and of the thousands of American jobs at stake. In this context it becomes impossible for me to agree with those who have elected to rely on the Japanese trade offer which is as hollow as the proverbial clanging cymbal and offers no measure of relief to an industry which has borne for too long the oppression of competing in a fixed American economy with textile goods produced by low-wage competition from Asia. My friends in position of leadership say "Let's try it for at least a year—let's give it a chance to work."

Mr. Speaker, I see no way that such

agreement can work on a voluntary basis. Giving it a trial is like waiting to see what the fox will do when given access to the chicken house. While the textile industry bears the direct brunt of competing with textile imports produced in low-wage countries there are other industries which will most certainly feel the impact of the loss of textile jobs. I refer to, of course, the garment industry and there is scarcely a small town in my area of the country that does not have some sort of a garment plant. There are a million or more cotton farmers and agri-business people who are directly dependent and who support their families by growing and producing the cotton fiber which is certain being surplanted by foreign imports. Some have argued that there is no loss here since the Japanese will buy American cotton. Yes, they will buy American cotton, provided Mr. Speaker, that they can purchase it cheaper from the American grower than they can purchase it from Africa, Mexico, Brazil, and other low-wage countries of the world.

Not so with the American mills however, for the American textile industry will buy American cotton because they are prohibited by law from buying from other countries except for a small quota amounting to less than 1 day's supply. It is not less than tragic to see American jobs lost to mills some 10,000 miles removed from the American economy.

It is with further regret that I have learned that in desperation and in despondency some of our larger textile producers are now toying with the idea of establishing their own plants in Japan and other low-wage countries to produce on their looms and spinning frames goods under their label in order to be shipped back to this country in order to meet foreign competition. While this is nothing short than tragic, I can understand how the chairman of the board of directors of a large corporation, through the insistence of his board of directors that he show a profit or else, would seriously consider the alternative of either going out of business or producing goods in a low-wage country.

Such moves, of course, spell the economic death of an American industry and Department of Labor figures estimate that the southern textile industry lost more than 27,000 jobs in 1970 alone. What we are talking about here, of course, is American jobs and we simply cannot agree to a proposition which is bound to bring economic destitution to textile towns in many sections of the country.

Such a town is Roanoke, Ala.; and what has happened in this small Alabama city in my congressional district should not happen to one's worst enemy. In October of last year, I campaigned at the mill gates of Handley Mills, a textile mill which has operated continuously for the past 70 years. This was the town's largest industry. I saw the workers as they came off their shift, with their lunch pails in hand, totally unaware of what the next few weeks would bring. On November 23, the management announced that Handley Mills was closing its doors forever—bankrupt after 70 years of operation—and 844 textile employees were out of work and began drawing their small weekly unemployment compensation. This Congressman called the New York office of Handley Mills and talked with its owner, Mr. Frank B. Cavanaugh, who told me that, despite spending more than $6 million for new machinery, that it had been a continual struggle to keep ahead of the import competition, and that in 1969 the matter reached tragic proportions.

Then, in January of this year, the second largest industry, Rolane Manufacturing Co., announced that in mid-March they would close their operations of manufacturing women's panty hose, forcing another 440 textile workers out of work. Again I called the company's president and I was again told that the plant closing was due largely to imports of panty hose coming into this country which were being sold at considerable less money than he could manufacture panty hose in any of his plants in America. So there are now more than 1,200 productive jobs lost in this small city, with one reliable source estimating that more than 60 percent of the total available employment being out of work.

Mr. Speaker, the Roanoke story, entitled "Twilight of a Textile Town," which appeared in the New York Times' edition of March 28, presents a picture reminiscent of the worst of the depression days of 1933. Unemployment compensation has now run out, there are taxes to be paid, there is food to be secured for the unemployed textile families, and a thousand and one other needs, with no productive jobs in sight. It is indeed a sad sight to see career employees, skilled at their trade, who have been productive workers all their lives at a trade they understand and know best, but who now walk the street, picking up odd jobs and living off the generosity of relatives, friends, and whatever assistance is available through the commodity and food stamp programs of the Federal Government. I am placing this article in the RECORD, as it depicts the true picture in a town which is trying desperately to attract new industry—to little avail—for what textile plant has an interest in expanding in the face of the present impossible import situation?

Mr. Speaker, the time is now, in this Congress, when we must prevail on each Member who believes in the free-enterprise system, to endorse and support responsible trade legislation. I see no other way to save American jobs. Should we fail in this responsibility, then I predict there are many other Roanokes ahead. The story follows:

[From the New York Times, Mar. 28, 1971]

TWILIGHT OF A TEXTILE TOWN—MILLS SHUT, 62% OF JOBS ELIMINATED IN ALABAMA COMMUNITY

(By Ray Jenkins)

ROANOKE, ALA.—While the United States and Japan debate the complex issues of trade quota agreements, this Alabama city of 5,000 is feeling the economic squeeze on the American textile industry in more dramatic and human terms.

Roanoke's second largest industry, the Rolane Manufacturing Company, will cease production of women's panty hose at the end of this month. A total of 440 workers will be out of jobs.

Rolane's closing comes only a few months after an even more devastating blow struck Roanoke, which is in east-central Alabama near the Georgia line. Last November, Handley Mills, Inc., which had been the town's leading industry for 70 years, went bankrupt and put 844 textile workers out of work.

One source estimated that 62 per cent of all jobs in Roanoke had been eliminated by the double blow. And many of the Rolane workers were the wives of men who worked at Handley.

Handley and Rolane are among 50 textile plants in the South that have shut down since 1969 because of bad market conditions, higher prices, high interest, but, above all, competition from foreign textile producers. The Department of Labor has estimated that 27,200 Southern textile workers lost their jobs in 1970 alone.

"And a hundred more plants will close next year if something isn't done," a Handley executive predicted.

Clyde Hartley, manager of the local state employment service, predicts that when Rolane is shut down, the joblessness rate may go above 25 per cent here.

Clyde Pike, 56 years old, is typical of Roanoke's unemployed, except that his situation is complicated by illness. Mr. Pike went to work at Handley Mills in 1930 at the age of 16. At the time the mill closed he was a "slubber tender"—mill jargon for a worker who tends a machine in the yarn-making process.

Mr. Pike was paid according to his output, earning about $18 a day. For almost two years he had worked seven days a week. "I didn't take off but four Sundays in 20 months," he said.

As did many of his fellow workers, he sought employment in a mill in a nearby textile town. But it was discovered that he was suffering from a hernia, and had to have surgery. As a result, he lost his $50-a-week unemployment compensation because he was no longer available for work. His savings are down to about $100. He thinks his two sons—both of whom have moved from Roanoke—will help out if it becomes necessary.

As do many of his fellow employes, Mr Pike lives in a small white frame house that was once owned by the mill. He bought the house in 1954 and since then he and his wife have added two rooms, working in their spare time.

Since 1920, financial control of Handley Mills has been in New York. Its last owner was Frank B. Cavanagh, who acquired the mill in the early nineteen-sixties and began to modernize its machinery and marketing policies.

In 1966 Mr. Cavanagh brought James R. Eichelberger to Handley as general manager Mr. Eichelberger, whose parents had worked in the mill, went to Auburn University, where he earned a degree in textile engineering.

Mr. Cavanagh spent $6.5-million over a six-year period upgrading the mill's antiquated machinery. At times the interest cost was as high as $800,000 a year.

"We did real well in 1966 and 1967," Mr. Eichelberger said. "But we began to hurt in 1968. It was always a struggle to stay a jump ahead of the import competition. Then in 1969 the bottom sort of fell out. We took a real bath."

Last October the bank notified Handley Mills that no more money would be advanced. The corporation went into bankruptcy in New York, listing debts of $8,440,188 and assets of $4,996,328. Mr. Cavanagh, the company president, also filed personal bankruptcy, having put up some $3.5-million of his own to guarantee the obligations of the mill.

As Prof. Cleveland L. Adams, head of the department of textile engineering at Auburn, sees it: "Our mill owners are trapped. If they don't modernize, they can't compete. If they do modernize, they can't bear the high interest rates of short-term loans."

Mr. Eichelberger said he felt Handley had "turned the corner" and was on its way back to prosperity when the closing came. "But I guess everybody just sort of lost faith." And he added a rueful footnote: "We were just getting ready to move the corporate headquarters down from New York. It would have been the first time in fifty years that control of the mill would have been in the hands of the people living in Roanoke."

The import situation is blamed for the closing of both plants. "Indian imports put us out of business," a Handley executive said. "There was one big mill in India putting out the same duck (a heavy cotton fabric similar to canvas) that we were making—the duck used in tennis shoes and sneakers. And it's beautiful duck, better even than we made. It's made with better cotton. Our Government gives them the cotton, by the way."

"I predicted nine months ago that Rolane would close," the Handley executive continued, "because I knew Germany was getting into the pantyhose production in a big way."

Recently Jonathan Logan Company announced it would open a plant in Roanoke to manufacture women's wear, but it will employ less than 300 and will not be in operation for another three months.

As the expiration of unemployment compensation in May approaches, anxiety is growing. "If I walk downtown to get a haircut, it takes me two hours to get back," said Roy Reeves, president of the City Bank of Roanoke. "Everybody's asking, 'What can we do? When will the mill reopen?' I tell them we're doing everything we can."

Almost every institution has felt the economic disaster. Church collections are down; savings accounts are rapidly being depleted; city revenues are short, and some businesses are closing.

Churches in neighboring towns have organized a "Samaritan Fund," which now stands at more than $3,000, to handle emergencies among Roanoke's unemployed. Alabama has no general welfare assistance for such people. Moreover, Roanoke has no food stamp program, but does distribute surplus commodities.

Among the mill people one finds a calm, austere fortitude and a stubborn faith that the mill will somehow run again.

One such man is Lumos Looser, who spent his life in Handley Mills. He went to work there in 1918 at the age of 14. His pay was around $9 a week for 60 hours, "and you never really did know when you were going to get paid," he said.

"Sometimes we had to go to the office two or three times a week to get our pay," he recalled. Mr. Looser was among those working at Handley when the mill closed for 13 months in 1920. Although his own future is now secure because he draws Social Security, he shares the faith that the mill will reopen soon. "I just don't believe the mill will be closed as long as it was in '20," he said. "I just got that feeling."

The Rev. Ralph Worley, whose Congregational Christian Church is made up largely of unemployed mill workers, thinks the experience "has drawn people closer together." He said: "In all this crisis the greater concern has been for the other person. It seemed like everybody was concerned about somebody else. Of course there has been anxiety, but there hasn't been any despondency. It caused people to become more spiritually minded.

"You know, it might not be a bad experience for the whole country. I don't mean a depression, mind you. But just a little reminder that we can become too dependent upon material things."

Mr. SIKES. Mr. Speaker, I thank the gentleman for his contribution.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I am very pleased to yield to the distinguished gentleman from North Carolina.

Mr. FOUNTAIN. I thank my distinguished friend and colleague, the gentleman from Florida, for yielding, and I want to associate myself with what the gentleman has said and with what so many others have said with reference to the textile import problem.

Congressman LENNON, my distinguished colleague from North Carolina, has already spotlighted this problem as it relates to my own State of North Carolina. He and I both come from a State which produces textiles in abundance. As a matter of fact, the textile industry in North Carolina provides more jobs than any other industry in our State.

It is no secret that tens of thousands of textile jobs have been eliminated in the last year or so because of the unfair competition of low-wage textile imports. Textile imports have increased fantastically in the last decade.

It is no secret that dozens of textile mills have been forced to shut their doors, affecting workers and stockholders alike.

Many of these jobs and these mills were located in North Carolina. But now these mill gates are shuttered and their former workers are jobless, at a time when jobs are especially hard to come by.

Ten years ago our annual imports of textiles amounted to less than 1 billion square yards of cloth—and that was a lot, but today the figure is many times greater.

The result has been a tragedy for many, many small communities whose entire economies are dependent on textiles. Millions of our people are being hurt because little or nothing has been done to properly regulate the flood of textile imports from the low-wage countries of Asia.

How can American textile mills paying American wages compete with modern, highly mechanized Asian mills, some of which pay only a few cents per hour in wages? It is well nigh impossible to do so, despite the ingenuity and productive creativity of the American textile industry.

Proper action must be taken to regularize our trade relations with the countries producing low-wage textile products which are dumping their products on the American market.

American prosperity is dependent on a proper balance between imports and exports. We want to produce both for home consumption and for the world market and we expect to buy from abroad as well as to sell.

But there must be limits beyond which we will not go. And surely we have reached that limit when one of our most basic and important industries—one with a payroll of 2.4 million workers—is being destroyed.

The American textile industry must not be sacrificed on the altar of free trade.

Of course, world trade should flow as freely as possible and ought to be subject to as few regulations and restrictions as possible. But, at the same time we ought never to allow our national interests to be ignored in such a way as to close down a vital and important industry.

Other countries, both European and Asian, do not hesitate to restrict trade in a particular item—whether agricultural commodity or manufactured product—when necessary for their own well-being. Look at the way the proposed European common agricultural policy is proposing to place additional restrictions on its tobacco imports, which, of course, come primarily from the Southeastern States. And the same thing is true of manufactured goods of all kinds.

Japan, for example, throws all kinds of roadblocks in the way of Americans doing business in Japan. But, when it comes to textile sales to America, apparently the shoe is on the other foot.

I think it is entirely natural and proper for a nation to look after its own national interests. If it does not do so, then it will not survive for long in a hostile world.

The time has long since come for a fair and reasonable solution to the acute and growing problem of textile imports. Our jobless textile workers will testify to that.

Mr. Speaker, just a week or so ago I had the pleasure of escorting our own Governor, along with the gentleman from South Carolina (Mr. DORN) and the gentleman from Georgia (Mr. LANDRUM), who escorted their Governors, and one or two others, to confer with the distinguished chairman of the House Committee on Ways and Means on this subject to get the benefit of his thinking and to give him the benefit of theirs.

I am hopeful we can continue to spotlight this problem to the end that not only people in our own country, but also the people and governments wherever we may be confronted with this problem, will come to realize that trade is a two-way street, and that we all have to live.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. SIKES) for again spotlighting this very serious problem of imports. Let us keep it up until we get something accomplished one way or the other.

Mr. SIKES. Mr. Speaker, I do appreciate the participation of my good friend, the gentleman from North Carolina (Mr. FOUNTAIN), in this discussion.

Mr. BURKE of Massachusetts. Mr. Speaker, I am getting used to playing the role of "Cassandra" at regular intervals and bringing to the attention of the Members of this House the plight which is facing this Nation's shoe industry in the absence of any action by Congress along the lines of the Trade Reform Act of last session. The longer we wait to do something, as I have said before, seems to make it inevitable that when we do do something, it is going to be either too late or much more drastic than necessary if we were to act now. Simply wishing the problem away is not enough. The recourse that unemployed shoe workers have to trade adjustment assistance is woefully inadequate as provided by the Trade Expansion Act of 1962, and to make matters worse, the Tariff Commission and the White House are dragging their feet and displaying a determination to go slow where shoes are involved.

In other words, not only is the assistance available under present legislation woefully inadequate, but to make matters worse, the administration and the Tariff Commission appear reluctant to grant whatever assistance there is. We have been waiting for months now for a Presidential decision on industrywide relief because of the flood of imports. This is something which has been kicked around from an interagency panel to the Tariff Commission, to the White House, to a newly created Commission on International Economic Development—and where it will finally stop, no one knows. Even the supporters of the present arrangements are losing confidence and becoming increasingly convinced that what is really needed is new legislation with built-in quota protection.

The President keeps indicating his preference for trade legislation each time he is reminded of his 1968 campaign promises. But this is always followed by more study of the problem and no action. It now appears that the administration will excuse a long period of inaction on this matter on the grounds it has to wait for reports from Ambassador at Large Kennedy and Secretary of Commerce Stans when they return from their long, vaguely defined exploratory junkets abroad. As I have said before, Secretary Kennedy and Secretary Stans could probably more profitably spend their time touring Brockton and other cities in this country to see firsthand what this inaction is costing the workers of this country. Just recently, another shoe company has been forced to close its doors in my district; another 200 workers are living on relief. When the problems facing the shoe and textile industries are combined, we find that this past year has witnessed the loss of over 100,000 jobs in what I like to call the apparel industry. In the end, the problem always boils down to the impossibility of surviving the continued flooding of low-wage imports from abroad.

Everyone is always talking about the threat of foreign retaliation if we were to do anything. Just look at what is being done against us now. There is hardly a trade partner that does not maintain higher tariff barriers against our exports than we have against theirs. There are not too many foreign currencies which have not been depreciated at one time or another to help foreign countries gain balance-of-payment surpluses at our expense. Then there is the whole host of nontariff barriers, Government regulations, and licensing requirements which make it almost impossible for the American exporter to do business in a wide variety of foreign countries. Meanwhile, our own balance of payments is already in serious trouble. The current imbalance of imports over exports of footwear is, from present indications, going to add at least a $750 million deficit to our 1971 balance of trade.

In my State, the Commonwealth of Massachusetts, the third most important shoemaking State, the effect of factory closings has been devastating. From 1962 through 1970, 115 plants have closed their doors, with no end in sight. The attrition has been particularly severe during the past 3 years when 45 plants were forced out of business.

Between 1962 and 1970, over 20,000 workers were laid off in the footwear and related leather industries in my State. Since 1968, nearly 10,000 workers have lost their jobs. These, plus more in other supplying industries, have lost their jobs due to imports.

The unique hand and eye skills involved in shoemaking, combined with the desire of New England people to keep their roots in New England, has resulted in no exodus of the industry to the South, or elsewhere in America, to replace the lost industry capacity. I mention this because some of you feel this has happened. It has not. The jobs have simply been exported overseas.

I submit the enclosed fact sheet, which is self-explanatory, for the RECORD:

IMPACT OF IMPORTS ON THE MASSACHUSETTS FOOTWEAR INDUSTRY—1971 FACT SHEET

1. PRODUCTION

[Massachusetts is the 3d most important footwear-producing State in America]

Year	Production (pairs)	Value of shipments
1968	85, 210, 000	$408, 792, 000
1969	71, 167, 000	371, 181, 000
1970	65, 000, 000	336, 736, 000

Note: Ratio of Massachusetts State production to U.S. total is 11.6 percent.

2. EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	38, 849	$147, 500, 000	57, 211	$224, 108, 000
1965	32, 479	127, 768, 000	48, 959	198, 912, 000
1968	30, 100	148, 928, 000	46, 161	232, 804, 000
1969	26, 765	131, 904, 000	41, 987	215, 040, 000
1970[1]	22, 450	116, 867, 000	36, 500	198, 697, 000

[1] Estimate.

3. PLANT CLOSINGS

[The effect of imports in terms of factory closings has been devastating in Massachusetts. From 1962 through 1970, 115 plants have closed their doors with no end in sight. The attrition has been particularly severe during the past 3 years when 45 plants were forced out of business]

4. IMPORTS

[In 1970 imports of leather-vinyl footwear equaled 235,584,000 pairs representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in those months]

[In pairs]

Year	Imports	Exports	Shoe production	
			United States	Massachusetts
1959	22, 277, 000	3, 505, 000	637, 364, 000	102, 322, 000
1960	26, 617, 000	3, 244, 000	600, 041, 000	95, 626, 000
1961	36, 668, 000	3, 035, 000	592, 907, 000	91, 878, 000
1962	63, 019, 000	2, 867, 000	633, 238, 000	86, 701, 000
1963	62, 820, 000	2, 843, 000	604, 328, 000	85, 204, 000
1964	75, 372, 000	2, 836, 000	612, 789, 000	85, 290, 000
1965	87, 632, 000	2, 491, 000	626, 212, 000	91, 817, 000
1966	96, 135, 000	2, 737, 000	641, 700, 000	85, 368, 000
1967	129, 134, 000	2, 200, 000	600, 000, 000	79, 190, 000
1968	175, 438, 000	2, 400, 000	642, 427, 000	85, 210, 000
1969	195, 673, 000	2, 300, 000	576, 961, 000	71, 167, 000
1970	235, 584, 000	2, 154, 000	559, 416, 000	65, 000, 000
1975[1]	468, 400, 000	2, 000, 000	518, 800, 000	60, 180, 000

[1] Projected.

I also wish to include in the RECORD at this point an article which I wrote for the Shoe Products and Leather Daily, April 15, which I think is still relevant to the situation today. It only remains for me to say in closing that the purpose of these special orders is not to get remarks in the RECORD, expressing one's concern for 1 whole day with other colleagues and then to walk away and feel that one has done all one can about a serious problem. The purpose of these special orders is to try to convince those who remain unconvinced of the seriousness of the problem, of the little time that is left for us to do something constructive and to get this body and the other body off dead center. And I do not mean tomorrow, but today.

I wish that what I have to say was more optimistic and more encouraging news than it is. The hard fact is that in the past year the picture has not improved for the shoe industry. The Trade Reform Act of 1969, having passed the House after several months of hard fought battles, ended up left to die on the Senate side. Those of us who based our hopes on this bill were subjected to constant pressure and criticism in the national press, described as protectionists and lineal descendants of Smoot-Hawley. The free trade lobby refused to judge the bill on its merits. If they had, they would have discovered it for what it really was—a trade expansion bill. Its so-called protective features would have enabled the President to impose "quotas" in the absence of any meaningful agreement with foreign nations for the imposing of a measure of self-restraint. These "quotas", however, would have taken nothing away from foreign competitors. What would have happened was they would be "limited to" the annual quantities imported during the 3 calendar years 1967 through 1969 with provision for orderly increases determined by the President in the future. In other words, our foreign competitors were retaining the share of the market that they had achieved. All the act essentially would have done was to curtail further unregulated growth of their share of the domestic market, something which, to my way of thinking is an entirely reasonable request. What we requested was "stop overexpansion and be satisfied with the tremendous share of the market you already have." At the time, we said if an agreement was not reached, and soon, the results would be disastrous and nothing would be left of the shoe industry for which to fight.

As we all know, nothing was done and our predictions came true. Even at the risk of appearing to be a prophet of doom, just let me recite the litany of decline and damage which seems to highlight what could be the final dying moments of a once-proud industry. Since last we met: We know another 85 shoe plants closed their doors; in 1970 a further 8,000 in the industry were made jobless. In contrast to the 1970 estimated output of 560 million pairs of domestically produced shoes, the 1971 estimated forecast has dropped to 550 million pairs, for a 10 million pair drop in the space of 12 months. Meanwhile, foreign imports are increasing at a staggering pace to an all-time high. The volume of imports in 1970 jumped 20.4 percent.

At the retail level, the American market absorbed $1,779,200,000 worth of nonrubber imported footwear. Discouraging news? And the tragedy is that the news will probably get worse before it gets better, unless something is accomplished now, and I do not mean 2 years from now. As one of my valued and constant letter-writing constituents said the other day in one of her letters: "Congressman, I think you are to be complimented on your heroic effort to save the shoe industry. The only thing I wonder is whether you are wasting your time. I mean, is there anything left worth fighting for?" If present trends continue unchecked, then this lady might be all too correct. We may see the demise of the shoe industry.

What bothers me the most about this and something which has become increasingly noticeable in the past year is that one of the chief contributing factors to the present sad plight of the American shoe industry is the new kind of foreign competition we are faced with. What we have experienced in the last 2 years is that, increasingly, the foreign exporters are, in fact, American firms who have relocated overseas. Some of the groups are major U.S. corporations such as Genesco. Others are small individual entrepeneurs. Whether large or small, all have gone overseas with but one aim—to take advantage of a cheap foreign labor market. Not too long ago the New York Times did a special study of two towns—one in Italy and one in the United States. The Italian town was experiencing a boom and there were enough jobs for everyone. New buildings were going up and new found prosperity was everywhere. In sharp contrast, the American town was dying, unemployment was at an all-time high, shops were closing and welfare rolls were rising. What did the two towns have in common? An American company had decided to build a new shoe plant in the Italian town and gradually phased out its operations in the American town where it had been located for decades. Why were the Italians enjoying new prosperity? Because they presented a pool of comparatively inexpensive labor for the American corporation. Why was shoe production up in that town? Because the shoes were being sold to American customers under the same brand name they had been when they were made in this country.

In other words, the American consumers are not necessarily selecting a foreign shoe in all cases knowingly. In many cases they are continuing to support American brand names. The only trouble is that many of these shoes are not, in fact, being made in this country, but being made overseas.

Is the consumer really better off under this arrangement? One of the arguments of the free traders is that people should be allowed to buy the cheaper product and thereby stretch their pay envelopes farther. The fact is that very little in the way of real savings have been passed on to the consumer. Shoes which can be made overseas for as little as a dollar in some parts of the Far East are not sold in this country for $2 or $3.

On the contrary, in most cases, especially when the brand names are American, the American consumer continues to buy at nearly the same price as an American-made shoe. Who gains? The shareholders. Profit margins in some cases border on the fantastic. The salesmen dealing with small shoe outlets around this country not surprisingly find it to their advantage to push the foreign-made product with the fantastic profit margin which can be shared by all the middlemen. No wonder the multinational corporations of this country, not only in the shoe industry, but in the textile and electronics industries also, support the free trade movement. They have the best of both worlds—an American market with franchise operations in many cases, salesmen who are familiar with their territory, and at the same time, foreign manufacturing facilities which can produce what most accept as the same product at considerably less cost—not to the consumer but to the corporation.

And what are we expected to do—we the elected representatives of the people, who represent districts where we see one plant after another close down? Since December, five shoe plants, to my knowledge have closed in Massachusetts. Two were in my own district. What am I supposed to do about the 600 people laid off in Brockton recently and the others who were laid off before them? Some of these people are close to exhausting their unemployment benefits. Some of them have given the best years of their lives to an industry which has, in the end, chosen to shift operations overseas. Am I supposed to take comfort and hope that they will find the reason in the writings of Adam Smith or some other free trade economist? The economists say that people should adapt. That is wonderful in theory, but as anyone who has tried to adapt will verify, it can be one of the most painful and trying experiences an individual can endure, especially late in life. Sure, retraining sounds good. But have you ever tried to retrain and relocate and get a new job? This is a relatively new effort on both the Federal and State levels. But the task of the agencies involved is almost superhuman and is woefully underfunded. To complicate matters, this country is now going through a serious recession. The unemployed shoe workers are competing for jobs in other fields with thousands of other people who are also unemployed because of the economic slowdown throughout the economy this past year. Competition is keen for the few available openings.

So at best, retraining is a long-term proposition. It does not—today, at least—offer a short-term solution to the unemployment caused by the tremendous glut and unbridled increase of foreign imports into this country. I always get a kick out of some of our economists and free traders who never hesitate to advocate government intervention in the economy in all kinds of areas—health projects, social security benefits, industrial development, nationalization of industry, and Federal subsidies to Lockheed and Penn Central. What the Trade Reform Act would do would be to reaffirm the right of the Government to intervene in the economy at a critical juncture. Why should that kind of Federal intervention in the economy be forbidden?

Apparently, the one area where we are supposed to be completely laissez-faire is in foreign trade. At a time when so much of the domestic market and economy is inextricably bound up with the Federal Government, foreign trade is supposed to be the roped-off arena where capitalists can still slug it out, win new markets, increase their profits, whatever the results, whatever the hardship for the workers, whatever the dislocation for the cities and towns that lose their industry. I think the Government should use every tool at its command to improve the lot of the population of this Nation, and that includes the neglected shoe industry, the textile workers, and the electronics industry.

I am tired of being told that relief is already available to the unemployed shoeworkers and the closed-down firms. I am tired of being referred to the Tariff Commission for assistance under the Trade Expansion Act of 1962. Since the inception of petitions for relief before the Tariff Commission in 1967, there have been a total of 42 separate cases initiated by the United Shoe Workers of America, only five of which, by my calculations, have been decided favorably. And this after months and months of investigations and delay. The five approved actually were not decided favorably by the Tariff Commission, but required a Presidential decision, which again necessitated further review, further delay.

Last June, the President, apparently bothered by the unfavorable trend in the industry and increasing evidence of the effect of imports in all of this, requested a decision from the Tariff Commission which would make available to the men and women's leather and footwear industry, its firms and its workers, the various forms of relief and assistance prescribed by Congress in the 1962 act on an industrywide basis. We all know the Tariff Commission was hopelessly split on the question, and in the end the ball was thrown back into the President's court, in January of this year. Since then, the President has referred it to another newly created Government Committee on International Economic Developments for their advice. Prior to referring it to the Tariff Commission, the President had the matter researched by the interagency task force, which again failed to give any precise guidance to the President on how to act. It seems to me that the administration has demonstrated a complete inability to act with decisiveness where shoes are involved. Yet, this same administration never seems to be indecisive where other industries are concerned.

Protection against foreign trade has been granted for years to the oil industry. American airlines are very carefully protected against competition from foreign air carriers in this country. Apparently, though, there is a mental block about the shoe industry. But above and beyond the failure of the administration to act decisively and provide relief under the terms of the 1962 act, I really question whether the relief permitted by that act is what is needed. Long-term loans to help a plant modernize does not meet foreign importation here and now. Yes, the firm is given a new lease on life; yes, there are funds for modernizing but the reason Americans are not competitive is not because our equipment is totally inadequate.

The most modern machinery according to the best estimates still will not make up for cheap foreign labor. Again, under the 1962 act, relief is available to the workers who are left jobless or laid off by shoe companies who failed because of foreign competition. But to provide a man assistance who is now out of work hardly gets his job back and fails completely to attack the problem at its source.

After financial adjustment assistance is used up, there is always the welfare department to look to, I suppose. I do not really mean to be completely negative about this, but on the other hand, I do not want anyone to be lulled into any false sense of security by a promise of adjustment assistance under existing legislation. I think that payment of the burial costs of an industry is hardly the way to keep it alive. The point I am trying to make is that we are not asking for handouts for the shoe industry. What we are asking for is action here and now which will have the effect of giving the shoe industry time to modernize and adapt, but above all, to exist, as a viable industry in this country. Given some support, we can pull ourselves up by our own bootstraps. I do not think this country can afford to face the prospect of ever becoming totally dependent upon foreign countries for any supply as vital as footwear. Hopefully, there is still time to act.

Mr. HALL. Mr. Speaker, I thank the gentleman from Florida on holding this special order relating to the flood of imports that threatens our economy, and for yielding.

The effect of imports in terms of factory closings and footwear employment has been devastating in the State of Missouri. As you know, footwear manufacturing is important in our State, being the fourth in production with its shipments over $342 million last year. Missouri produces nearly 9 percent of the total leather footwear output of the entire United States.

However, in the last 3 years, from 1968 to 1970, footwear production has dropped from nearly 57 million pairs to 49 million pairs, and employment in shoe manufacturing has dropped from over 22,000 to 19,000. Based on first quarter imports this year, that are 27 percent higher than the 236 million pairs imported last year, it appears that this downtrend is just the beginning of a very sharp downturn, unless something is done quickly by the Congress to alleviate the situation. We can wait no longer for the continuous delaying actions of the administration to run their course.

Liberalized trade is the goal of all of us in the long run, but it is in the long run, as the British economist Keynes pointed out, that we all die!

The American footwear industry is dying at a somewhat faster rate. The industry has forecast that by 1975, imports will constitute nearly 50 percent of the market. However, in the years 1969 and 1970, imports of shoes rose far above the forecast expectations. In those years, imports represented 30 percent and 39 percent, respectively, of the total footwear supply in this country. At these rates, imports could exceed 50 percent of the market by 1975.

Unless you have seen firsthand the effects of imports in your own district, you cannot imagine the depressing impact on the morale of the community and on local business. In my State, I have seen 30 plants close their doors since 1962. During the past 3 years, 15 plants were forced out of business. Because so many of these plants are in rural areas, where farming employs fewer and fewer workers, the end result is to force many families to the city where they only add to the weight of the urban problem.

Last congress, I sponsored a companion bill to the Mills' bill and in a previous year, along with many of my colleagues here, I signed a petition to the President asking for import relief. You all know what has happened since that time.

Finally, Mr. Speaker, I am submitting for the RECORD, a fact sheet that sets forth the recent history on the impact of cheap labor imports on the production and labor of the shoe manufacturers in my State. These statistics attest to the general statements I have made before you.

IMPACT OF IMPORTS ON THE MISSOURI FOOTWEAR INDUSTRY—1971 FACT SHEET

PRODUCTION

[Missouri is the 4th most important footwear-producing State in America]

Year	Production (pairs)	Value of shipments
1968	56, 528 000	$355, 412, 000
1969	49, 525, 000	332, 706, 000
1970	49, 133, 000	342, 110, 000

Note: Ratio of Missouri production to U.S. total is 8.8 percent.

PLANT CLOSINGS

[The effects of imports in terms of factor closings has been devastating in Missouri. From 1962 through 1970, 30 plants have closed their doors with no end in sight. The attrition has been particularly severe during the past 3 years when 15 plants were forces out of business]

EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	25, 572	$84, 476, 000	31, 187	$104, 340, 000
1965	22, 104	73, 584, 000	27, 984	94, 636, 000
1968	22, 325	95, 996, 000	29, 208	125, 416, 000
1969	21, 307	98, 464, 000	27, 790	127, 264, 000
1970[1]	19, 325	101, 024, 000	25, 800	129, 173, 000

[1] Projected.

IMPORTS

[In 1970 imports of leather-vinyl footwear equaled 235,584,000 pairs, representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in those months]

[In pairs]

Year	Imports	Exports	Shoe production	
			United States	Missouri
1959	22, 277, 000	3, 505, 000	637, 364, 000	63, 859, 000
1960	26, 617, 000	3, 244, 000	600, 041, 000	57, 729, 000
1961	36, 668, 000	3, 035, 000	592, 907, 000	56, 238, 000
1962	63, 019, 000	2, 867, 000	633, 238, 000	56, 880, 000
1963	62, 820, 000	2, 843, 000	604, 328, 000	54, 005, 000
1964	75, 372, 000	2, 836, 000	612, 789, 000	53, 794, 000
1965	87, 632, 000	2, 491, 000	626, 212, 000	52, 813, 000
1966	96, 135, 000	2, 737, 000	641, 700, 000	54, 227, 000
1967	129, 134, 000	2, 200, 000	600, 000, 000	50, 572, 000
1968	175, 438, 000	2, 400, 000	642, 427, 000	56, 528, 000
1969	195, 673, 000	2, 300, 000	576, 961, 000	49, 525, 000
1970	235, 584, 000	2, 154, 000	559, 416, 000	49, 133, 000
1975[1]	468, 400, 000	2, 000, 000	518, 800, 000	45, 655, 000

[1] Projected.

Mr. HATHAWAY. Mr. Speaker, I represent a State which is the fifth most important footwear producing area in the United States. The demise of the domestic footwear industry has increased in intensity beginning in the middle 1950's and has increased today to a level at which imports account for approximately 64 percent of domestic production through the first quarter of 1971.

What does this really mean in terms of employment? It means that more and more people are being put out of work in Maine. It means that many small towns that depended entirely on the footwear industry have collapsed. In other words everyone suffers—the clothing stores, druggists, and the local diners.

This situation is particularly aggravated by the wide wage differential existing between the United States footwear industry and those in foreign countries. Average hourly labor costs including fringe benefits show the marked difference—United States, $3.00; Italy, $1.30; Japan, $.85; Spain, $.70; Taiwan, $.28; and South Korea, $.19. Conditions exist in these countries which are considered intolerable in the United States. Many countries still employ child labor, which is forbidden in the United States with youngsters of 10 or 11 operating machines as so-called apprentices.

All of these factors taken into consideration have been reflected in factory closings. In the past 11 years some 492 plants have closed their doors with a severe acceleration occurring during the past 3 years: 1968—23 exits; 1969—72 exits; and 1970—75 exits. In the first quarter of 1971, four companies—the B. E. Cole Co., of Norway, Maine; Bruce Shoe Co., of Biddeford, Maine; the Livermore Falls Shoe Co. of Livermore Falls, Maine; and Louis H. Salvage Shoe Co.—were closed after many decades of business. Each of these plants were closed as a result of direct import competition from low-wage countries.

So the problem is a clear and well defined one. People are being thrown out of work. After using up their unemployment pay many of them end up on welfare which means higher taxes for everyone. Something can and must be done about it.

Reasonable legislation that will bring about some measure of relief to the domestic industry is of first priority. My suggestion is the immediate enactment of flexible quotas which will not shut off imports but will allow both foreign countries and ourselves to share in our market growth. If this is done, the U.S. footwear industry will have a future not only in Maine but the rest of the Nation.

I enclose a fact sheet for the record which describes the grim declines in production and employment in the footwear industry in Maine from 1968 to 1970, as well as the statistics on imports that are responsible for the declines.

IMPACT OF IMPORTS ON THE MAINE FOOTWEAR INDUSTRY—1971 FACT SHEET

[Maine is the fifth most important footwear-producing State in America]

1. PRODUCTION

Year	Production (pairs)	Value of shipments
1968	58, 364, 000	$310, 117, 000
1969	50, 406, 000	302, 178, 000
1970	47, 106, 000	293, 361, 000

Note: Ratio of Maine production to U.S. total is 8.4 percent.

2. EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	21, 757	$74, 752, 000	25, 367	$88, 180, 000
1965	23, 253	87, 016, 000	26, 253	98, 988, 000
1968	25, 243	114, 088, 000	28, 552	130, 160, 000
1969	24, 789	110, 992, 000	27, 868	126, 524, 000
1970 [1]	24, 200	107, 995, 000	27, 100	122, 981, 000

[1] Estimate.

3. IMPORTS

[In 1970 imports of leather-vinyl footwear equaled 235,584,000 pairs representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in those months]

[In pairs]

Year	Imports	Exports	Shoe production	
			United States	Maine
1959	22, 277, 000	3, 505, 000	637, 364, 000	54, 467, 000
1960	26, 617, 000	3, 244, 000	600, 041, 000	52, 904, 000
1961	36, 668, 000	3, 035, 000	592, 907, 000	52, 707, 000
1962	63, 019, 000	2, 867, 000	633, 238, 000	52, 892, 000
1963	62, 820, 000	2, 843, 000	604, 328, 000	52, 950, 000
1964	75, 372, 000	2, 836, 000	612, 789, 000	56, 108, 000
1965	85, 632, 000	2, 491, 000	626, 212, 000	58, 656, 000
1966	96, 135, 000	2, 737, 000	641, 700, 000	62, 854, 000
1967	129, 134, 000	2, 200, 000	600, 000, 000	57, 499, 000
1968	175, 438, 000	2, 400, 000	642, 427, 000	58, 364, 000
1969	195, 673, 000	2, 300, 000	576, 961, 000	50, 406, 000
1970	235, 584, 000	2, 154, 000	559, 416, 000	47, 106, 000
1975 [1]	468, 400, 000	2, 000, 000	518, 800, 000	43, 580, 000

[1] Projected.

No less critical than the shoe situation, Mr. Speaker, is the present position of the New England textile industry. On the last day of March, I called the attention of this body's Members to the closing of the Hill Division of Bates Manufacturing in Lewiston, Maine. The shutdown was then the latest in a long series of 45 New England textile plant closings over a period of little more than 2 years. New England textile workers affected by these closings numbered 10,563 as of the end of March.

There is no question about the cause of these closings—it is clearly the ever-increasing flow of foreign imports. These imports, unless controlled soon, pose the very real threat of making two of New England's most vital industries extinct.

For many months there have been promises of a brighter economic picture, but the layoffs and the closing of plant doors continue, and the families of many thousands of Americans face an uncertain future.

I know many of the Hill Division employees; I know many of the employees of the many other textile and shoe factories which have severely limited or ended altogether their production. I know that these good people find little solace in the kind of rhetoric which promises an upturn in the American economy, but takes no steps to fulfill its promises.

It is my belief that this Congress has a responsibility to the American people to provide an impetus for our economy. I can think of no better way to begin than for us to provide relief for our shoe and textile industries from unfair, low-cost, foreign competition.

Mr. CLARK. Mr. Speaker, last November I supported the trade bill which passed the House by a vote of 215–165. The bill did not pass the Senate before adjournment but did receive support in committee. It appeared that the bill would have passed the Senate by a handsome margin if it had come to a vote.

This legislation has been reintroduced by the chairman of the Ways and Means Committee on the opening day of the new Congress. Unfortunately, that is as far as the bill has moved. Other matters have taken up the committee's time. That these are important matters goes without saying. Nevertheless, since the Trade bill was passed so readily by the House less than 6 months ago, and since the same bill has been reintroduced, with no changes other than appropriate updating, it should be possible to move this legislation with the least amount of time. It would not be necessary for the committee to hold long hearings, as it did last year.

Therefore, Mr. Speaker, I believe that immediate action should be taken to break this bill loose and let it come to the floor at an early date.

I am concerned about the delay, as I know many other Members are, because imports are still rising. The competitive outlook so far as imports are concerned continues to be one of further encroachment by imports on domestic production and employment.

Two industries in my district are hard hit. One is specialty steel. Imports have been on a rampage in spite of the arrangement by which Japan and other countries undertook to limit their exports. Steel imports began to shift more and more to the higher grades, such as alloy and tool steel, which are higher cost items. This represented a means of evading the limitation on the tonnage under the export restriction. The total value of imports in 1970 exceeded that of 1969 because of this shift to higher priced steel. The tonnage cutback from 18 million to 14 million tons was more than offset by the higher grade of steel.

Another item in my district is pottery. The pottery industry has long been battered by imports and employment has shrunk over the years along with the number of manufacturers remaining in business. This industry is important to a number of towns that depend on it for employment. Unless imports are controlled to keep them within reasonable bounds the industry will all but disappear.

Mr. Speaker, we are all greatly concerned about the unemployment rate. As matters stand today, with so many industries menaced by imports, this situation will not improve. The outlook for expansion is not good enough. With veterans returning from Southeast Asia we have enough to do finding places for them to work without further pressure from rising imports.

We need trade legislation very badly to improve the sales outlook in the face of import competition, which, if left as it is, will make re-employment of laid-off workers a remote probability.

I cannot urge too strongly the need to act on trade bill in the House and get it underway toward passage. I am in full accord with the sentiment expressed here this afternoon. We cannot tolerate much more delay.

Mr. SLACK. Mr. Speaker, when the trade bill passed this House last year, there was a reasonable hope that it could be enacted by the Congress as a whole. However, the other body did not complete action on the bill, generally known as the Mills bill. The bill passed this body by a handsome margin, 215 to 165.

It was hoped that on our return in the 92d Congress early action would be scheduled on the bill. It was indeed reintroduced in updated form on the first day of this session. Unfortunately the bill has not moved since its reintroduction.

Mr. Speaker, there is no question that the need for legislation is at least as pressing as it was last year, and indeed more so. Imports have not let up. On the overall average they increased over 10 percent in 1970 compared with 1969. This is greater than the increase in our domestic business activity. The latter continued to decline after the first half of the year and averaged only 4 percent over 1969 for the whole year. This was actually accounted for by price increases, so we had no physical expansion.

It is, however, not altogether the increase in imports that matters. It is the future outlook that determines the activity of our industries. If imports are free to supply an ever increasing share of our market there is little or no incentive to expand production at home. On the contrary, the pressure will be on reducing costs by introduction of more productive machinery so that the payroll can be reduced by cutting down the number of workers. That is where the accent inevitably falls under these circumstances; and it is something we cannot tolerate.

Mr. Speaker, this country has run on the free-trade track now for over 35 years. This is a long time for a program to show its value. So far as my district is concerned this value has remained invisible. The glass industry, especially the handmade glassware branch, has not been on the receiving end of any improvement. There has been a decline of some 75 percent in the number of skilled workers in handmade glass plants. The semiskilled workers have been reduced by some 50 percent. The cause of this decline has not been the failure of public demand for handblown glassware but the persistent increase in imports from low-wage countries. Our government has reduced the tariff from time to time, thus reflecting a greater devotion to the "free-trade" philosophy than to the glass industry and its workers. The heaviest cost element is in labor.

If imports are permitted to continue as in the past our industry will disappear. The industry is located in great part in the Appalachian region, especially in West Virginia, eastern Ohio and western Pennsylvania. Unemployment in these areas is very serious. Glass and glassware are important employers in a number of communities. Rising imports will continue to aggravate the employment problem.

I hope that we can get on with our trade legislation. We need a new law to replace the Trade Expansion Act of 1962, which was a nullity so far as relief from injurious imports is concerned. The principal emphasis has been and is on adjustment assistance. This means that a company, an industry or a group of workers must already be on the verge of disaster before a remedy may or may not become available.

Mr. Speaker, I do not agree with the idea that imports are such a precious operation that we must sacrifice our workers and industries to them. Why should we make sacrificial offerings to the gods of imports when these come from foreign producers who pay their workers so little that the whole work force does not have sufficient income to buy the output of all their factories? They look to us to take their surplus products off their hands. Why do these foreign producers not pay their workers high enough a wage to absorb the output of their farms and factories? They would not then be so dependent on our market to help them dispose of their goods.

It is preposterous that because we do have wages high enough in this country to assure sufficient purchasing power to buy the goods we manufacture, our industries and their workers should be obliged to move over to make room for the foreign surplus. I do not believe that we owe this kind of sacrifice to our foreign competitors.

So, Mr. Speaker, I trust that we will soon break loose our trade legislation and do not wait to a point so late in the session that we run the same risk as last year. We need action and should not let many more weeks get away from us. I hope that the chairman of the Ways and Means Committee in accord with the House leadership will act to move the trade legislation without unnecessary delay.

Mr. ESHLEMAN. Mr. Speaker, thank you for this opportunity to speak on foreign trade matters.

Several years ago we petitioned the President for aid in the matter of slowing down imports on the basis of live-and-let-live. Twenty-four of my colleagues in this House and I signed this petition. I also sponsored an orderly marketing bill and 24 of my colleagues submitted companion bills. In 1970, a total of 16 Pennsylvania Congressmen, including myself, submitted companion bills to Mills bill (H.R. 16920).

It is evident where we in Pennsylvania stand on the matter of trade legislation.

In our State, 17 percent or 217,000 of our 1,556,000 manufacturing workers are employed in textile-apparel-footwear production. Imports are increasing at a mounting rate and, conversely, employment in these industries is decreasing.

I urge you to consider reasonable and fair legislation that will enhance the role of our own workers, as well as that of our trading partners, in this bountiful American market.

Mr. RUTH. Mr. Speaker, as everyone knows, the textile industry and its working men and women are being squeezed to death by the unfair competition of Japanese imports.

An American textile firm does not compete against a Japanese textile firm, but against the whole nation of Japan. Besides its low-cost labor, Japanese industries have an envious protection from their government. Japan finances studies of overseas markets for its industries, it provides low-interest development loans for them, and has the lowest corporate taxes in the industrial world.

Under these conditions and others, fair trade with Japan is impossible. These advantages are not available or part of our way of life.

While we argue about protections for the textile industry, the actual problems increase and become more and more serious.

In my State of North Carolina, almost 9,000 workers in textile mills have lost their jobs in the past 12 months. Thousands of other workers are losing wages through the reduction of shifts. Many plants have reduced working hours from 48 hours a week to 3 and 4 days per week. The necessity for further cutbacks in employees and hours is mounting, especially in smaller mills.

And while foreign competition increases in the production of fine goods, the American mills are being forced to turn to production of coarse goods—such as jeans. But as an industry spokesman said, the markets can stand just so much of the coarse goods, and then another mill reduces production and employees. And again, the foreign competition has brought another plant to its knees.

Not long ago hosiery mills were flourishing in the industry. But today, foreign products command 10 percent of the hosiery market.

Unless something is done, the damage to people and profits will continue. Passage of some form of trade act to protect the textile industry is urgent. We can go into great detail concerning the causes of this problem, but I am 100 percent concerned about the effects.

In many small communities in the Eighth Congressional District, the mill is not only a way of life but its payroll is vital to the life of the community. The loss of profits, taxes, and payrolls have a disastrous effect on these small communities. A man without a job in a period of high prices and inflation is unable to meet his customary responsibilities. His family faces a crisis, and it is years before the problems brought about by unemployment are corrected.

To this man, a trade act or agreement is not worth the paper it is written upon, unless it permits him to work, and to produce fairly in the marketplace.

Enough American jobs have been sacrificed. It is time that we take action to prevent the further loss of jobs and the erosion of a historic American industry.

Mr. WHALLEY. Mr. Speaker, I am glad to join with those who have expressed their concern this afternoon about the delay in trade legislation. No doubt other legislative matters are important, but I do not believe that trade legislation should be assigned so low a priority that it will become doubtful that we can act on it this year.

Imports continue to press on our production and to place many of our industries in jeopardy.

Mr. Speaker, our official trade statistics do not tell the whole story by any means—in fact, far from it. Our exports for 1970 are shown as reaching $42.7 billion, not including defense materials. Imports are shown as right at $40 billion. The balance would be a surplus in exports amounting to $2.7 billion.

If we take into account the lower prices prevailing abroad in most lines of goods we are safe in concluding that in terms of quantity each dollar of imports equals a good deal more than each dollar of exports. For example, if we export a million dozen shirts valued an average, say, of $18 per dozen wholesale, our exports would be $18 million. If at the same time we should import a million dozen shirts, they would cost, possibly, $9 per dozen, foreign value, or $9 million for the whole lot.

It would then appear that we enjoyed an export surplus of $9 million in shirts, whereas in terms of quantity we had broken even.

If we translate this transaction into man-hours of work involved in manufacturing the shirts we can see that we have imported a much higher number of man-hours of work than we have exported. In the same example given here, which is used as an illustration only, we would have to import 2 million dozen shirts in order to have an even trade balance in terms of dollars. The workers in our textile factories would then suffer a reduction of 1 million dozen shirts in their production schedule.

What kind of a bargain is that? I may ask. If we are trying to increase employment in this country that kind of a foreign balance will not help us very much.

The same situation exists in other products. Steel is made more cheaply abroad than here. The same goes for footwear and electronic goods, such as TV and radio sets. If exports and imports are evenly balanced in dollars, we will have imported quite substantially more labor than we exported. The man-hours required to produce the exports will fall far short of the man-hours devoted to producing the imports.

Of course, if we have a deficit in our trade balance it is worse yet; and the fact is that in nearly all broad commodity or product lines, other than machinery, aircraft, computers, and chemicals, we are in a deficit position. That means that we are importing many more man-hours of work than we are exporting. This is not good for our employment outlook. When we keep in mind that each year we have nearly 2 million net additions to our work force, we can appreciate the problem caused by an excess of imports of man-hours of work over what we export. Where—in what industries—will we find jobs for these recruits to our work force?

There is a further point, Mr. Speaker. The $42.7 billion in exports in 1970 include all foreign aid shipments as well as food for peace exports. It also includes our shipments of farm products, such as wheat and cotton in which we are not competitive on the world markets and which we would find it hard to export at all without subsidy. This simply means that our costs are too high compared with our foreign competitors. Should we leave out these so-called exports our total exports would be reduced to close to $40 billion, which is the level of our 1970 imports.

On top of that, our imports of $40 billion represent the foreign value of our imports and not what they actually cost us, laid down at our ports of entry before duty payment. The $40 billion therefore represents an undervaluation of what the imports actually cost us. This is estimated at an average of 10 percent, covering ocean freight, marine insurance, and so forth. If 10 percent is added to our imports the $40 billion rises to $44 billion. Compared with true commercial exports, as distinguished from giveaways and subsidized exports, of $40 billion, we come up with a deficit in our 1970 trade balance, of about $4 billion instead of a surplus of $2.7 billion, as given out by the Department of Commerce. The difference in the two bases of calculation is $6.7 billion.

If we add this deficit to the difference in quantity already referred to, it would not be an extreme to say that in terms of man-hours, we may import 50 percent as much again as we export. If therefore we try to face up to our trade deficit by the device of increasing our exports we do not face a very good prospect. What is needed is a control of imports so that our industries can look ahead with confidence rather than fear and uncertainty.

We should shape our trade policy accordingly. I hope that we get at it without further delay.

Mr. ANDREWS of Alabama. Mr. Speaker, never before did our Nation's foreign trade policies so cry out for change—cry out for some good old fashioned backbone in standing up to those nations who are determined to build their industrial empires on the rubble of our own.

In the name of free trade and some strange kind of diplomacy, our Government is looking disaster in the face and doing precious little to avoid it.

What gains, material or otherwise, can be expected from a policy which allows domestic industry to be outpriced and outproduced by a foreign competitor are simply beyond the scope of my imagination.

I cannot speak authoritatively about the effects of a policy of unrestricted imports on all industries in this Nation, but I am thoroughly familiar with the crisis such a policy has created in the American textile industry.

When I speak of textiles in my own State of Alabama, I am speaking in terms of a $200 million annual payroll and jobs for 42,000 people.

On a national scale, the textile industry employs some 2.3 million people in 49 of our 50 States. The size of this industry is significant and so is its role in our national defense.

The Department of Defense has called the textile industry second only to steel in military importance. The textile industry alone, including both fibers and apparel, supplies more than 23,000 items for our defense forces.

Our Government has repeatedly drawn on the research skills and production expertise of our great textile industry. The research that the industry has done has produced new fibers, new fabrics, and new techniques, many of which have both military and civilian application.

For example, in addition to the development of protective devices against enemy weapons, the industry has produced flame resistant clothing and made advances against mildew and rot, thereby aiding our soldiers and our people in civilian occupations as well.

It is clear that this is a vital industry. It is equally clear that this industry is threatened today because Japan, primarily, is flooding our markets with her cheap textile articles, made by labor paid near starvation wages, in such quantity that her products are entering this country at an all-time annual record rate of 4.4 billion square yards.

The record level of 4.5 billion square yards was reached in 1970—a point not to be forgotten when we consider the most recent proposal by the Japanese.

We import $800 million more in cotton, wool, and synthetic fibers than we sell abroad, and one-half of this trade deficit comes from Japan. She has built up a trade advantage over the United States of $525 million.

And what price have we paid for this spectacular rise in the textile fortunes of Japan? Well, for starters, textile and apparel employment in this country declined by 100,000 jobs during 1970, and more than 50 textile mills have closed in the last 18 months.

Mr. Speaker, any figures that I or any

representative of the textile industry might give are necessarily temporary, because we can only speak of damage that has been done. The important thing that my colleagues must realize is that it is being done right now, and every day that the Japanese drag their feet in trade talks means more damage—the loss of more jobs, sales, profits, and capital investment.

It does not take a Ph.D. in economics to ascertain the heart of the problem where the threat of Japanese imports is concerned. The Japanese textile worker makes about 36 cents an hour, while the American textile worker receives, on the average, $1.99 per hour.

The American textile industry is required by law to pay the minimum wage of $1.60 per hour, while the Japanese not only have no minimum wage but enjoy a government subsidy for their exporting efforts.

We obviously cannot force the Japanese Government or its textile industry to raise the wages of its workers, and we cannot and would not think of lowering the wages of American textile workers.

The solution, then, clearly is some measure of restriction on the amount by fiber and by category of textile imports. Ideally, the establishment of import quotas on a voluntary basis would be desirable.

That approach to solving the problem has been placed before the Government of Japan for more than 2 years, and she has refused any measure of self-regulation, and indeed, has stepped up her textile exporting efforts at such an accelerated pace that in 1970, this country suffered its peak year in textile imports.

The recent proposal offered by the Japanese Textile Federation merely substantiates that their government's failure to come to an agreement on a government-to-government basis was calculated.

These Japanese industrialists have held up progress in the trade talks all along, so it should not have come as a complete surprise that their offer would be nothing more than a sham.

It is unacceptable to the President. It is unacceptable to most supporters of the textile industry in Congress, and it is unacceptable to both management and labor in the industry.

The Japanese proposal to put an overall limitation on textile imports, but no limitation by products or by fiber, makes it possible for them to shift at will their imports from one product to another, thereby damaging practically all segments of the textile industry.

As a reward for their delaying tactics, the Federation's declaration sets the base year for its import quotas on the level of imports from Japan in the 12 months ending March 31, 1971, a period of record-breaking imports from that country.

As my colleagues may recall, the Trade Act of 1970, which passed the House but died in the other body, called for annual quotas, based on the amount imported during 1967–69, for all categories of textile articles and footwear articles which may be imported during each calendar year beginning after December 31, 1970.

Suffice it to say, any agreement reached between a few Japanese textile tycoons and the distinguished chairman of the Ways and Means Committee would be virtually impossible to enforce.

Such an agreement made at a level other than government to government would quickly place the American textile economy at the mercy of private textile empires in Japan.

It will be suggested, no doubt, that we should give the proposal a chance to work. But it will not work, and we cannot afford to wait.

As Avondale Mills Board Chairman J. Craig Smith put it:

> Giving it a trial is exactly like waiting to see what a fox will do which has been given access to the hen house.

Mr. Speaker, we must stop this flood of cheap imports before we have no domestic textile industry to protect. We must impose realistic quotas. And by that, I mean quotas on imports by fabric and by category, and based on the amount imported during the period, 1967 through 1969.

These provisions are contained in the Trade Act of 1971, of which I am a cosponsor. I urge my colleagues to support a trade policy that gives consideration to American industry. I urge immediate passage of the Trade Act of 1971.

Mr. Speaker, the 2.3 million-strong textile industry is not being unreasonable, and is certainly not asking the impossible. The Japanese Government, for example, has entered into bilateral textile agreements with 11 other nations. She simply refuses to do so with the United States.

As I said earlier, let us have some of that good old-fashioned backbone and do something that is rarely done in this Government's conduct of foreign affairs—let us protect our own interests.

Mr. BEVILL. Mr. Speaker, the second largest steel plant in the Southeastern United States is located in my district. It is Republic Steel's plant at Gadsden, Ala., This plant in recent years has stopped producing steel bars, rods, wire, and wire products due largely to the high imports of these products into the Southeast.

The plant has continued to melt more than 1 million tons of steel annually by concentrating on the production of steel plates and sheets, in addition to large diameter pipe. The market for plates and sheets in the Southeast has shown an encouraging growth. However, foreign imports of these products into this area have increased sharply. For example, imports of hot rolled sheets grew from 20,000 tons in 1960 to 370,000 tons in 1969. Imports of galvanized sheets climbed from 17,000 tons to 229,000 tons while plate imports grew from 115,000 tons to 461,000 tons.

From these figures it is obvious that foreign producers of steel are finding the Southeastern United States a favorite market, and are taking unto themselves much of the market growth which would otherwise be available to domestic producers such as the one in my district. The effect of these soaring imports on future steel plant growth and job development in Alabama is equally obvious.

Mr. HENDERSON. Mr. Speaker, once again, I welcome the opportunity to express my views on the very real and present danger we face as a result of continuing huge quantities of imports of foreign-made textile products.

In my district, not only do we have some basic textile processing plants, but we have a large number of small garment manufacturing plants. Many of these plants employ women whose work outside the home supplements the earnings of their husbands and helps their families to break even with inflation and increasing costs of living.

You might well argue that these women and their husbands are "consumers." They buy clothing and shoes and groceries and automobiles and countless other manufactured products. They must count their pennies and shop wisely.

One could argue that it is to their advantage to be able to buy imported products at a cheaper rate than domestic ones, but when the continued importation of these products finally results in the loss of their job, who has benefited?

We do not have a favorable balance of trade now. The value of our imports exceeds the value of our exports and I am afraid that the only thing we are exporting in larger quantites than we did a year ago is jobs.

I am for the consumer. I am a consumer and all my constituents are consumers. But when the consumer loses his livelihood, his rate of consumption drops sharply.

There is a point beyond which we cannot go in any industry in continuing to increase imports without seriously crippling or finally destroying the domestic industry. In textiles, we are well into the crippled stage and are approaching the complete destruction stage.

We must get action and action beyond whatever voluntary restraint Japan might choose to give us. It is time the Congress of the United States stood up for the textile industry and told Japan and other countries what we will accept from them.

Mr. PIRNIE. Mr. Speaker, my State is the second most important footwear-producing State in the Nation. The impact of imports in this industry, which began in the middle 1950's, has continued to rise until it reached 42 percent of domestic production by year-end 1970. Reports of the first quarter of 1971 reveal that the situation has become worse. Imports for this period increased 27 percent over a year ago.

The effect which concerns me most is the contribution to the already high level of unemployment in New York State. Over the past 8 years some 8,000 workers have lost their jobs and in the past 3 years, 34 plants in New York State have been forced to close their doors. Production of footwear has dropped over 23 million pairs since 1962, with a total of 3,300 workers losing their jobs for every 10 million pairs of reduced production.

These employees are mostly middle-aged people with special shoemaking skills. Where do they go? For what can they be retrained? In many cases, they end up on the welfare rolls where all of us indirectly support them.

Why are imports so critical? The very simple answer lies in the disgracefully low labor rates in various European and Far Eastern countries. The hourly rates in the following countries are illustrative: South Korea, $0.19; Taiwan, $0.29; and Spain, $0.65. The current hourly pay in the United States industry, including fringe benefits, is $3. With such a rate differential, our ability to compete with imports is lost.

New York State is also the leader in terms of people employed in the textile-footwear-apparel fields. We seek appropriate actions to preserve a fair share of this market. We cannot believe the only answer is to continue exporting our jobs.

An approach to this problem was embodied in legislation similar to the Trade Act of 1970, which passed the House in the 91st Congress. I, along with many of my colleagues on both sides of the aisle, sponsored this program contained in House-passed legislation and also signed a petition to the President urging relief for our domestic industry. The main thrust of this legislation does not exclude foreign footwear, but seeks to restrict its volume to a fair share of our domestic market. This Congress must protect our economy and a fair deal for our domestic footwear industry will be a step in the right direction.

I append a fact sheet which describes the devastating decline in production and employment in our domestic footwear industry, while imports have soared.

IMPACT OF IMPORTS ON THE NEW YORK FOOTWEAR INDUSTRY—1971 FACT SHEET

1. PRODUCTION

[New York State is the 2d most important footwear-producing State in America]

Year	Production (pairs)	Value of shipments
1968	76, 598, 000	$245, 008, 000
1969	62, 627, 000	206, 702, 000
1970	66, 675, 000	205, 799, 000

Note: Ratio of New York State production to U.S. total is 11.9 percent.

2. EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	22, 566	$83, 996, 000	56, 068	$205, 224, 000
1965	18, 750	68, 764, 000	51, 268	191, 236, 000
1968	16, 812	80, 280, 000	48, 643	224, 068, 000
1969	15, 601	79, 888, 000	44, 823	218, 140, 000
1970[1]	14, 500	75, 400, 000	42, 000	210, 000, 000

[1] Estimate.

3. PLANT CLOSINGS

[The effect of imports in terms of factory closings has been devastating in New York State. From 1962 through 1970, 83 plants have closed their doors with no end in sight. The attrition has been particularly severe during the past 3 years when 34 plants were forced out of business]

4. IMPORTS

[1970 imports of leather-vinyl footwear equaled 235,584,000 pairs representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,300 pairs imported representing 62.4 percent of U.S. production in those months]

Year	Imports	Exports	Shoe production	
			United States	New York State
1959	22, 277, 000	3, 505, 000	637, 364, 000	90, 200, 000
1960	26, 617, 000	3, 244, 000	600, 041, 000	81, 238, 000
1961	36, 668, 000	3, 035, 000	592, 907, 000	77, 105, 000
1962	63, 019, 000	2, 867, 000	633, 238, 000	83, 641, 000
1963	62, 820, 000	2, 843, 000	604, 328, 000	71, 738, 000
1964	75, 372, 000	2, 836, 000	612, 789, 000	75, 326, 000
1965	87, 632, 000	2, 491, 000	626, 212, 000	70, 416, 000
1966	96, 135, 000	2, 737, 000	641, 700, 000	74, 101, 000
1967	129, 134, 000	2, 200, 000	600, 000, 000	66, 366, 000
1968	175, 438, 000	2, 400, 000	642, 427, 000	76, 598, 000
1969	195, 673, 000	2, 300, 000	576, 961, 000	62, 627, 000
1970	235, 584, 000	2, 154, 000	559, 416, 000	66, 675, 000
1975[1]	468, 400, 000	2, 000, 000	518, 800, 000	61, 740, 000

[1] Projected.

Mr. CARNEY. Mr. Speaker, I have listened with great attention to the remarks of my esteemed colleagues today regarding the impact upon the U.S. wage earner of massive inflows of low-cost foreign goods. It is becoming abundantly clear that, absent any positive form of relief from this rising tide of imports, the ultimate price to be paid by this country is to be calculated in terms of hundreds of thousands of U.S. jobs.

I, for one, intend to do all in my power to assure that this price is not exacted.

Coming from a steel district, I am well aware of the drastic implications of unrestricted foreign participation in our steel marketplace. I am responsible for the well-being of workers in the steel mills of U.S. Steel, Republic Steel, and Youngstown Sheet & Tube Co. which are located in my district.

Let us examine for one moment the plight of just one segment of the overall steel family—that of the specialty steel industry which includes the U.S. producers of stainless steel—a product well known to us all.

During 1970, foreign producers supplied no less than 21 percent of this country's total demand for all specialty steel products. This aggregate figure includes foreign domination of 22.5 percent of the U.S. stainless steel market. I might add that in 1970 the specialty steel market share supplied by foreign mills represented a 22-percent increase over the market share the offshore mills held in 1969.

It is interesting to note that these imports originate in the same countries which, either by virtue of executive fiat or other contrivance, effectively preclude participation by our steel producers in their marketplace. In short, to these countries, the doctrine concept of "free trade" is interpreted as strictly a one-way street.

It is not precisely known how many thousands of specialty steel workers or how many thousands of potential specialty steel jobs have been displaced or destroyed by this onslaught of foreign steel. It is, however, apparent to everyone associated with the specialty steel industry, be they an elected legislative representative such as myself or a steel worker on the hot strip line at Youngstown Sheet & Tube Co., that imports have exacted a heavy toll in terms of steel wage earners.

I strongly suggest that a hard look be taken at our present-day foreign trade policy which allows offshore producers to freely appropriate vast shares of our U.S. marketplace to the extent of jeopardizing the very existence of certain basic U.S. manufacturing industries.

Mr. Speaker, the voluntary steel import quota agreements should be extended, improved, and strictly enforced. If efforts to limit foreign steel imports into the United States by means of a voluntary agreement fail, Congress will have no recourse but to enact legislative quotas immediately.

Mr. GOODLING. Mr. Speaker, one of the most important industries in my congressional district is the manufacture of bicycle tires and tubes in Carlisle, Pa. This plant employs 1,027 persons and is now one of only two remaining plants in the United States for manufacturing bike tires and tubes.

In 1957, 5.4 percent of the bicycle tires sold in the United States were brought in from abroad, and by 1970 foreign tires accounted for 56.4 percent. Innertube imports have followed much the same pattern. If this disastrous trend is allowed to continue, soon there will be no more bicycle tubes and tires manufactured in the United States.

Plainly, we are exporting our jobs to other countries, increasing unemployment here, and dealing fatal blows to American production and manufacturing.

A major change must be brought about and soon, if this and many other industries presently plagued by imports are to survive. I strongly urge the House Committee on Ways and Means to expedite legislation designed to provide the protection so sorely needed by these industries.

Mr. Speaker, I insert at this point tables showing the steady expansion of imports for bicycle tires and tubes from 1957 through 1970.

LOOSE BIKE TIRE SHIPMENTS

	Domestic	Percent domestic	Imports	Percent imports	Total market
1957	8,799,839	94.6	506,305	5.4	9,306,144
1958	8,569,190	88.4	1,122,471	11.6	9,691,661
1959	9,092,969	73.7	3,245,037	26.3	12,338,006
1960	8,167,824	68.7	3,718,570	31.3	11,886,394
1961	9,033,813	75.0	3,009,713	25.0	12,043,526
1962	9,804,615	67.0	4,839,735	33.0	14,644,350
1963	10,163,681	64.4	5,608,802	35.6	15,772,483
1964	11,622,274	60.0	7,748,639	40.0	19,370,913
1965	10,448,299	55.2	8,469,804	44.7	18,916,103
1966	10,503,575	58.6	7,415,629	41.4	17,919,204
1967	10,424,063	55.7	8,298,125	44.3	18,722,188
1968	10,940,425	47.8	11,932,520	52.2	22,873,045
1969	8,278,509	43.9	10,560,303	56.1	18,838,812
1970	7,876,663	42.6	10,611,994	57.4	18,488,657

Note: Imported tires that come into this country on bicycles are excluded from the above.

Sources: Domestic figures are shipments of bicycle tires as reported to the Rubber Manufacturers Association by 100 percent of the domestic producers. Import figures are as reported by the U.S. Department of Commerce.

LOOSE BIKE TUBE SHIPMENTS

	Domestic	Percent domestic	Imports	Percent imports	Total market
1957	9,497,084	---------	[1]	---------	---------
1958	8,838,216	---------	[1]	---------	---------
1959	9,551,487	---------	[1]	---------	---------
1960	8,703,423	---------	[1]	---------	---------
1961	9,561,293	---------	[1]	---------	---------
1962	10,205,795	---------	[1]	---------	---------
1963	10,602,326	---------	[1]	---------	---------
1964	12,784,331	60.0	8,519,724	40.0	21,304,055
1965	11,325,473	55.3	9,165,966	44.7	20,491,439
1966	11,960,647	59.5	8,158,105	40.5	20,118,752
1967	12,221,603	57.5	9,020,390	42.5	21,241,993
1968	13,181,282	49.4	13,527,255	50.6	26,708,537
1969	9,946,702	44.5	12,387,950	55.5	22,334,652
1970	9,910,581	43.6	12,843,763	56.4	22,754,344

[1] Not available.

Note: Imported tubes that come into this country on bicycles are excluded from the above.

Source: Domestic figures are shipments of bicycle tubes as reported to the Rubber Manufacturers Association by 100 percent of the domestic producers. Import figures are as reported by the U.S. Department of Commerce.

Mr. BRAY. Mr. Speaker, it is 9 years since the Trade Expansion Act of 1962 was passed. It was a very unsatisfactory act. Under its sway imports have risen about twice as fast as exports and they continue upward. Industries that were not menaced by imports in the past have come under heavy pressure.

In the past decade the Kennedy round of tariff restrictions was negotiated. It provided for the most drastic cut yet in our tariff, and it has not yet run its full course. The last installment of the cuts will take place January 1, 1972. Certainly that event will not improve our trade position.

Mr. Speaker, we have opened up our market to imports willy-nilly, as if we could absorb goods from all over the world without an impact on our own industries and agriculture. It has turned out quite differently. Imports can now come in more easily than ever before because our tariff is down some 80 percent from its highest level, and today averages only about 10 percent on the foreign value of the goods we import. Beyond that some 37 percent of our imports are on the free list. In product after product imports have started coming in, at first in modest volume only to rise to very serious and injurious levels in a few years.

Not only steel and textiles and footwear imports have done this. The list is long: Watches, typewriters, radios, television, bicycles, glass, bicycle tires, hand tools, novelties, toys, musical instruments, athletic goods, and many others, including fruits and vegetables such as strawberries, tomatoes, melons, olives, citrus products, honey, and so forth.

Our whole industrial front is open to assault, and there is little in the way to stop the penetration of our market. Imports are free to run wild.

I do not have to tell those of you who have kept up with our trade trends that more and more of our industries during the past 10 or 12 years have opened production abroad. This was natural and continues to be natural because of the severe competition offered from abroad by low labor costs.

Natural or not, the trend hurts us at home in terms of employment. As more of our production is shifted abroad our employment suffers. Our capital employs foreign workers abroad rather than American workers at home. We shrink our export markets in this fashion; possibly not immediately, because we export more machinery to equip our foreign plants, but inevitably in the long run. This means that higher exports will not offset our rising imports.

The fact is that even today we import more than we export in terms of competitive goods. Some $2½ billion of our exports are shipped not because we are competitive but because we either give the goods away or subsidize their exports heavily. Also, we do not, in striking our trade balance, compute our imports on what they actually cost us, but on their foreign invoice value, at point of exportation. This method undervalues our imports by $3 to $4 billion.

So, Mr. Speaker, we are already in a serious deficit position in our merchandise trade.

We need not go down that road any farther. We have already gone too far in some instances. What we need now is legislation that will keep our market from being penetrated ever deeper by imports of this or that product, particularly consumer goods.

We cannot wait much longer. If we do, drastic action will become imperative. Therefore, we should move now to put reasonable limits on the imports that are threatening the very existence or the future of many industries.

Mr. FULTON of Tennessee. Mr. Speaker, I represent the State of Tennessee which is among the top 10 shoe manufacturing States in the country and reflects what is going on in that industry today.

The industry, as we all know, is suffering at the expense of imports. Imports, which began as a mere 4 percent of domestic production in 1960, have continued to entrench themselves into the U.S. market over the past 10 years. In 1969, imports represented 34 percent of domestic production and last year, in 1970, amounted to 42 percent of U.S. production. If imports are left alone to increase freely in the next 4 years, we will see in 1975 domestic production down to around 500 million pairs and imports up to more than 500 million pairs. An alarming projection, to say the least, when you consider the lost jobs and forsaken job opportunities.

The problem has been festering for more than 10 years and clearly, something must be done to correct this unfair situation. A realistic trade bill is needed immediately if the U.S. shoe industry is to survive. To be more exact a realistic quota bill such as last year's Mills bill is desperately needed.

Employment in the industry has dropped by more than 8,000 workers since 1969. Employment in Tennessee alone shows more than a 14-percent decrease in 1970. Production in Tennessee has dropped 4 percent since 1968. Production of footwear for the entire country has dropped drastically since 1968 when 642 million pairs of shoes were produced. In 1969 we saw a 10-percent decrease in production from 1968; and 1970 saw a 3-percent decrease from 1969. At the same time imports increased 12 percent in 1969 from 1968, and shows a catastrophic increase of 20 percent in 1970 from 1968 when 235 million pairs were dumped onto the U.S. market. I do not say "dumped" in a legal sense, but I must admit I am puzzled as to how average costs of footwear imported last year could be as low as $2.33 per pair, a full $2.80 below the U.S. factory selling price of $5.13.

In any case, Mr. Speaker, it is virtually impossible for this country, where hourly wages are averaging $3, to compete with the wages in foreign countries like Italy, Spain, Japan, and Taiwan where average hourly wages including fringe benefits amount to $1.30, $.70, $.85, and $.29, respectively.

If the footwear industry is to continue as a viable force in our economy offering job security and well-being to individuals and economic stability to areas in general, we must act now to slow down the impact of imports.

I would like to submit for the RECORD a fact sheet on the footwear trade problem of my State, which is self-explanatory:

IMPACT OF IMPORTS ON THE TENNESSEE FOOTWEAR INDUSTRY—1971 FACT SHEET

1. PRODUCTION

[Tennessee is the 6th most important footwear-producing State in America]

Year	Production (pairs)	Value of shipments
1968	40,857,000	$227,474,000
1969	38,432,000	240,434,000
1970	39,211,000	241,947,000

Note: Ratio of Tennessee production to U.S. total is 7.0 percent.

2. EMPLOYMENT

Year	Footwear—nonrubber		Total leather products	
	Number of employees	Taxable wages	Number of employees	Taxable wages
1962	13,182	$41,296,000	15,718	$49,376,000
1965	13,959	47,332,000	16,740	57,096,000
1968	14,513	60,948,000	18,267	76,436,000
1969	14,162	66,788,000	17,600	82,012,000
1970[1]	13,550	73,200,000	16,800	87,999,000

[1] Estimate.

3. IMPORTS

[In 1970 imports of leather-vinyl footwear equaled 235,584,000 pairs representing 42 percent of U.S. footwear production. In January and February 1971, there were 56,013,000 pairs imported representing 62.4 percent of U.S. production in those months]

Year	Imports	Exports	Shoe production	
			United States	Tennessee
1959	22,277,000	3,505,000	637,364,000	28,798,000
1960	26,617,000	3,244,000	600,041,000	27,558,000
1961	36,668,000	3,035,000	592,907,000	30,819,000
1962	63,019,000	2,867,000	633,238,000	33,518,000
1963	62,820,000	2,843,000	604,328,000	33,919,000
1964	75,372,000	2,836,000	612,789,000	34,705,000
1965	85,632,000	2,491,000	626,212,000	37,338,000
1966	96,135,000	2,737,000	641,700,000	41,641,000
1967	129,134,000	2,200,000	600,000,000	39,539,000
1968	175,438,000	2,400,000	642,427,000	40,857,000
1969	195,673,000	2,300,000	576,961,000	38,432,000
1970	235,584,000	2,154,000	559,416,000	39,211,000
1975[1]	468,400,000	2,000,000	518,800,000	36,315,000

[1] Projected.

Mr. SAYLOR. Mr. Speaker, many of us have industries in our home districts reeling from the impact of unrestricted imports into this country. Very little has been said in this Congress about the import situation anticipating action on a measure similar to the bill passed by the House last year. Four months have passed and no trade legislation has been scheduled for consideration. This delay is causing great concern. We appear to be at a standstill on the legislative front but imports keep pouring into the American market.

This Nation continues to be at a competitive disadvantage in the face of imports. Year after year imports penetrate various segments of our market deeper and deeper. Without appropriate legislation, the future looks very bleak for many industries and jobs.

Our foreign competitors have become highly productive with the use of modern machinery while their wages continue to lag far below the levels prevailing in this country. There was a time 5 to 10 years ago when hope was voiced that foreign wages would catch up with American wage levels or at least come within shouting distance. That hope has disappeared. The wage disparity remains enormous. That disparity, combined with high productivity, creates a competitive advantage for the foreign producer.

Unfortunately, the Department of Commerce has systematically concealed the depth of our competitive disadvantage with the world. Slowly, too slowly, the facts of our competitive weakness are surfacing.

The outstanding fact is that we are running a deficit in our trade rather than a surplus. This has been true for several years, but no one would have known had he referred to the official trade statistics published by the Department of Commerce.

It is only now becoming generally known that so far as private competitive trade is concerned, this country has suffered a deficit of several billion dollars in the past 4 or 5 years. This fact is hidden by the device of including in our export figure, shipments made abroad under foreign aid, food for peace, and/or highly subsidized agricultural products such as wheat and cotton in which we could not compete on the world market without subsidizing the exports. Also, we value our imports on the basis of their foreign invoice value without adding ocean freight and marine insurance—"c.i.f."

On the latter point, this undervaluation amounts to an average of about 10 percent. Therefore we end up with a spurious surplus that does not reflect our weak competitive position. In 1970, the official trade surplus is given as about $2.7 billion—that is, imports at $40 billion and exports at $42.7 billion. However, if one looks at the numbers as they exist in the real world, one discovers a trade deficit of about $4 billion.

In order to show the reality of our trade position with the rest of the world, I have included below a "reconstructed" chart of export and import statistics. The terms "net commercial exports" and "c.i.f. imports" are not new to the debate on trade, however, because of the picture they show, they have not been used by the Federal Government. The chart follows:

TRADE BALANCE ON C.I.F. IMPORTS AND NET COMMERCIAL EXPORTS

[In millions]

	Net commercial exports	C.I.F. imports	Trade balance
Year:			
1965	$25,236	$23,411	[1] $835
1966	26,888	28,178	[2] 1,280
1967	28,405	29,620	[2] 1,115
1968	31,829	36,400	[2] 4,571
1969	35,321	39,614	[2] 4,293
1970	40,108	43,941	[2] 3,833

[1] Surplus.
[2] Deficit.

At least nine-tenths of the industrial products as classified by the Department of Commerce are incurring trade deficits, even by the Department's own method of casting the balance. The deficits are not confined to minor products. They engulf some of our leading exports such as steel, textiles, apparel, footwear, petroleum, automobiles, typewriters, athletic and sporting goods, fishery products, vegetables, sewing machines, watches, and a variety of miscellaneous products.

The only bright spot to be found in our export trade is in the shipment of machinery, including computers and aircraft and chemicals. But all is not well even here. In 1970, these items—combined—represented 50 percent of our total exports which, in one sense, clearly indicates that we have too many of our eggs in one or two baskets.

In spite of the size of our export market for these products, the trend over the past few few years is alarming. From 1960 to 1970, exports of machinery—including transport—and chemicals increased 147 percent compared with an import increase of 454 percent. The trend held in the second half of that decade, 1965–1970; exports grew by 73 percent while imports rose 230 percent. Breaking it down still further, the picture remained constant in the 1967–1970 period as exports rose 43 percent while imports increased 87 percent. Certainly, while there was a substantial surplus in 1970, it is clear how the trend has been running and that is not very reassuring.

Mr. Speaker, the adverse trade trend is not a "flash in the pan." It has been underway for at least a decade and there is no visible sign of an early turn-about. In fact, the factors that determine our competitive prowess nearly all appear to be set against a reversal of the present trend.

We only have to look at the trend of imports in the nonrubber footwear industry to understand what can happen to any other industry that is not presently heavily pressed by imports. Imports rose from 26.6 million pairs in 1960 to 242 million pairs in 1970—that is, 30 percent of the domestic consumption. When imports can rise so rapidly in an industry as well established as the footwear industry, there can be little confidence that imports may not rise with equal rapidity with respect to other products. In the case of steel, this country changed from a net exporter to a net importer of steel in 1958. Exports then declined while imports rose to a level several times as heavy as exports. By 1968, about 14 percent of our steel consumption was supplied by imports.

Once imports have gained a share of the market in excess of 10 percent their progress seems assured while the domestic industry stagnates or goes backward in terms of employment. The textile and apparel industries offer another example of a reversal of trade trend. A few years ago our textile and apparel exports exceeds imports. In 1970 the deficit was $1.6 billion. The take-over by imports of household electronic goods such as radios, television sets, tape recorders, record players, et cetera, was rapid. The same experience, with variations, also applies to typewriters, and sewing machines. Imports are also making rapid inroads in glass, machine tools. Now rubber tires are feeling the pressure not only for automobiles but especially bicycle tires. Over half of the bicycle tires are now imported whereas in 1957, such imports were only 5.4 percent of the total sold in this country. In 1970, 56 percent of these tires were imported.

This country is highly vulnerable to import competition; should we seek to become competitive it would be necessary, in the absence of import restrictions, either to become more efficient or reduce wages. Since the latter alternative is a practical impossibility, the only recourse would be greater efficiency. This inevitably calls for heavy labor displacement by more productive machinery. Should we seek to follow this course we could succeed and thereby cancel efforts to achieve full employment, or we could fail because the necessary technological advancements were not at hand. In either case, we would continue to be at the mercy of imports as these would naturally increase. And as we have seen in the past, as those imports increase, domestic employment suffers.

If we restricted imports to existing levels while granting successive increases year by year in proportion to our domestic market's expansion, we need not displace our workers. At the same time, imports would share fairly in our market. If we could only forget the free-trade mania that has led to the competitive over-exposure to imports, our industries could look to the future with confidence. With realistic ceilings on imports, there is no need for domestic industries to fear total displacement of their workers and their products from the American market.

Mr. Speaker, we must act now to stem the flow of employment-displacing imports before the situation worsens. The vehicle is at hand—H.R. 20—introduced on the first day of the 92d Congress by the chairman of the House Ways and Means Committee. This bill should be brought to the floor at the earliest possible moment. The future of hundreds of domestic industries and the jobs of thousands of American workingmen hinge on early, favorable action which I am sure the measure will receive from the full House of Representatives.

Mr. BARING. Mr. Speaker, I have for years been opposed to further tariff reductions. I felt that the effects of the drastic reductions made in the past 35 years had not yet been fully felt by our economy. I thought the time would come when the adverse effects would be felt and felt keenly.

Time has borne out the correctness of this view. During the past several years imports have come into their own. Once the other industrial nations recovered from the devastations of war and rebuilt their industrial plant, vastly upgraded with modern machinery and equipment there was no longer any doubt where the competitive advantage lay.

What these countries had done, Japan, West Germany, joined by Italy, was to build according to the American system, which is to say, instituting mass production on a large scale. With modern machinery, much of it obtained from us under foreign aid, their productivity advanced rapidly, in some instances catching up with us, or coming very close to our level.

This great spurt in productivity, moving much faster than the upward level of their wages, naturally improved their competitive position in their trade with us. For a time their wages went up faster than wages in this country, but in the past 2 or 3 years our wage levels went up very rapidly and left us with a cost gap that has not been narrowed, much less closed.

The other industrial countries really only copied our system in part, not all the way. They recognized the great economic advantage of mass production, but did not follow through to mass consumption, which rests on wages high enough to buy the mass-produced goods.

For this reason they have a great need for export markets to take their surplus production off their hands. The United States offers a very attractive market. Our high costs and low tariff make penetration of our market easy. At the same time our exports do not fare well at all. With few exceptions we are in a deficit in our export-import account.

Our machinery exports have thrived but mostly because of our greatly expanded foreign investments. When our firms build branch plants abroad they install American machinery. Hence our lively export trade in machinery. Yet imports of machinery have been coming up very fast. Since 1960 our machinery imports have grown twice as rapidly as exports. In a few years' time, if the trend continues, we will lose our export surplus.

The situation is very serious already; but the outlook, Mr. Speaker, is worse. The competitive margin is against us and there is nothing on the horizon that would indicate a reversal. Our production within foreign countries will have the eventual effect of shrinking foreign markets for our exports since we will be selling those markets more and more from within rather than by exporting from this country. Therefore the outlook for our trade, to repeat, is not bright.

That is why we need trade legislation now. This House passed a bill last year. It has been introduced again. In fact it was introduced by the chairman of the Ways and Means Committee on the opening day of the new Congress; but the bill seems to be stuck there. I hope and strongly urge that it be brought to the floor for early action. The trade situation does not justify any further delay.

Mr. ST GERMAIN. Mr. Speaker, how many jobs have to be lost before the Congress puts some limits on imports? How many businesses have to close down? How many workers have to be on the welfare rolls?

Last year 33 textile mills closed in New England. Rhode Island alone lost 2,100 jobs. Imports are the No. 1 problem. Something must be done, and done fast, to reverse this trend.

The promise of negotiations has been used too often to stall off the firm course of action which this Government must take to set reasonable restrictions. Meanwhile our industry declines and jobs go down the drain.

Why should this House hesitate to act immediately on import legislation? We had the sense to do so last year. The situation today is worse, not better. In January of this year imports of man-made fiber textiles and garments were up 67 percent over January a year ago. The Congress must legislate some effective limits now, before more of our mills stand empty.

At this point I would like to include in the RECORD an excellent article by Joseph L. Goodrich in the Providence Sunday Journal of April 4. It tells the story of how 8,300 textile jobs were lost in New England last year, and it explains why the Japanese industry plan is unsatisfactory. The article follows:

REGION'S TEXTILE INDUSTRY DECLINE ACCELERATES

(By Joseph L. Goodrich)

The long term decline of New England's textile industry accelerated last year under pressure from an unusual combination of adverse forces which so far this year continue unabated.

Textile mills in the six-state region, many of which are woven goods producers, are being pressed on all sides.

They face almost overwhelming competition from foreign-made goods. They have been victims of a fashion swing to double-knitted fabrics. And their markets have been depressed by the recession.

For much of last year the high cost and scarcity of money placed a burden on mills which, for some, proved to be the last straw. Pressure from this source appears to have eased somewhat this year, however, with the increase in the money supply and the decline in interest rates.

8,300 JOBS LOST

The upshot of all this was a shrinkage of 8,300 jobs in the New England textile work force last year, based on the monthly average job total.

Massachusetts suffered the largest decline, losing 3,300 textile jobs. Rhode Island was next with 2,100 workers.

The Northern Textile Association reports that 33 textile mills were closed in New England last year. Of that number, 14 were in Massachusetts, nine in New Hampshire and six in Rhode Island. The 33 mills represent about 6,200 jobs or 74.7 per cent of New England's textile job loss last year.

Textile industry attrition hasn't been confined to New England. There has been a rash of mill closings in the South. During 1970, the U.S. Labor Department reported that 24,000 textile jobs were lost in the Southeastern area which includes North Carolina, South Carolina, Alabama, Florida, Georgia, Virginia, Mississippi and Tennessee.

At the year end, Rhode Island was still the second largest textile employer in the New England states, ranking below Massachusetts in terms of textile workers, but the region's smallest state is first in the proportion of its total manufacturing work force employed in textiles.

16.2 PERCENT IN TEXTILES

At the end of last year, Rhode Island counted 16.2 per cent of its total manufacturing workers employed in textiles. That compares with 4.7 per cent for Massachusetts 9.9 per cent for Maine; 8.5 per cent for New Hampshire, and three per cent for Connecticut.

That means Rhode Island continues to have a big stake in the textile industry's future. It also means that Rhode Island could very well see its present serious unemployment situation aggravated unless something is done to correct or neutralize some of the adverse forces now at work.

The Nixon administration already has initiated a program designed to stimulate the economy, and there has recently been considerable furore but no positive action to bring about some reasonable control over the textile import problem. There is little that can be done to offset the effects of a switch in fashion. And the swing to double-knits has been devastating to the weavers.

The demand for double-knit fabrics has been spectacular. The big textile manufacturers can't buy the knitting machines fast enough. The fabric caught on quickly in women's wear, and this year is making inroads in men's wear, capturing a sizable chunk of the fabric market that normally is supplied by woven cloth.

EASY CARE FABRIC

A double-knit is a fabric knitted with a double stitch, giving it a double thickness. Most double-knits are made with textured polyester yarn, giving them stretch characteristics that impart wearing comfort to a double-knit garment plus all of the easy care qualities of polyester.

The double-knits are already strong in women's wear, and this year are in increasing demand for men's slacks and sport jackets. Down the road are warp knits for men's suitings and coatings. A warp knit is a flatter, tighter knit more applicable for suit cloth.

This switch to knits has reduced the demand for a wide range of woven worsted blends and synthetic fabrics made by mills in Rhode Island, the rest of New England and the South.

It has been a particular hardship to a number of wool fabric mills in New England which had managed to survive the contraction in the wool textile industry over the last five years by switching to cloth woven of three-run acrylic yarn and other fabric constructions adaptable to their looms.

The Northern Textile Association compilation of textile mill closings shows that nine New England wool fabric weaving mills have closed their doors in the period between Jan. 1, last year and the present.

High cost and scarce money last year and high overhead costs in the face of depressed prices contributed to these closings as did wool textile imports in a declining wool fabric market. For some mills, the fashion shift away from wovens was the coup de grace.

On the other hand, the shift to knits has been a boon to some segments of New England's textile industry. Cranston Print Works is building a substantial addition to its Cranston screen printing plant, already a major printer of cotton and synthetic single-knit fabrics. Newport Chemical Industries will build a new plant in Fall River to dye and finish double-knits.

SHIFTS EMPHASIS

There are also knitting mills in the region which have been caught up in the knitwear boon. Genesco's Lebanon Knitting Mill Inc. in Pawtucket has shifted the major emphasis of its production from wool jersey to polyester knits. It is now in the process of reducing its yarn spinning operations in favor of expansion in knitting and dyeing.

Wool system yarn spinners are hurting. The shift of men's fashion away from casual sweater apparel about two years ago coupled with the high level of imported sweaters resulted in the closing of two worsted wool yarn spinners in Rhode Island in 1969. Six others have folded in New England in the last 15 months, including two in Rhode Island.

From the start of 1969 to the present, the Northern Textile Association counts 45 textile mills closing in the New England region for a loss of 9,961 jobs.

Of that total, nine closings were synthetic textile weaving mills, most of which took place in 1970. As late as 1969, synthetic textile weaving mills in Rhode Island were aggressively skilled labor to fill out shifts. During last year most of these mills experienced sharp declines in profits or losses as a relatively long period of prosperity abruptly came to an end.

IMPORTS "ONLY PROBLEM"

The switch to double-knits has made a dent in the woven synthetic fabric market, but one Pawtucket synthetic fabric weaver said last week that while knits are causing a problem, "it is not our biggest problem. Knits will taper off when they find their level. Imports are our only problem."

Most manufacturers of cloth of man-made fiber agree that competition from imported goods is their number one problem. Figures compiled by the Northern Textile Association show that synthetic textile weavers have every reason to feel that way.

Despite the recession last year, imports of man-made fiber textiles and apparel jumped 54 per cent to 2.75 billion square yards equivalent, from 1.78 billion in 1969, for a record.

Broken down, these synthetic textile imports included 1.1 billion square yards equivalent in apparel, up 24 per cent from 915 million in 1969; 1 billion s.y.e. in yarn, up 161 per cent from 386 million in 1969; 507 million s.y.e. in fabric, up 29 per cent from 392 million in the prior year, and 105 million s.y.e. in miscellaneous synthetic textile products, up 8 per cent from a year ago.

The 2.75 billion s.y.e. in total synthetic textile and apparel imports represented more than half of the 4.45 billion s.y.e. in textile and apparel imports by this country last year. Their rise continued while cotton textile and apparel imports declined seven per cent to 1.5 billion s.y.e. and wool textile and apparel imports fell off by 12 per cent to 168 million s.y.e.

NO LET UP

There was no let up in import competition for synthetic textile mills in January. The U.S. Commerce Department reported that man-made fiber textiles and garments reached 314 million s.y.e. for a new record for that month and up 67 per cent from January, 1970, and 22 per cent from December.

This was the setting on March 8 when the Japan Textile Federation, central organization of Japanese textile manufacturers, announced its plan for limiting its exports of cotton, man-made fiber and wool textiles to the United States.

The significance of such a concession, if it can be called a concession—and the U.S. textile industry argues that it is not—is in the fact that Japan is the major exporter of textiles to this country.

Last year Japan accounted for 1.15 billion s.y.e. or 25.9 per cent of the 4.45 billion s.y.e. in textile exports to this country.

Its share of the U.S. market is almost twice that of West Germany which last year became the second ranking textile exporter to the U.S. by running its textile exports up 142 per cent to 616 million s.y.e.

INDUSTRY SORE SPOT

What has been a sore spot for the domestic industry has been the Japanese tendency historically to concentrate their exports in one sector of the U.S. textile market and then another, focusing on a target long enough to all but overwhelm domestic competition with their lower priced, good quality yarn and cloth before taking aim at another sector.

Since last December, negotiations had been in process between the Japanese and U.S. governments in an effort to work out a voluntary arrangement for limitation on Japanese textile exports to this country.

Japan had consented to negotiations when it appeared that textile quota legislation, which had the blessing of Rep. Wilbur D. Mills, chairman of the powerful House Ways and Means Committee, might be passed by Congress.

Negotiations made little progress, particularly after the initial quota legislation threat evaporated in the closing days of the congressional session last year. But, with Congressman Mills' blessing, the quota legislation was reintroduced in the House this year.

WELCOMED BY MILLS

Then the Japan Textile Federation made its textile export limitations announcement. Congressman Mills responded to it with an immediate welcome and declared that if other foreign textile makers follow the lead of the Japanese industry there would be no need for U.S. textile quota legislation. Mr. Mills, who is being boomed in his home state as the Democratic Presidential nominee, is reported to have been consulted by the Japanese Textile Federation prior to the limitations announcement.

The Japanese textile industry declaration made it clear that on the basis of its limitation plan there is no need to continue the formal negotiations between the U.S. and Japanese governments for voluntary quota legislation. The Japanese government took the same position with President Nixon's textile quota negotiator, Peter Flanigan, bringing negotiations to an end.

But the reaction of President Nixon and the U.S. textile industry was swift. Mr. Nixon summarily rejected the unilateral Japanese industry plan as an acceptable solution and threw the full support of his office behind textile quota legislation in Congress.

The U.S. textile industry, through its largest trade organization, the American Textile Manufacturing Institute, and the Northern Textile Association and other groups immediately endorsed the President's stand. The group condemned the Japanese plan as "the wrong approach" and said the Japanese "have no interest in agreeing to a fair and reasonable negotiated settlement without legislation."

The Japanese unilateral export plan completely ignores the export limitations proposed by the U.S. negotiator. These would set specific import ceilings for a limited number of textile categories, covering about half of Japan's textile exports to this country.

The ceilings would be based on U.S. imports of Japanese textiles for the year 1969 plus a growth factor. Shifting of these imports among the categories would be permitted in order to reflect changing U.S. market conditions, but would be subject to limitations to avoid excessive concentrations in any of the sensitive categories.

These conditions are regarded as absolutely essential by the U.S. textile industry.

The Japanese industry plan, on the other hand, would provide no limitations by categories. It proposes an overall limitation on cotton, synthetic and wool textiles, but excludes yarn which is a sizable Japanese export to this country. It contains nothing to prevent Japan from shifting large concentrations of textile exports from one category to another.

HIGHEST BASE

In addition, the base period selected for the plan is the 12 month period ending three months before the unilateral restraint program becomes effective. Hence, if it becomes effective three months hence, the base period would be the 12 months ending March 31, a time when Japanese textile exports to this country have been at a historic high.

The Japanese propose that their quota for the first 12 months be the export total for the base period plus five per cent. For the second 12 months, the overall quota would be six per cent higher than the previous period, and in the final 12 months, the quota would be six per cent higher than the second period. The voluntary restraint would last for 36 months.

Furthermore, the start of the plan is conditioned on the acceptance by other textile exporting nations of similar restrictions on their exports to the United States. The Japanese have indicated they are principally concerned about exports from Hong Kong, Taiwan and South Korea and that European nations could be included later.

Negotiating such agreements with the other textile countries would impose a considerable burden on the U.S. South Korea, for example, is reported by the Daily News Record, a textile trade daily newspaper, as planning to seek a formula that would incorporate a 40 per cent annual growth factor in its textile exports to the U.S.

Along with his rejection of the Japanese industry plan, President Nixon ordered the Secretary of Commerce to monitor Japanese synthetic and wool textile imports and analyze the results in terms of the differences from what the results would be under the import limitations proposed by the U.S. in recent negotiations with the Japanese.

Mr. Nixon also indicated he would give "fullest consideration" to other alternative solutions to the textile problem.

NEW ENGLAND TEXTILE EMPLOYMENT AND RATIO TO TOTAL MANUFACTURING JOBS, 1968–1970

[Monthly average basis]

	1970			1969			1968		
	Total manufacturing jobs	Total textile jobs	Textiles as percent of total manufacturing	Total manufacturing jobs	Total textile jobs	Textiles as percent of total manufacturing	Total manufacturing jobs	Total textile jobs	Textiles as percent of total manufacturing
New England	1,450,800	81,700	5.6	1,530,700	90,000	5.9	1,555,900	94,500	6.1
Massachusetts	641,000	30,000	4.7	675,900	33,300	4.9	690,400	35,500	5.1
Connecticut	448,000	13,300	3.0	470,500	13,900	3.0	475,900	14,000	2.9
Rhode Island	119,200	19,300	16.2	127,100	21,400	16.8	126,400	22,700	18.0
Maine	109,400	10,800	9.9	115,900	11,800	10.2	118,000	12,400	10.5
New Hampshire	92,200	7,800	8.5	97,900	8,800	9.0	99,600	9,100	9.1
Vermont	41,000	550	1.3	43,400	600	1.4	43,800	630	1.4

Totals for States and New England may not correspond due to rounding.

TEXTILE JOB LOSSES, NEW ENGLAND STATES, 1968–70 (BASED ON MONTHLY AVERAGE EMPLOYMENT IN EACH YEAR)

	1970	1969	1968	Three-year totals [1]
New England	8,300	4,500	700	13,500
Massachusetts	3,300	2,200	700	6,200
Connecticut	600	100	[2] 100	600
Rhode Island	2,100	1,300	200	3,600
Maine	1,000	600	100	1,700
New Hampshire	1,000	300	(3)	1,300
Vermont	50	30	[2] 10	70

[1] Totals for States and New England will not correspond because of rounding.
[2] Gain.
[3] Unchanged.

Mr. DORN. Mr. Speaker, this is a most timely discussion and I am pleased to join my colleagues in considering the foreign trade policy of the United States. Those of us interested in the problem of cheap, low-wage textile imports have for years pointed to the fact that we need to reexamine our entire approach in the area of foreign trade. More and more, Mr. Speaker, other segments of our economy are coming to the same realization. We believe we must soon have a complete rethinking of our foreign trade policy.

And it will not come a moment too soon, Mr. Speaker, for the employees of our great textile industry and for the other business and professional people so heavily dependent in our area on the textile payroll. It should have long since been apparent to everyone, Mr. Speaker, that the highly competitive U.S. textile industry cannot survive against foreign competition that utilizes the most modern of capital equipment and the cheapest labor. A substantial source of these low-wage imports is Japan, which is now the world's second or third most vigorous economy, and a country where government and industry work hand in glove in penetrating and dominating foreign markets. Due to economic, historical, and cultural reasons, the Japanese simply do not play by the same rules as this Nation does in its foreign trade. While we may respect their economic power, we cannot be expected to preside over the export of American jobs and American industries which would result from continuation of current trade practices.

This is a complex area with no easy solutions. But one eminently fair and equitable approach is represented by the Trade Act of 1971, the same legislation which passed the House in November 1970. This legislation actually encourages voluntary negotiations, since its statutory limitations are expressly not applicable to imports covered by agreements. This bill would guarantee to our foreign trading partners a share of the American market and promote more orderly and stable trade relationships.

We are hopeful also that the Government will act administratively under the authority of existing legislation to accord relief to the textile industry under the provisions of the national security clause of the Trade Expansion Act.

The emphasis must be on speed, Mr. Speaker, for the problem is urgent. Daily our people hear of more plant closings and curtailments due to the flood of imports. I urge my colleagues to consider carefully the problem of cheap, low-wage imports and to support the legislation now before the Congress designed to remedy this problem.

Mr. KYROS. Mr. Speaker, I join with my colleague from Maine and some 350 other Members of this House, in a plea for up-to-date trade legislation that corrects the gross inequities that now exist in this area. As a Representative from Maine, I am particularly concerned with the serious dilemma being faced daily by our shoe and textile industries.

I entered a companion bill to the Mills bill, the Foreign Trade Act of 1970, last year along with many of you. Earlier I had signed the petition to the President that requested administrative consideration in this matter.

Footwear is the ranking employer in the State of Maine. Together with textiles and apparel, 35 percent of the 116,000 manufacturing workers in my State are at the mercy of the mounting flood of imports. Already during the first quarter of this year, there has been a dramatic increase of more than 25 percent in foreign shoe imports entering this country.

Congress can no longer delay some reasonable action to lessen this deluge of imports which are greatly reducing our domestic industries. I concur with you today that we, in Congress, must act to halt the irreparable damage being done to job opportunity in this country.

Mr. MOLLOHAN. Mr. Speaker, I join with other Congressmen today in support of trade legislation to protect our domestic industries endangered by foreign imports.

Of particular concern to me is the glassware industry because West Virginia is one of the leading glassware-producing States in the Nation. Four of the 13 domestic plants producing sheet glass are located in West Virginia and there are about 25 glassware and pottery manufacturing plants in my district of northern West Virginia.

This industry is vital to West Virginia and any forces which harm this industry harm the economy of the State.

Increased foreign imports of glassware are causing significant harm to the glassware industry in my State. Over the past several years employment in this vital industry has dropped sharply, and this decrease can be traced to a corresponding increase in foreign imports.

Entries of foreign sheet glass at most-favored-nation rates in 1968 were nearly 11 times the volume of average annual imports in 1950–52.

Consider that fact with this: the average number of employees in the sheet glass industry in 1965 was 11,018. That figure dropped to 9,288 in 1969.

During the period from 1964 to 1968, four sheet glass furnaces were dismantled. And only 26 of the 30 furnances available for production in mid-1969 were in operation.

At a time when the Appalachian States are trying to forge healthier economic foundations, it is ironic that administration policies are undermining this foundation. It is ironic because, on one hand, the administration and the Congress have been working for the revitalization of Appalachia.

But tariff regulations have opened the gate for a flood of glassware imports.

The question is: Where are our priorities? Free trade or Appalachia?

This may not be an either-or proposition, for we can still have a relatively free trade policy with selective quotas to protect Appalachian glassware industries.

It is up to Congress to decide what industries should be shielded from undue foreign competition. In making this policy decision, Congress should look at the overall economic condition in those areas which are supported by industries currently endangered by foreign imports.

And if this is done, it is apparent that there can be no clearer case for protective legislation than in the Appalachian glassware industry.

Mr. FISHER. Mr. Speaker, because of the importance of import controls at this time, I wish to associate myself with others who have discussed this subject here today. I join in urging the distinguished chairman of the Ways and Means Committee (Mr. MILLS) to arrange for hearings on import legislation which is now pending.

It will be recalled that last year a bill by Mr. MILLS, in which a number of us joined, was approved in the House but did not clear the Senate. The urgency of this legislation is more vital today than it was a year ago.

In my own district the depressing effect of excessive competitive imports is apparent. That includes textile plants, hosiery mills, ceramic tile output, lamb meat, and the domestic wool industry.

DOMESTIC WOOL

In enacting and extending the National Wool Act of 1954, the Congress declared production of raw wool to be essential within this country for reasons of national security. But wool has no security value unless the capacity to manufacture it into usable textile products exists.

The U.S. market for wool textiles has been penetrated far more deeply by imports than has the market for any other segment of the domestic textile industry. Wool textile imports have taken in excess of one-fourth of our domestic textile industry. It is a frightening picture to behold. Many mills have been forced to close their doors, and many others cannot survive unless relief from excessive imports is forthcoming in the near future.

In the case of worsted cloth, for example, imports have grown to the point where they are not in excess of 50 percent of our domestic production, and one of every two regular weight men's suits produced in this country is made of imported cloth. More than one woman's knit sweater is imported for each one made in the United States.

I have already pointed out that this influx of ever-growing volume of imports from countries with wage and production costs substantially below ours, has had a serious impact on our mills, where our domestic wool marketed.

In my native State of Texas, where 20 percent of the domestic wool is produced, the market for raw wool is now at its lowest ebb in 30 years. Much of this is traceable to excessive imports.

Mr. Speaker, reasonable import controls are in no sense inconsistent with a generous international trade policy. But trade policies should be a two-way street. By and large, our restrictions and controls are far less than is the case with most competitors abroad. The time to level off is past due. Thousands of jobs are involved. Vast investments are being jeopardized. Simple justice requires that the Congress face up to this problem and put a stop to the dumping practices which characterize importation of woolen textiles at this time.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the effort of the distinguished gentleman from Florida (Mr. SIKES) to bring to the attention of the House the continuing problem of imports. I believe that the footwear problem, especially, has become crucial and that there is a need for more responsible action in the period ahead to alleviate it.

Wisconsin is the hub of a four-state area that has a concentration of footwear, leather, and leather products production. In the Sixth District we are fortunate to have outstanding men and women involved in the shoe and leather industry in the cities of Sheboygan, Fond du Lac, New Holstein, Waupun, and Ozaukee County. The other States in this area are Illinois, Minnesota, and Michigan.

In 1970, Wisconsin footwear manufacturers produced nearly 16 million pairs, just the amount produced 11 years earlier in 1959. No Wisconsin's shoe industry has stood still.

But where can it go from here? It is apparent that as the national industry goes, so eventually will Wisconsin. And, in fact, this is already borne out by production figures for the first 2 months of 1970. Production of 2,526,000 pairs in that period is 5.1 percent below the same period a year ago. I submit for the RECORD a report that summarizes these facts.

Before the year is out, at current rates, imports will attain nearly 40 percent of the total available supply, that is, domestic production plus imports combined.

I believe Congress should consider immediate, appropriate steps for dealing with imports. While the material I am submitting, Mr. Speaker, deals specifically with the shoe and leather industry, I want to note that persons in the snowmobile, small engine, electrical equipment, and mink industries are also expressing deep concern regarding foreign imports of their products.

The report follows:

TABLE 2.—PRODUCTION, QUANTITY AND VALUE OF SHIPMENTS OF SHOES AND SLIPPERS, EXCEPT THOSE WITH SOLE VULCANIZED TO FABRIC UPPER, BY GEOGRAPHIC DIVISIONS AND STATES

[Pairs in thousands]

	February 1971 p.	January 1971 r.	February 1970	Two months		Percent change, 2 months 1971–70
				1971	1970	
United States, total	44, 954	44, 864	47, 450	89, 818	95, 060	−5. 5
New England, total	12, 642	11, 860	13, 523	24, 502	27, 157	−9. 8
Maine	3, 543	3, 789	3, 908	7, 332	8, 046	−8. 9
New Hampshire	2, 776	2, 921	3, 236	5, 697	6, 167	−7. 6
Massachusetts	5, 856	4, 712	5, 792	10, 568	11, 766	−10. 2
Other	467	438	587	905	1, 178	−23. 2
Middle Atlantic, total	12, 018	12, 035	13, 281	24, 053	26, 085	−7. 8
New York	4, 657	4, 483	5, 433	9, 140	10, 345	−11. 6
New Jersey	1, 282	1, 347	1, 312	2, 629	2, 693	−2. 4
Pennsylvania	6, 079	6, 205	6, 536	2, 284	13, 047	−5. 8
East North Central, total	5, 505	5, 449	5, 441	10, 954	10, 749	+1. 9
Ohio	1, 771	1, 793	1, 253	3, 564	2, 571	+38. 6
Illinois	2, 566	1, 514	1, 726	3, 080	3, 438	−10. 4
Wisconsin	1, 273	1, 253	1, 423	2, 526	2, 663	−5. 1
Other	895	889	1, 039	1, 784	2, 077	−14. 1
Other Divisions, total	14, 789	15, 520	15, 205	30, 309	31, 069	−2. 4
Missouri	3, 932	4, 086	4, 507	8, 018	9, 179	−12. 6
Tennessee	3, 249	3, 509	3, 234	6, 839	6, 531	+4. 7
Arkansas	1, 570	1, 549	1, 606	3, 119	3, 227	−3. 3
Other	6, 038	6, 295	5, 858	12, 333	12, . 32	+1. 70

TABLE 2B.—SHIPMENTS (PAIRS IN THOUSANDS)

	February 1971 p.	January 1971 p.	February 1970	Two months		Percent change in 2 months 1971–70
				1971	1970	
United States, total	45,529	45,868	47,331	91,397	96,558	−5.3
New England, total	12,412	12,567	13,838	24,979	28,012	−10.8
Maine	3,716	3,658r	4,171	7,374	8,329	−11.5
New Hampshire	2,998	3,703	3,188	6,701	6,843	−2.1
Massachusetts	5,328	4,897	6,106	10,225	12,060	−15.2
Other	370	309	373	679	680	−12.9
Middle Atlantic, total	12,604	12,034	13,148	24,638	26,493	−7.0
New York	4,779	4,598	4,914	9,337	10,124	−7.4
New Jersey	1,198	1,128	1,131	2,326	2,290	+1.6
Pennsylvania	6,627	6,308	7.103	12,935	14,079	−8.1

	February 1971 p.	January 1971 r.	February 1970	Two months		Percent change, 2 months 1971–70
				1971	1970	
East North Central, total	5,494	5,569	5,386	11,063	10,809	+2.3
Ohio	1,670	1,759	1,441	3,429	2,949	+16.3
Illinois	1,654	1,587	1,690	3,241	3,460	−6.3
Wisconsin	1,206	1,242	1,375	2,448	2,449	nc
Other	964	981	880	1,945	1,951	−0.3
Other divisions, total	15,019	15,698	14,959	30,717	31,244	−1.7
Missouri	4,519	4,265	4,414	8,784	9,904	−3.4
Tennessee	3,222	3,591	3,104	6,813	6,681	+2.0
Arkansas	1,513	1,542	1,374	3,055	2,847	+7.3
Other	5,765	6,300	6.067	12,065	12,622	−4.4

Mr. RONCALIO. Mr. Speaker, the ranchers and farmers who grow lambs and wool are not only witnessing a very depressed wool market but the future outlook for selling their wool is bleak. While some of the medium grade wools are selling this year, at lower prices than a year ago, the so-called fine wools are going begging, with little or no buying activity.

One of the chief reasons for this is the contraction in the capacity of our domestic mills due to foreign competition they are facing on wool textile imports and their consequent lack of interest as well as ability to buy our domestic wools for manufacturing into cloth. If this situation is allowed to continue, not only will it cause a further liquidation in the U.S. sheep industry but I shudder to think what will happen if our mills are forced out of business and we should experience an emergency situation where we need mills to manufacture wool for our defense needs.

The trade bill which passed this House in the last session is certainly one important answer to the problem and the sooner it passes both Houses and is signed into law, the sooner will the economic picture change for our domestic woolgrowers and domestic wool manufacturers.

It is important that prompt consideration and action be given to this vital legislation.

Mr. JAMES V. STANTON. Mr. Speaker, the negative impact of foreign-made steel on our domestic economy is more severe in the Great Lakes area than anywhere else in the country. More foreign steel came through ports on the Great Lakes and the Canadian border in 1971 than any other U.S. port of entry.

Of the 13 million tons that came into the United States last year, 4.6 million tons came through these ports. The tonnage could be even larger in 1971 and could well reach a record high.

Port authorities estimate that some 450 foreign vessels will dock in Cleveland this shipping season. This is an average of more than two ships per day during the normal mid-April to mid-November shipping season. While we are pleased to note a high level of commerce at our Cleveland docks, we must view such activity with mixed emotions because this is largely one-way traffic. Considerably more cargo is coming in than going out in our area.

When so much of the foreign cargo consists of products which are not in short supply in this country, it must be recognized as a serious problem for our economy. When those products are unloaded at U.S. locations long renowned for producing great quantities of the same product being imported, the problem is compounded and magnified.

Such is the case with steel imports coming through the Great Lakes, and particularly through Cleveland—long the water gateway to the huge concentration of steelmaking capacity located in northeastern Ohio and a vital link with important producers elsewhere in the State.

Ohio has long been one of the Nation's key steel-producing States, ranking second only to Pennsylvania, and a major steel consumer, ranking only behind Michigan. Some 90,000 persons in Ohio are on steel industry payrolls which pump some $750 million a year into the State's economy. The rippling effects which result from these payrolls extends to thousands of other persons in the State in many different ways.

The ability of steel producers to continue as a dominant economic force in our State is being threatened by steel made abroad. Not only do foreign producers enjoy substantially lower employment costs, they also have the added benefit of assistance from their governments. This assistance takes several forms including tax rebates, subsidies, tariffs, and trade policies that encourage exports and discourage steel imports into their countries.

Our longstanding trade policies are not working in our own best interests. The policies must be updated to deal with the economic realities of today.

Mr. MIZELL. Mr. Speaker, it is always a privilege for me to speak in behalf of the textile workers and industries of America.

The plight of our textile industry has been of great concern to me throughout my tenure here as representative of the people of the Fifth District of North Carolina.

Textiles are vital to our local economy, and they must be safeguarded against the onslaught of grossly unfair foreign competition.

I believe that some statistics released recently by the Department of Commerce are quite convincing evidence of the fact that foreign textile imports are flooding our country at ever more dangerous levels.

The figures were compiled for January of this year, and the situation is sure to have grown worse by now, since we have taken no action to alleviate the crisis.

Manmade fiber, cotton, and wool textile imports in January were at an all-time high, totaling 453 million square yards equivalent. These imports were 21 percent more than was the total for December 1970; 30 percent more than the level for January 1970, and 4 percent above the previous record established in July 1970.

The value of the January 1971 imports of these textiles was $177 million. Exports were valued at $53 million. The trade deficit was $124 million, compared with $88 million in January 1970, when imports were valued at $142 million and exports at $53 million.

Compared with January of last year, yarn imports were up 120 percent, apparel imports rose 19 percent, and fabrics increased 4 percent. Imports of made-up and miscellaneous textiles were only slightly higher than January 1970.

Textile imports from Japan, Hong Kong, and the Republics of China and Korea increased 22 percent over the levels of January 1970 and represented 58 percent of total imports.

January 1971 imports of manmade fiber textiles reached a new record level of 314 million square yards equivalent, 67 percent greater than in the same month of 1970, 22 percent greater than December 1970, and 18 percent above the former record level of July 1970. Imports of manmade fiber textiles from Japan, at 106 million square yards, represented more than one-third of this trade.

The value of manmade fiber textile imports in January 1971 was $109 million, up substantially from the $69 million reported in January 1970. The value of exports increased slightly from $29 million in January of last year to almost $31 million in 1971. The trade deficit of $78 million was almost double the $40 million deficit of January 1970.

Imports of cotton textiles from all countries in January were 131 million square yards, 13 percent less than in January 1970 but 22 percent above the level of December 1970.

The value of cotton textile imports during January 1971 was slightly more than $49 million or very near the level of $50 million reported in January 1970. Exports were valued at $21 million in January of this year, and $23 million during the same month in 1970. The trade deficit increased from $27 million in January 1970 to $28 million this year.

It is an often-quoted statement, Mr. Speaker, that "figures don't lie," and these figures plainly tell us that the textile situation is not getting any better. They tell us instead that it is getting worse and worse.

I thank my distinguished colleague, Mr. Sikes, for this opportunity to speak out on this timely and important issue, and I once again urge this house to move swiftly in enacting the legislation which I have proposed to place badly needed quotas on the textile products being imported to this country.

Mr. JONES of Alabama. I congratulate and support Congressman Sikes and Congressman Betts on the perceptive and strong stand they have taken on the need to protect jobs in this country.

This country has waited too long now to correct the unfair impact of Asian imports on our manmade fiber, textile, and apparel industries. It is almost unbelievable that 1970 imports of manmade fiber products were 54 percent over the record high imports of the previous year.

The Ways and Means Committee of the House deserves our congratulations for the excellent Trade Act of 1970 which this House approved in the 91st Congress. That bill provided a halt to the extremely rapid growth of manmade fiber imports, including all manmade fibers, and manmade fiber products, but still allowed a fair share of growth of this market to imports.

However, the Senate failed to pass its version of the same bill before adjournment of the 91st Congress, and the problem remains.

The attempts to gain voluntary export limitations from the Japanese for 2 years have been defeated by a series of delaying tactics. The latest one is the unilateral voluntary export plan by a Japanese trade association—another ploy to delay action in this Congress.

I join others in this Congress who are concerned about jobs for our constituents in urging that the Ways and Means Committee immediately repeat its 1970 action on a Trade Act. The people should expect no less from us than protecting the jobs of American workers. And we must do this in spite of the selfish interests of those in the United States and abroad who seek to further increase imports and cause unemployment here.

Mr. YATRON. Mr. Speaker, much has been said today regarding the plight of many basic U.S. manufacturing industries under the increasing pressure of low-wage foreign imports.

A basic question regarding our Nation's foreign trade policy must be answered in the very near future. Specifically: Can we afford to continue to sacrifice U.S. jobs and U.S. job potential in essential manufacturing industries without irretrievably weakening this country's basic economic fiber? I answer this question with an emphatic "No."

I further submit that this "No" extends not only to the large import-beleaguered industries such as textiles, electronics, and shoes, which we hear so much about regularly, but also to the numerically smaller U.S. industries, such as bicycles, ball bearings, specialty steel, and many, many other similarly situated.

The import problem to these industries is just as real, just as acute, and just as potentially disastrous as it is to their larger brothers in the U.S. industrial complex.

For example, let us consider the case of the U.S. specialty steel industry. By overall steel standards, the specialty steel industry is rather small, accounting for approximately 1 percent of the total domestic steel shipments. However, the shipments of the specialty steel industry account for approximately 7 percent of the total steel industry dollar volume. In short, the specialty industry is traditionally and appropriately characterized as a low-volume, high-cost industry.

During calendar year 1970, no less than 21 percent of the specialty steel consumed in the United States was supplied by offshore mills. In the two largest segments of the specialty industry, foreign producers supplied 22.1 percent of the U.S. steel market and 17 percent of the U.S. tool steel market.

In 1970, the foreign share of the U.S. stainless steel market, although remaining relatively static on a volume basis, increased 22 percent over their 1969 market share. At the same time, total U.S. demand for stainless steel dropped 20.1 percent and shipments by domestic stainless producers dropped 22 percent.

The situation is no better in the tool steel segment of the specialty steel industry. Specifically, in 1970, while U.S. total steel demand dropped 17.9 percent over 1969 levels, U.S. imports of tool steel increased approximately 15.6 percent. This absolute increase in tool steel imports at a time of rapidly declining market, allowed the foreigners to increase their market share to 17 percent compared with a market share in 1969 of 12.1 percent.

From an objective point of view, there can be no question of the importance of this industry to our Nation's national security. I would add, however, that considerations of national security are of little solace to the individual steelworker who has already been deprived of his livelihood by these unrestrained imports.

Mr. Speaker, this problem must be confronted and it must be confronted now—not 6 months from today and not a year from today—but now. Last year, after lengthy hearings in committee and extended debate on this floor, this body saw fit to pass and forward to the other Chamber the Trade Act of 1970. This extensive piece of trade legislation provided the mechanisms for alleviating the drastic import problem with which we are faced today. Unfortunately, this bill was allowed to die in the other Chamber. The workers at Carpenter Technology need help now, in this session, to protect their jobs.

This legislation has been reintroduced this session, but to date has not been brought to this floor for consideration. We cannot allow the continued sapping of the vitality of our American industry by these unrestrained imports. Therefore, Mr. Speaker, I strongly urge that Mr. Mills' trade legislation be promptly called before this body for due consideration.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks, and to include extraneous material on the subject of trade legislation.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE PURE DRINKING WATER ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Robison) is recognized for 10 minutes.

Mr. ROBISON of New York. Mr. Speaker, we have not held hearings this session on the subject of national drinking water standards, but when these hearings commence, and we have before us the most noted and knowledgeable water hygiene experts in the country, I would like to propose that the following questions be asked:

First, how many chemical agents presently find their way into our drinking water supply?

Second, how many viruses are present today in our drinking water?

Third, how many metallic elements are there in our drinking water sources?

Fourth, what are the long-range health effects of the chemicals, organic elements and biological agents now known to be in our water supply?

Fifth, what are the genetic effects of these agents, which we now know are present?

Mr. Speaker, I do not profess to be one of those noted, knowledgeable authorities who could respond to these questions. Yet, I can, with full confidence, give you the answer to each of these questions. Very simply, the answer is: "We do not know."

With the same certitude, Mr. Speaker, I can state to my colleagues: We can know. We have priceless expertise and technology in this Nation which can give us answers to these questions. All that is needed is the proper national resolve and concentration of resources. To answer these questions with the research capabilities we now have, is to give ourselves and future generations the assurance that our drinking water meets the highest standards of hygiene.

As I have tried to demonstrate during these past several days, we do not have such assurance now. Yet, I would hope that H.R. 437, the Pure Drinking Water Act, will serve in part to release us from the ignorance which now surrounds the question of drinking water contaminants.

Any confusion or lack of information which may have existed last September, when I first introduced this measure, has been answered voluminously during the past months by concerned authorities directly responsible for the safety of our drinking water. I submit now two documents for the information of my colleagues which represent the active concern of both the parties responsible for supplying drinking water, and those professional and research organizations interested in the quality of our drinking water. In the following letter to Acting Commissioner David P. Dominick, Water Quality Office, Environmental Protection Agency, dated February 16, 1971, these individuals urge maximum support for new legislation to strengthen the Federal water hygiene program.

Dear Commissioner Dominick: We, as individuals concerned with the Nation's public water supplies and as representatives of the major professional organizations in this field, wish to thank you for the opportunity you gave us on January 13 to discuss with you and your staff the need for strengthening the Federal water hygiene program.

Our discussion focussed mainly on three important issues:

The need for new legislation extending and reinforcing the current Federal program of public water supply protection.

The need to give visibility to the program of water hygiene in the Environmental Protection Agency.

The need to increase the funding base for the water hygiene program.

The points we wish to stress are summarized below.

We urge that you provide maximum support to legislation which will be introduced into the Congress to strengthen the water hygiene program. Essential elements of this legislation include research, training, technical assistance, technology transfer, surveillance and encouragement of State programs. A system of Federal grants for construction of treatment works is not considered necessary, nor is any change recommended at this time in Federal enforcement procedure. The new legislation should recognize in particular the new hazards associated with trace metals, organic and inorganic compounds, and viruses in water. We emphasized that current water treatment practice does not remove these impurities. New legislation should recognize also the strains being placed on existing urban water distribution systems by metropolitan area growth.

The need for an increased appropriation for the Federal water hygiene program is evident in the fact that the current 1971 appropriation, 2.8 million dollars, frankly is incredibly small given the importance of this National program and the potential threat to the public health associated with inadequate and overextended public water supply systems. We recognize, of course, that a significant increase in appropriations must be compatible with an effectively staged growth rate of the Federal program. However, we should like to point out that a substantial basis for growth exists in the current professional resources of the program. It is not a program that will start out from scratch. There is, in fact, an extensive professional experience, a high level of professional competency, and a proven leadership capability. These program resources are supported by parallel intellectual and research resources at many universities of the country. In this latter connection, we wish to point out that the combination of institutional and categorical grants would be most valuable in utilizing the university resource.

It is reasonable to expect that the water hygiene program will be very closely involved with the water pollution control program of EPA. We feel, however, that care must be taken that the water hygiene program does not lose its identity. This, in effect, happened when the Federal Water Quality Administration was established. Many individuals in Congress and in the Administration assumed that the very substantial growth of the Nation's water pollution control program also covered the Federal responsibility for protection of public water supplies. This, it must be emphasized, was not the case.

Again, we wish to express our appreciation to you for the time you gave us and for your understanding of the need to strengthen the Federal water hygiene program. We and our professional organizations propose to do all we can to assure that this program is strengthened in accordance with the Nation's need. Your help in this matter in critically important. Further, you may feel free to call upon us individually or collectively for any assistance we may be to you or your staff.

Sincerely yours,

E. Robert Baumann,
P.E., Past President, American Association of Professors in Sanitary Engineering (Professor of Civil Engineering, Iowa State University)

Bernard B. Berger,
Chairman, Committee on Environmental Quality Management, American Society of Civil Engineers (Director, Water Resources Research Center, University of Massachusetts)

James B. Coulter,
Chairman, Council on Environment, American Public Health Association, and Past Chairman, State Conference of State Sanitary Engineers (Deputy Secretary, Maryland Department of Natural Resources)

Leonard B. Dworsky,
Chairman, Universities Council on Water Resources Committee on Education and Research in Water Quality (Director, Water Resources and Marine Sciences Center, Cornell University)

Eric F. Johnson,
Executive Director, American Water Works Association

Jay H. Lehr,
Executive Director, National Water Well Association

Daniel A. Okun,
Past President, American Academy of Environmental Engineers (Head, Department of Environmental Sciences and Engineering, University of North Carolina)

In addition, Mr. Speaker, I would like to include Resolution No. 9 of the Federal Water Pollution Control Advisory Board, dated February 9, 1971, which urges the enforcement of strengthened National Drinking Standards:

Resolution No. 9—National Drinking Water Standards

Whereas, about 12,000 different toxic chemical compounds are in industrial use today, with more than 500 being added each year; and

Whereas, these compounds present known and recognized hazards to human health and beneficial organisms; and

Whereas, the Community Water Supply Study revealed that many systems are delivering drinking water of marginal quality due to pollution by viruses and hazardous substances, deficient physical plants, and poor plant operations by inefficient or inadequately-trained operators; and

Whereas, increasing demands are making the efficient reuse of water of mounting importance;

Now, therefore, be it resolved that the Federal Water Pollution Control Advisory Board, in regular session assembled February 9, 1971, at Washington, D.C., hereby strongly recommends that the Administrator of the Environmental Protection Agency seek adequate funds to accelerate existing programs of surveillance, technical assistance, and research and training to remedy deficiencies identified in findings of the Nationwide Survey of Community Water Supply Systems; and

Be it further resolved that this Board urges that the Administration seek authority to set and enforce strengthened National Drinking Standards which will cover all types of water pollution.

Mr. Speaker, the men who have made these statements represent virtually the entire water distribution network and water hygiene research effort. Their verdict is unanimous: We must direct increased resources toward water hygiene research and control.

I offer H.R. 437, the Pure Drinking Water Act, as one attempt to meet these needs. I am hopeful that this proposal will soon receive congressional attention.

H.R. 437

To improve and implement programs to assure that United States residents have adequate quantities of safe drinking water by protecting them from chemical, biological, and physical contaminants in public water systems which may adversely affect their health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Pure Drinking Water Act".

DECLARATION OF FINDINGS

Sec. 2. The Congress finds—

(1) that increasing quantities and types of pesticides, organic chemicals, toxic metals and other contaminents are entering the public water systems that serve as sources for supplying the Nation's drinking water; that many of these new contaminents are either not detected or not removed by established water testing and treatment methods; and that these contaminants are consumed daily by the public, thereby presenting a potential hazard to the health of the Nation's water users;

(2) that all public water users should be served by adequate quantities of water that are safe for drinking and other human uses and that public water supply systems should provide water service which meets minimum public health requirements;

(3) that due to the interstate nature of many water supplies and natural sources, the origins of various contaminants, the sale and shipment of such contaminants or products made through the use or production of such contaminants through interstate commerce, and the danger to the public of consuming water containing such contaminants, the Federal Government has the responsibility of establishing a body of National Drinking Water Standards (hereinafter called "standards") and of assisting and encouraging State and local governments to enforce such standards; and

(4) that State and local governments are in need of assistance in supplying the quantity and quality of water required by this Act, and to that end the Federal Government should supply technical assistance, research and development information, testing information, and other forms of technical assistance compatible with the purposes of this Act.

DECLARATION OF POLICY

Sec. 3. The purposes of this Act are—

(1) to assure that all water users will be served by adequate quantities of water that is safe for drinking;

(2) to initiate and accelerate a national research and development program to achieve a high level of safety and adequacy in public drinking water supplies of the Nation;

(3) to establish and enforce national drinking water purity health standards, and to recognize that the implementation of such standards should be the primary responsibility of State and local governments; and

(4) to provide financial and technical assistance to State, regional, and local governments in connection with the planning, development, and operation of comprehensive water hygiene programs.

NATIONAL DRINKING WATER HYGIENE ADVISORY COMMITTEE

SEC. 4. (a) There is hereby established a National Drinking Water Hygiene Advisory Committee (hereinafter called the "Committee"), within the Environmental Protection Agency (hereinafter called the "Agency"), which shall consist of the Administrator of the Environmental Protection Agency (hereinafter called the "Administrator"), who shall be chairman, and fifteen members appointed without regard to the civil service laws by the President by and with the advice and consent of the Senate. The fifteen appointed members of the committees shall be selected from among members of various State, interstate, regional, and local government agencies, of public or private interests contributing to, affected by, or concerned with the quality and quantity of water for drinking and other human uses, and of other public and private agencies, universities, organizations, or groups demonstrating an active interest in the field of water hygiene and public water supply, as well as other persons who have demonstrated an expertise in the area of water quality and quantity, except that persons employed by the Federal Government may not be appointed to the Committee. Each appointed member of the Committee shall hold office for a term of four years, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and

(2) the terms of the members first taking office shall expire as follows: Four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the President at the time of the appointment. The appointed members of the Committee shall be eligible for reappointment.

(b) The Committee shall advise, consult with, and make recommendations to the Administrator on matters relating to activities, functions, and expenditures of the Agency in the field of drinking water quality and quantity control pursuant to this Act. The Administrator is authorized to utilize the services of any member or members of the Committee, in connection with matters relating to the work of the Agency in the field of water quality and quantity control, for such periods, in addition to conference periods, as he may determine.

(c) Members of the Committee appointed under this Act shall, while attending meetings or conferences of such Committee or otherwise engaged in business of such Committee, receive compensation and allowances at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5704 of title 5, United States Code, for persons in the Government service employed intermittently. The Administrator shall not receive any extra compensation for his services above and beyond that which he receives from his employment with the Environmental Protection Agency.

RESEARCH, TECHNICAL ASSISTANCE, AND INFORMATION

SEC. 5. (a) The Administrator shall conduct in the Agency, and encourage, cooperate with, and render assistance to other appropriate public authorities, institutions, and individuals in the conduct of, and promote the coordination of, applied and theoretical research, investigations, experiments, demonstrations, and studies relating to the provision of the adequate quality and quantity of water that is safe for drinking, including—

(1) improved methods and procedures to identify and measure the existence of pesticides, toxic metals, organic chemicals, radioactive substances, and other contaminants in water used for drinking;

(2) improved methods and procedures to identify and measure the health effects of pesticides, toxic metals, organic chemicals, radioactive substances, and other contaminants in water used for drinking;

(3) new methods of treating raw water to prepare it for drinking, so as to improve the efficiency of water treatment and to remove contaminants from the water including biological substances, pesticides, organic chemicals, toxic metals, radioactive substances, and other potentially harmful substances; and

(4) improved methods for and approaches to the provision and delivery of adequate safe water to all users of public water systems.

(b) The Administrator shall cause to be conducted research dealing with the identification of contaminants found in water used for drinking, an assessment of the maximum safe limits of such contaminants, methods of detection of such contaminants which could be employed by State and local health and water officials, methods of eliminating such contaminants, the identification of the sources of such contaminants, and other matters consistent with the purposes of this Act.

(c) In carrying out this section, the Administrator is authorized to—

(1) collect and make available, through publications and other appropriate means, information pertaining to, and the results of research, investigations, and demonstrations relating to the provision of adequate quality and quantity of water for drinking, together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in special study; and

(3) make available funds to assist public authorities (including water hygiene agencies), institutions, and individuals in the conduct of research in such instances and amounts which the Administrator determines will promote the purposes of this Act.

(4) make grants to, and contracts with, any State or interstate agency, municipality, educational institution, and any other organization, in accordance with procedures prescribed by the Administrator, which may be made to pay all or a part of the costs, as may be determined by the Administrator, of any project which is designed—

(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the public health aspects of raw water sources, water treatment and purification works, and distribution systems; or

(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the the public health aspects of raw water sources, water treatment and purification works, and distribution systems.

(5) make grants and loans to municipal, cooperative, private, or corporate water systems for the purpose of improving and updating the detection, purification, and delivery mechanisms of said systems, which grants and loans may cover all or part of the costs of such projects.

(d) There is authorized to be appropriated to carry out the provisions of this section: $10,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; $30,000,000 for the fiscal year ending June 30, 1974; $30,000,000 for the fiscal year ending June 30, 1975; and $30,000,000 for the fiscal year ending June 30, 1976.

NATIONAL DRINKING WATER STANDARDS

SEC. 6. Part B of title III of the Public Health Service Act is amended by adding the following new section:

"NATIONAL DRINKING WATER STANDARDS

"Publication of Standards

"SEC. 318. (a) Within ninety days after the date of enactment of this section, the Administrator shall publish proposed national drinking water standards which shall prescribe the minimum quality of water allowable for drinking which can exist in any public water system in the United States, and shall publish the maximum permissible levels for any chemical, biological, physical, radiological, or other contaminants which have been or may be found within such water. Such standards shall pertain to all component parts of the water supply (including but not limited to, the raw water source, the treatment works, and the storage and distribution system, and the adequate construction, maintenance, and operation thereof) and shall include any substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other physical impairment to man which has or may have any other effect on the public health or which may affect the esthetic appearance, odor, or taste of such water. In establishing such standards, the Administrator shall take into consideration the recommendations of the National Drinking Water Hygiene Advisory Committee.

"Comment on Standards

"(b) After the proposed standards have been published pursuant to subsection (a) of this section, the Administrator shall allow thirty days for comment on such standards by interested parties. After considering these comments and other relevant information, the Administrator shall by regulation promulgate and publish such standards with such modifications as he deems appropriate within sixty days after comments have been made pursuant to this subsection. Such standards shall be effective upon the date of such publication. He may from time to time thereafter, by regulation similarly prescribed, revise standards promulgated under this section.

"Records

"(c) Every department, agency, and instrumentality of the Federal Government and of a State, of any interstate agency, or of any privately owned water delivery system, and every person applying for or receiving assistance under this section shall establish and maintain such records, make such reports, and provide such information as the Administrator may reasonably require to assist him in establishing such standards and regulations under this section and in determining whether such department, agency, instrumentality, or person has acted or is acting in compliance with such standards. Officers or employees duly designated by the Administrator, after having furnished written notices, upon presenting appropriate credentials to the appropriate department, agency, instrumentality, or person in charge, are authorized to enter any establishment or facility or other property of such department, agency, instrumentality, or person in order to determine whether such department agency, instrumentality, or person has acted or is acting in compliance with this section including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities, and for the purpose of testing any raw water source of other feature of the public water systems. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with a reasonable promptness. All information reported to, or otherwise obtained by, the Administrator, or his representative, pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out the provisions of this section.

"Noncompliance

"(d) Whenever on the basis of surveys, studies, or reports, the Administrator determines that any raw water source or public water system, including but not limited to water treatment and purification works and the water distribution system, within a State or between two or more States is below or fails to comply with any standards or regulations promulgated under the provisions of this section, or if the Administrator determines that any State or interstate agency has not provided for adequate enforcement procedures for requiring compliance with such standards and regulations, the Administrator shall notify the affected State or States, persons not in compliance, and other interested parties of such failure to comply with Federal standards, regulations, or procedures. Between thirty and ninety days after such notification the Administrator shall call a public hearing, to be held before a Hearing Board of five or more persons appointed by the Administrator. A majority of the Hearing Board shall be persons other than officers or employees of the Agency. At least three weeks prior notice shall be given to the violators and interested parties. On the basis of evidence presented at the hearing, the Hearing Board shall make findings as to whether such public water system is out of compliance with the standards and whether effective progress toward compliance with such standards is being made. If it is determined by the Board that effective progress is not being made it shall make recommendations to the Administrator concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of the contaminants and compliance with such standards. The Administrator shall send such recommendations and findings to the violators, together with a notice specifying a reasonable time (not less than six months nor more than one year) to secure abatement of such contaminants and compliance with such standards, and shall also send such findings and recommendations of remedial action to the appropriate water hygiene agency, if any, of the State or States where the contaminants are polluting such public water system.

"Enforcement

"(e) The Administrator shall allow violators at least six months but not more than one year from the date he sends them recommendations as described in subsection (c) to effectuate the recommended action. If at the conclusion of such period such remedial action or action which in the judgment of the Administrator is reasonably calculated to secure abatement of such contaminants and compliance with such standards has not been taken, he shall request the Attorney General to bring a suit on behalf of the United States to secure abatement of the contaminants and compliance with the standards, unless he determines that the violator is attempting in good faith to comply with the standards but that considerations of physical and economic feasibility make immediate compliance unduly burdensome.

"(f) The district courts of the United States shall have jurisdiction to restrain violations of this section and to enter appropriate orders and judgments. Actions to restrain violations shall be brought by, and in, the name of the United States in the district court of the United States for any district in which such person is found or resides or transacts business. Upon application by the United States and after notice to such person, the district court shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(g) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as in its discretion the court deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of the contaminants and compliance with the standards, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"(h) If the Administrator finds that a public water system is contaminated to an extent dangerous to the health or welfare of the users thereof and that the procedures outlined in subsections (c) and (d) of this section would not be adequate to protect the users thereof from imminent danger, then he shall submit a request in writing to the Attorney General asking that he seek a court order instructing the violator to supply water in conformity with the standards, or, if that is not feasible, to seek a court order to cause the abatement of the use of such water.

"(i) Members of any Hearing Board appointed pursuant to this section who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5704 of title 5, United States Code, for persons in the Government service employed intermittently."

INTERSTATE COOPERATION

SEC. 7. (a) In recognizing that providing adequate quantities of safe drinking water is a responsibility most logically vested in State and local governments, and further recognizing that the State and local governments are best able to implement the standards in order to insure an adequate supply of safe drinking water, the Administrator shall encourage cooperative activities by the States and by local governmental units for the provision of adequate quantities of safe drinking water that meet or exceed the national drinking water standards.

(b) The Administrator shall, in cooperation with the appropriate water hygiene agencies, assure that all public water systems providing drinking water meet the standards.

(c) The Administrator shall draw on the expertise of water hygiene agencies to amend and update the standards as may from time to time be necessary.

(d) The Administrator shall work closely with the various water hygiene agencies to provide them with information and technical assistance so as to facilitate the providing of drinking water which conforms to the standards.

ADMINISTRATIVE REGULATIONS

SEC. 8. The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Administrator such sums as may be necessary to enable him to carry out its functions under this Act other than those provided for under section 5.

DEFINITIONS

SEC. 10. When used in this Act:

(a) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(c) The term "public water system" means any supply of water used for delivery or any system of delivery of drinking water to the consumer by any supplier of water or other public body created by or pursuant to State, territorial, or Federal law and having authority over the provision of drinking including an investor-owned water utility regulated by State law and an Indian tribe or an authorized Indian tribal organization.

(d) The term "water hygiene agency" with respect to any State means the State health authority, except that in the case of any State in which there is a State agency other than the State health authority charged with responsibility for water hygiene, it means such other State agency.

(e) The term "national drinking water standards" means standards for water quality and for other factors which are essential to the provision of safe and potable water for drinking, including the setting of maximum permissible levels for biological, chemical, and all other substances of public health or esthetic importance found therein; and they shall take into account the effect of the construction, maintenance, operation, and surveillance of the drinking water supply system from the raw water intake to the free-flowing tap of the ultimate consumer.

(f) The term "Agency" means the Environmental Protection Agency.

(g) The term "violator" includes only a supplier of water and/or water hygiene agency.

(h) The term "supplier of water" means any person who controls any public water system.

(i) The term "person" includes a corporation, company, association, firm, partnership, society, joint stock company, individual, municipality, and political subdivision of a State.

(j) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

SEPARABILITY

SEC. 11. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

CHANNEL CHANGE THROUGH LAW AND REASON

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, Justice Benjamin N. Cardozo once defined law as being "the expression of the conviction of the present, not the convictions of the past." Cardozo: Growth of the Law, 104.

This year the American Bar Association's theme for Law Day, "Channel Change Through Law and Reason" echoes those words of Cardozo and provides a particularly meaningful directive to young attorneys. As a nonlawyer, I would like to offer an outsider's observations and thoughts regarding changes that are occurring in the legal profession.

No one doubts that we have become a highly complex, technical, and industrial Nation. We have grown to expect that technology has the answer to a better life for all. Any country that can put a man on the moon in less than a decade of concentrated effort is said to be capable of any effort it seriously undertakes.

But, many are beginning to doubt just how seriously we as a country are dedicated to finding the solutions to the great social questions we presently face. We have found that the advent of our great technical society has been accompanied with unprecedented social turmoil. As never before the goals and motives of society are being questioned. And we have found ourselves at a critical junction in history. Can we chart a course for the future of our country which will emulate the high ideals we have inherited?

To a very large extent, the success of our course for the future will rest with the legal profession, for clearly the attitudes and ambitions of the legal profession will reflect themselves in society.

It was not until Ralph Nader personally lead the charge against corporate indifference and consumer exploitation that many of us first realized the approach of new legal horizons. In his article in the Minnesota Law Review—(volume 54, page 493, 1970)—Ralph Nader blasted the legal profession and law schools as the culprits in perpetuating outmoded attitudes and preventing a badly needed evaluation of the entire legal system. Nader observed that—

> This system faithfully nourished and fundamentally upheld a developing legal order which has become more aristocratic and less responsive to the needs and strains of a complex society. In turn, the established legal order controlled the terms of entry into the profession in ways that fettered imagination. Inhibited reform and made alienation the price of questioning its assumptions and proposing radical surgery.

Ralph Nader has not been alone in the call to the legal profession. Spokesmen for more traditional legal organizations have recognized the demands which will face the legal profession. Bernard G. Segal, former president of the American Bar Association noted is an address before a group of Pennsylvania lawyers, that this next decade would require the clear and solemn obligation of the legal profession to provide leadership in a reexamination and reevaluation of the substance of our law and of the agencies which interpret and enforce it, and in effecting the necessary, far-reaching changes which the present critical situation requires.

He continued:

> And *every lawyer* [emphasis added] individually should show his involvement and his concern; he should assume significant responsibilities for service in the public sector. Rarely has the need been so great for the lawyer's skill and craft to be applied in the interests of society." ("A Blueprint for the Bar for the Seventies—Our Higher Calling", 41 Pa. Bar. Assoc. Q. 362, 362 (1970.)

Today, increasing numbers of attorneys, particularly young lawyers, are answering the call to public service. Graduating law students of the highest abilities are avoiding Wall Street for positions with public interest law firms, governmental programs and law firms which are guaranteeing time for pro bono publico causes. A recent article in the Washingtonian, November 1970, lists new firms and legal organizations which constitute the so-called legal antiestablishment, which is endeavoring to serve public interest with legal expertise.

You may also be aware of a recent development in Washington legal practice. The bar association of the District of Columbia has recently ruled that the Stern community law firm, a public interest law group, could place certain advertisements in various media. In announcing the decision Fred Vinson, vice president of the District of Columbia Bar Association said:

> Such advertising is a new phenomenon which, if permitted, must be done in a manner which does not undermine in any way the ethical traditions of the legal profession which are protective of the public interest.

Although I am advised that there are a number of ethical problems involved in such a decision, it seems to be an appropriate issue for consideration by bar associations across the country. Too many of those in greatest need of legal assistance are uninformed of the services available to indigents.

Law schools are responding too. Many schools are now offering courses in environmental and consumer law with other relevant courses. Many are encouraging work-study in cooperation with legal aid and public defender projects. The bar associations in Pennsylvania are encouraging third year law student participation in public service assistance programs under the guidance of practicing lawyers. All of these efforts are to be wholeheartedly commended, for they have offered a tangible response to so many of our present social ills.

Governmental programs to offer legal assistance to indigents are succeeding. For fiscal 1970 the Office of Economic Opportunity through its Neighborhood Legal Services handled in excess of 900,000 legal matters for indigents.

But the important fact is that all of the efforts are being rewarded with tangible achievements in the reform of substantive law. One small example, which has a direct impact on every poor tenant in the country, are the recent successes in withholding rents for basic repairs. Although the procedure is hardly a concrete rule of law, it has had judicial sympathy in the District of Columbia and may rewrite traditional landlord-tenant law.

Other areas of legal activity are numerous. Innovative legal theories are being advanced for consumer class actions, new corporate responsibility, better environmental restriction, and in general new remedies for old injustices. There is no question that a multitude of causes remain to be championed. And one of the principle orders of unfinished business is judicial reform.

Roscoe Pound in 1906, then dean of the Law Department of the University of Nebraska, complained in his address before the American Bar Association:

> Our system of courts is archaic and our procedure behind the times. Uncertainty, delay and expense, and above all, the injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong . . . (See, 57 A.B.A.J. 348, at 351 (1971).)

Chief Justice Burger, in his state of the judiciary address last year struck a similar chord. Clearly the time has come to throw away the old wine and the old bottles. We have too long preached judicial reform without taking the initiative. We need better procedures and processes in the courts, particularly in those courts to which everyday controversies are brought.

We need speedier methods of resolving those conflicts so that access to the courts is available to all. And we need a system of justice which evidences judicial and governmental concern. But most of all, we need a judicial system which can deliver, a system which does provide "Equal Justice Under Law."

Your role in this process must not be indifference. You must assume the responsibility, the leadership and the initiative. You will shape the social institutions of tomorrow and you will be called upon to implement policies and give tangible meaning to the law.

These awesome responsibilities have only to be exercised with the purest of motives and the noblest of ambitions. You, as a new breed of lawyers must develop this "social conscience."

TO IMPROVE THE WHOLESOME MEAT ACT OF 1967

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, the Wholesome Meat Act of 1967 has measurably improved the image of America's meat production and processing industry. When it was passed by the House by the overwhelming vote of 403 to 1, Congress was speaking clearly for the Nation's consumers who were demanding an improved meat inspection system in the States.

Today I am introducing a bill which recognizes the progress made in meat inspection since the enactment of the Wholesome Meat Act.

The major thrust of the Wholesome Meat Act was to encourage States to upgrade their meat inspection system to a point where their health and sanitation requirements were equal to the Federal inspection requirements. To date, some 43 States have qualified for this "equal to" Federal status. It is time to encourage the other States to also qualify. My bill provides encouragement in this direction.

One thing missing from the Wholesome Meat Act was a provision which will permit meat which has been processed in a State which has qualified for "equal to" status to enter interstate commerce. Before States had met the "equal to" provisions, there was obviously no reason to permit such meat to move freely across State lines. Now that 43 States have met the qualifications, a change is needed.

My bill provides that meat processed and inspected in a State holding the "equal to" Federal inspection status is free to move across State lines into other States which also hold the "equal to" Federal designation, providing that the individual meat processing plant shipping the meat has been certified by the U.S. Secretary of Agriculture as meeting the requirements of Federal inspection.

The Wholesome Meat Act, approved by President Johnson on December 15, 1967, authorized the Secretary of Agriculture to cooperate with the States in developing and administering a State meat inspection program that imposes mandatory ante mortem and post mortem inspection, reinspection, and sanitation requirements that are at least "equal to" those under the Federal Meat Inspection Act.

The responsibility of the Secretary requires that he determine which States are operating a program which is at least "equal to," and designate those States which do not have such a program as States in which Federal meat inspection regulations shall apply. States certified as "equal to" the federal system are permitted to retain the integrity and identity of their State meat inspection system.

As originally conceived, the determination of "equal to" State status was to have been made according to a three-step plan:

First. USDA was to determine the adequacy of the: a, state law; b, appropriations; and c, administration and enforcement of the State program.

Second. Require that each of the more than 15,000 intrastate slaughtering and processing plants be reviewed for conformity with Federal requirements. Under this procedure, which has since been adjusted and modified, a State program could not be certified as "equal to" the Federal program until all plants in the State were reviewed and certified as being in conformity with Federal requirements and standards. Recognizing the impracticality of attempting to review for conformity each and every plant within a State, and because of the time, money, and manpower that would be entailed in individual plant review, USDA modified step two as outlined in its "Instructions and Procedures for Reviewing and Certifying State Meat and/or Poultry Inspection Programs." Review of intrastate plants will now be done by statistical sampling.

Third. Determine that the State law and regulations fully meet the requirements of the Wholesome Meat Act, and that the State program fully meets the "at least equal to" status, including the outcome of the statistical plant sampling.

Since the enactment of the Wholesome Meat Act, the question has arisen as to whether meat and meat products prepared under a State system which has met the "equal to" standards and is duly certified by the U.S. Secretary of Agriculture should be allowed to move in interstate commerce.

In my view, there are several compelling reasons why such movement should be permitted:

Quality standards will be assured. The U.S. Secretary of Agriculture has sole authority to grant "equal to" certification. He also has the power to withdraw such certification.

The procedures followed in determining "equal to" status are comprehensive stringent, executed by experts, and cannot be circumvented.

"Equal to" States will be applying laws and regulations accepted by the Secretary of Agriculture as assuring that State inspected products are wholesome, not adulterated, and properly marked, packaged, and labeled. This is the very purpose and objective of the Wholesome Meat Act. If these products are fit for consumption within the State, they should be deemed fit for distribution and consumption in interstate commerce.

Imported meats, which do not have the benefit of a continuous inspection by USDA—USDA certifies a foreign government's laws and regulations and makes periodic checks at the plant level—now travel freely in interstate commerce.

USDA is not opposed to the concept of interstate shipment of products prepared in an "equal to" State, but in the past opposed a change in the law as premature, observing that after the States have clearly established to all concerned; producers, packers, consumers, and regulatory agencies that the State meat inspection systems are clearly and fully equal to the Federal system, this will be the time, in our opinion to consider permitting the product of such inspection to move in commerce.

My bill provides the opportunity for States and individual meat plants clearly to establish that they are operating fully "equal to" the Federal inspection system.

Some have argued that because of the statistical sampling of plants in certifying a State as "equal to" the Federal system, there may be individual plants which are, in fact, not "equal to" the Federal system. My bill provides that each plant whether it was part of the statistical sampling or not, which desires to ship meat in interstate commerce from one "equal to" State to another must first be certified as having an inspection system and fully complying with the Federal inspection regulations.

With 43 States now designated as having an inspection system "equal to" the Federal program, and many others working hard toward that goal, it is time to permit the freer flow of meat which is processed and inspected in the "equal to" States. The Consumer and Marketing Service of USDA, the National Independent Meat Packers Association, and the Illinois Department of Agriculture have informally endorsed the concept of my bill. The National Grange, in testimony before the Livestock and Grains Subcommittee of the House Committee on Agriculture on March 25 called for the changes in the meat inspection act which my bill proposes. The American Farm Bureau Federation also endorses the concept of permitting meat processed in "equal to" States to flow freely in interstate commerce.

I am hopeful for early hearings on the measure so that States which have developed an inspection system "equal to" the Federal program may receive some benefits for their efforts, and those States which have not yet received "equal to" certification may be encouraged to step up their efforts toward this end.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Today, 5 million more American families own stock than in 1963, while 23 million more have savings accounts. Home ownership has gone up from 33 million to 37 million since 1960. Multicar ownership has gone up from 9.5 million to 14.7 million during the same time.

DEPRECIATION ALLOWANCES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. COLLIER) is recognized for 5 minutes.

Mr. COLLIER. Mr. Speaker, I appreciate having this opportunity to present my views on the subject of depreciation allowances.

Many of the residents of the completely urbanized district which I represent in the Congress are engaged in manufacturing and other businesses, either as owners of such establishments or as employees, and are directly affected by changes in depreciation allowances. As a member of the Committee on Ways and Means of the House of Representatives, I have made an exhaustive study of the subject of depreciation as it relates to Federal taxation.

My study has included attendance at public hearings and participation in executive deliberations of the committee, consideration of the pros and cons expressed during debate on the floor of the House, and visits with industrial leaders in my district and neighboring Chicago.

I was pleased when the Treasury Department announced, on January 11, that the Internal Revenue Service would adopt a modernized and simplified system of depreciation allowances for equipment and machinery. I cannot agree with those who have designated this action as an unwarranted windfall for business, because the immediate loss in revenue would be more than offset by the higher investment, greater productivity, and increased economic growth that would result. With corporate income tax rates as high as the traffic will bear, if not beyond that point, corporations are merely getting back some of the excess taxes they pay, rather than receiving a windfall.

Although I am most jealous of the

Congress' constitutionally established jurisdiction in this area and acutely aware of the fact that all revenue measures must originate in the popular branch, I do not look upon the Internal Revenue Service's recent action as an usurpation of the powers of the legislative establishment. We, in the Congress, have authority and responsibility when it comes to writing necessary revenue legislation, but obviously cannot dot every i and cross every t in the regulations that are necessitated by the Internal Revenue Code that we have enacted into law. While reserving to ourselves the right to pass corrective, remedial, or other pertinent legislation, we must delegate some authority to the executive branch. Inasmuch as changes have been effected by administrative action for almost half a century, the most recent by President Kennedy in 1962, I am forced to turn a deaf ear to those who castigate President Nixon for taking similar action.

I wholeheartedly support the Department's proposal, not only because it would help secure equity for those engaged in business and industry, but because it would help reduce unemployment in the machine tool industry. By increasing the number of employed persons, we will simultaneously increase the income tax revenues through withholding and reduce governmental expenditures for unemployment relief.

Implementation of the proposed depreciation guidelines would not only reduce unemployment, but would also benefit those who are already employed. An increase in productivity brought about by the substitution of modern equipment for obsolescent machinery would benefit both employer and employee. The former would be in a better competitive position, both at home and abroad, while the latter's wage increases would not be devoured by inflation.

Mr. Speaker, I hope that the Internal Revenue Service will note that amounts set aside for replacement of wornout machinery and other equipment are subject to the ravages of inflation, which means that additional money must be procured when the time comes for replacement. Accelerated depreciation will help to offset such extra expenditures.

Thank you for your courtesy, Mr. Speaker.

HEW PEACE ACTIVITIES

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, we are all generally aware of the variety of anti-Vietnam war activities which have taken place during the past month in the Washington area. I support every American's constitutional right to free speech and assembly, but during this past month that right has been abused by interfering with the rights of others.

I would like to call to the Members' attention one area of this activity that disturbs me greatly. At this point in the RECORD I would like to insert a flyer which describes the "HEW Peace Activities" scheduled for the month of April.

> HEW PEACE ACTIVITIES
>
> April 17 (Wed.) Indochinese film festival (first of three weekly films to be shown each Wednesday) 12 noon to 1:00 PM Room 1137–North Title: "And Time Is Running Out" (45 minutes). This film portrays the effects of the war on the Indochinese civilian population and presents the May Day Movement's demand: "If the Government won't stop the war—we'll stop the Government."
>
> April 8 (Thurs.) Rennie Davis, National Coordinator of the People's Coalition for Peace and Justice 11:45 AM North Auditorium. He will speak on the spring anti-war activities and how HEW employees can become involved.
>
> April 14 (Wed.) Indochinese film festival (film No. 2) Title: "People's War" Rm. 1137-North. This film shows the North Vietnamese people under war conditions (August 1969) organizing to defend their country.
>
> April 15 (Thurs.) Vietnam veterans against the war (11:45 AM Room G-751 North. Representatives of the estimated 5,000 Vietnam veterans who will be marching on Washington April 19–23 will speak about the war.
>
> April 21–22 (Wed.-Thurs.) Referendum: The war in Indochina. All HEW employees will be asked to participate by voting on several national issues.
>
> April 21 (Thurs.) Indochina 1971: How is the war different? 11:45 AM Rm G-751 North. A panel of Washington activists, including individuals who have recently met with Vietnamese and Laotians, will speak to the changing characteristics of the war.
>
> April 24 (Sat.) Peace rally and march. The Federal employee's contingent will meet at 10:30 AM in McPherson Square (15 & K Streets, N.W.).
>
> April 28 (Wed.) "The Advocate": Special issue. This issue of The Advocate will focus entirely on HEW and its relationship to the war.
>
> April 28 (Wed.) Indochinese film festival (last of 3) 12 Noon to 1 PM Rm. 1137–North. Title: "Struggle for Life." This film was produced by the National Liberation Front (NLF) to show the struggle for liberation in South Vietnam and to show the health services provided by the NLF.
>
> April 29 (Thurs.) People's lobby HEW will be the all-day focal point of the anti-war activities. Representatives from NWRO and SCLC will discuss the war and oppression here at home with HEW employees at 12 noon in the Auditorium.

Among the events listed on the schedule, you will note Rennie Davis, national coordinator of the People's Coalition for Peace and Justice, speaking on April 8 in the North Auditorium regarding the "Spring anti-war activities and how HEW employees can become involved." Representatives of the Vietnam Veterans Against the War were to address employees about the war on April 15 in the North Building. The Indochinese Film Festival included three films; one portraying the effects of the war on the Indochinese civilian population and presenting the May Day Movement's demand:

> If the Government won't stop the war—we'll stop the Government.

Another film, identified as being produced by the National Liberation Front, showed the struggle for liberation in South Vietnam and health services provided by the NLF. A third film, which I presume was also produced by the National Liberation Front, showed the North Vietnamese people under war conditions organizing to defend their country.

These "peace activities" certainly were not designed to promote loyalty or harmony within the Government, and I frankly am at a loss to understand why they were permitted to take place on Government property. I am sure there are those Government employees who have personal convictions against the war in Vietnam and would like to attend activities such as these. But it is totally incomprehensive to me why the Department of Health, Education, and Welfare is accommodating these protest groups in presenting their message by making Government space available to them to show Communist-produced films and speak to Government employees about how they can actively work to halt the operations of the Government.

The American public has elected a President to direct our Government's operations and dictate our country's policies. Although some Americans disagree with the policies of the administration, they undoubtedly expect the Government structure itself to remain loyal to the policies of the President. For the most part Americans accept the policies laid down and fully expect the employees of the Government itself to do so. Regardless of the banner under which these activities are permitted—employee relations, employee activities, or other—I see no reason why Government space should be allowed to be used to promote sentiment against the Government's policies, particularly in a matter as serious as the Vietnam war.

How do I explain to my tax-paying constituents who have lost sons and husbands in this war that we are allowing facilities supported by their tax money to be used this way.

I have written to President Nixon and to Secretary Richardson expressing my concern over this action, seeking an answer to this question, and urging that this type of activity not occur again in Government buildings.

U.S.S.R., U.S.A., AND THE PANAMA CANAL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in recent years various Members of the Congress in both Senate and House have warned of the long range Soviet program for wresting control of the Panama Canal from the United States. To meet this danger my distinguished colleague from Missouri (Mr. HALL) and I have introduced identical resolutions expressing the sense of the House of Representatives that the United States should maintain its undiluted sovereignty and jurisdiction over the Canal Zone and canal. Many other Members of the House have joined us in this effort.

The fact that the time has come for the House to act on the indicated resolutions is evidenced by the publication in the September 1970 issue of the New Times of Moscow of a most revealing article by Ruben Dario Souza, the General Secretary of the People's Party of Panama, who visited the Soviet capital at that time. This Soviet support of Panamanian objectives is most significant.

In an article in a recent issue of East Europe, a distinguished international magazine published in New York, Joh P. Speller, its executive editor, quotes a major portion of the Dario Souza article, interprets its thrust as regards Soviet objectives at Panama, and urges a three point program to safeguard the vital interests of the United States. As stated by author, Speller, this program, which does not acquire new treaties with Panama, consists of the following:

First, reaffirmation of U.S. sovereignty in perpetuity over the Canal Zone;

Second, increase of security precautions as regards the employment of aliens in security positions in the maintenance and operation of the canal; and

Third, the major modernization of the existing Panama Canal.

The previously mentioned resolutions to reaffirm U.S. sovereignty over the Canal Zone and canal, although introduced in the House, have not yet been acted upon. Proposed legislation for the major modernization of the canal has been introduced in both House and Senate but hearings have not been held. The question of the employment of aliens in Panama Canal security positions is of prime importance for such employment could paralyze the operation of the canal in a time of crisis.

In regard to the last matter it was the holding by U.S. citizens of security positions that enabled the canal to operate without interruption to transit during the January 1964 Panamanian mob assault on the Canal Zone, which fact won the admiration of the shipping world.

The recent visit of Robert B. Anderson to Panama in connection with a resumption of treaty negotiations emphasizes the importance of prompt action by our Government in the premises.

As the indicated article is most timely and should be of high interest to all Members of the Congress and others concerned with canal problems, I quote it as part of my remarks:

[From the East Europe, Feb. 1971]

Russia, America, and the Panama Canal

(By Jon P. Speller, Executive Editor of East Europe, has been interested in Panama Canal matters for more than a decade. For the past two years he has been working on a book, The Panama Canal: Heart of America's Security, devoted to analysis supporting the major modernization of the Panama Canal proposed by Congressional Panama Canal experts Congressman Daniel Flood (Dem., Pa.) and Senator Strom Thurmond (Rep., S.C.)

In recent years the Russians have vigorously entered into a race for naval supremacy over the United States. Except for the fact that they were foolish to throw down the gauntlet to a competitor with a superior geo-political and industrial base for seapower, the Russians have evidenced a high degree of professionalism in their strategic positioning. Many seapower analysts believe that Russia's naval strategists have placed a high priority on the objective of depriving the United States of use of the Panama Canal.

Recent months have disclosed construction activities essential for the establishment of a Russian submarine base at Cienfuegos, Cuba. A Soviet survey ship has been sighted at South Georgia in the South Atlantic, a potential site for a base controlling the eastern approaches to the only fully navigable passageway other than the Panama Canal connecting the Atlantic and Pacific Oceans in the Americas. The new regime in Chile, should it cooperate with the Russian Navy, could also provide bases suitable for control of the western approaches to these inter-oceanic straits.

Russian strategic planning related to the Southern Hemisphere is cause for alarm. But even more alarming is Russian strategic planning related to the Panama Canal.

The Panama Canal not only represents an essential maritime link for our commerce, but, more importantly, an indispensable supply channel for our Armed Forces. The present locations of our Armed Forces heighten the importance of the Canal as related to our capability for flexible response.

Last September Moscow's *New Times* published an article entitled "New Trends in Panama" disclosing support for the government of General Torrijos in Panama. The views expressed in this Soviet publication are aimed at:

(1) gaining international support for the Panamanian Government in its attempts to get control of the Canal;

(2) a pretense of opposition to the proposed new Panamanian-American treaties in order to obfuscate the very real danger these treaties represent to the vital national interests of the United States.

The vital national interests of the United States—its defense from all enemies, present and potential—prescribe that we:

(1) reaffirm our undiluted sovereignty over the Panama Canal Zone granted in perpetuity by Panama in the treaty of 1903;

(2) increase security precautions related to the operation and maintenance of the canal in regard to the employment of aliens in security positions;

(3) immediately proceed with major modernization of the existing canal.

Steps are now being taken in the Congress that aim to implement this program, which does not involve the negotiation of any new treaties with Panama and safeguards United States interests as well as the security of the entire Western Hemisphere, including Panama.

The *New Times* article (September 30, 1970) attributed to Ruben Dario Souza, Russia's *sputnik* in Panama, is reproduced in full:

"Earlier this month the Panama government officially announced that the draft treaties on a new status for the Panama Canal, drawn up in Washington in 1967, were unacceptable as a basis for resuming negotiations on this question. The Panamanian authorities declared that the United States must turn over the Canal Zone to Panama.

"What prompted the Panamanian government's decision, which has come as a surprise to many? What are the roots of this turn in the country's foreign policy? *New times* correspondent Juan Cobo put these questions to Ruben Dario Souza, General Secretary of the People's Party of Panama, who visited Moscow in September.

"At one time," Souza said, "press comment on developments in Panama was largely influenced by the fact that the National Guard, the only armed force in the country, which came to power after the coup of October 11, 1968, had been organized and trained by the Pentagon. Morover, the Panamanian army leaders arrested a great many representatives of the opposition at the time. The Communists incidentally suffered most from the repressions. I myself was in prison until November last year.

"All this caused the world press to conclude that a conservative military dictatorship had taken over the reins of government. And to some extent, especially at that particular moment, this was indeed the case. However, as time went on, there were increasing signs that the ruling junta was by no means united, that a constant struggle was going on within it between the different views as to the direction the country's development should take.

"It is symptomatic that Washington was in no hurry to recognize the military regime. In the first place, the old order, under which the various clans of the corrupt pro-American oligarchy had alternated in government as a result of elections, suited the U.S. down to the ground. Secondly—and this is more important—the United States was informed by its intelligence agents of the existence of diverse tendencies among the Panama military, including progressive nationalist tendencies, and feared that the latter might take the upper hand. Washington evidently took into account the fact that the National Guard had been created only in 1953, that it was not a caste army, that it consisted of a large percentage of men from the lower and middle strata, who yearn for changes."

"How widespread are such sentiments in the Panama army at present?"

"Today after some reshuffling of the junta leadership, the nationalists are setting the tone. They are led by General Omar Torrijos, the actual leader of the junta and the commander-in-chief of the National Guard. The general described the evolution of his views in a letter to U.S. Senator Edward Kennedy which was published in July in the newspaper *Estrella de Panama*. Torrijos wrote that for a long time the Panama oligarchy had used him personally and the army generally for one purpose only—repressions against the people. This gradually opened his eyes to the cynicism of the former ruling elite and to the needs and demands of the popular masses. The same sort of evolution is taking place in the armed forces of many Latin American countries, and Torrijos attaches much significance to the emergence on the continent of a 'new type' of the military, to which he considers himself as belonging."

"Could the same not be said for the Peru military?"

"Certainly. More, some of Torrijos' colleagues, who have been clearing the country and the National Guard itself of CIA agents, studied at the Centre for Higher Military Studies in Lima and heard lectures by General Velasco Alvarado, now President of Peru. They speak of this with unconcealed pride and voice admiration for Peru's officers. Thus, the nationalist wing of the Panama army is influenced, not only by the sentiments of the Panamanian masses, but by the general shift to the Left in Latin America as manifested, among other things, in the present policy of the Peru military."

"In that case Washington's cautious attitude towards the Panamanian junta is indeed understandable . . ."

"Washington not only displayed caution, it did everything possible to get rid of Torrijos and his followers, whose position throughout last year grew steadily stronger. On December 15 four junta colonels took advantage of Torrijos' absence in being a Communist and allowing Leftists to penetrate the government. One of the conspirators, Colonel Sanjur, tried to induce the army officers to join in the putsch by assuring them over and over again that 'everything is in order; don't worry, the CIA guarantees us full support.' Official documents published after the conspiracy was exposed and Torrijos had regained control of the situation, charged the CIA with direct complicity in the putsch. And there is ample evidence to support the charge. Here is one fact. Three of the rebel colonels who escaped from jail shortly after their arrest were given asylum in the Zone and later, despite the protest of the Panamanian authorities, were sent on to the United States."

"What happened after that?"

"Judging by everything, the CIA-engineered putsch acted as a sort of catalyst of the processes that have long been maturing within the junta. It was this evidently that induced Torrijos and his group to take resolute action. And this was logical enough. Finding themselves in a political vacuum after the December 15 events, Torrijos and his followers appealed for support to the lower and middle sections of the population. And this naturally forced the army to give more attention to the aspirations of these sections.

"At the beginning of January this year Juan Antonio Tack, a man known for his progressive views, was appointed to the post of Foreign Minister. At a session of the Organization of American States, Tack delivered a speech denouncing imperialist policy.

"Certain changes have taken place in the internal life of Panama as well. This summer nearly all the political prisoners from progressive parties and organizations, including Communists, were released from jail. The government has recognized the National Labour Centre, formed this year as a counterweight to the old trade union confederation whose leadership was completely under the control of the Americans and the local oligarchies. Under pressure from the peasant masses, the agrarian reform has been speeded up. Student organizations, which have quite a revolutionary tradition in our country, have been restored.

"Then the Panamanian government's position on the question of the Canal may be seen as a logical manifestation of these new tendencies?"

"Of course. But I should like to make it clear that Panamanians are concerned at present less about the question of the Canal itself, than about the extensive zone which adjoins it and which has become a 'state within a state.' The Pentagon has turned the zone into a powerful base of operations located far south of the U.S. borders and spearheaded not only against Panama but against all of Latin America. That area should by rights belong to Panama—on this the bulk of the population of the country is unanimous.

"Now about the Canal itself and its exploitation. . . . Until quite recently there was a good deal of talk in Washington about the possibility of building a new waterway between the Atlantic and the Pacific, a sea-level canal cutting across Panama, Colombia or Nicaragua, big enough to accommodate modern vessels. But of the 25 million dollars allocated by the U.S. Congress for surveying the new routes, $18 million were earmarked for work in Panama. And not long ago it transpired that the Americans had decided simply to expand and reconstruct the existing canal. In violation of all legal norms, they proceeded to put their project in operation without even informing the Panamanian authorities of their intention. The Panama government protested the action and the National Guard occupied the neighboring Rio Hato area, formerly a Pentagon artillery range.

"After that the draft treaties on a new status for the Canal, drawn up to the detriment of our country's interests back in 1967, were in effect declared invalid by Torrijos. It was at this point that the *Christian Science Monitor* wrote about Washington's concern over indications of General Torrijos 'wanting to follow a more independent, nationalistic course.' "

"What was the reaction of the Panamanian democrats to this?"

"The Left forces, and particularly the Communists, regard the present developments as positive. The Panamanian democrats do not close their eyes to the fact that the policy of the Torrijos government is a variety of bourgeois reformism, that in many respects it is dictated by objective circumstances and is none too firm. Nevertheless, we are convinced that in the interests of the democratic forces we must make use of the specific nature of the present period which we regard as transitional.

"The principal task, the Communists hold, is to build an alliance of all the anti-imperialist forces in Panama and secure the establishment of a truly democratic system which would make it possible to intensify the struggle for genuine independence. We fully realize that this is by no means an easy task. Washington will of course continue to seek allies in the armed forces in order to achieve its ends with their help. If it fails, it is not excluded that the CIA will try to build up reactionary terrorist organizations and sow havoc in the country, as it did in Guatemala. All the more important is it for us to strengthen the unity of all anti-imperialist forces and together counter the machinations of Yankee imperialism."

ECONOMIC IMPACT OF THE TRANS-ALASKA PIPELINE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, today I am including in the CONGRESSIONAL RECORD a very important report by an Alaska State agency which concludes that construction of the proposed Trans-Alaska pipeline could hurt the economy of Alaska more than it would help. The 27-page report, entitled "Community Impacts of the Trans-Alaska Pipeline," was prepared by the Alaska State Housing Authority "in cooperation with the Local Affairs Agency, office of the Governor."

I believe this is the most surprising and significant report on the pipeline released to date. Considering that the source of this report comes in part from the office of the Governor of Alaska, it convincingly demonstrates that there are reservations about the pipeline from all sides. The report predicts that the number of job seekers who will be attracted to Alaska, if the 800-mile pipeline is approved, will far exceed the 300 permanent pipeline jobs, and could cause the State's unemployment to be the highest in the country.

The report states:

> Already, anticipation of the pipeline has had this effect and the social and economic impact on communities has been powerful. For example, in the Anchorage area during June of 1970, the unemployment rate climbed from 8.8% to 11.2% as immigrating job seekers joined the labor market.

According to the report, a large influx of workers into Alaska would also: Place a large burden on cities, which will have to provide additional services such as housing, education, and welfare without a proportionately expanded revenue base; and cause competition between newcomers and Alaskan citizens, not only for a few permanent pipeline jobs available, but for nonpipeline related jobs as well.

This report, I believe, convincingly explodes two myths. The first myth is that all Alaskans—and especially State officials and agencies—are enthusiastically supporting the trans-Alaska pipeline. The report shows that this unity has been at least partly contrived. The second myth is that the pipeline would be a panacea to all of Alaska's economic problems. After this report, only the most naive could continue to believe that. In fact, there is extremely strong evidence that Alaska would be much better off economically, as well as environmentally, if the Canadian pipeline were built instead of the Alaska route.

One of the points that the report makes so well is that the problems a boom psychology could create for Alaska are potentially enormous. The problems that the Alaskan city of Kenai has had due to rapid petrochemical development in the last 10 years, as cited in the report, is instructive. The State Housing Study calls Kenai "a preview of the danger that could affect Alaska on a much larger scale" in the case of the pipeline. The report states that:

> Since Kenai's economic boom has passed unemployment is rising to new highs and population, work force, and payrolls are declining to a lower level.
>
> In contrast, the pipeline project does not have a compensating measure of permanent employment to soften the impact of the shutdown of construction. The 300 pipeline and terminal maintenance jobs gathered from Prudhoe Bay to Valdez amount to only one twenty-fifth of the construction employment at its estimated peak point.

A few other significant quotes in the report include:

> The permanent pipeline employment would be only about 300, an amount equivalent to one of the department stores in Anchorage (p. 1).
>
> Alaska's history is rich with experience—bitter experience that should teach Alaskans to be cautious in approaching a temporary boom time (quoting *Alaska Construction and Oil Report*).
>
> Regardless of the timing of actual construction, news of the pipeline's approval would bring a rush of job seekers to Alaska, people who have been lured by tales of black gold and a land of opportunity (page 9).
>
> Amazingly enough, if the pipeline is approved for 1971 construction, Alaska could reflect the highest unemployment figures in the nation amidst the boom. The answer is simply that the Alaska job potentials will attract thousands from depressed regions from other states—causing Alaskan statistics to soar upward (page 11, quoting Alaska Construction and Oil Report.)

I am hopeful that this report indicates a growing awareness on the part of many Alaskans including those in the State government that there may be more acceptable and profitable alternatives for Alaska of getting the North Slope oil to market. This report is so revealing and incisive that it is imperative that the Alaskan State officials reassess their thinking on the advisability of constructing the trans-Alaskan pipeline. It is time for the State of Alaska to fully study—independently of the oil companies—which pipeline alternative is really best for Alaska.

The report follows:

COMMUNITY IMPACTS OF THE TRANS-ALASKA PIPELINE

GENERAL CONSIDERATIONS

The construction phase of the trans-Alaska pipeline would be intense, but very brief. Current estimates place the peak employment at about 7500.[1] In contrast, the permanent pipeline employment would be only about 300, an amount equivalent to employment at one of the department stores in Anchorage. Construction would last only two and a half seasons. The economics of oil production dictate rapid completion of the pipeline. Wherever possible, time would be saved by intensive use of money and manpower. Once construction is completed, the direct employment generated by the highly automated pipeline would be a minor part of Alaska's total employment.

---

[1] Data in this report on pipeline related employment is from the Alyeska Company.

In estimating the impact of an awesome project such as the pipeline there is a temptation to exaggerate the economic benefits which will accrue to affected communities. Most people see development in terms of added jobs and personal income. There is an emotional bias towards optimistic prediction. Anticipation of the pipeline has exemplified this tendency. There has been very little reflection on the shortness of the construction employment and the probable size of permanent employment. In the press no distinction has been made between peak seasonal construction employment and annual averages, with a consequent exaggeration of expectations. (See table VI.)

Over-estimation of actual benefits of development can do great harm to communities and individuals, especially when they are inspired by a very temporary spurt of growth such as the pipeline construction. "Alaska's history is rich with experience—bitter experience—that should teach Alaskans to be cautious in approaching a temporary boom time." [2]

The City of Kenai provides a preview of the danger which could affect Alaska on a much larger scale if we refuse to be realistic about the actual impact of the pipeline construction. Over the 1960–1970 decade, Kenai-Cook Inlet District was the fastest growing region in the State. Petrochemical exploration and development and associated construction activity fueled rapid population and economic growth. (See table I).

That is the rosy side of the picture. Contemporaneously, in that district gross unemployment grew rapidly, if less noticeably, nearly doubling over the decade. Apparently, many of the new jobs went to workers newly attracted to the boom area, and more workers came than could find jobs. Furthermore, now that the boom has passed, unemployment is rising to new highs and population, workforce and payrolls are declining to a lower level.

Employment levels in two industrial sectors were bellwethers for the "boom and bust" cycle of economic activity. Construction employment reached extraordinary heights then declined precipitously as the industrial, commercial and residential demands triggered by petrochemical development tapered off. To a lesser degree, mining employment shot up and then dropped off as development matured.

Some measure of the steepness of the decline is indicated by table II, comparing employment figures for the first quarters of 1967 and 1970. Construction employment is returning to a sustainable level, far below previous peaks, and mining employment is settling toward the level of permanent new jobs created in petrochemical industry.

In sum, the short term impact of the development phase was to boost employment and payrolls. Obscured by this flashy growth was the fact that general unemployment also rose rapidly, mainly due to a heavy influx of outside workers. As the boom broke, the region was vulnerable to a severe employment decline. The major long-term benefit was the solid core of permanent employment in new industrial jobs.

Fortunately, in the Kenai area, the establishment of a number of petrochemical plants tempered the decline in mining employment.

To a degree, permanent plant jobs have replaced construction and development jobs. In contrast, the pipeline project does not have a compensating measure of permanent employment to soften the impact of the shut-down of construction. The 300 pipeline and terminal maintenance jobs scattered from Prudhoe Bay to Valdez amount to only 1/25 of the construction employment at its estimated peak point. Operation of the Prudhoe Bay field will require a workforce of 150 to 400 persons and the refinery at Fairbanks may employ as many as 150 persons.

CONSTRUCTION IMPACT

Our assignment is to estimate the impact of the pipeline in terms of economic and social effects on Alaskan communities. Other forms of impact, involving wildlife habitat, and effects on the existing highway system, are being considered separately. The community impacts of the project would vary widely over time and should be seen as a series of impacts accompanying different stages of the pipeline project.

Preconstruction

The Alyeska Company anticipates a substantial amount of direct or contract employment this summer preparatory to any actual construction on the road to the North Slope or the pipeline. Currently, about 75 truckers are employed moving pipe from Valdez to Fairbanks. This summer the company plans to let contracts for coating the pipe, a step which must be taken to prevent corrosion regardless of whether or not the pipeline route is approved. Coating will require 60 men apiece at Prudhoe Bay, Valdez and Fairbanks. In addition, along the pipeline route, there will be 40 surveyors and 4 to 5 men apiece at 18 test drilling rigs. Within Alaska, the Alyeska Company currently employs about 115 people in administrative or professional capacities.

In all, approximately 500 people will be employed during the preconstruction stage, either directly or under a contract with the company. This activity will, in turn, mean additional revenues for service businesses, particularly aviation services. It is doubtful, however, that preconstruction employment related to the pipeline is of a magnitude that will have an appreciable secondary impact in terms of new employment in service industries in Anchorage and Fairbanks. In both these larger communities there is much capacity to accommodate additional trade within existing service industries. In anticipation of the pipeline, service industries have been expanded. The pipeline failed to materialize, and businesses have suffered. For example, employment in air transportation services in the Fairbanks area has decreased by one-third during the past year from 900 in December 1969 to 600 in December 1970.[3] In this situation the pre-construction pipeline employment would increase business income per employee rather than add to total employment in the industry.

Valdez is a different story. Here pre-construction employment, the 60 employees at the coating plant, plus the trucking employment and longshoremen handling unloading of valves and other pipeline equipment, represent a 50% increase in the existing employment base. Estimated total employment in Valdez in 1969 was only 320 persons.[4] Preconstruction will bring a surge of new money to Valdez which will greatly strengthen the community's few trade and service businesses.

As in Anchorage and Fairbanks, businesses in Valdez have geared up for pipeline construction and then been left with unused capacity by the construction delay. There is room to accommodate growth, but the impact of the pre-construction employment will be so large in relation to the community's size, that the trade and service industries will probably be expanded and new workers added. The effect on community facilities and services will also be proportionately much stronger in the smaller community. Valdez has virtually no unoccupied housing. All the liveable homes are occupied and new employees coming to the area must build or import their own dwellings.

The City was understaffed and underfunded before the pipeline activity. Valdez, like many other small cities, must carry out a full range of municipal functions without the revenue base to support them. This gap between the City's responsibilities and financial capability will be expanded by the pipeline employment. Revenues from the property tax, since they are based on the prior year's assessment, will lag behind the increased need for public services caused by the newcomers. Likewise, allocations under the State's shared revenue program, based on the population of the 1970 Census, will remain static.

It can be expected that this pattern will be continued and intensified as added pipeline employment arrives in Valdez during other stages of the construction project. A community of 1100, such as Valdez, has a very limited existing capacity to accommodate growth. The impact of a project such as the pipeline is relatively much stronger than in a larger, more diversified community. The same set of forces will characterize the impact of the pipeline construction on the smaller communities along the route such as Glennallen, Big Delta and Stevens Village.

To assist Valdez and other small communities in this dilemma, the State should revise the population basis of its revenue sharing program as needed to reflect the community's actual population. The State should also consider a change in the formula of its grant allocation to very small communities. Addition of a minimum grant clause to the revenue sharing legislation would recognize the fact that, below a certain minimum, municipal costs do not vary with population size. The Alyeska Company could assist Valdez in timely provision of municipal services by prepaying its real property taxes, or by buying an issue of Valdez municipal bonds or tax anticipation notes.

Initial construction

The Alyeska Company has stated that even if the Department of the Interior approves the route this spring, there is no way that they could start laying the pipe before the summer of 1972. Contracting, hiring and the logistics of deploying men and materials are too complicated to be accomplished any sooner. The first job in building the line would be construction of airstrips to enable fuel supply. This would be followed by the construction of the pipeline road north of the Yukon. The company estimates that if the permit is received in the early summer, much of the road construction could be accomplished during the fall months. Employment for this part of the project is estimated at 1,800.

Regardless of the timing of actual construction, news of the pipeline's approval would bring a rush of job seekers to Alaska, people who have been lured by tales of black gold and a land of opportunity. Already anticipation of the pipeline has had this effect and the social and economic impact on communities has been powerful. For example, in the Anchorage area during June of 1970 the unemployment rate climbed from 8.8 percent to 11.2 percent as immigrating job seekers joined the labor market. Normally in June unemployment drops as the summer work season picks up. Between May and June of 1970, 2,200 unemployed were added to the

---

[2] *Alaska Construction and Oil Report*, "Outlook for Employment", January, 1971.

[3] Alaska Department of Labor, Employment Security Division, *Alaska Economic Trends*.

[4] Department of Economic Development, *Standards Industrial Survey, 1969*.

Anchorage area workforce and 700 were added to the Fairbanks area workforce.[5]

The majority of the job hunters unrealistically assessed both the prospect of finding a job matching their skills and the costs of living in Alaska. The City's welfare resources were strained and people sought desperately for low cost housing. Some managed to find a source of livelihood and stayed through the winter, contributing in part to the near crisis in accommodating school enrollment in Anchorage during the fall of 1970. There was a similar influx and impact in Fairbanks.

Despite efforts by both the State and the Alyeska Company to discourage premature or insufficiently skilled job seekers, announcement of pipeline approval is likely to intensify the rush to Alaska. The *Alaska Construction and Oil Report* has observed:

"Amazingly enough, if the pipeline is approved for 1971 construction, Alaska could reflect the highest unemployment figures in the nation amidst the boom. The answer is simply that the Alaska job potentials will attract thousands from depressed regions of other states—causing Alaskan statistics to soar upward."[6]

Peak construction

The Alyeska Company has estimated that it will take 15 to 17 months for the pipeline construction to reach its peak of activity and employment. Completion of the road is a prerequisite to pipeline construction north of the Yukon. For this reason, the company won't be working on the full length of the line until the latter half of the second year of construction. At peak construction, about 7500 persons will be working on the total project. (See tables IV and VI.)

The impact of the pipeline construction on communities will reflect the extent to which the project will employ members of the Alaskan workforce or will draw from the nationwide labor market. The need for additional housing and community services is in part a function of the numbers of pipeline workers who are hired outside the local area. Employment from out of State or out of the local area means additional population which must be housed and provided with various public services; whereas fuller employment of the local labor force simply increases local income and purchasing power and, in turn, expands the community's ability to pay for needed housing and services. On the one hand, communities gain population but also responsibilities and costs; on the other hand, gains are in terms of the welfare of existing population.

Some of the pipeline construction jobs are so specialized that they cannot be filled from the Alaskan labor force. The Alyeska Company has estimated that 60 to 70 percent of the pipeline construction jobs are of an unskilled or semi-skilled nature. Half of the structural jobs could be filled by common laborers. These figures indicate that about 3000 to 4500 of the construction jobs at peak employment could be filled from the Alaskan labor pool.

With this information one is tempted to look at Alaska's workforce, particularly the large pool of unemployed and underemployed workforce from rural Alaska, to see how many might be employed on the pipeline construction project.

The error in this approach is that it overlooks the rush of job hunters to Alaska that is occurring and assumes that unemployed persons in rural Alaska are informed and able to reach hiring centers when hiring is being done.

The influx of out of State job seekers is liable to accelerate with news of pipeline approval. Once a worker arrives in Alaska he becomes, for all intents and purposes, a part of the local labor force. Any distinction between him and long term residents is both impractical and probably illegal.

It is impossible to quantify and project this influx of job seekers. The amount of immigration will be influenced by the state of the national economy as well as by the publicity of the pipeline. Efforts by the State and the pipeline company to discourage immigration may have some countervening effect. However, the national unemployment rate is currently a high 6 percent and people are migrating in search of jobs. Men who developed the oil fields in the Gulf Coast states see Alaska as a new market for their experience.

These circumstances indicate that all the good intentions of the State and the Alyeska Company to hire locally and reduce Alaska's shockingly high rate of unemployment may run afoul of forces beyond local control which are drawing job hunters to Alaska. Certainly this is what the recent experience of Kenai indicates. (See table II.)

Because of the unpredictability of the influx of job hunters to Alaska, it would be a futile exercise to attempt a specific estimation of the impact of the pipeline construction on communities. However, it is useful to recognize the pressure points, to start accommodating needs which have already resulted from immigration and to gather resources to accommodate the unpredictable demands of the future.

Certainly housing for low income families is an obvious need. There is currently an extreme shortage of such housing in both Anchorage and Fairbanks. This pressure will result more from the influx of job seekers than from the workers on the pipeline. Construction workers will live in camps set up along the pipeline. Some workers coming from outside Alaska to fill construction jobs will bring families and will need housing in communities. They will seek housing in existing communities, mainly Anchorage and Fairbanks. Fairbanks will be the hardest hit because it is accessible to more of the pipeline than Anchorage. But the demand for housing, especially low income housing, will tax the resources of both communities.

There will, of course, be a commensurate increase in the need for classrooms, police and fire protection, public utilities, recreation facilities and health, welfare and employment services. In planning to meet these needs the State and local government should give cognizance to the temporary nature of the pipeline construction and its accompanying increase in employment and community population. In this situation, communities should look for flexible methods of meeting temporary public needs to avoid investing in permanent capital improvements which will be under-used in the future. The flexibility afforded by accommodations such as temporary classrooms and trailers is appropriate in responding to the temporary impact of pipeline construction.

Pipeline construction employment and payroll will breath new life into trade and service employment in both Anchorage and Fairbanks. Businesses such as air transportation services, parts suppliers, machine shops, hotels, restaurants, bars and liquor stores will realize increased revenues. Employment added in these industries will be helpful in accommodating the wave of job seekers generated by news of the pipeline.

To estimate the increase of secondary employment as a result of the oil and gas industries in the State, the Department of Labor has built an econometric model of Alaskan employment during and after the pipeline construction. In this model they have assumed that each employee in the oil and gas industry will support three employees in the service industries. Though this may be the case on a national basis and over a long time span, there is reason to doubt that service industry employment will increase that much in Alaska as a result of pipeline construction. Many pipeline workers will maintain families outside the State and most of their share of the pipeline construction payroll will leave the State, eventually to stimulate service employment elsewhere.

There is normally a long time lag between an increase in basic employment bringing outside money into an area and the build-up of secondary employment generated by money circulating within the community. Most Alaskan communities have not yet reached the ratio of one service employee for each basic employee which is typical of older, more heavily populated regions.[7] Because of the temporary nature of the pipeline construction employment, service businesses will be cautious about moving to Alaska and existing businesses will be cautious about expansion. Since this resistance will foster a scarcity of goods and services, trade and service businesses will be able to escalate prices.

The inflationary pressures of the brief spurt of pipeline construction will have a major impact on Alaskan communities, affecting the lives of everyone living in Alaska. Housing will be most immediately affected because of the premiums which pipeline contractors will pay for experienced construction workers. In addition the intensified demand for goods and services, played against the temporary nature of the project and the consequent resistence to industry expansion, will inflate costs of other goods and services in Alaska.

Post construction

After the construction workers have left and the pipe is operating, the Alyeska Company will be employing about 300 men distributed along the pipeline at the pumping stations and at Valdez. Unofficial estimates of the work-force required to operate the North Slope production field range from 150 to 400. Employment at the Fairbanks refinery may be as much as 150.

This relatively small permanent employment will be only a minimal compensation for the loss of construction employment. Because the types of skills required to fill the permanent jobs will be different from skills required in construction, temporary workers won't shift directly into permanent employment.

Some sources claim that exploration and development of additional petroleum fields will take up the slack, but "oilmen also warn that there will never be another push such as occurred just before the lease sale in 1969".[8] If there is additional drilling, truckers will be employed hauling equipment up the pipeline road to the North Slope. Development of Alaskan refineries, other than the one in Fairbanks, has been posed as a possibility.

Valdez may have locational advantages for a refinery because it is the first place at which it becomes feasible to alter the composition of the crude petroleum in response to differing needs of different geographical markets.

However, all of these possibilities are very speculative in nature. They should not be allowed to obscure the economic dislocations that will be caused by the cessation of pipeline construction.

With realistic planning the State could ease or ward off unemployment and inflation following in the wake of pipeline construction and, as a result, soften the detrimental impact on communities. Recently the State has authorized $146 million in bond issues for various future public construction projects. State, federal and local governments should try to time public construction to avoid the period of pipeline construction. By accumulating a backlog of construction projects to be started as the pipeline construction eases off, government could reduce inflationary pressures and unemployment and counter the drop in the economy caused by the end of pipeline construction.

---

[5] Alaska Department of Labor, *Alaska Economic Trends*, July, 1970.

[6] Alaska Construction and Oil Report, Outlook for Employment, January, 1971.

[7] Data from community comprehensive plans prepared by ASHA.

[8] *Alaska Construction and Oil Report*, "Employment Outlook", January, 1971.

A different type of impact which affects communities indirectly will be on the appearance and development pattern of the stretch of highway from Copper Center to Fairbanks. The massive construction effort will be accompanied by a corresponding demand for roadside bars, cafes, lodges and automotive service businesses. Without public land use controls such as building, subdivision and zoning ordinances, this demand will inspire temporary roadside development and speculative land subdivision along the length of the highway.

After construction many such enterprises would be abandoned and Alaska would be left with a permanent scar on its landscape. Small communities along the route such as Glennallen and Big Delta would be further saddled with a haphazard development pattern which will stunt their ability to obtain public water and sewer service and to achieve the benefits of a well planned community. The State could forestall this eventuality by adopting and enforcing land use controls for the unorganized borough.

The State and Alyeska Company could also help reduce the potential economic dislocation by measures which would assure that the employees hired for permanent pipeline and oil field operation jobs came from Alaska's existing work-force rather than from outside the State. The two and one-half year construction project gives ample lead time for an effective training program which would be completed in time to coincide with the availability of permanent jobs. Because of its specialized nature, training for pipeline and oil field operation could best be accomplished by the companies themselves, perhaps with State assistance in recruiting and establishing contact between the companies and prospective employees from remote areas.

TABLE I.—EMPLOYMENT DATA, KENAI-COOK INLET AREA, 1961–69

Year	Total civilian work-force	Total employment	Total unemployment	Percent unemployment	Mining employment	Contract construction employment
1961	2, 512	2, 102	410	16. 3	155	57
1962	3, 123	2, 664	459	14. 7	169	94
1963	3, 274	2, 723	551	16. 8	159	99
1964	3, 318	2, 830	488	14. 7	179	128
1965	2, 914	2, 510	404	13. 9	212	259
1966	3, 883	3, 383	500	12. 9	415	[1] 517
1967	5, 415	4, 936	479	8. 8	915	821
1968	6, 475	5, 892	583	9. 0	1, 099	1, 209
1969	6, 262	5, 510	752	12. 0	966	736

[1] Average for last three quarters only.

Source: Workforce estimates, Alaska Department of Labor.

TABLE II.—SELECTED EMPLOYMENT DATA, KENAI-COOK INLET AREA, 1969 AND 1970

	First quarter 1969	First quarter 1970
Average employment	3, 902	3, 345
Mining employment	1, 000	632
Contract construction employment	778	315
Quarterly payroll	$13, 033, 194	$10, 219, 570

Source: Statistical Quarterly, Alaska Department of Labor.

TABLE III.—TRANS-ALASKA PIPELINE CONSTRUCTION, ESTIMATED DIRECT AND CONTRACT EMPLOYMENT, 1ST YEAR, PRECONSTRUCTION AND CONSTRUCTION, (ASSUMING APPROVAL JULY 1)

	Number employed	Months worked
North of Yukon:		
Road and access construction	1, 800	2
Surveying and drilling	50	6
Pipe coating (Prudhoe)	60	6
Supervisory and managerial	20	6
Total jobs	1, 930	
Average monthly employment on 12-month basis	365	
South of Yukon:		
Surveying and drilling	50	6
Pipe coating (Fairbanks)	60	6
Supervisory and managerial	90	12
Total jobs	200	
Average monthly employment on 12-month basis	145	
Valdez:		
Pipe coating	60	6
Trucking pipe Valdez to Fairbanks	75	4
Unloading and handling pipe	15	1
Supervisory and managerial	4	12
Total jobs	154	
Average monthly employment on 12-month basis	60	

Source: Alyeska Co., April 1971.

TRANS-ALASKA PIPELINE CONSTRUCTION, ESTIMATED DIRECT AND CONTRACT EMPLOYMENT, 2D YEAR, CONSTRUCTION

	Number employed	Months worked
North of Yukon:		
Road construction	550	4
Pumping stations	350	6
Trucking materials along line	30	6
Pipeline construction	3, 500	6
Supervisory and managerial	150	8
Total jobs	4, 580	
Average monthly employment on 12-month basis	2, 223	
South of Yukon:		
Pumping stations	350	8
Trucking materials along line	30	8
Pipeline construction	2, 500	8
Supervisory and managerial	240	12
Total jobs	3, 120	
Average monthly employment on month basis	2, 160	
Valdez:		
Terminal construction	450	8
Trucking materials along line	30	8
Supervisory and managerial	50	8
Total jobs	530	
Average monthly employment on 12-month basis	353	

Source: Alyeska Co., April 1971

TABLE V.—TRANS-ALASKA PIPELINE CONSTRUCTION, ESTIMATED DIRECT AND CONTRACT EMPLOYMENT, THIRD YEAR, CONSTRUCTION

	Number employed	Months worked
North of Yukon:		
Pumping stations	250	10
Trucking materials along line	30	10
Pipeline construction	3, 000	10
Supervisory and managerial	150	10
Total jobs	3, 430	
Average annual employment on 12-month basis	2, 858	
South of Yukon:		
Pumping stations	250	10
Trucking materials along line	30	10
Pipeline construction	3, 000	10
Supervisory and managerial	240	12
Total jobs	3, 520	
Average annual employment on 12-month basis	2, 973	
Valdez:		
Terminal construction	500	10
Trucking materials along line	30	10
Supervisory and managerial	50	12
Total jobs	580	
Average annual employment on 12-month basis	492	

Source: Alyeska Pipeline Co., April 1971.

TABLE VI.—TRANS-ALASKA PIPELINE CONSTRUCTION, ESTIMATED DIRECT AND CONTRACT EMPLOYMENT, SUMMARY TOTAL PRECONSTRUCTION AND CONSTRUCTION EMPLOYMENT

	1st year		2d year		3d year	
	Total jobs	Annual monthly average	Total jobs	Annual monthly average	Total jobs	Annual monthly average
North of Yukon	1, 930	365	4, 580	2, 223	3, 430	2, 858
South of Yukon	200	145	3, 120	2, 160	3, 520	2, 973
Valdez	154	60	530	353	580	492
Total	2, 284	570	8, 230	4, 736	7, 530	5, 332

Source: Alyeska Pipeline Co., April 1971.

MADISON, WIS., VOTES FOR CEASE-FIRE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, on April 6, 1971, in connection with the regular spring election, the city of Madison, Wis., conducted a referendum on the proposition—

> It shall be the policy of the people of the City of Madison that there shall be an immediate ceasefire and immediate withdrawal of all United States troops and military equipment from Southeast Asia so that the people of Southeast Asia can settle their own problems.

Of the 47,503 persons voting, 31,526 voted "yes" in support of the proposition, and 15,977 voted "no." The referendum was approved in every ward and precinct in the city, and approximately two-thirds of those voting feel that there should be an immediate cease-fire and immediate withdrawal of all U.S. troops and military equipment from Southeast Asia.

These figures clearly speak for themselves in illustrating the desire of the voters of Madison that this war be brought to an immediate end. Three years ago, in 1968, voters in Madison turned back a similar referendum by a 7,000 vote margin, at a time when calls for "immediate withdrawal" were not as common as they are now, and I think the reversal of the vote reveals how deeply the antiwar spirit now permeates our society. To quote the April 7 editorial in the Madison Capital Times—

> Madisonians don't want any more killing, any more bombing, and any more fancy talk from the White House about timetables and rates of withdrawal.

As the Representative of Madison here in Congress, I am proud to call the attention of my colleagues to the results of this referendum, and I hereby present the ward-by-ward vote as certified by Eldon L. Hoel, Madison city clerk:

REFERENDUM

Results of the Spring Election held in Madison, Wisconsin on April 6, 1971 as pertains to the question of withdrawal of troops and equipment from Southeast Asia.

"It shall be the policy of the people of the City of Madison that there shall be an immediate ceasefire and immediate withdrawal of all United States troops and military equipment from Southeast Asia so that the people of Southeast Asia can settle their own problems."

	Yes	No
1st ward	1,816	1,390
2d ward:		
1st precinct	840	308
2d precinct	503	229
3d ward:		
1st precinct	702	558
2d precinct	717	526
4th ward:		
1st precinct	258	123
2d precinct	682	155
5th ward:		
1st precinct	250	25
2d precinct	235	21
6th ward:		
1st precinct	538	166
2d precinct	858	360
7th ward:		
1st precinct	594	257
2d precinct	519	236
8th ward:		
1st precinct	761	82
2d precinct	209	18
9th ward:		
1st precinct	517	117
2d precinct	928	216
10th ward:		
1st precinct	1,102	454
2d precinct	1,239	327
11th ward:		
1st precinct	769	438
2d precinct	720	465
3d precinct	533	248
12th ward:		
1st precinct	335	142
2d precinct	1,113	564
13th ward:		
1st precinct	1,092	471
2d precinct	594	273
14th ward:		
1st precinct	822	323
2d precinct	1,094	506
15th ward:		
1st precinct	878	434
2d precinct	201	88
16th ward:		
1st precinct	809	336
2d precinct	602	245
17th ward	647	387
18th ward	1,213	909
19th ward:		
1st precinct	1,684	1,070
2d precinct	697	555
20th ward	1,483	1,131
21st ward:		
1st precinct	660	352
2d precinct	1,033	752
22d ward:		
1st precinct	226	144
2d precinct	1,053	576
Total	31,526	15,977

RENNIE DAVIS' LAST HURRAH

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 5 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, it is quite apparent that Rennie Davis and his whole gang of anarchists who have descended upon the Nation's Capital have met their Waterloo here in Washington during these last 3 days. The demonstration being held this afternoon at the Capitol has been orderly but it has fizzled out. The police have done a magnificent job, and the troops that supported the work of the police have done an equally magnificent job.

I believe it is fair to state that May 3, 4, and 5 constitute a turning point in America. Our Nation's young people have taken a hard look at Rennie Davis and what his young anarchist followers stand for, and obviously the overwhelming majority of young people in our country have rejected what they have seen.

Mr. Speaker, no movement ever had more publicity all over the Nation than this assault on Washington has had, with headlines, television, radio, and the newspapers. There has been a concerted effort for almost a month in drumming up recruits to come to Washington to try and bring this Government to a halt. The dismally poor attendance shows young people of America apparently are much wiser. I am very proud to see that these last 3 days have frustrated the desires of Davis and his young anarchists to bring this Nation and its Government to a halt. It should be impressive to all of us Americans that America is made of tougher stuff, and that this young gang of anarchists are not going to bring our Government to a halt.

I would like to take this opportunity to congratulate the Speaker and all those who have been in any way connected with providing security for the Capitol, for working out a program which has frustrated the plans of these young anarchists. I congratulate all of those who had anything to do with this excellent work, and the manner in which they have handled this very difficult affair.

Mr. Speaker, we have every reason to believe that the dismal failure of Rennie Davis and his anarchists to attract any sizable following indicates the young people of America will seek change through conventional and rational means. It means that our young people reject anarchy and instead shall seek whatever remedies they deem necessary through the orderly processes, written into our Constitution. Rennie Davis has sounded his last hurrah; he has lost his constituency; he is through—a broken failure and a flop. We can all be proud of our Nation's young people and the good sense they show in rejecting Davis as a symbol of change.

BUILDING BLOCKS TO PEACE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the United States has traditionally sought to help build a world in which peace can prosper, people can live without fear, and nations can sustain a steady economic growth. It is axiomatic that the security of the United States is enhanced by this kind of world.

Thus, the security assistance legislation proposed by the President seeks to further strengthen the self-defense capabilities of friendly countries, promote their internal security, and support their economic and political stability. One of the objectives of the Nixon doctrine is to reduce U.S. military presence abroad and, as friendly and allied countries grow stronger, this objective can be achieved without undue loss to the security of the United States. It must be said that he has achieved substantial progress in this direction.

In the past, proposals for security assistance with the above objectives were included in the same legislative package with development assistance which is aimed primarily at promoting the economic growth of friendly countries. This combined package has served over the past two decades. However, there have been changes in the international scene which call for changes in our methods. For instance, nearly every recent study of our foreign aid program has recommended that security assistance and development assistance be separated in order to provide more effective management and to remove some of the confusion of purposes in the U.S. foreign aid effort. This is not a new proposal but for various reasons, it has not been put into effect.

Today, both the Soviet Union and Communist China are nuclear powers. The Communist nations vary widely in the rigidity of their ideologies. The President seeks to modify our manner of dealing with Communist China. We are talking arms limitations with the Soviet Union, even though thus far they have not borne fruit. We are increasingly trading with, and visiting with, the peoples of the Communist world. All of this bespeaks America's desire to be a full-fledged partner in the community of nations.

Twenty years ago, Western Europe and Japan were weak and ravaged, vulnerable to aggression. Direct assistance was necessary and we provided it. Today, these countries are strong, able to defend themselves, and, in fact, capable of adding the less developed countries. And there are a number of developing countries which have grown strong economically and militarily, able to make the necessary military decisions and to implement them with a minimum of outside help.

Such changes call for a new approach. The proposed legislation, which would place military assistance, public safety, supporting assistance, and military credit sales programs under one act, would enable nations seeking help to consult and negotiate with us as partners. The development of goals, the balancing of threats, risks, costs, resources and manpower are vital elements of foreign assistance. The "one package" security assistance program can help to accomplish this.

Conceivably, the Security Assistance Act would enable the United States and other governments to pay greater attention to the relation of military assistance to economic aid. It would seek to engage deeper consideration of alternatives in decisionmaking and the budget process. It would enable more effective use of both U.S. and the assisted country's resources.

The act calls for policy directions of the security assistance programs to rest with the Department of State. In addition, it is proposed that the State Department administer the supporting assistance and public safety aspects of these programs. The Defense Department would administer the military assistance and credit sales programs, as in the past.

This arrangement is intended to help carry out the objectives we are seeking to achieve. It will, the President has said, "raise the threshold of U.S. involvement." At the same time it can further insure the goals of U.S. foreign policy—peace, stability, and economic growth throughout the world. It is time to give very serious consideration to the change which is proposed.

OFFICE OF NOISE ABATEMENT AND CONTROL

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on April 29 Environmental Protection Administrator William D. Ruckelshaus announced the establishment of an Office of Noise Abatement and Control within EPA, as mandated by the Congress in title IV of the Clean Air Amendments 1970—Public Law 91-604.

Administrator Ruckelshaus has appointed Alvin F. Meyer, a former official in the Department of Health, Education, and Welfare, to serve as acting director of this new office. Mr. Meyer was director of the Office of Legislative Affairs, Environmental Health Service, HEW, from June 1970 until he moved to EPA this year. Mr. Meyer, born in Shreveport, La., received a bachelor of science degree in civil and sanitary engineering from the Virginia Military Institute. During a career in the U.S. Air Force, he had extensive responsibilities in environmental engineering and specialized in noise abatement and control. Mr. Meyer also headed the Board of Environmental Advisors of the Governor of Hawaii.

The EPA press release, announcing the creation of the office, stated that in carrying out its responsibilities, the Office of Noise Abatement and Control:

> Will determine effects of noise at various levels, projected growth of noise levels in urban areas through the year 2000, the psychological effects of noise on humans, the effects of sporadic and extreme noise such as jet noise near airports as compared with constant noise, effect on wildlife and property (including values), effects of sonic booms on property, and other noise problems involving the public health and welfare.
>
> During its investigations, the Office will hold public hearings and conduct research, experiments, demonstration, and studies.
>
> The results of the EPA investiagtion are to be reported to Congress, together with recommendations for legislation or other action, not later than December 31, 1971.

I have long been an advocate for the creation of such an office. As Members of this body will recall, I introduced legislation on behalf of myself and 20 colleagues for just such a purpose in the last Congress, and I was gratified that it was included in the Clean Air Act amendments.

I am pleased that the office has finally been established. But I must say that I have serious reservations as to whether this Office of Noise Abatement and Control will be able to fully carry out the responsibilities delegated to it by the Congress.

Although the Clean Air Amendments of 1970 authorized $30 million for the office to carry out a full and complete investigation of noise and its effect on the public health and welfare, not a penny has been appropriated. Nor is the administration requesting sufficient funds for this program. Its total funding requests for the office for fiscal years 1971 and 1972 combined amount to less than $1.6 million. This would mean that the office would have to function on less than 6 percent of the sum authorized by the Congress. It is hard to imagine how this office could conceivably carry out its responsibilities adequately with such insufficient funding. Therefore, I have introduced legislation—H.R. 6984 and H.R. 6985—to provide for the full $30 million for this office, thus making it a functioning reality, not just another paper promise. Thirty-eight Members of Congress have cosponsored this bill.

Another reason for my concern about the fate of the Office of Noise Abatement and Control is that the administration's noise control legislation—H.R. 5275—proposes to eliminate this newly created office. One is hard pressed to find this on a superficial reading of the bill, since the section that accomplishes this complete overturning of Congress' mandate is hidden in a section entitled "Report of Noise Study." But a close reading of the section discloses that the administration bill would abolish the Office of Noise Abatement and Control.

I believe that it is essential that there be a focal point for the Government's noise pollution program. Proliferating responsibilities, scattered throughout various agencies and departments, almost invariably result in diminished focus—both in terms of the Government's ability to grapple with the subject at hand and in terms of the public's being able to perceive the focus for its concerns, inquiries, requests, and demands for action.

Further, it is difficult to imagine the internal morale of a newly formed office which has knowledge that the passage of administration sponsored legislation would kill it. Such uncertainty could hardly benefit the Office of Noise Abatement and Control in its efforts to carry out its functions.

If we are to have an effective program to combat the hazards of noise, we must do more than merely continue our research into the problem. Although additional information and study is certainly needed, we now know enough about the problem and the technology involved to move directly toward abating noise pollution. To this end, I have introduced the Noise Abatement and Control Act of 1971—H.R. 6986 and H.R. 6987—to broaden the functions of the Office of Noise Abatement and Control so that it can begin to deal directly with the problem. This legislation, part of a four-bill antinoise pollution package has been cosponsored by 38 Members of the House.

Basically, the Noise Abatement and Control Act of 1971 does two things. First, it directs the head of the office to prescribe standards on all noise generating machinery that might endanger the public health and welfare. Second, it provides a system of grants and contracts to provide Federal funds to levels of local government so that they can combat noise.

Specifically, the bill does the following:

First. It directs the Office of Noise Abatement and Control to prescribe standards for any machine, or class of machinery which he determines contributes to, or may contribute to, noise which endangers, or contributes to endangering, the public health and welfare, and sets stringent enforcement powers. If the head of the Office fails to take action against a violator within 60 days, this bill authorizes suits by private citizens or groups against the noise polluter and the head of the Office, as may be appropriate.

Second. It directs the Office, and all Federal agencies, as well as all Federal contractors, to maximize the purposes of this bill—for example, abatement of noise—by means of appropriate provisions in Federal grants, loans, and contracts.

Third. It authorizes the Office to prepare, publish, and disseminate educational materials relating to the control, prevention, and abatement of noise.

Fourth. It authorizes the Office to provide technical assistance to States, counties, municipalities, and regional governmental bodies, commissions, and councils to facilitate their development of noise control programs.

Fifth. It directs the Office to coordinate the efforts of the Federal Government that relate to noise control, abatement, and prevention. To this end all instrumentalities, agencies, and departments of the Federal Government are directed to furnish the Office with such information as it may require. Further, each such entity of the Federal Government is directed to carry out the program within its control in accordance with the purposes of this title—the creation of a quieter environment.

In any case where a level of Federal Government is carrying out or sponsoring an activity resulting in noise which the head of the Office determines amounts to a public nuisance or is otherwise objectionable, such Federal entity must consult with the head of the Office to determine possible means of abating the offending noise.

The Office is to compile and publish a regular report as to the efforts and activities of the Federal Government and its instrumentalities, agencies, and departments in regard to noise.

Sixth. The Office is directed to submit to the Congress in July of each year, a report concerning its activities. Currently, the Office only has to make one such report, and that is before December 31, 1971. This section will give the Office permanance not embodied in present law.

Seventh. The Office is authorized to make grants to States, counties, municipalities, and regional governmental bodies, commissions, and councils for the purposes of developing, establishing, and carrying out programs of noise control and for research into the causes and effects of noise and new techniques of controlling, preventing, and abating noise.

There is authorized to be appropriated for these grants $5 million for the fiscal year ending June 30, 1971; $10 million for fiscal year 1972; $15 million for fiscal year 1973; $20 million for fiscal year 1974; and $25 million for fiscal year 1975.

Eighth. The head of the Office is authorized to make grants to any public or nonprofit private agency, organization, or institution, or engage by contract the services of any such agency, organization, institution, or of any individual to conduct research into noise pollution; to provide training of professional and technical personnel in noise control techniques, methods, and approaches; to establish and conduct demonstration projects relating to noise control.

For these, there is authorized to be appropriated $5 million for fiscal year 1971; $7 million for fiscal year 1972; $10 million for fiscal year 1973; $12 million for fiscal year 1974 and fiscal year 1975.

Ninth. For the purpose of advising the head of the Office on matters bearing on his responsibilities under this title, this section establishes a Noise Control Advisory Council of nine individuals skilled in fields relating to the matters to be considered by the Office. Once each fiscal year, the Council must submit to the Administrator of the Environmental Protection Agency and to the Congress a report containing full and complete information on its work.

TWO THOUSAND FIVE HUNDRED AND NINETY-FIVE DAYS

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, as of today Capt. Floyd Thompson has been held a prisoner of war by the North Vietnamese Government for 7 years and 40 days. Since March of 1964 over 1,600 servicemen have been captured and held by that Government. Over a hundred of these men have been missing or captured for over 5 years and 800 for 3 or more years.

The fact that Captain Thompson's fate is shared by hundreds of other men, many of whom are known to be sick or injured, without any real prospect of release in sight, dramatizes the need to effect the repatriation of all captured servicemen in Southeast Asia. We must continue to bring to light the treatment that American servicemen are receiving at the hands of the North Vietnamese Government and the refusal of that Government to abide by the Geneva Conventions.

Mr. Speaker, it is impossible for us to actually comprehend the plight of these men who have suffered so much for so many years. We gasp at the horrors that are related by ex-POW's, but to understand the day-by-day living experiences of this confinement is out of our reach. We only know that this inhumane treatment must end and we must do everything possible to see that they are released immediately.

The fact that the other side does not permit impartial inspection of its prisoner-of-war camps, when added to the information we have: significant weight losses, intestinal and skin disease, use of crutches years after capture, and confinement in isolation provides more than a sufficient basis for a presumption that the American prisoners of war should be repatriated or at least interned in a neutral country immediately. We can hope and pray for nothing less.

Tomorrow Captain Thompson will face his 2,596th day of captivity.

AGE REQUIREMENTS

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. DULSKI. Mr. Speaker, two letters submitted to you by the executive department have been referred to my committee.

One letter is from the U.S. Civil Service Commission proposing legislation "relating to age requirements for appointments to positions in executive agencies and in the competitive service."

The proposed legislation, which I am introducing today in order that it will be before our committee for consideration, would reaffirm the Government's policy against age discrimination in employment and extend that policy to positions in the excepted service.

The second letter is from the Attorney General and relates to the same general subject, but is restricted to the Department of Justice.

The Attorney General proposes legislation to authorize the Attorney General to establish age limitations for certain appointments within the Department.

I am also introducing this bill today in order that it will be before our committee for consideration.

As part of my remarks, I am including both letters, as well as the statements of purpose and justification for the bills.

WASHINGTON, D.C., *April 29, 1971.*

Hon. CARL ALBERT,
Speaker of the U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The Commission is submitting for the consideration of the Congress proposed legislation "Relating to age requirements for appointments to positions in Executive agencies and in the competitive service." There are enclosed: (1) a draft bill, (2) sectional analysis, and (3) a statement of purpose and justification.

The proposed legislation would reaffirm the Government's clear policy against age discrimination in employment and would take the desirable step of extending that policy to positions in the excepted service. It would however, recognize the need for providing some flexibility in this area in place of the present outright ban on maximum age limits for entry into the competitive service. Accordingly, the proposed legislation would authorize the President, or such agent as he may designate, to establish maximum age limits for entry into civil service positions in Executive agencies and in the competitive service when age is found to be a bona fide occupational qualification reasonably necessary to the performance of duties. The authority proposed for the President would be similar to that now held by the Secretary of Labor for private industry under the Age Discrimination in Employment Act of 1967 (81 Stat. 602).

The conditions that argue for the setting, administratively, of appropriate age limits in private industry apply with equal force in the Federal service. A number of Federal agencies have indicated that they will seek authority from the Congress to establish maximum age limits for entry into several types of positions. In the Commission's view it is far more desirable for such limits to be set administratively than it is for these limits to be set by statute on an occupation-by-occupation and agency-by-agency basis. In the interest of uniformity and appropriate control, this authority should be vested in the President as part of his general authority over civil service employment in Executive agencies and the competitive service.

The Office of Management and Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of the proposal.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

SECTION ANALYSIS

Subsection (a) of the first section of the draft bill amends subchapter II of chapter 71, title 5 of the United States Code (Antidiscrimination in Employment), by adding a new section. The new section 7155 contains a policy statement and provides that a maximum-age limit for appointment to a position in an Executive agency or the competitive service can be established only when the President, or such agent as he may designate, finds that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of a position.

Subsection (b) of the first section is a technical amendment.

Section 2 repeals the current provision of law that provides that no appropriated funds may be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

Section 3 repeals the authority of the Secretary of the Interior to determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.

STATEMENT OF PURPOSE, JUSTIFICATION

Purpose—The bill would substitute for the present outright ban on establishment of maximum age limits for entry into the competitive service a provision authorizing the President, or such agent as he may designate, to establish maximum age limits for entry into civil service positions in Executive agencies and the competitive service when age is found to be a bona fide occupational requirement reasonably necessary to the performance of duties.

The proposed provision would also extend the Government's clear policy against age discrimination to positions in the excepted service. Aside from the change in coverage, the primary effect of the proposal would be to give the President an administrative authority over Federal positions generally parallel to the authority already granted to the Secretary of Labor for positions in private industry under the Age Discrimination in Employment Act of 1967 (81 Stat. 602).

Justification—Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. At the present time, a statutory provision prevents the establishment of maximum entry ages for appointments in the Federal competitive service, but no similar provision governs appointments in the excepted service in Federal agencies.

In keeping with the national policy against age discrimination, it is highly desirable to extend the prohibition against establishing age limits to positions in the excepted service. But it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for Congressional action in each case when age is found to be a bona fide occupational qualification.

Congress established the present policy against age discrimination in Federal employment in 1956 when it wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service. Now codified in section 3307, title 5 of the United States Code, the law makes no provision for administrative exceptions.

A Federal agency that feels it needs relief from the strict letter of the law must turn to Congress for such relief. The Department of the Interior took its case to Congress in 1969 for the United States Park Police and was successful. Congress enacted Public Law 91–73 in September 1969, authorizing the Secretary of the Interior to set minimum and maximum age limits in the appointment of Park Police.

In light of the willingness of Congress to authorize a maximum entry age limit for one group, it has been indicated that other Federal agencies desire similar authority.

The Civil Service Commission believes there is justification for setting maximum age limits for entry into certain positions in the Federal service. But it believes it is far more desirable for such limits to be set administratively than it is for these limits to be set by statute on an occupation-by-occupation and agency-by-agency basis. In the interest of uniformity and appropriate control, this authority should be vested in the President as part of his general authority over civil service employment in Executive agencies and the competitive service.

Granting the President this authority would be in keeping with the principles expressed in the Age Discrimination in Employment Act of 1967. Among other things, that Act makes it unlawful for any employer in the private sector to refuse to hire an individual because of his age. At the same time, however, the Act recognizes that age can be a factor in employment, for its prohibitions do not apply "where age is a bona fide occupational qualification reasonably necessary to the normal operation of a business."

The Secretary of Labor is granted the authority to "establish such reasonable exemptions to and from any and all provisions of this Act. . . ." The considerations that argue for the setting, administratively, of appropriate age limits in private industry apply with equal force in the Federal Service.

In short, the fact that age is a factor in certain employment situations has been recognized by Congress in its enactments. There is under current law an orderly procedure for setting appropriate age limitations in the private sector. Although no such procedure exists now for Federal positions, the need for one is equally justified.

No additional appropriation would be needed to carry out the provisions of this bill. Administrative costs would be minimal.

APRIL 26, 1971.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal to authorize the Attorney General to establish age limitations for certain appointments within the Department of Justice.

Current law effectively prohibits the establishment of maximum age limitations for employees entering Federal employment through the competitive civil service. As provided in Section 3307 in title 5, United States Code:

"Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service."

The Department of Justice is the Federal Government's principal law enforcement agency, and accordingly employs a substantial number of specialized professional personnel. In the Department, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. Because of the prohibition in Section 3307 of title 5, United States Code, equally desirable age limitations do not exist for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service.

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs.

Correctional Officer, Bureau of Prisons.

Deputy United States Marshal, United States, Marshals Service.

The 91st Congress has demonstrated a recognition of the need to depart, in limited situations, from the general rule that age should not be a qualification for employment. Public Law 91–73, approved September 26, 1969, authorizes the Secretary of the Interior to establish minimum and maximum age limits for original appointments to the United States Park Police.

The basic justifications for the recent passage of Public Law 91–73 apply with equal force to the four Department of Justice positions listed above. There is a vital need to attract young, flexible, career-minded individuals to these strenuous and hazardous professions. The highly specialized training received by new employees selected for these positions is becoming more extensive and expensive. Age limitations will enhance the ability of these employees to survive this training, perform at peak efficiency on the job, and remain with their agencies for a greater length of time prior to retirement.

These troubled times require our very best efforts in the area of law enforcement. Enactment of this proposal will enable the Department to take a significant step in its continuing efforts to provide the best possible law enforcement services to the people.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

STATEMENT OF PURPOSE, JUSTIFICATION

The purpose of the proposed legislation is to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service.

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs.

Correctional Officer, Bureau of Prisons.

Deputy United States Marshal, United States Marshals Service.

The need to attract young, flexible, career-minded individuals to such strenuous and hazardous professions is best demonstrated by a brief description of the duties of persons occupying these positions.

BORDER PATROL

The Border Patrol is a mobile uniformed enforcement organization with a principal mission to prevent the smuggling and illegal entry of aliens into the United States and to detect, apprehend, and initiate departure of aliens illegally in this country.

The Border Patrol Agent encounters persons, both aliens and citizens, attempting to smuggle contraband including narcotics, marijuana, and dangerous drugs. Such persons are arrested and the contraband seized for referral to the U.S. Bureau of Customs. Also, violators, including those who are armed and dangerous, of other federal, state, and local laws are frequently encountered and taken into custody.

The duties of Border Patrol officers involve physical exertion under rigorous environmental conditions and irregular as well as protracted and arduous tours of duty. Patrol duties are performed on foot, in motor and jeep type vehicles, and officers frequently fly as observers in aircraft. These duties are carried out in extreme temperatures and very often in rugged terrain inaccessible by vehicles.

Border Patrol officers must, therefore, be in very good physical condition, able to walk long distances, and also able to run in pursuit of fugitives. They must also be able to board moving freight trains and must often physically restrain persons being arrested.

Since its organization in 1924, the Border Patrol has had 48 officers killed in the line of duty. Twenty-three of these officers were killed as a result of direct assault. During the 1960's there were eleven officers killed in the line of duty with a force of some 1,200 to 1,400 men.

BUREAU OF NARCOTICS

The Bureau of Narcotics and Dangerous Drugs Criminal Investigator serves as the cutting edge of the Bureau's mission to enforce the Federal narcotic and dangerous drug laws.

The persons occupying this position have a hazardous and arduous task; they work well over fifty hours per week in all types of weather and conditions, at all hours, and often in an undercover capacity. Inherent to the nature of the job are the elements of danger and surprise counter-moves by defendants.

To competently and successfully perform these duties, the Criminal Investigator must be agile, both physically and mentally. This is a strenuous and taxing vocation and would prove doubly so to the older Criminal Investigator trainee not previously engaged in similar occupations.

BUREAU OF PRISONS

Strenuous and hazardous duty is certainly no stranger to the Bureau of Prisons Correctional Officer. The inmate population of our Federal prisons is showing a steady increase in numbers at the same time that the average age of inmates is declining.

This increase in population is causing critical overcrowding in a number of institutions and thus demands of our correctional officers greater alertness, keener judgment, and more physical stamina than at any previous time. The younger prison population is more sophisticated and more volatile. The incidents of assaults against most inmates and staff has shown an increase in the past year.

But, the physical demand on a Correctional Officer is not the only reason for a maximum age limitation for original appointments to this position. The final report of the Joint Commission on Correctional Manpower and Training notes:

"Young people are missing from the correctional employment scene. While other vocations have tried to capture the enthusiasm and vitality of the present generation of students, the Joint Commission was unable to discover any such broad-scale effort in corrections. . . . [J]uveniles make up about one-third of the total correctional workload and are being referred to correctional agencies at a greater rate than adults. Generation-gap problems between workers and young correctional clients will no doubt increase if efforts are not made to recruit young people into the field."

DEPUTY U.S. MARSHALS

The Deputy United States Marshal is not only called upon to effect arrests, but is required to transport and guard federal prisoners, often over long distances.

This type of job responsibility requires both physical stamina and personal stability in order to respond to spontaneous events. Moreover, deputy marshals are often detailed on special assignments ranging from the enforcement of Federal court orders to the protection of government witnesses in the prosecution of major organized crime personalities.

When on special assignment, the deputy must be on the job notwithstanding any possible danger, round-the-clock hours, or inclement weather. Every man on special assignment is a key one, and a break in one link of the chain because of sickness or infirmity precipitates the failure of the entire mission.

Persons are recruited for the four above positions through the competitive civil service. Maximum age limitations for these law enforcement posts are effectively prohibited by 5 U.S.C. 3307:

"Appropriated funds may not be used to pay an employee who establishes a maximum age requirement for entrance into the competitive service."

PROPOSED LEGISLATION

The proposed legislation would amend 5 U.S.C. § 3307 to authorize the Attorney General, with the concurrence of such agent as the President may designate, to determine and fix the minimum and maximum limits of age within which original appointments may be made to above described positions.

The law enforcement profession is in general agreement that a maximum age limit is essential in recruiting new personnel. A 1968 survey by the International Association of Chiefs of Police found that of the 162 law enforcement agencies contacted throughout the United States, eighty-nine percent set a standard of thirty-five years or younger as the maximum age for recruits.

Moreover, the Federal government has recognized the value of age limitations for law enforcement appointments. In the Department of Justice, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations.

The 91st Congress recognized the need to make certain exceptions to the general rule that age should not be a qualification for employment by enacting Public Law 91–73 authorizing the Secretary of the Interior to establish minimum and maximum age limitations for original appointments to the United States Park Police.

The basic justification for the recent passage of Public Law 91–73 applys with equal force to the four Department of Justice law enforcement positions described above. The enactment of this legislation will remove a significant impediment to the Department's continuous efforts to provide the citizenry with quality law enforcement.

SECTION ANALYSIS

The proposed legislation, which contains only one section, would amend section 3307 of title 5, United States Code, by designating the present section as subsection (3), and by adding a new subsection (b) which would authorize the Attorney General to determine and fix the maximum and minimum limits of age within which original appointments may be made in the Department of Justice to Border Patrol Agent in the Immigration and Naturalization Service, Criminal Investigator in the Bureau of Narcotics and Dangerous Drugs, Correctional Officer in the Bureau of Prisoners, and Deputy United States Marshal in the United States Marshals Service.

AIR TRAFFIC CONTROLLERS

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. DULSKI. Mr. Speaker, you have referred to our committee a communication from the Secretary of Transportation with regard to a proposed bill dealing with age limitations, training, and early retirement for air traffic controllers.

I am introducing the proposed bill today in order that it will be before our committee for consideration.

As part of my remarks, I am including the letter from the Secretary of Transportation as well as a section-by-section analysis of the bill:

APRIL 29, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for introduction and referral to the appropriate Committee is a draft bill "To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes."

The purpose of the bill is to provide the Secretary of Transportation greater flexibility in the management of the air traffic control work force. I submitted a similar proposal to the 91st Congress.

Air traffic control work is a unique vocation, one offering many advantages yet one involving a number of serious drawbacks. This work offers an individual the challenging opportunity to be involved in one of the most dynamic industries of our time. The individual who enters this field also faces the sobering responsibility of safeguarding airmen and air travelers. In large measure, their well-being depends upon the proper performance of the air traffic control system. The basic role of the controller is to facilitate the safe and efficient flow of air traffic in that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears. In recognition of this, controllers are relatively well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. Additional remuneration is available for working overtime and at night and on holidays, which many controllers are called upon to do.

Perhaps the most serious drawbacks of the work, however, are those having a long-range effect. The Department of Transportation is practically the sole employer of controllers, and the skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to drawing.

The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work.

Having taken into consideration the nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, the Department of Transportation undertook a study into the need for improving the career system for air traffic controllers. Primary considerations in the conduct of the study were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The culmination of the study was the Report of the special Air Traffic Controller Career Committee. This bill would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action. The bill contains four principal provisions:

First, the Secretary of Transportation would be authorized, with the concurrence of such agent as the President may designate, to establish a maximum age for entry in Department of Transportation air traffic control positions. Initially, the Department intends to provide that a person with no previous experience could not enter an air traffic controller position after reaching his 31st birthday. However, we also intend to grant exemptions and employ persons up to their 36th birthday, based upon previous related experience. Exemptions would not be granted to large groups on an "across-the-board" basis, but would cover small groups or single individuals. No exemptions are contemplated to persons who have reached their 36th birthday. The bill also establishes a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary would be authorized to retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. The reason for this specific provision is discussed below.

Second, the bill authorizes the Secretary to provide two years, or less, of training to a career-tenure-controller, if the Secretary first determines that the controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work. During training, the employee would receive the same base pay he last received as a controller.

Third, the bill provides that the Secretary may assign, reassign or demote a controller who has received training to other duties in the Department of Transportation at the same or a lower grade; or the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he would be separated from the service. The bill also provides that, if he first makes one of the three determinations enumerated above, the Secretary may assign or reassign a controller (whether or not he receives training) to another air traffic facility or to different duties in the Department of Transportation.

Finally, the bill would entitle an employee to an annuity (minimum: 50 percent of the average of his highest three years' base pay) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. The Secretary would be authorized to initiate the retirement of an active controller under this provision in the interest of aviation safety, efficiency, or the controller's health.

The bill also would require the Secretary of Transportation to report to the Congress during the fifth year after enactment regarding the effectiveness of the provisions in meeting the needs of the controller career program and the air traffic control system. The provisions of the bill would take effect 90 days after enactment.

Our principal concern is with the use of older personnel in the controller positions. This is evident from the thrust of all these proposals, and is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we have found that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions we are proposing, would give the controller the assurance of eventual relief from a long span of control work, and an opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under near intolerable conditions. The provisions also will permit the Secretary to maintain a safer and more proficient controller work force.

We estimate the cost of this proposed legislation to be $17.6 million in fiscal year 1972 (assuming a July 1, 1971 implementation), and that cost would rise to $35.2 million in fiscal year 1976. We will provide more detailed cost information to the appropriate Committee.

For all these reasons, we urge that the Congress *promptly* enact this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE,
Secretary of Transportation.

SECTION-BY-SECTION ANALYSIS

To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

Section 1. This section adds new 5 U.S.C. 2109 that defines "air traffic controller" and "controller" as a Department of Transportation employee actively engaged in the control of air traffic or in the immediate supervision of an employee engaged in that activity in an air traffic control facility. The definition would, for example, include those assigned to air route traffic control center and air traffic control tower facilities operated by the Department of Transportation, Federal Aviation Administration, but would exclude those in FAA flight service station facilities. The new section also authorizes the Secretary of Transportation to prescribe regulations to determine the application of the definition to Departmental employees.

Section 2. This section adds new 5 U.S.C. 3307(b) and (c).

New 5 U.S.C. 3307(b) authorizes the Secretary of Transportation, with the concurrence of such agent as the President may designate, to set a maximum entry age for air traffic controllers. New 5 U.S.C. 3307(b) sets no specific maximum age for beginning a controller career, although new 5 U.S.C. 8335(f) sets a specific maximum retention age. As written, 5 U.S.C. 3307(b) provides both for flexible management of the controller work force and for the ability to deal with conditions that might warrant a change to the maximum entry age.

Upon enactment of new 5 U.S.C. 3307(b), however, the Department initially intends to set 30 years of age as the maximum entry age for controllers. The Secretary may consider exceptions from this maximum for individuals having previous experience in work related to air traffic control. But, no exceptions would be made for individuals after they reach their 36th birthday. Thus, the Secretary would not except an individual who was more than 35 years of age, even if he had 10, 15 or 20 years of military experience in air traffic control. Also, no exceptions will be made to broad classes or large groups of individuals who have reached their 31st birthday. Thus, the Secretary would not except all individuals who had logged a given number of hours of flight time as a commercial or airline transport pilot. To ensure consistency in administration of this provision and broader legislation which the Civil Service Commission is proposing, new 5 U.S.C. 3307(b) requires the concurrence of such agent as the President designates in the maximum entry age limit.

New 5 U.S.C. 3307(c) codifies Public Law 91–73, relating to age limits in connection with appointments to the United States Park Police, and ensures cohesive treatment of the subject matter in title 5, United States Code.

Section 3. This section adds new subchapter VI, "Air Traffic Controllers, Special Provisions", to chapter 33 of title 5, United States Code (5 U.S.C. 3371–3377).

New 5 U.S.C. 3371(a) authorizes the Secretary of Transportation to assign, reassign, demote, or release for transfer (under 5 U.S.C. 3372–3377) a controller who has career tenure if the Secretary first determines that the controller (1) is medically disqualified as a controller; (2) must be displaced from a particular facility in the interest of aviation safety or efficiency or the controller's health; or (3) must be removed from controller duties due to inability to maintain technical proficiency.

New 5 U.S.C. 3371(b) makes clear that 5 U.S.C. 3371–3377 do not limit the authority of the Secretary to make assignments, reassignments, demotions, releases for transfer, or separations vested in him under any other provision of law.

New 5 U.S.C. 3372(a) authorizes the Secretary to assign to training of 2 years, or less, a controller who is subject to a determination under 5 U.S.C. 3371(a).

New 5 U.S.C. 3372(b) authorizes the Secretary to provide training for controllers assigned thereto under 5 U.S.C. 3372(a). The training may be given in Government or non-Government facilities, for Government or non-Government employment.

New 5 U.S.C. 3372(c) provides that the employee-trainee retains his last base pay as a controller during training (including statutory increases), and that he is excluded from all staffing limitation laws during the time.

New 5 U.S.C. 3372(d) excludes training under 5 U.S.C. 3372 from the provisions of 5 U.S.C. 4101–4118, which deal with training for all Federal employees. This program has a different basic thrust than the training under 5 U.S.C. 3372, and that is to enable Federal employees to enhance their abilities to carry out their duties as Federal employees. Training under 5 U.S.C. 3372, however, is intended to equip the controller for a second career (whether in, or out of, Government service). In developing a program under 5 U.S.C. 3372, the program now in 5 U.S.C. 4101–4118 will serve as a model for use in issuing regulations implementing the new authority of the Secretary of Transportation.

New 5 U.S.C. 3373(a) authorizes the Secretary to assign, reassign, or demote a controller trained under 5 U.S.C. 3372 to duties in the Department, or to release him for transfer to another Executive agency.

New 5 U.S.C. 3373(b) authorizes the Secretary to assign a controller who is subject to a determination under 5 U.S.C. 3371(a) to other duties in the Department. This would enable the Secretary, for example, to assign a controller from a very busy center or tower to a less busy center or tower.

New 5 U.S.C. 3374(a) provides that, when an air traffic controller is eligible for an immediate annuity under 5 U.S.C. 8331–8348, he may be involuntarily separated from the service for retirement if the Secretary determines that the separation is in the interest of aviation safety, air traffic control efficiency, or the controller's health.

New 5 U.S.C. 3374(b) provides that, when a controller trained under 5 U.S.C. 3372 is not assigned, reassigned, demoted or released for transfer under 5 U.S.C. 3373(a), then he shall be involuntarily separated from the service. To ensure that these separations do not deprive the controller of severance pay under 5 U.S.C. 5595, they are expressly stated not to be "removal for cause on charges of misconduct, delinquency, or inefficiency". Also, to ensure that these separations do not deprive the controller of his full annuity rights under 5 U.S.C. 8336, they are expressly stated not to be "removal for cause on charges of misconduct or delinquency".

New 5 U.S.C. 3375(a) provides that the Secretary may make a determination under 5 U.S.C. 3371(a), or initiate an action under 5 U.S.C. 3374(a), only with the controller's written consent or 60 days written notice stating the determination or action and the reason for it.

New 5 U.S.C. 3375(b) provides that the controller have a reasonable opportunity to respond to the notice under 5 U.S.C. 3375(a), and the opportunity to have a review by the Secretary, or his designee. The reference to a designee of the Secretary makes clear that the controller is not entitled to have his case personally reviewed by the Secretary, although the Secretary may personally review the case. Of course, the Secretary's authority to make delegations of authority within the Department of Transportation is not limited by this provision.

New 5 U.S.C. 3375(c) provides that 5 U.S.C. 7501–7533 do not apply to actions taken or determinations made under new 5 U.S.C. 3371(a), 3374(a) or 3375. Rather they are subject only to administrative review under 5 U.S.C. 3375(b), and regulations implementing that subsection. The determination or action is administratively final when the controller consents in writing or the Secretary, or his designee, makes his decision under 5 U.S.C. 3375(b). The controller's only recourse after this is to the courts.

New 5 U.S.C. 3376 authorizes the Secretary to pay a controller's expenses of training (omitting part of 5 U.S.C. 4109(a)(2)(B)), under 5 U.S.C. 3372. This section is based on 5 U.S.C. 4109, and is necessary because chapter 41 of title 5, United States Code, is made inapplicable by 5 U.S.C. 3372(d).

New 5 U.S.C. 3377 empowers the Secretary to issue regulations necessary to carry out new 5 U.S.C. 3371–3377.

Section 4. This section adds new 5 U.S.C. 8335(f) that provides for mandatory separation from the service of an air traffic controller when he becomes 56 years of age, unless the Secretary selects him for retention. The Secretary may exempt from this mandatory separation requirement a controller who has not become 61 years of age on the basis that he possess exceptional skills and experience as a controller. A controller to be separated under this new subsection is entitled to 60 days written notice.

Section 5. This section adds new 5 U.S.C. 8336(e) that provides that an "employee" is entitled to an annuity after he serves as a controller for 25 years or for 20 years and becomes 50 years of age. Thus, to be eligible for an annuity under new 5 U.S.C. 8336(e), an "employee" need not be a controller at the time he reaches the required age if he has accumulated the appropriate length of controller service at that time.

Section 6. This section adds new 5 U.S.C. 8339(e) to provide that the annuity for an "employee" retiring under 5 U.S.C. 8336(e) is computed using the standard 1½, 1¾, 2 percent formula, and to provide a minimum annuity of 50 percent of the retiree's high three-year average. However, if the "employee" has received training under 5 U.S.C. 3372, the 50 percent minimum annuity provision does not apply. As is the case under new 5 U.S.C. 8336(e), the "employee" needs not be a controller at the time.

Section 7. This section amends references in 5 U.S.C. 8332(b)(3), 8334(g)(5), 8339(f), (h)–(l), and (o) (as redesignated by section 6(1)), 8341(b)–(d), and 8344(a)(3)(A) to reflect the addition in section 6 of new 5 U.S.C. 8339(e), and the redesignation of present 5 U.S.C. 8339(e)–(m) as 5 U.S.C. 8339 (f)–(n).

Section 8. This section provides that new 5 U.S.C. 8335(f) (mandatory separation of controllers at age 56) does not apply to a controller appointed before the enactment of the Act.

Section 9. This section requires the Secretary of Transportation to make a report to Congress of his operations under the Act. The report must include a statement of the effectiveness of the Act in meeting the needs of the controller career program and the air traffic control system, and any additional recommendations he deems necessary for sound management of the program of the system. The report must be made within 5 years of the date of enactment of the Act.

Section 10. This section provides that the Act is effective 90 days after the date of enactment. This will allow time to issue implementing regulations, and will be particularly necessary with respect to the maximum entrance age authority in 5 U.S.C. 3307(c), the maximum retention age authority in new 5 U.S.C. 8335(f), the training program authorized under new 5 U.S.C. 3372, and the administrative review procedures under new 5 U.S.C. 3376. This section also repeals Public Law 91–73, codified in new 5 U.S.C. 3307 (c), at the close of the day before the Act takes effect.

GOVERNMENT FIDELITY LOSSES

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. DULSKI. Mr. Speaker, you have referred to our committee a communication from the Secretary of the Treasury transmitting a draft of proposed legislation "to provide that the Federal Government shall assume the risks of its fidelity losses."

I am introducing the legislation today in order that it will be before our committee for consideration.

Since the letter from the Secretary of the Treasury outlines in detail the provisions of the proposed legislation, I am including the text of the letter as a part of my remarks:

The Secretary of the Treasury,
Washington, March 31, 1971.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: There is transmitted herewith a draft of proposed legislation, "To provide that the Federal Government shall assume the risks of its fidelity losses."

The proposed legislation would repeal the statutory requirements for bonding Federal civilian employees and military personnel charged with accountability for public funds or public property, and establish a self-insurance program for the Government's fidelity losses by permitting agencies to charge their appropriations for such losses. Enactment of the legislation would result in savings to the Government since bond premiums have consistently exceeded amounts recovered from surety companies. The proposal is also consistent with the Government's general policy of assuming its own insurable risks—a policy stemming from the fact that the Government has the resources to assume such risks. In the financial area, the risks are minimal because of extensive systems of financial checks and balances that limit the opportunities for fraud or negligence in the handling of Government funds.

Under Public Law 323, 84th Congress (6 U.S.C. 14), the head of each department and establishment in the Executive Branch is authorized to procure a bond at Government expense to cover military and civilian personnel of his department who are required by law to administrative regulation to be bonded. Prior to enactment of this law these individuals were required to pay their own fidelity bond premiums. During fiscal year 1955, the last full fiscal year prior to enactment of Public Law 323, the amount of the bond premiums paid by Federal employees was $1,732.748. Although the foregoing statute eliminated this inequity, experience under the law in procuring blanket and position schedule bonds to cover large groups of employees has focused attention on the practical and economical aspects of the requirements for bond coverage.

These experience factors can be highlighted from the consolidated annual reports to the Congress on agency fidelity bonding activities which the above Act required of the Secretary of the Treasury. The most recent report, covering the fiscal year 1970, showed that as of June 30, 1970 there were 963,269 employees covered by fidelity bonds; the total computed annual cost of premiums of bonds in effect on that date was $425,753. For the 14½ fiscal years that the Government has borne the expense of the bond premiums, the premiums have exceeded claims filed by $1,188,263. The Comptroller General, in a report to the Congress in December 1964 (B–8201) recommending discontinuance of the bonding of Federal employees, estimated that annual savings of $190,000 could be achieved thereby. A recent decision by the Post Office Department to significantly reduce the number of their employees covered by bonds would lower this estimate; however, the Department's move in this direction stems from a recognition that the cost of bond coverage is becoming prohibitive, and lends support to the self-insurance concept proposed in the draft bill. Additional savings could be expected from elimination of certain administrative expenses in connection with the procurement of the bonds, and related operations—expenses that have aggregated $730,008 over the last 14½ fiscal years.

Generally speaking, the only positions required to be bonded are those involving the disbursement and safe-keeping of public funds. Individuals assigned to these positions are responsible for public funds far in excess of the coverage provided by the bond. For example, the statutory bonding requirement for the Treasurer of the United States has remained at $150,000 since establishment of that position in 1789, although the incumbent of that position is responsible, in terms of cash alone, for average balances of approximately $6 billion in the Treasurer's general account. An accounting and finance officer in a military department is ordinarily bonded for $10,000, but annually disburses many times this amount. The cost of complete coverage for most disbursing officers would be prohibitive, and in many cases complete coverage would not be available—as a practical matter. Clearly, this situation results in only "token" coverage in those accountability areas where the potential for the largest monetary losses exists. Actually, of the almost $7 million in total losses incurred since 1956, approximately $1.9 million of such losses, or about 28 percent, exceeded the limits of the bond coverage.

The proposed legislation would eliminate the requirement for procuring fidelity bonds, thereby saving the Government the net excess of the premiums and other expenses over the net recoveries on claims. Agencies would self-insure against fidelity losses, and, to the extent that any such losses proved to be uncollectible, would charge the applicable appropriation for the amounts of such losses. Agency practices in restoring or adjusting the accounts of any defaulting employee would be performed under regulations, promulgated by the Comptroller General of the United States. Agency experience under the self-insurance program would be reported annually to the Congress by the Secretary of the Treasury for the five full fiscal years following the date of enactment of the draft bill.

The Director of the Office of Management and Budget, the Chairman of the Civil Service Commission, and the Comptroller General join in sponsoring this proposed legislation under the Joint Financial Management Improvement Program established under section 111(f) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 65(f)). I am transmitting the proposal in behalf of this joint program. It would be appreciated if you would lay the proposed bill before the House of Representatives. An identical bill has been transmitted to the President of the Senate.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

John B. Connally.

RONCALIO SECONDS SMITH PROPOSAL FOR DISPERSAL OF FEDERAL GOVERNMENT

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, yesterday my friend, the distinguished Iowan, Mr. Neal Smith, commented from the well of the House that his observation on the disturbances in Washington now taking place proved that when a relatively small number of people can cause so much concern and possibly disrupt the Government in Washington, that it is time to seriously think about moving some of the offices and agencies out of Washington. Mr. Speaker, you may remember that he received some applause at the observation. He also said that:

> We have talked about this for a good many years, but as the Government expands and gets bigger and bigger, we continue to put about 90 per cent of the agencies and increased functions into this area. I think we should look at every bill that comes up and

every time we can do so, move an office or a part of an office out of Washington, D.C.

I rise today to second these words. I also call the attention of my colleagues to the fact that on May 17, at the end of all other legislative business, I shall address the House for 1 hour upon the subject of the removal of Government offices from Washington to the hinterland of the United States of America. I particularly hope that the eminent chairman of the Committee on Government Operations, Mr. Holifield, in whose committee work was done 10 years ago this month on this very subject, and that his colleagues, Mr. Brooks of Texas, Mr. Blatnik of Minnesota, Mr. Jones of Alabama, Mr. Garmatz of Maryland, Mr. Marsh of California, Mr. Fascell of Florida, Mrs. Griffiths of Michigan, and Mr. Reuss of Wisconsin, will also perhaps be inclined to again take up the good work and resume their labors of exactly one decade ago upon the subject matter of amending all existing legislation to bring about a decentralization and relocation of facilities and personnel of executive agencies. Otherwise, Mr. Speaker, it would appear to me that we have no future but to conclude that Washington is bound to deteriorate and so will the Government that it houses.

Recently I called to the attention of a native Wyomingite, Mrs. Olga Moore Arnold, a renowned writer, and for the past many years a resident of Washington, D.C., some of the tragic differences of the Washington that she and I knew as young people here 30 years ago and the city which we tolerate today. She came up with a little item for me and I think it is worthy of the attention of every Member of the House. It follows:

Dispersal of Federal Agencies

(By Olga Moore Arnold)

My Dear Congressman Roncalio: The nation's capital belongs in Cheyenne, Wyoming, according to an early booster of my home town. N. A. Baker, editor of the *Cheyenne Leader* in the early 1880s, named the tent city's claims to this distinction as a "salubrious climate," room for expansion, and a situation so far inland, "any invading army would get lost before reaching it."

But in the Washington of today, it is defenders who would get lost, not the invaders. The patriots would be snarled in traffic jams and tangled in urban sprawl. If the commanding general lived in McLean, Virginia, it might take him forty minutes or an hour to reach the battle. Ten years ago, it took only twenty minutes.

But the "population explosion" and the fusion of the city with its suburbs has made the District of Columbia, neighboring Maryland and Virginia one vast trap, a morass through which traffic crawls as sluggishly as a fly in a pot of molasses. A helicopter would be the general's only hope, and even a helicopter has to find a parking space. And the general's eyes would be so blinded by smog, he might mistake the enemy for the local police.

The beautiful countryside has become a wilderness of shopping centers, office buildings, apartment houses and parking lots. The peaceful woodlands have been gouged up for super highways. The green pastures have been torn up for super airports. Soon the region will be one vast desert of concrete. The traditional charm of Washington with its greenery, its parks and mellow Federal buildings is rapidly disappearing. The old mansions have been replaced by ugly, square office buildings that resemble upended egg crates. New highways lead screaming traffic through the parks, spewing the picnickers and romping children with gasoline fumes, drowning out the songs of birds.

There are those who love it this way. One developer boasts happily that . . . The metropolitan area's population will soar from 3 million today toward the 4 million mark by 1980 . . . High rise centers will continue to spring up all over the metropolitan area (Gordon Kennedy in Business Forecast) . . . Population, the basic source of business strength, continues steadily up here, providing a constant source of demand for retailers and real estate developers. Washington is now the seventh largest metropolitan area in the nation, with about 2.9 million residents, according to the preliminary 1970 census figures . . . The move from tenth place in 1960 is attributable to a population growth of 800,000 people in the suburban areas . . . The most striking change of the Washington scene will be physical.

We are going to see a level and character of development, particularly in the District, fundamentally different from anything we have had until now . . . With transit, the District will be able to support much higher densities in concentrated areas . . . A number of dramatic, large-scale business building projects, many in the District, have been announced recently . . . These announced projects are remarkable, not only for their size but also because of their multi-use character, which will make them small cities within the bigger city."

Among the trade associations who have moved their staffs to Washington or who have enlarged staffs already here, are the American Bankers' Association which is bringing 350 employees to its new headquarters in the District; the American Publishers Association, said to be planning the building of a 30,000 square-foot building in nearby Reston: the American Gas Association, bringing a staff of 160 people; the Investment Company Institute; the National Association of Insurance Brokers; the U.S. Brewers' Association; the Mechanical Contractors of America; and the Business Equipment Manufacturers' Association.

The private entrepreneurs are chipping away at the land, threatening Washington's beauty, health and historical sites, nibbling at the treasures that belong to all the nation. Every spring thousands of school children come to Washington to see the White House which the British tried to burn in 1812; the Assembly Hall in Georgetown where Jefferson danced, Ford's Theatre where Lincoln was shot, the nearby battlefields of Bull Run, Antietam and Gettysburg. They come to see the famous cherry blossoms, the fine art galleries, the National Cathedral. But already land developers are trying to subdivide Antietam battlefield for a housing complex. Given their heads they would probably make a parking lot of Farragut Square and plow up the cherry trees for apartment buildings.

The Federal Government is one of the worst violators. A few years ago it tried to raze the beautiful and famous old houses fringing LaFayette Square to make space for office buildings. Embattled citizenry, history and art lovers, saved the site. Now a gigantic construction is under way to house the FBI, a building several times greater than the parent structure, the Department of Justice.

The U.S. Army Materiel Command is moving from its temporary quarters at the National Airport to two huge, privately-owned buildings in nearby Alexandria at an estimated cost of 10 million dollars. For the enormous staff these buildings will need, additional housing must be built, which will increase the congestion of streets, the flow of traffic, the pollution of water and air, and the problem of waste disposal, already acute. As of March 31, 1970, the Federal Government leased approximately 16 million square feet of privately owned space to house 78,000 employees in the National Capital environs. New leases achieved since that time increase the amount of space to almost 19 million square feet and swell the number of workers to 98,000.

Washington now bears a striking resemblance to the Old Woman Who Lived in a Shoe—she had so many children, she didn't know what to do.

This need not be the case. The capital should be a unique and elegant shrine, the heart of government, the home of history. Many projects could be administered at sites scattered over the nation. There are at least 45 states with room for expansion, states where Federal installations would be welcomed as additional sources of revenue, where an influx of population would encourage better schools, bigger markets, new recreational and cultural features. With air travel, teletype, telphone and radio available, the regional directors could communicate with Washington headquarters as quickly as they could fight their way through metropolitan traffic.

The dispersal of Federal institutions would stabilize regional employment, contribute to local tax bases, and bring government to the people. The image of bureaucracy as a distant monolith would be changed to that of a familiar and helpful home institution. It would reduce the cost of management and operation, and furnish new trade to local business houses. Experiment stations and scientific laboratories could function as easily and more cheaply in regional centers. Dispersal would provide greater security for defense-related agencies, and reduce the risk of enemy destruction by building more viable communities.

If Old Mother Goose would scatter her children more strategically, she would be less crowded in her shoe. She could place them usefully in Alabama, Louisiana, Nebraska and Maine, regions which actually lost Federal employees between 1960 and 1968. She could find uncluttered space also in the Dakotas, Montana, Idaho, Arizona, Utah and Wyoming, all states with a "salubrious climate." And Washington would be cleaner, safer, healthier and infinitely more beautiful.

VISIT OF SECRETARY ROGERS TO MIDDLE EAST

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, today our Secretary of State is visiting Cairo on his current trip to Israel and four Arab countries. While he has no magic formulas for Middle East peace in his pocket, and is going to the area not to argue but to listen to his hosts, the very fact of his trip is a measure of his personal concern. Secretary Rogers is deeply concerned about the persistent tension in this region, seeing in it, rightly, the potentialities for an accidental world war. He has worked hard ever since he came into office to help promote a Middle East settlement totally different from anything the region has known for the past 24 years: a real peace, negotiated by the parties to the conflict themselves.

Bill Rogers has won the enduring respect of both the Israelis and the Arabs. They know him. They rely on his deep awareness of their concerns and his sense of fairness. Probably no Secretary of State of this country has ever worked so hard to help bring the Arabs and Israelis closer together. To him belongs a great deal of credit for what a year ago looked impossible: 9 months of silence for the guns along the Suez Canal.

As he continues frank and friendly discussions with the leaders of the contending parties there, the good wishes of all Americans accompany him.

CONGRESSMAN ANNUNZIO COMMENDS INTERNATIONAL UNION OF GOSPEL MISSIONS

(Mr. ANNUNZIO asked and was allowed to extend his remarks at this point in the RECORD.)

Mr. ANNUNZIO. Mr. Speaker, as the Congressman for the Seventh District of Illinois, where the headquarters of the Bible Rescue Mission are located, it gives me great pleasure today to inform my colleagues that the 58th Annual Convention of the International Union of Gospel Missions will be held from May 22 through May 26, 1971, in my district in Chicago.

I have introduced in the House of Representatives House Joint Resolution 602, which authorizes the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week" and I urge my colleagues to give their bipartisan support to this legislation today.

This recognition is indeed appropriate, because the Rescue Missions in every major city of America since 1870 have been ministering to the physical, material, and spiritual needs of the less fortunate and disadvantaged in our society.

The rescue missions during the past 100 years have unfailingly extended a helping hand to feed the hungry, house the homeless, clothe the poor, and give medical aid to the ill. They have made a tremendous contribution in the fight against poverty, alcoholism, drug addiction, and crime in America.

These dedicated men and women who are members of the rescue missions, have given compassionate and outstanding service to their fellow human beings, and as more than 2,000 delegates and guests gather in Chicago for their 58th annual convention, it gives me great pleasure to extend my warmest congratulations to them for their great contribution to our country and to extend to them best wishes for their ever-increasing success in serving our people in the years ahead.

B-1 MANNED BOMBER

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, yesterday, Senator GEORGE MCGOVERN of South Dakota and I issued a report on the supersonic bomber, the B-1. This report is the first of 14 reports critically analyzing military weapons systems and policies to be issued over the next 2 months by the bipartisan group, Members of Congress for Peace Through Law. The report concludes that the B-1 is a virtually useless weapons system that will cost an enormous amount of money to research and develop; we estimate as much as $47 billion.

I urge my colleagues to give this report their careful attention and at this point I include it in the RECORD along with my press release summarizing the report and two recent articles on the B-1 from the New York Times and the Washington Post.

REPORT ON THE B-1 BOMBER

Prepared by Senator George S. McGovern and Congressman John F. Seiberling for the Military Spending Committee

SUMMARY

As the existing and planned ICBM and SLBM arsenals of the United States and the Soviet Union become more clearly defined and the enormity of the combined destructive power of the opposing nuclear forces is understood, the continued maintenance of a manned bomber fleet by the U.S. as a tertiary threat suggests redundancy in depth. The wisdom of retaining this optional deterrent is yearly becoming more and more questionable.

Aside from the doubtful penetration capability any future manned bomber would have in a heavily defended SAM environment, the cost of a new generation of manned strategic bombers and supporting fleet of tankers is so staggering as to make the question of continuing any strategic bomber program one of great national concern.

This issue need not be decided, however, in order to deal with the fiscal 1972 B-1 funding request. The B-52 useful life assures ample time to hold the project in abeyance while considering other alternatives, including a system designed exclusively for the standoff role, or further modifications of the B-52 to further extend its life and improve its capabilities.

B-1 costs threaten to reach astronomical levels, well beyond those estimated by the Air Force. Large increases have in fact occurred in the past year, even though the project still exists only on paper. The almost certain need for a new tanker pushes the price tag up beyond $20 billion even if doubtful Air Force cost estimates are used. One more credible estimate sets the total at $47.2 billion. Predictable added costs go a long way to nullify claims that the B-1 would have cost-effectiveness advantages over the B-52/FB-111 combination, and even those claims have no foundation unless the system has an assured expected useful life of more than seventeen years.

The B-70 experience confirms that the supersonic capability has little relation to the basic nuclear war missions which can be foreseen for the B-1. On the contrary, elaborate design features required for supersonic flight could easily detract from the aircraft's ability to penetrate at low altitudes. Useful only in conventional roles which are, at best, a spinoff purpose for the B-1, the supersonic capability will account for as much as 50 percent of the system's ten-year cost.

RECOMMENDATIONS

(1) The supersonic capability should be dropped regardless of what other decisions are made.

(2) The funding requested for fiscal 1972 should be reduced to the amount required to terminate contracts awarded thus far and to preserve the advanced research and development option for possible renewal at a later time. The aircraft should be redesigned to eliminate the supersonic capability and associated costs. Amounts required for these purposes should not exceed $20 million in fiscal 1972.

(3) Funds should be added for basic research and development on an alternative subsonic strategic aircraft designed exclusively for operation as a standoff platform and on a new air to ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of SLBM and ICBM penetration.

INTRODUCTION TO THE B-1

The B-1 is a proposed intercontinental strategic bomber. The U.S. Air Force plans to phase it into the existing strategic arsenal as a replacement for the currently operational B-52's and FB-111's, starting in the 1978-1979 time frame.

The B-1 is to be powered by turbofan jet-engines. It will be capable of supersonic cruise at high altitude (mach 2.5), but will be restricted to subsonic speeds (approximately mach 0.85), at low altitude. It will have a maximum takeoff gross weight of 350,000 to 400,000 pounds and an estimated payload of 80,000 pounds. It carries a crew of four. Its estimated range with one aerial refueling is 10,000 miles. It will carry standoff missiles (SRAM) and armed decoys (SCAD) in addition to gravity bombs.

The Air Force is planning on a basis of 200-plus units, and 240 is the current target. It has reduced its prototype requirements from five flight-test aircraft to three and the number of static test models from two to one. The original estimated cost per copy was $25-$30 million but in the past year has been revised upward to $30.8 million.

After annual expenditures at an annual rate of some $25 million in prior years, refiscal 1970 and 1971. Last year contracts were awarded for airframe and engine development. The fiscal 1972 B-1 funding request has moved up to $370 million.

During the past nine years of controversy surrounding the need for an AMSA or the B-1 manned bomber, there has been a recurring line of Congressional inquiry as to which bombardment mission profile would be the most effective in the 1980 to 1990 time frame. The recent and lamentable passing of the XB-70 "Valkyrie" into a questionable Valhalla at the Air Force Museum in Dayton at a cost of $1.4 billion, coupled with the untimely demise of the B-58 fleet after less than ten years of combat readiness and the repeated groundings of the current FB-111 fleet suggests that past DOD and USAF decisions with respect to mission profiles have been in error to a point where more intense Congressional scrutiny is mandatory.

DISCUSSION

B-1 operating environment

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B-1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

That question can be best resolved in the context of an overview of strategic forces, such as included in the 1970 Military Spending Report. While it is of obviously decisive importance here, therefore, the primary focus now will be on whether the specific bomber under consideration is an appropriate approach, given what we can predict about the environment in which it must operate.

Such predictions are extremely difficult to make. The Strategic Arms Limitations Talks could and hopefully will produce major alterations in the nuclear strategies of the United States and the Soviet Union. Beyond that, the impossibility of predicting the nature of opposing forces a decade hence is made abundantly clear by simple reference to the rapid growth of arms technology in the past. There was good reason for the assessment made last year by General Glasser, Air Force Deputy Chief of Staff for Development Plans:

". . . it simply is not possible to specify with clarity what a weapon system such as the B-1 will be actually used for ten or fifteen years from now."

It is possible, however, to foresee the direction of future developments, on the basis of arms capabilities now in being or within reach.

First, as to the role of bombers, it is undisputed that any justification for relying mainly on bombers for deterrence has long since disappeared. Especially with the deployment of MIRV warheads, delivery of nuclear weapons by ballistic missile costs far less than their delivery by manned aircraft. If there is still a need for the bomber, therefore, it must be grounded in the fear that ICBM's and SLBM's may be so severely degraded by the adversary that they can no longer be counted on to deter nuclear attack. The bomber's role is to supply insurance. It is one of a number of methods which might be used to complicate the task of an enemy determined to "win" a nuclear battle with the United States.

Effective defenses against airborne bombers differ substantially from those which might be used to counter missiles after launch. There is, moreover, a unique kind of protection afforded by the combination of ICBM's and manned bombers, even though both are conceded to be increasingly vulnerable by themselves. An adversary who seeks to knock out both may, for example, decide to strike simultaneously with low-trajectory SLBM's against the bombers and ICBM's against the missiles. But his ICBM's, because of their longer flight times, would have to be launched first, and as soon as they were detected by our radar the bombers could be launched and placed beyond danger. If, on the other hand, he launched both his SLBM's and ICBM's at the same time, the early arrival of the SLBM's at U.S. airfields would give notice of the attack in ample time for our ICBM's to be launched. This "box phenomenon" renders a first strike against both bombers and land based missiles virtually impossible.

The Polaris fleet has enormous destructive force on its own, and it is still considered invulnerable to degradation prior to launch. An adversary bent on simultaneously neutralizing both U.S. ICBM's and SLBM's, plus planned and possible internal improvements in those systems, faces a superhuman task. Hence it is clearly questionable whether such a (missile-bomber) mix is necessary. But assuming, for present purposes, and that it is a desirable goal, we are left to discuss the capabilities which are essential if the bomber is to insure effectively. Basically there are two.

First, the bomber must be able to avoid destruction prior to launch. In this respect the B–1 would be a marginal improvement over the B–52, although not over the FB–111, because it can be launched more quickly and dispersed more widely—if similar attributes can be extended to the tanker fleet. Because of the "box phenomenon" noted above, however, it does not appear that pre-launch survivability will be a major problem in any case, so long as we have bombers which can become airborne with reasonable speed, coupled with a land-based missile force capable of penetrating enemy defenses in significant numbers.

Second, the bomber must have a credible ability to penetrate enemy defenses and deliver enough warheads on target to inflict unacceptable damage. And this is the point where the case for the B–1 becomes most precariously unhinged, as a result of prospects similar to those which ended in abandonment of the B–70 high-altitude supersonic bomber several years ago.

That aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B–52 was considered to be too slow. After we initiated work on the B–70, however, they deployed large numbers of high altitude SA–2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B–70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B–52 G's and H's have been superior to the B–70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA–2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advanced planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft.

The fiscal 1972 military posture statement submitted March 9 by Joint Chiefs of Staff Chairman Admiral Thomas Moorer is instructive on this point. Discussing Soviet strategic defenses, Admiral Moorer stated that,

"It is possible that they may deploy, later in this decade, an airborne warning and control aircraft with a true over-land, look-down capability and equip an advanced interceptor with a look-down, shoot-down radar/missile system. If they do so, they could have a greatly improved area defense system in the late 1970's."

If that assessment of Soviet capabilities is correct, then it is entirely reasonable to expect that when the B–1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Look-down and over-the-horizon radars and advanced infra-red detection devices are several methods which threaten to deplete the B–1's ability to penetrate at low altitude. Others may be in the offing, including means of tracing aircraft through the air turbulence which follows in their wake. And, once detected, any manned aircraft is burdened by inherent disadvantage in hostile airspace populated by surface-to-air and/or air-to-air missiles which it can never hope to outrun.

It must be noted that these are prospects which would face the B–1 bomber at the very beginning of its operational time frame. Still more sophisticated defenses could be developed later on; doubtless Soviet planners, if they elect to defend against bombers at all, will undertake intensive work along such lines as soon as the B–1 design is finalized.

With abandonment of the on-the-deck supersonic capability, the B–1 has little to recommend it over the B–52 for low altitude penetration. Its radar cross-section would be smaller, but, since radar sensitivity varies inversely as the fourth power of distance, the B–1 could get only 16 percent closer than the B–52 before its radar signature became the same, even if its radar cross-section were reduced by a factor of two. What is more, as to both speed and radar cross-section, the B–1 is distinctly inferior to the FB–111.

The Soviet Union may, of course, decide not to pursue the advanced bomber defenses described here. In that case the B–1 would not be required; the B–52 could penetrate. If, on the other hand, they do go ahead with such defenses, we could not place much confidence in any aircraft to carry out a gravity bombing mission. As a consequence, the value of a mixed deterrent would be lost. Moreover, the unique protection of the box phenomenon would also be eliminated, because there would be no need for the Soviet strategists to attempt an attack on the bomber force on the ground—they could simply launch against ICBM's, and depend on their air defenses to counter U.S. bombers.

There is no intention here to suggest that B–1 advocates have neglected the possibility that low-level penetration may prove to be a fruitless strategy. They have not. Unfortunately, they have, instead, alluded to that prospect as a reason for giving the B–1 a high-altitude supersonic capability as well, and the result is still unsatisfactory. Certainly the creation of a deadly environment at low altitudes will not make the high altitude environment—considered too dangerous for the B–70 nearly a decade ago—any more hospitable.

The supersonic flight capability will not make the B–1 a better delivery system for nuclear weapons. If anything it will be a negative factor. It calls for complex design features which may make low altitude penetration more difficult; surely the sharp, supersonic wing must, for example, detract from stability on the deck.

The answer is not to build the B–70 into the B–1. We should instead undertake a search for more promising alternatives.

Conventional warfare utility

One of the most frequently cited rationales for the further development and production of the B–1 is that "strategic bombers, unlike strategic missiles, can be used conventionally." The argument usually references the B–52 "ARC LIGHT" missions flown in support of tactical ground and interdiction operations in Southeast Asia. The contribution of the B–52, judging from military opinion, has been substantial, and quite clearly could not have been duplicated by missiles fired from remote launch sites.

Before such employment of a strategic weapons system in a tactical "iron bomb" environment can be accepted as part of a valid case for a follow-on bomber, it must be recognized that no B–52, except possibly through navigational error, has ever flown over North Vietnam. In testimony before the Senate Armed Services Committee in 1969, Air Force Officials stated that on a bombing run in a SAM-protected environment such as North Vietnam, possibly 50 percent of all the B–52's on any given raid would be lost, and one expert said, "It would probably be more." As early as January, 1966, former Secretary of Defense, Robert S. McNamara, writing in Air Force magazine stated, "The fact of the matter is that no U.S. bomber has had to face the kind of defenses that exist today."

Yet the SAM–2's which the Soviets have given the North Vietnamese are relatively obsolescent and Soviet ground-to-air missilery of the late 1970's and early 1980's will undoubtedly relegate today's SAM–2's to the Model-T class.

In this same context, it is noteworthy that during the Korean Conflict, the high altitude tactical bombing regime was so hostile due to an abundance of Soviet-manufactured conventional anti-aircraft weapons and the presence of MIG fighter aircraft that neither our then first-line strategic bomber, the B–47, nor its predecessor, the B–36, were employed in a tactical role and our aging B–50's were restricted to night missions when daylight losses become prohibitive.

Tactical situations obviously do vary from war to war and from location to location. To suppose that in any future conventional conflict there will be a justifiable role or even individual target complexes where, as in Southeast Asia, hundreds of conventional bombs have been dropped at maximum interval to saturate a "target box" with near total destruction, is to ignore even the basic tenets and tactics of conventional warfare targeting.

Should such a rare combat circumstance recur wherein a strategic bomber would have any possible utility in a conventional war, a far less expensive aircraft than the B–1 could be substituted to perform the same mission.

In this vein, the Air Force, within its present inventory of tactical aircraft, has an enormous bombing capability and is developing a new generation of follow-on-aircraft that promises to further enhance it. Three factors should be considered in weighing the use of the B–1 in a tactical environment and in a force mix with fighter-bombers, tactical bombers and attack aircraft. First, that Vietnam-type target complexes as described above are isolated cases; second, that by proper application of alternative tactical weapons delivery system, inter-theatre close-support and interdiction targets can be effectively bombed by far less expensive airplanes; and third, aircraft losses and airframe wear incurred while using the strategic bomber fleet in a tactical role is not only extremely costly on a per sortie basis but permanently subtracts from the nation's overall strategic capability.

Systems cost considerations

A persuasive case can be made for purchase of a given weapons system regardless of cost, *if* it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war. As is developed elsewhere in this report, however, the value of the B–1 bomber in this respect is both speculative and marginal, and questions of cost therefore assume much greater importance. Clearly the B–1 must compete on a cost-effectiveness scale with other options, including new land and sea-based missile technology, for preserving the U.S. nuclear deterrent through its contemplated operational time frame. Such competition requires the best possible estimates of the total outlays that will be needed to include the B–1 in the U.S. strategic arsenal.

In light of painful experiences with such aircraft as the F–111 (originally proposed at $2.8 million per copy, escalating to over $8 million) and the C–5 (from $16.5 million to more than $45 million), it is difficult to place much confidence in Air Force estimates of probable B–1 expenditures. Even if the accuracy of those predictions could be assumed it is clear that the B–1 would be among the most expensive military systems ever proposed to the Congress, with a price tag of over $11 billion, exclusive of such major costs as operation and maintenance, armaments, and a follow-on-tanker.

But experience to date suggests that the B–1 will by no means be an exception to the pattern of cost escalation. Enormous cost overruns have, in fact, already occurred, even though the program is still fairly early in the research, development, test and evaluation stage, several years away from production.

In 1969 Defense Secretary Laird advised the Congress that the total cost per copy of the B–1 would be between $25 and $30 million. Early last year the figure was set more precisely at the top of the range, at $29.2 million, and by June 30th it was up to $30.8.

However, this figure followed several design modifications which should have brought substantial cost reductions. They included a 25 percent drop in the number of Short Range Attack Missiles (SRAMs) and Subsonic Cruise Armed Decoys (SCADs) to be carried internally, elimination of the low-altitude supersonic capability, and a significant reduction in the size of the initial avionics package. Senator McIntyre, who chairs the Senate Armed Service Subcommittee on Research and Development, estimated last August that the avionics change alone should have produced savings of between $5 million and $6 million per copy, placing unit estimates somewhere between $19 and $25 million. They did not materialize.

Based on a middle-range buy of 200 aircraft, therefore, the Air Force's own calculations show the cost of the system planned now mounting by between $1 billion and $1.2 billion in a single year.

More recently we have seen a similar kind of escalation in the RDT&E stage. Last year the estimate for this phase had climbed to $2.33 billion; now up to $2.63 billion in "escalating dollars." But last year's figure included five flight test aircraft, one static test airframe and one fatigue test airframe, to be constructed by North American Rockwell Corporation. Since then two of the flying prototypes and one static airframe have been dropped. Yet current estimates place the price reduction to be realized by that decision at only about $110 milion—a savings of less than 9.2 percent of total RDT&E costs

Another cost-factor of serious concern is the likelihood that at some point during the B–1's lifespan, and probably early in that period, a new compatible refueling tanker will be required, to replace the KC–135.

The Air Force maintains that the B–1 will be fully compatible with the KC–135, which now refuels the B–52's, and that only minor modifications in the tanker fleet will be needed. But the new tanker issue remains very much unsettled. It is also very much confused as a consequence of contradictory signals coming from the Air Force—exemplified by the fiscal 1971 budget request for $500,000 to initiate studies on a KC–135 replacement, followed by assertion that no new tanker is contemplated, read in the context of SAC Commander General Bruce K. Holloway's statement to the Armed Forces Journal last June that,

"We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft than can offload more fuel."

It is axiomatic that any strategic bomber is of little value if it cannot escape destruction on the ground, prior to takeoff. To avoid attack by low-trajectory submarine launched missiles, the B–1 will have a quicker reaction time than the B–52, and it will be capable of taking off from shorter runways so the force can be widely dispersed.

But the B–1 will be unable to complete its mission without refueling, and under present plans it must depend for refueling upon aircraft which do not have those capabilities. The KC–135 needs in excess of 9,000 feet for takeoff, a distance comparable to that required by B–52, so it cannot be dispersed any more widely than the existing force. Its takeoff time is also roughly the same as that of the B–52. By targeting its SLBM's on the tanker fleet, therefore, the adversary could render the B–1/KC–135 combination just as vulnerable as the B–52/KC–135 combination might be.

In response to this reasoning the Air Force will argue that the tankers can be modified to achieve reaction time which more closely approximates that of the B–1. The nature of such modifications has not yet been revealed, but the answer is deficient in any event. A fundamental point in the case for a new bomber has been the premise that the B–52, last produced in 1962, is aging and will soon be too old to be dependable. But the last KC–135 was produced in 1964, just two years later. If the B–52 cannot last physically past the early 1980's, as the Air Force contends, then it is hard to imagine how the KC–135 can last some 15 to 20 years longer.

If costs are of any concern to all, then certainly the tanker issue is a critical factor. One possibility under consideration for the tanker role is a modified C–5. Based on Air Force price estimates submitted to Senator McIntyre's Subcommittee last year, a fleet sufficient to serve 200 B–1's would cost, conservatively, some $8.25 billion, thus pushing the total system cost well over the $20 billion mark even accepting Air Force price estimates.

The foregoing examples of cost growth to date, along with additional expenditures, for armaments and O&M, which will inevitably be associated with the B–1 system although not included in official estimates, indicate how hazardous it is to place any faith in Air Force projections.

The authors of this study admit to less technical expertise than the military in making detailed cost estimates. We therefore embrace no specific alternative calculations of total cost. It is, however, instructive to consider projections from other sources, ranging as high as $75 billion for the complete B–1 system. Several such estimates are set forth in the appendix.

Another question which deserves attention in connection with cost projections grows out of the contention that over its useful life the B–1 will be less costly than the alternative of relying upon the B–52/FB–111 combination, with continuing modifications to extend the life of the B–52.

Writing for the P.I.C. News, the newsletter of the Public Information Center, last August, Representative William Moorhead calculated that the cost of modernizing and extending the B–52 force for ten years beyond 1978 would be $7.36 billion, compared to his "conservative" estimate of $20.27 billion for the B–1 during the same period.

In fact, the Air Force has not denied the existence of such a cost advantage for the existing force during the first ten years. Their calculations were laid down as follows by Secretary of the Air Force Harold Brown in 1968 testimony to the Senate Armed Services Preparedness Investigating Subcommittee:

"Over the first ten-year period, the program cost of an AMSA (B–1) bomber force would be considerably higher than that of the B–52 and FB–111 force because with selective modifications to the structure and avionics, the lifetime of many B–52's can be economically extended to the late 1970's. Over a period of about 17 years the costs of a bomber program phasing to (deleted) AMSA's, compared with a program continuing the 255 B–52's and 210 FB–111's would be the same, $22 to $23 billion."

The buy of FB–111's has since been reduced to four squadrons, a figure which should still be sufficient to require the mixing of defenses claimed as a main attribute of the manned bomber. That change should give the B–52/FB–111 combination an even greater cost advantage.

But what is important to note here is that acceptance of the premise that the B–1 might eventually have a cost advantage over the B–52/FB–111 combination requires acceptance of a much more ambitious assumption—that the manned bomber, moreover a specific manned bomber with capabilities which will be locked very soon, will be playing a vital role in the U.S. nuclear arsenal some seventeen years from now, in a vastly changed environment. Those who find that assumption unpalatable will find continued reliance on the B–52 and FB–111 infinitely more attractive from the cost standpoint.

Finally, a cost-conscious evaluation of the B–1 as now planned requires careful attention to the additional expenditures demanded as a consequence of the decisions to make the aircraft supersonic at high altitudes, even though the low-altitude supersonic capability has been scrapped. Put bluntly, the high-altitude supersonic capability makes hardly any sense in the nuclear warfare missions contemplated for the B–1 since, as is pointed out elsewhere, the B–70 bomber was dropped precisely because the Soviet Union had the clear capability to destroy high-flying supersonic aircraft.

The supersonic capability of the B–1, which will almost certainly be used only in conventional warfare roles, will, according to Air Force sources, increase its ten-year systems costs between twenty and thirty percent. Senator McIntyre estimated last year that it could be "closer to fifty percent," and there are sound reasons for preferring his figure. If the aircraft were entirely subsonic it could be made fixed wing instead of swing-wing, thereby cutting weight, reducing maintenance problems, and increasing range. The supersonic capability requires much thinner wings to lessen drag, another cost escalating factor. Supersonic flight with the B–1 engines will be accomplished by afterburning, which drastically multiplies fuel consumption.

Startling results are yielded by application of the incremental supersonic costs ratios suggested above to the low and middle-range estimates of ten-year B–1 systems costs. The decision to go supersonic calls for additional outlays of from $2.2 billion (20 percent of $13.4 billion) to $10 billion (50 percent of the $20 billion high estimate for procurement and R&D only), over what would be required by an entirely subsonic plane.

Alternatives to the B–1

One obvious and much less expensive alternative to moving ahead with the B–1 bomber would be to plan for the retirement of the manned bomber from any nuclear war role, and certainly that approach does deserve careful consideration. There is, however, no need to make such a determination in order to reach the conclusion that the B–1 is ill suited to the tasks it has been assigned.

There is ample time to consider other alternatives as well. Contrary to the impression created in recent years, there is little hard evidence to support the conclusion that the latest B–52 models are about to collapse from old age. The Air Force has pitched its case for the B–1 less on this concern than on its assertion that the B–1 will, over a period of years, be a less expensive option than preservation of the B–52. But the B–52 can remain a tremendously formidable delivery system well into the 1980's, and probably beyond, especially with the addition of SRAM and other penetration aids. There is no need to buy the B–1 quickly because of a fear that there may come a time when the United States will be without a strong strategic bomber.

Another option, therefore, would be to simply continue relying upon the existing combination of 255 B–52's and H's and 75 FB–111's, for as long as they can be retained in service through appropriate modifications or until such time as they can no longer penetrate Soviet defenses. If that time does come the B–1 could probably not penetrate either, particularly in light of recent decisions to downgrade its performance.

In some respects this course is much more attractive than choosing the B–1. As noted in the section on systems costs, economic considerations will favor the B–52/FB–111 combination for as long as seventeen years and possibly more. And if the objective of the manned bomber is to force the adversary to mix his defenses, to counter both bombers and missiles, there is some reason to believe that the combination of older aircraft could perform more satisfactorily than the B–1. Since the FB–111 does have a supersonic capability at low altitudes, and since it can reach significant numbers of SAC targets within the Soviet Union, these two aircraft could give the adversary a more complicated defensive problem than that posed by the B–1 alone. Since the weaknesses of one could not be exploited against the other, he would have to defend against the best features of both, at least for those targets which the FB–111 could reach at supersonic speeds.

It is possible to foresee viability for still other alternatives. If the B–52/FB–111 combination is not satisfactory, it is nonetheless still shortsighted to consider the B–1 as the single new configuration available.

A more desirable design might, for example, completely forego gravity bombing and concentrate instead on a meaningful long-range standoff capability, including both a new strategic aircraft and a new air to ground missile with longer range and a greater payload than is contemplated for SRAM. Such an aircraft need not be supersonic. It could be designed for rapid takeoff to preserve prelaunch survivability and the benefits of the "box phenomenon." The avionics could be much less elaborate than the B–1 package, because there would be no need to attempt penetration of enemy defenses. Research and development efforts could focus intensively on an air to ground missile approach aiming for maximum differences between the nature of this airborne attack and the threat posed by U.S. ICBM's and SLBM's, to continue the "mixed defenses" problem confronting the adversary.

Such a system would, of course, be far less glamorous than the B–1. But it could also avoid the weaknesses, exploit the strengths, and add new values to the use of manned aircraft in nuclear war situations.

Appendix

(Selected B–1 System Cost Estimates)

(1) The current Air Force estimate of B–1 costs, calculated now in "escalating dollars" with inflation factored in, is $2.628 billion for development and $8.496 for production, or a total of $11.124 billion exclusive of operation and maintenance and armaments including SRAM and SCAD.

(2) In August of 1970, Representative William Moorhead published two estimates based on an extrapolation from Air Force figures. He described the first, a total of $20.27 billion, by saying that, "if it errs it probably does so on the conservative side." His high estimate, following generally applicable rules on operation and maintenance and trade journal estimates on procurement costs, totalled $33.47 billion. His calculations were as follows:

Estimate:	*Billion*
Sunk Research and Development	$0.25
Prototype Procurement	2.33
Procurement of ca. 250 planes, including AGE, initial spares, training aids, and technical data	9.30
Operation and Maintenance for 10 years	3.75
SRAM R.T.D. & E. (short range attack missile)	.42
SRAM procurement (for 2,800)	.80
SRAM aerospace ground equipment	.19
SRAM warheads	.50
SRAM O & M for 10 years	.40
Estimate with USAF figures	17.94
13 percent overrun allowance (average for recent major systems)	2.33
Total estimate	20.17
Addenda:	
Addition to O & M to reflect general overhead by raising the figure to $13.95 billion, following a rule of thumb of 150 percent of aircraft procurement cost for 10 years of operation	$10.20
Addition to procurement-cost figure to match trade journal estimates of $12 to $13 billion	3.00
High total estimate	33.47

(*Note:* Representative Moorhead's analysis does not include the possibility that a new tanker fleet will be required. Using a three to two tanker-to-bomber ratio for a 255 aircraft B–1 fleet, taking the estimated $27.5 per copy cost for a C–5 tanker supplied to Senator McIntyre by the Air Force last year, and adding the same 13 percent overrun allowance employed above, the new tanker could add another $13.73 billion to the systems cost, bringing the High Total Estimate to *$47.2 billion.*)

(3) In December of 1969 the Defense Market Survey Market Intelligence Report cited then-current USAF estimates for a "200 plus" fleet of $1.7 to $1.9 billion for R&D $6.8 to $7.2 billion for aircraft with spares and support, and $3.3 to $3.5 billion for ten-year operation, in 1968 dollars. It then noted the failure of DOD to discuss the tanker problem, plus the requirement for additional command and control aircraft for the strategic fleet. From that it deduced that, "The inescapable conclusion is that the price tag for the total system could well soar above the $25 billion mark."

(4) Using an analysis similar to that of Representative Moorhead but with slightly higher figures, Bruce W. MacDonald of Princeton University, coordinator of a detailed study of the B–1 system, foresees a total systems cost of "anywhere from fifty to seventy-five billion dollars." His method:

	Billion
Sunk into Research and Development	$0.25
Prototype Procurement	5.00
Procurement of ca. 250 planes at $60 million per copy	15.00
Operations and Maintenance	4.00
SRAM RDT&E	0.42
SRAM Procurement (for 2,800)	0.80
SRAM aerospace ground equipment	0.19
SRAM warheads	0.50
SRAM O&M for ten years	0.40
	26.56
13 percent overrun allowance of all but prototype procurement *plus* unit costs, reflecting experience on recent major systems	27.41
Addition to O&M to reflect general overhead by adding 150 percent of aircraft procurement cost for ten years' operation	22.50
255 new tankers	12.70
Tanker RDT&E	2.00
Tanker Maintenance for ten years	2.00
	66.61
Plus eventual addition of the avionics originally planned but deleted last year with room left for later incorporation	8.39
Total Ultimate Systems Cost	75.00

Press Release by Rep. John F. Seiberling

Washington.—Rep. John F. Seiberling (D.-Ohio) urged Congress today to abandon the controversial supersonic bomber—the B–1—calling the project "utterly impractical" in the light of current advances in nuclear defense.

Seiberling described the B–1 as a "weapons system in search of a mission. These days," he added, "the notion of flying over a target and dropping a gravity bomb is utterly absurd. Such an effort would truly be a mission impossible."

Seiberling's remarks came as he and Sen. George McGovern (D.-S.D.) released a report on the B–1. The report noted the possibility that the B–1 could be obsolete by the time it became operational in the late 1970s.

Several methods of detection including look-down and over-the-horizon radars and advanced infra-red devices could severely limit the B–1's ability to penetrate enemy defenses, especially at low altitudes, the report said.

"It is entirely reasonable to expect that when the B–1 enters the force in the late 1970s, a new defense capable of nullifying it will arrive at about the same time," the report said.

Seiberling added: "Long before any bomber, whether sonic or subsonic, would get over a target, it undoubtedly would be knocked out of the air. Short range attack missiles and decoys would prove inadequate to fool the enemy."

Seiberling pointed out that the reason no B–52 has ever intentionally flown over North Vietnam may be inferred from testimony of Air Force officials that on a bombing run in an area protected by surface to air missiles possibly 50 percent of all the B–52s on any given raid would be lost.

Citing cost estimates ranging from 20 to 75 billion dollars for the total B–1 package, the McGovern-Seiberling report said the cost of a new generation of manned strategic bombers and supporting fleet of tankers "is so staggering as to make the question of continuing any strategic bomber program one of the great national concern.

"The issue need not be decided, however, in order to deal with the fiscal 1972 B–1 funding request. The B–52 useful life assures ample time to hold the project in abeyance while considering other alternatives," the report said.

One alternative, suggested by the report, would be a less expensive subsonic plane equipped with long-range air to surface missiles. "Besides its lower cost," said Seiberling, "such a plane would not have to penetrate an enemy's defenses."

The proposed budget for fiscal year 1972 calls for $370 million dollars for further research and development of the B–1. However, under the recommendations of the

McGovern-Seiberling report only 20 million dollars would be required for the next fiscal year. The $20 million would be used to terminate existing B–1 contracts and preserve the research and development option for possible future use.

[From the Washington Post, May 5, 1971]

ARMS SPENDING CRITICS ASK SCRAPPING OF B–1

(By Michael Getler)

Congressional critics of Pentagon spending yesterday called for scrapping the Air Force's proposed fleet of B–1 manned bombers, claiming the project might eventually cost from $20 billion to $47 billion with no guarantee that the planes could get through modernized Soviet air defenses.

Foes of the B–1, a cherished Air Force project, urged that Congress cut the $370 million for the plane in the defense budget down to $20 million, enough to pay the costs of terminating contracts.

Instead of the B–1, the members of Congress for Peace Through Law recommended that research begin on a less expensive plane which—if a new bomber was needed—could stay outside the range of Russian anti-aircraft defenses and fire long-range missiles to the targets that the B–1 was intended to bomb.

Sen. George McGovern (D-S.D.) presidential hopeful and co-author of the B–1 report along with Rep. John F. Seiberling (D-Ohio), told a press conference that the current arsenal of U.S. bombers—aging B–52s and never FB–111s—is enough bomber power and could be made to last at least until the end of this decade. McGovern also questioned whether 10 or 15 years from now bombers would play any role in nuclear deterrence.

The U.S., he believes, can afford to wait for another year to see if an agreement can be reached at the SALT talks to put limits on these weapons.

The MCPL is a 115-member coalition of Senate and House members. In each of the past two years, its defense committee issued a single thick report attacking the logic of as many as a dozen Pentagon projects. This year, in an admitted attempt to get more publicity and draw more attention to the individual issues, the group is releasing one report a week starting with the B–1.

Sen. William Proxmire (D-Wis.), this year's defense committee chairman, believes the MCPL may also benefit from the impact of the congressional defeat of the SST. That vote showed, Proxmire said yesterday, that public opinion can be aroused to defeat programs with strong financial and political backing.

The B–1 is such a program, with strong support among the Pentagon hierarchy. The plane would also be produced mostly in job-starved southern California, making it politically sensitive as well.

Arguments over the plane between the MCPL and the Air Force revolve around two-key points:

Penetration—critics contend that the Russians would respond to the B1 development with even more massive air defenses and that the plane would not get through. And, the MCPL points out, the Air Force, in trying to hold down costs, is cutting out the very things that would give it a better chance—supersonic speed at low altitude and many short-range attack missiles and decoys to help it knock out or fool defenses. Thus, says the MCPL, if a new bomber is needed a so-called stand-off plane with long-range missiles makes more sense.

Ironically, other congressional critics of the B–1 say a simpler, cheaper plane should be built because Soviet defenses would be severely disrupted in an ICBM exchange that would no doubt precede a bomber attack, making it easy for a far less sophisticated plane to get to targets deep inside the Soviet Union.

The Air Force maintains that building a plane to fire a missile several thousand miles is no different from using an ICBM in the first place. The bomber is needed to go far inland and hit Soviet missiles not fired in an initial attack, the Air Force says, adding that the B–52 will get too old and that the FB–111 is too-short-ranged to reach more than 30 per cent of the B–1I's prospective targets.

Costs—The most recent Air Force estimate is $11.1 billion for the program, but this doesn't include operating costs and new weapons for the plane to carry.

MCPL member Rep. William Moorhead (D-Pa.) estimates that with those added items the B–1 will cost about $20 billion. Furthermore, if a decision is made in 1975, after about a year of B–1 test flights, to go into production, the MCPL maintains that a new refueling tanker will also be needed. In Moorhead's view, this would raise the total cost of a B–1 decision to possibly $47 billion.

The Air Force disputes the tanker contention, saying the existing KC–135 would do the job. But the MCPL report points out that the KC–135 was built only two years later than the most recent B–52 and the Air Force, in making its case for the new bomber, claims that the B–52 will be too old to stay in service much beyond the late 1970s.

[From The New York Times, May 5, 1971]

PROPOSED BOMBER TERMED UNNEEDED

(By John W. Finney)

WASHINGTON, May 4.—A bipartisan Congressional group fired its first salvo in the battle over the defense budget today by attacking the Air Force's proposed new supersonic manned bomber.

The proposed B–1 aircraft was criticized as an unnecessary, ineffective and obsolete weapon in the nuclear age, in a report issued by Members of Congress for Peace Through Law. The study group, consisting of 115 members of the House and Senate, is headed this year by Senator Mark O. Hatfield, Republican of Oregon.

Meanwhile, a still secret report by the General Accounting office, which has been circulating on Capitol Hill, has concluded that the Air Force "understated" the cost of the B–1 and did not take adequate steps to prevent increases in the cost of the multibillion-dollar project.

3 PROTOTYPES PLANNED

The swept-wing B–1, designed to become a successor to the B–52 intercontinental strategic bomber late in this decade, is now in the engineering developmental stage. In the current defense budget, the Nixon Administration has asked for $370-million to start work on development of three prototypes.

The 16-page report for members of Congress for Peace Through Law was prepared by a subcommittee headed by Senator George S. McGovern, Democrat of South Dakota, and Rep. John F. Seiberling, Democrat of Ohio. It questioned whether a manned bomber fleet would be either "necessary or useful" in the nineteen-eighties and beyond when the United States and the Soviet Union both possess a nuclear deterrent of ballistic missiles.

Even if a mixed deterrent of missiles and bombers were deemed necessary, as the Air Force contends, the report argued that the B–1 was ill-designed for its strategic mission and that its ability to penetrate sophisticated Soviet air defenses was doubtful.

COST SEEN AT $47 BILLION

The report also warned that, when a new aerial tanker plane was included, the cost of producing a fleet of 240 bombers, as is now planned by the Air Force, could run to $20 billion and perhaps as much as $47-billion.

The Air Force estimate of the cost of producing the new bomber fleet, exclusive of the new tanker plane, which it says it will not necessarily need, has risen to $11.4-billion, making it one of the single most expensive weapons projects ever presented to Congress.

The report of the General Accounting Office found that, from June, 1969, to June, 1970, the estimated cost of the project increased by $1.3-billion. But the report also acknowledged that $982-million of the increase could be attributed to inflation.

To a certain extent, the Air Force has attempted to hold down the cost of the project by reducing the number of prototypes, eliminating the requirement for a supersonic capability at low altitude, reducing the missile-carrying capability and modifying the requirements for navigation, communications and weapon-handling equipment.

"A GLORIFIED GLIDER"

"If we continue this way, we may end up with nothing more than a glorified glider," Senator McGovern commented at a news conference.

A Pentagon spokesman said that the Defense Department and the Air Force would have no immediate comment on the McGovern-Seiberling report.

The McGovern-Seiberling report was particularly critical of the Air Force's insistence that the bomber have a high-altitude supersonic capability to penetrate Soviet defenses and drop its bombs directly on targets. It argued that the supersonic capability was not only unnecessary but also added about 50 per cent to the cost of the plane.

Noting that the B–70 bomber project had been "dropped precisely because the Soviet Union had the clear capability to destroy high-flying supersonic aircraft," the report said that the mission for the B–1 "hardly makes any sense" in view of expected Soviet advances in air defenses.

Senator McGovern suggested that the supersonic capability had been added largely "to enhance the excitement for strategic bomber pilots and the glamor of Air Force recruiting programs."

SUBSONIC CRAFT SUGGESTED

The report suggested that, if a new bomber was needed, the supersonic requirement be dropped and Congress order Air Force to start developing a less costly subsonic bomber capable of "standing off" outside Soviet air defenses and firing missiles in at the targets. In contrast to the polemics and oratory frequently used in the past by critics of the Pentagon, the McGovern-Seiberling report was an analytical study such as might be prepared by the systems analysts in the Pentagon.

In the coming two months, the bipartisan committee plans to issue 14 similar reports critically analyzing other weapons programs as well as such issues as the forces in Europe and the size of the conventional forces. Senator William Proxmire, Democrat of Wisconsin, chairman of the project, said that the purpose was to "marshal public opinion" in favor of some reductions in the defense budget.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. GERALD R. FORD), for the balance of the week, on account of official business.

Mr. KEE (at the request of Mr. STAGGERS), for May 10, 11, and 12, 1971, on account of official business in district.

Mr. KEATING (at the request of Mr. GERALD R. FORD), today and the balance of week, on account of official business as a Member of the House Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Powell) to revise and extend their remarks and include extraneous material:)

Mr. Robison of New York, for 10 minues, today.

Mr. Bray, for 10 minutes, May 6.

Mr. Kyl, for 1 hour, Monday, May 10.

Mr. Halpern, for 5 minutes, today.

Mr. Findley, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Collier, for 5 minutes, today.

Mr. Hogan, for 10 minutes, today.

(The following Members (at the request of Mr. Collins of Illinois) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hathaway, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Aspin, for 30 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Randall, for 60 minutes, on Thursday May 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances and to include extraneous matter.

Mr. Widnall during general debate on H.R. 4604.

Mr. Thomson of Wisconsin, immediately following the remarks of Mr. Wyman during Mr. Sikes' special order today.

(The following Members (at the request of Mr. Powell) and to include extraneous material:)

Mr. Goldwater.

Mr. Derwinski in two instances.

Mr. Schmitz.

Mr. Mathias of California.

Mr. Robinson of Virginia.

Mr. Buchanan in two instances.

Mr. Bray in three instances.

Mr. Anderson of Illinois in two instances.

Mr. Duncan in two instances.

Mr. Archer.

Mr. Scherle.

Mr. Gude.

Mr. Collins of Texas in three instances.

Mr. Wyman in two instances.

Mr. Rousselot in two instances.

Mr. Ashbrook in three instances.

Mr. Snyder.

Mr. Scott.

Mr. Lujan.

Mr. Miller of Ohio.

Mr. Hosmer in two instances.

Mr. Pelly.

Mr. Hogan in five instances.

Mr. Baker.

Mr. Findley.

(The following Members (at the request of Mr. Collins of Illinois) and to include extraneous matter:)

Mr. Rostenkowski.

Mr. Clark in three instances.

Mr. Evins of Tennesee in six instances.

Mr. Fisher in four instances.

Mr. Hathaway in two instances.

Mr. Hanna in five instances.

Mr. Cotter in four instances.

Mr. Hicks of Washington in two instances.

Mr. Drinan in two instances.

Mr. Symington in two instances.

Mr. Roybal in 10 instances.

Mr. Stuckey.

Mrs. Hicks of Massachusetts in two instances.

Mr. Abourezk in four instances.

Mrs. Grasso in six instances.

Mr. Helstoski in two instances.

Mrs. Sullivan in three instances.

Mr. Rarick in three instances.

Mr. Hagan in two instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Gonzalez in two instances.

Mr. Eckhardt in two instances.

Mr. Brasco in two instances.

Mr. Leggett.

Mr. Long of Maryland in three instances.

Mrs. Abzug.

Mr. Bolling.

Mr. Pickle in two instances.

Mr. Murphy of New York in two instances.

Mr. Badillo.

Mr. Anderson of California in two instances.

Mr. Waldie in 10 instances.

Mr. St Germain in two instances.

Mr. Donohue.

Mr. Rodino in two instances.

Mr. de la Garza in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; to the committee on Armed Services.

S. 699. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

S. 860. An act relating to the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 70. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

S. 531. An act to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport.

ADJOURNMENT

Mr. COLLINS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, May 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

673. A communication from the President of the United States, proposing a supplemental appropriation to pay claims and judgments, together with a letter from the Director of the Office of Management and Budget (H. Doc. No. 92–103); to the Committee on Appropriations and ordered to be printed.

674. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting copies of the determination of the President No. 71–11 to make Nigeria eligible to purchase defense articles and services, pursuant to section 3(a) (1) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

675. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting the report of Public Law 480 agreements signed for March and April 1971, pursuant to Public Law 85–128; to the Committee on Agriculture.

676. A letter from the Department of the Army, Director of Civil Defense, transmitting the 78th report of Federal contributions program equipment and facilities for the quarter ending March 31, 1971, pursuant to subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

677. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of the judicial proceedings in docket No. 289, *The Peoria Tribe of Indians of Oklahoma and Mabel Staton Parker on behalf of the Piankeshaw Nation; and, the Absentee Delaware Tribe of Oklahoma and the Delaware Nation, et al., Plaintiffs*, v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

678. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in dockets Nos. 236–K, L, and M, *Gila River Pima-Maricopa Indian Community, et al., Petitioners*, v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

679. A letter from the Chairman, Federal Power Commission, transmitting the Annual Report of the Commission for the fiscal year July 1, 1969 to June 30, 1970; to the Committee on Interstate and Foreign Commerce.

680. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

681. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 3, 1970, submitting a report, together with accompanying papers and an illustration, on Tybee Island, Ga., in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted April 29, 1963 and in full response to a resolution of the Committee on Public Works, House of Representatives, adopted June 19, 1963 (H. Doc. No. 92–105); to the Committee on Public

Works and ordered to be printed with an illustration.

682. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 7, 1971, submitting a report, together with accompanying papers and an illustration, on St. Bernard Parish, La., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 8, 1964 (H. Doc. No. 92–106); to the Committee on Public Works and ordered to be printed with one illustration.

683. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 26, 1970, submitting a report, together with accompanying papers and an illustration, on Grand Traverse Bay, Mich. (Traverse City Harbor), requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 16, 1958; to the Committee on Public Works.

684. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 423. Resolution providing for the consideration of H.R. 4604; a bill to amend the Small Business Act (Rept. No. 92–180). Referred to House Calendar.

Mr. BOLLING: Committee on Rules. House Joint Resolution 3. Joint resolution to establish a Joint Committee on the Environment; with an amendment (Rept. No. 92–181). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 412. Resolution to authorize additional investigative authority to the committee on Education and Labor; with an amendment (Rept. No. 92–182). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 424. Resolution providing for the consideration of House Joint Resolution 3. Joint resolution to establish a Joint Committee on the Environment (Rept. No. 92–183). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 8073. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

H.R. 8074. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H.R. 8075. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 8076. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 8077. A bill to facilitate the entry into the United States of aliens who are brothers and sisters of U.S. citizens; to the Committee on the Judiciary.

H.R. 8078. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself and Mr. Fish):

H.R. 8079. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 8080. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 8081. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

H.R. 8082. A bill to require packages of detergents to bear labels disclosing the ingredients present in the detergents; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 8083. A bill to amend title 5. United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8084. A bill to provide that the Federal Government shall assume the risks of its fidelity losses; to the Committee on Post Office and Civil Service.

H.R. 8085. A bill relating to age requirements for appointments to positions in executive agencies and in the competitive service; to the Committee on Post Office and Civil Service.

H.R. 8086. A bill to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments; to the Committee on Post Office and Civil Service.

By Mr. EVINS of Tennessee (for himself, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Broyhill of North Carolina, Mr. Fulton of Tennessee, Mr. Hungate, Mr. Metcalfe, Mr. Minshall, Mr. Price of Illinois, Mr. St Germain, Mr. Skubitz, Mr. Smith of Iowa, and Mr. Tiernan):

H.R. 8087. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 8088. A bill to amend the Federal Meat Inspection Act to provide that the products of State-inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I; to the Committee on Agriculture.

By Mr. FULTON of Pennsylvania:

H.R. 8089. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 8090. A bill to amend the act of September 26, 1970 (84 Stat. 884); to the Committee on Merchant Marine and Fisheries.

By Mr. GAYDOS:

H.R. 8091.A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

By Mr. HALL:

H.R. 8092. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON (for himself, Mr. Rangel Mr. Dellums, Mr. Burke of Massachusetts, Mr. Frenzel, Mr. Hungate, Mr. Leggett, Mr. Link, Mr. Miller of Ohio, Mr. Rosenthal, Mr. Sarbanes, Mr. St Germain, and Mr. Seiberling):

H.R. 8093. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H.R. 8094. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

By Mr. HILLIS:

H.R. 8095. A bill to amend chapter 89 of title 5, United States Code, to provide improved health benefits for Federal employees; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 8096. A bill to amend the Public Health Service Act by adding a new title XI thereto which will establish a program to protect the general health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Biester, Mr. Burke of Massachusetts, Mr. Clark, Mr. Hansen of Idaho, Mr. Horton, Mr. Howard, Mrs. Mink, Mr. Pike, Mr. Rees, Mr. Roybal, and Mr. Runnels):

H.R. 8097. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Badillo, Mr. Burton, Mr. Derwinski, Mrs. Grasso, Mr. Roncalio, Mr. Runnels, and Mr. McCormack):

H.R. 8098. A bill; Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 8099. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 8100. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 8101. A bill to establish a national family health protection program under which the Federal Government, in cooperation with, and acting through, private qualified companies, will make adequate health insurance available to every individual and family in the United States regardless of their income; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 8102. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 8103. A bill to amend the Airport and Airway Development and Revenue Acts of

1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 8104. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas (for himself, Mr. Bell, Mr. Dow, Mr. Eckhardt, Mr. Eilberg, Mr. Fascell, Mr. Horton, and Mr. Murphy of Illinois):

H.R. 8105. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROUSH:

H.R. 8106. A bill to amend section 8332, title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 8107. A bill to extend the act of September 30, 1965, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8108. A bill to amend section 801 of the Federal Aviation Act of 1958 to provide that the Civil Aeronautics Board shall make the selection of air carriers in international route matters, subject to veto by the President within 90 days after such selection; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Roy):

H.R. 8109. A bill to supply general-service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 8110. A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products; to the Committee on Interstate and Foreign Commerce.

H.R. 8111. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 8112. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 8113. A bill to create the National Domestic Intelligence Advisory Board; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 8114. A bill to provide for the establishment of a system of overtime pay for the U.S. Capitol Police; to the Committee on House Administration.

By Mr. TEAGUE of California:

H.R. 8115. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THONE (for himself, Mr. Martin, Mr. McCollister, Mr. Sebelius, Mr. Roy, Mr. Winn, and Mr. Shriver):

H.R. 8116. A bill to consent to the Kansas-Nebraska Big Blue River compact; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 8117. A bill to amend the Internal Revenue Code of 1954 to simplify the retirement income credit; to the Committee on Ways and Means.

By Mr. WHALEN (for himself, Mr. Bell, Mr. Hansen of Idaho, Mr. McCloskey, Mr. Morse, Mr. Rangel, and Mr. Whitehurst):

H.R. 8118. A bill; Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 8119. A bill to establish a national land-use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land-use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8120. A bill to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter Wheat; to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. Roybal, Mr. Harrington, Mr. Derwinski, Mr. Fish, Mr. Anderson of Tennessee, Mr. Nix, Mr. Williams, Mr. Rangel, Mrs. Hicks of Massachusetts, Mr. Daniel of Virginia, Mr. Clark, Mr. Burke of Massachusetts, Mr. Collins of Illinois, Mr. Helstoski, and Mr. Bennett):

H.R. 8121. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who hire unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 8122. A bill to establish the Cabinet Committee on Oriental-American Affairs and for other purposes; to the Committee on Government Operations.

By Mr. ANDREWS of Alabama:

H.R. 8123. A bill to provide for import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 8124. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama (for himself and Mr. Quie):

H.R. 8125. A bill to incorporate the former Members of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 8126. A bill to amend the Merchant Marine Act of 1936 and the Maritime Academy Act of 1958 to enlarge the mission of the U.S. Merchant Marine Academy and to assist in enlarging the mission of the State maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 8127. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 8128. A bill to establish an independent agency of the Federal Government to consolidate and improve the means by which citizens are warned of, and protect themselves against, major disasters; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 8129. A bill to provide for the establishment of a national cemetery in the town of Glocester, R.I.; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 8130. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

H.R. 8131. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

By Mr. CHARLES H. WILSON (for himself, Mr. Hechler of West Virginia, Mr. Halpern, Mr. Donohue, Mr. Badillo, Mr. Jones of North Carolina, Mr. Eilberg, Mr. Begich, Mr. Podell, Mr. Anderson of Tennessee, Mr. Rarick, and Mr. Dowdy):

H.R. 8132. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON (for himself, Mr. Rosenthal, Mr. Hawkins, Mr. Byrne of Pennsylvania, Mr. Nix, Mr. Harrington, Mr. Rees, Mr. Collins of Illinois, Mr. Rangel, Mr. Esch, Mr. Pepper, and Mr. Roybal):

H.R. 8133. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON (for himself, Mr. St Germain, Mr. Aspin, Mr. Anderson of California, Mr. Forsythe, Mr. Pike, Mr. Howard, Mr. Corman, Mr. Burke of Massachusetts, Mr. Fauntroy, Mr. Melcher, McKinney, and Mrs. Abzug):

H.R. 8134. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. EDMONDSON:

H.J. Res. 611. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mrs. HICKS of Massachusetts:

H.J. Res. 612. Joint resolution providing for the designation of the 22d day in November of each year as John Fitzgerald Kennedy Memorial Day; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Aspin, Mr. Collins of Illinois, Mr. Conte, Mr. Diggs, Mrs. Hicks of Massachusetts, Mr. Link, Mr. McClure, Mr. Quillen, Mr. Roush, and Mr. Schwengel):

H.J. Res. 613. Joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.J. Res. 614. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.J. Res. 615. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK (for himself, Mr. ECKHARDT, and Mr. KOCH):

H. Con. Res. 291. Concurrent resolution relative to asset depreciation range; to the Committee on Ways and Means.

By Mr. BADILLO:

H. Res. 425. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. EDWARDS of California:

H. Res. 426. Resolution to equalize retirement age as provided for in the Federal Old Age and Survivors Insurance Act of 1937; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mr. BEGICH, Mr. BIESTER, Mr. BURTON, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. DOW, Mr. DRINAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. ESCH, Mr. FRENZEL, Mr. GRAY, Mr. HAMILTON, Mr. HAWKINS, and Mr. HORTON):

H. Res. 427. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HARRINGTON (for himself, Mr. KEMP, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. MCCORMACK, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. POWELL, Mr. RANGEL, Mr. REES, Mr. RONCALIO, Mr. ROY, Mr. RUNNELS, Mr. RYAN, Mr. SCHEUER, Mr. THONE, and Mr. TIERNAN):

H. Res. 428. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. HAYS:

H. Res. 429. Resolution authorizing the payment of additional amount out of the House contingent fund to defray expenses of the House restaurant and the cafeteria and other food service facilities of the House for the remainder of the fiscal year ending June 30, 1971; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

162. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to installing radar for meteorological signals in San Juan, which was referred to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 8135. A bill for the relief of Fred A. Meandro; to the Committee on the Judiciray.

By Mr. KEE:

H.R. 8136. A bill for the relief of Mr. and Mrs. Alfeo Grasso and their three children, Roberto, Rosario, and Rita; to the Committee on the Judiciary.

H.R. 8137. A bill for the relief of Leonardo Taormina; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8138. A bill for the relief of Marie Denis Champana; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 8139. A bill for the relief of Baldomera Conde Trealese; to the Committee on the Judiciary.

By Mr. McCLORY:

H. Res. 430. Resolution to refer the bill (H.R. 1959) entitled "A bill for the relief of American Manufacturers Mutual Insurance Company" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE RIGHT TO PUBLIC COMPASSION

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 5, 1971

Mr. HUMPHREY. Mr. President, I was privileged to address the legislative conference of the Communications Workers of America on April 21.

Recently, I have been speaking out on what I call "The New Bill of Rights for America." One of these new guarantees is the "Right to Public Compassion." Every American has the right to be secure in the knowledge that his health, material, and spiritual well-being, his old-age and loneliness are the concern of the American people.

Understanding the nature of poverty and the problems of the poor is a most important step in rallying Americans behind expressions of this national compassion.

Mr. President, in order that I might share my thinking on poverty, its nature, and possible cures, I ask unanimous consent that the release and the text of my remarks be printed in the Extension of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RIGHT TO PUBLIC COMPASSION

(By HUBERT H. HUMPHREY)

I have been talking to various groups throughout the country about what I call "A New Bill of Rights for America." These new rights are what you might call an updating of those first ten amendments that declare Americans shall be truly free men and women. We have come a long way towards making those ideals a reality. A majority of Americans do have and exercise their rights to life, liberty and the pursuit of happiness. Most Americans do participate fully in the mainstream of our national life. But poor Americans, all 24 million of them, they are Americans in name only, do not. So today I would like to discuss with you what I call the "Right to Public Compassion."

"Compassion" is an interesting word. It means to "suffer with." I emphasize the "With." It means that this right is a two-way street. The poor have a right—a right to know that this magnificently affluent, powerful and ingenious nation also has a heart—not a bleeding heart—but a heart. More fortunate Americans also have a right to feel for our brother citizen—the right to expect the Government we elect and support find the means to alleviate and then eradicate poverty. Poverty, of the kind too many Americans suffer, is a national disgrace and we all have the right to call for its disappearance from the land.

We all know what poverty is—in the abstract. We have seen the pictures that accompany various charitable appeals—a little child with a grossly swollen stomach—a large family posing in front of their shack in Appalachia—a black infant whose feet have been gnawed on by a rat.

We think we know what poverty is but these 24 million Americans experience poverty on an entirely different level of reality. They live poverty—they sleep poverty—and frequently all they have to eat is poverty.

Affluent Americans feel that certain material and social things go with their life style—a decent home, an automobile, color television, vacations, maybe a power boat.

Well, the poor of America also find that certain things go with their life style. They are always hungry. They are sick far more often than you and I because of their poor diet and because in their weakened condition they are far easier prey to disease. They wear clothes until they literally fall off their backs. They sleep 3 and 4 to a bed. They are, particularly in inner cities, subject to criminal attacks, robberies, and violent death. They are often illiterate or, if educated, suffer from some degree of cultural retardation.

The Citizen's Board of Inquiry into Hunger and Malnutrition estimates that 10 million Americans are "Slowly starving."

Many of these are children. Surveys have shown that a series of psychologically and physically crippling diseases and deficiencies, resulting from childhood malnutrition, effectively lock many poor children into a lifetime of poverty. Chronic fatigue, listlessness and exhaustion often accompany the diseases. These children are being raised to remain dull, listless and poor.

The 1968 report of the Office of Economic Opportunity states that the poor suffer four times more heart disease—6 times more nervous disorder and retardation—10 times more eye trouble than the affluent.

The extremes of heat and cold, overcrowding, ancient plumbing and outdoor privies are all too real to the millions of American poor. Millions are packed into inner city tenements which have inadequate heating and plumbing. In rural areas, individual shacks or groups of shanties are the dwelling for farm workers and migrant laborers. These houses, often crumbling and rotting, seldom have running water or indoor plumbing. These conditions are ready breeding places for diseases you and I never encounter in our lifetime.

The sense of hopelessness that poor Americans feel in bearing the burden I just described is bad enough.

But what is really ironic is that the poor must largely abandon their culture to make it in our affluent society.

Affluent society looms before them as an almost insurmountable conglomeration of strange customs: seemingly illogical requirements, rules and regulations; and, in some cases, cruel hypocrisy and condescension.

To the poor, affluent society is a world of endless printed forms, big words, ambiguous phrases, listed requirements, and big blank spaces where they must sign their names, in ignorance of what they are signing. It is into this world that the poor have to venture if they are to receive the education, the employment, and the Federal, state and local aid that they are told will help raise them above the poverty level.

The principal cause of poverty is that the individual is either unemployed or underemployed. Fifty-five per cent of all poor families in 1969 were poor despite the fact that the head of the family did work during all or part of the year. In another 30 per cent of poor families, the head of the family was unable to work because of illness or disability or because it was necessary to stay home to care for the family.

But whether poverty is caused by unemployment, underemployment, disability, age, or inability of the head of the house to leave the family for work, the results are the same: low income, hunger, disease, poor housing and personal discouragement.

This condition contributes to an environment where another generation of poverty-trained children are raised. This is the poverty cycle we talk about so much and find so difficult to break.

The Office of Economic Opportunity reported that between 1959 and 1966, 6,200,000 rural poor moved to urban areas, taking with them whatever skills they possess. They left behind them the older and less educated. Local rural governments cannot provide the education, employment and other means to break out of the poverty cycle.

One-half of the nation's poor live in metropolitan areas. Thirteen per cent of the population of central cities are considered to be poor.

It is in the ghettos and slums of our urban areas where the seamless web of poverty is drawn most tightly: poor education, limited employment skills and work habits, unemployment, dependency, decrepit housing, broken families, hunger, overcrowding, crime and narcotics. All combine to make escape from the poverty cycle difficult if not impossible—without our help.

These explosive ingredients combine to make the American urban slum the most ominous and dangerous pocket of poverty in the Nation. We have all seen what happened in Detroit, Washington, Watts, Newark and New York.

Many cities are nearly bankrupt. New York State and City are planning massive layoffs of municipal and state employees. The influx of low-income families into the central city has created a heavy demand for welfare and other costly public services. But this demand for increased services is not matched with the tax base to support them. The well-off have moved to the suburbs and industry no longer locates plants in the inner cities. In fact, there is a rush of corporate headquarters from New York City. Not only are the jobs no longer in the inner city, but even the taxes from industrial headquarters are leaving.

This is why the struggle for civil rights in America is in the inner city.

These walled fortresses of poverty—these ghettos of the poor are where we must meet the challenge of the '70's. This is where the testing of America's new Bill of Rights is taking place.

We have developed a broad offensive to combat poverty. The poor are not a homogeneous group. Their needs differ from city to city and from urban to rural area. This broad approach is reflected in passage of the Economic Opportunity Act of 1964, establishment of new programs such as community action, neighborhood legal services, Headstart, and VISTA.

But much more needs to be done to finish the job.

The two-pronged general attack should expand opportunities and incentives for everyone to earn a living, and establish an effective income maintenance program for all who are in need.

The job program should provide effective training and educational plans, combined with job placement. We must strengthen our public employment program to provide as many jobs as are feasible in health, transportation, sanitation and other basic public services. There are thousands and thousands of these jobs unfilled right now and all of us are suffering because of it.

Work related to Social Security programs should be strengthened to keep the retired, the dependents of deceased workers, the disabled and the unemployed from poverty.

Old-age, survivors and disability benefits should be increased with particular emphasis on the minimum benefit. Benefits under unemployment compensation and workmen's compensation need to be increased, and coverage needs to be broadened, so that all workers under age 65 who are injured or unemployed will receive adequate payments.

The welfare reform plan now going through the Congress is a beginning. It provides a guaranteed annual income of $2400 for a family of 4; food stamps would be phased out in favor of cash payments; minimum payments for individuals would scale up to $150 and a couple would receive $200 by 1974; the working poor would be covered and their total income could reach $4,320 before the $720 work supplement would be erased by actual work income; day-care centers would be provided for children of those working; and up to 200,000 public service jobs would be created. This program would save the states and localities approximately $2.2 billion. Eventually, all welfare must be federalized.

We must not indulge in fantasies that poverty will go away as soon as we can put all those on welfare to work. This just isn't going to happen. We will continue to have expensive bills to pay. But this country is rich enough to take care of its own. We have the resources and ingenuity to make this system work—make it grant basic decency to the recipient of welfare and peace of mind to the taxpayer, through simplicity, equity, adequacy and dignity.

Poverty in a time of affluence is a national disgrace—it weakens and divides our Nation. You people are in communication—the whole world knows what is going on in every city and rural area of America.

Can we talk about the basic and inalienable rights guaranteed to every American while 24 million of us are excluded from that right we have discussed today—the "Right to Public Compassion?"

Let the groups of Americans on both ends of this "Compassion" assert their rights.

HUBERT H. HUMPHREY'S REMARKS AT THE LEGISLATIVE CONFERENCE, COMMUNICATIONS WORKERS OF AMERICA, QUALITY MOTEL, WASHINGTON, D.C.

WASHINGTON, April 21.—Senator Hubert H. Humphrey today declared that the poor of America "have a Right to Public Compassion—the right to have their society be responsive in helping them lead lives of dignity and economic self-sufficiency."

Speaking to the Annual Legislative Conference of the Communications Workers of America, the Senator stated, "A majority of Americans do have and exercise their rights to life, liberty and the pursuit of happiness. Most Americans do participate fully in the mainstream of our national life.

"But poor Americans, all 24 million of them, do not. They are Americans in name only. Poverty, of the kind too many Americans suffer, is a national disgrace and we all have the right to call for its disappearance from the land.

"We all know what poverty is—in the abstract. We have seen the pictures that accompany various charitable appeals—a little child with a grossly swollen stomach—a large family posing in front of their shack in Appalachia—an infant whose feet have been gnawed by a rat.

"These 24 million Americans experience poverty on an entirely different level of reality. They live poverty—they sleep poverty—and frequently all they have to eat is their poverty."

"The Citizen's Board of Inquiry into Hunger and Malnutrition estimates that ten million Americans are 'slowly starving.' Many of them are children. These children are being raised to remain dull, listless and poor.

"The poor suffer four times more heart disease—six times more nervous disorders and retardation—ten times more eye trouble than the affluent.

"The principal cause of poverty is that the individual is either unemployed or underemployed. Fifty-five per cent of all poor families in 1969 were poor despite the fact that the head of the family did work during all or part of the year.

"In another 30 per cent of poor families, the head of the family was unable to work because of illness or disability or because it was necessary to stay home to care for the family.

"We have developed a broad offensive to combat poverty. This approach is reflected in passage of the Economic Opportunity Act of 1964, establishment of new programs such as Community Action, neighborhood legal services, Headstart, food stamps, and Vista.

"But much more needs to be done to finish the job. The two-pronged general attack should both expand opportunities and incentives for everyone to earn a living, and establish an effective income maintenance program for all who are in genuine need.

"The job program should provide effective training and educational plans, combined with job placement. We must strengthen our public service employment to provide as many jobs as feasible in health services, transportation, sanitation and other basic public services.

"Work-related social security programs should be strengthened to keep the retired, the dependents of deceased workers, the disabled and the unemployed from poverty.

"Old-age, survivors and disability benefits should be increased with particular emphasis on the minimum benefit. Benefits under unemployment compensation and workmen's compensation need to be increased, and coverage needs to be broadened. Also the minimum wage must be increased to $2.00 per hour.

"The welfare-reform plan now going through Congress is a beginning. This plan would save the states and localities approximately $2.2 billion. Eventually, all welfare must be federalized.

"Poverty in a time of affluence is a national disgrace. It weakens and divides our nation. Can we talk about the basic and inalienable rights guaranteed to every American while 24 million of us are excluded from that right we have discussed today—the 'Right to Public Compassion.'"

EQUAL RIGHTS AMENDMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, I submit for consideration by all the House Members the following request on behalf of the National Association of Women Lawyers. The statement was delivered to me in a letter form from the past president of the above mentioned organization, Marguerite Rawalt. The National Association of Women Lawyers advocate House Joint Resolution 208—

the equal rights amendment—particularly as it applies to involuntary service in the armed services.

The item follows:

Equal Rights Amendment

The awesome responsibility for national security is vested in the Congress under Article I, Sec. 8 of the Constitution, empowering Congress to raise armies, maintain a Navy, make rules for land and naval forces, and provide for Militia in the service of the United States. Pursuant thereto, Congress enacted the Military Service Act of 1967 (50 U.S. Code App. Secs. 450 et seq) imposing the duty on "every male citizen" age 18½ to 26 to register and be liable for military training and service.

Congress possesses unchallenged power to draft any citizen, male or female, black or white, rich or poor, under the Constitution as it stands today. It has chosen to impose the draft only upon "male citizens." It has built into the statute, which has been implemented by Presidential regulations, a series of classifications fixing priorities of call-up for duty, plus a series of exemptions and deferments.

Under the Military Selective Service Act, the President of the United States has approved regulations for "deferment from training or service of any category of students" and it is the "sense of Congress that the President provide for annual deferment" of those in optometry, pre-medical, preveterinary, pre-dental training. The Vice President, state governors, judges and other public officials are exempt.

Persons employed in industry, agriculture, or actively in graduate study, research, medical, dental, etc., found necessary to maintenance of national health, safety, or national interest are classified in deferred categories. Full-time high school students, conscientious objectors, those employed by the United States or a State in health, safety activities, or by non-profit organizations doing prescribed work are given deferred classification. A registrant with child or children, or because of extreme hardship to dependents, is classified as III-A, and dependent is defined as wife, divorced wife, parent, grandparent, brother, sister, a physically handicapped, and legitimate or illegitimate children. A registrant will be placed in delayed Class III "on grounds of fatherhood" if he continues to maintain a bona fide family relationship in the home with his child or children.

Given the Equal Rights Amendment a woman, wife or mother, with child or children, or on a showing of extreme hardship to dependents such as parent, grandparent, brother or sister, would be placed in Class III-A, just as the male registrant. Classification in delayed Class III would apply on the grounds of "motherhood" as now on grounds of "fatherhood." Female students and females employed in the excepted categories would be given delayed classifications. In sum, single females within the limited ages, not entitled to student deferments, not married, not supporting dependents, not employed in preferred occupations, not conscientious objectors, not students, etc., would be left subject to the draft on the same basis as young men.

Similarly, women in the military would receive the same benefits and veteran's preferences, employment education skills learned in the service. Granted that excusing women from the draft has been founded upon the most commendable motives of our members of Congress, this should not be a vehicle to continue to withhold equality of legal rights and citizenship recognition to the women of the country. Young women of draft age, themselves, reject this action, as testimony before your Subcommittee in April 1971, and testimony before the Senate Judiciary Committee in 1970, will show. For example, the Resolution of the Intercollegiate Association of Women Students, in convention March 17–21, 1971 reads:

"The major issue concerning the Equal Rights Amendment is the question of women's involvement with the draft; therefore *Resolved* that given whatever selective service prevails, IAWS supports the involvement of women equally with men in the responsibilities, requirements, and rights inherent in that system; and continues to advocate a more equitable selective service system."

In U.S. v St. Clair (DC N.Y. 1968) 291 F Supp 122, James St. Clair resisted the draft, refused to register, and contended invidious discrimination based upon his sex in violation of the Fifth Amendment. The Court ruled that *courts may not review Congress' determination* as to how its power under Article I, Sec. 8, Cl. 12, 13 shall be exercised; that "Congress made a legislative judgment that men should be subject to involuntary induction but women not . . . *women may constitutionally be afforded special recognition* (Cf. Gruenwald v Gardner, the social security case particularly since women are not excluded from service). (Cf. *Hoyt v Florida*, jury service, with *White v Crook* ruling against exclusion of women from juries.) "The distinction is not arbitrary, capricious," said the court. Here, again, appears the old court shibboleth that "sex is a valid classification" which the Amendment is needed to destroy. This case has been cited as authority in the later decision raising the same issue. U.S. v Cook (W.D. Pa., 1968) 311 F. Supp 618.

Aside from the court "hands-off" attitude, discretion still rests with the Congress to make involuntary service applicable to both sexes; to exempt, or to defer, as they now do, all persons (male or female) upon hardship grounds to dependents, upon "fatherhood" (motherhood) responsibilities. All citizens are equally involved and liable for the survival of the nation.

There should be no thought of amending the Equal Rights Amendment to exclude women from the service. Congress should not abandon its grave responsibility for our national security by deliberately placing a constitutional straightjacket upon its powers to draft one half the population. Today's warfare is not confined to battlefields and is no respecter of sex.

It is sincerely urged that you, as a member of the House Judiciary Committee, cast your vote and lend your support to equality of rights regardless of sex *within the Constitution* and without exception and without qualification.

Very sincerely,

Marguerite Rawalt,
Past President, National Association of Women Lawyers; General Counsel, Women United.

THE PRESS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ARCHER. Mr. Speaker, I call the attention of my colleagues to a recent editorial in the Corpus Christi Caller-Times discussing Vice President Agnew's criticism of radio, television, and newspapers.

The editorial makes two points of considerable interest:

Instead of resenting criticism. newspapers and broadcasters should be listening with interest.

And—

The danger to freedom of the press is not from outside criticism. Freedom of the press becomes a license only if publishers and broadcasters so insulate themselves from their readers and listeners that they can no longer distinguish between the right to make a profit and the right and duty to inform the public.

The full text of the editorial follows:

The Press

Vice President Spiro T. Agnew's consistent, often virulent, criticism of radio, television and newspapers had created a mixture of anguish and self-defensiveness. Many members of these professions profess to believe that Agnew is actually trying to destroy freedom of the press.

It should be conceded in the beginning that the Agnew attacks have been generally popular with the people. Readers, with or without rational reasons, resent monopoly self-righteousness. Listeners are offended by the oracular manner in which television and radio personalities dispose of the great and not so great questions of the day.

As far as the public is concerned it is useless to try to argue about the special problems of time and space which confront newspapers and broadcasters. The process of selection of the events believed most newsworthy quite often invites charges of distortion.

What is most surprising among newsmen and broadcasters, though, is the impression they give that their medium is somehow sacred and therefore immune from criticism under the Constitution. Nothing could be farther from the truth. Because of the tremendous costs of plant, equipment and general operations the trend in recent decades among newspapers has been toward monopoly. The single ownership of morning and afternoon newspapers in metropolitan areas is no longer an exception. The trend toward monopoly is not so evident in television and radio, even though limitations on channels and frequencies do reduce competition.

Instead of resenting criticism, newspapers and broadcasters should be listening with interest. Much of the criticism may be ill-informed, mean and petty. But some of it may be well justified.

The danger to freedom of the press is not from outside criticism. Freedom of the press becomes a license only if publishers and broadcasters so insulate themselves from their readers and listeners that they can no longer distinguish between the right to make a profit and the right and duty to inform the public. No profession, in fact, should be as willing to listen as it is to write and speak.

NEW ADR REGULATIONS NEEDED

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. BAKER. Mr. Speaker, our economic indicators are climbing. A great deal of credit is due to the administration for its careful and persistent moves against inflation. We want to avoid gimmicks—the "backing and forthing" we went through with the investment credit certainly had its effect on our economy's instability. Let us take a sound approach. Let us give business more leeway to decide how and when to write off the cost of their capital investments. It is important for us to focus attention on the need for approval of the proposed easing of depreciation rules, and I am glad to join with many of my colleagues urging that the "asset depreciation range" proposal be so approved.

The Treasury proposals would allow business an "asset depreciation range" under which they could take depreciation deductions up to 20 percent shorter or 20 percent longer than specified in the IRS standard guidelines.

These changes are needed to encourage investment and meet the growing challenges from foreign competition. The outcome of this issue may determine whether our country will have meaningful depreciation reform and move to a realistic cost-recovery system for years to come. Our alternative is to stay bogged down for the indefinite future in the present archaic system.

At this point, I would like to insert the highly pertinent editorial from this past Monday's Wall Street Journal.

CONFIDENCE AND TAXES

As President Nixon was saying the other day, businessmen need to be confident of the long-term future if the economy is to resume vigorous expansion. It would help, too, if businessmen could be a little more confident of the short-term political outlook.

Speaking at the U.S. Chamber of Commerce meeting, Treasury Secretary John Connally noted that there has been speculation about a revival of the 7% investment tax credit. The credit, initiated in 1962 allegedly as a permanent part of the tax structure, provides an allowance to encourage companies to invest in new plants and equipment.

The credit, of course, proved to be hardly permanent. First it was suspended and then restored and finally it was repealed in 1969. Businessmen who laid long-term investment plans on the basis of a permanent credit got a surprise.

In light of the record it's worth wondering just how much stimulation would stem from revival of the credit now; at least some businessmen would want to examine the gift horse's molars. Still, Mr. Connally is probably right to worry that a number of firms may be holding back on investment in anticipation of the event.

Because of this worry the Treasury Secretary has obtained assurances from Congressional leaders that any credit revival would be retroactive, at least to April 1. In other words if a businessman is waiting for the credit he should go ahead and spend—he should, that is, if he believes that political promises always will be kept.

Mr. Connally stresses that the administration has no current plans to ask renewal of the credit, and those are plans it should stick to. A realistic easing of depreciation rules, of the sort that the administration has already proposed, is a far better approach.

In these high-tax days a company must be able to compute with a certain amount of confidence its standing with the Internal Revenue Service, not only for now but for future years. That sort of confidence is not instilled by on-again off-again gimmicks such as the investment tax credit.

Other major industrial nations have more generous writeoff allowances. This, in itself, without even taking into account all the other factors, puts U.S. business at a competitive disadvantage. Until the time our Nation can close the gap between capital recovery systems, there will be little chance for increasing exports and reducing imports. The asset depreciation range is a necessary step if we are ever going to compete with other countries.

During the past decade, we have gone from being exporters of textile machinery, for example, to being importers. We are sensitive to these facts of life in my Third District of Tennessee. In exporting textile machinery and raw materials, we are exporting jobs. These are just a part of the statistics which document the alarming drop in the American balance of trade in recent years as well.

The Managing Director of the International Monetary Fund recently warned that it would be desirable for countries with a weak payments position who want to lift their economies from a recession to put more emphasis on fiscal rather than monetary stimulation. Singling out this Nation, Mr. Schweitzer noted that:

> The importance of restoring cost and price stability can hardly be exaggerated; at stake are the checking of the inflationary trend on a worldwide basis, the long-run stability and efficiency of the U.S. economy, the much-needed strengthening of the U.S balance of payments, and the sound functioning of the international monetary system.

The changes proposed by the Treasury will help bring the American business taxation structure into line with that of our industrial competitors and thereby help improve the balance of trade.

These changes are neither a windfall for business nor an infringement on congressional tax-levying authority. The asset depreciation range will spur productivity growth through modernization of machinery and equipment. It will help halt the recent retrogression in the modernization of machinery and equipment. Further, the proposed ADR will stimulate a higher rate of capital formation, partially compensate for effects of inflation, improve investment opportunities for small and medium business, and help meet the costs of environmental restoration. The proposed ADR, en toto, could provide the economy with a lift which can help 1971 to be a year of stable economic growth.

A BILL FOR A NATIONAL HEALTH PLAN

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. LUJAN. Mr. Speaker, because of my increasing awareness of how vast the bureaucracy of the U.S. Government has become, today I am introducing a bill for a national health plan that I believe will not only provide better care for our citizens, but would divest the Government of much of the power it has accumulated in this area.

The mood of the country and the Congress is such that some form of national health insurance will be enacted into law. In the face of this, my position is that of trying to involve the private sector of the economy as much as possible, and trying to prevent the formation of one more huge Federal bureaucracy.

My bill would establish a standard of health care for all our citizens that is far superior to that which exists today. Basic needs would be provided for, and by raising the general quality and quantity of care, costs are expected to decrease in the long run. Every person who establishes eligibility would receive a health protection certificate which he can redeem with any qualified carrier to insure himself and members of his household against accident and illness.

The legislation outlines the minimum benefits every company must provide in order to participate. When an eligible citizen requires medical attention, he notifies the provider of this care as to the name of his company, and the carrier pays the bill. Obviously, competition between companies should stimulate them to seek out the most efficient and competent methods of serving their certificate holders.

At the present time, we are spending close to 21 billion annually on health care in the public sector of the economy. I estimate that, if passed, my bill would only add an extra $4 billion to this. The cost would be covered by a 5 percent surtax on personal income, and since my program would replace medicaid and medicare, and would eliminate the need for health coverage outside it, the actual cost for most of our citizens would be less than it is today.

I call on my fellow Members of the House to give special attention to this legislation, and I hope that all of you can give it your unqualified support.

STUDENT ALIENATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, I have just had the good fortune to read the commencement address to the Harvard Law School on June of 1969 of Meldon E Levine.

I was stirred by Mr. Levine's address and I found his comments and observations so timely today—almost 2 years later—that I have chosen to include it in the Record.

I commend this statement to my colleagues and I hope they see the same wisdom and understanding in it I found:

ENGLISH DISQUISITION: A CONFLICT OF CONSCIENCE: OUR PRACTICE OF YOUR PRINCIPLES

(By Meldon E. Levine)

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might. And the republic is in danger. Yes, danger from within and without. We need law and order! . . . without law and order our nation cannot survive. . . ."

These words were spoken in 1932 by Adolf Hitler. A campaign speech made in Hamburg, Vide *Saturday Review*, Vol. LII, No. 20, May 17, 1969, p. 10, 12.

We have heard almost every one of those assertions used this year in this country as justification for repressing student protests. Instead of adjudicating the legitimate causes of the dissatisfaction, our political and social leaders have searched for explanations which they deny either the validity or the pervasiveness of the dissent.

Our society cannot afford to deny this conflict any longer. You cannot, parents and friends, expect it to go away by suppressing it. For it is a conflict inherent in our consciences—one which exists because you have taught us what America should stand for.

What is this protest all about?

It is not a protest to subvert institutions or an attempt to challenge values which have been affirmed for centuries. We are not—as we have been accused—conspiring to destroy America. We are attempting to do precisely the reverse: we are affirming the values which you have instilled in us and which you have taught us to respect.

You have told us repeatedly that trust and courage were standards to emulate. You have convinced us that equality and justice were inviolable concepts. You have taught us that authority should be guided by reason and tempered by fairness. And we have taken you seriously.

We have accepted your principles—and have found this task to be less than easy. Almost every one of us receiving a degree today has faced the inflexibility and insensitivity of our system.

To those who would argue that the system has been responsive, there is a one-word answer: Vietnam. It is not a weakness but a strength of American education that enables us to understand the absurdity of the premises which control our policy in Vietnam and which threaten to embroil us elsewhere. We have tried every possible peaceful means to change our disastrous course. We have signed petitions. We have written to our Congressmen. We have had teach-ins. We have marched. We have reasoned with anyone who would listen. And, in 1968, after years of peaceful protest and after the American people had spoken in primary after primary in favor of a change, we were not even given a choice on Vietnam. We have grown weary of being promised a dialogue. What we urgently need is a meaningful response.

Our experience with Vietnam reflects the type of frustration we face every time we press for change. We are told to follow "the system." But when I look at that "system," I see rules—but not understanding. I see standards—but not compassion.

And although our complaints are more with society than with the University, the University itself is not an illogical target. Some students believe it contributes to oppressive social policies and most of us feel that it has become, in an unresponsive system, the only means whereby we can focus attention on the most serious injustices which continue to infect our nation.

And the University too has tenaciously resisted change. Six years ago, I was elected president of the student body at Berkeley. I ran on a moderate platform—one calling for educational reform, increased University involvement in the community, and student participation in academic decision-making.

Since that time, I have received degrees at Berkeley, at Princeton, and, today, at Harvard. And I have heard my fellow students, here and elsewhere, raise the same issues—time and again. And time and again, I have witnessed the University's response: A committee will be formed, and the issues will be discussed.

Year after year, the result is the same. And eventually the tactic of setting up committees is discredited. They come to be seen as a device to buy time rather than to make changes; and opportunity to stall until another class of undergraduates leaves the school, removing that particular thorn from the University's side as they go.

Thus, the University and the society respond the same way to our appeals for change: A direct confrontation of ideas is refused and the issues raised are avoided. But explaining the issues away won't make them go away. And the frustration which comes both from the issues themselves and from the continual denial of their existence touches all segments of the campus.

If anyone still doubts the depth of the conviction, I ask him to witness the intensity with which it is felt. I ask him to review the efforts of my classmates. These efforts were pursued not as a sacrifice, though sacrifices were made; not as a risk, though risks were involved; not to gain praise, though praise they deserve, but because this was necessary to achieve the ideals which you have held forth for us. They chose to work with poor people in Appalachia and with black people in Mississippi and in urban ghettos. They persevered in calling attention to the injustices in Vietnam, despite accusations of disloyalty to their country. And when the price was raised to include physical danger, they exhibited courage and did not waver—in Chicago, in Berkeley, and in Cambridge.

Now, for attempting to achieve the values which you have taught us to cherish, your response has been astounding. It has escalated from the presence of police on the campuses to their use of clubs and of gas. Last month at Berkeley, the state ordered a helicopter to gas the campus from the sky and ordered the police to shoot protesters from the street. Whether the victims had themselves engaged in violence seems to have made little difference.

When this type of violent repression replaces the search for reasonable alternatives, Americans are allowing their most fundamental ideals to be compromised.

What do you think that response does to students?

It drives the wedge even deeper. It creates solidarity among a previously divided group, committing the uncommitted and radicalizing the moderates.

I have asked many of my classmates what they wanted me to say today. "Talk with them about hypocrisy," most of them said. "Tell them they have broken the best heads in the country, embittered the most creative minds, and turned off their most talented scholars. Tell them they have destroyed our confidence and lost our respect. Tell them that, as they use the phrase, 'law and order' is merely a substitute for reason and an alternative to justice."

Continuing to explain the conflict away will only serve to heighten the frustration. It can no longer be denied. Once you recognize that it pervades the campuses—that it affects more than a discontented few—how will you respond?

So far, we have been unable to understand your response. You have given us our visions and then asked us to curb them. You have offered us dreams and then urged us to abandon them. You have made us idealists and then told us to go slowly.

We have been asking for no more than what you have taught us is right. We can't understand why you have been so offended. But as the repression continues, as the pressure increases, as the stakes become higher and the risks greater, we can do nothing but resist more strongly and refuse more adamantly. For it would be unthinkable to abandon principle because we were threatened or to compromise ideals because we were repressed.

We are asking that you allow us to realize the very values which you have held forth. And we think you should be with us in our quest.

CALLEY VERDICT MORALLY AND LEGALLY JUSTIFIED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. LEGGETT. Mr. Speaker, the polls indicate that a large majority of the American people feel Lt. William Calley should not have been convicted. There has even been a song glorifying him which, I understand, has sold more than a million copies.

No politician likes to place himself in opposition to such a tide of popular opinion. But I must say that in this case the facts clearly indicate that those who support Calley are dead wrong.

Calley slaughtered unarmed and unresisting prisoners. This is the long and the short of it. It is murder; there is no other way to look at it. The fact that the prisoners were old men, women, and babies makes the crime more hideous, but it would be murder even if they had been elite troops.

The popular sympathy which has developed for him seems to be largely based on misinformation. One of the most prominent misconceptions is stated in two lines from the popular song to which I previously referred:

> "We returned their rifle fire with everything
> we had,
> And when the smoke had cleared a hundred
> souls lay dead."

There was no rifle fire, and there was no smoke. Calley met no resistance at all, and he saw exactly what he was shooting at.

As one who has worked very hard at attempting to secure the release of our prisoners of war from Indochina, I am most apprehensive about the consequences of overturning Calley's sentence. If we say, in effect, that it was all right for Calley to line up 102 prisoners and shoot them, we will be saying it will be all right if the North Vietnamese or the Vietcong line up 102 American prisoners and shoot them. To put it very mildly, I am aware of nothing in the actions of Lieutenant Calley that indicates he is worth 102 American POW's.

I feel that Lieutenant Calley is, in a sense, being used as a scapegoat. His superiors certainly carry a full share of responsibility for this tragedy, and rank should not serve as a refuge from justice. But whether Captain Medina or General Koster or General Westmoreland or President Johnson or you or I are guilty does not affect or mitigate the fact that Lieutenant Calley committed murder and ordered others to commit murder.

Calley was found guilty by six decorated combat officers, five of whom had served more time in Vietnam than he had. One juror said afterward:

> I wanted to believe it didn't happen . . . that it was just a hoax, by any stretch of the imagination, that it didn't happen.

Another told how he spent hours trying to find some possible basis for acquitting Calley. But in the end not one of them could find a basis for acquittal, and neither can I.

It cannot be said that Lieutenant Calley acted in the heat of battle, or that he was in a kill-or-be-killed situation, or that he acted to protect his troops. There was no battle and there was no threat from which he or his troops needed to be protected. During the entire day the platoon was never fired upon, nor did it encounter a single mine or booby trap.

It is said in Calley's defense that Vietnamese women and children throw grenades, plant booby traps, and so forth.

I cannot see how this is relevant, even if we set aside the fact that some of the children Calley's platoon killed were not old enough to walk, much less throw grenades. The fact is that these people were unarmed and unresisting prisoners. Under these conditions they were entitled to the protection of the Geneva Convention on Prisoners of War even if they had been regular combat troops.

Article 13 of the Convention says:

> Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention.

We spend a lot of time criticizing the other side for its failure to live up to the Geneva Convention; if Calley is freed, we had better pray they do not do unto us as we will have done unto them.

There is the argument that Calley was "just following orders." Blind, robot-like obedience to orders has never been the American way, and it must never become so. We Americans pride ourselves on our individualism, but with individual rights there must go individual responsibility. As Maj. Walter Kinard, one of the jurors, said after the trial:

> There are some things that a man of common understanding and common sense would know are wrong.

A number of the men in Calley's platoon flatly refused to shoot the prisoners. But Calley went ahead and shot, and ordered others to shoot. It seems to me that therein lies the difference between an honorable American soldier and a criminal.

I have heard it said that Lieutenant Calley was "just doing what he was trained to do." There is no question that our training programs have been deficient in their consideration of the people we are supposed to be saving. But the training is not bad enough to justify Mylai. As former Marine Lt. Barry Kowalski wrote in a recent letter to the Washington Post:

> During my tour in Vietnam no man in my command found it necessary or proper to throw a pre-school toddler into a ditch and shoot him to death. No Marine in the 3rd Battalion, 3rd Marines, ever watched a terrified child attempt to cover the wounded body of his baby brother, then unemotionally kill both of them. Yes, we like Calley, were trained to kill. We did kill. But . . . we, like Calley were never trained to kill babies. And we didn't kill babies. There is no excuse, moral or legal, for the crimes of which a jury of his military peers found him guilty.

There is the question of the effect of the trial on military morale and military recruitment. I must emphatically reject the assertion that any combat serviceman can now expect to find himself on trial if he obeys orders and protects his own life. If a man is planning to do what Lieutenant Calley did, then he can properly expect a court-martial. Frankly, I feel it would be best for all concerned if such individuals did not seek military service.

But for men who have the elementary decency to tell right from wrong, the attractiveness of a military career has been strengthened. The entire command structure is now bending over backwards to prevent any future Mylais. More importantly, every serviceman now knows that, should he receive a clearly illegal and immoral order, he can refuse it without incurring any penalty. The man with the strength and integrity to do this is the kind of man we want and need to have in uniform. Just image the effect if the opposite decision had been reached: Suppose the Army had acquitted Calley and convicted those who refused to shoot. Imagine the kind of man this would have attracted into the service.

In summary, I regard the Calley verdict as legally and morally imperative in its own right. Moreover, I believe it is a first step toward demonstrating to our young people and to the world that the U.S. Army practices what it preaches. I regard it as the necessary first step toward reestablishing the American military in the honorable place it occupied in our national life before it was degraded by our disastrous involvement in Southeast Asia.

HAWAII CONSIDERS PACIFIC COMMUNITY CONFERENCE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HANNA. Mr. Speaker, I am including in the RECORD a letter and speech I recently received from Mr. George S. Kanahele, administrator for the Hawaiian International Services Agency. Mr. Kanahele very ably and quite accurately puts forth the reasons for encouraging the growth of the concept of a Pacific community, and the need for the United States to develop a coherent policy in that part of the world.

I have held similar views for a number of years and am very pleased to have officials in the State of Hawaii making positive contributions to the discussion. It is very appropriate that interest in the Pacific community be expressed from the State that serves as this Nation's most prominent extension in the basin.

I recommend Mr. Kanahele's remarks to my colleagues:

HAWAII INTERNATIONAL SERVICES AGENCY,
Honolulu, Hawaii, April 12, 1971.

HON. RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HANNA: Thank you for your letter of April 6 and the enclosures regarding the Pacific Community. Please find enclosed a copy of a recent article I wrote entitled, "The U.S. Needs a Pacific Policy." As you can see, it argues that the Pacific Community is a viable concept upon which a new American Pacific policy can be formulated. I would appreciate any comments you may have on the arguments contained in the article.

We are also moving ahead on our plans to hold an international conference late this year to examine the feasibility of a Pacific Community. As a first step, we will be looking mainly at the types and levels of organized international cooperation now existing in the Pacific region. We feel this is a practical and realistic first step.

Since the State of Hawaii appears to be in the vanguard in advancing the idea of a Pacific Community, we would very much want to maintain contact with you because you remain one of the very few voices in Congress calling attention to the Pacific Community.

Best regards.

Sincerely,

GEORGE S. KANABLE.

THE UNITED STATES NEEDS A PACIFIC POLICY

(Remarks by George S. Kanahele)

For a long time the dynamics of world development favored the Atlantic and it was easy to argue that an Atlantic axis was as natural and necessary for the United States as the Panama Canal. This is no longer the case, however, as there has been a definite shift toward the Pacific, an event which was predicted more than a century ago by Secretary of Interior Seward when he said: "The Pacific Ocean and its shores and islands would become the chief theater of events in the world." Unfortunately, it is a prediction which too few Americans understand.

Accordingly, it does not require much insight to state that the future of the United States will in large measure be determined by peoples and events in the Pacific. But, by the same token, so will the future of the Pacific be largely determined by what the United States does or does not do. In either case, one thing is sure: the U.S. needs a Pacific policy.

That need, of course, stems from our involvement in the Pacific, a fact which few Americans would quibble about, but which many would probably prefer to go away. The extent of our involvement can be at once appreciated by checking off an almost endless list of problems we face in the region: the challenge of Soviet naval power, the political tinderbox in Micronesia, the bitter trade battle with Japan, Red China, the fish-boat skirmishes with Ecuador, the Indo-China War (the "Vietnam" War has really been a misnomer), ad infinitum.

To state the obvious, at no other time in our history has America been so deeply committed and so inextricably bound to developments in the Pacific. And the prognosis is for even greater U.S. involvement.

We need to recognize that our involvement in the Pacific is neither an accident nor a matter of recent history that began with Pearl Harbor. Ever since Lewis and Clark opened the first trails to the West, the United States has moved inexorably westward—and not just to the suburbs of Los Angeles. It is no fluke that it was an American Commodore who ended the isolation of Japan, or that American traders, followed by American marines, insisted on keeping the doors of China open, or that America's major colonial adventures took place in the Pacific. World War II, our occupation of Japan, our espousal of the Chiang Kai Shek regime, the Korean conflict, and finally the tragedy in Indo-China—all testify to what one astute Asian observer described as "the existence of irresistible pressures towards a Pacific destiny."

While this may seem like revisionist history to Euro-centric Americans, our 19th century vision of "Manifest Destiny" turned our eyes to the West, not to the East. The cry was: "Go West, young man. Go West."

There is nothing mysterious about this attraction to the Pacific—after all, America is bordered by two oceans. It is the Pacific that has increasingly offered the greatest prospects for shaping the course of world history. The Pacific Ocean is a common boundary to six continents and more than 25 countries with over half the world's population. Around it are gathered all the superpowers, actual and potential: the Soviet Union, U.S., and Japan and Red China who are well on the way to becoming superpowers. It is the largest world market and economically one of the fastest growing regions in the world.

The Pacific is also where the issue of world peace may be decided. When Prime Minister Sato visited Washington two years ago he said, "Today, as we look to the future of the

Pacific, we recognize that whether peace survives in the last third of the century will depend more on what happens in the Pacific than in any other area of the world."

It is for these reasons the United States is involved in the Pacific—and why we are a Pacific power.

A year before his election as president, Richard Nixon declared: "The United States is a Pacific power. Europe has been withdrawing the remnants of empire, but the United States, with its coast reaching in an arc from Mexico to the Bering Strait, is one anchor of a vast Pacific community." Later in 1969 at his Guam press conference and again in his February, 1971 report to Congress on "U.S. Foreign Policy For The 1970's" the President reiterated the fact that the United States is a Pacific power.

Yet, the astounding thing is that we are a Pacific power without a Pacific policy. That is, this nation has no clear guidelines by which it can determine the best course of action regarding Pacific-wide problems. This does not necessarily mean that Washington acts or reacts willynilly when a matter of Pacific-wide importance arises, although it is reasonable to believe that in the absence of any definite policy the odds are good that it might.

To be sure, the United States is not wholly without guidelines, but they represent at best a patchwork of policy considerations rather than a coherent, systematic formulation of policy. What the former amounts to is the so-called Nixon Doctrine which, according to its author, presents an entirely "new philosophy" of U.S. foreign policy. While many will argue its basic premise that the U.S. must maintain "a role in the world rather than a withdrawal from the world," the thought is by no means new. If it provides little that is new, neither does it offer much that is clear and straightforward.

Although first proclaimed in the Pacific, the Nixon Doctrine is not so much a Pacific but an Asian policy. Its intended message has been to reassure the leaders of Asia that while the U.S. will not opt out of its existing commitments, henceforth Asian problems will require Asian initiatives and Asian solutions. But where and how does one draw the line? To many, Washington's reluctance to answer that question will leave the U.S. "straddling some undefined middle ground between total isolation and instant intervention." Which leaves us somewhere but nowhere.

Many Asian leaders, like many thoughtful Americans, are troubled about the meaning of the Nixon Doctrine. Recently President Marcos of the Philippines reportedly said, "I get all these calls from leaders all over Asia. They ask me: 'You're much closer to the Americans. Do you know what they're intending to do?'" What is meant by the Nixon Doctrine? As one student of U.S. foreign affairs put it, the Nixon Doctrine is like the Bible: it can mean all things to all people at all times.

But one thing it does mean—we still do not have a clear policy for the Pacific. There is an absurd contradiction in all this. On the one hand, we are still groping for what we claim we have, an Asian policy, yet we disavow any claims to being an Asian power. On the other hand, we flatly declare ourselves to be a Pacific power, but have no definite policy to show for it.

It is not a matter of put up or shut up, for we do not have the luxury of that choice. Like it or not, the United States is and will continue to play the role of a Pacific leader for the foreseeable future. Leadership is best exercised, however, when purposes and guidelines are clearly understood or else the consequences can be disastrous for both friends and foes alike.

There is a viable concept upon which a new American Pacific policy can be formed. It is an idea which Nixon himself explored in 1967, but which, strangely enough, he has not mentioned much, if at all, since his election: the building of a Pacific community. He stated then: "Without turning our backs on Europe, we have now to reach out westward to the East and to fashion the sinews of a Pacific community. Both our interests and our ideals propel us westward across the Pacific not as conquerors but as partners, linked by the sea not only with those oriental nations on Asia's Pacific littoral but at the same time with occidental Australia and New Zealand, and with the island nations between. . . . This has to be a Community in the fullest sense: a community of purpose, of understanding and of mutual assistance." Although Nixon has chosen not to address himself to this concept, he must certainly grant that the need for such a community is no less greater today than it was four years ago.

But if Washington has remained silent, Tokyo has not. Japanese leaders, including Prime Minister Sato, have made it plain that Japan aspires to build, *along with the United States*, a "New Pacific Age," where "a new order will be created" in the Pacific. Although to some it may be a painful reminder of imperial Japan's dream of "the Asian Co-prosperity Sphere," it underscores the determination of the Japanese to forge ahead in making the "Asian-Pacific Zone" its major arena of action.

Whatever Washington or Tokyo may say, the emergence of a Pacific community is becoming more and more a reality. It is reflected in the growing interdependence of Pacific countries brought about by their increasing economic, technological, scientific, educational and cultural ties. It is also evidenced in the resultant growth of large numbers of regional, i.e., trans-Pacific as well as sub-regional cooperative organizations in almost every conceivable field. In effect, Pacific nations and peoples are being gradually linked together by an intricate network of interrelated and interlocking organizations and groupings.

This sense of community which has been fostered by mutual cooperation particularly in the areas of trade and investment, received important recognition by Asia's most authoritative economic journal, *The Far Eastern Economic Review*. In a recent issue, it editorialized, "Over the last year or so, East Asia has been increasingly developing a Pacific Basin consciousness—looking towards the west coast of the American continent, towards Japan and Australasia and regarding itself as part of a developing market region circling the Pacific Ocean."

The building of a Pacific community can and should be the basis for a new American Pacific policy. It would provide a much more positive framework, as opposed to the military and security considerations of the Cold War, upon which US policy could be reconstructed. It would serve as an effective counterbalance to the Atlantic Community and thereby restore some equilibrium to the nation's international posture. And above all, it would serve as a dynamic new symbol of peaceful progress and cooperation throughout Asia and the Pacific.

LAW DAY U.S.A.

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I join with my colleagues in the traditional annual observance of Law Day U.S.A., and this year's theme, Channel Change Through Law and Reason.

As American citizens, we are basically a great people and a great Nation.

We are citizens of the greatest democracy the world has ever known. As American citizens, we have no higher civic duty or moral and ethical obligation than support of the law of the land. There must be respect for the law because it is the law. There is at the present time in this country an ever accelerating disrespect for the rule of law. The doctrine of civil disobedience and the disturbances that follow will engender every expanding disillusionment with the movement that prompts this action.

I am convinced that those in positions of intellectual and moral trust who advocate public disobedience of the law must assume responsibility for those who act upon their advice. The motives of many of these well-meaning individuals are above reproach. Invariably, they reject violence as a method to achieve goals. Unfortunately, they do not see, or are unable to see, the connection between the doctrine of civil disobedience that they preach and the explosions of violence that have followed.

However, when individuals begin to decide what laws they will obey or disobey, the fabric of society begins to disintegrate. Nobody wins—everybody loses.

Americans must begin to temper their actions with reason. While the process of the law may sometimes appear to be slow and frustrating in reaching justice, we must always bear in mind that it is the only responsible way we have of attaining justice. Through law and reason, the many urban social and civil problems are being overcome.

The trouble concerning the present generation of urban Americans is constant fear of unprovoked physical harm. Fortunately, we have a legal process of government and it is the continued implementation of this democratic process that will bring just order to our land.

We all know and recognize the problems of criminal activism that urban America faces every day. Americans are entitled to enjoy the serenity that comes from peaceful cities; they are entitled to know that their families are safe from wanton criminal attack and they certainly are entitled to know that the law is strong enough to protect them.

The laws of this land have been responsible for bringing America to its present heights and we as lawmakers are constantly searching for methods by which we can improve the judicial system.

As we observe this day in honor of "Channeled Change Through Law and Reason," we must remember that we have much to do in maintaining it if we are to effectively serve the people who turn to us for help.

It is our responsibility to bring about any necessary change through the due process of legislation. Reason must rule the changing passions of all concerned Americans.

America's historic past has provided us with a solid basis of law for our modern mode of life—it has provided us with the flexibility to engage in a responsible program of justice and equality for our citizens. The American people today can look forward to a brighter future because they realize the American process of law is constantly working for them.

Today there are many serious problems confronting the inner moral strength of this country. Civil disobedience is more widespread than ever before, and in some cases, the security of this country is being threatened.

However, we can be certain that the principles of the American judicial system as established by our predecessors and maintained by us will enable us to forge the proper path for the country to follow.

CALIFORNIA NATIONAL GUARD INVOLVES ITSELF IN COMMUNITY PROJECT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, for almost 3 years there has been a concerted effort in the California National Guard to continue and expand community relations projects. The community and youth oriented programs participated in by the National Guard are commendable and deserve recognition. The California National Guard has rooted itself into the community and made it a special point to participate in viable community activities.

A brief recapitulation of activities participated in by the National Guard is in order. The guard has contributed its services to countless festivities from assisting the ecology center in Sacramento by gathering used containers to be recycled, to delivering used clothing to the Hopi Indian Reservations.

Although the first priority of the National Guard is, and probably will remain, the development of combat readiness and of the military skills which lead to this readiness—productive domestic action programs are encouraged. Department of Defense Directive 5030.37 urged units and individual members of the Guard and Reserve to participate voluntarily in domestic action efforts. This directive provides guidelines and establishes policy for participation in and support of the DOD Domestic Action program. The objectives of this program is to utilize the resources of the Defense Department in cooperation with other organizations, to overcome our serious domestic problems.

In California, numerous guardsmen have enthusiastically and voluntarily engaged themselves to the task of promoting community relations. By providing color guard for parades and ceremonies, and participating at concert performances at local community affairs the guardsmen are able to utilize skill gleaned from their military training in civic orientated functions.

Last summer the Guard provided transportation for a special group of Chicago girls to and from a campsite. The affair was sponsored by the Camp Fire Girls, and it was the first camp-out that these girls had ever attended.

The National Guard, also, participated in the President's Youth Opportunity program on a nondrill, voluntary basis. Many States have initiated innovative youth programs which have been used as models throughout the Nation.

Quite frequently, however, individual efforts are the catalyst that formulate new projects. Lt. Patrick B. McGreevy devised a plan that would involve the companies' medical doctors, dentists, and trained medical technicians in providing physicals, and medical counseling in the Hunter's Point District of San Francisco. Although the plan was never carried through Lieutenant McGreevy aided directly in establishing a committee to direct a summer day camp program to be financed and executed by the National Guard and local community groups.

Mr. Speaker, the National Guard has been contributing significantly to community related projects; however, I am certain that the usefulness of the above mentioned programs can be further advanced. Defense Department policy could be oriented toward a pattern that would provide more training in implementing community welfare programs. More Pentagon initiated encouragement could be provided at the policymaking level and a more strengthened unity could be developed by implementing projects that alleviate some of the fundamental problems of people that reside in communities such as Hunter's Point, in San Francisco, or Watts in Los Angeles.

FROM ESTES PARK TO DISTRICT OF COLUMBIA MALL: "RAGE OF LOVE"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Mary McGrory, columnist for the Washington Star, provided readers with an interesting viewpoint recently.

The thesis of her column was that the same general theme of philosophy characterized the carefully arranged White House Conference of Youth held recently in Estes Park, Colo., and the protesting veterans of Vietnam in Washington.

Because of the interest of my colleagues and the American people in this most important subject, I place the article in the RECORD.

The article follows:

[From the Sunday Star, May 2, 1971]

ESTES PARK TO MALL: 'RAGE OF LOVE'

(By Mary McGrory)

From the Mall and from the mountains, from the uninvited and the invited, the message was the same.

Delegates to the White House Conference on Youth—"the most representative body of American youth ever assembled"—were meeting as pampered guests of the government in Estes Park, Colo., the same week that a thousand veterans were camping out under the inhospitable trees of the Mall.

Estes Park proclaimed in the preamble to its report to the President that it spoke "out of the rage of love for the unimplemented principles we here assert." The veterans didn't put it quite that way, but the Mall was in the grip of a "rage of love" such as the Capital has seldom seen before.

A year ago, the morning after Cambodia, President Nixon made an invidious comparison between the campus "bums" demonstrating against the war and the brave young Americans who were fighting it. Now that the soldiers are home the comparison won't hold any more—at least from the evidence of the thousand on the Mall. Youth in the barracks and on campus and in the factories is bound together by ties the Nixon administration cannot put asunder.

In fact, it would have been easy to mistake the unwelcome warriors on the grass for a cross-section of the President's guests in the snow. The hair was as long, the spirit as mocking. The difference between the campers and the conferees was that the campers' sketchy uniforms were G.I. issue, while the conferees had acquired theirs from Army surplus.

"We are motivated not by hatred," said Estes Park, "but by disappointment over and love for the unfulfilled potential of this nation." They demanded an end to the war by the end of the year.

It was verbalized more starkly and urgently on the Mall: "Bring our brothers home now."

It was the oddest veterans' convention ever seen. The brothers enjoyed their reunion, but it was redemption they were seeking. They were haunted by what they had done and seen in Vietnam. They did not take the line of Lt. Calley, the most famous veteran of this war and the object of White House solicitude, that it was "no big deal" to kill civilians.

They sought to purge themselves in a shattering final ritual in which they threw back their decorations, discharge papers and draft cards over a force on Capitol Hill.

"God knows how many I killed," cried an overwrought young airman after he had hurled his medals at the statute of John Marshall.

These veterans were not like other veterans. At their homecoming they had been greeted as killers by their peer group, they had been greeted like stepchildren by the government. But they were too intent on their mission to be embittered.

For them to be alive and together seemed to be enough. On the hard ground of the Mall they had discovered purpose, pride and an odd measure of peace.

"My paranoia's gone," exulted a shaggy ex-sailor. "It's the first time I've felt together since I got out."

"There are absolutely no bad vibes here," said a 19-year-old retired Marine lance corporal.

"The unity is a sub-line factor here," said a bushy-haired ex-Green Beret. "Its because of the experiences we shared that nobody else can believe."

Their efforts to share their guilt and their nightmares with Congress met with indifferent success. One group stormed into Rep. Bella Abzug's office and demanded to be sworn in so they could testify to atrocities. They were furious when denied.

The impact of their succinct and picturesque campaign on the peace movement, Congress and foreign policy is being hotly argued and busily discredited by more conventional veterans' groups. But their message was surely more important than their effect.

They were reassuring a shaken country in the most vivid way that they were not brutalized by Vietnam. They came to Washington demanding love and forgiveness. They are done with death, violence and vindictiveness. Out of the cauldron of a hated war they have emerged as caring human beings, moved by the plight of suffering mankind.

Flag-wavers on Capitol Hill were jolted by their pleas for amnesty for their contemporaries who had fled the war that had wasted their young lives and bodies.

Beside their vision of charity, the White House spectre of "a nightmare of recriminations" attending an early peace fade into pettiness. If the veterans can forgive and forget, who would dare not to?

A red-headed, barefoot lad wearing a mailman's jacket and a combat infantry badge on his blue jeans, stood shivering in the doorway of the USO on the final night and pleaded with a passing journalist: "Tell them we care about our brothers. Tell them we love them and we want them home."

CRASH FUNDING WON'T DO IT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, in the April 1971 issue of Parks and Recreation magazine, there appeared an excellent article written by Clarencc M. Pendleton, Jr. "Penny' Pendleton, long considered one of the leading experts in the field of recreation, is presently the director of urban affairs of the National Recreation and Parks Association.

I wholeheartedly support Mr. Pendleton's basic thesis that the Federal Government's crisis-oriented approach toward the funding of our Nation's recreation programs is totally inadequate. This is especially true of those programs which have been geared to meet the recreation needs of our cities.

I am sure that my colleagues will find this article most informative.

CRASH FUNDING WON'T DO IT

(By Clarence M. Pendleton, Jr.)

They were troubled—the 84 park and recreation administrators who came to Washington last February for NRPA's summit meeting. All were distressed about federal funding for recreation programs. From every part of the country the message was the same—they liked what Uncle Sam was doing, but not the way he was doing it.

Hoping to alert President Nixon to their concerns, the delegates drew up and approved a set of recommendations which were then delivered to the President for his consideration. These recommendations, as adopted, were printed in the March issue of *Parks & Recreation;* but the problems and concerns which led to their adoption have not been fully examined. What are the issues which brought these men and women to Washington? What is the story behind NRPA's emergency meeting on funding?

PROGRAM FUNDING IS CRISIS-ORIENTED

For several years, local park and recreation administrators have noted with growing concern that the federal government has continued to maintain its crisis-oriented approach toward program funding for recreation and parks. Such an approach has limited program funding to a brief two-month summer period and to urban centers. The rest of the year and the rest of the country have been consistently neglected.

Crisis funding was born when the specter of burning cities loomed large over the country. A panicky government went into action. In an effort to extinguish smouldering discontents which might erupt into violence, the federal pump was primed, and over the past five years, it has poured out approximately $175,000,000 which was supposed to meet recreation and park program needs of disadvantaged youth. Government planners assumed that this city-dwelling age group (as opposed to the entire population) must be kept busy during the potentially explosive summer months. Then, when the weather cooled, it was assumed that the need for activity and the problems which spawned this need would subside.

Such thinking was fallacious. Every independent evaluation of this federal effort has come to the same conclusions; short-term summer programs will not prevent riots; year-round, twelve-month planning is essential to provide relevant, effective programming; any other type of programming is inefficient, ineffective, and wasteful. Part of the problem with this crash approach lies in the fact that many local park and recreation departments are bypassed when it comes to planning and operating programs. Program guidelines are established at the federal level, requiring that local administration be handled by a youth coordinator. Unfortunately, many of them are not recreation professionals and are somewhat unfamiliar with local program capabilities and priorities. The results have been fragmentation and duplication of effort, inefficient and wasteful use of appropriations. In many instances, the federal program guidelines have competed against rather than complemented local park and recreation programs.

Administrators of these local programs accept much of the criticism leveled at their departments concerning relevancy, disrespect for life styles, etc. They note, however, that response requires financing and as long as funds go to other agencies—who have not been measurably more successful than the park and recreation departments—there cannot be that response. Local administrators are anxious to be responsive to the needs of concerned citizens or organizations within their jurisdictions and to cooperate in efforts to make their services more effective and relevant, but when funds must be spread around so everyone can "do his own thing" and support is not forthcoming, problems are bound to develop.

Now, when many cities are facing financial crises and recreation departments are candidates for budget cuts, it is more important than ever that all funds available for recreation purposes be used to the best advantage. It borders on the tragic, therefore, that the federal government continues to spend funds in a manner which will not deliver the most effective recreation program for the disadvantaged. This is why NRPA feels it is important to share with you what it considers to be the issue around public programming for the disadvantaged and which led to the emergency funding meeting and the subsequent adoption of the recommendations which were forwarded to the President.

THE ISSUE

The federal government has invested a considerable amount of time and money to improve the quality of human services available to the nation's urban residents. In this effort, specific attention has been placed on providing funds for the "expansion of recreation programs" and "recreation-oriented" job opportunities for disadvantaged youth during the two-month summer period. Any or all of the following reasons could be responsible for this recreation emphasis: (1) the assumption that recreation services could be delivered at the local level without unduly disturbing existing federal fiscal and political structures; (2) the broad base of palatability for recreation services among the disadvantaged residents of urban communities; and (3) the facts documented in the Kerner Commission Report that identified inadequate recreation services to the disadvantaged as one of the primary causes of civil disorders.

The continued federal awareness and use of park and recreation services to meet human service needs is evidenced by the substantial allocation of approximately 175 million federal dollars over the last five years to a total of 100 of the nation's most populous cities.

The scope and complexity of the federal efforts become even more obvious on examination of the number of federal agencies and programs that have been involved up to this point:

FEDERAL AGENCIES

1. Department of Housing and Urban Development—Model Cities and Community Resources program.
2. Department of Health, Education, and Welfare—NCAA Summer Sports Program in cooperation with the President's Council on Physical Fitness.
3. Department of Transportation—Funds for local trips.
4. Department of Interior—Recreation Support Program.
5. Department of Labor—Manpower Development Training Act, Neighborhood Youth Corps, and New Career Enrollees.

EXECUTIVE OFFICE OF THE PRESIDENT

1. Office of Economic Opportunity—Community Action Programs in recreation and cultural activities.
2. President's Council on Youth Opportunity—Local/federal coordination efforts
3. President's Council on Physical Fitness—Operation Champ, NCAA Summer Sports Program in cooperation with Department of Health, Education, and Welfare.

Providing funds for the expansion of recreation programs operated by "local public or nonprofit agencies" results from a kind of federal interagency cooperation. Each year federal agency representatives conduct a series of meetings to decide how many dollars each can contribute to sponsor and control the local expansion efforts. When the funding level has been established and approved, guidelines for their use are hastily developed without input from park and recreation professionals.

Local public park and recreation agencies shared the Federal government's concern for expanding recreation and park programs and employment opportunities for disadvantaged youth. Successful methods were developed to attract resource contributions from local public and private agencies, i.e., public and private social service organizations, civic and business agencies, to supplement their own resources in order to provide the needed services.

Assumptions were made by local park and recreation departments that since they were the legally enacted authority responsible for developing and controlling recreation resources, they could match their resources with those of the federal government and implement a meaningful program for the urban disadvantaged. However, federal guidelines called for an administrative process in direct competition with the local park and recreation department. Needless to say, federal and local officials with commonality of purpose exhibited a conflict in process.

In spite of all the investment of both federal and local time and resources, experience over the past five years reveals:

A fragmentation and dilution of park and recreation services within urban communities.

Maldistribution and use of park and recreation manpower resources.

Inadequate and inappropriate development of park and recreation areas and facilities.

The creation of critical voids in the plans that many cities had on the drawing boards.

A continued demand by the urban disadvantaged for an increased park and recreation service by the local agencies.

It is obvious that the federal government retains unto itself the privilege of determining the direction and emphasis it wishes to maintain in providing support for park and recreation programs. However, it is equally obvious that local park and recreation administrators should have somewhat the same prerogative.

MUTUAL PROGRAM CONCERNS

The 1971 summer is fast approaching and there is no indication of a change in the existing federal process. The National Recreation and Park Association believes that the local park and recreation departments have no less professional responsibility than any other public service agency to develop and implement programs that meet the needs of their citizens. Therefore, NRPA convened a meeting of park and recreation administrators from the country's most populous cities. Mutual concerns about public park and recreation programs with priority attention being focused on the effects of the federal funding process as well as the development of strategies for responding to anticipated federal funding guidelines and processes for the 1971 summer were discussed at the meeting.

The major points of concern were:

1. Effectiveness in the execution of federal park and recreation programs, be they hardware or software, depends crucially on understanding that local park and recreation departments have the competence and ability to plan, implement, and coordinate programs and services.

2. The federal allocation of resources, ideas, and leadership is indispensable. However, it is only a contributory range of offerings. At the local park and recreation department the federal resources should be accepted, applied, and matched with other resource contributions and turned into products.

3. At the local park and recreation department projects should be planned, goals and priorities established, applications originated, resources mobilized, and, finally programs administered in a coordinated system.

4. Federal programs that work well do so because local park and recreation planning and coordination have worked well—and federal guidelines have been established that have encouraged and permitted them to work. No amount of intergovernmental sponsorship and operation of programs will substitute for what must be done at the local level.

5. The federal government must reconcile its competing strategies and settle upon a unified approach that will perfect the local park and recreation planning process, establish it, and develop the machinery and the funding to support and sustain it.

NATIONAL RAISIN WEEK

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MATHIAS of California. Mr. Speaker, the 62d annual National Raisin Week, set for May 3–9, 1971, the Nation's oldest food festival calls attention to one of California's most vital industries.

The quarter-billion dollar raisin industry, which effectively utilizes the modern tools of sales promotion and advertising, supply management, and bargaining, had it roots in antiquity. Raisins were grown by the Egyptians and Persians in 2000 B.C. and the Bible mentions that an Israelite brought cheese and raisins to pay his taxes to King David. In Rome during the time of Nero, the wealthy always had raisins on the menu of their feasts.

Raisins were once an expensive food, and only the wealthy ate them. Today everyone can enjoy raisins for eating out of hand, and in puddings, cakes, cookies, bread, and a multitude of other delicious food forms.

Today the California raisin industry's vineyards produce some 250,000 tons of raisins each year for processing and marketing throughout the world.

I would like to commend the California Raisin Advisory Board, as the industry's research, promotion, and advertising arm, for the highly effective job it has done in promoting sales of raisins in the United States and overseas in cooperation with the U.S. Department of Agriculture's Foreign Agricultural Service.

Despite increasing competition from foreign competitors and other products, the California raisin industry has become the largest in the world.

Special commendation should go also to the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee for their effective efforts under Federal marketing orders which have had great success in bringing about the orderly marketing of raisins and which have also been effective in development of export markets.

I would also like to commend the Raisin Bargaining Association for its work in improving grower returns for their crops. In less than 5 years, the association has brought the raisin growers together in a concerted effort which has given them a strong voice in determining the reward for their labors.

The raisin industry, for its effective efforts in producing, processing, and marketing its crop, one-half of the world's raisin supply, well deserves special recognition during National Raisin Week—May 3–9.

VISTA MERGER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, I would like to express my dissatisfaction with President Nixon's plan to merge VISTA with other volunteer service organizations into one huge action corps. I feel that in the long run this proposal, if carried through, will have a devastating effect on the original goals of an organization dedicated to alleviating the problems of the poor.

After hearing the views of many VISTA volunteers from different parts of the country, I think that the effects of the proposed merger should be critically scrutinized. Will the consolidation of numerous service organizations into a large bureaucracy better facilitate the needs of the poor? Or is it more correct to say, in the words of Eric G. Airries, a VISTA volunteer from Madison, Wis., that:

> Mr. Nixon's objectives are to provide an experience for a nebulous middle-class young where they will be the individuals to benefit rather than the poor.

Mr. Speaker, the National VISTA Alliance, which represents over 1,800 VISTA volunteers working in 49 States, is very much opposed to the proposed merger. I would urge you to consider very carefully the following statement received by me from Lynn Taron, a dedicated young VISTA volunteer from Oklahoma City. The situation that she describes is not unique to Oklahoma, but a strong indication of what could happen all across the country.

This explains partially what the merger will mean to VISTA, and more tragically, what effect it will have on the poor. I encourage all my colleagues to oppose this merger.

Miss Taron's letter follows:

The proposed Nixon merger will include VISTA, Peace Corp, Teacher Corp, ACE and SCORE. Vista will be merged with these programs into the super "ACTION" agency. VISTA will not merge with the Community Action Program (C.A.P.). C.A.P. is only the sponsor of VISTA projects and is itself related directly to OEO. What will occur if the merger is accepted is that C.A.P. will have almost total control of the VISTA project it sponsors. We will loose any autonomy we have and be transformed into C.A.P. employees subject to their rules and regulations. My own C.A.P. has already begun along these lines informing community people and agency people that the VISTAs are C.A.P. employees. If this lie persists I will not be able to show my face in many areas of my community because C.A.P. is not well liked where I work. All I have done or will be able to do will be negated.

The takeover by the sponsor is already in motion. I learned at the statewide conference this past week that the sponsor of a VISTA project will have to assume the responsibility of paying approximately 50% of the VISTA coordinator's salary as of the beginning of fiscal year 1972. The sponsor will also have to assume approximately 50% or more of the transportation costs of volunteers in the field if the volunteer is to be effective. The Federal government will only furnish $30 per month per volunteer on an urban project and $50 per month per volunteer on a rural project on the basis of an average 12.5 volunteers per project. This money will be given to the sponsor in a block to ration as is necessary. The sponsor will have to provide the cars, rental fees, mileage and possibly insurance. If the sponsor is not able to provide matching funds to the federal monies the volunteers will be left with little or no transportation facilities. It is absurd to think that $30 per month per volunteer will provide adequate transportation for the 17 volunteers on my project considering car rental fees from GSA is approximately $40 per month per car, not including mileage.

What this means is that VISTA projects will be closed because the sponsor can not afford to pay the costs of transportation, coordinator's salary and office support facilities. This new policy will make it impossible for "grass roots" agencies and community groups to sponsor VISTA projects. C.A.P. with all its monies will have definite problems in attempting to find the additional matching funds they must to support a VISTA project. If the funding can not be found there will be no VISTA in that area. It is a direct attempt to reduce the number of VISTA projects. Those that do survive will be placed under the thumb of their sponsor with the threat of termination if VISTA's don't do as they're told. These "grass roots" anti-poverty organizations that need the services of VISTA most will have nothing because they can't afford a project. This is just another step to help the poor stay poor. My own project with its $2.5 million budget may be unable to assume the financial responsibility to support our project.

Concerning the merger I can only emphasize my opposition. It will be more costly and less efficient. A centralization into one agency of volunteers that has no functional similarities will sacrifice the needs of individual programs in an attempt to meet only the most common needs of the component programs. The emphasis of the new agency will ignore the poor as they will have little input into the ACTION agency programs. How could they have input into a super agency with such diverse programs as Peace Corp and Teacher Corp? How can the Peace Corp relate to the needs of the poor in Oklahoma City? It can't! And its absurd to think that it can. In a recent interview with Peace Corp director Blatchford in the Washington Post he stated he knew little of VISTA, it's operation, philosophy and field operation. This is just dandy since he'll be the one named to head ACTION. Once again the poor will get skrewed. VISTA should remain in the same agency as other anti-poverty geared to the home front of the War on Poverty for maximum effectiveness.

The new ACTION agency will predefine the areas volunteers will work in, eliminating the self-determination of the community in utilizing volunteer's talents as they choose. The emphasis of the new agency will be entirely on service projects turning VISTA into a bandaid. Community organization to help the poor help themselves is on its way out. The new agency will exclude community VISTA volunteers in its recruitment of 'skilled' volunteers. This is against the present VISTA ideology of helping the poor to help themselves. It was that indigenous community people could join VISTA and help the people in their own areas directly with the resources of VISTA. The new change toward specialization will exclude the indigenous person because he is not 'qualified' while in reality he is the most qualified of all.

According to the President, the main purpose of the new agency will be to promote voluntarism among Americans. I and my fellow volunteers see voluntarism as a means to an end . . . in terms of VISTA the elimination of poverty. Voluntarism, per se, should not be cited as the *goal* of any agency.

It is insane to think that one agency, one director complete with assistants could deal effectively with the diverse programs of the programs the merger will include. Lack of expertise will reduce the effectiveness of all the programs. Once again the poor are left with nothing. The plan will damage the component parts by artificially separating them from the offices and departments from which they could receive maximum benefits from information, planning and guidance. If my own project survives at all and the merger is approved, we will be entrapped with the policies and guidelines of a 'super' agency that attempts to treat all poor people the world over without being able to really help anyone. The original catalytic, self-help philosophy of VISTA will drown in a sea of 'super' red tape and conflicting approaches to poverty. In short VISTA will be dead and along with it the hopes of the poor.

FAIR CREDIT REPORTING MEASURE IS CAUSING DIFFICULTIES WITH FHA AND VA MORTGAGE APPLICATIONS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HANNA. Mr. Speaker, I am bringing to the attention of the House an example of how not to legislate.

Last year, the Congress attached to the Foreign Bank Account bill a title VI that contained the language of the Consumer Credit Reporting Act passed by the Senate. The House's only consideration of this far-reaching title was when it was brought before it as part of the conference report.

As a result of this, we are now in the middle of a bureaucratic morass which is already having a severe and negative impact upon, of all things, mortgage financing.

Title VI went into effect a week ago Monday. It went into effect although the impact of many of its sections were unclear and as yet have not been fully dealt with by procedural guidelines.

The specific problem in regard to mortgages stems from the possibility that banks may come under title VI when they routinely pass along credit information they have received from a reporting agency to the FHA and VA for insurance guarantee approval. No one is sure whether they do come under the act or not. However, until many banks find out, they have stopped processing VA and FHA mortgage applications. This situation promises to become increasingly serious unless some action is taken immediately.

It apparently was not the intent of the drafters of title VI that banks be included under these circumstances, but the language is imprecise and could be interpreted otherwise. The enforcement agencies want to interpret the language so that the banks will not be in jeopardy, but as yet have been unable to come up with adequate guidelines that satisfy all the parties involved.

Many in banking and understandably so, believe the Congress should remedy the circumstances since it was the Congress that created the problem. There is substantial feeling in the enforcement agencies as well as in mortgage lending circles, that an administrative solution will not be enough to sufficiently resolve the problem that has been created.

The result of all this Government thrashing is that thousands of potential homeowners throughout the Nation are finding themselves in limbo. Their applications for mortgage loans have been frozen and will stay in that condition until the mess back here is straightened out.

Now, this is not something that has just developed. For months the banks have been telling the Controller, the Federal Reserve, and the Federal Trade Commission that they need guidance. And for months there has been considerable thrashing but no final solution.

Well, now the title is in effect and the problem has not been resolved. In California, some major banks have frozen all processing of VA and FHA mortgage applications. In the case of the Bank of America alone, this means more than 2,000 FHA applications a month are going into limbo.

This state of affairs is unacceptable. It is essential that the agencies responsible come to an agreement immediately and publish the necessary guidelines.

I also intend to place this problem before the Congress—the institution that caused it in the first place. Hopefully, we will be able to offer a legislative remedy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DISORDERS IN WASHINGTON POINT OUT NEED FOR DISTRICT TO REMAIN UNDER EXCLUSIVE U.S. JURISDICTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. RARICK. Mr. Speaker, during the past few days, the entire Nation has smarted with indignation in observing the wild disorders in our Capital City, requiring not only the use of local police, but also the U.S. Army, U.S. Marine Corps and the District of Columbia National Guard as backups for the Metropolitan Police in preventing a shutdown of normal activities of Government.

Despite the dedicated and untiring efforts of police, some Government buildings have been closed, among them the Municipal Center and the Washington Monument. Such disorders are not voluntary nor spontaneous, but the result of precise planning with military-like precision and detail. With some exceptions, the published plan as reported in underground papers has been followed.

The scenes of confrontation and tension, as well as countermeasures featured by helicopter scouts, is reminiscent of combat operations during World War II. The sound reasoning as to why the Founding Fathers provided for the creation of a Federal District to house the Government of the United States, with exclusive legislative authority over such district vested in the Congress reasserts itself.

There were proven reasons why the founders of our Government provided for such district in the Constitution. Following the Revolutionary War, a mob of soldiers came to Philadelphia and interrupted the Congress then in session there. The Governor of Pennsylvania did not call out the militia to protect the Congress because he feared that they might join the mob. The necessity of a Federal District to have a neutral Federal city under the exclusive control of the Congress was thus effectively demonstrated.

Today, the scenes in Washington emphasize better than anything I could say, the imperative necessity for the Congress to retain its Constitutional powers over the District of Columbia and should end for all time any further consideration of converting this turbulent city into a self-governing State with representatives in the Congress. It is, and must remain, a Federal reservation under the exclusive control of the U.S. Congress.

For the freedom and safety of Congress, it is better that Congress retain the right to self-govern and self-determination than squatters on this Federal reservation.

CAMPAIGN TO DISRUPT GOVERNMENT FAILS: DISTRICT OF COLUMBIA POLICE COMMENDED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, we have just witnessed the onslaught of the radical wing of the antiwar movement in the Capital City, and the massive civil disobedience demonstrated by this group is in sharp contrast to recent peaceful demonstrations for peace in Washington.

There is no place in our form of Government for protests anchored to violence, disruption of Government, and destruction of property, and lawlessness.

Our citizens are repelled by the massive efforts to disrupt traffic and block officials and employees of Government from coming to their offices and places of work, and carrying out their responsibilities.

The right to petition for redress of grievances is basic in our Government and is guaranteed by our Constitution—the right of peaceful petition is assured. However, civil disobedience, violence, and disruption of traffic to stop the Government are condemned.

During this siege on the Congress and the Capital City, I want to commend Police Chief Jerry Wilson and members of the Police Department of Washington and the District of Columbia for their firm and effective handling of this disruptive demonstration. They have been restrained but exercised firmness and promptness.

These law enforcement officers have rendered an outstanding service under trying conditions—and they deserve our commendation and congratulations.

By dispersing the demonstrators at their camping sites, the police disrupted the organization and planning for the campaign of massive civil disobedience, throwing the demonstrators off balance so that their efforts were weakened and lacked cohesion and coordination.

The lawless actions of radical elements of the peace movement have weakened the entire movement with their demonstration of disregard for our Government and our people. Many of their actions have been counterproductive and set the peace movement back, regretfully.

In this connection, I place in the RECORD my recent newsletter on the recent events in Washington.

The newsletter follows:

DEMONSTRATIONS AND PETITIONS FOR PEACE FLOOD WASHINGTON AND THE CONGRESS

(By Joe L. Evins)

With the Spring season has come an unusual number of demonstrations, petitions, and appeals to Congress for peace and the ending of the war in Southeast Asia. The offices of many Members of Congress have been visited by veterans and young people and others urging an end to American involvement in the war in Vietnam.

As the war has continued and escalated at times, many believe there is much broader support for the withdrawal of American troops from Vietnam this year than ever before. Many Members are suggesting a specific deadline for ending the conflict. While adhering to his plan for gradual withdrawal and announcing plans for further reductions in American forces in Vietnam, President Nixon in a televised news conference reaffirmed his intention to continue a scheduled plan for withdrawals of American troops as South Vietnamese forces are trained to assume combat responsibilities.

Thousands of veterans of Vietnam from throughout the Nation marched on Washington in a peaceful demonstration to urge an immediate end to the war. Some leaders appeared before the Senate Foreign Relations Committee and made an eloquent plea for their position. Thus far the demonstrations have been generally orderly and peaceful—however, a radical group has announced its plans to disrupt government and transportation in Washington during the next few days. Such civil disobedience and lawlessness damage the cause of those who participate in such activities. The President has indicated that those demonstrators who violate the law will be prosecuted.

Other citizens have quietly visited their Congressmen and Senators, stating their case or presenting petitions and urging consideration.

During the week Mr. Clarence Davis, father of Tom Davis, of Livingston, Tennessee—the first American combat soldier to be killed in Vietnam—brought to our office petitions signed by 8,000 citizens of Livingston and Overton County, urging leniency and clemency for Lieutenant William Calley, tried and convicted by Army courtmartial. With Mr. Davis was retired Army Sergeant Ellis Snoddy, a courageous veteran of Vietnam, Korea and World War II, who was severely injured while attempting to save a fellow American soldier from a hand grenade in guerrilla action. The Tennessee Sergeant's view of the Vietnam war was that an honorable conclusion to the war must be reached so that our servicemen who were killed there shall not have died in vain.

The right to petition Congress, the President, and our Government for redress of grievances is a basic guarantee of our Constitution, and American citizens are this Spring availing themselves of this guarantee.

Certainly all of us want the unfortunate conflict in Vietnam ended on honorable terms as soon as possible so that our American servicemen can be returned home to their families and Homeland.

REVENUE SHARING—A VIABLE OPTION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. BRASCO. Mr. Speaker, a fact, according to George Orwell, stands all by itself. If there is one such fact that today towers above all other domestic considerations, it is that practically every major American municipality is teetering on the fine edge of bankruptcy.

I am a city person down to my toenails. America, like it or not, is overwhelmingly an urban entity. Without denigrating in the least the vital role still played by rural America, our cities contain most of our population, and as they fall or survive, so shall the Nation.

That is why I find it so astounding that we calmly observe the ongoing destruction and decay of our urban areas. As more and more people become dependent upon the well-being of our cities, we are allowing them to fall into ever-worsening straits.

My own city of New York presents a most classic example. What happens there is either also transpiring in most other cities, or will take place eventually. Our tax base erodes as demands for services multiply like results of the mating cycle and reproduction of the fruit fly.

We produce more garbage, yet collection service deteriorates. Why? Not enough money for equipment, salaries, and overtime. Also, there is the disposal problem.

Law enforcement is on the receiving end of stupendous demands. Drug addiction and all other horrors of our modern era blossom like evil flowers in all cities. Yet where are we to find the wherewithal to pay for containment of such an escalating series of problems, much less their solution? Air and water pollution alone are enough to give any mayor in the land an ongoing nightmare.

The same is true of educational demands in our municipalities. As parochial schools continue to find it increasingly difficult to meet financial needs, pupils are being levered into public school systems. Further, there are constantly growing and often legitimate salary requirements of professionals who do actual teaching.

Mass urban transit is perhaps our most pressing problem. Today we cannot move massive numbers of city dwellers across metropolitan areas on a regular schedule with confidence that they will be able to consistently get where they wish to go.

Housing is as great a national scandal as it is an urban disaster. We are not putting up the type or quantity of housing required to cope with demands of shifting urban populations.

For each of these problems and a dozen others there is only one answer. We cannot single out any group, such as city workers, for blame. Mayors, Governors, and city officials are doing their best. The answer is money. Vast sums of capital. Major programs which can only be made to get underway and be completed by massive infusions of money.

Practically every city in America can produce a mayor and Governor who will travel any distance and testify before any committee. They will solemnly and truthfully tell you what we all know already to be truth. Cities and States have no way of raising such new revenues. No way in the world. Not even if their collective or individual lives depended upon it.

From 1946 to 1968, States and localities multiplied their spending six and one-half times. Their debt grew by seven times. Their tax take grew only five and one-half times. One of the major reasons for this is that National Government dominates tax collection through the personal income tax. Thirty-seven States have such income taxes. But Washington receives 90 percent of all such revenue.

Property and sales taxes, traditional main supports of local and State revenue systems, react sluggishly to economic growth. Such taxes are also regressive, falling most heavily on those least able to pay. Moneys now being parceled out to States and cities are tightly controlled by Washington through a series of often confusing programs. We have a massive highway trust fund. Not a cent of it can be diverted to build what we in the majority—in cities—desperately need—mass urban transit systems.

Further, most Federal programs, such as those in welfare, hospital building, library services and water and sewer systems, require matching funds from States and localities. In many cases, such matching funds are impossible to raise. Twenty or ten percent of nothing is still zero.

Revenue sharing, as presented in H.R. 7876, which calls for $10 billion as opposed to $5 billion in other measures, promises what New York City must have a better financial share of what she is paying the National Government. This is above and beyond any and all programs run by our Federal Government in which she is participating. Here is the sole opportunity a city such as New York will foreseeably have for more money.

It is a fact that New York State pays more than $20 billion annually into our Federal Treasury. Yet she receives back only a pittance of this massive contribution.

I believe here is one of the answers to our awesome welfare dilemma. It is obvious that we cannot wipe out our commitment to those who are less fortunate. It would be a criminal act to deprive those people of what they are receiving in the form of welfare payments. But the central problem of enough money still remains. Here is where the revenue-sharing concept enters our picture. With such a supply of new capital, the city of New York would be able to take a fresh grip upon problems confronting her. It is obvious that welfare reform alone will not provide sufficient funds.

Cities cannot tax their residents further. To do so would court massive tax rebellion and massive exodus from cities of what remains of their middle classes. Further, it would do much harm to the average small homeowner, who would have to give up a tiny dwelling he or she had spent a lifetime paying for, but which higher property taxes would make untenable. The States are just as much at the end of their tether.

An argument has been made that it might be unwise to trust localities and States with large quantities of Federal funds. Surely, no situation could be any worse than the one we find ourselves in presently.

The concept is viable. Revenue is there at the Federal level. Programs and solutions to most of our problems are at hand. All we require is a will and an actual setting aside of revenue for cities. The time to act is now. It is a time for decisiveness and commitment. Times have changed greatly from when William Jennings Bryan could say: "Destroy the cities and our farms will still survive."

They won't, anymore, you know. Our society is so complex and dependent upon urban technology that the death of America's urban areas means the end of America.

Mr. Speaker, I believe here we enter the realm of nonpartisanship. A recent Gallup poll showed 71 percent of the people interviewed favored the concept. In such a dilemma as we now find ourselves, a time has come for joining together in order to find our way out of the morass. We have little time to waste, and all viable opportunities should be considered by the Congress.

REV. GEORGE REGAS' VIEWS ON VIETNAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, the following article was extracted from the Los Angeles Times. I would like to share its contents with my colleagues. The article presents the principal message contained in a recent sermon by the Reverend George Regas, rector, All Saints Episcopal Church, in Pasadena, regarding American military involvement in Indochina.

As a member of Reverend Regas' parish said:

> Reverend Regas' sermon is an articulate statement of conscience and particularly relevant at this time as increasing numbers of average Americans are reexamining their own attitudes toward the war.

The article follows:

MR. PRESIDENT, THE JURY IS IN

(The Rev. George F. Regas, rector of Pasadena's All Saints Episcopal Church, recently gave a sermon on Indochina which has stirred controversy in the parish. The vestry of the church—which is the largest Episcopal church in the Western United States with 4,000 baptized members—has commended Mr. Regas "for facing the moral issue . . ." This is a condensed version of the sermon.)

In a nationwide televised press conference March 4, President Nixon addressed himself to the extension of the Indochina war into Laos and Cambodia by South Vietnamese troops and American air power and called on the American people to stand behind him "while the jury is still out." He asked the people "not to harken to the drumbeat of television commentary which takes a pessimistic view of the war."

I respectfully say that the President is wrong. The jury is not still out. They rendered their verdict long ago and a majority of the country is pessimistic and conscience-sick about the Indochina war.

The jury has spoken in almost every corner of the globe and called the Vietnam war a colossal misadventure. Gunnar Myrdal, in his monumental study of Southeast Asia, "Asian Drama," points out that we got into Vietnam originally because we sensed that communism would fill the power vacuum left by French withdrawal, and that we believed we could show the Vietnamese a better way than communism. We claimed to be the defenders of freedom, honoring our commitment to support a free nation against aggression from within and without. That is a generous interpretation of our initial involvement.

But now, as we look at what our presence has in fact accomplished over this last decade, as we consider

The bombed-out and devastated villages,

The millions of refugees (nearly one-third of the population of Vietnam, Laos and Cambodia),

The staggering number of civilian casualties,

The use of vicious and undiscriminating antipersonnel weapons,

The devastation of crops and fields,

The political corruption and America's part in sustaining a regime the people would never support.

The forfeiture of political freedom for dissenting views in South Vietnam, looking at the monstrous results, many of us find it impossible to justify this kind of suffering and destruction in the name of democratic principles. Are the Vietnamese really better off dead than Red? And who made Americans the gods that should decide their fate?

Oh, the physical destruction and suffering of Vietnam! But there is also the death of the spirit and the erosion of conscience in this land of ours. Something has happened to America because of Vietnam, and our basic decency as a people can no longer be taken for granted.

Mr. President, the jury is in. The cost is too great; the suffering among the peoples of three of the poorest nations in the world and the continued loss of American lives can't possibly be justified.

Many experts from every part of the political spectrum admit we should not be in that war. Right, left, centrist; many agree. It isn't a partisan jury, sir.

Yet the war goes no. Death continues to reign and we are given assurance that an expansion of the war is really a deescalation and a way to hasten the withdrawal of our troops. Seeing what we've done to Vietnam looking straight at that ravaged land, we say bombing of Cambodia and Laos is necessary to protect freedom and safeguard Southeast Asia from communism.

The jury is in! We won't listen to the same phony rhetoric America has heard for a decade from its leaders at every stage of this country's long, misguided plunge into the Southeast Asia morass. The contradiction between what is being said and what is being done has reached the point of sustained insult to the intelligence of the American people.

Surely the jury is in! Vietnam is a colossal mistake and a tragic commentary on America's belief in sacredness of every person in the sight of God and his right to self-determination.

Mr. President, if we are silent, it is not because we are waiting for the jury's return. It is only because the scandal of Vietnam no longer scandalizes us. We've heard the body-count so frequently, watched the television's reports of the suffering so long, and allowed the political rhetoric to mesmerize us that now we are numbed, anesthetized and silent.

And what is not a mark of patriotism but of spiritual death—moral decay. How devastatingly cogent are those words of Jesus: "What does it profit a man if he gains the whole world and loses his own soul?"

I saw a poster recently that seared my conscience:

"Dear Mom and Dad; Your silence is killing me (In Vietnam, at home, on campus.)"

In profound love for my country and with respect for my President—I say we must protest the war!

In the name of all that is holy, all that is honorable, all that is decent, all that is noble, we must say, "Stop the war now!" No longer will we concur with a continuation of such massive violence. We must find ways to speak, for the Christian church could make a stunning contribution to the world if it could say the right words.

Pastor Martin Niemoller's confession carries warning for us all:

"In Germany, the Nazis came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews and I did not speak up because I was not a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I was a Protestant so I didn't speak up. Then they came for me . . . By that time there was no one to speak up for anyone."

This parish must speak up and protest

the war—our very soul depends on it. We are not at liberty to stick with safe and manageable subjects while the world convulses with violence and slaughter. And if the unity of this parish depends upon silence in the face of an extension of the war then it is a church whose unity is spurious to begin with. Our oneness lies in a faithful obedience to the Jesus of love and mercy, not in a tacit agreement to keep everyone on board while waiting for a conflict-free consensus before raising our voice.

I ask you now to center your mind and heart on four aspects of *my* protest:

1—THE WAR HAS RAVAGED VIETNAM MERCILESSLY AND ERODED THE CONSCIENCE OF AMERICA

It isn't necessary to visit Indochina to appreciate the horror of the war. The bare statistics will suffice. The tonnage of bombardment is now approaching three times the total bombs used by the American military in all theaters in World War II.

53,544 American soldiers dead.

120,563 Saigon government soldiers dead.

697,342 N.L.F. and North Vietnamese soldiers dead.

South Vietnamese casualties estimated at over 1 million; North Vietnamese as probably more.

In Cambodia, after only a few months of war, there are an estimated 1 million refugees out of a population of 6 million.

I won't go on into the endless horrors and atrocities caused by both sides. If only each of you would read just one book on the Vietnam war—any book—and realize all of this suffering comes from a war which the majority of Americans feel is a tragic error for our country.

And I grieve for all of us who have been brutalized and numbed by this war. I have found reading the news reports of Lt. Calley's trial for his part in the My Lai massacre a staggering experience.

"I was ordered to go in there and destroy the enemy. That was my job that day . . . I did not sit down and think in terms of men, women and children. They were all classified the same, and that was the classification that we dealt with—just as enemy soldiers.

"I felt then, and I still do, that I acted as I was directed and I carried out the orders.

"Our job was to destroy everyone and everything in the villages . . .

"I never sat down to analyze it; men, women and children. They were the enemy and just people . . ."

I grieve for Lt. Calley because of what this war has done to his humanity. How could he say he never thought about it; just followed orders? I grieve for what war has done to us all. In Calley's painful story, it is war that stands revealed as the true monster. What that war is doing to many William Calleys growing up in America is immeasurable.

In Houston, on Oct. 27, 1967, Capt. Eddie Rickenbacker said that ". . . peace demonstrators are a bunch of bums. The U.S. should bomb the ports, dams and population of North Vietnam. That's what airplanes are for. You're not fighting human beings over there—you're fighting two-legged animals. The people are just slaves. That's all war is for is to kill and win, to destroy, to defeat the population of your enemy."

Surely, the words of Jesus shout to America: What does it profit a nation if it gains the whole world for democracy and loses its own soul? God have mercy on us for what the war is doing to the soul of a nation; for in many ways it is inflicting its dehumanizing shrapnel into all of our hearts.

The blind distortion of national priorities have produced deep estrangement and polarization in American society. How can we accept passively a society that now spends nearly 70% of its tax dollars on wars and their aftermath and the preparation for future wars? A committee report to Congress estimated the cost of the Vietnam war, if it ended in 1970, would be $350 billion. And the poor, hungry and oppressed around the globe cry out for a chance to live . . .

One should understand why some of our citizens are so morally outraged at such a gross distortion of priorities. The case of the Berrigan brothers is an example. I know both Berrigan brothers personally and yet I am uncertain of their guilt in Hoover's conspiracy charges. We must await the trial.

However, their actions of pouring homemade napalm on draft records at Catonsville, though grotesque to some and unacceptable to others, did one thing. Robert McAfee Brown of Stanford University says it dramatized, in unforgettable fashion, the grotesque moral priorities that have been erected in America and what has happened to the collective conscience of our nation: We are outraged when paper is burned at draft boards, and we are not outraged when children are burned in the villages of Vietnam.

That statement is oversimplified, but it can't be dismissed without it tearing at your conscience.

Yet in spite of all this, Mr. Nixon says he will place no restraints on further bombing, except to rule out the use of nuclear weapons; that we will not be defeated in Indochina; and that he wouldn't speculate on whether South Vietnamese would invade North Vietnam on their own!

The verdict is in! Will you remain silent?

2—IF THE CHURCH ATTEMPTS TO FOLLOW JESUS, IT WILL RAISE ITS VOICE IN MORAL OUTRAGE

I am fully aware that I could be wrong in urging this parish to protest the war. I speak to you humbly acknowledging how often I have failed in my own discipleship.

There are no easy solutions and there are no neat black and white distinctions on the morality of war. If we make the mistake of thinking there is all black on one side of the issue and all white on the other, we will be wrong nine out of 10 times. I intend to reach out and put my arms around all who strongly disagree with this sermon, for we can live together in Christian love.

Yet we cannot allow this to immobilize us. The integrity of the church's message depends on raising our voice against a war no one wants being allowed to destroy our soul.

The Christian faith says the jury is in. We don't need to see how the devastation of Laos and Cambodia is going to affect the war; we believe that life is sacred everywhere. Everyone bears in his body the image of his membership in the human family and the image of the living God. How many Vietnamese is one American worth? One, five, forty, a thousand?

The Vietnam war is a sin against the human family; its dehumanization has left its scar on us all that will remain for years. The brutality of Indochina is reflected by the callousness in the streets of America. When life is cheap anywhere, it is cheap everywhere.

If this parish remains silent in the face of all that continues to brutalize us, what is there, then, to validate our Christian way of life?

When the great author, Albert Camus, was asked to address a Roman Catholic order, he told them bluntly that they were not practicing what they preached. Listen to him!

"What the world expects of Christians is that Christians should speak out, loud and clear, and that they should voice their condemnation in such a way that never a doubt, never the slightest doubt, could rise in the heart of the simplest man . . . that they should get away from abstraction and confront the blood-stained face history has taken on today."

3—WHAT CAN AMERICA DO IF IT IS NOT TO LOSE ITS SOUL?

First, America must repent. I think Sen. Fulbright was wrong when he said the great society of America has become a sick society. Eric Fromm says that this is another way of excusing ourselves since sickness is something that happens to one involuntarily and for which one cannot be held accountable. Fromm asserts that American society is not sick but immoral. Our sickness is really sin. I believe he is right.

What is called for isn't guilt but repentance. So long as we try to justify the horrors perpetuated in Indochina, so long as we continue to talk about saving face and keeping our honor, so long as we figure the cost of war is a little too much and perhaps it was a mistake to get in so deep—the soul of the nation will continue to be eroded and within the grip of death.

There is one way left that leads to new life—repentance. The word of God judges this nation; and it can bring healing, too. What a rebirth could come to the greatest most powerful nation in the history of the world if she said "I was wrong! God have mercy!" The death of pride would be the rebirth of integrity.

Second, we should protect the lives of our soldiers but we must come home immediately. Let the President set a clear timetable of withdrawal. We will leave Southeast Asia and if the Thieu-Ky regime can't stand on its own, then let it fall. Integrity won't allow us to keep the Thieu-Ky government in power through American guns and dollars.

We know that government is corrupt and ruthlessly suppresses political dissent. When the political oppression of South Vietnam was mentioned recently, the response of one of our ambassadors was, "We do not condone it."

Billions of American dollars put that government in power and sustain it. If we came home the Vietnamese themselves might find a way to bring peace to that tragic land.

Third, we must pay the price for peace. Everyone wants peace—but so seldom have we been willing to use the great reservoirs of this nation for healing. "And nation shall not lift up sword against nation, neither shall they learn war any more." To have that vision and pay the cost of its fulfillment—what a great moment that would be in the history of civilization.

4—THE CHURCH SHOULD MOBILIZE ITS RESOURCES TO END THE WAR

In a recent "Peanuts" cartoon, the setting is a baseball game. Charlie Brown is about to pitch when his teammate, Lucy, suggests that he aim to hit the batter. Charlie reacts violently: "It wouldn't be *right* . . ."

There follows a long discussion with all Charlie's teammates joining in. Everything under the sun comes into the debate: "What about the children's crusade? Was that moral? What about those awful movie ads you see nowadays? Define morality . . ." Finally, in despair, Charlie Brown says, "We never win any ball games, but we sure have some interesting discussions!"

We've talked enough. I call upon this great parish of All Saints to take a step larger than we ever thought we would. I ask for a massive mobilization of the parish by establishing a "Peace Operation Center."

The protests of young radicals have made their mark but fallen short of any major reformation of the war system. My hope is to radicalize the Establishment—myself included—and take middle America and give its goodwill and desire to build a world of peace clearer focus and more effective power.

America is searching its conscience; the church is struggling for its soul, the integrity of its message and the courage of its convictions. We must not back away from this challenge.

This parish is small against the magnitude of the problem; yet I believe profoundly in the power of just a few who have caught the vision of a peaceful world.

I am confident that there are thousands in Pasadena and Los Angeles today willing to contribute their lives to the healing of the world. One of the high marks of the '60s was the response given to the Peace Corps.

The late President Kennedy proposed a

corps organized to bring light and knowledge to the underdeveloped nations of the world. Hardly had the announcement of the Peace Corps come from the lips of President Kennedy than there were four times the number of volunteers as could be sent.

Find all the faults you wish with the Peace Corps; but it still means this: Americans have a hunger to do something with hope and heart and love in it, something more than animal. We shall seek to provide the channel.

NEWS MEDIA MUST CLOSE OWN CREDIBILITY GAP

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. SCHERLE. Mr. Speaker, I would call the attention of my colleagues to a timely column by James J. Kilpatrick which appeared in the Washington Star. The commentary, titled "News Media Must Close Own Credibility Gap," alluded to the recent Boston speech of Vice President AGNEW where he spoke of the "widening credibility gap that exists between the national news media and the American people."

The gap is there; and it is widening, says Kilpatrick, and we must heal it ourselves.

The text of his column follows:

[From The Washington Star, March 25, 1971]

(By James J. Kilpatrick)

NEWS MEDIA MUST CLOSE OWN CREDIBILITY GAP

SAN FRANCISCO.—In his speech at Boston last week, Vice President Agnew once again took dead aim at the national news media. His particular target was the Columbia Broadcasting System, but his criticism covered a broader field. We of the press will shrug it off at our peril.

Agnew spoke tellingly of "the widening credibility gap that exists between the national news media and the American people."

The gap is there; and it is widening. We will gain nothing by the irrelevant defense that the Nixon administration is losing its own reputation for truth and veracity. Neither will we help ourselves by puerile howls that Agnew is "intimidating" us. The blunt and agonizing truth is that the vice president has hit us where it hurts. Little by little, we are indeed losing that reputation for integrity in the news that is like chastity to a woman; and by God, we had better pause and take stock.

I went through this shock of awareness here on the West Coast a few days ago. At about the time the vice president was flying to Boston, the Chronicle and Examiner were bursting with accounts of the "rout" in Laos. The headlines read: "Viets Flee." A typical story came from the Associated Press, which quoted one helicopter pilot by name. He described the action as "a retreat, and a bad one." The AP story continued: "Another pilot called it a rout."

For the first time in my life, so far as I can recall, I looked at that familiar AP logotype, and knew doubt. In our business, the Associated Press is Grandmother; what Grandmother says, is so. Yet the skepticism would not go away. Was this in fact a rout? Who were the unidentified pilots? Did they exist? In Washington, the Pentagon was calling the affair "mobile maneuvering," which had the phony ring of a snake-oil ad. Probably the AP had it right. How had this flickering shadow of distrust intruded upon the printed page?

The shadow, I think, has been a long time forming. Little things. There were the New York reporters, some months ago, who took to the streets during one of the moratoriums as co-demonstrators for immediate withdrawal. There were the Chicago reporters, a few days ago, who demanded equal editorial space to oppose Mayor Daley. The journalism schools produce fledgling pundits, wet with opinions; they are eager to write "interpretations" or "in-depth analyses," but they seem little inclined to cover the news.

The television networks, precisely as Agnew says, have contributed heavily to the substance of doubt behind the shadow. The vice president singled out the 1968 CBS documentary on hunger, with its pitiful picture of a dying infant: "This baby is dying of starvation." But the baby on the screen, as it turned out, was not dying of starvation. The baby, prematurely born, was dying of septicemia owing to meningitis and peritonitis. Doubtless many babies do indeed die in America of starvation; but "this baby" was a lie.

Such dramatic fabrications may be rare, but they are exposed just often enough to leave doubt like a thin film of dust on the surface of fact. The process has its ironical consequences. I am satisfied, after a careful reading of the record, that the recent CBS documentary, "The Selling of the Pentagon" was essentially fair. The producers pulled a snide trick on Congressman F. Edward Hébert, by implying that he had been "used" by the Pentagon; the script writers fell into a couple of factual errors, and they failed properly to attribute a certain quotation. But as fights go, this was a fair fight.

Yet CBS has so undermined its own reputation, through the relentless bias of its coverage of the war in Vietnam, that even a fair fight becomes suspect. The TV viewer, once believing, is not so believing now. What is straight news? What is opinion? He isn't sure.

This will not do. There is a place in our media—of course there is—for strong opinions, provided they are plainly labeled as such. But we ought to approach the news as reverently as any priest breaking bread, striving facelessly and dispassionately to hold an honest mirror to the world around us. And we ought not to need an Agnew to remind us. We must heal this credibility gap ourselves.

HANOVER'S BUSIEST

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. SCOTT. Mr. Speaker, our everyday lives seem so riddled with news of crises and problems at home and abroad that we too often overlook good works and those responsible for them. I commend to my colleagues the following editorial from the Ashland, Va., Herald Progress which appropriately lauds the unselfish contributions of America's volunteer firemen to the well-being of their fellow citizens and their communities:

HANOVER'S BUSIEST

Every time we hear a fire siren, every time we hear the monitor tone signaling an alert, every time a red vehicle tears down the street, we are reminded that all of us are only a lighted match away from desperation and only a telephone call from instant rescue.

The average Hanoverian at home, the office or school who doesn't hear all the sirens in his neighborhood or throughout the county, has no inkling of the day and night activity of our eleven volunteer units. Especially right now when the winds are high and the grass is dry, these men are being called out hour after hour when they should be at work or sleeping.

They fight these fires for love of their community and their fellow man. They are not paid except on those very rare occasions when the state asks their help to fight fires on state land. Not only are they volunteers, but they are also expected to raise their own funds for some of their operations and equipment—the county helps each company as best as it can but the individual companies still rely heavily on neighborhood donations to keep going.

Probably the thing these men would like most to hear is an occasional thank you from the public. And a quiet siren. We can all help in this.

HARTFORD DRUG CENTER: MODEL FOR STATE, NATION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. COTTER. Mr. Speaker, Washington television stations are calling attention to the drug problem by airing special programs during Drug Month. One such program will be aired Saturday, May 15, at 3:30 p.m., on channel 7. The program is entitled "If Hartford Can Do It," and deals with Greater Hartford's regional approach to the drug problem, which is fast becoming a model for the Nation.

I am proud to represent in this great body the capitol city of Connecticut, and the 12 towns which surround that city, which participate in the Capitol Region Drug Information Center.

I have cosponsored legislation for the creation of an executive office of drug abuse control which would coordinate programs aimed at stemming the terrible toll that drug abuse is taking in this country. I feel that much of the experience being gained by the Capitol Region Drug Information Center could be of value nationally and such an agency as I have called for could implement nationally the kind of programs which are being undertaken in my First Congressional District.

Mr. Speaker, I not only commend to my colleagues the program scheduled for May 15, but also an editorial which appeared in the Hartford Times of April 1, which I am inserting in the RECORD at this point:

OUR REGIONAL DRUG CENTER: MODEL FOR STATE, NATION

The Capitol Region Drug Information Center, which serves all the communities of Greater Hartford, has already had a lot of national recognition.

The newest honor for the Center is to be chosen one of the first five participants in a Washington-based computer hook-up for the fast exchange of information. The data transmission system is being established by the federal government's National Institute of Mental Health.

The information center, run by the Capitol Region Council of Governments on Lewis Street, will be valuable to the federal government's new communication system on drug information for several reasons.

One is that the Hartford center is one of the nation's major libraries on the subject of drugs and drug abuse.

Another is that the Capitol Region facility is regarded nationally as a model for metropolitan areas that want to launch cooperative programs against the drug menace.

There is a reminder in this: As Connecticut goes into the full-scale statewide anti-drug program Governor Meskill has promised, a great deal of the needed data and know-how is here to be utilized.

Part of the need is for coordinated police activities to hold down the inflow of drugs. The Capitol Region program now takes in the police departments of 32 communities, and the evidence shows that the joint effort pays off.

But the major emphasis in the Hartford-based undertaking is on reaching a maximum number of people with information and expert assistance before drug use has ruined their lives.

This is where the Capitol Region center can be particularly valuable to the planners of the Governor's program.

What works? Places where kids can talk to other kids, rather than to doctors? Places where addicts can get psychiatric help as outpatients? Hospital beds for addicts? Prolonged rehabilitation in group homes? "Crisis centers" for emergency treatment?

The capitol region center has become one of the nation's best sources of knowledge on how to balance these facilities and services in order to cope most effectively with the drug problem that exists in Connecticut.

The Center has proved valuable as a source of advice on which aspects of the anti-drug program need the most help. Fighting drugs is a complicated business, and resources can be wasted if they aren't put where we need them most.

With the center's work so well advanced, and with our new, important ties, to the centers of drug expertise in Washington, Connecticut is in an excellent position to organize an outstanding state program.

SCHOOL BAND EARNS EXPENSES FOR CONCERT TOUR TO QUEBEC

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HELSTOSKI. Mr. Speaker, the good deeds and actions of our young people of today too often are overlooked because of the turmoil and violence taking place throughout the world.

Therefore, I would like to call to the attention of Members of the House of Representatives an outstanding group of young people in my congressional district.

These youngsters are members of the Fort Lee, N.J., High School Band, and their good deeds and actions are set forth in the following newspaper article. I applaud the band members, their director, and their advisers for their accomplishments, their good deeds and actions. They all have fully earned the title of good will ambassadors.

The article follows:

SCHOOL BAND EARNS EXPENSES FOR CONCERT TOUR TO QUEBEC

FORT LEE.—After a year of cookie sales, spaghetti dinners and similar fund-raisers, the 87 members of the Fort Lee High School Concert Band, headed by director Daniel Lorusso, have earned enough money for a goodwill tour of Quebec, April 29 to May 2.

Two concerts have been arranged for the band by the Quebec Bureau of Tourism. The first on Friday, April 30, will be held at the 2,000-seat Palais Montcalm, under the sponsorship of the Quebec Symphony. The College Auditorium of Levis, Quebec, will be the setting for the second concert, by sponsorship of the Lions Club of Levis, on Saturday, May 1.

At the band's request, any proceeds from the concerts will be donated to charitable institutions in Quebec.

Numbers for the performances will include the well-known Beethoven's Fifth Symphony: "Second Suite in F for Military Band," by Gustav Holst; "Italian in Algiers Overture," by G. Rossini; "Pageant," by Vincent Persichetti; "Procession of Nobles" by Nicholas Rimsky-Korsakov, from the opera "Mlada"; and a medley of selections from "Man of La Mancha," by Mitch Laigh.

Between concerts, members will have time for sightseeing in the city.

Each band member has been responsible for earning his own way to Quebec. During the year, students busied themselves with selling ads for their concert program, sponsoring a "field day" for youngsters aged 5 to 10, working on the refreshment stand at high school basketball games, and other similar activities, until finally the money was raised.

"I wish that some people who complain about young people today could see these kids," says director Daniel Lorusso. "They've been really great."

In the past, the Fort Lee High School Band has performed in various places throughout the United States. In the spring of 1968, through arrangements made by the Sons of the American Revolution, they were able to perform on the steps of the Capitol in Washington, D.C. Lt. Jack Elein, assistant director of the Marine Corps Band, conducted the musicians.

During the school year of 1969–70, the band entertained various groups of veterans, performing at the East Orange Hospital in New Jersey and the United States Soldiers' Home in Washington, D.C. At the latter concert, the band was welcomed by General Lewis B. Hershey and Lieutenant General H. Nickerson, Jr.

The impact of the trips was so favorable that the band decided to try a more ambitious project: the good-will trip to Canada.

"The band is trying to set a standard for patriotism in this country by example, rather than by words," says Lorusso. "Youth speaks best to youth and the band feels that this experience would be most rewarding for our young men and women of both countries."

After returning from Quebec, the band will present its home audience with their annual spring concert. The performance to be given at 8:15 p.m., May 14, in the High School Auditorium, will feature the same numbers that will be played in Canada.

REMARKS OF DONALD R. LARRABEE AT THE MAINE MARITIME ACADEMY COMMENCEMENT EXERCISES

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HATHAWAY. Mr. Speaker, my good friend, Don Larrabee has been a reporter of the Washington scene for many years. He gave the benefit of some of his insights to the graduating class at Maine Maritime Academy in Castine last Saturday. I commend his remarks on that occasion to the Members:

REMARKS AT THE COMMENCEMENT EXERCISES, MAINE MARITIME ACADEMY, MAY 1, 1971

(By Donald R. Larrabee)

The news wires from Cairo carried a fascinating item a few weeks ago. It has nothing to do with the tensions in the Middle East. Perhaps that's why it caught my eye. The story said Egyptians were flocking to the seashore and to parks to celebrate their only non-religious, non-political holiday, the feast of Sham el-Nassim, the breathing of fresh air. I suppose it is an Arabic version of our Earth Day but I noticed that this feast dates back from the time of the pharaohs—so there's nothing new about this anti-pollution business.

There are winds of change in Washington but the basic problems remain. And the longer I stay in Washington and observe public men grappling with public problems, the more I realize how frequently the solutions come ping-ponging back.

It is wonderful to breathe the fresh air of Maine and get away from the problems of the Nation's Capital which, in the past few days, seem to have been magnified under the microscope of dissent and protest. But there is no escape for anyone, least of all for the President who came to office with a single overriding problem—the war in Vietnam—and the knowledge that everything else he might want to do would hinge on his ability to disengage our forces without consciously turning the country over to the communists.

There isn't the slightest doubt in my mind that Richard Nixon is engaged in the greatest gamble of his life. He believes he can end the war and have our combat troops out of Vietnam before the 1972 election. Whether he can succeed, whether Congress will allow him to do it his way, is the biggest unfolding story in Washington at the moment.

The protest movement has affected the routines of most of us. We are accustomed to planning our days around the schedule of the President or the listings of congressional committee hearings. Now we must at least be aware of other events. Last Monday, at my Press Building Office, the Peoples Lobby had its own list of what's happening in Washington. A partial run-down: 8:30 a.m., wailing women start wailing on Capitol steps. Also 8:30, two barrels start being filled with money, one cent for welfare, in the first, for every $6,500 in play money for armaments, in the second. 9 a.m., Selective Service task force members meet with Curtis Tarr, draft director. They will ask him to sign the Peoples' Peace Treaty, quit his job and go on country-wide anti-draft speaking tour. He will refuse, the note says. And so it goes.

At the Capitol, the Akron, Ohio youth band performs in bright red jackets and the visiting delegates to the Chamber of Commerce Convention applaud admiringly. That is on the House steps. Across the way, at the Senate steps, a motley gathering of demonstrators provides its own music—crying, wailing, moaning. Tourists stare and say they don't understand. There is joy on the faces at one end of the Capitol and sorrow, resentment, frustration, bitterness on the faces at the other.

Inside, as Congress goes about its business, there is a perceptibly deepening anti-war feeling among the peoples' representatives. The lawmakers read the polls; they are aware of the protestors; they are impressed with the embittered Vietnam war veterans; they know the national frustration of being involved in a costly war that we are neither winning nor losing.

Democrats, almost to a man, who supported the Kennedy and Johnson Administrations in their handling of the Vietnam war, are now crying for a pullout by the end of this year. Republicans who feel their President is handling the pullout in the only manner that will uphold our credibility in the world, are against a fixed date. But there are no longer any voices against our withdrawal—no such voices in either major political Party.

The voices that are coming through the loudest these days are those that challenge the concepts of government that have prevailed for three to four decades; they are voices that want the United States to withdraw not only from Vietnam but from much of the rest of the world; they are voices that want Congress to reassert itself, to the point of determining when we should become involved in military hostilities.

Congressional leaders are talking boldly and optimistically of limiting the President's authority to commit American forces throughout the world. After agonizing over the proper constitutional role of the President and the Congress for a couple of years, the Congress now seems to have laid the groundwork for a much broader assertion of congressional jurisdiction to declare wars, raise and support armies—and to end wars.

Most congressmen are willing to take the blame for the current situation. They acknowledge that the delicate constitutional balance was upset by a lazy and lethargic legislature that habitually acquiesced to executive demands throughout the years.

Now Congress is groping to find a way out—with honor. It is their Vietnam, too. And perhaps that is why Congress is today beating its breast and holding its head in shame at one and the same time.

Let's look back to a time when your parents were growing up. Congressional leaders in the 1930's very largely took their cues from the White House. An era of strong presidents began with the election of Franklin D. Roosevelt in 1932. The Congress routinely rubber-stamped the President's programs. The Congress acquiesced to executive demands and abrogated any power to commit the armed forces and to make war.

Quite apart from the wisdom of the decisions that were made—and most historians believe the courses we took were generally the right ones—the strong President was stifling all creativity, initiative and leadership in Congress. And Congress became weak, lazy, and satisfied.

We went through a war and talked of returning to normalcy again without realizing nothing would be the same in the nuclear age. We remained in an emergency. Our armed forces did not disband. The defense budget did not disappear. More expensive, more awesome weapons systems were devised And with the consent of Congress—and I want to emphasize this—a permanent and powerful military establishment was maintained. It reflected the changed world and our position in it.

But—and few seemed to care or protest—the delicate constitutional balance between President and Congress on the power to commit our armed forces was upset. No longer did the President, regardless of Party, consider congressional action necessary to wage an undeclared war. Slowly, through Korea, the Middle East, the Dominican Republic, Cuba and Vietnam, we have seen how far the balance in foreign policy has tipped in favor of the President. Congress, in the interest of protecting American lives, has provided the money to support the troops that the President has committed to meet treaty obligations long since accepted by the Congress.

In a curious way, the Vietnam war has helped immensely to focus congressional attention on its own lethargy. As the public has tired of our Vietnam involvement, as this war has taxed our resources and prevented their use for gnawing domestic problems, the Senate, first, and more recently the House, have examined their roles. By the outset of the Nixon Administration, we saw a remarkable debate over defense spending, with important legislative voices questioning for the first time in our generation whether we should continue pouring billions of dollars into weapons systems to buy national security. Everyone recalls how President Nixon preserved the Safeguard ABM by the narrowest of margins. It may not survive another year.

But ABM is merely a symbol of the agonizing reappraisal that is taking place in Congress. Clearly today, insofar as a majority of the Congress is concerned, military dollars are not sacrosanct and America's commitments around the world are no longer given blind acceptance.

You will be hearing more and more talk about reappraising our spending priorities, whether we should go to Mars or concentrate on cleaning up our own planet. The public is speaking and Congress is responding. The SST was shot down and almost any major new military weapons system is a sitting duck. There will be no more blank checks for military spending.

All of this will have its effects on the maritime industry. Federal subsidies for shipbuilding and for schools such as this one at Castine may suffer. This year, for the first time, as you know, the Government is imposing a ceiling on the number of individual subsidies paid for training merchant officers. The subsidies, of course, do not begin to pay the costs but a recent attempt to restore the past level of funding was beaten in the House. The money amount may be small but the long-range implications are more disturbing.

This happens at a time when the Government is wisely embarked on a buildup of our merchant fleet. Congress has authorized Federal assistance for a rejuvenated fleet of 30 new ships a year for ten years—or 300 ships. But there is a big difference between an authorization and an appropriation. Congress can undo all that it has done—simply by not voting the money.

And the program is not getting off to a fast start. I happen to feel that one of America's problems today is the failure of government to deliver on its promises. People become frustrated as their expectations go unfulfilled. The marine schools, for instance, were asked by the government to expand their enrollments during the Vietnam war buildup. Now, the Government is cutting back, changing courses in midstream and expecting the schools to adjust overnight. What makes it more incredible is that this appears to be contrary to the newly stated maritime policy. We are rebuilding our merchant fleet—and surely we will need men. We are exploring the oceans and ocean research will need men. But we are not encouraging maritime training.

Uncertainty is the order of the day in Washington. The Maritime Administration wants to use the authorized subsidies in the new program to build economical ships, meaning super tankers and the like. But such ships won't be able to enter any United States port.

So the Administration has contracted for a study of an offshore artificial island terminal to accommodate big ships, on the theory that dredging existing ports to 70 and 100 foot depths would be both prohibitively expensive and environmentally unacceptable.

The experts say this project would cost one billion dollars and the debte has already begun: Should the United States spend public money to build an offshore terminal to service the tankers and huge bulk carriers? There are those who see no better chance for this than the SST, in the current atmosphere of Washington.

The pending debate in the Senate Foreign Relations Committee over a bill to limit the President's war-making powers is a striking illustration of how opinions and moods are changing in Congress.

The principal bill would limit to 30 days the President's power to commit troops in the absence of a congressional declaration of war—and then only in event of enemy attacks on the United States, its troops or in support of a U.S. Treaty commitment.

Chairman J. William Fulbright of the Foreign Relations Committee who now wants to curb the President's war-making power, may not appreciate the remainder—but he wrote an article ten years ago in which he made an eloquent argument for unfettered presidential power to deal with international emergencies.

Writing in the Cornell Law Quarterly, Fulbright spelled out the definitive case for making a greater, not lesser, grant of power to the President when it comes to foreign policy making. Fulbright said it was highly unlikely that we could successfully execute a long-range program for containing the aggressive and revolutionary forces of the day by continuing to leave vast and vital decision-making powers in the hands of what he called a "decentralized, independent-minded and largely parochial-minded body of legislators."

But that was pre-Vietnam. And today, the lonely voices are those that are hesitant to tie the President's hands. Sen. Barry Goldwater of Arizona, who once opposed an excessive grant of power to the Executive, argued almost by himself the other day that it would be suicide to turn over the day-to-day calculations of strategic military and policy decision-making to the Congress.

Goldwater argued that limitations on the President's power to commit troops overseas could endanger U.S. security commitments or lead the Nation to the brink of nuclear destruction.

By what rationale does J. William Fulbright today urge a stronger congressional role in foreign policy-making when he rejected congressional meddling in 1961? The world of the 1970's is not that much different from the world of the 1960's but Fulbright now wants to make the congressional grant of power to the President far more niggardly than it has been.

Is Congress better able today to shape and initiate foreign policy or is this again a reflection of the congressional—and public—frustration over an unpopular war? The latter seems very likely to be the case. As one commentator put it, had that war been quickly and easily won, as Congress apparently thought it would be when it started, there would be no clamor for curtailment of presidential powers. Indeed, Fulbright and others might still be advocating their expansion.

Let us look at the tensions that beset Congress now. It is a bit frightening, to say the least, to sit in a senator's office, as I did last week, and to hear a Maine Vietnam veteran say that his patience is running out with a Congress that cannot force the President to halt the war. This man said he had been protesting non-violently up to now but had thought of taking a machinegun into the Congress to scare the legislators into action.

This kind of talk from young Americans has had its effect on Congress. It has not reached a point where the Senate will vote to withdraw all our forces by a firm date—but it will probably take a formal vote by midsummer on a resolution urging the President to fix a deadline. This kind of action was unthinkable a year ago—and, certainly in the Truman, Eisenhower, Kennedy and Johnson eras, would have bordered on a crisis of confidence with the Executive.

Yet today, parading before the Fulbright Committee to support restraints on the Executive are men who helped to prosecute the Vietnam war under Presidents Kennedy and Johnson, notably former national security adviser McGeorge Bundy who vividly recalls the broad, undemarcated war powers Congress gave President Johnson in the 1964 Gulf of Tonkin Resolution. A repentent Congress last year repealed that resolution which passed originally with only two negative votes.

Both Bundy and former Johnson press secretary George Reedy now say that a procedure such as envisioned by Senator Jacob Javits might have forced Congress to specify how far it wanted the President to go. It would, they said, have forced Mr. Johnson to defend his policy in much more precise terms.

In addition, to repealing the Tonkin Gulf resolution, the Senate has in the past year adopted a resolution defining a national commitment as one resulting exclusively from both legislative and executive action—not executive action alone. And the Senate has approved the Cooper-Church amendment prohibiting the use of American ground forces in Laos and Cambodia.

Now, we have pending—in both the House and Senate—proposals to stop the President from involving us in future Indochinas, at least without the full informed consent of the Congress.

Richard Nixon may seem to be ignoring all this activity at the other end of Pennsylvania Avenue—but I doubt it. He served in the Congress. He is not a novice at assessing the mood of Congress or the electorate. The pressures are building on Capitol Hill.

It is almost as if the protestors have discovered that Congress is THERE—and frankly, I think Congress likes the attention it is getting. The Senate discovered this first but now the House is aware that it has a traditional role as the body closest to the people. The House has been the predictable branch for many years. Now it listening more to the people than the President.

The final arbiter, of course, is the ballot box and next year is an important national election year. This is what makes the current political metamorphosis so interesting and perhaps ominous.

One of the major tests of presidential prestige, power and effectiveness will come when Congress goes for the jugular—which is the money to carry out the program, the essence of power in Washington.

There will be unprecedented attacks on military and related spending this year and these votes will reflect how far we have gone toward abandoning the concept of peace-through-strength which has guided government policy for more than 30 years.

There are voices in Washington today that warn of disarming too quickly and letting down our guard—but they are somewhat muted at the moment. The Secretary of the Navy, John H. Chafee, for example, is saying in almost every speech that he is concerned over the naval power of the Soviet Union. He sees it as a serious and growing threat but his warnings receive little attention.

As Chafee assesses this threat, he looks back to the summer of 1962—only eight years ago—when the Soviets conducted their major naval exercise of the year in the North Atlantic and the Norwegian Sea. Taking part were four surface warships, about 20 diesel submarines and a small number of land-based patrol planes. It was a limited operation designed strictly to improve the ability of Russian naval forces to protect their homeland.

Last April, less than eight years later, the Soviets conducted another naval exercise which they labeled "Okean" or acean. They conducted it with about 150 surface ships, 50 submarines and several hundred planes. The surface ships included two new guided missile helicopter carriers and many new fast missile-equipped cruisers and destroyers. Many of the submarines were nuclear powered. And they ran the exercise in the Baltic, Norwegian, Barents, Black, Philippine, and Mediterranean Seas, the Sea of Japan, and the Atlantic, Pacific and Indian oceans. Chafee concludes that America still has a small overall gap of qualitative superiority in its naval power but he warns that it is closing.

The Navy, faced with reducing its budget, has decided to retire many of its older ships and is putting the money into research and into building new and more capable ships—rather than trying to maintain larger forces at sea.

Overall, I think we can expect to see an end to investments of billions of dollars in armaments that are outmoded before they are built. This reflects public disenchantment with our overstuffed military posture. It is manifested in the Nixon doctrine.

If that doctrine means anything at all, it is that we are not going to fight everybody's wars from now on. We are going to reduce our presence and stop trying to police the world. At the same time, the President is telling Congress that there is an absolute point below which our security forces must never be allowed to go. The current strategy is to rely on deterrent forces—in actual existence and ready for action.

It remains to be seen whether Congress, in the atmosphere I have described, will march to the same drummer as Mr. Nixon. It is worth noting that only one candidate for the presidency on the Democratic side (or potential candidate) is supporting the kind of security measures that have marked our foreign policy of the past three decades. He is Sen. Henry Jackson of Washington State whom the journalistic pundits do not give a serious chance for the nomination at this time. Such is the mood of the Senate where most of the presidential material or fodder seems to be based.

I do not mean to give the impression that Congress is in headlong retreat or ready to hole up in a Fortress America. But I do sense a new willingness to withdraw and retrench and I can't help but wonder if this is leading inexorably to a new Isolationism.

I am not saying that this war should be continued any longer than necessary or that America needs to take on any more Vietnams. I believe deeply that we cannot afford them, either financially or morally. We have learned some important lessons about the American purpose and the American will.

But I am saying that we must be careful in our zeal to wash the blood of Vietnam from our national conscience that we not forget the lessons of the past and not forget what the old scars were all about.

We have seen a great many concerned Americans in Washington this Spring, most of them peacefully exercising their right of petition. The best elements have told their story eloquently. The worst elements are there now to break the law and do violence. The activities of the professional agitators are disruptive and counter-productive to the cause of peace.

Watching the youthful marchers along Pennsylvania Avenue last Saturday afternoon, I wondered where they will direct their energies when the Vietnam war ends next year, as I am sure it will.

There are domestic problems galore that cry out for solution—the problems of an adequate education for everyone, better hospitalization and health care within everyone's ability to pay, better housing, cleaner air and water. All of these problems require the imagination, the energies and the sacrifices of all of us.

And for you men of the graduating class, the challenge lies in the sea around us. What greater challenge, really, than the ocean—covering 70 per cent of this planet. We are only beginning to explore its potentials. There are jobs to be done that haven't even been calculated in terms of human betterment and personal satisfaction and reward.

Technologically, we are at the threshold of making it possible for man to live and work productively beneath the sea in underwater habitats. How ironic, as well as tragic, it will be if man learns to live in the sea at the same time that he makes the sea unlivable for marine life!

You have been trained to master the ocean—and it is within your grasp to keep it as clean as your bath-tub. Oceans are the ultimate depository for nearly all the wastes of civilization—and we continue to treat them as if they were limitless cesspools.

Congress, happily, is at work on bills to prohibit indiscriminate ocean dumping. This is something you can get behind. This is worth a small demonstration. It is even worthy of a world revolution.

Perhaps this morning I have painted a picture of a country in crisis. It is divided certainly by war. We have too much crime, too much inflation, too much pollution, too much disaffection. We have also I fear, a malaise of the national spirit. There are too many young people who are willing to give up on America, who want to drop out of a system of government that they feel has failed them. They have a serious problem communicating with their families, friends and public officials. They have lost faith in each other—and in their government.

One of Washington's prominent attorneys, Edward Bennett Williams, says we have lost the spirit that changed a people into a citizenry and a territory into a nation. That may be true of a great many young Americans. I don't believe that men who have prepared themselves, as you have, for a proud vocation that demands the best in men are going to turn off on America—or find America lacking in exciting opportunity.

I believe, with Edward Bennett Williams, that what Americans sorely need at the moment is a sense of vocation, a desire to do something and to do it with excellence.

The commitment to excellence has indeed faded from the scene. The proud craftsman has departed. The man who cares has been replaced by the man who is careless. Even the good repairman seems willing to toss away the old product and settle for a new one of inferior quality.

I don't believe we have stopped trying to achieve the best that is within us. I don't believe we have lost faith in each other or our government. But I do believe we may be in trouble if we stop trying to do the best that we can at whatever our job may be—politician, doctor, barber, paperhanger, deckhand, skipper, engineer—yes, garbage collector.

Those of you who are graduating today will find that the happiest, most exciting, most admirable people you will know in your chosen careers are those who dedicate themselves with their own talents to give it all they've got. Something tells me you will be driven by this spirit—and something tells me that America will regain it, if, indeed, it is lost.

I leave you with this thought from John Gardner, who heads a new organization known as Common Cause—a sort of citizens lobby which is trying to help Americans become more involved in the political process:

"An excellent plumber," Gardner says, "is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water." Thank you.

THE LAWYER—NEW CONSUMERISM

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ECKHARDT. Mr. Speaker, perhaps no Member of Congress has done more to launch, nurture, and advance the consumer movement than my colleague from New York (Mr. ROSENTHAL).

The special Law Day USA issue of the New York Law Journal featured a front page article by Mr. ROSENTHAL about the lawyer and consumerism, which I wish to bring to the attention of all Members of the House.

He writes as a lawyer of the role of members of the legal profession as social architects, of the revitalization of the profession by young lawyers and of changes he sees as vital if justice and the public interest are to be served.

At this point I insert his article in the RECORD:

[From the New York Law Journal, Apr. 30, 1971]

THE LAWYER—NEW CONSUMERISM

(By Representative BENJAMIN S. ROSENTHAL)

In the fall of 1970, fifteen law students associated with Ralph Nader picketed one of the nation's most prestigious law firms, Wilmer, Cutler and Pickering, in Washington, D.C. While the students' signs protested that firm's handling of a Los Angeles auto pollution case on behalf of the Automobile Manufacturers Association, their actions suggested the words of Supreme Court Justice Louis Brandeis, sixty-five years earlier:

"The leading lawyers of the United States . . . have, to a large extent, allowed themselves to become adjuncts of great corporations and have neglected their obligation to use their powers for protection of the people."

Former Chief Justice Harlan Fiske Stone sounded a similar theme when he said: "Before the Bar can function at all as a guardian of the public interests committed to its care, there must be appraisal and comprehension of the new conditions, and the changed relationship of the lawyer to his clients, to his professional brethren and to the public. That appraisal must pass largely beyond the petty details of form and manners . . . to more fundamental considerations of the way in which our professional activities affect the welfare of society as a whole."

That quotation, which is printed in the preface to the American Bar Association's "Code of Professional Responsibility and Cannons of Judicial Ethics," is especially relevant at a time when our institutions and political processes are under persistent attack.

My purpose is to examine with you the "State of the Legal Profession" and the role of lawyer as social architect, particularly as that role affects the right of consumers to justice in the marketplace. Quite frankly, there is an urgency to my message. For the reality of life as I have seen it, both as a lawyer and a United States congressman, is that the political and corporate institutions in our nation—and the public policy they create—have exhausted the patience of great masses of Americans.

The signs are all around us—in the anguish of low-income Americans and in the callous gamesmanship which too often characterizes our free enterprise marketplace.

But I see hopeful signs, too, that the malady is creating its own antibodies. I speak chiefly of young lawyers and law students—The promising new generation of our profession.

Last fall, forty students from Harvard Law School picketed recruiters from the Wall Street firm of Cravath, Swaine and Moore, on the ground that the firm defends the apartheid practices of its South African clients.

FEWER ENTER FIRMS

The University of Michigan Law School has reported that twenty-six of its graduates entered Wall Street law firms in 1969 as compared with an average of seventy-five in preceding years. Harvard Law School reported that the percentage of its graduates entering private law practice declined from 64 per cent in 1964 to 41 per cent in 1968, with a more significant decline expected. Moreover, one out of every sixteen law school graduates in 1969 applied for the VISTA Lawyers Program and hundreds of law students and recent law graduates have applied to Ralph Nader's Center for the Study of Responsive Law.

I understand what these young lawyers are saying. They see that our institutions are failing because the legal profession has not taken seriously its responsibility to serve all segments of society. They are failing because the public and private persons who make the decisions that create public policy must deal in competing ideas evenhandedly. Our profession, however, has traditionally served the "haves" and ignored the "have-nots."

Public policy is determined like decisions are made in a court of law: In an adversary setting—and one set of adversaries is not getting a fair share. Let's look at whose interests are represented before the three branches of government and in the private sector.

What we see, of course, is that with certain rare exceptions, narrow special interests are well represented—and the public interest is not.

If we wish to understand why, we need only look to the typical lawyer's conception of his role in society. That conception begins with the proposition that the interests of a private-client are paramount and only incidentally related to the interests of the public-at-large.

Given the narrow orientation, "justice" is nothing more or less than success on behalf of a client's cause, even though that cause leads to the perpetuation of bad law or bad public policy.

It is disturbing that lawyers have failed to recognize the relationship between these single-minded services to their private clients and the breakdown of our court system, of the marketplace, and of our governmental institutions.

NADER STATEMENT

What we have, according to Ralph Nader, is "lawyers who labor for polluters not antipolluters; for sellers, not consumers; for corporations, not citizens; for labor leaders, not rank and file; for, not against, rate increases or weak standards before government agencies; for highway builders, not displaced residents; for agricultural subsidies to the rich but not food stamps for the poor; for preferential business access to government and against equal citizen access to the same government."

To this sad bill of particulars we could quickly add: For landlords' and not tenants' rights; for "holders-in-due-course" and not those who cannot get performance on their contracts; for tax loopholes for business and not tax uses for the public; for "sewer service," not due process of law.

The important question for us today, then, is what changes you and I can make in the rules of the game and how we can achieve them.

I respectfully suggest that two basic changes are needed:

First, lawyers themselves must recognize that their activities have a rippling social effect which extend far beyond an individual client's cause;

Second, the institutions which make public policy must be restructured to encourage and take account of public-interest considerations.

I think we are very close to achieving the first change.

PUBLIC INTEREST FIRMS

One striking example of this heightened social consciousness is the growth of public interest law firms. There is mounting evidence that public interest lawyers are beginning to neutralize the monopoly of private interest firms in Washington, D.C. By my latest count, there are fourteen public interest law firms or standing law groups now active in the nation's capital.

In addition, many of the major corporate law firms across the country have now authorized pro bono ventures.

We can only hope that this trend toward public interest representation will be continued and even accelerated across the country.

The second major change mentioned earlier—the need to restructure our institutions to accommodate public interest views—is hardly underway.

In the private sector, a few corporations have become more tolerant of consumer legislation which has been proposed in Congress but opposition is still the normal response of most. My own bill to establish an Independent Consumer Protection Agency at the federal level was violently attacked by the chief business groups, as were bills to provide for consumer civil class actions in federal courts in cases of fraudulent or deceptive practices.

It is my judgment that the single most divisive influence in corporate and consumer relations is the Washington-based trade association. It has been my experience during the past four years as chairman of the Special Consumer Subcommittee of the House Committee on Government Operations, that trade associations, particularly those identified as part of the "Food Lobby," are highly antagonistic to consumer reforms because they service their most conservative and reactionary members.

The Chamber of Commerce of the United States, for example, reported to its thousands of members throughout the country that enactment of the Consumer Protection Agency bill would "destroy the free enterprise system." I think that the democratizing of Washington's many trade associations and business groups would go a long way toward normalizing relationships between consumer interests and producers interests.

AMEND TAX LAWS

But Congress must also participate in enacting reforms. The first priority, as I see it, is to amend the tax laws which now prevent most public interest groups from substantial lobbying activities. The right to lobby Congress, which is grounded in the First Amendment's guarantees of free speech and right to petition for the redress of grievances, should be extended to representatives of all points of view in our society, including those who represent the public interest.

Representatives of private enterprise in Washington are now permitted to lobby the Congress and deduct the cost of that lobbying on federal tax returns. The inequity is obvious. The special interest representatives of the oil, steel and automobile industries, for example, are permitted to influence legislation where it counts—not at public hearings, but in the back rooms of committees and in member's offices—with the public footing the bill. But those who lobby for the public are prohibited from this type of activity if they wish to maintain their tax exempt status.

Congress somehow must also regulate—perhaps by public disclosure—the frequent ex parte communications between groups interested in influencing legislation and the members of Congress who pass on that legislation. While the substance of ex parte communications should be held confidential, there is no reason to prevent disclosure of the fact that a contract or a communication for the purpose of influencing legislation has been made.

In addition, in order to insure that the consumers' voice is heard before federal agencies which make countless decisions affecting the public's health, safety, and economic well-being, I have urged the establishment of a Consumer Protection Agency. Its responsibility would be to serve as a sophisticated advocate for the consumer in Washington—something consumers do not have now.

I would also urge the enactment of federal class action legislation to permit persons similarly involved in deception and fraud to combine their resources for a single suit.

ABA REFORMS

Finally, let me address myself to reforms needed within the American Bar Association itself.

Last April, I wrote to the president of the American Bar Association regarding a report to Congress critical of a major consumer bill, and submitted by the Special Committee on Consumer Legislation of the ABA's Section on Antitrust Law. This critical report was drafted by a committee composed of members who did not represent the interest of consumers. Moreover, the report was not submitted for approval to the members of the section, the board of governors, the house of delegates, or other sections of the Association which might have had an interest in the legislation. While I understood that the report did not formally represent a position of the full association, that impression was created.

I have since learned that members of that Special Consumer Committee and units of other American Bar Association Sections frequently represent special interest clients who have a substantial economic stake in the reports and recommendations of those sections. Let me note the 1970 affiliations of the members of the ABA's Division of Food, Drug and Cosmetic Law of the Section on Corporation, Banking and Business Law.

At that time, the vice-chairman of the division was general counsel and vice-president of the manufacturer of Hellman's Mayonnaise, Mazola Corn Oil and other food products; the secretary and vice-president and general counsel for a major drug manufacturer; the chairman of the Standing Committee on Food Additives was employed by a manufacturer of food additives and pharmaceuticals; the chairman of the Food Law Committee was employed by Coca Cola; the chairman of the Drug Law Committee was employed by the Pharmaceutical Manufacturers Association; the chairman of the Committee on Beverage Law was in the legal department of Coca Cola.

A few additional examples are in order:

The chairman of the subcommittee on Regulations Affecting Advertising on the Antitrust Law Section was a partner in a law firm whose clients included the Association of National Advertisers, the Advertising Research Foundation and the Direct Mail Advertising Association.

The chairman of the subcommittee on Public Utility and Holding Companies was executive vice-president of the American Electric Power Service Corporation.

The chairman of the Aviation Law Committee of the Section on Insurance, Negligence and Compensation was a member of the law firm whose clients included Trans World Airlines.

The chairman of the Environmental Quality Committee of the same section was in the legal department of Continental Oil Company.

The chairman of the Communications Committee for that Section was vice-president and general counsel for the Bell Telephone Company.

IMPROPRIETY SEEN

It is my judgment that where lawyers serving on sections of the American Bar Association represent, for profit, special interest groups which might have a stake in decision and recommendations made by those sections, an "appearance of impropriety" is inescapable. This is especially true if the fact and nature of a possible conflict of interest are undisclosed.

Moreover, in appointing members to serve on committees, the ABA should take far greater cognizance of the existence of public interest lawyers and legal experts from the academic community. Of the 410 lawyers who were members of consumer-related ABA committees in 1970, only five derived their principal income from the academic community, and none to the best of my knowledge, were members of public interest law firms. Certainly, it would seem to be desirable to utilize the considerable talents of academicians and public interest lawyers whose academic interests are unlikely to be in conflict with the public interest responsibilities of the Bar association.

We can be assured that the public interest is being served only when public policy reflects a balance between the wants of the few and the needs of the many. But in the final analysis, individuals control institutions and individuals make public policy. It is individuals, therefore—and, in this society of laws that we have created, lawyers especially—who must ultimately take a private oath to maintain that vital balance between private gain and public good.

A RESOLUTION BY THE RHODE ISLAND GENERAL ASSEMBLY FOR A NATIONAL CEMETERY IN GLOCESTER, R.I.

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ST GERMAIN. Mr. Speaker, the Rhode Island General Assembly recently passed a resolution memorializing Congress to establish a national cemetery in Glocester, R.I.

This is a matter of great interest to me, and I appreciate the action of the Rhode Island General Assembly. Since 1966 I have introduced legislation for a national cemetery in Glocester. Last year I fought for this proposal in the House Veterans' Affairs Committee hearings.

At present there still remains to be decided whether authority over the national cemetery system should be transferred from the Secretary of the Army to the Veterans' Administration. Once that jurisdictional question is settled, I hope that favorable action will be taken this year on my bill, which I am again introducing, for a national cemetery at Glocester.

The need for it seems obvious to me. In 1948 the Congress passed legislation that gives to all veterans the right to be buried in a national cemetery, yet Rhode Island veterans have no national burial place within a reasonable distance. There are 98 national cemeteries in the United States, but not a single one in New England.

Rhode Island veterans and their families are, in effect, denied a privilege and an honor which is their right.

Many of the national cemeteries are reaching capacity, and Army estimates show the need for expanding their number in the immediate future. With more than a million and a half veterans and no national cemetery, the New England area should be first on the list.

The veterans organizations have a right to be heard when they ask for burial facilities near to where they live and where their families reside. It is a reasonable request. It should be granted. It is the least we can do to honor their service.

George Washington Park in the town of Glocester is Federal property, so there would be no land acquisition problems. A cemetery there, in a setting of much natural beauty, could serve not only Rhode Island but much of southern New England.

The text of the resolution passed by the Rhode Island General Assembly and signed by the Governor on April 16 follows. I am also sending a copy to Chairman TEAGUE of the House Veterans' Affairs Committee asking for favorable committee action:

H. 2439

Resolution memorializing Congress to establish a national cemetery in Glocester, R.I.

Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

Whereas, In every other region of the country there are at least four national cemeteries, but in New England there are none; and

Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

Whereas, The historically rich state of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now, therefore be it

Resolved, That the general assembly of Rhode Island and Providence Plantations hereby respectfully requests congress to enact such appropriate legislation to establish a national cemetery in Glocester, Rhode Island, so that veterans can be properly laid to rest in a cemetery befitting their service to this country; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress of the United States in the hope that they will give this matter their personal attention.

"REAL WORLD" M.B.A.'s

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. PICKLE. Mr. Speaker, business is not as usual at the University of Texas at Austin Business School since Mr. George Kozmetsky assumed the deanship there in 1966.

As a New York Times reporter describes it, Dean Kozmetsky arrived like a "welcome tornado." And through the whirling dust of the past 5 years, he has molded the school into an "internationally recognized training ground for managers of 21st century industries."

Combining zeal and flexibility with structure, Dean Kozmetsky has lured to the University of Texas campus top business professors from all over the country and has regularly turned out polished and talented graduates with an ingrained instinct for upgrading and modernizing businesses, as well as making them just plain grow.

New York Times reporter Marylin Bender describes how this school ticks and what comprises its special formula for success. Mr. Speaker, I insert Miss Bender's article in the CONGRESSIONAL RECORD at this time:

[From the New York Times, Apr. 25, 1971]

DEEP IN THE HEART OF TEXAS, "REAL-WORLD" M.B.A.'S—MILLIONAIRE DEAN PULLS B SCHOOL TO NATION'S FOREFRONT

(By Marylin Bender)

AUSTIN, Tex.—In a conference room at the Alumni Center of the University of Texas the other evening, Jack Wrather, an oil heir turned entertainment conglomerateur was distributing wisdom to graduate students.

"You learn from the mistakes you make," said Mr. Wrather who describes himself, according to the custom of these parts, as "a country boy from East Texas."

"We bought a company, A. C. Gilbert, that looked like a bird's nest from the ground, but when it went down we took a $10-million bath on it," he said, and then told how he had managed that disaster.

Simultaneously in a nearby room, Mrs. Wrather (the former movie "brat," Bonita Granville, now associate director of the Wrather Corporation's television property "Lassie") was educating the students' wives.

"My husband had this disaster in his business last year and almost had a nervous breakdown," she confided. "But I built him up and I went so far as to tell him he was a genius."

Student exposure to the "real world" in various forms such as the Wrathers, distinguishes the University of Texas College of Business Administration and its Graduate School of Business from heretofore more famous schools. But then how many business schools have a dean who started a billion-dollar electronics-based company of which he is still director and second largest shareholder?

Calculating how rich Dean George Kozmetsky is, both in the stock of Teledyne, Inc., and sundry pieces of Texas action, is a prideful pastime around here. (Estimates run from $10-million to $40-million.)

Dr. Kozmetsky arrived in 1966 like a welcome tornado to try to mold a regional accounting school into an internationally recognized training ground for managers of 21st century industries.

He had just the Horatio Alger pedigree for a wide-open growth state where both wheeler-dealer and educator are terms of reverence. The son of a Russian immigrant factory foreman, he had worked his way through the University of Washington and earned a doctorate at the Harvard Business School. He taught management there and at Carnegie-Mellon, and then tested his theories in the new technology at Hughes Aircraft and Litton Industries. He wrote a prophetic book "Electronic Computers and Management Control" (McGraw-Hill 1956) and founded Teledyne with Henry Singleton and $350,000.

Now, deep in the heart of Texas, he is creating a different business school elitism, based on a mix of dazzling theory and practice, technology and humanism.

Under a deceptively low-key manner (tastefully coordinated in blues and greys in a land of peacock colors and male diamond jewelry), the 53-year-old dean spews forth theory, stimulates and exhausts his colleagues and presses for results.

He relentlessly covers paper pads and blackboards with systematic analyses of every conceivable problem from executive family tension to portfolio management and population and employment shifts.

When speaking, he seldom uses standard business lexicon. "When will blacks cease being black? All of a sudden I stopped being a Hunky," covers a directive to find a manpower forecasting technique.

For George Kozmetsky, banks are "financial vultures," and the hippie peddlers sprawled along the sidewalk facing the university are "street entrepreneurs."

His admirers pay him equally unorthodox compliments.

"That George is a wheeler-dealer. That's why I'm here," says Professor James Bright who was lured from the Harvard B-School to be professor of management and associate dean.

"That George is an instinctive Texan," says Colonel Seymour Schwartz, a retired Air Force officer who serves as the dean's assistant and secretary of the College of Business Administration Foundation, which nourishes the dean's supply of magic tricks.

The first of Dr. Kozmetsky's obvous moves to transform the school was recruiting a stellar faculty. Salaries at this university compete with other state institutions but the $25,000 maximum falls short of what top scholars can earn at Harvard or M.I.T.

So Dr. Kozmetsky tapped several Texas fortunes to provide named professorships at $100,000 minimums. Abraham Charnes, the mathematician, came from Northwestern to be Jesse Jones Professor of Statistics and to seek interdisciplinary approaches to solving control problems through the Center of Cybernetic Studies recently funded by William Farah, an El Paso work-clothes manufacturer.

Eugene Konecci of NASA became Alice G. K. Kleberg professor of management, biomedical engineering and aerospace engineering. He is researching health care and food technology.

Other faculty salaries and increments, as well as some of the research projects vital to scholarly contentment and institutional prestige (120 research projects and 50 textbooks are in the works), are financed from the C. B. A. Foundation. It has grown from $75,000 to $700,000 since the dean applied his fund-raising technique.

Many contributions to the fund and to research projects have been made in lieu of consulting fees for Dr. Kozmetsky, who may "straighten out a little oil company" and tell the grateful owners to send a check or securities to the fund.

"Money listens to money, and a lot of the big names of Texas look to George as the real disciple of modern management," Col. Schwartz said.

"If you have a good idea, George will release any kind of energy to get it backed," says Professor Bright, who was able to pioneer, programs in technological and environmental forecasting here quicker than he could say "jack rabbit" at Harvard.

Of course, Dr. Kozmetsky bought a Control Data large-scale 3100 computer for the school, financing it through the fund and then persuading the state to pay for it. And, naturally, there is a $6-million building for the graduate school of business scheduled for 1975.

Dr. Kozmetsky's game plan included upgrading the graduate school of business by numbers and standards. There are currently 537 students working toward the Master of Business Administration and Master in Professional Accounting degrees.

They had to score 500 on the Admission Test for Graduate Study and have a 3.0 grade point average (which would not have gained them entry to Harvard or Stanford's business schools). They must also qualify in mathematics through calculus or remedy the deficiency during the first semester. Expectedly, the school has taken a strong quantitative turn under Dr. Kozmetsky.

"Structured flexibility" is the aim of the undergraduate program in which enrollment is leveling off at 4,600. The Bachelor of Business Administration degree is given to secretaries who can operate computers, as well as to Texas farmers and small businessmen.

"This school runs on two levels," said associate professor of accounting Edward Summers, sizing up the student body, which is largely state-drawn and noticeably more conservative and docile than in other major business schools.

"The top 10 per cent is equal to anybody, a challenge to teach. They gobble up knowledge. For the rest, well that's a problem very important to our society. How do you take average people and turn them into competent administrators?"

The doctoral program has doubled in the last five years—123 doctoral candidates are currently enrolled. Zest for entrepreneurship sets the Texas business Ph.D.'s apart from their peers elsewhere.

A recent Ph.D. is teaching at the London School of Economics, but another one turned down an offer from M.I.T. in order to go with Continental Oil in operations research. A third started at $25,000 as a bank vice-president in Houston.

Since business schools are judged by alumni standing in the market place, Dr. Kozmetsky has waged an aggressive placement campaign that capitalizes on the Southwest's growth, while also pushing some of the ablest M.B.A.'s northward out of the regional nest.

"The Harvard Business School may be a state of mind, but so is Texas," says Bruce Schnitzer, a 1967 Texas M.B.A. who is now an assistant treasurer in financial services at Morgan Guaranty. "We have an esprit de corps, an impetus to solve problems. When your whole damn state has gotten rich, why can't you?"

Back in Austin, the placement office has been receiving 500 company recruiters a year, experiencing only a 17 per cent drop in the recent business drought.

Starting salaries for holders of Texas M.B.A.'s have been averaging $12,360 for those with non-technical backgrounds and $14,676 for those with technical backgrounds.

Meanwhile the dean is running in all possible directions.

He and his wife, Ronya, teach a course in executive families. His door is open to students most afternoons, and she runs the Wives Club like a mother hen, coaching "my girls" in executive wifeliness along pre-Women's Lib lines.

Women and other minority students are in conspicuously short supply. There are 24 women candidates for the M.B.A. Less than one per cent of the students are black.

JUDGE FULD ORDERS SPEEDY TRIALS IN NEW YORK

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MIKVA. Mr. Speaker, there is a growing sentiment across the country, and even in the Congress, that something must be done about the deplorable way in which our criminal justice system operates. Overcrowded jails, which are understaffed and underfinanced, are unable to do more than make gestures at meaningful rehabilitation of convicted criminals.

Why are the jails overcrowded? Not because of an increase in crime or an increase in the number of people convicted of committing crimes. The fact is that well over 50 percent of the people in jail around the United States have not been convicted of doing anything. They are there awaiting trial for accusations which may or may not be proved true. They are there because they are too poor to make bail so they can go free and continue to work, to support their families, and work with a lawyer to prepare their defense. It is not unusual for some people to sit in jail as much as a year, awaiting trial. In fact, fewer than 10 percent ever go to trial. Over 90 percent of all persons in jail awaiting trial eventually plead guilty rather than go to trial. In some instances, innocent people plead guilty so they can get out of jail sooner. Criminal court delays are therefore adding to crime in two indirect but important ways. First, by overcrowding our jails, and second by adding to the disrespect for the law which lies at the heart of so much crime.

To deal with the problem of trial delays, and to insure the constitutional right to a speedy public trial, I have introduced legislation which would require that people charged with a crime be tried within 60–120 days. H.R. 7107 would impose penalties on both the prosecution and the defense for unexcused delays—dismissal of the case in the former instance, and contempt citations in the latter. Similar legislation has been introduced on the Senate side by Senator ERVIN.

I was pleased to note that the chief judge of New York's State court system, Judge Stanley H. Fuld, recently announced that beginning 1 year from now, criminal charges against all but homicide defendants would be dismissed if the prosecution delayed trial of the case for more than 180 days. In addition, Judge Fuld announced that defendants will be released from jail either on affordable bail or on parole, if they have not been brought to trial within 2–3 months after arrest.

Judge Fuld's order makes even more clear the need for legislation such as that proposed by Senator ERVIN and myself. The simple fact is that an announcement alone will not produce results. In the case of New York courts, the State legislature will have to provide additional resources—courtrooms, prosecutors, judges, and the like. The present criminal justice systems are not capable of meeting stringent time requirements such as those set down by Judge Fuld. Compliance will not be possible without substantial reforms in administrative practices, along with increased resources in the way of manpower and facilities. H.R. 7107 places the responsibility squarely where it belongs—on the people of the United States. It provides that a Federal judical district need not comply with the stringent time requirements if it can show that additional resources and personnel are needed. The Attorney General would then be required to submit to Congress the necessary legislation providing such assistance.

Ultimately, it must be the responsibility of the people, through their elected representatives, to provide a criminal justice system which works.

The New York Times article reporting Judge Fuld's order follows:

[From the New York Times, May 1, 1971]

STATE PUTS 6-MONTH LIMIT ON CRIMINAL TRIAL DELAYS

(By Leslie Oelsner)

The chief judge of New York announced yesterday that beginning a year from tomorrow the state courts, in all but homicide cases, would dismiss criminal charges against any defendant who through no fault of his own had not been brought to trial within six months of his arrest.

In addition, again in all but homicide cases, defendants in jail pending trial will be released to await trial, on either affordable bail or parole, if their trials have not begun within three months of arrest.

"We are convinced," said Chief Judge Stanley H. Fuld, "that these rules are needed if the trial and disposition of criminal cases are to be facilitated and expedited, if our criminal case backlog, especially in the metropolitan areas of the state, is to be reduced and, even more important, if the rights to which both the accused and the state are entitled are to be made more meaningful."

PROVIDES FOR EXCEPTIONS

The ruling, which allows some exceptions for "good cause," makes New York State one of the few jurisdictions in the country to attach a specific time period to the defendant's right to a speedy trial.

Only California, Illinois and the District of Columbia have such rules; the Federal courts in the Second Circuit (New York, Vermont, Connecticut) will adopt the practice in June.

The move comes at a time when criminal justice systems in the state—and particularly in New York City—are beleaguered by trial delays that often range to 18 months, by insufficient court facilities, by overcrowded jails.

It also comes, as Judge Fuld noted, in the wake of the riots last August and October in the city's jails—outbreaks that were marked in large part by the rioters' demands for quicker justice.

But whether the new rule can alleviate the problems is, as Judge Fuld pointed out, uncertain.

Speaking on behalf of the Administrative Board of Judicial Conference, which enacted the rule, Judge Fuld said that it "cannot achieve the desired purpose unless the fiscal authorities see to it that the district attorneys, legal aid and the other agencies performing auxiliary services receive the necessary financial assistance" to run their operations properly.

It was a sentiment repeated over and over yesterday, as groups and officials who make up the justice system offered their responses.

"We are delighted with the new rule as a very positive and significant step forward," said Leon Silverman, the new president of the Legal Aid Society. But he said the society, which handles the case of about 75 per cent of the defendants in the city, "will certainly need significantly more lawyers to implement this."

"LAUDABLE," HOGAN SAYS

"How are we going to achieve this laudable purpose?" asked Frank S. Hogan, the Manhattan District Attorney. Only with more personnel and more facilities, he said, answering the question. And he added "Where's the money coming from?"

City Hall, which expects to be inundated with requests for more funds for each of the groups in the court system, from Legal Aid to probation officers and prison guards, declined to comment on the new rule. But as Mr. Hogan pointed out, Mayor Lindsay has lately been broadcasting the city's financial plight.

William vanden Heuvel, chairman of the city's Board of Correction, praised the new procedure as "the greatest single advance in the prison system in years" and added, "As a lawyer, I'm proud today."

But Burton B. Roberts, district attorney of the Bronx said the rule "takes a crisis situation in our courts and makes it chaotic."

THE PLEA ISSUE

For Mr. Roberts, like every other district attorney in the state, had opposed the rule from the moment it was first suggested, last fall. Their reason; as Mr. Roberts put it, was that it would "turn off the faucet with regard to pleas."

About 90 per cent of all cases are disposed of by guilty pleas, he said—often to lesser offenses than the ones originally charged; now, he warned, defendants might decide to wait out the six months on the chance the case would be dismissed for failure to prosecute.

None of the officials could even estimate the number of people potentially affected by the ruling. Mr. Hogan could only point to his present backlog of 3,245 cases. This, he said, would take his office six months to handle, even if it did nothing else.

As for the New York City Correction Department, it had a figure for at least the number affected by the three-month ruling: on March 31, a spokesman said, 1,865 of about 6,800 prisoners awaiting trial had been waiting more than three months.

RESTORATION OF DIVERTED AIRWAY SAFETY FUNDS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MURPHY of New York. Mr. Speaker, no more than 2 years ago, our daily newspapers ran regular editorials bemoaning our crowded skies and congested airports. They, no less than the air traveling public, were concerned that the takeoff and landing delays at the New York airports—as well as those in other major metropolitan areas—were reducing the time-saving value of aviation and were reducing necessary safety margins.

Congress, the executive branch, and particularly the aviation industry itself, were urged to come up with short and long-term solutions. The FAA ruled that, temporarily, the number of operations into John F. Kennedy International Airport would have to be limited in the interests of air safety.

Let me mention that the committees of Congress were fully apprized, and deeply concerned, with the inadequacy of many of our airports. This was not a projected threat of inadequacy for years in the future. It was instead the existence of glaringly inadequate facilities in most of the airports for the Nation. Dangerous overcrowding, long delays, missed connections, missed appointments were the end product. They were not threats, they were daily occurrences, occurrences reasonable men could not condone.

And so, the Congress enacted major legislation last year which was to provide a major catch-up effort for airway and airport capital development in the 1970's. Equally important, those who use the aviation system—airline passengers, shippers, airlines, and general aviation—were to pay for the new capacity through new and increased excise taxes. Finally, a new Airport and Airway Trust Fund was created to protect the user taxes from being diverted to other purposes.

The Airport and Airway Development Act of 1970—Public Law 91–258—provided that not less than $280 million of these tax revenues were to be used annually for airport safety improvements and no less than $250 million expended for airways modernization annually. This means safer runways and more radars, towers, and the like. Internal FAA administrative costs were to be paid, as in the past, from general tax funds. In the latter years of the 10-year program, the increased user tax receipts would be sufficient to cover these routine costs as well as the high priority airport and airway capital expenditures.

The President's Office of Management and Budget, however, has not kept faith with the agreement made in Public Law 91–258, with those whose aviation user taxes were substantially increased. Instead of expediting the promised airport development program, the OMB has, because of a narrow interpretation of some language in Public Law 91–258, attempted to place the routine FAA operating costs on an equal footing with the aviation capital improvement program. In the first 2 years of the program, more than $600 million would be diverted to these lower priority purposes. This is not what Congress intended.

Mr. Speaker, I insert at this point in the RECORD excerpts from a background statement from the Federal Aviation Administration relating to budget estimates for fiscal years 1971–72 for the allocation of airport and airway trust fund moneys. This statement and the attached chart point out the intent of the administration and the Office of Management and Budget to use the moneys' intended by the Congress for safety improvements, and for other purposes.

DEPARTMENT OF TRANSPORTATION—FEDERAL AVIATION ADMINISTRATION

BACKGROUND STATEMENT RELATING TO BUDGET ESTIMATES FOR FISCAL YEAR 1971–72

1. The allocation of Airport and Airway Trust Fund monies included in the President's budget proposals for the Federal Aviation Administration provides only for funding airport planning and development, airways facilities and equipment and research and development, operation and maintenance of the Federal airways system, administration of the airports program, including related support and administrative expenses, which are clearly contemplated and authorized by Public Law 91–258. In addition, expenditures from the Trust Fund for the air security guard program were provided for by a specific appropriation included in the Department of Transportation Appropriation Act for fiscal year 1971. To finance the total cost of Trust Fund activities, the Act further provides for a General Fund contribution to the Trust Fund for the difference between tax collections and total program costs. The Trust Fund, therefore, consists of funds from two sources, user tax revenues and payments from the General Fund of the Treasury, which are both available for appropriation by the Congress for any authorized Trust Fund purpose. Under the Airport and Airway Act, Trust Fund monies are not available for non-aviation purposes and there has been no diversion or expenditure of funds contrary to law or for purposes not authorized by law.

2. The budget proposals for the two fiscal years—1971–1972—meet the funding commitments (for improving airports and airways) made in testimony before the Congress approximately one year ago. Apparently, some of the misunderstandings that have come to light concern the levels of our fiscal year 1971–1972 budget requests and the application of Trust Funds to finance some Federal Aviation Administration activities. While the amounts requested from the Congress are below the amounts authorized in the enabling legislation, it has been determined that there is no legal requirement that budget requests be submitted or that appropriations be enacted at the funding levels contained in the Act; or, that the use of Trust Fund monies, as appropriated, constitute any improper application of funds.

The budget levels for Airport/Airway activities included in the President's 1971/1972 budget for the Federal Aviation Administration are summarized as follows:

	Annual authorized per Public Law 91–258	1971 appropriation	1972 estimate	Total
Appropriation/estimate:				
Operations		$902.8	$991.8	$1,894.6
Airway system investment development	$300	300.4	322.8	623.2
Facilities and equipment	(250)	(238.0)	(250.0)	(488.0)
Research and development	(50)	(62.4)	(72.8)	(135.2)
Grants-in-aid for airports:				
Planning grants	15	10.0	15.0	25.0
Development grants:				
Obligations	(280)	(170.3)	(205.0)	(375.0)
Appropriation to liquidate obligations		60.0	92.0	152.0
Aviation Advisory Commission	2	1.5		1.5
Total appropriations		1,274.7	1,421.6	2,696.3
Funding:				
General-fund appropriations		1,097.2	293.1	1,390.3
User-tax revenues		177.5	1,128.5	1,306.0

GRANTS-IN-AID FOR AIRPORTS

The budget estimates for airport grants provide for obligation of $180 million in 1971 ($10 million for planning grants and $170 million for development grants) and $220 million in 1972 ($15 million for planning grants and $205 million for development grants), a total of $400 million for the two year period. Although the $400 million funding level is below the two year authorization contained in the Act, it does meet the original commitments that were made in hearings before the Congress in support of the legislation.

Section 14(b) of the Airport and Airway Development Act authorizes the obligation of $840 million for airport development without further appropriation action by the Congress. Because of this provision, annual appropriation requests to pay bills for completed airport development as a result of grant agreements already entered into between the Federal Government and airport sponsors under the obligational authority made available in the basic Act. The appropriation requests of $60 million for fiscal year 1971 and $92 million for fiscal year 1972, therefore, represent cash needed to pay bills and are not directly comparable to the language of the Act which authorizes the obligation of 'not less than $280 million."

Mr. Speaker, the legislation I introduce today is designed to protect the revenues in the Airport and Airway Trust Fund for the purposes for which they were were intended. The bill would, if enacted, tighten up the language of the Trust Fund and release available moneys for safer skies and runways and taxiways. It would result in the reduction, within the New York area, of the air and ground congestion which is forcing passengers and traffic away from our city and other major metropolitan areas.

Everyone is aware of the inconveniences that airport congestion causes. New York City is the prime example. Stacks of airplanes circling around the area airports, filled with people anxious to make scheduled appointments or to return home after a tiring trip. And long queues of harried travelers on the ground disgustedly trying to find a flight taking off for anywhere near their intended destination. There is also a staggering loss of income to the city of New York due to the avoidance of the city by tourists and business and air cargo shipments.

Hopefully, these and other problems in air transportation will be carried by the expenditure of moneys allocated specifically for airport modernization and operation. But our most immediate attention must be devoted to the correction of the safety hazards that are created by this overcrowdedness.

I urge the support of my colleagues for this legislation to clarify the intent of Congress as to priorities for airway modernization and airport development.

A BLUE RIBBON PANEL REPORTS—UNCERTAIN FUTURE FOR THE AMERICAN PEOPLE (PART I)

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. SCHMITZ. Mr. Speaker, the Blue Ribbon Defense Panel Supplemental Report says:

> The situation which our country faces is without precedent. . . . Within the span of two decades we have moved from complete security to perilous insecurity.

The prospects for the long term survival of our Nation have been called into doubt by a sobering supplemental report from members of a Presidentially appointed Blue Ribbon Defense Panel.

Appointed in July of 1969 to make a thorough study of the Department of Defense and recommend necessary changes, the panel submitted its major report in July 1970. Several of the changes advocated by the panel concerning Defense Department organization have already been acted upon.

During the year's study, however, seven members of the panel became so concerned about the deteriorating state of our defenses in relation to massive Soviet increases in their strategic offensive and defensive forces that they reserved the right to issue a supplemental report. They stated that:

> In the course of the Panel's study during the past year it became increasingly clear to the undersigned that if . . . observable trends continue the United States will become . . . incapable of assuring the future security and freedom of its people.

To date this supplemental report which, although submitted in early October 1970, was not officially released until the middle of March 1971, has not even been officially commented upon.

The supplemental report identifies eight major trends operative today which, if not rapidly and radically reversed, lead the panel members, and myself, to believe that:

> The United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all peoples upon which it is imprinted suffering Communist repressions.

The first fact which the panel members considered when coming to this conclusion was the enormous increase in the size of the Soviet strategic forces in the last several years. By June of this year the number of Soviet ICBM's will have increased six fold over what it was in 1965. Adm. Thomas Moorer, Chairman of the Joint Chiefs of Staff, projects a Soviet ICBM force numbering 1,500 at that time, a force 50 percent larger than that possessed by the United States.

But numbers alone do not tell the whole story. The 300 Soviet SS–9 missiles now deployed, a weapon which makes our Minuteman ICBM look like a pygmy, by themselves possess several times the destructive capability of our entire land and sea based missile force.

Since the supplemental report was compiled Secretary of Defense Laird has noted that the Soviets have started "a new—and apparently extensive—ICBM construction program." Senator HENRY JACKSON has pointed out that these new ICBM's will be at least as large if not larger than the SS–9's. Weapons of this size are not designed to destroy cities but rather to be used as a counterforce weapons, that is, used to knock out our Minuteman force and help preclude a U.S. response to a Soviet attack on our Nation.

This confirms another significant trend identified by the panel:

> The evidence is now reasonably conclusive that the Soviet Union . . . is deploying strategic weapons systems designed for a first strike capability. The characteristics of their offensive and defensive weapons systems, which the Soviets continue to expand, are consistent *only*" (emphasis added) "with a preemptive strike capability."

WHAT YOU CAN DO

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. GUDE. Mr. Speaker, recently several members of the Bethesda Jaycee Wives Club visited me to discuss the problem of environmental pollution and to show me a booklet that their club has prepared entitled "Community Action on Environmental Problems: What You Can Do."

These ladies have done an admirable job in devising some practical suggestions for everyone to follow and I would like to share their suggestions and findings with my colleagues. It is this type of positive community action addressed to a specific problem that is the mark of concerned and involved citizens. Environmental cleanup is everyone's problem and efforts such as this must be forthcoming from local citizens if we are to effectively and efficiently tackle the problems caused by pollution.

The suggestions and findings of the Bethesda Jaycee Wives Club, which translate concern into practical action, follow:

COMMUNITY ACTION ON ENVIRONMENTAL PROBLEMS—WHAT YOU CAN DO

(Compiled and Distributed by: The Bethesda Jaycee Wives Club)

I. WATER CONSERVATION

A great deal of pollution comes from the phosphate chemicals in the detergents you use. We as consumers can hasten the production of non-polluting detergents by soap manufacturers. The following is a list of the percentage of phosphate in major detergent brands. The less phosphates, the less the product harms our waters.

	Percent
Axion	43.7
Biz	40.4
Bio-Ad	35.5
Salvo	35.3
Oxydol	30.7
Tide	30.6
Bold	30.2
Ajax	28.2
Punch	25.8
Drive	25.3
Dreft	24.5
Gain	24.4
Duz	23.1
Bonus	22.3
Breeze	22.2
Cheer	22.0
Fab	21.6
Cold Power	19.9
Cold Water All	9.8
Wisk	7.6
Trend	1.4

AUTOMATIC DISHWASHING DETERGENTS—PER LOAD

	Tablespoon	Gram
Electrasol (soft water)	1½	4.0
Electrasol (hard water)	1½	6.0
Finish (soft water)	1½	6.3
Sears automatic	1½	6.6
Finish (medium water)	1½	6.9
Amway	2	8.3
Calgonite	2	8.5
All	2	9.8
Finish (hard water)	1½	10.0
Cascade	2½	12.0

What you can do

1. Do not use colored tissue, colored paper, or colored napkins. Dyes released in the manufacturer's effluent pollute streams.

2. Switch light bulbs not used for reading to a lower wattage. Lower electrical power consumption reduces home or office operating costs and reduces pollution at the electrical generating plant.

3. Adjust the float or put a brick in the flush tank of every toilet you use. This will reduce the amount of water used without decreasing efficiency.

4. If you must fertilize your lawn, use organic fertilizers.

5. Do not run your faucet unnecessarily.

6. If you know of any industrial water polluters in your area write and express your concern. Ask what they are doing about it.

7. Use sand instead of salt on snowy streets and sidewalks because salt adds harmful chlorides to the water system.

8. Boat owners should dispose of the sewage on their boats at marina facilities, not in a river, a bay or a lake.

Test for drinking water

Fill a glass of water from your tap: hold it up to the light. It should be colorless and free of sediment and suspended floating matter. Smell it; it should be odorless. Drink some; it should have no taste.

II. AIR POLLUTION

1. Do not let your automobile idle unless it's absolutely necessary.

2. Use non-leaded gasoline.

3. When buying a new car, consider only models equipped with pollution control devices.

4. Walk, bicycle, or use public transportation whenever possible.

5. Report air pollution violations. The following is a list of telephone numbers to call when reporting violations: District 629–3748; Montgomery 948–6442; Arlington County 568–2664; Fairfax County 691–2541; Prince Georges 864–3874.

III. PESTICIDES

Pesticides may kill organisms considered undesirable, but they are also toxic to other forms of life which are necessary to maintain the balance of nature.

1. Chemical poisons should not be used for pest control except when absolutely necessary for health or economic reasons. Pesticides should never be used for nuisance insects like mosquitoes.

2. Consider alternatives before using chemical poisons. Use only recommended dosages at the proper time of year. Check labels carefully.

3. Acceptable pesticides include brands that contain: rotenone, sevin, malathion, pyrethrum, methoxychlor, and diazinon.

IV. SOLID WASTES

Solid wastes cause land, water, and air pollution either directly or indirectly. The average American generates about five pounds of solid wastes per day.

1. Support the separate collection of paper and aluminum in your community to encourage re-cycling.

2. Use returnable bottles where possible.

3. Remove excess packaging at the store and ask the sales personnel to return it to the manufacturer.

4. Use glasses instead of paper cups.

5. Do not purchase liquids sold in milk-white plastic containers.

6. Refuse or return hangers given to you by your cleaning store.

7. Use junk mail for children to color or write on.

8. Don't throw away potentially useful items, such as clothing, furniture and household items. Give them directly to people who can use them or donate them to groups or organizations that will see they reach users. Local organizations which accept most items that are in usable condition are: The Salvation Army, St. Vincent de Paul Society, Goodwill Industries and Volunteers of America.

V. NOISE

1. Be sure your own muffler, radios, TV's, air conditioners, etc. are not part of the noise pollution problem.

2. Encourage the FAA to set noise abatement standards for airlines.

VI. VISUAL PROBLEMS

1. Combat the litter-bug by picking up the litter you encounter.

2. Support community efforts to clean up your local environment.

VII. POLITICAL ACTION

1. Urge your local school board to institute conservation and ecology study units at all grade levels.

2. Become informed on conservation issues.

3. Join local and national organizations which are fighting to save our environment.

4. Encourage the local government to conserve its land and water resources through zoning and acquisition.

5. Seek better playground design and ask if local government is providing adequate funds for proper supervision and maintenance of existing facilities.

6. Ask your community to make use of Federal Beautification grants, to press for better "street furniture", to seek effective billboard controls and underground utility lines, to plant trees and flowers and to stage an anti-litter drive.

These Guidelines have been compiled by the Bethesda Jaycee Wives Club.

The following sources were used in gathering our information:

1. "Consumer Reports Magazine," September 1970.
2. "The Sunday Star", October 18, 1970.
3. "Saw Mill", Audubon Society.
4. U.S. Government Printing Office.
5. "Community Action for Environmental Quality", The Citizens Advisory Committee on Environmental Quality.

THE REWARD OF MAO TSE-TUNG'S ATHLETIC FACTORIES

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ROUSSELOT. Mr. Speaker, several years ago, a disillusioned athlete from Red China wrote an appropriate article for the Reader's Digest, in June of 1967, analyzing the realities and priorities of Mao Tse-tung's athletic corps. Because Shih Pen-shan found his idealism about Communist China's athletic program totally shattered, he was able to clearly define, for all those who are willing to listen, the utter nonsense of "Ping-Pong diplomacy." In describing the part that athletics, specifically table tennis, play in the automated state of Communist, Shih Pen-shan was instructed by his cadre leaders:

> Your primary purpose is to serve the political aims of the state.

Hopefully, all of us can listen and learn from the suggestions made by this man whose ideas should serve as guidelines for our Congress, the executive branch, and the State Department.

The article follows:

I FOUGHT IN RED CHINA'S SPORTS WAR

(By Shih Pen-shan, as told to Lester Velie)

The first lesson an athlete learns in Red China is that sports are not for fun. They are a form of war waged for world revolution. Inside China, sports serve "proletarian politics" by spreading the idea that Mao Tse-tung's thought arms the athlete for victory and so can bring success. Abroad, athletes become an "important adjunct in the communist struggle," *i.e.*, an instrument of subversion.

I helped play these deadly games for the Chinese communists as an international competitor in China's major sport, table tennis. Red China had held the world's men's singles championship since 1959. I was part of a sports elite that is trained like soldiers by the state to win in amateur competition. My body was hardened by dawn-to-dusk drill, my mind molded by "ideological preparation." Even my emotions were not my own. While my story deals with sports, it should shed some light on the larger story of life under Maoism that is unfolding in China today.

Like millions of other Chinese kids, I began to play table tennis before my head could reach a table top. Boys in China dream of becoming the table-tennis players as American boys dream of becoming baseball or football stars. We played on kitchen tables, on slats of beds and even on floors. I had a natural knack for the game, and at the age of 11 I won the primary-school championship of Canton. Two years later, after I had become schoolboy champion of Kwangtung Province, my principal, who was also secretary of the school's Communist Party branch, called me to his office. "Congratulations," he said. "I've been instructed by the Party to transfer you to the Canton Physical Culture Institute."

No one had asked me whether I wanted to go to this college—one of ten "physical-education institutes" built by the communists since the revolution—and I had no more choice in the matter than if I had been drafted for military service. Of the 1000 students at the college, about half are schooled as physical education teachers. The other half are trained to represent Communist China in international amateur competition in sports from archery to swimming.

CHINESE TORTURE

The Canton Physical Culture Institute turned out to be an unusual school. For one thing, it awarded titles in table tennis, weight lifting, high jumping. For another, the athletes stayed on as "students" for as many years as they kept winning, drawing regular pay just as government employes did. (My hero, world-champion table-tennis player Chuang Tse tung, received 70 yuan monthly. With room, board and clothing free, this equaled the pay of a mayor or government department head.)

Then too, our part of the college was more of a military barracks than a school. We wore uniforms and were tumbled out of bed at 5:30 a.m. Except for meals, a nap after lunch and several hours of "ideological instruction," there was nothing but practice matches, body building and endless drill until—at the end of a 17-hour day—we dropped exhausted into bed at 10:30.

We had academic classes on only two afternoon in the six-day school week. And even these classes, as in the military, were given over to tactical problems. The 16 boys and girls in my table-tennis program used geometry to figure the most effective angles of arm to table, or paddle to table, at which a ball could be hit with most force or most spin.

Our training was divided between two areas, physical and ideological. The physical, I can only describe as Chinese torture. The Chinese know that in table tennis it isn't only the wrist that counts, but the upper legs and lower back. To build stamina we began where the athletes of other countries leave off. After running miles over hilly country or swimming dozens of laps in the pool, we'd tie sausage-like sandbags around our calves and thighs and run in place until tears of agony rolled down our cheeks. Or we'd use an iron paddle ten times the weight of the ordinary one, and stroke the ball until our wrists and forearms swelled.

But it was in the exercises for sharpening our reflexes to camera-shutter speed—to cope with the lightning pace of the modern game—that the torture pressed against the borders of human endurance. In the body-building work we could switch our minds off, but we had to be trigger-alert here. The coach would stand beside a lamp that flashed signals in five colors. We'd run forward at top speed at the green, backward at blue; stop dead at red; hop sideways to the left at yellow, right at white. Woe to the sluggard who didn't respond fast enough. For punishment, he'd continue starting and stopping like a puppet at the end of a string, until—like a puppet—he would fall in a heap to the floor.

AUTOMATION FOR THE STATE

But the communist cadre played an even more important role in our lives than the coaches. For while the latter had charge of our bodies, the cadre had charge of our minds. "Your primary purpose," he would say, "is to serve the political aims of the state. The American imperialists and Japanese bourgeoisie preach sport for sport's sake, but in fact their sports serve as an instrument of imperialist aggression."

The communist cadre didn't have to tell us how important sports were in the Chinese communist scheme. Sports training was entrusted to the highest and most respected men in government. Mao Tse-tung himself was the source of the "ideological instruction" which was to arm us for victory. So, twice daily, we pored over Mao's *Problems of Strategy in China's Revolutionary War* which, we were told, contained universal truths applicable to table tennis (or to basketball or whatever). One Mao "truth" was that we'd win if we "despised the enemy strategically" (regarded him as a paper tiger) "but respected him tactically" (equipped ourselves to cope with him technically).

Mao's rationale for playing the deadly game of war was carried over into our games with harsh and humorless fidelity. Since Mao held that in war all thoughts of self must be suppressed, we were allowed no private lives. We trained in the greatest secrecy, and even athletes and coaches from other sports were barred. When we visied our families on Sundays, we were warned not to discuss our work. And when we returned to the college, we would be questioned. Where had we been? What vehicles did we take and over what route? Whom did we talk to? Although attractive young girls trained with us, boy-girl friendships were barred as "indulgences in petty self." If a boy and girl fell in love, the full might of the college Communist Party would be marshaled to break up the affair. I know, for it happened to me.

BRIEF ENCOUNTER

I first became aware of Mei-ling (that's not her name) one summer when we were both drafted for "socialist labor" in the rice paddies just outside Canton. Here the surveillance wasn't as rigorous, and we were soon stealing out nights for a stroll along the river, content only to hold hands—a new experience. I was 18 then, and these were the first truly happy days of my life. Mei-ling was a tall girl, with a warm, sweet face. She was being groomed for international swimming competition.

Back at the college that fall, under the eyes of the cadre watchdogs, seeing each other became a frustrating and dangerous business. Even so, Mei-ling and I managed it. At lunch in the cafeteria we would watch each other closely and finish our bowls of rice so we could arrive together at the counter for a second helping. Here, we'd hurriedly arrange to meet outdoors after lights-out. This was our undoing. Missing sleep at night, I began to play listlessly, arousing the suspicion of the cadre. He watched my movements and discovered our secret.

Mei-ling and I were hauled separately before "criticism meetings" at which our fellow students and the cadres abused us for our weakness. I was required to write ten "regret reports" confessing the "betrayal of my revolutionary responsibility" as an athlete for the state. I could no longer see Mei-ling, and was told that she had been expelled. Since she ranked fourth in her swimming program while I stood first in my table tennis group and often won international matches, the Party—always practical—had cut short her athletic career instead of mine.

Body and mind could stand no more. I broke down, and the school doctors ordered me to bed. It was then, in the summer of 1964, as I lay with my face turned to the wall, that the desperate thought of fleeing China first entered my mind.

REVOLUTIONARY FERVOR

This idea deepened as I was subjected to other parts of the "ideological preparation"—the training in obedience, for instance. In a match with Indonesia, which China was wooing politically, the cadre told me to let an opponent win some games. Spectators familiar with my play knew I was throwing games, and shouted insults at me. But I had to swallow my humiliation—I was merely a tool of state policy.

Everywhere we went, we had to study Mao's works right through the very morning of the day on which our matches were played. I'd be sick with shame when I had to go through this idiocy, and I'm sure other athletes were, too, for I wasn't the only one to rebel later. Still, none of us could say anything and, win or lose, Mao always won..

When the Chinese men's team beat the Japanese in May 1966, Mao got the credit. When our women lost to the Japanese, they confessed tearfully at self-criticism meetings that they had not studied Mao enough. Thereafter, they tied Mao slogans to their table-tennis nets before practicing.

During the height of the Great Cultural Revolution last September, another kind of madness took place in the 100,000-seat Peking Workers' Stadium, where Chinese track-and-field athletes were to be selected for a forthcoming international meet. The stadium was virtually snowed under with huge portraits of Mao. Loudspeakers blared revolutionary songs and Red Guards exhorted spectators to join in chanting slogans. As the athletes marched onto the field they carried banners of Mao quotations. One weight lifter, before hoisting several hundred pounds, raised a five-ounce, red-covered Mao booklet above his head to give him strength. A high jumper consulted the little red book for inspiration before each fling at the bar. And Red Guards darted about, handing the athletes encouraging Mao slogans sent down by the spectators.

The same revolutionary fervor goes abroad with the athlete. When the Chinese table-tennis team won the world championship at Ljubljana, Yugoslavia, the players startled the audience with the deadpan explanation that Mao had done it. "It wasn't because of our better playing, but because we held high the banner of Mao's thought."

In the last few years, the Chinese have also used their athletes as a front to hide a grand design: the development of an Asian Comintern led by China. Fantastic? Consider the "Games of the New Emerging Forces" (developing nations) engineered by the Red Chinese in Cambodia last November. China sent 117 technicians to erect a new "sports city" at Phnom Penh, and supplied the athletic equipment. "The purpose of these games," the Chinese announced, "is to promote the Asian people's unity against imperialism and to give impetus to the forces of revolution struggling against U.S.-led lackeys." Prince Norodom Sihanouk, Cambodia's chief of state, decorated the Chinese experts who built the Phnom Penh sports city and described it as "the crystallization of the pooled wisdom and labor of the peoples of Cambodia and China."

PRECIOUS GIFT

Although it was increasingly painful for me to play the pawn in this political sports game, I hesitated to make the final break. Two other athletes had already tried to flee, and had been caught and punished. Ironically, it was the big-character posters of the Cultural Revolution that suggested my escape route. Written by Red Guards, these demanded that China seize the imperialist outpost of Macao," the Portuguese colony 65 miles south of Canton on the China Sea. I became obsessed by the thought that the free world was so near.

I left college one Sunday last December to "visit friends" and made my way by bus halfway to Macao. Then I walked by night and hid by day until I reached the low-lying mountains that overlook Macao—a half mile across the water. I threaded my way past the frontier observation posts and patrols, sprinted across the beach and plunged into the water. A strong undertow kept pulling me out to sea. (I learned later that hundreds had lost their lives in this dangerous crossing.) It took three hours of desperate swimming, but I made it. The communists who had trained by body to win in sports had given me the stamina with which to win the precious gift of freedom.[1]

Today, in Taiwan, I'm in a normal world where a country's playing fields serve the happiness of the people and not the political aims of a state. I want to teach the free people of the world my skills. And there are things even more important I can teach them. I would like to prove that a free man can defeat a brainwashed automaton and that games are games—not war.

BATTLE OF PUEBLA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DE LA GARZA. Mr. Speaker, today is the anniversary of a most important day in Mexican history and I would like to have your indulgence for a few moments and also ask my colleagues to join with me in extending our most sincere best wishes to the people of Mexico on this occasion.

Today marks the 109th anniversary of the Battle of Puebla which was fought on May 5, 1862, where the Mexican armies defeated the French troops of Emperor Maximilian.

This day is celebrated throughout Mexico with appropriate ceremonies as well as in many areas of our own country. I remember from my very early years in south Texas the celebration of "El Cinco de Mayo" because the hero of this famous battle in Mexican history was Ignacio Zaragoza, who was born in what is now Texas—although at that time it was called Bahia de Espiritu Santo. It is now known as Goliad, Tex.

It might be well—since this great patriot of Mexico was what we might say "one of our own" to south Texas and a product of the pioneer families who settled all of this area of the new world—to mention some of the leading facts of his life.

Ignacio Zaragoza was born on March 24, 1829, in what was then part of the state of Coahuila; the son of Miguel Zaragoza and Maria de Jesus Seguin. He first studied in Matamoros, which is now across the river from Brownsville, Tex., and later continued his studies at Monterrey where he also entered into business at a very young age.

Mr. Zaragoza enlisted in what would now be known as the National Guard where he obtained the rank of sergeant, and in 1853 he began his active military career as captain. He fought in the battle of Saltillo and toward the end of 1856 he was also in the battle for the defense of Monterrey. In 1857 he began his military career in defense of the Constitution of 1857 and for the ideals and principles of the leaders of the Reform. In 1860 he was head of the military forces situated at Guadalajara. In 1861 he was named Minister of War and in that same year left that post to take command of the military forces in the eastern part of Mexico which he led in several battles until the famous battle of May 5, 1862.

It was unfortunate that shortly after this battle he died from typhoid on September 8, 1862—in the same city of Puebla where he had led the troops to victory. His remains now rest in San Fernando Cemetery in Mexico City.

The Mexican people have honored this great patriot in many instances—many cities have been named in his honor—and it might be well for us to remember that he was only 33 years old when he commanded the armies that led to Mexico's victory in this battle.

So once again I thank you for your indulgence and ask you to join with me—as I stated in the beginning—to extend our most sincere best wishes to the Government and the people of Mexico on such an important day in the history of their country and that this be done as an expression of our solidarity with them in the cause of peace throughout the world and as a demonstration of our love, admiration, and respect for Mexico and the Mexican people. I thank you Mr. Speaker.

THE BILDERBERGERS' WOODSTOCK MEETING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. RARICK. Mr. Speaker, some 100 Bilderbergers from 12 European nations, Canada, and the United States—representing nobility, international bankers, and international bureaucrats—met at Woodstock, Vt., April 23–25.

Reportedly, the Bilderbergers' only statement, issued following the meeting, indicated they had discussed two points: first, "the contribution of business in dealing with current problems of social instability," and second, "the possibility of a change of the American role in the world and its consequence."

Notable among those attending the Bilderbergers' meeting at Laurance Rockefeller's Woodstock Inn were Prince Bernhard of The Netherlands; Henry Kissinger, assistant to President Nixon for National Security; Baron Edmond de Rothschild of Germany; former West German Foreign Affairs Minister Gerhard Schroeder; former Under Secretary of State George Ball; former U.S. Deputy Secretary of Defense Cyrus Vance; banker David Rockefeller; William Moyers, former U.S. presidential press assistant; Robert L. Anderson, president of Atlantic Richfield Oil; Canadian National Defense Minister Donald McDonald; John D. Rockefeller IV, West Virginia secretary of state; Princess Beatrix of The Netherlands and her husband, Prince Klauss; Lt. Gen. John W. Vogt, U.S. Army, Director of the Joint Chiefs of Staff; Joseph Luns, The Netherlands Minister of Foreign Affairs; and Leif Hoegn, Norwegian shipping magnate.

---

[1] I was one of the last to get out. Today, Macao turns back all refugees under an agreement forced on her by Red China.

The meeting was top secret and unreported in any news media except the Rutland, Vt. Herald. Reportedly top security was handled by the FBI and said to be justified because of the presence of Heads of State. And the secrecy to protect the participants freedom of speech rather than to hide their plans from the people.

It should strike most Members as strange that at a time when a bunch of fired up hippies and other demonstrators are receiving front-page publicity with glowing analytical commentaries to explain the need and purpose for change, the real masterminds of the international movement, including custodians of great wealth, are able to arrange secret meetings in New England without one wire service or TV network carrying this story. Apparently at this time the people's attention is to be focused on the pressures from the bottom while plans are made for later pressures to be applied at the top.

Had this meeting in top secret been arranged or held by concerned Americans dedicated to constitutional government for the purpose of saving the country rather than for plotting its destruction, they could have expected mass exposés by the news media, accusing them of secret plots as well as attempts by the news media to brand them as a threat to the Nation. Yet the Bilderbergers come and go, admittingly planning change in the American role in the world, and the news people can't even see a story. The Bilderbergers are not denounced as plotting in secret nor as constituting any danger to our Republic. They seem to approve of the new line of thinking—if it was not reported, it did not happen.

I ask that two news reports by Howard Coffin of the Vermont Press Bureau, which were carried by the Rutland Herald of Rutland, Vt., be inserted in the Record at this point.

The article follows:

[From the Rutland (Vt.) Herald, Apr. 23, 1971]

WOODSTOCK AGENDA: U.S. GLOBAL ROLE

(By Howard Coffin)

Woodstock.—His Royal Highness Prince Bernhard of The Netherlands announced in Boston Thursday that the chances for change in the world-role of the United States may be discussed during a world affairs seminar beginning in Woodstock on Friday.

The prince, during a press conference at Logan Airport, announced that presidential advisor Henry Kissinger and former West German foreign affairs minister Gerhard Schroeder will be among those attending the conference.

Canada, the U.S., and 12 European nations will be unofficially represented at the conference.

Prince Bernhard said the Woodstock conference will be the 17th session of the "Bilderberg meetings" which have been sponsored once a year throughout the world by the prince since 1954.

The Bilderberg Meetings this year will be held at Laurance Rockefeller's Woodstock Inn in Woodstock.

Prince Bernhard made it most clear during his late afternoon press conference that the Woodstock meetings will be private in the strictest sense of the word.

The Woodstock Inn will be closed to the public until Monday.

No press coverage of the meetings will be sought to the extent that no information on the proceedings will be disclosed, even at the meeting's end. But some prominent newspaper and magazine figures will be at the sessions—as participants only.

The two prime topics of discussion for the Bilderberg Meetings this year, the prince said, will be the following:

"The possibility of a change of the American role in the world and its consequences.

"The contribution of business in dealing with current problems of social instability."

Attending the Woodstock conference will be citizens of Belgium, Canada, Denmark, Finland, France, West Germany, Italy, The Netherlands, Norway, Sweden, Switzerland, Turkey, Great Britain, and the U.S.

A total of 85 persons will be attending the conference "as individuals," the prince stressed, not as the representatives of any governments or private concerns.

Prominent among Americans attending the meeting in addition to Kissinger will be Undersecretary of State George Ball, former Army Secretary Cyrus Vance, banker David Rockefeller, brother of the Woodstock Inn's owner, publisher William Moyers, and Robert L. Anderson, president of the Atlantic Richfield Co.

Quebec Prime Minister Robert Bourassa and National Defense Minister Donald McDonald will represent Canada at the conference.

Baron Edmund DeRothschild and Schroeder will head a group of German dignitaries attending the meetings.

The guest list will be heavy with government officials and financiers.

One state official, West Virginia Secretary of State John D. Rockefeller IV, will be in attendance.

Security at the Woodstock Inn will be tight, with the Federal Bureau of Investigation directing those efforts. That is because of the presence of heads of state.

The three-day Woodstock session is the third Bilderberg Meeting to be held in the U.S.

The meetings were held at St. Simons Island, Ga., in 1957, and at Williamsburg, Va., in 1964. All, by coincidence, are owned by Rockefeller interests.

Prince Bernhard, as he has been since the first Bilderberg Meeting was held, will be chairman. He will preside over all formal sessions of the meetings, limiting all speakers to five minutes each, with a stopwatch. There will be ample time for private informal talks and casual get-togethers.

Prince Bernhard flew into chill, windy, overcast Logan Airport in Boston Harbor at 3:45 p.m. Thursday afternoon.

He arrived aboard his private jet, after a fishing trip to LaPaz, Lower California.

Prince Bernhard, in his late 50's, trim and graying, faced the press for 30 minutes in a Pan American Airways executive lounge.

The prince, clad in a brown suit and desert boots, spoke in near-perfect English. About 20 reporters were present in the lounge which commands a view of the windswept airport and Boston Harbor.

The prince briefly described the purpose of the meeting, read the guest list, and answered a few questions.

Then he boarded an Executive Airlines plane for the West Lebanon, N.H., airport.

He motored from West Lebanon to Woodstock, arriving at the Woodstock Inn in the early evening.

The prince explained Thursday that, in the early 1950's, a number of people on both sides of the Atlantic sought a means of bringing together leading citizens, in and out of government, for informal discussions of problems facing the Atlantic community.

Such meetings, it was felt, would create a better understanding of the forces and trends in Western nations. In particular, it was felt that direct exchanges could help clear up differences and misunderstandings that might weaken the West.

The first meeting brought Europeans and Americans together in May, 1954, and was held at the Bilderberg Hotel in Oosterbeek, Holland.

Ever since, they have been called the "Bilderberg Meetings."

The official languages of the meetings are English and French. Discussion is centered upon topics of current concern in the fields of foreign policy, world economy, and other contemporary issues.

Basic groundwork for the meetings is laid by means of working papers. General discussion follows.

In order to assure freedom of speech and opinion, the gatherings are private and off the record.

No resolutions are proposed, no votes taken, and no policy statements issued during or after the meetings.

The meetings will end about noon Sunday. A statement will be released at that time, but the statement will give no clue as to the position of any of the participants.

The Woodstock Inn will be open to the general public again Monday.

[From the Rutland (Vt.) Herald, Apr. 26, 1971]

VIP'S RUTLAND PROTEST TARGET—BILDERBERG CONFERENCE IN WOODSTOCK ENDS WITH JEERS, CURSES FROM PEACE GROUP

(By Howard Coffin)

Woodstock.—Western European and American VIP's and a future queen were cursed at, argued with, and jeered as the Bilderberg Meetings closed at the Woodstock Inn here Sunday.

About 50 demonstrators, mostly college-age, made their dislike for the Southeast Asian War and the wealthy highly obvious, as the high-level private meetings came to a close.

There was no violence.

Wealth, and its contributions to special unrest, and the American involvment in Indo-China were the prime topics for the meeting, according to a terse statement issued at the close of the session.

Participants at the meetings qualified as experts in both fields.

The demonstrators gathered at the inn at noon Sunday as the meetings' participants were departing.

They grouped around the inn's front door and generally bothered Rockefellers, Rothschilds and others who had attended the Bilderberg Meetings.

The mood of the demonstrators was hostile only at rare times. Except for the frequent shouting of obscenities, nothing that happened gave the legions of police in the Woodstock area cause for worry.

Each year, under the leadership of Prince Bernhard of the Netherlands, a three-day private meeting is held somewhere in the western world to discuss international problems.

The site chosen for the 1971 version of the Bilderberg Meetings was Laurance Rockefeller's Woodstock Inn.

The meetings were a masterpiece of privacy. Absolutely no press coverage was allowed.

At the close of the sessions Sunday a one-page statement was issued by directors of the meetings, the only public admission that any meetings were held.

Organizers of the meeting obviously wanted the participants to be left alone and thus they chose the little town of Woodstock. They got their wishes for privacy, until Sunday.

Just before noon a group of students bearing a wide variety of signs protesting war and capitalism marched up to the front steps of the Woodstock Inn.

They intended to let their feelings be known to the Bilderberg participants, and they succeeded.

The prime target of their efforts was President Nixon's foreign affairs adviser, Henry Kissinger, a participant in the conference.

However, Kissinger was spirited out the inn's back door with a heavy guard of security agents.

Only two protestors managed to see Kissinger's departure. One bellowed at Kissinger, "Your days are numbered."

The other yelled: "You're a pig."

Kissinger obviously heard the remarks, but he disappeared into a waiting car and didn't respond.

Kissinger was apparently the only conference participant to choose the back door.

The others made their way generally unhindered through the demonstrators. They were piped aboard waiting busses and cars with mouth harps, shouted slogans, songs and jeers.

Two of the earliest to leave were New York City banker David Rockefeller and his nephew, West Virginia Secretary of State John D. Rockefeller III.

"How do you explain your $70,000 raise, David, in times of economic crisis?" shouted demonstrators at the two Rockefellers just before they entered a waiting automobile.

David Rockefeller smiled briefly and then was whisked away in a Mercedes.

"You're terrible."

"Don't come back."

"Get out of Vermont."

Those words echoed after the Rockefellers' car as it motored out of the inn grounds.

The Mercedes sported a fresh dent in a rear door, put there by the foot of a demonstrator.

A sign in the crowd read: "The Rockefellers: David gets a $70,000 raise while (New York Gov.) Nelson (Rockefeller) cuts welfare."

Another demonstrator's sign read: "Kiss off Kissinger."

The following signs were also in evidence at the inn Sunday.

"Victory in Vietnam."

"End the War."

"Free Father Berrigan."

"White Europe Gets $, Yellow Asia gets napalm."

Vermont Public Safety Commissioner Edward Corcoran and several state and local policemen kept the demonstrators under close scrutiny.

In case they were needed, a sizeable share of the state police force was on standby at the Woodstock Union High School athletic field just outside of town.

The early departers Sunday, such as former Deputy Secretary of State George Ball, left in private cars.

A sturdy woman demonstrator looked an unperplexed Mr. Ball squarely in the eye and growled: "Your days are numbered."

There was a kick for Ball's car as he motored off.

With the private cars dispatched, a Vermont Transit bus pulled up before the inn to carry conference participants to the West Lebanon, N.H., airport.

A Viet Cong flag was promptly attached to the front of the vehicle.

A gray chilly afternoon became almost raw cold as the demonstrators waited nearly an hour before the mass exodus of conference participants began.

At one point publisher William Moyers, former aide to President Lyndon B. Johnson, appeared on the front steps of the inn.

He carried on a brief conversation with one demonstrator. The demonstrator accused Moyers of participating in a meeting of people who are responsible for continuation of the Vietnam War.

"That's not altogether true. You can't put a label on everyone here like that," Moyers responded.

Unlike Moyers, most of the meeting's participants refused to talk with the demonstrators.

One exception was Norwegian shipping magnate Leif Hoegh. Said Hoegh to one student: "You should know that half of the people at this meeting agree with you about the war. Half of us are Europeans."

The man most willing of all to talk with the demonstrators was Netherlands Minister of Foreign Affairs Joseph Luns.

Luns, tall, distinguished, aging, and looking not unlike the late Charles DeGaulle, talked for nearly an hour with the demonstrators.

Luns tried to explain to the young people that at times a nation may find it necessary to kill people in a war for the good of many more people.

The demonstrators didn't buy his reasoning, but they treated the foreign affairs minister with respect.

With most of the protestors gathered around Luns, a handsome, fortyish couple managed to slip down the inn's front stairs and into a waiting car .

The couple attracted only a few jeers, for no other reason than the fact that well-dressed people were generally jeered Sunday at Woodstock.

Few people realized until their car was well away from the inn that the lady was Princess Beatrix of The Netherlands, and her husband, Prince Klaus.

The princess will someday be queen of The Netherlands. That will occur when her mother, Queen Juliana, leaves the throne.

As her car slipped past the band of demonstrators still intent on debating Luns, the princess turned toward the crowd and arched an aristocratic eyebrow at the demonstrators.

Keeping official charge of the goings-on on the inn's front porch was Woodstock Police Chief Elio Paglia.

He talked good-naturedly with the demonstrators. They evidently respected him and partly due to Paglia's handling to his job, there were no incident of any seriousness.

Some of the loudest jeers and strongest obscenities were directed at a three-star American general, John W. Vogt, as he hustled down the inn steps.

Vogt is director of the Joints Chiefs of Staff.

"Two, four, six, eight, organize and smash the state," was a chant repeated often Sunday.

As each dignitary left the inn Sunday he was asked: "What are you doing to end the war?"

Most chose not to reply.

Kissinger chose to take his leave of the meeting about 1:30 p.m.

State police and other security men peopled the inn's rear entrance as the presidential adviser moved quickly into a waiting and inconspicuous blue sedan.

He seemed not to hear the shouts of the two demonstrators who discovered his getaway. He did not respond.

As former West German Foreign Affairs Minister Gerhard Schroder left the inn, someone offered him a button which bore the words "Kidnap Kissinger?" Schroder good naturedly refused the offer.

One individual the crowd looked for, but never did see, was the Bilderberg Meetings' founder and organizer, Prince Bernhard.

It was learned Sunday that Bernhard left the meetings Saturday to fly to the bedside of his critically ill mother in Europe.

As the chill afternoon wore on, the crowd of demonstrators dwindled.

The demonstration ended when the second busload of participants pulled away.

Lin Webster of Goddard College, an organizer of the demonstration, explained the demonstrators' purpose as follows:

"It is disgusting when such people come here to play at peace and really do nothing when they are people who have the power to end the war and racism in the world.

Commenting on the ill weather, Webster said: "It's too bad. The Lord usually gives demonstrations better days."

The 1971 version of the Bilderberg meetings was only officially announced on Thursday as Prince Bernhard arrived at Boston's Logan Airport.

Most of the meetings participants arrived Thursday night. A man who participated described the meetings as "hard work, almost constant meetings."

One break from the proceedings occurred Saturday night when David Rockefeller hosted a cocktail party for participants at the Woodstock home of his brother, Laurance Rockefeller, at the head of Elm Street.

Many of the meetings' guests walked the half-mile from the inn to the Rockefeller home and got a good look at one of the loveliest sections of Woodstock.

Saturday afternoon the meetings saw their first evidence of American discontent.

About 50 persons conducted a silent vigil, organized by Woodstock County School students, across the street from the inn to protest the Southeast Asia war.

The vigil's participants managed to see to it that each member of the Bilderberg meetings found a mimeographed note of war protest at his evening meal place setting.

Tightly guarded secrecy prevailed throughout the three days of the Bilderberg meetings. The meetings were the results of 10 months of planning.

And planning is about to begin on next year's sessions of the meetings.

At the close of the sessions Sunday the following statement was issued:

"About 100 people from the United States Canada, and Western Europe had a free and frank discussion on the two points on the agenda: The contribution of business in dealing with current problems of social instability, and the possibility of a change of the American role in the world and its consequences.

"The participants attended the meeting in their personal capacities, not as official representatives of their countries. In accordance with the Bilderberg tradition, no resolution was passed and no report on the discussion is being issued.

"The purpose of the Bilderberg Meetings is to promote understanding of the problems facing democracies on both sides of the Atlantic, and consequently the participants come from all walks of life, irrespective of their political leanings.

"The prince of the Netherlands (Prince Bernhard), who has presided over the Bilderberg Meetings since 1954, had to leave Woodstock Friday evening, as his mother was reported to be seriously ill."

That was all that was officially said.

While in Woodstock, Prince Bernhard occupied a suite of rooms overlooking the village green, the new Woodstock covered bridge, and Mt. Tom beyond.

RESULTS OF 17TH DISTRICT OPINION POLL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ASHBROOK. Mr. Speaker, each year that I have served in Congress I have conducted a poll of opinion in the 17th district. The response has always been very great and 1971 was no exception. More than 20,000 people participated and several thousand of them took the time to attach a letter to their poll and express additional views.

It is impossible to cover every subject on a questionnaire but over the years most subjects are covered in some general way.

This year one change was made. The same questionnaire was submitted to all of the high schools in our district and their responses were compiled separately. Some schools utilized the poll in their junior and senior government classes. Other schools submitted the questionnaire to the senior class exclusively. Heretofore, all replies had been compiled in one survey result. The 1971 compilation shows some very interesting differences of opinion on the part of our youthful constitutents most of whom will be voting for the first time next year.

First of all, I was amazed that every high school questionnaire had been answered in totality by most of the students. Few blank spaces were left on any questionnaire. An average of 5 to 10 percent did not answer most of the questions on the adult questionnaires.

Second, it is easy to see that the high school students seek more government answers to our problems than do their elders. Many questions elicited a relatively similar response but in those areas where the issue of broadened government services is presented, the high school students opted for the most part in favor of more government. This is best indicated in the questions on the national health insurance and the welfare plan.

The results are as follows:

1971 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT

[In percent]

	Yes	No	No opinion
1. Do you believe that balancing the Federal budget to curb inflation is more important than increasing Federal spending on domestic problems?	71.7	24.9	3.4
2. To combat inflation and strengthen the economy: (Check only 1)			
(a) The administration should urge labor and management to voluntarily hold the line on wages and prices. 49.4			
(b) The Government should put wage and price controls into effect 47.3			3.3
3. Would you favor the establishment of a new Federal jobs program in the public sector as a means of reducing the unemployment rate?	48.6	46.8	4.6
4. Which approach most closely parallels your thinking? (Check only 1)			
(a) The Federal Government should return taxing authority not tax money to the States by relinquishing all or part of its taxes in specific areas such as estate taxes, gift taxes, gasoline taxes, etc 50.1			
(b) The Federal Government should collect the taxes as it now does but return a portion of the tax revenue to the States in the form of revenue sharing with no strings attached 44.5			5.4
5. A national health program for all citizens: (Check only 1)			
(a) Should be established and operated solely by the Federal Government 25.4			
(b) Should be established by the Government but operated through private insurance and medical organizations 32.1			
(c) Should not be established 39.5			3.0
6. Which statement most closely parallels your thinking? (Check only 1)			
(a) I favor the President's proposal to reorganize the executive branch by reducing the present 12 Cabinet Departments to 8 47.2			
(b) I favor continuing Cabinet level departments that speak for various interest groups like Agriculture, Labor, Education 47.5			5.3
7. Do you think the "welfare mess" can be solved by the adoption of the administration's family assistance plan (FAP) which would provide guaranteed annual payments to those on welfare and also extend aid to the "working poor"?	16.7	79.4	3.9
8. To settle nationwide labor-management disputes, would you favor? (Check only 1)			
(a) Compulsory binding arbitration in lieu of right to strike 40.2			
(b) Compulsory binding arbitration only for industries affecting the public interest such as railroads and public utilities 24.8			
(c) Continuing to permit strikes in all industries after reasonable cooling-off period and negotiation 29.1			5.9
9. Do you believe the busing of school children to obtain racial balance should be: (Check only 1)			
(a) Required by the Federal Government 4.6			
(b) Determined by State and local governments 13.4			
(c) Eliminated entirely 78.8			3.2
10. Should the Federal Government be permitted to use wiretapping and electronic surveillance to fight organized crime?	88.5	8.6	2.9
11. Do you favor keeping a person charged with a serious crime in preventive detention while awaiting trial if the judge decides that his release would pose a danger to the community?	93.7	4.2	2.1
12. Pollution control, to be effective, may require considerable sacrifice and great expense. Below are several suggestions which have been made. Please indicate whether you favor or oppose these proposals.			
(a) To check the rising tide of discarded junk cars (there were 23,000 in Philadelphia alone last year) a $100 deposit should be placed on all cars at time of purchase, to be returned when sold or legally disposed of	39.4	49.6	11.2
(b) To prevent air pollution, unleaded gas should be required for automobiles even if it adds several cents per gallon more to the cost	54.2	33.8	12.0
(c) For beverages, all throwaway cans and nonreturnable bottles should be outlawed and deposits on returnable bottles substantially increased to insure their return	79.2	16.2	4.6
13. Should the development of the supersonic transport (SST): (Check only 1)			
(a) Be subsidized by the Federal Government 13.9			
(b) Be subsidized through cooperative effort of private industry 58.8			
(c) Be left to development by other nations 17.6			9.7
14. Do you believe the administration is being candid in letting the American people know its intentions and the extent of our involvement in the war in Indochina?	44.3	48.8	6.9
15. Do you believe we should maintain a military strength: (Check only 1)			
(a) At least equal to the Soviet Union? 52.9			
(b) Superior to the Soviet Union? 41.1			6.0
16. Do you believe the Soviet Union: (Check only 1)			
(a) Will help maintain world peace? 15.4			
(b) Continues to have plans of world domination? 78.8			5.8
17. Would you favor sharply reducing the number of our military personnel stationed in Europe, which now totals 300,000?	59.5	34.9	5.6
18. Do you believe President Nixon's record after 2 years in office is, in general, faithful to his campaign promises?	51.5	40.0	8.5

1971 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT (HIGH SCHOOL)

	Yes	No	No opinion
1. Do you believe that balancing the Federal budget to curb inflation is more important than increasing Federal spending on domestic problems?	72.3	27.7	---------
2. To combat inflation and strengthen the economy: (Check only 1)			
(a) The administration should urge labor and management to voluntarily hold the line on wages and prices 42.7			
(b) The Government should put wage and price controls into effect 57.3			
3. Would you favor establishment of a new Federal jobs program in the public sector as a means of reducing the unemployment rate?	85.3	14.3	.3
4. Which approach more closely parallels your thinking? (Check only 1)			
(a) The Federal Government should return taxing authority not tax money to the States by relinquishing all or part of its taxes in specific areas such as estate taxes, gift taxes, gasoline taxes, etc 32.7			
(b) The Federal Government should collect the taxes as it now does but return a portion of the tax revenue to the States in the form of revenue sharing with no strings attached 63.7			
5. A national health program for all citizens: (Check only 1.)			
(a) Should be established and operated solely by the Federal Government 43.7			
(b) Should be established by the Government but operated through private insurance and medical organizations 35.7			
(c) Should not be established 20.3			0.3
6. Which statement more closely parallels your thinking? (Check only 1.)			
(a) I favor the President's proposal to reorganize the executive branch by reducing the present 12 Cabinet departments to 8 33.3			
(b) I favor continuing Cabinet-level departments that speak for various interest groups like Agriculture, Labor, Education 66.7			
7. Do you think the "welfare mess" can be solved by the adoption of the administration's family assistance plan (FAP) which would provide guaranteed annual payments to those on welfare and also extend aid to the "working poor"?	53.0	47.0	---------

1971 PUBLIC OPINION POLL OF 17TH OHIO DISTRICT (HIGH SCHOOL)—Continued

	Yes	No	No opinion
8. To settle nationwide labor-management disputes, would you favor? (Check only 1)			
(a) Compulsory binding arbitration in lieu of right to strike	27.0		
(b) Compulsory binding arbitration only for industries affecting the public interest such as railroads and public utilities	40.3		
(c) Continuity to permit strikes in all industries after reasonable cooling-off period and negotiation	32.3		0.3
9. Do you believe the busing of school children to obtain racial balance should be: (Check only 1)			
(a) Required by the Federal Government	10.3		
(b) Determined by State and local governments	41.0		
(c) Eliminated entirely	48.3		.3
10. Should the Federal Government be permitted to use wiretapping and electronic surveillance to fight organized crime?	75.0	25.0	
11. Do you favor keeping a person charged with a serious crime in preventive detention while awaiting trial if the judge decides that his release would pose a danger to the community?	82.0	18.0	
12. Pollution control, to be effective, may require considerable sacrifice and great expense. Below are several suggestions which have been made. Please indicate whether you favor or oppose these proposals.			
(a) To check the rising tide of discarded junk cars (there were 23,000 in Philadelphia alone last year) a $100 deposit should be placed on all cars at time of purchase, to be returned when sold or legally disposed of	58.7	41.3	
(b) To prevent air pollution, unleaded gas should be required for automobiles even if it adds several cents per gallon more to the cost	66.7	33.3	
(c) For beverages, all throwaway cans and nonreturnable bottles should be outlawed and deposits on returnable bottles substantially increased to insure their return	78.0	21.7	0.7
13. Should the development of the supersonic transport (SST): (Check only 1)			
(a) Be subsidized by the Federal Government	26.3		
(b) Be subsidized through cooperative effort of private industry	59.3		
(c) Be left to development by other nations	14.3		
14. Do you believe the administration is being candid in letting the American people know its intentions and the extent of our involvement in the war in Indochina?	40.3	59.7	
15. Do you believe we should maintain a military strength? (Check only 1.)			
(a) At least equal to the Soviet Union	53.3		
(b) Superior to the Soviet Union	44.0		2.7
16. Do you believe the Soviet Union? (Check only 1.)			
(a) Will help maintain world peace	36.0		
(b) Continues to have plans of world domination	61.7		2.3
17. Would you favor sharply reducing the number of our military personnel stationed in Europe, which now totals 300,000?	62.3	37.7	
18. Do you believe President Nixon's record after 2 years in office is, in general, faithful to his campaign promises?	43.7	49.7	6.7

SOUTH VIETNAMESE OFFSHORE OIL

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ABOUREZK. Mr. Speaker, I am today renewing the request I originally made on March 16 of this year for a full congressional investigation into the matter of offshore Vietnamese oil leases.

My action today is prompted by a number of factors which have come to light since the date of my original statement. Among these are the following:

First. Several additional American oil companies have responded to my letter of March 2, 1971, regarding their interests in potential offshore Vietnamese oil leases. Although these responses are generally noncommital, they do raise to six the number of companies indicating that they either participated in or purchased the results of the seismic survey conducted off the coast of South Vietnam in 1969 by the Ray Geophysical Division of Mandrel Industries, Inc. of Houston, Tex. These six are Continental Oil Co.—Conoco—Getty Oil Co., Marathon Oil Co., Union Oil Co., Phillips Petroleum Co., and Standard Oil of New Jersey—Esso. The results of this survey have never been made public but the indications we have suggest that they were favorable.

I am including the full text of these recent letters at the end of this statement.

Second. The April 1, 1971, issue of the Journal of Commerce contained a story entitled, "Seismic Surveys Said To Indicate Rich Oil Deposits Off South Vietnam." In this article, an oil industry source states that "32 companies in all have bid on the concessions and the Saigon government has promised to award bids before June 15." The spokesman's usage of the past tense here is much more than just an interesting grammatical note—in fact it may indicate that an occurrence of major significance has taken place and that a number of American oil companies have already bid on the South Vietnamese leases. This possibility should be investigated at once.

Again, I am appending the full text of this article.

Third. A recent letter from a State Department spokesman to the Senate Foreign Relations Committee indicates that the U.S. Government, contrary to prior reports, did, in fact, assist in the gathering of preliminary seismic data off the coast of South Vietnam during the period from 1966 to 1969. Working in conjunction with a United Nations-sponsored investigatory team, the U.S. Naval Oceonographic Office provided a ship and technical assistance for the U.N. committee.

The complete text of the State Department disclosure, first inserted in the CONGRESSIONAL RECORD by Senator AIKEN on April 15, is attached.

Fourth. The Peace Education Division of the American Friends Service Committee has prepared an excellent press digest and chronology on the matter of offshore Vietnamese oil. The Friends have performed a welcome service by bringing together all of the disparate press items on this topic into one useful volume.

I am pleased to have it included at the end of this statement.

Mr. Speaker, in conclusion I would like to stress again the urgency I attach to the need for an immediate investigation by the House Foreign Affairs Committee into the possibility of massive American investments in South Vietnamese offshore oil. For over 2 months I have waited for a reply from President Thieu of South Vietnam regarding his position on this matter. To date I have not even received an acknowledgement of my letter. The oil companies have responded, but their responses are vague and lacking in detail.

The morning we wake up and read in our newspapers about the agreements reached between the Saigon government and several American companies for offshore oil concessions it will be too late. We need factual information on this terribly important matter now, and a congressional investigation is the only way to get that necessary information.

Material mentioned above follows:

CONTINENTAL OIL CO.,
New York, N.Y., March 25, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABOUREZK: In connection with your letter of March 2, 1971, inquiring about oil exploration off the coast of South Viet Nam, Continental Oil Company has no operations in the area or in South Viet Nam.

In line with our normal procedure for evaluating unexplored areas, Continental has purchased the results of a group geophysical survey of the area conducted by the Ray Geophysical Division of Mandrel Industries, Inc. At this point, we are evaluating these preliminary findings and do not know what we will do if leases in the area should be offered for bid.

I hope this answers your question, and if you have any further questions, please call upon us.

Sincerely,

JOHN G. MCLEAN.

GETTY OIL CO.,
Los Angeles, Calif., March 16, 1971.

Hon. JAMES ABOUREZK,
House of Representatives,
Washington, D.C.

DEAR MR. ABOUREZK: Your recent letter to Mr. J. Paul Getty concerning any involvement of this company in Southeast Asia has been directed to me for reply. I am enclosing, for your information, copies of two quarterly reports to stockholders of Getty Oil Company which relate activities in Indonesia.

As a resource company involved in finding and producing petroleum and other minerals to meet the constantly growing worldwide demands for energy, Getty Oil Company very carefully considers prospective exploration regions on a continuing basis. The company's principal activities in this regard are concentrated on the North American continent. The worldwide exploratory activities, as those in North America, are prudently evaluated in terms of the risk involved in petroleum discovery and economic considerations. As you know, prospective new petroleum provinces are dwindling and competition between nations and companies in the search for these vital energy sources is intense.

As it has with regard to other areas of the world, Getty Oil has obtained offshore South Vietnam seismic data, purchased from an independent geophysical contractor, and our geologists have undertaken a study of this material. While reviewing this data, which has also been purchased by several other international companies, Getty Oil also has been considering the possibility of registering a subsidiary company with the government of South Vietnam. At this point Getty Oil Company is studying available data to determine whether or not the offshore South Vietnam seismic data supports the probability of a geological formation conducive to the accumulation of petroleum.

Consequently, there has been no decision by Getty Oil at the present time to enter a bid should the government of South Vietnam decide to hold a lease sale.

I trust this information will be helpful to you in your survey. Thank you for writing to Getty Oil Company.

Sincerely,

J. P. McCabe.

Marathon Oil Co.,
Findley, Ohio, March 19, 1971.

Hon. James Abourezk,
House of Representatives,
Washington, D.C.

Dear Mr. Abourezk: In response to your letter of March 2nd to Mr. J. C. Donnell II, I am pleased to inform you of Marathon's limited exploration, interest, and activities in Southeast Asia.

Late in 1968 we acquired a one-third interest in exploration rights of four blocks offshore Thailand located in the Gulf of Thailand. Since then our activities have been limited to some seismic and geological studies on these blocks to determine their prospectiveness with regards to finding petroleum. No actual drilling has taken place and none is planned at this time. We have generally kept abreast of the literature pertaining to offshore areas of Southeast Asia and have obtained publications containing geological and geophysical data from United Nations agencies.

We have purchased some data obtained in a reconnaissance aeromagnetic survey which included some of the waters claimed by the Government of South Viet Nam. At this time we have no plans for acquiring interests in the waters of South Viet Nam.

Late in 1969 we submitted a competitive bid on one tract located in the East Java Sea but were unsuccessful. Accordingly, we hold no rights in that area.

We hope the foregoing information is helpful.

Sincerely yours,

N. G. Dumbros.

Union Oil Co. of California,
Los Angeles, Calif., March 15, 1971.

Hon. James Abourezk,
House of Representatives,
Washington, D.C.

My Dear Mr. Abourezk: The Union Oil Company has long been interested in the economic development of countries bordering the Pacific Basin. This interest is a natural outgrowth of the fact that we are located on the West Coast and have participated in trade and commerce with the Pacific Basin countries since the early 1900's.

While we have not singled out any particular country or area we have followed developments relevant to our area of activity over the years in this broad area, and through subsidiaries hold interest in several countries.

With respect to South Vietnam, we have acquired some general exploration information by purchase. In the event the government of South Vietnam should offer offshore oil leases we have not determined what our course of action and interest might be.

Sincerely,

Fred L. Hartley.

Standard Oil Co. of California,
San Francisco, Calif., March 29, 1971.

Hon. James Abourezk,
House of Representatives,
Washington, D.C.

My dear Mr. Abourezk: This will respond to your recent letter inquiring about our company's activities in Southeast Asia.

Through an affiliate, we have been engaged in exploration in Southeast Asia for more than 30 years. Our activities have included countries such as Indonesia, the Philippines, Malaysia, Australia and Thailand, as well as a number of other areas in that broad region.

In addition, through an affiliate we are a major producer in Indonesia and a major refiner and marketer or petroleum products in a number of countries of Southeast Asia and the Far East.

Inasmuch as we are engaged in major operations in this part of the world, and since indigenous energy resources are vital to continued economic growth in Asia and the Far East, we plan to continue actively our exploration efforts in the Southeast Asia region; however, we have not offered to bid on South Vietnam offshore properties.

Please let me know if we can be of any further assistance to you in this matter.

Sincerely,

H. J. Haynes.

[From the Journal of Commerce Apr. 1, 1971]

Seismic Surveys Said To Indicate Rich Oil Deposits Off South Vietnam

Singapore, March 31.—An oil industry source who has seen private seismic surveys of the ocean floor off South Vietnam believes the region may contain the richest petroleum deposits in Southeast Asia.

The source, who asked to remain unidentified, said American concerns are seeking concessions in 18 offshore areas where studies show "very promising results."

He said 32 companies in all have bid on the concessions and the Saigon Government has promised to award bids before June 15.

25 PC OF RESERVES

At stake, the source said, is access to perhaps 25 per cent of the total offshore oil reserves of Southeast Asia.

He said on the basis of seismic surveys of the South China Sea off Vietnam which he has personally studied, "it may be the best area out here."

The source, a petroleum geologist with nearly 20 years experience in Southeast Asia, said the seabeds off South Vietnam. "Figure the same geologically there at the mouth of Mekong as the area off Louisiana at the mouth of the Mississippi"—a large oil producer.

Now the oil potential off Vietnam has become an issue in the United States, the source said. "You wont find anyone here willing to talk about it and be identified. It's become a real hot potato."

Singapore is the base of offshore oil operations, mostly American, in the seas around Indonesia, Borneo and the Malayan Peninsula.

The source said seismic surveys financed by 10 American oil companies were conducted in the seas off Vietnam two years ago. It is these surveys, he said, which he has seen.

UNDERWAY AT ONCE

After the South Vietnamese Government awards the concessions for the offshore oil rights, the source said, it is estimated that work will get underway at once, unhindered by the war.

Seagoing drilling rigs would operate as much as 40 miles from shore. If they strike oil they could store it in floating tanks at sea from which it would be piped into the holds of tankers for shipment abroad.

The most likely base of operations, the source said, is Vung Tau, a city at the mouth of the Mekong River and about 40 miles southeast of Saigon.

Letter From State Department to Senate Foreign Affairs Committee

Department of State,
Washington, D.C., April 7, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As Mr. Prentice indicated by telephone to Messrs. Jones and Dockery of the Committee's staff on April 1, we have discovered some additional information that indicates the United States Government did provide some indirect assistance, through a United Nations body, to scientific research on underseas mineral resources on the East Asian continental shelf including the area off the shores of Viet-Nam. This information was not known to us at the time of my letters to you of February 10 and 27 and has come to our attention only as a result of our continuing inquiries into the matter.

The Agency for International Development, at the request of the United Nations' Economic Commission for Asia and the Far East (ECAFE), has provided since November 1966 the occasional services of Dr. K. O. Emery from the Woods Hole Oceanographic Institute to serve on a six-member international Technical Advisory Group to ECAFE's Committee for Co-Ordination of Joint Prospecting areas (CCOP). A memorandum describing the work of the CCOP is attached. (Enclosure 1)

Dr. Emery, in his capacity as a member of the Technical Advisory Group, arranged for the U.S. Navy to permit a team of scientists to board Navy aircraft already engaged in magnetic anomaly research (Project Magnet) and a contract civilian research vessel (the R/V HUNT) engaged in hydrographis research. The Navy craft were not searching for underseas mineral deposits, but the visiting scientists were permitted to do so as long as their research did not interfere with the research missions of the craft involved. These missions were conducted widely in East Asian waters, including the continental shelf off Viet-Nam. A memorandum describing the Navy's role in this research is attached. (Enclosure 2)

The results of the CCOP research have either already been published or are soon to be published by ECAFE for public use.

If I can be of any further assistance to you in this matter please call on me.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Summary of CCOP Project

In 1966 the United Nations Economic Commission for Asia and the Far East (ECAFE) set up a committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP). The initial members of the committee were Japan, Korea, Taiwan, and the Philippines. (Cambodia, Indonesia, Malaysia, Thailand and Viet-Nam have subsequently joined.) One of the first acts of the committee was to invite the participation of representatives of Germany, France, U.K. and the United States as members of a technical advisory group. As a U.S. contribution information obtained through geomagnetic surveys made by the Naval Oceanographic Office's Project MAGNET was made available to CCOP on a continuing basis. (Under Project MAGNET two planes were employed by the Navy to collect data for use in air navigation and anti-submarine warfare based upon changes in isomagnetic lines. The same information also has some preliminary applicability in oil exploration in that data collected can be used to make some judgment on the advisibility of moving on to the further step of seismic exploration.) Under Project MAGNET information was collected on the East China and Yellow Seas, as well as the South China Sea and the

Mekong Delta. These data were turned over to West Germany, which had agreed to make geological interpretations of the information as its contribution to CCOP.

After review of these geomagnetic surveys and previous studies carried out by independent geologists in earlier years the CCOP decided that seismic operations were needed to provide more definitive data. After exploring various possibilities, it was decided that the best means was acceptance of an offer for joint participation of CCOP personnel in a study planned by the Pacific Support Group of the U.S. Naval Oceanographic Office to collect data on ocean sea bottoms using shipboard reflection seismic and geomagnetic methods. The ship was the *F. V. HUNT*, operated by the Marine Acoustical Services Co. of Miami, Florida, under contract to the Navy's Military Sea Transportation Service and directed by the U.S. Naval Oceanographic Office. As in Project MAGNET, operations by the *HUNT* were carried out in the East China and Yellow Seas, as well as in the South China Sea and the Gulf of Siam. At all times scientists of CCOP countries were aboard the *HUNT*. Information collected has been published in technical bulletins of CCOP and has been made available to reference libraries in academic and governmental organizations throughout the world. Copies have also been provided, on request, to private industry.

In addition to the projects mentioned above, seismic refraction and sparker surveys were made in the southwestern offshore areas of Viet-Nam in November-December 1968. Equipment and technical personnel for this CCOP project were provided by the UK. Counterpart personnel, ships, and equipment were provided by the Government of Viet-Nam.

THE NAVY'S ROLE

The civilian oceanographic research vessel R/V HUNT is owned by a private company and chartered to the Navy Oceanographic Office. It has a civilian crew and embarks civilian scientific personnel for the conduct of a variety of oceanographic research projects routinely pursued by the Navy, Aircraft surveys using specially equipped Navy "PROJECT MAGNET" aircraft are frequently used to conduct a preliminary survey in advance of the work on board ship. When there is scientific space available on board during a scheduled research voyage, the Navy in the past has permitted international scientists to board the HUNT and collect data for their projects on a "not-to-interfere" basis with the HUNT's scheduled Navy work. Unclassified portions of the aircraft survey work deemed compatible with the projects of these international scientists have been made available to them.

In mid-1969 the Navy honored such a request from a team of international scientists working under the United Nations Economic Commission for Asia and the Far East (ECAFE). Four scientists from ECAFE's Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Off-Shore Areas (CCOP—established in 1966) were permitted to ride the HUNT during a research voyage in the off-shore areas of the Republic of Viet-Nam, Thailand, Malaysia, the Philippines and the Borneo coast. Aerial survey work for this particular voyage was deemed noncompatible with CCOP projects, and no aerial data was furnished.

During the voyage, the international scientists collected a variety of data, part of which may be used in oil exploration. This data is unclassified and is expected to be published by CCOP in May of 1971 for open international use. A copy of the data was furnished to the U.S. Navy Oceanographic Office which passed it to the Department of Commerce. It has been available at the National Oceanographic Data Center, an agency of the National Oceanographic and Atmospheric Administration, for use by interested parties.

The Navy conducts scientific voyages, such as that of R/V HUNT, to collect data for support of research and development of Navy equipment and does not make this information available for public release. The Navy does not conduct underwater surveys with the objective of oil exploration. During the 1969 voyage, the Navy provided only facilities for the CCOP scientists and exercised no influence over the type of analysis they conducted after their data had been collected. Whatever information is gathered by CCOP scientists embarked on the HUNT concerning mineral and petroleum resources is purely a "spin-off" from the principal effort of that ship's voyage and is collected on a "not-to-interfer" basis.

VIETNAM AND OIL: A PRESS DIGEST AND CHRONOLOGY

INTRODUCTION

Public attention has been called, nationally and internationally in recent weeks to the possible relationship between the Vietnam war and U.S. policies relating to it, on the one hand, and, on the other, the possibility of discovering oil in South Vietnam's off-shore areas and the granting of oil exploration leases to foreign, including American, companies. To our knowldege, these developments have come about since the military commitment became massive, but rightly or wrongly, "the smell of oil" in international relations is always a provocative and troubling factor.

The American Friends Service Committee believes that a controversial question needs facing realistically and factually, so that relevant perceptions and actions may be based on a solid foundation and not on either scare propaganda or protective deception.

To that end, AFSC herewith initiates an occasionally-issued digest of facts and observations from public sources, as a contribution to the realistic understanding of the oil issue that has emerged in relation to the war in Vietnam.

The question of oil and the Vietnamese war is both tragically simple and shrouded in obscurity and complexity. Coloring everything that occurs in Indochina is the central fact of the war, and no one in Washington, Saigon, or a corporate office can make a decision outside this all-defining context. But, at the same time, many specific elements in the story are unknown by virtue of the anonymity of some of the actors or their desire to act without publicity. Many have made inconsistent statements; innocent factual errors have appeared in responsible oil journals; the precise importance of certain elements of the larger picture is still not wholly clear.

Nevertheless, a very great deal of reliable information about oil and Vietnam is now available. We make no pretense to have the full details, nor to understand all the motives of every actor in the intricate matter. We believe that Congress may need an official inquiry in order to disclose much important information.

What follows is taken entirely from the public record. Anyone who closely studies the existing information will understand that there are three main forces to consider when assessing the relationship of oil to Vietnam. First, an Administration in Washington seeking to retain a pro-American regime, to avoid a negotiated peace settlement which could reflect the desires of the vast majority of the Vietnamese people for peace, neutrality, and self-determination, and, many think, to achieve a "Korean solution" to the war that would leave a government in Saigon friendly to the U.S. Essential to this end is not merely the military but the economic survival of a dependent Saigon government that has neither an independent agrarian nor urban economy with which to continue, even should the U.S. ever attain its elusive military goals.

The second element is a Saigon regime with an ever-narrowing base of support, wracked by corruption and economic crisis, and aware that its existing urban sector, with its "service" orientation toward the need of U.S. manpower can most certainly collapse even with the partial U.S. troop withdrawals that have already begun to take place. Reliable data concerning the objective situation and motives of both Washington and Saigon are a matter of public record.

The third element in the picture is the role of the major U.S. international oil firms. Here much less is known, save that it is certain that the introduction of any large body of oil—anywhere—is always a potentially destabilizing factor in a tightly organized world oil industry and market. Moreover, access to low sulfur reserves, especially should the Third World oil nations continue their present independent course, would be a potential option for the international firms at some future time. For some, as well, new oil repreesnts potential new profits. But there are many oil companies, and they differ as well as have common interests. Should two or three of the large firms (especially one as large as Standard of Jersey (Esso)) decide on a policy of major investments in Vietnam oil, what the rest do is of little practical consequence. The actions and intentions of the oil industry are the most difficult to fathom from public sources, but in areas such as the Middle East they have undoubtedly been one of the most important determinations of U.S. policy.

In the following chronology each item is headed by a main topic, with the basic point given in the first paragraph. The second paragraph contains additional details and documentation for those who desire fuller data:

November-December 1968: Oil exploration. Under auspices of the UN Economic Commission for Asia and the Far East (ECAFE), the U.S. Navy ship Hunt takes geophysical survey and results in "highly successful" seismic refraction and other surveys off the southwest Vietnam coast.

UN ECAFE, *Report of the Sixth Session of the Committee for Co-Ordination of Joint Prospecting . . .*, June 26, 1969 (E/CN.11/L. 239), p. 8, 66–70.

April 1969: Oil exploration. ". . . 4,000-mile seismic reconnaissance survey on the Continental Shelf off the eastern and southern South Vietnamese coast . . . data obtained will be sold to an unidentified group of U.S. and foreign oil companies."

Mandrel Industries, Houston, performs this research. *Oil and Gas Journal*, April 28, 1969, p. 56.

April 1969: Oil exploration. "Several U.S. petroleum firms are already spending millions in offshore oil exploration along Vietnam's coast . . . Experts rate Vietnam's offshore deposits to be as potentially lucrative as those in the Gulf of Mexico and Indonesia."

The Asia Letter (a businessmen's service), April 29, 1969.

November 1969: Washington. Ambassador Leonard Unger mentions to Senate Committee on Foreign Relations "one very, very large development that may take place" in Thailand and all Southeast Asia. Exploration, with "pretty good hope of finding something there," currently taking place.

U.S. Senate, Committee on Foreign Relations, *Hearings: United States Security Agreements . . .: Kingdom of Thailand.* 91:1 (GPO, 1970), p. 742.

November 1969: Vietnamization. Secretary of Defense Laird informs Committee on Foreign Relations of Washington's deep concern over the economic aspects of "Vietnamization."

"Then you say: 'The economy of South Vietnam is one of the areas which needed to be strengthened.'

"Secretary LAIRD. Senator Symington, this is one of the very difficult problems that we face and one that has not been solved. The

Council of Economic Advisers sent a group out there within the last few months. We also have another group going out there within the next few weeks. And I wish that I could report to you that this problem did not exist, but it does.

"Senator Symington. I knew you would be frank and wanted to bring it out because it is obviously one of the worries we have to face in any plan for Vietnamization.

"Secretary Laird. It is."

U.S. Senate, Committee on Foreign Relations, *Hearings: Briefing on Vietnam.* 91:1 (GPO, 1969), p. 117.

Economic aid to RVN in fiscal 1970 $614 million as opposed to peak of $745 million in 1966. *Ibid.*, p. 118.

December 1969: Oil estimates. Industry estimates for all Southeast Asia become more and more optimistic: " . . . beginning of a boom."

Ocean Industry, December 1969, p. 63.

Spring 1970: Oil estimates. Industry evaluations continue to grow more sanguine and are more widely discussed in business community.

ECAFE and company studies are the basis of assessments, with South Vietnam being mentioned as "equally prospective." *Oil and Gas Journal,* April 27, 1970, p. 123; also *Fortune,* March 1970, pp. 45–46; and *Wall Street Journal,* September 22, 1970, p. 34.

David Rockefeller of Chase Manhattan Bank estimates $35 billion will be invested in Asia and western Pacific over next 12 years, mainly Southeast Asia. *Pacific Basin Reports,* May 1970.

Mid-1970: Oil exploration Mandrel Industries completes "two major contract surveys . . . off the coast of the Republic of Vietnam" for undisclosed sponsors. Later in the year "a group of major oil companies" has it resume offshore Vietnam survey.

Ampex Corp. 1970 Annual Report: *Third Quarter Report, Ampex Corp.*

May 1970: Oil estimates. ECAFE issues reports that feed optimism on East Asia offshore oil promise.

UN Press Release ECAFE/671, May 7, 1970; UN Press Release ECAFE/674, May 22, 1970.

June 1970: Oil estimates. Future of Vietnam oil linked by major industry journal to the political-military outcome of the war.

"The projected work pace for all of Asian Pacific could turn out to be woefully conservative, depending on how long it takes to settle the war against the communists in Vietnam. If and when the U.S. wins its objectives there, oil exploration conceivably could be successful enough to turn that part of the world into another South Louisiana-Texas-type producing area. This would be one of the biggest booms in the industry's history. It all depends on the Vietnam war, how long it takes to get the job done and how well the job is done." *Petroleum Engineer,* June 1970, p. 51.

August 1970: Saigon & Vietnamization. "If the economic situation continues to deteriorate it could seriously undermine both the Vietnamization program and the political stability of the Thieu regime, say worried U.S. and Vietnamese officials."

Wall Street Journal, August 24, 1970.

Summer-Fall 1970: Saigon & Vietnamization. Vietnamese inflation worst in world of 50 countries ranked, 1969–70. The previous year it ranked third. "The economy is Thieu's Achilles' heel." State Department official admits.

Business Week, October 24, 1970; also First National City Bank *Monthly Economic Letter,* September 1970, p. 103.

"Early last year, my colleagues and I were convinced these [economic] problems were becoming more serious than the military threat and if left unsolved might undo everything that had been achieved." Ellsworth Bunker, January 21, 1971 speech in *Department of State Bulletin,* February 15, 1971, p. 209. See also *New York Times,* December 27, 1970.

September 1970: Saigon leases. Saigon soon expected to parcel our 18 offshore regions for oil exploration, mainly to Americans.

Wall Street Journal, September 22, 1970.

October 1970: Saigon. Semi-official agency, with help of U.S. AID (Agency for International Development) issues a book appealing for foreign investment.

Authored by an American law firm with branches in Thailand, Indonesia, and the Dominican Republic, some of whose members were recently U.S. officials, *Doing Business in Viet Nam* (Vietnam Council on Foreign Relations) is subsequently distributed free by Saigon Embassy in Washington. *The Asia Letter,* October 27, 1970, p. 4.

November 1970: Oil exploration. Esso drilling in its Malaysian concession bordering Vietnamese offshore region results in "significant discovery." Supplements seismic exploration with vital drilling information.

"Most observers agree that these discoveries will focus lots of interest on the South Vietnam offshore tracts when they come up in the near future." Esso had four or five drillings with which to estimate promise of region. One well flows at 3000 barrels a day. *Petroleum Engineer,* November 1970, pp. 46–47.

December 1, 1970: Saigon. Promulgation of petroleum law, 011/70, modelled after Thai law written with assistance of Walter Levy, oil industry's leading consultant.

New York Times, April 2, 1971.

Terms of law very generous to foreign investors by world standards, "competitive enough to attract the much needed capital and know-how of foreign investors." *Vietnam Economic Report* (Saigon), January 1971, p. 2 [also Embassy of Vietnam, Washington, *Viet-Nam Bulletin,* January 25, 1971, p. 2].

December 20, 1970: Saigon leases. Saigon will offer leases on its offshore shelves, and oil firms are expressing interest. Meetings between oil firms and government will begin next February.

New York Times, December 21, 1970.

January 1971: Oil estimates & Saigon leases. "Green Light for Oil Men." "Somewhere in the continental shelf off the South Vietnamese shore lies hidden one of the most spectacular petroleum deposits in the world."

Vietnam Economic Report, January 1971, p. 1. Of all sources, Saigon generates the most optimistic, enticing estimates.

January 8, 1971: General. *Le Monde* scoops the issue of oil in its larger political, diplomatic context.

Leading Southeast Asia authority, Jacques Decornoy, asks what assurances Washington has given oil firms.

January 8, 1971: General. Cambodian Government of Prince Sihanouk issues detailed statement on Indochinese offshore oil.

Peking Review, January 22, 1971, pp. 16–17.

January 18, 1971: General. Another Mother for Peace raises the question of whether oil leases are related to slow American troop withdrawal from South Vietnam and launches national campaign for Public Hearings before Senate Foreign Relations Committee.

Associated Press Wire Story, January 18, 1971.

January 21, 1971: Washington & Vietnamization. Ambassador Bunker outlines gravity of economic aspects of U.S. partial withdrawals, outlining need to attract American creates an economic climate foreign investments.

"Therefore, an effective strategy must be designed to further participation in foreign trade and to attract private investment from abroad. All of you here today can help to forge and further this strategy. I think you may also serve your own economic best interest, as well as America's and Viet-Nam's, by convincing other American companies of the merits of doing business here. The recent petroleum law and the new investment law now before the upper House indicate the Government's desire to create a flexible long-term investment policy which will serve Viet-Nam's interests while at the same time it creates an economic climate foreign investors will find attractive. . . . Everything I have been discussing until now may be put under the heading of Vietnamization." Speech to American Chamber of Commerce in Saigon, *Department of State Bulletin,* February 15, 1971, pp. 209–10.

Late January 1971: Saigon leases. 22 oil companies, mainly American, express interest in offshore concessions. Saigon hopes to have bidding procedures ready by late February or March.

Oil and Gas Journal, January 25, 1971, p. 3; *Los Angeles Times,* February 1, 1971. From this point onward, inconsistent reports on the time for opening bids become more frequent.

January 1971: Vietnamization. Asian Development Bank report, with American direction, outlines need to bring massive private investment into Vietnam to prevent the collapse of Saigon economy during phase of partial American troop withdrawal.

Loss of U.S. direct spending could create serious crisis in economy. Report predicates a "Korean solution" to the war, a military victory for Saigon, and at least 25,000 U.S. troops stationed in Vietnam after 1975. *Le Monde,* February 9, 1971.

February 7, 1971: General. Soviet officials point to large role oil discoveries have played in U.S. policy in Indochina since early 1970.

Agence France-Presse February 7, 1971 dispatch from Moscow; *Pravda,* February 23, 1971.

February 11, 1971: Washington and Vietnamization. Administration to send David Kennedy, former Treasury Secretary, to Saigon to discuss "ways to combat inflation and keep the economy on an even keel as American troops continue to withdraw."

New York Times, February 12, 1971. George Shultz had at the end of 1970 already been to Far East to work on same problem. *Business Week,* March 20, 1971, pp. 72–73.

February 10–27, 1971: Washington. State Department denies oil is of any significance whatsoever in U.S. policy in Indochina.

In correspondence with Senator Fulbright and public statements, State Department admits, however, "It is difficult to say when South Viet-Nam's offshore oil prospects were first recognized but it certainly was some years ago." Implies Saigon has no plans for granting leases, and that value of offshore oil is unknown. Concedes Esso has raised issue with State Department. *Congressional Record,* March 11, 1971, 6076–6078; *New York Times,* March 17, 1971.

February 15, 1971: Saigon leases. Saigon will issue invitations to bid about mid-March, and discuss terms with bidders about mid-year.

Oilgram, February 12, 1971, p. 3; also *Petroleum Intelligence Weekly,* February 15, 1971, p. 5.

Senator Jacob Javits, March 9, 1971, in a letter to Another Mother for Peace, released information that oil companies will submit bids from February through May, sign contracts during September and October, and will begin exploration early in 1972.

Late February 1971: Washington. Informal State Department assurances and encouragement to oil companies discussed by Congressman William Anderson and others.

Boston Globe, February 22, 1971; *Congressional Record,* March 10, 1971, 5871–5872, and esp. 5876–5877.

Despite Secretary Rogers' March 16 denial, on April 2, 1971 the *New York Times* wrote that "State Department officials said today that it is 'quite true' that the United States is seeking to encourage investment in South Vietnam to help its economic development."

February 24, 1971: General. The PRG (National Liberation Front) denounces Saigon oil law, declares Saigon future concessions null and non-bidding.

Le Monde, February 27, 1971.

March 6, 1971: Saigon leases. Final bidding to occur by May. Saigon sends delegation to Iran to tap its knowledge of industry.

". . . the authorities in Saigon are evidently looking forward to a rush of applications from world oil companies . . . reflects confidence that oil will start flowing commercially very soon." *Far Eastern Economic Review*, March 6, 1971, p. 38 [also *Congressional Record*, March 15, 1971].

March 6, 1971: Saigon leases. Esso, Gulf, Shell, ERAP "are among those reportedly interested in bidding." U.S. firms have "informally" discussed the matter with State Department.

Business Week, March 6, 1971, p. 36. This is first major national U.S. press discussion of issue. By this time the press in France, Japan, and Sweden had fully discussed political implications and facts regarding oil.

March 10, 1971: Saigon leases. Gulf Oil and semi-governmental Japanese corporation form an agreement jointly to seek and exploit Vietnamese concessions.

Authorized capital $2.2 mililon, joint operation might spend $55 million on exploration its first five years. *Financial Times* (London), March 11, 1971; *Yomiuri*, March 10, 1971.

March 10, 1971: Washington. "Defense Department offers to help foot investment insurance to U.S. companies for any future offshore South Vietnam oil exploration and development."

Issue is not yet resolved whether the Overseas Private Investment Corporation (OPIC, the new federal agency with a public-private board of directors which is taking over and expanding the private foreign investment assistance and insurance programs of AID), headed by AID's John Hannah, will assume task. ". . . some companies have approached State and Defense departments on matter." *Platt's Oilgram News Service*, March 10, 1971, p. 5.

OPIC board's March 8 meeting considered insurance for Vietnamese offshore oil investments. *Village Voice*, March 25, 1971.

Mid-March 1971: Oil companies. Congressman James Abourezk surveys oil firms as to their plans regarding concessions, with important favorable responses.

Esso "would be interested in being advised of the specific terms and conditions." Phillips does not preclude investing. Tenneco will "give it serious consideration." Gulf, in principle, will do so if terms are right: "we are obliged to play our cards close to our chests . . . so far as future plans are concerned." Mobil says it depends on conditions. Marathon admits it is following matter, as does Union. Getty actively interested. *Congressional Record*, March 17, 1971, 6951–6953, and letters in Congressman Abourezk's possession.

Mid-March 1971: Saigon leases. Saigon has set March 20 as bid deadline and will open them in April. Implies bids have already been submitted.

Oil and Gas Journal, March 15, 1971, p. 40.

Forbes, March 15, 1971, corroborates this general timetable, but also raises grave reservations regarding the wisdom of the oil strategy.

March 22, 1971: Vietnamization. "Thieu also has a personal stake in advancing the cause of oil: lucrative deals could solve Saigon's chronic economic crisis, and thus help him get re-elected next October."

Newsweek, March 22, 1971. ". . . it is no secret that leading American officials would prefer to see another Thieu victory." *New York Times*, December 27, 1970.

March 26, 1971: Saigon leases. Top Saigon oil official states that 28 oil firms, mainly American, have expressed interest in leases.

Le Monde, March 26, 1971.

April 1, 1971: Saigon leases and Vietnamization. While at least 28 firms are busy exploring leases, Saigon must work out some ambiguities in its regulations. Saigon sees oil as a lever by which to ease its "critical economic situation."

Washington Post, April 2, 1971.

April 1, 1971: Saigon leases and oil estimates. Report that 32 firms have already bid for concessions, awards to be made by June 15. Major oil deposits involved.

Seismic data show "very promising results," "it may be the best area out here." 25 percent of Southeast Asia's offshore reserves may be at stake, and work on concessions would begin at once, as much as 40 miles from shore. "You won't find anyone here willing to talk about it and be identified. It's become a real hot potato." *Journal of Commerce*, April 1, 1971.

Story not immediately confirmed, and on April 6 Dispatch News Service International claims Saigon has temporarily suspended bids as a result of anti-war movement's protests over issue. This story also not confirmed.

CONCLUSION

There are some obvious and unavoidable conclusions from the available data.

The Nixon Administration has often expressed the desire and made clear its intention to sustain the Thieu-Ky regime. In addition to military support, it seeks to sustain Saigon's economy. Oil investments would clearly be a means toward that objective. The Administration has clearly and publicly articulated this strategy, for example, as expressed by Ambassador Bunker. To the extent that it succeeds, oil investments help create for the Administration the economic and political prerequisites for a protracted conflict in Indochina, and therefore it is seen that one cannot divorce the oil question from the large issue of the Indochinese war.

The Saigon administration regards oil as one means by which to sustain its economy, as well as a source of private and governmental revenues. From this viewpoint, Saigon must make oil investments as enticing as possible, without hesitating, as public data reveal, to make enormous claims about what indeed seems a promising situation.

Linking Saigon's extravagant estimates of yet unknown oil riches with the fervent hopes of the Nixon Administration's "economic Vietnamization" program, one can reasonably conclude that preservation of the status-quo and the Thieu-Ky regime is a strategy which also insures protracted war in Indochina.

Quite as essential to both Washington's and Saigon's strategy is the oil industry's acceptance of the proposition that massive quantities of oil may be found in Vietnam *safely* exploited. Since oil firms are, of course, keenly aware of the risks of investing in Vietnam, they must also require formal investment guarantees and informal urgings, encouragement, and even assurances. Existing information leads one to believe such inducements will be forthcoming if the Nixon Administration is free to pursue this course. The result would significantly assist the continuation of the war and a long-range commitment to U.S. military presence as well as the maintenance of a Saigon regime that is one of the major obstacles to the establishment of peace.

As for the oil companies, it is certain that their offshore explorations and nearby drillings have all produced an encouraging mass of data, enough to cause them to prepare to bid—if they have not already done so. The extent of their investment cannot fail to be related intimately to the larger military-economic context, including Washington's actions. Some of the biggest oil companies have already expressed their interest by deeds and words, in obtaining access to offshore Vietnamese oil. Should this pattern continue and expand, a new group of politically and economically powerful firms with a vested interest in protecting the Thieu-Ky (or a similar) regime will also emerge. That would be a major guarantee that the war in Indochina would continue.

If peace is our interest, it would seem the wiser course to discourage the pressures for immediate opening up of the South Vietnamese area oil reserves, until a time when post-war rearrangements and settlements and the creation of a government which truly expresses the will of the Vietnamese people have made oil exploration a less internationally and militarily volatile proposition.

FREEDOM—OUR HERITAGE

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. STUCKEY. Mr. Speaker, occasionally we Members of the U.S. Congress are moved by an unusual demonstration of patriotism. And, when such a display of loyalty and love for country comes from a member of our younger generation it is all the more meaningful, especially when so many youngsters are flagrantly demonstrating their disrespect for our system of government and for our American flag and its symbol of freedom.

Nella Arnold of Millwood, Ga., has written a paper on freedom. It is titled "Freedom—Our Heritage," and I believe that Nella has written her paper from a deep sense of love of country. I am proud of this young woman and her commitment to her country. Her paper is included at this point:

FREEDOM—OUR HERITAGE

(By Nella Arnold)

"The God who gave us life gave us liberty at the same time," Thomas Jefferson spoke.

Long before the first American colonies were in existence, the people of England were gradually laying the foundations of our liberties, building up those institutions which have made us a free nation. Those who came here were the heirs of great political traditions.

"What sought they thus afar?
Bright jewels of the mine?
The wealth of seas, the spoils of war?
They sought a faith's pure shrine."

They sought to develop, in the new world, a government that would give them freedom such as their ancestors had been struggling for: a government to secure the blessings of liberty for themselves and for those who would dare to follow them.

The interest of the newcomers was not in treasure, but in beginning a new life, a life in which they would be free, among other things, to worship God as they chose.

One writer observes, "At best, men cannot be simply free or simply happy in being free. They must be doing something with their freedom."

The Englishmen who came wanted to build a heritage which would secure a better way of life for their children. They planned to build a land freedom could own. They chose to build a land whose ray of peacefulness could guide others to freedom. They chose to build America.

America meant freedom of religion. Each man brought with him his own beliefs.

And America meant freedom to earn a better living. She served as a refuge for those unfortunate people who were not only jobless but homeless.

Emma Lazarus spoke for America in her poem "The New Colossus":

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door."

America. As a fortress, she stood tall in the night, offering everything that her name represented to all who would call her home. America stood for many things.

America meant freedom to share in government, freedom to talk over political matters, freedom to criticize the government, its officers, and laws. America meant freedom to make plans for common action. It can only happen here: free speech, free opinions, even for the youth of the land.

When my forefathers fought for freedom of choice, they fought for individualism—for the ability to speak out and make their opinions known. They fought for "freedom to learn enjoyably, freedom to express learnedly, freedom to share the knowledge they had, wisely, and freedom to lead others to freedom."

Now. "This is my country, land of my choice . . . What difference if I hail from North or South—from East or West? My heart is filled with love for all of these." Freedom has been made mine.

Freedom to laugh, to cry, to love—freedom to dream and make dreams come true—to ride my bike down a country trail, and freedom to walk down that same path—freedom to choose from a dozen different religions, and, yet, I can feel truly safe being part of this "one nation under God"—freedom to choose my friends, to plan my life, freedom to explore and discover—freedom to understand—and freedom to ask questions when I don't understand.

I have told of my heritage. I can accept no other. I am a product of Freedom's Heritage.

A LONG-AWAITED, BADLY NEEDED NATIONAL TRANSPORTATION POLICY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. PICKLE. Mr. Speaker, it is time to review the progress of our transportation policies in this country. In our history we have seen the emergence of the water-carrier, the horse-drawn vehicle, the development of the railroad, and marine carriers; we have seen the invention of the gasoline engine, trucks, and buses, the laying of pipelines, the emergence of air carriers, and the use of electrified lines—on the surface, above the ground, and under the seas. America can be proud of the tremendous progress she has made in the development of our transportation into the highly complex and sophisticated systems we know today.

Mr. Speaker, with each of these individual modes of transportation, however, we have developed an individual policy to govern it. While one scientific breakthrough served as a basis upon which further progress could be made, our policies did not build upon each other, nor often did they even relate to each other. Our transportation policies are like a group of horses before a wagon, with separate reins controlling each horse. It is sometimes inefficient and confusing.

Mr. Speaker, it is time we form a team out of these horses with one driver steering the course. In 1966 we took a great step in this direction by forming the Department of Transportation, collecting all of the various agencies involved with Transportation. We have now hitched the horses. Now we need to take the reins. On May 21, 1970, the House Interstate and Foreign Commerce Committee urged the formulation and statement of a policy by the Secretary of Transportation. The committee pointed out that previous expressions of policy dated back as far as 30 years and varied with the mode of transportation. The Secretary was encouraged to coordinate development and improvement of all modes and to review the relationship of economic regulation to other aspects of transportation policy. For better coordination, the committee suggested that the Secretary recommend incorporaion and consolidation of decisions, policies, rules, and regulations of regulatory agencies of transportation. The establishment of a national, unifying, transportation policy was to have been issued within a year. This call was issued on May 21, 1970—nearly a year ago. And we have not yet seen such a statement of policy, so desperately needed in our transportation governance.

Mr. Speaker, I have mentioned the need for coordination and its dependence upon a statement of policy. I now point to the outcome of the two steps: better regulation. With the issuance of a policy statement by the Secretary, we can coordinate our policy planning. We can carry those plans through to the performing elements—the carriers themselves. No longer will each mode of transportation plan independently of the other modes, but as a team which can better serve the transportation needs of this country. This can only be done by consistent and coordinated planning.

Mr. Speaker, it is clear that we have come a long way in making good use of our transportation system. But we must not be satisfied in our past accomplishments. We must continue to develop systems and policies which will meet our needs. I therefore call upon the Secretary of Transportation to acknowledge the grave need for a policy statement and to complete and issue his findings to that end immediately.

The establishment or announcement of a National Transportation policy is a difficult and complex matter. But a policy should be announced now—even though it may not be the final policy. To delay means we are heaping confusion and disorder on top of a fast changing technology, so the policy must be announced. If it is not soon, then the Congress ought to give serious consideration to stop or delay any further piecemeal legislation until the policy is announced.

Mr. Secretary of Transportation, the Congress is waiting on you—for some 2 years now.

PEOPLE'S PEACE TREATY

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ROBINSON of Virginia. Mr. Speaker, the concept of a peace treaty between peoples, rather than between governments, has a strong idealistic appeal.

Because most Americans hope for an early peace in Indochina, with the repatriation of our Armed Forces and, particularly, of our men held as prisoners of war by the Hanoi regime and the Vietcong, it is reasonable that some Americans would be attracted to a document which has been circulated under the heading, "A Joint Treaty of Peace Between the People of the United States, South Vietnam and North Vietnam."

This purported treaty deserves most careful examination by anyone approached to subscribe to it. Scrutiny will make plain that the document contains terms substantially in accord with the demands put forward repeatedly by the Communists at the Paris peace talks.

The principal undertakings would be placed on the United States, and, specifically, there would be no obligation on Hanoi to release our men held prisoner—only to "enter into discussions."

In this connection, Mr. Speaker, I include a statement of the Department of State with reference to the treaty, as follows:

"PEOPLE'S PEACE TREATY"

A number of college students and others have requested the views of the Department of State on a "Joint Treaty of Peace between the People of the United States and the People of South Viet-Nam and North Viet-Nam" which is currently being circulated by the National Student Association.

PROVISIONS OF "TREATY"

This document:

Demands "immediate and total" withdrawal of United States forces from Viet-Nam, but says nothing about withdrawal of the North Vietnamese forces from South Viet-Nam, Laos and Cambodia.

Places the communist side under no obligation to release the Americans they hold prisoner, and requires Hanoi only to "enter discussions" on the question.

Obligates the United States to remove the government of South Viet-Nam, a government which was constitutionally elected to office by the people of that country.

Contains no provision for ending the fighting in Laos or Cambodia, other than a reiteration of intention to respect the Geneva Accords of 1954 and 1962, which have been violated by North Viet-Nam ever since.

Contains no provision for international supervision of the implementation of any of its terms.

The provisions of this paper are in essence the same terms which have been put forward repeatedly over the past two years by the communist delegation in Paris. They have not proved acceptable to any political group in South Vietnam except the Viet Cong.

WHAT'S BLOCKING PROGRESS TOWARD PEACE?

The United States and the Republic of Viet-Nam have proposed a program for peace which includes an immediate cease-fire throughout Indochina under effective international supervision; withdrawal of outside forces; a political settlement in South Viet-Nam which reflects the existing relationship of political forces; an Indochina peace conference; and immediate and unconditional release of all prisoners of war held by both sides. Our two governments have stated that we are prepared to negotiate seriously on the basis of these proposals. At the same time, we are prepared to discuss the proposals of the communist side as well, without any preconditions.

The communist response has been an adamant refusal to engage in discussions on a peace settlement unless their demands are accepted in advance. It is this position which has blocked any progress toward peace. It is this position which those who want peace should try to change.

LACK OF CONSCIENCE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DRINAN. Mr. Speaker, I enclose herewith a copy of an excellent editorial entitled "Lack of Conscience" broadcast on several occasions in the recent past by WEEI radio station in Boston. The editorial was written and broadcast by Mr. Donald J. Trageser, vice president, CBS Radio Division and general manager of WEEI radio.

It is my hope that the 3 years of service required of a conscientious objector by a vote of the House of Representatives will be altered in the version of the draft bill which will shortly be before the U.S. Senate.

The editorial follows:

LACK OF CONSCIENCE

The national House of Representatives has voted to extend the draft for two years after June 30. Before sending the measure to the Senate, the House approved sizable pay raises for servicemen. Several efforts by anti-war factions were defeated, but one change backed by the conservative Armed Forces Committee did get through. This was an extension from two to three years a conscientious objector must serve in non-military duty. This won fairly substantial approval; more than 100 votes was the margin. It seems congressmen were swayed by arguments that draft dodgers use CO status to avoid military service. This, of course, is true enough; but it's the reasons the conscientious objectors have for avoiding military service that seem to have escaped the majority in the House. By adding the extra year to non-military service, congressmen will punish men with genuine and long-held religious and non-violent principles. This is immoral, probably unconstitutional, and a direct slap at the selective service system itself.

As any young man with CO status knows, you have to earn it. You have to convince selective service, through the draft board, that you are sincere. This is a long and difficult procedure, and when the draft board does approve a man as a conscientious objector, it certainly must be the board's opinion that it is making a good decision—that the young man cannot serve for highly personal reasons. As a substitute, two years of non-military service is justifiable if we accept the selective service precept that all young men have a two-year military obligation. By adding an extra year of non-military service, the House of Representatives is saying that conscientious objectors should be given extra duty and thus be punished for their views. And to WEEI, this is un-American and unfair in the purest sense. It is unpatriotic to punish men for religious or political views. It is un-American to legislate non-violence into the realm of cowardly unpatriotic sentiment. The extra year of service shows a lack of faith in men with the courage to stand up for principle and personal belief, and lack of faith in a system that determines the depth of a man's convictions.

WEEI in this editorial is not evaluating the concept of military conscription. Rather we say that until the system is changed, it must be operated in good faith. This entails hopes the amendment extending conscientious objector non-military service by a year will be eliminated by the Senate in the interest of fair play.

COMMUNIST-INSPIRED MARCH ON WASHINGTON HAS BEEN A FLOP

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. FISHER. Mr. Speaker, the current convergence on Washington, sponsored by various new left organizations, has proven totally counterproductive. For this the Nation is indebted to the Washington police, the National Guard, and other military units which clamped down on the troublemakers by promptly making several thousand arrests before the criminal-minded element could do very much of the damage they planned.

Of the several marches and demonstrations in recent years, the current one—more than any of the others—is more glaringly revealed as Communist inspired. Although it appears that a good many naive good-intentioned people were sucked into the protest activity, the leadership of the movement has been clearly exposed as pro-Communist and anti-American.

That fact was made crystal clear by Gus Hall, general secretary of the Communist Party, U.S.A., when in a recent interview in Prague he was quoted as saying:

> We are just now entering a new phase of opposition to the Vietnam War . . . during the coming days there will be massive demonstrations in Washington.

It has become increasingly clear that these extremists are using the war issue as a phony excuse for promoting a revolutionary movement in this country. Let us keep in mind that the grand strategy for these demonstrations has been spearheaded by such characters as David Dellinger, Rennie Davis—both of whom were convicted with the Chicago Seven—and Sidney Peck—the latter a former Communist Party official.

In the May 5 issue of the Review of the News, an authoritative publication, there is an article entitled "Seven Days in May," written prior to current demonstrations by Paul Scott. It contains some revealing information concerning sponsors of the current protests. A copy of the article follows:

SEVEN DAYS IN MAY

(By Paul Scott)

WASHINGTON.—President Nixon faces a confrontation here in the streets of the nation's capital and the halls of Congress far more dangerous than that on the battlefields of Vietnam, Laos, and Cambodia.

Violent-prone, pro-Hanoi anti-war groups have set up a dozen operational headquarters here for their massive "Seven Days in May" demonstrations to disrupt the federal government and force the President to govern by martial law. The boldness of their operations is clearly indicated by their establishment of an advance command post on Capitol Hill to coordinate legislative anti-war activities with those in the street.

Offices of several antiwar Congressmen, centering around Representative Ronald Dellums (D.-California), who traveled to Stockholm, Sweden, late last year to attend the Soviet-oriented anti-war strategy sessions, are being used by the Far Left activists and those who want to destroy the American form of government.

Activists include David Dellinger and Sidney Peck, pro-Red coordinators of anti-war groups and long-time figures in the street protest movement. The two activists are working closely with key strategists of John Gardner's "Common Cause" lobby to use the May demonstrations to mobilize nationwide opposition to using U.S. military forces in defense of South Vietnam. The secret strategy of the new anti-war alliance calls for the forces of Gardner's "Common Cause" to take the so-called "high road," attacking President Nixon and his Vietnam policy on the political-legislative fronts and through the mass media.

Immediate objective of the Gardner group is to create public support for adoption of a Congressional resolution forcing the withdrawal from Indochina of all military forces—land, sea, and air—no later than June 30, 1972. Significantly, this deadline is four months before the next Presidential election, or just before the two major political parties will hold their conventions to nominate candidates.

In other words, the Gardner group wants Congress to do what the Moscow-Peking supported North Vietnamese have been so far unable to do—force the U.S. to abandon the 50 million residents of Southeast Asia to the Communists.

Dellinger's and Pack's anti-war groups along with the National Welfare Rights Organization led by George Wiley, the Southern Christian Leadership Conference headed by Ralph Abernathy, and the National Student Association led by David Ifshin, are taking the so-called "low road." Their mission is to organize and radicalize the street demonstrations and mass protest meetings here so their participants can be used to shut down the federal government with carefully planned acts of civil disobedience and violence.

Information gathered from police departments around the country reveals that upward to twenty hard-core revolutionary groups will take part in the violent demonstrations scheduled to begin early in May and run through the month.

One of these Communist-infiltrated groups will be the bomb-throwing Weatherman faction of Students for a Democratic Society. Others will be Maoist anti-war groups from the West Coast. Advance units of these militant Vietnik operations already are on the scene here. They are preparing the way for 500 buses, thousands of cars, and several trains to bring anti-war demonstrators to the nation's capital for the hit-and-run protests. One objective is to bring about a nationwide strike on college campuses.

Scouting parties from these antiwar groups, most of whom are hardcore Communists, for the past three weeks have been touring government buildings with cameras and picking targets to attack, seize, or set afire on Capitol Hill and in other areas of Washington.

While many of the demonstrators and protestors are against violence, police officials here are deeply concerned that anti-war "sappers" will be brought into the city to try to stir the demonstrators to violence. There are even unconfirmed reports that the "sappers" will try to shoot one or more of the women or black protestors in an effort to cause a massive riot.

The anti-war groups are now distributing a 45-page manual of operations for the May offensive here. It includes details of how the members of the "anti-U.S. Army" can live off the land while launching guerrilla warfare against the U.S. Government.

Several of the militant groups have been secretly trained in acts of civil disobedience ranging from "sit downs" in government buildings to blocking auto traffic on Washington's main roads and bridges. There are also plans to set parked cars afire in order to tie up traffic. The more violent demonstrations are to take place from May first to May eighth.

THE NEW PHASE

The worldwide significance of the coming "May Day" demonstrations was clearly indicated recently by Gus Hall, General Secretary of the Communist Party, U.S.A., in an interview with Radio Prague (Czecho-Slovakia). On his way to Moscow to attend the Soviet Party Congress, Hall reported:

"We are just now entering a new phase of opposition to the Vietnam War . . . during the coming days, there will be massive demonstrations in Washington. In other words, we are entering a period of truly active resistance to that war, and I believe that we will finally be victorious."

In addition to massive acts of civil disobedience designed to force President Nixon to rule with military troops in the streets, the anti-war demonstrators are planning a number of terrorist activities to try to show the world that our nation's capital is not any safer than Saigon.

Federal security authorities have been put on the alert by the F.B.I. to expect other bombings, like the recent blast at the Capitol, during the May demonstrations. One militant West Coast anti-war group, two of whose members are being sought for questioning in connection with the Capitol bombing, is known to have discussed placing bombs in a number of federal buildings including the Capitol.

A government informant in the anti-war movement has warned that the violent-prone members of anti-war groups are now lining up churches in the Washington area to store guns and fire-bombs for use during the demonstrations. Large numbers of guns stolen in nearby Baltimore may have been slipped into Washington for use by some of the terrorists.

All this adds up to a coming confrontation in the streets of Washington more serious than any faced here since the anti-war protests got underway in the mid-Sixties. The revolutionary movement has made it clear that it hopes to force President Nixon to announce a timetable for withdrawing from Vietnam and then force him from office. The Vietnam issue, defused in the elections of 1968 and 1970, now becomes the paramount issue of the days ahead.

LAW DAY 1971

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 3, 1971

Mrs. GRASSO. Mr. Speaker, May 1 of every year is, by proclamation of Congress, "Law Day" in the United States. It is a day when every American should stop for a moment, and reflect upon the importance of the laws under which we live. It is a day when each of us should be thankful for the protection under the principles of liberty, justice, and equality that we are all afforded by our laws. Yet, at the same time, each of us must rededicate ourselves, on this day, to an even greater and more far-reaching attainment of these ideals.

In the last several years, we have become increasingly aware, and continue to become painfully aware, of inequities within America which are preventing the attainment of the goals we seek. These inequities must be eliminated if we are to attain the kind of government our Founding Fathers envisioned, as do we all. In doing so, however, we cannot disregard the rule of law, for in doing so we destroy the very things that we are working to attain. We cannot create laws by breaking them. We cannot allow ourselves to let the turmoil of rapid social change obscure our awareness of the fact that we are, and must continue to be a society ruled by laws.

The theme of Law Day 1971 is "channel change through law and reason." It is essential that we recognize the true import of this message.

The law is not only the statutes and precedents set down in the books, it is equally the mechanisms and institutions. It is the courts—from the smallest municipal magistrate to the Supreme Court of the United States. It is the legislatures—from the smallest town council to the U.S. Congress. These institutions must be responsive to change. Our legal system will falter if sufficient attention is not devoted to the courts. We need administrative reform, more judges, additional paraprofessional help to speed court action. Change cannot be channeled through the law until the mechanisms of the legal system are equipped to handle the change.

Not only must our citizens and courts recognize this, but so should the legislator.

It is up to us, the Congress, to use our finely tooled legal system to effect the changes so necessary in our society.

CINCO DE MAYO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ANDERSON of California. Mr. Speaker, 109 years ago today, in the Mexican city of Puebla, a small, courageous band of Mexican patriots repelled a well-prepared force of French troops led by Napoleon III.

This victory, in the face of superior odds, led to the creation of "Cinco de Mayo" as a national holiday for Mexico. This day recalls the courage and spirit of that brave group of defenders and symbolizes a victory of the human spirit over all military odds.

Mexico, after gaining independence from Spain in 1822, witnessed many years of violent and bloody changes in government. During this period and until the 1860's foreign powers looked at Mexico as ripe for annexation. In the 1860's, Benito Juarez established a progressive government, but, due to financial crisis, was unable to pay foreign debts contracted by his predecessors.

This action led to intervention by the Spanish, French, and British who established an occupation force in Vera Cruz. In 1862, the British and Spanish withdrew, leaving France—under Napoleon III—and to pursue their schemes alone.

About 6,000 French soldiers left Vera Cruz to seize Mexico City but were met by Mexican patriots at Puebla—a strategic city halfway between Vera Cruz and Mexico City. Here, on May 5, 1862, the outnumbered Mexicans, under the leadership of Ignacio Zaragosa, routed the powerful French forces and drove them back to the sea.

This victory was short lived, however, and the French ultimately captured Mexico City and installed Archduke Maximilian of Austria upon the throne. His rule was completely dependent upon the French troops, and when the United States demanded the withdrawal of the troops, Maximilian was deposed by the Mexicans.

Thus, May 5 commemorates a day of triumph, patriotism, and love of country. On this day, I take pride in joining with our neighbors to the south in recalling the great sacrifice, the burning desire to be free, and the courage of those who fought in Puebla, and in rededicating ourselves to our principles for which they believed so deeply.

FORT WORTH EXCHANGE CLUB HONORS BEEMAN FISHER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. TEAGUE of Texas. Mr. Speaker, on Thursday, April 22, the Fort Worth Exchange Club honored my good friend, Mr. Beeman Fisher, by presenting to him their Golden Deeds Award for his civic work and community contributions. Under leave to extend my remarks, I wish to include the article which appeared in the Fort Worth Press, which covers more fully than I could the great work Mr. Fisher has performed for his city of Fort Worth. I can think of no one individual who deserved this award than did Mr. Fisher.

The article follows:

[From the Fort Worth Press, Apr. 22, 1971]

WHAT MAKES FISHER RUN?—GENTLENESS, ALERT MIND, DISCIPLINE, CURIOSITY

(By Ken Milstead)

What makes Beeman Fisher run?

A business associate will tell you his feel for people and his ability to understand what the public wants.

His wife will tell you his gentleness, his alert, keen mind and his self-discipline.

Fisher will tell you: Curiosity.

Each description fits together to sum up a man who started out in life "just looking for a job" and rose to head one of the state's biggest electric companies.

Today, at 72, he's still on the go consistently and is active in a variety of organizations and civic movements.

The retired board chairman of Texas Electric Service Co. has been chosen to receive the Golden Deeds Award from the Exchange Club tonight for his civic work and contributions to the community.

Although retired, he is still a consultant to TESCO, and his other activities include chairman of the TCU New Century Program, board member of the TCU Research Foundation, vice chairman of the board of the Assn. for Graduate Education and Research.

He's the newly elected president of the Texas Water Conservation Assn., director of the Texas Research League, Texas Historical Foundation, Southwest Exposition and Fat Stock Show and the Fort Worth Art Assn.

His list goes on. He has served as president of the Fort Worth and West Texas Chamber of Commerce, Exchange Club, Fort Worth Progress Inc., and Junior Achievement of Tarrant County.

He's a member of the executive board of the Longhorn Council of the Boy Scouts of America, and holds scouting's Silver Beaver Award.

Born on a farm near DeSoto in Dallas County, Fisher says he had no definite ambitions when he got out of high school—just to find a job.

A friend got him on as a copy boy with the Associated Press in Dallas, and he worked his way up to night wire editor.

Then came along this offer to go to work for Texas Power and Light as editor of their employe magazine.

Fisher was apprehensive about it. Wasn't sure it was what he wanted, so he worked two jobs, moonlighted on the TP&L and kept up his work with AP.

Finally settling for the TP&L job, he went from there to a San Antonio radio station, and returned to the utility business with TESCO in 1938.

He was to blaze an impressive trail with the company, becoming its president and later board chairman, helping mold the corporation into a giant company.

"I was fortunate," Fisher says in reflecting on his career. "I kept pretty busy. I didn't lose any time, and I had the advantage of being around older, more experienced men who taught me a lot."

He started with TESCO as an assistant to the president, then to vice president—and on up the ladder.

He says his newspapering helped him in his later career as a utilities executive in that he developed a keener curiosity about things around him.

In summing up a formula to success, he says, "No man ever got anywhere without being curious.

"You must know what's going on around you. Learn all you can about your responsibilities, those of others and about the entire operation."

One of Fisher's characteristics, pointed out by both his wife and his business associate, Burl Hulsey, now TESCO president, his ability to recognize the talents and potentials of others.

Both describe him as an "organizer" capable of picking key people to carry out a job and keep things running smoothly.

To Hulsey, Fisher is a "great guy, very people-oriented and interested in what's going on around him and in what the company's doing."

This keen interest, coupled with his gentleness and poise, is what attracted Mrs. Fisher when she first met her husband-to-be.

They first met in a horse barn in Colorado during an inspection by a group of people of a lake project TESCO was involved in. Mrs. Fisher was at the time an assistant professor in the English department at TCU.

"He's one of the most disciplined, poised people I've ever met," she says of her husband. "He goes through life pretty unruffled and doesn't get upset or irritated.

"He has a keen mind," she continues, "is a very organized man and knows how to get things done, and he has a great respect for the skills and abilities of other people."

Mrs. Fisher is also impressed by her husband's sense of humor. She finds his understanding of other people almost uncanny.

"He knows what I'm thinking before I know myself," she chuckles.

Fisher's understanding of other people also impresses Hulsey.

"He has his fingers on the pulse of the public at all time," Hulsey says. "He knows what they expect and what they react to."

Hulsey believes Fisher's background as a newspaperman provided the backbone for his knowledge of successful public relations, which proved an asset to TESCO's growth and public image.

But while Fisher is proud of his days as a newsman and still has many friends in the business, looking back is not one of his characteristics.

"He's the kind of a man who is always looking ahead to the future," Hulsey explains. "He seldom looks back or talks much about the past."

PRESIDENT MUST HAVE FREE HAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DERWINSKI. Mr. Speaker, one of the more intriguing pastimes in which we can indulge is to review subjects and commentaries long after the furor of the moment. Then we can see clearly whether or not analyses made at the time were at all accurate or possessed of clairvoyance.

This morning, as I checked through some files on Vietnam, I came across an editorial in the May 6, 1970, San Diego California Union. This editorial commentary was written at the height of the debate over the U.S. incursion into Cambodia.

Certainly, a year later this editorial makes interesting and still pertinent reading.

The editorial follows:

DESPITE SENATORS' RHETORIC: PRESIDENT MUST HAVE FREE HAND

An accusation by the Senate Foreign Relations Committee that the President is "taking over" the war and treaty-making powers constitutionally entrusted to the Congress must be marked down as propaganda in its war on the White House.

The committee knows better.

With the blessing of its chairman, Sen. J. William Fulbright, the committee approved the following resolution on Aug. 7, 1964:

"The Congress approves and supports the determination of the President, as commander-in-chief, to take all necessary measures to prevent further aggression (in Vietnam).

"Consonant with the Constitution of the United States and the charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This is exactly what we are doing in Southeast Asia today as we help South Vietnam resist aggression by Communists.

The question of the fine line dividing congressional and executive authority is not new.

Abraham Lincoln as president had little choice but to respond immediately in May of 1861 when Ft. Sumter was attacked in the first shot of the Civil War. Americans shot back at Pearl Harbor even without waiting for the President to act.

The Truman Doctrine of aid to Turkey and Greece was instituted without prior approval of the Senate. Marines went to the assistance of Lebanon in 1958 at that country's request and again to the Dominican Republic in 1965. President Kennedy did not wait for Congress in the Cuban crisis of 1962.

Treaties commit this nation to the defense of 42 other nations. These include 21 in our own hemisphere under the Treaty of Rio; 14 European Nations under the North Atlantic Treaty Organization and seven Asian nations under SEATO. We also have mutual or cooperation treaties with Nationalist China, Japan, the Philippines and Korea. Executive policy statements oblige us to defend a number of countries and we have a commitment to some form of collective defense to 126 others under the United Nations charter.

We simply cannot, as Sen. Mike Mansfield naively suggests, "do away with all these powers . . . clear the table and start from scratch."

To do so would abdicate our responsibilities as a world leader and abandon our essential credibility as a member of the community of nations.

However, this is long-range and academic. In the immediate sense, the President as commander-in-chief of the armed forces has moved to protect the lives of Americans threatened on the battlefield.

Would the Foreign Relations Committee desire the responsibility for the lives of these men? What would they propose to do?

PRIDE OF PUBLIC TELEVISION—WQED, PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MOORHEAD. Mr. Speaker, on November 16 and December 22, 1970 it was my privilege to call to the attention of the Congress WQED's special monthlong community effort designed to attack the national problem of drug abuse.

"The Turned-On Crisis" consisted of more than 120 hours of prime-time special programs focusing on drug information, rehabilitation, prevention, and legislation, as well as the convening of town meetings and community-based minimeetings held throughout western Pennsylvania.

The Corporation for Public Broadcasting, which made the series available nationally last winter, has presented its first Community Service Award to WQED-Pittsburgh for this distinguished public service program.

I salute WQED, our country's first community educational television station for mobilizing their creativity, ingenuity, and professionalism to help solve one of our major social problems, and to the Corporation for Public Broadcasting for recognizing this outstanding achievement.

A recent article from the Pittsburgh Post-Gazette is included at this point in the RECORD for the additional attention of my colleagues:

NATIONAL ACCOLADE FOR WQED

Public television has come of age in Pittsburgh. Last year the staff of WQED-TV conceived an ambitious, multi-pronged attack on the problem of drug abuse in Western Pennsylvania. The impressive result was "The Turned On Crisis"—a month-long series of televised town meetings, documentaries and commercially-produced films dealing with the drug scene.

The imaginative enterprise of WQED staffers has been rewarded. The Corporation for Public Broadcasting has presented its first Community Service Award to WQED for "The Turned On Crisis." In so honoring Pittsburgh's outstanding public television station, John W. Macy Jr., president of the Corporation for Public Broadcasting, declared that the award was given the provocative series "for the fresh and moving way it dramatizes a very critical problem; for the camera's perceptive illumination of the human face in moments of intense suffering; and for its impact on the community and the young."

Perhaps the most amazing achievement of the WQED team which produced the "Turned On Crisis" was its success in enlisting the services of professional men, narcotics experts, law enforcement officers and private citizens in a creative joint effort.

WQED has proved conclusively that public television programs need not be pallid imitations of commercial network offerings. A fortunate community must needs be grateful that the creativity, resourcefulness and energy of the dedicated WQED staff have been duly recognized.

THE "GOOD WILL" GENERATED BY THE PEACE CORPS AND VISTA SHOULD BE SENSIBLY PRESERVED AND CONTINUED

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DONOHUE. Mr. Speaker, the renowned educator and distinguished president of Clark University in Worcester, Mass., Dr. Glenn W. Ferguson, recently testified, in opposition to the administration's proposed Reorganization Plan No. 1, before the Subcommittee on Executive Reorganization and Government Research of the Senate Government Operations Committee.

I am sure that the authoritative testimony and recommendations of Dr. Ferguson for the prudent preservation and utilization of the good will and valiant spirit embodied in the Peace Corps and VISTA concepts and impacts will be most informative and interesting to the Members of Congress and RECORD readers and I wish to include Dr. Ferguson's statement at this point:

STATEMENT BY GLENN W. FERGUSON, PRESIDENT, CLARK UNIVERSITY, BEFORE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION AND GOVERNMENT RESEARCH, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, MAY 4, 1971

For a decade, Peace Corps Volunteers have lived and worked in a growing number of lesser-developed countries. For six years, VISTA Volunteers have lived and worked in the environment of poverty in forty-nine states. From their inception, both programs have enjoyed unique bipartisan support in the Senate and in the House of Representatives. During the critical growth period, that bipartisan support insured the requisite funds, national leadership, and sustained commitment. Now, both programs, which have been nurtured through three successive national administrations, are being subjected to political controversy which has little relationship to the pressing needs of underprivileged people at home and abroad.

Based on the demonstrated performance of VISTA and the Peace Corps, the proponents of any change in organizational base, objectives, or national image should be assigned the burden of proof. For the following reasons, I believe that Reorganization Plan No. 1, as proposed by President Nixon, fails to discharge that burden and should be vetoed by the United States Senate.

The Peace Corps and VISTA were national responses to viable concepts. They were created to tap the service motivation of young Americans, in age or spirit, who wanted to make a personal contribution. Each program incorporated a unique mystique which induced individual Volunteers to serve with minimal pay and maximum challenge.

When VISTA was created, we experienced great difficulty in telling our story to the American people. In spite of the differentiation between foreign and domestic service, it took more than one year to establish the image of a "domestic peace corps" and to convince interested Americans that service at home could be as stimulating as the romantic appeal of service abroad.

National recruitment for volunteer efforts is an illusive and risky venture. The Peace Corps was launched by a charismatic President. VISTA was launched by overwhelming public support for a 'War Against Poverty." In spite of the resulting mystique and the subjective identification of young Americans, both programs suffered acute growing pains.

In contrast to ten years ago, contemporary young Americans have few heroes; however, they still identify with Peace Corps and VISTA objectives. Reorganization and centralization will eliminate symbols which cannot be easily replaced. If VISTA, as an entity disappears, Action, as a new entity, will not automatically replace it as a recruiting device. Reorganization, articulated in economy and efficiency terms; will not motivate the youth of America.

Volunteerism is not an objective *per se*. It merely constitutes one available resource which can be applied to the realization of national goals. President Nixon has stressed the importance of organizing by function; however, Reorganization Plan No. 1 assumes that voluntary service constitutes a common thread which justifies the creation of a new Federal agency. If function or purpose were the rationale for the current reorganization proposal, it would be logical to assign the Peace Corps to the Department of State and VISTA to HEW or HUD.

Peace Corps and VISTA Volunteers are not "volunteers" in the traditional sense of individuals who devote part of their leisure time to community service. Part-time voluntary service, at the local level, has been one of the cornerstones in the development of the American community. It is estimated that more than eighty million Americans are "volunteers," in this context, and they have been responsible for organizing a great range of services from the Volunteer Fire Department to the Thanksgiving basket for the indigent.

In contrast, Peace Corps and VISTA Volunteers are full-time employees who request permission to serve and who receive minimal compensation, but who, in most other respects, cannot be differentiated from regular staff members in a variety of agencies. If volunteerism, as represented by VISTA and the Peace Corps, justifies the merger, then "volunteers" in the Armed Forces of the United States should also be considered for membership.

The Reorganization Plan suggests that the new agency, Action, would serve the needs of the Volunteers rather than the needs of the people where the Volunteers are assigned. This concept perverts a decade of selfless effort and makes the Volunteer the recipient rather than the conduit of assistance. VISTA and the Peace Corps represent different environments, reflecting different service motivations, and the organizational distinction should be perpetuated.

Under the proposed merger, Action could become a holding company which would incorporate six presidential appointees at senior administrative levels. With four presidential appointees at the associate director level, it is probable that each would be responsible for a major constituency. For example, given the sensitive negotiations with foreign governments which are required in administering the Peace Corps program, it would be essential to assign one associate director to the unique Peace Corps portfolio. As a result, the reorganization would merely superimpose another administrative layer which would increase the expense, the flow of paper, and the potential of failure.

It is being suggested that Action, as a new agency, will facilitate economy and efficiency. Nine existing volunteer-related groups, with a combined budget of $176 million, which includes a generous increment of $20 million to discover new ways to use volunteer services, would be merged. Without increasing the total number of volunteers, without creating a new rationale for national service, and without insuring that the recruiting base is solid, the Congress is being asked to authorize an additional $20 million.

Even if the Peace Corps, VISTA, and the other smaller volunteer programs were not merged under an umbrella agency, current state and local proposals may provide formidable competition for the national agencies. In Ohio, Governor Gilligan has announced the creation of a state-wide volunteer program, and in Massachusetts, Governor Sargent is considering several ideas which would provide state support to local voluntary groups.

In urban America, there is a growing awareness that local problems will only be solved when continuing local commitment is assured. The Volunteer, recruited from outside sources, can serve as a catalytic agent, but his leadership role, which he has discharged in recent years, is in jeopardy. In the early days of VISTA, it was standard procedure for a community to request a contingent of VISTA Volunteers which would establish and administer a local project. Today, those same communities have developed the personnel resources and the pride to limit VISTA involvement to providing a scarce skill or to serving in a training capacity. VISTA Volunteers are still essential, but in many projects in many communities, the nature of their assignments and their relationship to the local staff are changing.

In this evolving scene, the VISTA Volunteer and the VISTA program are recognized and understood. To eliminate VISTA, and to create a new national agency with a new set of objectives, would probably be counterproductive.

President Nixon suggests that new national priorities justify the centralization of all national volunteer efforts. Unfortunately, the new national priorities are not clearly delineated. If one of the priorities is to minimize the volunteer as a resource in assisting needy people at home and abroad, that national objective warrants close scrutiny.

At a time when good will is in short supply, and when few national programs enjoy extensive support, I hope that the Peace Corps and VISTA will survive

---

TINICUM ENVIRONMENTAL CENTER

HON. LAWRENCE G. WILLIAMS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WILLIAMS. Mr. Speaker, on April 1, 1971, I introduced H.R. 7088, to establish the Tinicum Environmental Center. Under this bill, the Secretary of the Interior would spend up to $4 million to acquire within the Tinicum Marsh all of the land necessary to preserve, restore, and develop it as a prime habitat for many wildlife species, as a feeding and resting place for migratory wildfowl, and as a place where our people can observe nature and enjoy recreational activities.

My bill was cosponsored by 23 of my Pennsylvania congressional colleagues plus Congressman John Hunt of New Jersey. In response to my request, Senators Hugh Scott and Richard S. Schweiker are introducing the same bill in the Senate. This will permit simultaneous consideration by both Houses of the Congress and hasten the day when the Tinicum Environmental Center will become a reality. H.R. 7088 had its beginnings last summer when I established the Local Community Representatives Committee to work with the Interior Department's Tinicum Marsh Task Force. The objective was to obtain support of the residents and officials of the municipalities surrounding the marshland in behalf of this most practical preservation of Pennsylvania's last remaining true tidal marshland with its rich ecological and historical values.

"PEACE" LEADERS

April 24, 1971, brought the beginning of another round of professionally left-organized activity in behalf of immediate U.S. unilateral withdrawal from South Vietnam. The prime movers flew under the titles of the National Peace Coalition and the Peoples Coalition for Peace and Justice. Both operated with Communist support. Among the top leadership of the Peoples Coalition for Peace and Justice were Gilbert Green and Jarvis Tyner, both members of the Communist Party's National Committee. Working with them were such notorious "peace mob" leaders as David Dellinger and Rennie Davis.

The stated objective of these "peace" leaders was to compel the Congress to "ratify" the "Peoples Peace Treaty" which, drafted in Hanoi, is in complete accord with the Communist position in North Vietnam. It is completely obvious that the real objective of this leadership is not peace, but humiliation of the United States, furtherance of Communist seizure of Southeast Asia, and general advancement of communism over human freedom and self-determination.

This is not to suggest that all those who participated in these demonstrations were Communists nor pro-Communists. Quite the contrary; many of them would not knowingly associate with Communists and truly desire peace, as we all do.

ACCELERATED WITHDRAWAL

On April 7, 1971, President Nixon announced that between May 1, 1971, and December 1, 1971, 100,000 U.S. troops would be withdrawn from South Vietnam. This would decrease to 175,000 the total number of U.S. troops remaining; about one-third of the more than 540,000 troops who were in Vietnam when Mr. Nixon assumed the Presidency on January 21, 1969.

As April 1971, drew to an end, the some-281,000 U.S. troops still in Vietnam were being withdrawn at the Nixon-announced accelerated rate of some 14,000 per month compared to the previous Nixon-assigned rate of 12,500 per month.

All of this certainly continued to justify Mr. Nixon's assurance that the U.S. involvement in Vietnam was coming to an end in a manner commensurate with his goal of a generation of peace. It also continued to justify my support of the Nixon Vietnamization program as a great improvement over the lack of planning which, under President Johnson, brought constant escalation of a "no win" war and its American casualties.

"SELLING OF THE PENTAGON"

The House Committee on Interstate and Foreign Commerce is acquiring some interesting evidence of deceptive editing techniques in the CBS presentation, "The Selling of the Pentagon." For example, correspondent Roger Mudd's filmed interview with Daniel Henkin, Assistant Secretary of Defense for Public Affairs, was cut from 42 minutes to 2 minutes, 4 seconds. One question, mismatched with an answer to a question not asked in the presentation, made Mr. Henkin appear evasive and bureaucratic, rather than a competent public official with a background as a sophisticated military affairs reporter.

The inquiry into this news distortion problem is being conducted in consideration of H.R. 7346, Representative William Minshall's "truth in news broadcasting" bill which I cosponsored. This bill would amend the Federal Communications Act in a manner that would address itself to this problem of imposing upon an unsuspecting public slanted statements and opinions which film clippers and producers have imposed upon the public in grave disservice of the public's "right to know." Nothing could be more vital to the interest of honest, uncensored journalism and a properly informed public, both enjoying freedom of the press, as well as the responsibility to that freedom which often seems ignored.

CALLEY PRECEDENT

There are growing indications that, if the U.S. Army wishes to prosecute everyone really responsible for the so-called Mylai massacre, it should prosecute officers right straight up the line through ranks and positions far superior to those of the court-martial-convicted Lt. William Calley. There is a growing feeling that, if the Army wishes to be consistent with its Calley precedent, it should take identical action against others who functioned, and who issued orders, under the Army's top-echelon decision, years ago, to wage the Vietnam conflict as a limited warfare of counterinsurgency.

One of the earliest lessons that our men learned in Vietnam was that an "innocent looking peasant village" could be a Vietcong stronghold and death trap for American troops. Another "earliest lesson" was that a Vietcong guerrilla could be of either sex, of any age, and would appear friendly and helpful by day; but, by night, become a maniacally-driven American-killer. In short, there is abundant cause to view Lieutenant Calley as the ultimate of an American officer who took seriously his training and instructions as to how this unusual war should be fought.

INTEREST RATE CONTROL ACT

On March 10, 1971, the House, with my support, passed H.R. 4246, the Interest Rate Control Act. This was a good bill. It did the following: Continued the ceilings on interest rates, continued the Economic Stabilization Act of 1970, and included $20 million of authorized funds to permit implementation of provisions giving the President the right to freeze wages and prices in event his efforts to gain voluntary controls are ignored by labor or business leaders. I believe that this was a power which the President needed. I would personally urge him to use this power should he find it necessary to help end the inflation which continues to devalue the American dollar, price American products out of world markets, and add to our unfavorable balance of payments and current economic agony.

DEBT LIMIT

On March 3, 1971, the House voted to increase the public debt limit by another $35 billion; from a ceiling of $395 billion to a ceiling of $430 billion. I voted against this action for the same reason that I have voted against every such action that has increased public debt to the point where, by fiscal year 1973, which will begin July 1, 1972, interest, alone, on the public debt will substantially exceed $30 billion per year. As I have said, repeatedly, our economy simply cannot survive a continuation of deficit spending. Long years of this Democratic-begun technique of Government spending of more money than it takes in have created inflation; threatened the dollar; increased prices, taxes and interest rates, and made it increasingly more difficult for individual citizens and the Government, itself, to resolve problems of housing, and other national problems.

RAILROAD RETIREMENT INCREASE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. BIAGGI. Mr. Speaker, the 10-percent increase in railroad retirement benefits approved by this body will bring relief from the throes of inflation for the many retirees covered by this pension system.

There is little doubt that the payments made by these retirees over the years have been eroded away by a long period of rising prices and living costs. The dollars poured into the system no longer have the purchasing power they did when first paid. Thus it is only right that a compensatory increase be made to cover this loss benefit.

With the decline in the railroad industry, the railroad retirement fund is losing money. For every three people that receive benefits only two people are paying into the system. The Commission authorized to look into all aspects of the system should seek to complete its work no later than the end of this year.

Additionally, the Interstate and Foreign Commerce Committee should investigate the possibilities of permitting retirement under the system at age 60 or after 30 years of service. With the many idle workers in the industry, retirement of the older employees will permit young workers with families to continue on the job.

The 10-percent increase is essential and I sincerely hope that this Congress will bring true reform to the entire railroad retirement system. Too many people depend on these payments to carry them through their elderly years to ignore the problem any longer.

BILL JONES AND JACK DYKINGA—CHICAGO'S MOST RECENT PULITZER PRIZE WINNERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. PUCINSKI. Mr. Speaker, as the Chicago Tribune observes, "Chicago is the Nation's most stimulating newspaper town and best served by its newspapers." Two of Chicago's newspapermen have just won the most coveted award in professional journalism—the Pulitzer Prize.

For his excellent investigative reporting of abuses in ambulance services, William Jones of the Chicago Tribune was awarded his prize. The splendid photos of Jack Dykinga of the Sun Times on the "Mentally Handicapped in Two State Schools" won a Pulitzer for him.

The history of Chicago journalism is a victory of great journalists. The work of Bill Jones and Jack Dykinga are a part of that history and now their own peers have awarded them the supreme accolade—the Pulitzer. I want to congratulate these two fine men and add my praise for their superlative achievement.

Mr. Speaker, the Chicago Tribune and Chicago Sun Times both ran editorials commending Bill Jones and Jack Dykinga. Those editorials follow:

[From the Chicago Tribune, May 5, 1971]

WINNING A PULITZER

There was a demonstration in the Tribune newsroom Monday afternoon. Nothing really disorderly, somewhat disruptive, quite emotional is the way it could be described. It erupted when Bill Jones came in from an assignment outside the office.

He was greeted by cheers and whistles and a rush by reporters, editors, photographers, copy boys and girls, artists and secretaries to offer their congratulations. Later the hubbub dissolved into a champagne party in the photo lab and it was joined by the publisher and a collection of vice presidents and fans of the editorial department from all over the Tower.

That's how we reacted when one of our reporters won a Pulitzer Prize—the most sought after award among journalists. The scene didn't exactly follow the script our readers might have expected if they had formed their conception of newspapermen and women by reading fiction and watching movies and TV.

The stereotype of the blase, cynical, hard-boiled newshawk no longer applies—if it ever did.

We are delighted to have won the prize because it carries recognition by members of our craft for distinguished work. It is particularly pleasing that we won in a category where first class investigative reporting was required.

The Tribune takes very seriously its self-imposed assignment as a guardian of the public interest. The assignment has led to campaigns that have curbed abuses in public administration and private management and has given us a reputation for being a tough, crusading newspaper.

In Bill Jones' expose of abuses in ambulance services and the collusion of public officials, however, the approach was disciplined and rational rather than sensational. The facts were carefully and painfully collected, checked and verified. The investigative resources of the Better Government Association were skillfully woven into the project to reinforce the validity of the findings.

The project was a triumph for a crusader's zeal. It was not marred by a crusader's fanaticism.

This is the fifth time a member of The Tribune staff has won a Pulitzer. Will Barber, a foreign correspondent, won the prize for his coverage of the war between Ethiopia and Italy in 1936. John T. McCutcheon and Carey Orr won prizes for cartoons in 1932 and 1961. George Bliss, who later joined the B. G. A. staff, won Pulitzer in 1962 for exposing corruption in the Sanitary District.

We have had many other fine entries that have not won—the most exceptional one being the Save Our Lake campaign which started in 1967 and was a major factor in the upsurge of concern about our environment which has swept the nation.

We hope there are many more potential Pulitzer winners waiting for recognition in our splendid news staff and we are confident that there are.

We are also pleased that two of the prizes came to Chicago newspapers, even tho the other one went to our morning rival, the Sun-Times, for Jack Dykinga's photography.

It is testimony to an observation newsmen often make. Chicago is the nation's most stimulating newspaper town—and the best served by its newspapers.

[Editorial in Chicago Sun-Times, May 5, 1971]

Photographer Jack Dykinga now follows cartoonists Jacob Burch and Bill Mauldin and writers Tom Fitzpatrick and Charles L. Bartlett, as members of the *Sun-Times* who have won the Pulitzer Prize, the highest award of American journalism.

Dykinga, like most winners, is constantly outstanding. We are especially proud of Jack's award. The subject was *"Mentally Retarded in Two State Schools."* The stories by Sam Washington and Jerome Watson, which went with the photos, have already won esteemed awards.

Photos and stories alike told the sorry truth of the miserable inadequacies of State institutions.

As for all other winners of the Pulitzer, we rejoiced, yes, in their good fortune, but most of all, in their good work.

"THIS CHILD IS RATED X"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. KOCH. Mr. Speaker, on Sunday, May 2, the National Broadcasting Co. presented a moving documentary entitled "This Child Is Rated X" which dealt with the treatment of juveniles by courts, jails, and detention homes.

I am today inserting in the RECORD a transcript of this program, together with articles from the Christian Science Monitor and New York Times. In order that our colleagues might have an opportunity to listen to these children and to learn about conditions in the institutions charged with rehabilitating them, I have arranged with NBC to have a special showing of the program here at the Capitol next week. As soon as the details are completed, I will contact each office regarding time and place. I have also urged the network to schedule another nationwide viewing, since many missed the program Sunday night.

Too often our acquaintance with social problems is limited to what we read in books, committee reports, or the newspapers. This television program provides us a more intimate and human look at one of these problems.

A great percentage of the children at the institutions pictured have committed no crime. They are there because they are "hard to handle," or because their parents did not want them, or "for their own protection." A substantial number of children have not had even minimum procedural protection or due process, but have been signed over to these "homes" under an "agreed judgment"—without a hearing or a consultation with a lawyer.

A few of the problems in the institutions can be attributed to overcrowding or poor staffing, and some problems might be helped by additional money. However, we are already spending $8,000 to keep one child for a year in a typical institution. This is 3½ times the amount the administration wants to give a welfare family of four. It is obvious that we are not getting much for our money.

What we need more than money is a change of attitude. For too long we have used detention as a way of removing persons with problems from our sight and minds. Judge Horace Holmes spoke directly to this problem in the program:

> Everybody we don't like, we can't get rid of—we have to live with them. And this is what the kids are saying too. They say we've got to live with one another. If we listen to them, maybe we'll learn something.

The material follows:

[From the Christian Science Monitor, May 3, 1971]

Justice for Children

Last night also included a program that demonstrates splendidly how television can serve a cause in a way no other medium can.

NBC New's "This Child Is Rated X" deals with a subject that's been handled in the press before—the victimization of children by courts and jails in the United States. Yet the disbelief, the helplessness, the baffled spirit visible in the startlingly angelic faces of the youthful prisoners added a dramatic poignancy to the familiar prison problems covered by the press over the past few years.

Subtitled "An NBC News White Paper on Juvenile Justice," it was not a shock documentary—despite its appalling facts—but an apparently dispassionate review of how various states handle the young people who become their responsibility. The material was so horrifying that no fancy productions were evident. Just Edwin Newman—who must be the busiest newsman on the air—doing his usual good job describing what happens when a boy or girl is unfortunate enough to be caught out after curfew or—in some states—merely to be signed away by parents.

Not only are most adult legal rights missing from the process, as portrayed here, but the youngster may be flogged on the soles of his barefeet like a prisoner in 18th-century Turkey, or perhaps raped by a gang of homosexuals—as learned from obviously honest interviews with the victims themselves.

And didn't I detect an extra-hard edge to the questioning by the interviewer, a new kind of esprit that just might be emerging through the conflict TV news has been having with the federal government lately? In any case, he didn't let official spokesmen get away with bland nonanswers. He pinned facts on them and demanded an accounting. As director-writer-producer of the program, he deserves acknowledgement: Martin Carr.

[From the New York Times, May 3, 1971]

TV: Juvenile Offenders: "This Child Is Rated X" Gives a Chilling Picture of the Way Young Are Treated

Unfortunately for viewers who don't pay much attention to program listings, one of the more valuable, and valuably disturbing, of recent news specials slipped almost unheralded last night onto the home screens served by the National Broadcasting Company. "This Child Is Rated X: An N.B.C. News White Paper on Juvenile Justice" was precisely the type of television program that merits advance discussion and recommendation. But for various ornate reasons N.B.C. has a policy against the pre-reviewing of its programs. Go fight N.B.C.

Outstanding credits for producing, writing and directing the program go to Martin Carr, who also produced the much-lauded "Migrant" news special that was shown on N.B.C. last July. With Edwin Newman as narrator, "This Child" faced the horrifying fact that each year almost a million children pass through this country's court system, detention facilities and training schools, and that while many of them go in as relatively harmless juvenile offenders, too many of them emerge as hardened criminals.

"The system," Mr. Carr argues, "does not dispense equal justice to black and white. The system does not dispense equal justice to rich and poor. The system does not distinguish between the neglected child and the delinquent child. The system has not seen fit to give its children the same legal protections it has given its adults."

Traveling to various parts of the country, including Cook County Jail in Chicago and the Indiana Boys School, alma mater of Charles M. Manson, "This Child" let the children who were in, or had gone through, the system tell their own stories, which were then verified with juvenile authorities. Obviously anyone tackling the subject of brutality and insensitivity in the juvenile detention system is going to run up against the accusation of "coddling." Mr. Carr, carefully included spokesmen for the authoritarian side of the argument. He fully recognized the serious problem of the guilty child who has committed a very serious crime.

His main concern, though, was with the child who had done something considered to be a crime only because he is a child. In the Indiana School, for instance, sixth largest in the nation, more than half the offenders are there for offenses such as running away from home, breaking curfews or being hard to handle. A study by two criminologists, the program noted, has found that if present laws were strictly enforced, 99 per cent of all children could legally be locked away.

Mr. Carr's interviews with several children, most of them seemingly rather reticent, revealed the outlines of an almost Dickensian nightmare in some cases. The apparent availability of drugs, from acid to heroin, was casually accepted, along with widespread homosexuality and lesbianism. Poorly qualified custodians were linked to vicious and arbitrary punishments. Due process for the child was shown, could be skirted by obtaining the signatures of naive or ignorant, though perhaps well-meaning, parents.

Only in Boulder, Colo., was there found a rare reason for hope, in the person of Judge Horace B. Holmes, the presiding juvenile court judge. Whenever it is possible, he prefers to keep the child out of detention and within the community. Detention "is a way of getting rid of our problems," the judge maintains. "We've done it in mental health. . . . Everybody we don't like we can't get rid of—we have to live with them."

Throughout the system the program found men aware of the problems but too often tending to fall back on the excuse that this is "part of the problem of large institutions." "This Child Is Rated X" and N.B.C. have forcefully dragged that problem out of the institutions into the public arena.

This Child Is Rated X: An NBC White Paper on Juvenile Justice

Boy (OC): Sometimes it's, it's slapped in the, the face. And sometimes it's it's the paddle. Like up in, like up in detention they usually give you the paddle before they slap you.

Boy (OC): When they hit ya, they make sure it hurts. They try their best to knock you cross the table when they hit ya.

Leroy Neu (OC): There's not enough punishment. There are not enough juvenile delinquents being committed.

Girl (OC): When you're in a institution with all girls, and there's no males around, I mean lots of girls have low, high sex.

Girl (OC): It's nothing to see two girls holding hands going down the hall or something like that.

Girl (OC): Well, if they're hipped on the drug scene they can get maybe a couple tabs acid or something.

Moore (OC): You know, the schools have failed. The juvenile authorities have failed. The police have failed. The psychiatrists, the social workers, everybody, the preachers, everybody has failed.

Girl (OC): I landed up in jail. All I did, I cried cuz I was so scared. I stayed back from everybody else.

Dr. Menninger (OC): If people have enough money of course they never go to jail, you know that. Jails are for poor people. Jails are for black people. And jails are for children.

Boy (OC): This place don't help you any, just keeps you away from home, that's it.

Leroy Neu (OC): Beyond any question, the youngsters who are there, deserve to be there.

Boy (OC): I ain't planning on going to prison.

Carr (VO): Think it might happen?

Boy (OC): Yeah, it could.

Newman (OC): More of our children are in trouble today than ever before. Twice as many, in fact, as ten years ago. An estimated one million children will be arrested this year and begin a journey through a system of justice from which many will never emerge. A system run by a special set of rules—special because they apply only to children.

There are whole categories of crimes that are crimes only for children. Crimes like running away from home . . . truancy . . . being out too late at night. Children are not given the benefit of a "trial" to deal with these crimes. They get a "hearing" which can send them away to institutions where they remain until the authorities feel they are ready to leave or until enough time has passed so that they are legally no longer children.

Last year 162,000 of our nation's children were locked in institutions that most of us have heard of, but a few of us have ever seen.

But recent stories are beginning to force the public to pay attention to these places.

In Iowa, a girl is thrown into jail because she runs away to get married: she hangs herself. She is 16-years-old.

In a children's detention center in New York, four children attempt suicide within ten days.

In Missouri, a 17-year-old is homosexually assaulted and kicked to death by jail cellmates.

Another 17-year-old is murdered in a Miami jail.

NBC News spent the last seven months investigating our system of juvenile justice. We visited juvenile courts, detention centers, and reform schools across the nation. We chose to let the children in the system tell you their own stories . . . stories we verified with the juvenile authorities. We would like you to remember two facts as you listen to them: half the children in America who are deprived of their liberty and sent to correctional institutions have done nothing that would have been a crime for an adult. And half the children in those institutions will come back to them—having committed a more serious crime. We choose three areas of the country to examine closely. Tonight we present our results.

Newman (VO): Chicago will soon boast a building a mile high. Its crime rate is also sky high, rising 14 times faster than its population in the last ten years.

Cook County Jail, copied from a 19th century French prison, was built to hold 1300 people. It now holds almost twice that number. Three hundred are juveniles—accused of serious crimes. None of them has been convicted. Some have remained behind these bars as long as two years, getting a glimpse of their parents only on infrequent visiting days. Juveniles in Cook County Jail are certain to be poor and almost certain to be black. They are crowded into prison just as they were crowded in Chicago's crime-ridden ghettos. They have in fact exchanged one ghetto for another.

Producer Martin Carr spoke with a 14-year-old prisoner about life in jail.

Carr: How long have you been here?

First Boy: Four months, going on five.

Carr: Five months.

First Boy: Um.

Carr: That's a long time.

Up in here it is. Time pass slow.

Carr: Time pass slowly.

First boy: Uh huh.

Carr: Did you ever get to meet anybody that's committed serious crime?

First boy: Yes.

Carr: Like what?

First boy: Johnny Villos.

Carr: Um.

First boy: I met him.

Carr: What'd you talk about?

First boy: Well, why he do it, what he do it for. For a reputation he said.

Carr: What does it make you think about?

First boy (OC): Me. Well I figure if I had a big reputation like that I would be mighty important.

Carr: Do you think he's mighty important?

First boy: Yes.

Carr: What did he do?

First boy: Killed a policeman.

Carr: Killed a policeman. And that made him important.

First boy: Yes. I guess so.

Moore: You know, a lot of people are—and you in particular feel that they see 14 or 15 year olds—in jails, and you say, oh my, what a shame. They shouldn't be in here. Yet the victims—the victims of the crimes they have committed shouldn't be in the graveyard either. This is the one thing that disturbs me. Nobody is concerned about victims—you know, the hardships that these kids have . . . upon people in the community—you know, you are no less dead whether you are killed by a 14-year-old or by a 40-year-old, and this is mostly what they're in here for—murder.

Carr: Nonetheless, Mr. Moore, I think you're making a pre-judgment. I have found over and over and over again in kids that I've talked to, that they are awaiting trial.

Moore: For murder.

Carr: In some instances, for murder.

Moore: In most instances, you found.

Carr: Isn't this punishment before conviction?

Moore: No, the law states that there are some crimes that there are no bail for. Would you let them out to go out and kill again?

Carr: I was talking to a young man here in the jail yesterday, not incidentally charged with murder, and he said while he was here he had the chance to meet and get to know somebody who was charged, with murder. Don't you think that this young man who was talking to me, has been hurt?

Moore: If he's a 14-year-old and he's in jail he's in here for charge being of raping a white woman. You don't come to jail at 14 for being charged with raping a black woman.

Carr: Mr. Moore, how does this make you feel?

Moore: Well, if he's here for about, you know somebody was raped. They had probable cause. Now I think that what happens in this situation that he should have been—I didn't bring him here, as I said before, I'm just a custodian of men. But had he raped somebody related to me, I would want him here.

Carr: Nonetheless, he is only charged with rape and you run this institution, Mr. Moore. Are you pleased?

Moore: I have 1,700 men, out of 2,000 charged with something. I haven't, I don't make the laws. I don't enforce them. I'm just here as a custodian of men.

Newman (VO): Our investigation of the juvenile justice system led us, surprisingly, to a mental institution, Elgin State Mental Hospital in a suburb of Chicago. About 5 percent of the children handled by Cook County's juvenile courts land in mental institutions.

Elgin State Hospital has set up a special unit to handle some of these children. They are not described by the Hospital as emotionally disturbed or mentally ill. They are called socially deprived.

Producer Martin Carr asked the Clinical Director of the Hospital's Adolescent Division, Dr. Enrique Vicioso, what kind of children are assigned to this special unit.

Vicioso: In the definition of mental illness, you make a definition. They are not mentally ill. They are social deprived individuals.

Carr: Socially deprived.

Vicioso: Socially deprived who can be handled elsewhere.

Carr: What does socially deprived mean?

Vicioso: Socially deprived is that individual who doesn't have the opportunity to have a father or a mother or a person that more or less is an authority figure. That he may be able to learn some kind of values, social and moral value.

Newman (VO): Legal Aid Attorney Patrick Murphy represents some of the children in this hospital.

Murphy: I can think of two cases for instance involving two children, one from an area called Uptown here in Chicago, which is primarily a white Appalachian area and another from the West Side ghetto . . . black ghetto. They both ended up at the Elgin State Hospital. Recently they were both caught in consenting homosexual conduct, they both being about 13 now. Now it may be wrong to do this, it may not be. I'm just a lawyer, I can't make moral judgments, however, the people at the hospital did and they bound them to their beds for a period of 77½ hours. And they tied their hands and their feet to the bedposts and spreadeagled them to the beds, in such position that the boys could only move their hands about 3 or 4 inches in each direction. They were allowed up only to shower. In 77½ hours.

Vicioso: We're not using punishment over here. We are using a multiplicity of treatment in order to change the behavior of the person.

Carr: Nonetheless, tying a child to a bed for 77 hours sounds to me like punishment.

Vicioso: Okay, well this is a matter of opinion. We are trying to provide here in this institution to some of the kids some kind of therapeutical um uh behavior modification and some kind of disciplinary approach to the patient.

Carr: In other words, tying a child to a bed for 77 hours does not create any physical pain?

Vicioso: This kind of kid, no.

Newman (VO): Dr. Marvin Schwartz, Consultant in Child Psychiatry to the Cook County Court system, disagrees with this kind of treatment. He feels it hurts children.

Schwartz: When you tie someone to a bed like, like one wouldn't tie a dog, but, you know, like a dog, you see—for 72 hours without any, you know, real reasons—and put that person in the middle of a room to display, this person of limited abilities, this person with terrible difficulties of adjustment who has confused ideas of himself, who has confused self concepts to begin with, ends up feeling more self depreciated, more confused. More lost and more of a nothing in our world.

Carr: In addition I understand to tying these boys to the bed for 77 hours they received intramuscular injections of some medication. And intramuscular injections is particularly painful. So that added to the punishment.

Vicioso: Not necessarily. Not necessarily intramuscular injections is painful. You may say for instance when the needle going inside all right, it can create some kind of painful sensation, but our goal when you give medication with a patient, especially intramuscular, is because we want the medication to work as fast as possible so the behavior can be modified.

Schwartz: The concern of the attorneys in this case and my concern is that we see, don't see any evidence that these drugs were being used to treat an acute situation. It was being used to quiet people down totally. Namely as a means of control.

Carr: So could there be a reason to give it intramuscularly?

Schwartz: Yes, it hurts.

Murphy: Once we got involved in the case we found out we were, the 77½ hours was, was child's play. One of, the third plaintiff, a girl, was tied to her bed for 7 consecutive days for slapping a matron. Certainly if the girl had slapped her mother and her mother had tied her to her bed as these people did for 7 consecutive days, we would be prosecuting that mother for criminal neglect and she would be on the front page of every newspaper in the state.

Vicioso: Well in the case of this girl tying her for 7 day, I repeat again, I don't feel this is a matter of really punishment.

Everybody tried to really help this girl to modify that behavior, but unfortunately this girl has not been kept enough in a place long enough so she may be able to learn about that. As a matter of fact . . .

Carr: That's not her fault.

Vicioso: It's not her fault.

Schwartz: The community sets up institutions with limited budgets, with poorly trained staff, with inad, with poorly trained supervisior—places upon these institutions the problems which are really the problems of the community which the community does not want to deal with, places into these institutions people who are—in a way are victims because we have made them what they are and then says to this institution not only does it say now hold these people in so that the rest of us can pretend they don't exist and are not here, but it says relieve our guilt and pretend you're treating them.

The shocking thing is—is not these children and not Elgin State. The shocking thing is that this is how our society deals with these things universally.

Newman (OC): Many juvenile institutions refused to open their doors to NBC News. They claimed they were protecting the children. But Indiana Corrections Commissioner Robert Heyne allowed us to film in Indiana Boys School and Indiana Girls School, hoping that public awareness of their problems might stimulate change.

Newman (VO): Indiana Boys School, alma mater of Charles Manson, is the sixth largest in the nation. To send a boy there costs the state and local governments $8,000 a year, twice as much as it costs to send a boy to Harvard.

More than half the children in the Indiana Schools have been committed for specifically juvenile crimes. Crimes like running away from home, breaking curfew, or being hard to handle. A major study by two New York criminologists tells us that if present laws were strictly enforced, 99 percent of all children would be locked away.

The next six children *are* serving time for *juvenile crimes*. The accuracy of their statements has been checked with Indiana authorities.

Carr: Why are you here in Indiana State Boys School?

Boy: I snuck into a drive-in in the truck of a car and there were X rated movies, you know, for 18 or over—and so they—they, I guess they just kind of got me for that mostly and put me down here. Because when I was at the police station my ma said, you know, she was mad. She said well just, just keep him, do what you want with him. And that's what started it. Then I—and then they just put me down here for that really.

Carr: How long have you been here, this time?

Girl: Four months.

Carr: Four months at Indiana Girls School.

Girl: Right.

Carr: How did you get here?

Girl: I was in the orphanage.

Carr: Um m.

Girl: In 68. At first I wasn't too sure of why I was there, because you know, they gave me a couple of reasons, because truancy and then they said my parents didn't want me. Then later on when I found out that it was because my parents didn't want me, and they just sig, you know, signed me over to the state, I felt terrible. Well, I couldn't stay there and that's why I ran twice.

Carr: After you ran away from the orphanage the second time, you ended up in jail, you were telling me. What was it like in jail?

Girl (OC): There were prostitutes, and then . . .

Carr: Did you know about that?

Girl: Yeah, they had talked about it. And then there were two, I think, that was in there for murder.

And it, it really was a scary feeling to be around such people.

Boy: Well when I was four was when I got taken away from my parents and then some Williamses adopted me. And I lived with them until I was 11. Then I went to some other people and I lived there for five years and then I went to another family and lived with them for awhile and then another family and lived with them for awhile and then I got sent up here.

Carr: Where did you like it the best?

Boy: Where I lived in Greensburg. That was the best place I was in.

Carr: Why did you like it there?

Boy: I could, I could talk to them and they really cared about me. They, they'd get me out of trouble if I'd, if it wasn't my fault. I mean, I was good at getting in trouble. And, when I didn't do something and I told them that I didn't do it—and they'd believe me. They'd do their best to get me out of it. It's—I mean, they just really cared.

Carr: This is a school for . . . what?

Boy: Juveniles.

Carr: What kind of juveniles?

Boy: Delinquents.

Carr: Delinquents.

Boy: Delinquents.

Carr: Do you think you're a juvenile delinquent?

Boy: I guess so or I wouldn't be up here right now.

Carr: Do you know what Indiana Boys School is for—what kind of boys are here?

Boy: It's supposedly for juvenile delinquents.

Carr: For juvenile delinquents.

Boy: Yes sir.

Carr: You were sent up here because you broke curfew?

Boy: Yes.

Carr: What time is curfew where you live?

Boy: 11 o'clock.

Carr: 11 o'clock. And you were out later than that?

Boy: Yes, sir.

Carr: Do you think you'll ever get into trouble again?

Boy: Not after being up here.

Carr: Not after being here?

Boy: No.

Carr: Why?

Boy: When you get out, people's going be knowing that you were sentenced to boys school and they aren't going to be wanting their children around you, figuring that it might be a bad influence on them.

Girl: They can't love you in a place like this. I mean, they're, they're just here what, 8 hours a day, just to tell you what to do, and then they go home. I mean, you know, they may care for you, but not the way a mother and a father would.

Carr: How about your friends your age here. Do you have any?

Girl: Up here when you get too close to a girl they automatically think you're casing.

Carr: Casing?

Girl: That's when two girls go together.

Carr: Is there much of this here?

Girl: There's a lot of it.

Carr: Does it hurt any girls?

Girl: In a way yes. Well, you can get hurt, I mean not just emotionally or mentally, physically also. I mean they beat up on you and beat you over the head, and slam your head up against the wall, and everything but . . .

Carr: If you resist. Is that it?

Girl: Yes.

Carr: Do the counselors know about this?

Girl: Yes, but there's nothing they can really do.

Carr: So what happens to a girl who comes in here kind of innocent and inexperienced?

Girl: She doesn't go out so innocent and inexperienced. Cuz she learns a lot of things up here.

Carr: What do you think causes a problem like homosexuality in an institution like this?

Burkes: Well, I think for the fact is you've got all girls, or boys, or what have you. And then the fact that we have adolescents, or the period of 13 through 18, where they're naturally curious about these kind of things.

Carr: What happens to a young girl who comes here?

Girl: I think they know a lot more about the bad things when they go out.

Carr: Did you learn things you didn't know before?

Girl: Yes, sir.

Carr: I understand that you ran away a little while ago. What happened?

Girl: I got put in cottage 8 when I came back.

Carr: What's cottage 8?

Girl: It's maximum security.

Carr: What's that like?

Girl (OC): Well, it's, it's a small room and you're locked in there about 23 hours a day. It's real drabby and it's got writings all over the wall and you sleep on a mattress on the floor.

Carr: What does it feel like after you've been there a week?

Girl: Like you sort of withdraw from the rest of the world. Like some of the other girls and I, I didn't even care after I was there a week. It was like you're there and you're never going to get out.

Carr: Why are you in here in a room with a thick door, no bed, no furniture . . .

Girl: Because I ran.

Carr: What does it feel like to be in a room like this?

Girl: I don't know. At times it just seems like the whole place is gonna fall in on me, and the only thing that I can do to protect myself would be get out and take off again.

Carr: How about drugs. Drugs is one of your problems.

Maybe it's a good idea for you to be in a place like this—keep you away from em—do you think it does?

Girl: I had some H here.

Carr: Some heroin?

Girl: Yes, sir.

Carr: Did you shoot it up here?

Girl: Yes.

Carr: Which is easier to get around here? Heroin or acid?

Girl: Well, I don't know with the other girls, but me, I think I could get anything I wanted. And I mean in the drug line.

Carr: Why the paper plates and the paper cups and wooden spoon?

Girl: They could file, maybe their spoons or something down and make a sharp object and kind of hurt the housemothers or hurt themselves by breaking or maybe slashing our wrists or something like this.

Carr: Did you ever hear of that happening?

Girl: Yeah.

Carr: Girls attempting suicide.

Girl: Yeah. There's been only one girl that I know of that has died here in Cottage 8.

Carr: You knew her?

Girl: I didn't know her personally, no.

Carr: You just heard about her?

Girl: Yes. She hung herself.

Newman (VO): Charles Manson ran from Indiana Boys School five times. At least thirty boys run from here every month. Most of them run home.

Carr: Why did you run away?

Boy: Well, I just didn't like it up here.

Carr: Where did you run to?

Boy: I ran to home.

Carr: To your mother?

Boy: Yes.

Carr: What happened to you when you got back?

Boy: I was sent to the detention.

Carr: What's that?

Boy (VO): It's a small room, about 12 foot long and about 6 foot, or about 8 foot wide, it's got a bed in it, a toilet and a sink, off to the side of it, a little window in the back of the room, with a big metal door.

Carr: Is that what they mean by the cage?

Boy: Yes, sir.

Carr: Why do you think they call it the cage?

Boy: Well it's like one.

Carr: How long were you in the cage?

Boy: For eleven days.

Carr: What's it like being in the cage for eleven days?

Boy: Well, after you get done climbing the walls, you just lay down for the rest of the day.

Carr: What do you mean after you get done climbing the walls?

Boy (OC): Well, I just—trying to get out, I reckon you . . . I get claustrophobia and I can't stand to be put in one of them rooms for too long, but . . .

Carr: But you were there for a long time.

Boy: Yeh.

Bennett: We feel that there is a need for a kid to be placed in a unit like this simply to have control of the institution or control of the situation. It is not ideal. But it's the same old numbers game—too many boys for too short a time.

Carr: Why is it necessary to put shackles on a boy and I refer to a sign saying there is no screen around, do not use without shackles. How should I understand something like that?

Bennett: The only time a, a shackle is used on a boy is that if here is a malfunction in the facility where he could escape. Or if a boy has a claustrophobia problem, and the psychologist recommends that the door to the unit be left open. And so a shackle is used.

Carr: Do you always get enough to eat here?

Boy: Not all the time.

Carr: What happens when you get on the end of the line?

Boy: Well, you get about half of what everyone else gets, sometimes not even half.

Carr: Sometimes not even half. So you walk around hungry.

Boy: That's what you have to do and just hope you can get up towards the middle of the line next meal.

Carr: And if you were at the end?

Boy: Then you didn't get nothing.

Carr: I've heard from several boys I talked to here that there's sometimes an Oliver Twist situation. That they don't get enough to eat or they don't get any food at all. How can you explain that?

Bennett: Well this is a problem that does exist in a, say a cottage that has a large number of boys. If the supervisor does not supervise adequately, it could be that the boy at the end of the line will become—will come up with less food than the one to begin.

Carr: Um. Who might this cottage supervisor be?

Bennett: The cottage supervisors may have worked in industry, may have worked in a factory, may have been truck driver, may have been—people from all forms of life. They may have been former salesmen, people like this. And, of course, their work before they came to us was totally different. So we are shackled with the problem of training them to handle and remold lives. Young lives.

Carr: A while ago, you were telling me that you ought to be on your knees now.

Boy: Yes, sir.

Carr: What do you mean?

Boy: Well, you get on your hands and knees with a shine rag, a little rag and shine the floor——

Carr: How long?

Boy: Well, sometimes you stay there for a couple of days; it's according to how bad the supervisor thinks it is of what you did.

Carr: What did you do?

Boy: I was sitting right beside a bench that was supposed to be off-limits.

Carr: You were sitting next to an off-limits bench. What happens to your knees when you stay on the floor that long?

Boy: Well, you get big blisters on them.

Carr: You had other kinds of punishment too, haven't you? How about the board?

Boy: No, I never had that, except over at the school, once, and that was for when I spilt some varnish on the floor.

Carr: You got the board once.

Boy: Yes.

Carr: What does getting the board once mean?

Boy: Well, they hit you three times but it's only one time. You get . . .

Carr: Who hit you?

Boy: The principal—Mr. Kramer.

Carr: For spilling varnish. What does it feel like to be hit three times with the board?

Boy: Well, it hurts. It's not real bad, you know, but . . .

Carr: Can you sit down that evening?

Boy: Yeah. That's—Mr. Kramer's sort of an old man. He—can't hit quite as hard as some of the other security men that regularly give it to you in the company.

Carr: That regularly give it to you in the company. What's the worst punishment you've seen, really seen with your own eyes around here?

Boy: Where you get three with the board and if you cry . . .

Carr: You get three with the board. In other words you get whacked three times.

Boy (OC): If you cry or anything you get three more and well, you're doing 75 pushups if you mess up one time . . .

Carr: In addition to being whacked with the board, you have to do 75 pushups?

Boy: 75 pushups. And if you mess up with 75 pushups on any of them then you have to get the board again.

Carr: You have got to get the board again.

Boy: And do your 75 over.

Bennett: The paddle that is used is kept in this office and only approved by me as superintendent.

Carr: Do you think it's possible that cottage supervisors often resort to discipline, may enforce certain disciplinary measures just to make their jobs easier?

Bennett (OC): Yes. And this is part of the problem of a large institution. We find that the supervision of staff is very difficult.

Carr: Uh huh. I understand that in the past flogging was an official disciplinary measure here.

Bennett: I would say that it has been many, many, many years since they've had what most people in the field call flogging. There was a leather strap used to spank boys. We have taken that out of our program.

Carr: How long ago?

Bennett: It's been more than a year ago.

Carr: Why might corporal punishment be necessary at an institution like this?

Bennett: It's necessary here. Simply because we have boys a short time and we have too many boys.

Carr: About how many boys that are here now really don't belong here?

Bennett: I think the number is quite high. 55 to 70 percent could be handled in, in other settings.

Carr: How many boys return here? What's the rate of return?

Our return rate runs between 40 and 50 percent.

Carr: About half the boys that are here now will return here. Doesn't that give you a sense of failure, that you're not accomplishing what you'd like to accomplish?

Bennett: Very much so.

Carr: Do you think you're doing any harm?

Bennett: We're doing a lot of harm.

Newman: Authorities across the nation agree. Harm is being done. Yet judges across the nation continue to sentence the majority of children to juvenile training schools similar to the ones in Indiana. Judge Horace B. Holmes is one exception. As the presiding juvenile court judge of Boulder, Colorado, he tells us why whenever possible he prefers to keep a child within the community . . .

Carr: You feel it is your duty or mission or object to keep children out of the institutions. Even good institutions are bad.

Holmes: The best place a youngster can be is at home. There is no place better than home for a youngster.

Carr: Your motto is attention, not detention.

Holmes: That's right.

Carr: What does that really mean?

Holmes: Means that we've got to look at kids and try to figure out what's going on and what's bothering them and what we can do to correct their activities, what we can do to correct the situation that has caused them to be this way and—you don't get it by locking them up someplace. Either in jail here or in a state institution because this isn't going to solve it.

Carr: Why not?

Holmes: Because when they come out of a state institution no matter how good it is, they come, strangely enough, kids come home again.

Carr: Why are walls and bars necessarily bad for a child who may be in trouble?

Holmes: Maybe for some youngsters it's not bad. Maybe the youngster that can't live except confined, but I think many of them are, don't need this. That this is a way of getting rid of our problems. We've done it in the mental health. We've, we've housed our, our mental health patients in, in sort of dungeons and now we're getting better and getting them out, and back into the community. Where they should be. The mental health patients should be with us. Everybody we don't like we can't get rid of—we have to live with them. And this—this is what the kids are saying too. They say we've got to live with one another. If we listen to them, maybe we'll learn something.

Newman (VO): El Paso, Texas likes to call itself the "All-America" city. The motto is on police cars, hotel doors, phone booths, almost everywhere you look. But where the rights of its children are concerned, El Paso is hardly all-American. Rights guaranteed all Americans by state and federal law have systematically been denied.

After careful investigation, NBC News was able to document many instances of children sent away to state correctional schools without the advice of a lawyer or a hearing before a judge.

We talked to Ira Workman and his son Philip who had spent 9 months at the Gatesville School for Boys.

Carr: Philip, you were up at Gatesville, right?

Philip: Right.

Carr: How come? What'd you do?

Philip: Problems at home and couldn't get along, ran away from home quite a few times.

Carr: Uh huh. Mr. Workman, why did you think that Gatesville would be a good idea for Philip, your son?

Workman: As I understood it, I thought it was like a regular school. That they would have people up there that would put the boy on the right track and that was their sole responsibility. I did not approve of the type of disciplinary action that was given there.

Carr: Philip, you were there, you tell me about it.

Philip: They would, uh, maybe wanna get us on our feet, you know, sit us down, take our shoes and socks off—and they'd have leather straps mostly, or sometimes a stick.

Carr: Um huh. And you'd be sitting on the floor with bare feet?

Philip (OC): Uh huh, with bare feet.

Carr: And then what happened?

Philip: And he'd hit you on the arch of your foot, cause they say that's the tenderest part.

Carr: How many times would he hit you there?

Philip: Well, sometimes up to ten times.

Carr: Did it hurt?

Philip: Yes, it really hurts. It's hard to stand really when you, they get done.

Carr: Did you ever cry?

Philip: Oh, I cried the first time.

Carr: You didn't have to send him in front of a judge in order to send him to Gatesville, is that it?

Workman (OC): No, all I had to do was sign a paper, that, that I understand that the paper of it I signed, went before a judge. Now that's the best of my knowledge.

Carr: Did you try talking to a lawyer? Did a lawyer come down and discuss this with you?

Workman: No, I didn't talk to any lawyer.

Carr: Nobody suggested that you ought to talk to a lawyer or anything?

Workman: I cannot remember any suggestion as to talking to a lawyer.

Carr: How about you, Philip, did you talk to a lawyer at that time?

Philip: No.

Bercu: I was told by a number of the juveniles that I spoke to that they in fact had been sent to the Texas Youth Council facilities without having had a hearing. They were now returned and I had been speaking to them.

Carr: Is that what an agreed judgment means?

Bercu: An agreed judgment is an agreement by the parents with the chief probation officer of El Paso County, the man who runs the detention home, agreeing to the fact that the child is a delinquent, without any sort of consent by the child, and then it is then taken to the judge, and without a hearing the child is sent to one of the Texas Youth Council facilities.

Carr: I take it that this is against the law, both here in Texas and against the law of the nation.

Bercu: I find it completely against the law. I can find no justification in any law in the United States for this procedure.

Carr: About how many cases of agreed judgments have come to your attention directly or indirectly?

Bercu: About 50.

Carr: As a lawyer funded by the OEO, is there anything that you can do to get these children out?

Bercu: For the majority of them, there's nothing I can do.

Carr: Why is this the case?

Bercu: Because, apparently, these agreed judgments are cases where the parents wanted their children sent away to some sort of prison.

Carr: Where is Emily right now?

Garrison: Brownwood.

Carr: Emily's at Brownwood—what is Brownwood, Mrs. Garrison?

Garrison (OC): The state home and school for girls.

Carr: Did anybody explain to you at the time that your daughter was entitled to a hearing and to a lawyer?

Garrison: I don't think it was mentioned. But I at least got the impression that if we did go before a judge she may be put away for a definite and longer time than if I just signed the papers and let her go, and left it open for a while.

Carr: In other words you were frightened that if she had a hearing it would be worse?

Garrison: Yes.

Carr: So you decided against the hearing and you signed an agreed judgment?

Garrison: I don't know what I signed.

Newman (VO): Concerned about agreed judgments, Frank Walker, Assistant County Attorney during our investigation, discussed the matter with the juvenile judge.

Carr: Have you ever discussed this with the judge from this point of view?

Walker: I told him that I didn't know they existed, I didn't believe they existed, and I found that they did exist. And that was being done.

Carr: When, you mean the agreed judgment, you found . . .

Walker: Yes, we discussed it no further than that.

Carr: And the judge admitted to the agreed judgments.

Walker: Yes, he did admit to it.

Newman (VO): NBC News requested an interview with Juvenile Judge Edwin Berliner but Judge Berliner refused to be interviewed. Nor were we permitted to talk to any of the children held in Gatesville or Gainsville on agreed judgments. In fact, the Texas Youth Council refused to let NBC film in any of its facilities. We were however, able to talk with 15-year-old Ricky Reid the night he returned home after spending 8½ months at the Gatesville School for Boys.

Carr: Did you get anything out of your 8½ months at Gatesville?

Reid: Yeah. Talked to a lot of people who'd been up there for armed robbery and burglary and car theft and—all different kinds of things.

Carr: Did you learn very much?

Reid (OC): I learned—yeah, I learned quite a bit.

Carr: Did you like it?

Reid: Naw.

Carr: What bothered you?

Reid: The supervisor. He'd come by, you know, and he'd jump on you if you were looking at him wrong or for—getting up.

Carr: What do you mean he'd jump on you?

Reid: He'd beat the hell out of you. I seen a boy get picked up by a man weighing close to 300 pounds, thrown against a wall and the man just sit there stepping on his stomach, kicking him in the legs and head and everywhere. I seen that happen, I seen a man pull a table leg off a table and beat a boy with it.

Carr: Before you were sent to Gatesville, you were in the detention home for 2 weeks. What was that like?

Reid (OC): It was just—you're locked up. I didn't have nobody to talk to, was in a room by myself. Didn't have—I didn't have anything to do. Sat on my bunk. No mattresses on the bunk, rats running around and spiders and everything else. Place smells. Well, after about 4 or 5 days, I thought I was losing my mind. (Laugh) Nobody to talk to or anything. It was pretty bad.

I cut my wrist and man, he come by the door, he looked down, he saw me, so he walked back down the end the hall and it started bleeding pretty bad, then—and then he walked back in and he said, he said something like, you—he said, you dirty, he said, you dirty gringo and all this stuff. He said I ought to let you bleed to death.

Carr: I've heard complaints from people here in El Paso, you've probably heard them yourself, they would rather be in Gatesville or Gainesville than in the detention home. They described it as pure hell. What do you have to say about that?

Raley: It isn't intended as a resort hotel.

Carr: What am I to think if a child says to me, "I was in there for about 3 weeks and I was let out only 3 times during the day for meals. I had nobody to talk to in between. I had nothing to do, I had nothing to read. I had to sit on a bunk with no mattress on it." Should I believe him? Is he telling me the truth?

Raley: I'm not going to say. I'm going to say, draw your own conclusions.

Many times a child is booked in for protective custody which is not a legal charge, but is for their protection. Later we find that the child is completely incorrigible, by their own admission and by a statement from the parents. They exhibit that incorrigible behavior here too, believe you me.

Carr: How do they do that, Mr. Raley?

Raley: I might bring this in at this time. That originally was a tee shirt which one of the boys was wearing in a room. In a few hours time this boy removed that shirt, started unraveling and rolling the twine. That is the tee shirt in its present form.

Carr: Why do you think he did that, Mr. Raley?

Raley: More to trying to strike back at anyone, especially his parents.

Carr: Isn't it possible that the child made that ball of twine because he was bored? Because he had nothing better to do?

Raley (OC): Not necessarily. Many of them will take any action to—as they see it—get even with their parents or the guards.

Carr: How would you account for this behavior on the part of the children?

Raley: I would say a lot of it is due to the coddling, permissiveness of parents—permissiveness of law enforcement, of everyone concerned.

Carr: Are you able to overcome this permissiveness?

Raley: Some of it.

Carr: I've heard again and again from different people in town that many times a parent in cooperation with you has sent off children to either Gainesville or Gatesville or one of the other homes in Texas without the benefit of either a hearing or a—lawyer which they are entitled to under the law.

Raley (OC): This isn't true virtually. These children, these well these parents, first—are—cautioned of their rights, of the child's rights and many times there is an attorney in the background that the child is not aware of. Later the parents get guilt feelings, the child is resentful and you get the answer you have had. Many of them through this sense of guilt will change their story to the point where they try to clear themselves.

Carr: Isn't it always an advantage for a child to have a hearing and to have a lawyer?

Raley: Uh—again, I'm not going to go into that.

Carr: Why is your son in Gatesville, Mrs. Brown?

Brown: Because he wanted to get married and he keep on running away from home. And they sent him over there because at the time, you know, we thought that was best for the boy, that he wouldn't get married. They told me that was a very nice school and very good place for the boy.

Carr: Who is this? Who told you that?

Brown: Mr. Raley. I went to talk to him and he told me that the best thing for the boy there would be that school because it's a good school. They have a swimming pool. They have good teachers. They have freedom.

When I first sent him over there, Mr. Raley told me that I could get him out any time I wanted to. And I got very sick and I want to get him furlough and he say not a chance.

Carr: You're sick now, aren't you ma'am?

Brown: Yes. I've been sick for the past 2 years, I think—2 or 3 years.

Carr: What is the matter with you. Do you know?

Brown: I saw the doctor yesterday. He said I got a tumor, and two of them say that I got cancer.

Carr: But they wouldn't let you bring him home?

Brown: They wouldn't let me bring him home, they say no.

You know, when they sent him away I figure well I go see him once or twice a week. And then I find out that it was miles away and then I didn't even know, I didn't even—well, as you can see, people in our position, I didn't figure that I'd ever see him at all til he come home.

Carr: How far away is Gatesville?

Brown: Well, we make 14 hours on a bus. We borrowed some money, you know, from a finance company to go see him on Christmas . . .

Carr: Uh huh.

Brown: . . . But since he was coming . . .

Carr: How much money did it cost you to go and see him?

Brown: Well so far, on back and forth these two times $250.

Carr: Two hundred and fifty dollars?

Brown: What we spent.

Carr: Do you still owe this money to the finance company?

Brown: Yes.

Carr: You're working too aren't you?

Brown (OC): Yes, I'm working. My husband working and I have, I have to, I have to find another job to help me to pay this money.

Carr: You went over to Gatesville?

Brown: I went to Gatesville and I found him beat up.

Carr: You found your son beat up.

Brown: Beat up. He got a big bruise on his head and he was terrified. He wasn't afraid. He—oh when anybody talk to him or get near him, he just bend his head and stay like that and he don't answer.

Carr: What are you going to say to your son when he comes home?

Brown: I want to tell him I'm sorry. I'm going to—I don't know, I'm going to try to explain to him what did I done, and try to make up for what I done——

Carr: Do you think you can make up?

Brown: He's a good boy—he got a good heart. And we raised them as, you know, as good as we can. We, we got a big family you know, we fight and we made up right away. We never stay mad at each other and we raised the boys that way. I think he'll forgive me, I hope at least. Because it's a lot to forgive you know. Send a boy, a 15-year-old boy to hell like that, I don't think—is if I were him, you know on my side, I think it take me a long time to forgive my family.

Newman (OC): In El Paso, Juvenile Judge Edwin Berliner has stopped the practice of agreed judgments. Since we filmed, several of the children sent to Texas Youth Council facilities in this way have been released. Nonetheless, many of them remain, sent away by a court which clearly feels that children, simply because they are children, are not entitled to full protection under the law.

The Texas Youth Council, when it learned of our investigation, refused NBC News access to any of its institutions with or without a camera. It was therefore impossible to document the many reports of brutality given to us by parents and children. However, State Senator Donald Kennard tells us that physical mistreatment is a fact of life for children in these institutions. State Representative Curtis M. Graves tells us that nearly 200 parents and juveniles have complained to him of brutality at the Gatesville School for Boys. He has personally verified this brutality, in one case by finding blood on the wall of a cell where a child had recently been beaten.

Brutality of this sort goes on every day in children's institutions across the nation, and will go on unless we as Americans see that it is stopped.

Solitary confinement also must be stopped. No child should be forced to remain days on end in a locked room. It can only be an act of cruel and unnecessary punishment.

But more basic than this, we must stop the practice of sending children away to these institutions, where any child is condemned to be a faceless individual surrounded by a staff unable to help him, however real the desire.

Alternatives to large institutions are succeeding in several communities, such as Boulder, Colorado. Children in trouble now remain within these communities, in foster homes and small residences.

Some children must be locked away because of the seriousness of their crimes. But most children are sent away to the wrong places for the wrong reasons. They have broken laws which do not exist for adults. These laws, as they are now written, should not exist for children either. For under these laws, children are treated as criminals for acts that should not be considered crimes at all.

We can expect children to respect the law only if we show them the respect and care that law and common sense require. This is not the case now. What is the case now cannot be permitted to continue.

END CREDITS

Copyright, National Broadcasting Company, Inc. 1971 All Rights Reserved.
Produced and written by Martin Carr.
Directed by Martin Carr.
Associate producer, Judy Towers.
Unit manager, Joseph Nash.
Program coordinator, Peter Freedberger.
Supervising film editor, Robert Loweree.
Film editors, Louis Castro and David Saul.
Cameraman, Dexter Alley.
Sound, Ernest Chacon.

EDUCATION AND RELIGION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. LONG of Maryland. Mr. Speaker, Rabbi Martin W. Weitz, director of the Center for Inter-Faith Studies at Lincoln University and the rabbi of Temple Adas Sholom at Havre de Grace, Md., in my district, recently wrote an editorial for the spring edition of the Hourglass entitled "Education and Religion."

At this point, I would like to share with my colleagues Rabbi Weitz's views on the issues with which education and religion must deal in the latter part of the 20th century.

The editorial follows:

EDUCATION AND RELIGION

(By Martin M. Weitz)

Education and Religion today are perhaps the two best barometers for values. Their common frontiers in the American setting are a study in values, a challenge in needs, and form a perspective of "that which renders anything useful or estimable."

All of us have heard cleverisms about both *Education* and *Religion*. We have heard it said that Education is "a process which leads from an infantile vacuum into an adolescent void," that the campus creature known as a co-ed is a "moron"—"more off than on." Likewise Religion has been labeled or libeled, "an insurance policy against hell-fire," "the next man's superstition," or "an eternal bedtime story with which Mother Nature puts the race of man to sleep." All this was before the Radioactive "Fall-out," for since then more people have plumbed the depths, and scanned the heights and to do this even for morale alone, they turn to Religion *and* Education.

Education and Religion search for and sound out *values* even though individual professors may be absent-minded and individual ministers, absent-hearted, even though single so-called educational and religious institutions may devote all energy to the full use of the plant rather than the full value of the student.

Education means just what it means in the Latin: "To lead out," "To build up," to draw out of oneself or build up in oneself one's fullest potentialities and finest capacities. The greatest single value in Education is not to flood the mind with facts nor amuse students nor make experts of them in any and all fields. The value in Education is to "lead out" or "build up" the students so that they may find their own values, so that they may think—even think out loud, if that is possible, *so they may think for themselves*. There should be a few places left where they may still learn to do that! And in times of crises, especially for Democracy, there must be more, not less thinking.

Religion too means what it means in the Latin: "To bind"—to attach oneself to a quest for the highest values men may have. Religion has been variously and too often vicariously interpreted as one's "consciousness of the sacred" or as "what man does with his solitariness"—as personal values in Religion—or as "the enshrinement of man's highest aspirations," "the cooperative quest for the good life," or "dynamics in social ethics"—as social values in Religion. Nevertheless, they explain Religion as a quest for values, often personal in origin and social in goal, to seek the Heartbeat of the Universe called God and also find the pulsebeat of fellowman, as it were. As the poet expressed it: "I looked for God but could not see, I sought my soul and it would not be, until I found fellowman—and found all three!"

Whereas Education "leads out," to think out something, Religion "binds in" to believe in something. Education is a process of the laboratory; Religion is the purpose of the sanctuary. The keyword in Education is "experiment;" in Religion, "Experience." In Education, man validates experiment; man *does* something. In Religion, man enshrines experience; man *becomes* something.

From days of the Boston Publick Latin School in 1635, when twenty students studied Virgil, Cato, Ovid, in the great days of Shakespeare and Milton, and from 1654–5 when Columbia was founded to 1971 when almost 15,000,000 undergraduates attended over 4,500 colleges and universities, Education and Religion in America have had four parallel frontiers, some of which overlap even today, in varying degree, in many colleges and churches. A survey of these common frontiers may be indeed a study in values and an answer to new challenges, especially if Peter F. Drucker's article in (March, 1955) *Harper's* is true, that by 1975, we shall have over 12,000,000 youths in all our colleges and universities which we already have!

The *Doctrine of Discipline* is their first common frontier. It lasted nearly a century, and still continues in many places. It was the day when college was half-seminary and when courses were adjudged valuable primarily for their disciplinary value. In that age, Education as Religion was largely a matter of discipline. The one was discipline of the mind, more discipline than mind and the other was discipline of the soul, more discipline than soul.

The next frontier was *Knowledge for Its Own Sake*. It came into its own about the middle of the last century and still remains a cultural hangover in most of our so-called Liberal Arts Colleges. "It's good to Know" was the keyword of the school and "it's good to go" was the password in the church.

Rapid expansion and enrichment of physical America helped usher in the third frontier, *Preparation for Life*. This slogan in Education was synonymous with the rise of land-grant colleges, agricultural and engineering schools and technical institutes. In the "Seventies," when only 25,000 students were in colleges at the time half-a-continent was being mastered and measured, there was a *Preparation for Life* which often meant a preparation for leadership in that life. Religion too in these expansive decades boomed with revivalism, in a "variety of religious experiences"—as Christian Science in the East and Mormonism in the West. Education, gone technical, took up *Preparation for Life*. Religion, gone revivalist, took to *Preparation for Life—After death!*

With the Twentieth Century appeared a more promising frontier in Education and Religion—*Life and Growth*. This current parallel considers the educative process and the religious experience not as *Preparation of Life, or Life-After-Death*, but as a slice of life in the present. In this modern and fourth frontier, when a student is asked, "What do you want to make of yourself?" his answer will be "A human being!" rather than an accountant or an engineer. Today Education and Religion are on the threshold of *Life and Growth*, but not yet in it. If *Life and Growth* is to have validity today for youth, then Education and Religion must cooperate to make this new frontier a supreme pursuit in matters that count. Education, to be more than an intellectual canning process, and Religion, to be more than a pious praying exercise, must create new values even more than recreate old values. Both Religion and Education, more than ever, must utilize youth's love of distant horizons, rededication to search for truth and the freedom to sustain such search, and youth's quick sympathy for the oppressed. If *Life and Growth*, as a new frontier, is to add new intellectual power to Education and new spiritual purpose to Religion, what then are some of the struggles Education and Religion must face in a common effort for high human values, in the cold-war peace of "coexistence" that has to be waged and won, beyond racial tensions, campus confrontations as well as mini-wars?

1. *The struggle of Individualism and Cooperativism:* How may we prevent "rugged individualism" at the top from becoming "ragged individualism" at the bottom and yet how may we retain personal freedom, and social security with world peace?

2. *The struggle of Ruralism and Urbanism:* Shall the new America continue to stride to the city or stay in the country? Shall we help America become city-or-country conscious? As the world rebuilds shop-worn and war-shorn cities, how may we do so with care for health and welfare and without chaos of previous eras, and with a *theology for ecology*, as it were?

3. *The struggle of Nationalism and Internationalism:* How may America, without loss of political unity and cultural plurality, cherish the Good Neighbor ideal in the family of all nations by such means as practical international peacetime communications, and cooperation not only in democratic slogans, but in living standards? How may we advance the cause of World Peace without loss of creative cultures?

4. *The struggle of the West and the East:*

How may we best supplement the values of a Gandhi and an Edison, a Hu Shih and an Einstein, a Kagawa, and a John XXIII, a Tolstoy and a Martin Luther King? How may we attain a ripeness of spirit in the midst of a wealth of things?

These are some of the social situations which Education and Religion must face together today for new frontiers in "Tomorrow," to find therein new-old values "where each (nation or individual) may dwell under his own vine and fig-tree and none shall make him afraid."

THE HISPANIC COMMUNITY AND THE BUDGET CUTS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mrs. ABZUG. Mr. Speaker, the majority of the Puerto Rican community of New York City has come to the mainland seeking a better standard of living. In most cases this dream has been turned into a nightmare. The many current hardships that Puerto Ricans must endure will be intensified if the budget cuts proposed by the New York State Legislature and the resulting cutbacks in city employment and essential social services are allowed to stand.

Because the city's financial plight implies certain disaster for this community as well as other poor and disadvantaged residents of the city, the Puerto Rican Coordinating Committee Against City-State Budget Cuts has been established. The following position paper written by the coordinating committee is cogent testimony of just how cuts in city services and personnel in vital agencies will adversely affect the Hispanic community.

For this reason and for the benefit of my colleagues, I insert this "position paper" into the RECORD:

POSITION PAPER

(By Puerto Rican Coordinating Committee Against City-State Budget Cuts)

To the Citizens of the State of New York.

Via Mayor John V. Lindsay, Governor Nelson Rockefeller, The Legislature of the State of New York.

RESOLVED

The Hispanic community of the City of New York is unalterably opposed to the cuts in services affecting the poor as summarized this week by Mayor Lindsay. We cannot countenance this drastic and inconsiderate array of cuts which will severely affect the posture of this volatile metropolis and adversely erode what few gains the Hispanic community has achieved in the last few years.

RESOLVED

The contemplated cuts in personnel and services by the city in response to threatened budget cuts from the State represent a dangerous and unwise decision generating frustration and resentment among those citizens who will be most severely handicapped by the cuts—the poor and displaced in our city.

RESOLVED

The Hispanic community considers this a time of lament and sorrow, for the anticipated cuts represent the death knell for the disenfranchised of our city least able to defend themselves in a disconcerting era of spiraling inflation and governmental indifference. Therefore the Committee, on behalf of the hundreds of Hispanic organizations throughout the city, declare this to be a time of mourning.

RESOLVED

The Hispanic community opposes the wholesale firing of employees from key agencies whose principal services affect the poor. It also opposes any mechanical formula for firing these people which will detrimentally affect the Hispanic employee, who in most cases was the last to be hired, holds a "provisional" status, and makes a modest income, will be unable to apply for unemployment insurance and, collectively, will be the man or woman hurt most by being let go in a time of a business slowdown and depressing job market.

RESOLVED

The State Legislature should provide the City of New York with sufficient funds to insure that the basic and essential services, such as Police, Fire, Sanitation, Housing, Etc., are not compromised in the city. This entails not only restoring budget cuts announced by the State but also providing the city with ample (and equitable) taxing measures to insure that the City of New York can meet its basic operating expenses.

RESOLVED

A cohesive campaign will start now in the City to alert the citizens of Hispanic origin to prepare themselves to vote against those legislators who have evidenced indifference to their plight and serve notice that their conduct will be carefully scrutinized and will be held accountable for their performance on bills and issues affecting the poor in our city.

RESOLVED

The Committee Coordinating Protests Against the Budget Cuts will urge organizations throughout the city to join the large contingent of groups now declared to be going to Albany on Wednesday the 28th to make a vocal presentation of their complaints against these cuts.

RESOLVED

The Hispanic community recognizes the corrosive effect of inflation on urban governments and how it has contributed to the fiscal crisis in this city. It deplores, however, that much of the resources of this city are funneled out of the city and state in tax revenues that are used for purposes which serve no good to the poor of this city. Therefore, we urge the Federal government to come to the aid of not only this city, but all other urban communities similarly threatened with bankruptcy.

DOCUMENTATION

The following is a capsulized version of how cuts in services and personnel in key agencies affects the Puerto Rican community as well as those of Hispanic origin who have recently arrived in this city. In each case it will be noted that these cuts affect the poor in the city far more than other areas.

1. Department of Social Services

(a) The recent welfare grant cuts will be disastrous to the Hispanic community and the Puerto Rican employees in the Department of Social Services.

(b) Since the majority of Puerto Ricans in manufacturing jobs earn modest incomes, they depend at one time or the other during the year on some supplementary assistance. Therefore, in some measure, the New York taxpayers are subsidizing marginal New York City industries.

(c) Approximately 40% of the 350,000 families on welfare are Puerto Ricans with 700,000 children. A cut of 40% would tragically affect all these children.

(d) Those families with incomes of over 100 dollars weekly stand a chance of being jeopardized by Medicaid cuts since the family breadwinner is not eligible for medical coverage. Therefore if a serious illness occurs the family would be better off if the head of the family abandons his job and seeks public assistance in order to be restored to its Medicaid eligibility.

(e) To deprive the Puerto Rican family of the semi-adequate public assistance support given last year will undermine the present ratio of Puerto Rican children getting child welfare services (14.4%). These cuts would mean the city would have to spend more money to provide foster care and other child welfare services to Hispanic children forced to be removed from their home where economic pressures have served to break up the home. (As happens when the man of the family must "abandon" his home in order that his dependents can get adequate public assistance.)

(f) Cuts in the DOSS personnel will have a disastrous effect on Puerto Ricans in the agency since they make up most of the case aides and messenger slots which are always the first to be sliced. Few Puerto Ricans have positions in the clerical or administrative branches of the Department. Cuts will hit the "non-essential jobs" where Puerto Ricans are usually employed.

(g) Most of the semi-skilled assistants who will be let go, being ineligible for unemployment insurance, must fall back on welfare assistance whilst trying to find other employment. This shuffling of people from one public treasury to another is pointless, time consuming, heartbreaking and, in the long run, far more expensive.

2. Hospital Corporation

(a) Under Option 1, the most severe of the threatened cuts, the city plans to lay off 13,890 people and not fill jobs which will become available through attrition (estimated at 7,140). This is over 21,000 people. Who are these people? Mostly the unskilled who work as porters, nurses aides, messengers, clerks, etc. The Black and Puerto Ricans.

(b) Four to eight of the existing 18 city hospitals may be closed. These will be, no doubt, those hospitals in ghetto areas.

(c) There will be a discontinuation of all home care services. (840,000 home care days a year). Who avail themselves of this care? The black and Puerto Ricans.

(d) Discontinuation of all non-emergency ambulatory care. (4,400,000 clinic visits a year).

(e) Discontinuation of all specialty inpatient care, with services limited to medicine, general surgery, gynecology, obstetrics, pediatrics and psychiatry.

(f) Elimination of all training programs in hospitals.

(g) Loss of 800 to 2,000 physicians.

(h) Displacement of 40,000 to 80,000 patients annually from our city hospitals.

The above are the direct causes. But what are the indirect causes to the anticipated medical service cuts? The Puerto Rican man usually considers the hospital clinic as his physician and takes his family to the hospital whenever there is a sickness or injury.

Secondly, a hospital is only the nucleus around which medical services in a poor community rotate. For instance, in the South Bronx, those agencies which depend on Lincoln Hospital, which will be severely affected by budget cuts are: Mott Haven Health Center, Morisiana Health Center, Hunts Point Multi-Service Center, Women's Clinic, Neighborhood Maternity Center, Planned Parenthood Center and two Mental Health Clinics, to name a few. The hospital provides laboratory service, referral service and staff. *The anticipated cuts will virtually eliminate all ancillary services the hospitals can give the backup agencies in their community.*

Thirdly, cuts in hospital funds affect the poor much more than the affluent areas of our city for the simple proposition that there is a scarcity of general practitioners in ghetto areas forcing the populace to depend on city medical services. This is a captive population with no place else to go—or die.

Fourth. The ghetto areas are those which make the greatest demands on medical services because it is in these areas where you have a higher frequency of T.B., addiction, cancer, venereal diseases, etc.

3. Fire Department

(a) The mayor's decision to cancel the class of 75 firemen, as reported by Fire Commissioner Robert O. Lowry will hurt the Hispanic community because most of these men were to be assigned to slum neighborhoods where there is a higher frequency of fires.

4. Division of Veterans Affairs

(a) Though apparently an insignificant cut, slicing 50% of this office's personnel is harmful to the Puerto Rican community. It is already a fact that many veterans of the Vietnamese conflict are Puerto Rican and black. Many of these men are now finding it difficult to readjust to society, find jobs and begin meaningful careers. This agency could and has served them well in the past and has been a second source of aid to the Federal Veterans Administration. ***Rather than cut the agency, it should be doubled in view of the many men now being deactivated as the President attempts to deescalate the Asian conflict.***

5. School Crossin g Guards

(a) The decision to not fill 310 part-time vacancies now available will affect children in ghetto neighborhoods where the majority of these vacancies now exist.

6. Police Department

(a) The decision under option 1 to eliminate over 13,000 police is disastrous since the largest portion of the police assignments are made in the troubled ghetto areas. Cuts would be effected there. It is already recognized that 80 percent of the crime in this city occurs in poor neighborhoods with the addict preying on his neighbors.

7. Environmental Protection Administration

(Department of Sanitation)

(a) As Jerome Kretchmer has already stated, the reduction in the workforce of the Sanitation Department, under Option 1 will severely curtail cleaning operations in the slums. This will be especially felt during the summer when the accumulation of garbage is greater, as more and more citizens take to the streets to escape the oppressiveness of their ghetto apartments.

(b) These areas are already underserviced by the Department of Sanitation. The mayor has already cancelled the hiring of 150 additional sanitation workers desperately needed this summer. Further cuts are intolerable.

8. Urban Action Task Force

(a) The closing of the 40 local offices of the UATF, laying off 88 people, a fait accompli, was unfortunate since these regional offices afforded an opportunity for the poor to bring their complaints and get referral services where they could get assistance. Too, it was a pipeline to the leaders and city administrators best able to rectify the difficult living conditions in poor areas.

9. Housing Complaint Offices

(a) The cut of ⅔rds of the personnel in this vitally needed city function is deplored by the Puerto Rican community. A large number of the complaints filed at this office were made by the poor, certainly not the affluent, and the personnel cutbacks means there is now no one to act on the complaints. This will be especially irritating come next winter when the volume of complaints escalate, as landlords fail to provide adequate heat, hot water and other basic and essential services rightfully claimed by tenants.

10. Urban Corps

(a) Cutbacks in the Urban Corps (50% of the 1850 available vacancies) will be especially felt by the Puerto Rican community. This summer promises to be one of the most difficult the City has experienced. The recession will affect the young the most during the hot months when they will have no jobs or activities to occupy them. Cancelling the summer intern program will be one more disillusioning nail in an already disheartened generation of young people who feel that society simply doesn't care about them anymore.

(b) Puerto Rican children, in particular the new generation in their teens, feel particularly removed from the main stream of American life and affluence. Programs cutting into their activities and endangering their aspirations will have a lasting effect.

11. Board of Education

(a) Under Option 1 the Board of Education will have to give the pink slip to approximately 16,400 teachers. Many of these teachers will be the recently hired bilingual (Puerto Rican) teachers recruited by the Board, and who, because of their short tenure will be the first to go. These are teachers desperately needed in a school system which already is inadequate to the needs of its Spanish-speaking charges.

(b) Open enrollment programs will be terminated. These programs were especially helpful to the Puerto Rican lad unable to finance a college education on his own. The family resources are far too limited for him to contemplate going to a private institution and because of the severe entrance requirements in most colleges he will be unable to qualify for admission.

(c) The open enrollment program has enabled the Puerto Rican contingent at the City colleges to increase from 5.9% to 7.7%. This percentage was expected to go up in the years ahead, and once the students made up the deficiencies of their secondary schooling, they would continue in school and constitute a larger percentage of the graduate schools than the insignificant number of Puerto Ricans now pursuing graduate studies.

(d) Cutbacks in funds will also affect remedial programs in college, such as those in reading and mathematics which service the Puerto Rican student and enable him to compensate for the disgraceful high school preparation he receives in ghetto area schools.

(e) The spectre looms that there will be no Freshman class in the City colleges next year. This would be catastrophic and unthinkable.

(f) On the collegiate level cutbacks will affect the few Puerto Rican professors which have been acquired with such agonizing difficulties. Many are the most recently hired and lack tenure in their professorships.

(g) In the secondary school system, most of the non-professionals employed, who may be dismissed, (18,000), are paraprofessionals, teaching assistants, porters, maintenance men, etc. Like their collegiate confreres the bilingual teacher will be affected. Counseling services will be all but eliminated. Speech clinics, remedial math and reading courses will be abandoned.

(h) Extra-curricula, or activities outside the classroom will be detrimentally slashed. In most instances these activities are essential to a broader, more comprehensive educational package for the disadvantaged Black and Puerto Rican child.

(i) The cost of these cuts in psychological terms as it affects the alienated ghetto youth are immeasurable. The effect on morale on all teachers is sizable.

(j) Staff cuts will adversely affect the UFT's present contract provision that there be no more than 31 children per class. Fewer teachers means larger classes. Larger classes means less personal attention, a more rudimentary, less satisfactory educational program.

12. Department of Correction

(a) Contemplated cuts of up to 1200 men in the Department are unwise in the extreme. The recent prison riots highlighted the difficulties this Department is facing. Personnel shortages were cited by its Commissioner as detrimental to the good operation of his Department. The anticipated cuts are almost 1/3Rd the uniform staff. Obviously, this cannot be because the prisons simply cannot operate with officers.

(b) Puerto Ricans are concerned with this Department because almost 22% of the prison population is Puerto Rican or of hispanic origin. In some detention houses (Bronx and Brooklyn) the percentage is higher.

(c) Presently it is the desire of the Puerto Rican community that this Department make every effort to recruit more bilingual officers to meet demand for services and counseling of non-English speaking Latin inmates.

13. Transportation Administration

(a) It is a self-evident fact that the poor are the biggest users of public transportation in this city, and that personnel cuts, under Option I, would be intolerable, in a transit system which is already antiquated, understaffed, ill staffed, and at times dangerous to use.

(b) Unlike their commuting fellow-workers who drive into the city or come by train or bus from suburbia, the Puerto Rican must rely on the subway to get to and from work and for all his transportation needs. At the present fare, which is most prohibitive, he should expect, and get, better service. With the anticipated cuts, he will get even worse service.

14. Criminal and Supreme Courts

(a) All city agencies involved in the administration of criminal justice are understaffed and overworked. We are fully aware of the horrendous delays in our court system, forcing youths to remain in detention institutions for months on end awaiting trial. To cut funds for our courts would be inexcusable and inhumane.

(b) We concur with Judge David Ross that what we need are more courts, better courts and a faster, more responsive judicial system. We cannot agree to slicing the funds for the city's courts from $109.7 to $98.5 million.

15. Recreation and Parks

(a) The city's parks are the St. Moritz and the Palm Beach of the Puerto Ricans. For those unable to escape the city in summers, the parks (and city's beaches) are the only escape. Budget cuts (under option 1) over ⅓rd the operating expenses of this Department will contribute to the further deterioration of these facilities and denying them to those who need them the most—the city's poor.

16. Human Resources Administration

(a) No city agency has experienced the demand for increased services to the extent that the Human Resources Administration has had to respond to in the last few years. The HRA and its sub agencies is severely affected by contemplated budget costs, yet it must provide services and monies to welfare clients in an ever increasing scale.

(b) As WCBS recently editorialized, "one of the reasons most people decry welfare costs is that they blame the ills of our state and local governments on welfare." Despite illusions of how much is spent for welfare the figures show that for the $1500 per/capita paid in taxes in this country, only $30.00 of that amount is spent for public assistance programs, yet we pay over twice as much

($80) for highway construction and maintenance and almost ten times as much ($420) for national defense.

(c) In New York City, 11% of the budget in 1969 went for public assistance. Yet city and state prejudice against welfare has burdened the Human Resources with projected services cuts which cannot be absorbed in these times. For instance, the New York State budget cuts reduced the Youth Services Administration State funds by 50%. That means that this agency lost $1,779,000 from the $3,668,000 it expected to receive this year. These cuts affect all YSA programs which help the Hispanic young and were also used to finance the work of many small contract agencies, voluntary, non-profit organizations that provide youths with specialized services, like the Police Athletic League.

650 youths employed in neighborhood beautification will not be retained this summer. Many were Puerto Rican.

More than 20,000 youths in after-school and juvenile delinquency programs will no longer receive these services. And it is unlikely that the YSA's $9.7 million budget requested from the City of New York will be granted.

The Puerto Rican community concurs with the HRA's announcement recently that by reducing the State budget, the Legislature has decided that the welfare of youths throughout the State is of no great importance. And in a time of increasing social unrest this indifference may be far more costly than anyone comprehends.

(d) Under option 1, the almost $12.5 million will be siphoned away from the community action programs. This represents a loss of 2400 jobs. Likewise, the budget previously submitted included a long-awaited 7.5% salary increase for employees, who had not been raised in over two years. To the employees not let go the increase will be given, however, the difference will have to come out in funds appropriated for programs.

In other words, in order to raise workers to the level of living wage each small agency supported in this program will lay off workers and attempt to operate the program with fewer people. The portion of the cut, therefore represents an additional reduction in the operating level of the entire anti-poverty program.

Most of the job positions sacrificed are paraprofessional and rely on the community resident for manpower. Thus the loss of the job has a multiplier effect in that the buying power of the community is reduced which, in turn, directly affects non-poverty businesses in the neighborhood and directly threatens the jobs provided by these businesses. Likewise, the income received by these families, while marginal, is in practically all cases the only income the family has. If this income is lost, public assistance must be sought. But if public assistance is also to be reduced, where will the income come from?

The loss of a job to a Puerto Rican family literally means a grave threat to the family's ability to obtain shelter, clothing and food.

(c) In addition to all the cuts in services by the supplementary agencies under HRA the HRA has already announced welfare grants reductions of 10%. This, on top of all the other cuts places an unusually heavy load on the poor of this city.

17. Addiction Services Agency

(a) No problem has been more acute or aggravating to the poor than the unchecked spread of addiction in the city of New York. It tears at the very structure of the Puerto Rican family; contributes immensely to crime in the ghetto; and shows little if any hope in the near future.

(b) The ASA, in addiction to suffering the same drawbacks and headaches as the other agencies discussed here, will suffer an additional blow because of the state legislature on the unacceptability of in-kind contributions as a matching share. What it all means is that the total Youthful Drug Abuse Program (YDAP) in New York City will drop from $72 to $12 million.

(b) The poor communities need funds to maintain addict centers and provide the medical and psychiatric help these men require. Reduced treatment in the ghettoes mean the addict has no place to go. What assistance he may have gotten will be lost, making him another candidate for welfare.

(c) The result is that youths will keep on taking drugs. Some will die. Others will be caught stealing or selling drugs and incarcerated. Most important; they and their families will feel less secure their son will kill the habit and be restored to a normal life.

(d) The cost of addiction, in terms of a lost life, lifetime as a public ward, crime, and the very essence and nature of our life in the city as each and everyone must adopt to a crime-ridden society, is monumental compared to the sums being asked to provide an adequate curative program.

SOME FURTHER RANDOM COMMENTS

Uniformed Forces

A recent survey by the Grand Council of Hispanic Societies shows that the percentage of Puerto Rican employees in the uniformed services is very small. Most of these men have been recently employed. Many had to study hard, wait long for appointment. Yet because of their tenure they will be among the first to be discharged under Option 1.

In every Department they perform services which are vitally needed since they must deal with the large Hispanic community, much of it non-English speaking.

Wholesale firings of these desperately needed men will result in disillusioning other Hispanic citizens from joining the uniformed services. The Grand Council points out there is only one commissioner in the uniformed services departments and that representation among the higher ranks is practically non-existent.

Puerto Ricans presently comprise an infinitesimal percentage of both City and State civil services. In the state, for instance, out of 202,000 employees, only 2,300 are Hispanic, a 1.45%. Most of these are in lower clerical positions.

It is not easy to sell the Civil Service to Hispanic citizens who cannot adjust to the studying, taking exams, and long waits often accompanying appointment. They want their jobs NOW. With these cuts, they see the doors further shut in their face.

The following Organizations, civic clubs, community corporations, store-front anti-poverty agencies, citizens groups, etc., are signatories to this Position Paper.

Puerto Rican Community Development Project.
Hunts Point Community Corp.
ASPIRA.
Morisiana Community Corp.
Puerto Rican Forum.
Bronx Multi-Service Center.
Grand Council Hispanic Societies Inc.: New York City Department of Correction, New York City Fire Department, New York City Police Department, New York City Transit Police Department, New York City Department of Sanitation, New York City Housing Authority, Hispanic State Employees Society, Hispanic Transit Society, Puerto Rican Civil Service Employees Association, Con Edison.
Department of Social Services, Hispanic Society.
Lower East Side Community Corporation.
South Bronx Community Corporation.
South Bronx Maternity Center.
Hostos Community College.
Action for Progress.
College for Human Services.
Association Femenina Hispana.
Lower West Side Community Corporation.
National Association of Puerto Rican Civil Rights.
Society of Puerto Rican Writers.
Society of Puerto Rican Journalists.
Citizens Welfare Action Group.
Brigade-in-Action.
Puerto Ricans Tenants Group of Lower East Side.
Association of Community Service Centers.
Negro Action Group.
N.I.N.A. Neighborhood.
United Neighborhood Association.
Movimiento Puertorriqueño Unido.
Puerto Rican Council.
Congress of Municipal Clubs.
Committee of Welfare Families.
United Organizations of Suffolk Street.
Lower East Side Neighborhood Association.
Little Stars of the Bronx.
Nativity Mission.
Eldridge Street Community Center.
University Outpost.
Neighborhood Council to Combat Poverty.
Neighborhood Mothers.
Each Time, Inc.
Welfare Action Group Against Poverty.
Two Bridges Parent Development Program.
Project Able Association.
Chinatown Planning Council.
Chinese Youth Council.
Movimiento Hispano Unido.
Puerto Rican Action Group.
Lower East Manhattan Youth Leadership.
Puerto Rican Teen Canteen.
Association Dominos & Deportes.
Alizana Para Mujeres Social Club.
All Nations Womens Club.
Association of Puerto Rican Organizations.
Bronx Coordinating Regional Council.
Organizations United of the Bronx (OUB).
Westchester Avenue Community Coordinating Council.
Gramery Neighborhood Improvement Association.
Morisiana Urban Action Task Force.
163rd Street Improvement Council.
Project Survival.
Jennings Satellite Group.
Modern Action Committee for the Elderly.
Neighborhood Engaged Workshop.
Opportunities for Equal and Remedial Services.
Trinity Avenue Block Association.
Caribbean Artistic and Cultural Association.
Catholic Charities of South Bronx.
Simpson Street Development Association.
Bronx Committee of Self Improvement.
Concerned Parents Association.
Hunts Point Coordinating Council.
Mott Haven Planning Committee.
South Bronx Citizens Group.
South Bronx Physical Fitness Group.
Urban League Bronx Committee.
Herbert Lehman Community Corporation.
Puerto Rican Community Service Center.
Borinquen Social Club.
National Association of Puerto Rican Volunteers.
Congress of Puerto Rican Veterans.
Consejo General de Mujeres.
National Training Corps.
Hijos de las Piedras.
Parada Tres Reyes Magos.
Circulo Toabajeno.
Sociedad Cultural Puertorriquena.
Happy Ladies Club.
Alianza Civica Tropical
Juncos Social Club.
Joventud Hijos de Salina.
Puerto Rican Interracial Development Group.
Ateneo Artistico Hispano.
Choferes Inc.
Spanish American Barbers Association.

Puerto Rican Investors Association.
Caborrojenos Ausentes.
Alianza Civica Bayamonesa.
Boulevard Tenants Association.
Bello Amanecer, Inc.
Seven Brothers Social Club.
Liga Puertorriquena (Baseball).
Puerto Rican Political Action Group.
Las Lomas Social Club.
Association Arecibena.
Club de Lares.
South Bronx Community Corporation.
Concentrated Employment Program.
Las Flores Social Club.
Taxistas Hispanos.
Hijos de Vieques.
South Bronx Council.
Federation of Puerto Rican Organization of Lower Manhattan.
Puerto Rican Federation of South Brooklyn.
Puerto Rican Council of Brooklyn.
Spanish American Merchants Association.
Comerio Social Club.
Hermanidad Puertorriquena Arcoiris.
Santa Isabela Social Club.
Association de Fotografos Hispanos.
Puerto Rican Veterans Association.
Association Cultural Hispana.
Club de Volantes de Puerto Rico.
Sociedad Hispana de Queens.
Latin American Development Association.
Assoc. Progresiva Hispana de Queens.
Brooklyn Hispanic Civic Association.
Puerto Rican Womens Needlecraft Association.
Puerto Rican Organizations of Brownsville.
Federation of Puerto Rican Athletic Leagues.
Puerto Rican Teachers Association.
Boulevard Health Clinic.
Circulo Civico-Cultural Mayaguez.
Assoc. Hijos de Vieques.
Narajitenos Unidos.
Barranquitas Social Club.
Caguas Criollos Social Club.
Hermanos de Ponce.
Movimiento Proporcional.
Club Social Aguadeno.
Club Hijos de Humacao.
Soc. Arecibena Campeche.
Union Rincoena.
Agrupacion Femenina Puertorriquena.
Lus Munoz Rivera Memorial Association.
South Bronx Orientation Center.
Centro de Orientation Puertorriquena.
Fraternidad Guanisa.
Comite Pro Ninos Liciados.
Alianza Civica Puertorriquena.
Capullos de Borinquen.
Hijos del Eden.
Yauco Deportivo.
Yauco Civic and Social Club.
Lazo Social.
Association Cutural Fajardena.
Borinquen Bella.
Caballeros de San Juan.
Hijos de Florida.
Circulo Toalteno.
Tremont Community Corporation.
Elsmere Tenants Council.
Monterrey Community Association.
NAPRA.
Wheeler Avenue Block Association.
United Bronx Parents Association.
Bronx River Education Action Center.
Circulo San Germeno.
Sociedad Fraternal Hispana.
Circulo Social Manatieno.
Familias Hispanas, Inc.
Circulo Guayanillense y Amigos, Inc.
Soc. Maricaeno.
Bayamon Civic and Social Club.
Mallen Social Club.
Soc. Civica San Germanas Ausentes.
Hermanidad Progresista Cidrena.
The Family Institute.
Bethany Community Development Corp.
Borinquen Buds.
La Sultana del Oeste Social Club.
Marvel Civic & Social Club.
Resp. Logia de Lengua Espanola.
Resp. Logia del Caribe (Luna).
St. Anthony of Padua Housing Clinic, Inc.
Associacion Cultural Hijos de Camuy.
Association of Catholic Trade Unionists, Inc.
Bay Ridge Spanish American Social Club.
Caparra Social & Athletic Club.
Civilian Protective Association, Inc.
Comm. Orientation Center of First Presbyterian Church.
Williamsburg Community Corp.
Council of Block Association, District #2.
Cuyler Spanish Orientation Center.
El Eslabon del Caribe, Inc.
Fort Greene Caballeros Hispanos, Inc.
Fort Greene Community Orientation Center.
Gowanus Youth & Parents Civic Association, Inc.
Hijos de las Marias, Inc.
La Casa Penuelas Social Club.
McKibb Star Social & Athletic Club.
Ocean Hill Cursillistas Center, Inc.
Pitkin & Hilford Tenants Association, Inc.
Bomberitos, Inc.
Chelsea Puerto Rican Independent Action Group.
Chelsea Save Our Home & Business Committee.
Club Civico Social Ponceno.
East Harlem Jaycee Foundation.
Faro Puertorriqueno.
Hijos De Barceloneta.
Madison Neighbors in Action.
Manhattan Valley Spanish Civic Organization, Inc.
Progreso para el Viejo Chelsea.
Puerto Rican Crusade.
Fiesta Folklorica Committee.
Desfile Puertorriqueno.
Soc. Unida de Aguirrenos Austentes . . . and others.

Prepared and edited for the Committee by: Agenor L. Castro.

DOES UNION POWER CAUSE INFLATION?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. ASHBROOK. Mr. Speaker, Mr. Charles M. Brooks, corporate manager of industrial relations of Texaco, Inc., recently made a very thoughtful speech on the subject "Does Union Power Cause Inflation?"

In his remarks, he outlines a very definite relation between the awsome power of labor unions and the inflationary cycle which has caused one of our major domestic problems.

I call this speech to the attention of all of the Members and insert it in the RECORD at this point:

UNION POWER AND INFLATION

(By Charles M. Brooks)

The subject for this Annual National Chamber labor relations luncheon is stated in this question: "Does Union Power Cause Inflation?"

My personal view—and I am only speaking for myself today—is that labor unions possess tremendous economic power, and that their application of this power is a principal cause of the inflationary sufferings being endured by all of us.

Highly respected authorities agree that we are in an inflationary spiral—they say this is a period when prices keep going up because costs keep going up—and that costs keep going up because wages keep going up.

Whatever words are used to define the term "inflation", the fact is that anyone who purchases products or services knows that the cost of living has been rising too fast for comfort. And, anyone who "meets a payroll" or who must interest himself in labor costs knows that wages have been increasing in the past few years faster than productivity increases. The result has been price increases.

Authorities agree that unless greater output from labor and equipment is achieved in the economy, higher wages will inevitably bring higher prices. That is what has been happening.

Wages have been increasing without a corresponding increase in productivity, with the inesapable result that prices have been rising steadily. The figures have been furnished you already. I think it is quite evident that the "dog is chasing its tail".

With the increase in productivity at an unbelievably low figure during the same period when wages were rising at an extraordinarily high rate, the difference was made up by price increases.

That was inflation! It was caused by the unreasonably high wage increases. Those increases were due to excessive settlements dictated by powerful labor unions.

A former union official and now a high government officer said recently that those high wage settlements were self-defeating. He elaborated in this way—the wage increases pushed up prices to such a high level that buying began to slacken off, jobs began to disappear, the value of the dollar fell, and the rise in welfare costs chewed up and devoured more and more tax dollars.

Another high government official, Federal Reserve Board Chairman Arthur Burns, has told Congress recently that our American labor unions have become so powerful, and have so abused that power, that they have pushed wage rates up to the point that they are causing loss of jobs. He said, "The inflation that we are still experiencing . . . rests on the upward push of costs—mainly, sharply rising wage rates".

If I might be permitted to borrow a manner of speaking from a great man of history, I would say that never have so few caused such wage increases that prices have soared so high that it requires so much to buy so little.

If we concede—as I think we must—that the high wage increases are causing the inflationary conditions, the question presented is whether union power is at fault. I think the evidence is overwhelming that union power does cause this cancerous condition of inflation.

Unless you have at some time come face to face with it, the power of labor unions is something that is hard to believe. Gilbert Burck wrote an article in the February issue of *Fortune* on the subject, "Union Power and the New Inflation". This is a quotation of one paragraph from that article:

"The underlying trouble is a phenomenon so much taken for granted that it seldom gets the critical scrutiny it deserves—labor's unique monopoly power. 'When you really examine that power today', says an eminent British economist, 'it is quite fantastic'. Unions were originally established, of course, to protect workers from exploitation and to advance their general welfare. It was partly because of the unions' benign role that the Western world put the interests of people as producers ahead of their interests as consumers. Thus favored, however, labor unions naturally sought to gain higher wages and benefits for their members than they could get in the open market. They became monopolies. They rig the markets for labor by restricting the supply, thereby raising the price. Allowed to organize like armies, they practice coercion and intimidation, and do not hesitate to disrupt a whole economy to gain their ends."

That, Ladies and Gentlemen, is a statement that should stimulate us all to action—it is something to ponder!

What manner of power is this that labor unions can use and abuse, and by which they can upset an economy?

The former dean of Harvard University's Law Faculty, the late Roscoe Pound, once described the union power that I refer to in this way:

"The legal right to commit wrongs to person and property, to interfere with the use of highways, to break contracts, to deprive individuals of the means of earning a livelihood, to control the activities of the individual workers and their local organizations by national organizations centrally and arbitrarily administered beyond the reach of state laws—things which no one else can do with impunity."

This awesome power of unions is the power to shut down railroads, silence telephones, stop firefighting, interfere with police and other essential services—the power to stop mail service—the power to do many things that are not allowed to any other being, organization or institution.

The wisdom of allowing a private organization to have such powers is questionable. But even more questionable is whether people will continue for much longer to tolerate the abuse of that power.

The charge is so often made in gatherings like this that labor unions have monopoly power which they use wrongfully. These charges are not that the power exercised by unions is illegal! The charges are that the possession or use of the power is wrong. Something can be wrong and at the same time legal.

The situation I am talking about is in some ways comparable to the period 80 to 90 years ago. Then the charge was against business—now it is against labor unions. Some 80 years ago, whatever business monopolies and trusts that did exist were not illegal—but they were wrong. Those wrongs were corrected to permit our country to grow.

The same thing is needed today! We should curb the power possessed by unions that is wrong—unions should not be allowed to use their power in ways that are wrong.

What are some of the most notable union powers that aggravate the inflationary condition of our economy; and what are the sources of those powers?

The Power of Compulsion, as possessed and abused by unions, I conceive to be wrong in concept and wrong in its use. Unions may lawfully compel people to join the union, to pay dues to the union, to support political candidates favored by the union and to stay away from their jobs.

Union leaders in some industries, such as construction and maritime, can lawfully withhold work permits that effectively deprive individuals of the right to work when they want and need to work. Union leaders may lawfully impose arbitrary fines, intimidate, threaten, coerce and frighten workers and their families to do the bidding of the union leaders.

The power of compulsion is wrong! It is wrong to compel a person to pay tribute in the form of initiation fees, assessments and dues in order to "earn his bread".

The right to work belongs freely to each man and woman. The right to union activity *also* is protected, but the right to *refrain* from union activity is likewise assured by Congressional mandate, even if it is often disregarded by administrative fiat and executive laxity.

This union power of compulsion can and does help cause inflation! For an example, the multibillion dollars construction industry—we all know that some building crafts have recently engaged in successful strikes to get a wage rate of $12 to $14 per hour. News Commentator John K. Jessup, in his broadcast of February 13, 1971, painted this word picture of union power and inflation:

"The way construction workers win their extravagant raises is very simple: they turn one in every three wage negotiations into a strike. In an industry as fragmented as theirs the strike is a pretty definitive one-way weapon. The contractor is tied to his building site and his bank loan, whereas the striking carpenter or plumber can and often does drive to an interim job in the next town until his original employer gives in. This is monopoly power of the most naked kind and it is being chronically abused. We are already indebted to the building trades unions for setting a national example of featherbedding work rules and jurisdictional disputes. They have also shown us how to keep skilled blacks out of work by refusing them local union memberships. Now we can thank them also for setting the pace of our inflation."

The power of compulsion reaches a high point in the 17 building trades unions and the several maritime unions. They have the power to compel contractors and shipping operators, as the case may be, to obtain all workers through their union hiring halls. This gives the construction unions control over hiring and training, by the manipulation of which they can create artificial shortages in building crafts at a time when unemployment rates for the building crafts stand at around 11%. This control that unions have over manpower is a tremendous power unequalled in lawful commercial transactions.

This kind of labor union power has direct effects on inflationary conditions. High construction wage rates stop construction jobs, which causes more unemployment, poor housing, high prices, and tax rises.

The building trades and maritime unions are the kingpins in the use of the hiring halls, but they are not the only culprits in the use of compulsion. The transportation settlement of some months ago—about 40% increase in wage rates—set a pace that automobile and other industries' unions have sought to follow. This excessive settlement was possible because the Teamsters Union has the power to *literally* stop the flow of goods. This power has gone unchallenged by both public authorities and the private citizenry.

Since most everything we buy must be transported at some time and in some way, and since labor costs represent around half of the operating costs in transportation, these excessive wage increases in transportation have quite naturally raised the prices of most all of the products we use. The manufacturer, the wholesaler, and the retailer, it seems, have added the increased freight rates to the prices, and we all have had to pay.

The "muscle power" and the license to use force and violence is a second specific power of unions that I conceive to be wrong in both concept and use. Strong-arm tactics, threats, beatings, intimidation and the like are traditional weapons used by unions.

It is well known and fully documented in records of Congressional Committees that union leaders rely on *fear* to a great extent to accomplish their objectives. One union leader, who was questioned about violence on the picket line that had been sanctioned by the union, stated that these violent actions of force and intimidation were designed to serve as an example for the future. He said that by the use of these tactics, the people would learn the lesson they have coming to them and "that it will then no longer be necessary for us to have large picket lines. They will have learned their lesson and will have learned it well".

The public generally has learned its lessons well! Fear of some kind of reprisal serves to intimidate us all. How many times have you heard one say that he or she is afraid to go through the picket line? More than once, I am sure.

A few years ago, the high school football team of a small city was being feted at a banquet sponsored by the local Chamber of Commerce. The hotel where the dinner was scheduled was being picketed due to a labor dispute. During the day of the banquet, some of the parents of the football players received threatening phone calls that the boys might be bodily harmed if they went through the picket line. The banquet was canceled as a result of this act of intimidation which instilled fear in the people.

It is a sad commentary on our labor laws and law enforcement—both of which are supposed to provide balanced power between business and labor—that union leaders can frighten people to stay away from social events, the marketplace and their jobs.

This imbalance in power, as between business and labor unions, is shaking the foundations of our economy. What do you think would happen to an employer who threatened his employes? You know—as I do—that hot coals of criticism would be heaped upon his head by politicians, Ralph Nader, George Meany and a number of organizations. Many of the more verbose union leaders, some politicians and certain of the self-styled liberal press are still referring to alleged exploitation by employers of their employes by referring to evidence uncovered by the La Follette Committee about 40 years ago.

The same situation prevails as to our labor laws of today. For the most part, they were written in the 1930's, based on conditions that existed then, when fledgling unions needed some protection and support from the government. But the tables have been turned, and it is time for us to look at our labor laws on the basis of conditions of the 1970's, instead of the 1930's.

The power of unions to slow down progress by restricting the use of more efficient equipment, machines and methods is the third power that I believe is wrong—and it is another power that when exercised by the unions causes inflation.

The industrial relations records of modern America are replete with evidence of restrictive work practices that have been written into labor agreements because unions are so powerful that the employers could not resist successfully. Some types of restrictive practices, many of which you are familiar with, are included in the following list:

The Electrical Unions require previously wired equipment to be re-wired before installing them.

The Printing Union demands that prepared ads be reset, with resulting waste and increase in costs.

The Plumbers Union refuses to work on pre-threaded pipes unless it is re-threaded on the job.

The Painter's Union limits the size of a paint brush to stretch out the work.

The Carpenter's Union refuses to install pre-fabricated items.

The Bricklayer's Union has a quota of 400 bricks per day, instead of the normal 800.

The Electrical Union requires that only a skilled craftsman may insert a light bulb.

The Dockworker's Union demands that pre-packed containers must be repacked at the New York City Port docks.

This list could be expanded many fold—some of the restrictions being even more ridiculous and more costly. The work rules imposed by the railroad unions are classical examples and are fairly well known because of the numerous railroad strikes, special laws and various emergencies in the past few years.

Too often an employer will agree to include some of these restrictive practices in a labor contract in the mistaken belief that these are not cost items. But, more frequently, particularly in certain industries, the practices have become so traditional that a union will never let them be changed. These costly, uneconomical and non-productive practices are the by-products of the power of unions—a power which employers cannot successfully cope with under present laws and attitudes of the public and the government.

Therefore, union power does cause inflationary conditions.

A final point is that labor unions seems to have an inexhaustible supply of *power flowing from the public sympathy and government favoritism* that they enjoy.

The public generally tends to identify unions as defenders of the "underdog", protectors of the weak, and supporters of the poor. There was some basis for such feelings 40 years ago. But not so today. Nevertheless, I am always surprised by the attitudes of the public about a labor dispute, even though the public is being hurt by the dispute.

Most adults in America are employes instead of in business for themselves. Consequently, most people automatically identify with and place themselves on the side of the union in a labor dispute. School teachers, writers, reporters, broadcasters, police, and many others not identified with unions a few years ago, seem to have joined the cult of "strength in organization and demonstration".

Likewise, a majority of our politicians have a bias in favor of unions. Unions have been most effective—and unencumbered by the Corrupt Practices Act—in their political activities. Courts and law enforcement officials seem to "wink at" the quite obvious trespassing by unions on intended legal restraints.

Just as law enforcement officials so often "look the other way" when the union leaders stir up and participate in violence, in like manner they are most permissive regarding alleged infractions of laws that proscribe political activities.

A business institution is not allowed the same leeway as unions. This aggravates the imbalance of power between unions and business, and sets the stage for unions to use their incomparable power in ways that cause inflation.

Another vivid illustration of the general public and government bias for unions can be found in the *public assistance* given to strikers.

When an employer and the union fail to agree, our labor laws are such that the parties are permitted to "battle it out" on the picket line. The parties are then engaged in an economic struggle. But, under the administration of our laws, they cannot use equal weapons. Strikers may receive food stamps, welfare payments, and sometimes unemployment compensation.

These public assistance gestures are one-sided—it is tantamount to the employer fighting alone, while his adversary is given help with money that the employer himself has contributed.

No self-respecting person wants another to starve, but neither should we want a group of strikers to be kept whole at the expense of the entire country. Our policies should not guarantee the success of all strikes, but that is just about the case under current circumstances.

The following quote from a recently released special report by the California State Chamber describes some of the harm done by this abuse of the food stamp program:

"The weighted advantage of the strikers, their ability to insulate themselves during long periods with little or no income, jeopardizes fair collective bargaining. It propagates more strikes and strikes of longer duration besides making it easy for unions to ask for inflationary settlements. Strikes hurt the economy, paralyzing not only the business involved but affecting related industries and the nation as a whole. Government action which results in more and longer strikes is detrimental to the economy and to the people."

If strikers are to be helped by doling out public funds, would it not be fair to give the employer some assistance? We read from time to time about a business being bankrupted as the result of a strike.

If the strikers are to be assured that they will not suffer—even though they or their chosen union leaders started the strike—then Small Business Administration funds or the like should be used to help the other side. As conditions now stand, the government officials and the public act to guarantee the success of every strike.

Moreover, unions have a tremendous power—one not found on the side of business—flowing from the accepted practice whereby about one settlement in every seven is rejected by the members. Following this, the leaders go back for more—and sometimes there is more than one rejection—witness the airline settlement five years ago that shattered the guidelines.

To summarize and conclude, I submit that labor unions possess powers far beyond those of other private organizations;—that labor unions, through the exercise of those powers have caused and are causing inflation;—that those powers are drawn from many sources, including:

1. Compulsory membership in order to work;

2. The traditional use of coercion, intimidation, force and violence;

3. Restrictions on managerial rights and responsibilities;

4. Public sympathy and political bias in favor of unions;

5. Full immunity from monopoly and trade restriction laws;

6. Subsidies for strikers from public funds.

It is to be hoped that we soon will be willing to look at this problem with reason instead of permitting it to remain immersed in politics. Sir William Drummond once wrote:

"He who will not reason is a bigot; he who cannot is a fool; and he who dares not is a slave."

It sems to me that in order to break the shackles that threaten to enslave us in inflation, we must dare to reason our way into legislation and attitudes that will curb the power of unions to coerce, intimidate, threaten, commit acts of violence, control manpower supply, and overpower all who oppose them.

Let us dare to require that the behavior of labor unions be in the public interest. Let us dare to insist that America be for all Americans.

NATIONAL GALLERY OF ART, CALENDAR OF EVENTS, MAY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events for the National Gallery of Art for the month of May 1971.

As always, the National Gallery of Art has planned a month of outstanding events, and I urge those who can to visit the National Gallery during May.

In addition, I want to call the attention of my colleagues and the American people to the groundbreaking ceremonies for the new east building of the National Gallery of Art, which will take place on Thursday, May 6, 1971. This new building will give an added dimension to the National Gallery, and will also house the Center for Advanced Study in the Visual Arts.

The calendar of events follows:

CALENDAR OF EVENTS

MONDAY, APRIL 26, THROUGH SUNDAY, MAY 2

*Painting of the week: Boltraffio, *Portrait of a Youth,* (Ralph and Mary Booth Collection) Gallery 23, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *The Dürer Exhibition: Religious Subjects.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Dürer's Personality, Guest Speaker:* Julius S. Held, Professor of Art History, Barnard College, Columbia University, New York, Auditorium 4:00.

"Civilisation"—*Protest and Communication,* concerning Dürer and his contemporaries Tues., Thurs. and Sun., 12:30.

Sunday Concert: *28th American Music Festival,* Feldman String Quartet of Norfolk, Virginia, East Garden Court 7:00.

MONDAY, MAY 3, THROUGH SUNDAY, MAY 9

*Painting of the Week: Giotto. *Madonna and Child* (Samuel H. Kress Collection) Gallery 3, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *The Dürer Exhibition: Secular Subjects.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection,* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Dürer—The Artist and His Society, Guest Speaker:* Gerald Strauss, Professor of History, Indiana University, Bloomington. Auditorium 4:00.

"Civilisation"—*Protest and Communication,* concerning Dürer and his contemporaries. Tues., Thurs. and Sun., 12:30.

Sunday Concert: *28th American Music Festival,* Madison Madrigal Singers, Robert Shafer, *Conductor.* East Garden Court 7:00.

Gallery Hours: *The Gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:00 p.m.*

MONDAY, MAY 10, THROUGH SUNDAY, MAY 16

*Painting of the Week: Cuyp. *The Maas at Dordrecht,* (Andrew Mellon Collection) Gallery 47, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *The Diler Exhibition: Techniques and Craftsmanship,* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Dürer, Master Printmaker. Guest Speaker*: Eleanor A. Sayre, Curator, Department of Prints and Drawings, Museum of Fine Arts, Boston. Auditorium, 4:00.

"Civilisation"—*Protest and Communication,* concerning Dürer and his contemporaries, Tues., Thurs. and Sun., 12:30.

Sunday Concert: *28th American Music Festival.* Francis Brancaleone, *Pianist.* Emerson Meyers, *Tape Recorder,* East Garden Court, 7:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

---

* 11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

MONDAY, MAY 17, THROUGH SUNDAY, MAY 23

*Painting of the Week: Degas. Achille de Gas in the Uniform of a Cadet, (Chester Dale Collection) Gallery 88, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: Dürer and German Painting. Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: Treasures of the Wallace Collection. Guest Speaker: Vesey Norman, Assistant to the Director, The Wallace Collection, London, Auditorium 4:00.

"Civilisation"—Protest and Communication, concerning Dürer and his contemporaries, Tues., Thurs. and Sun., 12:30.

Sunday Concert: 28th American Music Festival. National Gallery Orchestra, Richard Bales, Conductor, East Garden Court 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, MAY 24, THROUGH SUNDAY, MAY 30

*Painting of the Week: Neroccio de'Landi. *Portrait of a Lady,* (Widener Collection) Gallery 10, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *Durer in North Italy.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction of the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: *Matisse as a Draftsman Guest Speaker:* Victor Carlson, Curator of Prints and Drawings, The Baltimore Museum of Art, Auditorium 4:00.

"Civilisation"—*Protest and Communication,* concerning Dürer and his contemporaries, Tues., Thurs. and Sun., 12:30.

Sunday Concert: Joseph Fennimore, *Pianist,* East Garden Court 7:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737–4215, ext. 272.

GROUND-BREAKING FOR THE EAST BUILDING

After two and a half years of intensive planning, the National Gallery of Art has completed final design plans for an addition to its present building.

The East Building, to be constructed on the site bounded by Pennsylvania Avenue, 3rd Street, Madison Drive and 4th Street, as authorized by Public Law 90–376 approved by the President on July 5, 1968, will be connected to the existing 30 year old National Gallery of Art building by a pedestrian concourse level beneath 4th Street. Architectural plans, renderings, and architectural models are being presented to the public on May 6, concurrent with ground-breaking ceremonies following the annual meeting of the Board of Trustees.

When the site for the National Gallery of Art was appropriated by a Public Resolution of the 75th Congress on March 24, 1937, provisions for expansion were made by reserving the site to the east for future Gallery use. That farsighted action provided the base for planning by the Board of Trustees for the East Building, including a Center for Advanced Study in the Visual Arts. The action was furthered by a gift from Paul Mellon and the late Mrs. Mellon Bruce announced by the President on November 6, 1967.

Congressional authorization in 1968 to construct a building on the site was followed by the Trustees' appointment of the architect, I. M. Pei of New York. The Charles H. Tompkins Company of Washington, D.C. has been chosen as the general contractor. Final completion of the East Building is planned for 1975.

The Center for Advanced Study in the Visual Arts will include facilities for a major library and photographic archive. The new building will also incorporate exhibition galleries, enlarged restaurant facilities, and housing for the expanding extension, publications and education programs.

CONTINUING ON VIEW

Dürer in America: His Graphic Work, a special exhibition on view through June 6, has been oragnized by the National Gallery to commemorate the 500th anniversary of Albrecht Dürer's birth. Included are 36 drawings—the first time that all Dürer drawings in America (with two exceptions) have been brought together—and 207 prints which were chosen on the basis of quality from among tens of thousands of Dürer impressions. The prints and drawings on view are on loan from 32 public and private collections in America and Canada. More than 25 percent of the prints and seven books are from the Gallery's Rosenwald Collection.

A section on print connoisseurship, containing 50 comparative impressions with texts and explanatory labels, is part of the exhibition. A definitive, 364-page catalogue is available with extensive treatment of 36 drawings, 80 engravings and 127 woodcuts, all illustrated. Guided tours by the Gallery's Education Department lecturers have been developed to complement the exhibition and aid the visitor. An Acoustiguide tour is available.

BRUTAL SUPPRESSION IN EAST PAKISTAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, I have been shocked and saddened by recent newspaper reports which describe the treatment of the people of East Pakistan by the Pakistan Army since the recent uprising.

I have received a petition from members of the faculty, staff, and student body of the University of California at Berkeley, protesting this treatment and suggesting a course of action for our Government.

I believe this petition is worthy of the attention of this body.

The petition and signatures follow:

A PETITION OF PROTEST REGARDING THE TREATMENT OF THE PEOPLE OF EAST PAKISTAN

We, the undersigned members of the faculty, staff, and students associated with South and Southeast Asia Studies at the University of California at Berkeley, wish to protest strongly against the massacres which have been carried out against the people of East Bengal by the Pakistan Army since March 25, 1971. Not content with simply reasserting its authority over the region, the regime of Yahya Khan has embarked on a policy of systematically murdering all Bengali military officers, students, and intellectuals and civil servants who might have provided some leadership for Bengal in the future. They appear in particular to have singled out for destruction all the Bengali professors and heads of departments at Dacca and other East Bengali universities. This policy can only have as its result the reduction of East Pakistan to a wasteland inhabited by a cowed and subjugated people. Such a policy, horrible enough when applied to a small village or remote tribal area, is unspeakably evil when directed to sustaining the rule of a distant military regime over a vast unarmed populace which only three months before had overwhelmingly voiced its desire for a measure of richly deserved regional autonomy.

We therefore urge the Government of the United States to join the Governments of India and the Soviet Union in publicly expressing its outrage at the course of events in East Pakistan; and to carry into effect itself the following measures:

(1) to halt at once all military aid to Pakistan, whether of ammunition, spare parts, or equipment; and to maintain this embargo until a government responsive to the will of the people of East Pakistan has been restored to that province;

(2) to suspend economic aid to Pakistan at least until such time as news reporters and scholars are permitted free entry into the major cities of East Bengal to verify for themselves the truth or falsehood of the stories put out by the Government of Pakistan about the events of March and April 1971; and

(3) when economic aid is resumed, to direct the overwhelming bulk of such assistance to the relief and rehabilitation of the distressed people of East Bengal. The channelling of emergency relief should take first priority, followed by a wide range of programs aimed at encouraging the growth of a self-reliant progressive Bengali economy.

SIGNATURES OF A PETITION OF PROTEST REGARDING THE TREATMENT OF THE PEOPLE OF EAST PAKISTAN

James N. Anderson, Professor of Anthropology.

Gerald D. Berreman, Professor of Anthropology.

J. Das Gupta, Professor of Political Science.

Joseph Fischer, Indonesian Social Science Project.

William Geoghegan, Professor of Anthropology.

Ellen M. Gumperz, Lecturer in Social Sciences Integrated.

John J. Gumperz, Professor of Anthropology.

Alice S. Ilchman, Lecturer in Education.

Warren Ilchman, Professor of Political Science.

James Matisoff, Professor of Linguistics.

Thomas R. Metcalf, Professor of History.

Leonard Nathan, Chairman, Department of Rhetoric.

Bruce Pray, Professor of South Asian Languages.

Gordon C. Roadarmel, Professor of South Asian Languages and Literature.

Leo Rose, Professor of Political Science.

James Schubert, Professor of South Asian Languages.

J. Frits Staal, Professor of Philosophy and South Asian Languages and Literature.

Peter Ananda, Librarian.
Dora Austin-Doughty, Staff.
Susan Bradford, Student.
Hannah S. Branstetter, Staff.
Kenneth Bryant, Student.
Lee Ann Bryant, Student.
John V. Cepelak, Student.
Betsy M. Cobb, Student.
Dorothea Gielow, Student.
Yvonne Kinns, Staff.
Kenneth Logan, Librarian.
Michael Metelits, Student.
William Rosoff, Student.
Kenneth Shivers, Student.
Craig Stark,, Student.
Livia Stein, Student.
S. George Vincentnathan, Student.
Mary Patricia Williams, Student.

U.S. SECURITY DEPENDS ON FBI

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. HOGAN. Mr. Speaker, I have repeatedly voiced my strong feelings of support and admiration for the FBI and its Director, Mr. Hoover.

Recently an editorial appeared in U.S. News & World Report and was written by that magazine's editor, David Lawrence. I feel this editorial successfully answers the unfounded charges and allegations made against Mr. Hoover and successfully points out that the "Internal Security of the United States Depends Upon the FBI."

I insert this article in the Record.

[From U.S. News & World Report, Apr. 19, 1971]

INTERNAL SECURITY OF THE UNITED STATES DEPENDS UPON THE FBI

(By David Lawrence)

The American people have never known the intimate story about the operations of the Federal Bureau of Investigation because public disclosure would impair the usefulness of an important governmental organization in dealing with problems of surveillance involving subversion and crime.

To supervise a group of nearly 19,000 persons who must dedicate themselves to secrecy is not an easy task. J. Edgar Hoover, who has been Director of the FBI for several decades—under both Republican and Democratic Administrations—has given the agency a leadership which has enabled it to participate in investigations throughout the land, especially those related to persons suspected of violating federal laws or crossing State lines to escape punishment.

The FBI does not act alone. It works in cooperation with State and local enforcement agencies and often supplies the critical information which leads to the solution of many a crime and to arrests and prosecution by the proper authorities.

The FBI has been very helpful to the police departments of the nation's cities. It gets no publicity for doing so, and doesn't seek any. But in numerous cases, it has been the FBI which furnished the tip that led to the capture of a much-sought-after criminal. State law-enforcement agencies also benefit from the work of the FBI. In fact, there is a reciprocal arrangement among all these groups in order to help each other.

The policy laid down by Director Hoover is one of concentration on the gathering of facts, leaving it to others to act thereon. The decision to prosecute, for instance, is not made by the FBI. The data it assemblies are turned over to the Department of Justice, which then can seek a grand jury indictment.

The FBI doesn't make these requests or furnish attorneys for the court proceedings which may follow.

Many organizations which are emotionally aroused over current issues are inclined to blame the FBI if some of the "extremists" are indicted, arrested and brought to trial. The truth is that the Department of Justice makes the decision as to whether they should even be charged.

But there has been apparent for some time a belief among radical groups that their foremost enemy is the FBI, and they have tried in various ways to discredit the organization.

Recently some members of Congress have been assailing Mr. Hoover for allegedly ordering their telephones to be tapped. Although both he and the Department of Justice have emphatically denied any such thing, the story has been spread and agitators have picked it up as a means of starting another crusade to drive the present Director out. The purpose, of course, is to disorganize the agency and weaken it.

Actually, Mr. Hoover at the age of 76 is one of the most active men serving in public office. He has developed the FBI, with assistants and associates having specific responsibilities, so as to make it possible for the agency to work harmoniously and effectively with close supervision from the top, including suggestions on important cases. As men who have served in the FBI have gone into business or other professional pursuits, they have usually said to their friends on leaving that the organization is as efficiently directed today as it has been over the years.

The radicals would like nothing better than to tear down the FBI. The removal of J. Edgar Hoover would be a victory for them. But there are no indications that the Nixon Administration will fall for such tactics and surrender to the groups antagonistic to the FBI.

The one thing that the FBI has always sought to avoid was any act which could involve its agents in controversies with members of Congress or government officials unless, of course, in connection with some criminal case. But the maintenance of wire tapping of the telephones of members of Congress, as recently claimed by critics of the FBI, is something that anyone who is familiar with FBI operations would know instantly was never authorized by J. Edgar Hoover and probably never occurred.

The FBI has successfully kept out of politics. It has refrained from interference in any way with campaigns of members of Congress or participation, favorable or unfavorable, in presidential contests.

The FBI operation has been expanding over the years, but the Bureau has stuck to one rule—that it would not make public its findings except with the authorization of the Attorney General of the United States, who is the boss of the agency itself.

The FBI can be relied upon to carry on inside the United States extensive investigations of subversion, espionage and any conspiracy against the Government. For the FBI is the principal safeguard of the internal security of our country.

FRIENDSHIP IS A CHAIN OF GOLD

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. GOLDWATER. Mr. Speaker, I received a letter recently from a dear friend and I would like to share its message with my colleagues.

> Always remember it is a greater honor to be trusted, respected and liked than to be loved.

So begins the words of an American, concerned for her country, its future, its hopes, and ideals. It is oftentimes difficult to put into writing what one feels in his or her heart. Louise has surmounted this challenge so well, with meaning and clarity, that I would be neglect if I did not share it with my colleagues and those who might cast their eyes upon these pages.

Her expression of what friendship is all about would be well for us to remember for it is a priceless possession not bought, but earned and once earned, not easily discarded.

True friendship is a chain of gold, each link molded with a word of cheer, a kindness, loyalty, respect, admiration, sincerity and trust, and displayed with joy when honor, fame and fortune come to those you know; displayed with gentle concern to lighten the load of adversity. But, never displayed when those it embraces could be troubled or harmed. Beautiful and rich is this golden chain of friendship forever giving new life and animation to those it supports. Wear it with pride, it cannot be purchased, it must be earned.

BEYOND THE COLD WAR

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. BADILLO. Mr. Speaker, there has been wide recognition that the United States now faces a far different situation in terms of military security and international political conditions than in 1945, at the beginning of the cold war.

We are indeed now "Beyond the Cold War." That is the title of a most perceptive article by Dr. Leonard S. Rodberg which I am inserting in the Record, Dr. Rodberg raises fundamental questions about our entire military posture, defense systems, and foreign policies. These are questions which must be considered if we are serious about reversing the Nation's priorities.

America's experience in Vietnam has tragically brought home the importance of the manner in which a war is waged, as well as the reasons a country uses to justify its military intervention. Likewise, Dr. Rodberg indicates that we must consider how this Nation defends itself, as well as the reasons given for the needs for that defense.

All too often we have separated the how's and why's of our defense policies. President Nixon has spoken of an "end of an era," and has recognized that the "most prevalent Communist threats now are not massive military invasions."

The President has focused attention on the United States' changing military role abroad. There have been changes in the justifications offered for our military and defense commitments.

However, there have been no fundamental changes in the way the Armed Forces goes about defending the country. The escalating costs, the weapon systems heaped upon weapon systems, and the nature of our armed defenses in Europe, all indicate that our defense policies are still planned by the cold warriors of 1945.

Dr. Rodberg points out:

> The military seems to see only weapons facing weapons and has forgotten the functions the weapons are supposed to serve.

There seems to be no correlation between the talk about the changing political situation and the planning of our defense programs.

In Vietnam, this country has waged a war which by its nature, has destroyed that which we had claimed to be protecting. Let us not permit our military expenditures and defense systems to escape all control, for in the process we forfeit the domestic virtues we seek to defend.

Dr. Rodberg's article follows:

BEYOND THE COLD WAR

(By Dr. Leonard S. Rodberg)

(NOTE.—Dr. Leonard S. Rodberg is a Fellow of the Institute for Policy Studies in Washington, D.C. He has served as an official of U.S. Arms Control and Disarmament Agency and as a professor of physics at the University of Maryland. Dr. Rodberg's article is based on testimony he delivered March 24, 1971, before the House of Representatives Committee on Armed Services on behalf of the Friends Committee on National Legislation.)

A NEW ERA

This year marks the twenty-fifth anniversary of the beginning of the Cold War. In that period, in order to meet the threat we perceived from Soviet Communism, we built the mightiest military machine the world has ever seen. Our forces are deployed on every continent, our nuclear might can totally destroy any nation on earth, and our military establishment has come to pervade every aspect of our national life.

However, in those same twenty-five years, there have been marked changes in the nature of the Communist countries and in the attitude of the American people regarding the most immediate threats to their security. Instead of one united, centrally-directed bloc of Communist nations, we now see an assortment of diverse countries, each professing to follow the teachings of Marx and Lenin, but often in violent disagreement over which is the true successor to these leaders and which, if any, is pre-eminent in the Communist movement. On our side, there is a growing recognition that the military problem which we face today is very different from what we perceived a generation ago.

President Nixon now asserts, in his recent foreign policy message, that the "most prevalent Communist threats now are not massive military invasions." They are, he argues, "a more subtle mix of military, psychological and political pressures." However, in spite of this changed assessment, this country continues to maintain ground, air and naval forces ready for instant action in any part of the globe, as if there were immediate danger of a major war. And we still continue, year after year, to spend half of all appropriated Federal funds on the defense establishment, including $20 billion on the most recent "generation" of military hardware.

A nation need not automatically purchase the same quantity of armaments this year as it did last. It may be useful, instead, to take a careful look at the real conditions that obtain today, to see whether our military stance is still the most appropriate and least costly we could purchase.

Many factors point to a new era in world relations. Western Europe is demonstrating renewed self-confidence and vitality, suggesting the ability to determine its own defense needs and to meet them through its own resources, based on its own perception of the threat. Thus, our military might is not so badly needed by our allies as it once might have been. On the other side of the Iron Curtain we see both political disarray and growing military strength. The military power of the Soviet Union has developed to where it is now roughly comparable to our own. We can no longer exercise our military weight with the freedom that we once could without fear of response from the Soviet Union. And, finally, we have learned from the agony of Vietnam that our power, great as it is, cannot achieve the goals which we set for it, that there are other, essentially human, factors in the military equation which can nullify bare military strength.

The Nixon Administration has responded to the new situation a new rhetoric that is intended to describe a new defense policy. However, when the Administration took office, it warned us to watch its deeds, not its words, and its deeds indicate that there has been no change at all from the policies of the past. U.S. military forces will continue to be deployed at bases around the world, ready for instant intervention at the behest of the President, and we will continue to purchase new armaments at a pace at least as great as that of the last two decades. In spite of the President's recognition that "we are at the end of an era", there has not been the fresh thinking that the times demand.

WHAT'S THE THREAT?

Our defense establishment, after twenty-five years of the greatest peacetime defense spending in our history, seems even to have lost sight of the real world which faces it. It builds thousands of missiles, and now equips them with more than ten thousand warheads, in order to threaten retaliation on a Soviet Union which has but eight major urban centers. The military seems to see only weapons facing weapons and has forgotten the function these weapons are supposed to serve.

Admiral Moorer, Chairman of the Joint Chiefs of Staff, has admitted that, even if the Soviet Union were to achieve a "clearly evident overall strategic superiority"—a most unlikely possibility in view of our massive MIRV deployment program—this might have "no practical effect" on the outcome of a nuclear exchange. But, he suggests, it would affect the "effectiveness of our diplomacy". If the strategic balance has now, even in his view, reached the point where military judgments give way to political ones, then our political leaders, our representatives, and the American public itself are as able to judge the need for new strategic arms as the military.

In a similar vein, we need to ask regarding conventional arms, what is the nature of the threat—not in terms of the number of Soviet tanks, aircraft and ships, but in terms of the purpose of those forces and the danger they actually pose to the United States and its friends. The mere possession of military forces by any nation, even one whose social system we abhor, does not, by itself, pose a threat to us. Those forces must be directed toward infringing on our rights or the rights of some nation of concern to us before they become a threat.

The fact that the Russians have a large army and a growing navy is not sufficient to prove that they are a threat to the security of this nation. Whether we like it or not, the Soviet Union is a great power, with a large population, the world's second largest industrial capacity, and extensive borders to defend. It has always had, and continues to maintain, a large standing military establishment. But this does not mean that we have to see this as an imminent threat to our security.

When the possession of arms is itself perceived as a threat, the result is an arms race, as each side tries to close any "gaps" and match the capabilities of the other. It is in that arms race, rather than in any intentional decision to attack, that the greatest military danger to the United States lies today. And it is on us, still the strongest military power on earth, that the responsibility for damping down the arms race lies.

President Nixon observed in his foreign policy message that the introduction of air defense weapons into Egypt was "the first time that Soviet combat crews have been moved to a nation outside the Communist orbit." This is a remarkable fact, reflecting the conservatism with which the Soviet Union has used its forces, as contrasted with our own readiness to introduce military force around the world, from Lebanon to Laos, when we see it in our "interest."

The fact is that there is nothing in Communist doctrine or Russian practice to justify the response we have made to the new power position of the Soviet Union. The theories of Marx and Lenin call for revolution from within the capitalist countries, not armed invasion from without. Russia and, more recently, Communist China have made it abundantly clear that home-grown revolutionaries are going to have to make their own revolutions; they cannot expect much more than moral support—with perhaps a modest supply of small arms—from these two powers. And the Russians have gone beyond this to restrain local Communist parties which wanted to push toward revolution within their own country.

What we do see in the case of the Soviet Union is a major world power acting as great powers (including the United States) have always behaved, attempting to become the dominant power in the territory immediately surrounding them, regardless of their ideology. So long as our direct interests do not clash—and there are few if any such direct conflicts—there is a significant chance for negotiation between us, as the imperatives of the nuclear age demand.

A look at Russian force deployments will disclose no evidence that they have ever constructed the kind of force which would have been needed for the invasion of Western Europe that we have been preparing to meet for a generation. Their land deployments, their tactical air forces, and their transportation networks are all designed, not to support an invasion, but as defensive measures, to protect themselves against the kind of onslaught which has repeatedly been launched upon them from the West during the last thousand years. And today we see the Soviets involved in almost daily hostile contact with their Chinese neighbors to the East.

A RETURN TO SANITY

President Nixon says that "we and our NATO allies do not believe that war is imminent in Europe, but we must face the possibility that it could occur." Of course, war could occur, but the sane man prepares for the most likely and realistic contingencies. And it is time, after twenty-five years, that we have not become the victims of our own irrational fears, wasting our treasure and depleting our domestic society, in preparing for a war which the other side is not and never has been planning.

Have we, in fact, been increasing the chance of such a war through the rising of armaments, and the increasing tension, hostility, and chance of miscalculation which themselves can cause the war which no one wants? Because of the vivid memory of World War II, we have maintained a high level of armaments in order to deter the aggression that might come if we were unprepared. Perhaps we should recall instead the situation which brought on the First World War, when nations faced each other armed to the teeth, none wanting war, but each fearful of attack—and the war came, erupting out of the mutual fears that this arms race created.

This year the U.S. military establishment is requesting the largest budget it has ever had in peacetime, and yet it still cannot carry out the mission assigned to it. This must be seen as an anomaly to the average citizen. Why?

The answer is apparent. The Services have been given the mission of maintaining instant readiness for war and being ready for immediate involvement in one "major" and one "minor" war anywhere in the world. But this country does not believe that such wars are imminent and is—wisely, I believe—unwilling to provide the funds which would be needed if we were really to prepare for such wars. We have then a contradiction which can only be increasingly destructive to the morale of our armed forces as they become aware of the lack of public support for the missions they believe they have been assigned.

President Nixon has attempted, through the Nixon Doctrine, to avoid this contradiction by calling on our allies to provide the additional forces that would permit instant readiness for war. But our allies do not believe in the imminence of war or in the immediacy of the threat. The Europeans, for instance, have long centuries of experience in coexisting with the Russians: this may be responsible for their more relaxed attitude toward the Russian presence in Europe. If our own attitude remains unchanged, we will find ourselves forced to rely increasingly on nuclear weapons in planning for the major war that no one else expects.

And, with the still extensive forces available to us, we will, as in the past, find ourselves engaging in further interventions outside the periphery of the areas which the Soviet Union and China consider vital. With military bases around the globe and continuing commitments both open and secret to more than 45 nations, we will become involved in the chaos and turbulence which accompanies the awakening of these nations. In spite of our protestations to the contrary, we will continue to behave as the policeman for the world, ready to bring our helicopter gunships, our anti-personnel bombs, and our people-sniffers whenever some regime claims it is being threatened by "communism."

In Vietnam we have seen that it is we who created the threat to our security, through our own actions and the commitments we made. By no stretch of the imagination could the type of government in power in the southern half of Vietnam affect the security of the United States or any of its vital interests. But, by involving ourselves in South Vietnam and permitting commitments to be made in our name, we became militarily involved. We were in short our own worst enemy, and our country is paying dearly for it, not only in loss of faith among our own people in the wisdom and purposes of our own government. This is the ultimate threat to the security of our nation.

Increasing numbers of Americans—including large numbers of our military men—now see this imperial role for the American military as inherently destructive to the ideals we profess and, at root, immoral. Too often "anti-communism" becomes simply a cloak that permits us to support the status quo, no matter how oppressive or unpopular it may be.

At this time in its history, the United States must begin to devote its primary efforts to the reconstruction of its domestic society. We have succeeded in reviving Western Europe, in enabling Japan to become the fastest-growing industrial power on earth, in allowing many smaller countries to begin the process of economic development in freedom. It is now time to confront the needs of our own society, not to withdraw from our involvement with the world, but to shift that involvement to one which stresses peaceful interactions with all nations rather than military enticement of some and confrontation with others.

THE CONTINUING MILITARIZATION OF AMERICAN POLICY

The Nixon Administration has argued that we must remain "involved" in the world and not retreat into what it chooses to call "neo-isolationism". By equating "involvement" with the maintenance of an interventionary military force, the Administration has downgraded the other, positive forms of "involvement" which the United States could have in the world—economic, diplomatic, social, cultural—if it were not burdened with this massive military establishment and were not, as a consequence of the unilateral exercise of that power, seen by the peoples around the world as a threat to their independence.

The Pentagon has announced that its new policy is one of "realistic deterrence", hoping in the words of Secretary Laird, to "further the goal of peace by deterrence of armed conflict at all levels". But, having broadened the application of deterrence to "all levels" of conflict, the Defense Department now has an open-ended excuse to introduce arms and military assistance wherever it perceives a threat of "'communism". For deterrence, being a psychological rather than a military concept, provides no means of measuring, or of restraining, the arms that are demanded. It is simply an excuse for a steadily growing, increasingly expensive, interventionist military establishment.

In examining the Administration's proposals for the purchase of new weapons, as contained in the Defense Authorization Bill, one should ask, in every case: Will these purchases increase the security of the United States? Are they included in the budget because of *real* security needs of this country, or because of the momentum which the defense bureaucracy has established through twenty-five years of spending? I believe that an objective assessment of the state of this nation, and of the threats facing it at home and abroad, will show that there is very little in this bill which will contribute to the real security or well-being of the American people, while there are many other, far more important uses to which these scarce funds could be put.

Having suggested that we need to question sharply the assumptions of our military posture, let me list some of the major procurement programs which such questions would suggest should be eliminated or substantially reduced in this year's budget:

MIRV

The most dangerous and wasteful item in this year's budget is the $1.4 billion included for the Minuteman III and Poseidon programs. These weapons are dangerous because they will pose a massive new threat to the Soviet Union and force them to expand or upgrade their land-based missile just as fear of MIRV on the Russian SS-9 missile induced our Defense Department to proceed with a host of new programs to upgrade our forces; MIRV deployment will also create dangerous new fears of a first strike on both sides. These weapons are wasteful, because the threat to which they were supposed to respond, a large-scale Russian ABM system, has never materialized.

ABM

The Safeguard ABM program continues consuming another $1.3 billion in the next fiscal year long after everyone, including the Pentagon, has admitted that it will be totally inadequate if the Russian ICBM force should develop to the point where it poses a genuine threat to our Minuteman missiles. The Russians have cut back the SS-9 program which provided the impetus for the Safeguard program, and we should give the SALT talks a chance to bring a permanent halt to both of these weapons systems.

B-1

Funding for the B-1 bomber is to be multiplied by a factor of five, to $370 million, in the next fiscal year. Such a project is pure waste, even before it gets into the billions of dollars annually which it will ultimately cost. With thousands of missiles on land and under the sea, a B-52 bomber force which shows no sign of nearing the end of its useful life, and thousands of tactical nuclear bombers on ships and air bases around the world, a new bomber is totally redundant, supported only by those who cannot accept the obsolescence of the manned bomber in the age of the intercontinental missile.

F-15

This new Air Force fighter, for which $415 million is budgeted, demonstrates what is seen repeatedly in the Defense Department budgeting process—willingness to provide each Service with the latest in its favorite type of hardware. During the long period of Cold War, we were sold on the idea of the "technology race", that it was essential that we be first in the world in weapons technology. In Vietnam, America has learned not only that modern weapons could not win the war for us, but that they were enormously destructive to the very people we were trying to protect. We should learn from this experience, and from repeated evidence that new, sophisticated weaponry turns out to be unreliable and excessively costly, to look very carefully at new weapons, such as these expensive, overly-complex aircraft, before going ahead with them. Their newness and "sophistication" are not reason enough to spend billions on them.

F-14

The Navy's F-14 fleet defense fighter, at $1.0 billion, is even worse. It is an expensive, over-sophisticated aircraft which will actually reduce the Navy's air capacity, because of its excessive cost, and which does not even respond to the *real* threat facing the fleet, the surface-to-surface and air-to-surface missile.

ASW

The FY 1972 budget includes $2.4 billion in procurement for anti-submarine warfare weaponry, composed of $881 million for construction of five attack submarines, $599 million for partial funding of 13 ASW destroyers, $580 million for the carrier-based S-3A aircraft, and $328 million for the land-based P-3C aircraft.

The Pentagon itself is not sure of its need for the largest of these items, the attack submarines. It observed that "important changes in submarine technology (presumably the development of quieter engines, making it more difficult to detect submarines) have taken place in both the United States and the Soviet Union in the last ten years, and have compounded the uncertainties inherent in our judgments of our needs for SSNs". This very expensive program demands the closest, most critical scrutiny. So too does the purchase of carrier-based ASW aircraft, when the ASW carriers have been phased out of the fleet and there is a widespread belief that land-based planes could perform the same task far more cheaply. And the destroyer construction program has been attacked as producing ships that are obsolete even before they are built and are unsuitable for the task they are supposed to perform.

The entire question of such massive expenditures on ASW weaponry needs a fresh examination. One of the new factors affecting our military posture is the growing technological obsolescence of the surface navy, not because of anything we have done or failed to do, but simply through the development of inexpensive, accurate surface-to-surface and air-to-surface missiles, which can enable a tiny patrol boat or an airplane to destroy the largest naval vessel at distances up to hundreds of miles. Taken together with the advent of nuclear weapons, this has rendered the surface navy vulnerable to early destruction in any sea battle and has made the concept of a World War II-style war at sea a hopelessly outdated notion.

The next major war, should it ever come, will hardly be a replay of World War II. With nuclear weapons deployed throughout Europe, on both sides of the Iron Curtain, it would not be the protracted conflict which we witnessed twenty-five years ago. It is understandable that the Navy would want to prepare for the major, and glamorous, role which it played in that war; it is less understandable that the political leadership of this country should support such preparations and why our people should have to pay for them.

Beyond this, there is a major—and apparently unnoticed—risk which such ASW measures pose in an era of nuclear deterrence. Just as the installation of an ABM system (such as the one the Russians began to install around Moscow) causes the other side to respond by expanding his offensive forces (as we did with our MIRV), so the development and deployment of significant anti-submarine capabilities, which might threaten the survival of a missile submarine fleet would cause that fleet to be expanded and upgraded, increasing the danger to the side which installed the "defensive" ASW systems. Thus, expenditures on ASW weapons are self-defeating. They are either so small as to be inconsequential, or they become so large as to cause a dangerous reaction from the other side.

C–5A

The new budget includes another installment of $383 million to pay for the C–5A transport aircraft. This plane, besides being excessively costly, provides a dangerous capability to deploy forces around the globe at the sole discretion of the President. Similarly, the Administration's plan, using funds in the Maritime Administration's budget to construct specially-designed cargo ships for charter to the Defense Department to preposition military supplies around the world, will provide the President with additional capabilities for instant, unilateral intervention upon his own decision. These are manifestly inconsistent with efforts to re-establish the role of the Congress in decisions to commit U.S. forces in further overseas interventions.

MANPOWER

U.S. military manpower, now planned to number more than 2.5 million in FY 1972, can and should be cut substantially. A reassessment of the policy of maintaining a readiness for instant warfare, a withdrawal from an overextended base structure, and a reduction in the enormous amount of fat and waste that has developed in the armed forces since World War II (now requiring, for instance, seven men behind the lines to support one fighting man, as compared with the two or three men the Russians require) will all permit a substantial reduction in this total, perhaps to 2.0 million this year and further in succeeding years.

ANOTHER BOY HERO DIES

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. SNYDER. Mr. Speaker, Mrs. Betty Owens has just recently received notice that her brother, Pfc. Michael E. Ball, had been killed in Vietnam.

Private first class Ball thus becomes the 119th northern Kentuckian to lose his life in Vietnam.

The sympathy of thousands of other families who have paid this sacrifice goes out to Mrs. Owens. To her also goes the sincere gratitude of those of us whom her brother died protecting.

The recent Kentucky Post article, which reports the loss of Pfc. Michael E. Ball, follows:

ANOTHER BOY HERO DIES

Once again, death on a faraway battlefield in Vietnam has taken the life of young northern Kentuckian. Pfc. Michael Ball of Newport is the latest casualty in our area.

A booby trap claimed the life of the 18-year-old soldier, according to the information given his family. It is one more supreme sacrifice in a seemingly interminable war.

Pfc. Ball is the 31st young man from Campbell County to die in Vietnam, the 119th in Kentucky Post Country. That is a heavy toll of life for any area. And consider, in addition, the hundreds of wounded, many maimed for life.

We sincerely hope that tragedies such as Pfc. Ball's death may come to an end soon, that a just and lasting peace may come quickly.

CBS WRONGLY SUBPENAED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. Speaker, the Columbia Broadcasting System has recently been issued a subpena by the Special Committee on Investigations, House Interstate and Foreign Commerce Committee. It demands that CBS provide all material related to the production of the CBS documentary "The Selling of the Pentagon" regardless whether they were broadcast or not.

The implications of this type of procedure should be brought to the attention of everyone concerned with maintaining our basic freedoms. We should be cognizant of all the salient factors involved with an investigation of this nature.

The free expression and exchange of ideas has long been an intrinsic part of our traditional American democracy. From the beginning of our national history journalism, and more recently broadcast journalism has developed in degree and importance with the growth of our Nation. Journalism as a means of disseminating information and ideas is not a subsidiary aspect of democracy, it is an imperative-necessary part of democracy. Those responsible for providing this Nation with the knowledge and information that free men must have to uphold a free society have functioned with a high degree of independence and integrity.

Mr. Speaker, the broadcasting media should be duly entitled to the same guarantees provided for print media. The action now undertaken by the Special Committee on Investigations poses an ominous threat to true free speech in this country. I would hope that the Special Committee on Investigation, House Interstate and Foreign Commerce Committee would reconsider their position in this matter.

GREATER BOSTON CHAPTER OF BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a resolution which was unanimously endorsed by 75 members and supporters of the Greater Boston Chapter of Business Executives Move for Vietnam Peace. The statement, adopted at a meeting in Boston on April 13, 1971, reflects the strong opinions against the Vietnam war of business executives all throughout this country.

We business executives of Greater Boston, meeting tonight on the shores of historic Boston Harbor, have endorsed the following resolution:

We insist that the President and Congress of the United States act immediately to end the tragic waste of lives and resources by setting a final date of December 31, 1971 when American air, ground and support forces of all kinds shall be totally withdrawn from Indochina.

We are appalled by the senseless slaughter of human beings, military and civilian, American and Vietnamese; by the ravaging of hundreds of thousands of land acres in Vietnam; by the shattering of the fabric of Cambodian, Vietnamese and Laotian economies and societies; and by the billions of dollars wasted in this unbelievable destruction which should be spent on life-supporting needs, both in our nation and abroad.

As businessmen, we are alarmed at the difficulty the government is experiencing in bringing our war-eroded economy back into balance. We are concerned with the weakness of the dollar in foreign markets, with the persistent high level of unemployment, and with the larger and larger deficits which are looming in the nation's budget.

We miss our children who, instead of joining us in our business lives, are alienated by the madness of this war from the institutions and ways of life we have established. They have, in greater numbers, become estranged from society, and in some ways from us, and we yearn for the return of their confidence. We pray for our soldier-sons who are brutalized and demoralized as they are urged to kill indiscriminately, while others in abject despair are held in prison camps. We want them all freed, and freed now, by ending the war.

"Vietnamization" is hopeless, if it depends for strength on the corrupt and unpopular government of South Vietnam. Fighting a war by proxy where we try to save American lives by encouraging Asians to kill Asians is unworthy of the United States of America. The people of America are crying out with impatience and indignation, and we are with them. The country will not be placated by occasional withdrawals of relatively inactive troops while the war in the air rages on savagely over wider and wider areas.

Our policy must be to set the date, withdraw the troops, and stop the killing. Then, and only then, can we turn our efforts to healing the wounds this war has inflicted on our people, and on the people of Southeast Asia.

THIRTY UNITS OF GUARD AND RESERVES RECEIVE DEPARTMENT OF DEFENSE AWARDS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. FISHER. Mr. Speaker, as we move in the direction of the zero draft, the role of the National Guard and the Reserves becomes increasingly important. More and more, the Nation will depend upon these sources for much of its military strength, as well as other highly essential functions.

Only recently—April 28—the Department of Defense granted awards for the first time in recognition of continuing efforts by these various units for their support of community projects and domestic actions. This is most appropriate and such awards deserve public acclamation.

I include a copy of the news release which announced the awards I have referred. The release follows:

THIRTY UNITS OF GUARD AND RESERVES RECEIVE DEPARTMENT OF DEFENSE AWARDS

Thirty units of the National Guard and Reserves will receive Department of Defense awards for the first time today in recognition of their continuing efforts in support of community projects and domestic actions.

Assistant Secretary of Defense (Manpower and Reserve Affairs) Roger T. Kelley and Deputy Assistant Secretary (Reserve Affairs) Theodore C. Marrs will present the awards in a Pentagon ceremony at 4:00 p.m. in Conference Room Seven, 1E801.

A plaque will be presented to the outstanding unit of each component with certificates to other units whose activities were considered exceptionally noteworthy.

Special awards will be given to Major General William J. Sutton, Chief of Army Reserve, for his leadership in support of the Department of Defense Domestic Action Program and to Camp Bonneville, Washington, for its successful effort to make military facilities available for community support.

Units receiving awards follow:

AWARDS

Army National Guard

Utah National Guard

For establishing, organizing and managing the Utah National Guard Bantam Basketball program, a state-wide non-profit endeavor which has filled a void in physical fitness for Utah boys of 11 to 13 years of age. Juvenile delinquency has been significantly reduced in those communities where the program was conducted.

U.S. Army Reserve

369th Station Hospital, Fort Brooke, Puerto Rico

For their efforts toward improving public health in an area of high unemployment and large numbers of poor; for their emergency action in response to a major flood and for support of a drug rehabilitation center operated solely from donations of goods and services.

Naval Reserve

Navy Marine Corps Training Center, Greenville, S.C.

For assistance in clearing and rehabilitating public recreation facilities, making repairs to youth camps and cooperating with the Greenville County Neighborhood Youth Corps to provide technical training to young people.

Marine Corps Reserve

Company D, 10th Engineer Battalion, Phoenix, Ariz.

For using training by-products in the construction of civic projects in the local community with emphasis on recreational facilities and ecological improvements as well as participating actively in the Toys for Tots program of the Marine Corps Reserve.

Air National Guard

193d Tactical Electronic Warfare Group, Middletown, Pa.

For expressed compassion to the mentally retarded, knowledgeable assistance to Boy Scout Units, and aid in the adjustment to school life of pre-school, underprivileged children in the Steelton and Middletown, Pennsylvania areas.

Air Force Reserve

302d Special Operations Wing, Clinton County AFB, Ohio

For construction of a city park in Sabina, Ohio, a project which involved not only some 50 volunteer members of the unit but also the young people in whose interest the project was begun.

CITATIONS

Army National Guard

Rhode Island ARNG

For planning, organizing, and operating a summer camp program for disadvantaged youths at Camp Varnum, Narragansett, Rhode Island.

50th Armored Division Support Command, Newark, N.J.

For their efforts and assistance to the city of Newark, New Jersey in removing more than 1,000 abandoned cars from the streets, a community improvement project which enhanced the safety and ecology of the entire city.

District of Columbia National Guard

For their operation of the D.C. National Guard's Third Annual Youth Leaders Camp, a program which annually provides 170 youths, representing a cross-section of the community, with the opportunity to learn and practice basic principles of leadership in a wholesome multi-racial, outdoor atmosphere.

West Virginia National Guard

For their operation of the West Virginia National Guard Annual Youth Leaders Camp. This domestic Action provided 106 youths from 54 high schools with an opportunity to participate in leadership and character building programs.

Army Reserve

405th Military Intelligence Detachment, Denver, Colo.

For their efforts in a long range program in conjunction with the city of Denver, the Denver University, Colorado State University, and state agencies to halt the spread of Dutch Elm disease. This project represents an ideal pooling of resources toward solution of a major environmental problem.

328th General Hospital, Ft. Douglas, Utah

For extensive use of their Medical skills in numerous year-round programs of service to the community, and their work with the Governor's joint planning committee concerning matters of medical support during disasters.

939th Transportation Co., Philadelphia, Pa. and 851st Transportation Co., Pedricktown, N.J.

For their joint accomplishments in completing a municipal improvement project involving transformation of a dangerous and unsightly tract of land into a recreational area for Morristown, Pa.

489th Engineer Battalion, Hot Springs, Ark.

For their total involvement in community projects in three Arkansas cities. These projects covered the entire field of community improvement and involved close coordination with citizens groups, youth groups, and local officials, and required imaginative but sound and constructive management of resources.

Naval Reserve

Mobile Construction Battalion 2, Alameda, Calif.

For improving and rehabilitating a wide variety of recreational facilities for youth groups, not only in its local area but in other geographic locations, as a by-product of training for its mobilization mission.

Naval Reserve Training Center, Stockton, Calif.

For assistance in improving racial harmony in its local community and in supporting programs for youth recreation and remedial education.

Naval Air Station, Glenview, Ill.

For a concerted domestic action program which included conduct of aviation workshops and seminars on drug abuse for the youth of the greater Chicago area.

Naval Air Reserve Training Unit, Alameda, Calif.

For assistance in youth programs, job assistance to veterans, and racial harmony in the local community.

Marine Corps Reserve

Headquarters Company, 6th Engineer Battalion, South Bend, Ind.

For using construction skills and heavy equipment in a variety of ecological improvement and general civic support projects in the local community.

Company A (Rein), 6th Engineer Battalion, Gary, Ind.

For assistance to local schools, Youth Clubs and charity drives as well as support of civic improvement projects using unit skills and equipment for snow removal, clean-up campaigns, local beautification projects and recreational facility improvement.

Company C, 6th Engineer Battalion, Knoxville, Tenn.

For assistance to the local community and regional youth programs in clearing and improving recreational areas and summer camps and for active programs to enhance civic consciousness and pride among young people.

10th Engineer Battalion (—), Portland, Oreg.

For assistance to the local community through construction of recreational facilities, involvement in civic beautification, and support of charity drives, youth organizations, and historic and civic associations.

Air National Guard

Oregon National Guard

For its participation in the successful operation of the Housing Authority of Portland and Oregon National Guard HAP–CAMP and its contribution to the mental and physical well-being of youths residing in public housing projects in the city of Portland.

Utah National Guard

For providing through the Utah National Guard Freedom Academy a balanced program of academic subjects and practical exercises on "Americanism" to select high school students from throughout the State of Utah.

134th Air Refueling Group, McGhee-Tyson Air Base, Knoxville, Tenn.

For the sponsorship of and determined involvement in the successful "Toys for Tots" Christmas program benefiting under-privileged children in Blount County, Tennessee.

108th Tactical Fighter Wing, McGuire AFB, N.J.

For the successful organization and conduct of a Day Camp program for underprivileged boys in the Trenton, New Jersey area.

Air Force Reserve

928th Tactical Airlift Group, Chicago-O'Hare IAP, Ind.

For a continuing program over the past seven years to provide Christmas parties and gifts to every child in the pediatric wards of Cook County Hospital.

452d Military Airlift Wing and 81st Maintenance Squadron (Mobile), Hamilton AFB, Calif.

For a continuing program to improve community conditions in Riverside, California, including restoration of a building for the local Boy's Club and an extensive clean-up campaign at local parks.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

Lt. James E. Teague, U.S. Navy, 708549, Harrisburg, Ark. Single, the son of Mr. and Mrs. Erlan Teague, Harrisburg, Ark., attended Arkansas State University, was officially listed as missing November 19, 1967, and officially listed as prisoner in February 1968. As of today, Lieutenant Teague has been missing or held prisoner in Southeast Asia for 1,262 days.